

Return to an Address of the Honourable the House of Commons dated 15 June 2010 for the

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

Ordered by the House of Commons to be printed on 15 June 2010

Volume I

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Principal Conclusions and Overall
Assessment

The Background to Bloody Sunday

This volume is accompanied by a DVD containing the full text of the report

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Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
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Outline Table of Contents

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General Introduction

On 29th January 1998 the House of Commons resolved that it was expedient that a tribunal be established for inquiring into a definite matter of urgent public importance, namely *“the events on Sunday, 30 January 1972 which led to loss of life in connection with the procession in Londonderry on that day, taking account of any new information relevant to events on that day”*. On 2nd February 1998 the House of Lords also passed this resolution. With the exception of the last 12 words, these terms of reference are virtually identical to those for a previous Inquiry held by Lord Widgery (then the Lord Chief Justice) in 1972. Both inquiries were conducted under the provisions of the Tribunals of Inquiry (Evidence) Act 1921.

In his statement to the House of Commons on 29th January 1998 the Prime Minister (The Rt Hon Tony Blair MP) said that the timescale within which Lord Widgery produced his report meant that he was not able to consider all the evidence that might have been available. He added that since that report much new material had come to light about the events of the day. In those circumstances, he announced:

“We believe that the weight of material now available is such that the events require re-examination. We believe that the only course that will lead to public confidence in the results of any further investigation is to set up a full-scale judicial inquiry into Bloody Sunday.”

The Prime Minister made clear that the Inquiry should be allowed the time necessary to cover thoroughly and completely all the evidence now available. The collection, analysis, hearing and consideration of this evidence (which is voluminous) have necessarily required a substantial period of time.

The Tribunal originally consisted of The Rt Hon the Lord Saville of Newdigate, a Lord of Appeal in Ordinary, The Hon William Hoyt OC, formerly the Chief Justice of New Brunswick, Canada, and The Rt Hon Sir Edward Somers, formerly a member of the New Zealand Court of Appeal. Before the Tribunal began hearing oral evidence, Sir Edward Somers retired through ill health. The Hon John Toohey AC, formerly a Justice of the High Court of Australia, took his place. Lord Saville acted throughout as the Chairman of the Inquiry.

The footnotes

The footnotes provide, among other matters, references to the evidence and submissions on which we have based our views and findings. In the electronic version of this report, references are hypertext-linked, so that by clicking on a reference the reader can refer directly to the evidence or submission under consideration. Where photographs are reproduced in the report, we have in most instances considered it unnecessary to give the reference. The referencing system is the same as that used during the course of the Inquiry to identify the particular matter in question from the materials that were collected, considered and published, so that the reader can follow the references contained in that material. The Tribunal is of the view that with few exceptions the evidence and submissions relating to Bloody Sunday that were made publicly available during the course of the Inquiry should continue to be available, so that the report can be read in conjunction with those materials, which to that end form part of this report. The electronic version of the report provides direct access to these materials, which are also available through the Inquiry website.¹ Cross-references within the report to other parts of the report are also footnoted and hypertext-linked. Cross-references are to chapters or to paragraphs within chapters. Thus, for example, a cross-reference to paragraphs 75–100 in Chapter 9 appears as paragraphs 9.75–100.

¹ www.bloody-sunday-inquiry.org

The ranks and titles of witnesses

It should be noted that many of the soldiers who gave evidence to this Inquiry had achieved over the years higher rank than that which they had held in January 1972. A number of civilians (for example, Bishop Daly and Sir Edward Heath) were also known at the time of the Inquiry by different titles from those by which they had been known in 1972. During the course of the Inquiry, all witnesses were addressed by the titles that they held at the time at which they gave their evidence. However, in this report we refer to all such witnesses by the rank that they held or the title by which they were known in January 1972.

For the reasons that we give below, many witnesses were given ciphers in order to preserve their anonymity and that of their families. We have preserved that anonymity in this report.

Legal representatives

In the course of the Inquiry, the families of those who were killed, the surviving casualties, and the families of those injured on Bloody Sunday who have since died were represented by various different combinations of counsel and solicitors. Separate teams of counsel instructed by the Treasury Solicitor appeared on behalf of one large group and three smaller groups of former and serving officers and soldiers, while other military witnesses chose not to be represented. In order to avoid undue complication, we have often referred in this report to submissions made by “representatives of the families” or “representatives of soldiers”, without distinguishing between the different groups, although where necessary we have been more specific. Further details of the families, surviving casualties, military witnesses and other parties represented in the Inquiry, and of their counsel and solicitors, are given in Appendix 1.

Anonymity

With the exception of a number of senior officers who gave evidence under their own names, military witnesses who gave evidence to the Widgery Inquiry were granted anonymity in order to protect them and their families. They gave their evidence under ciphers, which were alphabetical for those who said that they had fired live rounds on Bloody Sunday (the “lettered soldiers”), and numerical for the others (the “numbered soldiers”). Some police witnesses were also granted anonymity for the purposes of the Widgery Inquiry.

At the outset of this Inquiry there was controversy over whether military witnesses, other than those whose identities were already in the public domain, should be granted anonymity. Rulings of the Tribunal that in general they should not, save where special reasons applied, were quashed on judicial review. The Court of Appeal in London held that the Tribunal was obliged to grant anonymity to those who had fired live rounds. The Tribunal considered that the Court’s reasoning applied also to other military witnesses, unless their identities were already clearly in the public domain, and ruled accordingly. Where appropriate, the ciphers used in the Widgery Inquiry were retained, with the addition of the soldier’s rank at the time of Bloody Sunday (for example, Corporal A or Sergeant 001). Military witnesses who had been given no cipher in 1972 were identified by a number preceded by their rank and the letters INQ (for example, Sergeant INQ 1). Military witnesses sometimes referred in their statements to another soldier by an incomplete name, a nickname, or a name that otherwise could not be matched to an individual identifiable from official records. In these cases the Inquiry replaced the name with a numerical cipher preceded by the letters UNK (for example, UNK 1).

Some of the military witnesses in 1972 were given more than one cipher. While this had the potential to cause confusion, this Inquiry had access to unredacted copies of the witness statements and was able to ensure that they were all attributed to the correct witness.

No police officers were granted anonymity in this Inquiry, although some were permitted to give their evidence screened from the view of all but the Tribunal and the lawyers participating in the hearings.

Successful applications for anonymity were also made on behalf of a number of other witnesses, including certain Security Service and Army intelligence officers, whose ciphers were alphabetical (for example, Officer A), and certain witnesses who had formerly been members of the Official or Provisional Irish Republican Army (OIRA or PIRA) or otherwise had connections with the republican movement, whose ciphers consisted of numbers preceded by the letters OIRA, PIRA or RM as appropriate (for example, OIRA 1, PIRA 1 or RM 1).

The Tribunal had access in all cases to the names of the witnesses who gave evidence to this Inquiry.

Glossary

In this glossary we provide brief explanations of some of the abbreviations and terminology used in the report, or which appear in some of the documents and other evidence to which we refer. Where necessary, in the report itself we provide further details of, in particular, some of the sources of evidence and the issues to which they gave rise. At the end of the glossary we set out a list showing the hierarchy of Army ranks and the abbreviations sometimes used for them. Cross-references within the glossary to other entries in the glossary appear in italics.

Acid bombs

These were bottles filled with acid or another corrosive substance, used as anti-personnel weapons.

Actuality footage

We have used this expression to refer to film footage taken while the events of Bloody Sunday were in progress. The actuality footage available to the Inquiry includes material filmed by two cameramen from the British Broadcasting Corporation (BBC), two from Independent Television News (ITN), one from the American Broadcasting Company (ABC) and one from Columbia Broadcasting System (CBS), as well as a film taken from an Army helicopter. There is also a small quantity of actuality footage taken by amateur cameramen, including William McKinney, who was shot dead on Bloody Sunday. Some of the film footage was edited for broadcasting purposes, with the result that the surviving material is not complete and does not necessarily show events in chronological order.

Aggro Corner

This was a slang name, used mainly by the Army, which referred to the junction of William Street, Rossville Street and Little James Street, where trouble had often occurred in the past.

Anti-riot gun

See *Baton gun*.

APC

Armoured Personnel Carrier. The Humber armoured car was employed routinely as an APC by the Army in Northern Ireland. Several of these vehicles were used on Bloody Sunday. They were often called “Pigs”, mainly by soldiers, either on account of their appearance or because they were awkward to drive and uncomfortable to sit in. They were also frequently described, usually by civilians, as “Saracens”. However, that term was applied inaccurately, since a Saracen was another type of military vehicle, which was not used on Bloody Sunday.

The following photograph, taken by Robert White on Bloody Sunday, shows a Humber APC.



The following photograph, taken from David Barzilay, *The British Army in Ulster* (Belfast: Century Books, 1978 reprint), shows a Saracen.



Army units

8 Inf Bde

8th Infantry Brigade.

39 Inf Bde

39th Infantry Brigade.

1 CG

1st Battalion, The Coldstream Guards.

1 PARA

1st Battalion, The Parachute Regiment.

1 R ANGLIAN

1st Battalion, The Royal Anglian Regiment.

2 RGJ

2nd Battalion, The Royal Green Jackets.

22 Lt AD Regt

22nd Light Air Defence Regiment, Royal Artillery.

Arrest report forms

When a civilian who had been arrested by a soldier came into the custody of the Royal Military Police (*RMP*), details of the arrest, including the names of the soldier, the arrested civilian and any witnesses, and the nature of the offence alleged to have been committed, were recorded on what was known as an arrest report form. The form also included space in which to record the date, time and place at which the arrested person was handed over to the Royal Ulster Constabulary (*RUC*), and for the RUC to record, where appropriate, the date and time at which the arrested person was charged and whether he or she was kept in custody or released on bail.

Barry interviews

See *Sunday Times* interviews.

Baton gun

A baton gun was a weapon used to fire baton rounds, otherwise known as rubber bullets, for riot control purposes. On Bloody Sunday many of the soldiers were equipped with baton guns. The baton gun was also known by a variety of other names, including “anti-riot gun”, “RUC gun”, “rubber bullet gun” and “Greener gun”.

The following photographs show a baton gun.



BID 150

In 1972 the Army in Northern Ireland had access to a secure radio system. Secure communications between a brigade and a battalion under its command could be achieved using an adapted military radio together with a piece of encryption equipment called a BID 150. In this Inquiry the term “BID 150” was often used to refer to the radio and the encryption device together. Whether a BID 150 link was in use between Brigade HQ and the Tactical Headquarters of 1 PARA on Bloody Sunday was a matter of dispute, which we consider in the course of the report.

Blast bombs

Blast bombs were improvised devices that consisted of a detonator and explosive material. They were described by some witnesses as being crude anti-personnel devices and like large fireworks or *nail bombs* but without the nails. We also heard evidence that they could be made with a larger quantity of explosives in order to be used to damage buildings.

Bloody Sunday Inquiry statements

In the course of this Inquiry, written statements were obtained from a large number of witnesses, including civilians, former and serving soldiers, priests, journalists, civil servants, politicians and former members of the *IRA*. The vast majority of these statements (sometimes called “BSI statements”) were taken by the solicitors Eversheds, who were retained by this Inquiry for this purpose. For this reason some are also sometimes referred to as “Eversheds statements”. The Solicitor to the Inquiry and his assistants also took a number of written statements, and a few were submitted by witnesses or their solicitors.

Brigade HQ

The headquarters of 8th Infantry Brigade, located at Ebrington Barracks, Londonderry.

Brigade net

This was the radio network used to provide communications between *Brigade HQ* and the headquarters of the battalions and other units under its command. Separate radio networks were used for communications between the headquarters of each battalion and its constituent companies. See also *Ulsternet*.

Capper tapes

David Capper was a BBC Radio reporter who covered the march on Bloody Sunday. He carried a reel-to-reel tape recorder on which he recorded his commentary on the march. Other voices and sounds are also audible on the recording. The Inquiry obtained a copy of the recording and arranged for a transcript to be made.

CS gas

This is a type of tear gas, which could be fired in grenades or cartridges as a riot control agent.

DIFS

The Department of Industrial and Forensic Science. This department, which formed part of the Ministry of Commerce of the Government of Northern Ireland, was responsible for the forensic tests carried out shortly after Bloody Sunday on hand swabs and clothing obtained from those who had been killed. It was also responsible for matching two bullets, recovered from the bodies of Gerald Donaghey and Michael Kelly, to rifles fired by soldiers on that day.

Donagh Place

The seventh, eighth and ninth floors of the Rossville Flats were known as Donagh Place.

Embassy Ballroom

The Embassy Ballroom was located on the west side of Strand Road, close to the northern corner of Waterloo Place. In January 1972 the Army occupied the top floor of the building. Two Observation Posts (OPs) were sited on the roof. OP Echo gave views of William Street, Little James Street, Chamberlain Street, the waste ground north of the Rossville Flats, and the Rossville Flats themselves, including the roofs. OP Foxtrot overlooked Strand Road and Waterloo Place. On Bloody Sunday members of 11 Battery 22 Lt AD Regt manned both these OPs.

Eversheds statements

See *Bloody Sunday Inquiry statements*.

Ferguson and Thomson interviews

Lena Ferguson and Alexander Thomson were ITN journalists who interviewed a number of former soldiers for the purposes of a Channel 4 News investigation of Bloody Sunday, which resulted in a series of broadcasts transmitted in 1997 and 1998.

Ferret scout car

The Ferret was a lightly armoured scout car which had a two-man crew. On Bloody Sunday, Support Company, 1 PARA used one Ferret scout car, on which a Browning machine gun was mounted. This weapon was not used on Bloody Sunday.

The photograph below, taken by Colman Doyle on Bloody Sunday, shows the Ferret scout car used on that day.



Garvan Place

The first, second and third floors of the Rossville Flats were known as Garvan Place.

Gin Palace

The vehicle in which the tactical headquarters of 1 PARA was located was colloquially known as the Gin Palace.

Greener gun

See *Baton gun*.

Grimaldi tape

See *North tape*.

HQNI

Headquarters of the Army in Northern Ireland, located in Lisburn, County Antrim.

Humber armoured car

See *APC*.

IRA

Irish Republican Army. By 1972 this had split into two separate organisations, the Official IRA and the Provisional IRA. In many cases witnesses and documents referred simply to the IRA, without differentiating between these two organisations.

Jacobson interviews

See *Sunday Times interviews*.

Keville interviews

Kathleen Keville was in Londonderry in January 1972 as a researcher for a film crew making a documentary about Northern Ireland. She had met members of the local civil rights organisation on a previous visit to the city. She took part in the march on 30th January 1972. On the evening of that day and into the next, she recorded the accounts of a number of civilian witnesses on audio tape. Many of these recordings were used to prepare typed statements, which were not always verbatim transcripts of the recordings and were not generally signed by the witnesses. The Inquiry received all the original tape recordings from Kathleen Keville and arranged for them to be fully transcribed. In this report, when referring to what a witness said as recorded by Kathleen Keville, we usually describe this as the witness's "Keville interview".

Keville tapes

See *Keville interviews*.

Knights of Malta

The Order of Malta Ambulance Corps is an ambulance and first aid organisation administered by the Irish Association of the Sovereign Military Order of Malta. Several members of the Derry Unit of the Ambulance Corps were on duty at the march on 30th January 1972 and provided first aid services. They were readily identifiable in that they wore either the dress uniform of the Ambulance Corps (a grey coat and trousers with cap) or its medical uniform (a white coat). They were often, although inaccurately, described by witnesses as Knights of Malta.

L1A1

This was the technical designation for the 7.62mm self-loading rifle. See *SLR*.

L42A1

This was the technical designation for the bolt-action .303in rifle converted to take 7.62mm ammunition. See *Sniper rifle*.

L2A2

This was the technical designation for standard issue 7.62mm NATO ball ammunition, which was used in the *L1A1 SLR* and the *L42A1 sniper rifle*.

M1 carbine

The M1 carbine is a semi-automatic or self-loading weapon that, in its standard form, comes with a fixed wooden stock. It was calibrated for a .30in cartridge. The weapon is sometimes described as being of medium velocity although some witnesses to the Inquiry referred to it as a high velocity weapon. There is evidence before the Inquiry to suggest that in Londonderry on 30th January 1972 the Official IRA possessed at least one M1 carbine and the Provisional IRA at least two. The weapon was not issued to any soldiers.

The following photographs show an M1 carbine.



Mahon interviews

Paul Mahon is a former member of Liverpool City Council who completed an academic dissertation on the events of Bloody Sunday in 1997. Thereafter he undertook further substantial research into the subject with the benefit of funding from an English businessman. In the course of this research he conducted a large number of recorded interviews of witnesses. He also co-operated with some of the solicitors acting for the families of the deceased and for the wounded, and for a time was employed by those acting for two of the wounded, Michael Bradley and Michael Bridge. The great majority of those interviewed by Paul Mahon were civilian witnesses.

Paul Mahon provided the Inquiry with both audiotapes and video recordings. The Inquiry arranged for the transcription of these recorded interviews.

McGovern interviews

Jimmy (James) McGovern was the scriptwriter of *Sunday*, a dramatisation of some of the events of Bloody Sunday. The programme was co-produced by Gaslight Productions Ltd and Box TV Ltd. It was broadcast on Channel 4 on 28th January 2002 to mark the 30th anniversary of Bloody Sunday. In preparing for the programme, Jimmy McGovern and Stephen Gargan of Gaslight Productions Ltd conducted a series of interviews with civilian witnesses to the events of Bloody Sunday. These interviews were recorded on audio tape. We were supplied with transcripts of these interviews together with the recordings. In addition, members of the production team conducted a number of interviews with civilians and former soldiers, which were not recorded. The notes of these interviews, where available, were also provided to the Inquiry.

Mura Place

The fourth, fifth and sixth floors of the Rossville Flats were known as Mura Place.

Nail bombs

These were improvised explosive devices containing nails as shrapnel. In Northern Ireland in the early 1970s, the use of nail bombs was associated particularly with the Provisional IRA. The typical nail bomb used at that time was a small cylindrical anti-personnel device, designed to be thrown by hand, which contained a fuse, a high explosive charge and a quantity of nails. These were sometimes inserted into an empty food or drink can, but by 1972 it had become more common for the components to be bound together with adhesive tape than for a can to be used.

The photograph below, which was obtained from the Regimental Headquarters of the Parachute Regiment, shows an unexploded nail bomb recovered during or after a riot in 1971.



NCCL

National Council for Civil Liberties. NCCL, now known as Liberty, is a civil rights organisation based in London, to which *NICRA* was affiliated.

NICRA

Northern Ireland Civil Rights Association. NICRA was founded in 1967. The organisation campaigned for civil rights and social justice.

NICRA statements

Over a period that began on the evening of Bloody Sunday and continued for several days thereafter, statements were taken from a large number of civilian witnesses in a process co-ordinated by *NCCL* and *NICRA*. The statement takers were volunteers. They interviewed witnesses and prepared handwritten statements, which were usually signed by both the witness and the statement taker. Typed versions of these statements were then produced. The statements gathered

by NICRA and NCCL also included unsigned typed statements prepared from the recordings made by Kathleen Keville (see *Keville interviews*). We have referred to the statements collected by NICRA and NCCL either as “NICRA statements”, the term by which they were generally known during the Inquiry, or, where appropriate, as “Keville interviews”.

North tape

Susan North was the assistant of Fulvio Grimaldi, an Italian photographer and journalist. She and Fulvio Grimaldi both took part in the civil rights march on Bloody Sunday. Susan North carried a tape recorder, which she used to record some of the events that occurred on that day. The Inquiry obtained a copy of her recording and arranged for it to be transcribed. The tape is sometimes referred to as the “Grimaldi tape”.

Observer galley proofs

The *Observer* newspaper had intended to publish a substantial article about Bloody Sunday in its edition of 6th February 1972, but did not proceed because of a concern that publication might be regarded as contempt of the *Widgery Inquiry*. However, the article existed in draft form and the galley proofs have survived.

OIRA

Official Irish Republican Army. See *IRA*.

OP

Observation Post.

Petrol bombs

These were improvised devices consisting of a bottle filled with petrol (gasoline), with a fuse of cloth or similar material, which was lit before the bottle was thrown.

Pig

See *APC*.

PIRA

Provisional Irish Republican Army. See *IRA*.

Porter tapes

James Porter was an electrical engineer and radio enthusiast who had been recording Army and Royal Ulster Constabulary (*RUC*) radio communications in Londonderry since 1969. He provided the Inquiry with copies of a number of his tapes, including his recordings of transmissions on the *Brigade net* and on the RUC radio network on Bloody Sunday. The Inquiry made transcripts of these recordings.

Praxis interviews

Praxis Films Ltd, a film and television production company, made a documentary entitled *Bloody Sunday* which was broadcast as part of Channel 4's Secret History series on 5th December 1991, a few weeks before the 20th anniversary of Bloody Sunday. In the course of researching and making the programme, the producer John Goddard, the director and scriptwriter Tony Stark and the researcher Neil Davies interviewed a large number of civilian and military witnesses. Neil Davies is a former member of Support Company, 1 PARA, although he left the Army in 1969 and never served in Northern Ireland. It appears that not all of the research material for the programme survived, but the Inquiry obtained notes and transcripts of many of the interviews.

Pringle interviews

See *Sunday Times interviews*.

RMP

Royal Military Police. The RMP are the Army's specialists in investigations and policing and are responsible for policing the United Kingdom military community worldwide.

RMP maps

The *RMP statements* taken from each of the soldiers who fired live ammunition on Bloody Sunday were accompanied by a map marked in typescript to show the position of that soldier at the time he fired and the location of his target or targets. In some cases the RMP statements of soldiers who did not fire live ammunition were also accompanied by maps marked to show relevant locations.

It appears that the RMP maps were prepared after the statements were taken, from the information given in the statements. It also appears that the RMP maps were neither checked nor signed by the soldiers making the statements.

RMP statements

It was normal procedure in 1972 for the *RMP* to conduct an investigation following an incident in which a soldier had fired live ammunition. Beginning on the evening of Bloody Sunday, statements were taken from those soldiers who admitted firing shots. In addition a number of statements were taken from other soldiers. These statements were taken predominantly by members of the Special Investigation Branch (SIB) of the RMP. The statements were handwritten on standard statement forms from which typed versions were then made.

Rodgers film

Michael Rodgers, an amateur cameraman, took part in the march on 30th January 1972 and used a cine camera to film some of the events that occurred on that day. His film footage was later transferred to a video recording, a copy of which was provided to the Inquiry.

Rubber bullet gun

See *Baton gun*.

RUC

Royal Ulster Constabulary. This was the civilian police force in Northern Ireland. The present police force is called the Police Service of Northern Ireland (PSNI).

RUC gun

See *Baton gun*.

RUC statements

On and after Bloody Sunday, *RUC* officers took statements from a number of witnesses, including several of those who had been wounded. RUC officers who had been on duty in Londonderry also submitted reports to their superiors of what they had themselves seen and heard.

Saracen

See *APC*.

Sayle Report

Harold Evans was editor of the *Sunday Times* newspaper in January 1972. He informed this Inquiry that immediately after the events of Bloody Sunday he sent general reporters Murray Sayle and Derek Humphry, along with Peter Pringle of the *Sunday Times* Insight Team, to Londonderry. At some stage that week Murray Sayle, Derek Humphry and (he thought) Peter Pringle telephoned in their findings. Harold Evans told us that these findings ran into two difficulties. In the first place, those in charge of the Insight Team were concerned as to whether the sources had been exposed to close enough scrutiny. They were strongly against publishing what came to be known as the Sayle Report as it stood. The second consideration in Harold Evans' mind regarding the Sayle Report was that Lord Widgery, the Lord Chief Justice, had made it clear that he would regard publication during his inquiry as a serious handicap, so much so that he would regard such publication as a contempt of court. These two considerations led Harold Evans to decide not to publish the article, but to conduct another investigation, using the *Sunday Times* Insight Team, led by John Barry. The *Sunday Times* provided this Inquiry with a copy of the Sayle Report. See also *Sunday Times interviews*.

SLR

The *L1A1* self-loading rifle (SLR) was the standard issue high velocity rifle in general infantry service in the Army in 1972. It was used with 7.62mm *L2A2* ammunition. On Bloody Sunday the majority of soldiers carried SLRs.

The following photographs show an SLR.





SMG

Sub-machine gun. See *Sterling sub-machine gun* and *Thompson sub-machine gun*.

Sniper rifle

The *L42A1* sniper rifle was a bolt action .303in rifle converted to take 7.62mm *L2A2* ammunition. On Bloody Sunday a small number of soldiers carried sniper rifles.

The photographs below show a sniper rifle.



Sterling sub-machine gun

The Sterling was a low velocity 9mm *SMG*. A small number of soldiers carried Sterling *SMGs* on Bloody Sunday. The Derry Brigade of the Official IRA may also have possessed a Sterling *SMG*.

The following photographs show a Sterling SMG.



***Sunday Times* interviews**

In the week following Bloody Sunday, journalists from the Insight Team of the *Sunday Times* newspaper began a major investigation of the events of that day. The investigation continued while the *Widgery Inquiry* was sitting, and culminated in the publication of a substantial article in the *Sunday Times* on 23rd April 1972, four days after the report of the Widgery Inquiry had been presented to Parliament. The Insight editor, John Barry, led the investigation. He and two other Insight journalists, Philip Jacobson and Peter Pringle, interviewed a large number of witnesses in Londonderry, including members of the Official IRA and Provisional IRA. The *Sunday Times* provided this Inquiry with such material from the Insight investigation, including notes and transcripts of the interviews conducted by John Barry and his colleagues, as has survived in the newspaper's archive.

Taylor interviews

Peter Taylor is a broadcaster and author who has made many documentaries and written several books about the conflict in Northern Ireland since his first visit there on Bloody Sunday. He conducted on-the-record filmed interviews of a number of civilian and military witnesses in the

course of making a documentary entitled *Remember Bloody Sunday*, which was broadcast by the BBC on 28th January 1992 to mark the 20th anniversary of Bloody Sunday. Transcripts of these interviews were supplied to the Inquiry.

Thompson sub-machine gun

The Thompson SMG is a low velocity automatic weapon also capable of firing single shots. There is evidence before the Inquiry to suggest that on 30th January 1972 the Official IRA in Londonderry possessed at least one Thompson SMG and the Provisional IRA at least two. The weapon was not issued to any soldiers.

The photograph below shows a Thompson SMG.



Trajectory photographs

At the request of the *Widgery Inquiry*, a series of aerial photographs of the relevant area of Londonderry was created in February 1972 to illustrate the trajectories of the shots that soldiers claimed to have fired on Bloody Sunday. Each photograph was marked to show the positions of the soldier and of his target, as the soldier had described them; the line of fire between those positions; and in some cases the number of shots that the soldier claimed to have fired. One or more of these photographs was created for each soldier of 1 PARA who acknowledged that he had fired his rifle on Bloody Sunday.

Ulsternet

The Ulsternet was a radio network used by the Army throughout Northern Ireland at the time of Bloody Sunday. It provided the main radio link between the headquarters of each brigade and the units under its command. Transmissions on the Ulsternet could be monitored at HQNI but the system was not used as the primary means of communication between HQNI and 8th Infantry

Brigade headquarters. The Ulsternet was in use on Bloody Sunday as the *Brigade net*, providing communications between 8th Infantry Brigade Headquarters at Ebrington Barracks and the units under its command, including 1 PARA.

Virtual reality model

This was a computer simulation of the Bogside as it was in 1972, which was developed for use by this Inquiry in order to assist witnesses in giving their accounts of what they had heard and seen on Bloody Sunday. This was of particular assistance because the area has changed since 1972.

Widgery Inquiry

Following resolutions passed on 1st February 1972 in both Houses of Parliament at Westminster and in both Houses of the Parliament of Northern Ireland, the Lord Chief Justice of England, Lord Widgery, was appointed to conduct an Inquiry under the Tribunals of Inquiry (Evidence) Act 1921 into “*the events on Sunday, 30th January which led to loss of life in connection with the procession in Londonderry on that day*”. Lord Widgery was the sole member of the Tribunal. He sat at the County Hall, Coleraine, for a preliminary hearing on 14th February 1972 and for the main hearings from 21st February 1972 to 14th March 1972. He heard closing speeches on 16th, 17th and 20th March 1972 at the Royal Courts of Justice in London. The Report of the Widgery Inquiry was presented to Parliament on 19th April 1972.

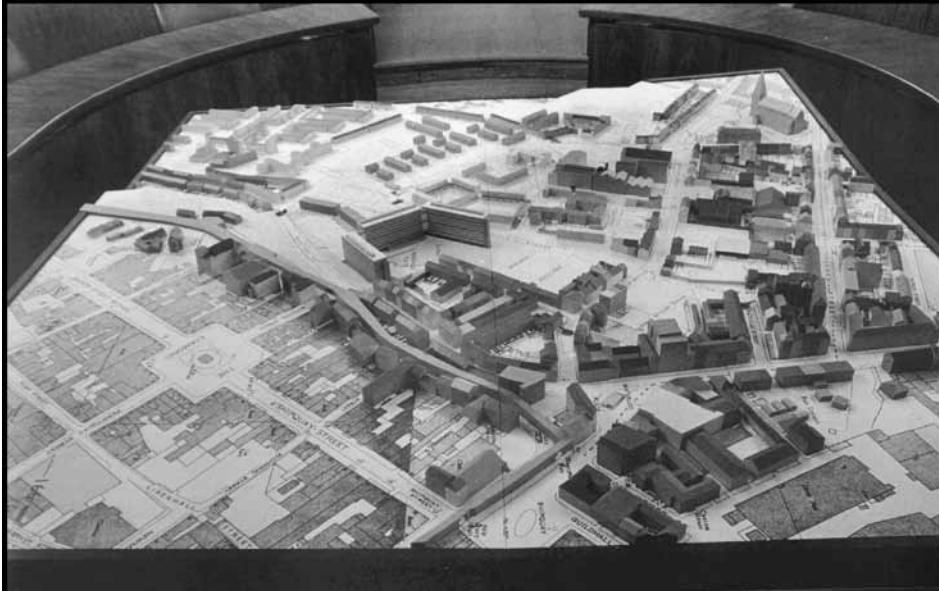
Widgery statements

The Deputy Treasury Solicitor, Basil Hall (later Sir Basil Hall), was appointed as the Solicitor to the *Widgery Inquiry*. For the purposes of that Inquiry, he and his assistants interviewed a large number of witnesses and prepared written statements from the interviews. A smaller number of witnesses submitted their own statements to the Widgery Inquiry, either directly or through solicitors. This Inquiry obtained copies of all the Widgery Inquiry statements.

Widgery transcripts

Transcripts are available of all the oral hearings of the Widgery Inquiry. During those hearings, witnesses were often asked to illustrate their evidence by reference to a model of the Bogside area which had been made for that purpose. It is occasionally not possible to follow the explanation recorded in the transcripts without knowing to which part of the model the witness was pointing.

This Inquiry tried unsuccessfully to locate the model used at the Widgery Inquiry. Although the original model appears not to have survived, it can be seen in the following photograph.



Widgery Tribunal

See *Widgery Inquiry*.

Yellow Card

Every soldier serving in Northern Ireland was issued with a copy of a card, entitled “Instructions by the Director of Operations for Opening Fire in Northern Ireland”, which defined the circumstances in which he was permitted to open fire. This card was known as the Yellow Card. All soldiers were expected to be familiar with, and to obey, the rules contained in it. The Yellow Card was first issued in September 1969 and was revised periodically thereafter. The fourth edition of the Yellow Card, issued in November 1971, was current on 30th January 1972.

List of Army ranks

The list below shows, in order of seniority, the Army ranks to which we refer in this report, together with the abbreviations sometimes used for them. Lieutenant Generals and Major Generals are both commonly referred to and addressed simply as General, and similarly Lieutenant Colonels as Colonel.

Officers	
Field Marshal	FM
General	Gen
Lieutenant General	Lt Gen
Major General	Maj Gen
Brigadier	Brig
Colonel	Col
Lieutenant Colonel	Lt Col
Major	Maj
Captain	Capt
Lieutenant	Lt
Second Lieutenant	2 Lt

Warrant Officers	
Warrant Officer Class I	WOI
Warrant Officer Class II	WOII

Senior non-commissioned officers		<i>Equivalent ranks</i>	
Colour Sergeant	C/Sgt	Staff Sergeant	S/Sgt
Sergeant	Sgt		

Junior non-commissioned officers		<i>Equivalent ranks</i>	
Corporal	Cpl	Lance Sergeant	L/Sgt
		Bombardier	Bdr
Lance Corporal	L/Cpl	Lance Bombardier	L/Bdr

Soldiers		<i>Equivalent ranks</i>	
Private	Pte	Guardsmen	Gdsm
		Gunner	Gnr
		Rifleman	Rfn

Principal Conclusions and Overall Assessment

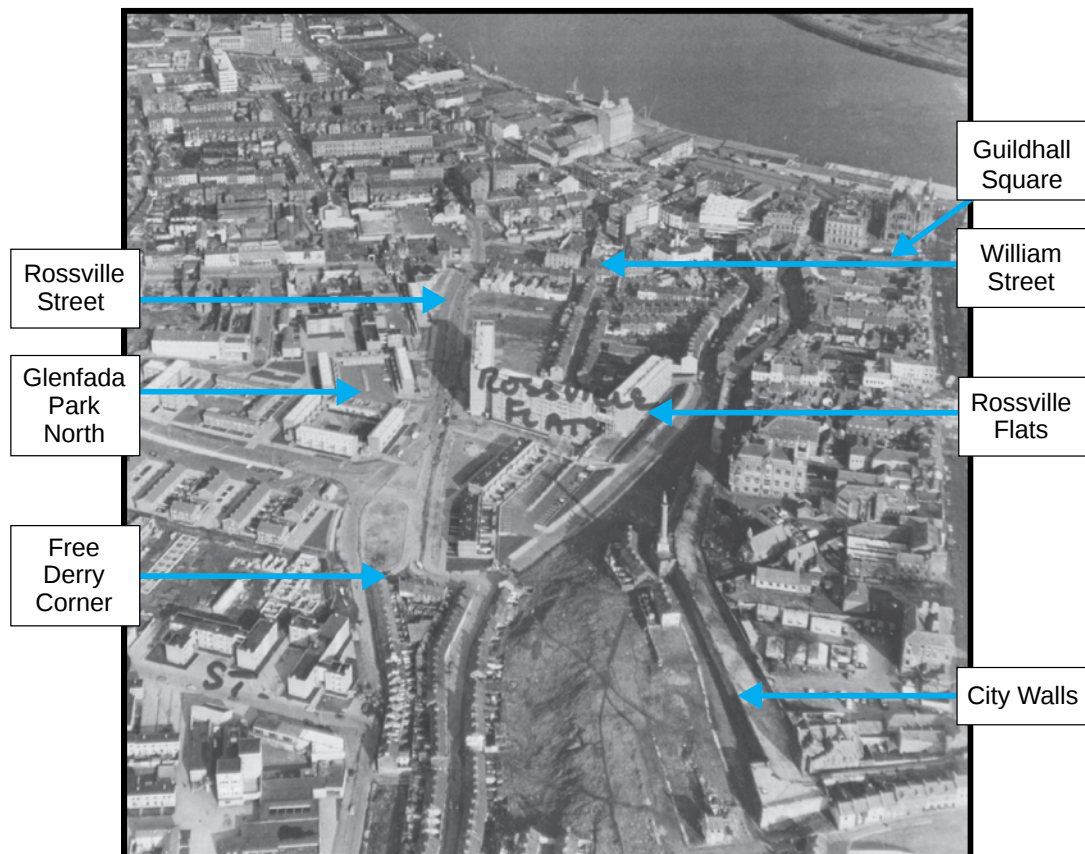
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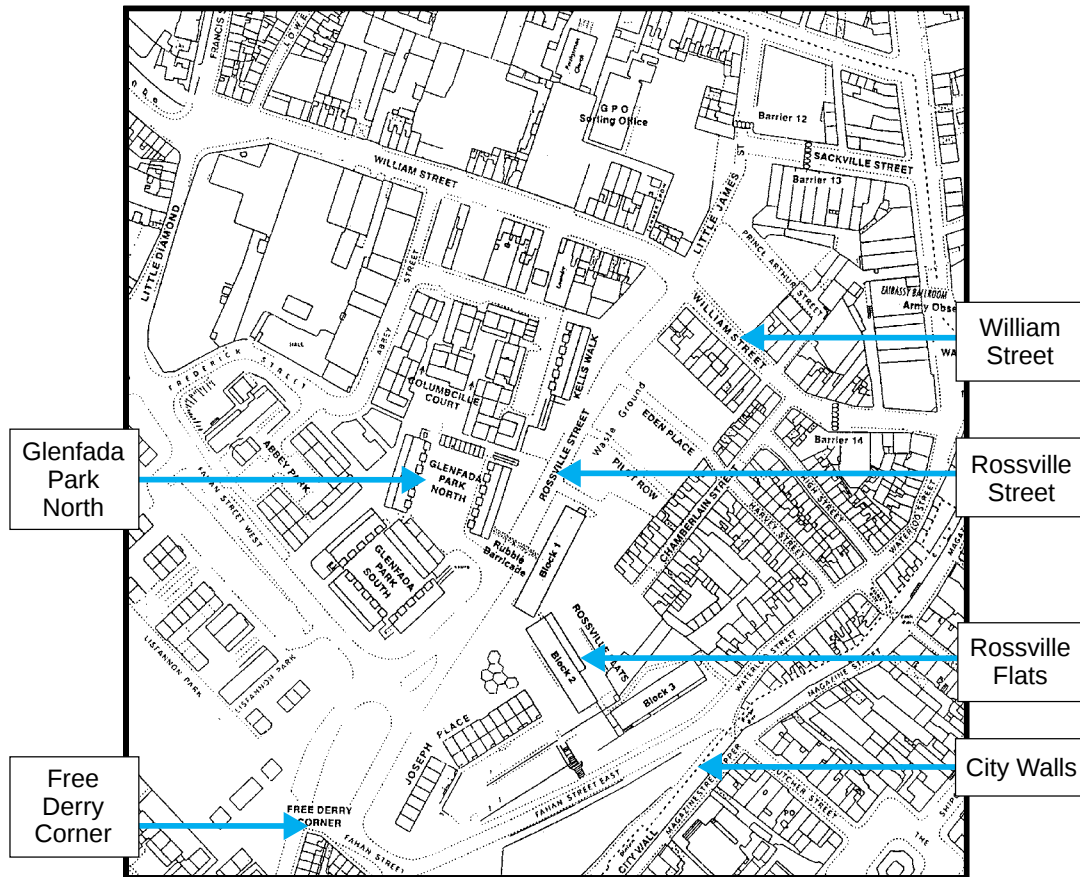
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Chapter 1: Introduction

- 1.1** The object of the Inquiry was to examine the circumstances that led to loss of life in connection with the civil rights march in Londonderry on 30th January 1972. Thirteen civilians were killed by Army gunfire on the day. The day has become generally known as Bloody Sunday, which is why at the outset we called this Inquiry the Bloody Sunday Inquiry. In 1972 Lord Widgery, then the Lord Chief Justice of England, held an inquiry into these same events.
- 1.2** In these opening chapters of the report we provide an outline of events before and during 30th January 1972; and collect together for convenience the principal conclusions that we have reached on the events of that day. We also provide our overall assessment of what happened on Bloody Sunday. This outline, our principal conclusions and our overall assessment are based on a detailed examination and evaluation of the evidence, which can be found elsewhere in this report. These chapters should be read in conjunction with that detailed examination and evaluation, since there are many important details, including our reasons for the conclusions that we have reached, which we do not include here, in order to avoid undue repetition.
- 1.3** The Inquiry involved an examination of a complex set of events. In relation to the day itself, most of these events were fast moving and many occurred more or less simultaneously. In order to carry out a thorough investigation into events that have given rise to great controversy over many years, our examination necessarily involved the close consideration and analysis of a very large amount of evidence.
- 1.4** In addition to those killed, people were also injured by Army gunfire on Bloody Sunday. We took the view at the outset that it would be artificial in the extreme to ignore the injured, since those shooting incidents in the main took place in the same circumstances, at the same times and in the same places as those causing fatal injuries.
- 1.5** We found it necessary not to confine our investigations only to what happened on the day. Without examining what led up to Bloody Sunday, it would be impossible to reach a properly informed view of what happened, let alone of why it happened. An examination of what preceded Bloody Sunday was particularly important because there had been allegations that members of the United Kingdom and Northern Ireland Governments, as well as the security forces, had so conducted themselves in the period up to Bloody Sunday that they bore a heavy responsibility for what happened on that day.

- 1.6 Many of the soldiers (including all those whose shots killed and injured people on Bloody Sunday) were granted anonymity at the Inquiry, after rulings by the Court of Appeal in London. We also granted other individuals anonymity, on the basis of the principles laid down by the Court of Appeal. Those granted anonymity were given ciphers in place of their names. We have preserved their anonymity in this report.
- 1.7 Londonderry is the second largest city in Northern Ireland. It lies in the north-west, close to the border with the country of Ireland. The River Foyle flows through the city. The area of the city with which this report is principally concerned lies on the western side of this river, as does the old walled part of the city. We show the western part of the city and certain important features as they were in 1972 in the following photograph and map.





Chapter 2: Outline of events before the day

- 2.1** Londonderry in January 1972 was a troubled city with a divided society, in a troubled and divided country. Throughout much of Northern Ireland there were deep and seemingly irreconcilable divisions between nationalists (predominantly Roman Catholic and a majority in the city) and unionists (generally Protestant and a majority in Northern Ireland as a whole). In general terms the former wanted Northern Ireland to leave the United Kingdom and unite with the rest of Ireland, while the latter wanted it to remain part of the United Kingdom.
- 2.2** This sectarian divide, as it was called, had existed for a long time. Among other things, it had led in the years preceding Bloody Sunday to many violent clashes between the two communities and with the police, then the Royal Ulster Constabulary (RUC). The police had become regarded by many in the nationalist community not as impartial keepers of the peace and upholders of the law, but rather as agents of the unionist Northern Ireland Government, employed in their view to keep the nationalist community subjugated, often by the use of unjustifiable and brutal force.
- 2.3** On 14th August 1969, after there had been particularly violent clashes between civilians and the police in Londonderry, the authorities brought into the city units of the British Army as an aid to the civil power, in other words to restore law and order. The British Army was in the city in this role on Bloody Sunday.
- 2.4** There was a further dimension in the form of paramilitary organisations. By the beginning of the 1970s the Irish Republican Army (IRA) had split into two organisations known respectively as the Provisional IRA and the Official IRA. These paramilitary organisations (often referred to simply as the IRA, though they were distinct organisations) had restarted a campaign of armed violence, in the belief that only by such means could Northern Ireland be freed from what they regarded as the yoke of British colonial domination and become part of a united Ireland. There were also those on the unionist side of the sectarian divide who organised and used armed violence in the belief that this was required to maintain the union with the United Kingdom.
- 2.5** This further dimension meant that the security forces, in addition to their other responsibilities, had to deal with those using armed violence.

- 2.6** The situation in Londonderry in January 1972 was serious. By this stage the nationalist community had largely turned against the soldiers, many believing that the Army, as well as the RUC, were agents of an oppressive regime. Parts of the city to the west of the Foyle lay in ruins, as the result of the activities of the IRA and of rioting young men (some members of the IRA or its junior wing, the Fianna) known to soldiers and some others as the “Derry Young Hooligans”. A large part of the nationalist area of the city was a “no go” area, which was dominated by the IRA, where ordinary policing could not be conducted and where even the Army ventured only by using large numbers of soldiers.
- 2.7** The armed violence had led to many casualties. There had been numerous clashes between the security forces and the IRA in which firearms had been used on both sides and in which the IRA had thrown nail and petrol bombs. Over the months and years before Bloody Sunday civilians, soldiers, policemen and IRA gunmen and bombers had been killed and wounded; and at least in Londonderry, in January 1972 the violence showed few signs of abating.
- 2.8** In August 1971 the Northern Ireland Government (with the agreement of the United Kingdom Government) had introduced internment without trial of suspected terrorists; and at the same time had imposed a ban on marches and processions, giving as the reason that the former would assist in dealing with armed violence and that the latter would reduce the opportunity for violent confrontations between nationalists and unionists.
- 2.9** The nationalist community in particular regarded internment without trial with abhorrence, considering it yet another illegitimate means employed by the unionist Government. Both nationalists and unionists expressed opposition to the ban on marches and processions.
- 2.10** Many people were interned without trial, almost without exception Catholics from the nationalist community. Over the following months there were allegations that those held had been mistreated, allegations that in significant respects were eventually found to have substance.
- 2.11** By January 1972 the Northern Ireland Civil Rights Association had decided to defy the ban on marches. In particular they organised a march in Londonderry to protest against internment without trial. This was the march that took place on Bloody Sunday.
- 2.12** The authorities knew of the proposed march and that the organisers had planned a route to Guildhall Square (also known as Shipquay Place), outside the city Guildhall, where prominent people would address the marchers. The authorities took the view that the security forces should prevent the march from proceeding as planned, fearing that this

flouting of the ban would undermine law and order and would be likely to lead to a violent reaction from unionists. This view prevailed, notwithstanding a contrary view expressed by Chief Superintendent Frank Lagan, the senior police officer in charge of the Londonderry area, who advised that the march should be allowed to proceed. The march was expected to be too large for the police to be able to control it themselves, so the Army shouldered the main burden of dealing with it. The plan that emerged was to allow the march to proceed in the nationalist areas of the city, but to stop it from reaching Guildhall Square by erecting barriers on the roads leading to Guildhall Square, manned by soldiers who were stationed in the area. In the circumstances that obtained at the time, and despite the view expressed by Chief Superintendent Lagan, it was not unreasonable of the authorities to seek to deal with the march in this way.

- 2.13** At the beginning of January 1972, Major General Robert Ford, then Commander of Land Forces in Northern Ireland, had visited Londonderry. He wrote a confidential memorandum to Lieutenant General Sir Harry Tuzo, his senior and the General Officer Commanding Northern Ireland, in which he expressed himself disturbed by the attitude of the officers commanding the resident troops and that of Chief Superintendent Lagan. He recorded that they had told him that the area of damage in the city was extending and that even the major shopping centre would be destroyed in the coming months. He referred in particular to the “Derry Young Hooligans” as a factor in the continued destruction of the city, and expressed the view that the Army was “*virtually incapable*” of dealing with them. He also expressed the view that he was coming to the conclusion that the minimum force required to deal with the “Derry Young Hooligans” was, after clear warnings, to shoot selected ringleaders.
- 2.14** The suggestion that selected ringleaders should be shot was not put forward as a means of dealing with the forthcoming civil rights march or any rioting that might accompany it.
- 2.15** As part of the plan for dealing with the march, what General Ford did do was to order that an additional Army battalion be sent to the city to be used to arrest rioters if, which was expected to happen, the march was followed by rioting. Initially he expressed the view that such a force might be able to arrest a large number of rioters and by that means significantly decrease the activities of the “Derry Young Hooligans”.
- 2.16** To that end General Ford ordered that 1st Battalion, The Parachute Regiment (1 PARA), which was stationed near Belfast, should travel to Londonderry and be used as the arrest force.

- 2.17** The detailed plan for controlling the march was the responsibility of Brigadier Patrick MacLellan, the Commander of 8th Infantry Brigade, which was the Army brigade in charge of the Londonderry area. The Operation Order (for what was called Operation Forecast) set out the plan that Brigadier MacLellan and his staff had prepared. The Operation Order provided for the use of 1 PARA as the arrest force, but also made clear in express terms that any arrest operation was to be mounted only on the orders of the Brigadier.

Chapter 3: The events of the day

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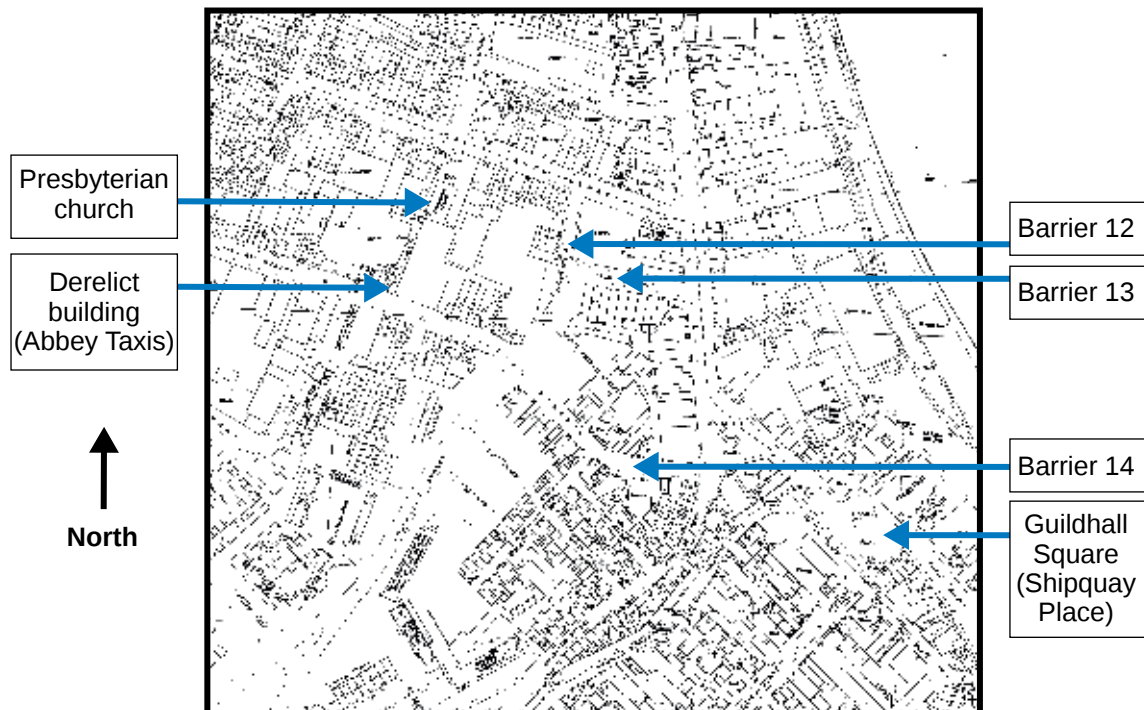
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Events before the arrest operation

- 3.1

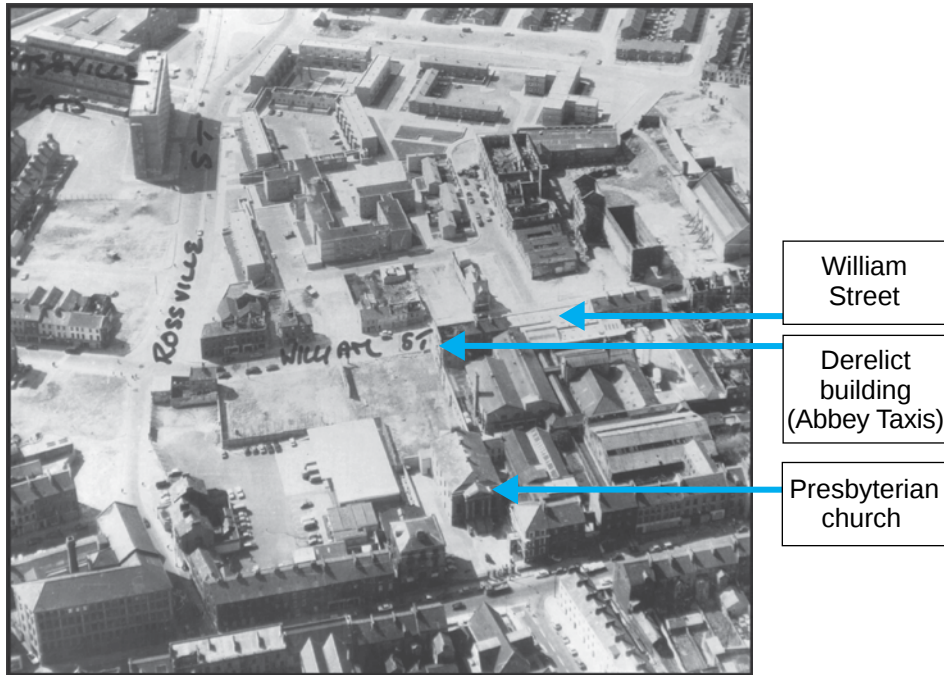
1 PARA arrived in Londonderry on the morning of Sunday 30th January 1972. During the morning and early afternoon Lieutenant Colonel Derek Wilford, the Commanding Officer of 1 PARA, organised the disposition of his soldiers in the city. In addition, the soldiers stationed in the area erected barricades on the streets leading to Guildhall Square and manned those barriers.
- 3.2

We set out below a map showing some significant buildings, the position of the three most important of the barriers and the numbers that were given to them.



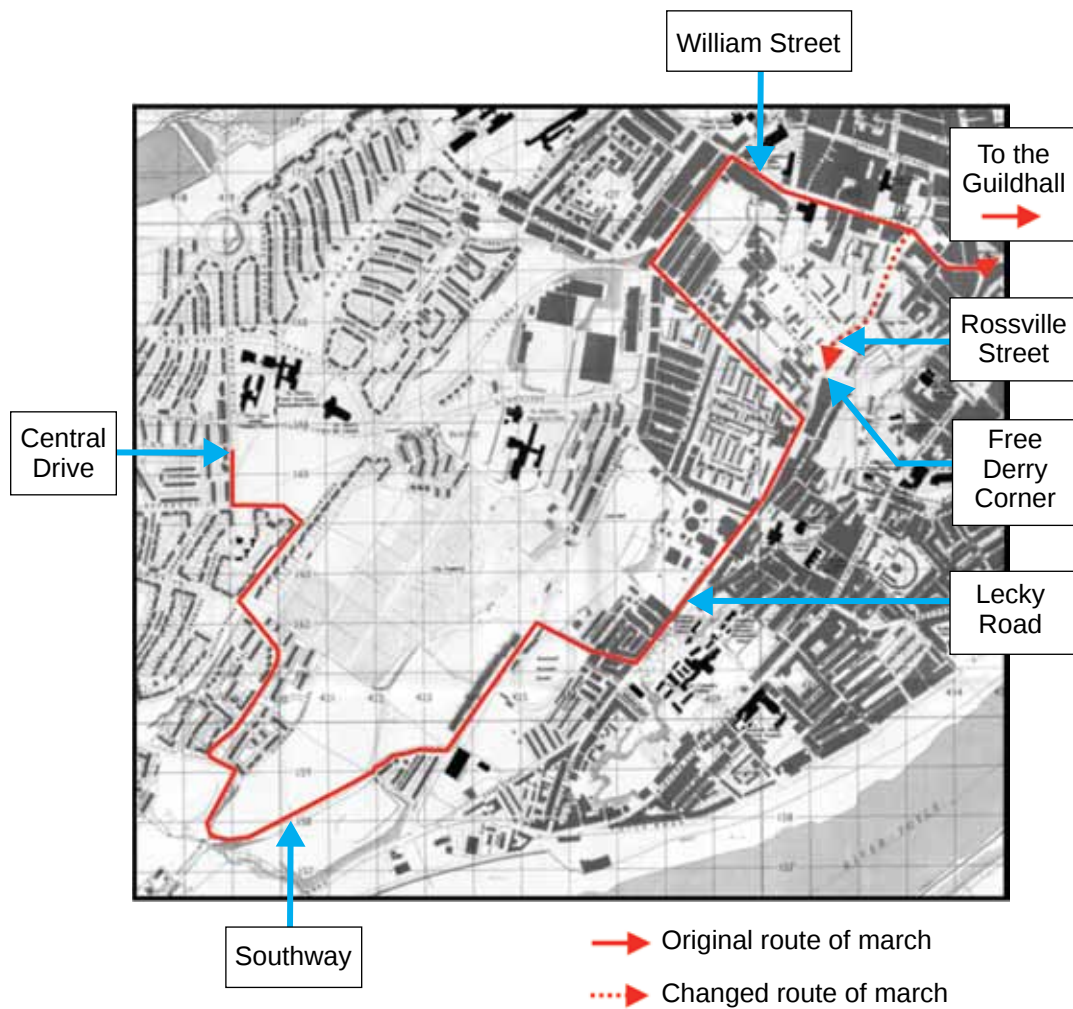
3.3

Colonel Wilford placed Support Company, one of the companies of 1 PARA, near the Presbyterian church in Great James Street. His initial plan was to send soldiers from there directly south into William Street if rioting broke out in the area and Brigadier MacLellan ordered an arrest operation. However, Colonel Wilford then realised that there were walls that made it difficult for soldiers to move at any speed from Great James Street into William Street, so in order to reduce this drawback he ordered the Commander of Support Company (Major Edward Loden) to be ready to locate one of his platoons in a derelict building (often called “Abbey Taxis” after a taxi firm that once operated from there) on the William Street side of the Presbyterian church. Major Loden selected Machine Gun Platoon for this task and sent this platoon forward. We show below a photograph in which we have identified William Street, the Presbyterian church and the derelict building.



3.4

Meanwhile the civil rights march, many thousands strong, had started in the Creggan area of the city and made its way by a circuitous route through the nationalist part of the city and into William Street. The organisers had planned for and advertised the march to go to Guildhall Square, but at the last moment, knowing that the security forces were going to prevent the march from reaching this destination, they decided instead on a different route; so that when the march reached the junction of William Street and Rossville Street, it would turn right and go along Rossville Street to Free Derry Corner in the Bogside, where there would be speeches. We set out below a map that indicates the original and changed routes of the march and a photograph showing the march proceeding down William Street.



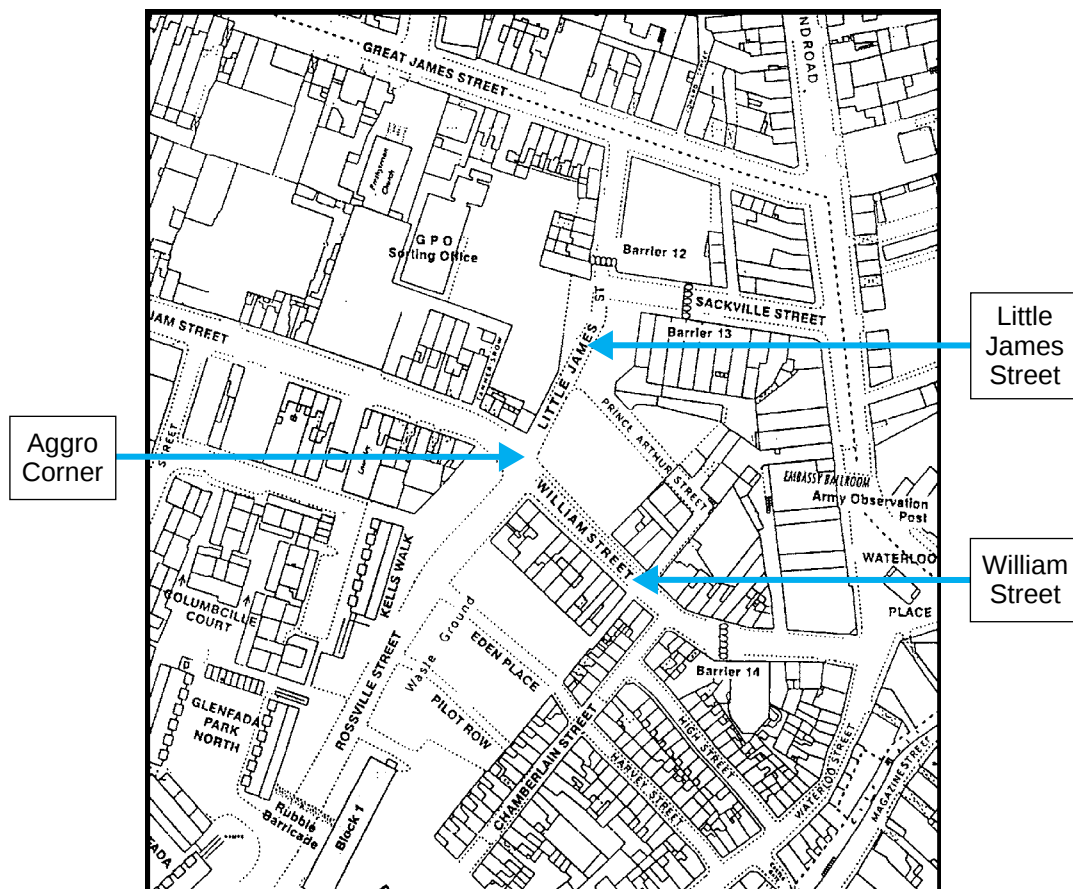
- 3.5 When the march reached the junction of William Street, and Rossville Street, many people, including those who were eager for a confrontation with the security forces, instead of turning right into Rossville Street to go to Free Derry Corner, continued along William Street to the Army barrier there, Barrier 14.



- 3.6 Shortly after the arrival of people at Barrier 14, rioting broke out there, in the form of members of the crowd throwing stones and similar missiles at the soldiers. In addition, further back, similar rioting broke out at the barriers closing Little James Street and Sackville Street, Barriers 12 and 13. As can be seen from the map shown at paragraph 3.2 above, Little James Street led north from the junction of William Street and Rossville Street, a junction known to soldiers and some others at the time as "Aggro Corner", because it had frequently been an area for riots. Sackville Street led east from Little James Street. There was also rioting of a similar kind further west along William Street, in the area where Machine Gun Platoon was located.
- 3.7 The soldiers at the barriers responded to the rioting by firing baton rounds (often called rubber bullets) and at Barrier 12 (and perhaps Barrier 13) by firing CS gas. At Barrier 14, rioters themselves threw a canister of CS gas at the soldiers, while the soldiers there, in addition to firing baton rounds, deployed a water cannon and sprayed the rioters (and others who were there) in an attempt to disperse them. The soldiers at Barrier 14 (who were from 2nd Battalion, The Royal Green Jackets) acted with restraint in the face of the rioting at this barrier and deployed no more than properly proportionate force in seeking to deal with it.

3.8

While this rioting was taking place and at just after 1555 hours, Colonel Wilford, who had taken up a position close to the Presbyterian church, sent a radio message to Brigade Headquarters (stationed at Ebrington Barracks on the other side of the River Foyle) in which he suggested sending one of his companies through Barrier 14 (the barrier on William Street) into the area of William Street and Little James Street (ie the area of and to the north of Aggro Corner) on the grounds that by doing so he might be able to arrest a number of rioters. We set out below a map on which we show this area.



3.9

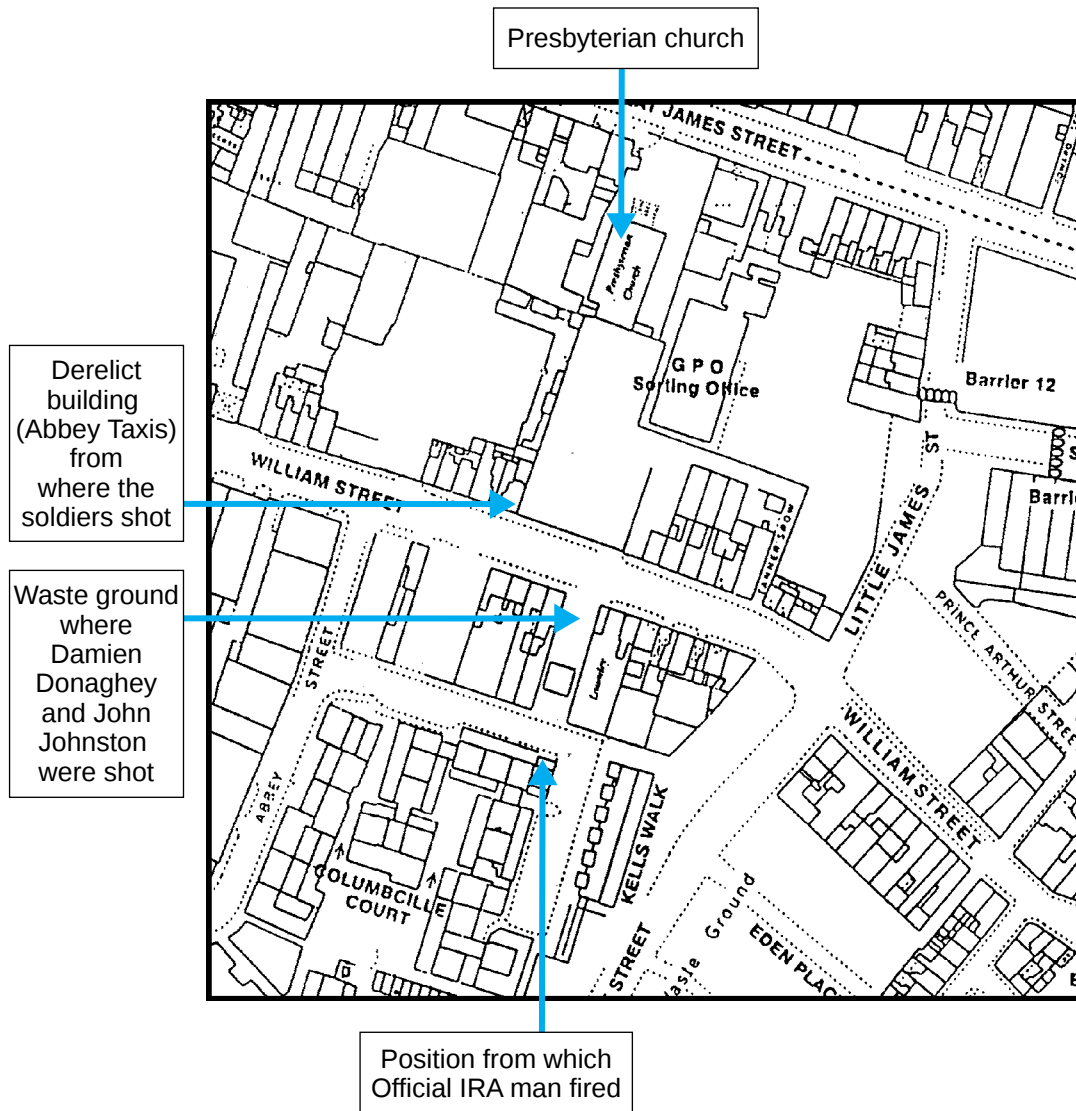
Brigadier MacLellan, who was at Brigade Headquarters, did not give an order for an arrest operation until some minutes later.

3.10

At about the same time as Colonel Wilford sent this message, two soldiers of Machine Gun Platoon fired between them five shots from the derelict building on William Street, shown on the map below. Their target was Damien Donaghey (aged 15), who was on the other side of William Street and who was wounded in the thigh. Unknown to the soldiers John Johnston (aged 55), who was a little distance behind Damien Donaghey, was also hit and injured by fragments from this gunfire.

3.11

Shortly after this incident a member of the Official IRA (given the cipher OIRA 1) fired a rifle at soldiers who were on a wall on the side of the Presbyterian church. The shot was fired from a position across William Street. We set out below a map showing the area in which these casualties occurred and the position from which OIRA 1 fired.



3.12

The shot fired by OIRA 1 missed soldiers and hit a drainpipe running down the side of the Presbyterian church. OIRA 1 and another Official IRA man with him (OIRA 2) insisted that this shot had been fired as a reprisal for the shooting of Damien Donaghey and John Johnston. We were not convinced of this, although we considered on balance that the IRA shot was fired after the wounding of Damien Donaghey and John Johnston. In our view these two Official IRA members had gone to a pre-arranged sniping position in order to fire at the soldiers; and probably did so when an opportunity presented itself rather than because two civilians had been injured.

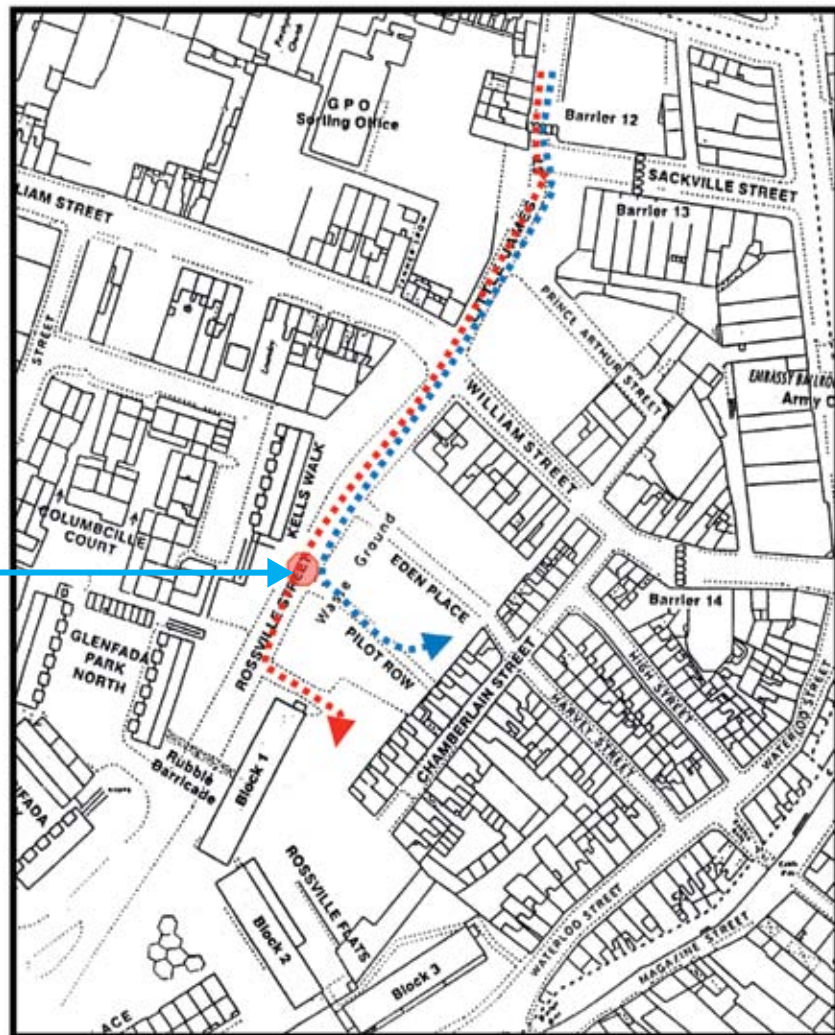
- 3.13** At around the time of these incidents Colonel Wilford abandoned his initial plan to send Support Company soldiers from Great James Street directly south into William Street if he got the order to mount an arrest operation; and instead told Support Company to be prepared to go in vehicles through Barrier 12, the barrier in Little James Street.

The arrest operation

- 3.14** At 1607 hours Brigadier MacLellan gave 1 PARA orders by radio to mount an arrest operation by sending one company of 1 PARA through Barrier 14 in William Street, but not to conduct a running battle down Rossville Street. In its context, the prohibition on conducting a running battle down Rossville Street meant that the soldiers were not to chase people down that street.
- 3.15** Brigadier MacLellan had delayed giving an order for an arrest operation because he was correctly concerned that there should be separation between rioters and peaceful marchers before launching an operation to arrest the former. He gave the order when he had reasonable grounds for believing that there was such separation in the area for arrests that Colonel Wilford had previously identified.
- 3.16** This order was responsive to the request made by Colonel Wilford some 12 minutes earlier. In other words, Brigadier MacLellan authorised the arrest operation suggested by Colonel Wilford. The second part of this order reflected Brigadier MacLellan's anxiety that the soldiers should not become mixed up with the peaceful marchers further along Rossville Street.
- 3.17** The arrest operation ordered by the Brigadier was accordingly limited to sending one company through Barrier 14 in William Street, in an attempt to arrest rioters in the area of and to the north of Aggro Corner.
- 3.18** Colonel Wilford did not comply with Brigadier MacLellan's order. He deployed one company through Barrier 14 as he was authorised to do, but in addition and without authority he deployed Support Company in vehicles through Barrier 12 in Little James Street. As we describe below, the vehicles travelled along Rossville Street and into the Bogside, where the soldiers disembarked. The effect was that soldiers of Support Company did chase people down Rossville Street. Some of those people had been rioting but many were peaceful marchers. There was thus no separation between peaceful marchers and those who had been rioting and no means whereby soldiers could identify and arrest only the latter.

- 3.19** Colonel Wilford either deliberately disobeyed Brigadier MacLellan's order or failed for no good reason to appreciate the clear limits on what he had been authorised to do. He was disturbed by the delay in responding to his request to mount an arrest operation and had concluded that, by reason of the delay, the only way to effect a significant number of arrests was to deploy Support Company in vehicles into the Bogside. He did not inform Brigade of this conclusion. Had he done so, Brigadier MacLellan might well have called off the arrest operation altogether, on the grounds that this deployment would not have provided sufficient separation between rioters and civil rights marchers.
- 3.20** Colonel Wilford did not pass on to Major Loden (the Commander of Support Company) the Brigadier's injunction on chasing people down Rossville Street, nor did he impose any limits on how far the soldiers of Support Company should go. Colonel Wilford's evidence was that it was not necessary to do either of these things, as he understood the injunction as prohibiting his soldiers from chasing rioters down to Free Derry Corner or beyond and because his soldiers already knew that they should not go further than about 200 or 250 yards from their starting point. Colonel Wilford should have understood that he was being ordered not to chase rioters any distance down Rossville Street.
- 3.21** The vehicles of Support Company went through Barrier 12. The two leading vehicles, which were Armoured Personnel Carriers (APCs), held soldiers of Mortar Platoon. The first of these vehicles (which carried the Commander of Mortar Platoon, Lieutenant N, and other soldiers) went along Rossville Street and then turned left onto an area of waste ground called the Eden Place waste ground, where the soldiers disembarked. Beyond the waste ground were three high blocks of flats known as the Rossville Flats. In the area partly surrounded by these blocks there was a car park. The second vehicle (under the command of Sergeant O, the Platoon Sergeant of Mortar Platoon) went further along Rossville Street than the first vehicle, stopped briefly on that street where some of the soldiers disembarked, and then turned left and stopped in the entrance to the car park of the Rossville Flats, where the remaining soldiers disembarked. This was about 230 yards from Barrier 12. We set out below a map showing the route these vehicles took and photographs showing the positions they reached, which were in that part of the "no go" area of the city called the Bogside.

Approximate point at which Sergeant O's APC stopped briefly on Rossville Street



- ⋯ ➔ Route of Lieutenant N's APC
- ⋯ ➔ Route of Sergeant O's APC

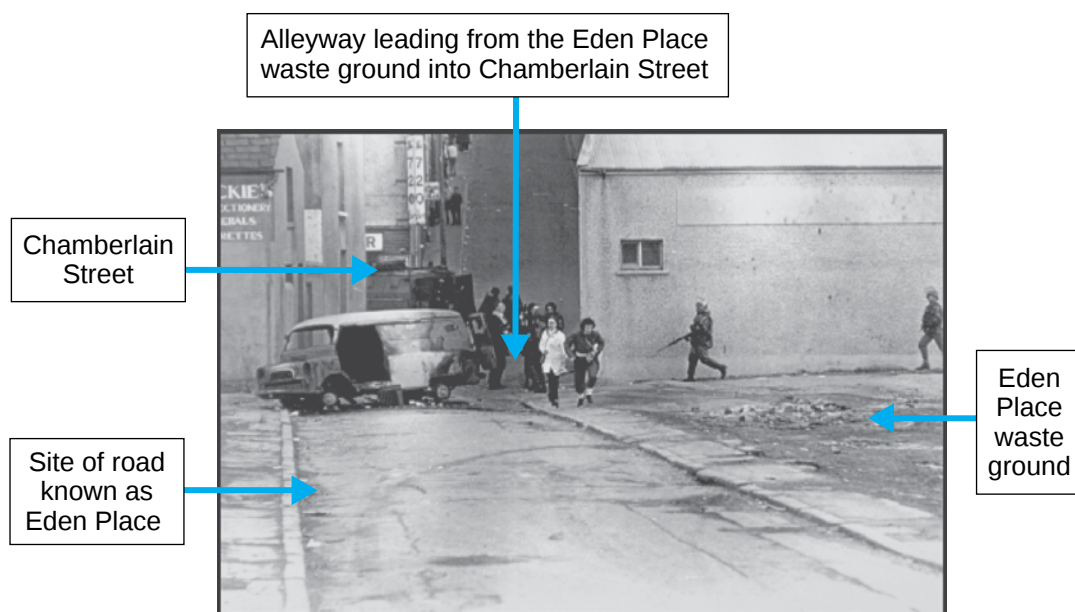
Lieutenant N's APC

Rossville
Street

Sergeant O's APC

Block 1
of the
Rossville
Flats

- 3.22** Many civilians were in the area of the Eden Place waste ground and the car park of the Rossville Flats when the vehicles of Support Company drove into the Bogside. On seeing the Army vehicles these people started to run away. Shortly before it stopped in the car park of the Rossville Flats the vehicle under the command of Sergeant O struck two people, Alana Burke and Thomas Harkin. This was not done deliberately.
- 3.23** On disembarking soldiers fired baton rounds and some sought to make arrests. Only six arrests were made in this area as the people there when the vehicles arrived rapidly dispersed.
- 3.24** After disembarking Lieutenant N went towards an alleyway that led from the Eden Place waste ground into Chamberlain Street, which was a street to the east of the Eden Place waste ground that ran parallel to Rossville Street. The alleyway is shown in the following photograph.

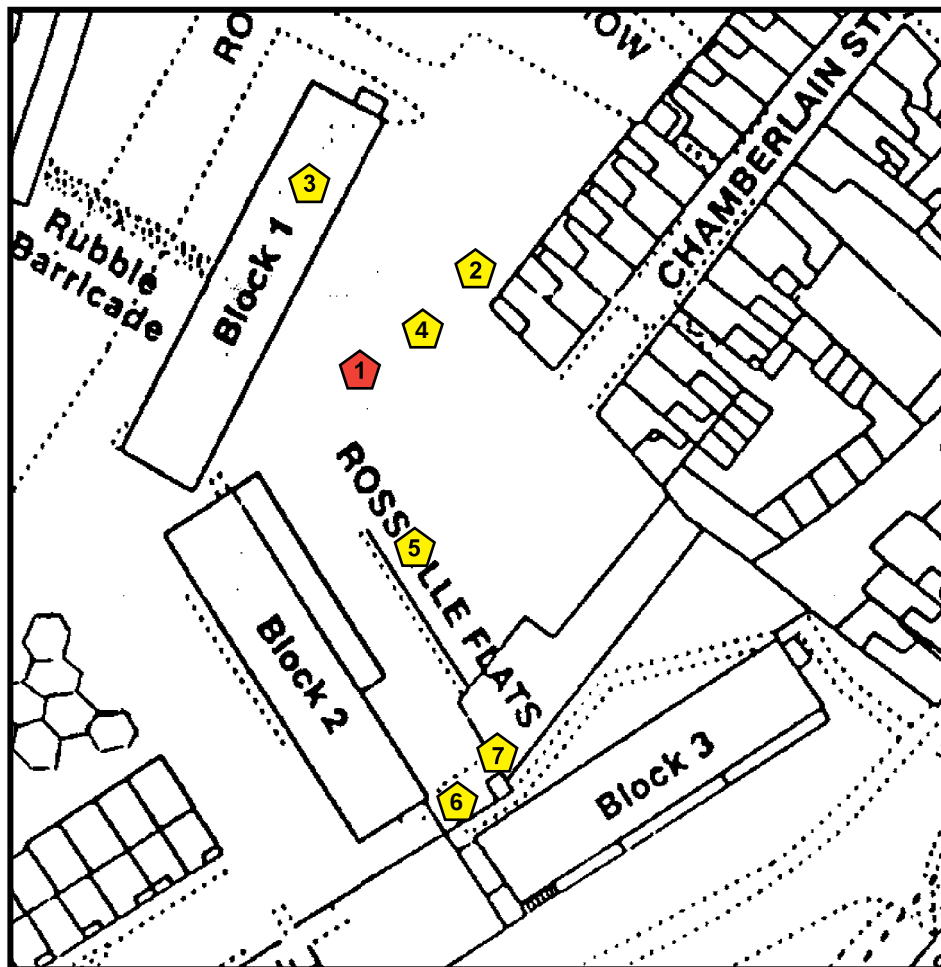


- 3.25** Shortly after arriving at the entrance to the alleyway, Lieutenant N fired two rounds from his rifle over the heads of people who were in the alleyway or in Chamberlain Street at the end of the alleyway and soon afterwards fired a third round in the same direction. These people had come from the area around Barrier 14 in William Street. Some of them had been attempting to rescue a man who had been arrested by one of the soldiers with Lieutenant N and some were throwing stones and similar missiles at the soldiers.

- 3.26** The shots fired by Lieutenant N hit buildings, but injured no-one. These were the first rifle shots fired in the area after soldiers had gone into the Bogside. Lieutenant N's evidence was that he believed that his shots were the only way of preventing the crowd from attacking him and the soldiers with him. We do not accept that evidence. In our view Lieutenant N probably fired these shots because he decided that this would be an effective way of frightening the people and moving them on, and not because he considered that they posed such a threat to him or the other soldiers that firing his rifle was the only option open to him. In our view this use of his weapon cannot be justified.

The casualties in the Bogside

- 3.27** Soon after Lieutenant N had fired his shots up the alleyway, soldiers of Mortar Platoon opened fire with their rifles in the area of the car park of the Rossville Flats. In that car park Jackie Duddy (aged 17) was shot and mortally wounded, while Margaret Deery (aged 38), Michael Bridge (aged 25) and Michael Bradley (aged 22) were wounded, all by Army rifle fire. In addition Pius McCarron (aged about 30) and Patrick McDaid (aged 24) suffered injuries from flying debris caused by Army rifle fire. Patrick Brolly (aged 40) was in one of the Rossville Flats and was probably injured by or as the result of Army rifle fire.
- 3.28** We set out below a diagram showing where these casualties occurred.



Casualty who was killed or mortally wounded in the car park of the Rossille Flats

1 Jackie Duddy



Casualties who were wounded in this area

2 Margaret Deery

3 Patrick Brolly

4 Michael Bridge

5 Michael Bradley

6 Pius McCarron

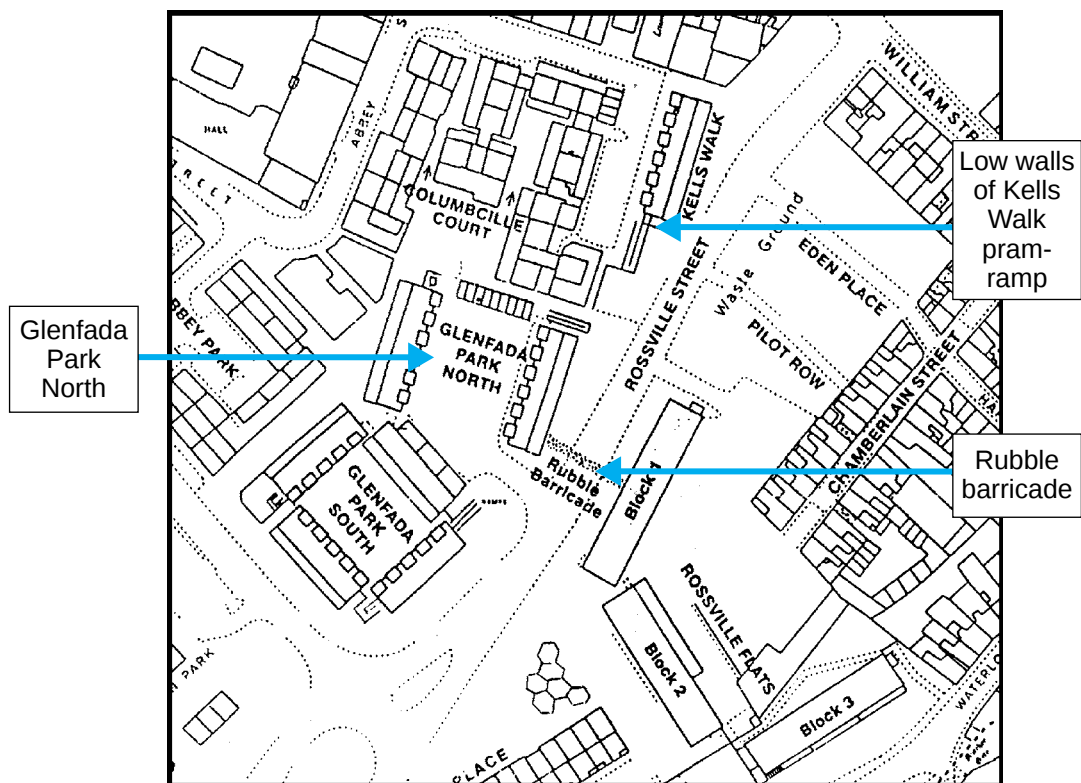
7 Patrick McDaid

3.29

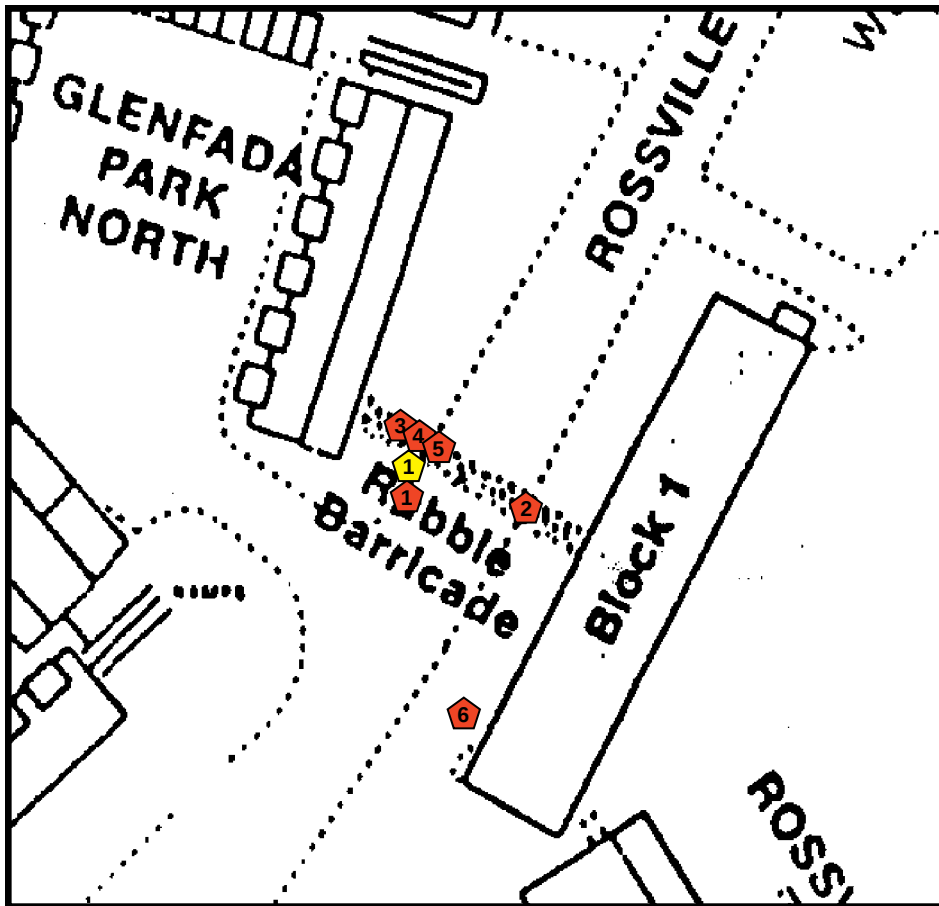
Vehicles carrying the Commander of Support Company, Major Loden, and two platoons, Anti-Tank Platoon and Composite Platoon, had followed Mortar Platoon of Support Company into the Bogside. Anti-Tank Platoon was one of the regular platoons of Support Company and was commanded by Lieutenant 119. Composite Platoon was a platoon that was on the day attached to Support Company and was under the command of Captain 200.

3.30 These soldiers disembarked in Rossville Street. Most of the soldiers of Machine Gun Platoon remained at this stage in the derelict building on William Street.

3.31 A short time after disembarking, and while events were unfolding in the car park of the Rossville Flats, soldiers of Anti-Tank Platoon reached the low walls of a ramp at the southern end of a block of flats named Kells Walk, on the western side of Rossville Street. Soldiers at that ramp then opened fire with their rifles. One of these shots hit and mortally wounded Michael Kelly (aged 17) who was some 80 yards further south behind a rubble barricade that had been erected by civilians across Rossville Street before Bloody Sunday. We set out below a map showing these positions.



3.32 Soon after civilians had carried Michael Kelly away from the rubble barricade, soldiers in Rossville Street fired at and mortally wounded five more people at or in the vicinity of that barricade. They were Hugh Gilmour (aged 17), William Nash (aged 19), John Young (aged 17), Michael McDaid (aged 20) and Kevin McElhinney (aged 17). In addition Alexander Nash (aged 52) was hit and injured by Army gunfire after he had gone to the rubble barricade to tend his son William Nash. We set out below a map showing the positions where it appears that these casualties occurred. The map also shows where Michael Kelly had been shot earlier.

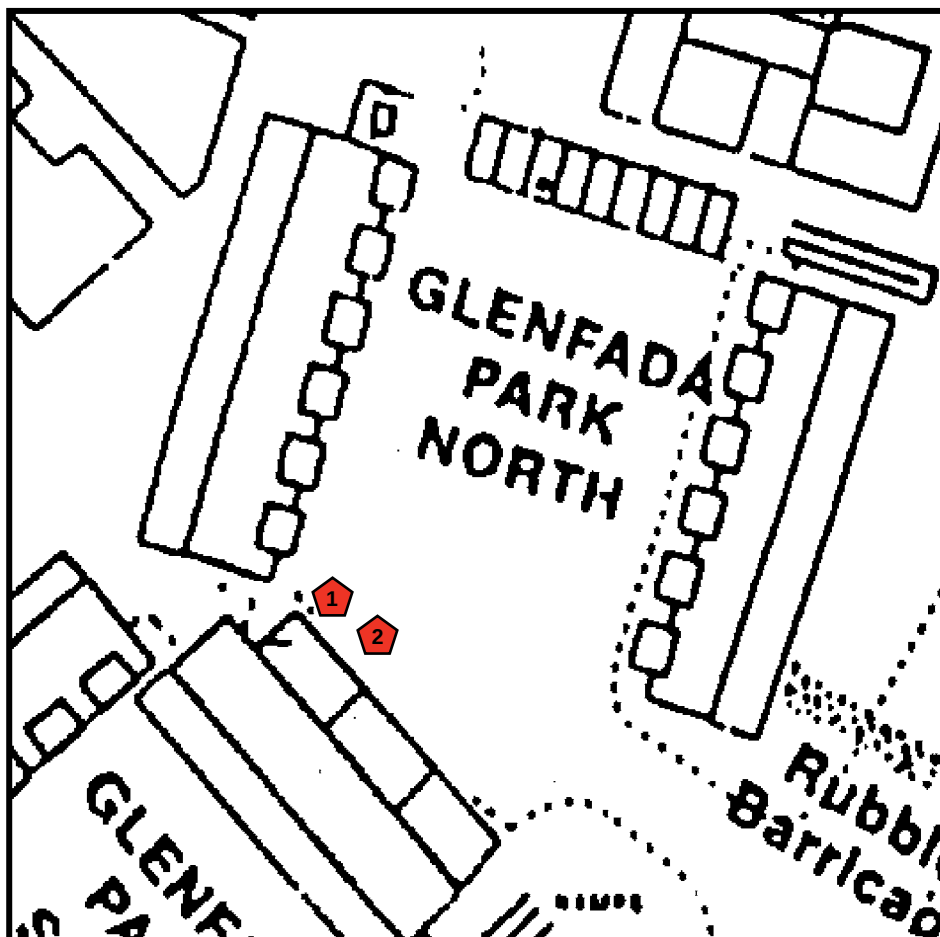


- | | |
|---|---|
|  | Casualties who were killed or mortally wounded in the area of the rubble barricade |
| 1 | Michael Kelly |
| 2 | Hugh Gilmour. The precise position at which this casualty was shot is unknown. |
| 3, 4 and 5 | Michael McDaid, William Nash and John Young. William Nash was in the middle of the three but the precise position of these casualties at the rubble barricade is not known. |
| 6 | Kevin McElhinney |
|  | Casualty who was wounded in this area |
| 1 | Alexander Nash |

3.33 After this firing had begun, soldiers of Anti-Tank Platoon moved forward from the low walls of the Kells Walk ramp and four of them went into Glenfada Park North, a residential building complex that lay to the west of Rossville Street, which is also shown on this map.

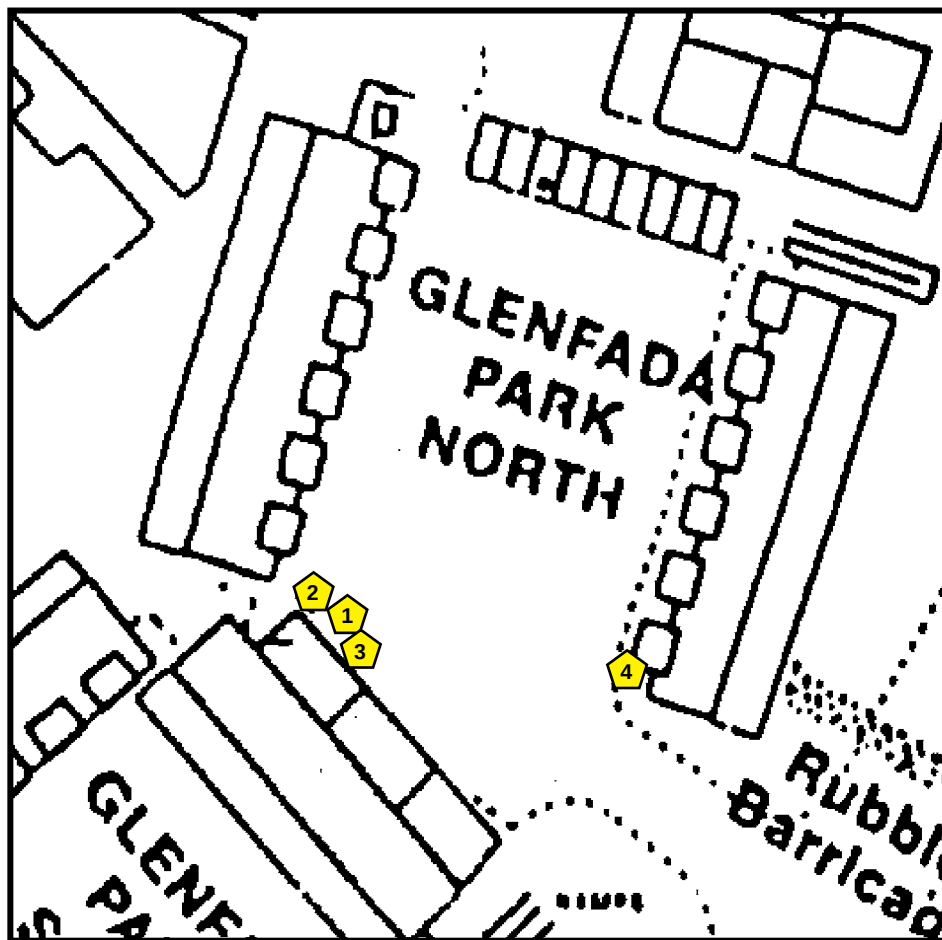
3.34 In Glenfada Park North were a number of civilians, many fleeing and seeking refuge from the soldiers.

3.35 Within a few seconds after arriving, the four soldiers who had gone into Glenfada Park North between them shot and mortally wounded William McKinney (aged 26) and Jim Wray (aged 22); and shot and injured Joe Friel (aged 20), Michael Quinn (aged 17), Joe Mahon (aged 16) and Patrick O'Donnell (aged 41). Jim Wray was shot twice, the second time probably as he lay mortally wounded on the ground. We set out below two diagrams showing the area of Glenfada Park North where these casualties occurred. A civilian, Daniel Gillespie (aged 32), may also have been slightly injured by or as the result of Army rifle fire in Glenfada Park North, but this is far from certain.



Casualties who were killed or mortally wounded in Glenfada Park North

- 1 Jim Wray
- 2 William McKinney

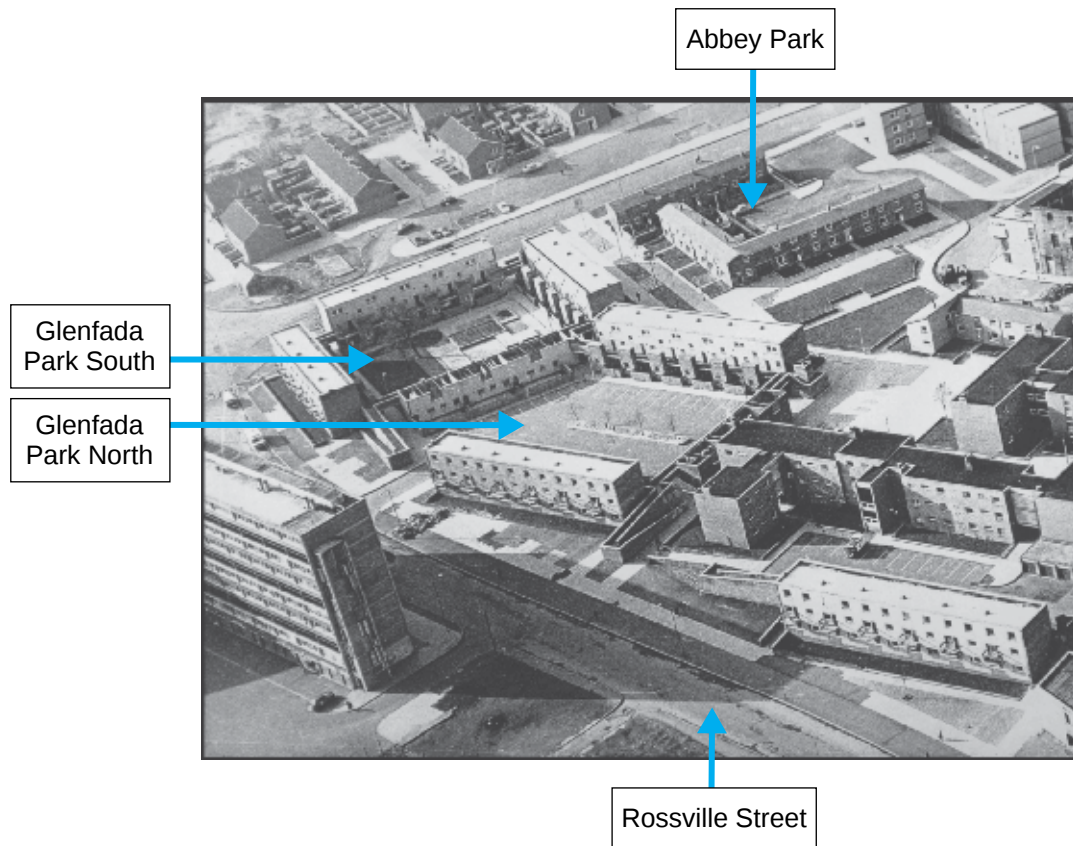


Casualties who were wounded in Glenfada Park North

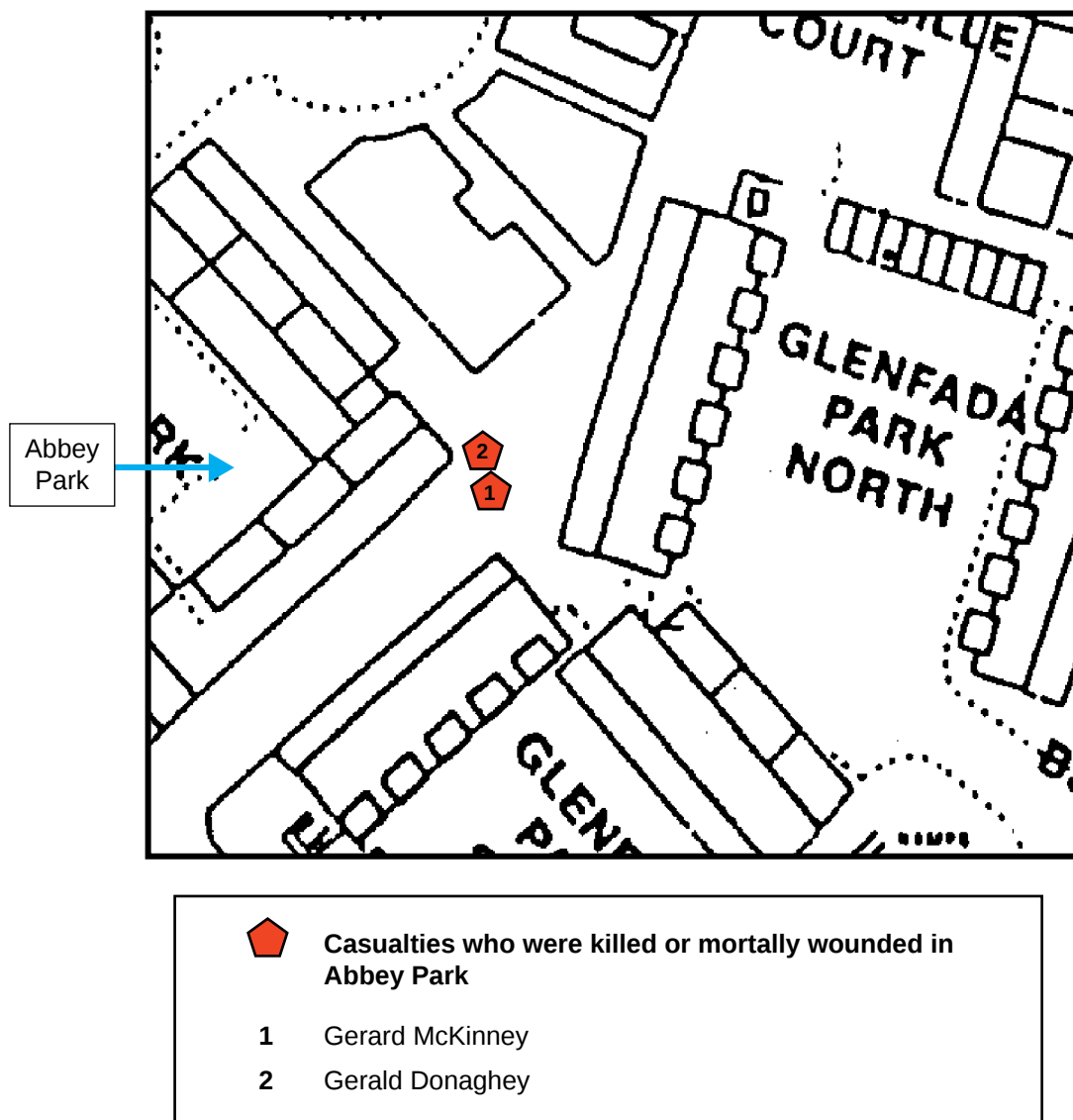
- | | | | |
|---|---------------|---|-------------------|
| 1 | Michael Quinn | 3 | Joe Mahon |
| 2 | Joe Friel | 4 | Patrick O'Donnell |

3.36

One of these soldiers then went from Glenfada Park North to Abbey Park, another residential area which lies to the west of Glenfada Park North, as shown in the following photograph.

**3.37**

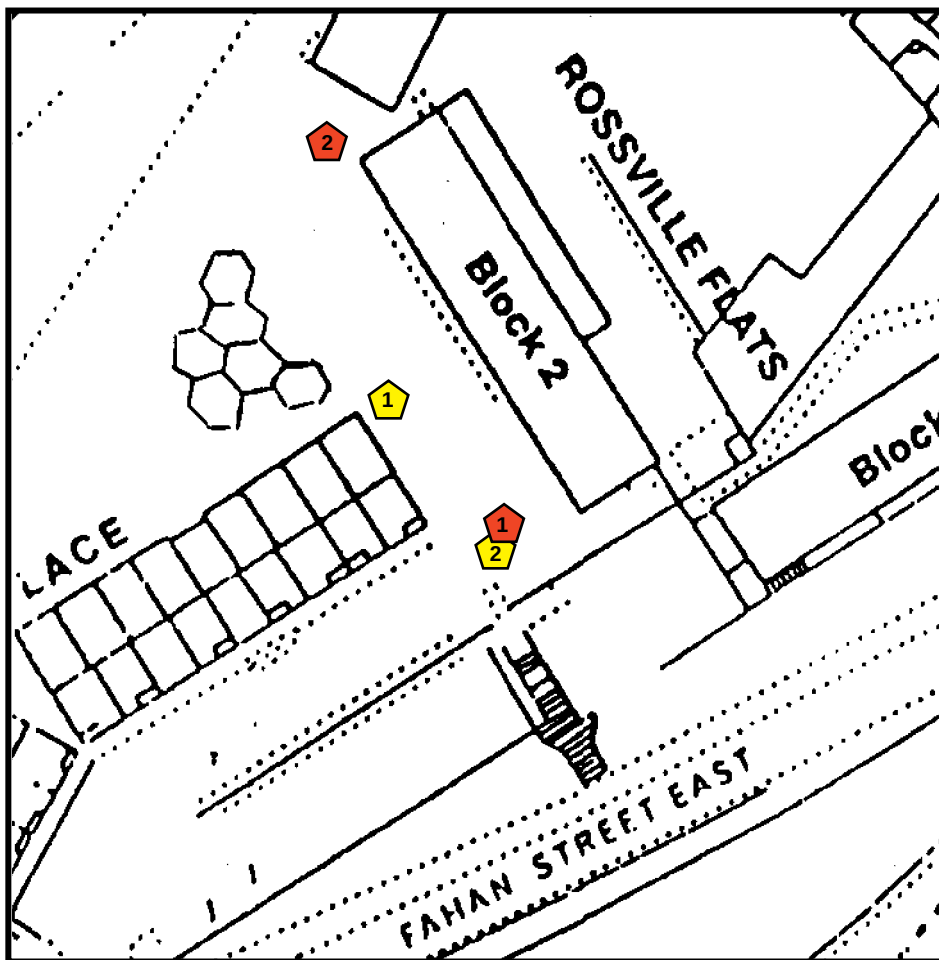
In Abbey Park this soldier shot and mortally wounded Gerard McKinney (aged 35). His shot passed through this casualty and also mortally wounded Gerald Donaghey (aged 17). We set out below a map showing the area of Abbey Park where these casualties occurred.



- 3.38** Soon after the shootings in Rossville Street, Glenfada Park North and Abbey Park, some of the soldiers who had been in Glenfada Park North went to its south-east corner, where there was a road entrance to Rossville Street, as shown in the following photograph.

**3.39**

From this position and again over a very short period of time there was Army gunfire across Rossville Street. This gunfire hit Bernard McGuigan (aged 41) and Patrick Doherty (aged 32), instantly killing the former and mortally wounding the latter. In addition Patrick Campbell (aged 53) and Daniel McGowan (aged 37) were wounded. All these casualties occurred in a pedestrianised area between the Joseph Place flats and the front (southern) side of Block 2 of the Rossville Flats, as shown on the following map.



	Casualties who were killed or mortally wounded between Joseph Place and the Rossville Flats
1	Patrick Doherty
2	Bernard McGuigan
	Casualties who were wounded in this area
1	Patrick Campbell
2	Daniel McGowan

3.40 Although there was later firing by soldiers in Rossville Street, the people shot on the front (southern) side of the Rossville Flats were the last civilians to be shot by the soldiers who had gone into the Bogside.

3.41 Only some ten minutes elapsed between the time soldiers moved in vehicles into the Bogside and the time the last of the civilians was shot.

- 3.42** There was other firing by the soldiers of Support Company (including soldiers of Composite Platoon) after they had gone into the Bogside, which did not result in death or injury; but which formed an important part of the events of the day and which we consider in this report. In all, soldiers of Support Company fired over 100 rounds after they had gone into the Bogside.

The soldiers who shot the casualties

- 3.43** We have no doubt that soldiers of Support Company were responsible for all the gunfire casualties that we have described above, using their high velocity self-loading 7.62mm Army rifles, known as SLRs. As will be seen, in some cases we are sure of the identity of the soldier or soldiers concerned, while in other cases our identifications are less certain.
- 3.44** The first gunfire casualty of the day was Damien Donaghey, who was on a patch of waste ground immediately south of William Street. He was hit in the thigh, either by one of two shots fired by Corporal A or one of three shots fired by Private B, both soldiers of Machine Gun Platoon. The two soldiers fired their shots from the derelict building more or less simultaneously in a single burst of fire. All these shots were aimed and fired at Damien Donaghey.
- 3.45** Unknown to Corporal A or Private B, fragments from one or more of these shots hit and injured John Johnston, who was on the same patch of waste ground.
- 3.46** The first casualty of gunfire after soldiers had gone into the Bogside was Jackie Duddy, who was shot and mortally wounded on the western side of the Rossville Flats car park.
- 3.47** In our view Private R of Mortar Platoon was probably the soldier who aimed at and shot Jackie Duddy. This soldier had disembarked from Sergeant O's APC in Rossville Street, but then ran after this vehicle as it continued into the entrance to the car park of the Rossville Flats, before he fired at Jackie Duddy.
- 3.48** Soon after Jackie Duddy was shot Lance Corporal V of Mortar Platoon, who had moved towards the car park of the Rossville Flats after disembarking from Lieutenant N's APC, fired his rifle. This shot was probably the one that hit Margaret Deery in the thigh. At the time this casualty was near the southern end of the wall at the back of the gardens of the houses on the western side of Chamberlain Street.
- 3.49** Michael Bridge was injured after Margaret Deery. He was shot in the thigh when he was a short distance from Sergeant O's vehicle in the car park of the Rossville Flats.

- 3.50** It is probable that it was Lieutenant N, the Commander of Mortar Platoon, who aimed at and shot Michael Bridge. This officer had moved towards the car park of the Rossville Flats from his APC in the Eden Place waste ground before he fired.
- 3.51** Michael Bradley was shot when he was on the southern side of the Rossville Flats car park. It is probable that it was Private Q of Mortar Platoon who aimed at and shot Michael Bradley, from a position near to the northern end of Block 1 of the Rossville Flats.
- 3.52** Patrick McDaid and Pius McCarron were injured by debris sent flying by shots fired as they were attempting to run away from the south-eastern area of the Rossville Flats car park.
- 3.53** We cannot determine precisely which soldier or soldiers fired these shots beyond saying that it was one or more of Sergeant O, Private R and Private S, all of Mortar Platoon.
- 3.54** Although he did not aim at Patrick Brolly, Private T of Mortar Platoon was probably responsible for the shot that directly or indirectly injured this casualty, who was in Block 1 of the Rossville Flats. However, we cannot eliminate the possibility that Private S rather than Private T was responsible. Patrick Brolly was injured after Jackie Duddy was shot but before the latter had been carried from the car park.
- 3.55** We are sure that shortly after he disembarked from his vehicle and while events were unfolding in the car park of the Rossville Flats, Lance Corporal F of Anti-Tank Platoon fired from the low walls of the Kells Walk ramp and mortally injured Michael Kelly, who was behind the rubble barricade in Rossville Street.
- 3.56** After Michael Kelly had been shot, William Nash, John Young and Michael McDaid were shot and killed at the rubble barricade. We are sure that Corporal P of Mortar Platoon, who had disembarked from Sergeant O's APC in Rossville Street, shot at least one of these casualties and may have been responsible for all three, though Lance Corporal J of Anti-Tank Platoon may have shot one of them and we cannot eliminate the possibility that Corporal E was responsible for another. Corporal P fired from a position in Rossville Street north of the rubble barricade and south of the low walls of the Kells Walk ramp; while Lance Corporal J and Corporal E fired from a position at that ramp.
- 3.57** We are sure that Private U, a member of Mortar Platoon who had taken up a position at the northern end of Block 1 of the Rossville Flats, fired at and mortally wounded Hugh Gilmour as the latter was running south (ie away from the soldiers) along the Rossville Street side of Block 1 of the Rossville Flats.

- 3.58** We are sure that either Private L or Private M, members of Composite Platoon who had taken up positions at the low walls of the Kells Walk ramp, shot Kevin McElhinney as he was crawling south from the rubble barricade away from the soldiers. Both probably fired at him on the orders of one or perhaps two nearby non-commissioned officers, Colour Sergeant 002 and Corporal 039.
- 3.59** It is possible that either Corporal P or Lance Corporal J was responsible for firing at and injuring Alexander Nash. These soldiers were in positions somewhere north of the rubble barricade and south of the low walls of the Kells Walk ramp. However, there is insufficient evidence to make any finding against either of these soldiers on this matter.
- 3.60** The four soldiers who moved from the low walls of the Kells Walk ramp into Glenfada Park North were Corporal E, Lance Corporal F, Private G and Private H. All were members of Anti-Tank Platoon and all fired their rifles in Glenfada Park North.
- 3.61** We are sure that these four soldiers were between them responsible for the casualties in Glenfada Park North. It is probable that Corporal E was responsible for the shot that injured Patrick O'Donnell. It is not possible to identify which particular soldiers shot the other casualties. However, we consider it more likely than not that either Lance Corporal F or Private H fired the shot that mortally wounded William McKinney; that one or other of these soldiers was responsible for the shot that wounded Joe Mahon; that either Private G or Private H fired the shot that wounded Michael Quinn; that either Lance Corporal F or Private G fired the shot that wounded Joe Friel; and that either Private G or Private H fired the first shot to hit Jim Wray. Joe Mahon was probably wounded by a shot that had first hit William McKinney. It is not clear whether Joe Friel and Michael Quinn were specifically targeted, or were hit by shots fired indiscriminately at the people who were in the south-west corner of Glenfada Park North. All these shots were fired from the northern side of Glenfada Park North within a very short time of each other. All the casualties were on the southern side of Glenfada Park North, about 40 yards from the soldiers.
- 3.62** The circumstances in which Daniel Gillespie was injured are so confused that it is not possible to identify the soldier or soldiers who might have been responsible for his injury, which was slight.
- 3.63** As we have said, Jim Wray was shot twice, the second time probably when he was lying mortally wounded on the ground. It is probable that either Private G or Private H fired this second shot.

- 3.64** There is no doubt that Private G was the soldier who at a range of only a few yards fired at and mortally wounded Gerard McKinney in Abbey Park. His shot passed through Gerard McKinney's body and also mortally wounded Gerald Donaghey.
- 3.65** The last gunfire casualties were Bernard McGuigan, Patrick Doherty, Patrick Campbell and Daniel McGowan, all shot in the area to the south of Block 2 of the Rossville Flats within a very short time of each other. We are sure that Lance Corporal F fired at and shot Bernard McGuigan and Patrick Doherty and it is highly probable that he was also responsible for shooting the other two casualties. This soldier fired across Rossville Street from the Rossville Street entranceway into Glenfada Park North.
- 3.66** We should note at this point that we have considered the possibility that one or more of the casualties might have occurred from soldiers firing by accident, in the sense of discharging their rifles by mistake and without intending to do so. We have found no evidence that suggests to us that this was or might have been the case.

Why the soldiers shot the casualties

- 3.67** Every soldier serving in Northern Ireland was issued with a card entitled *Instructions by the Director of Operations for Opening Fire in Northern Ireland*. This was known as the Yellow Card, and contained instructions as to when a soldier could open fire.
- 3.68** The Yellow Card in force on Bloody Sunday contained instructions to the soldiers that they should never use more force than the minimum necessary to enable them to carry out their duties, and should always first try to handle the situation by means other than opening fire. The Yellow Card provided that the soldier should only fire aimed shots and that save in two cases, if a soldier had to open fire, a warning was to be given before doing so. The warning to be given had to include a statement that fire would be opened if the soldier's order was not obeyed.
- 3.69** The first of the two cases in which a soldier could open fire without warning was when hostile firing was taking place in his area and a warning was impracticable, or when any delay could lead to death or serious injury to people whom it was the soldier's duty to protect or to the soldier himself; and in either of these situations the soldier was only permitted to open fire against a person using a firearm against members of the security forces or people whom it was the soldier's duty to protect; or against a person carrying a firearm if the soldier had reason to think that that person was about to use the firearm for

offensive purposes. The Yellow Card defined “firearm” as including a grenade, nail bomb or gelignite-type bomb. The second case in which a soldier could open fire without warning concerned firing at vehicles and has no relevance to the firing on Bloody Sunday.

- 3.70** None of the casualties shot by soldiers of Support Company was armed with a firearm or (with the probable exception of Gerald Donaghey) a bomb of any description. None was posing any threat of causing death or serious injury. In no case was any warning given before soldiers opened fire.
- 3.71** It was submitted on behalf of many of the represented soldiers that it was possible that some of the casualties were accidental, in the sense that the soldier concerned fired at someone posing a threat of causing death or serious injury, but missed and hit a bystander instead. It was also submitted that soldiers fired at and killed or injured other people who were posing such a threat, but that the existence of these casualties had been kept secret by those civilians who knew that this had happened, in order to deprive the soldiers of evidence that their firing was justified.
- 3.72** Apart from the firing by Private T, we have found no substance in either of these submissions.
- 3.73** As to the first, although John Johnston was hit accidentally from fragments of the shots fired at Damien Donaghey in William Street, Damien Donaghey was not posing a threat of causing death or serious injury. Margaret Deery, who was shot and seriously wounded in the Rossville Flats car park, was probably not the intended target and was hit by accident, but again the soldier concerned was not firing at someone posing a threat of causing death or serious injury. The same is true of the shots that indirectly caused injury to Pius McCarron and Patrick McDaid. In Glenfada Park North, Joe Mahon was hit and wounded by a bullet that was aimed at and probably initially hit William McKinney. In Abbey Park, Gerald Donaghey was hit and mortally wounded by the bullet that had first mortally wounded Gerard McKinney, but neither William McKinney nor Gerard McKinney was posing a threat of causing death or serious injury. Apart from these and Patrick Brolly, all the casualties were either the intended targets of the soldiers or the result of shots fired indiscriminately at people. None of the soldiers admitted missing his target and hitting someone else by mistake.
- 3.74** As to Patrick Brolly, if Private T was responsible for the shot that injured this casualty, this was one of the two shots that Private T fired at a man who had been throwing down bottles containing acid or a similar corrosive substance from the Rossville Flats.

Such conduct probably did pose a threat of causing serious injury. Private T (if he was responsible) neither intended to hit Patrick Brolly nor fired his rifle indiscriminately at people. If it was Private S who fired and injured Patrick Brolly, he did not aim at this casualty but fired indiscriminately at the Rossville Flats.

- 3.75** As to the second submission, we are sure that no-one other than the casualties that we have described above was killed or seriously injured by firing by Support Company soldiers. Had there been such casualties, we have no doubt that this would have come to light many years ago. We have found no evidence that suggests to us that there were other less serious casualties of Support Company gunfire.
- 3.76** Despite the contrary evidence given by soldiers, we have concluded that none of them fired in response to attacks or threatened attacks by nail or petrol bombers. No-one threw or threatened to throw a nail or petrol bomb at the soldiers on Bloody Sunday. There was some firing by republican paramilitaries (though nothing approaching that claimed by some soldiers) which we discuss in detail in this report, but in our view none of this firing provided any justification for the shooting of the civilian casualties. No soldier of Support Company was injured by gunfire on Bloody Sunday. Two suffered slight injuries from acid or a similar corrosive substance thrown down on them in bottles from the Rossville Flats.
- 3.77** Apart from Private T (who claimed to have fired at someone throwing down acid bombs from the Rossville Flats), all the soldiers who in our view were responsible for the casualties on Bloody Sunday sought to justify their shooting on the grounds that they were sure when they fired that they had targeted and hit someone who was armed with a firearm or a nail or petrol bomb and who was posing or about to pose a threat of causing death or serious injury.
- 3.78** In other words, all the soldiers (apart from Private T) who were in our view responsible for the casualties insisted that they had shot at gunmen or bombers, which they had not, and (with the possible exception of Lance Corporal F's belated admission with regard to Michael Kelly) did not accept that they had shot the known casualties, which they had. To our minds it inevitably followed that this materially undermined the credibility of the accounts given by the soldiers who fired.
- 3.79** As we have said, none of the casualties was posing a threat of causing death or serious injury, or indeed was doing anything else that could on any view justify their shooting. However, the question remains as to whether when they fired, the soldiers nevertheless mistakenly believed that they were justified in doing so.

- 3.80** We appreciate that soldiers on internal security duties, facing a situation in which they or their colleagues may at any moment come under lethal attack, have little time to decide whether they have identified a person posing a threat of causing death or serious injury; and may have to make that decision in a state of tension or fear. It is a well-known phenomenon that, particularly when under stress or when events are moving fast, people often erroneously come to believe that they are or might be hearing or seeing what they were expecting to hear or see. We have borne this in mind when assessing the state of mind of the soldiers responsible for the casualties.
- 3.81** It is also possible that in the sort of circumstances outlined in the previous paragraph, a soldier might fire in fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.
- 3.82** In the course of the report we have considered in detail the accounts of the soldiers whose firing caused the casualties, in the light of much other evidence. We have concluded, for the reasons we give, that apart from Private T many of these soldiers have knowingly put forward false accounts in order to seek to justify their firing. However, we have also borne in mind that the fact that a soldier afterwards lied about what had happened does not necessarily entail that he fired without believing that he had identified a person posing a threat of causing death or serious injury, since it is possible that he was at the time convinced that he was justified in firing, but later invented details in an attempt to bolster his account and make it more credible to others. We have borne this possibility in mind when seeking to decide whether or not each of the soldiers of Support Company who fired and whose shots killed or injured civilians believed, when he did so, that he was justified in firing.
- 3.83** With these considerations in mind, we turn to consider the individual soldiers concerned. In accordance with our ruling of 11th October 2004,¹ we express where appropriate the degree of confidence or certainty with which we reach our conclusions.
- ¹ [A2.41](#)
- 3.84** As noted above, the first casualties of Army gunfire on the day were in William Street, some minutes before soldiers went into the Bogside.
- 3.85** The soldiers concerned in this incident, Corporal A and Private B, unlike those who later went into the Bogside, were not in an open area, but in a derelict building on William Street. At the same time, they were members of a platoon that had been sent to a position isolated from other soldiers, close to the rioting in William Street and adjacent to the

Bogside, the latter being part of the “no go” area of the city and known to be dangerous for the security forces. They accordingly perceived themselves to be in a dangerous situation in which at any time they might be targeted by republican paramilitaries with lethal weapons. If not frightened, they would have been highly apprehensive.

3.86 The evidence of Corporal A and Private B was that the person they shot was about to throw a nail bomb in their direction. This was not the case, though Damien Donaghey had previously been throwing stones at the soldiers and might have been about to do so again. It was submitted on behalf of Damien Donaghey that these soldiers fired without any belief that they had identified someone posing a threat of causing death or serious injury. We concluded that this was not the case and that it was probable that each soldier either mistakenly believed that Damien Donaghey was about to throw a nail bomb or suspected (albeit incorrectly) that he might be about to do so. It is possible that one or both of these soldiers fired in panic or fear, without giving proper thought as to whether his target was posing a threat of causing death or serious injury.

3.87 The next firing by soldiers that resulted in casualties occurred after soldiers had gone into the Bogside. Soldiers of Support Company had been told by officers and believed that this was a particularly dangerous area for the security forces, with any incursion running the risk of meeting attacks by paramilitaries using bombs and firearms. In the minds of some soldiers that belief was reinforced by the shot fired by a member of the Official IRA (OIRA 1) some minutes earlier at soldiers by the Presbyterian church in Great James Street. When they disembarked in the Bogside the soldiers were in an open area where they had never previously been and which was overlooked by the large and high blocks of the Rossville Flats, believed by them to be a place from which republican paramilitaries operated. They were in these circumstances highly alert to the risk of coming under lethal attack from republican paramilitaries either in or near to those flats. Most of the soldiers were armed with rifles to guard against any such attacks and in many cases (in breach of the Yellow Card) had cocked their weapons in order to fire without delay should occasion arise.

3.88 In short, soldiers of Support Company went into what they perceived to be a dangerous area in which they ran the risk of coming under lethal attack at any time. Again, if these soldiers were not frightened, they must at least have been highly apprehensive.

3.89 Since the Eden Place waste ground was an open area, many of the soldiers of Mortar Platoon, and soldiers of the other platoons that had followed Mortar Platoon into the Bogside, must have heard the shots fired by Lieutenant N up the Eden Place alleyway and over the heads of the people there. The effect was to lead at least a number of

soldiers to believe either that republican paramilitaries had opened fire or thrown bombs or that a soldier or soldiers were responding to the imminent use of firearms or bombs by paramilitaries; and thus not only to reinforce what they had been told and believed about the likely presence of republican paramilitaries in the area, but also to make them even more ready to respond. If, as we consider was the case, Lieutenant N decided to fire these shots over the heads of the people otherwise than as a last resort to protect himself or other soldiers, he can in our view fairly be criticised, not only for firing, but also for failing to realise the effect that his firing would be likely to have on the other soldiers who had come into the Bogside.

- 3.90** When shooting breaks out in an urban area, as it then did, it is often difficult or impossible to establish who is firing, from where the firing has come, in what direction it is going, and the type of weapon being used. The same applies to explosions and we have little doubt that the sound of the firing of baton rounds could in some circumstances have been mistaken for the explosion of bombs. In Londonderry these factors were magnified by what was known as “the Derry sound”, which was the echoing effect created by the City Walls and adjacent buildings (including the high Rossville Flats) and which could multiply the sound of gunfire and explosions and create false impressions of the direction from which these sounds were coming.
- 3.91** In circumstances such as we have described, there is a risk that soldiers, mistakenly believing themselves or their colleagues to be under lethal attack, lose their self-control, forget or ignore their training and fire without being satisfied that they have identified a person posing a threat of causing death or serious injury.
- 3.92** As to the soldiers who went into the Bogside, we have reached the following conclusions.
- 3.93** As we have said, the first casualty to be shot after the soldiers entered the Bogside was Jackie Duddy, who in our view was probably shot by Private R. According to this soldier’s accounts, as he approached Sergeant O’s APC he saw and shot a man who was about to throw a nail bomb.
- 3.94** Jackie Duddy was running away from the soldiers when he was shot. He probably had a stone in his hand at the time. Private R may have thought that Jackie Duddy might have been about to throw a bomb and shot him for this reason, but we are sure that he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private R fired in a state of fear or panic, giving no proper thought to whether his target was posing a threat of causing death or serious injury.

- 3.95** The second casualty was Margaret Deery, shot (probably by Lance Corporal V) as she stood with a group of people at or near the southern end of the wall of the gardens of the houses on the western side of Chamberlain Street. Lance Corporal V had approached the car park of the Rossville Flats from Lieutenant N's APC. Lance Corporal V's evidence was that he fired at and hit someone who had thrown or was in the course of throwing a petrol bomb, evidence that we rejected. Margaret Deery was probably not his intended target. Lance Corporal V probably fired in the knowledge that he had not identified someone who was posing a threat of causing death or serious injury. It is possible that he fired in a state of fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.
- 3.96** Michael Bridge was shot as he walked towards the soldiers near Sergeant O's vehicle in the car park of the Rossville Flats, shouting at them in protest against the shooting of Jackie Duddy and in his anger inviting the soldiers to shoot him.
- 3.97** It was probably Lieutenant N who shot Michael Bridge. After firing his rifle up the alleyway leading to Chamberlain Street, Lieutenant N had returned to his vehicle and then moved across the Eden Place waste ground towards the car park of the Rossville Flats. It was at this stage that he fired at and wounded Michael Bridge. His evidence was that he fired at a man he was sure, at the time, was about to throw a nail bomb at his soldiers. In our view Lieutenant N fired, probably either in the mistaken belief that his target was about to throw a nail bomb, but without any adequate grounds for that belief; or in the mistaken belief that his target might have been about to throw a nail bomb, but without being confident that that was so. It is possible that Lieutenant N fired in a state of fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.
- 3.98** It was probably Private Q who shot Michael Bradley. This casualty was on the southern side of the Rossville Flats car park and was probably about to throw a stone at the soldiers when he was shot. Private Q falsely maintained that shortly before he fired his shot a nail bomb had been thrown and had exploded in the car park and that he was sure that the person he shot was about to throw another nail bomb, but we are sure that Private Q did not believe when he fired that he had identified a nail bomber. It is possible that he mistakenly thought that Michael Bradley might have been about to throw a bomb, but in our view, even if this was so, he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private Q fired in a state of fear or panic, giving no proper thought to whether his target was posing a threat of causing death or serious injury.

- 3.99** One or more of Sergeant O, Private R and Private S fired the shots that indirectly injured Patrick McDaid and Pius McCarron. All these soldiers claimed to have fired at gunmen at ground level, a claim we do not accept. While they did not aim at either Patrick McDaid or Pius McCarron, we are sure that the soldier or soldiers whose shots resulted in these casualties fired without justification and without any or any proper regard to the risk to people in the area.
- 3.100** Private T was probably responsible for the shot that directly or indirectly injured Patrick Brolly, who was in Block 1 of the Rossville Flats, though it is possible that Private S was responsible. The soldier concerned did not aim at Patrick Brolly. If it was a shot by Private S (who fired 12 shots in the area of the Rossville Flats car park) we are sure that it was fired for no good reason and without any regard to the risk to people in the flats. If it was Private T, it was one of two shots that this soldier fired at a man on a balcony of Block 1 of the Rossville Flats, who had thrown down at the soldiers below a bottle or bottles containing acid or a similar corrosive substance, which had caused minor injuries to Private T and Private R. These shots were fired without a previous warning and thus in our view contravened the instructions given to the soldiers as to when they could open fire, contained in the Yellow Card. Sergeant O had told Private T to shoot if the man sought to throw another bottle. Both he and Private T believed that the person concerned was posing a threat of causing serious injury. The second shot was fired after the man had thrown a further bottle and thus at a time when he was posing no threat to the soldiers. Both shots missed the intended target.
- 3.101** In Rossville Street, Lance Corporal F fired from the low walls of the Kells Walk ramp and killed Michael Kelly who was behind the rubble barricade on Rossville Street, some 80 yards away. Initially Lance Corporal F said nothing about this shot but later he admitted that he had fired, falsely claiming that this was at a nail bomber. In our view Lance Corporal F did not fire in panic or fear, without giving proper thought to whether he had identified a person posing a threat of causing death or serious injury. We are sure that instead he fired either in the belief that no-one at the rubble barricade was posing a threat of causing death or serious injury, or not caring whether or not anyone at the rubble barricade was posing such a threat.
- 3.102** As to the further shooting in Rossville Street, which caused the deaths of William Nash, John Young and Michael McDaid, Corporal P claimed that he fired at a man with a pistol; Lance Corporal J claimed that he fired at a nail bomber; and Corporal E claimed that he fired at a man with a pistol in the Rossville Flats. We reject each of these claims as knowingly untrue. We are sure that these soldiers fired either in the belief that no-one

in the areas towards which they respectively fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. In their cases we consider that they did not fire in a state of fear or panic.

- 3.103** We take the same view of the shot that we are sure Private U fired at Hugh Gilmour, mortally wounding this casualty as he was running away from the soldiers. We reject as knowingly untrue Private U's account of firing at a man with a handgun.
- 3.104** As we have explained, either Private L or Private M shot and mortally wounded Kevin McElhinney as he was crawling away from the soldiers. They probably did so on the orders of Colour Sergeant 002 or Corporal 039 or perhaps both these non-commissioned officers.
- 3.105** These soldiers and officers gave evidence that they had seen two people, one or both with rifles, crawling away from the rubble barricade. They probably believed that they might have identified a gunman or gunmen, but none of them could have been satisfied that they had done so. Their targets were crawling away and not posing an immediate threat of causing death or serious injury. The soldiers' evidence was that they fired, not because the crawling men were posing at that moment an immediate threat of causing death or serious injury, but because they believed that the crawling men would or might use their weapons once they had reached cover, although Private L expressed the view that he was entitled to fire at someone with a weapon, whatever that individual was doing. These shots were not fired in fear or panic. We are of the view that the soldiers concerned probably believed that the crawling men might pose a threat of causing death or serious injury once they had reached cover, though it is possible that Private L did not care whether or not they would pose such a threat.
- 3.106** We are sure that the soldier who shot and injured Alexander Nash while he was tending his dead or dying son William at the rubble barricade could not have believed that he had or might have identified someone posing a threat of causing death or serious injury.
- 3.107** We have above identified Corporal E, Lance Corporal F, Private G and Private H as the soldiers who went into Glenfada Park North, between them killing William McKinney and Jim Wray, injuring Joe Mahon, Joe Friel, Michael Quinn and Patrick O'Donnell, and possibly injuring Daniel Gillespie. All claimed that they had identified and shot at people in possession of or seeking to use bombs or firearms.
- 3.108** In our view none of these soldiers fired in the belief that he had or might have identified a person in possession of or using or about to use bombs or firearms. William McKinney and Jim Wray were both shot in the back and none of the other casualties (with the

possible exception of Daniel Gillespie) appears to have been facing the soldiers when shot. We are sure that these soldiers fired either in the belief that no-one in the areas towards which they respectively fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. In their cases (with the possible exception of Private H), it is unlikely that they fired in a state of fear or panic.

- 3.109** All four soldiers denied shooting anyone on the ground. However, Jim Wray was shot for a second time in the back, probably as he lay mortally wounded in the south-western corner of Glenfada Park North. Whichever soldier was responsible for firing the second shot, we are sure that he must have known that there was no possible justification for shooting Jim Wray as he lay on the ground.
- 3.110** Private G shot Gerard McKinney in Abbey Park. As we have already noted, his shot passed through this casualty and mortally wounded Gerald Donaghey. Private G may not have been aware that his shot had had this additional effect. Private G falsely denied that he had fired in Abbey Park. He did not fire in fear or panic and we are sure that he must have fired knowing that Gerard McKinney was not posing a threat of causing death or serious injury.
- 3.111** Gerald Donaghey was taken by car to the Regimental Aid Post of 1st Battalion, The Royal Anglian Regiment, which was at the western end of Craigavon Bridge, which spans the River Foyle. There four nail bombs were found in his pockets. The question arose as to whether the nail bombs were in his pockets when he was shot, or had been planted on him later by the security forces. We have considered the substantial amount of evidence relating to this question and have concluded, for reasons that we give, that the nail bombs were probably on Gerald Donaghey when he was shot. However, we are sure that Gerald Donaghey was not preparing or attempting to throw a nail bomb when he was shot; and we are equally sure that he was not shot because of his possession of nail bombs. He was shot while trying to escape from the soldiers.
- 3.112** As we have said, the last gunfire casualties were Bernard McGuigan, Patrick Doherty, Patrick Campbell and Daniel McGowan, all shot in the area to the south of Block 2 of the Rossville Flats within a very short time of each other. Bernard McGuigan was shot in the head and killed instantly as he was waving a piece of cloth and moving out from the cover afforded by the southern end wall of Block 1 of the Rossville Flats. Further to the east Patrick Doherty was shot in the buttock and mortally wounded as he was attempting to crawl to safety across the area that lay on the southern side of Block 2 of the Rossville

Flats. Patrick Campbell was shot in the back and injured as he ran away from the southern end of Block 1 of the Rossville Flats along the southern side of Block 2. Daniel McGowan was shot and injured in the leg when he was in about the same area as where Patrick Doherty was shot.

- 3.113** We have no doubt that Lance Corporal F shot Patrick Doherty and Bernard McGuigan, and it is highly probable that he also shot Patrick Campbell and Daniel McGowan. In 1972 Lance Corporal F initially said nothing about firing along the pedestrianised area on the southern side of Block 2 of the Rossville Flats, but later admitted that he had done so. No other soldier claimed or admitted to firing into this area. Lance Corporal F's claim that he had fired at a man who had (or, in one account, was firing) a pistol was to his knowledge false. Lance Corporal F did not fire in a state of fear or panic. We are sure that he fired either in the belief that no-one in the area into which he fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat.

Other firing by soldiers on Bloody Sunday

- 3.114** Soldiers of Support Company fired in all over 100 rifle rounds on Bloody Sunday after they had gone into the Bogside. In this report we describe in detail not only the circumstances in which soldiers fired and killed or injured civilians, but also the circumstances in which the other shooting occurred. As to the latter, with the probable exception of shots fired by Sergeant O at what he described as a gunman on a balcony of Block 3 of the Rossville Flats, we found no instances where it appeared to us that soldiers either were or might have been justified in firing. In many cases the soldiers concerned fired either in the belief that no-one in the areas into which they fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat; while in other cases we consider that when the soldiers fired they may have mistakenly suspected, without being satisfied, that they might have identified someone posing a threat of causing death or serious injury.
- 3.115** Apart from the firing by soldiers of Support Company, there was no other firing by members of 1 PARA on Bloody Sunday. In particular, there was no firing by members of C Company, who had also gone into the Bogside (on foot through Barrier 14) soon after Support Company had gone through Barrier 12.

- 3.116** There were other incidents of Army firing on Bloody Sunday, by members of other Army units. This firing was in response to republican paramilitary firing that was directed at soldiers, but not at those who had gone into the Bogside. We consider these incidents in detail in this report. In one of these incidents (some 600 yards from the area where the civilians were killed and injured by soldiers of Support Company) a soldier (in our view justifiably) shot at and injured an armed member of the Official IRA, “Red” Mickey Doherty, who had immediately before fired at soldiers.
- 3.117** At one stage it was suggested that a soldier or soldiers stationed on the City Walls above the area into which Support Company of 1 PARA deployed might have been responsible for some of the civilian casualties at the rubble barricade in Rossville Street. We considered this possibility but are sure, for the reasons we give in the report, that this was not the case; and by the end of the Inquiry no-one taking part in the Inquiry suggested otherwise.
- 3.118** As will be seen from this report, as part of our investigation we examined in detail the organisation of the Provisional and Official IRA and the activities of members of those organisations on the day, since it was submitted on behalf of soldiers that, in effect, these activities justified the soldiers opening fire. With the exception of Gerald Donaghey, who was a member of the Provisional IRA’s youth wing, the Fianna, none of those killed or wounded by soldiers of Support Company belonged to either the Provisional or the Official IRA.
- 3.119** In the course of investigating the activities of the Provisional and Official IRA on the day, we considered at some length allegations that Martin McGuinness, at that time the Adjutant of the Derry Brigade or Command of the Provisional IRA, had engaged in paramilitary activity during the day. In the end we were left in some doubt as to his movements on the day. Before the soldiers of Support Company went into the Bogside he was probably armed with a Thompson sub-machine gun, and though it is possible that he fired this weapon, there is insufficient evidence to make any finding on this, save that we are sure that he did not engage in any activity that provided any of the soldiers with any justification for opening fire.

The arrest of civilians

- 3.120** Soldiers of Support Company, 1 PARA arrested a number of civilians on Bloody Sunday. Only six were arrested in the area of Rossville Street or in the Eden Place waste ground where the soldiers had initially deployed, most of the others being arrested either in a

house in Chamberlain Street or where they had taken shelter behind a wall at the south-eastern corner of Glenfada Park North. In this report, we have examined the circumstances of these arrests and what happened to those who were arrested, not only because they formed an important part of the events of the day, but because the way in which some were treated provided an indication of the attitude that some soldiers of 1 PARA adopted towards the people they encountered on Bloody Sunday. There were a number of incidents in which soldiers gave knowingly false accounts of the circumstances in which arrests were made. In the end no proceedings were pursued against any of those who had been arrested.

Chapter 4: The question of responsibility for the deaths and injuries on Bloody Sunday

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4.1 The immediate responsibility for the deaths and injuries on Bloody Sunday lies with those members of Support Company whose unjustifiable firing was the cause of those deaths and injuries. The question remains, however, as to whether others also bear direct or indirect responsibility for what happened.

The United Kingdom and Northern Ireland Governments and the Army

4.2 During the course of the Inquiry, allegations were made by some of those representing the families of those who died on Bloody Sunday and those wounded, that the politicians in both the United Kingdom and Northern Ireland Governments, as well as the military authorities, had planned not simply to stop the civil rights march and to mount an arrest operation against rioters as set out in the orders for Operation Forecast (the operation to contain the march and deal with any rioting), but rather to use 1 PARA for the purpose of carrying out some action, which they knew would involve the deliberate use of

unwarranted lethal force or which they sanctioned with reckless disregard as to whether such force was used. On this basis it was submitted that the civil and military authorities bore responsibility for the deaths and injuries on Bloody Sunday.

- 4.3** These allegations were based on one of two propositions, either that what happened on Bloody Sunday was intended and planned by the authorities, or that it was foreseen by the authorities as likely to happen. We are of the view that neither of these propositions can be sustained.
- 4.4** In order to consider these allegations we looked in detail at what the authorities were planning and doing in the weeks and months preceding Bloody Sunday; as well as what happened on Bloody Sunday before soldiers were sent into the Bogside. We found no evidence to substantiate these allegations. So far as the United Kingdom Government was concerned, what the evidence did establish was that in the months before Bloody Sunday, genuine and serious attempts were being made at the highest level to work towards a peaceful political settlement in Northern Ireland. Any action involving the use or likely use of unwarranted lethal force against nationalists on the occasion of the march (or otherwise) would have been entirely counterproductive to the plans for a peaceful settlement; and was neither contemplated nor foreseen by the United Kingdom Government. So far as the Northern Ireland Government was concerned, although it had been pressing the United Kingdom Government and the Army to step up their efforts to counter republican paramilitaries and to deal with banned marches, we found no evidence that suggested to us that it advocated the use of unwarranted lethal force or was indifferent to its use on the occasion of the march.
- 4.5** It was also submitted that in dealing with the security situation in Northern Ireland generally, the authorities (the United Kingdom and Northern Ireland Governments and the Army) tolerated if not encouraged the use of unjustified lethal force; and that this was the cause or a contributory cause of what happened on Bloody Sunday. We found no evidence of such toleration or encouragement.
- 4.6** There was a further submission to the effect that it was critical to an understanding of why lethal force was used by the Army against unarmed civilians on Bloody Sunday, to appreciate that by this time the role of the police in security matters had been eroded and that the Army had illegally taken control over the policing of security situations from the police. Though by the period in question the situation was such that the RUC had neither the manpower nor the resources to deal effectively with all security issues and was in

many cases dependent upon the military, we do not accept that the Army had illegally taken over control of security from the police. The Army and the police worked together in deciding how to deal with matters of security.

4.7 As to the actions of the soldiers themselves, it was submitted that those who fired did so because of a “*culture*” that had grown up among soldiers at the time in Northern Ireland, to the effect that they could fire with impunity, secure in the knowledge that the arrangements then in force (arrangements later criticised by the Lord Chief Justice of Northern Ireland) meant that their actions would not be investigated by the RUC, but by the Royal Military Police (the Army’s own police force), who would be sympathetic to the soldiers and who would not conduct a proper investigation. In support of this submission it was alleged that before Bloody Sunday there were many previous unjustified shooting incidents by soldiers in Northern Ireland. As we pointed out in the course of the Inquiry, it was simply not possible to take this submission of an established “*culture*” forward, for this could only be done by examining in the same detail as Bloody Sunday the circumstances of each of those incidents, in order to decide, among other things, whether or not they involved unjustified firing by soldiers. In our view this would have been a wholly impracticable course for us to take, adding immeasurably to what was already a very long and complex inquiry. In these circumstances, we are not in a position to express a view either as to whether or not such a culture existed among soldiers before Bloody Sunday or, if it did, whether it had any influence on those who fired unjustifiably on that day.

Major General Ford

4.8 In the light of the situation that obtained in Londonderry in early 1972 (which we discuss in detail in this report), we do not criticise General Ford for deciding to deploy soldiers to arrest rioters, though in our view his decision to use 1 PARA as the arrest force is open to criticism, on the ground that 1 PARA was a force with a reputation for using excessive physical violence, which thus ran the risk of exacerbating the tensions between the Army and nationalists in Londonderry. However, there is to our minds a significant difference between the risk of soldiers using excessive physical violence when dispersing crowds or trying to arrest rioters and the risk that they would use lethal weapons without justification. We have concluded that General Ford had no reason to believe and did not believe that the risk of soldiers of 1 PARA firing unjustifiably during the course of an arrest operation was such that it was inappropriate for that reason for him to use them for such an operation.

- 4.9** General Ford denied, both to the Widgery Inquiry and to the present Inquiry, that the Army plan for 30th January 1972 was to cause a confrontation with the IRA, Official, Provisional or both. We accept his denial. We are sure that there was no such plan.
- 4.10** As to General Ford's memorandum, where he suggested shooting selected ringleaders of rioters after warning, we are surprised that an officer of his seniority should seriously consider that this was something that could be done, notwithstanding that he acknowledged that to take this course would require authorisation from above. We are sure, for the reasons given in the report, that this idea was not adopted and that the shootings on Bloody Sunday were not the result of any plan to shoot selected ringleaders. In the event General Ford decided to use an additional battalion (1 PARA) as the means of seeking to deal with rioters. We found no evidence to suggest that the use of lethal force against unarmed rioters, who were not posing a threat of causing death or serious injury, was contemplated by General Ford or those senior to him as a possible means of dealing with any rioting that might accompany the then forthcoming civil rights march.
- 4.11** General Ford did not himself play any role in ordering the arrest operation to be launched or in determining the form either in which Brigade ordered it or which it actually took. He did not seek to interfere with or to influence what happened to any significant extent and was right not to do so, since the decision whether to launch an arrest operation and the form that it was to take were matters for Brigadier MacLellan.
- 4.12** General Ford was responsible for deciding that in the likely event of rioting, Brigade should employ 1 PARA as an arrest force on 30th January 1972. But he neither knew nor had reason to know at any stage that his decision would or was likely to result in soldiers firing unjustifiably on that day.

Brigadier MacLellan

- 4.13** As we have noted above, the power to order an arrest operation did not rest with General Ford, but with Brigadier MacLellan. We do not criticise Brigadier MacLellan for giving such an order. As we have pointed out, he did not do so until he was reasonably satisfied that there was sufficient separation between rioters and peaceful marchers to sanction the limited arrest operation that had been initially suggested by Colonel Wilford. Had Colonel Wilford informed him that the situation had changed and that as the commander of the arrest force he now considered that it was necessary to order an additional company to go in vehicles along Rossville Street in order to arrest rioters, Brigadier MacLellan might well have abandoned the arrest operation altogether, on the ground that such an operation

would not allow sufficient separation between marchers and rioters. Brigadier MacLellan had no reason to believe and did not believe that the limited arrest operation he ordered ran the risk of deaths or injuries from unjustifiable firing by soldiers.

- 4.14** We should add at this point that in our view Brigadier MacLellan cannot fairly be criticised either for not imposing additional restrictions on when soldiers could open fire, over and above those in the Yellow Card; or for failing to order soldiers engaged in an arrest operation to disengage rather than respond if they were or believed that they were under attack from republican paramilitaries, so as to minimise the risk that innocent civilians would be killed or injured. In his case suggestions to the contrary incorrectly assume that he bears responsibility for sending soldiers into the Bogside. The arrest operation Brigadier MacLellan ordered was limited in scope and would not have involved soldiers going into the Bogside to any or any significant extent; and in our view the risk to civilians from such an operation did not call for any such special restrictions or special orders. We have concluded that Brigadier MacLellan does not bear any responsibility for the deaths and injuries from the unjustifiable firing by soldiers on Bloody Sunday.

Lieutenant Colonel Wilford

- 4.15** What did happen was not what Colonel Wilford had initially suggested and Brigadier MacLellan had then ordered. Colonel Wilford should have ordered his soldiers to stay in and around William Street and the northern end of Rossville Street. Instead, he sent them into the Bogside, where they chased people down Rossville Street, into the car park of the Rossville Flats, into Glenfada Park North and as far as Abbey Park.
- 4.16** In our view Colonel Wilford decided to send Support Company into the Bogside because at the time he gave the order he had concluded (without informing Brigadier MacLellan) that there was now no prospect of making any or any significant arrests in the area he had originally suggested, as the rioting was dying down and people were moving away. In addition it appears to us that he wanted to demonstrate that the way to deal with rioters in Londonderry was not for soldiers to shelter behind barricades like (as he put it) “*Aunt Sallies*” while being stoned, as he perceived the local troops had been doing, but instead to go aggressively after rioters, as he and his soldiers had been doing in Belfast.
- 4.17** What Colonel Wilford failed to appreciate, or regarded as of little consequence, was that his soldiers, who had not been in a position to observe the rioting that had been going on at the Army barriers, would almost certainly be unable to identify anyone as a rioter, save where, when they arrived, they were met by people who were rioting at that time.

- 4.18** Colonel Wilford failed to inform Brigade that in his view the situation had changed and that the only prospect of making any arrests was to send his soldiers in vehicles into the Bogside. He then failed to obey the order that Brigadier MacLellan gave, which prohibited any such movement. He thus created a situation in which soldiers chased people down Rossville Street and beyond, in circumstances where it was not possible to distinguish between those who had merely been marching and those who had been rioting. His failure to comply with his orders, instead setting in train the very thing his Brigadier had prohibited him from doing, cannot be justified.
- 4.19** In our view Colonel Wilford can also be criticised on another ground. He sent his soldiers into an area which he regarded as dangerous and which he had told his soldiers was dangerous; an area which his soldiers did not know and where they might come under lethal attack from republican paramilitaries, who dominated that part of the city. He knew that his soldiers would accordingly be very much on their guard, ready to respond instantly with gunfire at identified targets, as they were trained to respond, if they did come under such attack. He knew that his soldiers would not withdraw if they came under lethal attack but were trained not just to take cover, but instead to move forward and, as he himself put it, seek out the “*enemy*”.
- 4.20** In these circumstances, on his own estimation of the danger of lethal attacks by republican paramilitaries, Colonel Wilford must have appreciated that there was a significant risk that sending his soldiers into the Bogside on an arrest operation could lead to an armed engagement with republican paramilitaries. He should have appreciated that if this did happen, then there was also, in view of the numbers of people around, a significant risk that people other than soldiers’ justifiable targets would be killed or injured, albeit by accident, from Army gunfire. To our minds this was another reason why Colonel Wilford should not have launched an incursion into the Bogside.
- 4.21** The fact that what in the event happened on Bloody Sunday when the soldiers entered the Bogside was not a justifiable response to a lethal attack by republican paramilitaries, but instead soldiers opening fire unjustifiably, cannot provide an answer to this criticism, which is based not on what happened, but what at the time Colonel Wilford thought might happen.
- 4.22** We have found nothing that suggests to us that Colonel Wilford can be blamed for the incident in which soldiers fired from the derelict building in William Street and injured Damien Donaghey and John Johnston. However, the question remains as to whether he

realised, or should have realised, that the risk of unjustifiable firing by soldiers if he sent them into the Bogside was such that for this reason he should not have ordered them to go in.

4.23 As one of the officers (given the cipher Captain 128), who was a member of 2nd Battalion, The Royal Green Jackets and was present on the day, told us, when a soldier hears shots and believes that he is under fire, his automatic reaction is to fire himself, which is a difficult reaction to stop; and when firing breaks out in a tense situation it can spread very quickly and is very difficult to control. It could thus be said that Colonel Wilford should have appreciated that by sending soldiers into an unfamiliar area, which they had been told was and which they perceived to be a dangerous area, there was a risk that they might mistakenly believe that they had come under attack from republican paramilitaries and in that belief open fire without being satisfied that they had identified people who were posing a threat of causing death or serious injury; and that because of that risk, he should not have sent soldiers into the Bogside. In the end, however, we consider that on this specific ground Colonel Wilford cannot fairly be criticised for giving the orders he did. We take the view that Colonel Wilford cannot be blamed for failing to foresee that the risk of his soldiers firing unjustifiably was such that he should not have given the orders he did.

4.24 In summary, therefore, in our view Colonel Wilford should not have sent soldiers of Support Company into the Bogside for the following reasons:

- because in doing so he disobeyed the orders given by Brigadier MacLellan;
- because his soldiers, whose job was to arrest rioters, would have no or virtually no means of identifying those who had been rioting from those who had simply been taking part in the civil rights march; and
- because he should not have sent his soldiers into an unfamiliar area which he and they regarded as a dangerous area, where the soldiers might come under attack from republican paramilitaries, in circumstances where the soldiers' response would run a significant risk that people other than those engaging the soldiers with lethal force would be killed or injured by Army gunfire.

4.25 There remains the suggestion that Colonel Wilford's soldiers should have been instructed that in order to minimise the risk to innocent people, if on going into the Bogside they came under attack from paramilitaries, or believed that this had happened, they should

disengage and withdraw rather than return fire. In our view this is a hypothetical question, since for the first two of the reasons we have given above Colonel Wilford should not have sent soldiers into the Bogside, with or without special instructions.

Major Loden

- 4.26** Those representing the families of the deceased and the wounded criticised Major Loden, the Commander of Support Company, on the ground that he failed to exercise any proper control over his soldiers or their firing.
- 4.27** In our view, events moved so fast after the soldiers had disembarked in the Bogside that Major Loden had no idea what was actually going on; he assumed that his soldiers had come under attack from republican paramilitaries and were responding. It could be said that another officer in Major Loden's position might have appreciated earlier that, in view of the amount of Army gunfire, something seemed to be going seriously wrong; republican paramilitaries were not known to take on troops in force, but usually sniped at individuals from positions of cover. In consequence such an officer might have made greater efforts to control the situation.
- 4.28** Major Loden was surprised by the amount of firing. However, he did not initially appreciate that something was wrong and did not order a ceasefire or give any other instructions to his soldiers until after all the casualties had been sustained. We consider that it was not unreasonable for him initially to believe, as he did, that his soldiers, by going into an area dominated by paramilitaries, had for once encountered paramilitary resistance in strength, to which they were responding. We accept his evidence that in this belief, it was not for him to control or stop his soldiers' firing, but to leave this to the platoon and section commanders. We also accept, for the reasons he gave, that he could not see the targets that his soldiers were engaging and thus could not tell whether or not the firing was unjustified.
- 4.29** In our view, at the time the casualties were being sustained, Major Loden neither realised nor should have realised that his soldiers were or might be firing at people who were not posing or about to pose a threat of causing death or serious injury. However, we consider that at the time when he did tell his soldiers not to fire back unless they had identified positive targets, he probably did realise that the firing that was taking place then was, or might be, unjustified. By this stage all the casualties had been sustained and there had been a pause in the firing.

Lieutenant N

- 4.30** Lieutenant N, the Commander of Mortar Platoon, failed to appreciate, as he should have done, that firing unjustified shots over the heads of people in the alleyway leading into Chamberlain Street was likely to lead other soldiers mistakenly to believe, as some probably did, that Support Company was at that time coming under attack or the threat of attack from republican paramilitaries. As we have said, he was probably responsible for shooting Michael Bridge. However, we take the view that there was in the circumstances (and bearing particularly in mind the speed of events) nothing (apart from refraining from firing his unjustified shots over the heads of people) that he could or should have done to avert the shooting by other members of his platoon. We are not persuaded that he should have realised at the time that his soldiers were firing unjustifiably.

Lieutenant 119

- 4.31** Lieutenant 119 was the Commander of Anti-Tank Platoon. We criticise this officer for allowing four members of his platoon to go into Glenfada Park North, out of his sight and control. Before this happened he appears to have been labouring under the mistaken belief that his soldiers at the low walls of the Kells Walk ramp were responding to paramilitary attacks. We are not persuaded that he should have realised that these soldiers were firing unjustifiably.

Captain 200 and Sergeant INQ 441

- 4.32** Captain 200 was the Commander of Composite Platoon. There is nothing to suggest that he, or Sergeant INQ 441, the Commander of Machine Gun Platoon, was responsible for any of the unjustifiable firing by his soldiers.

The Northern Ireland Civil Rights Association

- 4.33** In our view the organisers of the civil rights march bear no responsibility for the deaths and injuries on Bloody Sunday. Although those who organised the march must have realised that there was probably going to be trouble from rioters, they had no reason to believe and did not believe that this was likely to result in death or injury from unjustified firing by soldiers.

Chapter 5: The overall assessment

- 5.1** The early firing in William Street resulted in two wounded casualties, neither of whom was doing anything that justified either of them being shot. It is possible that the soldiers concerned mistakenly believed that they had identified someone posing a threat of causing death or serious injury. Equally, each of those soldiers may have fired, not believing that his target was posing a threat of causing death or serious injury, but only suspecting that this might have been the case.
- 5.2** The soldiers of Support Company who went into the Bogside did so as the result of an order by Colonel Wilford, which should not have been given and which was contrary to the orders that he had received from Brigadier MacLellan.
- 5.3** With the exception of Private T and with the probable exception of shots Sergeant O said that he fired at someone on a balcony of Block 3 of the Rossville Flats and which, (despite his assertion to the contrary) did not hit anyone, none of the firing by the soldiers of Support Company was aimed at people posing a threat of causing death or serious injury.
- 5.4** We have concluded that the explanation for such firing by Support Company soldiers after they had gone into the Bogside was in most cases probably the mistaken belief among them that republican paramilitaries were responding in force to their arrival in the Bogside. This belief was initiated by the first shots fired by Lieutenant N and reinforced by the further shots that followed soon after. In this belief soldiers reacted by losing their self-control and firing themselves, forgetting or ignoring their instructions and training and failing to satisfy themselves that they had identified targets posing a threat of causing death or serious injury. In the case of those soldiers who fired in either the knowledge or belief that no-one in the areas into which they fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat, it is at least possible that they did so in the indefensible belief that all the civilians they fired at were probably either members of the Provisional or Official IRA or were supporters of one or other of these paramilitary organisations; and so deserved to be shot notwithstanding that they were not armed or posing any threat of causing death or serious injury. Our overall conclusion is that there was a serious and widespread loss of fire discipline among the soldiers of Support Company.

- 5.5** The firing by soldiers of 1 PARA on Bloody Sunday caused the deaths of 13 people and injury to a similar number, none of whom was posing a threat of causing death or serious injury. What happened on Bloody Sunday strengthened the Provisional IRA, increased nationalist resentment and hostility towards the Army and exacerbated the violent conflict of the years that followed. Bloody Sunday was a tragedy for the bereaved and the wounded, and a catastrophe for the people of Northern Ireland.

The Background to Bloody Sunday

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Chapter 6: Introduction

- 6.1** Although this Inquiry is concerned with the events of a single day, which has become generally known as “Bloody Sunday”, those events cannot be properly considered in isolation. Thus it has been necessary for us to consider the course of events in Northern Ireland leading up to that day.
- 6.2** The account we give is not intended as a comprehensive history of Northern Ireland. Such a work would be highly complex and in our view is not within our terms of reference. Instead, we have sought to provide the reader with a general background, taking as our starting point the Government of Ireland Act 1920. We deal with the period up to July 1971 in relatively broad terms, before looking in greater detail at the relevant events of the last six months of that year and in greater detail still at what was happening in the weeks immediately preceding Bloody Sunday.
- 6.3** During the course of this Inquiry a number of allegations were made to the effect that members of the British and Northern Ireland Governments, as well as the security forces, had so conducted themselves in the months leading up to Bloody Sunday that they bore a heavy responsibility for what happened on that day. We deal with these allegations at the relevant points in this report.
- 6.4** We have been greatly assisted by reports prepared for this Inquiry by the distinguished historians Professor Paul Arthur and Professor Paul Bew.¹ In addition we read a number of books and consulted other secondary sources, including the reports of inquiries conducted by Lord Cameron and Mr Justice Scarman (later Lord Scarman) into disturbances in Northern Ireland in the 1960s. These sources are listed in the bibliography and, where relevant, identified in footnotes. When dealing with the period after July 1971, including the weeks immediately preceding Bloody Sunday, our account was drawn primarily from the documents and other materials that were collected by this Inquiry, as well as the written and oral evidence to this Inquiry of a number of witnesses. We have also had regard to the submissions made by the interested parties who appeared before us.

¹ [E6.0001-0047](#) (Professor Arthur’s report); [E7.0001-0043](#) (Professor Bew’s report). We have also taken into account the comments made by Professor Arthur and Professor Bew on each other’s reports ([E17.1.1](#); [E17.2.1](#); [E17.3.1](#)), and their answers to written questions posed by the representatives of some of the interested parties to this Inquiry ([E17.4.1](#); [E17.5.1](#); [E17.6.1](#); [E17.7.1](#); [E17.8.1](#); [E17.9.1](#); [E17.10.1](#); [E17.11.1](#)).

A note on terminology

- 6.5** We have used the terms nationalist, republican, unionist and loyalist at various points throughout the report. These words are a convenient way of identifying and referring to groups or ideas, but they also present problems. When capitalised, the terms “Nationalist” and “Unionist” usually refer to specific political parties: the Nationalist Party, the main united Ireland party in Northern Ireland until the late 1960s and early 1970s, and the Ulster Unionist Party, which remained in government in Northern Ireland throughout the period with which this report is concerned. However, “nationalist” and “unionist” are also used to describe wider political and ideological positions concerned with opposition to, or support for, the union between Northern Ireland and the rest of the United Kingdom. In this context, “nationalist” and “unionist” are generally used to indicate a constitutional approach, in contrast to “republican” and “loyalist”, which often (but not always) imply an acceptance of, or belief in, the legitimacy of using violence to advance the relevant cause. These labels are imprecise and the meanings ascribed to them have changed over time and according to context. Where we use these terms in this report we have sought to make clear what we mean by them. They should not be understood as implying that a monolithic set of opinions prevailed among the group that is being identified.
- 6.6** We have also used the terms “Catholic” and “Protestant” as a way of identifying part or all of the Catholic and Protestant communities in Northern Ireland. Again, the context in which these terms are used influences the meaning that should be attached to them, and it is important to stress that no single view or attribute should be ascribed to either community as a whole.

Chapter 7: The period up to July 1971

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The formation of Northern Ireland

- 7.1** The Act of Union 1800 provided that Great Britain and Ireland should be united with effect from 1st January 1801, thereby forming the United Kingdom of Great Britain and Ireland.

- 7.2 The 19th and early 20th centuries saw increasing tension within Ireland between those in favour of maintaining the union with Great Britain, and those who sought varying degrees of Irish political autonomy and independence. To a significant, but by no means universal, degree these competing traditions reflected the religious denomination of the population, with Protestants identified with support for the union, and Catholics with the nationalist cause.
- 7.3 The threat and reality of violence grew in the years before the First World War, and in 1916 the Irish Republic was unilaterally declared during the Easter Rising. The Republic was stated to be a “Sovereign Independent State” which was “*entitled to ... the allegiance of every Irishman and Irishwoman*”. Although the Rising was suppressed, in January 1919 the First Dáil, comprising representatives who had been elected to the United Kingdom Parliament but who refused to take their seats there, ratified the declaration of the Republic and asserted that “*the elected Representatives of the Irish people alone have power to make laws binding on the people of Ireland*”. The same month saw the outbreak of the Anglo–Irish War, also called the Irish War of Independence.
- 7.4 In the following year, the United Kingdom Parliament at Westminster passed the Government of Ireland Act 1920. In effect, the Act divided the island of Ireland into two jurisdictions, providing for a Parliament of Southern Ireland and a Parliament of Northern Ireland. The Act gave each of these parliaments self-governing powers to make laws “*for the peace, order and good government*” of their respective territories. However there were significant limitations to the legislative powers granted to these parliaments, as areas including defence and foreign affairs remained within the sole jurisdiction of the Westminster Parliament. Further, as a matter of constitutional theory, the two parliaments in Ireland owed their existence and their powers to a statute that could be amended or repealed by the Westminster Parliament.
- 7.5 Under the Government of Ireland Act 1920, Northern Ireland consisted of the six parliamentary counties of Antrim, Armagh, Down, Londonderry, Fermanagh and Tyrone and the parliamentary boroughs of Belfast and Londonderry. The jurisdiction of the Parliament of Southern Ireland extended over the other 26 counties in the island of Ireland.
- 7.6 Northern Ireland had a majority Protestant population, and the six counties and two boroughs were selected for that reason. The province of Ulster (one of the four historic provinces of Ireland) also included the predominantly Catholic counties of Donegal, Cavan and Monaghan. The exclusion of these three counties from Northern Ireland

ensured the demographic and political ascendancy of the Protestant population and led to the charge that gerrymandering was inherent in Northern Ireland from its creation. At the time of partition, the population of Northern Ireland was about 1.2 million. By 1971, this had risen to just over 1.5 million, of whom approximately a third were Catholics.¹

¹ These figures are taken from information on the Conflict Archive on the Internet (CAIN) website <http://cain.ulst.ac.uk/ni/popul.htm>, which cites among other sources Paul Compton et al., *Northern Ireland: A Census Atlas*, London: Gill and Macmillan, 1981.

- 7.7** All 26 counties of Southern Ireland had Catholic majorities. Although the Government of Ireland Act 1920 established the Parliament of Southern Ireland, the vast majority of those returned to it in the election of May 1921 chose instead to constitute themselves as the Second Dáil of the Irish Republic.
- 7.8** In December 1921, the United Kingdom Government and representatives of the Second Dáil signed the Anglo–Irish Treaty. This provided that Ireland would have the same constitutional status within the British Empire as the existing Dominions of Canada, Australia, New Zealand and South Africa, and would be styled and known as the “Irish Free State”. The Irish Free State would have a Parliament with “*powers to make laws for the peace, order and good government of Ireland*”, and an Executive. While the first article envisaged that the Treaty would apply to the whole of the island of Ireland, Articles 11 and 12 in effect allowed the Parliament of Northern Ireland to exclude Northern Ireland from the powers of the Parliament and Government of the Irish Free State, with the result that the Government of Ireland Act 1920 would continue to have full force and effect within Northern Ireland. In such circumstances, the Treaty provided for the appointment of a Boundary Commission to determine the borders of Northern Ireland.
- 7.9** As expected, the Parliament of Northern Ireland did choose to withdraw from the authority of the Irish Free State. Although the Boundary Commission was appointed, no changes were made to the border. Thus the Northern Ireland Parliament created by the 1920 Act, which by then was established at Stormont, continued to have jurisdiction in the six counties and two boroughs, while the remaining 26 counties constituted the Irish Free State.
- 7.10** The Treaty, and in particular the provisions relating to the status of the Irish Free State as a Dominion and the Oath of Allegiance to be sworn by its members of Parliament, precipitated the outbreak of the Irish Civil War of 1922–1923. The conflict was largely confined to the 26 counties of the Irish Free State, with those supporting the Treaty prevailing.

7.11 In 1936 and 1937 the Irish Free State Government introduced the Executive Authority (External Relations) Act 1936 and associated legislation, which limited the role of the monarch to acting as head of state in external affairs. The Bunreacht na hÉireann (Irish Constitution), enacted in July 1937, renamed the state Éire or, in the English language, Ireland.¹ Article 12 of the Constitution established the office of President of Ireland. Articles 2 and 3 laid territorial claim to all 32 counties of the island of Ireland, including those that constituted Northern Ireland. Many within the Protestant community in Northern Ireland regarded Articles 2 and 3 as a threat to the territorial and constitutional integrity of Northern Ireland and the United Kingdom.

¹ The name of the state is Ireland, not the “Republic of Ireland” which is merely its “description” (see the Republic of Ireland Act 1948 and *Ellis v O’Dea* [1989] IR 530). In this report we use the terms “Irish Republic”, “the Republic” or similar expressions to describe the political entity of Ireland, so as to avoid confusion with the geographical term denoting the island of Ireland.

7.12 The Irish legislature severed the final constitutional link between Éire and the monarch by passing the Republic of Ireland Act 1948. This repealed the Executive Authority (External Relations) Act 1936 and allowed for the President, on the authority and advice of the Government, to “*exercise the power or any executive function of the State in or in connection with its external relations*”. The Act also declared that “*the description of the State shall be the Republic of Ireland*”. In response the Westminster Parliament passed the Ireland Act 1949. While this Act recognised that the Republic of Ireland no longer formed part of His Majesty’s dominions, it contained the unequivocal affirmation that “*in no event will Northern Ireland or any part thereof cease to be a part of His Majesty’s dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland*”. Irreconcilable positions on the “constitutional” or “border” question were thus enshrined in the Ireland Act 1949 and in the Irish Constitution. The relevant provisions of these pieces of legislation did not change in the period that is considered in this report.

7.13 Throughout this period, Northern Irish electors continued to send MPs to the United Kingdom Parliament at Westminster as well as to the Parliament of Northern Ireland at Stormont. However, a Parliamentary convention soon developed at Westminster preventing discussion there of issues considered by the Speaker to be within the proper authority of the Stormont Parliament and Government. The convention, which evolved

from a series of rulings by successive speakers, lasted until the late 1960s.¹

The journalist Peter Taylor wrote that as a result between 1922 and 1968, “*the time spent on Northern Ireland matters at Westminster averaged less than two hours a year*”.²

¹ House of Commons Debates, 1922, vol 151, 27 February–17 March, col 1084–1089; House of Commons Debates, 1922, vol 153, 10 April–12 May, cols 1533–1536; House of Commons Debates, 1923, vol 163, 23 April–11 May, cols 1364–1365; House of Commons Debates, 1923,

vol 163, 23 April–11 May, cols 1624–1625; Paul Rose, *Backbencher's Dilemma*, London: Frederick Muller, 1981, p179.

² Peter Taylor, *States of Terror: Democracy and Political Violence*, London: BBC Books, 1993, p120.

The city of Londonderry

7.14 The city of Londonderry lies in the north-west of Northern Ireland, close to the border with the Republic, as shown on the map below. The distance between Londonderry and Belfast by road is about 70 miles.



- 7.15 In the course of this report we provide a detailed description of the physical and social geography of the city.
- 7.16 The history and name of Londonderry reflect the tensions between the two communities in Northern Ireland. The city, which had grown from a sixth-century monastic settlement, was originally known as Derry, which is still the name preferred by nationalists. In the 17th century, as part of the policy of plantation, the settlement of English and Scottish Protestants was encouraged in the area and the city was renamed Londonderry in recognition of the role played by the City of London in this process. Londonderry's symbolic importance for unionists was enhanced by the successful resistance of the city when besieged by the Catholic forces of James II in 1688–1689, and this helps to explain the subsequent determination of unionists to retain Londonderry within Northern Ireland, despite Catholics constituting the majority of the population of the city and its environs.
- 7.17 In this report, we refer to the city by its official name at the time of publication, Londonderry. We are aware that in 1984 the City Council changed its own name to Derry City Council, that unsuccessful attempts have been made by means of judicial review to have the name of the city formally recognised as Derry,¹ and that in November 2007 Derry City Council resolved to ask the Privy Council to change the name of the city to Derry. In September 2009 the Equality Commission for Northern Ireland recommended that Derry City Council should not proceed with its current proposals for bringing about a change in the name of the city.
- 7.18 Between 1920 and 1922 Londonderry Corporation, the city's council which was then elected by proportional representation, had a nationalist majority. During this period, the Corporation ceased to fly the Union Flag and withdrew from any official relations with the Northern Ireland Government. However, in 1922 nationalist control gave way to a unionist majority after the Northern Ireland Government changed the local government voting system and redrew electoral boundaries.¹ Such changes took place across Northern Ireland, and resulted in nationalist control being lost from 13 of the 24 councils that had previously been held.² To many nationalists, this was further evidence of unionist gerrymandering of Northern Ireland's political institutions.

¹ E7.006 Professor Bew's report to this Inquiry.

² David McKittrick and David McVea, *Making Sense of the Troubles*, London: Penguin Books, Revised Edition, 2001, p8.

7.19 In 1936 the local government electoral boundaries of Londonderry were again redrawn, resulting in the creation of three wards. Two of these had settled Protestant majorities, and returned a total of 12 councillors. The third ward, the South Ward, was predominantly Catholic and had eight council seats. As the largest party in each ward won all of the available seats, the new system made it inherently likely that Londonderry Corporation would have a unionist majority. According to Lord Cameron, whose report on disturbances in Northern Ireland in 1969 we consider below, the manipulation of the ward boundaries “*effectively decided the permanent result of council elections*”.¹

¹ Cameron Report, *Disturbances in Northern Ireland: Report of the Commission Appointed by the Governor of Northern Ireland*, Northern Ireland Cmnd 532, Belfast: HMSO, 1969, para 136.

7.20 Nationalist grievances over the boundary changes in Londonderry were exacerbated by the property qualification for local government elections across Northern Ireland, which limited the franchise to occupiers of dwelling houses and their spouses. Those who could not vote included sub-tenants, lodgers, servants and children over 21 who were living at home. Lord Cameron reported that: “*Whilst this exclusion affected all sections of the population, it was felt to operate mainly against poorer elements and in particular against Catholics.*”¹

¹ Cameron Report, para 143.

The post-war period to the 1960s

7.21 In Northern Ireland as a whole, the unequal political balance established by partition remained essentially unaltered until the 1960s. The Unionist Party retained control of the Parliament and Government at Stormont, and there appeared to be no prospect that nationalists would be able to form or participate in the executive, or be in a position to influence its policies in any material way.

7.22 1962 saw the end in failure of a six-year armed campaign by the Irish Republican Army (IRA), mainly confined to border areas and attacks on border posts and military installations. During this campaign, known as the “Border Campaign”, both Northern Ireland and (a little later) the Republic of Ireland introduced internment without trial of suspected terrorists.

7.23 Two changes of government in the early 1960s altered the political landscape in Northern Ireland. In 1963, Captain Terence O'Neill succeeded Lord Brookeborough, who had been in power for 20 years, as Prime Minister of Northern Ireland, and the following year Harold Wilson's Labour Government took office following the United Kingdom general election.

- 7.24** Captain O'Neill, like his predecessors the leader of the Unionist Party, embarked on a programme of social and economic reforms with the stated aim of modernising Northern Ireland. Further, he made diplomatic efforts to conciliate the Catholic community, sending public condolences on the death of Pope John XXIII in 1963 and, in 1965, exchanging visits with the then Taoiseach of the Republic of Ireland, Seán Lemass.
- 7.25** Captain O'Neill's reforms attracted considerable support, but they also antagonised unionist opponents and created both expectation and frustration among nationalists. Such sentiments were reinforced by the widespread belief that the new Labour Government in London and in particular the Prime Minister, Harold Wilson, were more sympathetic to nationalists in Northern Ireland than they were to unionists. Of the unionist critics of Captain O'Neill and his policies, the Rev Dr Ian Paisley rapidly became the most prominent. He would go on, in 1971, to co-found and lead the Democratic Unionist Party (DUP), a rival to the established Unionist Party.
- 7.26** In relation to Londonderry and the north-west of Northern Ireland, several decisions made by the O'Neill Government heightened existing suspicions, especially common among nationalists, that the region received little public sector support for investment and economic development. In particular, the decision to site Northern Ireland's new university in the predominantly Protestant town of Coleraine, rather than in Londonderry, the second largest city, caused considerable resentment.¹

¹ Cameron Report, para 37; McKittrick and McVea, *Making Sense of the Troubles*, pp38–39; Thomas Hennessey, *A History of Northern Ireland, 1920–1996*, London: Palgrave, 1997, pp130–131; [E7.005-014](#) Professor Bew's report to this Inquiry; [E6.0016-0019](#) Professor Arthur's report to this Inquiry; [E17.2.3-4](#) Comments by Professor Arthur on Professor Bew's report; [E17.5.7-10](#) Professor Bew's response to questions from representatives of some of the families.

The birth of the civil rights movement

- 7.27** Since the creation of Northern Ireland, there had been allegations that Catholics suffered discrimination in a wide range of areas, including public and private employment, housing and, as we have discussed, local government enfranchisement. It is beyond the scope of this report to consider the extent of such discriminatory practices that did exist, the reasons for them, and counter-claims of discrimination against Protestants in some places in which they were in a minority. Further, we are not qualified to comment upon what effect, if any, Captain O'Neill's reforms had on the situation. Nonetheless, it is apparent that in the late 1960s many (even most) nationalists remained convinced that anti-Catholic discrimination was a prevalent and malign force within Northern Ireland.

7.28 This was particularly the case in Londonderry, where the manipulation of local election wards had led to continuous unionist control of Londonderry Corporation. This caused resentment among the majority Catholic population, not only as a result of the perceived gerrymander, but also because of the belief that the unionist Corporation exercised its powers in employment and housing in a discriminatory manner. In particular, it was felt that the need to retain the demographic pattern that allowed for Protestant majorities in two of the wards in the city meant that housing for Catholics was provided, if at all, almost exclusively in the already overcrowded South Ward, and even then was often of poor quality. Tensions were exacerbated by the decline of traditional industries in the city, which resulted in high levels of unemployment and emigration in the post-war years.¹

¹ [E6.0015-19](#) Professor Arthur's report to this Inquiry; [E7.009-0013](#) Professor Bew's report to this Inquiry; [E17.2.3-4](#) Comments by Professor Arthur on Professor Bew's report; [E17.5.7-9](#) Professor Bew's response to questions from representatives of some of the families; Cameron Report, para 37; Niall Ó Dochartaigh, "A Short Historical Background to the Conflict", *From Civil Rights to Armalites: Derry and the Birth of the Irish Troubles*, Basingstoke: Palgrave Macmillan, 2005, first published 1997, ppixiii–xv.

7.29 The 1960s saw the emergence of civil rights movements in many places around the world; and Northern Ireland was no exception. Influenced in particular by the campaigns of Dr Martin Luther King in the United States, a number of disparate groups emerged in Northern Ireland. These drew support from a wide range of sources: IRA volunteers, radical activists and students, supporters of the Northern Ireland Labour Party and trades unionists, and more moderate voices from the Catholic middle classes and the Nationalist Party, the traditional constitutional party representing Northern Ireland's Catholics. Although it is convenient to refer to the "civil rights movement" as a whole, the different objectives and outlooks of those involved should not be understated.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, pp38–40; Hennessey, *History of Northern Ireland*, pp136–137; Ó Dochartaigh, "A Short Historical Background to the Conflict", *Civil Rights to Armalites*, pxiv; Paul Bew, Peter Gibbon and Henry Patterson, *Northern Ireland 1921–1996: Political Forces and Social Classes*, London: Serif, 1996, pp149–155.

7.30 In early 1967 a committee was formed in Belfast that established the Northern Ireland Civil Rights Association (NICRA), the most prominent of the civil rights movements to emerge in Northern Ireland.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, p38; Paul Bew and Gordon Gillespie, *Northern Ireland: A Chronology of the Troubles, 1968–1993*, Dublin: Gill and Macmillan, 1993, p1; [FS10.15](#) Final Submissions on Behalf of NICRA.

7.31 The original constitution¹ of NICRA was modelled on that of the National Council for Civil Liberties in Great Britain, with which NICRA had informal links. It was a rule of NICRA that there should be no bar on membership by reason of political affiliations, provided there was genuine acceptance of its objects and constitution.² Clause 3 of its original

constitution provided that the Association “*shall be non-party and non-denominational*”.³ The objects of the organisation were stated to be the recovery, maintenance and enlargement of “*civil liberties, including freedom of speech, propaganda and assembly*”.⁴

¹ Later NICRA adopted a second constitution, which was in place at the time of Bloody Sunday. [FS10.15](#); [FS10.17-22](#) Final Submissions on Behalf of NICRA.

³ [GEN5.1](#)

⁴ [GEN5.1](#)

² Cameron Report, para 187.

7.32

While NICRA was the best known of the civil rights associations other groups, such as the Campaign for Social Justice, had already formed, some with similar or overlapping aims.¹ In Londonderry, a number of local causes and organisations, such as the campaign to site the new university in the city, the local Credit Union and the Derry Housing Association, mobilised public opinion and brought a new generation of civil rights leaders, including John Hume, Michael Canavan and Ivan Cooper among others, to prominence.²

¹ Hennessey, *History of Northern Ireland*, pp126–137; McKittrick and McVea, *Making Sense of the Troubles*, p38.

² Ó Dochartaigh, “A Short Historical Background to the Conflict”, *Civil Rights to Armalites*, ppix–xv; Paul Routledge, *John Hume*, London: HarperCollins, 1998, first published 1997, pp38–58.

7.33

The civil rights movement drew its support predominantly from the Catholic, nationalist community.¹ Despite its declared aims, many unionists regarded it as a cloak for the IRA and other groups intent on undermining and destroying the union.² We deal with the issue of IRA infiltration of NICRA later in this report.³

¹ McKittrick and McVea, *Making Sense of the Troubles*, pp38–40; Hennessey, *History of Northern Ireland*, pp126–138; Ó Dochartaigh, “A Short Historical Background to the Conflict”, *Civil Rights to Armalites*, ppix–xv.

² McKittrick and McVea, *Making Sense of the Troubles*, pp43–44; Ken Bloomfield, *Stormont in Crisis: A Memoir*, Belfast: Blackstaff, 1994, p100.

³ [Paragraphs 9.65–86](#)

Protest marches and violence

7.34

In the summer of 1968, Austin Currie, a Nationalist Member of the Stormont Parliament, highlighted the case of a young unmarried Protestant woman who had been allocated a house in the County Tyrone village of Caledon, near Dungannon, in preference to two Catholic families. Lord Cameron, in his report on the disturbances that followed, found that this allocation had been made in effect by a local unionist councillor, and that the woman could not, by any stretch of the imagination, be regarded as a priority tenant. Austin Currie and others occupied the house in question, but they, and a family of Catholic squatters in the adjoining property, were evicted in June 1968.¹

¹ Cameron Report, paras 26–28; McKittrick and McVea, *Making Sense of the Troubles*, p40.

7.35 These incidents were widely publicised and led in July 1968 to the first protest march sponsored by NICRA and other groups. NICRA had previously concentrated on taking up individual complaints rather than making mass protests. The march was re-routed by the police following representations by prominent unionists and the announcement of a public meeting, organised by the Ulster Protestant Volunteers, which was to take place on the same day and at the intended destination of the march. In the event the march, from Coalisland to Dungannon, passed off without any breach of the peace. However, the pattern of demonstration and counter-demonstration was established and was to be repeated on many future occasions.¹

¹ Cameron Report, paras 30–36; Hennessey, *History of Northern Ireland*, p138; McKittrick and McVea, *Making Sense of the Troubles*, p41.

7.36 In his report on the disturbances in Northern Ireland in 1968 and early 1969, Lord Cameron gave the following explanation of the tactic of counter-demonstration:¹

“To put forward proposals for a march or demonstration which, if pursued, would clash in time or place with another already proposed on behalf of an organisation of an opposite political colour has been for long a recognised tactic of obstruction in Northern Ireland. In such an event the purpose of the proposed counter demonstration or march is to secure the prohibition or rerouting of the original march or demonstration. Once this is achieved the proposed counter demonstration is allowed to lapse.”

¹ Cameron Report, para 41.

7.37 The next march was in Londonderry on 5th October 1968. This was organised by an ad hoc group of local left wing activists and members of the Derry Housing Action Committee, in association with NICRA, whose secretary gave the required statutory notice of the intention to hold a march.¹

¹ Cameron Report, para 39.

7.38 The proposed route for the march started in the Waterside, a predominantly Protestant area on the eastern side of the Foyle, and ended in the Diamond, a square in the middle of the historic walled city. The route was, as Lord Cameron noted in his report, one that was commonly followed by Protestant and loyalist marches in Londonderry.¹

¹ Cameron Report, para 40.

7.39 There was strong local opposition to the march from unionists, some of whom set about organising, or at least declaring their intention to organise, a march of the Apprentice Boys of Derry on the same route on the same day and at virtually the same time.

On 3rd October 1968 William Craig, then Minister of Home Affairs, made an order under Section 2 of the Public Order Act (Northern Ireland) 1951, prohibiting all processions in the Waterside or within the walls of the city.¹

¹ Cameron Report, paras 40–42.

7.40 Despite misgivings voiced by representatives of NICRA, the organisers decided to ignore the ban and proceed with the march.¹

¹ Cameron Report, para 43; Eamonn McCann, *War and an Irish Town*, London: Pluto Press, 1980, first published 1974, pp40–41.

7.41 One effect of the ban was to swell the numbers who took to the streets on 5th October 1968, many incensed by what they regarded as unwarranted interference by the Minister.¹

¹ Cameron Report, para 44.

7.42 The marchers gathered at Waterside Railway Station and moved along Duke Street to a point about 50 yards from Craigavon Bridge where a police barrier had been hastily erected.¹ Lord Cameron reported that at this stage “*batons were used by certain police officers without explicit order*”.² Among those struck were the Westminster MP Gerry Fitt and the Stormont MP Eddie McAteer, who had been at the head of the march.³ Television pictures of this incident, and in particular of a head wound sustained by Gerry Fitt, quickly became famous,⁴ and Lord Cameron stated that the use of batons on these men was “*wholly without justification or excuse*”.⁵ Further disturbances followed, as some of the crowd threw stones and the police “*broke ranks and used their batons indiscriminately on people in Duke Street*”.⁶ The crowd were subsequently dispersed by what Lord Cameron described as the indiscriminate and unnecessary use of water cannons.⁷

¹ Cameron Report, paras 48–49.

⁵ Cameron Report, para 49.

² Cameron Report, para 49.

⁶ Cameron Report, para 51.

³ Cameron Report, para 49.

⁷ Cameron Report, para 51.

⁴ McKittrick and McVea, *Making Sense of the Troubles*, p42; Cameron Report, para 55.

7.43 Later in the day violence flared in and around the Diamond, where other marchers had gathered, and the ensuing rioting continued into the following day.¹ Lord Cameron attributed these later disturbances to “*Hooligan elements wholly unassociated with the Civil Rights demonstrators*”, who had taken advantage of a minor clash between the police and the marchers over the removal of a political banner.²

¹ Cameron Report, para 52; Ó Dochartaigh, *Civil Rights to Armalites*, pp17–19.

² Cameron Report, para 54.

7.44 In total, 11 policemen and 77 civilians were injured, the great majority of the latter having bruises and lacerations, mainly to the head.¹ In his report, Lord Cameron criticised the organisation and stewarding of the march, and noted that some extremist and hooligan elements had sought to provoke or take advantage of violence or confrontation.² However, he was also critical of the police, stating that their handling of the situation in Duke Street was “*ill coordinated and ill conducted*”, and that the use of batons there was “*probably unnecessary and in any event premature ... [and later] lacking in proper control*”.³ He concluded that: “*There was use [by the police] of unnecessary and ill controlled force in the dispersal of the demonstrators, only a minority of whom acted in a disorderly and violent manner.*”⁴

¹ Cameron Report, para 53.

³ Cameron Report, para 54(8).

² Cameron Report, para 54(2),(3),(5),(7).

⁴ Cameron Report, para 229.

7.45 The events of 5th October 1968 provoked an overwhelmingly hostile response outside Northern Ireland, especially as a result of the television footage.¹ The United Kingdom Government increased pressure on the Northern Ireland Government to increase the pace of reform, and the longstanding convention that Northern Irish affairs were not discussed at Westminster was ousted.² Within Northern Ireland, the Catholic population was outraged,³ the more so when the Stormont Cabinet tabled a motion congratulating the Royal Ulster Constabulary (RUC).⁴ At Queen’s University, Belfast, a new and more radical civil rights group, People’s Democracy, was formed out of the protests that followed the Londonderry disturbances.⁵

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p19 and p24; McKittrick and McVea, *Making Sense of the Troubles*, p42; Hennessey, *History of Northern Ireland*, p142.

³ McKittrick and McVea, *Making Sense of the Troubles*, pp42–46.

² McKittrick and McVea, *Making Sense of the Troubles*, pp42–46; Hennessey, *History of Northern Ireland*, pp142–143; Ó Dochartaigh, *Civil Rights to Armalites*, p24; Bloomfield, *Stormont in Crisis*, pp98–99.

⁴ [E6.0021](#) Professor Arthur’s report to this Inquiry.

⁵ Cameron Report, paras 56–61; [E6.0021-0022](#) Professor Arthur’s report to this Inquiry.

7.46 In Londonderry a moderate group, the Derry Citizens’ Action Committee, which was led by Ivan Cooper and John Hume, was instrumental in stabilising the situation in the aftermath of the events of 5th October 1968. Although there were sit-ins and marches (including marches organised by unionist political groupings), there was no significant violence.¹ A further government ban on marches within the City Walls was imposed for a month at the end of 1968. Lord Cameron described this ban as unenforceable and “*therefore not only useless but mischievous*”; it did much, he thought, to increase tension.² The announcement of the ban was followed on 16th November 1968 by the

largest procession since the beginning of the civil rights campaign, in which at least 15,000 took part.³ Lord Cameron reported that thanks to the organisers, and particularly to John Hume, the procession passed off peacefully.⁴

¹ Cameron Report, paras 62–65.

³ Cameron Report, para 65.

² Cameron Report, paras 166–167.

⁴ Cameron Report, paras 62–65, 166–167.

The developing demands of the civil rights movement

7.47 This period saw NICRA and other organisations focus their campaign for civil rights on a number of specific issues. NICRA’s demands included, among other matters:¹

1. fundamental changes in the system of local government elections, including the redrawing of electoral boundaries and the introduction of universal adult suffrage (“*one man one vote*”);
2. the passing of anti-discrimination legislation in Northern Ireland;
3. reform of the way in which public housing was allocated through the introduction of a points-based assessment system;
4. the repeal of the Civil Authorities (Special Powers) Act (Northern Ireland) 1922, a piece of legislation that gave the authorities far-reaching powers that were regarded by civil rights campaigners as oppressive; and
5. the disbandment of the Ulster Special Constabulary, known commonly as the B Specials, a part-time police force formed in 1920, that was by the late 1960s exclusively Protestant and, according to Mr Justice Scarman, “*Totally distrusted by the Catholics*”.

¹ Scarman Report, *Report of the Tribunal of Inquiry into Violence and Civil Disturbances in Northern Ireland in 1969*, Cmnd 566, Belfast: HMSO, 1972, para 3.11. See also Cameron Report, paras 144–145; Sydney Elliott and WD Flackes, *Northern Ireland: A Political Directory, 1968–1999*, Belfast: Blackstaff Press, 1999, pp640–641; McKittrick and McVea, *Making Sense of the Troubles*, p38.

7.48 Arguably the most potent of these demands was the call for local electoral reform,¹ as was well demonstrated by the situation in Londonderry. Lord Cameron estimated that across Northern Ireland the property qualification excluded one quarter of those entitled to participate in Stormont elections, where universal adult suffrage was used, from voting in local government elections.² As is noted above, the effect of this disenfranchisement fell disproportionately on the Catholic community.³ In Londonderry, the property

qualification and the electoral ward system combined to produce what Lord Cameron (using the 1967 figures) described as the “*extraordinary situation*” whereby “*sixty per cent of the adult population was Catholic, but where sixty per cent of the seats on the Corporation were held by Unionists*”.⁴

¹ McKittrick and McVea, *Making Sense of the Troubles*, p38. ³ Cameron Report, para 143.

² Cameron Report, para 143.

⁴ Cameron Report, para 134.

7.49 Although there is some dispute as to the effect that the introduction of universal adult suffrage at local elections would have had on its own (without, for example, accompanying boundary changes), there is no doubt that wider reform would have challenged unionist control of councils, especially in the west of Northern Ireland. Hence civil rights marchers’ demands for “*one man one vote*” and new electoral wards were strongly resisted.¹

¹ Cameron Report, para 143; McKittrick and McVea, *Making Sense of the Troubles*, p38.

The reforms of November 1968

7.50 On 22nd November 1968, under pressure from the United Kingdom Government (which is often referred to as “the Westminster Government” or simply “Westminster”), the Stormont Government announced a reform programme. This included encouraging local councils to use a new merit-based points system for the allocation of public housing, a commitment to abolish the Special Powers Act as soon as was practicable, the appointment of a Parliamentary Commissioner for Administration (generally referred to as the Ombudsman) to investigate complaints of maladministration, and the abolition of the company vote, which gave voting rights to corporate bodies in local government elections.¹ In relation to Londonderry, it was announced that the unionist-controlled Corporation was to be replaced with a Development Commission. This body, which took over the administration of the city in the spring of 1969, consisted of nine Commissioners, all of whom were appointed by the Northern Ireland Government.²

¹ Hennessey, *History of Northern Ireland*, p143; McKittrick and McVea, *Making Sense of the Troubles*, p46; Ó Dochartaigh, *Civil Rights to Armalites*, pp27–28; Elliott and Flackes, *Political Directory*, p378.

² Ó Dochartaigh, *Civil Rights to Armalites*, p28 and pp88–90; Elliott and Flackes, *Political Directory*, p229.

7.51 Many in the civil rights movement regarded these proposals as too little and too late.¹ The Campaign for Social Justice (CSJ) expressed the view that the proposed Development Commission was merely a means of avoiding dealing with gerrymandering, that the new points system could be manipulated by local authorities to maintain advantages for unionists, and that there was no clear promise to repeal the Special

Powers Act.² Most significantly, the reforms did not allow for universal adult suffrage in local elections, a source of grievance for the CSJ and many others.³ Despite this, the announcement of the reforms eased the situation in Londonderry where more radical elements within the civil rights movements had begun to organise spontaneous marches and threats of marches, something that the Derry Citizens' Action Committee opposed.⁴

¹ Hennessey, *History of Northern Ireland*, p143;
Ó Dochartaigh, *Civil Rights to Armalites*, p28.

² Hennessey, *History of Northern Ireland*, pp144–145.

³ Hennessey, *History of Northern Ireland*, pp144–145;
Ó Dochartaigh, *Civil Rights to Armalites*, p28; McKittrick
and McVea, *Making Sense of the Troubles*, pp44–45.

⁴ Cameron Report, para 67.

7.52

The reaction of unionists was mixed. While many supported or accepted the reforms, others were highly critical.¹ William Craig, then Minister of Home Affairs, resisted the reforms within Cabinet and was less than supportive of some of his Government's proposals in public speeches. In particular, he questioned what he perceived to be the undue influence of Westminster in the internal affairs of Northern Ireland.²

¹ McKittrick and McVea, *Making Sense of the Troubles*,
pp43–44; Ó Dochartaigh, *Civil Rights to Armalites*, p28
and pp88–90.

² McKittrick and McVea, *Making Sense of the Troubles*,
p43; Hennessey, *History of Northern Ireland*,
pp144–145.

7.53

In December 1968 Captain O'Neill made a direct appeal to the people of Northern Ireland for calm and for an end to the growing disorder in a televised address that became known as his "*Ulster stands at the crossroads*" speech. To unionists he pointed out that unless there was a programme of change and reform instituted by the Stormont Government it was likely that the Westminster Government would take matters into its own hands. To civil rights campaigners, he insisted that the proposed reforms did represent real progress and that even if they were not satisfied, they should desist from street demonstrations so as to allow a more favourable atmosphere for change to develop.¹

¹ Hennessey, *History of Northern Ireland*, p147.

7.54

In the same month, Captain O'Neill dismissed William Craig from office following a speech in which the latter had stated that he would: "*resist any effort by any government in Great Britain ... to interfere with the proper power and jurisdiction of the parliament and government of Northern Ireland.*" William Craig went to the Unionist backbenches, joining those who had already expressed opposition to the course being taken by the Stormont Government, some of whom were calling for Captain O'Neill to resign.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, p47; Hennessey, *History of Northern Ireland*, pp148–149.

The People's Democracy march

7.55 Captain O'Neill's appeal for calm was heeded by much of the civil rights movement, and a suspension of demonstrations and marches was announced.¹ However, People's Democracy, the radical group that had grown out of student protests following the 5th October 1968 disturbances in Londonderry, ignored these developments. Seeking to emulate Dr Martin Luther King's march from Selma to Montgomery in 1965, People's Democracy announced later in December a four-day march from Belfast to Londonderry.²

¹ McKittrick and McVea, *Making Sense of the Troubles*, p48; Hennessey, *History of Northern Ireland*, p148; Ó Dochartaigh, *Civil Rights to Armalites*, p29.

² Cameron Report, paras 56–61 and paras 89–90; McKittrick and McVea, *Making Sense of the Troubles*, p48; Hennessey, *History of Northern Ireland*, pp150–151; Ó Dochartaigh, *Civil Rights to Armalites*, p29, Bew and Gillespie, *Chronology of the Troubles*, p10.

7.56 The march, which took place contrary to the views and the advice of the Derry Citizens' Action Committee and prominent figures in the Nationalist Party, began on 1st January 1969.¹ On the fourth day the marchers were attacked by groups of loyalists, some of whom were said to be off-duty B Specials, at Burntollet Bridge in County Londonderry.² Lord Cameron stated that the incident was a "*disgraceful episode*" that bore the marks of careful preparation.³ There had already been a riot in Londonderry the previous evening; Lord Cameron found that this arose out of a combination of "*sectarian feeling*" brought about by a prayer meeting held by Dr Ian Paisley in the city's Guildhall, and "*the gathering of irresponsible and lawless elements many of whom were influenced by drink*".⁴ He added that although the rioting had been blamed on supporters of the civil rights movement, it had not been incited or fomented in any way by any civil rights organisation or responsible local body.⁵

¹ Cameron Report, para 90; Hennessey, *History of Northern Ireland*, p151; Bew and Gillespie, *Chronology of the Troubles*, pp11–12.

³ Cameron Report, para 99.

⁴ Cameron Report, para 96 and para 174.

² Ó Dochartaigh, *Civil Rights to Armalites*, p35; McKittrick and McVea, *Making Sense of the Troubles*, p48; Hennessey, *History of Northern Ireland*, p151; Bew and Gillespie, *Chronology of the Troubles*, pp11–12; McCann, *War and an Irish Town*, p51.

⁵ Cameron Report, para 96.

7.57 Further violence occurred when the People's Democracy marchers reached the outskirts of the city following the Burntollet attack.¹ Lord Cameron reported that on that night, 4th/5th January 1969, there was a breakdown of discipline among some members of the RUC in Londonderry. A number of officers, he wrote, were guilty of misconduct including assault and battery, malicious damage to property in the Catholic Bogside area of the city, and the use of provocative sectarian and political slogans.²

¹ Cameron Report, para 100.

² Cameron Report, para 177.

7.58 These events led to the establishment of the first “no go” areas in Londonderry. Residents of the Bogside and other predominantly Catholic parts of the city erected barricades and organised vigilante patrols to prevent the RUC or loyalist crowds from entering their neighbourhoods.¹ The famous slogan, “*You are now entering Free Derry*”, was painted for the first time on a prominent gable wall in the Bogside.²

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p30 and pp35–37; ² McCann, *War and an Irish Town*, p53; Eamonn McCann, “Setting the ‘free Derry’ record straight”, *Sunday Journal*, 21st October 2008.

The Cameron Enquiry

7.59 In the middle of January 1969, after further demonstrations and counter demonstrations in Northern Ireland, the Stormont Government announced that it would set up a Commission of Enquiry to look into the violence and civil disturbances that had started with the events in Londonderry on 5th October 1968. This led to the resignation of Brian Faulkner, the Deputy Prime Minister and Minister of Commerce, from the Stormont Government, on the grounds that to appoint a commission was an abdication of government responsibility.¹

¹ Brian Faulkner (ed John Houston), *Memoirs of a Statesman*, London: George Weidenfeld and Nicolson, 1978, p51.

7.60 The Commission of Enquiry was established at the beginning of March 1969, headed by Lord Cameron. He produced his report, to which we have already referred, in September 1969. It summarised its conclusions in the following terms:¹

“229. Having carried out as full an investigation as lay within our competence we can summarise our conclusions upon the immediate and precipitating causes of the disorders which broke out in Londonderry on 5th October 1968 and continued thereafter both in Londonderry and elsewhere on subsequent dates. These are both general and particular.

(a) General

(1) A rising sense of continuing injustice and grievance among large sections of the Catholic population in Northern Ireland, in particular in Londonderry and Dungannon, in respect of (i) inadequacy of housing provision by certain local authorities (ii) unfair methods of allocation of houses built and let by such authorities, in particular; refusals and omissions to adopt a ‘points’ system in determining priorities and making allocations (iii) misuse in certain cases of discretionary powers of allocation of houses in order to perpetuate Unionist control of the local authority (paragraphs 128–131 and 139).

(2) Complaints, now well documented in fact, of discrimination in the making of local government appointments, at all levels but especially in senior posts, to the prejudice of non-Unionists and especially Catholic members of the community, in some Unionist controlled authorities (paragraphs 128 and 138).

(3) Complaints, again well documented, in some cases of deliberate manipulation of local government electoral boundaries and in others a refusal to apply for their necessary extension, in order to achieve and maintain Unionist control of local authorities and so to deny to Catholics influence in local government proportionate to their numbers (paragraphs 133–137).

(4) A growing and powerful sense of resentment and frustration among the Catholic population at failure to achieve either acceptance on the part of the Government of any need to investigate these complaints or to provide and enforce a remedy for them (paragraphs 126–147).

(5) Resentment, particularly among Catholics, as to the existence of the Ulster Special Constabulary (the 'B' Specials) as a partisan and paramilitary force recruited exclusively from Protestants (paragraph 145).

(6) Widespread resentment among Catholics in particular at the continuance in force of regulations made under the Special Powers Act, and of the continued presence in the statute book of the Act itself (paragraph 144).

(7) Fears and apprehensions among Protestants of a threat to Unionist domination and control of Government by increase of Catholic population and powers, inflamed in particular by the activities of the Ulster Constitution Defence Committee and the Ulster Protestant Volunteers, provoked strong hostile reaction to civil rights claims as asserted by the Civil Rights Association and later by the People's Democracy which was readily translated into physical violence against Civil Rights demonstrators (paragraphs 148–150 and 216–226).

(b) Particular

(8) There was a strong reaction of popular resentment to the Minister's ban on the route of the proposed Civil Rights march in Londonderry on 5th October 1968 which swelled very considerably the number of persons who ultimately took part in the march. Without this ban the numbers taking part would in all probability have been small and the situation safely handled by available police forces (paragraphs 157–165).

(9) The leadership, organisation and control of the demonstrations in Londonderry on 5th October 1968, and in Newry on 11th January 1969 was ineffective and insufficient to prevent violent or disorderly conduct among certain elements present on these occasions (paragraphs 54 and 118).

(10) There was early infiltration of the Civil Rights Association both centrally and locally by subversive left wing and revolutionary elements which were prepared to use the Civil Rights movement to further their own purposes, and were ready to exploit grievances in order to provoke and foment, and did provoke and foment, disorder and violence in the guise of supporting a non-violent movement (paragraphs 187–189 and 193).

(11) This infiltration was assisted by the declared insistence of the Civil Rights Association that it was non-sectarian and non-political, and its consequent refusal to reject support from whatever quarter it came provided that support was given and limited to the published aims of the Association (paragraph 187).

(12) What was originally a Belfast students' protest against police action in Londonderry on 5th October and support for the Civil Rights movement was transformed into the People's Democracy – itself an unnecessary adjunct to the already existing and operative Civil Rights Association. People's Democracy provided a means by which politically extreme and militant elements could and did invite and incite civil disorder, with the consequence of polarising and hardening opposition to Civil Rights claims (paragraphs 194–204).

(13) On the other side the deliberate and organised interventions by followers of Major Bunting and the Rev. Dr. Paisley, especially in Armagh, Burntollet and Londonderry, substantially increased the risk of violent disorder on occasions when Civil Rights demonstrations or marches were to take place, were a material contributory cause of the outbreaks [of] violence which occurred after 5th October, and seriously hampered the police in their task of maintaining law and order, and of protecting members of the public in the exercise of their undoubted legal rights and upon their lawful occasions (paragraphs 222–224).

(14) The police handling of the demonstration in Londonderry on 5 October 1968 was in certain material respects ill co-ordinated and inept. There was use of unnecessary and ill controlled force in the dispersal of the demonstrators, only a minority of whom acted in a disorderly and violent manner. The wide publicity given by press, radio and television to particular episodes inflamed and exacerbated feelings of resentment against the police which had been already aroused by their enforcement of the ministerial ban (paragraphs 168–171).

(15) Available police forces did not provide adequate protection to People's Democracy marchers at Burntollet Bridge and in or near Irish Street, Londonderry on 4th January 1969. There were instances of police indiscipline and violence towards persons unassociated with rioting or disorder on 4th/5th January in Londonderry and these provoked serious hostility to the police, particularly among the Catholic population of Londonderry, and an increasing disbelief in their impartiality towards non-Unionists (paragraphs 97–101 and 177).

(16) Numerical insufficiency of available police force especially in Armagh on 30th November 1968 and in Londonderry on 4th/5th January 1969 and later on 19th/20th April prevented early and complete control and, where necessary, arrest of disorderly and riotous elements (paragraphs 87, 101 and 182).

The Government's announcements on the reform of local government franchise – the 'one man one vote' issue – reform and readjustment of local government administration, including electoral areas and boundaries, introduction of a comprehensive and fair 'points' system in the allocation of Council built houses and the introduction of special machinery to deal with complaints arising out of matters of local administration, go a very considerable way, not only to acknowledge the justice of the complaints on these points but also the expediency and necessity of providing remedies for them."

¹ Cameron Report, para 229.

7.61

In his report, Lord Cameron commented that NICRA had within its membership those whose aims and objects were far different and more radical than those of the association itself, and who would not exclude the use of violence if they thought it necessary or desirable to achieve their aims. However he took the view that during the period that he had considered, NICRA had been able to maintain its avowed policy of non-violent protest and agitation within the limits of the law. He also observed that many who supported NICRA who were neither Catholic nor interested in constitutional changes, violent or otherwise, and these and other moderates had been able, during the period with which he was concerned, to keep NICRA on its originally designed and published course.¹

¹ Cameron Report, para 193.

Political developments, further violence and the deployment of the Army

7.62 The split among unionists between those who supported and those who opposed Captain O'Neill and his policies led him to call a general election in Northern Ireland at the end of February 1969. After a bitter campaign between the two unionist factions, the result gave Captain O'Neill a continued but weakened majority, but did nothing to mend the divisions between unionists. The election was also significant in returning a new generation of nationalist leaders to Stormont, including John Hume and Ivan Cooper.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, p49.

7.63 There were further disturbances in Londonderry on 19th and 20th April 1969, which might well have led to wide-scale violence but for the successful efforts of John Hume and his colleagues to defuse the situation.¹ However, during the unrest police officers chased a number of youths into the house of Samuel Devenney, a Catholic resident of William Street. The youths escaped, but the police beat Samuel Devenney severely.² He spent several weeks in hospital, before dying on 16th July 1969.³ Although an inquest recorded that Samuel Devenney died of natural causes,⁴ many in the local Catholic community viewed his death as a the result of police brutality.⁵ 15,000 people attended his funeral, which was followed by a silent protest.⁶ This incident added to the growing hostility towards the RUC in the nationalist community in Londonderry.

¹ Cameron Report, paras 121–124.

² David McKittrick, Seamus Kelters, Brian Feeney and Chris Thornton, *Lost Lives*, Edinburgh: Mainstream Publishing, 2001, first published 1999; Ó Dochartaigh, *Civil Rights to Armalites*, p45.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p32.

⁴ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p32.

⁵ Ó Dochartaigh, *Civil Rights to Armalites*, p47.

⁶ Ó Dochartaigh, *Civil Rights to Armalites*, p47.

7.64 During March and April 1969 a bombing campaign was undertaken against public utilities in Belfast and elsewhere in Northern Ireland. The police initially attributed the campaign to the IRA, though it later emerged that this was the work of loyalist extremists.¹ The bombings, and the victory in April of radical student and civil rights activist Bernadette Devlin in a Westminster by-election for a seat previously held by unionists, increased the pressure on Captain O'Neill.² He resigned as Prime Minister at the end of the month, only a few days after his administration had declared that it would accept universal adult suffrage for local government elections.³

¹ Scarman Report, paras 4.1–5.10.

² McKittrick and McVea, *Making Sense of the Troubles*, pp49–50; Bew and Gillespie, *Chronology of the Troubles*, p14; Elliott and Flackes, *Political Directory*, pp321–322.

³ McKittrick and McVea, *Making Sense of the Troubles*, pp49–50; Bew and Gillespie, *Chronology of the Troubles*, p15.

7.65 On 1st May 1969 Major James Chichester-Clark succeeded Captain O'Neill. He accepted that the O'Neill reforms would continue and that local government boundaries had to be redrawn by an independent commission.¹ He also announced an amnesty for all offences connected with demonstrations since 5th October 1968.²

¹ Hennessey, *History of Northern Ireland*, p162.

² Bew and Gillespie, *Chronology of the Troubles*, p16.

7.66 In May 1969 NICRA suspended its campaign of civil disobedience.¹ Widespread violence, however, soon broke out again as the approach of the marching season, the period during which unionists conducted their traditional summer processions, led to an increase in tension.

¹ Bew and Gillespie, *Chronology of the Troubles*, p16.

7.67 There were disturbances in Londonderry and across Northern Ireland in June and July 1969.¹ This period also saw the emergence in Londonderry of the Derry Citizens' Defence Association, a group that took a more militant stance than the Derry Citizens' Action Committee, and which declared that it was taking over the "defence" of the Catholic Bogside area of the city.²

¹ Scarman Report, paras 6.1–9.73.

² Scarman Report, paras 10.11–10.14.

7.68 A major riot broke out in Londonderry on 12th August 1969, on the occasion of the annual Apprentice Boys' Parade. According to the Scarman Report (which we consider in more detail below) the first missiles were thrown from a crowd in the Bogside at the police, who were trying to keep between the nationalist crowd and the unionist supporters of the parade.¹ The ensuing unrest in Londonderry lasted for three days and led to many serious and violent disturbances elsewhere in Northern Ireland.² By 14th August, it was clear to senior RUC officers that the police, by now exhausted and over-stretched, were unable to restore law and order to Londonderry.³ The authorities called for the assistance of the British Army, and at 5.00pm that day, troops from 1st Battalion, The Prince of Wales's Own Regiment entered Londonderry.⁴ They were not attacked nor (apart from one accidental intrusion) did they enter the Bogside and the rioting died out.⁵

¹ Scarman Report, paras 11.4–11.8.

⁴ Scarman Report, para 12.30.

² Scarman Report, Chapters 10–18.

⁵ Scarman Report, paras 12.31–12.34.

³ Scarman Report, paras 12.25, 12.30, 19.1–19.18 and 20.1–20.8.

7.69 This disturbance became known as "the Battle of the Bogside". It amounted not only to sectarian clashes but to pitched battles between police and residents of the Bogside.¹ The latter used barricades, stones, bricks and petrol bombs, while the RUC employed

(it seems for the first time in the United Kingdom) CS gas.² Mr Justice Scarman found that some police officers threw stones back at those opposing their attempts to move into the area³ and in at least two incidents police officers fired their weapons.⁴

¹ McKittrick and McVea, *Making Sense of the Troubles*, p54.

³ Scarman Report, para 11.13.

² Scarman Report, paras 11.31–33; Ó Dochartaigh, *Civil Rights to Armalites*, p107; Colonel Michael Dewar, *The British Army in Northern Ireland*, London: Wellington House, 1997, first published 1985, pp32–33.

⁴ Scarman Report, paras 12.14–12.16, 12.23 and 11.34.

7.70 The Battle of the Bogside led to the re-emergence of “no go” areas in “Free Derry”, first seen in the Bogside earlier in the year. For a number of weeks the Army agreed not to go into these areas, which were patrolled by members of the Derry Citizens’ Defence Association.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p115.

7.71 The widespread and grave disturbances elsewhere in Northern Ireland in August 1969 resulted in ten deaths and hundreds of injuries as well as substantial damage to property.¹ In Belfast many families were forced to move from their homes. Mr Justice Scarman found that the Catholic community suffered a very much higher instance of displacement than did non-Catholics.²

¹ Scarman Report, paras 31.1–31.25; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp30–31 and pp32–40.

² Scarman Report, para 31.25.

7.72 The tensions between the Protestant and Catholic communities, already heightened by the violent summer of 1969, were increased further by a broadcast made by the Taoiseach, Jack Lynch,¹ during the Battle of the Bogside, in which he said that the Irish Government could “*no longer stand by and see innocent people injured and perhaps worse*”.² Many on both sides of the sectarian divide interpreted these words, and the announcement that Irish Army field hospitals would be set up close to the border, as an indication that the Irish Republic was about to invade or intervene in the unrest in Northern Ireland.³

¹ Jack Lynch became Taoiseach of the Irish Republic in 1966.

³ Ó Dochartaigh, *Civil Rights to Armalites*, p108.

² Scarman Report, para 13.9.

7.73 On 19th August 1969 the United Kingdom and Northern Ireland Prime Ministers met, together with a number of their senior ministers, at 10 Downing Street, the official residence of the United Kingdom Prime Minister. At the conclusion of the meeting, the Downing Street Declaration was issued. This reaffirmed the existing position that Northern Ireland should not cease to be part of the United Kingdom without the consent of the people and Parliament of Northern Ireland. The Declaration also stated that troops

would be withdrawn when law and order had been restored. The Northern Ireland Government reaffirmed, in the context of the deployment of the troops, that it would “*take into the fullest account at all times*” the views of the United Kingdom Government. Both Governments also declared that it was vital that the momentum of internal reform in Northern Ireland should be maintained, and that every citizen was entitled to the same equality of treatment and freedom from discrimination as obtained in the rest of the United Kingdom.¹ The announcements made following this meeting regarding the relationship between the Army and the RUC are discussed elsewhere in this report.²

¹ Hennessey, *History of Northern Ireland*, pp168–169; Bew and Gillespie, *Chronology of the Troubles*, pp20–21; Faulkner, *Memoirs*, pp64–66. ² [Paragraphs 193.25–56](#)

The Scarman Inquiry

- 7.74** On 27th August 1969 the Northern Ireland Government resolved to establish a public inquiry into the violence and civil disturbances that had started with the attacks on public utilities in March 1969. Mr Justice Scarman chaired this inquiry and presented the report, to which we have already made reference, to the Northern Ireland Parliament in April 1972, just over two months after Bloody Sunday.
- 7.75** The report concluded that the riots in 1969 were not caused by any conspiracy to overthrow the Stormont Government or to mount an armed insurrection, but that teenage hooligans, “*who almost invariably threw the first stones*”, were manipulated and encouraged by persons seeking to discredit the Government:¹

“While accepting that the major riots ... were not deliberately planned, we are satisfied that, once the disturbances started, they were continued by an element that also found expression in bodies more or less loosely organised, such as the People’s Democracy, and various local Defence Associations, and in associating themselves with bodies such as NICRA and the several Action Committees. The public impact of the activities of this element was tremendously enhanced by the coverage given by the mass media of communication.”

¹ Scarman Report, para 2.2.

7.76 The Scarman Report attributed the outbreak of the riots as arising from a complex political, social and economic situation:¹

“Young men threw a few stones at some policemen or at an Orange procession: there followed a confrontation between police and stone-throwers now backed by a sympathetic crowd. On one side people saw themselves, never ‘the others’, charged by a police force which they regarded as partisan: on the other side, police and people saw a violent challenge to the authority of the State. These attitudes were the creature of recent events. Their own interpretations of the events of 1968 and early 1969 had encouraged the belief amongst the minority that demonstrations did secure concessions, and that the police were their enemy and the main obstacle to a continuing programme of demonstrations, while the same events had convinced a large number of Protestants that a determined attempt, already gaining a measure of success, was being made to undermine the constitutional position of Northern Ireland within the United Kingdom. In so tense a situation it needed very little to set going a major disturbance.”

¹ Scarman Report, para 2.4.

7.77 The Scarman Report concluded that the IRA neither planned nor started the riots, though the Derry Citizens’ Defence Association (which the report found undoubtedly contained some members of the IRA) made elaborate arrangements to keep the police out of the Bogside, if necessary by violence, in the event of disturbances erupting on the streets.¹ The report laid heavy, albeit indirect, responsibility on NICRA for what was described as the “*horrors*” that occurred in Belfast on 14th August 1969 by its underestimation of the strength of militant unionism, which had led NICRA to organise demonstrations elsewhere in the Province so as to prevent reinforcement of the police in Londonderry.²

¹ Scarman Report, paras 2.6–2.7.

² Scarman Report, para 2.8.

7.78 As to the RUC, the Scarman Report rejected the claim that it had acted as a partisan force co-operating with Protestant mobs to attack Catholic people.¹ However, as the report stated:²

“[I]t is painfully clear from the evidence adduced before us that by July the Catholic minority no longer believed that the RUC was impartial and that Catholic and civil rights activists were publicly asserting this loss of confidence. Understandably these resentments affected the thinking and feeling of the young and the irresponsible, and induced the jeering and throwing of stones which were the small beginnings of most of the disturbances. The effect of this hostility on the RUC themselves was unfortunate. They came to treat as their enemies, and accordingly also as the enemies of the public peace, those who persisted in displaying hostility and distrust towards them.

Thus there developed the fateful split between the Catholic community and the police. Faced with the distrust of a substantial proportion of the whole population and short of numbers, the RUC had (as some senior officers appreciated) lost the capacity to control a major riot. Their difficulties naturally led them, when the emergency arose, to have recourse to methods such as baton-charges, CS gas and gunfire, which were sure ultimately to stoke even higher the fires of resentment and hatred.”

¹ Scarman Report, para 3.2.

² Scarman Report, paras 3.5–3.6.

7.79 The report did, however, identify six occasions when the police were, by act or omission, seriously at fault.¹ So far as Londonderry is concerned, the report contained the following criticism:²

“The lack of firm direction in handling the disturbances in Londonderry during the early evening of 12 August. The ‘Rossville Street incursion’ was undertaken as a tactical move by the Reserve Force commander without an understanding of the effect it would have on Bogside attitudes. The County Inspector did understand, but did not prevent it. The incursion was seen by the Bogsiders as a repetition of events in January and April and led many, including moderate men such as Father Mulvey, to think that the police must be resisted.”

¹ Scarman Report, para 3.7.

² Scarman Report, para 3.7(1).

7.80 The criticised conduct was, according to the report, very largely due to the mistaken belief held at the time by many of the police, including senior officers, that they were dealing with an armed uprising engineered by the IRA.¹

¹ Scarman Report, para 3.8.

The Hunt Committee and its recommendations

7.81 A committee under Lord Hunt was appointed in August 1969 to examine the “*recruitment, organisation, structure and composition*” of the RUC and the Ulster Special Constabulary (the B Specials). It reported in early October, recommending among other reforms the abolition of the B Specials and their replacement by an unarmed RUC reserve and a part-time force under the control of the General Officer Commanding Northern Ireland (a British Army officer) – the latter force was to become the Ulster Defence Regiment.

Lord Hunt also proposed that the RUC be relieved of all duties of a military nature, and the setting up of a Police Authority whose membership should reflect the proportions of different groups within the community.¹

¹ Hunt Committee, *Report of the Advisory Committee on Police in Northern Ireland*, Cmnd 535, HMSO: Belfast, 1969.

7.82 The Hunt Report was greeted with dismay and anger by many unionists and following its publication loyalists rioted in Belfast. During the unrest a member of the RUC, Victor Arbuckle, and two civilians, George Dickie and Herbert Hawe, were fatally shot; Constable Arbuckle was the first police officer to be killed in what have become known as “the Troubles”.¹

¹ According to *Lost Lives*, Victor Arbuckle was shot by the Ulster Volunteer Force, George Dickie “apparently by the Army”, and Herbert Hawe “by soldiers in disputed circumstances”. McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp42–43.

7.83 The report was, however, generally greeted favourably by Catholics in Londonderry.¹ The early autumn had already seen the removal of barricades in “Free Derry” and the Army (using military police accompanied at first by regular soldiers, but days later by unarmed RUC officers) began without opposition to patrol the no-go areas set up after the Battle of the Bogside.²

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p124.

² Ó Dochartaigh, *Civil Rights to Armalites*, pp118–123.

7.84 However, in September 1969 there was a sectarian riot in the centre of the city, in the course of which 49-year-old William King was beaten and died of a heart attack. William King was the first Londonderry Protestant to die in the growing unrest and his death brought to a head unionist resentment over what they regarded as the failure of the Army to deal firmly at the outset with the no-go areas and nationalist unrest.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p136; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p42; McCann, *War and an Irish Town*, p65.

7.85 This riot, and the fact that Catholic youths had taken to “casually stoning” the RUC, led the Army to establish what it described as a “peace ring” around the Bogside and Creggan areas of the city.¹ This involved the erection of Army barriers, checkpoints on almost all the roads into these areas, and severe restrictions on the movement of people and vehicles, particularly into the city centre. At first tolerated as aiding the prevention of renewed violence, the peace ring became a cause of resentment, particularly among young Catholics, though this resentment soon spread to other parts of the community.²

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p136.

² Ó Dochartaigh, *Civil Rights to Armalites*, pp137–138.

The split in the IRA and Sinn Féin

7.86 Tensions between members of the IRA led to a split in that organisation at the end of 1969, from which the Provisional IRA and Official IRA emerged.¹ The causes of the split are complex and beyond the scope of this report. We discuss elsewhere in this report² the structure and organisation of the Provisional and Official IRA in Londonderry, and the activities of members of these organisations, at the time of Bloody Sunday.

¹ Ed Moloney, *A Secret History of the IRA*, London: Allen Lane, 2002, pp54–84; Richard English, *Armed Struggle: A History of the IRA*, London: Macmillan, 2003, pp81–108.

² [Chapters 146–154](#)

7.87 The political party Sinn Féin also split into Provisional and Official organisations in January 1970. Again the reasons for the split are complex and beyond the scope of this report.

Violence and unrest in Londonderry and Belfast during 1970

7.88 There was initially a good relationship between the Army and many of the Catholic community in Londonderry, though this did not last long. To staunch republicans and some left wing radicals the presence of British troops in the city and their welcome by Catholics as their protectors was anathema.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp134–136; McCann, *War and an Irish Town*, p64.

7.89 The Army had started a “hearts and minds” campaign in late 1969 but at the beginning of 1970 there were clashes with troops and further rioting.¹ In the months up to Easter 1970 there were more frequent clashes between the troops and Catholic youths.² Although this was followed by a period of relative calm, in June 1970 there was a three-day riot triggered by the arrest of Bernadette Devlin, the radical activist and Westminster MP, for her involvement in the Battle of the Bogside.³ In the course of this riot, the Army (as opposed to the RUC) used CS gas for the first time in Londonderry.⁴ The arrest of Bernadette Devlin brought to a head the growing resentment of many in the nationalist community in Londonderry at perceived miscarriages of justice in cases where Catholic youths were imprisoned for rioting as the result of contentious evidence given by soldiers.⁵

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp142–146.

² Ó Dochartaigh, *Civil Rights to Armalites*, pp145–150.

³ Ó Dochartaigh, *Civil Rights to Armalites*, pp180–184.

⁴ Ó Dochartaigh, *Civil Rights to Armalites*, p184.

⁵ Ó Dochartaigh, *Civil Rights to Armalites*, pp181–184 and 188–189; McCann, *War and an Irish Town*, pp81–82.

7.90 On 1st July 1970 the Criminal Justice (Temporary Provisions) Act (Northern Ireland) 1970 imposed a minimum sentence of six months' imprisonment for the offence of riotous behaviour. This further alienated Catholic opinion in Londonderry.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp188–189; McCann, *War and an Irish Town*, p81.

7.91 Despite this measure, and the announcement of a six-month ban on processions in July 1970, which had the effect of prohibiting the annual Apprentice Boys' Parade, unrest continued in Londonderry. There was heavy rioting in August following the contentious shooting of a Catholic teenager, Daniel O'Hagan, in Belfast,¹ and then further rioting from October.² This period also saw, in August 1970, the first shots fired at soldiers in Londonderry (in two isolated incidents that were not repeated until the following spring), and in September the first bomb attack in the city; by Christmas there had been six others.³

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp55–56; Ó Dochartaigh, *Civil Rights to Armalites*, p202.

³ Ó Dochartaigh, *Civil Rights to Armalites*, pp205–206.

² Ó Dochartaigh, *Civil Rights to Armalites*, pp201–206, 212–214 and 218.

7.92 Although this part of the report is principally concerned with events in Londonderry it should be noted that in the summer of 1970 republican paramilitaries became active in the use of deadly violence in Belfast.¹ During rioting there on the weekend of 27–28th June 1970, republican paramilitaries shot and killed five men they claimed had attacked Catholic areas, two of them in an incident centred on St Matthew's Roman Catholic Church in the Short Strand area of East Belfast that became celebrated in republican circles as a demonstration of armed republicans resuming their role as defender of their community. In addition, one Catholic man was fatally wounded and another seriously wounded in the St Matthew's Church incident. During the same weekend, a Protestant was fatally wounded by a missile thrown during rioting in the Crumlin Road area.²

¹ We often use the phrase "republican paramilitaries" here and throughout this report in order to denote incidents in which it is either not clear or not relevant whether the Official or Provisional IRA were involved, though it should be noted that where we are referring to or summarising the evidence of witnesses who have themselves referred simply to "the IRA" we generally use their description.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp49–52; McKittrick and McVea, *Making Sense of the Troubles*, p61; Moloney, *Secret History of the IRA*, pp89–90; English, *Armed Struggle*, p135.

7.93 In July 1970 the British Army imposed a curfew and house-to-house searches in the Lower Falls district of Belfast. During the curfew there were gun battles between the soldiers and members of both the Provisional and the Official IRA. The search uncovered 100 firearms as well as bombs, explosives and ammunition, but involved rigorous searches of housing and businesses and considerable damage to property. Four civilians were killed, one crushed by an Army vehicle. Later in July a soldier shot dead a Catholic teenager in north Belfast in disputed circumstances. These events served to increase and intensify the hostility felt by many in the Catholic population in Belfast towards the Army.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, pp61–62; Hennessey, *History of Northern Ireland*, pp174–175; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp52–55; Moloney, *Secret History of the IRA*, pp90–91; English, *Armed Struggle*, pp135–136; Dewar, *British Army in Northern Ireland*, p47; Ó Dochartaigh, *Civil Rights to Armalites*, pp187–188.

7.94 On 12th August two RUC officers, Samuel Donaldson and Robert Millar, were mortally injured in South Armagh by a booby-trap bomb hidden in a stolen car. The two constables were the first two members of the RUC to be killed by republicans in the unrest.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp56–57.

Changes in the political situation in 1970

7.95 In June 1970 the Conservatives won the United Kingdom general election and Edward Heath succeeded Harold Wilson as Prime Minister. Reginald Maudling replaced James Callaghan at the Home Office, then the department responsible for Northern Ireland affairs. Both men were to remain in these posts throughout the period considered in this report.

7.96 1970 also saw the establishment of a new political party, the Social Democratic and Labour Party (SDLP). The SDLP quickly emerged as the principal voice of constitutional nationalism in Northern Ireland, eclipsing the old Nationalist Party. Prominent SDLP politicians included Gerry Fitt, the party's first leader, John Hume, Austin Currie and Ivan Cooper.¹

¹ Elliott and Flackes, *Political Directory*, p446.

Events during the first six months of 1971

7.97 The security situation in Northern Ireland continued to deteriorate in the early months of 1971 and violence increased in Londonderry, while social, political and generational tensions grew within the Catholic community. These were examined by the historian Niall Ó Dochartaigh in his book, *From Civil Rights to Armalites: Derry and the Birth of the Irish Troubles*, an extract from which we reproduce here:¹

“The political changes in Derry since 1968 had had major social effects on local youths. The experience of rioting and of constant conflict had created a ‘hero’ mentality among young males, a desire to prove themselves through confrontation with the army and the RUC. It has also, in weakening the authority of the police and the state, weakened all other forms of authority. In other arenas of even greater civil disorder it has been noted that the concept of authority itself loses much of its meaning when state authority begins to be perceived as a hostile force. In Derry, this was reflected among the young by the fact that local youth groups found them more difficult to work with, less inclined to accept the authority of adults and more connected to militant groups which were willing to work with the young and give them a measure of authority. In Derry, it was the Provisionals and the Official Republicans who were most welcoming to the radicalised youth. In Derry, the rioters were regarded by the army, and by many conservative Catholics, as ‘hooligans’, that is, they were not seen to be politically motivated, but simply to have lost respect for authority, for ‘law and order’, and their actions were seen as ‘criminal’ rather than ‘political’.

The fact is that rioting was both political and criminal; it was part of a process of politicisation and also part of the rejection of law and order in general by many youths. For, at the same time as many of these youths were becoming involved with the Labour party, and the Official or Provisional Republicans, and youth participation in militant politics in Derry was increasing rapidly, the rate of ordinary crime and vandalism in the city was also soaring. Derry as a city, prior to 1968, had had a famously low rate of crime, commented upon by judges, clergy, politicians and visiting academics. In the course of 1970 there were increasingly frequent break-ins and burglaries and an increase in vandalism which reached epidemic proportions. This rapid increase in crime and vandalism was seen by many conservative Catholics as linked with the rioting and civil disorder in the city...

[E]ven in early 1971, there were important sections of the Catholic community who had effectively accepted the limited reform package [of the Unionist Government], who were willing to work with the RUC and still accepted the army as an essentially benevolent presence. They were organising within the community against crime but also against political forces which they saw as promoting destabilisation of society and the state ... In a very real sense, they were committed to accepting the authority of the state. The reason they did not make more of an impact has a great deal to do with the decline of the authority of both church and state and with the fact that many people, young and old, including sections of the Nationalist party and the SDLP, were beginning to view the army as an aggressive force, not deserving of support.”

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp213–214.

7.98 Minor disturbances took place on a weekly basis in Londonderry throughout the first six months of 1971, with larger-scale rioting also occurring intermittently.¹ Contemporary Army documents reported “*vicious rioting by about 50 young hooligans*” over the Easter weekend, followed by a period of relatively minor and isolated incidents of stone-throwing and petrol-bombing, before the level of street violence again increased towards the end of June.²

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p209.

² [G1.1-1.2](#) 8th Infantry Brigade Op Directive No 3/71, 2nd July 1971; [G1AC.19.1.13](#) Joint Intelligence Committee (JIC) Special Assessment, 24th June 1971.

7.99 On the night of 6th February 1971 in Belfast, republican paramilitaries killed the first serving soldier, Gunner Robert Curtis, and the Army shot and killed the first member of either the Provisional or Official IRA, James Saunders, a Provisional volunteer, since the beginning of the unrest. A civilian was also killed on the same night, and another soldier was fatally wounded.¹ Later the same month, five civilians were killed in County Tyrone by an IRA bomb apparently intended for soldiers, and two policemen were shot and killed in North Belfast.² In March, a Catholic man was shot dead by the Army in disputed circumstances in West Belfast,³ a Provisional IRA volunteer was killed apparently by Official IRA gunmen,⁴ and three off-duty Scottish soldiers, two of them teenage brothers, were shot dead by republican paramilitaries on a mountain road overlooking Belfast.⁵

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp52–65 and 67; McKittrick and McVea, *Making Sense of the Troubles*, p64; English, *Armed Struggle*, p137; Tírghrá Commemoration Committee, *Tírghrá: Ireland's Patriot Dead*, Dublin: Republican Publications, 2002, p11.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives* pp66–68; McKittrick and McVea, *Making Sense of the Troubles*, p64.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p69.

⁴ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp69–70; Tírghrá Commemoration Committee, *Tírghrá*, p12.

⁵ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp70–72; McKittrick and McVea, *Making Sense of the Troubles*, pp64–65; Moloney, *Secret History of the IRA*, p97, English, *Armed Struggle*, pp137–138.

7.100 In Londonderry, Lance Corporal William Jolliffe was killed on 1st March 1971. He had been travelling in a Land Rover that crashed after being hit by petrol bombs while on patrol in the Bogside, and he died as a result of inhaling a high concentration of chemicals from fire extinguishers that were used to put out the resulting fire. Two other soldiers were dragged from the vehicle by local residents and taken to a house, where they were cared for until an ambulance arrived. Lance Corporal Jolliffe was the first soldier to be killed in Londonderry in the Troubles. The incident that led to the death of Lance Corporal Jolliffe was condemned by, among others, John Hume and the Catholic Bishop of Derry.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp68–69; Ó Dochartaigh, *Civil Rights to Armalites*, p219.

7.101 On 20th March 1971 Major Chichester-Clark resigned after Westminster had rejected his wide-ranging request for tougher security measures, offering only an extra 1,300 troops. Brian Faulkner succeeded him as Prime Minister of Northern Ireland after defeating William Craig in an election for leadership of the Unionist Party.¹ The new Prime Minister brought into his government both liberal and hard-line unionists, as well as David Bleakley, a former Northern Ireland Labour Party chairman and MP, who became the first non-unionist minister to serve in a Stormont government.²

¹ McKittrick and McVea, *Making Sense of the Troubles*, p65; Bew and Gillespie, *Chronology of the Troubles*, p34; Hennessey, *History of Northern Ireland*, p189.

² Elliott and Flackes, *Political Directory*, p183; Faulkner, *Memoirs*, p84; McKittrick and McVea, *Making Sense of the Troubles*, p66; Bew and Gillespie, *Chronology of the Troubles*, p34.

7.102 In June, Brian Faulkner proposed the setting up of new committees, to sit alongside the existing Public Accounts Committee, overseeing social services, the environment and industry, with opposition members chairing two of them.¹ This proposal was greeted favourably, albeit cautiously, by the SDLP.²

¹ Faulkner, *Memoirs*, pp103–104; Hennessey, *History of Northern Ireland*, pp190–192; McKittrick and McVea, *Making Sense of the Troubles*, p66; Bew and Gillespie, *Chronology of the Troubles*, p34.

² [G2AA.23.1.2](#) Minutes of the Ministerial Committee on Northern Ireland, 6th July 1971; Faulkner, *Memoirs*, pp103–104; Hennessey, *History of Northern Ireland*, p192; Ó Dochartaigh, *Civil Rights to Armalites*, p230.

7.103 Brian Faulkner, like Major Chichester-Clark before him, pressed the United Kingdom Government and the Army for a tougher military response to the unrest. After a bomb attack on a Belfast police station that killed a soldier seeking to shield people from the blast, he announced in Stormont in May 1971 that “*any soldier seeing any person with a weapon or seeing any person acting suspiciously may fire either to warn or may fire with effect, depending on the circumstances and without waiting for orders from anyone*”.¹

¹ [G1AAC.19.1.1.12](#) Minutes of the Defence and Overseas Policy Committee, 26th May 1971; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p74; Bew and Gillespie, *Chronology of the Troubles*, p35; Faulkner, *Memoirs*, pp100–101; Hennessey, *History of Northern Ireland*, p192; McKittrick and McVea, *Making Sense of the Troubles*, p66.

7.104 Ministers in the United Kingdom Government were alarmed and dismayed by this comment. In a meeting of the (United Kingdom) Defence and Oversea Policy Committee on 26th May 1971, the Minister of State for Defence, Lord Balniel, said that: “*This statement was inaccurate. Soldiers were not free to open fire unless they had reason to believe that a weapon was about to be used for offensive purposes and that life was in danger. Moreover, shots were not authorised to be fired as a warning.*” It was agreed at the meeting that, in order to avoid the impression that there was any divergence of opinion between the United Kingdom Government and Brian Faulkner, arrangements should be made for the latter to “*issue a very early statement correcting the comment ... and making it clear that the rules governing the use of firearms by troops were as had been stated in the Committee’s discussion*”.¹

¹ [G1AAC.19.1.1.12](#) Minutes of the Defence and Oversea Policy Committee, 26th May 1971.

7.105 Brian Faulkner’s announcement was regarded by many on the nationalist side as seeking to justify in advance shooting by soldiers in contentious circumstances.¹

¹ Hennessey, *History of Northern Ireland*, p192.

7.106 Those contentious circumstances soon arrived.

The shooting of Seamus Cusack and Desmond Beattie

7.107 As already noted, in Londonderry by June 1971 there was increasing street violence, but nothing on the scale of the unrest and paramilitary activity in Belfast. However on 4th July 1971 there was gunfire in the city (the first for some months) directed at Army posts.¹ In the days following there was rioting and further gunfire was directed at soldiers² and though contemporary security reports considered that this did not amount to evidence of a planned campaign by the Provisional IRA,³ this view later changed.⁴

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp202–204 and p232; [G2A.23.1-6](#) 8th Infantry Brigade Intelligence Summary No 74, 7th July 1971; [G27.196](#) 8th Infantry Brigade Op Directive No 4/71, 10th November 1971.

² Ó Dochartaigh, *Civil Rights to Armalites*, p232; [G2A.23.1-6](#) 8th Infantry Brigade Intelligence Summary No 74, 7th July 1971; [G27.196](#) 8th Infantry Brigade Op Directive No 4/71, 10th November 1971.

³ [G2A.23.6](#) 8th Infantry Brigade Intelligence Summary No 74, 7th July 1971.

⁴ [G2C.23.12](#) HQNI Intelligence Summary No 28/71, 15th July 1971; [G3B.48.9-10](#) 8th Infantry Brigade Intelligence Summary No 75, 7th July 1971; [G27.196](#) 8th Infantry Brigade Op Directive No 4/71, 10th November 1971.

7.108 In the early hours of 8th July 1971 a soldier shot a Catholic man, Seamus Cusack, in the thigh. Seamus Cusack was taken across the border to Letterkenny Hospital in Donegal, because it was feared that he would be arrested for riotous behaviour if taken to Altnagelvin Hospital in Londonderry. He died of loss of blood shortly after arrival.¹

¹ Gifford Report, *Report of the Inquiry into the Circumstances Surrounding the Deaths of Seamus Cusack and George Desmond Beattie*, London: Northern Ireland Socialist Research Centre, 1971, pp10–20; Ó Dochartaigh, *Civil Rights to Armalites*, p232.

7.109 Later that day there was further rioting that, at least in part, was in response to the shooting of Seamus Cusack.¹ Bombs were thrown at Army vehicles, and in the resulting explosions four soldiers were injured. A few seconds later another Catholic man, Desmond Beattie, was shot and killed by a soldier.²

¹ [G3B.48.3](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971; Gifford Report, pp28–30.

² [G3B.48.2-3](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971; Gifford Report, pp28–30; Ó Dochartaigh, *Civil Rights to Armalites*, pp232–233; Hennessey, *History of Northern Ireland*, p192; McKittrick and McVea, *Making Sense of the Troubles*, p66.

7.110 The Army claimed that Seamus Cusack had been aiming a rifle and Desmond Beattie had been about to throw a nail bomb.¹ Local people vehemently denied this and insisted that both men were unarmed.² An unofficial inquiry chaired by Lord Gifford, in which the Army did not participate, concluded that both men had been unarmed when shot.³ In a subsequent civil case Mr Justice Gibson held that Seamus Cusack was probably not armed, but had been taking part in a violent riot and was equally to blame for what happened.⁴

¹ [G3B.48.2-3](#) 8th Infantry Brigade Intelligence Summary No 75, 17 July 1971; Ó Dochartaigh, *Civil Rights to Armalites*, pp232–233.

³ Gifford Report, pp21–22 and p40.

⁴ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p76.

² Gifford Report, pp20–22 and pp32–34.

7.111 These two deaths, the first in Londonderry resulting from Army gunfire since the soldiers had arrived on the streets in 1969, and what the local nationalist population regarded as a cover-up by the Army and the United Kingdom Government of illegal shooting of innocent men, destroyed much of what remained of the goodwill felt by this community towards the Army.¹ More riots followed and local people in the Bogside and the Creggan erected barricades.² Large crowds attacked the Army and police post at Bligh's Lane in the Creggan area of the city for several days, with some setting fire to buildings in the complex.³ There were also several shooting incidents.⁴

¹ [E6.0043](#) Professor Arthur's report to this Inquiry; [G3B.48.13](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971; [G27.197](#) 8th Infantry Brigade Op Directive No 4/71, 10th November 1971.

³ [G3B.48.2-13](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971.

⁴ [G3B.48.2-13](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971.

² [G3B.48.2-13](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971.

7.112 The SDLP, under pressure from the nationalist community, threatened to withdraw from the Stormont Parliament unless the Government set up an independent inquiry into the deaths of Seamus Cusack and Desmond Beattie. No inquiry was forthcoming and the SDLP left Stormont on 16th July 1971, so in effect ending Brian Faulkner's attempt to involve the elected representatives of the minority community in the governance of Northern Ireland through the proposed new government committees.¹

¹ [E6.0043-44](#) Professor Arthur's report to this Inquiry; [G3A.48.1](#) Extract from Home Office Memorandum, "Northern Ireland: Political Summary for the Period 16th–22nd July 1971", 23rd July 1971; Ó Dochartaigh, *Civil Rights to Armalites*, p235; Hennessey, *History of Northern Ireland*, pp192–193; Routledge, *John Hume*, pp101–103; Bew and Gillespie, *Chronology of the Troubles*, pp35–36; McCann, *War and an Irish Town*, pp90–91.

7.113 On 24th July 1971 a nine-year-old boy was accidentally killed in the Bogside when an Army truck struck him. There followed a further week of fierce rioting, during the course of which buildings were burned and there were incidents of shooting and bombing.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p234; [G3CA.48.14.2](#) Special Assessment approved by the Joint Intelligence Committee, 29th July 1971.

7.114 The increased level of violence, and particularly fatal violence, in Northern Ireland in the period to the end of July 1971 is shown starkly by the figures in the book *Lost Lives*. In 1969, 18 people were killed in incidents related to the Troubles;¹ in 1970 there were 28 deaths.² In the first seven months of 1971, 31 people were killed.^{3,4}

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp32–45.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp48–59.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp62–79.

⁴ These figures are taken from the individual accounts of these deaths given in McKittrick, Kelters, Feeney and Thornton, *Lost Lives*. However, it should be noted that elsewhere in the book, the authors cite different figures – 19 for 1969 (p31, p1494), 29 for 1970 (p47, p1494). We consider *Lost Lives* to be the most authoritative source for such information, although any assessment of which deaths resulted from violence in the Troubles is to some degree subjective.

Chapter 8: The period from August to December 1971

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- 8.1 The increase in violence led to discussions between the United Kingdom and Northern Ireland Governments regarding the possibility of introducing internment without trial. Before examining the debate and the decision that followed, it is necessary to set out the political and security structures then in place in Westminster and Stormont.

Government and security structures

- 8.2 The governance of Northern Ireland rested in the first instance with the Northern Ireland Government and the Parliament at Stormont to which it was responsible. However, as these bodies were created by the Parliament at Westminster, many, including Edward Heath in his written evidence to this Inquiry, felt that the United Kingdom Government (formally known as Her Majesty's Government, or "HMG") "*recognised a responsibility to all the citizens of Northern Ireland*".¹ As we consider later in this part of the report, London's interest in, and influence on, the affairs of Northern Ireland increased significantly following the deployment of the Army in August 1969.

¹ KH4.2

- 8.3 The highest decision-making body within the United Kingdom Government was the Cabinet. Although matters concerning Northern Ireland were discussed at meetings of the full Cabinet, the most significant forum for discussion and decision in the weeks and months preceding Bloody Sunday was the Cabinet Committee on Northern Ireland, known as the GEN 47 Committee, or just GEN 47. Like all such Cabinet committees, GEN 47 had delegated authority to take decisions on behalf of the Cabinet, and these decisions engaged the collective responsibility of the Government. At the time relevant to this report, the GEN 47 Committee comprised:

- Prime Minister: Rt Hon Edward Heath MP (chairman);
- Secretary of State for the Home Department: Rt Hon Reginald Maudling MP;
- Secretary of State for Foreign and Commonwealth Affairs: Rt Hon Sir Alec Douglas-Home MP;
- Chancellor of the Exchequer: Rt Hon Anthony Barber MP;
- Lord President of the Council: Rt Hon William Whitelaw MP; and
- Secretary of State for Defence: Rt Hon Lord Carrington.

8.4 The following senior officer and civil servants also attended meetings regularly:

- Chief of the General Staff (CGS): General Sir Michael Carver;
- Permanent Under Secretary of State, Foreign & Commonwealth Office: Sir Stewart Crawford;
- Permanent Under Secretary of State, the Home Department: Sir Philip Allen; and
- Permanent Under Secretary of State, the Ministry of Defence (MoD): Sir James Dunnett.

8.5 Other senior officials, such as Philip Woodfield, Arthur Hockaday and Donald Maitland, whose positions are explained below, were present at some meetings, often in place of their departmental permanent under secretaries.¹ The General Officer Commanding (GOC) Northern Ireland, Lieutenant General Sir Harry Tuzo, and the United Kingdom Government Representative in Northern Ireland, Howard Smith, might also attend when in London. Sir Burke Trend, the Secretary to the Cabinet, and other civil servants provided the secretariat.

¹ The Permanent Under Secretary is the most senior civil servant in a government department.

8.6 In addition to GEN 47, various other inter-departmental committees concerned themselves in whole or in part with the affairs of Northern Ireland. These included the Ministerial Committee on Northern Ireland (which pre-dated GEN 47 and generally comprised the same ministers and departments); the Defence and Oversea Policy Committee (which again involved many of the same senior ministers, but had a wider brief than the Northern Ireland committees); the Joint Intelligence Committee (which briefed ministers on intelligence matters relating to Northern Ireland); and the Official Committee on Northern Ireland, which was made up of senior civil servants and some military personnel, who met on a regular basis before GEN 47 meetings in order to discuss the issues that were likely to arise.

8.7 The Cabinet Secretary throughout the period that directly concerns this Inquiry was Sir Burke Trend. The Prime Minister's Principal Private Secretary was Robert Armstrong, and his Chief Press Secretary was Donald Maitland. In January 1972, Arthur Hockaday moved from the MoD to the Cabinet Office to become Deputy Head of the Defence and Oversea Division of the Cabinet Secretariat, where his main responsibilities were defence and Northern Ireland.

8.8 Departmental responsibility for Northern Ireland lay at this time with the Home Office, where the Secretary of State was Reginald Maudling. Sir Philip Allen was the Permanent Under Secretary, and he also chaired the Official Committee on Northern Ireland. Philip Woodfield was the Assistant Permanent Under Secretary whose responsibilities included Northern Ireland.

8.9 Following the deployment of the Army to Northern Ireland in August 1969, two senior Westminster civil servants were stationed with the Northern Ireland Government in order to “*represent the increased concern which the United Kingdom Government had necessarily acquired in Northern Ireland affairs through the commitment of the Armed Forces in the present conditions*”.¹ One of the posts created was that of the United Kingdom Representative. Between April 1971 and March 1973, the post was held by Howard Smith, who succeeded Oliver Wright and Ronald Burroughs. The United Kingdom Representative usually reported to the Home Secretary, but on occasions he would also attend inter-departmental ministerial committee meetings. At the time of Bloody Sunday, Howard Smith’s deputy was Frank Steele.

¹ [GO.11](#) Communiqué accompanying the Downing Street Declaration, 19th August 1969.

8.10 The Secretary of State for Foreign and Commonwealth Affairs was Sir Alec Douglas-Home. The most significant officials within his department in relation to the events discussed in this report were the Permanent Under Secretary, Sir Stewart Crawford, and the Head of the Republic of Ireland Department, Kelvin White. Sir John Peck was Her Majesty’s Ambassador to Ireland from April 1970 until February 1973.

8.11 The Armed Forces deployed in Northern Ireland remained under the authority of the MoD in London. This was a matter of great significance to the constitutional and political balance between the governments in Westminster and Stormont. The Secretary of State for Defence, Lord Carrington, was assisted by a number of junior ministers, including the Minister of State for Defence, Lord Balniel, who had responsibility for all three Armed Forces, and the Parliamentary Under Secretary of State for the Army, Geoffrey Johnson-Smith MP. The Permanent Under Secretary at the MoD was Sir James Dunnett. Of the civil servants within the department, the most significant to this Inquiry include: Arthur Hockaday, the Assistant Under Secretary (General Staff) (AUS (GS)) until early January 1972 when he moved to the Cabinet Secretariat; his replacement as AUS (GS), Derek Stephen; and Anthony Stephens, the Head of Defence Secretariat 10 (DS10). The AUS (GS) was the civil service representative on the Chief of the General Staff’s management team, whose other members were senior Army personnel. Under the AUS (GS) were three divisions, DS6, DS7 and DS10, the last being a relatively new body

established to deal exclusively with Northern Ireland. DS10 was intended to provide policy advice to ministers and military staff within the MoD, and to liaise with the Home Office and Foreign & Commonwealth Office.

- 8.12** The professional head of the Armed Forces at the time of Bloody Sunday was the Chief of the Defence Staff, Admiral of the Fleet Sir Peter Hill-Norton. The Chief of the General Staff (CGS), General Sir Michael Carver, was the professional head of the Army, and he sat with Admiral Hill-Norton, the Vice Chief of the Defence Staff, the First Sea Lord (Chief of the Naval Staff) and the Chief of the Air Staff on the Chiefs of Staff Committee. Under General Carver were the structures of the Army's General Staff, which worked with civilian civil servants in the MoD in the formulation, co-ordination and implementation of policy and operations. Lieutenant Colonel David Ramsbotham served as General Carver's Military Assistant at this time. The Director of Military Operations, who was responsible to the CGS, was Major General Ronald Coaker. Colonel Henry Dalzell-Payne served under him as the Head of Military Operations Branch 4 (MO4), which was the section of the General Staff responsible for Northern Ireland. In this role he worked closely with Arthur Hockaday and Anthony Stephens.
- 8.13** The MoD's Northern Ireland Policy Group (NIPG) brought together the relevant politicians, civil servants and military staff and constituted the department's principal internal forum for discussion on issues relating to Northern Ireland. Relevant discussions also took place among officials at the Permanent Under Secretary's morning meetings.
- 8.14** The Parliament and Government of Northern Ireland were governed by a similar combination of constitutional relationships and conventions as their counterparts in London. Brian Faulkner, who was Prime Minister of Northern Ireland from March 1971, chaired the Cabinet, whose Secretary at the time directly relevant to this report was Sir Harold Black. His deputy was Kenneth Bloomfield. The Prime Minister's Principal Private Secretary was Robert Ramsay, and his most senior press officers were David Gilliland (Chief Press Officer) and Jack McNally.
- 8.15** Until the introduction of direct rule by Westminster in March 1972, the Stormont Government retained responsibility for the internal security of Northern Ireland, and it was the gravity of this issue that led Brian Faulkner to serve as minister for the responsible department, Home Affairs, as well as prime minister. He was assisted in his departmental duties by the Minister of State, John Taylor (later Lord Kilclooney), who also attended the Northern Ireland Cabinet, and after October 1971 by the Londonderry city MP,

Commander Albert Anderson, who was the Senior Parliamentary Secretary. William Stout (a civil servant) was appointed by Brian Faulkner as the Government Security Adviser and head of the Government Security Unit.

8.16 The Prime Minister of Northern Ireland chaired the Joint Security Committee (JSC), which in the months before Bloody Sunday comprised:

- Prime Minister of Northern Ireland: Rt Hon Brian Faulkner MP;
- Minister of State at the Ministry of Home Affairs: Rt Hon John Taylor MP;
- Senior Parliamentary Secretary at the Ministry of Home Affairs: Commander Albert Anderson MP;
- General Officer Commanding Northern Ireland (Army): Lieutenant General Sir Harry Tuzo;
- Chief Constable of the Royal Ulster Constabulary (RUC): Sir Graham Shillington;
- Secretary to the Northern Ireland Cabinet: Sir Harold Black;
- Government Security Adviser: William Stout; and
- United Kingdom Government Representative: Howard Smith.

8.17 Other prominent figures, such as the Commander Land Forces (CLF) Northern Ireland, received the minutes of the meeting, and attended from time to time. John Taylor would chair the meetings in the Prime Minister's absence. The secretary to the committee was Thomas Cromey, a civil servant.

8.18 The JSC had a somewhat ill-defined function, and witnesses to this Inquiry have given differing accounts of its precise role. To some in London it was the body that was responsible for taking executive decisions on security matters within Northern Ireland.¹ However, the evidence to this Inquiry of many of those who prepared or participated in the meetings suggests that the committee did not so much make decisions as approve them. The JSC provided a forum for discussion, debate and the exchange of information between politicians, officials and the security forces and as such it played an important role in the governance of Northern Ireland. However, on significant operational matters the committee seems to have accepted recommendations that had emerged from earlier meetings between the GOC, the Chief Constable and the Prime Minister. In effect, JSC

ratification was the last stage in the security policy process, but as such it was often the only part seen by those, such as politicians and civil servants in London, who had not been directly involved.²

¹ [KC8.7](#) Statement to this Inquiry of General Carver; [KC10.2](#) Statement to this Inquiry of Lord Crawford; [G74.457](#) “Proposed March in Londonderry”, submission of Anthony Stephens to the Secretary of State for Defence, 26th January 1972 (but see [KS3.111-112](#) Statement to this Inquiry of Anthony Stephens and [Day 273/13-14](#) Oral evidence to this Inquiry of Anthony Stephens).

² [KK3.2](#) Statement to this Inquiry of John Taylor; [Day 196/14-17](#) Oral evidence to this Inquiry of John Taylor; [KB1.3](#) Statement to this Inquiry of Kenneth Bloomfield; [Day 216/46-47](#) Oral evidence to this Inquiry of Kenneth Bloomfield; [KR1.5](#) Statement to this Inquiry of Robert Ramsay; [Day 215/13-14](#), [Day 215/128](#), [Day 215/96-99](#) Oral evidence to this Inquiry of Robert Ramsay; [KC15.10-11](#) Statement to this Inquiry of Brian Cummings; [Day 253/14-16](#) Oral evidence to this Inquiry of General Ford.

8.19 The formal constitutional responsibility for internal security matters lay with the Northern Ireland Government, but the most significant of the available forces, the Army, which had been deployed “*in support of the constitutional civil authority*”¹ remained under the ultimate control of the United Kingdom Government and Parliament. Elsewhere in this report² we discuss in more detail the process by which security policy in Northern Ireland was made and the constitutional and legal position of the Army in Northern Ireland at the time of Bloody Sunday.

¹ [V58](#) Extract from Hansard, Oral answers of the Minister of State for Defence, 17th February 1972.

² [Chapters 193–196](#)

8.20 The GOC exercised command of the Army in Northern Ireland and, as we have already noted, Lieutenant General Sir Harry Tuzo filled this post during the period with which we are concerned. He was responsible, through the CGS (General Carver) and the Chief of the Defence Staff (Admiral Hill-Norton), to the MoD and hence to Westminster. In Northern Ireland, the GOC also fulfilled the role of the Director of Operations, in which he was instructed to exercise operational command of all land forces (including the Ulster Defence Regiment (UDR)), as well as certain naval and air forces. The GOC’s responsibilities with regard to the RUC are discussed below. We consider below and elsewhere in this report¹ the GOC’s role in the formulation of security policy in Northern Ireland, and his relationship with the governments in London and Stormont.

¹ [Chapters 193–196](#)

8.21 The GOC chaired the Director of Operations Committee (D Ops Committee), which had responsibility for discussing, planning and co-ordinating security operations. At the time of Bloody Sunday, this comprised:

- General Officer Commanding Northern Ireland: Lieutenant General Sir Harry Tuzo;
- Commander Land Forces Northern Ireland: Major General Robert Ford;

- Director of Intelligence: David (surname withheld for security reasons);
- Chief Constable of the RUC: Sir Graham Shillington;
- Assistant Chief Constable (Operations) RUC: David Corbett;
- Head of Special Branch: David Johnston; and
- Chief of Staff, Headquarters Northern Ireland (HQNI): Brigadier Marston Tickell.

8.22 There is some dispute as to whether other figures, such as the Government Security Adviser, William Stout, and the United Kingdom Government Representative, Howard Smith, were permanent members of this committee, or merely attended some meetings, though it seems to us likely that the latter at least was a permanent member.¹ Major INQ 1869² served as secretary from February 1971. The committee generally met on a Wednesday, before the JSC meetings on Thursday.

¹ [G116B.771.11](#) Annex to JSC report on events in Londonderry, 5th February 1972, *Northern Ireland Chain of Command*.

² This is the cipher used by the Inquiry to preserve the anonymity of this soldier.

8.23 The CLF worked closely with, and in effect as deputy to, the GOC, and both were based at HQNI in Lisburn, County Antrim. General Robert Ford replaced General Anthony Farrar-Hockley in this post from 29th July 1971.¹ The CLF had responsibility for the day-to-day conduct of Army operations in Northern Ireland. General Ford and senior staff officers would attend General Tuzo's "*morning prayers*" (informal discussions which were not minuted)² and, on at least three occasions a week, the GOC and the CLF would meet privately, including for talks before D Ops Committee meetings.³

¹ [B1208.019](#) Statement to this Inquiry of General Ford.

³ [Day 253/13](#) Oral evidence to this Inquiry of General Ford.

² [Day 244/113](#) Oral evidence to this Inquiry of Brigadier Tickell; [Day 241/199](#) Oral evidence to this Inquiry of Colonel Tugwell.

8.24 The Director of Intelligence, David, was a member of the Security Service who held the equivalent rank of Major General. His role was to co-ordinate the intelligence-gathering efforts of the various elements of the security forces in Northern Ireland. David oversaw a department consisting of other Security Service officers and military personnel, and he liaised closely with the RUC, especially Special Branch.¹ He was in regular contact with General Tuzo and General Ford.²

¹ [KD2.1](#) Statement to this Inquiry of David.

² [Day 330/4](#) Oral evidence to this Inquiry of David.

8.25 Beyond HQNI, Northern Ireland was divided into three brigade areas. At the time of Bloody Sunday the three brigades were: 39th Infantry Brigade (39 Inf Bde), based in Belfast under the command of Brigadier Frank Kitson; 5th Airborne Brigade (5 Airbde)

Bde), based in Lurgan, which had replaced 19th Airborne Brigade (19 Airborne Bde) during the autumn of 1971; and 8th Infantry Brigade, based in Londonderry, under Brigadier Patrick MacLellan, who took up his command on 27th October 1971 in succession to Brigadier Alan Cowan.

8.26 Each of the brigades was formed by a number of battalions and regiments and a Brigade Staff. At the time of Bloody Sunday, 8th Infantry Brigade had under its command 2nd Battalion, The Royal Green Jackets (2 RGJ), 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN), 1st Battalion, The Coldstream Guards (1 CG) and 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt). 1st Battalion, The Parachute Regiment (1 PARA) was the Reserve Battalion for Brigadier Kitson's 39th Infantry Brigade. In addition to the battalions and regiments that made up each brigade, there was a Province Reserve; 1st Battalion, The King's Own Royal Border Regiment (1 KOB) became operational in this role on 15th January 1972.¹

¹ [G133A.904.4](#) Historical Record, 1st Battalion, The King's Own Royal Border Regiment.

8.27 The RUC, Northern Ireland's police force, was under the command of the Chief Constable (previously the Inspector-General), a position held between November 1970 and November 1973 by Sir Graham Shillington. At the time of Bloody Sunday, the Assistant Chief Constable (Operations), David Corbett, and the Head of Special Branch, David Johnston, sat with the Chief Constable on the D Ops Committee. Like the Army, the RUC divided Northern Ireland into geographical areas of responsibility, to which were designated letters. Division "N" included Londonderry, and was under the command of Chief Superintendent Frank Lagan.

8.28 The Chief Constable reported to the Government of Northern Ireland, and the RUC was part of the civil authority in support of which the Army was deployed from August 1969.

The relationship between the Army and the Royal Ulster Constabulary

8.29 Elsewhere in this report¹ we consider in greater detail the division of responsibilities between the Army and the RUC and the submissions made to this Inquiry on this topic. The following paragraphs provide an overview.

¹ [Chapters 193–196](#)

8.30 The relationship between the RUC and the Army was addressed very shortly after the initial deployment of troops to Northern Ireland, at the meeting that took place on 19th August 1969 between the then Prime Ministers, Harold Wilson and Major James Chichester-Clark, and their senior ministers.¹ The communiqué that was issued after the meeting included the following statement:²

“It was agreed that the GOC Northern Ireland will with immediate effect assume **overall responsibility for security operations** [emphasis added]. He will continue to be responsible directly to the Ministry of Defence but will work in the closest co-operation with the Northern Ireland Government and the Inspector-General of the Royal Ulster Constabulary [then the chief officer of the RUC]. **For all security operations the GOC will have full control of the deployment and tasks of the Royal Ulster Constabulary** [emphasis added]. For normal police duties outside the field of security the Royal Ulster Constabulary will remain answerable to the Inspector-General who will be responsible to the Northern Ireland Government.”

¹ As is described above, it was this meeting that led to the publication of the Downing Street Declaration.

² [G0.10](#), [G37C.252.6](#) “Responsibility for Law and Order in Northern Ireland”, a note by the Chairman of the Official Committee, 10th December 1971.

8.31 In October 1969, as a result of representations by the then chief officer of the RUC, Sir Arthur Young, this arrangement was modified. The Directive that defined the GOC’s role as Director of Operations was amended so that he was made responsible, not for full control, but for the “*co-ordination of the tasking of the RUC*” in relation to “*security operations*”.¹

¹ [G37C.252.6](#)

8.32 The responsibility of the GOC for such “*co-ordination*” was reaffirmed in a revised Directive issued by the Acting Chief of the Defence Staff to the GOC in February 1971, which continued to have effect at the time of Bloody Sunday.¹ This Directive defined “*security operations*” as:²

“relating to internal and external security and cover[ing]:

- a. The execution of operations necessary to counter action, whether covert or overt, aimed at subverting the security of the State.
- b. The action necessary for the protection of life and property in case of actual or apprehended civil commotion.”

The Directive also reiterated that: “*Outside the security field you will have no responsibility for normal police duties, for which the Chief Constable will remain responsible to the Northern Ireland Government.*”³

¹ [G1AAB.19.1.1.8-10](#); [FS10.342](#)

³ [G1AAB.19.1.1.10](#)

² [G1AAB.19.1.1.8](#)

8.33 As we discuss in detail elsewhere in this report,¹ we broadly accept the following summary of the relationship between the Army and the RUC given by Kenneth Bloomfield, the Deputy Secretary to the Northern Ireland Cabinet at the time of Bloody Sunday, in his oral evidence to this Inquiry:²

“Q: Can you tell us what that meant in effect: did it mean that the RUC were subject to – I do not know what is the right word – supervision, control, whatever, of the GOC?”

A: No, I think it was a more sophisticated situation than that. I think what it meant was that the Army would be in the lead in considering how to handle what you might describe as the security situation, but you know, they would try to treat the RUC as a reasonably equal partner. Clearly, they had a tremendous input to make into that sort of situation from their local knowledge, but at the end of the day it would be for the GOC ultimately, or for officers responsible, to say ‘look, we have listened to all of this, we have discussed all of this, now this is how we are going to handle it’.”

¹ [Chapters 193 and 194](#)

² [Day 216/36](#)

8.34 There was another aspect of the relationship between the Army and the RUC, namely that relating to the investigation by the Royal Military Police (RMP), rather than the RUC, of possible criminal offences by soldiers in Northern Ireland. We consider this matter elsewhere in this report.¹

¹ [Paragraphs 194.9–16](#)

Internment

8.35 The Northern Ireland Government had the constitutional power to introduce internment without trial and in theory could have done so without the agreement of the United Kingdom Government. However, in view of the involvement of the Army with security in Northern Ireland, and the fact that this force would in all probability be needed to guard internees, it was accepted by both governments that internment would not be introduced without such agreement.¹

¹ [G4.49](#) Text of a message from the Home Secretary to Brian Faulkner, 4th August 1971; [G4A.49.2-3](#) GEN 47 minutes, 5th August 1971.

8.36 The question of introducing internment without trial had been under consideration for some time.¹ The United Kingdom Government was initially opposed to the idea, and was minded to wait until after the annual Apprentice Boys' Parade (due to take place in Londonderry on 12th August 1971) before making a decision on the issue.² However, the increasing terrorist violence in July 1971 put great pressure on Brian Faulkner to introduce this measure, and he sought the agreement of the United Kingdom Government to taking this course.³

¹ Faulkner, *Memoirs*, p117; [G3A.48.1](#) Extract from Home Office Memorandum, "Northern Ireland: Political Summary for the Period 16th – 22nd July 1971", 23rd July 1971.

² [G3D.48.18](#) Minutes of the Defence and Oversea Policy Committee, 3rd August 1971.

³ [G3BA.48.13.1](#) Letter from Anthony Stephens to PL Gregson, 21st July 1971; [G4A.49.2](#) GEN 47 minutes, 5th August 1971; [G5.50](#) Note of a Meeting at 10 Downing Street on 5th August 1971; [G3D.48.18-20](#) Minutes of the Defence and Oversea Policy Committee, 3rd August 1971.

8.37 The view expressed in July 1971 by the GOC, General Tuzo, was that the arguments against internment were very strong and that other measures should be tried first.¹ The United Kingdom Secretary of State for Defence, Lord Carrington, was reported to be in agreement with General Tuzo on this point.² The other measures included continually harassing known leading IRA activists.³ The Army had previously planned an operation (code-named Operation Hailstone) to lure out, engage and arrest terrorists and hooligans in the area above the Bligh's Lane Army and police post in Londonderry.⁴ This operation would have involved bringing 1 PARA to Londonderry for the first time. This battalion arrived on the outskirts of the city on 17th July, but the operation was ultimately abandoned and 1 PARA, who had not entered the city, returned to Belfast without incident.⁵

¹ [G3BA.48.13.1](#) Letter from Anthony Stephens to PL Gregson, 21st July 1971.

² [G3BA.48.13.1](#) Letter from Anthony Stephens to PL Gregson, 21st July 1971.

³ [G3BA.48.13.1-2](#), [G3BC.48.13.8](#) Letter from Anthony Stephens to PL Gregson, 21st July 1971.

⁴ [G3.24-41](#) Operation Hailstone, HQ 8 Infantry Brigade, 16th July 1971.

⁵ [G3.42-48](#) Operation Hailstone, HQ 8 Infantry Brigade, 16th July 1971; [CJ1.1](#), [CJ1.9](#) Statement to this Inquiry of Captain Mike Jackson.

8.38 There was also the problem of deciding what to do about the traditional Apprentice Boys' Parade, due to be held on 12th August 1971. Some senior Army officers in Londonderry were by now expressing the view that the shooting incidents starting on 4th July marked the beginning of a campaign by the IRA intended to pressurise the Stormont Government into banning this march.¹ However, an intelligence report for HQNI put a different interpretation on the renewed violence, namely that it was in order to gain support from

the nationalist community in Londonderry.² The view expressed by the GOC in early August was that the Army was not recommending on military grounds the banning of the Apprentice Boys' Parade.³

¹ [G27.196](#) 8th Infantry Brigade OP Directive 4/71, 10th November 1971.

³ [G4.49](#) Text of a message from the Home Secretary to Brian Faulkner, 4th August 1971.

² [G2C.23.12](#) HQNI Intelligence Summary No. 28/71, 15th July 1971.

8.39

On 5th August 1971 the GEN 47 Committee met to consider the situation. It would appear from the minutes of this meeting that the initial unfavourable view of internment was now changing, in view of the fact that a refusal to agree on the part of the United Kingdom Government would be very likely to render Brian Faulkner's position untenable.¹ By this time, the members of GEN 47 appear to have accepted that the Faulkner administration represented the last chance for Stormont and that if he fell it was almost inevitable that the Northern Ireland Government would have to be replaced with direct rule from Westminster, something that the United Kingdom Government wished to avoid if possible.²

¹ [G4A.49.1-4](#)

² [G1AA.19.1.1](#) Report from H Smith to the Home Secretary, 10th June 1971; [G3BB.48.13.5](#) Minutes of the Cabinet Ministerial Committee on Northern Ireland, 27th July 1971; [G3BC.48.13.10](#) Confidential annex to the minutes of the Ministerial Committee on Northern Ireland, 29th July 1971; [KH4.5](#) Statement to this Inquiry of Edward Heath.

8.40

The minutes of the GEN 47 meeting record the following discussion about the merits of introducing internment:¹

"In discussion it was agreed that the current military measures involved a relatively long campaign; internment, if it was effective would bring more immediate results. In deciding whether we should agree to its immediate use, it had to be borne in mind that it was the last action available to us short of direct rule. It could not be argued that internment would enable Mr Faulkner to carry on his Administration indefinitely. On the other hand, it seemed inevitable that internment would have to be used sooner or later. If we agreed to its use before 12 August, it could be accompanied by a prohibition on all processions, and it could then be represented as part of a comprehensive policy for maintaining public order and not directed against any particular section of the community. If Mr Faulkner were at his meeting that afternoon formally to seek our agreement to the use of internment, and we were to refuse it, the fact would become known, and Mr Faulkner's political position would become

impossible. Direct rule would then almost inevitably follow, and in that event we ourselves were likely to want to use the power of internment; it would be better if we had allowed the Northern Ireland Government to use the power of internment earlier. These were arguments for agreeing at once to the use of internment coupled with a prohibition of all processions before 12 August.

In further discussion it was observed that the use of internment would have international implications. It would involve entering a further derogation from the European Convention on Human Rights, and it was not impossible that the situation in Northern Ireland would be brought before the United Nations. It was also to be expected that retaliatory action by the IRA would not be confined to Ireland; hostages might be taken in Great Britain.”

¹ G4A.49.1-4

8.41 Prime Minister Edward Heath summed up the conclusion of the meeting in the following terms:

“THE PRIME MINISTER, summing up the discussion, said that, although a refusal to accede to a demand made that afternoon by Mr Faulkner for our agreement to the use of internment would seriously damage his political position, it had at the same time to be borne in mind that the United Kingdom Government would be bearing the effective responsibility for the act. The full implications of a resort to internment ought to be put before Mr Faulkner and it was undesirable that a decision on the use of internment should be taken before the matter had been thoroughly discussed with him. He himself, accompanied by the Home Secretary and the Secretary of State for Defence would see Mr Faulkner that afternoon. The fact that the meeting was taking place should not be made public.”

8.42 In the afternoon of the same day Edward Heath, together with the Home, Foreign and Defence Secretaries, met Brian Faulkner in London. The upshot of this meeting was that the United Kingdom Government agreed to support internment provided there was a complete ban on all marches.¹ According to Edward Heath’s oral evidence to this Inquiry, Brian Faulkner was reluctant to accept this condition, and only did so because it was clear that, without it, the United Kingdom Government would not agree to internment.² Brian Faulkner himself recorded in his memoirs that he “*readily accepted*” the ban.³ The view of the United Kingdom Government was that if internment was accompanied with a

ban on all marches in Northern Ireland, the measures could be represented as part of a comprehensive policy for maintaining public order and not directed against any particular section of the community.⁴

¹ [G5.50-52](#) Note of a meeting at 10 Downing Street, 5th August 1971.

² [Day 282/96](#)

³ Faulkner, *Memoirs*, p120.

⁴ [G3BC.48.13.9](#) Minutes of the Cabinet Ministerial Committee on Northern Ireland, 29th July 1971; [G4A.49.3](#) GEN 47 minutes, 5th August 1971; [G5A.55.1-3](#) Note of a meeting at 10 Downing Street, 5th August 1971; [G5.52](#) Note of a meeting at 10 Downing Street, 5th August 1971.

8.43 During this meeting the CGS, General Carver, and the GOC, General Tuzo, attended to express their view that internment could not be described as an essential measure in purely military terms, as they considered that the IRA could be defeated by the methods currently being used, though whether the likely timescale for this was acceptable was a political and not a military question. The Chief Constable of the RUC expressed the view that the time for internment had now arrived.¹

¹ [G5.51](#) Note of a meeting at 10 Downing Street, 5th August 1971.

8.44 The decision to introduce internment was criticised during the present Inquiry. Those representing the family of Jim Wray, one of those killed on Bloody Sunday, submitted that the need for a formal derogation from the European Convention on Human Rights, the possibility of the situation in Northern Ireland being brought before the United Nations and the risk of IRA activity extending to Great Britain “*were discussed more as an inconvenient consequence of the action rather than a measure of its gravity*”. The same representatives described internment as a “*monstrous violation of human rights*”.¹ It was submitted by those representing other families that internment represented an act of British “*appeasement*” of the Northern Ireland Government.²

¹ [FS4.18](#)

² [FS1.486-491](#)

8.45 We have found nothing in the evidence to support the suggestion that internment was regarded as other than a grave step to take; or that its consequences were regarded as inconveniences rather than a measure of its gravity. On the contrary it seems to us that the records of the discussions show that the question of internment and its consequences were carefully and thoroughly considered.¹ The analysis of the United Kingdom Government was that unless internment was introduced Brian Faulkner and his government would fall, and that this would lead to the imposition of direct rule in circumstances where the United Kingdom Government would itself be likely to have to introduce internment.² It was to avoid such an outcome, not to “*appease*” the Northern Ireland Government, which led the United Kingdom Government to agree to internment.

Furthermore, the attitude of unionists in the face of Provisional and Official IRA campaigns of violence intended to lead to the end of partition was something that could not simply be ignored by the United Kingdom Government.

¹ [G3D.48.19](#) Confidential annex to the minutes of the Defence and Policy Committee, 3rd August 1971; [G4A.49.3](#) GEN 47 minutes, 5th August 1971; [G5.51](#) Note of a meeting at 10 Downing Street, 5th August 1971.

² [G3BB.48.13.4-5](#) Memorandum by the Home Secretary, 27th July 1971; [G4A.49.3](#) GEN 47 minutes, 5th August 1971; [G4AA.49.6](#) Manuscript notes of GEN 47, 5th August 1971, from Sir Burke Trend's minute book.

8.46 Internment was introduced under Regulation 12 of the Schedule to the Civil Authorities (Special Powers) Act (Northern Ireland) 1922.¹ Internment had been used before by both the Northern Ireland Government and the Republic of Ireland during the IRA campaign between 1956 and 1962. By the beginning of August 1971, however, the United Kingdom Government was made aware that, this time, the Republic of Ireland would not introduce a similar measure.²

¹ [LAW2.12](#)

² [G3D.48.18](#) Minutes of the Defence and Overseas Policy Committee, 3rd August 1971.

Legality of the ban on marches

8.47 At the same time as internment was introduced, the Stormont Government imposed a six-month ban on marches under section 2(2) of the Public Order Act (Northern Ireland) 1951.¹ Section 2(4) of that Act, a provision inserted by section 2 of the Public Order (Amendment) Act (Northern Ireland) 1970, made it an offence for a person knowingly to take part in a banned public procession. The Criminal Justice (Temporary Provisions) Act (Northern Ireland) 1970 provided that the minimum penalty for this offence was imprisonment for six months. The Criminal Justice (Temporary Provisions)(Amendment) Act (Northern Ireland) 1970 made certain exceptions to this and there were special provisions for juveniles under the age of 17, such as custody in a remand home, training schools, borstal or attendance centres instead of imprisonment. There had been previous bans on marches, the last of which had covered the period between July 1970 and January 1971.²

¹ [LAW6.1](#)

² Ó Dochartaigh, *Civil Rights to Armalites*, p190.

8.48 At this Inquiry it was submitted that the circumstances in which the Northern Ireland Government came to introduce a ban on marches in August 1971 raised the question of whether the ban fell outside the provisions of the Public Order Act and violated Articles 10 and 11 of the European Convention on Human Rights, on the grounds that it was introduced by the Government of Northern Ireland, not for genuine security reasons, but as the price to be paid for the agreement of the United Kingdom Government to

internment.¹ It is neither necessary nor desirable in this report to express a view on these matters, which are essentially questions of law, since we have no evidence to suggest that any of those taking part in, or seeking to stop, the march on Bloody Sunday acted otherwise than in the belief that it had been legally banned, and since it is far from certain that all the relevant evidence, materials and arguments have been put before us.

¹ [FS10.271-296](#) Final submissions on behalf of NICRA; [FS4.14-18](#) Final submissions made on behalf of the Wray family; [FS1.510-515](#) Final submissions made by Madden & Finucane.

The response to internment

8.49 It had been intended to introduce internment on 10th August 1971 but fear that news of it might leak led to the operation (code-named Operation Demetrius) starting in the early hours of the previous day,¹ when 342 people were arrested in Northern Ireland as being suspected IRA terrorists or republican activists.² In the Londonderry area, 67 or 68 were detained out of 86 sought by the security services, of whom about 20 were arrested in the city itself.³

¹ Michael Carver, *Out of Step: Memoirs of a Field Marshal*, London: Hutchinson, 1989, p409.

² The Compton Committee, *Report of the enquiry into allegations against the Security Forces of physical brutality in Northern Ireland arising out of events on the 9th August, 1971* (London: HMSO, 1971 Cmnd 4823), para 9.

³ [G14A.86.003](#) Brigadier Cowan's notes for the visit of the Secretary of State and the Prime Minister, 30th September 1971; [G41.264](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971; Ó Dochartaigh, *Civil Rights to Armalites*, pp270–271; McCann, *War and an Irish Town*, p92.

8.50 The response to internment was immediate and, in many cases, violent. All but two of those arrested were Catholics, and both the non-Catholics were associated with the civil rights campaign or republican groups.¹ Although Brian Faulkner maintained that this was because only the Official IRA and the Provisional IRA were then involved in an organised and systematic campaign of violence,² the perception of many, if not most, of the minority community in Northern Ireland was that this was yet another example of sectarianism and repression by the authorities at Stormont, aided and abetted by the security forces.³ In addition, there was resentment from the fact that the intelligence on which internment was based appeared unimpressive – many of those initially picked up were soon released – and from the feeling that internment was a political move designed to shore up Brian Faulkner's position against attack from right wingers.⁴ In Londonderry there were many

days of renewed rioting, local people erected more barriers in the Bogside and the Creggan and the Provisional and Official IRA both mounted armed patrols in these areas of the city.⁵

¹ [G9B.66.13](#) Minutes of a meeting of the (Northern Ireland) Cabinet, 20th August 1971; Michael Farrell, *Northern Ireland: The Orange State* (London: Pluto Press, 1976), p282.

² Faulkner, *Memoirs*, p119; [G5.54](#) Note of a meeting at 10 Downing Street, 5th August 1971.

³ McKittrick and McVea, *Making Sense of the Troubles*, pp69–70; Ó Dochartaigh, *Civil Rights to Armalites*, pp236–238; John Peck, *Dublin from Downing Street* (Dublin: Gill and Macmillan, 1978), pp127–128.

⁴ McKittrick and McVea, *Making Sense of the Troubles*, pp67–70.

⁵ Ó Dochartaigh, *Civil Rights to Armalites*, p236; [G7B.60.6](#) Memorandum attaching report of the Ireland Current Intelligence Group, 10th August 1971; [G9BA.66.9.2-3](#) Memorandum attaching special assessment approved by the JIC.

8.51

Those opposed to internment included moderate Catholics.¹ In Londonderry a group of 30 leading Catholic figures (sometimes known as the Committee of 30), including the Chairman of the local RUC Liaison Committee and three members of the Londonderry Development Commission (the body by then administering the city), resigned their public offices in protest, announcing their withdrawal on 19th August 1971.² Non-unionist councillors of some 20 local authorities also announced their withdrawal from their councils.³

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp236–237; Routledge, *John Hume*, p106.

² [G14AA.86.1.5](#) Extracts from steering brief for the visit of the Prime Ministers of the Irish Republic and of Northern Ireland, 24th September 1971; Ó Dochartaigh, *Civil Rights to Armalites*, pp236–237.

³ Hennessey, *History of Northern Ireland*, p195.

8.52

Moderates and radicals combined in a campaign of civil disobedience aimed at ending internment. Within days, a rent and rates strike had been launched across Northern Ireland, organised primarily by the Northern Ireland Civil Rights Association (NICRA), but with the support of the Social Democratic and Labour Party (SDLP) politicians and other opposition and civil rights groups.¹ In Londonderry this was augmented by a one-day industrial strike on 16th August 1971 that was supported by an estimated 8,000 workers.²

¹ [KB2.12](#) Statement to this Inquiry of Kevin Boyle; [Day 123/111-112](#) Oral evidence to this Inquiry of Kevin Boyle; [G14AA.86.1.5](#) Extracts from steering brief for the visit of the Prime Ministers of the Irish Republic and of Northern Ireland, 24th September 1971; Professor Ian McAllister, *The Northern Ireland Social Democratic and Labour Party:*

Political Opposition in a Divided Society (London: Macmillan, 1977), pp99–100; McKittrick and McVea, *Making Sense of the Troubles*, p252; Farrell, *Northern Ireland: The Orange State*, p283.

² CAIN website, <http://cain.ulst.ac.uk/othelem/chron/ch71.htm>.

8.53 In the four days after the introduction of internment, the continuing unrest led to 25 deaths and many injuries in Northern Ireland.¹ In Londonderry Hugh Herron, a Catholic, was shot by a soldier in Long Tower Street in disputed circumstances and Paul Challenor, a bombardier in the Royal Horse Artillery, was shot at the Bligh's Lane Army and police post by republican paramilitaries and died shortly afterwards.² Bombardier Challenor was the first person to be shot and killed by Official or Provisional IRA gunfire in Londonderry in the Troubles.³ Several soldiers were also injured by gunfire in the city.⁴

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp79–91.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p88; Ó Dochartaigh, *Civil Rights to Armalites*, p236.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p86 and p88; Ó Dochartaigh, *Civil Rights to Armalites*, p236.

⁴ Ó Dochartaigh, *Civil Rights to Armalites*, p236.

8.54 On 18th August 1971 the Army mounted an operation in Londonderry (code-named Operation Huntsman) to engage republican paramilitaries, arrest rioters and remove the barricades. According to the Army reports, the soldiers came under heavy fire from Thompson sub-machine guns and other weapons, to which they responded. During the exchange the Army killed an IRA gunman, Eamonn Lafferty, the adjutant of the Provisionals' Derry Brigade. The operation also involved widespread use of CS gas and rubber bullets. The Army succeeded in removing nearly all the barricades, but by the following morning most of them had been replaced.¹

¹ [G8B.63.5](#) Confirmatory notes to operational orders of Commanding Officer 2 RGJ for Operation Huntsman, 16th August 1971; [G9C.66.14](#) 2 RGJ weekly intelligence summary no. 10, 24th August 1971; [G3C.48.14-15](#) 2 RGJ Commander's Diary, August 1971; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p.91.

8.55 During the course of Operation Huntsman, two Northern Ireland MPs, John Hume and Ivan Cooper, were arrested with others for remaining in an assembly of more than three persons after being ordered to disperse by an Army officer.¹ They successfully challenged their conviction on the grounds that the regulations in question were invalid, since the Northern Ireland Parliament had no power to make laws in respect of the Armed Forces. The Westminster Parliament in February 1972 passed retrospective legislation (the Northern Ireland Act 1972) validating the regulations. Elsewhere in this report² we consider these events and the submissions arising from them in more detail.

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp238–239; [G9C.66.14](#) 2 RGJ weekly intelligence summary no. 10, 24th August 1971.

² [Chapter 195](#)

The period of containment

8.56 On 20th August 1971 the GOC, after meeting the Committee of 30, decided to adopt a policy of lowering the military profile in Londonderry in the hope that this would give moderates the chance to calm the situation.¹ This involved abandoning any routine patrolling of the Bogside and the Creggan and the taking of no military initiatives, save in response to aggression or for specific search or arrest operations.²

¹ [G116.751](#) "Summary of Events in Londonderry on Sunday 30th January 1972"; Carver, *Out of Step: Memoirs of a Field Marshal*, p410; [L279.1](#) Extract from *Eastern Daily Press*, May 1998; Ó Dochartaigh, *Civil Rights to Armalites*, pp237–239.

² [G116.751](#) "Summary of Events in Londonderry on Sunday 30th January 1972".

8.57 General Tuzo took this step, which at the time he described as an experiment that might fail but was worth trying, after being persuaded to do so by moderate middle-class opinion in Londonderry.¹ According to General Ford, General Tuzo was particularly influenced to take this course by Chief Superintendent Lagan, the senior police officer in Londonderry and its environs.²

¹ [G11.73](#) Agenda and Conclusions, JSC meeting, 26th August 1971.

² [Day 253/25](#); [Day 253/51-52](#)

8.58 The policy had the temporary effect of reducing rioting and similar disturbances in the city, but the moderates in the nationalist community who had persuaded General Tuzo to take this step, and those who worked with and supported them, were unable to deliver a suspension of the republican paramilitary campaign, and in particular the bomb attacks.¹ Furthermore, it reinforced the view held by many that the Bogside and Creggan had returned to being unacceptable no-go areas ruled by the Official and Provisional IRA, which led in turn to criticism of the Army in unionist circles.² The Army did occasionally go into these areas, but there was no routine patrolling in the Bogside and Creggan; and in the following months any incursion started to be signalled by an efficient warning system of the banging of dustbin lids, the blowing of car horns, sirens and the like with (at night) the use of searchlights; and was met with rioting crowds as well as armed resistance.³

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp239–240.

² [G11.73-74](#) Agenda and Conclusions, JSC meeting, 26th August 1971.

³ [G41.264](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971.

8.59

Large-scale rioting, accompanied by bombing and shooting, broke out in the city after Annette McGavigan, a 14-year-old girl, was killed by gunfire in disputed circumstances on 6th September 1971.¹ The incident occurred during the disturbances that accompanied the court proceedings brought against John Hume and others following their arrest during Operation Huntsman.² Further violent riots followed the death some days later of a 3-year-old boy who had been hit by an Armoured Personnel Carrier.³ The historian Niall Ó Dochartaigh wrote that these deaths, and the other civilian casualties in this period, meant that, despite the lower profile adopted by General Tuzo, “*huge numbers of Derry Catholics, conservatives, moderates and extremists, [saw] the British army as a dangerous and malevolent force*”.⁴

¹ [G13AA.82.1](#) Joint Intelligence Committee, Special Assessment, 16th September 1971; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp97–98; Ó Dochartaigh, *Civil Rights to Armalites*, p240.

² Ó Dochartaigh, *Civil Rights to Armalites*, p240; Eamonn McCann, Maureen Shiels and Bridie Hannigan, *Bloody Sunday in Derry*, reprinted edition (Dingle: Brandon Book Publishers, 1992), p59.

³ Ó Dochartaigh, *Civil Rights to Armalites*, pp240–241; [G13AA.82.1.2](#) Joint Intelligence Committee, Special Assessment, 16th September 1971.

⁴ Ó Dochartaigh, *Civil Rights to Armalites*, p241.

8.60

In Londonderry there were a number of Army casualties from republican paramilitary activities between September and November 1971. On 2nd September Major Robin Alers-Hankey was shot (and eventually died on Bloody Sunday) while deploying his troops to protect firemen who were being attacked by stone throwers as they tried to deal with a blaze at a timber yard at the junction of Abbey Street and Frederick Street in the Bogside.¹ On 14th September Sergeant Martin Carroll was shot dead outside Bligh's Lane Army and police post.² On 27th September Private Roger Wilkins was mortally wounded by machine gun fire while on duty in the Brandywell area of the city.³ On 16th October Rifleman Joseph Hill was shot and killed as he stood in Columbcille Court in the Bogside after following up rioters.⁴ On 27th October Gunner Angus Stevens and Lance Bombardier David Tilbury were killed by a bomb attack on an Observation Post at the back of the police station in the Rosemount area of the city, which lay to the north of the Creggan.⁵ On 9th November Lance Corporal Ian Curtis was mortally wounded by gunfire near the junction of Foyle Road and Bishop Street while on patrol.⁶

¹ [G107A.652.002](#) NIRSEC situation report no.31, 21st January 1972; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp149–150.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p99.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p105.

⁴ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p106.

⁵ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p111.

⁶ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p117.

8.61 Two civilians, both Catholics, were also killed by gunfire in Londonderry during the same period: William McGreanery on 14th September 1971, and Kathleen Thompson on 6th November. Both died in disputed circumstances, with allegations made that the Army had unjustifiably killed unarmed and uninvolved civilians.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp98–99 and p116; McCann, Shiels and Hannigan, *Bloody Sunday in Derry*, pp59–60; Ó Dochartaigh, *Civil Rights to Armalites*, p242.

8.62 Throughout Northern Ireland, 108 people were killed and many seriously injured between the introduction of internment in August 1971 and the end of November 1971.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp77–121.

8.63 The bombing campaign in Londonderry continued. Between July and December 1971 there were over 200 explosions and an additional 180 nail bombing incidents.¹ The objective of the Provisional IRA's bombing strategy, according to the evidence of Martin McGuinness who was then a member of the Provisional IRA, was to exert pressure on and stretch the security forces in addition to the direct attacks on the Army.²

¹ [G41.263](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971.

² [Day 390/34](#); [Day 390/52](#)

8.64 In addition, rioting by youths in the city had become almost ritualised.¹ There were regular riots on Saturday afternoons, the "Saturday matinées", which usually took place at the corner of Rossville Street and William Street, a junction that became known to soldiers and others as Aggro Corner.² There were also frequent riots on other days,³ including on Sunday afternoons after the televised football match.⁴

¹ [AK17.7](#) Noel Kelly's statement to this Inquiry.

² [Day 113/123-124](#) Oral evidence to this Inquiry of William McCormack; [Day 420/140](#) Oral evidence to this Inquiry of Kevin Martin; [Day 425/3-4](#) Oral evidence to this Inquiry of Brian Power.

³ [Day 113/123-124](#) Statement to this Inquiry of William McCormack; [WT4.16](#) Oral evidence to the Widgery Inquiry of Fr Daly; [WT6.2](#) Oral evidence to the Widgery Inquiry of Raymond Rogan.

⁴ [M79.2](#) Written statement for the Widgery Inquiry of Nigel Wade.



8.65

Although one witness described the rioting as “a kind of play”, which he told us the soldiers enjoyed as much as the rioters,¹ there is little doubt that it was serious and gave rise to serious injury.² According to Army sources, groups of boys and young men gathered to throw stones, bottles and other objects at the soldiers standing behind barriers. The soldiers would fire rubber bullets and sometimes attempt to snatch rioters from the crowd, but with little success.³ On occasion paramilitaries would use these riots or their aftermath as an opportunity to snipe at soldiers (as appears to have been the case with the shooting of Rifleman Hill and Major Alers-Hankey mentioned above) or to throw nail or petrol bombs.⁴ We have little doubt that had the crowd isolated a soldier, it is likely that he would have been killed.⁵ In short, the rioting often carried with it the risk to soldiers of serious injury or even death.

¹ [AH39.2](#) Statement to this Inquiry of Thomas Harrigan.

² [Day 55/33](#) Oral evidence to this Inquiry of Fr McIvor.

³ [G116B.771.11-14](#) Summary of events in Londonderry on Sunday 30th January 1972; [G138.920-922](#) “An Appreciation of the ‘Londonderry Hooligan Element’” written by Colonel Jackson, Commanding Officer of 1 R ANGLIAN.

⁴ [AH67.2](#) Statement to this Inquiry of Hugh Hegarty; [AD26.10](#) Statement to this Inquiry of Donal Deeney; [AC157.7](#) Statement to this Inquiry of Michael Clarke; [WT4.17-19](#) Oral evidence of Fr Daly to the Widgery Inquiry; [G138.920-922](#); “An Appreciation of the ‘Londonderry Hooligan Element’” written by Colonel Jackson, Commanding Officer of 1 R ANGLIAN.

⁵ [Day 68/27](#) Oral evidence to this Inquiry of Hugh Hegarty.

The treatment of internees

8.66 Very shortly after the introduction of internment, public complaints were made about the treatment of internees. In response, on 31st August 1971 the Home Secretary, Reginald Maudling, appointed a committee of inquiry under the chairmanship of Sir Edmund Compton. The committee initially looked into allegations made by 40 people arrested on 9th August. Only one of the complainants appeared before the committee, most others adopting the stance taken by NICRA that the inquiry was unacceptable because of its constitution and the decision to hold its proceedings in private. The Compton report, presented to Parliament in November 1971, cleared the security forces of any acts of “*physical brutality*”, but concluded that in respect of 11 individuals there had been “*physical ill-treatment*” during interrogation in depth in the form of what became known as the “*five techniques*”. These were: making the internee stand against a wall for long periods; hooding the internee; subjecting the internee to continuous noise; depriving the internee of sleep; and depriving the internee of food other than a bread and water diet. In six other cases not involving these techniques, the report found that complainants had suffered “*a measure of ill-treatment*”. Other individuals also suffered some form of hardship or ill-treatment, although in most of these cases the committee felt that this was unintended.¹

¹ Compton Committee, *Report of the enquiry into allegations against the Security Forces of physical brutality in Northern Ireland arising out of the events on the 9th August, 1971* (London: HMSO, 1971 Cmnd 4823).

8.67 On 16th November 1971 Reginald Maudling announced that another committee would consider whether to amend “*the procedures currently authorised for the interrogation of persons suspected of terrorism and for their custody while subject to interrogation*”. The three-man committee, which was chaired by Lord Parker of Waddington, presented their findings on 31st January 1972, the day after Bloody Sunday. The majority view, expressed in the report of the chairman and John Boyd-Carpenter, was that there was no reason to rule out the five techniques on moral grounds and that it was “*possible to operate them in a manner consistent with the highest standards of our society*” provided that certain safeguards were observed. However, in his minority report Lord Gardiner said that he did not believe that such measures were morally justifiable even in emergency or war conditions. After the reports were published on 2nd March 1972, the Prime Minister announced that the five techniques would not be used in future as an aid to investigation.¹

¹ Parker Committee, *Report of the Committee of Privy Counsellors appointed to consider authorised procedures for the interrogation of persons suspected of terrorism* (London: HMSO, 1972 Cmnd 4901).

8.68 The treatment of internees was also the subject of a case brought against the United Kingdom Government by the Government of the Republic of Ireland at the European Court of Human Rights. The European Commission of Human Rights unanimously held that the combined use of the five techniques constituted inhuman and degrading treatment and torture. However, the Court ultimately found that they amounted to inhuman and degrading treatment but not torture.¹ On 8th February 1977 the United Kingdom Government undertook to the Court that the five techniques would not in any circumstances be reintroduced as an aid to interrogation.²

¹ *Ireland v United Kingdom* [1978] 2 EHRR 25.

² *Ireland v United Kingdom* [1978] 2 EHRR 25, para 102.

8.69 It was submitted by the representatives of many of the families that the five techniques were, on the United Kingdom Government's own admission, authorised at "*high level*",¹ and that they demonstrated that the Government had sacrificed its adherence to the rule of law in "*what was, essentially, a war situation*".²

¹ FS1.518

² FS1.494-506

8.70 Whatever validity (if any) this submission may have with regard to the treatment of internees suspected of terrorist activities (a matter which falls outside the scope of this report), we are not persuaded that the findings of the European Court of Human Rights, or the undertaking of the United Kingdom Government, showed that the United Kingdom Government had departed from the rule of law in its treatment of the nationalist population generally. What is important, however, in the present context, is that the allegations about the treatment of internees further exacerbated the feelings of enmity among many nationalists towards the United Kingdom and Northern Ireland Governments and the security forces.

The tripartite talks

8.71 Although the United Kingdom Government had made contingency plans to introduce direct rule from Westminster for Northern Ireland,¹ it continued throughout the period under consideration to seek to avoid this eventuality if possible.² This desire contributed to attempts by the United Kingdom Government to break the political impasse in Northern Ireland in autumn 1971. The primary initiative was to encourage talks among all the parties, including those who had withdrawn from Stormont, under the auspices of the

Home Secretary, Reginald Maudling. The intention was to reach an agreement whereby the minority community would return to Stormont and adopt a significant role in the administration of Northern Ireland.

¹ [G3BB.48.13.5](#) Minutes of the Cabinet Ministerial Committee on Northern Ireland, 27th July 1971.

² See, for example, Sir Philip Allen's summary of the position at [G32B.233.17](#) in his note on "Possible course of action", 23rd November 1971, which is discussed below.

8.72

There were three overlapping difficulties that the United Kingdom Government faced. First was the security situation. Throughout the autumn, the Northern Ireland Government pushed for tougher measures and greater resources, as well as the maintenance of internment.¹ This led to the second difficulty: the continued absence of the SDLP not only from Stormont, but also from any political talks with the two governments regarding the future of Northern Ireland while internment lasted. Initially, the parties had withdrawn over the deaths of Seamus Cusack and Desmond Beattie, but they subsequently demanded the abolition of internment as a precondition for their return.² Neither the United Kingdom nor the Northern Ireland Governments were prepared to accept this, and instead concentrated on trying to entice the SDLP back through reforms of the existing political structures. This developed into a third difficulty. The initiatives put forward by the Northern Ireland Government built on the new committee proposals of the previous June, which had been cautiously welcomed by the SDLP, and Brian Faulkner continued to envisage that the SDLP and others would act as a parliamentary opposition, albeit with greater powers of scrutiny.³ However, attitudes had hardened over the summer, and it quickly became apparent that the nationalist parties would not be satisfied with measures that did not allow them a guaranteed role in the executive, and not just the legislative, branch of government, something that was unacceptable (at this stage) to Brian Faulkner.⁴ The United Kingdom Government had supported the Northern Ireland Government's stance in mid-August,⁵ but subsequently began to express its desire for talks on ways of establishing "*an active, permanent and guaranteed role in the life and public affairs of the Province*" for the minority community.⁶

¹ [G12C.78](#) Record of a meeting held in the Cabinet Office, Whitehall on 15th September 1971; [G12A.78.1](#), [G12B.78.2](#) Exchange of letters between Brian Faulkner and General Tuzo, 13th and 15th September 1971; [G17.120](#) Record of a discussion with the Prime Minister of Northern Ireland held at 10 Downing Street on 7th October 1971.

² [G13B.82.6](#) Confidential annex to Cabinet minutes, 21st September 1971; McKittrick and McVea, *Making Sense of the Troubles*, p74; Routledge, *John Hume*, pp105–106.

³ [G8A.63.4](#) Confidential annex to Cabinet minutes, 16th August 1971; [G9A.66.6-7](#) Note of a meeting held at Chequers, 19th August 1971; [G9B.66.11](#) Northern Ireland Cabinet minutes.

⁴ [G10A.70.2](#) Joint Intelligence Special Assessment, 26th August 1971.

⁵ [G9A.66.6-7](#) Note of a meeting held at Chequers, 19th August 1971; [G9B.66.11](#) Northern Ireland Cabinet minutes, 20th August 1971.

⁶ [G13B.82.6](#) Confidential annex to Cabinet minutes, 21st September 1971; [G22C.163.7](#) Minutes of GEN 47, 29th October 1971; [G28A.220.3-4](#) Minutes of GEN 47, 12th November 1971.

8.73 The United Kingdom Government also sought to engage with the Government of the Irish Republic in order to make further efforts to end the conflict in Northern Ireland. Initially, Edward Heath attempted to persuade Jack Lynch, the then Taoiseach of the Republic of Ireland, that his government should encourage the nationalist parties to enter the Home Secretary's talks. To this end, he invited both Jack Lynch and Brian Faulkner to Chequers, his official residence, at the end of September. This too proved problematic. Edward Heath and Jack Lynch had publicly exchanged acrimonious telegrams the previous month following the introduction of internment. This incident heightened the suspicions of hard-line unionists¹ and Brian Faulkner himself expressed his reservations about meeting the Taoiseach at this time.²

¹ [G12AA.78.1.1-2](#) Text of a telephone conversation between Mr Faulkner and the [United Kingdom] Prime Minister, 10th September 1971.

² [G9A.66.5-6](#) Note of a meeting held at Chequers, 19th August 1971; [G12AA.78.1.1-2](#) Text of a telephone conversation between Mr Faulkner and the [United Kingdom] Prime Minister, 10th September 1971.

8.74 The tripartite talks took place between 26th and 28th September 1971.¹ The talks were wide-ranging, but were predicated on an understanding that there would be no substantive negotiations on the constitutional question.² On this, the Taoiseach continued to call for reunification, while the United Kingdom Prime Minister restated his government's adherence to the Ireland Act 1949, which guaranteed that the union with Britain would not be removed without the consent of the Stormont Parliament.³

¹ [G14AC.86.1.14](#) United Kingdom note on the visit of the Prime Ministers of the Irish Republic and of Northern Ireland; [G14AC.86.1.48](#) Communiqué.

² [G14AAA.86.1.1.1](#) Memorandum from Sir Burke Trend to the Prime Minister, September 1971; [G12AC.78.1.16](#) Note of a telephone conversation between the Prime Ministers of the United Kingdom and Northern Ireland, 11th September 1971.

³ [G14AC.86.1.26](#) Record of a discussion between the Prime Ministers of the United Kingdom, Northern Ireland and the Republic of Ireland, 27th September 1971; [G14AC.86.1.22](#) Record of a discussion between the Prime Ministers of the United Kingdom and the Republic of Ireland, 27th September 1971.

8.75 During the talks, Brian Faulkner urged the Government of the Irish Republic to take firmer measures and increase co-operation on security, arguing that the first priority in Northern Ireland was to restore law and order.¹ Jack Lynch expressed his opinion that internment had been a major error, and stated that it would not be introduced in the Republic, where the conditions for derogation from the European Convention on Human Rights were not met.² He considered that the security situation could only be improved by a political solution that allowed the minority community to participate in government, something that had not been envisaged by Brian Faulkner's reforms.³ Brian Faulkner's position was that

there was no possibility of the majority (Unionist) party forming a government with members of the SDLP “*because they differed so fundamentally from members of the existing Government on the constitutional position*”.⁴

¹ [G14AC.86.1.27](#)

³ [G14AC.86.1.26-28](#); [G14AC.86.1.31](#)

² [G14AC.86.1.26-28](#)

⁴ [G14AC.86.1.32](#)

8.76 Unsurprisingly, little was agreed between the governments and a somewhat bland communiqué was issued, condemning the use of violence as an instrument of political pressure.¹ Although the fact that the tripartite talks took place at all was significant, and to some extent an achievement in itself, the event did not lead directly to any political progress in the ensuing months, nor did it reduce the risk of having to introduce direct rule.

¹ [G14AC.86.1.48](#)

General Carver’s military appreciation of the security situation

8.77 On 7th October 1971 there was a further meeting between the United Kingdom and Northern Ireland Prime Ministers. In advance of this meeting Edward Heath requested, and obtained, a full military appreciation of the security situation in Northern Ireland, including an assessment of “*what measures the Army would propose, if they were instructed that the primary objective was to bring terrorism in Northern Ireland to an end at the earliest possible moment, without regard to the inconveniences caused to the civilian population, and what forces they would require to carry these measures out*”.¹

¹ [G14AAA.86.9](#)

8.78 General Carver, the CGS, provided the assessment, emphasising in his covering memorandum of 4th October 1971 that, in his view, the problem was essentially a politico-military one and that the factors could not be disentangled.¹ He wrote:²

“The history of all previous campaigns against terrorists – and few of them have been wholly successful – proves that a purely military solution is most unlikely to succeed, and that whether it is achieved by military or political means or both, the isolation of the terrorist from the population is a sine qua non of success.”

¹ [G14B.86.8](#)

² [G14B.86.8](#)

8.79 The assessment itself painted a picture of a deteriorating security situation, with both the Provisional IRA and the Official IRA supporting a terrorist campaign designed to provoke Protestant anger, to force direct rule and then to influence public opinion in the United Kingdom to abandon the struggle to maintain partition.¹

¹ [G14B.86.9-15](#)

8.80 So far as Londonderry was concerned, the assessment made reference to the Creggan and the Bogside as virtually no-go areas where about 200 extremists and a number of “*hard core*” hooligans operated “*unchecked*”, and to the clear failure of moderate Catholic opinion in the form of the Committee of 30 to improve matters.¹ General Carver accepted the desirability of reasserting the full range of military and police activity throughout the city, but advised that this would require a strong military presence (possibly as many as five battalions) on the ground for several months. He noted that the timing, political implications and likely reaction to such an operation would have to be carefully judged.² He set out the three courses he considered open:³

“Course 1. Continuing as we are, controlling the rest of Derry and raiding the [Creggan and Bogside] area for gunmen as our intelligence allows us. We would hope, though without great confidence, that progress in the political field would produce a gradual return to normality.

Course 2. Show our ability to go into the area when we want by establishing regular patrol patterns. This will achieve little except to please the Protestants.

It is a practical course but it will not achieve the removal of the obstructions and certainly will not re-establish law and order throughout the areas. But it could be done with our present force levels.

Course 3. To occupy and dominate the areas, take down the barricades, and, we hope, eventually persuade the RUC to play their full part. This is a practical military operation although it will involve some casualties and, most important, stir up Catholic opposition as much as it will satisfy the Protestants. It is difficult to estimate how great the political reaction would be. This must be a political and not a military decision. However, there is one significant military factor. We could only occupy and dominate these areas by an increase in our force levels by three battalions.”

¹ [G14B.86.9.12](#)

² [G14B.86.9.12](#)

³ [G14B.86.9.13](#)

8.81 The following map shows the two areas of the Creggan and the Bogside.



8.82 So far as Northern Ireland as a whole was concerned, General Carver suggested three general options. The first was to maintain low-intensity operations in the hope of assisting political progress, but at the risk of increasing Protestant reaction, which might lead to the formation of a “*third force*” of Protestant paramilitaries, the weakening of Brian Faulkner’s position and the bringing nearer of direct rule. The second was to abandon all hope of political progress with the minority by adopting a “*tough policy*” which might have short-term benefits and strengthen Brian Faulkner’s position, but would be unlikely to eliminate terrorism in the long term and could become a pyrrhic victory within Ireland, within Great Britain and internationally. The third was to continue with the present policy, though removing the restraints on operations motivated by a desire not to disturb current political initiatives, thus allowing intensification of border operations (including the humping and cratering of roads to hamper the surreptitious movement of paramilitaries and their equipment between Northern Ireland and the Republic of Ireland), and “*an*

operation in Londonderry". General Carver concluded by stating that the third of these options seemed to represent, for the time being, the best reconciliation of all the factors that had to be taken into account.¹

¹ [G14B.86.15](#)

8.83

General Carver's reference to the possible formation of a "*third force*" reflected the concerns of United Kingdom officials that the actions (or inactions) of the security forces in Northern Ireland might increase resentment in the Protestant community to such an extent that locally raised bodies would be established as defenders of law and order. The local nature of any such force was central to its appeal, as many unionists continued to lament the replacement of the B Specials, who were responsible to Stormont, by the UDR, which came under the control of the Army and the MoD in London and was at this time perceived by many in the unionist community to be less effective at countering the threat posed by republican paramilitaries.¹

¹ [G16.104](#) United Kingdom Government brief for the Prime Minister for the meeting with the Prime Minister of Northern Ireland, 7th October 1971.

8.84

These frustrations were evident in the weeks before General Carver presented his paper. On 6th September 1971 Dr Ian Paisley addressed a mass rally in Victoria Park, Belfast, where he reportedly appealed for the "*loyal people of the province*" to organise a non-military and non-paramilitary "*civil defence corps*", that would, "*when the crunch came ... offer themselves to a government that would 'chase out the rebels'*".¹ According to the same report in the *Irish Times* newspaper, another speaker, the hard-line Ulster Unionist MP and former Cabinet minister William Craig, called for the reorganisation of the RUC and the return, in modernised form, of the B Specials.² A week later John Taylor, the Minister of State for Home Affairs, publicly spoke of his support for a "*third force*".³ He told this Inquiry that what he meant by this was a legally constituted body under the command of the Northern Ireland Government, which would only be required if the Government would otherwise have insufficient resources to fulfil its obligation to provide law and order in Northern Ireland.⁴

¹ [OS1.473](#)

³ [OS1.418](#)

² [OS1.473](#)

⁴ [Day 196/47-50](#); [Day 196/159-161](#)

8.85

The *Irish Times* of 15th September 1971 reported that following John Taylor's remarks, the Northern Ireland Government issued a statement setting out its policy, with which John Taylor was said to be "*fully in support*". According to the report, the statement set out the position of the United Kingdom Government – that there could be "*no question of raising any additional armed force for the security of Northern Ireland except with their*

agreement and consent” – and noted that the Northern Ireland Government accepted this position “*on the understanding that the security needs of Northern Ireland would be fully met*”. The statement reportedly warned that “*Any encouragement to form a force of any sort other than one lawfully constituted would do the greatest possible damage to the vital interests of Northern Ireland*”.¹ John Taylor told us that he thought that the *Irish Times* report was exaggerated in its account of his discussions with Brian Faulkner on this issue.²

¹ OS 1.421

² Day 196/159-160

8.86 None of the proposals of Dr Ian Paisley, William Craig or John Taylor resulted in the establishment of any significant unauthorised body, though in themselves they hardly contributed to the easing of tensions in Northern Ireland.

8.87 September 1971 is generally considered to be the month in which the Ulster Defence Association (UDA) emerged from an amalgamation of numerous loyalist vigilante groups in Belfast.¹ Although the organisation was not proscribed until 1992,² elements within it rapidly acquired a reputation for paramilitary activity and acts of sectarian violence.

¹ Elliott and Flackes, *Political Directory*, pp474–481; Hennessey, *History of Northern Ireland*, pp201–205; Bew and Gillespie, *Chronology of the Troubles*, pp39–40.

² Elliott and Flackes, *Political Directory*, p474.

8.88 It appears from the documentary evidence that the GOC, General Tuzo, was at the beginning of October 1971 proposing an operation in Londonderry in two weeks time for which he wanted three extra battalions.¹ This operation did not take place at this time, though, as we discuss below, military operations in Londonderry were increased in early December.

¹ G14C.86.18-19 Memorandum from AUS (GS) (Arthur Hockaday), “Meeting with Northern Ireland Prime Minister”.

The meeting between the British and Northern Irish Prime Ministers on 7th October 1971

8.89 On 6th October, the day before the meeting with Brian Faulkner, the GEN 47 Committee considered the approach to be adopted at this meeting. Edward Heath is recorded as saying that a concerted Northern Ireland policy was now needed, with its objects clearly defined in an order of priority, based on the best reconciliation that could be made of conflicting considerations. He expressed the view that Brian Faulkner probably represented the last prospect of maintaining an independent government at Stormont, and that if he fell, direct rule would be a virtual certainty, in the worst case the transfer to

direct rule taking place in a situation where the machinery of administration in Northern Ireland had virtually collapsed. As appears from a briefing note prepared for the Prime Minister by Sir Burke Trend, the Cabinet Secretary, there was an increasing concern in London that direct rule might be accompanied by a “*withdrawal of labour from all forms of public service*”, including the police and civil service.¹ At the GEN 47 meeting Edward Heath was recorded as saying that “*Taking full account of the political dangers of further alienating the minority population in Northern Ireland, and of the risks of strain on our relations with Dublin, he believed that the first priority should be the defeat of the gunmen using military means and that in achieving this we should have to accept whatever political penalties were inevitable*”.²

¹ G14D.86.23

² G15.88

8.90

In general discussion those at the meeting recognised that in order to maintain the status quo constitutionally, it was probable that the terrorist problem should be overcome as the first priority, though if the object were to preserve the option of creating a united Ireland sometime in the future, it might be better to seek first for a political solution in which the minority were persuaded to participate in government in Northern Ireland. The meeting considered that if Brian Faulkner could be persuaded to broaden his government to include “*non-militant*” republicans, the support for the terrorist campaign might be undermined by political action, rendering more severe military measures unnecessary, but that there were few signs of an early political solution.¹

¹ G15.88

8.91

The minutes of this meeting also reveal that the GEN 47 Committee was agreed that three additional Army battalions should be sent to Northern Ireland¹ but recognised that major new military initiatives in the Catholic areas of Belfast and Londonderry would alienate Catholics even further without necessarily defeating the IRA campaign.² The meeting also recognised that despite the difficulty of reaching a political or military solution, the continuation of the present trends might well lead to a situation in which direct rule would prove to be inevitable.³

¹ G15.90

³ G15.89

² G15.88-89

8.92

The perceived need to keep Brian Faulkner in power as the last chance to avoid direct rule seems to us to have caused a shift in priorities towards a greater effort to defeat the terrorists, evident from the record of this meeting. However, either before or during the meeting, at which both General Carver and General Tuzo were present, it seems that the three battalion operation in Londonderry that the latter had proposed earlier in the month

was put off. Instead it was decided in principle that two of the additional three battalions would be sent to Belfast and the other one to the border area, although the GOC was left with discretion with regard to their deployment.

¹ G15.89

8.93 At the meeting on the following day, 7th October 1971, Brian Faulkner expressed the view that a solution of the security problem was the key to progress elsewhere and that without an immediate breakthrough in dealing with the terrorists, the administration of government would shortly become impossible.¹ What was needed, he said, was “*an increase in the Army presence, an enlargement of the Ulster Defence Regiment (UDR), an offensive by the troops against the terrorists in Belfast and Londonderry, and firmer action on the border*”.²

¹ G17.120

² G17.120

8.94 Edward Heath told Brian Faulkner that it would only be possible to retain British public support for the security operations if there was movement towards a political settlement. It was thus essential, he said, “*that any immediate increase in the military effort should be accompanied by parallel political moves*”.¹

¹ G17.121

8.95 Brian Faulkner stated that his government had made concessions to the minority, and pointed to further proposed changes contained in a draft Green Paper that he hoped to publish following approval by his Cabinet.¹ This draft Green Paper concentrated on reforms to the size and composition of the Northern Ireland Parliament.² However, Reginald Maudling (the United Kingdom Home Secretary) pointed out that many responsible members of the minority would tend largely to dismiss proposals not accompanied by some indication of the willingness of the Northern Ireland Government to move on the central issue of broadening the basis of the government to include minority representatives.³ Brian Faulkner responded by reiterating the position that he had adopted at the tripartite meeting, that he could not contemplate leading or serving in a government of Northern Ireland which included republicans, whether or not (like the SDLP) they eschewed the use of violence in bringing about a unified Ireland.⁴ He dismissed this notion and the possibility of composing an administration on proportional principles as “*unworkable*”. However, he expressed his hope that discussion of the proposed Green Paper would provide an opportunity to air a proposal for a council comprising representatives of minority community interest groups,

such as trade unionists and professional and business organisations. The chairman of such a council might be given a seat in the Cabinet, thereby providing what Brian Faulkner termed a “*permanent and guaranteed share in Government*”.⁵

¹ [G17.121](#)

² Brian Faulkner complained that the publication of the Green Paper had been delayed by the United Kingdom Government's desire to see it emerge from the proposed multi-party talks that the Home Secretary hoped to establish: [G17.121-123](#). At the meeting, it was agreed

that the Northern Ireland Government could go ahead with publication: [G17.123](#); [G18A.136.3](#).

³ [G17.121](#)

⁴ [G17.122](#); [G15A.91.3](#)

⁵ [G17.122](#)

8.96 Edward Heath said that this idea had value, but noted that Brian Faulkner was unwilling to meet the emergency by seeking to form a government that was neutral on the matter of reunification, and repeated that the United Kingdom Government regarded it as essential that tougher security measures should be accompanied by real evidence of determination to proceed with political advance.¹

¹ [G17.122-123](#)

8.97 Later in the meeting Edward Heath stated that it would be necessary to develop further political initiatives in order to sustain the support of British public opinion. To this end, it was agreed that representatives of the two governments would meet at regular intervals – every month at ministerial level, and fortnightly at official level.¹

¹ [G17.130](#)

8.98 The United Kingdom Government was clearly disappointed at the lack of progress on the political front, but nevertheless did agree to the provision of additional security resources, including the despatch of the three additional battalions discussed at the GEN 47 meeting on the previous day. In line with that discussion, the priorities for these troops were decided as: first, an increased effort against terrorists in Belfast; second, the better control of the border; and third, a reassertion of control of all parts of Londonderry. However, the precise method of use of the forces was left to the GOC.¹

¹ [G17.126](#)

8.99 In the event, one additional battalion was sent to Londonderry in December 1971, thereby increasing the force level of 8th Infantry Brigade.¹

¹ [G41.264](#) “Future Military Policy in Londonderry: An Appreciation by the CLF”, 14th December 1971.

Major General Ford's Directive

8.100 On 26th October 1971 the CLF, General Ford, issued to all the Brigade Commanders a Directive concerning the future of internal security operations in Northern Ireland.¹

¹ [G23.165-168](#)

8.101 This Directive was influenced by the line taken at the GEN 47 meeting on 6th October and marked the beginning of the end of the policy of low-key containment in Londonderry instituted by General Tuzo in August. In later years General Tuzo described this low-key policy as “*the major mistake for me*”, since in his view the gesture proved “*quite futile*” and allowed the situation to go from bad to worse.¹ According to General Ford, the fact that it was Chief Superintendent Lagan who was principally responsible for persuading General Tuzo to adopt this policy led the latter to form a low opinion of this police officer and never to trust him again.² General Ford also said that he himself had never been in favour of the policy.³

¹ [L279.1](#) Extract from *Eastern Daily Press*, May 1998; ² [Day 253/51-52](#)
[Day 253/26-27](#) Oral evidence to this Inquiry of General Ford. ³ [Day 253/23-26](#)

8.102 The Directive described the mission to be to restore and maintain law and order throughout each brigade's area, acting in aid of the civil power in conjunction with the RUC. The first priority was stated to be the defeat of the IRA's campaign of violence, and the second to overcome threats to law and order from all other directions, including in particular inter-sectarian violence.¹ The Directive continued:²

“However much the first priority task brings us into conflict with one section of the community, we must retain our sectarian impartiality. Furthermore, we must avoid unnecessary alienation of Roman Catholic opinion because the rejection by the Catholics of IRA violence is an essential ingredient of our ultimate success.”

¹ [G23.165-166](#)

² [G23.166](#)

8.103 So far as 8th Infantry Brigade (the unit covering the Londonderry area) was concerned, the Directive set out certain additional tasks, including the following instruction:¹

“Progressively impose the rule of law on the Creggan and Bogside. Hooligan fringe activity is to be vigorously countered: arrest operations are to continue to be mounted: and normal patrols through IRA dominated areas are to be restarted when considered practicable.

Be prepared to occupy and dominate the Creggan and Bogside, when sufficient forces are provided.”

¹ [G23.166](#)

8.104 In a general conclusion, General Ford stated that:¹

“We should not hesitate to fire whenever events demand it and the law permits. Nevertheless, we must not permit standards of conduct to deteriorate, whatever the provocation. We must ensure that fire discipline is good and discipline generally is of the highest order – particularly now that the rules of engagement themselves are less restrictive – and we must never give an impression of being a repressive Army at war with a large section of the population.”

¹ [G23.167](#)

8.105 When giving oral evidence to this Inquiry, General Ford told us that he was unable to remember why he thought it necessary or desirable to say that they should not hesitate to fire whenever events demanded it and the law permitted.¹ It may be, as he told the journalist Desmond Hamill in an interview in 1984, that he considered that the soldiers on the ground were often operating below the level that the law permitted because any perceived over-reaction was immediately seized on by the media.²

¹ [Day 253/36](#)

² [B1208.003.012](#); [Day 258/34](#)

The Northern Ireland Government’s Green Paper

8.106 On 26th October 1971 the Northern Ireland Government’s Green Paper on parliamentary reform was published and Basil Mclvor, described by Brian Faulkner as a liberal unionist, was appointed as Minister of Community Relations.¹ On the following day Dr Gerard Newe, a respected Catholic community worker who was not attached to any political party, was appointed a Minister of State in the Department of the Prime Minister.² Brian Faulkner told Edward Heath that he saw Dr Newe’s role “*primarily as representing the minority viewpoint at the Cabinet table*”.³

¹ [OS4.93](#) Letter from Brian Faulkner to Edward Heath, 1st November 1971.

³ [OS4.93](#) Letter from Brian Faulkner to Edward Heath, 1st November 1971.

² Bew and Gillespie, *Chronology of the Troubles*, p40.

8.107 Dr Newe was the first Catholic to serve as a minister in the Stormont Government,¹ and he hailed his appointment as evidence that the advocacy of a united Ireland by peaceful means was not inconsistent with holding office in the Stormont Cabinet.² However, it was also significant for what it did not represent. Brian Faulkner had made a personal appointment of a non-party political figure at a time when there was increasing pressure for the abolition of existing structures and the establishment of a system that would allow the representatives of the minority community an active, permanent and guaranteed

place in the government of the Province.³ The Green Paper reforms, which only concerned the legislature and not the executive, did nothing to alter this, and the SDLP and other major nationalist parties remained outside government, and (through their own choice) absent from any all-party forums and initiatives.

¹ McKittrick and McVea, *Making Sense of the Troubles*, p74; ³ [G28A.220.3](#) GEN 47 minutes, 11th November 1971; Hennessey, *History of Northern Ireland*, p187. [G17.120-121](#) Record of a discussion with the Prime

² [G28A.220.3](#) GEN 47 minutes, 11th November 1971.

Minister of Northern Ireland, 10 Downing Street, 7th October 1971; Faulkner, *Memoirs*, pp130–131.

8.108 The reaction of the United Kingdom Home Secretary at the GEN 47 meeting on 29th October was mixed. Reginald Maudling thought that even though the Green Paper and appointment of Dr Newe would have “*brought better results if they had taken place some weeks ago*”, they had “*not been without effect*”. However, he warned that the initiatives did not address “*the main stumbling block*” to political progress. “*Reform of Northern Ireland institutions, to be effective, had to be centred on the structure of central Government; Parliamentary reforms would not be enough.*”¹ The minutes also reveal that steps were continuing to be taken to prepare for the possibility of direct rule.²

¹ [G22C.163.7](#)

² [G22C.163.8](#)

8.109 At this meeting, the Prime Minister announced that GEN 47 would meet more frequently: at least once, and possibly twice, a week.¹ By this stage the meetings of the GEN 47 Committee had already started to become more frequent. Between April and September there had been four meetings. Between October 1971 and January 1972 there were to be 19.²

¹ [G22C.163.6](#)

² [OS4.197-204](#) List of GEN 47 meetings, compiled by the representatives of the Wray family.

Brigadier MacLellan's Directive

8.110 Following General Ford's Directive of 26th October 1971, Brigadier MacLellan, who, as we have already noted, succeeded Brigadier Cowan as 8th Infantry Brigade Commander on 27th October,¹ issued OP Directive 4/71.² This document, dated 10th November, set out the mission, means and methods that 8th Infantry Brigade would implement to bring into effect the CLF's Directive.³ Although the document was distributed under the Brigadier's name, the first draft was compiled by the Brigade Major, Colonel Michael Steele.⁴ The following paragraphs summarise this Directive.

¹ [B1229](#) Statement to the Widgery Inquiry of Brigadier MacLellan.

² [G27.196-218](#)

³ [G23.165-168](#)

⁴ [B1315.1](#) Statement to this Inquiry of Colonel Steele.

8.111 Brigadier MacLellan began by reflecting back on the “*cautious optimism*” about the security situation in Londonderry contained in the previous 8th Infantry Brigade Directive, signed on 2nd July 1971 by Brigadier Cowan. At that time, there had been no shooting attacks against the security forces, it was felt that the hooligan element had been separated from the majority of the community, and the IRA were described as “*quiescent*”. Progress had been made towards stability and normality and “*there were signs that the policy of restraint, which the Security Forces had been following since June 1970, was at last beginning to succeed*”.¹

¹ [G27.196](#)

8.112 Brigadier MacLellan wrote that within two days of the July Directive the situation had changed dramatically. He attributed this to the beginning of what he described as an IRA campaign aimed at disrupting the city and thereby forcing the cancellation of the Apprentice Boys’ Parade. According to Brigadier MacLellan, this culminated in the shooting of Seamus Cusack and Desmond Beattie, described in the paper as rioters who were shot in the “*first ever return of fire in Londonderry*”. Brigadier MacLellan wrote that this “*instantly turned the Catholic community from benevolent support to complete alienation*”. The subsequent introduction of internment led to “*a situation in which the Security Forces were faced by an entirely hostile Catholic community*”. In response, on 20th August 1971, it was decided to lower the military profile in the city, in the hope that moderate opinion would win the day. This, Brigadier MacLellan commented, had “*proved to be a pious hope*”. At the time of writing, “*neither the RUC nor the military have control of the Bogside and Creggan areas, and law and order is not being effectively maintained*”. No routine military patrols took place in those areas, and “*the mob rule of the gun prevails*”.¹

¹ [G27.196-197](#)

8.113 After this overview of the security situation, Brigadier MacLellan briefly noted the general political trends in the Province before turning to an assessment of the Official and Provisional IRA. He reported that there was no evidence of liaison between the Officials (described in the paper as the “*Goulding Group*”) and the Provisionals (the “*Brady Group*”), and that there were reports that the latter would attack the former when the time was ripe. The Provisionals were claiming responsibility for the wave of violence in the city, as part of their policy of “*making Ulster ungovernable*”. There were reports of an influx of “*a good number*” of recruits, and “*no shortage of arms, ammunition or explosives*”. However, it had also been suggested that the “*present rate of attrition by the Security Forces*” was beginning to weaken morale, with some Provisional IRA members believing that their relations with the Catholic community were beginning to deteriorate. The

Officials in Londonderry continued to concentrate on political activities “*with the emphasis on the continuation and proliferation of the civil resistance campaign*”. Although the success of this campaign had heartened the group, there were concerns both about the shortage of arms, ammunition and explosives, and the defection of the younger and more militant members to the Provisionals. Brigadier MacLellan noted the possibility that a more militant line might be adopted by the Officials to halt this flow, and added that it was also the case that the group would take up arms in defence of their own “*liberated*” areas in the event of an “*invasion*” by the security forces.¹

¹ [G27.198](#)

8.114 Brigadier MacLellan concluded his report on these groups by noting that while “*We must assume that the present level of IRA activity will continue for some time*” there was reason to believe that the security forces could continue to weaken the morale and operational ability of the paramilitaries. This, combined with the continued alienation of those in the Catholic community who were “*fed up with the disruption of their lives, with the disorder, and with the gunmen in their midst*”, indicated that “*if the Security Forces can continue to operate at a high level of intensity, and can re-establish control and stability the IRA will be defeated*”.¹

¹ [G27.199](#)

8.115 In terms of Protestant organisations, Brigadier MacLellan wrote that, unlike Belfast, there were no vigilante patrols in the Protestant areas of the city, although a report had been received predicting that 600 people might be available for such groups if a call were made (there being no evidence that it would be). He praised the Orange Order and the Apprentice Boys for their general attitude of patience, restraint and responsibility to the then security situation, adding that there had been no attempt to increase tension by defying the ban on marches.¹

¹ [G27.199](#)

8.116 Turning to his own forces and their role and methods, Brigadier MacLellan defined the mission of 8th Infantry Brigade as being “*to restore and maintain law and order throughout the Brigade area, acting in aid of the civil power in conjunction with the RUC*”. In accordance with General Ford’s Directive, he highlighted and expanded upon the three “*simultaneous and inter-related fronts*” – intelligence, operational and public relations – on which the battle against the IRA was conducted.¹ Of particular relevance to this Inquiry were his comments on the second and third of these matters.

¹ [G27.200](#)

- 8.117 Under the heading of “*The Operational Front*”, Brigadier MacLellan wrote that: “*Our reaction to any incident of rioting or terrorism must be positive, quick, and effective*”. In response to gunmen, Brigade soldiers “*should not hesitate to return fire whenever events demand it and the law permits*”, and such actions should be followed up by arrests and recovery of bodies and weapons when possible. Hooliganism presented a different set of problems, as the perpetrators were “*particularly youthful, agile, cunning, and fleet of foot, and any arrest manoeuvre which smacks of ponderousness will not catch them*”. Instead, hooligans should be “*dispersed by the minimum use of force, and arrested by the use of imaginative tactics*”. Brigadier MacLellan concluded this section by telling commanders to ensure that the personal standards of conduct of their soldiers did not deteriorate, stressing that “*the soldier must be, and must be seen to be, impartial, humane and courteous*”.¹

¹ [G27.201](#)

- 8.118 On the public information front, Brigadier MacLellan wrote the following:¹

“In the present situation there must, at times, inevitably be a tendency for our soldiers to become frustrated and angry, and even to regard the entire community of the Bogside and Creggan as supporters, if not actual members, of the IRA. Of course this is not true; it does not automatically follow that because most of them are against the Stormont Government that they actively support the IRA.

Nevertheless, in their desire to see the fall of the Stormont Government they share, to some extent, a common aim with the gunmen and are thus very susceptible to anti-Security Forces propaganda. Our successes against the IRA cannot therefore be seen in isolation and must be balanced against our success in convincing moderate opinion that the defeat of the IRA is in the best interests of the community as a whole.

Our enemies [sic] propaganda machine is both efficient and unscrup[u]lous and is quick to exploit any weakness in our position. It is therefore imperative that we act honourably and, in our relentless pursuit of the IRA, do everything we can to avoid alienating the decent people who are at present being cowed and intimidated by the gunmen and thugs.

We shall defeat the IRA, but if we do not also win the battle on the Public Information Front we shall have gained a Pyrrhic victory. It is vital therefore that not only should the behaviour of troops be impeccable, but also that commanders should exploit every opportunity to gain favourable publicity for our activities.”

¹ [G27.202](#)

8.119 The rest of the Directive set out the concept of different types of operation, the tasks of the specific regiment or battalion areas that comprised the Brigade, and the composition of security committees.¹ In relation to arrest operations, Brigadier MacLellan set out that they were to be continued “*at the highest possible intensity*”, with the aim of conducting “*a never-ending series of small arrest operations and to harass the IRA to such an extent that they do not know where to turn to next for a safe bed for the night*”. On patrolling in the Bogside and Creggan, he wrote that 8th Infantry Brigade intended to start such patrols “*in strength as soon as the Brigade force levels allow*”, which was then predicted to be on 2nd December 1971. These patrols, which would inevitably provoke a hostile response, would be co-ordinated by Brigade HQ, and were intended to re-establish law and order in the Bogside and Creggan. Until then, commanders in the city and Creggan areas were “*to carry out limited patrolling in their areas whenever they can do so from within their own resources*”.²

¹ [G27.203-218](#)

² [G27.202-203](#)

8.120 An annex to the Directive set out the regulations to be deployed in using internal security (IS) weapons. The general overarching principle was that the “*most appropriate weapon is to be used to ensure that the force used is the minimum necessary to achieve the objective of keeping the peace*”. Live-round fire was to be governed by the latest version of the Yellow Card, the purpose and wording of which we consider below. CS Bursting Grenades could be used before small arms if the commander felt that he must open fire to deal with an incident; again the rules laid down in the Yellow Card would have to be observed. CS gas could be employed only if, short of opening fire, there was no other way of dealing with a number of listed situations in which people or property were at risk of being attacked, or (again as a last resort) in dispersing an illegal meeting or demonstration. Water cannons could be used on the orders of a local commander who deemed it necessary in order to achieve control of a crowd or an incident. Baton rounds, which were to be used in preference to CS gas, were best fired in salvos of not less than six rounds, at a range not exceeding 50m, and from a standing position. Normally, the round should be fired into the ground with the intention of bouncing it into the thighs and shins of a crowd; however, it could be fired directly at a target “*if the circumstances warrant it*”. Whenever possible, baton rounds were to be fired in conjunction with the deployment of an arrest squad. Batons, which were hand-held and hence a “*discriminating weapon*”, could be deployed when required in accordance with the doctrine of minimum force. Finally, the use of all IS weapons was to be preceded by a “*clear and timely warning to the crowd*”.¹

¹ [G27.217-218](#)

The Yellow Card

- 8.121 The reference to the Yellow Card was to the (yellow) booklet headed “*Instructions by the Director of Operations for Opening Fire in Northern Ireland*”. It was issued to every soldier serving in Northern Ireland and contained instructions as to when a soldier could use lethal force. The Yellow Card was first issued in September 1969. It was periodically revised and the fourth version (revised in November 1971)¹ was current in January 1972.²

“RESTRICTED

Instructions by the Director of Operations for Opening Fire in Northern Ireland

1. These instructions are for the guidance of Commanders and troops operating collectively or individually. When troops are operating collectively soldiers will only open fire when ordered to do so by the Commander on the spot.

General Rules

2. Never use more force than the minimum necessary to enable you to carry out your duties.

3. Always first try to handle the situation by other means than opening fire. If you have to fire:

a. Fire only aimed shots.

b. Do not fire more rounds than are absolutely necessary to achieve your aim.

4. Your magazine/belt must always be loaded with live ammunition and be fitted to the weapon. Unless you are about to open fire no live round is to be carried in the breech, and the working parts must be forward. Company Commanders and above may, when circumstances in their opinion warrant such action, order weapons to be cocked, with a round in the breech where appropriate, and the safety catch at safe.

5. Automatic fire may be used against identified targets in the same circumstances as single shots if, in the opinion of the Commander on the spot, it is the minimum force required and no other weapon can be employed as effectively. Because automatic fire scatters it is not to be used where persons not using firearms are in, or may be close to, the line of fire.

Warning before firing

6. A warning should be given before you open fire. The only circumstances in which you may open fire without giving warning are described in paras 13 and 14 below.

7. A warning should be as loud as possible, preferably by loud-hailer. It must:

- a. Give clear orders to stop attacking or to halt, as appropriate.
- b. State that fire will be opened if the orders are not obeyed.

You may fire after due warning

8. **Against a person carrying what you can positively identify as a firearm,*** but only if you have reason to think that he is about to use it for offensive purposes

and

he refuses to halt when called upon to do so, and there is no other way of stopping him.

9. **Against a person throwing a petrol bomb** if petrol bomb attacks continue in your area against troops and civilians or against property, if his action **is likely to endanger life.**

10. **Against a person attacking** or destroying property or stealing firearms or explosives, if his action is **likely to endanger life.**

11. Against a person who, though he is not at present attacking has:

- a. in your sight killed or seriously injured a member of the security forces or a person whom it is your duty to protect

and

- b. not halted when called upon to do so and cannot be arrested by any other means.

12. If there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured.

You may fire without warning

13. Either when hostile firing is taking place in your area, and a warning is impracticable or when any delay could lead to death or serious injury to people whom it is your duty to protect or to yourself; and then only:

- a. against a person using a firearm* against members of the security forces or people whom it is your duty to protect

or

b. against a person carrying a firearm* if you have reason to think he is about to use it for offensive purposes.

14. At a vehicle if the occupants open fire or throw a bomb at you or others whom it is your duty to protect, or are clearly about to do so.

Action by guards and at road blocks/checks

15. Where warnings are called for they should be in the form of specific challenges, as set out in paragraphs 16 and 17.

16. If you have to challenge a person who is acting suspiciously you must do so in a firm, distinct, voice saying **'HALT – HANDS UP.'**

Then

a. If he halts you are to say **'STAND STILL AND KEEP YOUR HANDS UP.'**

b. Ask him why he is there, and if not satisfied call your Commander immediately and hand the person over to him.

17. If the person does not halt at once, you are to challenge again saying **'HALT – HANDS UP'** and, if the person does not halt on your second challenge, you are to cock your weapon, apply the safety catch and shout: **'STAND STILL I AM READY TO FIRE.'**

18. The rules covering the circumstances for opening fire are described in paragraphs 8–14. If the circumstances do not justify opening fire, you will do all you can to stop and detain the person without opening fire.

19. At a road block/check, **you will NOT fire on a vehicle simply because it refused to stop.** If a vehicle does not halt at a road block/check, note its description, make, registration number and direction of travel.

20. In all circumstances where you have challenged and the response is not satisfactory, you will summon your Commander at the first opportunity.

***NOTE: 'Firearm' Includes a grenade, nail bomb or gelignite type bomb.**

Revised November 1971

RESTRICTED"

¹ [G28A.220.2](#) GEN 47 minutes, 11th November 1971;
[KH4.4](#) Written statement to this Inquiry of Edward Heath.

² [ED71.1-2](#)

- 8.122** The contents of the Yellow Card provided guidelines for soldiers but did not have legal force, in the sense that they “*did not define the legal rights and obligations of the forces under statute or common law*”.¹ This meant, among other things, that a soldier firing contrary to the Yellow Card would not necessarily be breaking the law.
- ¹ *R v McLaughton* [1975] NI 203 at 206 per Sir Robert Lowry LCJ.
- 8.123** The GEN 47 Committee approved this version of the Yellow Card on 11th November 1971.¹ In his written statement to this Inquiry, Edward Heath told us that the main changes were to allow soldiers, when authorised by Company Commanders or officers of higher rank, to have their weapons loaded, cocked and with a bullet in the breech, though with the safety catch on; to allow fire to be opened at terrorists in vehicles; and to allow, in the circumstances stipulated, the use of automatic fire against identified targets.²
- ¹ [G28A.220.1-4](#) ² [KH4.4](#)

The GEN 47 meeting on 11th November 1971

- 8.124** At the same GEN 47 meeting the Home Secretary expressed the view that although Brian Faulkner had put forward a number of far-reaching proposals for reform, they did not go to the root of the problem, the essential feature of which was a system in which, for the foreseeable future, every election would result in a unionist government; so that some means must be found of associating the minority in central government itself. He suggested that in response to the terrorist campaigns in the Province it might be necessary to promote the formation of a “*government of national defence and reconstruction*” comprised of “*men of goodwill*” and inevitably including members of the SDLP and the Nationalist Party.¹
- ¹ [G28A.220.3](#)
- 8.125** The meeting considered that a course of action along these lines stood a greater chance of success if the Opposition at Westminster could be associated with it, and reference was made to the forthcoming visit of Harold Wilson (the Opposition leader) to Northern Ireland.¹ Further, it was felt that recent security force operations had provided “*encouraging signs*” that the IRA’s resolution was being broken, and had obviated the danger of a violent Protestant backlash. A dramatic initiative, it was argued, would risk alienating one side or the other, and would make the job of the security forces harder. It was therefore agreed to delay any firm approach to Brian Faulkner until the possibility of an all-party approach had been explored, with the possibility of a re-assessment of the security situation “*at the end of the year*” also being raised.² In the meantime, the

committee requested a comprehensive analysis of “*every line of action that could be taken to deal with the political problem*”.³ This request resulted in a paper⁴ produced by Sir Philip Allen, the Permanent Under Secretary at the Home Office. This paper was discussed at the GEN 47 meeting on 1st December, to which we refer below.⁵

¹ [G28A.220.3](#)

⁴ [G32B.233.7-17](#)

² [G28A.220.3-4](#)

⁵ [G35A.240.3](#)

³ [G28A.220.4](#)

Edward Heath’s Guildhall speech

8.126 On 15th November 1971 Edward Heath made a speech in the City of London Guildhall where he said that Britain had no selfish interest in Northern Ireland and that should the majority of the people there ever wish to join the Republic, they would be free to do so.¹

¹ [KH4.1](#) Statement to this Inquiry of Edward Heath; [G32A.233.4](#) Note of a meeting between Harold Wilson and United Kingdom Government ministers, 22nd November 1971.

The visit of Harold Wilson to Northern Ireland

8.127 Harold Wilson, then Leader of the Opposition, visited Northern Ireland in the middle of November 1971. While there, he had a meeting with General Tuzo, who expressed a degree of optimism on the security front, but said that in Londonderry substantial forces would be necessary to eradicate terrorism and that the Army’s first priority was Belfast.¹

¹ [G30AA.226.1.1-2](#)

8.128 Harold Wilson also spoke to Brigadier MacLellan. According to our interpretation of Brigadier MacLellan’s notes for the meeting, it appears that he told Harold Wilson that the low military profile agreed with the Committee of 30 in August had failed in its object of winning moderate opinion and avoiding alienation, and that the entire Catholic community was now hostile. He went on to say that an occupation of the Bogside and Creggan, which would require troop increases, would be necessary to restore law and order and that this represented the best option both militarily and politically. Although it would be regarded as punitive and repressive, it would enable moderates – who were then cowed, intimidated and fed up – to speak without fear and when the dust settled the majority would be glad.¹

¹ [G30A.226.001-002](#)

8.129 Brian Faulkner, who met Harold Wilson with members of the Northern Ireland Cabinet, drew attention to the reforms that had been made and stated that a coalition government could not include people who wanted to see a change in the constitutional position. His ministers, like the GOC, expressed some optimism about the security situation in the immediately preceding weeks.¹

¹ [G30AC.226.1.5-7](#)

8.130 Among Harold Wilson's other engagements was a meeting with representatives of the SDLP. They were highly critical of United Kingdom Government policy and suggested the suspension of Stormont and its replacement with an appointed commission as a prelude to the reunification of Ireland.¹ Harold Wilson was also told that the SDLP would not be able to "*maintain the confidence of their supporters*" if they entered into talks with the Home Secretary while internment lasted.²

¹ [G30C.226.5-7](#)

² [G30C.226.7](#)

8.131 On his return to London, Harold Wilson discussed his visit with the United Kingdom Prime Minister, the Home Secretary and the Defence Secretary.

¹ [G32A.233.1-6](#)

Further GEN 47 Committee meetings

8.132 There was a GEN 47 meeting on 22nd November 1971, at which the CGS, General Carver, reported on the security situation to the effect that the week's developments continued to give grounds for cautious optimism, that a further large number of men on the wanted list had been arrested and that there were signs that the Provisional IRA were modifying their tactics as a result of successes of the security forces.¹

¹ [G32.232-233](#)

8.133 There were three meetings of GEN 47 over the space of a few days at the end of November 1971. In the first of these, on 26th November, the CGS reported IRA activities as being at a relatively low level, and that across the Province both IRA factions were under pressure and becoming disorganised, to the extent that if the trend continued they would be forced either into a truce or a radical change of tactics. However, in Londonderry the situation was different: "*The IRA could still count on the active support of the Roman Catholic population, and a major military operation here could have widespread political consequences.*"¹

¹ [G34.238](#); [G34A.238.1](#)

8.134 In the second meeting, on 29th November 1971, the CGS reported a sharp increase in violence over the weekend, with 30 shootings and 39 explosions in three days.¹ During this time two civilians working at a customs post, Jimmy O'Neill and Ian Hankin, and an off-duty soldier, Robert Benner, were killed by republican paramilitaries in border areas, while Paul Nicholls of the Scots Guards was fatally wounded while on foot patrol in West Belfast.² The CGS said that the attacks appeared to be a reaction by republican paramilitaries to reports that the Army was getting the better of them.³ The CGS added that the events of the weekend were a reminder of the virtual impossibility of halting the IRA's activity by security measures alone.⁴

¹ [G35.240](#); [G35AA.240.1.1](#)

³ [G35.240](#)

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp120–121.

⁴ [G35.240](#)

8.135 In the third meeting, on 1st December 1971, the committee discussed Sir Philip Allen's paper on possible courses of action in Northern Ireland,¹ which had been requested at the GEN 47 meeting of 11th November 1971. In his paper, Sir Philip listed and briefly discussed 16 possibilities:²

¹ [G35A.240.3-5](#)

² [G32B.233.7-17](#)

1. Withdrawing the Army

(Withdrawal could either be immediate or after a stated period. It was an option that Sir Philip described as "*an abdication of responsibility which might well result in civil war, and an armed intervention from the Republic*".)

2. No change

(A continuation of the policy of seeking agreement as to ways of ensuring an active, permanent and guaranteed role in government for representatives of the minority community.)

3. Green Paper plus

(The exercise by the United Kingdom Government of pressure on the Northern Ireland Government to implement and then expand upon its Green Paper proposals in order to allow a greater, and guaranteed, role for representatives of the minority community in the administration of Northern Ireland.)

4. Appointment of a Royal Commission

(Sir Philip described this as a “*traditional remedy*”, but it was one that he doubted would be successful.)

5. Blocking devices

(The implementation of provisions within the Northern Ireland Parliament to ensure that some or all Bills would require more than a plain majority to pass.)

6. Coalition

(Although the United Kingdom Government could not force the formation of a coalition government in Northern Ireland, it could call for one, and support that call with economic and political pressure.)

7. Transfer of law and order to Westminster

(Sir Philip wrote that this would remove the “*most ostensible point of disagreement*” between the communities in Northern Ireland, and thereby possibly create an opportunity for co-operation between them.)

8. Government by commission

(The appointment, presumably by the United Kingdom Government, of a commission to govern Northern Ireland. This was a proposal that, Sir Philip said, had been suggested by both the SDLP and the Government of the Irish Republic, at least as an interim measure. It was similar conceptually to the appointed Londonderry Development Commission, which had taken over administration of that city from Londonderry Corporation in 1968–1969.)

9. County Council for Northern Ireland

(By downgrading the constitutional structures in Northern Ireland to make them akin to a county council it was hoped that bi-partisan administration might be encouraged. This step, which would involve transfer of responsibilities from Stormont to Westminster, would be done on the basis that the population and area of Northern Ireland were approximate to those of county councils elsewhere in the United Kingdom.)

10. Redrawing of the border

(The border would be altered with the intention of transferring some predominantly Catholic areas, such as Londonderry, to the Irish Republic, possibly following local plebiscites.)

11. Reversion to the 1920 Act

(In particular, the revival of the concept of a Council of Ireland, which sought to encourage co-operation between the parliaments and governments of Northern Ireland and the Irish Republic. The 1920 Act provided for such a council, but it had never been formally constituted.)

12. Negotiations with Dublin for the reunification of Ireland

("It would theoretically be possible to enter into negotiations with the South for the reunification of Ireland.")

13. A condominium

(One possibility envisaged residents of Northern Ireland registering as either British or Irish and voting in elections to Westminster and the Dáil accordingly. They would also be entitled to vote for an executive council that would administer Northern Ireland, under the guidance of one British and one Irish commissioner.)

14. Policy of hostility to the Republic

(This would be pursued on the basis that *"Many Protestants in the North"* argued that the IRA campaign would not be defeated until full political and economic pressure was exerted by the United Kingdom on the Republic of Ireland, for example by abrogation of trade agreements, immigration controls and measures restricting the civil liberties of citizens of the Republic within Northern Ireland.)

15. Bringing in the United Nations

(Sir Philip gave no indication as to how this would be done.)

16. Direct rule

(Sir Philip wrote that: *"Ministers have already given a good deal of consideration to direct rule and have concluded that it is not a course which they would willingly adopt. It has generally been thought of as an interim measure which would have to be followed sooner*

or later by some other solution ... as a permanent course it really shades off into the solution discussed earlier of combining responsibility at Westminster for the major policies with some kind of county council solution for local issues.”)

8.136 Sir Philip considered the advantages and the (often insurmountable) disadvantages of each of these courses. He indicated that several of the options, notably those involving the withdrawal of the Army, the involvement of the United Nations and negotiations with Dublin on reunification, had been included for the sake of completeness. He also pointed out that some of the initiatives might be combined, and that several would not be possible without an interim period of direct rule.¹

¹ [G32B.233.7-17](#)

8.137 The GEN 47 meeting, which did not adopt any of the options that Sir Philip had discussed, expressed caution over the possibility that major changes in the fundamental policy of the United Kingdom Government on the unification of Ireland and the alignment of the border, as radical alternatives to the status quo, would have a realistic chance of success for the foreseeable future.¹ Ministers considered the respective positions of Brian Faulkner’s government and the SDLP on the question of the representation of the minority in government, and the resulting impasse, and requested that officials prepare a further analysis of the degree to which the present functions of Stormont could be transferred to statutory bodies, on the model of the Housing Authority, which might be so constituted as to embody a formal active role for minority representatives.² The committee also requested, as a secondary requirement, an analysis of the ways in which constitutional assurances could be devised to provide a minority community with a role in government, starting with a study of constitutional devices employed to the same end in other countries with substantial minority populations.³ Summing up the meeting, Edward Heath commented that if the military campaign against the IRA proceeded successfully, the right time for pressing forward with plans for political changes could well be very brief. Although ministers had not decided in favour of direct rule, they did recognise that during this crucial period there might come a point where they would have to run the risk of precipitating a situation in which direct rule became inevitable.⁴

¹ [G35A.240.3-4](#); [G35B.240.6-8](#)

³ [G35A.240.5](#)

² [G35A.240.4-5](#)

⁴ [G35A.240.4](#)

8.138 GEN 47 met again on 13th December 1971.¹ The CGS told the committee that there had been an increase in shootings and nail and petrol bomb incidents in the previous week. However, most of these were not prolonged engagements and much of the increase could be attributed to greater Army activity in Londonderry.² We consider this activity

below. There followed discussions about measures that could be taken to protect off-duty members of the UDR and political figures who were being targeted by the IRA.³ The meeting also considered all-party discussions involving the Opposition, and the possibility and desirability of transferring some powers (notably law and order) from Stormont to Westminster.⁴

¹ [G38.253-255](#); [G38A.255.1-3](#)

² [G38.254](#)

³ [G38.254-255](#)

⁴ [G38A.255.2-3](#)

The end of the containment phase in Londonderry

8.139 The greater Army activity in Londonderry mentioned at this GEN 47 meeting consisted of a series of battalion-strength operations in the Bogside and Creggan areas of the city in early December, with the object of carrying out arrests, searching premises on specific intelligence and clearing barricades.¹ The number of routine patrols in these areas also increased.²

¹ [B1279.004-005](#) Draft statement for the Widgery Inquiry of Brigadier MacLellan; [B1279.029](#) Statement to this Inquiry of Brigadier MacLellan; [B1279.003.001](#) Extract from Desmond Hamill's notes of an interview with Brigadier MacLellan; [G41.264](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971;

[G125B.836.3-4](#) Memorandum to ADC to CLF, 2nd March 1972; [G116.751](#) "Summary of Events in Londonderry on 30 January 1972", 5th February 1972.

² [G125B.836.5-8](#) Memorandum to ADC to CLF, 2nd March 1972.

8.140 According to Army reports, the reaction to these operations was extremely violent, the soldiers being confronted by large and apparently well-organised hostile crowds, and met with stones and other missiles, including nail bombs and gunfire.¹ Two further such operations were carried out at the end of the month.²

¹ [G37A.252.1](#) HQNI Intelligence Summary, 9th December 1971; [G41.268](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971; [G116.751](#) "Summary of Events in Londonderry on 30 January 1972", 5th February 1972; [G37B.252.5](#) Joint Intelligence Committee, Special Assessment, 9th December 1971;

[B1279.003.001](#) Extract from Desmond Hamill's notes of an interview with Brigadier MacLellan; [B1279.029](#) Statement to this Inquiry of Brigadier MacLellan.

² [G125B.836.4](#) Memorandum to ADC to CLF, 2nd March 1972.

8.141 This more active and confrontational approach, effectively ending the period of passive containment, resulted from the autumn Directives of General Ford and Brigadier MacLellan and the strengthening of 8th Infantry Brigade by the arrival of 1 CG and 22 Lt AD Regt, which allowed for the necessary force levels to be deployed.¹ These developments had themselves been presaged by the discussions within GEN 47 and between Edward Heath and Brian Faulkner in early October, to which we have already referred.

¹ [G41.264](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971; [Day 258/63-64](#) Oral evidence to this Inquiry of General Ford; [B1229](#), [B1225](#), [B1279.4](#) Written statement for the Widgery Inquiry of General Ford.

Major General Ford's December 1971 visit to Londonderry

8.142 General Ford visited Londonderry shortly after the operations in early December, and met representatives of the military, the RUC and local community groups.¹ Following his visit he wrote a paper entitled "Future Military Policy for Londonderry: An Appreciation of the Situation by CLF". This document, which was dated 14th December 1971, examined the recent history of operations in the city, considered different courses of action that could be adopted and the advantages and disadvantages of each, and then made recommendations as to which should be implemented.²

¹ [B1208.26](#) Statement to this Inquiry of General Ford;
[Day 253/37-38](#) Oral evidence to this Inquiry of General Ford.

² [G41.263-273](#)

8.143 In terms that echoed those of Brigadier MacClellan's OP Directive 4/71 of 4th November,¹ to which we have already referred, General Ford recounted the change of situation in Londonderry that occurred after the first week of July 1971. Until then, "*significant progress towards normality had been made*" in the city, notably with the RUC establishing static posts in the Creggan and Bogside for the first time in 12 years, allowing them to extend their influence gradually from these positions. However, the "*local IRA campaign*" that began on 4th July, the "*military reaction to the gunmen*", and the subsequent introduction of internment ended this period of optimism, as "*renewed violence on a large scale and the campaign of civil disobedience began*".²

¹ [G27.196](#)

² [G41.263](#)

8.144 General Ford recorded that on 20th August 1971, General Tuzo and Howard Smith (the United Kingdom Representative in Northern Ireland) met with the Committee of 30, the group of moderate and prominent Catholics we have mentioned above. This led to the decision to lower the military profile in the city, initially for about a month, in an attempt to "*maintain the hitherto successful policy of minimum pressure ... in the hope that moderate opinion would win the day*". This meant that there were no routine military patrols, and no military initiatives other than those demanded in response to aggression or for specific search and arrest operations.¹

¹ [G41.263](#)

8.145 Like Brigadier MacLellan in November 1971, General Ford considered that this policy had not achieved its aims. He wrote that none of the expectations for progress raised at the meeting had materialised, while "*neither the RUC nor the military have control of the*

Bogside and Creggan areas, law and order are not being effectively maintained, and the Security Forces now face an entirely hostile Catholic community numbering 33,000 in these two areas alone". During the period of limited military activity an efficient system of alarms, sentries and searchlights had been established by residents of the Bogside and Creggan, meaning that it had become "*almost impossible*" for the Army and RUC to achieve surprise in their operations in the area. Meanwhile, in the period between 4th July and 13th December, the security forces had suffered 22 casualties inflicted by gunmen, seven of them fatal, from 380 confirmed shooting incidents. A total of 1,932 rounds had been fired at them, with 364 in reply, and 1,741lb of explosives had been used in 211 explosions, in addition to a further 180 recorded nail bomb incidents. At the time General Ford wrote, there were 29 barricades in existence, 16 of which were impassable to 1 ton armoured vehicles.¹

¹ [G41.263-264](#)

8.146 General Ford also considered that the "*containment phase*" had allowed "*the extremists to increase their hold on the Catholic community, and to recruit and train more volunteers*". According to General Ford, the security forces had achieved some successes: 68 men had been arrested when internment was introduced, with a further 84 apprehended subsequently; there were 54 claimed instances where a target had been shot, seven of whom were known to have been killed, but as the casualty or the weapon had only been recovered on five occasions these figures could not be fully substantiated. Bearing such uncertainties in mind, General Ford recorded "*our best estimate*" was that there were 1,000 "*activists*", of whom about half could be counted as "*the hooligan element*", half of which again comprised the "*hard core*". IRA strength was thought to be 100, "*of whom at least 40 are active gunmen*". It is not entirely clear whether General Ford counted these as part of the 1,000 "*activists*", although the context of the sentence suggests that this is likely.¹

¹ [G41.264](#)

8.147 General Ford wrote that although the "*containment phase*" was originally intended to last only for "*the order of one month*", it was not until 3rd December 1971 that a significant change of approach occurred. On that date, 8th Infantry Brigade's force level was increased by one battalion, allowing the security forces to pursue a more aggressive policy, carrying out battalion-strength operations in "*the hostile areas*". These included "*recce and fighting patrols in depth and arrest, search and barricade clearance operations*".¹

¹ [G41.263-265](#)

8.148 After considering the recent history of the security situation in Londonderry, General Ford turned to the main purpose of his paper: to recommend the adoption of a course of action to be followed in the city in the future. He prefaced his arguments by noting that it was “*very unlikely*” that moderate leaders of the Catholic community would succeed in overcoming the extremists in the existing circumstances, and hence military action was required “*to establish control and stability and enable the political situation to evolve*”. He then set out what he saw as the three possible options:¹

“Course 1. To revert to the previous policy of containment of the Creggan and Bogside from their periphery but adopt a much more offensive attitude than in previous months.

Course 2. To continue the present policy of undertaking major operations within the Creggan and Bogside but without providing a permanent presence in those areas.

Course 3. To establish, on a permanent basis, a full scale military presence in the Creggan and Bogside.”

¹ [G41.265](#)

8.149 Expanding on the first of these, General Ford wrote that he would envisage “*that operations in the hostile areas are conducted with the minimum forces compatible with safety and the minimum aggravation of the community*”. Such operations would include sniping from the periphery, recce and fighting patrols, and ambush, arrest and search actions “*whenever intelligence justified them*”. Individual operations would be of “*short duration and measured in minutes rather than hours*”, but the policy would not prohibit the establishment of static positions and permanent roadblocks if force levels allowed. General Ford also foresaw “*constant patrolling in the Bogside and to a lesser extent in the Creggan*”.¹

¹ [G41.265](#)

8.150 General Ford considered that the advantages of this course were that it would reduce the tension and pressure felt by the Catholic community in response to large-scale military operations, and that this might assist in turning anti-extremist feeling against the IRA and the “*activists*” instead of towards the Army. The policy would afford some opportunity to the moderate leadership of the community to “*wean the people away from the extremists*”, although General Ford noted that there was “*little evidence*” that this was likely to happen, and that it had not done so in the period from 20th August to

3rd December. In military terms, the policy would not lead to force-level problems, and if a political solution were achieved, the need for a military occupation in the Bogside and Creggan would be avoided.¹

¹ [G41.265-266](#)

8.151 There were, however, numerous disadvantages, according to General Ford's paper. Course 1 would not restore law and order, and would make it difficult to deal with gunmen in the area. The IRA and "*other revolutionary groups*" would be encouraged to increase their influence over the local population, who in turn would be discouraged from submitting to government and providing information to the security forces. Those in the Bogside and Creggan who were "*fed up with the IRA, the hooligans, the hardships of their daily existence and conditions of semi siege*" would not be offered much hope of quick relief. The policy represented a retreat from the current military position and would have a negative effect on morale in the security forces, as well as being unsatisfactory to Stormont and the local Protestant community. General Ford concluded his list of disadvantages with the comment: "*The stalemate continues.*"¹

¹ [G41.266](#)

8.152 In relation to Course 2, General Ford reiterated that this policy was the one then being pursued, consisting of battalion-strength operations of the type listed above in the "*hostile areas*". On average, the operations required a force level of five companies. The advantage of this option was that it had "*broken the stalemate*" and demonstrated the military's ability "*to go in and out of the area at will*". This had led to a "*marked improvement in the morale of the Security Forces*", and had "*mollified the local Protestant 'hard-liners'*", who, General Ford wrote, had "*behaved responsibly in the face of determined explosive attacks against commercial targets and intimidation of their employees*". The policy had brought "*considerable pressure to bear on the gunmen*", and had "*achieved a limited initiative comparatively cheaply*" in terms of force levels, while also testing the reaction of the local community and the troops to large-scale operations. Finally, it had allowed the "*flow of information to restart, albeit with only a trickle at this stage*".¹

¹ [G41.267](#)

8.153 General Ford then listed considerable disadvantages with the policy then being pursued. It had not restored law and order as there was no permanent presence in the Bogside and Creggan. This meant that when the troops withdrew (which they usually did while under pressure from verbal abuse, rioting, nail bombs and sniper fire), the "*hostile areas*" reverted back to "*their state of lawlessness*". Barricades were rebuilt, and when the

security forces returned they encountered “*well organised opposition*”. Due to the “*rapid reaction, numerical strength and aggressive tactics*” of this opposition, baton rounds and CS gas had to be used in large quantities, although the former were ineffective and the latter indiscriminate (causing “*havoc amongst large sections of the community who are not involved, nor intend to be involved in the violence*”). General Ford wrote that in the circumstances, the use of live ammunition “*becomes more likely, particularly when units of platoon strength are assaulted by organised mobs numbered in hundreds*”. This in turn raised “*the question of opening fire on ‘unarmed’ mobs, whose strength lies not in fire-power, but in numbers and brick power*”. The policy had, according to the General, “*served only to aggravate and alienate the Catholic community further*”, without providing the protection required for non-violent moderates to further their influence without fear of intimidation; indeed there were “*indications that the hate, fear and distrust felt by the Catholic community for the Security Forces is deeper now than at any time during the current campaign*”.¹

¹ [G41.268](#)

- 8.154** The final course, the establishment of a permanent military presence and full-scale security coverage in the Creggan and Bogside, offered “*the best, perhaps the only prospect of a quick restoration of law and order*” that would create the conditions in which a political initiative could be attempted with some chance of success. General Ford acknowledged that the initial response of the local community would be hostile, but he thought that this might subside, and while a military presence would never be welcome it was possible that those disaffected by the existing situation might come to regard the Army as “*the lesser of the two evils and cooperate in the destruction of the IRA*”. A permanent presence, he felt, offered the greatest chance of this happening, and would also allow the residents of the Bogside and Creggan “*to see for themselves that the opposition’s propaganda on such matters as brutality are untrue*”. A further benefit was that the local Protestant community would be “*delighted*” by the initiative and would regain confidence in the security forces, which in turn would discourage unilateral action on their part.¹

¹ [G41.269](#)

- 8.155** The first disadvantage of Course 3 listed by General Ford was the level of force required. The military presence would have to be sufficient to restore and maintain law and order, and prevent the troops from “*being submerged by the sheer weight and numbers of a violently hostile community*”. The presence would also have to remain tenable, as the failure of the policy would have serious repercussions across the Province. General Ford

wrote that a detailed assessment had shown that seven battalions would be required, of which five would need to be infantry. There were concerns about how to accommodate the permanent military presence, and about the danger that this initiative would have a detrimental effect on the campaign of the security forces elsewhere in the Province. Beyond these logistical problems, General Ford considered that the policy would be portrayed as “*repressive and punitive*” in republican propaganda, and would have a marked effect on what General Ford described as “*Catholic opinion throughout the world*”, particularly in the Republic of Ireland. Adverse reactions would be expected from the nationalist areas of Belfast, and General Ford noted in particular the possibility that the operation might lead to a rise in support for IRA active service units in Donegal, which in turn could lead to cross-border battles that were unacceptable to the United Kingdom Government. The risk of casualties was high, and “*apart from gunmen or bombers, so called unarmed rioters, possibly teenagers, [are] certain to be shot in the initial phase. Much will be made of the invasion of Derry and the slaughter of the innocent.*”¹

¹ [G41.269-271](#)

8.156 In the conclusions to his paper, General Ford wrote that the policy of containment followed from 20th August to 3rd December 1971 had “*produced no apparent beneficial result*”, and had left the Bogside and Creggan “*completely dominated by the extremists*”. As a result, a new initiative was required “*if the present stalemate is to be broken*”. The General had “*no doubt*” that Course 3 was “*the best military solution*”, but the difficulty was that “*the problem is not entirely a military one*”. The political disadvantages of the policy were considerable, not only in terms of the emotive response to an action that would be presented as the repression of one section of the community, but also in the need for further troops, which amounted to a requirement for three additional infantry battalions to be sent to Northern Ireland. These points, and issues concerning the historical and strategic position of Londonderry, led General Ford to conclude that the decision on whether or not to adopt Course 3 was “*entirely a political one*”.¹

¹ [G41.271](#)

8.157 General Ford felt that there was “*little military value*” in continuing with the existing Course 2 approach when compared to the antagonism that it created in the community. While some gains could be made, the basic fault of the policy was its temporary nature and its “*harmful effect on those who might otherwise be prepared to forsake the IRA cause*”. The wisdom of continuing in this way was “*in doubt*” unless its replacement with the implementation of Course 3 was imminent. In contrast, the best that he could say about Course 1 was that it “*does not stir the pot unduly in [the] Creggan and the*

Bogside". Although "*some 33,000 citizens of the UK will be allowed to remain in a state of anarchy and revolt*", there was a temptation, especially politically, to adopt this approach until there was a cessation of hostilities elsewhere in the Province. General Ford noted that the containment required "*can certainly be achieved*", and that there would be some limited military benefit accruing from the pressure brought to bear on republican paramilitaries if the offensive aspect of the course was given sufficient emphasis.¹

¹ [G41.272](#)

8.158 In summary, General Ford wrote:

"... although Course 3 is the correct military solution to the problem of restoring law and order in Londonderry, the political drawbacks are so serious that it should not be implemented in the present circumstances, The dangers inherent in persisting with Course 2 are in no way balanced by the limited military gain and the right answer in the present circumstances is to adopt Course 1. In order to avoid comparison with the previous Course 1 which was adopted up to mid November and was too defensive and defeatist in concept, it might be best to call it Course 1½."¹

¹ [G41.272](#)

8.159 Accordingly, General Ford's recommendation was that the "*present policy in Londonderry should be abandoned in favour of Course 1 as described in this appreciation*".¹

¹ [G41.272](#)

8.160 In his oral evidence to this Inquiry, General Ford accepted that his recommendation amounted to a reversion to a less provocative approach by 8th Infantry Brigade in the Creggan and Bogside.¹

¹ [Day 253/42](#)

Reginald Maudling's meeting at Headquarters Northern Ireland

8.161 On the same day as General Ford dated this appreciation (14th December 1971), there was a meeting between the United Kingdom Home Secretary, Reginald Maudling, and the GOC and other senior officers at HQNI Lisburn. General Ford was among those present.¹

¹ [G40.259](#); [G40A.262.1-8](#)

8.162 Among other matters this meeting discussed the situation in Londonderry. The GOC told Reginald Maudling that this remained third on the Army's list of priorities after, respectively, Belfast and the border. However, he said that the position there had reached a point where a choice had to be made between accepting that the Creggan and Bogside were areas where the Army were not able to go, except on specific information, or mounting a major operation requiring a force of six or seven battalions to occupy the area. The Army preferred the first course, but it would entail accepting criticism of allowing "no go" areas.¹ The GOC said that the second course would (according to one note of the meeting) "*involve, at some stage, shooting at unarmed civilians*"² or (according to another note) "*almost certainly*" doing so.³

¹ [G40.261](#); [G40A.262.5](#)

³ [G40A.262.5](#)

² [G40.261](#)

8.163 These phrases could be read, as a matter of language, as meaning that the GOC contemplated that the Army, if undertaking this second course of action, would as part of it fire at unarmed civilians as a matter of deliberate policy in order to clear the Creggan and Bogside. It could equally mean, as a matter of language, that a major operation would be likely to meet with massive resistance where crowds, backed by gunmen, would engage with or try to overrun the soldiers who might have no option but to fire in order to save their lives.

8.164 There is no evidence that the GOC ever had in mind a policy of pre-planned deliberate firing at unarmed civilians as a means of regaining control of the no-go areas, or otherwise. The violence of the previous months had demonstrated the danger to soldiers even during minor operations from gunfire, bombs and hostile crowds, and it was hardly more than common sense to make clear to the politicians that an operation of this kind would be very likely, if not certain, to lead to soldiers firing their weapons and causing casualties among unarmed civilians.

8.165 At this point it is convenient to refer to submissions about the attitude of politicians and the military during the period under discussion.

8.166 Those representing most of the families submitted that in the period preceding Bloody Sunday, "*Within both the military and political establishment there was a lack of respect for human life. The use of lethal force against unarmed civilians was an option considered and discussed with increasing frequency as a legitimate method of law enforcement*"¹ and that with regard to the period after internment and up to December 1971:²

“While the use of a shoot to kill policy against unarmed civilians was not adopted during this period, it was regarded as a legitimate tactic for discussion and consideration within senior military or political circles. At no stage was the use of lethal force against unarmed civilians rejected as a legitimate tactic whether for legal or moral reasons. It is certainly not the case, as Sir Arthur Hockaday stated in the course of his evidence³ that the prevailing culture was one of ‘respect for the law and the doctrine of minimum force’.”

¹ FS1.631

³ Day 271/23

² FS1.659

8.167 The submission was made that it was this attitude, among other things, that led to the use of lethal force by the Army on Bloody Sunday.

¹ FS1.631

8.168 We have found nothing that indicates to us that during the period in question either the political or the military establishments considered that the use of lethal force against unarmed civilians was a legitimate tactic or could be used as a legitimate method of law enforcement. It was appreciated that there was a risk that in certain circumstances the Army might find it necessary to fire on crowds assailing them, but this was in the context of soldiers having to defend themselves, not the result of the carrying out of any plan to shoot unarmed civilians as a method of law enforcement.¹

¹ We consider later in this report (paragraphs 9.102–114) a memorandum written by General Ford in January 1972 (G48.299), in which he stated that he was coming to the view that the only way to deal with the hooligan problem in Londonderry was to shoot selected ringleaders, using rifles adapted to use .22in ammunition and after giving a warning. However, as will be seen, this method of riot control was not adopted and General Ford acknowledged in his memorandum that it would have required authorisation before it could be put into effect. There is nothing to suggest that any such authorisation was sought or would have been forthcoming.

8.169 In the course of these submissions representatives of the families referred to and relied upon General Ford’s appreciation dated 14th December 1971, to which we have referred above.¹ There is to our minds nothing in that paper that suggests the adoption of a shoot-to-kill policy. Nor is it correct, as another of the submissions put it, that General Ford put forward a “desired” military solution and that his paper disclosed “*the tension between the required military solution and the restraints imposed by the political situation*”.² What General Ford did was to put forward what he regarded as the best military solution in the circumstances and recognised that political considerations took precedence. We should add that what General Ford was considering was what could be

done about the situation then existing in Londonderry. He was not at this time concerned about how best to deal with a civil rights march in the city or any riots that might then ensue, matters that we discuss later in this report.³

¹ FS1.657-659

³ Chapter 9

² FS4.24

8.170 At the meeting of 14th December 1971, the Home Secretary appears to have accepted or decided that there should be no major operation to occupy the Creggan and Bogside, even though this was a tacit acknowledgement that there were areas of Londonderry where the Army was not able to operate normally.¹ According to one of the notes of the meeting, it had become clear during the discussions that the Army favoured this policy, which was therefore in line with General Ford's contemporaneous appreciation.²

¹ G40.261; G40A.262.5

² G40.261

General Carver's visit to Northern Ireland

8.171 The CGS, General Carver, visited Northern Ireland in the middle of December 1971. He went to Londonderry on 17th December and was there briefed by Brigadier MacLellan. According to the Brigadier's briefing notes,¹ the CGS was told that the recent operations in the Creggan and Bogside had worried the IRA, but at the cost of increased violence and the further alienation of the Catholic population, which in turn risked pushing popular opinion away from the moderates in the community and towards the IRA.² Adopting the terminology employed by General Ford in his paper of 14th December, Brigadier MacLellan expressed the view that this policy, "*Course 2*", had been successful militarily, but perhaps not politically.³ However, returning to the previous containment policy, "*Course 1*", would demoralise the troops and Protestants.⁴ This left what General Ford had called "*Course 1½*" or "*Course 3*". The former would involve quick arrest operations, intelligence-based searches in the Bogside and possibly the Creggan, and the deployment of reconnaissance platoons, all of which would carry the possibility of small fighting incidents in their aftermath.⁵ Brigadier MacLellan described such a policy as "*difficult*" as it would be hard to avoid harassing the innocent while keeping a "*GRIP ROUND [the] THROAT OF [the] GUILTY*".⁶ "*Course 3*" was a full-scale military operation of the Creggan and Bogside, which would require seven battalions, most of which would be deployed there for "*SOME MONTHS*".⁷ Brigadier MacLellan felt that this was the only chance for demoralising the IRA and restoring law and order to the area, but it would be

regarded as a “*PUNITIVE AND REPRESSIVE*” invasion.⁸ The decision was a matter for political judgement, but delay would mean that the IRA would increase their grip on the area and acquire more arms.⁹

¹ G44A.282.1-3

⁶ G44A.282.2

² G44A.282.1

⁷ G44A.282.2

³ G44A.282.2

⁸ G44A.282.2

⁴ G44A.282.2

⁹ G44A.282.2-3

⁵ G44A.282.2

8.172 On 20th December 1971, General Carver completed a report on his visit to Northern Ireland for Lord Carrington, the Secretary of State for Defence.¹ The central theme of this document was his belief that a window of opportunity was approaching when a political initiative might be put forward with some hope of success. It is notable that his reasoning was based primarily on the situation in Belfast; Londonderry, he wrote, was “*totally different*”.²

¹ G44.281-282; G44.282.1

² G44.282.1

8.173 General Carver felt that the sections of the IRA pursuing terrorist activity in Belfast were now under “*considerable pressure*” due to the combined effects of internment, the actions of the security forces, and the increasing effectiveness of intelligence operations. He argued that the “*time may come very soon when a political move, which the minority could claim as a partial satisfaction of their demands, could tip the scale sufficiently for all those who want an end to tension (which includes a substantial part of the IRA themselves) to put their pressure, also, on the terrorists to call off the campaign*”.¹

¹ G44.281

8.174 General Carver also felt that the timing of such an initiative was good in relation to the majority community. He wrote of an “*apparent acceptance by an increasing element of the Protestants, including an influential number of officers in the RUC, that things cannot just return to the previous state of affairs*”. At least some of the RUC officers were prepared to accept and even advocate that Westminster should take over responsibility for law and order, a move that would have been welcomed by most Catholics, including “*the hierarchy and other influential figures*”. However, the period in which a significant section of the majority community would remain conducive to such reforms was likely to be short; if the tension were to come to an end unexpectedly it would not be long before “*Protestant opinion*” hardened, dissolving the acceptance that change was necessary.¹

¹ G44.281

8.175 These observations led General Carver to urge that “*swift political action*” should not be delayed beyond mid-February 1972, a date towards which the United Kingdom Government should plan unless it became clear that the right moment to proceed had arrived earlier. The initiative would need to be “*effective*”, while not leading to “*an unacceptable Protestant backlash*”, and for this to be achieved it would need to be acceptable to the RUC, to Brian Faulkner (“*but not necessarily to all of his Party*”), to “*the Catholic hierarchy*”, to Gerry Fitt, then leader of the SDLP, and the Taoiseach, Jack Lynch.¹

¹ [G44.281](#)

8.176 General Carver went on to set out the elements that he believed could lead to a successful solution. Law and order would become the responsibility of Westminster, with the GOC assuming control of all security operations, Army and RUC, which were designed to restore the normal processes of law and order. In public administration, as many as possible of the areas in which there were “*inter-sectarian problems*” would become the province of public boards on which minority communities would be fully represented. These boards would be responsible to the Northern Ireland Government, but the methods of election and representation at Stormont would be revised by a “*further commission*” in light of these wider reforms. General Carver recommended that if such a solution did not emerge from inter-party talks then it should be announced, with maximum publicity, as the United Kingdom Government’s proposal at these talks, and one which it was prepared to implement as soon as the principals agreed.¹

¹ [G44.281-282](#)

8.177 In support of the framework that he had outlined, General Carver made additional suggestions for action in specific fields. He felt that the RUC lacked “*leadership and direction*”, and proposed that a Deputy Director of Operations (Police) be selected by the United Kingdom Government as a potential successor to the then Chief Constable, Sir Graham Shillington, adding that if no suitable English, Scottish or Welsh police officer were available, then a general might be appointed. In relation to civil affairs, he drew attention to the practical needs of the civilian population, especially in areas from where the IRA had just been eliminated. He recommended the appointment of Civil Affairs Liaison Officers to each police division of Belfast, whose role it would be to end what General Carver saw as the existing indifference, bureaucracy and even hostility of local and central government to those in the minority community who sought assistance, who would turn to extremists and sectarian organisations if they were not encouraged to deal directly with the proper organs of government. Finally, he warned that a breakdown in the

system of internment, perhaps because of a break-out or a riot, could ruin “*Our whole policy*”. To avoid this, he was convinced that it was necessary for the Northern Ireland Government to employ an Inspector or Director of Internment.¹

¹ [G44.282-282.1](#)

8.178 In the final three paragraphs of his paper, General Carver addressed the situation outside Belfast. He recommended the continuation of the present policy in relation to the border: “*maintaining a non-provocative attitude, but a fairly frequent presence, achieves about the right balance.*”¹ He wrote that intelligence gathering outside Belfast was “*virtually non-existent*”, although he hoped that it could be considerably improved if his proposals on future responsibility for law and order were accepted.² In relation to Londonderry, his entire paragraph is reproduced below:³

“The situation here is totally different to that in Belfast. The Bogside and Creggan are no-go areas. To change this would need a major military operation which would demand large numbers of troops, incur a high level of casualties and inflame the situation not only in Londonderry itself, but in this whole of Northern Ireland and particularly in the Republic. To attempt such an operation either in the near future or soon after making a proposal on the lines of that [outlined earlier in the paper] would wreck any chance of such a proposal succeeding. It is clear that the only policy we can sensibly pursue in Londonderry is to maintain a level of military activity which maintains the morale of the Protestants and of our own soldiers, without provoking the Catholic population to an extent which causes us severe casualties, further antagonises them and brings no dividends. Our recent increased activity has tended in this direction and I recommend, as does the GOC and the Brigade Commander, that we adopt a policy of rather less provocative activity than of recent weeks, although higher than the ‘low profile’ attitude adopted in September and October.”

¹ [G44.282.1](#)

³ [G44.282.1](#)

² [G44.282.1](#)

8.179 General Carver’s recommendation, which he said was also that of General Tuzo and Brigadier MacLellan, was effectively the “*Course 1½*” outlined and supported by General Ford in his paper of 14th December on future military policy in Londonderry.¹

¹ [G41.263-273](#)

Meeting of the Ministry of Defence's Northern Ireland Policy Group

8.180 General Carver's views on a possible solution were repeated at a meeting of the MoD's Northern Ireland Policy Group on 22nd December 1971 at which Lord Carrington, the Secretary of State for Defence, was present.¹ At this meeting the CGS said that he thought that they should aim at some political initiative about February 1972, when he judged that the security situation would be just right for it.

¹ [G44B.282.4-9; KH9.48-53](#)

² [G44B.282.4; KH9.48](#)

8.181 Lord Carrington considered that there was a choice between an initiative of the kind envisaged by the CGS and waiting in the hope that the Home Secretary's inter-party talks might produce a likely solution.¹ The meeting appears to have agreed with the CGS that there would be a window of time when action along the lines envisaged would be opportune, so that it was important that the United Kingdom Government should be ready with appropriate proposals, including a replacement for the existing Stormont system of administration. It was also important to have the support of the RUC and of the senior Northern Ireland civil servants for any imposed solution.²

¹ [KH9.49](#)

² [KH9.49-50](#)

8.182 The meeting clearly appreciated that, as a matter of departmental responsibilities, it was really for the Home Office rather than the MoD to put forward possible political solutions.¹ However, in his summing up, Lord Carrington expressed a desire to raise the matter soon at a GEN 47 meeting and suggested that the department draw up a "*general paper*" emphasising the importance of timing.²

¹ [KH9.49-50](#)

² [KH9.50](#)

8.183 The point was made at the meeting that, whatever solution was reached, it would be necessary to look at the position of Londonderry separately: "*the revival of community and commercial life there would only be possible with the support of the Dublin Government and of the Roman Catholic hierarchy. There was no incentive for the IRA to give up its position there since its control of the Bogside and Creggan areas was based not on physical intimidation but on its generally good administration so that it was the Army which was seen as the cause of any trouble.*" It seems clearly to have been

common ground that any attempt by the Army to take over control of the remainder of Londonderry would involve a fight against the people and “*would set back hopes of a political solution*”.¹

¹ [KH9.49-50](#)

8.184 The contemporary documents¹ show that at or very soon after this meeting Lord Carrington accepted the advice of the CGS and the GOC that so far as Londonderry was concerned, the Army should adopt a policy rather less provocative than in recent weeks, though higher than the low profile adopted during September and October. This was an acceptance of “*Course 1½*” that General Ford had advocated in his paper of 14th December 1971² and which Brigadier MacLellan had outlined to the CGS a few days later.³

¹ [G45A.285.7](#) Extract from a brief for the Secretary of State for Defence, 31st December 1971; [G45AA.285.19-21](#) Draft paper for the Secretary of State to present to GEN 47, 23rd December 1971; [G46.287](#) Minutes of the Official Committee on Northern Ireland, 5th January 1972.

² [G41.263-273](#)

³ [G44A.282.1-3](#)

Edward Heath’s visit to Londonderry

8.185 On 23rd December 1971 Edward Heath briefly visited Londonderry, and described in his autobiography the situation there as “*critical*”.¹

¹ Edward Heath, *The Course of My Life: My Autobiography*, London: Hodder and Stoughton, 1998, p434; [KH4.5](#) Written statement to this Inquiry of Edward Heath.

Proposals for a political initiative

8.186 Also on the 23rd December 1971, Sir Philip Allen wrote a note on constitutional devices to protect the minority. After studying various arrangements made in other countries, he concluded that the only model suitable for Northern Ireland was the provision of guaranteed places for the representatives of the minority community within the executive body of a reformed government. Sir Philip Allen acknowledged that an arrangement of this kind would not emerge unprompted from discussions between the Northern Irish parties, and that Brian Faulkner had made it clear that such a system was unacceptable to him. However, he believed that there were circumstances in which the scheme might be tolerated as a solution imposed from Westminster.¹

¹ [G44B.282.15-16](#)

8.187 During the closing days of 1971, officials within the MoD sought to take forward the idea of a political initiative. Acting on Lord Carrington's request at the Northern Ireland Policy Group meeting on 22nd December, Arthur Hockaday, the Assistant Under Secretary (General Staff), and Colonel Henry Dalzell-Payne, head of MO4 (the section of the General Staff dealing with Northern Ireland), prepared a draft paper for presentation at GEN 47.¹ Lord Carrington felt that he could not submit this under his name, presumably because he thought that it encroached too much on the territory of the Home Secretary and his department.² Instead, he decided to rely on the paper as a speaking brief, and as a result it was modified and re-submitted by Arthur Hockaday on 31st December 1971.³

¹ [G45AA.285.20-24](#)

³ [G45A.285.1](#); [G45A.285.6-16](#)

² [G45AA.285.19](#)

8.188 Under the heading "*Opportunity for political initiative*", Arthur Hockaday wrote:¹

"Given that the maintenance of pressure in Belfast is having a considerable effect upon the IRA we may, before very long (say within the next two months), reach a point at which, if both the leaders of the Northern Ireland minority (in particular the Roman Catholic hierarchy and Mr Fitt) and the Dublin Government can publicly recognise a political formula as acceptable in providing an active, permanent, and guaranteed role in public life for the minority community, those who want an end to tension (and this may include a substantial part of the IRA itself) will be able to put pressure on the terrorists to call off the campaign. If such a formula included satisfactory reassurances regarding the status of Northern Ireland within the United Kingdom, an increasing element of the Protestants (including a number of influential people in the RUC and the Civil Service) might be prepared to accept that there cannot be simply a return to the previous state of affairs. However, the period of time during which both these trends might be propitious for a political initiative could be short – if the level of violence is seen to drop dramatically there must be a risk that Protestant opinion will soon harden again."

¹ [G45A.285.8](#)

8.189 Arthur Hockaday suggested to Lord Carrington that he might wish to urge his colleagues to consider how they might best exploit “*any fleeting but uniquely favourable opportunity of this kind*”.¹ To this end, he set out a “*range of possibilities for a political initiative designed to clear the way forward*”.² Starting with “*the least radical*”, these were:³

a. The transfer to the GOC of operational control of the RUC for security operations (as in August–October 1969).

b. As at a., plus some modification of the Stormont structure in the direction of proportional representation, ‘community’ or coalition government, and blocking provisions, but no change in the powers of the Northern Ireland Parliament and Government ...

c. With greater or less modification of the structure of Stormont, transfer to Westminster of responsibility for the whole apparatus of law and order comprising not only security operations but complete responsibility for the RUC, the prison services, the internment policy, and the administration of justice.

d. Direct rule.”

¹ G45A.285.8

³ G45A.285.9

² G45A.285.9

8.190 In addition to the speaking brief, Arthur Hockaday also prepared a draft minute for Lord Carrington to consider sending to Edward Heath and other members of GEN 47. This was intended to encourage the Prime Minister to call an early meeting of the committee, as Lord Carrington was due to travel abroad on 7th January 1972.¹ It included the following passage:²

“It is, I suggest, important that we should take stock soon of the progress of the Army’s operations against the IRA and of how we expect the situation to develop. There is every reason for satisfaction with the amount of pressure which the Army is now exerting on the terrorists; but it is becoming increasingly clear that there is a distinct limit to how far the terrorists can be rendered ineffective – and, in particular, can be isolated from the Catholic community as a whole, which is crucially important – by military means alone. I am not suggesting that the moment for trying fresh lines of approach has arrived now, but I believe that – at the present rate of attrition on the IRA – it may be reached quite soon: and that, when it is, we shall need to be absolutely ready to take prompt advantage of it if we are to retain the initiative.”

¹ G45A.285.2-4

² G45A.285.4

- 8.191 In his written evidence to this Inquiry, Arthur Hockaday gave his recollections about this period:¹

“I believe that my feeling at the time was that, whereas the CGS had usefully highlighted the potential for a political initiative, the opportunity was beginning to slip away from us with perhaps insufficient energy being committed to it. There would have been a lot of work to be done on this kind of a political initiative, and all the time we were, to an extent, trespassing on Home Office turf in the sense that they took the lead on political aspects of the situation in Northern Ireland. This submission was an attempt to give added impetus to the move towards the political initiative...”

¹ [KH9.83](#)

- 8.192 Subsequent meetings of GEN 47 and the discussions within Whitehall about the “*window of opportunity*” for a political initiative are discussed at relevant points later in this report.¹

¹ [Chapter 9](#)

The resumption of marches

- 8.193 During early December 1971 a debate was conducted within NICRA which led to the decision to “*return to the streets*” unless the United Kingdom Government acceded to a number of demands.¹ Kevin Boyle, then NICRA’s press officer, told this Inquiry that the decision reflected a feeling that the rent and rates strike and other forms of civil disobedience were not having the desired effect, and something more was needed.² NICRA’s demands were set out at a Belfast press conference in mid-December, where the organisation called for an immediate end to internment, the withdrawal of troops from “*anti-Unionist*” areas, the abolition of the Special Powers Act and the introduction of laws showing that the United Kingdom Government would not stand in the way of peaceful constitutional progress towards a united Ireland. NICRA warned that a negative response would result in an escalation of the civil disobedience campaign, including the resumption in the New Year of organised protest marches, which had not taken place for many months.³

¹ [G42A.277.3](#) HQNI Intelligence Summary, 16th December 1971; [KB2.23](#) Interview given by Kevin Boyle to John Barry of the *Sunday Times*, 1972. ² [KB2.12](#); [Day 123/119-120](#) ³ [GEN5.24-25](#)

8.194 Other activists did not wait that long and instead organised a march on Christmas Day, starting from the Falls Road–Beechmount Avenue junction in West Belfast. The intention was to walk along the M1 motorway to the Long Kesh Internment Camp, but the procession was halted by security barriers placed across the road after about four miles. Following a sit-down protest, the marchers, who included Bernadette Devlin and at least one other MP, retraced their steps without serious incident.¹

¹ [AM77.45](#) Extract from McCann, *War in an Irish Town*; [G44C.282.11](#) HQNI Intelligence Summary, 23rd December 1971; [G45AA.285.1.2-3](#) HQNI Intelligence Summary, 30th December 1971; [G47.295](#), [G47.290](#) Minutes of meeting of the JSC, 6th January 1972; [G47A.298.8](#) Special Branch Assessment for the period 16th December 1971 to 4th January 1972.

Chapter 9: The weeks before Bloody Sunday

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The gravity of civil disorder in Londonderry by the end of 1971 and in early 1972

- 9.1** The plans made by the Army and by the RUC to deal with the march on 30th January 1972, as well as the acts and decisions of members of the security forces on that day, must be considered in the context of the security situation at that time.
- 9.2** The Inquiry has had access to Army Intelligence Summaries (IntSums), the minutes of meetings of the Director of Operations Intelligence Committee (Northern Ireland), the assessments compiled by RUC Special Branch and other memoranda compiled by members of the security forces which, taken together, provide a comprehensive picture of the security situation in early 1972, as it was seen from the point of view of the security forces.
- 9.3** Every week the staff officer at 8th Infantry Brigade responsible for Intelligence and Security, a captain to whom we allocated the Inquiry cipher Captain INQ 1803, compiled an Intelligence Summary (IntSum), which provided brief details of the paramilitary and criminal activity, protests, marches and other events of interest to the security forces that had occurred in the 8th Infantry Brigade area during the preceding week. The Inquiry has seen the IntSums relating to the weeks leading up to 30th January 1972.
- 9.4** IntSums were also compiled weekly at Headquarters Northern Ireland (HQNI) by Major INQ 2555. These IntSums covered events throughout Northern Ireland and so inevitably recorded incidents in Londonderry in somewhat less depth than did the IntSums compiled at 8th Infantry Brigade.

9.5 The following extracts from IntSums produced for HQNI in December 1971 set out details of the situation in Londonderry during that month:

HQNI IntSum 48/71, 2nd December 1971:¹

“4. In Londonderry there has been an escalation of IRA activity with 13 well executed bomb attacks on shops, offices, a library and a telephone exchange. There have also been a number of shooting incidents but these have caused no casualties and two gunmen are believed to have been shot by the Army. On three days there have been minor disorders caused by young hooligans.”

¹ [G36AA.247.1](#)

HQNI IntSum 49/71, 9th December 1971:¹

“3. In Londonderry there has been an increase in shooting incidents and the reaction to search operations has become more intense, especially in the Creggan, where a vicious and well prepared crowd violently opposed the action of the security forces. On 6 Dec 71 five gunmen were seen among a crowd of 200 who resisted a security force search operation. On the same day three gunmen and a petrol bomber were shot, and five carbines and a rifle were recovered from one house. On 5 Dec 71 a soldier was seriously injured by a nail bomb during rioting in the Rossville Street area. The home of the Lord Lieutenant of Londonderry was badly damaged by a bomb on 3 Dec 71. Hooligans continue to play their part in Londonderry and are active almost every day.”

¹ [G37A.252.1](#)

HQNI IntSum 50/71, 16th December 1971:¹

“5. In Londonderry the terrorist activity has been mainly reaction to search and arrest operations in Republican areas. The shootings have resulted in no Army casualties but 11 gunmen are believed to have been hit by return fire. There has been only one bomb attack, and in this the device did not explode, but people living in the Bogside and Creggan areas have been warned to keep out of the City centre from 18 Dec 71. This date, the traditional Protestant ‘Lundy Day’, is expected to see a renewal of explosive attacks in the City.”

¹ [G42A.277.1-2](#)

HQNI IntSum 51/71, 23rd December 1971:¹

“3. In Londonderry shootings have again been a daily occurrence. No military casualties have been incurred but a woman bystander received serious wounds from terrorist fire on Sat 18 Dec 71, and one gunman is believed to have been hit on the same day. The City had a bomb free week until Tue 21 Dec 71 when six attacks were made in the City causing damage and starting a fire. There were two bomb attacks on the following day. The traditional Lundy Day celebrations were held in a non-controversial area of the City on Sat 18 Dec 71 and passed off uneventfully: only 200 people attended the burning of Lundy’s effigy.”

¹ [G44C.282.10](#)

HQNI IntSum 52/71, 30th December 1971:¹

“3. In Londonderry a search operation on 28 Dec 71 produced violent reaction and there have been two days of shooting and rioting after a fairly quiet start to the week. Five arrests were made on 28 Dec 71 and some nail bombs were found. On 29 Dec 71 a soldier of 22 Lt AD Regt RA was killed by a sniper while on patrol in the City.”

¹ [G45AA.285.1.1](#)

- 9.6** The soldier killed was Gunner Ham of 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt), who was mortally wounded by sniper fire from the roof of a building in Bishop Street while patrolling waste ground near the Foyle Road.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p135.

- 9.7** Despite the optimism of the Chief of the General Staff (CGS) and the Army about the security situation across the Province, December 1971 saw 39 deaths in Northern Ireland linked to the Troubles. Fifteen of these occurred in the bombing of McGurk’s Bar in North Belfast, the biggest single loss of life in the modern Troubles until the Omagh bombing of 1998. The security forces initially ascribed the explosion to the premature detonation of an IRA device, but it later became clear that the bombing had been deliberately carried out by loyalist paramilitaries. Seven other civilians were killed during or shortly after other bombing incidents in Belfast, including four people, two of them infants, who died when a device was detonated without warning in a furniture showroom on the Shankill Road. It is widely believed that the attack was carried out by paramilitary republicans in response to the McGurk bombing. Two further civilians were shot dead by British servicemen in disputed circumstances, and another was killed by republican paramilitaries who had opened fire on Army vehicles. A further civilian, shot on 27th November 1971 when republican

paramilitaries fired on a police patrol, died on 1st December 1971. Three members of the Ulster Defence Regiment (UDR), and one former member, were shot dead apparently by paramilitary republicans, as were two Army soldiers in addition to Gunner Ham.

- 9.8** Five Provisional IRA volunteers were killed during the month: one was shot by the Army, the others were killed in apparent accidents, including three men who died when a bomb exploded prematurely as they drove through Magherafelt, County Londonderry. A unionist senator was killed by the Official IRA in what was described as the first political assassination in Northern Ireland since 1922. Most of these deaths occurred in Belfast, but five took place in Tyrone, and four in the city or county of Londonderry. Another man, described in *Lost Lives*¹ as a veteran IRA man, died as he mixed explosives in Dublin.

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p135.

- 9.9** The escalation of violence since the introduction of internment was striking. As Professor Paul Arthur (one of the historical experts engaged by the Inquiry) pointed out, in the six months preceding August 1971 there were 288 explosions; in the succeeding six months this increased three-fold. In the same two periods, shooting incidents multiplied six-fold, security forces deaths four-fold and civilian deaths eight-fold respectively.¹ According to the records in *Lost Lives* there were 32 deaths related to the Troubles in the period between 1st January and 8th August 1971. Between 9th August and 31st December 1971 there were 148.

¹ [E6.0045](#)

- 9.10** Reference has been made earlier in this report¹ to the paper entitled “Future Military Policy for Londonderry: an Appreciation of the Situation by CLF”, written by General Ford on 14th December 1971, in which he summarised the security situation at that time.²

¹ [Paragraphs 8.142–160](#)

² [G41.263-273](#)

- 9.11** There was an intelligence assessment for the period from 21st December 1971 to 3rd January 1972, which was submitted to the Director of Operations Intelligence Committee (Northern Ireland) and considered at the meeting of that committee on 3rd January 1972. This committee is described in more detail below. The assessment included the following paragraph:¹

“Londonderry. The city was very quiet in the week preceding Christmas, apart from a series of five explosions within a 10-minute period on 21 December: three garages were among the targets, but there were no casualties. Security force search and

arrest operations since the holiday have met mixed reactions. On the morning of 28 December troops were harassed and stoned by crowds during a search in the Bogside, and came under fire on 11 occasions during the day: shooting continued on 29 December and a soldier on foot patrol was killed by sniper fire. A search operation, also in the Bogside, on 30 December met with little reaction, although there was rioting in the district, and also on the Brandywell Estate later in the day. On 30/31 December armed and masked men raided the offices of the Northern Ireland Housing Authority, and the local Gas Board, and took files and record cards that were later burnt in the Creggan Estate. Two shops were damaged in explosions on 31 December, and during the weekend 1/2 January there were a number of nail bomb attacks on security forces.”

¹ [G45B.285.1.8](#)

- 9.12** A schedule of incidents for the fortnight ending 5th January 1972 was presented to the Joint Intelligence Committee on 6th January 1972. The schedule recorded that in Londonderry in that fortnight there had been eight incidents in which shots were fired by paramilitaries, in one of which a soldier had been killed, 14 incidents involving nail bombs and eight incidents involving other types of bomb or explosions.¹

¹ [G47A.298.10](#)

- 9.13** On 10th January 1972 a further meeting was held at HQNI of the Director of Operations Intelligence Committee (Northern Ireland). An intelligence assessment for the week ending 10th January was submitted to it. The assessment included the following paragraphs:¹

“7. Londonderry. Although the city has had a quiet week the general hardening of the situation there has continued with a continued gradual encroachment of violence from the Bogside into the Waterloo Place/Strand Road area. Both factions of the IRA claimed responsibility for an incident on 5 January in which a soldier was injured by automatic fire, and on 6 January shortly after shots were fired at an armed vigilante, a 14-year-old youth was admitted to hospital suffering from gunshot wounds in the foot. In shooting incidents at the weekend one gunman was seen to fall. On several occasions in the week security forces have been stoned and bottled by small groups of youths, and on 9 January a disused house and a paint store were set on fire by a mob of youths.

...

14. The Brady [ie Provisional] IRA in Londonderry ... have begun a campaign, aimed at destroying the business centre of the city. There have recently been a small number of explosions in shops and other business premises in the Waterloo Place/ Strand Road area which may form part of this campaign..."

¹ [G50A.309.4-6](#)

- 9.14** 8th Infantry Brigade's IntSum 99,¹ which covered the period from 5th to 11th January 1972, recorded that there had been in that time 24 confirmed shooting incidents and 17 unconfirmed shooting incidents in the Brigade area. Four arson attacks had been committed; nail bombs and bomb-making equipment had been found at an address in the Creggan. Weekend rioting was reported; the crowd had reached 120 and the rioting had been accompanied by nail bombing and a series of shooting incidents.

¹ [G51.310](#)

- 9.15** Under "*Outlook*" the IntSum recorded:¹

"17. The IRA will continue to strengthen their hold on the Bogside and Creggan, particularly the latter. Security Forces operations in these areas will continue to produce violent reaction, but otherwise terrorist activity is not likely to show any significant change in tactics nor escalation during the coming week. The IRA, the Official group more so than the Provisionals, are likely to continue to think up now [sic] methods of creating good publicity by relatively easy attacks against authority.

18. ... Elsewhere in the counties the civil resistance campaign can be expected to be reflected in a series of protest meetings. Similar meetings, possibly accompanied by attempts to defy the ban on marches, are likely in the City."

¹ [G51.314](#)

- 9.16** The Director of Operations Intelligence Committee (Northern Ireland) met again on 17th January 1972. The committee considered an intelligence assessment covering the period from 11th to 17th January. The assessment recorded:¹

"8. Londonderry. Six gunmen have been killed or wounded by security forces during the week. In one incident on 12 January shots were fired at a helicopter flying over the city cemetery. Five gunmen carrying Thompson SMGs [sub-machine guns] were seen and engaged by troops on the ground, and four of them were hit: two bodies were dragged away before security forces could follow up. Both factions of the IRA subsequently claimed to have acted jointly in this incident, and denied suffering any

casualties. In the only explosive attack of the week a car showroom in the city centre was demolished. Outbreaks of street unrest have occurred in the usual pattern during the week, and at the weekend a crowd of about 200 that stoned and bottled security forces, was dispersed with the use of CS gas and baton rounds. On 16 January security forces came under fire on eight occasions in the Bogside.”

¹ [G60B.367.6](#)

9.17 The HQNI IntSum for the week ending 19th January 1972 (3/72) recorded:¹

“In Londonderry the traditional hooliganism and rioting have continued and nail and blast bombs have been used by the rioters. Shooting incidents have occurred daily: there have been no military casualties but five gunmen are believed to have been hit. Four bomb attacks have been made, on a transformer and three commercial premises, but there have been no notable terrorist successes. The Goulding faction have tried to make some capital out of their capture of a soldier on leave in the city: the Brady group described his subsequent release, unharmed, as ‘diabolical!’ In five of the nail bomb incidents of the week a grenade launcher of some sort has been used by the rioters – ranges of from 75 to 200 metres have been achieved but three out of the five projectiles exploded harmlessly in mid trajectory.”

¹ [G67.412](#)

9.18 On 19th January 1972 8th Infantry Brigade’s IntSum 100,¹ which dealt with events in the Brigade area from 12th to 18th January, was distributed. It recorded that there had been 28 confirmed and 16 unconfirmed shooting incidents in this period. The information within the IntSum was more detailed than that which appears in the Director of Operations Intelligence Committee’s assessment for the same period. The IntSum contained additional information about the incident on 12th January, reported in the assessment, in which a helicopter came under fire. A gunman was spotted, a military patrol deployed and a gun battle ensued in which the security forces fired 49 rounds and paramilitaries approximately 100. It was recorded that the Army believed that four gunmen were hit and a fifth was shot later the same day. According to the summary, press reports suggested that both the Provisional and the Official IRA were involved in the battle. It was also recorded that the Army believed that up to nine gunmen had been shot by soldiers during the week, five of them on 12th January. None of the civilian casualties was confirmed. There had been two explosions (one destroying premises in the Strand Road) and three

arson attacks. Six explosive devices had been fired by some sort of launcher in five separate incidents. Under the heading "*Hooliganism/Street disorders*" the following appeared:

"During the week, the familiar pattern of rioting continued, mainly along the William Street line, and again the rioting was accompanied by nail bombings and occasionally by shooting incidents..."

¹ [G61.369](#)

9.19 Under "*Outlook*" it was recorded that:¹

"The basic threat of terrorist activity remains unchanged. However, the longer the period since a notable terrorist success, such as the shooting of a soldier or policeman, the more danger there is of such an event occurring."

¹ [G61.372](#)

9.20 The Special Branch assessment for the period ending 19th January 1972 recorded:¹

"Rioting and hooliganism has been a week-end feature in Londonderry where community feeling continues to run high against the Army. Throughout the period the terrorist elements and particularly the gunmen, have been active, shooting at the Army on several occasions. This activity is believed to have been sponsored jointly by both I.R.A. groups in the city. The apparent strategic policy of the I.R.A. in Londonderry is to continue alternating destruction by explosives and arson in a creeping infringement in towards the City Centre. Buildings previously severely damaged are set on fire, so spreading the area of destruction, buildings vacated as a result of these fires are later attacked with explosives."

¹ [G64.383](#)

9.21 The Schedule of Incidents for the week ending 19th January 1972, which accompanied the Special Branch assessment, included reports relating to Londonderry of 11 incidents involving civilian gunmen, six arson attacks (including ones in which bombs or petrol bombs were used) and seven instances in which nail bombs were thrown.¹

¹ [G65.391](#)

9.22 The Joint Security Committee (JSC) met on 20th January 1972 at Stormont Castle. The General Officer Commanding (GOC) Northern Ireland attended that meeting. The committee considered the Special Branch assessment and noted:¹

“Hooligan activity in Londonderry was a continuing worry. The GOC said the Army were dealing with the problem as best they could employing a variety of tactics within the constraints of the law. Their operations in the city against the IRA had been very successful of late – 50 gunmen killed or injured during the last 2½ months – and they would aim to maintain this rate of attrition.”

¹ [G63.377](#)

9.23

On 25th January, 8th Infantry Brigade IntSum 101¹ recorded 23 confirmed and four unconfirmed shooting incidents in Londonderry in the period between 19th and 25th January, with automatic weapons being used on eight targets during the period, and 35 blast-type bombs. The following paragraph also appeared in IntSum 101:²

“Hooliganism/Street Disorder. The familiar pattern of street disorders continued during the week, reaching a peak on Saturday afternoon. In the William St area on Saturday afternoon alone, there were eleven incidents in which crowds of about 40 hardcore hooligans had to be dispersed after rioting in the area. These youths were also connected with a number of shooting and gelignite bomb incidents which took place in the same area. Apart from William Street, there was also trouble in the Brandywell area and, on Sunday, an attack was made on the GPO, Abercorn Road.”

¹ [G72.445](#)

² [G72.446](#)

9.24

A further HQNI IntSum (4/72) was issued on 27th January 1972. It was stated to cover events in the week ending 26th January but in fact also dealt with events on the following day. The IntSum recorded:¹

“In Londonderry hooligan activity has continued and nail bombs have been used on most days. Shooting incidents have continued: two policemen were killed and a third injured on 27 Jan 72 when a car containing five officers was fired on by a gunman with an automatic weapon. One gunman is believed to have been hit in an exchange of fire on 22 Jan 72. There have been three bomb attacks during the week on a bar, an office and a BBC television mast.”

¹ [G80.488](#)

9.25 The police officers who died were Sergeant Peter Gilgunn and Constable David Montgomery, the first a Catholic, the second a Protestant. They were the first police officers to be killed in Londonderry during the Troubles.¹ We make further reference below to the deaths of these officers.

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p143.

9.26 On 28th January 1972 the Officer Commanding the Official IRA in Londonderry was arrested. He was still in custody on 30th January.¹ (He gave evidence to this Inquiry and was given the cipher OIRA 9.²)

¹ [G112.701](#)

² [AOIRA9.1](#)

9.27 A Ministry of Defence (MoD) Situation Report, covering the period from 0700 hours on 28th January to 0700 hours on 31st January 1972, recorded that there had been 13 shooting incidents in Londonderry between 0700 hours on 28th January and 0700 hours on 30th January. In addition, the report recorded that in the 24 hours before 0700 hours on 30th January:¹

“There was an outbreak of rioting in WILLIAM Street and after a nail bomber had been wounded a crowd of 100 attacked BRANDYWELL Tactical Location. 13 gelignite bombs were thrown.”

¹ [G99.595](#)

9.28 The Historical Report of 22 Lt AD Regt provides the following account of incidents on 29th January 1971, the day before the civil rights march:¹

“29 Jan

The Brandywell Post came under fire several times in the early hours of the morning. Fire was returned at flashes of shots. Shots were also fired at OP CHARLIE. There was the normal pattern of activity in William Street in the afternoon but 2 rounds were fired at a man seen throwing a bomb. Both shots were claimed to have hit and a man was seen being carried into a car at the back of the Old Tyre Factory. In the late afternoon some groups of hooligans transferred their operations to the Hamilton Street area and a Transformer House was broken into and damaged. The Brandywell Post was attacked by a crowd of over 100. Blast bombs were thrown and several shots were fired. A number of strikes on the buildings in the Post were noted. 15 Bty beat off the rioters and fired several rounds at gunmen and bombers when they could be identified as such.”

¹ [G133.898](#)

9.29 On the afternoon of Saturday 29th January 1972 two civilians, 33-year-old Peter McLaughlin and 16-year-old Peter Robson, were shot and wounded by soldiers. Both of these civilians provided written statements to this Inquiry. Peter Robson told us¹ that he had seen a man just off William Street who was about to throw a nail bomb. He walked away but shortly afterwards heard a shot and saw that a man whom he knew, Peter McLaughlin, had been shot. As he tried to assist Peter McLaughlin, he was himself shot. Peter Robson said that he later sued the Army and that his claim was settled. Peter McLaughlin told us that he was shot as he walked across a waste ground in William Street (known to this Inquiry as the “*laundry waste ground*”). He told us that he later obtained an apology from a newspaper that had alleged him to be a bomber.²

¹ AR37.1

² AM351

9.30 8th Infantry Brigade’s IntSum 102, which was compiled after the march on 30th January and which covered the period from 26th January to 1st February 1972, contained the observation:¹

“Before the march shooting had continued at a higher rate than recently...”

¹ G108.653

9.31 The author of this IntSum, Captain INQ 1803, then referred to the deaths of the two police officers on 27th January. In a later passage in the same IntSum, Captain INQ 1803 wrote:¹

“In the days before the march, shooting and nailbombing had continued at a high rate (61 shooting incidents and 52 nailbombs in the previous two weeks).”

¹ G108.655

9.32 HQNI IntSum 5/72 for the period from 27th January to 2nd February 1972 included the following paragraph:¹

“In Londonderry prior to 30 Jan 72 there was an increase in shooting incidents: on 27 Jan 72 two RUC officers were killed and one wounded in the city ... and a soldier was wounded on the same day. Gunmen and nail bombers worked behind cover provided by crowds of civilians in many of the incidents. The city had a week free of bomb attacks and the OC of the Goulding IRA unit was arrested.”

¹ G110.675

- 9.33** In a draft statement made for the purposes of the Widgery Inquiry, General Ford recorded:¹

“All our previous experiences [have] led me to the conclusion that the hooligan gangs in Londonderry are a special problem and their activities pose a special threat to security in Londonderry. They are contained, but not dispersed without serious risk to our troops, when indulging in their routine attacks in the William Street area. These attacks constitute daily breaches of law and order in the face of the Security Forces, during which the lives of the soldiers are at risk from attendant snipers and nail bombers, but on the whole it is not necessary to open fire except at identified bombers or snipers. On the other hand, when operating in greater numbers in the Bogside and Creggan or in large scale retaliatory rioting on the fringes in conjunction with other sections of the community, the attacking mob endangers the lives of the soldiers by virtue of their aggressive tactics allied to overwhelming numbers.”

¹ [B1143](#)

- 9.34** In his oral evidence to the Widgery Inquiry, Brigadier MacLellan provided statistics to illustrate the level of violence in the city between 1st August 1971 and 9th February 1972. According to the Brigadier's figures, between those two dates 2,656 hostile shots had been fired at the security forces, and 840 shots returned, 456 nail bombs had been thrown and there had been 225 explosions which had destroyed business premises. Brigadier MacLellan, again using figures with which he had been provided, told the Widgery Inquiry that in the fortnight that preceded 30th January 1972, there had been 80 confirmed shooting incidents in which 319 rounds were fired at soldiers. A total of 84 nail bombs had been thrown. In the same period, two members of the security forces (the RUC officers Sergeant Gilgunn and Constable Montgomery) were killed and two were wounded.¹

¹ [WT11.3](#)

- 9.35** Slightly different figures appeared in 8th Infantry Brigade's IntSum 102 dated 2nd February 1972. This recorded that there had been 61 shooting incidents and 52 nail bombs thrown in the 8th Infantry Brigade area in the fortnight to 1st February 1972.¹

¹ [G108.653, 655](#)

- 9.36** The Londonderry Development Commission stated on 29th February 1972 that between 1st August 1971 and 29th February 1972 it had received 2,200 claims in respect of malicious damage to property and that the value of that damage was estimated to exceed £6 million.¹

¹ [G125A.836.1](#)

- 9.37** Whether or not the statistics provided by Brigadier MacLellan were wholly accurate, the information in the IntSums and the other documents to which we have referred discloses a serious security situation, with bombing and shooting incidents coupled with daily rioting and arson attacks on the fabric of the city. Soldiers had reasonable grounds for believing that they could be the subject of lethal attack at any time and accordingly had to take the greatest possible precautions to avoid making themselves into targets. Londonderry at this time was a very dangerous place for the security forces to carry out their work.
- 9.38** Although there can be no doubt that there was considerable violence in Londonderry both after internment and in the weeks leading up to Bloody Sunday, it is harder to discern whether the trend was increasing, decreasing or stable in the latter period. The 8th Infantry Brigade IntSum for 5th to 11th January 1972 recorded that there was “*little significant terrorist activity*”,¹ while that of 19th to 25th January began with the comment that “*Throughout the Brigade area terrorist activity has remained at a level similar to recent weeks*”.² However, in the last week before the march on 30th January, the week in which two members of the security forces were killed and two injured, several intelligence documents referred to a marked increase in the number of shooting incidents and attacks on members of the Army and RUC.³

¹ G51.310

² G108.653; G110.673; G112.697

³ G72.445

The Army in Northern Ireland in January 1972

- 9.39** It is convenient at this stage to describe in more detail the roles of the General Officer Commanding (GOC) and Commander Land Forces (CLF) and also to provide an outline of the Army structure in Northern Ireland in January 1972. To some degree the following paragraphs duplicate information we have provided earlier in this report, but we provide it again here for the convenience of the reader.
- 9.40** The senior military officer in Northern Ireland in January 1972 was the GOC and Director of Operations, General Sir Harry Tuzo. General Tuzo’s deputy, the CLF, was General Robert Ford, who had held the post since 29th July 1971.

9.41 The GOC's responsibilities at the relevant time are set out in a Directive that came into effect on 4th February 1971.¹ He had overall responsibility for security operations and was required to exercise operational control over all land, naval and air forces in Northern Ireland. He was also required to "*co-ordinate the tasking of the Royal Ulster Constabulary for security operations with other security forces*".²

¹ [G1AAB.19.1.1.8](#)

² [G1AAB.19.1.1.8](#)

9.42 The Directive identified those to whom the GOC was to report. It provided:¹

"4. You are responsible to the Chief of the Defence Staff as Chairman of the Chiefs of Staff Committee, but will work in the closest co-operation with the Northern Ireland Government. You will be a member of the Northern Ireland Government Joint Security Committee. In the event of any disagreement with the Northern Ireland Government you are at once to refer the matter to the Ministry of Defence.

5. You are to keep the Chief of the General Staff, on behalf of the Chief of the Defence Staff, informed on all major issues. You will also, unless urgent operational considerations make this impossible, obtain guidance from the Ministry of Defence on any matters which, in your opinion or that of Her Majesty's Government's representatives in Northern Ireland, have political implications of concern to HMG or which concern any major redeployment of your forces."

¹ [G1AAB.19.1.1.8-9](#)

9.43 In January 1972 the Chief of the Defence Staff (CDS) was Admiral Sir Peter Hill-Norton and the Chief of the General Staff was General Sir Michael Carver. Both were based in London.

9.44 General Ford was a member of the 4th and 7th Dragoon Guards Regiment. Immediately before his appointment as CLF, he had been the Principal Staff Officer to the Chief of the Defence Staff at the MoD in London. He had expected to go from the MoD to take command of an armoured division of the British Army of the Rhine. However, it was decided in 1970 that Major General Anthony Farrar-Hockley, then CLF in Northern Ireland, lacked experience of command in West Germany and so should take up a posting there, being replaced in Northern Ireland by the then Brigadier Ford, who on 2nd August 1971 was granted the substantive rank of Major General. General Ford told this Inquiry that his appointment as CLF did not indicate, as far as he was aware, any change of approach to the task of the CLF in Northern Ireland but arose because of the perceived need for General Farrar-Hockley to hold a command in Germany.¹ It was

suggested to us that the appointment of General Ford might have been part of a policy to deal with civil unrest in a more aggressive manner,² but we reject that suggestion and we accept General Ford's evidence about the circumstances of his appointment.

¹ [B1208.88-92; Day 253/2](#)

² [Day 50/20](#)

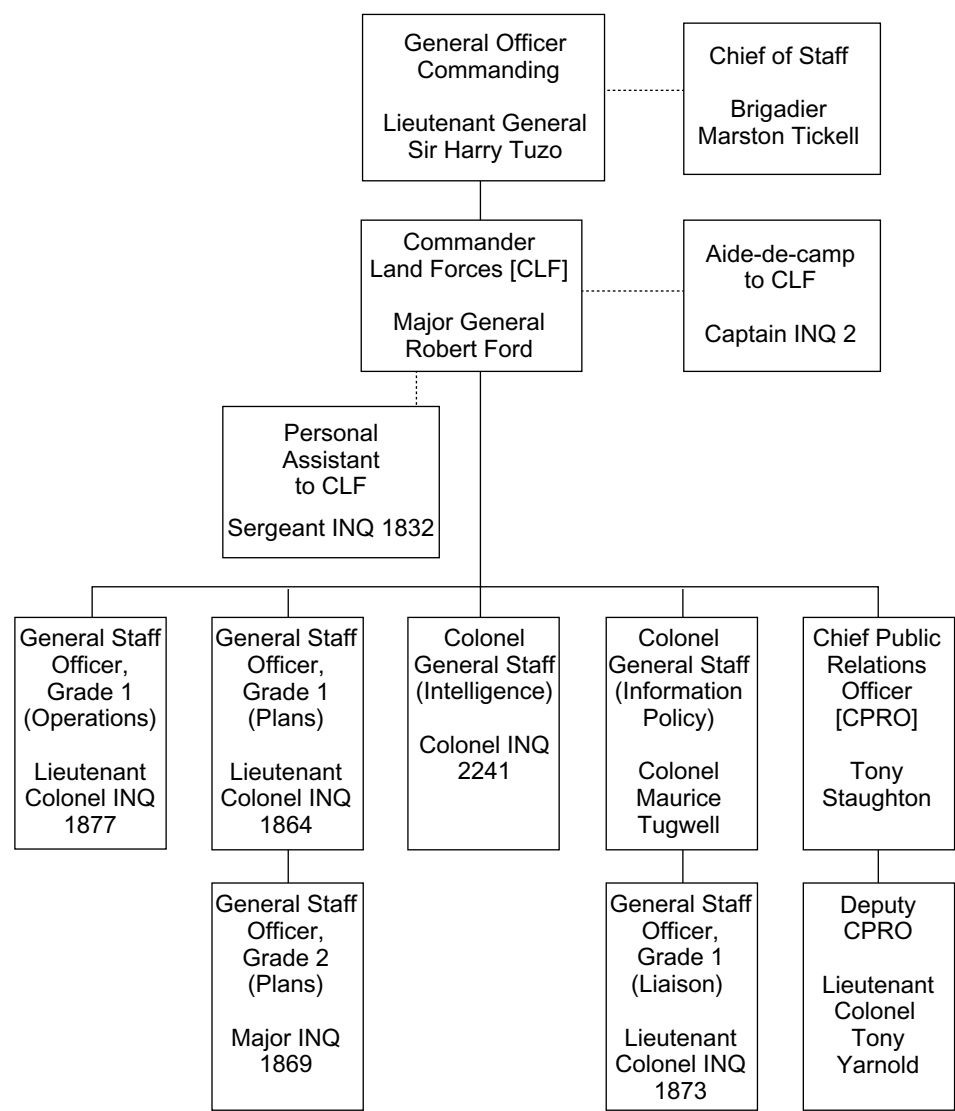
9.45 Although General Tuzo was a member of the JSC (described earlier in this report¹), General Ford was not. However, General Tuzo and General Ford held private discussions on at least three days a week. According to General Ford, General Tuzo on these occasions informed him of everything that was going on above General Tuzo's level, reporting not only what was happening in Stormont but also what General Tuzo had heard on his private line from General Carver about events in Whitehall and what he had heard from the Chief Constable of the RUC. General Ford had no contact of his own with Stormont, Westminster or the Chief Constable. At these meetings, General Ford told General Tuzo of what was being done or planned operationally and, if necessary, sought his agreement.²

¹ [Paragraphs 8.16–18](#)

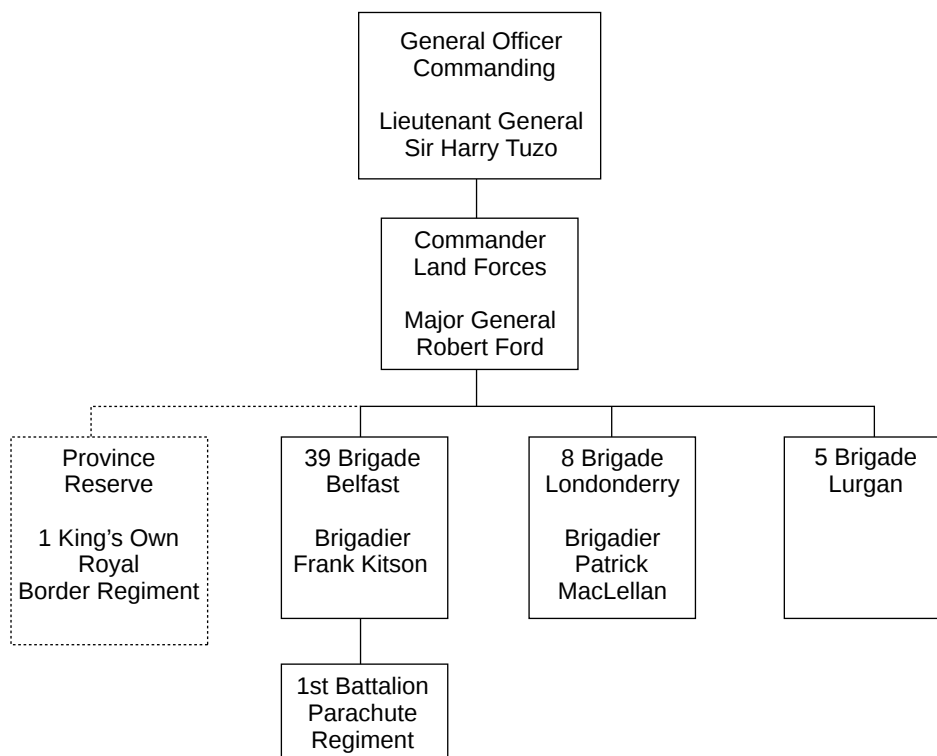
² [Day 253/13](#)

9.46 General Tuzo and General Ford were based at HQNI in Lisburn, outside Belfast. Reference will be made in this report to a number of other officers also based at HQNI. A diagram showing the ranks and roles of some of these officers appears below.

Figure 9.1: Headquarters Northern Ireland staff on 30th January 1972



9.47 There were three Army brigades in Northern Ireland, and a Province Reserve. The military structure in Northern Ireland at the time is summarised in the diagram below.

Figure 9.2: Army command in Northern Ireland in January 1972

9.48 The Province Reserve, 1st Battalion, The King's Own Royal Border Regiment (1 KOB) arrived in Northern Ireland on or about 13th January 1972.¹

¹ [C1253.5](#)

9.49 One of the battalions under the command of Brigadier Frank Kitson in Belfast was 1st Battalion, The Parachute Regiment (1 PARA). This battalion had been in Northern Ireland since September 1970.¹ It was based at Palace Barracks, Holywood, just outside Belfast, and was the reserve force of 39th Infantry Brigade. The commanding officer of 1 PARA in January 1972 was Lieutenant Colonel Derek Wilford.

¹ [WT11.7](#)

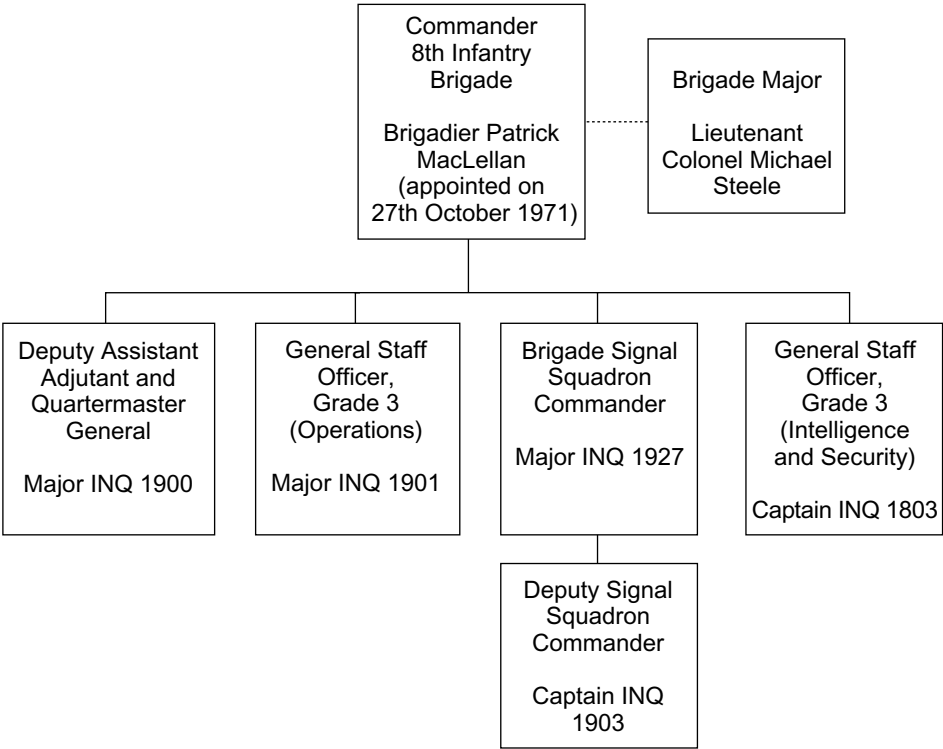
9.50 Colonel Wilford had gained experience of internal security operations while serving with the Royal Leicestershire Regiment in Malaya and with the Lincolnshire Regiment in Aden. From 1959 to 1963 he served with the SAS. He joined the 2nd Battalion of the Parachute Regiment as a Company Commander in 1969 and went to Belfast on a four-month tour

with that battalion in 1970. Thereafter he taught infantry tactics, including those relating to internal security, at the School of Infantry in Warminster. On 21st July 1971 he took command of 1 PARA, which was at that time on a two-year tour of Northern Ireland.¹

¹ [B1110.017-018](#)

9.51 The officer in command of 8th Infantry Brigade in Londonderry was Brigadier Patrick MacLellan, who had taken up his command on 27th October 1971. 8th Infantry Brigade Headquarters was located within Ebrington Barracks on the east side of the River Foyle. We make reference in this report to various officers who were under Brigadier MacLellan’s command. The rank and role of relevant officers at 8th Infantry Brigade Headquarters are summarised in the diagram below.

Figure 9.3: Officers at 8th Infantry Brigade Headquarters



9.52 Lieutenant Colonel Michael Steele was a Royal Artillery officer.¹ In July 1970, when he held the rank of Major, he was appointed to the post of Brigade Major of 8th Infantry Brigade.² He became a Lieutenant Colonel on 1st January 1972³ but remained as Brigade Major, awaiting a posting appropriate to his new rank.⁴ As Brigade Major, he

was the senior staff officer of the Brigade and was responsible for all its operational work. His duties included drafting brigade orders and running the brigade radio net during operations.⁵

¹ B1296

⁴ Day 268/141

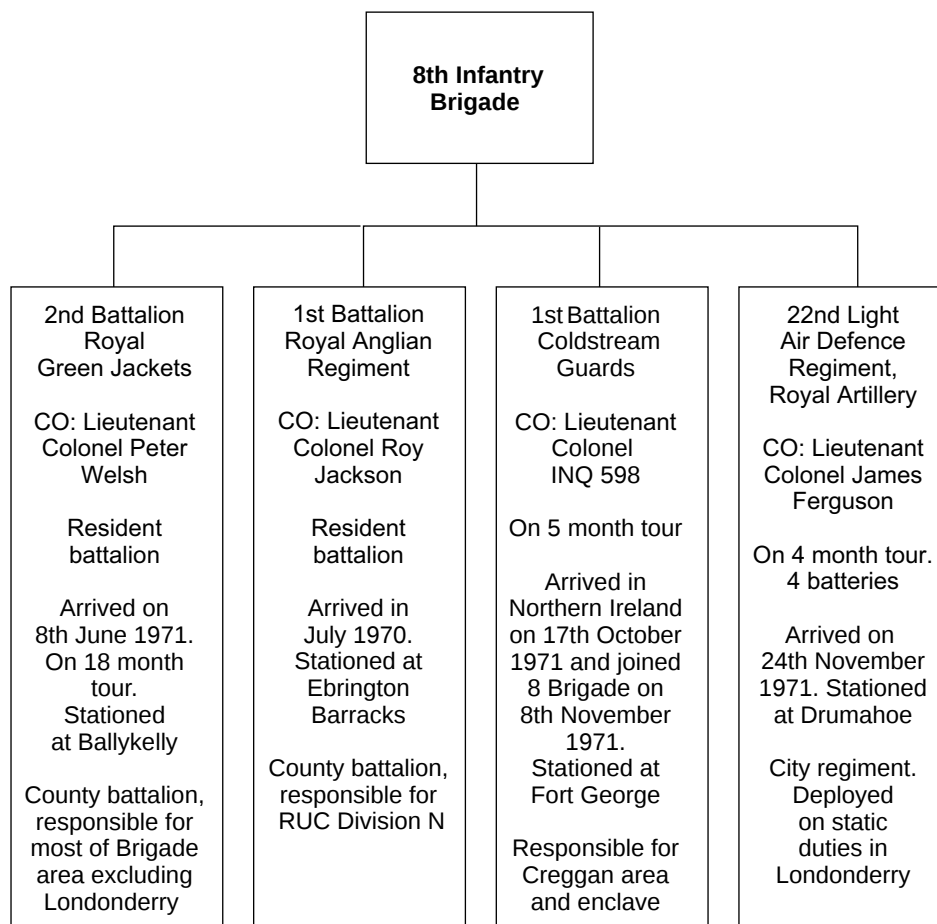
² B1315.001

⁵ Day 266/4

³ Day 266/6

9.53 There were four resident battalions (or regiments) within 8th Infantry Brigade. In addition the Brigadier could call, if necessary, upon the Province Reserve. The structure of 8th Infantry Brigade is shown in the diagram below.

Figure 9.4: 8th Infantry Brigade on 30th January 1972



9.54 The duties of the Londonderry battalions or regiments at the relevant time are set out in 8th Infantry Brigade Operational Directive 4/71, which was distributed on 10th November 1971.¹ The Directive refers to battalions and regiments as alternatives; this is simply

because the relevant unit might be either an infantry battalion or an artillery regiment. For simplicity, we generally use “battalion” in this part of the report to refer to both types of unit.

¹ [G27.196](#)

² [Day 268/143](#)

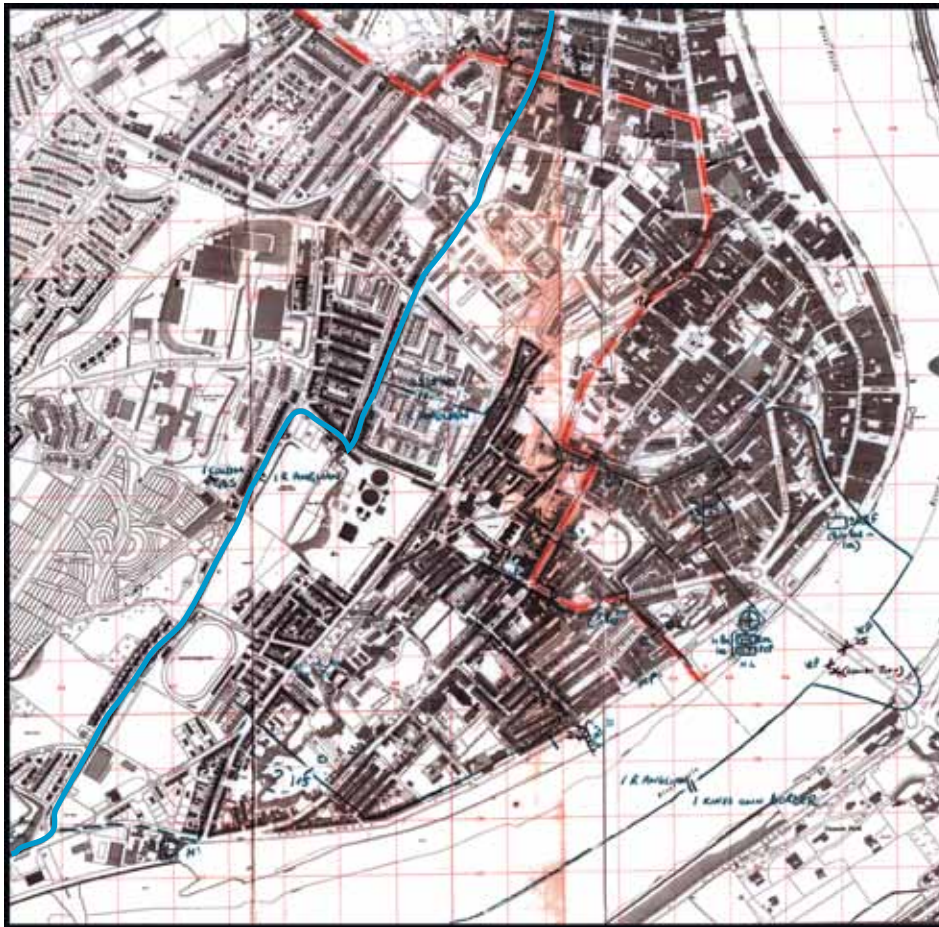
9.55 The 8th Infantry Brigade area was divided into three parts: the Creggan, the City and the County. The County covered the same area as RUC Divisions N, O and P.

9.56 The City battalion was responsible for the Bogside, Foyleside and Waterside areas within the city boundaries. The Creggan battalion was responsible for the Creggan, North Ward and Shantallow areas and for the “enclave” between the western city boundary and the border with the Republic of Ireland.¹

¹ [G27.208](#)

9.57 The map below shows the boundary between the areas of responsibility of the Creggan and City battalions. The Creggan battalion was responsible for the area to the west of the blue line running from the north to the south-west. The City battalion was responsible for the area to the east of the line.¹

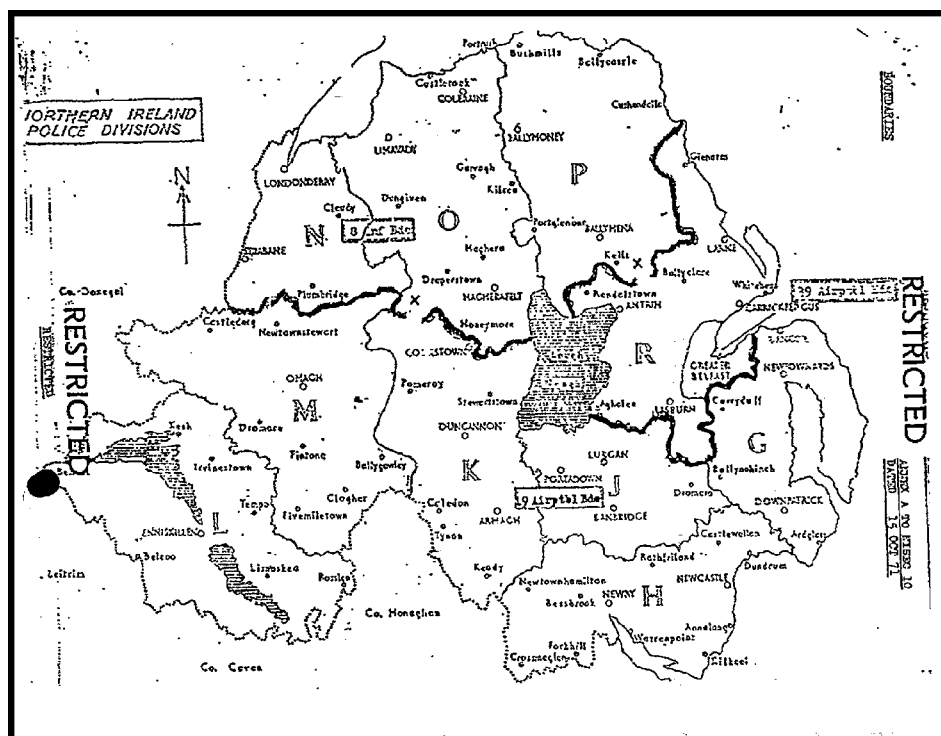
¹ [Day 268/146-147](#)



9.58 The County battalion was responsible for RUC Division N, east of the River Foyle, and excluding the Waterside, and for RUC Divisions O and P. From 21st December 1971 one battalion was responsible for RUC Division N and another for RUC Divisions O and P.¹ The map below² shows the areas covered by these police divisions.

¹ [G27.209](#)

² [G20.153](#)



9.59 The task of patrolling the Bogside and Creggan was, according to the Directive, to begin on 2nd December 1971. The task was to be undertaken by either one or both of the resident battalions.¹ The Directive envisaged that the patrols would, at the outset, swamp the Bogside and Creggan with troops.² However, although, as we have described, there were a number of operations in December 1971, none of them was intended to or did “swamp” the Bogside and Creggan with troops.

¹ G27.210

² G27.204

9.60 8th Infantry Brigade was supported by a Royal Military Police (RMP) unit, a squadron of Royal Engineers, an aviation squadron and an Explosive Ordnance Disposal unit. In addition, units of the UDR were attached to 8th Infantry Brigade. These units were normally used for operations within the County area, to the east of the River Foyle.¹

¹ G27.200; G27.210

9.61 On arrival under 8th Infantry Brigade’s command on 24th November 1971, 22 Lt AD Regt took over the County task from its predecessor, which left the command of 8th Infantry Brigade.

9.62 On 21st December 1971 22 Lt AD Regt moved to undertake the City task. 22 Lt AD Regt was responsible for the city at the time of Bloody Sunday. The regiment was based at Drumahoe but had its tactical headquarters (Tac HQ) in Victoria Barracks, attached to Strand Road RUC station in Londonderry.¹ 22 Lt AD Regt, although an artillery regiment, undertook infantry tasks in Londonderry.

¹ [Day 268/144](#)

9.63 On 30th January 1972 1st Battalion, The Coldstream Guards (1 CG) was the Creggan battalion. The two resident battalions were deployed on the County task. 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN), the battalion with the longest service in Londonderry, was responsible for RUC Division N. 2nd Battalion, The Royal Green Jackets (2 RGJ) was responsible for RUC Divisions O and P. According to Colonel Steele, one company of 1 R ANGLIAN was based in Strabane and another was elsewhere in the Division N area, leaving two companies available for duty on the day of the march. One company of 2 RGJ was based at Magherafelt and two were at Magilligan, leaving one available for deployment in the city of Londonderry.¹

¹ [Day 268/150-151](#)

The role of the Royal Ulster Constabulary

9.64 As we have discussed earlier in this report,¹ in August 1969 the GOC was given full control of the deployment and tasks of the RUC for all security operations, and though in October of that year this was changed to responsibility for the co-ordination of the tasking of the RUC in relation to security operations, in effect the Army continued to play a leading role as far as security was concerned. Subject to this the RUC remained a separate force with its own organisational structure. In January 1972 the Chief Constable of the RUC was Sir Graham Shillington. Northern Ireland was divided into ten police divisions, each of which was identified by a letter. As mentioned above, Londonderry came within RUC Division N. The RUC Divisions are seen in the map reproduced above.

¹ [Paragraphs 8.29–34](#)

The Northern Ireland Civil Rights Association

9.65 Earlier in this report¹ we gave some details of the formation of the Northern Ireland Civil Rights Association (NICRA) and its declared aims and objectives. We also noted that in his report on the riots and disturbances in 1968² Lord Cameron, while he referred to infiltration of NICRA by subversive elements, found no evidence that the IRA was in any

sense dominant or in a position to control or direct the policy of NICRA. He also observed that many supported this association who were neither Catholic nor interested in constitutional changes, violent or otherwise, and that these and other moderates had been able, during the period with which he was concerned, to keep NICRA on its originally designed and published course.

¹ Paragraphs 7.30–32

² *Disturbances in Northern Ireland: Report of the Commission Appointed by the Governor of Northern Ireland* (the Cameron Report), Belfast: HMSO, 1969 Cmnd 532.

9.66

In his report Lord Cameron made the following observations about NICRA:¹

“12. It was members of this Catholic middle-class which in 1964 founded the Campaign for Social Justice in Northern Ireland, inspired in particular by resentment against what they regarded as the sectarian bias of Unionist Councils in the Dungannon area. The Northern Ireland Civil Rights Association, itself modelled on the National Council for Civil Liberties and founded in 1967 has from the outset received very strong Catholic backing and support. These organisations concern themselves with immediate social reforms, such as opposition to job and housing discrimination by Unionists, support for universal adult franchise in local government elections and fairer electoral boundaries in local government. They are not concerned, as organisations, with altering the constitutional structure of Northern Ireland, and in this sense represent a quite new development among Catholic activists.

It was in the circumstances inevitable that the Civil Rights movement should be mainly (though not exclusively) supported by Catholics and also attract support from many who had been prominent in Nationalist and Republican politics. Officially, the Association campaigned only on civil rights issues, but in practice its activities tended to polarise the Northern Ireland community in traditional directions. It was bound to attract opposition from many Protestant Unionists who saw or professed to see its success as a threat to their supremacy, indeed, to their survival as a community. The movement also attracted the attention and support of certain left-wing extremists, some of whom by infiltration gained positions of influence within the movement, and their readiness to provoke and profit by violence was crucial at various stages in the disturbances, although their activities and influence were condemned and opposed by many of the movement’s leaders and supporters.”

¹ Cameron Report, para 12.

9.67 Under the heading “*Irish Republican Army and minor Republican organisations*” Lord Cameron observed:¹

“212. The I.R.A., whose campaign of violence between 1956 and 1962 had failed, subsequently adopted a marked change of tactics, although its overall strategy and objectives remained and remain profoundly the same. No secret has been made of this or of the consequent adoption of a policy which included permeation or infiltration of bodies or organisations which might operate in opposition to the current Government of Northern Ireland. Because the Civil Rights movement and its published objects were (at the time) wholly rejected by the Government it was to be expected that the I.R.A. or members of it in Northern Ireland would seek to turn that situation to their advantage. In this they were assisted by the declared policy of the Northern Ireland Civil Rights Association to accept support from any person who could subscribe to their objects, without regard to their political affiliations or opinions. This was in accordance with the principle on which the organisation was based – that it should be non-sectarian and non-party-political. From the very nature of things the Association could not – of course – avoid being political in a very real sense: only the most naïve could believe otherwise. Consequently it was easy for persons, identifiable as members of the I.R.A., either to join the Association itself or to take a greater or less part in its activities.”

¹ Cameron Report, para 212.

9.68 Lord Cameron was describing the situation in 1968. In the context of the present Inquiry it was submitted on behalf of represented soldiers that, in respect of NICRA, by January 1972 “*the involvement of members of the Official IRA, the Official Republican Movement and other proscribed Republican groups, was on an upward rather than downward curve after 1969*”.¹ These representatives also submitted that this was the reason why NICRA was an organisation that was sometimes referred to critically by Army, security and intelligence organisations at the time:²

“2. Central to an understanding of such criticisms is the fact that, by 30 January 1972, the Official IRA, and to an extent other Republican groups, had infiltrated NICRA. The Tribunal has before it substantial evidence to support the contention that armed republicans from the Official IRA, or those likely to have been closely associated with such paramilitary gunmen, were members of NICRA both locally in Derry and at

executive level. Other members of the executive, some of whom were no doubt genuinely opposed to military resistance, appear to have been unaware that they shared membership of the executive with paramilitaries or have denied the same.”

¹ FS8.172

² FS8.171

9.69 To our minds the expression “*infiltrated*” in its ordinary meaning suggests that those joining an organisation did so in order to overthrow it or at least to change or subvert its aims and objectives, while concealing that that was their purpose. Thus paramilitary groups “*infiltrating*” an organisation would ordinarily be understood to be intending to destroy it or at least to bend it towards the use of paramilitary force, in order to achieve their political ambitions.

9.70 It was acknowledged by the representatives in question, in our view correctly, that there was no evidence to suggest that “*infiltrators*” had by 1972 succeeded in any such endeavour, as shown in the following extract:¹

“We have never suggested that NICRA was a ‘*front organisation for subversive groups*’ which is how NICRA chooses to portray the issue of infiltration.”²

The suggestion that NICRA was a ‘*front organisation*’ would imply that, as an organisation, its true aims could not be said to be securing civil rights, rather that NICRA had a more sinister and undisclosed agenda.

NICRA was not a ‘*front organisation*’ – we recognise that many members of NICRA and its executive were genuinely committed to a non-violent campaign for the furtherance of civil rights. But the concern that we have raised in our own closing submissions is that, at the other end of the spectrum, the membership of NICRA (including its executive committee) comprised some who were actively involved in, and even directing, acts of terrorism.”

¹ FR8.12

² FS10.48

9.71 After the interested parties to the Inquiry had delivered their written submissions there was a short oral hearing in the course of which we invited answers to questions in respect of which we sought assistance or clarification. So far as “*infiltration*” was concerned, we posed the following two questions:

“IRA and NICRA

It has been said that NICRA was ‘infiltrated’ by the IRA. Even if it is right that there were members of the IRA who were also members of NICRA, the Tribunal wishes to know (1) what exactly is meant by the use of the word ‘infiltrated’ and (2) to what extent, and on what evidential basis, is it said that any such infiltration had any bearing on the events of the day?”

- 9.72** Counsel on behalf of represented soldiers answered the first of these questions by submitting that members of the Official IRA had infiltrated NICRA in the sense of joining this organisation and gaining places in it of real influence; and had done so secretly.¹ He went on to tell us:²

“We do not say there is evidence that the purposes of NICRA had been subverted such that they were espousing violence or any party political agenda. NICRA’s statements, though politically charged, in the non-party political sense, continued to espouse non-violence and democratic means. So no, we do not say that those members of the IRA who had gained positions of influence within NICRA had managed to subvert it.

But this does not mean, and we submit it would be naive to conclude, that those involved in the Official IRA had secretly entered NICRA with wholly benign motives, or with only a genuine concern for civil rights in mind.

Had their motive been only to seek the furtherance of civil rights, they would surely not have become involved at all on the executive or indeed locally, because their presence there could be damaging to NICRA and its aims if their paramilitary connections were known, or became known.

So in summary, the answer to the Tribunal’s first set of questions on this topic, we say this: the Official IRA had secured representation by its members within NICRA, without other members of NICRA or its executive knowing that they had terrorists in their ranks.

Two, the Official IRA have not thereby succeeded in subverting the principles of NICRA – NICRA continued publicly (and, we accept, as a movement, genuinely) to espouse non-violence and democratic means.

Thirdly, the precise motives of the Official IRA in secretly gaining positions of influence within NICRA may not be clear, but such motives, we submit, are unlikely to have been benign.”

¹ Day 430/61

² Day 430/65-66

9.73

With regard to the second of the questions posed by the Tribunal, one of the counsel for represented soldiers made five points.¹ These were firstly, that this infiltration justified the suspicions of NICRA in security forces and government circles; secondly, that the security forces and government were rightly concerned about NICRA’s decision to return to the tactic of large scale public marches, when they were illegal and likely to lead to rioting and violence; thirdly, that the willingness of the Official IRA to secure positions of influence within NICRA for some of its senior members “*effectively by deception*” told the Tribunal “*much about the duplicity of the Official IRA*”; fourthly, that the influence of the Official IRA in NICRA would have meant that it was privy to NICRA’s plans for the march that took place on Bloody Sunday; and fifthly, that the infiltration made “*unworldly*” the suggestion that the Army should have worked with NICRA on how this march was to be policed and controlled, since the Army would have known of the presence of Official IRA members within NICRA.

¹ Day 430/67-71

9.74

For these reasons counsel submitted that “*the fact that IRA terrorists had gained positions of influence within NICRA is relevant, and in a number of different ways, to the background issues which the Tribunal must consider*”.¹

¹ Day 430/71

9.75

We accept that the fact that members of NICRA included members of the Official IRA (and other republican organisations) did to a degree attract the suspicions of some of those in government and the security services. There is also no doubt that both government and the security services were concerned about the resumption of large-scale marches, by reason of their illegality and the violence that was likely to follow them. However, as counsel acknowledged in answering the questions that we posed, it would be wrong to suggest that the only or even the dominant thinking in NICRA’s decision to resume marches was to assist the Official IRA’s campaign by, for example, bringing about incidents of confrontation between the civilian Catholic population and the Army in the hope of further alienating the former from the latter and thus securing support for the Official IRA.¹ It might well be the case that some members of the Official IRA took the

view that marches would be likely to bring about such advantages for their cause, but we have found nothing to suggest that, had they not been members, there would have been no renewed campaign of marches.

¹ [Day 430/68](#)

9.76 As to the suggested evidence of duplicity, we are not persuaded that this point assists us on either the question of what the Official IRA did on Bloody Sunday, or on the weight to be given to the evidence that former members of the Official IRA gave us about their activities, which are both matters that we consider in detail in the course of this report.

9.77 We do not know whether Official IRA members used their membership of NICRA to gain knowledge of NICRA's plans for the march that took place on Bloody Sunday. What we do know, as appears below, is that the security forces were aware of the original date planned for the march (16th January 1972), of the change to 30th January 1972, and of the likely routes for the march. For obvious reasons the planned march was widely publicised.

9.78 It appears to be suggested that the Official IRA might have gained knowledge through their members in NICRA that the march would go to the Guildhall via William Street and, using that knowledge, was able to place a sniper near that street, who on the day itself fired at soldiers who were on the other side of the street. We deal in detail with that incident later in this report,¹ but suffice to say at this stage that there is no evidence to suggest that this incident occurred because the Official IRA was privy to plans for the march that were not general knowledge or which could not be gleaned from the fact that William Street was an obvious route for the march.

¹ [Chapter 19](#)

9.79 We now turn to consider briefly the degree of involvement in NICRA of those who espoused the republican cause. In the course of the evidence witnesses were asked about the degree of involvement in NICRA of those in or connected with what was described as "*the Official Republican Movement*". This was not a single organisation but comprised a variety of associations and groupings, including entities known as Republican Clubs,¹ whose only common factor was adherence to the movement's political policy. While members of the Official IRA could loosely be described as members of the Official Republican Movement, the converse was by no means the case, for many republicans did not support the campaign of violence.

¹ At the time Republican Clubs were proscribed organisations under The Civil Authorities (Special Powers) Acts (Amending) (No 1) Regulations (Northern Ireland) 1967.

9.80 Using the expression “the Official Republican Movement” in this general sense, there is no doubt that many members of NICRA and indeed of the Executive Committee at the time could accurately be described as adherents of this movement. This appears from the evidence given by, among others, Jimmy Doris, Hugh Logue, Kevin Boyle, Margo Collins and Edwina Stewart.¹ Furthermore there is no doubt, as Aidan Hegarty told us, that those associated with the Official Republican Movement were encouraged to get involved.^{2, 3} In short, as Kevin Boyle accepted, NICRA was heavily dominated by the Official Republican Movement, but as he also observed, there was no secret about this.⁴

¹ [Day 124/71](#); [Day 126/6](#); [Day 123/101](#); [Day 124/143](#); [Day 124/181](#)

² [AH59.1-3](#); [Day 413/39](#)

³ Aidan Hegarty in his written evidence used the word “*infiltration*” but in his oral evidence told us that this did not mean by subterfuge and that it was common knowledge that he was a member of the Official Republican Movement ([Day 413/209-211](#)).

⁴ [Day 123/100](#)

9.81 What did appear to be unknown to at least some members of NICRA was that in early 1972, among NICRA members who fell within the general description of Official Republicans were active members of the Official IRA, which was involved in the campaign of violence. Among these were Liam McMillen, the officer commanding the Official IRA in Belfast, who was a member of the NICRA Executive Committee¹ and Reg Tester, a member of the Command Staff of the Official IRA in Londonderry.²

¹ [Day 412/259](#)

² [Day 125/180](#)

9.82 Hugh Logue told us that there were no signs that members of the IRA were members of NICRA.¹ Kevin Boyle told us, and we accept, that he did not know that Liam McMillen was a senior officer of the Official IRA, though he did know that Liam McMillen was a republican.² It does not surprise us that members of NICRA who were also members of the Official IRA would not, for obvious reasons, incriminate themselves by advertising the latter fact.

¹ [Day 126/70](#)

² [Day 123/103](#)

9.83 Finally, as to the suspicions of NICRA among government and security forces, it will be seen later in this part of the report that NICRA was described in one Army report as “*the active ally of the IRA*”.¹ John Taylor who was at the time Minister of State at the Ministry of Home Affairs in the Northern Ireland Government² told us that NICRA “*of course ... was used as a cover by terrorists*”.³ Asked if there were any documents to support these assertions, John Taylor said that he thought there was reference in a file of papers provided to him by the Tribunal and that he would check to see why he reached his

conclusions regarding there being two places on the executive for the Official IRA.

Although the Inquiry wrote to John Taylor more than once to ask whether he had found anything to support his assertions, there was no reply.

¹ G70.437

³ Day 197/24

² KK3.1

9.84 As will have been noted, soldiers' representatives did not suggest to us that the evidence established either that NICRA was allied with the IRA (Provisional or Official) in the sense of assisting, promoting or sympathising with the campaign of armed violence pursued by the latter or that it was a cover or front for paramilitary activities. Indeed, these representatives expressly disassociated their clients from any such suggestion. In our view they were right to do so.

9.85 At the same time, apart from those who believed that NICRA was allied with the IRA in the sense described above, it is understandable that some of those in government and the security forces viewed NICRA with a degree of suspicion, since they knew of the involvement of members of the Official Republican Movement and of active IRA members in that organisation and could not be sure of the nature or degree of influence that these members were having. From their point of view the activities of NICRA could be seen as part and parcel of a campaign with the ultimate aim of bringing about the end of partition.

9.86 Although some members of the Official IRA acted as stewards for the NICRA civil rights march on 30th January 1972, we have found no evidence to suggest that the involvement in NICRA of Official Republican Movement members, or indeed of members of the Official IRA, led to any abandonment or dilution of NICRA's objective, which was to conduct a peaceful protest march against internment on that day.

Events during January 1972

9.87 We now turn to consider the course of relevant events during the first weeks of January 1972.

The first Northern Ireland Civil Rights Association marches of 1972

9.88 We have referred earlier in this report¹ to the decision of NICRA to resume marches in 1972 if their demands for, among other things, the end of internment were met with a negative response. NICRA's demands were not met and on 2nd January 1972 NICRA organised a number of marches starting at different points in the predominantly Catholic

Falls Road and Andersonstown areas of West Belfast, and culminating in a rally in Falls Park. Although the various processions were stopped by the security forces from marching in the road, the participants reformed on footpaths and pavements and continued to march to Falls Park (in one case even returning to the road once the roadblock had been bypassed). As with the Christmas Day march, to which we have referred earlier in this report,² the security forces did not make arrests, but instead identified various marchers with a view to later prosecution. Such trouble as occurred seems to have been limited to some minor missile-throwing.³

¹ Paragraph 8.193

³ G47A.298.8; G63.378

² Paragraph 8.194

9.89

The resumption of the marches led predictably to strong criticism of Brian Faulkner and the security forces from many unionists who felt that insufficient action had been taken to enforce the ban on marches. Critics, including the heads of two of the (Protestant) Loyal Orders (one of whom, James Molyneaux, would later lead the Ulster Unionist Party), called for the abolition of the “*now totally discredited*” ban on the grounds that it was unenforceable in nationalist areas and thus was “*blatantly discriminatory*” against unionists.¹ Even before 2nd January 1972 Dr Ian Paisley was reported as announcing that he intended to raise the issue in meetings with General Tuzo and Commander Anderson, the latter being the Senior Parliamentary Secretary at the Home Affairs Ministry.²

¹ G46AA.288.1.3; G82.517-518

² OS4.106; Day 205/141-142

9.90

The marches also led to counter-demonstrations by loyalists during the course of January.

Changes at the Ministry of Defence and United Kingdom Cabinet Secretariat

9.91

On 3rd January 1972 Derek Stephen succeeded Arthur Hockaday as Assistant Under Secretary (General Staff) (AUS (GS)) at the MoD, and ten days later Arthur Hockaday took up the post of Deputy Head of the Defence and Overseas Division of the Cabinet Secretariat.

Meeting of the Official Committee on Northern Ireland on 5th January 1972

9.92 On 5th January 1972, there was a meeting of the Official Committee on Northern Ireland.¹ This committee was made up of senior civil servants from departments concerned with Northern Ireland. Derek Stephen was now attending as AUS (GS), but on this occasion neither Anthony Stephens (head of Defence Secretariat 10 (DS10) in the MoD) nor Arthur Hockaday was present. Kelvin White of the Foreign Office was at the meeting. The minutes recorded that:²

“The Ministry of Defence reported that in Belfast the Irish Republican Army (IRA) continued to suffer severely from the pressure of the security forces on its personnel ... and arms supplies. It seemed, however, that there was a limit in the extent to which terrorism could be reduced by military means alone. In Londonderry the situation was more serious than in Belfast. The Defence Secretary had agreed that the Bogside and Creggan areas should only be entered by troops on specific information and for a minimum of routine patrolling. ... If continued attrition achieved a lull in terrorist activity, the need for a political initiative would become more urgent. At that point, the assessment of the risk of a Protestant backlash – whose potential we could not measure accurately at present – would be crucial. The security forces would be in serious difficulty in fighting 2 fronts.”

¹ G46.286

² G46.287-288

The Army paper “Measures to Control Marches”

9.93 On the same day the Army in Northern Ireland produced a paper entitled “Measures to Control Marches”. The identity of the author is not known. However, the paper was created for submission to the JSC and was in the following terms:¹

“MEASURES TO CONTROL MARCHES (for consideration by JSC)

Extension of the Ban

1. The current ban on marching expires on 8 Feb 72 and an early decision is required on whether it should be lifted, modified or extended.

2. Although the continuance of the ban has undoubted drawbacks, including problems of enforcement, the consequences of lifting or modifying it are far more serious. Such a move, resulting in a plethora of marches, would place an intolerable burden on the security forces, involving endless security commitments, probable escalation of violence, and a diversion of effort from the main task of defeating the IRA. Enforcement problems are not eliminated by lifting the ban since some types of march would in any case need to be ruled out.

3. It is proposed therefore that the ban should be extended for a period of one year until 8 Feb 73. An early announcement should be made to this effect, thus giving the maximum notice to march organisers and the general public and at the same time demonstrating the Government's firmness on this issue. The subsequent lifting of the ban could of course be considered should the situation improve.

Modification of Existing Procedures

4. On the assumption that the extension of the ban is authorised, some of the existing enforcement procedures require strengthening and this involves departure from previous practice. Certain consequences which follow must also be recognised. These are set out below:-

- a. The security forces will normally exercise the option of closing a march route entirely and will not normally permit marchers to continue on the pavements as has been done recently.
 - b. On the spot arrests of ringleaders, including perhaps well known citizens, and other marchers may be made; this would normally be done by the RUC under the Public Order Act, but the Army would participate if any violence were offered.
 - c. The route closing policy described above may result, particularly in the case of multiple converging marches, in the closing of all routes leading to the place of assembly, thus in effect cordoning it off and preventing the assembly from taking place at all.
5. Although a certain degree of discretion must be retained by the Commander on the spot, particularly where women and children are to the fore, these measures indicate a generally firmer line to be adopted by the security forces. As a consequence violence may be precipitated in an otherwise non-violent situation. For example the complete closure of a route or on-the-spot arrests may cause rioting in which case the normal anti riot measures would be required.

6. A public announcement should be made to the effect that all those marching in defiance of the ban are liable to immediate arrest and subsequent prosecution. Steps should also be taken to ensure swift prosecution of offenders, without automatic reference to the Attorney General which is the current practice.

7. It is proposed that the current RUC Force Order on this subject should be amended to include the change of emphasis in control measures and define the military powers of arrest. It should be reissued as a joint RUC/Army instruction.

Recommendations

8. The Committee is invited to agree:-

a. That the ban on marches should continue until 8 Feb 73 with the understanding that it might be lifted earlier if conditions greatly improve.

b. To accept the firmer measures proposed in this paper and acknowledge the possible consequences.

c. To make an early announcement of the continuance of the ban and the intention to adopt firmer measures including the liability of all those defying the ban to arrest and prosecution.”

¹ [G53.318-319](#)

Meeting of the Joint Security Committee on 6th January 1972

9.94 On 6th January 1972 there was a meeting of the JSC.¹ After receiving a report from the Chief Constable regarding the marches on 25th December 1971 and 2nd January 1972, the meeting resolved that those who had been identified as having taken part, including two Westminster MPs (Bernadette Devlin and Frank McManus), should be prosecuted as a matter of urgency for breach of the ban. This decision was taken subject to the directions of the Attorney General, and in the knowledge that any successful prosecutions would lead (as noted above) to a mandatory sentence of six months' imprisonment for adults.²

¹ [G47.289-298](#)

² [G47.290](#)

9.95 Either at this meeting, or on the margins of it, Brian Faulkner raised the issue of the possible extension of the ban on marches, which would otherwise lapse on 8th February 1972.¹ He told General Tuzo (but seemingly not the committee as a whole, as it was not recorded in the minutes) that he was in favour of retaining the ban either for another year or at least until the end of 1972. This news was greeted favourably within the MoD,

although it was noted that Brian Faulkner would have to persuade his Cabinet colleagues to agree. Although General Tuzo was confident that he would succeed, the Permanent Secretary commented in a memorandum to Lord Carrington that this could not be guaranteed, and if the Northern Ireland Cabinet were to refuse, “*intervention from London might yet become necessary*”.²

¹ [G47.289](#); [G46A.288.1](#)

² [G46A.288.1](#)

9.96 The Permanent Secretary’s memo also recorded that the JSC agreed in principle with proposals put forward by the GOC for taking a more positive line in future to prevent unauthorised marches from taking place. The GOC appears to have informed this meeting that action was in hand, in conjunction with the RUC, to draft detailed orders for the implementation of agreed measures to deal with illegal marches, and to formulate a public statement designed to make it clear to both communities that attempts to organise illegal marches would not be tolerated.¹ Although the Army had already prepared the paper entitled “Measures to Control Marches” for consideration by the JSC, to which we have referred above, it seems that the paper was not tabled at this meeting, but at the next, held on 13th January.²

¹ [G46A.288.2](#)

² [G53.318-319](#)

9.97 The minutes of the JSC meeting on 6th January 1972 recorded that Brian Faulkner had mentioned that the Strand Traders’ Association, a collection of Londonderry businessmen, had asked him to meet a deputation about the spread of violent activity into the William Street area of the city. Commander Anderson (the Parliamentary Secretary of the Ministry of Home Affairs and the (Unionist) Stormont MP for Londonderry City) stressed the harm that this was doing to business interests in the area and the danger of further spread. According to the minutes, General Tuzo undertook to discuss the situation on the spot with the Strand Traders’ Association.¹ In the event he requested General Ford to go to Londonderry for this purpose.²

¹ [G47.291](#)

² [Day 253/45](#)

Meeting of the Northern Ireland Policy Group

9.98 In London on 7th January 1972 there was a meeting of the MoD’s Northern Ireland Policy Group attended by Lord Carrington, at which those attending discussed the brief prepared for him in December 1971 by Arthur Hockaday. The view expressed at the

meeting was that a “*window in time*” might be opening up for a political initiative, though Lord Carrington said that he was not yet wholly convinced that the time was now right for the sort of political initiative discussed in the brief.¹

¹ KH9.28-29

9.99 At the same meeting, the CGS explained that the policy adopted for the marches on 25th December 1971 and 2nd January 1972 had been to break up the columns of marchers systematically by the use of barriers, which had also facilitated the identification of organisers. He reported General Tuzo’s conversation with Brian Faulkner regarding the extension of the ban, and Lord Carrington, for whom Sir James Dunnett (the Permanent Secretary) had already produced the memorandum referred to above,¹ expressed himself to be in favour of its continuation.² The CGS had earlier told the meeting that there was evidence that the Official IRA (referred to as the “*Goulding faction*”) was concentrating on Londonderry and would become more militant there in the next few weeks.³ There are similar reports of this development in other security force documents at this time.⁴

¹ G46A.288.1

³ KH9.27

² KH9.30

⁴ G50A.309.7; G55.338

9.100 On the same day Edward Heath’s Private Secretary, Peter Gregson, wrote to Graham Angel in the Home Office in these terms:¹

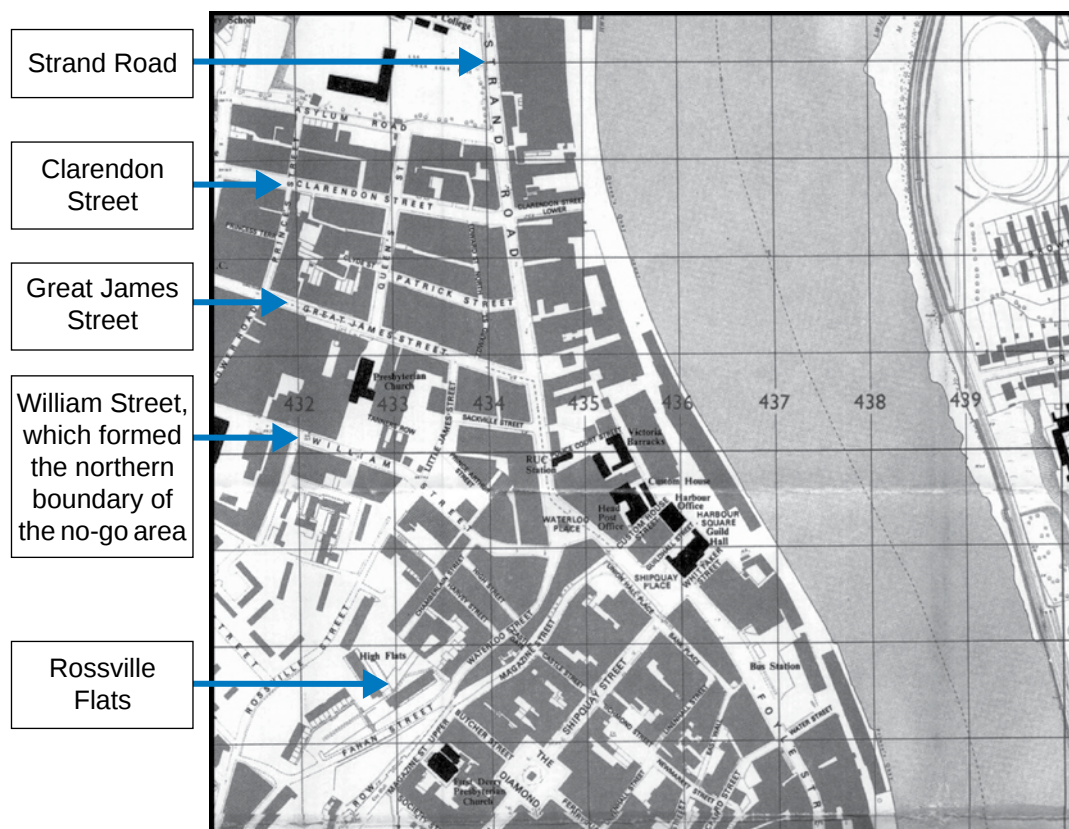
“The Prime Minister has noted in paragraph 7 of the Northern Ireland Current Situation Report No. 48 of 5 January that steps are to be taken to ensure that prosecutions are brought against the identified ring leaders of the recent anti-internment marches.

The Prime Minister considers it very important that this should be done, and be seen to be done as speedily as possible. He would be grateful for a report on progress.”

¹ OS4.176

Major General Ford’s meeting with members of the Strand Traders’ Association on 7th January 1972

9.101 The Strand Traders’ Association was an association of businessmen whose premises were located in or around the Strand Road in Londonderry. This was a shopping area, part of which lay close to the no-go area of the Bogside. By early January 1972, shops in this area had suffered damage and destruction from arson and bomb attacks.



9.102 The meeting between General Ford and representatives of the Strand Traders' Association took place in Londonderry on Friday 7th January 1972. General Ford was accompanied by the Assistant Chief Constable (Operations), David Corbett. In addition to meeting members of the Association, General Ford held discussions with Brigadier MacLellan, Lieutenant Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, and Chief Superintendent Lagan, the RUC Divisional Commander responsible for RUC N Division, which included the Londonderry area.

Major General Ford's memorandum

9.103 General Ford, in his evidence to this Inquiry, was unable to recall this visit to Londonderry. However, we had available a memorandum which General Ford produced following his visit. The memorandum was addressed to the GOC and was headed "*Personal and Confidential*".¹ It was written on or about 10th January 1972.² In it, General Ford reported to General Tuzo the impression that he had gained of the security situation in Londonderry.

¹ G48.299

² Day 253/64; B1208.075

9.104 The memorandum was in the following terms:¹"THE SITUATION IN LONDONDERRY AS AT 7TH JANUARY 1972

1. I visited Londonderry on Friday 7th January with ACC (Ops) and held discussions with Commander 8 Brigade, Commanding Officer the City Battalion (22 Lt AD Regt), and the Police Divisional Commander. I also visited the area of Waterloo Place and William Street and the OPs [observation posts] on top of the Embassy Ballroom in the Strand. I was disturbed by the attitude of both the Brigade Commander and the Battalion Commander, and also, of course, by Chief Superintendent Lagan. All admitted that 'The Front' was gradually moving Northwards and, in their view, not only would Great James Street go up in time but also Clarendon Street unless there was a change of policy. This admission meant that this major shopping centre would, in their opinion, become extinct during the next few months.

2. In the last two weeks there has been the usual daily yobbo activity in the William Street area and this has been combined with bombers making sorties into Great James Street and the Waterloo Place area. Neither foot nor mounted patrols now operate beyond the bend in William Street to the West of Waterloo Place as a regular feature of life. They claim that all foot patrols are put at risk from snipers from the Rossville Flats area (the ground all around here dominates the William Street area) and that if mounted patrols move in pigs, the pigs are surrounded by yobbos and this means that dismounted men must go with them with the consequential sniper reaction. They claim that the bombers (and of course there are only one or two every day) are mostly teenagers carrying small 5-10 pound devices who operate in the thickness of the shopping crowds and cannot be detected by the considerable number of three-man infantry patrols. Because of the number of ruined buildings and back alleys which lead into the general area from the Bogside they claim it is impossible to either confine public movement or control it. In addition the vast majority of the people in the shopping area not only give no help to our patrols but, if they saw a youth with a very small bag which might contain a bomb, they would be likely to shield the youths movements from the view of our patrols. We now have 52 men patrolling in this very small area constantly – a very large number of patrols as I saw myself.

3. I met Mr Ferris and three of his colleagues who represent the traders of Strand Road, who produced the usual pessimistic message. We discussed what could be done to inhibit or deter the bombers operating in this area and I stressed the following:

- a. All owners of premises must impose restrictions on their doors. I visited Littlewoods myself (in Waterloo Place) and there was no restriction of movement at all and hundreds of people moving in and out all the time.
- b. I agreed to the construction of two gates in an alley which runs up the West rear of Strand Road. This meets one of their requirements. The gates will be in position this week.
- c. I said I would examine the practicability of having more OPs and a possible position established at the West end of William Street.
- d. I gave them the usual encouraging talk about the Province as a whole.

They were reasonably satisfied because they had got more than they had expected – although they stressed that it is not enough. For instance they want at a minimum the Rossville Flats cleared (5,000 people live in them and a soldier has never entered them in the history of Londonderry) and ideally the Creggan and Bogside occupied. They also wanted curfews and shooting on sight.

4. The IS situation in Londonderry is one of armed gunmen dominating the Creggan and Bogside backed and protected by the vast majority of the population in these two areas, and of bombers and gunmen making occasional sorties out of these hard core areas to cause incidents, mainly in the shopping areas of the Strand, William Street (only two shops now operating) and Great James Street. This situation is difficult enough but is not beyond our capacity to deal with using normal IS methods and equipment, although I feel it probably needs the establishment of a further military base at the West end of William Street (This is now being examined as a matter of urgency, the Stardust Club being the likely choice).

5. However, the Londonderry situation is further complicated by one additional ingredient. This is the Derry Young Hooligans (DYH). Gangs of tough, teenaged youths permanently unemployed, have developed sophisticated tactics of brick and stone throwing, destruction and arson. Under cover of snipers in nearby buildings, they operate just beyond the hard core areas and extend the radius of anarchy by degrees into additional streets and areas. Against the DYH – described by the People's Democracy as 'Brave fighters in the Republican cause' – the Army in Londonderry is for the moment virtually incapable. This incapacity undermines our ability to deal with the gunmen and bombers and threatens what is left of law and order on the West bank of the River Foyle.

6. The weapons at our disposal – CS gas and baton rounds – are ineffective. This is because the DYH operate mainly in open areas where they can avoid the gas (and some have respirators, many other make-shift wet rag masks) and in open order beyond the accurate range of baton rounds. Alternatively, they operate in built up areas where, because of their tactics and the personal protection they have, CS gas has to be used in vast quantities and to such an extent that it seeps into nearby buildings and affects innocent people, often women and children. Attempts to close with the DYH bring the troops into the killing zones of the snipers. As I understand it, the commander of a body of troops called out to restore law and order has a duty to use minimum force but he also has a duty to restore law and order. We have fulfilled the first duty but are failing in the second. I am coming to the conclusion that the minimum force necessary to achieve a restoration of law and order is to shoot selected ring leaders amongst the DYH, after clear warnings have been issued. I believe we would be justified in using 7.62mm but in view of the devastating effects of this weapon and the danger of rounds killing more than the person aimed at, I believe we must consider issuing rifles adapted to fire HV .22 inch ammunition to sufficient members of the unit dealing with this problem, to enable ring leaders to be engaged with this less lethal ammunition. Thirty of these weapons have already been sent to 8 Infantry Brigade this weekend for zeroing and familiarization training. They, of course, will not be used operationally without authorisation.

7. If this course is implemented, as I believe it may have to be, we would have to accept the possibility that .22 rounds may be lethal. In other words, we would be reverting to the methods of IS found successful on many occasions overseas, but would merely be trying to minimize the lethal effects by using the .22 round. I am convinced that our duty to restore law and order requires us to consider this step.

8. We have also to face the possibility of a NICRA march from the Creggan to the Guildhall Square at 1400 hours on Sunday 16th January 1972. This would be followed by a rally which will be addressed by Members of Parliament and leading members of NICRA. I told Commander 8 Brigade that he was to prepare a plan over this weekend based on the assumption that the march was to be stopped as near to its starting point as was practical and taking into account the likelihood of some form of battle (therefore he must choose a place of tactical advantage) and also the fact that the minimum damage must be done to the shopping centre. This plan is due to be with me at 1400 hours on Monday and will also forecast the force levels required for it.

I have issued a warning order to 1 Kings Own Border (who become operational on the 13th as Province Reserve) and 1 Para. I have asked D Int to get the best possible intelligence of the possible strengths of the march and its real intentions. As a result D Int went to Londonderry yesterday and will report today. I understand that the SB warnings I had about the march may well prove to be unfounded. It is the opinion of the senior commanders in Londonderry, that if the march takes place, however good the intentions of NICRA may be, the DYH backed up by the gunmen will undoubtedly take over control at an early stage.

9. In the meantime I have issued very firm directions to the Brigade Commander that he is to take all possible steps within his capability to inhibit and deter the operations of the bombers.”

¹ G48.299–301

9.105 It is clear to us from the first two paragraphs of General Ford’s memorandum that he regarded the response of the security forces in Londonderry as unsatisfactory.

9.106 That General Ford had this impression was evident to Captain INQ 406, the Operations Officer for 22 Lt AD Regt. He discussed General Ford’s visit with Colonel Ferguson and gained the impression that General Ford “*felt that we were taking too soft a line*”¹ and “*felt [the Army] were not doing very well*” in that “*up until then we had had little success in either suppressing the rioting or either preventing bombings or capturing [the bombers]*”.²

¹ C406.3

² Day 274/4

9.107 Doubtless General Ford’s view of the situation was reinforced by the views expressed by representatives of the Strand Traders’ Association; however, it was already acknowledged in military circles that the security situation in Londonderry differed from that in Belfast in that the great majority of the population on the west bank of the Foyle was hostile to the security forces. Even though these differences were recognised, dissatisfaction about the situation in Londonderry had been expressed in political and military circles in Stormont and at HQNI. Brigadier Frank Kitson, the Officer Commanding 39th Infantry Brigade, for example, commented to General Ford, “... *no-one seems to sort out Londonderry*”.¹ Later in January 1972, Lieutenant Colonel INQ 1873, an Information Policy officer at HQNI, noted in his diary that “*8 Bde seem incapable of getting any operation right*”.² When he gave oral evidence to this Inquiry he was asked about this comment and he replied that “*it was a sort of general comment in the headquarters*”.³

Captain Mike Jackson, the Adjutant of 1 PARA, told the *Sunday Times* in 1972 that there were no no-go areas in Belfast and that 1 PARA held “*a certain contempt*” for the fact that no-go areas existed elsewhere.⁴

¹ Day 253/27

³ Day 242/37

² C1873.12

⁴ CJ1.16

9.108 Robert Ferris, the Secretary of the Strand Traders’ Association in 1972, gave evidence to this Inquiry and denied that the proposals to clear the Rossville Flats, establish curfews and shoot on sight were made at the meeting by any of the traders’ representatives. He said that the traders never expressed views on the management of security issues but would leave it to the security forces to make proposals.¹ Perhaps Robert Ferris’s memory is faulty or the remarks were made on the margins of the meeting, but we are sure that one or other of the members of the Association made those remarks to General Ford at some time before, during or after the meeting. The reason why we are sure is that, although General Ford could not, in evidence to this Inquiry, remember those measures being proposed, we have seen manuscript notes, which we are sure are copies of notes he made while returning from Londonderry, and which do record these proposals. This note of the proposals is followed by the words, “*Said this was impossible*”.²

¹ AF44.2; Day 200/17-18

² Day 253/45-46; B1208.063

9.109 Colonel Ferguson and Chief Superintendent Lagan met General Ford after his meeting with the representatives of the Association. Although Colonel Ferguson, in his written evidence to this Inquiry, did remember General Ford repeating “*some of the points made*” by the traders’ representatives,¹ he did not recall the proposals to clear the Rossville Flats or to shoot on sight, and thought that he “*would have recalled these sort of measures*”² had General Ford raised them. Colonel Ferguson’s evidence, which we accept, indicates, as do the manuscript notes, that General Ford did not take seriously these proposals voiced on the occasion of the meeting with the Strand Traders’ Association.

¹ B1122.6

² Day 281/36

9.110 We cannot say that the representations of the Strand Traders’ Association caused General Ford to write in paragraph 6 of his memorandum that he was coming to the conclusion that the minimum force necessary to restore law and order was the shooting of ringleaders. At most, the representations made by the traders confirmed General Ford’s belief that firmer measures had to be adopted. We are satisfied that General Ford was not prepared to countenance the measures put forward by the traders; however, the traders’ insistence that the security forces needed to take much stronger steps may have reinforced his own view that that was the case.

9.111 In paragraphs 4–7 of the memorandum, General Ford expressed the view that the security situation as he described and understood it could, with the exception of the problems caused by the “Derry Young Hooligans”, be dealt with using normal internal security methods and equipment. He considered that the problems presented by the “Derry Young Hooligans” could not be solved by any means currently in use. The only suggestion he made to solve these problems was to shoot selected ringleaders and though it is clear that he appreciated that this would need authorisation, he had taken the preliminary step of obtaining weapons able to fire the less lethal .22in ammunition. There is no indication in the memorandum that General Ford had the Yellow Card in mind when he drafted this paper. However, he accepted, in his oral evidence to this Inquiry, that the shooting of ringleaders was contrary to the Yellow Card as it then existed and that his idea could not be implemented without alteration of the Card.¹

¹ [Day 253/56-57](#)

9.112 General Ford seemed at one stage in his oral evidence to this Inquiry to be suggesting that weapons firing bullets of .22in calibre would be used to wound rather than kill, but, as the memorandum itself acknowledged, such bullets may be lethal. In our view the chief so-called “advantage” of using .22in ammunition was to avoid or reduce the risk of the bullet killing not only the target but also, by passing through with sufficient momentum (a “shoot through”), hitting and perhaps even killing someone behind the target.¹

¹ [Day 253/56-57](#); [Day 260/119-120](#)

9.113 In paragraph 8 of the memorandum, General Ford referred to having given Warning Orders to 1 KOB and to 1 PARA. In his written evidence to this Inquiry, General Ford described the purpose and effect of a Warning Order:¹

“A ‘Warning Order’ is a standing operational procedure. If a commander thinks it likely, for example, that a subordinate will need reinforcements to carry out a plan, then it is good policy to give that person maximum time to prepare, hence the Warning Order ... The type of thing that it would have said would be that the Battalion should be ready to move to Londonderry on day X for an operation and might be deployed for Y days. This then enables the Brigade HQ to adjust its plans and for the Battalion Commander to start thinking of the logistics of making his men available, such as provision of vehicles, petrol, rations and so on.”

¹ [B1208.036](#)

9.114 We deal below with the question whether this memorandum was distributed to or discussed with others apart from General Tuzo.

The Northern Ireland Civil Rights Association's plan for a march on 16th January 1972

- 9.115** General Ford's memorandum contains a reference to a proposed NICRA march in Londonderry on Saturday 16th January.¹

¹ [G48.301](#)

- 9.116** The minutes of the meeting of the NICRA Executive Committee on 7th January 1972 include the following entry:¹

"K. McCorry reported that Derry CRA put in a request for a march on 16th Jan. It was recommended that this date should be put back to 30th Jan to allow adequate organisation. L. Stewart, M. Davidson, F. O'Kane, F. Gogarty and K. McCorry agreed to meet the Derry Committee."

¹ [GEN5.27](#)

- 9.117** We heard evidence from members of the NICRA Executive Committee and members of the Derry Civil Rights Association (Derry CRA) about the reason for the change of date. Many of these witnesses could no longer recall the change of date, or the reason for it. However, the evidence of those who remembered the change¹ indicated that the march had been put back solely so that NICRA could assure itself that all arrangements necessary for a safe march were made. In her statement to this Inquiry Brid Ruddy, a member of the NICRA Executive Committee, told us:²

"The [minute of] the meeting [of 7th January 1972] shows that the date of the Derry march was changed to give people time to organise themselves. I remember this happening and it shows that our whole concern all the time was proper organisation, protection, dignity and safety."

¹ Finbar O'Kane, a member of the NICRA Executive Committee and Chairman of North Derry Civil Rights Association, thought that the Derry march may have been postponed because of the recent opening of Magilligan Internment Camp (and, by implication, because in mid-January 1972 NICRA was focusing its efforts on a protest at Magilligan) ([AO47.10](#)). However, there is no indication in the NICRA Executive Committee

minutes, either of the meeting on 7th January 1972 or of the meeting on 14th January 1972 ([GEN5.29](#)), that Magilligan was a factor; the Magilligan march was not even mentioned in the minutes of either of these meetings. See also the evidence of Jimmy Doris ([AD189.7](#)).

² [AR39.11](#)

9.118 Another member of the NICRA Executive Committee, Rory McShane, told this Inquiry that “*people wanted to satisfy themselves that the Derry CRA could organise the march adequately*”.¹

¹ [Day 128/9](#)

9.119 In his written evidence to this Inquiry, Chief Superintendent Lagan recorded that he understood that the 30th January march had initially been planned to take place on an earlier date but that there had been a clash with another event so the date was changed.¹ In his oral evidence to the Widgery Inquiry, Chief Superintendent Lagan said: “*There had been mention of another organisation having a meeting on a previous day.*”² He did not identify that organisation and it seems to us that he was wrong in his belief that the date was changed because of a clash of events.

¹ [JL1.6](#)

² [JL1.34](#)

9.120 No clear evidence emerged about the time at which a march in Londonderry was first proposed. The recollection of Kevin Boyle (a member of the NICRA Executive Committee from 1969) was that NICRA had first discussed such a march in early or mid December 1971 and had decided at that time that there should be three marches, one in each of Belfast, Londonderry and Newry.¹ While the NICRA Executive Committee may have taken this decision in principle, the minutes of NICRA’s meeting on 7th January 1972 suggest that the proposal for the 16th January march came not from NICRA but from the Derry CRA.

¹ [KB2.1-3](#); [KB2.7](#)

9.121 It is clear from General Ford’s memorandum that by 7th January 1972 the security forces were aware of the proposal for a march on 16th January. The NICRA minutes indicate that, by the end of the meeting of the NICRA Executive Committee on 7th January, the decision had been taken to hold the march on 30th January. We heard no evidence from any member of the Derry CRA or NICRA to indicate how the security forces came to learn of a march planned for 16th January. In his written evidence to this Inquiry, Chief Superintendent Lagan told us:¹

“I first became aware that NICRA was intending to hold a march on 30.1.72 (‘the march’) about 1 week to 10 days before the march. The march was originally planned for an earlier date but it clashed with another event so the date was changed. NICRA would not have given the RUC formal notice of the march. Information about it would probably have come to me via RUC channels having originated possibly from an officer on the ground or from the press.”

¹ [JL1.6](#)

9.122 There was, however, evidence from the organisers of the march to suggest that NICRA or the Derry CRA would have informed the police of their plans. Johnny Bond, the chairman of the Derry CRA at the time of Bloody Sunday, and husband of Brigid Bond, one of the principal organisers of the march, told this Inquiry that his wife might have told Chief Superintendent Lagan of the route of the march (and therefore, presumably, of its date).¹ There was other evidence that there was a good working relationship and mutual respect between Brigid Bond and Chief Superintendent Lagan² and evidence that, once the march on 30th January had been announced, detailed discussions took place between the two of them.³

¹ [AB115.3](#)

² For example, from Michael Havord, one of the Derry CRA’s press officers ([Day 125/31, 81-82](#)) and from Edwina Stewart, Honorary Secretary of NICRA ([KS5.5](#)).

³ Statement of Kevin McCorry to this Inquiry ([KM2.17](#)) and of Edwina Stewart to this Inquiry ([KS5.5](#)).

9.123 It seems possible that at some time before the NICRA Executive Committee meeting on 7th January Chief Superintendent Lagan came to learn of the proposed 16th January march through RUC channels, or perhaps through Brigid Bond, and that he passed this information on to the Army. However, this can be little more than speculation.

The Army’s plans for dealing with a march on 16th January 1972

9.124 General Ford, according to his memorandum, ordered Brigadier MacLellan to prepare a plan that would involve stopping the march (then planned for 16th January) close to its starting point. It is also apparent from the memorandum that General Ford had in mind from this early stage the deployment of additional forces to assist in dealing with the march, namely 1 KOB (the Province Reserve) and 1 PARA (39 Inf Bde Reserve). He appeared, though, willing to wait for Brigadier MacLellan to determine the force levels that 8th Infantry Brigade would need to contain the march.

9.125 In his memorandum General Ford predicted that the “*DYH backed up by the gunmen will undoubtedly take over control at an early stage*”. It is difficult to know whether this was a suggestion that gunmen would use the march as an opportunity to snipe at soldiers or that paramilitaries would use the opportunities created by the riots that might attend the march. In our view there would have been no basis for the former. If General Ford meant that there would be riots after the march and that there was a strong prospect that gunmen would use the cover of rioters to fire at soldiers, there was much to support this view. The evidence available to this Inquiry indicates that, in the months leading to the march on 30th January 1972, republican paramilitaries had sheltered behind rioters and hooligans; it does not indicate that they had ever used the cover of marchers.¹

¹ [G45B.285.1.7](#); [G71E.444.12](#)

9.126 We also received evidence from a number of members of the Official and Provisional IRA, who distinguished between a march – which paramilitaries would not use as cover to engage the security forces – and the rioting that might follow a march – which might be used as cover by snipers. See, for example, the evidence of PIRA 8,¹ PIRA 19² and PIRA 24³ and the anonymous Official IRA member who spoke to Praxis Films Ltd.⁴ We accept the evidence of Brigadier MacLellan to this Inquiry that he did not expect the IRA on 30th January to shoot from behind the marchers; he thought that they might shelter behind hooligans or nearby buildings.⁵

¹ [Day 418/7](#)

⁴ [O17A.1](#)

² [Day 416/140](#)

⁵ [B1279.034](#); [Day 261/81](#)

³ [APIRA24.3](#)

9.127 In his memorandum General Ford appeared only to envisage that the march was to be stopped at an early stage. He put forward no alternative strategy. He acknowledged that a “*battle*” might ensue. Even so, he did not invite Brigadier MacLellan to put forward any alternative plan, such as one that would allow the march to continue but would make provision for the subsequent arrest of ringleaders.

9.128 We do not criticise General Ford’s approach in this regard. In the circumstances it seems to us that he had no choice but to order that arrangements be made to stop the march. He had to ensure that the ban on marches was enforced. He believed the planned march to be unlawful. The Army paper of 5th January 1972 (“Measures to Control Marches”), to which reference has been made above, had proposed that the ban on marches be continued and firmly enforced, the author recognising that violence might result.¹ It was

also recognised that not implementing the ban might lead to even greater violence. It was clearly realistic for General Ford to acknowledge that violence might follow the stopping of the march and to order the Brigadier to make plans accordingly.

¹ [G53.318](#)

9.129 General Ford later recalled, in conversation with a journalist named Desmond Hamill, that there was pressure from Stormont at that time for tough action to be taken against the hooligans; he told the journalist that he had had the impression that the way of life of the local people was being destroyed and that he had believed that something had to be done to prevent the situation in Londonderry from becoming out of control.¹ In his evidence to this Inquiry, he insisted that it had been for General Tuzo to deal with the pressure from Stormont. He said that he and General Tuzo had dealt purely with the situation as they saw it and had acted in accordance with the “*Course 1½*” suggested by General Ford² which they had recommended in December 1971 and which the Government had by that time adopted.³ However, it seems to us that that pressure from Stormont must have influenced General Ford’s thinking; just as did his impression that the lives of local people were being destroyed.

¹ [B1208.003.015](#)

³ [Day 256/6](#)

² [G41.272](#)

9.130 General Ford ordered that a paper outlining the Brigadier’s plans be provided to him by 10th January 1972. There is evidence that 8th Infantry Brigade was aware, before General Ford wrote his memorandum, of the march proposed for 16th January in Londonderry. Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, told the Inquiry that during the preceding week he had been required, probably by the Brigade Major, Colonel Steele, to produce a plan to deal with the march.¹ His recollection was that he was not asked to consider stopping the march at or close to its source; he drafted a plan to deal with a march that was going to be stopped at a later stage. His plan envisaged that a barrier would be set up at the eastern end of William Street; and that the ringleaders at the head of the march would be trapped and arrested in a pincer movement. The aim of his plan was to prevent the marchers from meeting at the Guildhall and to arrest the ringleaders.²

¹ [Day 281/18-30](#); [B1122.5-6](#)

² [Day 281/29-30](#)

9.131 Colonel Ferguson’s plan has not survived. However, on 10th January 1972 Colonel Steele submitted a paper in which he put forward two alternative proposals for dealing with the march.¹ He wrote:

“The march is to be dealt with in one of two ways:-

CASE A The march is halted on ground of our own choosing, and none of the marchers are allowed to proceed to the meeting place. Arrests of ringleaders are made.

CASE B The march is halted on ground of our own choosing. Marchers are then allowed to trickle through the check points, being channelled on an accepted route to the meeting place. Arrests of ringleaders are made at a later stage.”

¹ [G49.302:306](#); [FS8.732](#)

- 9.132** The paper also recommended that the march be allowed to proceed if it stayed entirely within the Bogside and the Creggan areas and that the propaganda penalties of allowing it to do so be accepted.
- 9.133** The first of these proposals was very similar to that apparently put forward by Colonel Ferguson. It is not known whether Colonel Steele in fact based this proposal on Colonel Ferguson’s plan.
- 9.134** In his paper, Colonel Steele noted that the local RUC had no information either about the likely route or about the numbers of marchers likely to attend. He heeded the RUC’s warning that the Army’s response to the march might have an effect on those numbers, and estimated that 1,000 might march if left alone but that 2,000–3,000 might turn out if the Army’s intention to stop the march were publicised in advance.
- 9.135** Colonel Steele noted in the “*Discussion*” part of the paper:¹

“b. The hooligan element will be present from the start; if not in the van of the march they will certainly be on the flanks and in the rear. Some gunmen are certain to be sheltering behind the hooligan ranks.

...

e. Although no guidance has yet been issued on RUC channels, it is clear that the RUC must play a big part in attempting to dissuade the Organisers from holding an illegal parade. Subsequently, if the Prohibition is defied, the RUC should be in the van of the Security Forces, attempting to halt the march by means of a linked-arm cordon. Massive RUC reinforcements will be required by Comd N Div [Chief Superintendent Lagan] if he is to conduct such an operation.

f. Only in the event of the RUC cordon being broken will Army action follow. This RUC cordon technique will not be used if there is a threat from gunmen. In this event Army action will be necessary from the time the entire parade has got under way.”

¹ G49.302-303

9.136 Colonel Steele concluded:¹

“13. Whichever way this event is to be handled the following assumptions can be made:-

- a. The march will have to be halted at some stage on ground of our own choosing.
- b. Hooligan violence is inevitable, probably during the event itself, and definitely during the withdrawal phase after the meeting.
- c. Bombing attacks and shooting incidents may intensify during the event.

14. The Force levels required to cover the event itself can be met from the available troops within the Brigade. However, all troops will be deployed and there will be the Brigade reserve to cover the unexpected eg a violent Catholic reaction in the City to other incidents throughout the Brigade Area.”

¹ G49.305

9.137 It is clear that at this stage the security forces predicted that the march would be relatively small. The Army intended that the RUC should handle the march and that police officers would be replaced or reinforced by troops only if the RUC cordon were breached or if the security forces were threatened by gunmen. There was no role for 1 PARA. The plan required two companies of the Province Reserve to be held at Drumahoe in readiness either to deal with a very large and angry reaction to the stopping of the march, should one occur, or to cover any incidents that occurred that day in the Waterside or Strabane.¹ No unit was given the task of acting as an arrest force. While the plan contemplated the arrest of ringleaders, either at the time of the march or subsequently, there was no proposal for the large-scale arrest of rioters or hooligans.

¹ G49.305

9.138 It was submitted to us on behalf of some of the families that General Ford decided to stop the march, not in order to enforce law and order, but “*in order to demonstrate that the army was able to police the ban on marches and the army was able to police Derry, regardless of the consequences*”.¹

¹ FS1.716

- 9.139 It was undoubtedly true that General Ford wished to demonstrate that the Army could prevent the marchers from reaching the Guildhall and could arrest rioters. This wish was not inconsistent with a desire to enforce law and order, which General Ford clearly had. We are of the view that he decided to stop the march for a number of reasons, including those set out in the previous paragraphs. He wished to preserve the security of the city and to prevent further damage from being done to its centre. He believed that if the march were not stopped there might be further riots in William Street with consequent damage to the buildings in that area. We consider his concern about further damage to have been a legitimate one. There was no evidence before us to suggest that General Ford wished to demonstrate the Army's ability to police the march "*regardless of the consequences*".

Meeting of the Director of Operations Intelligence Committee (Northern Ireland) on 10th January 1972

- 9.140 The Director of Operations Intelligence Committee (Northern Ireland), chaired by the Director of Intelligence, met on 10th January 1972. The holder of this post in January 1972 was a witness to this Inquiry and was granted anonymity by the Tribunal. He was identified publicly by the Inquiry only as David.
- 9.141 In 1972 David was a senior member of the Security Service whose rank was equivalent to that of a Major General. His role was to co-ordinate the intelligence-gathering work of the security forces in Northern Ireland. He headed a department staffed by Security Service and military officers. He and his staff liaised with the RUC and, in particular, with Special Branch.¹
- ¹ [KD2.1](#)
- 9.142 On 10th January 1972 the committee considered and approved an assessment in which it was noted that the anti-internment campaign was gaining momentum. The author of the assessment reported that anti-internment marches were planned that month in Lurgan and Armagh and that:¹

"... A further march which may be contemplated is in Londonderry on 16 January sponsored by NICRA and the James Connolly Republican Club; but there remains some doubt as to whether the organisers will pursue the idea."

¹ [G50A.309.5](#)

9.143 The author went on to observe that that Londonderry march, should it proceed, would present “a very serious security problem”.¹ The James Connolly Republican Club was recognised to represent the political side of the Official Republican Movement; many members of the Official IRA in Londonderry were also members of this club.

¹ [G50A.309.8](#)

9.144 The identity of the author and the source of his information are unknown. Colonel INQ 2241, a member of the Director of Operations Intelligence Committee (Northern Ireland) and the Colonel in charge of the military intelligence staff at HQNI, described the assessments provided to this committee as having been “produced” by the Director of Intelligence.¹ It was not clear from Colonel INQ 2241’s evidence whether the Director of Intelligence was the author or simply responsible for the production of assessments compiled by one of his staff. David himself, in his oral evidence to this Inquiry, said that he could not recall the identity of the author of the assessments.²

¹ [C2241.3](#)

² [Day 330/14-15](#)

Meeting of the GEN 47 Committee on 11th January 1972

9.145 There was a meeting of the GEN 47 Committee (the United Kingdom Cabinet Committee on Northern Ireland) on 11th January 1972. In the brief that he prepared for the Prime Minister in anticipation of this meeting, the Cabinet Secretary, Sir Burke Trend, addressed the prospects for political progress. He expressed pessimism as to whether there was any long-term future for the inter-party talks, especially considering that the SDLP would not enter these discussions until internment was ended, something that was unacceptable at that time to the United Kingdom government and public opinion. This being the case, there would, eventually, be a need for a different approach.

9.146 Sir Burke Trend commented that the problems of whether this should involve an end to the Stormont system or an alteration of the borders remained, as did the desire among United Kingdom ministers to avoid direct rule. He also felt that the Catholic population did not believe that any reforms would be pursued after the IRA had been defeated. In an attempt to resolve these concerns, he drew on Sir Philip Allen’s December paper on constitutional devices to protect the minority¹ and suggested that detailed proposals be drawn up for legislation that would allow the minority community a reasonable share of representation in both Parliament and, crucially, in government. This could be augmented by blocking devices that would ensure that the majority party or parties could not frustrate the proposal, and the provision of similar arrangements for other public authorities. If such legislation was prepared at Westminster, rather than in Northern Ireland, the Catholic

population might accept that it would be implemented when – but not until – the IRA was defeated. Although many unionists would be opposed to the diminution of the authority of the Stormont Government, Sir Burke Trend hoped that there might be sufficient support to carry the initiative, with moderate opinion accepting that this was the price of retaining their separate Parliament and some autonomy. In any event, Sir Burke Trend advised that this avenue would be “*no less unpromising*” in the medium term than the inter-party talks, and suggested that it might be worth preparing a draft Bill for ministers to discuss. If they did decide to pursue this course, thought would then need to be given to how and when to launch the initiative.²

¹ [G44B.282.15](#)

² [G49B.306.4-9](#)

9.147 The brief also drew attention to the fact that a decision was needed on the renewal of the ban on marches. Sir Burke Trend’s advice was that:¹

”This should surely be renewed – and enforced? The relatively gentle handling of the anti-internment march on Christmas Day was perhaps to be excused by the nature of the occasion. But, if we are putting our money on Mr. Faulkner’s survival, we cannot afford to expose him indefinitely to the accusation that he is using kid gloves to deal with provocation and intimidation. As you have yourself observed, the ringleaders of such marches ought to be prosecuted with the minimum of delay. (In this connection the dissidents’ latest tactic of using children as decoys and shields could prove a serious obstacle to an attempt to deal resolutely with protest and obstruction. How does the CGS advise that the soldiers should react?).”

¹ [G49B.306.8](#)

9.148 This Inquiry has found no evidence to substantiate the reference to the use of children as decoys and shields.

9.149 The GEN 47 Committee meeting of 11th January 1972 was the first of the New Year. There was a report by the CGS on the security situation, to the effect that since Christmas, shooting and bombing incidents had been relatively limited in terms of number and that the attrition of the Provisional IRA was continuing.¹ The Prime Minister summed up the discussion in this part of the meeting in the following terms:²

“... the relative quietness of the security situation in Belfast underlined the importance of the search for a political initiative which the Meeting would discuss as the next item on its agenda. A military operation to reimpose law and order in Londonderry might in time become inevitable, but should not be undertaken while there still remained some prospect of a successful political initiative. Meanwhile the Home Secretary should endeavour to secure that the Northern Ireland authorities hastened the initiation of prosecutions in respect of the NICRA march on 2 January.”

¹ G50.308

² G50.309

- 9.150** There followed a discussion of the political situation, including the proposed inter-party talks, and other matters including a proposed visit by Brian Faulkner to the United States and internment.¹

¹ CS2.135

Meeting of the Stormont Cabinet on 11th January 1972

- 9.151** The Stormont Cabinet met on 11th January 1972. According to the minutes the Government Security Adviser, William Stout, supplied details of certain measures under discussion. It was suggested to us on behalf of some of the families¹ that this was a reference to the memorandum prepared by General Ford after his visit to Londonderry but in our view the reference was to the Army paper on measures to control marches,² which was due to be tabled at the JSC later in the week.

¹ FS4.43

² G53.318-319

Meeting of the Joint Security Committee on 13th January 1972

- 9.152** The Army paper on measures to control marches¹ was tabled and discussed by the JSC on 13th January 1972.

¹ G53.318

- 9.153** The JSC agreed that the ban should be renewed for another year and that operational plans to prevent breaches of the ban should be worked out in detail as soon as possible. It was clear that by this time Brian Faulkner had concluded that it was necessary to continue the ban, and the emphasis was now on enforcement. During the meeting, the issue of opposition from the Orange Order was raised in the context of unionist dissatisfaction about the ability of nationalists to flout the law without apparent sanction. The minutes of the meeting reflected the fact that, in order to secure the renewal of the

ban, the military were under pressure from unionists to implement it fully in the context of civil rights marches, by stopping the marches completely and arresting those who broke the law. It was recorded that opposition from the Orange Order “*could be met to some extent by ensuring that there was no defiance of the ban by anyone*”, and that “*Loyalist opinion had been disturbed by the failure to stop completely the CRA march on 2 January*”. In response, the GOC told the meeting that “*no absolute guarantee to this effect could be given, but assurance could be given that measures will be adopted which will make it very difficult to carry out a march without incurring prosecutions and without being stopped at some stage on route, depending on tactical assessment*”.¹

¹ [G52.315](#)

- 9.154** Moving on from the discussion of the ban on marches, the GOC gave the committee a situation report and a summary of recent incidents. In the course of this he is recorded as having said that “*following a meeting with businessmen in Londonderry certain measures were in mind with a view to putting down the troublesome hooligan element there. It was a very difficult problem to solve within the law.*”¹

¹ [G52.316](#)

- 9.155** The meeting to which the GOC referred must have been General Ford’s meeting with the Strand Traders’ Association on 7th January 1972. There is no indication that the GOC expanded upon any details of the measures that were “*in mind*”, and this phrase, together with the observation that the problem was a very difficult one to solve within the law, implies that the meeting was neither given nor asked to approve any particular proposals. None of those who attended the meeting and gave evidence to this Inquiry could recall exactly what the GOC had said. These witnesses were: John Taylor, then Minister of State at the Ministry of Home Affairs;¹ Sir Graham Shillington, then RUC Chief Constable;² Kenneth Bloomfield, then Deputy Cabinet Secretary;³ David Gilliland, then a Government Press Officer;⁴ Brian Cummings, then the Security Secretary to Brian Faulkner;⁵ and Thomas Cromey, then Secretary to the JSC.⁶ However, Kenneth Bloomfield told us and we accept, that until he was interviewed for the purposes of this Inquiry, he had not seen General Ford’s memorandum and was wholly unaware of any proposal to shoot ringleaders on sight.⁷

¹ [Day 197/9-10](#)

² [JS8.14](#)

³ [Day 216/105-110](#)

⁴ [Day 215/154](#)

⁵ [Day 389/20-25](#)

⁶ [KC13.1-4](#)

⁷ [Day 216/49](#)

9.156 By the time of this meeting, General Tuzo had undoubtedly seen the memorandum in which General Ford suggested that the shooting of ringleaders might have to be considered. There is no indication that General Tuzo had any intention of adopting the suggestion; he might well, though, have had the memorandum (and the almost certain illegality of the suggested course) in mind when he referred to the difficulty of solving the problem “*within the law*”.

9.157 This meeting of the JSC was attended by the United Kingdom Representative in Northern Ireland, Howard Smith. Kelvin White, who was Head of the Republic of Ireland Department of the Foreign and Commonwealth Office, when asked whether the measures mentioned in General Ford’s memorandum would have been relayed to Whitehall, said:¹

“I will happily say that Mr Smith would never have let such an idea get any further. But his first move would be to take Tuzo outside and say, ‘Have you gone mad?’”

¹ [Day 269/132](#)

9.158 Howard Smith is deceased and did not give evidence to this Inquiry. We do not know for sure whether General Tuzo did discuss with him General Ford’s suggestion concerning the shooting of ringleaders, but since there is nothing to suggest that General Tuzo regarded this suggestion as a viable course of action, this seems unlikely. However, we are satisfied that the JSC did not, at this meeting, consider General Ford’s memorandum or the proposals set out in that document. There is no evidence that General Ford’s memorandum went beyond General Tuzo.

Information available to the security forces about the proposed 16th January march and the change of date

The Director of Operations Intelligence Committee’s assessment

9.159 As we have noted above, the assessment presented to the Director of Operations Intelligence Committee (Northern Ireland) at its meeting on 10th January 1972 included the observation that the Londonderry march, should it proceed, would present “*a very serious security problem*”.¹

¹ [G50A.309.8](#)

9.160 The HQNI IntSum of 13th January 1972 (2/72) contained the following paragraph:¹

“24. The anti-internment campaign is gathering momentum and the marches planned, particularly that in Londonderry, will present serious security problems.”

¹ G55.339

9.161 It appears from the similarity of wording in the two documents that at least some of the material contained in the assessment for the Director of Operations Intelligence Committee was also made available to Major INQ 2555, the officer who compiled the HQNI IntSums.

9.162 An annex to the 13th January 1972 HQNI IntSum recorded: “*Sun 30 Jan. Londonderry. Proposed CRA march from Creggan to Guildhall Square at 1400 hrs. This march was originally planned for 16 Jan 72.*”¹ It is clear from this annex that HQNI was aware on 13th January 1972 of the postponement of the march. This information had not reached the JSC when it met at 10.30am on that day. The minutes of the JSC meeting of 13th January 1972 recorded:²

“A Rally in Lurgan on 15 January and a March in Londonderry on 16 January, both under CRA auspices, gave cause for concern, but latest information was that they might not take place. A proposed March in Armagh on 22 January will require firm action.”

¹ G52.316

² G55.34

Intelligence sought by the Security Service

9.163 In paragraph 8 of his memorandum relating to his visit to Londonderry on 7th January 1972 General Ford noted that he had asked “*D Int*” to obtain the best possible intelligence about the proposed march; he observed that “*D Int*” had visited Londonderry on the previous day. He also noted that “*the SB [Special Branch] warnings I had about the march may well prove to be unfounded*”.¹

¹ G48.301

9.164 “*D Int*” is an abbreviation for the Director of Intelligence, David. In his evidence David told us that he did not recall having gone to Londonderry in order to obtain such intelligence.¹ However, a telegram sent by David on 10th January 1972 to a Security Service officer, again granted anonymity by this Tribunal and known publicly only as Julian, indicated that David had in fact gone to Londonderry on 9th January 1972. In the telegram David wrote:²

"I WAS OVER THERE [in Londonderry] YESTERDAY AND WAS TOLD BY SPECIAL BRANCH THAT THERE IS SOME DOUBT WHETHER THE MARCH WILL IN FACT TAKE PLACE. THE ORGANISATIONS PRIMARLY [sic] CONCERNED ARE THE JAMES CONNOLLY REPUBLICAN CLUB, DERRY CRA WITH WHICH ARE ASSOCIATED THE SRG AND KINDRED SOULDS [sic] OF THE LUNATIC LEFT. SAM DONNELLY [the Head of Special Branch in Londonderry] HAD SOME COVERAGE BUT ANYTHING THAT YOU CAN DO TO LET US KNOW WHETHER A MARCH IS INTENDED, ITS FORMING UP PLACE AND ROUTE, THE INTENTIONS OF THE ORGANISERS IN THE EVENT OF SECURITY FORCES COUNTER ACTION ETC. WILL BE VERY WELCOME. WE ARE ANXIOUS TO TAKE NO ACTION THAT MIGHT STIMULATE A MARCH WHERE NONE IS INTENDED BUT ANY ACTION THAT YOU CAN TAKE TO SECURE THE INFORMATION WE NEED WITHOUT THIS SIDE EFFECT DESERVES I THINK A HIGH PRIORITY."

¹ Day 330/6

² KJ4.61

- 9.165** When shown this document, David still did not recall having gone to Londonderry.¹ His recollection was that he invariably reported to the GOC and not to General Ford, but he could not remember making any report to the GOC about the proposed march.² No documentary evidence of such a report survives; it might never have existed.

¹ Day 330/70

² Day 330/7

- 9.166** In any event the telegram suggests that on 10th January 1972 David might have had little, if anything, of use to report to the GOC or to General Ford.

- 9.167** We have no evidence to indicate what the Special Branch warnings were to which General Ford referred in his memorandum.

- 9.168** The Security Service officer, Julian, was based in London but made visits to Northern Ireland. Together with another officer, who was identified publicly by the Inquiry only as James, he was involved in running agents in Northern Ireland.¹ In the week beginning 10th January 1972 Julian sought information about the march from a Security Service agent who was based in Londonderry. This agent was known to the Inquiry as "*Observer C*". *Observer C* was the Security Service's principal agent in Londonderry at that time. He usually reported to the Security Service through an intermediary, known to the Inquiry as "*Observer D*".²

¹ KJ4.1

² KJ4.31-32; KJ4.63; Day 325/125

9.169 On 14th January 1972 Julian wrote a report in which he recorded information that had been provided to him by Observer D over the course of two telephone calls. Observer D had reported that Observer C had been able to discover nothing about a march planned for 16 January.¹ However, Observer D had also reported that a large meeting of “*the Officials from Magherafelt and other areas*”, which had taken place in Magherafelt on the evening of 12th January, “*might possibly have some bearing on the matter.*”² (By this time, of course, HQNI was aware that the march was to take place on 30th January.) Observer D had also reported that the gun battle in Londonderry on 12th January had been controlled and organised by the IRA HQ in Arran Court off Central Drive. Julian’s evidence to this Inquiry was that he thought that all of the information recorded in the file note, although provided to him by Observer D, had come from Observer C.³

¹ [KJ4.65](#)

³ [KJ4.36](#)

² [KJ4.65](#)

9.170 On 19th January 1972 Julian made a file note in which he recorded:¹

“Source rang on the morning of 19th January to say that the march which was to have taken place in Londonderry on 16th January would now definitely take place on Sunday, 30th January from Bishopsfield to the Bogside/Creggan. It was being organised by those members of the I.R.A. who had attended the meeting in Magherafelt to which he had previously referred. He hoped to be able to obtain details of the route, time and speakers in due course and would pass them on.

2. He also said that there would be a meeting on Saturday, 22nd January in Bishopsfield probably in the afternoon of fairly high powered people. Further details of this meeting he will obtain if possible and let us have them. Source also said that he thought that Bishopsfield might well be being used as an active base for the I.R.A.”

¹ [KJ4.67](#)

9.171 Julian’s evidence to the Inquiry was that the “*source*” was Observer D. Julian told us that he believed that the information had almost certainly come from Observer C, although the note does not reveal this. He said that he had passed the information on to a junior staff officer in the Intelligence Branch at HQNI.¹

¹ [KJ4.37](#); [Day 326/66](#)

9.172 This is the only reference in the material available to this Inquiry of the march being organised by republican paramilitaries. On 10th January 1972, in his telegram to Julian, David identified the James Connolly Republican Club as being involved in the march. The source of this information is not known. The assessment presented to the Director

of Operations Intelligence Committee (Northern Ireland) on 10th January also identified the James Connolly Republican Club as a sponsor of the march.¹ It is likely that David and the author of that assessment (if a different person) relied on the same source.

¹ [G50A.309.5](#)

9.173 This Inquiry made efforts to obtain further information about the alleged meeting of Official Republicans in Magherafelt but was unable to discover anything further about it. Solicitors acting on behalf of Charles Morrison, Michael Havord and Anthony Martin, who were members of the Derry CRA, informed the Inquiry that their clients said that they had not attended any such meeting. Solicitors acting for the NICRA officers Ivan Barr, Jimmy Doris, Ann Hope, Edwina Stewart and Hugh Logue said that their clients knew nothing of any such meeting and that, according to their clients, Magherafelt was not a place at which the Executive of NICRA ever met. No reply was received to a request for information about the Magherafelt meeting, which the Inquiry made to the solicitors acting on behalf of the Command Staff of the Official IRA.

9.174 Kevin McCorry told us that he was in effect the Chief Executive Officer of NICRA at the time.¹ He was in Londonderry during the week before the march and oversaw the arrangements for the stewarding of the march. He told us that recruitment of stewards for the day was left in the hands of Gerry “The Bird” Doherty, a well-known local Official Republican.² It also appears that members of the Official IRA were recruited and acted as stewards on the march.³ However, we have found no evidence to suggest that any involvement by the Official Republican Movement (or by members of the Official or indeed the Provisional IRA) in the organising or conduct of the march, was or might have been for the purpose of subverting NICRA’s genuine desire to conduct a peaceful, non-violent protest against internment.

¹ [Day 129/128](#)

³ [Paragraph 13.3](#)

² [Day 129/35-36](#); [Day 129/45-55](#)

The Northern Ireland Civil Rights Association’s plans for the march

9.175 We deal elsewhere¹ in this report with the planning by NICRA for the march that eventually took place on 30th January 1972.

¹ [Chapter 13](#)

Assessment in mid-January 1972 by the security forces of the risks posed by the march

- 9.176 The List of Forthcoming Events attached to the Special Branch assessment for the period ending 19th January 1972 recorded:¹

“Sunday, 30th January ... Londonderry. NICRA sponsored anti-internment march from Creggan to Guildhall Square at 2.30 p.m. No trouble anticipated.”

¹ [G66.410-411](#)

- 9.177 This assessment is, of course, inconsistent with earlier assessments, including that contained within the HQNI IntSum dated 13th January 1972, to which we have already referred. The information on which the author based the assertion that no trouble was anticipated is not known. It is also inconsistent with the views expressed in later documents.

- 9.178 Under the heading “*Civil Protest*” the author of 8th Infantry Brigade’s IntSum 100,¹ which was distributed on 19th January 1972 and which dealt with events in the 8th Infantry Brigade area from 12th to 18th January 1972, noted:

“The projected NICRA march from the Creggan to the Guildhall Square, Derry, planned for 16 Jan, has now been re-scheduled for Sunday 30 Jan. The JCRC has also announced that it intends to hold a protest meeting in Bishops Field, Creggan on 22 Jan. In addition to this, the opening of Magilligan Camp as a second internment centre has produced a threat of marches and demonstrations there. The predictable outcry about Magilligan was led by Ivan COOPER MP, who has declared that ‘There is no change in the initial mood of angry determination to cause the greatest possible trouble for the British Army at Magilligan. I can tell you that the Civil Rights Association in North Derry, with my full backing, have plans to cause them plenty of trouble and make them sorry they ever opened a second camp.’

Comment. The meeting in Creggan on 22 Jan is not likely to be the direct cause of any trouble nor is it likely that the ban on marches will be defied on this occasion. However, the normal rioting and hooliganism of a Saturday afternoon will probably be exacerbated as a result of the meeting. The march on 30 Jan from the Creggan to the Guildhall has, on the other hand, been planned in direct defiance of the ban on marches.”

¹ [G61.372](#)

- 9.179 HQNI IntSum 3/72 for the week ending 19th January 1972 included the following paragraph:¹

“Outlook

28. Despite the continuing attrition of men and material, and the consequent effect on morale, both factions of the IRA must be expected to attempt to maintain at least their present level of operations. As in previous weeks, spectacular or dramatic operations, aimed at securing maximum publicity, and boosting morale, may be expected to occur. As security force search and arrest activity continues to affect the IRA’s freedom to act in pursuit of these objectives, the assassination of off-duty security force personnel and selected civilians is likely to become a terrorist tactic. The anti-internment campaign has been given new momentum by the opening of Magilligan Internment Camp. The planned march in Londonderry on 30 Jan 1972 will present a serious security problem.”

¹ G67.416

- 9.180 General Ford told the Widgery Inquiry that the march was first proposed for 16th January 1972 and that he had therefore considered it for a fortnight or more before it actually took place. He continued:¹

“It was the view of the senior Commanders on the spot, and I supported this view, that it was inevitable that at an early stage the IRA and the hooligans would take over control of this illegal march, no matter what the NICRA organisers wished.”

¹ WT10.5

- 9.181 He said to the Widgery Inquiry that he had anticipated shooting by the IRA. He had also expected some form of violence, “*certainly by the hooligans*”, when the march was halted. He had envisaged that emotional speeches at Free Derry Corner might incite members of the crowd to join the hooligans and that rioters would pour down towards the commercial centre.¹

¹ WT10.5

Meeting of the Stormont Cabinet on 18th January 1972

- 9.182 On 18th January 1972 the Stormont Cabinet approved the renewal of the ban on marches.¹ William Stout, the Government Security Adviser, in what appears to be a note prepared for Brian Faulkner’s use, referred to “*what could well be the beginning of a*

series of processions organised by Civil Rights and other ‘front’ organisations of the IRA”.² The note recommended the continuation of the ban on the grounds that without it an intolerable burden would be placed on the security services by the multiplicity of security commitments and the consequent escalation of violence. However, William Stout went on to argue that while accepting the continuation of the ban, the Government had to be assured that it would be effectively imposed. To this end, he referred to the firmer measures proposed in the Army paper on the control of marches, commenting that it should be recognised that such measures might at times precipitate violence in situations that might otherwise have been non-violent, and that this would require anti-riot measures to be employed.³

¹ [G60.365-366](#)

³ [G59A.363.1-4](#)

² [G59A.363.1](#)

9.183 On the same day Brian Faulkner publicly announced the continuation of the ban on marches for a further period of 12 months from the expiry of the existing order on 8th February 1972.¹ This met with strong protests from both communities. Nationalists and civil rights campaigners complained that the ban was an attack on civil liberties and an attempt to repress the new campaign of protest marches. Many unionists and loyalists were angered because, in their perception, the unequal implementation of the measure effectively discriminated against their law-abiding community by prohibiting traditional Loyal Order processions while nationalists were seemingly allowed to march in defiance of the ban with impunity. In Parliament, Brian Faulkner’s decision was criticised by Dr Ian Paisley, William Craig and two of his own backbench MPs.²

¹ [G82.516](#)

² [G71E.444.10](#); [G71E.444.13](#); [G71E.444.15](#); [G81B.511.8](#); [OS4.120](#)

The Home Secretary’s memorandum

9.184 Also on 18th January 1972 the Home Secretary Reginald Maudling circulated a memorandum entitled “NORTHERN IRELAND – POLICY FOR 1972”.¹ This stated that there were only three alternatives, namely to continue on present lines, to seek other Catholic representatives with whom it would be possible to negotiate a settlement, or to devise a solution of their own and ensure that it was carried out, by agreement if possible, but if necessary by direction.²

¹ [G59C.363.8-12](#)

² [G59C.363.8](#)

9.185 The Home Secretary dismissed the first two of these alternatives as not providing the basis for any long-term solution.¹ As to the third, he suggested that there were two prime considerations, namely the total opposition of the Protestants to the disappearance of the border (and their fears that this would be forced on them by the United Kingdom Government), and the fact that the Catholic community were no longer prepared to be second-class citizens.² A further difficulty was that the communities did not agree on the common purpose of maintaining the integrity of the state, a factor that qualified the utility of a comparative analysis with political solutions devised in other countries with communal problems.³ Reginald Maudling argued that while it was unlikely that the majority of Catholics wanted union with the Republic, they were united in demands for formal legal assurances against discrimination and a system that allowed the minority community to participate in the government of the Province.⁴ Any initiative would have to meet these demands while assuaging Protestant fears.⁵ He therefore suggested that a solution would have to comprise three elements, these being reassurance about the border, a change in the composition of government and a redefinition of the powers of government.⁶ Reginald Maudling noted that: *"It is easy to find [a suitable system] in logic, but terribly hard to find one that will work in practice."*⁷

¹ G59C.363.8-9

⁵ G59C.363.9

² G59C.363.9

⁶ G59C.363.10

³ G59C.363.9

⁷ G59C.363.9

⁴ G59C.363.9

9.186 On the border question, Reginald Maudling suggested legislation precluding a change in the border without a plebiscite, with one to be held in 15 to 20 years' time, and thereafter at ten-yearly intervals.¹ However, he acknowledged that this would not actually represent an additional safeguard: the principle of consent had been enshrined in the Ireland Act 1949, and as no Parliament could bind its successors there was no guarantee that the plebiscites would be held, or indeed that a future government would not repeal this Act and allow union with the Republic.² As to a change in the composition of government, he suggested legislation to provide for minority participation in the executive, and rejected the argument that you could not have a forced coalition between those who believed in the continuation of the state and those who believed that it should disappear.³ Reginald Maudling was less definite about altering the powers of the Northern Ireland Government. Although he felt that the structures in the Province should be closer to those prevailing in the rest of the United Kingdom (at a time when there were no devolved assemblies or

parliaments in Wales and Scotland), he did not advocate the abolition of Stormont on the grounds that this would be “*unwise emotionally*”.⁴ However, on the “*basic issue*” of law and order, he wrote that he was “*becoming increasingly of the belief*” that responsibility for these matters should be transferred from Stormont to Westminster.⁵

¹ [G59C.363.10](#)

⁴ [G59C.363.11](#)

² [G59C.363.10](#)

⁵ [G59C.363.11](#)

³ [G59C.363.10](#)

9.187 Reginald Maudling’s memorandum concluded that if progress could not be made by agreement, the present method of government should be suspended in favour of a commission until the necessary political set-up had been established.¹ Such a period of transition would be, he conceded, indistinguishable in practice from direct rule.² Reginald Maudling acknowledged that the effects that his proposals would have on the security situation were difficult to predict; he did not envisage that it would lead the IRA to call off its campaign, but he thought it unlikely (although not impossible) that “*the Protestants would turn to violence*”.³ He concluded by writing that his suggestions represented “*a dangerous course to take, but all courses in Northern Ireland are dangerous and it could be that persevering as we are at present was the most dangerous course of all*”.⁴

¹ [G59C.363.11](#)

³ [G59C.363.11-12](#)

² [G59C.363.11](#)

⁴ [G59C.363.12](#)

The Policy Instruction relating to marches

9.188 On 19th January 1972 a Policy Instruction was issued to all brigades concerning the attitude to be taken by the RUC and the Army in respect of breaches of the ban on marching.¹ The covering letter stated that the new instructions were to take immediate effect. It also recorded that identical instructions were being issued simultaneously to the RUC as a Force Order.² The new instruction reflected the proposals contained in the Army paper discussed at the JSC meeting of 13th January and stated that (except in the case of funerals) it was “*essential that the prohibition be strictly enforced*”.³

¹ [G59.361-363](#)

³ [G59.362](#)

² [G59.361-363](#)

9.189 The Instruction set out the action that the security forces were to take when the prohibition on marches was defied. The sections most relevant for the purposes of this Inquiry are reproduced below:¹

“(1) If the police become aware of an intention to hold a procession by any person(s) they should contact the persons whom they have reason to believe to be involved and warn them of the prohibition on processions and the severe penalties which are possible under the relevant acts.

(2) Except in the case of funerals, it is essential that the prohibition be strictly enforced and the necessary prior Police/Army planning should take place to ensure that the persons concerned know what action will follow should the procession take place. A detailed joint Police/Army plan will be made in respect of each procession.

(3) If persons assemble to take part in the parade, the obvious organisers or leaders should again be seen and their attention drawn to the prohibition on processions.

(4) When the parade forms up, the Divisional Commander or some person delegated by him, should address the assembled persons by loudhailer or P/A equipment, draw their attention to the prohibition and order them to disperse forthwith. The demand to disperse forthwith should be made by a member of the RUC not below the rank of Inspector or any Commissioned Officer of HM Forces on duty who suspects that any assembly of three or more persons may:

- a. Lead to a breach of the peace.
- b. Serious public disorder.
- c. Or make undue demands upon the Police Force or HM Forces.

...

(5) If the assembled persons fail to disperse, the police should normally form a cordon, sited in accordance with the joint Police/Army plan and consisting of lines of policemen with linked arms across the path of the parade, supplemented as necessary by physical barriers. It will be normal for the cordon to block the path of the parade completely and where necessary, alternative routes should also be closed.

Dispersal arrangements for the procession must however be taken into account. In the event of the police cordon being forcibly broken by the procession, Army action will follow in accordance with the pre-arranged plan referred to in (2) above.

(6) The powers of arrest under the Public Order Act should be exercised at the time, if practicable, by the RUC. Uniformed and plain clothed police must in any case identify as many persons as possible taking part in the procession and note their degree of involvement. Arrests under the Public Order Act will not be carried out by the Army, but should it be necessary for the Army to make any arrests, they will do so under Regulation 11 of the Special Powers Act on suspicion of committing acts prejudicial to the peace or of having committed an offence against the Regulations.

(7) Circumstances will largely dictate subsequent police action but they will co-operate with the Army in all possible ways, eg, arrest of persons guilty of disorderly behaviour or other offences: removal of arrested persons from the scene and their processing at reception Centres etc.

...

Prior liaison between the Police and the Army authorities is extremely important in order that the latter can be fully briefed on the danger potential of any threatened procession and made aware of the Divisional Commander's opinion on the question of Army presence."

¹ [G59.362-363](#)

9.190 It was suggested to this Inquiry on behalf of one family that this policy instruction represented a "*united and ruthless*" policy and the taking off of "*kid gloves*" with regard to marches.¹

¹ [FS4.47](#)

9.191 These are emotive words. It is clear that both the Westminster and Stormont governments were anxious to ensure that the ban was enforced in order to avoid both unionist resentment at the apparent ease with which nationalist and civil rights groups could flout the prohibition, and the consequent risk of a proliferation of illegal marches leading to increased pressure on the security forces. They also wished to counter the perception that the RUC and the Army were unable to enforce the law. There was, however, no suggestion that illegal or disproportionate methods should be employed to enforce the ban, the emphasis being not only to take firmer steps to stop illegal marches but also to improve the warning, arrest and prosecution of those alleged to have broken the law.

Meeting of the GEN 47 Committee on 20th January 1972

9.192 The GEN 47 Committee met again on 20th January 1972.¹ General Sir Michael Carver reported that the number of shooting incidents and explosions in Belfast and Londonderry was down and that there had been an encouraging number of arrests of Provisional and Official IRA “*officers*”.² There was also lengthy discussion of the memorandum prepared by the Home Secretary.³ Once again the point was made that the successes of the Army against the terrorists might make it desirable to seize the opportunity for a political initiative before the Catholics on the one hand became irrevocably alienated, or the Protestants on the other hand reverted to an unyielding attitude against what they would regard as a beaten minority.⁴ It was also observed that Londonderry could not be permitted to continue indefinitely in its present state.⁵ However, while broadly sympathetic to the Home Secretary’s plan, the members of the committee raised a plethora of concerns over the risks and associated problems involved, and the manuscript minutes record Lord Balniel as expressing the views of Lord Carrington (with which he did not agree) that the preferred option represented a “*tremendous gamble*” and a “*risk probably not worth taking*”.⁶ The Prime Minister, summing up the discussion, observed that much essential detailed work was in hand, for example the preparation of outlines of legislation and identifying possible members of a commission should that form of government become inevitable.⁷ It was left that GEN 47 would meet the following week to consider further the questions raised by the Home Secretary’s memorandum.⁸

¹ INQ1.401-409; G62.374-376; G62AA.376.1.1-3

⁵ INQ1.408

² G62.376

⁶ G62AA.376.1.2

³ INQ1.406-409

⁷ INQ1.409

⁴ INQ1.408

⁸ INQ1.409

The Joint Intelligence Committee meeting on 20th January 1972

9.193 On the same day, the Joint Intelligence Committee of the United Kingdom Government met and approved their weekly Special Assessment on events in Northern Ireland. This recorded that the rural areas of the Province had been comparatively quiet and violence in Belfast had remained at about the same level as in the immediate past, but there had been “*rather more trouble in and around Londonderry where makeshift mortars have recently been used to project nail bombs*”.¹ In attacks against off-duty members of the security forces, an RUC reservist (in West Belfast) and a UDR soldier (in Antrim) had been killed, and a police constable had been seriously injured. The assessment also recorded that while the transfer of detainees to Magilligan had passed without incident, the opening of the new camp was already serving as an additional focus for discontent

in the Londonderry area and had given a new momentum to the anti-internment campaign. The opposition to the extension of the ban on marches was noted, as was the intention of NICRA to hold a march in Londonderry from the Creggan to the Guildhall Square on 30th January.²

¹ [G62A.376.2](#)

² [G62A.376.1-3](#)

Meeting of the Joint Security Committee on 20th January 1972

9.194 The JSC also met on 20th January 1972.¹ It considered the Special Branch Assessment for the period ending 19th January 1972.² Paragraph 16 of the assessment (to which we have referred above) recorded that:

“Rioting and hooliganism has been a week-end feature in Londonderry where community feeling continues to run high against the Army. Throughout the period the terrorist elements and particularly the gunmen, have been active, shooting at the Army on several occasions. This activity is believed to have been sponsored jointly by both I.R.A. groups in the city. The apparent strategic policy of the I.R.A. in Londonderry is to continue alternating destruction by explosives and arson in a creeping infringement in towards the City Centre. Buildings previously severely damaged are set on fire, so spreading the area of destruction, buildings vacated as a result of these fires are later attacked with explosives.”

¹ [G63.377-379](#)

² [G64.383](#)

9.195 The assessment can be compared with the oral evidence of Martin McGuinness to this Inquiry. Martin McGuinness, who was then the Adjutant in the Derry Brigade of the Provisional IRA, stated that at the time of Bloody Sunday: “*the primary purpose of the [Provisional] IRA was to attack the British Army and those military forces supporting them and there was also a strategy in place in the centre of Derry to attack business premises in order to stretch the British Army and to gain maximum advantage over what were undoubtedly superior – numerically, that is – military forces*”.¹ It appears therefore that the assessment was reasonably accurate, at least insofar as it reflected the policy of the Provisional IRA.

¹ [Day 390/34](#)

9.196 The minutes of the JSC discussion on this point record:¹

“Hooligan activity in Londonderry was a continuing worry. The GOC said the Army were dealing with the problem as best they could employing a variety of tactics within the constraints of the law. Their operations in the city against the IRA have been very successful of late – 50 gunmen killed or injured during the last 2½ months – and they would aim to maintain this rate of attrition.”

¹ [G63.377](#)

9.197 It was suggested to this Inquiry on behalf of one family that the reference to “*within the constraints of the law*” may indicate that General Tuzo had appreciated that General Ford’s suggestion to shoot selected ringleaders could not lawfully be adopted.¹ This may be the case but it is equally likely that this was simply a general reference to the fact that the Army was obliged to act within the law.

¹ [FS4.48](#)

9.198 The main concern at this meeting, according to the minutes, was the proposed anti-internment march in Armagh on Saturday 22nd January 1972. The GOC and the Chief Constable confirmed that there would be a strong Army and police presence and that the march would be stopped. Brian Faulkner emphasised the importance of doing this effectively, as Protestant and Catholic attitudes to the continuing ban would be vitally influenced by the outcome. The meeting was also told that a rally of the Ulster Protestant Volunteers, a loyalist grouping, was scheduled as a counter to the march. As this proposed event was neither a march nor a procession it was not automatically prohibited, and a decision would have to be taken specifically to ban the rally in order to prevent it going ahead. The Committee accepted the police view, based on what were described as tactical grounds, that this step should not be taken.¹

¹ [G63.377-378](#)

9.199 The Committee approved the terms of an announcement to be made about the proposed march in the following terms:¹

“The Joint Security Committee considered at its Meeting this morning the procession planned for Armagh on Saturday, 22 January, by a body calling itself the ‘Civil Resistance Committee’.

In his statement to Parliament on 18 January the Prime Minister made it clear that, where the security forces deem it necessary in the interests of public safety, they will use such physical means as may be required to prevent a parade from proceeding.

Any procession in Armagh on Saturday would be in breach of the law, and those taking part would be committing an offence. The security forces will use physical measures to prevent any such parade from proceeding, in accordance with the general policy already laid down’.”

¹ [G63.378](#)

9.200

On 21st January 1972 the Official Committee on Northern Ireland (the committee comprising senior United Kingdom civil servants from departments concerned with Northern Ireland) met and discussed the possible form and structure for inter-party talks. A proposal on how to proceed emerged for ministerial approval, which envisaged talks starting in early February 1972 between senior figures from the Government and the (Labour) Opposition (possibly with the added presence of the leader of the Liberal Party). It was hoped that these would lead to agreement on a bipartisan approach, which could then be employed when the talks were broadened to include the Northern Ireland parties. In a related discussion, the committee considered the reform plan put forward in the Home Secretary’s memorandum of 18th January, and agreed areas for further research.¹

¹ [G68B.434.1.1-3](#)

9.201

On the same day, according to the evidence given to this Inquiry by Colonel Ferguson, then Officer Commanding 22 Lt AD Regt in Londonderry, he discussed the march planned for 30th January with Brian Faulkner and his wife at a social function. Brian Faulkner twice expressed his hope that everything was under control, and Lucy Faulkner told Colonel Ferguson that the situation that occurred when protesters marched along the motorway without being stopped could not be repeated. It is unclear whether she was referring to the Christmas Day march on the M1, the Falls Park marches of 2nd January or a combination of both events, or whether Colonel Ferguson’s memory of the detail of the conversation is slightly erroneous. However, Colonel Ferguson did recall that Brian Faulkner apparently nodded in agreement, and that as a result of this discussion he, Colonel Ferguson, became “*very conscious of the political significance of the march [on 30th January]*”.¹

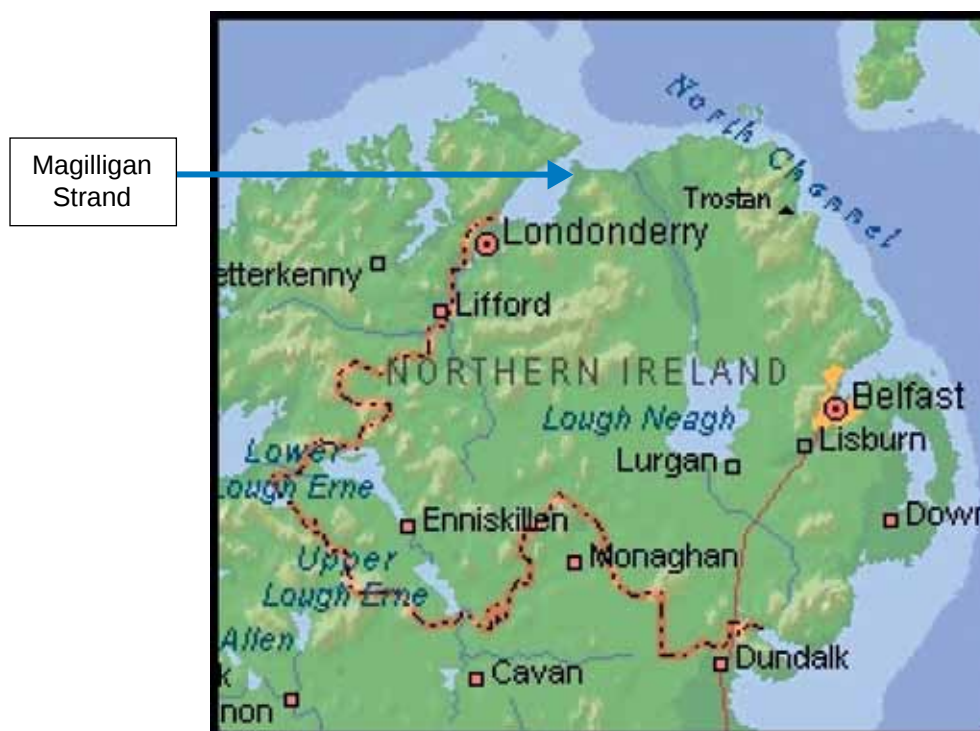
¹ [B1122.9](#)

The march to Magilligan Strand

9.202 On Saturday 22nd January 1972 an anti-internment march took place to the newly opened Internment Centre at Magilligan Strand. The march was organised by the North Derry Civil Rights Association. The demonstrators marched down a private lane and then along Magilligan beach, intending to reach the internment camp itself. Since the march did not take place on a public road, it was probably not unlawful. Army estimates of the number of demonstrators present varied between 600–700 and 1,500.¹

¹ [G69A.436.001](#); [G74B.458.7](#)

9.203 Magilligan Strand is situated about eight miles north-east of Londonderry.



9.204 The boundary of the internment camp was marked by a barbed wire fence, which extended onto the beach and ran down to the high water mark. On 22nd January 1972, the fence along the beach was manned by members of the RUC and also by members of C Company of 1 PARA, who were under the command of 2 RGJ. The demonstrators were told by a senior police officer that they would not be permitted to go beyond the wire fence.

9.205 As the tide receded, a gap appeared between the fence and the sea. Many of the marchers walked around the end of the fence and into the prohibited area beyond it. Some, according to the HQNI report, threw stones at the soldiers and police officers who

were behind the wire.¹ The soldiers drove the demonstrators back, firing rubber bullets and then making a baton charge. According to 1 PARA's photographer (Lance Corporal INQ 1970, who was present) it was soldiers of C Company of 1 PARA who carried out the baton charge.² As the demonstrators withdrew, they set fire to a hut and to the Golden Slipper Ballroom, which was a building near to the marchers' original assembly point.³

¹ [G74B.458.8](#)

³ [G74B.458.8](#)

² [C1970.5](#)

9.206 Journalists filmed the clashes between demonstrators and soldiers at Magilligan Strand. Allegations of brutality and of the use of unnecessary force by members of 1 PARA were reported widely on television and in the press.

9.207 Nigel Wade of the *Daily Telegraph* newspaper was present at Magilligan Strand. In his statement to this Inquiry he described seeing paratroopers firing baton rounds into the chests of marchers at very close range. Nigel Wade recalled seeing non-commissioned officers (NCOs) using riot sticks to control their own men and seeing one NCO beating a soldier so hard in an attempt to get the soldier to disengage from the marchers that the stick broke.¹

¹ [M79.13](#)

9.208 On 25th January 1972 the *Derry Journal* newspaper printed photographs of a civilian, Christopher McNicholl, being dragged through the water by a soldier and, bleeding from a head wound, being given assistance by an RUC officer.¹ The *Daily Mail* newspaper on 24th January 1972 printed Christopher McNicholl's account of events. He said that he had gone to the assistance of an old man who was being hit with batons by three soldiers. A soldier had hit him on the head, causing him to fall into the water. As one soldier dragged him away, another had kicked him repeatedly.²

¹ [L10.2](#)

² [L6.4](#)

9.209 Film footage taken at Magilligan Strand, showing a soldier kicking a man on the ground, was broadcast on television. It is likely that the incident shown was the one involving Christopher McNicholl. An Army investigation was carried out into the televised incident. Colonel Wilford told the Widgery Inquiry that it was found that a soldier had kicked a man but also found that the soldier could justifiably have lost his temper.¹

¹ [WT11.58](#)

9.210 In evidence to this Inquiry, Private INQ 12, a member of C Company of 1 PARA, admitted that he had been the subject of the investigation to which Colonel Wilford had referred. His recollection was that he had kicked the man in an attempt to free his legs, which were being held by the man on the ground. He said that he was cleared at a disciplinary hearing.¹

¹ Day 351/2

9.211 Captain INQ 573, the Adjutant of 2 RGJ who was present at Magilligan Strand, gave evidence to this Inquiry. He recalled seeing “*what I took to be an awful lot of unnecessary violence by the Paras, including baton swinging*”. He described intervening to stop two Parachute Regiment soldiers from striking a man and a woman who were lying on the ground. He said he thought at the time that “*it looked like the Paras had got out of control*”.¹

¹ C573.2

9.212 Lance Corporal INQ 1970 recalled that members of C Company of 1 PARA:¹

“... were using their rifle butts on the crowd and gave them a good hiding on the beach, they put the boot in. A Green Jacket officer hit a Para with a baton, shouting at him that he was an animal ... Everyone was horrified at the brutality of Paras against stone throwers.”

¹ C1970.5

9.213 Lance Corporal INQ 1970 provided to this Inquiry photographs, one of which showed a soldier using a rifle butt as a club.¹

¹ C1970.16



9.214 Colin Wallace, who in January 1972 was a civilian Army public relations officer based at HQNI, gave evidence to this Inquiry that unionist politicians took an entirely different view of events at Magilligan Strand and were furious at the apparent inability of the Parachute Regiment to deal effectively with the marchers. His recollection was that the Stormont Government was very concerned about the adverse reaction of Protestants who saw on television images of apparently illegal marches unchecked by the security forces. Colin Wallace stated that complaints from Unionist politicians to Downing Street led to the Ministry of Defence issuing a directive to the effect that the scenes such as those at Magilligan should never again appear on television screens.¹

¹ [KW2.7](#)

9.215 No documents have been found that provide support for this evidence of Colin Wallace. The only documents that Colin Wallace recalled seeing were two telegrams sent by Donald Maitland, the Prime Minister's Chief Press Secretary, to Clifford Hill, the United Kingdom Government's Press Liaison Officer in Northern Ireland. The Tribunal has seen these telegrams, neither of which refers to events at Magilligan Strand or suggests disquiet about any previous inability on the part of the Army to deal with marchers.¹ The press reports available to the Inquiry do not suggest that there was any public perception of a lack of action on the part of the Parachute Regiment at Magilligan Strand.

¹ [G91.551](#); [G90.549](#)

9.216 In evidence to this Inquiry, Edward Heath and Lord Carrington both said that they had no recollection of having been concerned about events at Magilligan Strand.¹ On 26th January 1972 Sir Burke Trend sent to Edward Heath a briefing note for the GEN 47 meeting that was to take place on the following day. In that note he suggested that Edward Heath might like to raise with Lord Carrington the allegations made in the press and on television to the effect that the Parachute Regiment had overreacted at Magilligan Strand and had thereby provoked resentment among the peaceful elements of the Roman Catholic population.² This suggestion is inconsistent with the proposition that Downing Street was displeased with the Army's failure to take firm control of the march. Further, both Edward Heath and Lord Carrington told this Inquiry that the subject was not in fact raised.³

¹ [Day 282/127](#); [Day 280/38](#)

³ [KH4.89](#); [Day 282/131](#); [Day 291/29](#); [Day 280/43](#)

² [G75CA.462.5.4](#)

9.217 In these circumstances, we are of the view that we cannot rely on Colin Wallace's evidence on this point. We consider that his recollection in this regard is faulty.

9.218 We are not required to make findings as to the justification or lack of it for the soldiers' actions at Magilligan Strand. In any event we have not heard sufficient evidence to enable us to do so. However, the fact that such allegations were made, not only by civilians but by members of the Royal Green Jackets, forms an important part of the background to Bloody Sunday. Many of those who marched on 30th January 1972, and many of those responsible for policing and containing that march, were aware of the allegations concerning the conduct of C Company of 1 PARA at Magilligan Strand. The perceptions of civilians about events at Magilligan Strand clearly influenced the conduct of many of them on 30th January 1972, in some cases causing them to join the march and in other cases to join in the rioting. The important point is that many, particularly those on the march, believed that 1 PARA had acted in an unacceptably violent way at Magilligan Strand. Their view of events at Magilligan Strand in turn reinforced their belief that the Army was simply a tool of the unionist government being used to subjugate them. As will be seen later in this report,¹ these views led more people to riot or to riot more violently.

¹ [Chapter 14](#)

9.219 It should be borne in mind that it was C Company of 1 PARA whose conduct at Magilligan Strand led to allegations of brutality. As will be seen from our consideration of the events of 30th January 1972, this company was deployed in Londonderry on Bloody Sunday as part of the arrest operation, but soldiers of this company did not shoot anyone on that day.

9.220 After the incident at Magilligan Strand the North Derry Civil Rights Association issued a statement, which was reported in the *Derry Journal* newspaper on 25th January 1972. In the statement, the Association condemned the violence displayed by the soldiers at Magilligan Strand and stated that this would only serve to strengthen the resolve of the people of Derry to march in peaceful protest on 30th January.¹

¹ [L10.1](#)

9.221 Some in the Army also held the view that there had been undue violence at Magilligan Strand. Captain INQ 573 attended the regimental investigation into the conduct of Private INQ 12 and gave evidence of such violence.¹ Further, as will be seen later in this report, a junior officer of 2 RGJ, Second Lieutenant 136, told his platoon when giving them their orders for 30th January, "S.F. [security forces] must be strictly controlled. The right behaviour is very important. No repeat of Magilligan."²

¹ [C573.2](#); [Day 314/104](#)

² [G95C.580.7](#)

- 9.222** The evidence of Colonel David Ramsbotham, who in January 1972 was the military assistant to General Carver, the CGS, was that Lieutenant Colonel Welsh (the commanding officer of 2 RGJ) telephoned him after the Magilligan Strand march and expressed concern about the proposed use of 1 PARA on 30th January. According to Colonel Ramsbotham, Colonel Welsh stated that 1 PARA, used as shock troops in Belfast and having had to be warned at Magilligan that they needed to behave differently in Londonderry, were the wrong soldiers to bring into the Londonderry operation.¹
- ¹ [KR2.4](#)
- 9.223** The two officers belonged to the same battalion and knew each other well. Colonel Ramsbotham said that Colonel Welsh was calling to pass on information as an old friend and was not seeking to have his concerns relayed to General Carver. Colonel Ramsbotham said that he did in fact mention the conversation to General Carver, who took the view that deployment of troops on 30th January was a matter for the Northern Ireland command.¹ Colonel Welsh denied in evidence to this Inquiry that the conversation with Colonel Ramsbotham had taken place.²
- ¹ [Day 254/123-124; Day 254/171](#) ² [Day 282/66](#)
- 9.224** Colonel Ramsbotham appeared to have a precise memory of the call. Further, the views that he recalled Colonel Welsh expressing are views that we know that Colonel Welsh did in fact hold at the time. In the circumstances, we prefer Colonel Ramsbotham's recollection of events.
- 9.225** It was submitted to us on behalf of some of the families¹ that 1 PARA was chosen as the arrest force on 30th January either because of or in spite of the conduct of C Company at Magilligan Strand.
- ¹ [FS1.716](#)
- 9.226** There is nothing to indicate that General Ford's decision to use 1 PARA as an arrest force on 30th January had anything to do with the conduct of the paratroopers at Magilligan Strand. As early as 10th January 1972, General Ford had proposed an unspecified role for 1 PARA for the march (at that time scheduled to take place on 16th January). We consider below whether the conduct of C Company at Magilligan Strand should have caused General Ford not to use 1 PARA as an arrest force on Bloody Sunday.

9.227 On 25th January 1972, the *Guardian* newspaper published an article by Simon Hoggart, in which it was alleged that Army officers in Northern Ireland had asked that the Parachute Regiment be kept out of their areas. We deal in more detail below with this allegation. In the article Simon Hoggart referred to the regimental inquiry into allegations of brutality at Magilligan Strand.¹

¹ L7-L9

9.228 In his oral evidence to us, General Ford said that he had been unaware of any complaint made by a Royal Green Jackets officer of the conduct of 1 PARA at Magilligan Strand; he also said that he “*did not particularly take note of what was in the newspapers*”.¹ However, in his written evidence to this Inquiry, General Ford told us that he would almost certainly have been made aware of Simon Hoggart’s article at the time. His recollection is correct; he was quoted in the *Times* newspaper on 26th January 1972, in an article that reported the *Guardian*’s allegations, as expressing “*complete confidence*” in 1 PARA. According to the *Times*, General Ford said that 1 PARA had an excellent record and that he would have no hesitation in using the unit in any part of the Province.² This report is consistent with General Ford’s evidence to this Inquiry that neither the article nor any adverse comment about the conduct of 1 PARA at Magilligan Strand would have influenced him in making operational decisions. He said that he had complete confidence in the professional abilities of 1 PARA and felt that they were capable of dealing with any situation.³

¹ Day 258/78

³ B1208.032

² L15.2

9.229 There is no evidence that General Ford knew of the concerns expressed by Colonel Welsh, whose views reached the CGS. However, it is clear that General Ford knew, when selecting 1 PARA for duty on 30th January 1972, of allegations that paratroopers had behaved brutally at Magilligan Strand. The behaviour of the soldiers attracted a substantial amount of bad publicity. We take the view that he was also likely to have known of the regimental inquiry into the conduct of Private INQ 12, which took place immediately after the incident at Magilligan Strand.

9.230 As we discuss later in this chapter, shortly after the Magilligan Strand incident General Ford selected 1 PARA to operate as an arrest force in connection with the civil rights march planned for 30th January. The question arises as to whether in view of the allegations of brutality at Magilligan Strand General Ford can be criticised for deciding to use 1 PARA. This is a matter to which we return below.

The civil rights march in Armagh on 22nd January 1972

9.231 A civil rights march took place in Armagh on 22nd January 1972. The march (of about 300 people) was prevented from reaching its intended destination in Gaol Square, where what was described in official reports as a group of 30–40 Protestants or loyalists had gathered for a meeting. The majority of the anti-internment marchers returned to their starting point for a public rally, but there was some stoning of the security forces and several arrests.¹

¹ [G71E.444.12](#); [G74C.458.11](#); [G70B.441.4](#)

Marches on 23rd January 1972

9.232 There were further marches on 23rd January 1972. At Lurgan two groups converged and attempted to march to the town centre; official reports varied as to whether both groups comprised 300 people each, or whether one was a group of 300 people and the other a group of 150. In any event, the marches were stopped by troops, who were stoned and who used CS gas and baton rounds in response.¹ At Castlewellan a crowd of some 200–300 was prevented or dissuaded from marching to the nearby town of Newcastle. Instead the marchers drove there and with others attended a rally of around 800 people. When this concluded an attempt was made to march through the town, but this was stopped after a few hundred yards by the security forces.² According to General Tuzo's report for Brian Faulkner there was some resistance from a number of marchers and stoning followed, leading the security forces to discharge eight rounds of CS gas (after issuing a warning), and to make three arrests and 40–50 identifications.³ The Director of Operations Intelligence Committee's Assessment and HQNI's IntSum both contain less detailed accounts of the same incident that did not report the rioting and instead commented that the crowd dispersed peacefully.⁴

¹ [G74D.458.12](#); [G71E.444.12](#); [G80.489](#)

³ [G74E.458.14](#)

² [G74E.458.14](#); [G71E.444.12](#)

⁴ [G71E.444.12](#)

Ministry of Defence Current Situation Reports

9.233 In the aftermath of the weekend marches, Anthony Stephens, the head of DS10, circulated the 61st Current Situation Report.¹ Anthony Stephens told this Inquiry that the documents in this series were intended to draw together information from various sources to provide ministers and officials with “*a fleeting picture of what had occurred in the past*

24 hours”,² and if possible to give an indication of situations that might arise in the immediate future.³ In the week before Bloody Sunday a Current Situation Report was produced on each working day.⁴

¹ G70B.441.3-5

² Day 273/109

³ KS3.101-102; Day 273/108-110

⁴ G70B.441.3-5 (No 61, Monday 24th January);
G71.442-444 (62, Tuesday 25th January);
G73.454-456 (63, Wednesday 26th January);
G84.528 (64, Thursday 27th January);
G87.534-536 (65, Friday 28th January)

9.234 The MoD Current Situation Report for 24th January 1972 recorded that over the weekend at Armagh, Magilligan Strand, Newry and Castlewellan/Newcastle the security forces “were able to ensure that nothing which could be described as a march developed”.¹ However, this was not how some unionist groups saw it. Newspapers published on the same day reported a statement from a committee representing the most prominent Loyal Orders that suggested that their members might defy the ban, which they felt was unjustified and applied in a discriminatory fashion.²

¹ G70B.441.4

² OS4.163; OS4.119

Brussels meeting between Edward Heath and Jack Lynch on 23rd January 1972

9.235 On Sunday 23rd January 1972 Edward Heath met the Taoiseach (Jack Lynch) in Brussels where they were present to sign the Treaty of Accession to the European Economic Community.¹ At this meeting Jack Lynch expressed much the same view as had been voiced in United Kingdom Government circles over the previous weeks, namely that a point was being approached for some sort of initiative towards a political solution, since the IRA might be in the process of suffering a major setback from the actions of the security forces, while the Protestants might still be sufficiently alarmed to be prepared to contemplate change. Jack Lynch said he feared that if violence was defeated and there was no political solution, the unionists would simply freeze their position and the possibility of some reconciliation would be lost.² He did not think that the minority community would be satisfied with Brian Faulkner’s proposals to reform parliamentary committees; instead they would require a share of the responsibilities of executive government.³ Jack Lynch urged Edward Heath to signal to Brian Faulkner that “it was no longer possible to retain the status quo at Stormont”,⁴ and talked of launching a political

initiative along these lines himself.⁵ He also called on the United Kingdom Government to consider a “*change of direction*” on internment in order to help to entice the minority community towards supporting a political solution.⁶

¹ G70F.441.16-28

⁴ G70F.441.25

² G70F.441.18-19

⁵ G70F.441.27

³ G70F.441.26

⁶ G70F.441.21

9.236 In response, Edward Heath was non-committal as to the United Kingdom Government’s position and reiterated his understanding that Brian Faulkner would be willing to discuss any potential solution that did not threaten the integrity of the border. In a memorandum that accompanied his note on the talks, Robert Armstrong, the Prime Minister’s Principal Private Secretary, commented on the difficulty that the United Kingdom delegation had in following Jack Lynch’s proposals, partly because the Taoiseach had a heavy cold, but also because his ideas were “*hazy and far from fully developed*”.¹

¹ G70F.441.16-17

Visit of the Chief of the Defence Staff on 24th January 1972

9.237 On 24th January 1972 the CDS, Admiral Sir Peter Hill-Norton, visited Northern Ireland, where he met General Tuzo, General Ford and the Director of Intelligence, David. According to the minutes of this meeting prepared by Colonel Dalzell-Payne, head of MO4, the Military Operations branch within the MoD that dealt with Northern Ireland, the GOC made a number of points, including the following:¹

“a. The attrition operation is going well. It is designed to make the IRA desist and the policy is working but at the price of implacable and growing Roman Catholic hostility, not only to the Protestants but to the Army. This hostility is tending to spread upwards through the middle class, encouraged particularly by some Roman Catholic priests and behind it all stands NICRA, the active ally of the IRA.

...

e. The ban on marches is the major current problem. Mr Faulkner deserves credit for his handling of the ban. He did not consult the Orange Order but went ahead and persuaded his Cabinet to do what he thought right. The problem is the difficulty of enforcing the law. The Security Forces regard a march as prevented (by stopping it on ground and at a time of their own choice) if its aim is frustrated. The trouble as usual is the local news media, particularly BBC TV, who did not fairly report the march and the Security Force measures of prevention on Sun 23 Jan 72. Too much was made of

the attempts to defy the law. If this problem escalates, as it well may, some blame will attach to the BBC. (The COS subsequently gave it as his opinion, and D Int agreed, that the Protestants have got used to the Roman Catholic bomber/gunman (whom they don't see) and are more likely to react increasingly aggressively to the sight of NICRA supporters defying the law).

f. As for the future, there is a continuing need to:

- (1) Sustain the attrition operation.
- (2) Seek reconciliation with the Catholic community at every opportunity.
- (3) Seek to defeat IRA hostile propaganda and preserve the good name of the Army, which is being assailed with evil intent."

¹ [G70.437-439](#)

9.238 In the same minutes of this meeting, General Ford is recorded as describing the major problem in the area of 8th Infantry Brigade in the following terms:

"Hooliganism in Londonderry is the running sore, but is being contained. 15 IRA gunmen have been seen to fall in Londonderry since 1 Jan 72. The interesting thing is that there is always an instant reaction to our patrolling but none to the casualties we inflict by our own sniper fire. The Creggan and the Bogside are regrettably IRA strongholds. To go into the Creggan to pick up, say 3 wanted men in a bad area, is virtually a four or five company operation. In the Bogside it is possible to patrol on a one company basis. So we can go in to either area if we so wish, but only in this sort of strength. The reason is that the Roman Catholic population will respond to a man, and has not only an efficient alarm system but permanent road blocks and vigilantes. (This situation will undoubtedly be exploited in the march planned for 30 Jan 72, when up to 12,000 Roman Catholics are expected to march, come what may, from assembly points in the Creggan and Bogside to the Guildhall Square. They can only be effectively halted on the line of William Street, but by the time they arrive there they will have been seen on (invited) TV to have marched. This matter will be the major item on the JSC agenda for Thur 27 Jan 72)."

¹ [G70.438-439](#)

9.239 The figure of 15 paramilitary gunmen being seen to fall in Londonderry since the beginning of the year cannot be verified. The Roll of Honour, which lists deceased members of the Provisional Republican movement including Provisional IRA members

who died while on active service, and the associated book of obituaries, *Tírghrá*, do not record any Provisional IRA fatalities that could have occurred in the city during this period. It is possible that all or some of the 15 gunmen who were seen to fall were injured; or that they were members of the Officials, not the Provisionals; or that deaths did occur that were not publicly commemorated, although the last seems most unlikely. However, it is also possible that some or all of the reports made by members of the security forces were mistaken or exaggerated. Captain INQ 2225, a military Intelligence Officer, told this Inquiry that: *“Troops tended to assume that when they fired their weapons, and saw targets move that they had hit them. When no evidence emerged of a body, they assume that they had hit the person and that the body had been spirited across the border.”*¹

¹ C2225.7

Security forces' preparations for the march in Londonderry

The meeting between Brigadier MacLellan and Chief Superintendent Lagan on 24th January 1972

9.240 On Monday 24th January 1972 Brigadier MacLellan met Chief Superintendent Lagan and Chief Superintendent Lagan's deputy, Superintendent McCullagh, in order to discuss the proposed march. The Brigadier knew Chief Superintendent Lagan well and, at that time, met him almost every day.¹ The three debated the best way in which to deal with the march.²

¹ B1279.031

² B1279.032

9.241 Chief Superintendent Lagan believed that the march should be permitted to proceed to the Guildhall, both in order to prevent confrontation at the time of the march and in order to discourage further, later protests. He told the Widgery Inquiry:¹

“A. We discussed the whole range of eventualities that might arise: first of all, should the march be stopped at its origin or should it be stopped en route: should it be stopped at a place of our choice or should it be allowed to proceed: under those four heads. We quickly eliminated that the first two were situations which we could not operate. It became then a question of did we allow them through or did we stop them. My view was that if we stopped them there would be confrontations on the day and subsequently.

LORD WIDGERY: Tell me what you mean by that. I can understand confrontations on the day.

A. Referring back to experiences of marches in Derry on earlier occasions when a ban is imposed you find that factory workers, groups of people, on the drop of a hat, as it were, decided to have a march through part of the city and the forces then available could not control them. For this situation to arise after the 30th to me was bringing the law into disrepute.

Q. If I understand you aright, you feared that if the 30th January march was stopped not only would there be a serious confrontation that day but it would cause people to have these informal marches here and there in the succeeding days?

A. Absolutely.

MR. STOCKER: The march was intending to go to the Guildhall, was it not?

A. The intention of the organisers was to go to the Guildhall to hold their meeting there.

Q. Was it your view that they should be permitted to get to the Guildhall?

A. That is correct.”

¹ [WT17.18](#)

9.242 Later in Chief Superintendent Lagan’s oral evidence to the Widgery Inquiry the following exchange took place:¹

“Q. You had given, therefore, these reasons for your advice. One, that there might be a sort of passive objection by the marchers to being stopped; that there might be subsequent smaller marches in other parts of Londonderry. Are those the only reasons that you had for avoiding any confrontation?

A. I think that when you make reference to smaller marches elsewhere in the city, these are really the marches which would cause the Security Forces the biggest headache, leaving factories and so on and marching through areas where there would be confrontations between two religious factions, and this, as I said earlier, would be much more serious than the confrontation at the Bogside.”

¹ [WT17.33](#)

9.243 Chief Superintendent Lagan advised that the marchers should be allowed to enter the Guildhall Square (Shipquay Place) where the police and Army would be able to identify many marchers by sight and take photographs for use in subsequent prosecutions. In his written evidence to this Inquiry he said that in his view, such a course would have minimised the risk of confrontation between the security forces and marchers. He thought

that, had the march reached the Guildhall, the majority of the marchers would have dispersed after the speeches had been made, leaving the hooligan element who would undoubtedly have thrown stones but whom he would not have expected to cause massive damage.¹

¹ [JL1.9-10](#)

9.244 Chief Superintendent Lagan's evidence to the Widgery Inquiry was that Brigadier MacLellan agreed that the march should be permitted to proceed. In his statement for the Widgery Inquiry dated 10th March 1972, Chief Superintendent Lagan wrote:¹

"I had had several discussions of an informal character with Brigadier MacLellan. He and I are jointly responsible for security in the city of Londonderry. In particular I discussed the action to be taken in relation to the proposed march with him on 24 January, when I expressed the view that the best course was to let the procession to go on unhindered and to limit the activity of the security forces to identifying participants. I understood him to be fully in agreement with this view."

¹ [JL1.2](#)

9.245 He said the same on 14th March 1972 in his oral evidence to the Widgery Inquiry:¹

"Q. We have heard from Brigadier MacLellan, and I think General Ford, that they were afraid that the rioting which over weeks and months had taken place in the area of William Street might be extended to areas further north.

A. I have not discussed the operation at all with General Ford. Certainly on the afternoon of the 24th when I was discussing with Brigadier MacLellan we discussed all the possibilities that might arise from it, but at the end of the day my view was as I have already said and the Brigadier was in agreement with me on this. I indicated that I was sending a paper through to my Chief Constable giving my views and my recommendation and he indicated he would do likewise to his authorities."

¹ [WT17.18](#)

9.246 Later in his oral evidence to the Widgery Inquiry, he said:¹

"A. The discussion which I had with the Brigadier was a long one. We both did the Devil's Advocate about what should take place. At the end of the meeting the con[s]ensus of opinion was that in the interests of the city the parade should be

allowed to go through to its meeting in the Guild Hall where, I admit, this was in breach of the spirit of the ban, but the law could still be enforced, as it had been previously, by prosecuting in Londonderry the people who had breached the ban.”

¹ WT17.34

9.247 Chief Superintendent Lagan was questioned at the Widgery Inquiry on this point by Mr McSparran, counsel for the families:¹

“Q. Chief Superintendent, after a discussion you had on the 24th January with Brigadier MacLellan you have told the Tribunal that the Brigadier shared your view. Was that clear to you?

A. Absolutely, yes.

Q. That means he took the same view as you did, that there should not be a confrontation?

A. That is correct, yes – no, that the march should be allowed to go through [to the Guildhall].

...

Q. Did it appear to you that his agreement was based broadly on the same reasons as the ones you had advanced?

A. Yes, my Lord.

...

Q. On the 24th did you get the impression that the Brigadier’s advice was going to be on the same lines as yours?

A. I did ask the Brigadier in the course of the afternoon had he any instructions from his authorities on what attitude should be adopted, and he told me he had received no instructions.

Q. So far as his own attitude after the meeting is concerned, did you get the impression that if his advice was asked it would be on the same lines as your own?

A. Yes, and he was giving this advice in fact to General Ford.

Q. And did he tell you that?

A. He did indeed.”

¹ WT17.22-23

- 9.248** Sadly, Chief Superintendent Lagan was too unwell to give oral evidence to this Inquiry. In his written statement to this Inquiry, he told us:¹

“48. ... After Brigadier MacLellan and I had discussed the options and it was time to make a decision I said, that I thought the march ought to be allowed to proceed. Although I do not remember Brigadier MacLellan expressly saying that he thought that this was a good idea he did not object or suggest another course of action. There certainly was not any argument about it.

49. It was clear that the march was going to be a rather important event and that a united decision by the RUC and the army was required. Following procedure, I informed my Chief Constable of this decision.”

¹ [JL1.10](#)

- 9.249** Chief Superintendent Lagan went on to state that he had known that Brigadier MacLellan was going to report to General Ford and that he had understood that the Brigadier was going to inform General Ford that the “*joint advice*” of Chief Superintendent Lagan and Brigadier MacLellan was that the march should be allowed to proceed.¹

¹ [JL1.10](#)

- 9.250** Superintendent McCullagh, in his oral evidence to this Inquiry, said that he and Chief Superintendent Lagan had both been of the view that the march should be stopped at Army barriers but should then be allowed to proceed to the Guildhall, if it were clear that the marchers were going to overwhelm the barriers by pressing forward and as long as the marchers were peaceful. If hooligans were to the fore, then both hooligans and marchers should be stopped. However, Superintendent McCullagh said that if the marchers had been allowed to proceed to the Guildhall, there would have been no hooligan confrontation at that time. He accepted that there might have been hooligan trouble at a later stage.¹

¹ [Day 231/117-121, 129; Day 232/130](#)

9.251 Superintendent McCullagh went on to say:¹

"I am satisfied that when we went to see the Brigadier, Mr Lagan and I were firmly of the opinion that – he has stated and I have stated – the march should proceed, given the conditions we have both outlined ... having discussed all the options, we put that very closely to the Brigadier. He definitely did not say no, but I was clearly under the impression that he had to receive superior instructions on the matter and it may not, at that time, have been within his remit to give a whole-hearted agreement to it, but I do not remember that he showed any hostility to the suggestion."

¹ [Day 231/132](#)

9.252 Unfortunately, no copy of Chief Superintendent Lagan's written report to the Chief Constable has survived. However, we have a copy of the signal that Brigadier MacLellan sent to General Ford after the meeting. Brigadier MacLellan wrote:¹

"ONE. AT MEETING WITH CHIEF SUP N DIV AND HIS DEPUTY TODAY LAGAN MADE FOLLOWING POINTS:

A. HE ESTIMATES 8000 TO 12000 WILL TAKE PART USING SEVERAL ASSY [ASSEMBLY] AREAS AND ROUTES.

B. HE BELIEVES MASSIVE CONFRONTATION WITH SF [SECURITY FORCES] WILL SHATTER SUCH PEACE AS IS LEFT IN CITY: CREATE INTENSE VIOLENCE AND REMOVE LAST VESTIGES OF MODERATE GOODWILL ETC.

C. HE FORECASTS INCREASED VIOLENCE AND SMALLER MARCHES EG FACTORY WORKERS WAC ETC WILL CONTINUE FOR DAYS UNTIL BAN IS CLEARLY SEEN TO BE IMPOSSIBLE TO IMPOSE EFFECTIVELY (AS SF CANNOT SEAL BOGSIDE PERMANENTLY WITHOUT BRINGING THE CITY TO A HALT).

D. HE URGES IDENTIFICATIONS AND PHOTOGRAPHS FOLLOWED BY NORMAL COURT PROCEDURES RATHER THAN DIRECT CONFRONTATION AND IS REPRESENTING THIS LINE TO HIS RUC SUPERIORS.

TWO. I AGREE THAT CONSEQUENCES OF STOPPING MARCH WILL BE VERY SERIOUS AND RECKON THAT MY PRESENT PERMANENT FORCE LEVELS ALMOST CERTAINLY INADEQUATE IF WE ARE TO FACE SITUATION LAGAN ENVISAGES."

¹ [G70A.441.001-002](#)

- 9.253** Brigadier MacLellan's recollection of the meeting differed from that of Chief Superintendent Lagan and Superintendent McCullagh. In his draft statement for the Widgery Inquiry, Brigadier MacLellan referred to Chief Superintendent Lagan's views but did not say whether or not he had agreed with them. He said that he had reported the views of Chief Superintendent Lagan and Superintendent McCullagh to General Ford:¹

"... with my own comment that the consequences of stopping the march would be very serious, and that my existing force levels were inadequate to cope with the situation that Chief Superintendent Lagan envisaged."

¹ B1231

- 9.254** Brigadier MacLellan gave oral evidence to the Widgery Inquiry before Chief Superintendent Lagan did, and Chief Superintendent Lagan's account of the meeting was not put to him. Brigadier MacLellan gave the following evidence to the Widgery Inquiry:¹

"A. We envisaged a very large march, indeed, and how we should control it. The Chief Superintendent considered that if we stopped it intense violence would ensue and recommended that the wisest course might be to identify the marchers and bring Prosecutions later rather than having a confrontation.

Q. To jump ahead a little, is that why, in your Order, there is a reference to photographing the leaders if they cannot be arrested?

A. Yes, this is so.

Q. Did you have any expectation or apprehension of the IRA gunmen and bombers being there?

A. I personally thought that it was likely that they would join the event. I hoped they would not participate.

Q. Did you consider when the crowd was, as it were, present in front of them in large numbers they would be likely to fire?

A. I did not think that they would use the NICRA marchers as cover. I thought that they would shelder [sic] behind the hooligans.

Q. But not the mass?

A. No, not the mass.

Q. Having regard to all the considerations, did you consider whether you had existing (a) enough troops to deal with this problem?

A. I considered that if the event turned the way that the Chief Superintendent forecast there would be intense violence and that I would need reinforcements.

Q. For what purpose? It has been put that the purpose of the operation was a confrontation with the IRA to draw them out and shoot it out with them?

A. That is quite untrue. The purpose was to contain the march, to stop the march and contain it within the Bogside and the Creggan and also any hooliganism and rioting which took place should also be contained and not overflow into the commercial and Protestant areas of the City.

Q. Having reported the views you had formed to Major General Ford did he order you to stop the march?

A. Yes, he did.”

¹ WT11.6

9.255

There is a dispute on the question of whether Brigadier MacLellan agreed with Chief Superintendent Lagan’s views. This dispute first arose in March 1972, immediately after Chief Superintendent Lagan had given his oral evidence to the Widgery Inquiry. In a letter to General Ford dated 15th March 1972 (the day after that on which Chief Superintendent Lagan had given evidence), Brigadier MacLellan wrote:¹

“In his evidence Lagan stated that I shared his view that the march should be allowed to proceed to the Guildhall and that those breaking the ban should be photographed and prosecuted afterwards. This is untrue. It was well known to both of us that:

- a. Subsequent arrests of people living in the Bogside and Creggan would be virtually impossible.
- b. The main aim of the march was to demonstrate that it was impossible for Stormont to impose the ban in Londonderry, and that after the march in Belfast on 2 January, when the ban was seen to be broken, the Government were bound to decide that the march should be stopped, and that the Joint Security Committee would share this view.
- c. Mr. Hull (LAW) had let it be known that if the NICRA march was not stopped on 30 January he would organise a vast march in Belfast on the following Saturday.

Our discussion therefore centred around the probable consequences of stopping the march, in order that we could anticipate the steps that we should have to take. The question of whether the march should or should not be stopped was academic. As you well know Lagan's sympathies (and those of his deputy, McCullough [sic], who was also present at our meeting) lie entirely with the Catholic Community. His proposal that the march should be allowed to proceed was patently a gesture, or 'umbrella', to maintain his position with his own people. When he said that he was going to advise the Chief Constable on these lines I told him that I would inform you of his views. You will recall that I did so by signal immediately after the meeting. I concluded this signal with my own comment 'I agree the consequences of stopping march will be very serious and reckon that my present permanent force levels almost certainly inadequate if we are to face situation Lagan envisages'. I did not propose then, or subsequently, that the march should be allowed to proceed, and I regard Lagan's evidence on this point as thoroughly misleading."

¹ [B1279.001](#)

9.256

In his written statement to this Inquiry, Brigadier MacLellan told us that he could no longer recall the details of the meeting. However, he also stated:¹

"Personally, I was concerned that if the march had been allowed to go to the Guildhall, the hooligans would have had a heyday, busting the place up and looting. This would have been followed by a sectarian flare up and I was therefore in no doubt that the march had to be contained. I think that any suggestion that you could allow the marchers to go through to the Guildhall to make their protest, to photograph them and then arrest and prosecute them later, was pie in the sky. You needed a large Army presence to arrest one person in the Creggan. Even if you managed that, there would be a problem with witnesses and the whole idea was impracticable. I did not agree with [Chief Superintendent] Lagan that the march should be allowed to proceed to the Guildhall."

¹ [B1279.032](#)

- 9.257** In his oral evidence to this Inquiry, Brigadier MacLellan said that he was sure that he had told Chief Superintendent Lagan of his disagreement at the time of the meeting.¹ He was asked whether, for reasons of politeness or otherwise, he might not have told Chief Superintendent Lagan that he disagreed and might have given Chief Superintendent Lagan the impression that he shared the Chief Superintendent's views. He replied:²

"No, I do not think so ... I cannot really remember the details of that meeting, but we had assumed, I mean, it had been made quite clear that the march was banned by the Government and would go ahead and we would be ordered to stop it and I think, trying to recall back, that was almost my starting position.

The discussion was how we would deal with the thing when it happened."

¹ Day 261/38-39

² Day 261/41

- 9.258** The Brigade Major, Colonel Steele, did not recall being present at this meeting. In his oral evidence to this Inquiry he said that at the time he shared Chief Superintendent Lagan's view.¹ However, he went on to say:²

"So I have to say that I would agree with Superintendent Frank Lagan here, that the best way to avoid confrontation was to allow the march to proceed, which in fact we did."

¹ Day 266/38

² Day 266/44

- 9.259** Colonel Steele's evidence was confused, since on the day the security forces did not allow the march to proceed. Later in his evidence, the following exchange took place:¹

"Q. [Lord Saville] ... your recollection is that you rather agreed with Superintendent Lagan earlier in the week preceding 30th January that the march should be allowed to proceed; if I understood you correctly, should be allowed to proceed to the Guildhall?

A. Yes, and I think that in the operation order I, I cannot immediately recall it ... that I actually put into the operation order that they may well proceed to the Guildhall, and that there would have to be action taken about it."

¹ Day 266/49

- 9.260** Colonel Steele's recollection is clearly wrong in this respect, since the Operation Order (to which we refer below) made it clear that while the marchers were to be allowed to march within the Creggan and the Bogside, they were to be prevented from reaching the Guildhall.

9.261 It is our view that Brigadier MacLellan could not have told Chief Superintendent Lagan that he agreed that the march should be allowed to proceed or that he would put forward such a proposal to General Ford as his and the Chief Superintendent's joint advice. The Brigadier knew that the political imperative and, in particular, the recently issued Policy Instruction on the handling of marches, required the march to be stopped. Nevertheless, it seemed to us that Brigadier MacLellan may have had some sympathy for Chief Superintendent Lagan's proposal. Our view is reinforced by the fact that in his signal to General Ford,¹ Brigadier MacLellan put forward what Chief Superintendent Lagan considered the best course to be and shared his view of the outcome of a confrontation with the security forces. It is possible that he privately thought that it would be better to allow the march to go ahead. At the same time, however, he was well aware that there was really no question of allowing the march to proceed all the way. We accept that Brigadier MacLellan thought that: "*The question of whether the march should or should not be stopped was academic.*"² We reject the suggestion, made on behalf of some of the families,³ that Brigadier MacLellan lied to the Tribunal when describing his discussions with Chief Superintendent Lagan. It seems to us that Chief Superintendent Lagan must have misunderstood the Brigadier's intentions and wrongly concluded, perhaps from the Brigadier's sympathy for his views, and perhaps from the Brigadier's failure expressly to disagree, that he would not only put forward to General Ford the Chief Superintendent's opinion that the march should not be stopped, but would state that he supported this course of action.

¹ [G70A.441.001](#)

³ [FS1.706](#)

² [G128.849](#)

Our assessment of the wisdom of Chief Superintendent Lagan's view

9.262 For the reasons that we have given above, we find that there was no prospect of Chief Superintendent Lagan's tactics being adopted. We believe, though, that we should express our views on whether his plan should have been preferred.

9.263 The plan had several major flaws:

1. The arrest of a significant number of identified rioters, days or weeks after any riot, was largely impracticable. Most rioters lived in the no-go areas of the Creggan and Bogside, where the police could enter only with substantial support from the Army.

2. Had the march been permitted to proceed, the Protestant community would have been outraged. Sectarian conflict would have been rendered much more likely. Further, unionists would have been encouraged to hold marches of their own; if substantial numbers in both communities had begun to march, the security forces would almost certainly have been unable to enforce the ban on marches, the chances of sectarian conflict would have sharply increased, and the rule of law would have been visibly weakened.
3. Had the march been permitted to reach the Guildhall, then violence at Army barriers might well have been avoided. However, rioting and hooliganism in the city centre would still have been a very real threat. The risk of destruction to property around the Guildhall would have remained.

9.264 For these reasons we take the view that the rejection of Chief Superintendent Lagan's plan was not unreasonable.

The Army Warning Orders

9.265 General Ford acted on the observation in Brigadier MacLellan's signal that 8th Infantry Brigade did not have sufficient troops to deal with the situation that Chief Superintendent Lagan envisaged. On 24th January 1972, after receiving the signal, General Ford informed the Province Reserve, 1 KOB, that it might be required in Londonderry on 30th January. General Ford also telephoned Brigadier Kitson, the Commander of 39th Infantry Brigade, and told him that 1 PARA, the 39th Infantry Brigade Reserve, would be required on that day and might be away for up to four days. Brigadier Kitson agreed that he could – just – spare 1 PARA for this length of time.¹

¹ [B1208.035](#)

9.266 On the same day Colonel Wilford received from 39th Infantry Brigade a Warning Order, informing him that 1 PARA would be needed for an operation on 30th January:¹

¹ [WT11.37A](#); [B944](#)

9.267 A number of civilian witnesses told this Inquiry that paratroopers at Magilligan Strand called out to the demonstrators, "*See you next week*", or words to that effect. See, for example, the evidence of Roisin Stewart,¹ Shaun Doherty,² Michael Joseph McKinney³ and Joseph McKinney.⁴

¹ [AS34.6](#)

² [AD177.5](#)

³ [AM309.1](#)

⁴ [AM304.1](#)

- 9.268 In view of the fact that the Warning Order to 1 PARA was not given until two days later, it seems to us that it is unlikely that such comments were made, though we accept that these witnesses had genuinely come to believe that they had heard them at Magilligan Strand.

Information obtained by the security forces about the proposed march

- 9.269 Under the heading “*Future Events*”, Captain INQ 1803, the author of the 8th Infantry Brigade IntSum of 25th January 1972 (101), recorded:¹

“A NICRA sponsored march followed by a meeting at the Guildhall, Londonderry is planned for 30 Jan. It is believed that all civil rights groups, whether IRA Goulding or Brady aligned, will combine together in an attempt to cause maximum embarrassment to the Security Forces. The main march is expected to form up in Bishops Field, Creggan at 1400 hours and move into the City via Eastway – Westland St – Lecky Rd – Rossville St – William St – Waterloo Place – Shipquay Place. The Shantallow Branch of NICRA is also expected to march from Drumlech Drive via Racecourse Rd – Buncrana Rd – Pennyburn Pass – Duncreggan Rd – Strand Rd and then to William St to join the main march. Estimates of numbers expected vary from 3,000 by the RUC (including up to 200 from Shantallow), to 10,000 by the London ‘Times’. It is possible that a further group may move eastwards from Brandywell up Foyle Rd in order to stretch the Security Forces. The organisers may well alter their plans to take account of Security Forces dispositions and possibly even march after rather than before the meeting...”

¹ [G72.451](#)

- 9.270 There is no suggestion in this IntSum that the civil rights groups were planning to do more than cause “*maximum embarrassment*” to the security forces.

- 9.271 The same IntSum also recorded:

“30. Democratic Unionist Association. The City of Londonderry and Foyle Association issued a statement deploring the proposed CRA march of 30 Jan and said that ‘if the government does not take the necessary steps to halt this parade, we are determined to take those steps ourselves’. They went on to say that ‘if the march is allowed to continue we are resolved to hold a similar march and rally at the earliest possible opportunity’.”

9.272 Under this entry, Captain INQ 1803 noted:

“Comment. The meeting [presumably of the Democratic Unionist Association] is reliably reported to have been poorly attended and the threat about stopping the parade is considered to be an empty gesture. It is possible, however, that subsequently this organisation might arrange some form of march.”

9.273 Under the heading “*OUTLOOK*” he noted:¹

“31. Spasmodic terrorist attacks are expected to continue against all types of targets probably at much the same level as recently.

32. There is an increased threat of cross-border action by IRA (Brady) ASUs and specific targets for such attacks, in addition to military patrols, will be RUC and particularly SB [Special Branch] members on and off-duty. Attacks on UDR members probably with a view to stealing weapons are also likely.

33. On the streets planned protest demonstrations, which have the aim of provoking confrontations with the Security Forces and creating publicity and fuel for propaganda, will cause further trouble. This particularly applies to the march to the Guildhall, Londonderry on 30 Jan.”

¹ [G72.452](#)

9.274 It appears from other sources that the Loyalist Association of Workers, which had emerged under the leadership of Billy Hull from the Workers’ Committee for the Defence of the Constitution, had also let it be known that if the march on 30th January were not stopped, it would organise a vast march in Belfast on the following Saturday.¹

¹ [B1279.1](#); [B1279.3.3](#)

Information obtained from Observer B

9.275 The Inquiry received evidence, in the form of a written statement, from a man to whom it gave the cipher “*Observer B*”.¹ He died during the course of the Inquiry and, before his death, was too unwell to give oral evidence. Observer B was an Englishman who lived in Northern Ireland in 1972 and who provided information both to the Army and to the British Security Service. He did not live in Londonderry but was a visitor to the city.

¹ [K02.1](#)

9.276 Observer B told the Inquiry that he was in Londonderry, and in the area of the Rossville Flats, on Tuesday 25th January 1972. He stated that while he was there he saw a group of about 40 men, whom he took to be IRA auxiliaries, drilling in Glenfada Park. He watched as they marched across Rossville Street and entered the Rossville Flats. Observer B told the Inquiry that a few minutes later he spoke to a man, X (whose identity is known to the Inquiry but whose name we have not made public), who said that the men were “*practising for Sunday*” and had been there on the previous day at the same time. Observer B went on to say that he then noticed that the men were spread out along the three landings of Block 2 of the Rossville Flats and appeared to be practising a manoeuvre in which they moved on command to the outside edge of the balconies, keeping to the left of the columns that were placed at intervals along the balconies. Observer B thought that the men would be invisible to anyone looking at the Flats from the Observation Posts on the City Walls. Observer B’s evidence was that he telephoned his Army handler, a man to whom we gave the Inquiry cipher “IO1”, reported what he had seen and expressed the view that “*I think you have got a problem on Sunday*”. IO1’s reaction, according to Observer B, was to say “*we are going to have to think on this one – ring me again in the morning*”. Observer B did so and repeated the information that he had provided on the previous day.

9.277 Observer B also said that he saw men drilling again on Thursday 27th January 1972 and was told by X that the men had done that “*every day this week*”.¹ He said that he again reported this to IO1.

¹ [KO2.2-KO2.6](#)

9.278 IO1 is dead and so his version of events could not be obtained. No record has been found of any relevant reports made by Observer B to IO1 in the week preceding Bloody Sunday. There is a record of a meeting that took place between the two on 27th January 1972. This shows that Observer B was paid £10 in expenses on that day but contains no record of any discussions held between the two of them.¹ Despite the absence of a record, it is possible that Observer B’s recollections are accurate and that he did pass to IO1 the information to which he referred in his evidence to us, though there is nothing to suggest that the information played any part in the planning by the Army for the march.

¹ [KM10.5](#)

Northern Ireland Civil Rights Association's statements to the press on 25th January 1972

9.279 On 25th January 1972 in Belfast NICRA issued a press release, entitled "*REASONS FOR DERRY MARCH*", in which it stressed that its return to the streets was made inevitable "*by the continuing and escalating repression of the British Army*" and by the rejection of its demands for reform made the previous December, which it described as its "*peace plan*".¹ At a press conference held on the same day NICRA stated that there had:²

"... so far been six anti-Internment marches held throughout the North involving thousands defying the parades ban. Last weekend alone four marches were held successfully despite the might of the British army and RUC. The brutality of soldiers at Magilligan and Castlewellan over the weekend showed clearly how completely this erstwhile peace-keeping force has been converted into the military arm of the Unionist Administration."

¹ [G71A.444.1](#)

² [G71B.444.2](#)

The *Guardian* newspaper article

9.280 On the same day an article appeared in the *Guardian* under the headline, "*Army call to bar paratroops*".¹ We have referred briefly to this article above. The author, Simon Hoggart, reported that at least two Army units in Belfast had made informal requests to Brigade Headquarters (39th Infantry Brigade) for the Parachute Regiment to be kept out of their areas because they regarded the paratroopers' tactics as too rough and sometimes brutal. One officer was quoted as having said that the paratroopers had undone in ten minutes the community relations that the officer's unit had taken four weeks to build up. Another officer, a Captain, was quoted as saying:

"[The Parachute Regiment] are frankly disliked by many officers here, who regard some of their men as little better than thugs in uniform."

¹ [L7-L9](#)

9.281 Various allegations of the use by members of the Parachute Regiment of unnecessary force against civilians were made in the article.

9.282 The *Guardian* article was discussed within the MoD in London. The CGS spoke to General Tuzo, telling him that there was a growing feeling within the MoD that soldiers in Northern Ireland were speaking too much to the press. Consideration was given within

the MoD to the idea of an approach either to the editor of the *Guardian* or to Simon Hoggart (or Simon Winchester, who was believed by the MoD to have been involved in the production of the article); but it appears that no action was in fact taken.¹ In Northern Ireland, HQNI issued a warning to Army units, telling them to refer any *Guardian* journalists to the Army Public Relations branch.²

¹ G75C.462.3-4

² G75C.462.3

9.283 While it was impracticable to investigate the validity of the allegations concerning the behaviour of the Parachute Regiment in Belfast, we have no reason to doubt that Simon Hoggart was told what he reported.

9.284 On 25th January 1972 General Tuzo sent Brian Faulkner a report on the four marches that had taken place over the weekend.¹ He expressed the view that there was no cause to apologise for anything that had happened over the weekend.² He stressed that the security forces must be given the latitude to stop marches at the best tactical position, as “*the alternative is to accept a shambles and possibly a blood-bath*”.³ Brian Faulkner responded (writing on 28th January) by saying that he considered that the operations “*at Lurgan, Armagh, Newcastle and Magilligan*” had gone “*exceptionally well*”.⁴ He added:

“This weekend will undoubtedly be a further test of our resolve and the march in Londonderry will certainly be a most difficult one to handle. I know that detailed plans have been made and I hope everything goes well.”

¹ G74AA.458.6.1-5

³ G74AA.458.6.1

² G74AA.458.6.1

⁴ G84A.528.1

The meeting with Jack Lynch on 25th January 1972

9.285 In London on 25th January 1972 the Cabinet Secretary Sir Burke Trend and Sir Stewart Crawford (Permanent Secretary at the Foreign Office) called on the Taoiseach, Jack Lynch, who was at the Irish Embassy on his way back from Brussels. Jack Lynch referred to the political initiative that he had suggested to Edward Heath on the previous Sunday and said that he might launch the initiative at his party conference in mid-February, if not sooner.¹ In a note on the meeting, Sir Burke Trend expressed his belief that Jack Lynch’s proposals arose in part from concerns about his domestic political position.² According to the note, he and Sir Stewart Crawford had raised a number of issues that would arise from any such initiative,³ and as a result of the discussion Sir Burke Trend thought that Jack Lynch had accepted that “*if he merely launched into the blue an initiative as ill-prepared as this, he might do more harm than good*”.⁴ Although Jack Lynch was not

prepared to modify his timetable, he did respond favourably to the suggestions that he should give greater thought to the detailed questions that his proposals would prompt, and that he should anticipate an unfavourable response from Brian Faulkner by bringing him into private discussions before an initiative was launched.⁵

¹ G74G.458.18

⁴ G74G.458.20

² G74G.458.19

⁵ G74G.458.20

³ G74G.458.18-20

Major General Ford's telephone conversation with Brigadier MacLellan on 25th January 1972

9.286 On the evening of 25th January 1972 General Ford spoke by telephone to Brigadier MacLellan. He told the Brigadier that, while the decision whether or not to stop the march was one for the JSC, the Brigadier should assume for planning purposes that he would be ordered to stop the march.¹ General Ford ordered the Brigadier to submit to him by 0830 hours on Wednesday 26th January an outline plan for dealing with the march, together with a marked map. It appears that General Ford wanted the plan by that time so that he would have it before the Director of Operations Intelligence Committee (Northern Ireland) meeting at 1000 hours on Wednesday 26th January.²

¹ B1279.015; B1142

² B1208.036

9.287 Brigadier MacLellan made a note of the telephone conversation.¹ According to the note, there was to be a cordon around the approaches to or from the Bogside and Creggan and the blockade was to be covered by Army snipers with "*blocks of riot gunners to fire volleys*". The note recorded that the Army "*must prevent damage to shopping & Protestant areas by saturating with troops*".

¹ G69.435

9.288 Brigadier MacLellan's note also contained the following:¹

"Have told CLF I certainly need two additional battalions, possibly three. There will be 1 KOB and 1 PARA (plus possibly one from UK). CLF sees 1 PARA as reserve in City to 'counter attack' ie go round the back to arrest 300–400 rioters."

¹ G69.435

9.289 This note not only confirms that the decision to use 1 PARA as the arrest force was made by General Ford but also gives an indication of the scale of the operation that he envisaged. The proposed arrest of 300–400 rioters would have involved an operation of far greater magnitude than had ever previously been attempted in Londonderry. In an

undated paper written after Bloody Sunday and entitled “*THE LONDONDERRY HOOLIGAN ELEMENT*”¹ Lieutenant Colonel Roy Jackson, the Commanding Officer of 1 R ANGLIAN, listed four successful “scoop” operations that had occurred between October 1970 and July 1971. The largest number of arrests had been made on 6th February 1971, when two companies deployed, converging on Rossville Street and arresting 23 people. In his draft statement for the Widgery Inquiry, Brigadier MacLellan noted that the last extensive scoop-up of rioters before Bloody Sunday had taken place in February 1971 – and that 27 rioters had been arrested on that occasion.² It seems likely that Brigadier MacLellan and Colonel Jackson were referring to the same operation, although the figures for the number of arrests differ slightly.

¹ [G138.920-922](#)

² [B1279.018](#)

9.290

Colonel Steele told this Inquiry that both he and Brigadier MacLellan had regarded the figures of 300–400 arrests as “*optimistic*”. Both he and the Brigadier, in evidence to us, described the figures as “*unrealistic*”.¹ Colonel Steele said that he might have expected 100–150 hooligans to be present on 30th January 1972.² His evidence was that he and Brigadier MacLellan had agreed that, when drafting the Brigade Operation Order for the day, they would not put in a specific figure for the number of anticipated arrests, because they had doubted whether there would be 300–400 hooligans present and rioting on the day and because the geography of Londonderry, which required the troops to operate within a confined space, would not permit that number to be arrested anyway.³ Brigadier MacLellan told us that he had believed that nothing like 300–400 would be arrested because the rioters would attempt to run away as soon as they saw the soldiers coming.⁴

¹ [Day 266/44](#); [B1279.032](#)

³ [B1315.003](#)

² [Day 266/43-44](#)

⁴ [B1279.033](#)

9.291

Colonel Steele told us that he had not informed General Ford that the target of 300–400 arrests was unrealistic, since it was not his position to do so.¹ However, it appears that during the course of the week General Ford came to realise that the figure was unachievable. General Ford’s recollection was that the figure had gradually decreased as planning progressed and that in the end the number of arrests for which he had hoped was 80. He said he did not think that administrative arrangements to cope with 300–400 were put in place.²

¹ [Day 268/1](#)

² [Day 254/44](#)

9.292 General Ford's evidence to the Widgery Inquiry was that he had expected the troops to face a considerable problem from hooligans on 30th January 1972. The following exchange took place during his oral evidence to that Inquiry:¹

"A. It was the view of the senior Commanders on the spot, and I supported this view, that it was inevitable that at an early stage the IRA and the hooligans would take over control of this illegal march, no matter what the NICRA organisers wished.

...

Q. And was it any part of that forecast that the violence would cease when the march was stopped or that it would be prolonged?

A. I imagined that when the march was halted that there would be some form of violence then, certainly by the hooligans.

Q. Then assume that the troops were successful in turning back the main body of marchers as in fact they went down to Free Derry Corner, did you expect that the violence from the hooligans would then cease or go on longer during the day?

A. I thought it would go on longer. I was very concerned that the emotional speeches which I had every reason to expect from previous marches, and addresses of this sort, would incite a proportion of the crowd. And again, of course, I was informed that the size of this march might be anything from 20,000 to 25,000 people. So I had every reason to believe that these emotional speeches would persuade a proportion of the people supporting the march to join the hooligans and, after the speeches were over, that they would indeed pour down possibly on to the Waterloo Place and general commercial area around there, with the aim of carrying out further rioting."

¹ [WT10.5](#)

9.293 General Ford told the Widgery Inquiry that he had foreseen violence continuing for days after the march and so it had seemed to him that the Army should arrest as many hooligans as possible on the day, if the opportunity arose.¹ He also explained the reasons why arrests on this scale could not have been carried out on other days:²

"Q. Why did you not arrest [the hooligans] on ordinary afternoons?

A. It was normally difficult to arrest them, firstly because the number of troops which I have in Londonderry at any given time is comparatively small, and they are fully engaged on their normal tasks of maintaining law and order; and secondly ... when they turn out in the normal days the soldiers can be at risk if we try to pursue them

forward into the Bogside. They are very fleet of foot, and it is very difficult for a small number of troops on the ground to manage an arrest.

Q. If they go far in, as you have said, they are exposing themselves to rifle fire?

A. A small number of soldiers going in to try and arrest hooligans would be putting themselves at considerable risk.”

¹ [WT10.8](#)

² [WT10.8](#)

9.294 General Ford gave further details of the reasons for his plan in his written evidence to this Inquiry. In his statement he told us:¹

“The concept of encircling the DYH [Derry Young Hooligans] in a scoop-up operation was something that 8[th Infantry] Brigade had previously tried but never succeeded in doing. The main reason for this was that they could never get sufficiently to the rear of the hooligans to do the scoop-up. This however was still the obvious way to undertake the large number of arrests that I hoped for and was the way that 1 PARA had operated in Belfast when they had had the opportunity. The idea of doing a scoop-up was mine, but the detail as to how and where it would be done would be left to the Brigadier and the Co 1 PARA.”

¹ [B1208.038](#)

9.295 In his oral evidence to this Inquiry he was referred to this passage and was asked:¹

“Q. If this was something 8th Brigade had previously tried but never succeeded in doing, did either you or Brigadier MacLellan, so far as you are aware, ever have a clear idea as to how they would succeed on this occasion, not having done so on all previous occasions?”

¹ [Day 254/46](#)

9.296 General Ford replied:¹

“A. First of all, we had a larger number of troops to carry out the arrest operation; that is No. 1. Secondly, a detailed plan was going to be made to do it. Thirdly, it was anticipated that the DYH would be out in strength as against being out in their normal sort of numbers and, therefore, there would be more rioters to arrest.”

¹ [Day 254/46-47](#)

Major General Ford's role

9.297 It was General Ford who made the decision that plans should be made for an arrest operation on 30th January 1972 and it was he who decided that 1 PARA would act as the arrest force.¹ In evidence to this Inquiry, General Ford said he did not believe that he had consulted Brigadier MacLellan about the use of 1 PARA. He was certain that he had not consulted any of the commanders of the local battalions. His evidence was that he had, though, “*very definitely*”² discussed his proposed use of 1 PARA with General Tuzo. General Ford could not recall General Tuzo’s view but said that “*he must have agreed, otherwise it could not happen*”.³

¹ [Day 256/10](#)

³ [Day 254/19](#)

² [Day 254/18](#)

9.298 In his oral evidence to this Inquiry General Ford set out the reasons for his decision that there should be a large-scale arrest operation. He said that he had believed that “we” (in context, the security forces) could not allow the commercial centre to be destroyed by the “Derry Young Hooligans” and that they should make efforts to save the centre should the opportunity arise.¹ He then gave the following evidence:

“A. The concept of an arrest operation was not just for that reason. There were several reasons. First of all, of course, for the first time were we going to have sufficient troops in Londonderry to even consider it seriously because ... previous attempts on a much smaller scale by using existing troops had failed, for one reason or another.

The second thing was that on that particular Sunday I foresaw very serious violence following at some stage in the day ... when we had information that after the march was over, after the speeches had – particularly the last speeches had taken place, that the hooligans, possibly reinforced by some supporters, would try to achieve their aim of breaking through to the Guildhall. Now, an arrest operation before that, should circumstances permit it and it be a situation in which we could launch an arrest operation successfully, had a great deal to recommend it.

Q. It would take the Derry Young Hooligans out of the equation if you could arrest a significant number of them and no doubt reduce the potential for further violence later which you say you were worried about?

A. Yes.

Q. And so the concept of a large arrest operation was a concept to – and I use the word in shorthand – to take out a large number of Derry Young Hooligans if it could be done?

A. Yes.”

¹ [Day 256/9-10](#)

9.299 In his written statement to this Inquiry, General Ford set out his reasons for selecting 1 PARA as the arrest force:¹

“(i) The units in 8[th Infantry] Brigade were already committed in areas which they knew around the perimeter of the City.

(ii) The City battalion (that is the one covering the William Street area etc) was 22 Light Air Defence Regiment Royal Artillery. This was not an infantry battalion but an artillery regiment temporarily being used in an infantry role and was not suited for a major arrest operation.

(iii) The Province Reserve (1 KOB) were my reserve. They only became operational on 13 January 1972 and had no experience of arrest operations, major or minor. A major arrest operation would certainly have been beyond their capabilities until at least the middle of February or so.

(iv) As the reserve battalion of 39 Brigade in Belfast, 1 PARA were not committed to permanently holding any particular area.

(v) The third Brigade in Northern Ireland had no reserve battalion.

(vi) 1 PARA had been in the province for well over a year. They had much experience, more than any other battalion in Northern Ireland, both in carrying out arrest operations and in coming under and countering terrorist fire.

(vii) They could be spared for three or four days by Commander 39 Brigade.”

¹ [B1208.031](#)

9.300 General Ford then continued:¹

“I have been asked whether it would have been feasible to use one of the resident battalions to carry out the arrest operation. Each of the battalions in 8 Brigade had an area of responsibility, and they each knew their area well. To be responsible for a particular area involved not only knowing the geography, but also knowing the history

of operations for that area, the intelligence of that area, the relationship with the RUC, and so on. Using, for example, the Royal Anglians or the Green Jackets for the arrest operation would have meant replacing them with 1 PARA and 1 PARA then having to take over responsibility for their area. In military terms, such a short term situation would have made no sense. I do accept however that whatever role 1 PARA or another reserve Battalion would have had on the day, they would have been at a slight disadvantage, but such disadvantage would have been far greater had they undertaken duties other than as an arrest battalion held in reserve.”

¹ [B1208.032](#)

- 9.301** In his oral evidence, General Ford said that it was quite normal for a general officer not only to attach a unit such as 1 PARA to a brigade, but also to dictate what that unit should do on a particular occasion, especially if the unit had some specialised knowledge.¹ He denied that he had selected 1 PARA because he expected it to take a tougher stance than the local battalions would take. He said that he had expected the soldiers of the Parachute Regiment to conduct themselves with “*controlled aggression*” and would have expected the same of the Royal Anglians or Royal Green Jackets, had either of those battalions conducted the arrest operation.²

¹ [Day 254/17](#)

² [Day 256/11-12](#)

- 9.302** In the course of General Ford’s oral evidence to this Inquiry, the following exchange took place:¹

“Q. Is it easier for troops who are not local to the area to take over a static blocking position where you have, in essence, to stand firm rather than to adopt a dynamic role in an area you do not know?

A. I do not think it is, not in a position like Londonderry where the troops who are in an area have got to know a great deal about it. They have to know where the regular rioting takes place, where are the dangerous positions, and so on. And they get to know that very quickly when they are there for four months. So my view is that it is better to do it the other way, that is to say to bring in an outside unit. But of course there were other reasons for using 1 Para, which I specified in my statement.”

¹ [Day 254/17](#)

9.303 General Ford also made the point that since a whole battalion was to be used for an arrest operation, to use one of the resident battalions would mean replacing it in the positions it occupied with 1 PARA, which would have meant a considerable addition to the time 1 PARA would be away from Belfast, at a time when Belfast was the key to the whole of the Army's strategy.¹

¹ [Day 258/70-71](#)

9.304 The fact that 1 PARA did not know the ground over which any arrest operation would be likely to be conducted led in itself to some criticism of his choice of an outside force as opposed to local troops for this purpose. Our attention was drawn to the Standard Operating Procedures for riot control of the 1st Battalion, The King's Own Scottish Borderers, which provided that: *"It is generally better to use reinforcing troops to man the base line and use those soldiers with local knowledge of the area to carry out flanking movements."*¹

¹ [G24.187.20](#)

9.305 When asked about this General Ford commented that this was a battalion document dealing with how to deploy troops at a lower level within the battalion, not guidance to a Brigade Commander.¹ It is not clear to us why the advice for deploying troops within a battalion should differ at brigade level. However, as General Ford pointed out, 1 PARA would be operating in a very small area and would have time to carry out a reconnaissance.²

¹ [Day 254/17](#)

² [Day 254/19-20](#); [Day 258/73-74](#)

9.306 Colonel Jackson, the Commanding Officer of 1 R ANGLIAN, also expressed the view that his battalion's knowledge of the area equipped them better than 1 PARA for the role of an arrest force and enabled them to tell who were the rioters and who were merely onlookers:¹

"We had been there for nearly two years: we knew virtually every rock there was, every corner there was; we knew the people, we knew the citizens of Londonderry. We knew the hooligans we could not get after. So ipso facto the whole sort of pyramid of pros were on our side. We knew who to arrest, and that was the hooligans and not the people on the periphery of the crowds."

¹ [Day 285/21-22](#)

9.307 Other officers took a different view. Major INQ 2079, the Officer Commanding A Company 2 RGJ, who was at one of the Army barriers on Bloody Sunday, while acknowledging that his battalion would know the geography of the city, stated that:¹

“... knowing the geography or not is not a reason for not sending another battalion in. Going into virgin territory was something that we did often. I could see the argument that it was right for the resident battalions to stop the march rather than go in, and that 1 Para did not need to know the area for a scoop up operation. The Paras were fitter than us and on a scoop up operation were certainly as good as, if not better than, the resident battalions.”

¹ [C2079.3](#)

9.308 While the knowledge of the area of local troops seems to us to be a factor to take into account when deciding who should be used as the arrest force, we are not persuaded that this factor alone justifies criticism of General Ford's decision to use 1 PARA.

9.309 We are of the view that General Ford chose 1 PARA for a number of reasons, including but not limited to those that he gave. We do not accept that he chose this battalion simply because it was the 39th Infantry Brigade Reserve and so was available to him. He was unhappy with the attitude of the local commanders and felt that the time had come to step up the pressure against the local hooligans.¹ He knew the reputation of 1 PARA as a tough battalion and he believed that 1 PARA, if sent in as an arrest force, might be able to arrest a large number of hooligans and so deal with the hooligan problem. He hoped that 1 PARA would be able, by adopting “*controlled aggression*”, to demonstrate to the local troops the advantages of taking a more proactive stance. His memorandum of 10th January 1972 (to which we have referred above) in our view evidences his attitude at the time.

¹ [Day 256/2-5](#)

9.310 We believe that General Ford was keen for there to be an operation in which as many rioters as possible were arrested. He saw the march as providing an opportunity for such an arrest operation.

9.311 We consider that General Ford knew that 1 PARA had a reputation for using disproportionate force. He was aware of the allegations that members of 1 PARA had used unnecessary physical violence at Magilligan Strand. He knew or ought to have known that there was a risk that members of 1 PARA were more likely to use greater and excessive physical force on rioters, and also on innocent marchers who happened to be

caught up in any arrest operation, than were soldiers of the resident battalions. He knew or ought to have known that such conduct could only worsen the already bad relationship between the local people and the security forces, a relationship that the local battalions were striving to improve.

- 9.312** General Ford's choice of this battalion as the arrest force can fairly be criticised on these grounds. However, there is a significant difference between the use of disproportionate physical force in dealing with rioters and others, and the unjustified use of firearms by soldiers. We have found no evidence to suggest that General Ford believed, or had any reason to believe, that the use of 1 PARA might present a greater risk of death or serious injury to civilians by reason of unjustified gunfire than the use of any other battalion.

The differing approaches to dealing with the march

- 9.313** The Army plan to deal with the march that was to take place on 30th January 1972 differed in three significant respects from the plan drawn up by Colonel Steele for dealing with the march originally proposed for 16th January, for in the later plan:

- (i) The Army and not the RUC were to take the major role in the security forces' operation;
- (ii) There was express provision for an arrest operation, albeit one that was only to be launched in specified circumstances; and
- (iii) 1 PARA was given the role of an arrest force.

- 9.314** The march proposed for 16th January 1972 was predicted by 8th Infantry Brigade to be likely to attract 1,000–3,000 people.¹ By the time that Brigadier MacLellan came to give his orders for dealing with the 30th January march, it was estimated that 3,000–12,000 people might attend.² General Ford gave the increase in the predicted number of marchers as the reason for the change of Army plan:³

"It is a definite change of approach. But of course the size of this march, and the indications of the extent of the rioting that was likely to take place, dictated the fact that the Army would have to be in control from the start."

¹ [G49.302](#)

³ [Day 254/48](#)

² [G95.564](#)

9.315 In his written statement to this Inquiry, General Ford told us that:¹

“While I cannot remember the detail, it appears to be the case that the forecasts of the size of the later march and its potential repercussions for law and order in Londonderry were such that large numbers of troops would be required and military control would be necessary.”

¹ B1208.038

9.316 In his oral evidence to this Inquiry, General Ford was asked what he had had in mind when referring to these “*potential repercussions*”. He said that, by the time that he came to decide that the Army would be to the fore and that 1 PARA should act as an arrest force with potential to make 300–400 arrests, he had received from Chief Superintendent Lagan a report that there would be “*extensive repercussions*”. He said that he thought that he had also by this stage received intelligence reports that prophesied violence after the march.¹

¹ Day 254/48

9.317 General Ford was correct in his recollection that he had received Chief Superintendent Lagan’s warnings; they had been forwarded to him in Brigadier MacLellan’s signal of 24th January 1972. However, the Inquiry has not seen any evidence of an intelligence report warning of violence having been received by 25th January, when General Ford discussed his plans by telephone with Brigadier MacLellan.

9.318 General Ford was asked further questions on this topic:¹

“Q. Was part of the thinking that on this occasion, that is to say 30th January, there would in all probability be a lot of hooligans, and also a large number of troops, so that this was an opportunity to arrest them that was not to be missed?

A. It was an opportunity to arrest them. And I also recall there was that message saying that it was very likely that, in the day, they would be determined to break right through to the Guildhall. And that was something which was very uppermost in my mind, because I foresaw not only violence against the barriers, but also, when the march was over, and all the speeches were over, and the last speakers like Bernadette Devlin had raised the temperature, I foresaw the DYH being reinforced by quite a number of the locals who sympathised with them anyway – a proportion who did – and all of them making for the troop positions.

Q. Why did you think that was going to happen, as opposed to the march tailing off, people going, listening to speeches that might or might not be very interesting, and then everything dying down?

A. Because we had an intelligence report, which is quoted in one of these documents, saying that they were determined to get to the Guildhall. Was it not to avenge Magilligan, or something like that? I am afraid, I am sorry, that I do not have the quotation.”

¹ [Day 254/49-50](#)

9.319 General Ford was then shown a signal, sent by David to Brigadier MacLellan on 27th January 1972, in which David passed on information from a source, in fact Observer C, who had suggested that the marchers on 30th January would want to take revenge for events at Magilligan and that they would seek to reach the Guildhall.¹ We deal in more detail below with this signal, which purported to record information received by Observer C on 26th January.

¹ [G81A.511.5](#)

9.320 In his evidence, General Ford said that the signal of 27th January 1972 must have been the one of which he was thinking. Since this signal was received after he had made his initial decision that the Army should take the lead and that 1 PARA should act as an arrest force, General Ford must be mistaken in his recollection that he had seen the signal before making his decision. The information contained in the signal may well have confirmed a belief that he already held. The information available to us suggests that Brigadier MacLellan’s signal was the only document containing specific warnings about violence at or after the march that General Ford had to hand when he first instructed Brigadier MacLellan about his requirements for the Army’s handling of the march. He would, though, have had access to the HQNI IntSum of 13th January 1972, which suggested that the march would present “*serious security problems*”.¹

¹ [G55.339](#)

9.321 It was suggested to General Ford on behalf of some of the families that his own aide-de-camp thought that the parade was to be stopped:¹

“... simply because your view was it was a challenge to the Security Forces, not because of any public order considerations; not because of any genuine policing considerations; that it was, quite simply, a challenge which had to be met.”

¹ [Day 259/7](#)

9.322 General Ford did not accept this suggestion and stated that this was not his view. His evidence was that the march was to be stopped:¹

“... on the grounds that it was an illegal march and orders had been issued saying that it was, like all the other marches.”

¹ [Day 259/7](#)

9.323 We accept General Ford’s evidence in this respect. He issued the order that the march was to be stopped. However, he gave that order because he had to do so; the decisions made by politicians gave him no real choice.

9.324 We also find that there was nothing wrong or sinister in the decision that the Army, and not the RUC, should take the leading role in dealing with the march. The increase in the numbers expected to march made such a decision a reasonable one. The RUC had limited resources and was placed in charge of policing the (smaller) march that was expected to start from Shantallow. Our view is strengthened by the fact that there is no evidence to indicate that Chief Superintendent Lagan thought that it was wrong to put the Army in control of the main march.

9.325 It was suggested to us on behalf of some of the families that General Ford conceived the Army plan for the 30th January march without seeking “*to minimise the risk of the use of lethal force by the security forces, and [that he] created the circumstances in which lethal force was more likely to be used against unarmed civilians*”.¹

¹ [FS1.700](#)

9.326 There can be no doubt that General Ford was unhappy with the security situation in Londonderry and with what he saw as the Army’s passive role there. His memorandum of 10th January 1972 confirms that he held these views. However, to our minds the submission assumes that what in fact happened on 30th January was something that should have been foreseen by General Ford, at least as a possibility, if the march was stopped or an attempt was made to arrest rioters.

9.327 We consider in due course and in detail what in fact happened on the day, but without using hindsight, we find difficulty in seeing how a plan to stop the march led to an increased risk of the use of lethal force, or how it failed to minimise the risk of use of such force against unarmed civilians. Marches had been stopped before without the use of lethal force by the security forces. It was reasonable for General Ford to take the view that the march, if allowed to continue, would be likely to lead to the wrecking of another

Protestant part of the city, and especially the city commercial centre; and that such destruction would cause further harm to the way of life in Londonderry, would inflame Protestants and would show that law and order had broken down. It must also be borne in mind that the decision to stop the march was primarily one made by politicians, and not the responsibility of General Ford.

- 9.328** As to an arrest operation, the purpose was to disrupt the “Derry Young Hooligans” and thus reduce the incidence of their damaging activities. It is true that the implementation of an arrest operation might have increased the risk of republican paramilitaries targeting soldiers; and that if paramilitaries opened fire, there was inevitably a risk that soldiers might respond and that innocent civilians might be caught in the crossfire. However, such a risk could have been avoided only by not making any attempt at all to arrest rioters. Leaving aside the benefits of hindsight and the form the arrest operation eventually took, we are not persuaded that General Ford can be fairly criticised merely on the basis that he should not have ordered any arrest operation.

Meeting at the Ministry of Defence on 26th January 1972 and Anthony Stephens’ submission

- 9.329** On the morning of 26th January 1972, one of the regular morning meetings known as “the PUS’s (Permanent Under Secretary’s) morning meetings” took place at the MoD. The meeting on 26th January was attended by senior MoD officials, by a representative of the Home Office and by a representative of the Foreign and Commonwealth Office. At the meeting, those present noted:¹

“The proposed Creggan march at the weekend posed difficult problems. It would be important to consider carefully both the PR aspects of not attempting to break-up the march in ‘no go’ areas, and also the possibility of adopting some summary procedure for dealing with those involved in the illegal march rather than the long drawn out procedure which had been used in connection with the Christmas and recent NICRA marches.”

¹ [G75DA.462.5.1](#)

- 9.330** It was agreed outside the meeting that there should be a discussion that day between the MoD and the Home Office with a view to ensuring that the opinions expressed at the meeting should be made known to the GOC and the United Kingdom Representative

before the JSC met on 27th January. The GOC and United Kingdom Representative were to be asked to ensure that the JSC gave full consideration to the points made at the Permanent Under Secretary's meeting.¹

¹ [G75DA.462.5.1-2](#)

9.331 Later that day Anthony Stephens, the head of DS10, prepared a submission entitled "Proposed March in Londonderry" for Lord Carrington; the submission was also copied to others in the department.¹ In that submission Anthony Stephens set out for the benefit of members of the Northern Ireland Policy Group the line that the GOC and United Kingdom Representative intended to take at the JSC meeting. The submission was intended to reach members of the Group before their own meeting, and that of GEN 47, both of which were to take place on the following day.

¹ [G74.457-458](#)

9.332 In his submission, Anthony Stephens reported that the GOC considered that the first feasible point at which the Londonderry march could be halted was in William Street, just after it had left what were described in the notes as "*the Catholic enclaves*".¹ He pointed out that the organisers expected that the marchers would enjoy immunity so long as they remained in the Catholic estates and would ensure that television crews were present to record the apparent fact of the ban on marches being successfully defied.² The submission also contained the following observations:³

"4. While we acknowledge privately that the Bogside and Creggan come close to being No-Go areas at present, we certainly do not want to advertise the fact. We are thus faced with the difficulty of justifying a policy of not attempting to halt the marchers within those estates, while avoiding giving credence to the idea of their being No-Go areas. The view of the GOC and UK Rep, which is shared in MoD and Home Office, is that the right line to take is to say that the purpose of the security forces is to prevent the march from achieving its intended object and to bring its organisers to book. The march will be halted and prevented from continuing: it is entirely a matter for the judgment of the security forces to decide at what point to halt it...

6. Leaving aside the special problem of Londonderry, the Protestant community can be expected to remain highly critical if there are not immediate indications that at least some of the marchers will be prosecuted – in contrast with the delay which has followed the recent marches. There might therefore be some advantage in trying to arrest some of the marchers on Sunday and bringing them before a court within 24 hours.

7. The GOC and UK Rep consider, and the Home Office and MoD are inclined to agree, that it would however be unwise to attempt to arrest any prominent political figures who happen to be in the van of the march, since this would be quite likely to precipitate really serious rioting. For such people, the only feasible course remains to take out summonses as soon as possible afterwards. It might be difficult then to arrest others among the marchers, while ignoring the leaders. However, there would be no objection to arresting anyone on the fringe of the march who was causing trouble; and it seems only too likely that, once the march is brought to a halt, there will then be at least some hooliganism. The GOC therefore has in mind to attempt to arrest a fair number of such hooligans and to arrange for a special court sitting on Monday morning, before which they can be brought.”

¹ [G74.457](#)

³ [G74.457-458](#)

² [G74.457](#)

9.333 Anthony Stephens prefaced his submission with the observation that: *“It is primarily up to the Joint Security Committee in Northern Ireland to decide on the tactics which the security forces should adopt for dealing with this march ... However, we agreed this morning that it would be helpful for members of the [MoD’s] Northern Ireland Policy Group to be aware ... of the line which the GOC and UK Rep propose to take at the JSC meeting.”* The role and function of the JSC, and the relationship of this body with the security forces and the wider administrations in Stormont and Westminster, are discussed elsewhere in this report.¹

¹ [Paragraphs 8.16–18](#)

9.334 On the same day, and in addition to the submission discussed above, Anthony Stephens produced a Current Situation Report that was circulated to ministers and officials in the MoD and other departments, including the Cabinet Office.¹ In addition to listing incidents and developments that had occurred in Northern Ireland over the previous 24 hours (which included five shooting incidents in Londonderry and updates and reports on a number of fatalities and casualties elsewhere), the report discussed the planned march in Londonderry in the following terms:

“A further anti-internment march – which is likely to be the largest since they were commenced at Christmas – is planned for Londonderry next Sunday. The intention obviously is for the marchers to form up first within the Bogside and Creggan estates and to march for some distance within those areas, before emerging at a point where it will be feasible for the security forces to prevent them from continuing. It seems certain that television crews will be invited to record the early stages – and that Protestant reaction to the spectacle of a march apparently taking place unhindered will be strong. Preparatory thought is therefore being given to the public relations aspect of this event.

The choice of tactics for actually dealing with the march is essentially a matter for the Joint Security Committee – which is due to meet as usual on Thursday morning, 27 January. The Ministry of Defence and the Home Office are in touch respectively with the GOC and UK Rep about the line which they will be taking at that meeting.”

¹ [G73.454-456](#)

² [G73.456](#)

8th Infantry Brigade’s outline plan for 30th January 1972

9.335 8th Infantry Brigade’s outline plan for dealing with the march, together with a marked map, was forwarded to HQNI, arriving in time for General Ford to receive it by 0830 hours on 26th January 1972. This plan and the map have not survived. Colonel Steele, who drafted the plan, told this Inquiry that he thought that it would have identified the containment lines and also shown the force levels that were to be present.¹ General Ford considered the plan on the morning of 26th January and ordered Brigadier MacLellan to come to HQNI that afternoon in order to discuss the plan.

¹ [Day 268/68-69](#)

9.336 Those representing some of the families submitted to us that the outline plan must have contained no provision for an arrest operation.¹ The evidence on which they relied in support of that assertion came from the written statement of Colonel Steele to this Inquiry.

¹ [FS1.721](#)

9.337 The relevant part of that statement is as follows:¹

“At the meeting, Brigadier MacLellan outlined how he proposed to contain the NICRA march with the force levels available to 8 Brigade. In essence, Brigadier MacLellan’s plan was to observe the march and contain it. I recall the CLF expressing a view at the meeting that this was an opportunity to arrest any hooligan element. Brigadier

MacLellan and I expected there to be hooligans present, and that therefore there would be violence. Accordingly, the CLF said that if the hooligans were going to be there he would allot us 1 PARA to carry out an arrest operation, and the CLF thought that this was a chance for a major scoop up operation. I did not question his stated ambition for a major scoop up operation of 300 to 400 hooligans, nor can I recall whether Brigadier MacLellan did. Afterwards, on further reflection, we both agreed that we would not use a specific figure of arrests in the Operation Order...”

¹ [B1315.003](#)

9.338 This paragraph could be read as suggesting that the outline plan envisaged the use of 8th Infantry Brigade’s existing forces and did not contemplate an arrest operation on any scale. It is not entirely clear. However, in his oral evidence to this Inquiry, Colonel Steele said that he must have been aware, when drafting his outline plan, of the contents of Brigadier MacLellan’s note of his telephone conversation with General Ford on the morning of 25th January.¹ That note made it clear that an arrest operation was contemplated and also identified the additional troops whom the CLF proposed at that stage to make available to 8th Infantry Brigade on 30th January. It seems likely that the outline plan did in fact contemplate an arrest operation. In any event, it is clear that at the meeting General Ford required Brigadier MacLellan to plan for such an operation.

¹ [Day 266/42-3](#)

The meeting of the Director of Operations Committee

9.339 A meeting of the Director of Operations Committee took place at 1000 hours on 26th January 1972. The distribution list at the end of the minutes identifies those who attended.¹ They included General Tuzo, General Ford, the Chief of Staff (Brigadier Tickell), the Director of Intelligence (David), the United Kingdom Representative (Howard Smith), the Chief Constable (Sir Graham Shillington) and the Head of RUC Special Branch (Assistant Chief Constable David Johnston).

¹ [Day 275/91](#)

9.340 Under “*Forthcoming Events*” the minutes recorded:¹

“5. NICRA March Londonderry – 30 Jan. Head of SB said that NICRA plans two marches; one from the Creggan to the Guildhall and the other from Shantallow to the Guildhall. The organisers are holding a further meeting on Thu 27 Jan to plan final arrangements and any further developments would be passed immediately to 8 Bde.

Three courses open to the Security Forces for the main march were then considered. These are:

- a. To stop the march at its start point inside the Creggan.
- b. To stop the march leaving the Bogside/Creggan area.
- c. To stop the march short of the Guildhall.

6. After discussing the implications of each course it was agreed that the second course would be adopted, namely that the marchers would be prevented from leaving the Bogside and Creggan, and that barriers would be placed up to 200 yards inside these areas. It is hoped that speakers, particularly Lord Brockway, would not join the marchers; UK Govt Rep undertook to advise [sic] Lord Brockway accordingly.

7. The second march from Shantallow would be stopped near its starting point.

8. It was agreed that the Army would control the main march with RUC assistance, and that the RUC would deal with the second march, with military support if needed.

9. The Committee noted that there is a prospect of two or three days of unrest in the city if major confrontations take place on Sunday.”

¹ [G75.459-460](#)

9.341 It is difficult to tell from the minutes the distinction that was being drawn between Courses (b) and (c). There is no record to identify the location “*short of the Guildhall*” that the Committee members might have considered a suitable place at which to stop the march. The reference under Course (b) to the barriers being placed up to 200 yards inside the Bogside and the Creggan suggests that the Committee contemplated at that time that the marchers would not be permitted to reach William Street. However, the plan devised by 8th Infantry Brigade, which must have been in purported compliance with the Committee’s decision to adopt Course (b), did not involve the placing of barriers within the Bogside but instead permitted the marchers to proceed along William Street and to reach a point fairly close to the Guildhall.

9.342 It seems likely that the committee members did not in fact discuss the routes or the location of barriers in great depth. It was not the role of this committee to determine matters of operational detail. The then Secretary of the Committee, Major INQ 1869, told this Inquiry that the purpose of the Director of Operations Committee meetings was “*to decide the respective roles of the RUC and the army*”. In the same paragraph, he continued:¹

“It was a question of matching resources to suit the operational issues and problems faced at any one particular time ... There would have been no discussion of which Regiments should be used by the army. This was an issue for CLF to determine. Nor would details of any proposed arrest operation have been discussed. Neither of these issues of relative detail would have warranted discussion at this senior level.”

¹ [C1869.3](#)

9.343 In his oral evidence, Major INQ 1869 confirmed that the placing of barriers was a matter of detail that the committee would not have discussed.¹ However, he also appeared to accept that plans for an arrest operation on the scale contemplated should have been put forward at the meeting. He was certain that the operation was not mentioned.² He rejected the suggestion that a reason for the failure of General Tuzo or General Ford to mention the planned arrest operation was that they wanted to conceal it from the RUC.³ If neither of the Generals did mention the arrest operation, we do not accept that this was by way of deliberate concealment, because we can see no reason for the operation to be concealed from the RUC or from anyone else present at the meeting.

¹ [Day 275/61](#)

³ [Day 275/92](#)

² [Day 275/93-94](#)

9.344 The minutes do not record there having been any reference to the receipt of intelligence about the republican paramilitaries' plans for the march. The Tribunal is aware of information about these plans that the Security Service officer Julian received from the agent Observer C on 26th January 1972. We refer to this in more detail below. The intelligence concerned the situation as Observer C reported it to be at midday on 26th January – after the meeting had started and possibly after it had finished. It was not until the evening of 26th January that Julian passed on orally to David the information that he had been given.¹ It seems to us that the intelligence cannot have reached the members of the Director of Operations Committee while the meeting was still in progress. It is impossible to tell whether the committee was in possession of any other relevant intelligence at that time, since the report by David to the committee under the heading “*Intelligence Review*” was not minuted.

¹ [KJ4.69; G81A.511.2](#)

9.345 In his statement to this Inquiry, Chief Constable Sir Graham Shillington said that Chief Superintendent Lagan's views had been taken into account at the Director of Operations Committee meeting.¹ There is no express reference in the minutes to the advice of Chief Superintendent Lagan but the meeting's decision to stop the march clearly amounted to a rejection of that advice.

¹ JS8.11

The meeting between Major General Ford and Brigadier MacLellan on 26th January 1972

9.346 On the afternoon of 26th January 1972 Brigadier MacLellan attended a meeting with General Ford, as the latter had required. Also present were Lieutenant Colonel INQ 1877, who was the General Staff Officer, Grade 1 – Operations (GSO1 Ops) at HQNI, Brigadier MacLellan and Colonel Steele, who made notes of the meeting.

9.347 Colonel Steele told this Inquiry that he used his notes that night in order to draft the Brigade Operation Order. He said that "*having incorporated into the operation order all the direction that had been given by the CLF*" he destroyed his notes.¹ No other note of the meeting was taken or survives. However, Colonel Steele later helped Brigadier MacLellan to draft the Brigadier's statement for the Widgery Inquiry. The first draft of that statement included a paragraph which set out the directions given by the CLF at the meeting on 26th January 1972. In his oral evidence to this Inquiry, Colonel Steele said that he thought that he had used the Operation Order itself in order to remind himself of the directions given and to draft the relevant paragraph.² A paragraph setting out the directions in essentially identical terms appears in General Ford's written statement for the Widgery Inquiry.³ All of the directions set out there are to be found in the Brigade Operation Order. We have no reason to doubt that the terms of these statements accurately reflect the directions given by General Ford at the meeting.

¹ Day 266/47

³ B1208.077

² Day 266/47

9.348 The relevant paragraph (taken from paragraph 8 of the first draft of the statement of Brigadier MacLellan) is as follows:¹

“8. My Brigade Major, Lieutenant Colonel MCM [Michael] Steele, accompanied me to this meeting at which the Commander Land Forces directed that:

- a. The containment of the Creggan March would be a Military Operation with the RUC in support, and the military in command at all levels.
- b. The dispersal of illegal marches in other parts of the City, and the control of the actual Meeting Point, in Shipquay Place, would be an RUC responsibility with the Military in support.
- c. Any action required to deal with an organised protest sit-down would be an RUC responsibility, and that troops would not be used to disperse such a protest.
- d. The event was to be handled in as low a key as possible, and for as long as possible. To this end:
 - (1) Troops were to take no action against the Marchers until either an attempt was made to breach the blocking points, or violence erupted, in the form of stone, bottle and nail bomb attacks against the Security Forces.
 - (2) CS gas was NOT to be used throughout the event, except as a last resort, and only if troops were about to be over-run, and the rioters could no longer be held off with baton rounds and water cannon.
 - (3) Ringleaders of the March need not necessarily be arrested on the spot, but should be identified and arrested at a later stage.
 - (4) If the March took place entirely in the Bogside and Creggan it was to be permitted to continue unchallenged.
 - (5) Blocking points should be emplaced as late as possible before the arrival of a March contingent to allow normal traffic to flow until the last possible moment.
- e. Once the blocking points had been emplaced no Marchers were to be allowed to proceed through them, except in cases of genuine emergency.

f. The hooligan element was not to be permitted to damage Business, Shopping and Protestant areas of Londonderry. To this end he directed that Tactical Headquarters and 3 Companies of the 1st Parachute Regiment should be held centrally behind the blocking points in the William Street area, and if an opportunity arose, launched in a scoop-up operation to arrest as many rioters and hooligans as possible.

g. Blocking points were to be established as far forward as possible, to keep any violence in the Bogside and Creggan areas, and prevent it from overflowing into the Business and Shopping areas.

h. The maximum number of soldiers were to be 'in the shop window'. They were to be covered by deployment of Observation Posts and by a very large number of snipers, in the anti-sniper role. These Observation Posts and snipers were to be deployed to every possible vantage point...

j. A full photographic record was to be made of the event, including cine colour photography from a helicopter. The developed and printed films were to be delivered to Headquarters Northern Ireland by 1800 hours on 30th January.

k. Finally the Commander Land Forces allocated me additional troops:

(1) 1 KINGS OWN BORDER

(2) 3 RRF (of two companies, and to be used as a Brigade Mobile Reserve).

(3) 1 PARA (three companies of which were to be used as a Brigade Arrest Force)."

¹ [B1279.015–017](#)

9.349 At the meeting General Ford approved Brigadier MacLellan's plan and instructed him to prepare a Brigade order in accordance with it.¹

¹ [WT10.9](#)

9.350 In a draft statement for the Widgery Inquiry, General Ford recorded:¹

“12. During the course of this meeting I gave the directions verbally to the Brigade Commander as to matters required to be included in his Operations Order.

13. In considering the instructions which I gave to Commander 8 Brigade, who was responsible for the planning and implementation of the operation and who therefore prepared the detailed plan, I considered the following factors:

- a. The likely strength of the marchers, their probable routes, and their intentions.
- b. The threat from the gunmen and the hooligans.
- c. The task given to me [by the Director of Operations Committee] to prevent the march from leaving the Bogside and Creggan.
- d. The requirement for identifying and if possible arresting those marching illegally and the possible arrest of any hooligan element.

14. In the two weeks prior to the march, the IRA had been particularly active within the City and 319 shots were fired on the Security Forces in 80 separate incidents and a total of 84 nail bombs were thrown at them. Security Force casualties during this period were two killed and three wounded. Two features of the IRA tactics in these attacks were the deliberate use of crowd cover (demonstrators or the general public in shopping areas) and the use of the hooligan elements in creating suitable opportunities for attacks against the Security Forces. A reliable and detailed intelligence report received during the week preceding the march confirmed earlier reports by including the forecast that the IRA would be using the crowd and hooligan cover technique during the march on 30th January to provide opportunities for attacks on the Security Forces.

15. ... It was the threat from the youths [ie the hooligans] allied to their well known tactics of operating in conjunction with the gunmen and supported by the intelligence reports I had received that the IRA would be taking advantage of their presence, which were uppermost in my mind when formulating the plan for blocking the march.”

¹ B1142-1143

9.351 The Inquiry has not found any relevant intelligence report which was available to General Ford on 26th January 1972 and which warned of the risk that paramilitary republicans would take advantage of the presence of hooligans.

9.352 In his supplementary statement for the Widgery Inquiry, General Ford said:¹

“We normally have insufficient troops in Londonderry to launch a major arrest operation. Secondly, it is difficult to achieve surprise. Thirdly, on an average afternoon only 20 to 50 of the hooligans operate.

I anticipated that the hooligans would turn out in something approaching their full strength on this occasion. One of my anxieties was that after the inevitable emotional speeches the hooligans would be reinforced by a thousand or more of the marchers and would bear down on Waterloo Place with the aim of swamping our troops and causing extensive damage to the shopping centre. Such a major riot would have been difficult to counter ... I foresaw that if such an event happened the level of violence in Londonderry would be very high for anything up to three days after the march.

On the other hand, if an opportunity did occur before the end of the rally when the hooligans were separated from the main crowd and we could have arrested a large number of them, I hoped by this means we would have prevented a major escalation of violence later that evening.”

¹ [B1152-1153](#)

9.353 In his oral evidence to the Widgery Inquiry, General Ford added that he had been informed that there were 500 hooligans in Londonderry, of whom 250 were “*hardcore*”.¹

¹ [B1162](#)

9.354 Colonel Steele said that he could not now recall a discussion with General Ford about the General’s ambition to arrest 300–400 rioters but he had no doubt that such a discussion had taken place.¹ He said it had not been for him to tell General Ford that the numbers were unrealistic but that he and Brigadier MacLellan had agreed afterwards that they would not include these unachievable figures in the Operation Order.² It seems, though, that by this stage General Ford had come to realise that his initial figure was too ambitious; his evidence is that, as the march drew nearer, the figure was scaled down to a proposed figure that may have been as low as 80.³ He did not think that administrative arrangements to arrest 300–400 were put in place. General Ford did not say in his evidence when the numbers were reduced; he did not recall either his telephone call with Brigadier MacLellan or the meeting on 26th January 1972 and his memory on this topic was vague.⁴ Had he at the meeting spoken of a plan to arrest 300–400 then it seems to us that the Operation Order, drafted within hours of the meeting, would have had to deal with the arrangements necessary for the reception of over 300 prisoners. It should be noted at this point that Colonel Wilford was quoted in the *Times* on 1st February 1972 as

having said that the Army had hoped to arrest 200–300 but had only managed to catch 50–60.⁵ He was not, of course, at the meeting and it may be that Colonel Wilford had not been made aware that the figures had been revised downwards.

¹ [Day 268/1](#)

⁴ [Day 254/44](#); [Day 256/20](#)

² [B1315.003](#); [Day 268/1](#)

⁵ [L130](#)

³ [Day 254/45](#)

9.355 Colonel Steele's recollection was that he was able to demonstrate at the meeting on 26th January 1972 that the most efficient deployment of troops on 30th January lay, in essence, in each local company remaining in the area in which it was usually deployed. Some of these companies were outside the city of Londonderry and so were not available to be used to police the march. At the time, the Coldstream Guards and 22 Lt AD Regt were responsible for the city. 1 CG had only three companies in the city and was badly undermanned. Only one company of 2 RGJ and two of 1 R ANGLIAN were available to help in the city, the remaining companies of these battalions being deployed on other tasks in the county of Londonderry. According to Colonel Steele, Brigadier MacLellan asked General Ford at the meeting for six additional companies to be provided to 8th Infantry Brigade in order to deal with the march. General Ford agreed, and said that the Brigade would be given a battalion (consisting of four companies) of 1 KOB, who would support 1 CG, and two companies of the Royal Regiment of Fusiliers, who would act as a reserve. In addition, three companies of 1 PARA would be present to carry out any arrest operation. A further company of 1 PARA would be provided to act as an additional reserve.¹

¹ [Day 268/149-154](#)

9.356 Colonel Steele went on to say:¹

“... the reason why I have gone into all that in some detail ... is because this is the reason why 1 Royal Anglian and 2 RGJ were just not able to be able to do any other task than that given to them and, furthermore, that if there was to be an arrest operation, it made absolute sense that it should be done by one complete unit.”

¹ [Day 268/155](#)

9.357 He could not recall, though, whether the commitment of the local battalions to other tasks was a reason given during the course of the meeting for the selection of 1 PARA as the arrest force.¹ However, it should be borne in mind that General Ford had already ordered that 1 PARA should be the arrest force. Thus it was not open to Colonel Steele or

Brigadier MacLellan to give the arrest task to any other unit and so the availability of companies of the local battalions was irrelevant. There seems to us to have been no reason for a discussion at the meeting of their availability.

¹ [Day 266/47](#)

9.358 Colonel Steele's written evidence to this Inquiry was that there was no discussion at the meeting about the use of 1 PARA as an arrest force.¹ This is consistent with the recollection of Brigadier MacLellan who said:²

"I was given a direct order by General Ford to launch an arrest operation if the soldiers were attacked by the hooligans and he specifically allotted 1 PARA for the task. This was not a matter for debate and there was no discretion as far as I was concerned."

¹ [Day 266/46](#)

² [B1279.033](#)

9.359 General Ford, asked at this Inquiry to comment on this passage from Brigadier MacLellan's evidence, replied, "*I would agree with every word*".¹

¹ [Day 256/20](#)

9.360 Brigadier MacLellan thought that the term "*scoop-up*", which was not one that he would have used, was first used by General Ford in their telephone conversation on 25th January 1972.¹ Colonel Steele recalled General Ford using the term "*scoop-up*" to describe the task that he wanted 1 PARA to perform. It was not a term that the Brigade Major had previously heard, although he regarded it as self-explanatory. He said that there was no discussion at the meeting about the way in which 1 PARA would be expected to get around the back of the hooligans in order to arrest them.² He thought that, having been ordered to conduct an arrest operation and given the troops to do it, it was up to 8th Infantry Brigade to execute the CLF's direction and write the Operation Order.³

¹ [Day 261/55](#)

³ [Day 268/155](#)

² [Day 266/47-48](#)

9.361 Brigadier MacLellan also recalled that there was no discussion at the meeting about how the paratroopers would get behind the rioters: his view was that the Commanding Officer of 1 PARA was to be given a straightforward task of arresting as many hooligans as possible and that "*the actual details of the tactical plan ... were up to the commanding officer [of 1 PARA]*".¹

¹ [Day 261/54](#)

9.362 When he gave evidence to the Widgery Inquiry, General Ford was shown paragraph 9(f) of 8th Infantry Brigade's Operation Order for 30th January 1972,¹ which was drafted on 28th January and which stated that the arrest operation would be likely to take place on two axes, one in the area of William Street and Little Diamond and one in the area of William Street and Little James Street. (We consider this Operation Order below.) He was then questioned further about the plans that had existed on 26th January for the arrest operation:²

"Q. Was it envisaged on the 26th January that the scoop-up operation would involve troops going to the northern end of the Rossville Flats?

A. The northern end of the Rossville Flats was not specifically mentioned, but the principle, if you would like me – it was always intended that if an opportunity occurred the scoop-up operation would be such that someone would be able to get behind the hooligans. Otherwise there was no object in launching it.

Q. That is what my Lord would probably have expected. You wanted to get behind them and then trap them between the troops and the barricades?

A. That is correct.

Q. What I am asking you at the moment is in order to do that it was envisaged that the troops might advance some hundreds of yards into the Bogside?

A. In fact, there was no discussion at that meeting about the details of the scoop-up operation. It was a matter for the Brigade Commander.

Q. Does that answer, General, go also to such detailed matters as to how the people who were rioters should be distinguished from those who were not, apart from the fact that most of the peaceful march had proceeded beyond that area? Was there any discussion as to how there was to be a distinction between the rioters and people who were not rioters but who might have been left behind from the main body of the march?

A. No, there was no discussion except that there was mention of the fact that there must be a favourable opportunity to launch the operation.

Q. What in that context was regarded as a favourable opportunity?

A. Separation of the marchers from the hooligans.

Q. Those are the only two topics that were mentioned at your discussion with the Brigadier on this sibject [sic]?

A. In the arrest operation, yes.

Q. That answer also includes such detailed matters as to how arrest squads were to be armed and equipped?

A. Oh yes, definitely.”

¹ G95.570

² WT10.48-49

9.363 General Ford, when giving evidence to this Inquiry, had no recollection of the discussions at the meeting on 26th January 1972. We would be surprised if separation had been discussed in detail at the meeting and are not persuaded that it was. It seems to us that in the context of the meeting a “*favourable opportunity*” would have been one which permitted the troops to get behind the rioters in order to trap them; previous attempts at frontal assaults on rioters had proved futile. Those present at the meeting concentrated on the need for there to be such a favourable opportunity for arrests to be made. It follows that the evidence that General Ford gave to the Widgery Inquiry on this topic was inaccurate.

9.364 We do not criticise General Ford for not having given more detailed instructions to Brigadier MacLellan or for having failed to say in terms that any arrest operation should be so planned to ensure that only rioters, and not peaceful marchers, were caught. It was for 8th Infantry Brigade, having been given the task of dealing with the march and, if necessary, for making arrests, to create an adequate and detailed plan for doing so.

Information received from Observer C on 26th January 1972

9.365 Reference has been made above to the information provided by Observer C on 26th January 1972. The intelligence that he provided is recorded in two file notes, one made by Julian and the second by his colleague, James.

9.366 The relevant part of Julian’s note is as follows:¹

“NOTE FOR FILE

I saw [Observer C] at [Observer D’s] house on 26th January. Apart from the intelligence in the note for file at serial [...] he also gave me the following, which was passed by me verbally to David [...] that evening.

2. Plans for the march were as follows:-

Form up point was to be at Bishopsfield by the roundabout near St. Mary's Church down Eastway and Westland St., Rossville St., and William St., Waterloo Pl. and then to the Guildhall. The marchers would prefer, however, after leaving Eastway to proceed via Lonemoor Rd, Infirmary Road down Gt. James St. to Waterloo Place as this route took in a greater [number] of Flashpoints, including the R.U.C. station in Strand Rd. The marchers were expecting to meet security forces road blocks and had made plans for alternative routes if necessary. They were also prepared to cause diversions to draw troops from the main route, using their hooligan element. These diversions were probably taking place in the Brandywell area.

3. Speakers at the Guildhall were expected to be Lord Brockway who was not, himself, marching; Bernadette DEVLIN; Eamon McCANN; John HUME; Frank McManus."

¹ [KJ4.71](#)

9.367 The note is dated 31st January 1972.

9.368 The additional file note to which Julian referred in the first paragraph of his note was also dated 31st January 1972 and was signed by Julian's colleague, James. This note was in the following terms:¹

"NOTE FOR FILE

On Monday 31st January at about 9.45 a.m. David [...] phoned and asked me to pass over, within half an hour, the gist of the intelligence we had given to him verbally during the previous week when Julian [...] was in Northern Ireland and in touch with [Observer C].

2. Accordingly I phoned Brigadier LEWIS ... who was not available, but passed the following message to his Staff Officer:-

'A reliable source, [...] reported on 26th January that the organisers of this Londonderry march on 30th January were planning their route to pass the maximum number of flashpoints and had prepared alternative routes as they knew they would be stopped by the security forces. It was believed that the marchers would be armed with stones and bottles and that the I.R.A. would use the crowd as cover for sniping attacks on the security forces. The organisers were determined to have their revenge for Magilligan, which they regarded as

a humiliating defeat. Also that the hooligan element would be used to create diversions and draw the troops away from the main route.'

3. The above message was passed to M.O.D. at approx. 10.10 a.m. on 31st January 1972."

¹ KJ4.74

- 9.369** Brigadier Lewis was a member of the Defence Intelligence Staff at the MoD in London.
- 9.370** The information attributed to Observer C in these file notes of James and Julian is reproduced in a signal, which David sent to Brigadier MacLellan on the morning of 27th January 1972. We deal with that signal in more detail below. There is one minor discrepancy in that James's file note referred to the marchers being armed with "*stones and bottles*" and the signal suggested that they would be armed with "*sticks and stones*". In our view this slight inaccuracy in reporting Observer C's information is insignificant.
- 9.371** We accept that Observer C provided information to Julian on 26th January 1972 and that the two file notes reflect accurately the information that he provided. We are satisfied that Observer C was a reliable agent. We have no reason to believe that Julian did anything other than pass on information with which he had been provided. At that time, neither Observer C nor anyone within the Security Service would have expected Observer C's information ever to become public. We do not believe that Observer C had any reason to lie or that any Security Service officer had any reason to fabricate these file notes.
- 9.372** We do not know how or from whom Observer C obtained any of the information that he relayed to Julian. As it turned out, there were elements of truth in the information provided by Observer C. We know that some marchers were indeed armed with sticks and stones. We accept that Observer C received this information and have no reason to believe that he did anything other than pass it on in good faith. We deal in the course of this report in more detail with the plans of the organisers of the march, of the paramilitary republicans and of the hooligan element. Suffice it to say at this stage that, although aspects of Observer C's report proved to be accurate, others did not.
- 9.373** Observers C and D both died before their relevance to this Inquiry became known and so could not be questioned. In reaching our findings concerning the information provided by Observer C, we have taken into account the evidence to this Inquiry of Julian, who, as Observer C's handler, gave evidence to us about the reliability and access to information of this agent. Julian's evidence was:¹

“My recollection, which I have confirmed by reviewing Observer C’s agent file, is that he was a very reliable agent. The source report file shows that, by July 1970, Observer C was described as reliable ie his reporting had been substantiated by other intelligence or borne out by events ... In the weeks prior to Bloody Sunday, he produced a series of reports about attitudes among the Republican community in Londonderry to the Army and to the IRA; plans for civil unrest and the IRA’s activities locally. While he was not a member of the IRA and therefore did not have direct access to its decision making, Observer C was a very accurate observer of events around him and was a member of community groups such as the Londonderry Tenants Association. He was thus well placed to report on reactions to British Government policy in Northern Ireland and on plans for protest marches, demonstrations etc.”

¹ [KJ4.32](#)

9.374 In addition, we have considered material that was provided to us by the Security Service, that we have not been able to make public and that concerns the background, reliability and access to information of Observers C and D. This includes information that assisted us in assessing the extent of the access that Observer C had to republican paramilitaries in Londonderry and therefore the extent to which he was able to obtain reliable information about their plans. In order to protect the lives of others, we cannot provide to the public further details of the material that we have considered.

9.375 It was submitted to us on behalf of some of the families that it is curious that the file notes setting out Observer C’s information were themselves drafted after Bloody Sunday.¹ We see nothing sinister in this. Julian explained that the notes were compiled when it was safe and convenient for this to be done. There seems to us to be no reason to suspect that these documents were manufactured dishonestly; they were not used publicly in the aftermath of Bloody Sunday to justify the Army’s conduct on the day.

¹ [FS1.801](#)

9.376 It was further suggested to us that Julian lied to this Inquiry in saying that he had forgotten, until reminded during the course of the Inquiry, about the existence of Observer C.¹ We reject this suggestion. Many years have passed since Julian dealt with Observer C. We understand that it was he who during the course of this Inquiry reminded

members of the Security Service about Observer C, having recalled the existence of the agent. Such conduct is inconsistent with any wish to conceal his knowledge of Observer C.

¹ FS1.801

- 9.377** As we have already noted, it was during the night of 26/27th January 1972 that Colonel Steele drafted the Operation Order for the 30th January march. His draft was ready for the morning meeting of 8th Infantry Brigade staff officers, which commenced at 0830 hours on 27th January. The information provided by Observer C on 26th January was not available to Colonel Steele when he drafted the order, as 8th Infantry Brigade did not receive it until 27th January.

The signal sent by David on 27th January 1972

- 9.378** At 1010 hours on 27th January 1972, David sent a signal to Brigadier MacLellan, which contained a summary of the intelligence provided by Observer C on the previous day. David copied the signal to Assistant Chief Constable Johnston, saying that the signal was based on information that had come from London and explaining that he had first sent the signal to Brigadier MacLellan as the Brigadier was having a planning meeting that morning.¹ Julian explained to this Inquiry that the reference to the information having come from London indicated that he, Julian, had returned to London by the time that the information was transmitted in writing, or that he had sent the information to James who was at that time in London, or simply that the information was regarded as having come from London because Julian was London-based, even though he may have been in Northern Ireland at the time.²

¹ G81A.511.1

² Day 326/59-61

- 9.379** The relevant part of the signal is as follows:¹

“Following is personal for Commander from Director of Intelligence:

One. The source known to you has provided the following information about plans for the march on 30 Jan as at about noon on 26 Jan. We believe that there is to be a further planning meeting and you should regard the information in this signal as tentative.

Two. The meeting is to form up at Bishops Field and to proceed via the roundabout in St Mary's Church and east way. The organisers expect that it will be stopped and ... have alternative routes from there on, the preferred one being Lonemoor Road/ Infirmary Road/Great James's Street and thence to the Guildhall through Waterloo Place. The route passes the maximum number of flashpoints. If prevented from following that route, the alternative is Westland Street and Rossville Street.

Three. The organisers are considering a possible diversion in the Brandywell area using young hooligans whom they would prefer out of the way of the March.

Four. Source believes that the marchers will be armed with sticks and stones and he expects that the IRA will use the crowd as cover. The organisers are determined to have their revenge to what they regard as a humiliating defeat at Magilligan where they found themselves with nothing more lethal than sand to throw. They are determined to get to the Guildhall come what may.

Five. Speakers will include Bernadette Devlin, Eamon McCann, John Hume and Frank McManus. Lord Brockway is also likely to speak but it is understood he will not take part in the march. From this, it seems possible that the nucleus of the meeting will form up in Guildhall Square independently of the march."

¹ [G81A.511.2-3](#); [G81A.511.5](#)

9.380 The intelligence set out in the signal is clearly that supplied to Julian by Observer C on the previous day. The majority of the information provided by Observer C concerns the plans of the organisers of the march. The information of greatest interest to the Inquiry, however, is Observer C's report that he expected the IRA to use the crowd as cover.

9.381 Julian, in evidence to this Inquiry, could not remember whether Observer C had ever mentioned the basis of his belief that the IRA would use the crowd in this way. Julian was able only to say:¹

"I should think [the belief] was one of either Observer C himself or one of his subsources or general feeling within the population, I do not know."

¹ [Day 325/70](#)

9.382 Colonel Steele and Brigadier MacLellan, in evidence to this Inquiry, said that they did not recall seeing the signal, although Brigadier MacLellan accepted that he must have received it.¹ Colonel Steele told us that he was surprised to see in the signal the reference to marchers being armed with sticks and stones, since he had been told that the marchers would be orderly and peaceful.²

¹ [Day 261/64-65](#)

² [Day 266/76](#)

9.383 The information contained in the signal does not appear to have caused any change of plan at 8th Infantry Brigade. The Operation Order for the march on 30th January 1972 (which we consider in more detail below) included, under the heading “*Background*”:¹

“f. We expect a hooligan element to accompany the marches, and anticipate an intensification of the normal level of hooliganism and rioting during and after the march. Almost certainly snipers, petrol bombers and nail bombers will support the rioters.

g. Bombers may intensify their efforts to destroy Business and Shopping premises in the City Centre during the event, while the attention of the Security Forces is directed towards the containment of the march.”

¹ [G95.565](#)

9.384 In the same document, the following “*threat*” was identified:

“b. IRA terrorist activity, to take advantage of the event, to conduct shooting attacks against the Security Forces, and bombing attacks against Business, Shopping and Commercial premises in the City Centre.”

9.385 The Operation Order was drafted before receipt of the signal. There is nothing to suggest that there was any amendment to the Operation Order following the arrival of the signal. In our view the paragraph in the Operation Order referring to IRA terrorist activity as one of the threats faced by the Security Forces was drafted before the signal was received and was not added later as a result of it. The risk of attack from either or both the Provisional and the Official IRA and the likelihood of hooligan activity were clearly matters that the security forces were bound to take into account, bearing in mind the security situation at the time.

- 9.386** Brigadier MacLellan, in his oral evidence to this Inquiry, referred to the warning, contained in the signal, that:¹

“Source believes that the marchers will be armed with sticks and stones and he expects that the IRA will use the crowd as cover. The organisers are determined to have their revenge to what they regard as a humiliating defeat at Magilligan ... they are determined to get to the Guildhall...”

¹ [Day 261/66](#)

He added that it told 8th Infantry Brigade nothing that the officers either did not already know or had not anticipated as a possibility. We accept that this was the case.

- 9.387** It does appear that the signal provided one new piece of information on which 8th Infantry Brigade acted. As will have been seen, the signal contained the warning:¹

“The organisers are considering a possible diversion in the Brandywell area using young hooligans whom they would prefer out of the way of the March.”

¹ [Day 261/70](#)

- 9.388** In Brigadier MacLellan’s notes for the co-ordinating conference, which he held with the battalion commanders on the following day (28th January 1972), there is a reference to intelligence having been received of a threat to the Brandywell.¹ It seems clear that the Army’s knowledge of potential trouble in the Brandywell area came from the signal sent by David to Brigadier MacLellan on 27th January. Colonel Steele in his oral evidence to this Inquiry accepted that this was the case.²

¹ [G88.538](#)

² [Day 266/77](#)

- 9.389** The signal is recorded as having been sent by David to Assistant Chief Constable Johnston, and to Brigadier MacLellan. A manuscript annotation on the covering letter indicates that the letter was also seen by the Chief Constable, the Assistant Chief Constable (Operations) and by Detective Chief Inspector Samuel Donnelly, Head of RUC Special Branch in Londonderry.¹ Detective Chief Inspector Donnelly told this Inquiry that he had no recollection of having seen or read the signal.² In his written statement to this Inquiry, Chief Superintendent Lagan told us:³

“I had heard prior to Bloody Sunday from information that originated from the army that the IRA would be present in the Bogside on Bloody Sunday to do the usual (i.e. to use guns) ... Following assessment, I did not put any particular weight on this intelligence.”

¹ G81A.511.1

³ JL1.6-7

² Day 423/5

9.390 It seems likely that Chief Superintendent Lagan was referring to the information contained in the signal. However, by the time that the signal came to the notice of this Inquiry he was too ill to be shown it or to be asked further questions. We were unable to ask Sir Graham Shillington (the then Chief Constable), Assistant Chief Constable Corbett or Assistant Chief Constable Johnston for their recollections because each had either died or become too ill to be asked by the time that the Inquiry obtained the signal. Colonel Wilford did not recall having seen the signal or having been informed of its contents.¹

¹ Day 312/10-12

9.391 David, in his written evidence to this Inquiry, stated that he could remember nothing about the signal.¹ In his oral evidence, he said that he did recollect the intelligence contained in the signal.² It seems to us that David might have been confused when giving this answer. It is inconsistent with the rest of his written and oral evidence. In his oral evidence³ he appeared to know nothing about the origin of the information or how he came to compile the signal.

¹ KD2.4

³ Day 330/76

² Day 330/24

9.392 Despite our inability to question all known recipients of the signal, it seems to us from all the other evidence that the senior Army and police officers responsible for dealing with the march did not regard the signal as providing them with information of great value. It did not cause the security forces to change their tactics for the day and was not sufficiently memorable for its recipients, or even its sender, to recall it many years later.

9.393 Only one copy of the signal has been located. It was in microfilm form and was found in 2002 within the archives of the Police Service of Northern Ireland when a check was being made to ensure that all relevant information had been brought to the attention of this Inquiry. The signal was on a microfilm that had been overlooked when the police first provided documents to the Inquiry in 1999. We have no doubt that a genuine error was made in that in 1999 the RUC (as the police service then was) wrongly but honestly believed the microfilm to be a copy of a film already made available to the Inquiry. The

Security Service and the MoD were unable to locate any copy of the signal within their own files. It was suggested on behalf of some of the families that the signal had been deliberately withheld from the Inquiry for a number of years by the Security Service and the MoD.¹ We reject that suggestion. There is no evidence to support it. Further, we can see no way in which these organisations, or any other state agency, could have benefited, or expected to benefit, from withholding this document for three years.

¹ [FS1.132](#); [FS1.135](#)

Other references to intelligence

9.394 There has been controversy over the extent of the intelligence available to the security forces before the march about the plans of paramilitaries for the day. The signal is the only document which has survived and which (a) contains relevant intelligence material and (b) is known to have reached Brigadier MacLellan and other officers making the security forces' plans for the march.

9.395 Documents have been provided to the Inquiry that refer to the receipt of intelligence material but that do not identify that material. The following passage appears in the HQNI Operational Summary for the week ending 28th January 1972:¹

"The march in LONDONDERRY will present particular problems, and a greater than usual opportunity for demonstrating the difficulties of preventing violations of the ban in Republican areas. Intelligence reports indicate that the IRA are determined to produce a major confrontation by one means or another during the march."

¹ [G83.526](#)

9.396 We are not aware of any intelligence reports, other than the report of Observer C, to which the author of the Operational Summary could have been referring. It is possible that the author was referring to the information provided by Observer B to IO1 on 25th and 27th January about paramilitaries drilling before the march. However, we have seen no evidence to indicate that any information given to IO1 was passed on, either to HQNI or at all. If IO1 did pass Observer B's information to HQNI, there is nothing to suggest that this information reached those responsible for dealing with the march.

9.397 The Northern Ireland Weekly Intelligence Report of 28th January 1972 was compiled in London by Brigadier Lewis of the Defence Intelligence Staff. Part of this report contains the following:¹

“The march in LONDONDERRY will present particularly difficult problems for the security forces. We estimate that as many as 12000 Catholics from the Creggan and Bogside will march come what may to the Assembly Area at the Guildhall. Apart from a hard core of professional hooligans who will certainly be seeking to exploit the situation as the rally disperses if not before, gunmen may be present.”

¹ [G85.532](#)

9.398 The absence of any express reference to the receipt of intelligence makes it difficult to determine whether Brigadier Lewis was relying on specific information about the likely presence of gunmen or was expressing an opinion based simply on his general knowledge of the situation in Londonderry.

9.399 Colonel Dalzell-Payne, the head of MO4, the MoD branch responsible for Northern Ireland, used the above extract from Brigadier Lewis' report to brief the press after Bloody Sunday.¹ In an article in the *Times* on 1st February 1972, Colonel Dalzell-Payne's briefing was reported to have included the information that:²

“Weekend intelligence reports indicated that ‘the Londonderry march would cause problems: apart from the hard core of hooligans who will be seeking to exploit the situation, gunmen may be present’.”

¹ [Day 245/27-28](#)

² [L128](#)

9.400 In his oral evidence to this Inquiry, Colonel Dalzell-Payne said that he had guessed that Brigadier Lewis' information was based on intelligence but did not know what that intelligence was.¹

¹ [Day 245/27](#)

9.401 Reports drafted after 30th January 1972 contain references to the receipt before the march of more than one piece of intelligence. Brigadier Marston Tickell, General Tuzo's Chief of Staff at HQNI, wrote a report dated 31st January 1972 which included the following passage:¹

“A reliable and detailed intelligence report received during the week preceding the march confirmed earlier reports by including the forecast that the IRA would be using the crowd and hooligan cover technique during the march on 30 January to provide opportunities for attacks on the Security Forces.”

¹ [G102.610](#)

9.402 It is possible that one of the “*earlier reports*” was the report from Observer B. However, Observer B’s reports contained no reference to the potential use by the IRA of the crowd and/or hooligans as cover. We have not been able to trace any additional earlier reports; whether or not there were such reports remains a matter of doubt in our minds. Brigadier Tickell was unable to assist; he thought that he would have seen the “*reliable and detailed intelligence report*” (which seems overwhelmingly likely to have been the signal sent by David) but could not recall having seen either that or any other report.¹

¹ [CT1.4](#); [CT1.57](#); [Day 244/132](#)

9.403 Lieutenant Colonel Overbury and Lieutenant Colonel Hamilton (the latter being GSO1 (Plans) and a member of the HQNI team responsible for the preparation of Army evidence for the Widgery Inquiry) also used the same passage in their Summary of Events dated 5th February 1972.¹

¹ [G116.754](#)

9.404 On 1st February 1972, speaking in the House of Commons, Lord Balniel, the Minister of State for Defence, said:¹

“Intelligence information had given the security forces good reason to believe that the I.R.A. would exploit the opportunities afforded by the march and subsequent rioting to mount attacks on the security forces.”

¹ [G106.644](#)

9.405 According to paragraphs 14 and 15 of 8th Infantry Brigade’s IntSum 102 of 2nd February 1972:¹

“14. The Intelligence assessment made before the march was confirmed by events – the organisers, intent on defying the ban, led the marchers into direct confrontation with the Security Forces, then lost control of the hooligans, and the IRA took advantage of the situation to attack troops using snipers and nailbombers.

15. ... On 26 Jan a reliable source reported from the Creggan that the marchers would be armed with sticks and stones and that they were determined to avenge the humiliation of Magilligan on 22 Jan. It was also reported that the IRA intended to begin shooting using the crowd as cover. All these predictions and reports were proved correct.”

¹ [G108.655](#)

9.406 The accuracy of paragraph 14 is something that we consider when dealing with the march itself.¹ Suffice here to record that in the end the organisers did not lead the marchers into direct confrontation with the security forces, but their stewards did lose control when attempting to direct the marchers away from the barrier in William Street.

¹ [Chapters 13–15](#)

9.407 Paragraph 15 is clearly based upon the information contained in the signal. As will be seen from our detailed consideration of the events of the day, the predictions and reports said to be correct in this IntSum were in fact largely incorrect, though there were some on the march who wanted to confront the soldiers because of what happened at Magilligan Strand, and who had armed themselves with sticks and stones.¹ Further, the language of the IntSum suggests that the information in the signal was more definite in its terms than in fact it was. The signal recorded that the source (Observer C) “*expects that the IRA will use the crowd as cover*”.² According to the IntSum, there was a report “*that the IRA intended to begin shooting using the crowd as cover*”.

¹ [Paragraphs 14.3–4](#)

² [G81A.511.5](#)

9.408 The HQNI IntSum for the week ending 2nd February 1972 (5/72)¹ also contains a paragraph referring to the receipt of intelligence before the march. It is apparent that the reference is to the intelligence contained in the signal:

“From an intelligence point of view the interesting factors were, firstly a forecast that the IRA would attempt to use the marchers as cover to mount attacks on security forces, and secondly that there were those amongst the organisers who were determined that the march should be a revenge for Magilligan the previous Sunday, which they regarded as a failure and during which they had nothing more lethal to throw than sand.”

¹ [G110.673](#)

9.409 Paragraph 2 of the Special Branch Assessment for the period ending 3rd February 1972 was as follows:¹

“Prior to the Londonderry march there had been reliable intelligence that the IRA intended to exploit the presence of crowds as cover for their gunmen and that the organisers expected the march to be stopped but were determined to reach the Guildhall to make up for what they regarded as the fiasco of the Magilligan demonstration where, according to themselves, they had nothing more lethal than sand to throw at the Security Forces. According to an interview reported in the *Irish Press* of 1st February, a leading member of the Brady IRA admitted that his men had been behind the parade, with guns, but had not been allowed in the vanguard of the parade.”

¹ [G112.697](#)

9.410 The reference to an interview in the *Irish Press* newspaper appears to be a reference to an interview with an unnamed member of the Provisional IRA, in which the man is quoted as saying, in response to the allegation made by General Ford that his men had come under fire:¹

“I can state definitely that each and every one of our men were ordered to stay from the top of the march and to remain behind with their guns.

‘None of them was involved in any shootings and it was not until it was all over that they were able to get in to shoot a few sporadic rounds at the troops.’”

¹ [L110](#); *Irish Press* 1st February 1972

9.411 At the time to which the signal referred, the reference to the organisers being adamant that they would go to the Guildhall is likely to be accurate. As discussed later in this report,¹ it was not until a late stage that the organisers decided instead for the march to go to Free Derry Corner. It was suggested by those acting on behalf of some of the families that the information in the signal given by David was not:²

“... believed to be accurate by those in the Security Service who were responsible for creating or relaying it”

and they voiced their suspicion that it was:

“... created and/or forwarded to 8th Brigade in order to put on record an ‘IRA threat’ which could be used after the event to assist in pinning responsibility on the IRA for any civilian casualties which might occur.”

¹ Paragraphs 15.1–5

² FS4.85

- 9.412** The submission does not identify the person or persons in the Security Service alleged not to have believed the information in the signal to be accurate; nor does it identify anyone said to have created or forwarded the signal for malign purposes. The suggestions were not put to either David or Julian, the obvious candidates, when they gave evidence to us. We are satisfied that the information was properly received and forwarded by the Security Service. We are also satisfied that, with the possible exception of the information from Observer B, the information contained in this signal was the one piece of specific intelligence received before 30th January that indicated that republican paramilitaries would be likely to shoot at the Army using the crowd as cover.
- 9.413** It was submitted to us on behalf of some of the families that the security forces had no reason to anticipate IRA violence on the march.¹ The signal warned that the marchers might be armed with missiles and that “*the source expects that the IRA will use the crowd as cover*”. It is not entirely clear whether the source was in fact warning that the IRA would use peaceful marchers as cover or that paramilitaries would shelter behind those “*armed with sticks and stones*”. There had been no previous instance of paramilitaries using non-violent marchers as cover in order to fire at troops; however, paramilitaries had undoubtedly in the past used rioters as cover. It was virtually inevitable that riots would follow the march on 30th January; and in our view the security forces could reasonably anticipate that paramilitaries would take the opportunity presented by such riots to shoot at troops. The signal, at most, reinforced the existing views of those who read it that paramilitary violence could be expected.

¹ FS1.776

The Brigade Operation Order

- 9.414** Colonel Steele presented the Brigade Operation Order¹ for the 30th January 1972 march to the 8th Infantry Brigade staff officers at 0830 hours on 27th January. It was approved by Brigadier MacLellan² and was sent to General Ford at HQNI.³ The operation was code-named Forecast, a name selected sequentially from an existing list. The parts of the Operation Order of greatest relevance to the Inquiry are as follows:

“1. Background

a. The present declared intention of NICRA is that on 30 January at 1400 hrs a march will proceed from Bishops Field, Creggan, and from Drumleck Drive Shantallow, both to converge on Shipquay Place, where a public meeting will be held in front of the Guildhall.

...

c. The advertised routes of the two marching contingents are as follows:-

(1) From Bishops Field, Creggan. Via Eastway, Westland Street, Rossville Street, William Street, Waterloo Place, Shipquay Place.

(2) From Drumleck Drive, Shantallow. Via Race Course Rd, Buncrana Rd, Pennyburn Pass, Duncreggan Rd (East), Strand Rd, Waterloo Place, Shipquay Place.

...

e. The strengths of the marches are difficult to estimate, and reports differ wildly.

(1) From Bishop's Field, Creggan. The estimate ranges from 3000 at the lowest, to between 8000 and 12000 at the highest. Experience of previous NICRA marches both in Derry and elsewhere throughout the Province points to an approx march strength of 5000.

...

f. We expect a hooligan element to accompany the marches, and anticipate an intensification of the normal level of hooliganism and rioting during and after the march. Almost certainly snipers, petrol bombers and nail bombers will support the rioters.

g. Bombers may intensify their efforts to destroy Business and Shopping premises in the City Centre during the event, while the attention of the Security Forces is directed towards the containment of the march.

2. The Threat. These are currently assessed as:

a. A deliberate attempt to defy the marching ban, resulting in a direct confrontation being made between the marching contingents and the Security Forces.

b. IRA terrorist activity, to take advantage of the event, to conduct shooting attacks against the Security Forces, and bombing attacks against Business, Shopping and Commercial premises in the City Centre.

c. Hooligan reaction to the general excitement of the event, in the form of stone, bottle and nail bombing of troops, arson of private premises and vehicles, and a high degree of violence throughout the City. Although this violence is expected to continue throughout the event, it will intensify during the closing stage of the event, especially in the William St/Rossville St area; it is possible that hooligan violence may continue thereafter for several days.

...

MISSION

5. 8 Inf Bde is, on 30 January, to prevent any illegal march taking place from the CREGGAN, and to contain it, together with any accompanying rioting, within the Bogside and Creggan areas of the City. It is also to disperse illegal marchers from other parts of the City, and is to prevent damage by rioters and bombers to Business, Shopping and Protestant areas of Londonderry.

EXECUTION

...

7. Concept of Operations.

a. Responsibilities.

(1) Creggan March. The containment of the Creggan march will be a Military Operation with the RUC in support. This support will consist mainly of representative officers (at Inspector level) at each blocking position. The Military will be in Command at all levels throughout this Operation.

(2) Other Marches. The dispersal of illegal marches from other parts of the City will be an RUC responsibility, with the Military in support. RUC manpower will be concentrated to meet these threats, at the expense of deployment to the Creggan march...

(3) The Meeting Point, Shipquay Place. The actual Meeting, which is expected to be a moderate affair, will be allowed to take place. The control of the meeting itself will be an RUC responsibility, with the Military only acting at the direct request of the RUC should violence erupt which is beyond the capacity of the Police to control. It is possible that an organised protest sit-down will take place during the meeting, and it will be an RUC responsibility to deal with such a protest.

b. Dispersal of the Marches.

(1) Initially, we intend to deal with any illegal marches in as low a key as possible and for as long as possible. Generally speaking the front men will be moderate and non-violent – the second rank will be those to start any violence that may erupt. The Security Forces are to take no action against the Marches until either:

(a) An attempt is made to breach the blocking points.

(b) Violence against the Security Forces, in the form of stone, bottle and nail bombing, takes place.

(2) Illegal marches are to be halted and dispersed on ground of our own choosing. If possible ringleaders are to be arrested on the spot. Where it is impractical to make such arrests, photographs of ringleaders and participants are to be taken, for identification and arrest at a later stage.

(3) Marches are to be halted at blocking points and are not to be allowed to proceed; there is to be no half measure of allowing participants to trickle through the blocking points and form up again on the other side, as in this way control of the event by the Security Forces will be quickly lost.

(4) If the Creggan march takes place entirely within the containment area of the Bogside and Creggan it will be permitted to continue unchallenged.

...

e. Hooliganism. Although NICRA claim that this march is a non-violent protest, the organisers will have no control over the hooligans who will ensure that violence is inevitable. The deployment of troops is to take account of this situation. An arrest force is to be held centrally behind the check points, and launched in a scoop-up operation to arrest as many hooligans and rioters as possible.

...

h. Containment Line. A containment Line is to be held in force around the Bogside and Creggan areas of Londonderry. Blocking positions are to be established as far forward on or beyond the containment line as possible – the object is to take the expected violence at the line into the containment area. The line is not to be breached.

j. Domination of the Area. The Containment Line and the area within it are to be dominated by physical military presence, by OP observation and by sniper posts. The maximum number of soldiers are to be ‘in the shop window’. They are to be covered by deployment of OPs and by a massive deployment of snipers, in the anti-sniper role, who should be deployed at every possible vantage point within our secure areas.

...

9. Tasks.

...

f. 1 PARA.

(1) Maintain a Brigade Arrest Force, to conduct a ‘scoop-up’ operation of as many hooligans and rioters as possible.

(a) This operation will only be launched, either in whole or in part, on the orders of the Bde Comd.

(b) The Force will be deployed initially to Foyle College Car Park GR 434176, where it will be held at immediate notice throughout the event.

(c) The Scoop-Up operation is likely to be launched on two axis, one directed towards hooligan activity in the area of William St/Little Diamond, and one towards the area of William St/Little James St.

(d) It is expected that the arrest operation will be conducted on foot.

...

p. Coordinating Instructions.

...

(4) Use of Force.

(a) CS Gas. Is NOT to be used throughout this event, except as a last resort only if troops are about to be over-run and the rioters can no longer be held off with baton rounds and water cannon.

(b) Baton Round. These are to be fired in salvos to disperse illegal marchers and rioters. There should be no less than eight riot guns deployed at each barrier in order that effective salvo fire can be sustained...

...

(6) PR.

(a) All press statements concerning this event will be made through Bde HQ, to whom all press enquiries should be made.

(b) Unit PROs [Public Relations Officers] should make every effort to collect and conduct press and TV men around deployment areas, in order that the newsmen will subsequently give a balanced report to their readers and viewers on the proceedings."

¹ [G95.564-580](#)

³ [B1279.033](#)

² [B1279.017](#)

9.415 The task of 1 PARA was, as we have set out above, to form the arrest force and to conduct a "scoop-up" operation of as many hooligans and rioters as possible. Colonel Steele said that "*no doubt*" the stipulation relating to the arrest operation being launched only on the orders of the Brigade Commander was drafted by Brigadier MacLellan himself.¹ Paragraph 9(f) of the Order (quoted above) contains the only references within the Operation Order to the arrest operation.

¹ [Day 266/66](#)

9.416 The Operation Order provided for barriers to be erected along a containment line, preventing the marchers from leaving the Creggan and Bogside and from reaching the Guildhall Square. Annex D to the Operation Order listed the barriers, giving each one a number.¹ We consider in more detail the erection of the barriers when we discuss the events of the day itself.

¹ [B1279.101](#)

The expectation of 8th Infantry Brigade of paramilitary violence and hooligan activity

9.417 There is no reference in the Operation Order to the receipt of any specific intelligence about the plans of either the Provisional or the Official IRA.

9.418 Paragraph 2(b) of the Order, under the heading “*The Threat*”, identified as one of the threats:

“IRA terrorist activity, to take advantage of the event, to conduct shooting attacks against the Security Forces ...”

9.419 Paragraph 2(c) identified another threat, that being of:

“Hooligan reaction to the general excitement of the event, in the form of stone, bottle and nail bombing of troops, arson of private premises and vehicles, and a high degree of violence throughout the City. Although this violence is expected to continue throughout the event, it will intensify during the closing stage of the event, especially in the William St/Rossville St area; it is possible that hooligan violence may continue thereafter for several days.”

9.420 We accept that Brigadier MacLellan and Colonel Steele did genuinely believe that there were threats, both of republican paramilitary activity and of hooliganism, of the type described in the Operation Order. It was submitted on behalf of some of the families¹ that the assessment of the RUC, upon whom the Army then relied for much of its intelligence, was that there would be no IRA attack on the soldiers and that the Army’s own assessment was that while there was always a risk, it was unlikely to happen. We consider, as we have already stated, that the risk of republican paramilitaries using rioters as cover from which to fire on the security forces was a real one.

¹ [FS1.774-805](#)

9.421 It is our view that when drafting the “*Threat*” section in the Operation Order Colonel Steele was relying on his experience and not on specific intelligence. He drafted it in wide terms, warning of a range of possible types of trouble. In his oral evidence to this Inquiry he said that, “*Shooting was the very last thing that was in anybody’s mind*” when the officers met the following day at the co-ordinating conference to discuss the Order.¹ In its context this observation was made in reply to a suggestion, which Colonel Steele rejected, that the risk of firing was discussed and accepted at the co-ordinating conference. It seems to us that this indicates that in the “*Threat*” section of the Operation Order, he was referring not to shooting during the march, but to shooting by paramilitaries during the course of any subsequent riots, such disturbances clearly being, in the view of the Army, an inevitable and integral part of the event.

¹ [Day 266/88](#)

- 9.422 Our view is strengthened by the evidence that General Ford gave to the Widgery Inquiry on this topic:¹

“Q. Was it your anticipation that if a scoop-up operation was launched into the Bogside, at least some of [the 70 gunmen believed by the Army to reside in the Creggan and Bogside] would open fire?

A. I thought it was unlikely that many would because I imagined that the IRA gunmen would be sited to engage our soldiers in the open at the various barricades and that they would open fire at the opportunities which would occur when the hooligans were engaging the troops in the open. This was the tactics of the previous two weeks.

...

Q: Would this be a fair way of putting your own expectations, that when the scoop-up operation were performing, wherever it was they performed it, they would not come under anything other than perhaps sporadic sniping?

A: That is true, sporadic sniping, yes.”

¹ [WT10.49](#)

- 9.423 It appears from this evidence, which we accept, that General Ford was not expecting a serious challenge from paramilitaries during the course of the march, but that he did anticipate that republican paramilitaries would take advantage of hooliganism to open fire. In our view his expectations were reasonable.

- 9.424 It was submitted by soldiers’ representatives¹ that while there may not have been hard intelligence to support the warning of IRA activity in paragraph 2(b) of the Operation Order, paragraph 2(c) reflects information passed on by Chief Superintendent Lagan. This may be so, but we are not sure. Chief Superintendent Lagan, at his meeting with Brigadier MacLellan, did warn of increased violence and said that this might continue for days. However, there is no evidence to suggest that he warned specifically of nail bombing or arson or even that he warned of “*hooligan reaction to the general excitement of the event*”. He warned the Brigadier that increased violence would follow the blocking of the march.

¹ [FS7.752-54](#)

Did the terms of the Operation Order make an arrest operation inevitable?

- 9.425** The Operation Order provided that no action was to be taken against the marchers unless (among other things) violence against the security forces, in the form of the throwing of missiles, took place. Such violence was almost inevitable. All those involved in planning the security forces' response to the march, including Chief Superintendent Lagan, envisaged that stopping the march would lead to rioting. It follows that an arrest operation was, at the very least, likely to be ordered.
- 9.426** The assignment of 1 PARA for the task and General Ford's presence on the day further increased the likelihood of an arrest operation. As outsiders, 1 PARA would not have to live with the consequences of a major operation. General Ford's presence underlined his commitment to the arrest operation. We formed the view that General Ford, having had the idea of using the occasion of the march as an opportunity to arrest rioters, was keen that the arrest operation be implemented. We gained the overall impression that Brigadier MacLellan was not as enthusiastic as General Ford but, given his orders and the political situation, had no choice but to plan, and in appropriate circumstances launch, some form of arrest operation.

Location and nature of the proposed arrest operation

- 9.427** Paragraph 9(f)(1)(c) of the Operation Order envisaged that:

"The Scoop Up operation is likely to be launched on two axis, one directed towards hooligan activity in the area of William St/Little Diamond, and one towards the area of William St/Little James St."

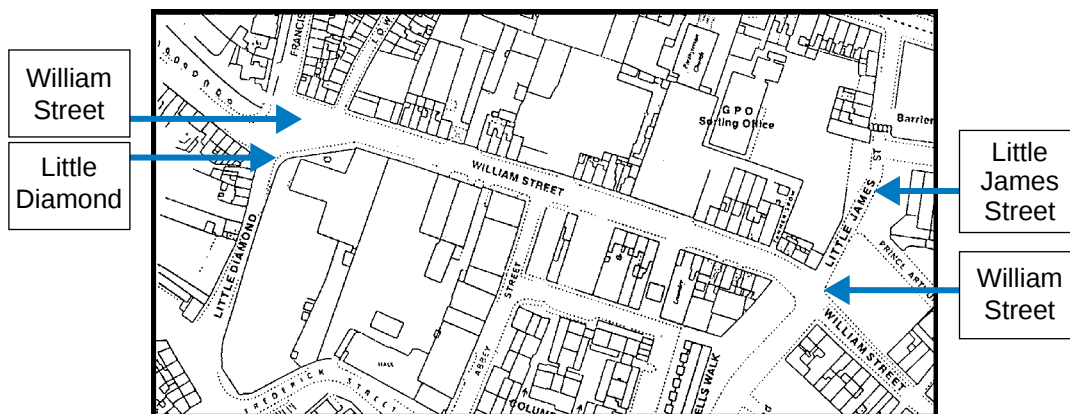
The next provision was that "*It is expected that the arrest operation will be conducted on foot*".

- 9.428** The Operation Order did not stipulate that an arrest operation would take place in one or both of these two areas but simply reflected an expectation that the operation would be directed towards hooligan activity in those areas. No area of operation was laid down nor did the Operation Order set out any boundary or limit of exploitation.

9.429 The two areas identified in the Operation Order are shown on the map below.

First area

Second area



9.430 Colonel Steele said in his oral evidence to this Inquiry that these two areas were chosen because they were the ones at which hooligan activity generally took place. He said that, by identifying areas in which the arrest operation was likely to be launched, the order allowed the commanding officer of 1 PARA to make a detailed plan for the scoop-up operation in those areas.¹ Colonel Steele also told us in his written evidence to this Inquiry:²

“Planning how the arrest operation would take place was the responsibility of Lieutenant Colonel Wilford, the Commanding Officer of 1 PARA. He was able to make whatever plan he deemed appropriate from the guidance set out in the Operation Order.”

¹ Day 266/67

² B1315.005

9.431 The Operation Order in effect simply offered guidance as to the likely areas for rioting. If rioting had broken out in another area, there was nothing within the order to prevent Brigadier MacLellan (or Colonel Wilford, with permission) from using the scoop-up force to deal with it. In his oral evidence to this Inquiry, Colonel Steele said that he had expected the arrest force to conduct a swift scoop-up operation and withdraw.¹ He rejected the suggestion that, according to the order, the arrest operation was to take place along a line between the two identified areas and not beyond it. He said that he had expected any arrests in the first area to take place around the Little Diamond and any arrests in the second area to take place south of William Street. While he had expected

the hooligans in the second area to be in Little James Street and William Street, he said that troops would have had to get behind any hooligans in order to arrest them and so would have had to go south of William Street and into the north end of Rossville Street.²

¹ Day 266/67

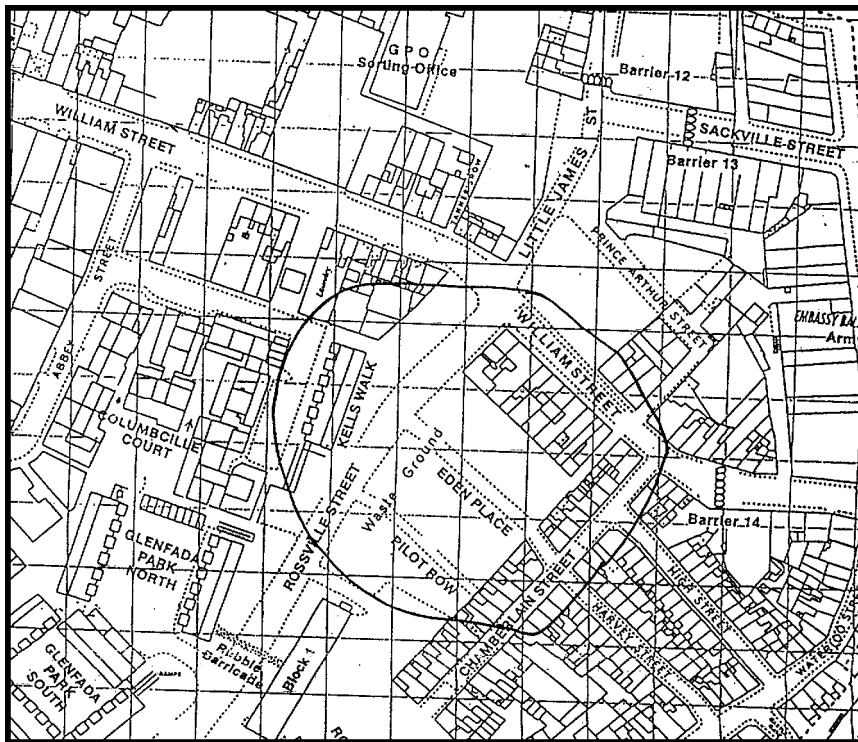
² Day 266/69-71

9.432

Colonel Steele's oral evidence to this Inquiry was that "*it was always in [his] mind*" that the scoop-up operation would take place in the area of the Eden Place waste ground.¹ When interviewed by the Inquiry's solicitors, he illustrated, by drawing a circle on a map, the area in which he had expected the scoop-up to take place of hooligans from the area of William Street and Little James Street.²

¹ Day 267/130

² B1315.133



9.433

In his oral evidence to this Inquiry, he accepted that the reader of the Operation Order would not obtain the impression that there was to be an arrest operation in that area; however, he said that the axes were set out in order to identify the likely location of the hooligans, and he repeated that any scoop-up operation would involve the troops going behind the hooligans.¹

¹ Day 267/131

- 9.434** When asked why there was no reference in the Operation Order to the Eden Place waste ground as the place in which arrests were expected to be made, Colonel Steele said:¹

“... the details of the arrest operation was very much the province of the commanding officer [Colonel Wilford] and so much depended on where the hooligans were going to be, and I recall that in the order I used the expression, ‘likely axes of approach’, of advance. It could well have been that the hooliganism could have been somewhere else, completely different.

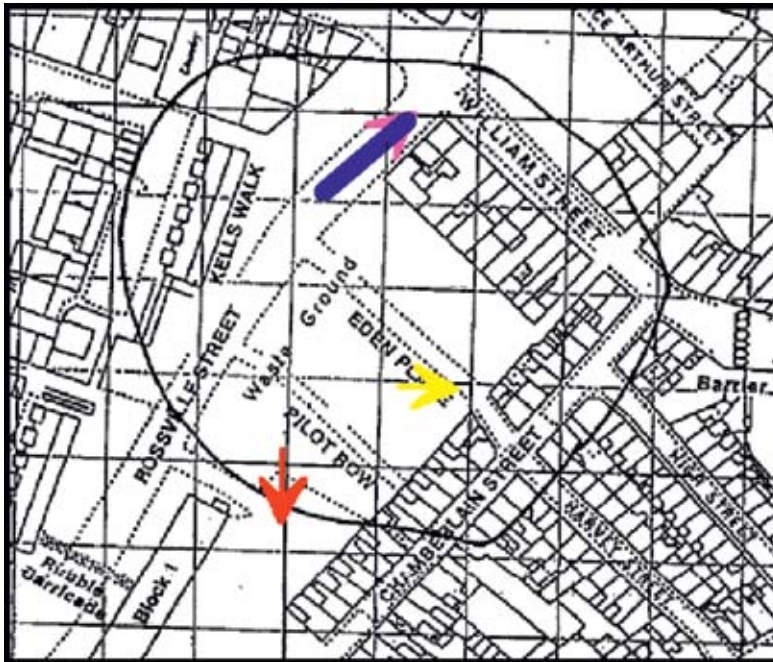
That was why I think we gave the commanding officer of 1 Para quite a difficult task, asking him to make a detailed plan for an arrest operation when he did not actually know exactly where it was to be mounted, because we did not know where the hooliganism was to be.

... we did not go into that detail in the operational order. Whether this was a mistake or not, whether it was right or not to leave those sort of details to the commanding officer, I am not prepared to comment upon.”

¹ [Day 267/135-136](#)

- 9.435** In the course of his oral evidence to this Inquiry, Colonel Steele was shown the location on the Eden Place waste ground in which the first two Parachute Regiment Armoured Personnel Carriers (APCs, often referred to as “Pigs”) stopped after they had entered the Bogside on Bloody Sunday. The location of the vehicles was marked in red and yellow on the map that Colonel Steele had already marked.¹

¹ [B1315.155](#)



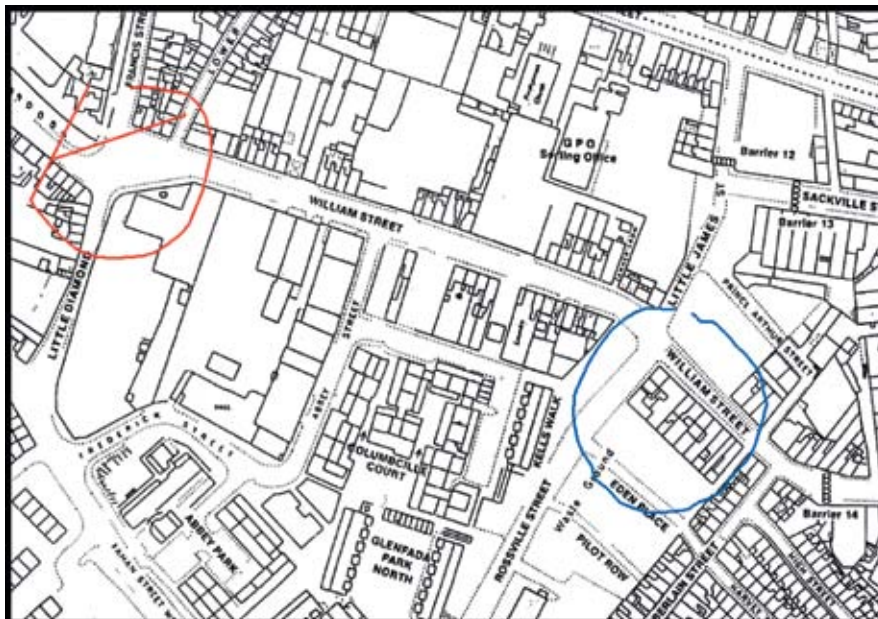
9.436 His evidence was that the APC marked in yellow was in exactly the sort of place in which he would have expected it to be, but that the APC marked in red had gone too far south.¹ He also thought that the circle that he had drawn was itself too far south and should be moved at least two squares northwards, leaving the yellow APC at the southern limit of the arrest area as he had envisaged it.

¹ [Day 267/137](#)

² [Day 267/138](#); [Day 267/146](#)

9.437 Later in his evidence, Colonel Steele drew on a new map a blue circle to indicate the area in which he had expected, when he drew up the Operation Order, the arrest to take place of hooligans who had been in the area of William Street and Little James Street. He drew a red circle to indicate the area in which he had expected the arrests of hooligans in the William Street and Little Diamond area:¹

¹ [B1315.156](#); [Day 268/105-108](#)



- 9.438** Colonel Steele's evidence was that he, the Brigade Commander and the other staff officers of 8th Infantry Brigade had discussed the draft Operation Order "*in the greatest detail, line by line*" at their meeting on the morning of 27th January 1972, that paragraph 9(f)(1)(c) had been considered by Brigadier MacLellan and that he had told the Brigadier of the concept that he had formed while drafting the order of the arrest operation.¹

¹ [Day 268/157-159](#)

Distribution of the Operation Order

- 9.439** Thirty-five copies of the Order for Operation Forecast were made and a copy was sent that day to all those on the distribution list. The list¹ included HQNI and provided for the creation of three spare copies. The MoD was not an identified recipient. However, we are satisfied that a copy of the Operation Order was sent to the MoD in London. Brigadier MacLellan is recorded as having said to Desmond Hamill² that:

"The plans went back to London. So the whole thing was approved before it ever started."

¹ [G95.576](#)

² [B1279.003.012](#)

9.440 Brigadier MacLellan also told us that he would have expected the orders to go to the MoD¹ and to the staff officers working for General Carver, the CGS.² General Ford thought it very likely that a copy would have gone to the MoD.³ Colonel Ramsbotham, General Carver's Military Assistant, said that both he and General Carver knew that there was going to be an arrest operation involving 1 PARA.⁴

¹ [Day 261/10](#)

³ [Day 255/16](#)

² [Day 264/15](#)

⁴ [Day 254/190](#)

9.441 Lord Balniel, Lord Carrington and Edward Heath said that they did not see, nor would they have expected to see, the Operation Order. They said that the GEN 47 Committee was simply given the outline of the plan that appears in the minutes of the meeting of that committee on 27th January 1972 (to which we refer below). We accept that evidence. Edward Heath thought he probably knew that 1 PARA was going to reinforce 8th Infantry Brigade that weekend but was also fairly sure that he had not heard what particular role was going to be assigned to it.¹ There is no evidence that Brian Faulkner saw the order. His letter of 28th January 1972 to General Tuzo included the following:²

"This weekend will undoubtedly be a further test of our resolve and the march in Londonderry will certainly be a most difficult one to handle. I know that detailed plans have been made and I hope everything goes well."

¹ [Day 273/2](#)

² [G84A.528.1](#)

9.442 The reference in the letter to the plans does not assist us in determining whether he had seen the plans or had only been told that detailed plans had been made.

The Photographic Coverage Order

9.443 An order for photographic coverage of the march was also issued on 27th January 1972.¹ The order provided for there to be ten "*still*" photographers, seven of whom were to be the normal unit photographers from the Londonderry battalions. The reinforcing battalions – 1 KOB, 3 RRF and 1 PARA – were each to supply one photographer. In addition, HQNI was to provide a cine camera team.

¹ [G82A.521.0007-9](#)

9.444 The task of the photographers was stated to be:¹

“To provide max photo coverage of the NICRA march and all associated incidents on 30 Jan 72.”

¹ [G82A.521.007](#)

9.445 The order provided for the cine camera team to be deployed in a helicopter and all other photographers to be positioned in various locations along the containment line. All photographers were to be in position by 1300 hours on 30th January.

9.446 The order also provided for the films to be processed at 8th Infantry Brigade and at HQNI and for the films to be sent by helicopter to HQNI. The first developed films were to reach HQNI at 1800 hours on 30th January. Captain INQ 1803, the intelligence and security officer based at 8th Infantry Brigade, was responsible for the co-ordination of the plan set out in the order.

9.447 There is evidence that on the day the Army took a large number of still photographs, many of which are missing. We were unable to discover what happened to these photographs.

9.448 The order stated that the films were subsequently to be made available to units for intelligence and PR purposes. It appears from this that the photographs were intended to be of marchers, presumably for later identification, and were also intended to provide evidence of the Army's handling of the march.

9.449 It was alleged that the non-production of these photographs was part of a “*cover up*” by the MoD in an effort to exclude evidence detrimental to the Army.¹ However, this assumes that Army photographs did contain such evidence and there is nothing to support such an assumption. However, the fact that these photographs were not used at the Widgery Inquiry does suggest that none contained anything that assisted the Army's case. Accordingly, although what happened to the photographs remains a mystery, it seems to us that the most likely explanation is that they were at some stage discarded because they showed nothing of any relevance to the circumstances in which people were shot. This was probably because, in accordance with the order, the photographers were generally deployed along the containment line and did not enter the areas of the Bogside in which the shooting took place.

¹ [FS1.97-98](#)

The RUC Operation Order

9.450 The 8th Infantry Brigade Operation Order provided that the RUC would be responsible for dealing with any marches other than the Creggan march and would also deal with the planned meeting in Shipquay Place.

9.451 On 27th January 1972 the Assistant Chief Constable (Operations), David Corbett, issued RUC Operation Order 4/72, which set out the numbers of officers who were to be on duty in Londonderry in order to deal with the march on 30th January. A total of 575 officers, brought from 12 police divisions from across Northern Ireland, were to be present.¹

¹ [G80A.506.1-5](#)

9.452 Under the heading “*Detention Centre*” the order provided that:

“Chief Superintendent ‘N’ Division [Chief Superintendent Lagan] will arrange to have special staff set up to deal with arrested persons and to assist in the preparation of prosecution briefs of evidence if major trouble breaks out but unnecessary arrests are to be avoided.”

9.453 We have found nothing to suggest that the RUC was anticipating having to deal with a large number of prisoners.

9.454 The order also required police photographers to provide still and cine photographic coverage of the march. No police cine film was provided to this Inquiry (or to the Widgery Inquiry). It is not known whether any such film was taken. The police were generally behind the soldiers at the barriers and so any cine film, if taken, was very unlikely to have shown anything of significance. There is nothing to suggest that any adverse inferences should be drawn against the RUC from the absence of any police cine films.

9.455 The order did not set out the tasks that the RUC officers would be required to perform in support of the Army. Some indication of their role is provided in a manuscript note headed “*RUC MANNING 30 JAN 72*” which set out the tasks of RUC officers working with members of 1 R ANGLIAN.¹ These police officers were required to back up the soldiers at Army barriers along the containment line and on the Craigavon Bridge. Officers of the rank of Inspector were to be available to give public warnings to marchers that the march was illegal and to tell them to disperse. Officers were also required to be ready to deal with clashes between rival Catholic and Protestant factions.

¹ [G94A.563.1](#)

- 9.456 Some officers were stationed behind Army barriers to assist in the identification of marchers.¹ Others were detailed to take into custody prisoners arrested by the Army.²

¹ JF1.1

² JC20.1

The threat of loyalist action

- 9.457 The HQNI IntSum dated 27th January 1972 (4/72) recorded, under “*Outlook*”:¹

“The coming week will see the ban on marches challenged on two further occasions in the interest of the anti-internment campaign: in Dungannon on 29 Jan 72, and in Londonderry the following day. The march in Londonderry will present particular problems, and a greater than usual opportunity for demonstrating the difficulties of preventing violations of the ban in Republican areas.”

¹ G80.491

- 9.458 On the same page, the IntSum noted:

“Loyalists in Londonderry have threatened in a public statement to interfere with the NICRA march in the City on 30 Jan 72. The statement went on to say that a Loyalist parade would be held later if the NICRA march was allowed to proceed.”

- 9.459 Annex A to the IntSum, which is headed “*Forecast of Events*”, also contains a reference to the 30th January march:

“Londonderry. NICRA sponsored anti-internment march from the Creggan and Shantallow to Guildhall Square at 1430 hours, followed by a meeting. No opposition anticipated.”

- 9.460 On 25th January 1972 the City of Londonderry and Foyle Democratic Unionist Association (DUA) had announced that its members had resolved to stop the march themselves if the Government did not do so.¹ This threat remained on 27th January but it appears, both from the reference to “*No opposition*” in the HQNI IntSum and the dismissive reference to the DUA threat in the 8th Infantry Brigade IntSum of 25th January² that the security forces were not seriously concerned about any loyalist activity.

¹ L15

² G80.494; G72.445

9.461 During the week, unionists announced their intention to hold a religious meeting in the Guildhall Square on the afternoon of 30th January 1972 and informed the Chief Constable that that was what they intended to do.¹ It was not until 29th January that the Reverend James McClelland of the City of Londonderry and Foyle DUA announced that this rally had been cancelled.² We consider this matter in more detail below.

¹ [G108.664](#)

² [L21](#)

The meeting of the GEN 47 Committee on 27th January 1972

9.462 On 27th January 1972 the GEN 47 Committee met at 10 Downing Street at its usual time of 10.30am, an hour before the regular United Kingdom Cabinet meeting.¹ During the hour-long meeting the committee dealt not only with the security situation, but also the proposed inter-party talks and the political situation.

¹ [G78.485.1](#)

9.463 The brief prepared for the Prime Minister by the Cabinet Secretary Sir Burke Trend (with the assistance of Arthur Hockaday) dealt primarily with the question of inter-party talks and the political situation.¹ Under the title “*The Security Situation*” Sir Burke merely noted that the Prime Minister would wish to invite reports from the CGS and others as appropriate.²

¹ [G75CA.462.5.1-4](#)

² [G75CA.462.5.3](#)

9.464 The brief reviewed the three different proposals for advancing a political initiative that were currently under consideration: the inter-party talks at Westminster that were intended to expand later to include the Northern Ireland parties; Jack Lynch’s proposals, as outlined to Edward Heath in Brussels, and to Sir Burke Trend and Sir Stewart Crawford on the previous day; and the Home Secretary’s memorandum, which had been discussed at the previous GEN 47 meeting. The authors of the brief were not optimistic about the prospects of the Westminster inter-party talks, and suggested that the Government might wish to keep these separate from any initiative that it might choose to launch.¹ The form that this might take was examined in relation to the proposals of both Jack Lynch and Reginald Maudling. The brief drew attention to the similarity between the “essence” of the Home Secretary’s favoured proposal, “*the concept of statutorily guaranteed minority participation in Government at Stormont*”, and the Taoiseach’s desire for “*Community Government*”.² In light of this, the authors wrote: “*If the Government judge that the moment for some conciliatory move has come and that the points of resemblance between Mr. Lynch’s initiative and the Home Secretary’s plan are sufficient to enable them to launch the latter under cover of, or in response to, the former,*

some careful co-ordination will be required, not excluding Mr. Faulkner."³ They emphasised the need for urgency, especially if the Government were to influence the public presentation of Jack Lynch's plan.⁴

¹ [G75CA.462.5.1](#)

³ [G75CA.462.5.2](#)

² [G75CA.462.5.2](#)

⁴ [G75CA.462.5.2-3](#)

9.465

This brief also considered other aspects of the proposals suggested by Reginald Maudling and Jack Lynch. The authors noted that although the Home Secretary had concentrated during the previous meeting of GEN 47 on a period of government by commission, this was a means towards a solution, and not a solution in itself.¹ The other two suggestions put forward (but not favoured) in Reginald Maudling's paper – continuing with present policy and seeking other leaders in the minority community with whom to negotiate – were described as unsatisfactory and unrealistic respectively, although neither was definitively ruled out.² The brief mentioned the possible defection to the Alliance Party of a number of Ulster Unionists; while this was considered to be potentially significant (especially if it presaged further defections from other parties), the authors commented that it would be *"improvident simply to wait and see what happens"*.³ In relation to Jack Lynch's proposals, it was noted that he was only just beginning to realise the desirability of co-ordinating his approach with London and with Brian Faulkner.⁴ The Prime Minister was also invited in the brief to ask Reginald Maudling whether he could contemplate the *"change of direction"* on internment that Jack Lynch felt might be necessary to win the support of the SDLP and nationalists.⁵ Finally, the authors turned to the prospect of direct rule, which was described as *"closely connected"* with the Home Secretary's proposals, in the sense that it might be necessary for London to impose this if agreement could not be reached within Northern Ireland.⁶ In this case, the brief asked, would Reginald Maudling's scheme be the preferred outcome, or *"would we go for something even more radical"*?; What the *"something"* might have been was not explained.⁷

¹ [G75CA.462.5.2](#)

⁵ [G75CA.462.5.2](#)

² [G75CA.462.5.3](#)

⁶ [G75CA.462.5.3](#)

³ [G75CA.462.5.3](#)

⁷ [G75CA.462.5.3](#)

⁴ [G75CA.462.5.3](#)

9.466

In his oral evidence to this Inquiry, Edward Heath stated that he was not convinced that the timescale relating to the proposals for a political initiative was practical. He pointed out the difference in approach to this question between politicians and officials, and stated specifically that he did not think that it would be possible to get the relevant parties to acquiesce in any such initiative within the first few weeks of February 1972.¹

¹ [Day 291/26-30](#)

9.467 Under the Heading “*Marches and Demonstrations*” the brief’s authors suggested that:¹

“12. You may wish to question the Secretary of State for Defence about recent suggestions in the Press and on television that the Army over-reacted against some of the Civil Rights demonstrations last weekend and that, in particular, soldiers of the Parachute Regiment, by being unnecessarily rough, have gratuitously provoked resentment among peaceful elements of the Roman Catholic population.

13. Overshadowing this question, however, is the graver issue of the attitude to be adopted by the security forces if the renewed ban on marches is openly defied. Are we able – and prepared – to deal with that situation? Perhaps the question should be explored urgently with Mr. Faulkner during his visit to London.”

¹ G75CA.462.5.4

9.468 It appears from the minutes of the GEN 47 meeting, which are set out below, and from the evidence of the relevant witnesses to this Inquiry that the Prime Minister did not raise the issue of the handling of the Magilligan march with Lord Carrington.¹ Edward Heath said in his oral evidence to this Inquiry that he did not think that it had been necessary to do so,² adding that he considered Lord Carrington to be “*an admirable Minister of Defence*”.³ He vigorously rejected the suggestion that he failed to ask about this issue because it did not matter to him whether Catholics had been maltreated in the course of an illegal march.⁴

¹ Day 294/56; KH4.89; Day 282/127-128

³ Day 291/31

² Day 282/132

⁴ Day 291/31

9.469 It was suggested to this Inquiry by some of the families that Sir Burke Trend and Arthur Hockaday were “*in relation to Bloody Sunday the chief advisers to the Prime Minister*”.¹ As is apparent (for example from this brief itself) this was not the case. We accept the submissions of the legal representatives of some of the politicians² that the role of the Secretary to the Cabinet and his Cabinet Office colleagues in relation to the Prime Minister and in relation to matters which were to be discussed in Cabinet (or in Cabinet committees of which the Prime Minister was Chairman) was not to advise him, still less to be his chief adviser, on the decisions that should be taken in relation to such matters as how to deal with the proposed march. The range of policy issues discussed at this level was very wide indeed and the suggestion that these civil servants would or could advise the Prime Minister on an individual security operation is unsustainable. Their role was to provide a steering brief to assist the Prime Minister to guide the discussion, and to facilitate the task of establishing, if possible, a consensus at the conclusion of the

discussion. The chief adviser and provider of information on security matters to the Prime Minister was the CGS. In this connection, it can be seen from the GEN 47 minutes of the period that the CGS was not in the habit of discussing particular security operations in any detail in this committee.

¹ FS4.102

² FR25.4

9.470

Kelvin White, head of the Republic of Ireland Department of the Foreign and Commonwealth Office, prepared the brief for the Foreign Secretary before the GEN 47 meeting on 27th January 1972. This brief dealt primarily with the Home Secretary's proposals for a political initiative.¹ Kelvin White attached a copy of the brief for the previous meeting on 20th January, in which Reginald Maudling's memorandum of 18th January² had been described as "*arguably the most important paper on Ireland to emerge since the crisis began*".³ Although some potential alterations were suggested, Kelvin White wrote that the initiative offered a chance to break the existing deadlock, and that the memorandum could be endorsed.⁴ In a handwritten comment at the end of the brief, the Permanent Secretary, Sir Stewart Crawford, added his opinion that the proposal was "*a big step forward*" and that he hoped that the Foreign Secretary would give it strong support.⁵ He also noted that such a plan was unlikely to be accepted through the agreement of relevant parties, and hence an interlude of direct rule would probably be necessary.⁶

¹ KW3.74-79

⁴ KW3.79

² G59c.363.8

⁵ KW3.79

³ KW3.78

⁶ KW3.79

9.471

Kelvin White wrote in the brief for the following week's meeting that these arguments still stood.¹ Since the first discussion of Reginald Maudling's memorandum by the GEN 47 Committee the most significant development had been the discussions (described above) that had taken place between Edward Heath and Jack Lynch, and the follow-up meeting between the latter and Sir Burke Trend and Sir Stewart Crawford. Kelvin White commented that although the Taoiseach's thinking on the issue was "*still very ill-defined*",² he was moving along similar lines to those then under consideration by United Kingdom ministers. If the Cabinet were to take a decision to launch an initiative thought would have to be given as to how to ensure that it was not pre-empted, potentially disastrously, by Jack Lynch.³ To this end, ministers would need to decide at an early stage how much he could be told of the United Kingdom Government's plans.⁴

¹ KW3.76

³ KW3.77

² KW3.76

⁴ KW3.77

9.472 The minutes of this GEN 47 Committee meeting (the last before Bloody Sunday) are set out in full, since in our view they show the great attention that was being paid by the United Kingdom Government to the seeking of a political solution to the problems of Northern Ireland:¹ The minutes shown below are a copy of the minutes in their original typed form.

¹ G78.485.001; G79.487.003

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CABINET
NORTHERN IRELAND

MINUTES of a Meeting held at
10 Downing Street on
THURSDAY 27 JANUARY 1972 at 10.30 am

PRESENT

The Rt Hon Edward Heath MP
Prime Minister

The Rt Hon Reginald Maudling MP
Secretary of State for the
Home Department

The Rt Hon William Whitelaw MP
Lord President of the Council

The Rt Hon Francis Pym MP
Parliamentary Secretary
Treasury

The Rt Hon Sir Alec Douglas-Home MP
Secretary of State for Foreign
and Commonwealth Affairs

The Rt Hon Lord Carrington
Secretary of State for Defence

Lord Balniel MP
Minister of State for Defence

THE FOLLOWING WERE ALSO PRESENT

General Sir Michael Carver
Chief of the General Staff

Mr P J Woodfield
Home Office

Sir Philip Allen
Home Office

Mr W K K White
Foreign and Commonwealth Office

Mr D R J Stephen
Ministry of Defence

SECRETARIAT

Sir Burke Trend
Mr N F Cairncross
Mr A P Hockaday

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THE SECURITY SITUATION

THE CHIEF OF THE GENERAL STAFF reported that within the last week the number of incidents in Belfast had shown a further decline, but that the focus of terrorist activity had shifted to the country areas. At a recent meeting of the command staff of the "Provisional" wing of the Irish Republican Army (IRA) it was understood to have been agreed that members of the Royal Ulster Constabulary (RUC) and the Ulster Defence Regiment (UDR) should be the main targets of assassination attempts, and that active service units based upon the territory of the Irish Republic should play the major part in these operations. Changes in the command structure of the "Official" wing of the IRA might place its leadership in the hands of more violent elements. The "Official" wing had pledged support for the Northern Ireland Civil Rights Association (NICRA); this was reflected in the current pattern of Civil Rights marches. On 29 January a NICRA march was planned from Dungannon to Coalisland. Seven companies of troops would be deployed to prevent this march from taking place and also as a precautionary measure against possible Protestant counter demonstrations. On 30 January NICRA planned a rally and march from the Creggan area of Londonderry to the Guildhall. It was estimated that as many as 8,000 to 12,000 persons, including elements from outside Londonderry, might take part. 20 companies of troops would be deployed; the intention would be to prevent the marchers, not from forming up within the Creggan and Bogside areas, but from coming out of those areas or being reinforced from outside Londonderry. The use of CS riot control agent would be restricted as far as possible; greater reliance would be placed on water cannon. Two battalions of the UDR would be called out to man road blocks around Londonderry. The television media would no doubt film the marchers within the Creggan and Bogside areas. This would in turn tend to exacerbate Protestant feeling; it would be necessary to declare a clear public relations line that it is for the security forces to decide where it is best that marches should be stopped, and that in Londonderry the place to stop them is on the borders of predominantly Roman Catholic areas.

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THE PRIME MINISTER, summing up a brief discussion, said that the meeting appreciated the difficulties which the Army faced when dealing with comparatively peaceful marches. This was essentially a job for the police, but the RUC did not possess the necessary numbers, and incidents of confrontation between the Army and the civil population were inevitable. The "Official" wing of the IRA were no doubt seeking through NICRA to exploit the difficulties confronting the Prime Minister of Northern Ireland, Mr Faulkner, following the Northern Ireland Government's decision to extend the ban on marches. The United Kingdom Government must support the Northern Ireland Government's decision with the necessary deployment of security forces. The Meeting agreed that in Londonderry the marchers must be prevented from coming out of the Bogside and Creggan areas; and criticism of the security forces for not entering those areas must be countered by pointing out that it was a matter of military judgement to choose the best place for achieving the aim of preventing the march from reaching its destination. Maximum publicity should also be secured for arrests and court proceedings following the marches.

The Meeting -

Took note, with approval, of the Prime Minister's summing up of their discussion.

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2. INTER-PARTY TALKS

Previous Reference: GEN 47(72) 2nd Meeting, Minute 2

The Meeting had before them a note by the Chairman of the Official Committee (GEN 47(72) 2).

THE PRIME MINISTER, summing up a brief discussion, said that the proposed inter-party talks might be a useful means of securing the support from the Opposition that would be highly desirable if the Government were to decide to impose a solution of its own choosing. The talks would be open for the discussion of any possible approach, though it would be most natural that they should concentrate upon possibilities that had already been put forward in public discussion, such as the future of the border, the possible transfer of responsibility for law and order from Stormont to Westminster, and the association of the Roman Catholic minority in some form of "community government" in Northern Ireland. He proposed shortly to write to the Leader of the Opposition, suggesting that the talks should be restricted to 3 Privy Counsellors on each side (on the Government side the Home Secretary, the Foreign and Commonwealth Secretary, and the Defence Secretary) and should be conducted without formal agenda. For the time being, at any rate, he did not propose to invite the Leader of the Liberal Party to join in the discussions; although the standing of the Liberal Party derived from the number of votes cast in general elections rather than from the number of Liberal Members of Parliament, the inclusion of the Leader of the Liberal Party would make it more difficult to reject pressures that the Ulster Unionist group should participate.

The Meeting -

Took note, with approval, of the Prime Minister's summing up of their discussion.

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3. THE POLITICAL SITUATION

Previous Reference: GEN 4.7(72) 2nd Meeting, Minute 4

The Meeting resumed its discussion of a memorandum by the Home Secretary (GEN 4.7(72) 1).

THE HOME SECRETARY said that if it proved to be true that, as reported, certain well known moderate Unionists in Northern Ireland were proposing to join the Alliance Party, the position of Mr Faulkner's Government would inevitably be weakened. It was difficult to judge whether this might incline Mr Faulkner himself towards a more moderate or a more extreme attitude. It would be desirable to explore this point in the discussions which the Prime Minister and he would be having with Mr Faulkner later that day. It was also for consideration whether they should attempt to begin persuading Mr Faulkner in private that it was unrealistic to expect that, even after the terrorist campaign had been broken, the structure of politics in Northern Ireland could revert to its former shape, subject only to those changes which had already been implemented or which were envisaged in the Northern Ireland Government's Green Paper. It was primarily for Mr Faulkner to indicate how he would envisage bringing about the necessary objectives of ending internment, enabling the Army to make substantial force reductions in Northern Ireland, and bringing Roman Catholic representatives back into a significant role in government.

THE PRIME MINISTER, summing up a brief discussion, said that the nature of the initiative at which the Prime Minister of the Irish Republic, Mr Lynch, had hinted during their conversation in Brussels on 23 January was still obscure. Mr Lynch appeared convinced that a political initiative was necessary, and that it should be timed to take advantage of a moment at which the IRA campaign of violence had received a severe setback, while the Protestants were still sufficiently apprehensive of violence to be prepared to contemplate a change. He seemed also to feel a need to counter any increase in support for the IRA within the Republic, and he had spoken of providing leadership for all the people of Ireland. In this connection he perhaps had in mind announcing at an early date social or constitutional measures which might make the possibility of union with the Republic less unattractive to the

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majority in Northern Ireland. As to Mr Faulkner, although it was doubtful whether the prospective defections to the Alliance Party would make very much public impact, their effect was more likely to move him towards a more extreme position than towards the centre. If the defections took place and led to a fragmentation of parties in Northern Ireland, it might then be easier for the United Kingdom Government to impose a solution of its own devising. The next step would be for the Home Secretary and himself to explore Mr Faulkner's thinking further; the Meeting would then wish to resume their discussions in the light of the views that Mr Faulkner might express. It might also be useful for the Meeting to have the advice of HM Ambassador in Dublin and the United Kingdom Government Representative in Belfast.

The Meeting -

Took note, with approval, of the Prime Minister's summing up of their discussion, and agreed to an early resumption of their consideration of the Home Secretary's memorandum.

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9.473 In addition to these minutes (prepared from manuscript notes taken by Arthur Hockaday)¹ there have survived Sir Burke Trend's handwritten notes of the meeting.² They reflect what is in the minutes, with the addition of details regarding the discussion on dealing with the handling of the march.³

“CGS [Chief of the General Staff, Sir Michael Carver]:

... IRA will seek max. publicity; and this may provoke Prot. counter reaction.

S/SD [Secretary of State for Defence, Lord Carrington]

This is a police, rather than an Army, job. Some incidents between Army and marchers are inevitable.

P.M. [Prime Minister, Edward Heath]

Must support Faulkner’s decision to ban marches as much as we can. Approve CGS’s dispositions; and get publicity directed so far as possible to way in which NICRA being taken over by IRA & hooligans.”

¹ KH9.87

³ G79A.487.4

² G79A.487.4-6

9.474 It will have been noted that General Carver informed the meeting that there were to be two marches during the coming weekend, one on the Saturday from Dungannon to Coalisland (requiring seven companies of troops) and the Londonderry march, requiring 20 companies. The reference to obtaining maximum publicity for arrests and court proceedings related to both marches.

9.475 It was suggested to the Inquiry that the Londonderry arrest operation against hooligan rioters then being planned by the Army was raised and approved at this meeting, and that the meeting was made aware of the likelihood of a shooting war with paramilitary republicans and the consequent risk to life from gunfire.¹

¹ FS4.72-73; FS4.82

9.476 Neither the minutes nor Sir Burke Trend’s handwritten notes (nor indeed the briefs to ministers or Anthony Stephens’ current situation report) contained any mention of any plan to use the occasion of the Londonderry march to launch a large-scale or indeed any specific arrest operation against rioters using either 1 PARA or other troops. These documents did not include any information or intelligence on the possibility or likelihood of a gunfight between paramilitary republicans and the Army, or of a consequent or any risk of loss of life. On the contrary, in his summing up the Prime Minister described the problem as one of dealing with “*comparatively peaceful*” marches. Thus the contemporary documents recording the meeting provide no support for the suggestion that the reference to “*incidents of confrontation between the Army and the civilian population*” being “*inevitable*” was a reference to what would or might happen in the

course of the planned arrest operation. In this connection it is to be borne in mind that there had been incidents between the Army and marchers at the marches that had already taken place.

9.477 The minutes do record that the meeting approved the CGS's "*dispositions*". However, unless the assumption is first made that the arrest plan was discussed, ie unless the question at issue is begged, this must (in the context of the minutes as a whole) be a reference to the disposition of military forces for the two marches mentioned earlier in the minutes. Again, unless the assumption is made that the arrest plan was discussed, the reference to maximum publicity for arrests and following court proceedings is, on the face of it, concerned with the need to counter the impression that the security forces were not enforcing the ban; and reflects the anxiety expressed by Edward Heath earlier in the month that for that reason steps should be taken to prosecute without delay those breaking the law.

9.478 The Inquiry has received the oral and written evidence of Edward Heath¹ and Lord Carrington,² the written evidence of Lord Balniel (the Minister of State for Defence),³ the written and oral evidence of Arthur Hockaday,⁴ the written statement of General Carver⁵ and the written and oral evidence of Robert Armstrong,⁶ who seems to have been present at this GEN 47 meeting as he was the Principal Private Secretary to the Prime Minister.

¹ KH4.1; Day 282/78; Day 283/56; Day 285/95; Day 286/105; Day 287/69; Day 289/94; Day 290/79; Day 291/1

⁴ KH9.1; Day 271/1

⁵ KC8.1

² KC6.1; Day 280/1

⁶ KA5.1; Day 294/1

³ KC10.1

9.479 There is nothing in this evidence to support the suggestion that the proposed arrest operation was raised or discussed at the GEN 47 meeting, or that there was mention of a gun battle with paramilitary republicans with consequent or any risk to life. On the contrary, the evidence of Edward Heath and Lord Carrington was that no arrest operation for the Londonderry march was discussed, and nor was the possibility or likelihood of a gun battle or consequent or any risk to life.¹ They also stated that to their recollection and belief the minutes were an accurate record of the discussion at the meeting.²

¹ KH4.6; Day 282/136-140; Day 283/56-57; Day 283/60-62; Day 280/52-60

² KH4.6; Day 280/52

9.480 Lord Carrington was aware, albeit in general terms, that there was to be an attempt to arrest a fair number of rioters.¹ However, it does not follow from this that he must or should have appreciated that the operation would endanger life. Any suggestion that it does once again assumes that what occurred was what was planned.

¹ G74.457-8; Day 280/49

9.481 Robert Armstrong told this Inquiry that the impression he got from the meeting was that there was going to be a comparatively peaceful march.¹ Arthur Hockaday (who wrote the first draft of the minutes)² said he had no clear recollection of the meeting, but would have recorded any mention or discussion of a large-scale arrest operation in Londonderry that might run the risk of loss of life had such a discussion occurred.

¹ Day 294/8

² KH9.87

9.482 Having considered all the evidence on this point we are satisfied that the proposed arrest operation was not discussed at the GEN 47 Committee meeting. It was obliquely suggested that the minutes may have been so drafted as to omit or play down mention of the operation,¹ but the suggestion was made with nothing whatever to support it. We consider that the minutes accurately summarised what was said at the meeting.

¹ FS4.72-76

9.483 The suggestion that the proposed arrest operation was discussed at the GEN 47 Committee meeting on 27th January 1972 was the foundation for a further and much more serious allegation, which was that the members of this committee either appreciated that this would endanger the lives of marchers or, at the least, simply did not care whether or not this risk would arise, since they considered “*the marchers to be law-breakers, allies of the IRA, whose lives could properly be jeopardised in order to achieve a greater good, namely to demonstrate to the NI Government and its supporters that the ban on marching was being enforced with zeal*”.¹ The committee, it was argued, approved the arrest plan for “*what they perceived to be a greater good, namely the strict enforcement of the law and the need to avoid Protestant ill-feeling*”.²

¹ FS4.87

² FS4.73; FS4.72-87

9.484 These suggestions amount to allegations that the members of GEN 47 were prepared to risk lives for the sake of political expediency. The allegations were put to and denied by Edward Heath,¹ Lord Carrington,² Arthur Hockaday³ and Kelvin White.⁴

¹ Day 291/46-48

³ Day 271/95-98

² Day 280/153-154

⁴ Day 269/194-195

9.485 Apart from the fact that the foundation for these allegations (approval of an arrest operation) is not established, the allegations are inconsistent with the fact that over the preceding months (and indeed at the very meeting under consideration) a great deal of thought had been (and was being) given to trying to formulate some political initiative to give the minority community a significant say in the government of Northern Ireland. The view, expressed on many occasions, was that an opportunity might arise in the near future when such an initiative could succeed; February was regularly mentioned as a possible target date, although Edward Heath told this Inquiry that he considered that to have been overly ambitious.¹ It was for that reason that it had been agreed at the GEN 47 meeting on 11th January 1972 to defer any plan to re-occupy the no-go areas of Londonderry (which was seen as likely to lead to serious violence), since this would further alienate the nationalist population and jeopardise any political initiative.² It would accordingly have been entirely contrary to the way forward being discussed by the GEN 47 Committee at the time, for its members to have sanctioned any operation that risked the lives of marchers, or even simply to have proceeded on the basis of not caring whether or not the lives of marchers were put at risk.

¹ [Day 291/27](#)

² [G50.309](#)

9.486 There is no doubt that Edward Heath (as he accepted) was of the view that the ban on marches should be enforced; and that the marchers were lawbreakers who should be prosecuted. There is no doubt that he and Lord Carrington were only too aware that there was a possibility that republican paramilitaries might at any time use deadly violence against the security forces, as indeed they had been doing for months; and that the soldiers had been and continued to be engaged in fighting these paramilitaries.¹ But these matters lend no support at all to the allegation that the GEN 47 Committee (and thus the United Kingdom Government) deliberately or recklessly put the lives of marchers at risk by approving an arrest operation (or an operation against republican paramilitaries) that might have this result.

¹ [KH4.6; Day 280/61-62](#)

9.487 For these reasons we are satisfied that there is no basis for these allegations.

The meeting of the Joint Security Committee on 27th January 1972

9.488 On the same day and at the same time (10.30am) as the GEN 47 meeting, the Joint Security Committee met at Stormont. The meeting was chaired by John Taylor MP (the Minister of State at the Ministry of Home Affairs), since, as we mention below, Brian

Faulkner was on his way to London. The Secretary to the Committee at this time was Thomas Cromey, but his evidence was that he had no recollection of any relevant discussions that took place in the Committee over the period under consideration.¹

¹ [KC13.1](#)

9.489 According to the minutes of this meeting,¹ after a discussion of the incidents of the previous week and the rejection of a suggestion that the ban on marches should be extended to Magilligan Strand (which was not covered as it was a beach and not a public road), those present turned to forthcoming events. The minutes record the following:²

“Proposed Marches on Saturday (Dungannon to Coalisland) and Sunday (in Londonderry) posed considerable problems. Tactics will be as for last week-end. The Marches will be stopped at points selected on tactical grounds.

It was agreed that S[pecial] P[owers] A[ct] Regulation 38 should be used to prevent assembly in Dungannon Square. The Londonderry Marches presented more serious difficulties and security action will be primarily an Army operation. It is planned to stifle the Shantallow March at source but it would be pointless to attempt the same tactics in the Creggan area. The basic plan here will be to block all routes into William Street and stop the March there. The operation might well develop into rioting and even a shooting war. Depending on the amount of road transport into Londonderry for the occasion road blocks may be set up and vehicles searched. This would have useful delaying effect.

Prosecution for breaches of the ban on processions was disappointingly slow. The Minister of State at the Ministry of Home Affairs undertook to look into this.”

¹ [G.76.463-466](#)

² [G76.465](#)

9.490 It will be seen from the minutes that at this stage the JSC was contemplating two marches in Londonderry, one originating in the Shantallow area of the city, and the other in the Creggan.

9.491 Representatives of some of the families suggested to this Inquiry that the JSC was told that there was a planned Army operation to arrest hooligans on the occasion of the Londonderry march and that the mention of a shooting war was a reference to what might happen when the arrest operation was launched. The members of the committee, it was submitted, would have been particularly interested to know of this plan, and it was

inherently likely that they were told of it. It was further submitted that the lack of an official record of any discussion on this point was a result of it being “*thought wiser not to minute any detail of the plan*”.¹

¹ FS4.70

9.492 The only direct support for the first part of this suggestion is the fact that in the House of Commons on 1st February 1972 Lord Balniel, the Minister of State for Defence with responsibility for all functions of the MoD, including the three Armed Services, said (according to the daily version of Hansard¹) that: “*The arrest operation was discussed by the Joint Security Council. Further decisions had been taken by Ministers here.*” The bound version of Hansard² recorded him as saying “*The arrest operation was discussed by the Joint Security Council after decisions had been taken by Ministers here.*” Lord Balniel’s explanation for the change was that the first version made no sense and that his office may have asked for it to be corrected.³ Assuming that the later version is an accurate record of what Lord Balniel had said, it remains unclear to what decisions the Minister was referring or when and by whom such decisions had been made. In view of the fact that the JSC meeting was taking place at the same time as the GEN 47 meeting, this could not have been a reference to the latter. Lord Balniel (who later became Lord Crawford) was too unwell to give oral evidence to this Inquiry.

¹ V27

³ KC10.16

² V55.4

9.493 It may be that the arrest operation was discussed at this JSC meeting, though since the committee does not seem in the preceding months to have looked in any detail at the plans of the security forces, any such discussion would be likely to have been in very general terms. However, even assuming that this did happen, there is nothing at all to suggest that the possibility of a shooting war was in the discussion related to any arrest operation, as opposed to what might happen when the march was stopped at William Street. The further suggestion that the minutes of this meeting were so drafted as deliberately to exclude any mention of an arrest operation was not supported by any evidence at all and is an allegation that we reject.

9.494 Edward Heath,¹ Lord Carrington² and Robert Armstrong³ all gave evidence that they did not see the minutes of the JSC meeting and that they were not made aware of the possibility of a shooting war. There is nothing in the GEN 47 minutes or elsewhere in the material considered by the Inquiry to suggest that this evidence of these individuals should be rejected and in our view it accurately reflected the position.

¹ KH4.91; Day 283/61

³ Day 294/41-42

² Day 280/63; Day 280/126-127

9.495 Arthur Hockaday told this Inquiry that when he was Assistant Under Secretary (General Staff) (AUS (GS)) in the MoD he had routinely received the minutes of JSC meetings, and he accepted that after his move to the Cabinet Office in early January 1972 he might well have continued to see these records.¹ However, even assuming that to be so, it is most unlikely that this would have happened before the weekend of 29th and 30th January 1972, since there is evidence to show that such minutes did not get to London for some days after the meeting in question.² Arthur Hockaday's evidence, which we accept, was that he would in any event have read the reference to "*a shooting war*" as being no more than a statement of the obvious and that it would certainly not have implied to him that the shooting would be deliberately initiated by the Army in the course of an arrest operation.³

¹ Day 271/79; KH 9.94

³ KH9.87

² FS8.794; FS8.814-815

9.496 It should also be noted that the JSC did not have a Special Branch Assessment for their meeting on 27th January 1972, since these assessments were produced fortnightly and the last had been supplied for the meeting on 20th January. Thus the submission that there must have been a Special Branch Assessment for the meeting on 27th January and that this probably informed the JSC that "*nothing more than public disorder was expected and perhaps even that there was an understanding that both the Provisional IRA and the Official IRA were unlikely to engage in any hostile action*" has no foundation in fact.¹

¹ FS1.136

9.497 In the early evening of 27th January 1972 Donald Maitland (Edward Heath's Chief Press Secretary) sent a message to Clifford Hill (the United Kingdom Government's Press Liaison Officer in Northern Ireland), which was telegraphed to the Government Security Adviser William Stout. Donald Maitland told this Inquiry that he could not recall this telegram, which he might not have drafted himself.¹ This was in the following terms:²

“FOLLOWING FOR HILL FROM MAITLAND.

THIS MORNING MINISTERS DISCUSSED THE PUBLIC RELATIONS ASPECTS OF THE COMING WEEKEND’S MARCHES AND PARTICULARLY SUNDAY’S IN LONDONDERRY. THEY ACCEPTED THAT THERE WOULD BE T.V. COVERAGE OF MARCHERS FORMING UP IN THE CREGGAN AND BOGSIDE. THEY FELT THIS MIGHT BEST BE COUNTER-ACTED BY T.V. COVERAGE AT THE POINT WHERE THE MARCH IS BROKEN UP AND OF THE ARREST AND SUBSEQUENT PROCEEDINGS IN COURT AGAINST ANY HOOLIGAN ELEMENTS WHO MAY BE ARRESTED.

2. IN THE LIGHT OF TODAY’S DISCUSSION BY THE J.S.C. WOULD YOU PLEASE DO ALL YOU CAN TO ENSURE BALANCED COVERAGE OF SUNDAY’S MARCH.”

¹ KH11.10

² G91.551

9.498 This telegram reflected the view of the GEN 47 Committee that there should be maximum publicity for arrests and court proceedings following the marches.¹ The language used is a further indication that there was no discussion of a large-scale arrest operation at the GEN 47 meeting. If such an operation had been mentioned and planned for it would be reasonable to expect that the equivocal terminology contained in this telegram (“*any hooligan elements ... who may be arrested*”) would have been replaced with something more definite (perhaps “the marchers and rioters ... who will be arrested”). It is also significant that the telegram reveals that ministers hoped that television cameras would be present at the point where the security forces would stop the marchers; this is hardly consistent with the same ministers proceeding in the knowledge that this encounter was likely to lead to the deaths of innocent civilians.

¹ KM11.10

The meeting between Edward Heath and Brian Faulkner on 27th January 1972

9.499 Edward Heath met Brian Faulkner at 10 Downing Street at 5.45pm on 27th January 1972. This meeting came about because Brian Faulkner was coming to London on that day to address a lunch of the Association of Engineers, before meeting Unionist MPs and giving a dinner for the eminent economist and government adviser Sir Alec Cairncross, who had participated in an inquiry into the economic and social position and prospects for Northern

Ireland. Edward Heath had asked to be kept informed when Brian Faulkner was coming to London, and on being told of this proposed visit, suggested on 20th January that the two should meet informally to exchange views.¹

¹ G58AB.360.4-5; OS4.170; G63A.379.1; G70D.441.12; G74F.458.16

9.500

Robert Armstrong made what was called a “*Note for the Record*” of this meeting.

We accept his evidence and that of Arthur Hockaday, that the fact that the document was so named does not indicate that there was some other note that was not for the record.¹

The note was as follows:²

“Mr. Brian Faulkner, Prime Minister of Northern Ireland, came to see the Prime Minister and the Home Secretary at 10 Downing Street on Thursday 27 January 1972 at 5.45 p.m.

Turning first to the security situation in Northern Ireland, Mr. Faulkner said that General Tuzo was still optimistic that the security situation in Belfast would be under control by the end of February or early March. This optimism certainly seemed to be supported by the information which was coming in. The G.O.C expected that from now on there would be a good deal more I.R.A. activity on the border. He had plans for switching some of his effort to the border. Mr. Faulkner was content to leave the G.O.C to decide how to deploy his forces, and thought that there was no need to alter the existing priorities: first Belfast; then the border; and finally Londonderry.

If the G.O.C proved to be right, within a few weeks the situation might be ripe for some political development. Mr. Faulkner did not take the view that the Catholic community was irretrievably estranged as a result of internment ... It was notable that, as the security forces got on top of the I.R.A., it had become possible to carry out searches without causing riots, and members of the Catholic community had begun to give information to the security forces. If the I.R.A were seen to be licked in Belfast, and it became possible to hold out the prospect of a reduction in the number of internees, and thus of an eventual end to internment, it might be possible to begin political talks. He did not know if Stormont Opposition M.Ps would be willing to talk, though Mr. Lynch had recently suggested in Dublin that the SDLP might be willing to start talking before internment ended.

The Prime Minister said that his impression from Mr. Lynch was that he thought that, although the SDLP ought to talk, they would not do so. Some of them were terrified for their lives; others were frightened of losing such support as they still retained.

He himself did not believe that Mr. [Gerry] Fitt [then the leader of the SDLP, who was widely thought to have been hesitant about the boycott of Stormont] retained any real control of the Party.

Mr. Faulkner said that he did not believe that the SDLP's attitude had the support of the Catholic community, which would (in his view) be in favour of the resumption of talks. He would be in favour of going ahead with a political initiative, as soon as it was possible to be reasonably sure that it would not be overridden by events. The Northern Ireland Government had produced their Green Paper and other proposals for reforms. He wondered what the thinking of the British Government was.

The Prime Minister said that it might perhaps be useful for himself, the Home Secretary and Mr. Faulkner to have a general talk about political possibilities at a later date. It might be possible to contemplate a package made up of the defeat of the I.R.A in Belfast, the prospect of declining internment, and talks about constitutional change.

Mr. Faulkner said that the main question was what the constitutional change should be.

The Home Secretary suggested that it would be easier to get a solution which might last if it could be firmly established that there would be no change in the border for a generation.

Mr. Faulkner agreed that at present neither side was excluding the possibility of a relatively early change in the border, and this was affecting their readiness to envisage talks about changes within the present basic constitutional framework of Northern Ireland as a province of the United Kingdom. His own people would be much more interested in discussing possible minority involvement in Government if they were satisfied that there was no prospect of an early change in the border.

The Home Secretary suggested that one possibility might be a general agreement that there should be no change for a period of twenty years, and that a referendum should be held at the end of that period.

Mr. Faulkner thought that this would be fair enough, and much better than an early referendum, coupled with a commitment for further referenda every ten years; any arrangement of that kind would tend to keep the border at the forefront of Northern Ireland politics. But any proposal for a referendum was open to the risk that, as the referendum drew closer, intimidation would be resumed.

The Prime Minister described the three meetings which the Home Secretary and he had had with the Leader of the Opposition. As a result of the first and second meetings (much of which had been leaked to the press), the Opposition had proposed to proceed straight to inter-party talks with Stormont. Their failure to persuade the SDLP to co-operate had led them at the third meeting to revert to the original suggestion that the first step should be inter-party talks at Westminster. They wanted to include backbenchers in those talks, but it was the view of the Government that talks should be on a Privy Counsellor basis between the two Front Benches. If backbenchers were to be included, considerable complications would ensue, among them demands by the Ulster Unionists at Westminster to be represented as a separate party.

Mr. Faulkner said that the situation in his own party was not bad at all. Opinion was tending to crystallise round the centre. Mr. Phelim O'Neill [a moderate, and individualistic, Unionist MP who defected to and led the Alliance Parliamentary Party shortly afterwards] did a certain amount of muttering, but had no support; Mr. [William] Craig was in the wilderness; and Mr. Paisley had lost a lot of support, as a result of his opposition to internment and his tendency always to leap in.

Mr. Faulkner recognised that the civil disobedience parades in the coming weekend in Derry would be difficult; but there had been no alternative to refusing permission for them. If Orange parades were to be banned, it would be impossible in political terms to let civil rights or other parades go ahead. He assumed (and it was confirmed) that the British Government remained of the view that parades and marches should be banned for as long as internment lasted. It would be important to make clear that those parading were not genuine 'civil righters' but were 'civil disobedients'. It would also be important to ensure that television cameras saw the parades being stopped.

Mr. Faulkner said that the I.R.A. campaign was going through a very dirty phase at present, with attacks on policemen. He referred to the eight men who had recently been taken into custody by the Republican police, but had subsequently been released, although they were apparently carrying guns.

Reverting to the situation of internment and the possibility of reducing it, Mr. Faulkner said that of 700 interned or detained, 240 were officers of the provisional I.R.A and 90 were officers of the official I.R.A. He thought that there were probably about 200 'volunteers' in detention who could be among the first to be considered for release. There were probably about 200 wanted men on the run in the Republic. It was not

generally appreciated that since internment, about 200 men had been arrested on arms and explosive charges and had been convicted. This showed that the authorities were not relying only upon internment.

The Prime Minister thanked Mr. Faulkner for coming and said that he would look forward to a general discussion with him later about possible political moves.

27 January 1972”

¹ [Day 294/4; KH9.88](#)

² [G81.507-511](#)

9.501 There is no reason to suppose that this note is anything other than a full and accurate record of the meeting. The Tribunal accepts the evidence of Edward Heath¹ and Robert Armstrong² that this was indeed the case, and that no significant matters concerning the march were discussed which were not included in the note. There is nothing in the text that supports the suggestion that either Prime Minister regarded the forthcoming marches as raising any particular serious political problems. Dr Robert Ramsay, the Principal Private Secretary to the Prime Minister of Northern Ireland who accompanied him to the meeting, told this Inquiry that Brian Faulkner did not regard the handling of the march in Londonderry as some sort of test of resolve of the security forces or the Government.³ We accept this evidence.

¹ [Day 283/67](#)

³ [Day 215/39](#)

² [Day 294/88](#)

9.502 Edward Heath and Robert Armstrong both told this Inquiry that they had no memory of further discussions about the march, or how to deal with it, until after the events of Bloody Sunday.¹ Edward Heath also stated that he did not have any contact with Brian Faulkner until the evening of 30th January 1972.² This Inquiry has no documentary material to the contrary, and we are satisfied that their recollections were correct on these points.

¹ [KH4.92; Day 294/9](#)

² [Day 283/67](#)

Colonel Dalzell-Payne’s paper on marches

9.503 Colonel Dalzell-Payne was at the time responsible for MO4, the military division at the MoD concerned with Northern Ireland. On 27th January he distributed a paper addressed to the Director of Military Operations at the MoD entitled “Northern Ireland – Marches in 1972”.¹

¹ [G82.512-521](#)

9.504 Colonel Dalzell-Payne explained to this Inquiry¹ that he prepared this paper in order to expand upon Anthony Stephens' submission of the previous day (discussed above), which had outlined the thinking of the MoD, GOC and United Kingdom Representative in Northern Ireland on the proposed handling of the Londonderry march and any resulting arrests.² Colonel Dalzell-Payne felt that a summary paper on marches in Northern Ireland was necessary as no such document existed, the staff in the MoD regularly rotated, and the ban on marches had only recently been extended.³ The covering loose minute shows that the note was distributed to senior officials and military personnel in the MoD and explained that it had been prepared "*as background to the current situation, and to try to anticipate some of the problems we may face on Monday 31 Jan 1972, if events on Sunday prove our worst fears. Shortage of time has not allowed its clearance with Headquarters Northern Ireland.*"⁴

¹ CD1.2; Day 245/14-15

³ Day 245/14-15

² G74.457-458

⁴ G82.512

9.505 In his oral evidence to this Inquiry, Colonel Dalzell-Payne said that "*the worst fears*" to which he referred were two-fold. In general there was the major concern of a serious sectarian confrontation between the two communities, and in relation to 30th January 1972 there was the more specific worry that the march might get out of control, leading to rioting and destruction.¹ However, in view of the contents of this paper (considered below) and of the earlier submission prepared by Anthony Stephens it seems more likely that the reference was simply to a unionist backlash if the marchers were perceived to have successfully defied the ban with the consequent implications for enforcing the ban in the future.

¹ Day 245/16

9.506 The paper itself set out a brief account of marches by both communities in Northern Ireland, and detailed the use of Banning Orders made by the Stormont Government, including the recently announced renewal of the ban on processions for a further 12 months. Colonel Dalzell-Payne observed that "*there is no doubt that the Force Levels to control urban situations of the sort created by illegal marches are prohibitively high*" and that "*it could well be claimed that the activities of IRA gunmen/bombers are easier to control than mass civil disobedience of the sort involved in defiance of the ban on marches*".¹ He noted the widespread hostility among the unionist community to the extension of the ban on marches, and set out the response of the unionist Orange Order,

which had warned that the Government could not expect support for the ban unless it was demonstrated to be effective (something that Colonel Dalzell-Payne took to refer to the anti-internment marches that had taken place earlier in the month).²

¹ [G82.516](#)

² [G82.517-518](#)

9.507 The paper continued:¹

“13. It is not possible to enforce the ban rigidly with the force levels available and we can only hope to deal with two or three large-scale demonstrations at any one time. In order to deal with them effectively however, we must take stronger military measures which will inevitably lead to further accusations of ‘brutality and ill-treatment of non-violent demonstrators.’ These measures should be reinforced by a quicker legal process in dealing with those who defy the ban. The IRA propaganda machine will, of course, make maximum capital from any efforts we may make to enforce the ban. The instructions issued to the Police and the Army immediately after the extension of the ban was announced are at Annex B.

Recommendations

14. We must accept that the current force level cannot be appreciably increased merely to impose a ban on marches. If we accept that the ban must continue, we are left with two possible courses of action, besides speeding up legal proceedings:

- a. An extension of the ban to include all public meetings.
- b. Additional measures for the physical control of crowds which threaten to march.

15. The only additional measure left for physical control is the use of firearms i.e. ‘Disperse or we fire.’ Inevitably it would not be the gunmen who would be killed but ‘innocent members of the crowd.’ This would be a harsh and final step, tantamount to saying ‘all else has failed’ and for this reason must be rejected except in extremis. It cannot, however, be ruled out. We must await the outcome of the events planned for the weekend 29/30 Jan 72, see what effect our firmer measures have, and then if necessary advise the Home Office to urge Mr Faulkner to use his power under the Public Order Act to ban all public meetings, and speed up legal proceedings.”

¹ [G82.518-519](#)

9.508 Colonel Dalzell-Payne said in his oral evidence to this Inquiry that the “*additional measures*” referred to in paragraph 14b consisted of “*principally a more aggressive arrest policy*”.¹ However, the paper was not concerned principally with the hooligan problem but with the problem of enforcing the ban on marches. In this context the “*additional measures*” seem to us more likely to be a reference to the description in the next paragraph of the “*only additional measure left for physical control*”, namely the use of firearms and a policy of “*Disperse or we fire*”.

¹ Day 245/18

9.509 We are more convinced by Colonel Dalzell-Payne’s evidence that his references to “*stronger military measures*” and “*firmer measures*” referred to in paragraphs 13 and 15 respectively were related to a more aggressive arrest policy directed at marchers and to the speeding up of prosecutions.¹ This may well be so, bearing in mind the recently issued Policy Instruction relating to marches,² to which we have referred earlier in this chapter and which was annexed to Colonel Dalzell-Payne’s paper under the heading “*Instructions Regarding Government Ban on Processions*”.³

¹ Day 245/18-20

³ G82.520-521

² G59.362-363

9.510 It was submitted by representatives of the families that the reference to “*disperse or we fire*” in Colonel Dalzell-Payne’s paper evidenced that “*the prevailing culture within Whitehall, Westminster and Headquarters Northern Ireland was one which contemplated as legitimate, the use of lethal force against unarmed civilians, in order to achieve military objectives*”.¹ Colonel Dalzell-Payne’s observation that IRA activity might be viewed as “*easier to control than mass civil disobedience*” was, it was submitted, an attempt to characterise civil rights marchers as a greater threat than gunmen and bombers,² and the proposition was advanced that the paper made it clear that it was “*essential to be seen to police the NICRA march in a manner acceptable to Unionism*”.³

¹ FS1.671; FS1.660; FS1.667-671

³ FS1.669

² FS1.669

9.511 We do not accept these submissions. In the paper Colonel Dalzell-Payne in fact referred to “*disperse or we fire*” as being “*the only additional measure left for physical control*” (our underlining) of the crowds by the security forces. It was not put forward as an option to be adopted either on the occasion of the march on 30th January 1972, or indeed immediately afterwards. Colonel Dalzell-Payne referred to the measure as “*a harsh and final step*” to be “*rejected except in extremis*”. That he did not believe that such circumstances had arisen is shown by his actual recommendations for future action

should it prove necessary after the weekend marches: namely, advising the Home Office to urge Brian Faulkner to ban all public meetings and speed up legal proceedings. The paper therefore does not support the submission that there was any “*culture*” which regarded as legitimate the use of lethal force against unarmed civilians.

9.512 Furthermore, Colonel Dalzell-Payne did not characterise civil rights marchers as posing a greater threat than paramilitary republicans. The context of his observation on this point clearly shows that he was referring to the difficulties that arose from the high force levels required at marches, rather than making a direct comparison between the dangers posed by each entity.

9.513 The submission that Colonel Dalzell-Payne’s paper argued for the NICRA march to be policed in a manner acceptable to unionists seems to imply that this was to be done by way of support for this section of Northern Ireland’s society. If so, we consider this to be erroneous. The United Kingdom Government had pressed for the ban on all marches in part to balance the introduction of internment, in the hope that the measures together would be seen as a comprehensive policy for maintaining public order, rather than a security initiative directed against the minority community. The ban was (as appears from Colonel Dalzell-Payne’s paper) opposed by elements in all sections of the population. The point that Colonel Dalzell-Payne made was that unless the ban was enforced against civil rights marches, there was a risk of widespread defiance by unionists, increasing still further the pressure on the already stretched security forces.

9.514 Family representatives made two further submissions to us in relation to Colonel Dalzell-Payne’s paper. First was the proposition that it contemplated a likely crisis resulting from the firmer measures that would be employed to control the Londonderry march.¹ Again, we are not persuaded by this argument. The paper did address a potential crisis, or at least potential problems, but the scenario envisaged was one in which the “*firmer measures*” had not proved effective, to the extent that the security forces lost, or were perceived to have lost, control of the march.

¹ FS4.79

9.515 The second submission¹ was that Colonel Dalzell-Payne’s paper was in some ways related to the memorandum written by General Ford in early January 1972 in which the General wrote that he was “*coming to the conclusion that the minimum force necessary to achieve a restoration of law and order is to shoot selected ring leaders*” of the rioting in Londonderry.² We have considered this memorandum earlier in this chapter.³ We are not persuaded that there is any connection between the two documents, and accept

Colonel Dalzell-Payne's evidence that he did not see General Ford's memorandum.⁴ As is noted above, Colonel Dalzell-Payne was not recommending a policy of "*disperse or we fire*", and his paper was not confined, as was that of General Ford, to the problem of hooliganism in Londonderry.

¹ FS1.667-670

³ Paragraph 9.104

² G48.299-301

⁴ Day 245/64

The deaths of Sergeant Gilgunn and Constable Montgomery

9.516 On the same day that Colonel Dalzell-Payne distributed his paper, Thursday 27th January 1972, a car containing five RUC officers was ambushed in the Creggan Road on its way to Rosemount Police Station in Londonderry.¹ Sergeant Peter Gilgunn and Constable David Montgomery were killed and Constable Charles George Maloney was injured by gunfire. 8th Infantry Brigade's IntSum for the period indicated that a .45 sub-machine gun had been fired at the car.² A Thompson sub-machine gun fires .45 rounds. It was reported in the press that a Thompson had been used.³ We received evidence to the contrary from PIRA 24, then the Officer Commanding the Provisional IRA in Derry, who indicated that his organisation had killed the two officers but whose recollection was that the weapon used was a .45 semi-automatic pistol.⁴ The officers were the first police officers to be killed in the city since the start of the Troubles.

¹ G80.488

³ L18; L18.1

² G108.654

⁴ Day 426/145-147; Day 427/39

Other matters relating to 27th January 1972

9.517 On this day, the RUC's Assistant Chief Constable, David Corbett, issued an Operation Order for the Londonderry march.¹ This provided for 575 officers from 12 divisions to be on duty.

¹ G80A.506.1

9.518 On the same day, in London, a proposed meeting of the MoD's Northern Ireland Policy Group, which was scheduled to discuss the Londonderry march, was "*cancelled due to British Honduras*".¹

¹ G75D.462.5

The question of assurances given by paramilitaries that the march would be peaceful

9.519 Brendan Duddy was a businessman in Londonderry who in January 1972 had contacts with local politicians, including both nationalists and unionists, and who knew Chief Superintendent Lagan well.¹ His evidence to this Inquiry was that Chief Superintendent Lagan had requested him to seek assurances from paramilitary groups to the effect that individual members would be told not to march and that they would make sure that all weapons were removed from the vicinity of the march. He told us that a few days later he met Malachy McGurran, whom he regarded as a leading Official Republican in Derry, and told him what Chief Superintendent Lagan had requested. According to Brendan Duddy's recollection, Malachy McGurran's immediate response was that the request for these assurances was unnecessary, because he felt confident that there would be no shooting. He said that if people wanted to march they should be allowed to do so; however, he did give an assurance that all guns would be removed.² In his oral evidence, Brendan Duddy told us that there was no discussion at all on what might happen after the march had finished.³ He also said that he might have spoken to Malachy McGurran on or about 22nd, 23rd or 24th January and would have reported his conversation to Chief Superintendent Lagan shortly afterwards, perhaps on the following day.⁴

¹ AD199.1-3

³ Day 432/82

² AD199.4

⁴ Day 432/84

9.520 In his written statement to this Inquiry, Brendan Duddy recorded that he had also approached Ruairí Ó'Brádaigh, then the leader of Provisional Sinn Féin, seeking a similar assurance from the Provisional IRA. According to this evidence, on 27th January 1972 Brendan Duddy was informed by someone (possibly Ruairí Ó'Brádaigh himself) that there would be no weapons on the march, but that the Provisionals were not even going to think about stopping from marching. Brendan Duddy said that he passed that information on to Chief Superintendent Lagan on the evening of 27th January.¹

¹ AD199.5-6; Day 432/86

9.521 Chief Superintendent Lagan, in his written statement to this Inquiry, told us that he had not expected there to be gunfire from either the Army or civilians on Bloody Sunday: *"I based this expectation on what I generally believed would happen on the day and not on information that came from any specific source."*¹ He stated that he did not receive any intelligence, assurances, information or understandings about what to expect in the Bogside on Bloody Sunday from anyone in the IRA or from any politicians or the clergy.²

¹ JL1.6

² JL1.7

- 9.522** Chief Superintendent Lagan's statement was taken before Brendan Duddy came forward. By that time Chief Superintendent Lagan was too unwell either to give oral evidence or to be interviewed about Brendan Duddy's account. This account was not put to any military witnesses because Brendan Duddy came forward long after they had given their evidence.
- 9.523** According to Liam Clarke and Kathryn Johnston's book *Martin McGuinness: From Guns to Government* (Mainstream Publishing, Edinburgh and London 2001, 1st edition p. 51) Chief Superintendent Lagan had been assured by the organisers of the march that neither the Official nor the Provisional IRA would carry guns and he briefed Brigadier MacLellan to that effect at the meeting on 24th January.
- 9.524** Martin McGuinness (then the Adjutant of the Provisional IRA in Derry) told us that he had always presumed that people in NICRA were speaking to Chief Superintendent Lagan, but he definitely had no contact with him.¹
- ¹ [Day 390/36-37](#)
- 9.525** In 1998 Chief Superintendent Lagan wrote to the journalist Lena Ferguson (a television producer who had worked on an investigation of Bloody Sunday for Channel 4 News), referring to a Channel 4 news programme on 19th and 28th January 1998 which in turn referred to him having either directly or indirectly received intelligence on the movements of the IRA on 30th January 1972.¹ In this letter² Chief Superintendent Lagan stated that "*this is completely untrue and that I was never in possession of such intelligence*".
- ¹ [X1.6.53-54](#) ² [JL1.30](#)
- 9.526** In his written statement to this Inquiry¹ Anthony Martin told us that he was involved in the Derry Branch of NICRA. He stated that NICRA contacted both the Official and the Provisional IRA and received an assurance that there would be no IRA flags or guns on the march. He also stated that Brigid Bond "*... would have told Frank Lagan that there would be no IRA violence on the march*".² Brigid Bond was a prominent member of the Derry Civil Rights Association. In his oral evidence he said that he was present when Brigid Bond spoke by telephone to Chief Superintendent Lagan.³
- ¹ [AM24.9](#) ³ [Day 176/48-49](#)
² [AM24.9](#)
- 9.527** Although what evidence we have from Chief Superintendent Lagan appears to indicate that he neither sought nor was given any assurances from either the Provisional or the Official IRA, we accept the account given to us by Brendan Duddy. It seems to us that the apparent conflict between his evidence and that of Chief Superintendent Lagan probably

arose from the fact that the latter was anxious to say nothing that might identify and thus prejudice the safety of his sources of intelligence. The same may be the case regarding Brigid Bond. In any event, on the basis assurances were given that Chief Superintendent Lagan passed on to Brigadier MacLellan, it seems that they related exclusively to the march, and thus would merely have reinforced the view of the officers concerned that it was not so much the march, but the rioting that was very likely to take place, when there might be armed IRA activity.

9.528 It was submitted by those representing most of the families that the Army command should have ensured that it was fully appreciated by the soldiers engaged in the arrest operation that *“the IRA were unlikely to mount an attack on soldiers at or near the march”*, instead of which some of the soldiers were led to believe and may have believed that there was a risk of them being fired on, especially from the Rossville Flats, *“when this was not true”*. The submission continued by suggesting that because of the failure to ensure that the soldiers appreciated that it was unlikely that the IRA would attack them *“at or near the march”*, many soldiers *“may have been unduly apprehensive about this risk and therefore more disposed to use lethal force either as an unwarranted pre-emptive measure or as an over-reaction to a perceived threat or simply following the lead set by others”*.¹

¹ FS1.774

9.529 We do not accept this submission. It is the case that paramilitary republicans were unlikely to mount an attack on the security forces using the march as cover, but there were reasonable grounds for believing (from what had happened in the city over the previous months) that there was an ever-present and real risk of sniping attacks by paramilitaries, especially if rioting broke out, as was likely to happen. In the face of this risk, it would in our view have been irresponsible and in breach of their duty to do the best they could to safeguard their soldiers, for the Army command to seek to persuade them in effect to lower their guard, rather than being constantly alert. We do not accept therefore that through any failure of Army command, or indeed otherwise, soldiers were made unduly apprehensive. The state of mind of soldiers who fired on Bloody Sunday is a matter we consider later in this report, in the course of dealing with what actually happened on the day.

9.530 On the morning of 28th January 1972, the MoD's Permanent Under Secretary's meeting discussed a number of matters concerning Northern Ireland, including the marches planned for the weekend. As to these the minute recorded that *“the basis of the Security Force's operations were noted and it was agreed that Mr Maitland [the Prime Minister's*

Chief Press Secretary] would take up with Mr Hill [the United Kingdom Representative's Press Liaison Officer] the question of the PR activity which would be necessary particularly in connection with the Londonderry march".¹ The minute went on to record that so far as this was concerned action lay with No 10 Downing Street but that the Deputy Chief Public Relations Officer at HQNI, who was Lieutenant Colonel Tony Yarnold, would no doubt be in contact with them.²

¹ [G89A.548.1](#)

² [G89A.548.2](#)

9.531 The discussion on marches probably reflected what had transpired at the GEN 47 Committee meeting the previous day and included at least an oral report by Edward Heath on the JSC's approval of the GOC's plan for dealing with the two marches.

9.532 A meeting of the United Kingdom's Cabinet's Defence and Oversea Policy Committee had been scheduled for 28th January 1972, but in the event it was cancelled, possibly because Lord Carrington was in Rome discussing a new defence agreement with the Maltese Prime Minister.¹

¹ [G86.533](#); [Day 291/42](#); [FR22.139](#)

9.533 At 7.45pm on the evening of 28th January, a second telegram was sent from Donald Maitland to Clifford Hill, which referred back to his message of the previous day. Donald Maitland told this Inquiry that he did not recall this document, and that he might not necessarily have drafted it himself.¹ The telegram read:²

"CONFIDENTIAL

TO IMMEDIATE UKREP BELFAST TEL NO 8 OF 28 JANUARY.

MY TELEGRAM NO. 7 OF 27 JANUARY. MARCH ON SUNDAY.

FOLLOWING FOR HILL FROM MAITLAND.

MINISTERS WOULD LIKE THE SUGGESTION PUT TO MR. FAULKNER THAT A STATEMENT BE ISSUED BY NORTHERN IRELAND GOVERNMENT BEFORE SUNDAY'S MARCH.

2. THIS STATEMENT WOULD BE TO THE EFFECT THAT

(A) ALL RESPONSIBLE CITIZENS OF LONDONDERRY SHOULD KEEP OFF THE STREET SEMICLN

(B) THE SECURITY FORCES WILL USE MINIMUM FORCE SEMICLN

(C) THE SECURITY FORCES WILL TAKE THE MEASURES WHICH THE TACTICAL SITUATION REQUIRES SEMICLN

(D) THEY WILL DO EVERYTHING POSSIBLE TO MINIMISE INCONVENIENCE TO PEACEFUL CITIZENS.

3. THE PURPOSE OF THIS STATEMENT WOULD BE

(A) TO PREPARE PUBLIC OPINION HERE AND IN NORTHERN IRELAND FOR VIOLENT SCENES ON T.V. FOLLOWING THE MARCH SEMICLN

(B) TO EXPLAIN IN ADVANCE THAT THE SECURITY FORCES' COUNTER-MEASURES WILL TAKE PLACE AT POINTS OF THE ARMY'S CHOOSING SEMICLN

(C) TO EXPLAIN IN ADVANCE WHY C.S. GAS MAY NOT BE USED.

4. PARALLEL WITH SUCH A STATEMENT WE SHOULD LIKE YOU TO ARRANGE FOR THE PRESS TO BE REMINDED OF THE REPEATED CALLS OVER RECENT MONTHS BY MEMBERS OF THE CATHOLIC COMMUNITY FOR A BAN ON ALL MARCHES.

5. WOULD YOU PLEASE PUT THESE SUGGESTIONS URGENTLY TO MR. FAULKNER'S OFFICE."

¹ [KM11.10-11](#)

² [G90.550](#)

9.534

Edward Heath accepted in his oral evidence to this Inquiry that one of the purposes of making the suggested statement was to show the public that while there was likely to be violence this would be the fault of those conducting an illegal march. He also accepted

that as officials and politicians thought about the march in greater detail in the days leading up to 30th January 1972, the possibility of violence was being seen as a rather more substantial risk than had seemed likely earlier in the week.¹

¹ [Day 273/113](#)

9.535 It was submitted to this Inquiry by representatives of some of the families that the reference to “*violent scenes*” in this telegram, when considered in relation to many of the other documents considered above, was evidence of an awareness among senior civil servants and politicians of the very serious risk involved in proceeding with an arrest operation, or indeed with seeking to stop the march. It was argued that the phrase was considerably stronger than the warning contained in the Prime Minister’s summing up of the GEN 47 meeting, where only (seemingly commonplace) “*incidents of confrontation*” were mentioned, and hence that leading policy makers in Westminster appreciated that there was a greater danger associated with the proposed operation, namely that “*innocent civilians may be shot*”. Further, the alleged dichotomy between the telegram and the GEN 47 minute led to a further submission regarding the accuracy of the latter, and the proposition that there might have been another meeting about the march that took place on 28th January 1972, the records of which this Inquiry has not seen.¹

¹ [FS1.763-767](#); [FS4.79-82](#)

9.536 We are not persuaded by this interpretation of the relevant documents, and do not accept that the reference to “*violent scenes*” was substantially different from the Prime Minister’s warning about “*incidents of confrontation*” at the GEN 47 meeting. A number of senior civil servants and ministers gave evidence, which we accept, to the effect that they anticipated only the “*usual rioting*” at the end of the march, and not a major shooting incident (Kelvin White,¹ Arthur Hockaday,² Lord Balniel³ and Lord Carrington⁴). In our view, it is this expectation that is reflected in the second Maitland–Hill telegram, which is consistent not only with the GEN 47 minute, but also with Anthony Stephens’ current situation report dated 28th January 1972, in which he wrote that:⁵

“It seems inevitable that, with the large numbers of demonstrators which are expected to turn out in Londonderry, bringing the march to a halt is bound to result in the local hooligans coming to the fore. It is being suggested to the Northern Ireland Government that there would be advantage in putting out a statement beforehand which recalled that it was the Catholics who were pressing in mid-1971 for a ban on marches; stressed the illegality of any march in defiance of the ban; and made it clear that the security forces would ensure that any such march was halted, with no more force than was necessary.”

¹ [Day 269/124](#)

² [Day 271/75-76](#)

³ [KC10.12](#)

⁴ [Day 280/60](#); [Day 280/135](#)

⁵ [G87.535](#)

9.537 The use of the present tense (“*It is being suggested*”) in the second sentence of the above quotation indicates that this document was written after the decision had been made to send the second message.

9.538 Following the telegram, the Army and RUC issued a joint statement, warning that the marches were illegal and that they would be stopped at a time and place of the security forces’ choice.¹ This document is set out and discussed below, but it is relevant to note here that the statement included the comment that “*Experience this year has already shown that attempted marches often end in violence*”. None of these earlier incidents had involved outbreaks of shooting. For these reasons it seems more than likely that the reference in the second telegram is to televised scenes of violence involving hooligans and taking place after the march, rather than a gun battle with paramilitary republicans.

¹ [G93.556](#)

9.539 It is possible that the public statement (and hence also the telegram suggesting it) arose from the recommendations contained in Colonel Dalzell-Payne’s paper on marches.

9.540 There is no evidence at all to support the suggestion that there was a meeting of ministers on 28th January 1972, which prompted the second telegram. We accept the evidence of a number of ministers and civil servants that this telegram arose from the response of officials to the conclusions of the GEN 47 meeting the previous day, as is reflected by the record of the MoD’s Permanent Under Secretary’s meeting on the morning of 28th January. No further ministerial authorisation was required, and none was given (Edward Heath,¹ Robert Armstrong^{2,3} and Lord Balniel⁴). There is no document

recording any further ministerial discussion, which would have to have taken place on a Friday (a day when ministers would have tried to avoid meetings), and probably in the absence of the Secretary of State for Defence, who we were told was in Rome.⁵

¹ [Day 291/43](#)

⁴ [KC10.12](#)

² [Day 294/92-93](#)

⁵ [Day 291/43](#)

³ [Day 294/95-96](#)

9.541 On Friday 28th January 1972, Brian Faulkner, in his capacity as Minister for Home Affairs, signed an order, under section 34 of the Civil Authorities (Special Powers) Act (Northern Ireland) 1922, authorising Brigadier MacLellan to direct the occupation by troops under his command of “*such lands, buildings or other property within the city of Londonderry as he may deem necessary for the purpose of military operations on 30 January 1972*”.¹ Brian Faulkner also replied on this day to General Tuzo’s letter and report of 25th January (considered above²), in which the GOC had defended the handling of the previous weekend’s marches (including the one at Magilligan Strand).³

¹ [B1279.023](#)

³ [G74AA.458.6.1](#)

² [Paragraph 9.284](#)

9.542 The *Derry Journal*¹ and *Irish News*² both reported the following NICRA press statement in their editions of 28th January 1972:³

“A meeting of stewards for Sunday’s planned Civil Rights demonstration and rally at Guildhall Square, Derry, will be held at the Creggan Centre at 8.00 p.m. tonight. Stewards will receive final instructions from members of the N.I.C.R.A. executive, and be fully briefed on plans and tactics.

Special emphasis will be placed on the absolute necessity for a peaceful incident free day on Sunday.

Civil Rights Organiser, Mr. Kevin McCorry, has pointed out that Mr. Brian Faulkner and Mr. John Taylor are counting on an outbreak of violence to justify any British Army violence used on Sunday. Sunday would be ‘make or break day’ with the cause of Civil Rights and the release of internees.

Any riot, any trouble, any incident, must be confined to members of the British Army. They disgraced themselves at Magilligan on Saturday last with their unprovoked savagery. Do not let them disgrace you, the City of Derry and the whole democratic cause, said Mr McCorry.”

¹ [L18.1](#)

³ [G92.552](#)

² [L18](#)

Lieutenant Colonel Wilford's reconnaissance on 28th January 1972

9.543 Colonel Wilford was unfamiliar with Londonderry and on the morning of 28th January 1972 he conducted a reconnaissance of the city, both in a car and in a helicopter.¹

¹ [B1110.062](#)

9.544 Colonel Wilford's evidence to this Inquiry was that he could not remember the helicopter reconnaissance. In his written statement to the Inquiry he told us:¹

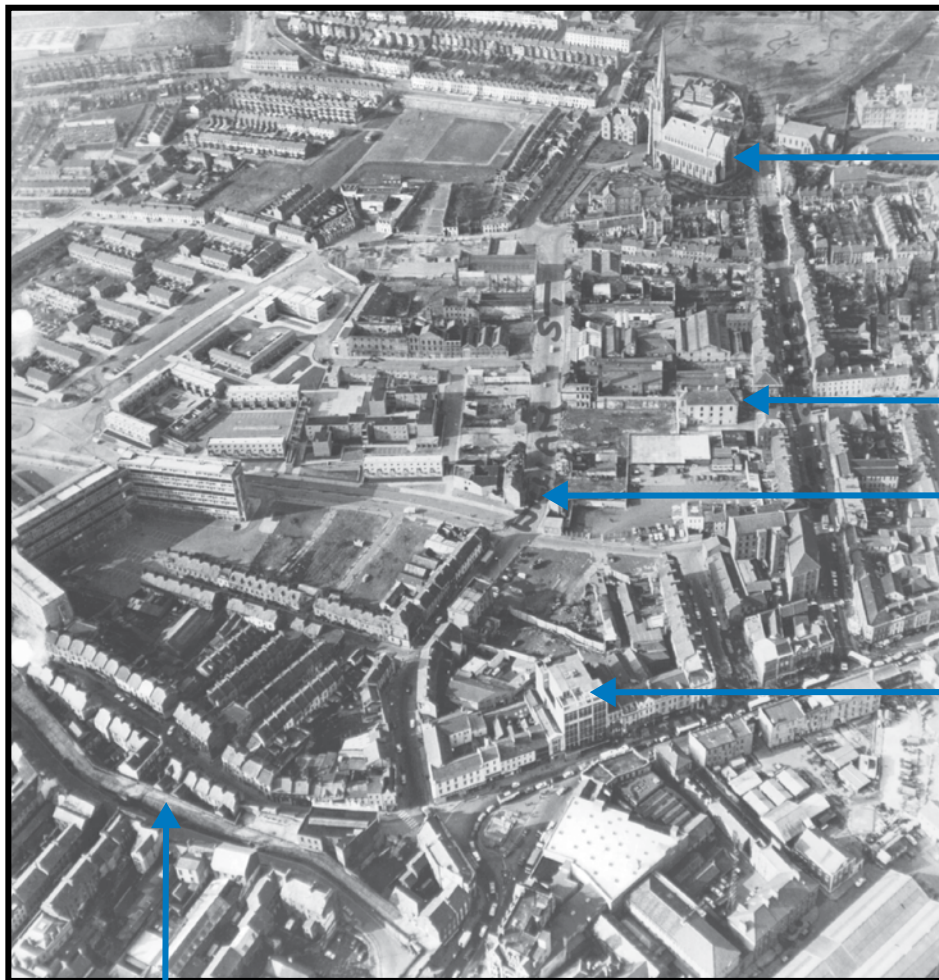
"39. I do not recall actually being in the helicopter. I would have had a map with me and I would have looked at various important points that could be seen from the air. I would have got a better idea of distances from this and no doubt I would have been struck that Londonderry was physically very similar to Belfast i.e. an urban area with narrow streets, open spaces and high rise blocks. I think the smallness of the place struck me.

40. As I flew over in the helicopter I would have been making my appreciation. I had to be flexible. I did not know the size of the crowd, the route or routes it would take or where I would be called upon to deploy my soldiers. Two places had been highlighted and I appreciated that trouble could arise at either or both of those locations and/or elsewhere."

¹ [B1110.023-024](#)

9.545 In his reconnaissance by car, Colonel Wilford was driven by Captain INQ 1803, the Grade 3 staff officer responsible for intelligence at 8th Infantry Brigade.

9.546 We set out below a photograph and map showing the relevant area of the city.



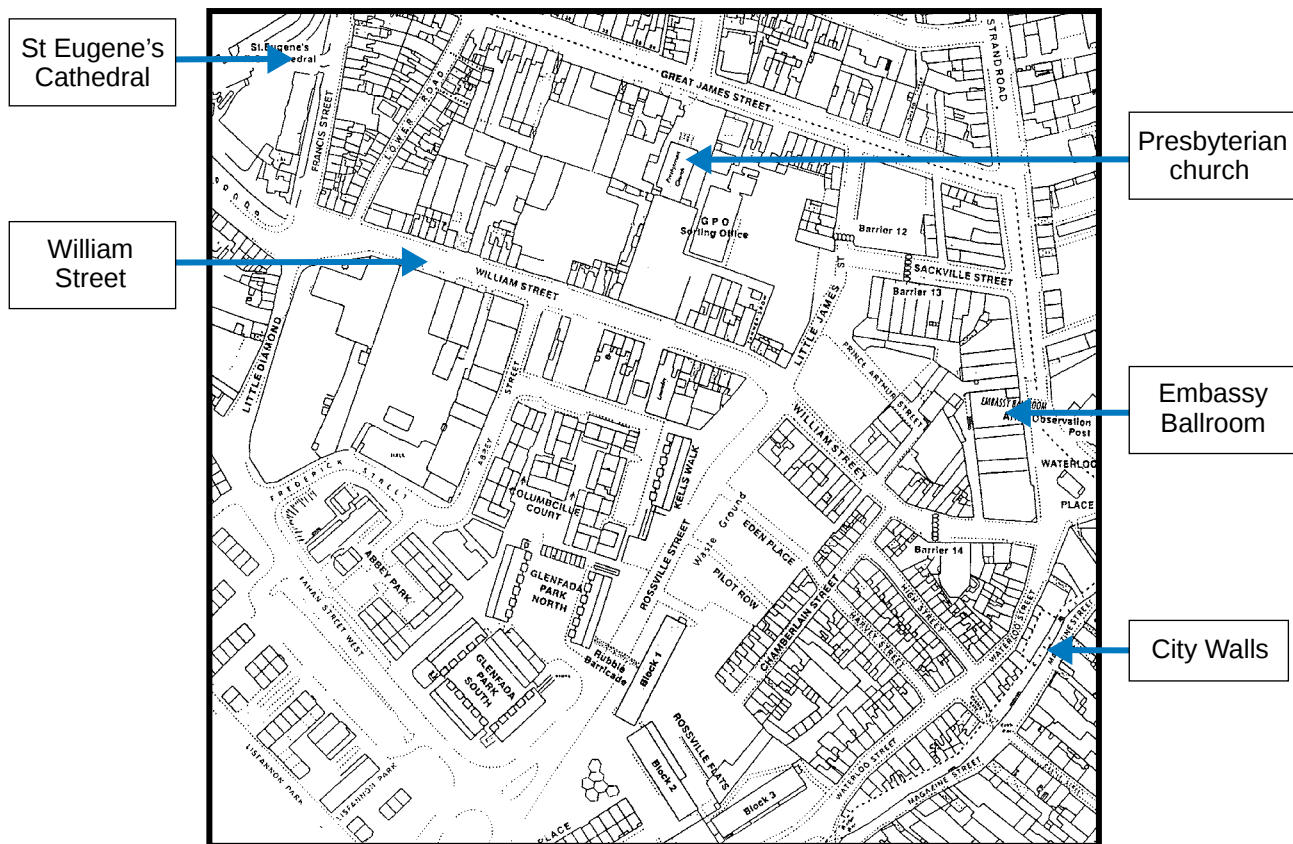
St Eugene's
Cathedral

Presbyterian
church

William
Street

Embassy
Ballroom

City Walls



9.547 Colonel Wilford's recollection was that the Intelligence Officer pointed out the Presbyterian church and a nearby derelict building; and that he noted the latter as a possible Tac HQ. He recalled that the car did not enter the no-go area and added in his written statement to this Inquiry that "*I did not go up and down William Street because that was in the Bogside*".¹ However, in his oral evidence to the Widgery Inquiry, Colonel Wilford said that his reconnaissance by car had included William Street.² Captain INQ 1803's evidence to this Inquiry was that the car did not enter the Bogside or Creggan, because this would have been dangerous, but that he did drive Colonel Wilford around the "*William Street, St Eugene's Cathedral area, so that he could see the general topography*".³ Neither witness recalled going onto the City Walls or to the Embassy Ballroom.

3 C1803.6

2 WT11.37

9.548 Captain INQ 1803's recollection was that details of any arrest plan were not discussed. He pointed out that at that time Colonel Wilford would not have had any specific plan. Although he could not recall it, he thought that the two would have discussed the concept

of the arrest operation in general terms. However, since Captain INQ 1803's role was to provide information about the area and he was not himself "*in the operational side*", it was, he said, not for him to discuss the details of the operation.¹

¹ Day 293/35-37; Day 293/60-61

9.549 It was submitted to us on behalf of some of the soldiers¹ (not including Colonel Wilford) that Colonel Wilford thought of the Presbyterian church as a route for his arrest force during the course of the reconnaissance. Their submission appears to be based on the evidence of Captain INQ 1803. However, this witness had a very limited recollection of events, though he was willing to agree that discussions about deployment through the Presbyterian church could have taken place. In his oral evidence to this Inquiry there was the following exchange with Captain INQ 1803:²

"Q. So far as your recce was concerned, by car, did you discuss with him possible routes in for his arrest force? Perhaps if I ask you specifically about the Presbyterian Church: was there consideration or discussion about the Presbyterian Church in the course of this recce, do you recall?

A. The Presbyterian Church was discussed in the context of an area where he might have, or might deploy some of his unit, have a holding area prior to being involved in any arrest operation.

Q. You do not recall, do you, whether the Presbyterian Church or the wall adjacent to it leading through to William Street, was discussed as a possible route through which two companies might be sent to conduct the arrest operation or part of it?

A. I do not specifically recall that, but I think it is quite likely that that is the sort of thing – I would not deny that that discussion might have taken place, but I do not specifically recall it.

Q. If there had been discussion of that kind, would you have been giving a view as to whether this was a feasible proposition to Colonel Wilford, given it was his first visit to the city, as you understood it, or would you simply have been advising him on what the geographical layout was, where the hooligans would be and so on?

A. No, I think I had thought that he was considering doing something that I thought would not have been, you know, a practical – if it had been inappropriate, I would have said so to him.

Q. Do you have any recollection of there being a suggestion from Colonel Wilford that he might deploy troops through that church or the grounds of the church, the Presbyterian Church?

A. Well, as you have raised the matter it is in my mind at the moment, I cannot quite sort of distinguish whether it is something that seems very logically to happen or whether it did, but I do not specifically remember discussing it, but it is quite possible we did.

Q. You knew the area, did you, well enough to be able to advise him as to whether that was a feasible proposition or not?

A. In terms of exactly what would be the feasible proposition?

Q. The nature of the obstacles, to start with, that the troops might find going through that area and/or the possibility of making themselves more blatant targets for IRA snipers, things of that kind?

A. Well, in a general sense I was aware of the topography and of course we were actually situated there at the time, so these thoughts or discussions would have taken place and assessing the practicalities and drawing attention to the sort of experience of the brigade, particularly the resident battalions, in that specific area over the whole period since the internment operation in August last year, the year before.”

¹ [FS8.544](#)

² [Day 293/62-64](#)

9.550

The representatives of the same soldiers also submitted that the reconnaissance was brief and limited by the security situation at the time. It was submitted on behalf of some of the families that the reconnaissance was completely inadequate and that a senior officer who could have advised him should have accompanied Colonel Wilford.¹

¹ [FS1.858](#); [FR1.41](#); [FR1.402](#); [FR7.195](#)

9.551 It was submitted on behalf of other soldiers (including Colonel Wilford) that the Presbyterian church was in a perfect pivotal position in that, if Support Company went over the wall there, it could link up with A Company to the west or C Company to the east, and that the factor that ruled it out was that the ground level on one side was significantly lower than on the other. It was submitted that this was:¹

“... just the sort of fact which is all too obvious with the benefit of hindsight but which might well not have been anticipated, even with the benefit of careful preparation and/or local knowledge. Only those who had actually climbed the wall and looked at the ground on both sides were likely to have appreciated the problem.”

¹ [FS7.834-836](#)

9.552 Although we accept that the Presbyterian church was in a good position from the point of view of deploying soldiers in an encircling arrest movement, we do not accept that the failure to appreciate the impracticability of the Presbyterian church route was obvious only with the benefit of hindsight. The whole idea was for the troops to move very fast indeed to get behind rioters. Colonel Wilford's priority, when making his plans, should have been to ensure that large numbers of troops could get to the rioters quickly.

9.553 We find that this was an unsatisfactory reconnaissance. In our view, a more careful examination of the terrain should have taken place. This would have revealed that the Presbyterian church route was not suitable. Colonel Wilford should have consulted closely with those stationed in the city on how best an arrest operation should be conducted and should have looked at the route through which he proposed to send troops. We formed the firm impression that Colonel Wilford was intent on showing the local troops how an arrest operation should be conducted and was not keen to take advice from them on how it should be done.¹ As will be seen later in this report, in the end Colonel Wilford did not launch his arrest operation, or any part of it, through the Presbyterian church route.

¹ [B1110.155-6](#); [B1110.174](#); [X1.35.5-11](#); [X1.35.14](#); [X1.35.35](#); [X1.35.51](#); [X1.35.65](#); [Day 312/25-33](#); [Day 315/5-8](#); [Day 317/33-45](#)

9.554 At this point it is convenient to deal with evidence of other reconnaissances before 30th January 1972 by officers of 1 PARA.

9.555 Captain INQ 1495, a Company Commander in 1 R ANGLIAN, recalled escorting a number of officers of 1 PARA on foot around the area north of Waterloo Place. His recollection was that he had also shown them two walls, one on each side of the

Presbyterian church, and had suggested to them that their troops might trap rioters in a pincer movement on 30th January 1972 by going over the wall on the east side of the Presbyterian church.¹ He could not recall whether Colonel Wilford had been among the Parachute Regiment officers whom he had escorted but thought that the reconnaissance had taken place about a week before Bloody Sunday.²

¹ C1495.2; Day 304/49

² Day 304/46; Day 304/56

9.556 Major INQ 10, the Commander of A Company of 1 PARA, recalled going on a reconnaissance to Londonderry with the Commanders of C Company and Support Company.¹ He thought that he had done so before 30th January 1972. In the course of his oral evidence he said that he no longer recalled the date of the visit but he remained convinced that it had taken place before the day of the march.² Major 221A and Major Loden (also known to the Inquiry as Major INQ 236), the Commanders of C Company and Support Company of 1 PARA respectively, did not refer in their evidence to any such reconnaissance. Major Loden, in his oral evidence to this Inquiry, said that any reconnaissance before the day would have been difficult because the battalion was “*pretty permanently on the streets of Belfast*”. He explained that Colonel Wilford had made a reconnaissance but that other members of the battalion had not because they had been occupied elsewhere.³

¹ B1343.001

³ Day 345/2

² Day 289/4; Day 289/54; Day 289/66

9.557 Major 159, Commander of 53 Battery, 22 Lt AD Regt, told this Inquiry that he saw a group of about four members of the Parachute Regiment carrying out observations from the City Walls on the night before the march. According to him they were being escorted by an officer from a local battalion.¹ The evidence of Major 159 is inconsistent with the convincing body of material that demonstrates that 1 PARA did not arrive in Londonderry until early in the morning on 30th January 1972.

¹ B1953.001; Day 349/107; Day 349/134

9.558 Colonel Wilford, in his oral evidence to this Inquiry, said that he was the only officer from 1 PARA who made any reconnaissance of Londonderry for the purposes of the 30th January march. He had no recollection of anyone suggesting to him during his reconnaissance that 1 PARA should use the route over the wall next to the Presbyterian church.¹ The evidence of Captain INQ 1803 was that no other person was present at the reconnaissance that he conducted with Colonel Wilford.²

¹ Day 312/21-22

² Day 293/60

9.559 Neither Captain INQ 1495 nor Major INQ 10 recalled Colonel Wilford being present during the visit that they describe, while both Colonel Wilford and Captain INQ 1803 said that the reconnaissance that they conducted on Friday was by them alone. The account given by Captain INQ 1495 was not supported by any evidence other than that of Major INQ 10. Further, we know that Captain INQ 1495's Commanding Officer, Colonel Roy Jackson, was not consulted by Colonel Wilford about the plans for the arrest operation.¹ It seems highly unlikely that one of his officers could have escorted officers from 1 PARA on a reconnaissance without Colonel Jackson becoming aware of the fact.

¹ [CJ2.9](#)

9.560 We have concluded that only Captain INQ 1803 accompanied Colonel Wilford on the reconnaissance that took place on Friday 28th January 1972. We consider that the recollections of Major INQ 10 and Captain INQ 1495 were at fault. They were probably each recalling reconnaissances that took place in relation to a different operation.

The co-ordinating conference

9.561 The Operation Order provided at paragraph 11(c) that a "*co-ordinating conference*" would be held at Brigade Headquarters (Ebrington Barracks) at 1430 hours on 28th January for all commanding officers.¹ Some witnesses, including Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, referred to this meeting as a Brigade Orders Group. Colonel Ferguson told this Inquiry:²

"An orders group is not a conference ... it is not a debating organisation, it is a situation where orders are given out."

¹ [G95.575](#)

² [Day 281/58](#)

9.562 However, the orders for Operation Forecast had already been distributed in writing. It seems to us that the meeting on 28th January 1972 could properly be described as a conference. Colonel INQ 598, the Commanding Officer of 1 CG, also referred to the meeting as an order group but gave the following description, in general terms, of the purpose of such a meeting:¹

"I think if they could do it, they would get the written order to you first and then it would be a confirmatory session, the order group, so to speak, where anybody could ask questions or raise doubts on what was in the order."

¹ [Day 272/4](#)

9.563 Colonel INQ 598 could not recall whether in this instance he had received the written orders before attending the co-ordinating conference or on arrival there.¹

¹ [Day 272/3](#)

9.564 In a draft statement for the Widgery Inquiry, Brigadier MacLellan recorded that he had approved the written orders on 27th January 1972 and on the following afternoon had “held a co-ordinating conference to clear up any queries on those orders”.¹

¹ [B1232](#)

9.565 The co-ordinating conference was attended by the following officers:

- Brigadier MacLellan
- Colonel Steele
- Colonel Ferguson, Commanding Officer of 22 Lt AD Regt
- Colonel Jackson, Commanding Officer of 1 R ANGLIAN
- Colonel Welsh, Commanding Officer of 2 RGJ
- Colonel Wilford, Commanding Officer of 1 PARA
- Colonel INQ 598, Commanding Officer of 1 CG
- Major INQ 1900, Deputy Adjutant and Quartermaster of 8th Infantry Brigade
- Captain INQ 1803, General Staff Officer 3 (Intelligence) of 8th Infantry Brigade
- Chief Superintendent Lagan, RUC.

9.566 In his draft statement for the Widgery Inquiry, Brigadier MacLellan wrote that the conference was also attended by David Corbett, Assistant Chief Constable (Operations) of the RUC.¹ The recollection of Chief Superintendent Lagan, in his statement to this Inquiry, was that he was the only non-military person present.² Chief Superintendent Lagan’s recollection of the meeting was faulty in at least one respect, in that he recalled that it was held on Saturday 29th January 1972, the day before the march. The Inquiry was unable to obtain evidence from David Corbett, who is deceased.

¹ [B1232](#)

² [JL1.12](#)

9.567 At the conference, Brigadier MacLellan informed the officers that he would be exercising command on 30th January 1972 from his headquarters at Ebrington Barracks and that Chief Superintendent Lagan would be with him. He also told them that General Ford intended to observe the event and that General Ford's "*Rover Group*" would include David Corbett and also the Colonel (GS) Information Policy, Colonel Maurice Tugwell.¹

¹ [B1232](#)

9.568 In his draft statement for the Widgery Inquiry, Brigadier MacLellan told the Widgery Inquiry:¹

"At this co-ordinating conference I made a particular point of stressing that the event was to be handled in the lowest possible key, that CS gas was only to be used when in imminent danger of being over-run, and the necessity for using minimum force."

¹ [B1232](#)

9.569 Brigadier MacLellan's evidence that he emphasised the need for the operation to be "*low key*" is confirmed by a document created by Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt. During the conference Colonel Ferguson made notes which include the words "*low key*".¹

¹ [B1122.48](#); [Day 281/93-94](#)

9.570 At the conference Brigadier MacLellan went through the order. He made detailed notes before the conference, which were typed up and have survived in that form. The notes follow, to a great extent, the topics set out in the written Operation Order.

9.571 Under the heading "*Background to the Event*", the notes were as follows:¹

- "2. Latest Int assessment
- a. No Shantallow.
 - b. Est of numbers from Creggan. Highest now 20,000 but expect 5,000.
 - c. Mood of NICRA; non-violent; use of stewards.
 - d. Number at actual Meeting Place possibly 500; mainly moderate.
 - e. No info on contingents from Waterside.
 - f. Hooligan violence inevitable.
 - g. Route. Most likely – Eastway – Lone Moor Rd – Creggan St – William St."

¹ [G88.537](#)

9.572 Later in the notes, at Item 6, there is a further reference to the receipt of intelligence:¹

“Vulnerability of Blighs Lane and Brandywell

1. Int received of threat to Brandywell.
2. Pre-stocking with ammo.
3. Threat to these locs to be taken very seriously.”

¹ [G88.538](#)

9.573 On one copy of the notes, the words “*Present active build up*” appear in Brigadier MacLellan’s own handwriting against the heading “*Latest Int assessment*”.¹ Brigadier MacLellan was unable, when giving evidence to this Inquiry, to recall the significance of those words.²

¹ [B1279.102](#)

² [B1279.034](#)

9.574 Both Brigadier MacLellan and Colonel Steele, in their oral evidence to this Inquiry, said that they thought that most of the intelligence that they had received relating to the march came from Chief Superintendent Lagan.¹

¹ [Day 261/63](#); [Day 266/75](#)

9.575 However, Brigadier MacLellan also had available to him at the time of the conference the signal that had been sent to him by David on the preceding day. As we have noted above, it seems likely that the reference to a threat to the Brandywell was based on information contained in that signal.

9.576 The second section in the notes refers to the threats perceived by the security forces to be facing them. The notes were:¹

“Threat

No change from Op Order ie

1. Confrontation between SF and marchers.
2. IRA activity, to take advantage of event.
3. Hooligan reaction – continuing after event.
4. Sectarian unrest, in Fountain St area.”

¹ [G88.537](#)

9.577 The following section is headed “*Concept of Ops*”. The notes there were as follows:¹

- “1. Lowest possible key.
- 2. Emplacement of Barriers at last possible moment.
- 3. Use of CS Gas – only when in imminent danger of being over-run.
- 4. Leading members of march will be non-violent.”

¹ [G88.537](#)

9.578 Under “*Forecast of conduct of ops*” Brigadier MacLellan wrote:¹

- “1. Routes.
- 2. Dispersal.
- 3. Prolonged hooligan violence thereafter...”

¹ [G88.539](#)

9.579 The evidence of the officers present at the co-ordinating conference was that details of Colonel Wilford’s plans for the arrest operation were not discussed there.

9.580 In the course of his oral evidence to this Inquiry, Brigadier MacLellan was asked about the need for marchers and rioters to be separated before any arrest operation was launched. The following exchange then took place:¹

“Q. Do you remember whether, on this conference, that there was any discussion as to how exactly the arrest operation would be carried out, assuming that the march took its expected route?

A. I think this conference took place on 28th or something like that?

Q. It did.

A. Two days before the march, which was attended by the commanding officer of the Parachute Battalion. So he had two days, or certainly time to do a reconnaissance and, as the tactical plan was his, before he had done a reconnaissance, there was no point in really discussing it with him, almost.

Q. So there would not have been any discussion on this occasion about how you would carry out the operation or how the arrest force was to get behind the marchers?

A. No, I think it may have been too straightforward, but he was told what his task was, was to arrest as many hooligans as he could, basically.

Q. Was there any discussion that you recall at the conference as to how far the arrest force was to be allowed to go into the Bogside?

A. No, I think that follows from separation in a way. The restrictions I put on were tactical rather than geographical, they were not to get sucked into the marchers and the main town.”

¹ Day 261/76-77

9.581

Later in the course of giving his evidence, it was pointed out to Brigadier MacLellan that Colonel Wilford had conducted a reconnaissance on the morning of 28th January 1972, immediately before the co-ordinating conference. Brigadier MacLellan said he still had no recollection of discussing Colonel Wilford’s plans at the conference.¹ He was then asked whether there should have been such a discussion, either at the conference or at some other time. He replied:²

“A. This was some 48 hours, I think, before Sunday 30th, and if he had any problems he had only to come back to me.

Q. You, 8 Brigade, through you as commanding officer, knew the geography of the area better than the Paras could know.

A. My – the brigade knew the area better, yes.

Q. The tactics the hooligans had used over the previous weeks and months were known to you. Who told Colonel Wilford all of this?

A. He was at liberty to – I mean, he was not a schoolboy; he was a senior officer, and he would ask if he did not know.

...

Q. Who told Colonel Wilford any of the detail that may have mattered to him in carrying out the arrest operation on the ground?

A. I do not know, but I think it is probably highly likely that he consulted the Brigade Major, and may well have asked the other commanding officers. If he did not, he should have done, should he not?

Q. That is your view, is it?

A. That is my view. It was down to him –

Q. Down to him to ask?

A. To find out. That is what reconnaissance is about.

Q. This is clear, is it not: neither at the co-ordinating conference, or indeed at any later time before or on the day of Bloody Sunday, did you ask Colonel Wilford what plan he had in mind?

A. No, I did not.

Q. Should you not have done so?

A. I do not think so.”

¹ Day 263/56-57

² Day 263/58-59

9.582

Brigadier MacLellan confirmed that he had not known of Colonel Wilford's plan to put troops over the wall to the east of the Presbyterian church. He qualified his answer by asking whether there was a reference in the Army logs to such a plan, saying that if there was then he would have known about the plan through listening to the radio communications. The logs to which he was referring were those kept on the day of the march and there is no reference to such a plan in them. In any event, it is clear from this evidence that Brigadier MacLellan did not have, and was not claiming to have had, any knowledge before the day of the march of the plan to send part of the arrest force over this wall.¹

¹ Day 265/1

9.583

Colonel Wilford, in his draft statement for the Widgery Inquiry, stated that until the rioting started it was not really possible for him to be specific in his plans.¹ His evidence to this Inquiry was that although he could not recall discussing his plans with Brigadier MacLellan, he thought that any such discussion would have taken place before the co-ordinating conference and not at it.²

¹ B945

² Day 312/24-25

9.584 Colonel Wilford did not discuss his plans with the local commanders, either at the conference or at any other time. In his oral evidence to this Inquiry the following exchange took place:¹

“Q. ... Had there been discussion, on either side, with brigade or with local commanders as to the proposed route, for example, through the Presbyterian Church, you might have been told a day or two or three before ‘that simply is not a practicable route’?”

A. ... I cannot recall, in fact, having had a conversation with the Brigade Commander, but I am certain I must have had.

Q. Not about the detail of the route?

A. I am sure I would have spoken about what I – my initial appreciation was.

Q. Did you speak with other local commanding officers?

A. No, because I did not meet other local commanding officers until in fact the day of the briefing.

Q. So their knowledge of the locality and what has sometimes been described as the tactics of the rioters, the routes they may use, the routes into the area, were not discussed in any detail by you with the local commanders?

A. No.

Q. Would that not have been a sensible step to take in preparation for this operation?

A. Well, they were not, they were not presented to me. I do not think that at the time that I, that I gave it much thought, but I honestly again cannot recall. I looked at the ground myself. I obviously did have some conversation with the person who took me round and I had some conversation, which I do not recall, with the Brigadier, um, and that, I think, was sufficient.

This was a built-up area and although it was in Londonderry, not in Belfast, it was a, a built-up area, the sort of area that we were totally accustomed to.”

¹ [Day 315/6-8](#)

9.585 Colonel Steele gave confusing oral evidence on this subject. He was initially asked whether the arrest operation had been discussed at the co-ordinating conference:¹

“Q. ... We have looked at the operation order and we have looked at what you described as the sensible conditions for the launch of an arrest operation – was there discussion of those conditions at the co-ordinating conference?”

A. Not to my recollection.

Q. Would there have been a discussion of how the arrest operation would be carried out?

A. No, because how the arrest operation was to be carried out was already spelt out in the operation order and, of course, it was up to the commanding officer of 1st Parachute Regiment to produce a detailed plan.”

¹ [Day 266/86-87](#)

9.586 Later in his evidence he suggested that he did know the outline of Colonel Wilford’s plan:¹

“Q. But prior to 30th January you had not been involved in any discussion with Colonel Wilford as to even the broad outline of his plan?”

A. No, I did have the broad outline of his plan, which was that he had three sub-units that he had thought that he would use through barriers 11, 12 and 14; I knew that he was going to move from the FUP [Forming Up Position] to a forward FUP; I did not know which call sign was going through which barrier and that I think was probably the extent of the knowledge that I had of his plan.

I said yesterday, if you recall, that I would have been surprised if Colonel Wilford had not come back to the brigade headquarters after his reconnaissance to give us maybe the broad outline of the way he saw his plan going, but I also said, if you remember, that I could not recollect that.”

¹ [Day 267/101-102](#)

- 9.587 His recollection is wrong in at least one respect since it was not Colonel Wilford's initial plan to put troops through Barrier 12. Colonel Steele went on to indicate that the arrest operation was discussed at the conference:¹

"Q. If we come to the co-ordinating conference ... the second important matter was, if there was to be an arrest operation, how it was to be carried out?

A. Yes.

Q. It could not be carried out in isolation from all of the other battalions?

A. That was why, at the co-ordinating conference, there was a very wide discussion about separation and there was discussion about the arrest operation."

¹ [Day 268/23](#)

- 9.588 He was then asked again about this topic:¹

"Q. ... You have been asked on a number of occasions about your knowledge of Colonel Wilford's own plan for the arrest operation. You did suggest that, although you said you do not recollect specifically, but you envisaged that Colonel Wilford may have spoken to the brigade commander about the arrest plan?

A. Yes, I think I went further and said that I would have rather expected him to.

Q. We know that Colonel Wilford did his aerial reconnaissance and his reconnaissance by car before the co-ordinating conference on 28th January ... Would not the place for any discussion of the detail of Colonel Wilford – or the ambit of Colonel Wilford's arrest plan, would not the place for that discussion have been the co-ordinating conference?

A. Yes, I would agree, but it was not.

Q. Because that is where all the commanders were gathered together; was it not?

A. Yes.

Q. That is where everyone was best placed to assist Colonel Wilford?

A. Yes."

¹ [Day 268/181-182](#)

9.589 The recollection of Colonel Jackson, the Commanding Officer of 1 R ANGLIAN, was that:¹

“... nothing came out of that co-ordinating conference to say how the scoop-up operation would be carried out ... nothing on that conference gave any idea of what was going to happen.”

¹ [Day 285/44-45](#)

9.590 Colonel INQ 598, the Commanding Officer of 1 CG, was also asked whether he recalled any discussion taking place at the conference about the proposed arrest operation:¹

“Q. What I am really asking you, General, is whether you can remember any detail, if it was discussed in your presence, for example, of just how that arrest operation would be mounted?

A. No, because I do not think it was discussed in detail, the operation at the conference. I think that would presumably – I mean, 1 Parachute Regiment were told to get on with it and it was the commanding officer’s plan would be the detail of it.

Q. That would have been unlikely to have been discussed in your presence anyway and at the co-ordinating conference?

A. Very, yes.”

¹ [Day 272/25](#)

9.591 Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, could not recall there being any detailed discussion about the proposed arrest operation.¹

¹ [Day 281/54](#); [Day 281/96](#)

9.592 Colonel Welsh, the Commanding Officer of 2 RGJ, was asked in his oral evidence to the Widgery Inquiry whether he knew in detail of any proposed arrest operation. He replied:¹

“A. No, I did not know in detail. I knew that there was a possibility that the 1st Parachute Regiment and posses from others might be used to arrest rioters if a suitable opportunity arose.”

¹ [WT10.55](#)

9.593 His evidence in his written statement to this Inquiry was:¹

“I am not sure whether I was aware of the detail of the arrest operation. I think I was probably aware in general terms that it would involve some form of pincer movement and the fact that it would go ahead if the opportunity arose.”

¹ [B1340.002](#)

9.594 In his oral evidence to this Inquiry, he said that he did not think that there was any discussion at the co-ordinating conference of the detail of the arrest operation.¹

¹ [Day 282/53](#)

9.595 Major INQ 1900 had no recollection of there being any discussion at the co-ordinating conference of the detail of the proposed scoop-up operation.¹ His evidence was that there was no mention at that conference about the distance into the Bogside that the arresting force might need to go in order to get behind the rioters. He thought, though, that there could well have been such discussions between the Brigade Major (Colonel Steele) and Colonel Wilford.²

¹ [Day 241/52](#)

² [Day 241/52](#)

9.596 In his written statement to this Inquiry, Chief Superintendent Lagan set out his recollections of the discussions at the meeting:¹

“During the meeting Brigadier MacLellan gave a description of the area and spoke about what was expected and what needed to be done. He discussed the different regiments’ assignments and the different barriers. The discussion was fairly general. The arrest operation was to be carried out by the Paras. Nothing was discussed in my hearing about 1 Paras [sic] role or the potential for IRA involvement on the day. I do not think that the issue of risk (i.e. of injury or loss of life) was discussed either. I assume that matters relating both to the arrest operation and to arms were dealt with by Brigadier MacLellan directly with the Paras and that it was not necessary for him to address these matters with everyone who had attended the meeting.”

¹ [JL1.12](#)

9.597 According to his oral evidence to this Inquiry, Brigadier MacLellan did not discuss the arrest operation with Colonel Wilford after the co-ordinating conference:¹

“Q. You saw Colonel Wilford at the co-ordinating conference that he must have attended. Do you recall when next you saw him?

A. No.

Q. Do you recall whether you saw him or would have seen him at any stage up to and including the commencement of the arrest operation on the day itself?

A. I think that on the morning I embarked on around the units, and I am sure I called in on 1 Para then, and would have seen him then, and not had – I would have merely said ‘Everything all right? Anything I can do to help?’, that type of thing.

Q. Would you, on that occasion, have had any discussion with him about the details of his plans for the arrest force?

A. I do not think so. If I did, I do not remember.”

¹ Day 262/13

9.598 In the light of this evidence it seems to us that the details of Colonel Wilford’s plans for the arrest operation were not discussed at the co-ordinating conference. Most of the evidence is to this effect. Insofar as Colonel Steele’s evidence in this regard differs, we do not rely on it.

9.599 We are not persuaded that there should have been a detailed discussion at the co-ordinating conference. Colonel Wilford had been given the scoop-up task. He did not at that stage know how best to conduct the arrest operation because the circumstances in which arrests were to be attempted were not then known. There would have been no purpose at the co-ordinating conference in the officers trying to lay out any geographical limitation because they did not know where the trouble was likely to occur or whether the circumstances in which such trouble occurred would enable an effective arrest operation to take place. We have no criticism of Brigadier MacLellan in this regard. He could in our view properly leave the reconnaissance and preliminary planning to the Commanding Officer of 1 PARA, who was a senior officer and who could reasonably be expected to know his job. Brigadier MacLellan was entitled to assume that Colonel Wilford would deploy his soldiers in the areas of likely trouble identified in the Operation Order.

Furthermore, since the Brigadier had reserved to himself the right to launch any arrest operation, he could have confidence that, at the time at which he came to give any order, he would know the situation on the ground and the precise location and plans of 1 PARA.

- 9.600** However, it does seem to us that Colonel Wilford should at some stage have discussed the arrest operation and his plans, albeit inchoate, for this operation with local commanders. Had he done so it seems to us that he would be likely to have learned of the difficulties in moving troops quickly through the Presbyterian church route. He might also have learned more about the agility of the rioters and the difficulty of trapping them.

The need for separation of marchers and rioters

- 9.601** Paragraph 9(f)(1)(a) of the Order for Operation Forecast provided for the arrest or scoop-up operation: *“This operation will only to be launched, either in whole or in part, on the orders of the Bde Comd.”*¹

¹ [G95.570](#)

- 9.602** Brigadier MacLellan told the Widgery Inquiry:¹

“My intention throughout was to do everything to reduce the risk to the absolute minimum to the non-violent marchers and, to this end, I certainly was not prepared to launch the arrest operation unless there was serious disorder and rioting and, indeed, we had gone up the scale and, furthermore, I would only then do it if the rioters and the non-violent demonstrators were widely separated.”

¹ [WT11.8](#)

- 9.603** There was no reference in the Operation Order to the need for marchers and rioters to be separated before the launch of any arrest operation. In his oral evidence to this Inquiry, Colonel Steele gave the following explanation:¹

“I think it is because separation was entirely a matter for the Brigadier to decide. He is the person who had retained, to his right, the deployment of the force and in his mind he had – was quite clear that he was not going to launch it unless there was separation. And so this is not something that one would expect to see in the operation order; this is something that was the Brigade Commander’s remit and I think it was

quite right that it was not necessary to have it – to have a paragraph about it in the operation order, but that on the other hand it was perfectly correct that he should have emphasised it at the co-ordinating conference, which he did.”

¹ Day 266/82-83

9.604 There was no reference in Brigadier MacLellan’s notes for the co-ordinating conference to the need for separation. He was asked about this omission by Counsel to the Inquiry:¹

“Q. ... Do you recall whether there was any discussion at the co-ordinating conference as to the circumstances in which the arrest operation would be carried out?

A. Well, I think first that these notes were really an aide-memoire, so it was quite a long thing and it was to see that I did not miss anything critical out, but I am pretty certain, I am almost sure that I talked about separation and that on no account were people to get mixed up with the marchers and so on.

Q. The brigade major in his statement to this Tribunal also believes that you referred to separation but one thing that strikes the reader is that both in the operation order itself and in these notes for the co-ordinating conference, there is no reference to separation; do you know why that is?

A. Yes, I do. The point is that this operation order was to other people. I had reserved the right to myself to give – that no moves are to be made until I gave the order for the arrest operation to take place. So as separation was my decision it would have been giving orders to myself, so to speak.”

¹ Day 261/75-76

9.605 Colonel Jackson gave evidence to this Inquiry on the question of whether separation was discussed at the co-ordinating conference. When first asked, he said that he had no particular recollection of it having been mentioned but added that it was a standard operating procedure for the Army to ensure that hooligans and peaceful people were separated before an arrest operation was launched.¹ However, later in his evidence, he said that he thought that there had been some reference at the co-ordinating conference to the need for separation.²

¹ Day 285/41-42

² Day 286/81

9.606 Colonel Ferguson could not recall any discussions about the arrest operation although he said that they might have taken place. In notes that he made shortly after the conference he wrote the words “*isolate-hooligans*” and speculated that this referred to a discussion on separation.¹ Colonel Welsh could not recall much of what was said at the conference.²

¹ [Day 281/93-94](#); [Day 281/97](#); [B1122.49](#)

² [Day 282/22](#)

9.607 Colonel Steele was certain that Brigadier MacLellan had discussed at the co-ordinating conference the need for separation. He was also sure that at that conference the Brigadier had ordered Colonel Welsh to act on the day as an observer from a helicopter, informing 8th Infantry Brigade from his vantage point above the march whether or not separation of marchers and hooligans had taken place.¹

¹ [B1315.004-006](#); [Day 266/84-85](#)

9.608 Colonel Steele’s recollection about the tasking of Colonel Welsh seems to us to be wrong. There was no reference in the Operation Order or in Brigadier MacLellan’s conference notes to the deployment of an observer in a helicopter to report on separation, and though paragraph 9(j)(1) of the Order called for “*one sioux [helicopter] ... to be [available] for City recce under Bde HQ con*”¹ this might well have been the helicopter used to make an aerial photographic record of the event. Brigadier MacLellan, in his draft statement for the Widgery Inquiry, said that it was on the morning of the march that he had instructed Colonel Welsh to act as a helicopter observer.² Colonel Welsh’s written statement for and oral evidence to the Widgery Inquiry confirmed this timing.³ Although by the time that he came to give evidence to this Inquiry Colonel Welsh thought that he had been given the task at the co-ordinating conference, he believed that his account in 1972 was the accurate one.⁴

¹ [G95.570](#)

³ [B1334](#); [WT10.54](#)

² [B1232](#)

⁴ [Day 282/23](#)

9.609 Colonel Wilford was asked in his oral evidence about the need for separation before the launch of an arrest operation:¹

“Q. Were you aware that Brigadier MacLellan attached importance to there being a clear separation between rioters and marchers so that any arrest force would engage with rioters and not peaceful civilians?”

A. No, but it seems – it seems a reasonable thing.

Q. But you were not aware that that was a matter to which he attached importance?

A. I do not recall that I was.”

¹ [Day 312/60](#)

9.610 We found the evidence of Brigadier MacLellan to be convincing on this point. We accept that there was no reason for Brigadier MacLellan to say at the conference that there was to be no arrest operation if marchers were mixed up with rioters; it was for him to give the order for the arrest operation to take place. In our view there was no detailed discussion about separation, though it remains possible that Brigadier MacLellan said something to the effect that soldiers should not get mixed up with non-rioting marchers.

9.611 Our views on this aspect of the evidence clearly involve our rejection of Colonel Steele’s evidence. It was submitted to us on behalf of some of the families that Colonel Steele committed perjury when giving evidence on this topic.¹ We are not persuaded that he did so. It seems to us that he had genuinely come to believe that which he was telling us. His recollection of events was simply at fault in this respect.

¹ [FS1.834](#); [FR1.417](#)

Consideration of separation by Brigadier MacLellan

9.612 It was submitted to us on behalf of some of the families¹ that separation was never a part of the planning process or, alternatively, was an afterthought on the part of Brigadier MacLellan.

¹ [FS1.818](#); [FR1.405](#)

9.613 On behalf of Brigadier MacLellan it was submitted that the need for separation was clearly in the Brigadier’s mind by the morning of 30th January 1972. At that time, it was submitted, when he instructed Colonel Welsh to act as a helicopter observer, he made it clear that 8th Infantry Brigade was to be informed if and when the separation of rioters and marchers occurred; and that this is apparent from Colonel Welsh’s draft statement for the Widgery Inquiry, in which he recorded:¹

“Before I took off I had an informal briefing from the Brigade Commander. I knew that 1 Para were to mount a snatch operation if a riot situation developed, and if the circumstances made it possible. I was briefed to inform Brigade Headquarters, should a riot situation develop, when the main body of marchers had separated from the rioters. If a riot situation develops one often faces great difficulty in splitting the rioters from spectators. Information on this point was therefore of importance to Brigade Headquarters. I had no knowledge of any detailed orders given to 1 Para or any other possible snatch unit. I assumed that if an adequate separation occurred, a snatch operation might be mounted.”

¹ B1334

9.614 It was submitted on the Brigadier’s behalf that as long as separation was recognised as important before the arrest operation was launched, then when it was so recognised does not matter.¹

¹ FS7.787n.52

9.615 We are of the view that separation was not an afterthought on the part of Brigadier MacLellan. We reject any suggestion that Brigadier MacLellan gave separation no thought or did not care whether separation took place.

9.616 We are satisfied that Brigadier MacLellan did have separation in mind as a prime consideration at the time of the co-ordinating conference. In our view he was not particularly keen on the proposed arrest operation and did not want peaceful civil rights marchers caught up in an arrest operation.

The adequacy of the arrangements for the monitoring of separation

9.617 It was submitted on behalf of some of the families¹ that the arrangements for monitoring separation were inadequate. As evidence of such inadequacy the families relied on Colonel Wilford’s brief reference to separation, the failure to utilise established Observation Posts on the City Walls or the Embassy Ballroom, and on the fact that Colonel Welsh was not a “*trained observer*” and was not briefed on the proposed location of the arrest operation.

¹ FS1.835

- 9.618** We are not persuaded that these matters were shortcomings or that they affected the ability of Brigadier MacLellan to determine separation. Although there was evidence that the Walls and the Embassy Ballroom would have permitted soldiers to monitor separation, the photographic evidence indicates that buildings would sometimes, if not often, obstruct views from those positions. Colonel Welsh was not a “*trained observer*”, but he was the commander of a local battalion who would bring both experience and judgement to his assigned task.
- 9.619** Separation may not have been considered formally as part of the planning process because it was felt that there was no need for a plan to deal with monitoring separation. We consider that the deployment of the helicopter with a senior experienced officer, coupled with the order that the arrest operation should be launched only if authorised by the Brigadier, was an adequate method of monitoring separation and of ensuring that innocent marchers were not caught up in an operation to arrest rioters.
- 9.620** We are satisfied that, in the planning stages, separation of rioters and marchers was adequately considered. We return later in this report¹ to the question of whether this factor was properly considered on the day itself.

¹ [Chapter 20](#)

Other aspects of the co-ordinating conference

The draft Insight article

- 9.621** After 30th January 1972 the *Sunday Times* Insight Team began work on an article about the events of the day. The journalists Philip Jacobson and Peter Pringle compiled a draft article which contained details apparently provided to the *Sunday Times* by one of those present at the co-ordinating conference. The draft included the following paragraphs:¹

“Wilford, indeed, radiated confidence at this briefing session. One of those present recalled to us that while most COs had asked questions about their relatively minor roles on the day, Wilford had said little or nothing. ‘He was so quiet I was convinced he must have had a private briefing beforehand,’ we were told. (If he did, Widgery was not told.)

One of those who did raise his voice was apparently the local police chief, Lagan. He seems to have been stunned by the size of the proposed arrest operation. According to our source at the meeting, MacLellan mentioned a target of 500 arrests. Lagan asked what arrangements were being made to handle that number – to be told that that was his responsibility...

The point which never emerged at Widgery was what attitude the conference took to an operation on this scale. Our source at the meeting gave us this assessment: 'The mood of the meeting was one of complete determination that this really big arrest operation should go through. The risk of firing was discussed and quite clearly accepted. Even if it meant shooting, everyone wanted to show that 8 Brigade knew how to go after the hooligans.'

¹ [S95-97](#); [S191-S193](#)

9.622 No-one has admitted to having been the Insight Team's source for this information. Those military witnesses who were asked denied having been the source. John Barry, the editor of the *Sunday Times* Insight Team, assumed that it was Chief Superintendent Lagan although he had no independent recollection of the source's identity.¹ Chief Superintendent Lagan did not deal with the *Sunday Times* material in his statement to this Inquiry and subsequently became too unwell to give oral evidence or to be asked about it.

¹ [Day 193/171](#)

9.623 Brigadier MacLellan's recollection was that the figure of 500 arrests was never mentioned; General Ford's initial figure had been 300–400 but the Brigadier had expected far fewer. He did not think that he had quantified the number of arrests for which he had hoped.¹ He thought that the source had exaggerated the mood of the meeting and added:²

"... clearly if people are being ordered to ... contain the march, and if it became inevitable to have an arrest operation, they were going to do it as well as they could."

¹ [Day 262/9](#)

² [Day 262/10](#)

9.624 Colonel Steele described the *Sunday Times* draft as "*totally wrong*". He went on to say:¹

"... the Brigadier and I had already agreed between us that a figure of 3 to 400 arrests was ridiculous and so to suggest that he would then have mentioned a target of 500 arrests at the co-ordinating conference is just rubbish."

¹ [Day 266/87](#)

9.625 He was asked whether there was a discussion at the co-ordinating conference of the possibility of shooting and replied:¹

“No, there was not ... There was no question of – there was no discussion on the risk of firing as far as I remember it. What did come through at the co-ordinating meeting very clearly, in my mind, was that the whole march was going to be run in the lowest possible key in the hope that there would be no rioting and that the whole thing would go off perfectly peacefully.

Shooting was the very last thing that was in anybody’s mind.”

¹ [Day 266/88](#)

9.626 Colonel Wilford told this Inquiry that he did not recall being very quiet at the co-ordinating conference¹ and that he did not remember the mood of the meeting.²

¹ [Day 312/34](#)

² [Day 312/35](#)

9.627 Colonel Jackson said that he did recall Colonel Wilford being particularly quiet.¹ He also recalled a large figure being mentioned as the target for the number of arrests although he said that he could not recall whether the number was 300 or 400. He said that those present at the meeting had just accepted the figure put forward as “*pie in the sky*”.² Despite the correlation between the information in the draft and his recollection, he said that he did not believe that he was the source of the information. He said that he had spoken to no journalists between 30th January and 14th March 1972, when he had left Londonderry. He explained that he had expected to be called as a witness before the Widgery Inquiry and so had not spoken to anyone about the events of the day.³

¹ [Day 285/43](#)

³ [Day 285/42-44](#)

² [Day 285/46](#)

9.628 Colonel INQ 598 denied that there was at the meeting a sense of determination that a big arrest operation should be carried out. He went on to say:¹

“I think there was a determination to keep the peace while the illegal march took place. In other words, we hoped that there would be no misbehaviour and if there was not any misbehaviour, there was not going to be a scoop-up operation. But we had our doubts as to whether we were going to get to that stage.”

¹ [Day 272/6](#)

9.629 Major INQ 1900 described the flavour of the meeting as being “*one of calm professionalism*”.¹ He said that:²

“... the mood of the meeting was that we should successfully contain, with minimum force, the march that was planned.”

¹ [Day 241/16](#)

² [Day 241/28](#)

9.630 He also said that he did not believe that the risk of firing was discussed and accepted at the conference and that he did not agree with the source’s suggestion that “*everyone wanted to show that 8 Brigade knew how to go after the hooligans*”, even if that involved shooting.¹

¹ [Day 241/28](#)

9.631 Colonel Welsh had a limited recollection of the meeting but said that he would be very surprised if the source’s description of the mood of the meeting were correct.¹

¹ [Day 282/32](#)

9.632 Captain INQ 1803, the Brigade Intelligence and Security Officer, told this Inquiry:¹

“... there was a determination to make sure that the march as such could not go into the city area, the sort of central city area, Waterloo Place and so on, but I do not have any sort of impression that a major arrest operation was an essential ingredient of the whole plan.”

¹ [Day 293/33-34](#)

9.633 Colonel Ferguson’s evidence to this Inquiry was that he could not recall any discussion about the proposed number of arrests. When asked about the suggestion in the draft article that 8th Infantry Brigade wanted to show that it could tackle hooligans, even at the risk of shooting, Colonel Ferguson said:¹

“... I am sure in people’s minds – and certainly in my mind – that perhaps we were pleased to see that we were being given significant reinforcements in order to do something positive, particularly if there was hooliganism after the march. But the way it is written ... I mean there was no such expression of opinion at the orders group.”

¹ [Day 281/56-57](#)

9.634 Colonel Ferguson suggested that the description in the draft article of the discussion of the risk of firing might be an inaccurate reference to a topic that he had raised at the co-ordinating conference.¹ In his written statement to this Inquiry he gave the following account of this issue, which he said that he had raised at the end of the meeting:²

“... in view of the situation in Londonderry at that time, I thought it was likely that at some stage during the proceedings there would be shooting. In these circumstances, and in a built up area, it would be very difficult for individual soldiers to know who was shooting and from where. One shot was all that it might take for everyone to believe that they were coming under fire. It, therefore, seemed sensible to me to ask if there were any plans to modify the rules of engagement. By that, I meant the rules of engagement being modified downwards, perhaps to the extent that at the outset, decisions to open fire would be reserved to officers. I did not develop this idea in my question but this was what I had in mind. The response to my question was negative.”

¹ Day 281/56

² B1122.11-12

9.635 In his oral evidence to this Inquiry, Colonel Ferguson gave additional details on the sort of shooting that he had had in mind and said that he had believed such shooting to be a “possibility”:¹

“In my mind I am pretty certain of this, was that there always had been extremists in Irish politics, on both sides of the political divide, who might not be under control of their various organisations, who might well just take the occasion to come out and take a pot-shot at someone. That was what I mean, it was the sort of situation I envisaged might occur. Someone either deliberately doing it in order to create a difficult association [sic] or just someone having a shot, and this could have been either someone from the Unionist organisations or from the IRA.

... though elements of the civil rights organisation and the IRA might have similar long-term objectives i.e. the creation of a Republic of all Ireland, it would have seemed to me that it was not in the interest of that general objective for the IRA to be involved at all. It was, in fact, against their interests because they would be, as it were, taking away from the legitimacy ... of the civil rights organisation who were, after all, protesting against internment. So I suppose that was why I thought that the two things would be separate and it would not be in the IRA’s interest to be involved. That is why I said at the beginning that the image in my mind was the renegade, perhaps old-fashioned, Official IRA man just coming out to have a pot-shot at someone.”

¹ Day 281/49-51

9.636 Colonel Ferguson may be right in his recollection, but none of those who were present at the conference and were asked about it (Colonel Jackson, Colonel Welsh and Captain INQ 1803) recalled him saying anything about modifying the rules of engagement.¹

¹ [Day 287/7](#); [Day 282/29](#); [Day 293/31-32](#)

9.637 We cannot determine the identity of the source for the draft *Sunday Times* article. There is no evidence that would enable us to do so. Further, we are not persuaded that the source provided an accurate account to the *Sunday Times* Insight Team. It seems unlikely to us that Brigadier MacLellan would have mentioned a target of 500 arrests. The report that “*Even if it meant shooting, everyone wanted to show that 8 Infantry Brigade knew how to go after the hooligans*”¹ is particularly surprising, because we know that the local commanders of 8th Infantry Brigade were upset that they were not allowed to go after hooligans and that 1 PARA were doing the job instead. We find that the meeting, far from being concentrated on the arrest operation, was in the main devoted to the need for the handling of the march to be as low key as possible. We regarded John Barry as an impressive witness but believe that the source provided the Insight Team with a distorted account.

¹ [Day 281/55](#)

Lieutenant Colonel Wilford’s interview with Peter Taylor

9.638 In 1991, the journalist Peter Taylor began work on a programme entitled *Remember Bloody Sunday*. The film was compiled to mark the 20th anniversary of Bloody Sunday and was broadcast as a Channel 4 *Inside Story Special* on 28th January 1992.

9.639 Colonel Wilford gave an interview to Peter Taylor for the purposes of the programme. In his interview, Colonel Wilford claimed that he had asked, “*What happens if there is shooting?*” and had received a “*very sparse reply to the effect that – ‘Oh well we’ll deal with that when it comes’*.”¹ Colonel Wilford went on to say to Peter Taylor:²

“It’s my greatest regret that I didn’t actually pursue that question and say ‘right you know what – what do you want us to do if we’re shot at?’”

¹ [X1.9.15](#)

² [X1.9.16](#)

9.640 Neither Brigadier MacLellan nor Colonel Steele, in their evidence to this Inquiry, recalled Colonel Wilford asking such a question. Both said they thought that it was clear that the Yellow Card governed such situations.¹

¹ [Day 262/3](#); [Day 267/2](#)

9.641 In an interview in 1997 for Channel 4 News Colonel Wilford gave a similar account, although he then said that when he had asked at the co-ordinating conference, “*if this arrest operation turns into a shooting match, what do we do then?*” his question was dismissed and he was given the reply, “*Oh well, that completely changes the situation.*”¹

¹ [X1.35.11](#)

9.642 In his first draft statement for the Widgery Inquiry, Colonel Wilford said that he had attended the co-ordinating conference and that it had been stated there that “*If firing was directed at the troops the situation would demand counter action as necessary*”.¹ In his evidence to this Inquiry, Colonel Wilford told us that the exchange that he had reported to Peter Taylor had clearly not taken place.² He said that he had perhaps given the account after reflecting over the years on “*what might have been*”.³

¹ [B945](#)

³ [Day 312/30](#)

² [Day 312/30](#)

9.643 In his 1997 Channel 4 interview, Colonel Wilford also said:¹

“At the briefing that we all got I was very, I was disturbed because I felt that the Brigade, and the people in that Brigade – that is the soldiers and the RUC, I may say – who were up there in Londonderry were not, were not at all happy about what we were being asked to do. I just felt that there was a pacifist sort of attitude, but this perhaps was born of something which I wasn’t aware of, you know. If you have a policy you actually eventually of course take on the colour of that policy, whether it’s the soldiers or policemen, and this might have been it. But it was an unhappy experience. Right from the very beginning, I felt that, that they didn’t want to do what they were being asked to do.”

¹ [X1.35.5](#)

9.644 In his oral evidence to this Inquiry, Colonel Wilford said that he had spent many years thinking about the events of the day and that “*these impressions perhaps had grown, perhaps ridiculously, out of proportion*” in his mind. He said that he had certainly not had in January 1972 the thoughts that he later reported to Channel 4.¹ Although he said this, we obtained the overall impression, from the evidence of the co-ordinating conference and from Colonel Wilford’s comments over the years, that Colonel Wilford held the same view as that of General Ford – that 8th Infantry Brigade was operating in a low-key manner which was not one of which he approved.

¹ [Day 312/33](#)

The aftermath of the co-ordinating conference

- 9.645** Both Colonel Jackson of 1 R ANGLIAN and Colonel Welsh of 2 RGJ were unhappy with the situation as it was at the end of the conference. Colonel Jackson told this Inquiry in a passage (already quoted above in part) that:¹

“... nothing came out of that co-ordinating conference to say how the scoop-up operation would be carried out ... nothing on that conference gave any idea of what was going to happen ... it was not really explained whether this was a scoop operation or, as it happened to be in the end, was merely a frontal assault.”

¹ [Day 285/44-45](#)

- 9.646** He was questioned further:¹

“LORD SAVILLE: I follow that, but I was just reminding you the brigade order does mention the possibility the arrest operation would be mounted on these two axes here.

A. But other troops other than the Para would have been involved, and this is the co-ordination, in retrospect, that I do not think was shown. I mean, they were going through blocking positions with RGJ, 22 Light Air Defence regiment, and things like that ... I do not think, in retrospect, we were told sufficient about what the scoop-up operation was about.”

¹ [Day 285/45-46](#)

- 9.647** As Colonel Jackson himself indicated, he was speaking with the benefit of hindsight. In our view, neither Colonel Wilford nor indeed Brigadier MacLellan can be criticised for not raising or dealing in any detail with Colonel Wilford’s proposed arrest operation. It seems to us, without using hindsight, that it was sufficient for the Brigadier to leave the arrest operation to be considered in detail by Colonel Wilford, himself a senior officer. It must be borne in mind that at this stage no arrest operation could be planned in great detail since everything depended on the circumstances in which any rioting developed on the day. However, as we have already said, it seems to us that Colonel Wilford can be criticised for not discussing the proposed arrest operation with the local senior officers. Although the exact form any operation would take would depend on how events unfolded on the day, he could, and in our view should, have discussed his provisional plan with them; and made clear that if any arrest operation took place he might well need to go through at least one of the barriers manned by the local troops at short or very short notice.

9.648 After the co-ordinating conference, Colonel Jackson had a brief meeting, at his request, with Brigadier MacLellan. The issue he raised was not one of a lack of co-ordination or information about the scoop-up operation. His concern was the choice of 1 PARA to conduct the arrest operation. He gave the following account in his first written statement to this Inquiry:¹

“37. I was surprised that 1 Para had been nominated to be ‘in reserve and available for a scoop up operation to be carried out on foot’ (sic). 1 Para did not know the area and had not operated in the Bogside before. Also, everyone was aware that the Paras had a reputation for tough action and the citizens and hooligans of Londonderry would be greatly surprised if Belfast arrest procedures were carried out on them. I just wondered who had thought out this deployment: it reflected a change of policy – and emphasis – on future operations in Londonderry.

38. I cannot remember asking any questions of Brigadier MacLellan at the meeting: I could hardly wait to speak to him privately after the meeting ...

39. ... I cannot recall discussing the orders afterwards with Lieutenant Colonel Peter Welsh (2 RGJ) although my impression was that he was not happy about the presence of 1 Para in Londonderry on the following Sunday.

40. Immediately after the O Group, I asked Brigadier MacLellan if I could speak with him in his office. There was no-one else present and the meeting lasted a few minutes. I told him that 1 Para should not be used in Londonderry: they did not know the area and would go in blind. I said that I should be given the role of 1 Para and they could take over the blocking role allocated to 1R ANGLIAN and that this would be more acceptable all round. (As the Province Reserve battalion, the Paras had operated in all areas of the Province other than Londonderry. From my understanding, they seldom operated for any length of time as we resident battalions in Londonderry ... Derry and Belfast were as different as chalk and cheese, and our job in Derry at the time was to maintain a containment line, albeit in an aggressive manner, which was so different to the role required of units in Belfast).

41. Brigadier MacLellan told me that the decision to employ 1 Para had been made ‘at the highest level’ and he was not in a position to change anything. He said ‘it was not for me to fight the case’. He gave me the strong impression that it was not his decision to use 1 Para for this operation. I understood his reference to ‘the highest level’ to mean that the decision had been taken at Government level as, in my opinion, no

military commander would place a battalion in a situation where the troops did not know the ground over which they may be required to deploy nor have knowledge of any local 'conditions'.

42. Brigadier MacLellan was obviously in a no win situation. With his short experience of operations in Londonderry he had, in my opinion, been sat upon by those, also, with little knowledge of Londonderry. I asked that my views should be relayed immediately to HQ Northern Ireland. I do not know if this was ever done. After I left this meeting, I also spoke with the Brigade Major and told him of my conversation with Brigadier MacLellan. He sympathised but said nothing could be done to change the orders. I asked Lieutenant Colonel Steele to contact Lieutenant Colonel Wilford to say I would be available for any information or advice he may need for his operation. I do not know if Lieutenant Colonel Steele ever relayed my offer, but Lieutenant Colonel Wilford did not contact me before, on, or after 30 January 1972."

¹ [CJ2.8-9](#)

9.649 Brigadier MacLellan, in his oral evidence to this Inquiry, said that he did not recall this meeting with Colonel Jackson. He added:¹

"... the way the Army works is lieutenant colonels do not question legal orders, so to speak, from superior officers. So I think I would have remembered if it had happened, but I do not remember it."

¹ [Day 262/12](#)

9.650 We consider it likely that Colonel Jackson did go to Brigadier MacLellan and that he asked that his battalion should do the arrest operation. We accept that the Brigadier probably replied that the choice of 1 PARA had been made at the highest level and that he, Brigadier MacLellan, could not change that, though by the "*highest level*" Brigadier MacLellan would have been referring to the decision made by General Ford. We take the view that Colonel Jackson was not questioning legal orders in the sense of disputing them; he was just asking whether his men could do the job instead of 1 PARA and suggesting that they, with their local knowledge, would be better for the job. He accepted without demur Brigadier MacLellan's reply that this could not be done.

9.651 Colonel Steele also did not recall Colonel Jackson having spoken to him after the co-ordinating conference in the way described by the latter.¹ It seems to us more likely than not, although we cannot be certain, that Colonel Jackson did ask Colonel Steele to tell Colonel Wilford that he was available for any information or advice he might need for the arrest operation, and that, over the years, Colonel Steele forgot about the incident.

¹ [Day 268/170-171](#)

9.652 In his statement to this Inquiry, Colonel Welsh said:¹

“11. I was disappointed that my Battalion did not have a role, for we did know the ground well. We were trying to do the best we could to get on with the Catholic population and perhaps there was a feeling that the troublemakers were being dealt with in a tougher fashion in Belfast than in Derry. This may have been one of the reasons why the Parachute Regiment was brought in.

...

13. ... I can recall that at some stage I telephoned [Brigadier MacLellan] to ask why the Royal Green Jackets could not take a more active role and his reply to me was ‘No, Peter. I have had my orders.’ I left it at that.”

¹ [B1340.002](#)

9.653 In his book *Provos: The IRA and Sinn Fein*,¹ Peter Taylor wrote:²

“Once again, One Para was to be brought in from Belfast. Not all army officers thought it a good idea, given what had happened at Magilligan the weekend before. One of the Royal Green Jackets’ senior officers had phoned the Brigade Commander, Brigadier Robert MacLellan, to say it was ‘mad’ to bring the Paras in, only to be told by the Brigadier that he had his orders and he was going to carry them out.”

¹ *Provos: The IRA and Sinn Fein*, 1998 paperback edition, London: Bloomsbury, 1998, first published 1997

² [T234](#)

9.654 Colonel Welsh accepted that he had given this information to Peter Taylor and said that he had done so about 20 years after the event.¹ He also told this Inquiry that he would never have spoken to Brigadier MacLellan in such terms and suggested that he had exaggerated when he recounted events to Peter Taylor.² He said that he did not think that the use of the Paras was “*mad*” and added:³

“I thought it possibly unwise after their behaviour at Magilligan, and anyway I wanted the job.”

¹ Day 282/37

³ Day 282/38

² Day 282/35-37

9.655 We accept that Colonel Welsh exaggerated when speaking to Peter Taylor and that he would not have spoken to Brigadier MacLellan in those terms, whatever his private view.

9.656 We believe that the primary concern expressed by Colonel Welsh to Brigadier MacLellan was, as he indicated in his statement to this Inquiry,¹ that his own battalion did not have a greater role. His dissatisfaction that the arrest role had been given to 1 PARA and not to his battalion is reflected in the evidence of Colonel Ramsbotham, who said:²

“... I think – and the background to this too – 2 RGJ had been operating in Londonderry for some time and I think, inevitably, if you are in a place and you feel you know it and there is a difficult task coming up, then you naturally would like to be given that task and I think the people in Londonderry, if it had been possible, would have liked to have been able to do all this themselves, but it was not possible, because they just were too few.”

¹ B1340.002

² Day 254/123

9.657 Colonel Ferguson said in his oral evidence to this Inquiry that he knew that Colonel Welsh had gone to Brigadier MacLellan in order to dissuade him from using 1 PARA on 30th January 1972. He had learned of this either from Colonel Welsh or from another RGJ officer. He did not know the Brigadier's response.¹

¹ Day 281/46

9.658 From the foregoing evidence, we have concluded that there was uneasiness at the co-ordinating conference, although it was not expressed openly, about the use of 1 PARA as the arrest force. It arose for a number of reasons: the reputation of 1 PARA as a hard force; the difference in Army tactics between Londonderry and Belfast; the altercation involving C Company of 1 PARA the previous week at Magilligan Strand; the natural desire of the resident battalions to have the task; resentment that an outside force was being brought in; and, perhaps, the nomination of the arrest force by General Ford at HQNI.

Receipt of further intelligence on 28th January 1972

- 9.659** We have made reference above to the note made on 31st January 1972 by Julian, the Security Service officer, summarising the information given to him by Observer C on 26th January. In paragraph 8 of that note Julian wrote:¹

“8. On Friday, 28th January Observer D telephoned to say that the 30th Jan march was to start at 14.00 hours and that many outsiders were expected to attend, including a number from the Falls and Ardoyne districts of Belfast. They were leaving from these areas at 10.00 by bus. He also mentioned that the names of three other people expected to speak at the meeting were a Padre from Trinity College, Dublin; Margo COLLINS from Newry and Ivan COOPER.”

¹ KJ4.70

- 9.660** Brigadier MacLellan’s notes for the co-ordinating conference referred to “*Contingents from Belfast*” and recorded:¹

“Likely considerable number of buses and private cars from throughout Province for Meeting.”

¹ G88.538

- 9.661** The reference to “*Contingents from Belfast*” may indicate that this intelligence was received before the co-ordinating conference took place, but we are not sure whether this was the case.

The Army and Royal Ulster Constabulary statement

- 9.662** On 28th January 1972 a joint Army and RUC statement was drawn up for release the following morning. This warned of the illegality and dangers of the proposed march and incorporated some of the suggestions contained in the telegram sent from Donald Maitland to Clifford Hill earlier that day.¹ The statement was as follows:²

“In Northern Ireland there is now a Government ban on all marches and the Security Forces have a duty to take action against those who set out to break the law. The Police have brought prosecutions against persons identified as organisers or taking part in such marches. Since Christmas fourteen summonses have been issued and a further seventy prosecutions are under consideration. In carrying out their duty the Security Forces are concerned to avoid or reduce to an absolute minimum the consequences of any violence that may erupt from the confrontation between sections of the community or between the Security Forces and those taking part, in illegal march. The Security Forces choose the time and the place at which to intervene and its policy, which is clearly in the public interest allows the possibility that marches may in some cases proceed for some distance before being stopped. This does not however, mean that participants will be allowed to break the law with impunity. Experience this year has already shown that attempted marches often end in violence that must have been foreseen by the organisers, and clearly the responsibility for this violence and the consequences of it must rest fairly and squarely on the shoulders of those who encourage people to break the law.”

¹ [G93.556](#)

² [G103.620](#)

Battalion Orders Groups

9.663 Following the co-ordinating conference, the battalions each held their own Orders Groups.

9.664 The Orders Group of 22 Lt AD Regt was held at 1830 hours on Friday 28th January 1972. It was probably attended by the Commanders of 53 Battery and 11 Battery of 22 Lt AD Regt and also by the Commanders of D Company of 1 PARA and A Company of 2 RGJ, since the latter two of these companies were to be under the command of 22 Lt AD Regt on the day of the march.¹ The second in command, together with Captain INQ 406, the 22 Lt AD Regt Operations Officer, compiled Confirmatory Notes, which summarised the orders given by Colonel Ferguson at that Orders Group.² These notes have survived.³

¹ [Day 274/20](#)

³ [G89.540](#)

² [Day 274/19](#)

9.665 The Confirmatory Notes include the following entries:¹

"1. GEN SIT As given verbally by CO incl particularly:

- a. Emphasis on low key throughout.
- b. Media will be out in force and looking for contentious material
- c. Outcome of this weekend could have very long term effects on the campaign.
- d. The threat from hooligans, gunmen, bombers and arsonists remains unchanged.
- e. Propaganda war.

2. MISSION To contain any march on 30 Jan, together with any accompanying rioting, within the Bogside and Creggan areas of the City within the regt bdrys.

3. EXECUTION

...

b.(2) Dispersal of marchers

(a) [Illegible]

(b) Initial low key

(c) Crowd must be given time to react.

(d) Security Forces to take no action against marchers until:

i. Attempt is made to breach blocking points.

ii. Violence against security forces takes place."

¹ [G89.540](#)

9.666 1 R ANGLIAN held its Orders Group at 1000 hours on Saturday 29th January 1972. The Confirmatory Notes of the Orders Group have again survived.¹

¹ [G96.581](#)

9.667 These notes also stated that the march was to be handled in as low key a manner as possible for as long as possible and that no action was to be taken against the marchers unless there were attempts to breach a blocking position or violence was offered to the security forces.¹

¹ [G96.582](#)

9.668 Notes for the Orders Groups of 1 CG and 2 RGJ have not survived. However, the Inquiry was able to obtain the notes of the Platoon Orders Group of 3 Platoon A Company 2 RGJ. This platoon was to be under the command of 22 Lt AD Regt on 30th January 1972 and was to man a barrier (known as Barrier 16) at Castle Gate on the eastern boundary of the Bogside. The notes were those of the Platoon Commander, Second Lieutenant 136, although his evidence was that some of the material in them might have come from his Company Commander.¹

¹ [Day 345/87-90](#)

9.669 The notes included the following:¹

“Position of S.F. [Security Forces]:

a. General Harry has said that this march could be the most crucial event in the Ulster crisis. If the Civil Rights people start the aggro their cause will lose credibility. If we start it we’ll probably cause a major flareup all over N. Ireland.

b. S.F. must be strictly controlled. The Right behaviour is very important. NO repeat of Magilligan.

c. T.V. will be out in force looking for brutality.

d. IRA must not be allowed to make propaganda out of this.

e. Emphasis is low key.

f. A Coy 2 RGJ has the most important job in the Bde, we have been selected by Bde as the most reliable coy. The march will converge on us. We are representing the whole bloody army at this point.”

¹ [G95C.580.7](#)

9.670 In his oral evidence to this Inquiry, Second Lieutenant 136 said that he could not recall the reason for which he had written his note about Magilligan, at which he had not been present. However, he thought it probable that his Company Commander had taken the view that the security forces had reacted harshly on the day.¹

¹ [Day 345/88](#)

1 PARA's Battalion Orders Group

9.671 This took place at 1030 hours on 29th January 1972.¹ It lasted until 1215 hours.² The Orders Group was attended by:³

- Colonel Wilford
- Major Norman Nichols, the Second in Command
- Captain Mike Jackson, the Adjutant
- Major INQ 10, the Commander of A Company
- Major 221A, the Commander of C Company
- Major INQ 1350, the Commander of D Company
- Major Loden, the Commander of Support Company
- Captain 200, the Commander of Administrative Company
- Captain INQ 7, the Intelligence Officer
- Captain INQ 2033, the Signals Officer
- Captain INQ 1853, the Transport Officer
- Captain 219, the Medical Officer
- Major UNK 30, the Quartermaster
- Warrant Officer Class I INQ 2037, the Regimental Sergeant Major
- Sergeant INQ 301, the Provost Sergeant.

¹ B945

³ B1110.027; B2022.001; B2216; B1283

² B947

9.672 Colonel Wilford's manuscript notes for the meeting have survived.¹ A typed-up version is reproduced in full below:²

"1. Situation

- a. Bde Op O.
- b. Appreciation.
- c. Bde Plan.

2. Mission. The Bn is to arrest max no of rioters.

3. Execution

a. Gen Outline. The bn is to mov to Londonderry via Drumahoe, taking up its posn in Foyle College Car Park by 1300. D Coy is det under comd 22 Lt AD Regt. If the march takes place and confrontation becomes hostile the Bn will deploy fwd to break up the rioters and make the max no of arrests. At this stage I cannot give a detailed tactical plan. I will give the coy deployment in our FUP and then give my concept of how I think the battle can go.

b. A Coy

- (1) Gp Normal.
- (2) FUP Springham St.

c. C Coy

- (1) Gp Normal.
- (2) FUP Foyle College Car Park.

d. Sp Coy

- (1) Gp one pl business³ force (aslt pnrs).
- (2) FUP Clarence Avenue.

e. D Coy

- (1) Gp Normal.
- (2) Under comd 22 Lt. Expect to have them in area Little James St.

f. RMP

(1) FUP with Tac in Foyle Car Park.

(2) Move fwd on order to area Great James Street.

g. Concept of the battle.

(1) The parade will come into contact with SF Barricades at William Street. There are two approaches.

First. From Rossville. This will cause the crowd to attempt a bypass through to Waterloo Street. In this event I would want to put a coy down the Strand into Waterloo Street and two coys in William Street from Lower Road and the Presbyterian Church.

Second. From William Street. We can take this the same way except this time putting two coys in from the Church.

You will appreciate that much will depend on the view I can get of the crowd and once you get the order to move you will have to move fast. I shall probably bring you forward in anticipation.

Minor Tactics. Speak of Derry Rioters. Background Gas & bullets.

h. Coord Instrs

(1) Timings

(a) In posn by 1300.

(b) Mov plan to Derry.

(c) Length of Op. Plan on 48 hrs.

(2) Arrest Procedure.

The arrest team of RMP with RSM and Paddy Wagon and escort with move fwd to a loc in Great James Street. Normal arrest procedure then take prisoners and documentation to Fort George or Craigavon Br (sit).

4. Logistics.

- a. B'fast.
- b. Main meal at Ech Drumahoe. QM and team in posn.
- c. During action. Combat rats.
- d. Meal fwd in evening on demand.

5. Comd & Siga. HQ Tac

(1) Foyle Car Park.

(2) B9 mobile.

b. Sig instrs, as issued (RSO)

MOVE, MOVE, MOVE!"

¹ B968.1

² G94.562-3

³ The typist wrote "*business*" in error. The word "*Guinness*" appears in the manuscript notes (B968.2). "*Aslt pnrs*" is an abbreviation for "*assault pioneers*". "*Coy*" is an abbreviation for "*Company*".

9.673

Colonel Wilford's evidence was that he created these notes before the Orders Group and for use at it.¹ He recalled having a map with him for use in explaining his plan but did not recall having any other aids.² It does appear, though, from the written statement of Captain 200 for the Widgery Inquiry, that aerial photographs were available at the company-level Orders Groups that followed.³ Both Colonel Wilford⁴ and Major Loden⁵ confirmed to this Inquiry that the briefing given by Colonel Wilford about his plans was only in general terms.

¹ Day 312/36

² Day 312/38

³ B1984; B2001

⁴ Day 312/44

⁵ Day 342/9

9.674

In his first statement for the Widgery Inquiry, Colonel Wilford recorded that at his Orders Group he went through the Brigade Operation Order in detail to ensure that all understood "*the Situation the Mission and Execution*".¹ The Brigade Operation Order, under the heading "*Execution*", contained the provision that the march was to be handled in as low key a manner as possible and that no action was to be taken against the marchers unless they attempted to breach blocking positions or offered violence to the security forces.²

¹ B945

² G95.567

9.675 Colonel Wilford also told the Widgery Inquiry that he had conveyed to his officers his understanding that the operation was to be “*low key*”.¹ Major Loden, in his first statement for the Widgery Inquiry, said that he was told at the Orders Group that the battalion was to be used to arrest rioters or those who attacked the security forces but that the battalion would only be deployed when ordered. He stated, “*It was clearly understood that the peaceful element of the march was to be left undisturbed.*”² In his oral evidence to the Widgery Inquiry he said that those attending the Orders Group were told that the operation “*was to be played in the lowest possible key to start off with*” and “*was only to get into a higher key if a riot broke out*”. He then added:³

“We were quite clear that on no account were peaceful marchers to be interfered with.”

¹ B1012

³ B2245

² B2216

9.676 Major Loden, in his first statement for the Widgery Inquiry, recorded that, to his recollection, at no time was the question of opening fire discussed. However, he was of the view that the Yellow Card applied and that any discussion would only have confirmed this.¹ Colonel Wilford’s oral evidence to the Widgery Inquiry was unclear on this point:²

“Q. Did you yourself when you had the ‘O’ Group on the 29th January say anything about the possibility of the troops coming under fire?”

A. I believed that there was a possibility that we would come under fire, yes.”

¹ B2217

² B1017

9.677 Major Loden told the Widgery Inquiry that the Rossville Flats were mentioned at the Orders Group as a place from which sniper fire might come.¹

¹ WT12.35

9.678 Captain 200 told the Widgery Inquiry that he had been told at a briefing of the risk that his soldiers might come under fire if they entered the Bogside.¹ The briefing in question must have been either the battalion Orders Group or Major Loden’s company Orders Group which took place later on the same day. He told this Inquiry that he remembered the battalion Orders Group “*reasonably well*”² and gave the following evidence about it:³

“The purpose of [the battalion Orders Group] was to allow the Commanding Officer to give an outline of what was likely to happen ... It was made clear to us that due to the ongoing situation in Londonderry and in particular due to the existence of no go areas,

we were to expect IRA ambushes and were to prepare for IRA gunmen. We knew that NICRA had organised a large march and that there would be a large hooligan element. Our job was to arrest as many of these hooligans as possible. There was no exaggeration or hype.

Colonel Wilford's briefing could only contain so much detail about deployment. In order to maintain the maximum possible flexibility the orders were not too rigid in this respect and in effect much would not be decided until we had actually arrived in Londonderry. However, Colonel Wilford's orders were very good and very thorough, as was usually the case. We would have been fully briefed about communications, administration and timings and I would say that the briefing lasted somewhere between half an hour and an hour."

¹ WT15.48-49

³ B2022.002

² B2022.001

9.679

The recollection of Captain Jackson, the Adjutant, was that he was told at the briefing that "*some sort of violent reaction was possible, perhaps probable on the IRA's part*".¹ In his written statement to this Inquiry he told us:²

"25. There was concern about the containment line following the lines of the barricades. We believed there would be a reaction out of the IRA because we would be 'invading their turf' when going in for the arrest operation. We therefore had an expectation of IRA activity. There was a large 'no go' area and I can recall seeing maps with the so called containment line marked on them. Beyond those lines the security forces simply did not go. It was known that firefights were common in Londonderry as they were in Belfast. If I remember rightly a policeman had been shot on the Thursday before we went in.

26. We could never rule out the fact that we might be shot at – any time, any place. The IRA were good at ambushes. These could take place anywhere at any time and it would be foolhardy in the extreme to assume that you would not be shot at. It would have been foolish militarily to accept any IRA assurances that they would not be on the march, if any such assurances were given. They would say anything for their cause. It would have been foolish to have been lulled into a false sense of security. It was a fundamental principle that we had to be prepared to be attacked at any time."

¹ Day 318/16

² CJ1.3

9.680 The Regimental Sergeant Major, Warrant Officer Class I INQ 2037, who was the most senior non-commissioned officer of 1 PARA, gave the following evidence to this Inquiry about the information given at the battalion Orders Group:¹

“3... We were told it was an illegal march and Derek Wilford highlighted that there was a ‘no go’ area in Londonderry. He also mentioned that there was a strong Republican presence. Derek Wilford was quite a mild guy and there was certainly no ‘gung ho’ talk at the briefing.

4. INQ 7 [the Intelligence Officer] was also at the briefing. He gave details about the known IRA structure in Londonderry which was well developed because it had been in place for a while. He did not say that we would come under fire but as with any high rise flats, the Rossville Flats were seen as potential sniper positions. There was always the possibility of sniper fire wherever we were in Northern Ireland. However, because the Civil Rights march was to be a big high profile crowd we thought that there would be few opportunities for fire. We knew that people such as Lord Russell of Liverpool and Bernadette Devlin were due to be there.”

¹ [C2037.1](#)

9.681 Colonel Wilford’s evidence was to the effect that no indication was given to his soldiers, either at this Orders Group or at all, that they should seek to engage with or draw out the IRA.¹ We accept this evidence; in our view, although he was keen on the arrest operation, there is nothing to suggest that he had in mind the idea of actively encouraging the IRA out so that his soldiers could engage them. However, this did not mean that if his soldiers came under attack from republican paramilitaries they should withdraw rather than adopt their usual response of returning fire, a matter we consider elsewhere in this report.²

¹ [Day 312/44-45](#)

² [Paragraphs 171.30–36](#)

9.682 Colonel Wilford told the Widgery Inquiry that he had explained at the Orders Group that he would watch the march from a forward position and might bring his “*Company*” [sic] forward early. He accepted that Brigade orders did not permit him to bring his men forward of the barriers without further order; he then said that he had “*personally*” taken the decision that he might need to have “*one or two people forward of the line where I was to be in order to get some observation*”. At that stage he had anticipated that he would be in the area of the Presbyterian church, observing events.¹

¹ [WT11/39](#)

9.683 In his first statement for the Widgery Inquiry, Colonel Wilford recorded that he had explained at the Orders Group that it was not really possible for him to be specific in his plans until the rioting started and so he had given a general idea of how he thought events would go. He had recognised that there were two routes that the marchers might take: one would bring them from the south along Rossville Street, with possible filters through Magazine Street and Waterloo Street, and the second would bring them from the west along William Street. He stated that he had decided that if the first route were used, then two companies would deploy from the north and one from the east in order to “*pinch them out from a retreat West and South*”. If the second route were used, he had anticipated that violence would spread westwards from the William Street barrier. He had decided in that case that he would put in two companies together from behind the Presbyterian church “*to get the maximum impact and achieve mutual support*”. He added, “*I confidently expected to move the companies forward to jump off points*”.¹

¹ [B945-6](#)

9.684 In his oral evidence to this Inquiry, Colonel Wilford could not recall the detail of the two alternative plans described in his notes; however, he said he was certain that he was contemplating in each case a pincer movement by his troops, involving the soldiers getting behind the rioters.¹ He recalled that his original plan, assuming that the marchers came down William Street, was for one company to go through Barrier 14 and for Support Company to cut the rioters off by going over the wall of the Presbyterian church and approaching the rioters from the west.² He said that he knew nothing of any plan to drive a Pig (an APC) through the wall of the church.³

¹ [Day 312/41](#)

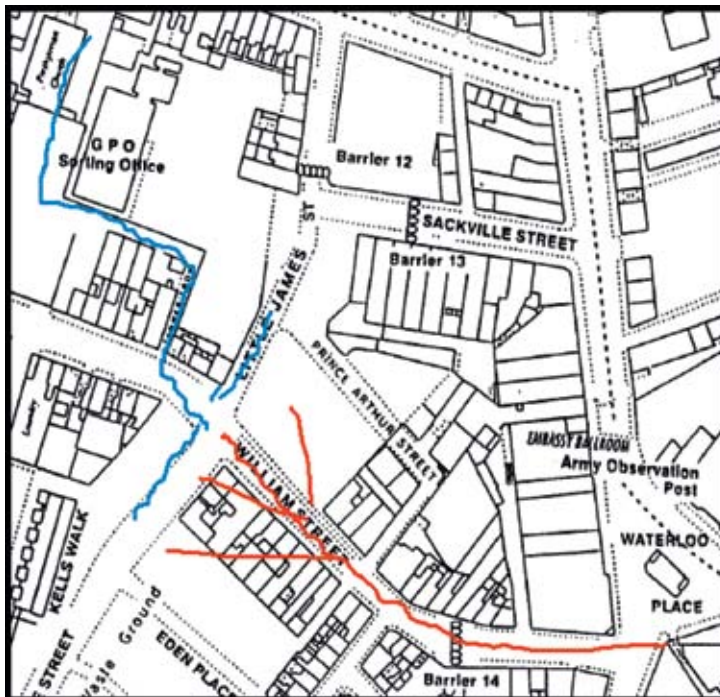
³ [Day 312/53-54](#)

² [Day 312/53](#)

9.685 Colonel Wilford told this Inquiry that, if the marchers came down William Street, he had anticipated being able to get behind them by putting a company through the Presbyterian church, using a concealed route. He had thought that they would be able to reach Aggro Corner “*without being seen overmuch*” and cut off rioters at Barriers 12 and 14.¹ The route that he had expected the soldiers to use is shown in blue on the map below. The red line shows the proposed route of soldiers coming through Barrier 14, driving the rioters towards the soldiers at the junction of Little James Street and William Street.²

¹ [Day 312/42-44](#)

² [B1110.241](#)



9.686 At that stage, neither Colonel Wilford nor anyone else from 1 PARA had examined the ground on foot. Colonel Wilford said that he had assumed from his observation from one of the buildings that concealed access was possible.¹ In fact, it seems that any form of access along the proposed route would have been extremely difficult. We return to this matter later in this report,² when considering the events of the day itself.

¹ [Day 312/44](#)

² [Chapter 12](#)

9.687 Colonel Wilford's oral evidence to this Inquiry was that timing and speed were of the essence for his plan to succeed. He agreed that it would be very important for the troops coming in from the west to arrive at the junction before soldiers coming through Barrier 14 had driven the rioters westwards. He said that it was his responsibility to co-ordinate the approaches of the two companies.¹

¹ [Day 314/55](#)

9.688 At this stage 1 PARA, like HQNI and 8th Infantry Brigade, had no detailed plan for dealing with rioters. The security forces did not and could not know how the arrests would be conducted. They could not have a detailed plan. They could only work on the basis that there were two areas in which trouble was likely. Colonel Wilford's task was so to dispose his troops that he would have a good chance of arresting rioters in one or both of these areas or in some entirely different location.

9.689 We have referred above to Colonel Wilford's evidence to the effect that he was unaware that it was important to Brigadier MacLellan that rioters were separated from marchers before arrests were carried out.¹ None of those present at the 1 PARA battalion Orders Group who gave evidence to this Inquiry said that the need for separation was discussed. Although it is possible that, as Major Loden said in his written statement for and oral evidence to the Widgery Inquiry, Colonel Wilford emphasised the need not to target innocent marchers,² we are not convinced that this was the case.

¹ [Day 312/60](#)

² [B2216; WT12/3](#)

9.690 Although, as can be seen above, Colonel Wilford's plan at the stage of his Orders Group was to go through the Presbyterian church, he insisted in his evidence that he had in mind using troops through Barrier 12 as an alternative. In addition, his evidence was that he did not give specific instructions about the distance that his men should cover when attempting to make arrests. He said that this was unnecessary since his troops knew that they usually worked in an area of about 200 yards square. The conduct of an arrest operation within this sort of area was, according to him, virtually a standard operating procedure.¹ We consider this aspect of Colonel Wilford's evidence in detail later in this report.²

¹ [Day 312/62-63](#)

² [Chapters 12 and 20](#)

The use of vehicles

9.691 Colonel Wilford told this Inquiry that, although his initial plan had envisaged the soldiers going in on foot, he would have expected their vehicles to follow them as back up. He had no recollection, though, of having discussed this with his Company Commanders.¹

¹ [Day 314/56](#)

9.692 In his supplementary statement for the Widgery Inquiry, Major Loden, speaking of events at and after 1600 hours on 30th January, stated:¹

"The Commanding Officer had previously told me that I might have to go out to carry out the arrest operations through any of the barriers and I had previously reconnoitred them all.

We moved in vehicles. I had expected to carry out the arrest operation from vehicles unless to do so was physically impossible, as it would have been if we had had to come through by the sides of the Presbyterian Church. We did examine whether the vehicles could be got through this way, but it could not be done."

¹ [B2241](#)

9.693 In his oral evidence to the Widgery Inquiry, Major Loden said:¹

“... when the C.O. gave his ‘O’ Group on the Saturday before, although it was thought that the march would take place on a route, we did not know where the march would go. Nor did we know where rioting would, if it did, take place: and we were told that we could go through any of these barriers, and therefore whatever ground the operation had to take place on, it was true to say that it would be left to my discretion, but I was not particularly told that I would go down Rossville Street.”

¹ [WT12.35](#)

9.694 It appears from this evidence that Colonel Wilford did not state at the Orders Group that the Brigade Order anticipated that the arrest operation would take place on foot. There was certainly no prohibition on using vehicles. Major Loden appears to have envisaged at all times that the arrest operation would take place from vehicles unless this was impossible: his oral evidence to the Widgery Inquiry was that he lined up Support Company’s vehicles at the Forming Up Position (FUP) in Clarence Avenue in the order in which he wished them to be should they come under attack.¹ In his oral evidence to this Inquiry, Major Loden said:²

“I am afraid this issue of going in on foot was never mentioned to me as our normal operation, or modus operandi, was to operate from our vehicles.”

¹ [WT12.36](#)

² [Day 345/70](#)

9.695 Major Loden accepted that the plan to go through the Presbyterian church necessarily involved his men going on foot; however, he repeated that he had been warned that he might have to go through any barrier. According to his oral evidence to this Inquiry he had anticipated using vehicles if possible.¹

¹ [Day 345/70-71](#)

9.696 Captain INQ 7, the battalion Intelligence Officer, said to us that the soldiers would have been expected to go in on foot because it was difficult to manoeuvre vehicles through Army barriers and also because the soldiers deployed in the derelict buildings would not have had access to their vehicles.¹ We consider later in this report² the deployment on the day of soldiers of 1 PARA in a derelict building south of the Presbyterian church.

¹ [Day 292/54](#)

² [Chapter 17](#)

9.697 We also deal in the course of this report with the expectations of those concerned on the day itself.

The details contained in Lieutenant Colonel Wilford's orders

9.698 According to the notes of the Orders Group,¹ which we have no reason to believe to be inaccurate, Colonel Wilford indicated that he would give further details at the FUPs. He accepted in his oral evidence to this Inquiry that he had not done so. He said that there had been no need for him to give further detailed tactical plans to his commanders or soldiers at the FUPs. He did not recall having given any further orders there and believed that such orders were needed only when a change of plan became necessary.²

¹ G94.562

² Day 314/50-51

9.699 He was asked about the fact that he did not at any time provide more detailed information to his subordinates about the planned operation:¹

“Q. Would there have been an advantage – your own operational plan seemed to suggest it – in giving more detail to the company commanders, Major Loden and others, as to exactly what was expected of them in this arrest operation?

A. I think, I think the company commanders and the platoon commanders and the platoon sergeants and the platoon corporals were fully aware of what was required of them.

Q. Your O Group was expecting, because that is what you indicated would happen, that you would give a detailed tactical plan; you never did?

A. Because a detailed tactical plan was not possible and – or necessary at the time. Again, I must come back to this business of, if you like, a blueprint, if I can call it that. You cannot have a blueprint in this situation, and I am not using the word ‘flexibility’ as a let-out, I am just saying flexibility is something one had to have ... You cannot have a blueprint for this sort of thing at all because the situation is constantly changing from moment to moment.

...

Q. So why had you put in your order, why had you said that you would give a detailed tactical plan:

‘I will give the company deployment in our forming-up position and then give my concept of how I think that battle can go.’

What was the purpose of putting that in your orders?

A. Because at the time I supposed, reasonably, that I may have the opportunity to give a more detailed plan of what we intended. I had to wait. There was no point in making a plan at that time at all. In fact it was impossible to make a plan at that time, one could only make a plan as the whole circumstances unfolded ... The purpose was that I might find the opportunity or the situation might develop that that would be a possibility; that is all. I was not laying down a blueprint once more, I was saying, in effect, to my company commanders 'we will deal with the situation as it develops'.

Q. But you never gave them any further detailed order?

A. No.

Q. With hindsight, was that an error?

A. No."

¹ [Day 315/8-11](#)

Company Orders Groups

9.700 Later on Saturday 29th January 1972 the Company Commanders held company Orders Groups. These were attended by the Platoon Commanders, the Company Sergeant Major and the Colour Sergeant.¹

¹ [B2216](#)

9.701 Major Loden's Orders Group for Support Company commenced at 1700 or 1730 hours.¹ It was attended by, among others, the Platoon Commander of each of the three Support Company platoons normally under Major Loden's command. The three platoons were Anti-Tank Platoon, Machine Gun Platoon and Mortar Platoon. While in warfare these platoons would undertake specialist support tasks, in Northern Ireland they acted as ordinary infantry platoons.

¹ [WT12.3](#); [B2212](#)

9.702 The Commander of the Anti-Tank Platoon on 30th January 1972 was Lieutenant 119. The Commander of Machine Gun Platoon was a Sergeant, INQ 441, and the Commander of Mortar Platoon was Lieutenant N.

9.703 On 30th January 1972 Major Loden had an additional platoon, Composite Platoon, under his command. On the day this platoon was commanded by Captain 200, the Officer Commanding Administrative Company, who also attended Major Loden's Orders Group. Composite Platoon (also known as Guinness Force) was made up of various members of

Administrative Company, supplemented (as were the other platoons) by soldiers from B Company of 1 PARA. Members of Composite Platoon were all fully trained infantry soldiers but in January 1972 usually worked in administrative roles.¹

¹ B2022.001

- 9.704** In a statement made on 31st January 1972, Major Loden gave the following description of the orders that he had given:¹

“MISSION. To arrest as many rioters as possible.

EXECUTION.

General Outline. The coy was to deploy into an asslt posn in Queen St, and to gain access to William St over the 6ft wall in the East of the Presbyterian Church at G[rid] R[eference] 43271706. The mor pl was to cut the wire which surmounted this wall to a height of approximately 12ft. The Anti-tk pl was warned to take up anti-sniper posns on the rooftops of houses on the South side of Gt James St.

Orders for Opening Fire. As given in the Yellow Card. (These orders, a new edition of which was issued in mid-December, were clearly understood by all soldiers. Pl comds had spelt out the differences in this new card from the previous one on issue.)”

¹ B2212

- 9.705** It appears from this evidence that an outline plan to reach William Street by scaling the wall to the east of the church existed by the time of the Support Company Orders Group. Major Loden explained in his oral evidence to this Inquiry that (unlike Mortar Platoon and Anti-Tank Platoon) Machine Gun Platoon and Composite Platoon were not given orders because at this stage flexibility was being maintained.¹

¹ Day 342/18-19

- 9.706** In his written statement for the Widgery Inquiry, signed on 17th February 1972, Major Loden told that Inquiry that he had made it clear that arrests were only to be made if an order to make arrests were given and if rioting had taken place.¹ He also stated that he had no recollection of discussing the question of opening fire. It would appear from his notes that he reminded his soldiers that this was governed by the Yellow Card.²

¹ B2216

² B2217

- 9.707** Lieutenant N told the Widgery Inquiry that those attending Support Company's Orders Group were warned that they would be going into an area in which lots of gunmen had operated in the past. He said that the Rossville Flats were mentioned as a particularly

dangerous spot.¹ In his evidence to this Inquiry, he said that there was no detailed planning of the route that his men were to use and no plan to use a pincer movement or to cut off the rioters' escape routes: "...*that would have been a different style of operation.*" He said that the plan was to gain access to the rioters and then "*follow what happens*". His recollection was that the operation was to be a frontal assault in which as many rioters as possible would be arrested. According to him this remained his understanding until the time that he and his men drove into the Bogside on 30th January.² We consider that he was correct in his recollection that no detailed plans were set out and that he was told that the intention was for as many rioters to be arrested as possible. We consider later in this report³ his evidence as to what he thought his task to be when the arrest operation was ordered.

¹ WT12.60-61

³ Paragraphs 20.262–264

² Day 322/119-121

9.708 Sergeant INQ 441 gave the following account to this Inquiry of the Support Company Orders Group:¹

"Major [Loden] held the briefing, which was given to all the platoon commanders, as well as the Company Sergeant Major. I believe there were five or six of us at the briefing, which took place in Major [Loden's] office. I do not remember much about what was said in the briefing, except that we were going to cover a civil rights march in Londonderry and we were told to watch the rooftops. The reason the briefing sticks in my mind is that it was one of the most full and thorough briefings I think I have ever been given. I believe this was primarily because we were going into a new area and we had no knowledge of the layout of the land. I believe we were shown maps and plans of the area to ensure we knew where to go and what to do on the day."

¹ C441.1

Platoon Orders Groups

9.709 Platoon Orders Groups followed the Support Company Orders Groups. Major Loden told this Inquiry that he attended part of the Orders Groups of the Anti-Tank Platoon, Machine Gun Platoon and Mortar Platoon. He moved from one group to another. He did not attend the Composite Platoon Orders Groups; this platoon was briefed by its own Officer Commanding, Captain 200, who was not usually under Major Loden's command.¹

¹ Day 342/15; Day 342/19

- 9.710** Sergeant INQ 441 gave evidence of the briefing that he gave to his platoon members on the evening of 29th January:¹

“Once [the Support Company] briefing had finished we were each told to go into the barrack room to brief our own platoons. Each platoon had its own room within the larger barrack room. I believe it was about 10pm by the time I actually started briefing my men. Major [Loden] and the Company Sergeant Major patrolled round the barrack room while the briefings were going on to ensure that full and detailed instructions were being given to each platoon. This was quite unusual.”

¹ [C441.2](#)

- 9.711** He could not, though, recall what he had told his platoon at that briefing.¹

¹ [Day 303/71](#)

- 9.712** Captain 200 gave a briefing to members of the Composite Platoon. In his oral evidence to this Inquiry, he agreed that he would have told his men that the Rossville Flats and buildings around it were places in which IRA men could be concealed. His evidence was that he told his men that IRA shooting was possible or probable.¹

¹ [Day 368/90-91](#)

- 9.713** In his statement for the Widgery Inquiry, Corporal A, a member of Machine Gun Platoon, gave a brief description of his platoon Orders Group:¹

“1. ... On 29 January at 22.15 we were given an order by our platoon commander. He told us that we were to go to Londonderry the next day to do security duties in connection with the march. He showed us on a map that we were to be held in reserve and were to move forward through a built-up area to William Street ready to carry out an arrest operation. From that position we might be ordered forward to carry out arrests.

2. We were given no special orders about opening fire. We were given orders to follow the yellow card.”

¹ [B20.025](#)

- 9.714** In his oral evidence to this Inquiry, Corporal A said he recalled being warned that the IRA would “*hijack*” the march; he said he had understood this to mean that the IRA might take over the march from the organisers and use it for their own purposes. He could not recall there being any discussion about the possibility of the soldiers coming under IRA fire but

said that such a possibility always existed whenever soldiers deployed in Northern Ireland.¹ He remembered the platoon having a photocopy of a small-scale “A–Z” type map of the area.²

¹ [Day 297/3-4](#)

² [Day 297/6](#)

9.715 Private S, a member of Mortar Platoon, told the Widgery Inquiry that his Platoon Commander had shown the platoon a map of the area, warned the men that they would be in reserve and might have to carry out an arrest operation and said any shooting was to be governed by the rules of the Yellow Card.¹

¹ [WT12.100-101](#)

The allegations of Private 027

9.716 One of the members of the Anti-Tank Platoon was a soldier given the cipher 027. In 1975 Private 027 wrote an account of the events of and leading up to 30th January 1972. The account included the following passage:¹

“One night in January 1972 I was sitting with the rest of my ‘muckers’ of the Anti-Tank Platoon in the Barracks when our Lt. [119] came in and informed us that we were due for an operation in Londonderry the following day. He said that the heart of Derry had been bombed out. Several hundred soldiers had been hospitalised and that not one arrest had been made ... We knew that the Creggan Estate was an I.R.A. fortress, conning towers, machine guns and barbed wire as well as land mines guarding its approaches. The people of the Creggan had not paid rent and had high-jacked all their food for several years. This was the symbol which led to the name ‘no go area’.

As I looked at my friends I could see that after all the abuse and nights without sleep, frustration and tension, this is what they had been waiting for. We were all in high spirits and when our Lt. said ‘let’s teach these buggers a lesson – we want some kills tomorrow’, to the mentality of the blokes to whom he was speaking, this was tantamount to an order i.e. an exoneration of all responsibility.”

¹ [B1565.003](#)

9.717 In his written evidence to this Inquiry, Private 027 told us:¹

“57. ... I have a clear memory of my section, the seven or eight of us, being in barracks in our denims and tee shirts. Our Platoon Lieutenant came in, whose identity I cannot now recall. It was not a formal briefing, it was more in the manner of a group chat. The lieutenant stood and we sat, as we had a discussion about Derry...

58. I cannot remember precisely all that was said at that briefing, but I do remember the remarks revolving around the possibility of getting kills the following day. I cannot now remember whether these events were first voiced by the Lieutenant, but I do remember the comment being repeated by the soldier sitting next to me to my left. I have a clear memory of him nodding his head in acknowledgment and repeating what was said, as if he had made his mind up. Because he was the first individual I noticed from our Platoon who fired a shot on the day, the memory of his reaction during the discussion the previous evening stayed in my memory. That individual, from my personal point of view, was more than any other individual responsible for instigating and perpetuating what occurred on Bloody Sunday.

...

62. To us, at the briefing, the march was a gathering of IRA supporters, the enemy in a no go area. If there was a problem, we were to go in and arrest people ... The prospect of going to Derry was regarded with some relish. There was the anticipation that we would be given the opportunity to confront the enemy.”

¹ [B1565.035-36](#)

9.718 Private 027 told this Inquiry that the soldier sitting next to him, and to whom he was referring in that passage, was Lance Corporal F.¹

¹ [Day 246/26-27](#)

9.719 In his written statement to this Inquiry, Private 027 also told us:¹

“65. The comment ‘we want some kills tomorrow’ needs to be put into the context in which it was made. We were going into the Bogside, a no go area, a piece of British territory that had been taken over by terrorists. We were told to be prepared for any eventuality and there was a strong suspicion that we would encounter gunmen ...

66. ... There were men out there who were trying to kill us with all the ingenuity they had available. When there was talk about wanting some kills tomorrow it was said against that background. I am clear in my mind that what was meant was that if we confronted gunmen, we would come out on top. As soldiers preparing themselves to go into a lethal confrontation, it would be absurd to expect that we would have thought differently.”

¹ B1565.036

9.720 Lieutenant 119’s evidence to this Inquiry was that he could not recall the Support Company briefing given by Major Loden nor having given any briefing to the members of his platoon.¹ He dealt in his written statement to this Inquiry with Private 027’s initial allegation:²

“I have been specifically asked whether I remember going to the platoon room prior to our deployment to Londonderry when the men were standing around in their vests and trousers and briefing them about the coming march in Londonderry. I have no recollection of that. I have been asked whether on such an occasion, or at any time, I said to my platoon words along the line of, ‘let’s teach those buggers a lesson – we want some kills tomorrow’. An alternative suggestion, which I understand is now offered by Private 027, is that I said something along the lines that the march would consist of 15000 people who were all essentially terrorists and that we should take great care not to let them get us before we got them. I utterly refute either version. I would not have said any such things as they do not reflect how I felt then or now. In addition, they would have suggested a breaking of the Yellow Card and possibly even a criminal offence.”

¹ B1752.011

² B1752.012

9.721 In his oral evidence to this Inquiry, Lieutenant 119 added that he recalled no feeling within his platoon or within 1 PARA that the hooligans in Londonderry should be taught a lesson¹ or that this was an opportunity for the Paras to engage gunmen within the IRA den that was the Bogside.² He agreed that there might have been discussion about the possibility that the Paras would engage gunmen and of the need for the Paras to come out on top if that happened.³

¹ Day 363/107

³ Day 363/110

² Day 363/110

9.722 Major Loden, who attended part of Lieutenant 119’s Orders Group, told this Inquiry that he did not hear Lieutenant 119 or anyone else, at any Orders Group, say that 1 PARA should “*get some kills*” on 30th January 1972.¹

¹ Day 342/19

9.723 Lance Corporal F's evidence was that he did not recall a briefing. He went on:¹

"I don't recall [Lieutenant 119] saying ['let's teach these buggers a lesson – we want some kills tomorrow'] and there's no way that he would have. It was not his nature; he did not have that type of mentality."

¹ [B167.002](#)

9.724 Lance Corporal F, in his oral evidence to this Inquiry, denied that he had behaved at the briefing in the way suggested by Private 027.¹

¹ [Day 375/63-64](#)

9.725 There are difficulties with Private 027's evidence as a whole, to which we draw attention elsewhere in this report.¹ Because of this, we take the view that we should treat his accounts with caution, unless supported by other reliable testimony. In the present instance, as also appears later in this report, we also have doubts about much of the evidence given by Lieutenant 119 and Lance Corporal F. In these circumstances, we have not found it possible to decide whether or not Lieutenant 119 did say anything more than that there was a risk that the soldiers would come up against gunmen and for the soldiers to come out on top if that happened.

¹ [Chapter 179](#)

The draft chapter provided by Colin Wallace

9.726 Colin Wallace, the civilian Army public relations officer to whom we have referred above,¹ provided the Inquiry with a draft chapter from a proposed book, apparently written in the early 1970s by an officer of 1 PARA. Colin Wallace did not know whether the book was ever finished (he saw no further draft chapters), but it does not appear to have been published, and no witness to this Inquiry has claimed responsibility for writing the piece in question. Although Colin Wallace retained the document, he could not assist further as to its origin or the identity of its author.²

¹ [Paragraph 9.214](#)

² [KW2.8; KW2.129; Day 238/35-41; Day 238/97-100](#)

9.727 The author, dealing with the days leading up to Bloody Sunday, wrote:¹

“The first one of our Company seconds-in-command heard of the impending operation was on the Friday before, when his Company Commander came rushing excitedly into his office after the Commanding Officer’s Orders Group. ‘We’re really going to have a go at them this time.’ He then went on to describe, with considerable relish, how the hooligan element on the march were going to be ‘dealt with’, the idea of ‘Scoop Force’, and our own role. The intelligence part of the operational order predicted gunmen in the area of the Rossville Flats.”

¹ [KW2.44](#)

9.728 According to the draft chapter, later that day the Captain briefly explained to his wife what the weekend’s operations would be. He explained about Scoop Force, the Paras and the gunmen. “*I can just see the headlines,*” she said, “*Londonderry’s Sharpeville*”.¹

¹ The Sharpeville shootings occurred on 21st March 1960, when South African police opened fire on a crowd of black demonstrators in the township of Sharpeville. Reports indicate that 69 people, including women and children, were killed and over 180 injured.

9.729 According to the document, the author was present at the march from Dungannon to Coalisland that took place on 29th January 1972. The chapter contains many details that are consistent with what is known about this march and its policing, but there are considerable doubts as to its provenance. Despite some evidence to the contrary,¹ it appears unlikely that 1 PARA, or any part of this battalion, was involved in policing the march. The *Fusilier* magazine (volume 1 number 8, June 1972) recorded that the units employed in the operation came from 3 RRF, 1 KOB and 8 UDR. The first two of these were also deployed in Londonderry on Bloody Sunday. There is no evidence from any 1 PARA soldier that members of the battalion were present at this event, and several witnesses told this Inquiry that they did not recall the battalion being so deployed.² In these circumstances, the authenticity and accuracy of the draft chapter cannot be verified, and we are unable to place any reliance on the information that is contained in this document.

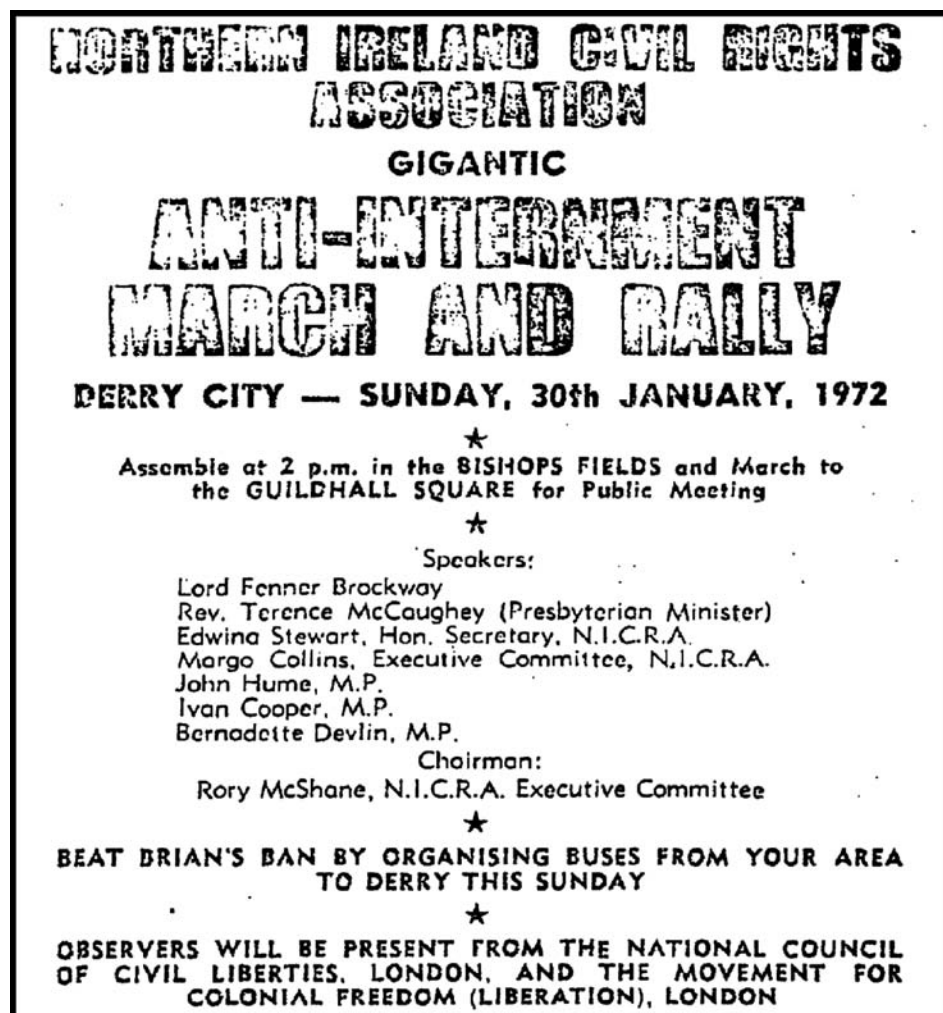
¹ [AR38.2](#)

² [Day 287/143-144](#); [Day 279/58](#)

Publicity for the march

9.730 On Saturday 29th January 1972 the *Irish News* carried an advertisement for the march.¹

¹ L19



9.731 Of particular note is the fact that this notice included the detail that the march would go to the Guildhall Square for a public meeting, something that had also been reported in the *Derry Journal* on the previous day. The advertisement also announced that one of the speakers would be John Hume. He told this Inquiry that he had initially agreed to address the march, but changed his mind after witnessing the violence displayed against the marchers at Magilligan. On that occasion, John Hume had insisted that the protest occur on a beach as this would minimise the risk of a violent confrontation, there being no stones for potential rioters to throw. When, in his view, this failed to stop an assault from

the security forces, he feared for what might happen in an urban situation. He therefore withdrew from his previous agreement to speak, publicly announced that he would have nothing further to do with the march, and actively encouraged others to do the same.¹

¹ KH8.2; Day 180/4-5; Day 180/9-10; Day 180/39-40

- 9.732** In addition to the advertisement, NICRA issued another statement on 29th January 1972, which was widely reported in the media:¹

“A call for a massive turnout at the Civil Rights Demonstration planned for Derry tomorrow has been made by the Executive of the Civil Rights Association. Making the call the Executive pointed out that the British Government are now full-tilt on repression and coercion and that a massive peaceful demonstration was vital if world opinion was to be impressed by the justice of the democratic cause in Northern Ireland.

The twin major aims for Derry is a demonstration that is both huge in numbers and perfectly peaceful and incident free. It is pointed out that any violence can only set back the civil rights cause and play straight into the hands of the Tory-Unionists by providing a justification not only for any violence they might contemplate against the demonstration itself but also for the daily violence of the security forces.”

¹ G92.552

- 9.733** Despite these statements, the expectation of many must have been that it was likely if not inevitable that the Army would seek to stop or divert the march and that there would be a violent confrontation at some stage during or after the event.

Cancellation of the Democratic Unionist rally

- 9.734** On the afternoon of 29th January 1972, the City of Londonderry and Foyle DUA announced the cancellation of the rally that earlier in the week they had told the Chief Constable they intended to hold in the Guildhall Square. The Vice President of this Association, the Reverend James McClelland, was reported as saying:¹

“We were approached by the Government and given assurances that the Civil Rights march will be halted – by force if necessary.

We believe wholesale riot and bloodshed could be the result of the Civil Rights activities tomorrow and we would be held responsible if our rally takes place. We have appealed to all loyalists to stay out of the city centre to-morrow.

We are prepared to give the Government a final opportunity to demonstrate its integrity and honour its promise to stop this march (Civil Rights). But if it fails in this undertaking, it need never again ask loyalist people to surrender their basic right of peaceful and legal assembly.”

¹ L21; G92.553; Day 220/4-8; Day 220/11-14; KM9.8

- 9.735** Whether there was in fact ever any genuine intention to hold a rally is open to doubt. As Lord Cameron noted in his report,¹ the tactic of announcing a march or demonstration that would clash with another already proposed by those of a different political colour, in order to force the prohibition or re-routing of the latter, and then (if this purpose was achieved) allowing the counter-demonstration to lapse, had, as he put it, *“long been a recognised tactic of obstruction in Northern Ireland”*.

¹ Cameron Report, para 41.

- 9.736** The DUA’s announcement that their rally had been cancelled contained the claim that the organisation had been approached by the (presumably Northern Ireland) Government and given assurances that the NICRA march would be halted, by force if necessary. This might be related to a parliamentary statement given by Commander Anderson, the Ulster Unionist (Stormont) MP for Londonderry City and Senior Parliamentary Secretary at the Ministry of Home Affairs, in the week after Bloody Sunday:¹

“A counter-demonstration was arranged for that day. I went to the people concerned and I am very glad to say that they had a sense of responsibility. They realised how this could be used for other purposes and they did not proceed with the parade. It would have been a lawful meeting. I want to say publicly that I am indebted to them for the step they took; it kept another section of our people off the streets of Londonderry.”

¹ KM9.16

- 9.737** On 30th January 1972 the *Sunday News* newspaper reported the cancellation of the rally, and the response of a government spokesman who denied that a deal had been done with the DUA organisers. The spokesman was quoted as saying: *“They were simply told that by going ahead with their rally they were only making the job of the security forces more difficult.”* No indication is given as to who passed on this message, or by what means.¹

¹ L21

9.738 It was submitted on behalf of the family of one of those who died on Bloody Sunday that:¹

“The Tribunal may reasonably conclude that the person who most probably spoke to the DUA on behalf of the government was Commander Anderson, the MP for Derry, and that he did so at the behest of the JSC after hearing from the GOC concerning the potential for a shooting war.”

¹ FS4.71

9.739 There is some doubt as to whom Commander Anderson approached, and whether they were members of the local DUA, or the provincial Democratic Unionist Party (DUP). The Reverend James McClelland told us that Commander Anderson had not spoken to him, and suggested that he might have approached the Reverend William Beattie, the DUP’s Deputy Leader and then the Stormont member for South Antrim.¹ However, the Reverend James McClelland also said he had a vague recollection of the DUP’s Chairman, Desmond Boal, telephoning him to urge him to cancel a counter-demonstration (which he presumed was the one arranged for 30th January 1972) as *“we do not need this kind of brinkmanship at this time”*.² Unfortunately, due to the Reverend James McClelland’s apparently poor memory of events, we were unable to place much reliance on his evidence.

¹ KM9.9-10; Day 220/15-16

² Day 220/16-18

9.740 Regardless of whom it was that Commander Anderson contacted, we are not persuaded that his approach was made at the *“behest of the JSC”* or that it was in any way authorised by the Stormont Government. Commander Anderson attended the JSC meeting of 27th January 1972 (the last before Bloody Sunday), yet the minutes record no instruction or invitation to Commander Anderson to intervene, and indeed no discussion of any such idea.¹ There is no other direct evidence of official support for assurances given to the DUA or the DUP to persuade them to call off the counter-demonstration, other than the words attributed to the Reverend James McClelland when announcing the cancellation.

¹ G76.463-466

9.741 In contrast, there are strong reasons to conclude that any steps taken by Commander Anderson (or anyone else) were the result of a personal, unsanctioned initiative. We accept as accurate the evidence of Brian Faulkner’s Principal Private Secretary, Dr Robert Ramsay, that there was a clear policy to have no dealings with Dr Ian Paisley outside formal parliamentary channels, as *“the Prime Minister felt that Dr Paisley had a*

rather idiosyncratic concept of truth".¹ Dr Ramsay explained that this policy would have applied to the issue of the Londonderry DUA's proposed demonstration, and Commander Anderson's possible mediation on this matter.²

¹ [Day 215/40](#)

² [Day 215/48-49](#)

9.742 Dr Ramsay also pointed out that Commander Anderson was the local MP for Londonderry City, and that he might have used local contacts to urge the DUA to cancel its rally.¹ This is possible, as is an approach via the Reverend Beattie or Desmond Boal. Whatever the means, it seems likely that during the conversation that Commander Anderson (who is deceased and gave no evidence to this Inquiry) had with "*the people concerned*", something was said that caused the Reverend James McClelland to announce the cancellation of the rally, and to claim that this was being done on the grounds that the march would be stopped by force if necessary. There is no evidence, nor anything to suggest, that the DUA was given any information of any nature about a proposed arrest operation. In any event, the lack of an official record reinforces the finding that Commander Anderson acted in a private capacity and on his own initiative. We are confident that no deal was done, and that no assurances were given by the Government that led the DUA to cancel its protest.

¹ [Day 245/49](#)

9.743 In our view a counter-demonstration was probably announced in order to put pressure on the authorities to ensure that the NICRA march was stopped. Why the rally was cancelled remains in doubt, as we do not know what was said by Commander Anderson.

9.744 One further issue that arises from the DUA counter-demonstration and its cancellation is the extent to which, if at all, Dr Ian Paisley and the central DUP were aware of the activities of the Reverend James McClelland and the Londonderry DUA in this regard. On this point, the evidence the Reverend James McClelland and Dr Ian Paisley gave to the Inquiry differed markedly.

9.745 The Reverend James McClelland stated that the DUA was in effect a local arm of the DUP and that there was little the local association could do of which Dr Ian Paisley would not be aware if it was likely to attract media attention.¹ At that time the question of marches and the ban on them was at the centre of media interest and debate across Northern Ireland, and indeed beyond. The Reverend James McClelland told us that he therefore assumed that Dr Ian Paisley would have been aware of the Londonderry DUA's proposed rally. He initially insisted that he "*definitely*" had had no contact with Dr Ian Paisley on the question of the rally, but when reminded that he had himself told the

Tribunal that he had no recollection even of the proposed counter-demonstration, he modified his answer by saying that he had no recollection of having had any contact with Dr Ian Paisley.² We gained the strong impression that the Reverend James McClelland disapproved of this Inquiry and was not disposed to go out of his way to assist us.

¹ KM9.2; KM9.4; KM9.9; Day 220/10; Day 220/21

² Day 220/10-11

9.746

Dr Ian Paisley told this Inquiry that he knew nothing about the Londonderry DUA's planned rally other than that which he read in the press. He stated that he did not talk to the Reverend James McClelland or other local DUA members about their plans for the event, and he knew of no contact between the Government or Commander Anderson and the DUA that led to its cancellation.¹ However, he commented that the organisers' public call for support on the basis that "*the Queen's writ must run in every part of the city and the law must be administered fairly to all sections of the community*" was in line with the contemporary policy of the DUP.² We gained the same impression of the attitude of this witness to this Inquiry as we had of the Reverend James McClelland. As to both these witnesses, we concluded that it would be unwise to rely on the evidence that they gave to us about the announced rally and its cancellation.

¹ Day 205/10-18

² Day 205/11-12

The Dungannon to Coalisland march

9.747

On 29th January 1972, demonstrators gathered in Dungannon for the scheduled anti-internment march to Coalisland, a reversal of the route of the August 1968 civil rights march, which was recognised as the first such event in Northern Ireland. The Dungannon march had been organised by the Tyrone Central Civil Resistance Committee, an umbrella group comprising several local civil rights organisations and activists, some of whom were also affiliated to NICRA.¹ The security forces blocked off the planned assembly point in the town's Market Square as part of an effort to stop the procession at source. However, a large section of the crowd managed to evade blockades by taking to waste ground, fields and at one stage a disused railway track. As these areas did not constitute public highways, marching on them was not prohibited. Throughout the day protesters and the security forces appear to have shadowed one another, with various efforts made by the former to return to the roads, and by the latter to disperse the crowd. A significant number of marchers completed the journey to Coalisland, but the security forces pointed out that they had been diverted from their intended and illegal route.²

¹ G66.410; AR38.1; AR38.5; AD189.19

² AR38.1-2; AR38.5; AD189.19; KD4.2-3; KB2.20; KD4.3; V26; G111.694

9.748 A number of those who participated on the march later complained about the allegedly heavy-handed methods employed by the security forces.¹ In contrast, the official accounts of the day given by and to the relevant authorities emphasised that the event passed off relatively quietly, although there was some rioting and some arrests were made for disorderly behaviour.² In the aftermath of Bloody Sunday, the issue of the policing of this incident did not excite significant public interest.

¹ [KD4.2-3](#); [Day 124/47](#); [KB2.20](#); [AD189.19-20](#)

² [V26](#); [G111.694](#); [G112.697](#); [G113.719](#); [G108B.665.17](#); [G115.746](#)

The night of 29th/30th January 1972

9.749 In his written statement to this Inquiry Sergeant INQ 441, the Commander of Machine Gun Platoon, described the night of 29th January and the early hours of 30th January 1972:¹

“8. After the briefings had taken place we were all confined to barracks. This was to ensure that everybody was rested up and ready to make an early start for Londonderry the following day. We were not allowed back into quarters but had to sleep in the barracks themselves. This was quite normal before a big operation as it ensured that there would be no problems the next morning when we prepared to start the operation ...

9. I do not remember exactly what time of day we started but it was very early. In terms of the equipment we carried I remember having the usual webbing, our SLRs [self loading rifles], and at least one rubber bullet gun and a tear gas gun per Pig. Some of the platoons may have carried sub machine guns, although most of them would have carried SLRs. We never used batons or shields, although we did have steel helmets with visors. Our helmets were converted parachute helmets, not the standard army issue helmet. We wore our flak jackets under our camouflage uniform but I believe most of the other regiments wore their flak jackets over their camouflage uniform. Each man was allocated a supply of ammunition on the day. I do not remember how much ammunition each man would have been given as this would have been decided by the Company Sergeant Major or Company Commander. The number of rounds would have depended upon the type of operation which had been planned. We would ordinarily have had at least one magazine full of ammunition backed up with bandoliers. A standard number of rounds, including those in the bandolier would have been in the region of 80. The magazine would have been carried in a pouch on our webbing.”

¹ [C441.2](#)

9.750 He recalled travelling in convoy with the rest of 1 PARA from Palace Barracks to Londonderry.¹

¹ [C441.3](#)

9.751 Major Loden explained to the Widgery Inquiry that on 30th January 1972 he had 102 men under his command. These comprised men from three platoons of Support Company (Anti-Tank Platoon, Machine Gun Platoon and Mortar Platoon) and one “*composite platoon*”, otherwise known as Guinness Force. The soldiers of Support Company were mounted in a total of six APCs. The members of Composite Platoon travelled in two 4-tonne lorries. In addition, Support Company had an armoured command vehicle, which was escorted by a Ferret scout car. All but three of the men under Major Loden’s command were armed with self-loading rifles (SLRs). The remaining three, all members of Composite Platoon, were each issued with a sub-machine gun. The reason for this was that there were insufficient SLRs available for each man to have one. The three men with sub-machine guns, and 12 of those with SLRs, were also issued with riot guns that fired rubber bullets.¹

¹ [B2246-7](#)

The issue of ammunition

9.752 The Company Sergeant Major of Support Company was Warrant Officer Class II Lewis. On 14th February 1972 he gave a statement to the RMP in which he provided details of the ammunition in the possession of members of Support Company on 30th January. His evidence was that, when ammunition was required, he issued it to the Platoon Sergeants who then issued it to their men and had to account to him for it. His records indicated that on 30th January 1972 the men of Support Company had in their possession a total of 2,950 rounds of 7.62mm ammunition (which was used in SLRs) and 52 rounds of 9mm ammunition. The 7.62mm ammunition was held by 59 men, who were armed with 50 rounds each. The 9mm ammunition was held by two men, each in possession of 26 rounds.¹

¹ [B2030](#)

9.753 Private 203, the arms storeman of Command Company of 1 PARA, issued arms and ammunition to members of Composite Platoon on 30th January 1972. He told the RMP on 14th February 1972 that on 30th January he had issued to 26 men 50 rounds each of 7.62mm ammunition and had issued to one man 40 rounds of 7.62mm ammunition.

He had also issued 19 men with 25 rounds each of 9mm ammunition and six men with 30 rounds each of 9mm ammunition. He also stated that some members of Composite Platoon had obtained ammunition not from him but from the B Company stores.¹

¹ B2112

- 9.754** The arms storeman of B Company, Lance Corporal 206, told the RMP on 14th February 1972 that on the morning of 30th January he had issued weapons and ammunition to members of Composite Platoon who had been unable to obtain arms and ammunition from the armoury. He had not retained records of the issue and could not recall the precise numbers issued. He stated that he had issued to each man 50 rounds of 7.62mm ammunition or 50 rounds of 9mm ammunition.¹

¹ B2121

The use of the helicopter

- 9.755** As we have mentioned above, on the morning of 30th January 1972 Brigadier MacLellan ordered Colonel Welsh to observe and report on the march from a helicopter. Colonel Welsh described in his written statement for the Widgery Inquiry the task that he was given. His recollection was that he had volunteered for the task:¹

“2. On Sunday 30 January I heard that a helicopter was to fly an observer over the march. As some of my own men were involved, I volunteered on that day to act as observer. My task was to report on progress of the march and to report [sic] on the radio to Brigade Headquarters.

...

4. Before I took off I had an informal briefing from the Brigade Commander. I knew that 1 Para were to mount a snatch operation if a riot situation developed, and if the circumstances made it possible. I was briefed to inform Brigade Headquarters, should a riot situation develop, when the main body of marchers had separated from the rioters. If a riot situation develops one often faces great difficulty in splitting the rioters from spectators. Information on this point was therefore of importance to Brigade Headquarters. I had no knowledge of any detailed orders given to 1 Para or any other possible snatch unit. I assumed that if an adequate separation occurred, a snatch operation might be mounted.”

¹ B1334

9.756 Brigadier MacLellan's evidence to this Inquiry was that he had considered controlling the operation himself from the helicopter but came to the conclusion that he should be in a place at which he could receive all communications and could deal, if necessary, not only with the march but with any paramilitary activity elsewhere.¹

¹ B1279.035; Day 262/17-18

9.757 Brigadier MacLellan told us that, having decided after the issue of the Operation Order to use a helicopter (and, presumably, after deciding not to be in it himself), he wanted the best officer available to be in the helicopter. His evidence was that he selected Colonel Welsh whom he regarded as extremely reliable.¹ Colonel Welsh began his helicopter patrol at 1355 hours on 30th January 1972.²

¹ B1279.035

² WT10.54

General considerations

9.758 In our consideration of the background to Bloody Sunday we have examined what we regard as the relevant events that preceded and led up to that day, including for convenience a little of what happened during the early part of the day. Before dealing in detail with the events of the day itself, we make some general observations.

Political debate

9.759 In terms of politics, there were two principal areas of debate in January 1972: the possibility of a political initiative emanating from Westminster that was timed to coincide with an anticipated lull in terrorist activity; and the question of whether to extend the ban on marches, including, if this was done, how to enforce it more effectively.

9.760 The first of these matters was discussed primarily, and privately, at Westminster. Optimistic reports from the security forces suggested that the level of IRA activity in Belfast (but notably not Londonderry) was as low as was possible without a formal ceasefire. This led ministers to contemplate the possibility of a political initiative timed to take advantage of this "window of opportunity", which some expected to occur as early as February 1972, during which it was hoped that both sides of the community would be amenable to pressure for compromise. Various proposals were put forward both on the process and substance of any initiative, but none was without its difficulties. Talks were suggested between the United Kingdom Government and the Opposition at Westminster, and it was hoped that these might later be extended to include those parties from Northern Ireland who could be persuaded to take part. However, thought was also

given to the possibility of the United Kingdom Government imposing a new system of governance on Northern Ireland, perhaps by temporarily suspending Stormont and replacing it with a commission system of administration. New arrangements would be established before a return to devolved government, including safeguards to ensure minority participation in government. Even if Stormont were to remain unchanged, there were suggestions that it should lose its responsibilities for law and order. The challenge was to find a way forward that would win significant nationalist support without alienating unionist opinion and provoking a feared “Protestant backlash”. Not all leading figures were convinced that this was possible, at least in the timescale envisaged. Some advised that it might be better to do nothing in the hope that some other solution would emerge, rather than embarking on an initiative that might worsen the situation. Meanwhile, suggestions made by the Taoiseach, Jack Lynch, that he might put forward public proposals for reform worried politicians and civil servants in London, who feared that this would infuriate unionists and thereby prove counter-productive.

9.761 The debate about the possible extension of the ban on marches was more public, and involved both Westminster and Stormont. Most ministers were agreed that the ban, which was due to lapse on 8th February 1972, six months after its implementation, should be renewed, even though they were aware that this would prove unpopular with both communities in Northern Ireland. However, and as was shown by the marches over Christmas and New Year, there was considerable disquiet among unionists about the enforcement of the ban and the feeling that nationalists were flouting it with impunity. This, it was feared, increased tension in Northern Ireland, gave a general impression of lawlessness, and carried the risk that it would provoke further illegal processions or demonstrations. Ministers pushed for greater efforts from the security forces to prevent marches from taking place and to prosecute those who did breach the ban. In response, the Army and RUC issued new joint instructions on dealing with such events, emphasising the importance of the enforcement of the prohibition. However, they also repeatedly argued that for tactical reasons it would not always be possible to stop a march at its source; instead the security forces would choose an appropriate place to block the procession, and would seek to identify and prosecute those involved either by arresting them at the time or, if necessary, by gathering evidence during the march and then taking appropriate action afterwards.

9.762 The political situation in Northern Ireland has been discussed in the course of this part of the report. The views and perceptions of the Northern Ireland Government had not changed in the days immediately preceding Bloody Sunday. Although this Government

had advanced modest reform measures, many nationalists still regarded them as token while many unionists became more convinced that the Government was giving in to republican paramilitary violence and eroding their historical political and economic hegemony. The Stormont Prime Minister, Brian Faulkner, was caught between strident unionist demands for harsher measures to combat republican paramilitary violence and to prevent nationalist marches and the United Kingdom Government's desire for significant reform in the hope that nationalist sentiment would turn against the IRA. Overhanging all of this was internment, which prevented dialogue with moderate nationalists, and the threat that direct rule would be imposed by Westminster. In Londonderry, the no-go areas remained intact and the gradual destruction of the commercial district continued. The already tense situation was in the days before Bloody Sunday exacerbated by events the previous Saturday at Magilligan Strand and by the Provisional IRA ambush on the Thursday that left two RUC officers dead and one wounded.

The Army

9.763 As will have been seen, those in command in the area of Londonderry were by January 1972 adopting a low-key response to the unrest and violence in the city as the best (if not the only) way of seeking to calm or at least contain the situation, given the force levels available. General Ford was clearly unhappy with the situation in the city and the attitude of the local commanders. Colonel Wilford, the Commanding Officer of 1 PARA, long afterwards expressed the view to the journalist and writer Peter Taylor that to him and his soldiers the sight on television of soldiers never going forward and just standing like “*Aunt Sallies*” in the face of hooligans attacking them was “*quite horrifying*” and that his soldiers were never going to act in that way; though when he gave evidence to us he sought to resile from these remarks.¹ The Regimental Sergeant Major of 1 PARA expressed the same view in his written statement to this Inquiry, describing the local troops as cowering behind barriers being stoned and petrol bombed.² To our minds the views of their Commander and their Regimental Sergeant Major were likely to have been shared by many others in 1 PARA.

¹ B1027-1029; Day 312/6

² C2037.1

A “*plan within a plan*”

9.764 During the course of the Inquiry and in their final submissions allegations were made by some of those representing the families that in truth what the politicians and military authorities had planned was not simply to stop the civil rights march on 30th January

1972 and to mount an arrest operation against rioters as set out in Operation Forecast, but to use 1 PARA to carry out some punitive action either designed deliberately to use unwarranted lethal force or at least with reckless disregard as to whether such force was used.¹

¹ FS4.83; FS4.87; FS4.98-102; FS6.203-212; FS1.772-773

9.765 These allegations are largely based on one of two assumptions, namely that what happened on Bloody Sunday was intended and planned to happen, or was foreseen as what was likely to happen.

9.766 In this regard it was submitted that what happened on the day itself showed that there was such a plan.¹ We deal in detail in this report with the events of Bloody Sunday, but should record at this stage that to our minds none of those events demonstrated or indicated the existence of any such plan.

¹ FS6.203-212

9.767 We have found no evidence to support either of the assumptions, or any evidence to suggest that there was such an underlying plan. The fact that, as we have said, General Ford was keen to use 1 PARA for an arrest operation and knew of its reputation for using excessive physical force does not suggest to us that accordingly he (or indeed anyone else) either intended those soldiers to use unwarranted lethal force (ie, to shoot people without justification) or was indifferent to them doing so.

9.768 As to the lack of evidence, we are bound to observe that those advancing the allegation of an underlying plan or a “*plan within a plan*” seemed on occasion to come dangerously close to relying on the proposition that the fact that there was no evidence was itself proof or at least an indication of an underlying plan, on the grounds that those engaged in creating the plan or carrying it out would obviously be at pains to hide their tracks. But this is an untenable proposition, for unless the question is begged (that is, it is first assumed that there was such a plan) the absence of evidence means no more than that there is nothing to support the allegation that a plan existed.

The Ford memorandum

9.769 In his memorandum,¹ General Ford recorded that he was coming to the view that the only way to deal with the “Derry Young Hooligans” was to shoot selected ringleaders, using rifles adapted to use .22in ammunition and after giving a warning, though he also acknowledged that any such method of riot control would require authorisation before it could be put into effect.

¹ G48.299

9.770 In one sense we can understand how a military man, looking at the continuing problem of the “Derry Young Hooligans”, bearing in mind the lack of success in dealing with this problem over the previous months, and having regard to the limited number of soldiers in the city available for riot control, could conclude that if the hooliganism was to be stopped, this was the only way that this could be done with the existing force levels. What surprises us is that an officer of General Ford’s seniority could form the view that this course of action, although theoretically providing a possible solution to the rioting problem, should seriously be considered as something that could be done. That General Ford did hold this view seems to us evident from the fact that, as the memorandum records, he had put in hand the provision of rifles firing .22in ammunition. What General Ford should have appreciated was that shooting hooligans who were not endangering the lives of soldiers or others represented a wholly unacceptable form of riot control. His conclusion, therefore, should have been that with the force levels available in the city, he could see no acceptable way of preventing the activities of the “Derry Young Hooligans”.

9.771 We are sure that the suggestion to shoot selected ringleaders was not put into effect on Bloody Sunday. There is nothing to indicate that authorisation for this method of controlling rioters (which would have required significant changes to the Yellow Card and indeed to the law itself) was even considered by General Tuzo or politicians. There is also nothing to suggest that any of those shot on Bloody Sunday were given warnings or shot because they were or were believed to be the ringleaders of hooligans, nor that the soldiers who fired used .22in bullets as opposed to the standard 7.62mm rounds.

General perceptions

- 9.772 As the Labour leader Harold Wilson observed after his visit to Northern Ireland in the autumn of 1971, and as in our view remained the case, “*Matters had reached a point when what mattered was not the truth but what people believed.*” There were fundamental and irreconcilable differences of perception between some of those present in Londonderry on the day, including both soldiers and civilians. Emotions (particularly fear and hatred) were running high and this inevitably led some of those who gave accounts of the day to recall events in a less than objective way, ascribing nothing but evil intentions and actions to those they regarded as the enemy and nothing but good to those they regarded as on their side. This is something that must be borne in mind when assessing the reliability of the testimony received by the Tribunal, though equally it would be wrong to treat this factor alone as in any way determinative, or to be applied in a blanket fashion regardless of other relevant factors to be considered when weighing the account of the events of the day given by any particular witness.
- 9.773 Among those other factors is, of course, the passage of time, which can in any case dim or distort recollections and which, in relation to an event like Bloody Sunday, is likely (if not certain) to give rise to myths and legends among both civilians and soldiers that have little or no foundation in fact, but which become perceived as and very difficult to disentangle from the truth.
- 9.774 We have borne these matters in mind when considering the evidence, particularly that of the events of the day itself. It is to those events that we now turn.

Return to an Address of the Honourable the House of Commons dated 15 June 2010 for the

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

Ordered by the House of Commons to be printed on 15 June 2010

Volume II

The Division into Sectors

Sector 1: Military Dispositions, the Civil Rights March and Events in William Street

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The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

VOLUME II

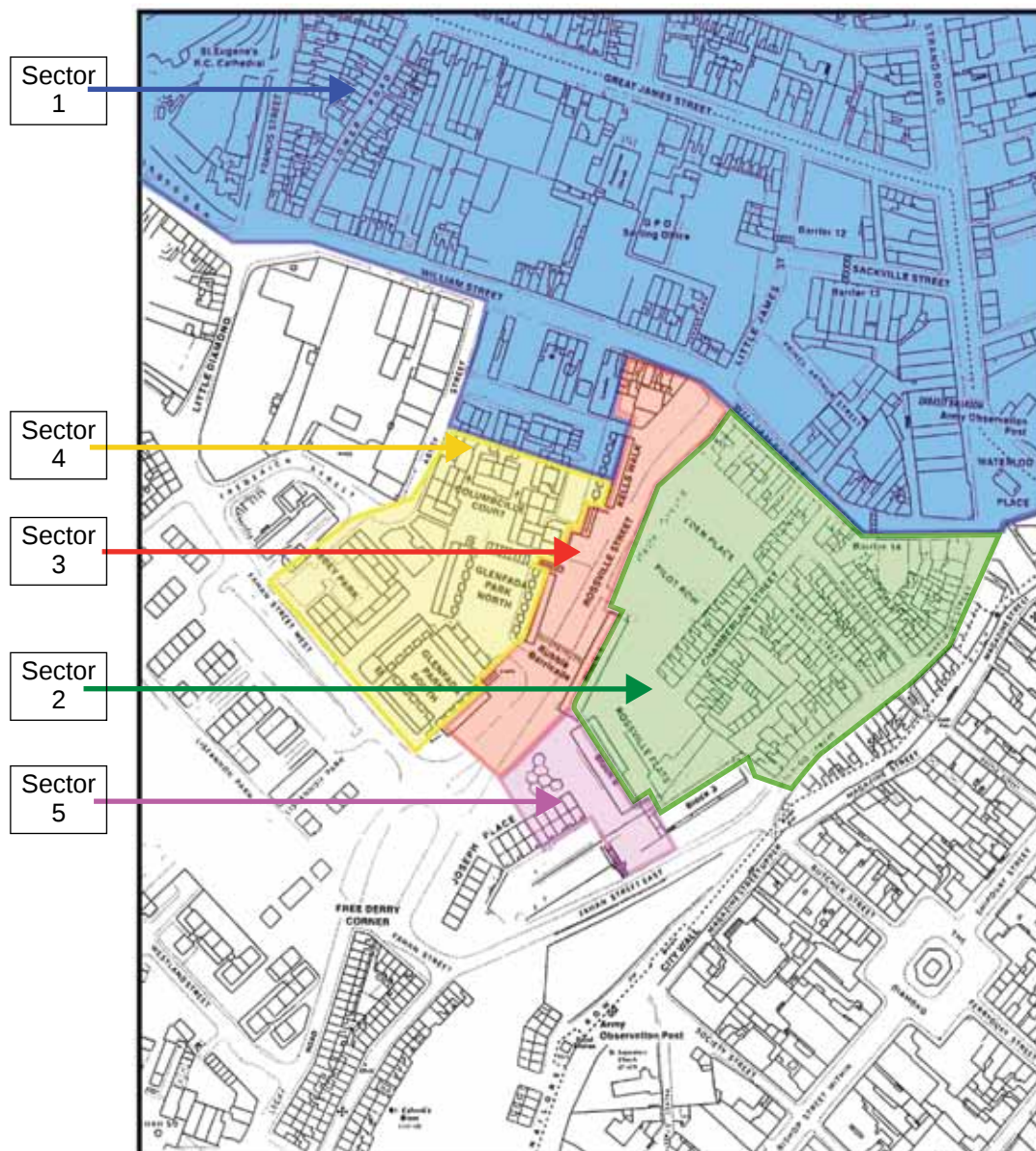
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The Division into Sectors

Chapter 10: The five sectors

10.1 In order to make the fast-moving and complex events of Bloody Sunday more comprehensible, for the purposes of this Inquiry we divided into five sectors the parts of Londonderry with which we were principally concerned. The civil rights march on 30th January 1972 started in the Creggan and made its way to the Bogside. The deaths and injuries with which this Inquiry is principally concerned all took place in, or on the borders of, the Bogside. The sectors were defined both in terms of time and in terms of geography, though as will be seen, there is an overlap in both time and geography between Sectors 2, 3, 4 and 5. For example, significant events took place in Sector 3 after the principal events of Sector 5. Four of the sectors (Sectors 2–5) lie within the Bogside. The sectors are shown on the marked map below.



10.2 At the beginning of our consideration of the events of each sector, we set out a description of the relevant features of that sector.

Sector 1: Military Dispositions, the Civil Rights March and Events in William Street

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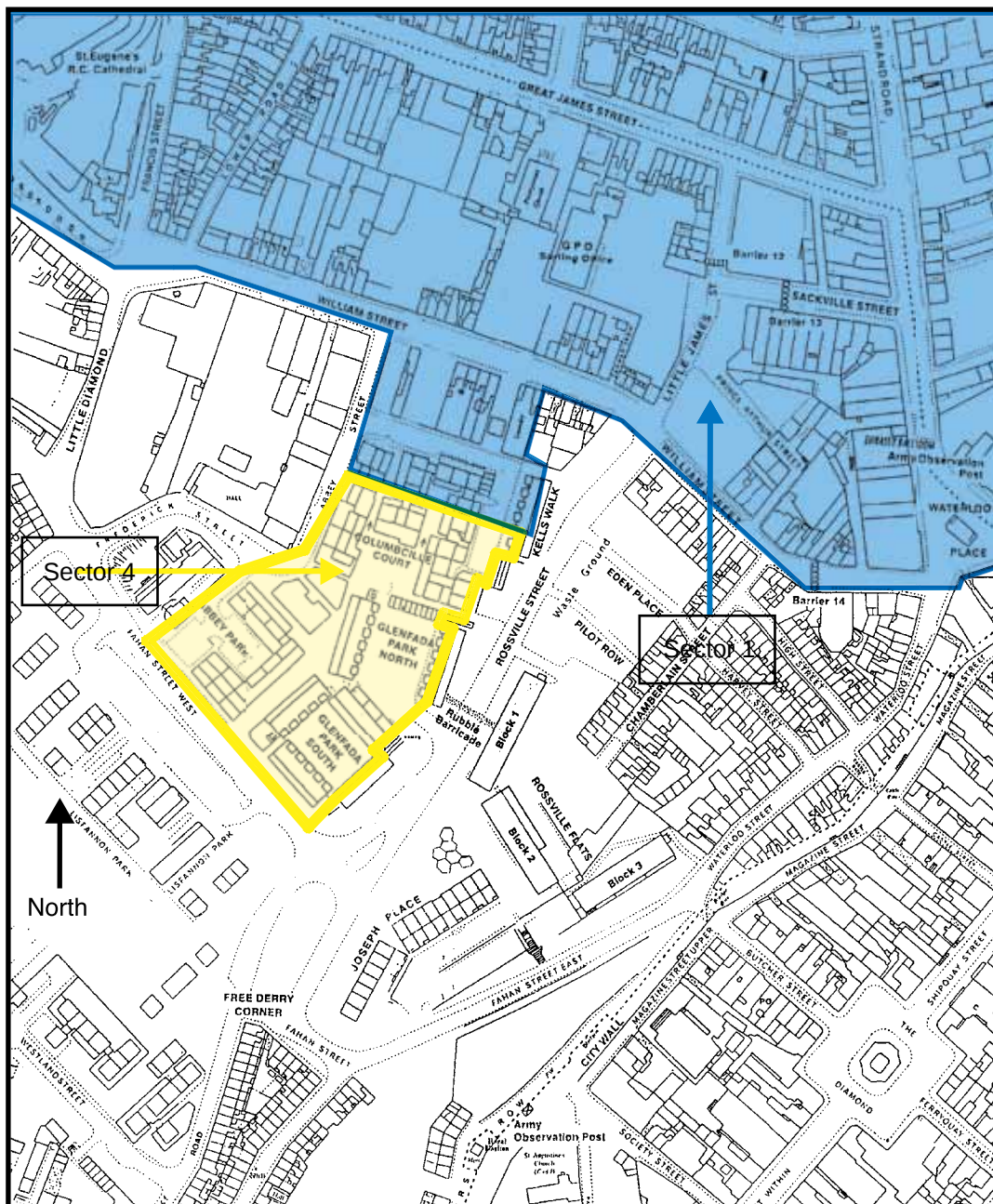
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-
- 11.1** The map below shows the central area of Sector 1 (although not its entirety). The geographical boundaries are not exact. There was an overlap between sectors in many instances, for example, events relevant both to Sector 1 and to Sector 4 took place in Columbcille Court. William Street, shown running from the west to the south east in the middle of the map, marked the northern boundary of the Bogside and the no-go area. William Street itself was outside the no-go area.

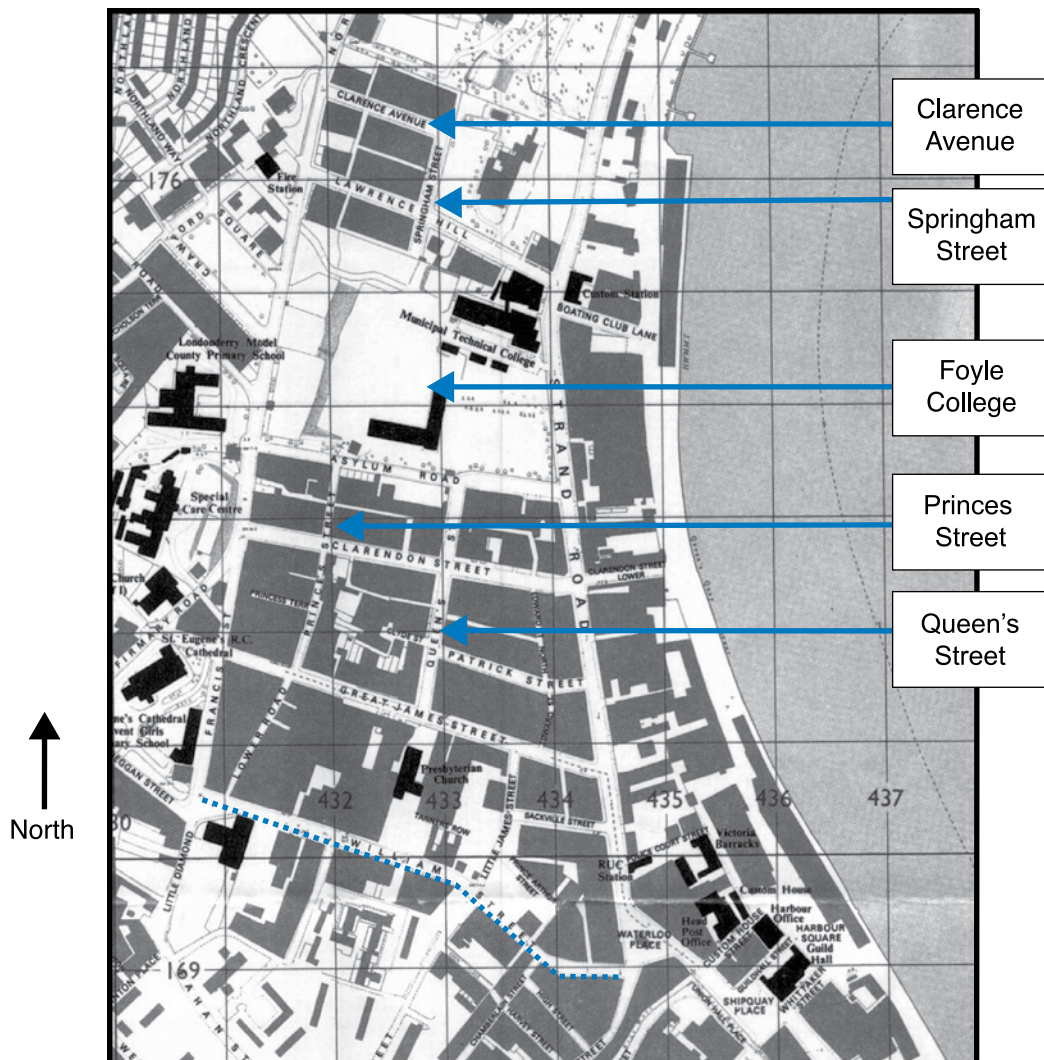


11.2

Sector 1 encompasses what was happening on 30th January 1972 before two companies of 1 PARA entered the Bogside. In terms of geography, Sector 1 lay immediately to the north of the Bogside. Most of the events relevant to Sector 1 occurred in the southern part of the sector, in and around William Street on the border of the Bogside. We make a brief reference to the northern and eastern areas of the sector, some parts of which featured in the evidence that we received. It is also necessary to explain the location of some of the barriers erected on 30th January 1972 by the security forces. These barriers were within the area covered by Sector 1.

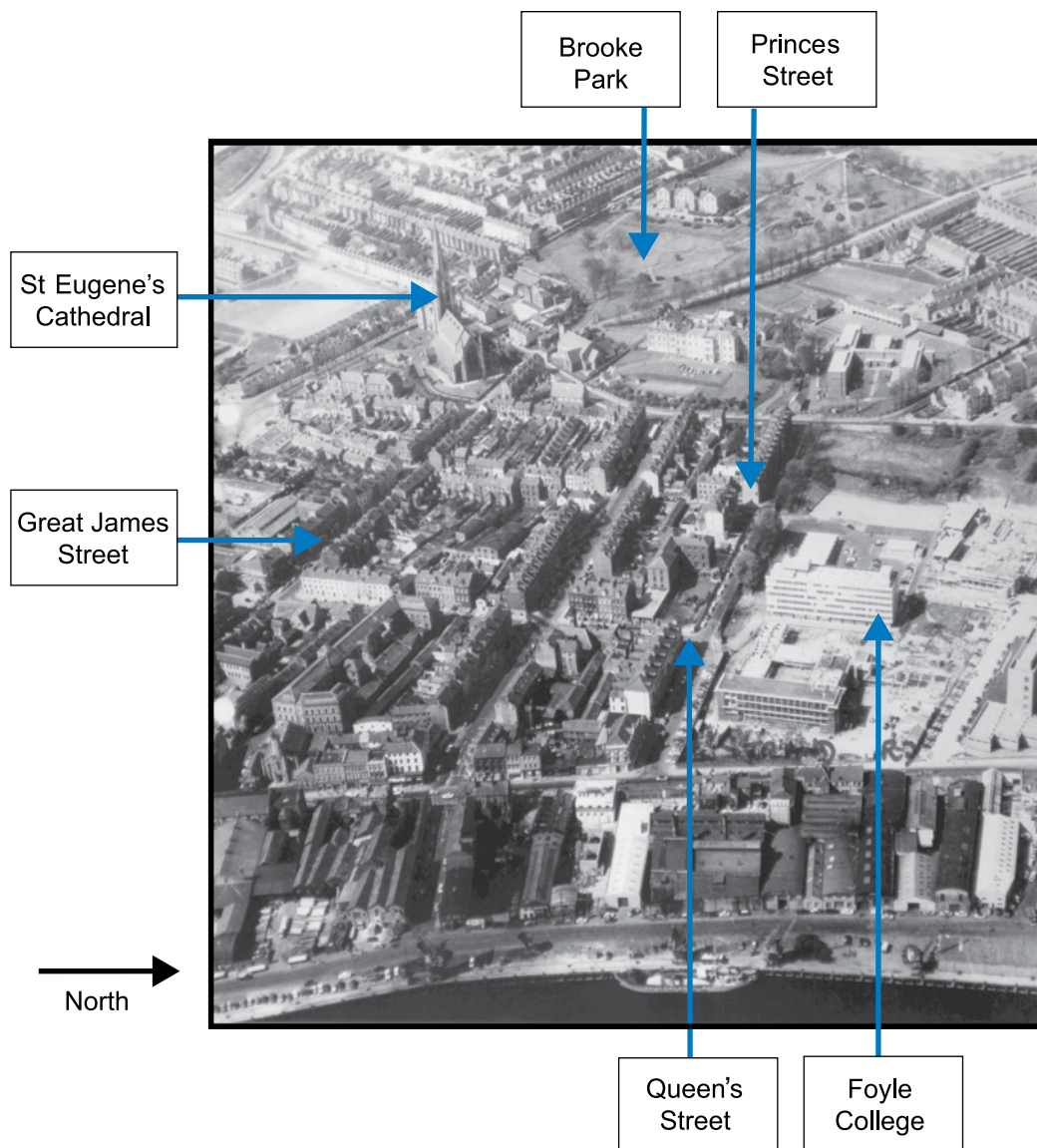
The northern part of Sector 1

11.3 On the map below, the blue dotted line shows the position of William Street. Great James Street ran parallel to, and to the north of, William Street. On the upper half of the map is marked the Municipal Technical College, also known as Foyle College. The Foyle College car park was the first location to which 1 PARA moved on its arrival in the city. As described in more detail later, two companies of 1 PARA then moved to different Forming Up Positions (FUPs): A Company to Springham Street and Support Company to Clarence Avenue. As we describe below, later in the day A and C Company moved to Princes Street and Support Company to Queen's Street.



- 11.4** Part of the area depicted on the map above is shown on the following photograph.¹ At the top of the photograph is Brooke Park, used by 1st Battalion, The Coldstream Guards (1 CG) as their tactical headquarters on Bloody Sunday.

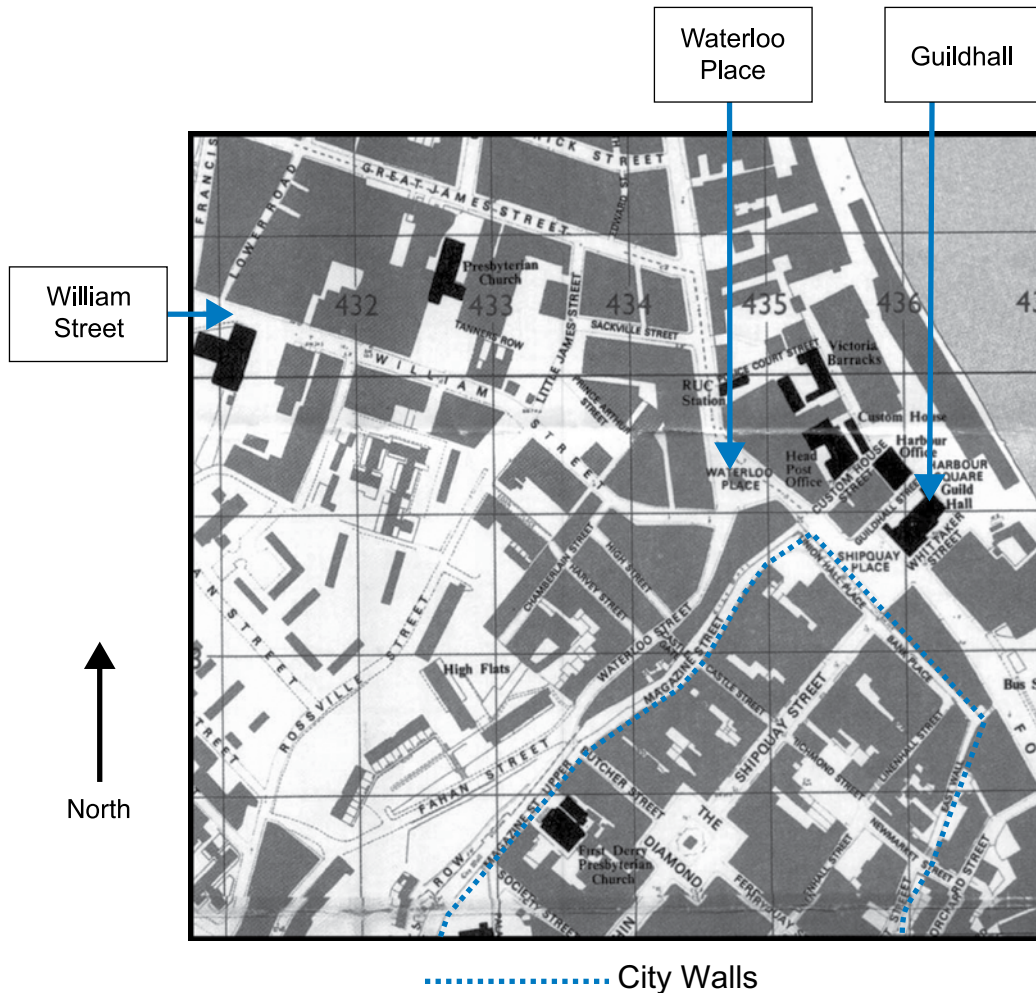
¹ Supplied to the Inquiry by Brigadier MacLellan.



The eastern part of Sector 1

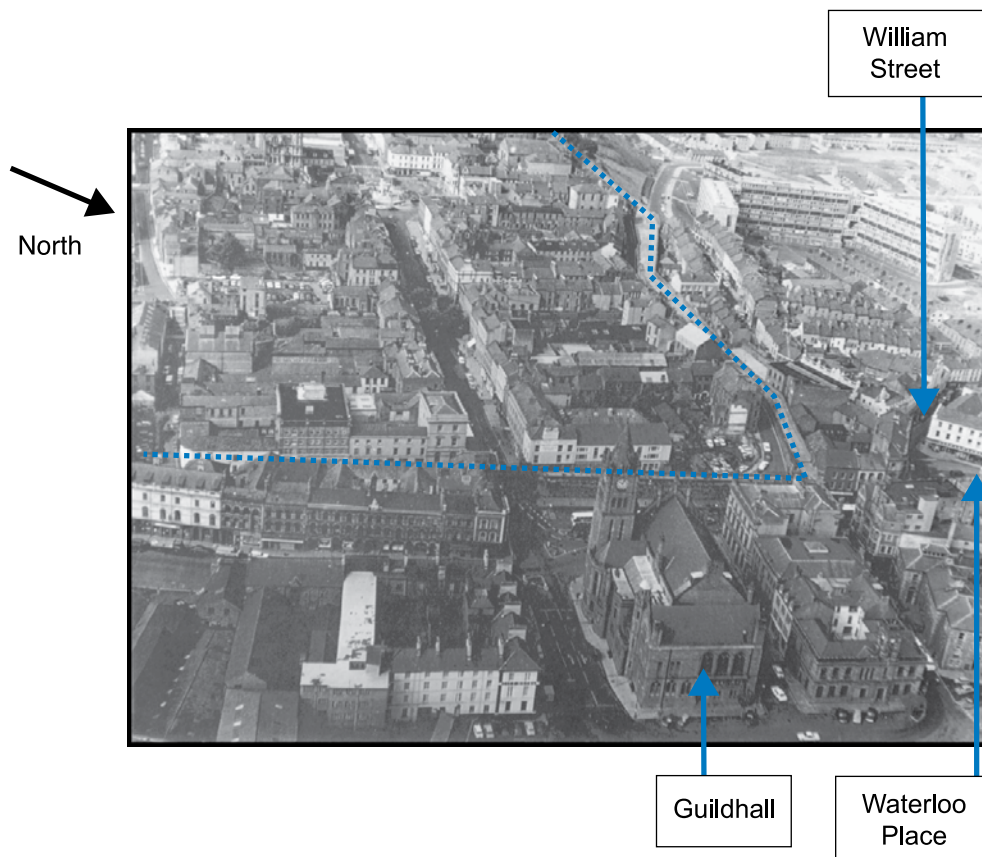
- 11.5** Waterloo Place lay at the eastern end of William Street. It can be seen near the centre of the map below. Shipquay Place, the marchers' original intended destination, could be reached from Waterloo Place. Shipquay Place was also known as Guildhall Square.

The Guildhall itself was on the north-east side of the square. On the other side of the square, and opposite the Guildhall, was the north-eastern side of the old City Walls. Part of the City Walls is shown on the map, marked by a dotted line.



11.6 The photograph below¹ shows the Guildhall and part of the City Walls. The photographer was looking south-west across the walled city. Some of the Bogside is seen on the right-hand side of the photograph, to the right of the City Walls. The position of the City Walls has been marked with a dotted line.

¹ Supplied by Captain Conder.

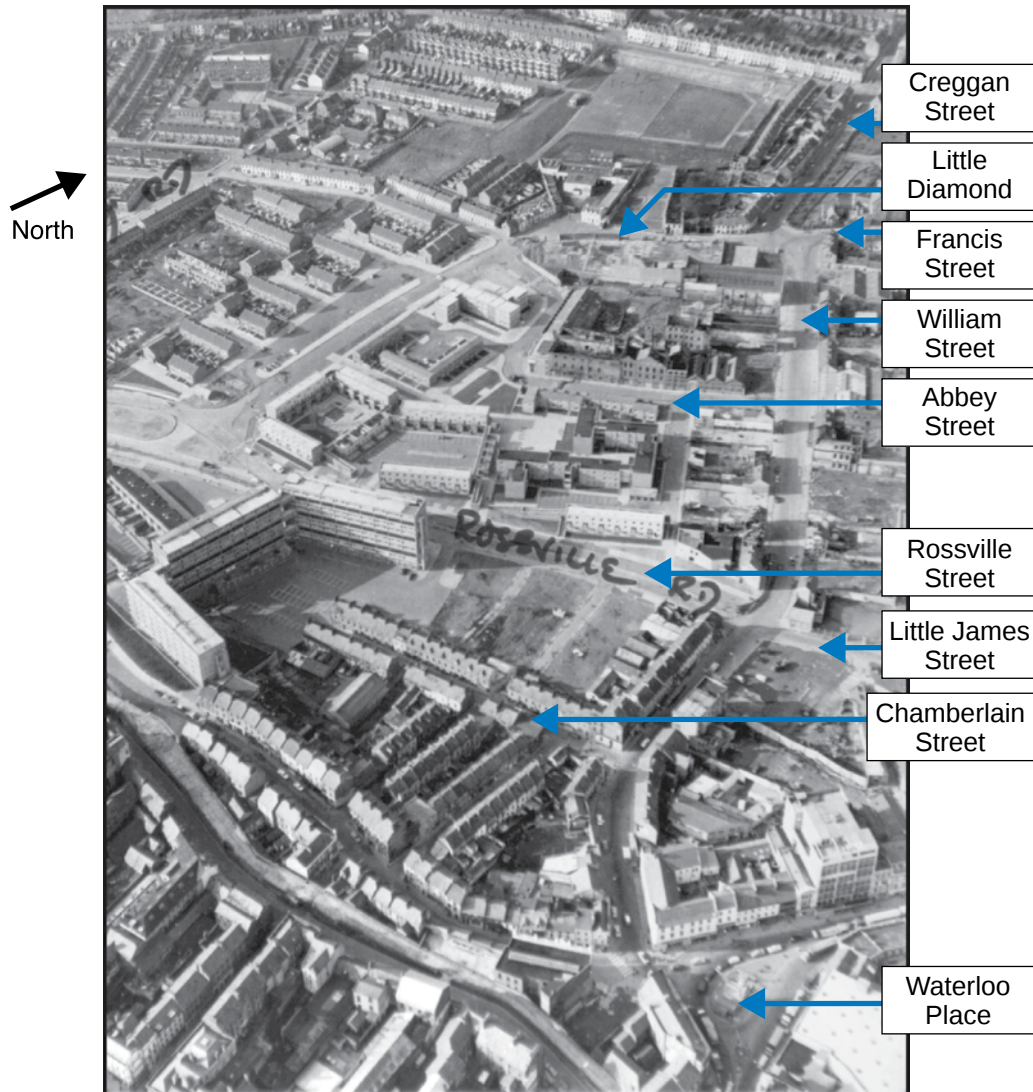


William Street

11.7 At its western end, William Street met Creggan Street, Little Diamond and Francis Street. Approximately 130 yards south-east from this junction, William Street formed a T-junction with Abbey Street, which ran in a south-westerly direction into the Bogside. Abbey Street was within the no-go area. About 150 yards further east, William Street formed a crossroads with Rossville Street (which ran towards the south-west and was within the no-go area) and Little James Street (which ran north-east and was outside the no-go area). In January 1972 some people, particularly members of the security forces, called this junction Aggro Corner. About 95 yards south-east of this junction was the junction of William Street and Chamberlain Street (which ran southwards from William Street and was within the no-go area). William Street then ran for about another 85 yards, still in a south-easterly direction, and came to an end at Waterloo Place.

11.8 The photograph below¹ shows the whole of William Street. The words “Rossville Rd” have been written in ink on the photograph. The correct name of the labelled street is Rossville Street.

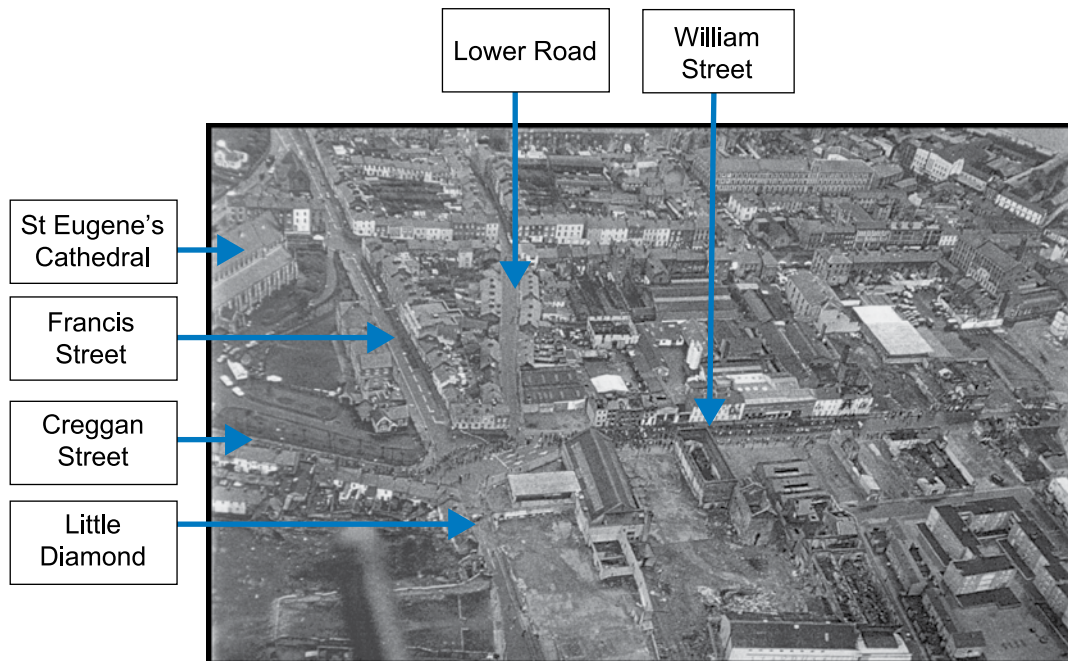
¹ Supplied by Brigadier MacLellan.



The western end of William Street

11.9 The photograph below¹ shows the junction of William Street, Little Diamond, Creggan Street and Francis Street.

¹ Supplied by the Imperial War Museum.



11.10 The photograph below,¹ which was taken on Bloody Sunday, shows the marchers at the western end of William Street, heading downhill towards the junction with Rossville Street and Little James Street. On the right-hand side of the photograph, the fascia of Harrison's Garage has been marked. Soldiers were positioned in this derelict garage during the march.

¹ Taken by Jeffrey Morris of the *Daily Mail*.

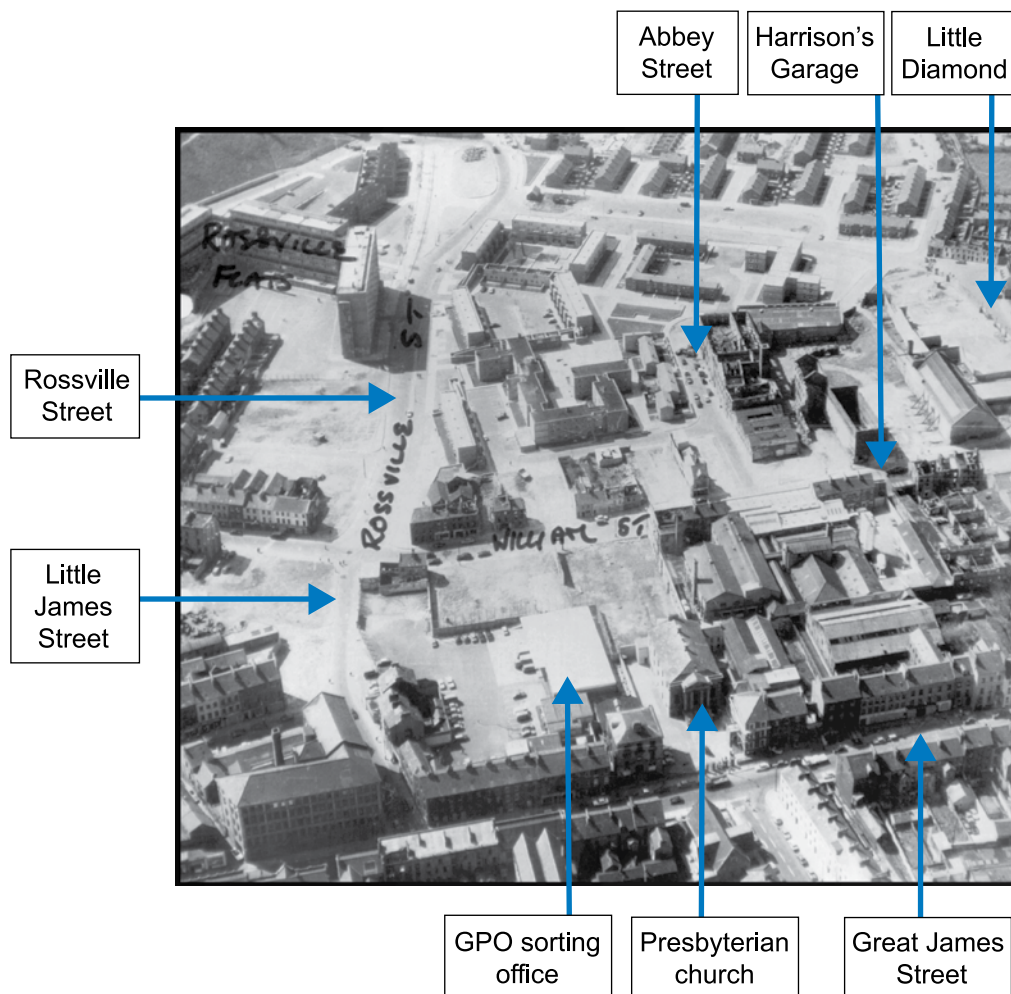


Harrison's
Garage

The central section of William Street

11.11 The photograph below,¹ taken after Bloody Sunday, shows the section of William Street to the west of the junction with Rossville Street. Little Diamond can just be seen on the right of the picture. The fascia of Harrison's Garage, shown this time from the back, can be seen on the north side of William Street. In the foreground, and running parallel to William Street, is Great James Street. On the south side of Great James Street is the Presbyterian church. On the left (east) side of the church a large flat roof can be seen. This formed part of the General Post Office (GPO) sorting office.

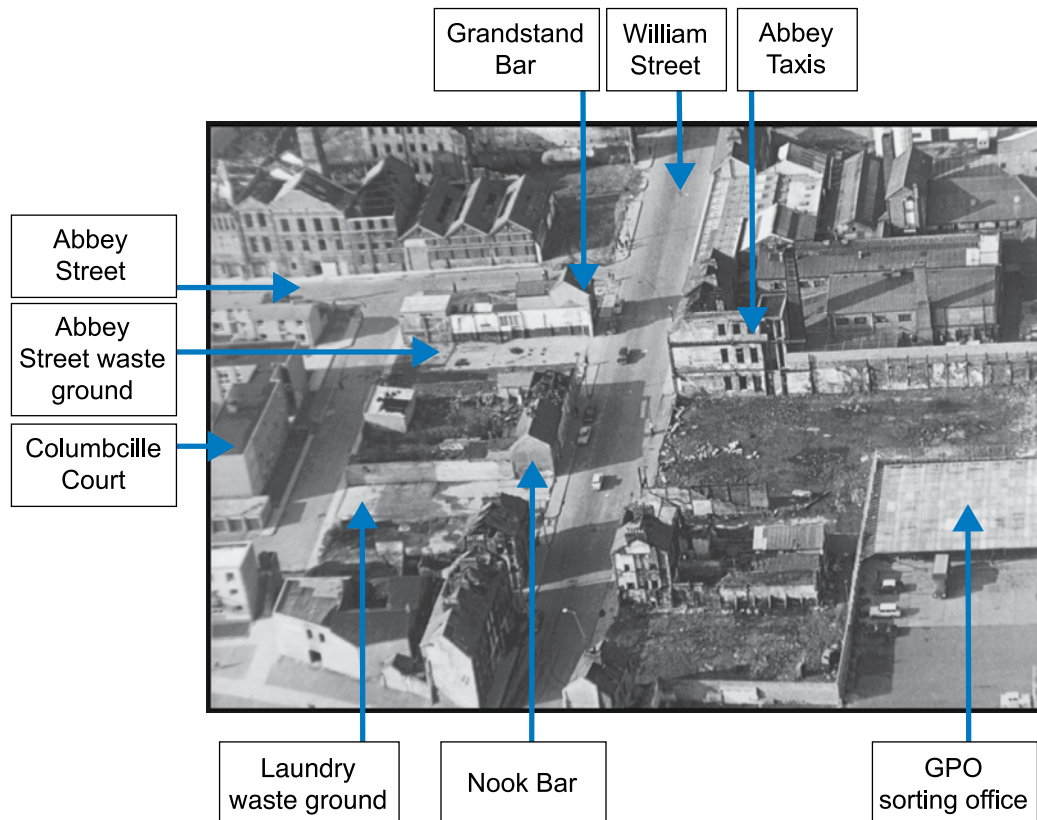
¹ Supplied by Brigadier MacLellan.



11.12 The following photograph¹ was taken looking westwards along William Street and shows the area east of Abbey Street in more detail. On the south side of William Street, two waste grounds can be seen. The first is immediately to the east of Abbey Street and was known for the purposes of the Inquiry as the Abbey Street waste ground. The building on the corner of Abbey Street and William Street is the Grandstand Bar.

¹ Provided to the Widgery Inquiry by the Army.

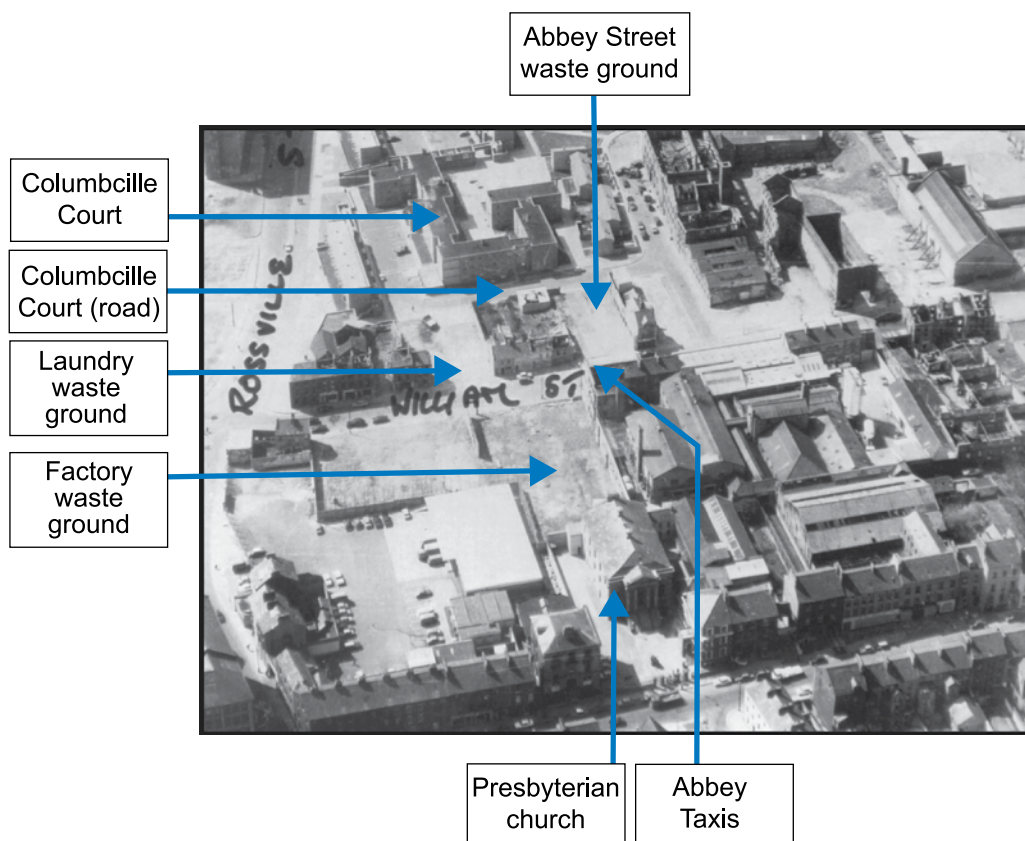
11.13 The second waste ground is further to the east and is seen in the middle of the photograph. It was known as the laundry waste ground, because a laundry used to stand on that ground. The building had disappeared by the time of Bloody Sunday. The laundry is, though, still shown on some of the maps used by the Inquiry. It can be seen, for example, on the map shown at the beginning of this chapter. The building on the north-west corner of the laundry waste ground is the Nook Bar. On the far left of the photograph can be seen the northernmost part of Columbcille Court, a modern residential development.



11.14 The roof of the GPO sorting office can be seen in the bottom-right-hand side of the photograph. Above and to the left of that roof is a derelict building with nine windows on its eastern side. This derelict building was known to the Inquiry as Abbey Taxis, after the name of a business that was at one time run from there.

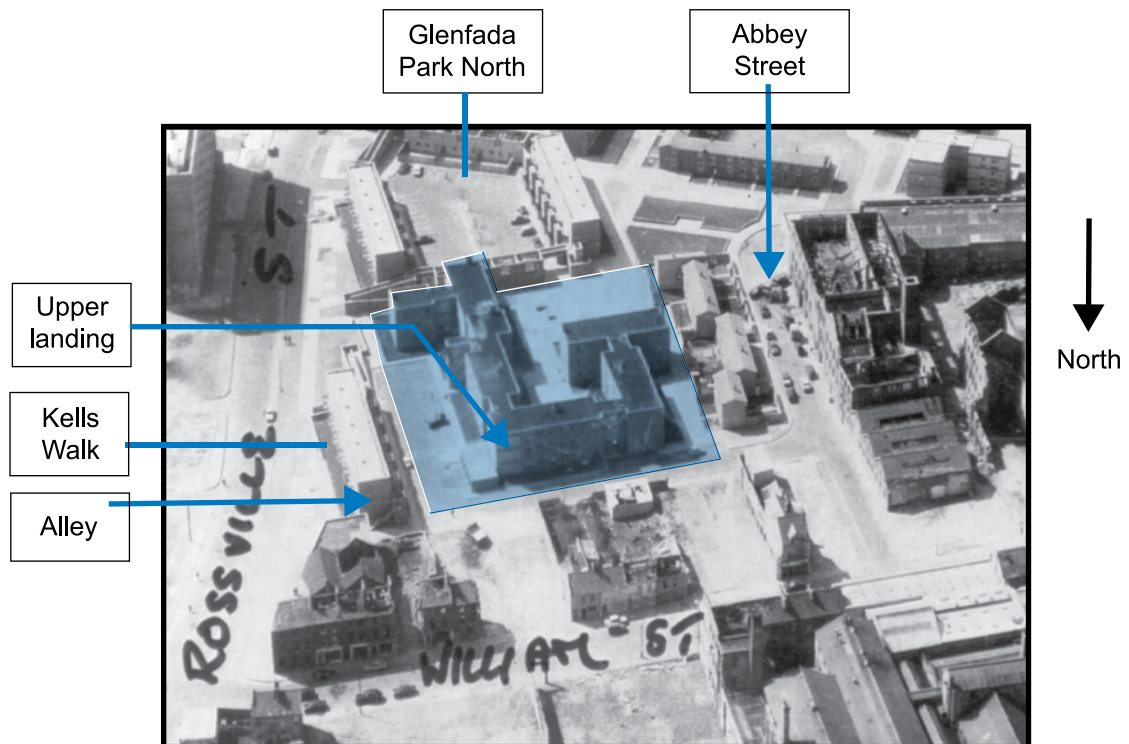
11.15 The photograph below,¹ which is an enlargement of part of the photograph reproduced above, also shows the location of Abbey Taxis, the laundry waste ground, Columbcille Court and the Presbyterian church. On the north side of William Street, to the east of Abbey Taxis, can be seen a further waste ground. This was sometimes described during the course of the Inquiry as the factory waste ground; at one time Richardson's factory (also known as Richies) stood on that land.

¹ Supplied by Brigadier MacLellan.



Columbcille Court

11.16 The Columbcille Court buildings were bordered to the north by an access road, also known as Columbcille Court, to the east by a block of maisonettes known as Kells Walk, to the south by Glenfada Park North (a modern set of low rise flats surrounding a courtyard) and to the west by Abbey Street. A further enlarged segment of the above photograph, reproduced below, shows Columbcille Court highlighted in blue. It consisted of a number of linked, three-storey buildings, with a car park on the eastern side and a courtyard behind the central part of the northern block. Horizontal slats can be seen on the eastern corner of the northernmost building. There was a staircase, with a landing on the first and second floors, behind these slats.



11.17 An external staircase ran up the northern gable end of Kells Walk. The staircase can just be seen in the above photograph. To the north of that staircase was an alley that provided pedestrian access between Rossville Street and Columbcille Court.

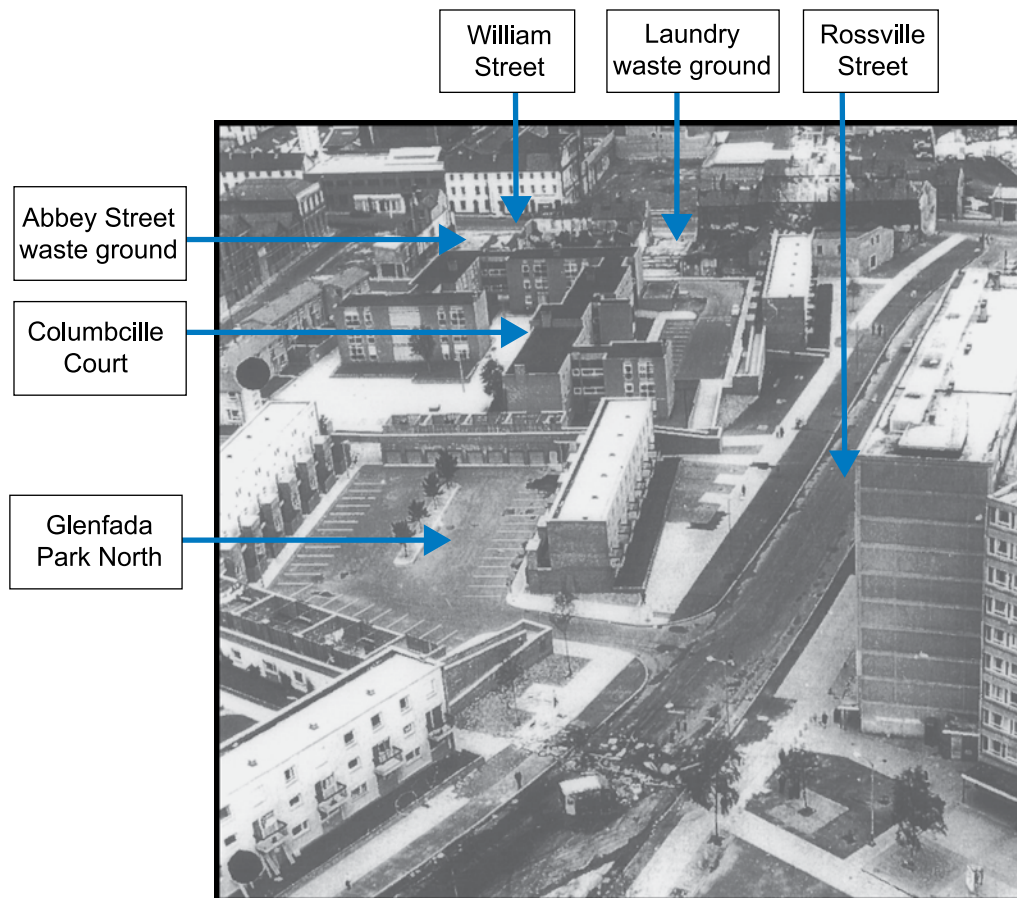
11.18 The photograph below,¹ which was taken on Bloody Sunday, shows the northern end of the car park of Columbcille Court. The photographer was looking north. The garden fence of the northernmost maisonette of Kells Walk can be seen on the right. In the middle distance on the left of the photograph is the laundry waste ground. To the right of the waste ground are the backs of buildings on William Street. The people shown in the photograph were moving towards the alley that gave access to Rossville Street.

¹ Taken by William Rukeyser.



11.19 The following photograph¹ shows Columbcille Court from the south-east and the car park on the eastern side. Visible on the far side of Columbcille Court are the laundry waste ground and the Abbey Street waste ground.

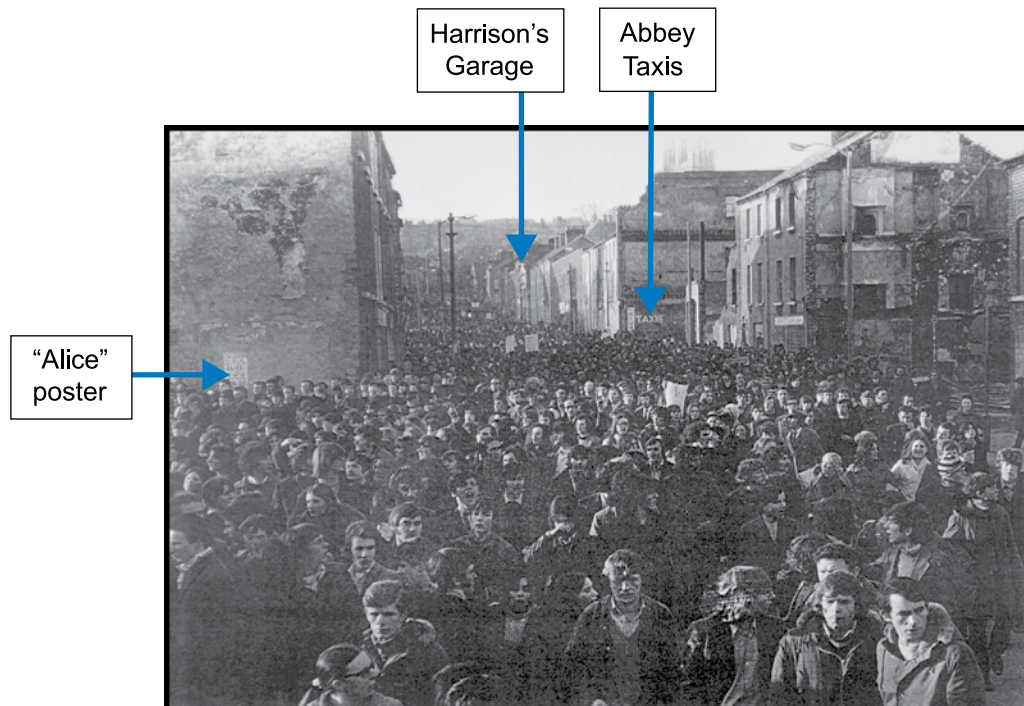
¹ Supplied by Captain 021. This photograph was not taken on Bloody Sunday.



The view westwards from the junction of William Street, Rossville Street and Little James Street

11.20 The next photograph¹ was taken on Bloody Sunday and shows the marchers in William Street. The foremost people are at the junction between William Street, Rossville Street and Little James Street. Harrison's Garage is visible in the background. The word "Taxis" can be seen, painted on the Abbey Taxis building. A poster bearing the word "Alice" is visible on a wall on the left-hand side of the picture. This wall was situated at the junction between William Street and Rossville Street. The photograph, though, gives a misleading impression of distance; as the aerial photographs above show, between Abbey Taxis and the next building to the east was an area of waste ground, not seen in this photograph. Abbey Taxis was approximately 75 yards from the corner with Rossville Street. In the photograph, it appears much closer. We give further details of the junction below.

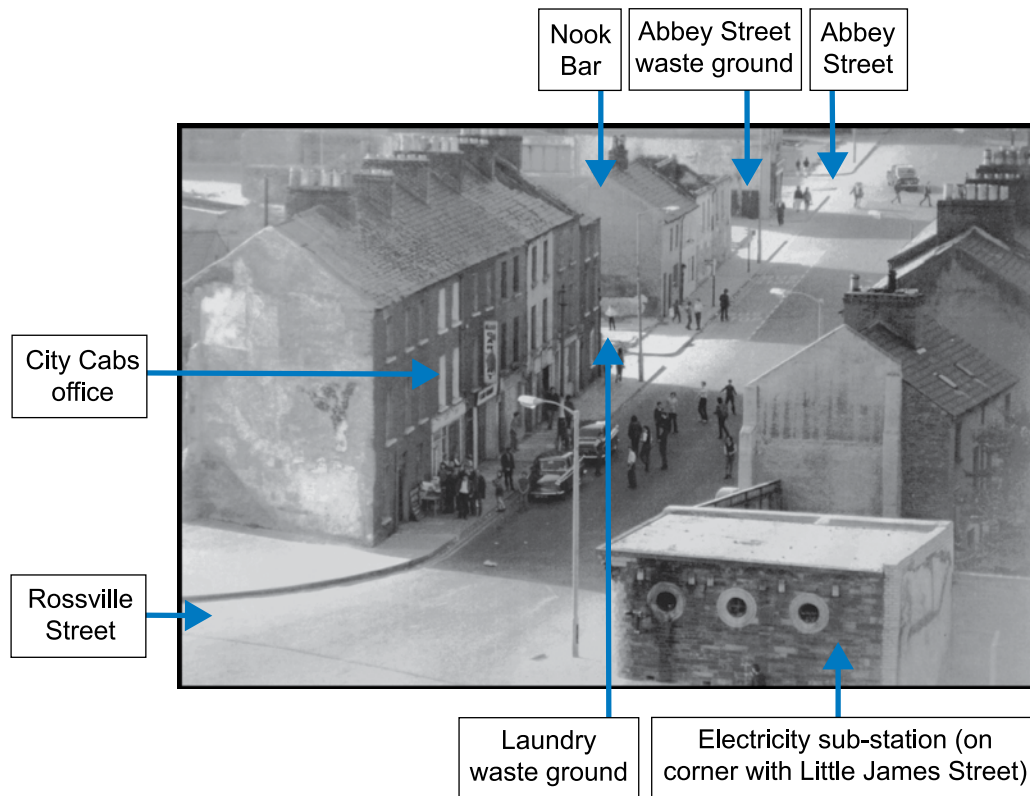
¹ Taken by Larry Doherty on Bloody Sunday.



11.21 The photograph below¹ was taken from the east, looking west up William Street. It shows in more detail the western side of the junction between William Street and Rossville Street. The row of buildings on the left includes the office of another taxi business, City Cabs, to which we refer later in this report.²

¹ Supplied by the Ministry of Defence (MoD). This photograph was not taken on Bloody Sunday.

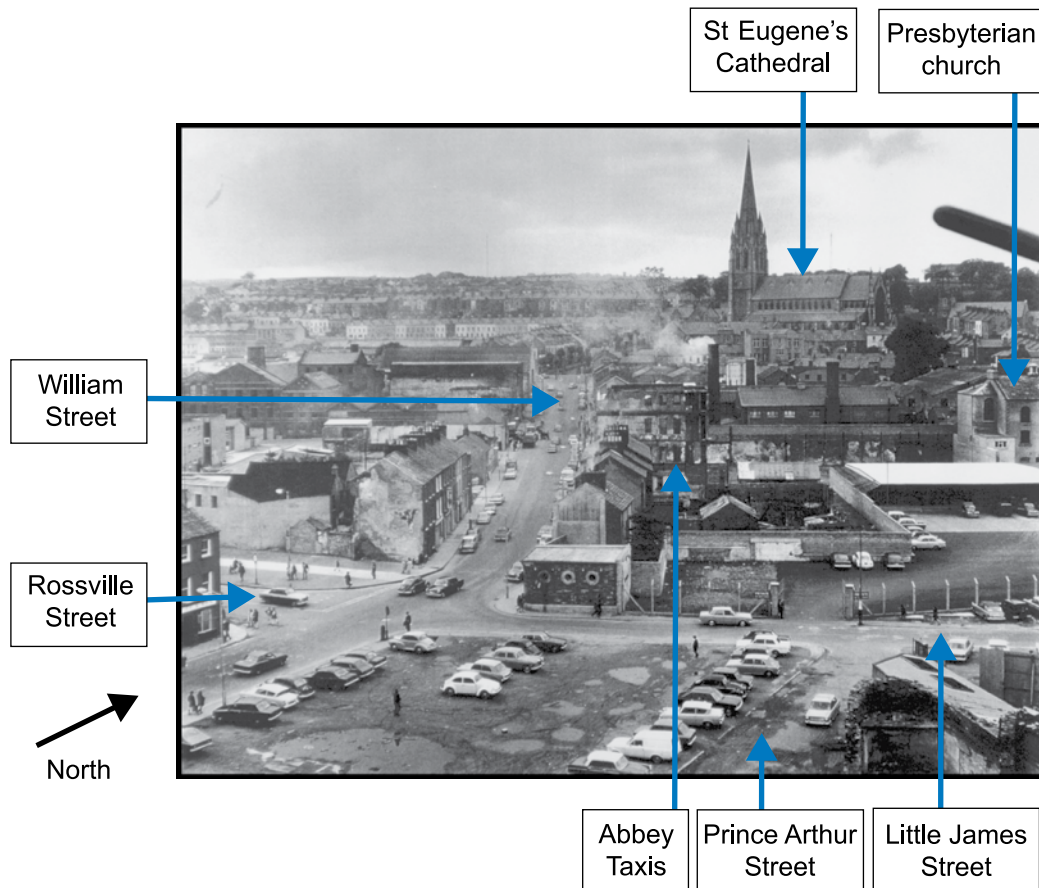
² [Chapter 114](#)



Little James Street, Prince Arthur Street and Sackville Street

11.22 The photograph below,¹ which was not taken on Bloody Sunday, gives a view from the east and looks westwards up William Street. The junction in the foreground is the point at which William Street, Rossville Street and Little James Street meet. The electricity sub-station can be seen near the centre of the photograph.

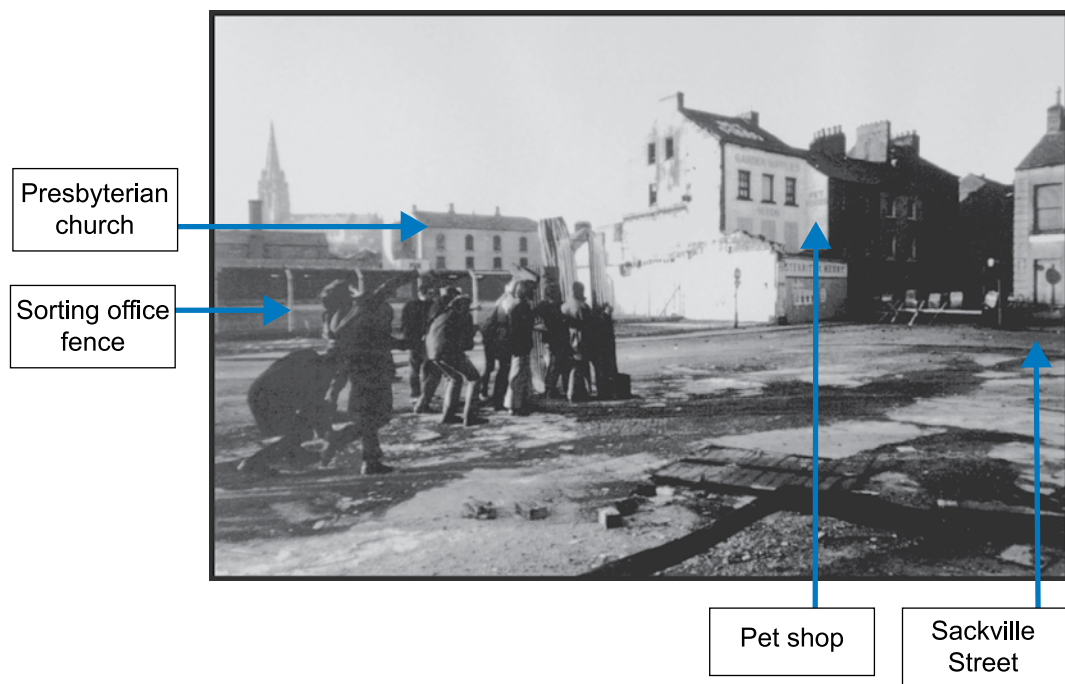
¹ Supplied by the Imperial War Museum.



11.23 A road running parallel to William Street can be seen on the bottom-right-hand side of the photograph. This road was Prince Arthur Street. By the end of January 1972, this road had fallen into disuse and formed part of the waste ground that can be seen in the foreground of the photograph, being used as a car park.

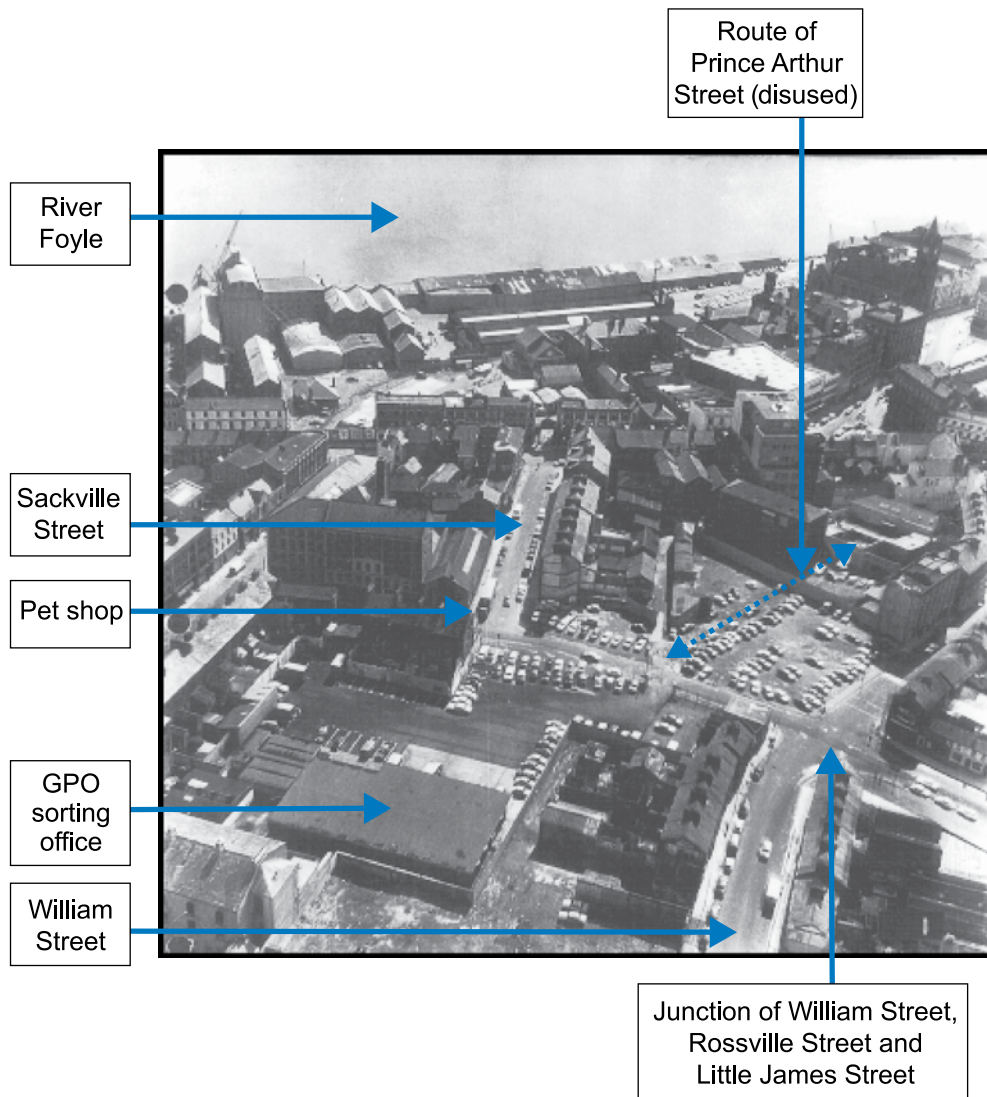
11.24 The photograph below¹ was taken on Bloody Sunday, from that waste ground. It shows Little James Street, running northwards from its junction with William Street. The perimeter fence of the GPO sorting office can be seen behind the group of men on the left of the picture. Behind the fence is the sorting office itself, with the Presbyterian church to the right of the sorting office. The large white building in the middle of the photograph is the Sterritt and Henry pet shop. An Army barrier erected on Bloody Sunday and known as Barrier 12, can be seen immediately to the right of the pet shop blocking the northern exit of the junction between Little James Street and Sackville Street. Sackville Street can be seen leading away from the pet shop, on the right-hand side of the picture.

¹ Taken by Gilles Peress.

**11.25**

Sackville Street can be seen in the aerial photograph below,¹ which was taken from the west side of the William Street and Little James Street junction. The photograph was taken before Bloody Sunday. It shows that the route of the disused Prince Arthur Street was blocked with fencing.

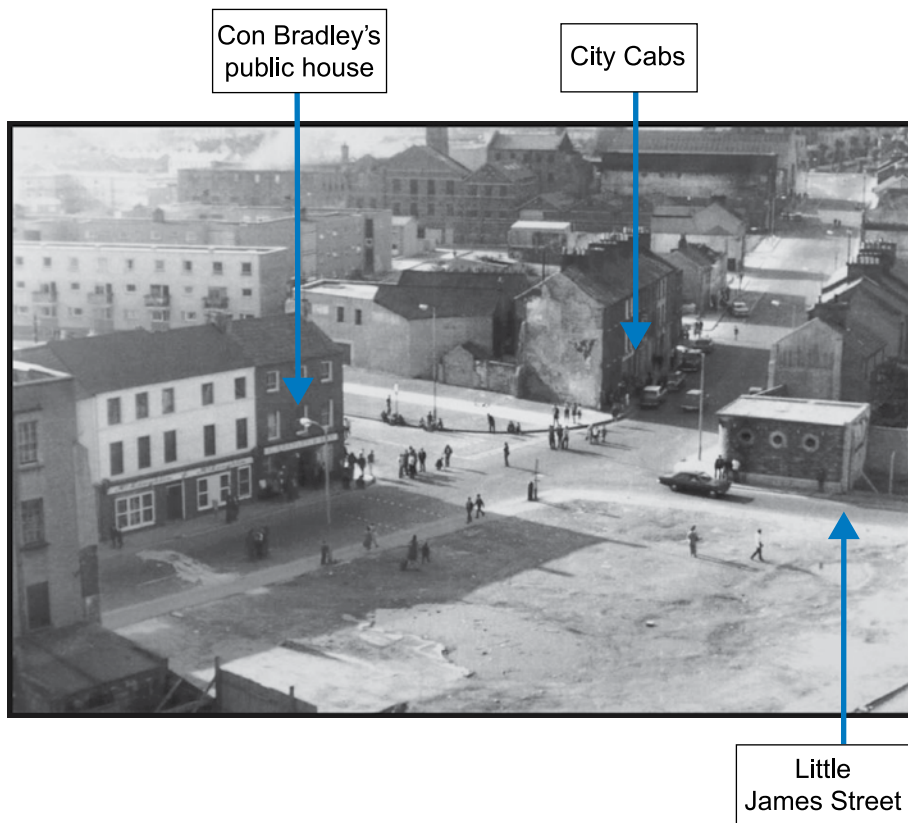
¹ Supplied by Captain 021 and taken before Bloody Sunday.



The eastern part of William Street

11.26 The following photograph,¹ which was not taken on Bloody Sunday, shows the William Street buildings on the eastern side of the junction of that street with Rossville Street and Little James Street. The building on the corner, marked “C. Bradley and Son”, was generally known during the Inquiry as “Con Bradley’s pub”.

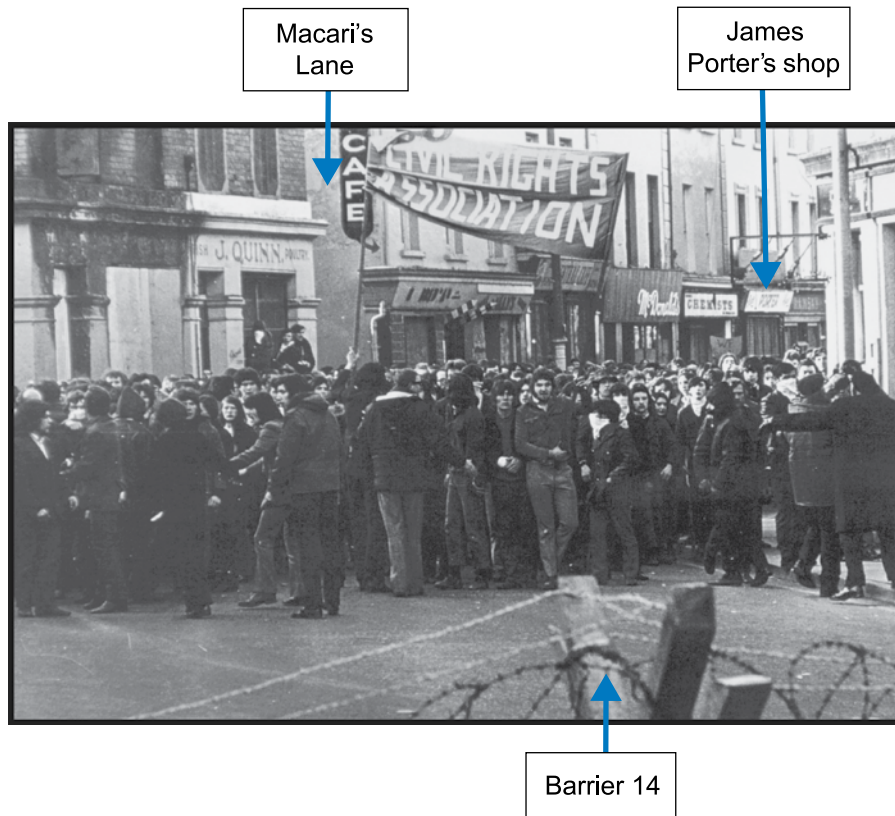
¹ Supplied by the MoD.



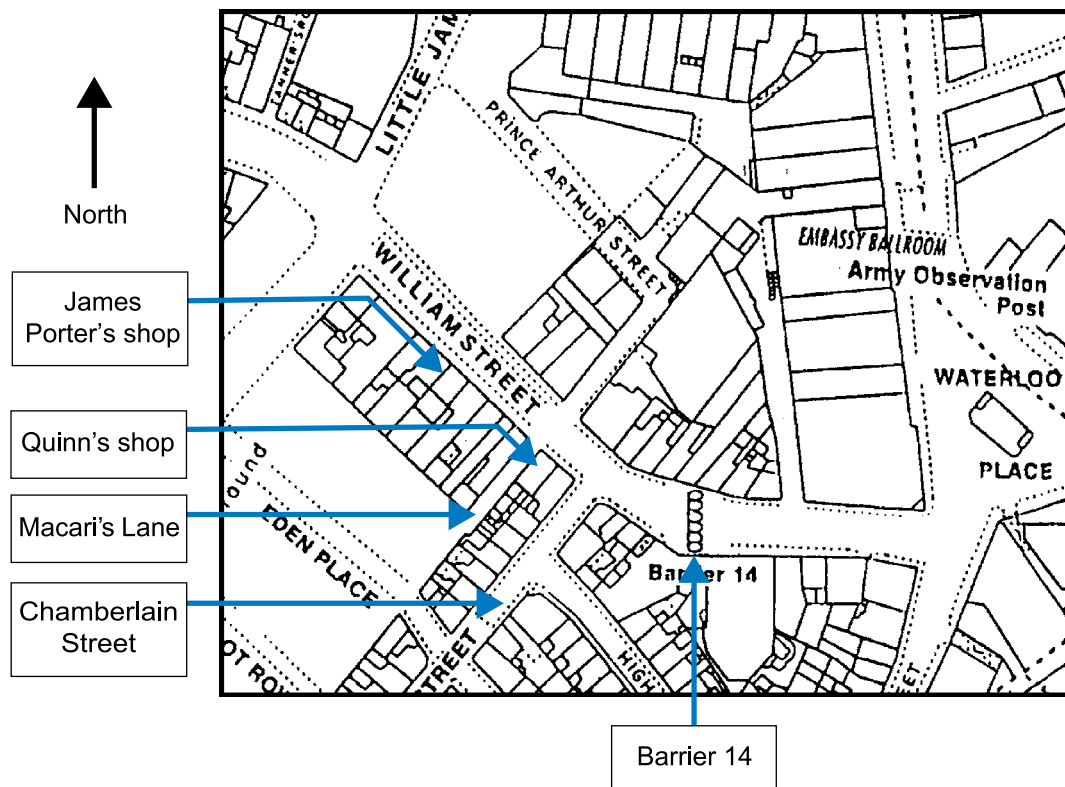
11.27

Shops lined both sides of William Street from its junction with Rossville Street and Little James Street to its junction with Waterloo Place. The photograph below,¹ which was taken on Bloody Sunday, shows some of these shops. The photograph was taken from behind an Army barrier erected on Bloody Sunday in William Street, known as Barrier 14, and the photographer was looking westwards towards the junction with Rossville Street. In the background can be seen the shop of James Porter, a radio enthusiast who recorded some of the Army's radio transmissions on the day. On the left is Quinn's shop. An alleyway can be seen between Quinn's shop and the café next door. This alleyway was known as Macari's Lane; and sometimes as Quinn's Lane. It led southwards from William Street to a waste ground that was known to the Inquiry as the Eden Place waste ground.

¹ Taken by AB Brown.

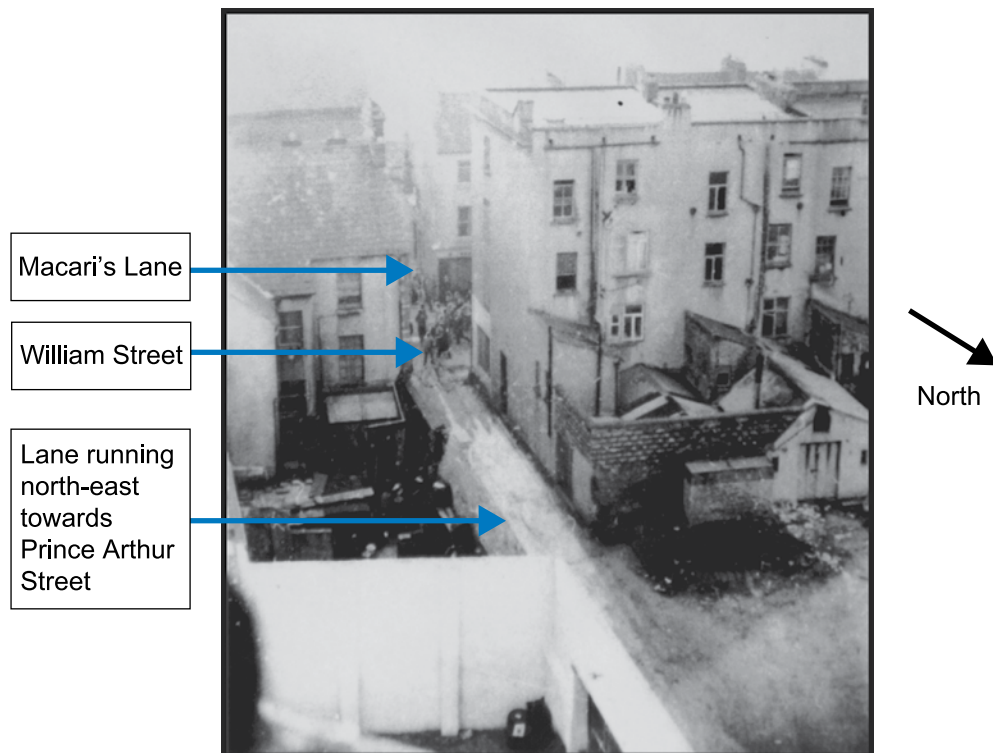


11.28 The location of these shops and of Macari's Lane can be seen in the map below.



11.29 The map shows a lane running in a north-easterly direction from William Street, opposite Macari's Lane. As the map indicates, the lane continued until it met, at right angles, the route once taken by Prince Arthur Street. This lane is shown in more detail in the photograph below.¹ Macari's Lane can be seen in the background of the photograph, on the far side of William Street.

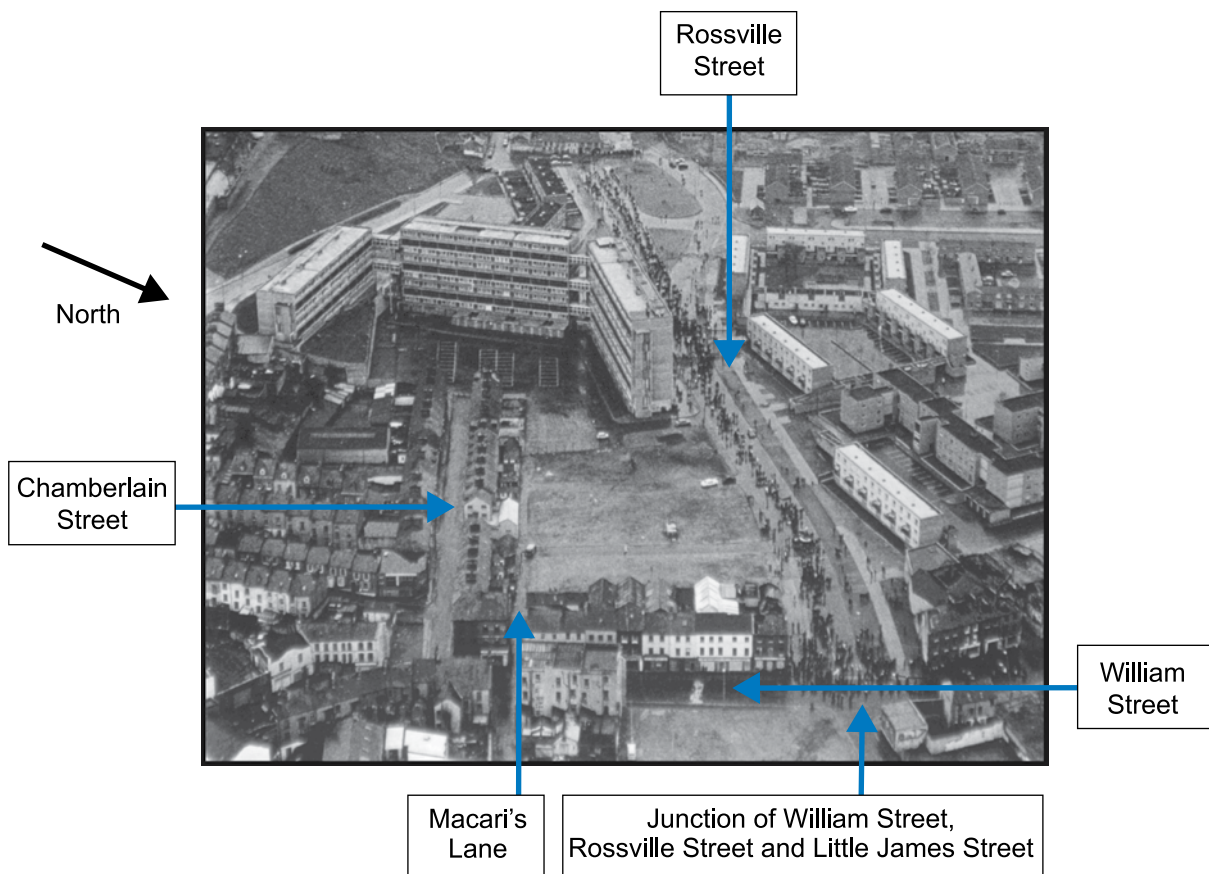
¹ Supplied by Colonel Tugwell.



Chamberlain Street

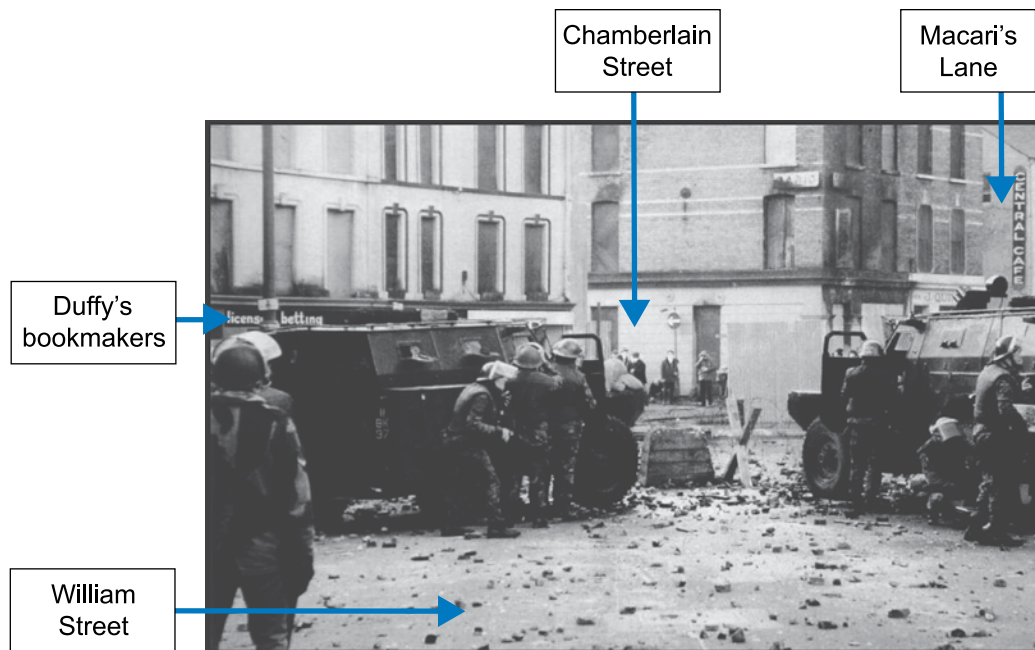
11.30 Macari's Lane can also be seen in the aerial photograph below.¹ In addition, the photograph shows Chamberlain Street, which ran parallel to Macari's Lane southwards from William Street towards the Rossville Flats. Chamberlain Street, unlike Macari's Lane, was wide enough for vehicles to travel along it.

¹ Supplied by the Imperial War Museum.



11.31 The photograph below,¹ taken from behind Barrier 14 on Bloody Sunday and looking west, shows the junction between Chamberlain Street and William Street. Also shown in this photograph is a shop with the words "licensed betting" painted on the shop front. This betting shop was referred to throughout this Inquiry as "Duffy's bookmakers", although this was not its name in January 1972. The photograph also shows the gap between the Central Café and Quinn's shop, through which Macari's Lane ran.

¹ Taken by William Rukeyser.



11.32

There was an area of waste ground on the eastern side of the junction between William Street and Chamberlain Street, seen in the photograph below.¹ This photograph was taken on Bloody Sunday from the northern side of William Street; the photographer was looking southwards towards Chamberlain Street. The houses on the right-hand side of the picture are on the western side of Chamberlain Street.

¹ Taken by Gilles Peress.



11.33 The following photograph¹ was also taken on Bloody Sunday, and shows the view eastwards down William Street from the junction between Chamberlain Street and William Street. The junction with Chamberlain Street can just be seen in the bottom-right-hand corner of the picture. To the east of the junction is McCool's newsagent's shop. Barrier 14 is in the middle of the photograph and the Guildhall clock tower can be seen in the background. Waterloo Place, at which William Street came to an end, was about 60 yards east of Barrier 14. Waterloo Place is behind the Army vehicles seen in this photograph.

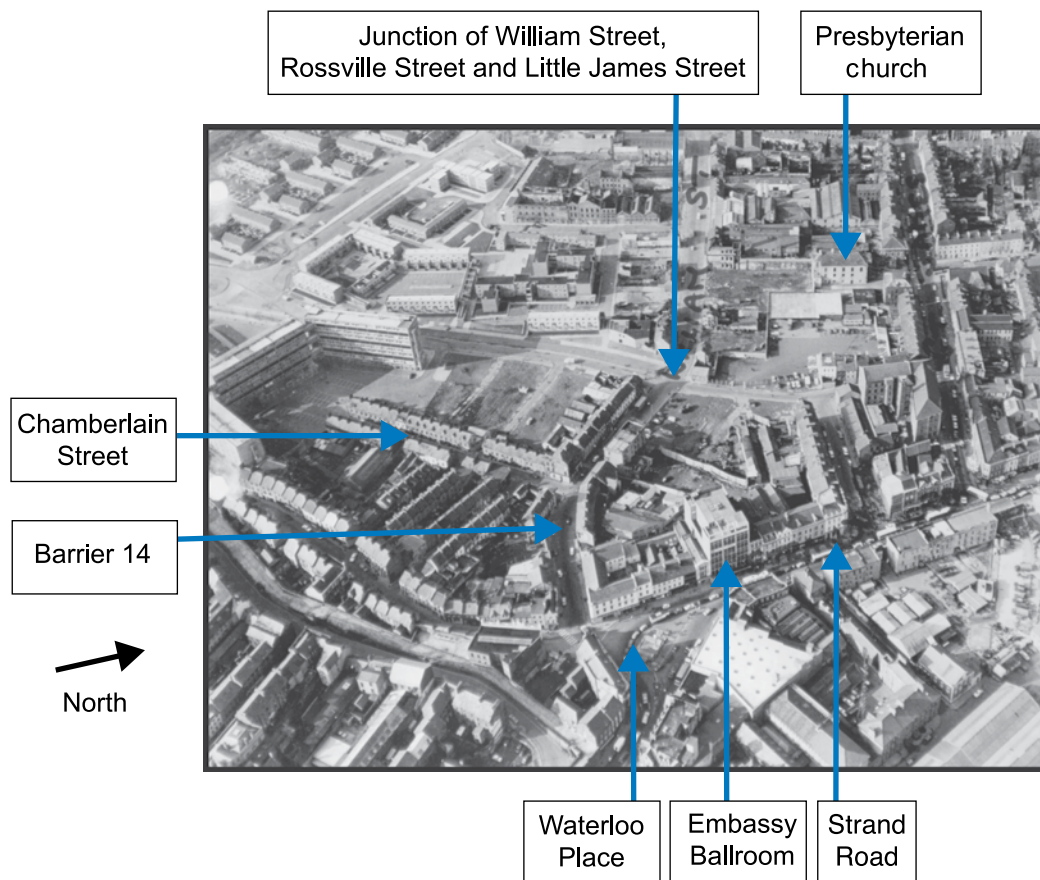
¹ Taken by Fulvio Grimaldi.



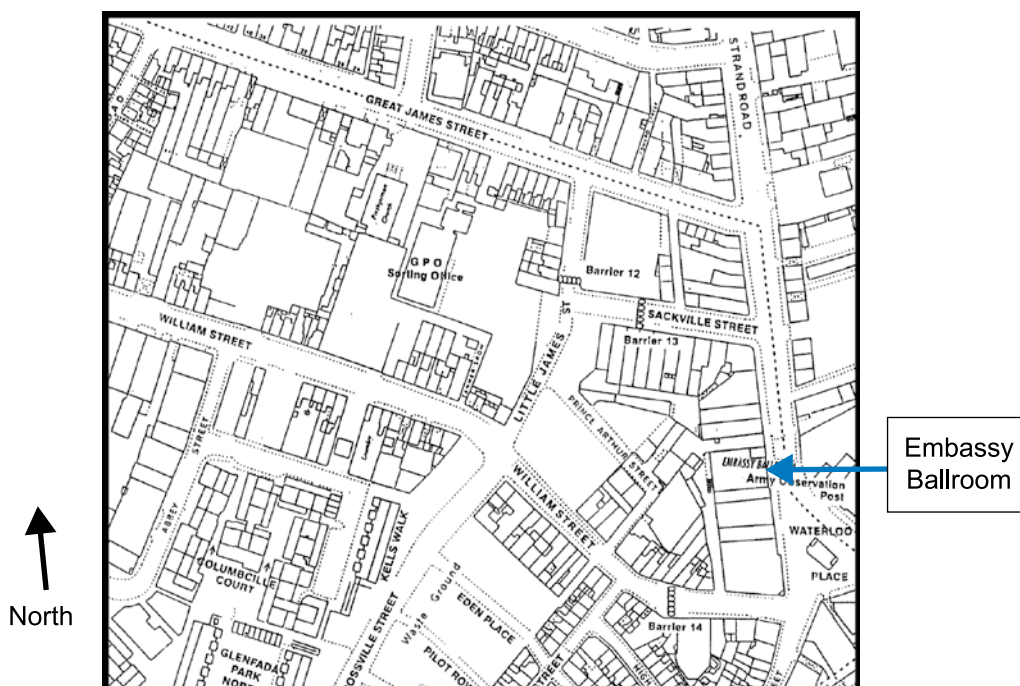
The Embassy Ballroom

11.34 The photograph below¹ shows the Embassy Ballroom in Strand Road. In January 1972 the roof of the Embassy Ballroom was used for observation by the security forces. The roof was well above those of adjoining buildings. There were two Observation Posts (OPs), Echo and Foxtrot, on the top of the Embassy Ballroom. OP Echo was at the back of the ballroom roof and gave a view onto William Street and beyond. OP Foxtrot overlooked Strand Road and Waterloo Place.

¹ Supplied by Brigadier MacLellan.



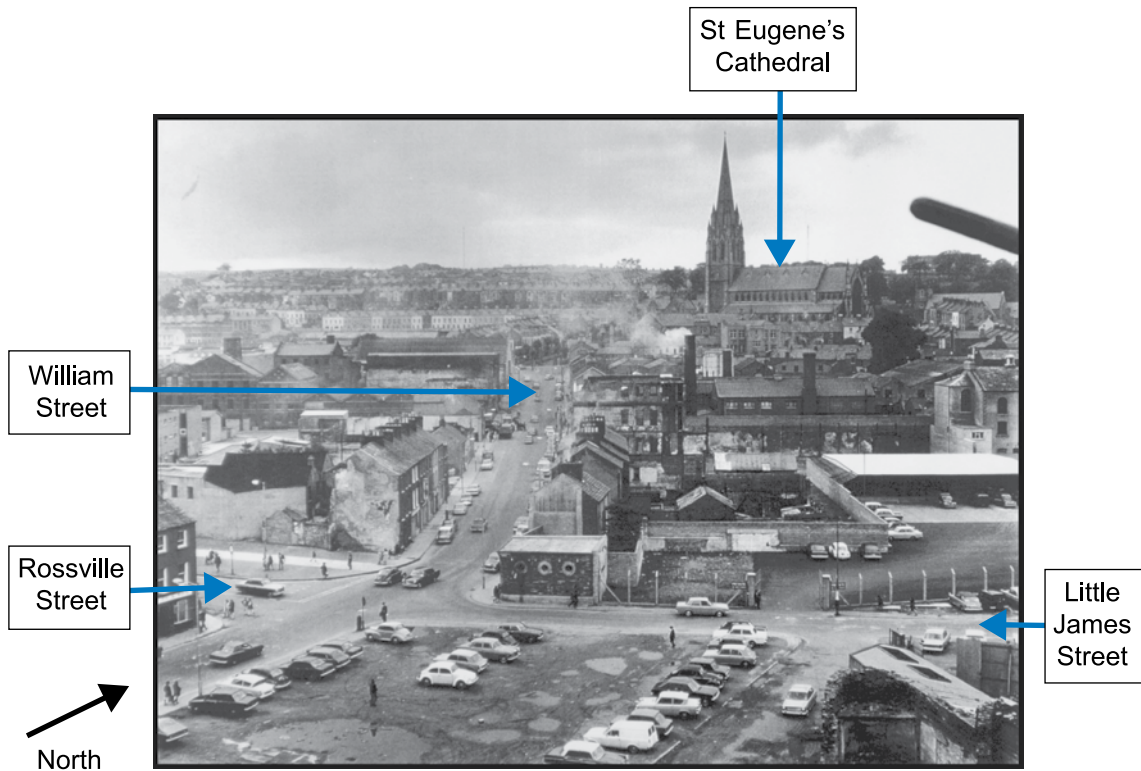
11.35 The location of the Embassy Ballroom is also shown on the map below.



- 11.36 The Embassy Ballroom gave the security forces a view westwards up William Street and southwards into the Bogside.

The junction of William Street, Rossville Street and Little James Street (Aggro Corner)

- 11.37 The next two photographs (shown again here for convenience) were taken from the Embassy Ballroom roof and were supplied by the MoD. They show the junction of William Street, Rossville Street and Little James Street. This area was known to the Army, and to some others, as Aggro Corner. In the first photograph, William Street can be seen running westwards towards St Eugene's Cathedral. In the second photograph, more of the buildings on the south-east side of the junction are visible.





The Army barriers

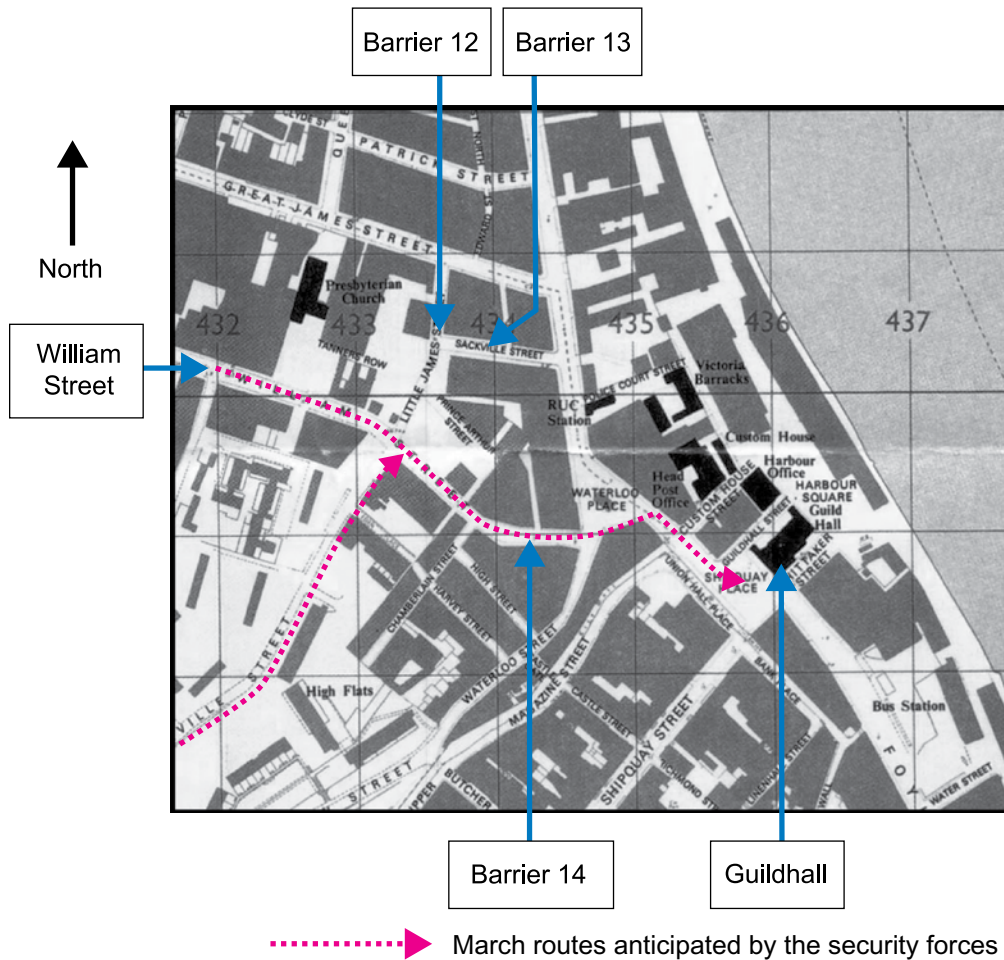
11.38 As more fully discussed elsewhere in this report,¹ before the civil rights march on 30th January 1972 the organisers announced that they intended after the march to hold a meeting in front of the Guildhall at Shipquay Place. The security forces anticipated that the protesters would march either east along William Street or north up Rossville Street in order to try to reach Shipquay Place. On the day, the Army erected barriers in order to prevent the marchers from reaching the meeting place and from penetrating north or east of William Street; in other words, to keep them within the Bogside and the Creggan. Each barrier was given a number as part of the Army plan to deal with the march.

¹ [Chapter 9](#)

11.39 We include here a brief description of some of the barriers, though we return to this topic in more detail a little later in this report.¹

¹ [Paragraphs 12.15–23](#), [12.35](#) and [12.43](#)

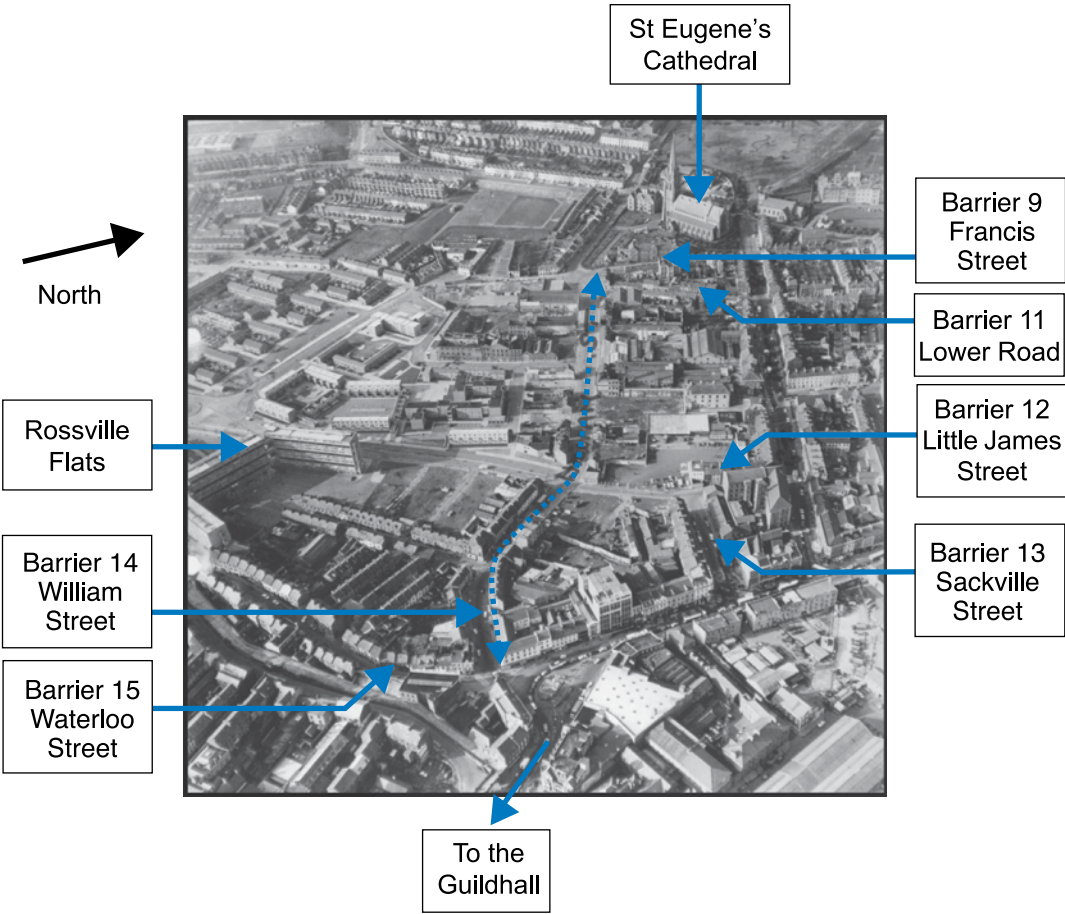
11.40 The locations of the barriers most relevant to this Inquiry are shown on the following map, which also shows the position of the Guildhall.



11.41 Barrier 12 was in Little James Street, Barrier 13 in Sackville Street and Barrier 14 in the eastern part of William Street.

11.42 Much of the area depicted on the map above is shown in the aerial photograph below.¹ The photograph, which was taken before Bloody Sunday, shows a view from the north-east. William Street is marked with a dotted line. St Eugene's Cathedral is also shown. Two Army barriers (Barrier 9 and Barrier 11) were erected on Bloody Sunday in streets on the eastern side of the cathedral. We have marked the locations of these barriers. A further barrier (Barrier 15) was placed towards the northern end of Waterloo Street, which was a road that ran under the City Walls, roughly parallel to Chamberlain Street, and ended at Waterloo Place. This barrier is also marked. The Rossville Flats can be seen on the left-hand side of the photograph.

¹ Supplied by Brigadier MacLellan.



Chapter 12: Military dispositions

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1st Battalion, The Coldstream Guards	12.39
The deployment of snipers and observers	12.44
The initial deployment of 1st Battalion, The Parachute Regiment	12.45
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The plan for Support Company	12.58
The move to Assault Positions	12.76

12.1 In January 1972 the city of Londonderry on the west side of the River Foyle was usually the responsibility of two regiments or battalions. The area was divided vertically in two, as shown on the map below. The area to the east of the blue dividing line was usually the responsibility of the City battalion; the area to the west was the responsibility of the Creggan battalion.



12.2 On 30th January 1972, 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt) was undertaking the City task, as we have explained earlier in this report.¹ However, for the purposes of Operation Forecast (the 8th Infantry Brigade Operation Order for 30th January 1972), the area for which 22 Lt AD Regt was usually responsible was itself divided in two. 22 Lt AD Regt remained responsible for the northern half of the area. The southern half was given to 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN), which was a resident battalion and had been in Northern Ireland since July 1970. The division is shown on the map below by the dark blue line that runs roughly west to east across the middle of the sector and then turns south-west.

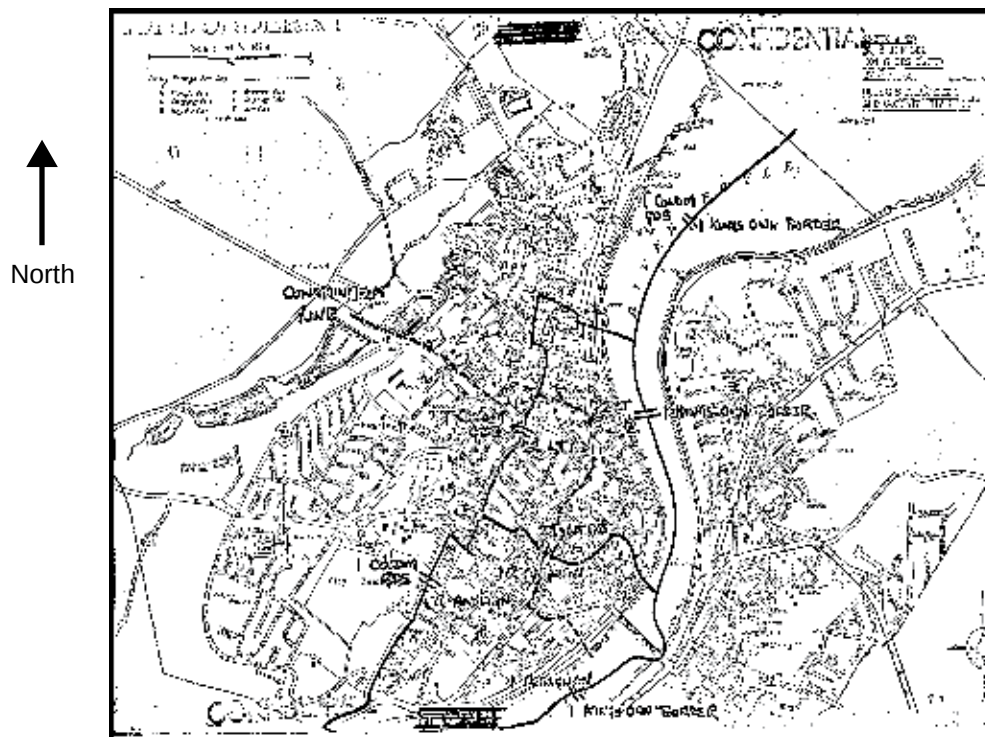
¹ [Chapter 9](#)



- 12.3** On 30th January 1972, 1st Battalion, The Coldstream Guards (1 CG) was the Creggan battalion. On that day it remained responsible for its usual area. This area included Fort George, a military base on the north-west side of Londonderry, which was the headquarters of 1 CG. This battalion had been in Northern Ireland since October 1971.
- 12.4** The Province Reserve, 1st Battalion, The King's Own Royal Border Regiment (1 KOB), was given responsibility for RUC Division N (covering most of the County of Londonderry but excluding the city itself). This area was usually the responsibility of 1 R ANGLIAN. 1 KOB had arrived in Northern Ireland on or about 14th January 1972 and was based in Ballykinler in County Down.¹
- ¹ [C1253.5](#)
- 12.5** The map below,¹ which was attached to the Brigade Operation Order for 30th January 1972 (discussed earlier in this report²), shows the division of responsibility among the Army units.

¹ [G95.580](#)

² [Paragraphs 9.414–416](#)



- 12.6** The position, however, was complicated by the fact that the Operation Order required various companies (or, in the case of 22 Lt AD Regt, batteries) to be detached from their own battalion (or regiment) and attached to another.¹

¹ [B1279.098-99](#)

- 12.7** In accordance with the provisions of the Operation Order, 22 Lt AD Regt retained two of its four batteries under its own command. In addition, 22 Lt AD Regt had under its command one company from 2nd Battalion, The Royal Green Jackets (2 RGJ) and one company from 1st Battalion, The Parachute Regiment (1 PARA).

- 12.8** The remaining two 22 Lt AD Regt batteries were attached to 1 R ANGLIAN, which also retained under its own command two of its own four companies.

- 12.9** The other two companies from 1 R ANGLIAN were placed under the command of 1 KOB.

- 12.10** 1 CG retained all three of its companies under its own command.

- 12.11** Two companies from 3rd Battalion, The Royal Regiment of Fusiliers (3 RRF) were brought in to act as the mobile reserve and to deal with any incidents within 8th Infantry Brigade's area other than those arising from the march. This regiment had arrived in Northern Ireland on 26th January 1972 and was based in Dungannon in County Tyrone.¹

¹ [R73](#)

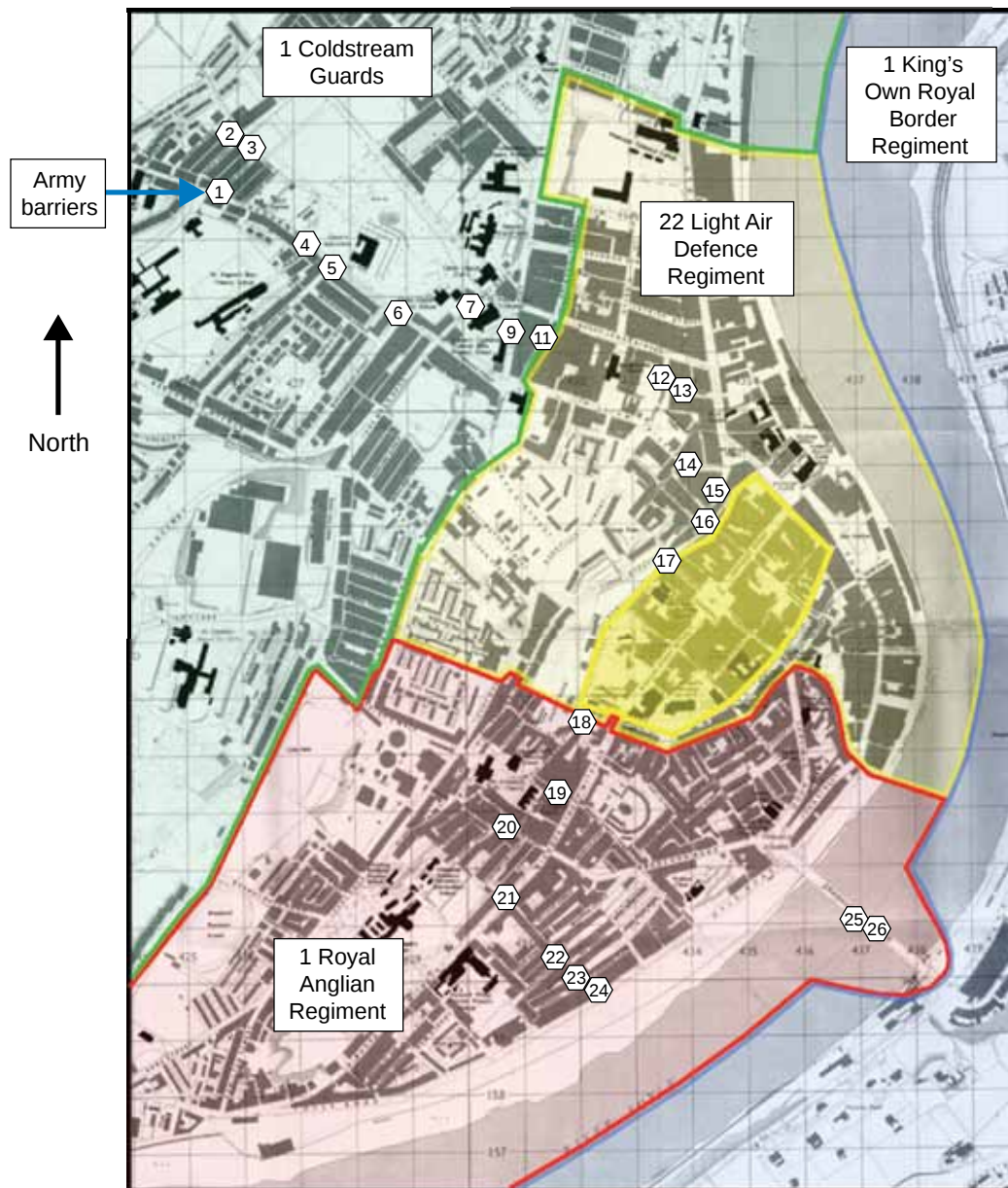
12.12 The table below summarises the areas of deployment and the companies and batteries assigned to each area.

Table 12.1: Areas of deployment and the companies and batteries assigned, 30th January 1972

Area	Soldiers
Northern half of City battalion area	22 Lt AD Regt (in command) 53 Battery 11 Battery One platoon from 42 Battery Attachments: A Company, 2 RGJ D Company, 1 PARA
Southern half of City battalion area	1 R ANGLIAN (in command) B Company C Company Attachments: 15 Battery, 22 Lt AD Regt 42 Battery, 22 Lt AD Regt
Creggan battalion area	1 CG (in command) Three companies Attachments: Three companies from 1 KOB Elements of 5 Ulster Defence Regiment (UDR)
RUC Division N	1 KOB (in command) One company Attachments: A Company, 1 R ANGLIAN Support Company, 1 R ANGLIAN Elements of 5 UDR A Company, 6 UDR

Area	Soldiers
RUC Divisions O and P	2 RGJ Three companies Attachments: 1 UDR
Mobile reserve	3 RRF Two companies
Arrest force	1 PARA A Company C Company Support Company

- 12.13** 15 and 42 Batteries of 22 Lt AD Regt were deployed in the area for which they were usually responsible, although for the purposes of Operation Forecast they were under the command of 1 R ANGLIAN. The two companies of 1 R ANGLIAN who were left in RUC Division N were also responsible for the area in which they usually worked, but for this operation were under the command of 1 KOB.
- 12.14** The map below shows in yellow the area for which 22 Lt AD Regt was responsible. The map does not show the entire areas of responsibility of 1 R ANGLIAN and 1 CG but shows the central areas most relevant to the events of 30th January 1972. 1 KOB was responsible for the area on the east of the River Foyle, most of which is not shown. The western boundary of 1 KOB's area was an imaginary line running down the middle of the River Foyle. The area shaded in blue is a small part of the area for which 1 KOB was responsible.



- 12.15** The numbered hexagons on the map represent Army barriers, erected in order to contain the march within the Creggan and the Bogside. The City Walls are highlighted in yellow within the area for which 22 Lt AD Regt was responsible. It will be seen that the City Walls themselves formed a barrier between Army Barriers 17 and 18.
- 12.16** It should be noted that Barriers 8 and 10 were not erected and that there were no significant incidents at Barriers 1 to 6. It should also be noted that there was some discussion at the hearing about the exact position of Barrier 11, but we are satisfied that it was probably in about the position shown on this map.

- 12.17** The barriers of particular relevance to this Inquiry are Barriers 11 (in Lower Road), 12 (in Little James Street), 13 (in Sackville Street), 14 (at the east end of William Street), 15 (in Waterloo Street), 16 (at Castle Gate), 17 (at Butcher Gate) and 20 (at Barrack Street).
- 12.18** Barriers 1 and 3 were permanent structures.¹ The remaining, temporary barriers were generally of the type contemplated by the Brigade Operation Order and were constructed of wooden “knife rests” and barbed wire; some at least had a central concrete block.² These temporary barriers were brought into position at about midday on 30th January 1972, but were not fully closed until later in the afternoon. The following photograph shows Barrier 14 in William Street soon after it had been closed. The Guildhall clock shows 3.30pm.

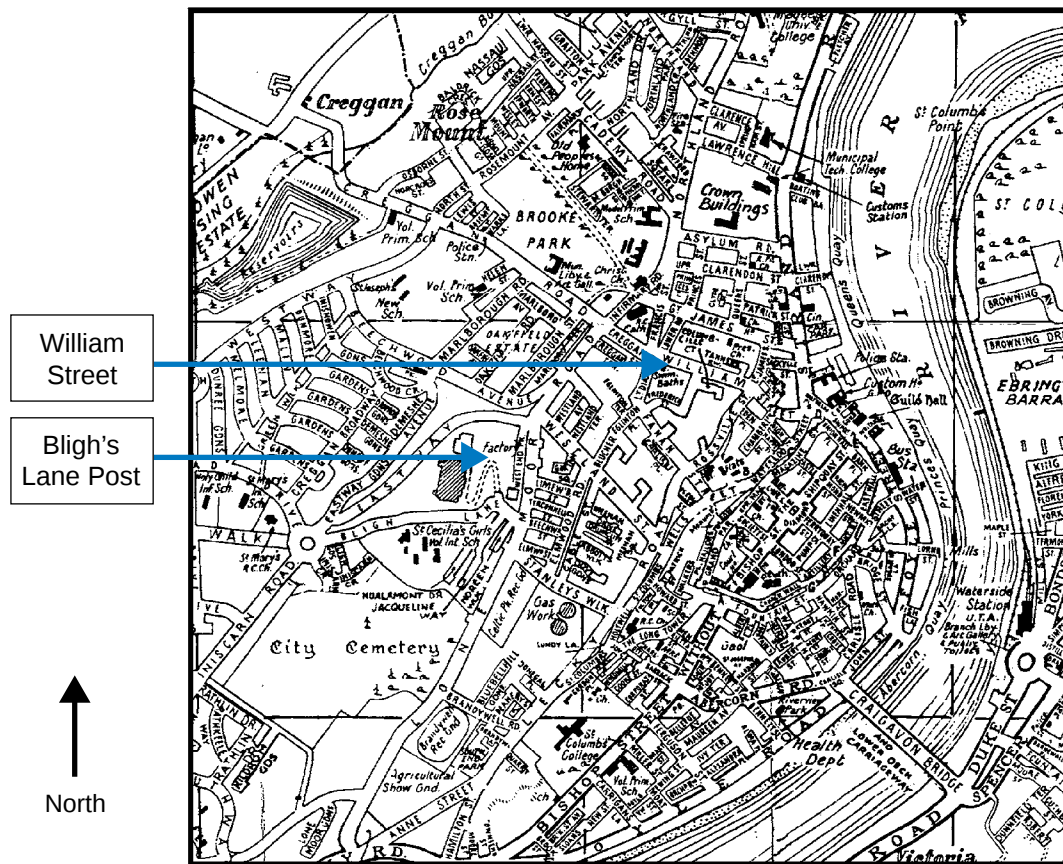
¹ [B1279.101](#)

² [C1324.2](#); [G95.572](#)



- 12.19** As the map above shows, the Army plan divided responsibility for the Creggan and the Bogside between two Army units, with 22 Lt AD Regt responsible for the Bogside and 1 CG for the Creggan. However, these soldiers were not expected on 30th January 1972 to enter the no-go areas; their task was to maintain the containment line formed by the barriers and to prevent the marchers from penetrating north or east of the line. There was a static police and Army post at Bligh’s Lane in the Creggan (shown on the map below); police and Army personnel did not patrol outside its perimeter while on duty there. This post was manned on 30th January by members of 1 CG. No other soldiers were stationed within the no-go areas on that day.

12.20 The Army post at Bligh's Lane is shown on the following map.

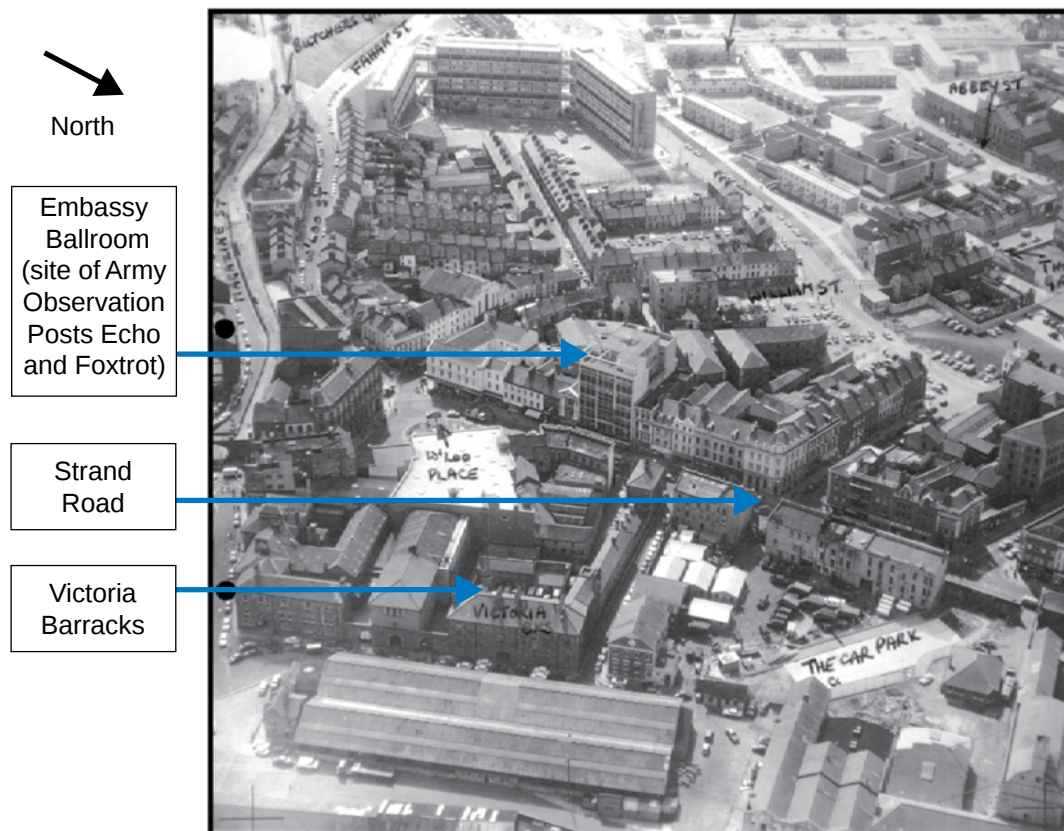


The roles of each battalion and regiment

22nd Light Air Defence Regiment, Royal Artillery

12.21 22 Lt AD Regt was based at Drumahoe, a village some two miles to the east of Londonderry. The Tactical Headquarters (Tac HQ) of 22 Lt AD Regt in Londonderry was Victoria Barracks, within Victoria RUC Station in Strand Road. These barracks are shown on the photograph below.¹

¹ This photograph, supplied by Captain Condor, was taken well before Bloody Sunday, as can be seen from the fact that it shows houses on the Eden Place waste ground.



12.22 Soldiers under the command of 22 Lt AD Regt were responsible for manning Barriers 12 to 17. The table below, which is based on the orders given to 22 Lt AD Regt,¹ identifies each of these barriers and the companies or batteries that manned them.

¹ [G89.547](#)

Table 12.2: Barriers 12 to 17 and the Army Units that manned them

Barrier	Location	Company or Battery
12	Little James Street	11 Battery, 22 Lt AD Regt
13	Sackville Street	11 Battery, 22 Lt AD Regt
14	William Street	A Company, 2 RGJ
15	Waterloo Street	A Company, 2 RGJ
16	Castle Gate	A Company, 2 RGJ
17	Butcher Gate	53 Battery, 22 Lt AD Regt

- 12.23** In the 22 Lt AD Regt Operation Order,¹ these barriers were given what were described as “*nicknames*”, which explains the use of the words “*House Martin*” in a radio transmission later in the day:

Barrier 12	Garden Bird
Barrier 13	Little Tern
Barrier 14	House Martin
Barrier 15	Wood Pigeon
Barrier 16	Wild Fowl
Barrier 17	Water Hen

¹ [G89.547](#)

- 12.24** 53 Battery 22 Lt AD Regt was made up of three troops, each consisting of about 30 men. On 30th January 1972, one troop was stationed at Butcher Gate. The other two were based at the Masonic Hall car park, within the walled city and in the west side of it. The location of the car park is shown in the photograph below.¹

¹ Supplied by Brigadier MacLellan.



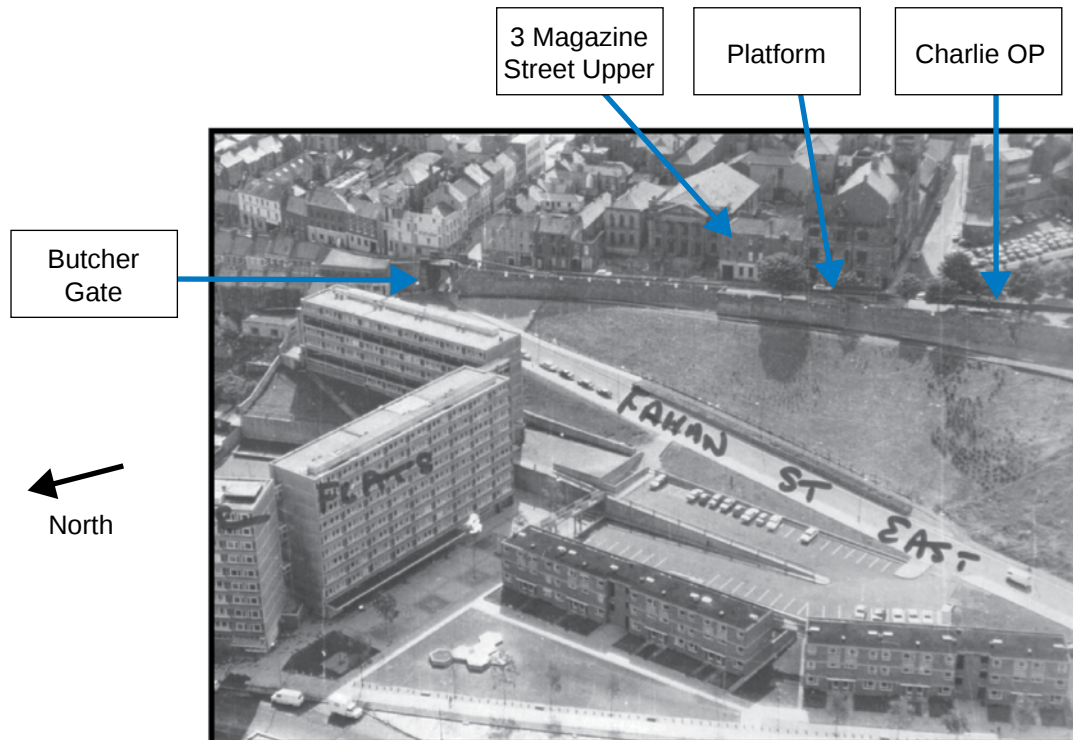
- 12.25** One of the troops based in the car park patrolled the City Walls. The remaining troop was divided: soldiers from it were deployed in the Observation Posts (OPs) at 3 Magazine Street Upper, Charlie OP and the Double Bastion. One man was deployed at the Walker Monument as a sniper.¹ Two members of this troop were deployed as observers on the Platform, a section of wall overlooking the Bogside, which jutted out from the line of the Walls.²

¹ [B1953.005](#); [Day 349/110](#)

² [B1344](#)

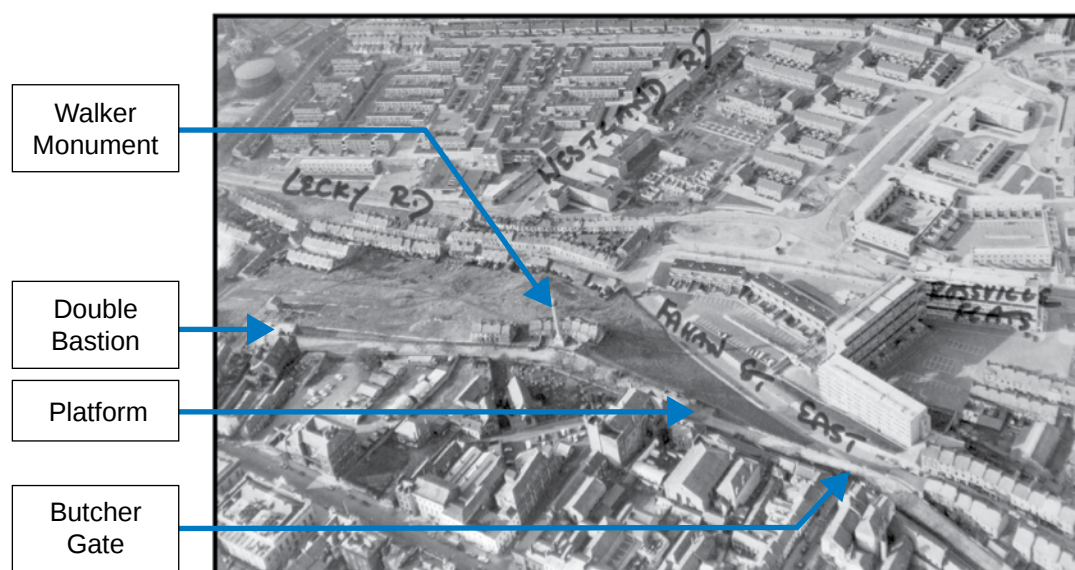
12.26 The photograph below¹ shows the location of 3 Magazine Street, the Platform and Charlie OP. It also shows Butcher Gate, the location of Barrier 17.

¹ Supplied by Brigadier MacLellan.



12.27 The following photograph¹ shows the Walker Monument and Double Bastion.

¹ Supplied by Brigadier MacLellan.



12.28 The area for which 22 Lt AD Regt was responsible included the OPs Echo and Foxtrot on the top of the Embassy Ballroom, to which we have already referred. OP Echo was at the back of the Ballroom and gave a view onto William Street and beyond. OP Foxtrot overlooked Strand Road and Waterloo Place.¹ Members of 11 Battery 22 Lt AD Regt were stationed at the Embassy Ballroom as observers on the afternoon of 30th January 1972.²

¹ [B1940](#)

² [C1164.1](#)

12.29 Other members of 22 Lt AD Regt were stationed as snipers and observers elsewhere in the city. Members of 11 Battery 22 Lt AD Regt were deployed in Little James Street and Sackville Street. A platoon or troop from 42 Battery was attached to 11 Battery for the operation; members of this platoon were deployed in Harrison's Garage on the north-west side of William Street.

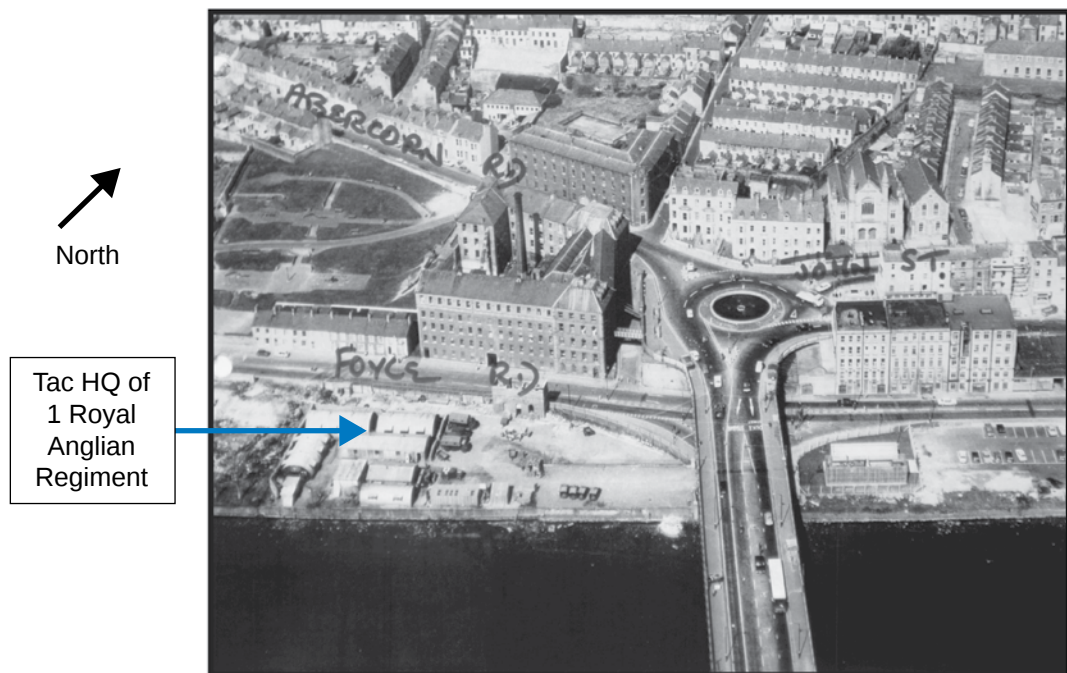
12.30 One platoon of D Company 1 PARA, which was attached to 22 Lt AD Regt, was placed under the command of A Company 2 RGJ. D Company 1 PARA was ordered to prepare to act as an arrest force or to reinforce the barriers.¹

¹ [G89.542](#)

1st Battalion, The Royal Anglian Regiment

12.31 The Tac HQ for 1 R ANGLIAN was at Craigavon Bridge. The Army position at Craigavon Bridge, known as the "Bridge location" or the "Bridge Camp", is shown in the photograph below.¹

¹ Supplied by Brigadier MacLellan.



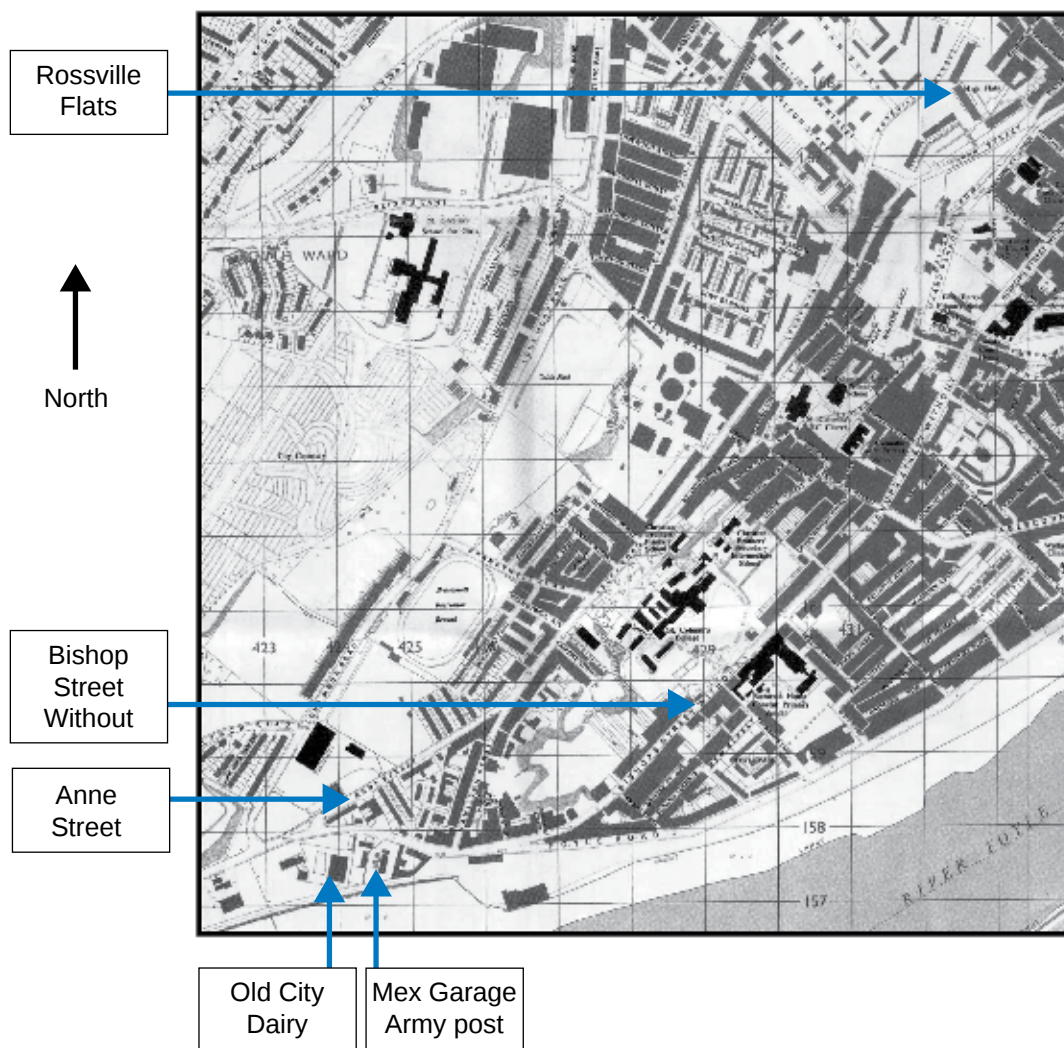
- 12.32** The road marked as John Street in the above photograph has been incorrectly identified. This street is Carlisle Road. John Street is the street immediately below it in the photograph. The junction of John Street with the roundabout can just be seen.
- 12.33** B Company 1 R ANGLIAN held Army Barriers 18 to 20. Members of B Company also acted as observers and snipers in the area for which their company was responsible.
- 12.34** C Company 1 R ANGLIAN held Army Barriers 21 to 24. In addition, members of C Company acted as observers and snipers and manned vehicle checkpoints.
- 12.35** The table below¹ identifies the 1 R ANGLIAN company and platoon that manned each barrier.

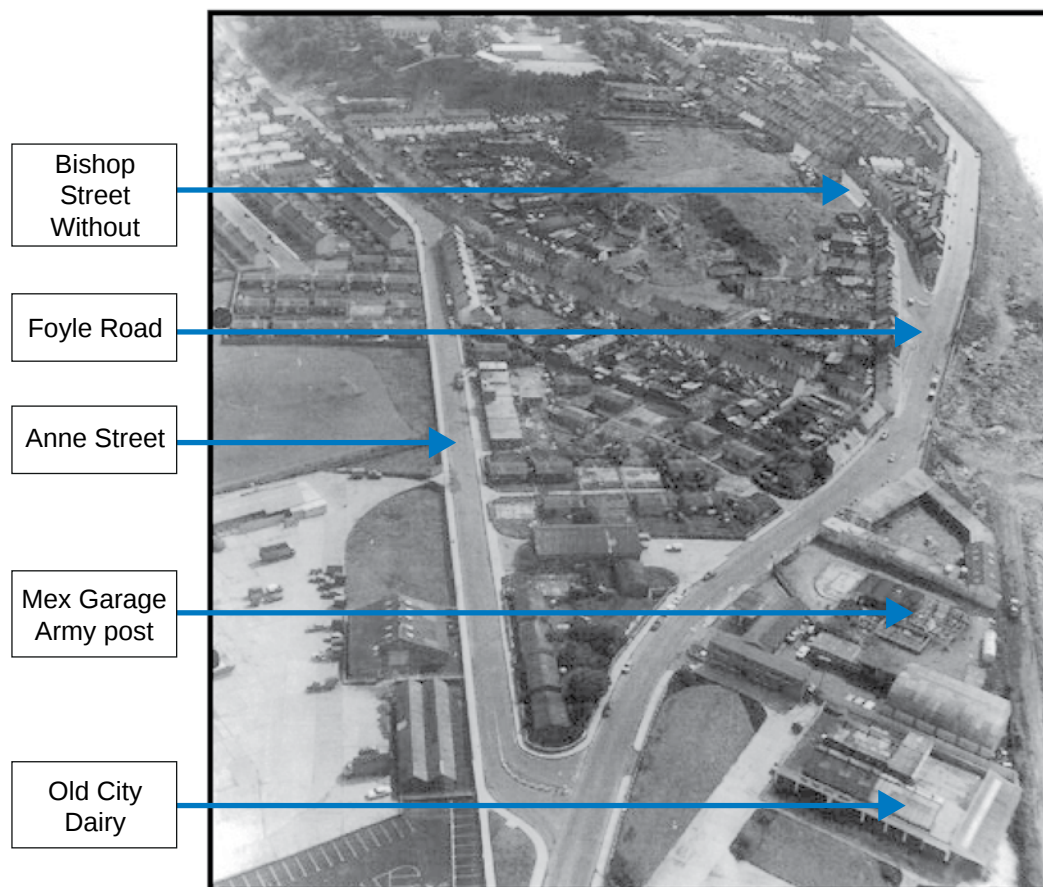
¹ Based on the 1 R ANGLIAN report made after the events of the day (CJ2.16).

Table 12.3: Barriers 18 to 24 and the Army units that manned them

Barrier	Location	Company and Platoon
18	Long Tower Street	B Company, 5 Platoon
19	Henrietta Street	B Company, 6 Platoon
20	Barrack Street	B Company, 7 Platoon
21	Bishop Street Without	C Company, 9 Platoon
22	Ewing Street	C Company, 10 Platoon
23	Orchard Row	C Company, 10 Platoon
24	Foyle Road	C Company, 11 Platoon

12.36 15 Battery 22 Lt AD Regt, under the command of 1 R ANGLIAN, was positioned in the Mex Garage, a military post in the south of the Brandywell. The map and photograph below show the location of this post.





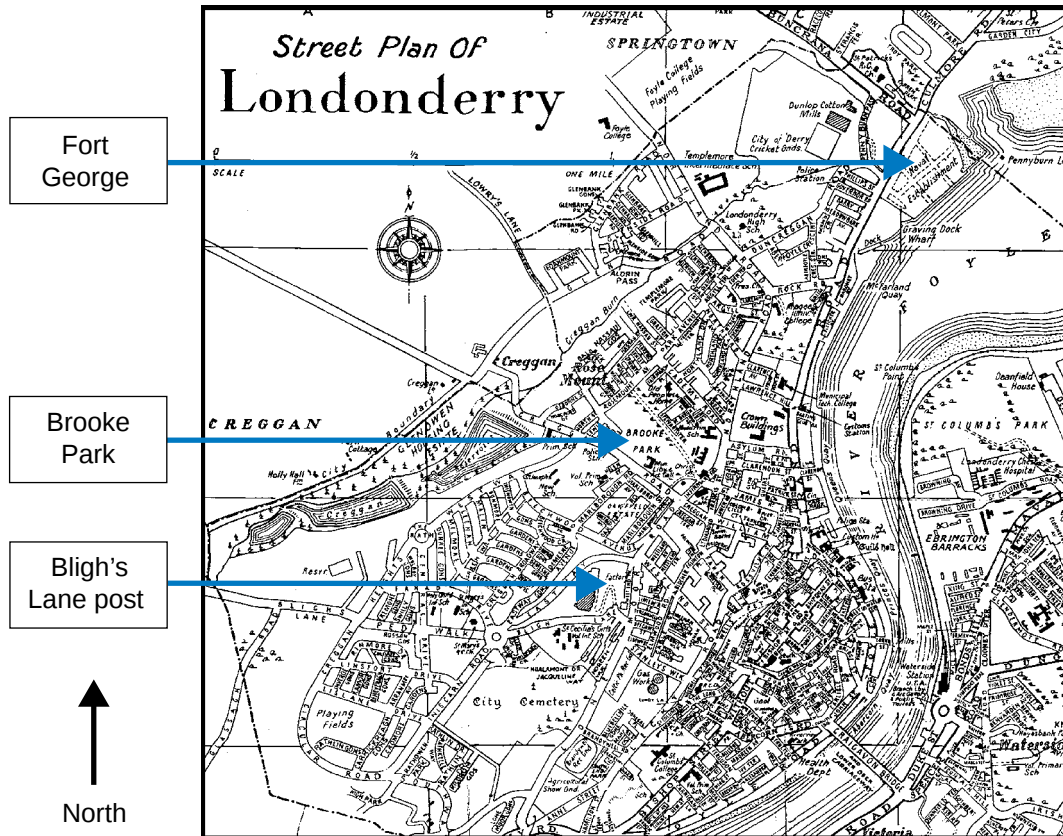
12.37 It will be seen from the above photograph that the Mex Garage was next to buildings belonging to the Old City Dairy. Some people referred to the Mex Garage post as the Old City Dairy.

12.38 Members of 42 Battery 22 Lt AD Regt, under the command of 1 R ANGLIAN, were stationed at the Craigavon Bridge with the task of manning vehicle checkpoints at Barriers 25 and 26 (one on the upper and one on the lower deck of the bridge). One company from 3 RRF, the mobile reserve, was also stationed at the bridge.

1st Battalion, The Coldstream Guards

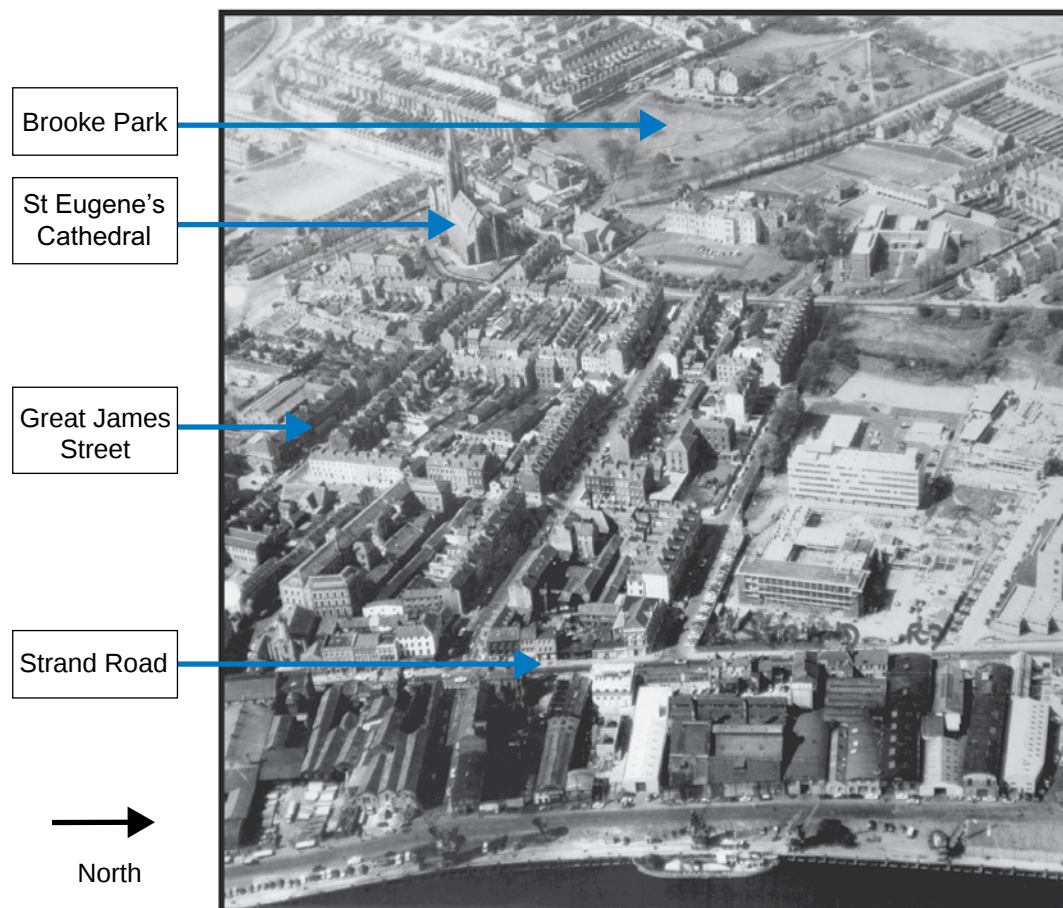
12.39 1 CG was based at Fort George. The battalion's Tac HQ for the purposes of Operation Forecast (the Brigade Order for dealing with the march) was in Brooke Park in Rosemount, north-west of William Street. On 30th January 1972, members of 1 CG were stationed at Fort George, Brooke Park and at the military post at Bligh's Lane in the Creggan. This post was on the site of a disused factory.

- 12.40** The map below shows the location of these three bases. The map was out of date by January 1972. It describes Fort George as a naval establishment, which it was before it was taken over by the Army.



- 12.41** The following photograph,¹ taken from the east, shows Brooke Park.

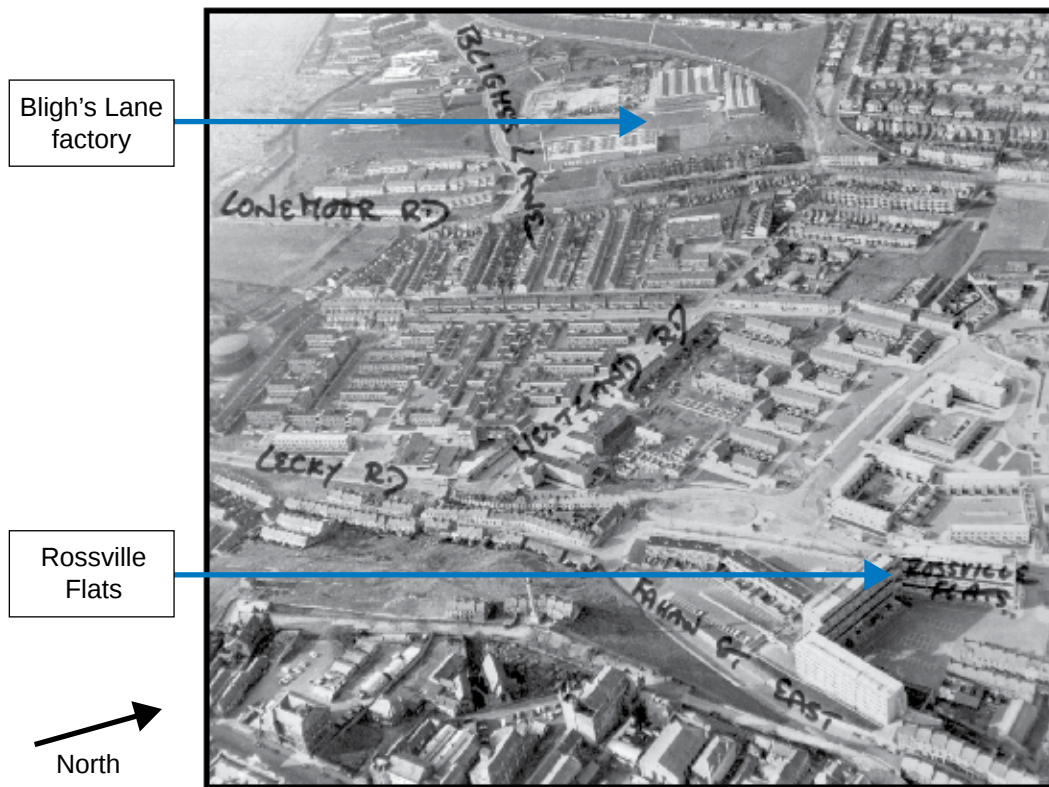
¹ Supplied by Brigadier MacLellan.

**12.42**

The photograph below¹ shows the Bligh's Lane factory. The Tribunal received evidence that there were four or five Observation Posts around the perimeter of the land on which the factory stood.²

¹ Supplied by Brigadier MacLellan.

² Eg [C747.4](#); [C1221.1](#)



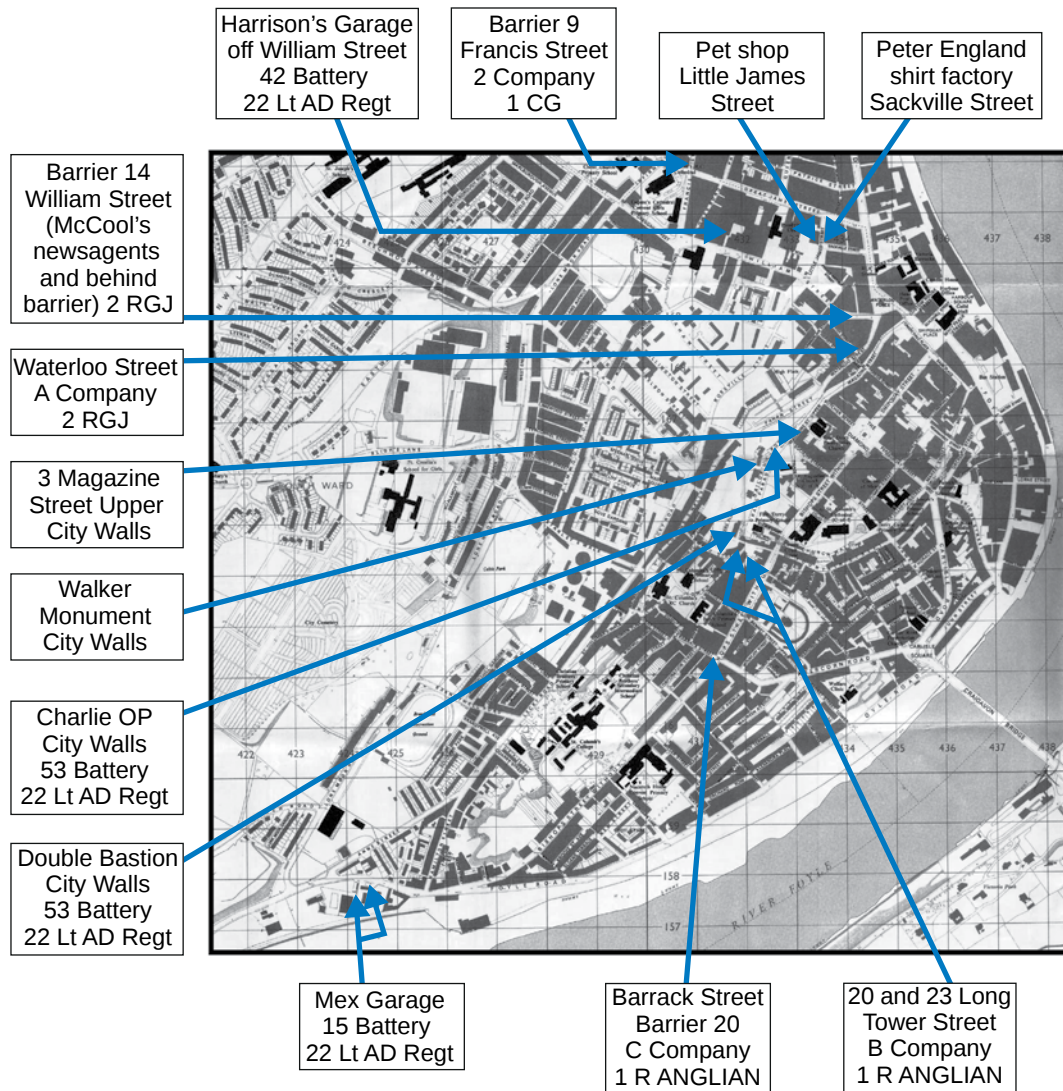
12.43 1 CG manned Barriers 7, 9 and 11. (As we have observed above, there were no barriers numbered 8 or 10.) In addition, members of 1 CG acted as snipers to protect the area in which the battalion was deployed. The Company Sergeant Major of 1 CG's Signal Platoon, Warrant Officer Class I 164, was stationed with a small group of men on the City Walls. Their task was to act as observers, watching events in the Bogside and informing the Commanding Officer of developments.¹ They were stationed just north of the Double Bastion, on the south-west corner of the Walls. In February 1972, Warrant Officer Class I 164 made a statement to the Royal Military Police (RMP) and marked a map, showing his location on 30th January. The relevant part of his map is reproduced below.² The City Walls have been marked with a yellow dotted line.

¹ C598.4; B1968

² B1969.1

The deployment of snipers and observers

12.44 The map below shows the deployment of Army snipers on 30th January 1972.



The initial deployment of 1st Battalion, The Parachute Regiment

12.45 1 PARA travelled by road from its Hollywood barracks, just outside Belfast, during the morning of 30th January 1972, stopping initially at the BSR factory at Drumahoe, the base for 22 Lt AD Regt. The battalion moved into the city, taking up position in the Foyle College car park, between 1200 hours and about 1250 hours.

- 12.46** The battalion's companies then took up their Forming Up Positions (FUPs). The companies with which this Inquiry is principally concerned were A Company, which moved to Springham Street (which leads from Lawrence Hill into Clarence Avenue); C Company, which remained in the Foyle College car park; and Support Company, which moved in vehicles to Clarence Avenue.
- 12.47** D Company was under command of 22 Lt AD Regt and was positioned as a reserve at Victoria Barracks until it was returned to the command of 1 PARA later in the day.
- 12.48** 1 PARA also had B Company, which was sometimes described as a (or the) Command Company, composed in part of drivers and signallers, some of whom travelled to Londonderry and were deployed as part of Support and other companies. There was also a company called variously Administrative Company or HQ Company, responsible for the management and administration of the battalion. This company was composed of trained soldiers, some of whom were on the day attached to Support Company.¹
- ¹ [Day 342/3-5](#); [B1978](#); [B1984](#); [B2022.1](#)
- 12.49** 1 PARA had a mobile Tac HQ, in the form of a converted Commer van known as the Gin Palace.¹ This contained the means of communicating by radio with both 8th Infantry Brigade (on the Ulsternet and through the secure BID 150 encryption unit) and the battalion companies. Elsewhere in this report² we provide a detailed description of the radio communications available to the Army.
- ¹ [C2006.4](#) ² [Chapters 180–191](#)
- 12.50** The Gin Palace initially took up position with the rest of the battalion in the Foyle College car park. Although neither the battalion Signals Officer (Captain INQ 2033) present on the day nor one of the watchkeepers in the Gin Palace (Captain INQ 1853) had any recollection of the vehicle moving from this position,¹ it seems likely from other evidence that, at some stage before shooting broke out, it did move to Great James Street.²
- ¹ [Day 352/138](#); [Day 255/109](#) ² [Day 312/70](#); [Day 318/25](#); [Day 321/147](#); [W141](#) serial 581
- 12.51** Two officers who acted as watchkeepers, together with two signals sergeants, two lance corporals and the driver, manned the Gin Palace.¹ Recollections differed as to the exact layout of the Gin Palace. It would seem, however, that the van was divided into two areas, one containing a map pinned to the wall and a table at which the watchkeepers sat with log sheets and pencils listening to the Brigade and battalion nets through handsets and headsets (and possibly through loudspeakers), while the other area contained the radios and the other personnel. The BID 150 secure net radio had a special headset and

microphone to prevent the overhearing of transmissions, and for this reason did not broadcast on loudspeakers.

¹ Captain INQ 2033, Captain INQ 1853, Sergeant INQ 2006, Sergeant INQ 270, Lance Corporal UNK 1086, Lance Corporal INQ 2576 and Private INQ 1930 (driver).

12.52 According to Colonel Wilford, A and C Companies each had a strength of 73 men, and D Company had a strength of 74.¹ Major Loden, who had become the Commander of Support Company on 6th December 1971, put the total strength of Support Company at 103, of whom 97 eventually went into the Bogside.² We have no reason to doubt the accuracy of these figures.

¹ B954

² WT12.4; WT12.20; B2217

12.53 Support Company operated on the day with four platoons. These were Mortar Platoon, Machine Gun Platoon, Anti-Tank Platoon and Composite Platoon. The last of these was sometimes referred to as “Administrative Platoon”. This platoon was composed of various members of Administration (HQ) Company, augmented (as were the other platoons) by members of B Company. When Composite Platoon was deployed on operations, it was often known as “Guinness Force”.

12.54 Despite the names of these platoons, most of the soldiers in Support Company on the day were armed with standard issue self-loading rifles (SLRs) that delivered high velocity bullets of the standard NATO calibre of 7.62mm, with a range of over two miles. The typical allotment of ammunition was 50 rounds, of which 20 were in the magazine, 20 in a spare magazine carried in a webbing pouch, and ten in a bandolier in a pocket. Three of the soldiers in Composite Platoon (Guinness Force) had sub-machine guns instead of SLRs because there were not enough of the latter to go round.¹

¹ WT12.45; B2217

12.55 These three also carried riot guns, as did 12 of the other soldiers in Support Company armed with SLRs.¹ Riot guns, also known as baton guns, rubber bullet guns or RUC guns, fired baton rounds and were designed for use in dispersing rioters. They were significantly shorter weapons than SLRs, as can be seen from the following photographs taken on Bloody Sunday.

¹ WT12.4



Soldiers holding baton guns at Barrier 14 in William Street



Soldier with SLR in Sackville Street

- 12.56** The soldiers of 1 PARA were issued with gas masks, but did not carry riot shields or, with the exception of Composite Platoon, use visors, because visors tended to become scratched or steamed up and thus difficult to see through.¹

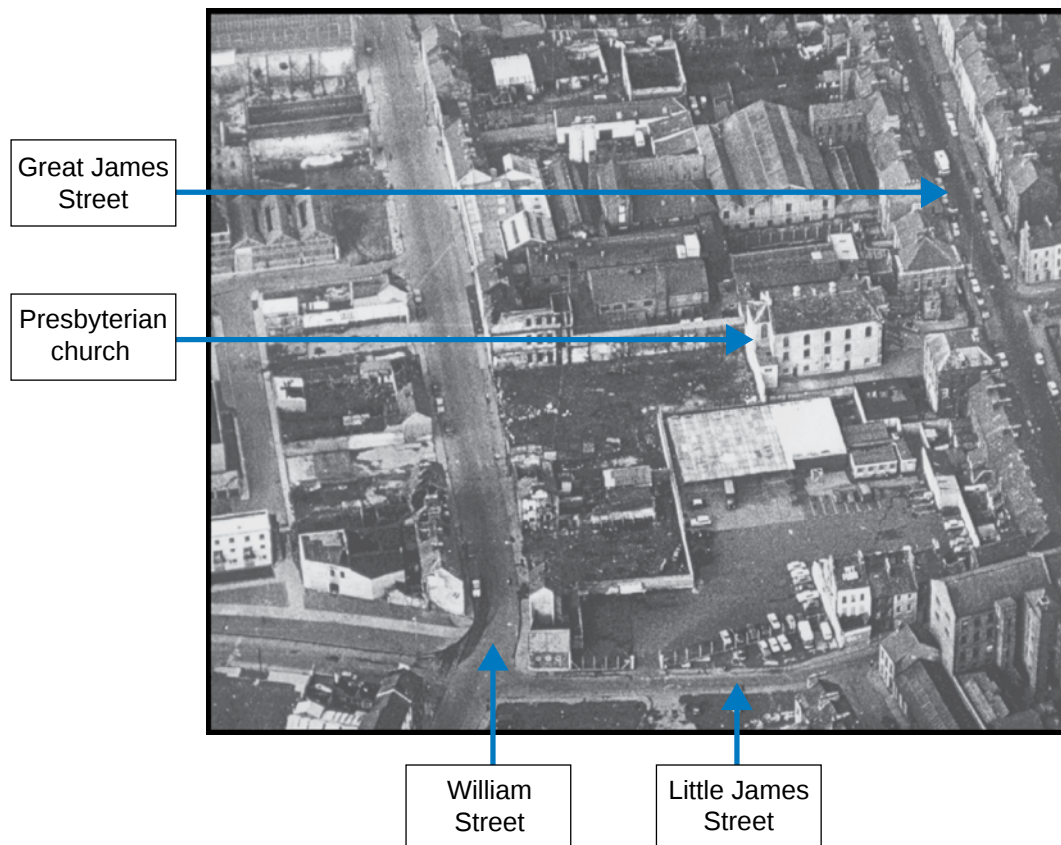
¹ [WT12.2-3](#); [WT12.19](#)

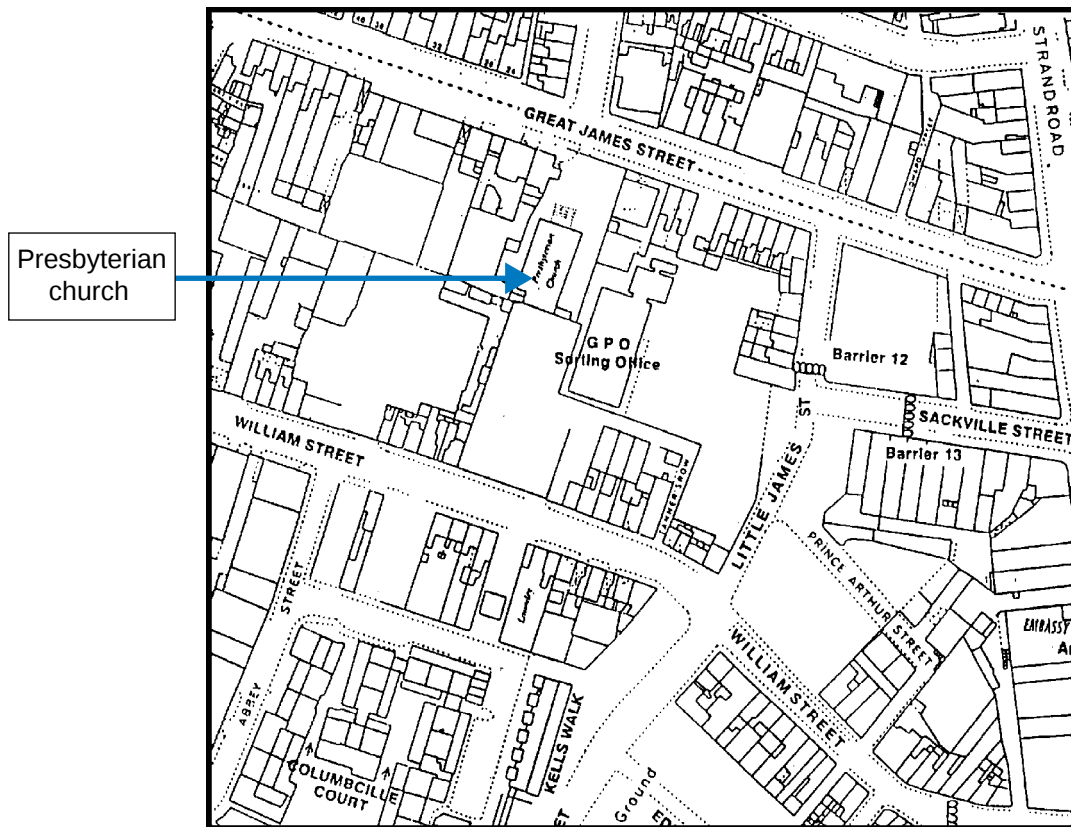
Reconnaissance

- 12.57** On arrival at the Foyle College car park, Colonel Wilford ordered his Company Commanders to reconnoitre Barriers 7 and 9 and 11–17, and he and the 1 PARA Intelligence Officer, Captain INQ 7, did the same. Major Loden, the Officer Commanding Support Company, began his reconnaissance at about 1220 hours.¹ He worked his way, he thought, from Barriers 15, 14, 13 and 12 until he reached the Presbyterian church in Great James Street.² The following photograph and map show the position of the Presbyterian church.

¹ [B2212](#)

² [B2248](#)





The plan for Support Company

12.58 In his written statement for the Widgery Inquiry,¹ Major Loden recorded that he looked in particular at the wall to the east of the Presbyterian church, as Colonel Wilford had warned him that Support Company might have to deploy over this wall. Major Loden explained that, although this was the pre-arranged route for his company to get into William Street, he had also been warned that his soldiers might have to enter the area through any of the Army barriers.² According to Major Loden, the wall route seemed attractive for a number of reasons. First, it might enable soldiers to surprise rioters. Second, there was a substantial gap between Barriers 12 and 11, and hence the wall, which lay between the two barriers, could provide a useful additional way to move into William Street in the event of disturbances there. Finally, it provided a means of outflanking rioters at Aggro Corner, the junction of William Street and Rossville Street.³

¹ B2217

³ B2218; WT12.6

² B2218

12.59 Major Loden met Colonel Wilford at the Presbyterian church during his reconnaissance. Major Loden's Diary of Operations and his evidence to the Widgery Inquiry recorded that this meeting occurred between 1220 hours and 1245 hours; Colonel Wilford's written evidence in 1972 was that it happened at "*about 1300 hours*".¹ By this stage it had become apparent to Major Loden that the initial plan to go over the wall next to the Presbyterian church had drawbacks. There was wire on the top of the wall that would need cutting, and the route was narrow and exposed.² Other soldiers noticed that there was a large drop on the far (southern) side of the wall, while an oil tank on the northern side rendered impossible the use of a vehicle to breach the structure.³ It is unclear whether either of these factors was in Major Loden's mind at the time, but when he met Colonel Wilford he told him that it would be a difficult place to get soldiers through quickly.⁴

¹ [B2218](#); [B972](#)

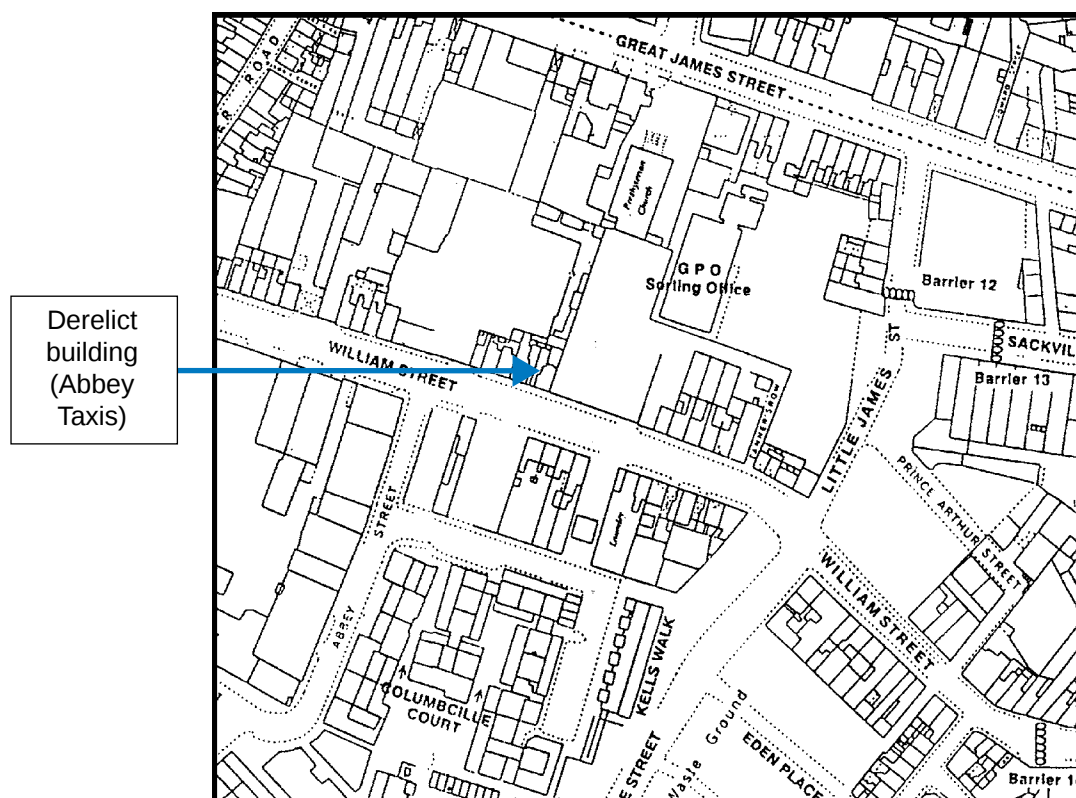
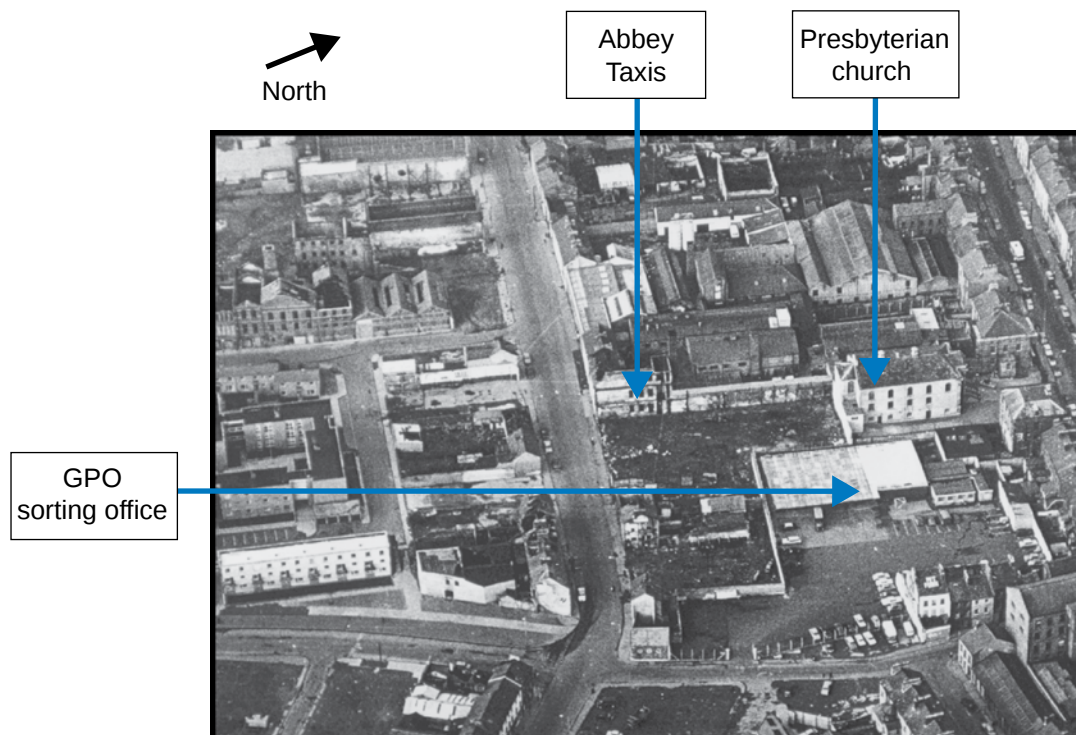
³ [C1318.2](#); [B1377.3](#); [Day 334/3-5](#)

² [B2218](#)

⁴ [WT12.6](#)

12.60 Colonel Wilford agreed with this assessment and asked Major Loden to reconnoitre a route over the wall to the west of the church with a view to getting a platoon forward to a derelict building on William Street.¹ This building, which is shown in the photograph and map below, was, as we have noted earlier, generally known as Abbey Taxis, since a firm of that name had been based on the premises. The nine east-facing windows looked out onto an area of waste ground, formerly the site of Richardson's factory (or Richies), which extended to William Street to the south, the Presbyterian church to the north, and the GPO sorting office to the east.

¹ [B947](#)



12.61 Major Loden then met his Platoon Commanders at about 1245 hours (on his timing) at the junction of Queen Street and Great James Street. He warned the acting Commander of Machine Gun Platoon, Sergeant INQ 441, that his platoon might be required to deploy forward to Abbey Taxis.¹ In his written statement to the Widgery Inquiry, Major Loden recorded that he had by then decided “*that the disused building would provide a second route into William Street, in addition to the one over the wall on the East side of the church*”, so that he would be able to deploy two platoons simultaneously in an arrest operation.²

¹ B2212; B2218

² B2218

12.62 If this evidence is an accurate reflection of Major Loden’s thinking at the time, it is clear that at this stage he continued to envisage using the wall to the east of the Presbyterian church as a deployment point for at least some of his company. However, when the arrest operation was subsequently launched, Support Company (with the exception of Machine Gun Platoon, which could not extricate itself from the positions that it had taken up in Abbey Taxis) moved along Little James Street and through Barrier 12. There is conflicting evidence as to when the decision was taken to abandon the (eastern) wall route in favour of the use of the Little James Street barrier, and when this decision was communicated to Major Loden.

12.63 Colonel Wilford gave two written statements to the Widgery Inquiry. In the first he stated:¹

“Major Loden Commanding Support Company met me at the Presbyterian Church and informed me that he thought it too difficult to pass a large number of troops through the wire. I agreed with him but asked him to recce a route forward over the wall to the West of the Church. This he did and found it was possible with difficulty to get forward to the derelict house ... I told him to be prepared to filter up one platoon this way and made up my mind that I would have to use the Little James Street approach if I was to get any number through in time to catch the rioters.

All reconnaissance was now complete and we settled down to wait.”

¹ B947

12.64 This statement refers to Major Loden making a reconnaissance of the west wall route before Colonel Wilford decided that he would have to use the Little James Street route. Major Loden’s evidence is that a reconnaissance of this area was conducted at about

1515 hours,¹ but it is not entirely clear whether this is the reconnaissance to which Colonel Wilford was referring.

¹ B2218

- 12.65** Colonel Wilford sought to clarify his evidence on the change of plan in a supplemental written statement for the Widgery Inquiry:¹

“The wire referred to was a wire fence across the wall at the side of the Presbyterian Church. This happened about 13.00. I told OC Support Company that if we were ordered to move to effect arrests we should probably have to use the Little James Street route. After making our reconnaissance of the barriers in the morning we had discussed the use of vehicles by that route.”

¹ B972

- 12.66** The two statements do not expressly record when Colonel Wilford came to these conclusions about the deployment of Support Company, nor when he informed Major Loden of his thinking in this regard. However, they can be read as suggesting that his preferences were established at 1300 hours, and it might be that Colonel Wilford came to give his oral evidence to this Inquiry on the basis of such a reading. His final oral evidence was to this effect,¹ although he had earlier stressed that he could not recall the precise timings involved.²

¹ Day 314/34-35; Day 314/63-75

² Day 312/49-56

- 12.67** Despite Colonel Wilford’s evidence on this point, there is a substantial body of material to suggest that it was not until much later in the day that Major Loden learnt that Support Company would be ordered to move through Barrier 12, with the Presbyterian church wall route being abandoned. If correct, this would mean either that Colonel Wilford did not change the preferred plan as early as he thought, or that he failed to communicate this change to Support Company.

- 12.68** First, there seems little doubt that, until about 1600 hours at the earliest, so far as Major Loden was concerned, the working plan remained to put Support Company soldiers into William Street through the Presbyterian church routes, the only change being to use the wall to the west of the church as well as the wall to the east. Major Loden said that he had explained this to his Platoon Commanders at about 1245 hours, after talking to Colonel Wilford.¹ According to his evidence to the Widgery Inquiry, at 1516 hours Major Loden sent platoon reconnaissance parties to “*look at the obstacles over which they might have to assault*”.² It is clear from Major Loden’s written evidence for the Widgery Inquiry³ that

the obstacles included the wall to the east of the Presbyterian church. Then, at about 1540 hours, he moved Machine Gun Platoon to the derelict building, ordered Mortar Platoon to cut the wire on top of the wall to the east of the church, and gave Composite Platoon a Warning Order to deploy forward to the open ground to the south of the church.⁴ There is no mention, either in Major Loden's Diary of Operations (a record compiled on 31st January 1972)⁵ or in his evidence to the Widgery Inquiry,⁶ of any alternative plan to move (in whole or in part) via Barrier 12 until 1600 hours. At that time he received a Warning Order from battalion headquarters to be prepared to assault the rioters in William Street through the barrier (Barrier 12) in Little James Street.⁷ He told us that this was when he was first informed that the Presbyterian church route was being abandoned in favour of deployment through Barrier 12.⁸

¹ B2218

⁵ B2212

² B2218

⁶ B2218-2220

³ B2218

⁷ B2212; B2220

⁴ B2212; B2218-2219

⁸ Day 344/50

12.69 Second, on receiving the order, Major Loden sought to recall Machine Gun Platoon from Abbey Taxis.¹ This was a further change to the earlier plan – as discussed with Colonel Wilford during the reconnaissance – which envisaged one platoon entering William Street from the west of the Presbyterian church. Major Loden clearly interpreted his new orders as being to deploy his whole company through Barrier 12.² In fact, Machine Gun Platoon was unable to comply because high walls blocked their route back from Abbey Taxis, as we describe later in this report.³

¹ B2220

³ Paragraph 18.154

² B947; B2212; B2218

12.70 Third, there is evidence from a number of Support Company soldiers (including Lieutenant N, the Commander of Mortar Platoon, and Sergeant O, his Platoon Sergeant) that the order to be prepared to deploy over or through the wall was changed only after an incoming shot had struck a drainpipe on the east side of the church. This event, which is discussed later in this report,¹ occurred only a few minutes before 1600 hours.²

¹ Chapter 19

² Day 322/118-119; B397-398; WT12.61-63; WT13.10; B801; B466; WT13.24; WT13.35

12.71 For these reasons, we are satisfied that, although Major Loden was aware from the outset that the pre-arranged plan to use the Presbyterian church route might be changed to going through one of the Army barriers, he was not informed by Colonel Wilford until the Warning Order, at about 1600 hours, that he had to be prepared to carry out the arrest operation through Barrier 12.

12.72 Colonel Wilford suggested, during his oral evidence to this Inquiry, that the actions of Major Loden and Support Company at and around the Presbyterian church were examples of contingency planning;¹ in other words, although Major Loden knew that he would probably deploy through Barrier 12, he was ensuring that he had properly prepared other routes. The weight of the evidence set out above is such that we are not persuaded by this suggestion. If Major Loden had been aware from an early stage that he would probably deploy through Barrier 12, then he would have put his company's primary efforts into that objective, rather than seemingly ignoring it until 1600 hours while exposing his men to considerable risk – such as cutting wire on a high wall in view of the Bogside, or asking a platoon to deploy forward over difficult ground – in an effort to examine possible alternatives. Colonel Wilford and those representing him were correct to stress that it was important for commanders to retain flexibility in the execution of the arrest operation,² but the point at issue is not the nature and efficacy of the different tactics contemplated by Colonel Wilford in order to meet shifting circumstances, but when the change in the preferred plan regarding the deployment of Support Company was made, and when this was communicated to Major Loden.

¹ Day 314/72-75

² FS7.847

12.73 In this respect, we are satisfied that, though Colonel Wilford had never closed his mind to sending Support Company through a different route from the Presbyterian church, it was probably not until about 1530 hours at the earliest that he started seriously to consider Barrier 12 as his principal option. As described hereafter, it was at this time that 1 PARA sent a message to 22 Lt AD Regt to be prepared to open Barrier 12 (and Barrier 14) “*should we require to push through them to disperse these crowds*”.¹ Had Colonel Wilford come to this conclusion earlier, he would surely have informed Major Loden, as he easily could have done either in person or via the battalion radio net.

¹ W123 serial 286

12.74 The question of when Colonel Wilford chose to deploy Support Company in vehicles rather than on foot is relevant in this connection. In his evidence to this Inquiry, Colonel Wilford stated that even after he had decided that Support Company would probably move through Barrier 12, he still envisaged that it would do so on foot. It was only later in the day, although he could not remember precisely when, that he changed his mind, believing that vehicles would be required to ensure that Support Company got behind the rioters.¹ Colonel Wilford agreed that Major Loden might not have known until just before 1600 hours that he would be ordered to deploy through the barrier in Armoured Personnel Carriers (APCs).² Although he felt that Major Loden had been informed earlier that Little James Street would be used whatever the means of deployment, in our view the time at

which Colonel Wilford decided to use vehicles might well also have been the time at which he chose to alter the planned route.

¹ [Day 314/58-67](#)

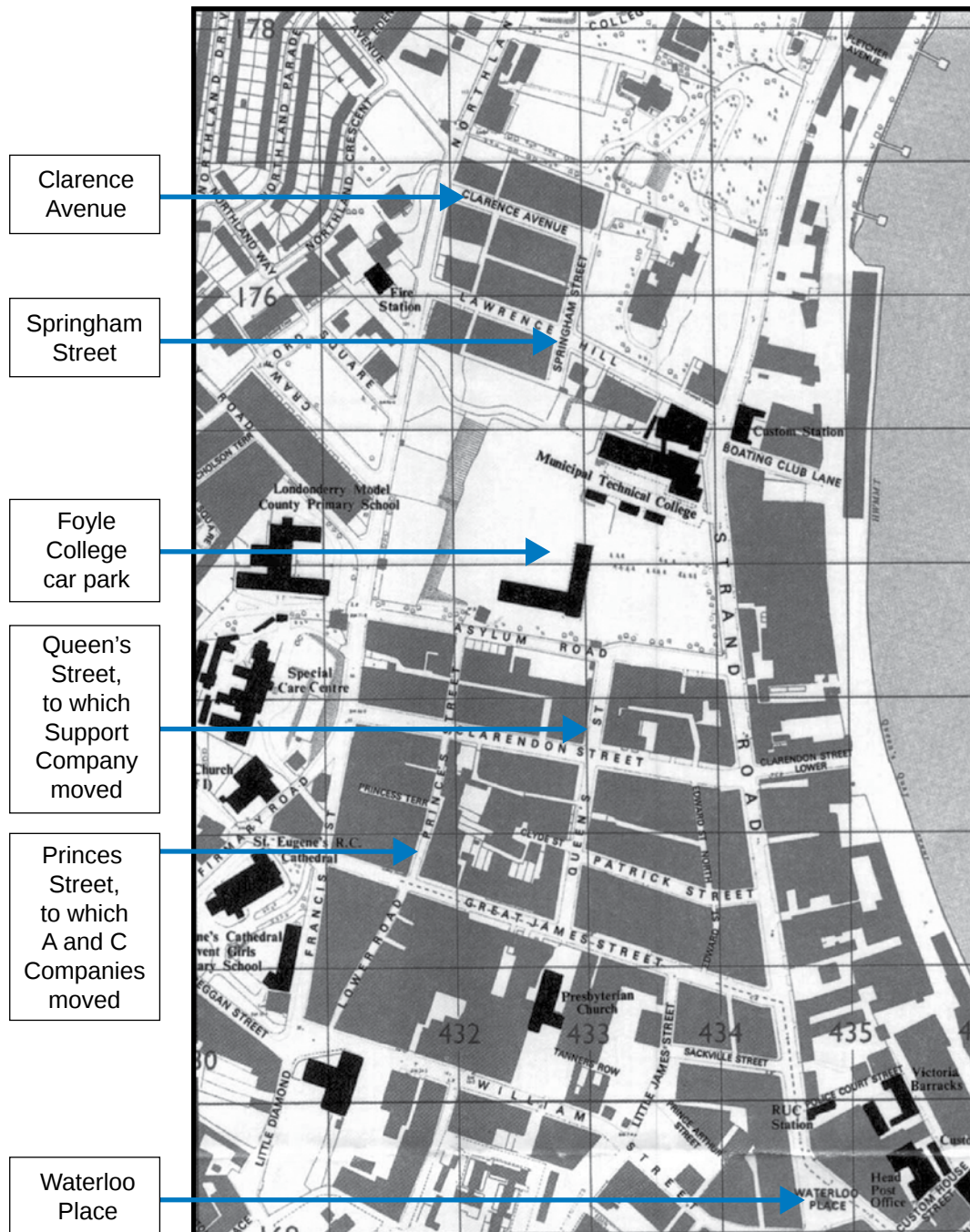
² [Day 314/65](#)

- 12.75** It follows that, in our view, Colonel Wilford was mistaken in his evidence to us on the question of when the Presbyterian church route was abandoned in favour of going through Barrier 12 and when that change of plan was communicated to Major Loden.

The move to Assault Positions

- 12.76** At about 1516 hours, Colonel Wilford ordered A, C and Support Companies to move from their Forming Up Positions (FUPs) into Assault Positions in 15 minutes.¹ A and C Company were to move from Springham Street and the Foyle College car park respectively to Princes Street; and Support Company from Clarence Avenue to Queen's Street. As shown on the following map, Princes Street and Queen's Street led into Great James Street.

¹ [B2212](#); [W90](#) serial 23



12.77

These companies duly started to move at 1530 hours, and at this time Colonel Wilford ordered C Company to be prepared to move through Barrier 14 (the barrier in William Street) on the left (east) flank of Support Company.¹ In consequence, at 1545 hours, C Company was concentrated (in vehicles) at Waterloo Place, close to the eastern end of William Street.²

¹ ED49.9

² ED49.9

Chapter 13: The organisation of the civil rights march

13.1 Although the civil rights march was held under the auspices of the Northern Ireland Civil Rights Association (NICRA), the Derry Civil Rights Association was principally responsible for organising the march.¹ However, Kevin McCorry, who told us that he was in effect the chief executive officer of NICRA at the time,² was in Londonderry during the week before the march, oversaw the arrangements for stewarding the march and was made Chief Steward. As we have already mentioned, he told us that recruitment of stewards for the day was left entirely in the hands of Gerry “the Bird” Doherty, a local man from Londonderry and a well-known local Official Republican. Kevin McCorry also told us that he thought between about 200 and 250 stewards were recruited and supplied with white armbands, though he agreed that he had not “*in specific terms*” put his mind to the question of how many stewards would be needed for the size of crowd that was anticipated. Asked about the instructions that were given to the stewards, Kevin McCorry said:³

“A. Well, the instructions were that they were to maintain – first of all – that the demonstration was led by the lorry and we laid great stress on the fact that the people who were taking part in the demonstration would be marched behind the lorry, that we would ensure that they marched in a sort of disciplined fashion. For example, we would line them up in, you know, six abreast or whatever; those sort of considerations and those sort of things were what we all understood were necessary for the march.

Q. What about blocking off roads along the route?

A. What they did was, if you like, it was sort of like a rolling operation. Some of the stewards would have ran forward and blocked off a road to ensure that the march – until the march went past and then gone to another, another location and did the same.

Q. Is that something you discussed with them before the march, or just something that happened?

A. That would have been really, I think would have been Gerry’s sort of thing. I mean, I do not recall specifically remembering that discussed as something that had to be done. I just remember that that was the way it was working, but certainly the emphasis – I mean, we all understood the necessity for a peaceful demonstration and a non-confrontational demonstration and we were doing all we could to ensure that that was

the case, and in the circumstances the stewards acquitted themselves, I am convinced, extremely well and, you know, and very, very creditably.”

¹ KB2.13

³ Day 129/51-54

² Day 129/128

13.2 Kevin McCorry agreed that he had reported to the NICRA executive before the march that, in broad terms, the organisation and arrangements were satisfactory.¹ Jimmy Doris, another member of the NICRA executive, told us that the executive was “*fairly satisfied*” with the stewarding arrangements.²

¹ Day 129/54-55

² Day 124/22

13.3 The 1972 interview notes of the *Sunday Times* journalist John Barry paint a somewhat different picture. According to these, Kevin McCorry described himself as being “*fairly appalled at the state of unpreparedness*” when he arrived in Londonderry on 27th January; and that he had to rely, among others, upon the Official IRA to provide stewards.¹ Kevin McCorry told us that these notes were inaccurate and that John Barry had put words into his mouth,² but in our view they do represent a reasonably accurate record of what he told John Barry.³

¹ KM2.3

³ Day 129/182-185

² KM2.21; Day 129/97; Day 129/102-103

13.4 It was submitted on behalf of some of the soldiers that: “*The Tribunal will need to consider whether it was appropriate that known members of terrorist organisations should have been asked or permitted to act as stewards on what was intended to be a peaceful civil rights march.*”¹

¹ FS8.918

13.5 It is clear that NICRA executive member Jimmy Doris would not have been happy for anyone who was involved with violence to take part in stewarding the march.¹ However, to our minds the relevant question in the context of this Inquiry is not the general appropriateness of employing such people as stewards, but whether any of them with paramilitary connections used – or sought to use – their position to frustrate NICRA’s intention to hold a peaceful civil rights march. As we have previously observed, we have found no evidence to suggest that this was, or might have been, the case.

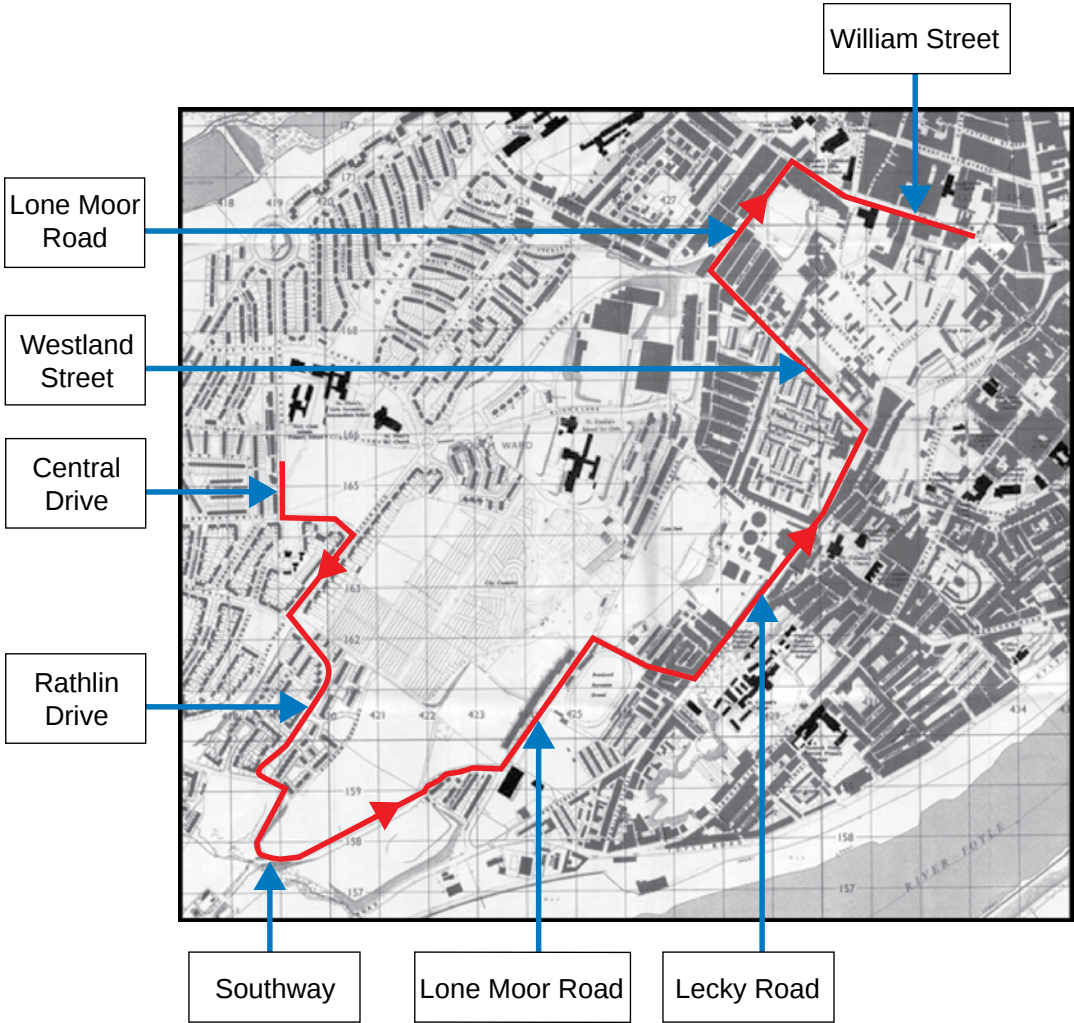
¹ Day 124/63

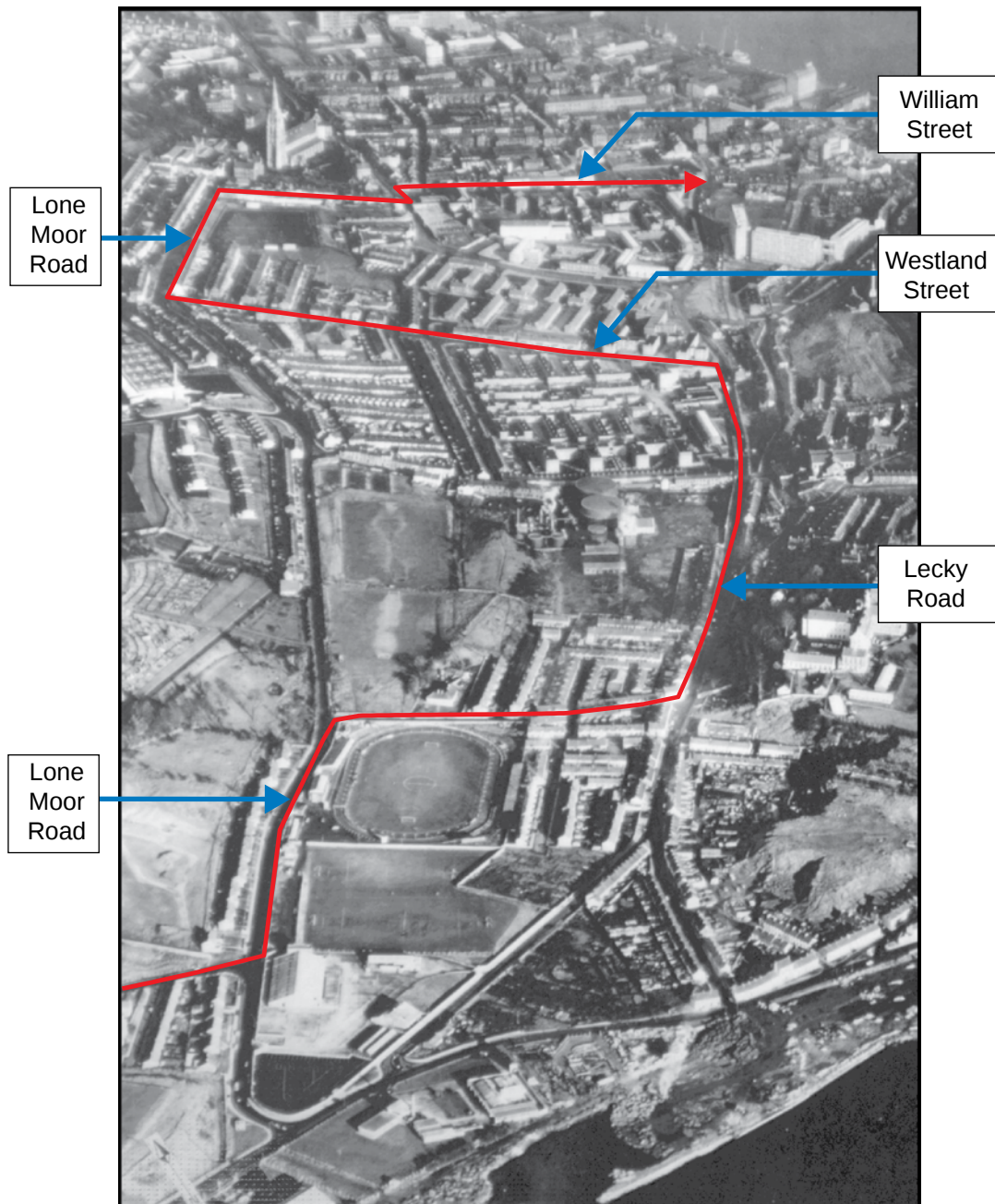
Chapter 14: The beginning of the march

- 14.1** The civil rights march began at Bishop's Field, where people began to gather from about 2.00pm onwards.



- 14.2** The march set off at about 2.45pm, taking a roundabout route through the Creggan, down Central Drive, to the east along Linsfort Drive, into Iniscarn Road and Rathlin Drive, then into Southway and along into Lone Moor Road. The march turned at the Brandywell Recreation Ground into Brandywell Road and then up Lecky Road, turning left up Westland Street, into Lone Moor Road and then past St Eugene's Cathedral and down William Street to the junction with Rossville Street. The route of the march to this point is depicted on the following map and photograph.



**14.3**

The day was cold but bright and sunny. Many witnesses described the march as having a carnival atmosphere, though some were apprehensive and many regarded it as a serious matter because of the importance of its political message.¹ A lot of people were well dressed (many having previously been to church) and there was singing of “We shall overcome” and the like. Several witnesses said that they had no qualms about participating despite the risk of a mandatory sentence of imprisonment for doing so, believing, as they did, that the Government had no right to ban them from marching in their own city, and sensing that this would be an historic day in which popular protest

against perceived injustice could make its point by sheer weight of numbers. Many of those who attended were seasoned marchers; others attended for the first time because they saw it as important to stand up and be counted. In some cases their willingness to take part was strengthened by the fact that respected community figures were going on the march and that Lord Brockway, a life peer and civil rights campaigner, was to speak. The majority of people on the march were intent on making a peaceful protest. They came from all walks of life, including people with no political persuasion and those accompanied by their children. As well as Londonderry residents, marchers came from Belfast and elsewhere. Kevin McCorry, the chief organiser, came from Belfast.

¹ In his first written statement to this Inquiry, Charles McDaid said that an anonymous female caller had telephoned his wife on the morning of 30th January 1972, leaving a warning that he should not attend the march because “*the paras are coming in and coming in shooting*” (AM161.1). In his oral evidence, he said that he knew the identity of the caller; she was Jean Manning who, he said, was in January 1972 a telephonist employed by the RUC at Strand Road Barracks (Day 60/126-128). Subsequently, the Inquiry obtained evidence that indicated that Jean Manning (who is now deceased) had not commenced employment as a police telephonist until March 1973. Jean Manning’s sister confirmed that Ms Manning had not been in any form of employment in January 1972 (AS47.1; Day 422/75). We are accordingly of the view that there was no such conversation and consider that Charles McDaid’s memory must have been playing tricks on him. We are sure that Jean Manning made no such telephone call.

14.4

At the same time there were a substantial number of people on the fringes of the march who saw it not as a means of protesting for civil rights, but as an opportunity to engage in rioting against the troops. As one witness put it:¹ “*My attitude to the march was ‘fuck civil rights, fuck the British army we are going to the Guildhall’.*” Others said that they had “*no intention of poncing about on a march*”,² for example, and were intent on rioting because they wanted revenge for what had happened at Magilligan Strand the previous weekend. So they marched with clubs and similar weapons, concealed under coats, because had the weapons been seen by other people on the march “*we would have been lynched*”.³ According to a note in the *Sunday Times* newspaper archive,⁴ Bernadette Devlin (now Bernadette McAliskey) expressed the view that it was obvious from the word go at Bishop’s Field that half the people on the march were aiming on violence. In her evidence to us, Bernadette McAliskey denied that she had said any such thing, but in our view she may well have done so.⁵

¹ AM97.1

⁴ KD4.5

² AM37.6

⁵ Day 112/41-43

³ AM421.1

14.5

A flatbed coal lorry initially led the march. This was driven by Thomas McGlinchey, from a well-known republican family and at the time also a member of the Provisional IRA.¹ It seems that the lorry had originally belonged to his brother, who had been interned in August 1971; the lorry had then been acquired or used by Thomas McGlinchey for the family coal business.² There were several people on the lorry, some holding up a Civil

Rights Association banner. The marchers increased in number as the march proceeded, particularly when it got to the Brandywell area of the city, where it met with a large crowd. There is no doubt that those organising the march wanted the lorry to continue to lead, but despite efforts by stewards to achieve this, at about this stage many joined the march in front of the lorry, as can be seen in the following photograph.³

¹ AM249.1

³ KM2.5; KM2.24; Day 129/111

² AM247.1; AM250.1; X4.21.1-2



14.6

Many witnesses were surprised by the size of the turnout, though the estimates of the numbers who marched varied. Daniel McGuinness, who was on the march, told us¹ that he had made an estimate based on the fact that when he reached the bottom of Westland Street, the banner at the head of the march was turning right along Lone Moor Road, and that when he got to the top of Westland Street and looked back, the end of the column of people was just entering the bottom of Westland Street. Judging the distance from the bottom to the top of Westland Street to be about 500 yards, and taking the marchers to be about 15 across the street, and at intervals of a yard, he reached a figure of about 15,000 marchers. Others gave a similar figure, and the RUC put the number at 10,000,² though a report from Colonel Welsh in the helicopter at 1542 hours described the crowd as very spread out and in his view numbering only in the region of 2,000.³ In the light of all the evidence, we are satisfied that well over 10,000, and possibly as many as 15,000, marched in Londonderry on that day, many joining the march along its route.

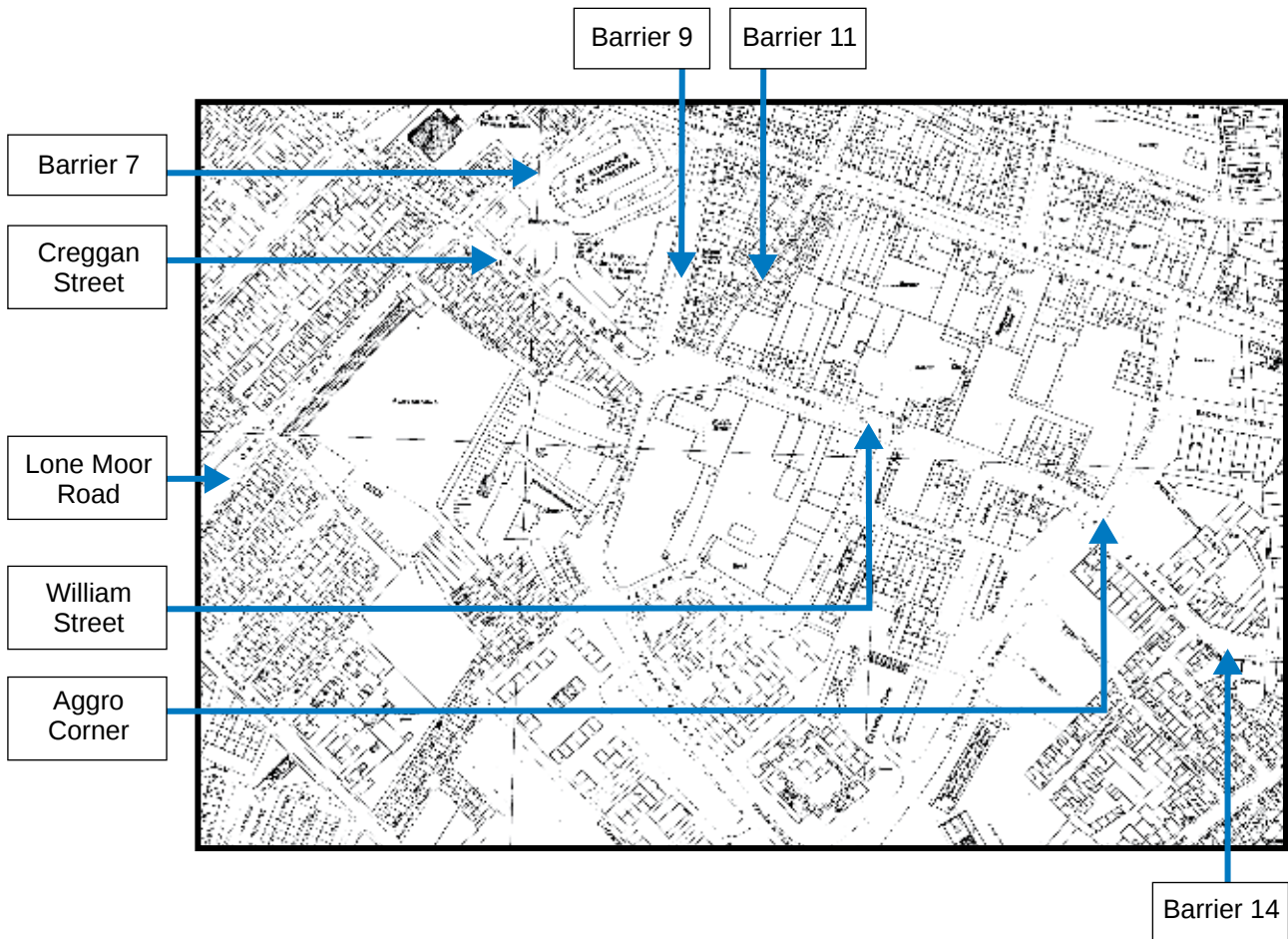
¹ Day 96/36

³ W124 serial 326

² W124 serials 302 and 305

14.7 As the march reached the end of Lone Moor Road, turned right into Creggan Street and approached William Street, it got close to Army Barriers 7, 9 and 11. Here stewards lined up along the side of William Street to prevent the crowd from approaching these barriers, and though the soldiers there were subjected to jeers and insults from the crowd, there were no reported incidents of violence.¹

¹ Day 298/64; W121 serial 251; W122 serials 257-259 and 262



14.8 The following photograph, taken from William Street, shows the marchers passing the end of Francis Street. Barrier 9 can be seen in the background.



14.9 The march entered William Street from Creggan Street at about 3.15pm. Among the famous photographs of the march coming down William Street is the following.



14.10 The soldiers closed the barriers as the march approached. Barriers 7, 9 and 11 were closed at about 1526 hours and Barriers 12 and 13 at about 1531 hours.¹ Barriers 14, 15, 16 and 17 seem to have been closed a short time earlier.²

¹ [W121](#) serials 248 and 253

² [W120](#) serial 229

Chapter 15: Rioting at Barrier 14

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The change of route

15.1 As already noted,¹ the organisers had advertised the march as going to Guildhall Square (Shipquay Place), where speakers would address the marchers. However, on the morning of the day (and probably not until about noon) the organisers took the final decision not to seek to go to Guildhall Square, as this would inevitably lead to a confrontation with the security forces.² Instead, they decided that the marchers would be turned right at the junction of William Street and Rossville Street and would go along Rossville Street to Free Derry Corner to hear the speakers there. However, there was some evidence that it was also planned that two of the Northern Ireland Civil Rights Association (NICRA) Executive members should go on down William Street to make a formal protest to the security forces barring the way to Guildhall Square.

¹ Paragraphs 9.730–733

² Day 125/27; Day 125/30

15.2 Kevin McCorry told this Inquiry that the organisers decided not to make a public announcement of the change of route because “*we were not prepared for the authorities to define what we could do*”, but that they did pass the message about the change to the stewards “*by word of mouth*”.¹ In his oral evidence Kevin McCorry agreed that this meant that it was “*on the cards*” that some of the crowd would think that the march was still going to its advertised destination.²

¹ KM2.17

² Day 129/72

- 15.3 It was submitted to this Inquiry on behalf of NICRA that in addition to the political reason for not announcing the change of route at the outset, there was a safety reason, namely *“the danger that elements of the crowd would leave the field and proceed in an unorganised manner in the direction of Guildhall Square”*.¹ However, we have found nothing in the evidence that indicates to us that this was or might have been a reason for the decision not to announce the change of route at the outset.

¹ FS10.102; FR10.48

- 15.4 In the course of Kevin McCorry's oral evidence, there was this exchange:¹

“Q. I take it from all that you have been telling us so far that you realised, by ‘you’ I mean you and other members of the Executive Committee, that the route of the march might be blocked so that you would not be able to reach the Guildhall?

A. Yes, that is correct.

Q. Did you also appreciate, given that Derry was somewhere where there was pretty regular rioting and this was likely to be a huge march, that there was a risk that there would be a violent confrontation between some of the marchers and the army at whatever place the march was stopped at?

A. Certainly there was always that, that was always in the – a factor taken into consideration, yes.

Q. Did you have any plans to prevent that confrontation?

A. Yeah, well the plans involved the, what we hoped – the way that the stewards would control the situation at that particular time, yes.

Q. What are you referring to?

A. Well, specifically, as it worked out, it was the question of the role of the stewards (a) at the William Street/Rossville Street junction, and then, if necessary, what did subsequently happen in terms of the stewards going down and interposing themselves between the youths and the barrier and try and push them back to the main demonstration.

Q. Can I understand it: if you were barred from going to the Guildhall, the lorry would turn to its right down Rossville Street at the junction with William Street; is that right?

A. That is correct, yeah.

Q. And what about the east end of William Street, that is to say from the junction with Rossville Street towards the Guildhall, were people to be allowed to go down that end?

A. No, the object of the exercise would be to ensure that the body of the march followed the lorry to the destination – to the Free Derry Corner, where the meeting was to be held.

Q. How were people to be stopped from going down the east end of William Street?

A. By placing the stewards there, would be the – probably the – yes.

Q. That was something that was thought about, was it, before?

A. No, I am not, I mean I am speculating on that, I mean, but that would have been – what would have been – we would have wanted to do was to make sure that the vast bulk, obviously the optimum scenario would be that the entire march followed the lorry to the meeting at Free Derry Corner and that the stewards would ensure this.

Q. Forgive me, you were the chief steward; I do not quite know why you need to speculate. Was it or was it not the plan that stewards would prevent people from going down to the east end of William Street from the junction?

A. It would have been it, yes, it would have.

Q. We have heard from Edwina Stewart that there may have been a plan for two people, herself and Jimmy Doris, who in the event did not make it to the march, to go and make a formal protest at the barrier if the march was stopped from going to the Guildhall; were you aware of that?

A. I have seen that in the sort of the references to it, but I do not recall that, but certainly that would have – that would be the sort of thing to take the heat out of the situation, that would have made sense.”

¹ [Day 129/48-51](#)

15.5

Thomas McGlinchey (the lorry driver) told us in his evidence that he believed that he had been told to go to Free Derry Corner from the outset.¹ This may well be so, but it is clear that many, if not most, marchers (and a number of the stewards) were unaware of the change of plan. There was no public announcement of the change when the march began, though the word was passed to some stewards. Even when the march got to

William Street, there were stewards who remained unaware that the route had been changed.²

¹ AM249.1

² Day 153/122; Day 176/53-54; Day 176/58

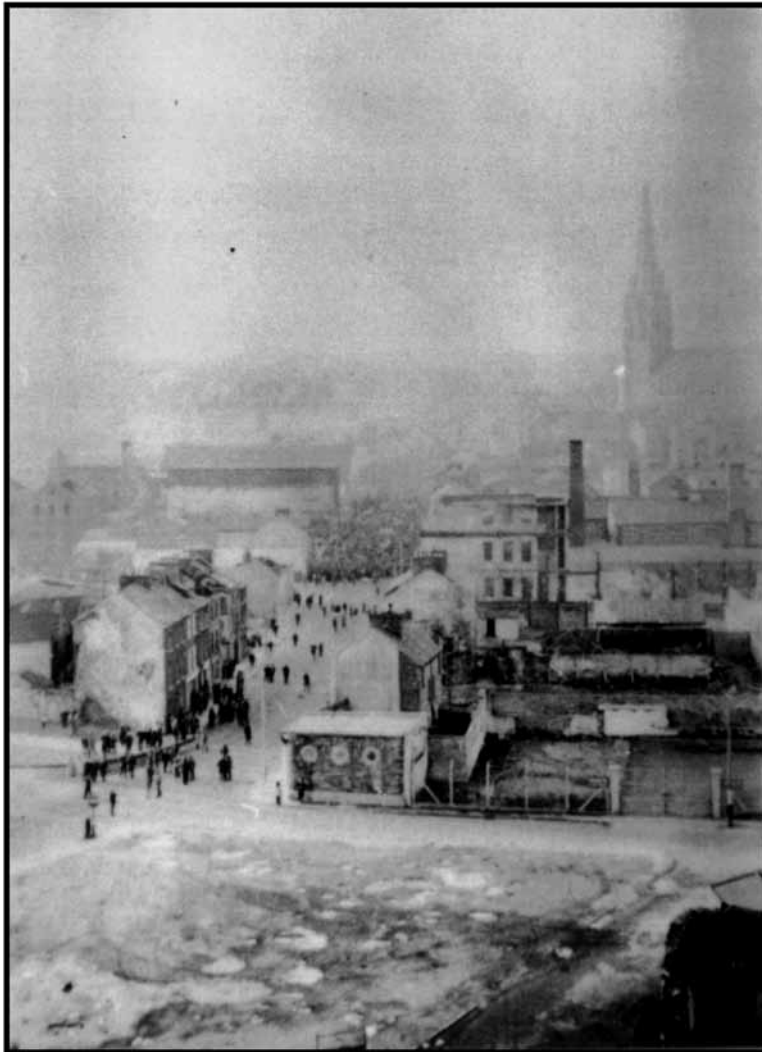
The junction of William Street and Rossville Street

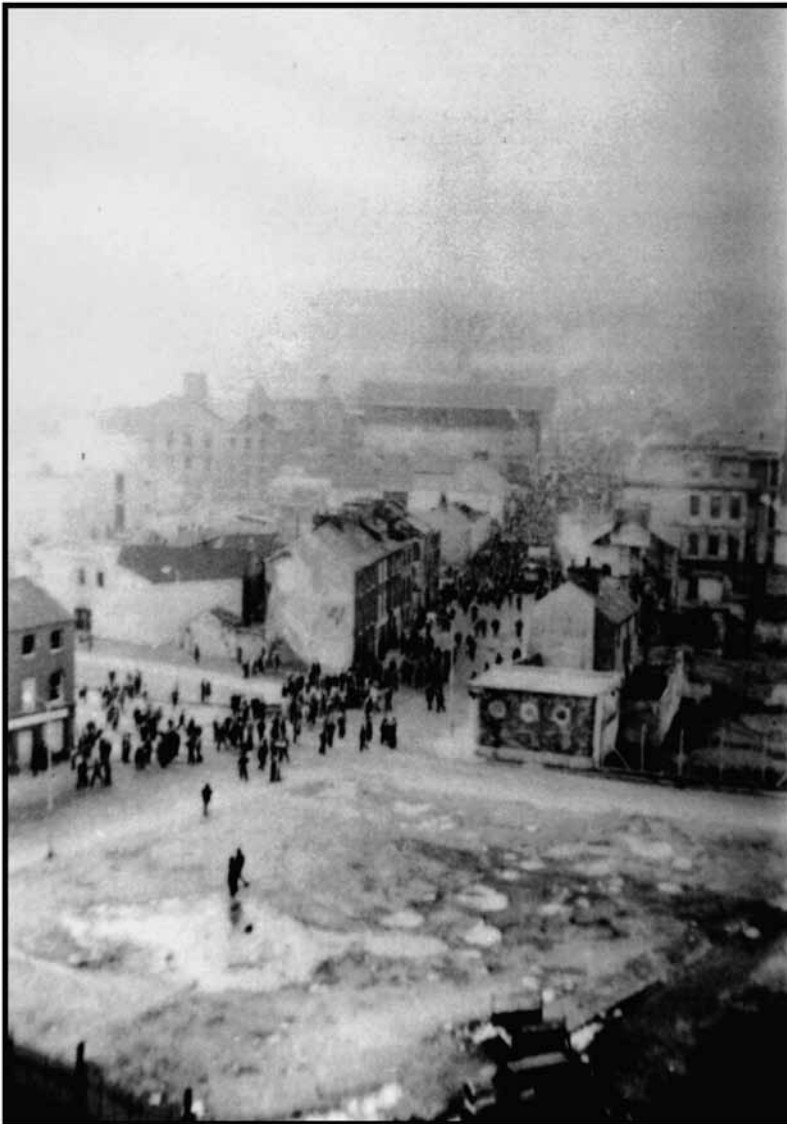
15.6 As the march approached Abbey Taxis in William Street (ie the derelict building to which Machine Gun Platoon of Support Company was sent a few minutes later), the photographs below show that there was a line of stewards (identifiable by their white armbands) facing the marchers.

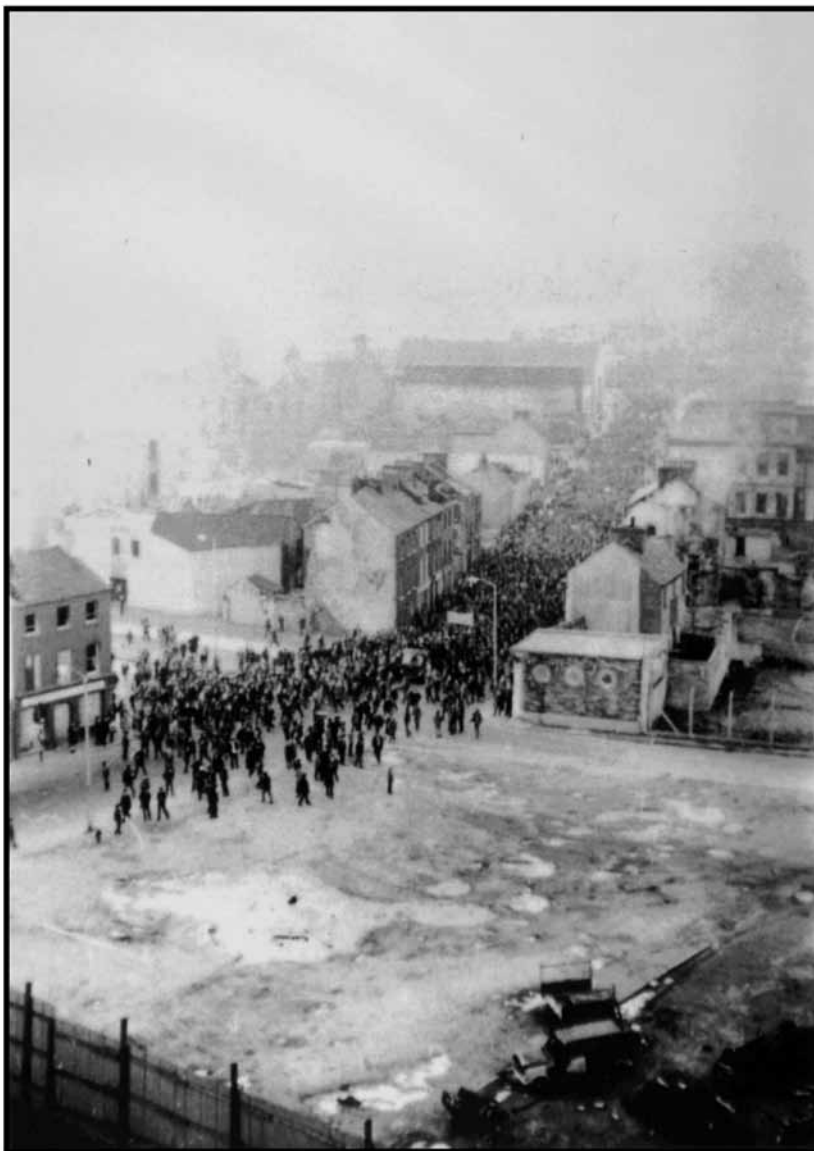


- 15.7** The march reached the junction of William Street and Rossville Street at or shortly before 3.35pm.¹ By this time, the line of stewards seems to have dispersed or been outflanked, for the following photographs taken by Colonel Tugwell from the Embassy Ballroom OP show no body, line or cordon of stewards awaiting the arrival of the marchers.

¹ [W158](#); [W169](#)







- 15.8** Patrick McCallion, who was on the march, told us that he saw about five stewards at the junction who were linked arm-in-arm trying to stop people going to Barrier 14, but that there were not enough of them to hold back all the marchers trying to get past them. However, Patrick McCallion also told us that he was about 100–200 yards behind the lorry as it went along William Street, and that by the time he got to the junction the lorry had already turned into Rossville Street.¹ It seems therefore that he was not describing the scene at the time the lorry arrived at the junction. We can see no stewards in Colonel Tugwell's photographs standing arm-in-arm or otherwise. Even if there were some stewards there at this time, they clearly had had little success in diverting people into Rossville Street. The organisers intended the marchers to follow the lorry, which did turn

into Rossville Street despite shouts and screams from some marchers for it to continue down William Street, but the youths who had been in front of the lorry lost no time in running on towards Barrier 14, which was some 120 yards further along William Street. Many marchers followed them, as can be seen in the following photographs.

¹ [AM74.1; Day 71/140](#)



15.9 Those running on towards Barrier 14 included seasoned rioters who were holding sticks and stones and were clearly intent on engaging the soldiers at Barrier 14. Someone shouted “*charge!*” at this time.¹

¹ AM97.1; AM146.1-2; AP18.1-2; M79.1

15.10 In our view what happened was that by the time the lorry had reached the junction of William Street and Rossville Street many people were in front of the lorry. Despite appeals through the loudspeaker on the lorry for people to turn right and go along Rossville Street to Free Derry Corner, a sizeable body of people, marchers as well as those intent on rioting, continued down William Street. The result was that soon afterwards that part of William Street between the junction with Rossville Street and Barrier 14 became full of people. Kevin McCorry, who was on the lorry, told us that this happened because the lorry did not stop at the junction, but turned right before stopping in Rossville Street. However, though this may have been a contributory cause, it seems to us that the failure to inform the marchers that the destination had been changed to Free Derry Corner, and the absence of any, or any sufficient number, of stewards at the junction or in William Street, were at least equal causes of marchers (as opposed to those intent on rioting) continuing along William Street. Kevin McCorry told John Barry of the *Sunday Times* that “*the problem was that no stewards had been taken and given the specific responsibility of being on that corner*”.¹ Kevin McCorry acknowledged to us that there was a “*momentary*” loss of control of the march at that point.²

¹ KM2.6; Day 129/117-118

2 Day 129/61-62

15.11 As to those intent on rioting, it was submitted on behalf of some of the soldiers that if it had been the intention of the march organisers to prevent the occurrence of rioting at the Army barriers, it was self-evident from the rioting at Barrier 14 (which we discuss in detail below) that either the number of stewards was inadequate, or the available stewards were inappropriately positioned.¹

1 FS8.919

15.12 In our view there is no doubt that the organisers of the march wanted to have a large and peaceful procession. It also appears from the evidence given by Kevin McCorry that it was appreciated that if the march were stopped from going to Guildhall Square, the occasion was likely to lead to rioters accompanying the march and seeking to attack soldiers at the barriers. Kevin McCorry's evidence was to the effect that the plan was to have stewards at the junction of William Street and Rossville Street to prevent people going further along William Street; but, assuming this to be so, it seems that none of the stewards was given specific instructions in advance to this effect, with the result that

when the front of the march reached the junction there were few if any stewards there and no means of seeking to prevent people from continuing along William Street.

- 15.13** We consider, therefore, that there were shortcomings in the organisation of the march. However, it seems to us that even if stewards had been stationed at the junction, in view of the wide-open spaces there it would have been difficult if not impossible for them to have stopped all those intent on confronting the soldiers who were blocking access to Guildhall Square. The organisers of the march wanted to make a peaceful protest, but must have known that whatever they did there was likely to be trouble from elements intent on rioting.

Barrier 14

- 15.14** The people who led the way along William Street stopped short of Barrier 14 at the junction with Chamberlain Street, as can be seen from the following photographs.





- 15.15** There was at this time some stone-throwing from this group, aimed at the soldiers and police behind Barrier 14, but soon some stewards managed to get in front and tried to prevent the people moving further forward towards Barrier 14, as shown in the photograph below.



- 15.16** Meanwhile many marchers had either stopped at the junction of William Street and Rossville Street, or continued down William Street, rather than turning right into Rossville Street, as can be seen from the photograph below.



- 15.17** Some of these marchers brought with them the NICRA civil rights banner that had previously been on the lorry. This can be seen in the following photograph.



15.18 There was a loudspeaker on the lorry. Kevin McCorry told this Inquiry that the plan had been for the lorry to stop briefly at the corner of William Street and Rossville Street and for an announcement to be made from the lorry that the march was going to Free Derry Corner, but this did not happen.¹ Thomas McGlinchey (the driver) told this Inquiry that he had received no such instructions.² The lorry (according to what Kevin McCorry told John Barry of the *Sunday Times*) went round the corner “*much too fast*”³ and it may be that no announcement was made from it until it had gone some way down Rossville Street. Although Thomas McGlinchey told us that he turned and then went on down to Free Derry Corner without stopping,⁴ we believe his recollection on this point is likely to be incorrect. There is other 1972 evidence that the lorry, having started down Rossville Street, reversed back towards the junction between William Street and Rossville Street and later went backwards and forwards on Rossville Street with the loudspeaker continuing to be used to appeal to the crowd to go to Free Derry Corner.⁵

¹ Day 129/59-60

⁴ AM249.5; Day 53/18

² Day 53/17

⁵ KM2.6; JC4.4-6; WT3.35; JM19.4-5; JH10.2

³ KM2.6

15.19 Despite these efforts William Street rapidly became blocked with people. This had the effect of pushing the crowd up to Barrier 14, notwithstanding attempts by stewards to hold it back, while further back the marchers coming down William Street towards the junction with Rossville Street came to a halt. There was thus at this stage very considerable confusion and a loss of control of the march, though stewards at the junction continued to try to turn the marchers down Rossville Street by telling people that the meeting was at Free Derry Corner.¹ The fact that the organisers had chosen not to announce publicly that the march would be going to Free Derry Corner and not Guildhall Square undoubtedly contributed significantly to the confusion at the junction.

¹ H1.3; KM2.6

15.20 It was now some time between 3.35pm and 3.40pm. The stewards in front of the crowd at Barrier 14 continued to try to keep control. Some were facing the crowd, but others were insisting to the security forces that the Derry people had the right to march to the Guildhall.¹ There was a lull in the stone-throwing but the crowd was hostile. People were shouting abuse at the security forces and spitting across the barrier. One person made an attempt to dismantle the barrier. There were chants of “*IRA, IRA*”.² There are photographs (reproduced below) and film footage that show the scene at this time.³

¹ Day 67/61-62

³ Vid 3 01.33

² M66.1









- 15.21** Barrier 14 was manned by soldiers of A Company 2 RGJ, who, as we have described above, were on the day under the command of 22 Lt AD Regt. In all there were some 40 soldiers at or in the immediate vicinity of this barrier. About 35 Royal Ulster Constabulary (RUC) officers were also near the barrier or at the junction of William Street and Waterloo Place.¹ Shortly before 3.40pm Inspector Junkin, an RUC officer from Castlereagh, Belfast, who had been detached to Londonderry for the march, used a loudhailer to give two warnings to the crowd to disperse.² He was standing alongside Major INQ 2079, the Company Commander of A Company 2 RGJ, behind Barrier 14.³ The first warning was

met with jeering and abuse and a renewal of stoning, which caused him and the Company Commander to retire behind one of the Army vehicles close to the barrier. After the Inspector had come forward to give the second warning a stone nearly hit him in the face and knocked his cap off. This latter incident can be seen on film.⁴

¹ FS8.951-953

³ C2079.4

² JJ8.1; JJ8.2; W123 serial 288; G114A.743.1

⁴ Vid 1 02.00

Inspector
Junkin



The rioting

15.22 At this stage, as a result of continuing efforts by the stewards, some people started to move back from Barrier 14.¹ Some went back up William Street and then either down Rossville Street or further west, some went down Chamberlain Street or through an alleyway (Macari's Lane) that led off William Street to the Eden Place waste ground in front of the Rossville Flats. However, the rioting continued with the soldiers subjected to further substantial stoning.² After a few minutes of this bombardment the soldiers responded with a volley of some six baton rounds.³ This caused the rioting youths to retire but they soon returned and continued.⁴ At this stage the soldiers brought up a water cannon that had been held at Waterloo Place (at the end of William Street) and, at or shortly before 3.45pm, began to hose the crowd. As will be seen from the following

photographs, there were at this stage substantial numbers of people still in this part of William Street.

¹ M4.1; Day 67/34; AM77.9

³ JS10.1; M4.1

² W169-170 serials 93, 99 and 109; W123 serial 284

⁴ M4.1





- 15.23** A BBC cameraman (the late Peter Beggin) gave an account of what he then saw from the Army side of Barrier 14, in his written statement for the Widgery Inquiry:¹

“Immediately the water cannon opened fire two canisters of CS gas were thrown from the crowd. One landed underneath the water cannon making it untenable for a short time. We all retreated from that immediate area. Very quickly however the crew got back into the water cannon, backed it round the corner and opened it up to air it. The stoning was resumed and several further volleys of baton rounds were fired by the troops.”

¹ [M4.1](#)

- 15.24** As can be seen from film footage and the photographs below the water cannon, which used coloured dye (usually described as purple but sometimes as red) with the object of marking rioters, was initially successful in pushing the rioters back, aided by the CS gas that drifted towards the crowd and affected many people.¹

¹ [Vid 1 02.22](#); [Vid 3 01.51](#); [Vid 1 02.24](#); [Vid 3 02.03](#); [Vid 1 02.46](#); [Vid 1 02.27](#)



- 15.25** Three photographs taken from the Army side of Barrier 14, reproduced below, show the effect on the soldiers and journalists behind the barrier of the CS gas which had been thrown from the crowd.





- 15.26** Some witnesses said that the soldiers at Barrier 14 used CS gas. However, for the following reasons, we are satisfied that this did not happen.
- 15.27** In his written statement for the Widgery Inquiry¹ Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, stated, *“No CS gas was used by Security Forces at Barrier 14. As the water cannon came forward to the barrier, and commenced to hose the rioters, CS canisters were thrown by the marchers.”*
- ¹ [B1114](#)
- 15.28** The Historical Report of 22 Lt AD Regt records the CS gas thrown from the crowd at Barrier 14 and the use of CS gas by the soldiers at Barriers 12 and 13 (which we consider below), but makes no mention of the soldiers using CS gas at Barrier 14.¹
- ¹ [G133.887](#)
- 15.29** A record of events compiled by 2 RGJ, dated 3rd February 1972, sets out the use of the water cannon and baton rounds at Barrier 14 and again refers only to CS gas thrown by the marchers.¹
- ¹ [G114A.743.1](#)

15.30 The Porter tapes include a message from 22 Lt AD Regt to Brigade (at about 1548 hours), after the water cannon had been used at Barrier 14, that “*Some CS [gas] has been used, but this was by them. I repeat: used by them*”.¹

¹ [W125](#) serial 320

15.31 The 22 Lt AD Regt radio log records that 2 RGJ fired between 200 and 250 baton rounds, but makes no mention of their use of CS gas.¹ There is other evidence, from journalists, soldiers and RUC officers, that to our minds shows that the soldiers at Barrier 14 did not use CS gas.²

¹ [W97](#) serial 61

² [M1.1](#); [M4.1](#); [M5.2](#); [B1744-B1745](#); [B1746.4](#); [C573.3](#); [JJ8.2](#)

15.32 In our view the evidence to the opposite effect either is explicable on the basis that the witness wrongly assumed that the gas thrown from the crowd had come from the soldiers, or (especially in the case of three soldiers who, in their evidence to this Inquiry, recollected the use of gas) resulted from confusing this riot with another occasion altogether, not surprisingly bearing in mind the passage of years.¹ One witness in his NICRA statement did describe witnessing the confrontation with the Army at Barrier 14 and “*some minor stone and bottle throwing. The army replied with a hail of C.S. and rubber bullets.*”² This statement (made at a time when emotions were running very high) plays down the severity of the riot and exaggerates the response of the soldiers and is one on which we are unable to place any reliance. Some civilians claimed that they were the ones to throw the CS gas at the soldiers, but their accounts failed to convince us that any of them was in fact responsible.³

¹ [C58.1](#); [B1743.3](#); [B1925.2](#)

² [AO28.6](#)

³ [AD160.1](#); [Day 80/128](#); [Day 80/164](#); [AR28.1](#); [Day 174/95](#); [AO65.1](#); [Day 80/4](#); [APIRA18.3](#); [Day 408/39](#)

15.33 The use of the water cannon and the presence of CS gas caused both the temporary withdrawal of the rioters, and the dispersal of many of the other civilians who had remained near Barrier 14. However, it was not long before rioters and bystanders returned to William Street and disturbances recommenced. The soldiers manning the barrier responded with baton rounds, causing the crowd to seek cover at the entrance of Chamberlain Street before re-emerging. Over the next 20 minutes this pattern continued and the rioting ebbed and flowed as people joined in, watched or drifted away towards the meeting at Free Derry Corner. It is not possible to establish the numbers involved with precision, but it seems likely from estimates made in 1972 reports and statements, as well as the extant photographic and film evidence, that for most of this period there could

have been as many as 200 civilians present in this area and up to about 50 or 60 of them actively rioting. Both these numbers declined as time went on.^{1,2,3}

¹ M11.3; M5.1-2; M44.1; B1800; JH13.1-2; JB13.1; JC10.1; JF1.2; JJ1.1; JM18.6; JM33.1; JS11.10

³ W96; W158-159 serials 48-49 and 52

² W126-128 serials 332, 334, 353-359 and 365

15.34

There is film footage of this period as well as photographs.¹

¹ Vid 1 02.50; Vid 1 03.04; Vid 3 03.31





- 15.35** It was suggested to us by Rifleman 160, a member of A Company 2 RGJ who was present at Barrier 14, that he and other members of his company fired baton rounds in a wild and indiscriminate fashion during the disturbances considered above.¹ We are not persuaded that this was the case, as it is not supported by the photographic, film and eyewitness evidence considered above, or indeed by Rifleman 160's 1972 evidence.²

¹ [B1956.006](#); [Day 350/124](#)

² [B1955](#)

- 15.36** At about 4.00pm, rioters removed a piece of corrugated iron from the front of a nearby building and used it as a shield against the baton rounds being fired at them.¹ This corrugated iron can be seen in the following photograph and in a film clip.²

¹ [JH13.1-2](#); [B1800](#); [AB77.1](#); [M66.2](#); [M4.2](#); [M15.1](#); [WT2.13](#)

² [Vid 3 03.51](#)



- 15.37** The soldiers deployed the water cannon for a second time, at about 1605 hours, which again had a temporary effect in driving back the rioters, many of whom took shelter at the north end of Chamberlain Street before re-emerging to continue attacking the soldiers.¹

¹ JH13.1; AK12.10; WT2.13; Vid 3 04.10; Vid 1 03.48; Vid 1 03.33

The duration and nature of the riot at Barrier 14

- 15.38** The riot at Barrier 14 lasted for some 30 minutes, starting at about 3.35pm. The situation at the end of this period, immediately before and at the time when C Company of 1 PARA went through this barrier, is considered later in this report.¹ The riot amounted to a sustained assault on those manning the barrier, the rioters hurling stones and whatever else they could lay their hands on at the soldiers with the object of causing injury, some hoping the more serious the better.² There was a bombardment of stones, bottles, bricks, iron bars, gratings, angle irons, scaffolding poles, a nail-studded stave, lengths of timber and other missiles, though no nail or petrol bombs.³ Some witnesses expressed the view that this rioting was no worse, or perhaps even less violent, than the almost daily rioting of the previous months.⁴ Whatever comparison may be drawn with previous confrontations between rioters and soldiers in Londonderry, the evidence as a whole demonstrates to us that this was a serious and violent riot. Compared with the absence of debris at Barrier 14 at about 3.30pm, the number of objects lying on the ground at a later stage demonstrates the severity of the incident.

¹ Paragraphs 20.209–232

² Day 67/25; Day 400/130

³ JH13.1; AD80.2; AV2.2; AM77.3; AM173.9; AG35.2; M66.1; JC10.1; M4.1; JP7.1; JP7.5; Vid 1 02.55

⁴ AM416.3; Day 90/134; Day 100/77





The conduct of the soldiers at Barrier 14

- 15.39** It was submitted that the soldiers at Barrier 14 overreacted to events in their use of baton rounds and the water cannon. In particular, it was suggested by those acting on behalf of NICRA that serious stoning began only after the first use of the water cannon, that the use of this device was precipitate and unwarranted and that the soldiers had failed to

appreciate that the stewards had the situation under control and were successfully keeping the crowd back from the barrier.¹

¹ [FS10.264-268](#)

- 15.40** We reject these submissions, which ignore the overwhelming and convincing evidence that events developed as we have set out above. In part at least, the submissions were based on an erroneous assumption that until the water cannon was used stewards were holding the crowd back as far as the entrance to Chamberlain Street. The truth is that the photographic evidence relied upon when seeking to establish this in fact depicts the scene right at the outset, when the group running from the junction of William Street and Rossville Street first arrived and before they and the crowd behind them pushed forward to Barrier 14.
- 15.41** We are satisfied that the soldiers of 2 RGJ manning Barrier 14 on this day acted with restraint in the face of the rioting at this barrier and deployed no more than properly proportionate force in seeking to deal with it.

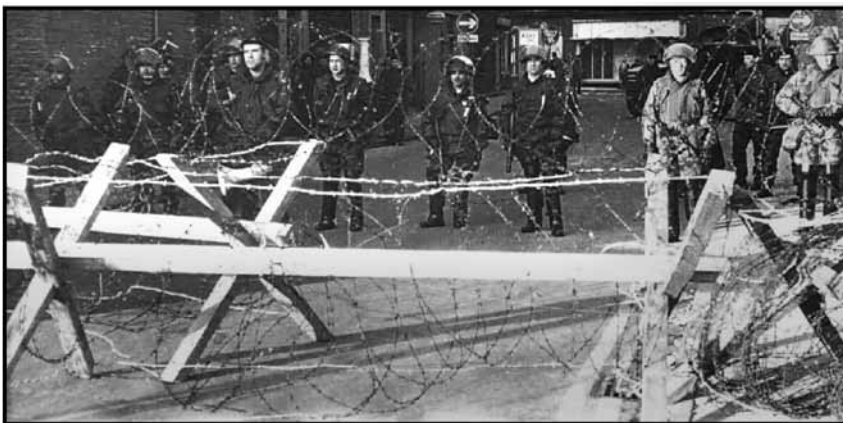
Chapter 16: Rioting at other locations

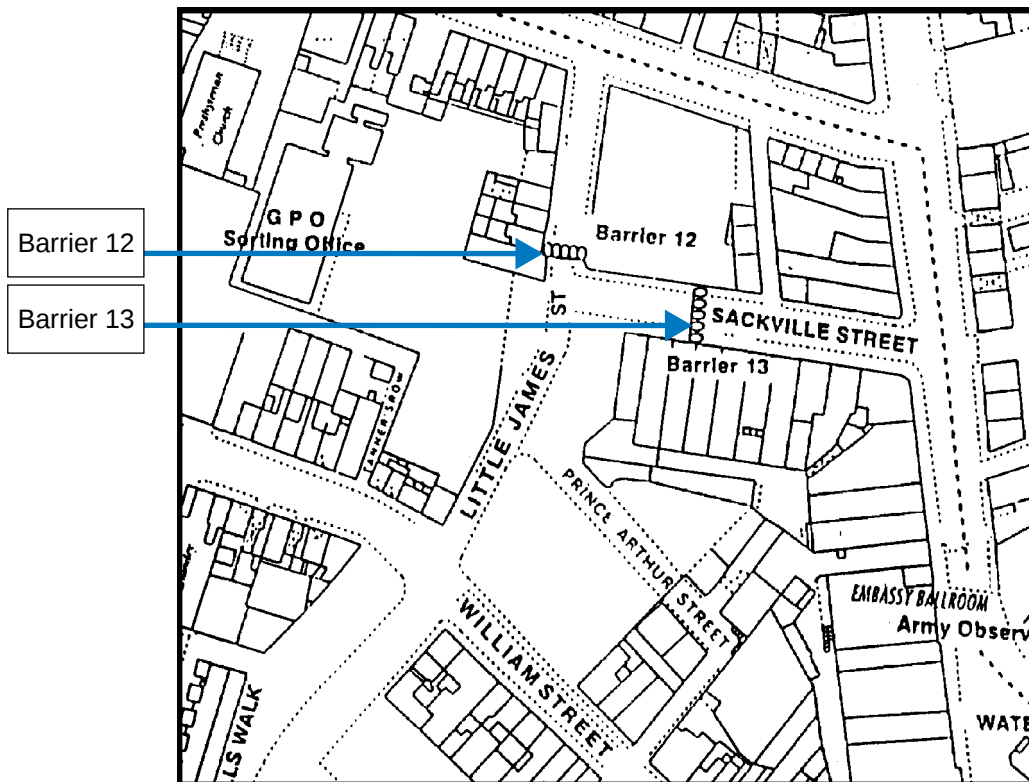
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Barriers 12 and 13

16.1 Soldiers of 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt) manned Barrier 12. This barrier (shown in the photographs below) was placed across Little James Street at the corner with Sackville Street, which was on the north side of the area known as Aggro Corner. As can be seen, immediately in front of the barrier was an area of open ground that extended southwards to the corner itself.





- 16.2** Barrier 13 was placed a short distance along Sackville Street. As already noted, Barriers 12 and 13 were closed shortly after 1530 hours, as the march was beginning to come down William Street.

16.3 Although most of the youths at the front of the march charged on down William Street towards Barrier 14, some rioters approached Barriers 12 and 13 and started to throw stones and rubble at the soldiers.¹

¹ [B1772](#); [Day 108/18-19](#); [AM74.3](#); [AK12.2](#)

16.4 The deployment of the water cannon at Barrier 14 and the effects of the CS gas thrown there from the crowd caused a number of the marchers who had gone down William Street to go back up to Aggro Corner. Many of those returning then turned south to go down Rossville Street (or dispersed elsewhere), but some of the rioters who had come back from Barrier 14 now turned their attention to Barrier 12 and (to a lesser extent) Barrier 13, collecting stones and other debris from nearby waste ground. A significant number of marchers stayed at Aggro Corner to watch this rioting, which, by about 1550 hours, had become substantial, with many rioters stoning the troops at the barriers. There was evidence, which we accept, that some rioters moved between the rioting at Barriers 12, 13 and 14.¹

¹ [AD148.6](#); [Day 179/37](#); [Day 60/86-87](#); [KC4.3-4](#); [Day 76/112-113](#)

16.5 The soldiers at the barriers initially responded with baton rounds, but at approximately 1550 hours the soldiers at Barrier 12 also discharged a volley of CS gas and smoke grenades at the rioters in front of them.¹ The canisters appear to have fallen relatively close to the barrier, and there is some evidence to suggest that the gas drifted back towards the soldiers there and those close to the Presbyterian church.² The CS gas and baton rounds pushed the crowd back temporarily, leading to a short lull in the rioting. It was probably during this time that the NICRA banner, which had been brought back from William Street, was paraded for a short time in front of Barrier 12.

¹ [W126](#) serial 326; [G133.887](#); [B1721](#); [B1389-1390](#)

² [WT5.2](#); [WT5.12](#); [B2219](#); [Vid 3 03.08](#)



- 16.6** However, rioting soon resumed at Barrier 12, this time with a hard core of rioters, some 20–30 strong, using sheets of corrugated iron as shields for protection.



- 16.7** The soldiers at Barrier 12 deployed a further volley of CS gas about five minutes after its first use.¹ This landed further south than the first volley and affected many people, including a number of marchers who had been observing the riot from the south side of

Aggro Corner and who then moved away south down Rossville Street or otherwise away from the area.²

¹ [W126](#) serial 338; [W159](#); [W175](#) serial 199

² [WT5.2-3](#); [WT5.13](#); [AD54.2](#); [AD173.4](#)

16.8

The following photographs show the CS gas and its effects, though it is not clear whether these were taken after the first or the second volley.



- 16.9** The second volley of CS gas again pushed back many of the rioters, but a few remained or returned, in the main using corrugated iron as shields. The following photographs were probably taken at this stage.



- 16.10** It seems that, in addition to the two volleys, there may also have been intermittent use of CS gas by the soldiers.¹ During the course of the riot, one or more gas or smoke canisters were picked up by youths and thrown back towards the soldiers.²

¹ [B1721](#)

² [C785.2](#); [C863.3](#); [AM277.8](#); [AO19.9](#); [M75.1](#); [JM21.10](#); [JS5.3](#); [JR3.1](#)

- 16.11** One of the canisters fired at this time struck Hugh Hegarty, who was then standing at the junction of William Street and Rossville Street assisting the stewards in directing the crowd towards Free Derry Corner.¹ Hugh Hegarty, who lost a number of teeth as a result of the incident and suffered lacerations to his face and burns to his ankle,² was assisted to the Rossville Flats by several civilians and members of the Order of Malta Ambulance Corps, and was seen there by a doctor.³ Hugh Hegarty refused to go to Altnagelvin Hospital, as he feared that he would be arrested; and so, on 1st February 1972, he was driven across the border to Letterkenny Hospital in Donegal for treatment.⁴

¹ AH67.1-2

³ Day 68/18; KL2.12; AF8.10; AM359.2

² AH67.4-5; Day 68/38

⁴ D1109; AH67.4-5; Day 68/17-18; Day 68/35-42

- 16.12** The situation at Barrier 12 at the time Support Company of 1 PARA went through this barrier at about 16.10 hours (and immediately before) is considered below.

CS gas at Barriers 12 and 13

- 16.13** The Army reportedly used 65 CS cartridges and 15 CS grenades on the day.¹ According to the Royal Military Police (RMP) statement of Lieutenant 109, the Troop Commander at Barrier 12, 44 gas cartridges, four smoke grenades and four gas grenades were used at this barrier while he was there.² It is thus the case (if both sets of figures were accurate) that CS gas was used elsewhere.

¹ G98.593

² B1722

- 16.14** The Brigade order for Operation Forecast¹ forbade the use of CS gas except “as a last resort only if troops are about to be over-run and the rioters can no longer be held off with baton rounds and water cannon”. This order placed a greater restriction on the use of CS gas than the Brigade Standing Orders dated 10th November 1971.²

¹ G95.572

² G27.217

- 16.15** According to their evidence, neither Major INQ 1326, the Battery Commander who ordered its use,¹ nor Lieutenant 109, the Troop Commander, seems to have been aware of this provision of the Brigade order.² However, in the confirmatory note of the Regimental Orders Group made by the Commanding Officer of 22 Lt AD Regt, Colonel James Ferguson, which recorded the orders he gave his senior officers on 28th January 1972, following his attendance at the Brigade Orders Group of the same day, appear the words “CS Gas NOT to be used except as last resort”, under the heading “Use of Force”.³

¹ Day 301/105/19

³ B1122.58

² B1720-1723; Day 360/91/1

16.16 The Historical Report of 22 Lt AD Regt¹ records the use of CS gas at Barrier 13 as well as Barrier 12, and that gas was used at these locations “*because baton rounds were not holding off the rioters*”. However, in his written evidence to this Inquiry, Major INQ 1326, who had positioned himself behind Barrier 12 (as he considered it was that barrier that was likely to attract trouble), stated that he had ordered his men to fire CS gas in the direction of the rioters “*to discourage others from joining their group*”.²

¹ [G133.887](#)

² [C1326.2-3](#)

16.17 Although Gunner 034 told us that he did not remember any CS gas being used at Barrier 13, and Warrant Officer Class I 041 stated that it was not used at that barrier,¹ in our view it probably was deployed at this barrier as well as at Barrier 12, which would account for the different figures given for its use on the day, to which we have previously referred. In addition to the 22 Lt AD Regt Historical Report, the Porter tapes record a message from 22 Lt AD Regt to Brigade at about 1550 hours that “*serials 12 and 13 have had to disperse the hooligans with rubber bullets and gas*”.² Detective Chief Inspector Donnelly of the RUC recorded in his 1972 statement³ that he was behind Barrier 13 and that CS gas was used at both Barriers 12 and 13.

¹ [B1664.002](#); [B1624.002](#)

³ [JD7.1](#)

² [W126](#) serial 326

16.18 In their oral evidence to this Inquiry, both Major INQ 1326 and Lieutenant 109 accepted that the troops at Barriers 12 and 13 were not about to be overrun when CS gas was used;¹ nor is there any other evidence to suggest that this was or could reasonably have been supposed to have been the case at any stage. There would thus seem to have been either a failure to communicate the Brigade order on the use of CS gas or a failure to carry it out. It may be that the soldiers, learning that CS gas had been discharged at Barrier 14 and perhaps mistakenly believing that this had been done by the soldiers there, thought that this somehow justified its use at Barrier 12, though they would have been wrong to have done so. In these circumstances, we consider that there is force in the submission made by NICRA that CS gas was used “*recklessly and precipitately*” at Barrier 12,² in view of the fact that it was deployed contrary to the Brigade order and otherwise than as a last resort. Though serious, with photographs (reproduced below) showing that a considerable number of stones and other objects were thrown at the soldiers, in our view the rioting at Barriers 12 and 13 was not as severe as that at Barrier 14.

¹ [Day 301/105/19](#); [Day 360/91/1](#)

² [FS10.263](#). Although NICRA did not mention Barrier 13, we consider that the same criticism applies to the probable use of CS gas at that barrier.

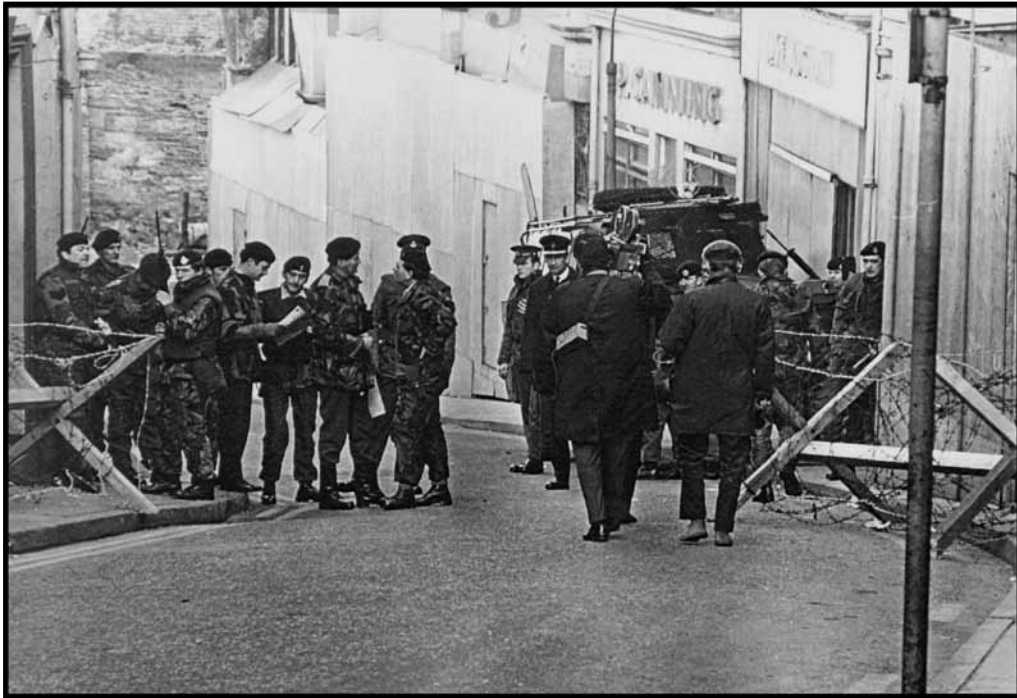


Rioting at Barriers 15 and 16

16.19 Barrier 15 was located in Waterloo Street. It was probably the barrier shown in the following photograph, though its precise position in Waterloo Street is not entirely clear.¹ Barrier 16 was at Castle Gate.²

¹ [Day 113/80](#); [Day 178/22](#); [Day 103/169](#)

² [B1947.1](#); [B1837.1](#)





- 16.20** Both barriers came within the geographical area controlled by 22 Lt AD Regt on 30th January 1972, but, as we have pointed out, they were manned by members of A Company, 2nd Battalion, The Royal Green Jackets (2 RGJ).¹

¹ [G95.568](#); [G95.577](#); [G89.542](#); [G89.547](#)

Barrier 15

- 16.21** This barrier was manned by 21 members of 2 Platoon, 2 RGJ (and three members of the Royal Engineers) under the command of Sergeant 158.¹ His RMP statement records that the platoon took up position in Waterloo Street at about 1200 hours on 30th January 1972.² A communication recorded on the 22 Lt AD Regt log from the Commander of A Company, 2 RGJ (identifiable by the call sign N19) indicates that Barriers 14, 15 and 16 were being put in position at 1240 hours and Barriers 15 and 16 were in place by 1259 hours.³ Waterloo Street was closed to traffic at about 1325 hours.⁴

¹ [B1946](#); [B1949.001](#)

³ [W94](#) serial 17 and 19

² [B1946](#)

⁴ [B1946](#)

- 16.22** It appears from the 1972 evidence of other members of 2 Platoon that they were transported to Waterloo Street in two Armoured Personnel Carriers (APCs). As the Royal Engineers erected the barrier, two members of the platoon were deployed into a nearby building in an anti-sniper role. When the barrier was closed off, one of the APCs was brought up and parked behind it.¹

¹ [B1736](#); [B1753](#)

The rioting at Barrier 15

- 16.23** According to the RMP statement of Sergeant 158, stones were thrown at the barrier at about 1540 hours, by a group of about 30 to 40 people. A gas grenade was also thrown, which landed short of the barricade – the wind dispersed the gas in the direction of the demonstrators. The crowd left the area of Barrier 15 about ten minutes later. Sergeant 158's current recollection was that the group that threw stones numbered 10 or 15 people.¹

¹ [B1946](#)

- 16.24** Corporal 131 commanded a section of the men present at Barrier 15. His RMP statement records that the rioting involved stones and bottles and lasted about 20 minutes. A gas grenade was thrown from the crowd.¹ The current recollection of Corporal 131 accords

generally with his 1972 account, with the added detail that the rioting crowd numbered about 20 or 30. He described the confrontation as short-lived.²

¹ B1809

² B1814; Day 296/70

16.25 That description of the confrontation can be contrasted with the 1972 evidence of Sergeant 114 (second in command of the platoon), who recalled a crowd of 150–200 appearing at the High Street/Waterloo Street junction after a “youth” had run out of High Street and thrown a brick which hit Sergeant 114 on the arm.¹ Older people in the crowd tried to calm the youths who “*were shouting and screaming abuse at us*”. Sergeant 114 described the stoning that followed as “*intense*”.² The gas grenade, thrown by a youth “*coming from High Street,*” landed “*just before the barrier on the left hand side of the road.*” The rioting lasted for about 15 minutes.³ The current recollection of Sergeant 114, as set out in his written statement to this Inquiry, is in broad agreement with his 1972 account, save that he described the rioting he witnessed as lasting for two hours.⁴

¹ B1736

³ B1736; B1737; B1738.1

² B1737

⁴ B1739.003

16.26 Rifleman 148 was deployed as a sniper and took up position in a house in Waterloo Street.¹ He told the RMP that the crowd that gathered at the junction of High Street and Waterloo Street numbered about 200 and included an older element “*trying to subdue the youths*”. He estimated that the rioting at Barrier 15 (including the throwing of a gas grenade, which had little effect on the soldiers at the barrier) lasted about two hours.² In his written statement to this Inquiry, Rifleman 148 said that the crowd at the barrier numbered between 20 and 40 people.³ Another rifleman, Rifleman 120, also told the RMP that the crowd numbered 200 and stoned the barrier for two hours.⁴ His written statement to this Inquiry describes the rioting, but gives no detail as to numbers or time.⁵ Rifleman 141 told the RMP that the rioting lasted for about 20 minutes.⁶

¹ B1892

⁴ B1753

² B1892

⁵ B1756

³ B1894.002

⁶ B1866

16.27 In our view, it is most unlikely that the rioting at Barrier 15 lasted for nearly as long as two hours.

16.28 In his RMP statement, Sergeant 158 recorded that his men did not fire any live rounds, baton rounds or gas projectiles on the day.¹ In his written statement to this Inquiry, he told us that there had been “*a very, very low level of activity at my barrier*”.²

¹ B1947

² B1949.003

- 16.29** There is limited evidence from RUC officers deployed in the area, which adds little further detail to the evidence available from military witnesses.¹
- ¹ [JI2.1](#); [JL3.1](#); [JM18.5](#); [JM33.1](#)
- 16.30** The Inquiry heard oral evidence from Patrick McGlinchey, who was 15 years old at the time of Bloody Sunday. He said that he was part of a group of about six to eight youths who, having been prevented from reaching the front of the crowd at Barrier 14, ran up High Street and into Waterloo Street. There, they threw stones at the soldiers at Barrier 15.¹ In his evidence to this Inquiry, Brian Baker described watching a mini-riot at Barrier 15, which involved about 10 or 20 people.²
- ¹ [AM247.2](#); [Day 388/85](#) ² [AB1.18](#)
- 16.31** William Anderson said that he was part of a group that threw a CS gas canister at Barrier 14.¹ We are of the view that he might have been responsible for the CS gas thrown towards Barrier 15, though he denied that this was the case.
- ¹ [APIRA18.3](#); [Day 408/39](#)
- 16.32** The 1972 statements of two journalists record that a CS gas canister was thrown at Barrier 15. John Cooke of the Press Association did not see the reaction of the troops at the barrier.¹ In his written statement for the Widgery Inquiry, Brian Cashinella of the *Times* described both the stoning of Barrier 15 and the throwing of a gas canister that surprised the soldiers at that barrier.² Both journalists appear to put the incident of a gas canister being thrown at Barrier 15 as occurring after a gas canister had been thrown at Barrier 14.
- ¹ [M16.1](#); [M16.2](#) ² [M11.2](#); [Day 110/5-8](#)
- 16.33** Major INQ 2079 (the Commander of A Company 2 RGJ) prepared a memorandum dated 3rd February 1972. That memorandum was sent to 22 Lt AD Regt. So far as Barrier 15 is concerned, it recorded that at 1540 hours, “*Lightly stoned by 40–60 youths. No action taken*” and at 1545 hours, “*1 x C/S Gren is thrown among SF behind barricade by rioters*”. The memorandum also recorded that CS gas was thrown at Barrier 14 at “1545 (Approx)”.¹
- ¹ [G114A.743.1](#)
- 16.34** On this evidence, it appears to us that CS gas was thrown at Barrier 15 shortly after it had been thrown at Barrier 14.

- 16.35** On the evidence as a whole, we have concluded that there was rioting at Barrier 15, that it did not last for more than about 20 minutes, and that it was not as serious as the rioting at Barriers 12, 13 and 14.

Barrier 16

- 16.36** Twenty-two men of 3 Platoon, A Company 2 RGJ, under the command of Lieutenant 136, manned Barrier 16. Two men were deployed in a sniper position in a nearby building and the barrier was set up at the Waterloo Street end of Castle Gate.¹ Accompanying the platoon were a team of four men from the Royal Engineers. They established the barrier at about 1200 hours.²

¹ [B1836; Day 345/92](#)

² [B1677](#)

Barrier 16
Castle Gate



The rioting at Barrier 16

16.37 According to the RMP statement of Lieutenant 136,¹ at approximately 1500 hours a 30-strong crowd approached the barrier and began to stone it. The soldiers at the barrier made no response. Some of the crowd took photographs of the soldiers at Barrier 16. Some time later, the crowd ran off down Waterloo Street “*towards the Rossville Flats*”.² The written statement of Lieutenant 136 to this Inquiry records that the crowd was made up of about 30 youths, who threw stones and bottles.³

¹ B1836

³ B1838.003

² B1836

16.38 In his statement to the RMP, the second in command of the platoon, Sergeant 137, recorded that the crowd that appeared at the junction of Castle Gate and Waterloo Street threw stones, bottles and metal objects. He continued, “*They lasted for about 20 minutes and the crowd moved off in the direction of 2 Platoon ‘A’ Coy of my unit*”.¹ Corporal 103 of the Royal Engineers told the RMP that the barrier was stoned by a group of 20 youths, who then took “*ammunition in the form of paving stones back in the direction of the flats*”.²

¹ B1839

² B1677

16.39 Lance Corporal 107 made no mention in his RMP statement of any rioting at Barrier 16.¹ That statement does record “*minor rioting by about 30 youths who threw missiles at 2 Pl [Platoon] location on the far side of gate in Waterloo Street. The youths threw a gas grenade at the troops, deployed in Waterloo Street. They fired rubber bullets at the youths, they later dispersed*”.² This is the fullest 1972 description of the rioting at Barrier 15 given by any soldier at Barrier 16. However, the suggestion that soldiers at Barrier 15 fired rubber bullets is at odds with a substantial body of 1972 evidence, and in our view is inaccurate. The written statement to this Inquiry of this witness does not add anything further on this point.³ Rifleman 153 was the only other soldier deployed at Barrier 16 who gave a statement to the RMP. That statement makes no reference to rioting at Barrier 16.⁴ In his written statement to this Inquiry, Lance Corporal INQ 614 identified himself as a member of 3 Platoon. He stated that his platoon’s position had to be defended against rioters, who pelted it with bricks and bottles.⁵

¹ B1714

⁴ B1926

² B1714

⁵ C614.2

³ B1716.001

16.40 A section of six police officers under the command of Sergeant H Johnston was deployed to Castle Gate. The RUC statement of Sergeant Johnston records that “*During the afternoon groups of youths, some with cloths over their faces, passed up and down the street below us. Stones and bottles were thrown at intervals at us and we had to take cover. We had a very restricted view of these youths. The army took no action against these youths.*”¹ Similar descriptions appear in the 1972 accounts provided by the other police officers, namely Constable TN Blair;² Constable AT Campbell;³ Constable W Hunter;⁴ Constable AT Moore;⁵ and Constable SN Whiteman.⁶

¹ JJ2.1

⁴ JH12.1

² JB8.1

⁵ JM50.1

³ JC3.1

⁶ JW7.1

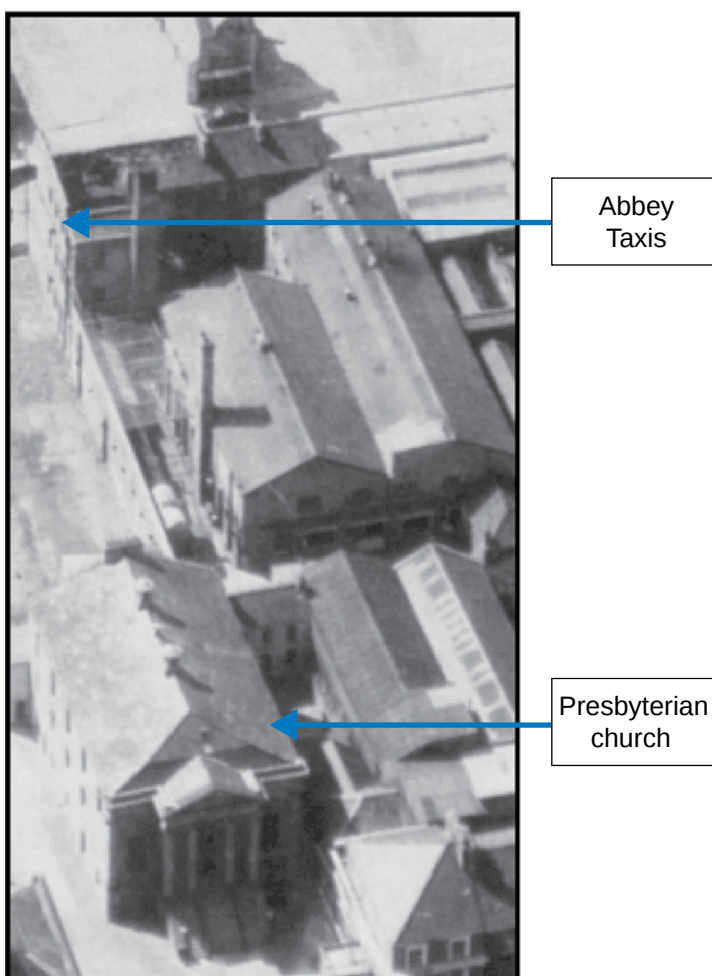
16.41 While the Historical Record of 22 Lt AD Regt refers to rioting at Barriers 12 to 15, it makes no mention of any rioting at Barrier 16.¹

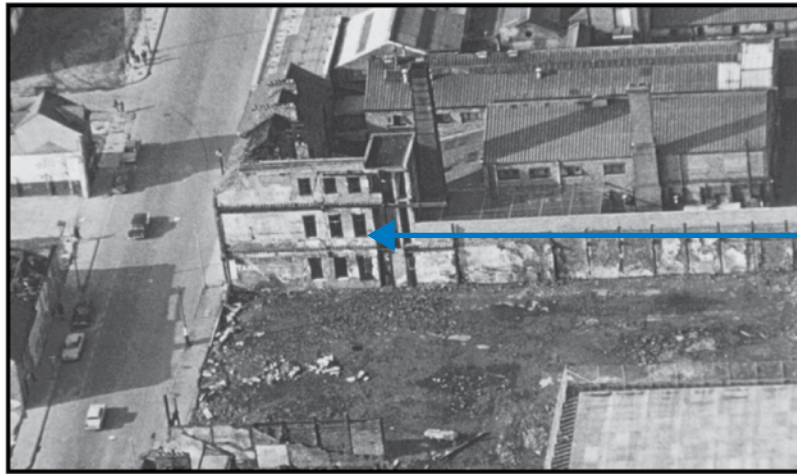
¹ G133.887

16.42 In our view, though some missiles may have been directed at the soldiers at Barrier 16, there was no serious rioting at that barrier.

Chapter 17: Machine Gun Platoon and Abbey Taxis

- 17.1** As we have already observed, at about 1540 hours Major Loden (the Commander of Support Company, 1 PARA), ordered Machine Gun Platoon of this company forward from its Assault Position in Queen's Street to the derelict building Abbey Taxis. This was the building with nine windows facing east onto the waste land where Richardson's shirt factory used to be.

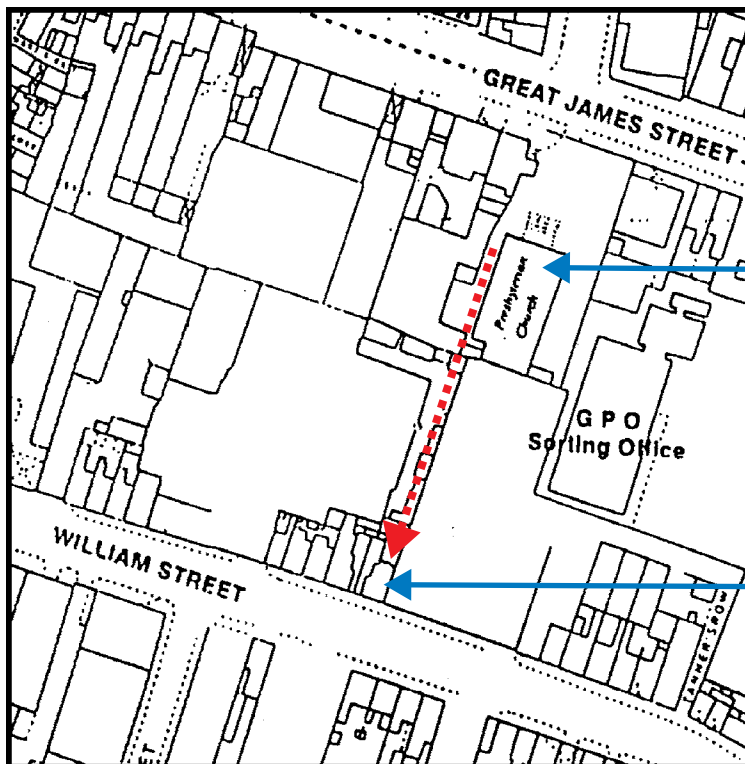




Abbey
Taxis

17.2

The exact route that Machine Gun Platoon used to get to Abbey Taxis is in some doubt, as the evidence is conflicting and it is difficult to tie in the verbal accounts with such photographs as exist of the area. However, we are reasonably confident that the route started on the western side of the Presbyterian church, and involved using an alleyway that ran behind the wall to the west of the waste ground, climbing one or two walls, and getting into Abbey Taxis through a window at the level of the first floor, ie the level above the ground floor. The route is indicated by the red dotted line on the map below.



Presbyterian
church

Abbey
Taxis

.....➔ Route taken by the soldiers

- 17.3** It is unlikely that the soldiers went along the top of the wall to the west of the waste ground, as this could hardly be described (as Major Loden described it in his Diary of Operations) as a “*concealed route*”.¹ Furthermore, at the time when Machine Gun Platoon was moving, there would have been many people in William Street who would have had a clear view of soldiers on this wall, but there is no persuasive evidence that the soldiers were seen by anyone on the march at this time. Private INQ 1553 (in a draft statement to this Inquiry that he approved but never signed) recorded, “*As we were climbing over the roof, the rioting crowd in the street below saw us*”.² However, this soldier did not give oral evidence for medical reasons, and we are of the view that his recollection is probably inaccurate.

¹ B2218

² C1553.3

- 17.4** One of the photographs of the area shows Abbey Taxis from the west. This photograph was taken before 30th January 1972, as it shows houses to the north of the Rossville Flats that had been demolished by that day.



- 17.5** If that part of the photograph showing Abbey Taxis is enlarged, it can be seen that the building has no roof or wall to the west.



- 17.6** It is difficult to see from this enlargement whether there had been or remained any flooring or rafters at the first floor level, but the photograph is consistent with other aspects of the description of the building given to the Inquiry by Corporal A (a member of Machine Gun Platoon), who told us in his written evidence to this Inquiry that it was:¹

“... like a shell of a house. There were some walls or parts of walls and some windows but with no glass. The roof was missing ... Some of the interior walls had been knocked down. If you imagine a bombed out building with just a shell left standing around it or something that had been only partly demolished, then this is the type of building we were in ... Although the building was derelict, I think the floor on which I stood was secure and made of brick.”

¹ [B20.002](#)

- 17.7** Corporal A (in his oral evidence to this Inquiry),¹ recalled that there was some sort of brick or concrete floor at the first floor level, but in his written statement for the Widgery Inquiry² he recorded that, when he got into the building, he was standing on one of the broken-down interior walls, which in our view was more likely to be the case. Private B (another member of Machine Gun Platoon) in his written statement for the Widgery Inquiry³ recorded that there were no floors as such. What is clear is that, having entered the building at the first floor level, the soldiers had to climb or jump down to get to the ground floor, as there were no stairs.

¹ [Day 297/22-23](#)

³ [B25](#)

² [B8](#)

- 17.8** Sergeant INQ 441, the Commander of Machine Gun Platoon, told this Inquiry¹ that he sent one of his men, he believed Corporal A, to what he described as a window on the second floor level looking south over William Street, in order to give cover for the remainder of the soldiers who had climbed or jumped down to the ground floor. However, the contemporary evidence shows that Corporal A was positioned at the first floor level,

at or near the most southerly of the three windows that faced westwards towards the waste ground, which did give a view southwards across William Street. There appear to have been no windows in the side of Abbey Taxis facing directly south.

¹ [C441.4](#)

- 17.9** At some stage, Private INQ 455, the Machine Gun Platoon signaller, fell off a wall and badly bruised his back. This might have been either immediately before entering Abbey Taxis or as he attempted to get down to ground level inside the building.¹

¹ [C455.1](#); [C441.4](#); [Day 297/19-20](#); [B20.009](#)

- 17.10** Some members of Machine Gun Platoon thought that fewer than a dozen members of the platoon were sent to Abbey Taxis.¹ However, it seems more likely that, with the exception of the drivers and a sentry for the APCs, Major Loden sent forward the whole platoon.² Private 005³ and Private INQ 439⁴ told us that they were the drivers and Private INQ 1544⁵ that he was a sentry. The nominal roll⁶ records the strength of Machine Gun Platoon deployed on Operation Forecast (the Brigade order for 30th January 1972) as 21. Corporal INQ 513 was on the strength but did not recall being in Abbey Taxis.⁷ If he was right about this, the number deployed forward to this position would have been 17, though it might be that not all of them went inside the building.

¹ [Day 296/12](#); [C1805.2](#); [B37](#)

⁵ [C1544.2](#)

² [B2219](#); [WT12.8](#)

⁶ [GEN 8.3](#)

³ [B1373](#)

⁷ [C513.1-6](#)

⁴ [C439.1](#)

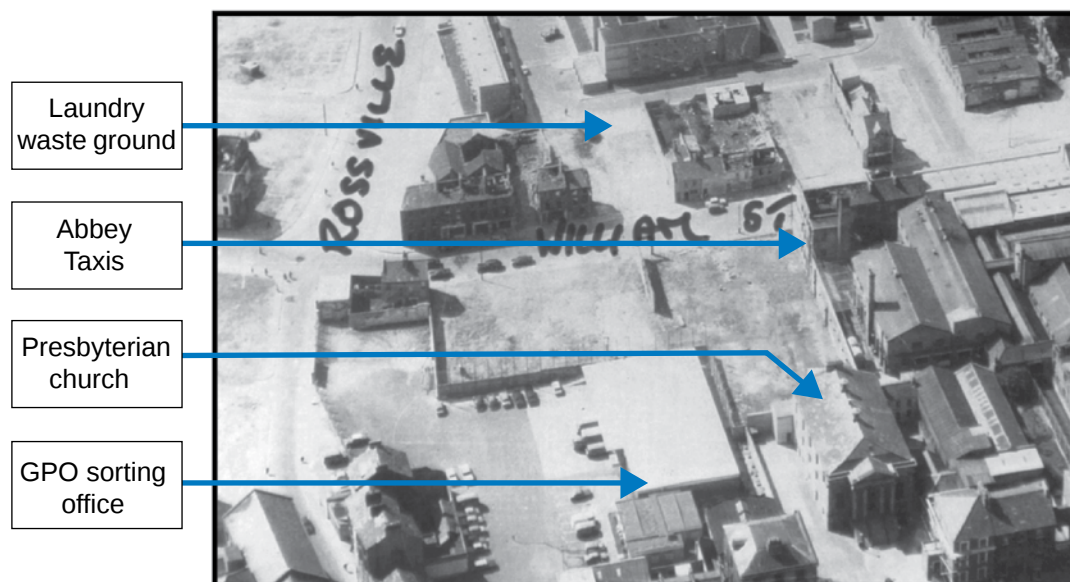
Rioting near Abbey Taxis

- 17.11** There is some evidence that, as the main body of the march was coming down William Street and past the waste ground in front of the Presbyterian church at or shortly after 3.30pm, a few youths saw members of Mortar Platoon reconnoitring the wall to the east of the church and began shouting and jeering at them. They might have thrown a few stones at this time, but, if so, this was a short-lived and minor incident and provoked no response from the soldiers.¹

¹ [AO56.13-14](#); [AF26.8](#); [AF26.2-3](#); [AB68.1](#)

- 17.12** At the same time as Major Loden had ordered Machine Gun Platoon forward to Abbey Taxis (at about 1540 hours) he deployed members of Mortar Platoon forward to cut the wire on the top of the wall to the east side of the Presbyterian church. The Mortar Platoon Commander (Lieutenant N) in turn deployed men (he said two but it might have been

four) onto the flat roof of the GPO sorting office on the eastern side of the waste ground to cover the wire-cutting party. The GPO sorting office can be seen in the following photograph, taken after Bloody Sunday.



- 17.13** This photograph also shows that on the south side of William Street, more or less opposite the waste ground to the side of Abbey Taxis, there was another area of waste ground that, as we have noted earlier, has been called the “laundry waste ground”, as it was once the site of Castle Laundry.
- 17.14** It was in the area of the waste ground next to Abbey Taxis, the laundry waste ground and that part of William Street dividing these two areas that there was rioting.
- 17.15** A large number of individuals gave evidence about the duration and severity of the rioting in this area, much of it conflicting. What must be borne in mind is that the situation on William Street at the time of this disorder was continuously changing; that the witnesses were widely dispersed and moving and looking in different directions; and that there is no relevant photographic or film evidence of the rioting with which witnesses’ memories could be jogged and tested. In these circumstances, it is unsurprising that accounts and recollections vary considerably.
- 17.16** Our consideration of the evidence as a whole leads us to conclude that it was not until shortly after 3.40pm, when the tail end of the march was passing the area, that any significant rioting took place. By this time, the main body of the march had more or less come to a stop at Aggro Corner, causing a bottleneck further west up William Street. The rioting at Barriers 12, 13 and 14 and the counter-measures employed by the soldiers at

these barriers caused marchers and rioters to move back up William Street, where those at the tail end of the march were still standing or walking. Some people turned into the laundry waste ground toward Columbcille Court and Rossville Street to avoid the bottleneck and the trouble further down William Street. Others joined in or stopped to observe the rioting in the area of Abbey Taxis. The result was a fluid and confused situation, changing minute by minute, in which rioters and marchers intermingled and moved between various locations.

17.17 The first targets of the rioters on William Street were the soldiers on the GPO roof and beside the Presbyterian church.¹ In response to the throwing of stones and similar objects, Private 112, who was positioned next to the church, fired baton rounds, and the soldiers on the GPO roof were ordered to draw back in order to move out of range of the rioters.² Some civilians gave evidence in 1972 and to this Inquiry that one of these soldiers gesticulated at the crowd with his weapon as he moved.^{3,4} It was probably not until shortly after this outbreak of rioting that the soldiers in Abbey Taxis were spotted, since it would have taken those soldiers time to get to this position and (as observed above) there is no persuasive evidence that they were seen while getting there. Once they were seen, there were jeers and shouts from people present, such as “*There are Brits in there. Get the bastards out!*” followed by rioters directing missiles at these soldiers.⁵

¹ AH80.1; AH80.2; Day 71/142-145; AM431.8; AL3.1; AC4.2; Day 59/130-132; AD146.07

² B1732.2; B766; B2219; B635; AC132.2; AM372.1; H11.2-3; H11.13; AC150.1

³ AD106.1; H3.2; H3.8; H3.12; H11.2-3

⁴ One witness, Professor McCormack, thought that the soldier fired a live round in the direction of the rioters (AM136.14; Day 113/98-102). There is no military or other evidence to this effect and in our view this did not happen. Professor McCormack agreed in his oral evidence to this Inquiry that he could have been wrong about this (Day 113/102 and 126-127).

⁵ B20.3; AD80.2-3; AK17.9; AK17.25; Day 70/4-10; AD120.25; AC105.1; Day 152/57-58; AM37.1; AM87.2; AM87.9; AM452.15; Day 63/69-70

17.18 Although there is some evidence that there were about 50 youths involved in rioting, others gave a smaller number, in some cases only very few.¹ It is, of course, likely that the numbers actually stoning fluctuated from time to time. Weighing the whole of the voluminous and conflicting evidence on this matter, we conclude that, at its height, there were probably (at most) about 30 rioters in this area (and often many fewer actually stoning), though there were undoubtedly numbers of onlookers in the immediate area, as well as stragglers at the tail end of the march. The rioters collected stones, bricks, bottles and other debris from the area of the laundry waste ground, and then advanced onto William Street or even into the waste ground next to Abbey Taxis to throw what they had

collected at the soldiers, before returning for more missiles. Some of those involved had previously been rioting at Barriers 12 and 14.

¹ CS3.260-268; CS3.391-400; FS7.1038-1088; FS1.951-979; FR1.441-443

17.19 Support Company did not employ CS gas. There is evidence of CS gas in the area, but this had been used at Barrier 12 (and probably Barrier 13) and many witnesses (both civilians and soldiers) recalled that some of this had drifted westwards towards the waste ground area.

17.20 According to Major Loden's Diary of Operations¹ (and his written statement for the Widgery Inquiry²), his soldiers responded with rubber bullets, four fired by Machine Gun Platoon and two by Mortar Platoon. Major Loden told this Inquiry that he obtained this figure from an ammunition count at the end of the day.³ Corporal A told the Royal Military Police (RMP) and the Widgery Inquiry that he heard baton guns being fired by a member or members of his platoon while they were in Abbey Taxis, but even in 1972 he could not recall how many rounds were fired.⁴ Private B told the same sources that two soldiers were armed with baton guns inside Abbey Taxis, and his evidence was that both these soldiers fired; but he too provided no assistance on the number of rounds discharged.⁵

¹ B2212

⁴ B1; B8; B13

² B2219

⁵ B21; B25; B31

³ Day 342/33

17.21 According to Lance Corporal INQ 588's written evidence to this Inquiry, he fired 20–30 baton rounds while he was in Abbey Taxis.¹ According to Private 112's evidence to this Inquiry, he fired 8–10 baton rounds from his position on a roof next to the Presbyterian church.²

¹ C588.4

² B1732.2

17.22 In our view, it is highly unlikely that Lance Corporal INQ 588 fired as many baton rounds as he now recalls. Even if he fired as quickly as he could, this number would have taken some time to discharge, it is doubtful that he would have been able to carry so many, and other members of Machine Gun Platoon make no reference to such a level of firing. We are also not persuaded, in view of Major Loden's Diary of Operations,¹ and the civilian evidence discussed below, that Private 112's recollection of firing as many as 8–10 rounds is correct.

¹ B2212

17.23 A number of civilians gave estimates as to how many baton rounds they recalled being fired in this area at this time. In assessing this evidence, it must be borne in mind, as noted above, that the march was in some disarray and the situation very fluid, with marchers and rioters moving between locations, some affected by the CS gas being discharged at Barrier 12 and possibly Barrier 13. In addition, differing levels of violence were directed at three different locations (namely the GPO roof, the side of the Presbyterian church and Abbey Taxis) at different times, while baton rounds were also being fired at about the same time from Barriers 12, 14 and possibly 13.

17.24 In such circumstances, it is not surprising that estimates vary, with some given long after the event. However, the overall impression that we gained from this evidence, was that only a few baton rounds were fired in the area under discussion. For example, in his NICRA statement, Padraig O'Mianain recorded that he was aware of three rubber bullets being fired.¹ Patricia McGowan told this Inquiry that she was aware of "*just a couple*" being fired.² Michael McGuinness told the *Sunday Times* that "*a few*" were fired, at least one from Abbey Taxis.³ James Wilson told NICRA that he heard one being fired, but in his evidence to us recalled that four or five had been fired.⁴ Patrick McCourt told this Inquiry that the soldiers in Abbey Taxis fired "*one or two*" rubber bullets at rioters.⁵ To our minds this evidence tends to support the number given by Major Loden in his 1972 evidence.

1 AO56.1

2 Day 61/163

3 AM283.11

4 AW17.1; Day 109/93-94

5 AM146.2

17.25 We are satisfied from the civilian evidence that it was very shortly after soldiers had fired the last of these baton rounds that Damien Donaghey and John Johnston were shot and wounded by Army gunfire.

Chapter 18: The shooting of Damien Donaghey and John Johnston

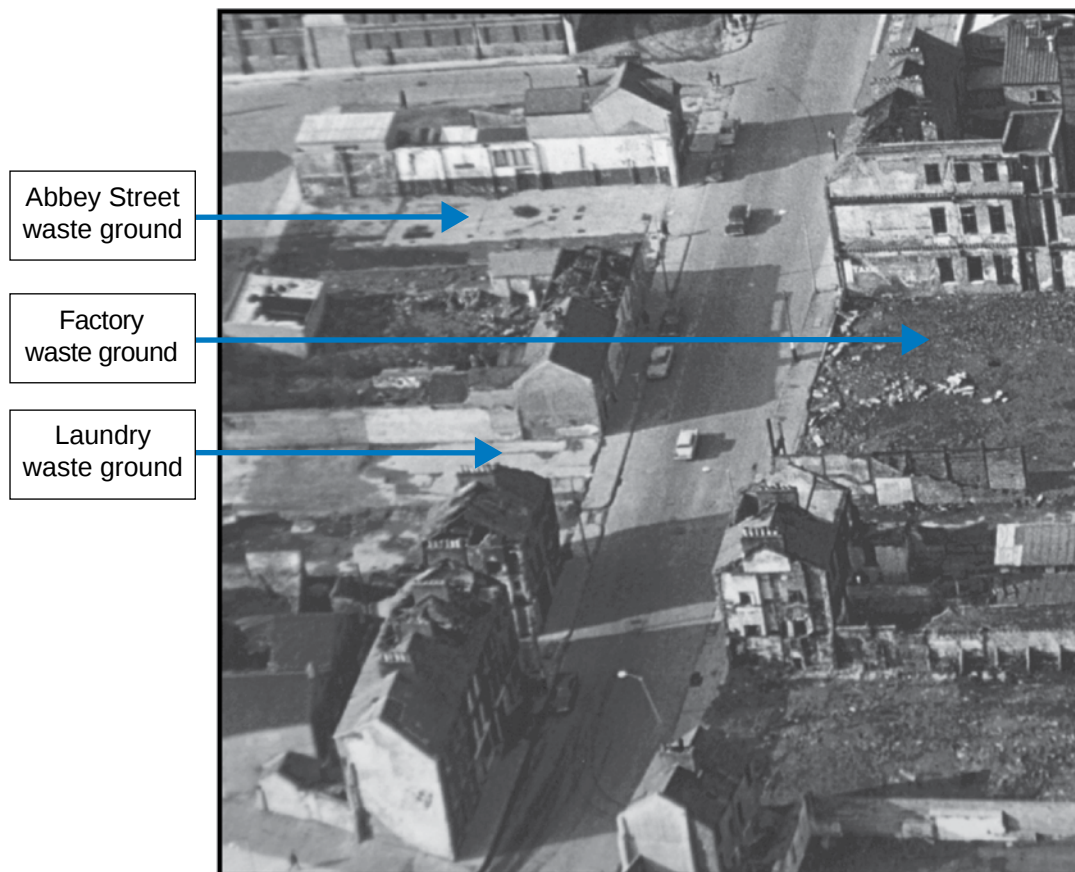
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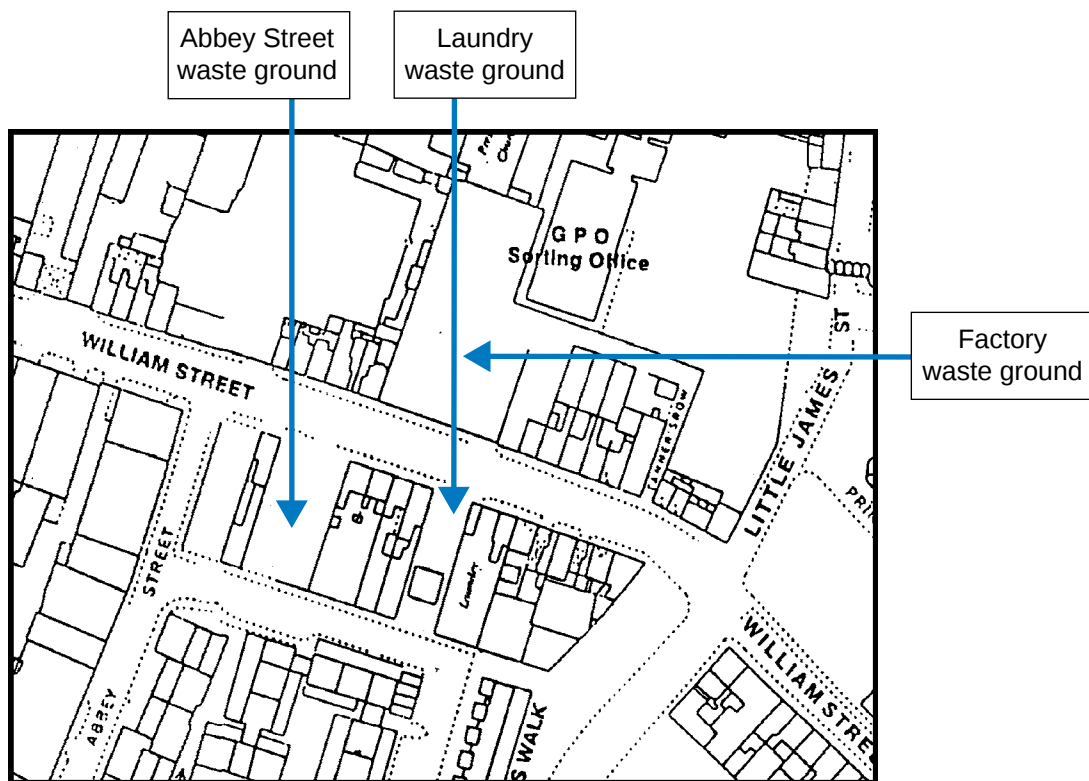
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Introduction

18.1 Damien Donaghey¹ and John Johnston were shot and wounded when they were in the area known as the “laundry waste ground”, which is to the south of William Street and roughly opposite the waste ground to the south of the Presbyterian church. The latter waste ground was sometimes known as the “factory waste ground”. On the photograph and map below we have marked these two waste grounds. We have also marked the “Abbey Street waste ground” which lay further west along William Street. Some witnesses confused the laundry waste ground with the Abbey Street waste ground.

¹ In some documents Damien Donaghey’s name appears as Damien Donaghy.





18.2 There is no doubt that these two civilians were hit by Army gunfire.

Biographical details

18.3 Damien Donaghey was 15 years old at the time of Bloody Sunday. He was known as “Bubbles” by reason of his short, black, curly hair. He was an apprentice engineer, attending the local Government Training Centre. In the past he had rioted in William Street, and on this occasion he was taking part in the rioting near Abbey Taxis.

18.4 John Johnston was 59 years old at the time of Bloody Sunday. He was the manager of a local drapery store. He had been taking part in the march¹ but on his way down William Street he saw clouds of CS gas ahead and decided to cut south across the laundry waste ground in order to visit an old man in the area of Glenfada Park. At no stage was he engaged in any form of disorderly activity.

¹ [AJ5.1](#)

Medical evidence

- 18.5** Damien Donaghey suffered a gunshot wound in the front of his right thigh. The bullet passed through the thigh from front to back,¹ causing comminuted fractures and leaving a three-inch exit wound on the posterolateral aspect of the thigh. No metal fragments were recovered from the wound. It should be noted that a contemporary medical report states that the injury was to the *left* thigh was clearly in error.²

¹ D767; E10.4

² D742

- 18.6** John Johnston suffered “*through and through*” gunshot wounds to his right leg and his left shoulder and a graze to his right hand. A letter from Mr Bennett, the Consultant Surgeon at Altnagelvin Hospital, dated 7th February 1972, erroneously states that it was the right shoulder that was injured.¹ Fragments of metal were found or observed in these wounds.² Two fragments were removed.³ Dr Martin of the Department of Industrial Forensic Science recorded that one was a piece of a lead core, and the other of a copper jacket. Dr Martin concluded that the latter was consistent with the base of a 7.62mm calibre bullet that had been fired from a British Army SLR.⁴ The nature of his injuries suggests that John Johnston was injured by a bullet or bullets that had fragmented before hitting him.⁵

¹ ED32.4; D808

⁴ D804; E10.5

² E10.5; ED32.4

⁵ E10.5; D808; AM105.5

³ ED32.3; D803; D804; ED32.4

- 18.7** John Johnston died in hospital on 16th June 1972 from an inoperable cerebral tumour. It was suggested that his death was caused or contributed to by a head injury sustained when he fell after being shot. However, the weight of the evidence (and John Johnston’s own account to the *Sunday Times*) is to the effect that although he stumbled, he did not in fact fall when he was hit. He was discharged from Altnagelvin Hospital on 10th February 1972 having made, according to the surgeon Mr Bennett, an “*excellent recovery*” from “*comparatively minor*” injuries.¹ We are satisfied that John Johnston’s death was not the result of any of the wounds he sustained on Bloody Sunday.

¹ D0790

When Damien Donaghey and John Johnston were shot

18.8 Although some civilian witnesses put the shooting of Damien Donaghey and John Johnston as early as 3.40pm, and some as late as well after 4.00pm, we are satisfied that this incident in fact occurred at, or shortly after, 3.55pm. A number of civilian witnesses spoke of the presence of CS gas in the area, which drifted up William Street after its deployment at Barrier 12 (and possibly Barrier 13) at about 3.50pm. Some recalled having gone back to the laundry waste ground from further east after the first deployment of the water cannon at Barrier 14 at about 3.45pm. John Johnston himself, as already noted, had observed the presence of gas down William Street. Many civilian witnesses thought that 15 or 20 minutes passed after this shooting and before the soldiers went into the Bogside (which was about 4.10pm). Major Loden told the Widgery Inquiry that the shots from Abbey Taxis took place after he had seen CS gas used by soldiers at Barrier 12; the gas blew in his direction as he observed proceedings from the wall on the west side of the Presbyterian church and caused some soldiers at ground level in his vicinity to put on their gas masks. His Diary of Operations¹ timed the shooting at a little after 1555 hours. Private INQ 1919 of Machine Gun Platoon told this Inquiry that he heard CS gas canisters being fired as he made his way to Abbey Taxis and that after they got there “*we all received a good dose of [gas] before we were able to get our gas masks on*”.²

¹ B2218

² C1919.3; CS3.252-253; CS3.374-384; FS7.1145-1152; FS7.1089-1100

Where Damien Donaghey was shot

18.9 There is no doubt that Damien Donaghey was shot when he was in the laundry waste ground, but there is a conflict of evidence as to precisely where he was on this ground.

18.10 During the course of his oral evidence to this Inquiry Damien Donaghey insisted that he was positive that he had been shot when he was in the vicinity of the north-east corner of the laundry waste ground and that witnesses who had placed him at the north-west corner (where the Nook Bar was situated and some 25 yards from the north-east corner) were mistaken.¹

¹ Day 70/12; Day 70/24; Day 70/31; Day 70/32-34

- 18.11** We are satisfied that it is Damien Donaghey and not these witnesses¹ whose recollection is mistaken; and that Damien Donaghey was at, or very close to, the Nook Bar corner when he was shot. This was also where John Johnston (in 1972 accounts considered below) recalled seeing him fall or seeing him on the ground. Some witnesses in their oral evidence to this Inquiry put him further to the east but in our view their recollections on this point were mistaken.

¹ Billy McCartney [AM87.10, Day 54/173](#); Padraig O'Mianain [AO56.19, AO56.4](#); Gerry Duddy [AD146.7, Day 59/133](#); Patrick O'Carolan [AO6.6, Day 60/7](#); Michael McGuinness [AM283.11, AM283.14, Day 64/154, Day 64/146](#); Thomas McDaid [AM177.1](#); Anthony J Feeney [AF7.6, Day 67/89](#); Charles James McGill [AM230.7](#) position "7"; James Wilson [AW17.15, Day 109/95-96](#); Peter Mullan [AM450.12, AM450.6, Day 152/188](#); Eugene Lafferty [Day 64/82](#); Tony McCourt [Day 54/127, AM148.13](#).

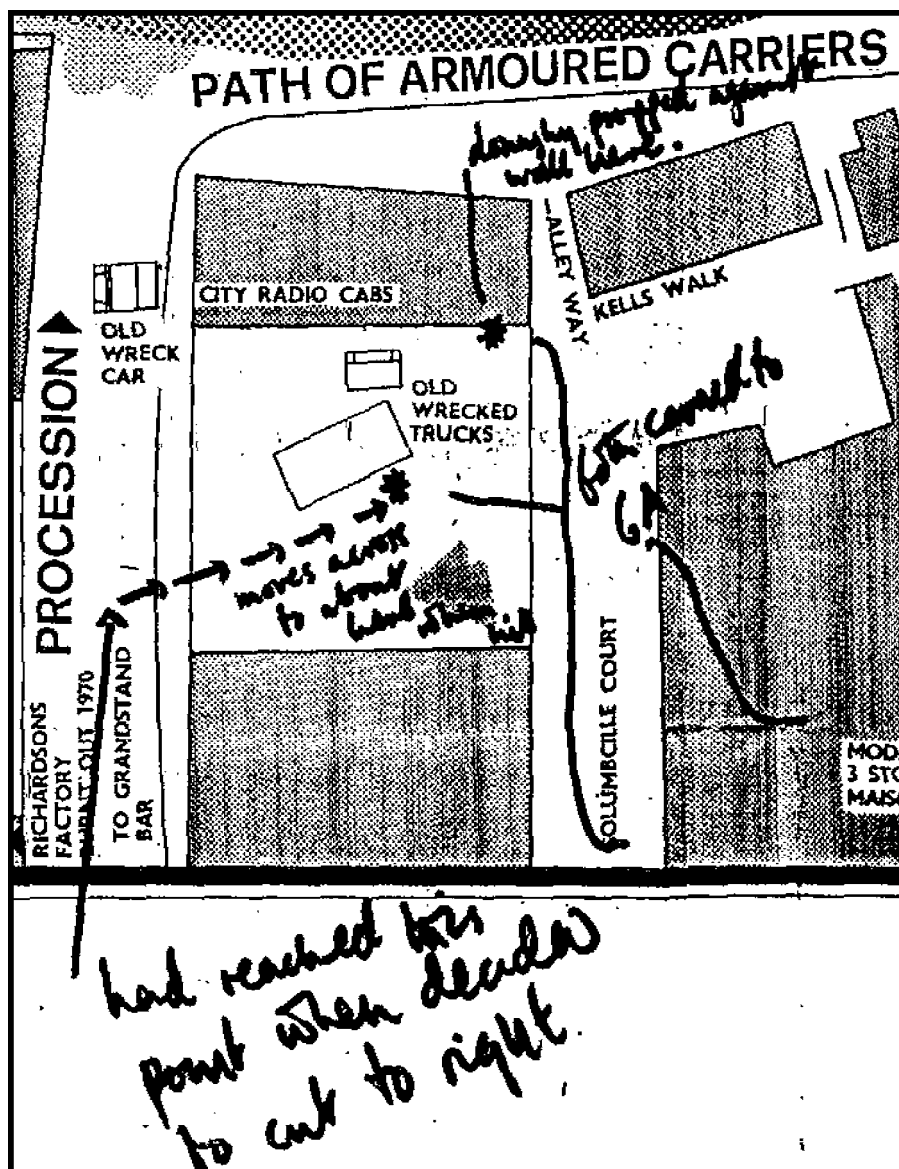
Where John Johnston was shot

- 18.12** According to a statement he gave to the RUC on 2nd February 1972 at Altnagelvin Hospital, John Johnston heard the sound of rubber bullets coming from "*where the burned-out factory is*" as he turned off William Street to go across the laundry waste ground.¹ "*I was walking diagonally towards the entrance to Columbcille Court when I felt a blow to my right leg and left shoulder. At this stage I thought I had been hit by a rubber bullet.*" The "*burned-out factory*" is in our view a reference to Abbey Taxis.

¹ [ED32.5](#)

- 18.13** According to an interview John Johnston gave to the *Sunday Times* on 22nd February 1972,¹ he had walked about two-thirds of the way across the laundry waste ground when "*there was a big thump on the back of my right leg. I thought, my god, i've been whacked by a rubber bullet and went to hobble on, though I couldn't move well. then a man shouted to me 'Christ Mr Johnson [sic], you're shot, your trousers are s[oa]king in blood'.*" John Johnston may well have felt a thump on the back of his right leg, though the medical evidence shows that the entry wound was at the front. The following map (prepared by the interviewer and possibly not seen by John Johnston) accompanied the notes of his interview with the *Sunday Times*.

¹ [AJ5.1](#)



18.14

In the same interview John Johnston said "i can tell you with all truth, i never heard a shot nor any bomb before i was hit, not a solitary thing did i hear except th[e] rubber bullets and the stones...".

18.15 In his written statement for the Widgery Inquiry,¹ John Johnston recorded:

"I saw soldiers, in firing positions, in a burnt out house almost opposite to this waste ground and north of William Street. As I was crossing this waste ground I turned and looked at the soldiers. I heard a crack of a shot. I was hit in the right leg near the hip and then another shot hit me in the left shoulder. At first I thought I was hit by rubber bullets. Another shot, which I believe was a ricochet, grazed my hand but I have no idea when this happened. Just before I was hit I saw a boy fall near the corner of the waste ground and William Street."

¹ [AJ5.3](#)

18.16 John Johnston gave a similar account in his oral evidence to the Widgery Inquiry, except that on this occasion he referred to seeing the boy lying on the ground rather than seeing him fall.¹ We should note in passing that during this evidence John Johnston denied that he had been on the march. This was untrue, but understandable in view of the mandatory minimum sentence of six months' imprisonment that he faced for such an activity.

¹ [WT7.76](#)

18.17 We are satisfied that John Johnston was shot when he was approximately in the position shown on the *Sunday Times* map, having turned towards the soldiers in Abbey Taxis. It should be noted, however, that this map also shows Damien Donaghey propped against a wall at the southern end of the eastern side of the laundry waste ground. According to the notes of the interview with the *Sunday Times*,¹ John Johnston recalled that "... as i was helped away i could see a young lad lying propped up against the wall to my left (this was dogerty [sic], he had been moved I think)". If John Johnston was facing north when he saw this figure, rather than south as the journalist seems to have assumed, it was probably Damien Donaghey that he saw in the north-west corner. We are not persuaded that Damien Donaghey was ever propped up on a wall on the eastern side of the laundry waste ground and we are satisfied, for the reasons we have given, that when shot he was in fact at the north-west corner of the laundry waste ground, "*the corner of the waste ground and William Street*" as John Johnston put it in his written statement for the Widgery Inquiry when describing what he had seen after he had turned to look at the soldiers in Abbey Taxis.²

¹ [AJ5.1](#)

² [AJ5.3](#)

18.18 There were a number of civilian witnesses who gave evidence about where John Johnston was when he was shot. Some put him in the same or much the same position as John Johnston did himself, while others give a variety of other positions. We did not

find the latter evidence convincing or enough to undermine the account given by John Johnston. In many cases we doubt whether the witness actually saw John Johnston when or immediately after he was hit; and it must be borne in mind that after he was shot, John Johnston hobbled on or staggered about before people saw that he was hurt or came to his assistance.

- 18.19** A number of witnesses said that John Johnston was shot as he came to the assistance of the injured Damien Donaghey. Indeed Damien Donaghey himself in a Praxis Films Ltd interview in 1991 said that “*Johnston went to lift me*”¹ and in an interview in 1998 that “*One of the men that came to lift me was John Johnston. He was shot, but I didn’t know till the day after.*”² In his written statement to this Inquiry,³ he said that he had been told by someone else “*some time afterwards ... that John Johnston was bending down to lift me up when he too was shot*” and in his oral evidence to us,⁴ he agreed that he had no personal recollection of this, or indeed of anyone who had lifted him or had been shot. We are satisfied that John Johnston did not attempt to assist Damien Donaghey and that this story of him being shot as he did so must be regarded as one of the civilian myths that sprang up after Bloody Sunday, just as other myths did among the soldiers. Our reasons for reaching our view in this instance are the accounts John Johnston himself gave and in particular his answers when asked about this during the course of his oral evidence to the Widgery Inquiry:⁵

“Q. Had you gone to assist the boy?

A. No.

Q. You did not turn round to him at all?

A. No.”

¹ AD120.25

⁴ Day 70/17

² AD120.59

⁵ WT7/80

³ AD120.10

- 18.20** The second of these answers, read in the context of the totality of John Johnston’s evidence, is clearly a continued response to the first question. It should not be taken to mean that John Johnston denied looking back across William Street at all, which he agreed elsewhere that he had done shortly before he was shot.

- 18.21** We are satisfied that John Johnston was hit as or immediately after Damien Donaghey was shot. As will have been seen from the foregoing, the latter was John Johnston’s own recollection and in this he is supported by a number of civilian witnesses. Although there

is disagreement among the civilian witnesses as to how many rounds they heard being fired, some recalling only one shot while others recalled up to three or possibly more, the most compelling evidence in our view was that all of the gunfire occurred in a brief or a very brief period of time. We do not find reliable the evidence of a few witnesses who suggested that tens of seconds, or even minutes, elapsed between the shooting of the two casualties on the waste ground.

What John Johnston and Damien Donaghey were doing when they were shot

- 18.22** As described above, we are satisfied that John Johnston was shot when he was approximately in the middle of the laundry waste ground, having turned towards the soldiers in Abbey Taxis. Although one witness said that John Johnston was hit as he was remonstrating with the soldiers for shooting Damien Donaghey, we do not believe that this was the case. Instead we are sure that John Johnston was merely observing what was going on.
- 18.23** What Damien Donaghey was doing is more difficult to determine.
- 18.24** Damien Donaghey himself has given a number of differing accounts of what he was doing when he was shot.
- 18.25** On 8th February 1972, and while in Altnagelvin Hospital, he was asked by Detective Sergeant Cudmore of the RUC (in the presence of Fr Joseph Carolan) how he received his injuries and answered *“I heard a bang and I fell. There was no trouble at the time.”* DS Cudmore then asked him what he was doing in the area at the time and he said *“I was taking a short cut to go to my cousins in Garvan Place, Rossville Flats”*. He told the officer that he did not want to make a statement at the time but that he would make a statement to his solicitor.¹
- ¹ [AD120.17](#)
- 18.26** On 28th February 1972 Damien Donaghey did give a statement to his solicitor,¹ which was put before the Widgery Inquiry. In this he recorded that he had come down William Street at about 4.00pm and noticed a cloud of gas around the junction of William Street and Rossville Street, that as he reached the Nook Bar in William Street he saw three soldiers lying on a ledge at the rear of the Great James Street Presbyterian church and

that he also noticed two soldiers inside the former premises of Abbey Taxis in William Street. He said the soldiers on the ledge had their rifles aimed towards the direction of Columbcille Court. His statement continued:

“I went round the corner of the ‘Nook Bar’ and into the waste ground beside it. I was walking towards Columbcille Court then. I heard the sound of a rubber bullet being fired and I saw it bounce off the wall on my right and I then ran to pick it up. As I was bending down to pick it up I heard a shot ring out and I felt a twinge in my right hip. I fell to the ground and I saw the blood coming from a hole in my trousers just above my right knee. I then realised that I was shot. Some men came and I shouted to them that I was shot. Just as these men were coming to pick me up I heard two more shots and they were not rubber bullet shots ... At no stage did I have a gun or a nail bomb in my possession.”

¹ [AD120.18](#)

- 18.27** On 1st March 1972 Philip Jacobson and Peter Pringle of the *Sunday Times* Insight Team interviewed Damien Donaghey, who was still in hospital. In his evidence to us, Damien Donaghey denied giving an interview to these journalists,¹ but we are satisfied that in fact he did so. According to their notes, which we consider contain an accurate account of the interview:²

“Donaghey says he missed the march because he went to a dance on the Saturday night and didn’t get up till late. He was on his way to see his cousin, a Mrs Shields, (No. 15, 1st floor of the Rossville block on Rossville St.). He was in William St behind the main body of the march when he saw the gas at the end of the street. He decided to cut across through Columbcille Court to the Rossville flats. There were a few youths throwing stones at about three soldiers on the low roof next to the Presbyterian Church. He heard a rubber bullet being fired, turned round to see where the bullet was coming and as he turned he was hit in the right thigh.

At first he thought it was a rubber bullet but then saw the blood on his leg and he cried out that he had been hit. The person nearest to him was an oldish man he now knows to be Mr Johnston and he came towards him. Donaghey was lying on the ground and he heard two more rifle shots and saw that Mr Johnston had been hit...

He says that although he is a regular William Street stone thrower he was NOT throwing stones on that day...

While he has been in Altnagelvin he has had tow [sic] calls from the Special Branch. They asked him to place on a map where he was wounded and also asked him to make a statement which he refused to do.”

¹ [Day 70/27](#)

² [AD120.2-4](#)

18.28 In a Praxis interview in 1991¹ Damien Donaghey is recorded as having told the interviewer:

“On waste ground in William Street, opposite Presbyterian Church. With 2/3 friends (John McGhee [sic] was one of them), threw handful of stones at soldiers who were on church roof, beside bakery, on that roof and inside.

Roaring, shouting crowd of perhaps 20. NO BOMBS AND NO GUNS.

Turned and walking away, not behind corner but near it.

Shot in right leg, went in front and out the back. Shot straight on as he turned to walk back.”

¹ [AD120.25](#)

18.29 In the subsequent Praxis Channel 4 television Secret History documentary *Bloody Sunday* broadcast on 22nd January 1992 Damien Donaghey said:¹

“There was a bit of rioting, because the army were in the bakery over there and they were on the rooftops and there were soldiers on the roof over there too and then we kind of dropped our stones and were walking away again. Then I just turned and the next thing I was shot and was lying on my back you know.”

¹ [X1.7.12](#)

18.30 A little later in the interview Damien Donaghey was asked whether he was doing anything at that time that the soldiers could have thought was aggressive. His answer was, “*No nothing at all, wasn’t doing nothing at that time*”.¹

¹ [X1.7.12](#)

18.31 By the words “*the bakery*” we consider that Damien Donaghey was intending to refer to Abbey Taxis, which was once a bakery.

- 18.32** In the course of preparing for the BBC television Inside Story documentary *Remember Bloody Sunday* (first broadcast on 29th January 1992) Peter Taylor interviewed Damien Donaghey. In this interview (which was taped and transcribed but not used in the final programme) Damien Donaghey told Peter Taylor:¹

“... after the march, was kinda breaking up, there were a little bit of rioting, where they – they were stoning the soldiers in the bakery, but at that time I was walking through the wasteground and when I turned aro [sic] – I happened to just turn around to talk to another fella and I turned around and the next thing I knew I was lying on my back, I was shot, I didn’t know I was shot, and er, I cannae remember (INAUDIBLE) ... there were people all around me, the next thing I knew I was lifted and was took into a house over in Glen Fadda [sic] Park.

PETER: Do you remember being shot?

DAMIAN [sic]: Not really, to be truthful you know, the next thing I was – I’d just had me turn and the next thing I was lying on me back, you know, and I felt my leg you know, and then a man says er – a boy had been shot and the next thing there were three or four – maybe half a dozen people all around me, and a man Johnson [sic] as I didn’t know him then but I knew later, he tried to lift me and he was shot too, and then I was carried into a house in Glen Fadda Park.

PETER: Had you been rioting?

DAMIAN: No not – not rioting no.

PETER: Had you thrown any stones at the soldiers?

DAMIAN: Nothing at all, no.”

¹ [173-82](#)

- 18.33** It is possible that Peter Taylor did not accept Damien Donaghey’s denial that he had been throwing stones, as in the programme as shown Peter Taylor said, “*Donaghy had been throwing stones*”.¹

¹ [X1.9.20](#)

- 18.34** On 23rd August 1998 (after the institution of the present Inquiry), Damien Donaghey was interviewed by Don Mullan. In the course of this interview (which was taped and transcribed)¹ he was asked “*What do you remember about the incident then – you were on the march?*” The reply was:

“On the march, coming down William Street. We were coming down past the bakery, I noticed there were soldiers up on top of what would have been the Protestant Church on Great James Street...

There were a wee bit of rioting down at the bottom of William Street and that was it, and there were soldiers in the bakery – it was the old Ormeau bakery on William Street. They were left, but he was hiding in behind an old broken window, you know, that was it – you never think, then I just turned round and the next thing I was lying on my back and there were a couple of people came to lift me. One of the men that came to lift me was John Johnston. He was shot, but I didn’t know till the day after...”

¹ [AD120.58-59](#)

- 18.35** The reference to the “*old Ormeau bakery*” is again in our view a reference to Abbey Taxis.

- 18.36** In his written statement to this Inquiry, Damien Donaghey gave a longer account of his movements and activities up to the time when he was shot:¹

“I was born on 21 May 1956. At the time of the march which took place in Derry on 30 January 1972 I was 15 years old.

Bloody Sunday was the first time that I had been on a march. At that time I was not particularly interested in civil rights. I went on the march with some friends of about my own age, as everyone else seemed to be going. Amongst the small group of friends who went with me were Alex McGuinness, Sean O’Neill and Liam Doherty. They were friends who lived near me at [...]. We were all at school together. We met at the Creggan shops and went from there to join the beginning of the march. People of all ages and all walks of life had gathered to take part in the march.

I was about a half to three quarters of the way back in the crowd of marchers as we set off. I walked with the crowd along the whole of the route of the march as far as William Street. The first sight that I had of any soldiers were those which were positioned at the junction of Francis Street and Great James Street. They were about 150 yards away. There was some catcalling from the crowd when they were noticed, but it was nothing venomous. There was no reaction from the soldiers. I saw another group of soldiers as the crowd moved further along William Street. These were positioned at the junction of Lower Road and Great James Street. There was some further catcalling from the crowd.

I continued to walk along William Street with the rest of the crowd. Shortly afterwards, I noticed a number of soldiers on a flat roof at the back of the Presbyterian Church, to the north of William Street. I have marked the approximate position of the soldiers at A on the map (grid reference K05). I also noticed some other soldiers on the roof of the GPO Sorting Office close to the Presbyterian Church. The sorting office is marked B on the map (grid reference L06). The soldiers in both positions were approximately 150 to 200 yards away from me. Whilst I noticed that the soldiers were there, I remember very little about them. I think there were about three soldiers in each position, but there may have been a few more. They were aiming rifles. I could not really see what they were wearing.

The next thing that I remember is that a group of young fellows near me noticed some other soldiers moving around in a derelict building next to the old bakery on the north side of William Street. The building was formerly used as an office by Abbey Taxis. I have marked the position of the building at C on the map (grid reference J07). The same building can be seen clearly on the attached photograph. I saw some of the soldiers moving between windows on the ground level which I have marked on the photographs. When I saw the soldiers, I was standing on the opposite side of William Street (the south side) near the Nook Bar. I have marked my approximate position at D on the map (K08) and on the attached photograph.

I watched as about five or six lads shouted abuse at the soldiers. The young lads then began to throw stones and bottles towards the derelict building where the soldiers were. This only lasted for about two minutes. I find it very difficult to say how many soldiers were in the building. They were moving back and forth between the windows. I would say there were three or so, but there may have been one or two more. I could see that they were armed with rifles and I think they were wearing tin helmets. I cannot remember anything else about them.

People involved at the tail end of the march – approximately a couple of hundred – passed by as this was going on. Other people were cutting across to Free Derry Corner. I did not get involved with the lads throwing stones and I did not throw any stones myself. It was not a serious disturbance. I would not even describe it as a riot.

I watched the young lads throwing stones for no more than a couple of minutes. The soldiers were taunting the young fellas. I am sure that during this period no petrol bombs or nail bombs were thrown, and I did not see anybody around me with any sort of weapon. I then recall that I heard two rubber bullets being fired from across the road from the direction of the derelict building next to the old bakery, the same building where I had seen the soldiers. There were two loud bangs, and one of the rubber bullets ricocheted off a wall not far from where I was standing. I do not recall exactly which wall the rubber bullet hit, or whether the bullet hit the top, middle or bottom of the wall. The rubber bullet fell onto the waste ground on my side (the south side) of William Street. I saw it and decided to go and pick it up, as everybody collected them at the time and it was possible to sell them as a souvenir.

I took about three steps towards the rubber bullet. I hadn't got within 20 feet of the rubber bullet when I felt a jab in my right leg. Initially, there was no strong sensation of pain, but I fell immediately onto my back. My approximate position when this happened is marked F on the Plan (grid reference K08). I was not aware of any people being around me when I was hit, nor can I remember hearing a shot being fired beforehand. I did not realise that I had been shot until I put my hand to my trousers. I looked at my hand and it was covered in blood. The bullet had hit me on the right side of my knee at a slight downward angle. It broke my femur and came out at the back of my thigh."

¹ [AD120.5](#)

18.37 The map or plan to which Damien Donaghey referred in this statement is shown below.¹

¹ [AD120.24](#)



- 18.38** Shortly after he was interviewed by this Inquiry, Damien Donaghey gave a further account to the writer Jimmy McGovern, and his producer Stephen Gargan, who were working on a dramatisation of the events of 30th January 1972 that was later screened under the title *Sunday*:¹

“... I got down to where the Nook Bar was, where I was shot ... the march was coming down William Street at the bakery corner round from Abbey Taxis there was soldiers in there, in the derelict building at the side you know. And there were a few stones threw at them but that was it and the plastic bullet was fired and it came off the wall and I went to go for it and next thing I was lying shot.

J. McG ... Did you handle the plastic bullet?

D.D ... I never even got my hand on it to tell you the truth and then that ... it happened that quick do you know what I mean and I was lying on me back ...”

¹ [AD120.28-29](#)

- 18.39** Damien Donaghey gave oral evidence to this Inquiry on 25th January 2001.¹ At the outset of his evidence he read out the following prepared statement:

“After discussions with my legal representatives and because the main reason we are here is for the truth to be told, I may wish to admit that I threw stones. I also would like to add that when I was shot, I did not have a nail bomb or anything else in my hands.”

¹ [Day 70/001](#)

- 18.40** In the course of his oral evidence to this Inquiry Damien Donaghey was asked why he had previously stated that he had not thrown any stones at all. He agreed that he had done this and when asked why, he said this:¹

“At that time I was a bit afraid in a way in case I would be charged with rioting, but another way I was afraid – I thought it might give the soldiers credibility for shooting me, because I threw stones.”

¹ [Day 70/020](#)

- 18.41** It is understandable that in 1972 Damien Donaghey should have denied that he was throwing stones, and indeed that he should have made up a story about not being on the march, since he risked being sent to a remand home for six months or a training school for three years for such activities. However, since (as we are sure he knew) there was no risk at all of being charged with riotous behaviour or any other offence decades after the event, this does not explain how he came to deny to Peter Taylor in the early 1990s that

he had been stone throwing or (and more importantly) how he made the same denial in his written evidence to this Inquiry. Leaving aside what he said in 1972, and accepting the reasons that he gave for not telling the truth, the later denials appear to us to have been made because of his concern that by admitting to rioting he might give credibility to the evidence of the soldiers who shot him.

18.42 To our minds this amounted to an attempt deliberately to distort and conceal the truth from this Inquiry for the purpose of trying to remove any possible justification for the shooting. The explanation in his prepared statement for his belated admission that he had in fact been throwing stones was “*because the main reason we are here is for the truth to be told*”, but we find this difficult to accept, since he must have been well aware that this was the purpose of this Inquiry when he denied stone throwing in his written statement.

18.43 As well as the question of stone throwing, there are other matters that cast doubt on the reliability of Damien Donaghey’s testimony as to what he was doing when shot. For example in his various accounts over the years, he said he had been shot as he was picking up a rubber bullet, as he was turning round to see where a rubber bullet was coming from, as he turned round to talk to someone, and (in his written and oral evidence to this Inquiry) as he was going towards a rubber bullet but had not got within 20 feet of it. As already observed, he was mistaken in insisting in his oral evidence that he was at the north-east rather than the north-west corner of the laundry waste ground and that he had not talked to the press when he was in hospital.

18.44 It was suggested that these matters, and other discrepancies and inconsistencies in the accounts Damien Donaghey has given over the years and to this Inquiry, demonstrate that he has persistently lied.¹ We are not persuaded that this is necessarily the case, though he clearly lied at one stage about not throwing stones. What must be borne in mind is that on Bloody Sunday Damien Donaghey, then a boy of 15, was grievously wounded by gunfire, which put him in hospital for many months and has adversely affected him ever since. In the emotions created by this and the other events of the day, he may have come to believe and say things that did not in fact happen.

¹ [FS7.1112](#)

18.45 In these circumstances, we do not feel able to place any reliance on the accounts given by Damien Donaghey as to what he was doing when he was shot, unless other convincing evidence supports what he has said. It is thus necessary to consider the other material that we have gathered on this topic.

- 18.46** In her written evidence to this Inquiry Monica McDaid said that she heard what she thought was the sound of a rubber bullet gun, and that:¹

“After the shot was fired, the young fellow who had been on the waste ground, turned to retrieve the rubber bullet which had been fired, and then ran away from William Street along the gable of the building on the waste ground. A few seconds later I heard a second shot. I mentioned to my husband that it was another rubber bullet but he said no it was a lead shot. I saw the young lad stumble as his legs buckled underneath him. I cannot remember if he fell to the ground ... I found out the day after that the young lad was Damien Donaghy...”

¹ [AM170.2](#)

- 18.47** In her oral evidence to this Inquiry Monica McDaid gave a slightly different account, which was that “... *there was a shot and I seen the young fella going to retrieve the rubber bullet ... but then, I think immediately, there was another shot and he stumbled*”.¹

¹ [Day 65/124-125](#)

- 18.48** There are difficulties with Monica McDaid’s evidence. She said that the only young person there was Damien Donaghey,¹ that John Johnston was shot about three minutes after Damien Donaghey² (though she modified this in her oral evidence³), that there was no rioting on the waste ground while she was there,⁴ and that she saw soldiers in the derelict building looking out south directly onto William Street, and not onto the waste ground north of that street.⁵

¹ [Day 65/123-24](#)

⁴ [Day 65/123/14-17](#)

² [AM170.3](#)

⁵ [Day 65/125](#)

³ [Day 65/127/5-25](#)

- 18.49** We are satisfied that there were a number of young persons in the immediate area, some of whom were engaged in stone throwing (though there were also a number of older people merely watching the rioting from the laundry waste ground), that John Johnston was shot at the same time as, or immediately after, Damien Donaghey and that soldiers were looking onto the waste ground and not directly south onto William Street. In our view it is not possible to place reliance on Monica McDaid’s evidence with regard to the matters under discussion, for many of her recollections after so many years (she apparently made no statement in 1972) are clearly erroneous, though we have no reason to suppose that she was doing other than her best to help the Tribunal. We should note that she was with her

husband, Thomas McDaid, who gave written and oral evidence to this Inquiry and who had made a NICRA statement on 1st February 1972.¹ There was nothing in that statement to suggest that Damien Donaghey was trying to retrieve a rubber bullet when he was shot.

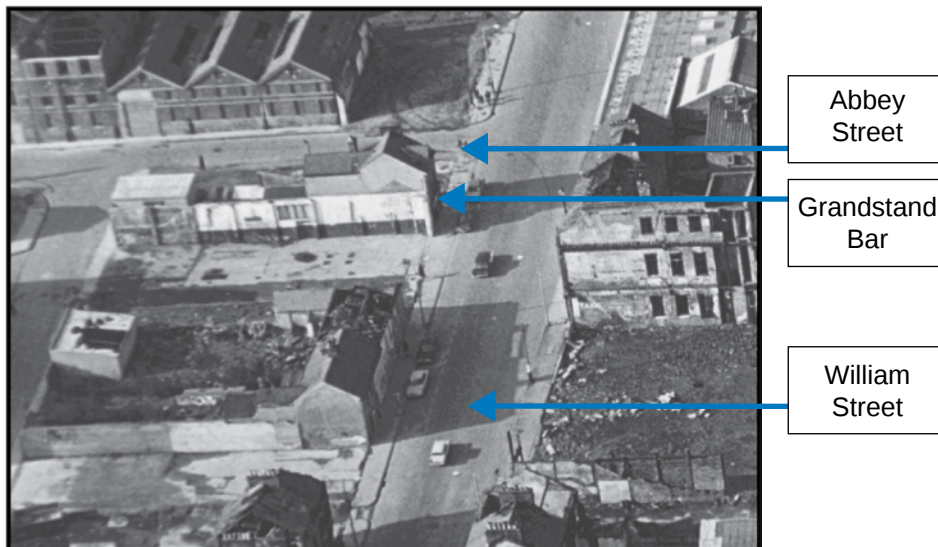
¹ [AM177.4](#)

- 18.50** There were many people in the area of the laundry waste ground, numbering well over 50. There were probably only very few marchers still going down William Street and past Abbey Taxis and the laundry waste ground. John Johnston described himself as being at the tail of the march when he decided to go across the laundry waste ground. A substantial number of people had come back up William Street to avoid the CS gas at Aggro Corner, many of whom had turned into the laundry waste ground and were making their way south. Others were standing in that ground, mostly at the southern end, some watching youths throwing stones and bottles at the soldiers in and on the buildings to the north. At this stage in the rioting, it seems to us that probably only about a dozen or so people at the most were engaged in throwing stones and bottles.
- 18.51** Many civilian witnesses gave evidence about the shooting of Damien Donaghey. As already noted, it is to be expected that in any situation where a number of people seek to describe the same event, there are differences in these accounts, some very marked. In many cases it seemed to us more likely than not that the person in question had not actually been watching Damien Donaghey at the moment he was shot and had only observed him before or afterwards, sometimes immediately afterwards. In other cases it seems to us likely that the witnesses really saw little or nothing, but have come to believe otherwise over the years. All this makes it difficult to be certain about some matters, though on others we have been able to form a firm view.
- 18.52** We are satisfied, from the evidence of civilians, the nature of his wounds, and the position of the soldiers who fired, that Damien Donaghey was at or close to the north-west corner of the laundry waste ground and was facing north or north-west when he was shot. We are not persuaded that he was seeking to retrieve a rubber bullet, although very shortly before he was shot soldiers had fired rubber bullets from Abbey Taxis and possibly also from the roof immediately to the east of the Presbyterian church.¹ He had been engaged with others (probably at most a dozen) in throwing stones at the soldiers in Abbey Taxis, on occasion going forward as far as the north side of William Street to do so.²

¹ [AM78.3](#); [AO56.1](#); [Day 61/163](#); [AM452.16](#); [AM431.5](#)

² [AQ1.4](#); [AD80.1](#); [Day 92/57-58](#); [Day 62/8](#); [Day 70/22](#); [AM37.1](#)

- 18.53** Damien Donaghey was probably the furthest north of a group (some or all of whom had been rioting) who had taken shelter by the wall on the western side of the laundry waste ground when soldiers fired rubber bullets.¹
- ¹ [Day 66/39-40](#); [Day 152/189-190](#); [AC132.2](#)
- 18.54** He might have been dodging in and out of that cover or peering round the wall when he was shot,¹ but there is nothing in the civilian evidence to suggest that he might have been about to throw a stone or similar object at the soldiers to the north of William Street at this moment, though he probably had thrown a stone shortly before.
- ¹ [Day 69/87-90](#); [Day 109/94-95](#); [Day 65/7](#)
- 18.55** There is no civilian evidence whatever from anyone in the area of Abbey Taxis that suggests that either Damien Donaghey or indeed anyone else had either thrown or was preparing to throw a nail bomb or similar lethal device. On the contrary there was a substantial body of civilian evidence from people in the area to the effect that this was not the case.¹
- ¹ [Day 64/50-51](#); [AM450.6](#); [AM452.2](#); [AO6.3](#); [AM253.1](#); [AM253.7](#); [Day 59/46](#); [Day 71/151](#)
- 18.56** However, there were three witnesses whose evidence, it was suggested, indicated the possibility that a nail bomb or bombs exploded in this area.¹
- ¹ [FS7.1070-1075](#)
- 18.57** Frank Lawton, who was observing the march from an open window in the living room of his mother-in-law's maisonette on the fifth floor of Block 1 of the Rossville Flats recorded, in a contemporaneous NICRA statement,¹ that he heard one nail bomb explode at a time when the man on the coal lorry in Rossville Street was calling for people to meet at Free Derry Corner. This explosion, he said "*appeared to be at the Grandstand Bar in William Street*". The Grandstand Bar was the first building still standing to the east of Abbey Street on the south side of William Street and is marked on the following photograph.
- ¹ [AL6.19](#)



18.58 In his written evidence to this Inquiry, Frank Lawton put the time when he heard this explosion as about five to ten minutes before the Army moved into the Bogside,¹ which, if correct, would mean he heard it at or about 4.00pm. However, as appears below, there were soldiers very close to the Grandstand Bar, in Harrison's Garage on the other side of William Street, none of whom reported or recalled hearing a bomb at or near this location. Frank Lawton was in a flat some 200 yards distant from the Grandstand Bar. At the time he recalls, gas canisters were exploding and baton guns firing. We are not persuaded that his evidence undermines that of those who were much nearer Abbey Taxis.

¹ [AL6.1](#)

18.59 In a 1972 statement to Philip Jacobson of the *Sunday Times* Insight Team, William McCormack (who was then a lecturer at Magee College in Londonderry) denied hearing nail or petrol bombs at any time,¹ though he gave an account of seeing a soldier on the roof of the GPO sorting office who fired at and missed a boy who had been throwing stones, something of which no other witness has spoken and, as we have already observed, something which in our view did not happen. In his oral evidence to us, Professor McCormack agreed that it was possible that he had not actually observed the soldier shooting as opposed to pointing his gun towards the stone throwers, something that several others did see.²

¹ [AM136.15](#); [AM136.17](#)

² [Day 113/102](#)

18.60 In an article published in 1998 Professor McCormack (under the name Hugh Maxton) referred to “*sounds of explosions in William Street, but distant and insignificant*”.¹ It is not clear where Professor McCormack might have been when he heard these explosions. In view of his 1972 denial, this recollection does not in our view undermine the evidence of those close to Abbey Taxis that no nail bombs were thrown in that area.

¹ [AM136.8](#)

18.61 Brian Callan gave a NICRA statement¹ in which he described being halfway up William Street and hearing rubber bullets and gas being fired from the roofs. His statement continues, “*At this particular time there was a big bang and smoke rose from the central office of the GPO. The talk in the crowd was that something had gone wrong with the store of CS gas. This cloud of gas drifted in our general direction.*”

¹ [AC4.5](#)

18.62 Brian Callan gave a written statement to this Inquiry in which he gave a similar description.¹

¹ [AC4.2](#)

18.63 We are sure no CS gas was fired from the GPO building. In our view what Brian Callan heard and saw was the deployment of gas at Barrier 12, to which we have referred above. His evidence does not support the proposition that nail bombs may have been thrown in the area of Abbey Taxis.

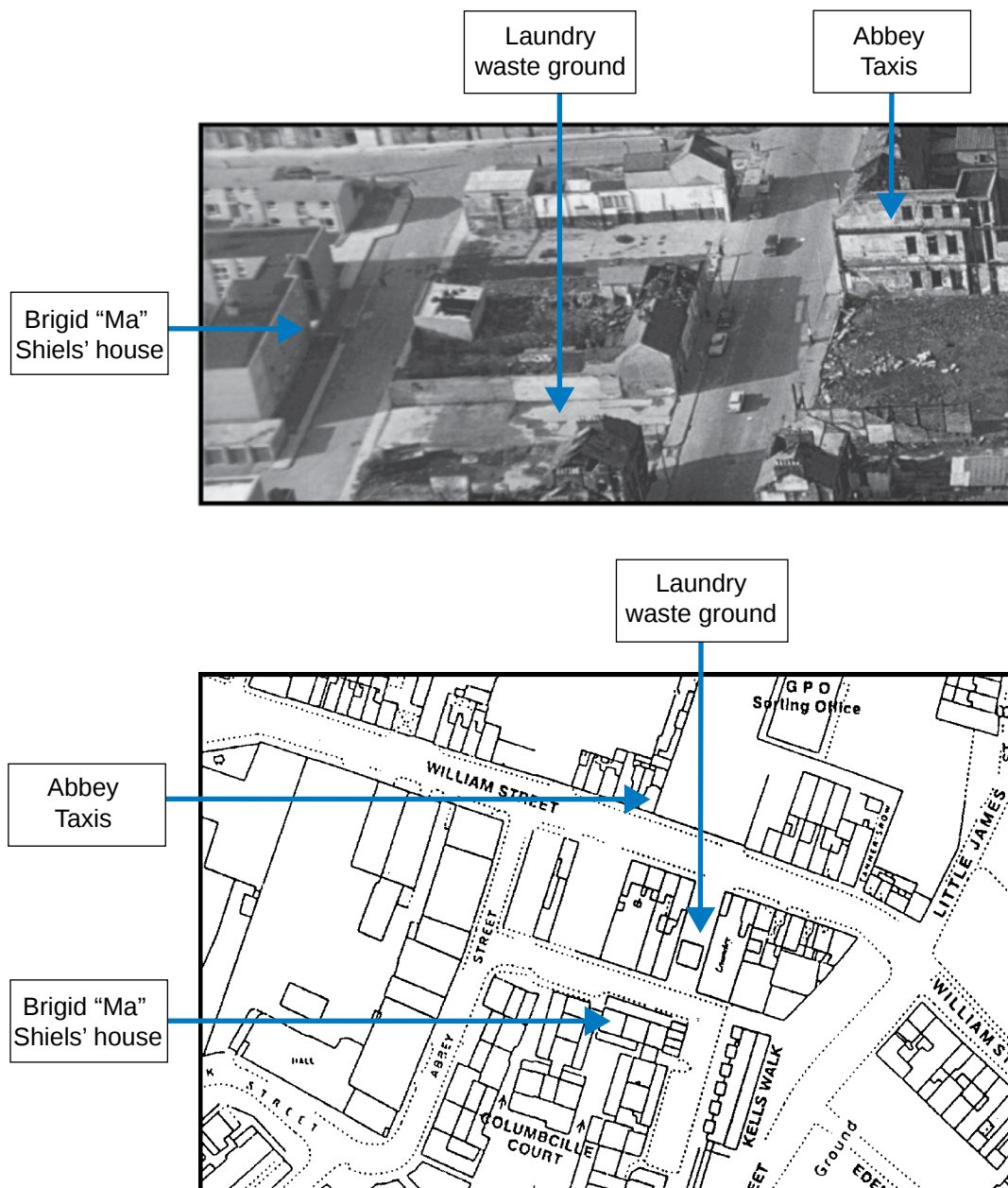
18.64 In the light of the evidence discussed above, we are sure that no nail bombs exploded in the area where Damien Donaghey and John Johnston were shot.

18.65 We should add at this point that there is no civilian evidence that suggests to us that anyone apart from John Johnston and Damien Donaghey was injured by gunfire in this area of the city at this time.

Where Damien Donaghey and John Johnston were taken

18.66 After he was shot Damien Donaghey was dragged behind the cover of the wall to the west of the laundry waste ground and then carried by a number of people to Brigid “Ma” Shiels’ house at 8 (or 8A) Columbcille Court, as shown on the photograph and map below.¹

¹ [AB69.1](#); [AB69.3](#); [AM217.7](#); [AM217.2](#); [AD80.3](#); [AD80.5](#); [H3.8](#); [H3.2](#); [AC132.2](#)



18.67 Shortly afterwards people assisted John Johnston to the same house.¹ There they were treated by Dr Raymond McClean, Dr Kevin Swords and a number of volunteer members of the Order of Malta Ambulance Corps, a voluntary organisation of civilians who were trained in first aid and who attended public events to provide medical assistance.²

¹ H3.8; H3.2; AM283.11; AM283.15; AM283.3; AM230.8; AM230.3; AO56.1; AF26.4; AF26.6; AM450.2; AM450.7

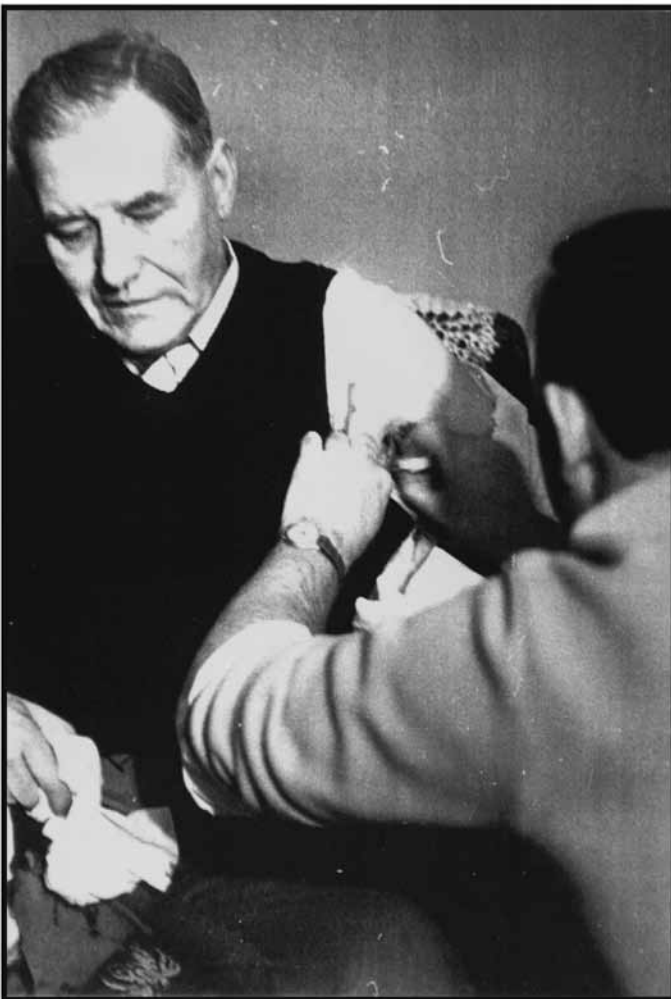
² AM105.82; AM105.65-67; AM105.5; AS42.1-2; AL2.2-3; AD13.1-2; AM166.3; AM17.9; AD50.28; AD50.31-32; AD50.36-37; AG21.3

18.68 Fr Carolan then took John Johnston to Altnagelvin Hospital by car, returning to do the same for Damien Donaghey.¹

¹ [H3.8-9](#); [H3.3-H3.4](#); [H3.13-H3.16](#)

18.69 Larry Doherty of the *Derry Journal* (a local newspaper) took photographs of the two injured individuals while they were in Ma Shiels' house. The first two of the following photographs are of Damien Donaghey and the last two of John Johnston.







- 18.70** As can be seen from his *Sunday Times* interview¹ and one of the photographs taken in Ma Shiels' house John Johnston had been wearing an overcoat, a jacket, a woolly cardigan, white shirt and a tie and grey trousers.

¹ [AJ5.1](#)

- 18.71** Damien Donaghey said that he had been wearing Wrangler jeans and a creamy coloured Wrangler jerkin, with a shirt and round-necked jumper. The photos taken of him in Ma Shiels' house show that he was wearing jeans, and it is reasonably clear that he had on a light-coloured jacket of some kind and a dark-coloured jumper. One of the civilian witnesses in a NICRA statement¹ described him as wearing a white jerkin and motorbike goggles (Damien Donaghey denying the latter), while others (in statements made to this Inquiry²) described him as wearing a jumper, a darkish bomber jacket, and possibly a zipped-up coat. In view of the photograph it seems that the latter were mistaken in their

recollection. Whether Damien Donaghey had been wearing motorbike goggles seems doubtful, for as will be seen, neither of the soldiers who targeted him mentioned seeing these.

¹ [AB70.9](#)

² [AM217.2](#); [AM230.3](#); [AF26.4](#); [AC132.2](#)

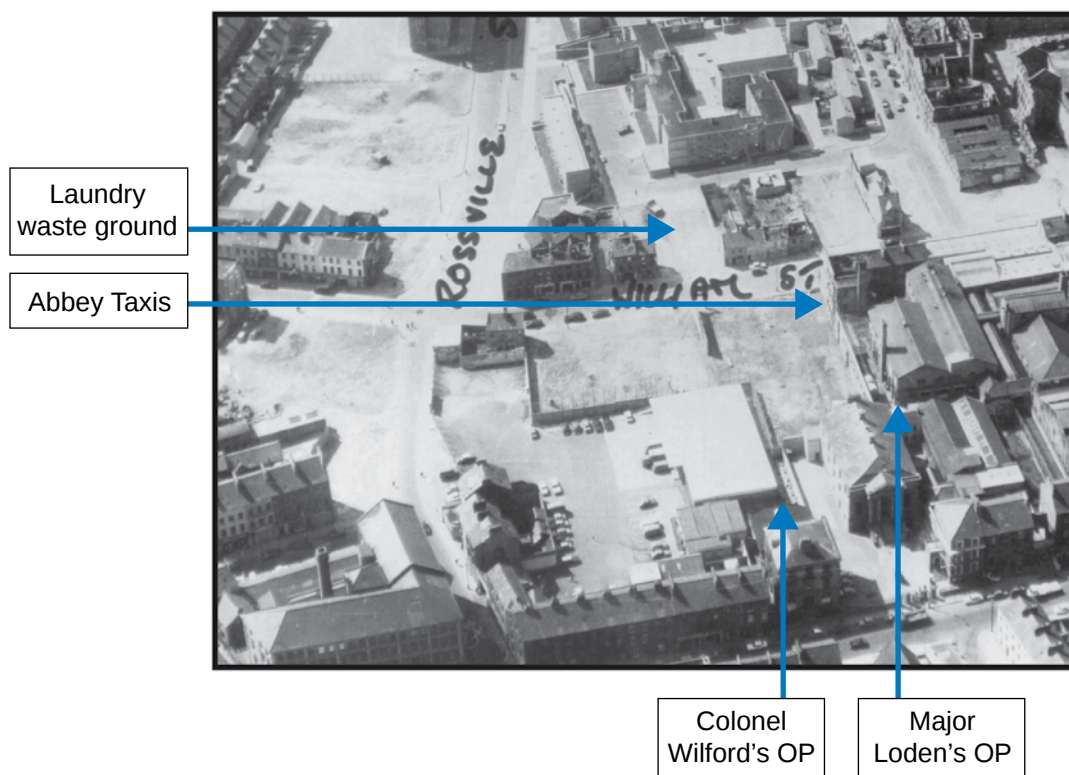
The actions of the soldiers

18.72 As described above, at about 1540 hours Major Loden had ordered Machine Gun Platoon forward to Abbey Taxis, members of Mortar Platoon forward to cut the wire on the east side of the Presbyterian church, and Composite Platoon to be prepared to deploy forward to the open ground south of the Presbyterian church to arrest rioters. At this stage Major Loden was at his Observation Post (OP), which was on the roof of a building on the south-west corner of the church. He had a signaller in the courtyard below him to the north, as that was the only position from which he could communicate with the 1 PARA Tac HQ (the Gin Palace) on the battalion net. Major Loden also had a radio and possibly another signaller (Lance Corporal INQ 627¹) with him on the roof, for the purpose of communicating with the platoons of his company on the company net.²

¹ [C627.3](#)

² [B2219-20](#)

18.73 Colonel Wilford had also set up an OP. There was a little confusion in the evidence as to where exactly this was, but it is probable that it was on the south side of the top floor of the three-storey building to the north-east of the Presbyterian church, which can be seen from the following photograph. On this is also marked the likely position of Major Loden's OP.



18.74 From Colonel Wilford's OP there was a view of some of William Street, though because of the bend in the road, it was not possible to see as far down as Barrier 14. It was also not possible to see much of Little James Street or Barrier 12. It should be borne in mind that the photograph shown above is not a reliable guide to what could be seen, as it was taken after Bloody Sunday and after buildings to the south-east of the Presbyterian church had been destroyed.

18.75 It is not clear when Colonel Wilford got to this OP, though we are satisfied that he was there for all or most of the time from at latest about 1515 hours until about 1610 hours. Captain Jackson, his adjutant, was with him together with a bodyguard. It is possible that his second in command (Major Norman Nichols) was with him, or with him for some of the time, since in his evidence to the Widgery Inquiry, Colonel Wilford referred to Major Nichols's presence when a shot hit the Presbyterian church (a matter to which we return below). However, in his oral evidence to us Captain (now General) Jackson thought that Major Nichols was almost certainly not there,¹ and Major Nichols himself in his written evidence to this Inquiry,² while having little detailed recollection of the day, thought that he was on his own elsewhere. In addition there is an entry in the 1 PARA log,³ timed at

1530 hours, recording an order from Major Nichols to send “*watchdog team*” (the Military Police) to “*2IC location*”, which seems to indicate that at least at that time, Major Nichols was not with Colonel Wilford.

¹ [Day 318/22](#)

³ [W90](#) serial 26

² [C1876.2](#)

18.76 Because he was in this building, Colonel Wilford was not in direct radio contact with Brigade HQ or other battalions on the Ulsternet, though it may be that he had a lead from the Land Rover so that he could listen to Brigade radio traffic.¹ His Land Rover did have an Ulsternet radio, but when he was away from this vehicle, communications with Brigade HQ or other battalions would go through a signaller with an A41 radio on the battalion net to his Tac HQ in the Gin Palace who would send and receive Ulsternet messages.² Elsewhere in this report³ we describe in detail the radio communications in use on Bloody Sunday.

¹ [B948](#); [C1876.2](#)

³ [Chapters 180–192](#)

² [C2033.4](#); [C366.1](#); [W291](#)

18.77 A memorandum,¹ drafted in 1972 for Captain 200 by Sergeant INQ 2006, a signaller who was on duty in the Gin Palace on Bloody Sunday, recorded Colonel Wilford’s signallers as being Corporal INQ 1027, Corporal INQ 1171 and Corporal INQ 691. However, Lance Corporal INQ 1152 gave oral evidence to this Inquiry that he was the battalion net radio operator for Colonel Wilford on the day,² and Corporal INQ 1027 in his written statement to this Inquiry,³ stated that he operated the Brigade Net (ie the Ulsternet radio in the Land Rover) and that Lance Corporal INQ 1152 operated the battalion net radio. In view of the fact that none of these soldiers gave an account in 1972 and thus were endeavouring to recall what precise function they performed decades ago on one particular day, it remains unclear who the various signallers were and what function they were performing, though there is nothing to suggest that any soldiers other than these could have been Colonel Wilford’s signallers on Bloody Sunday.

¹ [C2006.26](#)

³ [C1027.1](#)

² [Day 334/94](#)

Machine Gun Platoon

18.78 As noted above, as or soon after Machine Gun Platoon reached Abbey Taxis, rioters noticed soldiers in that building and started directing stones and bottles at them. There might have been some who continued to throw stones and bottles at the Mortar Platoon soldiers to the east of the Presbyterian church and on the GPO building.

- 18.79** As also noted above, the soldiers responded by firing rubber bullets. It was shortly after this that Corporal A and Private B opened fire with their SLRs, the former claiming to have fired two shots and the latter three.
- 18.80** Corporal A and Private B gave statements to the Royal Military Police (RMP) in the early hours of the following morning.¹ Corporal A's statement was signed at 0100 hours and Private B's ten minutes later. Both statements were taken by Warrant Officer Class I Wood.
- ¹ [B20.014-015](#); [B43.009-010](#)
- 18.81** Corporal A gave a second statement to Colonel Overbury at Lisburn on 17th February 1972. Colonel Overbury was a member of the Army Tribunal Team assembled for the Widgery Inquiry.¹
- ¹ [B20.019-024](#)
- 18.82** Both soldiers also gave written statements for the Widgery Inquiry and gave oral evidence to that Inquiry.¹
- ¹ [B8-9](#); [WT12.40-WT12.48](#); [B25-27](#); [WT12.48-WT12.60](#)
- 18.83** Both soldiers have maintained throughout that they fired their shots at, and believed that they hit, someone at the Nook Bar corner who was preparing to throw a nail bomb, shortly after two nail or gelignite bombs had been thrown and exploded near to where they were. It is alleged against them that this is untrue to their knowledge and that they neither had nor believed that they had any justification for opening fire.

Corporal A

- 18.84** As described above, Corporal A was on the first floor (middle) level of Abbey Taxis.
- 18.85** According to the oral evidence given to the Widgery Inquiry by Corporal A, the soldiers on the bottom floor of Abbey Taxis were spotted by some youths who were hanging around after the main body of marchers had passed. They started throwing bottles, stones and rubbish at the building. The men on the ground floor fired rubber bullets at them in return.¹
- ¹ [WT12.42](#)
- 18.86** Corporal A said that he then noticed two smoking objects, each about the size of a bean can, thrown across his line of sight after which he heard two explosions, which he took to be nail or gelignite bombs, on the waste ground to the side of the building. The troops below him were still firing rubber bullets and he said that the two explosions were

definitely louder than rubber bullets. As he saw the smoking objects go past he shouted out, “*Nail bombs*”, to warn the men on the floor below. He said he was then ordered by the Platoon Commander (Sergeant INQ 441), who was on the ground floor, to fire if he saw any nail bombers.¹

¹ [WT12.42D](#); [WT12.44](#)

18.87 According to Corporal A he then looked out of the window and, about 50m away on the other side of the road by an open space, he saw a man look round a building and then dart back again. The man came round and exposed his full body and brought his right hand from behind his back. He had an object in his hand. The man struck a fuse-type match against a wall, with his left hand. He then brought his two hands together. Corporal A said he assumed that the man was about to ignite a nail bomb, so he fired one round from a sort of kneeling position from the window, which missed his target. Corporal A said he then fired a second round aiming at the centre of the man’s body. That hit the man, who was pushed back and down. The man fell onto the corner. Other people then came out from the side of the building and dragged the man away.¹

¹ [WT12.42G-WT12.43E](#); [WT12.83](#)

18.88 Corporal A said that he shot to kill.¹ He said that the man was the only man in his sights (rear and fore) when he shot.² He also said that at the same time as he fired, Private B fired three shots from the ground floor. It is not clear from his evidence to the Widgery Inquiry whether Corporal A heard Private B’s shots at the time, but he did tell Lord Widgery that when he fired he did not know that another soldier was firing at the same target.³ He said he saw no-one near the nail bomber at the time he shot, or anyone in the open ground.⁴

¹ [WT12.45](#)

³ [WT12.45](#)

² [WT12.45](#)

⁴ [WT12.45](#)

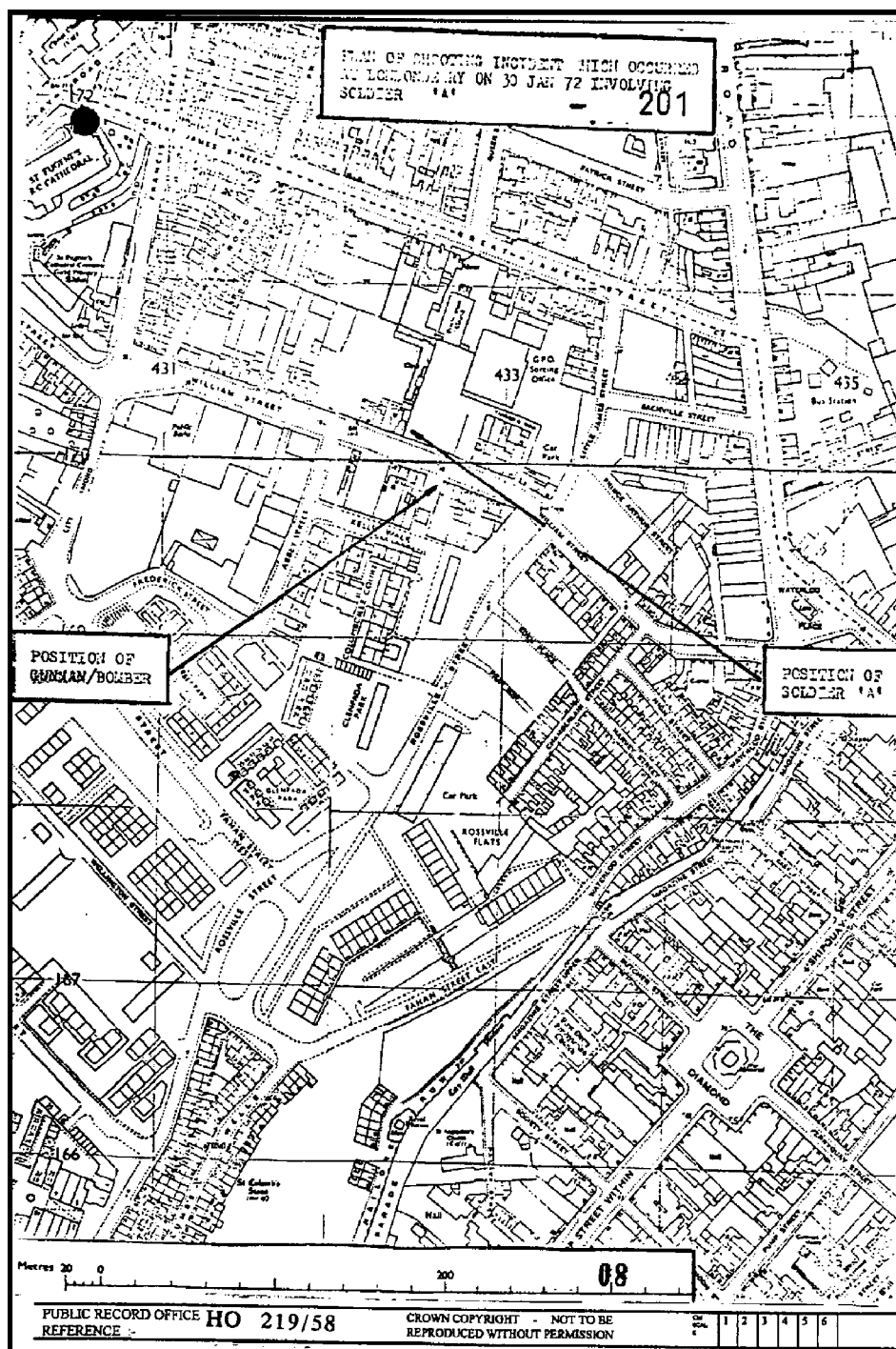
18.89 Corporal A told the Widgery Inquiry that he did not see what had happened to the object he had seen in his target’s hands and that he did not see anything lying in the road. He disagreed with the proposition that the device (if there was such) must have been left in the road, pointing out that the men who dragged the body away could have taken the nail bomb with them. He said that he did not seek to recover the bomb himself nor ordered anyone else to do so.¹

¹ [WT12.47-WT12.48](#); [B20.8](#)

- 18.90** At an early stage in this Inquiry, Counsel to the Tribunal examined the 1972 statements and oral evidence given by the 21 members of 1 PARA who told the Widgery Inquiry and the RMP that they fired live rounds on Bloody Sunday. One of the resulting reports, Counsel's Report No 2, outlined and analysed any discrepancies in the various accounts given by each of these soldiers in 1972.
- 18.91** Although the 1972 accounts given by Corporal A were largely consistent with each other, counsel identified three possible discrepancies.
- 18.92** The first of these related to where Corporal A was when he fired. In his RMP statement¹ he had said "*we moved unobserved onto waste ground to the SW of Tanner's Row*", and the map attached to this statement² appears to put him on the waste ground outside Abbey Taxis.

¹ B1

² B3



18.93

Corporal A did not himself annotate this map, which is typed and does not bear his signature or initials.¹ It was prepared from what he had said in his RMP interview at which a map was available to him.² We have no doubt that Corporal A was not on this waste ground and we accept his oral evidence to us that the relevant part of his RMP statement contained a mistake, which he might not have picked up because he was tired when he completed the interview at 1.00am on the morning following Bloody Sunday.³ It was a

mistake that he corrected in the statement taken by Colonel Overbury⁴ where he said that his exact location at the time he fired was “a Courtyard behind the derelict building”. This was itself later suggested to be a discrepancy, but we are not persuaded that this is so, as Abbey Taxis had no roof and little if any flooring and thus could in our view be considered as a sort of courtyard.

¹ We examine in [Chapter 173](#) how the RMP maps came to be prepared.

³ [Day 297/62-63](#)

⁴ [B5](#)

² [B9](#); [CW1.9](#); [Day 383/160-161](#)

18.94

The second discrepancy relates to the position of his target, as the RMP map shows this to be more in the middle of the laundry waste ground than Corporal A later put it in his trajectory photograph for the Widgery Inquiry (reproduced below).¹

¹ We examine in [Chapter 174](#) how the trajectory photographs came to be prepared.



18.95

The RMP map¹ is very small scale and is misleading, because it shows a building on the laundry waste ground that did not exist in 1972. The absence of this building at the time is demonstrated in the following photograph, taken on Bloody Sunday.

¹ [B3](#)



18.96 We are satisfied that the position shown for the target was a mistake, as Corporal A said in his RMP statement that his target was close to a wall and, as he explained in his written statement for the Widgery Inquiry, the scale of the map he was shown meant that he could not locate the position of his target exactly.¹ In the light of these matters and bearing in mind that Corporal A did not himself annotate the map attached to his RMP statement, we regard this discrepancy as of no significance.

¹ B9

18.97 The third discrepancy concerns the manner in which Corporal A described his target lighting a match. The typed version of his RMP statement recorded that: *"I saw [the man] bring his right arm from behind his back. In his hand was some object which was about the size of his fist. I saw the man brush it against the wall where he was standing. The object in his hand caught fire as if it were a match."*¹ In his later testimony, Corporal A referred to his target lighting the nail bomb from a match struck against the wall by his left hand.²

¹ B1-2

² B9

18.98 This apparent discrepancy in fact arose from a transcription error, as is revealed by an examination of the original, handwritten record of Corporal A's initial RMP interview.¹ The full text of the relevant section reads: *"I saw [the man] bring his right arm from behind his back. In his hand was some object which was about the size of his fist. **I saw the man had something in his left hand and, as I watched,** I saw the man brush it against the wall where he was standing. The object in his hand caught fire as if it were a match."* The words shown in bold were omitted from the typed version of his statement.² It is thus that

in this account, as in his later evidence, Corporal A was describing his target as lighting a match with his left hand. Corporal A himself pointed out this mistake in his written statement for the Widgery Inquiry.³

¹ B3.3

³ B20.26

² B1-2

18.99 In his RMP statement,¹ Corporal A described the person he shot as a man wearing a blue cardigan or windcheater who was about 5'7" tall and had fair hair. He was not asked for and did not give a description in his evidence to the Widgery Inquiry.

¹ B1

18.100 Corporal A gave written and oral evidence to this Inquiry, on the lines of his previous testimony.¹ He put the number of people engaged in throwing things at them as roughly 20 or 30;² though he said that he could not recall how many he could see at the time when he saw objects being thrown and heard two explosions.³ He described the objects as "*black and about the size of a bean can*",⁴ but said he could not now remember them smoking or fizzing. His statement given to Colonel Overbury had referred to "*objects with lighted fuses*",⁵ and according to his Widgery Inquiry statement they were "*shaped like cans of beans and there was smoke coming out of one end*".⁶ He characterised the sound of a nail bomb, which he said he had heard three or four times before in Belfast, as "*a dull thump type of explosion. But there is no sort of uniform sound.*"⁷ He described the sound of a rubber bullet as "*more of a sharp crack*" and said that he did not believe he had mistaken one for the other.⁸ He also said that he shouted "*Bombers*" or "*Nailbombers*" in order to alert the platoon; and that he did not now recall hearing a response, though that did not mean that there was none.⁹

¹ B20.1; Day 297/1

⁶ B8

² Day 297/26

⁷ Day 297/27

³ Day 297/29

⁸ Day 297/27-29

⁴ B20.003

⁹ Day 297/29-30

⁵ B5

18.101 At that point, he said, a man emerged and then darted back from the corner of the Nook Bar, the building at the north-west corner of the laundry waste ground.¹ Corporal A saw the man strike a match, which he described as being long and with a large flame, similar to the type used to light fireworks, against the wall of this bar.² The match was in the man's left hand, and he moved this closer to his other hand, which contained a dark object.³ Corporal A said that he then fired one shot, when on one knee, as the man, who

was the only person he could see through his sight, brought his hands together.⁴ The man remained standing, and so Corporal A immediately fired again.⁵ He said he believed that he hit his target with this second shot, causing the man to fall.⁶

¹ Day 297/30-31; B20.4

⁴ Day 297/32-33; Day 297/38; B20.4

² Day 297/30-32

⁵ Day 297/32-33; B20.4

³ Day 297/31-32; B20.4

⁶ Day 297/33; B20.4

18.102 Corporal A was asked the following questions:¹

“Q. Do you have still a recollection of what you describe in these paragraphs? [ie the paragraphs in his written statement to this Inquiry describing what he had seen and done]²

A. Yes, sir.

Q. Do you recall, did you see where the first of your shots landed?

A. No, sir.

Q. Did you see where the second shot, if it was your shot, hit the man in question?

A. I did not see where it hit him, but I saw him go down as if he had been hit.

Q. How satisfied are you that the man whom you believe you shot was the man who lit the match and brought his hands together?

A. I am positive, sir.

Q. Were you wearing any gas mask at the time?

A. Not that I recall, sir. I cannot remember.

Q. As I understand it, you were not aware, at the time when you fired, that somebody else in the platoon had fired?

A. No, sir.

Q. You say in paragraph 35 that you learnt afterwards that Private B had fired shots at the same target, but you do not recall hearing him or anyone else shooting.

Do you recall now when you first learnt that the Private whom we know as B had also fired shots?

A. I cannot remember exactly, sir, no.

Q. Was it the same day?

A. Yes, sir.”

¹ Day 297/33

² B20.4-5

18.103 Corporal A said that after the man had fallen he saw people, he thought two, approach the casualty from the south-west and drag him away.¹

¹ [Day 297/34](#)

18.104 Corporal A's evidence as to the reporting of the incident was varied. He said that he thought, although he could not be sure, that he did not tell anyone else about his shots until he was back in his Armoured Personnel Carrier (APC), where he also learnt for the first time that Private B had fired.¹ When asked further about this, Corporal A accepted that he should have reported the matter earlier, and said that he did not think that anyone else in his platoon had observed him firing or his casualty falling.² However, this was inconsistent with an earlier explanation that he had given to this Inquiry as to why he did not inform anyone about his shots, namely that he might have assumed that the Platoon Commander knew that he had fired and had reported it.³ Corporal A's 1972 evidence does not deal with this point. In these circumstances, we consider that it would be unwise to rely on his evidence to this Inquiry as to when and where he reported his shooting.

¹ [Day 297/35](#); [Day 297/76](#)

³ [Day 297/79-80](#)

² [Day 297/158-9](#)

18.105 Corporal A's position when he fired was addressed in the statement of 17th February 1972 taken by Colonel Overbury:¹

"Further to my previous statement dated 31 January 1972. My exact location at the time I fired 2 rounds on 30 January 1972 was a Courtyard behind the derelict building at [grid reference] 43241703. This area was surrounded by the walls of buildings to the north, south and west, and on the east side there was a wall about 18 inches high facing the open space to the southwest of the GPO Sorting Office. This courtyard was visible from William Street.

When I first saw objects with lighted fuses being thrown in our direction, I was standing on a derelict wall about 15 feet above the rest observing the crowd. I shouted 'Nail bombs!'."

¹ [B20.19](#)

18.106 The grid reference is to Abbey Taxis. It is not entirely clear which are (i) "*the courtyard ... visible from William Street*", (ii) "*the walls of buildings*" and (iii) "*the wall about 18 inches high*". However, as indicated above, we consider that he was endeavouring to describe Abbey Taxis, which has what could be thought of as a courtyard behind, bounded by four

walls with not much else left standing, the low wall being that part of the west face of the derelict building below the ground floor windows which looks out onto the waste ground to the south west of the GPO.

- 18.107** In his oral evidence to this Inquiry, Corporal A thought that the reference to “*standing on a derelict wall*” may have referred to standing on a room-dividing wall of the floor below,¹ but this is not easy to square with the fact that he was at or near the window closest to William Street, on the first floor, and, according to his recollection, able to move from left to right.²

¹ Day 297/102

² Day 297/108-110

- 18.108** Counsel to the Inquiry put a number of possibilities to Corporal A relating to the injury to Damien Donaghey:¹

“Q. One logical possibility was that there was a nailbomber, as you describe, but in fact you missed him and hit Damien Donaghy instead. As I understand your evidence, you think that is highly unlikely?

A. Yes, sir.

Q. The second possibility is that there was indeed a nailbomber, as you describe, and that you hit him with your second shot. Is that what you believe happened?

A. Yes, sir.

Q. The third possibility is that the person who you hit was someone who you mistakenly thought was a nailbomber, but who in fact was not. Is that possible?

A. No, sir, because he struck a match and I am sure he was going to light a bomb.

Q. The fourth possibility is that there never was anyone who either was or could be mistaken for a nailbomber, and you gave a false account of seeing a nailbomber in order to excuse the shooting that you had done. Is that possible?

A. No, sir.

Q. When you were in this building and saw the events that you have described, you were apprehensive, as I understand it, that the person that you saw might throw a nail bomb towards the building where you were; is that right?

A. Yes, sir.

Q. Did you think that it was possible for such a bomb to land in the building itself?

A. It would have been possible, yes sir, through one of the open windows.

Q. I wonder whether there is one last possibility that I ought to ask you about, which is this: is it possible that you were panicked into firing at someone who had what might have been a stone and what might have been a nail bomb, but you could not tell?

A. No, sir, because I can see no reason why someone was striking a match and bringing it towards another object unless it was a nail bomb.”

¹ [Day 297/37-38](#)

18.109 Corporal A said that he did not see John Johnston shot.¹ Indeed when giving oral evidence to the Widgery Inquiry he said that the questioner (counsel for the families) was the first person to suggest to him that a second person had been shot.² He also said that the firing he described was the only time he had fired in Northern Ireland other than on the range.³ He was not aware of any subsequent firing towards either Columbcille Court or Kells Walk. He said initially that he had a recollection of rejoining his APC and then being driven down Rossville Street at some stage,⁴ but he later indicated that he could have gone on foot.⁵

¹ [Day 297/37-38](#)

⁴ [Day 297/42](#)

² [WT12.46](#)

⁵ [Day 297/44](#)

³ [Day 297/39-40](#)

18.110 In the course of Corporal A’s oral evidence to this Inquiry, counsel representing, among others, Damien Donaghey and the family of John Johnston, put this suggestion to him:¹

“Q. I suggest to you what happened here is: you were denied the opportunity for either speed or aggression and that you simply shot Damien Donaghy and Mr Johnston, either you or Corporal [sic] B in combination, quite literally because you refused to allow yourself to be categorised as an Aunt Sally or a crap-hat?

A. I shot a man who was preparing to throw a nail bomb.”

¹ [Day 297/145](#)

18.111 A little later counsel asked Corporal A this:¹

“Q. What I suggest to you is, quite simply: that there was no justification for firing on this day?

A. I fired at a man I saw trying to ignite a nail bomb.

Q. And I suggest to you there was [sic] absolutely no nail bombs that exploded in and about the vicinity of where you have described?

A. Then you would be wrong.

Q. What I also suggest to you, Corporal A, is that you knew, having discharged shots in these circumstances, that to have done so without providing an explanation which gave you justification, you would be in deep trouble?

A. No, you are wrong again.

Q. Whatever happened here, you did shoot two innocent men between you, Corporal A and B; do you accept that?

A. I accept the fact that I shot at one man who was attempting to light a nail bomb.

Q. Do you accept that you also shot two innocent people who do not fit the description of the person whom you described as a nail-bomber?

A. No, because I fired at one man.”

¹ [Day 297/148](#)

Private B

18.112 Private B, according to his oral evidence to the Widgery Inquiry, got to the ground floor of Abbey Taxis with about three other men.¹ His Platoon Commander, Sergeant INQ 441, was with him. He said that he took up position at the window closest to William Street² and that he saw about 50 youths throwing bottles and stones, some of which came into the house.³ He cocked his rifle when the stoning started. At this stage there were about five soldiers on the ground floor, two with baton guns.⁴ These they fired at the youths, who nevertheless still kept throwing things. He heard two nail bombs explode to his left in

the waste ground beside the house. At this time he was alone at the window.⁵ He did not see the nail bombs in flight because he was putting his gas mask on at the time. He said that he had previously heard nail bombs explode seven or eight times when in Belfast.⁶

¹ WT12.49

⁴ WT12.49

² WT12.49

⁵ WT12.57

³ WT12.50

⁶ WT12.50

18.113 Then, according to Private B, his attention was drawn to a group of people on the waste ground (by which he clearly meant the laundry waste ground) opposite his position. These people came out from the waste ground and threw stones and bottles. He noticed one particular man right at the edge of the house on William Street: of medium height and wearing a light-coloured windcheater. The man was looking in the direction of the soldiers and was in front of a group of about eight. He kept looking back at them. In his right hand he had a cylindrical black object, which looked like a nail bomb. With his left hand he struck the wall with a match. Then he brought both his hands together. He was looking down at the time.¹

¹ WT12.50-52; WT12.55

18.114 Private B said that he did not alert his Platoon Commander, who was about ten yards away, or anyone else, to the man's behaviour.¹ He told the Widgery Inquiry that his Platoon Commander was "*busy at the time*",² and when asked why he did not alert other soldiers he replied that there was "*a lot of noise going on*".³ He also pointed out that "*By the time I had mentioned it to the Sergeant he would have thrown the nail bomb*".⁴ As a result, Private B said he had no orders to fire from his Platoon Commander.⁵

¹ WT12.54-55

⁴ WT12.55

² WT12.54

⁵ WT12.55

³ WT12.55

18.115 Private B said that he thought that the man was going to light the nail bomb and eventually throw it, so he took aim at the man's chest and fired one shot. He said that he was wearing his gas mask, which impeded his aim, and that his initial shot had no effect. He fired two more rounds and the man, who was about 50m away, fell back. Private B did not see what happened to the object that had been in his target's hands, but there was no explosion, and so he presumed that it either rolled away or was picked up by one of the fallen man's "*comrades*", two of whom dragged the casualty away. Private B saw the group of eight who had been with the alleged nail bomber move away "*in a body*" while other people further to the east gave him abuse as they dispersed.¹

¹ WT12.52; WT12.55

18.116 Private B told the Widgery Inquiry that he informed the Platoon Commander of the possibility that there was a nail bomb in the area where he had shot his target, but neither he nor any other soldier made or was ordered to make any attempt to recover it. He said that it “*wasn’t practical for us to go*” as they did not have enough men at the time, though his evidence that there were only eight in the building is probably wrong, as we explain elsewhere.¹

¹ [WT12.56](#)

18.117 Private B said that he did not see anyone else fall and did not know that another person had been injured in the laundry waste ground.¹ He told the Widgery Inquiry that when he fired there were eight soldiers in the building.² He said that he found out that another soldier had shot twice from the window above him, but only when they were in the APC after the incident.³

¹ [WT12.60](#)

³ [WT12.56-57](#)

² [WT12.56](#)

18.118 Private B told the Widgery Inquiry that about five to ten minutes after he had fired he was ordered to move away across the other side of the road with another soldier and did so and took up position in another derelict house. He could see Guinness Force rounding up people in Kells Walk. The rest of the platoon eventually came out of the house and regrouped where he was, and then they moved to where the APCs were at the junction of Rossville Street and William Street after which they went in the APCs down to the Rossville Flats and stopped there.¹

¹ [WT12.52-WT12.53](#)

18.119 Private B said he reported to the Platoon Commander that he had fired “*at this nail bomber on the corner*”; and the Commander tried via a signaller to get through on the radio to the Company Commander but Private B did not know whether he succeeded.¹ It is not clear from the transcript of the oral evidence to the Widgery Inquiry whether Private B’s affirmative answer to the question, “*Did you, afterwards, make a report to your Platoon Commander?*”² was intended to mean soon after his shooting, or only after he had got to the armoured vehicle, but evidence from Major Loden (which we consider below) indicates that it was the former.

¹ [WT12.57](#)

² [WT12.57](#)

18.120 Counsel’s Report Number 2¹ identifies three possible discrepancies in the contemporary evidence of Private B.

¹ [RPT2.1B.1-2](#)

18.121 The first of these concerned the colour of the windcheater worn by his target. In his RMP statement Private B described his target as “*a man ... of medium height ... wearing a dark coloured windcheater*”.¹ The same description is given in his written statement for the Widgery Inquiry.² In his oral evidence to the Widgery Inquiry, he was asked, “*What was he wearing, so far as you can remember?*” His answer was “*A windcheater, a light coloured windcheater*”.³ He was not asked about this discrepancy when he gave oral evidence to the Widgery Inquiry. We consider its significance below.

¹ B21

³ WT12.51

² B26

18.122 In our view the second possible discrepancy is not really a discrepancy at all. In his RMP statement¹ Private B recorded that “*Another soldier fired at the same time as I did*”, while in his written statement for the Widgery Inquiry² he recorded that he had been told “*after the body had been carried away*” that Corporal A “*had also fired at the man at the same time as I had from his position on the first floor*”. The two statements are not in our view inconsistent with each other.

¹ B22

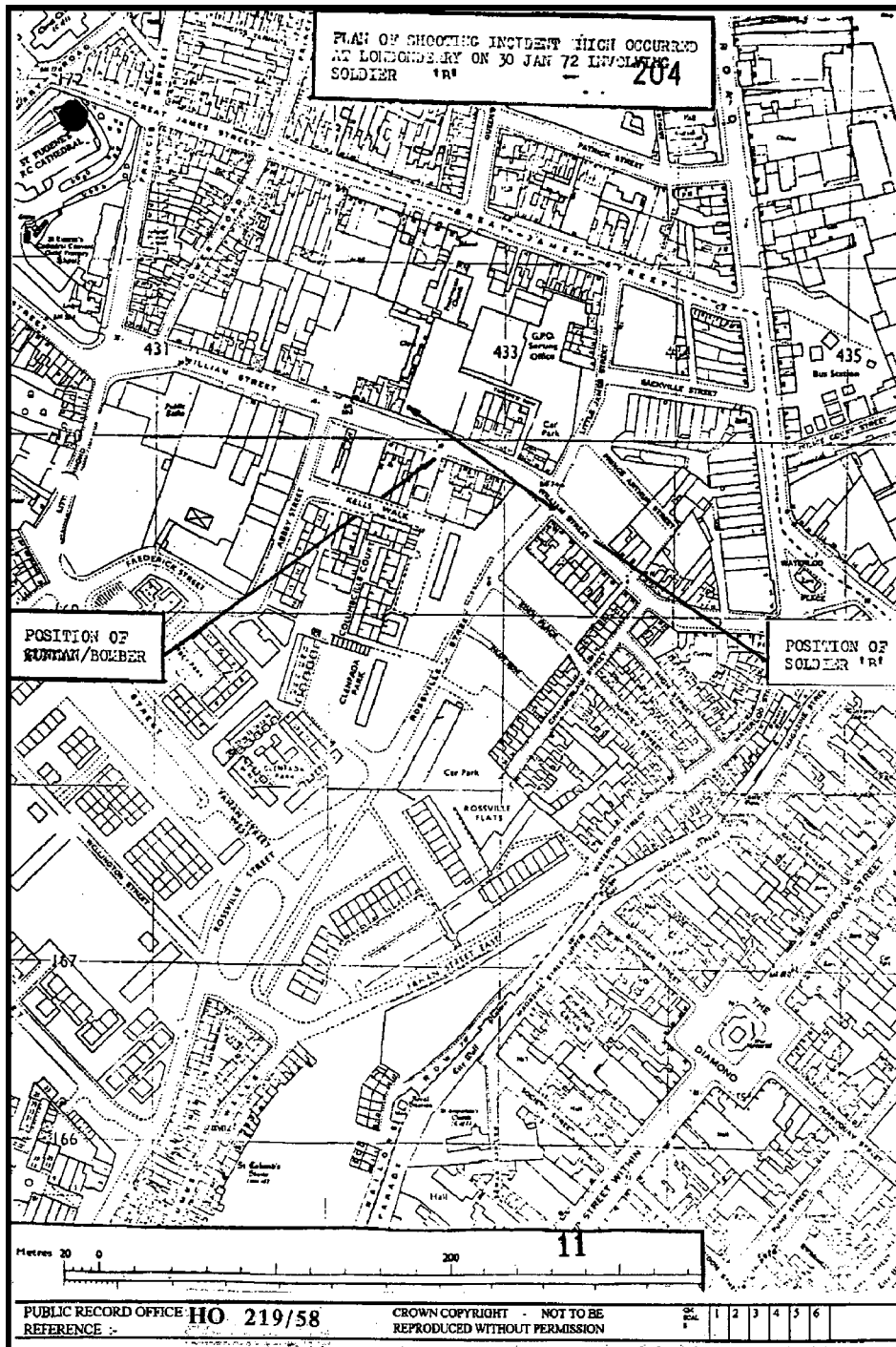
² B26

18.123 The third possible discrepancy was that in his Widgery Inquiry statement Private B recorded that before Machine Gun Platoon left the derelict building they had heard the sound of firing from an easterly direction,¹ while in his oral testimony to the Widgery Inquiry he said that he had heard firing from at least three directions.² In our view this inconsistency is of no significance.

¹ B27

² WT12.53

18.124 The map attached to Private B’s RMP statement shows the same position of firer and target as that of Corporal A and again is to be contrasted with the trajectory photograph prepared for the Widgery Inquiry. Both are reproduced below.





18.125 As in the case of Corporal A, Private B did not himself annotate the RMP map attached to his statement. In his RMP statement he recorded that, “*We took up position close to William St on ground where derelict houses have been broken down*”.¹ We are satisfied that this is a reference to Abbey Taxis, which is consistent with the evidence that he gave to the Widgery Inquiry.² As to the position of his target, it seems to us that throughout his 1972 evidence Private B sought to describe his target as being at the north-west corner of the laundry waste ground.³ In these circumstances the fact that the small-scale RMP map (marked by someone else) seems to show a different position for Private B and his target is in our view of no significance.

¹ B21

³ B21; B26; WT12.51

² W12.49

18.126 Private B gave an extensive written statement for the Widgery Inquiry.¹ His oral evidence to the Widgery Inquiry was consistent with that statement, but the latter included some evidence not picked up in his oral testimony, including that when Private B had reached the ground floor, the soldiers were engaged in cutting barbed wire, and that Corporal A (who had climbed down to help the others enter the building) took up a position on what Private B described as the “second” floor. We are sure that this is a reference to the middle storey of Abbey Taxis.

¹ B25-7

18.127 Private B gave written¹ and oral evidence² to this Inquiry. He had, he said, practically no useful memory of the events of the day, and he could not recall firing, nor hearing nail bombs exploding.³ Private B had previously undergone surgery, and although he felt that he had made a full recovery he could not rule out the possibility that the surgery had affected his recollection of events in 1972.⁴ No useful purpose would be served by enumerating the many things that he said that he did not remember. That of which he did say he did have some recollection included the following.

¹ B43.001

³ B43.3; B43.3; Day 311/28-44

² Day 311/1

⁴ Day 311/1-2

18.128 He understood that Machine Gun Platoon would be close to the no-go area and he thought that the IRA might take pot shots at them.¹ He recalled looking towards the Creggan and talk among the privates that it was there that the IRA was based, knowing that the soldiers could not go up there, but wishing that they could, because they would probably recover a lot of IRA ammunition and weapons and stop the no-go areas.² He rejected the suggestion put to him³ that he opened fire to see whether he could flush the IRA out.

¹ Day 311/4

³ Day 311/93

² Day 311/10-1

18.129 He said he could recall Private INQ 455 (the platoon signaller) on the ground behind him, having fallen *“on the wall, we were making our way into the – where we ended up at, you know, the ground floor”*.¹

¹ Day 311/21

18.130 Private B recalled seeing people in William Street shouting and throwing objects at his position inside Abbey Taxis.¹ He also remembered his eyes watering from the effects of CS gas, causing him to put his respirator on in a hurry.²

¹ B43.3; Day 311/28-32

² B43.3; Day 311/42-43

18.131 He did not think that he could have mistaken a nail bomb for a baton gun or an exploding gas canister, although he was not familiar with the latter sound.¹ He did not recall having any anxieties afterwards that he might have got it wrong and that there was no nail bomb,² and he pointed out that he had not fired a live round in Northern Ireland before 30th January 1972.³

¹ Day 311/35-36

³ Day 311/10

² Day 311/52

18.132 Private B told us that he remembered Sergeant INQ 441 saying “*Ceasefire*”.¹

¹ Day 311/38

18.133 Private B said that with no present recollection of firing he could not help further on the question whether the person he fired at was a nail bomber, or whether he fired at a nail bomber but hit Damien Donaghey instead, or whether he honestly but mistakenly thought his target was a nail bomber.¹ He was then asked this by Counsel to the Inquiry:²

“Q. The fourth possibility is that there was no nail bomber; you knew there was no nail bomber; you fired without justification; and you later gave a false story in order to explain what you had done.

A. Well, I explained that before. We had not done that in the previous situations in Belfast. It was exactly the same. Londonderry or Derry – whatever you want to call it – is the same as Belfast. A street is a street; a derelict building is a derelict building; a rioting crowd is the same, no matter where you are in the United Kingdom. If you are called there to uphold the law, and you think your life is at threat, then obviously you will take appropriate action. At first, the minimum force, you use a baton gun – round. But if that does not work, and then you are still under threat, you would obviously take out the target who is actually threatening you. And you will take him out. Because at the end of the day we are soldiers, not policemen – or were, I should say.

Q. I would like you to look at two paragraphs to your statement to this Inquiry,³ paragraphs 9 and 10, please.

You are talking in these paragraphs of the building in which you found yourself. You are talking about a solid wall facing south towards the crowd on William Street, and you say:

‘I remember feeling that the solid wall was a blind spot where someone could have easily planted a bomb. I can remember thinking ‘For Christ’s sake hang on a minute. We could get slaughtered here’. It was not a good situation.’

Did you think it was possible that, as you were in that building, someone might run up and place a bomb along that blind wall?

A. Yes, I probably did.

Q. Were you also afraid that a petrol bomb or a nail bomb could come through the window?

A. Yes.

Q. Do you remember that?

A. I do not remember it; I am saying that that would have been the case. I do not remember me actually being frightened at that particular occasion you are saying, but I would imagine I would be.

Q. You said in 1972 that stones had come in through the windows, although you do not remember that now. Presumably if a stone could come in a nail bomb could come in?

A. That is correct.

Q. And within that area a nail bomb could have caused horrendous injuries to anyone close to it on explosion?

A. Yes, probably injury and death.

Q. Is there any chance that, with that fear in your mind, you saw the rioters, saw them throwing things, and panicked and fired at them to keep them back?

A. No, because it had happened before in Belfast.

Q. Is there any possibility that – either your eyes were watering, or because of the respirator, or both – you could not see clearly what was going on, but felt under threat and so fired?

A. No.”

¹ Day 311/50

³ B43.002

² Day 311/53

Major Loden's List of Engagements

18.134 As is discussed in detail elsewhere in this report,¹ Major Loden compiled a list of engagements after interviewing a number of the firing soldiers in the immediate aftermath of Support Company's withdrawal from the Bogside.² This consisted of 15 entries, each containing a brief description of the target or targets at whom a soldier or soldiers fired, and grid references giving their respective positions. This list is incomplete and there are further problems with some of the information it contains. The list did not name or otherwise identify the soldiers, but nonetheless it is possible in many cases to ascertain

to which of the soldiers particular entries seem to refer. These entries represent the first recorded accounts given by the soldiers as to their firing, though as will be seen when discussing the events of Sector 3, Captain 200, the Commander of Composite Platoon (Guinness Force), had a little earlier made notes of firing reported to him by his soldiers, which he later incorporated into a statement.

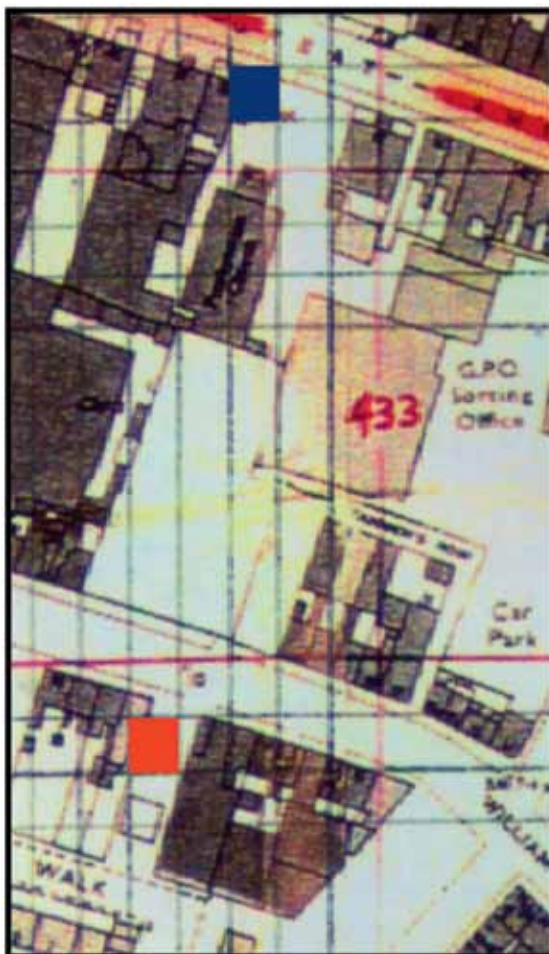
¹ [Chapter 165](#)

² [ED49.12](#)

18.135 In relation to the shots fired by soldiers A and B, the relevant entry is the eighth:

“1 nail bomber at GR 43251698 (William St) shot from GR 43271711. Hit.”

18.136 When plotted, as is done below, the grid references show that the firing soldier or soldiers were to the north of the Presbyterian church (marked in blue), while the target was to the south of William Street, seemingly in the laundry waste ground (marked in red).



18.137 The positions shown for the firing soldiers cannot be accurate, for it would have been impossible for the soldiers to see, let alone fire at, their claimed target. However, in our view there is no significance in this point. As is considered elsewhere, Major Loden compiled his list in difficult circumstances: the physical conditions were cramped and dimly lit;¹ the soldiers were not familiar with Londonderry; and the map contained only three grid reference numbers, leaving Major Loden and the relevant soldiers to estimate the fourth. We are of the view that several of the grid reference numbers recorded on the list are unintentionally inaccurate, and did not convey the positions that the soldiers intended.

¹ [Day 344/13-14](#)

18.138 In the case of the eighth entry on the Loden List of Engagements, we are satisfied that the information came from either Corporal A or Private B, or from both men. In our view the soldier or soldiers meant to locate themselves in Abbey Taxis and their target on the laundry waste ground. No possible purpose could have been served by a deliberate suggestion that they managed to see and shoot a nail bomber who was behind an intervening building. It follows that the first account given by one or both of Corporal A and Private B to explain their firing was consistent with their later evidence: namely that they fired at a single nail bomber to the south of William Street, and that the nail bomber was apparently hit.

The other members of Machine Gun Platoon

18.139 The only other formal statement made by a soldier of Machine Gun Platoon in 1972 was one by Private 005; this does not deal with the situation in Abbey Taxis, but with events after the platoon had moved away from that area.¹

¹ [B1370](#)

18.140 The members of the Machine Gun Platoon present in Londonderry on the day were the following:

Sergeant	INQ 441	Acting Commander
Corporals	INQ 1686	Acting Platoon Sergeant
	A	
	INQ 513	
Lance Corporals	INQ 275	
	INQ 588	
	INQ 624	

Privates	B	
	005	Driver
	INQ 439	Driver
	INQ 153	
	INQ 455	Signaller
	INQ 896	
	INQ 1354	
	INQ 1523	
	INQ 1544	Vehicle guard
	INQ 1553	
	INQ 1805	
	INQ 1874	
	INQ 1919	
	INQ 1917	

- 18.141** The Inquiry has obtained evidence from all of the above, save Corporal 1686, who has died, and Private INQ 1523, whom the Inquiry was unable to interview. Although some of these soldiers only recalled a few of the platoon being in Abbey Taxis, it seems to us that all or virtually all were there with the exception of the two drivers and the vehicle guard, Private INQ 1544:¹ “a complete platoon” as Major Loden told the Widgery Inquiry.²

¹ C1544.2

² WT12.8

- 18.142** Sergeant INQ 441 appeared on the Thames Television production *This Week*, shown a few days after Bloody Sunday, when he said this:¹

“Sgt 4: They’re on about the shooting, but nobody has spoken about the nail bombs. My platoon had nail bombs thrown at them and one of my men shot a man in the process of the throwing a nail bomb, this was in the William Street area before the actual main onslaught that they are talk[ing] about started when they’re all talking about us firing indiscriminately, where does they say come in what they can do? As far as I’m concerned If a man throws a nail bomb at my platoon or at me he deserves the only thing that can happen back to him and a rubber bullet will not stop a nail-bomber so the only thing you can stop him is with is with a bullet as far as I’m concerned.”

¹ X1.17.15

- 18.143 We are satisfied that Sergeant INQ 441 was not giving a first-hand account of what he had observed, but rather what he had been told by Corporal A and Private B.
- 18.144 Although we formed the view that Sergeant INQ 441 was doing his honest best to help us, we also considered that his recollections concerning Abbey Taxis had faded or become distorted with the passage of time; and that accordingly it would be unwise to rely upon his written or oral evidence to this Inquiry, save where there is other reliable material that supports his recollection. In many instances he told us he could not remember specific matters, such as whether or not he gave any order to fire, whether or not he heard Corporal A or Private B firing, and whether or not he reported the firing on the radio.¹ His account was an attempt to reconstruct events that had taken place decades ago, and was clearly erroneous in a number of respects. He said he had been interviewed by the RMP at the time, but we have not been able to trace any statement from him and it may be that this too is a false memory. It was submitted on behalf of the majority of the families that in his evidence to us Sergeant INQ 441 was attempting to distance himself from his responsibility as Platoon Commander for the shots fired by Corporal A and Private B,² but we have found nothing that to our minds supports this submission, which accordingly we reject.

¹ [Day 303/83](#); [Day 303/86](#); [Day 303/109-110](#)

² [FS1.1020](#)

- 18.145 Much of the evidence provided by the other members of Machine Gun Platoon has also proved of little assistance to us, again in our view due to their understandable difficulty in remembering and disentangling the details of one operation among many others in which they took part so long ago. For example Lance Corporal INQ 624, who did not give oral evidence for medical reasons, described his own recollections as “*seriously flawed*” and “*dangerously unsafe*” for this reason.¹ He gave an account in a draft statement of giving his rifle to another soldier (he seems to be referring to Corporal A) who then used it to fire one or two shots.² In view of Lance Corporal INQ 624’s assessment of his own memory of Bloody Sunday and the fact that in his oral evidence Corporal A was positive he fired his own weapon,³ it is highly unlikely that Corporal A used INQ 624’s rifle rather than his own.

¹ [C624.14](#); [C624.9](#)

³ [Day 297/136](#)

² [C624.2](#)

- 18.146 Some soldiers from this platoon recalled hearing noises that they thought, with varying degrees of certainty, could have been the sound of nail bombs detonating. These were Private INQ 1919;¹ Private INQ 1874;² Lance Corporal INQ 624;³ and Private INQ 1917.⁴ One thought that he heard a nail bomb strike the outside of Abbey Taxis after the final

shots had been fired from there.⁵ Other members of the platoon did not recall hearing any such explosions. These were Corporal INQ 275;⁶ Lance Corporal INQ 588;⁷ Private INQ 1805;⁸ and Corporal INQ 513.⁹ None of these soldiers gave evidence of seeing a nail bomb or nail bomber. Again, while some soldiers recalled hearing a shouted warning or exchange about a nail bomb or bomber, others had no such recollection. These were Private INQ 1919;¹⁰ Private INQ 1553;¹¹ Lance Corporal INQ 624;¹² Lance Corporal INQ 275;¹³ Lance Corporal INQ 588;¹⁴ Private INQ 1874;¹⁵ and Private INQ 1917.¹⁶ Details from the evidence of these witnesses are often vague, and some recollections are clearly inaccurate: for example, some soldiers remembered substantial incoming gunfire,¹⁷ something that we are sure did not occur, since otherwise it would have been mentioned in the contemporary accounts of Corporal A and Private B.

¹ Day 296/9-11; Day 296/16-19

¹⁰ C1919.4

² Day 298/28-31; Day 298/35-37; Day 298/43

¹¹ C1553.3-4

³ C624.3

¹² C624.3

⁴ C1917.2; Day 288/65-67; Day 288/95-97

¹³ Day 340/182

⁵ C1553.4

¹⁴ C588.5

⁶ C275.3; Day 340/181-182

¹⁵ Day 298/40-41

⁷ C588.4

¹⁶ Day 288/102

⁸ C1805.3

¹⁷ C1874.2; Day 298/37-40; Day 298/50-53; Day 341/11-16

⁹ C513.4

18.147 There are some matters, for example the presence of CS gas,¹ Lance Corporal INQ 588 being hit by a rock thrown into the building,² and the signaller, Private INQ 455, falling from a wall,³ which are likely to be true memories. However, in the end we concluded that there was little in this evidence which was of material assistance in either supporting or undermining the accounts given by Corporal A and Private B of the circumstances in which they came to fire.

¹ C1919.3

³ C455.1; C1919.3; C275.2; C1553.3

² C588.3

18.148 We are of the view that none of these soldiers sought, either individually or collectively, to give false evidence or otherwise to conceal from this Inquiry anything that might have indicated that Corporal A and Private B had shot without any justification.

The evidence of other soldiers

18.149 There were a number of soldiers in the area of Abbey Taxis.

18.150 Major Loden was in his OP on the western side of the Presbyterian church. His Diary of Operations¹ recorded that “... a member of the MG PI observed a man preparing to ignite a nail-bomb at the corner of the building GR 43251699 [this grid reference corresponds with the position of the Nook Bar] on the South side of William St. The PI Comd then gave orders to a Cpl and a soldier to open fire as the bomber prepared to throw. These two soldiers did so and the man was seen to fall and was dragged away by his comrades.”

¹ [B2212](#)

18.151 Except possibly for the last sentence, this account must have emanated from members of Machine Gun Platoon in Abbey Taxis. As to the last sentence, in his written statement for the Widgery Inquiry Major Loden recorded that he had heard several shots from Machine Gun Platoon in the disused building. He stated that he turned and saw one man fall at the corner of a building on the south side of William Street. That man was dragged away by his comrades.¹ His oral evidence to the Widgery Inquiry was to much the same effect.²

¹ [B2219](#)

² [WT12.8](#)

18.152 Neither in his Diary of Operations nor in his evidence to the Widgery Inquiry did Major Loden record that either he or anyone else had heard nail bombs exploding in the area of the waste ground adjacent to Abbey Taxis and the Presbyterian church. In his oral evidence to this Inquiry Major Loden said that he had not heard a nail bomb, but pointed out that from his personal experience it was possible not to hear an explosion if one was very close to it.¹

¹ [Day 345/48-51](#)

18.153 We are satisfied that Major Loden was in radio contact with Machine Gun Platoon, whose Commander Sergeant INQ 441, while still in Abbey Taxis, reported the shooting of a nail bomber.¹ It also seems to be the case that Private B had reported the shooting soon after the event to Sergeant INQ 441, while they were still in Abbey Taxis.² It is possible that Corporal A also reported his shooting at the same time, though this is not certain.

¹ [B2220](#)

² [WT12.57](#)

18.154 We are also satisfied that after he had received the Warning Order to deploy Support Company through Barrier 12 at about 1600 hours, Major Loden learned from Machine Gun Platoon, through the radio link, that they could not extricate themselves from Abbey

Taxis because the high walls prevented them from returning, and accordingly ordered them by radio to remain where they were and told them that he would send their vehicles to them.¹

¹ [B2220](#); [B2222](#)

18.155 It was submitted, however, that the evidence of Major Loden's communications with Machine Gun Platoon was false and given in an attempt to give the impression that he and the Platoon Commander (Sergeant INQ 441) were in control of the situation.¹ Three grounds were put forward in support of this submission.

¹ [FS1.1005](#)

18.156 The first is that there was no radio log of these communications between Machine Gun Platoon and Major Loden.¹ In fact there was no radio log for any radio communications within Support Company (or indeed within any other company) so that the premise upon which this suggestion is made is false.

¹ [FS1.1006](#)

18.157 The second ground for the suggestion was that Major Loden was wrong in his recollection that he ordered Private 017 to take two empty APCs to extricate Machine Gun Platoon.¹ This suggestion is made because it is said that this soldier told us in his written statement to this Inquiry² that he did not do this and thought it was more likely that "*Major Loden indicated to me that he wanted to get the Machine Gun Platoon extricated using two empty Pigs and that I then found soldiers to carry out this order*".

¹ [FS1.1006](#)

² [B2111.017](#)

18.158 In fact the soldier in question was not Private 017, but Warrant Officer Class II 202, Company Sergeant Major Lewis. In our view the Company Sergeant Major's evidence does not begin to suggest that Major Loden made any false assertion in this regard. When an officer gives an order of the kind in question to a Company Sergeant Major, it would be natural for the latter to instruct others to carry out the task on his behalf.

18.159 The third ground is based upon the fact that Major Loden appears to have made no report of the shooting of a nail bomber to battalion HQ at the time.¹ There is no entry in the 1 PARA log recording any such report, nor any such report from the Gin Palace to Brigade HQ. However, Corporal INQ 1094 recalled that he was the radio operator for Major Nichols, second in command of 1 PARA, and was in a Land Rover in front of the Presbyterian church. He told us that he heard a shot hit a drainpipe on the side of the church and reported this on either the battalion or the company net.² Corporal INQ 1094's

recollection may be at fault, but if he is right, this is another case where no record of a shot appears in the 1 PARA log, nor did the Gin Palace make any report to Brigade HQ. We consider this shot in detail below, but the point here is that it occurred at about the same time as the shooting by Machine Gun Platoon. Thus we cannot rule out the possibility that both events were reported but for some reason the Gin Palace neither recorded nor passed them on. As will be seen, there are other cases where the 1 PARA log does not appear to be as complete as it might have been and also cases where material information does not appear to have been passed on.

¹ FS1.1004

² C1094.3; Day 349/10

- 18.160** Major Loden accepted in his oral evidence to us that it was his responsibility to report the shooting by Machine Gun Platoon to the Gin Palace.¹ He clearly had no recollection of why (if such was the case) he failed to inform battalion HQ, though he thought that this might have happened because at about this time he received the Warning Order to deploy through Barrier 12 and started to be engaged in moving his soldiers.²

¹ Day 342/37

² Day 345/53-54

- 18.161** The representatives of the majority of the families submitted that no soldier had reported the sighting of a nail bomber or the firing of live rounds. They submitted that the presence of a nail bomber and the use of live fire “*could have had a dramatic influence upon any decision that the company commander had to make in relation to the deployment of other platoons and/or companies*”.¹ They contended that the reason for the absence of any report was that there had been no nail bombs. We do not accept that submission. We have found that a report was made over the radio to Major Loden. It is far from clear that no report was made to the Gin Palace. Furthermore, the submission assumes either that both Corporal A and Private B had admitted straight away that their firing was unjustified, or that the others in Abbey Taxis somehow knew that this was the case; and that because the firing was unjustified it was then decided not even to report that soldiers had fired. We have found no evidential basis for any of these assumptions.

¹ FS1.1004-1006

- 18.162** We accept Major Loden’s evidence that he was in radio contact with Machine Gun Platoon. It is likely that if this shooting was not reported to the Gin Palace, that was because the Warning Order to deploy his troops through Barrier 12 diverted Major Loden’s attention.

- 18.163** Neither Colonel Wilford nor anyone else in his Observation Post reported or recalled seeing or hearing nail bombs in the area of Abbey Taxis at or about the time in question. The same applies to members of Mortar Platoon, and those in the Echo OP at the Embassy Ballroom, though this evidence is not particularly strong, since they also do not appear to have heard the shots fired by Corporal A or Private B. There was, of course, a lot of other noise and commotion at or about the time, including the firing of baton rounds.
- 18.164** There were also soldiers from 22 Lt AD Regt in a building called Harrison's Garage on William Street. This was between 80 and 100 yards west of Abbey Taxis and can be seen on the following photograph, marked by Tony McCourt.¹

¹ [Day 54/124/4-5](#); [AM148.12](#)



- 18.165** It seems that these soldiers had been positioned there to observe the march, to provide sniper cover if necessary and to protect a building a few yards further east on William Street that had previously been a prime target for arsonists.¹ It is most unlikely that they were aware that Machine Gun Platoon had moved forward to Abbey Taxis.²

¹ [B1883](#); [B1885.1](#); [B1747](#)

² [Day 299/120](#)

- 18.166** One of these soldiers, Gunner INQ 480, in written evidence to this Inquiry, told us that while in the building he had heard two or three cracks from a high velocity weapon and in his oral evidence accepted that these could have been the shots fired by Corporal A and Private B.¹ Neither in statements made in 1972 nor in evidence to us was there anything to suggest that any of the soldiers in Harrison's Garage had heard nail bombs exploding

in the area of the waste ground to the south of the Presbyterian church, though again it is a feature of much of the evidence that people did not necessarily hear everything that was going on.

¹ [Day 303/133/1-5](#); [Day 303/142/1-21](#)

Conclusions on the shooting of Damien Donaghey and John Johnston

- 18.167** Our consideration of all the evidence has led us to the following conclusions.
- 18.168** In the first place we have no doubt that Corporal A fired two shots and Private B three more or less simultaneously, that it was one of the shots of Corporal A or Private B that hit Damien Donaghey and one or more that struck John Johnston; that all the shots fired by Corporal A and Private B were aimed at Damien Donaghey; and that John Johnston was hit by accident through a ricocheting or fragmented bullet or bullets aimed at Damien Donaghey. We accept the evidence of Corporal A and Private B that they did not realise that a second person had been shot until well after the event. This in our view was because John Johnston did not fall when he was shot and was soon surrounded by people coming to his aid.
- 18.169** We are also sure that neither Damien Donaghey nor anyone else had thrown or was about to throw a nail or gelignite bomb or similar device and that he and John Johnston were the only people hit by gunfire from Corporal A or Private B. This was the tenor of the civilian evidence, and is supported by the evidence of Major Loden, who heard no nail bombs and saw only one person carried away. In our view his point that one can be very close to an explosion and not hear it is unlikely to have applied to his position, for nail bombs exploding in the waste ground beside Abbey Taxis would have been some 40 or so yards from where he was and in our view he could not have failed to hear those.
- 18.170** In these circumstances it follows that the shooting of Damien Donaghey and John Johnston cannot be justified on the basis that the former was in fact posing a threat of causing death or serious injury to Corporal A or Private B or any of their colleagues. We should add that we have found no evidence that suggests to us that either Corporal A or Private B targeted somebody other than Damien Donaghey. In our view, therefore, there was no justification for this shooting. However, the question remains as to whether either or both of these soldiers fired in the mistaken belief that the person they aimed at was posing a threat of causing death or serious injury.

Corporal A's and Private B's state of mind

18.171 It will be appreciated that at one extreme a soldier may fire in the mistaken belief that his target is posing a threat of causing death or serious injury, while at the other extreme he may believe that his target is posing no such threat at all. Between these two extremes, however, lie other possible states of mind, such as only suspecting that the target might be a legitimate one, or simply not caring one way or the other.

18.172 It was urged upon us that Corporal A and Private B had colluded in making up a fictitious account of the circumstances in which they opened fire, when in truth they had deliberately targeted someone who they knew to be posing no threat that justified their shooting.¹

¹ [FS1.1061-1062](#)

18.173 We are sure that Corporal A and Private B did discuss what had happened, probably very soon after the event. Indeed it would have been odd had they not done so. But there is a fundamental difference between discussing what had happened and conspiring together to put forward a false account.

18.174 It was suggested that the fact that in their RMP statements¹ both soldiers said that they had moved “*across roof tops*” rather than over walls to get to Abbey Taxis, and the fact that the maps attached to their RMP statements both showed the same error in their positions and that of their target,² demonstrated that they had agreed to give a false account, on the grounds that “*For people to get accounts identically right may mean that they are accurate but when they get them identically wrong it gives rise to enquiries*”.³

¹ [B1; B21](#)

³ [FS1.1007](#)

² [B3; B23](#)

18.175 However, it is quite possible that the soldiers did have to climb over roofs as well as walls to get to Abbey Taxis. The same interviewer took their RMP statements within ten minutes of each other, which could well explain the use of similar phraseology and similar annotations on the RMP maps attached to their statements. As observed above, these maps were not annotated by Corporal A or Private B and were of small scale and misleading. In our view these matters do not demonstrate that there was any wrongful collusion between Corporal A and Private B.

18.176 As we have observed above, it is reasonably clear that Damien Donaghey was wearing a light-coloured jacket of some kind. Thus it is the case that in his RMP statement,¹ Private B misdescribed the colour of the windcheater jacket worn by Damien Donaghey as “*dark coloured*”, though he changed his description to “*light coloured*” when he gave oral evidence to the Widgery Inquiry.²

¹ B21

² WT12.51

18.177 It was not suggested to either soldier that this misdescription was part of any conspiracy to give false evidence. It is difficult to see how misdescribing the target could have assisted either soldier in seeking to justify unjustifiable shooting. The description that Private B originally gave could in theory be an indication that his target was not Damien Donaghey, but since to our minds there is no doubt that he was the person both soldiers shot at (and one hit), this cannot be so; and the likely explanation is that Private B was simply mistaken in his recollection, perhaps confusing the dark colour of Damien Donaghey’s jumper with his creamy coloured jerkin. Corporal A’s description in his RMP statement¹ was that the man that he shot at was wearing “*a blue cardigan or windcheater*”, and (as noted above) some civilian witnesses gave differing descriptions of Damien Donaghey’s clothing and its colour. As to Corporal A’s description of the man’s hair as fair,² this too in our view must simply be a mistake.

¹ B1

² B1

18.178 We are also sure that Corporal A was wrong in his evidence that he saw and heard nail bombs and Private B that he heard two explode. This could indicate that they had invented this part of their evidence to bolster their false account of seeing a nail bomber shortly afterwards. In our view, Corporal A may well have embroidered his testimony by describing the objects as “*smoking*”¹ or with “*lighted fuses*”.² However, to our minds it does not necessarily follow that if he, let alone Private B, did so he knew that no nail bombs had been thrown. We consider that it is more likely than not that Corporal A did shout a warning about nail bombs, which he would hardly have done unless he thought (or at least suspected) that bombs had been thrown. Although both soldiers said that they would not have confused nail bomb explosions with the sound of baton guns being fired, we are of the view that this was likely to have occurred, since rioters had been throwing stones and bottles towards them and had been met with baton rounds fired from their position. Despite the fact that we did not find much assistance in the evidence of Private INQ 1919 as to what happened on the day, we accept his evidence that a baton gun fired in a derelict building would make a much bigger sounding bang than if fired in the open.

He agreed with the suggestion that it would be “*The sort of bang that might be confused or mistaken by a soldier who is unaware of what is happening as to a nail bomb being thrown...*”³

¹ WT12.42D

³ Day 296/44

² B5

- 18.179** It must also be borne in mind that the soldiers in Abbey Taxis were in an exposed position and vulnerable to nail bomb attacks. Such attacks were, as described earlier, a regular occurrence in the city at that time. The soldiers were right to be apprehensive of, and on their guard against, the possibility of nail bombs being thrown and may well have thought that this had already occurred. It is a well-known phenomenon that, particularly when under stress or when events are moving fast, people can often honestly but erroneously come to believe that they are or are likely to be hearing or seeing what they were expecting to hear or see.
- 18.180** As to the shooting itself, it is in our view significant that Corporal A and Private B fired at the same target at more or less the same time but from different positions in Abbey Taxis. Any suggested explanation for their shooting has to take this factor into account.
- 18.181** In an attempt to explain why this happened it was submitted that because the shooting occurred while the march was still in progress, because the soldiers shot to wound when their training was to shoot to kill, and because they shot from a position of cover, thereby revealing themselves, “*The only rational explanation is that these shots were designed to provoke a response from the IRA and thereby to reinforce the justification for subsequent aggressive action*”.¹
- ¹ FS4.120
- 18.182** We reject this submission. It asserts that the march was still in progress, when in truth there were few people still following the march in this part of William Street. It assumes, without suggesting any basis for the assumption, or exploring the point with either soldier, that because Damien Donaghey was wounded and not killed, the shots were intended only to wound. Both soldiers stated in terms that they fired at the centre of the body. It wrongly states that by shooting, the soldiers revealed themselves, when in fact Machine Gun Platoon had already been spotted and had responded to stoning by using baton guns. There is thus no basis for the further implicit assumption either that the two soldiers had decided on their own to seek to draw out the IRA by this means, or had been instructed by someone to do so. We have found no evidence to suggest that this shooting

was part of a pre-arranged plan to use lethal gunfire to lure out the IRA, or, as was also suggested, of a plan to teach the Bogsiders a lesson by shooting at them. We are sure that neither Corporal A nor Private B fired for either of these reasons.

18.183 As noted above, the suggestion was made that the soldiers shot because they “*were denied the opportunity for either speed or aggression*” and refused to allow themselves “*to be categorised as an Aunt Sally or a crap-hat*”.¹ Such suggestions can hardly provide an explanation as to how each soldier came to choose the same target and fire at more or less the same time, unless they had made a pre-arranged plan to do so, for which proposition there was no evidence at all. We are sure that neither soldier fired for these reasons.

¹ [Day 297/145-46](#)

18.184 Despite our rejection of these suggestions, it of course remains possible that Corporal A and Private B, or one or other of them, fired in the knowledge or belief that their target was doing nothing that justified such action.

18.185 There are other possibilities, that one or both of the two soldiers fired in fear or panic, without giving proper thought as to whether his target was posing a threat of causing death or serious injury, or fired at someone while only suspecting that his target might justify such a response. It may of course be the case that one soldier believed that he had identified a legitimate target, while the other did not.

18.186 Our assessment of the matters we have considered above has led us to the conclusion that it is most unlikely that either soldier fired in the knowledge or belief that his target was doing nothing that justified such action. More likely is that they fired either mistakenly believing or suspecting that their target was, or might be, seeking to deploy a nail bomb. It must be borne in mind that, in circumstances (as here) where there is a perceived and real possibility that a nail bomb may be thrown at any moment, there is little opportunity or time to assess the situation; and that these were, as we have said above, the sort of circumstances in which, in the heat of the moment, Corporal A or Private B, or both of them, might have jumped to the erroneous conclusion that they were seeing or might be seeing a man preparing to throw a nail bomb.

- 18.187** As to whether the soldiers believed that they had identified a target that justified them firing or merely suspected that this might have been the case, it is possible that Damien Donaghey was in fact doing something that did look as if he was or might have been about to throw a nail bomb. This would explain why both soldiers shot at him at the same time from different positions.
- 18.188** Whether Damien Donaghey was doing something that the soldiers reasonably (though mistakenly) saw as him preparing to throw a nail bomb is something about which we cannot be sure. There is no civilian evidence that this was so, and much to the effect that he was doing nothing that was or could have appeared to be of this nature. However, as we have observed, it is far from certain that any civilian was looking at him at the time he was shot; and it is also the case that there might have been a reluctance on the part of some to come forward with an account that laid any possible blame on Damien Donaghey for what happened.
- 18.189** In the end, we have concluded that neither soldier fired without any belief that he had or might have identified someone posing a threat of causing death or serious injury. In our view it is probable that each soldier either mistakenly believed that Damien Donaghey was about to throw a nail bomb or suspected (albeit incorrectly) that he might be about to do so. We accept that these soldiers did not know that the shots of one or other of them (or possibly both) had also hit John Johnston. We consider it probable that in the heat of the moment neither appreciated that anyone, apart from his target, was in the line of his fire. It is also possible that either or both soldiers fired in fear or panic, giving no proper thought to what they were doing, but in our view this is unlikely.

Chapter 19: Other shooting in Sector 1

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The drainpipe shot

19.1 There is convincing evidence from a substantial number of soldiers that some minutes before 1600 hours, a high velocity shot hit and shattered a drainpipe running down the eastern side of the Presbyterian church, just above the heads of members of Mortar Platoon, who were on the boiler house roof adjacent to the church and partly sheltered by the wall to the east of the church. The arrow on the following photograph indicates the position of the drainpipe.



- 19.2** According to Major Loden's Diary of Operations,¹ at 1555 hours "One high velocity round was fired from the direction of Rossville Flats at the wire cutting party. The shot struck a drainpipe on the East Wall of the Presbyterian Church approx 4ft above the heads of the wire cutting party."

¹ B2212

- 19.3** As already observed, this diary was made up the following day. No note of times was made on the day itself.¹ Major Loden was himself on the other side of the church, and though we accept that he heard the shot as it hit the drainpipe, he did not see where it had landed.² In his written evidence to this Inquiry, Major Loden told us that he could see the drainpipe,³ but we consider his recollection to be mistaken in this regard. In his oral evidence to this Inquiry he agreed that he was on the other side of the Presbyterian church.⁴ However, it is clear that the shot occurred after Major Loden had ordered Mortar Platoon forward to cut the wire on the wall (at about 1540 hours) and before Mortar Platoon soldiers went back to their vehicles, which must have been very soon after Major Loden received the Warning Order (at about 1600 hours) to deploy his company through Barrier 12.

¹ Day 342/35

² B2219; WT12.7

³ B2283.3-4

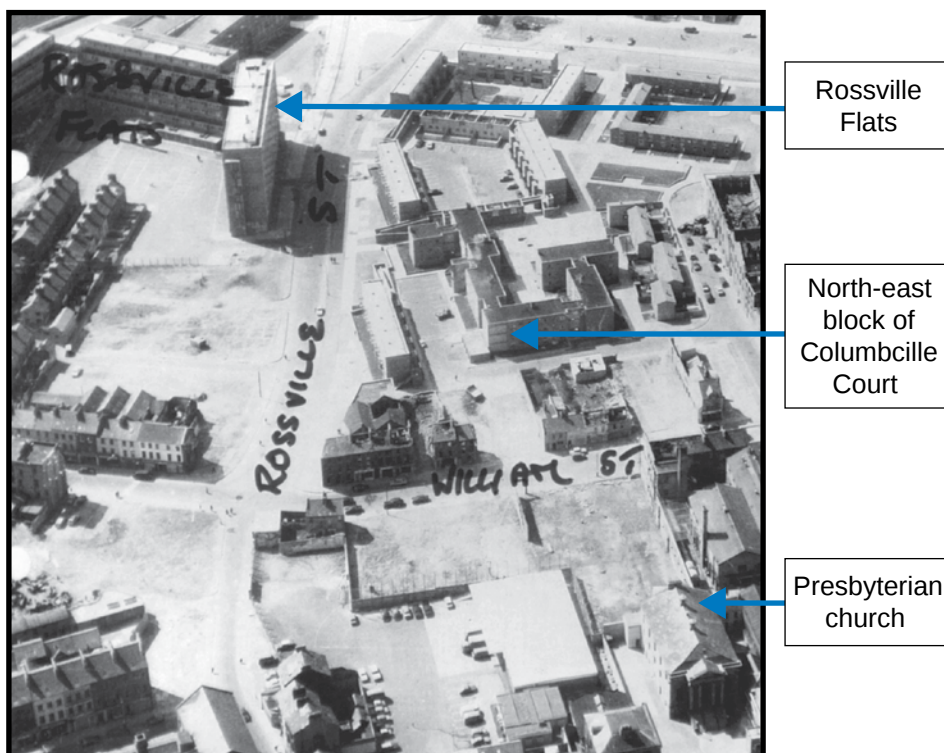
⁴ Day 342/28; Day 342/38

19.4 Several soldiers considered that the shot had come from the direction of the Rossville Flats, which is doubtless why this appears in Major Loden's Diary of Operations.¹ Apart from the fact that there was a clear line of sight from at least the upper floors and roof of those flats to where the shot struck, there was no evidence that suggests to us that the shot had actually been fired from there. It has been noted earlier that Lieutenant N of Mortar Platoon had briefed the soldiers the previous evening that the Rossville Flats were a known sniper point. This may have contributed to their belief that the shot had come from that direction.²

¹ B591; B1732.002; C768.2; B1484.002; B1979; B1985

² B438.033; B575.110

19.5 We are satisfied, however, that during the period in question a member of the Official IRA, known to this Inquiry as OIRA 1, did fire a high velocity shot in the direction of the Presbyterian church from the top floor at the north-eastern end of Columbcille Court. This position would also provide a clear line of sight to where the shot struck and is roughly in the same direction as that of the Rossville Flats. The photograph below shows the relative positions of the Rossville Flats, Columbcille Court and the Presbyterian church.



19.6 The circumstances in which this shot came to be fired are a matter of controversy.

- 19.7** The principal question we have to consider is whether OIRA 1 fired the shot that hit the drainpipe. There is another question: namely, whether the shot that hit the drainpipe was fired before or after the wounding of Damien Donaghey and John Johnston by Army fire. This latter question was the subject of detailed submissions, on the basis (which we consider below) that it was important to determine whether it was the Army or paramilitaries who fired first in Sector 1.

The evidence of OIRA 1 and OIRA 2

- 19.8** OIRA 1 and OIRA 2 were members of the Official IRA in Londonderry, on the Command Staff and attached to the Bogside unit.¹ They told us that they had come forward to give evidence to the Inquiry at the request of the families of those who were killed or wounded on Bloody Sunday.²

¹ [Day 395/10](#); [Day 392/12](#)

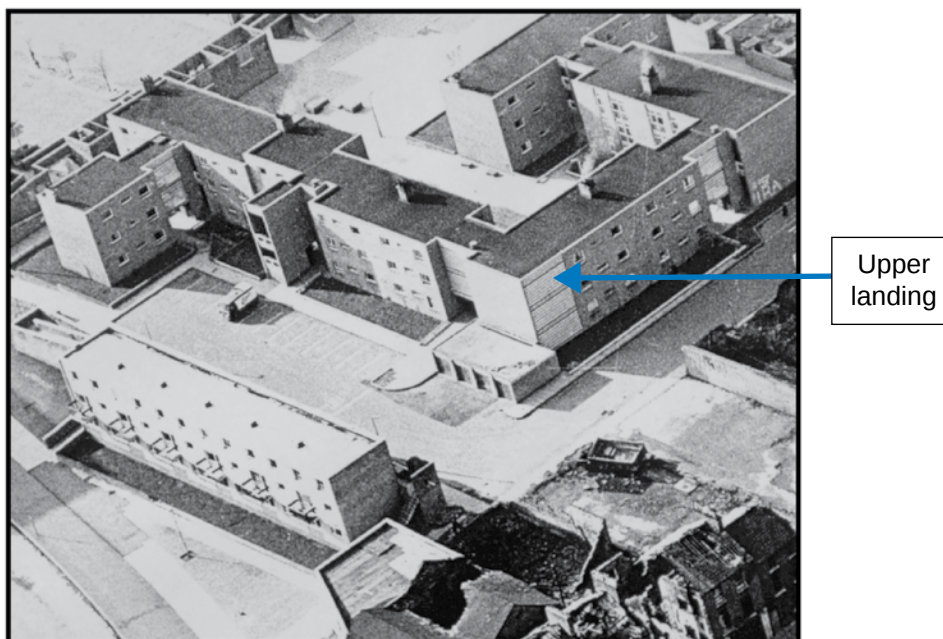
² [Day 395/158](#); [Day 393/130](#)

- 19.9** In summary, their evidence to this Inquiry was that after dark on Saturday 29th January 1972, having received orders that all weapons were to be taken up to the Creggan area of the city, they had gone to recover a .303in rifle with a defective or missing front sight, which had been hidden in Columbcille Court by another Official IRA volunteer. However, they abandoned this attempt because they thought that there might be undercover soldiers in the area after a shooting incident earlier in the day.

- 19.10** These witnesses told us that on the following day they drove to Glenfada Park North. They left the car there and made their way on foot to Columbcille Court. There they recovered a rifle from what OIRA 1 described as some sort of bunker or outside shed on the ground floor level of the north-eastern block of Columbcille Court.¹ The rifle had ammunition in its magazine. OIRA 2 said he could not remember where the rifle was.² They then climbed two flights of stairs to the top floor landing (sometimes described as a balcony) at the north-east corner of Columbcille Court, a place where they could dismantle the rifle to enable them to carry it away concealed from view. This landing faced north and on this side there were horizontal, white-painted, wooden slats. The arrow on the following photograph shows the position that they said they reached.

¹ [Day 395/59](#)

² [Day 393/47-48](#)



19.11 OIRA 1 told us that after about a minute he heard what he was sure were three high velocity shots and shortly afterwards heard shouting from below that two people had been shot. OIRA 2 said that he did not recall hearing shots but did hear the shouts, though it is not clear from his evidence whether this was before or after they climbed the stairs to the landing. According to their testimony, they looked through the slats across to the Presbyterian church, where they saw a soldier on top of the building in a sniping position behind a low wall, whom they believed had been responsible for the shooting. OIRA 1 then aimed the rifle and fired one shot at this soldier. This happened, according to OIRA 1, a matter of seconds after he had heard the shouts that people had been shot. OIRA 2 thought or assumed that the soldier had been hit, and he and OIRA 1 immediately left the landing and made their way downstairs. As they were coming down the stairs or out of the building they were met by a number of people, some of whom protested at what they had done, while others urged them to continue firing. They then returned to the car in Glenfada Park North, where OIRA 1 put the gun in the boot and locked the car.¹

¹ [AOIRA1.5-8](#); [AOIRA1.26-28](#); [Day 395/68-83, 88-91](#); [Day 396/23-31, 38-45, 53](#); [AOIRA2.3-6](#); [AOIRA2.15-16](#); [Day 392/73-84, 109](#); [Day 393/46-49, 55-58, 67-71, 75-76, 89-90](#)

19.12 This account, given decades after the event, has similarities with – but also differs in fundamental respects from – an account of what OIRA 1 did written by John Barry of the *Sunday Times* Insight Team in 1972.¹

¹ [AOIRA1.1](#)

19.13 OIRA 1 denied that he had given any “*formal*” interview or made any “*formal*” statement to John Barry or any other journalist,¹ though he said that he might have spoken to journalists in an informal way. John Barry told us that he had no independent recollection of interviewing OIRA 1 or compiling the notes, but was sure that he had talked to OIRA 1 at the time and had accurately recorded what he had been told.² OIRA 2 denied that he had told anyone about the firing from Columbcille Court.³

¹ AOIRA1.12

³ Day 393/85

² Day 193/101; Day 194/38; Day 194/93

19.14 According to John Barry’s notes, OIRA 1 had arms stored in the boot of a car in Glenfada Park. He and OIRA 2 had already organised a possible counter-sniping position in Columbcille Court, in one of the areas outside the back door of each flat set aside for washing lines, which was fronted by white, wooden planks giving a slatted effect. OIRA 1 and OIRA 2 had arranged with a woman, the occupant of one of the flats, that she would leave open the gate to her washing area. They were at the junction of William Street and Rossville Street, when they then heard that two “*boys*” had been shot by the Army in William Street, so they collected a .303 rifle from the car and went to their counter-sniping positions, where OIRA 1 shot at a soldier on the left-hand side of the church who had been putting his head up very cautiously from time to time. “*Twice the man put his head up and OIRA 1 didn’t fire. The third time the man put his head up, OIRA 1 fired. OIRA 2 told him he had hit.*”¹ John Barry made a note that OIRA 1 was “*actually firing at east side of Church*”.² We should observe at this point that the word “*boys*” is a colloquialism often used in the city to describe men of any age.³

¹ AOIRA1.1

³ Day 159/68

² AOIRA1.1

19.15 John Barry’s notes continued with a description of a violent altercation that then took place on the stairwell or at the entrance to the washing place with three members of the Provisional IRA, one of whom tried to grab the gun and whom OIRA 1 threatened to shoot, but which ended when OIRA 1 agreed that he would not fire again. OIRA 1 then went back to Glenfada Park and put the rifle back in the boot of the car.

19.16 OIRA 1 and OIRA 2 denied in evidence to us that they had arranged a counter-sniping position, that they were at the junction of William Street and Rossville Street when they heard that two people had been shot, that they obtained the weapon from a car in Glenfada Park, or that there were other weapons in the car.

19.17 It was suggested on behalf of OIRA 1 that a number of minor details set out in John Barry's notes were factually inaccurate.¹ This may well be so, and it may be the case that if there were such inaccuracies (for example, that Michael Kelly, one of those killed on Bloody Sunday, was OIRA 1's cousin), they came from another source. However, we are satisfied that in all essential respects John Barry accurately recorded in his notes what he had been told by OIRA 1 about the latter's activities on Bloody Sunday. Apart from the fact that we were very impressed by this journalist, the text of the note itself demonstrates, by phrases such as "OIRA 1 says", that his source was OIRA 1.²

¹ Day 194/91-92

² AOIRA1.1; Day 194/151

19.18 Furthermore, in an article written by Gerard Kemp and published in the *Sunday Telegraph* on 23rd April 1972, a somewhat similar account appears. In that article Gerard Kemp wrote that he had interviewed a man in the Official IRA who said to him:¹

"I left my car in Glenfada Park and walked over to Columbcille Court waiting for the marchers to come down. A bit of stoning was going on and I then heard two shots. I saw the crowd dragging someone back and knew someone had been hit. It was an old fellow and a young boy. I went back to my car and got my rifle out of the boot. It's a .303. I walked back to the court and went up to the stairs on the way to the upper storey of the maisonettes. I was behind some vertical white planking and over by the Presbyterian Church I could see two soldiers crouching down behind a small wall. One kept getting up and then I saw him pointing his rifle. I fired one single shot and he jerked backwards. He was wearing a steel helmet with the face guard pushed right back over on to his neck. After I fired that one shot I went back to my car and put the rifle in the boot."

¹ L210

19.19 In his written statement to this Inquiry, Gerard Kemp told us: "*I cannot now remember being told any of this – it was many years ago – but I have no reason to doubt that this was told to me at the time and that the quotation in the article was an accurate record of what he [the sniper] said. I also cannot remember the name of the man or his appearance and would not be able to identify him now.*"¹ We have no reason to doubt that the quotation set out in the article was a faithful reproduction of what Gerard Kemp was told. In view of what he recorded, there is little doubt that the person he interviewed was OIRA 1.

¹ M47.1-2

19.20 We should note that in March 1972 Reg Tester, the Command Staff Quartermaster of the Official IRA in Londonderry on Bloody Sunday, gave Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team an account of the firing by OIRA 1 that was similar to the accounts recorded by John Barry and Gerard Kemp.¹

¹ S34

19.21 In these circumstances it is clear that OIRA 1 has given us an account of his shooting that is materially different from the accounts he gave soon after the event to John Barry and Gerard Kemp. The differences are such that they cannot be attributed to the dimming or distortion of memory through the passage of time, but must arise from some other reason, and must indeed entail that part at least of the accounts that OIRA 1 has given of this incident are untrue.

19.22 We reject the account given by OIRA 1 and OIRA 2 of making an attempt to recover the rifle on the evening of Saturday 29th January 1972. The reason they gave was that there had been an order that all weapons were to be taken up to the Creggan before the march. In his written statement to this Inquiry, prepared by his solicitors,¹ Johnny White, the Officer Commanding the Official IRA in Londonderry on Bloody Sunday,² told us that this had been the order. Johnny White became too ill to give oral evidence and so could not be questioned about this assertion.

¹ AOIRA3.10

² This witness was also known to the Inquiry as OIRA 3, but the Tribunal withdrew his anonymity in October 2004 after he had spoken to the Press about Bloody Sunday, using his own name.

19.23 However, we do accept the oral evidence of Reg Tester, who as Command Staff Quartermaster could be expected to know about the disposition of the few weapons held by the Official IRA in Londonderry. He told the *Sunday Times* in March 1972 that there were to be no weapons in the Bogside except for those held by the Bogside Official Unit, and these were to be kept in several safe dumps.¹ He told this Inquiry that the rifle in question had gone to the Bogside unit at some time before Bloody Sunday and “*would have stayed with the unit until such time as they either no longer needed it or the situation changed altogether*”.²

¹ S34

² Day 414.40

19.24 In addition to the fact that it was not necessary to get the rifle up to the Creggan, the whole account of abandoning an attempt to get the weapon in the dark on the previous evening, because of the feared presence of the security forces, yet going back the next day in broad daylight to do so when there undoubtedly were many soldiers in the area,

seemed to us to be so far-fetched as to be unbelievable. We were reinforced in this view by the manner in which OIRA 1 and OIRA 2 sought to answer questions about this topic when they gave oral evidence to us.¹

¹ [Day 395/50-55](#); [Day 395/85-87](#); [Day 395/182-189](#); [Day 396/1-8](#); [Day 392/63-64](#); [Day 392/87-93](#); [Day 393/49-53](#)

19.25 In these circumstances, we do not accept the evidence of OIRA 1 and OIRA 2 that their purpose in going to Columbcille Court on the afternoon of Bloody Sunday was to collect the rifle and take it up to the Creggan.

19.26 The next question is whether, as OIRA 1 told John Barry and Gerard Kemp, on Bloody Sunday they went to Glenfada Park to collect the rifle from the boot of a car in Glenfada Park, or whether they got the weapon from the shed or bunker at Columbcille Court.

19.27 In 1972, OIRA 1 would have had a motive for saying to a journalist that he had gone back to Glenfada Park to obtain a rifle after hearing that the Army had shot two people, for to admit that there was a loaded weapon hidden close to a pre-arranged counter-sniping position would have indicated that members of the Official IRA had prepared themselves in advance to shoot at the Army, rather than keeping their weapons in safe mobile dumps. The public line initially being advanced by the Official IRA at the time was not to admit to any shooting at the Army on Bloody Sunday, so as to avoid giving the Army any possible justification for firing.¹ In a press conference called by the Official IRA on the night of Bloody Sunday, their spokesman said that *“he could not speak for the Provisionals but to the best of his knowledge there was no shooting at all against the Army in the William Street-Rossville Flats area”*.² OIRA 2, speaking at a rally in Kilburn in London on 5th February 1972, said that the IRA had not fired back until the firing had been going on for 20 minutes. In his evidence to us, OIRA 2 sought to explain this by saying that when speaking at the rally he might have used what he described as *“a wee bit of poetic licence”*.³

¹ [Day 395/157](#); [AT6.13](#)

³ [Day 392/123-124](#)

² [ED12.4-5](#)

19.28 The policy of not admitting to any shooting at all seems to have been abandoned, modified or ignored at an early stage, perhaps because there was widespread knowledge in the city that paramilitaries had fired on the day and some explanation had to be given. Perhaps OIRA 1 could not resist boasting of what he had done, by giving to John Barry and Gerard Kemp the information to which we have referred.

19.29 There might have been further reasons for saying shortly after Bloody Sunday that the rifle was taken from a car rather than from a place in Columbcille Court. At the time in question, there was fierce rivalry between the Official and Provisional wings of the IRA, the latter being only too ready to seize the weapons of the former.¹ It seems to us that to disclose an unguarded place where a rifle was kept would invite the loss of that weapon, unless that place was never used again. In addition, to tell a journalist where the rifle had been kept (other than in the back of a car) would, in our view, run the risk of the security forces mounting a search of the area.

¹ AT6.1

19.30 The fact that there might have been reasons for saying to the journalists that the rifle had been taken from a car in Glenfada Park does not, of course, of itself mean that what was said was untrue. However, OIRA 1 and OIRA 2 were insistent that this did not happen, and that they got the rifle from a place very close to where it was fired.¹

¹ AOIRA1.25; AOIRA1.26; AOIRA1.32; Day 395/94; AOIRA2.14-15; AOIRA2.21; Day 392/95; Day 393/80; Day 393/85

19.31 By the time of this Inquiry, and given (though we do not accept this) OIRA 1 and OIRA 2's assertion that they went to Columbcille Court simply to retrieve the weapon, concerns about revealing a place where a rifle had been hidden no longer existed. It is therefore possible that what OIRA 1 and OIRA 2 told this Inquiry is correct and that they indeed did retrieve the rifle from its hiding place in Columbcille Court, rather than from a car in Glenfada Park. If this is so, then it follows that OIRA 1 lied to the journalists about this.

19.32 Whether OIRA 1 and OIRA 2 collected the rifle from a car in Glenfada Park or from a bunker or shed in Columbcille Court, and whether or not the rifle had a defective or missing front sight, we are sure (despite their denials in evidence to us) that the real reason why they climbed to the top floor landing with a loaded rifle was not to find a place to dismantle it, but instead to get into a pre-arranged sniping position in order to shoot at soldiers if an opportunity presented itself. Although OIRA 2 suggested that it would not have been safe to shoot from there, since the only protection was wooden slats, he agreed that the slats helped to conceal them.¹ His evidence does not alter our view that they went to a sniping position. Neither he nor OIRA 1 could to our minds provide any other satisfactory explanation for going to the top floor of Columbcille Court with a loaded rifle. In his oral evidence OIRA 2 somewhat reluctantly admitted that OIRA 1 was "*probably*" a sniper.²

¹ Day 392/071; Day 393/051

² Day 393/014-15

Did OIRA 1 fire the shot that hit the drainpipe?

19.33 In his statement to this Inquiry, OIRA 1 told us:¹

“I have heard talk of a shot hitting the drainpipe to the Presbyterian Church, which I understand may be to the east of the church. This is not the direction in which I fired. I am not aware of my round hitting a drainpipe. If it did hit a drainpipe to the east of the church I cannot explain why I missed the soldier I was aiming at so badly, unless this was down to a ricochet, or the defective sight.”

¹ AOIRA1.27

19.34 The drawing he attached to this statement shows the area at which he fired to be on the western side of the waste ground to the south of the Presbyterian church.¹ In his oral evidence OIRA 1 said that he had aimed at the left-hand side of the church as he looked at it and that the direction in which he fired was to the south and west of the church.² Though he did concede the possibility that he had hit the drainpipe that was on the other side of the church, his evidence as a whole indicated to us that he was maintaining that it was not his shot that hit the drainpipe.³ In his oral evidence, however, OIRA 2 said that it was probable that OIRA 1's shot was the drainpipe shot.⁴

¹ AOIRA1.48

³ Day 396/37-38

² Day 395/81-82; Day 396/78-79

⁴ Day 392/83

19.35 OIRA 1 also told John Barry that he fired at the left-hand side of the church, though this reporter put in brackets in his notes “(*OIRA 1 actually firing at east side of church*)”.¹ This observation may have been made because John Barry was assuming that this shot was the one that hit the drainpipe.

¹ AOIRA1.1

19.36 In our view, John Barry was correct in his assumption and OIRA 1 did fire the shot that hit the drainpipe on the eastern side of the Presbyterian church.

19.37 We consider that OIRA 1 is incorrect in his assertion that he aimed and fired to the western side of the Presbyterian church. There is nothing to suggest that there were soldiers on that side of the church who were presenting the sort of target described by OIRA 1 and OIRA 2, nor is there any Army evidence of an incoming shot on that side. Furthermore, we discount the possibility that he could have been aiming at the western side of the church but hit the eastern side, for even with a defective gun sight he could hardly have missed his intended target by the width of the church, some 40 feet, at a

firing distance of some 120 yards. In our view, OIRA 1 aimed and fired at one of the soldiers of Mortar Platoon who were on the eastern side of the church, but missed and hit the drainpipe above their heads.

Did OIRA 1 fire before or after the Army shots?

19.38 We now turn to the question whether OIRA 1 fired the drainpipe shot before or after Damien Donaghey and John Johnston were wounded by Army gunfire.

19.39 In our view, the importance of this question must not be overemphasised. The drainpipe shot injured no-one. If it occurred after the wounding of Damien Donaghey and John Johnston by Army gunfire, it obviously could have had no relevance to that event, as far as the soldiers who fired were concerned. If it occurred before, the same applies, as there is nothing to suggest that the soldiers who fired from Abbey Taxis were aware of that shot or that it influenced them in any way. We consider later in this report¹ what effect the shot may have had on other soldiers, but again, there is nothing to suggest that their reactions were in any way influenced by any belief as to whether the shot had followed or preceded the wounding of Damien Donaghey and John Johnston.

¹ [Paragraph 19.181](#)

19.40 OIRA 1 has maintained throughout that he fired at the soldier he believed was responsible for wounding Damien Donaghey and John Johnston. However, OIRA 1 in our view untruthfully denied to us that he provided the information recorded by John Barry and Gerard Kemp, gave a false account to us or to John Barry and Gerard Kemp about where he obtained the rifle, lied to us about attempting to collect the weapon the night before and the reasons for doing so, and lied to us about his purpose in going to the top landing in Columbcille Court. In these circumstances we can place no reliance on his evidence as to why he fired.

19.41 OIRA 2 told us in his first written statement to this Inquiry (given to his solicitors),¹ that he was in the Columbcille Court area when he heard a number of high velocity shots and then shouts from below to the effect that two people had been shot by the Army. In his written statement subsequently taken by the solicitors to this Inquiry, he told us that he could not honestly say he heard the Army shots himself, but only someone in the crowd shouting, “*Two boys have been shot*”, after he and OIRA 1 had reached the top floor landing in Columbcille Court.² In his oral evidence to us he said on more than one occasion that his recollection of events was very poor, and when asked why they had collected the weapon and then gone to the top floor of Columbcille Court, he said that his

“best guess” was that it was in response to the two individuals having been shot earlier, though he could not remember “the exact detail”.³ OIRA 2 also said that the incident occurred before the main body of the march had arrived in William Street and when it was put to him (correctly) that Damien Donaghey and John Johnston had not been shot at this time said: “It has always been my assumption that they were actually shot – I do not know the exact timing – it has always been my assumption that they were shot before the main body of the march arrived.”⁴

¹ AOIRA2.3

³ Day 393/48-49

² AOIRA2.15

⁴ Day 393/77

19.42 In our view, OIRA 2 now has little or no clear memory of the sequence of events, though he did maintain throughout his evidence to us that OIRA 1’s shot was in reprisal for the Army shots. However, since we take the view that he has failed to tell us the truth about going to Columbcille Court the previous evening and why he and OIRA 1 went to Columbcille Court on Bloody Sunday, we consider that we cannot rely on his evidence that the shot was by way of reprisal, unless there is other material to support this assertion.

Evidence from others

19.43 In his account to Peter Pringle of the *Sunday Times* Insight Team, Anthony Martin said that, while on the top floor of Kells Walk, he had heard two high velocity shots from the Presbyterian church/Richardson’s factory area and “A few seconds later” a .303in shot fired from the corner of Columbcille Court, which he thought it was a “*racing cert.*” was a reply to the first two shots. He then saw an altercation between the gunman and some Provisionals who were trying to disarm the man.¹ His evidence to this Inquiry was that he heard two SLR shots from the area of the Presbyterian church, that he cleared people off the Kells Walk balcony in order to protect them and that he then heard a .303in rifle shot fired from south to north.² In his oral evidence he was unable to give any reliable estimate of the time that had elapsed between the first shots and the .303in shot, or the shots and the confrontation with the gunman. He said that he did not see a gun at all.³ “There was two shots. There was a further shot. There were two shots and then there was some shouting about, asking a cameraman to come over, and then there was a shot and then there was an argument.”⁴ He did not mention this latter shot or the altercation with members of the Provisional IRA in his NICRA statement.⁵

¹ AM24.3

⁴ Day 176/109

² AM24.11

⁵ AM24.1

³ Day 176/64

- 19.44** On the basis that Anthony Martin’s account to the *Sunday Times* of only “A few seconds” passing before he heard the .303in shot is literally correct, and assuming it to be more accurate than his recollection 30 years later, the evidence of this witness supports OIRA 1’s present account that he fired by way of reprisal very soon after he had heard firing and learned that the Army had shot two people. However, this timescale would not fit with OIRA 1’s account given to the journalists, since much more than a few seconds would have passed if that account were accurate. Of course, the opposite is the case if Anthony Martin’s present recollection is to be preferred. However, we should not read too much into these apparently varying estimates of time, since expressions such as “a few seconds” are often used not with their literal meaning, but only as indicating a short but otherwise undefined interval.
- 19.45** We have no reason to suppose that Anthony Martin’s evidence was given other than in good faith, though we bear in mind that in an urban environment, it may be difficult – if not impossible – to identify from the sound the type of weapon being used and from where the shot has been fired.¹ In addition, as appears later in this report, we are unable to accept his evidence on a number of matters, including his account that later in the day he came under fire from a low velocity weapon like a Sterling sub-machine gun or a pistol, which to our minds casts further doubt over his identification of the weapons fired in the incident under consideration. In view of this, although Anthony Martin’s evidence provides some support for the proposition that there was a shot following those fired by the soldiers, we cannot treat it as alone establishing this proposition.
- ¹ B1363.002; B1363.007; Day 298/70-72; paragraphs 65.182–187
- 19.46** In his NICRA statement, Frank Hone recorded that he had heard shots that he knew by their tone to be Army shots and which, as far as he could guess, came from Abbey Taxis or the church roof. He then heard of two civilians having been hit and, about three minutes later, heard a heavier shot fired from a location very close to him in Kells Walk.¹ In his written statement to this Inquiry he said that he could not recall hearing of these civilians being hit or hearing the heavier shot. He did not refer in his written statement to this Inquiry to any early Army shots. Referring to his NICRA statement, he commented, “I cannot be sure now how much of the evidence is what I saw and how much is what I had heard other people saying or what I wanted to say I saw”.²
- ¹ AH80.1 ² AH80.5
- 19.47** On the basis of what Frank Hone recorded soon after the event, it would appear that there was an interval of minutes between what he believed to have been Army shots and a shot from a location close to him, though again this time estimate cannot necessarily be

taken at face value. On his own admission, much – if not all – of his evidence may have been a second-hand account and perhaps of doubtful accuracy.

19.48 Thomas Mullarkey made a written statement, which he signed on 15th February 1972 and gave to the *Sunday Times* Insight Team.¹ In this statement he recorded that he had been in the area of Abbey Taxis, had heard “*a new crackle of fire*” after the firing of rubber bullets, saw a young lad fall over and shout that he had been shot, saw another bullet kick up dust along the ground going towards Kells Walk and a soldier in “*Stevensons*” (by which it seems to us he was referring to Abbey Taxis) withdraw a rifle. “*I estimate 4 to 5 shots were fired at this time. A little later I heard a single shot, loud, a revolver, but could not place where it came from. The people still around were stunned for a minute before anyone came to pick up the young lad...*” In his oral evidence Thomas Mullarkey said that he could not now recall this shot, but had been a member of his university rifle club and so was used to the sound of rifle and revolver shots. He thought that if he had reported it, he must have been certain that it was a revolver shot.² We found Thomas Mullarkey to be an impressive witness and have no doubt that he was doing his best to assist the Inquiry. However, his evidence that he was certain that it was a revolver shot that he heard, though given in good faith, again cannot be treated as conclusive, for the same reasons as apply to the evidence of Anthony Martin. Thus his evidence may either support the proposition that OIRA 1’s shot followed those of the soldiers, or be evidence of another shot altogether.

¹ [AM452.15](#); [AM452.6](#)

² [Day 69/57](#)

19.49 Bernard Gillespie told us, in his written statement to this Inquiry, that he was on the waste ground near the Nook Bar¹ and that the first live shot that he heard that day was the one that hit a young boy. A second shot was fired shortly afterwards, hitting a middle-aged man who fell to the ground. As he walked away from the waste ground, he saw a row going on in the corner of Columbcille Court between a man armed with a rifle, who was standing behind the slats of a drying area, and a group of seven to eight men who were telling the armed man to go away.² He made a NICRA statement in which he recorded, “*I heard another shot just as the young fellow was been [sic] carried away and just then a man was carried into the same house. He also had been shot.*” He did not refer to the civilian gunman in his NICRA statement.³

¹ [AG32.3](#)

³ [AG32.1](#)

² [AG32.4](#)

19.50 Bernard Gillespie's current recollection of hearing a second shot that hit a middle-aged man who fell to the ground is in our view a false memory, since in our view John Johnston did not fall when he was shot. Bernard Gillespie's NICRA account may be explicable on the grounds that he heard more than one of the shots fired by Machine Gun Platoon from Abbey Taxis but ascribed this to a slightly later time than was in fact the case. However, it seems to us more likely that the second shot he heard was either the shot fired by OIRA 1 or another shot altogether.

19.51 Joe Carlin did not co-operate with the Inquiry, which was unable to obtain any statement from him as he lives outside the jurisdiction. He is recorded as having told the *Sunday Times* in 1972 that he saw Damien Donaghey fall (although he did not hear the shot that hit him), saw him being carried into a house and "*immediately afterwards*" heard a shot from an upstairs window of the house to which Damien Donaghey had been taken.¹ His account of this shot appears to support OIRA 1's claim that he shot after the Army shooting. He also told the *Sunday Times* that, before the shooting of Damien Donaghey, he had heard a single high velocity shot, though this came from the direction of Great James Street, not the direction of the Bogside.² We return to Joe Carlin's account of this earlier shot below.

¹ AC150.3

² AC150.1

19.52 David Capper was based in Belfast as a regional reporter for the BBC. In his written statement for the Widgery Inquiry, he recorded that while he was at the corner of William Street and Rossville Street, he heard two much louder reports among the sounds of the rubber bullet guns and went up to see what had happened. After some five minutes a man told him that the Army had shot two men. The man asked him to come and see them. As they approached some maisonettes, David Capper saw and joined up with a BBC television crew. He also recalled a fight breaking out and the cameraman, who had been in the middle of the crowd, making a run for it. He then said, "*I was jostled in the crowd when suddenly a very loud report sounded in my ears ... My impression was that someone close to me had fired a shot, presumably at the soldiers about 60 yards away.*"¹

¹ M9.1

19.53 In his oral evidence to the Widgery Inquiry, David Capper said that he thought the two louder reports had been rifle fire, that on his way to the maisonettes he saw two soldiers in a derelict building to the north of William Street,¹ and that the very loud report he had heard later was fired about four or five feet from him and which "*I would have thought it was a revolver, may be a .38 or a .45*" and "*I took it to be a shot fired from amongst a crowd that I was with...*"² Later in his oral evidence he agreed that this report could well

have been from something else, though he added “*The only reason I base that on is that I have experience with a .38 starting pistol and the report was as loud as you would get from one of those.*”³

¹ WT2.68

³ WT2.75

² WT2.68-69

19.54 In his written evidence to this Inquiry, David Capper stated that he saw one man fire one round from a pistol towards some soldiers who were in a derelict building near the Presbyterian church on the other side of William Street.¹ However, in his oral evidence to this Inquiry, David Capper said that after hearing the bang he looked round and saw a man putting a gun back in his pocket. The man was at ground level,² facing in the direction of the Presbyterian church.³ He explained that he had not regarded it as diplomatic to say in his evidence to the Widgery Inquiry that he had actually seen the gunman.⁴ He seemed to agree that his position at the time was probably somewhat to the east of Ma Shiels’ house (where Damien Donaghey and John Johnston had been taken), and he agreed that from what he saw the shot did not provoke any response from the Army by way of gunfire.⁵ His recollection was that the crowd scattered at the sound of the shot and that there was no altercation between any of them and the gunman that he saw.⁶

¹ M9.17

⁴ Day 73/65

² Day 73/123

⁵ Day 73/68-69

³ Day 73/11

⁶ Day 73/124

19.55 If David Capper was mistaken in his impression that the “*very loud report*” that he said he had heard was from a revolver (and we have already commented on the fact that it may be difficult in an urban environment to distinguish the sound made by different weapons), and since it appears that he did not actually see the man with a revolver fire, it seems to us that what he might have heard was the shot from OIRA 1. If that is so, his account supports OIRA 1’s assertion that he fired after the Army shots. Again, however, the possibility remains that David Capper was describing another shot altogether.

19.56 At this point we should note that David Capper was using his tape recorder that afternoon and that on the recording he made the sound of bangs can be heard, some of which are louder than others. However, in the end, despite considerable efforts (including technical analysis),¹ we did not find it possible to draw any conclusions from this recording on the matters under discussion.

¹ E9.0143-0145; E3.0075-0090

- 19.57** We consider the possibility that Thomas Mullarkey and David Capper heard a revolver shot rather than OIRA 1's high velocity rifle shot, when we have considered other evidence bearing on the question under consideration.

Evidence of a confrontation

- 19.58** As already noted, Anthony Martin spoke in his account of events of an altercation between a gunman and some members of the Provisional IRA, after the shot he said he had heard fired from Columbcille Court.
- 19.59** As also described above, John Barry recorded in his note of his interview with OIRA 1¹ that OIRA 1 had told him that after his shot there was a violent altercation on the stairwell or at the entrance to the Columbcille Court washing area with three members of the Provisional IRA, whose names are recorded in the note. The Inquiry has received evidence from these individuals, each of whom has said that he had taken part in an altercation with OIRA 1.

¹ AOIRA1.1

- 19.60** PIRA 1 told us that he was at the time a member of the Provisional IRA. This witness told us in his written evidence to this Inquiry that he had heard from someone that the Army had shot two people, though he had heard no shots himself.¹ He stated that he then did hear a shot and ran up the stairs and saw two members of the Official IRA. He asked them what they thought they were doing firing a rifle with the march going on. He told us the man with the rifle defended his decision to fire a shot by referring to the fact that the Army had already shot two people. In his oral evidence, PIRA 1 said that he had gone up the stairs "*very soon*" after hearing the shot.²

¹ AM508.1

² Day 409/70

- 19.61** This evidence supports the proposition that OIRA 1 fired after the wounding of Damien Donaghey and John Johnston. It also supports the proposition that the shot was by way of reprisal for the shooting of Damien Donaghey and John Johnston, though there is nothing in this evidence to support OIRA 1's claim that he fired at the soldier he believed was responsible.
- 19.62** RM 1 (who described himself as a republican) said in his evidence that while he was in the Kells Walk area of Rossville Street or in Columbcille Court, he heard a shot from a stairwell behind him, ran up the stairs, found two men there and grabbed the rifle held by one of them. He told us that he did this because he was very angry that someone would

fire with all the crowd about. He said that he pushed the man down the stairs and threw the rifle down after him. He told us that he went up the stairs on his own, though when he came down there were others about. He said that he was not listening to what the man was saying, though later he agreed that if either of the men had said they had just shot a soldier who had shot two civilians, he thought he would have remembered this.¹

¹ ARM1.2; Day 424/1-20

19.63 Apart from this, RM 1 said nothing about the shooting of Damien Donaghey and John Johnston. He told us that he left the scene quickly.¹ His evidence, therefore, is only that he accosted OIRA 1 very soon after hearing the shot and does not provide any help on the question whether this shot preceded or followed the shooting of Damien Donaghey and John Johnston.

¹ ARM1.2-3

19.64 Sean Keenan Junior was a member of the Provisional IRA at the time. In his written statement to this Inquiry he agreed that he had been involved in this incident. He told us that he was in Rossville Street when he was approached by a woman who told him that there were two or three boys with a rifle in a house; and who took him and his companions to an area in Columbcille Court. He also told us that he did not know whether or not the rifle had been fired: "*When the incident occurred, I was not aware that anybody had been shot by the army or that any shot had been fired by the Officials.*" He said that while there was a heated exchange, no-one tried to grab the rifle nor did OIRA 1 threaten to shoot them, and the argument ended with the Officials just going away with the weapon.¹ Sean Keenan was too unwell to give oral evidence to the Inquiry. On the basis of Sean Keenan's evidence, it would appear that neither OIRA 1 nor OIRA 2 said anything in his hearing about firing by way of reprisal for the shooting of Damien Donaghey and John Johnston.

¹ AK46.2-3

19.65 We should note that the person known to us as OIRA 7 told this Inquiry that he was a member of the Official IRA at the time. He said that he was in the area and, though he could not say that he had heard the shots fired by soldiers, he learned that the Army had shot someone. He said that he heard a single high velocity shot, which he was sure followed learning that "*Bubbles*" Donaghey had been shot. He then told us that he witnessed an altercation at the bottom of a stairwell in Columbcille Court and recognised OIRA 1 and OIRA 2, the former with a rifle.¹ It is to be noted, however, that neither OIRA 1

nor OIRA 2 recalled the presence of OIRA 7 and they did not say to the journalists that he had been there. We remain unconvinced that OIRA 7 was present.

¹ AOIRA7.7-8; Day 398/36-41; Day 398/144-150

19.66 The evidence from RM 1 and PIRA 1 is to the effect that the confrontation with OIRA 1 took place shortly after OIRA 1 had fired. This is consistent with and supports the account given by OIRA 1 and OIRA 2. OIRA 1 stated that having fired the shot, he and OIRA 2 “*decided we needed to leave the area as quickly as possible*”.¹ OIRA 2 stated that after OIRA 1 had fired, “*we didn’t hang around for long...*”.²

¹ AOIRA1.7; AOIRA1.28

² AOIRA2.16

19.67 OIRA 1 stated that he and OIRA 2 were still on the stairs when they were met by people coming up towards them.¹ OIRA 2 stated that the confrontation took place as they reached the bottom of the stairs.²

¹ AOIRA1.28

² OIRA2.16

19.68 There is evidence from others of an altercation in this area.

19.69 Peter Mullan told John Barry of the *Sunday Times* Insight Team in 1972 that he witnessed the shooting of Damien Donaghey and sought to prevent a fight at the Shields’ house between those assisting Damien Donaghey and John Johnston and a television crew.¹ He then heard someone say that people should “*Get clear*” because “*someone here wants to get into action*”. He witnessed an altercation between a number of people, one of whom, he told this Inquiry, was Sean Keenan Senior² and another a man with a rifle, whom he identified to the Inquiry as OIRA 1.³ The armed man expressed anger at the shooting of a little boy and an old man and said, “*Those bastards cant get away with that*”. In his written statement to this Inquiry, Peter Mullan told us that he heard a rifle shot and saw Damien Donaghey fall.⁴ A few minutes later he was aware of a second rifle shot. He looked round and saw an elderly man on the ground.⁵

¹ AM450.1-2

³ AM450.8

² On Day 152/205-6 Peter Mullan wrote down the name of someone whom he said he had recognised. The name was not disclosed publicly at the time but was that of Sean Keenan Senior.

⁴ AM450.6

⁵ AM450.7

19.70 In his oral evidence to this Inquiry, Peter Mullan reverted to his *Sunday Times* account and said that he did not hear a second shot.¹ He stated that he did not hear any further shots and thought that he would have heard a rifle shot had one been fired in the vicinity.²

¹ Day 152/192

² AM450.8

19.71 Peter Mullan told the *Sunday Times* that he thought that OIRA 1 was approaching, rather than leaving, the Columbcille Court sniping position¹ and said to us that he had no impression that OIRA 1 had already fired.²

¹ [AM450.7](#)

² [Day 152/203](#)

19.72 Peter Mullan's identification of one of those concerned as Sean Keenan Senior must be wrong, as Sean Keenan Senior had been interned.^{1,2} However, we have no reason to doubt his identification of OIRA 1 as the man with the rifle. Peter Mullan's evidence of the altercation suggests that this took place some time after Damien Donaghey and John Johnston had been injured by Army gunfire; though of course it is possible that his evidence refers to some other altercation altogether.

¹ Raymond McClean, *The Road to Bloody Sunday*, Dublin: Ward River Press, 1983, p112.

² Sean Keenan Senior was the father of the Sean Keenan to whom we have referred above.

19.73 Eamonn Gallagher is recorded as having told John Barry that he was in Rossville Street and heard three rifle shots that he thought could have been fired from Great James Street or from Little Diamond: "*There were three – bang-bang-bang (regularly spaced, half second intervals).*"¹ According to this account, he heard a woman in the Columbcille Court area cry out that two men had been shot. He saw the wounded being carried away and saw a television crew. A man carrying a rifle then appeared, coming, as far as Eamonn Gallagher could tell, from the direction of the Shiels' house. The armed man said that he wanted to go onto the roof and shoot because other people had been shot. The crowd pleaded with him and there was a tug of war with the gun. The man went towards the Rossville Street end of the block and disappeared. In his written statement to this Inquiry, Eamonn Gallagher told us that he saw the man with the rifle and witnessed an altercation, in the course of which the rifle was dismantled, before hearing any shots at all.²

¹ [AG8.6](#)

² [AG8.2](#)

19.74 In his oral evidence to this Inquiry, Eamonn Gallagher denied that the *Sunday Times* account was accurate. He said that he did not recall seeing anyone wounded in the area of Columbcille Court.¹

¹ [Day 66/87](#)

19.75 We are sure that John Barry did correctly record what Eamonn Gallagher told him and that the latter's 1972 account is to be preferred to his recollection decades later. As with Peter Mullan, his evidence suggests that a confrontation with a gunman took place some time after the wounding of Damien Donaghey and John Johnston. This could have been the altercation with OIRA 1 or some other altercation altogether.

19.76 William Burke, in his NICRA statement,¹ recorded that while he was at Aggro Corner he heard five high velocity shots. A group of people gathered; he later learned that two people had been injured. He walked towards Kells Walk and about this time he heard three or four shots and saw people persuading three men to move on and “*break off firing back at the soldiers because of the risk to innocent people around*”. In his written statement to this Inquiry,² he told us that he was on the march and heard shooting while he was in the area of the Presbyterian church. He assumed it was IRA fire but did not know where the shots had come from. He then saw a boy being carried away. He made his way to Columbcille Court and saw a group, including women, arguing with two to three men whom he believed to be members of the IRA. The women were saying that they did not want the IRA to be present. He saw no weapons. The Inquiry lost contact with this witness and he did not give oral evidence.

¹ AB105.1

² AB105.3

19.77 William Burke’s account of hearing three to four shots does not tally with the single shot that OIRA 1 told us he had fired. William Burke may have been mistaken about the number, though it is also possible that he heard other firing altogether, or that one of the shots was that of OIRA 1 and that others were fired at about the same time. Again, however, his account suggests that the altercation he said he witnessed occurred some minutes after the shooting of Damien Donaghey and John Johnston.

19.78 Thomas Columba Doherty told us in his written statement to this Inquiry¹ that, while standing on the eastern side of Kells Walk, he heard one or two high velocity shots. He did not know the direction from which the shots had come. He heard that two people had been shot. He then saw a man with a shotgun or rifle in a doorway, which he thought was in the northern end of Kells Walk. He gave a similar account in his oral evidence to this Inquiry.² According to this, the gunman was accosted by a group of men, who told him there was to be “*no shooting today*”, and the gunman was pushed back into the house. Thomas Columba Doherty made a NICRA statement in which he did not refer to seeing a civilian gunman accosted by a group of men.³

¹ AD106.1

³ AD106.7

² Day 67/115

19.79 Thomas Columba Doherty’s evidence suggests that there was an altercation between a gunman and other men after Damien Donaghey and John Johnston had been shot. Again, however, it is possible that this was another altercation.

19.80 On the evidence we have considered, we are satisfied that there was an altercation involving OIRA 1 and OIRA 2 and others, after OIRA 1 had fired the shot that hit the drainpipe. We should add at this point that we do not accept Vinnie Coyle's assertion to John Barry that the "*bloke who fired*" was not an Official but a freelance.¹ If, as PIRA 1 and RM 1 have stated, this altercation took place soon after OIRA 1's shot, then in view of the other evidence that indicates that the altercation occurred quite a time after the shooting of Damien Donaghey and John Johnston, there is support for the proposition that OIRA 1's shot followed that shooting. At the same time, it could be said that if this had been the sequence of events, both RM 1 and Sean Keenan Junior would have learned that Damien Donaghey and John Johnston had been shot when they arrived on the scene.

¹ [AC109.2](#)

19.81 We now turn to consider other evidence about the sequence of the shots by the Army and the shot fired by OIRA 1.

Evidence from the soldiers

19.82 As far as the soldiers' evidence is concerned, Major Loden's Diary of Operations recorded that the drainpipe shot occurred "*a few moments*" before the firing by Machine Gun Platoon.¹ In his written statement for the Widgery Inquiry,² Major Loden recorded that he heard the crack of a shot that he believed had been fired at the Mortar Platoon wire cutting party and that "*a few minutes later*" he heard several shots from Machine Gun Platoon and turned and saw one man fall. In his oral evidence to the Widgery Inquiry, Major Loden said that it was "*very shortly*" after hearing the incoming shot that his attention was drawn to firing from Abbey Taxis.³

¹ [B2212](#)

³ [WT12.7](#)

² [B2219](#)

19.83 It is noteworthy that while Anthony Martin, whose evidence we discuss above, said initially that it was "*a few seconds*" after Damien Donaghey and John Johnston were shot that he heard a shot in reply, Major Loden said that it was "*A few moments*" before, and both later gave evidence that extended the time interval. In neither case does it seem to us that this alone devalues their testimony, since, as we have said above, expressions such as these are often not used in their literal sense but rather as indicating a short but otherwise undefined period of time.

19.84 In his written evidence to this Inquiry, Major Loden told us that he recalled the drainpipe shot, but that he did not now remember seeing the shooting of a civilian by Machine Gun Platoon.¹ In his oral evidence he repeated that he had no recollection of seeing a man fall, but was emphatic that the firing by Machine Gun Platoon followed the drainpipe shot.² It was suggested to Major Loden that he had not heard, but had only been told of, the drainpipe shot, but Major Loden rejected this suggestion.³ We accept his evidence on this point.

¹ B2283.003; B2283.010

³ Day 347/39

² Day 342/35; Day 348/65

19.85 Captain 200 was the Commander of Composite Platoon (Guinness Force). In his written statement to this Inquiry he told us that some time in the days immediately following Bloody Sunday, he wrote a report of everything material that he had witnessed on that day, which was typed up on an RMP statement form. In this report Captain 200 described the drainpipe shot as following a warning by his lookout that there was a lot of movement in the top storey stairway at the north end of the Rossville Flats.¹ In his written statement for the Widgery Inquiry,² he recorded that access to William Street from the Presbyterian church was difficult. *“There was an 8 foot drop down to which there was only narrow exits and above it there was a strong wire fence. At the bottom there was a coil of dannaert [sic] wire. While work to improve access was going on I was standing just behind the gap of a small building – perhaps a boiler house – when a high velocity round hit the church.”* He added that he was certain that it was a high velocity shot from the noise of the round passing overhead, though he did not hear the discharge of the rifle.

¹ B1979

² B1984-5

19.86 Captain 200 also prepared a handwritten document, in which he set out a *“Sequence of Events”*.¹ Under the heading *“Church”*, Captain 200 wrote:

- “a. Access
- b. HV shot (Warned by K)
- c. MG PI
- d. Return to vehs.”

¹ B2022.060

19.87 In his oral evidence to this Inquiry, Captain 200 agreed that the phrase *“Warned by K”* could have been a reference to the warning his lookout had given him about activity in the Rossville Flats, and that the use of the cipher “K” indicated that this document had been

prepared after the Widgery Inquiry had assigned ciphers to soldiers.¹ He also agreed that the reference to Machine Gun Platoon could be a reference to firing by that platoon.²

¹ [Day 367/72](#)

² [Day 367/71](#)

19.88 Captain 200 gave oral evidence to the Widgery Inquiry, during the course of which he said that he recalled hearing only one SLR shot from Machine Gun Platoon in Abbey Taxis, but before that he had heard a high velocity shot while he was with the wire cutting party.¹

¹ [WT15.50](#)

19.89 Although Captain 200 gave oral evidence to this Inquiry, he was unable to add anything further on the question of the sequence of shots.

19.90 We have no grounds for supposing that the testimony of Major Loden and INQ 200 on this matter was given other than in good faith, but once again it cannot be treated as conclusive. Major Loden's Diary of Operations was composed on the following day and Captain 200's note made days or weeks after that. It must be borne in mind that the drainpipe shot was of very little consequence indeed in comparison to the events that followed when 1 PARA went into the Bogside a few minutes later. In these circumstances it could be that Major Loden and Captain 200 were mistaken in thinking that the drainpipe shot occurred before the shooting by Machine Gun Platoon when, after the day, they sought to recollect the order of events at the Presbyterian church.

19.91 Corporal A, in his written statement to this Inquiry,¹ told us that before he moved forward to Abbey Taxis, he was aware, having heard them or having been told of them, that one or possibly two shots had been fired. However, he had not previously mentioned hearing these shots and there is no military evidence to suggest that any shot or shots had been fired in the direction of the Presbyterian church by this stage.

¹ [B20.002](#)

19.92 In his written statement for the Widgery Inquiry,¹ Corporal P recorded that he was on top of the boiler house (the building on the eastern side of the Presbyterian church) when he came under fire from a high velocity rifle from the area of the Rossville Flats. He said this was at around 1530–1540 hours, but in our view this timing is unlikely to be correct, as we are satisfied that it was not until about 1540 hours that he and the other soldiers were deployed forward to the Presbyterian church. In his oral evidence to the Widgery Inquiry he identified this shot as the drainpipe shot and agreed that he could not put a time on it with any accuracy.² He also said that he assumed that the shot had come from the area

of the Rossville Flats.³ Then in reply to a somewhat leading question he said that he had also heard five shots very close together, and that he knew where they had come from and that it was not the Rossville Street area. The matter was not pursued at the time and Corporal P told this Inquiry that he now had no recollection of events.⁴

¹ B591

³ WT13.53

² WT13.44

⁴ Day 353/9

19.93 Private 112 recorded the drainpipe shot in his RMP statement.¹ In his written evidence to this Inquiry he told us that he had climbed onto a flat roof with a baton gun and that Corporal P was behind him carrying a rifle to give him cover. He estimated that he had fired about eight to ten baton rounds at rioters in front of him and that after an interval (about five minutes, though he was not sure of the exact time) witnessed the drainpipe shot. He said that after this shot he carried on firing baton rounds. He recalled that after Lieutenant N had climbed up to enquire whether any soldier had fired a shot Private 112 stayed for a period of time (*“possibly 5 minutes”*) before being ordered to get down from the roof. He said he could not remember whether, before he got down, he had heard any further gunfire or whether there were any explosions. *“There was a lot going on and whilst I do recall hearing a number of loud bangs, I cannot say whether these were baton rounds or blast bombs as they both sound very similar.”*² In his oral evidence to this Inquiry Private 112 said that he did not know that Machine Gun Platoon had deployed forward to Abbeyaxis but that he had heard various shots fired, although he could not tell what sort they were.³ It is right to note that Private 112 told us that he was an alcoholic and that a lot of his memory was blurred.⁴

¹ B1730

³ Day 320/94

² B1732.003

⁴ Day 320/86

19.94 As we have observed earlier, there were many soldiers in the area of the Presbyterian church who heard the drainpipe shot, but apart from Major Loden, Captain 200, Corporal P and possibly Private 112, none apparently heard or recalled any of the shots fired by Machine Gun Platoon. Some in their RMP statements recorded that at about 1600 hours they were located in the forecourt of the Presbyterian church and had been in this location for about five minutes when they heard the drainpipe shot,¹ but in our view it would be wrong to accept this evidence as indicating that the drainpipe shot was fired at about 1605 hours, since in our view the starting time of 1600 hours is almost certainly wrong and it is much more likely that these soldiers were in or near the forecourt of the Presbyterian church some 20 minutes earlier. Private 024 recorded in his RMP statement that it was about 15 minutes after he had witnessed the drainpipe shot from the yard of the Presbyterian church that Guinness Force got into their vehicles.² In our view the latter

event must have been very soon after Major Loden had received the Warning Order to redeploy his company through Barrier 12, which was at about 1600 hours.

¹ Lance Corporal 018 [B1485](#); Sergeant 014 [B1409](#); ² [B1526](#)
Private 032 [B1613](#); and Sergeant 035 [B1625](#)

19.95 In his RMP statement dated 4th January 1972 (which must be a mistake for 4th February 1972), Lance Corporal 010 recorded that during the approximate half-hour period he was in front of the Presbyterian church “*one bullet hit the church and I heard another pass some way from [sic]. I did not see who fired these shots but estimate that they were fired from the direction of William Street.*”¹ In his oral evidence to this Inquiry, Lance Corporal 010 said he thought that both these shots had come from the same direction, but that he had heard no SLR fire at all.²

¹ [B1393](#)

² [Day 355/85](#)

19.96 Lance Corporal INQ 627, in his written evidence to this Inquiry,¹ told us he recalled two shots in quick succession, one of which hit the drainpipe.

¹ [C627.3](#)

19.97 In view of the preponderance of Army evidence that there was only one shot at or about the time when the drainpipe was hit, it seems likely that Lance Corporal INQ 627 was mistaken in his recollection of two shots in quick succession. It is possible, though, that Lance Corporal 010 did hear two shots, separated in time, one of which hit the drainpipe.

19.98 Sergeant K, in his written statement for the Widgery Inquiry, recorded that the drainpipe shot occurred while attempts were being made to breach a gap in the fence behind the church.¹ Private INQ 24 told us the same in his written statement to this Inquiry and that his officer immediately told the wire cutting party to get down; though it must be borne in mind that this witness made no statement in 1972 and was seeking to recall an incident from many years before.² The same is the case with Lance Corporal INQ 768, who recalled being on the roof with Corporal P when he witnessed the drainpipe shot, and quickly got down.³

¹ [B297](#)

³ [C768.2](#); [Day 323/137](#)

² [C24.1-C24.2](#)

19.99 We have considered the evidence of a number of other soldiers who gave evidence about the drainpipe shot, but in our view they add nothing material to the evidence that we have summarised above.

- 19.100** On the basis of the timing in Major Loden's Diary of Operations,¹ his oral evidence to the Widgery Inquiry, and the fact that at about 1600 hours he received the Warning Order and would in our view have immediately deployed his soldiers back to their vehicles, we consider that the drainpipe shot was probably fired at about 1555 hours.

¹ B2212

² WT12.8

The Sayle Report

- 19.101** Harold Evans was editor of the *Sunday Times* newspaper in January 1972. Immediately after the events of Bloody Sunday, he sent general reporters Murray Sayle and Derek Humphry, along with Peter Pringle of the *Sunday Times* Insight Team, to Londonderry. Philip Jacobson, another member of the Insight Team, was sent to Belfast but he then travelled to Londonderry. Later that week Murray Sayle, Derek Humphry and Peter Pringle telephoned in their findings. Harold Evans told us that these findings ran into two difficulties. In the first place, those in charge of the Insight Team were concerned whether the sources had been exposed to close enough scrutiny. They were strongly against publishing as it stood what came to be known as the Sayle Report. The second consideration in Harold Evans' mind about the Sayle Report was that Lord Widgery, the Lord Chief Justice, made it clear that he would regard publication during his inquiry as a serious handicap, so much so that he would regard such publication as a contempt of court. These two considerations led Harold Evans to decide not to publish the article, but to conduct another "*parallel*" investigation, using the *Sunday Times* Insight Team, led by John Barry.¹

¹ M24.2-4

- 19.102** In the typed-up version of the Sayle Report, dated 3rd February 1972,¹ Murray Sayle and Derek Humphry, having referred to the shooting of Damien Donaghey, wrote:²

"One official IRA man was, however, nearby in a burned out building opposite Richardson's factory. He had been posted there as an observer and was armed with a .38 pistol – although his orders were that he was to be unarmed. After Damien Donaghy was shot he says he fired a single round at the soldiers on the GPO sorting office roof. We make the range 50 yards [sic] – an impossible range for accurate shooting with a pistol. This is the only Official IRA shot we can trace during the afternoon.

...

The spirit of mutual help is strong in the Bogside; Johnson was one of a score or more of demonstrators who ran towards the wounded boy. Another shot rang out and Johnson was hit in the leg. Seconds later there was another shot and Johnson was hit in the shoulder by what Dr McLean says was a ricochet. We have no doubt the Army fired both these rounds.”

¹ [M71.21](#)

² [M71.26](#)

- 19.103** There is a note by Peter Pringle and Philip Jacobson made on or about 3rd February 1972, which contains a similar account:¹

“We have established beyond doubt that a member of the official IRA fired a single shot from a decimal .45 pistol at an army sniper on the roof of the post office sorting building in William Street (map). The IRA man was in a burnt out house on the corner of William Street and Rossville Street. He believes he hit the soldier but we have been unable to confirm this from the army. The range, almost 100 yards, was extreme for an accurate pistol shot. The action of the lone official gunman was, therefore, unauthorised, but the officials claim nevertheless that it conformed with standing orders on retaliation. According to an eye witness (we know him but can not name him) the soldier who was fired at was the man who, some ten minutes earlier, had shot the 16 year old boy hit in the leg (map) and then shot and wounded Mr. Johnson (map). The official is said to have waited until the soldier showed himself again and then fired. Immediately afterwards he was involved in an angry confrontation with half a dozen civilians, some of whom we know were provisionals, and the official gunman then left the area. This part of the Bogside is strong provisional territory.”

¹ [ED20.31](#)

- 19.104** Peter Pringle told us that he thought that he had contributed the account that appeared in the Sayle Report and that the source was Reg Tester, the Command Staff Quartermaster of the Official IRA in Londonderry.¹ However, Derek Humphry thought that he (Derek Humphry) had spoken not to Reg Tester but to the gunman. The drafting material from the unpublished report indicates that Derek Humphry and Murray Sayle added the section on this gunman to the report on 4th February 1972, the day following the date of the Pringle/Jacobson note.²

¹ [Day 190/15](#)

² [S25](#)

- 19.105** In our view it is likely that material from the note was used in the Sayle Report. However, there are inconsistencies between the details in the note and those contained in the Sayle Report. For example, the interview note records that the gunman fired with a .45 pistol from a building on the corner of William Street and Rossville Street. The Sayle Report states that the gunman used a .38 pistol from a building opposite Richardson's factory. We think that the most likely explanation for these differences is that the Sayle Report drew on two separate sources. Derek Humphry is probably correct in his recollection that he interviewed the gunman, who provided the information that does not appear in the Pringle/Jacobson note.
- 19.106** The Sayle Report contains further inconsistencies with the materials subsequently collected and the conclusions reached by the *Sunday Times* Insight Team. Peter Pringle and Philip Jacobson both told us that many of these inconsistencies were the result of confusion arising from the first interview with Reg Tester; and that incorrect information provided or recorded in the first interview was superseded by the second account that he gave them.¹ Reg Tester was interviewed by Peter Pringle and Philip Jacobson on 3rd February 1972 and again on 15th March 1972.
- ¹ [Day 190/19; M45.7](#)
- 19.107** In his second interview Reg Tester did not refer to a man with a pistol firing from William Street, but, as we have pointed out above, gave an account similar to that given to the *Sunday Times* Insight Team by OIRA 1.
- 19.108** In these circumstances we are of the view that the Sayle Report, though doubtless based on what the reporters were told, contained an inaccurate account of the shot fired by OIRA 1 from Columbcille Court.

The *Sunday Press* article

- 19.109** In an article in the *Sunday Press* newspaper of 6th February 1972, Vincent Browne wrote:¹

"When the second volley of British gunfire occurred the four members of the active service unit were immediately alerted. Two of them had, in fact, to return to a maisonette in the Bogside to collect a couple of rifles – there is some dissension in the Official I.R.A. on this point, for the local North West Command is annoyed that arms were not near to hand.

Meanwhile, the two other members of the unit moved into what they described as ‘sniping positions’ but what in fact were only street corners. Both of these were armed only with short arms, .38 revolvers.

...

After the second burst of army gunfire, the Officials took up positions and one shot was fired by one of the men with the short arms at a soldier in William St, but it missed. No other shot was fired then by anybody until the actual murderous assault on the Bogside by the paratroopers.”

¹ [L171](#)

19.110 According to the article, the Active Service Unit was that of the Official IRA.

19.111 Vincent Browne was unable to recall the sources for his article, but assumed he had spoken to members of the Provisional and Official IRA.¹

¹ [M8.1](#)

19.112 We have found no evidence from any source that suggests to us that there were two volleys of Army gunfire before soldiers entered the Bogside, though it seems to us that this is probably a reference to accounts (in our view mistaken) that Damien Donaghey and John Johnston were wounded in two Army firing incidents separated in time. The Sayle Report was to the same effect. In these circumstances it seems to us that, like the Sayle Report, the *Sunday Press* article contained an inaccurate account of the shot fired by OIRA 1.

Other evidence of firing in the area

19.113 In his written statement for the Widgery Inquiry,¹ Ciaran Donnelly, an *Irish Times* newspaper photographer, described being overcome by gas in William Street, moving back and photographing stone-throwing in Little James Street and then walking up William Street. “*I then saw a crowd throwing stones at a derelict house near Tanner’s Row in which some soldiers were posted. One man from the crowd fired a single pistol shot at the soldiers. No fire was returned.*” Ciaran Donnelly then described returning to Little James Street and then moving south along Rossville Street.

¹ [M22.1](#)

19.114 In his oral evidence to the Widgery Inquiry, Ciaran Donnelly said that he had not seen the gunman, but had heard “*from somewhere nearby*” a loud bang which appeared to be a revolver shot and which he assumed had come from within the crowd. He told the Widgery Inquiry that “*most of the people, not wanting to be connected with a gunman, ran away*”, as he did.¹

¹ WT2.79

19.115 In his written statement to this Inquiry,¹ Ciaran Donnelly told us that he had seen a gunman firing a shot from a small handgun or possibly a starting pistol at a derelict building. He described this man as aged 40 to 50, about five feet six inches tall with dark hair, wearing a blue suit jacket, dark trousers and a white, open-necked shirt. “*This was the only shot I saw fired by a civilian all day.*”

¹ M22.20

19.116 In his oral evidence to this Inquiry, Ciaran Donnelly first said that he did not see the man fire but only heard the shot; that people gathered round the man and were “*sort of hustling him away*”; and that when he asked what had happened “*they said so and so had fired a shot or something*”.¹ However, later in his oral evidence, after being reminded of his written statement, Ciaran Donnelly told us that he had “*maybe*” seen the gun.²

¹ Day 71/16

² Day 71/70

19.117 In his evidence to this Inquiry, Ciaran Donnelly told us that the gunman appeared to be drunk.¹

¹ M22.20; Day 71/15

19.118 We are of the view that the derelict house to which Ciaran Donnelly referred was probably the Abbey Taxis building. This could be described as near Tanner’s Row, which was an alleyway which was west of Aggro Corner, led north off William Street and then turned westwards towards the waste ground south of the Presbyterian church. We have no evidence of any other derelict building occupied by soldiers and at which people were throwing stones.

19.119 In view of his changing evidence, we cannot be sure whether Ciaran Donnelly actually saw a gunman fire, but on balance it does seem to us that he did see a man with a handgun fire at the soldiers in Abbey Taxis, though neither they nor any other soldiers appear to have noticed this shot. We consider that this shot must have been fired before the soldiers had wounded Damien Donaghey and John Johnston, for there is no evidence that suggests that people were continuing to throw stones after that event. We should add

that in our view this was not the Presbyterian church drainpipe shot, as we are sure that this was a high velocity shot that could not have been fired from a handgun.

- 19.120** In his written statement for the Widgery Inquiry, Cyril Cave (the BBC cameraman) said that he was with Jim Deeney (his sound recordist) and on the Rossville Street waste ground when they heard shots that seemed to come from the William Street area.¹ They ran into William Street and met a crowd opposite the City Cabs office who told them that two men had been shot and that they would take them to see the men. Cyril Cave and Jim Deeney were taken to a house in Columbcille Court, but there met a very hostile reception and were jostled by the crowd. They moved back towards Rossville Street, and as they did so a shot rang out which chipped the wall of the maisonettes facing towards William Street. Cyril Cave stated that the shot appeared to come from the other side of William Street.²

¹ M13.2-3

² M13.2-M13.3

- 19.121** In his oral evidence to the Widgery Inquiry, Cyril Cave said that the shot that rang out (which sounded very close to him) buried itself “*in the wall up Kells Walk*”. There was then this exchange:¹

“Q. How far away were you?

A. A few feet.

Q. Did you see where that [shot] came from?

A. I did not see where it came from.

Q. Did you hear where it came from then? Could you judge from where it came?

A. It sounded very close.”

¹ WT1.62

- 19.122** When asked whether anyone else was around, Cyril Cave said, “*Just myself and my sound recordist.*”¹

¹ WT1.62

- 19.123** In his evidence to this Inquiry, Cyril Cave said he thought it was a high velocity shot that came from an elevated position among some derelict buildings on the north side of William Street and hit a garden wall beside him. He recalled that splinters of concrete hit

his clothing, though he could not place where this had happened on the maps and images provided by the Inquiry.¹

¹ M13.25; Day 141/84

- 19.124** In view of his oral evidence to the Widgery Inquiry, we are of the view that Cyril Cave was mistaken in thinking that the shot had come from the north side of William Street; and that in fact he knew no more than that it sounded and landed close to him. We have no reason to doubt that a shot did land close to where he was, and though it is not clear from his evidence exactly where this was, it is probable that this was somewhere near Kells Walk.
- 19.125** In his written statement for the Widgery Inquiry, Jim Deeney recalled being on the Rossville Street waste ground with Cyril Cave and going to William Street in front of the City Cabs office, where they were told that two men had been shot. Unlike Cyril Cave, he did not suggest that it was hearing shots that caused them to go into William Street. He also recalled the hostile reception they received when they got to Columbcille Court. He said that on the way back to Rossville Street they heard two or three single rifle shots that appeared to come from the area of the bakery north of William Street and that they struck buildings in Columbcille Court.¹ Jim Deeney did not give oral evidence to the Widgery Inquiry.
- ¹ M20.2
- 19.126** In his written evidence to this Inquiry, Jim Deeney said that as he and Cyril Cave were walking back from the house in Columbcille Court “*along a path to the rear of Kells Walk*”, someone fired a shot at them. “*I heard a bullet whistle past us and hit a wall.*”¹ He made no mention of hearing two or three rifle shots. He did not give oral evidence to this Inquiry.
- ¹ M20.6
- 19.127** We are not persuaded that Jim Deeney heard two or three shots as he and Cyril Cave made their way back from the house in Columbcille Court. Had this happened, we consider that Cyril Cave could not have failed to notice such firing. To our minds it is more likely that Jim Deeney had got the order of events wrong and had transposed in time the shots that Cyril Cave said had caused them to go towards William Street. In his written evidence to this Inquiry, Jim Deeney recalled¹ that it was after paratroopers had gone through Barrier 14, that he and Cyril Cave had gone to Columbcille Court. This is another example of getting the order of events wrong, since we have no doubt (as Cyril Cave told the Widgery Inquiry²) that the paratroopers went in after Cyril Cave and Jim Deeney had

been to Columbcille Court and returned to Rossville Street and then Chamberlain Street. In these circumstances, though we have no doubt that Jim Deeney was doing his best to help us, we cannot place much reliance on his evidence of the events under consideration.

¹ M20.5-6

² M13.3

19.128 In his written statement for the Widgery Inquiry,¹ John Bierman (a BBC reporter) stated that he was with Cyril Cave and Jim Deeney. He described being with them at the junction of William Street and Chamberlain Street when CS gas drifted their way, which he said affected him and made him “*not perfectly clear*” about what happened in the next four or five minutes. However, he recalled that not long after the CS gas was thrown, he heard sounds of firing, which after he had recovered from the gas he was satisfied was “*ball ammunition, and not baton rounds*” and that the sound of firing seemed to be coming from their left, from down William Street. He stated that he was a little vague about the route they then took, but that at some point along William Street they were told by a group of people that two members of the Bogside community had been shot in the leg. He also recalled the hostile reception of which his colleagues had spoken.² He said nothing in this statement or in his oral evidence to the Widgery Inquiry³ about hearing a shot or shots as he made his way back to the Rossville Street waste ground. In his written evidence to this Inquiry,⁴ John Bierman recalled that during the incident with the hostile crowd, he had got separated from Cyril Cave and Jim Deeney, respectively his cameraman and his sound recordist. The fact that John Bierman did not mention hearing any shots may be explicable on the basis that he had become separated from the others by this stage.

¹ M6.1

³ M6.9

² M6.4

⁴ M6.26

19.129 John William Porter was at the time a Company Quartermaster Sergeant in the Irish Army. In his Keville interview¹ he is recorded as saying that when he was standing at the corner of Kells Wells [sic] he heard people saying that two people had been shot at the back of burned-out buildings on the side of William Street and “*Kells Court I think you call it*”. He said that he went up there to investigate and saw a British camera crew enquiring about these people. He then said that a girl came up and told the crew that if they wanted the evidence, they could film people who were shot in the flat. He said he followed the crew and a girl came out with a handkerchief full of blood. “*While we were standing there a high velocity bullet was fired from the SLR in the direction of William – between Stevensons Bakery and Rossville Street flats ... this shot was fired embedded on the sides of the – you know the – aluminium strips, goes around the side of the flats here in*

Kells Court, that bullet embedded in there. I pulled round the side of Kells Flats and er – at this stage there were two people shot earlier...”

¹ [AP11.24](#)

19.130 In his NICRA statement,¹ John Porter recorded that on Bloody Sunday he had made his way to the Kells Walk–Columbcille Court area, after hearing that two men had been injured. There he saw a TV film crew and a woman holding a bloody handkerchief, before being (verbally) stopped by a young man from the surrounding crowd. In his NICRA statement, he stated that as he stood in this area he “*heard the crack of a high-velocity bullet ... and the sound of the bullet striking something metal at that side of Columbcille Court. I looked up and saw the strips of galvanised sheet metal covering the fronts of these houses. This shot came from the army line from Stevenson’s Bakery to Little James Street from an elevated position.*”² John Porter stated that he subsequently moved from this area towards Glenfada Park.

¹ [AP11.1](#)

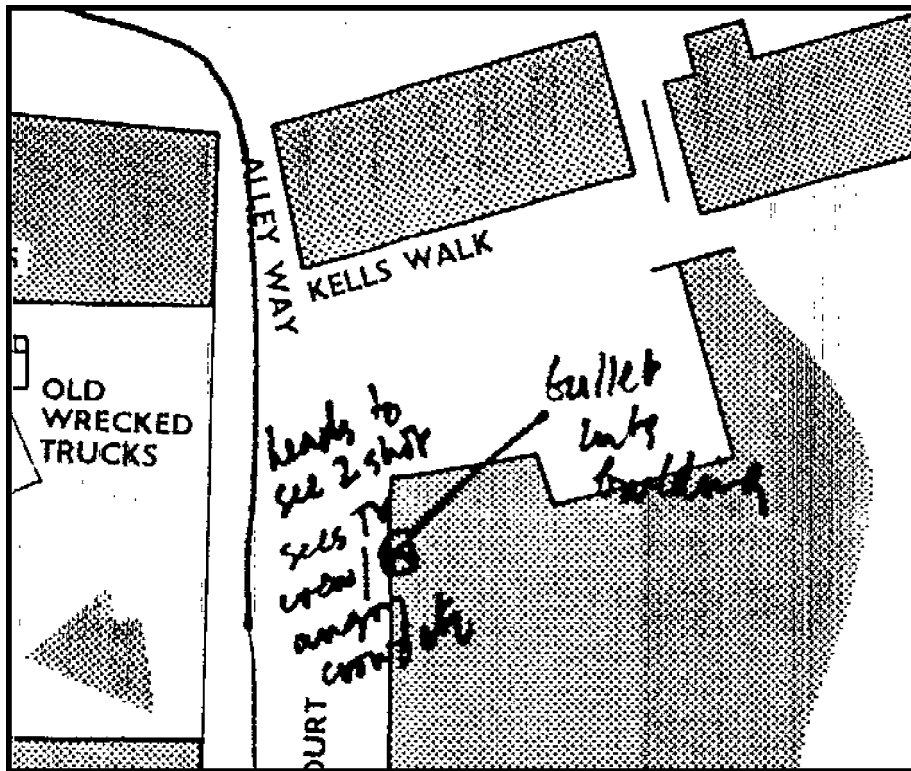
² [AP11.1](#)

19.131 John Porter gave a similar account in his evidence to the Widgery Inquiry.¹

¹ [WT8.44](#)

19.132 There is a *Sunday Times* map attributed to John Porter.¹ This shows where a bullet hit the building, but we have no interview notes accompanying the map, so its precise provenance is unclear.

¹ [AP11.22](#)



- 19.133** John Porter's description of where the bullet struck something metal at the side of Columbcille Court differs from that given by Cyril Cave, which was that the bullet hit a wall (in his evidence to us Cyril Cave recalled a "*garden wall*") close by them in the area of Kells Walk.
- 19.134** John Porter is dead and gave no evidence to this Inquiry. As will be seen later in this report, we are of the view that when he described events that occurred later in the day in Sector 4, he got the order of events wrong. To our minds he also did so when describing this shot, and what he observed was far more likely to have been one of the shots fired by soldiers shooting at Damien Donaghey, which ricocheted up into Columbcille Court.
- 19.135** There is also the evidence of Sean Barr (who was 16 at the time) and Charles James McGill. The former in his NICRA statement stated that just after he had helped John Johnston to "*cover*" another shot rang out and hit the wall behind.¹ In his written evidence to this Inquiry² Sean Barr stated that he no longer remembered this shot. In his written evidence to this Inquiry, Charles McGill told us he recalled shots from one of the soldiers on "*the flat church roof*" as he was helping John Johnston,³ but in his NICRA statement,⁴ though he recalled hearing shots and then going to the aid of John Johnston, he made no mention of another shot shortly afterwards. In his oral evidence to this Inquiry, Charles McGill resiled from his suggestion that there was a shot after he had gone to the aid of

John Johnston.⁵ Michael McGuinness, in his written evidence to this Inquiry,⁶ told us that he did not recall hearing any further shooting as he and Charles McGill helped John Johnston towards Ma Shiels' house.

¹ AB19.8

⁴ AM230.8

² AB19.5

⁵ Day 69/92

³ AM230.3

⁶ AM283.3

- 19.136** In our view Charles McGill was correct in having second thoughts about his initial recollection of Army shots as he was helping John Johnston. It seems to us possible that Sean Barr may have confused the order of events and that the shot he described in his NICRA statement was one that had been fired at Damien Donaghey; but equally what Sean Barr recalled at the time could be said to support the account given by Cyril Cave of a later shot.
- 19.137** The source of the shot witnessed by Cyril Cave is unclear. There is no Army evidence of a shot or shots being fired across William Street at this stage. It is possible that a soldier did fire but did not admit to doing so, but to our minds this is unlikely, as he would have run the risk that other soldiers (including commissioned and non-commissioned officers) would have witnessed what he had done. It is also possible (and to our minds somewhat more likely) that the shot was fired by a civilian, not to hit but perhaps to frighten off the BBC crew who, as observed above, had met a very hostile reception when taken to the house in Columbcille Court.
- 19.138** It seems most unlikely that what the witnesses heard was the shot fired by OIRA 1, since this was fired from Columbcille Court and directed towards the Presbyterian church.¹
- ¹ Day 141/131-132
- 19.139** We now consider the accounts of other civilian witnesses who have stated that they heard a single shot fired.
- 19.140** Charles Gallagher in his NICRA statement¹ recorded that he was standing with a group of people at Abbey Street when he heard one shot ring out which "*seemed to come from the derelict building to the right of Stevenson Bakery*". He heard no other shooting as he went down the street "*to the right of Colmcille Court*" on his way to Free Derry Corner. In his written evidence to this Inquiry,² he told us that he was on the march and about 100–200m behind the lorry, though it is not clear whether this was still the case when he got to Abbey Street. In his oral evidence he said that at the time he heard the shot, William Street was fairly crowded, but also described his recollection of this as "*vague*".³

He stated that he was surprised that there appeared to be no reaction by the crowd to the shot. He also stated he did not see anyone in the William Street area throwing stones or shouting at soldiers.

¹ AG6.7

³ Day 105/54

² AG6.1

19.141 Sheila McLoughlin (now Sheila Ingram) also gave similar evidence in her written statement to this Inquiry.¹ She recalled being somewhere near the middle of the march (*"nearer to the back end of the middle"*) and that when she was about midway down William Street she heard a high velocity shot which she thought had come from a height and from the north side of William Street. She recalled that those around her also looked in this direction. For a few seconds there was a feeling of anxiety among the crowd, but *"as the shot was not followed by any further shots, people soon carried on walking and the march proceeded along William Street"*. Sheila McLoughlin said that she had not seen anyone throwing stones or anything else in William Street. Sheila McLoughlin does not appear to have given a 1972 account.

¹ AI1.7

19.142 Martin Hegarty, in his written statement to this Inquiry, estimated that he was quite close to the back of the march and thought that it was as he was walking along William Street and opposite Abbey Street that he heard a single high velocity shot which he recognised *"as much as one can"* as being from an Army weapon. He said he thought that it was some time after 3.30pm when he heard this shot. He said that he could see soldiers on buildings on the north side of William Street. He added that although he did not make any connection between the shot he heard and the soldier he saw, *"the people around me certainly seemed to think that the shot had come from the direction of the old factory to our left"*. Martin Hegarty told us that there was no panic when the shot rang out and people did not run, *"albeit that they probably could not have done so because there were so many people packing the street"*. He went on down to the junction of William Street and Rossville Street. He said he could not remember if there were people on the waste grounds to either side of William Street, but heard no reports that anyone had been hit by the shot that he had heard.¹ Martin Hegarty also does not appear to have given a 1972 account.

¹ AH62.2

19.143 Charles Gallagher, Sheila McLoughlin and Martin Hegarty all thought that the shot had come from the north side of William Street. They could be wrong about this, because of the difficulty in an urban environment of telling where firing had come from. In the case of

Charles Gallagher, it is difficult to tell where the march had got to at this time, though he had a vague memory of William Street being fairly crowded. Sheila McLoughlin described herself as being somewhere near the back of the middle of the march. Martin Hegarty described William Street as being packed with people.

19.144 In our consideration of the wounding of Damien Donaghey and John Johnston, we concluded that by the time of that event, there were few marchers still coming down William Street. If the recollection of these witnesses as to the state of the crowd is accurate, it seems unlikely that what they recalled hearing was one of the shots fired by Machine Gun Platoon at this time. Their evidence could be said to support the proposition that what they heard was the shot fired by OIRA 1, before the wounding of Damien Donaghey and John Johnston; or indeed that they heard another shot altogether. However, Charles Gallagher was the only one of these three who appears to have given a 1972 account, and this account does not describe the state of the crowd in William Street at this time. To our minds it is equally possible that the recollections of these witnesses of the numbers of people in William Street, given so long afterwards, are faulty and that what these witnesses heard was either one of the shots fired by Machine Gun Platoon, or OIRA 1's shot after that event, or the shot heard by Cyril Cave and (possibly) by Sean Barr, or another shot altogether.

19.145 John Brown told us in his written statement to this Inquiry that while he was in the Kells Walk area of Rossville Street he heard a sharp crack, which he thought was a rifle shot.¹ According to his NICRA statement, "*The sound seemed to come from Upper William Street over Kell's Walk*".² For us, he marked on a map the area from which he thought it had come, which included the laundry waste ground to the south and the buildings on the north-west side of Aggro Corner,³ although he added that he could not say "*exactly where it was fired from, or in which direction it might have been fired*". He said that, a few minutes after hearing the shot, he heard a girl call out from Kells Walk or the Rossville Flats that someone had been shot.⁴ John Brown said he heard no other shots that day.⁵ He thought that the march was still in progress when he heard the single shot.⁶

¹ AB93.2

⁴ AB93.2

² AB93.6

⁵ Day 54/59

³ AB93.5

⁶ Day 54/67

19.146 John Brown's evidence is that he heard only one shot. It is possible that this was one of the shots fired by soldiers from Abbey Taxis since, as with other witnesses, he may not have heard all the shots fired from there. It is equally possible that what he heard was the shot fired by OIRA 1, or indeed another shot altogether. Although he recalled hearing this

shot when he thought that the march was still in progress, he was not in William Street and thus would not have known of the state of the crowd there when he heard the shot.

- 19.147** Kathleen Turner¹ and William Martin Hegarty² also gave evidence of hearing a single shot, but associated this with the wounding of Damien Donaghey. It seems to us that what these witnesses heard was probably one of the shots fired by soldiers from Abbey Taxis. Eileen Doherty³ also recalled hearing a single shot that had come from William Street while she was at the junction of this street and Rossville Street, but we formed the view when listening to her that after so many years her testimony, though undoubtedly given in good faith, was such that we could place no reliance on it.

¹ AT19.2; Day 54/23

³ AD64.1; Day 113/101-102

² AH65.1

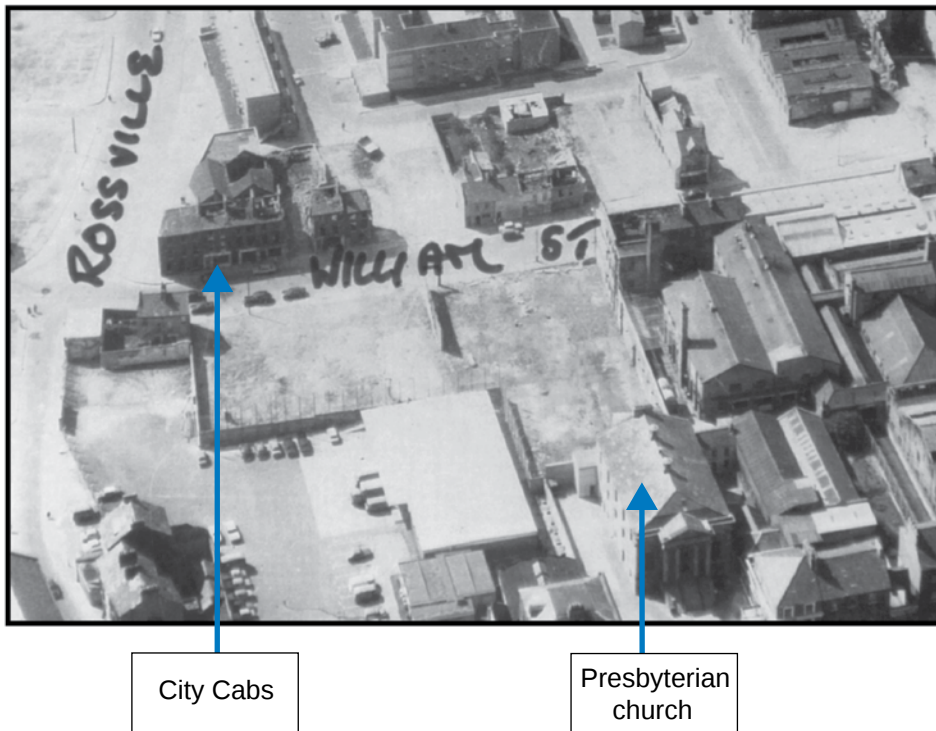
- 19.148** Professor McCormack (to whom we have referred when considering the shooting of Damien Donaghey and John Johnston) said that he thought he was in the middle of the march.¹ He said that a soldier on the GPO roof fired a shot at a time at which the march was static in William Street. He accepted in his oral evidence that the soldier may just have pointed his rifle, not fired.² There are others who recall a soldier in this position pointing but not firing his rifle. In view of Professor McCormack's uncertainty over whether he actually saw the soldier fire, it seems to us that his evidence on this point does not take the matter much further.

¹ Day 113/122

² Day 113/101-2

Other evidence from journalists

- 19.149** Nigel Wade of the *Daily Telegraph*, Simon Winchester of the *Guardian* and David Tereshchuk of Thames Television all gave evidence to the Widgery Inquiry to the effect that at about 4.00pm they were together at or near the doorway of City Cabs in William Street. All three of these journalists said that at this time they heard a single shot. City Cabs is indicated by an arrow on the following photograph.



19.150 Nigel Wade said in his written statement for the Widgery Inquiry that at the time he did not know where the shot had come from and that just after the shot was fired a woman said to him: *“Go on, do your duty, there’s a boy shot up there.”*¹ He also said that he believed that the shot had come from the GPO sorting office, but only because he had since heard that the Army fired a shot at this point. In his oral evidence to the Widgery Inquiry he said that it was the very first shot he had heard that day.²

¹ M79.2

² WT7.48

19.151 Simon Winchester recorded in his written statement for the Widgery Inquiry that he thought this was a high velocity shot that had come from the direction of Little Diamond and he remarked to his colleagues *“Provos”*, thinking it was from an IRA sniper. He said that this shot was fired between 4.00pm and 4.05pm and that he had noted it in his notebook.¹ In his oral evidence to the Widgery Inquiry he recalled a woman reacting by saying to him *“Be sure and get it right who fired that shot”*, but that this was the only reaction from the three or four people who were near him.² In his book *In Holy Terror* he said that this shot had been fired at an Army wire cutting party, but in his oral evidence to this Inquiry he said that this information had come from IRA people to whom he had spoken in Belfast much later.³

¹ M83.16

³ Day 116/147-148

² WT3.11

19.152 In his written evidence to this Inquiry,¹ Simon Winchester said that the shot was a low velocity one and that it came from the direction of Glenfada Park or the Rossville Flats, but we had the impression from his oral evidence that he was not certain whether the shot he heard was high or low velocity, but merely different from the sounds of baton guns he had heard earlier in the afternoon.² As to the direction of the shot, he could really say no more than that it came from behind him and “*the arc of what could be behind me would ... include the Little Diamond and Rossville and Glenfada*”.³

¹ M83.3

³ Day 116/31

² Day 116/30-31

19.153 David Tereshchuk recorded in his written statement for the Widgery Inquiry that he heard a single rifle shot that seemed to come from further up William Street.¹ In his oral evidence to the Widgery Inquiry he said that it was the first shot that he had heard that afternoon.²

¹ M77.1

² WT3.82

19.154 None of these journalists appears to have heard more than one shot. As we have already pointed out, it does not follow that what they heard must have been something other than one of the shots fired by soldiers from Abbey Taxis, since other witnesses also recall hearing only one shot from that location. In the end, we formed the view that the evidence of these journalists did not enable us to determine whether the shot they heard was the shot fired by OIRA 1, one of the shots fired by soldiers in Abbey Taxis, or another shot altogether.

19.155 The *Observer* newspaper had intended to publish a substantial article about Bloody Sunday in its edition of 6th February 1972, but did not proceed because of a concern that publication might be regarded as contempt of the Widgery Tribunal. The following appears in the galley proofs of that article, attributed to the acting Commanding Officer of the Official wing of the IRA in Derry, Johnny White (OIRA 3):¹

“On Sunday, most of our members were taking part in the march and were unarmed. We had two marksmen on duty, but with strict instructions not to use their weapons until the area was clear of civilians. One was covering Rossville Street from the corner of William Street and Rossville Street. Another was in the Little Diamond covering William Street ... We fired only one shot in the area, and that was after the Army had finished shooting. A soldier went into the street by himself and our man covering Rossville Street thought he could get him.

He fired one shot and then realised it would be dangerous to go on because, although the immediate street was clear, people were huddled in doorways and running to safety whenever the firing stopped.

Two shots were fired by our volunteer covering Bishops [sic] Street. Those were the only shots we fired.”

¹ [ED24.9](#)

19.156 Bishop Street lies to the south-east of the Rossville Flats, starting at the Diamond in the walled part of the city, and is nowhere near William Street.

19.157 We have no reason to doubt that the account in the *Observer* galley proofs came from Johnny White (OIRA 3) and was accurately reported, but it is clearly an inaccurate and incomplete account, since apart from anything else, it does not refer to the shot undoubtedly fired by OIRA 1 from Columbcille Court. The reference to a gunman “covering Rossville Street” and firing a shot at a soldier on the street may be a reference to an incident concerning Reg Tester in the area of Free Derry Corner, which occurred after soldiers had gone into the Bogside. We consider this incident later in this report.¹ However, the article does provide evidence that at some time there were two Official IRA gunmen in the area of William Street.

¹ [Chapter 148](#)

19.158 We have referred above to the article in the *Sunday Press* of 6th February 1972 by Vincent Browne. Earlier in the same article he wrote:¹

“The Officials had an active service unit of four men on duty. They were all either to be armed during the parade or to have immediate access to arms should they become necessary. In addition, a number of other volunteers in the parade were armed for their personal protection.

It is important to emphasize that at no stage during the initial part of the parade did any IRA men open fire. By the time that some of them did so one man was dead and three people were injured.”

¹ [M8.2](#)

19.159 Although Vincent Browne could not recall his sources, it seems to us that this account provides further evidence that in addition to OIRA 1, there were other members of the Official IRA in the area under discussion, who were armed or who had ready access to arms.

Other evidence of paramilitary activity

19.160 Teresa Bradley told us that while she was on the laundry waste ground, with her eyes streaming from gas, she saw a boy on the ground wearing a white jerkin, denim jeans and motorbike goggles, who appeared to have been shot in the leg. She had heard shooting but thought it was rubber bullets.^{1,2} Her recollection was that her husband went with those carrying the boy to Dr Raymond McClean, who was standing nearby. She started to walk after them, but then stopped and waited. She recalled that at this time she saw a gunman on the first floor of Kells Walk: *“He was not right to the north end of the Walk, where there were stairs; he was a short way back and may have come out of a slatted area where the tenants dried their washing.”*³ The gunman was standing completely alone and was firing a handgun to the north. He shot several times. *“It was not a heavy gun and the firing sounded like ‘pops’.”* Teresa Bradley said that the crowd around her who had also seen the gunman fire got very irate and were shouting at the man to stop shooting. The man when she next looked had disappeared.

¹ AB70.1

³ AB70.2-3

² Day 64/24-75

19.161 Teresa Bradley had made a NICRA statement¹ in which there is no reference to this gunman, nor to another later incident where she recalled seeing men with guns in a car, though in her evidence to us she was sure that she had mentioned these incidents to the person writing her statement.² That person was William Smyth, who denied that Teresa Bradley had mentioned these matters, on the basis that if she had done so, he would have included them in her statement.³ It seemed to us that William Smyth did not in fact remember taking this particular statement. We preferred the evidence of Teresa Bradley on this point. In our view she probably did give this information to William Smyth, though we do not know why he did not record it.

¹ AB70.9

³ AS27.2; Day 83/154

² AB70.5; Day 64/48-49, 71-73

19.162 Teresa Bradley is almost certainly wrong about the presence of Dr McClean, as there is convincing evidence that he was fetched to Ma Shiels' house after Damien Donaghey had been taken there.¹ Apart from this, however, we believe that this witness did see a gunman as she described, though it is possible that, with the passage of years, her memory of some of the other details of what she saw may have become distorted. The fact that she did not appear to recall hearing the shot fired by OIRA 1 or the altercation with him does not in our view undermine her testimony, nor the fact that there is no other evidence of this gunman, though in this connection it is possible that the shots heard by

William Burke, whose evidence we discuss above, were from this source. It is also possible that David Capper saw the gunman described by Teresa Bradley, but this seems unlikely if he is right in his recollection that this gunman was at ground level.

¹ [AM105.4-5; H3.13](#)

- 19.163** According to Teresa Bradley's account, the gunman was on the same balcony as Anthony Martin, whose evidence we have considered earlier. He made no mention of seeing a gunman there, but this may be explicable on the basis that these two witnesses were describing events at different times.
- 19.164** Although we are sure that Teresa Bradley saw the gunman she described to us fire a number of shots, none of these in our view could have been the shot that hit the drainpipe. In our view the soldiers who heard this shot were correct in describing it as a high velocity shot and so it could hardly have come from a handgun, which, according to Teresa Bradley, made (unlike a high velocity weapon) little noise when it was discharged and was "*not ... heavy*".
- 19.165** Ann O'Donnell made a NICRA statement dated 1st February 1972 in which she described hearing a shot fired from the Presbyterian church wall in Great James Street where at least two British soldiers were positioned:¹

"This shot injured a youth in the legs. This was the first shot fired, and it definitely came from the British army. A man appeared with an old rifle behind the taxi office in William Street and fired one shot hitting nothing. Other bystanders advised him to put the gun away as it would only draw fire, which he did immediately."

¹ [AO20.1](#)

- 19.166** Ann O'Donnell is dead and gave no evidence to this Inquiry. On the basis of her account, it would seem that she was in the area of William Street near Columbcille Court and was describing a gunman somewhere south of City Cabs in William Street. Though in our view she was mistaken in attributing the shot that injured a youth in the legs to soldiers on the Presbyterian church wall, we have no reason to doubt that she saw a gunman fire from somewhere near where Damien Donaghey and John Johnston were shot, as she recounted to her daughter Grainne O'Donnell.¹ According to Grainne O'Donnell's written statement to this Inquiry, her mother said that she had seen a young man shot and taken to Ma Shiels' house; after that, she had seen a man with an "*old style gun*" come out of a house in the block on the south side of William Street between the laundry waste ground and the Abbey Street waste ground. The gunman fired a shot into the air.² In her oral

evidence, Grainne O'Donnell told us that her recollection was that her mother had said that the gunman was in William Street, in a derelict building near a taxi office. Grainne O'Donnell said that she was aware that there was a taxi office in William Street but, on being shown photographs of the area, could not recall the location of the office.³ It is possible that this was a shot heard by some of the witnesses discussed above. It is also possible, though to our minds unlikely in view of the evidence as a whole, that this was the shot that hit the Presbyterian church drainpipe.

¹ [AO30.5](#)

³ [Day 105/139](#)

² [AO30.5](#)

19.167 We should mention at this point that in his written evidence to us, Stephen McGonagle recalled that after Damien Donaghey and John Johnston had been shot he saw a young man with a revolver in Rossville Street just south of the junction with William Street, followed by two “*IRA activists*” who quickly disarmed him.¹

¹ [AM253.1](#)

19.168 Stephen McGonagle did not mention this in his NICRA statement, nor in his written statement for the Widgery Inquiry.¹ He was too ill to give oral evidence to this Inquiry and died during its course. His written evidence to this Inquiry contains some matters that raise doubts as to the accuracy of his recollection. It is possible, however, that he did see one of the Official IRA gunmen who, according to Johnny White’s (OIRA 3’s) account to the *Observer*, was stationed in the area.

¹ [AM253.1](#); [AM253.2](#)

Conclusions on shooting in the area of William Street

19.169 It can be seen from the foregoing that the evidence of shooting in the William Street area is in large measure confusing and conflicting; and we have not found it possible to be certain on many of the points that arose.

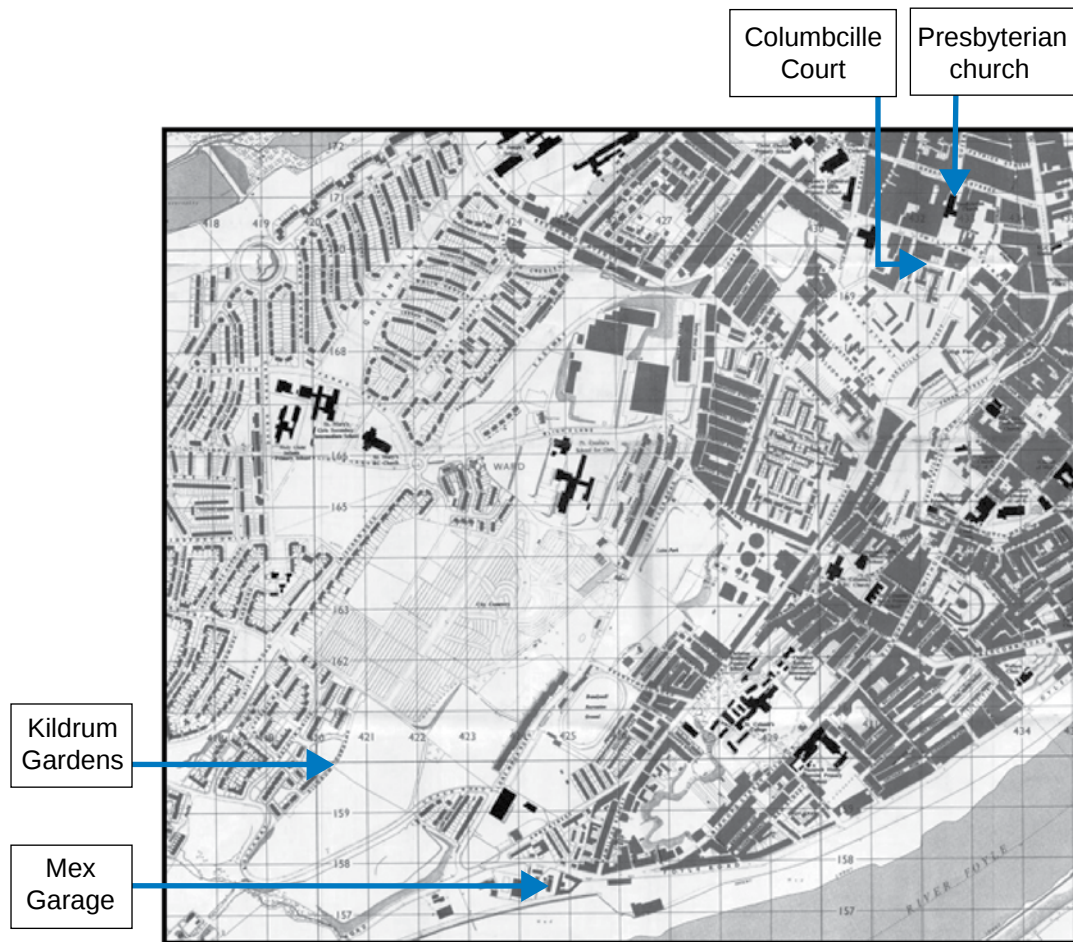
19.170 As far as the shot fired by OIRA 1 is concerned, however, we consider that on the evidence we have considered this probably did follow the wounding of Damien Donaghey and John Johnston.

- 19.171** It does not follow that because OIRA 1's shot probably followed this event, OIRA 1 fired by way of reprisal, as he and OIRA 2 have said. Apart from the unreliable accounts given by OIRA 1 and OIRA 2, the only evidence from other sources that this was the case comes from PIRA 1 and Anthony Martin.
- 19.172** PIRA 1's evidence does to a degree support the claim that OIRA 1's shot was by way of reprisal, but if OIRA 1 was claiming immediately after the event that he fired by way of reprisal, it is odd that neither RM 1 nor Sean Keenan Junior recalled that OIRA 1 had made this claim.
- 19.173** Anthony Martin, in his account to the *Sunday Times*, described it as a "*racing cert.*" that the shot was a reply to the Army shots.¹ This was said in the context of also saying that the gunman shot a few seconds after the Army shots. Were this the case then it could be inferred that the shot was by way of immediate reprisal and that OIRA 1 and OIRA 2 had believed that their target was the soldier who had wounded Damien Donaghey and John Johnston. However, it seems to us that it was very soon after OIRA 1's shot that there was the altercation with members of the Provisional IRA and RM 1, and that this altercation took place a considerably longer period than a few seconds (perhaps as long as some minutes) after Damien Donaghey and John Johnston had been wounded. On this basis it is difficult to see how Anthony Martin could be sure that the shot was by way of immediate reprisal. As already noted, he was unsure in his evidence to us how much time had passed between the soldiers' shots and that of the gunman.
- ¹ AM24.3
- 19.174** In these circumstances, since we are sure that OIRA 1 and OIRA 2 had gone to a pre-arranged sniping position, it remains in doubt whether they fired by way of reprisal for the shooting of Damien Donaghey and John Johnston, or simply because a target presented itself at the time in question. On balance we consider that the latter was more likely to be the case. It was to our minds obviously in the interests of OIRA 1 and OIRA 2 to seek to give what they thought might be an acceptable reason for their conduct. In our view a matter of minutes rather than seconds passed between the wounding of Damien Donaghey and John Johnston, and the shot fired by OIRA 1. In those circumstances, and in view of the unreliability of the evidence given by OIRA 1 and OIRA 2, we are unpersuaded that, even if they knew of the shooting of Damien Donaghey and John Johnston, they had any belief that the soldier they fired at was the one responsible.

- 19.175** As far as the evidence of other shots is concerned, there is the evidence of Teresa Bradley and Ciaran Donnelly of a gunman firing a handgun in the direction of the soldiers to the north of William Street, though they appeared to be describing different shooting incidents, one before and one after the shooting of Damien Donaghey and John Johnston. It also seems to us likely that Ann O'Donnell saw a rifleman fire.
- 19.176** As to Thomas Mullarkey, he may have heard the shot fired by OIRA 1, though if his timing is right, ie that the shot he heard was before anyone went to help Damien Donaghey, then what he heard is unlikely to have been this shot and may indeed have been a shot from a revolver.
- 19.177** As to Bernard Gillespie, it seems to us that it is likely that the second shot he heard was the shot fired by OIRA 1. As to Joe Carlin's account of hearing a high velocity shot before seeing Damien Donaghey fall, we cannot say more than it is possible either that this was one of the shots fired by the soldiers from Abbey Taxis, or that it was another shot altogether. As to David Capper, again it seems to us that while it is possible he that he heard the shot fired by OIRA 1, but mistakenly thought that this was fired at ground level, it is at least equally possible that he did hear a shot from a gunman in the crowd at ground level. As to Charles Gallagher, Sheila McLoughlin and Martin Hegarty, it seems to us that though they probably heard a shot, their evidence does not assist in determining who might have fired it.
- 19.178** We should note at this point that it was reported at 1549 hours that two shots had been directed at the Mex Garage from Kildrum Gardens.¹ This was about a mile from the area of the Presbyterian church and Columbcille Court. In our view it is unlikely that these shots (which we describe in more detail elsewhere in this report²) were those that the witnesses we have been considering say that they heard.

¹ [W125](#) serial 136; [W102](#) serial 65; [W45](#) serial 136

² [Chapter 151](#)



19.179 As to the evidence of Cyril Cave, we have already observed that the source of the shot he recalled remains unclear, though in our view it appears unlikely that this was fired by a soldier. It is possible that John Porter and Sean Barr also observed this shot, though in their cases it is more likely that they got the order of events wrong and were describing one of the shots fired at Damien Donaghey.

19.180 As we have stated, the evidence of paramilitary gunfire in Sector 1 is confusing. However, we have no doubt that OIRA 1 fired the shot that hit the drainpipe on the side of the Presbyterian church; and we equally have no doubt that there was other paramilitary gunfire in this sector before soldiers of 1 PARA went into the Bogside. The evidence suggests to us that this was probably firing by members of the Official IRA. We have found nothing to suggest that any member of the Provisional IRA fired at this stage. Elsewhere in this report¹ we consider in more detail the organisation of the Official and Provisional IRA and their activities on Bloody Sunday.

¹ Chapters 146–154

The effect of the drainpipe shot

19.181 With the possible exception of Lance Corporal 010, the only shot that soldiers seem to have heard was the shot that hit the drainpipe on the eastern side of the Presbyterian church. Some soldiers gave evidence that this shot brought home to them that there were snipers about and that it changed a riot control situation into a gun battle, as, for example, did Private 013¹ and Sergeant K.² Others, for example Private INQ 748,³ said that they were not concerned, as they were used to sniper fire in Belfast. Since some of the soldiers thought that the shot had come from the Rossville Flats, this probably reinforced their belief that these flats were a likely place for snipers. Sergeant O told us in his written and oral evidence to this Inquiry, which we accept on this point, that the drainpipe shot caused more soldiers to carry SLRs instead of baton guns when they went into the Bogside than would otherwise have been the case, though he denied that the drainpipe shot had caused any change in the plan to go in to make arrests.⁴

¹ B1408

² B311.005

³ C748.1

⁴ B575.110; Day 375/14

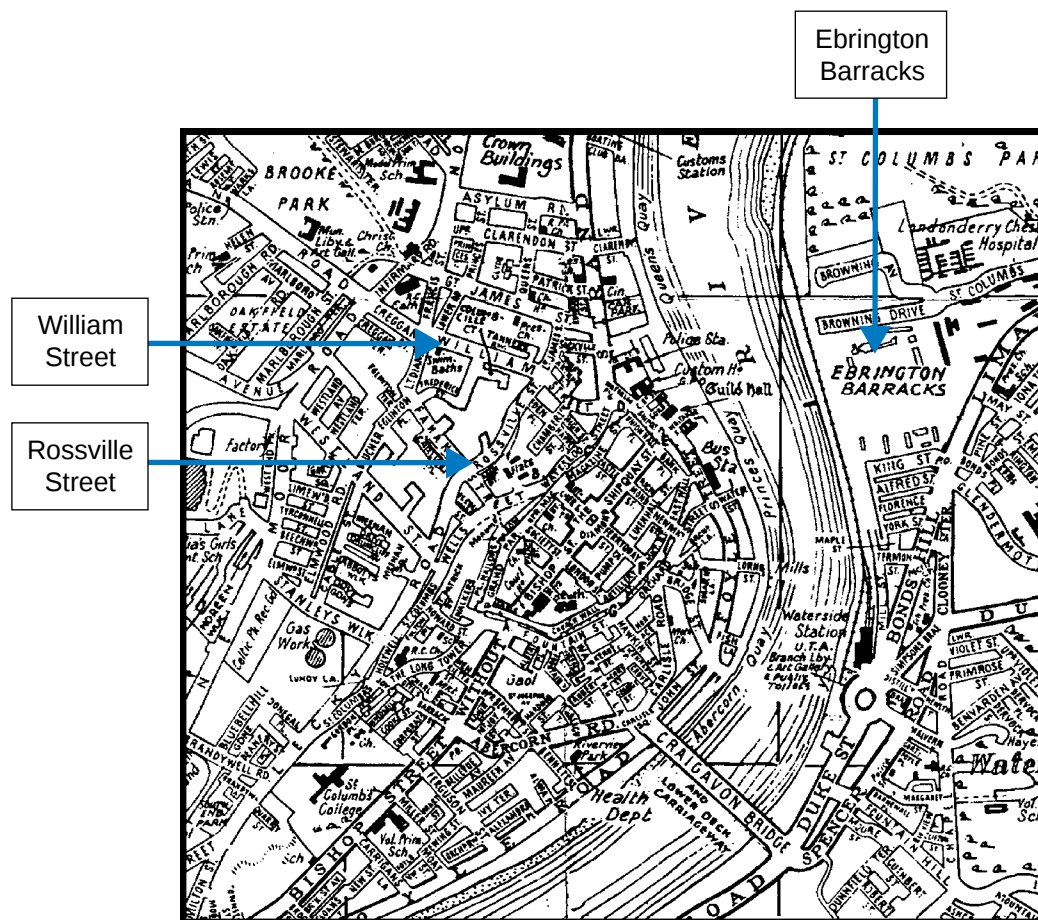
Chapter 20: Army orders relating to the arrest operation

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Ebrington Barracks and radio communications

- 20.1** As described above, by about 1530 hours the barriers were manned and in place, A, C and Support Companies of 1 PARA started to move to their “*assault*” positions and the civil rights march reached William Street.
- 20.2** Brigadier MacLellan was in his Brigade Headquarters at Ebrington Barracks. He had announced his intention of exercising command from there at the co-ordinating conference on Friday 28th January.¹
- ¹ [B1232](#)
- 20.3** Ebrington Barracks was on the east side of the Foyle about a mile and a half by road from the junction of William Street and Rossville Street.

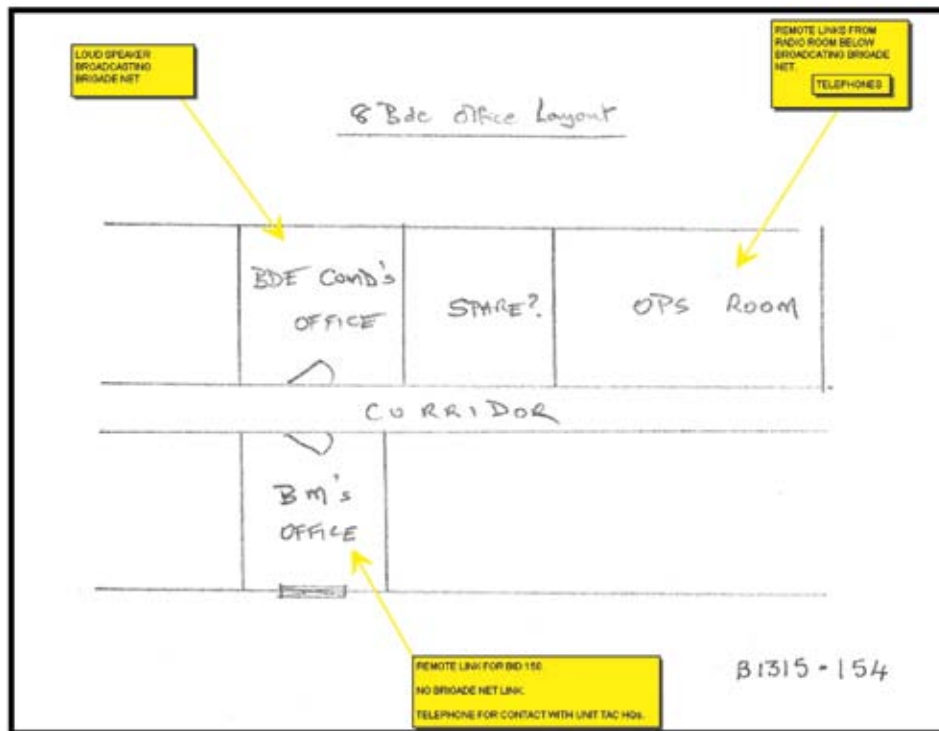


20.4

Brigade Headquarters at Ebrington Barracks was a two-storey structure with the radio room and communication centre on the ground floor and the Operations Room above. Loudspeakers in the Operations Room and the Brigade Commander's office relayed radio transmissions on the Ulsternet. Radio messages on the Ulsternet could be sent from the Operations Room.¹ Colonel Michael Steele, who was the Brigade Major (the senior staff officer at Brigade Headquarters), told us that he thought that the BID 150 secure net equipment was in a Land Rover at the back of the building with a line up to his office leading to a handset on his desk.² He drew the following diagram of the layout of the first floor.

¹ Day 267/11-12

² Day 267/12



20.5 Other witnesses had slightly different recollections of the arrangement of rooms. Lieutenant INQ 2086, a watchkeeper at Brigade HQ, thought that the offices of the Brigadier and Brigade Major were next to one another and across the hallway from the Ops Room,¹ while Captain INQ 1903, second in command of 8 Brigade's Signal Squadron, thought that Colonel Steele's office was adjacent to the Ops Room.² These differences in recollection might be explained by the fact that Ebrington Barracks was renovated shortly after Bloody Sunday.³ On the whole, we place more reliance on Colonel Steele's evidence on this point. Although his diagram of the layout was given to this Inquiry and not to the Widgery Inquiry, his testimony in 1972 was consistent with his later explanation and might have served to fix an accurate memory in his mind. Further, Chief Superintendent Frank Lagan's recollection was compatible with Colonel Steele's account, but not that of Lieutenant INQ 2086.⁴

¹ C2086.8

³ C2086.3

² Day 253/87

⁴ JL1.24; JL1.13

20.6 It appears that in addition to radio communications, Colonel Steele also had a telephone link to the Tactical Headquarters of the battalions in the city, including a link with 1 PARA in the Foyle College car park.¹

¹ Day 267/24; W40

20.7 Colonel Roy Jackson, the Commanding Officer of 1 R ANGLIAN at the time of Bloody Sunday, criticised Brigadier MacLellan's decision to remain at Ebrington Barracks in his evidence to this Inquiry. Colonel Jackson felt that it would have been better for the Brigadier to have been on the City Walls where he would have been "*involved*" in the action.¹

¹ [CJ2.49](#)

20.8 We are not persuaded that this criticism is justified. Brigadier MacLellan explained to us that he had considered being in a helicopter or on the City Walls. He said that he envisaged an operation that was essentially one of static containment, albeit with the possibility of one unit having to move to do an arrest operation, and since he concluded that there was no one place on the ground from where he could see everything, he considered that he would be best positioned at Ebrington Barracks, where all the communications were coming in. He said that he was also conscious that the IRA might use the march as a diversion and be active elsewhere.¹

¹ [Day 262/17-18](#); [Day 264/33](#)

20.9 In our view, this was a reasonable decision to take. At Ebrington Barracks Brigadier MacLellan could communicate with Headquarters Northern Ireland (HQNI), as well as with the battalions in the city and elsewhere and with Colonel Welsh in the helicopter. He could also listen to the communications between the battalions in the city on the Ulsternet. The BID 150 secure link was also available at this location.¹ We deal below with the question of separation between rioters and others taking part in the march and whether proper means were employed to monitor this.

¹ We consider Army communications in detail elsewhere in this report ([Chapters 180–191](#)).

20.10 The Inquiry prepared a transcription of the radio traffic on the Ulsternet taken from the Porter tapes. We are satisfied that the timings given in the transcription are reasonably accurate. The references to the Porter tapes describe the item number as the serial number, as was done during the hearing.¹ We set out below the relevant communications, which are (as indicated) taken from the Porter tapes and the Brigade and other military logs.

¹ In [paragraph 187.2](#) we give a list of the relevant call signs in use and to whom they referred.

20.11 At about 1533 hours Colonel Welsh reported from the helicopter that the march was approaching Aggro Corner.¹ Some three minutes later, 22 Lt AD Regt, the battalion in overall charge of Barriers 12 to 17, reported that the head of the crowd had reached

Barrier 14 and that “*Currently all is peaceful*”.^{2,3} However, two minutes after that 22 Lt AD Regt informed Brigade HQ that there were initial reports of the crowd becoming hostile at Barrier 14 and a certain amount of stoning.^{4,5}

¹ W122 serial 268 on the Porter tapes, which corresponds with serial 123 on the Brigade log (W45)

³ W45 serial 125

⁴ W123 serial 284

² W123 serial 282

⁵ W45 serial 126

20.12

At this point 1 PARA sent the following message to 22 Lt AD Regt, “*Can you be prepared to lift your barriers 12 and 14 should we require to push through them to disperse these crowds*”, and shortly afterwards passed on to 22 Lt AD Regt a message from Colonel Wilford to be prepared for movement through Barriers 12, 14 and 16.^{1,2,3} It is not clear whether at this stage Colonel Wilford was in fact contemplating sending soldiers through Barrier 16 (at Castle Gate), though he thought he might have been,⁴ or whether the 1 PARA signallers made a mistake in including this barrier in their message, as only Barriers 12 and 14 are mentioned in the 1 PARA log.⁵ However, the messages do show that Colonel Wilford was by this time contemplating the possibility of sending at least some of his troops through Barriers 12 and 14, though the reference to dispersing crowds seems inconsistent with the idea of a scoop-up operation, as the Brigade Major (Colonel Steele) pointed out in the course of his oral evidence to us.⁶

¹ W123 serial 286

⁴ Day 315/56; Day 321/59-62

² W124 serial 294

⁵ W90

³ W90 serial 28 on the 1 PARA Battalion log

⁶ Day 267/36-37

20.13

At about 1541 hours 22 Lt AD Regt informed Brigade that there was some stoning at Barrier 15.^{1,2} About a minute later, Colonel Welsh reported from the helicopter that there was “*a general drift*” of around 100 people away from Aggro Corner and into the “*waste ground by the Flats in Chamberlain Street*”.^{3,4} At this time, the Royal Ulster Constabulary (RUC) told Brigade that they estimated that the march as a whole numbered about 10,000 people.⁵ Colonel Welsh disagreed and thought that there were only 2,000, putting the RUC’s figure down to the fact that the crowd were “*very spread out*”.⁶ As already observed, we are of the view that the RUC estimate was the more accurate. At about 1544 hours, 1 CG, manning Barriers 1 to 7, 9 and 11, reported that the tail of the column was now at “*Lone Moor Road/Creggan Terrace*”.^{7,8}

¹ W124 serial 298

⁵ W124 serial 302

² W45 serial 129

⁶ W124 serials 305-306

³ W124 serial 304

⁷ W124 serial 308

⁴ W45 serial 130

⁸ W45 serial 132

- 20.14** At the same time (about 1544 hours) Colonel Welsh reported: “*Your large water pistol seems to have removed all the crowd now onto Aggro Corner. There seems to be a general move down, er, down Rossville street.*”^{1,2} The “*large water pistol*” was a reference to the water cannon used at about this time at Barrier 14. 22 Lt AD Regt reported a certain amount of stoning at Barriers 14 and 15, and referring to the water cannon as “*Neptune*” also described it as having considerable effect.³

¹ W125 serial 311

³ W125 serial 313

² W45 serial 132

- 20.15** Between about 1547 hours and 1549 hours there was a radio exchange between Colonel Welsh, 22 Lt AD Regt and Brigade HQ about the state of the crowd:

Colonel Welsh to Brigade^{1,2}

“Zero, this is 61Y. Reference the state of the crowd, apart from the hooligan fringe, the vast majority of the people now in the area of the waste ground by the Flats and on the ... on Aggro Corner look as though they’re not quite sure what they’re going to do next. Over.”

¹ W125 serial 315

² W45 serial 133

Brigade to Colonel Welsh³

“Zero, roger. Can you estimate the numbers of this group now? Over.”

³ W125 serial 316

Colonel Welsh to Brigade⁴

“61 Yankee. We still reckon that it’s about ... it’s in the region of 2,000 people. Over.”

⁴ W125 serial 317

22 Lt AD Regt to Brigade^{5,6}

“Hello, Zero, this is 90 Alpha. Our call signs confirm that general movement of crowd, although there is a hooligan fringe at serials 14 and 15. Some CS [gas] has been used, but this was used by them. I repeat: used by them. Over.”

⁵ W125 serial 320

⁶ W125 serial 134

Brigade to 22 Lt AD Regt⁷

“Zero. Roger. Out.”

⁷ [W125](#) serial 321

22 Lt AD Regt to Brigade^{8,9}

“Hello Zero, this is 90 Alpha. Serials [barriers] 12 and 13 also under heavy bombardment from normal hooligans.”

⁸ [W125](#) serial 322

⁹ [W45](#) serial 135

20.16

At about 1549 hours¹ 1 R ANGLIAN reported to Brigade: “We’ve just had two shots fired at call sign Hotel 3 from the area of Kildrum Gardens. Strikes seen on the ground in front of their location. No casualties and no fire returned.”^{1,2}

¹ [W125](#) serial 324

² [W45](#) serial 136

20.17

The following map shows the area in which this shooting took place, which was about a mile from the junction of William Street and Rossville Street. This was the first live round gunfire to be reported on Bloody Sunday. We deal elsewhere in this report¹ with this shooting incident.

¹ [Chapter 151](#)



20.18 Between about 1550 hours and 1554 hours there were then the following communications about the rioters and the marchers:

22 Lt AD Regt to Brigade^{1,2}

“Hello, Zero, this is 90 Alpha. Our sub units at call ... serials 12 and 13 have had to disperse the hooligans with rubber bullets and gas. They have been dispersed now into the general area of waste ground Rossville Street/William Street. Little James Street is completely clear. They report that some of the hooligans were wearing respirators, though not of similar pattern to ours. Over.”

¹ [W126](#) serial 326

² [W46](#) serial 137

Brigade to 22 Lt AD Regt³

“Zero. Roger to all that. What is the current situation at your 14 and 15? Over.”

³ [W126](#) serial 327

Colonel Welsh to Brigade^{4,5}

“Zero, 61 Yankee. The general movement of the main body of the crowd seems to be down Rossville Street towards the area of the Flats. There is a flat-top lorry down behind the flats. Whether or not this is going to be used as a speakers’ platform I wouldn’t like to say just yet. Over.”

⁴ [W126](#) serial 329

⁵ [W46](#) serial 141

Brigade to Colonel Welsh⁶

“Zero. Roger. Out.”

⁶ [W126](#) serial 330

22 Lt AD Regt to Brigade^{7,8}

“Zero, this is 90A. Reference your query regarding serials 14 and 15. 15 is clear, but serial 14 is suffering from a certain amount of stoning from the same hard core of hooligans on the Rossville Street/William Street corner. Over.”

⁷ [W126](#) serial 332

⁸ [W46](#) serial 143

22 Lt AD Regt to Brigade^{9,10}

“Hello, Zero, this is 90A. Our call signs estimate numbers on Aggro Corner at the moment about 200. Over.”

⁹ [W126](#) serial 334

¹⁰ [W46](#) serial 145

Brigade to 22 Lt AD Regt¹¹

“Zero. Roger. Out.”

¹¹ [W126](#) serial 335

20.19 At about 1555 hours 1 PARA radioed Brigade with the following message:^{1,2}

“Hello, hello Zero, this is 65. My Sunray has deployed his units slightly forward from their original positions in preparation for any orders which you may have for him.”
[“Sunray” was a reference to Colonel Wilford.]

¹ [W126](#) serial 336

² [W46](#) serial 148

20.20 The reference to units being slightly forward of their original positions relates either to A, C and Support Companies moving to their positions as described above (though this is hardly “*slightly forward*”) or (and in our view more likely) to sending Machine Gun Platoon forward to Abbey Taxis and Mortar Platoon forward to cut the wire beside the Presbyterian church. Colonel Wilford could not remember which it was when he gave evidence to us.¹ Captain INQ 2033, who was Battalion Signals Officer for 1 PARA, agreed with the suggestion that this message was a diplomatic attempt to get Brigade to give orders.² The Porter tapes record Brigade simply acknowledging receipt of this message: “Zero. Roger. Out.”³

¹ [Day 313/14](#)

³ [W126](#) serial 337

² [Day 352/152](#)

20.21 As appears from the sequence on the Porter tapes, Colonel Welsh then sent another report from the helicopter:^{1,2}

“General state of the crowd. It now stretches between Aggro Corner, which has just had some more gas put on it, down to about 100 yards beyond the Flats. People are generally spreading out and the drift of people is definitely down to beyond the Flats and back the way they came...”

¹ [W126](#) serial 338

² [W46](#) serial 146

- 20.22** Shortly afterwards (again at about 1555 hours) the Porter tapes recorded 1 PARA radioing Brigade with another message from Colonel Wilford:¹

“65, from my Sunray. He would like to deploy one of his sub units through barrier 14 around the back into the area William Street/Little James Street. He reckons if he does this he will be able to pick up quite a number of yobbos.”

¹ [W127](#) serial 343

- 20.23** The relevant entry in the Brigade log, “[1 PARA] *Would like to deploy sub unit through barricade 14 to pick up yobbos, in William St/Little James St.*”, gave an accurate summary of the message with the additional note that it was passed to HQNI.¹

¹ [W46](#) serial 147

- 20.24** Again, the Porter tapes recorded Brigade simply acknowledging receipt of this message without further comment at this time: “Zero. Roger. Out.”¹ However, in his oral evidence to the Widgery Inquiry, it seems clear that Colonel Steele was saying that he had used the secure radio means (the BID 150, which would not have been recorded on the Porter tapes)² to reply to this request.³ In his oral evidence to this Inquiry, Colonel Steele said that “*the Brigade Commander decided that ... he did not have the necessary separation [between the rioters and the non-rioting crowd] and so I, using the BID 150, told 1 Para that they could not mount it then. My problem is that I cannot actually remember doing all this today, but I am sure I did and certainly at Widgery, six weeks after the event, I said that I did.*”⁴ In our view Colonel Steele may have told 1 PARA on the secure means that their request was, at least for the time being, declined.⁵ Although this does not appear in the 1 PARA Log,⁶ this seems to be of no significance as the request does not appear there either, and there are other indications (eg from the Porter tapes) that the log was not as comprehensive as it might have been.

¹ [W127](#) serial 344

² We provide details of the BID 150 equipment in [Chapter 183](#).

³ [B1303](#); [WT16.69](#)

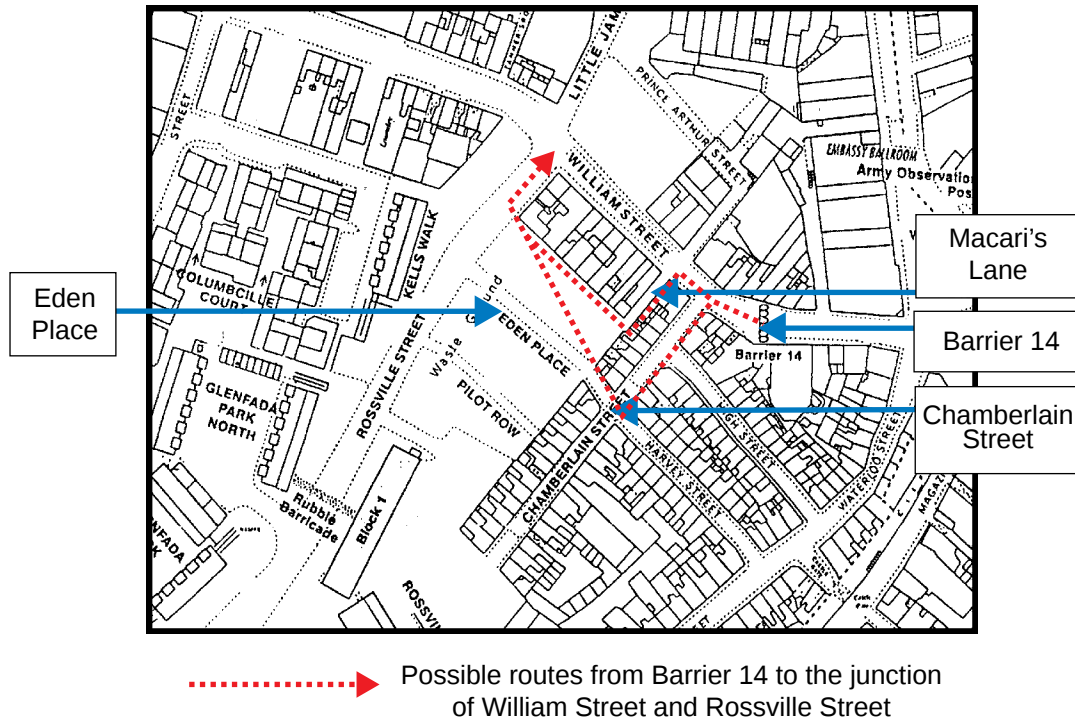
⁴ [Day 267/18-19](#); [B1313.008](#); [Day 267/50](#)

⁵ We deal below and in [Chapter 189](#) with the submission that the BID 150 was not used on the day.

⁶ [W90](#)

- 20.25** The request from Colonel Wilford referred to deploying one of his sub-units (ie a company) through Barrier 14 “*around the back*” into the area of William Street/Little James Street. It was not clear from the evidence what this phrase meant, but it may be that the idea was to send at least some of the company down Chamberlain Street and then across Eden Place towards the junction of William Street and Rossville Street or

(or also) through Macari's Lane and towards that junction. The following map indicates those means of reaching the junction, which could in our view be described as going "*around the back*".



20.26 At about 1559 hours Colonel Welsh radioed another report from the helicopter:^{1,2}

“Zero, this is Kilo 61 Yankee. General crowd movement now is down into the Lecky Road from the area of the Flats. It seems as though a lot of people feel they’ve made their protest and are now returning back to their homes.”

1 W127 serial 348

2 W46 serial 150

20.27 About two minutes later 1 CG reported that someone was addressing about 200 people with a loudspeaker at Free Derry Corner.^{1,2}

1 W127 serial 351

2 W46 serial 152

20.28 At about 1602 hours there was an exchange on the radio between 1 PARA and 22 Lt AD Regt.¹

¹ W47 logged as serial 153 by the Brigade watchkeepers

1 PARA to 22 Lt AD Regt²

“Hello, 90, this is 65. Is there still a hooligan element in the area above barrier 14? Over.”

² W127 serial 353

1 PARA to 22 Lt AD Regt³

“Hello, 90, this is 65. Over.”

³ W127 serial 354

22 Lt AD Regt to 1 PARA⁴

“90 Alpha. Send. Over.”

⁴ W127 serial 355

1 PARA to 22 Lt AD Regt⁵

“65. Is there still a hooligan element in the area William Street/Little James Street and around barrier 14? Over.”

⁵ W127 serial 356

22 Lt AD Regt to 1 PARA⁶

“90 Alpha. Yes. Over.”

⁶ W127 serial 357

1 PARA to 22 Lt AD Regt⁷

“65, roger. Would you mind informing Zero of this, as they don’t appear to believe us on this point. Over.”

⁷ W127 serial 358

22 Lt AD Regt to 1 PARA⁸

“90 Alpha. Wait. Out.”

⁸ W127 serial 359

20.29

Colonel Steele described serial 358 as “*a bit cheeky*”, and said he felt it showed that 1 PARA was “*raring to go*”.¹ In his evidence to this Inquiry, Captain INQ 2033, the Communications Officer of 1 PARA then positioned in the Gin Palace relaying the

battalion's communications, told us that he thought these signals arose from his initiative or that of a fellow signaller (and probably not Colonel Wilford). He believed that they were designed to put pressure on Brigade by supporting the earlier request made by Colonel Wilford to deploy an arrest force.² As this discussion took place on the Brigade net, Brigadier MacLellan, Colonel Steele and the rest of Brigade HQ in the Operations Room at Ebrington Barracks would have been able to hear the exchange.

¹ Day 267/60

² Day 352/154

20.30 At about the same time (1602 hours) 1 CG reported to Brigade that the *"People in the Creggan Road seem to be dispersing in a northerly direction suffering from the effects of CS gas, which was not thrown by us"*.^{1,2} Some two minutes later 22 Lt AD Regt reported, *"There is now a crowd of about 500 on Fox's Corner [Free Derry Corner] being addressed from a loudspeaker van. These appear to be normal civil rights people. There's still a crowd of about 150 hooligans at junction Rossville Street/William Street."*^{3,4}

¹ W128 serial 361

³ W128 serial 365

² W47 serial 154

⁴ W47 serials 155 and 156

20.31 We return below to consider these communications further.

The arrest order

20.32 The Brigade log contains the following entry, timed at 1609 hours and attributed to "BM" (ie the Brigade Major, Colonel Steele):¹

"Orders given to 1 PARA at 1607 hrs for 1 sub unit of 1 PARA to do scoop up OP through barrier 14. Not to conduct running battle down Rossville St."

¹ W47 serial 159

20.33 We consider in turn the two parts of this order.

20.34 The 1 PARA log seemingly records this order as part of an entry timed at 1610 hours, the timing and precise terms of which are discussed below:¹

"Move 3 now through K14. Also C/S 1 No running battles"

¹ W90 serial 31

20.35 The Porter tapes do not record the order.¹ The legal representatives of some of the families have relied upon the absence of such a record as evidence that no order was in fact given.² The evidence of Brigadier MacLellan, Colonel Steele and Colonel Wilford to both this Inquiry and that of Lord Widgery was that this suggestion is erroneous, as 1 PARA did not deploy until it had received orders from Brigade.³

¹ W128-129

³ WT11.27; B1279.037; Day 262/76; WT16.70;

² FS1.885-904

B1315.009-010; WT11.40; B1110.32; Day 313/29-30

20.36 These families also relied on the 1972 evidence of Chief Superintendent Lagan who was at Brigade Headquarters during that afternoon, from about 1315 hours until about 1700 hours.¹ In his written statement for the Widgery Inquiry he stated that shortly before 1400 hours he went to the Brigadier's office, where there was a radio link from the Operations Room so that he and the Brigadier could overhear all radio messages.² Chief Superintendent Lagan heard reports of the confrontations at various barriers, and that the main body of marchers had made their way to Free Derry Corner.³ He then stated that the Brigadier:⁴

"... who had presumably gone to his Operations Room, came into the office and said 'The Paratroops want to go in'. I said 'For heaven's sake hold them until we are absolutely certain the marchers and the rioters are well separated'. He left me again. After an interval he returned and said 'I'm sorry, the paras have gone in'. I did not hear the order to the paras to move, over the radio."

¹ JL1.1

³ JL1.2

² JL1.2

⁴ JL1.2-3

20.37 In his oral evidence to the Widgery Inquiry Chief Superintendent Lagan repeated this exchange between himself and Brigadier MacLellan.¹ He said that when he had urged the Brigadier to be sure that the marchers and the rioters were well separated before the Paras were sent in, he had got the impression that the Brigadier was in agreement with him that the moment to mount an arrest operation had not arrived.² He also said that he was sure that the Brigadier had said "sorry" when he came back to say that the Paras had gone in³ and that he (Chief Superintendent Lagan) had "*interpreted the meaning from the tone he [the Brigadier] used that he was not personally responsible for them going in*".⁴ As a result, Chief Superintendent Lagan read the situation as one where the Paras going in was not the result of an order given by the Brigadier.⁵ When questioned by counsel acting for the Army, he agreed with the suggestion that the Brigadier had never indicated to him that the order for the paratroopers to go in was anything but his order.⁶

However, in answer to Lord Widgery, Chief Superintendent Lagan said, “*When the Brigadier said to me ‘Sorry, the Paras have gone in’ my immediate reaction to it was that they had gone in on somebody else’s instructions and not on his.*”⁷

¹ WT17.20-21

⁵ WT17.27

² WT17.26

⁶ WT17.37

³ WT17.21

⁷ WT17.37

⁴ WT17.22

20.38 The upshot of Chief Superintendent Lagan’s 1972 evidence is that while Brigadier MacLellan did not say in specific terms that he had given no order to the Paras to go in, Chief Superintendent Lagan gained the impression that this was the case.

20.39 Brigadier MacLellan had given evidence to the Widgery Inquiry before Chief Superintendent Lagan, and had not been asked about these exchanges. The day after Chief Superintendent Lagan had given this evidence, Brigadier MacLellan wrote to General Ford to deny, among other things, that he had shared Chief Superintendent Lagan’s view that the arrest operation had been launched without his authority and that he had expressed his sorrow that the operation had been launched. He wrote:¹

“I may well have told him at 1555 hrs (Brigade Log Signal 147) that ‘The Paras want to go in’ or he may have heard it on the Ulsternet in my office. I certainly went into the Operations Room at this stage and gave orders that 1 PARA were not to go in, as I considered that although the separation of the rioters from the non-violent marchers had started to take place, it was not yet wide enough. I then remained in the Operations Room while Lagan continued to sit in my office. Twelve minutes later at 1607 hrs when I was satisfied that there was absolute separation between those attending the meeting at Foxes Corner [Free Derry Corner] and the rioters in William St, I gave the order for the arrest operation to take place. I then returned to my office and told Lagan that the arrest operation had started. I cannot remember the exact words which were used but as far as I can recall Lagan then said ‘Well I hope they are separated enough’. I replied ‘I am assured that they are, but anyway it is too late to stop them now’. I suppose I may have said ‘... anyway I’m sorry but it is too late to stop them now’, but I do not remember using the word ‘sorry’, and if I did it was in this context and certainly not because I regretted having just given the orders for the arrest operation to start.

I regard Lagan’s evidence on this point as a deliberate distortion of the truth.”

¹ G128.849-50

20.40 In his written evidence to this Inquiry Chief Superintendent Lagan (who was unfortunately too unwell to give oral evidence) stated: *“When Brigadier MacLellan said ‘Sorry’, I thought he was saying sorry to me (as distinct from being personally aggrieved that 1 Para had gone in).”*¹

¹ [JL1.18](#)

20.41 In his oral evidence to this Inquiry, Brigadier MacLellan confirmed that he may have said sorry, not meaning that it should not have happened, but that he was sorry because Chief Superintendent Lagan had wanted it otherwise.¹

¹ [Day 262/74-75](#)

20.42 We are satisfied that at 1607 hours Colonel Steele passed on an order given by Brigadier MacLellan to 1 PARA over the BID 150 secure link and shortly afterwards went into the Operations Room to get the order recorded in the Brigade log.¹ The BID 150 was a secure link that could not be intercepted by James Porter’s radio system, and was operated from Colonel Steele’s office. This explains why the order does not appear on the Porter tapes, and why the Brigade log records that it was given by the Brigade Major.²

¹ [WT16.69](#); [B1315.010](#); [WT11.27](#); [B1279.037](#); [Day 262/76](#); ² [WT11.23-24](#); [WT16.69](#)
[WT16.70](#); [B1315.009-010](#); [WT11.40](#); [B1110.32](#);
[Day 313/29-30](#)

20.43 There are several reasons why we are certain that an order was given, in addition to the evidence to this effect from Brigadier MacLellan, Colonel Steele and Colonel Wilford. There is no suggestion in later transmissions that 1 PARA had mounted a scoop-up operation without any order from the Brigade Commander, something that would have been contrary to the Brigade order for Operation Forecast.¹ Further, those transmissions (which we describe below) are to our minds explicable only on the basis that an order had been given. As to Chief Superintendent Lagan, we consider that the impression he seems to have formed is likely to have arisen from the fact that he did not hear the order, as it was given on the BID 150 secure link. Chief Superintendent Lagan was in the Brigadier’s office when Colonel Steele sent out the relevant message from his own office across the hallway. As the BID 150 was used, the serial was not relayed over the loudspeakers set up in Brigadier MacLellan’s office. So far as Chief Superintendent Lagan was concerned therefore, he had urged waiting until there was separation between marchers and rioters, thought that Brigadier MacLellan agreed with him, heard no order to mount an arrest operation, but then was told by the Brigadier that he was sorry but the Paras had gone in. It is understandable in those circumstances that he should have misinterpreted the Brigadier’s apology, as in our view he did. His written evidence to this Inquiry, that he

thought Brigadier MacLellan was apologising to him as distinct from being personally aggrieved, is hardly consistent with 1 PARA going in without orders, something which in our view would undoubtedly have aggrieved the Brigadier.

¹ [G95.570](#)

20.44 For these reasons, although we find that Chief Superintendent Lagan was mistaken as to whether or not an order was given, we consider that Brigadier MacLellan was wrong to accuse him of a deliberate distortion of the truth, as the Brigadier did in his letter to General Ford.¹

¹ [G128.850](#)

20.45 Colonel Steele's order was received by the 1 PARA watchkeeper manning the BID 150 secure link in the Gin Palace, the Battalion's Tactical HQ, and it was then relayed to Colonel Wilford over the battalion net. This is reflected in the 1 PARA log entry timed at 1610 hours: "*Move 3 now through K14. Also C/S 1 No running battles*"¹ There is no doubt that "*K14*" is a reference to Barrier 14,² and the phrase "*No running battles*" clearly reflects the fuller but similar limitation appearing in the order as recorded in the Brigade log.³ The fact that the entry was listed at 1610 hours is not, in our minds, significant, as most of the timings in the 1 PARA log are given at five-minute intervals and hence are only approximate. The reference to "*C/S 1*" is discussed below.

¹ [W90](#) serial 31

³ [W47](#) serial 159

² [WT11.48](#)

20.46 The suggestion that no order was given necessarily involved an allegation that false entries were made after the event in the Brigade log, and that Brigadier MacLellan and Colonel Steele knew of this.¹ It would also mean that a false entry was made in the 1 PARA log. In addition it entails that those in the Gin Palace (Captain INQ 2033 and Captain INQ 1853) as well as Colonel Wilford were involved in the plot to pretend that an order had been given on the secure net. Yet the supposedly fabricated entries were themselves in terms that Brigadier MacLellan, Colonel Steele and Colonel Wilford afterwards suggested did not fully or accurately record the order that they said was given, a matter that we consider in detail below. The suggestion must therefore be that the plot was both widespread and highly incompetent. We are satisfied from the evidence and the submissions that we have considered that there is no substance in this allegation, that no false entries were made in the logs and that there was no plot to pretend that an order had been given.

¹ [FS1.904](#)

- 20.47** Although we are sure that Brigade did give an order to 1 PARA, three further questions remain and were hotly debated during the course of both the Widgery Inquiry and this Inquiry.
- 20.48** The first of these questions relates to what the order was, ie whether the order limited 1 PARA to using one sub-unit (a company) for a “scoop-up” operation through Barrier 14, or whether the order was, or could reasonably be read as being, wider in scope, allowing Colonel Wilford if he wished also to deploy another company or companies as part of the scoop-up operation.
- 20.49** The second question, which is, of course, closely related to the first, concerned the intended meaning of the instruction contained in the order “*Not to conduct running battle down Rossville St.*”.¹
- ¹ [W47](#) serial 159
- 20.50** The third question is whether an order to mount an arrest operation at all was appropriate, given the state and position of the crowd and the rioters at the time.

The nature of the first part of the order to 1 PARA

Was the first part of the order responsive to 1 PARA’s request at 1555 hours?

- 20.51** In assessing the nature of the order the first issue to be considered is whether or not it was responsive to the request made by 1 PARA to Brigade at 1555 hours. It is convenient to set out side by side the request and the order:

Serial 343¹ timed at 1555 hours from 1 PARA to Brigade:

“65, from my Sunray. He would like to deploy one his sub units through barrier 14 around the back into the area William Street/Little James Street. He reckons if he does this he will be able to pick up quite a number of yobbos.”

¹ [W127](#)

Serial 159¹ timed at 1609 from Brigade Major to 1 PARA:

“Orders given to 1 PARA at 1607 hrs for 1 sub unit of 1 PARA to do scoop up OP through barrier 14. Not to conduct running battle down Rossville St.”

¹ [W47](#)

20.52 Colonel Steele told us, and we accept, that the reason why the request was declined initially was because Brigadier MacLellan was not satisfied that there was at that stage sufficient separation between the crowd and the rioters.¹ As will be seen below, the order was in our view given when Brigadier MacLellan was satisfied that there was sufficient separation.

¹ Day 267/18-19

20.53 It is important at this stage to set out again the directions contained in the Brigade order regarding the role of 1 PARA and its use as an arrest force:¹

"1 PARA

(1) Maintain a Brigade Arrest Force, to conduct a 'scoop-up' operation of as many hooligans and rioters as possible.

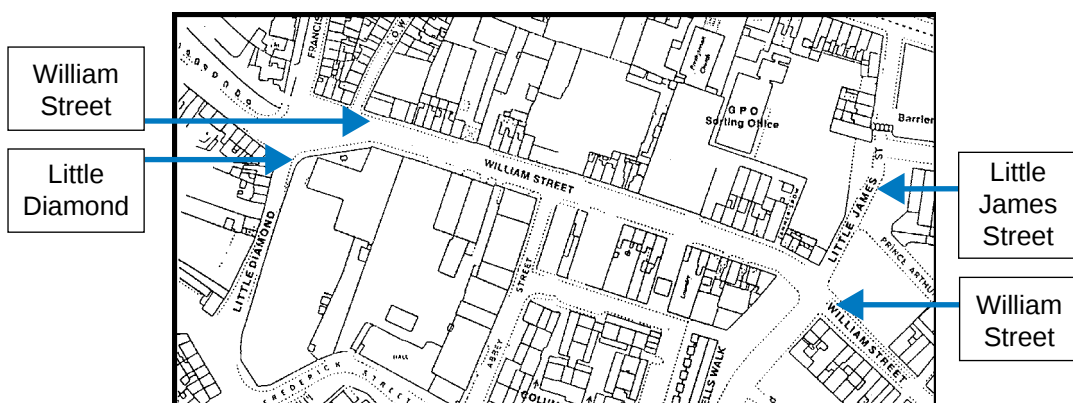
(a) This operation will only be launched, either in whole or in part, on the orders of the Bde [Brigade] Comd [Commander].

(b) The Force will be deployed initially to Foyle College Car Park ... where it will be held at immediate notice throughout the event.

(c) The Scoop-Up operation is likely to be launched on two axis, one directed towards hooligan activity in the area of William St/Little Diamond, and one towards the area of William St/Little James St.

(d) It is expected that the arrest operation will be conducted on foot."

¹ G95.570



20.54 The Brigade order therefore made clear that the "scoop-up" operation was only to be mounted "*in whole or in part*" on the orders of the Brigade Commander. Thus Colonel Wilford had to obtain or be given Brigadier MacLellan's permission to launch an arrest

operation, be it one that was in line with the expectation set out in the Brigade order, one that was a partial implementation of such an operation, or indeed one that was significantly different due to the events of the day developing in a way that had not been considered likely when the order was compiled.¹

¹ [Day 264/13-16](#); [Day 266/66](#); [Day 314/50](#)

20.55 Brigadier MacLellan was at pains to explain, and we accept, that he did not know the exact details of how Colonel Wilford envisaged he would conduct any arrest operation. This, he argued, was inevitable as the execution of the plan and the tactics employed depended on how the situation on the ground evolved.¹

¹ [WT11.35](#)

20.56 Colonel Steele and Colonel Wilford made the same point in their evidence. The latter could and did deploy his forces initially in line with the outline set out in the Brigade order, but had to be in a position to react to what was actually happening.¹

¹ [B1315.005](#); [Day 267/94-96](#); [Day 267/101](#); [Day 312/64](#)

20.57 We accept that it was necessary for the commander on the ground to retain flexibility in his planning for the arrest operation, in order to ensure that his eventual deployment was appropriate to the circumstances as they developed. This is reflected in the Brigade order, which stated that it was only “*likely*” that the scoop-up would take place along the two named axes.¹ But this does not mean that Colonel Wilford, as commander on the ground, was free to implement any plan that he had decided was appropriate. The Brigade order retained for the Brigadier not only the decision as to whether to launch the arrest operation at all, but also the choice of whether to do so “*in whole or in part*”.² In order to decide what to do, taking into consideration issues such as separation, it was vital that the Brigadier knew what was involved in any proposed plan, and if the situation on the ground changed, any consequent alterations to that plan. Thus, as the events of the day progressed, it became increasingly important for Colonel Wilford to communicate his evolving concept of the arrest operation to Brigadier MacLellan.

¹ [G95.570](#)

² [G95.570](#)

20.58 In these circumstances, on the basis of the request and the order as recorded on the Porter tapes and in the Brigade log, it is in our view beyond doubt that the latter was responsive to the former. The order that was given was not to mount the whole of the operation contemplated as likely in the Brigade order, which was “*on two axis, one directed towards hooligan activity in the area of William St/Little Diamond, and one towards the area of William St/Little James St.*”,¹ but only one directed at the second of

these axes. According to the recorded wording of the request on the Brigade log and Porter tapes,^{2,3} this was to be done by sending one sub-unit through Barrier 14; no other company and no other position from which to deploy were mentioned. According to the recorded wording of the order on the Brigade log,⁴ one sub-unit was to conduct a scoop-up through Barrier 14; again no other company and no other position from which to deploy were mentioned.

¹ G95.570

³ W127 serial 343

² W46 serial 147

⁴ W47 serial 159

20.59 In the event, and as is described more fully below, the operation launched by Colonel Wilford shortly after receipt of this order involved the deployment of two companies. One sub-unit, C Company, did move through Barrier 14. In addition, however, Support Company, a second sub-unit, went in vehicles through Barrier 12. This company moved across William Street and down Rossville Street, with one vehicle going as far as the car park of the Rossville Flats, some 230 yards from Barrier 12.

20.60 It is also probable that shortly after Colonel Wilford had ordered C Company and Support Company forward, A Company deployed through Barrier 11 in Lower Road into William Street. The Commander of A Company, Major INQ 10, recorded in his 1972 Diary of Operations that he received orders to this effect at 1612 hours, two minutes after he heard firing from “*apparently*” the area of the Rossville Flats.¹ Colonel Wilford stated to the Widgery Inquiry that he had simply told A Company to stand by at the barrier at that time,² and that he did not order them forward until significantly later.³ He told this Inquiry that he was sure that his 1972 evidence was accurate on this point.⁴

¹ B1341

³ B951-952; B986; B1017

² B949

⁴ Day 313/45-49

20.61 In our view it is likely that A Company did deploy forward as recorded in Major INQ 10’s Diary of Operations. We consider that although this order may well have been given after the orders to C Company and Support Company, there was not the lapse of time suggested by Colonel Wilford. Major INQ 10 stated in his Diary of Operations that his company deployed in this way “*to assist Sp Coy [Support Company] in their task of arresting rioters at the William St/Rossville St junction*”.¹ Their movement “*caused the rioters to my front to run in the direction of Sp Coy, where some of them were arrested*”.² Major INQ 10 stated that no arrests were made by A Company.³ In fact, as appears

elsewhere in this report,⁴ soldiers of A Company did make some arrests in William Street, though in the main this company was used as a means of blocking off a possible escape route.

¹ B1341

³ B1341

² B1341

⁴ Chapter 158

The use of Support Company

20.62 Before the Widgery Inquiry and before this Inquiry, the senior Army officers directly involved gave evidence that Brigadier MacLellan's order either did not preclude Colonel Wilford from deploying Support Company through Barrier 12 as well as C Company through Barrier 14, or that the order explicitly authorised such an operation but was erroneously recorded in log records.

20.63 It is convenient to consider their evidence, and the submissions made on their behalf, in three stages: first, by looking at Colonel Wilford's request to deploy at 1555 hours; second, by turning to the order itself; and third, by considering some of the messages sent between 1 PARA and Brigade after the operation had been launched. It should, however, be remembered that these are divisions made to assist analysis and comprehension, and they do not necessarily reflect the structure of the evidence given by relevant witnesses, some of whom have said that, throughout the planning and execution of the operation, both 1 PARA and Brigade were aware that more than one unit would be involved in scooping up rioters.

The terms of Colonel Wilford's request to deploy at 1555 hours

20.64 Colonel Wilford was not asked specifically about his request to mount an arrest operation when he gave evidence to the Widgery Inquiry, but he did reply affirmatively to the question, "*Did you request permission from Brigade Headquarters to put Support Company and Admin. Company [Guinness Force] and 'C' Company through the two barriers?*"¹

¹ WT11.78

20.65 In his written evidence to this Inquiry, Colonel Wilford stated that he made his request as he felt that the proximity of the rioters to his men at that time meant that he had the opportunity to carry out a successful arrest operation. He wrote that he could not now recall the terms in which he sought permission to deploy, but added "*what was in my mind at the time was the use of two companies. I never intended to use only one*

company for the operation, and to the extent the log gives that impression it is misleading and incorrect.”¹ In fact, as already observed, the Brigade log does contain an accurate summary of the request, as is demonstrated by the Porter tapes.^{2,3}

¹ B1110.032

³ W127 serial 343

² W46 serial 147

20.66 During his oral evidence to this Inquiry, Colonel Wilford repeated that he could not recall the terms of his request, but he was “*clearly... thinking*” that he would use two companies in a pincer movement, one through Barrier 14 and the other through Barrier 12.¹ When asked why the message referred only to Barrier 14, he replied that the words recorded on the Porter tapes and transcript were not his, but those of the signallers in the Gin Palace. Although he felt that they would have tried to relay his request accurately, they might have placed their own interpretation on it, perhaps particularising Barrier 14 as they knew that this was where the most significant rioting was taking place.² He stated that:³

“... this is my main headquarters passing a message, which is an interpretation obviously of something which I have said and it unfortunately appears here to be particularising barrier 14, and there is no mention in fact of barrier 12, which in fact was going to be the source of my pincer movement, or the second half of my pincer movement and perhaps it, therefore, gives perhaps a false picture to any outsider looking at it, but to me the situation is quite clear and I think it was quite clear to my company commanders.”

¹ Day 313/18

³ Day 313/22

² Day 31/16; Day 313/24

20.67 He suggested at another point in his evidence that the reference to Barrier 14 alone in his request was “*I think, an error and an omission or a misinterpretation by the people who were passing on my information*”.¹

¹ Day 313/41

20.68 Colonel Wilford also stated that Brigade knew perfectly well that his plan was for a two-company “*pincer*” operation.¹ Indeed, at one stage in his evidence he said that Brigade was aware that he was going to put one company through Barrier 14 and another through Barrier 12, and that the reference in his request to Barrier 14 was not intended (and should not be read) to exclude a simultaneous movement through Barrier 12.² He thought

that Barrier 14 had been “*particularised*” because that was the position of the largest number of rioters,³ and warned against taking what he described as a “*mechanical*” view of the proposed operation and the geographical area in which it would take place.⁴

¹ [Day 313/37-38](#)

³ [Day 313/24](#); [Day 313/37](#)

² [Day 315/62](#)

⁴ [Day 313/22](#)

20.69 We have considered the possibility that a mistake was made by a signaller when conveying Colonel Wilford’s request to deploy, and that this resulted in his reference to Barrier 12 being omitted from the message. This could have been done either by Colonel Wilford’s own signaller, who sent the message from the Colonel to the Gin Palace for onward transmission, or by the signaller in the Gin Palace when communicating with Brigade. The former seems unlikely, and was not suggested by Colonel Wilford, who was probably close by the signaller in question as the latter passed his request to the Gin Palace. Although we had evidence from the signallers who attended (or might have attended) Colonel Wilford¹ (who were Corporal INQ 1027,² Corporal INQ 691,³ Corporal INQ 1171⁴ and Lance Corporal INQ 1152⁵) they were of no assistance on whether a mistake was or might have been made at this stage.

¹ [C2006.26](#)

⁴ [C1171.1](#)

² [C1027.1](#)

⁵ [C1152.1](#); [Day 334/94](#)

³ [C691.1](#); [Day 358/185](#)

20.70 To our minds it is also unlikely that the Gin Palace signallers made an error when passing on the request. It is probable that the message was transmitted by Captain INQ 2033, who was the 1 PARA Signals Officer on the day and who was in the Gin Palace¹ but it was not suggested to him, nor to any of the other signallers there, that they had made a mistake. If Colonel Wilford had indeed asked for authorisation for a two-company operation, it is difficult to see how Captain INQ 2033 or any other signaller so misunderstood or misinterpreted his intention that they ended up relaying such a distorted version of his intended request. Further, and as will have been observed from the oral evidence given by Colonel Wilford to this Inquiry, he did not altogether rule out the possibility that the message may have accurately reflected the terms he had used when asking permission to launch the arrest operation, even though, by his account, he and Brigade both knew that he wished to use more than one sub-unit.

¹ [Day 352/153](#); [C2006.23](#)

20.71 There is another consideration to bear in mind. As is discussed elsewhere in this report,¹ it was not until about 1600 hours that Support Company was given a Warning Order to deploy through Barrier 12. It would, on the face of it, be somewhat strange if Colonel

Wilford had asked Brigade for permission to deploy through Barrier 12, without having previously given a Warning Order to Support Company to that effect. In contrast, Colonel Wilford had given a Warning Order to C Company to deploy through Barrier 14 at 1530 hours.²

¹ Paragraph 12.68

² B2166

20.72 In these circumstances it is our view that the request to deploy sent by the Gin Palace to Brigade at 1555 hours¹ was in the terms given by Colonel Wilford.

¹ W127 serial 343

20.73 Colonel Wilford's legal representatives argued that there were dangers in reading the transcript of the transmission at "*face value*".¹ It was, they submitted, hard to see how using Barrier 14 alone would result in soldiers moving "*around the back*" into the area of William Street/Little James Street.² Citing the evidence of Colonel Steele to this Inquiry,³ they suggested that if the message was interpreted as requesting the movement of only one sub-unit then it did not make sense to military witnesses and did not reflect the situation on the ground at the time when the request was made.⁴ The proposition was advanced that the request referred to Barrier 14 as C Company would have required this barrier to have been lifted in order to deploy, but it was submitted that the message did not exclude the movement of other sub-units, and it was also envisaged that members of Support Company would move forward through the Presbyterian church and/or Abbey Taxis as part of the same operation. This would not require Barrier 12 to be opened, which might explain why that barrier was not mentioned. Support Company deploying in this way would "*satisfy both the military view that more than one company was required if the operation was to be of any effect and the apparent intention of going 'around the back'*".⁵

¹ FS7.856

⁴ FS7.856-858

² FS7.856

⁵ FS7.858

³ Day 267/51-53

20.74 We do not accept these submissions. In general terms we cannot see how a message that referred only to the use of one company through Barrier 14 on a scoop-up operation could be read or understood as a request to send in other companies as well from other locations.

20.75 As to the first of the specific points, soldiers coming through Barrier 14 to scoop up rioters in the Little James Street/William Street area could be described, as we have said above, as going "*around the back*" if they went through Macari's Lane or across Eden Place to get to the south of this area.

- 20.76 As to the second point, we are not convinced that the use of one company to seek to effect arrests in the limited area of Little James Street/William Street would necessarily have been military nonsense, as such an operation might not have been wholly ineffective. Furthermore, so far as the Brigade officers were concerned, they were reliant on Colonel Wilford's assessment, as the officer on the ground, of what he considered would be an effective operation, and were not themselves in a position to judge the likely efficacy of that which was requested. In any event, the fact remains that this was the request that was made; and in our view it cannot reasonably be understood as a request to use more than one company.
- 20.77 As to the third point, that the request referred only to Barrier 14 because at the time that was the only barrier that had to be lifted, this not only ignores the fact that the request was not about lifting barriers, but about deploying soldiers to effect arrests, but also would lead logically to the untenable proposition that Colonel Wilford had to seek permission from Brigade only if he wished to launch an arrest operation through one or more of the Army barriers, but not otherwise.
- 20.78 In our view Colonel Wilford must be wrong in suggesting that Brigade knew perfectly well at the time that his plan was to put one scoop-up company through Barrier 14 and another through Barrier 12. There is nothing to indicate that he informed Brigade at any stage that his original scheme of putting Support Company through the Presbyterian church route had been abandoned in favour of the use of Barrier 12. Colonel Wilford had asked 22 Lt AD Regt to be prepared to move Barriers 12 and 14 "*should we require to push through them*" at about 1538 hours,¹ and as this message was sent on the Brigade net, it would have been heard by those at Ebrington. However, to our minds this communication does no more than indicate that at that time 1 PARA considered both the barriers as possible points of deployment for any future movement forward. Approximately 17 minutes later, when Colonel Wilford made a direct request to Brigadier MacLellan to launch the arrest operation, he did so by referring only to sending soldiers through Barrier 14 and made no reference to deploying soldiers through other locations.
- ¹ W123 serial 286
- 20.79 More generally, we are not persuaded that Brigade was aware that Colonel Wilford's proposed operation would inevitably use more than one sub-unit, regardless of the position or positions from where the initial deployment occurred. As is discussed above, it was essential that Brigadier MacLellan knew the latest variation on 1 PARA's plan in order to be informed in his decisions as to whether to launch the operation at all, and whether to do so in whole or in part. At 1555 hours he was specifically asked to allow one

sub-unit to pass through Barrier 14, and in our view there is no good reason to suppose that he took this request other than at face value. Colonel Wilford's evidence about the expectation that he said that Brigade had as to the number of companies to be used in the operation does not, and cannot, explain why his request referred only to one.

The terms of Brigadier MacLellan's order

20.80 Colonel Wilford stated to the Widgery Inquiry that he did not deploy his men until after he had been ordered to launch the arrest operation by Brigadier MacLellan.¹ During his oral evidence he was asked by Mr McSparran QC, counsel for the families, about the terms of Brigadier MacLellan's order to launch the arrest operation. Mr McSparran pointed out that the Brigade log only referred to one company going through Barrier 14, adding that *"There is nothing, as I understand the Brigade log ..., relating to any orders relating to any other sub-unit to go through on other operators [sic]"*. In reply, Colonel Wilford said: *"No, but Brigade were perfectly aware that I had two Companies to go through and that I intended to put them through."*²

¹ B 950; WT11.40-41

² WT11.68

20.81 Colonel Wilford was also asked about the entry in the 1 PARA log, *"Move 3 now through K14. Also C/S 1 No running battles"*.¹ He said that this was a message that had come from Brigade *"to say that I could move"* and when it was pointed out that there was only mention of C Company going through he replied, *"No, there is an aberration here, because support Company were told, and it would have been part of the same message. The log obviously missed it out."*²

¹ W90

² WT11.48B

20.82 In his written evidence to this Inquiry, Colonel Wilford stated that he had no memory of the terms of the order that he received from Brigade despite having considered the relevant log entries. However, he wrote that he also had no recollection of being surprised by the terms that he was given, adding: *"If I had received an order to deploy only one company through Barrier 14, then this would definitely have registered with me. I would have been surprised to hear that I was being limited to using one company. I may well have gone back to Brigade and disagreed."*¹

¹ B1110.032

20.83 In his oral evidence to the present Inquiry, Colonel Wilford again said that he had no independent recollection of the terms of the order, but continued to express his belief that it permitted him to deploy more than one company in the scoop-up operation.¹

¹ [Day 313/29-39](#); [Day 313/47](#)

20.84 Colonel Wilford described the arrest Operation Order as “*long delayed*”¹ and commented that “*perhaps this signal here [ie his request to deploy] suggests that at that particular time I thought that that was the best area, or was the likely area where in fact I would make the majority of arrests. But this was a changing situation. It was changing every second, and that is why in fact the situation did change, and the arrest operation became what it was*”.² A little later he agreed that the situation from the time of his request had changed significantly and why his troops had concentrated on an area substantially to the south of the Little James Street/William Street area was because “*that is where the rioters were followed*”.³ He told us that originally he had planned for his soldiers to go through Barrier 12 on foot, had waited for the order to go, and with changing circumstances had decided he would have to send them through in vehicles to obtain any success.⁴

¹ [Day 314/23](#)

³ [Day 314/34](#)

² [Day 314/28](#)

⁴ [Day 314/56-59](#)

20.85 We have no reason to doubt that it was only after his request to Brigade that Colonel Wilford decided to send Support Company through Barrier 12 in vehicles. However, he did not communicate to Brigade the fact that the situation had changed from the time of his request, nor did he seek to vary his request to Brigade in order to adapt to the change.

20.86 Brigadier MacLellan, in his written statement for the Widgery Inquiry, recorded that at 1555 hours Colonel Wilford had:¹

“... requested permission to deploy a sub-unit through the barricade in William Street to arrest hooligans in the waste ground in the area William Street/Little James Street. At this time I was anxious to confirm that there was absolute separation of the hooligans from the main bulk of the marchers, as this was, as already described, a pre-requisite of the arrest plan. I therefore did not give permission at this stage for the arrest operation to be launched.”

¹ [B1234](#)

20.87 Brigadier MacLellan went on to state that at 1604 hours he was told that the separation of the hooligans from the marchers was complete – 150 of the former were in William Street, while the Northern Ireland Civil Rights Association was 300m away at Free Derry Corner.¹

¹ B1234-1235

20.88 He continued:¹

“I therefore gave orders at 1607 that the 1 PARA arrest operation should be launched. My Brigade Major conveyed those orders in my presence to 1 PARA on the secure radio – the orders were that;

a. The operation was to be launched forthwith to arrest as many rioters as possible in the area of the junction William Street/Rossville Street.

b. 1 PARA were not to conduct a running battle down Rossville Street and not to get involved with the Northern Ireland Civil Rights Association marchers.”

¹ B1235

20.89 In the next paragraph of his written statement for the Widgery Inquiry, Brigadier MacLellan recorded:¹

“The purpose of my order was to ensure that the arresting force only ‘scooped up’ those actively engaged in riotous behaviour in the William Street/Rossville Street area, and NOT those other persons engaged in a non-violent meeting which had already started at Foxes Corner [Free Derry Corner]. To achieve this ‘scoop up’ it was necessary for the troops to get beyond the rioters and place themselves between the rioters and those already at the meeting place at Foxes Corner. The company therefore that moved rapidly in their vehicles to the area North of the Rossville Flats, acted in accordance with my instructions, in that such action would effectively place the troops between the rioters and the marchers.”

¹ B1235

- 20.90 In his oral evidence to the Widgery Inquiry, Brigadier MacLellan was referred to the fact that his order recorded in the Brigade log was for one sub-unit of 1 PARA to go through Barrier 14. In response the Brigadier stated:¹

“Yes. That in fact was not the order. What I said was ‘You are to arrest rioters on the William Street-Rossville Street junction. You are not to conduct a running battle down Rossville Street and not to get involved with the NICRA marchers’. One sub-unit wanted to go through barrier 14, but it was an arrest operation mounted by Colonel Wilford’s battalion.”

¹ WT11.35

- 20.91 There was then the following exchange:¹

“Q. Did you know that in fact two sub-units were going to be used?”

A. I knew three were going to be used.

Q. And you knew they would be going not only through barrier 14 but also through the Great James Street barrier as well?

A. Yes.

Q. Had Colonel Wilford discussed his plan with you or not?

A. Not in detail, because we did not know (a) whether there would be any hooligans on the day for sure, or rioters; or (b) where they would be. We could merely make an outline plan.”

¹ WT11.35

- 20.92 During the course of his oral evidence to the present Inquiry, Brigadier MacLellan was taken in great detail through the sequence of events as they appeared in the logs and on the Porter tapes, and from photographs and other material showing what had happened. He first said that his recollection was that he had authorised the arrest operation to start, that the plan for how it was conducted was that of the Commanding Officer of 1 PARA, that he did not know the detailed plan and that in effect he told 1 PARA to carry out their plan without knowing what it was.¹ However, the Chairman then pointed out to Brigadier MacLellan that if, as he had maintained throughout, he wanted the rioters and marchers to be separated before any arrest operation was launched, he could not have simply given an order to 1 PARA to carry out whatever arrest operation they had in mind unless he knew what it was, and the only plan that he knew about was the one he had been requested to order at 1555 hours.² He agreed that it was very difficult to rebut the

inference that what happened was that 1 PARA asked for an order that they could send one company through Barrier 14, and about 15 minutes after they had asked for that order to be given, it was given.³ He also agreed that if this was so, the order reduced the risk of interfering with anybody further down Rossville Street and thus fitted in with his desire for separation.⁴

¹ Day 262/76-77

³ Day 262/79-80

² Day 262/78-79

⁴ Day 262/80-81

20.93 Brigadier MacLellan returned to the point that Colonel Wilford had been ordered to arrest as many rioters as possible, and that as the man on the ground he was in a position to judge how best to do this.¹ However, later on the same day Counsel to the Inquiry, referring to the earlier observation of the Chairman, suggested to Brigadier MacLellan that this:²

“... all tends to confirm, does it not, that this order that you gave was in fact the one set out in the log; because, if that was the order, you would know what they were going to do; and you would also know that, if your orders were carried out, it was likely that the operation would take place in circumstances where there were unlikely to be any non-hooligans?”

¹ Day 262/89

² Day 262/89-90

20.94 The answer Brigadier MacLellan gave was “*Correct*”.

20.95 A little later in his evidence he was asked this question:¹

“So there were two limits on what Colonel Wilford could do: one is that he must fulfil, so far as he could, the general aim of the operation, which was to arrest as many as possible; but, secondly, he was bound to act – and act only – in accordance with whatever your orders were, and if they were that C Company was to go through William Street and pick up rioters and arrest them around the junction, that is something quite different from driving through barrier 12 down into Rossville Street and the wasteground to the side of it?”

¹ Day 262/92-93

20.96 The answer Brigadier MacLellan gave to this question was “*Yes*”.

20.97 Towards the end of his oral evidence to this Inquiry, Brigadier MacLellan agreed that the likelihood was that the order that was given by Colonel Steele to 1 PARA was as stated in the Brigade log.¹ It was suggested to him that if this was so, then the order was

disobeyed in two respects: firstly because more than one company went into the Bogside; and secondly because 1 PARA did conduct a running battle down Rossville Street.² Brigadier MacLellan at first agreed with both suggestions.³ However, he went on to qualify his answer by saying that although he accepted that 1 PARA exceeded his order by advancing to the Rossville Flats (if they had not been fired upon at that time), he did not think that the deployment of Support Company through Barrier 12 was surprising or necessarily a breach of his orders. If, for example, they had advanced to the front of a barrier in order to form a wall against which the unit coming up from William Street would press the rioters, then this would have been acceptable.⁴

¹ [Day 265/51](#)

³ [Day 265/53](#)

² [Day 265/51-53](#)

⁴ [Day 265/53-58](#); [Day265/67](#)

20.98 Brigadier MacLellan was asked to explain how he had come to give what appeared to be different evidence to the Widgery Inquiry.

20.99 The Brigadier replied that at the time he did not realise that his order had been broken; indeed, it was not until his questioning by Counsel to this Inquiry that he came to realise that it had been.¹ He told us that after the event, he had assumed that the reason one company had got “*sucked down*” to the Rossville Flats was because they had been shot at.² He also stated that if, as he now accepted was likely, the order to 1 PARA had been conveyed in the terms recorded in the Brigade log, then he would not have known at the time he gave it that 1 PARA would be deploying through Barrier 12.³ This is inconsistent with his evidence to the Widgery Inquiry, which was that he “*knew*” that three companies would be used, going through Barrier 12 as well as Barrier 14.⁴

¹ [Day 265/49-50](#)

³ [Day 265/67-68](#)

² [Day 265/53-54](#)

⁴ [WT11.35](#)

20.100 At this point it is to be noted that an attempt was made at the present Inquiry to demonstrate from the logs that 1 PARA had not in fact broken the order.¹ Our attention was drawn to the fact that before the arrest operation was launched, Brigade was aware from radio messages that Colonel Wilford had it in mind that he might require to go through Barriers 12 and 14 and perhaps 16.² As we observed above, it does not follow from this that the order permitted him to do so. Reliance was also placed on later messages (which we describe below), which showed that more than one company of 1 PARA had moved, but which did not result in any protest from Brigade that the order had been disobeyed.^{3,4} However, as will be seen, the first information given to Brigade did not reveal that Support Company had gone deep into the Bogside but had merely advanced a few yards to the area of William Street directly south of the Presbyterian

church. It was not until much later that Brigade gained a clear idea of what had been going on. Furthermore, as already noted, Brigadier MacLellan told this Inquiry that at the time he believed that the reason 1 PARA went as far as they did down Rossville Street was because they had been fired at.⁵ This belief was, as will be seen hereafter, erroneous, but it would have meant that Brigadier MacLellan thought that the battalion was no longer engaged simply in a scoop-up operation, so the limitations imposed by the order no longer applied.

¹ FS7.846-899; FR7.220-245

⁴ W130 serial 407

² W123-124 serials 286 and 294

⁵ Day 265/53-54

³ W129 serials 383-390

20.101 In his written statement for the Widgery Inquiry (dated 7th March 1972), the Brigade Major, Colonel Steele, recorded that on Brigadier MacLellan's instructions he gave the order to 1 PARA to mount the arrest operation over the secure wireless link:¹

"I told them to launch the arrest force to arrest as many hooligans and rioters in the area of the junction William Street/Rossville Street. That they were to launch this operation, with one of their callsigns moving through Barrier 14. That the arrest force was not to conduct a running battle down Rossville Street. I did not say that they were to use only one C/S (ie one coy), but that they were to launch the entire arrest force (using Barrier 14 as one of the routes). Serial 159 in the Bde Log does not therefore quite accurate [sic] reflect the actual orders that I gave."

¹ B1296

20.102 In his oral evidence to the Widgery Inquiry, Colonel Steele agreed that his order was to launch the arrest operation envisaged by the Brigade order, which consisted of three sub-units.¹ He stated that after he had given the order he went into the Operations Room to have it entered on the Brigade log.² On being shown the relevant entry³ and asked to explain the reference to one sub-unit he said, "*This in the log here is a gist of the orders that I gave. I did say in the orders that I gave over the secure means that 1 sub unit was to use barrier 14; thus that is in the log here, but it is only a gist of what I actually said.*" The next question was, "*So one went through barrier 14, the others through barrier 12?*", to which he replied, "*Yes, and another one down Lower Road*".⁴

¹ WT16.65

³ W47 serial 159

² WT16.70

⁴ WT16.65

- 20.103** Later in his oral evidence Colonel Steele was asked again about the order as recorded in the Brigade log, and specifically about why he had not said two sub-units instead of providing for one sub-unit. He replied:¹

“When I gave the orders, I gave the orders for the whole arrest operation to be used and I particularly said one sub-unit to go through barrier 14 and the reason I said that was because I know [sic] that they had wanted a sub-unit to go through barrier 14 before.”

¹ [WT16.71](#)

- 20.104** The next question was, “*When you say one sub-unit there, in fact, you say now you knew at the time that two sub-units were going to be involved?*”. Colonel Steele replied, “*I knew that three were going to be involved*”, adding that he knew that they were going through three different barriers.¹

¹ [WT16.71](#)

- 20.105** Colonel Steele was asked to explain how the order came to be recorded in the form that it was, since it seemed to apply to one sub-unit only. He said, “*That is definitely incorrect in the log, because the orders that I gave to 1 Para. were for the entire scoop-up operation.*”¹

¹ [WT16.77](#)

- 20.106** Lord Widgery later asked him why it was necessary to give Colonel Wilford specific instructions with regard to passing somebody through Barrier 14: “*Why could he not please himself about that?*” Colonel Steele replied, “*He could have done, sir, but in this particular instance I knew he was going to use Bravo 3 through barrier 14 because he had asked earlier to do it.*” He said that upon reflection it was unnecessary to make the point that Colonel Wilford could use Barrier 14, since it was open to Colonel Wilford to do so anyway.¹

¹ [WT16.79-80](#)

- 20.107** Colonel Steele told the Widgery Inquiry that he was quite sure that Support Company was intended to be in the operation as it was mounted and it did not go forward without authority from the Brigade Commander.¹

¹ [WT16.80](#)

- 20.108** In his written evidence to this Inquiry, Colonel Steele said that he did not remember the exact words he used to give the order, which he gave with the Brigadier standing beside him. However, he did remember the two important elements – that 1 PARA should mount the arrest operation straight away and that they were not to conduct a running battle down Rossville Street. He continued:¹

“I must then have walked through to the operations room and repeated the order to the watch-keepers for them to write down in the brigade log. As the order had been given over the secure net, the watch-keepers would not have heard it, but it was important that it was entered in the brigade log. When I repeated the order for the watchkeepers I must have expressed the order in terms which included one sub unit going through Barrier 14, because that was where the main body of hooligans was and I knew from the request at 15.55 hours that 1 PARA had a sub unit ready to deploy through that barrier. My order is recorded in this log but the entry has missed the order for 1 PARA to mount the whole arrest operation. I can only assume that the logkeeper’s note was incomplete, or a mistake was made during the compilation stage of the final Brigade Log. I am absolutely clear that in the discussions between Brigadier MacLellan and myself and in the order I gave to 1 PARA no limitation was placed on the number of companies to be used in the arrest operation. When the arrest operation was ordered I knew it could involve up to three companies entering the Bogside at the same time.”

¹ [B1315.009-010](#)

- 20.109** Colonel Steele suggested in his written evidence to this Inquiry that some “*clarification*” of the point was to be found in the 1 PARA log in the message from the Gin Palace to Colonel Wilford,¹ “*Move 3 now through K14. Also C/S1 No running battles*”:

“This means that call sign 3 (C Company) was to be sent through barrier 14 and call sign 1 (A Company) was also to be sent in. The 1 PARA log does not mention Support Company, but it was always clear to me that they could be used in the arrest operation.”

¹ [W90](#) serial 31

² [B1315.10](#)

- 20.110** In his oral evidence to this Inquiry, Colonel Steele agreed that he had not named C Company or A Company in the order, because he did not then know which company was going through which barrier.¹ He accordingly accepted that the record in the 1 PARA log was not a faithful summary of the gist of his order.² The reason for this is that the 1 PARA log entry was not just a record of the order from Brigade, but was an

amalgamation of this message and subsequent orders given within 1 PARA, the existing draft of which was typed up after the event from contemporaneous notes.³ Our interpretation of this entry is set out below, but it is relevant to note here that we do not accept that it clarifies or supports Colonel Steele's evidence as to the number of sub-units authorised for use in the order to 1 PARA.

¹ [Day 267/108-109](#)

³ [Day 352/157-161](#)

² [Day 267/109](#)

20.111 Colonel Steele insisted in his evidence to this Inquiry that the order that he gave allowed Colonel Wilford to use all three companies if he so wished.¹ In this part of his oral evidence he said that the order did specify that one of the sub-units was to go through Barrier 14, but left it to Colonel Wilford to decide whether and how to deploy either or both of his remaining companies. Colonel Steele himself thought at the time that two companies would probably be used.² In this regard, he accepted that the evidence that he gave to the Widgery Inquiry, that the order was for all three sub-units to deploy, was incorrect.³ It also follows that his evidence to us is inconsistent with his assertion to the Widgery Inquiry that he "*knew*" that the three companies were going to go through three different barriers. Colonel Steele told the present Inquiry that he did not know at the time that Support Company had gone through Barrier 12, "*all I knew is that they had come down through the church*".⁴ We consider in detail below the state of knowledge of the officers at Brigade after the operation had been launched.

¹ [Day 267/92-93](#)

³ [WT16.71](#); [Day 267/111](#)

² [Day 267/107](#)

⁴ [Day 268/177](#)

20.112 Colonel Steele also agreed that it was "*not wholly accurate*" of him to have said to the Widgery Inquiry that the order was to launch the arrest operation which was envisaged by the Brigade order, as that order had envisaged not only arrests in the area of the waste ground at the junction of Rossville Street and William Street but also arrests in the area of Little Diamond, some hundreds of yards to the west of this junction.¹

¹ [Day 267/89-90](#)

20.113 Despite these admissions, Colonel Steele continued to insist that he was absolutely clear in his mind "*that I gave the order for the full arrest operation to take place, which meant three sub-units*".¹ He rejected the suggestion that the operation he had ordered was the one that Colonel Wilford had requested at 1555 hours.² His explanation for mentioning one sub-unit going through Barrier 14 was because he knew there were rioters in that location, and because Colonel Wilford had mentioned the sub-unit in his request and so Colonel Steele knew it was available to go through that barrier.³ He agreed with the

suggestion that if he was right about this, then the log keeper had got the order badly wrong, as he had said to the Widgery Inquiry, even though it was very shortly after giving the order that he went into the Operations Room to ensure that it was recorded.⁴

¹ Day 267/94

³ Day 267/98-100

² Day 267/95-98

⁴ Day 267/100; Day 267/110-111

20.114 Colonel Steele wrote in his statement to this Inquiry that he could not remember the words he used to give the order.¹ However, during his oral evidence he told us that he *“was the one who added in the addition of, ‘one of, the sub-units going through barrier 14’”*² and that *“what I actually said when I went into the operations room and passed the message to the watchkeeper for it to be put into the log, was that at 1607 hours the 1 Para arrest operation had been mounted, with one of their sub-units to go through barrier 14”*.³

¹ B1315.009

³ Day 267/100-101; Day 267/110-111

² Day 267/97-98

20.115 Major INQ 1900 was at the time the Deputy Assistant Adjutant and Quartermaster General of 8th Infantry Brigade. He did not give evidence to the Widgery Inquiry, but he told this Inquiry that he was in the Operations Room and recalled the Brigade Major coming in and instructing Major INQ 1901 (a staff officer) to record in the log that the scoop-up order had been given. Major INQ 1901 then told the assistant watchkeeper to make the appropriate record.¹ Major INQ 1900 was asked about his memory of that event:²

“Q. You say:

‘I do not recall the specific words used when the order was reported to the watchkeeper, but the words were either those which are recorded in the Brigade log at serial 159 or words of a similar meaning. The entry in the Brigade log also sums up my understanding from the OPs order of how the arrest operation was to be carried out.’

Can you tell us, General, please: what is your actual recollection as you sit here today of the gist of that order as you heard it communicated by the Brigade Major to INQ1901?

A. I will turn to my statement and ... the gist was that 1 Para were to carry out the arrest operation; they had previously asked, and I had read this because I had been in the Ops Room reading the log, they had previously asked for a sub-unit, 1 Company, to be allowed to go through barrier 14 and that, I think – and I am really having to search my memory now – had been referred either to the Brigade Major, I even think it might have been referred to Northern Ireland, but I am not sure about that and the entry 159 said something like, ‘The arrest operation would be carried out, 1 Company to go through barrier 14,’ which I assume therefore was responding to the earlier request for it to happen and no infiltration into Rossville Street.”

¹ [Day 241/32-35](#)

² [Day 241/36-37](#)

20.116 Major INQ 1900 was then asked if he had understood the order to be confining 1 PARA to sending in one company only.¹ He replied: “No, because that was not what was within the operational order and certainly would not have been the way that such an operation would have been carried out.” He then said that to read the Brigade log entries as a request only to send one sub-unit through Barrier 14 and an order to that effect, was in military terms “nonsense”, and agreed that this was because “to do an arrest operation or scoop-up operation you want to get round behind the hooligans and if you just go through one barrier, you are not going to get behind them”.² Asked why in that case there was a request only to deploy one sub-unit through Barrier 14, Major INQ 1900 said he could not help “because of course I was not at the scene and I was not part of 1 Para, but I have given you my personal view and I can say no more than that and my personal view is then linked to what I believe actually happened, and I am pretty certain did happen, and that was more than one sub-unit, more than one company of 1 Para carried out the arrest operation, as was intended and envisaged in the operation order”.³

¹ [Day 241/37](#)

³ [Day 241/43](#)

² [Day 241/41-42](#)

20.117 There was then the following exchange with the Chairman:¹

“LORD SAVILLE: I do follow that. So far as this particular log is concerned, I repeat, it appears on its face –

A. I agree.

LORD SAVILLE: – to be a request by 1 Para to send one company through barrier 14 to pick up yobbos in William Street and Little James Street and an order being given to that effect, together with a rider not to conduct a running battle down Rossville Street, which would incidentally make sense in relation to the request, because the request was to pick up yobbos in William Street/Little James Street, in other words you would turn away from Rossville Street in order to carry out that operation.

Of course, if the request at 1555 hours – ‘Would like to employ sub-unit through barrier 14 to pick up yobbos in William Street/Little James Street’ – you do in one sense have an encircling position, do you not, because you have a barrier in Little James Street?

A. Yes.

LORD SAVILLE: As I understand your evidence, it is that words, or similar words to those we see at serial 159 were said, but as a professional soldier you take the view that that cannot upon its face have been the sole order given, because it simply does not make sense in the context of an arrest operation; have I understood you correctly?

A. You have, sir, thank you.”

¹ Day 241/43-44

- 20.118** Major INQ 1900 reiterated that he was not present when Colonel Steele gave his order to 1 PARA; instead, he only heard the Brigade Major subsequently telling the watchkeeper to make a record of what he had said.¹ A little later in his evidence Major INQ 1900 indicated that he did not remember the Brigade Major saying anything to the effect that one sub-unit was to go through Barrier 14, though he did recall him saying “*and they are not to conduct a running battle down Rossville Street*”. He was asked if it was “*nevertheless possible that [the Brigade Major] did make a specific reference to one sub-unit to go through barrier 14 and that you have forgotten it or is your evidence now really that he did not say that?*”. His answer was, “*It is possible for him to have said anything*”.²

¹ Day 241/44-45

² Day 241/44-45

- 20.119** We gained little assistance from the evidence of Major INQ 1900 on whether the order permitted Colonel Wilford to do what he did. Major INQ 1900 accepted that he was giving a personal view linked to what in fact happened. In our opinion he begged the question by assuming that what happened was in accordance with the order given by the Brigadier.

20.120 Major INQ 1901 (the staff officer responsible for the day-to-day running of the Brigade Operations Room) gave written and oral evidence to this Inquiry, but was unable to assist on the point under discussion.¹ He did not recall telling the watchkeeper to record the order in the log, though he agreed that it was perfectly possible that this had happened as it was normal practice.²

¹ C1901.1; Day 261/83-127

² Day 261/93

20.121 On the basis of the record of the orders and radio messages that we have considered above, we consider that not only was the order to carry out the scoop-up operation requested by Colonel Wilford, but also that that order was in the terms set out in the Brigade log. It seems highly unlikely that the watchkeeper would have made an error in recording what was, even without hindsight, the most important order of the day, especially when Colonel Steele went into the Operations Room shortly after giving the order on the secure net, to ensure that it was recorded in the log. We also consider that it is unlikely that those writing up the fair log afterwards would have got it so wrong. Colonel Steele did not suggest that it was he himself who had made a mistake in dictating the order to be recorded in the Brigade log.

Relevant radio communications after the launch of the arrest operation

20.122 The issue of whether Brigadier MacLellan had authorised the use of more than one company for the scoop-up operation, and the related matter of what Brigade knew of the developing situation in the aftermath of the order being given, can also be considered through an examination of the material contained in the radio logs and the Porter tapes in the period directly after Colonel Wilford deployed his soldiers forward. This exercise is conducted below, where the evidence of the relevant witnesses and the submissions made on their behalf are also considered. It is important to note that the following paragraphs do not contain a comprehensive survey of all radio communications at this time, and instead refer only to those that are useful in the present context.

20.123 Colonel Wilford said that he could not remember the order that he gave to his companies, but that it was something like “*hello 3 [C Company], hello 5 [Support Company], go, go, go*”.¹ We have no reason to doubt that the order given by Colonel Wilford was along these lines, though as discussed above we consider that shortly afterwards he also ordered A Company to move through Barrier 11.

¹ B1110.033; Day 313/47

20.124 According to the Porter tapes, at about 1609 hours 1 PARA requested that 22 Lt AD Regt lift Barrier 14, “*where our call sign will be coming through*”. Soon after the latter informed 1 PARA that Barrier 14 was now being lifted.¹ It will be noted that there is no record in the Porter tapes of a similar request made at this time for Barrier 12 to be lifted. Colonel Wilford said he was unable to account for this.² It should be kept in mind that Brigade would have heard the message requesting the opening of Barrier 14.

¹ W128 serials 370 and 371

² Day 313/49-50

20.125 At about 1612 hours there is a record on the Porter tapes and in the Brigade log of a message from Colonel Welsh that, “*the appearance of the pigs and four tonners in Rossville Street has now effectively moved all the crowd out of Chamberlain Street and they are now forming behind the Flats*”.^{1,2} This message informed Brigade that Army vehicles were in Rossville Street but does not indicate where precisely they were or to which company they belonged. The entry was wrongly attributed to 22 Lt AD Regt in the Brigade log.³

¹ W47 serial 162

³ W342; Day 283/18

² W129 serial 381

20.126 Possibly no more than a minute later there was a message from the Gin Palace to Brigade. This does not appear in the Brigade log but the record on the Porter tapes shows that it was sent twice, as it was not initially received or received properly:¹

“Our call sign Bravo 3 has moved south down Strand Road into William Street past barrier 14 and is at the junction Rossville Street/William Street. Our call sign Bravo 59 has moved down south through the church to the area of William Street, directly south of the church.”

¹ W129 serials 383-387

20.127 The reference to “*our call sign Bravo 59*” was a reference to one of the call signs of Support Company. We find it impossible to see how the information in this message could be reconciled with the movement of Support Company in vehicles into Rossville Street. However, it was suggested on behalf of the majority of the represented soldiers that the report was not inaccurate, although it was not comprehensive. This argument is based on the premise that at the time it was sent Support Company was still waiting for Barrier 12 to be lifted; thus the message correctly told Brigade that C Company had moved through Barrier 14, and its reference to Support Company was intended to refer only to the deployment of that company’s Anti-Tank Platoon to Abbey Taxis.¹

¹ FS7.900-902

20.128 The premise of this suggestion is misconceived. As is noted above, the earlier message at 1612 hours from Colonel Welsh noted the presence of “*pigs and four tonners*” on Rossville Street.^{1,2} We have no doubt that these were the vehicles of Support Company, which had, therefore, already moved through Barrier 12 by the time that the Gin Palace reported to Brigade on the movement of C Company and Support Company.

¹ [W47](#) serial 162

² [W129](#) serial 381

20.129 It follows that the message sent by 1 PARA was factually and significantly inaccurate. Most of Support Company had deployed in vehicles through Barrier 12, not the Presbyterian church, and were already in Rossville Street, not in the area of William Street directly to the south of the church. Meanwhile Machine Gun Platoon remained at Abbey Taxis. As we discuss in more detail later in this report,¹ two platoons of C Company had gone along William Street towards the junction with Rossville Street,² but another platoon of that company had gone down Chamberlain Street.

¹ [Chapter 65](#)

² [WT11.41](#)

20.130 The message did, of course, tell Brigade that Support Company had moved, but only the short distance from the Presbyterian church to the area of William Street directly south of the church. It appears from the evidence of Brigadier MacLellan to this Inquiry,¹ which we have referred to above, that he would not have considered such a limited movement to have been a breach of an order to deploy one sub-unit through Barrier 14, as Support Company effectively would have been forming a wall against which the rioters could be pressed during the scoop-up operation being conducted by C Company.

¹ [Day 265/53-58](#)

20.131 It is not clear how Brigade came to be misinformed of the position, particularly with regard to Support Company, and those manning the Gin Palace at the time were not able to provide an explanation.¹ There is nothing to suggest that Brigade was deliberately misinformed. It seems to us that the likely explanation is that the signaller sending the message was not made aware that Colonel Wilford had ultimately decided to go through Barrier 12 rather than the Presbyterian church, and thus assumed that the original plan was being put into operation. Captain INQ 2033, the 1 PARA signaller who was manning the Brigade net, accepted that this was possible.² Colonel Wilford disagreed with this, but was unable to offer any other explanation.³ If this was what occurred, it would to our minds be a further indication that Colonel Wilford had only decided on or announced his change of plan at a very late stage.

¹ [Day 352/164-165](#); [Day 255/125-128](#); [C2006.24](#)

³ [Day 320/23-25](#); [Day 321/99-100](#)

² [Day 352/164-165](#)

20.132 The message is, on any view, evidence of a breakdown of communications within 1 PARA and meant that Brigade was misinformed of the true position. This was a highly unsatisfactory state of affairs, though in view of the speed at which events were unfolding, it seems to us unlikely that an accurate report would have led to a different outcome.

20.133 The Porter tapes record Brigade replying to this message (probably almost straight away, and therefore at approximately 1613 hours) in the following terms: *“Well now, Roger to all that. Ah, during that move to serial 14 did you in fact conduct any sort of scoop-up at all?”*¹ The Gin Palace replied that they would get information.² Brigade continued by saying, *“If you have not conducted any scoop-up then you should withdraw your call sign Bravo 3 back to its original position, ah, for any further operation.”*³ Bravo 3 was the call sign for C Company. The Gin Palace acknowledged, *“Wilco. Wait. Out.”*⁴ *“Wilco”* means that the message has been received and understood and will be acted upon.

¹ W129 serial 388

⁴ W130 serial 391

² W129 serial 389

⁵ Day 267/54

³ W129 serial 390

20.134 The Brigade log records the message from Brigade as *“B3 at aggro corner ordered to return to initial location”*, wrongly attributing it as a message from rather than to 1 PARA.¹ This record does not include the proviso that C Company was only to withdraw if they had not conducted a scoop-up operation, but it does describe what was said as an order. In his evidence to the Widgery Inquiry, Colonel Steele had insisted that the message from Brigade was only a *“suggestion”*.² However, at this Inquiry he agreed that this was not so, and that the communication was a conditional order.³

¹ W47 serial 164; B1296

³ B1296; Day 267/116-119

² WT16.67-68; WT16.71-72

20.135 In our view it is his more recent evidence on this point that is accurate.

- 20.136 Colonel Steele made the following comments on the Brigade log record of this message in his written statement for the Widgery Inquiry:¹

“Serial 164 is also inaccurate. This was a message from me to 1 Para and not from 1 Para to Brigade. The text of the message as nearly as I can remember it was ‘Did you manage to make a scoop up? If not you should consider withdrawing B3 to your original location in case we wish to mount the operation again.’ At about 1620 I checked again with 1 Para about the deployment of B3. I then received a SITREP from them at 1626 which confirmed that there had been a fire fight, and that sub units were secure in the area. I therefore did not follow up the question of the deployment of B3.”

¹ B1296

- 20.137 Colonel Steele was asked during his oral evidence to the Widgery Inquiry why, if it was his view that Support Company had moved forward, he had not given a similar instruction to withdraw that company. Colonel Steele’s reply to this was: “*Well, I knew that Bravo 3 was moving through barrier 14 and it had always been in my mind that it would be they who would conduct the scoop. It had always been in my mind that it would be C Company moving through barrier 14 that would conduct the scoop – thus the question.*”¹ There was then the following exchange:²

“Q. What was the function of Support Company?”

A. The function of Support Company was also to get behind, also to conduct the scoop.

Q. That is why I asked you the question a moment ago. In that case if you are instructing that company that if they had not conducted the scoop they may go back in case they are going to be used again, why is it not equally appropriate to give the same instruction to Support Company?

A. It seems illogical, sir, but I did not.

Q. You are quite sure that you appreciated not only that C Company, but Support and A as well, had gone in?

A. I was quite clear, sir.”

¹ WT16.79

² WT16.79

- 20.138 Colonel Steele said in his oral evidence to us that he used the expression “*Bravo 3*” when he should have said “*Bravo call signs*”.¹ We consider this suggestion further below.

¹ Day 267/119-120

20.139 Timed at 1615 hours, the 1 PARA log contains a record of a message from the Gin Palace to C Company and Support Company asking, *“Have we made any arrests”*. The entry *“Yes a number”* is written in the adjoining *“Action”* column of the log.¹ Since, as we have already observed, timings in the 1 PARA log were generally at five-minute intervals, it would seem that the message was following up Brigade’s inquiry. The information that a number of arrests had been made does not seem to have been passed back by the Gin Palace to Brigade at this time, as there is nothing to that effect on the Porter tapes or in the Brigade log.

¹ W90 serial 32

20.140 This Inquiry has obtained the radio log maintained at HQNI for 30th January 1972. This contains a message from 8th Infantry Brigade timed at 1617 hours, which informed HQNI that *“Crowd at Foxes Corner [Free Derry Corner] went rapidly SW when 1 PARA went in on lift op. No lift. Abortive.”*¹ The first part of this message may well have emanated from similar information radioed by 22 Lt AD Regt to Brigade at about 1614 hours;² the Brigade log wrongly attributes this message to 1 CG,³ but there is nothing either on the Porter tapes or in the Brigade log to indicate that Brigade was expressly informed by anyone involved on the ground that no-one had been lifted and that the operation had been abortive. No-one was able to explain how this information came to be given to HQNI, but in our view it seems likely that the *“Wilco”* in reply to Colonel Steele’s conditional order to withdraw (discussed above) was understood by Brigade as acknowledging that there had been no arrests and that the withdrawal would take place. This explanation is supported by the fact that the Brigade log recorded Colonel Steele’s order in unconditional terms (ie C Company was to withdraw, with no qualification as to whether they had made any arrests)⁴ and also by a later message about instructions to withdraw that we discuss below.⁵

¹ W28 serial 59

⁴ W47 serial 164

² W130 serial 392

⁵ W132 serial 441

³ W47 serial 165

20.141 At 1615 hours, 1 CG sent Brigade the first report of shots in the Rossville Street area: *“Ah, two high velocity shots heard in the area of Free ... er, the Rossville Flats. People are lying on the ground now there.”*^{1,2} It is relevant to note that this message was sent, according to the times given in the Brigade log, approximately two minutes after 1 PARA had reported (inaccurately) its deployment and had been told to withdraw C Company if it had not conducted any scoop-up operation.

¹ W130 serial 394

² W47 serial 166

20.142 At about 1618 hours 22 Lt AD Regt reported to Brigade:^{1,2}

“Sitrep at 16:15 on William Street. Seven pigs of call sign Hotel – wrong, call sign 65, are in the area of Rossville Street in the Rossville Flats. William Street and Rossville Street are clear and relatively quiet. We just had two shots at one of our patrols on the City Walls at 16:14 hours.”

¹ W130 serial 407

² W48 serials 169 and 170

20.143 This was the first indication to Brigade that Army vehicles had deployed as far down Rossville Street as the Rossville Flats, though the message did not indicate the company or companies to which these vehicles belonged or where they had come from.

20.144 About a minute after receiving this information Brigade (perhaps not surprisingly in the light of the information that they had previously been given) asked 1 PARA, “*What is the current deployment of your Bravo 3?*”. 1 PARA initially replied, “*Wait*”,¹ but they then told Brigade, “*Our call sign Bravo 3 ... wait. William Street/Rossville Street. Await confirmation*”.² Again, it is to be noted that the request for information only referred to Bravo 3, ie the company that Brigade had been told had gone through Barrier 14.

¹ W130-131 serials 411 and 412

² W131 serial 413

20.145 At about 1626 hours, the Porter tapes recorded the following exchange of messages between Brigade and 1 PARA:¹

Serial 441 (Brigade to 1 PARA)

“Hello, 65, this is Zero. Ah, you were given instructions some time ago to move Bravo 3 from the area of William Street/Rossville Street back to its original location. Is this now complete? Over.”

Serial 442 (1 PARA to Brigade)

“Ah, 65. We’ve been telling you on the other means, ah the secure means. In fact we have just given you a sitrep as to exactly what we are doing.”

Serial 443 (Brigade to 1 PARA)

“Zero. Roger. Out.”

Serial 444 (1 PARA to Brigade)

“Hello, Zero, this is 65. Sitrep boils down to the fact that the two sub units moved in, ah, got involved in a fire fight, the, ah, shots appearing to have come from the area of Rossville flats. The two sub units have now gone secure in that area. Ah, two civilians are lying wounded or dead, we are not sure yet, in the area of Chamberlain Street. Who shot them we don’t know.”

¹ W132-133 serials 441-444

20.146 The first part of this exchange, which again only mentions Bravo 3, refers to the previous instruction to withdraw without suggesting that it was conditional upon there having been no arrests. As observed above, this seems to support the view that Brigade had probably understood “*Wilco*” as meaning that there had been no arrests and that therefore C Company would withdraw. In his written evidence to this Inquiry, Colonel Steele said that this was another “*poor message – again I should have been referring to all Bravo call signs, rather than just C Company*”.¹

¹ B1315.012

20.147 This exchange is also significant for its reference to the fact that two sub-units had moved in. It could be suggested that as Brigade made no complaint about this they must have known that this was always going to be the case.

20.148 We would not agree that such an interpretation would be valid. The reference to a firefight would, in our view, have correctly diverted the attention of Brigade away from the scoop-up operation.

20.149 We should say at this stage that we reject Colonel Steele’s suggestions that he should have said “*Bravo call signs*” instead of referring exclusively to “*Bravo 3*”.¹ He said he thought he might have been “*under a bit of pressure*” in the Operations Room, but even accepting that he was, we cannot see how such pressure could have led him to refer to only one company. In short, we cannot reconcile his insistence that 1 PARA was authorised to use up to three companies for the scoop-up operation either with the order as recorded in the Brigade log, or with the fact that on three subsequent occasions his radio communications about the arrest operation only referred to the company that had gone through Barrier 14.²

¹ B1315.012; Day 267/120

² W129-132 serials 390, 411 and 441

20.150 The exchange of messages between 1 PARA and Brigade to our minds demonstrates that Brigade thought that the unit conducting the scoop-up was Bravo 3, C Company, and that the operation had proved abortive. On three occasions Brigade requested information or ordered the withdrawal of Bravo 3, but they did not mention Bravo 5 (Support Company) once in this period. 1 PARA's request to 22 Lt AD Regt on the Brigade net was only for Barrier 14 to be moved. Before the first reported shots on Rossville Street, the only indication that Brigade had that another company had also deployed came from the message that incorrectly informed it that Support Company had moved through the Presbyterian church, but only as far as the area of William Street directly to the south. In our view Brigade did not know, and was not informed, either that Support Company was going to drive through Barrier 12 in vehicles and go down Rossville Street as part of the scoop-up operation, or (until long after the event) that this is what had happened.

Conclusions on the first part of the arrest order

20.151 In our view the first part of the order was not couched in terms that permitted the deployment of Support Company down Rossville Street in vehicles as part of the scoop-up operation. On the contrary, we consider that the order, responsive to the request, was sanctioning a scoop-up operation to be conducted by sending one company through Barrier 14 to try and trap rioters in the William Street/Little James Street area. Brigadier MacLellan said in the course of his evidence to us that he would not have regarded it as a breach of his order for Support Company to have come through Barrier 12 so as to provide a wall against which the scoop-up force could trap the rioters.¹ The same would logically follow if Support Company had remained at and eventually come south from the Presbyterian church to William Street, or (as in fact did happen) A Company had come through Barrier 11 to William Street.

¹ [Day 265/57-58](#)

20.152 On the strict wording of the order, however, it could be said with some force that it permitted only the deployment of one company through Barrier 14 and that even the deployment of Support Company and A Company a short distance forward to close off escape routes up William Street would have required the permission of Brigade. Be that as it may, the question raised in this Inquiry is not whether Colonel Wilford required permission to deploy Support Company or A Company in this way, but whether he was entitled without an order to deploy Support Company as he did. We are sure that he was not. In our view there is a world of difference between deploying companies to move

forward a short distance to cut off those fleeing from the authorised scoop-up company, and sending one of the companies as a scoop-up force going well down Rossville Street in vehicles, in addition to the authorised scoop-up company coming through Barrier 14.

20.153 It is convenient at this point to return to the order as recorded in the 1 PARA log, *“Move 3 now through K14. Also C/S 1 No running battles”*.¹ *“Also C/S 1”* is not easily understood. As is noted above, we are of the view that the log entry was an amalgamation of the message from Brigade launching the arrest operation, and various subsequent orders that were given within 1 PARA over the battalion net. The absence of a reference to Support Company (C/S 5) may have resulted from a failure to record Colonel Wilford’s order to this company to move forward. Alternatively a mistake might have been made in referring to *“C/S 1”* instead of the call sign for Support company, although if (as we consider was the case) A Company deployed shortly after C Company and Support Company, then it follows that the log would contain a further error in that the order to A Company was omitted.

¹ W90 serial 31

20.154 Another explanation might be that when the initial order came in from Brigade this was recorded as *“Move 3 now through K14”*, itself a further indication that Colonel Steele referred to only one sub-unit and one barrier. Colonel Wilford’s orders to C Company and Support Company to deploy, which would have been given immediately after he had been informed of Brigade’s decision to launch the arrest operation, might not have been recorded separately. This could have resulted from an assumption by the log keeper that these internal orders were simply responsive to the message from Brigade, and hence they did not need to be written down, as it was inherent in the first entry that such instructions would have followed. However, when A Company was also told to deploy forward a few minutes later this was recorded (as *“Also C/S 1”*), perhaps because this seemed to be a separate development. The qualification to the original order, *“No running battles”*, might have been taken to apply to all three sub-units, and hence was included at the end of the entry when it came to be typed up on the fair copy of the log.

20.155 On balance we consider that the second of these two possible explanations is the more likely to be correct, but without any assistance from those responsible for compiling the log, any conclusion on this matter must remain little more than conjecture.

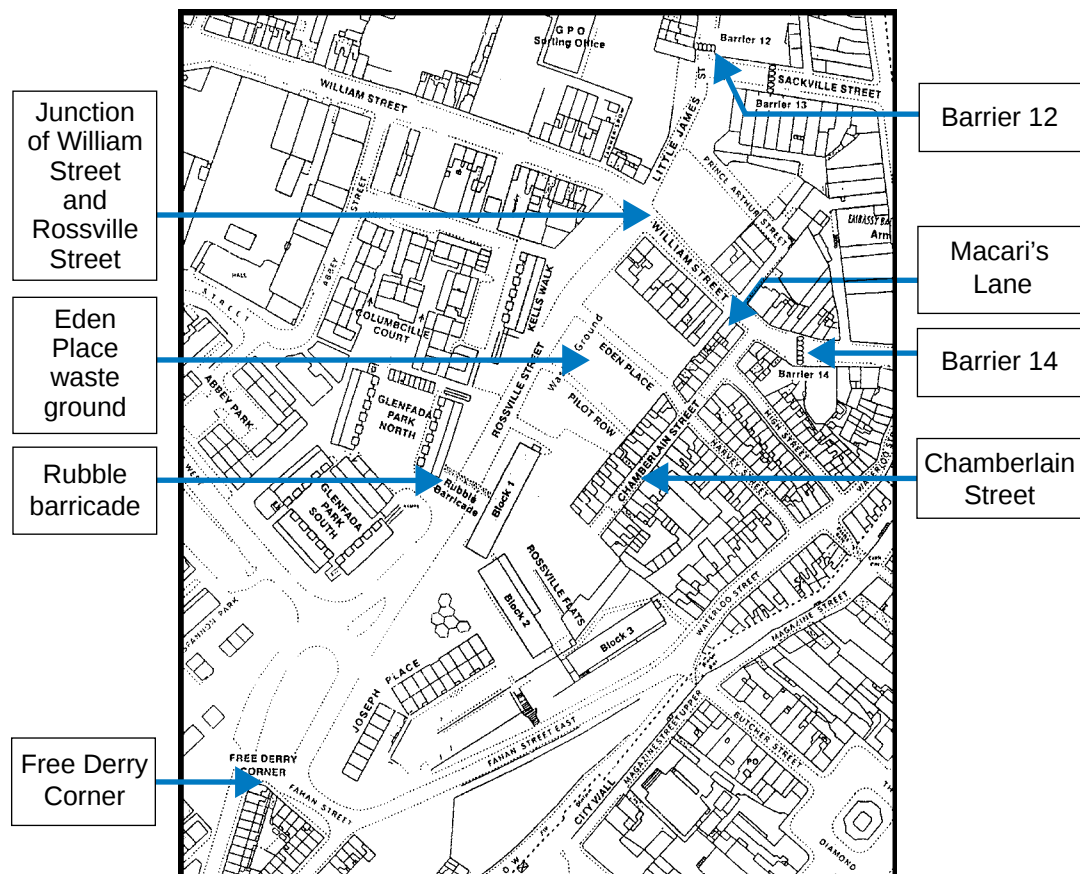
The prohibition on conducting a running battle down Rossville Street

20.156 It is of importance to bear in mind that the prohibition on conducting a running battle down Rossville Street was part and parcel of the Brigade order as a whole and must be read in that context; and indeed in the context of the request that led to the order.

20.157 Our conclusion that the first part of the order did not permit Support Company to deploy as it did is in our view reinforced by the limitation put upon the operation, “*Not to conduct running battle down Rossville St.*”¹

¹ W47 serial 159

20.158 We set out below a map marking the points of particular importance to the matter under consideration.



20.159 Brigadier MacLellan told the Widgery Inquiry that what he meant by this part of his order was that:¹

“... they should not get tied up with the crowd. The situation as I saw it was this: at the junction of William Street and Rossville Street there was a mob of 150 or so rioting. 300 metres or more way past the Rossville Flats there was a large crowd of non-violent people. The scoop up, the arrest, was being launched at the hooligans.”

¹ [WT11.15](#)

20.160 During the course of his oral evidence to the Widgery Inquiry, Brigadier MacLellan was asked:¹

“Q. Did you yourself know that the plan involved or might involve the Parachutists going sufficiently far down into the Bogside as to be at the north end of the Rossville flats?”

¹ [WT11.35](#)

20.161 His answer to this question was:

“A. I knew that they would have to get behind to cut off; I did not know they would go that far.”

20.162 Brigadier MacLellan told this Inquiry that he agreed with the suggestion that his limitation “*did not mean simply: do not go down to Free Derry Corner, which was 2 or 300 yards away, but meant what it said: stay in the area where you contemplated the arrest taking place; do not go haring off down Rossville Street*”.¹ The area contemplated in Colonel Wilford’s request was “*the area William Street/Little James Street*”.²

¹ [Day 262/97-98](#)

² [W127](#) serial 343

20.163 Later in his oral evidence Brigadier MacLellan agreed with the proposition that it appeared that instead of 1 PARA doing what he wanted them to do, which was to conduct a limited operation in the Little James Street/William Street area and not to conduct a running battle down Rossville Street, they instead went in vehicles through Barrier 12, deep into the Bogside, and on one view at least, by doing so started a running battle down Rossville Street, precisely contrary to his instructions.¹

¹ [Day 263/31-32](#); [Day 263/87-88](#); [Day 265/53-54](#)

20.164 In his oral evidence to the Widgery Inquiry, Colonel Steele said that the phrase was “*exactly what the Commander had said to him*” and what he understood by the phrase was that the Brigade Commander did not want the arrest operation to go on down Rossville Street in such a way that they would start a running battle with the main group of demonstrators who were back at Free Derry Corner, but that the instruction would not prevent them from going as far as the Rossville Flats; and he thought that it might be necessary for the soldiers to go that far.¹

¹ [WT16.78](#)

20.165 In his written evidence to the present Inquiry, Colonel Steele said that it was perfectly appropriate for C Company to deploy down Chamberlain Street on the left flank, and for Support Company to move into a position on the Eden Place waste ground as far forward as the northern end of Block 1 of the Rossville Flats:¹

“In this way they could trap the rioters and put the arrestees in their Pigs. This is actually what happened. There was no running battle down Rossville Street involving Paras chasing rioters over the Rubble Barricade towards Free Derry Corner.”

¹ [B1315.011](#)

20.166 In his oral evidence to this Inquiry, Colonel Steele repeated that what Brigadier MacLellan was looking for was separation between the hooligans on the one hand and the marchers at Free Derry Corner on the other.¹ At one stage in his evidence Colonel Steele seemed to accept that the limitation imposed by Brigadier MacLellan was that there would be no hot pursuit of rioters down Rossville Street,² that 1 PARA was not to go, either at all, or any significant distance, down Rossville Street,³ and that there should not be a running battle down Rossville Street towards the rubble barricade opposite the centre of Block 1 of the Rossville Flats, which was a significant way down Rossville Street.⁴ However, elsewhere in his evidence he said that it would have been better had he put a geographical limit on where 1 PARA could go, for example no further than Pilot Row or Eden Place⁵ and that he thought that the limitation as actually expressed did not prohibit 1 PARA from conducting a scoop-up operation over the whole of the waste ground to the north of the Rossville Flats.⁶

¹ [Day 267/64](#); [Day 267/141](#)

² [Day 267/142](#)

³ [Day 267/169-170](#)

⁴ [Day 268/52](#)

⁵ [Day 267/171](#)

⁶ [Day 267/163-164](#); [Day/267/175](#)

20.167 In his oral evidence to the Widgery Inquiry, Colonel Wilford agreed that he had been told that there were to be no running battles down Rossville Street. He told the Widgery Inquiry that he understood this perfectly: *“If you have a running battle and if the enemy resistance becomes very strong, you could run into a great deal of trouble. So we know that we chew off not more than 200 or 250 yards at any one go. This was perfectly understood, and this is what happened.”*¹ Later he said that it meant to him that he was *“not to exploit into a situation where the enemy could take advantage of that exploitation”*.² Asked what he thought would have been a breach of the limitation, Colonel Wilford said that that would have happened if he had allowed his troops to go and exploit a situation of which they had no control, off down to Free Derry Corner and out into the Bogside and beyond, that would have been a running battle: *“A running battle requires the enemy to conduct a series of movements backwards so that you can go after him.”*³ Colonel Steele observed when giving his oral evidence to the present Inquiry that language of this kind sounded *“like a military operation in the field. This is not what we were on about. We were conducting an arrest operation without any firing.”*⁴

¹ WT11.48

³ WT11.66-67

² WT11.66

⁴ Day 267/177

20.168 In his written evidence to this Inquiry, Colonel Wilford said that he did not have to pass on this instruction to his Company Commanders, as they were well aware of how dangerous a running battle could be: *“I would have interpreted those words as a prohibition against chasing rioters wherever they went e.g. down to Free Derry Corner and way beyond that.”*¹

¹ B1110.032

20.169 Colonel Wilford did not pass the *“no running battles”* limitation on to the Company Commander of Support Company (Major Loden)¹ or indeed any instruction on how far they should go.² He said that it was not necessary, as it was almost standard operational procedure for them to operate in an area about 200 yards square.³

¹ B2283.011; B1110.032

³ Day 312/62-63

² Day 312/62

20.170 In the course of his oral evidence Colonel Wilford rejected the suggestion that, in the context of the request to conduct an arrest operation and the order to do so, the limitation under discussion meant that soldiers should not chase rioters down Rossville Street in the direction of Free Derry Corner.¹ He continued to insist that his understanding of the

limitation was that it was a piece of advice that his soldiers should not get sucked into a dangerous situation.² He also rejected the suggestion that in the context of the order, “*no running battles*” meant no running arrest operation down Rossville Street.³

¹ Day 313/33-34

³ Day 315/65-67

² Day 313/35-36; Day 315/67-68

20.171 In the context of the request to mount an arrest operation and the order to do so, it is in our view plain that Colonel Wilford was being given permission to launch a scoop-up operation by sending one company through Barrier 14 in an attempt to arrest rioters in the area he had specified, namely William Street/Little James Street, but was being enjoined from chasing rioters south down Rossville Street. To our minds the prohibition was clear, and we therefore reject the meaning suggested by Colonel Steele and his comment that this part of the order could have been better expressed, as well as the meaning Colonel Wilford ascribed to the words in question.

20.172 In view of the way Support Company deployed down Rossville Street, which we discuss in detail elsewhere in this report,¹ it also seems to us to be plain that there was a breach of this part of the order. Colonel Wilford did not pass it on to Support Company. The reason he gave for not doing so demonstrates to our minds that he had misunderstood the prohibition, treating the matter, as Colonel Steele observed,² as a military operation in the field, rather than an arrest operation. Had he appreciated, as in our view he should have done, that he was being told not to chase rioters down Rossville Street in carrying out the arrest operation, rather than simply being advised not to get dangerously “*sucked in*”, he should have realised that he could not, consistently with this part of the order, send a second scoop-up force in vehicles through Barrier 12, since by the time of the order there was no prospect of such a force being able to effect a scoop-up without chasing rioters down Rossville Street. As Colonel Wilford said to us, at the time of his request he had in mind the quick use of snatch squads to arrest people close at hand (ie in the immediate area of Barriers 12 and 14) but the opportunity to do so was slipping away as time went by.³ By the time the order finally came, he thought that the situation had changed and that he would have to deploy Support Company in vehicles through Barrier 12 and into the Bogside as an additional scoop-up company if he was to have any chance of effecting arrests.⁴

¹ Chapters 24 and 69

³ Day 315/84-85

² Day 267/177

⁴ Day 314/23; Day 314/28; Day 314/34; Day 314/56-59

- 20.173** This misunderstanding does not of course explain how, in the face of the order to deploy one company through Barrier 14, Colonel Wilford also deployed another company through Barrier 12. Colonel Wilford insisted throughout his evidence that the order permitted him to do this, but in our view he realised or should have realised that it did not. If it was the former, it may be that he felt that since it was essential in the circumstances to deploy in vehicles a second scoop-up company, and to do so without the further delay that would result from explaining to Brigade why and seeking permission, he should mount the operation, and seek to persuade Brigade later that this was the right course to take. It is equally possible that in the heat of the moment Colonel Wilford simply failed to realise that the order did not give him *carte blanche*, but limited his scoop-up operation to one company through Barrier 14. Whichever it was, on the basis of our analysis of the evidence, Colonel Wilford failed to comply with the Brigade order, firstly by deploying a second company through Barrier 12 as part of the scoop-up operation and secondly by failing to ensure that his soldiers did not chase rioters down Rossville Street.
- 20.174** It follows from the basis of this analysis that in our view much of the evidence on this topic given to the Widgery Inquiry by Brigadier MacLellan, Colonel Steele and Colonel Wilford was inaccurate and misleading.
- 20.175** We are not persuaded that Brigadier MacLellan deliberately gave misleading evidence to the Widgery Inquiry, though it does seem to us that he was less than careful in giving some of his answers. He was not taken through the detail of the logs and other material, as he was when he gave evidence to us. He seems to have been labouring under the false impression that the reason why 1 PARA had gone a substantial distance into the Bogside was because they had been fired on. It seems to us that at the time of the Widgery Inquiry Brigadier MacLellan had somehow convinced himself that there had been no breach of his orders to 1 PARA.¹ It should be noted that Colonel Steele was responsible for preparing the first draft of Brigadier MacLellan's written statement for the Widgery Inquiry.²
- ¹ Day 265/48-49
- ² B1279.014-022; Day 266/47
- 20.176** Colonel Steele denied to us that he had given inaccurate evidence to the Widgery Inquiry and insisted that he had told that Inquiry "*entirely the truth*". He further denied that he had realised at the time that his evidence was inaccurate.¹ We have found it impossible to accept the first of these denials and his insistence that he told the Widgery Inquiry the entire truth. As to the second, it is possible that Colonel Steele, like Brigadier MacLellan,

had somehow come to believe in what he had said to the Widgery Inquiry, but though this may well be the case by the time Colonel Steele came to give evidence to us, we find it difficult to accept that it could have been the case only a few weeks after Bloody Sunday.

¹ [Day 268/185-186](#)

20.177 So far as Colonel Wilford is concerned, we have no means of telling whether he deliberately gave misleading evidence to the Widgery Inquiry or believed throughout that the order allowed him to deploy Support Company as he did. Colonel Wilford told us that he was anxious to mount the arrest operation and that the delay in Brigade giving an order after he had made his request led him to believe that the best opportunity to make arrests was slipping away. He described the order from Brigade as “*long delayed*” and thought that his deployment should have taken place some ten minutes earlier. In his anxiety to conduct an effective scoop-up operation, in what he appears to us to have considered was unwarranted delay by Brigade in giving an order, and in his realisation that the situation had changed and that it had become necessary to deploy a second scoop-up company in vehicles without delay if he was going to make significant arrests, he either chose to ignore the order in the belief that Brigade would afterwards sanction what he had done, or failed to realise (as in our view he should have done) that the order only allowed him to do what he had previously asked to do; and expressly prohibited him from chasing rioters south down Rossville Street.¹

¹ [B1110.031-032](#); [Day 314/23](#); [Day 315/16](#); [Day 315/84-88](#)

The appropriateness of Brigadier MacLellan’s arrest order

20.178 Three further questions arise in relation to the order given by Brigadier MacLellan for “*1 sub unit of 1 PARA to do scoop up OP through barrier 14. Not to conduct running battle down Rossville St.*”.¹ These are:

1. whether it was appropriate to give the order in the light of the situation on the ground, as understood by the Brigade Commander and his Brigade Major, particularly concerning the separation between rioters and others;
2. whether that understanding accurately reflected what the situation in fact was on the ground; and

3. whether in the circumstances, apart from the question of separation, the situation on the ground was such that no proper purpose was or was likely to be served by ordering an arrest or scoop-up operation at all.

¹ [W47](#) serial 159

20.179 We now turn to consider these questions.

20.180 Brigadier MacLellan was criticised at this Inquiry for launching the scoop-up operation at a stage when there was no or insufficient separation between the civil rights marchers and those rioting.¹ It was also submitted that his evidence that he regarded such separation as a vital precondition to any scoop-up operation should be rejected.²

¹ [FS1.906-918](#); [FS4.123-124](#)

² [FS1.818-835](#)

20.181 In our view many of these submissions failed to distinguish between the order that Brigadier MacLellan gave, ie for an operation using one company through Barrier 14 with a prohibition on conducting a running battle down Rossville Street; and the operation as it was in fact conducted on the ground.

20.182 As we have already indicated, we are satisfied that on the day Brigadier MacLellan was anxious to ensure that the civil rights marchers and the rioters were sufficiently separated before ordering any form of arrest operation. Apart from his own evidence and that of Chief Superintendent Lagan and Colonel Steele¹ there is no other explanation for his waiting for some 12 minutes after Colonel Wilford's request before giving the order.

¹ [G128.849-50](#); [B1234](#); [JL1.43](#); [Day 267/18-19](#); [B1315.008](#)

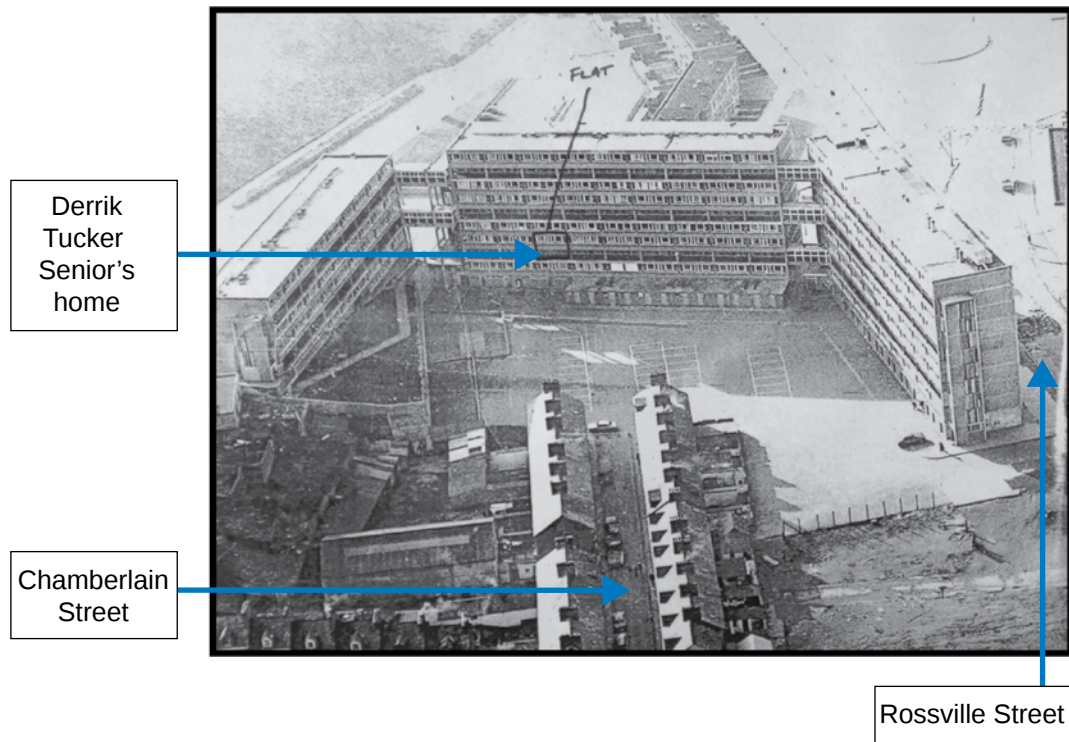
20.183 There is no doubt that Brigadier MacLellan was correct in not acceding to Colonel Wilford's request when it was made at about 1555 hours. As noted above, at about 1554 hours Colonel Welsh had reported from the helicopter that the crowd was stretching between Aggro Corner and about 100 yards past the Rossville Flats.^{1,2} Thus even deploying one company through Barrier 14 "*round the back*" to scoop up rioters in the area of William Street/Little James Street at that time would inevitably have involved the soldiers coming into close contact with many of the civil rights marchers.

¹ [W126](#) serial 338

² [W46](#) serial 146

20.184 The position of the crowd in Rossville Street is shown in a series of photographs taken by Derrik Tucker Senior from his home in Block 2 of the Rossville Flats. Derrik Tucker Senior's son, Derrik Tucker Junior, gave evidence to this Inquiry and marked on a photograph, reproduced below, the location of the family home.¹

¹ [AT15.12](#)



20.185 These photographs were examined by Dr Steven Bell of HM Nautical Almanac Office, and we accept his report on the probable timing and sequence of them.¹

¹ [E26.4](#)

20.186 The first of these photographs shows a large crowd in Rossville Street and in the waste ground to the north of the Rossville Flats at about 1546 hours plus or minus five minutes.



20.187 The following photographs were taken over the next seven or eight minutes, very probably in the order shown below.







20.188 Although we cannot be certain that the later photographs depict the situation at precisely 1555 hours (when Colonel Wilford made his request) they do corroborate the position as reported by Colonel Welsh at about this time and reinforce our view that there was then insufficient separation to order the operation.

20.189 We have already recorded that at about 1559 hours Colonel Welsh reported that the “General crowd movement now is down into the Lecky Road from the area of the Flats. It seems as though a lot of people feel they’ve made their protest and are now returning back to their homes”.¹ As acknowledged by Brigadier MacLellan, this did not indicate what the situation was between the Rossville Flats and Aggro Corner,² though Colonel Steele said that this message painted a picture for him that “the march was over and that people had moved away from beyond the Flats”.³

¹ [W127](#) serial 348

³ [Day 268/174-176](#)

² [Day 362/50](#)

20.190 At about 1603–1604 hours 22 Lt AD Regt reported to Brigade:¹

“Hello Zero, this is 90A. There is now a crowd of about 500 on Fox’s Corner being addressed from a loudspeaker van. These appear to be normal civil rights people. There’s still a crowd of about 150 hooligans at junction Rossville Street/William Street. Over.”

¹ W128 serial 365

20.191 This was recorded as two messages in the Brigade log. The first was “500 at Foxes Corner [*Free Derry Corner*] being addressed from van” and the second “150 hooligans at Aggro corner”.¹

¹ W47 serials 155 and 156

20.192 In his written statement for the Widgery Inquiry, Brigadier MacLellan recorded that at 1604 hours the number of hooligans at the junction William Street/Rossville Street was reported as 150: “*I was now told that the separation of the hooligans was now complete – 150 were in William Street, while the Northern Ireland Civil Rights Association meeting was 300 metres away at Foxes Corner.*”¹

¹ B1234

20.193 In his oral evidence to the Widgery Inquiry, Brigadier MacLellan said:¹

“There was one other message to [the] helicopters. At about 16.04 we got through to Colonel Welsh – I do not know if it is [in] the log – for I asked for confirmation and was told that the tail of the marching crowd had passed the Rossville Flats. I remember that.

Q. It is not in the log.

A. Certainly it happened.

Q. You remember that?

A. Yes.

Q. The tail of the crowd had passed the Rossville flats.

A. Yes ... I confirmed with Colonel Welsh the separation was complete, as I have just mentioned. Then I decided an arrest operation was necessary.”

¹ WT11.14

20.194 Colonel Welsh told the Widgery Inquiry that he “*reported when the tail of the crowd had passed the north end of [the] Rossville Flats*”, and that there was a gap separating the crowd between the Rossville Flats and Aggro Corner.¹

1 B1334; WT10.55-56

20.195 As was pointed out to Colonel Welsh at this Inquiry, there is no record in any log or on the Porter tapes of any such reports.¹ In his oral evidence to this Inquiry, Colonel Welsh accepted that on the basis of the absence of any record, he had not reported that the crowd had passed the northern end of the Rossville Flats or that there was a gap between the Rossville Flats and Aggro Corner and he agreed that at no stage had he reported in terms that there was now separation between marchers and rioters.²

1 W124-131

2 Day 282/44-52; Day 283/14-16

20.196 In our view it is clear that the oral evidence Brigadier MacLellan gave to the Widgery Inquiry about reports from the helicopter was wrong, as was the written and oral evidence of Colonel Steele, since even if such reports had not been recorded in the Brigade log (itself unlikely) they would have appeared on the Porter tapes. Furthermore, it should be noted that in his written statement dated 31st January 1972,¹ Brigadier MacLellan recorded that “*At 1607 hrs when it was confirmed by the troops on the ground that the hooligans in William St had become isolated from the NICRA Marchers, who were moving and slowly dispersing 300 metres away down Rossville St, I gave orders that the preplanned hooligan Arrest Operation should be launched*”. Neither this written statement nor his written statement for the Widgery Inquiry² refers to obtaining information from the helicopter.

1 B1222

2 B1234

20.197 Colonel Welsh was unable to explain how he had come to give different evidence to the Widgery Inquiry. He said he could not remember, but that he must have believed at the time that he had sent such reports.¹

¹ Day 282/49-52; Day 283/48-49

20.198 Brigadier MacLellan told us that in 1972 he was firmly of the impression that there had been a message from Colonel Welsh in the helicopter at about 1604 hours and that *“the check had been made finally with the helicopter about separation”*.¹ He also said that 30 years later he still had *“the impression that I asked the brigade major if separation was complete and was assured it was”*.² Though the former impression is wrong, as appears hereafter the latter is almost certainly right. As the Brigade Major pointed out, Brigadier MacLellan had the same information as he had, as both could hear communications on

the Brigade net,³ but it was in our view prudent for the Brigadier to seek his senior staff officer's assessment of the position rather than simply relying on his own. In his oral evidence to this Inquiry, Brigadier MacLellan said that he worked on a combination of what he had heard on the Ulsternet and what Colonel Steele was telling him.⁴

¹ [Day 262/68-69](#)

³ [Day 267/66-68](#)

² [Day 262/71](#)

⁴ [Day 262/57](#)

20.199 In his written statement to this Inquiry, Colonel Steele told us that he remembered going into Brigadier MacLellan's office at about 1604 hours and giving him a situation report:¹

"... I expect that report included the message from Lieutenant Colonel Welsh as to separation [ie Serial 348²] and also the information we had about the levels of violence, the location of the hooligans and the numbers meeting at Foxes Corner...

46. When I went back to Brigadier MacLellan's office, we knew that the end of the march had passed beyond the Rossville Flats towards Free Derry Corner, that a number of people were going home and that rioting was still going on in the William Street/Chamberlain Street/Rossville Street area. I remember that Brigadier MacLellan asked me specifically to confirm that Lieutenant Colonel Welsh was clear that separation had taken place. I gave Brigadier MacLellan that confirmation while standing in this office and I repeated what Lieutenant Colonel Welsh had reported at 15.59 [ie Serial 348]. I left Brigadier MacLellan and went back to my office."

¹ [B1315.009](#)

² [W127](#) serial 348

20.200 We do not believe that Brigadier MacLellan deliberately gave false evidence to the Widgery Inquiry about receiving confirmation of separation from the helicopter. In our view it is more likely that he had confused the message from the helicopter at 1559 hours¹ with the message from 22 Lt AD Regt² a few minutes later, and had accepted Colonel Steele's advice that the information that they had received confirmed that there was the desired separation between rioters and marchers. It is clear from the oral

evidence of Colonel Steele to this Inquiry that he was relying on the Brigade net messages set out above to give that advice³ and that he was particularly influenced by the message from Colonel Welsh at 1559 hours⁴ when advising Brigadier MacLellan:⁵

“Q. Did you not think it important to find out whether there were still people in the area between Aggro Corner and Free Derry Corner?”

A. I was using, in the advice that I was giving to the Brigade Commander, I was using the message from the helicopter at a minute to 4 in which he was saying that people were drifting away home, the march was over and people were drifting away home and we had the earlier report about going down the Lecky Road. So I felt confident that I could advise the Brigade Commander that he had the separation between the marchers and the hooligans that he was seeking. Now, it was never, it was never in my mind that in between those two, Rossville Street would be empty because Rossville Street, of course, was a main thoroughfare within the Bogside and people would be moving up and down it.

So it would not have been a perfect situation whereby we had 150 hooligans at one end and 500 marchers at the other. Nevertheless it was my assessment and my advice to the Brigade Commander that he had the separation that he required between the marchers and the hooligans if he wanted to mount the operation.

Now, I did not use it in those terms. All I was saying was, explaining to him what the situation report was; it was up to the Brigade Commander to make the decision as to whether or not he should use that information to mount an arrest operation.”

¹ [W127](#) serial 348

⁴ [W127](#) serial 348

² [W128](#) serial 365

⁵ [Day 267/71](#)

³ [Day 267/68](#)

20.201

Brigadier MacLellan did not immediately give an order. Colonel Steele recalled that he went into the Brigadier's office soon after receiving the report from 22 Lt AD Regt at about 1604 hours,¹ gave his assessment and then left the Brigadier's office without Brigadier MacLellan having expressed a view on separation or the advice he had given. Colonel Steele told us that after a minute or so Brigadier MacLellan walked into his office and said that it was time to launch the arrest operation; and stood by him as he gave the order to 1 PARA over the secure net. According to the Brigade log he gave the order at 1607 hours.² We have no reason to doubt this sequence of events.

¹ [W128](#) serial 365

² [Day 267/83-84](#)

- 20.202** As we have said, the scoop-up operation ordered by Brigadier MacLellan was in our view as set out in the Brigade log: “*Orders given to 1 PARA at 1607 hrs for 1 sub unit of 1 PARA to do scoop up OP through barrier 14. Not to conduct running battle down Rossville St.*”¹
- ¹ [W47](#) serial 159
- 20.203** This order, had it been obeyed, would have limited C Company to endeavouring to trap rioters in the area indicated by Colonel Wilford in his request, namely the William Street/ Little James Street area, and precluded the soldiers from chasing rioters (or anyone else) south down Rossville Street. In our view, based on the information that Brigadier MacLellan had and the assessment made by his Brigade Major, the situation as understood by Brigade at the time the order was given was such that Brigadier MacLellan could reasonably have concluded (as in our view he did) that a limited operation of this kind would not have involved, to any or any significant extent, a clash between the civil rights marchers and the company conducting the scoop-up.
- 20.204** Colonel Steele could not explain why he had not asked Colonel Welsh for a further report before advising Brigadier MacLellan that there was sufficient separation.¹ However, if, as we consider was the case, the order being contemplated was for the limited one company operation requested by Colonel Wilford, then in our view a further report was not necessary. It is only if, contrary to our view, the order being contemplated was to send soldiers down Rossville Street that such a report would have been vital. Colonel Steele’s inability to explain why he had not sought a further report appears to us to arise from the fact that he was, in our view wrongly, asserting that the order being contemplated did allow soldiers to go down Rossville Street.
- ¹ [Day 268/26](#)
- 20.205** At this point we should note that both General Ford and Brigadier MacLellan had independently told the journalist Desmond Hamill in the early 1980s that after Colonel Wilford had made his request to mount a scoop operation, General Ford had sent a message to Brigadier MacLellan on the secure radio link suggesting it was time to send the scoop-up force in or asking why it had not been sent in.¹ However, these in our view were false memories. General Ford did not have access to a secure radio link and it now seems clear that no such message was sent by the secure means or otherwise.² General Ford had been at or close to Barrier 14 between about 1540 and 1610 hours.³ We describe elsewhere in this report⁴ what he did there, but in our view during the afternoon

he played no part in deciding when any arrest operation should be launched or what form it should take. Since these were matters for the Brigadier and not the General, we consider that this was the correct thing for General Ford to do.

¹ B1208.003.017; B1279.003.006

³ B1124-6

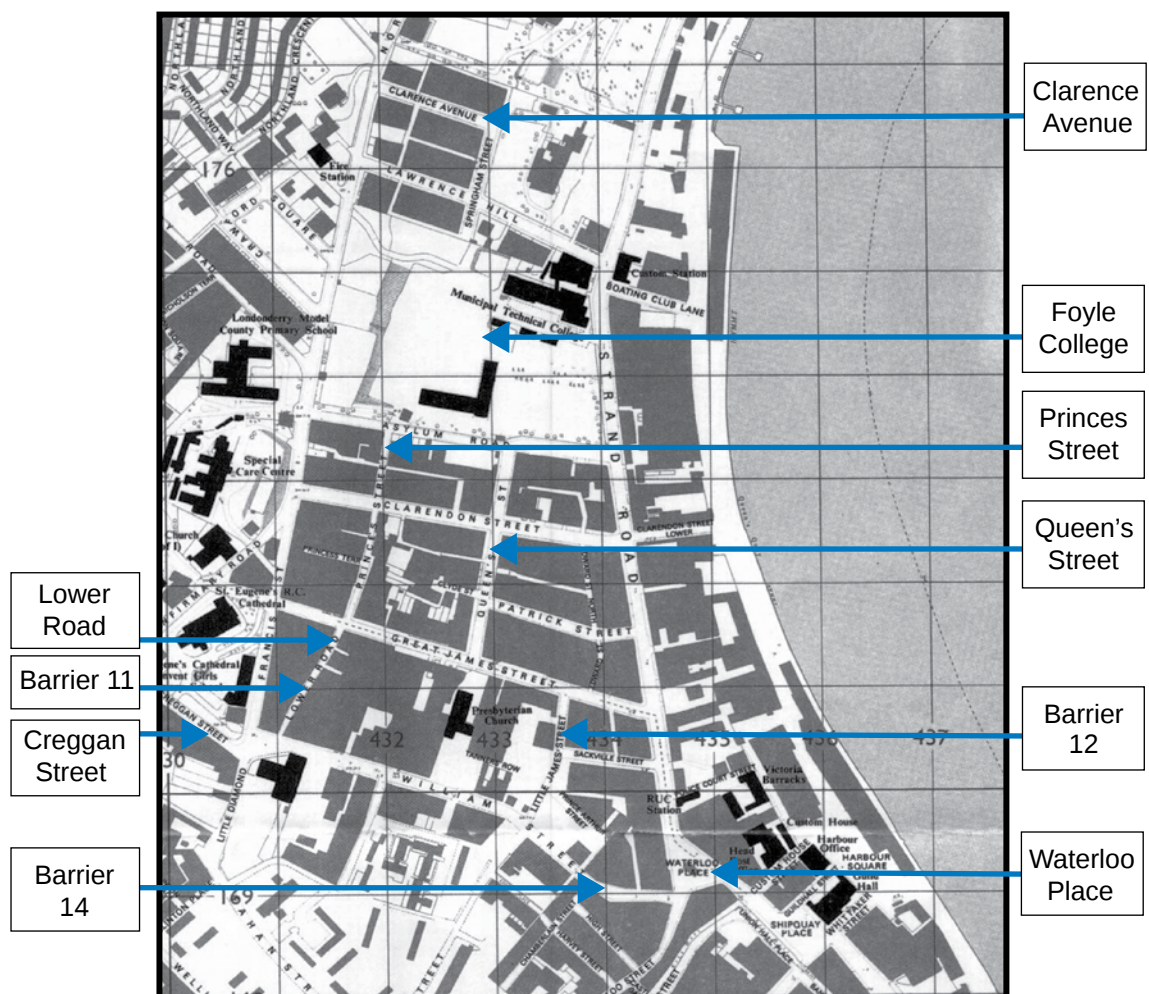
² Day 255/30; Day 267/58

⁴ Paragraph 20.230; Chapter 169

20.206 We now turn to consider the situation on the ground. At this stage it is convenient to give details of the dispositions and orders within 1 PARA in the period leading up to and immediately after the order from Brigade to 1 PARA and the orders given by Colonel Wilford to his soldiers.

1 PARA dispositions and orders

20.207 The following map indicates the principal points relating to the dispositions and orders.



A Company

20.208 As we have noted above, it is probable that soon after Colonel Wilford ordered C Company and Support Company to deploy he ordered A Company to move forward from Barrier 11 into Lower Road and then to turn left into William Street “*to assist Sp Coy in their task of arresting rioters at the William St/Rossville St junction*”. This quotation comes from the Diary of Operations¹ of the Commander of A Company (Major INQ 10) who also recorded that from 1612–1715 hours he had gone “*firm in the posn [sic] William St/Creggan St junction and 100 m East*”. This company made five arrests at a later stage (to which we refer later in this report²) but was not involved in the shooting. It is therefore unnecessary to go into any greater detail on the movements and activities of A Company at and immediately after Colonel Wilford gave his order.

¹ B1341

² Chapter 158

C Company

20.209 According to the Diary of Operations prepared by Major 221A (the Commander of C Company) and dated 31st January 1972,¹ at 1516 hours C Company had received orders to move from its Forming Up Position (FUP) in the Foyle College car park to an Assault Position in Princes Street behind A Company. Then at 1530 hours this company was “*ordered to be prepared to move through barrier 14 on left flank of Sp Coy*”. The Diary of Operations records that at 1545 hours C Company was concentrated at Waterloo Place, with two platoons prepared for an assault on foot and one platoon to remain mounted. The next entry is timed 1610 hours, “*Ordered to asslt rioters in East end of William St*”. This Diary does not record that C Company received any other orders between 1530 and 1610 hours.

¹ B2166

20.210 In his first written statement, which was provided for the Widgery Inquiry,¹ Colonel Wilford recorded that at about the time of the Presbyterian church shot (discussed earlier in this report²), ie at or about 1555 hours, he warned Support Company to be ready to put two platoons through Barrier 12 “*and C Company to prepare to move through Barrier 14*”, having previously, at about 1535 hours, warned for forward deployment A Company to Princes Street, Support Company to Queen’s Street and C Company to Waterloo Place.³

¹ B949

³ B948

² Chapter 19

20.211 In our view Colonel Wilford's recollection of events, at least so far as C Company is concerned, is not correct. The order for forward deployment (ie to move from Forming Up Positions to Assault Positions) is recorded as being given at 1516 hours not only in Major 221A's Diary of Operations but also in the Diary of Operations of A Company and Support Company.¹ The same time for this is given in the 1 PARA log² though there the order is recorded as requiring the move "*in 15 mins*". Both the 1 PARA log and Major 221A's Diary of Operations record this order as requiring C Company to move to Princes Street, not to Waterloo Place. According to Major 221A C Company had received a Warning Order to be prepared to go through Barrier 14 at 1530 hours, ie some 15 minutes after the company was ordered to move forward from the Foyle College car to Princes Street and some 30 minutes earlier than Colonel Wilford recalled that he had given this Warning Order. There would seem to be no good reason for Colonel Wilford to repeat the Warning Order to C Company.

¹ B2166; B1341; B2212

² W90 serial 23

20.212 For these reasons it seems to us that the true sequence of events was that at about 1516 hours C Company was told that it was to move from the Foyle College car park to Princes Street. At about 1530 hours Major 221A was given a Warning Order to be prepared to move through Barrier 14 on the left flank of Support Company. As a result C Company moved from Princes Street to Waterloo Place, where they were in position at about 1545 hours.

20.213 The next order to C Company came at the launch of the arrest operation. The actual wording was, as Colonel Wilford said, probably a brief instruction along the lines of "*Hello ... 3, go, go, go*"¹ and in view of the Warning Order was correctly understood as an order to move through Barrier 14. At about the same time the Gin Palace made the request of 22 Lt AD Regt to lift Barrier 14 "*where our call sign will be coming through*".² Major INQ 2079 (in charge of this barrier) told us that this message was received by his second in command from 22 Lt AD Regt and passed to him.³

¹ B1110.033; Day 313/47

³ Day 300/104-105

² W128 serial 370

20.214 Major 221A (the Commander of C Company) gave written¹ and oral evidence to this Inquiry, though it became apparent during the latter that he had little independent recollection of events.² However, he did say that he recalled that so far as he was concerned, the arrest operation he prepared for was to confront the rioters, disperse them by making them run away and catch as many as they could; and was not an operation to

encircle the rioters, draw them back to the barriers and arrest them in that way.³ It seems therefore that the Commander of C Company was not made aware of Colonel Wilford's ideas about getting behind and trapping the rioters in a pincer movement.

¹ B2168.001

³ Day 294/182-183

² Day 294/96-225

20.215 In his written evidence to this Inquiry, Major 221A stated that at the time he received the order to deploy he had arranged his men in vehicles, ready to move through Barrier 14. However, he became aware of a delay at the barrier, and approached the officer in command of the troops manning the position. Major 221A recalled that this officer was reluctant to move the barricade as he thought that this would expose his men to rioting. As a result, Major 221A told us he decided to deploy at least the first part of C Company on foot.¹

¹ B2168.003

20.216 During his oral evidence to this Inquiry, Major 221A was shown his 1972 Diary of Operations,¹ in which he had recorded that by 1545 hours two of his platoons were prepared for an assault on foot while one remained mounted. Major 221A stressed that he was unsure in his recollection of the events in question, but thought that it was possible that the altercation with the officer at the barrier described above had in fact occurred earlier in the day, before 1545 hours.²

¹ B2166

² Day 294/150-151; Day 294/189-194

20.217 Barrier 14 was manned by A Company of 2 RGJ. As we have already observed, this company was under the command of 22 Lt AD Regt. The Officer Commanding A Company, Major INQ 2079, told this Inquiry that he had no recollection of any such conversation at any stage, and believed that had he been asked to open the barrier at the time when the Paras wanted to go through, he would not have objected that this would expose his men as by that time the rioting was less heavy than earlier.¹

¹ Day 300/107-108

20.218 On the basis of this evidence, it seems to us that even if Major 221A had originally contemplated using vehicles, by 1545 hours at the latest he had decided to send at least most of his soldiers in on foot.

20.219 As we have described earlier, soldiers had deployed the water cannon at Barrier 14 for the second time at about 1605 hours, which had had the effect of temporarily driving back the rioters, many of whom took shelter in Chamberlain Street.

20.220 At about 1609 hours, some two minutes after the Brigade order had been given, 22 Lt AD Regt reported to Brigade, *“People at the moment are advancing on the House Martin – wrong, on serial 14, using a corrugated iron shield. Have you any idea yet what time it was 65 [1 PARA] was going in?”*¹ Brigade acknowledged the first part of this message and as to the second told 22 Lt AD Regt to *“leave that for the moment”*.² The journalist David Phillips, who was behind Barrier 14, told the Widgery Inquiry that the corrugated iron shield was used after the second use of the water cannon.³

¹ [W128](#) serial 367

³ [WT2.13](#)

² [W128](#) serial 368

20.221 The group of rioters advancing on Barrier 14 behind a corrugated iron shield is shown in the following photographs taken by the French photojournalist Gilles Peress, though it is not clear whether this depicts the scene after the second use of the water cannon.¹

¹ [M65.1.1](#); [M65.20](#); [Day 212/183-190](#)





20.222 At about this time, Colonel Welsh reported, among other things, that “*The crowd as I see it now is about 70 in Chamberlain Street*”.¹ There is a photograph showing something like this number at the corner where Chamberlain Street runs into William Street, though again we do not know for sure exactly when it was taken.

¹ [W128](#) serial 375



20.223 The position immediately before C Company started to approach Barrier 14 and could be seen from the other side is not entirely clear, with some witnesses recalling a resumption of serious rioting involving many dozens after the second use of the water cannon, while others thought that the rioting was dying down. These witnesses included Sergeant INQ 1832,¹ William Anderson,² Patrick Long,³ Willie Healey,⁴ Noel Doherty,⁵ William Hunter⁶ and Major INQ 2079.⁷ Our assessment of the situation is that there was a resumption of rioting, including the use of corrugated iron as a shield, that probably there were some dozens involved or watching, but that the rioting was not nearly as serious as it had been earlier.

¹ [Day 276/26-28](#)

⁵ [Day 82/6-8; AD91.3](#)

² [Day 408/13-14](#)

⁶ [M44.1](#)

³ [Day 68/99; Day 68/120-121](#)

⁷ [Day 300/107-108](#)

⁴ [Day 78/90-91](#)

20.224 As we have already noted, at about 1609 hours 1 PARA radioed 22 Lt AD Regt “*Can you lift barrier 14, where our call sign will be coming through?*”.^{1,2}

¹ [W128](#) serial 370

² [W96](#) serial 56

20.225 Although Major 221A’s Diary of Operations refers to one platoon remaining mounted when his company reached Waterloo Place, it seems that in the event the majority of soldiers from all three platoons moved on foot to Barrier 14.¹

¹ [WT11.41](#)

20.226 The first to arrive was 7 Platoon, who got there before the 2 RGJ soldiers had managed to open the barrier.¹ This led some of the C Company soldiers to climb over the barrier knife rests in order to deploy more quickly.

¹ [B1366.3; B1545.2; C488.2](#)





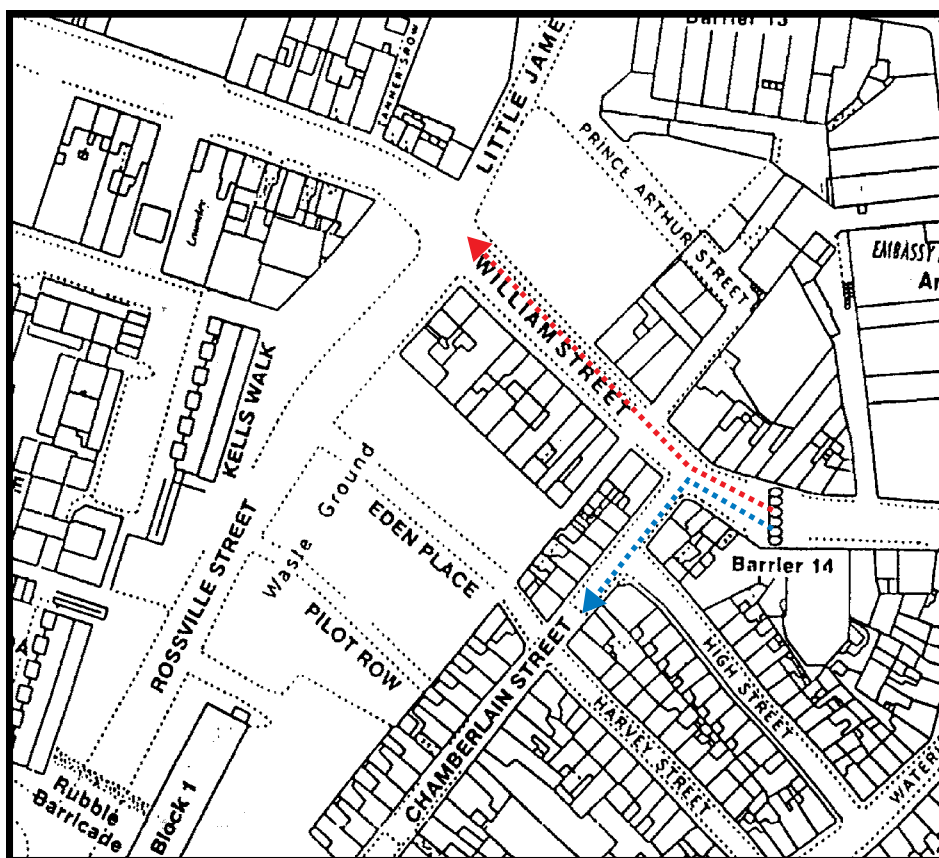
20.227 The moment C Company was seen approaching Barrier 14 the situation rapidly changed, with the rioters fleeing from the immediate area of the barrier. At the time C Company actually started going through the barrier, the street immediately in front of them, from where the rioters had been throwing stones, was clear or virtually clear.¹ BBC and ITN film footage taken as soldiers went through or over Barrier 14 certainly shows that the rioters had cleared the immediate area, though it must be borne in mind that it is not clear whether this footage depicts the first soldiers to advance or those following.²

¹ [M11.3-4](#); [M39.1](#)

² [Vid 3 04.31](#)

20.228 7 Platoon continued along William Street to the junction with Rossville Street, followed by 9 Platoon. 8 Platoon turned left and subsequently went down Chamberlain Street.¹

¹ [B1726.4](#); [C1910.4-5](#); [B1545.2](#); [Vid 1 03.56](#)



 Direction taken by 7 and 9 Platoon
 Direction taken by 8 Platoon

20.229 Once the barrier had been opened enough to allow their passage, a number of vehicles of C Company were brought forward.¹ This is shown on some of the film footage from the day.²

¹ [WT2.11](#); [WT3.53-54](#)

² [Vid 1 04.13](#); [Vid 3 04.59](#)

20.230 General Ford was present at Barrier 14 from approximately 1540 hours until the arrest operation was launched.¹ As C Company went through the barrier, he said “Go on 1 Para, go and get them and good luck”,² words that were overheard and reported, at least in part, by the *Times* journalist Brian Cashinella.³

¹ [B1124-1126](#); [B1146-1147](#)

³ [L129](#); [WT3.57](#); [Day 110/13-14](#)

² [B1153-1154](#); [WT10.16](#); [B1208.046](#)

20.231 General Ford told the Widgery Inquiry that by “*get them*” he meant “*arrest them*”, in accordance with their orders”. He considered these to be “*suitable words for a General Officer to make to troops about to undertake an unpleasant task*”.¹ He gave similar evidence to this Inquiry.² In our view no valid criticism can be made of General Ford for speaking to the soldiers in this way.

¹ B1154

² B1208.046

20.232 We deal in detail later in this report¹ with what C Company did after going through Barrier 14.

¹ Chapter 65

Support Company

20.233 We have already dealt with the question of when Support Company was given a Warning Order to deploy through Barrier 12 rather than through the Presbyterian church route and concluded that this was at about 1600 hours, as recorded in Major Loden’s Diary of Operations.¹

¹ B2213

20.234 On receipt of this order Major Loden instructed his soldiers to return to their vehicles in Queen’s Street, where they had been parked following the order at 1516 hours to move from their FUP in Clarence Avenue.¹ However, as already described, because Machine Gun Platoon could not extricate itself from Abbey Taxis Major Loden told the Commander of that platoon that it should remain there.²

¹ B2212; W90 serial 23

² B2213

20.235 In his evidence to this Inquiry, Major Loden indicated that he had no independent recollection of the moment he received the Warning Order or of the following minutes.¹

¹ B2283.4

20.236 In view of the evidence of Colonel Wilford that he had only finally decided to use vehicles after his request to Brigade at 1555 hours, it seems likely that the Warning Order included an instruction to Major Loden to use vehicles.¹ In any event it is clear that from the time he was given the Warning Order at the latest Major Loden acted on the basis that he would go through Barrier 12 in vehicles.

¹ Day 314/23; Day 314/28; Day 314/34; Day 314/56-61; Day 314/67-68; Day 342/42-43; Day 344/50-53; Day 345/27-28; Day 345/69-74

20.237 Major Loden told us, and we accept, that he had not seen the Brigade order for controlling the march and thus was unaware that it stated, “*It is expected that the arrest operation will be conducted on foot*”.¹ Colonel Wilford, however, had seen the Brigade order.² This order did not prohibit the use of vehicles, so that, other things being equal, Colonel Wilford’s decision to do so would not *in itself* have been in breach of the Brigade order.

¹ [G95.570](#); [Day 342/41](#); [Day 345/69](#)

² [Day 312/17](#); [B110.022](#)

20.238 Major Loden’s Diary of Operations records that he received the order to go at 1612 hours.¹ In his written statement for the Widgery Inquiry he gave the time as 1610 hours.² His Diary of Operations³ gives 1615 hours as the time when the company was able to move after regrouping, though in his written statement for the Widgery Inquiry, Major Loden put the time two minutes earlier.⁴

¹ [B2213](#)

³ [B2213](#)

² [B2220](#)

⁴ [B2220](#)

20.239 In our view the earlier timings are probably the more accurate, though even they may put the sequence of events rather later than was actually the case. Colonel Wilford’s order is likely to have been earlier rather than later in view of his anxiety to launch the operation and so might have been much closer to 1607 hours, the time the Brigade log records for Brigadier MacLellan’s order to 1 PARA.¹ Furthermore, at about 1612 hours Colonel Welsh in the helicopter reported the appearance of Army vehicles in Rossville Street,² and the following photograph shows that, according to the Guildhall clock, by about 1610 hours soldiers of Support Company were present in the Bogside.

¹ [W47](#) serial 159

² [W128](#) serial 381



20.240 As we have already observed, the order not to conduct a running battle down Rossville Street was not passed on by Colonel Wilford to Major Loden.¹ It is possible that Support Company's signallers picked up the radio message from the Gin Palace transmitting the order on the battalion net to Colonel Wilford,² but even if they did there is nothing to indicate that it was passed on to Major Loden.³

¹ [B2283.011](#); [B1110.032](#); [Day 267/181](#)

³ [Day 342/46](#)

² [W90](#) serial 31

20.241 The vehicles moved from Queen's Street to Little James Street and lined up behind Barrier 12. Here a delay occurred.

20.242 We have already noted that at about the same time as Colonel Wilford gave the order to go, the Gin Palace had radioed a request to 22 Lt AD Regt to lift Barrier 14.^{1,2} There is no record of any similar request to those manning Barrier 12. The last message about this

barrier had been some 30 minutes earlier, when the request to 22 Lt AD Regt was to *“be prepared to lift your barriers 12 and 14 should we require to push through them to disperse these crowds”*.³

¹ [W128](#) serial 370

³ [W123](#) serial 286

² [W96](#) serial 56

20.243 Barriers 12 and 13 were manned by 11 Battery, 22 Lt AD Regt, under the command of Major INQ 1326. In his written statement to this Inquiry¹ he told us that he remembered receiving an order to open Barrier 12 and assumed that it had come over the radio, as he certainly did not remember it being delivered by anyone in person. He recalled that his soldiers were in the course of undoing the wire securing the barrier when some Army vehicles came round the corner. He also recalled that there was a delay of only a *“few seconds”* before the vehicles went through. In his oral evidence to us he was unsure of the exact duration of the delay but said it was much shorter than three minutes.² He also said that he really had no precise recollection as to how he received an order to lift the barrier and that his assumption that it was by radio could be incorrect.³

¹ [C1326.3-4](#)

³ [Day 301/127-128](#)

² [Day 301/113](#)

20.244 On the basis of the logs and the Porter tapes, we are satisfied that 22 Lt AD Regt was not requested by radio to open Barrier 12. Furthermore, Major INQ 1326 could not have been given an order to open Barrier 12 by 1 PARA, who had no right to give orders to an officer of another battalion, which is why 22 Lt AD Regt was requested (not ordered) to open Barrier 14. Accordingly it seems to us that Major INQ 1326’s recollection as to receiving an order is mistaken. In our view it is more likely that this officer was requested to open Barrier 12 as the Support Company vehicles arrived, or that at this time the request was first made by Major Loden of Lieutenant 109 (in charge of the platoon manning the barrier) who then had to get permission from Major INQ 1326.¹

¹ [B1723.005](#); [Day 360/74](#)

20.245 In view of the fact that 22 Lt AD Regt did not receive a request in advance to lift Barrier 12, it is not surprising that when Support Company arrived behind this barrier it was to find it still closed.¹

¹ [B2213](#); [WT12.63](#)

20.246 According to Major Loden’s written statement for the Widgery Inquiry, there was then a delay of about half a minute before the barrier was lifted and the vehicles were able to go through.¹ Lieutenant N was Commander of Mortar Platoon and in the leading vehicle.

In his written statement for the Widgery Inquiry, he recorded that opening the barrier took “a moment or two”.² However, in his oral evidence to that Inquiry, he said that when he arrived at the barrier “It was still closed, and there was a line of soldiers behind the shields facing the crowds” and that it was “A good minute” before he could drive through.³ Private Q (also in the leading vehicle) told the Widgery Inquiry that the delay was 2–3 minutes⁴ and Colonel Wilford, though not at the barrier himself, supposed that there was a delay there of about three minutes.⁵

¹ B2220

⁴ WT12.85

² B398

⁵ WT11.43

³ WT12.63

20.247 In his written and oral evidence to this Inquiry, Major Loden recalled that there was some surprise on the part of those manning the barrier when his company arrived to go through and a certain reluctance to open the barrier. He said that he had had to remonstrate with an officer before the barrier was opened.¹

¹ B2283.004; Day 342/47-48

20.248 The fact that 22 Lt AD Regt had not been requested to open Barrier 12 until the vehicles had arrived there suggests that the Gin Palace had somehow failed to appreciate that Support Company was going to go through that barrier, a suggestion which in turn is supported by the inaccurate information they later gave to Brigade,¹ to which we have already referred.² The fact that the request was not made until a late stage also in our view supports our conclusion that the Brigadier's order was limited to Barrier 14.

¹ W129 serial 383

² Paragraphs 20.125–132

20.249 So far as the position south of Barrier 12 is concerned, we have already described the use of CS gas by 22 Lt AD Regt on at least two occasions, the latter being at about 1554 hours. As we have observed, although the use of CS gas had had the effect of driving most of the crowd further from this barrier (and Barrier 13), rioters remained or returned, some using a corrugated iron shield. At about 1602 hours 22 Lt AD Regt confirmed to 1 PARA that there was still a hooligan element in the area William Street/Little James Street (and around Barrier 14)¹ and some two minutes later reported to Brigade that there was “still a crowd of about 150 hooligans at junction Rossville Street/William Street”.² These were the last two messages dealing specifically with the rioters in this area heard by Brigade before Brigadier MacLellan gave his order.

¹ W127 serials 353-358

² W128 serial 365

20.250 At about 1610 hours, about three minutes after the order had been given to 1 PARA, and as or moments before Support Company went through Barrier 12, Colonel Welsh reported from the helicopter that “*The people on Aggro Corner have been driven away by the last fusillade of gas cartridges, are moving down towards the meeting [at Free Derry Corner]*”. It was in this message that he also referred to a crowd of about 70 in Chamberlain Street.¹

¹ [W128](#) serial 375

20.251 The reference to the “*last fusillade of gas cartridges*” might be a reference to the second use of gas by 22 Lt AD Regt, though this seems very unlikely, as it had happened some 15 minutes earlier. It might refer to the fact that there could have been further intermittent use of CS gas in addition to the first and second volleys that we have described. It is also possible that what Colonel Welsh had in fact observed was the movement of people south when they saw the Support Company vehicles arriving behind Barrier 12, or saw that barrier being opened.

20.252 Although the situation is not entirely clear our assessment of the position immediately before people saw the vehicles or the barrier opening is that there were still a number of rioters in the William Street/Little James Street area and a crowd of people slightly further south around Aggro Corner.

20.253 The delay at Barrier 12 gave those rioters who still remained in the immediate vicinity the opportunity to see the arrival of the vehicles and to run away before they came through the barrier. When Support Company did advance there were, in Major Loden’s words, only “*Very few*” people left.¹

¹ [Day 342/48](#)

20.254 The delay was significant in the sense that it meant that the opportunity of making any or any significant arrests in the Little James Street/William Street area had to all intents and purposes disappeared. It is possible, however, that even without any delay the opening of the barrier might have had much the same effect.

20.255 The effect of using Barrier 12 was accordingly to drive any remaining rioters away from the Little James Street/William Street area and thus to remove any possibility of C Company making any arrests in that area.

20.256 Major Loden told the Widgery Inquiry that he did not give his Platoon Commanders any orders as to how they should deploy once they had passed through the barrier, or how far they should go, though he pointed out that he could have given them orders on the company net if he thought that they were going too far.¹

¹ [WT12.36](#)

20.257 Support Company travelled through Barrier 12 in the following order. First were two Armoured Personnel Carriers (APCs) that belonged to Mortar Platoon. These were followed by Major Loden's Command Vehicle, and a Ferret scout car with a mounted Browning machine gun.¹ Next came the two empty APCs of Machine Gun Platoon, and then two soft-sided four-ton lorries containing Composite Platoon (Guinness Force). The two APCs of Anti-Tank Platoon brought up the rear. Major Loden had designated this order when the company formed up in Clarence Avenue before moving to Queen's Street.²

¹ [WT11.76](#)

² [WT12.36](#); [B2220](#)

20.258 We have already noted that the APCs are sometimes referred to in the evidence as Saracens. They were in fact Humber armoured cars.¹

¹ [WT11.41](#)

20.259 Despite the delay to the vehicles at Barrier 12, there is evidence from a number of civilians in William Street that what caused them to run away down Chamberlain Street was the sight of Army vehicles moving across the junction of Little James Street and William Street into Rossville Street, rather than soldiers coming through Barrier 14. Hugh O'Donnell stated in his written evidence to this Inquiry¹ that he was standing near Quinn's fish shop in William Street (which was a few yards west of Chamberlain Street) when he heard the noise of the engines of Army vehicles behind him to his west. He turned round and caught a glimpse of a vehicle moving south from Little James Street into Rossville Street. He then looked to see whether soldiers were coming through Barrier 14, but "*there was no movement there*". He confirmed this in his oral evidence.²

¹ [AO31.2](#)

² [Day 79/138](#)

20.260 Jeffrey Morris (a *Daily Mail* newspaper photographer), Gilles Peress (another professional photographer covering the events of the day), Eamonn Baker and Mitchel McLaughlin also gave evidence to much the same effect.¹

¹ [M57.1-2](#); [Day 212/186](#); [AB2.2](#); [Day 96/141](#); [AM340.3](#); [Day 80/11](#)

- 20.261 In view of this evidence it seems to us that Support Company in vehicles moved into the Bogside before soldiers from C Company came through Barrier 14.
- 20.262 Later in this report¹ we consider in detail what happened when Support Company drove into the Bogside. However, it is appropriate to point out at this stage that so far as Lieutenant N (the Commander of Mortar Platoon and in the leading APC that went into the Bogside) was concerned, he regarded himself not as engaged in some form of scoop-up operation, where soldiers sought to trap rioters in a concerted pincer-type movement, but instead as seeking to overtake and get among the fleeing crowd and there effect arrests. In his oral evidence to this Inquiry, there was the following exchange between Counsel to the Inquiry and Lieutenant N:²

“Q. Can we go back to paragraph 34 of your statement at B438.007. You describe in paragraph 34, the fourth line, how you moved through the barrier, the crowd saw you coming and turned and ran away. Did they only do that when the Pigs came through the barrier, or had they in fact begun to do that when you were stationary at the barrier?

A. No, when we were stationary they were still throwing things.

Q. You say that the plan was to perform an arrest operation, and that meant using your vehicles to get close to the rioters: ‘We therefore followed the majority of the crowd without actually knowing where this would lead us.’ Does that mean that when your Pig moved down Little James Street and then into Rossville Street, and turned left, that it was in a sense just an instinctive move towards where people were?

A. That is correct, yes.

Q. We know that the Pig behind, which was being driven by Sergeant O, went further forward and ended up at the mouth of the car park to the Rossville Flats. What determined where Sergeant O drove his Pig?

A. He would have made that decision in response to where I stopped. It was quite normal: he would have chosen the best position for him to go to.

Q. What would determine what was the best position for him to go to?

A. His – his appreciation of all the – the immediate circumstances. You would have to ask him why he chose that specific spot on that particular occasion.

Q. What was the aim? What were you trying to achieve in selecting the most appropriate spot to go to?

A. I chose my spot because I had the opportunity, as the space opened up to the left from the street, um, to cut off some of the – some of the running crowd, which would – we had effectively got amongst them, which meant we were in a much better position to make arrests.

Q. Is the relevant consideration whether or not you can cut people off and effect arrests?

A. Yes.

Q. Can we have a look, please, at what you say at the end of paragraph 34. You say this: 'The usual considerations applied: we needed to get as close as possible to the crowd, without being drawn into a confined area, before commencing the arrest operation. We always had to make sure that arrests were carried out in an area where there was sufficient opportunity for people to escape. It was dangerous to get into a situation where rioters were boxed in, as this was likely to result in a direct conflict.' How had these considerations been specified or laid down?

A. That was part of the standard Army training.

Q. Some of the evidence to the Tribunal has suggested what might appear to be the exact opposite, namely that, if you want to arrest people, particularly if you want to arrest as many people as possible, you should seal off routes of escape and drive rioters towards some form of stop line so that you can catch as many of them without their escaping. Was that ever an approach that was adopted?

A. What do you mean by 'some form of stop line'?

Q. A line of troops towards which another set of troops could drive people in an area from which they could not escape, save into the arms of those who would arrest them.

A. That is – if I may suggest, that is not at conflict to what I am describing; that is a different type of operation, which is conceivable: pre-planned, set up well in advance, where a cordon is put into position. What I am describing here is: without that pre-planning, without that style of operation, the last thing you want is to box rioters in where they have got no choice but to come back at – at yourselves. It is – you are then vastly out-numbered, and that could be very dangerous.

Q. May we have, please, paragraphs 35 and 36. You describe in paragraph 35 driving down Rossville Street, turning to the left into what you now know as Eden Place, and stopping. You say that during that drive you would have directed the driver, and you say that it is very difficult to estimate but you would say that there were hundreds of people in this crowd. Were you able to tell where this crowd had come from?

A. They were the people who were running from in front of us. Um, no, I could not say specifically, but they were – they were running away from us, they were running –

Q. Is it fair to say that a substantial number of people who were on the wasteland into which your Pig turned may well have been people who were not rioting at barrier 12, but simply people who were already on the wasteland with whom your Pig caught up when you drove down Little James Street and Rossville Street and turned left into the wasteland?

A. We would not have caught up if they were standing there, but it is conceivable that there were people standing in addition to those who were running from us through ...”

¹ [Chapters 24 and 69](#)

² [Day 322/36](#)

20.263 After showing Lieutenant N photographs of the two Mortar Platoon APCs going down Rossville Street, Counsel to the Inquiry pointed out that these appeared to show Lieutenant N’s vehicle getting in between quite a sizeable number of people. He then asked Lieutenant N:¹

“Q. Would you agree that that would appear to indicate the truth of the proposition that I was putting to you a moment ago: that you must have driven into – I do not mean so as to hit – a body of people, many of whom were simply people who had been on the wasteland, rather than rioting at barrier 12?

A. Yes, I cannot disagree with the proposition. I – my attention was taken up by those who had been running away from us, um, and there is not a very clear view from inside one of those Pigs through – when you are wearing a respirator as well.”

¹ [Day 322/41](#)

20.264 Later in his oral evidence to this Inquiry Lieutenant N's attention was drawn to what the Adjutant of 1 PARA (Captain Mike Jackson) had stated to this Inquiry:¹

"When you say in the same paragraph 'We always had to make sure that arrests were carried out in an area where there was sufficient opportunity for people to escape,' that was specifically in your mind, was it, not that they should be encircled; far from it, quite the contrary?

A. Yes.

Q. So if finally we look, please, at the statement of another soldier who was present, CJ1.3, please, paragraph 21: 'The type of operation envisaged was a snatch operation and one that we did all the time. The tactic of going in behind a crowd or coming in at the flank was well-used and well-proven. If you wanted to carry out an arrest operation you would have to stop people running away and effectively put a cork in the bottle. If you got this sort of operation right it would cut off the crowd and you could then carry out arrests.' That was not the tactic, as far as you were concerned, that was employed on the day?

A. That is correct.

Q. This is the statement of the adjutant who was present. If that is what he envisaged, he has it wrong, has he?

A. With respect, I would suggest here he is making a general statement about different ways of carrying out this sort of operation.

Q. And this was not one of them, the cork in the bottle or anything of that kind or encircling; that was not one of those envisaged on the day, was it?

A. If I understand you correctly: there was no concept of this cork in a bottle, of driving people into a corner, um —"

¹ [Day 322/125](#)

- 20.265** In his oral evidence to this Inquiry Sergeant O, who was Lieutenant N's Platoon Sergeant and in command of the second APC to go into the Bogside, was asked about the operation as it turned out to be:¹

"Q. Whatever else in fact happened, as the result of going in through barrier 12 – I think you did say this this morning, I want you to confirm it – there was not the pincer movement that had been envisaged, was there?

A. No, sir.

Q. There was, what I might call, a frontal assault on the rioters?

A. Yes, sir.

Q. Which resulted in them running away?

A. Yes, sir.

Q. When they ran away, the effect was, if you were to conduct the arrest operation, that you had to chase them?

A. Yes, sir."

¹ [Day 335/136-137](#)

- 20.266** In the context of an arrest operation, it seems to us that what Lieutenant N and Sergeant O perceived as their objective, and what indeed they did, which we discuss in more detail when considering the events of Sector 2, was to conduct a running battle down Rossville Street; they did not set out to engage in the sort of encircling or bottling operation described by the Adjutant or indeed other senior officers.

- 20.267** Major Loden himself told us that when he got to Barrier 12 and saw the people running away, any idea of a pincer movement between Support Company and C Company "*went out of the window*".¹

¹ [Day 348/72-73](#)

20.268 Major 221A, the Commander of C Company, was also asked whether he understood that there was a plan to encircle rioters and arrest them:¹

“Q. Was there any concept, as you understood it, that companies of the Parachute Battalion would encircle rioters and arrest them in that way?

A. Not encircle them, but possibly two companies working, co-ordinated together, pushing – I mean, it was never the case to encircle people so that there is nowhere for them to disperse. The whole point about riot control or dispersing a riot situation is that there should be somewhere for the people to disperse to.”

¹ [Day 294/182](#)

20.269 Second Lieutenant 026, the Commander of 8 Platoon of C Company, who went through Barrier 14 and then along Chamberlain Street, as we describe later in this report,¹ also told us that he did not understand that he was involved in any sort of pincer movement:²

“Q. Is it right you had never any understanding of being involved in any kind of pincer movement?

A. To the best of my knowledge, I was not involved in any pincer movement. As I said, I was given – by the time I arrived – bear in mind I was the very last one to arrive there – by the time I arrived, a lot had already happened and I was given orders by Major 221A to take my platoon down Chamberlain Street and, as I understood it, to secure the battalion’s left flank. The rest of the battalion, I was well aware, was off to the right.”

¹ [Chapter 65](#)

² [Day 315/155](#)

The situation on the ground at the time of the Brigade order

20.270 Our assessment of the situation on the ground is that at the time of the Brigade order to 1 PARA, there would in fact have been sufficient separation between rioters and marchers had the scoop-up operation been as ordered. This would have involved C Company moving up or parallel to William Street so as to turn northwards in an attempt to trap rioters in the William Street/Little James Street area. At this time, though there were still undoubtedly numbers of non-rioters in the waste ground north of the Rossville Flats and on Rossville Street south of Aggro Corner, it seems to us that the chances of any significant clashes between soldiers and non-rioters in the area contemplated for the arrests were minimal, so long as the former complied with the order not to conduct a

running battle down Rossville Street. Whether such an operation would have resulted in any substantial arrests of rioters or was otherwise appropriate is a matter that we consider below.

- 20.271** As we have noted, neither those leading the vehicles into the Bogside (Lieutenant N and Sergeant O) nor the Commander of C Company (Major 221A) saw their task as the kind of encircling or scoop-up operation envisaged by more senior officers, including Colonel Wilford, but primarily to disperse the crowd. It follows that when Colonel Wilford told us that he did not give any specific instructions to his soldiers, because they knew what to do, he was in error if he thought that they knew that their task was not to disperse the crowd, but to encircle and arrest as many rioters as possible.

Was any arrest or scoop-up order appropriate?

- 20.272** There remains the third of the questions identified above, namely whether in the circumstances, apart from the question of separation, the situation on the ground was such that no proper purpose was or was likely to be served by ordering any scoop-up operation at all.
- 20.273** The Brigade order (Operation Forecast) indicated that no action was to be taken against the marchers unless they tried to break through the barriers or used violence against the security forces.¹ As we have already described, there had been violence at Barriers 12, 13 and 14 and in the area of Abbey Taxis. In the minutes before Brigadier MacLellan gave the order he was told (in our view accurately) that there were still rioters at Aggro Corner and in the area of Barrier 14.^{2,3} His decision to launch a scoop-up operation, therefore, did not amount to a change to Operation Forecast.

¹ [G95.567](#)

³ [W128](#) serial 365

² [W127](#) serial 356

- 20.274** At the time when the soldiers actually went through the barriers, there were only at most a few rioters left in the area north of Aggro Corner and few if any close to Barrier 14 in William Street, though there may have been some dozens of rioters and onlookers in Chamberlain Street at the junction with William Street. Had Support Company not deployed to Barrier 12 to be seen by the rioters and others and had the scoop-up operation as ordered by Brigadier MacLellan been launched through Barrier 14 alone, we consider that there might have been an opportunity to arrest some (but probably only

a few) rioters in the William Street/Little James Street area without the soldiers going down Rossville Street or clashing to any or any significant degree with civil rights marchers.

20.275 As it was, with the deployment of Support Company through Barrier 12 in vehicles down Rossville Street chasing rioters and others (as we describe in more detail hereafter in our consideration of the events of Sector 2), the soldiers inevitably came into close contact with people who had not been rioting as well as fleeing rioters. One immediate consequence was, as can be seen from the excerpt from Lieutenant N's evidence to this Inquiry set out above, that it became impossible or virtually impossible for any soldier to be able to distinguish between rioters and non-rioters and thus to arrest only the former, a difficulty that does not appear to have occurred to Colonel Wilford,¹ probably because in our view he paid scant regard to the need for separation and drew little distinction between civil rights marchers and rioters.²

¹ In his oral evidence to this Inquiry Colonel Wilford suggested that those with dye on them from the water cannon could be identified as rioters (Day 312/66) but many who were marked in this way had not been rioting.

² WT11.55; B1075-1076; X1.35.32-36; X1.35.54; X3.6.2-4; Day 312/59-67; Day 316/8; Day 320/53-80; Day 321/44-51

20.276 It could be said that there was really little purpose in Brigadier MacLellan ordering the limited scoop-up operation he did, since the soldiers at the barriers had been successfully controlling the rioting, which appeared to be dying down and which might simply have petered out. However, there had been little success in arresting rioters in previous months and their activities, as the Commanding Officer of 1 CG pointed out, had reduced much of William Street to ruins.¹ Furthermore, an arrest operation at this time, if successful, could reasonably have been thought to help to reduce the risk or severity of renewed rioting later on.² Brigadier MacLellan knew that his senior commander General Ford, the originator and enthusiastic supporter of the plan for a large-scale scoop-up operation, was in the city, but we are not persuaded that this influenced the Brigadier to take a course of action that he would otherwise have refrained from taking.

¹ Day 272/24

² WT11.33

20.277 In the circumstances we do not criticise Brigadier MacLellan for ordering, at 1607 hours, a limited scoop-up operation.

20.278 In our view, however, Colonel Wilford was at fault. He failed to obey the Brigadier's order by deploying Support Company as he did; he failed to pass on to his soldiers the injunction against conducting a running battle (ie chasing the crowd) down Rossville Street; and he failed to give his soldiers instructions that their task was to seek to arrest

rioters rather than to disperse the crowd. What we consider he should have done was to inform Brigade that his original request had been overtaken by events and (assuming that his intention was still to arrest rioters rather than to chase the crowd away) that in his view the only opportunity to make any significant number of arrests was now to send his soldiers down Rossville Street in vehicles. Had he done so, it seems to us that Brigadier MacLellan might well have called off the arrest operation altogether, on the grounds that this deployment would not have provided sufficient separation between rioters and civil rights marchers.

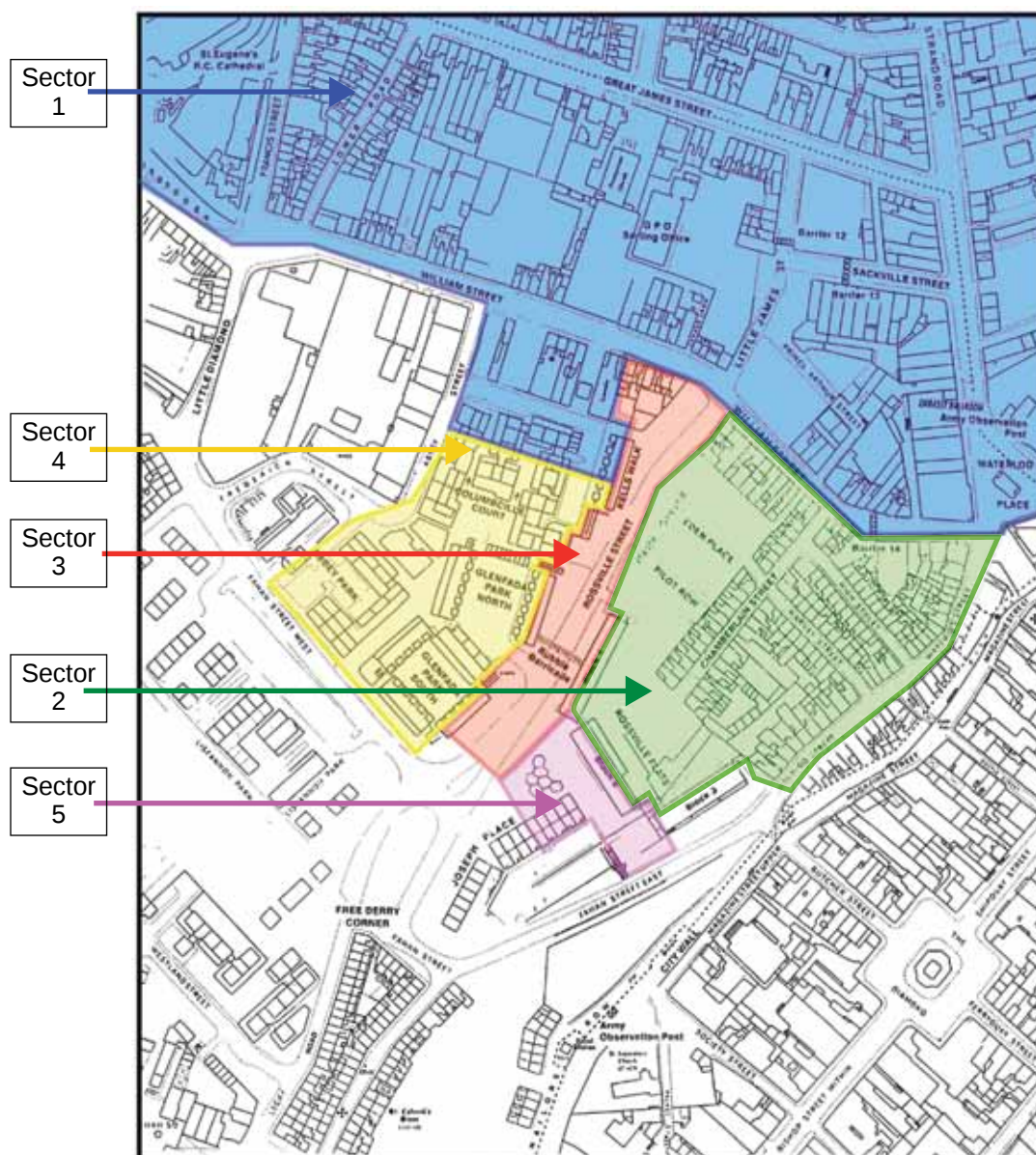
20.279 The failure of Colonel Wilford to comply with the orders from Brigade meant that soldiers of Support Company did chase people down Rossville Street and into the Bogside.

20.280 In the following parts of this report we discuss in detail what then happened. As we have already indicated,¹ for the purposes of this Inquiry we divided into five sectors the parts of Londonderry with which we were principally concerned. Having considered the events of Sector 1, it is convenient to remind the reader at this stage of our division of the remaining four sectors.

¹ [Chapter 10](#)

Chapter 21: Sectors 2 to 5

21.1 For convenience, we set out again the map showing the five sectors.



21.2 Sectors 2 to 5 are concerned with what happened after Support Company had travelled in vehicles through Barrier 12 and C Company had gone on foot through Barrier 14. All these sectors lay within the Bogside area of the city.

21.3 Sector 2 deals with what happened in the car park area of the Rossville Flats and in the waste ground which abutted Rossville Street and lay to the north of the car park area. It also covers what happened in Chamberlain Street.

- 21.4** Sector 3 covers what happened in Rossville Street itself and an area to the west of that street and north of Glenfada Park.
- 21.5** Sector 4 covers what happened in Glenfada Park North and Abbey Park, both of which lay to the west of Rossville Street.
- 21.6** Sector 5 covers what happened at the front (ie the south side) of the Rossville Flats.
- 21.7** As we have already observed, there is necessarily a degree of overlap between these sectors, both in terms of chronology and in terms of geography, particularly in the case of Sectors 2 and 3. Much of what happened in Sectors 2 and 3 occurred at or about the same time, while in general terms Sector 4 occurred after most (but not all) of the events of Sectors 2 and 3. Sector 5 similarly followed Sector 4 but was in turn followed by other incidents of firing in Sector 3.
- 21.8** As we discuss in detail in the course of considering the events of these sectors, people there were shot and killed or injured by Army rifle fire. Although soldiers of C Company went into the Bogside from Barrier 14, all the Army firing in the Bogside came from soldiers of Support Company.

Return to an Address of the Honourable the House of Commons dated 15 June 2010 for the

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

Ordered by the House of Commons to be printed on 15 June 2010

Volume III

Sector 2: The Launch of the Arrest Operation
and Events in the Area of the Rossville Flats
(Chapters 22–54)

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Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

VOLUME III

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(Chapters 22–54; Chapters 55–66 of Sector 2 can be found in Volume IV)

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Sector 2: The Launch of the Arrest Operation and Events in the Area of the Rossville Flats

(Chapters 22–54; Chapters 55–66 of Sector 2 can be found in Volume IV)

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Chapter 22: General introduction

- 22.1** Sector 2 is concerned with what happened in the area of the Rossville Flats car park and in the adjoining waste ground to the north. There is no doubt that in this sector Jackie Duddy was killed by gunfire, while Margaret Deery, Michael Bridge and Michael Bradley were wounded by the same means. Patrick McDaid, Patrick Brolly and Pius McCarron were injured, though whether by gunfire or otherwise was a matter of controversy.
- 22.2** The casualties occurred after soldiers of Mortar Platoon had arrived in Armoured Personnel Carriers (APCs) in this area.
- 22.3** We describe first the layout of this part of the city, and then the movement of Mortar Platoon into this area from Barrier 12. There were a number of incidents both as Mortar Platoon arrived in Sector 2 and as and after they disembarked from the APCs, before anyone was hit by gunfire. These incidents are both important in themselves and help to set the scene for the Army gunfire that followed. Having considered those incidents we deal with the Army and civilian evidence relating to the casualties.

Chapter 23: The layout of this area of the city

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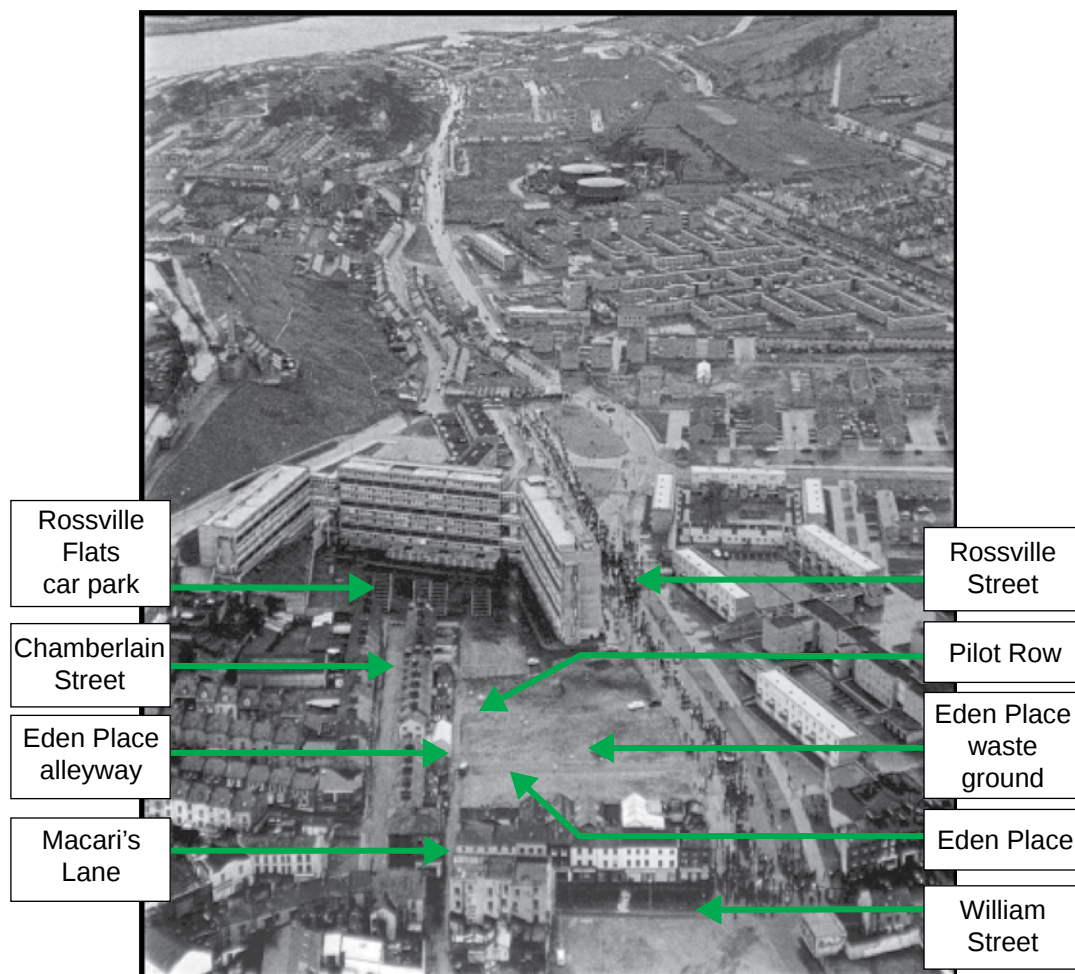
23.1 The area covered by Sector 2 is highlighted on the map below.



23.2 The most conspicuous landmarks in this area were the three high-rise blocks that made up the Rossville Flats. These flats were demolished in the 1980s. They can be seen on the map above at the bottom of the shaded area. Block 1 of these flats was the one

adjoining Rossville Street. Block 2 was the centre block and Block 3 was the most easterly block, as can also be seen from this map. The distance from the junction of William Street and Rossville Street to the southern end of Block 1 of the Rossville Flats was approximately 215 yards. We set out further details of the Rossville Flats later in this chapter.

- 23.3** Two areas of Sector 2 are of particular importance. These are the Rossville Flats car park and the Eden Place waste ground.
- 23.4** The car park was the name given to the area enclosed on three sides by the three blocks of the Rossville Flats. Part of this area was marked out as a car park. A portion on the eastern side was fenced off as a recreation ground. The northern part of the recreation ground was described by some witnesses as being netball courts. The term “car park” was used to apply to the whole area. The approximate boundary of the car park is shown by a dotted line on the map above. The car park was partially separated from the Eden Place waste ground by a wire fence. We describe the car park in greater detail below.
- 23.5** The Eden Place waste ground incorporated the remnants of two disused roads, Eden Place and Pilot Row. It was often described in this Inquiry simply as “the waste ground”. The road known as Eden Place at one time ran from Chamberlain Street to Rossville Street. In January 1972, the gap in the buildings in Chamberlain Street through which the road used to run still survived. The road through that gap, about 15 yards long, linked the waste ground to Chamberlain Street and was still in use in 1972. In this report we refer to that road as the Eden Place alleyway, though many witnesses described it as Eden Place or Eden Terrace. There was also a small alleyway parallel to Chamberlain Street and running from William Street to the Eden Place waste ground, which was known as Macari’s Lane. Again we describe this part of Sector 2 in more detail below.
- 23.6** The photograph below was taken from the north and shows the central area of Sector 2. On it we have marked the features described above.



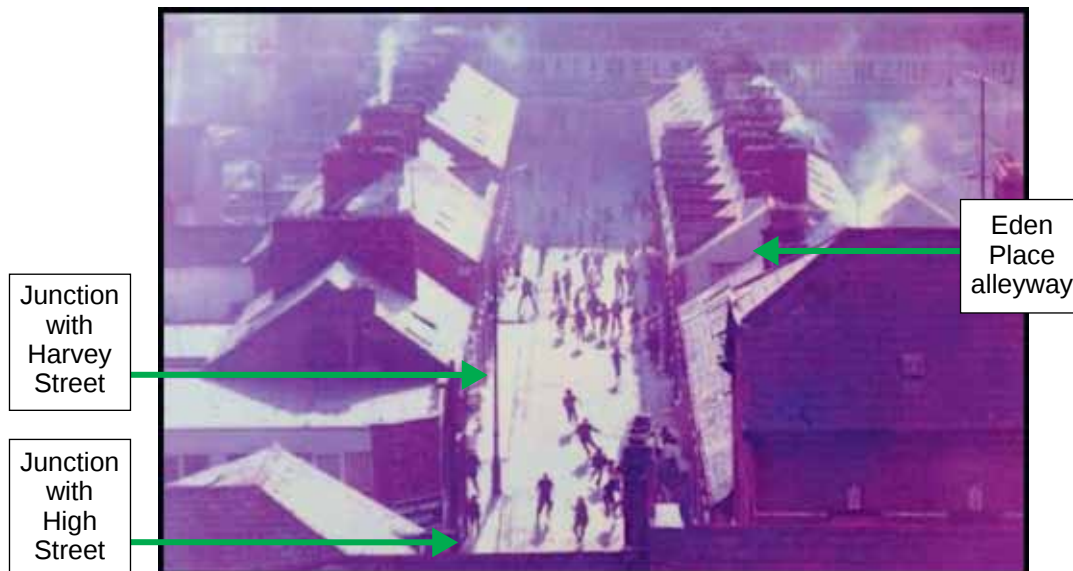
23.7 As can be seen, Macari's Lane ran from William Street into the north-east corner of the Eden Place waste ground. It was sometimes called Quinn's Lane, as it ran down the side of Quinn's fish shop.¹

¹ [Day 176/151](#)

Chamberlain Street

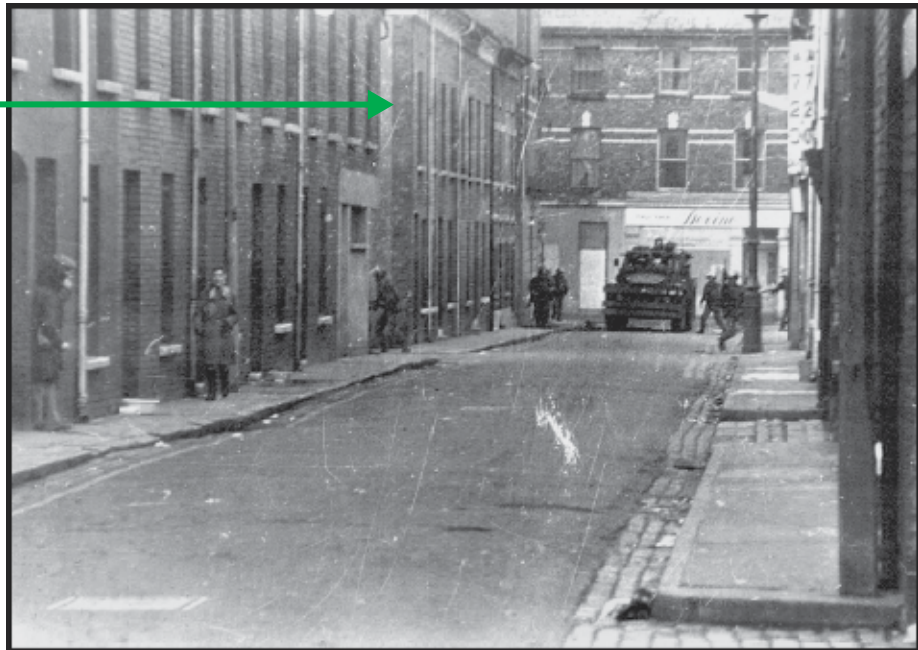
23.8 Chamberlain Street ran roughly north-east to south-west from William Street to the car park of the Rossville Flats. The distance between its junction with William Street and the entrance to the car park was about 140 yards. High Street and Harvey Street ran in a south-easterly direction uphill from Chamberlain Street to join Waterloo Street, which ran parallel to, and below, the City Walls.

- 23.9** The following photograph was taken from the roof of the Embassy Ballroom. The photographer was looking south-west down Chamberlain Street. Block 2 of the Rossville Flats can be seen in the background. The junctions with High Street and Harvey Street can just be seen. The white gable end on the right-hand side is on the south side of the gap that led into the Eden Place alleyway.



- 23.10** The photograph below shows Chamberlain Street from the south. The photographer was looking north-east towards the junction with William Street. Devine's florist's shop, which can be seen in the picture, was on the north side of William Street. The photograph was taken on Bloody Sunday.

Eden
Place
alleyway



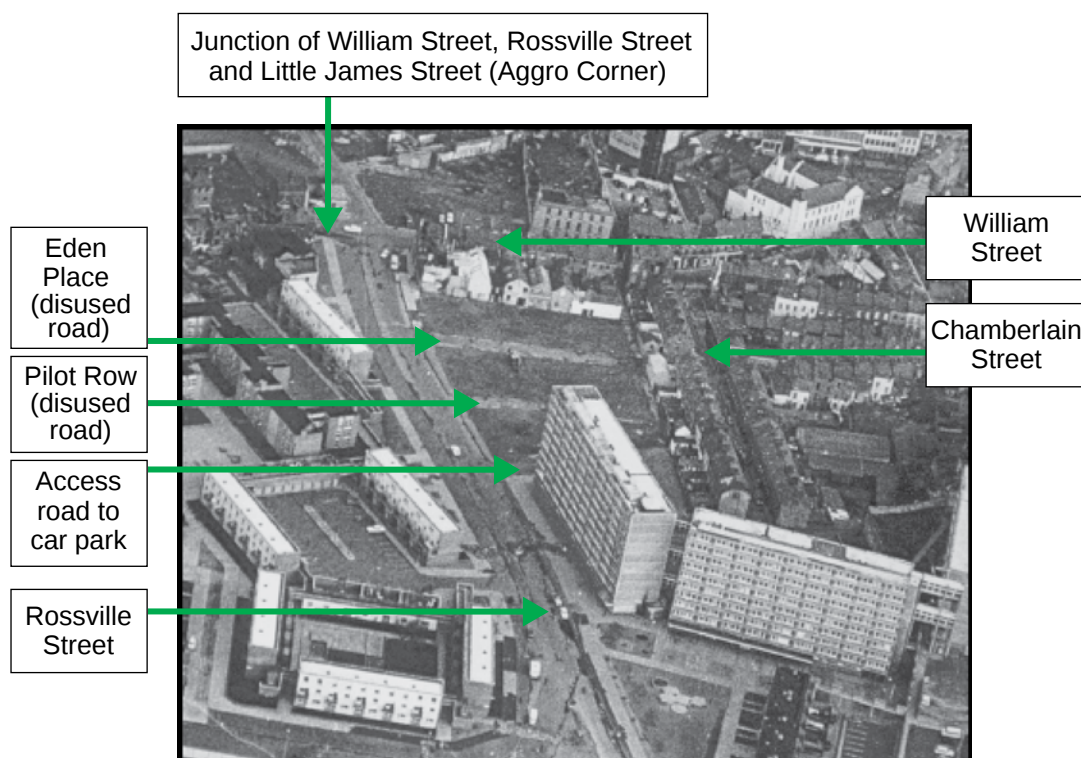
23.11 The photograph below shows Harvey Street. The picture was taken on Bloody Sunday from Harvey Street's junction with Chamberlain Street. Waterloo Street can be seen at the top of the photograph.



The Eden Place waste ground

23.12 The Eden Place waste ground stretched in a south-westerly direction from the backs of buildings in William Street to the fence of the Rossville Flats car park. It was bordered to the west by Rossville Street and to the east by the walls of the yards of the houses on the western side of Chamberlain Street. The waste ground was about 90 yards long (north-east to south-west) and 60 yards wide (south-east to north-west).

23.13 The aerial photograph below shows the Eden Place waste ground from the south. The photograph was not taken on Bloody Sunday but shows the waste ground much as it was on that day. At the top (the north side) of the waste ground are the backs of the buildings on the south side of William Street. The buildings running down the right (east) side of the waste ground are the backs of the houses on the west side of Chamberlain Street. The disused roads, Eden Place and Pilot Row, can be seen. Below (to the south of) Pilot Row another road can be seen, running into the waste ground at right angles to Rossville Street. This road gave access to the Rossville Flats car park.

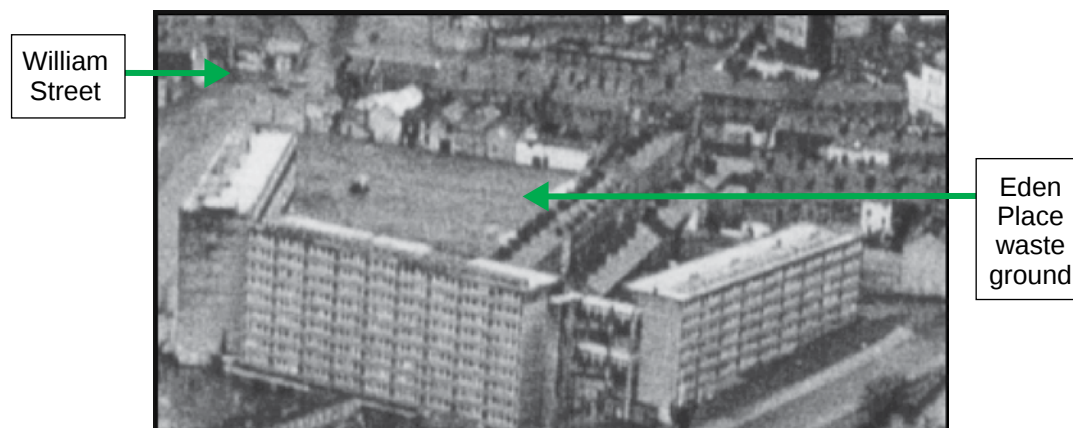


23.14 The photograph below was taken on Bloody Sunday and shows most of the Eden Place waste ground. The photographer was standing on the west side of Rossville Street, looking east. The gap giving access to Chamberlain Street (the Eden Place alleyway) can

just be seen. The backs of the houses on the west side of Chamberlain Street are shown, running down the side of the waste ground. The Guildhall clock tower is in the background.

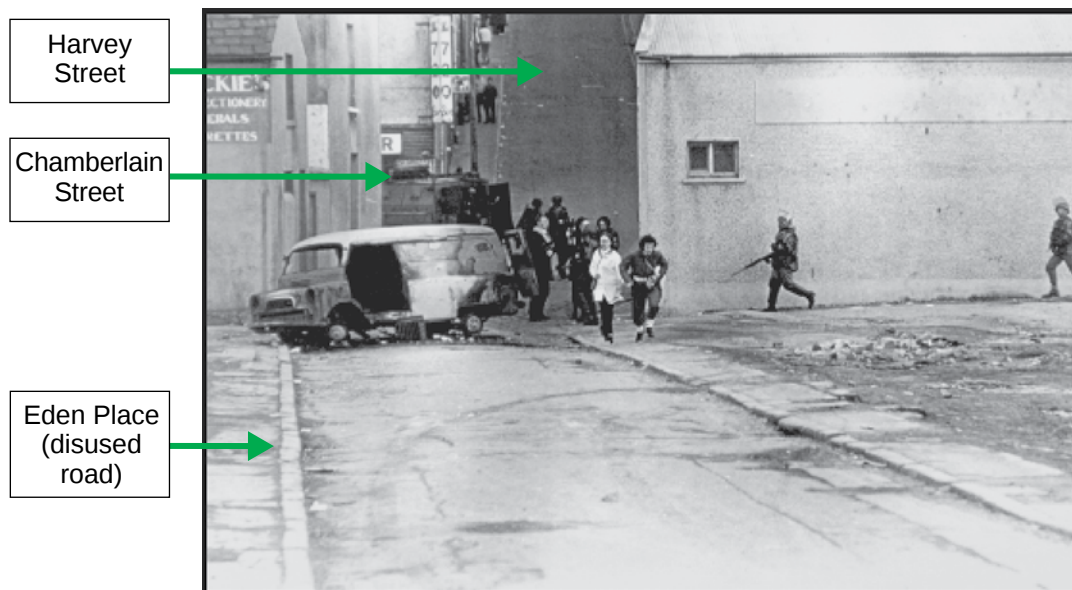


23.15 The backs of buildings on William Street, forming the northern boundary of the waste ground, can be seen in the photographs below, the second of which was taken on Bloody Sunday. The second photograph was taken looking in a north-easterly direction up Rossville Street. Many of the buildings were derelict.





- 23.16** The following photograph was taken on the Eden Place waste ground on Bloody Sunday. The photograph shows the Eden Place alleyway leading from Eden Place into Chamberlain Street. Harvey Street can be seen in the background, running uphill to Waterloo Street in a south-easterly direction away from Chamberlain Street.



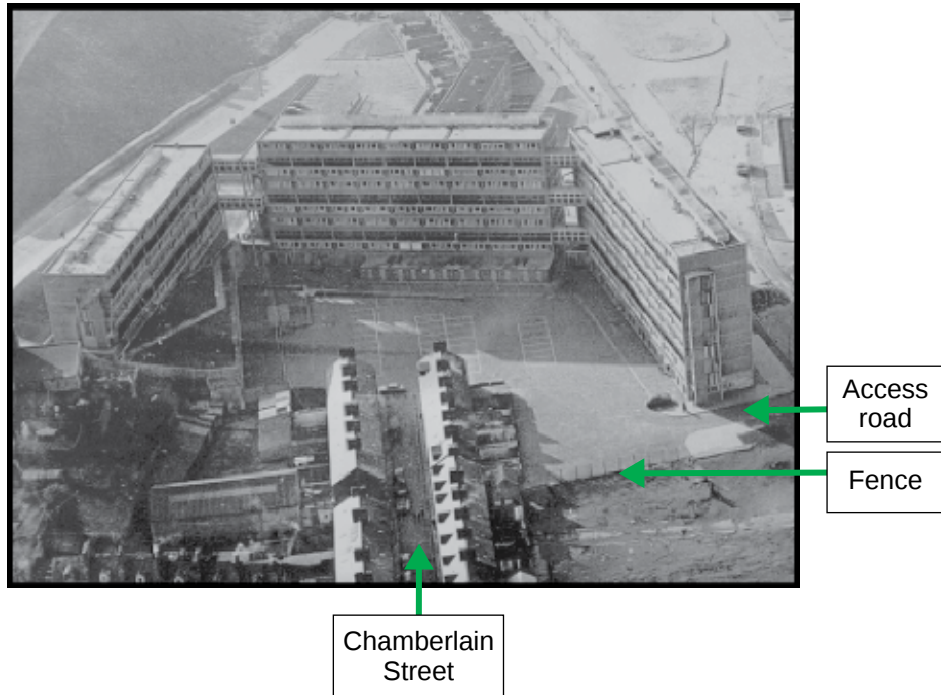
- 23.17** The following photograph, again taken on Bloody Sunday, shows the same alleyway but from the opposite end. The photographer was standing on the corner of Chamberlain Street, looking into the Eden Place waste ground. The modern building in the background is Kells Walk, which was a block of maisonettes on the west side of Rossville Street. St Eugene's Cathedral can be seen in the distance.



- 23.18** An L-shaped fence ran across the southern part of the Eden Place waste ground. Part of the fence can be seen in the photograph below. For a short distance the fence ran southwards, parallel to and about 10ft out from the backs of the Chamberlain Street houses. It then ran west at a right angle to the houses across the waste ground.



- 23.19** The fence did not extend across the entire width of the waste ground; it came to a halt about two-thirds of the way across, stopping level with the end of the road that gave access to the Rossville Flats car park. The fence and access road can be seen more clearly in the photograph below, which was not taken on Bloody Sunday.



- 23.20** In the photograph below, which was taken by Derrik Tucker Senior on Bloody Sunday from Block 2 of the Rossville Flats, the fence can be seen in the middle distance. On the left is the north end of Block 1 of the Rossville Flats. On the right are the houses on the west side of Chamberlain Street.



Fence

The Rossville Flats car park

- 23.21** The car park was bordered on three sides by the Rossville Flats. At its widest the car park was about 70 yards wide. The distance from the southern end of Chamberlain Street to Block 2 of the Rossville Flats (the central block) was about 45 yards. The car park was sometimes referred to as the market, since there had formerly been a market in this area.
- 23.22** The photograph below, also taken by Derrik Tucker Senior, shows the entrance to the car park from Chamberlain Street and, on the right, part of the fencing around the recreation ground.



- 23.23** A low wall ran along the south-western side of the Rossville Flats car park, parallel to Block 2. The wall fell in height as it went north-westwards, disappearing entirely before reaching Block 1. The photograph below, which was taken on Bloody Sunday, gives an impression of the differing heights of the wall. Block 2 is on the left of the picture and Block 1 is seen in the background.



- 23.24** The wall can be seen in the photograph below.



The Rossville Flats

23.25 The Rossville Flats consisted of three separate blocks joined by walkways. As described above, the block that ran parallel to Rossville Street (shown on the right of the photograph above) was known as Block 1. The central block was Block 2 and the easternmost block was Block 3.

23.26 The Rossville Flats were built on sloping ground. Blocks 1 and 2 both had ten storeys. Block 3 was built on higher ground and so, although it had the same roof height as the other two blocks, it had only seven storeys. As the previous photograph above shows, Blocks 1 and 2 were joined by three walkways. Blocks 2 and 3 were joined by two walkways. The photograph below, taken long after Bloody Sunday, shows the difference in ground level between Blocks 2 and 3. As the photograph shows, the lowest storey of Block 3 did not run the full length of the building, but tapered out as the ground rose. A retaining wall ran the length of the car park beneath Block 3.



23.27 The ground floor of Block 1 consisted of a row of garages. The ground floor of Block 2 was a row of shops. The shops faced southwards into Joseph Place, not into the car park. The ground floor of this block on the car park side was used as storage space. The lowest floor of Block 3, as noted above, did not run the whole length of the building. It consisted of one property, known as 37 Garvan Place. The floor above this, which did run the length of Block 3, consisted partly of flats and partly of storage space.

23.28 The flats were divided into three horizontal sections, excluding the ground floors. The first three floors of Blocks 1 and 2, together with the lowest floor of Block 3, were known as Garvan Place. The next three floors of Blocks 1, 2 and 3 formed Mura Place. The top three floors of Blocks 1, 2 and 3 formed Donagh Place.

23.29 The following diagrams¹ identify Garvan Place, Mura Place and Donagh Place and show the location of each dwelling within the Rossville Flats. There is an error in the first diagram: the reference to Joseph Street on the left side of the diagram should be a reference to Joseph Place. The left side of this diagram represents the southern end of Block 1, which faced towards Joseph Place.

¹ GEN3.12-14

LONDONDERRY "ROSSVILLE" SECTRA FLATS - LAYOUT.

BLOCK I

FLOOR

JOSEPH STREET

END

9th	ACCESS LEVEL	25 X	24	23	18	17	12	11	7	6	1	DONAGH PLACE						
8th		24 X	23	22	17	16	13	10	5	2	X							
7th		25	24	23	18	17	14	9	8	4	3							
6th		24	23	22	18	17	12	11	7	6	1	MURA PLACE						
5th	ACCESS LEVEL	25	24	23	17	16	13	10	5	2								
4th		26	25	24	20	15	14	9	8	4	X							
3rd	W U	17	16	13	12	9	8	5	4	1	X	GARVAN PLACE						
2nd	ACCESS LEVEL	18	15	14	11	10	7	6	3	2								
1st	W U	18	15	14	11	10	7	6	3	2								
Grd.	SUB-STATION	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	ROSSVILLE GARAGES

WIL STREET

EN

KEY:

9 A	Bedsit., 1 pers flat, Floor Area 354ft.	18 C	Two bed, 4 pers flat, Floor Area 714ft.
3 B	One bed, 2 pers flat, . . . 507ft.	17 C1	Two bed, 4 pers flat, . . . 725ft.
5 B1	One bed, 2 pers flat, . . . 575ft.	5 D	Three bed, 4 pers flat, . . . 855ft.
3 B2	One bed, 2 pers flat, . . . 507ft.	9 D1	Three bed, 6 pers 2 story maisonette, 1083ft.

BLOCK II

FLOOR

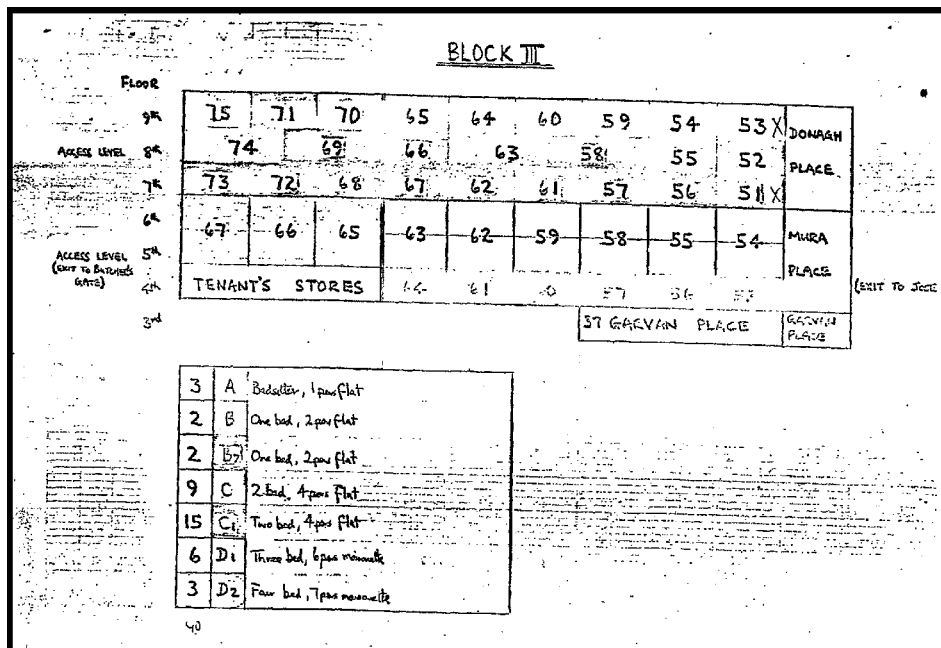
9th	48	47	43	42	37	36	32	31	26	DONAGH	
ACCESS LEVEL 8th	49	46	41		38	35	30		27	PLACE	
7th	50	45	44	40	39	34	33	29	28		
6th	50	49	44	43	38	37	33	32	27	MURA	
ACCESS LEVEL 5th	51	48	45	42	39	36		31	28	PLACE	
4th	52	47		41		35		30	29		
3rd	N/A	N/A									
ACCESS LEVEL 2nd	35	34	31	30	27	26	23	22	19	GARVAN	
1st	36	33	32	29	28	25	24	21	20		
Grd.	PH				PLACE		SHOPS				

FAHAM STREET END

ROSSVILLE STREET E

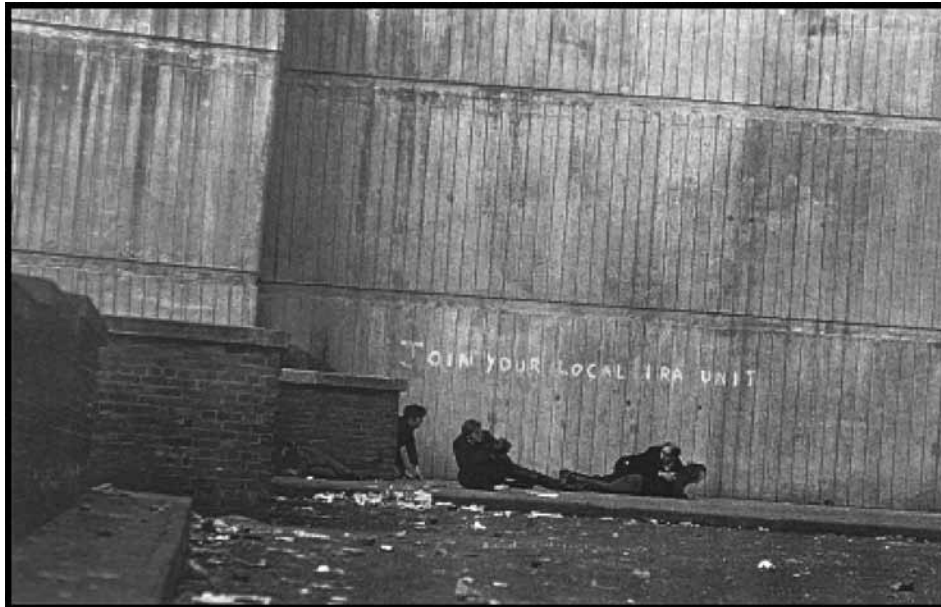
KEY:

9	A	Bedsit., 1 pers flat	Floor Area 354ft.	18	C	Two bed, 4 pers flat, Floor Area 714 ft.
3	B	One bed, 2 pers flat	. . . 507ft.	17	C1	Two bed, 4 pers flat . . . 725ft.
5	B1	One bed, 2 pers flat	. . . 575ft.	5	D	Three bed, 5 pers flat . . . 855ft.
3	B2	One bed, 2 pers flat	. . . 507ft.	9	D1	Three bed, 6 pers 2 story maisonette 1083ft.



- 23.30** On the Block 3 diagram (above), the words “Joseph Place” should appear. What has been cut off the right side is probably “Joseph Street”. The right of the diagram shows the northern end of Block 3.
- 23.31** As the diagrams show, most of the dwellings were single-storey flats. However, there were rows of two-storey maisonettes on the second and third floors of Blocks 1 and 2 (which formed part of Garvan Place) and on the fifth and sixth floors of Block 3 (part of Mura Place).
- 23.32** Balconies ran along the entire length of each block. Blocks 1 and 2 had three balconies, while Block 3 had two. There were balconies on the sides of the blocks that faced into the car park; the outward-facing sides had windows only.
- 23.33** There was a stairwell at each end of each block. Access to the balconies could be obtained from the stairs at either end. It was possible to walk from the northern end of Block 1 all the way round to the northern end of Block 3, using the balconies and the connecting walkways.
- 23.34** There was a gap at ground level underneath the walkways that joined Blocks 1 and 2 and those that joined Blocks 2 and 3. It was possible to walk through these gaps and reach Joseph Place.

- 23.35** The photograph below, which was taken on Bloody Sunday, shows part of the retaining wall on the east side of the car park beneath Block 3. It is the part leading to the gap between Blocks 2 and 3. The wall on the far left of the photograph is the low wall that ran parallel to Block 2.



- 23.36** The photograph below, which was not taken on Bloody Sunday, shows the gap between Blocks 2 and 3 of the Rossville Flats.



- 23.37** The photograph below shows the gap between Blocks 1 and 2. Close to the gap, a doorway can be seen at ground level in Block 1. This doorway led to a staircase giving access to all floors. There were also lifts next to the stairwell. It was possible to walk straight through the block at ground level; a doorway opposite this one led onto Rossville Street.



- 23.38** Another doorway can be seen in the foreground, at the northern end of Block 1. This doorway also led to a stairwell that can be seen in the picture, clad in vertical wooden slats. There was no doorway on the other side of this stairwell, facing into Rossville Street.
- 23.39** A rubble barricade, constructed by civilians, lay across Rossville Street at the time of Bloody Sunday. It ran from Block 1 of the Rossville Flats to the eastern block of Glenfada Park North, a block of maisonettes on the opposite side of Rossville Street. The photograph below, which is a still taken from film footage shot from a helicopter on Bloody Sunday, shows the barricade.



23.40 The barricade was made from a variety of materials, including an oil drum, rubble and wooden trestles. The photograph shows that there was a gap in the barricade, towards the western side of the road. One of the trestles barred the gap in the barricade and could be moved to allow vehicles to pass.

23.41 This barricade is described in more detail in our consideration of the events of Sector 3,¹ but a description of it is included here because some of the witnesses concerned with Sector 2 refer to it.

¹ [Paragraphs 68.30–35](#)

Chapter 24: The movement of Mortar Platoon Armoured Personnel Carriers into the Bogside

24.1 As we have already described in our discussion of Sector 1,¹ shortly before 1610 hours Support Company went in vehicles through Barrier 12 in Little James Street, while a little later C Company went on foot over or through Barrier 14 in William Street. As to the latter company, 7 Platoon of C Company continued along William Street to the junction with Rossville Street, followed by 9 Platoon. 8 Platoon turned left off William Street and subsequently went down Chamberlain Street. We describe in more detail later in this report² what the soldiers of C Company did.

¹ [Paragraphs 20.207–257](#)

² [Chapter 65](#)

24.2 So far as Support Company is concerned, the two leading vehicles were Armoured Personnel Carriers (APCs). These were often called “Pigs” and, by many of the civilians, albeit inaccurately, “Saracens”.

24.3 The two leading APCs contained Mortar Platoon. These were followed by Major Loden’s command vehicle, described as “*Company Headquarters one ACV (1 ton Armoured modified)*”,¹ and a Ferret scout car with a mounted Browning machine gun.² Next came the two empty APCs of Machine Gun Platoon, and then two soft-sided, four-ton lorries containing the Composite Platoon (Guinness Force). The two APCs of Anti-Tank Platoon brought up the rear. Major Loden had designated this order when the company formed up in Clarence Avenue before moving to Queen’s Street.³

¹ [B2220](#)

³ [WT12.36; B2220](#)

² [WT11.76](#)

24.4 As we have already noted,¹ it seems probable that the Support Company vehicles went across the junction of William Street and Rossville Street before soldiers from C Company went over or through Barrier 14 in William Street, because a number of civilians who had been close to Barrier 14 described moving from there into Chamberlain Street on seeing these vehicles, rather than fleeing from the soldiers at Barrier 14.

¹ [Paragraphs 20.257–261](#)

24.5 In the leading APC was Lieutenant N, the Commander of Mortar Platoon. In the following APC was Sergeant O, the Platoon Sergeant.¹

¹ [B398; B466](#)

24.6 The nominal roll of Mortar Platoon shows that 18 members of that platoon were deployed on Bloody Sunday.¹ Lieutenant N confirmed this deployment in his oral evidence to the Widgery Inquiry.² We are satisfied that, of these 18, the following 13 were divided between the two APCs as follows:

¹ GEN8.4

² WT12.62

First APC

- Lieutenant N¹

¹ B398

- Corporal 162¹

¹ B1962.002

- Lance Corporal V¹

¹ B821.018; WT13.23

- Private Q,¹ Private S (driver),² Private 019,³ Private INQ 1918 (radio operator).⁴

¹ B641

³ B1494.002

² B706

⁴ C1918.1

Second APC

- Sergeant O¹

¹ B466

- Corporal P¹

¹ B591

- Private R,¹ Private T,² Private U,³ Private INQ 1579 (driver).⁴

¹ B669

³ B771

² B735

⁴ C1579.3

24.7 There remain five soldiers who were deployed on Bloody Sunday but in respect of whom it is less clear in which APC they travelled. They are Lance Corporal INQ 768, Private 006, Private 013, Private 017 and Private 112.

24.8 Lance Corporal INQ 768 made no statement in 1972. In his evidence to this Inquiry he said that he believed that he was in the second vehicle (Sergeant O's APC) and that since he was the driver he also acted as a vehicle guard when the soldiers disembarked.¹ In our view he was not the driver of either of the APCs, since we are satisfied from the

evidence of Private S and Private INQ 1579 (supported by the evidence of Lieutenant N and Sergeant O respectively) that the former drove Lieutenant N and the latter Sergeant O.² Lance Corporal INQ 768 may have acted as vehicle guard, but if so this cannot have been of Sergeant O's APC, since we are satisfied from the evidence of Private R that he was the guard of that vehicle.³

¹ C768.1; C768.3; Day 323/128-129

³ B676

² B706; B724.002; C1579.2; Day 336/149-150; B438.006; B575.111

24.9 However, Lance Corporal INQ 768 also said that the normal practice was to have one Lance Corporal in each vehicle. There is no doubt that of the two Lance Corporals in the platoon, Lance Corporal V was in Lieutenant N's APC.¹ This indicates that Lance Corporal INQ 768 may have been in Sergeant O's vehicle, as indeed Sergeant O also believed was the case.²

¹ B821.018

² B575.111

24.10 In his Royal Military Police (RMP) statement,¹ Private 006 recorded that he was a member of a snatch squad commanded by Sergeant O. In his written statement to this Inquiry, while he said that he thought that he was with Sergeant O, he also said that he thought that Private S was in the same vehicle and that this vehicle led the convoy.² In our view the statement he made at the time is likely to be more accurate, so we consider that he was in the second APC commanded by Sergeant O.

¹ B1375

² B1377.004

24.11 Private 013 recorded in his RMP statement that he moved into the forecourt of the Rossville Flats.¹ In his statement to this Inquiry he recalled that he was in the second vehicle.² As will be seen, Sergeant O's vehicle drove to what could be described as a forecourt and accordingly this may indicate that Private 013 was in this vehicle. However, in his first RMP statement Lieutenant N recorded that Private 013 accompanied him as he ran from his APC after it had stopped.³

¹ B1406

³ B373

² B1408.003

24.12 In his written evidence to this Inquiry, Private 017 stated that he was pretty sure that he had travelled in the leading APC.¹ However in his oral evidence he said that he thought that he was in Sergeant O's vehicle.² According to his first RMP statement,³ the APC he was in halted to the north-east of the northernmost block of the Rossville Flats. This is closer to a description of Sergeant O's APC than that of Lieutenant N. Furthermore,

Private 017 worked with Corporal P as his pair,⁴ and Corporal P told the Widgery Inquiry that he and his pair disembarked from the same vehicle, Sergeant O's APC.⁵ On this basis it seems that Private 017 was in that vehicle.

¹ B1484.002

⁴ B1482

² Day 358/39

⁵ B596

³ B1472

24.13 In his RMP statement,¹ Private 112 recorded that he was deployed "*on the waste ground off Rossville St*". In his evidence to this Inquiry he said that he believed that he was in Sergeant O's APC,² but of the soldiers he said were with him, some were clearly in that vehicle while others were with Lieutenant N. He remembered an altercation between someone in the APC ahead of him and someone at Barrier 12 when they were waiting to go through, which also points to him being in the second APC. However, Private Q, in his written evidence to this Inquiry,³ recalled Private 112 being with him in the first APC.

¹ B1730

³ B657.3

² B1732.1; Day 320/96; Day 320/123

24.14 If Lance Corporal INQ 768, Private 006, Private 013, Private 017 and Private 112 were all in Sergeant O's APC, then there would have been 11 soldiers in that APC and only seven with Lieutenant N. However, both Lieutenant N and Sergeant O gave evidence in 1972 that there was an equal number of soldiers in each vehicle.¹ Furthermore, Lieutenant N's evidence was that four men in his platoon were armed with baton guns,² and that (as Sergeant O also said at the time)³ there were two of these in each APC.⁴

¹ B373; B466

³ B439

² B397

⁴ B373

24.15 As appears from their RMP accounts, Private 013, Private 017 and Private 112 were armed with baton guns, though they also had self-loading rifles either with them or in the APCs.¹ It appears from his evidence to this Inquiry that Private 019 (in Lieutenant N's APC) was the fourth soldier with a baton gun; he recognised himself near to Lieutenant N in one of the photographs to which we refer hereafter.² On one view of the evidence, therefore, there were three soldiers armed with baton guns in Sergeant O's APC, and only one with Lieutenant N. In our view this cannot be right, as apart from the evidence given by Lieutenant N in 1972, the cine film from the helicopter,³ to which we refer below, shows two separate puffs of smoke appearing in different places in quick succession close to Lieutenant N's vehicle soon after the soldiers had disembarked. We have no doubt that this smoke came from two baton guns.

¹ B1406; B1472; B1730; Day 322/27-28

³ Vid 2 02.10

² B1494.003

24.16 Weighing the evidence discussed above, it seems to us from their accounts that Private 017 and Private 112 were with Sergeant O and that Private Q was mistaken in his recollection that he was with Private 112. It follows in our view that Private 013 was, contrary to his recollection but consistent with the account given by Lieutenant N at the time,¹ with Lieutenant N in the first APC. Private 013's description in his RMP statement of moving into the forecourt of the Rossville Flats probably relates to what he did after he disembarked, though the expression "*forecourt*" could also perhaps be applied to the whole of the open ground to the north of the Rossville Flats.²

¹ B373

² Day 323/185

24.17 On this basis, there would have been two soldiers with baton guns in each vehicle. That leaves Lance Corporal INQ 768. It is not possible to be certain in which vehicle Lance Corporal INQ 768 travelled. His own recollections are, for reasons given above, clearly erroneous at least in part. On the basis that there would be equal numbers in each APC, this would put him in Lieutenant N's APC, while on the basis that there would be one Lance Corporal in each APC, this would put him in Sergeant O's vehicle. On the whole it seems to us that the former is more likely to be the case, on the basis that both Lieutenant N and Sergeant O said that there was an equal number of soldiers in each vehicle.

24.18 For these reasons it seems to us that the 18 soldiers of Mortar Platoon were probably deployed between the two APCs as follows:

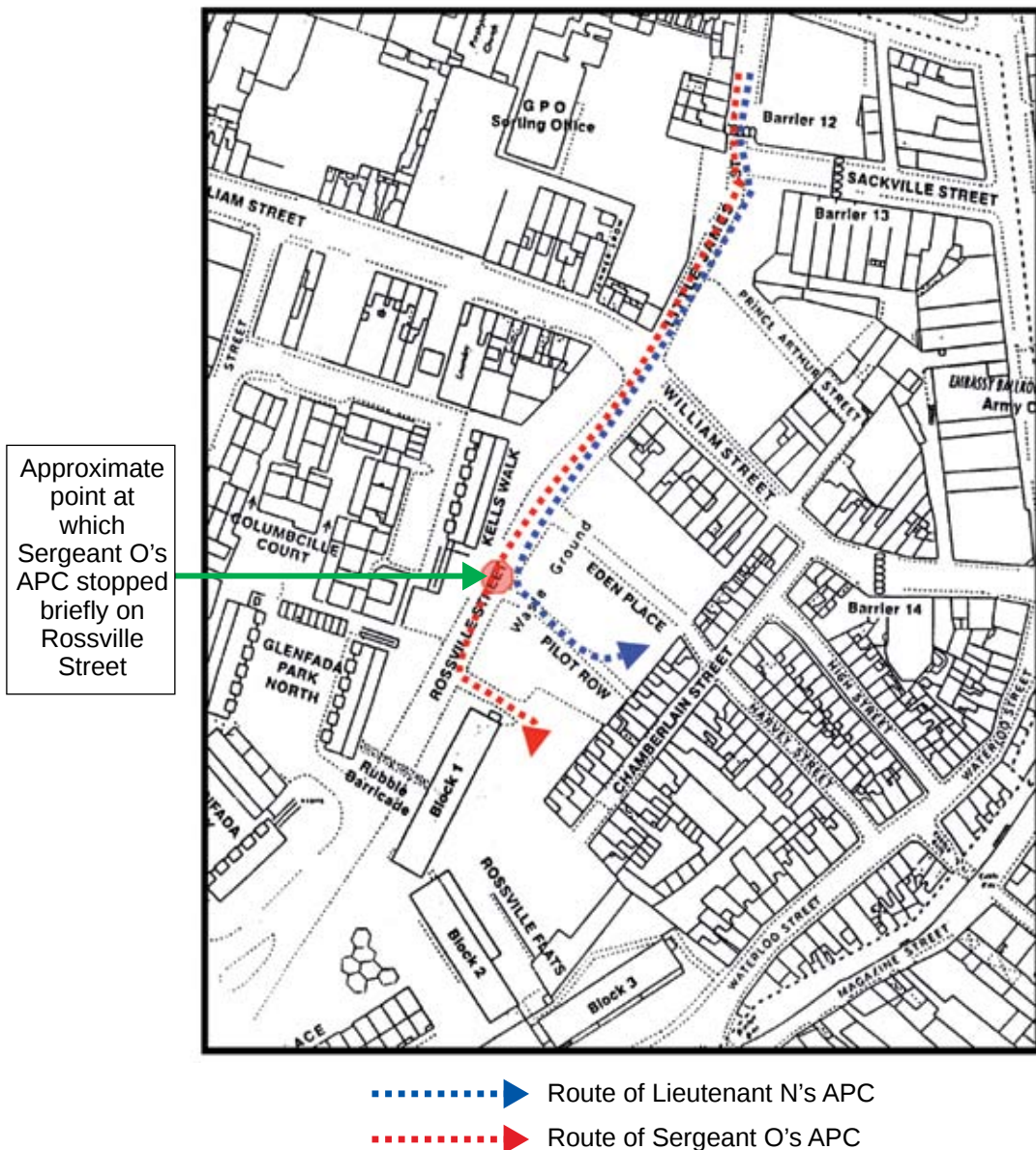
First APC

- Lieutenant N
- Corporal 162
- Lance Corporal V, Lance Corporal INQ 768
- Private Q, Private S (driver), Private 013 (armed with baton gun), Private 019 (armed with baton gun), Private INQ 1918 (radio operator).

Second APC

- Sergeant O
- Corporal P
- Private R, Private T, Private U, Private 006, Private 017 (armed with baton gun), Private 112 (armed with baton gun), Private INQ 1579 (driver).

- 24.19** Those with baton guns were accordingly Private 013 and Private 019 (who were with Lieutenant N) and Private 017 and Private 112 (who were with Sergeant O).
- 24.20** After passing through Barrier 12, the two APCs travelled south along Little James Street, over the junction between Rossville Street and William Street and on along Rossville Street. Lieutenant N's vehicle turned left off Rossville Street and stopped between Eden Place and Pilot Row, a few yards from the Eden Place alleyway. Sergeant O's APC continued along Rossville Street and then turned left, finally stopping well into the entrance to the car park of the Rossville Flats. The map set out below depicts the approximate route that the APCs took and where they stopped.
- 24.21** Just before Sergeant O's vehicle turned off Rossville Street into the car park entrance, it stopped briefly near Pilot Row and some soldiers disembarked.



24.22 The entry of the APCs into the Bogside was recorded on film both by an ABC News cameraman from the ground and by an Army cameraman in a helicopter.¹

¹ [Vid 48 12.26](#); [Vid 2 01.50](#)

24.23 The photographs below are stills taken from the film footage obtained from the helicopter. The first photograph shows the junction of Rossville Street, William Street and Little James Street. On the right of the photograph is Lieutenant N's APC, heading south along Rossville Street. Sergeant O's APC is seen crossing the junction. The second image shows Lieutenant N's APC as it turns into Pilot Row. On the right of this photograph, Sergeant O's APC can be seen coming to a halt in Rossville Street.





- 24.24** A photograph taken from the west side of Rossville Street by Robert White also shows Sergeant O's APC in Rossville Street.



- 24.25** In the photograph above, three soldiers can be seen behind the APC; the direction in which they are moving indicates that the photograph was taken as the APC moved off, after having stopped and after a number of soldiers had debussed from it. At first glance, the photograph seems to suggest that the APC must have stopped further north in Rossville Street than the film footage shows; however, this is an illusion created by the

angle from which the photograph was taken. Behind the APC one can just make out the curving kerbstones that led into Pilot Row, showing that the APC had passed Pilot Row at the time at which the picture was taken. The location of the APC in the photograph is consistent with the movement of the APC shown in the footage shot at ground level by an ABC News cameraman looking southwards down Rossville Street and the helicopter footage, which shows clearly that Sergeant O's APC stopped approximately opposite the turning into Pilot Row.¹

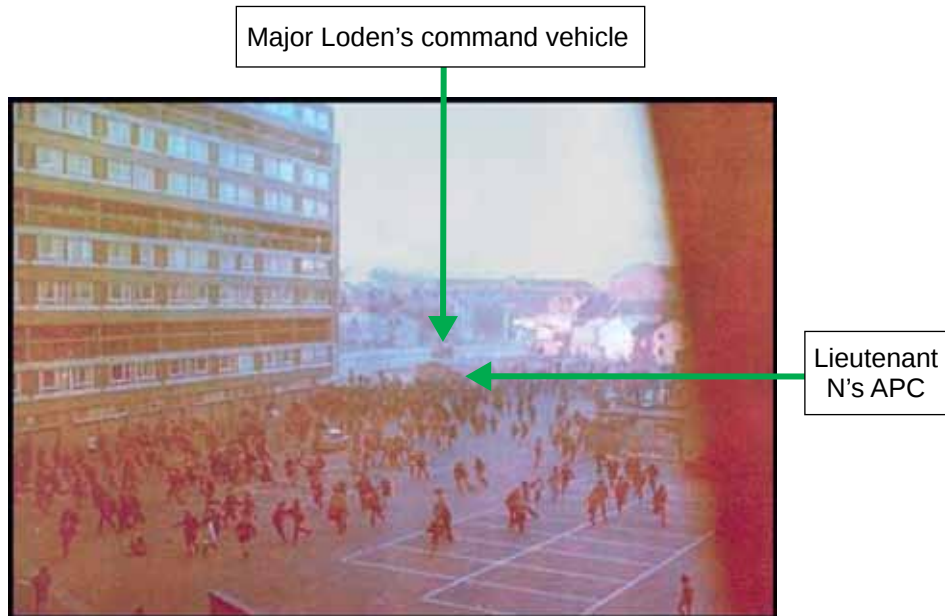
¹ [Vid 48 11.48](#); [Vid 2 01.50](#)

24.26 The photograph below is a still from the helicopter footage. At the bottom of the picture, Lieutenant N's APC can be seen. It has come to a halt on the Eden Place waste ground. The two white smudges above and to the right of the APC are in our view puffs of smoke discharged by baton guns.



24.27 In the previous chapter we referred to two of a series of photographs taken by Derrik Tucker Senior from his home in Block 2 of the Rossville Flats, which showed the scene from his vantage point before the Army vehicles came into the Bogside. Set out below are two photographs that he took as the vehicles arrived. We have identified on the photographs the vehicles that can be seen.

- 24.28** The first photograph shows Lieutenant N's APC as it moves south-east along Pilot Row before turning north-east towards Eden Place. In the background can be seen Major Loden's command vehicle with the perspex turret. Sergeant O's APC was out of sight behind Block 1 of the Rossville Flats when this photograph was taken.



- 24.29** The second photograph shows a number of Army vehicles on Rossville Street. The leading vehicle is Major Loden's command vehicle. It is followed by the Ferret scout car. Behind the scout car are two APCs belonging to Machine Gun Platoon (one APC being barely visible behind the other). The rear vehicle on the photograph is the first of the two four-ton lorries that carried members of Composite Platoon (Guinness Force). Lieutenant N's APC can no longer be seen. By the time at which this photograph was taken, Lieutenant N's APC had turned to the north-east and was on the Eden Place waste ground, to the right of the scene shown on the photograph. Sergeant O's APC was no longer on Rossville Street but had turned into the access road leading to the car park, close to the north end of Block 1 of the Rossville Flats. The front offside part of Sergeant O's APC may just be seen in the photograph, emerging from behind the north end of Block 1.



24.30 In his written statement for the Widgery Inquiry, Lieutenant N stated that the Company Commander “*told me to go through the barrier and arrest rioters*”:¹

“8. I’ve never been in Londonderry on operations before and this area was unknown to me. I had the impression of large open spaces with the crowd standing round watching us. We kept going up what I now know to be Rossville Street. The crowd began to run away from us. We kept driving up the street to overtake some of them and caught up with the back people, and then I turned my pig left to somewhere between what I now know to be Eden Place and Pilot Row, cutting off about 100. My sergeant who had followed the normal drill of pulling past me up the right and had halted towards the car park of the Rossville Flats.”

¹ B398

24.31 In his oral evidence to the Widgery Inquiry, Lieutenant N said that as he moved through the barrier he saw a crowd about 50 or 75m from him, running along Rossville Street and he followed this crowd in his vehicle. He caught them up and kept going with them. “*The aim in my mind was to cut as many off as we could so that we could debus in the middle*

of them.” He described the crowd as quite dense. He told the Widgery Inquiry that he did not know for some minutes where Sergeant O’s APC had gone, but that it had followed what he described as “our normal procedure”.¹

¹ WT12.63-64

24.32 In his written statement for the Widgery Inquiry, Sergeant O stated that he was ordered “to go into the crowd and make arrests”. He described how people scattered to either side of Rossville Street as they drove down and how, after his Platoon Commander had turned left at Pilot Row, he continued on and then swung left himself. “In this way we cut off between us a group of about 200 people. These were intended as the people the snatch squads would go into.”¹ In his oral evidence to the Widgery Inquiry he said² “... the Platoon Commander came up, gave me a briefing. It was a Snatch operation initially at Aggro Corner.”

¹ B466

² WT13.35

24.33 Sergeant O told the Widgery Inquiry that as his APC slowed down to turn left, he believed that four men at the back of his vehicle had jumped out.¹

¹ WT13.25

24.34 Corporal P was one of those who told the Widgery Inquiry that he had got out of Sergeant O’s APC at this point, together with a soldier he was guarding who had a baton gun.¹ For the reasons given above, this was probably Private 017, who had a baton gun and who believed that he was one of this group.² Private R also told the Widgery Inquiry that he had got out at this stage.³ Private U, from his written statement for the Widgery Inquiry, also appears to have disembarked at this point, together with the soldier carrying a baton gun whom he was protecting.⁴ On the basis of our identification of the two soldiers carrying baton guns in Sergeant O’s APC, this would, if Private U were right (as we consider he probably was), have been Private 112.

¹ WT13.45

³ WT13.72

² Day 358/45

⁴ B767

24.35 In his RMP statement, Private 006 recorded that he disembarked at the junction of Eden Place and Rossville Street.¹ In our view he meant Pilot Row, as there is no doubt that this is where Sergeant O’s APC briefly stopped. On the basis that he was in Sergeant O’s APC, which in our view was probably the case, he too appears to have disembarked before this APC turned left into the car park.

¹ B1375

24.36 For these reasons, we consider that Corporal P, Private 017, Private R, Private U, Private 006 and probably Private 112 got out of the APC before it turned off Rossville Street, leaving Sergeant O, the driver Private INQ 1579 and Private T to continue to the Rossville Flats car park. Although Sergeant O believed that only four soldiers had disembarked at the earlier stage, it must be remembered that he was sitting in the front of the vehicle with the driver¹ and so might well not have been able to see exactly how many had got out. The ABC News film shows men disembarking from Sergeant O's APC as it turned left, and though it seems to show only four soldiers disembarking, there is a break in the film at this stage so that two more may well have disembarked afterwards.² The film also shows a puff of smoke, which in our view was from the firing of a baton round.

¹ [B575.111](#)

² [Vid 48 12.26](#)

The question of firing at the moving Armoured Personnel Carriers

24.37 According to the driver of Sergeant O's APC (Private INQ 1579), these vehicles had a top speed of 30mph and took time to reach this speed, as they were very heavy. His evidence was that there was not sufficient time for the APCs to reach top speed as they drove into the Bogside;¹ though as can be seen from the film footage,² they seem to have moved reasonably quickly.³ In his written statement for the Widgery Inquiry, Private S (the driver of Lieutenant N's APC) estimated the speed of the APC that he was driving as about 20mph.⁴

¹ [Day 336/153-154](#)

² [Vid 2 01.50](#); [Vid 48 12.26](#)

³ The distance from the north end of Rossville Street to a point level with the entrance to Eden Place is about 55 yards. The film footage ([Vid 2 01.59](#)) shows that Sergeant O's APC covered this distance in about 4.5 seconds, suggesting a speed of about 25mph.

⁴ [B706](#)

24.38 None of the soldiers in Lieutenant N's APC suggested that this vehicle, which led the others, came under fire as it drove into the Bogside. The same applies to the soldiers in the second APC, though Private U in his first RMP statement recorded that "*As we were advancing the rioters threw stones and bottles at the vehicle, I also heard the sound of automatic gunfire*", but added that as far as he knew, "*no rounds hit the vehicle*".¹ In his written statement for and oral evidence to the Widgery Inquiry, he stated that as the vehicle came into Rossville Street, he heard a long burst of automatic gunfire that he was sure was coming from "*the other side of Glenfada Park*".¹

¹ [B748](#)

² [B767](#); [WT13.94](#)

24.39 We have difficulty in accepting this account of Private U. He was the only soldier in the second APC to say that he heard automatic gunfire at this stage. We do not understand how, from inside this vehicle, he could have been able to tell from where the fire was coming, and it is noteworthy that this detail is absent from his RMP statement. In his evidence to this Inquiry, Private U told us that the shots he had heard sounded like slow sub-machine gun fire or Thompson sub-machine gun bursts. *"I could not tell where the gunfire was coming from."*¹ He also said that his recollection was that it was a short burst of gunfire, though he had told the Widgery Inquiry that it was a long burst that he had heard.²

¹ B787.004; Day 369/16-17

² Day 369/18

24.40 As will be seen from other parts of this report,¹ we have been unable to accept much of what Private U said he did and saw after disembarking from the APC. In our view his evidence is unreliable in so many respects that in the absence of any supporting evidence from those in the APC with him, we can place no reliance on his account of hearing automatic gunfire while in the APC. Had he heard such gunfire, we are sure that other soldiers in the vehicle would also have heard and commented on it. Indeed, Private U agreed in his evidence to the Widgery Inquiry that he could see no reason why the soldiers in the leading APC would not have been able to hear automatic fire.²

¹ Paragraphs 85.29–82 and 86.564–606

² WT14.2

24.41 There was no evidence of any bullet marks or damage on either APC.

24.42 Lieutenant 119, the Commander of Anti-Tank Platoon, was travelling in the second-to-last vehicle coming into the Bogside.¹

¹ B1752.043

24.43 In his first RMP statement, which was timed at 1320 hours on 31st January 1972,¹ Lieutenant 119 recorded that as they travelled down Rossville Street, *"the vehicles came under fire from the Rossville Flats and Glenfadda [sic] Flats"*. In his written statement for the Widgery Inquiry, Lieutenant 119 recorded that as they passed the William Street/Rossville Street junction, *"I saw that the leading Platoon had come under fire"*.²

¹ B1752.041

² B1752.043

24.44 In his oral evidence to the Widgery Inquiry, Lieutenant 119 said this:¹

“Q. As you were passing over the junction, or round about there, did you observe any firing taking place, apart from baton rounds and CS gas?

A. When the leading platoon got up into Rossville Street I observed them come under fire from gunmen.

LORD WIDGERY: That is the Mortar Platoon.

Mr. GIBBENS: Would you give my Lord more detail about that. How did you observe them?

A. I was able to hear the fire and to see fire and when they got out of their vehicles they fired a large number of baton rounds in the direction of the crowd in the attempt to make the arrests.

Q. A little more detail than that. Which part of your vehicle were you sitting in?

A. In the front seat of my vehicle.

Q. The passenger seat?

A. Yes sir.

Q. And you could see fire coming, you say?

A. Yes sir, I could.

Q. What could you see of it? Could you see its source, or merely where it landed?

A. I could see the strike on the ground, sir.

Q. About how many strikes on the ground could you see?

A. It would be difficult to say, but three or four at first anyway.

Q. Whereabouts did it strike?

A. Very close, on the right-hand side of the Mortar Platoon's vehicles.

Q. Could you indicate on the model roughly?

A. Yes sir. They would be up to about here and the fire, I think, had come from somewhere in the direction of the flats and landed on that sort of side of the road.

Q. You said from the direction of the flats, but you were pointing, in fact, parallel down towards Lecky Street [sic]. Was it from the building, or from behind the flats?

A. I think it may well have been behind. It appeared, because I was here, to come from the direction of the flats.”

¹ [WT14.10](#)

24.45 A little later in his evidence, Lieutenant 119 said that he did not feel it necessary to report this gunfire, as he thought Mortar Platoon and the Company Commander would have been aware of it.¹

¹ [B1752.063](#)

24.46 In his written evidence to this Inquiry, Lieutenant 119 stated that he was aware that Mortar Platoon was coming under fire and recalled seeing “*the splash of a round that was fired, it hit the road near the lead Mortar Platoon Pig*”.¹

¹ [B1752.015](#)

24.47 In his oral evidence to this Inquiry, Lieutenant 119 said that he was unable to remember how, from his position in the ninth of the ten vehicles going into the Bogside, he was able to see, with all the vehicles in between, shots hitting the ground on the right-hand side of the leading vehicle.¹ He was then shown the film of the vehicles entering the Bogside.² As Counsel to the Inquiry correctly pointed out:

“... What we can see from that photograph is that the command vehicle is some way behind the second Mortar Platoon Pig and the Ferret is some way behind the command vehicle, apparently at a time when the first Pig of the Mortar Platoon has turned off and then behind the Ferret car are two Pigs of the Machine-Gun Platoon and then there are two lorries and then there is the two Pigs of your platoon.

Looking at that material it seems prima facie to make it even more difficult to see how you would have seen shots landing on the right-hand side of the first Mortar Platoon Pig; do you follow the point that I am putting to you?

A. I follow the point, sir.

Q. How confident can you be that you did in fact see that?

A. I still have the snapshot of one round, sir.”

¹ [Day 363/121](#)

² [Vid 48 12.26](#)

24.48 Counsel to the Inquiry also pointed out to Lieutenant 119 that his first RMP account¹ suggested that the vehicles that came under fire were his own.² Lieutenant 119 said that he did not believe that this is what he meant to say. Later in his oral evidence, Lieutenant 119 gave a similar explanation. When it was put to Lieutenant 119 again that he was not in a position to see the vehicles of Mortar Platoon as they came into the Bogside and therefore could not have known whether they came under fire, he replied: *"I have a snapshot recollection of that shot being fired."*³

¹ B1752.041

³ Day 364/19-20; Day 364/59-60

² Day 363/123-124

24.49 Major Loden was in the command vehicle, which was the third in the convoy after the two APCs of Mortar Platoon. His evidence to the Widgery Inquiry was that he observed no firing as the vehicles went in.¹ In his Diary of Operations² there is the following entry, timed at 1617 hours: *"Three rounds struck the second pig of the Mor Pl. My veh stopped on Rossville St/Pilot Row junction in the close vicinity of two rioters. The crew of my veh debussed to arrest these men."*

¹ WT12.27-28

² B2213

24.50 Major Loden's Diary of Operations was written up after the event and included matters that he had not observed himself. In his oral evidence to this Inquiry, Major Loden said that he imagined that the information about the rounds striking the second APC had come from someone in his company, but that he had not observed this himself. He also said that he stood by what he had told the Widgery Inquiry and agreed that it looked from that evidence as though he had some scepticism about bullets hitting the second APC,¹ though he was at pains to emphasise that although he was in the next vehicle behind Sergeant O's APC and looking out, he would not necessarily have heard or observed these shots had they occurred.²

¹ Day 342/49-51

² Day 345/75-79

24.51 In our view, Lieutenant 119 did not observe gunfire directed at either of the APCs of Mortar Platoon. He was at the back of the convoy, sitting on the passenger (left-hand) side, a considerable distance from these vehicles. Had there been such fire, it seems to us that, despite what Major Loden said to us, at least some of those in the leading APCs or immediately following vehicles would have been bound to have noticed it, if not Major Loden himself. We return to Lieutenant 119's accounts later in this report.¹ As will be seen, there are other parts of his evidence that we have found ourselves unable to accept.

¹ Paragraphs 93.16–55, 96.4–7, 98.4–10, 100.15–19 and 113.58–60

24.52 However, the representatives of the majority of represented soldiers submitted that as the two APCs drove south down Rossville Street and turned east across the Rossville Street waste ground, they were attacked by gunmen and rioters.¹ It is noteworthy that in support of this submission these representatives did not rely on the evidence of soldiers, but on the evidence of a number of civilians, namely George Nelis, Gerard Grieve, Eunan O'Donnell, Edward Dillon, Thomas Daly, Noel Moore, Ann Harkin, Harry McBride and Bernard Gilmour.^{2,3}

¹ [FS7.1329](#)

² [FS7.1329-1339](#)

³ We have also looked at the evidence of the following three witnesses, but have not found it of any assistance on the matter under discussion: Donncha MacFicheallaigh ([Day 409/96](#)); Ciarán Mac Lochlainn ([Day 415/126](#)); Robert McLaughlin ([Day 107/14](#); [Day 107/35](#)).

24.53 None of these witnesses suggested that they observed any gunfire directed at the two leading APCs, or indeed at any of the Army vehicles.

24.54 George Nelis gave us an account of being at his mother's house at 33 Chamberlain Street (which was the southernmost house on the east side of Chamberlain Street), hearing a running crowd, and going outside to investigate:¹

"It was as I stepped outside the house that I also became aware of gunfire. I did not hear the sound of guns being fired, but I distinctly remember hearing the sound of bullets striking. It seemed to me that I could hear bullets hitting the house somewhere high up, perhaps at the eaves. Bullets seemed to be hitting the house in short bursts, as if there had been regular bursts of fire from an automatic weapon. I remember thinking that the sounds had an echo to them, but my overall impression was of the sound of bullets hitting the house somewhere high up."

¹ [AN9.2](#)

24.55 In his oral evidence to this Inquiry, George Nelis told us that there were maybe two bursts of possibly three or four bullets each. Again he placed the bullet strikes that he heard (he repeated that he did not hear the weapon discharging) at the level of the eaves of his mother's house and of the next two houses in the street. The bullets seemed to move along in a line above his head and were not focused on one spot.¹

¹ [Day 103/149](#)

24.56 George Nelis told us that after he had gone out of the house, he followed the crowd into the Rossville Flats car park and there saw a body lying on the ground. From his account this would appear to be Jackie Duddy.¹ He also saw Margaret Deery.² These were two of the casualties in Sector 2, who were hit by gunfire after the soldiers had arrived and disembarked in Sector 2.

¹ AN9.2

² AN9.3

24.57 In our view, George Nelis's account does not support the suggestion that he heard non-military fire as the Army vehicles came into the Bogside. On the contrary, it appears that what he recalled hearing was the strike of bullets at a later stage, after the soldiers had disembarked and perhaps even after two of the known casualties had been hit by gunfire. Furthermore, we find difficulty in accepting that bullets were in fact hitting the eaves of his mother's house. It was submitted that these could not have been Army fire, as there is no evidence that any soldier was in a position to hit the eaves of a house on the east side of Chamberlain Street. Equally, however, it seems highly unlikely that any non-Army firer would have had any cause to fire in this direction. In the end we formed the view that it would be unwise to rely on this part of the account that George Nelis gave us so long after the event. There is no other evidence to suggest that shots hit 33 Chamberlain Street.

24.58 As to Gerard Grieve's account,¹ he told us that the fire that he heard was from the Army and before the APCs (he described them as "*Saracens*") had stopped. However, he also recalled that soldiers were coming in on foot with the *Saracens* following. We are sure that no soldiers preceded the two leading APCs, so we are doubtful about the accuracy of his recollections after so many years. In any event, he described the firing as being from the Army. In our view his account does not support the proposition that the leading APCs came under fire.

¹ Day 147/9-10

24.59 We take the same view of the account that Eunan O'Donnell gave us. He described a volley of shots that appeared to him to come from the City Walls, but expressed himself as "*no longer entirely clear*" as to the order in which he saw the Army coming in and heard these shots.¹ In his Northern Ireland Civil Rights Association (NICRA) statement² he described hearing shouts that the Army was coming in, running towards an entry in Columbcille Court and falling to the ground on hearing shots. In this statement he recorded that although he was not sure, he thought he had heard about 30 shots in all.

¹ Day 54/114-115

² AO28.6

24.60 Edward Dillon gave a NICRA statement¹ in which he described coming up towards the meeting at Free Derry Corner. “*At the High Flats the soldiers started firing.*” In his written account to us² he described hearing shooting, which he thought was from the direction of Blocks 1 and 2 of the Rossville Flats and “*possibly*” from the roof, more or less at the same time as he saw Army vehicles. From his accounts it appears that Edward Dillon was to the south of the Rossville Flats. He was sure that the fire was Army fire.³ In our view his accounts do not demonstrate or suggest that what he heard was firing directed at the soldiers.

¹ AD45.6

³ Day 174/84-89

² AD45.1

24.61 Thomas Daly told us¹ that he recalled running down Rossville Street with a lot of people when they heard the sound of Army vehicles. He recalled being at about Pilot Row when he heard a number of cracks that he believed to be Army fire. He ran towards the car park of the Rossville Flats and the gap between Blocks 1 and 2, hearing more single shots behind him. At some point he looked behind him and saw Army vehicles in Rossville Street roughly opposite Kells Walk. In our view this evidence does not indicate that the fire he heard was fire directed at the Army vehicles, as it is not apparent from his account that he heard gunfire before the Army vehicles had arrived.

¹ AD4.2

24.62 Noel Moore gave written and oral evidence to this Inquiry.¹ Having considered the whole of this evidence, we concluded that we could not rely on the accounts of this witness, as his recollections differed in numerous and material respects from other convincing evidence of a number of events.

¹ AM416.1; Day 63/101-128

24.63 Ann Harkin made a NICRA statement¹ in which she described standing opposite the Eden Place waste ground, hearing a roar and seeing the Saracens coming “*ro[u]nd the corner*”, and running past the rubble barricade in Rossville Street. Ann Harkin made no mention of hearing gunfire at this stage, but later in this statement said that she was sure there was firing from the City Walls when she had reached the Old Bog Road (Fahan Street West). In her written account and in her oral evidence to us Ann Harkin recalled hearing live rounds at the same time as she heard the roar of the Army vehicles. However, this witness also told us that she saw Army vehicles in the Eden Place area²

and also said that she was not sure whether she had heard the roar and the shots at the same time. Listening to her evidence, we formed the view that Ann Harkin did not really recall the order in which these events occurred.

¹ AH10.8

² AH10.4; Day 59/115-116

24.64 Harry McBride told us that the first shots he had heard were when he was at Free Derry Corner. These were “*single shots but ... quicker than I normally heard*”. He told us that these were before he saw any Army vehicles:¹

“Q. All you can tell the Tribunal is that the noise of where the guns appeared to be, they appeared to be to the north of you, somewhere near Rossville Street?

A. Yes.

Q. That was the fire that you described in paragraph 6 as being like automatic fire?

A. Yes.

Q. And that was before you saw any Saracens?

A. Yeah, when I was on the ground, I was not actually looking for Saracens or anything, I was then apprehensive that the Saracens or other vehicles could come through the barricade, but I was not particularly looking to see if they were there.

Q. And you had not seen any at that stage?

A. I really was not looking, I was trying to protect myself and then when I felt that, where I was lying, that I was still in danger, I ran underneath a lorry. I was not looking around, I was just trying to get out of the road as quickly as possible and into some safe place.”

¹ AM47.2; Day 105/108

24.65 In our view this evidence falls far short of even suggesting that Army vehicles were fired on as they came into the Bogside. Harry McBride, according to his account, was not looking for “*Saracens*” but was concerned that they might come south through the barricade in Rossville Street.

24.66 Bernard Gilmour is the brother of Hugh Gilmour, who was shot and killed on Bloody Sunday. We consider the circumstances of that shooting in our consideration of the events of Sector 3.¹

¹ Paragraphs 85.29–82, 86.60–156 and 89.46–49

24.67 In his NICRA statement¹ Bernard Gilmour and two other witnesses described being in 23 Garvan Place (a flat in Block 2 of the Rossville Flats) and seeing two Saracens coming in from Rossville Street. These witnesses then described what they saw from that flat, to which we return later in this report.² There is nothing in that statement to suggest that they had previously heard gunfire. However, in Bernard Gilmour's account to us he described hearing 30 to 40 shots when he was in Rossville Street and about five seconds later the revving up of the APCs, all before he had reached the flat.³ In this respect we are of the view that Bernard Gilmour has confused the order of events. Had this amount of gunfire occurred before the Army vehicles had come into Rossville Street, we are sure that he would have described it in his NICRA statement; and that there would be other evidence of firing at this stage.

¹ AG38.9

³ AG38.3; Day 87/201-202

² Paragraph 63.13

24.68 There is another consideration. As can be seen from the film footage and stills referred to above, as the leading APCs drove into the Bogside, there were fleeing civilians in the area. Anyone considering firing at these vehicles would have been bound to realise that there would be a risk of hitting civilians if he opened fire. In our view this militates against the suggestion that the APCs were fired on at this stage, since it would be entirely against their interests for paramilitaries to risk being blamed for the shooting of civilians.

24.69 For these reasons, we take the view that no shots were fired towards or hit either APC of Mortar Platoon as these vehicles came into the Bogside.

24.70 Private U gave evidence in his first RMP statement¹ of rioters having thrown stones and bottles at his vehicle as it advanced. In his written statement for the Widgery Inquiry, Private S recorded that "*Missiles had been thrown at the vehicle all the way from William Street*".² In his RMP statement, Private 006 recorded that the vehicles were hit with missiles but the statement is not clear as to whether the vehicles were hit before or after the soldiers alighted.³ Private 006 told us that rioters threw bricks and bottles at the vehicles until the vehicles stopped.⁴

¹ B748

³ B1375

² B707

⁴ Day 334/45

24.71 Neil McLaughlin told us that he was in the Rossville Flats car park when "*four or five army Pigs approached the north western entrance to the car park and stopped in a group at the north gable end of Block 1 of the Rossville Flats*". He continued: "*Together with about twenty other people ... I ran at the Pigs, throwing stones at them. I am pretty sure that I hit one of them. Suddenly, soldiers jumped out of the back of the Pigs.*"¹ In his oral

evidence to this Inquiry, he accepted that there was only one APC at the entrance to the car park and more in Rossville Street. He said that he was at the gable wall at the south end of Chamberlain Street when he saw the vehicles and threw the stones.² He said that it was the APC at the car park entrance towards which he and about 20 others charged.³

¹ [AM347.2](#)

³ [Day 91/53-54](#)

² [Day 91/5-6](#)

24.72

We consider that, as the vehicles came into the Bogside, a few civilians did throw stones or similar missiles at them, as some soldiers have said.¹ In our view the ABC News film² shows one or two people whose posture and movements suggest that this was the case, though most people seem to be running away and the stoning does not seem to be as heavy or prolonged as some soldiers suggested.

¹ [B748; B707; Day 334/45](#)

² [Vid 48 12.26](#)

Chapter 25: The arrival of Lieutenant N's Armoured Personnel Carrier

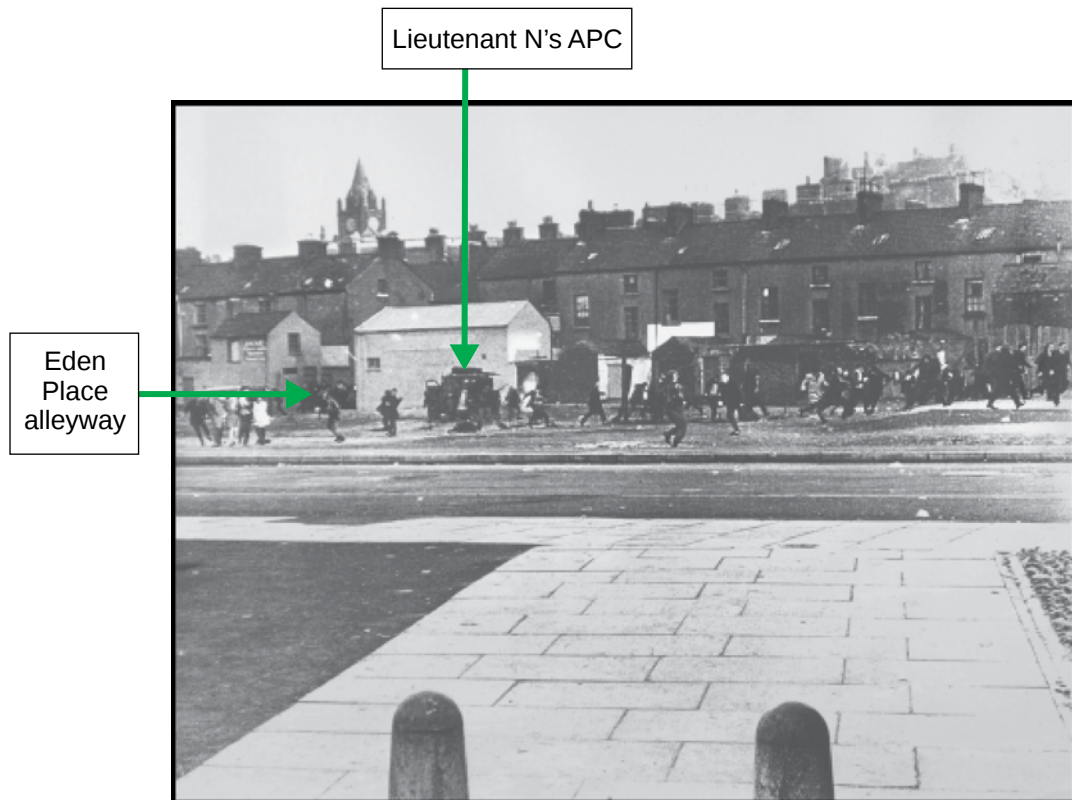
25.1 There are photographs that show where Lieutenant N's Armoured Personnel Carrier (APC) stopped on the Eden Place waste ground. The first was taken looking south-west.¹

¹ This photograph was obtained from the *Sunday Times* archive and attributed to Fulvio Grimaldi. In his evidence to this Inquiry, Fulvio Grimaldi said that he thought that the photograph might well have been taken by him ([Day 131/15](#)).



25.2 The photograph below¹ was taken from the west side of Rossville Street. Lieutenant N's APC is in the position at which it stopped on the Eden Place waste ground. The Eden Place alleyway can be seen on the left of the photograph.

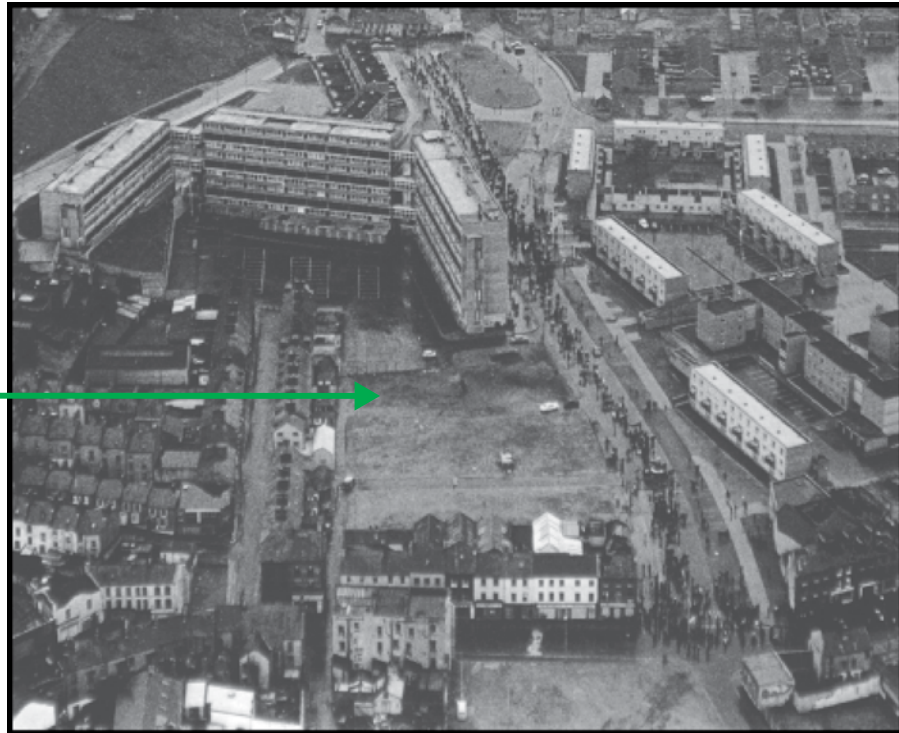
¹ Photograph taken by Robert White ([AW11.3](#); [AW11.26](#)).

**25.3**

On the aerial photograph below, which was not taken on Bloody Sunday, the approximate place at which Lieutenant N's APC came to a halt has been marked.¹

¹ Photograph supplied by the Imperial War Museum.

Lieutenant
N's APC



25.4

We now consider the evidence of the soldiers in this APC as to what then happened.

Chapter 26: The evidence of the soldiers in Lieutenant N's Armoured Personnel Carrier

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Lieutenant N

26.1 In his first Royal Military Police (RMP) statement, Lieutenant N recorded that as he got out of the vehicle several people ran past throwing stones and bottles. Some ran towards the flats, while others ran into Eden Place and continued towards Chamberlain Street. He recorded that he ran after the latter group accompanied by Private 019 and Private INQ 1918.¹ He said nothing about coming under fire.

¹ [B373](#)

- 26.2 In his written statement for the Widgery Inquiry, Lieutenant N described how, as he got out of his APC:¹

“... a man about 10 feet away began to throw lumps of concrete at me. I made straight for him. He turned and ran and then turned and threw another one. By which time I had closed with him. I started to try and grapple with him. My helmet strap broke and my helmet fell off over my eyes and during the confusion the man got away. As a result I was somewhat behind the rest of the platoon who had pursued the crowd towards the high flats. I moved out of the open towards the backs of the houses in Chamberlain Street taking up position roughly at Eden Place with my radio operator and one man with a riot gun. The situation here was not comfortable...”

¹ B398

- 26.3 Again, at this stage in his account Lieutenant N made no mention of coming under fire, though later in this account¹ he stated that:

“13. During the period I was occupied around Eden Place I was aware of firing but none of it affected me directly, I was considerably occupied, and I cannot say exactly when it began or ceased. Certainly when I reached the platoon sergeant’s pig firing had ceased from my men.”

¹ B399

- 26.4 In his oral evidence to the Widgery Inquiry, Lieutenant N described how shortly after the incident described above he fired three shots into Chamberlain Street and a little later fired at what he described as a nail bomber. We consider these incidents below, but for present purposes it is important to note that when asked whether at this stage he had heard any shots other than his own, he replied that he had not, apart from rubber bullets.¹

¹ WT12.67; WT12.69

- 26.5 On 2nd February 1972, Lieutenant N took part with other soldiers in an interview recorded for a Thames Television This Week programme. In a part of the interview which was not used in the programme, Lieutenant N said that there had been “*a rifle-man who’d been firing from the – I can’t remember exactly – the bottom left hand corner of the flats*” and that he had seen this man firing.¹ Lieutenant N acknowledged to the Widgery Inquiry that he had not seen a man firing from that position, but said that as part of an attempt to rebut criticism being made of the Army, he had claimed in the interview to have seen

something that had in fact been reported to him by some of his soldiers. When it was suggested to him that what he had said in the interview was a lie he replied that “*technically*” it was untrue.²

¹ ED57.3-4

² WT12.73-74

Private INQ 1918

26.6 Private INQ 1918 was Lieutenant N's radio operator.¹ In his RMP statement dated 30th January 1972² he recorded nothing about his movements after he had disembarked from the APC, but this was probably because this statement was concerned with an arrest that he said he had made of Duncan Clark, a matter that we consider later in this report.³ In his written evidence to this Inquiry, he again recorded nothing about what he did as he disembarked. He described being near Lieutenant N at the entrance to the Eden Place alleyway when he heard “*the sound of incoming fire from my left rear quarter*”, he thought a couple of shots, which he was sure was high velocity fire but not from a self-loading rifle (SLR).⁴ He marked on a drawing⁵ his position as A, Lieutenant N's position as B, the area from which the sound of the fire was coming as X, the position of the two APCs as P, the positions of other soldiers as C and D, and the direction from which the APCs had come with arrows.

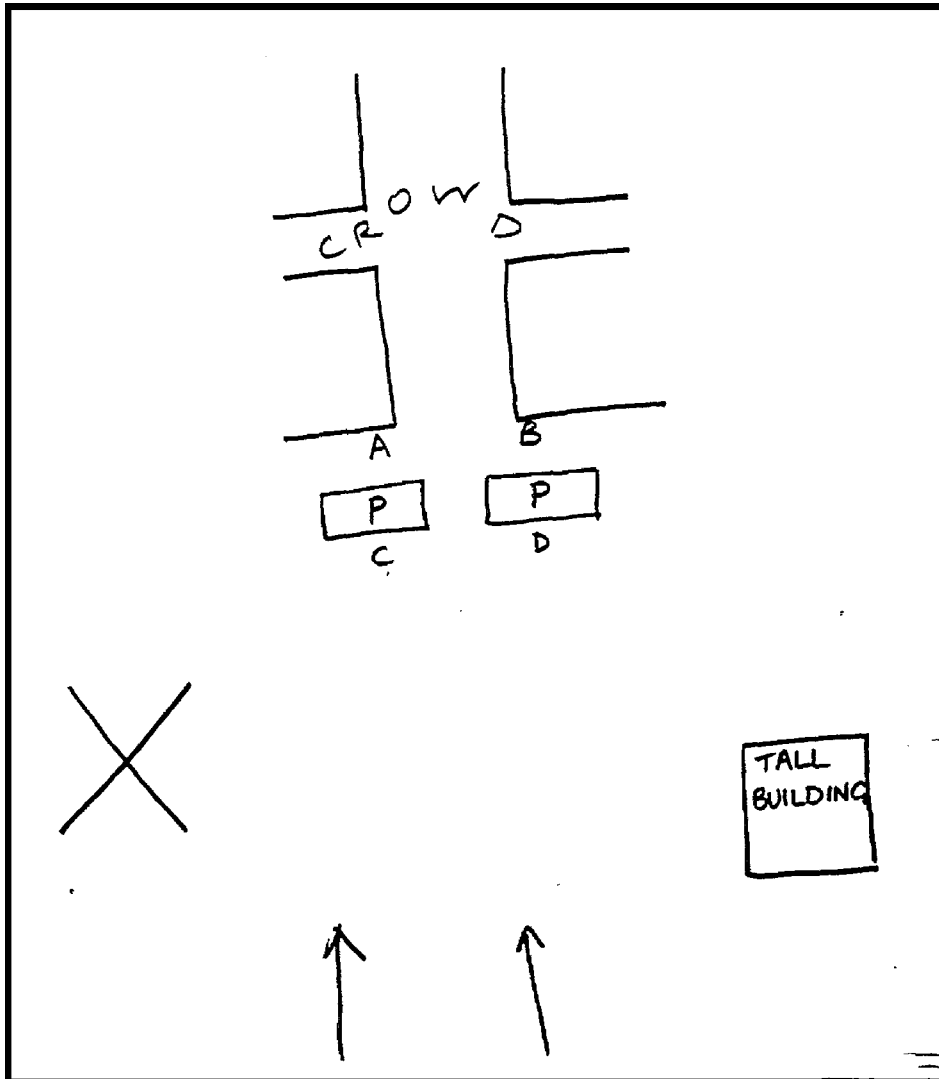
¹ C1918.1

⁴ C1918.2

² C1918.9

⁵ C1918.5

³ Paragraphs 30.13–34

**26.7**

Private INQ 1918 can be seen in the first of the photographs displayed in the previous chapter.¹ He is the soldier carrying a radio on his back.² He is also seen in the two following photographs, the second of which marks him as A and Lieutenant N as B.³ We consider below what was happening when these photographs were taken by the *Daily Mail* newspaper photographer Jeffrey Morris.⁴

¹ [Paragraph 25.1](#)

² [Day 342/81](#)

³ [Day 342/82](#)

⁴ [C1918.6](#)



- 26.8 In his oral evidence to this Inquiry, Private INQ 1918 agreed that he could not be 100 per cent certain about the sound or direction of the incoming fire he said he recalled hearing.¹ During the questioning of Private INQ 1918 about this and his recollection² of hearing Thompson sub-machine gun fire at some stage, there was the following exchange:³

“The reason I asked these questions is because you have very honestly said your recollection is one of isolated snapshots and it raises the question of whether, in your attempt to set out your recollection to the best that you can, you may have imported into the recollection of that day an incident or a recollection from another day on your tour of Northern Ireland?”

A. That is perfectly possible, yes.

Q. So this recollection of a Thompson sub-machine-gun may come from another occasion?

A. It could well do.”

¹ [Day 342/98-99](#)

³ [Day 342/100-101](#)

² [C1918.3](#)

- 26.9 Private INQ 1918 also said that although as the radio operator he was wearing headphones, he was able to distinguish between SLR fire and other high velocity fire.¹ We remained unconvinced that he was able to do this.²

¹ [Day 342/102-103](#)

² [Day 342/114-116](#)

Corporal 162

- 26.10 Corporal 162 mentioned nothing in his RMP statement dated 4th February 1972¹ about coming under fire or hearing fire as he debussed and ran towards the Eden Place alleyway. He described seeing a man running towards the alleyway from the direction of William Street, who was carrying a metal stake, about a foot long, which he threw at Corporal 162. He stated that Private 019 saw this and fired a baton round at this man, who “*disappeared into Chamberlain St*”. In none of his accounts did Private 019 mention this incident, so although we are sure (from the helicopter footage) that Private 019 was one of the two who fired a baton round on disembarkation, whether he fired at a man who had thrown a metal stake remains uncertain.

¹ [B1962.007](#)

26.11 Corporal 162's RMP statement continued with an account of running along the Eden Place waste ground and getting as far as 30 Chamberlain Street where he met Sergeant O who had an arrested person (William John Doherty) with him. We consider later in this report¹ the circumstances of this arrest.

¹ [Chapter 40](#)

26.12 In his written statement to this Inquiry, Corporal 162 stated that as he debussed "*I heard what I believed to be automatic fire coming from my right in front of the Pig ... I just remember hearing a burst of automatic fire, the zip sound of about four or five rounds ... I would say that it came from the Rossville Flats or Rossville Street area.*" He stated that though the firing was not an immediate threat to him it made him go close to the walls at the back of the houses on the west side of Chamberlain Street.¹

¹ [B1962.003](#)

26.13 Corporal 162 maintained this account of firing when he gave oral evidence to this Inquiry. When reminded that his RMP account made no mention of any firing at the time, he said that he would have mentioned it to the military policeman but could not say why it had not been included.¹ We were not persuaded that Corporal 162 had heard incoming fire.

¹ [Day 323/213-214](#)

Lance Corporal V

26.14 In his RMP statement timed at 0025 hours on 31st January 1972, Lance Corporal V recorded that "*As I debussed I heard the sound of shots. I cocked my weapon. I heard two explosions. Rioters also threw petrol and acid bombs.*"¹

¹ [B788](#)

26.15 In his written statement for the Widgery Inquiry, Lance Corporal V stated that it was just before he debussed that he heard the two explosions "*which were definitely not rubber bullets. I had cocked my rifle as soon as I debussed since I had heard these explosions and as I was running forward behind [Private] S I heard the firing of single shots. I also saw the spurt of bullets hitting the ground somewhere to my right.*"¹

¹ [B801](#)

26.16 In his oral evidence to the Widgery Inquiry, Lance Corporal V said that the sound of the explosions that he had heard had come from the Rossville Flats area and that so far as he could judge the single (high velocity) shots had come from the alleyway between Blocks 1 and 2 of the Rossville Flats.¹

¹ [WT13.11](#)

26.17 Lance Corporal V gave written and oral evidence to this Inquiry. In his written evidence he said nothing about the explosions or hearing single shots, though he emphasised that his oral evidence to the Widgery Inquiry had been given to the best of his ability.¹ In his oral evidence to this Inquiry, he said that he had no present recollection of hearing explosions before he debussed, or the single shots hitting the ground as he ran behind Private S.² He was unable to explain why in his RMP statement he appeared to record that he had heard shots as he debussed, then cocked his weapon and then heard two explosions, while in his evidence to the Widgery Inquiry his account was that he heard explosions before he debussed, cocked his weapon after he had debussed and then heard shots.³

¹ [B821.004](#)

³ [Day 333/103-104](#)

² [Day 333/55](#)

Lance Corporal INQ 768

26.18 As already noted, Lance Corporal INQ 768 gave no account in 1972. In his written evidence to this Inquiry¹ he stated that when the APC stopped he went to the rear, knelt down “*and I believe shut the PIG doors*”. He believed that he was the only person who stayed with the vehicle. He continued:

“18. I remember being at the back of the PIG and hearing incoming automatic fire. I would estimate that I heard 5 or 6 rounds being fired and that they were fired from either a machine gun or a rifle adapted to fire automatically, but I could not identify the exact weapon. All I now recall is that it was incoming fire, I could not say from exactly where it was fired but I do remember scanning the flats and I believe I did that in an attempt to identify a gunman, I did not see one.

19. As soon as I heard the incoming automatic fire, single shot SLR fire was returned from the army. I could not say who fired and from where but I certainly had the impression at the time and do so now that the army fire was in response to the automatic fire and so I assume that soldiers were engaging the gunmen.

My recollection is that I heard between 3 and 4 – 10 rounds being fired in reply.”

¹ [C768.3](#)

26.19 A little later in this statement, Lance Corporal INQ 768 told us that he did not see anyone being beaten up. *"I would add that soon after we got out of the PIG we came under fire and then people would have reduced their target size and if available would have taken cover. To suggest that in such circumstances soldiers would seek to beat up somebody and thus expose themselves to the risk of being shot is a suggestion which lacks common sense."*¹

¹ [C768.5](#)

26.20 In the course of his oral evidence to this Inquiry, Lance Corporal INQ 768 said that he did not actually see anybody being physically arrested, nor any soldiers taking cover. As to the firing that he said he had heard, he told us that this was high velocity fire that came from the direction of the flats and that he believed himself to be under fire. He said he had no recollection of hearing Lieutenant N firing three shots into Chamberlain Street, or of any firing of baton guns.¹ He was unable to explain how he had only heard a few shots fired by the Army in reply to what he had said was incoming fire.²

¹ [Day 323/142-150](#)

² [Day 323/154](#)

26.21 As we have already observed,¹ in our view Lance Corporal INQ 768 was wrong in his recollection that he was in Sergeant O's APC. His evidence was to the effect that the incoming automatic fire he said he heard was soon after the soldiers had disembarked. Since on his own account he did not see what the other soldiers did, his comment about the other soldiers taking cover and thus not being in a position to beat anybody up is, therefore, conjecture. In fact, as will be seen, soldiers did not take cover but instead set about trying to arrest people on the waste ground, as well as (in some cases) advancing towards the Rossville Flats.

¹ [Paragraphs 24.8–18](#)

Private Q

26.22 In his RMP statement timed at 0030 hours on 30th January 1972 (which must be a mistake for 31st January),¹ Private Q recorded that as he got out of the vehicle stones and bottles were being thrown at his position *"from where Chamberlain St runs into the forecourt of the Flats. As we deployed to cover I heard shots fired. These were fired towards us but I did not see any strikes made of the rounds fired. I was not able to locate any of the gunmen."*

¹ [B624](#)

26.23 In his written statement for the Widgery Inquiry,¹ Private Q gave the following account:

“We were told that we were moving in to make arrests. We moved off and arrived eventually on waste ground which I now know to be in front of the north corner of Rossville Flats. As I got out of the vehicle there were a lot of people running about mostly in the general direction of the forecourt of the flats and some down Rossville Street towards what I now know to be Free Derry Corner. Arrests were being made and I had been detailed to act as cover for an arrest group.

My rifle at this stage was not cocked. The soldier I was detailed to cover was armed with a baton gun and ran on towards the forecourt of Rossville Flats ahead of me and as he did so fired his baton gun several times in the direction of the crowd where there were a number of people who were turning and throwing stones in our direction as they retreated into the forecourt. The stone throwing was heavy so we took cover at the north end of the Rossville Flats. At this time I heard four or five single low velocity shots and I went to the western corner of the north end of the flats from where I could see soldiers moving up towards the barricade in Rossville Street from where stones were being thrown at soldiers. I then returned to the eastern corner of the north end of Rossville Flats.”

¹ [B635-636](#)

26.24 As we describe below, the baton gunner to whom Private Q referred was Private 013.

26.25 In his oral evidence to the Widgery Inquiry, Private Q described himself as in an arrest group of three, two with an SLR and the other with a baton gun. He said that the people in the forecourt of the Rossville Flats were “*stopping, throwing at us and moving again ... We took cover because the stoning became heavy.*” He then told the Widgery Inquiry that he and the soldier with the baton gun had run to the north end of the Rossville Flats and that it was at this stage that he heard four or five low velocity shots, but he did not know where they landed or where they had come from.¹

¹ [WT12.86](#)

26.26 Later in this evidence Private Q said that there was no firing as the soldiers got out of the APC, that the firing that he heard was about 45 seconds or a minute later and that he was not conscious of any firing being directed either at him or the other soldiers who had been in the APC.¹

¹ [WT12.93-95](#)

26.27 In his written statement to this Inquiry, Private Q told us that as he ran from the APC towards the people, he could hear the crack and thump of incoming fire coming over his head.¹

¹ [B657.3](#)

26.28 In his oral evidence to this Inquiry, Private Q said that he was sure that the shots he heard were incoming fire and could not have been the shots fired by Lieutenant N.¹ Reminded of what he had told the Widgery Inquiry, he first told us that what he meant was that shots were not fired at him personally but at other soldiers near him, and then that he could not give an explanation for this change in his evidence.²

¹ [Day 339/70-71](#)

² [Day 339/73-77](#)

26.29 If Private Q had heard incoming fire directed at him or his colleagues as or soon after they disembarked from the APC, we are sure that he would have said so to the Widgery Inquiry. For this reason we cannot accept the account of incoming fire at this stage that he gave to us.

Private 013

26.30 We are sure that Private 013 was the baton gunner whom Private Q described following towards the Rossville Flats, since the other baton gunner (Private 019) went towards the Eden Place alleyway, as we describe below.

26.31 In his RMP statement dated 4th February 1972, Private 013 recorded that he moved into the forecourt of the Rossville Flats where on his arrival he used the baton gun to move back the crowd who were throwing various missiles. He continued: *"At the same time I heard the sound of gunfire and saw two or three bullets strike the ground behind me on my right. I could not say from which block of flats the shots came from as I was observing people throwing bottles and acid bombs from the balcony of Block 1, Rossville Flats."*¹

¹ [B1406](#)

26.32 It appears from this statement that Private 013 was describing firing after he had moved away from the APC. In his written evidence to this Inquiry, Private 013 stated that he could hear *"bangs going off all around me although I didn't know where they were coming from. It could have been from us."*¹ He also said he could not remember saying to the

RMP that he had seen bullets hitting the ground “*and I cannot now recall seeing these*”.² We should note that, for medical reasons, Private 013, did not give oral evidence to this Inquiry.

¹ [B1408.003](#)

² [B1408.006](#)

Private 019

26.33 Private 019 (the other soldier in Lieutenant N's APC with a baton gun) described in his RMP statement dated 4th February 1972 being at “*the corner of Eden Place/Harvey Street*” observing a group of rioters in that area, with Lieutenant N on the opposite side of Eden Place. “*Suddenly I heard three to five shots being fired. These shots were of high velocity and were fired from the direction of Block 2 Rossville Flats.*” He then described how the rioters advanced and how Lieutenant N fired two shots into Chamberlain Street.¹

¹ [B1492](#)

26.34 In his written statement to this Inquiry,¹ Private 019 described disembarking and going with Lieutenant N. He said that he could not remember seeing many civilians as he debussed. “*There were certainly some around but they were no cause for concern.*” He went with Lieutenant N and took cover at the southern end of the Eden Place alleyway:

“I could see a crowd of civilians at the junction between Chamberlain Street and Harvey Street (grid reference O13). I cannot remember what they were doing. I could hear the noise of the crowd at this stage and the bangs of baton rounds. I think I could hear rifle fire at this time too. I cannot remember hearing any pistol shots nor any automatic fire at this time or at any time. The rifle fire I could hear could have been hostile or it could have been ours. I simply did not know. I have no idea where the other occupants of my Pig had gone. I was standing with my back to the Rossville Flats and looking up Harvey Street, in a south easterly direction. I might have looked round for a split second to see what was going on behind me, but because no fire was directed at me and there was no immediate threat to me I was not concerned about it.”

¹ [B1494.002-003](#)

- 26.35** In his oral evidence to this Inquiry, Private 019 said that he was pretty sure that the rifle fire that he heard came before the firing by Lieutenant N, but that he did not know whether or not it was hostile fire, but only that it was behind him and not coming his way.¹ He agreed that the figure in the background of the following photograph must have been him.²

¹ Day 343/115; Day 343/165

² Day 343/117



Private S

- 26.36** In his first RMP statement timed at 2230 hours on 30th January 1972, Private S (the driver of Lieutenant N's APC) described dismounting from the APC and deploying to defensive positions. *"My position was against the garden wall of, I believe, number 34 Chamberlain St"* He described moving forward into the crowd, which was throwing bottles and stones, and stated that nail bombs and acid bombs were being thrown from the top of the flats.¹

¹ B692

- 26.37** 34 Chamberlain Street was the next house but one to the end of that street nearest to the Rossville Flats and is marked on the following map.



2 Paragraph 49.16

26.39 In his written statement for the Widgery Inquiry, Private S stated:¹

“As soon as the vehicle stopped and we debussed we came under fire. I was vehicle guard and would normally stay by the vehicle. Shots came down near the pig and I assumed it was the target. I therefore immediately ran for cover to the back wall of the houses on Chamberlain Street. The arrest operation was then in progress and there were civilians milling around. I agree that any shots fired at us might have hit civilians instead.”

¹ B707

26.40 In this account, Private S stated that his previous accounts of nail bombs being thrown were “*not really correct. I heard some distant bangs and I assumed that these were nail bombs.*”

26.41 In his oral evidence to the Widgery Inquiry, Private S said that all the men in his APC came under fire from what he described as medium velocity fast single repetition shots seconds after the soldiers had debussed more or less together. He said that he did not see any of these shots land.¹

¹ WT12.102; WT13.5-6

26.42 In his written statement to this Inquiry, Private S stated that he had forgotten most of what happened on Bloody Sunday, but had a distinct recollection of getting out of the APC and hearing the sound of incoming rounds.¹ In his oral evidence to this Inquiry, he said that he would have believed that he was being shot at.² He was originally unable to explain how he had come to say in his first RMP statement that nail bombs had been thrown, in his second statement to say that he had seen people throwing nail bombs and that about five of them had been thrown, and then in his written statement for the Widgery Inquiry to say in effect that he had seen no nail bombs at all and had merely heard some distant bangs.³ However, later in his evidence⁴ there was this exchange:

“Q. You mean you knew you had told a lie on two previous occasions about the nail bombs and you wanted to correct that?

A. I had allowed myself to be – to make an inaccurate statement.

Q. Do you have any difficulty accepting the way I am putting it to you?

A. No, I have conceded the fact that, and I think I said yesterday that I, I apologise to the Inquiry for doing that and signing a statement that was wrong. I say it again, I am sorry and, and I am – I apologise to the families and everything, that are concerned in this. I do not take this lightly at all.”

¹ B724.001

³ Day 331/65-69

² Day 331/44

⁴ Day 332/41

26.43 It will be seen from the accounts given by Private S that in his first RMP statement there is nothing to suggest that he came under fire as he disembarked from the APC, while in his later accounts he said that all the men from that APC had come under fire seconds after they had disembarked.

Consideration of the evidence of the soldiers in Lieutenant N's Armoured Personnel Carrier

26.44 According to the evidence of the soldiers who disembarked from the first APC, it appears that Lieutenant N attempted to grapple with a man who ran away and that Lieutenant N then went to the entrance to the Eden Place alleyway. He was accompanied by his radio operator Private INQ 1918 and by one of the soldiers with a baton gun, Private 019. Corporal 162 appears to have gone towards the garden walls of the houses on the west side of Chamberlain Street that abutted on to the Eden Place waste ground. Lance Corporal INQ 768 stayed at the back of the APC. Private Q ran towards the Rossville Flats; ahead of him was the other soldier with a baton gun, Private 013. Lance Corporal V seems also to have run towards the Rossville Flats with Private S, though in the direction of the southern end of the garden walls of Chamberlain Street.

26.45 The evidence of these soldiers on the question as to whether or not they were fired on at this stage is confusing and contradictory.

26.46 Lieutenant N's evidence was that he had heard only rubber bullets up to the time he fired into Chamberlain Street and then at what he described as a nail bomber in the Rossville Flats car park. We consider this firing in detail later in this report.¹

¹ Paragraphs 30.36–128, 51.1–39 and 52.2

26.47 Private 013 said nothing about hearing firing before he had got to the forecourt of the Rossville Flats.

26.48 Private INQ 1918 gave no account in 1972 of hearing incoming fire; his evidence to us indicated that he thought, though he was not certain, that fire was coming from, in effect, the opposite direction to the Rossville Flats. We formed the impression from his evidence to us that his memory of events was such that it would be unwise to rely on his account of firing. However, as appears later in this report,¹ he was engaged in detaining a civilian when Lieutenant N fired into Chamberlain Street, and while he told us that he had no recollection of Lieutenant N firing,² we consider that nevertheless what he recalled were probably the shots fired by that officer.

¹ Paragraphs 30.5–34

² Day 342/114-116

26.49 Corporal 162 made no mention of firing in his RMP statement. In our view, had he told the RMP about firing, it is most unlikely that the statement taker would have omitted it from the statement; RMP statements of other soldiers in this group do contain accounts of firing. In his case, we conclude that he said nothing about firing to the RMP, from which we infer that he is unlikely to have heard or seen any.

26.50 Private Q told the Widgery Inquiry that there was no firing as they got out of the APC and that the firing he recalled was 45 seconds to a minute later when he had got up to the Rossville Flats.

26.51 Private 019 said that he heard three to five shots being fired from the direction of the Rossville Flats when he was at the entrance to the Eden Place alleyway. He did not suggest that he or others from Lieutenant N's APC had been fired on and in his evidence to us said that he did not know whether the fire he heard was hostile or friendly fire but that it was not directed at him. He was, on his own account, close to Lieutenant N who said he heard no shots at this time. For reasons given later in this report¹ (when discussing the firing by Lieutenant N up the Eden Place alleyway), we have taken the view that we should not rely either on the account given by Private 019 in his RMP statement or on his evidence to us of hearing shots at this stage.

¹ Paragraphs 30.36–72

26.52 Private S said nothing in his RMP statements about being fired on as the soldiers disembarked from Lieutenant N's APC. In our view had he in fact witnessed this he would have told the RMP; and as we have observed we consider that the RMP would have recorded this obviously important matter. In our view his changing accounts of nail bombs further devalue his testimony. We do not accept his evidence that he or his colleagues were fired on as they disembarked.

26.53 Lance Corporal V's account of hearing two explosions is not supported by the evidence of any others in this group of soldiers. He could give no explanation for the change from his RMP account to what he said to the Widgery Inquiry. It is possible that the two explosions he said he heard were in fact the discharge of the baton guns close by, which can be seen in the film taken from the helicopter.¹ On the basis of his evidence to the Widgery Inquiry, we consider that Lance Corporal V did not hear firing as he disembarked but only (according to his account) at a later stage when he was moving up towards the Rossville Flats.

¹ [Vid 2 02.10](#)

26.54 Lance Corporal INQ 768 gave no evidence in 1972. To us he said that he heard five or six rounds of automatic fire and thought that he was under fire. It is not clear at what stage he meant he heard this fire. There is no evidence given in 1972 by any of the other soldiers who disembarked from Lieutenant N's APC that they heard automatic fire as they disembarked.

26.55 In our view there is no acceptable evidence given at the time by the soldiers disembarking from Lieutenant N's APC that they came under fire as or soon after they had done so. On the contrary, much of the evidence given in 1972 by these soldiers indicates to us that there was no such fire. We are not persuaded, for the reasons given, of the reliability of the accounts of firing at this stage that the soldiers from Lieutenant N's APC have given in recent years.

26.56 In a later chapter¹ we consider the evidence of Jeffrey Morris, the *Daily Mail* photographer who came into the Eden Place waste ground soon after the soldiers had arrived there. As will be seen, his evidence was to the effect that the soldiers did not come under fire at this time.

¹ [Paragraphs 30.2–11](#)

26.57 There is a further point. When Lieutenant N's APC arrived in the Eden Place waste ground, and soldiers disembarked, there were many civilians around, as can be seen from the photographs shown below. It seems to us in the highest degree unlikely that any paramilitary would fire at or towards Lieutenant N's APC in these circumstances, in view of the risk to those civilians.

26.58 We return later in this report¹ to the question as to whether or not the soldiers from Lieutenant N's APC came under fire at a later stage.

¹ [Paragraphs 49.1–27 and 49.82–84](#)

26.59 Before leaving the evidence of the soldiers as to what happened after they disembarked from the APC, we should draw attention to two photographs taken by Robert White from the west side of Rossville Street. In both photographs, Lieutenant N's APC can be seen.



26.60 To our minds these photographs show people generally trying to get away. As we noted earlier in this chapter, Private 019 stated in his written evidence to this Inquiry that there were people around when he debussed but that they were no cause for concern. As also already noted, the helicopter footage shows the two baton gunners firing their weapons very soon after disembarking.¹

¹ [Vid 2 02.10](#)

Chapter 27: The use of baton guns by Private 013 and Private 019

27.1 In his Royal Military Police statement,¹ Private 013 described using his baton gun to move back the crowd who were throwing various missiles at him. It seems from this statement that he was describing what he had done after moving from the Armoured Personnel Carrier (APC). In his written evidence to this Inquiry, he made no mention of firing his baton gun as soon as he had disembarked.²

¹ B1406

² B1408.003

27.2 In his oral evidence to this Inquiry,¹ Private 019 was asked why, given that the civilians who were in the area when he disembarked had caused him no concern, he had fired his baton gun. His answer, that they might have given concern later, seems to mean either that he might have fired his baton gun at a later stage, or that he fired into a non-rioting crowd to discourage them from rioting later. The first of these possibilities does not address the fact that, as the film footage shows (and as Captain 200, Commander of Composite Platoon (Guinness Force), told the Widgery Inquiry²), soldiers of Mortar Platoon fired baton guns immediately after they had disembarked. The second possibility would indicate, if correct, the illegitimate firing of baton rounds against non-rioting people. Private 019 denied the suggestion that this “*was a standard practice, that you would get out of your vehicle and start terrorising the population, just to make them know who was boss*”.³

¹ Day 343/164

³ Day 343/163-164

² WT15.42

27.3 Whether or not it was standard practice to fire baton rounds at people who were not rioting, we are of the view that what the two baton gunners from Lieutenant N’s APC did, as soon as they had disembarked, was to use their baton guns in circumstances where the only object of doing so was to frighten or indeed hurt the civilians, rather than to seek to control rioting. In our view that was not an acceptable use of baton guns.

27.4 In relation to the use of baton guns, we now turn to consider the circumstances in which Rosemary Doyle, a volunteer member of the Order of Malta Ambulance Corps, and Patrick “Barman” Duffy, a 51-year-old man, came to be hit by baton rounds. We describe later in this report¹ the circumstances in which Pat Cashman, an *Irish Press* newspaper photographer, was also hit by a baton round while on the Eden Place waste ground.

¹ Chapter 41

Chapter 28: The incident concerning Rosemary Doyle

28.1 At the time of Bloody Sunday, Rosemary Doyle was a 19-year-old volunteer in the Order of Malta Ambulance Corps. She was on duty on that day, wearing her medical uniform, which consisted of a white coat and a white linen kit bag. In addition to carrying first aid equipment, she was carrying an army issue gas mask in her kit bag.¹

¹ [AD140.1](#)

28.2 In a report made soon after the event to the Order of Malta Ambulance Corps,¹ Rosemary Doyle described seeing someone “*in the Rossville flats area*” who had been hit by a rubber bullet. She recorded that, after her colleague had instructed bystanders to carry the casualty to safety:

“We proceeded to walk across waste ground by the Rossville flats when two Saracen tanks raced up the roadway and another across the waste ground. The leading Saracen passed within about 1ft 6 inches of us and we stood our ground to avoid injury. A paratrooper then jumped out of the back of the Saracen and fired a rubber bullet at my face at a range of about 2ft 6ins to 3ft. As I was still wearing my gas mask I was protected a good deal from the force of the rubber bullet which slightly damaged three teeth and I sustained bruising of right jaw. We walked slowly away from the Saracen towards the Glenfada Park area and while doing so the paratroopers opened up with live machine gun fire after issuing no warning and with absolutely no provocation from the marchers ...”

¹ [AD140.5-7](#)

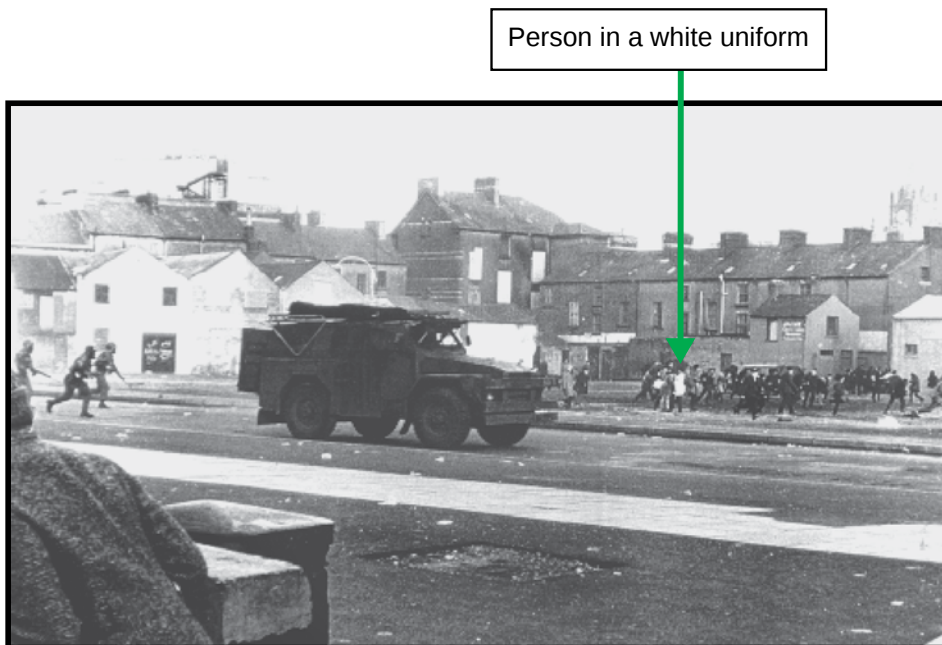
28.3 While we have no doubt that Rosemary Doyle was hit by a rubber bullet, it is not clear from this report just where on the Eden Place waste ground this happened.

28.4 It appears from her report that Rosemary Doyle was with two other members of the Order of Malta Ambulance Corps, Robert Cadman and Maureen Gallagher. In his report to the Ambulance Corps,¹ Robert Cadman also described this incident as occurring “*on the waste ground at Eden place*”.

¹ [AC1.23](#)

28.5 In her written evidence to this Inquiry, Rosemary Doyle marked the position where she had been hit as being more or less in line with the entrance to the car park and the houses in Chamberlain Street, ie right to the south of the Eden Place waste ground.¹ However, in the course of her oral evidence, Counsel to the Inquiry showed her the following three photographs, which were taken by Robert White. The civilians seen in these photographs include a group of three people, one of whom is wearing a white uniform. This group can be seen more clearly in the third of these photographs, an enlargement of which follows on from it. While the image is not of the best quality, that enlargement shows that the person on the left of the group is a woman wearing what appears to be a grey uniform, including a skirt.

¹ [AD140.2](#); [AD140.11](#)





Person in a white uniform

Person in a white uniform





Woman in a grey uniform

28.6 Counsel to the Inquiry directed Rosemary Doyle to the third of the photographs reproduced above and put to her that she was the person on the right of the group with Robert Cadman in the middle and Maureen Gallagher on the left. Rosemary Doyle said that she thought she was the person in the white uniform standing next to Robert Cadman.¹ Later, Rosemary Doyle identified Maureen Gallagher from a photograph taken at an early stage of the march.² The image confirms that Maureen Gallagher was wearing the grey uniform of the Order of Malta Ambulance Corps.

¹ [Day 101/9-12](#); [Day 101/26](#)

² [Day 101/50](#)

28.7 During her oral evidence to us, Maureen Gallagher was shown another copy of the third of the photographs taken by Robert White reproduced above. She identified Rosemary Doyle as the figure in the white uniform and said that she was the person on the left of the group with Robert Cadman in the middle.¹ According to her written statement to this Inquiry,² the incident happened after she and Rosemary Doyle had walked across the waste ground at Eden Place and just as they were beginning to cross Rossville Street towards Kells Walk.

¹ [Day 70/86-89](#)

² [AG21.2](#)

28.8 As noted above, in her report made at the time, Rosemary Doyle described a soldier who disembarked from a vehicle and fired at her at very short range. According to her written evidence to this Inquiry, she saw a soldier emerging from a Saracen (by which she meant an APC) who as he stepped out immediately fired a rubber bullet in her direction.¹ In her

oral evidence to this Inquiry,² she recalled that she thought the Saracen was coming to a halt:

“A. ... What happened was, it was coming quite fast and slowing and when the back of it opened, the soldier was actually half in and half out with his foot on a foot plate.

Q. When you describe a soldier coming out with a rubber bullet gun in his hand and being half in and half out of the vehicle when he fired, he was coming out the back with his foot on the foot plate?

A. I cannot remember if that was the actual soldier. It was – they were all coming out in succession and they were coming out running, you know, at speed coming out of it, but –

Q. Go on, I do not want to interrupt.

A. No, I just remember seeing the one with the rubber bullet gun who fired at myself.

Q. You saw him, did you?

A. Um, yes, I did.”

¹ AD140.2

² Day 101/4

28.9

When Rosemary Doyle was asked to give an estimate, based on the size of the hearing room, of how far away the soldier was from her when he fired she said:¹

“A. 25 yards maybe, or something, I do not know.

LORD SAVILLE: 25 yards would be almost across to the far corner, perhaps a bit less; was it that sort of distance?

A. I think so, that – perhaps a bit less, yes.

LORD SAVILLE: There or thereabouts?

A. Yes, I think so.

LORD SAVILLE: If you really cannot remember at all, do tell us, but we are trying to get as clear a picture as we possibly can. Do not hesitate to say ‘I do not really remember’, if that is the case?

A. I do not really remember, but I think it was less than that, yeah.”

¹ Day 101/6

28.10 However, a little later in her oral evidence, when shown her report made at the time, in which she had recorded that she had been shot at a distance of 2ft 6in to 3ft, Rosemary Doyle said that she could not remember precisely, *“but he was very close. I would say that this statement, which I had handwritten at the time, is accurate or very good to accurate”*.¹

¹ Day 101/11

28.11 In his report to the Ambulance Corps, Robert Cadman made no mention of observing this shot, but stated that Rosemary Doyle told him that she had been hit. *“I presumed it was a rubber bullet.”*¹ In his written statement to this Inquiry, Robert Cadman told us that as the Saracens (APCs) approached he pushed both Rosemary Doyle and Maureen Gallagher to the ground and then crouched over them for protection. *“The Saracens carried straight on towards the Rossville Flats and I presume that they stopped at the Rossville Flats, but I did not see this.”* It was when they got up that Rosemary Doyle said that she had been hit.² Robert Cadman did not give oral evidence to this Inquiry.

¹ AC1.23

² AC1.28

28.12 In her report to the Ambulance Corps,¹ Maureen Gallagher described how a Saracen tank came up Rossville Street and *“tried to ram Vol [volunteers] Doyle, Cadman and myself down. We then walked up towards Columbcille Court where they were firing rubber bullets, of which one hit volunteer Doyle in the neck.”*

¹ AG21.18

28.13 In her written statement to this Inquiry, Maureen Gallagher told us that she recalled that a rubber bullet was fired from the first Saracen. *“I felt it skim past my right cheek. It missed me and I heard Rosemary cry ‘I’m hit’. The rubber bullet had hit Rosemary on her left cheek and the left hand side of her neck. She must have turned to look north towards the Saracens when the bullet hit her.”*¹ In her oral evidence, Maureen Gallagher was sure that the soldiers were all inside the vehicle and that the baton round was fired from the APC, though its doors were shut. She also said that Rosemary Doyle was not wearing a gas mask at the time and that Robert Cadman was not with them but on the other side of Rossville Street. When she was shown the report that she had made at the time, Maureen Gallagher said that she was sure that when Rosemary Doyle was struck, they were not in the Columbcille Court area, but *“coming across Rossville Street”*.²

¹ AG21.2

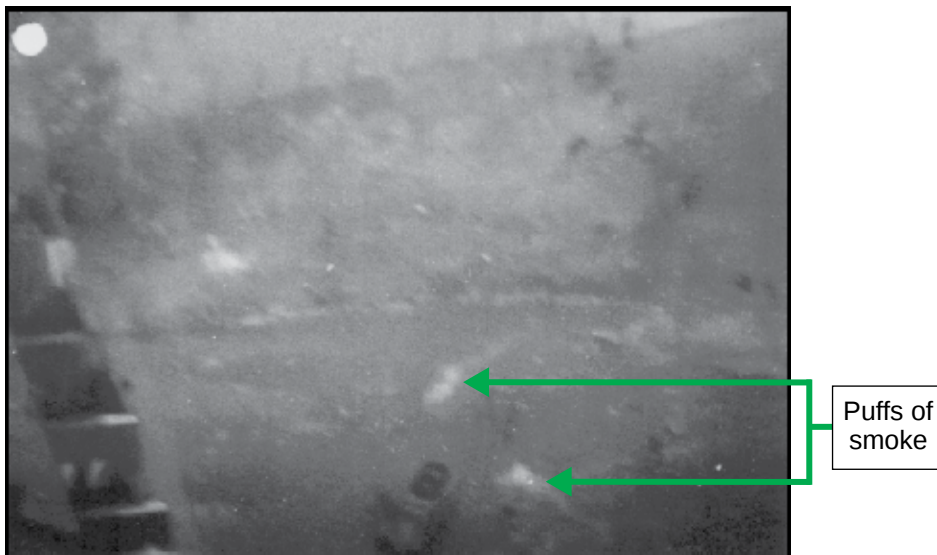
² Day 70/63-65; Day 70/77-78; Day 70/91

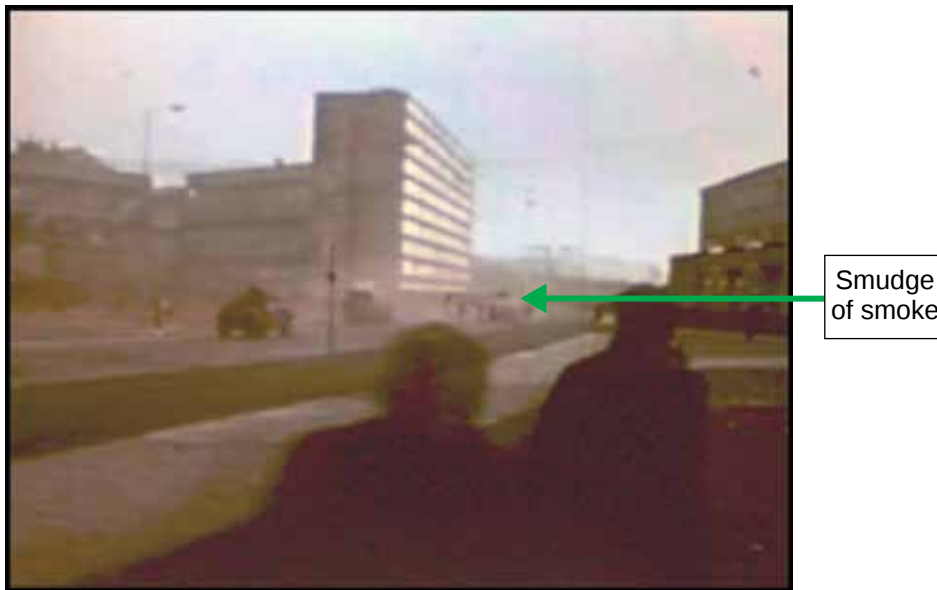
Consideration of the evidence concerning Rosemary Doyle

28.14 It is difficult to tell from this evidence whether the soldier who fired the baton round had come from Lieutenant N's or Sergeant O's APC. The APC in the foreground of the first of the three photographs shown above is that of Sergeant O. Just behind the rear wheels can be seen the pavement turning into Pilot Row. Behind the APC are three soldiers, who we have no doubt have just disembarked from that vehicle. All three of these soldiers appear to be carrying rifles, not baton guns, but since in our view both Sergeant O's baton gunners disembarked at this stage, they must be either out of this picture, behind the APC, or about to disembark. As already noted, the film footage to which we have referred in previous chapters¹ shows soldiers firing baton rounds very soon after disembarking both from Sergeant O's APC in Rossville Street and Lieutenant N's APC on the Eden Place waste ground.² This is illustrated by the following still photographs, the first taken from the helicopter footage showing the arrival of Lieutenant N's APC and the second taken from the ABC film showing the disembarkation of soldiers from Sergeant O's APC in Rossville Street.

¹ Paragraphs 24.15, 24.26 and 26.60

² Vid 2 02.10; Vid 48 12.26





- 28.15** The three photographs in which Rosemary Doyle can be seen and which we have set out above are shown in the order in which they were taken. In each both the group of Order of Malta Ambulance Corps volunteers and soldiers are visible. The second and third photographs show soldiers, but it is impossible to tell for certain whether the one shown in the third photograph who is closest to the Ambulance Corps volunteers came from Sergeant O's APC or that of Lieutenant N. There is another photograph (attributed to Fulvio Grimaldi) which seems to us also to show Rosemary Doyle and the people close to her while soldiers were disembarking from Lieutenant N's APC.



Rosemary
Doyle

28.16 Rosemary Doyle has consistently said that the soldier who fired the baton round had just got out or was in the process of getting out of the APC. Her evidence, as a whole, inclines us to the view that the APC in question was that of Lieutenant N. The report that she made at the time seems to refer to the leading APC as the one from which the soldier appeared, while her oral evidence to us seems to be to the same effect. When she was shown the third of the photographs set out above, her evidence was as follows:¹

“Q. If we go to 595, I think we get a clearer or slightly clearer picture of the scene. If we look at this group here, it has been suggested that that group is Robert Cadman in the middle, you on the right and Maureen Gallagher on the left. Do you recognise that scene or any of those people?

A. Yes, because one of the things was – I remember was the way that the armoured vehicle came cutting across the ground to where it is now, yeah.

Q. So we can take it, can we, that probably is you and Robert Cadman?

A. I think it could be, yeah.

Q. That would certainly be consistent with your report because if the army vehicle had got to where it is on that photograph, it is not very far away from you?

A. No.

Q. And it looks as if it must have crossed quite close to you and it rather looks as if at this moment, when the photograph was taken, a soldier may have got out or been getting out from the back of that vehicle.”

¹ Day 101/10

- 28.17** On the basis of her evidence that she was hit very soon after the APC had stopped, it seems to us that this must have happened at about the same time as the three photographs were taken, and when she and her colleagues were at or close to their position as shown in those photographs. This would be consistent with the account that Robert Cadman gave at the time.
- 28.18** Robert Cadman has never suggested that he saw the shot that hit Rosemary Doyle. As to Maureen Gallagher, we do not accept the accuracy of the evidence that she gave to this Inquiry. She was undoubtedly doing her best to assist us, but as is shown by the photographs, she was wrong in believing that Robert Cadman was at the time on the other side of Rossville Street. In our view she was also mistaken in recalling that the baton round was fired from inside an APC, since the film footage shows otherwise, and in recalling that Rosemary Doyle was not wearing a gas mask. We have referred to these parts of Maureen Gallagher’s evidence, as they provide good examples of how the years distort the recollections of honest witnesses.
- 28.19** There remains the question as to whether or not Rosemary Doyle was correct when she said in the account that she gave at the time that the soldier had fired at a range of 2ft 6in to 3ft.
- 28.20** For three reasons, we are unable to accept that this was or even might have been the case. In the first place, we were given a demonstration of the discharge of baton rounds. To our minds, a baton round at this range would be likely to have knocked Rosemary Doyle down and caused greater injuries than she sustained. In the second place and more importantly, had a soldier fired his baton gun at such a range, we have no doubt that one or both of her colleagues would have been bound to have seen and heard this happen. As it is, neither has suggested at any time that such an incident occurred. In the third place, until she was reminded of what she had said in her 1972 report, Rosemary Doyle’s recollection was of a soldier firing from a much greater distance. Had the soldier in fact been only a couple of feet away, we believe that this would have been an abiding memory. However, we have no reason to doubt that the baton gunner was quite close to Rosemary Doyle when he fired, probably only a matter of a few yards away.

28.21 It was suggested by the representatives of the majority of the represented soldiers that there is no justification for concluding that the injury to Rosemary Doyle occurred “*other than by accident*”.¹

¹ [FR7.362](#)

28.22 None of the four soldiers in Mortar Platoon armed with baton guns admitted firing the baton round that hit Rosemary Doyle. From the film footage discussed above, it is clear that baton guns were fired very soon after soldiers had disembarked. In our view, based on her evidence, it seems to us that it was one of those shots that hit Rosemary Doyle. We are sure that neither she nor her colleagues, all of whom were in uniform, were rioting or could be mistaken for being rioters. It is possible that the baton round was shot at the ground and bounced up to hit Rosemary Doyle. It is also possible that it was aimed at or towards her. What is evident, again from the film footage and the photographs, is that there were a considerable number of people in the area, so that the chance of a baton round hitting one or more of them was far from remote. In such circumstances we find it difficult to describe her injury as an accident, even if the round was not aimed at her. In the end we are unable to conclude with any certainty whether this shot was fired deliberately at Rosemary Doyle, at someone else in her vicinity, or recklessly without thought in her direction. Given the speed with which the baton gunners fired as they disembarked, it seems to us that the last of these possibilities is the most likely.

Chapter 29: The incident concerning Patrick “Barman” Duffy

29.1 Patrick Duffy (known as Patrick “Barman” Duffy) was 51 years old at the time of Bloody Sunday. He is now dead and gave no evidence to this Inquiry, but he did make a Northern Ireland Civil Rights Association (NICRA) statement, in which he recorded that he had been a steward on the march and that after trying to help some people who had been affected by CS gas he went to the Rossville Flats. His statement continued:¹

“I was standing at the doorway to the flats at the William St end. A crowd of people then rushed around the corner and headed for the stairs. Two saracens then came around the corner into the square behind the flats. These saracens were travelling very fast and they stopped dead at the corner. I saw a boy who was actually struck by one of the saracens and his body somersaulted a few times. My view was then blocked by another saracen which arrived. Two soldiers jumped out of the back and rushed at me in the doorway. I appealed to the soldiers not to fire gas or rubber bullets as the stairs were packed with women and children. One of the soldiers kicked me in the pelvis and as I did not drop to the ground, he fired a rubber bullet from close range at me. This bullet struck me in the left thigh. The soldier then pointed the rifle at my head and was going to shoot me when William McIntyre tackled the soldier and pushed him out of the way. The other soldier then hit a woman with the butt of his rifle. These soldiers then left.”

¹ [AD164.1](#)

29.2 Although in his NICRA statement Patrick Duffy described himself as a “*Storeman in Gas company*”,¹ it seems that he may have got the nickname “Barman” from the fact that he also worked at some stage as a bouncer at a local public house or dance hall.²

¹ [AD164.1](#)

² [AB97.2](#); [AS34.4](#)

29.3 The doorway at the William Street end of the Rossville Flats was, as shown in the photograph below, on the eastern side of the northern end of Block 1, and opened onto the car park area.¹

¹ This photograph was not taken on Bloody Sunday.



Doorway
at
northern
end of
Block 1

29.4 The two baton gunners who were in Sergeant O's APC were Private 017 and Private 112. As we have described above,¹ it appears that these two soldiers disembarked from this APC when it stopped briefly on Rossville Street. We consider in detail later in this report² what these soldiers then did, but for present purposes it is sufficient to note that Private 017 went with Corporal P to the western side of Rossville Street, while Private 112 was involved with Private U in the arrest of Charles Canning on the Eden Place waste ground. It therefore seems that Patrick Duffy was mistaken in thinking that the baton gunner who fired at him had disembarked from the APC nearest to him. From his position at the doorway he may not have been able to see the two baton gunners disembarking from Sergeant O's APC in Rossville Street.

¹ Paragraphs 24.21–25 and 24.32–36

² Paragraphs 69.1 and 69.32–58; Chapters 34 and 35

29.5 Private Q, who was in Lieutenant N's APC, told the Widgery Inquiry that the soldier he was covering ran ahead of him towards the car park, firing his baton gun several times as he did so in the direction of the retreating crowd, some members of which were turning and throwing stones. The two soldiers took cover at the north end of Block 1 of the Rossville Flats.¹

¹ B636

29.6 Of the two baton gunners in Lieutenant N's APC, Private 019 went with Lieutenant N to the Eden Place alleyway at the north-east corner of the Eden Place waste ground. We describe in the next chapter¹ what happened there, but suffice it to note here that he was

in that area for some time and is thus most unlikely to have been the baton gunner who shot at Patrick Duffy. That leaves the other baton gunner from Lieutenant N’s APC, namely Private 013.

¹ [Chapter 30](#)

29.7 In his written statement to this Inquiry,¹ Private 013 told us that he was probably firing his baton gun as he disembarked from his vehicle and that he chased “a lad” up the stairs at (he believed) the northern end of Block 1 of the Rossville Flats, and fired a baton round up the stairs. No incident of this kind is mentioned in his RMP statement,² although he did say in that statement that he fired ten baton rounds at the crowd in the car park of the Rossville Flats.

¹ [B1408.003](#)

² [B1406](#)

29.8 Patrick Duffy could hardly be described as a lad, but from the fact that Private 013 is the most likely of the baton gunners to be involved in this incident and from the fact that he told us that he fired his baton gun up the stairway leading from the door at the northern end of Block 1 of the Rossville Flats, it seems to us that he was the baton gunner concerned.

29.9 The representatives of the majority of the families submitted that Private 006 was a “prime candidate” for having been present during the incident involving Patrick Duffy.¹ This submission was based on the fact that in his written evidence to this Inquiry Private 006 stated that he and a couple of other soldiers had entered “a stairwell of the high flats”.² However, as we describe elsewhere in this report,³ after he disembarked from his vehicle Private 006 was involved in the arrest of William John Dillon, and on his own evidence it was only after that, and after he had seen soldiers firing towards the rubble barricade, that he entered the stairwell. By contrast, Patrick Duffy’s NICRA account indicates that the incident in which a baton round was fired at him happened directly after the arrival of the Army vehicles. In our view Private 006 was not present at the time of this incident.

¹ [FS1.1361](#)

³ [Chapter 33](#)

² [B1377.006](#)

29.10 There is a substantial body of evidence given at the time that supports Patrick Duffy’s account of being kicked and then hit by a baton round fired at short range.

- 29.11 Margaret Mellon was 52 years old at the time of Bloody Sunday. In her NICRA statement¹ she recorded:

"I got into the first door at the bottom of the multi storey flats when a soldier came running. He struck Mr. Paddy Duffy with the butt of the rifle. I got a slap with it as well. When Mr. Duffy tried to tell him that there were women present, he shot a rubber bullet at close range into his thigh. The soldier kicked Mr. Duffy in the groin as he stumbled after been [sic] struck with the rubber bullet."

¹ [AM400.5](#)

- 29.12 Frank Deane was 65 and retired at the time of Bloody Sunday. In his NICRA statement¹ he described being on the march and running from the Army vehicles as they came in. His statement continued:

"I then ran into the entrance of the high flats, where there were a number of people including Mrs Mellon and Mr P. Duffy. A soldier ran into the doorway. Mr Duffy said, 'There are a lot of women in here.' The soldier immediately turned and kicked him in the pit of the stomach and then shot a rubber bullet at him, at point blank range. Then the soldier ran out."

¹ [AD16.1](#)

- 29.13 We should note at this point that Andrew Barr told us in his oral evidence¹ that no shots of any kind were fired in the stairwell when he was there with Patrick Duffy, but he made no statement at the time and in view of the evidence of Frank Deane and Margaret Mellon, as well as other evidence to which we refer below, we are satisfied that with the passage of years he simply forgot that a baton gun was fired.

¹ [Day 98/19](#)

- 29.14 Counsel to the Inquiry prepared what we regard as an accurate summary of the evidence of other civilians that we consider related to the incident with Patrick Duffy.¹ We set down below an adapted version of this summary, which includes some comments of our own:

Monica Barr

In her interview with Kathleen Keville² she said that she saw an elderly man coming down the stairs in the Rossville Flats. She took it that he had been a steward because he was wearing a white armband. A soldier with a baton gun stopped him at the door. The man put up his right hand and took one step backwards. The soldier fired his

baton gun from a range of about two feet. When Monica Barr made her statement to this Inquiry,³ her recollection was not that the soldier had fired a baton gun at the man but that he had hit him in the face with the butt of his rifle. She confirmed in her oral evidence⁴ that she believed that her current recollection related to the same incident described in her interview with Kathleen Keville.

In our view the account given by Monica Barr to Kathleen Keville in 1972 is to be preferred to her recollections after so many years.

Michael Brown

In his NICRA account⁵ he stated that a soldier ran over to Patrick Duffy, who was standing in a doorway in the Rossville Flats, and kicked him in the testicles. Patrick Duffy doubled over with pain. The soldier then placed the barrel of his baton gun within an inch of Patrick Duffy’s testicles and fired. As he did so, Patrick Duffy moved slightly to the side and the baton round struck him high on the left thigh. In his written statement to this Inquiry⁶ Michael Brown gave a generally similar account. He did not give oral evidence.

Dolores MacFarland

In her NICRA account⁷ she stated that soldiers went “*right into the bottom entrance*” of the Rossville Flats, where there was a crowd of men, women and children taking shelter. One of the soldiers opened fire with a baton gun at point blank range, while the other soldier went in kicking people and hitting them with the butt of his rifle. The people then fled up the stairs in panic. Her written statement to this Inquiry⁸ is to much the same effect. In her oral evidence⁹ she said that the soldier who fired his baton gun had done so from outside the doorway at the people inside.

Jack McIntyre

In his NICRA account¹⁰ he stated that soldiers chased him to the “*bottom basement of flats*”. He turned round and a soldier made at him with either a gas gun or a “*bullet gun*”. Jack McIntyre caught the gun and shoved at the soldier, who was wearing a gas mask and looked nervous. Patrick Duffy came to help him, but the soldier went up to Patrick Duffy and fired a baton round into his leg. Jack McIntyre was 53 years old at the time. He did not give evidence to this Inquiry.

¹ CS4.35

² AB16.11-12

³ AB16.2

⁴ Day 148/6

⁵ AB97.5

⁶ AB97.1

⁷ AM8.10

⁸ AM8.4

⁹ Day 83/96

¹⁰ AM285.1

Consideration of the evidence concerning Patrick Duffy

29.15 Although there are slight differences in these accounts and those of the other witnesses, including Patrick Duffy himself, we are sure that they all refer to the same incident. Although Private 013 did not, because he was unwell, give oral evidence to this Inquiry, and therefore could not be questioned about this incident, the evidence that we have been able to consider points strongly to the conclusion that he did fire his baton gun at close range and hit Patrick Duffy. There is nothing in this evidence or the written account of Private 013 that suggests that there was, or could have been believed by him to be, any justification for discharging his baton gun in this dangerous manner.

Chapter 30: Soldiers at the entrance to the Eden Place alleyway

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30.1 We now turn to consider what happened after the soldiers had disembarked from Lieutenant N's Armoured Personnel Carrier (APC) and some had moved towards the north-east corner of the Eden Place waste ground and the Eden Place alleyway. We deal first with the evidence of Jeffrey Morris.

The evidence of Jeffrey Morris

30.2 Jeffrey Morris was a professional photographer working as a staff photographer for the *Daily Mail* newspaper. He gave a written statement for and oral evidence to the Widgery Inquiry. He also gave a written statement to the present Inquiry in which he told us that while he had no recollection of the events of Bloody Sunday, or of giving oral evidence to the Widgery Inquiry, he stood by the statements that he had given at the time.¹ In these circumstances the Tribunal decided not to call him to give oral evidence, on the ground that no purpose would be served by doing so.

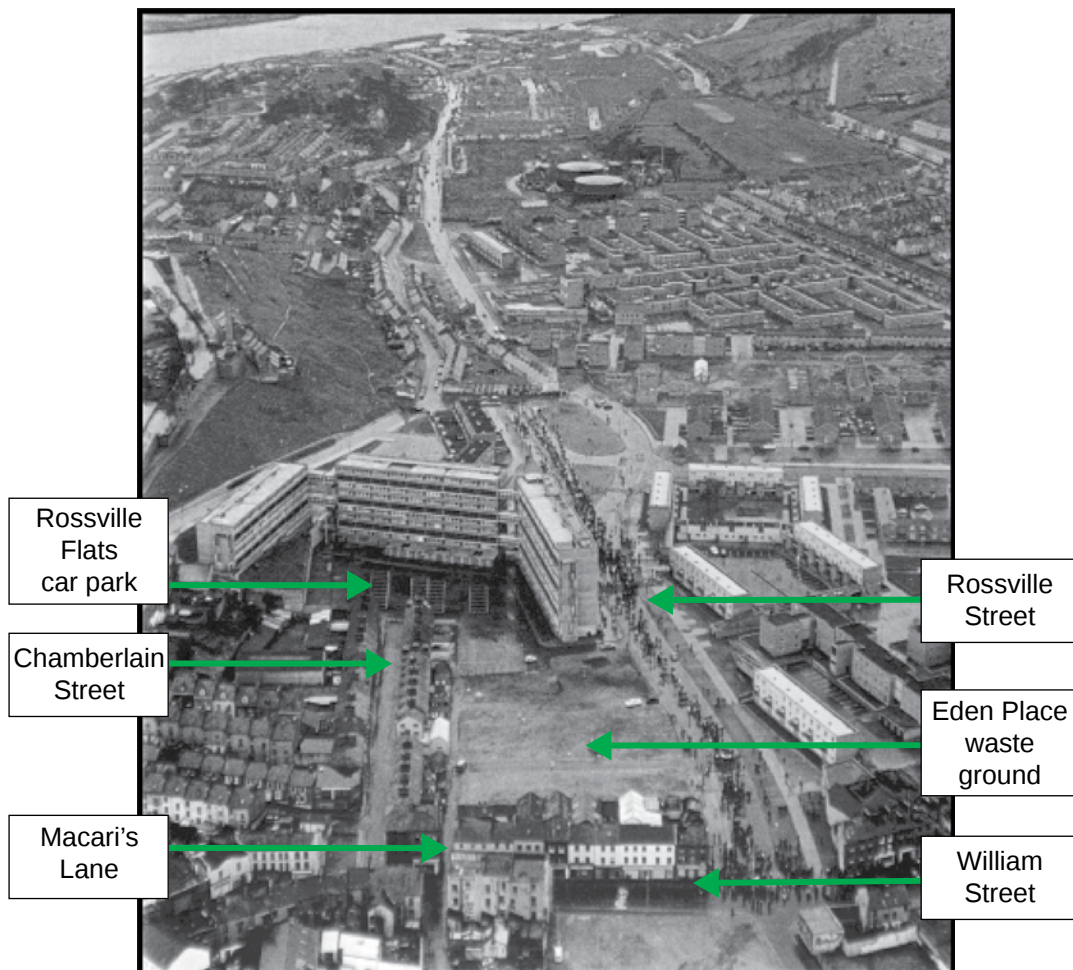
¹ [M57.30](#)

30.3 In his written statement for the Widgery Inquiry,¹ Jeffrey Morris described being sprayed by dye while at the corner of William Street and Chamberlain Street, seeing Army vehicles moving across the junction of William Street and Rossville Street, and following a crowd of people running down a small alley that led from William Street into the Eden Place waste ground.²

¹ M57.1

² M57.2

30.4 We have no doubt that the alley was Macari's Lane, which is marked on the photograph reproduced below, and which ran from William Street to the north-east corner of the Eden Place waste ground.



30.5 Jeffrey Morris then gave the following description¹ of what he saw and what happened to him:

"When I got to the open ground at the end I could see over the area of open ground in front of Rossville flats. The Saracens had stopped in Rossville Street. The paratroops were fanning out and running in pairs across the open ground. It was just like watching an old war film, a sort of bayonet charge without bayonets. As the paratroops caught anyone they knocked him down with their rifle butts and kicked him. Then, leaving him lying, they ran on. I would have photographed this, but two paratroops caught me and forced me against a wall with a rifle jammed across my neck, forcing my head back. I reached in my pocket for my press card and one of the pair lifted his knee to kick me in the crutch. I moved and the kick landed on my thigh. I managed to say 'Press, Daily Mail'. At this moment someone ran from a nearby doorway. The paratroop holding me against the wall said 'Get that bastard' and the one with the rifle turned on the man running, saying 'Hold him, [name]' to the man who stayed with me. My Press card had fallen on the ground. As the paratrooper reached the running man I lifted my camera and took photograph No. (4). Just after I took it the paratrooper (wearing a gas mask in the picture) slammed this chap on the head with his rifle butt. I would have shot this too but the paratroop with me realised what I was doing and threw me on the ground virtually next to the other soldier in the foreground of photo No. (4) who is pointing his rifle down the alley (which on the map appears as Continuation of Eden Place) in the direction of Harvey Street. This soldier took no notice of me but still looking down the alley went into a crouching position and fired two rounds up the alley. I think people were running down this alley. Just as I was grabbed I noticed some people going that way. I could not see up the alley as the shots were fired. I do not recall hearing any shots fired (other than rubber bullets) immediately before this."

¹ [M57.2](#)

30.6 Jeffrey Morris went on to describe how he had then taken cover under the burned-out van shown in the photograph below, at which stage he was hit by a rubber bullet and heard a lot of shooting. "*It was all rifle shots, no automatic and certainly no Thompson.*"¹

¹ [M57.3](#)

30.7 The Inquiry was unable to identify a soldier from the name Jeffrey Morris recalled had been used to address the soldier who held him.

30.8 The photograph Jeffrey Morris described as No. 4 is reproduced below.



30.9 Jeffrey Morris gave a similar account in his oral evidence to the Widgery Inquiry.¹ The transcript of that evidence records Jeffrey Morris as saying that he was hit across the side of the face with a rifle, but in our view in the light of the written statement this was a transcription error and Jeffrey Morris was in fact referring to the man he saw caught by the soldier who had left him. He said that he had heard a lot of rubber bullets being fired in the vicinity, but that the two shots he recalled being fired up the alley into Chamberlain Street *“were in my opinion the first two rifle shots I had heard”*. Later in his oral evidence he told the Widgery Inquiry that he saw people running away from the paratroopers who were in three pairs and that he witnessed *“three separate incidents of them coming behind clubbing with rifles, and as they went down they were almost kicking them”*.² As for himself, he told the Widgery Inquiry that he was carrying three 35mm cameras round his neck, though he had dye on his shoulder and had a face mask which he had pulled down to his throat. When it was suggested to him that when the soldiers arrested him they quite clearly understood he was *“one of the rowdies”*, his answer was, *“I don’t know, because I wasn’t done over as the other people were.”*³

¹ WT2.47-48

³ WT2.46; WT2.64

² WT2.56

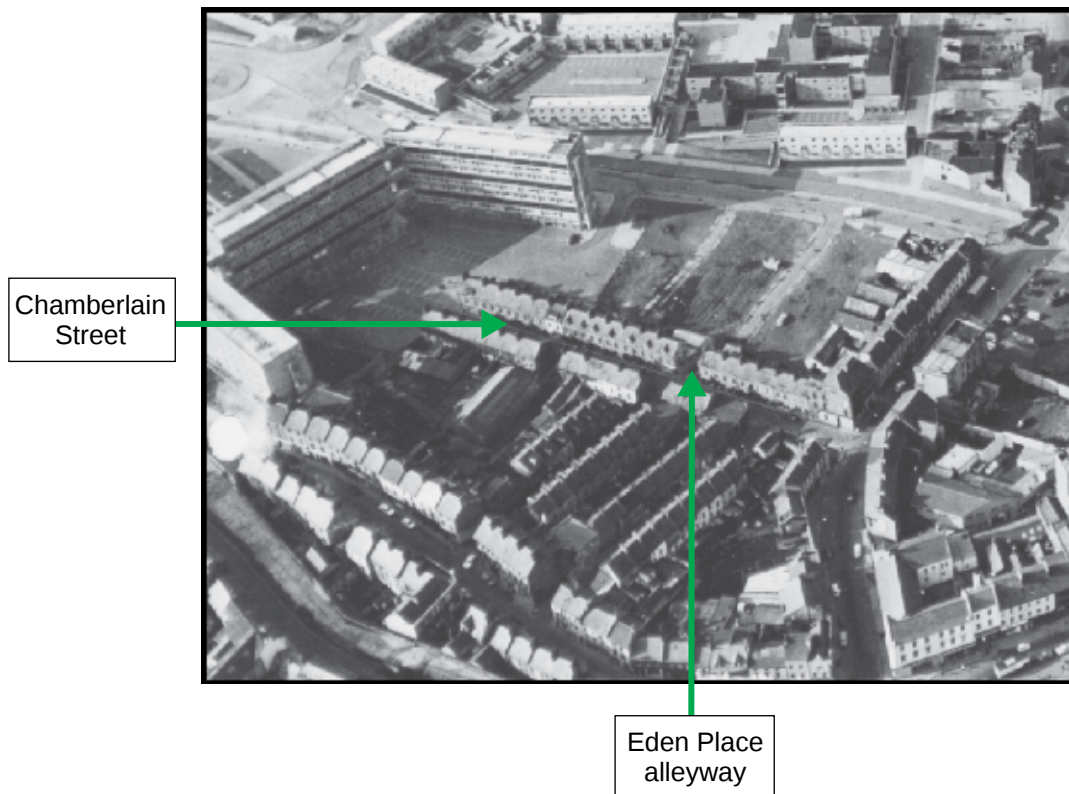
30.10 Jeffrey Morris also told the Widgery Inquiry that he had heard no nail bombs that afternoon and that he saw no paratroopers running and firing at the same time.¹

¹ WT2.59

- 30.11** The evidence of Jeffrey Morris lends no support to the suggestion that soldiers from Lieutenant N's APC were fired upon as or soon after they had disembarked from the APC. On the contrary, his evidence, which we accept, was that the shots fired by Lieutenant N were the first live shots that he had heard that day.
- 30.12** At this stage we consider the circumstances of the arrest of the civilian shown in the photograph reproduced above.

The arrest of Duncan Clark

- 30.13** There is no doubt that the soldier shown holding the civilian in this photograph was Private INQ 1918, who was the radio operator and who identified himself in this photograph.¹
- ¹ [C1918.3](#)
- 30.14** It was suggested on behalf of the majority of the families that “*in all likelihood*” the soldier who had held Jeffrey Morris as he took the photograph was Private 019.¹ We are not persuaded that this is so. Lieutenant N told us that a soldier with a baton gun was on the other side of the alleyway when he fired towards Chamberlain Street. As can be seen from the photograph shown above,² a soldier’s helmet is visible behind Lieutenant N, which in our view was that of Private 019. This soldier put himself in this position in his Royal Military Police (RMP) statement³ and also told us that he was the soldier behind Lieutenant N in this photograph.⁴
- ¹ [FS1.1325](#) ³ [B1492](#)
² [Paragraph 30.8](#) ⁴ [B1494.003](#); [B1494.007](#)
- 30.15** It is possible that the soldier who held Jeffrey Morris was Corporal 162. Although in his RMP account¹ Corporal 162 described himself as running towards the alleyway that runs between Eden Place and Chamberlain Street, in his oral evidence to us he said that this was wrong and that he had run to a much narrower alleyway, though this too led to Chamberlain Street.² He might have meant Macari’s Lane, but this alleyway goes into William Street, not Chamberlain Street. We are sure that apart from the Eden Place alleyway, there was no other alleyway that went from the Eden Place waste ground into Chamberlain Street. This can be seen most clearly from the enlargement of an aerial photograph reproduced below.
- ¹ [B1960](#) ² [Day 323/180-185](#)



30.16 In the end, though Corporal 162 is a possibility, we have found ourselves unable to identify the soldier who held Jeffrey Morris.

30.17 We are satisfied from a photograph taken after he had been arrested that the civilian being held by Private INQ 1918 was Duncan Clark, a man of 39. In his NICRA statement,¹ Duncan Clark recorded that:

“On the evening of January 30th I intended to look in on the meeting in Guildhall Square. Hearing the commotion in William Street I went down High Street to Chamberlain Street. While standing at the corner of Chamberlain Street and High Street a soldier (paratrooper) approached from Eden Terrace and said, ‘Come with me you bastard.’ I went with him to Eden Terrace, where there was an armoured car parked. He searched me and told me to get into the armoured car.”

¹ [AC61.1](#)

30.18 Duncan Clark is dead and gave no evidence to this Inquiry.

30.19 There are differences between Duncan Clark's NICRA statement and the evidence of Jeffrey Morris. According to Duncan Clark, he was standing at the corner of Chamberlain Street and High Street when he was arrested and was not hit until he was in the armoured vehicle; according to Jeffrey Morris, Duncan Clark was arrested after running out of a doorway and was hit over the head with a rifle butt shortly after Jeffrey Morris had taken the photograph shown above.

30.20 There is some other civilian evidence that seems to refer to the arrest of Duncan Clark.

30.21 Patrick Clarke made a NICRA statement¹ in which he said that he saw a soldier grab an "*old man*" who had been standing inside the confectionery shop in what was left of Eden Place. This would appear to be a reference to the Eden Place alleyway. The soldier hit the man on the head with a baton and dragged him away. Patrick Clarke gave evidence to the same effect to this Inquiry, but did not recognise Duncan Clark in a photograph.²

¹ [AC64.1](#)

² [AC64.4](#); [Day 74/82-85](#); [AC64.20](#)

30.22 Tony Morrison made a NICRA statement¹ in which he recorded:

"I ran to the junction of Chamberlain St/Eden Terrace. From there I saw the soldiers take up position at the junction of William St./Chamberlain St. From Eden Terrace I saw soldiers in Rossville Street and in the wasteground there. There was an elderly man standing beside 'Johnny's' Shop in Eden Terrace. I roared to him, 'There's the soldiers coming.' He replied, 'I cannot see with the gas in my eyes.' A mate of mine, Connie Moore, and myself went to help this man, when he was grabbed by a soldier who appeared round the corner of 'Quinn's Lane.' We were about to run when a second soldier appeared from the opposite corner of the street (Eden Terrace). We turned and ran back into the flats end of Chamberlain Street. As we turned from Eden Terrace into Chamberlain St I look back, thinking the soldier was going to run after us but I noticed he was bringing the rifle into a firing position and aiming at us. I shouted to Connie, 'Duck.' A second later, I heard a rifle shot, which passed over our heads and I saw bullet strike the wall of [...] house, just in front of us. This house is at the junction of Chamberlain St/Harvey St., just opposite the 720 Bar."

¹ [AM439.1](#)

30.23 As we have noted, Macari's Lane used to be called Quinn's Lane. It may originally have extended all the way down the backs of the houses on the west side of Chamberlain Street.

30.24 In his written statement to this Inquiry,¹ Tony Morrison recalled that the man was fat and was wearing a black jacket and white shirt. He thought that the man was going to get a walloping, and so he himself tried to pull the man back and struggled with the soldier for a while, but let go and ran off when another soldier fired a shot into the air. In oral evidence,² he said that the man shown in a photograph taken by the *Irish Press* photographer Colman Doyle, and reproduced below, looked just like the man he had seen.

¹ [AM439.3](#)

² [Day 184/98](#)



30.25 Tony Morrison said that the arresting soldier hit Duncan Clark on the head, though it appeared from later in his evidence that he did not see this happen but instead saw blood running down Duncan Clark's head and deduced that he had been hit.¹

¹ [Day 184/103](#); [Day 184/147-149](#)

30.26 In his written evidence to this Inquiry, Joe Nicholas told us that he saw three or four paratroopers beating an old man who was in what he described as the gap between Eden Place and Chamberlain Street. He stated that together with a few others from the crowd he advanced to try and rescue the old man and managed to get hold of his arm. *"I was trying to pull him away from the soldiers. I had my head down, but suddenly I was aware of one of the paras bringing his rifle up and firing a shot. He only fired one shot and I immediately retreated towards Chamberlain Street."*¹ In his oral evidence to this Inquiry,

he said that he was with about 20 or 30 others and that it appeared to him that a warning shot was fired over their heads as they advanced to the rescue of the old man.² Shown Jeffrey Morris's photograph of Private INQ 1918 holding Duncan Clark, he said that he could not be sure that that was the man that he had seen.³

¹ AN17.3

³ Day 78/65-67

² Day 78/6-7

30.27 In view of Jeffrey Morris's evidence, which is to the effect that Duncan Clark had been arrested and was being held by Private INQ 1918 behind Lieutenant N when the latter fired, we take the view that Joe Nicholas was mistaken in saying that the shot he heard was fired as he was trying to pull the man away from the soldiers.

30.28 Malachy Duddy told this Inquiry that he walked along Chamberlain Street to the entrance to Eden Place where he saw a man of about 50 to 60 years of age being manhandled by a soldier on the Eden Place side of this gap. He stated that he did not remember any other soldiers around at the time. He recalled that the soldier was carrying a rifle but did not remember him carrying a baton gun. *"I tried to pull the man away from the soldier but then I saw other soldiers advancing towards us and I started to run."* He then described being hit by a baton round as he did so and then hearing a live shot fired over his head.¹

¹ AD151.2

30.29 In our view this evidence from civilians relates to the arrest of Duncan Clark, and though there are details that appear inconsistent with the account given by Jeffrey Morris, it seems to us that this could well be explicable on the basis that what the latter observed occurred shortly after Duncan Clark's arrest. In this connection there is an earlier photograph taken by Jeffrey Morris showing Private INQ 1918 looking up the alleyway to Chamberlain Street and Lieutenant N (holding his helmet) approaching him from behind. Jeffrey Morris's contact sheets show that this photograph was the one taken before that showing Private INQ 1918 holding Duncan Clark.



30.30 According to the arrest report forms, Private INQ 1918 arrested Duncan Clark for throwing stones at the arrest forces in Rossville Street and rioting. Private INQ 1918 told us that he had no recollection of how he came to arrest Duncan Clark or of hitting people with his weapon.¹

¹ [Day 342/90-97](#); [Day 342/126-128](#)

30.31 On the basis of the foregoing accounts, there is nothing, apart from the arrest report forms, to suggest that Duncan Clark was arrested because Private INQ 1918 had seen him throwing stones in Rossville Street and rioting. On the basis of the civilian accounts, he appears to have been a merely a bystander who, according to Tony Morrison, was recovering from exposure to CS gas. It is difficult to see how Private INQ 1918 could have seen Duncan Clark in Rossville Street, though it is possible that the description of the place given in the arrest report forms was not intended to be exact, but merely a general description of the area. However, even if that is so, in our view there is no acceptable evidence to suggest that Duncan Clark was arrested for any reason other than that he happened to be present when the soldiers arrived.

30.32 As to the allegations of assault, we consider that, although the accounts differ, the civilian evidence indicates that Duncan Clark was roughly treated when he was arrested. Although, as we have pointed out, Duncan Clark himself did not record that he had been hit on the head at this stage, it seems to us from the evidence of Tony Morrison and Jeffrey Morris that he might have been, though we are not certain about this, since there are doubts (which we consider below¹) as to whether Jeffrey Morris accurately described

what happened during another arrest made a little later. If this did happen, we have found no evidence to suggest that that Private INQ 1918 would have had or could have believed that he had any justification for hitting this middle-aged man on the head with his rifle.

¹ Paragraphs 33.15–29 and 33.42

30.33 Later in this report,¹ we return to Duncan Clark’s account of what happened when he was in the APC.

¹ Chapter 43

30.34 The foregoing evidence, including that of Jeffrey Morris, is to the effect that it was after Duncan Clark had been arrested that Lieutenant N fired into the alleyway leading from the Eden Place waste ground into Chamberlain Street. In our view this was the case.

30.35 We now turn to consider in more detail the evidence concerning this firing.

The first shots fired by Lieutenant N

The evidence of soldiers

30.36 In his first RMP statement, timed at 0045 hours on 31st January 1972,¹ Lieutenant N gave this account:

“As I got out of the vehicle several people ran past throwing stones and bottles. Some ran towards the flats, others ran into Eden Place and continued in a south westerly direction towards Chamberlain St. I ran after the people, running towards Chamberlain St and was accompanied by [Private 013] and [Private INQ 1918] from my platoon. The object of this was to make an arrest.

On nearing the junction of Eden Place and Chamberlain St the people I was chasing turned and faced me. In all there was a crowd of about 100 people. They began throwing stones and bottles and began to advance towards us.

I fired three rounds 7.62mm to disperse the crowd. One shot I fired high into the east wall of number 14 Chamberlain St. 2 shots I fired high into the north wall of number 13 Chamberlain St. There were no injuries to anyone in the crowd as a result of my firing. The crowd dispersed after the firing and I then moved back into the car park in front of Rossville Flats.”

¹ B373-374

30.37 According to this statement, Private 013 accompanied Lieutenant N. In our view this was probably an error on the part of Lieutenant N. For reasons given in the preceding chapter,¹ we consider that Private 013 is likely to have moved on disembarking up to Block 1 of the Rossville Flats, where he was responsible for firing a baton round at Patrick “Barman” Duffy. For reasons given below, we are sure that Private 019 was with Lieutenant N at this time. The mistake was that of Lieutenant N, and not a transcription error, since in his original RMP statement he gave the name of Private 013.

¹ [Chapter 29](#)

30.38 In another RMP account dated 1st February 1972,¹ Lieutenant N described how he had recocked his weapon after firing the first shot into the north wall of 13 Chamberlain Street in the mistaken belief that the gun had not reloaded itself. He stated that he had immediate cause to fire again into the north wall of 13 Chamberlain Street and “*after a short pause*” another shot into the east wall of 14 Chamberlain Street.

¹ [B391](#)

30.39 In his written statement for the Widgery Inquiry,¹ Lieutenant N stated that before this firing he had tried to grapple with a man he described as throwing lumps of concrete at him, as a result of which his helmet strap broke and his helmet fell over his eyes.

¹ [B398](#)

30.40 Though neither Private 019 nor Private INQ 1918 had any recollection of the incident,¹ we have no reason to doubt Lieutenant N’s account of seeking, immediately he had disembarked, to arrest a man who was throwing lumps of concrete at him, and breaking his helmet strap as he did so.

¹ [Day 343/110](#); [Day 342/87](#)

30.41 In his written statement to this Inquiry,¹ William McCloskey told us that he entered the waste ground at Eden Place and saw the Army vehicles arrive and the soldiers disembark. A paratrooper ran towards him and he decided to have a go at him. He thought that the paratrooper was a second lieutenant. William McCloskey hit the paratrooper in the lower body, and then turned and ran back towards Chamberlain Street. When he had just about reached Chamberlain Street, he heard a live round fired from behind him in Eden Place, which hit the house on the south side of the junction with Harvey Street. He stated that he thought the bullet was aimed at him “*since there was no one else around*”. In his oral evidence to this Inquiry,² William McCloskey said that he kicked the paratrooper in the crotch once with his left foot.

¹ [AM120.2](#)

² [Day 73/144](#); [Day 74/11-12](#)

30.42 Although the description of the incident differs from that given by Lieutenant N, it is possible that William McCloskey may have been the man he tried to apprehend. However, when shown Lieutenant N's evidence William McCloskey said that this must have been a different incident.¹

¹ [Day 73/144-145](#)

30.43 William McCloskey was also referred to but did not accept the evidence of Maurice McColgan, who described seeing a soldier run at William McCloskey only to be felled by a punch, shortly after which Maurice McColgan heard the crack of a self-loading rifle (SLR) round.¹

¹ [AM124.2; Day 74/161-164](#)

30.44 We formed the view that William McCloskey's oral evidence to us was unreliable, and that he did not have a true recollection of events. As will be seen from the evidence discussed in this chapter, he was not in our view alone in Chamberlain Street when a shot hit the building there. In these circumstances we remain far from sure that he was the man Lieutenant N described.

30.45 To return to Lieutenant N's written statement for the Widgery Inquiry,¹ after describing the incident with the man he tried to arrest, Lieutenant N described then taking up position with his radio operator and a soldier with a riot gun. *"The situation here was not comfortable because some of the rioters who had run from the open spaces away via Eden Place into Chamberlain Street had returned and were throwing rocks."* His statement continued:²

"9. The situation appeared dangerous and there were only two of us there (apart from my operator who was just round the corner). I fired two SLR rounds over the heads of the crowd. They go back for a moment and then started to come forward again. I fired one more round and they went away. At one stage during this incident I had a stoppage and cocked my rifle. Since at the end of the operations I was one unaccounted for round short I think that I must have ejected it at this moment.

10. My signaler had arrested a man and I went with him to my pig which was still in the middle of the open space and put the prisoner in it, the corporal there taking charge. I then moved straight to the back of the Chamberlain Street houses again to get cover."

¹ [B398](#)

² [B399](#)

30.46 The reference to *"My signaler"* [sic] is a reference to Private INQ 1918.

30.47 In his oral evidence to the Widgery Inquiry, Lieutenant N described the crowd advancing towards him as about 75 to 100 strong. He said that he fired two aimed shots into the wall behind them about 2ft above their heads. The crowd moved back around the corner and then came round again and he fired another shot, after which the crowd “*lost interest*” and disappeared. He told the Widgery Inquiry that after this he went to his signaller (Private INQ 1918) and helped him to march the man the signaller had detained back to the APC. He then said that he went back towards the wall (by which it seems he meant the wall of the gardens of the houses in Chamberlain Street backing on to the Eden Place waste ground) and started moving along towards the end of Chamberlain Street.¹

¹ WT12.65-67

30.48 It was suggested to Lieutenant N, who agreed, that there was nothing in the Yellow Card (which set out the circumstances in which soldiers could fire and which we discuss later in this chapter) that justified his shots, but he said that he fired the shots to save life. “*If that crowd had gone through that little gap to my position and started stoning me at point blank range they would undoubtedly have injured myself and my soldiers.*” He agreed in his oral evidence to the Widgery Inquiry that he had fired without warning.¹ He later said that he had fired from the kneeling position.²

¹ WT12.78

² WT12.83

30.49 In the trajectory photograph prepared for the Widgery Inquiry, which we reproduce below, the wall described as the north wall of 13 Chamberlain Street is the wall marked 1 (which is in fact the front wall of 9 Chamberlain Street) and the wall described as the east wall of 14 Chamberlain Street is the wall marked 2 (which is the side wall of 14 Chamberlain Street). Lieutenant N’s oral evidence to the Widgery Inquiry¹ suggests, consistently with his second RMP statement, that the first two shots were fired at the wall marked 1 on the photograph and the third at the wall marked 2.² He agreed with the Widgery Inquiry that the photograph taken by the *Daily Mail* photographer Jeffrey Morris might have been taken at the moment when he fired two shots into the wall.³

¹ WT12.65-67

³ WT12.77

² The line marked 3 refers to a further shot by Lieutenant N, which we consider later in this report (paragraphs 51.1–43).



30.50 Lieutenant N gave written and oral evidence to this Inquiry. His recollections in a number of respects differed from the accounts that he gave at the time, though in his written statement he cast no doubts on the accuracy of those accounts.¹ He did, however, recall that before Bloody Sunday there had been an incident in Ballymurphy when, after calling on them to disperse, he had fired a shot over the heads of a small group of people about 50 yards away whom he suspected of spotting him for a possible ambush. He described this as “*not really accepted conduct*”.²

¹ [B438.007-010](#)

² [B438.002](#)

30.51 In his oral evidence to this Inquiry, Lieutenant N told us that he recalled the confrontation with the man he said had thrown concrete at him as having occurred immediately after he had disembarked and that the man had come towards him from the north.¹ He also told this Inquiry that he recalled that when he faced the people he described coming towards him from the Eden Place alleyway he stepped into the middle of the entrance to the Eden Place alleyway and shouted something like “*Fuck off or I will shoot you*”.² He also told us that he had no recollection of seeing his signaller Private INQ 1918 arresting anyone in the alleyway.³ He agreed that he was very probably the soldier shown in the photograph reproduced earlier in this chapter (in our discussion of the arrest of Duncan Clark) holding his helmet and approaching Private INQ 1918.⁴ He said he had no recollection of two soldiers apprehending Jeffrey Morris or of Private INQ 1918 hitting Duncan Clark on the head.⁵ He agreed that the following two photographs “*very possibly*” showed him and his signaller escorting the man the latter had arrested. In our view these photographs do show this event. Both of these photographs were taken by Colman Doyle, a photographer from the *Irish Press* newspaper.⁶

¹ [Day 322/50](#)

² [Day 322/59](#)

³ [Day 322/77-78](#)

⁴ [Day 322/78](#)

⁵ [Day 322/81-82](#)

⁶ [Day 72/84-85](#); [Day 72/179](#)



30.52 As will be seen later in this chapter, a photographer, Gilles Peress, gave evidence of a paratrooper shooting at him from the hip as he attempted to cross the junction of Chamberlain Street and the Eden Place alleyway. Lieutenant N said that he had no recollection of seeing a photographer and that *“I certainly did not fire from the hip”*.¹

¹ [Day 322/76-77](#)

30.53 Lieutenant N's account of mistakenly recocking his rifle and ejecting a live round is supported by the evidence of Paul Martin, then 10 years old, who told us in his written statement to this Inquiry that on the evening of Bloody Sunday he found a live round in a position corresponding to that where Lieutenant N said he had ejected it.¹

¹ [AM26.4](#)

30.54 In his RMP statement dated 4th February 1972,¹ to which we have already made reference, Private 019 (who was armed with a baton gun) stated that he was with Lieutenant N at the corner of Eden Place and Harvey Street. His statement continued: *“As I was trying to hold back the rioters which were 150 in number and were of mixed sex. The crowd started to advance on my position throwing bottles and bricks and at both myself and ‘N’. At this point we were the only two persons at the junction and so ‘N’ fired two 7.62 rds into a brick wall above the rioters heads in an attempt to stop them advancing. This had complete effect and the crowds dispersed up Chamberlain Street in a northerly and southerly direction.”* Private 019 recorded nothing in this statement about firing his baton gun. He did not give evidence to the Widgery Inquiry.

¹ [B1492](#)

30.55 In his written evidence to this Inquiry,¹ Private 019 gave an account of being on the southern corner of the Eden Place alleyway, with Lieutenant N and the radio operator on the northern corner. He told us he could see a crowd of civilians at the junction between Chamberlain Street and Harvey Street, but could not remember what they were doing. He stated that he probably would have fired baton rounds at this stage, but that he could not remember doing so. His statement continued:

“Lieutenant N then fired two or three shots from his SLR. I was not looking at him as he fired and I heard rather than saw, the shots fired. I was looking at the crowd. I saw two strikes where bullets hit walls above the heads of the crowd. I realised more or less straight away what Lieutenant N was doing. I thought he was firing warning shots, rather than at a target, because they hit the wall above the heads of the crowd. If he had been firing at a target he could not have missed from that range, It was not

common for a soldier to fire warning shots and it was not covered by the Yellow Card but I think his idea was to disperse the crowd ... The crowd dispersed when the shots were fired.

Lieutenant N obviously thought that firing warning shots would disperse the crowd. Some people said afterwards that he panicked but I did not really think about it at the time.”

¹ [B1494.003](#)

30.56 In his oral evidence to this Inquiry, Private 019 said on frequent occasions that he had no recollection of events, including firing his baton gun, though he did not seek to resile from his 1972 account. He agreed that it was clear that he would have used his baton gun if he had to hold back a crowd, but said to us that he could not remember what the crowd had been doing or whether he had needed to fire his baton gun.¹

¹ [Day 343/115](#)

30.57 Much of Private 019’s oral evidence was taken up with the question as to whether or not he had given an interview to Neil Davies.

30.58 Neil Davies was a producer and researcher in the television and film industry. Between 1965 and 1969 he had been a member of the Parachute Regiment, though he did not serve in Northern Ireland. In 1989 and 1990 he interviewed a number of soldiers and former soldiers, while working for the television production company Praxis Films Ltd. At first these interviews were conducted for the purposes of a proposed documentary about the British withdrawal from Aden in the 1960s, but as the research progressed, it became apparent that many of the soldiers had knowledge of the events of Bloody Sunday. John Goddard of Praxis Films Ltd was also interested in producing a documentary about Bloody Sunday, and so Neil Davies began to discuss Bloody Sunday more specifically in the course of these interviews.¹ The project resulted in the making of the documentary *Bloody Sunday*, broadcast as part of Channel 4’s Secret History series on 5th December 1991.

¹ [M19.1-2](#)

30.59 Praxis Films Ltd provided a great deal of material to this Inquiry in the form of transcripts and notes of interviews, including some of the interviews conducted by Neil Davies. Recordings of the interviews appear not to have survived.

- 30.60** Neil Davies identified one of these documents¹ as a page of his notes of one of his interviews. In his supplementary written statement to this Inquiry, he told us:²

"I interviewed this soldier in a pub, but I do not recall if anyone else was present. I am not willing to identify him because of my duty of confidentiality. This is not a transcript, but consists of notes I wrote up after talking to the soldier."

¹ [O27.1](#)

² [M19.14.15](#)

- 30.61** The notes are written in the first person, in terms that indicate that the speaker was armed with a baton gun on Bloody Sunday and was in the same vehicle as Corporal 162, namely Lieutenant N's APC.

- 30.62** There are two further sets of notes which seem to us to have been taken from the same tape recording, as Neil Davies himself suggested might have been the case.¹

¹ [Day 397/85; Day 397/136](#)

- 30.63** The first set¹ consists of notes written up by him after talking to the soldier. These notes include the following:

"In 10 minutes the world collapsed around us. Specially for the officers, lots of careers ruined that day.

...

I was by the platoon commander, he fired first empty cases flew past my head."

¹ [O27.1](#)

- 30.64** The second set of notes,¹ which Neil Davies said appeared to have been compiled by one of his colleagues from a tape recording of an interview he (Neil Davies) had conducted with a soldier,² includes this passage:³

"N officer, me in his pig. cheering as we raced off, through the barricades, lads were shouting, 'Get the fuckers', get the adrenalin going, snatch squad.

Waste ground below flats. Jump out, running away, thousands of them, screaming, shouting. Me with officer, loads of fuckers came around the corner at us.

Officer, firing, first, right by him, cartridges whistled past my head, he had lost it, hadn't he. Ran back to pigs to get our weapons, all did. Cover. See? Shooting started, not see anything, no targets, nothing, not fire a bullet.

Only that officer firing, careers ruined.”

¹ O28.1-3

³ O28.3

² Day 397/81

30.65

The third set,¹ Neil Davies said, was a note written up by someone else or a transcript, and he could not tell with any certainty whether all three notes related to the same interviewee.² The third set of notes includes the following passage:

“N he was nervous in and out of the pig. we were telling him stories of sorting the IRA out. Bigger price on an officers head

The officer started firing first.

Q. Are you sure the Officer started firing first.

I was right by him cases were flying right by my head. Lost it had’nt he.

I ran back to the pig. we all did to get our weapons. get to cover. he must have seen something.

Well you dont hang about when the shooting starts.

I did’nt see anything. no targets.

I only heard the officer firing. did’nt see any targets. did’nt do any firing. Did’nt fire a bullet.

The world collapsed around us. especially for the officers. Lots of careers ruined that day.”

¹ O29.1-2

² Day 397/84-85

30.66

Neil Davies conducted his interviews of former soldiers in 1989 and 1990.¹ Private 019 had been shown the interview notes by 3rd February 2000 when his solicitor wrote to the Inquiry’s solicitor to say, on instructions, that the first of these three notes² was the only document that could possibly be a record of Private 019’s conversation with Neil Davies. On 16th September 2002, during the course of the hearing, Private 019’s counsel said that Private 019 believed that this document “*must represent part of the conversation he had, but may I say he has considerable reservations about the way it is recorded and the language which he is supposed to have used*”.³

¹ M19.14.1-6

³ Day 233/119

² O27.1

30.67 In his written statement to this Inquiry,¹ Private 019 told us that Neil Davies had approached him and asked for his assistance in connection with some research that he was doing for a television programme. Private 019 said that he spoke to Neil Davies briefly but told him that he was not interested when he realised that Neil Davies wanted to talk about Bloody Sunday.

¹ [B1494.005](#)

30.68 However, in his oral evidence he denied that any of the three notes was drawn from anything that he had said to Neil Davies.¹

¹ [Day 343/98-102](#); [Day 343/125-163](#); [Day 343/177-183](#)

30.69 Notwithstanding Private 019's denial, and the fact that Neil Davies seemed reluctant to accept that the notes recorded information from that soldier,¹ the content of those notes, as set out above, and the other evidence considered above of the baton gunner with Lieutenant N at the entrance to the Eden Place alleyway, satisfy us that he was the source. Private 019 may well have regretted what he said in his interviews, but that does not excuse giving evidence to the Inquiry that in our view he must have known was untrue.

¹ [Day 397/73-88](#); [Day 397/99-115](#)

30.70 There are two relevant aspects of what Private 019 told Neil Davies, namely his account of Lieutenant N being the first to fire and his view that Lieutenant N "*lost it*".

30.71 As to the first of these matters, it seems to us that, in the light of this account, Private 019's evidence to us that he was pretty sure that he heard high velocity fire before Lieutenant N fired¹ cannot be accepted. Thus we are left with the account of earlier high velocity firing that he gave in 1972,² but again, in view of what Private 019 said to Neil Davies, and the fact that Lieutenant N did not record hearing any such firing, we are not persuaded that this was something that Private 019 had heard.

¹ [Day 343/115](#); [Day 343/165](#)

² [B1492](#)

30.72 Whether Lieutenant N had in fact "*lost it*", by which we understand Private 019 to mean that Lieutenant N had fired in panic for no apparently good reason, is a matter to which we return later in this chapter when we have considered other evidence of what was happening at the Eden Place alleyway at this time. However, we note here that it appears from his account given to Neil Davies that Private 019 recalled, as he put it, "*Me with officer, loads of fuckers came around the corner at us*".

30.73 In his written evidence to this Inquiry, Private INQ 1918 (the signaller) stated that he recalled looking up what appears to be the Eden Place alleyway and seeing a crowd of civilians throwing stones and bottles and bricks towards him.¹ However, in his oral evidence to us, Private INQ 1918 said that he did not recall Lieutenant N opening fire. Since this soldier was engaged in detaining Duncan Clark when Lieutenant N fired, his evidence goes more to the situation before Lieutenant N fired than to the time when that firing took place.

¹ C1918.2

The evidence of civilians

30.74 Eamonn Baker gave written and oral evidence to this Inquiry. In his written statement, he described being one of those behind the corrugated iron shield in William Street facing Barrier 14. He stated that he remembered seeing armoured cars at the junction of William Street and Rossville Street and ran down Chamberlain Street to get away. He recalled seeing a soldier appear at the junction of Chamberlain Street and Eden Place and a man running ahead of him who ran towards the soldier in order to throw a stone at him. *"I recall the soldier lifted his rubber bullet gun to fire at the man. The man threw his stone at the same time as the soldier fired, but they missed each other. I cannot really remember much about this soldier except that he was wearing a perspex visor and a riot helmet."*¹

¹ AB2.2-3

30.75 In his oral evidence to this Inquiry, Eamonn Baker agreed that he had been throwing stones in William Street and that, contrary to his written statement, he had engaged in rioting on other occasions.¹ He agreed that he had run down Chamberlain Street with a whole crowd of people and he said that the soldier whom he saw had been at the south-west corner of the Eden Place alleyway.²

¹ Day 96/125-126; Day 096/153

² Day 96/129-130

30.76 We have already considered the evidence of Patrick Clarke, Tony Morrison, Joe Nicholas and Malachy Duddy in relation to the arrest of Duncan Clark by Private INQ 1918.

30.77 In his oral evidence to this Inquiry, Patrick Clarke said that when the soldier fired there were people running south down Chamberlain Street but there was nobody at all in the part of Eden Place between Chamberlain Street and the waste ground.¹

¹ Day 74/88-89

30.78 In his oral evidence to this Inquiry, Tony Morrison said that when he arrived in Eden Place there was no-one else there apart from himself, his friend and the civilian who was apprehended.¹ He was asked whether at the time when he turned and ran back into Chamberlain Street after a shot had been fired, there was a crowd around the junction of Chamberlain Street and Eden Place. He replied that there were a few people about, but not many and did not agree with the suggestion that it was “*a fairly large crowd*”. He said he did not see anyone holding a missile of any kind.²

¹ [Day 184/96-97](#)

² [Day 184/146](#)

30.79 As already noted, Joe Nicholas told us that he went with a few others from the crowd to try and rescue “*the old man*”.

30.80 In his written evidence to this Inquiry, Malachy Duddy told us that on seeing soldiers approaching he started to run back up Eden Place (eastwards) towards Chamberlain Street; that as he ran he was hit by a rubber bullet in his back, which caused him to fall forward onto one knee; and that as he was being helped to his feet by someone, “*a live shot was fired over our heads*”.¹ In the course of his oral evidence to this Inquiry, Malachy Duddy was asked what was happening as he tried to go to the rescue of the man:²

“Q. And while you were doing that, another 15 or 20 people were some yards behind you, but coming in the same direction?

A. Yes, that is correct, yeah.

Q. Mr Duddy, would it be fair to say, if another soldier had been watching that scene he would have seen you as an individual going to interfere with an arrest, he would have seen 15 or 20 people advancing on the soldier who was trying to make an arrest at the same time?

A. Yes, that is right.

Q. At about that time somebody fired at least one rubber bullet in the direction of you and the advancing 15 or 20?

A. That is correct, yes.

Q. And when that did not succeed, a live round was fired over the heads of the same crowd?

A. That is my recollection.”

¹ [AD151.2](#)

² [Day 81/152-153](#)

30.81 John Friel gave written and oral evidence to this Inquiry. In his written statement, he described being on the south side of the junction of Chamberlain Street and the Eden Place alleyway.¹ About half a dozen people were standing there with him, but he was the closest to Eden Place. He saw a soldier with a baton gun on the corner of the Eden Place alleyway and the waste ground. The soldier disappeared and John Friel picked up a large stone or half brick, intending to throw it at the soldier if he appeared again. Instead a different soldier appeared on the same corner, carrying a rifle. He immediately swivelled round and fired a single round towards John Friel, holding his rifle at hip height. John Friel dropped the stone and ran away. He did not see the strike of the bullet. In his oral evidence to this Inquiry, John Friel described himself as having been at the front of the crowd (though he also said that he could not see who was behind him or how many) and agreed that the sight that the soldier with a rifle would have seen “*was you with half a brick in your hand ready to throw and a crowd behind you*”.²

¹ AF33.1; AF33.12

² Day 76/7; Day 76/60

30.82 According to his evidence to this Inquiry, Patrick Walsh was standing at the junction of Eden Place and Chamberlain Street and heard a shot, which hit the brickwork of a house just above a window. According to his written account,¹ the house struck by the bullet was the house adjacent to 9 Chamberlain Street. He stated that he did not see which soldier opened fire.

¹ AW5.2

30.83 In his oral evidence,¹ he said that he could not be definite about which house it was, but that it was on the east side of the road. He also said that he assumed that the soldiers had been aiming either at him, or at a photographer, or at one of a group of men lined across Chamberlain Street. According to his evidence, these men formed a stationary line on the south side of the junction with Harvey Street to resist paratroopers advancing down Chamberlain Street from the north.² Patrick Walsh said that he did not see civilians at any stage advancing towards the paratroopers in Eden Place.³

¹ Day 171/15

³ Day 171/17

² AW5.1; Day 171/11-14

30.84 In interview notes made by Tony Stark of Praxis Films Ltd,¹ Patrick Walsh is recorded as denying that there was a large crowd threatening Lieutenant N when he fired and as saying that after the shot had been fired, he heard another shot and then saw a soldier on one knee with his rifle in his shoulder and pointing towards the Rossville Flats. He told Tony Stark that he threw a brick at this soldier and ran off. However, in his supplementary written statement to this Inquiry² and in his oral evidence,³ Patrick Walsh said that he

believed that he threw this brick before the first shot was fired, at the soldier furthest away from him in the area of Eden Place, who was down on his knee. That soldier appears to have been a little way back from the entrance to the Eden Place alleyway.⁴

¹ [AW5.19](#)

³ [Day 171/15-16](#)

² [AW5.26](#)

⁴ [AW5.40](#); [Day 171/7-9](#)

30.85 Patrick Walsh's evidence continued:¹

"Q. Can I understand your present recollection as to the sequence of events: you are at the nook, the corner; is what happens – tell me if it is not – that you see a soldier at the corner you have pointed out on the photographs; you throw a brick at him and then you hear a rifle shot or a whoosh and a whack?

A. I had seen the old lady come out of the house first of all and I moved towards her to tell her to get in out of the road and that is when I heard the bullet hit the, hit the window and take the brick out of the window.

Q. When did you throw a brick?

A. Oh, I was standing at the niche. I moved out of the niche and threw the brick at the furthest soldier from me, down on his knee.

Q. Was that before or after you had seen the old lady?

A. That was before.

Q. Before?

A. Before I seen the old lady, yes.

Q. Was there anybody else who was throwing a brick or a stone at the soldier?

A. I cannot – I could not, I could not recall any at that particular time, no."

¹ [Day 171/15-16](#)

30.86 In his NICRA statement dated 1st February 1972,¹ Mitchel McLaughlin recorded:

"I took part in the parade up until we reached and were stopped at the barricade. We argued with the soldiers and ended up by throwing stones until they brought in the water tank. After a time the crowd dispersed but we continued stone throwing. After about half an hour there were only a handful of stone throwers left and it was at this time the Saracens, at least 3 of them, and one or two ferret cars came across Little James' St into the Bogside. We didn't want to be cut off so we decided to vacate the area and moved straight back along Chamberlain St. towards the multi-storied flats and went towards the Car Park. As we were crossing the Harvey St./Eden Place Junction we were fired upon by a Paratrooper kneeling at the corner at Quinn's Lane. A foreign photographer was the only person left at the William St. end of Chamberlain St. and we shouted for him to come towards us as we saw the soldiers take up position where Hunter's Bakery used to be. He stepped out with both hands in the air, facing the soldier who had shot at us and this soldier shot at him also. This bullet lifted a chunk out of the masonry surrounding the window at the end house in Harvey St. (this can be seen and the photographer involved photographed it). This was the first real evidence we had that they were using lead bullets. I have, through experience, become familiar with the sounds of nail bombs and I can state without any question or doubt that none had been thrown."

¹ [AM340.9](#)

30.87 Mitchel McLaughlin gave written and oral evidence to this Inquiry. In his written evidence,¹ he described the same sequence of events as in his NICRA statement, though he said that he did not see the first shot or in what direction it was fired. He stated that the soldier shouted no warning when he fired at the photographer, "*Nor were any civilians attacking soldiers in this area*". He stated that he ran away south down Chamberlain Street and as he did so heard "*sustained rifle fire*".

¹ [AM340.3](#)

30.88 In his oral evidence to this Inquiry, Mitchel McLaughlin said that after the first shot he took cover on the south-west corner of the junction between Chamberlain Street and Harvey Street. He told us that by this time the majority of people going down Chamberlain Street had already gone past this junction and that he saw none of them going into the Eden Place alleyway.¹ He said that he recalled the photographer standing in the middle of the junction, seemingly frozen to the spot.² He also agreed that it was "*a distinct possibility*" that the soldier fired above the photographer's head to scare him and others off: "*it was*

very close range."³ He also said that although there were people in the vicinity he could not recall anybody between him and the soldier. All he could recall was a soldier, himself and the photographer standing in the middle of the entry.⁴

¹ [Day 80/12-13](#)

³ [Day 80/16-17](#)

² [Day 80/13](#)

⁴ [Day 80/68-69](#)

30.89 We have no doubt that the photographer Patrick Walsh and Mitchel McLaughlin saw was Gilles Peress.

The evidence of Gilles Peress

30.90 In 1972 Gilles Peress was working as a photographer for the Magnum Photos agency, which was based in Paris. He had visited Northern Ireland on previous occasions, and had returned about two weeks before Bloody Sunday to work on "*a photographic essay on the troubles*".¹

¹ [M65.19](#)

30.91 Gilles Peress gave a written statement for and oral evidence to the Widgery Inquiry.

30.92 In his written statement for the Widgery Inquiry,¹ he stated that he had taken the following photograph (which he numbered 72-1-7 No.37) from what he described as the corner of Chamberlain Street and Eden Street "*just as the shooting begins*". It can be seen from this photograph that it was taken from the Chamberlain Street end of the Eden Place alleyway, that missiles were being thrown and that one civilian appears to be retreating from where a baton gun had just been fired. Enlarged parts of this photograph appear to show that one of the objects in the sky was a piece of brick or large stone and the other a baton round, while lower down on the left side of the lane there is something that could also be a missile of some kind.²

¹ [M65.1.1](#)

² [E15.028-030](#)



30.93 Gilles Peress continued:¹

“After taking the picture of the Saracen (72-1-7 No. 37) shooting was going on in Rossville Street. I went carefully down Chamberlain Street and at the Eden Street corner I held up my cameras saying ‘Press’. There was a soldier at the corner of the buildings on Eden Place. He was kneeling. After saying ‘Press’ I turned and crossed the street very slowly. As I got to the footpath the soldier shot at me from the hip. The bullet smashed the second window of No. 6 missing me by a few inches.”

¹ [M65.1.1](#)

30.94 In his oral evidence to the Widgery Inquiry, there was the following exchange:¹

“Q. I want you to deal with for a moment simply the photographs which have been enlarged. You may be asked by others about the prints themselves. You remember, after taking a photograph of a Saracen, or an armoured car, you went down Chamberlain Street to the corner of Eden Place?”

A. Yes.

Q. How many cameras had you with you?

A. Three.

Q. Was there a soldier on the corner of the buildings at Eden Place?

A. Yes, there was.

Q. Did you speak to him?

A. Yes. Turning the corner, I turned towards him and said to him ‘Press’, showing the cameras at this level (indicating) approximately. And then I walked slowly across Eden Place. Approximately about two-thirds of the street, as I was going to put my feet on the footpath, I heard a shot – he shot at me.”

¹ [WT6.63](#)

30.95 When asked how he was sure the soldier had shot at him and not at someone else, Gilles Peress said: *“Because I was the only one, and where I was, and where he was, and where the bullet is. I see no other target. I do not say he shot to kill me, but he took a very fair chance to frighten me.”*¹

¹ [WT6.63](#)

30.96 Later in his oral evidence to the Widgery Inquiry, Gilles Peress said that when he went down Chamberlain Street he was alone. “*In a way I was between the Army and the crowd.*” He denied that when he got to Eden Place a section of the crowd turned into Eden Place, and said that when the soldier fired there were no other people within sight or range.¹

¹ [WT6.72](#)

30.97 In his written statement to this Inquiry, Gilles Peress gave a similar description of the soldier firing at him, but made no mention of the circumstances in which he came to take the photograph shown above. He did state that he heard high velocity fire for the first time that day as he went along Chamberlain Street from William Street.¹

¹ [M65.20](#)

30.98 In his oral evidence to this Inquiry, Gilles Peress told us that he recalled being at the tail end of the crowd of people fleeing along Chamberlain Street from William Street.¹

¹ [Day 212/185-186](#); [Day 212/191-192](#)

30.99 It is clear from the transcript that Gilles Peress, understandably after so many years, was finding some difficulty in recalling the exact sequence of events, but equally was being very careful not to tell us anything of which he was not sure:¹

“Q. The photograph we see on the screen, was it taken before you saw the paratrooper?”

A. Correct, and actually, to be more specific, the moment – as you were speaking, as you were asking me these questions, I was trying to understand how much time I stayed at that corner because obviously two events happened at that corner: one is I shoot that picture, and the second one is that I see the paratrooper and I show him my cameras and I scream ‘press’, and subsequently he shoots at me.

So I may have spent more than even just the moment of hesitation, I may have spent half a minute, a minute at that corner, somewhere between that, between 30 seconds or a minute at least for that many events to happen at the same time.

The second thing I want to be specific, is that when I see the paratrooper, the point D is not actually in the car park. I remember him crouching at the corner of the last building on the right-hand side.

Q. At about this corner?

A. Right, in a crouched position.

Q. That was something I was going to ask you because that would seem to be the evidence that you gave to the Widgery Tribunal in 1972, that the paratrooper was at the corner.

I do want to ask you more questions about what happened when you saw this paratrooper, but looking – if we can remove the arrow, you are on the corner now in Chamberlain Street. We can see the burnt-out vehicle in the centre of the photograph and beyond one can see some Army vehicles on Rossville Street.

Did you venture down this alleyway towards the burnt-out vehicle at any time?

A. I do not recollect so. I do not remember doing that at all. I remember – I mean, I remember staying a little bit at that corner and trying to understand what the situation was. I tend – and it is something that is in my nature and it is something I have come to realise over the ages – is that things go very fast like this, I tend to slow down, which is I, I always instinctively slow down. So that is most likely what happened, is I lingered at that corner trying to understand what was happening.”

¹ [Day 212/191-193](#)

30.100 Later in his evidence and when he was being asked again about the photograph shown above, Gilles Peress said that although he had no recollection of lads throwing stones down Eden Place, his photograph, which showed objects in the air, would indicate that this was happening.¹ He also said that he remembered that when he came upon the scene depicted in the photograph, there was a group of about ten people on his left. He said he could not remember whether any of them was carrying a stone or piece of brick.²

¹ [Day 213/2-3](#)

² [Day 213/4](#); [Day 213/7-8](#)

30.101 When asked whether he had seen anyone trying to rescue Duncan Clark, Gilles Peress told us that he had not:¹

“Q. We also have evidence from a number of civilian witnesses that they did witness the arrest of Mr Clark, whom we have the red arrow pointing, and that they moved down to try and intervene in that arrest.

Were you aware at any time of a crowd of people moving down Eden Place when you saw the paratrooper?

A. No, no, I say it is the first time I even hear of this notion, so, no, and I want to say that I did not see anything resembling this arrest, so there must be a time span between this picture and my coming through Eden Place. So it is either before or after, I would not be able to judge.”

¹ [Day 213/6](#)

30.102 Gilles Peress was asked about his written statement in which he described hearing high velocity fire as he made his way along Chamberlain Street towards the junction with the Eden Place alleyway, and his attention was drawn to the fact that in his written statement for the Widgery Inquiry he had recorded that the photograph had been taken just as the shooting began. He told us that his recollection was of high velocity fire starting up before he took the photograph, though he had already made clear that his current recollection was really based on reconstruction.¹

¹ [Day 213/49](#); [Day 213/51](#); [Day 213/87](#)

The evidence concerning the firing by Lieutenant N up the Eden Place alleyway

30.103 The situation in Chamberlain Street around the time Lieutenant N fired was clearly fluid, with people moving away from William Street and making their way south. However, our consideration of the civilian evidence leads us to conclude that some of those people did advance down the Eden Place alleyway in an attempt to help Duncan Clark. It also appears to us that some of the civilians threw throw stones or similar missiles at the soldiers who were at the waste ground end of the Eden Place alleyway. Eamonn Baker, John Friel and Patrick Walsh told us as much and Gilles Peress’s photograph shows this happening. Those civilians who suggested that there was no aggressive behaviour towards the soldiers were in our view mistaken or missed what others had seen.

30.104 We are not convinced that there was an aggressive crowd anything like as large as that described by Lieutenant N and Private 019 in 1972. At the same time the Eden Place alleyway was narrow and a substantial crowd of people were going along Chamberlain Street. Thus Lieutenant N may well have seen not just the 15 or 20 people Malachy Duddy recalled advancing towards the soldiers but also others behind who were going along Chamberlain Street.

30.105 We have no doubt that Lieutenant N fired a shot at the time when Gilles Peress was at the Chamberlain Street entrance to the Eden Place alleyway. The gist of Gilles Peress's evidence¹ is that this shot narrowly missed him and struck the house on the south side of the junction of Chamberlain Street and Harvey Street. In his NICRA statement,² Mitchel McLaughlin said that the shot fired at the photographer "*lifted a chunk out of the masonry surrounding the window at the end house in Harvey St*". These descriptions are consistent with Lieutenant N's evidence as to the trajectories of his first two shots, rather than his third shot. Mitchel McLaughlin said in his interview with Kathleen Keville³ that before the shot was fired at the photographer, the soldier had "*fired at us and hit the gable wall of the house opposite*". In his written statement to this Inquiry,⁴ he said that before the shot was fired at the photographer he had heard one shot as he ran past Eden Place, but did not see who fired it or in which direction.

¹ M65.1.1; WT6.63; M65.20; Day 212/196-197

³ AM340.20

² AM340.9

⁴ AM340.3

30.106 On the basis of this evidence it could be that the shot that narrowly missed Gilles Peress was Lieutenant N's second shot. That would require there to have been an interval between the two shots in which Lieutenant N ducked back around the corner and Gilles Peress took the photograph. The interval need not have been more than a few seconds long.

30.107 Alternatively, it could be that it was Lieutenant N's third shot that narrowly missed Gilles Peress. Gilles Peress's evidence is that he was more or less at the back of the crowd leaving William Street and was going along Chamberlain Street towards the Eden Place alleyway when he heard high velocity shots. He was sure that he did not see people going to the aid of Duncan Clark. Lieutenant N's evidence was that there was a pause between his first two shots and his third shot. On this basis it could be that what Gilles Peress first heard were the first two shots fired by Lieutenant N.

30.108 In these circumstances we are left in doubt whether the shot Gilles Peress described was the second or third of those fired by Lieutenant N. What to our minds is clear is that Lieutenant N did not intend to hit anyone with any of his shots.

30.109 The representatives of the majority of represented soldiers submitted that Gilles Peress must have taken his photograph after Lieutenant N had fired all three shots.¹ We do not accept that suggestion. It does not in our view fit with the account given by Gilles Peress, nor with the evidence of Lieutenant N, that after the third shot there was no more trouble from the crowd.

¹ [FR7.381](#)

30.110 Lieutenant N told us that he had no recollection of seeing a photographer. He is not visible in Gilles Peress's photograph. It seems likely that at this stage he was in cover behind the northern corner of the Eden Place alleyway. It is possible that he came out quickly to respond to the missile throwing, some at least of which is recorded on the photograph, and that he simply did not notice Gilles Peress. It is at least equally possible that he did see Gilles Peress, but nevertheless fired above him and the others there. In view of the evidence of Gilles Peress, we are left in doubt whether Lieutenant N fired from the shoulder or from his hip, though we are sure that he sought to aim his shots at the walls of buildings as he described.

Whether Lieutenant N's shots were justified

30.111 We now turn to the question as to whether or not Lieutenant N can be criticised for firing as he did.

30.112 We consider first the provisions of the Yellow Card, the description given to the Instructions by the Director of Operations for Opening Fire in Northern Ireland,¹ which we have also discussed elsewhere in this report.² Rule 3(a) stipulated that the soldier should only fire aimed shots, while Rule 3(b) stipulated that the soldier should not fire more rounds than were absolutely necessary to achieve his aim. Rules 8 to 14 set out the circumstances in which a soldier was permitted to fire. With the exception of Rule 12, these rules relate to firing at individuals or (in the case of Rule 14) at a vehicle carrying individuals. Rule 12 provided that the soldier could fire after due warning, "*If there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured*".

¹ [ED71.1-2](#)

² [Paragraphs 8.121–122](#)

30.113 In his oral evidence to this Inquiry, Lieutenant N expressed the view that his firing was outside the scope of the Yellow Card because "*the Yellow Card, as I understand it, deals with firing at people*".¹

¹ [Day 322/159-160](#)

30.114 The view in the Ministry of Defence at the time appears to have been that soldiers were not permitted to fire warning shots over the heads of people because this would reduce the deterrent effect of firing, might provoke return fire, might cause injury to innocent people and would relax control to some degree over the actions of soldiers.¹ In May 1971 Lord Balniel (Minister of State for Defence) told a meeting of the Defence and Overseas Policy Committee of the British Cabinet that the firing of warning shots was not authorised.²

¹ [G130A.865.018](#)

² [G1AAC.19.1.1.12](#)

30.115 There thus appears to have been a general recognition that the Yellow Card did not permit the firing of warning shots, even if they were specifically aimed to miss people and even if there was no other way (apart from firing at people) to protect the firer or those whom it was his duty to protect from the danger of being killed or seriously injured.

30.116 Despite this general recognition, it could be said that as worded the Yellow Card did not forbid the firing of aimed warning shots. Rule 12 is not on its face limited to firing at people. The requirement to fire only aimed shots is likewise not on its face limited to aiming at people. The warning to be given under Rule 7 is a warning “*that fire will be opened*” if the order to stop attacking or to halt is not obeyed, not expressly that those to whom the order is addressed will be shot. Thus neither the requirement to fire aimed shots nor the requirement to give a warning can be said necessarily to imply that Rule 12 was limited to firing at people. However, in our view Lieutenant N did not shout a warning before he fired. As we have already noted, in his oral evidence to the Widgery Inquiry he agreed that he had given no warning. Thus on any view he did not comply with the Yellow Card, so that the question whether (had he given a warning) he could have argued that what he did was not contrary to the Yellow Card is one of academic interest only and we do not discuss it further.

30.117 In the circumstances under consideration, we bear in mind that Lieutenant N, when he reached the entrance to the Eden Place alleyway, had only his signaller and a baton gunner close to him. He was facing some people who had made an attempt to rescue Duncan Clark and people were also throwing stones or similar missiles towards him. However, we are not persuaded that the situation was such that Lieutenant N could reasonably have concluded that he or the other soldiers were in such danger that his only option was to fire his rifle. Although only he and two other soldiers were in the immediate vicinity of the entrance to the Eden Place alleyway, virtually the whole of Support Company had come into the Bogside and were not far away, and it should have occurred

to him that in those circumstances civilians were most unlikely to be foolhardy enough to try to move into the open area of the Eden Place waste ground, especially since they would have no idea what other soldiers might be out of sight but nearby.

30.118 Both he and his baton gunner (Private 019) gave in our view estimates (100 and 150 respectively)¹ of the number of people involved, which we consider they must have known were grossly exaggerated. In our view at best only about 16 people were involved and probably not so many when Lieutenant N fired over Gilles Peress. We are sure (from the evidence of Malachy Duddy and the photograph taken by Gilles Peress) that Private 019 fired his baton gun at least twice up the Eden Place alleyway. However, what to our minds is lacking is any persuasive evidence that the firing of baton rounds was thought by Lieutenant N or Private 019 to be unlikely to have, or was failing to have, the desired effect. Although Private 019's Royal Military Police (RMP) statement² could be read as indicating that despite his efforts the crowd was still advancing, this is not what he suggested in his written evidence to this Inquiry,³ where he told us he could not remember what the crowd was doing. Had the situation been as dangerous as Lieutenant N suggested, it seems to us that this was something Private 019 would be likely to have remembered. As it is he merely observed that he realised that Lieutenant N was firing to "*disperse the crowd*".

¹ B373; B149

³ B1494.003

² B149

30.119 The question remains as to Lieutenant N's state of mind when he fired. Private 019 expressed the view to Neil Davies that Lieutenant N had "*lost it*", while in his written evidence to this Inquiry he told us that "*Some people said afterwards that he panicked but I did not really think about it at the time*".¹

¹ B1494.003

30.120 We are not persuaded that Lieutenant N believed that it was necessary for him to fire to avert danger to him or other soldiers. It is possible that he fired in fear or panic, without giving proper thought to whether he was justified in doing so, but in the end we have concluded that the most likely reason Lieutenant N fired was that he decided that this would be an effective way of frightening and moving on the people, regardless of whether or not they posed such a risk to him or the other soldiers that firing his rifle was the only option open to him. In our view such a use of his weapon cannot be justified. In his oral evidence to this Inquiry, General Ford said:¹ "*It is always undesirable to fire over the*

heads. It occasionally has to be done as a last resort to prevent being overrun or something similar." We consider that Lieutenant N was not faced with such a last resort situation.

¹ [Day 258/6-7](#)

The other effect of Lieutenant N's shots up the Eden Place alleyway

30.121 There is another aspect to the firing by Lieutenant N. As we have noted earlier in this chapter, the photographer Jeffrey Morris said that Lieutenant N's shots were the first that he heard; Private 019 appeared to say the same; and Lieutenant N told the Widgery Inquiry that apart from the shots that he had fired, he registered no other firing at that stage and "*heard no shots which I was aware of*", before his own firing.¹

¹ [WT12.67](#); [WT12.79](#)

30.122 In a minute dated 4th February 1972 of the opening meeting two days earlier of the Army team assembled for the purpose of the Widgery Inquiry, Major General INQ 2144 (Director of Personal Services (Army)) recorded that General Ford had told him that the opening shots had definitely come from the IRA, who had fired twice while 1 PARA was "*crossing the barricade*", but that "*it would probably be established that an officer of 1 Para had subsequently fired a burst of warning shots into a brick wall immediately before the main battle began*".¹ We have no doubt that that officer of 1 PARA was Lieutenant N.²

¹ [G114B.743.5](#)

² [Day 322/173-174](#)

30.123 As already noted,¹ General Ford had observed soldiers of C Company crossing Barrier 14. We have no evidence that suggests to us that there was any IRA fire at this time. In an account apparently dictated to his personal assistant Sergeant INQ 1832 on 31st January,² General Ford had recorded that "*At about 1610 barrier 14 was lifted and Coy 1 PARA went in after the mob in a 'sweep-up' operation. I followed 1 PARA as far as just behind the junction of Chamberlain St/William St. It was at this stage that I heard shots fired from the direction of Rossville Flats.*"

¹ [Paragraphs 20.230–231](#)

² [B1123-1127](#)

30.124 In his oral evidence to this Inquiry, General Ford seemed to agree that the shots that he ascribed to the IRA might in fact have been the shots fired by Lieutenant N.¹ In our view they were. Furthermore, we consider that these were the first shots fired after soldiers

had come into the Bogside. We return later in this report² to a detailed consideration of the movement of C Company through Barrier 14. There it will be seen that Lieutenant N fired his shots shortly before C Company soldiers started going down Chamberlain Street.

¹ [Day 258/4-5](#)

² [Chapter 65](#)

30.125 In the course of Lieutenant N's oral evidence to the Widgery Inquiry, there was this exchange:¹

“Q. Did you consider what effect the shots which you fired into Chamberlain Street might have on other paratroopers?

A. No, sir.

Q. Might they have caused other paratroopers to consider that they were being shot at?

A. No, sir.

Q. But any soldiers who did not see you fire would simply have heard high velocity shots?

A. That is correct, sir.

...

Q. So if some people consider that the first shots they heard were three high velocity shots, those shots might have come from you?

A. Yes, sir.”

¹ [WT12.79](#)

30.126 In view of the relatively small area of the Eden Place waste ground, some if not all the soldiers who had disembarked from the two APCs of Mortar Platoon, as well as the other soldiers coming into the Bogside behind them, must have heard one or more of Lieutenant N's shots. We will return to what individual soldiers heard or said that they had heard when considering what later happened in the sectors. Here we should observe that Lieutenant Colonel James Ferguson, the Commanding Officer of 22 Lt AD Regt, told us (which we accept) that in a built-up area it would be very difficult for individual soldiers to know who was shooting and from where. One shot was all that it might take for everyone to believe that they were coming under fire.¹ Lieutenant Colonel Roy Jackson, the Commanding Officer of 1 R ANGLIAN, gave evidence to the same effect.² Furthermore,

as Major Loden seemed to agree,³ even if soldiers realised that the shots were from an Army rifle, they would be likely to assume that they had been fired at legitimate targets; and that accordingly that there were gunmen or bombers active in the area.

¹ B1122.11

³ Day 347/6-7

² CJ2.2; Day 287/8

- 30.127** We are of the view that Lieutenant N's shots had the effect of causing other soldiers who had come into the Bogside to believe either that there was high velocity gunfire from paramilitaries, or that a soldier or soldiers had fired in justifiable response to paramilitary activity. In either case this would have led them to believe that they had encountered paramilitary activity.
- 30.128** As we have noted, Lieutenant N told the Widgery Inquiry that he had not considered what effect the shots he had fired into Chamberlain Street might have on other paratroopers. If, as we consider was likely to be the case, he decided to fire otherwise than as a last resort to protect himself or other soldiers, he can in our view fairly be criticised for failing to realise the effect his firing would be likely to have on the other soldiers who had come into the Bogside; and for that reason too have refrained from using his rifle as he did.
- 30.129** We now consider other relevant incidents that occurred soon after the soldiers had disembarked from Lieutenant N's APC.

Chapter 31: Other incidents on the Eden Place waste ground

Charles McMonagle

31.1 Charles McMonagle was a volunteer in the Order of Malta Ambulance Corps. He was wearing his uniform on the day. In his Keville interview¹ he described being on the Eden Place waste ground and treating a man who had been hit by a rubber bullet, when someone screamed that armoured cars were coming in:

“... someone screamed that they were coming up Rossville Street in armoured cars and I looked up and I saw three or four coming in the general direction of the flats. We picked up the patient and ran towards the, the car park at the back of the High flats but there was a wire fence across so there was a very narrow gap for the crowd to get through in the panic. I tried to hold the crowd back to save our patient but I was knocked down and trampled under foot I lay up against the wall as paratroopers poured out from the back of the armoured cars. I saw one at least jumping out from the armoured car and standing behind it and firing indiscriminately in the general direction of the high flats and they seemed to spread the rifle from side to side. At this stage I thought he was firing in my general direction but I think now it was [*inaudible*] he hit I lay on the ground with my hands outstretched and at this stage I was wearing a gas mask. One paratrooper come, I think it was the same paratrooper, came dashing over and grabbed me by my, by my uniform and pulled me up and stuck a rifle in my chest I think he was going to fire and I gesticulated wildly at my red cross badge which he looked at and then released me and left me lying on the ground and said that he would kill me if I moved. I lay there for a few seconds and another paratrooper came over who he started shouting something but as he was wearing a gas mask I could not hear him he whipped off the gas mask and told me that there was no gas you silly fucker and I waited for another few seconds until I could recover my composure I then asked him would it be alright if I moved and he said yes you can go so I picked up my effects and headed down towards the Chamberlain Street. When I reach the corner the soldier there told me not to move picked up his rifle as if to shoot at me but I stopped dead and looked back at the other soldier who said I could go.”

¹ [AM367.23-24](#)

31.2 Charles McMonagle also made a report to the Order of Malta Ambulance Corps.¹ He gave much the same account, but in this report he stated that he had seen the vehicle come over the waste ground through a “*large ‘lake-type’ puddle*” and that the paratrooper had fired from the hip in the direction of the fleeing people. He also stated in this report that the paratrooper who had grabbed him and then released him had afterwards moved off towards the car park of the Rossville Flats and returned with an old man as his prisoner. According to this report the soldier had removed Charles McMonagle’s gas mask, not his own.

¹ [AM367.19-22](#)

31.3 Charles McMonagle gave written and oral evidence to this Inquiry. In his written account¹ he described the Armoured Personnel Carrier (APC) from which the soldier had come as having stopped immediately to the north of the wire fence running across the southern edge of the Eden Place waste ground. He also stated that a paratrooper, who had fired from his hip in the direction of the Rossville Flats, approached him and pointed his rifle at his chest, while Charles McMonagle pointed frantically at his badge. A second paratrooper then arrived, and the two soldiers roughed him up and threw him to the ground. At one stage they rifled through his kit bag.²

¹ [AM367.4](#)

² [AM367.3-4](#); [AM367.16](#)

31.4 In his oral evidence to this Inquiry, Charles McMonagle confirmed that the crowd had initially knocked him down, as he had recorded in the accounts that he gave in 1972.¹ He also told us that his gas mask had been pulled to one side rather than being torn from his face.² Shown a photograph of the position of Lieutenant N’s APC, he said that he could not now remember whether the soldier had come from this APC.³

¹ [Day 102/112](#)

³ [Day 102/118](#)

² [Day 102/153-154](#)

31.5 Colman Doyle, the *Irish Press* staff photographer, took a photograph that Charles McMonagle told us shows him lying on the ground, and the two paratroopers who had approached him.¹ According to Colman Doyle, he took this photograph after those he had taken of the arrest of William John Dillon,² which we describe later in this report.³

¹ [AM367.4](#)

³ [Chapter 33](#)

² [M23.1](#)



- 31.6** An enlargement of this photograph gives a closer view of Charles McMonagle and the two soldiers.



- 31.7** As we have described earlier in this report,¹ Lance Corporal V was in Lieutenant N's APC. In his written account to this Inquiry,² Lance Corporal V described how he disembarked from his vehicle and broke the ice on top of a frozen puddle. He noticed a man in a uniform and respirator and ran at him, pinning him against the wall with his rifle.

The man called out something to indicate that he was a first-aider, and this was sufficient for Lance Corporal V to realise that he was not a threat. He stated that the wall seen in the photographs displayed above could be the wall against which Lance Corporal V pushed the first-aider, but Lance Corporal V could not identify the soldiers or the Order of Malta Ambulance Corps volunteer shown in these photographs.

¹ Paragraphs 24.6–9

² B821.003

31.8 We have no doubt that the soldier who initially approached Charles McMonagle was Lance Corporal V. Charles McMonagle recalled that this soldier was left-handed¹ and on behalf of Lance Corporal V we were told that he was left-handed.² Furthermore there is no evidence to suggest that there was another incident in which a soldier approached an Order of Malta Ambulance Corps volunteer who was against a wall in the Eden Place waste ground.

¹ AM367.4

² Day 103/198

31.9 In his written account for the Widgery Inquiry,¹ Lance Corporal V stated that his task was to arrest rioters and that he had gone forward after disembarking, “*covering soldier S who was ahead of me*”. As already noted,² in his first RMP statement³ Private S described deploying to a position at the back of one of the houses at the southern end of Chamberlain Street.

¹ B801

³ B693

² Paragraphs 26.36–37

31.10 Private S told us that he had no recollection of an incident involving a first-aider,¹ but in view of the account Lance Corporal V gave at the time, it seems to us that he was probably the second soldier involved in this incident.

¹ Day 331/52-56

31.11 Those acting on behalf of the majority of the families submitted that Lance Corporal V and Private S “*clearly assaulted a first-aider who presented no threat ...*”.¹

¹ FS1.1346

31.12 Lance Corporal V denied that he had pushed Charles McMonagle to the ground, or rifled through his kitbag, or seen anyone else doing these things.¹ He also told us that his immediate thought when he first saw a person in a uniform was “*that the guys here were extremely well organised. I had never before or since seen civilians with respirators and uniforms. Because of this I ran at the man and pinned him against the wall with my rifle.*”²

¹ Day 333/52-53

² B821.003

31.13 Private S denied that he had assaulted a first-aider.¹

¹ [Day 332/36](#)

31.14 In our view Charles McMonagle was assaulted. He had identified himself as a first-aider, but this did not prevent Lance Corporal V from pushing a rifle into his chest and threatening to kill him if he moved, and Private S then pulling his gas mask to one side. However, it is right to point out that according to the accounts that Charles McMonagle gave in 1972, the soldier who first approached him let him go as soon as he had identified himself as a first-aider. Furthermore, we are not persuaded that either soldier rifled through his kitbag, or that they threw him to the ground, since had either of these things happened we consider that he would have mentioned them in one or other of the accounts that he made soon after these events.

Antoinette Coyle

31.15 In her report to the Order of Malta Ambulance Corps,¹ another volunteer, Antoinette Coyle, stated that as she crossed the waste ground she saw two vehicles, one of which was driven straight at the crowd. A soldier jumped out in front of her and a man collided with him. Both fell to the ground. She stopped to see whether they were injured. The man stood up and ran on. The soldier jumped up, raised his rifle by the barrel high above his head and tried to bring it down with full force on a girl's head as she ran by, but as she was almost past him it landed on her shoulders. Antoinette Coyle grabbed the girl and ran with her to the Rossville Flats. The girl was badly shocked but not badly hurt. Antoinette Coyle gave a similar account of the incident in her NICRA statement,² and in her written statement to this Inquiry,³ in which she explained that the soldier had held the barrel of his rifle with his hands and swung it like a club, hitting the girl with the butt in the middle of her back. In her oral evidence⁴ she was asked whether she was sure that the soldier had tried to hit the girl on the head, and she replied: *"He was hitting out at her. I would say only as he came down she ducked, he could have hit the head, yes. But she was running as well at the same time."*

¹ [AC85.24](#)

² [AC85.1](#)

³ [AC85.5](#)

⁴ [Day 95/34](#)

31.16 We have no reason to doubt that some such incident as that described by Antoinette Coyle took place soon after the APCs arrived, though we are not persuaded that a soldier would use his rifle in this way, as there would not only be a significant risk of shooting himself if the rifle was loaded, but also a risk that the civilian would be able to grab the rifle from the soldier. We have been unable to identify either the girl or the soldier involved

in this incident. It is not even clear from which vehicle the soldier had disembarked or just where the incident took place. However, there is nothing to suggest that there could have been or could have been believed to be any justification for a soldier to hit the girl, whatever means were used.

Chapter 32: The arrival of Sergeant O's Armoured Personnel Carrier

- 32.1** As we have already described, Sergeant O's Armoured Personnel Carrier (APC) followed that of Lieutenant N along Rossville Street. After Lieutenant N's APC had turned off into the Eden Place waste ground, Sergeant O's APC continued along Rossville Street and stopped briefly near Pilot Row, where probably six soldiers disembarked before the vehicle turned left off Rossville Street into the entrance to the Rossville Flats car park.
- 32.2** We now turn to consider, in this and the following chapters, the evidence of the six soldiers who we consider disembarked in Rossville Street. We deal first with where they said they initially went. After this, we deal likewise with the soldiers who disembarked when the APC stopped in the car park. In the course of doing this we discuss a number of incidents involving some of the soldiers from Sergeant O's APC. We treat as a separate topic the evidence about incoming fire that the soldiers from Sergeant O's APC gave.

The movements of the soldiers who disembarked in Rossville Street

Corporal P and Private 017

- 32.3** Corporal P and the baton gunner Private 017 were two of the soldiers who disembarked from Sergeant O's APC in Rossville Street. These two soldiers then moved to an area on the west side of Rossville Street near Kells Walk. We discuss this movement and what they say they saw and did in the course of considering the events of Sector 3.¹

¹ [Paragraphs 69.20–58](#) and [71.1–10](#); [Chapters 73–75](#)

Private R

- 32.4** In his first RMP statement timed at 0630 hours on 31st January 1972,¹ Private R stated that he had been detailed to cover the vehicle (ie the APC in which he had been carried) but it "*suddenly drove off and located itself outside No 1 Block Rossville Flats. I moved through the crowd to the vehicle. They were throwing stones and bottles at me.*" In his written statement for the Widgery Inquiry,² he stated that as his APC passed the junction of William Street and Rossville Street people threw stones and bottles at the vehicles.

He then described disembarking and running after the APC, during which he said he was hit by stones and bottles from the people around him. He gave a similar account in his oral evidence to the Widgery Inquiry and in his written evidence to this Inquiry.³

¹ B658-659

³ WT13.72-73; WT13.79-80; B691.002

² B669-670

32.5

In his oral evidence to this Inquiry, Private R agreed, having been shown the photograph of three soldiers behind Sergeant O's APC and the next photograph in the sequence, that it was possible that he was the soldier shown running towards the Rossville Flats in the latter photograph. Although these photographs appear in an earlier chapter,¹ it is convenient to show the second of them again, with an arrow pointing to the running soldier. Since there is no evidence from any of the other soldiers in either APC that suggests that it was one of them, we consider that this photograph probably does show Private R.

¹ Paragraph 28.5



32.6

We return to Private R's evidence later in this report.¹

¹ Paragraphs 46.25–31, 47.29–34, 48.21–24, 49.38–42, 51.164–207, 51.261–264, 51.307–317, 52.8, 53.11–12, 58.12–14, 66.8–11, 66.18–27 and 66.36–37

Private 006

32.7

As already noted,¹ in his RMP statement² Private 006 recorded that he and others debussed “at the junction of Eden Place and Rossville Street”. As we have already observed, in our view he meant Pilot Row, not Eden Place. He then described arresting

William John Dillon with the assistance of Private 037, the driver of Major Loden's command vehicle, and taking him back to an APC. According to his RMP account, Private 006 afterwards went south to Sergeant O's APC.

¹ [Paragraph 24.35](#)

² [B1375](#)

Chapter 33: The arrest of William John Dillon

33.1 In his RMP statement Private 006 recorded that:¹

“There was a large mixed crowd gathered on waste ground in the forecourt of the Rossville Street flats. The crowd were throwing bottles and stones at us, most of which struck the vehicles. I was armed with an SLR [self-loading rifle], with a magazine of twenty rounds affixed and was a member of a Snatch Squad commanded by [Sergeant] ‘O’ of my unit.

The crowd were running past the vehicles and I ran out and took hold of a youth aged about fifteen. [Private] 037 who was also on the Snatch Squad also grabbed the youth. Between us we took him to an Escort APC [Armoured Personnel Carrier] and handed him over to the APC guard. The youth’s name was Dillon and he was arrested for assault by [Private] 037.”

¹ B1375

33.2 In his written statement to this Inquiry,¹ Private 006 told us that he saw a young man running across the waste ground towards the soldiers. He ran out to grab him “*as he was a threat*”. He caught him and tussled with him. Private 037 came to help and the two soldiers frogmarched the man to the vehicles. He stated that he “*arrested the youth because I believed him to be a rioter*”.² We have no doubt that the man was William John Dillon.

¹ B1377.005

² B1377.009

33.3 In the course of his oral evidence to this Inquiry,¹ Private 006 was asked in what way William John Dillon was a threat. He replied: “*I think, from actually de-bussing from the initial crowd dispersing, there were actually a bit of a lapse in time there and he were, he were coming across that wasteground rather, you know, on his own, running towards the soldiers. I thought he should have been running the other way really.*” He went on to say that he saw no weapon or missile in the man’s hand and had not seen him throw any kind of missile. Later in his evidence he was again asked what threat William John Dillon presented, and he replied: “*Well, at the time I must have thought he were a threat. Do not*

forget, we are still in a riot situation here."² He said that he probably hit the man with his rifle butt, but not on the head.³ He also said that it was possible that the man kicked him in the tussle, but he did not now remember that happening.⁴

¹ Day 334/17-18

³ Day 334/22

² Day 334/23

⁴ Day 334/91

33.4 Private 037 was the driver of Major Loden's armoured command vehicle, which followed the Armoured Personnel Carriers (APCs) of Lieutenant N and Sergeant O down Rossville Street, and was thus the third vehicle in the Support Company convoy.¹

¹ B1635

33.5 The majority of those arrested on Bloody Sunday, including William John Dillon, were taken to Fort George, then the headquarters of 1st Battalion, The Coldstream Guards.¹ This was one of two locations selected as a point where prisoners could be detained and processed by the RMP.² We discuss the treatment of the arrestees taken to Fort George later in this report.³ For now it is only relevant to note that the documents relating to the processing of William John Dillon at Fort George included an arrest statement by Private 037. This records that Private 037 had arrested William John Dillon after seeing him kick a soldier.

¹ C588.1; C179.1; C454.1

³ Chapters 155–164

² G95.571

33.6 Private 037 made no mention of this arrest in his RMP statement,¹ which was concerned with what he said he saw when looking at the rubble barricade from the north-west corner of Block 1 of the Rossville Flats. In his written statement to this Inquiry² he told us: *"I also have a vague memory of being handed a prisoner by another soldier and seeing that soldier being kicked by the prisoner before he handed him over to me. However, it was standard practice for anyone who was arrested to kick out at the arresting soldier so I'm not certain that I can recall this particular incident."*

¹ B1636.007

² B1636.003

33.7 In his oral evidence to this Inquiry he said this:¹

"Q. You did not actually see him being kicked at all, did you?

A. I saw him struggling.

Q. You did not see him being kicked; did you?

A. No.

Q. You told a lie in your arrest statement to that effect; did you not?

A. I saw him struggling and I went to his help, his aid.

Q. When you said in his statement –

A. I thought he kicked him, he looked very much like he was trying to kick him. He was trying to escape.

Q. You now know that you did not see him kick this soldier, because you have just told us that, but 30 years ago you made a solemn statement to the effect –

A. 30 years ago I would remember better, would I not?”

¹ [Day 357/179](#)

33.8

William John Dillon was 15 at the time of Bloody Sunday.¹ There is a transcript of a Keville interview in which the name of the interviewee has been transcribed as William Dunne. The address given by the interviewee was that of William John Dillon’s parents at the time, and since William John Dillon told us that this was where he was then living, we have no doubt that he was the person interviewed by Kathleen Keville. In that interview he gave this account of his arrest:²

“Ah – William J Dunne, [...] I’m aged 15 years old.

Er – on the thirtieth of January nineteen seventy two in the waste ground at Rossville Street I was arrested by several soldiers. I was hit several times on the arms, and the body with –

[Female voice] What were you doing? Why were you arrested?

I was on a protest march. I was hit several times on the body with butts of rifles, kicked, hit with batons, threatened with being shot and several other things. I was er – put against a wall and made to stand for over an hour in the cold. I was harassed, roughed up and ... I was er – put in a – an army vehicle and transported down to the camp at Pennyburn and on the way down I was kicked in the back, thumped in the gut.

[Female voice] Why?

Because I was just a rioter.

[Female voice] Just because you were there?

Just because I was there.”

¹ [AD46.1](#)

² [AD46.15](#)

33.9 Later in this interview William John Dillon described what happened as he was taken to Fort George (*“the camp at Pennyburn”*), a matter we consider elsewhere in this report.¹ However, we should note that he told Kathleen Keville that he had not kicked any soldier: *“the only time I got near enough was when they were hitting me and I never got any kicks at any of them.”*²

¹ [Chapters 155–164](#)

² [AD46.16](#)

33.10 In his written statement to this Inquiry,¹ William John Dillon described how, after rioting in William Street, he had eventually gone along Chamberlain Street, which was completely deserted, and then through the Eden Place alleyway. He recalled seeing a soldier at the northern corner of the alleyway on the waste ground side, who pointed his rifle at him. *“I bolted and ran across the waste ground in a southerly direction towards the Rossville Flats. I did not hear any shooting at this time ...”* He then described seeing “Saracens” and soldiers at the entrance to the Rossville Flats car park. He stated that the soldiers did not see him because they were looking south. His statement continued:

“At this point, I was still convinced that the soldier I had surprised on entering the waste ground was about to shoot me. However, suddenly, a big soldier came out into the waste ground area from the direction of the wall running alongside the back yards of Chamberlain Street (on the waste ground side). He grabbed me at point K (grid reference N13) on the waste ground. I am convinced that if he had not grabbed me then the other soldier with the rifle would have shot me. I think this big soldier saved my life.

I can remember what he looked like very clearly. He was a giant of a man, He was very tall (much taller than me and I was 6 feet tall then). He was obviously a paratrooper because I remember he had a red beret on his head. He had pips at the shoulders of his uniform and I think he must have been an officer, perhaps a sergeant. His attitude was certainly that of a superior officer. I remember that he looked very tough and had very short, fair hair, which I could see clearly because he was the only soldier not wearing a helmet. I think I saw his face so I do not think he had a gas mask on. I cannot believe that there was anyone shooting at the soldiers in the waste ground area (or that they would have been expecting to be coming under fire), or this soldier would not have been running around without a helmet. This big soldier was clearly not worried about being shot. However, he impressed me as being a macho man. He reminded me of John Wayne.

He grabbed me by the scruff of my jacket collar, nearly lifting me off the ground, and ran me across the waste ground in a north-west direction towards William Street to point L (grid reference M09). My head was down as he dragged me along and I did not see anything or anyone except for the soldier who had hold of me. I could not hear any shooting around me. He was such a strong man that he was able to lift me easily. As he ran with me my feet were hardly touching the ground. It was like floating. He kept yelling at me: 'Run you bastard!' I think he was also hitting me on my back with his baton as he ran me across. He never let go of me once until he threw me at some soldiers who were standing with other people who had been arrested who were all lined up along a wall at the corner of Rossville Street and William Street at point M (grid reference M09). All the soldiers near this wall were paratroopers."

¹ [AD46.4-5](#)

33.11 The points to which William John Dillon referred in this statement were shown on a map that he had marked. Point K (where he recalled he was grabbed) was close to the backs of the houses in Chamberlain Street, about halfway between Eden Place and Pilot Row. Point L (to which he recalled that he was taken) he marked as being on the west side of Rossville Street, not far from the junction with William Street. Point M was marked as he described in his statement.

33.12 In his oral evidence to this Inquiry, William John Dillon told us that as he ran across the waste ground there was no-one else in the area. He saw "*Saracens*", but explained that it was only about a couple of seconds before he was caught.¹ He said that he thought the soldier who arrested him was a sergeant. He also said that he was not sure now whether the arresting soldier had hit him with his baton.²

¹ [Day 103/174](#)

² [Day 103/176-178](#)

33.13 During the course of his oral evidence, William John Dillon was shown three photographs (taken by the *Daily Mail* photographer Jeffrey Morris) in which he had identified himself in his written evidence.¹ He told us that he was now not sure about the first two of these but he did identify himself in the third.² However, Jeffrey Morris told the Widgery Inquiry that all three photographs showed the same incident and that they were taken in the order in which they appear below.³

¹ [AD46.8](#)

³ [M57.3; M57.11](#)

² [Day 103/178-179](#)





33.14 We are sure that all three of these photographs show William John Dillon.

33.15 William John Dillon also thought he recognised himself in photographs of arrestees being held against a wall in Rossville Street and then in William Street.¹

¹ [Day 103/179-180](#)

33.16 There are other photographs of the arrest of William John Dillon, to which we refer below.

33.17 When asked whether he had been hit on the head with a rifle, William John Dillon replied:¹

“No, the first, I am not even conscious of being hit on the head with a baton. I am conscious of a soldier grabbing me by the back of the neck and running me across the waste ground as hard as he could. As I say, I cannot even remember getting hit across the head with a baton. He grabbed me and run with me, that was it. He was a very strong soldier because he had me feet nearly off the ground.”

¹ [Day 103/183](#)

33.18 William John Dillon was “*positive*” that he had not kicked a soldier.¹ He also told us that although he did not hear shots, there could have been shooting as he ran across the waste ground.²

¹ [Day 103/191](#)

² [Day 103/214](#)

33.19 William John Dillon was recalled to give further evidence the next day. He was shown a document, which took the form of an unsigned statement in the name of “*William Dunne*” and bore the same address as in the transcript of the Keville interview.¹ At that stage the Inquiry had yet to obtain and transcribe the Keville tapes and so did not realise that this statement was in fact a transcript made in 1972 of William John Dillon’s Keville interview, from which we have quoted above. Thus, unlike some other witnesses who had been interviewed by Kathleen Keville, William John Dillon did not have an opportunity to listen to the recording of his interview, nor did he know that the unsigned statement being shown to him was based on a taped interview he had given. His reaction to the unsigned statement was that it looked like “*a rough outline to my story, but it seems to be hyped up a bit*” and embellished. “*They have sort of made it up themselves.*”²

¹ AD46.14

² Day 104/4-5

33.20 We note that the unsigned statement records that William John Dillon had been hit with rifles, whereas the tape recording¹ confirms, as shown in the transcript prepared for this Inquiry, that the unsigned statement omits the assertion that William John Dillon had made to Kathleen Keville that he had also been hit with batons.

¹ Aud 33 01.02.10

33.21 We now turn to consider the evidence of two photographers and a journalist, which may relate to the arrest of William John Dillon.

33.22 Jeffrey Morris, the *Daily Mail* photographer, recorded in his written statement for the Widgery Inquiry¹ that, before he took the first of the photographs shown above, a paratrooper next to a three-ton lorry on Rossville Street had levelled his pistol at the youth and told him to stop and then another paratrooper had “*slammed the boy across the head with his rifle*”. After Jeffrey Morris had taken the photograph, another paratrooper came up and “*they both went for the boy*” who was crying out “*God, don’t hit me*”. In his oral evidence to the Widgery Inquiry,² Jeffrey Morris also said that before the young lad was apprehended, an officer had twice challenged him to stop, and that this photograph “*shows a paratrooper hitting him with the rifle*”. However, it seems to us that an enlargement of this photograph, as shown below, shows the rifle being held in two hands and used to push or shove William John Dillon, rather than being slammed across his head.

¹ M57.3

² WT2.49



- 33.23** The BBC Radio news reporter David Capper, having described standing against the back of the Chamberlain Street houses on the Eden Place waste ground, gave this account in his written statement for the Widgery Inquiry:¹

“5. A youth in an entry near me asked a soldier if he could move across to the opposite side of Rossville Street. I assume he got permission, for he began running. He got about half way across when he was challenged by an officer carrying a pistol. The youth kept on running, the officer shouted that he’d open fire and the youth stopped. A soldier ran up to him and clubbed him with the butt of his rifle. The youth fell to the ground and was dragged to a Saracen. The soldier threw him into it.”

¹ M9.2

- 33.24** During the course of his oral evidence to the Widgery Inquiry, David Capper was asked about this incident:¹

“Q. Do you remember a youth who was standing near you, Mr. Capper, request permission from a soldier to cross the open ground?”

A. Yes, he was in the corner of Eden Place and there was a soldier there and I can recall him saying something about ‘All right to go?’ and I assumed he got permission because he started running right across from the corner moving this way and when he got about half way across an Officer with a pistol, a drawn pistol, challenged him and said ‘Halt or I fire.’ The youth did not stop and ran on about another 15 feet. The Officer challenged him once more. The youth did stop and put his hands above his head. A paratrooper came up, an ordinary Private, with a rifle and hit him on the side of the head and he fell.”

¹ WT2.70

- 33.25** William John Dillon was shown this evidence when he was giving oral evidence to us.¹ He told us that he had never asked anyone for permission to cross the waste ground, that he was not conscious of hearing anyone telling him to halt and that he would not have halted even if told to do so. *“I do not know if anybody has ever been throwing stones at the army, but you do not stop, you run, and I run.”*
- ¹ [Day 103/182](#)
- 33.26** In his oral evidence to this Inquiry,¹ David Capper said that the soldier jumped out of the back of an APC and hit the youth over the head with his rifle butt once or twice. The youth was knocked unconscious, and was picked up and thrown into the APC.
- ¹ [Day 73/30](#)
- 33.27** Shown the three photographs reproduced above of William John Dillon being arrested, David Capper said that this was not the same incident because his recollection was that only one soldier was involved in hitting the person with the butt of his rifle.¹ William John Dillon has never suggested that he was knocked unconscious or picked up and thrown into an APC. We are sure from his accounts that this did not happen.
- ¹ [Day 73/30-31](#)
- 33.28** Both David Capper and Jeffrey Morris recalled an officer with a pistol challenging a youth as he ran across the waste ground. Their evidence on this point is also substantially consistent with the account given by the *Irish Press* photographer Colman Doyle to John Barry of the *Sunday Times* Insight Team,¹ of a soldier at the side of a vehicle shouting at the youth seen in two photographs that Colman Doyle had taken *“I’ll shoot you if you don’t stop”*. We refer below to these photographs, which in our view are further images of William John Dillon.
- ¹ [M23.15](#)
- 33.29** Warrant Officer Class II Lewis (the Company Sergeant Major (CSM) of Support Company) identified himself as the tall figure standing next to the turret of the command vehicle in the third of the photographs shown above. He confirmed that he was armed with a pistol, but said that he did not draw it at any stage.¹
- ¹ [Day 373/47-49](#)
- 33.30** Ciaran Donnelly was a photographer for the *Irish Times* newspaper. It appears from his written statement for the Widgery Inquiry that he was probably somewhere in the area of the Pram-ramp at the northern end of Glenfada Park South, ie to the south of the rubble barricade on Rossville Street, when he witnessed *“a youth run out from the back of the*

Rossville flats and make his way towards the soldiers. A parachutist ran after him from an army vehicle and the youth ran back to the Rossville flats but was caught by another paratrooper who came out from behind the Rossville flats. They hit him with batons and took him back to a vehicle. They had to drag him as he was unable to walk.”¹ In his oral evidence to the Widgery Inquiry,² Ciaran Donnelly said that he thought that the young man was full of bravado and had been going to throw a stone; but later³ he said that the young man did not seem to have anything in his hand.

¹ M22.2

³ WT3.7

² WT2.83

33.31 In his written statement to this Inquiry,¹ Ciaran Donnelly told us that the young man was taunting the soldiers. When he gave oral evidence to this Inquiry² he was shown the photographs taken by Jeffrey Morris, reproduced above, and said that they looked very much like the incident that he saw. He was asked how the young man had been taunting the soldiers and replied: “*He was just basically running up with a stone to throw at them, that is what I assumed it was.*”

¹ M22.21

² Day 71/25-26

33.32 William John Dillon was shown the account given by Ciaran Donnelly. He told us that he did not think that this account was of him as he had not got as far south as the person Ciaran Donnelly had described.¹

¹ Day 103/184-185

33.33 There are further civilian witnesses to whom we should refer at this stage. Counsel to the Inquiry prepared what we regard as an accurate summary of their evidence.¹ We set this out below with a few changes and additions:

Gavan Duffy

He recorded in his written statement to this Inquiry² that he was in Rossville Street behind the rubble barricade and saw a youth running on the waste ground. A soldier appeared and hit the youth with his rifle butt. The youth fell to the ground. People at the rubble barricade surged forward to try to help the youth. In his oral evidence to this Inquiry³ Gavan Duffy was shown one of the photographs that we are sure show William John Dillon⁴ and said that it showed a scene very similar to the one that he had witnessed.

Damien Friel

He said in his Northern Ireland Civil Rights Association statement⁵ that when the soldiers were moving down Rossville Street he went into 2 Kells Walk. From there he saw a youth run into the waste ground from Chamberlain Street and head towards the Rossville Flats. A soldier confronted the youth and attempted to thrust his bayonet into his upper body. The youth jumped back but the bayonet injured him below the arm on his right side. The youth tried to run towards William Street, but soldiers in Rossville Street captured him and put him into an army vehicle. As they did so, they kicked him and hit him on his head and shoulders with their batons and rifle butts, and thrust his head three or four times against the edge of the back door of the vehicle. Damien Friel also described the incident in his written statement to this Inquiry.⁶ In that statement he expressed himself more cautiously with regard to the bayonet injury, saying that he believed that a bayonet was affixed to the soldier's rifle because of the jabbing movement that he made, and that the soldier "*seemed to slash down from left to right into the young man and seemed to injure the young man on his right arm or shoulder*". Damien Friel also said that the army vehicle into which the youth was placed was approximately at point 9 on the plan attached to his statement⁷ (just short of the entrance to the car park of the Rossville Flats). In his oral evidence to this Inquiry Damien Friel told us that he did not actually see a bayonet.⁸

Paul McGeady

He recorded in his written statement to this Inquiry⁹ that he was to the south of the rubble barricade when he saw a young lad trying to run across the waste ground to reach Rossville Street. A soldier appeared from behind the north end of Block 1 of the Rossville Flats, holding his rifle across his chest. He hit the young lad on the left side of his face with the butt of his rifle and knocked him down. Three or four fellows behind the rubble barricade then said that they would go out and try to rescue the young lad. During the course of his oral evidence to this Inquiry,¹⁰ Paul McGeady was shown one of the photographs that we are sure show William John Dillon¹¹ and said that the young man in the photograph looked similar to the young man whom he had seen.

Eamon Melaugh

He is recorded as having said in a statement made to the *Sunday Times*¹² that he was about 20 yards north of the rubble barricade in Rossville Street as the APCs came into Rossville Street. In his statement to this Inquiry he marked his position as the “Pigs” came in as being at the northern end of Block 1.¹³ According to the *Sunday Times* note,¹⁴ *“The soldiers who jumped out of the pigs caught a young lad and were giving him an unmerciful beating. He was on the gorund [sic] and they were giving him a kicking. And a number of us ran forward to try and effect a rescue and we were throwing stones.”* In oral evidence¹⁵ Eamon Melaugh denied that he had seen such an incident or told anyone of it. He acknowledged that he had spoken to Peter Pringle of the *Sunday Times* newspaper, but said that the *Sunday Times* version was 85% fiction, although *“Obviously there are elements in the statement that I conveyed ...”*.¹⁶ The reference to a rescue attempt is a feature common to the evidence of Gavan Duffy and Paul McGeady as well as to the statement attributed to Eamon Melaugh.

We agree with counsel’s suggestion that this indicates that all three witnesses probably saw the same incident. If they did, we also agree that the circumstances as described by these witnesses appear more consistent with the arrest of William John Dillon than with any other known incident, although we cannot be certain about this.

Don Mullan

He was only 15 years old at the time of Bloody Sunday. In his written statement to this Inquiry¹⁷ he told us that from the rubble barricade he saw three soldiers swinging their rifle butts high above their shoulders in order to deal vicious blows to a young man who was lying on the waste ground around grid reference L13 (near Rossville Street south of Pilot Row). He said that he could identify the incident in photographs. In his oral evidence to this Inquiry,¹⁸ he said that it was shown in one of Colman Doyle’s photographs of the arrest of William John Dillon,¹⁹ which is shown below. When it was pointed out to him that his account was not in accordance with the evidence of William John Dillon, he insisted that his memory was clear and said that perhaps the young man he had seen was someone else. Despite this, the location of the incident suggests that he did see the arrest of William John Dillon.

Brian Power

He was, like Damien Friel, watching from 2 Kells Walk. In his written statement to this Inquiry²⁰ he stated that he knew William John Dillon and remembered seeing a soldier grab him and give him a “*battering*”. In his oral evidence to this Inquiry,²¹ he said that the soldier did this with his boots and the back of his rifle. He said that William John Dillon tried to protect himself but did not struggle with the soldier.

Maura Power

Maura Power (then Maura Reilly) was in 2 Kells Walk with Brian Power. In her written statement to this Inquiry,²² she said that she saw William John Dillon “*being given a good hiding by soldiers with batons*”.

¹ CS4.46-48

² AD155.2

³ Day 126/143

⁴ Paragraph 33.36, second photograph

⁵ AF30.14

⁶ AF30.3

⁷ AF30.7

⁸ Day 159/137-142

⁹ AM219.3

¹⁰ Day 137/126-127

¹¹ Paragraph 33.36, second photograph

¹² AM397.22

¹³ AM397.3; AM397.18

¹⁴ AM397.23

¹⁵ Day 143/39-40

¹⁶ Day 143/23-24

¹⁷ AM448.5

¹⁸ Day 148/110-113

¹⁹ Paragraph 33.36, fourth photograph

²⁰ AP18.3

²¹ Day 425/16-17

²² AP19.2

33.34

Noel McCartney was a staff reporter for the *Derry Journal* newspaper. In his written account for the Widgery Inquiry he stated that he was near the rubble barricade when the Army vehicles came in, and that he saw soldiers arresting people in the waste ground. “A youth ran out from behind the flats and threw stones at a vehicle. A soldier came up from behind the flats and arrested him. About 20 people came from behind the barricade and made for the youth to help him.”¹

¹ M55.8

33.35

Colman Doyle (the *Irish Press* photographer) took a number of photographs during Bloody Sunday, including six of the arrest of a man on the Eden Place waste ground. His contact sheet enables us to see the sequence of those photographs.



33.36 The first of the photographs on the contact sheet shows a scene very similar to the first of the three photographs taken by Jeffrey Morris, which we have set out above. It was obviously taken not far from where Jeffrey Morris was and, in view of the similarity, probably at more or less the same time. The following photographs are enlargements of frames 7, 8, 10 and 11.







33.37 We have no doubt that all these photographs show the arrest of William John Dillon. Colman Doyle recorded, in his written statement for the Widgery Inquiry, that the first and last of those shown above were of the same youth.¹ William John Dillon told us that the figure in the first and second looked like him.² The shape and clothing of the person being arrested are the same in every case and the same as in the photographs taken by Jeffrey Morris.

¹ [M23.1](#)

² [Day 104/5](#)

33.38 We should note at this point that the final photograph on the contact sheet, which we have also reproduced below, is not of this arrest, but of Duncan Clark being taken by Lieutenant N and Private INQ 1918 from the area of the Eden Place alleyway to Lieutenant N's APC.



33.39 In the present context, the importance of this photograph is that it was taken after the photographs of the arrest of William John Dillon. From this fact, and from the account William John Dillon gave us of running down a deserted Chamberlain Street and into the waste ground through the Eden Place alleyway, it seems to us that he did this, and was then arrested, after Duncan Clark had been arrested but before the latter had been taken as far as Lieutenant N's APC.

Consideration of the evidence relating to William John Dillon

33.40 Those who witnessed or appear to have witnessed the arrest of William John Dillon give varying and inconsistent accounts. Many suggest that the soldiers gave him a severe beating, including hitting him on the head or face with rifles, knocking him unconscious to the ground and dragging him away. We are not persuaded by these accounts. In his Keville interview William John Dillon did say that he was hit on the body with butts of rifles, kicked, hit with batons and threatened with being shot. Had he been assaulted in the way that some of these witnesses say, we are sure that not only would he have told Kathleen Keville at the time but also that he would have recalled such treatment when he

came to give evidence to us. We take the view, particularly in the light of the evidence of William John Dillon himself, that the soldiers, while they undoubtedly assaulted him, did not do so to anything like the extent that these witnesses described.

33.41 Major Loden told us that he hit a man with his baton while attempting to arrest him.¹ We discuss this incident later in this report,² where we consider whether the man might have been William John Dillon.

¹ B2283.005

² Paragraphs 42.15–21

33.42 It is possible, though we are not sure, that Warrant Officer Class II Lewis, who is shown standing next to the command vehicle in the third of the photographs taken by Jeffrey Morris,¹ shouted at William John Dillon, but we accept his evidence that he did not draw his pistol.

¹ Paragraph 33.13

33.43 It is also possible, on the basis of the accounts given by Noel McCartney (of the *Derry Journal*) and Ciaran Donnelly (of the *Irish Times*), that William John Dillon had thrown or was about to throw a stone before he was arrested. However, we are far from sure about this. Both these witnesses were south of the rubble barricade, about 100 yards from where William John Dillon was arrested, which was in the area of Pilot Row. Furthermore, as already noted, Private 006 told us that he did not see William John Dillon in possession of or throwing any missile.

33.44 Private 006 told us that he had arrested the youth because he thought he was a rioter or at least a threat as he was running towards the soldiers. We accept the evidence of this soldier that he believed this to be the case, and in our view he cannot fairly be criticised for making this arrest.

33.45 The arrest report form does not give rioting as the reason for the arrest, but instead records that William John Dillon had kicked a soldier and had been arrested by Private 037. As we have observed, Private 037 made a statement to the same effect. In view of Private 037's oral evidence to this Inquiry, we do not accept that he had actually seen William John Dillon kick Private 006; and though we have little doubt that this youth had struggled to get away, and Private 037 may have thought that his colleague had been kicked, we find convincing what William John Dillon said to Kathleen Keville about not being able to get a kick in at this stage. A possible reason for Private 037 being recorded as having arrested William John Dillon for kicking Private 006, rather than Private 006

being recorded as having made the arrest on the grounds that the youth was rioting or believed to be a threat to soldiers, is that, as Private 006 told us, he was dyslexic and could not deal with paperwork, “*so I preferred to avoid arresting people*”.¹

¹ [B1377.001](#)

Chapter 34: The movement of other soldiers who disembarked from Sergeant O's Armoured Personnel Carrier in Rossville Street

Private 112

34.1 Private 112 was one of the two baton gunners we consider were in Sergeant O's APC, the other being Private 017. His RMP statement¹ does not make clear where he went except that he was "*deployed on the waste ground off Rossville St*" and that he later took up a position at the corner of Block 1 of the Rossville Flats.

¹ [B1730](#)

34.2 Private 112 gave written and oral evidence to this Inquiry. He told us that he was an alcoholic, that much of his memory was blurred and that a lot of the things had become "*intermingled with other things that have happened on previous riots*".¹ In his written evidence to us Private 112 said that he had arrested someone on the Eden Place waste ground.² According to an arrest statement³ he made at Fort George on the evening of Bloody Sunday, Private 112 arrested Eamon McAteer. As we explain more fully later in this report,⁴ we are sure that this was not so, as Eamon McAteer was arrested in Glenfada Park North. In his oral evidence Private 112 accepted that he might have made a mistake and identified the wrong prisoner as the one he had arrested.⁵

¹ [Day 320/86](#)

⁴ [Chapter 113](#)

² [B1732.004](#)

⁵ [Day 320/100-101](#)

³ We explain the processing of arrestees at Fort George later in this report ([paragraphs 156.7–10](#)).

34.3 Private 112 made no mention of arresting someone on the Eden Place waste ground in his RMP account. However, as will be seen, Private U described a soldier with a baton gun being involved with him in the arrest of a man who we are sure was Charles Canning. Since the other baton gunner, Private 017, was with Corporal P, it seems to us that the arrest with which Private 112 was concerned was that of Charles Canning, and though in his oral evidence he had no recollection of that arrest,¹ this in our view was probably due to his faulty memory. We deal with the arrest of Charles Canning in the next chapter of this report.²

¹ [Day 320/164-167](#)

² [Chapter 35](#)

Private U

34.4 In his RMP statement timed at 0040 hours on 31st January 1972,¹ Private U described rioters throwing stones and bottles at the APC as it went into the Bogside. We have already considered his statement that at this time he heard automatic gunfire. He then stated that he cocked his rifle as he jumped out of the vehicle at the junction of Eden Place and Rossville Street. His RMP account continued:²

“About 15 yards up this junction was a man throwing stones at the vehicle. I ran towards him, he tried to run away but slipped and I arrested and detained him. I asked him his name and he told me it was Charles Collins. He also told me his address but I cannot remember it. I took Charles Collins back to an arrest vehicle which had moved up to the junction of Rossville Street and Eden Place. I handed him over to the Military Police.”

¹ B748

² B749

34.5 Private U then stated that he returned to the “*roadside corner*” of the Rossville Flats.

34.6 In his written statement for the Widgery Inquiry¹ Private U told the Widgery Inquiry that when he jumped out of the APC he was with a soldier with a baton gun and was giving him protection. He described running towards the Rossville Flats, being hit by stones thrown by the crowd retreating in the direction of the forecourt of the flats, and that the baton gunner fired four or five rounds at the crowd. He stated that at this stage he saw a man in the crowd who threw a bottle at him, and that he chased the man. The man slipped and fell and “*myself and the soldier I was with were able to catch him. I took this man back to the corner of William Street and Rossville Street.*”² Private U, in contrast to his RMP account, told the Widgery Inquiry in this statement that it was after this and as he went back along Rossville Street that he cocked his rifle. According to his statement to the Widgery Inquiry, when Private U reached Major Loden’s command vehicle at the north end of the Rossville Flats he decided not to go to his APC but instead took up position at the north end of Block 1 of those flats.

¹ B766

² B767

34.7 In his oral evidence to the Widgery Inquiry, Private U said that after he had got out of the APC the crowd threw stones and bottles and that two bottles and several stones hit him. He then said that he saw a man who “*had just thrown a bottle, picked a stone up and was about to throw that at me*”. Private U, who said that the baton gunner was with him at this time, described arresting the man and taking him back to the “*arresting point.*” He told the

Widgery Inquiry that he did not cock his rifle at this stage but did so when he returned to Pilot Row. He then gave a similar account to that in his written statement of going back to the command vehicle and then to the corner of the Rossville Flats.¹

¹ [WT13.95-96](#)

34.8

Private U gave written and oral evidence to this Inquiry.¹ We examine elsewhere in this report² the accounts that he gave us when we consider in more detail the circumstances of the arrest he made, the incoming shots that he said that he heard, and his account of firing his rifle.

¹ [B787.1](#); [Day 369/2-206](#)

² [Chapter 35](#); [paragraphs 49.43–47, 49.87, 53.13–14, 85.29–77 and 89.46–49](#)

Chapter 35: The arrest of Charles Canning

35.1 Charles Canning made a NICRA statement¹ in which he described moving along with others towards the barricade at the flats when “*the Para Regiment came driving past in Saracens*”. He continued:

“I first realised something was badly wrong when I heard and saw them shooting from the windows as they came past us. At the front of the flats they drove in straight in front of us and straight at some other people who were making for the rear courtyard of the flats. When I advanced towards the flats I saw the paras leaping from the back of the Saracens and proceed to shoot, baton and kick anyone who tried to get out of their way. The man directly in front of me was beaten to the ground so I decided to try and make a run to get past the barricade. It was then I noticed two paras one of which was armed with an SLR and he was firing shots towards the people at the barricade. When these two saw me they ran towards me shouting.

At this point I was suffering from the effects of the gas and I could not run very well. I thought the para was going to shoot me so I dived onto the ground. The two paras then ran towards me and kicked me until I got up off the ground and went off with them to a Saracen. When I arrived there some more paras were there with a youth they were abusing, but when I arrived they stopped and helped my captors to assault me.

It was at this point when one of the paras, the one who was shooting towards the barricade earlier, hit me in the face with the foresight of the rifle.”

¹ [AC25.5](#)

35.2 In his written evidence to this Inquiry¹ Charles Canning described seeing paratroopers “*pointing their SLRs out of the slots in the sides of the Pigs and shooting indiscriminately*”. Although others gave similar accounts of this, we are sure on our assessment of the whole of the available evidence, that it did not happen.² Charles Canning then described the circumstances of his arrest in the following terms:

“14. As I was making my way towards the Rubble Barricade in Rossville Street a para in the vicinity of Glenfada Park North saw me and started to run towards me with an SLR. There was also a soldier running after me from behind with a baton gun. I fell to the floor and the para chasing me from behind caught up with me. Both paras arrested me somewhere in front of Block 1 of Rossville Flats, approximately at point H on the attached map (grid reference K14). The para carrying the SLR kept threatening to shoot me although I cannot recall his precise threats. Other paras were shooting all over the place.

15. Both paras had Liverpoolian accents. The para carrying the SLR was small and of average build.

16. Some pigs were parked in Rossville Street, one at approximately the point marked I (grid reference L11) and one at approximately the point marked J (grid reference M10). There may have been more. I am unsure of their positions. The paras then took me to one of the Pigs parked in Rossville Street, I can't remember if it was the one at point I or point J. I kept wondering to myself how could I get out of the situation.

17. As I approached the Pig approximately six soldiers started kicking into me and I remember seeing a man lying in the back of the Pig who I now think was Jim Doherty. I did not say anything to him at the time. I kept thinking to myself that I had to stay on my feet while the paras were kicking me, otherwise they would kill me.”

¹ [AC25.2](#)

² Leslie Bedell ([AB28.3](#); [WT5.22](#); [WT5.31](#)),
Philip McGuinness ([AM469.2](#); [Day 138/182-184](#)),
Eamon Melaugh ([AM397.3](#); [AM397.22](#); [Day 143/25-29](#))

35.3 The positions of the two Armoured Personnel Carriers (APCs), as marked by Charles Canning, were by the entrance to Eden Place and further north on the west side of Rossville Street, respectively.

35.4 In neither his NICRA statement nor his written evidence to this Inquiry did Charles Canning record that he was put into as opposed to being taken to an APC.

35.5 Charles Canning was called to give oral evidence to this Inquiry.¹ He told us that he did not wish either to be sworn or to be affirmed, but despite being asked, gave no reason for this. It soon became apparent that he had no intention of trying to help this Inquiry but instead adopted a wholly obstructive attitude. This he maintained despite a request from

counsel acting for the majority of the families of those who died on Bloody Sunday to reconsider his attitude. The Tribunal accordingly told Charles Canning to leave the witness stand.

¹ [Day 417/159-165](#)

35.6 In the previous chapter¹ we referred to the accounts that Private U gave at the time of the person he arrested. According to his first Royal Military Police (RMP) account² the person he arrested was a man who was throwing stones at the vehicle from about 15 yards up the Eden Place roadway, and who tried to run away but slipped and fell over as Private U ran towards him. According to his written statement for the Widgery Inquiry³ the man, who was in a crowd, threw a bottle at him. According to his oral evidence to the Widgery Inquiry⁴ the man had just thrown a bottle, and had then picked up a stone and was about to throw it at him. Private U told the Widgery Inquiry that a baton gunner was with him.

¹ [Paragraphs 34.4–7](#)

³ [B766](#)

² [B749](#)

⁴ [WT13.95-97](#)

35.7 In his written evidence to this Inquiry, Private U stated that he recalled arresting a man who had thrown something at him. He added: “*The man was thrashing and kicking and I had to subdue him with my weapon. I then started to take him back towards the Pigs.*”¹

¹ [B787.004](#)

35.8 In his oral evidence to this Inquiry, Private U identified himself as the soldier standing beside Charles Canning in a photograph taken at Fort George.¹

¹ [Day 369/37](#)

35.9 Private U explained that what he meant by subduing the man with his weapon was that he would have hit him with the stock of his rifle, though he could not recall where he had hit him or how many times. He said that he might also have used what he called a wristlock. He said that he had no recollection of kicking Charles Canning when he was on the ground, of hitting Charles Canning in the face with the foresight of his rifle, or of threatening to shoot him.¹

¹ [Day 369/40-41](#)

35.10 In the arrest report form prepared at Fort George, Private 112 is named as a witness to the arrest of Charles Canning. In his written statement to this Inquiry Private 112 described how, after disembarking from his vehicle on the waste ground, he arrested a youngish man who was part of a crowd of suspected rioters. “*I grabbed him and I hit him with my baton gun to subdue him. I aimed a blow at his shoulder, but I think I actually hit*

*him partly on the head and partly on the shoulder. I then took him to one of the Pigs ...*¹

In his oral evidence to this Inquiry he said that he hit the man with the barrel of his baton gun but he could not recall what, if anything, he had seen the arrested man doing before his arrest.²

¹ [B1732.004](#)

² [Day 320/99-100](#)

35.11 In our view both Private 112 and Private U took part in the arrest of Charles Canning.

35.12 Though it is possible, we are not sure whether either Private U or Private 112 actually saw Charles Canning throwing anything at the soldiers. As already noted, the accounts that Private U gave at the time varied from chasing a man throwing stones at a vehicle, seeing a man who had thrown a bottle at him, and seeing a man who had just thrown a bottle and who was about to throw a stone. Charles Canning said nothing in his statements about throwing anything at the vehicles or at soldiers, and for the reasons given above, we were not able to explore this matter with him.

35.13 In his NICRA statement Charles Canning said that the soldiers kicked him as he lay on the ground. He said nothing in that statement or in his written evidence to this Inquiry about being hit by either a baton gun or a rifle at this stage, though he did say that soldiers assaulted him when he got to the Saracen and, in his NICRA statement, that a soldier hit him in the face with the foresight of his rifle. In contrast, both Private U and Private 112 have described using their weapons to “*subdue*” Charles Canning as they arrested him.

35.14 James Charles Doherty was also arrested on the waste ground. We consider the circumstances of that arrest later in this report.¹ However, in his written statement to this Inquiry² he told us that after he had himself been arrested he was thrown into an Army vehicle on Rossville Street. A number of soldiers inside the vehicle kicked and punched him, and one of them head-butted him with the visor of his helmet. Then Charles Canning was thrown into the vehicle; he was making provocative remarks to the soldiers and received as bad a beating as James Charles Doherty.

¹ [Chapter 42](#)

² [AD69.3](#)

35.15 In his NICRA account¹ James Charles Doherty stated, seemingly referring to Charles Canning, that “*Another man about my age was dragged in with his face covered with blood. A soldier kept hitting him across the face, butting him with his helmet – and bruising and cutting his mouth and nose.*” In his Keville interview² James Charles Doherty said: “*The fella that was sitting beside me, the little fella that got on after me, he was all*

busted up in the mouth you know. Your man kept hitting him with his helmet ... his head. He's hitting him, he's saying 'you're, you're the bastard who tried to shoot me ... you are a bastard who tried to shoot me. I'll get you'." In his written statement to this Inquiry³ James Charles Doherty told us that Charles Canning's face had been bleeding when he was put into the vehicle, as he had recorded in his NICRA statement.

¹ AD69.15

³ AD69.7

² AD69.19

35.16 As will have been observed, the evidence about what the soldiers did when they arrested Charles Canning is confused and conflicting. On the basis of Charles Canning's NICRA statement, it could be suggested that he was not hit or hit significantly with a weapon until he reached the vehicle, though he did record¹ that he was "*badly treated*" by the paratroopers while in their custody. At the same time, it is also right to be cautious about the account that Charles Canning gave to NICRA. For example, he recorded in this statement that he had seen soldiers firing from the vehicles as they came in, and that a soldier had fired shots towards the rubble barricade before arresting him. In our view neither of these assertions was correct. Nevertheless, in the light of the account given at the time by James Charles Doherty, it seems to us that by the stage Charles Canning had reached the Army vehicle, he had sustained an injury to his head or face that caused him to bleed.

¹ AC25.5

35.17 Despite the accounts of James Charles Doherty, we remain in doubt whether Charles Canning was put into the vehicle to which he was first taken, since Charles Canning recorded nothing to that effect in either his NICRA statement or his written statement to this Inquiry.

35.18 In his first Royal Military Police (RMP) account Private U had stated that he took his arrestee back to an arrest vehicle near Eden Place and handed him over to the military police,¹ in his evidence to the Widgery Inquiry he said that he had taken him back to the corner of Rossville Street and William Street, which was an "*arresting point*", and there handed him over to other soldiers.² In his written evidence to this Inquiry³ Private U stated that his current recollection was that he took the civilian he had arrested to a vehicle and not as far north as the junction of William Street and Rossville Street. "*I think I may have been confused when making reference to that position.*"

¹ B749

³ B787.010

² B767; WT13.96

35.19 During the course of Private U's oral evidence to this Inquiry,¹ counsel for the majority of the families drew Private U's attention to a clip from the ABC film,² which shows a civilian being taken north by a soldier along Rossville Street from the direction of Army vehicles on that street. The civilian might be Charles Canning, though the film is not clear enough to distinguish his features. A photograph taken on the evening of Bloody Sunday at Fort George shows that Private U and Charles Canning were about the same height, whereas on one view the soldier seen in the film could be somewhat shorter than the civilian he was escorting. Private U was unable to say whether he was the soldier in the film.

¹ Day 369/135-136

² Vid 48 12.37

35.20 Private U was shown this film clip in the context of a suggestion, which we do not accept, that he had not arrested Charles Canning on the Eden Place waste ground, but simply picked him out as a rioter later at Fort George.

35.21 Private U described the vehicle in his RMP statement¹ as an "*arrest vehicle*" at which military police were present, and asserted in the same statement² that he was later "*recalled to the arrest vehicle to identify the rioter I had arrested earlier*". These aspects of Private U's evidence suggest that the vehicle is likely to have been one of the Land Rovers under the command of the Regimental Sergeant Major (RSM), Warrant Officer Class I INQ 2037, which had moved forward to the junction of William Street and Rossville Street.³ The RSM's arrest team included members of the RMP.⁴ In his statement for the Widgery Inquiry,⁵ Private U recorded that after handing over the man he had arrested he made his way back down Rossville Street and reached the north end of the Rossville Flats.

¹ B749

⁴ ED49.6

² B750

⁵ B767

³ C2037.3

35.22 Although the matter is not entirely clear, it seems to us that what probably happened is that Charles Canning was initially taken to an APC on Rossville Street. It is possible, but far from certain, that he was put in this APC for a short while, after which he was escorted by Private U along Rossville Street to an RMP vehicle parked further north. Private U returned and went to the north end of Block 1 of the Rossville Flats. Thus we consider that the BBC film clip probably does show Private U escorting Charles Canning.

35.23 In our view Private U and Private 112 did, as they told us, use their weapons to hit Charles Canning. According to Private 112, his blow, though aimed at the shoulder, may have hit Charles Canning on the head. James Charles Doherty's account is to the effect that Charles Canning had received a head or face wound before he reached the APC.

This may have been the blow with Private 112's baton gun or it may have been, as Charles Canning described in his NICRA statement, a rifle blow from Private U. Since Charles Canning chose not to avail himself of the opportunity to assist the Tribunal when he came to give oral evidence, we remain unsure whether Charles Canning was assaulted when he got to the APC or whether he was put in that vehicle and then further assaulted. If either of these assaults did occur, there is nothing to suggest that there was any justification for them.

Chapter 36: Summary of the movements of the soldiers who disembarked from Sergeant O's Armoured Personnel Carrier in Rossville Street

36.1 On the basis of the evidence discussed above, it appears that Corporal P and Private 017 moved across Rossville Street towards Kells Walk. What they said they then saw and did is considered below in the context of the events of Sector 3.¹ Private R ran towards where Sergeant O's Armoured Personnel Carrier (APC) had stopped in the car park of the Rossville Flats. Private 006 arrested William John Dillon, probably on the Eden Place waste ground just south of Pilot Row, and after taking his prisoner to a vehicle on Rossville Street, went towards Sergeant O's APC. Private U appears to have chased and arrested Charles Canning somewhere in the area of Eden Place and Pilot Row, taken this man back to an APC on Rossville Street and then escorted him to a Royal Military Police vehicle at the corner of William Street and Rossville Street; after which he made his way to the north end of Block 1 of the Rossville Flats. In making this arrest it seems to us that Private U was accompanied by Private 112, a baton gunner, and though it is not entirely clear it seems to us likely that these two were close to each other as they went forward to the north corner of Block 1 of the Rossville Flats.

¹ [Paragraphs 69.20–58](#) and [71.1–10](#); [Chapters 73–75](#)

Chapter 37: The remaining soldiers in Sergeant O’s Armoured Personnel Carrier

Contents

	Paragraph
Sergeant O	37.8
Private T	37.17
Private INQ 1579	37.21

37.1 After six soldiers had disembarked from Sergeant O’s Armoured Personnel Carrier (APC) in Rossville Street, this vehicle turned left into the entrance to the car park and there stopped. For the reasons given earlier in our consideration of the events in Sector 2,¹ it seems probable that there were only three soldiers still in the vehicle at this stage, namely Sergeant O, Private T and Private INQ 1579.

¹ [Paragraphs 24.5–18](#)

37.2 One of the photographs taken by Derrik Tucker Senior from Block 2 of the Rossville Flats shows the line of vehicles that followed the two APCs into the Bogside. Just visible is the front of Sergeant O’s APC as it was about to enter the car park.



37.3

Colman Doyle, the *Irish Press* photographer, took four photographs from the Eden Place waste ground, before he took the photographs of William John Dillon, Duncan Clark and Charles McMonagle, to which we have already referred. In his written statement for the Widgery Inquiry,¹ he explained that these were taken in the order in which they appear below. He told the Widgery Inquiry that the first photograph “*was taken from the waste ground between Pilot Row and Eden Place towards the corner between the western and southern blocks of Rossville flats. Almost immediately before the picture was taken army vehicles had come into Rossville Street and soldiers emerged and fired rubber bullets at people walking down Rossville Street and the waste ground adjoining. The volley of rubber bullets was heavy and I distinctly heard the sharp crack of rifle shots intermingled with the rubber bullet firing. As can be seen soldiers were running after people to make arrests.*” He told the Widgery Inquiry that he took the next three photographs in quick succession. In his evidence to us he explained that he was using a motorised camera and that there would have been an interval of less than a second between the photographs.²

¹ M23.1

² Day 72/78







37.4 The photographs show Sergeant O's APC, and also give a view of what was happening after it had come into the car park. We should note at this point that we have been unable to identify any of the civilians or soldiers shown in these photographs. We should also note that although it was submitted that the photographs show unjustified violent assaults by soldiers, particularly the soldier shown on the left,¹ we are not persuaded that they do so. Although in his evidence to the Widgery Inquiry Colman Doyle stated that "*The soldier on the left appears to be attacking a man who is wearing a handkerchief on his face and photographs 3 and 4 seem to show that he knocked him out*",² in his oral evidence to this Inquiry he recalled that the soldier "*just jumped over that man, he did not fire or anything ... and I think the man may just have tripped*" and that the soldier seen on the right of the photographs was "*just making arrest*".³

¹ FS1.1324

³ Day 72/77

² M23.1

37.5 Fulvio Grimaldi, an Italian photojournalist who was present on Bloody Sunday, mistakenly believed that he had taken these photographs and gave evidence as to what he said they showed. Since we are sure that he was not the photographer, we do not find this evidence helpful.¹

¹ M34.57; Day 131/21-25; Day 131/151-152; Day 131/157-160

37.6 As will have been noted, Colman Doyle told the Widgery Inquiry that at the time he took these photographs he heard the crack of rifle fire as well as a lot of rubber bullets. He said the same to the Widgery Inquiry in his oral evidence.¹ In his oral evidence to the

present Inquiry, he said that this was wrong and he had not heard live fire at this time: *"if I felt that – at that stage that there were live rounds being fired, I would have been a lot more cautious than I was."*² However, in view of the written and oral evidence that he gave at the time, we consider that Colman Doyle may have heard some live rifle fire at this stage. If he did, then it was probably the shots fired up the Eden Place alleyway by Lieutenant N, which we have described in an earlier chapter³ and which were discharged soon after the APCs had arrived. It is also possible, but in our view less likely, that he heard the first shots fired by Corporal P, which we discuss later in this report.⁴

¹ WT7.53

³ Paragraphs 30.36–129

² Day 72/136-137; Day 72/156-158

⁴ Chapter 73

37.7 The position of Sergeant O's APC in the car park is also shown in the following photograph, taken by amateur photographer Sam Gillespie,¹ which gives a view looking north from the car park, though this photograph was taken some time after those shown above.

¹ AG36.2



Sergeant O

37.8 In his first RMP statement timed at 2130 hours on 30th January 1972,¹ Sergeant O did not record where his APC had stopped, but simply stated: *"We managed to separate a section of about 200 strong in the flat's car park in the Rossville Flats area. This was achieved by two Humbers [APCs] of which mine was one. We all debussed to make*

arrests. 6 arrests were made.” Sergeant O then described hearing firing and seeing bullets strike, evidence which we consider later in this report.² We also consider later³ two further statements that he made to the Royal Military Police (RMP).⁴

¹ B439-440

³ Paragraphs 51.209 and 51.214

² Paragraphs 49.57–74 and 53.15–20

⁴ B461; B464

37.9 In his written statement for the Widgery Inquiry,¹ Sergeant O described how his APC had gone beyond that of Lieutenant N and into the car park of the Rossville Flats, stopping between 36 Chamberlain Street (the southernmost house on the side of Chamberlain Street that backed onto the Eden Place waste ground) and the “*gable end*” (the north end) of Block 1 of the Rossville Flats. “*In this way we cut off between us a group of about 200 people. These were intended as the people the snatch squads would go into.*”

¹ B466

37.10 Sergeant O then stated that at first he and his men faced away from the Rossville Flats into the area in which they were to make their snatches. He told the Widgery Inquiry that he did not know at this time that his Platoon Commander had been hit on the head and was out of action for a time. This seems to be a reference to Lieutenant N’s altercation with a man who then ran away. Having stated that his soldiers did not need orders as they were acting “*in accordance with the drill*”, he continued:¹

“My original intention when I got out of the pig was to stay by it, keep an eye on the snatch squad and keep a look out in the direction of the buildings being prepared to cover the squads in the event of any shooting. However a man threw an empty bottle at me. I arrested him and passed him to one of the lance-corporals to put in the pig.”

¹ B466-467

37.11 Sergeant O then stated that as he was following the Lance Corporal and the arrestee back to the APC facing the flats there was a burst of firing.¹ We consider this part of Sergeant O’s evidence later in this report,² when considering his own firing.

¹ B467

² Paragraphs 51.208–265

37.12 In his oral evidence to the Widgery Inquiry, Sergeant O said he had been in the front seat next to the driver and that when they reached the car park he got out but his driver remained in the APC.¹ He was asked about the state of the crowd at the time he made this arrest:²

“Q. How would you estimate the crowd at that time?

A. Initially when we moved in the Platoon Commander and vehicle force followed in and we cordoned off, the two vehicles, a group of about 200. Some of them went back towards Eden Place and out round that way. The remainder split and came into the car park of the Rossville Flats going on either side of my vehicle. The vehicle was actually sitting in the middle of the crowd when we de-bussed.

Q. Originally, you cordoned off about 200 who spread out in the two directions?

A. Yes.

Q. How long was the crowd still visible from there?

A. The actual 200 itself cleared within a matter of seconds, ten or fifteen or twenty seconds, that sort of thing. They had gone from where we had trapped them. They were still moving across the car park into the Rossville Flats area.

Q. Did you see any part of the crowd trying to scramble through the alleyways in the corner of the buildings, in the courtyard?

A. They were cutting across the car park and splitting up into these alleyways. This is where they were going to.”

¹ B473-474

² B475

37.13 Sergeant O was then asked about the firing that he said he had observed and his own firing.

37.14 Sergeant O gave written and oral evidence to this Inquiry. In his written statement¹ he gave much the same account of driving into the car park and of arresting a civilian as he had in his earlier accounts. He told us that:²

“As I got out of the Pig I realised that we were right underneath the three Blocks of the Rossville Flats and I thought to myself that this was not where I wanted to be. I would have much preferred to have been about 50 yards north of this location and closer to Lieutenant N's Pig which had stopped on the waste ground. I thought that my men would be more vulnerable to being shot at from this forward position right next to the Rossville Flats, but it did not make a huge difference to our arrest operation: we just got out of the Pigs and got on with it.”

¹ B575.107

² B575.112

37.15 In his oral evidence to this Inquiry, he was asked about an interview (probably conducted by Neil Davies in 1989)¹ in which he had said that when he was escorting the person he had arrested back to his APC, he was armed only with a baton. Sergeant O said that this was wrong, but denied that he was trying to give a false impression to the journalist.²

¹ [Day 397/45-60](#)

² [Day 336/15-16](#)

37.16 We deal in more detail a little later in this report¹ with the arrest made by Sergeant O.

¹ [Chapters 40 and 43](#)

Private T

37.17 In his RMP statement timed at 0200 hours on 31st January 1972,¹ Private T gave the following account:

“My APC halted to the east of the northernmost block of Rossville Flats. We had outflanked a large proportion of the rioters and I assisted in making two arrests. I then moved back to my APC in the forecourt of Rossville Flats.

When I rejoined the troops there they were under a heavy stoning attack from all the three blocks of flats. As I was in cover I became aware of people on the balconies of the flats dropping bottles and other missiles from the verandahs into our position.

I noticed that the bottles contained a liquid and I thought they were petrol bombs. However, none of the bottles was alight and none went on fire when they smashed. After a couple had broken as they fell I smelt a strong acid smell and realised that the bottles contained acid.”

¹ [B725](#)

37.18 Private T then gave an account of being ordered to fire at whoever was dropping the acid bombs. We deal with this aspect of his evidence later in this report.¹

¹ [Paragraphs 51.266–282](#)

37.19 In his written statement for and oral evidence to the Widgery Inquiry, Private T gave a similar account,¹ though he added that at or about the time he was helping with arrests he heard a burst of low velocity fire, another matter we return to later in this report.²

¹ [B734-736; WT13.86-94](#)

² [Paragraphs 49.75–78](#)

37.20 Private T is dead and gave no evidence to this Inquiry.

Private INQ 1579

37.21 Private INQ 1579 was the driver of Sergeant O's APC. He gave written and oral evidence to this Inquiry. He appears to have given no evidence in 1972 and told us that he had not done so. In his written statement to this Inquiry, he also told us that he now had very little recall of what happened on Bloody Sunday.¹ However, he did say to us that the people he and Sergeant O drove through were picking up bricks and throwing them at the APC: *"the missiles started to rain down upon us."*²

¹ C1579.1

² Day 336/154

37.22 Private INQ 1579 told this Inquiry that soon after he had brought the vehicle to a halt in the car park he disembarked and cocked his rifle, after which he went to the back of the vehicle.¹ He said missiles were being thrown from the flats though he could not recall actually seeing people throwing them. He also said that he saw no petrol bombs being thrown.²

¹ C1581.4; Day 336/165

² Day 336/167-168

37.23 Private INQ 1579 gave some evidence about firing, which we consider later in this report.¹

¹ Paragraphs 49.80–81 and 49.92

37.24 Two civilian witnesses have given evidence that they were struck by Sergeant O's APC as it came into the car park. They are Alana Burke and Thomas Harkin.

Chapter 38: The incident concerning Alana Burke

38.1 Alana Burke, who was 18 at the time, was interviewed by BBC Radio in Altnagelvin Hospital on 2nd February 1972. The following is a transcript of what she said:¹

“A. The first thing I knew, the, the dye came up and hit me. I was soaked to the skin and began to run. And then I was overcome by gas. I run towards Rossville Street behind the big flats. I looked round and the saracen tanks came from everywhere. I couldn’t run fast enough so I grabbed a, I don’t know who it was, some fella, I held onto his tie and he dragged me off Rossville Street. Then I looked behind me and I saw Saracen tanks were coming from both ways and one of them came up and the soldiers got out and batoned old man to the ground. And I ran up against a wall and the Saracen pinned me to the wall and that’s all I remember and I had my back to the tank and I seen it coming and I couldn’t run fast enough. And it just got me right in the back.”

¹ [X2.3.10](#)

38.2 Alana Burke later made a NICRA statement dated 16th February 1972. In it she described approaching Barrier 14 with the marchers and being soaked with purple dye and overcome with CS gas. She decided to go home and as she was going along Rossville Street she heard someone shout that the soldiers were coming. Her statement continued:¹

“I glanced backwards and saw an armoured car coming into the car park. It was going fast and stopped a few yards away from me. Some soldiers got out and I saw one of them strike an elderly man on the face with the butt of his rifle.

The soldier got back into the saracen again and it moved forward towards me. It struck me on the right side of my back and my right leg. What exactly happened next I can’t remember, but I do recall being pinned against the wall by the crowd who were all trying to escape through the alleyway leading underneath the flats. I crawled on all fours through the alleyway and eventually a man called Frank Campbell, a youth club leader took me to one of the maisonettes in Joseph Place.

About an hour later I was taken to Altnagelvin hospital by ambulance. After a few days, during which I was under the care of Mr Fenton, I was discharged.”

¹ [AB101.8](#)

38.3 Alana Burke gave a similar account in a written statement for the Widgery Inquiry, but she did not give oral evidence to that Inquiry.¹

¹ [AB101.6](#)

38.4 In the *Evening News* newspaper on 1st February 1972 and in the *Irish News* on 2nd February 1972, it was reported that Alana Burke had said that she could not say whether she had been deliberately run down.¹

¹ [L94](#); [L139](#)

38.5 Jimmy McGovern interviewed Alana Burke in or around 1999 or 2000, in the course of research for a drama documentary about Bloody Sunday. During this interview she recalled seeing the Armoured Personnel Carrier (APC) coming and feeling a bang but said that otherwise she could not remember.¹

¹ [AB101.13](#)

38.6 Alana Burke gave written and oral evidence to this Inquiry. She told us that Lorney McMonagle tried to pull her out of the way as “*the Saracens had started to come in to the waste ground and to the car park and when he let me go that was it, I was on me own more or less*”.¹ She agreed that her basic recollection was that he pulled her along but let go and then a Saracen hit her. The Inquiry did not obtain any evidence from Lorney McMonagle.

¹ [Day 76/83](#)

38.7 In the course of her oral evidence, Alana Burke marked with a red arrow where she recalled that she was when she was hit on her right side by an APC.¹

¹ [Day 76/83-84](#); [AB101.9](#)



38.8 Alana Burke described the man she saw hit with a rifle as being on Pilot Row and as being shortish and about sixtyish in age. She was shown a photograph of William John Doherty (one of those arrested on the Eden Place waste ground) but when she was told (correctly) that this person was nearly six feet tall, agreed that it was unlikely to have been him.¹

¹ [AB101.4](#); [Day 76/79-81](#); [Day 76/98](#)

38.9 When her attention was drawn to one of the newspapers to which we have referred above, which had reported her as saying that she could not say whether the APC had deliberately run her down, her answer was “*I was there, how did he not see me?*”¹ When she was shown the transcript of her BBC interview she told us that she did not mean that the Saracen had pinned her to the wall, but that this was the garage wall where she ended up.²

¹ [Day 76/102](#)

² [Day 76/104-105](#)

38.10 Alana Burke gave us a description of how she was helped through the alleyway between Blocks 1 and 2 of the Rossville Flats to a house in Joseph Place (which was to the south of the flats) and then taken by ambulance to Altnagelvin Hospital.¹ She was discharged

from hospital on 2nd February 1972.² Alana Burke told us that she had sustained injuries to her pelvis, right leg and back, from which she took six months to recover and which have had continuing serious medical consequences for her.³

¹ AB101.2

³ AB101.2

² AB101.7

38.11 It was suggested that there was further civilian evidence that was relevant to the circumstances in which Alana Burke was hit, as we are sure that she was, by an APC.¹

¹ FS1.1111; FS7.124

38.12 We have considered the account given by Frank Campbell to this Inquiry of seeing her deliberately run down,¹ but we are not persuaded that he was a witness to this, as in his interview with Kathleen Keville he had merely said that he had met a young girl who had told him “*she had been squashed by the saracen*”.² Alana Burke’s own evidence was that it was while she was on the Eden Place waste ground that Frank Campbell shouted to her that the Army were coming in and that she should run. As she ran a Saracen hit her. After she had been hit, a girl helped her to the alleyway between Blocks 1 and 2. Frank Campbell then carried her from the alleyway to a maisonette in Joseph Place.³ Furthermore, Frank Campbell’s evidence of seeing numbers of Saracens driving round in circles and apparently trying to hit people⁴ is, from the evidence discussed in this report, something that simply did not happen.

¹ AC137.3; Day 121/9-22; Day 121/27-28; Day 121/36-39

³ AB101.1

² AC137.11; AC137.13

⁴ Day 121/7-8

38.13 Anthony Harkin described seeing a girl wearing a bright red coat hit at a point midway between Eden Place and Pilot Row.¹ However, we are sure that Alana Burke was hit at about the entrance to the car park and that she was wearing a brown coat.² We do not find his evidence helpful.

¹ AH11.3

² Day 76/97

38.14 We are sure that Alana Burke was hit by the APC that was driven into the car park.

38.15 We have referred in the previous chapter¹ to some of the evidence of the driver of that APC, Private INQ 1579. His evidence to this Inquiry was that he had no recollection of knocking down a young woman and was certain that if he had hit someone he would have felt the impact, though he did tell us that his vehicle hit a man just as the vehicle was stopping and that he had heard no impact from that.² That man was Thomas Harkin and we examine in the next chapter³ the circumstances in which he was hit.⁴ Private INQ 1579 said that there was no deliberate policy of running people down, and that while

rioters might escape, “*you would rather lose the target than injure people unnecessarily*”.⁵ Sergeant O, who was in the APC until it stopped in the car park, also said that he had no recollection of his APC knocking anyone down.⁶

¹ Paragraphs 37.21–23

⁴ C1579.3; Day 336/159; AH106.2

² Day 336/177

⁵ Day 336/163-164

³ Chapter 39

⁶ B575.111

38.16 It appears from the photograph showing Sergeant O’s APC in Rossville Street¹ that there may have been some protective plating on the driver’s door. If so, this would have restricted the driver’s view on that side.²

¹ Paragraph 24.24

² Day 336/157

38.17 From Alana Burke’s account we have no doubt that she was hit by the APC after Sergeant O’s APC had briefly stopped on Rossville Street. Her NICRA statement suggests that this was the case.¹ Thus the vehicle is unlikely to have been travelling particularly fast as it came into the car park, since we accept Private INQ 1579’s evidence that such a heavy vehicle took some time to speed up.² William Harley, whose evidence we consider a little later in this report,³ told us that it was about right to describe the speed of this vehicle when it came into the car park as faster than a man could run, but not much faster.⁴

¹ AB101.8

³ Paragraphs 39.12–16

² Day 336/153-154

⁴ Day 77/46-47

38.18 There is, however, an odd feature of Alana Burke’s evidence. She has consistently maintained in the accounts she has given that she witnessed an elderly man being hit in the face with a rifle butt by a soldier before she was herself hit by the APC. We have no evidence apart from hers of such an incident, though there is a body of evidence from others, which we consider later in this report,¹ that William John Doherty, a man of 55, was arrested and hit with a rifle after the APC had come to a stop in the car park and Sergeant O had got out.

¹ Chapter 40

38.19 Although Alana Burke thought that the person she saw being hit was not William John Doherty because of his height, we bear in mind that while she has always described the man she saw as elderly it was not until she gave evidence to this Inquiry that she expressed a recollection that he was “*shortish*”.

38.20 We do not find it surprising, in view of the speed of events, that some witnesses have muddled the sequence in which they occurred. In the case of Alana Burke, there was not only the factor of fast-moving events, but also the fact that she had been affected by purple dye and CS gas, was running clearly terrified from the soldiers coming in and was then knocked over and injured by one of their vehicles. Given these considerations, and the fact that although there were many civilians in the area at the time, no-one else appears to have seen an elderly man being hit by a soldier before Sergeant O's APC stopped in the car park; and given also the fact that, except as to timing, her account is similar to that of other witnesses to the arrest of William John Doherty, we consider that it is more likely than not that it was he whom Alana Burke saw; and that in her various accounts she got the sequence of events wrong.

Consideration of the evidence relating to Alana Burke

38.21 There remains the question as to whether Private INQ 1579 can be criticised for what happened. On our assessment of his evidence he probably neither saw Alana Burke nor realised that he had hit someone. We also accept his denial that he deliberately drove into people. In all the circumstances we are of the view that Private INQ 1579 cannot fairly be criticised for failing to exercise due care when driving his APC into the car park.

Chapter 39: The incident concerning Thomas Harkin

39.1 Thomas Harkin was 32 at the time of Bloody Sunday. He gave no evidence in 1972, but did give written and oral evidence to this Inquiry.

39.2 In his written statement to this Inquiry,¹ Thomas Harkin told us that he had come into the car park through the gap between Block 1 and Block 2 of the Rossville Flats with his friend James Quinn and was there when two “*Saracens*” entered the car park area, one of which came up behind him and hit him, knocking him to the ground. According to Thomas Harkin, the vehicle was then going to reverse over him but James Quinn pulled him out of the way. Thomas Harkin said that the vehicle must have had spikes on it because he had spike holes in the back of his legs. He also sustained cuts and bruises to his face when he fell to the ground, such that he had trouble opening his eyes. According to this account the vehicle stopped with its front end pointing north towards William Street. Two soldiers disembarked from the back of the vehicle. One approached James Quinn and Thomas Harkin and attempted to strike James Quinn with the butt of his rifle, but James Quinn darted out of the way and the blow hit Thomas Harkin in the stomach.

¹ [AH106.2](#)

39.3 In this statement Thomas Harkin told us that he then ran through the passage between Blocks 1 and 2 of the Rossville Flats, heading towards Free Derry Corner, dropped to the ground in Rossville Street when he heard shooting, lay there for about ten minutes, and then carried on via Lecky Road and Westland Street to his home in Dove Park.¹

¹ [AH106.2](#)

39.4 In his oral evidence to this Inquiry, Thomas Harkin maintained that two vehicles had come into the car park. Thomas Harkin said that he and James Quinn decided to throw stones at the Army vehicles when they came into the car park but that he had not thrown or picked up any stones before he was hit. He said that the spikes made two or three holes below his knee. He told us that he did not require medical treatment for his injuries.¹

¹ [Day 113/141-143](#)

39.5 Thomas Harkin also told us, on being shown the statement of James Quinn (to which we refer below) that it was possible that, contrary to his written statement, he had come into the car park with James Quinn from the Eden Place waste ground.¹ He also agreed that they had been standing right by the entrance to the stairwell at the car park side of the north end of Block 1 of the Rossville Flats before the Army vehicles came in.²

¹ Day 113/144-145

² Day 113/146

39.6 Although in his written evidence Thomas Harkin had put the position where he was hit as close to the alleyway between Blocks 1 and 2 of the Rossville Flats,¹ in his oral evidence he accepted that it was possible that the vehicle had not come so far in and that he had been hit somewhere in the mouth of the car park after having run out from a position close to Block 1:² *"It is possible, I just do not remember exactly. The information I gave was what I could remember at the time I made it, which was a couple of months ago."*

¹ AH106.2

² Day 113/149-150

39.7 Thomas Harkin told us that he could not remember whether the soldiers he said had run towards him and James Quinn had come from the vehicle that had hit him or from the other vehicle.¹ He also said that he did not agree that the soldier had hit him in the face, as James Quinn had recorded in his statement.²

¹ Day 113/150

² Day 113/152

39.8 James Quinn also gave no evidence in 1972, but did give written and oral evidence to this Inquiry.

39.9 In his written statement to this Inquiry,¹ James Quinn told us that he had been throwing stones at Barrier 12. He later met Thomas Harkin. They were standing tight up against the north-east corner of Block 1 of the Rossville Flats, intending to throw stones at the Army vehicles when they arrived. One vehicle entered the car park and swung round in a clockwise direction. To James Quinn's surprise, the vehicle stopped and soldiers began to disembark from it. Thomas Harkin then panicked and ran out towards the centre of the car park. A second vehicle then entered the car park and swung round, and its bumper hit Thomas Harkin and threw him into the air. Thomas Harkin ended up lying in an icy puddle. James Quinn ran out to help him. As he attempted to lift him, a soldier arrived and tried to hit James Quinn on the head with his rifle butt, but James Quinn slipped on the ice and the blow hit Thomas Harkin full in the face. James Quinn then stated that he told Thomas Harkin *"you're on your own now"*² and made a run for it.

¹ AQ10.3

² AQ10.4

39.10 In his oral evidence¹ James Quinn said that the running down appeared to him deliberate, but accepted that he could not say what was in the mind of the driver of the vehicle. Indeed he accepted that it was possible that he had not actually seen the collision and that his attention had been distracted at the relevant moment.² He also acknowledged that he was not sure that the rifle butt had hit Thomas Harkin in the face as opposed to the stomach:³ *"I could not say where he was hit."*

¹ Day 179/47-48

³ Day 179/52-53

² Day 179/84-85

39.11 Two other witnesses gave accounts in 1972 that relate to a man knocked down by an Army vehicle in the area of the car park.

39.12 William Harley, who was 36 at the time, made a NICRA statement dated 2nd February 1972.¹ He stated that he was watching from his home at 37 Donagh Place. This flat was on the centre of the top floor of Block 2 of the Rossville Flats, giving him from his bedroom window, as he said, *"a clear view of Chamberlain St., the William St. end of Rossville St. and the wasteground between"*. He described when he first saw the soldiers:

"The soldiers I saw came up William St. from the direction of the barricade. One armoured personnel carrier turned into Chamberlain St. and came to a halt at the bottom of Harvey St. Three more armoured personnell carriers and two canvas covered lorries turned into Rossville St. The lorries were parked on the footpath, one on each side of the street about twenty five yards from the William St. corner. The three armoured cars came across Rossville St. and two of them came to a halt at the gable end of the Rossville St. flats (William St. end). The third car drove past these two and entered the car park driving straight towards the people who were running in every direction trying to escape. One man was knocked down by this car (At this time there was a crowd of several hundred people running in panic). As the man was attempting to rise, a soldier ran from the back of the car which was now stationary and raised his rifle in an attempt to strike the man with the rifle butt. A youth dashed forward and grabbed the soldier around the neck and held him until the injured man escaped. The youth ran off into the crowd. The soldier raised the rifle, took deliberate aim and fired. That was the first shot I heard. The soldier, I thought, aimed towards the entry between the Rossville St. block and Joseph Place. The crowd fell back and I saw a man lying on the ground about four or five yards from the spot where the soldier was standing after having fired the shot. I had not seen anyone fire at the soldier nor had I heard any shooting. There were no explosions."

¹ AH36.12

39.13 In his written statement to this Inquiry, William Harley told us that the man was knocked down in the mouth of the car park.¹ This is about the position where Sergeant O's Armoured Personnel Carrier (APC) can be seen in the photographs taken by Colman Doyle and Sam Gillespie and reproduced earlier in this report.²

¹ AH36.2; AH36.14

² Paragraphs 37.3–4 and 37.7

39.14 William Harley stated that the front of the vehicle hit the man in the back, and the man fell forward and rolled to try to get out of the way. The vehicle kept moving towards the man and it seemed to William Harley that the driver was deliberately trying to run him over. A soldier jumped out of the back of the vehicle and stood over the young man as he was on the ground. He raised his rifle above his head and was about to bring the butt down on the young man's head when another man ran up behind the soldier, threw his arm round the soldier's neck, catching his right shoulder, and kept running, spinning the soldier off balance. The young man on the ground stood up and both men ran towards the passage between Blocks 1 and 2. As soon as the soldier regained his balance, he cocked his rifle, put it to his shoulder, aimed in the direction in which the men were running and fired. William Harley did not know whether the bullet hit anyone.

39.15 William Harley told us that at this point he helped a number of children on the balcony outside his flat to safety, and then returned to his flat and went upstairs to the bedroom. We return to his account of what he saw from there later in this report.¹

¹ Paragraphs 58.19–23 and 63.44

39.16 In the course of his oral evidence to this Inquiry, William Harley was asked about the account that Thomas Harkin had given of the incident. He said that this was nothing like what he saw.¹ He also said that it was his impression that the driver was deliberately trying to run the man over. However, his evidence continued as follows:²

“Q. In the sense that the man went left and the Pig went left and the man went right and the Pig went right, that sort of thing?

A. In the sense that when the man went to the ground I could see the wheels of the Pig turning slightly, but turning, and keeping rolling towards him.

Q. Without in any way challenging your honesty, Mr Harley, if I suggest to you that is a matter about which there could be two different opinions, would you accept that?

A. Yes.”

¹ Day 77/10-11

² Day 77/47

39.17 The second witness, who gave an account in 1972 of seeing a man hit by an Army vehicle in the car park, was Martin Tucker, who was 17 years old at the time.

39.18 In his NICRA statement dated 1st February 1972,¹ Martin Tucker recorded that he was watching from a bedroom window in the Rossville Flats and saw that “*Two Saracens came roaring up Rossville St. and Chamberlain Street after the crowd. When Saracens entered the car park at the back of the flats I saw a man being hit by Saracen, but he seemed to be uninjured.*”

¹ [AT17.15](#)

39.19 In his written statement to this Inquiry,¹ Martin Tucker said that this happened near the north-east corner of Block 1 of the Rossville Flats. He said that the man looked as if he was in his twenties. He added: “*I was not aware of the Saracen deliberately hitting him or moving away to try and avoid him. The man was just in the wrong place and was hit by it. I did not see the man get up but maybe he did. I did not pay much attention to him after that as other things were happening.*”

¹ [AT17.3](#); [AT17.16](#)

39.20 In his written statement to this Inquiry,¹ Private INQ 1579 (the driver of Sergeant O’s APC) stated:

“I remember driving onto the tarmac of the car park of the Rossville Flats and seeing a man standing spread eagled in front of us; baiting us to hit him. He was probably one of those who had run with the groups that had scattered as we went in. As soon as I saw him I banged on my brakes but the momentum carried me forward and the front of the pig tapped him causing him to fall down. We hit him at a very low speed. He simply rolled over, got up and ran off. There were no visible wounds or signs of a limp.”

¹ [C1579.3](#)

39.21 It appears that he saw no incident in which a soldier raised his rifle butt in order to deliver a blow to the man on the ground or to anyone who had come to his aid.

39.22 In his oral evidence to this Inquiry, Private INQ 1579 said that when he saw the man he applied his brakes and stopped and “*it was just the momentum of the springs sending the vehicle forward an inch or so and nudging him*”. He denied that he had deliberately run the man down.¹

¹ [Day 336/161-163](#)

Consideration of the evidence relating to Thomas Harkin

- 39.23** In our view all the witnesses whose evidence we have discussed above were referring to the same incident, in which Sergeant O's APC came into the car park and hit Thomas Harkin.
- 39.24** Although we believe that Thomas Harkin was doing his best to help the Inquiry, it seemed to us that his recollections of the details of the event after so long were such that we could place little reliance on his account of what happened. He was unsure how he had got into the car park, or of where in the car park he had been hit. He was, on the basis of the evidence we have considered above, wrong in believing that two vehicles had come into the car park, that the one that had hit him had then reversed and that this vehicle had ended up facing north, ie away from the Rossville Flats.
- 39.25** We formed much the same view of the evidence of James Quinn, since in the end neither he nor we are sure that he actually saw the collision, and since he was wrong in his recollection that two Army vehicles had come into the car park.
- 39.26** As to the statement made at the time by William Harley, it seems to us, from the other evidence that we have considered about the movement of the Army vehicles, that we can place some reliance on his evidence. The same applies to Martin Tucker.
- 39.27** While we have no doubt that Thomas Harkin was struck by Sergeant O's APC, we are of the view that Private INQ 1579 did not deliberately run him down. Martin Tucker did not get that impression, and though William Harley in his evidence to us said that he did, he also accepted, in effect, that this impression might be wrong. We accept Private INQ 1579's denial that he intended to hit this man.
- 39.28** It seems to us that Thomas Harkin could not have been hit by the APC when it was travelling at more than a very slow speed. Had it been otherwise we have little doubt that a vehicle of this weight, hitting a person with its front, would have caused serious if not fatal injuries. As it is, the evidence is consistently to the effect that Thomas Harkin very soon got up and ran away. Thomas Harkin told us that his injuries did not require medical treatment. We are not sure whether the vehicle was travelling quite as slowly as Private INQ 1579 told us it was, but we are satisfied that it cannot have been going much faster.

- 39.29** Whether, as Private INQ 1579 said to us, Thomas Harkin was standing in front of the vehicle, "*baiting us to hit him*", or whether he was hit as he was trying to run away, is not clear from the evidence we have considered. Thomas Harkin appears to have been prepared to throw stones at the vehicles, but may have had second thoughts and tried to run away. He may have "baited" the soldiers but turned at the last moment, to be hit on the back, though there is no evidence dating from 1972 to show that this is where he was hit.
- 39.30** In the circumstances we are of the view that no criticism can be fairly made of Private INQ 1579 with regard to this incident.
- 39.31** Private INQ 1579 told us that the man got up and ran away. According to William Harley, before this happened a soldier ran from the back of the APC and attempted to hit the man with his rifle. We prefer the evidence given in 1972 by William Harley, that the man escaped uninjured, to the inconsistent evidence of Thomas Harkin and James Quinn about an injury to the former caused by a blow struck by the soldier. However, since all three give an account of some altercation with a soldier it seems to us more likely than not that there was some such incident. If William Harley was correct in recording that the soldier came from the back of the APC, this would point to Private T, as he would probably have been the only soldier left in the back of Sergeant O's APC by this stage. There is nothing in the evidence given by Private T that seems to refer to this incident. Whether the soldier concerned was Private T or another soldier, it is difficult to see what justification there could be for attempting to strike the civilian concerned.

Chapter 40: The arrest of William John Doherty

40.1 In the context of describing above what Sergeant O said that he did after his Armoured Personnel Carrier (APC) had stopped in the car park,¹ we referred to his written account for the Widgery Inquiry of arresting a man who he said had thrown a bottle at him.² In that account he stated that he and a Lance Corporal had taken this person back to Sergeant O's APC.³ In his oral evidence to the Widgery Inquiry, Sergeant O said that he had made this arrest near the back wall of 36 Chamberlain Street, ie near the southern end of that street.⁴

¹ Paragraph 37.10

³ B467

² B466

⁴ B487

40.2 In his first Royal Military Police (RMP) statement,¹ Corporal 162 recorded that, after the incident in which a man had thrown a metal stake at him and then had run up the alley to Chamberlain Street (to which we have referred above²), he had run:

“along the waste ground beside the wall of the back yards in Chamberlain St. I got as far as No 30 Chamberlain St where I met [Sergeant] O who had an arrested person with him. He was being bottled and stoned so I took the prisoner from him so that he could return to his platoon. I took the prisoner to my vehicle which was still on the waste ground by Pilot Row. I put the prisoner inside the APC and stayed there about 10 minutes. I then left to return to my platoon but was recalled to move the vehicle forward to the south [sic] end of Block 1 Rossville Flats. After moving the vehicle I left the prisoner in care of [...] and [...].”

¹ B1960-1961

² Paragraph 26.10

40.3 30 Chamberlain Street was some 20 yards north of the southern end of that street.

40.4 As will have been seen, Sergeant O told the Widgery Inquiry that his prisoner had been taken back to his APC, while Corporal 162's account to the RMP was to the effect that he had taken the prisoner back to Lieutenant N's APC. In his oral evidence to this Inquiry, Sergeant O at first maintained that he had taken the prisoner back to his APC, but later, having been shown Corporal 162's RMP account, agreed that he might have been mistaken.¹

¹ Day 335/41

40.5 According to the arrest report form prepared at Fort George, the man Sergeant O arrested was William John Doherty, and the reason given for the arrest was that he had assaulted Sergeant O with a bottle. The arrest papers include a statement from Private T in which he said that he had seen William John Doherty throw a bottle at Sergeant O.

40.6 We have no doubt that Sergeant O arrested William John Doherty. Sergeant O said that he had only arrested one person that day,¹ and he can be seen in the photographs in the arrest papers with this civilian.

¹ [WT13.39](#)

40.7 William John Doherty was 55 years old at the time and worked for the Londonderry Development Commission. According to his NICRA statement¹ he was in Rossville Street, where he was affected by CS gas, “*and went around the corner into the waste ground area off Rossville Street*”. He went on:

“I had been standing there for 7 to 8 minutes when I saw a section of the crowd running through the waste ground. I knew there must be something wrong and so I began to run also.

I was chased and caught by a soldier wearing riot equipment from the Paratroops. He took me back to a Saracen about 20 yards away. I can’t remember if he said anything.”

¹ [AD113.1](#)

40.8 William John Doherty then gave an account of being hit in the face with a rifle butt by a soldier while he was in the vehicle, and of the soldier then firing a rubber bullet at his left arm. We return to this part of his account later in this report.¹

¹ [Chapter 43](#)

40.9 Philip Jacobson of the *Sunday Times* Insight Team interviewed William John Doherty, who gave him a similar account of his arrest, adding the detail that “*the para kicked me all the way back to a Saracen that was standing about 20 yards away where eden street used to be*”.¹

¹ [AD113.3-5](#)

40.10 From this account it appears that William John Doherty was taken to Lieutenant N’s APC, which accords with Corporal 162’s RMP statement, but not with Sergeant O’s account for the Widgery Inquiry. It also accords with the NICRA statement of Duncan Clark¹ to which

we have referred above, in which he recorded that he was ordered to get into the armoured car at “*Eden Terrace*”. Duncan Clark added that “*The only person in the armoured car was an elderly civilian (badly cut and bleeding)*”.

¹ [AC61.1](#)

40.11 In our view there is, despite the evidence Sergeant O gave at the time, no doubt that William John Doherty was taken by Corporal 162 to Lieutenant N's APC. However, it appears from the account that Neil McLaughlin gave to John Barry of the *Sunday Times* Insight Team¹ that William John Doherty might first have been brought towards Sergeant O's APC before being taken by Corporal 162 to that of Lieutenant N. It seems to us that two of the photographs taken by Colman Doyle show Corporal 162 taking William John Doherty to Lieutenant N's APC.

¹ [AM347.12](#); [Day 193/158](#)



40.12 William John Doherty, who is dead and who gave no evidence to this Inquiry, recorded nothing in his NICRA statement about how he was treated as he was arrested; though, as noted above, he told Philip Jacobson that he had been kicked all the way back to the APC. However, there is convincing evidence that Sergeant O did hit him on the head with his rifle as he made the arrest.

40.13 Sergeant O himself told the Widgery Inquiry in his written statement that “*During the struggle while I was grappling with him I held him in my left hand and hit him on the left side of his face with the stock of my rifle held in my right hand. It was the only way of subduing him.*”¹ In his written statement to this Inquiry,² he told us that “*I hit him with my rifle and knocked him to the ground by using the rifle as if it were a baton. I actually smashed the plastic stock of my rifle on his head to subdue my prisoner, and the plastic stock shattered.*” He had told the Widgery Inquiry that the plastic stock on his rifle had broken but not that the damage had been caused when he hit the person he arrested.³

¹ B467

³ B468

² B575.112

40.14 In his oral evidence to this Inquiry, Sergeant O denied that he had been using his rifle like a club, hitting William John Doherty with the butt.¹ He also said to us² that William John Doherty was struggling extremely hard and that he acted as he did in order to subdue him. He described hitting him with the stock, holding the rifle where the butt joined onto the rest of the weapon. He also said that during the arrest he was hit by fleeing rioters, receiving one blow in the ribs and another thump round his neck.³ When asked whether he had hit William John Doherty several times on the top of the head, he replied: “*Not to my knowledge. I struck him and that was it.*”⁴

¹ Day 335/34; Day 336/20-21

³ Day 335/34-36

² Day 335/36

⁴ Day 335/37

40.15 There is a body of civilian evidence that in our view probably relates to the arrest of William John Doherty.

40.16 We have already referred to the evidence of Alana Burke,¹ when considering the circumstances in which she was hit by Sergeant O’s APC. She said that the incident that she witnessed occurred before she was hit by the vehicle, but in our view she probably got the order of events wrong and was referring to the arrest of William John Doherty, since there is no other evidence of an elderly man being hit in this area before Sergeant O’s APC stopped in the car park.

¹ Chapter 38

40.17 Charles Glenn, a volunteer in the Order of Malta Ambulance Corps, gave a NICRA statement¹ in which he described moving on to the Eden Place waste ground where he treated a man who had been stunned by a rubber bullet. He continued:

“Then the crowd started to run, so I ran too in the direction of the high flats. As I entered the courtyard with the rest of the fleeing crowd, a Humber AC [armoured car] entered and knocked down a youth. I could see other Humber ACs in Rosseville; firing was coming from the cars. This could not have been baton rounds for when the paras came out of the cars, none had rubber bullet guns; all had GLRs [self-loading rifles] or sterlings.

I then saw a paratrooper grab an old man who had been left behind by the crowd and flail him about the head with an ELR [self-loading rifle]. I shouted to him and ordered him to stop. He threw the old man to one side, took up a firing position and prepared to fire. I stood stock still and then was hit by a rifle butt in the chest and knocked to one side, and as I fell, I heard a shot close by my left ear.”

¹ AG43.10

40.18 Charles Glenn also gave an interview to the *Sunday Times* Insight Team.¹ In the course of this interview he gave a similar account of seeing a soldier grab an old man and “flay” (this is probably a mistranscription for “flail”) him about the head with his rifle. Charles Glenn said that after he had sought to intervene another soldier had run up and hit him in the chest with his rifle butt.

¹ AG43.23

40.19 Charles Glenn gave written and oral evidence to this Inquiry.¹ Much of his evidence was concerned with his account of attending to the casualty Jackie Duddy, which we consider later in this report. With regard to the incident under discussion, we formed the view that while Charles Glenn was doing his best to help this Inquiry, he now had no clear recollection of this event. As he put it himself:²

“Over the period since – immediately after the events I found that the events re-played themselves in my head to an extent. But over the years they have separated out and they are no longer quite as clear. But it would certainly be true to say that, um, I would not have been in a position to take cool, calm and collected views of what was going on around me, that would be fair enough, yeah.”

¹ AG43.14; Day 80/173-212; Day 81/1-63

² Day 81/20-21

- 40.20 Counsel to the Inquiry prepared what we regard as an accurate summary of the evidence of a number of other civilians that seems to us to relate to the arrest of William John Doherty.¹ We set out below an adapted version of this summary which includes some comment of our own.

Celine Brolly

In her NICRA statement² she said: *"Then as we were watching out of the back window into the Market we saw three soldiers grab hold of a middleaged man. They kicked punched and battered him and took him away over the 'Fish' lane. There was a First Aid boy running to the aid of this man but he was also punched and kicked and thrown on the ground and they shot a rubber bullet at him. He was still lying on the ground and Father Daly called him."* In her oral evidence to this Inquiry,³ Celine Brolly was shown a photograph of Duncan Clark and claimed to recognise him as the middle-aged man who was assaulted. We agree with our counsel that the description in her NICRA statement seems much more likely to relate to William John Doherty and Charles Glenn.

Leo Deehan

In his written statement to this Inquiry,⁴ he told us: *"... I then saw one soldier beating and [sic] elderly man with the butt of his rifle, The old man fought gamely, he went down and the soldier tried to bash him with the rifle again."* In a document⁵ which his daughter Maria Nelson explained⁶ was a draft for a book on which her father was working before he died, he said that the elderly man was facing up to the soldier with his fists up.

Isabella Duffy

In her NICRA statement⁷ she said that after she had seen a boy fall in the car park of the Rossville Flats, she saw an old man being beaten. She said: *"The old man was up against the wall running along the back of the houses in Chamberlain St & joining into the wire at the waste ground. There were 3 soldiers at him. He had a black coat which he tried to pull up over his head to protect it. But they stopped him. They were pulling his legs apart and beating him everywhere. It was terrible – like greyhounds at a hare. I saw two fellows running out to help him."* She also gave accounts of this incident in her evidence to the Widgery Inquiry⁸ and her written statement to this Inquiry.⁹ Since making her statement to this Inquiry, Isabella Duffy has died. She did not give oral evidence.

Elizabeth Dunleavy

In her NICRA statement¹⁰ she said: *"I saw a young Knight of Malta boy fall in the car park. I think he was hit by a rubber bullet because he got up again."* In her statement to this Inquiry,¹¹ she said that she saw three soldiers beating a "boy" about the head and

upper body area with their batons at the position marked B on the plan attached to her statement¹² (at the back of the houses on the west side of Chamberlain Street, opposite the access route from Rossville Street to the car park of the Rossville Flats). Then she saw a “boy” wearing Order of Malta Ambulance Corps uniform hit by a baton round.¹³

Margaret Fetherston

In her written statement to this Inquiry,¹⁴ she recalled seeing a man in the mouth of the car park of the Rossville Flats standing his ground defiantly and shouting at the soldiers. One or two soldiers beat him up. *“It is hard for me to be precise about how exactly he was being hit. I know he was being hit with a rifle; I think with the front of the rifle rather than its butt and I remember seeing a piece of the rifle fall off. He was also kicked.”*

Margaret Fetherston also gave an account of this incident to Jane Winter of British Irish Rights Watch,¹⁵ in which she said: *“He was then set upon by two soldiers who beat him to a pulp and hit him about his head with their rifle butts.”* Margaret Fetherston was only 15 years old at the time. She was not called to give oral evidence to this Inquiry.

Patrick Joseph Harkin

In his NICRA statement¹⁶ he said that he saw two soldiers catch hold of a “bin man with the Corporation” and beat him about the head with their rifles. The man was about 50 years old. They took him “around by what was Eden Place”. Patrick Joseph Harkin described the incident in similar terms in his written statement to this Inquiry.¹⁷

Christy Lavery

In his written statement to this Inquiry,¹⁸ he told us that he saw a soldier beating a tall, thin, silver-haired, elderly man with the butt of his rifle in a location to the north of Eden Place. Christy Lavery ran over to the soldier and attempted without success to pull off his gas mask. If the elderly man was William John Doherty, Christy Lavery was mistaken about where the incident occurred. In his interview with Kathleen Keville,¹⁹ he said that soldiers were beating two men with batons, apparently somewhere close to the car park of the Rossville Flats, but he made no reference to an elderly man or to the use of a rifle butt.

John McCrudden

In his NICRA statement²⁰ he recorded that *“One soldier jumped out from the front seat. He ran over to the wall at the back of Chamberlain St ... He caught a man and holding him with one hand beat him with a rifle butt.”* He also gave accounts of this incident in his written and oral evidence to this Inquiry.²¹

Patrick McCrudden

In his NICRA statement²² he recorded that *“While one soldier was attacking a middle-aged man, a member of the Order of Malta attempted to intervene. The soldier turned and struck the first aid man (dressed in the usual grey uniform) first with the butt of the rifle on both body and face and kicked him. The Order of Malta man collapsed and disappeared from view behind a wall. The middle aged man was arrested.”*

Manus McDaid

In his written statement to this Inquiry²³ he told us that he saw a soldier striking an old man with the butt of his rifle at approximately point E on the plan attached to his statement²⁴ (ie at the back of 36 Chamberlain Street, where Sergeant O said that the arrest of William John Doherty took place). Manus McDaid described the man as pale, thin, in his mid-sixties, and wearing a flat cap and brown overcoat. The soldier seemed to be holding the man with one arm, while trying to strike him with the rifle butt held in his other hand.

William McDonagh

In his NICRA statement²⁵ he said that he saw a soldier throw an elderly man against a wall at the back of Chamberlain Street and begin hitting him with his rifle butt. Two youths attempted to free the man without any success. When he made his written statement to this Inquiry²⁶ his recollection was that two soldiers had held the man while another had his rifle raised as though about to hit him, but that he had not actually seen the soldier hit the man.

Michael McKinney

In his written statement to this Inquiry,²⁷ he recorded that he saw a group of soldiers at the west gable end of Chamberlain Street beating a man in a dark suit who had at one time been employed as a bin man. They were beating him with their fists and one soldier seemed to be trying to hit him with the butt of his rifle. He was *“trying desperately to protect himself from the soldiers but was beaten bloody”*. Michael McKinney died without having signed his statement.

Susanna Miller

In her written statement to this Inquiry,²⁸ she described seeing a balding man, probably in his early fifties, wearing a three-quarter-length dark coat, at approximately point B on the plan attached to her statement²⁹ (ie at the back of 36 Chamberlain Street). Two soldiers hit the man three or four times in the face with their rifle butts. He tried to resist by sheltering his face with his forearm. He seemed angry and it looked as though he was cursing the soldiers. Susanna Miller did not give oral evidence.

Joseph Ernest Moore

In his NICRA statement,³⁰ his statement to the Widgery Inquiry³¹ and his written evidence to this Inquiry,³² he gave accounts of seeing two soldiers severely beating an elderly grey-haired man with the butts of their rifles.

Hugh O'Donnell

In his NICRA statement³³ he described seeing “*a big soldier clubbing an old man over the head with a rifle and then he moved on to a first aid man who was administering to someone on the ground and he clubbed him also*”. In his written statement to this Inquiry³⁴ he recalled that he recognised the old man as “*one of our bin men*” but did not know his name. He said that the man had been trying to get out of the way and the soldier knocked him hard over the head with the barrel of his rifle. In oral evidence³⁵ he said, by way of correction to his written statement, that the incident took place at the back of the Chamberlain Street houses, about two or three houses from the south-west end. When he was shown³⁶ one of the photographs of William John Doherty, he said that he was not the bin man whom he had seen being attacked. However, since this account otherwise tallies closely with others that are clearly referable to the arrest of William John Doherty, we consider it likely that Hugh O'Donnell was mistaken about this.

¹ CS4.55-59

² AB88.9

³ Day 94/55

⁴ AD178.5

⁵ AD178.16

⁶ AN14.4

⁷ AD158.15

⁸ AD158.8; WT5.54

⁹ AD158.3

¹⁰ AD169.5

¹¹ AD169.1

¹² AD169.4

¹³ In Londonderry the expression “boy” is often used to describe a male person of any age. See, for example, the evidence of Denis Patrick McLaughlin (Day 159/68).

¹⁴ AF5.2

¹⁵ AF5.14

¹⁶ AH27.4

¹⁷ AH27.2

¹⁸ AL5.2

¹⁹ AL5.8

²⁰ AM152.10

²¹ AM152.2; Day 95/93-95; Day 95/137-142

²² AM153.15

²³ AM169.2

²⁴ AM169.5

²⁵ AM192.7

²⁶ AM192.2

²⁷ AM308.4

²⁸ AM402.1

²⁹ AM402.5

³⁰ AM413.13

³¹ AM413.10

³² AM413.3

³³ AO31.8

³⁴ AO31.3

³⁵ Day 79/133-134

³⁶ Day 79/175-176

40.21 We should also refer to the account given in John Barry's interview of Willy Barber:¹

"I was running up towards the wire. And beyond the fencing, with his back to the wall at an angle, there was a Para grasping an old man – he must have been fifty–sixty – with his left hand, grasping him by his coat, and trying to beat hell out of him with the barrel of the rifle he was holding in his right hand. It was a very awkward movement, that was what I noticed. I ran past them. There didnt seem to be many people behind me, though there were people trying to get through at the same time as me. But I felt a bit guilty, and at the Chamberlain St gable I turned and there was a person standing there, thumping the soldier in the face with his fist. And he got the old man free. But then he ran off and the soldier got the old man again. I know the man and I'll introduce you to him."

¹ [AB9.2](#)

40.22 It will be noted that many of these witnesses refer to the civilian being beaten with the butt of a rifle. However, some give an account that is consistent with Sergeant O's description of hitting the man with the stock, not the butt, of his rifle. Some have referred to more than one soldier attacking William John Doherty, but their evidence does not persuade us that anyone apart from Sergeant O was involved at this stage.

40.23 There is no doubt that significant physical force was used in the arrest of William John Doherty. Duncan Clark recorded that when he was put in the APC, there was already in there a man who was badly cut and bleeding. We have no doubt that this was William John Doherty, though, as we discuss below, it is possible that this injury was sustained, or partly sustained, after William John Doherty had been put in this vehicle. It seems to us that he may also have been kicked while being taken to the APC, though we are far from certain about this. We consider later in this report¹ what happened to William John Doherty when he was put into the APC.

¹ [Chapter 43](#)

40.24 William John Doherty denied in his NICRA statement and in his interview with Philip Jacobson that he had thrown a bottle, and said nothing about struggling to free himself from Sergeant O or being hit on the head with a rifle at this stage. On the other hand Sergeant O has consistently said that these things happened. In our view they did. The fact that William John Doherty said nothing about being hit or injured at this stage is to our minds a possible indication that he did not want to say anything about why he was arrested or his attempts to escape. It may also indicate that some of the accounts of the witnesses summarised above exaggerated the degree of violence used on him.

40.25 Sergeant O said to us that he could not have simply seized William John Doherty without hitting him because “*he was struggling extremely hard, trying to get away. I was determined he was not, so I subdued him.*” Sergeant O denied that he had hit William John Doherty more than once, or kicked him back to the APC, or struck an Order of Malta Ambulance Corps volunteer.¹ However, the fact remains that Sergeant O hit William John Doherty on his head. This, to our minds, was a self-evidently dangerous thing to do. We are not persuaded that it was necessary for Sergeant O to hit this 55-year-old man on the head, though we do not criticise him for using the plastic stock part of his rifle as a sort of baton. A man of 55, apparently in a job requiring a degree of physical strength (a Londonderry Development Commission municipal waste collector), was not in our view necessarily incapable, by reason of his age, of either throwing a missile at the soldiers or trying hard to get away when arrested.

¹ [Day 335/36-44](#)

40.26 We should add at this point that we accept that Charles Glenn was hit in the chest with a rifle butt and knocked to the ground by a soldier. We can see no justification for this assault. We do not know who this soldier was.

40.27 We now consider the incident in which Pat Cashman was hit by a baton round.

Chapter 41: The incident concerning Pat Cashman

41.1 As already noted, Pat Cashman was a photographer working for the *Irish Press*. He was assigned with his colleague Colman Doyle to cover the civil rights march on 30th January 1972. He made no statement in 1972, but in his written account to this Inquiry¹ he stated that his camera had been sprayed by the Army water cannon in William Street. His statement continued:

“I had to take time out to clean both my cameras (most of the visual media were doing the same). Having cleaned a camera (as well as possible) I heard shooting near the Rossville Flats and rushed from the barrier to the open area around the flats. On entering the open area I was confronted by a British soldier who after taking deliberate aim at me, shot me in the right arm with a rubber bullet from a range of maybe 30 feet. I had my hands in the air with the one working camera in my right hand and the bullet hit my right elbow.

Feeling the shock of the bullet striking my elbow I dropped the camera and fell to the ground on one knee. My colleague Colman Doyle having seen what happened came to my rescue and took me from the open space back to William Street. I went back to the Melville Hotel on my own where I tried to take down the swelling with cold water. I did not know at that stage whether the elbow was broken or how badly injured it was. It was very sore and unable to hold any of my photographic equipment.”

¹ [M103.1](#)

41.2 In his oral evidence to this Inquiry, Pat Cashman told us that the shooting he heard that caused him to go to the Eden Place waste ground was that of baton rounds. He also said that he was running across the open ground towards the Rossville Flats to catch up with the action and towards the soldier with the baton gun, but that apart from Colman Doyle who he thought was near him, he was not conscious of other civilians around him at the time. He described the baton gunner as holding his baton gun at his waist when he fired:¹

“A. At the moment I was shouting ‘press’; I had the camera in the air shouting ‘press’ and he did not pause, he just straight – it was – to me it was a deliberate act.

Q. At the time the soldier fired, did you have a sense of others being around you, of other civilians?

A. No.”

¹ [Day 182/101-106](#); [Day 182/123-125](#)

41.3 In his written account for the Widgery Inquiry,¹ Colman Doyle stated that it was after he had taken the photographs of the arrest of William John Dillon and then a further photograph of the Order of Malta Ambulance Corps volunteer Charles McMonagle lying on the ground at the back of the Chamberlain Street houses, that “*I then noticed a colleague from my paper, Pat Cashman, who had been badly hurt by a rubber bullet*”.

¹ [M23.1-2](#)

41.4 In his written evidence to this Inquiry, Colman Doyle recalled that he had heard Pat Cashman call out before he had photographed the arrest of William John Dillon, and said that he saw his colleague at a point that he marked as being on the waste ground just north of Eden Place.¹ According to this statement, it was only after he had helped Pat Cashman away to William Street that he returned and took the photographs of the arrest of William John Dillon.

¹ [M23.1-2](#); [M23.37](#)

41.5 In our view Colman Doyle’s evidence to us shows that Pat Cashman was injured close to Eden Place, though Colman Doyle did not see it happen. However, there is an inconsistency between his evidence to us and his account to the Widgery Inquiry as to when he noticed that Pat Cashman had been hurt. When this inconsistency was drawn to his attention, he was unsure whether he had photographed the arrest of William John Dillon before or after he had helped Pat Cashman back to William Street.¹

¹ [Day 72/124-134](#)

41.6 In our view, Colman Doyle was mistaken in his recollection of the sequence in which things happened, in the account he gave us so many years later. Events were moving very fast on the Eden Place waste ground and it seems to us that there would not have been time for Colman Doyle to take his colleague back to William Street and then return to photograph the arrest of William John Dillon. We have no reason to doubt the sequence as he related it to the Widgery Inquiry. On this basis it was probably shortly after he had taken the photographs of the arrest of William John Dillon and the

photograph of Charles McMonagle at the back of the Chamberlain Street houses that he became aware that his colleague had been injured. This in our view was probably very soon after the injury had happened, as Colman Doyle recalled Pat Cashman calling out.

- 41.7 We have no means of identifying the baton gunner who was involved, save that it was probably not Private 017, who is likely to have been on the other side of Rossville Street.
- 41.8 From Pat Cashman's evidence it appears that there were, apart from Colman Doyle, no other civilians around him when he was hit. We also accept that he had his camera in the air and that he was shouting "*press*". Whichever baton gunner it was, we can find nothing that suggests that he had, or could have believed that he had, any good reason to fire at or towards Pat Cashman.

Chapter 42: The arrest of James Charles Doherty

42.1 James Charles Doherty was 23 at the time of Bloody Sunday. In his Keville interview he said this:¹

“We were stand – we were standing – we took part in the demonstration and we got as far as William Street and the demonstration stopped and tear smoke and rubber bullets started to fly. We were standing there watching everything to see what would happen and er – three saracens, three or four saracens I didn’t count. I just started running. Three or four saracens come up that street. Everybody run and the saracen cut in and I shot in past them and I thought I was away out of the road you know. And all of a sudden two more pulling in the – in towards the, the flats ... fell – I was running. Two come – two, two soldiers come running at me and I fell and as I fell he was coming down on me with batons and boots, and kicking me and battering me you know. He grabbed, grabbed hold of me by the hair and dragging me along the ground you know. And I was sort of well dazed like, I didn’t know where I was. And er – I went to get up on my feet and your man just clout me on the head with a baton and he dragged me over to a wall and he made me stand up against the wall with me arms out and he’s kicked my legs open and he said “stand there now” ... something like that. We are the parachutists or something like we’re the parachuters or something like that.

[Female voice] Paratroopers?

Yeah, something like that ... I was standing there and they dragged this other fella over and they pulled us into a – a saracen ... pulled us into the saracen, threw us in there.”

¹ [AD69.18-19](#)

42.2 James Charles Doherty also made a NICRA statement, in which he gave the following account of his arrest:¹

"I was now standing round the corner of a burnt-out dry cleaners. I saw a Saracen armoured car coming across Rossville St. I thought it was only coming to scatter the crowd and then to do a U turn. But it turned to face towards High St. and soldiers jumped out screaming with batons and rifles flying. I tried to run but two more armoured cars pulled in front of me. I was caught in a group hemmed in by these armoured cars. The crowd tried to escape, some towards High St., some tried to climb back walls. I ran towards the car park of the High Flats, but fell. As I tried to rise, one soldier struck me on the back of the head with a baton, whilst another kicked me on the back, arms and head. I lost consciousness for a second, and when I came to, I was being dragged by the hair, and by the coat by these two soldiers. Each time I tried to get to my feet, I was kicked as they shouted, 'Come on, you pig, it's the Paratroopers you're dealing with now'. I was dragged into a Saracen, there were five soldiers there as well as the two who brought me in. They kept shouting, 'Just you wait, you pig, we're going to kick you to death.' They kept striking me with batons and mouthing obscene remarks. Another man about my age was dragged in with his face covered with blood. A soldier kept hitting him across the face, butting him with his helmet – and bruising and cutting his mouth and nose. I saw through the open door a line of teenagers and men – all prisoners of soldiers – go past with their hands on their heads. I heard a command and we were pulled from the armoured car. We were dragged across Rossville St. and made to stand against a wall with hands and legs spread wide and our whole weight resting at a painful angle. Then we were dragged around a corner into William St. and had to stand the same way while seated soldiers swore at us and jabbed at our ankles with their guns."

¹ [AD69.15](#)

42.3 James Charles Doherty gave written and oral evidence to this Inquiry. In his written account¹ he stated that he had been at the north-west corner of the junction of Rossville Street and William Street when the Army vehicles came in. He ran along Rossville Street, and was running across the waste ground towards the car park of the Rossville Flats when he slipped on some ice at a point about halfway along Pilot Row, fell to the ground, and was arrested as he tried to raise himself.²

¹ [AD69.2](#)

² [AD69.8](#)

42.4 According to the Fort George arrest papers, James Charles Doherty was arrested by Lance Corporal INQ 627 for throwing stones at the security forces.

42.5 Lance Corporal INQ 627 was a signaller who had travelled in Major Loden's command vehicle. Lance Corporal INQ 627 stated in his written account to this Inquiry¹ that he made no arrests on Bloody Sunday. However, in the course of his oral evidence he was shown the arrest papers relating to James Charles Doherty and acknowledged that he had in fact made an arrest, but said that he had no independent recollection of it.²

¹ C627.4

² Day 338/65-68

42.6 In his NICRA account James Charles Doherty, describing what happened while he was being held at Fort George, stated:¹

"The paratroopers came back. The one that had arrested me grabbed me again, took me to a door and into a room where there were soldiers, police and a photographer. We were made to stand against a board one at a time. On the board was written my name and the name of the soldier who arrested me; the soldier stood beside me, under our names, and two photographs of us were taken."

¹ AD69.16

42.7 James Charles Doherty stated much the same in his written evidence to this Inquiry.¹ However, his oral evidence to this Inquiry was to the effect that the soldier photographed with him was not the soldier who arrested him, though the reason he said this was that when he saw the photograph he thought that it showed a soldier who was much taller than the soldier whom he remembered.²

¹ AD69.6

² Day 104/102-103; Day 104/128-129

42.8 The representatives of the majority of the families suggested that Lance Corporal INQ 627 might have falsely claimed at Fort George that he was the soldier who arrested James Charles Doherty.¹ We do not accept this suggestion. In our view James Charles Doherty's recollection that the arresting soldier was shorter than the one shown in the arrest photograph is a false memory, and we prefer the account that he gave at the time.

¹ FS1.1335

42.9 It is not clear whether James Charles Doherty was arrested because he had been throwing stones. In his Keville interview,¹ and in his written statements,² he stated that when allegations including riotous behaviour and stone throwing were put to him at Fort George he denied them. He did not in his interview or in his written statements say expressly whether he had thrown any stones or not. In oral evidence to this Inquiry,³ he said that he did not remember or believe that he had been throwing stones, although he accepted that it was possible that he had thrown a stone. Later in his oral evidence⁴ he admitted that he may well have been throwing stones “*up near Rossville Street*”, but the context leaves some ambiguity as to whether this admission was intended to relate to the moments immediately before he was arrested or to the earlier stage of events when stoning was taking place at Barrier 12. Since Lance Corporal INQ 627 told us he had no memory of the incident and since there was no other evidence of the circumstances of the arrest, we remain in doubt whether James Charles Doherty was arrested because he was seen throwing stones, or whether he was arrested simply because he had fallen over and could thus be captured.

¹ [AD69.20](#)

³ [Day 104/103](#)

² [AD69.16](#); [AD69.6](#)

⁴ [Day 104/115-116](#)

42.10 In his Keville interview¹ James Charles Doherty said that one of the soldiers kicked him and hit him with a baton, and then grabbed him by the hair and dragged him along the ground. He tried to stand up and the soldier hit him on the head with a baton. He was made to stand against a wall and the soldier kicked his legs apart. Then he was thrown into a vehicle where he witnessed a paratrooper assaulting another civilian.

¹ [AD69.18-19](#)

42.11 In his NICRA account¹ he stated that after he had fallen down and as he tried to raise himself, one soldier struck him on the back of the head with a baton, while another kicked him on the back, arms and head. He lost consciousness for a second. When he came round, the two soldiers were dragging him by the hair and coat. Each time he tried to get to his feet, he was kicked. He was dragged into a vehicle where there were five more soldiers in addition to the two who had apprehended him. They kept striking him with batons and mouthing obscene remarks. He again referred to the assaults on another civilian in the vehicle.

¹ [AD69.15](#)

42.12 In his evidence to this Inquiry, James Charles Doherty told us that as he was taken to the vehicle he fell and a soldier thrust his rifle butt as hard as possible onto his right hand, causing it to bleed. He also told us that he was kicked, punched and head-butted with a visor when he was in the vehicle.¹ He did not mention these assaults in the accounts that he gave in 1972. When asked about this, he said: *"I may be just getting confused. At that stage I did not know what I was getting hit with, I was just trying to keep me head down."*²

¹ AD69.3; Day 104/83

² Day 104/134

42.13 The arrest photograph shows no visible signs of injury on James Charles Doherty. There are two photographs in which he identified himself and in which his right hand is visible, but which do not seem to show any signs of injury to that hand.¹

¹ AD69.4; Day 104/91



James Charles Doherty



James Charles Doherty

- 42.14** James Charles Doherty denied that he had exaggerated the violence inflicted on him.¹ In our view, from the accounts that he gave at the time and particularly from what he said in his Keville interview, he probably was subjected to excessive force when he was arrested and as he was taken to the vehicle. It is possible that he was assaulted when in the vehicle, as he described in his NICRA statement,² but here we are less sure, since he said nothing to Kathleen Keville about this.

¹ [Day 104/115](#)

² [AD69.15](#)

- 42.15** As we noted when considering the arrest of William John Dillon,¹ Major Loden told us that he hit a man with his baton while attempting to arrest him.² It is possible that this was William John Dillon, because Major Loden's driver, Private 037, was concerned in his arrest; but since James Charles Doherty was arrested by one of Major Loden's signallers, Lance Corporal INQ 627, who had travelled in Major Loden's command vehicle, on the same basis it could have been him.

¹ [Chapter 33](#)

² [B2283.005](#)

42.16 Major Loden gave this account in his written evidence to this Inquiry:¹

“34. I am not certain of the precise order of events when I got out of my vehicle. I recall grappling with a man, at least one man being arrested and incoming automatic gunfire. These events all happened relatively quickly and my best recollection now is that they were in the following order. When my vehicle came to a stop on Rossville Street, I got out along with my signallers and possibly driver. I was immediately confronted by a group of young men. I cannot remember how many: it was not more than 10, but at least 4. It seemed to me that they were deciding whether to attack. As they were sizing us up, I decided to take the initiative and to attempt to effect an arrest. In doing so I hit one of them with my baton, which broke. Two other soldiers joined me to help with arrests.”

¹ [B2283.005](#)

42.17 Major Loden denied an allegation, made by Private 027 in an account written in about 1975,¹ that he had leaned out of the back of his vehicle and hit an arrested man over the head with a baton.²

¹ [B1565.008](#)

² [Day 344/23](#)

42.18 In the course of Major Loden’s oral evidence to this Inquiry, there was this exchange:¹

“Q. It looks, does it not, from your contemporaneous account as if your recollection was of engaging with two rioters whom your crew arrested rather than somewhere between four and ten with whom you engaged, breaking a baton. Do you think over the passage of the years your recollection may have become at fault?

A. (Pause) Well, it certainly – it is a long time, but there were a lot of rioters in the area; some were nearer to us than others, but I, I am really – I cannot really differentiate now. I mean, I think my recollection may be slightly different now than it was at the time.

Q. I want to show you how you put it in your own words to Lord Widgery. Could we have a look at B2252 from letter A to C. The way in which you put it, was this – you were asked:

‘Question: When you got your vehicles into that position, what happened?

Answer: Well, the soldiers de-bussed from the vehicles and started to make arrests.

Question: Did you see any arrests made?

Answer: Yes.

Question: How many?

Answer: Well, there were two in the case of my own vehicle.

Question: Who arrested them?

Answer: My driver arrested one chap and the other person, I do not know. It was another soldier from behind me. I do not know who it was.

Question: Very close to your vehicle?

Answer: Yes, very close to my vehicle.

Question: Did anything happen then?

Answer: Well, as we got out of our vehicle and as these arrests were taking place a burst of about 15 rounds of low velocity fire was directed at us.'

It does look rather as if arrests were carried out of two people by your crew but not by you, does it not?

A. Absolutely, but I did not arrest anybody in the end, um, I attempted to but I did not succeed."

¹ [Day 342/54-56](#)

42.19 In view of the evidence given by Major Loden in 1972, it seems to us that his recollection of being confronted by a group of young men sizing up whether to attack him and his soldiers is erroneous, as indeed he appeared to acknowledge to us might be the case.

42.20 Neither Lance Corporal INQ 627 nor Private 013 suggested at any time that Major Loden had assisted either of them. Although in his written statement dated 17th February 1972¹ Major Loden recorded that "*The crew of my vehicle debussed and we arrested the two young men*", as can be seen from the exchange during his oral evidence to this Inquiry, his recollection was that it was his soldiers and not he who had carried out the two arrests, while he had attempted but failed to arrest anybody.

¹ [B2221](#)

42.21 In these circumstances it seems to us unlikely that Major Loden used his baton either on William John Dillon or on James Charles Doherty, but rather in an unsuccessful attempt to arrest someone else. We do not know who this might have been and have insufficient evidence to form a view as to whether Major Loden was justified in using his baton as he told us he did. As to Private 027's allegation that Major Loden had leaned out of the back of his vehicle and hit an arrested man over the head, it should be noted that in his oral evidence to this Inquiry Private 027 said that he no longer had a recollection of this incident.¹ For reasons given elsewhere in this report,² there are doubts about the reliability of the accounts that Private 027 has given over the years. There is nothing else to support this allegation, and we are not persuaded by it.

¹ [Day 246/108](#)

² [Chapter 179](#)

42.22 We have discussed the arrest of Charles Canning earlier in this report.¹ It seems to us that he was probably arrested shortly after James Charles Doherty, as they have both given evidence that the former was put in the vehicle after the latter.

¹ [Chapter 35](#)

42.23 We have also discussed above¹ the arrest of Duncan Clark and William John Doherty. As we have described, they were both taken to Lieutenant N's Armoured Personnel Carrier. We now turn to consider what then happened to them.

¹ [Chapters 30 and 40](#)

Chapter 43: The treatment of Duncan Clark and William John Doherty after arrest

43.1 We have set out part of Duncan Clark’s NICRA statement above¹ when dealing with his arrest. That statement continued:²

“The only person in the armoured car was an elderly civilian (badly cut and bleeding). About 10 minutes later gas started to come into the car. I opened the door to get air and was promptly hit on the head with a rifle butt. The cut received required 2 stitches later.

The armoured car was then driven to William St. We sat there and after about 5 minutes a paratrooper opened the door and said, ‘What do you think this is, you Irish Cunt’ and then fired a rubber bullet into my face (from about 5 feet). I was badly stunned, and bled profusely.

Sometime after this the elderly man and myself were taken from the armoured car and put into a military police land rover where we remained for about ½ hour. The paratrooper who arrested me took me from the land rover to the back of an army lorry and told me to jump inside.”

¹ [Paragraph 30.17](#)

² [AC61.1](#)

43.2 We have also set out above part of William John Doherty’s NICRA statement when dealing with his arrest. That statement continued:¹

“I was put inside the Saracen. As I was sitting there, he said ‘You Irish bastard’. He then lifted his rifle and hit me in the face with the butt. The injury was in the area of my left eye. Then a soldier, who I believe to be the same one, fired a rubber bullet at my left arm, hitting me just above the elbow. The pain [sic] was very bad. I said nothing, because if I had I would have been murdered.

About 15 to 20 minutes later we were taken out of the Saracen. I was accompanied all this time by another man who had also been arrested. He witnessed all these incidents. His name is Mr Stuart Duncan Clarke of [...], Londonderry. He is an Englishman from London. I also witnessed him being assaulted, and he had to have 4 stitches put in his nose.

We were taken to the Military Police van as I stated earlier. Our particulars were taken. We were in the lorry for 20 to 25 minutes. We were no handled roughly then. The lorry then moved further up the waste ground towards Rossville Street flats. We were then driven to William Street and transferred to a large Army truck.”

¹ [AD113.1](#)

43.3 It is clear from the earlier part of William John Doherty’s NICRA statement that it was the soldier who had brought him to the APC who hit him in the face. On William John Doherty’s evidence, the same soldier had been responsible for his arrest.

43.4 William John Doherty gave much the same account to Philip Jacobson of the *Sunday Times* Insight Team, describing the soldier who arrested him, and then took him to the APC and hit him in the face, as “*certainly scottish*”, although in contrast to what he had said in his NICRA statement, he told Philip Jacobson that he was not sure whether it was the same soldier who then fired the rubber bullet that hit him in the arm.¹ In his note of this interview, Philip Jacobson recorded that he had seen the scars that the rifle blow had caused.

¹ [AD113.3-5](#)

43.5 We have shown above the two photographs taken by Colman Doyle of Duncan Clark being taken by Lieutenant N and Private INQ 1918 towards Lieutenant N’s APC. Next on the contact sheets that contain these photographs is a photograph Colman Doyle took of the scene at the back of that APC. For ease of reference we show below the two photographs of Duncan Clark being taken to the APC, together with the photograph of the scene at the APC.





43.6 From our discussion of the circumstances of Duncan Clark's arrest, we are sure that the soldier on the right of this photograph is Private INQ 1918, the radio operator. We are also sure that the soldier on the left is Lieutenant N, who in his oral evidence to this Inquiry agreed that this was probably the case.¹ The civilian partially hidden by the back door of the APC is in our view Duncan Clark, as from the contact sheets it can be seen that this photograph was taken after those showing him being brought to the APC.

¹ [Day 322/87](#)

43.7 Colman Doyle was using three cameras on the day.¹ His photographs of William John Doherty being escorted to Lieutenant N's APC, which are reproduced earlier in this report,² were taken with a different camera from the one he used to photograph Duncan Clark. It seems to us that since William John Doherty was put into the APC before Duncan Clark and since the photographs of Duncan Clark being escorted to the APC show him in a position that must be very close to the APC, Colman Doyle must have taken the photographs of William John Doherty before the photographs of Duncan Clark being escorted to the APC and of the scene at the APC. As we have already noted, in his NICRA statement Duncan Clark recorded that when he was ordered to get into the APC there was already in the vehicle "*an elderly civilian (badly cut and bleeding)*".³

¹ [Day 72/133](#)

³ [AC61.1](#)

² [Paragraph 40.11](#)

43.8 According to his first RMP statement,¹ after bringing William John Doherty to the APC, Corporal 162 stayed there “*about 10 minutes*”. On the basis of this account, he is in our view one of the other two soldiers seen at the back of the APC in the last of the photographs reproduced above. The remaining soldier seems to us to have been Lance Corporal INQ 768, whose evidence of staying at the back of the APC we have already considered.²

¹ B1960

² Paragraphs 24.8–9

43.9 In our view it is possible, as he claimed, that William John Doherty was struck on the face by a rifle butt when he was in the APC, though to our minds the possibility also exists that he did not wish to describe the circumstances of his arrest by Sergeant O, and so said that he had been hit with a rifle butt in the APC in order to account for facial injuries that had in fact been caused by Sergeant O in the course of arresting him.

43.10 According to Philip Jacobson’s note,¹ William John Doherty was hurled into the vehicle and “*as he got up the scottish para said ‘you irish bastard’ and crashed the butt of his rifle into doherty’s face*”. This is not consistent with William John Doherty’s NICRA statement, in which he described being struck as he was sitting in the vehicle.

¹ AD113.3

43.11 If William John Doherty was struck in the APC this must in our view have been before Lieutenant N and Private INQ 1918 arrived with Duncan Clark, as the latter does not refer in his NICRA statement to an assault on William John Doherty, but only to seeing him in the APC with the injuries he described. Lieutenant N told the Widgery Inquiry that he moved straight to the back of the Chamberlain Street houses after putting his prisoner in his APC, leaving a corporal to take charge.¹ The photograph shown above seems to show Lieutenant N leaving the vehicle to go back. Lance Corporal INQ 768 told us in his written statement² that he did not see anyone beaten up, and it is possible he was right about this, since if the incident took place it was inside the APC and he might not have been in a position to see it, though it is also possible that he might have heard it. Private INQ 1918 told us that he had no memory of going back to the APC either with Duncan Clark or at any other stage,³ though in our view the photographs show that he did go with Duncan Clark to that vehicle.

¹ B399

³ Day 342/109; Day 342/117; Day 342/133

² C768.5

43.12 In his NICRA account and in his interview with Philip Jacobson, William John Doherty stated that it was the soldier who arrested him, whom he described as Scottish, who took him back to the APC and there assaulted him. As we have already described,¹ it was Sergeant O, who is Scottish and who told us that he was the only Scottish soldier in his platoon,² who arrested William John Doherty. The evidence that we have considered, including Corporal 162's own account, shows that it was the latter who took him back to the APC, and that Sergeant O went back towards his own APC. Accordingly, William John Doherty was wrong in saying that it was the soldier who arrested him who took him to the APC and there assaulted him.

¹ Chapter 40

² Day 335/139-140

43.13 Corporal 162 was asked in his oral evidence whether anyone had assaulted the man in the APC.¹ His answer was "*Not as far as I am aware*".

¹ Day 323/194

43.14 We are left in considerable doubt as to whether or not William John Doherty was hit with a rifle butt when he was in the APC. It is clear that he was hit on the head by Sergeant O in the course of his arrest and to our minds this could account for the injuries observed by Duncan Clark. It is possible that he was hit twice on the head, once by Sergeant O and once again in the APC, but in the end we have concluded that the likely explanation for his injury is that it was caused by Sergeant O alone in the course of arresting William John Doherty; and that William John Doherty made up an account of being struck by a rifle in the APC in order to divert attention from the circumstances of his arrest. His wrong identification of the Scottish soldier who arrested him as the soldier who had assaulted him in the APC and his inconsistent accounts of what he was doing when, according to him, he was struck in the APC, in our view lend support to this conclusion.

43.15 According to Duncan Clark, he too was hit on the head with a rifle butt, but from his NICRA statement it appears that this was some ten minutes after he had been put into the APC. We have no reason to doubt that he was hit, but we are unable to determine which soldier was responsible for what in our view was an unjustified assault.

43.16 In the statements that they made at the time, both Duncan Clark and William John Doherty described a soldier firing his baton gun into the APC. Duncan Clark stated that this happened after the vehicle had been driven to William Street, that the soldier fired from a range of about 5ft and that the round hit him in the face. William John Doherty stated that he too was hit by a baton round that hit him just above the elbow of his left arm.

43.17 Captain 200 was the Commander of Composite Platoon (Guinness Force). He had come into the Bogside in one of the soft-sided lorries of that platoon. In his RMP statement,¹ he described moving to the northern end of the Rossville Flats to check in with his Company Commander. *“On arriving, I noticed one APC of the Mortar Platoon arrive with at least two civilian bodies in the back. Also at this time I saw one of our soldiers fire one rubber bullet from a RUC gun into the back of another APC at point blank range.”* Captain 200 told us in his written statement to this Inquiry that he did not recognise the soldier who had done this but that it was not one of his men.²

¹ [B1980](#)

² [B2022.007](#)

43.18 Lieutenant N's APC was moved after the shooting had ended in Sector 2 to the north end of Block 1 of the Rossville Flats. Major Loden then ordered Lieutenant N to use his APC to collect bodies from the rubble barricade in Rossville Street, and this was then done.¹ We consider this event in more detail later in this report,² but William John Doherty and Duncan Clark must have been removed from the APC before this happened. Thus, in our view Duncan Clark was mistaken in recalling that the baton gun was fired when the APC was in William Street and Captain 200 was mistaken in recalling that the baton gun was fired into a different APC from the one that collected bodies.

¹ [B399-400](#)

² [Chapter 122](#)

43.19 What we regard as certain is that a baton round was fired into the APC containing Duncan Clark and William John Doherty, and that this occurred after Lieutenant N's APC had been moved to the north end of Block 1 of the Rossville Flats and before that APC was used to collect bodies from the rubble barricade.

43.20 It was submitted by the representatives of the majority of the families that the soldier who fired this baton round was Private 019, one of the two baton gunners who had travelled into the Bogside in Lieutenant N's APC.¹

¹ [FS1.1337-1338](#)

43.21 Though it is possible that Private 019 was responsible, we are not persuaded that he was. The submission does not seem to take account of the fact that the baton round was fired after the APC had moved to the north end of Block 1 of the Rossville Flats. In his RMP statement,¹ Corporal 162 recorded that after he had taken his prisoner (William John Doherty) to the APC he had stayed there about ten minutes, and had then left to return to his platoon *“but was recalled to move the vehicle forward to the south [sic] end of Block 1 Rossville Flats. After moving the vehicle I left the prisoner in care of [...] and [...]”*. In his oral evidence to this Inquiry, Corporal 162 told us that he would not have

known at the time which was the south end and which the north, and that he could no longer remember to where the vehicle was moved.² In our view the reference to the south end of Block 1 is a mistake for the north end.

¹ B1960-1961

² Day 323/192

43.22 On the basis of Corporal 162's account, Private 013 could be the soldier responsible, but so could any of the other baton gunners of Mortar Platoon. None admitted to firing his baton gun in this manner. It is also possible that a baton gunner from one of the other platoons of Support Company was responsible, though we accept Captain 200's evidence that it was no-one from Composite Platoon (Guinness Force).

43.23 In our view there neither was nor could have been believed to be any justification for this firing, which amounted in our view not just to a vicious and unprovoked assault, but one likely to cause significant injury.

43.24 In his NICRA statement,¹ William John Doherty recorded that he had been photographed "3 or 4 times in the Saracen before being assaulted, and later on again in the barracks". In our view the following photograph of him is likely to be one taken before he was taken to Fort George. He stated that he had been photographed before being assaulted, but it seems to us more likely that the photograph was taken after he was taken from the APC and put into an RMP vehicle.² We have found no evidence that suggests to us that he was assaulted after he had come into the custody of the RMP.

¹ AD113.2

² AD113.1

43.25 The photograph shows blood on his shirt. This photograph has been cropped and so does not show the whole of his left arm, but since he was clothed, it is not possible to see even from the uncropped photograph whether he had any injury to his left arm.



43.26 Corporal 126 (a member of the Royal Military Police) recorded in his RMP statement¹ that he was present when an RMP team, which included himself and Lance Corporal 121, documented Duncan Clark and William John Doherty, apparently while they were still in the area of the Rossville Flats. In his statement to this Inquiry,² he told us that this process would have involved taking a Polaroid photograph of the arresting soldier and the arrested civilian together. The complete version of the cropped photograph shown above does include Sergeant O. In his statement for the Widgery Inquiry,³ Sergeant O said that the RMP team was in two Land Rovers. In our view the photograph shown above was taken in an RMP Land Rover and not in Lieutenant N's APC. In his oral evidence to this Inquiry,⁴ Corporal 126 said that he now had no recollection of Duncan Clark or William John Doherty, or of seeing civilians with the injuries described by either of them, and said that if he had seen such injuries he would have remembered them. It seems to us that while he might well now have no recollection, he could not have failed to notice at the time that these two civilians had sustained injuries.

¹ B1778

³ B1781

² B1782.005

⁴ Day 359/119-125

43.27 Lance Corporal 121 recorded in his RMP statement,¹ and in his statement for the Widgery Inquiry,² that he was also present when Duncan Clark and William John Doherty were documented. In his written statement to this Inquiry,³ he told us that he no longer remembered them, which may well be the case.

¹ B1758

³ B1764.001

² B1761

43.28 In a written statement made shortly after Bloody Sunday,¹ Colonel Wilford, who had (as we discuss elsewhere in this report²) followed the vehicles of Support Company into the Bogside, recorded that just before seeing Major Loden for the first time at the north end of Block 1 of the Rossville Flats, he had a quick word with an RMP arrest team which had arrived to pick up some arrested civilians. He saw two civilians being placed into the back of a Land Rover. They were both bloodied about the head, but otherwise all right. He told the RMP to ensure that the doctor saw them before they were taken off. However, in his oral evidence to the Widgery Inquiry,³ Colonel Wilford described this conversation as having taken place at a later stage, when he returned to the area after visiting C Company, by which time he said that the RMP had brought up two Land Rovers.

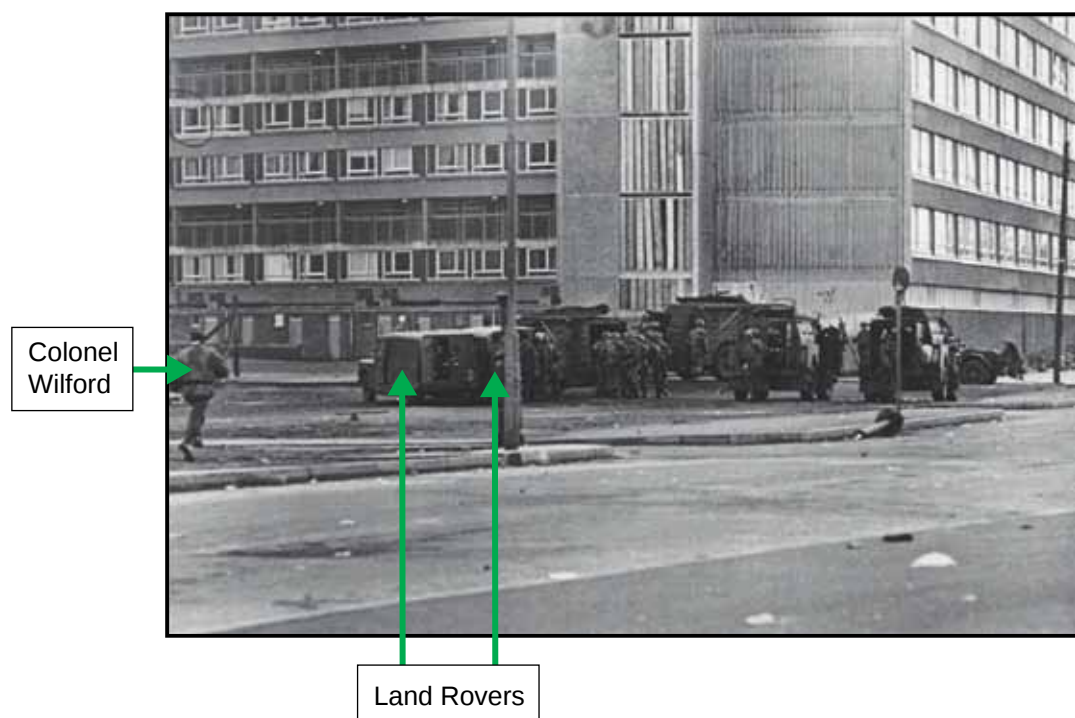
¹ B951

³ WT11.46

² Chapter 171

43.29 In his oral evidence to this Inquiry,¹ Corporal 126 agreed that the Land Rovers shown in the following photograph were similar to his team's vehicles. In our view they were the RMP vehicles.

¹ Day 359/141



43.30 In his oral evidence to this Inquiry,¹ Colonel Wilford agreed that the figure on the left of this photograph is probably him. This photograph therefore probably shows Colonel Wilford running towards the RMP Land Rovers shortly before his conversation with Corporal 126 and Lance Corporal 121. In his RMP statement,² Corporal 126 recorded that they had been

in the area of the Rossville Flats for about 15 minutes before a Colonel from 1 PARA spoke to them. In these circumstances we consider that Colonel Wilford's oral evidence to the Widgery Inquiry is to be preferred to his written account of meeting the RMP team earlier.

¹ [Day 321/77](#)

² [B1778](#)

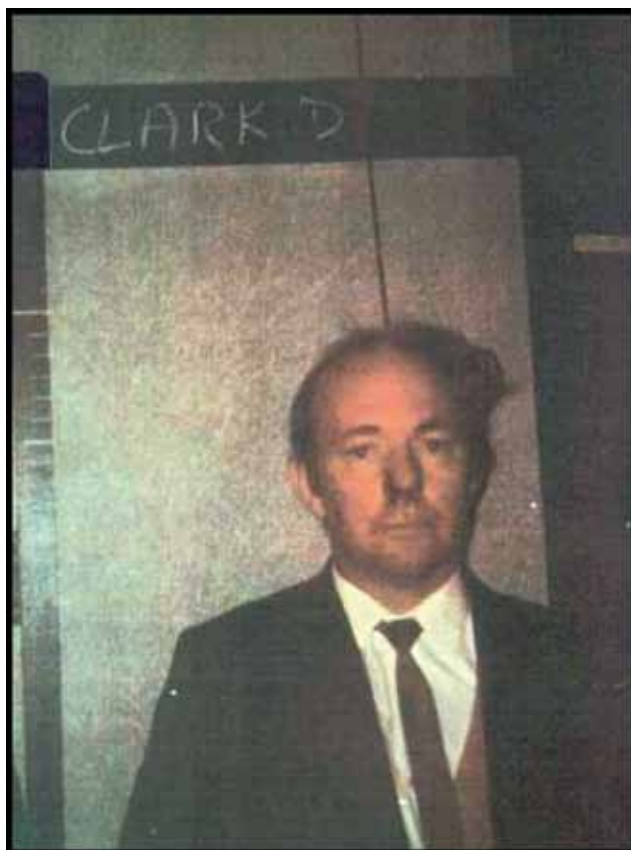
43.31 Corporal 126 and Lance Corporal 121 both recorded in their RMP statements,¹ and in their statements for the Widgery Inquiry,² that the Colonel from 1 PARA asked whether they or anyone had been hit by a burst of fire from the flats. However, in his oral evidence to this Inquiry,³ Corporal 126 said that he had no recollection of the conversation about the two civilians described by Colonel Wilford, although he would have called a doctor if he had been told to do so. Neither Duncan Clark nor William John Doherty said anything about receiving medical attention until after reaching Fort George. If Colonel Wilford did give instructions for these civilians to be seen by a doctor before being taken off (which in our view he probably did), for some reason it appears that this was not done.

¹ [B1778](#); [B1758](#)

³ [Day 359/125-126](#)

² [B1781](#); [B1761](#)

43.32 We set out below Duncan Clark's and William John Doherty's arrest photographs which were taken at Fort George.





43.33 In his oral evidence to this Inquiry, Sergeant O was disposed to accept that the head wound visible in the photograph of William John Doherty taken at Fort George was the result of the blow that he inflicted.¹ For the reasons that we have given above, we are of the view that this was probably the case.

¹ [Day 335/34](#)

43.34 The same photograph shows a substantial area of discolouration around William John Doherty's left eye. The photograph also shows what looks like a sticking plaster across the bridge of his nose. Sergeant O told us that William John Doherty was bleeding from the left forehead and face when he saw him at Fort George.¹ The other and earlier photograph of William John Doherty, which in our view was taken in an RMP Land Rover, does not show the same degree of discolouration around his left eye, but we consider that this was due to the fact that the bruising had not then fully developed.

¹ [Day 336/142](#)

- 43.35 According to his NICRA statement,¹ William John Doherty's wounds were stitched by an Army doctor at Fort George. Later in this statement he described his injuries, a description which we have no reason to regard as otherwise than reasonably accurate:

"I have been examined by Dr Hegarty of Pump St, Londonderry. My injuries have also been witnessed by John Hume MP. They are severe bruising of the left arm, severe facial bruising down the left side of my face, and lacerations of the bridge of my nose, bruising on my left leg, and cuts to my left upper leg and knee."

¹ AD113.2

- 43.36 It was submitted by the representatives of the majority of the represented soldiers that while the arrest photograph of Duncan Clark reveals "*possibly some bleeding to the right of the nose*" it shows no other facial injuries "*demonstrably consistent*" with him being hit on the head with a rifle butt or having a baton round discharged in his face from close range.¹

¹ FR7.518

- 43.37 We do not accept this submission. In our view the photograph does not demonstrate that Duncan Clark was exaggerating or wrong when he recorded in his NICRA statement that his injuries required two stitches in his head and five in his nose from the Army doctor at Fort George. We have no reason to doubt the accuracy of this part of his account.¹

¹ AC61.1

Chapter 44: Conclusions on the treatment of those arrested in Sector 2

44.1 On the basis of the evidence we have considered, there were instances where soldiers used excessive force when arresting people in the Eden Place waste ground, as well as seriously assaulting them for no good reason while in their custody. We consider such conduct to be unjustifiable. It suggests to us, rather than that a few individuals overstepped the mark in isolated cases, that such behaviour was closer to the norm than the exception among soldiers of 1 PARA. To our minds this view is reinforced not only by what we regard as the unjustified use of baton guns, but also by other instances of the treatment by 1 PARA soldiers of civilians, which we consider elsewhere in this report.¹

¹ [Chapters 66, 160 and 161](#)

Chapter 45: The situation in the Eden Place waste ground and the car park of the Rossville Flats

45.1 We have considered earlier in this report¹ the evidence of the soldiers who disembarked from Lieutenant N's APC that they came under fire as they did so. We consider later in this report² other evidence given by the soldiers of Mortar Platoon relating to incoming fire, but before doing so, we describe in this chapter the overall situation in the Eden Place waste ground and what was going on in the car park of the Rossville Flats. We examine the evidence that these soldiers gave about the explosion of nail and blast bombs; their evidence concerning petrol and acid bombs and relating to the wearing of respirators (gas masks); and when and why they cocked their self-loading rifles (SLRs).

¹ [Chapter 26](#)

² [Chapter 49](#)

45.2 From the evidence that we have considered above, it is clear that as the two APCs of Mortar Platoon came into the Bogside, some civilians threw stones and bottles and similar missiles at the vehicles. However, as can be seen from the photographs shown and film footage described above, the general reaction of the crowd was to run away. This was also the evidence of the Commander of Composite Platoon, Captain 200.¹ This general movement continued as the soldiers disembarked from Lieutenant N's APC. There then followed the incidents in or near the waste ground, including the arrests of the five civilians discussed above.

¹ [Day 367/170-171](#)

45.3 Those arrests all occurred within a very short time of the soldiers disembarking from the two APCs. Duncan Clark was arrested at the Eden Place alleyway, but by the time he had been taken back to Lieutenant N's APC, William John Doherty (who had been arrested by Sergeant O at the south end of the back of the houses in Chamberlain Street) had been taken back and put into the same APC by Corporal 162. James Charles Doherty was arrested by Lance Corporal INQ 627, who had come from Major Loden's armoured command vehicle, the third vehicle to come into the Bogside. It is not clear to which vehicle on Rossville Street he was taken, but he was in the vehicle when Charles Canning, who was arrested by Private U soon after the latter had disembarked from Sergeant O's APC, was put into the same vehicle. It seems that William John Dillon was the last civilian to be arrested on the Eden Place waste ground, as Private 006 recalled

him being on his own after the initial crowd had dispersed; and as will have been seen from the photographs of his arrest, the area of the waste ground around Pilot Row appears to have been deserted by this time.

45.4 In his oral evidence to the Widgery Inquiry, Sergeant O said that the crowd of about 200 people that had been between the two Mortar Platoon APCs when they stopped dispersed very quickly, “... *within a matter of seconds, ten or fifteen or twenty seconds, that sort of thing. They had gone from where we had trapped them. They were still moving across the car park into the Rossville Flats area.*”¹ His evidence on this point accords with the recollection of David Capper, the BBC reporter, who was standing against the wall at the back of the yards of the Chamberlain Street houses on the Eden Place waste ground when the APCs came in.²

¹ [WT13.27](#)

² [M9.18](#)

45.5 We are satisfied that only five people were arrested in or around the Eden Place waste ground (including William John Doherty, whose arrest occurred in the entrance to the car park of the Rossville Flats near the back of 36 Chamberlain Street). In his first Royal Military Police statement,¹ Sergeant O recorded that six arrests were made, but we consider that he was mistaken about this, and he acknowledged in his evidence to us that this could be so.² In our view, the reason why no more were arrested in this area at this time was that there were no more left to arrest.

¹ [B440](#)

² [Day 336/19](#). A sixth person (Joseph Lynn) was arrested by soldiers of Composite Platoon in a derelict building on the western side of Rossville Street. We consider the circumstances of this arrest in [Chapter 79](#).

45.6 As can be seen from Colman Doyle’s photographs, the situation soon after the soldiers disembarked was of a substantial number of people in the car park, many making their way through the gap between Blocks 1 and 2 of the Rossville Flats or running round the north end of Block 1 of the Rossville Flats towards Rossville Street. Those photographs are reproduced above, but for convenience we show the last of that sequence again.



Chapter 46: Rioting in the Rossville Flats car park

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- 46.1 Although many people sought to flee from the soldiers through the gaps between Blocks 1 and 2, and 2 and 3, of the Rossville Flats, there is evidence from both soldiers and civilians that at this stage a number stopped or paused to throw stones and bottles at the soldiers. In addition we are satisfied that soon after the soldiers' arrival in the car park, people on the walkways of the flats threw objects down on the soldiers.

Evidence from the soldiers

Corporal 162

- 46.2 In his RMP statement,¹ Corporal 162 recorded that after disembarking from his (ie Lieutenant N's) vehicle, he tried to arrest some of the people who were "*throwing stones and bottles in Rossville Flats Forecourt*". However, in his oral evidence to this Inquiry,² he said that he had been referring to "*the open ground which eventually would lead to the forecourt*" (ie to the waste ground as opposed to the car park). He also said that he had not seen people throwing stones and bottles, and that this information must have been given to him by the Royal Military Police (RMP).

¹ B1960

² Day 323/185-187

- 46.3 In the same statement, Corporal 162 recorded that he took an arrested civilian (William John Doherty) from Sergeant O at the rear wall of 30 Chamberlain Street; and that he did this because Sergeant O was being bottled and stoned.

- 46.4 In his written statement to this Inquiry,¹ Corporal 162 said that he could not remember the circumstances in which Sergeant O had handed the civilian over to him.

¹ B1962.004

- 46.5 In his oral evidence to this Inquiry,¹ Corporal 162 said that he could not remember any bottling or stoning taking place when he took charge of the civilian.

¹ Day 323/190

- 46.6 We take the view that it is unlikely that the information about people throwing stones and bottles had been supplied to Corporal 162 by the RMP.

Lance Corporal V

46.7 In his written statement for the Widgery Inquiry,¹ Lance Corporal V recorded that by the time he reached the entrance to the car park, there was a large crowd in front of him on his left, around the end of Chamberlain Street, throwing stones and bottles. He also told the Widgery Inquiry that bottles containing liquid were being thrown from Block 1. He stated² that after he had fired at a man who had thrown a petrol bomb, he moved behind Private S, who was standing at the corner of the buildings at the end of Chamberlain Street, returning fire towards the passage between Blocks 1 and 2. At this stage, bottles were still coming down from the flats.

¹ B801

² B802

46.8 In his oral evidence to the Widgery Inquiry,¹ Lance Corporal V said that there were about 100 people in the group at the end of Chamberlain Street. They were throwing stones and bricks. Some were stationary, some were coming forward to throw missiles, and some were generally milling about. He said that when he moved behind Private S, there was “*still bottling going on from Block 1*”.² The bottling was heavy. The bottles were landing by Sergeant O’s APC and by Lance Corporal V and Private S.

¹ WT13.12

² WT13.13

46.9 In his written statement to this Inquiry,¹ Lance Corporal V told us that he had only a recollection of “*lots of debris and missiles*” being thrown down from Block 1 at the APC.

¹ B821.004

46.10 In his oral evidence to this Inquiry,¹ Lance Corporal V said that he now had no recollection of a crowd throwing missiles from around the end of Chamberlain Street. He said² that he no longer recalled bottles coming down from the flats after he had fired at a petrol bomber, as described in his statement for the Widgery Inquiry. He resisted the suggestion³ that the photograph reproduced below, which was taken by Jeffrey Morris of the *Daily Mail*, and which has been discussed above⁴ in connection with the arrest of Duncan Clark, showed that his evidence to the Widgery Inquiry about a crowd throwing missiles from the end of Chamberlain Street was false.

¹ Day 333/60-61

³ Day 333/122-127

² Day 333/80

⁴ Paragraphs 30.8–13



- 46.11 A similar suggestion was put to Lance Corporal V¹ in relation to the following photograph, which was taken from Block 2 of the Rossville Flats by Derrick Tucker Senior. He said that he had no current recollection of the crowd throwing missiles, but would rely on his oral evidence to the Widgery Inquiry.

¹ [Day 333/179-182](#)



Lance Corporal INQ 768

46.12 In his written statement to this Inquiry,¹ Lance Corporal INQ 768 told us that he did not remember seeing any objects thrown from the flats.

¹ C768.5

Private Q

46.13 In his RMP statement,¹ Private Q recorded that when he disembarked from his (ie Lieutenant N's) vehicle, stones and bottles were being thrown towards his position "*from where Chamberlain St runs into the forecourt of the Flats*". (In his oral evidence to this Inquiry,² he accepted that this would not have been possible, and suggested that he had "*got the positions on the ground confused*".) Another vehicle moved nearer to the Rossville Flats, and Private Q saw that people "*on various verandahs*" were dropping bottles onto the soldiers below them. When he moved to the north-east corner of Block 1, these people were still dropping bottles. Private Q saw that the majority of the bottles contained a liquid, and noticed "*an acid smell*" from the bottles when they broke. He then saw that youths had gathered in the area between Blocks 2 and 3, and were throwing stones and bottles.

¹ B624; B625

² Day 339/67-69

46.14 In his statement for the Widgery Inquiry,¹ and in his oral evidence to the Widgery Inquiry,² Private Q said that after disembarking he followed a soldier armed with a baton gun towards the Rossville Flats. In our view, for reasons already given,³ this was Private 013. According to Private Q, that soldier fired his baton gun several times in the direction of the crowd, which included a number of people who were turning and throwing stones in the direction of the soldiers as the civilians retreated into the car park. The stoning was heavy, and so the two soldiers took cover at the north end of Block 1. Private Q moved to the north-west corner of the block and then back to the north-east corner, from where he could see a few youths throwing stones in the direction of Sergeant O's APC, and at Sergeant O and the troops and vehicles behind him. He saw bottles landing by the APC. When they broke, he saw liquid coming from them and recognised the smell of acid. The stoning from the car park had continued during this time.

¹ B636

³ Paragraph 26.30

² WT12.86-WT12.88

46.15 In his written statement to this Inquiry,¹ Private Q told us that when he disembarked he saw people running away from him. Some of them were stopping, picking up stones and throwing them. He stated² that when he first went to the north-east corner of Block 1, he and his companion were not being stoned because the stone-throwers were “*further left (east) of the flats I was standing near*”.

¹ [B657.3](#)

² [B657.3](#)

46.16 In the same statement,¹ Private Q told us that the names of streets in his RMP statement must have been suggested to him, because he did not think that he would have known such details at the time. He told us that he could not now remember from where the stones and bottles described in that statement had been thrown; nor could he remember seeing bottles falling from the Rossville Flats, but believed his RMP statement nor could be accurate. He also told us that he did not now remember seeing the acid bombs being dropped, but recalled the smell of acid.

¹ [B657.7](#)

46.17 In his oral evidence to this Inquiry,¹ Private Q said that he did not remember why he had moved to the north end of Block 1, but that his evidence to the Widgery Inquiry that he had done so in order to take cover from stoning was likely to have been correct. He said² that he did not believe that he personally was being stoned by the time he reached the north end of Block 1, but when it was then put to him that he was not being stoned at all, he said “*We were being stoned*”, and said that stones were being thrown from the car park and “*All over*”. However, he confirmed³ that his present recollection was that he was not being stoned when he was at the north end of Block 1, although in his evidence to the Widgery Inquiry he had said that he was.

¹ [Day 339/25-26](#)

³ [Day 339/96-98](#)

² [Day 339/69-70](#)

Private S

46.18 In his first RMP statement,¹ Private S recorded that when he took up his position at the back of Chamberlain Street, the crowd was throwing bottles and stones at the soldiers.

¹ [B692](#)

46.19 In his written statement for the Widgery Inquiry,¹ Private S recorded that he saw various missiles being thrown at the soldiers, including acid bombs and a hail of bottles from the upper part of the Rossville Flats. He stated specifically that bottles and other missiles were being thrown from Block 1 during the incident in which he opened fire.² We discuss his evidence about that incident below.

¹ B707

² B708

46.20 In his oral evidence to the Widgery Inquiry,¹ Private S said that “a *hail of bottles with acid in them, Windolene bottles, more or less every kind of bottles*” descended towards Sergeant O’s APC. He estimated² that he saw 40 to 50 bottles coming down, including empty and full milk bottles and acid bombs. He said³ that he was aware that there were bottles coming from Block 1 “*because they were falling short of me*”. He was not suggesting that people were on the roof of Block 1.

¹ WT12.103

³ WT13.7

² WT13.4

46.21 In his statement to this Inquiry,¹ Private S said that he did not now remember any objects being thrown from the Rossville Flats into the car park, but might simply have forgotten about them.

¹ B724.005

46.22 In his oral evidence to this Inquiry,¹ Private S said that although he no longer recalled the experience, he believed from reading the evidence that he had given to the Widgery Inquiry that “*we were being bottled all along, basically*”. He said that he had seen objects being thrown, although he conceded that he had not seen any acid bombs.²

¹ Day 331/64-65

² Day 332/37

Private 013

46.23 In his RMP statement,¹ Private 013 recorded that when he arrived in the car park a crowd was throwing various missiles at the soldiers. He fired his baton gun to move them back. He saw people throwing bottles and acid bombs from a balcony in Block 1.

¹ B1406

46.24 In his written statement to this Inquiry,¹ Private 013 told us that rioters were screaming and shouting in the car park. He fired his baton gun to keep them away. He did not describe any objects thrown by these rioters. The riot died down about seven minutes

after the soldiers arrived. He stated² that missiles were thrown from the Rossville Flats. He did not specify the type of missile but expressed the view that the liquid with which Private T was splashed (as we describe below) was probably urine rather than acid.

¹ [B1408.003](#)

² [B1408.006](#)

Private R

46.25 In his first RMP statement,¹ Private R recorded that as he moved to catch up with his (ie Sergeant O's) APC after disembarking from it, people were throwing stones and bottles at him. After he reached the vehicle, the rioters ran past it, throwing stones at him and *"the rest of the section who were located at the vehicle"*.

¹ [B658-B659](#)

46.26 In his written statement for the Widgery Inquiry,¹ Private R recorded that he was hit on the thigh and again on the calf by missiles thrown as he ran to catch up with the APC. When he reached the vehicle, there were a lot of people running in the car park. Some were running away, but *"some of the lads were stopping and turning to throw stones before running off"*.

¹ [B670](#)

46.27 In his oral evidence to the Widgery Inquiry,¹ Private R said that he was hit three times as he was running to catch up with his APC, once on the calf, once on the thigh, and once just above the hip, which caused a bruise.

¹ [WT13.73](#)

46.28 In his written statement to this Inquiry,¹ Private R recorded again that he was struck three times as he ran after the APC, once on the thigh, once on the head and once on the back of the calf.

¹ [B691.002](#)

46.29 In his oral evidence to this Inquiry,¹ Private R said that he did not think that he had been hit on the head, and believed that his oral evidence to the Widgery Inquiry about where he was hit was probably accurate. He was asked why he had said in his statement to this Inquiry that he had been hit on the head, and said that he had been *"misinterpreted"*.² He was then asked why he had not mentioned the bruise above the hip in his statement for the Widgery Inquiry, and said that making that statement had been *"rather daunting"*.

¹ [Day 337/22-24](#)

² [Day 337/91-93](#)

46.30 In his written statement to this Inquiry,¹ Private R told us that many objects, including bottles and bricks, were thrown from the Rossville Flats into the car park.

¹ [B691.003](#)

46.31 In his oral evidence to the Widgery Inquiry,¹ Private R said that there was a further incident, after he had been splashed by acid (a matter which we discuss separately below), in which a woman threw a full bottle of Windolene which hit Sergeant O's APC. In his oral evidence to this Inquiry,² he was asked whether he remembered this incident, and replied that he had "*a recollection maybe of the Windolene bottle*".

¹ [WT13.84-85](#)

² [Day 337/43](#)

Private U

46.32 In his written statement to this Inquiry,¹ Private U told us that he saw bottles and stones being thrown from a high level in Block 1. In his oral evidence to this Inquiry,² he said that he did not recall seeing anyone on the roof of Block 1.

¹ [B787.005](#)

² [Day 369/46-47](#)

Private 006

46.33 In his written statement to this Inquiry,¹ Private 006 told us that after he had seen soldiers firing towards the rubble barricade, he entered a stairwell in the Rossville Flats, went up one flight of stairs and looked along a balcony. In his oral evidence to this Inquiry,² he said that he could not remember whether he had seen any missiles lying on the balcony.

¹ [B1377.006](#)

² [Day 334/92](#)

Private 112

46.34 In his RMP statement,¹ Private 112 recorded that he fired a number of baton rounds from a corner of Block 1 in order to disperse rioters. He did not describe any objects thrown by these rioters.

¹ [B1730](#)

46.35 In his written statement to this Inquiry,¹ Private 112 told us that from the north-east corner of Block 1 he had seen a group of civilians in the passage between Blocks 1 and 2. Some of them ran towards him throwing stones, and then began to retreat. He fired an estimated six baton rounds in the direction of the stone-throwers, and in the direction of

the passage as they retreated. He could not recall whether he had hit anyone. At about the same time, he saw bottles and also, he thought, bricks being thrown from a window in Block 1 into the car park.

¹ [B1732.004](#)

46.36 In his oral evidence to this Inquiry,¹ Private 112 said that he was not aware of anything else that was happening in the car park when he fired baton rounds at this group of stone-throwers.

¹ [Day 320/106-107](#)

Sergeant O

46.37 In his written statement for the Widgery Inquiry¹ and in his oral evidence to the Widgery Inquiry,² Sergeant O described his arrest of a man (William John Doherty) who had thrown an empty bottle at him. In his written statement to this Inquiry,³ Sergeant O said that the bottle hit his APC.

¹ [B467](#)

³ [B575.112](#)

² [WT13.27](#)

46.38 In his first RMP statement,¹ Sergeant O recorded that while in the area of the car park, he and his section had stones and bottles thrown at them, and also several acid bombs and petrol bombs. These came “*in particular*” from Block 1 of the Rossville Flats. In his oral evidence to the Widgery Inquiry,² he was asked what assault was made upon the soldiers before shooting broke out, and replied: “*Only bottles and stones, the normal sort of thing.*” In his written statement to this Inquiry,³ he told us that at this point all sorts of objects were being thrown from the balconies of the Rossville Flats, including bottles, pieces of rubble and cans of beans. In his oral evidence to this Inquiry,⁴ he said that these objects were being thrown not only from Block 1 but also from Block 2 and from the car park.

¹ [B441-B442](#)

³ [B575.113](#)

² [WT13.27](#)

⁴ [Day 335/46](#)

46.39 In his written statement for the Widgery Inquiry,¹ Sergeant O recorded that at the stage when shooting broke out, he did not notice any petrol bombs, but the soldiers were subjected to heavy stoning and bottling. In that statement² and in his oral evidence to the Widgery Inquiry,³ he said that after he had engaged his second gunman (a matter which we discuss separately below⁴) there was a lot of stone- and bottle-throwing, especially from the balconies of Block 1 and the end of Chamberlain Street. In his oral evidence to the Widgery Inquiry,⁵ he said that the bottling continued for quite a while after the

shooting was over. Most of the bottles came from Block 1, but some were being thrown from the south end of Chamberlain Street over the houses. However, in his written statement to this Inquiry,⁶ Sergeant O told us that he thought that Private T's firing at an acid bomber (a further matter which we discuss separately below⁷) "*probably put an end to all the things being thrown off the balconies*". He stated that he neither saw nor heard any petrol bombs at any stage.⁸ In his oral evidence to this Inquiry,⁹ he said that the reference to petrol bombs in his first RMP statement was based on information given to him by members of his platoon.

¹ B467

⁶ B575.118

² B468

⁷ Chapter 51

³ WT13.32

⁸ B575.117

⁴ Chapter 51

⁹ Day 335/89; Day 336/56

⁵ WT13.33

Private T

46.40 In his RMP statement,¹ Private T recorded that after assisting in making arrests, he moved back to Sergeant O's APC. The soldiers there were under a heavy stoning attack from all three blocks of the Rossville Flats. He became aware of people on the balconies of the flats dropping bottles and other missiles onto the soldiers' position. He noticed that the bottles contained a liquid. At first he thought that they were petrol bombs, but after a couple of them had broken, he realised from the strong smell that they contained acid. There followed the incident, which we consider later in this report,² in which (according to Private T) he fired at an acid bomber in Block 1. He stated that after that incident, no more bottles or stones were dropped or thrown from the balconies. He recorded nothing in this statement about hearing incoming fire.

¹ B725-B726

² Chapter 51

46.41 In his written statement for the Widgery Inquiry,¹ Private T recorded that after he disembarked from the APC, those civilians who had succeeded in running past the vehicles into the car park started to throw stones and other missiles at the vehicles. At about this time, he heard a burst of low velocity fire, and covered Sergeant O while he escorted an arrested civilian. After he had heard the gunfire, he took cover behind the APC. He was watching the windows of the flats on his right to keep a lookout for anyone intending to fire at the soldiers. Bottles started to be thrown from this part of the flats. He noticed that one in particular contained liquid. He thought that it was a petrol bomb but it

did not explode. After a few more bottles had been thrown in his direction, he recognised the smell of acid. Until this point he had not seen any of those who were throwing bottles containing acid. There followed the incident in which Private T fired at an acid bomber.

¹ B735

46.42 In his oral evidence to the Widgery Inquiry,¹ Private T said that after he disembarked there were only a few people in the car park. Most of these people had run away as the vehicles approached. They had picked up stones as they ran, and threw stones and bottles at the soldiers when they deployed. He said that when he moved to the back of the APC, he saw “*quite a lot of rubbish coming out of the window – stones, bottles, anything that could be thrown*”.² He noticed that one of the bottles had a substance inside it. He thought that it was a petrol bomb but it did not explode. A bottle then landed very close to him “*on the other side of an armoured door*” and after a time he noticed an acidic smell. There followed the incident in which he fired at an acid bomber.

¹ WT13.88

² WT13.88-89

Private INQ 1579

46.43 In his written statement to this Inquiry,¹ Private INQ 1579 told us that when he disembarked from Sergeant O’s vehicle, a big riot was going on. Missiles were being thrown “*from all directions from the Rossville Flats above*”. The missiles were coming “*from the front, back and top*” of the Rossville Flats. The objects being thrown were “*any type of missile at all like bottles and flower pots*”. He did not remember looking up at the Rossville Flats. He was also aware from their smell that acid and petrol bombs were being thrown, but he assumed that the petrol bombs were being thrown on the west side of Block 1 because he did not see any explode. When the shooting stopped, there was a great deal of debris in the car park.

¹ C1579.4

46.44 In his oral evidence to this Inquiry,¹ Private INQ 1579 said that he could recall “*looking up at Block 1 occasionally and debris coming down*” but he could not recall seeing people throwing debris or missiles. He said that there seemed to be a lot more debris at the end of the shooting than is shown in the photograph taken by Sam Gillespie of Michael Bridge standing in front of Sergeant O’s APC (which we reproduce below) but that “*the missiles were coming towards our direction, so a lot of the debris would be in and around the*

vehicle and behind it". He was asked whether any of the missiles were hitting the vehicle, and said that he would take it that they were. He was asked whether there was visible damage to the vehicle afterwards, and said that he would not have inspected it.

¹ [Day 336/166-169](#)

46.45 As we discuss later in this report,¹ Sam Gillespie took the following photograph of Michael Bridge shortly before the latter was shot in Sector 2.

¹ [Paragraphs 55.165–174](#)



46.46 Little debris can be seen in this photograph.

46.47 We now turn to consider evidence of rioting given by civilians.

Evidence from civilians

Hugh Barbour

46.48 In his written statement to this Inquiry,¹ Hugh Barbour told us that some of the younger men in the crowd were jeering and taunting the soldiers, and some were throwing stones and bottles. He could see and hear stones bouncing off the APC that had stopped in the entrance to the car park.

¹ [AB10.2](#)

46.49 In his oral evidence to this Inquiry,¹ Hugh Barbour said that just after the APC had arrived there were about 250 to 300 people in the car park. Some people were running away, while others confronted the soldiers. Some of the crowd threw stones and bottles at the soldiers. He said that about 15 to 20 people were throwing stones.² He said that those throwing stones were on the ground; he saw no-one throwing missiles from the balconies or windows of the Rossville Flats.³

¹ [Day 88/56-58](#)

³ [Day 88/99-100](#)

² [Day 88/96-97](#)

Sean Collins

46.50 In his written statement to this Inquiry,¹ Sean Collins told us that he was ten years old at the time of Bloody Sunday. On that afternoon he was in his mother's and stepfather's flat at 64 Donagh Place on the top floor of Block 3 of the Rossville Flats. He saw an APC stop in the entrance to the car park. Two soldiers disembarked and stood between the APC and Block 1. He watched "*as milk bottles smashed down from Block 1 near where the soldiers were standing*". He distinctly recalled a milk bottle smashing on the top of the APC. He could not see from precisely where the bottles were thrown. His impression was that the bottles were empty.

¹ [AC74.1-AC74.2](#)

46.51 In his oral evidence to this Inquiry,¹ Sean Collins said that he thought that there had only been one milk bottle. The sound of the impact suggested to him that it had been empty.

¹ [Day 195/89-90](#); [Day 195/103-104](#)

Francis Dunne

46.52 In his NICRA statement,¹ Francis Dunne recorded that he saw two or three military vehicles tearing along Rossville Street. He hurried from the north end of the Rossville Flats "*back to the courtyard behind the three blocks*". There was a lot of confusion there, with the two exits at the junctions of the blocks jammed with fleeing people. There were a few people throwing stones towards "*the Chamberlain St. side of the court*". Francis Dunne looked back and saw three soldiers along the wall at the back of the houses of Chamberlain Street. At this point the shooting started. The soldier at the front of the group was firing from the hip "*towards the Fahan St. opening*". Behind that soldier was another on his knee in an aiming position. Francis Dunne saw a boy fall, whose position he

described as “*up towards my left*”. A taller man was standing in the middle of the courtyard with his hands up and spread wide, shouting “*They are shooting, they are killing*”. This man also went down.

¹ [AD173.1](#)

46.53 In his written statement for the Widgery Inquiry,¹ Francis Dunne said that he ran first to the alley that gave access to Joseph Place, which was choked with people. He thought that he would head towards the Fahan Street exit from the courtyard. He could see a crowd there too. He turned and saw the soldiers along the wall at the back of the Chamberlain Street houses. At this point the shooting started. The soldier at the front had his rifle at his hip. The soldier behind him was kneeling and aiming. The third soldier’s gun was pointed at the ground. Some of “*the boys towards the Fahan Street side*” were throwing stones at the soldiers. One of these boys fell and was dragged back by two or three others. A tallish, fair-haired youth was standing with his arms high in the air, towards the centre of the courtyard, shouting. The soldier at the corner of the wall fired at him from the hip, and he fell.

¹ [AD173.5](#)

46.54 In his oral evidence to the Widgery Inquiry,¹ Francis Dunne said that he intended to leave the car park through the passage on the Rossville Street side but found that it was jammed with people. He decided to try the Fahan Street exit. He took about three or four steps and saw that “*there were people there and there were also some boys still throwing stones*”. He saw that he could not leave by the Fahan Street exit. He then turned and saw the three soldiers. The firing started at about this stage. The soldier at the front was firing. No-one was attacking the soldiers at the back of the Chamberlain Street houses, but there were “*some boys still throwing stones over towards the gable of ... the Rossville Street side flats*”. Francis Dunne saw a tall, fair-haired young man slightly to his right, who was shouting “*They’re killing, they’re killing, they’re shooting*” and pointing towards the Fahan Street side of the flats, where a young man had fallen. At the time, Francis Dunne thought that the young man who had fallen had probably been hit by a baton round. A couple of boys seemed to be helping him and dragging him. The soldier at the front of the group at the back of Chamberlain Street fired from the hip at the man who was shouting, who fell. Francis Dunne said that the stones were thrown at the soldiers who were “*down towards the corner of the Rossville Street Flats, where the Saracens were*”.²

¹ [WT8.23-WT8.24](#)

² [WT8.35-WT8.36](#)

46.55 In his written statement to this Inquiry,¹ Francis Dunne told us that there was such a crowd in the gap between Blocks 1 and 2 of the Rossville Flats that he started to move along in front of the low wall in the car park towards the gap between Blocks 2 and 3. Youngsters were throwing stones into the car park “*near the gap*”. He assumed that they were throwing them at soldiers who had disembarked from a vehicle in the entrance to the car park. Francis Dunne saw a tall, fair-haired man shouting and gesturing towards the vehicle. He saw three soldiers in front of the vehicle between Block 1 of the Rossville Flats and the back of the Chamberlain Street houses. One of these soldiers was leaning against the wall of Block 1, holding his rifle at hip level. The tall, fair-haired man suddenly staggered back and fell, clutching his right leg. Francis Dunne had the impression that the man had been shot by the soldier at the wall of Block 1, who had fired his rifle, although Francis Dunne had not seen him fire it. He now believed that the fair-haired man was Michael Bridge. By this time the area between Blocks 1 and 2 had cleared. Francis Dunne was aware of some young men still throwing stones at the soldiers. He was not aware of any other casualties.

¹ [AD173.26-AD173.27](#)

46.56 In his oral evidence to this Inquiry,¹ Francis Dunne said that the youngsters who were throwing stones were “*up towards the corner between [Blocks] 2 and 3*”, in the area of the swings in the recreation ground. There were only a few of them. They were throwing stones towards the entrance to the car park. He said that his original account of the position of the three soldiers along the wall at the back of the Chamberlain Street houses was to be preferred to his later recollection that they were in a line between Block 1 and the back of those houses.² He said that it was his impression that it was the same group of people in the area of the swings who were still throwing stones at the time when Michael Bridge was shot.³ He said that he could not remember when the stone-throwing finished, but that it had been “*a very minor thing*”.⁴ He said that he did not now recall seeing a boy fall before the shooting of Michael Bridge.⁵

¹ [Day 90/7-8](#)

² [Day 90/11-12](#); [Day 90/57-74](#)

³ [Day 90/13-14](#)

⁴ [Day 90/55-57](#)

⁵ [Day 90/13](#); [Day 90/74-76](#)

Billy Gillespie

46.57 According to a note made by Peter Pringle of the *Sunday Times* and dated 6th April 1972,¹ Billy Gillespie helped to carry the wounded Margaret Deery into 33 Chamberlain Street. He then went with Michael Bridge into the car park of the Rossville Flats and saw “*duddy shot*”. He threw some stones at “*the soldier on the corner of the flats*” and saw Michael Bridge shouting at the Army and being shot.

¹ AG34.17

46.58 In his written statement to this Inquiry,¹ Billy Gillespie said that after helping to carry an injured woman, whom he later heard was Margaret Deery, into a house in Chamberlain Street, he ran into the car park of the Rossville Flats and turned right towards Block 1 of the Rossville Flats. He picked up some stones to throw. He saw Michael Bridge with half a brick in his hand. A soldier came into view at the north-east corner of Block 1. Michael Bridge started shouting “*shoot me*” at the soldier and threw the piece of brick at him. Suddenly there was a bang. The soldier had shot Michael Bridge in the leg. Billy Gillespie said that he did not remember speaking to anyone from the *Sunday Times*.²

¹ AG33.2

² AG33.4

46.59 In his oral evidence to this Inquiry,¹ Billy Gillespie said that there were a few other people throwing stones when he was in the car park. Michael Bridge lifted half a brick. Billy Gillespie threw some stones at the soldier at the corner of Block 1. Michael Bridge threw the piece of brick at the soldier, and shouted at him. The soldier then shot him. Billy Gillespie said that he estimated that perhaps ten to 15 people had been throwing stones and parts of bricks.² He said that he thought that the number of people was eight to 15, or about a dozen.³ He was throwing whatever missiles he could get his hands on, and assumed that the others had been doing the same.

¹ Day 84/149-150; Day 84/164

³ Day 84/182-186

² Day 84/167-168

Floyd Gilmour

46.60 In his written statement to this Inquiry,¹ Floyd Gilmour told us that he was watching from a window in Block 2 of the Rossville Flats. After the soldiers arrived, he saw and heard bottles and stones being thrown down from the Rossville Flats into the car park. He said that this was completely normal and “*would have occurred in any riot situation had the soldiers or police ever come in that far*”.

¹ AG39.1-AG39.2

46.61 Floyd Gilmour died before he could be called to give oral evidence to this Inquiry.

Frank McCarron

46.62 In his written statement to this Inquiry,¹ Frank McCarron told us that he ran down Chamberlain Street and turned right into the car park of the Rossville Flats around the corner of the last house on the west side of the street. He was part of a crowd, which on his estimate contained 50 to 60 people. They stopped and looked around to see which way to go. It seemed to him that some of the crowd intended to “*fight back with bottles and stones*” and that the crowd “*still regarded this as a riot situation*”. Out of the corner of his eye he saw someone fall forward while running through the car park. Frank McCarron did not recognise him at the time but heard someone say that he was Jackie Duddy. Frank McCarron moved forward to the end of the wall on the west side of the south end of Chamberlain Street. He took a quick look around the corner and saw soldiers and an APC. This was where people were rioting and throwing “*bottles and stuff*”. However, someone then shouted that they should not riot, and they seemed to lose their enthusiasm.

¹ [AM82.2-AM82.3](#)

46.63 In his oral evidence to this Inquiry,¹ Frank McCarron marked a photograph² to show the area in which he saw people throwing stones and bottles, which was at the corner of the garden wall of 36 Chamberlain Street. He said that they were throwing the stones and bottles “*over the top towards the Saracen*”. He did not see anyone throwing objects from anywhere else. He thought that the man who shouted that they should not riot was in the crowd at the end of Chamberlain Street. Frank McCarron said that he would probably have thrown a few stones himself.³

¹ [Day 389/152-155](#)

³ [Day 389/181-184](#)

² [AM82.23](#)

James McKinney

46.64 In his NICRA statement,¹ James McKinney said that he ran into the car park of the Rossville Flats from Chamberlain Street. He saw a paratrooper behind an APC aim at an unarmed civilian and shoot him in the back. He then saw two paratroopers “*running along at the back of the flats*”. Soldiers pointed their guns at some people who were throwing a few bottles from about the third or fourth floor of the flats, but James McKinney was not sure whether the soldiers fired.

¹ [AM303.7](#)

46.65 In his written statement to this Inquiry,¹ James McKinney told us that the man who was shot was between 17 and 20 years of age, with short dark hair. After this shooting James McKinney took cover behind the low wall parallel to Block 2 of the Rossville Flats. Two soldiers came around the corner of the north end of Block 1. Stones and bottles were thrown at the soldiers from the balconies of Block 1. No petrol bombs were thrown. While the soldiers were being bombarded, James McKinney began to hear live rounds being fired. The firing seemed to be coming from around Block 1, but he could not tell exactly where.

¹ [AM303.4-AM303.5](#)

46.66 In his oral evidence to this Inquiry,¹ James McKinney said that there was a “*good continuation*” of stones and bottles thrown from Block 1 when he was behind the low wall. He did not see anything being thrown from the other blocks. The bottles were empty. They smashed when they hit the ground. Some of them hit the ground close to where the soldiers were standing. He said that there were about a dozen people running backwards and forwards on the lower and middle balconies of Block 1 and throwing objects.² He could not remember whether he had seen any objects thrown from windows.

¹ [Day 81/115-116](#)

² [Day 81/117-119](#)

Neil McLaughlin

46.67 In his interview with John Barry of the *Sunday Times*,¹ Neil McLaughlin is recorded as having said that when the Army vehicles came down Rossville Street, he rushed down Chamberlain Street into the car park of the Rossville Flats. He saw soldiers jumping out of an APC in the car park. An old man, who was being beaten over the head, emerged from behind the APC and was led away to the waste ground. Neil McLaughlin and his group surged forward towards the soldiers. It was “*in his mind to have a go*”. According to the interview note, he told John Barry that he was thinking of rescuing the old man, but then added with a grin that this “*might be a bit of dressing put on afterwards*”. The soldiers then fired. An Order of Malta Ambulance Corps volunteer fell, though not as a result of being shot, by the back wall of the Chamberlain Street houses. “*In other words*”, according to the note, “*the crowd running forward had just about cleared the gable end*”. Almost immediately, Margaret Deery was shot. Neil McLaughlin flung himself down “*along the gable*”. He saw a crowd clustered around what he took to be another body, but he had not seen the shooting of that casualty. Then Michael Bridge was shot. At some stage Neil McLaughlin and others carried Margaret Deery back to the south end of Chamberlain Street.

¹ [AM347.12-AM347.13](#)

46.68 In his written statement to this Inquiry,¹ Neil McLaughlin told us that when he reached the car park four or five Army vehicles approached and stopped at the north end of Block 1 of the Rossville Flats. With about 20 others who were not known to him, Neil McLaughlin ran at the vehicles, throwing stones at them. He was pretty sure that he had hit one of them. Soldiers jumped out of the vehicles and started firing. Neil McLaughlin and others around him dropped to the ground by the side wall of the garden of 36 Chamberlain Street. He heard further shots, and turned to see that Michael Bridge and Margaret Deery had been shot. People gathered around them and took them to a house in Chamberlain Street. Neil McLaughlin did not help to carry them to the house. Neil McLaughlin said that he did not remember speaking to anyone from the *Sunday Times*.²

¹ [AM347.2-AM347.3](#)

² [AM347.4](#)

46.69 In his oral evidence to this Inquiry,¹ Neil McLaughlin accepted that only one vehicle stopped in the entrance to the car park. He said that he had thrown his stones from the wall of the house at the end of Chamberlain Street. He did not see what was happening in other parts of the car park at this stage, but he said that there would have been perhaps a couple of hundred people in the car park when the soldiers disembarked. He said that apart from the stone-throwers, who were 20 or so in number, those people were trying to make their way out of the car park.² He said that he had no recollection of seeing the old man or the Order of Malta Ambulance Corps volunteer described in John Barry's note.³ He said that it was possible that he had seen Margaret Deery fall and helped to carry her to Chamberlain Street but had forgotten that he had done so.⁴

¹ [Day 91/4-12](#); [Day 91/52-56](#)

³ [Day 91/20-27](#)

² [Day 91/61-64](#)

⁴ [Day 91/43-46](#); [Day 91/59-60](#)

David Capper

46.70 In the tape recording that he made on Bloody Sunday,¹ the BBC Radio reporter David Capper said that people in a high block of flats above him had been "*firing down missiles of various sorts*" and that the soldiers had been firing back, mostly with baton rounds and CS gas, but that some live rounds had been fired both by the soldiers and, apparently, by some of the civilians.

¹ [Aud 1 14.26](#); [E3.88](#)

46.71 In his written statement for the Widgery Inquiry,¹ David Capper said that there were about four soldiers in “*the courtyard of the flats*”. People in the upper storeys were throwing missiles, such as tins and bottles, at them. The soldiers were raising their rifles and firing back, although David Capper thought that they were using them to fire gas grenades.

¹ [M9.2](#)

46.72 In his oral evidence to the Widgery Inquiry,¹ David Capper said that the soldiers were under a hail of missiles, including bottles, bricks and stones, from the upper balconies.

¹ [WT2.78](#)

46.73 In his written statement to this Inquiry,¹ David Capper said that he saw debris being thrown down on the soldiers from the “*upper floors and roof of the flats*”.

¹ [M9.18](#)

46.74 In his oral evidence to this Inquiry,¹ David Capper said that he thought that the reason why he had said on the tape that civilians had apparently fired live rounds had been that he had seen “*some of the troops down behind the garden walls taking cover*”. Earlier in his evidence he had said that he had seen soldiers crouching behind low garden walls on the west side of Rossville Street.² He said that he did not see any petrol bombs or nail bombs being thrown from the Rossville Flats.³ He said that he saw a “*general rain of debris*” coming down, consisting of bricks, bottles and cans, which he thought were being thrown from the upper and middle walkways of Blocks 1 and 2 of the Rossville Flats.⁴ He did not “*really remember*” whether there had been anyone on the roof.

¹ [Day 73/55](#); [Day 73/114-118](#)

² [Day 73/25-27](#)

³ [Day 73/90](#)

⁴ [Day 73/131-133](#)

Assessment of the evidence of rioting

46.75 It is clear from the evidence of both soldiers and civilians that the rioting in the car park started as soon as, or immediately after, Sergeant O’s APC had arrived there. It took the form of people both at ground level and from the balconies of Blocks 1 and 2 of the Rossville Flats throwing stones, bottles and similar missiles at the soldiers and at Sergeant O’s APC.

- 46.76** However, we have concluded that the rioting was not as severe or longlasting as some of the soldiers suggested. It should be borne in mind that in significant respects (and for reasons that we give in the course of this report) we have been unable to accept the evidence given by these soldiers, so that their accounts of the severity of the rioting must be treated with caution.
- 46.77** Most of the people in the car park were intent simply on getting away, and though some stopped or paused to throw things at the soldiers, not many were involved in this activity. It is difficult to be certain of the numbers involved, but in our view probably not more than about 20 at most threw things at the soldiers, either from ground level or from the balconies of the Rossville Flats.
- 46.78** After the arrival of the soldiers, the crowd in the Rossville Flats car park rapidly dispersed, though a few people took cover behind the low wall that ran along the northern side of Block 2 of the Rossville Flats; and others behind the wall of the southernmost house on the eastern side of Chamberlain Street. As we describe later in this report,¹ it was shortly after their arrival in the car park that soldiers opened fire and Jackie Duddy was killed. The car park then rapidly became deserted, except for those tending Jackie Duddy.
- ¹ [Paragraphs 55.39–48](#)
- 46.79** We deal below¹ in greater detail with the question of acid bombs and the shots fired by Private T.

¹ [Chapter 51](#)

Chapter 47: The question of nail and blast bomb explosions

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- 47.1 Some soldiers of Mortar Platoon gave accounts of seeing or hearing the explosion of nail or blast bombs when they were in the area of Sector 2. Although much of the evidence relates to the period when the soldiers fired in the area of the Rossville Flats car park, which we discuss in detail below,¹ it is convenient to consider at this stage the evidence of all the soldiers of Mortar Platoon on this topic.

¹ [Chapter 51](#)

Evidence of the soldiers from Lieutenant N's Armoured Personnel Carrier

Lieutenant N

- 47.2 In his oral evidence to the Widgery Inquiry,¹ Lieutenant N said that he was not aware of hearing the explosion of any nail bomb on Bloody Sunday. According to his accounts, after he had disembarked from his Armoured Personnel Carrier (APC), he had first gone to the Eden Place alleyway, then returned to that vehicle, after which he went to the back of the houses in Chamberlain Street. We describe below² his accounts of his movements after that, in which he said that he shot a man he believed was a nail bomber and then went forward to Sergeant O's APC.

¹ [WT12.75-76](#)

² [Chapter 51](#)

Corporal 162

- 47.3 Corporal 162 said nothing in his Royal Military Police (RMP) account¹ about hearing explosions and told us in his written statement to this Inquiry² that he could not recall hearing any. As we have described earlier in this report,³ Corporal 162 told the RMP that after disembarking from Lieutenant N's APC he had gone forward beside the wall at the back of the Chamberlain Street houses, and had then taken William John Doherty from Sergeant O back to Lieutenant N's APC, where he stayed "*about 10 minutes*" before taking that vehicle to the end of Block 1 of the Rossville Flats.⁴

¹ [B1962.007](#)

³ [Paragraphs 26.10–13 and 40.2–11](#)

² [B1962.004](#)

⁴ [B1962.007-008](#)

Private 019

- 47.4 Private 019 gave no evidence at any stage about hearing explosions.

Lance Corporal INQ 768

47.5 Lance Corporal INQ 768, who gave no evidence in 1972, told us in his written statement that he did not recall hearing any bombs or explosions.¹ Although he believed that after disembarking he knelt at the back of Sergeant O's APC, it seems to us, for the reasons we have given earlier,² that he was probably mistaken about this and was in fact at the back of Lieutenant N's APC.

¹ C768.5

² Paragraph 24.17

Private INQ 1918

47.6 In his written statement to this Inquiry,¹ Private INQ 1918 told us that he could not recall hearing any explosions that might have been the sounds of nail bombs. He was Lieutenant N's radio operator and had little recollection of where he went after he was with Lieutenant N at the Eden Place alleyway, though as we have pointed out earlier in this report,² one of Colman Doyle's photographs shows him standing by Lieutenant N's APC after having taken his arrestee back to that vehicle.

¹ C1918.3

² Paragraph 33.38

Private S

47.7 We have already described how Private S, according to his account, had moved forward from Lieutenant N's APC to near the southern end of the back of the houses in Chamberlain Street and, in our view, had been involved with Lance Corporal V in the incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle. We discuss later in this report¹ the accounts he gave of firing his rifle at what he described as a gunman or gunmen in the car park from a position some yards south of where Charles McMonagle can be seen in Colman Doyle's photograph.

¹ Chapter 51

47.8 Later in this report,¹ when discussing the question of incoming fire directed at or towards the soldiers as they disembarked from Lieutenant N's APC, we draw attention to the fact that whereas in his first and second RMP statements² he had described nail bombs being thrown down from the Rossville Flats, in his written statement for the Widgery Inquiry³ Private S described these accounts as "*not really correct*". Private S continued: "*I heard*

some distant bangs and I assumed that these were nail bombs. I have heard nail bombs before. I did not at this time see any objects thrown which I could identify as nail bombs, and I did not see or hear close to me the explosion of a bomb.”

¹ Paragraph 49.15

³ B707

² B693; B703

47.9 We have also earlier¹ referred to the fact that in his oral evidence to this Inquiry, Private S said that the claims about nail bombs in his RMP statements were not a deliberate lie but that “*I had allowed myself ... to make an inaccurate statement*”.² Private S said to us that he was not aware of any nail bombs.³ He suggested that it was “*a fair assumption*” that the RMP had told him to say that nail bombs had been thrown, but we have found no evidence that such an assumption is justified.⁴

¹ Paragraph 26.42

³ Day 332/82

² Day 331/65-69

⁴ Day 332/36-41

Private 013

47.10 Private 013 was the baton gunner who advanced to the north end of Block 1 of the Rossville Flats, followed by Private Q.

47.11 In his written statement to this Inquiry, Private 013 told us that after he disembarked he could hear bangs all around him, and though he did not hear among the bangs anything that he thought was the explosion of a nail bomb, it would have been difficult to tell because of “*the environment the acoustics and echoes*”.¹ He had made no mention in his RMP statement of hearing nail bombs at any stage.²

¹ B1408.004

² B1406

Lance Corporal V

47.12 Earlier in this report¹ we considered the accounts Lance Corporal V gave, in his RMP statement² of hearing shots and two explosions as he disembarked from Lieutenant N’s APC, and in his written statement for the Widgery Inquiry³ of hearing explosions just before he disembarked and shots later. We also drew attention to the fact that in his oral evidence to us he was unable to explain why his RMP statement and his written statement for the Widgery Inquiry contained this difference in the order of events.⁴ As we have described earlier,⁵ Lance Corporal V had followed Private S and then accosted

Charles McMonagle (the Order of Malta Ambulance Corps volunteer) at the wall at the back of the Chamberlain Street houses. We deal below⁶ with his account of shooting at a person he said had thrown a petrol bomb.

¹ Paragraphs 26.14–17

² B788

³ B801

⁴ Day 333/103-105

⁵ Paragraphs 31.1–14

⁶ Paragraphs 51.79–135 and 52.4–5

Private Q

47.13 In his RMP account,¹ Private Q stated that when he was at the north-east corner of Block 1 of the Rossville Flats, nail bombs were being thrown from the area of the passage between Blocks 2 and 3 of the Rossville Flats towards Sergeant O's APC. He stated that he saw a man throw a nail bomb, which he "*saw burst some 10 yards from the APC*". Private Q fired at this man as he was about to throw another bomb. The man fell and the bomb rolled away.

¹ B625

47.14 In his written account for the Widgery Inquiry,¹ Private Q stated that the first nail bomb had "*exploded in the forecourt near to the houses at the end of Chamberlain Street*". The second did not explode. His oral evidence to the Widgery Inquiry² was to the same effect. He told the Widgery Inquiry that the first nail bomb "*sort of banged*".³

¹ B635-B637

³ WT12.96

² WT12.88-89; WT12.96

47.15 In his written statement to this Inquiry,¹ Private Q told us that he shot a man who had thrown a nail bomb and was about to throw another. He said that the first bomb was not thrown very far and landed in the car park, but later in his statement he told us that he did not now remember where it had exploded.²

¹ B657.4

² B657.8

47.16 In his oral evidence to this Inquiry,¹ Private Q said that the bomb made a "*dull crump*" when it exploded, and that it could have been a blast bomb, not a nail bomb.

¹ Day 339/31-32

47.17 Private Q made no mention in his evidence of hearing any other explosions.

47.18 We consider the firing by Private Q later in this report.¹

¹ Paragraphs 51.138–161 and 52.6

Evidence of the soldiers from Sergeant O's Armoured Personnel Carrier

47.19 As we have already noted,¹ it seems probable that six soldiers disembarked from Sergeant O's APC when it stopped briefly in Rossville Street. These were Corporal P, Private 017, Private R, Private 006, Private 112 and Private U.

¹ [Chapter 32](#)

Corporal P and Private 017

47.20 As we have already described,¹ these two soldiers went to the west side of Rossville Street after disembarking from Sergeant O's APC. We consider their accounts of what they saw and did in the course of our consideration of the events of Sector 3. For present purposes it suffices to record that Corporal P told the Widgery Inquiry that he heard no explosions anywhere near the rubble barricade in Rossville Street² and gave no evidence at any stage about hearing explosions elsewhere. Private 017 told this Inquiry that he did not hear any explosions.³

¹ [Paragraph 32.3](#)

³ [B1484.005](#)

² [WT13.65](#)

Private 006

47.21 As we have described earlier,¹ after disembarking Private 006 was involved in the arrest of William John Dillon on the Eden Place waste ground. According to his accounts, after taking this arrestee to a vehicle in Rossville Street with the assistance of Private 037, the driver of Major Loden's vehicle, Private 006 moved forward to within a few yards of the north end of Block 1 of the Rossville Flats.²

¹ [Chapter 33](#)

² [B1376; B1377.005](#)

47.22 Private 006 told this Tribunal that he did not hear explosions at any time in the car park of the Rossville Flats¹ and made no mention at any stage of hearing explosions elsewhere in Sector 2.

¹ [Day 334/61-63](#)

Private U

47.23 Private U, as we have described earlier,¹ was involved in the arrest of Charles Canning. After this, according to his accounts, he made his way to the north end of Block 1 of the Rossville Flats.

¹ [Chapter 35](#)

47.24 In his written account for the Widgery Inquiry,¹ Private U stated that he had heard no explosions. In his oral evidence to the Widgery Inquiry² he said that he had heard no nail bombs.

¹ [B769](#)

² [WT14.6](#)

Private 112

47.25 For reasons given earlier in this report,¹ we are sure that Private 112 (one of the baton gunners) was concerned with Private U in the arrest of Charles Canning. According to his RMP statement, after deploying on the Eden Place waste ground he later took up a position at the corner of Block 1 of the Rossville Flats.²

¹ [Chapter 35](#)

² [B1730](#)

47.26 Private 112 did not refer to any explosions in his RMP statement.

47.27 In his written statement to this Inquiry¹ Private 112 told us that he heard loud bangs on disembarking in the area of Pilot Row. These could have been the sounds of baton rounds or blast bombs. He stated that when he was trying to disperse the crowd he heard a lot of noise including some explosions. In his oral evidence to this Inquiry he said that he could not tell what had caused those explosions, and that they could possibly have been baton round discharges.²

¹ [B1732.004](#)

² [Day 320/104](#)

47.28 During the course of his oral evidence Private 112 was asked about an account given by Lance Corporal F of Anti-Tank Platoon, which we consider in the context of Sector 3, of seeing two nail bombs explode about 40m north of the rubble barricade in Rossville Street; and about Private Q's account, to which we have referred above, of seeing a nail bomb explode in the car park of the Rossville Flats. Private 112 said that he saw none of

these explosions. It was then put to him that three nail bombs could not have exploded near his position at the north end of Block 1 of the Rossville Flats without him seeing them. He replied: "*I probably heard them, I did not see them.*"¹

¹ [Day 320/154-155](#)

Private R

47.29 Private R, as we have described earlier,¹ was, according to his account, detailed to cover Sergeant O's APC, and so ran after it after he had disembarked in Rossville Street. In his first RMP account,² Private R stated that when he reached the APC he heard explosions, the location of which he could not determine. This appears to have been at a time when a crowd was "*milling about the flats*" and rioters were throwing stones at him and other soldiers near Sergeant O's APC, and shortly before he noticed a man in the car park of the Rossville Flats who had a fizzing object in his left hand. Private R said that he fired one round at the man, who fell and was carried away. We consider the firing by Private R later in this report.³

¹ [Paragraph 32.4](#)

³ [Paragraphs 51.164–207](#)

² [B659](#)

47.30 In his written statement for the Widgery Inquiry, Private R gave an account of hearing "*a couple of explosions ... which I thought were bombs*" from the area around the rubble barricade. Again, on the basis of Private R's account, this apparently occurred at or about the time when Private R saw the man with an object in his hand, which in this statement was described as smoking. Private R stated that that he did not know what happened to the smoking object after he had fired. He did not hear a bang.¹

¹ [B670-671](#)

47.31 In his oral evidence to the Widgery Inquiry,¹ Private R said that he heard "*one or two explosions*" and shooting when he had run perhaps ten to 15 yards to catch up with Sergeant O's vehicle after he had been dropped off in Rossville Street. He pointed out the perceived source of these explosions on the model used at the hearings of the Widgery Inquiry. Lord Widgery described the location indicated by Private R as "*the back of the flats*". Private R said that the explosions were not large and sounded like those of a "*hand bomb*". He was asked to confirm that this happened when he was running after the APC, and replied: "*Yes, this was when the crowd was running and then there were explosions and shooting.*" At one stage he appeared to say that he had run about 50 yards when the

shooting started,² and at another that the shooting began “*Half way along as I came into the open space of the actual flats itself*”,³ but in neither passage did he comment on the explosions.

¹ [WT13.73](#)

³ [WT13.80](#)

² [WT13.79](#)

47.32 In his written statement to this Inquiry,¹ Private R told us that he heard incoming fire when he disembarked from Sergeant O’s vehicle, but did not mention explosions. On the other hand, he did state that he had heard explosions at the time when he fired at the man holding the smoking object. According to him, the sound of these explosions was different from the sound of baton rounds being fired.²

¹ [B691.002](#)

² [B691.003](#)

47.33 In his oral evidence to this Inquiry,¹ Private R said that his current recollection was that he heard incoming fire (but not explosions) after disembarking from Sergeant O’s vehicle in Rossville Street and before it moved off. He said that he only heard the explosions after he had reached the APC in the entrance to the car park, and that his evidence to the Widgery Inquiry suggesting that he heard them before then may have been mistaken.² His attention was drawn to Lord Widgery’s description of the source of the explosions as demonstrated on the model as “*the back of the flats*”, but Private R was unable to say whether that had meant the car park area. However, Private R then said that he believed that the explosions had come from “*somewhere in the flats*”. He was asked why in that case he had said in his first RMP statement that he could not determine the location of the explosions, and said that he “*could not really remember at the time*”, having been awake for more than 24 hours when he made that statement.

¹ [Day 337/87-90](#)

² [Day 337/96-100](#)

47.34 We consider Private R’s accounts of his own firing later in this report.¹

¹ [Paragraphs 51.164–207](#)

47.35 As we have described earlier,¹ it seems probable that only three soldiers were left in Sergeant O’s APC to disembark when that vehicle stopped in the Rossville Flats car park. These were Sergeant O, Private T and Private INQ 1579, the driver.

¹ [Paragraph 37.1](#)

Sergeant O

47.36 In his written statement for the Widgery Inquiry,¹ and in his oral evidence to that Inquiry,² Sergeant O said that he heard no nail bombs. Sergeant O confirmed this in his written and oral evidence to this Inquiry.³ Sergeant O, though he was involved in the arrest of William John Doherty, had not been far from his APC in the car park from the time he arrived there until after the end of the shooting incidents in Sector 2, when Lieutenant N told him to move his vehicle round the north end of Block 1, after which he went to Altnagelvin Hospital in Lieutenant N's APC, which was carrying the bodies of three civilians shot at the rubble barricade in Rossville Street.⁴

¹ B469

³ B575.117; Day 335/89; Day 336/56

² WT13.34

⁴ B469

Private T

47.37 Private T, who is now dead and so gave no evidence to this Inquiry, recorded in his RMP statement that he had assisted in two arrests and then moved back to Sergeant O's APC.¹ From his written statement for the Widgery Inquiry, it appears that he in fact covered Sergeant O while the latter was making an arrest. He then appears to have stayed close to the APC.² He told the Widgery Inquiry in his oral evidence that throughout the whole operation in the car park he neither saw anyone throw a nail bomb, nor heard in the car park or elsewhere anything "*which I could discern was a nail bomb*".³

¹ B725

³ WT13.93

² B735

Private INQ 1579

47.38 This soldier gave no evidence in 1972. In his written evidence to this Inquiry¹ he stated that he could not recall whether or not he heard explosions after disembarking in the Rossville Flats car park.

¹ C1579.2

47.39 It is convenient at this point to summarise the evidence that the soldiers of Mortar Platoon gave relating to the explosion of nail and blast bombs.

Summary of the soldiers' evidence about the explosion of nail and blast bombs

The soldiers from Lieutenant N's Armoured Personnel Carrier

Lieutenant N

He heard no bombs.

Corporal 162

He did not recall hearing any bombs.

Private 019

He gave no evidence of hearing bombs.

Lance Corporal INQ 768

He did not recall hearing any bombs.

Private INQ 1918

He did not recall hearing any bombs.

Private S

In his evidence to us he described the accounts that he gave at the time of nail bombs being thrown down from the Rossville Flats as not really correct and said that he neither saw nor heard any near him.

Private 013

He heard nothing that he thought was the explosion of a nail bomb. He had said nothing about nail bombs in his RMP statement.

Lance Corporal V

His accounts were of hearing two explosions just before or as he disembarked.

Private Q

He said that nail or blast bombs, one of which exploded, were thrown from the area of the passageway between Blocks 2 and 3 of the Rossville Flats towards Sergeant O's APC.

The soldiers from Sergeant O's Armoured Personnel Carrier who disembarked on Rossville Street

Corporal P

He gave no evidence of hearing explosions.

Private 017

He told us he had heard no explosions.

Private 006

He heard no explosions at any time in the car park and said nothing about hearing any elsewhere.

Private U

He heard no nail bombs.

Private 112

His account was that he heard explosions which may have been baton round discharges.

Private R

He said that he heard explosions, either (according to his oral evidence to the Widgery Inquiry) as he ran towards Sergeant O's APC, or (according to his other accounts) after he had reached the APC. In his first RMP statement he said that he could not determine the location of the explosions, but in his written statement for the Widgery Inquiry he said that they were in the area of the rubble barricade, and in his oral evidence to the Widgery Inquiry he located them at what the Widgery Inquiry described as "*the back of the flats*". He told us that he heard explosions at the time he fired at a man with a smoking object in his hand.

The soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in the car park

Sergeant O

He heard no nail bombs.

Private T

He heard nothing that he could discern as the explosion of a nail bomb.

Private INQ 1579

He could not recall whether or not he heard explosions.

Evidence of civilians

47.40 We have found no evidence from any civilian witness that suggests to us that nail or blast bombs exploded in the area of Sector 2 on Bloody Sunday. On the contrary, there was a large body of evidence from civilians in the area (much of it given in 1972) to the effect that they neither saw nor heard any such explosions. Some of these witnesses had seen or heard the explosion of these devices on previous occasions, for (as we have described earlier in this report¹) they had frequently been used in Londonderry by paramilitaries during the previous months; and so these witnesses can reasonably be supposed to have been able to recognise the sound that they made.

¹ Paragraphs 8.63, 8.65, 8.140 and 8.145

Consideration of the evidence relating to the explosion of nail and blast bombs

47.41 Of the 18 men in Mortar Platoon, only four gave any evidence about hearing the explosion of nail bombs. Of these Private S retracted as incorrect the accounts that he gave at the time of nail bombs being thrown down from the Rossville Flats. Lance Corporal V's account of hearing two explosions, "*which were definitely not rubber bullets*",¹ either just before or as he disembarked from Lieutenant N's APC is not supported by any of the other eight soldiers who disembarked with him, none of whom suggested that bombs had exploded at this stage. As we have already observed, it seems to us that Lance Corporal V may have heard the discharge of baton guns, which occurred very soon after Lieutenant N's APC had stopped, but we are not persuaded that he heard or might have heard nail or blast bombs.

¹ Day 333/103

47.42 We reject Private Q's account of seeing one of two nail bombs explode when thrown towards Sergeant O's APC. Had such an event occurred, we have no doubt that Sergeant O and Private T, who were both near the APC for most of the time, would have noticed and reported it. As it is, both gave evidence in 1972 that they did not hear nail bombs. Private R gave evidence of hearing explosions, but as will have been observed, his evidence about where he was when he heard them and where the noise had come from varied significantly in each of the accounts that he gave, to the extent that in our view no reliance can be placed on this aspect of his evidence. We return below¹ to consider his evidence in the context of his own firing.

¹ Paragraphs 51.138–161

47.43 In our view the weight of the evidence of the soldiers of Mortar Platoon, coupled with the evidence of civilians to which we have referred above, establishes that no nail or blast bombs exploded in Sector 2. We should record at this point that in our view no nail or blast bombs were thrown or exploded in any other sector.

47.44 Later in this report¹ we consider, and reject, the submission made by the representatives of the majority of represented soldiers,² that wounds sustained by Patrick McDaid and Pius McCarron may have been caused by nail bombs.

¹ [Paragraphs 55.301–302](#) and [55.358](#)

² [FS7.1534](#); [FS7.1611](#); [FS7.1621](#)

47.45 We consider below the evidence of soldiers of Mortar Platoon of the throwing of nail or blast bombs that according to them did not explode. We also consider below their evidence relating to acid and petrol bombs.

Chapter 48: The cocking of rifles by Mortar Platoon soldiers

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48.1 According to Rule 4¹ of the Yellow Card (the instructions for opening fire in Northern Ireland which we have discussed earlier in this report²): *“Your magazine/belt must always be loaded with live ammunition and be fitted to the weapon. Unless you are about to open fire no live round is to be carried in the breech, and the working parts must be forward. Company Commanders and above may, when circumstances in their opinion warrant such action, order weapons to be cocked, with a round in the breech where appropriate, and the safety catch at safe.”*

¹ ED71.1-2

² Paragraphs 8.121–123

48.2 In his oral evidence to this Inquiry, Major Loden, the Company Commander of Support Company, told us that he did not give any authority for weapons to be cocked.¹ We have no reason to doubt his evidence on this point.

¹ [Day 347/8](#)

48.3 If the magazine of a 7.62mm self-loading rifle (SLR) is loaded and fitted to the weapon, the action of cocking the rifle puts a round into the breech. If the safety catch is then moved from safe, pulling the trigger will fire the round. Thus cocking the weapon in advance reduces the time required to fire it.

Evidence of the soldiers concerning the cocking of rifles

Lieutenant N

48.4 Lieutenant N did not in his evidence address the question of when he first cocked his own weapon. However, in his oral evidence to this Inquiry,¹ he denied that he had ordered Sergeant O to cock his weapon, or given Sergeant O permission to do so, at or about the time when his platoon moved off to go through Barrier 12. He said that to give such an order or permission would have been wrong because at that stage there was no clear perception of danger or need to use rifles. However, as we explain below, since Sergeant O gave evidence in 1972 that Lieutenant N gave him permission for weapons to be cocked, it seems to us that Lieutenant N is mistaken in his recollection and that he did give such permission.

¹ [Day 322/141-146](#)

Private INQ 1918

48.5 In his oral evidence to this Inquiry,¹ Private INQ 1918 said that he could not remember whether his rifle had been cocked when he disembarked from Lieutenant N's vehicle and arrested a civilian. He said that the safety catch would certainly have been on.²

¹ [Day 342/108](#)

² [Day 342/133](#)

Corporal 162

48.6 This soldier gave no evidence about whether, and if so when, he cocked his rifle.

Lance Corporal V

48.7 In his RMP account,¹ Lance Corporal V stated that he cocked his weapon when he heard shots as he disembarked from Lieutenant N's APC. He also heard two explosions.

¹ [B788](#)

48.8 According to his written statement for the Widgery Inquiry¹ and his oral evidence to the Widgery Inquiry,² just before he disembarked he had heard two explosions, and so he cocked his rifle as soon as he disembarked. As he was running forward, he heard single shots and saw spurts from the ground to his right.

¹ [B801](#)

² [WT13.11](#)

48.9 As we have already noted, in his oral evidence to this Inquiry,¹ Lance Corporal V said that he could no longer remember hearing the explosions or the single shots, or seeing the spurts from the ground. He said that he could not explain why his RMP statement and his statement for the Widgery Inquiry differed as to the order in which the shots, the explosions and the cocking of his rifle occurred.²

¹ [Day 333/55-56](#)

² [Day 333/103-105](#)

48.10 For reasons given above, we do not accept that Lance Corporal V heard shots when he disembarked from Lieutenant N's APC. He may have mistaken the sound of baton rounds for explosions and it may have been these sounds that caused him to cock his rifle at this point.

Lance Corporal INQ 768

48.11 In his written account to this Inquiry,¹ Lance Corporal INQ 768 stated that after disembarking he went immediately to the rear of his vehicle. Although he had no actual recollection, he believed that he would have had his weapon cocked at this stage.

¹ [C768.3](#)

Private Q

48.12 Private Q did not say when he cocked his rifle, but he told the Widgery Inquiry that it was not cocked when he disembarked from Lieutenant N's APC and began to move towards the Rossville Flats.¹ We have no grounds for suggesting that Private Q was wrong about this.

¹ [B636](#)

Private S

48.13 In his RMP account, Private S stated that his weapon was cocked from the time when he took up his position by the wall at the back of the Chamberlain Street houses.¹

¹ [B692](#)

48.14 In his statement for the Widgery Inquiry, Private S recorded that he and the other soldiers in Lieutenant N's vehicle came under fire as soon as they disembarked, and that he cocked his weapon as soon as he came under fire.¹ In his oral evidence to the Widgery Inquiry, he again said that he cocked his weapon as soon as he came under fire.²

¹ [B707](#)

² [WT12.103](#)

48.15 For the reasons we have given earlier in this report,¹ we are of the view that the soldiers from Lieutenant N's APC did not come under fire when they disembarked. It follows that we do not accept Private S's evidence of the reason why he cocked his weapon.

¹ [Paragraphs 26.44–60](#)

Corporal P

48.16 In his RMP statement,¹ Corporal P described moving forward from Little James Street in an APC. In the same paragraph, and before describing his disembarkation, he said that his rifle was cocked with a round in the breech and the safety catch applied. This indicates to us that he cocked the weapon no later than while he was moving into the Bogside in Sergeant O's vehicle.

¹ [B576](#)

48.17 In his statement for the Widgery Inquiry,¹ Corporal P acknowledged that his earlier statement had given the impression that he had cocked his rifle while he was in the vehicle, but he said that in fact he had cocked it only upon disembarking from the vehicle to make arrests.

¹ [B592-593](#)

48.18 In his oral evidence to this Inquiry, Corporal P said that he did not know why there was a difference between the two statements that he made in 1972 on this point. He agreed that he could not now say whether what he had said in his RMP statement about the matter was true or not. He also said that what he had put in his statement for the Widgery Inquiry

“*was my recollection at the time*”, and denied that he had realised or had suggested to him that it would be foolish to admit that his weapon had been cocked while he was still inside the vehicle.¹

¹ [Day 353/15-16](#); [Day 353/64-65](#); [Day 353/83-85](#)

48.19 Warrant Officer Class II Lewis, the Company Sergeant Major of Support Company, recorded in his written statement to this Inquiry¹ that as the soldiers of Support Company embarked into their vehicles, he saw a soldier cock his weapon before entering the APC ahead of the command vehicle. He thought that this soldier was Corporal P. Warrant Officer Class II Lewis told us that he was annoyed and decided to speak to the soldier when they returned to barracks, but in the event never did. In his oral evidence,² Warrant Officer Class II Lewis explained that he had not been in doubt as to the identity of the soldier at the time, but after so many years could not be entirely sure that it had been Corporal P. This paragraph of Warrant Officer Class II Lewis’s statement was put to Corporal P when the latter gave oral evidence.³ Corporal P agreed that he could not now say whether or not, if he was the soldier seen by Warrant Officer Class II Lewis, it was true that he had cocked his rifle before embarkation. He was then asked whether he would have cocked his rifle on instructions or of his own volition. He said that he would have been instructed, but that he could not assist as to whether he had been given any order.

¹ [B2111.013](#)

³ [Day 353/65-66](#)

² [Day 353/31-32](#)

48.20 On the basis of what Corporal P told the RMP, it seems to us that it is more likely than not that he cocked his weapon at some stage before he disembarked from the APC.

Private R

48.21 In his RMP account,¹ Private R stated: “*We debussed from the Humber and I heard the sound of shots from the flats area. I cocked my weapon. I was detailed to cover the vehicle. The vehicle suddenly drove off and located itself outside No 1 Block Rossville Flats. I moved through the crowd to the vehicle.*”

¹ [B658](#)

48.22 In his written statement for and oral evidence to the Widgery Inquiry,¹ Private R stated that he cocked his rifle when he heard shooting as he ran across the waste ground to catch up with Sergeant O's vehicle. He was asked how much time elapsed after he had disembarked before the shooting started, and he replied: "*As long as it takes you to run, say 50 yards with my sort of kit on.*"²

¹ B670; WT13.73

² WT13.79

48.23 In his written statement to this Inquiry,¹ Private R said that when he disembarked from the vehicle he heard incoming fire, which "*sounded roughly as if it was coming from the area of the Rossville Flats*". He did not say when he cocked his weapon. It was suggested to Private R in the course of his oral evidence to this Inquiry² that these accounts were inconsistent. He said that his current recollection was that he heard incoming fire and cocked his weapon after disembarking from Sergeant O's vehicle but before it moved off.

¹ B691.002

² Day 337/87-90

48.24 We do not accept that Private R heard incoming fire. The evidence of those soldiers who preceded him into the Rossville Flats car park does not suggest that at this time there was such fire. It is possible, though in our view unlikely, that he heard either Lieutenant N's shots up the Eden Place alleyway, or those fired by Corporal P in Sector 3, which we discuss in our consideration of the events of that sector.

Private 006

48.25 This soldier gave no evidence about whether and if so when he cocked his rifle.

Private U

48.26 In his RMP account Private U stated that he cocked his rifle as he jumped out of Sergeant O's vehicle in Rossville Street.¹ However, according to his statement for the Widgery Inquiry,² he did not cock his rifle until after he had arrested a man and taken him back to the junction of William Street and Rossville Street. On his way back down Rossville Street, Private U saw soldiers at the entrance to the car park of the Rossville Flats firing at a gunman in its far corner, and it was at that point that he cocked his rifle. In his oral evidence to the Widgery Inquiry,³ Private U again stated that he cocked his rifle while moving back down Rossville Street after handing over the arrested man. In this account,

he said that he cocked his weapon because he had seen the fall of shots on the waste ground between Eden Place and Pilot Row, and that he had not seen any of the soldiers in the area of the car park firing.

¹ B748-749

³ WT13.96-97

² B767

48.27 In his written account to this Inquiry,¹ Private U stated only that he could not remember whether he had cocked his weapon before the incident, which we consider below, in which he opened fire, although he thought that he probably had. In his oral evidence to this Inquiry,² Private U said that he could not explain the difference between his RMP statement and the evidence that he gave to the Widgery Inquiry on this point. He said that he did not recall whether he had cocked his weapon as he jumped out of Sergeant O's vehicle, but that he would have had no reason to lie to the RMP about the matter.³

¹ B787.006

³ Day 369/133

² Day 369/45-46

48.28 In our view Private U's RMP account is to be preferred to what he said later and accordingly it seems to us that at the latest he had cocked his weapon as he disembarked from Sergeant O's APC.

Sergeant O

48.29 In his first RMP statement¹ Sergeant O recorded that his own rifle "*had been cocked on moving forward from my position*". It is not clear from this statement to what position he was referring, but in his written account for the Widgery Inquiry,² he stated that he was "*told we could cock our weapons*" during a quick briefing that he received from Lieutenant N before deployment. He had his own weapon cocked and ready, but with the safety catch on, from the time he left Little James Street. He said that if his men had heard or seen him cock his weapon, they would have done the same without further orders.

¹ B440

² B468

48.30 In his written statement to this Inquiry,¹ Sergeant O confirmed that evidence, adding that although he did not tell his men to cock their weapons, he heard them doing it inside the APC after he had cocked his rifle. His oral evidence to this Inquiry² was to the same effect, although he explained that he could not say that each of his soldiers had cocked his weapon in the APC, "*but I would imagine the people who seen me cock my weapon ... would have cocked theirs as a natural response*".

¹ B575.110

² Day 335/20-21; Day 336/6-10

Private T

48.31 Private T gave no evidence about the cocking of his weapon.

Private INQ 1579

48.32 In his written account to this Inquiry,¹ Private INQ 1579 stated that when he disembarked from Sergeant O's APC he cocked his weapon with the safety catch on. He said that this was "*standard procedure ... in this sort of situation*".

¹ C1579.4

48.33 From the foregoing it will be seen that many of the soldiers from Mortar Platoon, including Lieutenant N, ignored or contravened the provisions of the Yellow Card as to when they were permitted to cock their weapons.

The relevance of when soldiers cocked their rifles

48.34 It was submitted that the evidence of when the soldiers cocked their weapons demonstrated their willingness and eagerness to fire live rounds on Bloody Sunday.¹

¹ FS1.605

48.35 We do not accept this submission as a general proposition. In our view on its own the cocking of weapons at an early stage indicates only that soldiers prepared themselves to shoot without delay. Without instructions this was contrary to the Yellow Card, but the soldiers had been told that they were going into an area in which paramilitaries were known to operate. To our minds the cocking of weapons alone does not, even with hindsight, show that soldiers were willing and eager to fire live rounds, but only that they prepared themselves to fire without delay should they come up against paramilitary attack. We accept Sergeant O's denial that he cocked his weapon so as to be ready to shoot people. "*Not ready to shoot people; I cocked my weapon so that I could defend myself if the need arose.*"¹ We have found no assistance in reaching conclusions on why the soldiers fired from what they said about cocking their weapons.

¹ Day 336/6

Chapter 49: The question of gunfire directed at the soldiers

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Consideration of the evidence of incoming gunfire	49.82

49.1 Earlier in this report¹ we concluded that the evidence of the soldiers who disembarked from Lieutenant N's APC did not persuade us that any of them came, or might have come, under fire as – or soon after – they got out of the vehicle.

¹ [Paragraphs 26.44–60](#)

- 49.2 We now address the rest of the evidence of the soldiers of Mortar Platoon relating to incoming fire. We first consider their evidence relating to incoming fire generally and then, in the context of examining the evidence of firing by the soldiers, what they said in some cases about firing by their targets.

Evidence of the soldiers from Lieutenant N's Armoured Personnel Carrier

Lieutenant N

- 49.3 In his written statement for the Widgery Inquiry,¹ Lieutenant N recorded that during the period in which he was occupied around Eden Place he was aware of firing, but that none of it affected him directly and he could not say exactly when it began or ceased. In his oral evidence to the Widgery Inquiry,² Lieutenant N said that he had heard no other shots at the stage when he had fired up the Eden Place alleyway or when a little later he had shot at a man he said was a nail bomber at the southern end of the back of the Chamberlain Street houses. In his written statement for the Widgery Inquiry,³ he also recorded that in the period after his vehicle had been used to retrieve the bodies from the rubble barricade (an event that occurred after the main firing in Sectors 2, 3, 4 and 5 and which we consider hereafter), he heard several shots that appeared to be fired towards Army vehicles standing outside the Rossville Flats. For reasons given when considering the later events of Sector 3, we are sure that soldiers fired the shots that Lieutenant N heard at this stage.

¹ B399

³ B401

² WT12.67-69

- 49.4 In his oral evidence to the Widgery Inquiry,¹ Lieutenant N also said that the shots fired at the vehicles after the collection of the bodies were the first that he had heard, other than the shot that hit the drainpipe on the Presbyterian church, which we discussed when considering the events of Sector 1.

¹ WT12.67; WT12.69; WT12.72; WT12.79

- 49.5 In his oral evidence to this Inquiry,¹ Lieutenant N said that he no longer recalled the shots fired at the vehicles after the collection of the bodies. He told us that he had "*no aural memory at all of that day*".²

¹ Day 322/114

² Day 323/29

- 49.6** On any view there was very substantial rifle fire by soldiers after Mortar Platoon had come into the Bogside and before bodies had been retrieved from the rubble barricade. It is difficult to understand how Lieutenant N could have failed to hear at least some of the firing by the soldiers. We considered whether the accounts that he gave at the time of hearing no gunfire were intended by him to relate exclusively to incoming fire, as opposed to firing by soldiers, but though this is a possibility, his oral evidence to the Widgery Inquiry is couched in terms that would seem to refer to firing from any source.

Corporal 162

- 49.7** As we have observed above, Corporal 162 made no reference in his RMP statement to incoming fire as he ran from the APC towards the Eden Place alleyway.¹ He made no reference to any such gunfire in the rest of that statement, in which he described taking an arrested person from Sergeant O near the southern end of the back of the Chamberlain Street houses, bringing him back to Lieutenant N's APC and then driving that vehicle to Block 1 of the Rossville Flats. We have described the circumstances of this arrest, which was of William John Doherty, earlier in this report.²

¹ B1960

² Chapter 40

- 49.8** We have already considered¹ Corporal 162's evidence to this Inquiry of hearing what he believed to be automatic fire on disembarking from Lieutenant N's APC. In his written statement to this Inquiry,¹ he described what he then heard as follows:

"I cannot recall hearing any more shots of automatic fire. There were certainly no other specific shots which made me look up or look in any particular direction. I never saw any particular individuals shooting and neither did I see anyone shooting at me. I just remember hearing noises in the background. I heard a number of weapons being fired but I do not know whether they were rubber bullet guns or other weapons."

¹ Paragraphs 26.10–13

² B1962.003

Lance Corporal V

- 49.9** We have considered earlier in this report¹ Lance Corporal V's RMP statement of hearing the sound of shots as he disembarked from Lieutenant N's APC.² However, as already noted, Lance Corporal V, in his evidence to the Widgery Inquiry, seems to have altered his account, as he told that Inquiry that as he was running forward behind Private S he heard the sound of single shots and saw bullets hitting the ground somewhere to his right, which as far as he could judge were high velocity and had come from the alleyway

between Blocks 1 and 2 of the Rossville Flats. He also told the Widgery Inquiry that when Private S was firing towards the passageway between Blocks 1 and 2 (an incident we consider later in this report), he could see flashes coming from that direction, but could not hear shots.³

¹ Paragraphs 26.14–17

³ B801; WT13.11

² B788

49.10 In his RMP statement,¹ Lance Corporal V recorded: “*Firing was taking place at us from several positions with several different types of weapons.*” After giving a description of firing at a man whom he stated he had seen throw a bottle with a fuse attached (another incident we consider later in this report²), he stated: “*The firing still continued from the flats area.*”³

¹ B788

³ B789

² Paragraphs 51.80–100

49.11 Lance Corporal V also told the Widgery Inquiry¹ that at a later stage, after Sergeant O’s APC had been moved back to the “*other side of the road*” and his snatch squad commander was conducting an ammunition check, “*There was still occasional firing of single high velocity shots from the right hand side of the flats*”. It is clear from Lance Corporal V’s oral evidence to the Widgery Inquiry² that by “*other side of the road*”, he meant the north end of Block 1 of the Rossville Flats.

¹ B802

² WT13.14

49.12 In his written statement to this Inquiry,¹ Lance Corporal V told us that after disembarkation from the APC he heard a burst of machine gun fire and saw bullets hit a wall between him and a soldier who was in front of him. He believed that the gunfire came from the area of the Rossville Flats and that it was directed at him. It is not entirely clear from his account when this is said to have happened. However, he had in this account previously described getting out of the APC and approaching a man in uniform who was by a wall. Earlier in this report,² we have considered that incident, which involved the Order of Malta Ambulance Corps volunteer Charles McMonagle and also Private S; and which took place close to the wire fence that ran along the edge of the Eden Place waste ground. It may be that Lance Corporal V was intending to refer to a time after that incident.

¹ B821.003

² Paragraphs 31.1–14

49.13 In his oral evidence to this Inquiry,¹ Lance Corporal V said that he had no present recollection of hearing single shots and seeing the spurt of bullets hitting the ground, as described in his statement for the Widgery Inquiry. He also said that he did not now have

“an actual clear-cut memory” of automatic fire hitting a wall, as described in his written statement to this Inquiry, but that “*what stands out in my mind is the fact that, if the memory is correct, it was orange brick dust that was being bounced out of the walls the round was hitting*”. As to why he did not refer to automatic fire hitting a wall in his statement for the Widgery Inquiry, he accepted that it was possible that his memory was deceiving him, but said that “*there was a lot of fire coming at us and maybe I have only just remembered that bit*”. He said that he now had no clear recollection of seeing flashes coming from the direction of the Rossville Flats while Private S was firing.² He was unable to explain why the account given in his RMP statement of incoming fire from several different positions and weapons was not repeated in his evidence to the Widgery Inquiry.³

¹ Day 333/55-59

³ Day 333/109-114

² Day 333/80

Private S

49.14 As we have described above, in his first RMP statement¹ Private S made no mention of coming under fire as he disembarked from Lieutenant N's APC. He described taking up what he called a defensive position at the back of the last-but-one house at the Rossville Flats end of Chamberlain Street. He made no mention in this or later statements of the incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle, in which he and Lance Corporal V were involved and which took place close to this location. He did, however, give an account of incoming fire at the time when he fired shots, to which we return later in this report.²

¹ B692

² Paragraphs 51.44–74

49.15 We have also considered above the accounts that Private S gave in this statement and in his second RMP statement¹ of seeing nail bombs thrown from the Rossville Flats, which he retracted as “*not really correct*” in his written statement for the Widgery Inquiry.²

¹ B703

² B707

49.16 In his second RMP statement,¹ Private S recorded that he had seen a gunman fire about six shots from a ground floor window in Block 1 at soldiers deployed around Sergeant O's APC. However, in his oral evidence to this Inquiry,² Private S said that we should not rely on this account as accurate. When questioned further about this, he accepted the suggestion that this account was untrue. He told us, as he had about his account of seeing nail bombs, that this part of his RMP statement had probably been inserted for him by the RMP. Again, we have found no evidence to support this assertion, and indeed

were left in doubt whether or not Private S was in fact saying that the RMP had done this.³ We return to this part of Private S's evidence later in this report,⁴ when we consider the evidence he gave of his own firing.

¹ B703

³ Day 332/16-20; Day 332/65-74

² Day 331/73-77

⁴ Paragraphs 51.44–74

49.17 In his written statement for the Widgery Inquiry,¹ and in his oral evidence to that Inquiry,² Private S said that he had seen Sergeant O fire one or two shots towards the south-east corner of the car park. Shortly before this happened, Private S had shouted to Sergeant O that the latter was under fire. Private S indicated on the model used at the Widgery Inquiry the direction from which the incoming fire had come, but his transcribed answer that “*some fire came from somewhere over this region here*” does not make clear which direction it was. Private S thought that this incident had taken place in the interval between the final two series of shots he stated he had exchanged with a gunman in the passage between Blocks 1 and 2 of the Rossville Flats.

¹ B708

² WT13.3-4

49.18 In his evidence to this Inquiry, in addition to stating that he recalled incoming rounds as he disembarked from Lieutenant N's APC (which we have considered earlier in this report), Private S referred to incoming fire in the context of the incident in which he opened fire himself and which we return to consider later in this report. He also told us that he remembered seeing Sergeant O apparently engaging a target. He confirmed this in his oral evidence to this Inquiry,¹ where he said that he had a vague memory of Sergeant O being under fire. Private S said that he did not think that Sergeant O had been aware that he was under fire.

¹ Day 331/76

Lance Corporal INQ 768

49.19 We have already observed that Lance Corporal INQ 768 gave no evidence in 1972 and have considered his evidence of hearing automatic fire when he was at the back of an APC. For the reasons we have given earlier¹ we believe that he mistakenly identified the APC as that of Sergeant O. He told us² that he did not recall hearing any other incoming fire, apart from the shot that had hit the Presbyterian church, which we have considered in our discussion of the events of Sector 1.

¹ Paragraphs 24.7–17

² C768.3

Private Q

49.20 We have described earlier in this report¹ the evidence that Private Q gave in 1972, of disembarking from Lieutenant N's APC, following a baton gunner who was running towards what he described as the forecourt of the Rossville Flats and hearing "*four or five single low velocity shots*" when he and the baton gunner had reached the north end of the Rossville Flats. He described this firing as taking place about 45 seconds or a minute after he had disembarked from the APC, but said that he could not locate the source of the gunfire and that during the whole of the operation in the Bogside he was not aware of any firing being directed at him or the other soldiers from his APC.²

¹ [Paragraph 26.23](#)

² [B624; B636; WT12.86; WT12.93-95](#)

49.21 We have already rejected the account that Private Q gave us of incoming fire as he ran forward.

Private 013

49.22 Private 013 was the baton gunner whom Private Q followed towards the Rossville Flats.

49.23 As we have noted earlier in this report,¹ in his RMP statement² Private 013 recorded that when he moved into the car park of the Rossville Flats he heard gunfire and saw two or three bullets strike the ground behind him on his right. He could not say from which block of flats the shots came.

¹ [Paragraphs 26.30–32](#)

² [B1406](#)

49.24 In his written statement to this Inquiry, Private 013 told us that after he disembarked he could hear "*bangs going off all around me*", but he did not know their source and said that they "*could have been from us*". Later in the statement he told us: "*I cannot say we were shot at but my senses told me that it was a gun battle.*"¹

¹ [B1408.003-004](#)

49.25 Private 013 did not give oral evidence.

Private 019

49.26 Private 019 was the other baton gunner from Lieutenant N's APC. We have already concluded, for the reasons we have given earlier,¹ that we should place no reliance on either the account that he gave at the time or his evidence to us of hearing shots when he was at the Eden Place alleyway. He gave no evidence of hearing incoming shots at any other stage during the events of Sector 2.

¹ [Chapter 30](#)

Private INQ 1918

49.27 Private INQ 1918 was Lieutenant N's radio operator. We have discussed earlier¹ the incident at the Eden Place alleyway in which he arrested Duncan Clark and took him back with Lieutenant N to their APC. We have also considered² his evidence to us of hearing high velocity gunfire when he was with Lieutenant N at the Eden Place alleyway and of hearing Thompson sub-machine gun fire at some stage, and concluded that it would be unwise to rely upon his recollections of firing. He himself acknowledged that so far as the Thompson sub-machine gun fire was concerned, his memory could well have been derived from another occasion,³ while we formed the view that his recollection of high velocity shots was probably of those fired by Lieutenant N up the Eden Place alleyway.

¹ [Paragraphs 30.13–35](#)

³ [Day 342/99-102](#)

² [Paragraphs 26.6–9](#)

49.28 We now turn to the evidence relating to incoming fire of those in Sergeant O's APC.

Evidence of the soldiers from Sergeant O's Armoured Personnel Carrier

49.29 For the reasons we have given earlier in this report,¹ we consider that the six soldiers who disembarked from Sergeant O's APC when it stopped briefly in Rossville Street were probably Corporal P, Private 017, Private R, Private U, Private 112 and Private 006.

¹ [Chapters 32 and 34](#)

Corporal P

49.30 As we have described above,¹ Corporal P and Private 017 went to the western side of Rossville Street, near Kells Walk, after they disembarked from Sergeant O's APC.

¹ [Paragraph 32.3](#)

49.31 In his first RMP statement,¹ Corporal P described then coming under “*heavy stoning and bottling*” after which the baton gunner with him fired a number of rubber bullets. He then gave an account of firing two shots himself at a nail bomber. He referred to incoming fire only in the context of his account of what happened after these incidents, stating that he and the baton gunner came under fire as they advanced towards the rubble barricade, when he fired four shots at a man behind the barricade who appeared to be holding a pistol. We return to Corporal P’s account when discussing the events of Sector 3.

¹ [B576-578](#)

49.32 In his statement for the Widgery Inquiry,¹ Corporal P described incoming fire at an earlier stage. He said that he and the baton gunner he was with came under fire “*from roughly the direction of the barricade*” when they first reached the wall to the south of Kells Walk. Two shots appeared to pass overhead. He thought that these were high velocity shots. He gave a similar account in his oral evidence to the Widgery Inquiry.²

¹ [B592](#)

² [B597; WT13.46](#)

49.33 In his written statement to this Inquiry,¹ Corporal P told us that he could no longer remember hearing any weapons being fired. In his oral evidence to this Inquiry,² he said that he did not know why the incoming fire at the earlier stage was not described in his RMP statement, and denied that he had embellished his evidence to the Widgery Inquiry on this point.

¹ [B623.002](#)

² [Day 353/32](#)

Private 017

49.34 In his first RMP statement,¹ Private 017 referred to incoming fire only in the context of his account of an incident in which he fired his baton gun at a man alleged to have been carrying a pistol or revolver, who approached him from the alley between Columbcille Court and Glenfada Park North. Private 017 stated that after firing a baton round at the man, he turned and ran, and as he did so he heard two small calibre weapon shots behind him, as if the man had fired twice at Private 017 or other soldiers. We return to this incident when considering the events of Sector 3.

¹ [B1472-1473](#)

49.35 In his written statement for the Widgery Inquiry,¹ Private 017 recorded that soon after he and Corporal P had taken up position at the wall south of Kells Walk, he heard two high velocity shots. He believed that these might have come from around the area of the

Rossville Flats, but was not sure of the direction of fire. He then again described the two small calibre shots fired after he turned away from the man at whom he had fired a baton round.²

¹ B1482

² B1483

49.36 In his written statement to this Inquiry,¹ Private 017 told us that he thought that he had heard shots while at the north-east corner of Block 1 of the Rossville Flats. However, he also described his position as being at about the point he marked E on a plan,² ie on the east side of Rossville Street at the turning leading into the car park. In his oral evidence to this Inquiry,³ he said that in fact he had been near the point marked F on the plan, ie on the west side of Rossville Street near the wall south of Kells Walk, and that he thought that the shots had been high velocity. He could not recall how many shots he had heard. He again referred to hearing shots while in this position in his written statement to this Inquiry,⁴ in which he told us that he did not know where the shots were coming from, did not think that they were aimed at him, and could not say whether they were high velocity. He told us that he could not be certain whether the man with the pistol had fired at him, but thought that he had.⁵ He stated that by the time he returned to his vehicle at the north end of the Rossville Flats he had heard shots, but did not know from where they had come or at whom they had been fired.⁶

¹ B1484.003

⁴ B1484.004; B1484.008

² B1484.010

⁵ B1484.005; B1484.008

³ Day 358/51-53

⁶ B1484.005

49.37 In his supplementary written statement to this Inquiry,¹ Private 017 told us that he heard a lot of shooting during the day, the source of which he could not locate, and that he believed that the man with the pistol had fired at him. However, in his oral evidence to this Inquiry,² he said that he was not sure whether the man with the pistol had fired at him, and did not remember hearing shots behind him as he moved away.

¹ B1484.023

² Day 358/79-80

Private R

49.38 We have already described how, according to his first RMP statement, Private R had been detailed to cover the APC, so that when it was driven on after he had got out, he “*moved through the crowd to the vehicle*”.¹ In that statement he recorded that when he

disembarked, he heard the sound of shots from the flats area. He also stated that as he reached Sergeant O's APC, *"I again heard the sound of shots. There were many shots both high velocity and low velocity from about 6 different weapons."*

¹ B658-659

49.39 In his written statement for the Widgery Inquiry,¹ Private R recorded that he heard firing as he was running to catch up with the vehicle, and that after he reached it – but before he fired at a man whom he stated was throwing a smoking object – he could hear *"weapons being fired from our side of the flats, and I heard our SLR's [self-loading rifles] firing"*. We consider the firing by Private R later in this report.²

¹ B670

² Paragraphs 51.165–195

49.40 In his oral evidence to the Widgery Inquiry,¹ Private R said that he heard low calibre and high calibre weapons being fired as he ran after the APC. When asked from which direction the gunfire was coming, he used the model of the area available to that Inquiry to illustrate what he was saying, with the result that the transcribed answer is only partially intelligible: *"I am quite certain, I think there was somebody shooting down from this direction towards the men and from the flats area down about here in the gaps of the flats."* He appeared to say that he had run about 50 yards when the shooting started,² and that the shooting began *"Half way along as I came into the open space of the actual flats itself"*. He was asked to confirm that the firing was coming from the Rossville Flats and replied: *"Yes, and also there were people shooting from the alleyways along there. There were one or two people with pistols firing down there."*³

¹ WT13.73

³ WT13.80

² WT13.79

49.41 In his written statement to this Inquiry,¹ Private R told us that he heard both high and low velocity incoming fire when he disembarked from Sergeant O's vehicle. The firing sounded *"roughly as if it was coming from the area of the Rossville Flats"*. The high velocity shooting had a high-pitched crack suggestive of an M1 carbine or Armalite. In addition, there was a thumping noise, suggestive of a Thompson sub-machine gun, and continuous firing from what sounded like a starting pistol. Private R stated that he could still hear both high and low velocity incoming fire when he had caught up with the vehicle and taken up a position at its rear, and that high velocity fire still seemed to be coming from the vicinity of the Rossville Flats at the time when he fired at the man who was throwing a smoking object. There was a series of short bursts fired close together, but he could not be sure that it was automatic fire.² He also told us that he was still under

the impression that incoming fire was taking place at the stage when he was receiving treatment for acid burns near Major Loden's vehicle (a matter we consider later in this report³), although the shooting was not at the same intensity as before.⁴

¹ [B691.002](#)

³ [Chapter 51](#)

² [B691.003](#)

⁴ [B691.004](#)

49.42 In his oral evidence to this Inquiry,¹ Private R said that his current recollection was that he heard incoming fire after disembarking from Sergeant O's vehicle in Rossville Street and before it moved off.

¹ [Day 337/87-90](#)

Private U

49.43 We have already expressed the view that we cannot rely on Private U's evidence of hearing automatic fire as the APC drove into the Bogside.¹ As we have also described above,² according to his RMP statement,³ Private U arrested a man about 15 yards up Eden Place and took him back to an Army vehicle parked on Rossville Street. He was with a baton gunner, Private 112. This was the arrest of Charles Canning, which we have discussed above.⁴ According to this statement, Private U then went to the north-west corner of Block 1 of the Rossville Flats:

"I then came under fire from the waste ground at the far end of Rossville Flats. Between myself and this waste ground there was a barricade across Rossville Street. It was about three feet high and formed of rubble. The rioters were gathered around and behind this barricade but they were beginning to thin out by this time. I heard about thirty gunshots while I was in this position but could not tell where they were coming from."

¹ [Paragraphs 24.39–40](#)

³ [B748-749](#)

² [Paragraphs 34.4–8](#)

⁴ [Chapter 35](#)

49.44 In his statement for the Widgery Inquiry,¹ Private U recorded that as he moved towards the Rossville Flats after disembarking in Rossville Street, he heard four or five low velocity automatic shots. He did not see where this gunfire had come from or where it went. As he was taking an arrested civilian back to the junction of William Street and Rossville Street, three or four low velocity automatic shots were fired from behind him and landed near him on the open ground. After handing over the civilian, he went back up Rossville Street towards the Rossville Flats, and saw soldiers at the entrance to the car park firing at a gunman in its far corner. As he was running, he saw four or five automatic

shots landing near Major Loden's vehicle ahead of him. He stated that during the time he was at the north-west corner of Block 1, he heard "*sporadic firing from behind me in the direction of the forecourt of the Rossville Flats*".²

¹ B767

² B769

49.45

In his oral evidence to the Widgery Inquiry,¹ Private U said that he could not remember whether he had heard firing between disembarkation and the arrest of the civilian, but said that when he made the arrest he heard shots fired and saw them fall about 9ft away from him. He said that he believed that the first shots that he heard after disembarkation came "*from the area of Glenfada Park*".² He told the Widgery Inquiry that after handing the man over, he returned to Eden Place and saw the fall of shots in the waste ground between there and Pilot Row.³ He also said that he had heard small calibre gunfire in the car park that and could see a man firing from the area for the Rossville Flats.⁴ He did not say at what stage this occurred, but said that he had included this in his statement, which presumably means that it is a reference to the gunman in the corner of the car park he had described in his written statement for the Widgery Inquiry.⁵ He said that as he was running to the Rossville Flats he saw three or four shots fall by Major Loden's vehicle, but did not see from where they had come.⁶ The answers he gave the Widgery Inquiry⁷ suggest that he was saying that there were three sets of shots: one as Private U arrested a man; another as he returned to the corner of Eden Place; and a third (involving the shots that came close to the command vehicle) as he ran across open ground. He said that by the time he reached the north-west corner of Block 1, most of the firing had died down but also that while he was there, he heard about 15 to 20 low and high velocity shots fired from the area of the car park.⁸

¹ WT13.96

⁵ B767

² WT14.2

⁶ WT13.97

³ WT13.96

⁷ WT13.96-97

⁴ WT14.2-3

⁸ WT13.97; WT13.100

49.46

In his written statement to this Inquiry,¹ having referred to incoming fire before disembarkation from the APC (evidence that we have considered earlier in this report²), Private U stated that he thought that it was as he was escorting the civilian that a second burst of gunfire rang out. This was low velocity fire. He thought that there were about four or five shots, which hit the ground, and seemed to have been fired from an elevated position to the south, possibly in Block 2 or Block 3. He stated that he did not now remember an additional burst of gunfire between disembarkation and the arrest of the civilian, nor did he now recall seeing soldiers in the entrance to the car park firing at a gunman, or automatic fire landing near Major Loden's vehicle.³ Private U also stated that

while at the north-west corner of Block 1 of the Rossville Flats, he could hear shooting coming from the car park “*and further south from there*”⁴ but could not tell what type of shooting it was. He thought that he could also hear high velocity fire coming from the area of Glenfada Park North.⁵ He told us that he thought that the 30 shots mentioned in his first RMP statements were probably these shots from the car park and Glenfada Park North.⁶

¹ B787.005

⁴ B787.007

² Paragraphs 24.38–40

⁵ B787

³ B787.010

⁶ B787.010

49.47 In his oral evidence to this Inquiry,¹ Private U was unable to explain the differences between his first RMP statement, his written statement for the Widgery Inquiry and his oral evidence to that Inquiry on the question as to whether he heard incoming fire after disembarkation and before he arrested the civilian, and on his alleged sighting of a gunman in the area of the car park. He said that he could not remember whether he was aware of gunfire in the area at the time when he effected the arrest.² He also said that he did not know why he had not mentioned to the RMP the firing that occurred while he was escorting the civilian, and although he told us that he was told to deal with what he had done as opposed to what he had seen and heard,³ this is difficult to reconcile with the fact that he did describe other firing in his RMP statement. In contrast to his written statement to this Inquiry, in which he told us that he did not recall coming under fire as he moved to the north-west corner of Block 1 of the Rossville Flats,⁴ Private U said that he did remember hearing gunfire as he moved to that corner, but could not say what type of gunfire it was.⁵ He said that while at the north-west corner of Block 1, he heard gunfire from several directions. He told us his present recollection was that some of this gunfire came from “*towards Glenfada Park*” and some from the car park area.⁶

¹ Day 369/31-36; Day 369/54-57; Day 369/168-173

⁴ B787.005

² Day 369/41

⁵ Day 369/47-48

³ Day 369/43-45

⁶ Day 369/58

Private 112

49.48 Private 112 was a baton gunner of Mortar Platoon who had disembarked from Sergeant O’s APC when it stopped briefly in Rossville Street. As we have noted earlier in this report,¹ this witness told us that he was an alcoholic, that his memory was blurred and that a lot of things had become “*intermingled with other things that have happened on previous riots*”.²

¹ Paragraph 34.2

² Day 320/86

49.49 We have referred to Private 112's RMP statement¹ earlier in this report.² As we observed, in that statement he made no mention of arresting anyone, though for the reasons we have given, we are sure that he was involved with Private U in the arrest of Charles Canning.

¹ B1730

² Paragraphs 34.1–3

49.50 In his RMP statement,¹ Private 112 gave this account:

"About 1610 hrs I was deployed on the waste ground off Rossville St. From this position I could hear shots being fired which were coming from the area of the Flats. These shots I would say was of low velocity, Thompson Sub Machine Gun. At the same time rioting was in progress on the waste ground off Pilot Row and I heard shots passing over my head, again these shots were low velocity and came from the direction of Rossville Flats the exact position I do not know as everything happened so fast."

¹ B1730

49.51 In his written statement to this Inquiry,¹ Private 112 told us that he heard low velocity gunfire, which he stated might well have been Thompson sub-machine gun fire, although he did not think that he would have specified the type of weapon to the RMP. In the same statement,² Private 112 recorded that he heard sporadic gunfire while he was trying to disperse the crowd on the waste ground. He could not tell from which direction it was coming, but it sounded like a gun battle. He said: *"By this, I mean that I heard a shot and then a split second later another shot and I assumed that somebody was firing from one direction and that shots were being returned from a different direction."* He told us that it seemed to him that he was hearing both high and low velocity weapons.

¹ B1732.004; B1732.007; B1732.008

² B1732.004

49.52 In his oral evidence to this Inquiry,¹ Private 112 first said that he was as sure as he could be about this – that he remembered hearing low velocity automatic fire, and that this is what he would have told the RMP. However, he later accepted that he might have been wrong in thinking that he had heard low velocity fire, as there were so many thumps and bangs and explosions going on, of various kinds, that what he thought was low velocity firing might not have been; and he told us that he could not remember what he was doing when he heard what he thought was automatic fire.

¹ Day 320/104-106; Day 320/134-136; Day 320/149-150

- 49.53** It is unclear from the evidence of Private 112 where on the waste ground he was when, according to his RMP statement, he heard automatic fire. On the basis of his accounts this was at the stage when, as he put it, rioting was in progress on the Eden Place waste ground, and there was firing from different directions. However, at the stage when people were on the Eden Place waste ground in any numbers, there was in our view no exchange of firing of that kind. It seems to us, especially since he accepted in his oral evidence to this Inquiry that he could have been mistaken about hearing low velocity fire, that it would be unwise to rely upon Private 112's evidence that he heard low velocity automatic gunfire or indeed any incoming fire.

Private 006

- 49.54** We have earlier described¹ how, according to Private 006's RMP statement,² Private 006 and Private 037 (the driver of Major Loden's command vehicle) arrested William John Dillon and took him back to an APC in Rossville Street. In his RMP statement, after dealing with this arrest, Private 006 continued:

"I heard shooting break out and took cover. I was not able to locate where the shots came from – I was separated from the vehicle and members of the squad and saw that the vehicle had moved to a position about ten yards from Block 1 of the flats. As I ran to rejoin the Squad as the crowd had moved to the rear of the flats."

¹ Paragraph 33.1

² B1375

- 49.55** In his written statement to this Inquiry,¹ Private 006 told us that all that he could remember hearing was the sound of self-loading rifles (SLRs). Apart from the shot that hit the drainpipe on the side of the Presbyterian church (which we have considered in the context of Sector 1), he did not describe incoming fire anywhere else in his evidence.

¹ B1377.005

- 49.56** We now turn to consider the evidence of the soldiers who disembarked when Sergeant O's APC stopped in the Rossville Flats car park.

Sergeant O

- 49.57** In his first RMP statement,¹ Sergeant O recorded that after arrests had been made, he was by the rear of his APC when he heard shots and saw rounds strike the side of 36 Chamberlain Street and the ground between the house and his APC. There were four to five weapons of mixed calibre firing. He said that during the subsequent incidents,

in which he fired his rifle, he and his section were under constant small arms fire from several positions in the Rossville Flats area.² We return to the firing by Sergeant O later in this report.³

¹ B440

³ Chapter 51

² B441

49.58 Sergeant O appeared in the Thames Television This Week programme *Northern Ireland – Two Sides of the Story*, broadcast on 3rd February 1972. He said in this programme that as the soldiers of his section started to move arrested civilians back to the APC, they came under fairly heavy fire from the Rossville Flats.¹ He thought that the firing came from at least four or five positions and from a multiplicity of different types of weapon. The soldiers put the civilians into the back of the APC and then took up firing positions. They started to locate the gunmen and return the gunfire.

¹ X1.17.11-X1.17.14. The transcript refers to Sergeant O as “Sgt 1”.

49.59 Sergeant O told the interviewer that there was a lot of firing going on around him as he fired at three gunmen. As well as seeing people firing, he saw the strikes of their rounds, particularly against one soldier in his platoon, who “*took quite a bit of stick at one time, but came through it*”.

49.60 In his statement for the Widgery Inquiry,¹ Sergeant O recorded that the initial burst of firing occurred after he had arrested a man and handed him to a lance corporal, and was following them both back to his APC. This was the arrest of William John Doherty, which we have discussed earlier in this report.²

¹ B467

² Chapter 40

49.61 According to this statement, Sergeant O thought that some of the firing was low velocity. He described seeing “*only one fall of shot ... on the back corner of 36 Chamberlain Street*” during the initial firing, but he also described “*another fall of shot, between the pig and the Chamberlain Street wall*” at a later stage, after he had engaged his first target. He stated that by the time he had fired at his second target, the firing was “*beginning to slacken off*” and that there was “*no sustained fire at us now, just pot shots at us*”.¹

¹ B468

49.62 In his oral evidence to the Widgery Inquiry,¹ Sergeant O described the initial incoming fire as “*low velocity and possibly some high velocity*”, and said that he saw it hit the corner of the wall at the back of 36 Chamberlain Street. He said that the incoming fire that followed was the most intense in a short space of time that he had seen in Northern Ireland. On other occasions more rounds had been fired, but over a far longer period.² He also

said that there would have been about 20 or 30 shots in the initial burst of gunfire, and that there was then continuous gunfire for about two or three minutes, at the end of which about 80 to 100 shots had been fired.³

¹ WT13.27

³ WT13.38

² B482

49.63 Sergeant O was interviewed, probably in 1989, as part of the research that resulted in the Channel 4 Secret History documentary *Bloody Sunday* made by Praxis Films Ltd. He is recorded as having said in his first Praxis interview¹ that he was escorting one of the rioters back to the APC when the shooting began. He was armed only with a baton. The soldiers came under “*very heavy fire*”. He was standing in the middle of it. The snatch operation became a “*watch and shoot operation. It was a gun battle.*” Individual engagements were taking place, in which soldiers were spotting gunmen, firing back, having fire returned, and “*taking him out*”. The soldiers “took out” the gunmen fairly quickly. The shooting could not have lasted for more than four or five minutes. He said that he did not think that it lasted much longer than three or four minutes.²

¹ O21.1-O21.2

² O21.5

49.64 A further interview of Sergeant O was conducted for the same programme on 14th May 1991 by John Goddard, Tony Stark and Neil Davies. Sergeant O is recorded as having said in this interview¹ that he had arrested a man and passed him to another soldier to be put into the APC, and as he turned round the firing started. The incoming fire was hitting a wall beside him, “*banging up to the back end of Chamberlain Street*”. Another soldier was there as well as Sergeant O. The gunfire was coming from above ground in the Rossville Flats. It was the heaviest fire that he had heard in Northern Ireland, but that did not mean that it had been particularly heavy. A burst of ten rounds would have been heavy. It was automatic fire. He did not want to discuss any gunmen he might have seen, but said that he did not fire at anyone who did not have a weapon in his hand.

¹ O22.58-O22.60; O22.69

49.65 Peter Taylor interviewed Sergeant O on 28th November 1991 for the BBC Inside Story documentary *Remember Bloody Sunday*. Sergeant O is recorded as having said in this interview that firing began from the area of the Rossville Flats as he brought a civilian to the back of his vehicle.¹ The gunfire was coming from three or four weapons. It was the highest concentration of gunfire that he had heard in Northern Ireland. This was “*a quick sort of burst of maybe 20, 30 rounds from various weapons*”. There was a strike on the

ground between him and the wall on his left. He passed the civilian to a lance corporal and moved to the front of his vehicle, where he was “*opposite one of the people who was armed*”. The soldiers now started to look for targets and return fire.

¹ [I538-I540](#)

49.66 Sergeant O said that there was a strike of a number of rounds on the ground in front of him and another strike of three or four rounds on the corner of the wall at the end of Chamberlain Street.¹ The incoming fire was not sporadic. There were “*quite a few shots fired over a very short space of time into the area where we were standing*”. He estimated that the initial burst of gunfire, before any of the soldiers returned fire, consisted of “*20–30 rounds, maybe less, maybe more I don’t really know*”.

¹ [I542-I546](#)

49.67 In his written statement to this Inquiry,¹ Sergeant O told us that the initial incoming fire consisted of about 20 to 30 rounds fired in bursts from what appeared to be four or five, or perhaps three, positions around the Rossville Flats. It was a mixture of high and low velocity fire, and was the heaviest that he had yet heard in Northern Ireland. He saw bullets strike the ground to his left and the rear wall of 36 Chamberlain Street. Further on in his statement,² he indicated that the shots that struck the ground had been fired at a later stage, when, according to his account, Private S was engaging a gunman in the gap between Blocks 1 and 2 of the Rossville Flats. (This was also the upshot of his oral evidence to this Inquiry.³) He stated that it had been his “*ball park guess*” that about 80 incoming shots had been fired in all, but that there could have been 60 or 120.⁴

¹ [B575.113](#)

³ [Day 335/49-53](#); [Day 336/21-23](#); [Day 336/137-139](#)

² [B575.123](#)

⁴ [B575.121](#)

49.68 In his oral evidence to this Inquiry, Sergeant O said that he was next to the nearside front wheel of his APC when the firing started. When it was pointed out to him that he had told the RMP that at this time he had been at the rear of the vehicle, he said that the vehicle was very small and that he “*obviously*” could not give his exact position.¹ He also told us that he had not been aware of any automatic fire, and that all or most of the incoming shots had been low velocity. He said that the answer in which he told the Praxis interviewers that he had heard automatic fire was wrong, and that he did not remember giving that answer.² He denied that he had overestimated the number of shots because of

the echo effect reverberating around the three blocks of the Rossville Flats; and he also told us that when the incoming fire started, there were still people trying to get out through the two alleyways.³

¹ Day 336/24

³ Day 335/54

² Day 335/48-49

49.69 Sergeant O was asked about the shots that Lieutenant N had fired up the Eden Place alleyway:¹

“Q. Were you aware of the firing by Lieutenant N?

A. Was I, what, sorry?

Q. Aware of the firing by Lieutenant N?

A. No, I was not.

Q. Were you aware Lieutenant N had fired shots further down the wasteground?

A. No, I did not.

Q. Did you not hear them?

A. Not to my knowledge, no.

Q. If you did not hear him firing, could it be the firing you heard was in fact his firing?

A. I doubt it very much because an SLR has got a very distinctive crack and the stuff that was initially fired at me was not an SLR that was firing.

Q. You are aware, as an experienced soldier, the distorting effect in a built-up area of high buildings?

A. Yes.

Q. Are you not able to accept that the shots that were fired by Lieutenant N could have been misinterpreted by you?

A. No, I would not accept that.

Q. How can you explain, then, that you did not hear Lieutenant N's shots?

A. Because Lieutenant N was down behind me and I believe – I could be wrong on this – but I believe he was firing up an alleyway, which was in an entirely different direction from where I was facing.

Q. He was standing at the corner of a building on the wasteground?

A. He was firing down an alleyway, therefore the sound, the main sound would have went down the alley, away from me. Therefore it is perfectly logical that I would not have heard it.

Q. You did not hear any of that?

A. Correct.”

¹ [Day 336/31-33](#)

49.70

In his oral evidence to the Widgery Inquiry, Sergeant O was asked how it was that while according to him some 80 to 100 shots had been fired at the Army in the space of two or three minutes, no soldier had been wounded or touched by that gunfire.¹

“Q. Round about 80 to 100 shots fired in this few minutes?

A. Yes.

Q. At soldiers who were actually engaged in an arrest operation?

A. Yes.

Q. Whoever was firing, they must have been very bad shots, must they not?

A. And also very stupid.

Q. Very stupid and very bad shots?

A. Yes.

Q. Because firing from those positions, in the positions you have described, it would have been like shooting a goldfish in a barrel, would it not?

A. Those are your words; not mine.

Q. Would you not agree that one could hardly miss from those positions?

A. I would agree that a trained man could not miss from those positions.

Q. Or, I suggest, a blind man could not have missed from these positions, firing those number of shots.

LORD WIDGERY: You need not answer that.”

¹ [WT13.38](#)

49.71 In his written statement to this Inquiry,¹ Sergeant O told us:

“The firing was not controlled, not the usual type of deliberately aimed sniper fire. If it had been more controlled, then I am sure me and some of my men would have been hit. We were very lucky that we were not, and my impression is that it was inexperienced people in the Rossville Flats who had control of these weapons and that is why we avoided any serious casualties. I am fairly sure that there were no hard IRA men there when we first entered the Bogside. Those that did have the weapons were not particularly good at using them.”

¹ [B575.113](#)

49.72 Later in this statement Sergeant O added:¹

“On this day, however, we were not faced with a sniping incident. My Pig arrived in the courtyard of the Rossville Flats as a total surprise to the local people and I think that they took the view that they were being invaded by the army. I became aware that the IRA had agreed to stay out of the area well after the event when speaking with a television journalist, Peter Taylor. I think that it is probably true that the IRA had kept their hard men out of the area, up in the Creggan estate, and I believe that ‘dicks’ or second rate men got hold of low quality weapons which were in the Rossville Flats ready for use and disobeyed the IRA and opened fire on us. If experienced IRA snipers had been firing the weapons, there is no doubt that the paras [paratroopers] would have lost a number of men. If any of us had been killed, my guess is that there would have been no inquiry in 1972 or now. I think that better gunmen arrived on the scene later and various other shooting incidents took place.”

¹ [B575.122](#)

49.73 When Sergeant O was asked, during his oral evidence to this Inquiry, about this passage in his written statement, there was this exchange:¹

“Q. ...That is put forward, is it not, as a hypothesis to explain why, despite your recollection that a large number of shots were fired, none of them hit a single soldier even though there were scores of soldiers on the ground?

A. No, that is not correct, it is not I am putting forward that type of hypothesis. That is just my feelings of how the thing developed in Londonderry on that day. That is how the whole thing built. I think they were completely shocked that we had went so far into their no-go area. McGuinness may have did the thing and kept his men out of the

area, I do not – I have no reason to doubt that, but I think the wrong people got the wrong weapons and I think they walked into it.

Q. That is your –

A. That is my opinion, that is just how I feel about it.

Q. One hypothesis which the Tribunal will have to consider is that the reason why no single soldier was hit was either because there was no firing at the soldiers at all, or nothing like the fire that you and others have described. Is that, in truth, the position?

A. Is that, what, sorry?

Q. In truth the position?

A. No, it is not the position: we were fired upon; we returned fire. There is no doubt in my mind whatsoever about that.”

¹ Day 335/119-120

49.74 Later in his oral evidence to this Inquiry,¹ Sergeant O said that no soldiers were hit, “*I think because the people who had the weapons were low grade*”. He also told us that he did not know whether his APC had been hit.

¹ Day 336/49

Private T

49.75 We have already referred to Private T’s RMP statement¹ earlier in this report.² This statement was principally concerned with this soldier’s account of bottles containing acid and other missiles being dropped from the balconies of the Rossville Flats and of his firing two shots at a man on the balcony above him, to which we return later in this report.³

¹ B725

³ Chapter 51

² Paragraphs 37.17–18

49.76 Private T made no mention in that statement of any incoming fire.

49.77 In his statement for the Widgery Inquiry,¹ Private T recorded that after the soldiers disembarked from the APC, the civilians in the car park of the Rossville Flats began to throw stones and other missiles. At about this time he heard a burst of low velocity fire coming from inside the car park, but could not see from where it was coming or in which direction it was going. He stated that he subsequently heard a lot of shooting of all types in the area.²

¹ B735

² B735-736

49.78 In his oral evidence to the Widgery Inquiry,¹ Private T said that the initial firing came about 30 to 45 seconds after disembarkation, and that it could have been either a burst of gunfire or a semi-automatic rifle being fired very quickly. The sound came from “*Somewhere actually inside the area of the Rossville Flats, inside the centre*”. He said: “*After the main burst of firing had died down we were just fired at in ones and twos.*”² He told the Widgery Inquiry that he was in the car park throughout the whole of the operation, but had seen no-one firing at the troops.³

¹ WT13.88

³ WT13.93

² WT13.91

49.79 As we have already noted, Private T is dead and gave no evidence to this Inquiry.

Private INQ 1579

49.80 As we have described above,¹ Private INQ 1579 was the driver of Sergeant O’s APC. He gave no evidence in 1972.

¹ Paragraph 37.21

49.81 In his written statement to this Inquiry,¹ Private INQ 1579 told us that firing began almost immediately after he disembarked. He heard several shots. He stated: “*The easy thing to say now is that it was high velocity fire that I heard, since civilians had such capability at the time.*” He was certain that the fire was incoming, because he heard bullets strike the ground “*and I would have seen them at the time but I cannot remember seeing this for sure now*”. He told us that he also heard bullets hitting metal. In his oral evidence to this Inquiry, Private INQ 1579 said that he presumed that this “*could have been the vehicle being hit*”. He also said that he was sure that the gunfire was incoming because “*I seen it in and around the vehicle*”.² He was asked why he was now saying positively that he had seen the strike of bullets around his position, and said that he “*must have remembered it*”.³

¹ C1579.4

³ Day 336/199-203

² Day 336/169-170

Consideration of the evidence of incoming gunfire

49.82 We have already considered and rejected, for the reasons given earlier in this report,¹ the evidence suggesting that the Mortar Platoon APCs were fired on as they drove into the Bogside and that gunfire was directed at the soldiers from Lieutenant N’s APC as, or soon after, they disembarked.

¹ Paragraphs 24.38–40 and 26.44–57

49.83 So far as the soldiers of Mortar Platoon from Lieutenant N's APC are concerned, there is no evidence from Lieutenant N of hearing any incoming fire until after all the casualties in all the sectors had occurred, and for reasons we give later in this report¹ we are of the view that the shots at that late stage that he attributed to paramilitaries firing at Army vehicles were in fact fired by soldiers. Corporal 162 gave no evidence in 1972 of hearing paramilitary fire. Lance Corporal V gave inconsistent accounts of hearing incoming fire, and in view of this and what we regard as the untruthful accounts he gave of his own firing, we place no reliance on his evidence. Private S gave evidence of incoming fire as he disembarked from Lieutenant N's APC, which we do not accept for the reasons given earlier in this report;² his remaining accounts of incoming fire relate to the stage at which he was firing himself, which we consider later in this report.³ Lance Corporal INQ 768 told this Inquiry that he had heard incoming automatic fire while he was at the back of his vehicle, but this is unsupported by the accounts given at the time by the other soldiers in the area and we place no reliance on it.

¹ Chapter 123

³ Chapter 51

² Chapter 24

49.84 Private Q gave evidence to the Widgery Inquiry of hearing four or five low velocity shots at the time when he took cover at the north end of Block 1 of the Rossville Flats. It seems to us that he might have heard handgun shots fired in Rossville Street, which we discuss elsewhere in this report.¹ Apart from this, he did not in the evidence that he gave in 1972, describe hearing any incoming shots as he made his way from Lieutenant N's APC to the north end of Block 1. We have earlier in this report² given our reasons for not relying on the evidence of Private 019 or Private INQ 1918 of hearing incoming fire. In view of Private 013's evidence to us, we place no reliance on his 1972 account of incoming fire.

¹ Chapters 74–75

² Chapter 30 and paragraphs 26.6–9

49.85 As to the soldiers from Sergeant O's APC, Corporal P gave evidence of hearing two high velocity shots soon after disembarking from Sergeant O's APC in Rossville Street. Private 017 gave a similar account. For reasons given when discussing the events of Sector 3, we are of the view that these were two of the shots fired by Lieutenant N at the entrance to the Eden Place alleyway. Private 017 also gave evidence of a man firing a pistol from the alley between Columbcille Court and Glenfada Park North, which we also discuss in the context of Sector 3.

49.86 Private R gave accounts of hearing incoming fire from low and high calibre weapons when he disembarked from Sergeant O's APC in Rossville Street and as he ran after that APC as it went into the car park of the Rossville Flats. We do not accept that this was the

case. At the stage when he was running after the APC, there were still many civilians in the area and, as we have said previously, it seems to us unlikely that any paramilitary would fire in those circumstances, given the risk to those civilians. Furthermore, we have found no other acceptable evidence to support Private R's accounts. As will be noted, Sergeant O did not suggest that there was any incoming fire until some time after he had disembarked in the car park.

49.87 Private U gave confused and conflicting evidence about incoming fire. In addition, as we describe elsewhere in this report,¹ he gave in our view untruthful evidence about his own firing. We take the view that it would be unwise to rely upon his evidence of incoming fire.

¹ [Paragraphs 85.72–76](#)

49.88 Private 112 gave an account of hearing low velocity Thompson sub-machine gun and other fire, but accepted in his evidence to us that it was possible that he might have been wrong because of all the other noise going on. We have already expressed the view that it would be unwise to rely on this soldier's evidence of incoming gunfire.¹

¹ [Paragraph 49.53](#)

49.89 Private 006 gave no evidence of hearing incoming fire.

49.90 Sergeant O gave evidence of a great deal of incoming fire, which started after he had arrested William John Doherty, but which did not include automatic fire. Later in this report¹ we express our views of this evidence and for the reasons we give there reject the account he gave of incoming fire.

¹ [Paragraphs 64.32–47](#)

49.91 Private T described incoming fire at what appears to be an earlier stage. He had made no mention of this in his RMP statement.

49.92 Private INQ 1579 (the driver of Sergeant O's APC) told us that there was incoming fire almost immediately after he disembarked. We formed the view that Private INQ 1579 had no real or independent recollection of events.

49.93 In these circumstances we are unpersuaded by their evidence that there was any gunfire directed at the Mortar Platoon soldiers as they drove into the Bogside, as they disembarked from their APCs or as they took up their respective positions. We consider below their evidence of incoming fire after the soldiers themselves started firing in the area of the car park of the Rossville Flats. Save for Private 017 (whose evidence of a man with a handgun on the other side of Rossville Street we consider elsewhere in this

report¹), and Private Q, who might have heard handgun shots fired in Rossville Street, we are also unpersuaded by their evidence of hearing incoming fire, whether or not directed at them.

¹ [Chapter 74](#)

49.94 We should note at this point that the representatives of the majority of represented soldiers relied upon the evidence of the civilians Julian Daly and Danny Deehan as showing that shots were directed at the soldiers as the APCs arrived.¹ Julian Daly told us that he was near the eastern side of Kells Walk as the soldiers jumped out of Lieutenant N's APC and almost immediately "*bullets hit the pavement perhaps two feet away from me to my right*".² He said that these could not have been rubber bullets.³ Danny Deehan told us that he recalled hearing firing while he was running down Chamberlain Street or across the Rossville Flats car park before the APCs came to a halt.⁴

¹ [FS7.1344-1348](#)

³ [Day 183/7-8](#)

² [AD2.4](#)

⁴ [Day 102/27-28](#)

49.95 We are not persuaded by the evidence of either of these witnesses that they heard or saw firing directed at the soldiers. Julian Daly's account seemed to be to the effect that shots were being fired by soldiers in his direction, not at soldiers as they disembarked. In our view, his memory was playing tricks on him; no soldier fired at this time and it seems to us unlikely that any paramilitary would have fired shots close to civilians. As we have explained earlier in this report, at the stage when the soldiers disembarked, there were numbers of civilians in the area and a photographer (Robert White) not far from where Julian Daly told us he was. In our view, Danny Deehan muddled the sequence of events. He had recorded nothing in his Northern Ireland Civil Rights Association statement about hearing shots before the APCs arrived,¹ and like Julian Daly, his evidence was to the effect that what he had heard was firing by soldiers.²

¹ [AD21.1](#)

² [AD21.3](#)

49.96 The same representatives also relied on the evidence of Simon Winchester, who told the Widgery Inquiry that as he was running away towards the Rossville Flats from the Army vehicles coming into the Bogside, he heard a number of shots ("*less than ten*") that he thought were from behind him; and that he was convinced that these were not the sound of baton guns.¹ In our view, these were not shots directed at the soldiers, since according to Simon Winchester, they were from behind him, ie from the north, from where the

vehicles had come. Despite what Simon Winchester said, we consider that what he heard was firing of baton guns immediately after the soldiers in Lieutenant N's APC disembarked.

¹ [FS7.1349](#); [WT3.14](#)

49.97 There was other evidence from some of those who travelled in Major Loden's command vehicle of incoming low velocity gunfire. We now turn to that evidence.

Chapter 50: The question of low velocity gunfire directed at Major Loden and others

Contents

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The evidence

50.1 Earlier in this report we have referred to Major Loden's Diary of Operations¹ dated 31st January 1972, in which an account was given of various events of the previous day in chronological order. The entries for 1612 hours, 1617 hours and 1618–1635 hours were as follows:

"1612 The Coy was ordered to deploy down Little James to arrest rioters in William St. Due to the regrouping of the Coy, the Coy did not move until 1615. On arrival at Barrier 12 there was a delay while the barrier was opened. The rioters anticipated the ensuing action and began to withdraw towards Rossville Flats. The company followed them on to the open ground east of Rossville St and north of Rossville Flats. The leading pl, the Mor PI, finally stopped in the car park area east of the northern most block of flats.

1617 Three rounds struck the second pig of the Mor PI. My veh stopped on Rossville St/Pilot Row junction in the close vicinity of two rioters. The crew of my veh debussed to arrest these men. At this time a burst of approx 15 rounds of .45 calibre SMG were fired at my crew, but the rounds struck the ground 20m in front of the soldiers.

1618–1635 By this time the Coy had all debussed and were arresting rioters. The Anti Tk Pl was West of Rossville St and the Composite Pl was either side of Rossville and Behind the leading pls. A total of 28 arrests were made over a period of a few minutes. During the arrest phase the two forward pls were subjected to SA fire from the area of Rossville Flats and Glenshada Park [sic]. Two gelignite bombs exploded in the Car Park 20 m from the leading soldier of the Mor Pl. Acid bombs were also thrown from the top storey of the flats, striking two soldiers on the legs. During the next 10 minutes or so, the engagements listed at Annex A took place. The stone throwing rioters had withdrawn from view except those beyond the Flats numbering some 300. During this phase 51 rubber bullets were fired at rioters, apart from those aimed 7.62mm rounds fired at gunmen, nail-bombers, and petrol bombers. The apparent disregard for the use of cover by these terrorists was very surprising.”

¹ [B2212](#)

50.2 The reference to Annex A is a reference to the list that we have called Major Loden’s List of Engagements, which we examine elsewhere in this report.¹ “SMG” is an abbreviation for sub-machine gun. “SA” is an abbreviation for small arms.

¹ [Chapter 165](#)

50.3 We have already observed that it appears that while some of the incidents recorded in this Diary of Operations were what Major Loden said that he had witnessed himself, the bulk of the entries came from what he said he had been told by others. For example, Major Loden told the Widgery Inquiry¹ that he was not convinced that the vehicles had been fired upon, although he had received a report that this “*could have happened*”, and he confirmed, in his oral evidence to this Inquiry,² that he had not seen three rounds strike the second Armoured Personnel Carrier (APC) of Mortar Platoon. For reasons given earlier, that is something that we are sure did not happen. As will be seen below, Major Loden also told the Widgery Inquiry that at no stage had he seen any civilian with a firearm or throwing a bomb.³

¹ [WT12.27-WT12.28](#)

³ [WT12.23](#)

² [Day 342/49-50](#)

50.4 The entry for 1617 hours refers to a burst of approximately 15 rounds of .45 calibre sub-machine gun fire that hit the ground 20m in front of the soldiers.

50.5 Major Loden was in his command vehicle, which followed the two APCs of Mortar Platoon through Barrier 12 and along Rossville Street, stopping near the junction with Pilot Row.

50.6 In his written statement for the Widgery Inquiry dated 17th February 1972, Major Loden gave this account:¹

“The Company drove through the barrier into the rioting crowd and outflanked a considerable number of them. We drove rapidly in order to split them up and to effect arrests. The Mortar Platoon which was leading, stopped with one vehicle near the East end of Eden Place and the other about 10 behind the southern-most house in Chamberlain Street just beyond the line of the Northern end of Block 1. My vehicle stopped at the junction of Pilot Row and Rossville Street in the close vicinity of two young men who had been throwing stones. The remaining vehicles all stopped on Rossville Street, between Eden Place and William Street, where the Anti-tank Platoon and Mortar Platoon debussed.

The crew of my vehicle debussed and we arrested the two young men. As we were carrying out these arrests, I heard a burst of about 15 rounds LV [low velocity] automatic fire. My signaller shouted at me that we were under fire. These were the first live rounds that I heard fired after we had gone through the barrier.

We had gone as far as the open ground immediately North of the Rossville Flats because this was where the majority of the rioters had run to and the object was to arrest as many of them as possible. In all we travelled about 250m from our start point. Had we not gone beyond William Street, we would not have made any arrests. Our tactic was to cut off those whom we were trying to arrest. It was my intention to carry out arrests and go firm in the general area where we had debussed i.e. the open ground North of Rossville Flats. As soon as we came under fire, the situation changed and the priority shifted from making arrests, to taking cover and defending ourselves from the attack of the gunmen and bombers. At this stage the half platoons and individual soldiers acted independently. I say half platoons because this represents a vehicle load. One of the two vehicles is commanded by the Platoon Commander and the other by the Platoon Sgt although the Platoon Commander retains overall command of both.

I returned to my vehicle with my crew and ordered the driver to move the vehicle forward to a position of cover against the Northern Wall of Block 1 Rossville Flats.”

¹ [B2220](#)

50.7 In Major Loden's oral evidence to the Widgery Inquiry there was this exchange:¹

"Q. At any rate, that gives the position. When you got your vehicles into that position, what happened?

A. Well, the soldiers de-bussed from the vehicles and started to make arrests.

Q. Did you see any arrests made?

A. Yes.

Q. How many?

A. Well, there were two in the case of my own vehicle.

Q. Who arrested those?

A. My driver arrested one chap and the other person, I do not know. It was another soldier from behind me. I do not know who it was.

Q. Very close to your vehicle?

A. Yes, very close to my vehicle.

Q. Did anything happen then?

A. Well, as we got out of our vehicle and as these arrests were taking place a burst of about fifteen rounds of low velocity fire was directed at us. I heard it but I didn't see the strike of the shot and my signallers shouted to me, 'We are under fire' and they told me that they had seen the rounds strike the ground close to them, in fact, in front of them.

Q. You heard it, can you say from which direction?

A. From the direction of the Rossville Flats.

Q. Could you say high or low, or from the courtyard, or where?

A. I could not say at all.

Q. What happened then?

A. Well, I told my crew to get back into their vehicle. I moved my vehicle forward to a position of cover just north of No. 1 block of the Rossville Flats. In other words, there. (Indicating)

Q. Can you tell us, did you hear any more firing?

A. Yes, I heard continuous firing for about the next ten minutes.

Q. And were your men firing back?

A. Yes, they were.

Q. From your position could you see what they were firing at?

A. No, I couldn't."

¹ [WT12.10](#)

50.8 Later in his oral evidence Major Loden told the Widgery Inquiry that the period from when he disembarked from the command vehicle and heard the low velocity shots until the subsequent shooting ended was "*about ten minutes*" and that there was firing going on all the time.¹ He also agreed that the low velocity firing he had described occurred very soon after he had disembarked, which was after the second Mortar Platoon APC (Sergeant O's APC) had reached the car park of the Rossville Flats and when people were running into the car park with soldiers behind them.²

¹ [WT12.14](#)

² [WT12.37-WT12.38](#)

50.9 He also agreed that at no stage had he seen any civilian with a gun, shooting, or throwing a nail or petrol bomb.¹

¹ [WT12.23](#)

50.10 Major Loden, when asked about the low velocity gunfire, said that he had not been able to identify the weapon:¹

"Q. Did you think this was a Thompson machine gun?

A. No, I said low velocity automatic fire.

Q. Let us get it clear. Are you saying you did not say it was a Thompson machine gun or you do not know whether it was a Thompson machine gun, or which?

A. All I am saying is that it was low velocity automatic fire.

Q. Could you not tell what sort of gun it was?

A. No, certainly not.

Q. Are you absolutely clear in your own mind that you could not identify what type of a gun it was which fired the low velocity automatic fire?

A. No, I would not be so presumptuous, because I have heard a large number of weapons fired in my career, both at me and by people on my side. People who rush around and say they have heard a Thompson machine gun are being presumptuous. All I can say is that it was low velocity automatic fire. I could not identify the weapon because I did not see it."

¹ [WT12.23](#)

50.11 A little later, however, Major Loden agreed that he had described the low velocity gunfire as Thompson sub-machine gun fire in an interview for Radio Telefís Éireann (RTÉ), though he explained that he had done so because the interviewer did not know very much about Army matters, and since a Thompson sub-machine gun was a weapon often described in Ireland, "*it was the best way of telling him it was low velocity fire*".¹ He had told RTÉ that "*I myself, my own party of myself and two signallers, were clearly fired upon with a burst of Thompson sub-machine gun fire from the Rossville Flats which hit the ground about 25 yards in front of my men*".²

¹ [WT12.24](#)

² [B2282](#)

50.12 In his written evidence to this Inquiry, Major Loden told us:¹

"34. I am not certain of the precise order of events when I got out of my vehicle. I recall grappling with a man, at least one man being arrested and incoming automatic gunfire. These events all happened relatively quickly and my best recollection now is that they were in the following order. When my vehicle came to a stop on Rossville Street, I got out along with my signallers and possibly driver. I was immediately confronted by a group of young men. I cannot remember how many: it was not more than 10, but at least 4. It seemed to me that they were deciding whether to attack. As they were sizing us up, I decided to take the initiative and to attempt to effect an arrest. In doing so I hit one of them with my baton, which broke. Two other soldiers joined me to help with arrests.

35. I cannot now remember how many of these young men we arrested certainly there was one. I became aware of a burst of automatic fire from a low velocity weapon. It seemed to come from the area of the Rossville Flats. I did not see the fall of shot, but one of my signallers (either Corporal 033 or Lance Corporal INQ 627) said to me that he had seen the bullets hit the ground about 20 yards in front of us (to the south).

36. As soon as we came under fire, the nature of the operation changed. I think now that I got my immediate team (of about four, as described above) into the command vehicle again and I ordered the driver to move the vehicle to the north gable wall of Block 1 of the Rossville Flats. This position provided some cover and meant that we were not exposed to any windows from the Rossville Flats from which we might have been fired on, as that is where I thought the firing had come from.”

¹ [B2283.005-B2283.006](#)

50.13 Major Loden also told us that he did not think that he heard any more automatic fire after this.¹

¹ [B2283.006](#)

50.14 In his oral evidence to this Inquiry, Major Loden agreed that, very quickly after he had disembarked, he and his crew started to try and arrest at least two people and it was at that stage that he heard the burst of low velocity fire.¹ He also said in his oral evidence that he only ever heard this one burst of automatic fire.² He then gave the following answers to the Chairman:

“LORD SAVILLE: Colonel Loden, I wonder if I could intervene to make sure I understand the evidence you are giving: first of all you use the word ‘exceptional’. I understood that to mean ... the gunfire you heard incoming was exceptional because your experience in Belfast was that when your troops went in in force, paramilitaries tended to melt away.

A. That is correct, sir.

LORD SAVILLE: So that if we take the low velocity gunfire you heard, that was exceptional and no doubt surprised you because it did not seem to be what had happened in Belfast; is that right?

A. That is correct, sir.”

¹ [Day 342/60-61](#)

² [Day 344/74-75](#)

50.15 As we have described earlier in this report, apart from Major Loden, the others in his command vehicle were the driver (Private 037) and Warrant Officer Class II Lewis (the Company Sergeant Major of Support Company), together with Lance Corporal 033 and Lance Corporal INQ 627, who were radio operators.

- 50.16 The driver, Private 037, gave a Royal Military Police (RMP) statement, but recorded nothing about seeing, hearing or reporting automatic gunfire at any stage. As we have described earlier in this report,¹ he was involved in the arrest of William John Dillon, and in our view he cannot have been far from the command vehicle at the time described by Major Loden.

¹ [Chapter 33](#)

- 50.17 Warrant Officer Class II Lewis made an RMP statement,¹ but this was concerned exclusively with the issuing of ammunition and with the ammunition counts that he and others conducted. He also appeared in the BBC documentary *Remember Bloody Sunday*, broadcast in 1992.² Peter Taylor interviewed him for that programme, and also quoted him in his book *Provos*.³

¹ [B2030](#)

³ [B2111](#)

² [B2039](#)

- 50.18 In his first written statement to this Inquiry, Warrant Officer Class II Lewis gave the following account of what he witnessed when he disembarked from the command vehicle:¹

“93. We then got out of the Pig and I distinctly remember that on getting out of the command vehicle on Rossville Street, I heard two shots, ‘bang, bang’ which were from a high velocity weapon and which I believed were incoming. It was definitely not the sound of rubber bullets. The shots were in the area, but not close to us. I had no sense of where they came from or went to; the area itself was susceptible to echoes and sounds could be distorted because of the echo from the flats. As I have said I would swear that the two bangs I heard were incoming shots, but they could be open to interpretation.

94. The crowd were running around on the waste ground there was a flurry of activity with soldiers and civilians. It was confusing and chaotic. I have been told that Lieutenant N fired shots above the heads of the crowd at the junction of Eden Place and Chamberlain Street. I am not aware of bangs coming from the area where Lieutenant N must have been i.e. to my left (east).

95. I saw that one of the Pigs in front of us had deployed to the left (east) and I saw other Pigs deploying to more forward positions. At least one other went forwards on the main road ie Rossville Street, towards an area where there were civilians by the Rossville Flats and towards a pile of rubble. I cannot recall whether any vehicles overtook us to reach those positions. I now know that it was Lieutenant N’s Pig that swung off to the left and Sergeant O’s Pig that went a bit further down the main road. I have been asked if I recall seeing someone knocked over by a Pig, but I do not.

96. Soldiers on foot were coming down passing our position on either side going down towards housing to the west of the Rossville Flats.

97. As I went round to the back of the vehicle I saw Corporal 33 pointing his rifle up at the Rossville Flats. He was one of Major Loden's signallers who had been in the command Pig with me. The driver may have been there too. I think the OC [Officer Commanding] was still inside with the other signaller.

98. I was slightly concerned when I saw Corporal 33. I went up to him and asked him what he was aiming at. He told me that he could see a gunman on a balcony. I stood behind him, placed my hand on his shoulder and looked up the barrel of his rifle. On a balcony there were people moving around, but I could not identify a weapon or a gunman. I think he saw that I was concerned by his actions and this relaxed him a little bit. My concern when I saw him was that he was aiming. I don't think he had any intention of firing and he was convincing to me that he had seen something, but I was able to calm him down. Corporal 33 did not fire but brought his rifle back down.

99. Contrary to what I am reported as saying at one stage in an interview with Peter Taylor I did not see two incoming low velocity rounds hitting the ground a short distance in front of our position at this stage. I don't know whether this is just wrongly recorded on the transcript or whether I was mistaken or confused. Mr Taylor was putting me under some pressure about the rounds I heard when we first deployed and the interview jumped around talking about different firing incidents. I am quite sure that I did not witness two low velocity rounds strike in front of Corporal 33. The two shots I did hear were those I have described in paragraph 93.

100. I should add that by this stage, Corporal 33 was wearing his respirator. Someone had used CS gas and it was strong enough for those around me to put their respirators on. I remember wearing my own respirator this day, although I cannot remember at exactly what stage I did this and at what stage I removed it."

¹ B2111.014-B2111.015

50.19

In his oral evidence to this Inquiry, Warrant Officer Class II Lewis accepted that it was possible that the two shots he said he had heard could have been fired by Lieutenant N at the entrance to the Eden Place alleyway, only some 50 yards from Warrant Officer Class II Lewis's position, though he remained unsure about this and expressed himself as "*still rather convinced*" that he had not heard Lieutenant N's shots.¹ In our view, Warrant Officer Class II Lewis is likely to have heard two of Lieutenant N's shots, which we have described earlier in this report.² It should be noted that Private 005, the driver of one of

the vehicles that drew up behind the command vehicle, also told us that he heard high velocity shots at about this time, which he agreed could have been those fired by Lieutenant N at the entrance to the Eden Place alleyway.³

¹ [Day 373/44-47](#)

³ [Day 338/134](#)

² [Paragraphs 30.36-128](#)

50.20 Warrant Officer Class II Lewis agreed that he was the tall figure shown standing next to the command vehicle in the photograph we have shown earlier in this report (and also reproduced below) when describing the arrest of William John Dillon.¹

¹ [Day 373/47-48](#)



50.21 As to Lance Corporal 033, Warrant Officer Class II Lewis told this Inquiry that he had said to this soldier “*I do not think there is anything there*” and that Lance Corporal 033 had not said anything about the weapon he thought the gunman on the balcony was holding. When reminded that when interviewed by Peter Taylor he had said that Lance Corporal 033 had told him that the man had a pistol, Warrant Officer Class II Lewis said that he would “*go along*” with what he had recalled in that interview.¹ The evidence of Warrant Officer Class II Lewis suggests that Lance Corporal 033 was aiming at the top balcony of Block 2 of the Rossville Flats.²

¹ [Day 373/49-50](#); [Day 373/55](#)

² [Day 373/50-52](#)

50.22 When he was told that Lance Corporal 033 had denied in the course of his evidence to this Inquiry (which we consider below¹) that he was the soldier whom Warrant Officer Class II Lewis had described, the latter said that he was positive that it was Lance

Corporal 033.² He also said that this incident occurred within two or three minutes of his disembarking from the command vehicle and after he had heard the two high velocity shots.³

¹ Paragraphs 50.29–39

³ Day 373/57

² Day 373/52-53

50.23

In relation to the further account Warrant Officer Class II Lewis had given to Peter Taylor about seeing the strikes of two low velocity rounds on the ground, Warrant Officer Class II Lewis gave the following answers in the course of his oral evidence to this Inquiry:¹

“Q. Thank you. If we then go on again to I597, we have read up to the part in which you recalled 033 saying that he had seen a man with a pistol up on the balcony?

A. Yes, sir.

Q. And you went on to say to Mr Taylor:

‘And as I, as I said that or as he said that to me, there was two clear indications of rounds hitting the ground – I would say less than five or ten yards from where I was standing. Two clear spots on the dead ground in the front of Rossville Flats.’

Mr Taylor asked:

‘Question: Are you sure of that?’

You said:

‘Answer: I am positive of that.

Question: Could not have been making it up?

Answer: No, I have no reason to make it up.

Question: High velocity rounds?’

You said:

‘Answer: No, I would say they were low velocity, now people have implicated they may have been rocks – er they were similar to the – the mark a rock would make when it is bouncing off – off loose soil, but these, these were clearly low velocity rounds hitting the ground, not too far away from where that soldier was standing.

Question: Could you tell from which direction they were coming?

Answer: They were coming from forward of where we were.’

Could we keep 598 on the screen, please.

Were you not very clearly saying to Mr Taylor that as you were speaking to this soldier, 033, about the gunman in the flats, two low velocity rounds hit the ground not too far away from where you were standing?

A. Yes, sir, that is how I recalled it in 1992, sir.

Q. What is your recollection today?

A. That the two shots there were being confused with two later shots that I saw from the position behind Kells Walk.

Q. The two later shots that you saw –

A. From the position behind Kells Walk, sir.

Q. You have said in your statement to this Inquiry that you are quite sure that you did not witness two low velocity rounds strike in front of Corporal 33?

A. Yes, sir.

Q. Are you quite sure of that?

A. As sure as I can be, sir.

Q. But it does appear that when you spoke to Mr Taylor, you were quite sure that the two rounds had struck close to you when you were talking to 033?

A. Yes, sir.

Q. And is there anything in particular that has made you change your mind about that?

A. No, only my own judgment, sir. I, I thought about it quite a bit. I thought well those two rounds could have been confused with the two rounds I later saw from the back end of Kells Walk, sir.”

¹ [Day 373/57-59](#)

50.24

We deal elsewhere in this report¹ with Warrant Officer Class II Lewis’s evidence about what he heard and saw at Kells Walk, when at a later stage there was firing from the low walls of the Kells Walk ramp by members of Composite Platoon.

¹ [Paragraphs 82.80–83](#)

50.25 At the end of Warrant Officer Class II Lewis's evidence, Counsel for the Tribunal came back to the question of what rounds this witness had observed after disembarking from the command vehicle and when he was with Lance Corporal 033:¹

"Q. Let us just see if we can avoid confusion by looking at what you did say to Mr Taylor. First of all, can we look at page I596, please. There were three distinct matters that you dealt with. First of all, you referred to Mr Taylor, as you have referred in your evidence today, to the shots that you heard upon disembarking from the command vehicle?

A. Yes, sir.

Q. And you said in relation to them:

'I heard – I heard two positive high velocity shots the minute I deployed from my command vehicle.'

A. Yes, sir.

Q. 'I commanded – I deployed off the rear of the command vehicle and I heard clearly two high velocity shots.'

A. Yes, sir.

Q. So you were telling Mr Taylor that those shots that you heard on deployment were high velocity shots?

A. Yes, sir.

Q. Is that not right?

A. Yes, sir.

Q. Is that still your recollection?

A. Yes, sir.

Q. You then went on in your interview with Mr Taylor to refer to the soldier who you have identified as 033, who was aiming towards the Rossville Flats?

A. Yes.

Q. And you described what happened in relation to him and Mr Taylor asked you some questions and if we go on to the next page, 597, you describe the question that you asked, 'What are you firing at?' and his reply:

'I have seen a man with a pistol up on that balcony'?

A. Yes, sir.

Q. And you go on to say:

‘As I said that or as he said that to me there was two clear indications of rounds hitting the ground – I would say less than five or ten yards from where I was standing. Two clear spots on the dead ground in front of Rossville Flats.’

If we go on to the next page, 598, there were some more questions and Mr Taylor asked you in relation to those rounds:

‘High velocity rounds?’

Answer: No, I would say they were low velocity. Now people have implicated they may have been rocks’ and so on ‘but these were clearly low velocity rounds hitting the ground.’

A. Yes, sir.

Q. Again, when you spoke to Mr Taylor it was clear enough, was it not, that you were telling him that the shots that hit the ground close to you and Corporal 033 were low velocity rounds?

A. Yes, sir, or, or rocks, or implicated they could have been rocks, yes, sir.

Q. Do you have any recollection today of that incident?

A. Yes, sir.

Q. You do have a recollection of something hitting the ground close to 033?

A. Yes, sir.

Q. Do you remember earlier on today saying that you did not have a recollection of that?

A. Yes, sir, this is where the confusion comes in, because I, I misread those two and then I recall the high velocity shots at Kells Walk and I thought maybe I could have been confusing those two, the two shots at Kells Walk.

Q. This is really our last chance to get this straight: is your evidence to this Tribunal today that there were two different sets of shots that you remember?

A. Yes, sir.

Q. One set of two shots that hit the ground near you and 033 and another set of two shots that hit the ground on the pavement in front of Kells Walk?

A. Yes, sir.

Q. But in relation to the shots that hit the ground near 033, you say it is possible that those were not in fact bullets but the strike of rocks?

A. It could have been, it could have been the strike of rocks, sir, because ground there was pretty dry and there was like a puff of dust.

Q. If we then go on to the shots that hit the pavement in front of Kells Walk at I606 – perhaps we should go back to I605. You said to Mr Taylor:

‘Answer: ... at that – at that stage I can remember seeing dust spots, as we call them. A dust spot is a, is a spot that a bullet makes when it hits the ground, on the ground about 150 yards forward of the barricades. There was two or three spots I do – I can distinctly see them – I remember seeing them.’

If we go on to the next page, I607, Mr Taylor asked the question:

‘Question: Dust spots that you thought were being made by bullets?

Answer: Bullets, yes, I would say that they were clearly bullet – high velocity dust spots.’

A. Yes, sir.

Q. So in relation to those shots you were telling Mr Taylor that they were high velocity; is that not right?

A. Yes, sir.

Q. And is that your present recollection?

A. Yes, sir.

Q. And have you ever, so far as you recall, suggested that the shots that hit the ground on the pavement in front of Kells Walk were anything other than high velocity shots?

A. No, sir.”

¹ Day 373/246-251

50.26 As will have been observed, Warrant Officer Class II Lewis gave confusing evidence about the shots that he said that he had heard, and seemed to change his mind from time to time on this matter, but we have found nothing in his account that suggests that he heard or saw a burst of several low velocity automatic rounds soon after he had disembarked, or indeed at any time. In the end it seems to us that what he was telling us was that after the two high velocity shots he heard on disembarking, the next high velocity shots he witnessed were when he had, at a later stage, gone to the low walls of the Kells Walk ramp; and that what he had witnessed when he was with Lance Corporal 033 was the strike of two low velocity rounds or rocks.

50.27 In his RMP statement, Lance Corporal 033 gave the following account:¹

“I am a member of Sup Coy 1 PARA, at present stationed at Palace Bks Holywood. At Londonderry on the 30 January 1972 about 1615 hours I was with my company as we advanced from the junction with William St, down Rossville St towards the flats. I was carrying an A41 radio set and an SLR [self-loading rifle] with a magazine of 20 rounds attached. As we came into contact with the rioters I made an arrest and returned to the ACV [armoured command vehicle] with my prisoner. After delivering my prisoner to the arrest team at the corner of Eden Place/Rossville St, I began to return to the flats forecourt where we were advancing towards. The OC was with me and a soldier at this time. As we reached Grid 43311688 we came under automatic fire from about the junction of blocks 2 and 3 of Rossville Flats. The weapon was quite distinctive, a Thompson Machine Gun. I did not see the muzzle flash or sight the gunman, and so did not return fire. About 20–25 shots were fired at us and struck the ground around us. We then ran forward to the end of the Flats ...”

¹ [B1617](#)

50.28 The soldier referred to in this statement was Lance Corporal INQ 627, the other signaller, to whose evidence we refer below.¹ The grid reference was to the Eden Place waste ground, roughly halfway between Eden Place and Pilot Row, and roughly two-thirds of the way from Rossville Street to the back of the Chamberlain Street houses.

¹ [Paragraphs 50.41–46](#)

50.29 Lance Corporal 033 did not give evidence to the Widgery Inquiry, but did give written and oral evidence to this Inquiry.

50.30 In his written statement to this Inquiry, Lance Corporal 033 told us:¹

“The street opened up into what I can best describe as an area of waste ground. The vehicle halted and we deployed from the back of the vehicle. I pulled on my A41 radio and I jumped out of the back. I could see rioters throwing bricks, bottles and other missiles and running it seemed in all directions. It was the first time that day I had seen the rioters. Troops were already running and grabbing people. I could see people being arrested and prisoners struggling and fighting. I cannot remember specific incidents now, nor do I have any idea of how many people there were in the crowd. I still had my gas mask on at that stage, which limited what I could see. Although I could see clearly straight ahead of me, the gas mask cut off what I could see to either side. To the west of me I remember there were buildings. They were modern houses as opposed to the more common terraced houses. I know by that stage I had not taken in the fact there were these big buildings nearby (the Rossville Flats.)

My next recollection is being with a prisoner. I have no recollection of how I came to have a prisoner. I recall taking this male prisoner back to one of the arrest teams, who was immediately behind me. I cannot remember what the prisoner looked like or whether he was young or old. I remember being quite shocked that I had ended up with a prisoner. I was a signaller and arresting rioters was the job of a rifleman.

I have been asked by Eversheds [solicitors acting for this Inquiry] if I saw any excessive force used during the arrest operation. Generally, if people struggled, force had to be used to make arrests, but I did not see any excessive force. The usual procedure once prisoners were arrested, was that they were given to the arrest team and ultimately to the Royal Military Police (RMPs) or the RUC. The RMPs had would have reported any excessive force if they had seen it. We did not do things like that. I remember seeing soldiers making arrests and running the prisoners back out of the area. I ran forward to be near to the OC.

I have been asked what sounds I recall hearing at this point in time. Whilst I am quite sure that baton rounds would have been fired during this time; I do not now recall hearing any. I also do not recall hearing any bombs i.e. nail or blast bombs at any point during the day.

I was moving south across the waste ground. I heard a Thompson machine gun fire. I have absolutely no doubt that this was the first firing I heard that day and it was a Thompson machine gun. It was a long burst of about 15 to 20 rounds as if the magazine was let off in one go. It seemed very quick 2 to 3 seconds. I saw strike of bullets on the ground to the front and left of me, maybe about 8 to 10 feet away. The gunfire caused me to stop. I can only describe it as being like something you might see in a film. I was conscious that I was more of a target because I was carrying a radio – in a conflict it is usually the signallers who are shot first by the other side as then the communications system is brought down. I recall running for cover towards a tall building that was almost immediately in front of me (which I now can identify as the north gable end of Block 1 of the Rossville Flats on the map attached). I went there to take cover as the firing had come from the flats. The firing came out of the blue. We were carrying out an arrest operation for rioting and then, all of a sudden, there was Thompson fire.

A Thompson has a very distinctive slow ‘thud, thud, thud’ sound. We were trained in identifying the sound of specific weapons. This is very important, because there are certain rules of engagement depending on the weapons faced. For example, if a four man patrol came under fire from an automatic weapon it would be extremely foolish of the commander to take on such weapon with only four rifles. We could identify weapons such as the Thompson and the M1 Carbine. They both sounded very different to an SLR or a Sterling sub machine gun.

From the direction the dust kicked up, I thought that the shooting was coming towards me from the far side (the east or southeast side) of the Rossville Flats car park. It was very unusual to see a strike. Normally fire directed at us went over our heads when it missed, but I could see the shots hitting the ground. To me it suggested that the fire was coming down from a height towards me. As I took cover by the wall, I was aware of SLR shots being fired around me, but I have no idea where from. At that time, I was still wearing my gas mask which limited my peripheral, but not my forward, vision.

I remember the OC being at the gable end of Block 1 of the Rossville Flats. My job was to remain close to him, so he was never far away.

I sent a contact report back, saying that we had come under fire. It would have been little more than 'contact, wait out'. Often when that happened, people from above would be shouting to us asking what had happened, but we were too busy trying to keep alive to send detailed reports. Everyone listening would have understood that we were engaging gunfire and were too busy to provide details. They knew we would get back to them as soon as we could, be it 5 minutes or half an hour."

¹ [B1621.004-5](#)

50.31 Later in this statement Lance Corporal 033 told us that the Army vehicles moved forward to the north end of Block 1 of the Rossville Flats at some stage after the Thompson fire had stopped.¹

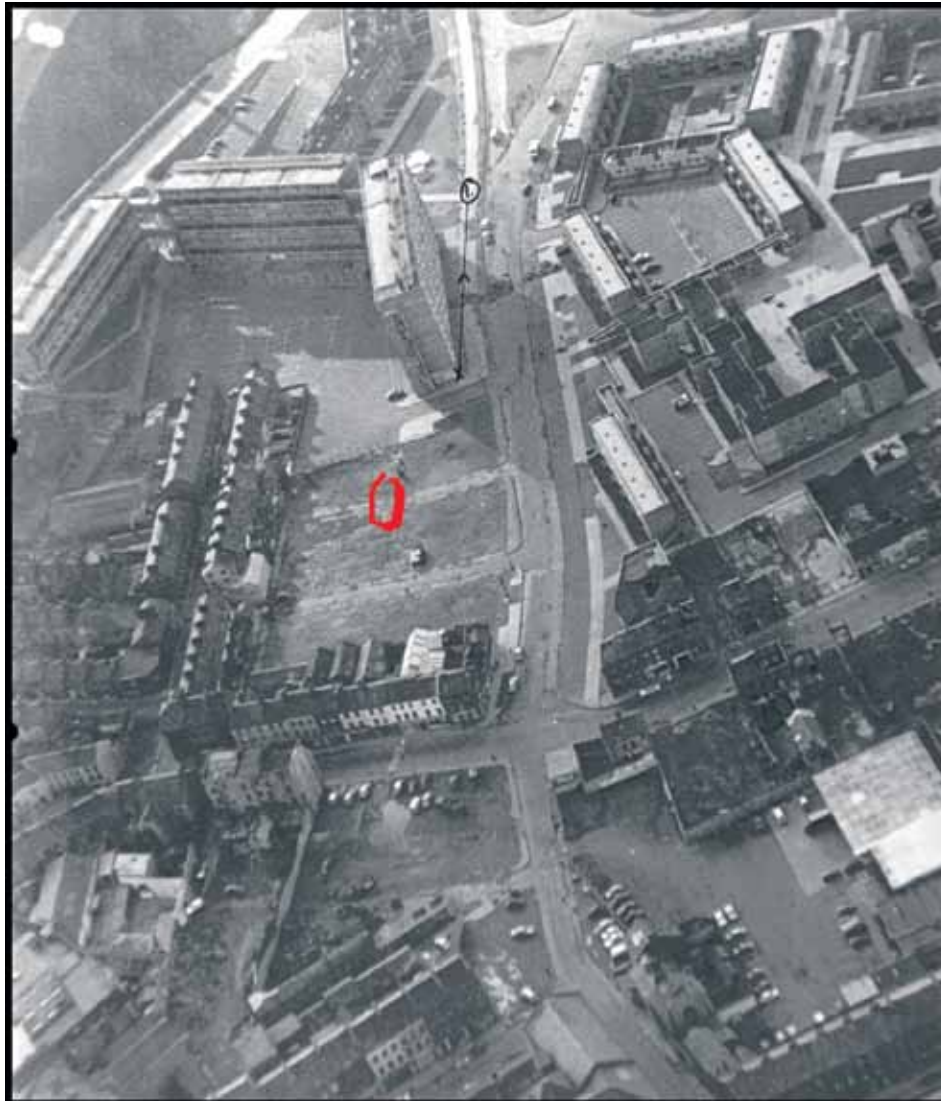
¹ [B1621.006](#)

50.32 In his oral evidence to this Inquiry, Lance Corporal 033 told us that he was the battalion rear radio operator, working on the battalion (as opposed to the company) radio net.¹

¹ [Day 324/38](#)

50.33 When asked to point out where he recalled the strike of the bullets on the ground, Lance Corporal 033 marked the area circled in red on the following photograph, making clear that it was a very approximate area.¹

¹ [Day 324/60](#); [B1621.18](#). The line at the top of the photograph marked ① is of no relevance in the present context.



50.34 Corporal 033 described in the following terms the direction from which he thought the bullets had come:¹

“Q. ... Can you recall from which direction, or from approximately which direction the shot appeared to be coming?

A. It appeared to be coming from what here would be the south, from those three large apartment blocks there, sir. And it – because of the strike into the ground, I believe it would have to have come from above. Normally when we have been shot at in the past you hear the crack of something going overhead, that kind of thing. On this occasion it hit the ground in front, and that is – I did not see where it came from; I do not know where it came from; I did not wait around to see where it did come from, sir.

Q. But from the south and from above is the best –

A. That is my best guess, sir.”

¹ [Day 324/60-61](#)

50.35 As we have already noted, Lance Corporal 033 denied that he was the soldier whom Warrant Officer Class II Lewis said he had seen pointing his rifle up at the Rossville Flats.¹

¹ [Day 324/91-92](#); [Day 325/107-108](#)

50.36 Elsewhere in this report¹ we consider whether Lance Corporal 033 arrested PIRA 1, with whom he was photographed at Fort George. In his oral evidence he said that he did,² but for reasons we give when considering the arrest of PIRA 1 (who was one of a number of men arrested at the south end of the eastern block of Glenfada Park North), we have concluded that this was not the case. Whom, if anyone, Lance Corporal 033 arrested, or helped to arrest, remains unclear, though since James Charles Doherty (whose arrest we considered earlier in this report³) always maintained that two soldiers were involved in his arrest, it is just possible that Lance Corporal 033 was one of the two, the other being, as we have previously explained, the signaller Lance Corporal INQ 627.

¹ [Paragraphs 113.28–30](#)

³ [Chapter 42](#)

² [Day 324/94-95](#)

50.37 Lance Corporal 033 told this Inquiry that he had moved up to the north end of Block 1 of the Rossville Flats before the command vehicle moved to that position.¹ He also told us that it was shortly after he had heard the automatic fire that he had run forwards to the north end of Block 1 of the Rossville Flats and had seen two people at the rubble barricade, one of whom was waving.² We consider this part of Lance Corporal 033's

evidence elsewhere in this report,³ when examining the question of whether a man with a handgun fired from the entrance to Block 1 of the Rossville Flats and if so, whether he hit Alexander Nash, who was the person seen waving at the rubble barricade. This incident occurred after all the other casualties had been sustained at the rubble barricade and all – or virtually all – the firing in Sector 2 had ended.

¹ Day 324/100

³ Paragraphs 86.573–80

² Day 324/103-104

50.38 In this connection Lance Corporal 033 gave the following answers in his oral evidence to this Inquiry:¹

“Q. One of the difficulties that exist in relation to your claiming to have heard the first – absolutely certain that the first fire you heard that day was automatic fire from a Thompson sub-machine-gun. If that occurred just before or shortly before you arrived at this gable wall to witness Alex Nash, you say being shot or potentially shot, that before that happened there were six people who had been killed behind that barricade by SLRs; there were three people shot in Rossville Flats; one dead and two seriously injured by SLRs, and you did not hear it?

A. The first gunfire I heard was the Thompson, sir, and then I heard rifle fire.

Q. But it is the sequence. Just as you say you arrested a person at the bottom of Rossville Street or shortly after getting out; you have identified that person as PIRA 1. You are still satisfied today he is the person you arrested?

A. I am, sir.

Q. And you would have gone to Court and you would have sworn that in front of a judge?

A. I would have, sir, yes.

Q. And you are as certain of that today as you are that you heard automatic fire?

A. Sir, I am as certain as I can be after 30 years.”

¹ Day 324/105-106

50.39 Lance Corporal 033 told us that he did not hear or see the shots fired by soldiers in the area of the Eden Place waste ground or the car park of the Rossville Flats.¹

¹ Day 324/109

50.40 Sergeant INQ 720 was a Signals Sergeant in the Gin Palace, the vehicle used as the tactical headquarters of 1 PARA, which we have described elsewhere in this report.¹ He gave written but not oral evidence to this Inquiry, in the course of which he told us:²

“The only thing I remember of any note happening on the day, save for me tapping into the Foyle College telephone line, was one particular report which came in to the Gin Palace as I was doing one of my regular checks. The message was sent by Lance Corporal Soldier 033 whose voice I recognised well. His message was ‘contact, wait, over’. This message ‘contact’ and ‘wait’ means that some sort of incident is happening or is about to happen and on which he will report shortly. ‘Contact’ messages were regular occurrences in Northern Ireland at the time and, as such, nobody ever over-reacted but I appreciated that, having received a contact report, the officers in the Gin Palace would not want extra bodies hanging around to get in the way so I left the area immediately after that. I could not say what time of day it was when I heard Soldier 033 report and at the time had no idea what sort of contact had been made.”

¹ Paragraph 12.49

² C720.3

50.41 Lance Corporal INQ 627 was the other signaller who travelled in Major Loden’s command vehicle. He made no statement in 1972, but he gave written and oral evidence to this Inquiry. He told us that he was manning the company radio net.¹

¹ Day 338/51

50.42 As we have described earlier in this report,¹ Lance Corporal INQ 627 took part in the arrest of James Charles Doherty, and acknowledged to us that this must have been so, though he had no recollection of it.²

¹ Chapter 42

² Day 338/65-68

50.43 In the course of his oral evidence, Lance Corporal INQ 627 was asked about what he had told us in his written statement:¹

“Q. Let us have paragraph 23 on the screen alone, please.

You say in paragraph 23:

‘After I de-bussed from the vehicle, I heard shots being fired from the Rossville Flats. I did not see who was firing and I was not sure precisely where the shooting was coming from, whether it was from ground level or from inside the Rossville Flats. I assume, however, that the shots were fired from Block 2 of the Rossville Flats because that would have been the perfect spot to fire from ...’

Can you help us with this: this was the first gunfire that you recall hearing on that day; is that right, other than the –

A. The church.

Q. Other than the church shots, this was the first gunfire you had heard after you had gone into the Bogside?

A. Well, I presume so, my memory is not that great after all these years.

Q. If you can help us with how soon after you de-bussed that you heard these shots?

A. As soon as we de-bussed.

Q. Do you recall where you were in relation to the command vehicle at this point?

A. I do not.

Q. Could we look at the next page and paragraphs 24 to 25, please? What you say about the gunfire that you heard was:

‘There was definitely a mixture of rifle fire and pistol fire, although I cannot say specifically what weapons were being used. I think the pistol fire came first. I think that only one handgun and a couple of rifles were fired. A few shots were fired in total, possibly a magazine full (8 to 13 shots). Some shots seemed to be fired by a pump action weapon. With such a weapon, you can automatically fire round after round, whereas with a rifle you have to cock it first. I could hear the cracks of shots being fired followed by the thumps of the bullets striking the ground and walls around me, so I knew the shooting was incoming rather than outgoing. My colleagues had changed from snatch squad mode to trying to locate the gunmen who were firing. I cannot say precisely where all my colleagues were, but I think some were standing or kneeling

near brick walls and others were sheltering near garden walls. I did hear quite a few SLR shots being fired; they have quite a distinctive sound. My colleagues must have seen targets and returned fire. The civilians scattered out of the car park when the gunfire started and the stone throwing and petrol bombing stopped; it was complete panic. The gunfire seemed to continue for five to ten minutes.'

The first question that arises out of this part of your statement is: given that you say your colleagues changed from snatch squad mode to trying to locate the gunmen, does it follow that this gunfire must have occurred after people had begun to arrest civilians?

A. My recollection, yes.

Q. When you say 'colleagues', who are you referring to?

A. Well, it is like, um, everyone is a colleague, ain't they?

Q. It is just the other members of Support Company?

A. Correct.

Q. You say that you could hear the cracks of shots and the thump of the bullets striking the grounds and walls around you. You did not actually see any bullets striking the ground or striking walls; did you?

A. I saw rounds hitting the ground, which should be in my statement.

Q. You say what should be in your statement is that you also saw –

A. It tells you there, thumps of bullets striking the ground.

Q. Do you have any recollection of hearing baton rounds being fired?

A. I do not.

Q. Can you assist with the sequence of the gunfire that you heard?

A. Not after all this time.

Q. Would it be fair to say that what you heard was a mix of gunfire which included pistol fire and also SLR fire?

A. Too long ago.

Q. But one weapon you could clearly distinguish was SLR fire; is that right?

A. Yes, because there is a different crack, thump.

Q. You say:

'I did hear quite a few SLR shots being fired ...'

A. I have not said that in my statement.

Q. It is just here?

A. Where?

Q. 'I did hear quite a few ...'?

A. Yes, all right, I correct myself, yes.

Q. Can you help at all with how many SLR shots that you heard?

A. I would not remember after all this time.

Q. What you say is:

'My colleagues must have seen targets and returned fire.'

Can you help us in which direction the SLRs were being fired?

A. I cannot.

Q. Do you have a recollection at this time of getting contact reports over the company net?

A. I cannot remember nothing.

Q. When you heard this gunfire, do you have a recollection of shouting a warning to Major Loden at all about gunfire?

A. No.

Q. Is that what you would have done?

A. Not really, no. He is under attack and all, ain't he?

Q. It would not have been necessary for you to alert him?

A. No."

¹ C627.4; Day 338/72-76

50.44 Later in Lance Corporal INQ 627's oral evidence to this Inquiry he gave the following answers:¹

"Q. So as soon as you de-bussed you heard gunfire; is that right?

A. That is right, yes.

Q. You saw it?

A. I did not see it, I could hear it.

Q. You could actually see it striking the ground?

A. At one stage it was striking the ground.

Q. At one stage. Let us go back to when you first de-bussed; did you hear and see gunfire when you first de-bussed?

A. I heard the gunfire.

Q. You heard gunfire. When you say you saw gunfire, that was at a later stage?

A. That was a different part of the conflict.

Q. What sort of gunfire was it that you heard when you first de-bussed?

A. Rounds coming down.

Q. Coming in?

A. In, in-fire.

Q. You have also given evidence this morning and in your statement that in fact you definitely heard SLR fire; was that immediately after you first heard gunfire?

A. Gunfire and then intermingled with SLR fire.

Q. Immediately followed by SLR fire?

A. Correct."

¹ [Day 338/86-87](#)

50.45 Lance Corporal INQ 627 told us that he did not remember being ordered to get back into the vehicle.¹

¹ [Day 338/106](#)

50.46 In our view, Lance Corporal INQ 627 had very little clear or independent recollection of events. He told us that he saw the black plume of smoke from exploding petrol bombs, though we are sure that no petrol bombs were thrown on Bloody Sunday.¹ He also told us that he heard eight to 13 incoming paramilitary shots, in response to which soldiers fired “*a couple*”.² We took the view that his evidence was unreliable, and concluded that there was nothing in it that supported Lance Corporal 033’s account of witnessing Thompson sub-machine gun fire.

¹ Day 338/63

² Day 338/113-114

Consideration of the foregoing evidence

50.47 According to the accounts given in 1972 by Major Loden, the low velocity automatic gunfire that he said that he had heard occurred very soon after he had arrived in Rossville Street and disembarked from his command vehicle; after Sergeant O’s APC had reached the car park of the Rossville Flats; as two young men nearby were being arrested by soldiers who had travelled with him in his command vehicle; and as people were running into the car park of the Rossville Flats with soldiers behind them. The gunfire was directed at him and those with him. His signallers shouted that they were under fire. This firing came from the direction of the Rossville Flats and caused him to return to his vehicle with his crew and get the driver to move the vehicle to a position of cover against the northern wall of Block 1 of the Rossville Flats. After he had reached that area, he heard continuous gunfire for about ten minutes.

50.48 We are doubtful of the accuracy of these accounts of Major Loden.

50.49 In the first place, in our view it is unlikely that any paramilitary would fire at or towards soldiers engaged in arresting civilians, in view of the risk to those civilians.

50.50 In the second place, for the reasons we give elsewhere in this report,¹ we are sure that Major Loden did not move his command vehicle up to the north end of Block 1 of the Rossville Flats until after virtually all the firing in Sectors 2 and 3 was over. There is no other evidence from any source that his reason for the move was the automatic fire that he said that he had heard. Neither of his signallers supported his account that he had ordered them back to the vehicle in order to get themselves in the vehicle and into a position of cover. Major Loden eventually accepted in his oral evidence to this Inquiry that it was possible that his and the other vehicles had not moved until a later stage.²

¹ Chapter 59

² Day 343/20

- 50.51** In the third place, neither the driver of the command vehicle (Private 037) nor Warrant Officer Class II Lewis gave any evidence at any time of seeing, hearing or reporting automatic gunfire of the kind Major Loden said that he had heard, either soon after the vehicle had arrived, or at any stage thereafter. On the contrary, Warrant Officer Class II Lewis described hearing two high velocity shots on disembarking, which he somewhat reluctantly accepted could have been those fired by Lieutenant N, as we consider is likely to have been the case. Major Loden made no mention of hearing these shots, though according to his account he must have been close to Warrant Officer Class II Lewis.
- 50.52** We take the view that the accounts given by Lance Corporal 033, one of the two signallers who disembarked from the command vehicle, neither support Major Loden's accounts nor are in themselves reliable.
- 50.53** We have already expressed the view that there is nothing in the evidence given by Lance Corporal INQ 627 (the other signaller) that supports Lance Corporal 033's account of witnessing incoming fire. We also consider that Lance Corporal INQ 627's evidence lends no support to Major Loden's accounts of hearing incoming fire.
- 50.54** According to his RMP statement,¹ Lance Corporal 033 had delivered his arrestee and was beginning "*to return*" to the flats forecourt with Major Loden and Lance Corporal INQ 627, when they came under fire from the junction of Blocks 2 and 3 of the Rossville Flats. He stated that he did not see the muzzle flash or sight the gunman, but that about 20 to 25 shots were fired at them and struck the ground around them. In his RMP statement, Lance Corporal 033 recorded that after witnessing the Thompson sub-machine gun fire, "*we [in context, he, Lance Corporal INQ 627 and Major Loden] ran forward to the end of the Flats*". This account is inconsistent with that of Major Loden, whose evidence was that he and his crew returned to the command vehicle.
- ¹ B1617
- 50.55** Lance Corporal 033 was wearing his respirator, which impeded his peripheral vision.¹ He was, according to his own account, using his radio, and though he told us that he kept one ear free when using his headset,² we consider it likely that when using his radio, his hearing was also somewhat impeded.

¹ B1621.004² B1621.001

50.56 The evidence of Warrant Officer Class II Lewis was that soon after disembarking, he saw Lance Corporal 033 pointing his rifle up at a balcony, but that when he looked himself, although he could see people, he could not identify a weapon or a gunman. He told us that Lance Corporal 033 was “*convincing ... that he had seen something*”,¹ but Lance Corporal 033 did not fire and brought his rifle down.

¹ B2111.015

50.57 Although Lance Corporal 033 denied that he was the soldier described by Warrant Officer Class II Lewis, we are of the view that he was. As Company Sergeant Major, Warrant Officer Class II Lewis could reasonably be expected to know the men in his company. He had travelled into the Bogside with Lance Corporal 033. It is unlikely that he could have misidentified this soldier and there is nothing to suggest that he had any motive for doing so. We consider that the fact that Warrant Officer Class II Lewis was wearing his respirator would not have affected his ability to identify one of his soldiers at close range.

50.58 Lance Corporal 033 recorded in his RMP statement that the firing came from between Blocks 2 and 3 of the Rossville Flats. We do not accept this, for by his own account he saw neither the gunman nor muzzle flashes; and the distance between the gap between Blocks 2 and 3 of the Rossville Flats and his position as indicated in his RMP statement,¹ at grid reference 43311688, was about 150 yards. Perhaps more importantly, Sergeant O, the Commander of the APC that had been driven into the car park of the Rossville Flats, was much closer to Blocks 2 and 3. Although he gave evidence about incoming fire, he told us that he did not witness any automatic fire and that what he was recorded as having told Praxis Films Ltd about automatic fire was incorrect. Had there been automatic fire from Blocks 2 and 3 of the Rossville Flats, we consider it unlikely that Sergeant O would have failed to observe and remember it.

¹ B1617

50.59 We have no doubt that Lance Corporal 033 did radio a contact report. However, the fact that he did so does not of itself indicate more than that (as Sergeant INQ 720 told us) Lance Corporal 033 was reporting that some sort of incident was happening or about to happen. This could have been incoming fire, but equally it could have been fire by soldiers, which would have justified a contact report.

50.60 The contact report described by Lance Corporal 033 might have been the report “*Gunman. Pistol. Returned fire*” recorded in the 1 PARA log¹ at 1615 hours. Lance Corporal 033 said not,² because the log entry is attributed to call sign B5, which was the call sign of the command vehicle, whereas he was on foot and would have used

call sign B59. However, in our view it is possible that the log-keeper made an error or chose not to record the extra digit to distinguish between the radio in the vehicle and the man-pack radio, especially since the evidence indicates that none of the soldiers remained in the vehicle operating a radio. If so, then the terms of the message suggest the possibility that it refers to the later incident described by Lance Corporal 033, in which he said that he saw a handgun fired at soldiers on the west side of Rossville Street who returned fire, and that he was wrong in recalling that he made a contact report in relation to incoming automatic fire.

¹ [W90](#) serial 33

² [Day 324/88-89](#)

50.61 As we have already noted, by the time Major Loden had arrived in Rossville Street, Corporal P and Private 017 had disembarked from Sergeant O's APC and moved to the western side of that street. They gave no evidence suggesting that either of them had heard automatic gunfire at this stage, though they were quite close to the command vehicle. As we have already mentioned, Sergeant O, who was much closer to the Rossville Flats, told us that he heard no such fire.

50.62 For the reasons given above, we are not persuaded that the evidence of soldiers of Mortar Platoon establishes that there was incoming fire, automatic or otherwise, at any stage before the soldiers themselves started shooting in the car park of the Rossville Flats. Equally, we have found nothing in the evidence of Mortar Platoon soldiers that to our minds supports the evidence presently under consideration. On the contrary, it seems to us that the weight of the Mortar Platoon evidence militates against the suggestion that there was automatic gunfire at the stage under discussion.

Other evidence

50.63 We now turn to the evidence of Captain 200, the Commander of Composite Platoon, whose soldiers came into the Bogside in vehicles behind the APCs of Mortar Platoon, Major Loden's command vehicle, the Ferret scout car and the APCs of Machine Gun Platoon, as we describe later in this report.¹

¹ [Chapter 69](#)

50.64 In his statement dated 5th February 1972, typed up on an RMP statement form,¹ Captain 200 recorded that as he was deciding to direct some of his soldiers along the right-hand side of Rossville Street, "*I heard the burst of automatic gunfire and one or two single shots fired in our general direction*".

¹ [B1980](#); [B2022.009](#)

50.65 In his written statement for the Widgery Inquiry,¹ Captain 200 recorded that after he had disembarked from his vehicle he went up to Major Loden, whose vehicles had stopped at the junction of Eden Place and Rossville Street, and asked what Major Loden wanted the Composite Platoon to do. According to this account, Major Loden told Captain 200 to assist the Mortar Platoon and it was at about this time that Captain 200 heard automatic fire. In his oral evidence to the Widgery Inquiry, Captain 200 said that he heard automatic gunfire after he had returned from speaking to Major Loden. He described it as a “*rat-a-tat*”. When he was asked whether he could tell from which direction the rat-a-tat was coming, he gave this answer:²

“By then we had – I heard the Mortar Platoon. In fact, I saw the Mortar Platoon opening fire with their riot guns on to the crowd, which I saw were about 300 strong. Most of them were fleeing towards the direction of Glenfada Park. In the gap of all this firing I remember distinctly this automatic fire. I could not say where it came from or what it was or where it was from.”

¹ [B1985-B1986](#)

² [WT15.41](#)

50.66 Captain 200 also told the Widgery Inquiry that he did not see or identify the fall of shot.¹ He said nothing in either his written statement or his oral evidence to the Widgery Inquiry about hearing single shots at the same time as hearing automatic fire.

¹ [WT15.41-42](#)

50.67 In his oral evidence to this Inquiry,¹ Captain 200 said that he did not believe that it was possible that what he heard was the sound of several SLRs being fired, either at the same time or in very close proximity.

¹ [Day 367/94](#)

50.68 Private M was a member of Composite Platoon. In his second RMP statement,¹ he recorded that he was positioned about halfway along the east wall of a block of flats, west of the junction of Rossville Street and Eden Place. He heard gunfire and saw about three bullets strike the ground at the junction of Rossville Street and Eden Place. He saw the gunman on the “*top floor balcony*” of Block 2 of the Rossville Flats. Another soldier engaged the gunman from a position 2m south of the junction of Eden Place and Rossville Street. The other soldier was wearing a respirator. Private M did not know who he was. Private M saw no “*strikes from the Military firer*” but he saw the gunman run away.

¹ [B356-B357](#)

50.69 In his statement for the Widgery Inquiry,¹ Private M said that as he was running to the west side of Rossville Street after disembarking, he heard at least three or four shots of what he thought was automatic fire from one of the upper storeys of Block 2. The shots hit the road in front of the command vehicle where soldiers were running forward. One of these soldiers engaged the gunman in fire. In his oral evidence to the Widgery Inquiry,² Private M gave a similar account. He said that the incident occurred after he “*left the command vehicle*” and that he saw the strikes of two rounds on the road.

¹ B360

² WT16.18

50.70 In his written statement to this Inquiry,¹ Private M told us that he thought that he had heard two or three low velocity shots and seen them strike the road in an area north of Eden Place. He then saw a soldier who appeared to be firing towards Block 2. He told us² that he had no memory of seeing the gunman; and that it was quite possible that the incoming fire was automatic. In his oral evidence to this Inquiry,³ he could not explain why he had told the RMP that he had seen the gunman, and given a description of him, but had not made this claim in his evidence to the Widgery Inquiry.

¹ B372.003

³ Day 365/55-67

² B372.008

Conclusions

50.71 As will have been observed, the evidence about automatic gunfire is confused and conflicting.

50.72 In our view it is unlikely that Lance Corporal 033 heard or saw automatic fire, from a Thompson sub-machine gun or otherwise, though we cannot exclude the possibility that he did. He might simply have made up his account of automatic gunfire, or interpreted stones being thrown at the soldiers as rounds hitting the ground. It is also possible that he was confused, and thought that some of the substantial amount of Army firing taking place in the car park of the Rossville Flats as and after he reached the north end of the Rossville Flats was low velocity automatic fire. As we have already observed, we do not accept that, particularly in a built-up area with echoes, it is possible always to differentiate between high and low velocity fire, or automatic fire and a firearm being fired repeatedly. In our view the difficulty in differentiating between types of gunfire is likely to be accentuated in the case of someone wearing and using a radio headset.

- 50.73** We have also come to the conclusion that although Major Loden might have heard gunfire, if he did he was probably mistaken both in interpreting it as low velocity automatic gunfire and in his evidence as to when it occurred. He was clearly wrong in describing when and why he ordered his command vehicle to be moved to the north end of Block 1 of the Rossville Flats; and wrong in describing to the Widgery Inquiry how he heard continuous firing for about ten minutes after the vehicle had moved, since by the time the vehicle did move, the firing was nearly all over. In view of these matters it seems to us that Major Loden might have heard the substantial amount of firing that took place in the car park of the Rossville Flats before the command vehicle was moved, and might have attributed some of this to incoming low velocity fire. Where he was at this stage is unclear. When compiling his Diary of Operations the next day, he seems to have been relying upon what Lance Corporal 033 was saying (as he never suggested that he had himself seen rounds striking the ground) and, being muddled about the sequence of events, it seems to us that he probably came mistakenly to believe that he had heard what Lance Corporal 033 had described.
- 50.74** As to Captain 200, it is possible that he did hear automatic fire as he claimed, though to our minds it is equally possible, despite what he said to us, that he had mistakenly taken some of the substantial firing by soldiers in Sector 2 for automatic fire. We consider that the same applies to Private M, though in his case we have found no evidence to support his account of a soldier close to the junction of Eden Place and Rossville Street firing back at a gunman in Block 2 of the Rossville Flats, which to our minds casts doubt on the reliability of his evidence, as does his identification, in his second RMP statement but not in his evidence to the Widgery Inquiry, of the gunman on the top balcony of Block 2 of the Rossville Flats, which would have been some 200 yards from where he said he was.
- 50.75** In all the circumstances, while we cannot wholly eliminate the possibility that there was some incoming automatic fire, it is our view that it is unlikely that there was. Had there been a long burst of automatic gunfire (about 15 rounds according to Major Loden, and about 20–25 according to Lance Corporal 033) in our view many more soldiers would be likely to have heard and reported it. Thus we consider that if there was any automatic gunfire, it could only have been a very short burst; and when and from where it could have come remains quite uncertain.

The significance of the evidence of incoming fire

50.76 We have dealt at some length with the question of incoming fire in Sector 2. However, none of the soldiers whom we consider to be responsible for killing or wounding the casualties in that sector fired in the belief that his target or targets had fired or was about to fire at him or his colleagues. So far as automatic gunfire is concerned, not one of the soldiers whose firing on Bloody Sunday in our view resulted in the deaths and woundings of that day at any stage claimed that he had fired at a target in response to what he believed was automatic gunfire directed at him or his colleagues by that target; or suggested that what he believed was incoming automatic fire had in any way influenced him into opening fire. Nor did those representing soldiers suggest otherwise to this Inquiry.

Chapter 51: Firing by the soldiers in Sector 2

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51.1 We have considered earlier in this report¹ the firing of three shots by Lieutenant N up the Eden Place alleyway. We have accepted Lieutenant N’s evidence, supported by evidence from civilians, that he fired over the heads of the people in the alleyway and in Chamberlain Street and that his shots in this location injured no-one.²

¹ [Paragraphs 30.36–128](#)

² [B374](#)

- 51.2** According to Lieutenant N, he subsequently fired a further shot. We consider first his account of this shot and then the accounts of the shots that other members of Mortar Platoon say that they fired. In the course of doing so, we describe the evidence that soldiers gave of firing or the throwing of bombs by their targets at the time they engaged them.
- 51.3** In the course of considering these matters, we draw attention to the marked maps which accompanied the Royal Military Police (RMP) statements of the soldiers who said that they had fired and to the trajectory photographs that were prepared later. As we have observed elsewhere in this report,¹ it appears that the former were probably prepared by the RMP after the statements had been taken and not by or with the assistance of the soldiers themselves, while the latter were prepared as part of the evidence for the Widgery Inquiry.

¹ [Paragraphs 173.149 and 174.38](#)

- 51.4** We also draw attention to the Loden List of Engagements,¹ which we have discussed elsewhere in this report² and which was a list of engagements prepared by Major Loden from information provided by soldiers soon after they had withdrawn from the Bogside. The list sets out brief details of 15 “engagements” and, while it does not identify the soldiers concerned, from the accounts they gave later it is possible in some cases to match the listed engagements with the accounts of particular soldiers. In other cases, either there is nothing in the list that seems to relate to the account of a firing soldier (Sergeant O being an example) or the position is not clear.

¹ [ED49.12](#)

² [Chapter 165](#)

- 51.5** The first six entries in the list appear to relate to soldiers’ accounts of firing in Sector 2. These are:¹

- “1. One nail bomber at GR 43291683 shot from GR 43321684. Hit in thigh (Back of houses in Chamberlain St).
2. One petrol bomber at GR 43281679 shot from GR 43291683. Apparently killed (Car Park).
3. One bomber at GR 43261683 (top floor of flats) shot from GR 43281684. Apparently killed.
4. One gunman with pistol at GR 43321678 behind barricade at end of Chamberlain St shot from GR 43271686. Hit.

5. One nail bomber (bomb had lighted fuse) at GR 43281683 (Car Park) shot from GR 43271686. Hit.

6. One nail bomber at GR 43281675 (Car Park) shot from GR 43271686. Hit.”

¹ [ED49.12](#)

51.6 In the course of considering the accounts of firing given by members of Mortar Platoon, we examine and discuss which soldier might be referred to in each of these entries; we also consider why it is that some of the firing by members of Mortar Platoon was not recorded in the list.

51.7 The Loden List of Engagements appears to be the first recorded account of some of the shooting in Sector 2 by members of Mortar Platoon, but since the identification of particular soldiers with the listed engagements depends upon their later accounts, in this part of the report we consider the list in relation to each soldier after summarising the other accounts that he gave in 1972.

The soldiers from Lieutenant N's Armoured Personnel Carrier

Lieutenant N

51.8 As we have already described,¹ after firing three shots up the Eden Place alleyway, Lieutenant N returned to his Armoured Personnel Carrier (APC) with Duncan Clark and Private INQ 1918. We are sure that one of Colman Doyle's photographs shows Lieutenant N assisting Private INQ 1918 with Duncan Clark, while another shows Lieutenant N back at the APC.²

¹ [Paragraphs 30.36–47](#) and [45.5–6](#)

² [Day 322/87](#)



The account of his firing given by Lieutenant N to the Royal Military Police

- 51.9** In his first RMP statement timed at 0045 hours on 31st January 1972,¹ Lieutenant N, after describing his first three shots, did not record that he had taken Duncan Clark back to the APC but merely that he moved back into the car park in front of the Rossville Flats. His statement continued:

“I took up a position about 10 yards from a garden wall which I think would be at the rear of number 24 Chamberlain St. I had been in this position for about five minutes when I saw a man, aged about 24 years, dressed in a blue anorak, come around the corner of the wall at the rear of number 36 Chamberlain St.

The man vanished behind the wall and then reappeared holding something in his right hand. I saw smoke coming from the object he was holding and he drew his arm back to throw it at one of my vehicles which was about twenty yards north of his position.

I assumed this object to be a nail bomb and fired one aimed shot 7.62 mm at the man. The man staggered, clutched at his right thigh and then fell back out of sight behind the wall from which he had originally appeared. Due to the situation I was unable to carry out any follow-up action to arrest the man.”

¹ [B374](#)

- 51.10** 24 Chamberlain Street is approximately 40 yards from the southern end of the houses on the side of Chamberlain Street that backed onto the waste ground. 36 Chamberlain Street is the southernmost house on the same side.

- 51.11** Lieutenant N's second and third RMP statements dealt respectively with recovering bodies from the rubble barricade in Rossville Street¹ and with ejecting a live round.² We dealt with the second of these matters earlier in this report³ and will deal with the first in our consideration of later events in Sector 3.⁴

¹ [B384](#). Lieutenant N's fourth RMP statement ([B394](#)) also dealt with the collection of the bodies.

² [B391](#)

³ [Paragraphs 30.38, 30.45 and 30.53](#)

⁴ [Chapter 122](#)

Lieutenant N's evidence to the Widgery Inquiry about his firing, and Lieutenant N's trajectory photograph and Royal Military Police map

51.12 In his written statement for the Widgery Inquiry,¹ Lieutenant N gave an account of going back to his APC with an arrestee before he fired again:

"10. My signaler had arrested a man and I went with him to my pig which was still in the middle of the open space and put the prisoner in it, the corporal there taking charge. I then moved straight to the back of the Chamberlain Street houses again to get cover. As I was moving up towards my men a civilian stepped out beyond the end house. He came out in a throwing attitude with his right arm back in the attitude of someone about to bow. He was about 30 or 40 yards away and appeared to me about to throw the object in his hand at my platoon sergeant's pig.

11. The object in his hand seemed to me to be a nail bomb. His throwing attitude was the attitude of a bomber and not a stone thrower. I thought too that I saw smoke coming from the object. I fired one shot at him from the shoulder and aimed. I think that I hit him in the right thigh. He put his hands down towards his right thigh and staggered off as if his leg was not working properly. I saw no explosion."

¹ B399

51.13 The reference to "*my signaler*" must be a reference to Private INQ 1918.

51.14 Lieutenant N then stated that he went across to his Sergeant's APC to find out what had been happening. According to this account, by the time he reached that APC "*firing had ceased from my men*".

51.15 In his oral evidence to the Widgery Inquiry, Lieutenant N described the man he saw as "*a fairly young man, about 20-odd. He came out, ducked back briefly, and came out again in a nail bomb throwing position*", which Lieutenant N said was a sort of bowling position.¹ In his oral evidence to this Inquiry, Lieutenant N explained that by this he meant a position in which the man was about to bowl overarm, as in the game of cricket.² He told the Widgery Inquiry that the object in the man's hand was smoking and that he had seen nail bombs before in Belfast.³

¹ WT12.67-68

³ WT12.67-68

² Day 323/54-55

51.16 Lieutenant N then gave an account, similar to the one given in his written statement, of shooting at the man and thinking that he had hit him in the right thigh. He then confirmed that his trajectory photograph showed with a cross his position and with the number 3 the position of the man he said he shot.¹

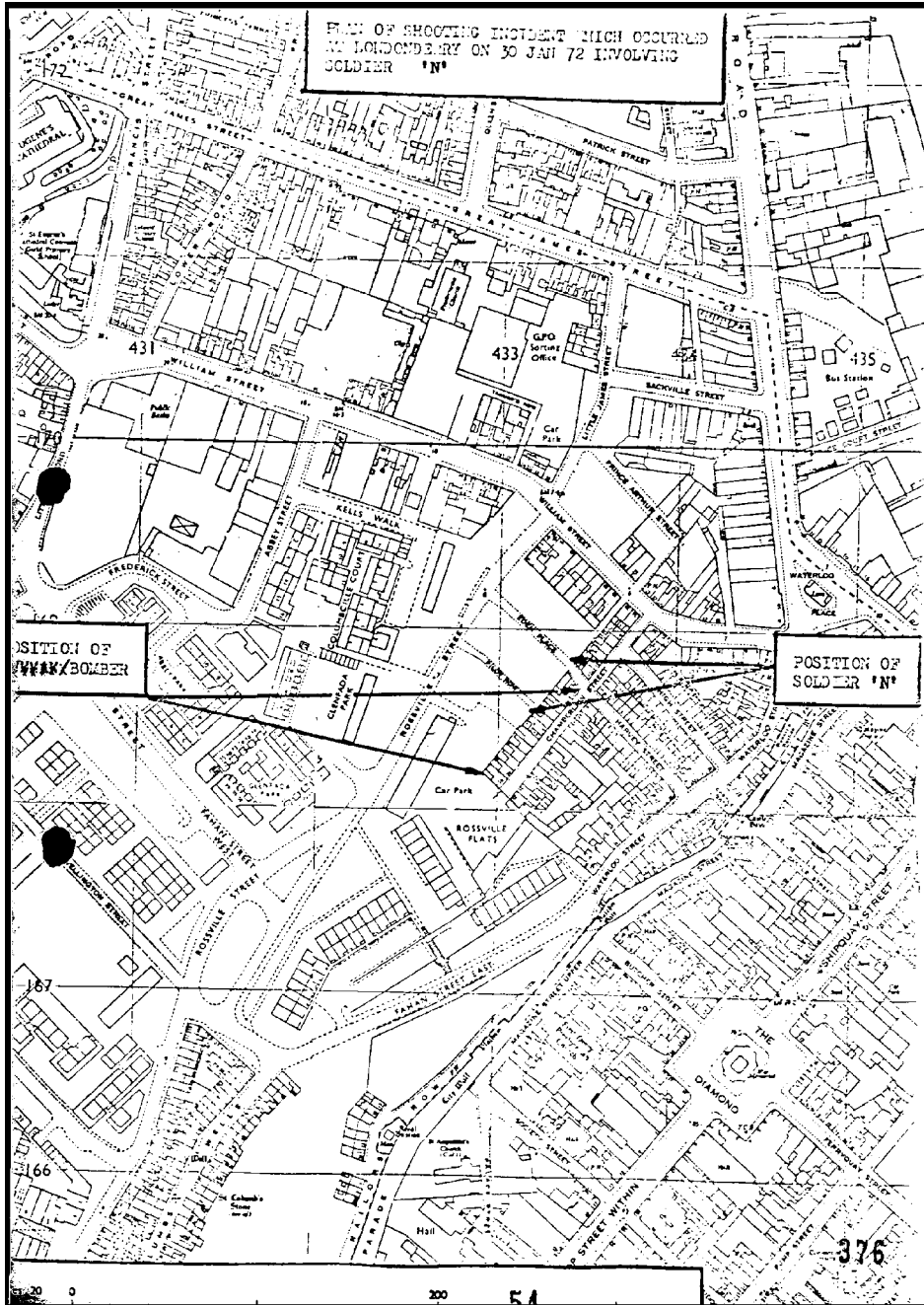
¹ [WT12.68-69](#)



51.17 We set out below the map that accompanied Lieutenant N's first RMP statement.¹ It will be noted that arrows on the map indicate that there were bombers in two positions, one at the position marked on the trajectory photograph, and the other on the south side of the Eden Place alleyway at its junction with Chamberlain Street. There was nothing in

Lieutenant N's RMP account to suggest that he fired at or towards a bomber in the latter position and we have no doubt that the compiler of the map was in error in marking the map in this way.

¹ B376



51.18 In contrast to his first RMP statement, Lieutenant N said nothing in his evidence to the Widgery Inquiry about having spent a number of minutes, before firing the shot, in the position from which he said that he fired at the man with the smoking object.

The first entry in the Loden List of Engagements

51.19 The first entry in the Loden List of Engagements is as follows:¹

“One nail bomber at GR 43291683 shot from GR 43321684. Hit in thigh (Back of houses in Chamberlain St).”

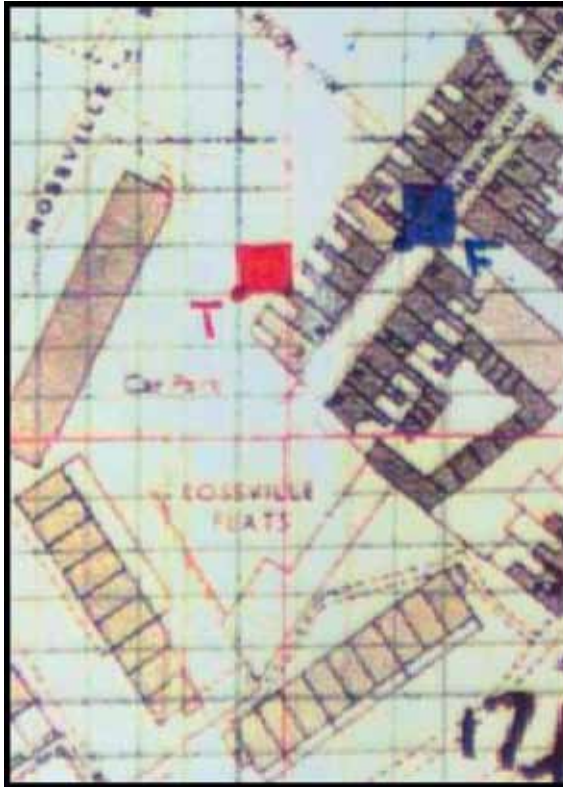
¹ [ED49.12](#)

51.20 This entry refers to a soldier shooting a nail bomber in the thigh. According to the grid references given (which are the same as those given in Lieutenant N’s first RMP statement¹) the nail bomber was in the mouth of the car park, close to the back of the two most southerly houses on Chamberlain Street. The soldier was further north and either in Chamberlain Street, or inside one of the houses or gardens on the western side of Chamberlain Street. However, as we have already noted, in his first RMP statement, Lieutenant N had described his position as “*about 10 yards from a garden wall which I think would be at the rear of number 24 Chamberlain St*”. As we have pointed out in our discussion elsewhere in this report of the Loden List of Engagements,² we consider that in view of the circumstances in which the list was made, the grid references should be treated as approximations rather than precise positions, and there may well be errors in them. In our view the grid reference for Lieutenant N was incorrect, putting him further east than he said he was. The positions according to the grid references have been marked on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families.³

¹ [B374](#)

³ [OS2.46](#) (extract)

² [Chapter 165](#)



- 51.21** We are satisfied that the first entry reflects an account that Lieutenant N gave to Major Loden of the fourth shot that he said he fired. Both in the entry in the list and in Lieutenant N's later evidence, the target was described as a nail bomber at the back of the Chamberlain Street houses who was shot in the thigh. This does not correspond with any account given by any of the soldiers other than Lieutenant N.
- 51.22** Although Major Loden's list includes a reference to Lieutenant N's final shot, there is no equivalent entry concerning the warning shots that he fired into the Eden Place alleyway. This may be because the document was, as its preface makes clear, a list of "*engagements*" in a "*gunbattle*",¹ whereas Lieutenant N's evidence was that he fired his first three shots in order to ward off a hostile crowd, rather than at a gunman or bomber. It thus seems possible that it was for this reason that either he chose not to mention, or Major Loden chose not to record, the incident as the latter compiled his list.
- ¹ [ED49.12](#)
- 51.23** To our minds the fact that the first entry on the list refers to a shot fired by Lieutenant N does not provide evidence that this was the first shot to be fired at a human target in Sector 2, though for reasons given earlier in this report,¹ it seems likely that Lieutenant N's shots fired up the Eden Place alleyway over the heads of people there were the first

shots to be fired by a soldier in Sector 2. As the only officer who said that he had fired, it is possible either that he would have been the first to report to Major Loden, or that his entry was put at the top of the list because he was the officer.

¹ Paragraphs 30.121–128

Lieutenant N's evidence to this Inquiry about his firing

51.24 Lieutenant N gave written and oral evidence to this Inquiry.

51.25 In his written statement¹ Lieutenant N told us that while he recollected shooting a man in the act of throwing a nail bomb, the best evidence he could give was to refer to what he had said in 1972: *"In fact, I now have no faith in my current memory of events before, during or after that day."*² In the same statement, Lieutenant N told us that the incident had bothered him for years: *"This was an expression of self doubt which I first experienced several years later when learning that the forensic evidence was flawed."*³ He also stated:

"Whatever doubts I have had over the years about shooting that man and I have thought a lot about this incident, I am now and have always been convinced that at the moment that I fired I thought he was in the act of throwing a nail bomb."

¹ B438.001

³ B438.011

² B438.012

51.26 Lieutenant N repeated this when he gave his oral evidence.¹ He also told us that his position, as shown in his trajectory photograph, which is reproduced above, was *"more like"* where he was than the position shown on the map that accompanied his first RMP statement,² which placed him close up against the back wall of the Chamberlain Street houses.³ He said that he had made no attempt to arrest the man because he was too far away from him and *"I had no idea of what had been going on in that area or what was going on further round that corner"*.⁴

¹ Day 322/93

³ Day 322/92

² B376

⁴ Day 322/95

51.27 Asked how confident he was in the recollection in his written statement,¹ that the man had been wearing what looked like an old-fashioned tweed jacket, he replied that he was not confident at all and that the account he gave in his first RMP statement of the man wearing a blue anorak was likely to be a much more accurate description.²

¹ B438.111

² Day 322/95-96

Lieutenant N's evidence about whether he sheltered in an Armoured Personnel Carrier

51.28 In his oral evidence to this Inquiry, Lieutenant N was also asked about evidence that Warrant Officer Class I INQ 2037, the Regimental Sergeant Major of 1 PARA, had given of going to an APC and finding Lieutenant N “*sheltering there because he was scared*”.¹ Lieutenant N denied that any such incident had taken place. He also denied that he had been in that APC or that he had retreated to it in shock because he had realised he had shot Margaret Deery, who was wounded in the left thigh in Sector 2: “*I did not shoot a woman.*”²

¹ C2037.4

² Day 322/103-104; Day 323/16-17

Lieutenant N's use of his respirator

51.29 Later in his oral evidence to this Inquiry Lieutenant N was asked about his respirator.

51.30 It appears from Lieutenant N's statement for the Widgery Inquiry¹ and from his oral evidence to the Widgery Inquiry² that he put on his respirator while waiting for Barrier 12 to be opened to allow his vehicle to pass down Little James Street. He did so because he could see a cloud of CS gas on the far side of the barrier.

¹ B398

² WT12.63

51.31 Neither in his statement for nor in his oral evidence to the Widgery Inquiry did he say when he removed his respirator. However, it appears from his oral evidence to the Widgery Inquiry¹ that he was still wearing it during his confrontation with the man he said threw lumps of concrete at him.

¹ WT12.65

51.32 In his written statement to this Inquiry,¹ Lieutenant N told us that he thought that he and his men had removed their respirators as soon as they had passed through the cloud of CS gas. But he said that he was not certain about this, and acknowledged that his oral evidence to the Widgery Inquiry suggested otherwise. Later in his written statement to this Inquiry,² he cast further doubt on the reliability of his current recollection, pointing out that his signaller Private INQ 1918 was still wearing his gas mask when Jeffrey Morris took the photograph showing this soldier and Duncan Clark close to the Eden Place alleyway.³

¹ B438.007

³ Paragraph 26.7

² B438.009

51.33 In his oral evidence to this Inquiry,¹ Lieutenant N was disposed to accept that he was the soldier seen wearing a respirator on the left in the two photographs we have displayed above.² Those photographs show Duncan Clark being escorted back to Lieutenant N's vehicle, which occurred after Lieutenant N had fired his shots from Eden Place. As we have observed earlier, we are sure that these photographs show Lieutenant N.

¹ [Day 322/86-87](#)

² [Paragraph 51.8](#)

51.34 Later in his oral evidence to this Inquiry,¹ Lieutenant N said that he recalled that after the second of these photographs had been taken, he removed his respirator, repaired the broken strap of his helmet and put his helmet back on. Later he repeated that he had taken off his respirator at that stage, although on this occasion he said that he could not recollect what headgear he then put on.² He stated clearly that he was not wearing his respirator when he fired at the man he believed to be a nail bomber. Later still he again said that he had removed his respirator while he was beside his vehicle after bringing Duncan Clark back to it.³

¹ [Day 323/2-3](#)

³ [Day 323/47-48](#)

² [Day 323/17-18](#)

51.35 Taken as a whole, Lieutenant N's evidence seems to be to the effect that he put on his respirator at Barrier 12, was still wearing it when he fired his shots from Eden Place and while escorting Duncan Clark back to his vehicle, but that he then removed it and was not wearing it when he fired at the alleged nail bomber or at any later stage.

Lieutenant N's evidence about delay before he fired his final shot

51.36 Lieutenant N told us that he had no idea why in his first RMP statement he had recorded that he had been at the position from which he fired at the nail bomber "*for about five minutes*" before he saw the man at whom he fired: "*... it does not make sense.*"¹ He then gave the following evidence:²

“Q. It does not make sense, but it must have come from you; is that correct? You see, Lieutenant N, can I suggest to you it is perfectly understandable that the RMP investigator may have been trying to put a smoking nail bomb into the hand of the person whom you shot, but it is really quite impossible to understand why the RMP investigator should be trying to establish that while your men were firing some 28-odd shots at civilians at Rossville Flats, that you were standing rooted to the spot for five minutes, apparently incapable of taking any of it in?

A. No, that is not true.

Q. Then why is it that you said that you stood at this spot, in the middle of the wasteground, for a period of five minutes, during which five minutes it appears that the bulk of your soldiers' shots were fired?

A. I have absolutely no idea.

Q. There is no sensible explanation that you can give for it, other than that is actually what happened; is that fair?

A. Other than there has been some mistake in the taking, delivering, and recording of this statement.

Q. And presumably the signing up to it as well, because it is signed by you?

A. Is it?

Q. Well, certainly the typed copy discloses that there was a signature, if one looks at 375, towards the bottom, dated 31st January 1972, signed Soldier N, taken at 0045?

A. Then I must not have read it properly, because it does not make sense, it bears no resemblance to what I recall.

Q. But what has happened is that somehow or other the person who took the statement has gained the notion that you stood rooted to the same spot for five minutes while this firing was going on and you then, having seen that, signed up to it. Presumably, like any person signing a statement, but in particular as an officer signing a statement, one does at least ensure that its contents are accurate?

A. I have got no explanation, I am sorry.

Q. If you had reached the position X [this is a reference to the position marked on Lieutenant N's trajectory photograph], then certainly both your Treasury statement [Lieutenant N's written statement for the Widgery Inquiry] and Widgery evidence indicate that your purpose in getting to X would have been to establish what was going on and what your soldiers were doing and what their position was; is that right?

A. Yes.

Q. What ought to have been happening is that you ought to have been making your way up to where the shots were being discharged, where the engagement was apparently taking place?

A. Yes.

Q. Does this statement not suggest that what in fact happened was that, having seen the engagement, that you were incapable of moving forward to it?

A. No.

Q. Can you think of any reason why the investigator may have succumbed to the notion that you stayed at this particular location for a period of five minutes?

A. No.

Q. Is it possible that that is why you were troubled about Bloody Sunday?

A. What is?

Q. Because you were incapable of taking part in this engagement with your men?

A. No."

¹ B374; Day 323/83

² Day 323/83-86

51.37

There is a handwritten copy of Lieutenant N's first RMP statement, which we have examined. Each page appears to have been signed by Lieutenant N. The handwritten version was not put to him when he gave oral evidence. In response to questioning by his counsel, Lieutenant N said that he had no recollection of making his first RMP statement and no recollection of signing it, but in our view it was signed by him.¹

¹ Day 323/107

Lieutenant N's evidence about whether he could have shot Michael Bridge

51.38 Lieutenant N was shown a photograph of Michael Bridge standing in the car park. Michael Bridge was shot in the left thigh. We consider this photograph and the circumstances of his injury later in this report.¹ Lieutenant N said that it was not possible that Michael Bridge was the person he shot, because *“the person I shot was much nearer the corner”*.² He also said that it was not possible that he had hit someone other than the person he was aiming at or that he had hit more than one person.³

¹ Paragraphs 55.165–201

³ Day 323/119-120

² Day 323/118

Lieutenant N's evidence about firing by other soldiers

51.39 Throughout his evidence Lieutenant N was adamant that he had not seen any of his soldiers fire.

Summary of Lieutenant N's accounts of his shots

51.40 According to Lieutenant N, he fired three shots up the Eden Place alleyway and then, after returning to his APC, went forward to a position close to Pilot Row, fired at and believed he had hit in the thigh a man he described as about to throw a bomb, who was at the corner of the southernmost house on Chamberlain Street.

Evidence of other soldiers about Lieutenant N's firing

51.41 We have considered earlier in this report¹ the shots fired by Lieutenant N up the Eden Place alleyway. Apart from Private 019, no other soldier gave evidence of hearing shots that he identified as those fired by Lieutenant N at Eden Place.

¹ Paragraphs 30.36–128

51.42 Sergeant O told us that he was not aware of Lieutenant N's shots at the Eden Place alleyway, nor of any shots other than his own being fired towards the south-east corner of the car park.¹ Private S told the Widgery Inquiry that he did not see any other soldier fire apart from Sergeant O.² Private Q told the Widgery Inquiry that the shooting by Private T was the only shooting he saw apart from his own.³ Private T told the Widgery Inquiry that he only saw Sergeant O firing.⁴ Lance Corporal V told the Widgery Inquiry that he had only seen Private S firing.⁵ Private 006 told us that he did not hear the shots fired by

Lieutenant N.⁶ Corporal P told us that he did not see Lieutenant N firing.⁷ Private INQ 1918 told us that he had no recollection of the shots fired by Lieutenant N from Eden Place.⁸

¹ [Day 336/31-33; Day 335/69](#)

² [WT13.9](#)

³ [B637](#)

⁴ [B736](#)

⁵ [WT13.22](#)

⁶ [Day 334/62-64](#)

⁷ [Day 323/180](#)

⁸ [Day 342/92](#)

51.43 No other soldier gave evidence of seeing Lieutenant N fire the shot that he said that he fired at a man who was about to throw a bomb.

Private S

51.44 We have already referred to the accounts Private S gave of disembarking from Lieutenant N's APC and moving up to a position against the wall at the back of the last-but-one house on the west side of Chamberlain Street.¹ Although Private S told us he had no recollection of an incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle, and made no mention of this in the accounts that he gave in 1972, we have no doubt, for the reasons we have given, that he was one of the two soldiers involved in this incident, the other being Lance Corporal V.²

¹ [Paragraphs 26.36–39](#)

² [Paragraphs 31.1–14](#)

The account of his firing given by Private S to the Royal Military Police

51.45 In his first RMP statement, Private S, after describing the throwing of bottles and stones at the soldiers and giving an account of nail bombs being thrown from the top of the Rossville Flats¹ (which he repeated in his second RMP statement² but, as noted above,³ retracted in his written statement for the Widgery Inquiry⁴), gave the following account:⁵

"I had been in my position for about five minutes when a gap appeared in the crowd. I saw a man standing in the gap between blocks one and two of the flats. The man went down into a kneeling position facing towards me. I heard the sound of gunfire. About four single shots were fired in my direction. They passed about five to ten metres from me and struck the walls of derelict houses behind me about fifty metres away. I saw the man move and I think he was attempting to stand up. As he moved I saw he was holding a long metallic object which appeared to be a rifle.

I fired three aimed shots 7.62 mm at the man. I do not think I hit him but before I could fire again the crowd moved and closed the gap.

About thirty seconds later the crowd opened up and made a similar gap.

I saw a man in a kneeling position in the gap between blocks 1 and 2 of the flats. The man was facing my way and I saw two muzzle flashes coming from his shoulder position. I fired three aimed shots at the man and I saw his body jerk backwards. I believe I hit him. The crowd closed the gap again so I was unable to fire any more.

The gap opened again after about thirty seconds and I saw a man in a kneeling position. I saw three muzzle flashes from his shoulder position.

I fired three aimed shots at the man before the gap in the crowd closed again. I do not think I hit him.

About thirty seconds later the gap opened again and once more I saw a man in a kneeling position. This time I saw four muzzle flashes come from his shoulder position. I saw these shots strike the water in a pond about fifty metres to my rear.

I fired three aimed shots at the man and saw his body jerk backwards as if my rounds had hit him.

I cannot say if it was the same man firing at me each time.

Altogether I fired 12 rounds 7.62 mm.”

¹ B692-693

⁴ B707

² B703

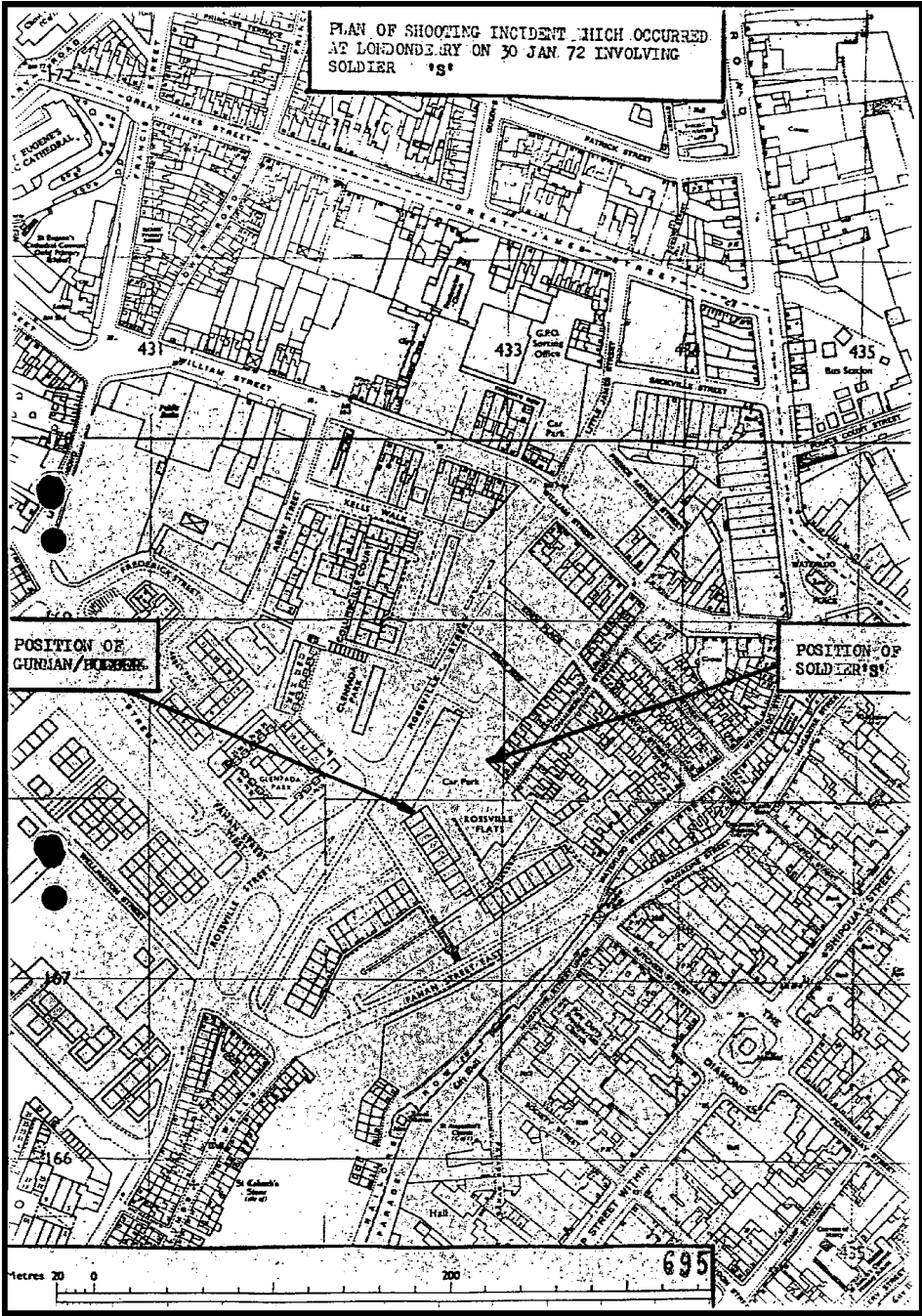
⁵ B693-694

³ Paragraphs 47.8 and 49.15

Private S's Royal Military Police map

51.46 In the map that accompanied this RMP statement, the position of Private S and his target was depicted as follows.¹

¹ B695



The account of firing by Sergeant O given by Private S to the Royal Military Police

51.47 We have already referred¹ to Private S's second RMP statement² when discussing the evidence of the soldiers relating to nail and blast bombs and his account of incoming fire from a gunman at "*a ground floor window, about three windows in from the South East corner of Block 1 of the flats*". This statement continued:

"[Sergeant] 'O' who was positioned at the side of the APC nearest to my position, engaged the gunman and fired I believe two shots in return. I was unable to determine whether the shots had hit the gunman as I was heavily committed with my own position. I was not able to observe the gunman long enough to give an accurate description of him."

¹ Paragraphs 47.7–8 and 49.15–16

² B703

51.48 As we have already noted, Private S told us that his account of this gunman was untrue.¹

¹ Day 331/73 -77; Day 332/65-74

Private S's evidence to the Widgery Inquiry about his and Sergeant O's firing, and Private S's trajectory photograph

51.49 In his written evidence for the Widgery Inquiry, Private S gave this account:¹

"5. I remained in position by the back wall of No. 34 Chamberlain Street and kept a look out over the court yard. There was firing going on at this time. Through a gap in the crowd I saw a man kneeling in a gap in the court yard shown marked oo ... on my photograph. I heard the sound of firing from that direction and could hear that the rounds passed me and hit the back wall of the Chamberlain Street houses between 5 and 10 metres behind me. About 4 shots were fired. I judged that it was an M1 or similar weapon which was firing. I could not at that time distinguish muzzle flashes and I was not perfectly certain that the shots were being fired by the kneeling man. I kept watching him but did not immediately fire back. Then the man moved as if to stand up and as he did so he moved the weapon from his shoulder and I could see positively that it was a rifle of some sort. Although there were civilians milling about in the area there was still a clear line of sight between me and the man with the gun. As soon as I had identified the weapon clearly I fired 3 aimed shots at him, but I think I missed. At that point people moved between me and him for a short time and I lost sight of him."

6. After a very short time, about 30 seconds later, I caught sight of him again. I think he had moved his position slightly, but he was still in the same corner of the courtyard. He was kneeling and facing me. I heard the sound of firing again and this time I saw muzzle flashes coming from the weapon at his shoulder. I immediately fired 3 aimed shots and I believe I hit him. I could not however fire any further rounds because once more other people came into the line of fire.

7. While I was engaging this gunman with fire I was aware of the scattered movement of the crowd on the far side of the car park. I believe they were thinning out all the time and probably trying to get out of the openings between the blocks. By this time I was looking out for a gunman in the corner very carefully and was able to pick one out if the crowd's movement left a clear line of sight for only a short time.

8. I saw a gunman in this position twice more. I do not know if it was the same man each time.

9. The third time I saw him he fired 3 shots at me, and I fired 3 at him, but do not think I hit him. The fourth time, which again followed after an interval of about half a minute, I remember he fired 4 shots. These did not go near me but passed on my right and I looked round to see what he was shooting at. I saw splashes of water on the pond where my pig was stopped, but I did not see any shots hit the pig. I fired 3 shots at the man and this time I believe I hit him, because I saw his body jerk backwards. I went on looking in his direction, but other people got in the way and I did not see him again.

10. At some time, I think between the 3rd and the 4th occasion when I engaged the gunman, I saw [Sergeant] O, who was by his pig on my right, fire shots at the other corner of the car park. I shouted at him just before this that he was under fire. I could not see what his target was, as it was behind the wall I was standing against. While my own engagement was going on, I was aware that bottles and other missiles, including acid bombs, were being thrown from block 1 at the troops below.

11. After my last exchange of fire the platoon commander called us back to our vehicles and we moved off."

¹ B707-708

51.50 The reference in this account to a photograph appears to be to Private S's trajectory photograph.¹

¹ There is another version of the trajectory photograph in which Private S's targets are shown as four small "o"s instead of one large "O", but in the same position as the large "O".



51.51 In his oral evidence to this Inquiry, Private S said that he had no recollection of how this photograph came to be prepared.¹

¹ [Day 332/113](#)

51.52 As can be seen, on this photograph the position of Private S is marked as further away from the southern corner of the Chamberlain Street houses than it was on his RMP map, though in his first RMP statement Private S described being in the position shown on his trajectory photograph. The position marked on the RMP statement seems therefore to have been incorrect.¹

¹ [B695](#)

51.53 It was, as noted above, in his written account for the Widgery Inquiry that Private S retracted what he had recorded in his RMP statements about seeing nail bombs.

51.54 In his oral evidence to the Widgery Inquiry, Private S said that when he had reached his position at the back of one of the houses in Chamberlain Street, he stayed there all the time.¹ He told the Widgery Inquiry that after he saw a man kneeling in the gap between Blocks 1 and 2 of the Rossville Flats, he heard and counted four shots:²

“Q. Did you know where those shots struck?

A. The shots passed me, the rounds passed me and went on past me, must have struck somewhere to my rear.

Q. How far to your rear do you think they landed?

A. Could have been –

Q. Did you hear them land actually?

A. Not really; I just heard the shots coming past me closely.

Q. Could you tell or form any view about what sort of weapon was firing?

A. I would say a medium calibre, an M.1; it could have been an M.16.

Q. Could you see any muzzle flashes at that stage?

A. Not at that stage.

Q. At that stage could you tell for sure from whom the shots were coming?

A. I knew the direction the shots were coming.

Q. Did you keep watching towards that kneeling man?

A. I did.”

¹ WT12.102

² WT12.103

51.55 Private S continued by telling the Widgery Inquiry that the man stood up and he could see his rifle at his shoulder: “*As soon as I saw him, as soon as I identified him as the gunman, I fired three aimed shots at him.*” Private S said that he did not think that he had hit the man. He also said that some people then came between him and the gunman but he caught sight of him again about 30 or 40 seconds later. The man was roughly in the same position. He heard the man fire and saw his muzzle flashes: “*He was still in a sort of kneeling crouched position ... I fired three aimed shots at him.*”¹

¹ WT12.104

51.56 Private S said that he thought he had hit the man this time, but that he could not fire any more shots then because his line of sight was obstructed. Asked how many people were in the car park at this time he said: *"There were quite a few ... They were milling about; they were more or less going through the gaps of the flats."*¹

¹ [WT12.105](#)

51.57 Private S told the Widgery Inquiry that he then saw a gunman in the same position twice more. The gunman fired several rounds in his direction, and he fired three shots back. Private S said that he did not think that he had hit the gunman, who fired three or four more shots, which passed by to his right and landed in the region of his APC. From the transcript it appears that Private S was referring to the APC parked by Pilot Row, ie Lieutenant N's APC.¹

¹ [WT13.2](#)

51.58 Private S said that he fired three more shots and this time thought he had hit the gunman as *"His body jerked backwards"*, but he could not see the man after that as people obstructed his view. He told the Widgery Inquiry that he could not be sure whether it was the same man he had shot at on each occasion that he fired.¹

¹ [WT13.3](#)

51.59 Private S also said that during the period in which he was firing Sergeant O was on the forward left side of Sergeant O's APC, and that he shouted to Sergeant O that Sergeant O was under fire because some shots fell in front of Sergeant O that Sergeant O had not seen. *"I could not see what he was engaging."*¹

¹ [WT13.4](#)

51.60 Asked whether he could see any other hostile activity towards the troops while he was firing, Private S replied that there was a hail of bottles, he guessed 40 to 50 in number, thrown down from the flats.¹

¹ [WT13.4](#)

51.61 Later in his oral evidence Private S said that he saw one person lying on the ground to his front before he had discharged all his shots, when there were still people milling about in the car park. Asked whether he had fired any shots before he saw the body, Private S replied: *"I may have, sir, but I don't think so."*¹

¹ [WT13.7-8](#)

51.62 Private S said that Sergeant O was the only other soldier he saw fire.¹

¹ [WT13.9](#)

The absence of reference to Private S's firing in the Loden List of Engagements

51.63 There is no reference to any of Private S's claimed shots in the Loden List of Engagements.¹ It is not clear why this is so. There is no evidence to suggest that Private S was one of the soldiers tasked, alongside Sergeant O and Corporal P, with taking the bodies of those killed at the rubble barricade to Altnagelvin Hospital. Nor is there any other obvious explanation as to why Private S either was not interviewed by Major Loden, or was interviewed without the relevant information being recorded. Private S told this Inquiry that he did not recall speaking to Major Loden, after Support Company's withdrawal from the Bogside, about his firing.² There is no evidence from Major Loden on this point. It might be that Private S was occupied on other duties. It is also possible that at this stage Private S was not claiming to have hit anyone, and thus his shots did not appear on the list for the same reason as the first three fired by Lieutenant N. These possibilities are, however, no more than speculation.

¹ [ED49.12](#)

² [Day 332/75](#)

Private S's evidence to this Inquiry about his and Sergeant O's firing

51.64 In his written evidence to this Inquiry, Private S stated:¹

"18. I moved forward and I have a general recollection of my platoon sergeant, soldier O being to my right and beside his Pig and I was looking for gunmen. I remember at some stage focusing on the alleyway between two blocks of the flats, this was a good place for a gunman as it offered cover and an escape route. I was then engaged in exchanges of fire with a gunman or gunmen. My only recollection now is that the exchange was over quickly, I do not recall how many rounds I fired, or were fired at me or whether or not I hit any of the men who were firing at me – I use the term in the plural as it was possibly more than one person who fired at me from the same position.

19. The only other memory I have of the time I was in this area is that I was near to a wall, soldier O was to my right and at the front left hand side of his vehicle, I think near the passenger door. I recall that he appeared to be engaging a target, although I cannot now remember any more than that."

¹ [B724.003](#)

51.65 In his oral evidence to this Inquiry, Private S told us that he now had no recollection of what had caused him to fire the first time.¹ He then made the following comment about his RMP statements:²

“Now, I would ask the Tribunal to bear with me for a moment, that when I actually made the first statement, which I believe was quite late at night, I mean, that was made to the RMPs, which – making a statement to the RMP is, is – can be quite a frightening affair in itself and, basically, there is a lot of things in there that I concede, even though I have signed the statement – yes, I have signed it, but I am not actually condoning some of the inaccuracies in the statement and in the statement that I made on the 4th.

Now, having said that, I would reiterate, I know I signed them, but I am basically – I regret the fact that I have signed a statement in 1972 that is basically inaccurate; it is not wholly inaccurate, but there are bits in there that – that have been added by the RMPs that are not wholly accurate, that I want to say that.”

¹ Day 331/60

² Day 331/61-62

51.66 Counsel to the Inquiry accordingly took Private S through these statements in some detail. The first material inaccuracy identified by Private S related to his account of nail bombs being thrown from the Rossville Flats, which we have considered earlier in this report.¹ He told us that the account in his first RMP statement of his firing was the truth,² though a little later in his evidence there was the following exchange:³

“Q. It is correct, is it, that you have now no actual recollection at all of the rather dramatic incident which is described in this statement, of firing twelve shots in all, four bursts of three at 30-second intervals, injuring one man twice or two men once?

A. No, I have no recollection of it now, no.”

¹ Paragraphs 47.8–9 and 49.15–16

³ Day 331/73

² Day 331/69-70

51.67 Private S then told us that his account in his second RMP statement of seeing a gunman firing from a ground floor window should not be relied upon as an accurate statement, though he did not withdraw his account of seeing the bullets hit the ground about 10m short of the APC or his account of seeing Sergeant O fired at and returning fire.¹

¹ Day 331/75-76

51.68 Private S was unable to explain why in his first RMP statement he had described shots fired at him that had struck the walls of derelict houses about 50m behind him, in his written account for the Widgery Inquiry he had described them hitting the back wall of Chamberlain Street between 5m and 10m behind him and in his oral evidence to the Widgery Inquiry he had said that he had not really heard them land.¹

¹ [Day 331/84-85](#); [Day 332/45-46](#)

51.69 Later in his oral evidence Private S was asked to explain how he knew that parts of his RMP statements were inaccurate, having just told this Inquiry that at the time he made them, he believed them to be true.¹ There was then the following exchange:²

“A. I do not remember making, I have said that on several occasions, sir – I do not remember making these statements, I do not even remember the people that interviewed me in the statements, I do not.

Q. You do not remember anything about the way in which the statements were taken?

A. I do not remember, sir. If I did, I would tell you so.

Q. If you do not remember anything about the way the statements were taken, how could you possibly, in fairness, place any blame on the RMPs who took the statements?

A. Because when you make a statement to the RMP, they are, shall we say, they are intimidating, to say the least and –

Q. Were they intimidating on this occasion?

A. Well, they can –

Q. On these two occasions when you made your statements to them?

A. They can be intimidating to an 18-year-old.

Q. Were they in fact intimidating on the two occasions you made your statements to them in respect of Bloody Sunday?

A. You are asking me now to commute the – I can see what you are doing. You are asking me now to commute the whole blame of the responsibility, to shift it over to the RMP. I am not going to say that they were intimidating in that way. I am sorry, sir, I am not going to say that.

LORD SAVILLE: I interrupt, it is the chairman, Soldier S. I do not think Mr Macdonald is doing that. What Mr Macdonald is doing, and he will correct me if I am wrong, is trying to get your assistance as to why you are now saying that parts of these statements are wrong; am I right in that, Mr Macdonald?

MR MACDONALD: Yes, sir.

LORD SAVILLE: Perhaps you could put the question again.

You have told us that some parts of these statements are unreliable. An example you took was that you could not have been facing northwest?

A. That is right, sir.

LORD SAVILLE: That is actually a minor example which I do not think anyone is going to blame anyone about, subject to correction from Mr Macdonald, but there are other parts of these statements that you told us yesterday you regarded as unreliable.

What Mr Macdonald is seeking to do is to discover why you take that view of those parts of the statement that are unreliable and in order to do that he is exploring with you the circumstances in which the statements were made. You have told us more than once that you cannot remember the details of the statement-taking process. You have made the point more than once that, in the ordinary course of things, an 18-year-old soldier is likely to be intimidated by the RMP, in general terms.

But concentrate, please, on what Mr Macdonald is trying to get from you, which is why certain parts of these statements you now say are unreliable; that is the point we are getting at.

Mr Macdonald.

MR MACDONALD: Do you remember, in fact, being intimidated by these RMPs who took these statements?

A. No, I do not, sir.

Q. Do you remember in fact them putting words into your statements that you did not give to them?

A. No, I do not remember them putting words into my statements that I gave to them.

Q. You cannot say that anything that appears in these statements came from the RMPs as opposed to from yourself?

A. No, I cannot remember that.

Q. So you cannot properly say that you signed statements that were effectively written by other people, can you?

A. Well, by the logic that I follow you, yes, no, I cannot.

Q. In fact what you are doing is trying to transfer the blame for the inaccuracies to the RMPs?

A. I am sorry, I have said that, no –

Q. Why do you persist in saying that there were things in the statement that were not really written by you and that you regret signing them and you must have been intimidated? Where does the intimidation come into it?

A. The statements are inaccurate in the respect that they do not accurately reflect probably what I actually quoted to the RMPs on the day.

Q. Why are you suggesting that the RMPs put things into your statement that you did not give to them? The sort of terms that you used were that they may have collated material that may have come from a number of people?

A. Well, I think they, they would have collated some of this, I mean, that would have been common sense for them to do that at the time, would it not?

Q. No, it would not, Soldier S, because these statements purport to be an account of your recollection of the events. Now, to get to the point very simply: I am suggesting to you that the reason why you are now – the reason, first of all, why the account appears in your statement in the way that it does, is that you were telling lies about your account?

A. No, I was not, sir.

Q. The inaccuracies are attributable to you trying to tell lies and not to the RMPs telling lies for you?

A. No.

Q. Or could it be that it is a combination of you telling lies and the RMPs helping you to tell lies?

A. No.

Q. How do you know?

A. No.

Q. How do you know?

A. I would not do that.

Q. But you do not remember doing that or not doing that, do you?

A. No, I do not.

Q. You claim to have no recollection of this at all?

A. I do not, that is correct, that is correct, but I would not do that.”

¹ Day 332/14

² Day 332/16-21

51.70

Private S was asked much the same later in his oral evidence, when he was asked to explain how he had come to change the account given in his second RMP statement¹ of Sergeant O firing at a gunman at a ground floor window at the south-east corner of Block 1 to the account given in his written statement for the Widgery Inquiry² of Sergeant O firing into “*the other corner of the car park*”:³

“LORD SAVILLE: Your second statement, the first page.

MR MACDONALD: B724.016.

LORD SAVILLE: Look at that paragraph. It describes you saying that you saw a gunman open fire from a ground floor window, about three windows in from the southeast corner of Block 1, he fired about six shots direct at members of the company, who were: ‘... employed around one of our APCs, positioned about 15 metres west of my position. I saw the gunman’s bullets strike the ground about 10 metres short of the APC. [Sergeant] O, who was positioned at the side of the APC nearest my position engaged the gunman and fired, I believe, two shots in return.’

You have told this Tribunal and in reply to Mr Macdonald’s questions, you have repeated, that that is inaccurate?

A. Yes.

LORD SAVILLE: What Mr Macdonald has been trying to ascertain from you is: how are you able to say that that paragraph is inaccurate? You tell us you do not remember the incident, so how do you know that that paragraph is inaccurate?

A. Because it was probably inserted there for me, probably.

MR MACDONALD: By the RMP who took the statement?

A. Probably, yes, sir.

Q. And you went along with it?

A. Yes.

Q. And you could only say that that probably happened because you have a recollection to that effect; is that not right?

A. I have very, very little recollections of the incidents and the statements I have made, as I have said I have – I wish I had more.

Q. Do you have some vague recollection to that effect, that that is what happened: that this was put in your statement by an RMP and you went along with it because you were only 18 and felt intimidated?

A. Yes, that is probably more to the truth. I am not proud of that.

LORD SAVILLE: Is there another possibility, that some of your colleagues suggested to you that you should tell that to the RMP; is that a possibility?

A. I, I would not think that that would have been a possibility, because that would have been sort of – it would amount to sort of colluding and – I think every man on the day would have had to make his own – would have had to account for his own actions, really. I think that by the time we made these statements, I think everybody, I think, fully realised the gravity of the situation, I would say.

No, I would not, I would not go along with that, sir, with respect.

LORD SAVILLE: Tell me if I am wrong in summarising it this way, but your evidence to the Tribunal is that this paragraph is untrue and you witnessed no such event as is described in that paragraph; is that right?

A. Yes, I would agree with that."

¹ B703

² B708

³ Day 332/71-74

51.71 At the end of his oral evidence Private S denied that any of his firing was from the hip or from his waist.¹

¹ [Day 332/127](#)

Private S's use of his respirator

51.72 In his written statement for and oral evidence to the Widgery Inquiry,¹ Private S stated that he put on his respirator before moving off from Queen's Street. He did not say for how long he wore it. In his written statement to this Inquiry,² Private S told us that he could not remember whether he was wearing a respirator.

¹ [B706; WT12.101](#)

² [B724.004](#)

51.73 Both soldiers shown in the enlargement of the photograph taken by Colman Doyle that we have reproduced in our discussion of the incident involving the Order of Malta Ambulance Corps volunteer Charles McMonagle¹ can be seen to be wearing respirators. For reasons given earlier, we consider that Private S is one of these soldiers, the other being Lance Corporal V. Thus we consider that Private S was still wearing his respirator as he moved south after the incident involving Charles McMonagle.

¹ [Paragraphs 31.5–6](#)

Summary of Private S's account of his shots

51.74 According to the accounts given by Private S, therefore, about five minutes after he reached a position near the back wall of the last-but-one house in Chamberlain Street and from that position, he fired four groups of three shots at a man who was firing a rifle in his direction from the gap between Blocks 1 and 2 of the Rossville Flats. He said that he believed he missed the man with his first group of shots but hit him when he fired his second group. Similarly, he said he believed he missed the man when he fired his third group of three shots but hit him when he fired his fourth group. His evidence was that there was a gap of about 30 seconds between each of his groups of shots, and that on each occasion after he had fired a group of shots, the crowd came between him and the man he was seeking to shoot. He did not know whether each group of shots was fired at the same man.

Summary of Sergeant O's account of firing by Private S

51.75 We deal in detail with Sergeant O's evidence of firing later in this chapter.¹ So far as Private S is concerned Sergeant O's evidence was to the effect that Private S was the only soldier whom he had seen firing, and that he saw Private S firing from the back wall of a house near the end of Chamberlain Street towards the gap between Blocks 1 and 2 of the Rossville Flats. Sergeant O said that he caught one glimpse of a man kneeling down in that location firing a weapon from the shoulder. The man was in a small gap by himself but there were people moving about that area. According to Sergeant O, it was after he had himself fired at a man on a walkway between Blocks 2 and 3, or on a balcony in Block 3, and some three to four minutes before he shot at a man on the corner of the gap between Blocks 2 and 3, that he saw Private S firing.

¹ [Paragraphs 51.208–265](#)

51.76 In his oral evidence to this Inquiry, Sergeant O said that he could not now recall Private S firing.¹

¹ [Day 335/76](#)

Summary of Lance Corporal V's account of firing by Private S

51.77 Lance Corporal V gave an account of firing by Private S. We examine Lance Corporal V's evidence below. As will be seen, according to his accounts, after he had fired a shot from a position near to the wire fence that ran across the southern edge of the Eden Place waste ground, he went towards Private S, whom he described as standing on the corner at the end of the houses in Chamberlain Street. He said he saw Private S returning fire towards the gap between Blocks 1 and 2 and saw flashes in that area but did not hear the sound of shots. In his oral evidence to this Inquiry Lance Corporal V said that he had no recollection of Private S firing and "*no clear recollection*" of seeing flashes.¹

¹ [Day 333/80](#)

The evidence of Corporal INQ 444

51.78 We consider later in this report¹ whether an account given by Corporal INQ 444 of a soldier firing a large number of shots relates to Private S.

¹ [Paragraphs 65.29–40](#)

Lance Corporal V

51.79 We have described earlier in this report¹ the account that Lance Corporal V gave of disembarking from Lieutenant N's APC and going forward to cover Private S who was ahead of him. We have also discussed the incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle,² which involved Private S and which took place at the back wall of the Chamberlain Street houses close to the wire fence running across the southern edge of the Eden Place waste ground.

¹ Paragraphs 26.14–17

² Paragraphs 31.1–14

The account of his firing given by Lance Corporal V to the Royal Military Police

51.80 In his RMP statement¹ Lance Corporal V gave an account of hearing the sound of shots as he disembarked and two explosions, and of rioters throwing petrol and acid bombs. In this account Lance Corporal V made no mention of the position he was in when he fired. He stated:²

“Firing was taking place at us from several positions with several different types of weapons.

I then saw a male person wearing a dark suit, white shirt, he was a young man. He had dark hair. He was standing in a crowd I saw him draw back his right arm. I saw him throw a bottle with a fuse attached at the end. It hit the ground but did not explode. He moved from the crowd. I fired 1 x 7.62 rd, aimed at him. He was thrown to the ground. The crowd scattered but 4–5 persons returned. I saw them waving white handkerchiefs and attending to the person I had fired at.

The firing still continued from the flats area. I observed that location. I didn't see the man I'd shot again.”

¹ B788

² B788-B789

The account of his firing given by Lance Corporal V to John Heritage

51.81 In a note dated 5th March 1972 John Heritage, a senior legal assistant in the Treasury Solicitor's department who interviewed a number of witnesses on behalf of the Widgery Inquiry, recorded the following.¹

¹ B821.002

5 March 1972

NOTE

V

In the course of my preliminary interview with ~~the~~ ^{him}, before recording his statement, I invited ^{him} to tell me his account of what happened. He told me that he saw a man throw a bottle with a lighted fuse at its end. The bottle landed near S, but the fuse came out in the air and the bottle did not explode. He said he kept an eye on the man who had thrown it, as he moved back in the crowd. As soon as the movement of the crowd gave him a clear sight of the man he shot at him and believed that he had hit him. In answer to Major Bailey he said he thought the man might have been stooping just before he shot. I asked him if he could see anything in ~~the~~ the man's hand. He replied "No sir I can't honestly say that I did". Major Bailey then intervened and said he wished to discuss the position of this witness with Colonel Overbury before we proceeded. I agreed.

Colonel Overbury requested that this interview with V be held over until he had had an opportunity to discuss the matter with Counsel. I agreed.

JMA
5.iii.72

Major Bailey confirms that this is
a fair & accurate record of what
V said in our presence.

JMA
5.iii.

After discussing the matter with Mr. G. Hume, Col. Overbury told me that he proposed to order V to make a statement. I said that if V made a statement, ~~but~~ I would read it but before doing so I would warn V that his evidence might incriminate him. Col. Overbury said that if such a warning were to be given, he would order/advice V not to make a statement.

JMA
5.iii.

51.82

The handwriting on this note is that of John Heritage. Major Bailey, to whom the note refers, is dead and gave no evidence to this Inquiry. As may be seen from a memorandum dated 3rd February 1972 and signed on behalf of the Director of Military

Operations in the Ministry of Defence,¹ Major Bailey was an officer of Army Legal Services who worked, under Colonel Colin Overbury, in the Army Tribunal Team, which was responsible for the preparation of Army evidence for the Widgery Inquiry.²

¹ [CO1.83](#)

² In our ruling on claims for legal professional privilege dated 20th July 1999, we determined that Colonel Overbury and Major Bailey acted for the Ministry of Defence, in the interests of the Army, and did not represent individual soldiers at the Widgery Inquiry. Colonel Overbury confirmed that this was the case in his oral evidence to this Inquiry ([Day 243/88](#); [Day 243/123-125](#)).

51.83 We are of the view that this note accurately records what Lance Corporal V told John Heritage, and give our reasons for this when we return to consider this note again later in this chapter.¹ We first examine the rest of Lance Corporal V's evidence.

¹ [Paragraphs 51.107–133](#)

Lance Corporal V's evidence to the Widgery Inquiry about his firing

51.84 In his written statement for the Widgery Inquiry (which, as we explain below, was not taken by John Heritage),¹ Lance Corporal V gave an account of disembarking from his vehicle and following Private S, hearing single shots as he did so and seeing bullets hitting the ground somewhere to his right as he was running up to the entrance "*to the forecourt*". He continued:²

"By the time I had run up to the entrance to the forecourt there was a large crowd on the left in front of me around the end of Chamberlain Street who were throwing stones and bottles and there were bottles being thrown from the block of flats on my right which contained liquid.

My attention was then drawn to a young man with longish dark hair who was wearing a dark suit and a light shirt. He was of medium height. He was at the front of the crowd and his right hand was drawn back in a throwing position. He was holding in his right hand a bottle with a cotton-waste fuse in it which was lit. I took aim at this man but my view of him was obscured for a fraction of a second probably by someone running in front of him. I kept my sights on this man and fired immediately I had a clear aim. I fired one aimed shot. The man was thrown backwards onto the ground. All these events took place almost instantaneously [sic]. There was a lot of glass and debris about but I do remember seeing a smoking fuse although there had been no noise of a petrol bomb going off. I then realised that he had thrown the bomb before I had shot him.

After this had happened four or five male persons came towards the body with their hands in the air waving white handkerchiefs. At this time, realising that they were unarmed, I moved over behind [Private] S who was standing at the corner of the buildings at the end of Chamberlain Street. [Private] S was taking aim and returning fire in the direction towards the gap between the centre and right hand blocks of Rossville Flats. I saw flashes coming from that direction but I did not hear shots. There was still bottles coming down from the flats and there was a lot of noise and people running about in the forecourt of the flats. I then covered the general area of the right hand block of Rossville Flats in case any bombs were thrown from there or any snipers opened fire.

I then sent [Private] S, who had finished firing, back to the armoured vehicle and I moved over to [Sergeant] O's armoured vehicle which was parked on the opposite side of the entrance to the forecourt."

¹ B801

² B801-802

51.85 At the end of this written statement Lance Corporal V made these observations:¹

"In the sixth paragraph of the statement which I made on 31 January 1972 at 0025 hours I stated 'Rioters also threw petrol and acid bombs'. I should like to make it clear that at the time I was describing no petrol bombs were being thrown.

In addition in the eighth paragraph of my statement of 31 January 1972 the sequence of events given in this statement is incorrect but I am satisfied that my description of events in my present statement is correct. I should like to make it clear that the events described from my taking aim to firing took place within a matter of a second."

¹ B802-B803

51.86 The reference to the eighth paragraph of his RMP statement must be a reference to the account he gave in that statement about his firing.

51.87 In his oral evidence to the Widgery Inquiry, which he gave on 8th March 1972, Lance Corporal V said that the man he fired at was about 50m to 60m away from him.¹ He gave the Widgery Inquiry much the same account of the circumstances in which he had fired as that contained in his written account for that Inquiry, and also gave a similar account of moving over to join Private S who "*was returning fire into the alleyway between Blocks 1 and 2*".² The transcript of Lance Corporal V's oral evidence to the Widgery Inquiry records him as having said that the man whom he had shot had been wearing a "*white-collared*

shirt”.³ Lance Corporal V told us, and we accept, that this should have read a “*white coloured shirt*”.⁴ When he was cross-examined by counsel acting on behalf of the families and the injured at the Widgery Inquiry, he gave the following answers:⁵

“Q. And your impression now is, or your recollection now is, that he had thrown this petrol bomb before you fired at him?

A. I could not see that at the time, sir.

Q. But that is your reconstruction of the events?

A. Yes, sir, now.

Q. That was a petrol bomb which never exploded?

A. Yes, sir.

Q. So something must have happened to the fuse between the time you saw it and the time it landed on the ground?

A. Yes, sir.

Q. Did you look to see where the petrol bomb might have landed?

A. When I saw that I had shot the fellow with a petrol bomb in his hand I looked to the area where he might have thrown it and saw a fuse still burning on the ground.

Q. Did you watch it?

A. No, sir. As soon as I saw the fuse I turned to go into the wall and cover of the area of the block of Rossville Flats.

Q. Did you shout a warning or anything like that?

A. When, sir?

Q. When you saw the fuse burning on the ground?

A. No, it was impracticable.

Q. It was impracticable to shout a warning to anyone when you saw this thing that was about to explode?

A. He still had the bomb in his hand.

Q. Did you not tell us a moment ago that after you saw this object on the ground you saw the object burning?

A. No, I saw the fuse burning.

Q. You saw the fuse detached from the bomb?

A. Possibly, sir. I did not see it alight.

Q. You saw something burning on the ground but you did not see the bomb?

A. No, sir.

LORD WIDGERY: I must try to get this straight. I thought you said he must have thrown the bomb in the moment when he was obscured from you and before you actually fired?

A. Yes, sir.

Q. Now you are telling Counsel that he still had the bomb in his hand, or have I got it confused?

A. He said 'Did you give a warning?' and I said it was impracticable at the time because he was in a throwing position with the bomb.

Q. When you first gave your evidence I understood you to say you took aim. He was obscured for a second and then you fired. There was no explosion of the bomb, so you concluded he had thrown it in that split second when he was obscured from you?

A. Yes.

Q. In other words, the bomb had left his hand?

A. I did not see that.

Q. That is your account of it as you wish me to accept it?

A. Yes, sir. May I point out that when I am aiming he is so close that my sight picture was filled with the part I was aiming at.

Q. I want to be sure I have your evidence right. If that is right it means the bomb did not remain in his hand after you shot him, or did it?

A. I presumed it had not because I did not see any flames about the area where I had shot him. The fuse would have been in the bottle when it hit the ground.

Mr. McSPARRAN: You made no attempt to retrieve this bomb, whatever kind of bomb it was?

A. Petrol bomb. I presume the fuse had smashed because it was lying there.

Q. You did not see any bottle?

A. No, it had smashed on impact.

Q. It was something you did not notice?

A. No, I did not notice.”

¹ [WT13.12](#)

⁴ [B821.005](#)

² [WT13.13](#)

⁵ [WT13.21-22](#)

³ [WT13.12](#)

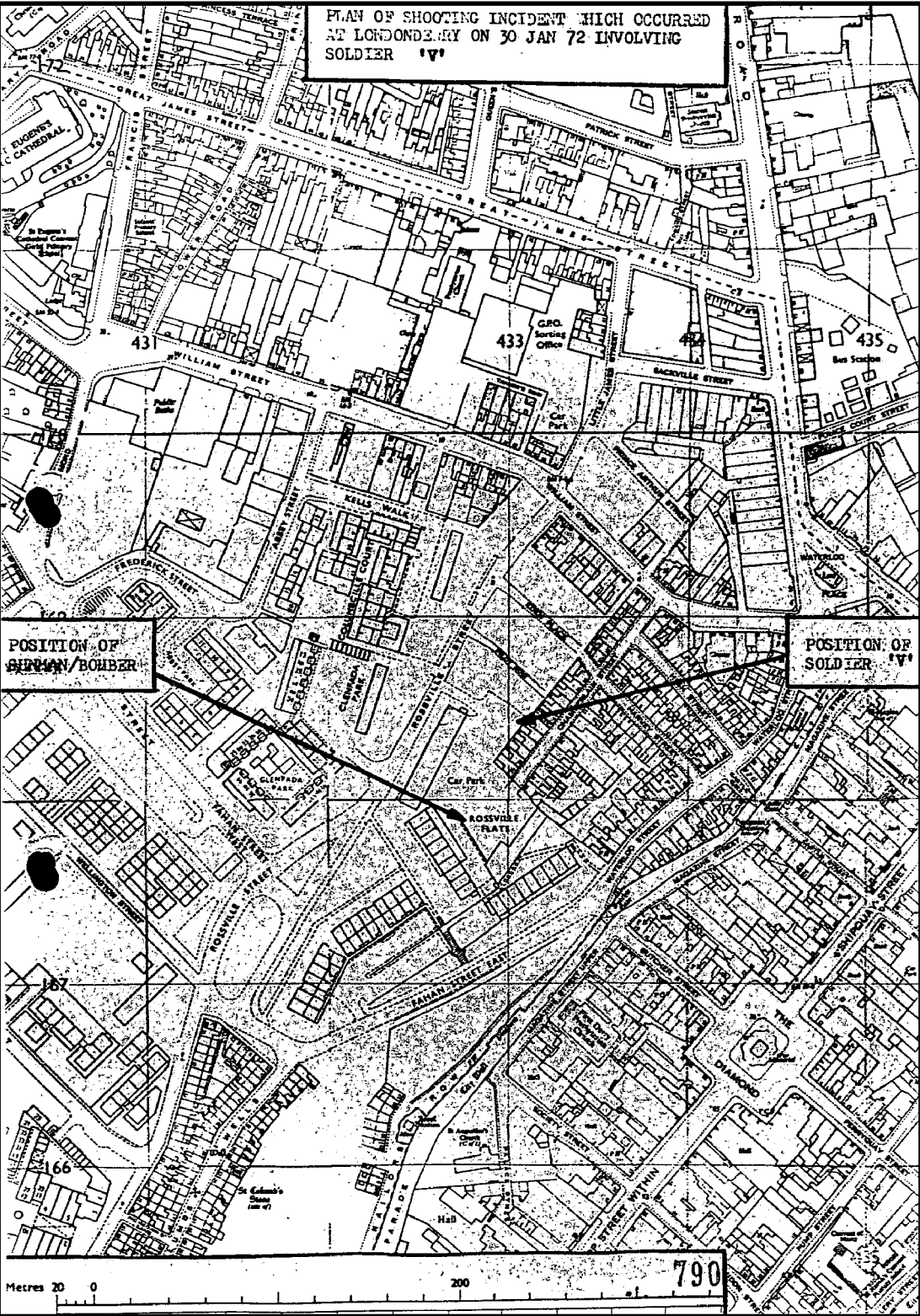
51.88 Lance Corporal V told the Widgery Inquiry that he thought that he had hit the man in the stomach and that one of the party of people who came to take him away had been a priest in clerical clothes.¹

¹ [WT13.22](#)

Lance Corporal V’s Royal Military Police map and trajectory photograph

51.89 We reproduce below the marked map that accompanied Lance Corporal V’s RMP statement,¹ and his trajectory photograph.

¹ [B790](#)





51.90 Although in his RMP statement Lance Corporal V made no mention of where he was when he fired, the RMP map put him closer to the back wall of the Chamberlain Street houses than the trajectory photograph. Similarly, his target was shown as much further south on the RMP map than on the trajectory photograph. In his oral evidence to the Widgery Inquiry,¹ Lance Corporal V said that the man at whom he fired was at the front of a crowd near the end of Chamberlain Street.

¹ [WT13.12](#)

51.91 It seems to us that the compiler of the RMP map was likely to have used information supplied by Lance Corporal V, though since there is nothing in Lance Corporal V's RMP statement to indicate where he or his target was, it is not possible to tell whether or not the compiler correctly recorded on the RMP map what he had been told.

Comparison between the account of his firing given by Lance Corporal V to John Heritage and his evidence to the Widgery Inquiry

51.92 It will be observed that the account that Lance Corporal V gave the Widgery Inquiry in both his written statement and his oral evidence differed from the account that John Heritage had recorded of the circumstances in which he fired. The account recorded by John Heritage was to the effect that there was a gap in time between Lance Corporal V

seeing the man throwing the petrol bomb and shooting the man when the crowd into which the man had gone parted and gave Lance Corporal V a clear line of sight. The account that Lance Corporal V gave the Widgery Inquiry was to the effect that everything happened more or less instantaneously and that it was not until after he had fired that he realised that the man had thrown the bomb.

The second entry in the Loden List of Engagements

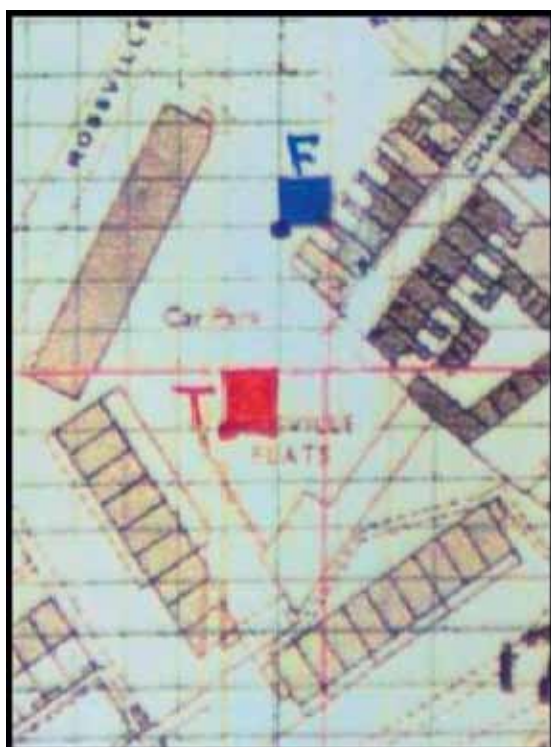
51.93 The second entry in the Loden List of Engagements is as follows:¹

“One petrol bomber at GR 43281679 shot from GR 43291683. Apparently killed (Car Park).”

¹ [ED49.12](#)

51.94 According to the grid references given in this entry, which are plotted on the map reproduced below (which was prepared for the purposes of this Inquiry by the legal representatives of one of the families), the firing soldier was in the mouth of the car park, close to the back of the second and third houses from the south end of Chamberlain Street; his target was close to the low wall on the south-western side of the car park.¹

¹ [OS2.48](#) (extract)



51.95 We are sure that this entry was based on an account given to Major Loden by Lance Corporal V. No other soldier claimed to have shot at (and hit) a petrol bomber. Furthermore, the grid references correspond reasonably closely to the positions of the firer and his target that appear on Lance Corporal V's RMP map, though not with the positions shown on his trajectory photograph. However, given that the grid references in the Loden List of Engagements can only be treated as approximations, we cannot say more than that the possibility exists that when the trajectory photograph was prepared Lance Corporal V may have changed his mind on where he and his target were.

Lance Corporal V's evidence to this Inquiry about his firing

51.96 As already noted, Lance Corporal V gave written and oral evidence to this Inquiry.

51.97 In his written statement,¹ Lance Corporal V told us that he did not remember the events of the day in any detail. So far as his firing was concerned, he stated: "*I no longer actually recall the act of firing.*"² He also stated that he had no recollection of the interview on which John Heritage made the note to which we have referred above, or of giving a written statement for the Widgery Inquiry.³ He described the oral evidence that he gave to the Widgery Inquiry as "*The best evidence I can give*".⁴

¹ B821.003

³ B821.004

² B821.004

⁴ B821.005

51.98 Lance Corporal V, in his oral evidence to this Inquiry, told us that he had no recollection of the reason why in his written statement for the Widgery Inquiry he had retracted his RMP account of observing petrol bombs at a stage before he had fired.¹ He also told us that his RMP statement did not accurately reflect the fact that "*the incident of me actually engaging the petrol bomber happened in a fraction of a second*".²

¹ Day 333/63-64

² Day 333/65

51.99 Counsel to the Inquiry asked Lance Corporal V whether he recalled the preliminary interview with John Heritage and his answers to the questions asked by Major Bailey and by John Heritage. Lance Corporal V told us that he had no recollection at all either of this interview or of anything that then happened with regard to it. He said to us that it was his oral evidence to the Widgery Inquiry of which we should take note, as these were his words "*not ... juggled around by other people taking statements for me*".¹

¹ Day 333/69-74

51.100 It was pointed out to Lance Corporal V that on the basis of the accounts he had given in his RMP statement and to John Heritage, his shot did not comply with the Yellow Card, which only permitted firing after warning at a petrol bomber who was endangering life, since the man had already thrown a petrol bomb which had not exploded and so there was no longer such a danger. Lance Corporal V agreed that he had not shouted a warning. His answer in respect of the RMP statement was that he might have explained his account badly to the RMP; as to the note made by John Heritage he replied “*I have no recollection of making that statement*”. He insisted that he had engaged “*a legal target*”.¹

¹ [Day 333/75-78](#)

Lance Corporal V’s use of his respirator

51.101 In his oral evidence to the Widgery Inquiry,¹ Lance Corporal V said that he put on his respirator when he was in the yard of the Presbyterian Church. He said that he was still wearing it when Lieutenant N’s vehicle passed through Barrier 12. He did not say for how long he continued to wear it.

¹ [WT13.10](#)

51.102 In his oral evidence to this Inquiry,¹ Lance Corporal V said that it was possible that he was still wearing his respirator when he fired a shot, but he could not remember. He said that if he had been wearing one, it would have restricted his view.

¹ [Day 333/146](#)

51.103 For reasons given earlier in this report,¹ we are sure that Lance Corporal V was one of the two soldiers photographed by Colman Doyle after the incident involving the Order of Malta Ambulance Corps volunteer Charles McMonagle, the other being Private S. This shows that Lance Corporal V was still wearing his respirator after this incident.

¹ [Paragraphs 31.1–14](#)

Lance Corporal V’s evidence about firing by other soldiers

51.104 Lance Corporal V said in his oral evidence to the Widgery Inquiry,¹ and in his oral evidence to this Inquiry,² that he did not see any other soldier fire apart from Private S. We have already summarised above Lance Corporal V’s account of firing by Private S.³

¹ [WT13.22](#)

³ [Paragraph 51.77](#)

² [Day 333/93](#)

Lance Corporal V's evidence about whether he could have shot Jackie Duddy or Margaret Deery

51.105 Lance Corporal V denied that he had shot either Jackie Duddy or Margaret Deery (two of the Sector 2 casualties), pointing out that the person he had shot was wearing a dark suit with a white shirt and had long hair.¹

¹ [Day 333/87-92](#)

Summary of Lance Corporal V's accounts of his shot

51.106 On the basis of the evidence Lance Corporal V gave to the Widgery Inquiry, and his trajectory photograph, he was near the fence across the Eden Place waste ground when he observed a man with a petrol bomb quite close to the end of Chamberlain Street. If the compiler of the RMP map correctly recorded on it what Lance Corporal V had told him, Lance Corporal V's target was further south, close to the low wall running along the back of Block 2 of the Rossville Flats, while Lance Corporal V himself was closer to the back wall of the Chamberlain Street houses. Lance Corporal V gave differing accounts of the circumstances in which he fired at this man; in his first two accounts (his RMP statement and his preliminary interview with John Heritage) he said that he saw the man throw the petrol bomb and that it did not explode, after which he fired at the man. In his written statement for and oral evidence to the Widgery Inquiry, he stated that it was only after he had fired that he realised that the man had thrown the petrol bomb. He insisted in his oral evidence to this Inquiry that his oral account to the Widgery Inquiry was to be preferred and that he had shot in accordance with the Yellow Card at a man who was posing a danger to life, though he agreed that he had shouted no warning.

The note made by John Heritage of his interview with Lance Corporal V

51.107 John Heritage gave written and oral evidence to this Inquiry.

51.108 In his written statement¹ John Heritage explained that in 1972 he was a senior legal assistant in the Treasury Solicitor's department. He had worked as a legal assistant for Lord Scarman's Inquiry into the civil disturbances that had occurred in Northern Ireland in 1969; he became the Legal Secretary to Sir Edmund Compton's Inquiry into allegations of brutality to detainees after the introduction of internment in 1971. He became involved in the Widgery Inquiry at the beginning of the second week of February 1972. Basil Hall was the Solicitor to the Widgery Inquiry.

¹ [KH6.1](#)

- 51.109 In this statement John Heritage described travelling to Northern Ireland towards the end of February 1972 and then, with Chris Leonard (another senior legal assistant in the Treasury Solicitor's department), being charged with taking statements from both military and civilian witnesses to enable counsel to prepare for the hearings.
- 51.110 So far as military witnesses were concerned, John Heritage told us that all statements from ranks other than commissioned officers were taken in the presence of either a regimental officer or, more often, a member of the Directorate of Army Legal Services, or, on occasions, a member of the Treasury Solicitor's staff. Major Bailey was a member of the Directorate of Army Legal Services.¹
- ¹ KH6.2
- 51.111 With regard to Lance Corporal V, John Heritage stated:¹

"Soldier V

21. I have been asked about my recollections of my preliminary interview with Soldier V and subsequent discussions which are recorded in my three file notes of 5 March 1972. A copy of these file notes with their covering note is attached as Appendix A to this statement. I confirm that my file notes are, to the best of my belief, true and correct.

22. I remember that during the course of my initial discussions with Soldier V, I invited him to tell me his account of what had occurred on Bloody Sunday. Soon after he began telling me his account, he replied to a question I asked in a way that appeared to me would incriminate him. I clearly recall this incident, as it is the only occasion in my career when I have had to consider the possibility of giving a warning to a witness that his evidence might incriminate him.

23. I recall that Lieutenant Colonel Overbury and I had a disagreement over whether or not a warning should be given to Soldier V that he might incriminate himself. In retrospect, I believe this was based on a misunderstanding. I now know from the present Inquiry's ruling on claims for professional privilege (paragraphs 20 *et seq*) and Mr Hall's note to the Treasury Solicitor of 16 March 1972, paragraph 7 (which at the time I would not have seen) that the army team were acting on advice that a statement made in compliance with military orders could not be used against its maker in subsequent proceedings. At the time, I do not believe that I was aware of this and I simply did not understand Lieutenant Colonel Overbury's approach. It seemed to me then that as the Inquiry had statutory powers of compulsion of witnesses and was

given the powers of the High Court, any military order to give a statement would be redundant. For the same reason any such order not to give a statement could be regarded as a contempt of the Tribunal.

24. As can be seen from the covering note I referred this matter to Basil Hall, Solicitor to the Inquiry, as Lt Colonel Overbury and myself were not able to agree on the course of action that should be taken. I had no further involvement in recording Soldier V's evidence from that time onwards. I am unsure who took the final statement from Soldier V (ie SA34) but, by process of elimination, it is likely to have been Chris Leonard (or M.R. Hirst).

25. I did not discuss this matter with Mr Hall or with counsel and I do not know whether or not Lord Widgery was ever informed of it."

¹ [KH6.9-11](#)

51.112 Chris Leonard was for medical reasons unable to give any evidence to this Inquiry. We were told in a letter dated 29th March 2000 from the Head of Public Law Group in the Treasury Solicitor's department, that Michael Hirst had been taken through the notes made at the time of the episode involving Lance Corporal V, and that Michael Hirst had said that he had no recollection of the episode, but that he would have been likely to have remembered had he been asked to resume an interview commenced by someone else.¹ We accept that Michael Hirst could not assist on the matter under discussion.

¹ [KH7.1](#)

51.113 The file note to which John Heritage referred in his statement is the document¹ that we have reproduced above.² The covering note is reproduced below.³

¹ [B821.002](#)

³ [B821.001](#)

² [Paragraph 51.81](#)

Confidential

Mr. Hall

To see

Mr. Shephard

pl. file

JMA
6/12

Mr. Stocker discussed
with Mr. Gibbens.
Statement to be taken
within for the Wadding?

51.114 Basil Hall (the Solicitor to the Widgery Inquiry) wrote the word “Confidential” and the words at the bottom of the covering note.¹ John Stocker QC was counsel to the Widgery Inquiry. Brian Gibbens QC was counsel for the Ministry of Defence at the Widgery Inquiry, but did not represent individual soldiers. Both are dead and neither gave evidence to this Inquiry.

¹ KH2.6

51.115 In his oral evidence to this Inquiry, John Heritage said that he had a recollection, independent of the documents, of interviewing Lance Corporal V.¹ He also told us that he did not take Lance Corporal V’s formal statement for the Widgery Inquiry, explaining that

he had held the interview with Lance Corporal V on 5th March 1972 and had not been available to take further Army statements until 8th March.² The latter was the date on which Lance Corporal V gave oral evidence.

¹ [Day 251/62-64](#)

² [Day 251/89-92](#)

51.116 John Heritage gave some further details in his oral evidence of why Major Bailey had intervened and had said that he wished to discuss the matter with Colonel Overbury:¹

“Q. Then your note goes on to say that you asked him, that is [Lance Corporal] V: ‘... if he could see anything in the man’s hand. He replied, ‘No, sir, I cannot honestly say that I did’.”

At that point Major Bailey intervened and said he wished to discuss the position of this witness with Colonel Overbury before you proceeded.

What was your understanding of the reason why Major Bailey intervened at that point?

A. I am fairly sure that Major Bailey and I together realised that at that point it would be necessary to warn [Lance Corporal] V against self-incrimination. I recollect this part of the incident fairly clearly because it was unique and I think what happened after that sentence, ‘I cannot honestly say that I did,’ I think Major Bailey and I exchanged glances and he indicated that he would like a word with me.

We then spoke out of [Lance Corporal] V’s hearing and I confirmed that it was indeed my intention to give a warning.

I remember that Major Bailey did not disagree with me, but he asked for time to discuss the position with Colonel Overbury and I agreed to that.

This is not fully reflected in the note I wrote, but it is something which I believe is accurate, according to my recollection now.

Q. How did you manage to speak to Major Bailey out of [Lance Corporal] V’s hearing?

A. I think we went into the next room.”

¹ [Day 251/139-140](#)

51.117 There was the following exchange during the course of John Heritage’s oral evidence, about the circumstances in which Lance Corporal V’s written statement for the Widgery Inquiry came to take the form it did:¹

“Q. The reason I am asking these questions is to establish whether or not this was all done by arrangement, in other words, that Soldier V would change his account so as to withdraw the admission that he had made to you which caused you to give him a warning, or propose to give him a warning, and that he was then able to give his fresh account with impunity to the Inquiry, knowing that he was not going to be challenged about it?

A. Certainly I made no such arrangement.

Q. Sorry, Mr Heritage, I am not suggesting you did, but do you know whether or not such an arrangement was made?

A. I do not.”

¹ [Day 251/95](#)

- 51.118** Finally, at the end of his oral evidence, John Heritage was asked why he had decided to write the note about Major Bailey confirming the record he had made of his interview with Lance Corporal V:¹

“MR ROXBURGH: Would it be fair to say that when you decided to write the note that, ‘Major Bailey confirms that this is a fair and accurate record of what [Lance Corporal] V said in our presence,’ you would have had in mind that this was potentially a document that might go on to the record, in the sense of being a note used to prove what [Lance Corporal] V had said to you.

A. I would go so far as to say that I believed it to be a document that would go on the record. I had not contemplated later proceedings as it were, if that was the implication of your question.

Q. No. The implication of my question was simply that, you would not have written that note if in any way you had thought of your preliminary conversation with [Lance Corporal] V as being, as it were, an entirely off-the-record conversation that could not in any circumstances be used against him?

A. Yes. No, I would not have had that opinion.

Q. We have seen the statement that was finally taken from [Lance Corporal] V, that you believe was taken by one of your colleagues and not by you?

A. Yes.

Q. Can you say whether, before your colleague (whoever it was) conducted that formal interview with [Lance Corporal] V and took that final statement from him, you would have shown this note to your colleague so that he was aware of what had happened when you saw [Lance Corporal] V?

A. I cannot be sure of that because, as I have said earlier, I submitted this note to Sir Basil Hall and I believe that subsequently on the Tuesday and the Wednesday I was not at Coleraine. So I would not have been in a position to show the note to any other colleague.

LORD SAVILLE: When you say you submitted the note to Sir Basil Hall, would that be the note together with your handwritten additions to it?

A. Yes, there is a covering paper, I have clearly torn a piece of foolscap in half and I have written a note on it, saying:

'1. Mr Hall to see.

2. Mr Shepherd, please file.'

MR ROXBURGH: We have that at KH6.13.

LORD SAVILLE: Going back to the document we have just been looking at, your note, it is pretty clear – I think I had better ask you to confirm it is your recollection – that you actually showed the typewritten part, at least, to Major Bailey?

A. Oh, certainly.

MR ROXBURGH: Whilst you may have no recollection of, and indeed you may have been doing other things on the Tuesday, there was no reason that you were aware of, was there, why this note should not have been handed to whichever of your colleagues was going to conduct the final interview with [Lance Corporal] V?

A. I am not aware of any reason, no.

Q. Indeed, it might be thought rather important that your colleague should be aware of the history of the matter before conducting that final interview; is that fair?

A. Yes.

LORD SAVILLE: Would I be right in supposing that you would have expected that to have been done?

A. Yes."

¹ Day 251/143-145

51.119 Basil Hall, who was the Solicitor to the Widgery Inquiry, also gave written and oral evidence to this Inquiry. In his written statement,¹ he told us that he had no recollection of the episode with Lance Corporal V, but he reconstructed from the documents reproduced above what he believed had happened. With regard to his own note on the covering note made by John Heritage he stated:²

“My note records that Mr Stocker QC discussed the matter with Mr Gibbens QC and it was agreed that a statement could be taken from Soldier V ‘without further warning’. Whether this was because Mr Gibbens thought that the statement would not be incriminating or because he shared the view which was held by DALs [Director of Army Legal Services] that a statement made in compliance with military orders could not be used in subsequent proceedings or for other reasons I do not know.”

¹ KH2.5-6

² KH2.6

51.120 During the course of his oral evidence Basil Hall was asked by counsel for the majority of the families and the wounded to explain why, in their questioning of Lance Corporal V at the Widgery Inquiry, neither John Stocker QC nor Brian Gibbens QC had asked Lance Corporal V about what he had told John Heritage.¹ Basil Hall told us that he had not discussed with John Stocker QC why what was described by counsel as “*this glaring and highly significant discrepancy*” had not been put to Lance Corporal V.² He then gave the following answers:³

“Q. You had been involved in this controversy concerning Soldier V?

A. I think you are putting it too high, ‘involved in controversy’. What we had – Mr Heritage, very properly in my view, had realised that there was a possibility of soldier – the soldier incriminating himself, and that that –

Q. There was not a possibility. He had actually incriminated himself.

A. Well, that is your view. It was not a matter that really would concern – I mean, what he was saying is: if you make this statement you may incriminate yourself; it is a possibility. The oral statement of such you may regard as incriminating him. But at that stage it was clear that, if he were to give that evidence before the Tribunal, Widgery had made it clear he could plead self – he could plead that to give the evidence would incriminate himself, and he would not be required to give it.

That seemed to me a proper thing to refer to, I suppose, if I remember – I do not have the paper in front of me – possibly to the Lord Chief. In fact it was resolved between Stocker and Gibbens, and he must go on, and did it.

Now, you are saying he made a different statement. It may be so. That was not the point with which I was concerned. That was a point that was to be dealt with, if it was to be dealt with, by Counsel.

Q. You must have had a view about the importance of Soldier V's previous inconsistent statements?

A. You have no idea how much burden there was falling on me. I did not have time to think of all the individual statements and sort them out.

Q. The main burden that was falling on you was to discover the truth about Bloody Sunday.

A. The main burden that fell on me was to get as much information as I could that would lead to witnesses being called before the Tribunal, and to therefore establish what had happened on Bloody Sunday within the terms of reference given.

Q. Are you saying –

A. On this particular point my concern was that the evidence that he would give might be self-incriminatory, and how to deal with that. It was dealt with.

Now, why he phrased himself differently when he made the statement to Leonard, I have no idea; and which was the correct view, I also have no idea.”

¹ Day 250/51

³ Day 250/48-50

² Day 250/48

51.121 Counsel for the majority of the families and the wounded then suggested to Basil Hall that Brian Gibbens did not raise Lance Corporal V's previous inconsistent statements, “*and I wonder whether or not he did not feel the need to deal with it because he knew in advance that Mr Stocker would not raise that either?*”. Basil Hall's answer was: “*Well, this is attributing almost a conspiracy to Counsel, and I do not believe those two respectful members of the bar would have done anything of the kind.*”¹ He later said to us:²

“A. ... There is perhaps, you are saying – and I really am unable to comment on this – a conflict from what he [Lance Corporal V] had said to the SIB [Special Investigation Branch] and the final – the statement he made to Chris Leonard; and then you are saying that this – is there any explanation why this was not put by Mr Stocker?

Q. Other than the explanation I have suggested to you.

A. Which is?

Q. Which is: this was done by agreement.

A. Then you ask yourself: why were they agreeing this?

Q. In order to protect the Army.

A. If I may say so, I regard that as rubbish. I am sorry, I do not believe for a moment Stocker, who had a great – would set out to protect the Army. And it is not protecting the Army, either; it is protecting individual soldiers.

Q. Yes.

A. I simply do not accept that as a motive. It may have been better if it had been done.”

¹ Day 250/51-52

² Day 250/56-57

51.122 Counsel to this Inquiry, after Basil Hall had given his evidence about Lance Corporal V, pointed out that “*It is perhaps appropriate to record, lest there be any misunderstanding, that the transcript of that inquiry shows that it was in fact Mr Underhill, rather than Mr Gibbens, who examined Soldier V in-chief. Mr Preston, rather than Mr Stocker then cross-examined on behalf of the Tribunal, and Mr Gibbens re-examined the witness.*”¹

¹ Day 250/93

51.123 We take the view that John Heritage gave truthful evidence on which we can rely. We also take the view that the suggestion that counsel at the Widgery Inquiry made a deliberate decision not to question Lance Corporal V about what he had said to John Heritage is unlikely to have been the case. Brian Gibbens QC did not examine Lance Corporal V in chief, nor did John Stocker QC cross-examine him, and we have found nothing to suggest that Timothy Preston, who conducted the cross-examination on behalf of the Tribunal, was told or would have known about the interview with John Heritage, or that he would have had any motive, as Basil Hall pointed out, to protect an individual soldier.

51.124 Colonel Overbury also gave written and oral evidence to this Inquiry. He was a solicitor and Assistant Director of Army Legal Services, who arrived in Northern Ireland at the beginning of February 1972 to join the Army Tribunal Team preparing for the Widgery Inquiry. Part of his function was to liaise with counsel instructed to act on behalf of the Ministry of Defence. He told us that Major John Bailey (now deceased) was also made available to help the Army Tribunal Team and that he sat in on a number of the interviews of military witnesses conducted by members of the Treasury Solicitor's department for the Widgery Inquiry.¹

¹ CO1.36; CO1.38-41

51.125 Colonel Overbury was asked about John Heritage's notes. In his second written statement to this Inquiry, he told us:¹

"59. This appears to relate to an incident which I remember well because I thought that it raised a serious difficulty concerning the basis on which the soldiers were to give their evidence. At this time the hearings had already started but the Tribunal staff were still re-interviewing Army witnesses and taking further statements. Although I believe that I did subsequently attend some of these interviews, I was not actually present when V was interviewed, apparently on 5 March 1972. It had, I believe been agreed that when any soldier was re-interviewed by the Tribunal staff, an officer would be present. This is normal procedure when a soldier is involved in any inquiry outside the military environment which concerns his action when on duty. As I recall, Major John Bailey ALS, the Army Legal Services officer on the staff of HQ Northern Ireland was present when V was interviewed and I certainly recall receiving a telephone call from him to tell me that the official of the Tribunal staff wished to caution V. I asked him to get the interview adjourned in order to consult with Mr Gibbens.

60. The problem which gave me concern was that I had been told that the Attorney General in London had agreed that the soldiers could not be prosecuted on the basis of any statement they made or evidence they gave to the Tribunal with regard to the events of 30 January 1972, provided that they had been ordered to give evidence. Since I had, in fact, ordered them all to give evidence, it seemed to me that a serious problem would arise if any soldier was subsequently cautioned. As a result I consulted with Mr Gibbens who said he would speak to Mr Stocker and to Mr Hall and it was agreed that I would speak to the official concerned and tell him that I intended to repeat my order to V that he was obliged to give evidence and that if he was still cautioned I would order him to stay silent. I subsequently contacted the official and

I accept his version of what was then said as recorded in his note. The manuscript notes on the previous page would seem to indicate that the matter was resolved by no warning being given.

61. The reason why I would have ordered him to remain silent was to ensure that he could not use the caution as a reason to refuse to make further statements or to answer questions when examined under oath before the Tribunal. The whole purpose of ordering the soldiers to speak was to ensure that they had nothing to fear from speaking the truth when giving evidence. In this case, soldier V was apparently to be cautioned because the official interviewing him thought that he might be admitting to firing after rather than before he said he saw a man throw a nail bomb. My concern lay not in the fact that the soldier might make an admission but that if he were cautioned, he would have the right to refuse to answer further questions on that subject and, if he acquired that right, then so might all the other soldiers who had fired. I do not believe that I was present at any time while he was being interviewed, nor do I recall talking to the soldier at that time. I certainly did not advise him as to what he should say to the Treasury Solicitor's official."

¹ [CO1.52-53](#)

51.126 In his oral evidence to this Inquiry, Colonel Overbury agreed that he must have been informed of the upshot of this incident as set out in the covering note, namely that Lance Corporal V's statement would be taken without further warning.¹

¹ [Day 243/44-45](#)

51.127 Colonel Overbury told us that he did not think that he was present when Lance Corporal V's statement was taken, and though he said that "*in principle*" it was the practice for a member of the Army Tribunal Team to be present when a statement was taken, and that he expected that somebody would have been present, he did not know whether that had happened in the case of Lance Corporal V, though the likelihood was that Major Bailey would have been present.¹

¹ [Day 243/45](#); [Day 243/47-48](#)

51.128 Colonel Overbury agreed that there was a marked difference between what was contained in Lance Corporal V's statement for the Widgery Inquiry and the account initially given to John Heritage. He told us that he did not know whether or not Lance Corporal V was given advice by somebody in the Army Tribunal Team before he came to

give this statement. He said that it would have been “*most incorrect*” if Major Bailey had said to Lance Corporal V “*You do realise that the account that you have given to Mr Heritage shows that you shot a man when he was not posing any threat to you*”.¹

¹ Day 243/46-48

51.129 The written statement of Lance Corporal V for the Widgery Inquiry¹ is neither signed nor dated. However, the contents of the statement appear to be reflected in Lance Corporal V's oral evidence to the Widgery Inquiry, which satisfies us that Lance Corporal V provided the information from which the statement was drafted. It seems to us that this statement must have been prepared after a further interview with Lance Corporal V, at some time before Lance Corporal V gave oral evidence.

¹ B801

51.130 In our view someone acting for the Widgery Inquiry probably took the statement, for it follows the form that those statement takers used. We cannot be sure who this was, though it may have been Chris Leonard. It seems likely that a member of the Army Tribunal Team was present and from Colonel Overbury's evidence this is likely to have been Major Bailey. There is nothing to suggest that Lance Corporal V was advised to change the account that he had given to John Heritage, as opposed to doing so of his own volition. Lance Corporal V told us that he had no recollection of either the interview with John Heritage or giving a later statement.

51.131 The representatives of Lance Corporal V submitted to us that the Tribunal should not rely upon John Heritage's note as reliable evidence of what was in Lance Corporal V's mind at the time he opened fire:¹

“In particular, before placing any reliance upon the note, the Tribunal must bear in mind its provenance. It was produced over 30 years ago. It carefully records the agreement of those present to its accuracy; all those present except, of course, Soldier V. It was not produced to the Widgery Inquiry and V was never asked whether it was an accurate record of the meeting, was never asked whether it recorded what he actually said, was never asked what he meant when he said what he is alleged to have said. Instead, Soldier V gave his account to the Widgery Inquiry, on oath, and was cross examined on it. Thirty years later, the memo surfaced. Soldier V has no recollection of the meeting, let alone of what was or was not said, or what he did or did not mean.”

¹ FS7.1510

- 51.132 These representatives drew attention to the fact that Lance Corporal V was not cautioned nor did he have legal representation when he spoke to John Heritage.¹ They submitted:²

“In the circumstances, the best evidence that the Tribunal has of Soldier V’s belief at the time of firing is his evidence to Lord Widgery. The evidence which appears to contradict Soldier V’s own account is too unreliable for the Tribunal to be sure that Soldier V did not hold an honest belief that he was under threat at the time he fired.”

¹ FS7.1510

² FS7.1512

- 51.133 We take the view that John Heritage accurately recorded what Lance Corporal V said. The note also records Major Bailey’s confirmation that this was the case. The fact that the note was made over 30 years ago does not in our view detract from its reliability as a record of what Lance Corporal V said; nor the fact that Lance Corporal V was not cautioned. He had previously been ordered to give a statement and told that nothing that he said would incriminate him.¹ He was not legally represented, but this was the case not only when he spoke to John Heritage but also when he gave oral evidence to the Widgery Inquiry; and it is apparent from the fact that John Heritage raised the point he did that he had Lance Corporal V’s interests in mind.

¹ CO1.3; CO1.44; Day 243/22-23

- 51.134 We return later in this report¹ to make our assessment of the reliability of the accounts given by Lance Corporal V of the circumstances in which he fired. When doing so we treat John Heritage’s note as an accurate record of one of those accounts.

¹ Paragraphs 64.48–61

- 51.135 In view of the fact that Lance Corporal V’s evidence was to the effect that he shot at a petrol bomber, it is convenient at this point to consider the evidence that other members of Mortar Platoon gave relating to petrol bombs in Sector 2.

Evidence of other Mortar Platoon soldiers relating to petrol bombs

- 51.136 Lieutenant N said in his oral evidence to this Inquiry that apart from the nail bomber whom he shot, he had seen no evidence of civilian firing, or nail bombing, or petrol bombing.¹ In his first RMP statement,² Sergeant O recorded that while in the area of the car park, he and his section had stones and bottles thrown at them, and also several acid bombs and petrol bombs. However, in his statement for the Widgery Inquiry³ he recorded that he did not notice any petrol bombs at the stage when shooting broke out, and his written evidence to this Inquiry⁴ was that he neither saw nor heard petrol bombs at any

stage. In his oral evidence to this Inquiry,⁵ he said that the reference to petrol bombs in his first RMP statement was based on information given to him by members of his platoon. Private S told us that he was not aware of any petrol bombs.⁶ Private U told us that he did not see any petrol bombs thrown.⁷ Private T gave accounts in 1972 of seeing bottles thrown down from the Rossville Flats that he originally thought were petrol bombs, but he said that none of them was alight, none exploded and (according to him) he then realised that they were acid bombs.⁸ Private 006 told us that he did not see or hear any petrol bombs while he was at the north end of Block 1 of the Rossville Flats.⁹ The remaining members of Mortar Platoon gave no evidence about petrol bombs in Sector 2.

¹ [Day 323/39](#)

² [B441-B442](#)

³ [B467](#)

⁴ [B575.117](#)

⁵ [Day 335/89](#); [Day 336/56](#)

⁶ [Day 332/82](#)

⁷ [B787.005](#)

⁸ [B725](#); [B735](#); [WT13.89](#)

⁹ [Day 334/59-63](#)

Evidence of other soldiers about Lance Corporal V's firing

51.137 No other soldiers gave evidence of seeing Lance Corporal V firing. Private R, whose evidence was that he disembarked from Sergeant O's APC in Rossville Street and then ran across the waste ground to the entrance to the car park of the Rossville Flats, told us that he did not know about Lance Corporal V's firing.¹

¹ [Day 337/93](#)

Private Q

51.138 We have referred in an earlier chapter of this report¹ to the accounts Private Q has given of disembarking from Lieutenant N's APC, following a baton gunner, who we are sure was Private 013, and taking up position at the north-east corner of the northern end of Block 1 of the Rossville Flats.

¹ [Paragraphs 26.22–26](#)

The account of his firing given by Private Q to the Royal Military Police

51.139 In his statement to the RMP¹ Private Q gave this account of his firing:²

"I observed towards the junction of the two Flat blocks to the SE of my position. I saw that youths had gathered in the area between the two blocks and these youths were stoning us and throwing bottles. After a very short while someone amongst them started to throw explosive devices.

I was about 100 metres from the corner of the two blocks. There were other soldiers behind a halted APC and these men were about 50 yards or less from the corner. These men were being attacked by the bottles dropped from the flats. As I continued to observe I saw that the explosive devices were in fact nail bombs. These were being thrown so as to land near to the halted APC where the troops were sheltering.

I saw one nail bomb thrower in particular. He kept coming to the corner and then looking around the corner before he threw his nail bombs. I saw him throw one bomb which I followed and saw burst some 10 yards from the APC. This man was sheltering behind the middle block of Flats. The man was wearing a dark coloured windcheater. He was in his mid-twenties. I could not tell his build because of his clothing.

As the man again came into my view from around the corner of the block of flats I saw that he had an object in his hand. He drew his arm back as if to throw the object. He was about to bring his arm forward to throw the object when I fired 1 round from my SLR at the man's chest. I saw him fall to the ground. The object he had in his hand rolled away and I saw it was a cylindrical object. I did not see what happened to the object.

Another man came forward and pulled the man I had shot into cover behind the block of Flats. I did not see what happened to the man after that."

¹ B624

² B625-626

Private Q's evidence to the Widgery Inquiry about his firing

51.140 In his written statement for the Widgery Inquiry,¹ Private Q described what he had seen and done while at the corner of Block 1 of the Rossville Flats:

“During this period the stoning from the forecourt of the flats had not ceased. During this period my attention was drawn to one man in particular who was coming backwards and forwards round the corner between the two blocks of flats opposite me on the far side of the forecourt. I saw him throwing two or three objects towards the buildings at the end of Chamberlain Street where there were some soldiers taking cover. From their shape and size, bearing in mind my previous experience, I felt sure they were nail bombs. He then reappeared round the corner and threw another of these objects which exploded in the forecourt near to the houses at the end of Chamberlain Street. I was now certain this man was throwing nail bombs and when he next appeared I saw him go to throw a similar object and I fired one aimed shot at him. He fell to the ground. I can describe this man as being of medium height wearing a baggy black windcheater and he had dark hair. Another person dragged his body from sight round this corner. The nail bomb fell to the ground and rolled away from his body. It did not explode and I did not see what happened to it. I remained in the position where I was for a further 5 minutes or so.”

¹ B636

51.141 In his oral evidence to the Widgery Inquiry, Private Q described seeing a man throwing objects which he thought were nail bombs. He said he had seen nail bombs thrown in Belfast “*Eight or nine times*”.¹ His evidence continued as follows:²

“Q. Did you see any of these objects land?

A. Yes sir.

Q. When he threw them?

A. Yes sir.

Q. What did they do?

A. Well, he threw two or three and they just rolled and then he threw another one and it exploded.

Q. Can you tell us where it was when it exploded?

A. It was in these houses back on Chamberlain Street, round this area, sir.

Q. Did you know whether anybody was hit by that explosion?

A. Not soldiers, sir.

Q. What did you do when you saw that man throwing those objects and the one that exploded? What did you do?

A. I just watched him, sir.

Q. Eventually did you do something?

A. Yes. He came round the corner with another one and I shot him, sir.

Q. What position were you in when you shot at him?

A. In a kneeling position.

Q. Can you give us any description of him?

A. He was medium height, a black windcheater on and he had got brown hair.

Q. The moment when you shot him, you got him in the sights of your rifle and shot him, do you know what he was actually doing?

A. He was in the act of throwing the bomb, sir.

Q. What happened about that shot, did it hit him?

A. Yes sir.

Q. What happened to him?

A. He fell, sir.

Q. Did his body remain where it fell?

A. No sir, he was dragged behind the buildings by another person.

Q. By another person?

A. Yes.

Q. You said he was in the act of throwing when you shot him. Did you see what happened to the bomb?

A. He dropped it, sir, and it rolled away."

¹ WT12.88

² WT12.88-89

51.142 Later in his oral evidence Private Q said that the nail bomber at whom he fired was at the junction of the furthestmost two blocks, which, on the basis of his account, would have been Blocks 2 and 3 of the Rossville Flats.¹

¹ WT12.95

51.143 Private Q was asked to explain why he thought that the objects he had seen thrown were nail bombs:¹

“Q. You saw him throw objects which just rolled on the ground?

A. Yes.

Q. That was what you noticed about him?

A. They resembled nail bombs, sir.

Q. What made you think they resembled nail bombs?

A. They looked like nail bombs.

Q. Would you tell me at that distance why they looked like nail bombs more than, for example, stones or rocks?

A. Because of the shape of them.

Q. What shape were they?

A. Round.

Q. Do you not get stones that are round, too?

A. Not perfectly round, sir.

Q. Was this a perfectly round nail bomb?

A. Just sort of round.

Q. Was it a perfectly round nail bomb?

A. I could not see from that distance.

Q. Is that not the truth of it, that you could not see what they were?

A. I saw what I thought was a nail bomb.

Q. Did you see that they were nail bombs?

A. Yes.

Q. Were you going simply on their shape when you say you thought they were nail bombs?

A. I thought they were nail bombs.

Q. And was it their shape, solely?

A. Yes.

Q. Which gave you that idea?

A. Yes.”

¹ WT12.95

51.144 Private Q said that he watched the man throwing the objects and did not then fire at him because he was “*not sure*”. He saw no smoke coming from these objects. He also said that the object that exploded landed “*at these houses at Chamberlain Street*” and “*sort of banged*”. When the man threw this object there were people to the man’s left and right. Private Q said that the man he shot was the one he had already seen throwing objects.¹

¹ WT12.96

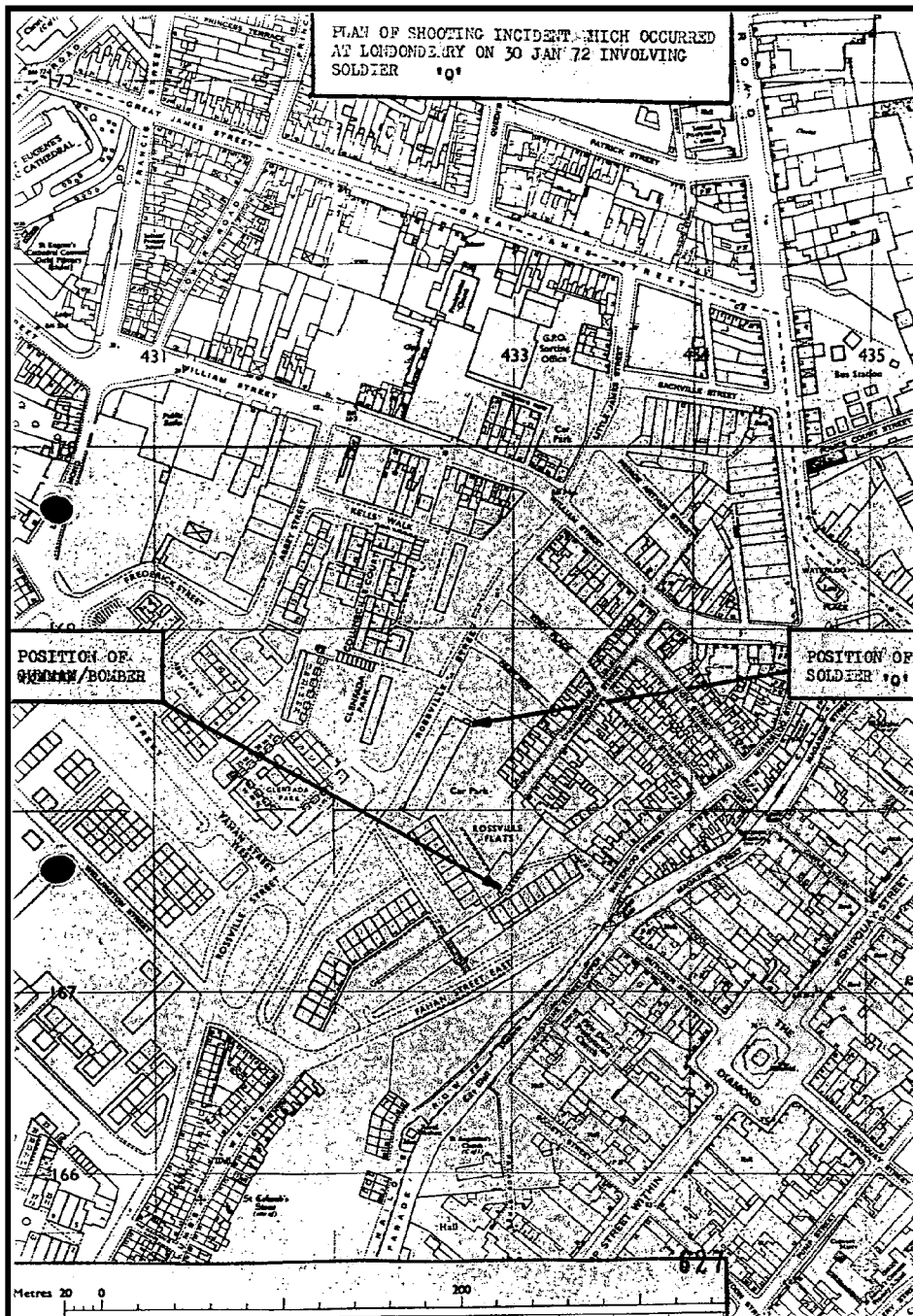
Private Q’s trajectory photograph and Royal Military Police map

51.145 Private Q confirmed to the Widgery Inquiry that his trajectory photograph showed him, at the position marked “X”, and his target, at the position marked “1”.¹ We reproduce this photograph below together with Private Q’s RMP map, which shows much the same positions.²

¹ WT12.100

² B627





The sixth entry in the Loden List of Engagements

51.146 The sixth entry in the Loden List of Engagements is as follows:¹

“One nail bomber at GR 43281675 (Car Park) shot from GR 43271686. Hit.”

¹ [ED49.12](#)

51.147 This entry refers to a nail bomber who was shot, according to the grid references, close to the gap between Blocks 2 and 3 of the Rossville Flats, by a soldier who was near the north end of Block 1. The grid reference positions are shown on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families.¹

¹ [OS2.57](#) (extract)



51.148 We are satisfied that the sixth entry reflects the account that Private Q gave of his firing. The positions of the firer and his target are similar to those shown on Private Q's RMP map and trajectory photograph and described in the accounts that he later gave. Although Lieutenant N and (as will be seen) Private R also claimed to have shot at nail bombers in Sector 2, their accounts put their targets in different positions.

Private Q's evidence to this Inquiry about his firing

51.149 Private Q gave written and oral evidence to this Inquiry. In his written statement he told us that the best evidence that he could give was by reference to his oral testimony to the Widgery Inquiry.¹ He told us in this statement² that his job was to cover Private 112, but in our view he was mistaken about this and the baton gunner whom he was covering was Private 013.

¹ B657.1

² B657.3

51.150 In this account Private Q described what he said that he remembered about the incident. He repeated that he had seen the man throw a bomb: "*I knew it was a bomb because it went off.*" He described seeing another bomb in the man's hand before he fired at him, which he said was "*black and cylindrical in shape*".¹

¹ B657.4-5

51.151 In his oral evidence to this Inquiry, Private Q said that he had a vague memory of a man in the gap between Blocks 2 and 3 of the Rossville Flats. He was asked to estimate the size of the crowd that was in the vicinity, to which he had referred in his written statement to us:¹

"Q. When you say that you caught sight of a man in the gap behind the crowd, can you give the Tribunal any idea of the sort of number of people who were in that man's vicinity?

A. I could not be precise, sir.

Q. Sorry?

A. I could not be precise.

Q. I do not ask you to be precise. Can you give us any idea of the sort of numbers; are we talking about ten, 20, 50, 100?

A. I cannot recall, sir."

¹ B657.4; Day 339/29-30

51.152 Asked about the sort of noise the bomb he said had exploded had made, Private Q agreed with the suggestion that the sound, which was audible to him at the north end of Block 1 and which he described as "*a dull crump*", would have been audible to the

civilians in the car park and to the soldiers who were in and around the APC in the car park. He agreed that if his account was correct, the bomb must have been thrown with complete disregard for the life of civilians in the vicinity.¹

¹ [Day 339/31-33](#)

51.153 Private Q told us that he had a telescopic sight on his rifle, which he used to aim at the man.

51.154 Private Q was asked about the fact that in his RMP statement he had referred to explosive devices that landed near to the APC, and the fact that his comment in that statement that he had seen one nail bomber in particular could be said to indicate that there was more than one nail bomber, while in his evidence to the Widgery Inquiry and his written account to us he had referred to one man throwing three or four nail bombs. He gave the following answers:¹

“Q. Were you, in these accounts, exaggerating the number of bombs that you saw thrown?

A. Not intentionally, sir, no.

Q. Were you doing it accidentally?

A. I was giving the best of my knowledge.

Q. You agreed with me a little earlier that the way in which it is expressed in your statement to the Tribunal is that you saw this man throw one nail bomb, which exploded and then shot him as he was about to throw a second?

A. Yes, sir.

Q. Which is the evidence that the Tribunal should accept: that what you saw was limited to two nail bombs at most, or may it have been as many as five?

A. I would say two, sir.

Q. If that is what you invite the Tribunal to accept, saying that it was anything up to five must have been an exaggeration, must it not?

A. Just confusion, sir.

Q. How would you have been confused in an account that was given the very evening of the events in question?

A. It was a very confusing time, sir.

Q. The Tribunal has heard a great deal of evidence, both from people in the car park and in the flats and from a substantial number of soldiers, who say that they heard no nail bombs in the car park. Is your account, whether it be two nail bombs or five nail bombs, a truthful one?

A. Yes, sir.”

¹ [Day 339/41-42](#)

Private Q’s use of his respirator

51.155 In his oral evidence to the Widgery Inquiry,¹ Private Q said that he put on his respirator while he was near the Presbyterian church. He did not say for how long he wore it.

¹ [WT12.84](#)

51.156 In his statement to this Inquiry,¹ Private Q told us that he was definitely not wearing a respirator when he fired his shot at an alleged nail bomber. He could not remember whether he had worn one at some other stage.

¹ [B657.5](#)

Private Q’s evidence about firing by other soldiers

51.157 We deal later in this chapter¹ with Private Q’s account of firing into Block 1 of the Rossville Flats by a soldier who may have been Private T. In his statement for the Widgery Inquiry,² Private Q said that this was the only shooting that he saw other than his own.

¹ [Paragraphs 51.301–306](#)

² [B637](#)

Private Q’s evidence about whether he could have shot Jackie Duddy or Michael Bradley

51.158 Private Q denied that he had shot Jackie Duddy, who was the only person killed in Sector 2, or that he had told anybody that he had done so.¹ He also denied that he could have been the soldier who shot Michael Bradley, who was wounded in Sector 2. Private Q told us that he believed that he had killed his target.²

¹ [Day 339/53-54](#)

² [Day 339/58-60](#)

Summary of Private Q's accounts of his shot

51.159 According to the accounts of Private Q, he was at the north-east corner of Block 1 of the Rossville Flats, when he saw a man in the gap between Blocks 2 and 3 throwing a number of objects towards soldiers in the area of the houses at the end of Chamberlain Street which he believed were nail bombs. One exploded about ten yards from Sergeant O's APC. When the man reappeared and was about to throw again, Private Q fired a single shot at him. He said that he believed that he had hit the man in the chest and had killed him.

51.160 We have already stated our view that Private Q did not in fact observe a nail or blast bomb exploding in the car park of the Rossville Flats.¹ We return to his accounts later in this report,² when we consider what reliance to place on the evidence given by all the soldiers of firing at civilians.

¹ Paragraphs 47.13–17 and 47.42

² Paragraphs 64.74–80

Evidence of other soldiers about Private Q's firing

51.161 No other soldier gave evidence of seeing Private Q firing. Private 112, who was involved, as we described earlier in this report,¹ in the arrest of Charles Canning, and who then moved to the north end of Block 1 of the Rossville Flats, told us that he did not see Private Q fire.² He said that this is something that he would have remembered if he had been present when it had happened.³

¹ Chapter 35

³ Day 320/110

² Day 320/139

The soldiers from Sergeant O's Armoured Personnel Carrier

Corporal P

51.162 As we have described earlier in this report,¹ Corporal P went to the western side of Rossville Street on disembarking from Sergeant O's APC, when it stopped briefly near the corner of Pilot Row. He described in his accounts firing shots down Rossville Street at a nail bomber and a man with a pistol, and then firing further rounds over the heads of rioters. We deal with these incidents when considering the events of Sector 3.²

¹ Paragraphs 24.18–25, 24.32–36 and 29.4

² Chapter 73, paragraphs 82.8–10, 85.1–28, 89.21–32 and 89.72–74

Private U

51.163 We have dealt earlier¹ with Private U's accounts of arresting Charles Canning on the Eden Place waste ground and of then moving to the north end of Block 1 of the Rossville Flats. According to his accounts he fired one shot from there at a man with a pistol who appeared on the other side of the rubble barricade in Rossville Street. As with Corporal P we deal with this incident when considering the events of Sector 3.²

¹ Paragraphs 34.4–7 and Chapter 35

² Paragraphs 85.29–82 and 86.564–606

Private R

51.164 We have referred earlier in this report¹ to Private R's accounts of disembarking from Sergeant O's APC in Rossville Street and running after the vehicle when it continued into the Rossville Flats car park.

¹ Paragraphs 24.18–25, 24.32–36 and 32.4–5

The account of his firing given by Private R to the Royal Military Police

51.165 Having described in his first RMP statement¹ reaching the APC, hearing the sound of shots and explosions, observing rioters throwing stones at the soldiers around the vehicle and the crowd "*milling about the flats in front of the vehicle*", Private R stated:

"I then noticed a male person wearing a jumper/dark slacks with black hair about 5' 10" tall, slim built. He was running with the crowd when he stopped, the crowd gave him plenty of space. He stood at an angle to me. I saw in his left hand an object which was fizzing, he attempted to throw it at me. I fired 1 x 7.62 Rd aimed shot at this man, he was thrown to the right and backwards, he hit the ground and lay there. 4–5 persons gathered around him, they picked him up and carried him away. I didn't see this man again."

¹ B659

51.166 Private R, after stating that the rioters threw acid bombs, "*one of which splattered across my legs*", continued:

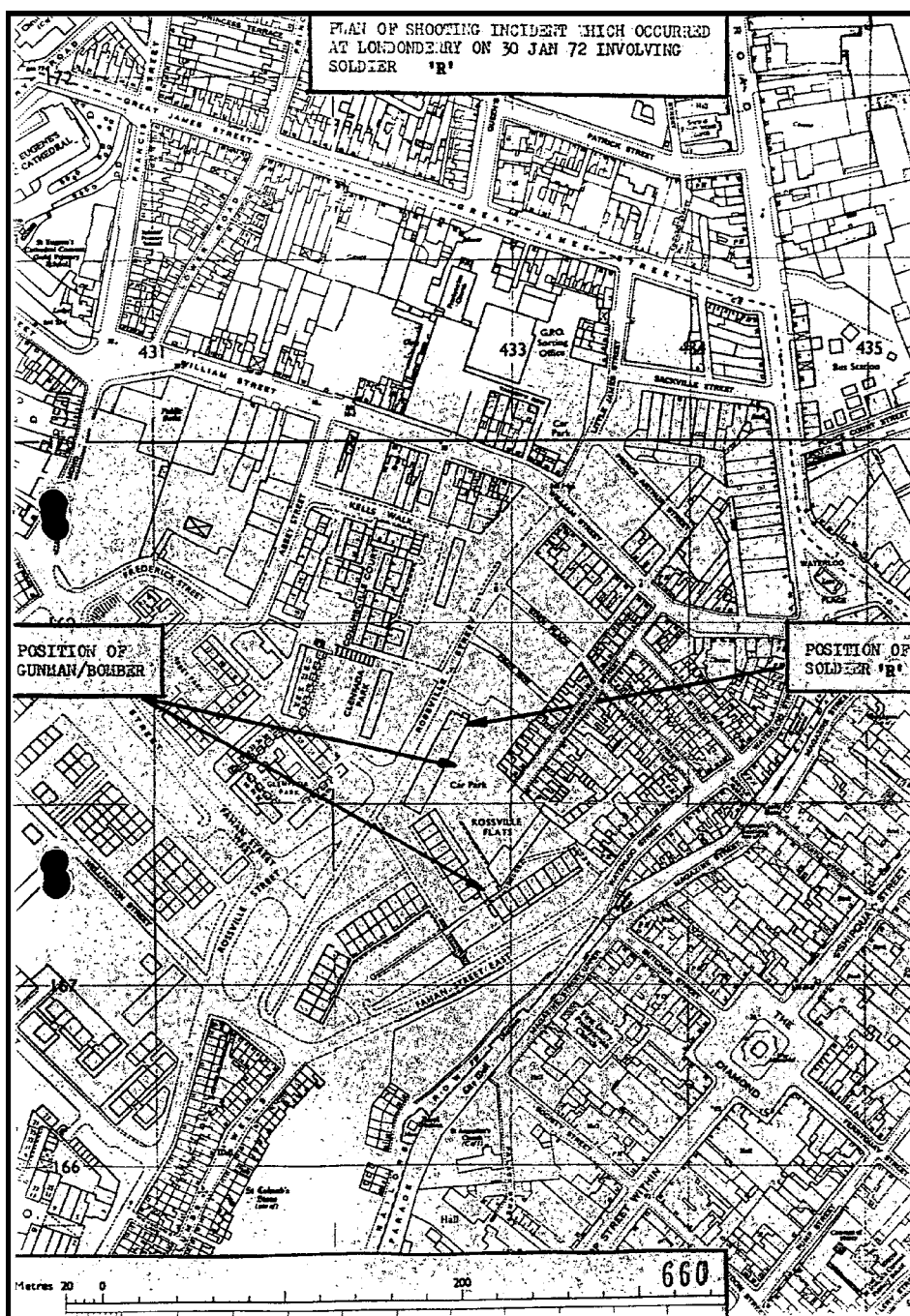
"I then saw a hand appear around the corner of No 2 Block Rossville Flats at GR 43281675, it contained a pistol. The pistol fired twice and then withdrew. It again appeared and the pistol fired again. I fired 2 x 7.62 aimed shots at the pistol. I fired 1 x 7.62 aimed shots the first time I saw the pistol. I can't say if I hit it. I didn't fire again during the incident."

Private R's Royal Military Police map and trajectory photograph

51.167 It is convenient at this point to reproduce the RMP map that accompanied Private R's first RMP statement,¹ and his trajectory photograph prepared for the Widgery Inquiry. The RMP map shows Private R close up to the corner of Block 1 of the Rossville Flats, though in his first RMP statement² Private R had recorded that he had reached Sergeant O's APC.

¹ B660

² B659





The account of Sergeant O's firing given by Private R to the Royal Military Police

51.168 In his second RMP statement timed at 2130 hours on 4th February 1972,¹ Private R gave an account of witnessing Sergeant O firing at a man holding a pistol just after he (Private R) had had two acid bombs thrown at him from the top of Block 1 of the Rossville Flats:

"Further to my statement of 30 Jan 72 I would like to add that I was positioned between the wall of Block 1 Rossville Flats and one of our APCs which was parked about 15 feet from the wall at the south end of the block. I had just had two acid bombs thrown at me from the top of Block 1 Rossville Flats. Both of the bombs struck me on the legs, causing staining to my denims. The driver of the APC threw water over me which saved me from being burned.

I heard shooting from in front of me to my left. It sounded like a low calibre weapon. I looked across to the North East corner of the flats forecourt and saw a man crouched behind a maroon Ford Cortina. He had a pistol in his hand and was firing in our direction. I don't know how many rounds he fired. [Sergeant] 'O' was standing beside me and when he saw the gunman he fired his SLR at him. I don't know how

many rounds he fired. I saw the gunman fall from behind the car and two or three people came and dragged him away. The car was about 70 yards from where I was located. I could not recognise the gunman.”

¹ B666

51.169 As will have been seen, this RMP statement was concerned with Private R’s evidence of acid bombs and what he observed Sergeant O doing, matters that we consider later in this chapter, but in the present context the relevant point is that Private R stated that Sergeant O was standing next to him when Sergeant O was firing at a man behind the Cortina.

51.170 Private R recorded in his written statement for the Widgery Inquiry¹ that the reference in his second RMP statement to the north-east corner of the flats forecourt was a mistake. He had earlier in his statement for the Widgery Inquiry² described the car as “*backed up against the angle of the low wall on the edge of the car park in the position I indicate on the photograph*”. However, the position of the Cortina is not indicated on Private R’s trajectory photograph (although it is on Sergeant O’s³). In his written statement to this Inquiry,⁴ Private R told us that the car was at about the point marked J on the plan attached to the statement⁵ (by the low wall of the northern part of the recreation ground on the south-east side of the car park). In his oral evidence to this Inquiry,⁶ on being shown Derrik Tucker Senior’s photograph (which we reproduce below), from which it appears that point J was within a fenced area, Private R said that although he was not sure, he thought that the Cortina had been roughly in an area that he marked on a photograph⁷ (near the northern corner of the low wall around the southern part of the recreation ground). Later in his oral evidence,⁸ he reverted to saying that the Cortina had been at point J. But it seems unlikely that the car was within the fenced area, and certainly no car is visible in the part of that area shown in Derrik Tucker Senior’s photograph. On the other hand, the area that Private R marked on the photograph⁹ matches the description of the car, in his statement for the Widgery Inquiry, as backed up against the angle of a low wall on the edge of the car park. It is even conceivable that the car shown in the lower right corner of Derrik Tucker Senior’s photograph, albeit not a Cortina, might be the car in question, since its position would fit that description fairly precisely.

¹ B672

² B671

³ Paragraph 51.240

⁴ B691.004

⁵ B691.008

⁶ Day 337/48-51

⁷ B691.019

⁸ Day 337/129-130

⁹ B691.019



Private R's evidence to the Widgery Inquiry about his and Sergeant O's firing

51.171 In his written statement for the Widgery Inquiry, Private R gave the following account:¹

"The crowd were making for the two openings between the blocks in the corners of the car park.

5. I noticed one man who was not moving in the same direction as the others. There was firing going on at this time. I could hear the sound of firing from the other side of block 1 in the area around the barricade. I also heard a couple of explosions from this area which I thought were bombs. I could also hear weapons being fired from our side of the flats, and I heard our SLR's firing. I was therefore looking out for likely snipers or bombers. The man I had noticed was about 30 yards away. He seemed to come out turning round as he did so. There were people running past crowded together and milling about. As he came out they avoided him. I could see he had something in his left hand which looked to be smoking. As he turned round he swung his arm down as if to throw a grenade. I brought my weapon into my shoulder took aim and fired 1 shot. I think I hit him in the right shoulder. Referring to the marked photograph I fired my shot from beside the right hand back door of the pig marked X on the photograph. The man was standing in the area marked 1 in the photograph."

¹ B670

51.172 Private R then gave an account of acid bombs being dropped near him and of seeing a soldier who he thought was Private T firing at the acid bomber, matters we return to later in this chapter.¹ He continued:²

"6. At the time the acid bombs went off there were no civilians in the area between the pig and the wall of block 1. Across the court yard, where I had seen the first man I fired at fall, a small group of people were gathering round him. At that moment I heard the sound of shooting from in front of me to my left. It sounded like a pistol. I looked across the car park and saw a maroon Cortina backed up against the angle of the low wall on the edge of the car park in the position I indicate on the photograph. I saw a man behind it. Through the car windows I could see him, and from time to time he came out round the rear of the car using the car as cover and fired shots with a pistol. [Sergeant] O was standing beside me and fired at this gunman. I saw the gunman fall. I think he fell over the low wall. Two or three people came up and dragged him away. I also saw an ambulance man in a white coat move along the low wall from the Chamberlain Street end of the car park and I think he helped drag this man away. I believe the car was between 50 and 60 yards from our position.

7. After this man had been dragged away Sergeant O went to the back somewhere. At the far end of block 2 in the position indicated as 2 on my photograph I saw a man's arm holding a pistol come out and fire between 2 and 3 shots. At this time the area in front of the alley way was clear of people. I could distinguish people on the grass bank behind the alley way, but I'm sure there was no one on the ground that I could see in front of it. When the pistol appeared and fired its first shot I came into the aim and as it fired again I fired one round. The arm withdrew, then it re-appeared and the pistol fired a couple more times. This time I was ready and I fired two shots at it. I do not know if I hit it and I did not see the fall of my shot. The arm withdrew and I did not see it again.

8. After this I saw that the man I had hit in the other corner of the court yard was being picked up and carried away. There were quite a few people round him, I think more than ten. I do not know what happened to the object he was about to throw. I am sure I did not hear a bang from that direction, although I had seen the object smoking. This did not surprise me because a fair number of these home made bombs fail to go off, and if anyone had got to it in time they might have pulled the fuse out."

¹ Paragraphs 51.307–308

² B671–672

- 51.173** According to this account Sergeant O had gone “*to the back somewhere*” before Private R fired at what he described as a man with a pistol. The references to his photograph appear to be to Private R’s trajectory photograph, reproduced above.
- 51.174** In his oral evidence to the Widgery Inquiry, Private R described the man he first saw as about 30 yards away along Block 1 of the Rossville Flats, “*sort of pressed against the wall*”:¹

“Q. What was he doing?

A. It was obvious the crowd was running away and there were people stopping and throwing. This man ran out, took about five or six paces, not many more, then he swung round and he had a smoking object in his left hand and made to throw it like he was going to throw a grenade. At this time I took my safety catch off and I fired – I brought the weapon into the aim, took my safety catch off and fired one round. I assumed it hit him high in the shoulder, because of the way he fell.

Q. Was he still near the wall?

A. No, sir, it may be 5 yards out – not quite 5 yards; 4 or 5 yards.

Q. But there is still 30 yards down the wall?

A. Yes.

Q. How can you describe the man?

A. Well, at the time I saw him only a few seconds. It was fleeting. I would say he was roughly about 5 foot 10, slim build and dark hair, with light slacks.

Q. What happened to him?

A. At this precise moment that I fired, I put my safety catch back on, and then this acid bomb came down from the centre of No. 1 flats.

Q. An acid bomb came from above?

A. Yes.”

¹ [WT13.74-75](#)

- 51.175** Later in his oral evidence Private R told the Widgery Inquiry that the crowd had opened up, “*giving him room to throw the thing*”.¹

¹ [WT13.85](#)

- 51.176 When Private R was asked whether he had seen what happened to the man at whom he had fired, he replied that at that moment he “... *was not even bothering. I got behind the vehicle itself for cover. I presumed there was people going out to him*”:¹

“Q. Going back to when you saw the man you had fired at, did you see any people gather there?

A. Yes, four or five people came to him.

Q. Came to him?

A. Yes, because at this time there was still firing going on.

Q. Did you see him then lying on the ground?

A. I saw him fall, and after I saw him fall I had the safety catch back on. The acid bomb came down and I took cover behind the vehicle, and I saw my Platoon Sergeant fire at the man behind the Cortina.”

¹ [WT13.75](#)

- 51.177 Private R said to the Widgery Inquiry that after he had seen people carry away the person behind the Cortina whom Sergeant O had hit, the shooting started to slow down and he presumed that Sergeant O had gone “*behind*” to check whether any of his men had been wounded.¹ He gave a similar description to that in his written statement for the Widgery Inquiry of then seeing and firing at a man in the passageway between Blocks 2 and 3 of the Rossville Flats. He said that he could not say whether he had hit the man.²

¹ [WT13.76](#)

² [WT13.77](#)

The fifth entry in the Loden List of Engagements

- 51.178 The fifth entry in the Loden List of Engagements is as follows:¹

“One nail bomber (bomb had lighted fuse) at GR 43281683 (Car Park) shot from GR 43271686. Hit.”

¹ [ED49.12](#)

- 51.179 According to the grid references given, the nail bomber was some way out from Block 1 of the Rossville Flats, as plotted on a map prepared for the purposes of this Inquiry by the legal representatives of one of the families.¹

¹ [OS2.54](#) (extract)



- 51.180** We are satisfied that this entry reflects the account that Private R gave to Major Loden of the first shot that he said he had fired. The entry does not correspond with the RMP maps, trajectory photographs or accounts of the other soldiers of Mortar Platoon. However, the positions the grid references give for both the firer and the target must be incorrect, as they would mean that Private R was firing directly towards Sergeant O's APC, at a target implausibly close to that Army vehicle.

The fourth entry in the Loden List of Engagements

- 51.181** The fourth entry in the Loden List of Engagements is as follows:¹

"One gunman with pistol at GR 43321678 behind barricade at end of Chamberlain St shot from GR 43271686. Hit."

¹ [ED49.12](#)

- 51.182** The grid references, plotted on the map reproduced below, which was prepared for the purposes of this Inquiry by the legal representatives of one of the families, show the target close to the north end of Block 3 of the Rossville Flats, some distance to the south-east of Chamberlain Street. The firing soldier was, according to the grid references, close to the north end of Block 1 of the Rossville Flats.¹

¹ [OS2.52](#) (extract)



51.183 There was no form of barricade at the end of Chamberlain Street, as can be seen, for example, from one of Derrick Tucker Senior's photographs.¹ The positions shown for the firer and the target are some distance from those marked on Private R's RMP map and trajectory photograph. However, the position given for the firer in this entry is the same as the position given for the firer in the fifth entry. For reasons given above, we are satisfied that the fifth entry reflects the account Private R gave of shooting at a nail bomber. Private R also gave an account of firing at a gunman with a pistol. The fifth and fourth entries refer respectively to such targets. On the basis that Private R told Major Loden about both his targets, it could be expected that they would form successive entries on the list. Furthermore, of the other soldiers only Sergeant O gave an account of firing at a gunman with a pistol in the eastern or south-eastern area of the car park and, for reasons that we give below, we are sure that his firing does not feature in the Loden List of Engagements.

¹ [Paragraph 23.20](#)

51.184 This fourth entry records the gunman as being hit. In his later accounts Private R stated that he did not know whether he had hit this target. While this could be said to militate against the suggestion that the fourth entry reflects the account Private R gave Major Loden, we are not persuaded that this outweighs the factors considered above, since

Private R might well on reflection have concluded afterwards that he could not be sure that he had hit this target. In our view, therefore, the fourth entry probably does reflect what Private R told Major Loden.

Private R's evidence to this Inquiry about his and Sergeant O's firing

51.185 In his written statement to this Inquiry,¹ Private R told us that he had a very limited recollection of events and that the best evidence he could give was that which he had given in 1972 when matters were relatively fresh in his mind. He told us that he recalled a group of civilians standing against the wall on the eastern side of Block 1 of the Rossville Flats, while other civilians were running towards the gaps between Blocks 1 and 2 and Blocks 2 and 3.²

"I noticed one man in particular, who was pressed against the wall, in the group I have referred to at E (grid reference K15). It was my impression that the others in the group did not want to get too close to him, and that he was up to no good. Although I only saw him briefly, I would say that I had a grand view of him he was in his 20's; and tall, with dark hair. He took a few steps forward from the wall (at right angles to the wall stepping out into the car park of the Flats) and turned in my direction, right shoulder forward, he was left handed. I saw, in his left hand, an object which was smoking and which I thought was a bomb of some description; it could have been a nail bomb, a jelly bomb, or a blast bomb. The man drew his arm back, in a position similar to a bowling action, as though he was about to throw the object. I took aim and fired a single shot from my SLR; I believe that the bullet hit him high up on the right shoulder, causing him to spin around. I do not know what happened to the man after that – although I do recall people gathering around him. I have been asked by Eversheds whether there was a priest in this group; I have no recollection of seeing one. The object was smoking heavily in the same manner as a dynamite fuse, which is what I believe was burning."

¹ B691.001

² B691.003

51.186 Private R's reference to "E" was a reference to a point about halfway down the east side of Block 1 of the Rossville Flats, which he had marked on a map.¹ His reference to "Eversheds" is to the solicitors who took statements on behalf of the Inquiry.

¹ B691.008

51.187 After giving an account of being splashed by acid, Private R continued:¹

“The next thing that I now recall is that a pistol was fired in my direction from the alleyway between Blocks 2 and 3 of the Flats. I saw a hand holding a pistol appear from the alleyway and heard shots being fired from the same position. The approximate position is marked F on the map (grid reference L18). I returned fire; I think I fired three shots, but I do not think I hit the gunman. If I did, I would have hit the arm. During the exchange, the hand holding the gun disappeared behind the alleyway and then reappeared, but I cannot remember how many shots were fired in our direction. As far as I can recall, there were not many civilians around by that stage.

During this incident, I think that Sergeant O appeared at the back of the Pig to check that Private T and I were okay. I have marked the approximate position of Private T and Sergeant O on the map at G and H (grid reference L14). I do not now remember any conversations taking place between us at this stage but they most probably did. The acid that had been splashed over my legs earlier was still eating away at my denims.”

¹ [B691.004](#)

51.188 Point F on Private R’s map was marked at the gap between Blocks 2 and 3 of the Rossville Flats. Points G and H were marked as close to where from other evidence it is clear that Sergeant O’s APC had stopped.¹

¹ [B691.008](#)

51.189 In his oral evidence to this Inquiry, Private R told us that Bloody Sunday was the first occasion on which he had fired a live round in earnest.¹ He also told us that he did not believe that the first man at whom he fired could have been throwing a stone, or that he could have been mistaken in thinking that the man was throwing a bomb, but that he had not seen any attempt to light what he thought was a bomb.²

¹ [Day 337/30](#)

² [Day 337/36](#)

51.190 When it was pointed out to Private R that in his oral evidence to the Widgery Inquiry he had said that he saw the man as he was coming round the corner to get back to Sergeant O’s APC,¹ whereas in his written evidence to this Inquiry he had indicated that he was at the back of the APC,² and it was suggested to him that the former was likely to be right, his reply was “*It may be, yes*”.³

¹ [WT13.73](#)

³ [Day 337/37](#)

² [B691.003](#)

- 51.191** Private R told us that he did not shoot Jackie Duddy (who was mortally wounded in the car park) or see him being carried from there by a group led by Fr Edward Daly; nor did he see any of those we are sure were wounded by gunfire in the car park.¹
- ¹ [Day 337/60-67](#)
- 51.192** Private R was asked how he had come to describe the man he believed had a bomb as wearing dark slacks in his RMP statement, and light slacks in his oral evidence to the Widgery Inquiry. He said: “... *I made a mistake saying that, it should have been he was wearing dark slacks.*”¹
- ¹ [Day 337/106](#)
- 51.193** Private R was asked about the fact that in his evidence to the Widgery Inquiry he had first described the incident with the acid bombs, then Sergeant O’s shots and then his own shots at a man with a pistol in the gap between Blocks 2 and 3 of the Rossville Flats, whereas in his written evidence to this Inquiry the sequence of the last two events was put the other way round. He replied that his present belief was that “*Sergeant O fired at his target and then I fired at my target and then I was acid bombed. I think that may be the order. Even then I am still not quite sure.*”¹
- ¹ [Day 337/148](#)
- 51.194** Private R denied that he had made his second RMP statement to try to justify Sergeant O’s shooting.¹
- ¹ [Day 337/126-127](#)
- 51.195** At the end of his oral evidence he gave the following answers:¹

“Q. Do you remember that I was asking you questions this morning which drew attention to the similarity in some of the circumstances in which your first target was hit and in which the boy, Jack Duddy, was hit?

A. That is correct.

Q. Do you remember me asking you those questions?

I should also tell you this: the Tribunal has heard evidence from a considerable number of civilian witnesses, including a considerable number who were in the car park of the Rossville Flats, running towards one of the two alleyways between the two blocks; do you follow?

A. Yes.

Q. None of those witnesses speaks of a man falling, having been shot, at the point identified by you on your photograph or of that man having been shot, being carried away through the gap between Blocks 1 and 2; do you follow?

A. Yes.

Q. That raises the possibility that there was in fact no man with a nail bomb as you describe and that your first shot was in fact directed towards the crowd or somebody who was in the crowd running away and was fired without any justification at all; is that the position?

A. No.

Q. If that were so, that which I have been suggesting to you was so, it would follow that your account of a man with a nail bomb in a left-arm bowling position was invented; did you make that up?

A. No, I did not.”

¹ [Day 337/144-145](#)

Private R's evidence about firing by other soldiers

51.196 We have referred above to Private R's evidence about firing by Sergeant O and Private T, and we return to this evidence later. Private R did not describe firing by any other soldier, and told us that he could not now remember whether he had seen any soldier other than Sergeant O firing.¹

¹ [Day 337/70](#)

Private R's evidence about acid bombs

51.197 We deal later in this chapter¹ with the evidence that Private R gave about acid bombs.

¹ [Paragraphs 51.307–317](#)

Private R's use of his respirator

51.198 In his statement for the Widgery Inquiry,¹ Private R recorded that he was putting on his respirator as Sergeant O's vehicle passed through gas near Barrier 12. Some of the other soldiers already had their respirators on. He said that, by the time he was running across the waste ground to catch up with Sergeant O's vehicle after disembarking, the majority of the soldiers had taken off their respirators.

¹ [B670](#)

51.199 In his oral evidence to the Widgery Inquiry,¹ Private R said that he took off his respirator just before he reached the waste ground.

¹ [WT13.72](#)

51.200 If, as he accepted was possible in his oral evidence to this Inquiry,¹ Private R is the soldier seen in the middle of the group of three in the first of two photographs (reproduced below) taken by Robert White and if, as we consider is probably the case, he was the soldier running close to the kerb in the second, he appears still to have been wearing his respirator when these photographs were taken, though the quality of these photographs is such that it is not possible to be certain that this was the case.

¹ [Day 337/19](#)





Summary of Private R's accounts of his shots

51.201 According to the accounts of Private R, he had run to where Sergeant O's APC had stopped in the Rossville Flats car park, from where he saw a man about halfway down the eastern side of Block 1 with a fizzing or smoking object in his hand. He fired one shot at this man and believed that he had hit him in the shoulder. After acid bombs had been dropped near him he saw a man's hand with a pistol appear from the gap between Blocks 2 and 3 of the Rossville Flats. Private R fired three shots at this man but did not know whether he had hit him.

Evidence of other soldiers about Private R's firing

51.202 In his written statement for the Widgery Inquiry,¹ Private C, a member of Composite Platoon, recorded that after disembarking from his vehicle he was ordered to work his way round "*the walls at the edge of the open ground*". When he reached the south end of the back of Chamberlain Street he saw a soldier standing by the APC in the entrance to the car park fire a shot at the far corner between Blocks 2 and 3 of the Rossville Flats. He confirmed this in his oral evidence to the Widgery Inquiry.² In his written statement to this Inquiry³ and in his oral evidence to this Inquiry,⁴ he said that he did not now recall seeing this firing. The soldier whose firing he described in his evidence to the Widgery Inquiry could have been either Sergeant O or Private R.

¹ B52

² WT15.64

³ B68.5

⁴ Day 354/15-17

51.203 Private 005 was a member of Machine Gun Platoon. According to his RMP statement,¹ he was somewhere in the area of the road leading from Rossville Street into the car park. He stated that he saw a man on *“the first floor veranda which runs between block one and block two of the flats”* fire two shots from a pistol. Private R, who was standing at the nearside wing of an APC, fired one round at the gunman, who disappeared briefly before reappearing and firing another two or three rounds in the general direction of the soldiers. Private R returned two rounds. Private 005 did not see whether the gunman was hit or not. The gunman disappeared.

¹ B1370

51.204 In his written statement to this Inquiry,¹ Private 005 told us that he saw a soldier firing towards the Rossville Flats. He thought that it had been Private R but could not rule out the possibility that it had been Private T. He thought that the soldier had fired three shots. It seemed to Private 005 that the soldier was firing *“into the first floor of the flats because he looked to have his gun more or less on a level rather than raised”*. Private 005 could see *“puffs of smoke”* rising from the ground where the soldier was standing. This and the soldier’s firing led Private 005 to believe that acid bombs or something similar were being thrown at the soldier, but Private 005 did not see any acid being thrown. Private 005 told us that he had a vague memory of seeing a man on either the ground floor or the first floor of Block 1 of the Rossville Flats, with his arm back as if about to throw something, and with an object, possibly a nail bomb or petrol bomb, in his hand. However, Private 005 did not remember seeing the man throw anything, and was concerned that his memory might be wrong. He stated that he did not now remember seeing a man with a pistol, although he recalled hearing pistol fire at about the time when he saw the soldier firing.²

¹ B1374.001

² B1374.004

51.205 In his oral evidence to this Inquiry,¹ Private 005 admitted that he had not been in a position to see a gunman on the walkway between Blocks 1 and 2 of the Rossville Flats, and said that he had described the gunman in his RMP statement on the basis of hearsay in the NAAFI. Later he claimed that he had heard the gossip in the NAAFI about the gunman only after making his RMP statement, and that the RMP had made up the story about the gunman.² He denied that the sequence of shots described in his RMP statement reflected what he had said to the RMP. He said that he had told the RMP that he had seen Private R fire one shot towards the passage between Blocks 1 and 2. He said that the RMP statement taker seemed already to know what had happened, and had filled in gaps in his knowledge.³ Private 005 was asked what made him think that the soldier was having something thrown at him,⁴ and replied that it was *“Just the way the*

stuff was splashing about". He accepted that it was possible that the man described in his written statement to this Inquiry as having had his arm in a throwing position had not had anything in his hand. He then said that he had not seen the man at all and was "*just surmising that there was somebody throwing it*". He confirmed that it was not true that he had seen this man.⁵

¹ [Day 338/144-156](#)

⁴ [Day 338/139-141](#)

² [Day 338/163-174](#)

⁵ [Day 338/174-179](#)

³ [Day 338/194-198](#)

51.206 In view of his evidence to this Inquiry, it is difficult to place much reliance on the account given by Private 005, though it is possible that he saw the first shot fired by Private R.

51.207 We now turn to the soldiers who disembarked from Sergeant O's APC in the Rossville Flats car park.

Sergeant O

The account of his firing given by Sergeant O to the Royal Military Police

51.208 In his first RMP statement timed at 2130 hours on 30th January 1972,¹ Sergeant O, after giving an account of incoming shots from about four to five weapons of mixed calibre, continued:²

"When the firing started I was positioned by the rear of the Humber. I saw a male person wearing a dark jacket and dark shirt. He had dark hair; he was behind a red Cortina car which was parked facing my location at GR 43291678.

I saw the top half of this man's body behind the car, he was holding a pistol in his right hand and pointing it at my location.

I saw the man's hand jerking with the pistol and I believed he was firing at me. My SLR had been cocked on moving forward from my position. I fired 1 x 7.62 rd well aimed shot at this gunman. I saw the round strike the car.

The gunman still appeared to be firing at me. I couldn't see the flash of the weapon but his hand was jerking as from a recoil.

I fired 2 x 7.62 rd well aimed shots at this gunman. I saw the gunman appear to be thrown backwards and disappear out of sight behind the car. I saw him being dragged away by two men, a woman, and a first aid man. They went between the flats and out of sight. I didn't see this gunman again. He was about 50 metres from my location when I fired.

The firing continued and I located a second gunman on a first floor verandah between blocks 2 and 3 Rossville Flats, Londonderry. He was firing behind the concrete flat support. I believe that his weapon was a M1 Carbine. I saw the flash of his weapon firing, I fired 2 x 7.62 rd well aimed shots at this gunman. I saw his body jerk backwards and out of sight, I think I hit this man in the head. Only his head and shoulders were exposed. He was standing behind the pillar, when I fired he was about 75 metres from my location. I didn't see this man again. I can't describe him, he didn't show enough of himself.

I kept the area under observation. I saw several persons move along the verandahs in a crouched position towards the gunmans location. They appeared to be dragging something. They then left the verandah. They reappeared on the ground floor between blocks 2 and 3 at GR 43281675.

I saw the group move out of sight and then one male person appeared and fired at my location with a carbine. I saw this man in the shoulder aiming position with the weapon, I saw the flash of the weapon firing. I fired 2 x 7.62 rds aimed shot at this gunman. He vanished from my sight. I didn't see him again. I don't know if I hit him. He was about 75 metres from my location.

I didn't fire any further rounds during the shooting incidents."

¹ B439

² B449-441

51.209 In his second RMP statement timed at 1430 hours on 1st February 1972,¹ Sergeant O added this:

"Further to my statement made on 30 Jan 72.

I would like to add, when I fired at the second gunman who was located on the Veranda between Blocks 2–3 Rossville Flats, Londonderry, I fired first 1 x 7.62 round, aimed shot at the gunman. I didn't observe a strike. I therefore, fired 2 x 7.62 rounds at this gunman who continued to fire at my location after I had fired at him. The second time I fired the gunman was hit and thrown from my sight."

¹ B461

- 51.210 In this statement, therefore, Sergeant O described firing another shot, in addition to the two described in his first RMP statement, at the gunman he described being on the verandah between Blocks 2 and 3 of the Rossville Flats.

The account of his firing given by Sergeant O in the Thames Television This Week programme

- 51.211 In the Thames Television This Week programme *Northern Ireland – Two Sides of the Story* broadcast on 3rd February 1972, Sergeant O said that he returned fire against at least three men who were firing at him.¹ His first gunman was a man using a pistol, while standing behind a maroon Cortina positioned “*half-left across the car park as I was looking at it*”. Sergeant O fired three rounds at him. The man went down. Sergeant O was sure that he had hit him. The man’s body was taken away by “*friends or people within that area*”.

¹ [X1.17.11-X1.17.13](#). The transcript refers to Sergeant O as “Sgt 1”.

- 51.212 Sergeant O’s second gunman was firing a fairly light rifle, similar to an M1 carbine, from the “*first floor balcony*” between Blocks 2 and 3 of the Rossville Flats. Sergeant O fired at him. The man fell and his body was taken away by people who brought it downstairs, out of view of the soldiers, and reappeared beneath the balcony where the man had been.¹

¹ [X1.17.12-X1.17.13](#)

- 51.213 Sergeant O’s third gunman then stepped “*round the corner of the stairs within that area*” and fired at Sergeant O with an M1-type carbine. Sergeant O assumed that this was the same weapon as had been used by the second gunman, and that it had been brought down with the body, and was being fired by one of that man’s colleagues or friends. Sergeant O fired at the third gunman but could not say whether he hit him.

The account given by Sergeant O to the Royal Military Police of ordering Private T to fire

- 51.214 In his third RMP statement timed at 1510 hours on 15th February 1972,¹ Sergeant O described ordering Private T to fire at a man he said he had no doubt was throwing down acid bombs from the Rossville Flats. We deal in detail with this part of Sergeant O’s evidence when considering later in this chapter² Private T’s account of the shots he fired.

¹ [B464](#)

² [Paragraphs 51.287–300](#)

Sergeant O's evidence to the Widgery Inquiry about his and Private S's firing

51.215 In his written statement for the Widgery Inquiry,¹ Sergeant O gave a similar account of seeing a man behind a red Cortina car with a pistol in his hand, pointed in his direction, about 50m away: “... *at this distance I am quite satisfied I can identify a pistol, pointing in my direction. I saw a definite kick as he fired. I do not think it was a six-shot revolver, he fired too many shots for that.*”

¹ B467

51.216 He continued:¹

“11. I returned one shot at him. It was a deliberate aimed shot, fired through sights from the shoulder. The first missed hitting the car windows. I corrected aim and fired 2 rapid shots. The gunman was thrown backwards and fell out of sight behind the wall. A first aid man ran along the low wall from Chamberlain Street to the gunman, followed by two or three others. They were moving behind the wall. I saw them carrying him away out through the gap between Blocks 2 and 3.

12. There was shooting from my own men and from the block area at them. I saw another fall of shot, between the pig and the Chamberlain Street wall. Still by the front end of the pig, behind the mudguard, I saw the flash of a weapon on the lower of the two enclosed passageways joining Blocks 2 and 3. There was a gunman at the block 3 end with a weapon like an M1 carbine or small rifle. I fired an aimed shot at him. Again my first shot missed because (I think) the plastic stock of my SLR had broken and was throwing me out. I fired 2 more shots and think I hit the gunman in the head. This was at a range of about 75 metres. Again I have no doubt of the weapon. There is no possibility of confusion with a long lens camera or anything like that.

13. The firing was beginning to slacken off so I watched the position of gunman. I saw people moving along the verandah of block 3 crouching. They dragged something away from the gunman's position into the covered part of the passageway.

14. There was no sustained fire at us now, just pot shots at us.”

¹ B468

51.217 Sergeant O then described the incident in which he ordered Private T to fire at a man throwing down bottles from the Rossville Flats.¹ Returning to his own shots, he stated:

“15. I moved round to the front of the pig and saw another body being taken through the alleyway where the first body had been taken. Then a man stepped out from that corner, brought a weapon (I thought it was the same weapon as before) to his shoulder and fired. I fired back two aimed shots and he either jumped or fell back. I cannot say if I hit him. These were the last rounds I fired.”

¹ B468-469

51.218 In his oral evidence to the Widgery Inquiry, Sergeant O said that after what he described as incoming fire, “*The first thing that happened is we moved to the back of the pig. The prisoners were put in the pig. The blokes then spread out into fire positions and started to try and identify these targets.*” He told the Widgery Inquiry that it was about ten seconds after the initial firing that the soldiers started firing and that around his APC “*it would be either myself or Soldier S who would be one of the first two to open fire*”.¹

¹ WT13.27-28

51.219 Sergeant O then gave the Widgery Inquiry a similar account to that in his written statement, of firing at a man behind a red Cortina and then seeing people, including someone he described as “*a Knights of Malta, a first-aid man*”, carrying him away through the alleyway between Blocks 2 and 3 of the Rossville Flats.¹

¹ WT13.30

51.220 When he was asked what he did next, Sergeant O replied that he stayed where he was at the front of the APC. “*I identified a further gunman, in the lowest of the two adjoining cover, the cat-walks, in between Blocks 2 and 3*”:

“Q. You identified him as a gunman, how?”

A. He appeared standing up at the edge of the balcony firing a type of weapon which I assume was an M.1 carbine for it was a fairly short weapon and he was triggering it off fairly fast. I could distinctly see flashes at the muzzle.

Q. What did you do?

A. I returned fire on that man. Again I fired one round and missed. I fired a further two rounds and again the man went down.

Q. Did you see what happened to him on the balcony?

A. People moved along the balcony on block 3 and dragged the man into the cover in an archway, into the cat-walk, I am sorry.”

51.221 He then told the Widgery Inquiry that the only soldier he could see firing was Private S, who was standing to his left against the back wall of 32 or 34 Chamberlain Street. In his oral evidence to the Widgery Inquiry, Sergeant O gave this description of Private S firing:¹

“Q. At the same time was there shooting from your own men that you were aware of?

A. The only one that I could actually see firing was Soldier S, who was standing slightly to my left against the back wall of 32 or 34 Chamberlain Street, within this area. He was firing across my front into the gap between block 1 and block 2 into that area.

Q. That would be in this direction?

A. Yes sir.

Q. The opposite corner from the one you were firing?

A. Yes.

Q. Did you see what target he was engaging?

A. Only once I got a glimpse of a man kneeling down in that area of, say, between blocks 1 and 2 firing a weapon from the shoulder.

Q. What sort of weapon was he firing?

A. It was a short-barrelled rifle of some description. Again, it is possible it was an M.1 carbine, but I couldn't say. I only got a glimpse of the man through the people milling around.

Q. It was a short barrel?

A. Yes, rifle.

Q. When you say there were people milling around, could you describe it more?

A. At this stage there were still a few people in the courtyard moving around and there was quite a bit of people moving around in that area, actually in the junction of block 2 and 1.

Q. Was there anyone very close to the man who was with the rifle?

A. No. There seemed to be a sort of gap round about him, but there were people moving round about. There was nobody actually close to him that you could say within touching distance. There seemed to be a small gap where he was himself.

Q. What about the alleyway behind between blocks 1 and 2? At that time were there any people in that alleyway, can you remember?

A. I cannot honestly say, like. I saw there were people moving around in that area. It is possible there were people in that alleyway but it just never registered.

Q. You cannot remember?

A. No.

Q. You saw the man you say with a rifle, or a short barrelled weapon, at his shoulder. Did you see whether he was doing anything? I mean, did you see the weapon used?

A. Well, there was a strike of rounds between myself and Soldier S on the ground at this stage and I assumed it had come from this man.”

¹ WT13.31

51.222 Sergeant O continued his oral evidence by saying that it was “*a matter of about three or four minutes later*” that he fired at the man who appeared round the corner of the gap between Blocks 2 and 3 of the Rossville Flats.¹

“Q. In what circumstances did you fire those two rounds?

A. Well, when I finished firing at the man up in the cat-walk I observed the area. I watched the body being taken away. There was nothing further came from that area. I then got back, I moved to the back of the vehicle and checked up on the blokes there. I came back round to the front of the vehicle and at this stage there was a body being taken between the gaps between blocks 2 and 3. As the body was taken away and vanished through that gap a man stepped round that corner and again started firing what I assumed to be an M.1 carbine.

Q. Pausing a moment, the body going through between blocks 2 and 3, which body was that, do you know?

A. I couldn't honestly say which body it was.

Q. Was it the first from behind the wall?

A. No, it wasn't the first one from behind the wall. The one from behind the wall that fired initially had long gone through that gap. It wasn't the same body.

Q. Then he came out and started firing?

A. He just stuck his head and shoulders, sort of thing, round the corner and started firing with a weapon. I fired two rounds. He jerked back. Whether he jerked back because I hit him or whether he jerked back because the rounds were close to him, I couldn't say.

Q. What was he firing with?

A. I believe again it was an M.1 carbine.

Q. Whether you hit him or not you do not know?

A. No, I couldn't say."

¹ [WT13.31-32](#)

51.223 Sergeant O said that he did not fire from the hip at any time, nor did he see any of his soldiers doing so.¹

¹ [WT13.33](#)

Sergeant O's reference to his firing in his Praxis interviews

51.224 As we have previously explained, Sergeant O was interviewed, probably in 1989, as part of the research that resulted in the Channel 4 Secret History documentary *Bloody Sunday* made by Praxis Films Ltd, and was interviewed again for the purposes of the same programme on 14th May 1991. While the transcript of the first interview appears to be incomplete, it contains no description of Sergeant O's own firing.¹

¹ [O21.1-O21.14](#)

51.225 In his second interview Sergeant O did not want to discuss any gunmen he might have seen, but said that he did not fire at anyone who did not have a weapon in his hand.¹

¹ [O22.59-O22.60](#); [O22.69](#)

The account of his firing given by Sergeant O in his Peter Taylor interview

51.226 Peter Taylor interviewed Sergeant O on 28th November 1991 for the BBC Inside Story documentary *Remember Bloody Sunday*.

51.227 Sergeant O said in this interview¹ that he saw a man about 50 yards away, or perhaps a little less, firing a pistol at him. He could see the kick of the weapon as the man pulled the trigger. Sergeant O returned fire. He missed with his first shot but hit the man with his next two shots. The man was taken away by “2 nurses and another gentleman”. Sergeant O was asked what happened to the pistol, and replied: “Once he went down and I knew he was down, I was then looking for other targets.”

¹ I540-I541; I546-I548

51.228 Sergeant O said that his second gunman was “up in the junction of 2 of the blocks – I think block 1 and 2 up in the ... first floor ... veranda type ... area of the flats”.¹ He was convinced that the man had fired a shot from a shoulder-held weapon down into the area where the soldiers were. He saw the muzzle flash and fired at the man. The man fell. Sergeant O was sure that he had hit him. Sergeant O did not try to find the weapon.² The body was taken away “through one of the tunnels”.

¹ I549

² I550

51.229 Sergeant O said that the same type of weapon was then used to fire at the soldiers again from the area of the “tunnel” through which the body had been taken.¹ He did not know whether he had hit the third gunman.

¹ I551

Sergeant O's use of his respirator

51.230 As already noted, Sergeant O gave written and oral evidence to this Inquiry.

51.231 In his written account Sergeant O told us that he recalled putting on his gas mask (respirator) as his APC was driven through Barrier 12, but that he took his helmet and gas mask off before disembarking: “... from then on, I think I was bare headed.”¹

¹ B575.111

Sergeant O's written evidence to this Inquiry about his and Private S's firing

51.232 Sergeant O stated that it was a second or two after the first incoming fire that he saw a man with a pistol in the car park: “The reason that this man caught my eye was that he was stationary whereas everyone else in the car park was moving as quickly as they could to get through the gaps between Blocks 1 and 2 and Blocks 2 and 3.”¹ Sergeant O then gave a description, as he had in his previous accounts, of this man firing his pistol,

and of his own firing back at the man; of the Order of Malta Ambulance Corps volunteer who went to the aid of the man, followed by a woman and, Sergeant O thought, two other men; and of the man being taken through the gap between Blocks 2 and 3.

¹ B575.113-114

- 51.233** Sergeant O then described shooting at a man who was on the “*first balcony*” at the southern end of Block 3 of the Rossville Flats, who was partially shielded by a vertical concrete pillar and who was firing a short-barrelled rifle from his shoulder. He stated that the man was flung back against the concrete surrounding the balcony, and dropped out of sight on the balcony “*below the balustrade level*”.¹

“I then saw people moving towards the gunman in a southerly direction along the first floor balcony of Block 3. I am sure there was no movement at all on that balcony while the gunman was firing at me but as soon as he went down I could see the heads popping up and down along the balcony. I could not see the body but I assumed he was being dragged away.”

¹ B575.115-116

- 51.234** Sergeant O stated the following in relation to where he had said that he had seen this gunman:¹

“Where I describe in my first RMP statement the gunman on the verandah between Blocks 2 and 3 of the Rossville Flats firing behind the concrete flat support, this is the pillar I have described. Having now looked carefully at a photograph of the Rossville Flats, I have identified that the verandah (or balcony) was actually towards the south end of Block 3 of the Rossville Flats, not on the walkway between Blocks 2 and 3.”

¹ B575.123

- 51.235** In this statement Sergeant O described, in similar terms to the evidence that he had given to the Widgery Inquiry, what he said he had seen of Private S engaging a gunman in the gap between Blocks 1 and 2. He also told us:¹

“My recollections of this incident are not as vivid as those I have described above where I was involved in firing, but I am confident that what I have said is accurate. Private S was a good soldier and I was confident that he would handle the incident without me needing to get involved. In an interview I gave to Thames Television in the Sergeants’ Mess at Palace Barracks a few days after 30th January 1972 (which I deal with in more detail below) I referred to a soldier ‘getting some stick’. I was referring to Private S and this incident.

Knowing Private S as I did, I knew that he would not shoot until he was able to fire a clear aimed shot at the gunman. He would not have shot wildly in the direction of the gunman and I did not continue to watch what happened in the exchange of fire between Private S and this gunman. I would only have intervened if I had seen Private S fall, which I did not. During this incident, when I looked across to the gap between Blocks 1 and 2 of the Rossville Flats, I did not notice anything on the ground in the centre of the car park.”

¹ [B575.116](#)

51.236 Sergeant O also described seeing a man throwing down an acid bomb from the Rossville Flats and ordering Private T to fire at the man if he did it again. We consider this incident when dealing with Private T’s account of the shots that he fired.

51.237 Sergeant O told us that it was about three or four minutes after he had fired at the man with a pistol (and after he had fired at his second target, seen the incident involving Private S and told Private T to fire) that he came under fire again when he was at the front passenger side of his APC. He stated that on this occasion the gunman had a weapon similar to the one used by the second gunman he had engaged and was firing at ground level from the corner of the gap between Blocks 2 and 3 of the Rossville Flats. Sergeant O told us that he fired two shots at this man, who jerked back behind the corner.¹

¹ [B575.118](#)

51.238 Sergeant O stated that he was sure that he had hit the first two men at whom he had fired, but thought that he had not hit the third.¹

¹ [B575.114](#); [B575.115](#); [B575.118](#)

51.239 He also stated that the reason he had made a second RMP statement was that when he was shown the first (which he had made when he was very tired) he realised that it was incorrect in that it referred to two shots at the man on the verandah, whereas he had fired

three at this target.¹ We accept that this was a genuine correction as to the number of shots fired and not one made falsely for an ulterior purpose; though whether Sergeant O was correct in his accounts of why he fired is a matter we consider further later in this report.²

¹ B575.123

² Paragraphs 64.32–47

Sergeant O's trajectory photograph

51.240 Towards the end of his written statement to this Inquiry,¹ Sergeant O said that John Heritage (the member of the Treasury Solicitor's department who took his statement for the Widgery Inquiry) carefully prepared a photograph showing the trajectory of his shots. In his oral evidence, Sergeant O said that the following photograph seemed to be the one that John Heritage completed.²

¹ B575.124-B575.125

² Day 335/122



51.241 In our view, for the following reasons, Sergeant O was probably mistaken in his recollection that the trajectory of his shots was marked on the photograph by John Heritage. In Sergeant O's written statement for the Widgery Inquiry,¹ there is a reference to an aerial photograph, of which a copy was used to prepare the trajectory photograph

shown above, which to our minds shows that a copy of this photograph was in front of him and John Heritage when he made the statement. In his supplementary written statement to this Inquiry, John Heritage confirmed this.²

¹ B466

² KH6.17; KH6.29

51.242 However, the trajectory photograph is marked not only with the trajectories but, in a lighter pen, with an indication of the position of the Cortina in the car park of the Rossville Flats. Although it is impossible to be sure, a comparison with John Heritage's handwriting on, for example, a document relating to Lance Corporal V¹ suggests to us that he may well have written the word "*Cortina*". If so, Sergeant O was probably right in recalling that he saw John Heritage writing on the photograph.

¹ B821.002

51.243 However, we believe that Sergeant O was wrong in thinking that John Heritage marked the trajectories on the photograph. The script in which the trajectories are numbered does not obviously resemble John Heritage's handwriting. In his written statement to this Inquiry,¹ John Heritage told us that to the best of his recollection the maps and photographs to which witnesses referred in their interviews were "*prepared beforehand by the SIB [Special Investigation Branch]*", and he drew attention to the statement for the Widgery Inquiry of Private C,² in which the witness referred to markings on a map and photograph in terms that arguably indicate that the markings had been made before the interview. In his supplementary written statement to this Inquiry, Basil Hall, the former Solicitor to the Widgery Inquiry, told us that he asked that the soldiers who had fired rounds should indicate their lines of fire on photographs, and that copies of these photographs "*would have been available to members of the team taking statements*".³

¹ KH6.3

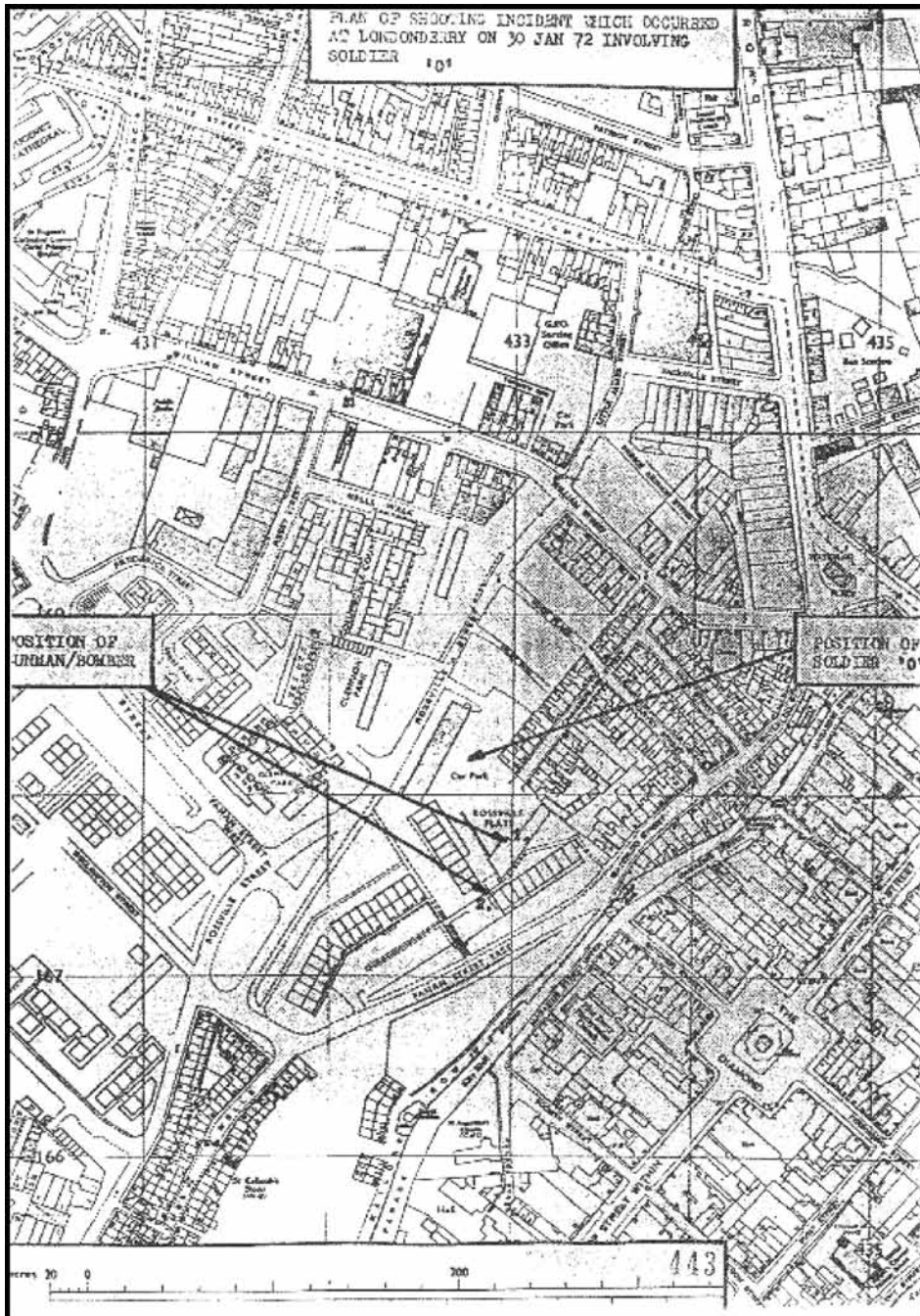
³ KH2.29

² B52

Sergeant O's Royal Military Police map

51.244 We reproduce below the map that accompanied Sergeant O's first RMP statement.¹

¹ B443



51.245 It will be noted that this map only shows two of Sergeant O's targets, whereas three were described in his RMP statement.¹ It is possible that the person who prepared this map chose only to mark the targets that Sergeant O said that he had hit. It is also possible that the third gunman described by Sergeant O was omitted from the RMP map because the RMP statement does not clearly indicate the position of that gunman.

¹ [B439-442](#)

The absence of reference to Sergeant O's firing in the Loden List of Engagements

51.246 The Loden List of Engagements records nothing that appears to relate to the accounts of shooting given by Sergeant O. We are satisfied that this is because Sergeant O was at Altnagelvin Hospital at the time when the list was being compiled. As is discussed elsewhere in this report,¹ Sergeant O, together with a number of soldiers, including Corporal P, escorted the bodies of three of the rubble barricade casualties from the Bogside to the hospital.² They left at about 1645 hours,³ arrived at the casualty department by 1730 hours⁴ and were still present at the mortuary at 1815 hours.⁵ Sergeant O told this Inquiry, and we accept, that after completing their duties at Altnagelvin, the soldiers drove directly to the base at Drumahoe, outside Londonderry, where they stayed that night.⁶ The Loden List of Engagements was, as we explain elsewhere in this report,⁷ compiled at some point after 1730 hours in Clarence Avenue, Londonderry, before 1 PARA withdrew to Drumahoe.

¹ [Chapter 122](#)

² [B442](#); [B469](#); [B593](#); [B603](#); [B623.0027](#)

³ [B442](#); [B469](#)

⁴ [ED40.6](#)

⁵ [WT5.37](#)

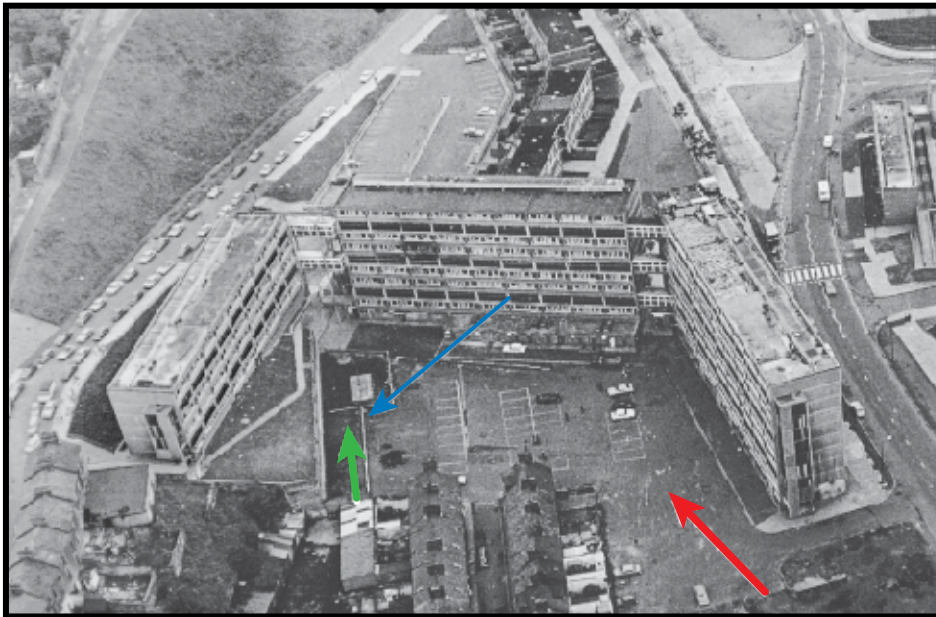
⁶ [B575.120](#); [B575.125](#); [Day 336/84](#)

⁷ [Paragraphs 165.1–2](#)

Sergeant O's oral evidence to this Inquiry about his firing

51.247 In his oral evidence to this Inquiry, Sergeant O marked a photograph with a blue arrow to show where he said the Cortina had been, and told us that the man at whom he fired had been at the rear of the car.¹

¹ [B575.169](#); [Day 335/56-57](#)



51.248 Sergeant O said that the gunman was firing in his direction: *"It could have been me; it could have been one of the other men; it was just in my direction."*¹ He marked with a green arrow on the photograph shown above the area *"behind the low wall"* from which he said that he recalled that the Order of Malta Ambulance Corps volunteer had come, and with a red arrow approximately where he thought he was himself standing (ie at the front edge of the APC) when he fired at the man, which he said was the same position from which he fired at his second target.²

¹ Day 335/58

² Day 335/60-61; Day 335/70

51.249 In his first RMP statement Sergeant O had given a grid reference for the position of the red Cortina car behind which he said there was a man firing a pistol.¹ In the course of his oral evidence to this Inquiry he was disposed to agree that this showed that the car was further south than the position he had marked; and that accordingly when he fired in the direction of this car his shots went towards the gap between Blocks 2 and 3 of the Rossville Flats.² However, although he accepted the point put to him, it was a bad one. It was suggested to him that the grid reference given in his first RMP statement (GR 43291678) corresponded to the position marked by Martin Tucker with a red arrow on a photograph.³ That was wrong. The grid reference indicates a position further north, and more nearly consistent with the positions indicated on Sergeant O's RMP map,⁴ on his

trajectory photograph, and on the photograph⁵ that he marked in his oral evidence to this Inquiry. Those positions are also close to the position suggested by much of Private R's evidence.

¹ B440

⁴ B443

² Day 336/27-28

⁵ B575.169

³ AT17.18

51.250 With regard to this incident, there was the following series of answers in the course of Sergeant O's oral evidence:¹

"Q. If we go back to your statement at B575.138, you say you saw this man's hand jerking with the pistol: 'and I believed he was firing at me'.

A. Yes.

Q. Why did you not take cover at that stage just to protect yourself?

A. I did not think about taking cover.

Q. You what?

A. I did not think about taking cover.

Q. Was it not a natural reaction to take cover so that you are in a better position to fire back from a position of safety?

A. Not necessarily.

Q. At this stage you were standing at the front passenger door of this Pig, on the left side?

A. Yes.

Q. Totally exposed –

A. Yes.

Q. – to this gunman?

A. Yes.

Q. Is there any problem with you taking cover on the other side and firing back from cover?

A. Only the length of time it would have taken me to get round the Pig. I preferred to stand my ground and return the fire.

Q. When you did return the fire, you fired a shot at him which you say missed, it hit the car?

A. Yes.

Q. The gunman did not take cover or duck behind the wall or do anything else to avoid being shot; did he?

A. He must have made the same decision as me, then.

Q. There you were standing toe to toe so to speak, shooting at each other until the first man went down; was that the picture?

A. I think the odds were on my side, yes.

Q. He was standing there exposed himself?

A. Yes.

Q. Firing his handgun at your SLR?

A. Yes.

Q. Is this another example of the sort of stupid gunmen that were there?

A. I think so. I do not know where the 'stupid' come in, but it was an example of the gunman who was there."

¹ [Day 336/35-36](#)

51.251 With regard to his second target, Sergeant O marked on another photograph (reproduced below) two places where, though his mind was "*not 100 per cent clear*", the gunman he saw could have been, with the concrete pillar shielding half his body.¹

¹ [B575.170](#); [Day 335/62-63](#)



51.252 Sergeant O said that this gunman did not appear to notice his first shot, which Sergeant O thought had hit the concrete “*round about*” the gunman, and that the gunman continued firing. Sergeant O disagreed with the suggestion that it was odd that the man had not noticed this shot, on the ground that “*He was probably focused the same way I was*”. Sergeant O said he was sure that he had hit the man when he shot again, because the man was thrown backwards.¹

¹ [Day 335/64-66](#)

51.253 Sergeant O's attention was drawn to the fact that he had described his second target in his first and second RMP statements¹ as being on a first floor verandah between Blocks 2 and 3 of the Rossville Flats, in his written statement for the Widgery Inquiry² as being at the Block 3 end of the lower of the two enclosed passageways joining Blocks 2 and 3, and in his oral evidence to the Widgery Inquiry as being in the lowest of the two "cat-walks" between Blocks 2 and 3,³ whereas in his written statement to this Inquiry he had described his target as being on the "first floor balcony" at the southern end of Block 3.⁴

¹ B441; B461

³ WT13.30

² B575.147

⁴ B575.115

51.254 It was suggested to Sergeant O that photographs showed that the walkway between Blocks 2 and 3 was enclosed, so that a gunman would be unlikely to have fired through windows from there; and that the balconies running along Block 3 were fitted with railings rather than a solid wall, so that it would have been possible to see more than the heads of people running along the balcony.^{1,2} It was suggested to Sergeant O that these alleged discrepancies demonstrated that he had invented his account of firing at a gunman. Sergeant O agreed, as he had recorded in his written statement, that he had obviously been mistaken in putting the gunman on the walkway. He said "*I think the gunman was on the balcony, on the corner*",³ and denied that he had invented his account.⁴

¹ We are doubtful whether someone moving along the back of the balcony would have been continuously visible to someone at ground level.

³ Day 336/43

⁴ Day 336/37-46

² FR7.426

51.255 In our view there are indications that even in 1972 Sergeant O intended to say that the gunman had been on the balcony in Block 3. The references in his first RMP statement¹ to the "concrete flat support" and the "pillar" are most easily understood as references to one of the supporting pillars on the balcony. His trajectory photograph places the gunman on the balcony. In his written statement for the Widgery Inquiry,² he recorded that he saw people dragging something "*away from the gunman's position into the covered part of the passageway*". If the last phrase refers to the connecting walkway, as to our minds it does, this implies that, on the basis of Sergeant O's account, the gunman was not in it when he fell. In his oral evidence to the Widgery Inquiry,³ Sergeant O said that the gunman was "*standing up at the edge of the balcony*" and that after the shooting he was dragged "*into the cat-walk*".

¹ B441

³ WT13.30

² B468

51.256 It was suggested to Sergeant O that the reason for which he had refused to talk to the Praxis interviewers about his firing on Bloody Sunday was that he had participated in the shooting of innocent civilians and had supervised his men as they shot innocent civilians. He denied this and said that, as he had indicated to Praxis, he had had concerns for his safety.¹

¹ [Day 336/76](#); [Day 336/130-131](#)

Sergeant O's evidence about firing by other soldiers

51.257 We noted earlier that in his oral evidence to the Widgery Inquiry Sergeant O said that Private S was the only soldier he saw firing. Sergeant O confirmed this in his written and oral evidence to the present Inquiry.¹

¹ [B575.125](#); [Day 335/92](#); [Day 336/62](#); [Day 336/72-73](#); [Day 336/86-89](#); [Day 336/96-97](#)

Summary of Sergeant O's accounts of his shots

51.258 According to the accounts given by Sergeant O, therefore, while he was near his APC and soon after he had arrested William John Doherty he fired three shots at a man with a pistol who was behind a Cortina car on the south-east side of the car park; then three shots at a man with an M1 carbine or similar weapon towards the south-west end of the lower balcony of Block 3 of the Rossville Flats; and finally two shots at a man with an M1 carbine or similar weapon at ground level on the corner of the gap between Blocks 2 and 3. He was sure he had hit his first two targets, but said he thought that he had not hit his third. He estimated the time between firing at his first target and firing at his third as about three to four minutes.

Evidence of other soldiers about Sergeant O's firing

51.259 Three or perhaps four other soldiers described Sergeant O's firing. We have already referred to Private C,¹ though whether he saw Sergeant O or Private R remains uncertain. The others were Private S, Private R and Private T.

¹ [Paragraph 51.202](#)

Private S

51.260 Private S gave accounts of firing by Sergeant O, which we have considered earlier in this chapter.¹ He told the RMP that he saw Sergeant O firing at a gunman who was at a "ground floor window" towards the southern end of Block 1 of the Rossville Flats,² while

he told the Widgery Inquiry that he saw Sergeant O firing shots at a target out of his sight at the other corner of the car park.³ He told us that the account he had given to the RMP of seeing a gunman was untrue, but he stood by his evidence that he had seen Sergeant O firing.⁴

¹ Paragraphs 51.47–49 and 51.64–70

³ B708

² B703

⁴ B724.003; Day 331/75; Day 331/14-21; Day 332/71-74

Private R

51.261 We have already referred¹ to the description of Sergeant O's firing given by Private R in his second RMP statement² and in his written statement for the Widgery Inquiry.³ In these statements, Private R recorded that after he had been hit by two acid bombs thrown from Block 1 of the Rossville Flats, he saw a man firing a pistol towards the soldiers from behind a maroon Cortina in the car park. Sergeant O, who was standing beside Private R, fired at the gunman, who fell and was dragged away by two or three people. Private R said that he did not know how many rounds were fired either by the gunman or by Sergeant O.

¹ Paragraphs 51.168–173

³ B671

² B666

51.262 In his oral evidence to the Widgery Inquiry,¹ Private R said that he was standing behind Sergeant O's APC, shaking his legs because of the acid, when he saw Sergeant O fire.

¹ WT13.76

51.263 Private R also described this incident in his written statement to this Inquiry.¹ Although he no longer remembered the make or colour of the car, he said that he had seen Sergeant O firing at a gunman behind a car, and that he had seen the gunman fall, and a group of civilians taking him away. Private R initially told us that he did not now recall how close he had been to Sergeant O when this firing took place.² Later in his evidence,³ he said that Sergeant O was probably only four or five feet away. Private R believed that he had been at the back of the APC, but was not sure whether Sergeant O had been at the back or the front. As we have noted above,⁴ Private R told us that his present recollection was that he saw Sergeant O firing before he, Private R, was hit by acid bombs.⁵

¹ B691.004

⁴ Paragraph 51.193

² Day 337/52

⁵ Day 337/148

³ Day 337/126-128

- 51.264 It seems clear that this evidence relates to the first of the three incidents in which Sergeant O said that he opened fire. Private R did not describe either of the two later incidents.

Private T

- 51.265 In his written statement for the Widgery Inquiry,¹ Private T recorded that at one point Sergeant O shouted “*There’s one over there behind the wall*” and fired across the car park. Private T stated that he thought that Sergeant O had fired two or three shots. In Private T’s oral evidence to the Widgery Inquiry,² he said that Sergeant O fired two or possibly three shots in the direction of the flats. Private T said that he did not know where Sergeant O meant by “*over there*”. Private T also said that he could not see into the car park. When Sergeant O fired, he was standing at the back of his APC about three feet away from Private T.

¹ B736

² WT13.91; WT13.93

Private T and acid bombs

The account of his firing given by Private T to the Royal Military Police

- 51.266 In his RMP account,¹ Private T stated that after assisting in making arrests he moved back to Sergeant O’s APC. He became aware of people on the balconies of the flats dropping bottles and other missiles onto the soldiers’ position:

“I noticed that the bottles contained a liquid and I thought they were petrol bombs. However, none of the bottles was alight and none went on fire when they smashed. After a couple had broken as they fell I smelt a strong acid smell and realised that the bottles contained acid.

[Sergeant] ‘O’ was behind me and told me to fire at whoever was dropping the acid bombs if I saw him about to throw any more. One of the bottles bounced very close to me and broke. I was splashed with the liquid in the bottle. It covered the front of my trousers from the waist to the knee. I saw that it had been dropped from a balcony almost directly above me. This balcony was some 20 to 30 feet above me. I saw a man step back from the edge of the balcony as I looked up.

I continued to watch the balcony and saw the man again come to the front edge of the balcony. I could see that he had a white shirt on with a blue tie and jacket. I saw that he had a bottle in his hand and, as I watched, the man threw the bottle at me.

I then fired one round from my SLR at the man. I came to the aim after he drew his arm back and fired as he let go of the bottle. I did not see the result of the shot. The man seemed to freeze and I then fired a second shot at him. This did not hit him.

The man went away from the balcony and no more acid bombs were thrown at us. Also, after I fired, there were no more bottles or stones dropped or thrown at us from the balconies of the Flats.”

¹ B725-726

Private T's evidence to the Widgery Inquiry about his firing

51.267 In his written statement for the Widgery Inquiry,¹ Private T recorded that after hearing a burst of low velocity gunfire, he took cover behind Sergeant O's APC. He was watching the windows of the flats on his right to keep a lookout for anyone intending to fire at the soldiers. Bottles started to be thrown from this part of the flats. He noticed that one in particular contained liquid. He thought that it was a petrol bomb but it did not explode. After a few more bottles had been thrown in his direction, he noticed a distinctive smell, which he recognised from experience in the Falls Road in Belfast as the smell of acid. Until this point he had not seen any of those who were throwing bottles containing acid. Sergeant O told him to open fire if he saw anyone throwing acid from the flats. A bottle broke very close to him and splashed his trousers up to the waist. He was sure that the bottle had come from one of the balconies very close to his position. He then saw the man who had thrown it go back into the flats. He waited for him to come out again. The man was wearing a white shirt "*with a dark suit and a tie the same colour*". The man emerged again, came quickly to the wall of the balcony, and threw the bottle with a sideways movement of the arm. Before the bottle hit the ground, Private T fired an aimed shot at the man. The man was standing by a pillar, apparently waiting to see where the bottle would land, when Private T fired a second aimed shot at him, which "*hit the wall a few feet above his head*". The bottle landed very close to Private T at the back of the APC, and splashed him with acid. As a result of the shooting, the man disappeared.

¹ B735-B736

51.268 In his oral evidence to the Widgery Inquiry,¹ Private T said that when he moved to the back of the APC, he saw “*quite a lot of rubbish coming out of the window – stones, bottles, anything that could be thrown*”. He noticed that one of the bottles had a substance inside it. He thought that it was a petrol bomb but it did not explode. A bottle then landed very close to him “*on the other side of an armoured door*” and after a time he noticed an acidic smell. He recognised the smell from school, and from previous experience of acid bombs in Belfast. He had not yet seen any of the people who were throwing missiles.

¹ [WT13.88-WT13.89](#)

51.269 Private T said that Sergeant O had also noticed the smell.¹ Private T told him that the acid had come from the flats. Sergeant O said that if anyone else threw acid bombs at the soldiers, Private T was to shoot him. Another bottle then landed quite close to Private T and covered him with acid from the waist downwards. After it had been thrown, he saw the man who had thrown it, who was beside a pillar on a balcony about three storeys up. The man was wearing a white shirt “*with a dark-coloured jacket ... I presumed it to be a suit – with a tie the same colour*”. The man threw another bottle, which landed very close to Private T and splashed him. Private T fired at the man when he had just thrown the bottle and seemed to be waiting to see where it landed. It was an aimed shot fired from a standing position over the back of the APC. Private T saw that his shot had missed, and fired a second shot at the man, but the man had stepped back and the second shot hit “*the roof of the building*”. Private T did not see the man come out again. He said that the liquid in the bottles was greenish in colour.² It was the same colour as the liquid in the acid bombs that he had seen in Belfast, which had been found lying in a crate. He said that he did not see any window cleaning liquid being thrown.

¹ [WT13.89-WT13.90](#)

² [WT13.92](#)

Private T’s evidence to the Widgery Inquiry about the effect of the liquid with which he was splashed

51.270 As to the effect of the liquid, in his RMP account,¹ Private T stated that very soon after his trousers had been splashed, he felt a tingling on his legs. Other soldiers poured water onto his legs. He changed his trousers and soaked them in water. Before signing this statement at 0200 hours on 31st January 1972, he had passed the trousers to Warrant Officer Class I Wood of the Special Investigation Branch of the Royal Military Police.

¹ [B726](#)

51.271 In his written statement for the Widgery Inquiry,¹ Private T gave a similar account, although he referred only to a tingling in one leg. He said that Sergeant O had told him that he should pour water onto his trousers to weaken the acid, and then change them.

¹ B736

51.272 In his oral evidence to the Widgery Inquiry,¹ Private T said that the only place in which he felt anything after he had been splashed was in a cut above his left knee, into which the liquid began to seep. As soon as the main shooting had died down, he wet his denims with water from a water carrier on the side of Sergeant O's APC. He said that he did not consider that he had been seriously injured.²

¹ WT13.90-WT13.91

² WT13.92

51.273 In his written statement for the Widgery Inquiry,¹ Private T recorded that when he left the area of the Rossville Flats he went to William Street to complete a form in relation to the arrest he had witnessed (which was the arrest of William John Doherty), and thereafter he rejoined his platoon.

¹ B736

Private T's use of his respirator

51.274 In his written statement for the Widgery Inquiry¹ and in his oral evidence to the Widgery Inquiry,² Private T recorded that he put on his respirator while on a roof behind the sorting office, and that he warned members of his platoon who were standing by the Presbyterian church to do the same. He did not say for how long he wore his respirator.

¹ B734

² WT13.87

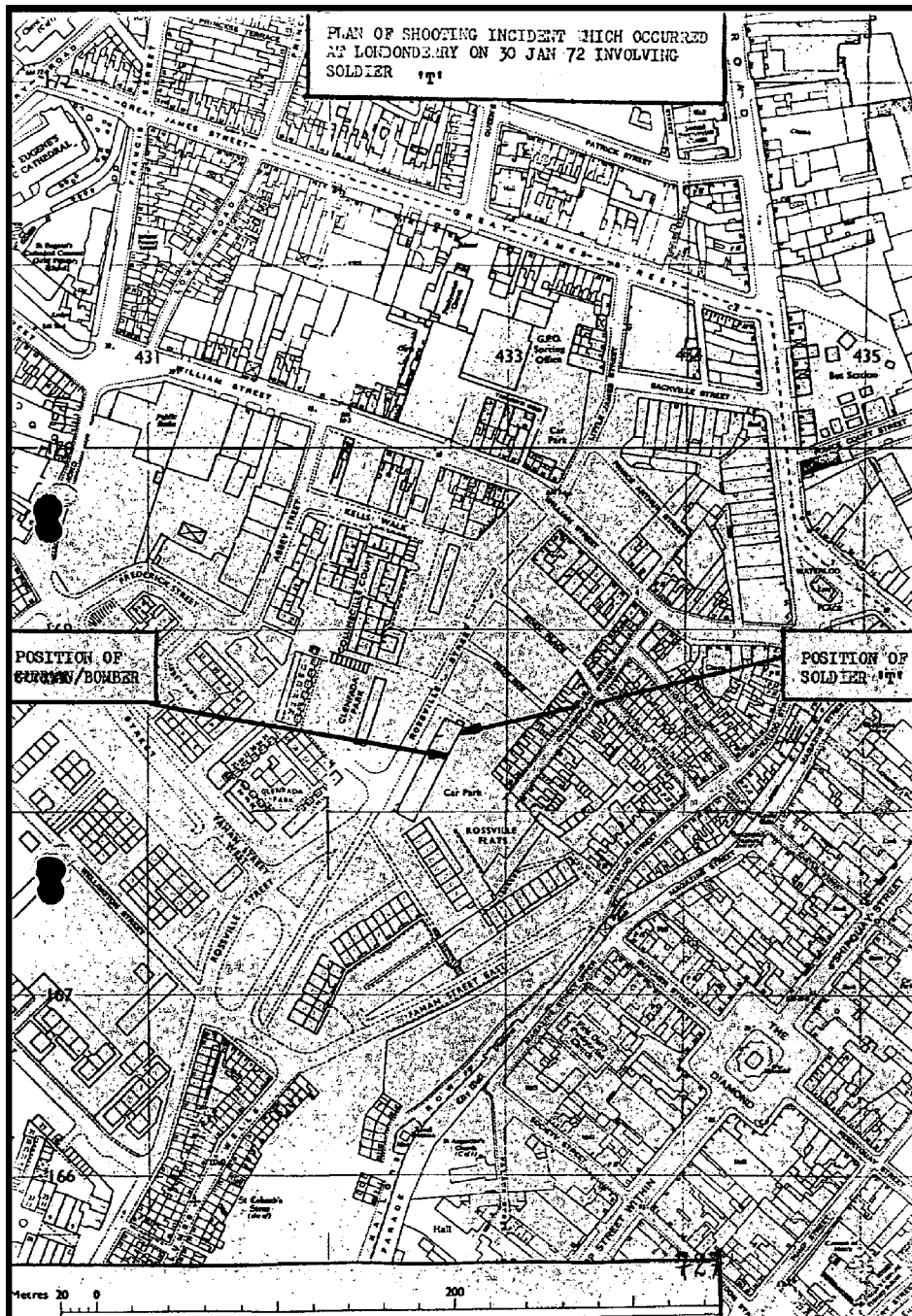
Private T's death before this Inquiry was established

51.275 As we have previously explained, Private T is dead and gave no evidence to this Inquiry.

Private T's Royal Military Police map and trajectory photograph

51.276 We reproduce below Private T's RMP map and trajectory photograph.¹

¹ B727





The third entry in the Loden List of Engagements

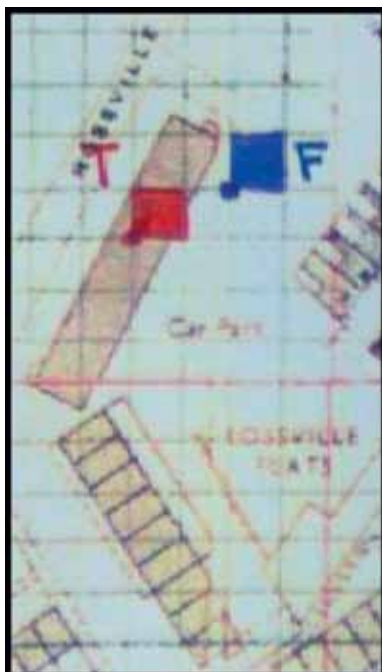
51.277 The third entry in the Loden List of Engagements is as follows:¹

“One bomber at GR 43261683 (top floor of flats) shot from GR 43281684. Apparently killed.”

¹ [ED49.12](#)

51.278 This entry refers to a bomber on the “*top floor of flats*” who was apparently killed by a soldier. The grid references, plotted on the map below, which was prepared for the purposes of this Inquiry by the legal representatives of one of the families, show that the target was in or on Block 1 of the Rossville Flats, just to the north of the halfway point, while the soldier was in the car park, a little further to the north.¹

¹ [OS2.50](#) (extract)



51.279 The reference in the list to a bomber on the “*top floor of flats*” contrasts with Private T’s RMP statement, in which he refers to the bomber being on a balcony “*some 20 to 30 feet above me*”.¹ In his oral evidence to the Widgery Inquiry,² Private T described his target as “*about three storeys up*”. Private T’s trajectory photograph showed a position on the fifth floor balcony of Block 1 of the Rossville Flats.

¹ B725-726

² WT13.89

51.280 The entry in the list records that the bomber was “*Apparently killed*”. In his RMP statement, Private T recorded that he did not see the result of his first shot, although “*The man seemed to freeze*”; Private T then fired again but this shot did not hit his target.¹ In his written statement for the Widgery Inquiry, Private T recorded that after his first shot “*The man stood by a pillar apparently waiting to see where the bottle would land when I fired the second aimed shot at him which hit the wall a few feet above his head*”.² In his oral evidence to the Widgery Inquiry, Private T said that his first shot missed the target, and that his second struck the “*roof of the building*”.³

¹ B726

³ WT13.90

² B736

51.281 Private T was the only soldier of Mortar Platoon who claimed to have fired at a bomber up in Block 1 of the Rossville Flats. The grid references correspond roughly with the positions of the firer and the target according to the accounts given by Private T and his RMP map and trajectory photograph. However, Private T never claimed in those

accounts either that his target was on the top floor or that he thought that he had killed the person at whom he had fired. Nevertheless it seems to us probable that this third entry does reflect what Private T told Major Loden. It may be that, out of bravado or for a similar reason, Private T claimed an apparent hit when giving his account to his Company Commander, but later after further thought withdrew this claim; or that Major Loden had mistakenly assumed that Private T had hit his target. It may also be that he told Major Loden (as he later told the Widgery Inquiry) that one of his shots hit the roof of the building, leading Major Loden to suppose that the target was on the top floor.

Other evidence relating to acid bombs and Private T's accounts

51.282 Sergeant O said that he heard, and Private R that he saw, Private T firing. Private Q gave an account of firing into Block 1 of the Rossville Flats by a soldier who may have been Private T. In the following section we deal with the accounts of these witnesses, and of others who did not claim to have seen or heard Private T firing, but whose evidence relates to the throwing of acid bombs at the soldiers.

Evidence from Mortar Platoon soldiers

Lieutenant N

51.283 In his written account for the Widgery Inquiry,¹ Lieutenant N stated that when he reached Sergeant O's vehicle it was reported to him that two men had been hit by acid bombs. Perhaps two minutes later, he saw two soldiers whose clothes had been affected by acid burns. One had some physical discomfort but neither was in serious pain.

¹ B399

51.284 In his oral evidence to the Widgery Inquiry,¹ Lieutenant N said that he was told that the acid bombs had come from the flats. He saw one of the soldiers concerned gingerly holding the front of his trousers away from his legs because the acid on the trousers was stinging him.

¹ WT12.69

51.285 In his written statement to this Inquiry,¹ Lieutenant N told us that either just before or just after he had fired at a suspected nail bomber, two of his men walked towards him in a northerly direction from the point he had marked F on a plan² (the east side of Block 1).

One of them, who was being led by the other, appeared to have had acid thrown over him. There were “*little holes with jagged edges down the front of his gear*”. Lieutenant N thought that the acid had burned through to the skin. It was not uncommon for battery acid to be thrown. Lieutenant N was not surprised to see that one of his men had been burned.

¹ [B438.013](#)

² [B438.056](#)

51.286 In his oral evidence to this Inquiry,¹ Lieutenant N accepted that he must have seen the men affected by acid after he had reached Sergeant O's vehicle, since that is what he said in his statement for the Widgery Inquiry. He said that he had a “*very clear picture*” of seeing the two soldiers.²

¹ [Day 322/102](#)

² [Day 323/110-111](#)

Sergeant O

51.287 In his first RMP statement,¹ Sergeant O recorded that while in the area of the car park, he and his section had several acid bombs thrown at them.

¹ [B441-B442](#)

51.288 In his third RMP statement,¹ Sergeant O said that he saw a man wearing a white shirt, dark tie and suit jacket on a balcony on about the second floor of Block 1. The man appeared at intervals and on each occasion dropped a bottle onto members of Sergeant O's section below him. When the first bottle broke, about three or four feet from Sergeant O and almost on top of Private T, Sergeant O smelled acid. He ordered Private T to shoot at the man should he throw another acid bomb. Shortly afterwards, the man reappeared and threw another bottle. Sergeant O shouted a warning to Private T and heard him fire two shots. Sergeant O did not see the strikes of these shots. No further acid bombs were thrown.

¹ [B464](#)

51.289 In his written statement for the Widgery Inquiry,¹ Sergeant O gave a similar account, adding that acid from the first bomb splashed Private T. He placed the episode chronologically between his engagement of his second gunman and his engagement of his third gunman.

¹ [B468](#)

51.290 In his oral evidence to the Widgery Inquiry,¹ Sergeant O said that he smelled acid, and an acid bomb had apparently already been thrown, before he saw the bomb that splashed Private T on the legs. He also said that at the same time as Private T fired he heard the breaking of a bottle. He said that acid bombs could be distinguished by their “*creamy colour*”, and that the bottles containing the acid always had screw tops.

¹ [WT13.32](#)

51.291 In Sergeant O’s first Praxis interview¹ he said that Private R was hit by acid dropped from the top of the Rossville Flats. Sergeant O told Private T to “*watch and shoot*” at the acid bomber. Private T watched and fired two rounds in return. “*Colonel Wilford turned up and said what’s happening. I told him about that, and I says we’ve got one bloke up on the roof firing acid bombs, he said have you returned fire, I says we fired two rounds back, there’ve been no hits. He says OK no more unless he drops more bombs, which he didn’t do.*” The soldiers then had to remove Private R’s denims and pour water onto him.

¹ [O21.4](#)

51.292 In his second Praxis interview,¹ Sergeant O said that Private T was not splashed with acid but “*fired at the man that got splashed with acid*”. It would seem that he meant to say that Private T fired at the acid bomber but was not the soldier who was hit by the acid.

¹ [O22.89](#)

51.293 In his written statement to this Inquiry,¹ Sergeant O told us that before he saw an acid bomb himself, Private T had told him that acid bombs had been thrown, and had splashed Private T’s and Private R’s legs. The man wearing a white shirt and dark tie who threw an acid bomb had been on the second or possibly third balcony up in Block 1 of the Rossville Flats, as illustrated on a photograph attached to his statement.² The acid bomb landed in the gap between Sergeant O’s APC and Block 1. Sergeant O did not see it land, but “*heard the distinctive bang and spread of vapour*”. In his experience, acid bombs usually consisted of a screw top bottle containing a creamy or light yellow mixture of acid and paint, with a pungent and disgusting smell. He stated that he did not now recall seeing more than one acid bomb being thrown, or shouting a warning to Private T, but that his memory of the incident is likely to have been clearer when he made his third RMP statement.³ On the other hand, in his oral evidence to this Inquiry,⁴ Sergeant O said that it was possible that his third RMP statement contained information related by other soldiers as to the number of acid bombs thrown.

¹ [B575.117](#)

² [B575.136](#)

³ [B575.124](#)

⁴ [Day 335/88](#)

51.294 Sergeant O also told us that after he had fired at his third gunman, Colonel Wilford appeared and asked him what had happened. Sergeant O gave him a quick description and told him about his order to Private T to fire at the acid bomber. Colonel Wilford reminded Sergeant O about following the Yellow Card, and Sergeant O “*confirmed to him what I had done*”. Sergeant O told us that Colonel Wilford seemed satisfied with what he had been told and left.¹

¹ [B575.118](#)

51.295 In his oral evidence to this Inquiry,¹ Sergeant O said that Colonel Wilford had come up and asked for a quick snapshot of what had happened. Sergeant O told him that the soldiers had come under fire and returned fire, and as far as he knew they had some hits. Sergeant O told Colonel Wilford that acid bombs had been thrown at the soldiers from Block 2,² and that he had told one of the men to fire back. He did not tell Colonel Wilford which soldier this was. Colonel Wilford told Sergeant O not to forget the Yellow Card. Sergeant O told Colonel Wilford that he had ordered the soldier to fire, and “*I was quite happy with that and he seemed quite happy with it*”.

¹ [Day 335/93](#)

² This may have been a slip of the tongue for Block 1.

51.296 While Colonel Wilford did not refer specifically to a conversation with Sergeant O, he said in his oral evidence to the Widgery Inquiry¹ that before he joined Major Loden he spoke to one or two soldiers near a vehicle who said that there had been shooting from the flats. He also said that at the stage when he spoke to Major Loden he heard that acid bombs had been thrown at the soldiers, as he took it, from the top of the Rossville Flats.²

¹ [WT11.45](#)

² [WT11.46](#)

51.297 In his written statement to this Inquiry,¹ Colonel Wilford said that he met Major Loden at the north end of Block 1 of the Rossville Flats and asked him what the situation was. Colonel Wilford could no longer remember the detail of what Major Loden had told him, but noted from his own oral evidence to the Widgery Inquiry that Major Loden had said, among other things, that there had been acid attacks. Colonel Wilford said that he could not remember any Platoon Commanders or Sergeants being present, although they might well have been. In his oral evidence to this Inquiry Colonel Wilford was not asked about the conversation that Sergeant O had said that he had had with him.

¹ [B1110.035](#)

51.298 In his oral evidence to this Inquiry,¹ Peter Taylor commented on a passage in the transcript of his notebooks.² As elucidated by him, this note meant that one of his sources had described how Colonel Wilford had arrived and asked the source how things were

going. The source said, and Colonel Wilford agreed, that everything was under control. Either the source or Colonel Wilford then said “*don’t fire until [you] can definitely identify acid bomber*”. Peter Taylor refused to confirm that his source was Sergeant O, but in a letter dated 13th November 2002 Sergeant O’s solicitor said that his client accepted that the majority of the notes in the relevant section of the transcript³ related to Peter Taylor’s interview of him.

¹ Day 218/100-103

³ M76.192-M76.197

² M76.195

51.299 In his written statement to this Inquiry,¹ Sergeant O told us that when he was at the north end of Block 1 of the Rossville Flats after things had calmed down, he was able to check exactly what had happened to Private R and Private T. Both had acid on their legs. He believed that the hairs on Private R’s legs had been burned off by the acid. Several soldiers including Sergeant O removed Private R’s trousers because they were “*steaming*”, and threw water onto him. Sergeant O could not remember how badly the acid had affected Private T.

¹ B575.119

51.300 In his oral evidence to this Inquiry,¹ Sergeant O was asked whether he accepted that Private T’s firing was not in accordance with the Yellow Card. He replied that he took responsibility for having ordered Private T to fire, and that as far as he was concerned Private T had to fire because his life was in danger.

¹ Day 335/84-86

Private Q

51.301 In his RMP account,¹ Private Q stated that when he moved to the north-east corner of Block 1 of the Rossville Flats, people were dropping bottles from “*various verandahs*”. Private Q saw that the majority of the bottles contained a liquid, and noticed “*an acid smell*” from the bottles when they broke.

¹ B624

51.302 In his statement for the Widgery Inquiry,¹ and in his oral evidence to the Widgery Inquiry,² Private Q said that he saw the bottles landing by Sergeant O’s APC. When they broke, he saw liquid coming from them and recognised the smell of acid. One of the soldiers taking cover behind the APC had acid on his trousers.

¹ B636

² WT12.87

51.303 In his written statement to this Inquiry,¹ Private Q said that one or two acid bombs were thrown from a balcony in the Rossville Flats. They landed somewhere in the area marked D on a plan attached to the statement² (near the north end of the east side of Block 1). *"I did not see the bombs being thrown and I did not see them land. I just saw the reaction to them from the men in the area."* He saw Private T jumping about, having been splashed by the acid, and he smelled the acid.

¹ [B657.5](#)

² [B657.42](#)

51.304 Later in this statement,¹ Private Q told us that he could not now remember seeing bottles falling from the Rossville Flats, but believed his RMP statement to be accurate. He did not now remember seeing the acid bombs being dropped, but recalled the smell of acid and *"seeing T hit by acid"*.

¹ [B657.7](#)

51.305 In his oral evidence to this Inquiry,¹ Private Q was challenged about whether he had seen the acid bombs landing, as he had said in his evidence to the Widgery Inquiry, or whether he had not seen them being thrown or landing, as he had said in his written statement to this Inquiry. At first, he said that he *"saw them"* and *"saw the acid incident"*. When pressed further, he said that he *"just cannot recall it"*. He maintained that he had seen Private T with acid on his trousers, and said that he did not know why he had not mentioned this in his RMP statement.

¹ [Day 339/77-81](#)

51.306 In his written statement for the Widgery Inquiry,¹ Private Q said that when he was at the north-east corner of Block 1 he saw a soldier fire from beside Sergeant O's APC at the *"western"* (presumably a mistake for *"eastern"*) side of Block 1. He confirmed this in his oral evidence to the Widgery Inquiry.² In his oral evidence to this Inquiry,³ he said that he did not remember seeing Private T fire, and could not say whether this firing had occurred at the same time as the acid bombs were thrown or later.

¹ [B637](#)

³ [Day 339/45-48](#)

² [WT12.90](#)

Private R

51.307 In his first RMP statement,¹ Private R recorded that the rioters threw acid bombs, one of which splattered across his legs. In his second RMP statement,² he recorded that two acid bombs were thrown at him from the top of Block 1 of the Rossville Flats. Both struck his legs, causing staining to his denims.

¹ B659

² B666

51.308 In his written statement for the Widgery Inquiry,¹ Private R recorded that the acid bombs were dropped from the “*middle floor*” of Block 1 above him, just after he had fired his first shot at a man who was throwing a smoking object. The first acid bomb was a bottle that hit the ground about a yard from Private R. The acid splashed onto his trousers. Sergeant O shouted something like “*that’s acid, look out*” and Private R stepped back. Then a second bomb came down and Private R was splashed again. As this bomb was thrown, Private R saw another member of the platoon take aim and fire at the bomber. He thought that this was Private T. After this, according to Private R,² Sergeant O engaged the man who was firing a pistol from behind a maroon Cortina (his first target). Private R clarified and corrected³ his first RMP statement, saying that he did not see anyone throwing acid bombs from ground level, that the bombs were thrown or dropped from above, and that he thought that acid from both bombs had hit him, not from just one. He recorded that the mistakes in his first RMP statement were due to the conditions in which it was taken.⁴

¹ B671

³ B672

² B671

⁴ B672

51.309 In his oral evidence to the Widgery Inquiry,¹ Private R said that after he had fired his first shot, an acid bomb came down from the centre of Block 1 and “*struck me across the leg*”. He stepped back for cover. Sergeant O gave a warning that it was acid. Private T turned round and took aim. Another acid bomb came down. Private R was again splashed on the leg by acid. Private R told the Widgery Inquiry that he had seen Private T fire. He was asked whether he was struck by the bottle or its contents when “*the acid bomb*” hit him,² and replied that the bottle had smashed perhaps a yard away, and the liquid had splashed up onto him. The liquid had come into contact with his skin. He was asked from where “*that acid bomb*” had come, and said that he thought that it had come from the centre of Block 2 (but we consider he must have meant Block 1), about 30 to 35 feet from the APC. He said that he estimated that Private T had fired two rounds.³ Private T had fired at a man holding an object, presumed to be an acid bomb, who was on the “*middle floor*” or “*half-way up the actual flats itself, the second storey*”. The man’s position was on

“the opposite side of this house, the end house, these flats”, which presumably meant that he was opposite the south end of Chamberlain Street. Private R at first said that Sergeant O had ordered Private T to fire, and then said that Sergeant O had told Private T that he was entitled to fire at the man if he emerged again.

¹ WT13.75

³ WT13.83-WT13.84

² WT13.81-WT13.82

51.310 In his written statement to this Inquiry,¹ Private R told us that he believed that some of the bottles thrown from the Rossville Flats into the car park were acid bombs, because two of them smashed near him and acid splashed onto his denim trousers. Within a few seconds, there were holes in his denims and he felt a burning sensation on the skin of his legs. He and Private T took cover behind the APC. Private R stated that during the incident in which he fired at a man firing a pistol from between Blocks 2 and 3 of the Rossville Flats (his second target) Sergeant O appeared at the back of the APC to check whether he and Private T were all right.² At this stage the acid was still eating away at his denims. According to this account³ he no longer remembered Sergeant O giving a warning about the acid, or Private T taking aim or firing at the acid bomber.

¹ B691.003

³ B691.007

² B691.004

51.311 In his oral evidence to this Inquiry,¹ Private R said that he no longer remembered Sergeant O telling Private T that he would be entitled to shoot the acid bomber. He also said that when he made his first RMP statement he had believed that he was splashed by acid from only one bomb, but that he thought that later on someone had told him that he had been splashed by acid from two.² He could not remember who had told him this. He therefore came to believe that he had been splashed by acid from two bombs. He could not say this “*exactly from my own knowledge*”, although he accepted that in evidence later than his first RMP statement he had given the impression that it was his personal recollection that he had been splashed by acid from two bombs.

¹ Day 337/42

² Day 337/111-115

51.312 Later in his oral evidence,¹ as we have already noted, Private R said that he now believed that Sergeant O fired at the man behind the Cortina (his first target) before Private R fired at the man firing a pistol from between Blocks 2 and 3 (his second target), and that only after that were the acid bombs thrown. However, he said that he was “*still not quite sure*” about the sequence of events.

¹ Day 337/147-148

51.313 In his second RMP statement,¹ Private R had recorded that after he had been splashed with acid, the driver of Sergeant O's APC threw water over him, which saved him from being burned. In his written statement for the Widgery Inquiry,² he explained that this did not happen immediately. Initially his denims had kept most of the acid off his legs, but by the time he had fired at his second target, his legs were beginning to burn and tingle. He moved to the gable end of Block 1 of the Rossville Flats, where someone splashed his legs with water from one of the jerricans in the APC.

¹ B666

² B672

51.314 In his oral evidence to the Widgery Inquiry,¹ Private R said that the water was provided by "*One of the drivers*" at a time when "*the rest of the vehicles were starting to pull away*". He said that after he was splashed by acid he had to wait four or five minutes for the water.²

¹ WT13.77

² WT13.81

51.315 In his written statement to this Inquiry,¹ Private R told us that he went to the back of Major Loden's vehicle to be treated for the burns to his legs. He dropped his trousers and saw that the tops of his thighs and the lower parts of both legs were red and sore, but there were no blisters. Someone opened a jerrican of water to wash his legs and soak his denims. Someone also gave him some long johns to wear. He told a reporter about the acid. The reporter asked whether he was all right and offered him a sweet. The acid burned the hair off his legs, which never grew back. In his oral evidence to this Inquiry,² Private R said that the reporter was English. We have been unable to identify this reporter.

¹ B691.004

² Day 337/56

51.316 In his written statement to this Inquiry,¹ Private R told us that he left the area in Sergeant O's APC. In his oral evidence to the Widgery Inquiry,² he said that he did not think that he needed to go to hospital, but he went to the Medical Inspection (MI) room on the following day to see whether he could be given some treatment. However, by that stage any treatment would have been too late, because he had already lost quite a lot of hair from his legs. Private R told us that he had since developed sweat gland fatigue, a condition that makes him unable to sweat enough.³ He did not say in specific terms that this condition had been caused by the acid, but that seems to have been the implication. He stated that he was fully fit before the acid incident and that he believed that it was as a result of the effects of the acid that he had gone "*from being a grade A1 soldier to a grade 7*".

¹ B691.005

³ B691.004

² WT13.86

51.317 In his written statement to this Inquiry,¹ Private 005 had told us that he saw Private R afterwards in Belfast. Private R did not say that he had been the victim of an acid bomb attack or that his clothes had been burned. However, there was some talk after the event to the effect that acid bombs had been thrown from the Rossville Flats. Private R was asked about what Private 005 had told us. Private R admitted to having been a good friend of Private 005, but told this Inquiry that he had no recollection of recounting the incident at all, except when making his statement.²

¹ B1374.001

² Day 337/117-118

Private S

51.318 In his first RMP statement,¹ Private S gave an account of nail and acid bombs being thrown from the top of the Rossville Flats at the soldiers who were making arrests, and in his second RMP statement² he recorded that while he was at the back of 34 Chamberlain Street he saw people throwing nail bombs and acid bombs from the balconies of Block 1.

¹ B692

² B703

51.319 In his written statement for the Widgery Inquiry,¹ Private S recorded that he saw acid bombs and a hail of bottles being thrown at the soldiers from the upper part of the Rossville Flats. However, it was “*not really correct*” to say that nail bombs were thrown as well. He stated specifically that acid bombs were being thrown from Block 1 during the incident in which he opened fire.²

¹ B707

² B708

51.320 In his oral evidence to the Widgery Inquiry,¹ Private S said that “*a hail of bottles with acid in them, Windolene bottles, more or less every kind of bottles*” descended towards Sergeant O’s APC. He said that he knew that some of the bottles were acid bombs because “*One of our men got one*”.² He also said that he was aware that there were bottles coming from Block 1 of the Rossville Flats “*because they were falling short of me*”.³ He was not suggesting that he saw anyone on the roof of Block 1.

¹ WT12.103

³ WT13.7

² WT13.4

51.321 In his written statement to this Inquiry,¹ Private S told us that he did not now remember any acid bombs or other objects being thrown from the Rossville Flats into the car park, but might simply have forgotten about them.

¹ B724.005

51.322 In his oral evidence to this Inquiry,¹ he was asked whether it had been accurate to say in his statement for the Widgery Inquiry that he had seen acid bombs and a hail of bottles from the upper part of the Rossville Flats. He replied: *“I would say ‘a hail of bottles’ would be more of a truthful description now, I would say. But, again, I have no recollection of that.”* He said that he had not seen any nail bombs or acid bombs.² Although he had no recollection of how the inaccuracy arose, it was a *“fair assumption”* that the RMP had told him to say that nail bombs had been thrown. However, as noted above, while in his written statement for the Widgery Inquiry he had withdrawn his claim to have seen nail bombs, he had in that statement repeated his claim to have seen acid bombs. We have also recorded earlier³ that we have found nothing to suggest that the RMP had told him to say these things.

¹ Day 331/68-69

³ Paragraphs 47.7–9

² Day 332/36-41; Day 332/82

Private U

51.323 In his written statement to this Inquiry,¹ Private U told us that he saw bottles and stones being thrown from a high level in Block 1. He was told later that there was acid in some of the bottles, but he did not see the acid himself.

¹ B787.005

Lance Corporal V

51.324 In his RMP statement,¹ Lance Corporal V recorded that after he disembarked, rioters threw petrol and acid bombs. In his written statement for the Widgery Inquiry,² he withdrew this claim in relation to petrol bombs, but not in relation to acid bombs.

¹ B788

² B802

51.325 In his written statement for the Widgery Inquiry,¹ Lance Corporal V recorded that by the time he reached the entrance to the car park, bottles containing liquid were being thrown from Block 1. He stated that after he had fired at a man who had thrown a petrol bomb, he moved behind Private S, who was standing at the corner of the buildings at the end of Chamberlain Street, returning fire towards the passage between Blocks 1 and 2.² At this stage bottles were still coming down from the flats.

¹ B801

² B802

51.326 In his oral evidence to the Widgery Inquiry,¹ Lance Corporal V said that when he moved behind Private S there was “*still bottling going on from Block 1*”. The bottling was heavy. The bottles were landing by Sergeant O’s APC and by Lance Corporal V and Private S. He did not say whether they contained liquid.

¹ [WT13.13](#)

51.327 In his written statement to this Inquiry,¹ Lance Corporal V told us only that he had a recollection of “*lots of debris and missiles*” being thrown down from Block 1 of the Rossville Flats at the APC.

¹ [B821.004](#)

51.328 In his oral evidence to this Inquiry,¹ Lance Corporal V said that although he did not recall why he had said in his RMP statement that rioters threw petrol bombs after he disembarked, he could suggest the following possible explanation: “*Maybe it was my perception at the time that there were petrol and acid bombs thrown, but later on, on reflection, there was only one petrol bomb thrown in my sight, and so ‘bombs’ would have been inaccurate, I was trying to make it accurate; that is all I can offer you.*” He said that he would not have told a lie to the RMP or tried to justify the soldiers’ firing by giving the impression that they had come under a hail of acid and petrol bombs. It is not entirely clear whether in offering this explanation Lance Corporal V was either assuming or accepting that he had not seen any acid bombs being thrown after he disembarked, or at any later stage, but on the whole we consider that what he said was probably intended only to refer to petrol bombs.

¹ [Day 333/107-109](#)

Private 006

51.329 In his written statement to this Inquiry,¹ Private 006 told us that he saw Private T standing on the driver’s side of Sergeant O’s vehicle. Private T had acid on his legs. His legs looked wet. Private 006 did not remember Private T being in pain. Private T did not say where he had been or “*what he had done to get the acid on him*”, although Private 006 was told that the acid had been thrown from the flats. Private S put water over Private T, which he had obtained from Lieutenant N’s vehicle. Private 006 could not remember whether he had seen this happen.

¹ [B1377.008](#)

51.330 In his oral evidence to this Inquiry,¹ Private 006 said that Private T had told him that he (Private T) had acid on his legs. Private 006 was fairly sure that Private T had said that the acid had been thrown from the flats. Private 006 could not remember whether Private T had been in pain, but said that he must have been in some distress in order to realise that the liquid was acid.

¹ [Day 334/70-72](#)

Private 013

51.331 In his RMP statement,¹ Private 013 recorded that he saw people throwing bottles and acid bombs from a balcony in Block 1 of the Rossville Flats.

¹ [B1406](#)

51.332 In his written statement to this Inquiry,¹ Private 013 told us that he could remember missiles being thrown from Block 1 of the Rossville Flats. He also told us that he remembered having to cut Private T's boot off in an APC. Something thrown from the Rossville Flats had landed on Private T's foot and there was liquid all over the boot. The soldiers did not know what the liquid was but thought that it might be acid. In fact it was probably urine. Private 013 was not with Private T when the liquid was thrown.

¹ [B1408.006](#)

Private 019

51.333 According to a note of Neil Davies, one of the Praxis interviewers,¹ a soldier told him that it had been necessary for him to cut off Private T's trousers, which had been covered in acid from an acid bomb, and that "*Loads of acid bombs*" had been thrown at the soldiers. For reasons given earlier in this report,² it seems to us that this soldier was Private 019.

¹ [O27.1](#)

² [Paragraphs 30.58–69](#)

51.334 In his written statement to this Inquiry,¹ Private 019 said that at one stage he saw Private T and Private R. Someone was cutting off Private T's denims. Private 019 was not sure who this was. Private 019 thought that Private T had been hit by some sort of substance, and that he had asked whether Private T needed any help.

¹ [B1494.004](#)

51.335 In his oral evidence to this Inquiry,¹ Private 019 said that he had not cut off Private T's trousers. He said that he had seen someone cutting them off and so had assumed that they had been hit by a substance.² He did not know anything about the substance.

¹ [Day 343/98](#)

² [Day 343/174-175](#)

Private 112

51.336 In his written statement to this Inquiry,¹ Private 112 told us that he had seen Private R with his uniform in tatters. It seemed to him that Private R had been struck by an acid bomb. Private 112 did not remember seeing Private R being struck, and could not remember where he had been when he saw Private R.

¹ [B1732.005](#)

Lance Corporal INQ 768

51.337 In his written statement to this Inquiry,¹ Lance Corporal INQ 768 told us that he did not remember seeing any objects thrown from the flats, nor did he recall any of the other soldiers being splashed with acid.

¹ [C768.5](#)

Private INQ 1579

51.338 In his written statement to this Inquiry,¹ Private INQ 1579 said that after he disembarked he became aware of the smell of acid bombs. He knew that the denims of one soldier were burned, but could not recall the identity of the soldier. He thought that he had seen the soldier, and not just heard about him. In his oral evidence to this Inquiry,² he was asked whether he had seen any acid bombs splashing or exploding, and said that he had seen the result in the form of the burns on the soldier's clothing. He was asked where he had seen this,³ and said that he thought that he had been "*in the area to the rear of the Pig*". However, he said that he could not recall whether he had seen it in the immediate aftermath of the operation or later in the evening.⁴

¹ [C1579.4](#)

² [Day 336/168](#)

³ [Day 336/194-195](#)

⁴ [Day 336/203-204](#)

Private INQ 1918

51.339 In his written statement to this Inquiry,¹ Private INQ 1918 told us that bottles of battery acid were thrown from one of the buildings. He recalled that Private R was screaming because his legs had been splashed with acid. Soldiers including Private INQ 1918 rolled Private R in a puddle to dilute the acid, and then cut his denims off. Private INQ 1918 was not sure who else was present or involved in helping Private R.

¹ [C1918.3](#)

51.340 In his oral evidence to this Inquiry,¹ Private INQ 1918 was asked whether an aerial photograph of the Rossville Flats helped him to identify the building from which the bottles of acid were thrown. He replied: “*No, all this is doing for me is making me wonder if I have imported this from another operation.*” He said that he had a recollection of Private R being rolled in a puddle, and of cutting off his denims, but he then accepted that it was possible that he had not been involved in the incident and had learned about it from other members of his platoon.

¹ [Day 342/103-104](#)

Evidence from other soldiers

Captain 028

51.341 Captain 028 was a Royal Artillery officer. He recorded in his RMP statement¹ that he met two soldiers whose clothes bore acid burns at the north end of Block 1 of the Rossville Flats.

¹ [B1568](#)

51.342 In his statement for the Widgery Inquiry,¹ he recorded that he saw two soldiers lying on the ground. He was told that acid had been thrown at them. He could see acid burns on their trousers. In his oral evidence to the Widgery Inquiry² he said that the two soldiers were lying on the ground leaning against Block 1. An officer told him that someone had thrown an acid bomb on them. In his evidence to this Inquiry, he told us that he did not remember the soldiers with the acid burns.³

¹ [B1569.002](#)

³ [B1582.7](#); [Day 356/47](#)

² [WT17.57-WT17.58](#)

Lance Corporal 033

51.343 Lance Corporal 033 was a member of Support Company and was one of Major Loden's signallers. In his written statement to this Inquiry,¹ Lance Corporal 033 told us that he saw Private T on the ground with his back against the north wall of Block 1, complaining quite loudly of having had acid thrown at him. Lance Corporal 033 saw that Private T's trousers were damaged. A couple of other soldiers were looking after Private T. Lance Corporal 033 did not know how badly Private T had been burned. Water was poured over Private T's leg. Lance Corporal 033 gave his water bottle either to Private T or to someone else to pour over Private T. He added that he was sure that he had told the RMP about seeing Private T after acid had been thrown on him,² although the matter is not mentioned in his RMP statement.³

¹ B1621.005

³ B1617

² B1621.009

51.344 In his oral evidence to this Inquiry,¹ Lance Corporal 033 said that he had a very confident recollection that at the time when he saw Private T, both military and other firing was continuing, with shots being fired maybe every one or two seconds.

¹ Day 324/66

Captain 219

51.345 Captain 219 was the Medical Officer attached to 1 PARA. In his RMP statement,¹ he recorded that while in the area of the Rossville Flats he treated a paratrooper for acid burns. He later withdrew from the area in his ambulance (which was a converted APC marked with a red cross) with an "*injured paratrooper*". It is not clear from this statement whether he was referring to the soldier with acid burns or another soldier who he recorded had concussed himself.²

¹ B2160

² The latter was Private INQ 455, who fell when climbing into Abbey Taxis as described in our consideration of the events in Sector 1 ([paragraph 17.9](#)).

51.346 In his written statement to this Inquiry,¹ Captain 219 told us that he remembered treating a soldier for burns. He could no longer recall their cause but said that his RMP statement would be accurate. He could not remember the name of the soldier. An acid burn would have been significant. If the burns had been significant the soldier would have been withdrawn in the ambulance and sent to hospital. However, he did not think that the soldier with the burns had been withdrawn in the ambulance. He thought it more likely that the "*injured paratrooper*" mentioned in his RMP statement was a soldier who was

concussed as a result of a fall. Captain 219 would probably have seen the soldier with the burns again at a later stage but did not remember doing so. The usual treatment for an acid burn would be to remove any residual acid with saline fluid and apply a dressing. The fabric of the soldier's uniform around the area of the burn would have been cut.

¹ B2162.005

51.347 Captain 219 also told us that all fit soldiers were classified as PULHEEMS 2.¹

¹ PULHEEMS (an acronym for Physique, Upper limbs, Lower limbs, Hearing, Eyesight (left), Eyesight (right), Mental function, Stability) was the name then given to the system of fitness assessment in the Armed Forces.

51.348 This might drop to PULHEEMS 7 if the soldier became temporarily or permanently unfit. A drop to PULHEEMS 8 would lead automatically to discharge. For a soldier to drop to PULHEEMS 7 following a burn suggests that the burn was significant.¹ There is no evidence to suggest that Private T's PULHEEMS classification was changed as the result of acid burns.

¹ B2162.007

51.349 Captain 219 did not give oral evidence to this Inquiry.

Private INQ 290

51.350 Private INQ 290 was the driver of the Medical Officer's ambulance. In his written statement to this Inquiry¹ he told us that he recalled picking up a "*corporal from support company*" in the ambulance. The corporal came out of a derelict building, the location of which Private INQ 290 could not recall. The corporal was limping and cursing. The gist of his words was "*they were ready for us*". Private INQ 290 could not see his leg, but heard him say that he had been hit by an acid bomb. Private INQ 290 did not recall his name. The name of Private T meant nothing to him. Either an unidentified Lance Corporal or Sergeant INQ 2100 (UNK 324) looked over the soldier. Private INQ 290 said that acid bombs had not been encountered for a long time.

¹ C290.1-2

Lance Corporal INQ 366

51.351 Lance Corporal INQ 366 was Colonel Wilford's driver. In his evidence to this Inquiry he told us that he recalled hearing a radio message, on what he assumed was the battalion net, that someone in the Rossville Flats was throwing acid bombs.¹

¹ C366.4; Day 288/18

Corporal INQ 444

51.352 In his written statement to this Inquiry¹ this soldier, who at the time of Bloody Sunday was a member of C Company, 1 PARA, said that he saw someone on the roof of Block 1 of the Rossville Flats throw a bucket of liquid at some soldiers near an APC beneath the flats. He initially thought that water or excrement was being thrown, but then saw a couple of soldiers jumping about and other soldiers dousing their bodies with water, and so knew that it was acid. The person on the roof was at the point he marked as D on a plan² (the north end of Block 1).

¹ [C444.5](#)

² [C444.9](#)

51.353 In his oral evidence to this Inquiry,¹ Corporal INQ 444 said that he probably only realised that the soldiers had been hit by acid through subsequent talk in the battalion. He was asked how sure he was that the liquid was thrown from the roof,² and said that this was his memory, but that a photograph of Block 1 looked totally different from what he remembered. He said that he saw the soldiers jumping around immediately after he had seen the bucket of liquid poured from the roof.

¹ [Day 344/82](#)

² [Day 344/105-107](#)

Private INQ 449

51.354 Private INQ 449 was a member of Composite Platoon (Guinness Force) and went into the Bogside in one of the soft-sided lorries. In his written statement to this Inquiry¹ he told us that he heard a soldier shout a warning from near Columbcille Court to “*watch for the acid and sugar from the roofs*”. He stated that civilians frequently threw bottles of acid at the soldiers with sugar to make the acid stick. In his oral evidence to this Inquiry,² he said that this could very well have been a warning about acid being thrown from the Rossville Flats, rather than in Columbcille Court.

¹ [C449.4-5](#)

² [Day 357/18-19](#)

Private INQ 1919

51.355 In his written statement to this Inquiry,¹ Private INQ 1919, who was in Machine Gun Platoon, told us that he spoke to Private R and Private T when they were guarding a vehicle containing three bodies. He did not remember either soldier saying anything to him about acid having been thrown at them. In his oral evidence to this Inquiry,² he said

that he was sure that Private R and Private T were the two soldiers to whom he had spoken. He could not remember whether he had seen any sign that either of them was in pain or discomfort.

¹ C1919.5

² Day 296/21-23

Private INQ 2003

51.356 Private INQ 2003 was not present on Bloody Sunday.¹ His accounts, therefore, are necessarily at best second hand. In his interview with Paul Mahon on 16th November 1999,² Private INQ 2003 said that UNK 750 (a soldier the Inquiry has been unable to identify) had been badly injured in the face by an acid bomb. The injured soldier was about 18 years old and might have been the youngest of the soldiers. (In his oral evidence to this Inquiry,³ Private R said that he was 18 years old and might well have been the youngest in his platoon.)

¹ C2003.161; Day 307/35-36

³ Day 337/76-77

² X1.41.76-77

51.357 In his written statement to this Inquiry,¹ Private INQ 2003 told us that Sergeant O had told him afterwards that he had been beside UNK 750 when they were both splashed with acid. Private INQ 2003 stated that he did not believe this and did not think that Sergeant O believed it either.

¹ C2003.32

51.358 In his oral evidence to this Inquiry,¹ Private INQ 2003 said that he was not sure that it was Sergeant O who had told him about being splashed with acid. It could have been Private T. He thought that the substance was an irritant, but not acid, because acid would cause burns and "*Most of what [Private] T had and Sergeant O had was rashes*". He did not know whether UNK 750 had been present on Bloody Sunday. He said that the soldier who was hit by an acid bomb had been hit on the legs, not on the face.²

¹ Day 307/49-51

² Day 307/99-100

Lance Corporal INQ 2121

- 51.359** Lance Corporal INQ 2121 was a member of 8 Platoon, C Company, 1 PARA. In his written statement to this Inquiry¹ he told us that he heard radio traffic while in the battalion Medical Officer's vehicle from which he gathered that acid bombs had been thrown, but it was not clear whether the casualties were military or civilian. In his oral evidence to this Inquiry² he said that he heard this radio traffic while on his way into the Bogside.

¹ [C2121.2](#)

² [Day 369/212](#)

- 51.360** In his supplementary written statement to this Inquiry,¹ Lance Corporal INQ 2121 identified himself as "Soldier Y" in an article by Toby Harnden published in the *Daily Telegraph* on 20th May 1999.² In that article, "Soldier Y" was quoted as saying that he and the Medical Officer had "*picked up a couple of our boys who had minor wounds from acid bombs thrown by the rioters*".

¹ [C2121.5](#)

² [L282](#)

- 51.361** In his written account to us Lance Corporal INQ 2121 also stated that after he and the Medical Officer had disembarked, the Medical Officer spoke to another soldier. Lance Corporal INQ 2121 thought that the Medical Officer was trying to find out where the soldier was who had been injured by an acid bomb; and that the injured soldier might have been put into the Medical Officer's vehicle, but he was not sure about this.

- 51.362** In his oral evidence to this Inquiry,¹ Lance Corporal INQ 2121 was asked whether he had any recollection of picking up two soldiers with minor wounds from acid bombs, and said that he did not. He recalled someone else being in the back of the vehicle apart from himself and the other escort, but could not say who it had been.

¹ [Day 369/226-227](#)

Warrant Officer Class I Wood

- 51.363** At the time of Bloody Sunday, Warrant Officer Class I Wood was serving in the Special Investigation Branch of the RMP and as such took some of the RMP statements of the soldiers. In his written statement to this Inquiry,¹ Warrant Officer Class I Wood told us that one of the soldiers told him in an interview that he had battery acid burns. Warrant Officer Class I Wood could see that the soldier's leg had been reddened by something corrosive, and believed that something had been thrown at the soldier, but was sceptical of the

claim that it was battery acid. He could not believe that civilians would have decanted battery acid, and did not understand how the soldier could know that it was battery acid as opposed to any other type of acid.

¹ [CW1.10](#)

51.364 In his oral evidence to this Inquiry,¹ Warrant Officer Class I Wood implicitly confirmed that this soldier was Private T. He said that he believed that the soldier had been hit by acid, but could not see how the soldier knew that it was battery acid.

¹ [Day 383/175-178](#)

Evidence from civilians

Maureen Gerke

51.365 In her NICRA statement,¹ Maureen Barr (now Maureen Gerke) said that she saw acid being thrown at the soldiers from the Rossville Flats after one of the casualties had been shot.

¹ [AG27.18](#)

51.366 In her written statement to this Inquiry,¹ Maureen Gerke said that she had no recollection of acid being thrown from the roof of Block 1 of the Rossville Flats. She would not have known whether acid was being thrown or not.

¹ [AG27.5](#)

51.367 In her oral evidence to this Inquiry,¹ Maureen Gerke said that she could not remember anything being thrown from the flats on that day. However, she said that she must have believed that acid had been thrown when she made her NICRA statement.²

¹ [Day 133/84-85](#)

² [Day 133/107-108](#)

Thomas Wilson

51.368 In his NICRA statement,¹ Thomas Wilson said that someone in the Rossville Flats threw acid at a soldier who had taken up a defensive position after he had disembarked from the back of an APC in the car park. The bottle of acid hit the APC instead of the soldier. The soldier fired up at the flats. Thomas Wilson could not say whether the soldier fired a rifle or a baton gun, because another shot was fired at the same time and “*a fellow who had been running away towards his flat was lying on the ground*”.

¹ [AW19.1](#)

51.369 In his written statement to this Inquiry,¹ which was unsigned but verified in his oral evidence,² Thomas Wilson told us that he saw about five or six bottles thrown over the side of Mura Place and Donagh Place from about the point he marked N on a plan³ (towards the north end of Block 1). There was glass everywhere. Thomas Wilson thought that it looked as though the bottles contained paint, but was told later by someone that they contained dilute acid. An APC “*coming in towards the car park*” was hit by a bottle. A soldier standing at the point he marked D on the plan (near the north-east corner of Block 1) pointed his rifle up to the flats above where the soldier was standing. Thomas Wilson believed that the soldier did this in response to the bottle throwing. He did not remember the soldier’s rifle being fired, but could not say that it was not fired. The soldier had adopted a firing position but did not appear to be aiming at anyone in particular. Thomas Wilson heard a shot while the soldier’s rifle was raised but thought that it might have been fired by someone else nearby. When the shot rang out a man dropped to the floor on the balcony of Mura Place in the area from which bottles were being thrown. Thomas Wilson did not know whether this man had been shot, and did not know who he was. Thomas Wilson said that the “*fellow ... lying on the ground*” described in his NICRA statement was the man who dropped to the floor on the balcony.⁴

¹ AW19.4-5

³ AW19.13

² Day 84/1

⁴ AW19.9

51.370 In his oral evidence to this Inquiry,¹ Thomas Wilson said that the bottles that he thought contained paint were white. He explained that the APC had stopped before it was hit by the bottle. It did not appear to him that the soldier who raised his rifle in response to the bottling had fired it. He did not think that the man who dropped down on the balcony was the man who had thrown the bottle at the APC. He thought that the man who dropped down was a journalist or photographer, as he believed that this man had a camera in his hand and had been taking pictures. As far as he recalled, those throwing the bottles were teenagers. He said again that he did not believe that he had seen the soldier fire.² He also said that the bottles were thrown from the second and/or third bays from the north end of the middle balcony of Block 1,³ as shown in the photograph below, which was taken on Bloody Sunday by Derrik Tucker Senior. He was asked whether he saw anyone on the top balcony and said “*not really*”.

¹ Day 84/15-19

³ Day 84/94-95

² Day 84/72-73



Inquiry expert evidence

Dr Richard Shepherd

51.371 Dr Richard Shepherd, the independent pathologist who gave expert evidence to this Inquiry, commented generally on acid burns in one of his reports.¹

“I note the claims by Soldiers R & T and the comments made by the 1 Para Medical Officer in his original statement and in the single page of the recent statement for the Inquiry.

General Comments

The skin is a resilient material and it is designed to resist trauma of many kinds. While some areas of the skin are more resilient (palms of the hands etc) most of the skin has similar properties.

There are three factors that determine the effects of acid on skin.

1. The physico-chemical properties of the acid; ‘strong’ acids (eg hydrochloric acid or sulphuric acid) can cause severe burns to skin while ‘weak’ acids (eg acetic acid or citric acid) will have little or no effect.
2. The concentration of the acid; more concentrated acid solutions are more likely to cause damage to the skin than less concentrated ones.

3. The duration of contact of the acid with the skin; if the acid is 'strong' enough and concentrated enough to be the cause of damage then the longer the period of exposure the greater the damage to the skin will be.

Effects of exposure of the skin to acids

There may be no damage to the skin. If damage is caused then it may range from simple reddening to blistering and it may extend to the formation of deep 'ulcerated' areas.

Treatment

Initial first aid treatment for acid exposure is washing of the skin with large quantities of water to dilute and remove the acid. Any affected clothing should be removed as this will otherwise retain acid and prolong the period of burning.

If the burns are more severe then other measures, for instance the application of antiseptic creams, may be required. In the most severe cases admission to hospital for in-patient treatment and possibly skin grafting would be necessary.

Photography

It is impossible to determine if any marks would have remained after exposure to acid. Clearly any severe acid burns would have been visible for a long period and may even have resulting in scarring. Exposure that only caused reddening of the skin may have been visible for hours or days only and this type of injury does not have resulted [sic] in scarring. Any visible marks on the skin could, of course, have been photographed."

¹ [E32.1-E32.2](#)

Medical records

51.372 In a letter to the Inquiry dated 16th March 2000, the Ministry of Defence stated that the medical records for Private R and Private T contain nothing that relates to or documents any injury sustained on Bloody Sunday.

Evidence from radio communications

51.373 The 1 PARA log¹ records a situation report given to Brigade HQ at 1700 hours, in which it was reported that two soldiers had suffered minor acid burns and were remaining with their companies.

¹ [W91](#) serial 41

51.374 The Brigade log¹ and the transcript of James Porter's recording of radio traffic on the Brigade net² record a casualty report from 1 PARA to Brigade HQ at 1706 hours, stating that two minor acid burn casualties had been treated by the battalion Medical Officer.

¹ [W50](#) serial 213

² [W140](#) serial 567

51.375 The Brigade log¹ records a situation report given in relation to 1 PARA at 1743 hours, in which it was reported that two men were suffering from acid burns, and that the acid had been thrown from the Rossville Flats.

¹ [W52](#) serial 233

Conclusions on the evidence relating to acid bombs

51.376 From the evidence summarised above, we are sure that a number of bottles (it is not clear how many) containing some form of acid or other corrosive liquid were thrown down from a balcony of Block 1 of the Rossville Flats. When the bottles broke on landing some of the liquid in the bottles splashed Private T and Private R on their trousers, which were slightly damaged. As was reported that afternoon to Brigade HQ, these soldiers sustained minor acid burns. Neither was in serious pain though one had some physical discomfort, according to Lieutenant N. Both had water poured over the splashes to counteract the effect of the liquid and changed their trousers; and one was treated by the 1 PARA Medical Officer. There is no evidence to support Private R's assertion that his later deterioration in fitness was attributable to being splashed with the liquid from the bottles, and it seems unlikely that minor acid burns would have had this effect.

51.377 We are also sure that Private T fired two shots at the man he believed (in our view correctly) was responsible for throwing the bottles. He did not believe that he had hit the man with either shot and there is no evidence to suggest that he did. We consider later in this report¹ whether one of the shots fired by Private T may have hit Patrick Brolly, though we can state at this stage that neither was he on a balcony and nor was he the man at whom Private T fired.

¹ [Paragraphs 55.311–346](#)

51.378 Private T fired these shots after being told by Sergeant O to fire if another acid bomb was thrown.

51.379 The Yellow Card¹ (which, as explained elsewhere in this report,² set out the circumstances in which soldiers were permitted to open fire) provided in Rule 6 that a warning had to be given before opening fire except in the circumstances described in Rules 13 and 14. Those rules were concerned respectively with firing at a person using or carrying a firearm, and with firing at a vehicle whose occupants had opened fire or thrown a bomb or were about to do so. “Firearm” was defined as including a grenade, nail bomb or gelignite-type bomb, but the definition was not extended to acid bombs. It follows that Private T, in firing without warning, was in breach of the Yellow Card.

¹ ED71.1-2

² Paragraphs 8.121–123

51.380 Rule 12 of the Yellow Card permitted a soldier to fire after warning if “*there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured*”.

51.381 Sergeant O was asked how his order to Private T to shoot the acid bomber was consistent with the Yellow Card. His answer was:¹

“A. In my opinion Private T was in danger of his life. If an acid bomb had come off that roof, smashed on the head, he stood a good chance of either being blinded or dead. As far as I was concerned he was entitled to shoot at the man.”

¹ Day 335/84-85

51.382 We accept that both Sergeant O and Private T believed that acid bombs were being thrown down at the soldiers from a balcony in Block 1 of the Rossville Flats. Although in the event these caused only minor injuries, we accept that at the time Sergeant O was justified in his opinion that further such missiles could have caused serious injury, though we do not accept that acid bombs would be likely to cause fatal injuries. Sergeant O’s comment about an acid bomb hitting Private T’s head would apply to any bottle, whatever its contents, and would be unlikely to cause death if Private T was wearing a helmet.

51.383 In our view the failure to give a warning was not a technicality. The terms of Rules 13 and 14 of the Yellow Card suggest that firing without warning was permitted only in certain situations in which to give a warning was either impracticable, or undesirable, because the soldier was facing an imminent attack with a firearm or explosive device and thus any delay could lead to death or serious injury. Those considerations do not apply to a threat from a falling object which can be dodged. It is not unrealistic to think that a warning might have been an effective deterrent, the more so where the threat was less dangerous than gunfire, so that the assailant might not have realised unless warned that he was

exposing himself to a danger of being killed. In our view there was a real possibility of ending the threat by giving a warning, so that it was a serious matter for Private T, without warning, to try to kill the man instead. Furthermore, we are not persuaded that Private T had no other way of protecting himself, by putting on his helmet (if he was not already wearing it), or moving to a safer position, or seeking to dodge any falling bottles. In these circumstances we do not accept that Sergeant O was entitled to assume that the condition stated in Rule 12 would be met and thus that Private T would be justified in firing.

- 51.384** On Private T's evidence, he fired his first shot either as the man released the bottle, or just after he had released it. He then fired a second shot at the man. Quite apart from the failure to give a warning and the matters to which we have referred in the previous paragraph, that second shot was in our view unjustified, since there was, once the acid bomb had been thrown, no further immediate danger from the man.

Chapter 52: Summary of the shots and targets claimed by the soldiers of Mortar Platoon

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52.1 At this point we bring together our summaries of the shots and targets claimed by the soldiers of Mortar Platoon.

Soldiers from Lieutenant N's Armoured Personnel Carrier

Lieutenant N

52.2 According to Lieutenant N, he fired three shots up the Eden Place alleyway and ejected one round unfired. Then, after returning to his APC, he went forward to a position close to Pilot Row, fired at and believed he had hit in the thigh a man he described as about to throw a bomb, who was at the corner of the southernmost house on Chamberlain Street.

Private S

52.3 According to the accounts given by Private S, about five minutes after he reached a position near the back wall of the last but one house in Chamberlain Street and from that position, he fired four groups of three shots at a man who was firing a rifle in his direction from the gap between Blocks 1 and 2 of the Rossville Flats. He said that he believed he missed the man with his first group of shots but hit him when he fired his second group. Similarly, he said he believed he missed the man when he fired his third group of three shots but hit him when he fired his fourth group. His evidence was that there was a gap of about 30 seconds between each of his groups of shots, and that after he had fired each group of shots, the crowd came between him and the man he was seeking to shoot. He said he did not know whether on each occasion that he fired a group of shots, it was at the same man.

Lance Corporal V

52.4 On the basis of the evidence Lance Corporal V gave to the Widgery Inquiry and of his trajectory photograph, this soldier was near the fence across the southern edge of the Eden Place waste ground when he observed a man with a petrol bomb quite close to the end of Chamberlain Street. If the compiler of the RMP map correctly recorded on it what Lance Corporal V had told him, Lance Corporal V must have given an explanation to the RMP in which he placed his target further south, close to the low wall that ran along the back of Block 2 of the Rossville Flats, and placed himself closer to the back wall of the Chamberlain Street houses. The Loden List of Engagements puts Lance Corporal V and his target in similar positions to those shown on his RMP map.

- 52.5** Lance Corporal V gave differing accounts of the circumstances in which he fired at this man; in his first two accounts (his RMP statement and his statement to John Heritage) he said that he saw the man throw the petrol bomb and that it did not explode, after which he fired at the man. In his written statement for and oral evidence to the Widgery Inquiry, he stated that it was only after he had fired that he realised that the man had thrown the petrol bomb. He insisted in his oral evidence to this Inquiry that his oral account to the Widgery Inquiry was to be preferred and that he had shot in accordance with the Yellow Card at a man who was posing a danger to life, though he agreed that he had shouted no warning. He believed that he had hit the man at whom he had fired.

Private Q

- 52.6** According to the accounts of Private Q, he was at the north-east corner of Block 1 of the Rossville Flats when he saw a man in the gap between Blocks 2 and 3 throwing a number of objects, which Private Q believed were nail bombs, towards soldiers in the area of the houses at the end of Chamberlain Street. One exploded about ten yards from Sergeant O's APC. When the man reappeared and was about to throw again, Private Q fired a single shot at him. He said that he believed that he had hit the man in the chest and had killed him.

Soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in Rossville Street

Corporal P and Private U

- 52.7** We consider these soldiers' accounts when dealing with the events of Sector 3.¹

¹ [Chapters 73](#) and [85](#)

Private R

- 52.8** According to the accounts of Private R, he ran to where Sergeant O's APC had stopped in the Rossville Flats car park, from where he saw a man about halfway down the eastern side of Block 1 with a fizzing or smoking object in his hand. He fired one shot at this man and believed that he had hit him in the shoulder. After acid bombs had been dropped near him he saw a man's hand with a pistol appear from the gap between Blocks 2 and 3 of the Rossville Flats. Private R fired three shots at this man but did not know whether he had hit him.

Soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in the Rossville Flats car park

Sergeant O

52.9 According to the accounts given by Sergeant O, while he was near his APC and soon after he had arrested William John Doherty, he fired three shots at a man holding a pistol who was behind a Cortina car on the south-east side of the car park; then three shots at a man holding an M1 carbine or similar weapon towards the south-west end of the lower balcony of Block 3 of the Rossville Flats; and finally two shots at a man holding an M1 carbine or similar weapon at ground level on the corner of the gap between Blocks 2 and 3. He said he was sure he had hit his first two targets, but said he thought that he had not hit his third. He estimated the time between firing at his first target and firing at his third as about three to four minutes.

Private T

52.10 Private T said that, while close to Sergeant O's APC, he fired two shots towards a man he believed was throwing acid bombs down from a balcony of Block 1 of the Rossville Flats, but did not hit him.

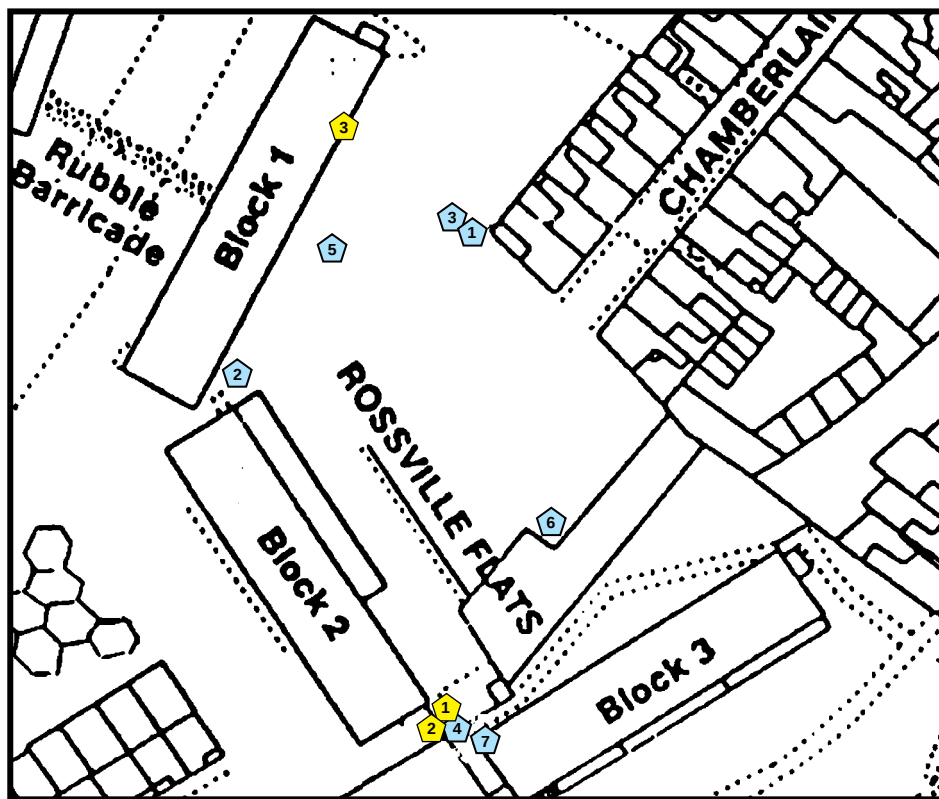
Order of evidence

52.11 The order in which we have dealt with the evidence of the soldiers above is based upon the convenience of taking first the soldiers from Lieutenant N's APC, then those who disembarked from Sergeant O's APC in Rossville Street, and finally those who disembarked from that APC in the car park.

Summary of shots and targets

52.12 On the basis of these accounts, leaving aside Corporal P and Private U, whose evidence we consider in the context of Sector 3, the soldiers of Mortar Platoon fired 32 shots, hitting three nail or blast bombers, one petrol bomber, one man with a pistol, and two or three men with rifles or carbines, while missing an acid bomber, and probably missing another man with a pistol and another man with a carbine. We set out below a map on

which we have marked the positions, according to the accounts of the soldiers, of the targets that they said that they had, or thought they had, hit and the targets that they said that they had, or thought they had, missed.



 Targets the soldiers claim to have hit

- 1 Lieutenant N's target: man about to throw a bomb
- 2 Private S's target: man (or more than one man) with a rifle
- 3 Lance Corporal V's target: man with a petrol bomb (location based on Lance Corporal V's evidence to the Widgery Inquiry)
- 4 Private Q's target: man with nail bombs
- 5 Private R's target: man with fizzing or smoking object
- 6 Sergeant O's target: man with a pistol behind a Cortina
- 7 Sergeant O's target: man with a rifle on lower balcony of Block 3

 Targets the soldiers claim to have missed (or do not claim positively to have hit)

- 1 Private R's target: man with a pistol
- 2 Sergeant O's target: man with a rifle
- 3 Private T's target: man with acid bombs on Block 1 balcony

52.13

According to these accounts, therefore, the soldiers of Mortar Platoon hit seven or eight gunmen or bombers.

52.14 We should add at this point that there is no evidence to suggest that any other soldier fired in Sector 2. There is also no evidence to suggest that any soldier in Sector 2 fired more or fewer shots than he claimed to have done. Although the representatives of the majority of represented soldiers submitted that some of those shot in Sector 2 might have been hit by accident,¹ none of the soldiers except Private R admitted even the possibility that this could have been the case. Whether or not anyone was in fact hit by accident is a matter that we consider later in this report.²

¹ [FS7.1579](#); [FS7.1584](#); [FS7.1602](#)

² [Chapter 64](#)

Chapter 53: Summary of the firing soldiers’ evidence of incoming fire

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53.1 Earlier in this report¹ we gave reasons for our view that there was no acceptable evidence of incoming fire in Sector 2 before the soldiers opened fire in that sector. We have already considered the evidence that Mortar Platoon soldiers and others gave in this regard, but despite repetition and for the sake of clarity we give here a resumé of the evidence of those who fired in Sector 2.

¹ [Chapters 49](#) and [50](#)

The soldiers from Lieutenant N's Armoured Personnel Carrier

Lieutenant N

53.2 In his statement for the Widgery Inquiry,¹ Lieutenant N said that during the period in which he was occupied around Eden Place he was aware of firing, but that none of it affected him directly and he could not say exactly when it began or ceased. He did not say whether he thought that the fire was incoming or outgoing. In his oral evidence to the Widgery Inquiry,² he said that certain shots that he thought were fired at Army vehicles standing outside the Rossville Flats after bodies had been collected from the rubble barricade were the first that he had heard. For reasons given when discussing the events of Sector 3,³ we consider that no shots were fired at Army vehicles at that stage. In our view Lieutenant N wrongly identified the firing that he heard at that stage as non-military fire. In his oral evidence to this Inquiry,⁴ Lieutenant N said that he no longer recalled the shots fired at the vehicles after the collection of the bodies and had “*no aural memory at all of that day*”.

¹ B399

³ Chapter 123

² WT12.67; WT12.69; WT12.72; WT12.79

⁴ Day 323/29; Day 322/114

Lance Corporal V

53.3 In his written statement to the Widgery Inquiry, Lance Corporal V described hearing the sound of single shots and seeing bullets hit the ground to his right as he ran forward behind Private S.¹ He said in his oral evidence to the Widgery Inquiry that the fire that he heard as he ran behind Private S was high velocity rifle fire which he thought was coming from the passage between Blocks 1 and 2.² He also recorded in his Royal Military Police (RMP) statement that firing was taking place towards the soldiers from several positions with several types of weapon,³ and that firing from the “*flats area*” continued after he had shot at the man he said he had seen throw a petrol bomb;⁴ and in his written statement for the Widgery Inquiry he said that at a late stage, when his squad commander was conducting an ammunition check, there was still occasional firing from the right side of the Rossville Flats.⁵

¹ B801

⁴ B789

² WT13.11

⁵ B802

³ B788

53.4 In his written statement to this Inquiry, Lance Corporal V described hearing a burst of automatic fire and seeing bullets hitting a wall between him and a soldier who was in front of him, which he thought had been directed at him from the area of the Rossville Flats.¹ His written statement to this Inquiry could mean that this occurred after his confrontation with a member of the Order of Malta Ambulance Corps and before he had fired at the man he claimed was a petrol bomber.²

¹ [B821.003](#)

² [B821.004](#)

53.5 In his oral evidence to this Inquiry, Lance Corporal V said that he could no longer recall hearing single shots or seeing bullets hitting the ground. He also said that he had no “*clear-cut memory*” of automatic fire hitting a wall and conceded that it was possible that his recollection of automatic fire (which he had not mentioned in 1972) might be at fault. However, he said: “*there was a lot of fire coming at us and maybe I have only just remembered that bit.*”¹

¹ [Day 333/55-59](#)

Private S

53.6 Private S gave an account to the Widgery Inquiry of being fired on as he and others disembarked from Lieutenant N’s APC. We have earlier¹ given our reasons for rejecting this account.

¹ [Paragraphs 26.36–43](#) and [26.52](#)

53.7 Private S gave an account to the RMP of seeing a gunman fire about six shots from a ground floor window of Block 1 of the Rossville Flats at soldiers deployed around Sergeant O’s APC.¹ He told us that this account was untrue.² He also gave an account to the Widgery Inquiry of shouting to Sergeant O that the latter was under fire, but it is not clear from where this fire was said to be coming. In his oral evidence to the Widgery Inquiry, Private S used the model of the Bogside to point out the direction from which the fire had come but it is impossible to tell from the transcript of his explanation which direction he was indicating.³

¹ [B703](#)

³ [WT13.3-WT13.4](#)

² [Day 332/65-74](#)

53.8 Private S also told the RMP that he thought that a man who was in the gap between Blocks 1 and 2 of the Rossville Flats had fired about four rifle shots towards him. Private S then saw that the man had a rifle and fired three shots at him. About 30 seconds later the crowd opened up and a man in the same position fired two shots towards him; and

Private S fired three shots back. After another 30 seconds a man reappeared and fired another three shots and again Private S fired three shots at the man. After another 30 seconds a man reappeared and fired four shots and again Private S fired three shots at him. On this account, therefore, there were in all 13 incoming shots during this incident.¹

¹ [B692-694](#)

Private Q

53.9 According to the accounts that he gave in 1972, Private Q heard four or five low velocity shots when he reached the north end of the Rossville Flats about 45 seconds or a minute after he had disembarked from Lieutenant N's APC, but did not know where they had landed or where they had come from and was not aware of any firing directed at him or the other soldiers from Lieutenant N's APC.¹

¹ [B636; WT12.93-WT12.95](#)

The soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in Rossville Street

Corporal P

53.10 Corporal P gave an account to the Widgery Inquiry of hearing two incoming high velocity shots when he reached the wall to the south of Kells Walk,¹ though there was no mention of this firing in either of his RMP statements.²

¹ [B592; WT13.46](#)

² [B576; B588](#)

Private R

53.11 Private R gave several accounts of hearing high and low velocity shots from the flats area when he disembarked, when he was running to catch up with Sergeant O's APC and when he reached it.¹ In his written statement to this Inquiry, he described hearing what sounded like firing from an Armalite rifle or M1 carbine, a Thompson sub-machine gun and a starting pistol.²

¹ [B658; B670; WT13.73; WT13.79-WT13.80; B691.002-003](#)

² [B691.002](#)

- 53.12 In his written statement to this Inquiry, Private R told us that high velocity fire still seemed to be coming from the Rossville Flats as he fired at a man who was throwing a smoking object.¹ He told us that at about that time there was a series of short bursts fired together, but he could not be sure that this was automatic fire. He told us he thought that incoming fire was continuing, although not at the same intensity, while he received treatment for acid burns.²

¹ B691.003

² B691.004

Private U

- 53.13 In his written statement for the Widgery Inquiry,¹ Private U gave an account of hearing automatic gunfire as Sergeant O's APC drove into the Bogside. He also gave accounts of seeing or hearing automatic low velocity shots as he moved towards the Rossville Flats after disembarking, as he was taking an arrested citizen back to the junction of William Street and Rossville Street and as he returned towards the Rossville Flats;² and low and high velocity shots after he had reached the north-west corner of Block 1 of the Rossville Flats.³

¹ B787.18-19

³ B769

² B767

- 53.14 In his oral evidence to the Widgery Inquiry, Private U said that he could not remember whether he had heard fire between disembarking and the arrest of the civilian.¹ He also said that he thought that the first shots that he had heard after disembarking came from the area of Glenfada Park.² In his written statement to this Inquiry, Private U told us that he thought the first gunfire that he heard after disembarking came as he was escorting the arrested civilian.³ He no longer recalled seeing fire near Major Loden's vehicle (which is the fire that he said in 1972 that he saw as he returned to the area of the flats, having handed over the arrested civilian).⁴ He thought that the shots that he heard while he was at the north-west corner of Block 1 came from the car park, from "*further south from there*" and from Glenfada Park North.⁵ In his oral evidence to this Inquiry, Private U said that he could not remember whether he was aware of gunfire at the time at which he made the arrest.⁶ He said that he recalled hearing gunfire as he moved to the north-west corner of Block 1⁷ (having said in his written statement to this Inquiry that he did not recall coming under fire at this stage⁸).

¹ WT13.96

⁵ B787.007

² WT14.2

⁶ Day 369/41

³ B787.005

⁷ Day 369/47-48

⁴ B787.010

⁸ B787.005

The soldiers from Sergeant O's Armoured Personnel Carrier who disembarked in the car park

Sergeant O

53.15 In his first RMP statement Sergeant O said that after six arrests had been made, he heard shots. The firing came from four to five weapons of mixed calibre.¹ Sergeant O said that during the subsequent engagements he and his section were under constant small arms fire from several positions in the Rossville Flats area.²

¹ B440

² B441-442

53.16 In his statement for the Widgery Inquiry, Sergeant O said that the firing started after he had arrested a man and while he was following the arrestee back to the APC.¹ He described further incoming fire from the flats as he engaged his targets. The firing then slackened off and became sporadic.²

¹ B467

² B468

53.17 In his oral evidence to the Widgery Inquiry, Sergeant O said that the firing from the Rossville Flats started after he had arrested a man and handed that man over to a senior non-commissioned officer. It was as Sergeant O returned to the vehicle that the firing started. He said that he had only heard riot guns being used before this firing occurred. The firing came from four or five positions and was of low velocity and, possibly, high velocity. He heard firing from paratroopers about ten seconds after the initial firing from the Rossville Flats.¹ He said that he thought that a total of 80 to 100 shots had been fired from the Rossville Flats and that this was the most intensive fire that he had experienced in Northern Ireland.²

¹ WT13.27-WT13.28

² WT13.38

53.18 In his written statement to this Inquiry, Sergeant O said that, after he had arrested a man and while his soldiers were carrying out other arrests, he heard about 20 to 30 rounds being fired from between three and five positions in the Rossville Flats. The fire was a mixture of high and low velocity.¹ Although he is recorded as having told Praxis Films Ltd that at one stage he had heard automatic fire,² he told us in his oral evidence that he did not remember saying this.³

¹ B575.113

³ Day 335/49

² O22.59

53.19 As we have noted earlier in this report,¹ Sergeant O described in particular those he said he fired at, namely a man with a pistol firing from behind a vehicle on the south-east side of the car park, a man with what could have been an M1 carbine firing towards the south-west end of the lower balcony of Block 3 of the Rossville Flats, and another man with a similar weapon who fired from ground level from the gap between Blocks 2 and 3.

¹ [Paragraphs 51.208–265](#)

53.20 Sergeant O described the firing incidents that took place while he was in the area of the Rossville Flats as only lasting between three and five minutes in all.¹

¹ [O21.2](#); [Day 335/121](#)

Private T

53.21 Private T gave accounts to the Widgery Inquiry of hearing low velocity firing coming from the car park after he disembarked,¹ and subsequently a lot of shooting of all types in the area.² After this had died down “*we were just fired at in ones and twos*”.³ In his oral evidence to the Widgery Inquiry, Private T said that he heard firing 30 to 45 seconds after disembarking and that this fire “*could have been a burst of fire, or a semi-automatic rifle being fired very quickly*”.⁴

¹ [B735](#)

³ [WT13.91](#)

² [B736](#)

⁴ [WT13.88](#)

Chapter 54: General summary and consideration of the evidence of the soldiers of Mortar Platoon in Sector 2

54.1 If the accounts of the soldiers of Mortar Platoon are taken at face value, their vehicles were fired on as they entered the Bogside; the soldiers from Lieutenant N's APC were fired on as they disembarked or soon afterwards; firing was directed towards soldiers soon after they disembarked from Sergeant O's APC in Rossville Street and as they were conducting arrests; and soon after Sergeant O had arrested William John Doherty near to his APC in the car park, the soldiers came under substantial fire from a variety of firearms for some three to four minutes, as well as being subjected to an exploding nail bomb and a number of acid bombs. There were in addition unsuccessful attempts to throw two nail bombs and a petrol bomb.

54.2 On the basis of these accounts, as noted above,¹ Lieutenant N, Private Q and Private R shot three nail or blast bombers, Lance Corporal V shot one petrol bomber, Sergeant O shot one man with a pistol and Sergeant O and Private S shot two or three men with rifles or carbines. There was in addition an unsuccessful attempt by Private T to shoot an acid bomber, a probably unsuccessful attempt by Sergeant O to shoot another man with a carbine, and a probably unsuccessful attempt by Private R to shoot another man with a pistol. As we have already noted, in all the soldiers of Mortar Platoon fired 32 shots in Sector 2.

¹ [Chapter 52](#)

54.3 While two soldiers (Private R and Private T) sustained minor injuries from acid or a similar corrosive substance contained in bottles thrown down from a balcony of Block 1 of the Rossville Flats, none of the soldiers of Mortar Platoon in Sector 2 sustained any injury from nail or blast bombs, or firearms, despite the fact that most of them were in close proximity to those they said were deploying these weapons and despite the substantial amount of incoming fire which some said they encountered. On the other hand, according to their accounts, the soldiers of Mortar Platoon were able to shoot seven or eight people in the area of the Rossville Flats car park, all of whom were armed with lethal weapons.

54.4 We have already concluded, for the reasons we have given,¹ that we have found no acceptable evidence that there was incoming fire before these soldiers opened fire or that a nail bomb exploded as described by Private Q.

¹ [Chapters 49 and 50](#); [paragraphs 47.13–16](#) and [47.42](#)

54.5 Whether, and if so to what extent, reliance can be placed on the remaining accounts of the soldiers of Mortar Platoon in relation to the shots they themselves fired at people is a matter to which we return¹ after considering further evidence relating to Sector 2.

¹ [Chapter 64](#)

54.6 However, it is important to bear in mind at this stage that none of the soldiers of Mortar Platoon who fired in Sector 2 admitted either to shooting any of those who we are sure were hit by Army gunfire in Sector 2 (namely Jackie Duddy, Margaret Deery, Michael Bridge and Michael Bradley) or, except perhaps for Private R, that they could have hit any of them by accident or in the mistaken belief that they were doing something that justified them being shot. So far as Private R is concerned, while he told us that he believed that he had hit his intended target with his first shot, he appeared to accept that it was possible that this had hit someone else, though he denied the possibility that he had hit Jackie Duddy.¹ As to his subsequent shots, which he said he had fired at a gunman in the gap between Blocks 2 and 3 of the Rossville Flats, he told us he could not say whether it was possible that he had hit someone near the low wall parallel to Block 2 of the Rossville Flats, and that if this had happened, he would not have seen it.²

¹ [Day 337/65-66](#); [Day 337/143-144](#)

² [Day 337/69](#)

54.7 It has not been suggested, nor is there any evidence to suggest, that any of the known casualties was armed with a lethal weapon or doing anything that could have justified any of them being shot. We consider below (and for the reasons there given reject) the submission made on behalf of the majority of the represented soldiers¹ that Margaret Deery and Michael Bradley might have been shot by paramilitary gunmen, but no such submission was made in respect of the others, who no-one disputed were hit by Army gunfire.

¹ [FS7.1553](#); [FS7.1604](#)

54.8 On the basis of the evidence of the firing soldiers, therefore, the shooting of Jackie Duddy, Margaret Deery, Michael Bridge and Michael Bradley remains wholly unexplained. To our minds it inevitably follows that this materially undermines the credibility of the accounts given by the soldiers who fired. The evidence of one or more of them must be significantly inaccurate and incomplete. The question of whether, in addition to the known identified gunshot casualties, the soldiers also shot people who have not been identified is considered later in this report.¹

¹ [Chapter 60](#)

Return to an Address of the Honourable the House of Commons dated 15 June 2010 for the

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

Ordered by the House of Commons to be printed on 15 June 2010

Volume IV

Sector 2: The Launch of the Arrest Operation
and Events in the Area of the Rossville Flats
(Chapters 55–66)

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Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

VOLUME IV

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(Chapters 55–66; Chapters 22–54 of Sector 2 can be found in Volume III)

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Sector 2: The Launch of the Arrest Operation and Events in the Area of the Rossville Flats

(Chapters 55–66; Chapters 22–54 of Sector 2 can be found in Volume III)

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- 55.1** As we have already indicated, in Sector 2 Jackie Duddy was killed by gunfire, while Margaret Deery, Michael Bridge and Michael Bradley were wounded by the same means. Patrick McDaid, Patrick Brolly and Pius McCarron were also injured, though whether by gunfire or otherwise was a matter of controversy.

Jackie Duddy

- 55.2** There is no doubt that Jackie Duddy was shot and mortally wounded in Sector 2. There is equally no doubt, and none has been expressed, that he was shot by a soldier.

Biographical details

- 55.3** Jackie Duddy's full name was John Francis Duddy. In the course of this Inquiry, witnesses usually referred to him as either Jackie or Jack Duddy. His family knew him as Jackie, and that is the name that we have used in this report.
- 55.4** Jackie Duddy was 17 years old at the time of Bloody Sunday. He lived in Central Drive, Creggan, with his father, his five brothers, and eight of his nine sisters. His mother had died of leukaemia in 1968, aged 44 years. Jackie Duddy was employed as a weaver in the factory of Thomas French & Sons Ltd on the Springtown Industrial Estate. He was a keen and successful amateur boxer.¹

¹ [AD146.9-AD146.13](#); [AD146.35](#); [AD150.1-4](#); [N18](#)

Prior movements

- 55.5** Jackie Duddy went on the march on Bloody Sunday with some of his friends. His brother Gerry Duddy and sister Kay Duddy recall him saying that he was going to listen to Bernadette Devlin speaking.¹

¹ [AD146.19-20](#); [AD150.11](#)

Medical and scientific evidence

- 55.6** An autopsy of the body of Jackie Duddy was conducted by Dr Derek Carson, then the Deputy State Pathologist for Northern Ireland,¹ on 31st January 1972 at Altnagelvin Hospital. Three other doctors and two Royal Ulster Constabulary (RUC) photographers were also present.² The notes, reports and photographs from this autopsy have been considered by Dr Richard Shepherd and Mr Kevin O'Callaghan, who were engaged by

this Inquiry as independent experts on pathology and ballistics respectively. Dr Carson, Dr Shepherd and Mr O'Callaghan, all gave written and oral evidence to this Inquiry. Dr Carson also appeared before the Widgery Inquiry.

¹ [WT8.64; D532](#)

² [D20](#)

55.7 In his autopsy report,¹ Dr Carson described the following two gunshot wounds:

1. A fairly neat circular hole, 7mm in diameter, on the outer side of the right shoulder, centred 4cm below the tip of the acromion process. This appeared to be an entrance wound. It was surrounded by a narrow rim of abrasion, 1–2mm wide. There was no appreciable bruising around the wound nor was there any blackening of the skin.
2. A somewhat ragged exit wound, measuring 18mm x 8mm, on the left front. This wound was located near the shoulder and centred 9cm to the left of and 2.5cm above the suprasternal notch, and 14cm above the nipple. The long axis of the wound was almost vertical. It lay within an irregular oval zone of abrasion measuring 32mm x 16mm, around which there was vague reddish-purple bruising within an area measuring 9cm x 4.5cm.

¹ [D20](#)

55.8 Dr Carson noted that, with the arm by the side, the two wounds lay in a line passing from right to left, forwards at about 20° to the coronal plane and downwards at about 10° to the horizontal plane. A probe could not be passed through the entrance wound in a direct line between the two, even when the arm was put in a variety of positions.

55.9 The internal injuries found by Dr Carson are described in his report.¹

¹ [D22-D24](#)

55.10 Dr Carson summarised his conclusions about the fatal injury as follows:¹

“Death was due to a gunshot wound of the upper chest. The bullet had entered the outer part of the right shoulder and had passed behind the upper part of the arm bone and the right shoulder blade, notching the inner border of the shoulder blade, before passing through the inner end of the second right rib and the second thoracic vertebra. On striking the spine the bullet had been deflected slightly upwards and had then fractured the middle third of the left collar bone and the adjacent parts of the first and second left ribs before leaving the body through the upper part of the left chest. No bullet was recovered from the body.

In its course through the upper chest the bullet had damaged the upper part of each lung and divided the windpipe, the gullet and the left common carotid and subclavian arteries. Bleeding from the damaged blood vessels and lungs would have caused rapid death, whilst breathing would also have been severely impaired by the injury to the windpipe. Death must have occurred within a few minutes.

The extent of bony injury indicated that the bullet must have been fired from a medium or high velocity weapon but since the missile was not recovered it was not possible to determine the calibre. There was nothing to suggest that the weapon had been discharged at close range.

The track of the wound within the body indicated that after entering the body the bullet had first passed from right to left and slightly downwards until it struck the spine, whence it had been deflected slightly upwards and forwards. If the deceased was fully erect when struck, then the bullet must have come directly from his right and slightly above him.”

¹ D25

- 55.11 Dr Carson also described a number of minor external injuries.¹ His findings about these injuries were as follows:²

“Superficial injuries on the body surface included a shallow laceration on the outer part of the left eyebrow, and abrasions on the left cheek, the upper lip, the left cheek, the left side of the neck, on the backs of the hands and on the front of the left knee. Some were probably caused when he fell to the ground after being struck by the bullet; others, particularly those on the face and neck with a linear marking, could have been caused by his being dragged along face-downwards, or by his sliding along the ground on falling. All these injuries were of trivial nature and none played any part in the death.”

¹ [D21-D22](#)

² [D25-D26](#)

- 55.12 In his oral evidence to the Widgery Inquiry,¹ and in his written statement to this Inquiry,² Dr Carson confirmed the conclusions set out in his autopsy report.

¹ [WT8.74-WT8.75](#)

² [D536](#)

- 55.13 In their report, Dr Shepherd and Mr O’Callaghan reached conclusions similar to those of Dr Carson, which they summarised as follows:¹

“[Jackie] DUDDY was struck by a single bullet in the right shoulder which entered the back of the right side of the chest, damaged the right lung, spine, major blood vessels and the left lung and then exited through the left upper chest.

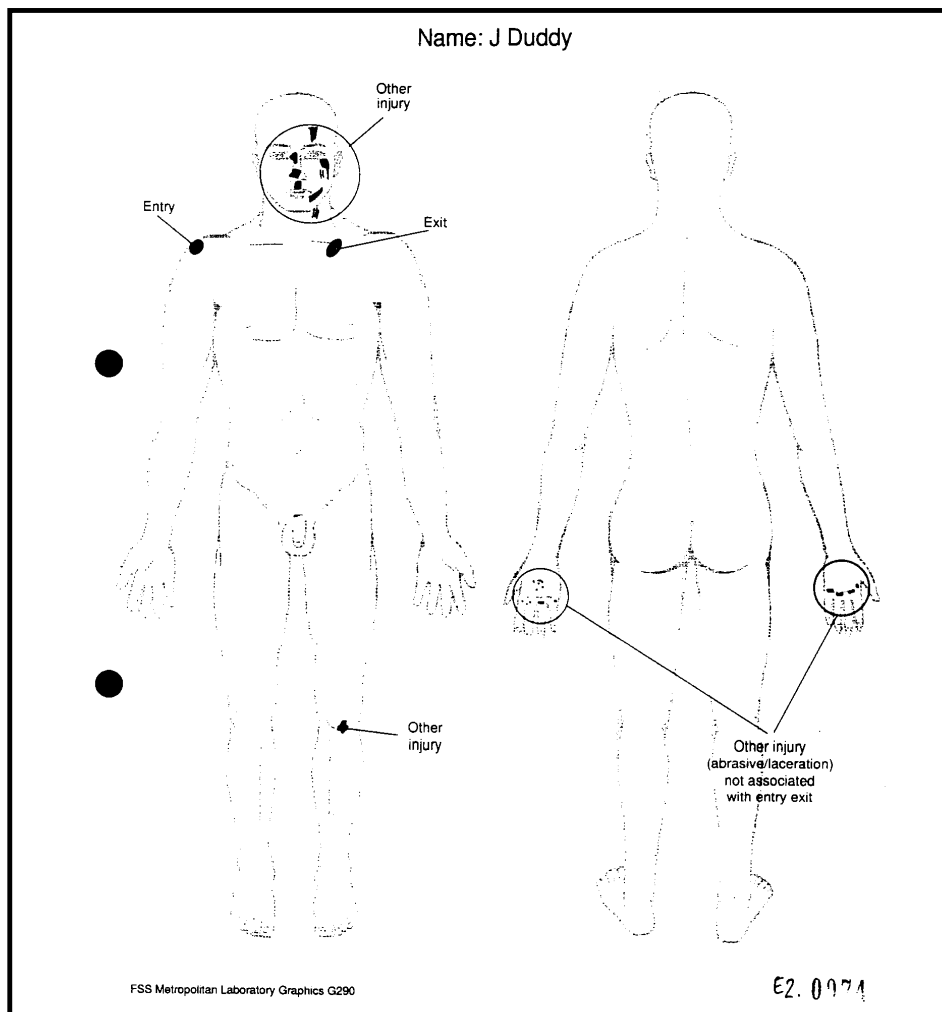
Assuming the Normal Anatomical Position the initial track clearly passed from right to left and there is probably a slight angle backwards. After deflection by the scapula the track passed forwards into the chest where it was again deflected this time by the spine. The greatest care must be exercised in interpreting the track angles in this injury since the mobility of the shoulder may allow for many different positions of the chest and body with the arm in the same position.

The other injuries are minor and due to blunt trauma. The injuries to the face and knee are consistent with a collapse, the injuries to the hand may have been caused in the same way but other forms of minor blunt trauma cannot be excluded.”

¹ [E2.32](#)

55.14 The photographs of Jackie Duddy's body taken in the mortuary show the wounds and other injuries described by Dr Carson. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O'Callaghan¹ illustrates the positions of the wounds.

¹ E2.74



55.15 Dr John Martin, then a Principal Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of Jackie Duddy. In his report dated 18th February 1972¹ he set out the following findings:

“There is a small hole in the right shoulder area of the jacket (item 1). Traces of lead were detected on the edge of this hole which is consistent with a bullet entry. A larger hole in the area of the left chest is consistent with bullet exit. There was corresponding damage to the shirt (item 2).”

¹ D11

55.16 Dr Martin tested the jacket that Jackie Duddy was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Apart from the traces of lead consistent with bullet entry around the hole in the right shoulder of the jacket, Dr Martin detected no significant number of lead particles on the jacket and none on the hand swabs. He concluded that Jackie Duddy had not been using a firearm.¹

¹ [D11](#)

55.17 Mr Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Jackie Duddy for explosives residue. None was detected.¹

¹ [D4](#)

Where Jackie Duddy was shot

55.18 When discussing the first shots fired by Lieutenant N, we referred to the evidence of the photographer Gilles Peress, who was in Chamberlain Street. After that incident, Gilles Peress ran on to the end of Chamberlain Street.¹ As he told the Widgery Inquiry, he saw a body in what he described as Rossville Square (by which he meant what we call the car park) beside which was a priest waving a handkerchief.² He then took the following photograph.

¹ [WT6.64](#)

² [M65.1.1](#)



55.19 Fulvio Grimaldi, the photojournalist, told the Widgery Inquiry that he arrived at the south end of Chamberlain Street and saw first aid men and priests around a body in the middle of the car park. He said that he watched them duck as they were being fired at from the

direction of the Army vehicles; and that he went back to the corner of Chamberlain Street and shouted at the soldiers to stop firing. The shooting continued; the first three shots went over his head. Fulvio Grimaldi then approached the group around the body and took photographs.¹

¹ M34.1; WT7.61

55.20

In his evidence to this Inquiry, Fulvio Grimaldi said that his recollection was that shots were fired and he shouted at the soldiers before he saw the body.¹ He told Paul Mahon² that he had seen Jackie Duddy fall;³ Fulvio Grimaldi does not appear to have said this on any other occasion and in our view it is probably wrong. It appears from the Mahon transcript that Fulvio Grimaldi was having difficulty in recalling the sequence of events surrounding the shooting of Jackie Duddy. Fulvio Grimaldi took the following photographs of Jackie Duddy lying in the car park.

¹ M34.58; Day 131/31-34

³ X4.48.51

² Paul Mahon completed an academic dissertation on the events of Bloody Sunday in 1997 and thereafter undertook further substantial research into the subject, in the course of which he conducted a large number of recorded interviews of witnesses, the great majority of whom were civilians.





55.21 In his written statement to this Inquiry,¹ Liam Bradley identified himself as the man shown wearing a cap in these photographs. In his written statement to this Inquiry, Charles Glenn, a Corporal in the Order of Malta Ambulance Corps, said that the first of these photographs showed the scene as he attended to Jackie Duddy. He can be recognised in this and the other two photographs by his Order of Malta Ambulance Corps uniform.²

¹ AB61.3

² AG43.4

55.22 It is possible, from the lines marking the car park bays, to see more or less exactly where Jackie Duddy was in the Rossville Flats car park when these photographs were taken. However, there is evidence that indicates that he was probably a little further north when he fell.

55.23 Fr Edward Daly (who later became Bishop Daly) is the priest shown in these photographs. In his evidence to the Widgery Inquiry,¹ and in an account given to Philip Jacobson and Peter Pringle of the *Sunday Times* on 16th March 1972,² he said that he had been in Rossville Street between Eden Place and Pilot Row when he heard the Army vehicles and saw them coming towards Rossville Street. He ran with others across the Eden Place waste ground and past the western end of the wire fence. At about the corner of the Rossville Flats he passed a young boy, and shortly after that, when the boy was a few feet behind him, he heard a shot ring out, looked round, and saw the boy falling. Fr Daly's evidence was that Jackie Duddy fell forwards onto his face and, alluding to the

car park markings, that he “*actually fell on the ground on the cross-section of one of those lines – I think about the third or fourth one in. Again I could not swear to that, but it was in the middle of that diagram for the cars*”.³

¹ H5.18; WT4.6; H5.12

³ WT4.7

² H5.56-57

55.24 Fr Daly ran on, not realising that a live round had hit Jackie Duddy, and then lay on the ground for cover. After a time, he looked over his shoulder and saw Jackie Duddy lying on his back. Fr Daly then went to the aid of Jackie Duddy.¹ He did not appreciate that in the meantime a Mr Barber had come to Jackie Duddy’s aid, and until he discovered this Fr Daly was puzzled as to how Jackie Duddy had come to be lying on his back.²

¹ WT4.9; H5.12

² WT4.7; WT4.9

55.25 We are sure that the man to whom Fr Daly referred in his evidence to the Widgery Inquiry was the late Willy Barber, who said in an interview with John Barry of the *Sunday Times* Insight Team that a young man (evidently Jackie Duddy) had been running on his left and suddenly fell forwards. Willy Barber and someone else put their arms under his shoulders and tried to drag him along, but found him very heavy and turned him over.¹

¹ AB9.3

55.26 Brian Johnston told us in his written statement to this Inquiry¹ that he saw Jackie Duddy fall forwards onto his face at a point that he indicated on a photograph as being near the centre of the line separating the third and fourth parking bays in the row of seven closest to Block 1 of the Rossville Flats, counting from the end closer to the waste ground.² Brian Johnston said that after he fell, Jackie Duddy’s head was pointing towards the south-east corner of the car park of the Rossville Flats and his feet were pointing towards Rossville Street.³

¹ AJ9.5

³ AJ9.5

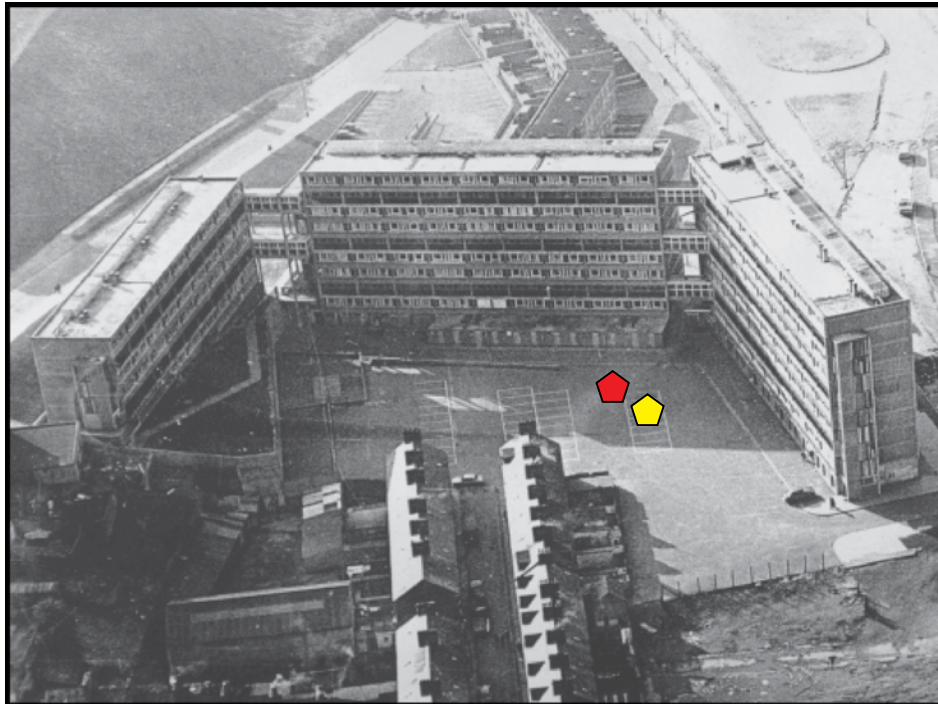
² AJ9.8

55.27 The Inquiry experts Dr Shepherd and Mr O’Callaghan noted in their report that Jackie Duddy sustained a number of minor injuries to the face (predominantly on the left side) and the front of the left knee, consistent with a collapse.¹ This in turn is consistent with the evidence that Jackie Duddy fell forwards.

¹ E2.0032

55.28 On the evidence of these witnesses we are sure that Jackie Duddy was shot and fell on his face as he was moving in a generally southerly direction, probably somewhere around the centre of the row of seven parking bays closest to Block 1 of the Rossville Flats, and

that his body was then dragged a short distance further on and turned over, so as to arrive in the position in which it is seen in the photographs shown above. We set out below an aerial photograph of the Rossville Flats, showing on the basis of this evidence where Jackie Duddy fell and where he was when the photographs were taken.



-  Point at which Jackie Duddy fell
-  Point to which Jackie Duddy was moved

Where Jackie Duddy had come from

55.29 According to the *Sunday Times* Insight article published on 23rd April 1972,¹ Neil McLaughlin, Jackie Duddy and others came along Chamberlain Street from William Street, and seeing the Armoured Personnel Carrier (APC) drawn up in the car park surged towards it, “*most if not all of them*” on their way to the back of the car park. However, a note prepared by John Barry of the *Sunday Times* Insight Team of an interview with Neil McLaughlin does not explicitly record that the group going along Chamberlain Street and into the car park included Jackie Duddy, but only that it included Neil McLaughlin “*and his mates*”.²

¹ L213

² AM347.12-15

- 55.30** According to this note, while Neil McLaughlin was a “*self-confessed aggro man*”, he described Jackie Duddy as someone who usually went miles to avoid trouble. The note does not record Neil McLaughlin saying that Jackie Duddy was taking part in the riot at Barrier 14, and implies the contrary in the remark “*If he wasn’t throwing stones, it was only because he was with Jack Duddy*”, though in his written statement to this Inquiry¹ Neil McLaughlin admitted that he himself did throw stones.
- ¹ [AM347.1](#)
- 55.31** Again according to this note, Neil McLaughlin said that the group of which he was part surged towards the soldiers who were disembarking from their vehicle (evidently Sergeant O’s APC). He saw an Order of Malta Ambulance Corps volunteer fall, not necessarily shot, “*by the back wall of the C[hamberlain] St row – in other words the crowd running forward had just about cleared the gable end*”; then Margaret Deery was shot on his right and Neil McLaughlin flung himself to the ground, after which he saw a crowd “*up in the car park*” clustered around another body; and then Michael Bridge ran past Neil McLaughlin and was shot.
- 55.32** To our minds this evidence suggests that Neil McLaughlin’s group was active in the area around the gable end and side wall of the garden of 36 Chamberlain Street, rather than in the area where Jackie Duddy was shot; and that if (as seems to us to be the case) Jackie Duddy was the person around whose body a crowd was clustered in the car park, he must have parted company with Neil McLaughlin some time before he was shot.
- 55.33** Neil McLaughlin’s evidence to this Inquiry was that he now had no recollection of seeing Jackie Duddy at all on Bloody Sunday, either before or after he was shot, although he accepted that it was possible that he had done so.¹ He took issue with, or said that he had no recollection of, several matters recorded in John Barry’s note.² However, we are of the view that John Barry’s note is likely to be an accurate account of what he was told by Neil McLaughlin.

¹ [AM347.9](#); [Day 91/15](#); [Day 91/18](#)

² [Day 91/16-37](#)

55.34 In his written evidence to this Inquiry,¹ Kevin Leonard told us that he recalled seeing Jackie Duddy throwing stones in the group of people rioting with him at Barrier 14, and that Jackie Duddy was ahead of him when they ran down Chamberlain Street. However, in his oral evidence to this Inquiry, he accepted that this was all presumption on his part:²

“Q. It seems to be the case that when you saw a person shot in the courtyard of the flats you did not appreciate that it was Jackie Duddy?

A. No, not at the time.

Q. Is it the case, really, that you presumed that because this person was shot in a group ahead of you running across the courtyard, he must have run from Chamberlain Street?

A. That is correct.

Q. You presumed also, then, that if he was running along Chamberlain Street, as you had, he must have been in William Street near the barrier as you had?

A. Yes.

Q. And therefore you presumed, effectively, that he was at the barrier in the group throwing stones?

A. Yes, that is correct.

Q. Really you cannot be sure that Jackie Duddy was in this group throwing stones at the barrier, is that fair?

A. Yes, that is a fair comment to say.”

¹ AL7.5

² Day 201/20-21

55.35 In his written statement to this Inquiry,¹ Patrick McKeever told us that he and his friend Joseph McGrory were in a group of four or five people running from the south end of Chamberlain Street towards the passage between Blocks 1 and 2 of the Rossville Flats. A young man (evidently Jackie Duddy) was running in the group, and fell in front of Patrick McKeever and to his right, clearly fatally injured. Joseph McGrory gave a similar account in his written statement to this Inquiry,² but added that he did not recall whether the young man had been running as part of a group or on his own; and in oral evidence³ he said that people were scrambling in all directions and he would never have known from where the young man had come.

¹ AM291.4

³ Day 81/73-74

² AM268.2

55.36 There is other evidence that suggests that Jackie Duddy may not have come down Chamberlain Street. We set out below, with some changes and additions, what we regard as an accurate summary of this evidence prepared by Counsel to the Inquiry:¹

- (a) In his written statement to this Inquiry² (see also his interview with Jimmy McGovern^{3,4}), Gerry Duddy said that he spoke to his brother Jackie at about the point marked C on the plan attached to his statement⁵ (on Rossville Street near the north end of Kells Walk). His brother told him that he had been up by the Army barrier in William Street. After a few minutes, his brother said that he was heading off, crossed Rossville Street and started to walk across the waste ground in the direction of the Rossville Flats. Subsequently the Army vehicles entered the area from Little James Street.
- (b) In her Northern Ireland Civil Rights Association (NICRA) statement,⁶ Isabella Duffy described coming out of her brother's flat in the Rossville Flats and seeing the arrival of the Army vehicles and the disembarkation of the soldiers. She said that she saw a little boy (in our view Jackie Duddy) running across the car park of the Rossville Flats "*from the direction of the soldiers*". She saw the soldiers shooting, and initially thought that they were firing baton rounds, but then saw the boy fall, apparently dead. In her statement to the Widgery Inquiry,⁷ she said that the boy was running away from the soldiers. In her oral evidence to the Widgery Inquiry, she said that her brother's flat was on the second floor of Block 2 of the Rossville Flats.^{8,9} She told the Widgery Inquiry¹⁰ that the boy was coming "*from the Saracens*". In her statement to this Inquiry,¹¹ she said that she saw Jackie Duddy running in from the entrance to the car park, and that he seemed to be at the tail end of the people who had run down William Street (sic) towards the Rossville Flats.
- (c) In his written statement to this Inquiry,¹² Brian Johnston said that Jackie Duddy had run from the waste ground by Pilot Row into the car park of the Rossville Flats, at the tail end of a small group.

¹ CS4.84-85

² AD146.2

³ Jimmy McGovern was the scriptwriter of the Channel 4 drama-documentary *Sunday*, first broadcast on 28th January 2002 to mark the 30th anniversary of Bloody Sunday.

⁴ AD146.23-24

⁵ AD146.6

⁶ AD158.14

⁷ AD158.8

⁸ WT5.53

⁹ Isabella Duffy gave us a different description of the location of her brother's flat (AD158.1). However, we are sure that the brother in question was the late Patrick Friel, since Isabella Duffy referred to him as Pat Friel (AD158.1), and Patrick Friel's son John Patrick Friel told us that Isabella Duffy was his aunt (AF32.25). Patrick Friel's address was 19 Garvan Place (AF38.1; AF38.3), which was at the western end and on the second and third floors of Block 2 of the Rossville Flats.

¹⁰ WT5.54

¹¹ AD158.2

¹² AJ9.5

55.37 It will be seen from the foregoing that there is conflicting evidence as to whether Jackie Duddy had come into the car park from the southern end of Chamberlain Street or from the Eden Place waste ground. On the whole we consider the latter the more likely. In this regard, although Fr Daly told us that he did not know where Jackie Duddy had come from when he saw him,¹ his evidence to the Widgery Inquiry was to the effect that he remembered the young boy running beside him: *"I was running and he was running and looking back, and I overtook him. He laughed at me. He was amused to see me running."* There was then this passage:²

"LORD WIDGERY: But you overtook him?

A. Yes. I am not an athlete myself. I do not think I am a very graceful runner. He looked at me at this point about the corner of the wire. That is why he stuck in my memory. I went in here and the Saracens came right up this way, and I remember that the first shot I heard, this young boy was about a few feet behind me and there was a shot, and simultaneously he gasped or grunted – something like that. I looked round and he just fell."

¹ Day 75/18

² WT4.6

55.38 We are sure that Fr Daly had come, as he said, from Rossville Street, somewhere between Eden Place and Pilot Row. The wire to which he referred in this passage was in our view the wire fence across the southern edge of the Eden Place waste ground, which Fr Daly must have passed at its western end. To our minds this account by Fr Daly is another indication that Jackie Duddy had come into the car park from the same general direction, rather than from the end of Chamberlain Street.

When Jackie Duddy was shot

55.39 Fr Daly has consistently stated that the shot that hit Jackie Duddy was the first shot that he heard after the soldiers entered the Bogside.¹ As already noted, he did not realise at first that what he had heard was a live round as opposed to a baton round, though he did say to us: *"I thought the shot was a bit sharp for that of a rubber bullet gun."*² Fr Daly told us that he did not recall hearing any reports of baton rounds before Jackie Duddy was shot. It is also clear from Fr Daly's evidence that Jackie Duddy was shot soon after the soldiers arrived.³

¹ H5.18; WT4.7; H5.3

³ WT4.7; H5.12

² WT4.7

55.40 Brian Johnston, to whose evidence we have referred earlier in this chapter,¹ gave a Keville interview² in which he described seeing Jackie Duddy fall about four to five feet to his right; and went over to lift him up. He said: “... *I know that up until this stage there were no guns fired at all.*”

¹ Paragraphs 55.26 and 55.36

² AJ9.12

55.41 We have discussed earlier in this report¹ the circumstances of the arrest of William John Doherty by Sergeant O near the back wall of the Chamberlain Street houses, which from the evidence we have considered in that context was soon after Sergeant O's APC had arrived in the car park. We now describe the evidence of a number of civilian witnesses whose accounts seem to us to show that Jackie Duddy was shot at the same time as, or immediately after, this incident.

¹ Chapter 40

55.42 We have referred above¹ to John Barry's note of his interview of Willy Barber. According to this note, Willy Barber said that he ran past a paratrooper who was trying to beat hell out of an old man with the barrel of his rifle. He turned at “*the Chamberlain St gable*” and saw someone thumping the soldier in the face. This enabled the old man to run off, but the soldier apprehended him again. Willy Barber ran, and a young man running beside him fell.² It seems to us that the “*old man*” was William John Doherty, and from Willy Barber's account of then trying to move the fallen man, which we have considered above, we are sure that this was Jackie Duddy.

¹ Paragraph 55.25

² AB9.2-3

55.43 We have also referred above¹ to the evidence of Isabella Duffy when considering the direction from which Jackie Duddy had come. In her NICRA statement, Isabella Duffy said that after she had seen a boy fall in the car park of the Rossville Flats she saw an old man being beaten.² In our view she was referring to Jackie Duddy and William John Doherty respectively.

¹ Paragraph 55.36

² AD158.15

55.44 Elizabeth Dunleavy told us that she saw the shooting of Jackie Duddy after she had seen three soldiers beating a “*boy*” (who may well have been William John Doherty) and after a “*boy*” in Order of Malta Ambulance Corps uniform had been hit by a baton round (perhaps Charles Glenn, although if so Elizabeth Dunleavy appears to have been mistaken as to how he was hurt).¹ Her NICRA statement² does not refer to the beating, but places the other two incidents in the same sequence.

¹ AD169.1

² AD169.5

55.45 We have already referred¹ to some of the evidence of Charles Glenn, a Corporal in the Order of Malta Ambulance Corps, when considering the arrest of William John Doherty. As we have already noted, Charles Glenn described how he was hit with a rifle butt and knocked to the ground after trying to intervene in an incident in which a paratrooper had grabbed an old man, which we consider is likely to have been the arrest of William John Doherty. In his NICRA statement he recorded that as he fell, he heard a shot. He was stunned, but when he recovered, he saw a man lying in a pool of blood in the car park with Fr Daly bending over him.² We have no doubt this was Jackie Duddy. A similar account appears in the record of Charles Glenn's interview with Philip Jacobson of the *Sunday Times*,³ and in his written statement to this Inquiry.⁴

¹ Paragraphs 40.17–26

³ AG43.23

² AG43.10

⁴ AG43.3

55.46 Celine Brolly described to this Inquiry being in a flat on the second floor of Block 2 of the Rossville Flats.¹ According to her NICRA statement,² she saw a “*First Aid boy*” running to the aid of a middle-aged man who was being punched and battered by three soldiers. The first aid boy was thrown on the ground. “*He was still lying on the ground and Father Daly called him.*” It seems from this statement that by then Fr Daly had gone to Jackie Duddy. We consider that this “*First Aid boy*” was Charles Glenn, who went to the aid of Jackie Duddy and can be seen beside him in the photographs shown earlier in this chapter.³

¹ AB88.2

³ Paragraphs 55.18–20

² AB88.9

55.47 According to his NICRA statement¹ Patrick McCrudden was visiting a friend at 37 Donagh Place. This was on the top floor of Block 2 of the Rossville Flats, at about the centre of that block. He gave an account of seeing the “*saracens*” come in, and continued:

“The people were fleeing in panic. While one soldier was attacking a middle-aged man, a member of the Order of Malta attempted to intervene. The soldier turned and struck this first aid man (dressed in the usual grey uniform) first with the butt of the rifle on both body and face and kicked him. The Order of Malta man collapsed and disappeared from view behind a wall. The middle aged man was arrested. Others were being beaten up and arrested in the same manner in different parts of the wasteground.

I glanced down into the courtyard and saw a man lying on the ground with dark red stains on his chest. Father Daly seemed to be attending to this man.”

¹ AM153.15

55.48 In our view what Patrick McCrudden saw was Sergeant O arresting William John Doherty; Charles Glenn, the Corporal in the Order of Malta Ambulance Corps; and then Fr Daly attending Jackie Duddy.

Whether Jackie Duddy had anything in his hands

55.49 A number of witnesses said that Jackie Duddy had nothing in his hands. As to accounts given in 1972, Fr Daly said in his written statement for the Widgery Inquiry that when he reached Jackie Duddy there was nothing in his hands.¹ He also told the Widgery Inquiry that when he passed Jackie Duddy before he fell *“he was not carrying anything that I saw in his hand”*.² William McChrystal recorded in his NICRA statement that when he reached Jackie Duddy Fr Daly was kneeling over his body, and added: *“When I arrived at the youth’s side there was no evidence of any weapon, gun, nail-bomb, or stone.”*³ Patrick Gerard Doherty recorded in his NICRA statement⁴ that he saw Jackie Duddy fall, and that *“He had nothing in his hands”*.

¹ H5.19

³ AM460.1

² WT4.7

⁴ AD96.6

55.50 In evidence to this Inquiry Cathleen O'Donnell,¹ Brian Ward,² Kevin Leonard³ and Isabella Duffy⁴ all told us that Jackie Duddy had nothing in his hands. All except the first of these witnesses gave statements in 1972, but none said anything in those statements about whether Jackie Duddy had anything in his hands when he was shot.⁵

¹ AO23.3

⁴ AD158.3

² AW6.4

⁵ AW6.9; AL7.1; AD158.14; AD158.8; WT5.52

³ AL7.5

55.51 On the other hand, two witnesses gave evidence to the opposite effect.

55.52 In his Keville interview¹ Christy Lavery described seeing a man fall: *“we had just got about three quarters the way across the flats when he fell, as he was falling I saw the blood spurting from his chest and I stopped and turned him over the blood was running out of him he had obviously been shot.”* A little later in this interview he was asked whether any of the people he witnessed being shot or beaten were *“armed with any stones or any guns or anything else?”*. He replied: *“The boy who was shot had a stone in his hand but he had no arms. When he fell his hand was facing up and there was a stone on it.”*

¹ AL5.8

55.53 Christy Lavery gave written and oral evidence to this Inquiry. In his written evidence he told us that Jackie Duddy had a stone in his right hand.¹ In his oral evidence he first described the stone as “*pretty small about tennis ball size*”, but later as smaller, perhaps the size of a golf ball or large marble.²

¹ [AL5.2](#)

² [Day 85/72](#); [Day 85/85](#)

55.54 We have already referred to the evidence of Brian Johnston as to where Jackie Duddy fell, and to his account of what he then did.¹ In his written evidence to this Inquiry,² Brian Johnston told us that when he reached Jackie Duddy: “*I saw the fellow’s right hand opening. Inside there was a pebble the size of a bead. I remember thinking ‘my God, did you think you were going to take on the might of the British Army with a pebble’.*” He went on to state that he had since thought about it and believed that the pebble must have been scooped up into his hand as he fell. Brian Johnston said nothing about what Jackie Duddy had had in his hand in his interview with Kathleen Keville or in his written statement for the Widgery Inquiry.³

¹ [AJ9.5](#)

³ [Paragraphs 55.26](#) and [55.40](#)

² [AJ9.12](#); [AJ9.10](#)

55.55 On the basis of these accounts, we consider that Christy Lavery and Brian Johnston were the first to reach Jackie Duddy after he had fallen. Both gave accounts of seeing a stone in Jackie Duddy’s right hand. If they were right about this, that stone might well have fallen out of his hand as he was dragged a short distance, which would account for the fact that Fr Daly did not see it when he went to the body. Despite the other evidence to which we have referred above, we have concluded that Jackie Duddy probably did have a stone in his right hand when he was shot, though its size is uncertain.

What Jackie Duddy was doing when he was shot

55.56 Fr Daly¹ and a substantial number of other witnesses² described Jackie Duddy as running southwards when he was shot.

¹ [H5.18](#); [WT4.7](#)

² Mary Bonner ([AB38.2](#)), Peter Gallagher ([AG23.2](#)), Bernard Gilmour ([AG38.4](#)), Kevin McDaid ([AM167.3](#)), James McGeehan ([AM227.2](#)), Joseph McGrory ([AM268.2](#)), Alexander McLaughlin ([AM317.3](#)), Martin Tucker ([AT17.4](#)) and Brian Ward ([AW6.1](#)).

55.57 However, in his written evidence to this Inquiry,¹ Patrick Gerard Doherty told us that at the time he was shot Jackie Duddy was “*standing shouting at the soldiers, he was not running away*”. He also told us that he thought Jackie Duddy then fell on his back. When he gave oral evidence he was asked about this:²

“Q. When you said to us earlier ‘when they moved out of the way, I seen he was lying on his back’, does that mean that the other people that were in the car park surrounding him and between you possibly and him, that your view was somewhat obscured?

A. Yeah.

Q. I am not suggesting that when you – at some stage he was not on his back, he definitely ended up on his back?

A. (inaudible) when I seen him, he was lying on his back. I only presumed that he had fell to the –

Q. But I am suggesting the body of the evidence is when he was shot he fell on to his face, and after some time he was turned onto his back?

A. Most likely is.

Q. Which is not too far away from what you are saying, but I am suggesting that when you eventually got a clear sight of him lying on his back, it was that that led you to the conclusion that he must have been standing facing the soldiers when he was shot; could you be a bit mistaken about that?

A. Might have been, it has been a long time ago.”

¹ AD96.3

² Day 85/27

55.58 Patrick Gerard Doherty said nothing in his NICRA statement about what Jackie Duddy was doing when he was shot.¹ In view of the large body of evidence to the effect that Jackie Duddy was running, we believe that Patrick Gerard Doherty was mistaken in his recollection on this point, as he acknowledged could be the case after so long. In our view Jackie Duddy was running away from the soldiers when he was shot.

¹ AD96.6

Whether Jackie Duddy was in the middle of a hostile crowd

55.59 The representatives of the majority of represented soldiers referred to the evidence of Neil McLaughlin, to which we have referred above,¹ that having come down Chamberlain Street he and about 20 others advanced, throwing stones at the APC.² In reliance on that evidence they submitted:³

“It is therefore probable that Jack Duddy was accidentally hit at a time when he was among or close to a hostile crowd that was throwing objects at the soldiers, and when a soldier aimed at another person.”

¹ Paragraphs 55.29–33

³ FS7.1579

² AM347.2; Day 91/53-54

55.60 We do not accept this submission. Apart from the fact that no soldier (save perhaps Private R) admitted even the possibility that he had hit anyone by accident, and all maintained that the people that they had hit had been engaged in activities that justified them being shot, the submission proceeds upon the assumption that Jackie Duddy had come down Chamberlain Street with Neil McLaughlin and others who had previously been rioting. For reasons we have given,¹ we are of the view that Jackie Duddy had probably come from the Eden Place waste ground. Furthermore, we accept Fr Daly’s evidence that Jackie Duddy was near him when he was shot and that, in that area of the car park at least, people were only trying to run away.²

¹ Paragraphs 55.37–38

² H5.18; H5.11-12; WT4.6; WT4.15; Day 75/25

55.61 Fr Daly told us that he was towards the rear of the crowd that ran through the car park of the Rossville Flats. He said that quite a number of people had been running close to him and Jackie Duddy.¹ He also gave evidence that a number of people had been running in the immediate vicinity of himself and Jackie Duddy at the time of the shooting, although he emphasised that he had not been counting heads; and that there were a substantial number (some 60 to 100) of panic-stricken and frightened people ahead of him trying to escape through the gap between Blocks 1 and 2 of the Rossville Flats.²

¹ Day 75/14-15

² WT4.8; H5.4; Day 75/85

55.62 Brian Johnston (to whom we have referred above¹) told us in his written statement to this Inquiry² that Jackie Duddy was running at the tail end of a small group, having become isolated and fallen a little behind. In his oral evidence he said that the group consisted only of Jackie Duddy, the priest (Fr Daly) and two or three others.³

¹ Paragraphs 55.26 and 55.36

³ Day 84/107

² AJ9.5

55.63 Other witnesses, namely Angela Copp,¹ Kevin McDaid² and Martin Tucker,³ have also said that there were a few other people, but not very many, close to Jackie Duddy as he ran.

¹ AC44.2; Day 119/7

³ Day 98/91-92

² AM167.3; Day 100/80-82

55.64 Although Jackie Duddy probably had a stone in his right hand when he was shot, we do not know whether he was about to throw it when he was shot. The medical evidence is that he was shot in the right shoulder, which indicates that at the moment of shooting his upper body was turned towards the soldiers from whom he was running, but it does not follow that he was about to throw the stone, as opposed to turning to see where the soldiers were.

Where Jackie Duddy was taken

55.65 In his written statement for the Widgery Inquiry,¹ Fr Daly recorded that after he reached Jackie Duddy there was more gunfire, and he and Charles Glenn lay down beside Jackie Duddy. Fr Daly then described giving Jackie Duddy the last rites, and seeing the shooting of Michael Bridge while still lying beside Jackie Duddy. Fr Daly said that Willy Barber and another man crawled out sometime after Michael Bridge had been shot, and offered to help to carry Jackie Duddy to a position where he could receive medical aid. They suggested that Fr Daly should go in front, carrying a white handkerchief, and that they would carry Jackie Duddy behind him. Just as they were about to stand up and make a dash to Chamberlain Street, a gunman appeared at the wall of the last house in Chamberlain Street and (in an incident to which we return later in this report²) fired two or three shots at the soldiers. Fr Daly shouted at the gunman to go away, which he did. Fr Daly remained on the ground for a few more moments, and then rose onto his knees and was about to stand up when the Army opened fire again. He and the others with him lay down again for a while.

¹ H5.19-H5.20

² Chapter 58

55.66 In his interview with Philip Jacobson and Peter Pringle of the *Sunday Times*,¹ Fr Daly said that the scene of him and the others rising and then throwing themselves to the ground when firing broke out again was shown on CBS film footage broadcast in the United States.

¹ [H5.60](#)

55.67 However, the surviving CBS footage¹ shows only the next stage of events, in which Fr Daly, waving a bloodstained handkerchief, led the way as Willy Barber, Liam Bradley, Charles Glenn and William McChrystal carried Jackie Duddy out of the car park of the Rossville Flats to Chamberlain Street. This sequence also appears to show Fr Daly reacting to the sound of shooting, and in his oral evidence to us² he confirmed that there was “*gunfire coming in, at that stage, again*”. It must be borne in mind that this gunfire, or some or it, may have been that occurring in Sector 3, as we describe when dealing with the events of that sector.

¹ [Vid 49 19.12](#)

² [Day 75/40](#)

55.68 Fulvio Grimaldi’s photograph also shows the group led by Fr Daly making their way across the car park.



55.69 Fr Daly said in his written statement for the Widgery Inquiry¹ that he and the group carrying Jackie Duddy went up Chamberlain Street and turned right into Harvey Street, where they were challenged by soldiers, and where they met the BBC reporter John Bierman and his camera crew.

¹ [H5.20](#)

55.70 These soldiers were from C Company, who had come through Barrier 14 in William Street. Later in this report¹ we discuss the actions of the soldiers of C Company in Chamberlain Street.

¹ [Chapter 65](#)

55.71 Fr Daly said in his interview with Philip Jacobson and Peter Pringle¹ that a couple of shots were fired as he and those carrying Jackie Duddy moved up Chamberlain Street, but he did not know the source of that gunfire.

¹ [H5.60](#)

55.72 Hugh McMonagle told us in his written statement¹ that he joined the group led by Fr Daly at the south end of Chamberlain Street and helped to carry Jackie Duddy up the street. As they did this, Hugh McMonagle could hear shooting. He thought that shots were being fired south down Chamberlain Street over the heads of the group carrying Jackie Duddy. Having seen the BBC footage filmed by Cyril Cave,² he said that it showed a soldier at the corner of Chamberlain Street and Eden Place firing a shot from his midriff towards the south end of Chamberlain Street, at the time when Jackie Duddy was being carried up the street.

¹ [AM369.5](#)

² [Day 100/31-32; Vid 1 04.50](#)

55.73 In his written statement for the Widgery Inquiry,¹ Cyril Cave referred to the soldier who is seen in his film footage² in a doorway at the corner of Chamberlain Street and Eden Place. Cyril Cave said that this soldier shouted “*Hold fire. They are bringing a casualty*”, but that he had not actually seen any of the soldiers firing in Chamberlain Street. However, in his written statement to this Inquiry,³ Cyril Cave said that he thought that he had seen the soldier fire a shot down Chamberlain Street, and that about half a minute later he had heard a paratrooper shout “*casualty coming!*” and had seen Fr Daly and the group carrying Jackie Duddy approaching. In his oral evidence⁴ Cyril Cave said that although he was not sure, he thought that it was possible that his footage showed the soldier in the doorway firing down Chamberlain Street.

¹ [M13.4](#)

³ [M13.26](#)

² [Vid 1 04.50](#)

⁴ [Day 141/90-91; Day 141/111](#)

55.74 On the other hand, Cyril Cave's colleague John Bierman told us in his written statement¹ and in his oral evidence² that although the soldier in the doorway was in a firing position he did not fire his weapon. John Bierman also said³ that he heard a voice saying "*Hold your fire*" coming from south of the junction of Chamberlain Street and Eden Place, and he deduced that these were Fr Daly's words. In view of this we consider that Hugh McMonagle was mistaken in coming to believe that a soldier had fired down Chamberlain Street at this time and that Cyril Cave's evidence to the Widgery Inquiry that he saw no soldier firing in Chamberlain Street is to be preferred to his later recollection. No soldier of C Company reported firing his rifle on Bloody Sunday and there is no other evidence to suggest that any of them did so.

¹ [M6.28](#)

³ [M6.28; Day 111/20-21](#)

² [Day 111/24-25](#)

55.75 Willy Barber said in his *Sunday Times* interview¹ that he temporarily left the group carrying Jackie Duddy because he had two baton rounds in his pocket and did not wish to be caught with them in the city centre, and that after relieving himself of the baton rounds he rejoined the group. Cyril Cave's footage² shows the group carrying Jackie Duddy as they approached and turned the corner of Harvey Street. Hugh McMonagle has taken the place of Willy Barber, who then runs forward and rejoins the group at the corner.

¹ [AB9.4](#)

² [Vid 1 04.50](#)

55.76 James Dakin, a *Daily Express* staff photographer, took a photograph which shows the group carrying Jackie Duddy as they turned the corner into Harvey Street. A second photograph, taken by Frederick Hoare, a *Belfast Telegraph* staff photographer, and a third, taken by James Dakin, show the group moving up Harvey Street.





55.77 In his written statement for the Widgery Inquiry,¹ Fr Daly said that the group proceeded up Harvey Street to the corner of Waterloo Street, where they laid Jackie Duddy on the ground, on Willy Barber's coat. Soldiers further down the street ordered them to clear off. A woman came out of a house and screamed at the soldiers that Jackie Duddy was only a child and that they had shot him. Another woman called an ambulance. People came out of the houses. Fr Daly and others knelt by Jackie Duddy and said a prayer. After a time the ambulance arrived.

¹ [H5.20](#)

55.78 It appears from Charles Glenn's NICRA statement¹ and from the record of his interview with Philip Jacobson² that when he arrived in Waterloo Street Charles Glenn checked Jackie Duddy's pulse and breathing and, finding no signs of life, concluded that he had died on the way to Waterloo Street. In his statement to this Inquiry³ Charles Glenn said that he thought that Jackie Duddy was already dead when he first reached him in the car park of the Rossville Flats, although he acknowledged that he was not qualified to make that assessment.

¹ [AG43.10](#)

³ [AG43.4](#)

² [AG43.23](#)

55.79 The ambulance driver Norman McElhinney and attendant William Wilson recorded in statements made to the RUC¹ that they took Jackie Duddy to Altnagelvin Hospital where Mr Harvey pronounced him dead on arrival. They then conveyed his body to the mortuary.

¹ [ED37.5](#); [ED37.7](#)

55.80 We return later in this report¹ to consider whether it is possible from the evidence available to us to identify the soldier who shot Jackie Duddy.

¹ [Chapter 64](#)

Margaret Deery

Biographical details

55.81 Margaret Deery, often known as Peggy Deery, was 38 years old at the time of Bloody Sunday. She lived in Swilly Gardens, Creggan, with her 14 children, whose ages ranged from 16 years to 10 months. Her husband had died of cancer in October 1971, aged 37 years.¹

¹ [AD32.8](#); [AD35.1](#); [ED62.1](#)

Prior movements

55.82 In her statement to the RUC,¹ Margaret Deery said that she had reached the Rossville Street area after being given a lift in a car from the Creggan to Great James Street and then walking down Little James Street. According to Philip Jacobson's notes of his interview of her,² Margaret Deery told him that she was "*not really on the march*" but had been "*intending to look at the end part of the march*". The car journey is not mentioned in these notes, and Margaret Deery did not say in either of her other accounts³ how she reached Rossville Street.

¹ [ED62.2](#)

³ [AD33.5](#); [AD33.6](#)

² [AD33.1](#)

55.83 On the other hand, Margaret Deery's daughter Helen Deery told us in her written statement to this Inquiry,¹ and in an interview with Stephen Gargan of Gaslight Productions Ltd, the co-producer of *Sunday*, a drama-documentary first broadcast in 2002,² that she accompanied her mother on the march, together with two cousins and one of her mother's friends. Margaret Deery's son Owen Deery said in his written statement to this Inquiry³ that he had also been with his mother at the beginning of the march. Celine Brolly told us in her written statement⁴ and in her oral evidence⁵ that she saw Margaret Deery moving down the part of William Street east of the junction with Rossville Street towards Barrier 14.

¹ [AD32.1](#)

⁴ [AB88.5](#)

² [AD32.9-AD32.13](#)

⁵ [Day 94/48-49](#)

³ [AD34.1](#)

55.84 The evidence of Helen Deery, Owen Deery and Celine Brolly satisfies us that Margaret Deery took part in the march on Bloody Sunday, and that the account that she gave to the RUC of how she came to be in the area of Rossville Street was untrue. However, we find it understandable that Margaret Deery should have been unwilling to admit that she had been on the march, since had she done so she might have been prosecuted and imprisoned for taking part in a prohibited public procession. Indeed, in her oral evidence to this Inquiry¹ Helen Deery told us that when her mother made her statement to the RUC,² she was afraid to say that she had been on the march in case she was charged. We consider that this is the reason why Margaret Deery lied to the RUC about how she reached the Rossville Street area, and apparently also to Philip Jacobson about whether she had been on the march. In these circumstances, we do not attach any significance to these lies in evaluating the remainder of Margaret Deery's evidence.

¹ Day 77/92

² ED62.2

Medical evidence

55.85 Mr George Fenton, a consultant orthopaedic surgeon at Altnagelvin Hospital, gave the following description of injuries to Margaret Deery's left thigh in a letter to Detective Sergeant Cudmore of the RUC dated 7th February 1972:¹

"Admitted with gun shot wound thigh. Small entrance wound on front of thigh and very large exit wound on back of thigh. There was extensive damage to thigh muscles and comminuted fracture of femur."

¹ ED62.6

55.86 In recovering from her injuries, Margaret Deery suffered serious complications. On the evening of Bloody Sunday, she underwent an operation at Altnagelvin Hospital, during which she received a transfusion of blood which was afterwards discovered to be rhesus incompatible. Following the transfusion, she developed acute renal failure and on 1st February 1972 was transferred to the renal unit at Belfast City Hospital. She became very ill and for a time it was thought that her leg might have to be amputated. Margaret Deery remained at Belfast City Hospital until 3rd March 1972. She was then transferred back to Altnagelvin Hospital, where she underwent further operations. She was eventually discharged on 29th May 1972.¹

¹ D1078-D1079; D1037-D1041

55.87 Dr Richard Shepherd and Mr Kevin O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who received non-fatal gunshot wounds on Bloody Sunday. In their report on these cases,¹ Dr Shepherd and Mr O'Callaghan made the following comments about Margaret Deery's injuries:

"Peggy [Margaret] Deery is recorded to have had an 'extensive wound on the back of her left thigh' and a complex and compound fracture of the left femur. At operation a wound to the front of the lower left thigh was recorded as simply being present but the wound on the back of the lower left thigh was described as 'extensive'. The track of the wound is therefore more likely to be from front to back than the reverse. No comment can be made concerning the nature of the projectile."

¹ E10.5

Accounts given by Margaret Deery

55.88 Margaret Deery was in hospital while the Widgery Inquiry was sitting, and gave no oral evidence to that Inquiry. She died in 1988 and consequently gave no evidence to this Inquiry. However, she gave the following accounts:

1. a statement to the RUC dated 19th February 1972, when she was in Belfast City Hospital;¹
2. a statement for the Widgery Inquiry dated 29th February 1972, which was taken and witnessed by a Belfast solicitor's apprentice;²
3. notes made by Philip Jacobson of the *Sunday Times* Insight Team of an interview with her conducted on 29th February 1972;³ and
4. a note of her recollections made on 25th January 1983.⁴ We do not know who made this note.

¹ ED62.2-3

² AD33.5

³ AD33.1-2

⁴ AD33.6-7

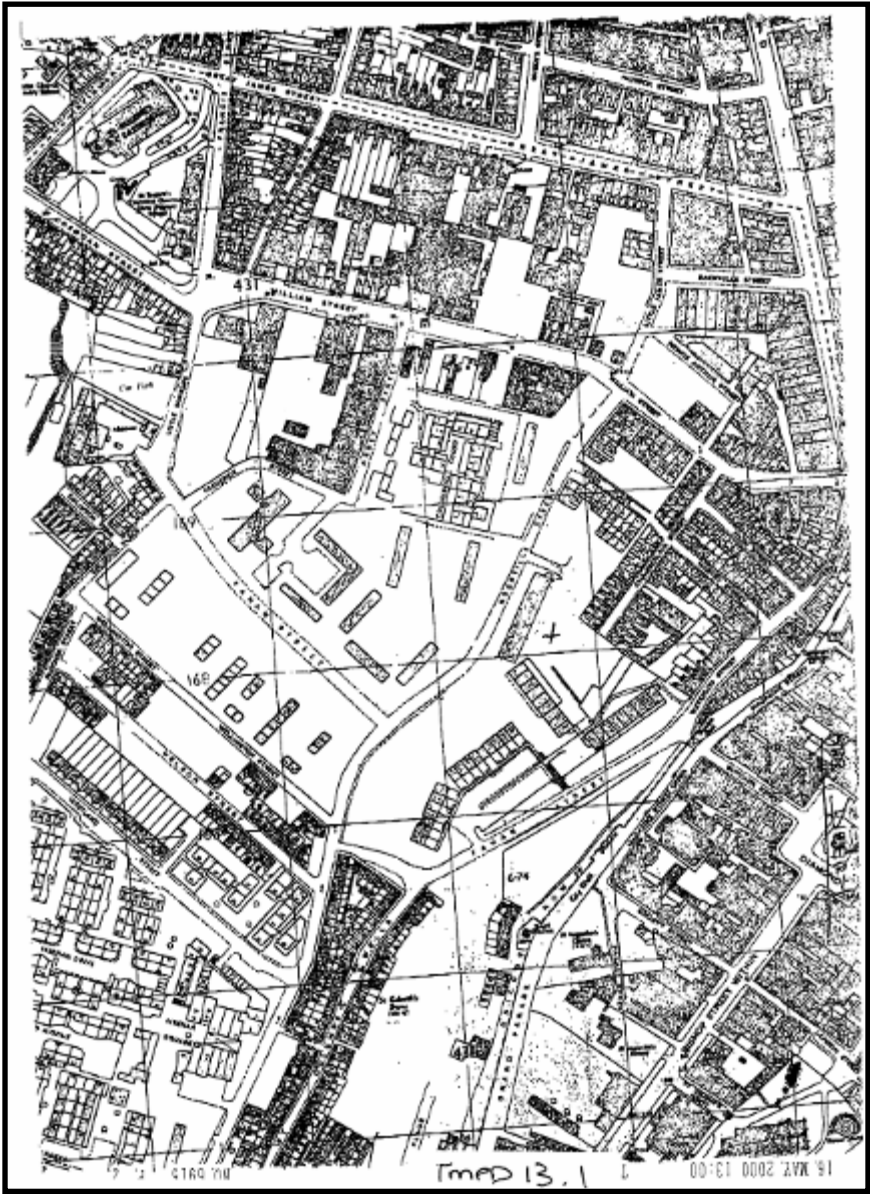
55.89 According to her statement to the RUC, Margaret Deery had a conversation with Fr Daly at the junction of Rossville Street and William Street in which Fr Daly advised her to go wherever she was going because “*there may be a lot of trouble*”. Her statement continued:¹

“At this point there was no stone-throwing or trouble that I could see, but again I was in the middle of the main crowd. The Army then fired coloured dye and I ran like hell towards Rossville Street at the back of the High Flats. By this time my sister and I had got separated in the crowd. I was round the back of these high flats running towards the wee gate at the back of the flats whenever I tripped and fell. There were hundreds of people in this area running to get away from the Army who had driven into the back of the flats in Saracens. A man had fallen on top of me and he got up and ran around the corner. Whilst I was on the ground I was able to see the Army men in front of me and I saw and heard them shooting. I attempted to get up but I slipped and cut my head and nose. I then saw a soldier in front of me and he appeared to be taking aim at me and I then felt a blow to my left thigh. I called to a man to help me which he did and he took me to a house in Chamberlain Street where Mr. Slingwing the Chemist treated my wound. I was later taken to Altnagelvin Hospital by ambulance along with Michael Bridge. I’d like to say that I did not take part in the Civil Rights March although I was in the crowd at William Street. I am not a member of any organisation and have not attended any Civil Rights Meetings.”

¹ [ED62.2-3](#)

55.90 Detective Sergeant Cudmore took this statement. In his report¹ he referred to a map on which Margaret Deery had marked her approximate position when she was shot. We are sure that that map is the following, which accompanied Detective Sergeant Cudmore’s report when that was passed to the Director of Public Prosecutions.

¹ [ED62.1](#)



- 55.91 Margaret Deery's written statement for the Widgery Inquiry, dated 29th February 1972, was in the following terms:¹

"I am Mrs. Margaret Deery. I am a widow and I have 14 children. I live at [...].

On January 30 the soldiers were firing C.S. Gas. I ran from William Street, along Rossville Street to Chamberlain Street. Someone shouted that the soldiers were coming. I looked at the courtyard of Rossville Flats and saw 8 or 9 Saracens coming in. Soldiers jumped out of the Saracens. There was a man standing there. He seemed to be mesmerised. I ran towards this man. I told him that I thought that the soldiers looked as if they were going to shoot. I looked. I sa [sic] a soldier take aim and fire. He, the soldier who shot me, was only about 20 feet away from me. I was hit in the leg. I had absolutely nothing in my hands. I fell. I got up and fell down again. I hadn't realised I had been hit by a lead bullet. I didn't see anybody else fall down.

A man came to help me. The man pulled me round the corner. A young fellow I knew, Michael Kelly, helped the man to carry me into a house. The chemist, Otto Slingwing, bandaged up my leg. The ambulance came and took me to Altnagelvin. Micky Bridge was in the ambulance with me."

¹ [AD33.5](#)

- 55.92 The note of Philip Jacobson's interview of Margaret Deery records her as saying:¹

"I was standing just out on the waste ground by eden street, actually it was where pilot row used to be and i heard a man nearby shout 'the army's coming in.' I looked over towards rossville street and there were the big pigs coming in and one headed over towards where we were. then i saw a soldier with the red para hat come up from the pig that was near us and he took aim I thought at me or the man standing next to me (she doesnt know who he was). I shouted to this chap 'for gods sake, watch out, that ones going to shoot' and as i moved towards the man, for protection like, i felt this big thump in my leg, in the thigh really. its funny, i never heard the bang. the soldier was not more than 25 yards, i could recognise him clearly if i saw him again. he was about your height (5' 10"), fatter than you (!) with a round fat face and a little dark of complexion, although he also had that black stuff streaked over his face.

I tried to get up, i didnt realise i was shot then, and i staggered forward and fell again and cut my eye open (deep cut over left eye). when i was down the second time i saw a chap suddenly fall and crawl away round the corner into chamberlain street. i thought he was shot, but then he came back round and him and Michael Kelly carried me round into chamberlain street.”

¹ AD33.1

55.93 The note of Margaret Deery’s recollections made in 1983 includes the following passage:¹

“‘I’ll never forget his face. I can’t forget his face’ – Eleven years on, Peggy Deery, one of the survivors of Bloody Sunday, still remembers the Paratrooper who deliberately shot her from a range of less than 10 feet.

After the initial outburst of firing, Peggy and her friends had run in panic through the Rossville flats carpark and into Chamberlain Street. There she had seen a soldier lift his rifle and point it at her. She threw herself against a Mr Leo Deehan shouting ‘get down, he’s trying to kill us’, when she felt a terrific blow on her leg.

As she lay on the ground, unaware that she had been shot, she was trampled on by the fear-stricken crowd. She could hear someone calling, ‘that woman’s been shot’ and she remembers Michael Kelly and another man crawling towards her and dragging her into a house in Chamberlain Street. Michael Kelly was himself to be murdered less than 10 minutes later.”

¹ AD33.6

Where Margaret Deery was shot

55.94 As will have been seen from her own statements, Margaret Deery gave conflicting accounts of where she was when she was shot. We do not find this surprising, as she had received a serious wound, as well as later suffering from the results of a transfusion of the wrong blood. According to the map on which she had indicated her approximate position for the RUC, Margaret Deery was about halfway between the corner of the back garden of the southernmost house on the west side of Chamberlain Street and the gap between Block 1 and Block 2 of the Rossville Flats, while in her RUC statement she appeared to be describing running towards “*the wee gate at the back of the flats*”. We do not know what Margaret Deery meant by this, though it is possible she meant one of the gaps between the blocks of the Rossville Flats. According to her written statement for the Widgery Inquiry, she was at Chamberlain Street looking at the courtyard of the Rossville

Flats. According to her interview with Philip Jacobson, she was standing “*just out*” on the waste ground, “*where pilot row used to be*”. According to the record of what she said in 1983, she was in Chamberlain Street.

55.95 There is, however, other evidence of where Margaret Deery was when she was shot.

55.96 According to her son Tony Deery, Margaret Deery told him that she had been shot “*at the back of Chamberlain Street*”.¹ Her daughter Helen Deery confirmed in oral evidence² that her mother had told her that she had been shot at the back of the Chamberlain Street houses, but had not said where along the line of those houses. However, in the course of Helen Deery’s interview with Stephen Gargan,³ her sister Margie appears to have indicated that her mother was shot beside the back gate of the third house from the south end of Chamberlain Street.

¹ [AD35.2](#)

³ [AD32.38](#)

² [Day 77/83-85](#)

55.97 There is a *Sunday Times* Insight Team note relating to Margaret Deery:¹

“bernard gallagher was standing very close to mrs deerey [sic] when she was hit. he places it as just out from the end gable of chamberlain street where a group of some 20 people were standing. this was the gable nearest the waste ground and mrs deery was standing on his right, nearer the waste ground. gallagher recalls she was instantly picked up by several men and whisked into 33 chamberlain street.”

¹ [AD33.3](#)

55.98 The only witness called Bernard Gallagher known to us gave a NICRA statement and a written statement to this Inquiry,¹ but mentioned nothing about Margaret Deery. However, there is a Peter Gallagher who gave a written statement to this Inquiry² in which he described seeing a woman shot just beyond the end of the gable wall at the end of Chamberlain Street. In view of the close similarity between this position and that recorded in the *Sunday Times* note, it seems to us that he must have been the man who gave an account to the *Sunday Times* Insight Team. His NICRA statement,³ so far as it concerns Margaret Deery, records that he was at the gable house at the end of Chamberlain Street with a group of about 20 people when a girl (clearly Margaret Deery) was shot in the thigh beside him and immediately taken to the last house on the east side of Chamberlain Street. Peter Gallagher also gave oral evidence to this Inquiry.⁴ He told us that he was

a chronic alcoholic; and although he maintained that this had not affected his memory of Bloody Sunday, we took the view that we should treat his evidence to us with caution and prefer to rely on the accounts that he gave in 1972.

¹ AG3.10; AG3.1

³ AG23.7

² AG23.3; AG23.8

⁴ Day 83/28-80

55.99 The note of Margaret Deery's recollections made in 1983 refers to her seeing a soldier lift his rifle and point it at her, and throwing herself against a Leo Deehan, shouting to him to get down.

55.100 There is a handwritten statement signed by an L Deehan, which seems to us to be an account by the Leo Deehan to whom Margaret Deery referred.¹ We are not sure when this statement was made, but it was supplied to the Inquiry along with other material dating from 1972 and so is likely to have been made at that time. The Inquiry prepared a typed copy of the statement.²

¹ AD178.1-10

² AD178.11

55.101 According to this statement,¹ Leo Deehan was heading towards Free Derry Corner when there was a shout that the Army was coming:

"Suddenly a couple of Saracens appeared on the roadway racing towards the flats. All around me people were shouting and trying to hide or run towards the back of the flats. I followed but one of the Saracens headed right up on the waste ground. There was a big pool of water near the middle and I thought I saw a girl go down right in the path of the tank. I raced on. The Saracen seemed to be going one way then the other after people.

All of a sudden soldiers appeared some had helmets some none but I noticed they all carried rifles and not the usual shield & Baton.

I ran close to one tank to avoid being seen, as I got level a soldiers ran round from the other side. I ran at him and believe I pushed him more than punch him he staggered, and looked like losing his gun.

I ran on, I then saw one soldier beating and elderly man with the butt of his rifle. The old man fought gamely, he went down and the soldier tried to bash him with the rifle again. I had stopped and was edging back. I started to run towards the soldier shouting at him.

I saw another appear and raise his gun. He seem to point at me, I faltered and just then a woman ran across my path. She shouted he will shoot you and, I believe she pushed me, it was like a bad dream and I must have been all tensed up for I know I lost my balance. At that second I heard the same type of sharp shot I had heard earlier. It made me jump for it was much closer, and I just noticed the soldiers rifle move or something made me look at him, as I started to run in the opposite direction.

Then I heard a fellow close by calling she is shot. It was then I noticed the woman that had pushed me was lying on the ground bleeding. I thought she had been hit by a rubber bullet. I ran back and grabbed her and pulled her toward the cover of the wall. The fellow reached her and we two carried her across to Nelis's House on Chamberlain St."

¹ [AD178.3-7](#); [AD178.11-12](#)

55.102 In our view this account shows that Leo Deehan was in the area where William John Doherty was being arrested, ie at or close to the position described by Peter Gallagher.

55.103 We have also considered the evidence of a number of other witnesses in seeking to establish where Margaret Deery was shot.¹

¹ Neil McLaughlin ([AM347.3](#); [AM347.6](#); [AM347.12-13](#); [Day 91/10-11](#); [Day 91/60](#)), Patrick Gerard Doherty ([AD96.2](#)), Patrick Moore ([AM417.4](#)), Pascal Keys ([AK36.1](#); [AK36.5](#)), George Nelis ([AN9.9](#); [AN9.21](#); [Day 103/155-158](#)), Gerry McBride ([AM46.3](#); [AM46.9](#); [Day 79/76](#); [Day 79/122-123](#)) and James McDermott ([AM185.4](#); [AM185.5](#)).

55.104 However, these witnesses either did not see Margaret Deery until after she had been picked up, or were uncertain about whether or not they had done so, or gave only an imprecise account of where she had fallen; though one of them, Brian McGee,¹ while he only saw Margaret Deery being carried, described what he saw in the following terms:

"A youngish looking woman, who looked to be about 18 or 20, was then carried around the gable end, close to where I was standing. She was being carried by two men, one of whom was holding her under her knees and the other was holding her by the shoulders."

¹ [AM220.4](#)

55.105 This evidence indicates to us that Margaret Deery was shot, not on the very corner of the garden wall of the houses in Chamberlain Street, but at a point further to the north-east of that corner.

55.106 We have also considered the evidence of Charles McCarron,¹ who in a NICRA statement recorded seeing a woman shot in front of him as he was walking home along Chamberlain Street. His description of what then happened demonstrates that the woman was Margaret Deery, but in view of the other evidence discussed above, the location cannot in our view be right, unless by walking home along Chamberlain Street Charles McCarron meant walking along the backs of the Chamberlain Street houses facing the Eden Place waste ground, in which case his account would be consistent with the other evidence that Margaret Deery was in that area when she was shot.

¹ [AM80.2](#)

55.107 The representatives of the majority of represented soldiers submitted that the account John Tyre gave to this Inquiry¹ of seeing a girl with a leg wound being lifted off the ground in Chamberlain Street as he ran towards the car park, was (in the absence of any suggestion that she had been put down on the ground and then picked up again) *“inconsistent with her having been shot anywhere other than in Chamberlain Street itself”*.² We do not know whether Margaret Deery was put down and picked up again in Chamberlain Street. Billy Gillespie told us, in his written statement to this Inquiry,³ that he saw her on the ground surrounded by a crowd of people when he was in Chamberlain Street. In his oral evidence,⁴ he described her position as *“more in to the waste ground to the High Flats at the bottom ... of Chamberlain Street”*. It may be this incident that John Tyre saw. We do know that she was taken to 33 Chamberlain Street, the southernmost house on the east side of that street. In our view, in the light of the evidence discussed above, Margaret Deery was not shot in Chamberlain Street.

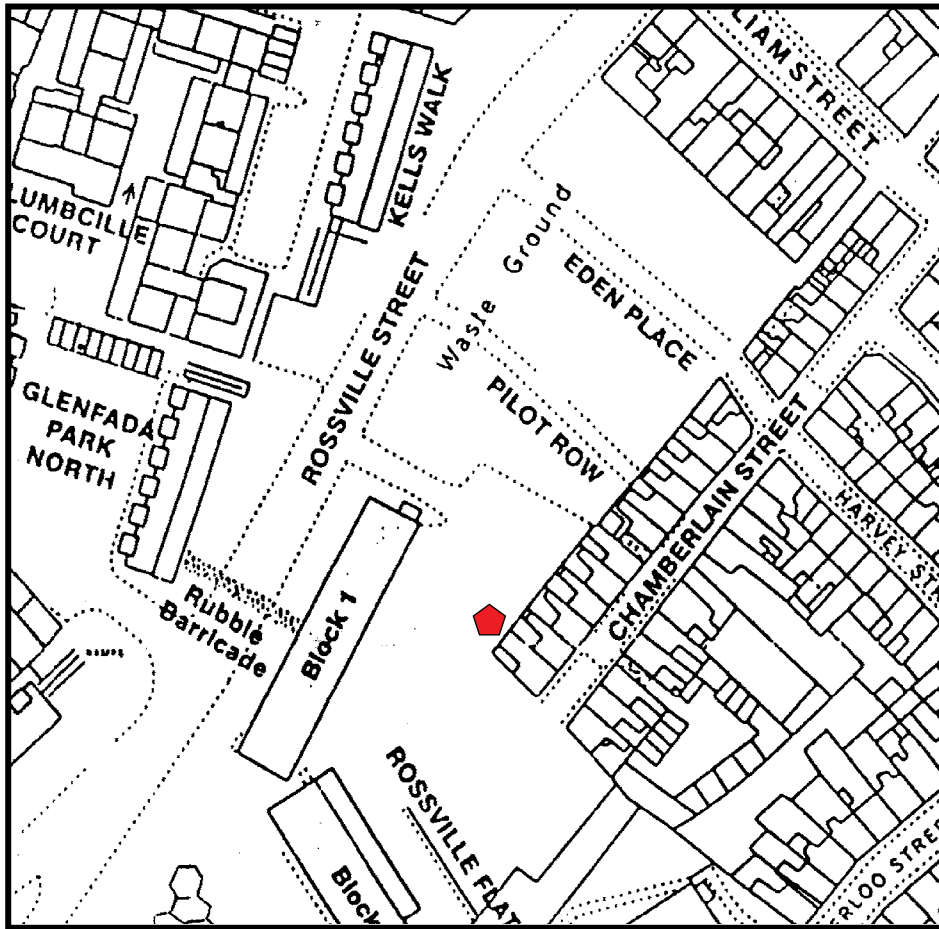
¹ [AT20.2](#)

³ [AG33.2](#)

² [FS7.1562-1563](#)

⁴ [Day 84/148](#)

55.108 We conclude, on the basis of the material we have considered, that Margaret Deery was shot somewhere near the corner of the garden of 36 Chamberlain Street, probably a matter of feet to the north or north-east of that corner. This position is marked in red on the map below.



55.109 We note at this point that the representatives of the majority of represented soldiers observed in their submissions that:¹

“The fact that Mrs Deery managed to name three different people as being the man next to her when she was shot, is even more strange, as it will be recalled that she told the *Sunday Times*’ Insight Team that she ‘doesn’t know who he was’.”

¹ [FS7.1560](#)

55.110 The three different people to whom this submission referred were the man named in the *Sunday Times* note discussed above¹ as “Bernard Gallagher”, Billy Kelly and Leo Deehan.

¹ [Paragraph 55.97](#)

55.111 As Counsel to the Inquiry pointed out,¹ this criticism of the accounts given by Margaret Deery is misconceived. Margaret Deery did not say that “Bernard Gallagher” was standing next to her. The note that contains his name² accompanies Philip Jacobson’s

record of the account given by Margaret Deery,³ but it is clear from its terms that it is a note of information provided not by Margaret Deery but by “Bernard Gallagher” himself. As explained above, we believe that “Bernard Gallagher” was in fact Peter Gallagher. As to Billy Kelly, this name appears in a further note made by a *Sunday Times* journalist,⁴ which records Billy Kelly’s account of Margaret Deery rushing over and pushing him out of the way as a soldier was about to shoot him. As the journalist noted, “*mrs deery puts it somewhat differently*”. As to Leo Deehan, the fact that Margaret Deery gave this name in 1983 is in no way inconsistent with the fact that when she was in hospital in February 1972 she did not then know who the man was.

¹ CS4.101

³ AD33.1

² AD33.3

⁴ AD33.4

When Margaret Deery was shot

55.112 Margaret Deery herself, as can be seen from her accounts that we have set out above,¹ consistently stated that she had been shot after the Army vehicles had come into Sector 2 and soldiers had disembarked. Leo Deehan and Peter Gallagher gave evidence to the same effect, as did many of the other witnesses to whom we have referred. Peter Gallagher’s NICRA account² was in the following terms:

“From Harvey Street I could see a soldier at Quinn’s Lane, and Saracens in Rossville Street. The soldier was armed with a rifle which he was pointing in our direction. I panicked, and ran as fast as I could towards the flats. When I reached the end of Chamberlain Street I could hear rifle fire from the direction of Rossville Street. I headed for the kiosk at the junction of two blocks of flats. As I ran I saw one of the crowd in front fall. When I saw the blood on his chest I realised he had been shot, and ran back the way I had come to the gable-house at the end of Chamberlain Street, where about twenty other people were standing. As we tried to discover where the shooting was coming from and wich [sic] way to get away from it a girl was shot beside me. She had been shot in the back of the thigh, was picked up instantly and taken to the last house on the left hand side of Chamberlain Street (coming from William Street).”

¹ Paragraphs 55.88–93

² AG23.7

55.113 In our view, Peter Gallagher witnessed the shooting of Jackie Duddy, followed quite soon by Margaret Deery falling from a gunshot wound in the thigh. The fact that Peter Gallagher thought that Margaret Deery had been shot in the back of the thigh, whereas

the entry wound was in the front, is in our view explicable on the basis that, as will have been noted from the medical evidence to which we have referred above,¹ the wound at the back of her thigh was much more extensive than that at the front.

¹ Paragraphs 55.85–87

55.114 Other evidence suggests that Margaret Deery was shot at the same time as, or very soon after, the arrest of William John Doherty. As will have been seen from the account of Leo Deehan that we have set out above,¹ he referred to a soldier beating an elderly man just before Margaret Deery pushed him and was shot. In our view that elderly man was almost certainly William John Doherty.

¹ Paragraphs 55.100–101

55.115 According to John Barry's interview note,¹ Neil McLaughlin told him that Margaret Deery fell shortly after he had seen an old man emerge from behind the APC in the entrance to the car park of the Rossville Flats, having been lifted by a soldier from (as Neil McLaughlin was sure although he could not see) the doorway at the north end of Block 1. The soldier was beating the man over the head and leading him into the waste ground, presumably to the other APC. Neil McLaughlin told John Barry that Margaret Deery had fallen after the soldiers had fired. Neil McLaughlin's description of the old man seems to us to be an account of William John Doherty being arrested and taken towards Lieutenant N's APC. In oral evidence² Neil McLaughlin said that he now had no recollection of this incident.

¹ AM347.12-13

² Day 91/22

55.116 We should draw attention at this point to the fact that Billy Gillespie and Patrick McDaid gave accounts to the effect that it was after Margaret Deery had been shot and taken into 33 Chamberlain Street that Jackie Duddy was shot.

55.117 According to a note made by Peter Pringle of the *Sunday Times* Insight Team,¹ Billy Gillespie "*helped to carry mrs deery into 33 chamberlain st with michael bridge. went with bridge into the car park between the flats and saw duddy shot.*" However, in his written statement to this Inquiry,² Billy Gillespie told us that he "*did not see Duddy shot*", and in oral evidence³ he said: "*I cannot recall young Duddy getting shot.*" In these circumstances we consider that no reliance can be placed on Billy Gillespie's original account of seeing Jackie Duddy shot a significant period after Margaret Deery had been shot and carried away.

¹ AG34.17

³ Day 84/164

² AG33.4

55.118 According to his accounts Patrick McDaid also helped to carry Margaret Deery into 33 Chamberlain Street, and after he had left the house he saw a man shot as he ran from the west gable end of that street towards the gap between Blocks 1 and 2 of the Rossville Flats.¹ However, as appears from these accounts, Patrick McDaid did not know at the time that the man was Jackie Duddy, but only afterwards learned his name. Since, from the evidence we have discussed above,² we are sure that Jackie Duddy was shot soon after the soldiers had arrived and that Margaret Deery was probably shot soon after Jackie Duddy, we take the view that Patrick McDaid's (second-hand) identification of the man he saw as Jackie Duddy cannot be correct. It is possible that the man Patrick McDaid saw was in fact Michael Bridge, another of the Sector 2 casualties whose shooting is discussed later in this report.³

¹ AM172.21; AM172.12-13; AM172.14-15; AM172.27; WT7.83; AM172.33-34; AM172.38; AM172.71; AM172.46-47; AM172.55-57; AM172.2; Day 92/107-111

² Paragraph 55.39

³ Paragraphs 55.141-210

Whether a soldier shot Margaret Deery

55.119 We now turn to the submission made by the representatives of the majority of the represented soldiers that Margaret Deery may have been shot as or before the soldiers deployed down Rossville Street and before any of them fired, from which it would follow that she must have been wounded by a paramilitary gunman.¹

¹ FS7.1565

55.120 In our view this submission cannot be sustained. It involves a wholesale rejection of the evidence to which we have already referred, including the accounts Margaret Deery herself gave. As to the witnesses whose evidence is said to provide "*persuasive*" support for it,¹ we would make the following observations.

¹ FS7.1574

55.121 We have already considered¹ the account given to this Inquiry by George Nelis,² and for the reasons we have given we are of the view that it would be unwise to rely on his account as evidence that there was firing before or as the soldiers came into the Bogside. In any event his account does not contain anything to suggest that Margaret Deery was wounded at this stage.

¹ Paragraphs 24.54-57

² AN9.2-AN9.3

55.122 Martin McGuinness told us that as he walked across the car park from Chamberlain Street towards the passage between Blocks 1 and 2 of the Rossville Flats he saw some distance away to his left a woman being carried by a group of men across the car park.¹

He said that he “*had heard no shots being fired*” at this stage,² nor had he seen any soldiers or any Army vehicles in the Bogside.³ He also told us that he only learned later that the woman was Margaret Deery and he said that his recollection of the circumstances was “*an area where I am not speaking with 100 per cent certainty*”.⁴ For reasons given elsewhere in this report⁵ we are of the view that Martin McGuinness probably did see Margaret Deery, but that this was at a later stage and after soldiers had opened fire.

¹ KM3.4; KM3.9; Day 390/78-81; KM3.141

⁴ Day 390/80

² KM3.9

⁵ Paragraphs 147.209–213 and 147.330–357

³ Day 390/79

55.123 We have considered above¹ and rejected Billy Gillespie’s evidence that Margaret Deery was shot a significant time before Jackie Duddy. In his written statement to this Inquiry,² this witness told us that as he ran down Chamberlain Street, although he did not see the soldiers shooting, he heard live rounds and saw people falling on the Eden Place waste ground before he saw Margaret Deery. In his oral evidence he said that it was just rubber bullets that he had heard.³ However, even on his oral account, there must have been the shot that hit Margaret Deery, as according to him he then saw her lying on the ground. We are of the view that Billy Gillespie’s evidence falls far short of establishing that Margaret Deery was shot before the soldiers had arrived in Sector 2.

¹ Paragraphs 55.116–117

³ Day 84/146

² AG33.2

55.124 Patrick Moore gave evidence that he was in Chamberlain Street, saw soldiers at the Eden Place alleyway, and ran south down Chamberlain Street where he saw an elderly woman with a badly wounded leg being carried towards him. According to his account he then started to go across the car park when he saw two or three APCs arrive in the car park and soldiers taking up firing positions. In his oral evidence to this Inquiry he accepted that there might have been only one APC.¹

¹ AM417.3-4; Day 98/37

55.125 It seems likely that Patrick Moore saw Lieutenant N and the two soldiers with him at the Eden Place alleyway. However, Patrick Moore readily accepted the possibility that he had got the sequence of events wrong,¹ as in our view he had.

¹ Day 98/37

55.126 We have also considered Patrick McDaid’s accounts earlier in this chapter.¹ He too told us that he had heard no shooting as he ran down Chamberlain Street and saw Margaret Deery being carried.² As we pointed out in relation to the account given by Billy Gillespie,

since she undoubtedly sustained a gunshot wound, someone must have fired. For the reasons given above, we are sure that Patrick McDaid was mistaken in his account of the sequence of events.

¹ Paragraph 55.118

² AM172.26; Day 92/105-106; Day 92/123-124

55.127 In these circumstances we are sure that Margaret Deery was shot after the soldiers had arrived and disembarked in Sector 2, probably soon after Jackie Duddy. We have found no evidence to suggest that a paramilitary gunman shot her, deliberately or by accident. Margaret Deery consistently maintained that she was facing towards the soldiers when she was shot. The bullet entered the front of her left thigh. We are left in no doubt that she was shot by a soldier. No-one has suggested, nor is there any evidence to suggest, that when she was shot Margaret Deery was doing anything that could have led a soldier to believe, albeit mistakenly, that she was posing or about to pose a lethal threat.

Where Margaret Deery was taken

55.128 Margaret Deery said in her statement to the RUC¹ that after she was shot she called for help and a man took her to a house in Chamberlain Street. In her statement for the Widgery Inquiry of 29th February 1972,² in her interview with Philip Jacobson³ and in her account of 25th January 1983,⁴ she identified this man as Michael Kelly, who was himself shot in Rossville Street, as we discuss later in this report.⁵ However, for reasons we give later,⁶ it seems to us that Margaret Deery was mistaken about this and that Michael Kelly did not assist Margaret Deery after she was shot.

¹ ED62.3-ED62.3

⁴ AD33.6

² AD33.5

⁵ Paragraphs 86.3–59

³ AD33.2

⁶ Paragraphs 86.9–13

55.129 Several others, including Leo Deehan,¹ Elizabeth Gallagher,² Pascal Keys,³ Patrick McDaid⁴ and James McDermott⁵ appear to have helped to carry Margaret Deery to the house in Chamberlain Street.

¹ AD178.12; AD178.16

⁴ AM172.21; AM172.14; AM172.27; WT7.83; AM172.33; AM172.12; AM172.2; Day 92/107-108

² AG11.1

⁵ AM185.4; AM185.5

³ AK36.1; AK36.5

55.130 The house to which Margaret Deery was taken was 33 Chamberlain Street, which was the southernmost house on the eastern side of that street and the home of Bridget Nelis¹ and her daughters Anna Nelis² and Margaret Nelis.³

¹ AN26.1

³ AN11.1

² AN8.1

55.131 Although in his oral evidence to this Inquiry¹ he said that he no longer remembered this, Patrick McDaid said in a number of accounts given in 1972² that when he was inside 33 Chamberlain Street he tied a scarf or handkerchief around Margaret Deery's leg in an attempt to stop it bleeding.

¹ [Day 92/107-108](#)

² [AM172.21](#); [AM172.14](#); [AM172.33](#); [AM172.12](#)

55.132 Anna Nelis said in her NICRA statement,¹ and in her written statement² and oral evidence³ to this Inquiry, that she went outside to seek help after Margaret Deery had arrived at the house. Anna Nelis saw Otto Schlindwein, a local pharmacist, and brought him into 33 Chamberlain Street before going out again to call an ambulance from another house nearby.

¹ [AN8.9](#)

³ [Day 103/7-9](#)

² [AN8.3](#)

55.133 While Margaret Deery was in 33 Chamberlain Street, Otto Schlindwein bandaged her leg with a blanket.¹

¹ [AS2.2](#); [Day 104/163](#); [ED62.3](#); [AD33.2](#); [AD33.5](#); [AD33.6](#)

55.134 One of Fulvio Grimaldi's photographs shows Margaret Deery in 33 Chamberlain Street. Otto Schlindwein told us, in his written statement to this Inquiry,¹ that he is the man seen on the right side of the picture wearing a hat. In his oral evidence² he said that when this photograph was taken he was holding Margaret Deery's leg, which he had already bandaged.

¹ [AS2.4](#)

² [Day 104/170](#)



55.135 The Order of Malta Ambulance Corps volunteer Charles McMonagle was also present. He said in his Keville interview¹ that after attending to Michael Bridge, who had also been brought to 33 Chamberlain Street, he found Margaret Deery with a towel over her leg, and applied some triangular bandages over some more towels in order to control arterial bleeding. In his report to the Order of Malta Ambulance Corps,² Charles McMonagle said that he had applied the bandages after his colleague Majella Coyle, who had no first aid kit, had covered the wound with a towel. In his oral evidence to this Inquiry,³ he said that this might have been Majella Doherty, not Majella Coyle.

¹ [AM367.24](#)

³ [Day 102/135](#)

² [AM367.21](#)

55.136 Majella Doherty said in her Keville interview¹ and in her report to the Order of Malta Ambulance Corps² that she bandaged Margaret Deery's leg with dressings borrowed from the other Ambulance Corps volunteer in the house, and with pillowcases provided by the occupants, because a soldier outside the house had asked to search her kit bag

and had returned it held open and upside down, with the result that such supplies as remained in it after her treatment of various earlier minor casualties had fallen to the ground. She had been unable to retrieve them because she had heard gunfire.

¹ [AD182.15](#)

² [AD182.13](#)

55.137 There is another photograph that also shows Margaret Deery in 33 Chamberlain Street. In her statement to this Inquiry,¹ Majella Doherty, now Majella Cassidy, told us that this photograph shows her arm extending across Margaret Deery's chest.

¹ [AD182.7](#)



55.138 Anna Nelis said in her NICRA statement,¹ and in her written statement² and oral evidence³ to this Inquiry, that after she had called the ambulance she returned to 33 Chamberlain Street and found that the wounded Michael Bridge had also been brought in. She was then told that an Army vehicle had drawn up outside the house, and she went out and asked the soldiers for help. Two soldiers of the Parachute Regiment then entered the house and saw both casualties before leaving. We return to this episode, and to the evidence of Anna Nelis and others about the attitude and language of the soldiers, when we discuss the actions of soldiers of C Company in Chamberlain Street.⁴

¹ [AN8.9](#)

³ [Day 103/10-17](#)

² [AN8.3-AN8.4](#)

⁴ [Chapter 66](#)

55.139 After this an ambulance arrived. The driver John Holmes¹ and the attendant William Gray² carried Margaret Deery out of 33 Chamberlain Street on a stretcher and took her to the Casualty Department at Altnagelvin Hospital.

¹ [ED62.4](#)

² [ED48.10](#)

55.140 Later in this report¹ we consider whether it is possible from the evidence available to us to identify the soldier who shot Margaret Deery.

¹ [Chapter 64](#)

Michael Bridge

Biographical details

55.141 Michael Bridge was 25 years old at the time of Bloody Sunday. He was then an unmarried man living in Tremone Gardens, Creggan. He was an unemployed labourer.¹

¹ [AB84.14](#); [AB84.41](#)

55.142 It was brought to our attention that Michael Bridge was convicted of an offence some years before Bloody Sunday. We considered this conviction but it did not affect our view on any material issue and accordingly we say no more about it.

Prior movements

55.143 Michael Bridge took part in the march on Bloody Sunday. He has said in several accounts that after the march had begun, he was approached by a girl who asked him to act as a steward. He agreed to do so and was given a white steward's armband.¹

¹ [AB84.12](#); [AB84.14](#); [WT7.67](#); [AB84.23](#); [AB84.30](#); [AB84.2](#); [Day 93/26](#)

55.144 Michael Bridge said in his statement to the RUC¹ that he and other stewards walked in front of the lorry at the head of the march, asking people to stay at the side of the road until the lorry had passed and then fall in behind it if they wished to join the march.

¹ [AB84.12](#)

55.145 Michael Bridge can be seen in the following photograph, facing in the opposite direction to those who ran into the eastern end of William Street after the lorry had turned into Rossville Street. He explained to us in his oral evidence¹ that at this stage he was trying to tell people in this group to go back and follow the lorry.

¹ [Day 93/28](#)



55.146 Michael Bridge told us, in his written statement to this Inquiry,¹ that he and a number of other stewards went down William Street to Barrier 14, where they lined up facing the marchers and telling them to turn back and go to Free Derry Corner. His recollection was that initially the stewards succeeded in persuading some people to do this, but that stone-throwing began and that a stage was reached at which it became impossible to control the situation.

¹ [AB84.3](#)

55.147 In two accounts given in 1972, Michael Bridge said that some of the youths in the crowd were carrying sticks, which he and other stewards removed from them.¹ In his written statement to this Inquiry,² he said that he did not now remember the youths having sticks.

¹ [AB84.12](#); [AB84.23](#)

² [AB84.8](#)

55.148 The following photographs show Michael Bridge in front of Barrier 14, as he confirmed in his oral evidence to us.¹ In the second of these photographs his white armband can be seen.

¹ [Day 93/29](#)



55.149 In his statement to the RUC,¹ Michael Bridge said that after the water cannon had been used at Barrier 14, he thought that he could “*feel fumes come from the water*”. He then “*went into an alley at the back of Chamberlain Street and was sick on the waste ground*”. As we have explained earlier in this report,² we are satisfied that CS gas was thrown from

the crowd at Barrier 14 rather than by the soldiers. Michael Bridge confirmed in later accounts that he was affected by CS gas, and that he went down Macari's Lane onto the waste ground, where he was sick.³

¹ AB84.12

³ AB84.14; AB84.16; WT7.67; AB84.23; AB84.3

² Chapter 15

55.150 Michael Bridge recorded, in his statement to the RUC,¹ that he then returned to William Street, where a few people were still throwing stones at the soldiers, who in turn began to fire baton rounds towards the stone-throwers. According to Philip Jacobson's and Peter Pringle's note of their interview of him,² Michael Bridge told them that the stoning had become a bit worse at this stage, and that he saw the stone-throwers carrying a big sheet of corrugated iron as a sort of shield. In his written statement to this Inquiry,³ Michael Bridge said that he could not recall seeing the stone-throwers carrying the sheet of corrugated iron, but in his oral evidence to this Inquiry⁴ he said that his memory of this had been refreshed by looking at photographs.

¹ AB84.12

³ AB84.9

² AB84.23

⁴ Day 93/23-24

55.151 In his written statement to this Inquiry,¹ Michael Bridge told us that when he returned to William Street, his intention had been to continue to act as a steward, although he did not think that he had given the matter much thought. However, in a report by Brian Woosey published in the *Sun* newspaper on 2nd February 1972,² Michael Bridge was quoted as saying that although there had been nothing in his hands when he was shot, he had "*thrown a couple of stones at the barricades previously*", and in his oral evidence³ Michael Bridge told us that this was correct. He acknowledged that the following photograph shows him adopting a confrontational position in William Street at a stage after the ground had been made wet by the water cannon, and said that he thought that by this stage he had been throwing stones.

¹ AB84.3

³ Day 93/30-32

² L144

Michael
Bridge



55.152 Michael Bridge also said¹ that Gilles Peress's photograph, reproduced below, showed him standing behind the corrugated iron shield with what looked like a stone in his hand.

¹ [Day 93/74-75](#); [Day 93/93](#)

Michael
Bridge



55.153 Michael Bridge said that he had thought at the time that if the soldiers had refrained from using their riot control weapons, the stone-throwers would either have become fed up or been persuaded by the stewards to leave, and that this view had probably influenced his actions after he returned to William Street.¹ He also said that when he returned to

William Street and joined in the stone-throwing, he was no longer wearing his steward's armband.² He thought it likely that he had used it to wipe his face after he had been sick, as he had said in his statement to the RUC³ that he had "*got a piece of cloth*" for that purpose.

¹ [Day 93/61-63](#)

³ [AB84.12](#)

² [Day 93/71-73](#)

55.154 Michael Bridge has said in several accounts that he was himself hit on the right foot by a baton round while he was in the area between Chamberlain Street and Barrier 14, and that he then went into Chamberlain Street, where he sat on the pavement until the paratroopers entered the Bogside.¹ He is recorded in Philip Jacobson's and Peter Pringle's note² as having said that although this hurt a bit, and caused a mark on his boot, it was nothing serious.

¹ [AB84.12; AB84.14; WT7.67-WT7.68; AB84.23; AB84.4;](#) ² [AB84.23](#)
[Day 93/36-37](#)

Medical evidence

55.155 Mr HM Bennett, a consultant surgeon at Altnagelvin Hospital, described injuries to Michael Bridge's left thigh in a letter to the RUC dated 7th February 1972.¹ He reported that there was an entry wound in the anterior part of the lateral side (ie outside) of the thigh and an exit wound in the posterior part of the same area. He considered that Michael Bridge had sustained a comparatively minor wound and was likely to suffer little if any permanent disability.

¹ [ED35.3](#)

55.156 Dr Richard Shepherd and Mr Kevin O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who received non-fatal gunshot wounds on Bloody Sunday. In their report on these cases,¹ Dr Shepherd and Mr O'Callaghan made the following comments about Michael Bridge's injuries:

"Mr Bridge had a through and through wound of the left thigh. In a letter of the 7th February 1972 to the RUC Mr Bennett states that the entry wound was on the front of the outside aspect of the thigh and the exit wound at the back of the outside aspect of the thigh. The track of the wound is therefore more likely to be from front to back than the reverse. No comment can be made concerning the nature of the projectile."

¹ [E10.6](#)

Accounts given by Michael Bridge

55.157 Michael Bridge gave the following accounts in 1972:

1. a Keville interview;¹
2. a statement to the RUC taken when he was still in hospital on 3rd February 1972;²
3. a further statement of which the Inquiry has only the first page.³ This page bears no date or signature, but it is clear that the statement was taken in 1972, since Michael Bridge described himself in it as 25 years old, which was his age in that year. The Inquiry obtained this document from a collection deposited in the Public Record Office of Northern Ireland by the solicitor who acted for the next of kin of 12 of the deceased at the Widgery Inquiry. It is similar in form to other statements believed to have been sent to that solicitor on 29th February 1972, in order that he might pass them to the Widgery Inquiry, by an apprentice solicitor in the firm that represented the wounded. We think it highly likely that the statement of Michael Bridge was taken by that firm in preparation for the Widgery Inquiry;
4. a written statement for the Widgery Inquiry dated 25th February 1972;⁴
5. oral evidence to the Widgery Inquiry on 29th February 1972;⁵ and
6. an interview with the *Sunday Times* Insight Team journalists Philip Jacobson and Peter Pringle, conducted on 2nd March 1972.⁶

¹ AB84.32-33

⁴ AB84.21-22

² AB84.12-13

⁵ WT7.67-71

³ AB84.30

⁶ AB84.23-25

55.158 There are also records of interviews that Michael Bridge gave to Paul Mahon on 27th January 1998¹ and to the author and journalist Don Mullan² on 23rd August 1998.³

¹ X4.3.1-8

³ AB84.34-43

² Don Mullan was the editor of *Eyewitness Bloody Sunday*, a collection of some of the NICRA statements made by witnesses to the events of the day. The collection was published in 1997.

55.159 Michael Bridge submitted an approved draft written statement to this Inquiry on 30th September 1999 and gave oral evidence to this Inquiry.¹ He later made a supplementary written statement to this Inquiry.²

¹ AB84.1-9; Day 93/20-95

² AB84.44-50

- 55.160 In his Keville interview Michael Bridge described people shouting that the Army vehicles were coming in, and said that he ran to the corner at the south end of Chamberlain Street with others.¹ The interviewer then asked him: *“Did you see the young fella dead where was he lying?”*

“He was lying at the, in the carpark at the walls there. He was lying up off the wall and there was a priest and two other blokes there was blood flying out of his mouth and nose but he was dead.

[Female voice] And then what did you do?

I cracked up and turned round faced the troops and started screaming at them I was shot then.

[Female voice] And can you tell which soldier shot you was it a soldier that you could see?

No the soldier that was facing me he didn’t shot [sic] me, he put his, the rifle up to shoot at me it was possible I was standing facing him you know.

[Female voice] Yes

... And I was no more than ten yards away I was standing facing him and the bullet went in the side of my leg.

[Female voice] So were you shot from your left side?

I was shot on my left side at the maisonettes at the waste ground [inaudible] I am nearly sure it was the soldier at the side of the flats.”

¹ [AB84.32-33](#)

- 55.161 On 2nd February 1972 Michael Bridge refused to be interviewed by the RUC. He was apparently extremely agitated and, according to their reports, accused the RUC of shooting into the crowds from the City Walls on Bloody Sunday.¹ However, on the following day and in the presence of Fr Anthony Mulvey he made a statement to the RUC.² After describing what he had done on the march and being struck on the foot with a rubber bullet while near Barrier 14, Michael Bridge recorded that when people started shouting that the Army vehicles were coming:³

"I ran along Chamberlain Street and cut into Eden Place. On waste ground in front of me I saw an armoured personnel carrier parked with the back doors towards me. These doors were open. I saw two soldiers jump out of this vehicle and they were firing their rifles. I ran back into Chamberlain Street and a man aged about 30 to 40 years fell and I lifted him up. At this stage I saw a soldier standing with a rifle at the corner of the small shop at the rear of 12a Chamberlain Street. I heard a shot fairly close and I thought that this soldier had fired. I ran up Chamberlain Street towards the courtyard of the flats. There were about fifty other people running along Chamberlain Street as well. As I ran I heard a young lad say that there was a young fellow shot. His exact words were, "He's shot dead, he's shot dead". I ran into the courtyard and I saw a priest bending over a body. I had got to within two or three yards of the priest and I saw blood on the face of the person lying on the ground. I turned round, screamed at the soldiers and walked towards them. I saw a soldier about twenty yards from me with his rifle at his shoulder aiming at me. The next thing I felt was a thud on the left thigh. The soldier with the rifle at his shoulder could not have shot me but I was aware of another soldier at the bottom of Rossville Flats and to my left. I turned and walked a short distance and two fellows came running out and caught hold of me and told me I was shot. I felt the blood on my thigh and I was carried into the first house in Chamberlain Street."

¹ [AB84.10](#); [AB84.11](#)

³ [AB84.13](#)

² [AB84.12](#)

55.162 Michael Bridge gave a similar account in his written statement for the Widgery Inquiry.¹ He added the detail that as he approached the body he could not remember any shooting. His account of the time after he had approached the body was in the following terms:

"4. While I was standing in the car park, just before I was shot, I noticed a Saracen parked in the waste ground between the rear of the houses in Chamberlain Street and the high flats in Rossville Street. I also noticed a soldier in a kneeling position with his rifle aimed into the car park at the corner of the Rossville Street flats. There was another soldier standing a few feet from the rear wall of one of the houses in Chamberlain Street. He had his rifle in his shoulder in an aiming position. I noticed that he did not have a riot visor down over his face. There was no camouflage paint on his face."

¹ [AB84.21-22](#)

55.163 In his oral evidence to the Widgery Inquiry, Michael Bridge again gave a similar account. He referred to the two soldiers, one kneeling at the corner of the flats and one standing out from the rear wall of the houses in Chamberlain Street, and said: “*I don’t know which one shot me.*”¹

¹ [WT7.70](#)

55.164 The note of Philip Jacobson’s and Peter Pringle’s interview with Michael Bridge records that he ran to Jackie Duddy, and then ran back “*towards the saracen*”:¹

“I recall very clearly that i was shouting at one soldier up against the back wall of the houses at the top of chamberlain street; he was no more than thirty yards away and i remember he had no visor on his helmet. he brought his rifle to the shoulder and aimed at me. next thing, there was a thump in my leg.

at first i thought I had caught another rubber bullet. i didnt go down and was hobbling towards chamberlain street when a couple of boys dashed out to help me. they took me into the [...], no 33, and i went through to the back yard and I think it was then that i realised i was shot, someone said, there s a woman shot in the leg in the front room. i didnt know then that it was peggy deery, who I know well.”

¹ [AB84.24-25](#)

Where Michael Bridge was shot

55.165 Sam Gillespie gave a statement in 1972¹ in which he recorded:²

“I was taking photos of the civil rights march. I was in William Street taking pircures [sic] of the confrontation with the British Army when the army charged. I ran over Chamberlain Street. I was one of the last to enter. When I got to the square at Rossville Flats I see a bloke lying on the ground with about 10 people around him. He was dead. I took a picture of this. While I was taking it a young fellow who seemed to be his friend turned and faced the soldiers shouting, “Shoot me, you bastards. Shoot me.” He was waving his hands in the air, and as he was moving toward the soldier who was taking cover at a Saracen he was shot twice in the leg. I believe his name is Michael Bridges.”

¹ As we explain below ([paragraph 55.176](#)), the photographs which accompanied the original of this statement were not attached to the copies of it obtained by this Inquiry. ² [AG36.17](#)

55.166 In his written statement to this Inquiry¹ Sam Gillespie told us that he had taken two photographs of Michael Bridge, one before he was shot and one immediately after. In his oral evidence he said² that the time that passed between the taking of the two photographs was very short, and that after taking the first he had followed Michael Bridge's movements through the viewfinder of his camera, waiting to see what happened to him, until the shot was fired and he took the second photograph. We set these photographs out below in the order in which Sam Gillespie recalled that he took them.

¹ AG36.4

² Day 142/48-53



55.167 In his written statement to this Inquiry,¹ Michael Bridge told us that he was sure that he was not the man shown on the far right of the first of these photographs because it was his very clear recollection that only two or three people were bent over Jackie Duddy when he, Michael Bridge, was shot, whereas the photograph shows more; but by the time he gave oral evidence he had changed his mind, and he agreed that he probably was the man on the far right of the photograph.² He has never doubted that he is the man shown on the left in the second photograph.

¹ [AB84.6](#)

² [Day 93/23](#)

55.168 Fr Daly also gave evidence in 1972 that suggested that by the time Michael Bridge was shot there were not many people around Jackie Duddy. In his written statement for the Widgery Inquiry, Fr Daly recalled that after he had reached Jackie Duddy a number of people gathered around, but he asked them to go away, which they did.¹ His statement continues:

“After a few minutes the gunfire got worse. We both lay down beside the boy as I gave him the Last rites of my church. I felt he was dying. Just as I had finished giving him the last rites, a young man dashed out past where we were lying towards the soldiers ... I screamed at him to get back. He danced up and down in front of the soldiers shouting something that I could not understand. He had his hands help up at full stretch over his head. I saw a soldier at the corner of the flats take aim and fire at this man ... he staggered and ran crazily around for a moment. I don't know where he went then ... I am certain that he was hit ... I think his name was Bridge.”

¹ [H5.19](#)

55.169 However, in his oral evidence to this Inquiry, Fr Daly did not exclude the possibility that the first photograph showed Michael Bridge on the right.¹

¹ [Day 75/31-32](#)

55.170 The representatives of the majority of represented soldiers submitted that the first photograph did not show Michael Bridge, relying on his written evidence to this Inquiry and on the evidence of Fr Daly.¹ These representatives also submitted that an examination of the first photograph shows Jackie Duddy to be lying on his front because his heels are seen up and his toes down, whereas, as we have explained earlier in this chapter,² Fr Daly did not reach Jackie Duddy until he had been turned onto his back.

¹ [FR7.491](#)

² [Paragraphs 55.23–28](#)

55.171 We do not accept these submissions.

55.172 In the first place, it seems to us that the location in which Jackie Duddy is shown lying on the ground is the same as that shown in the photograph taken by Gilles Peress, which we have considered when dealing with the shooting of Jackie Duddy. That photograph, reproduced below, shows Fr Daly with Jackie Duddy. On the basis of Willy Barber's account to the *Sunday Times*,¹ we are of the view that Jackie Duddy was turned on his back before he was surrounded by the group of people shown in Sam Gillespie's first photograph.

¹ [AB9.3](#)



55.173 In the second place, we are not convinced that Sam Gillespie's first photograph, which is out of focus, does show Jackie Duddy's feet with his heels up and toes down. The poor quality of the image and the number of people around make it impossible to tell whether he was lying on his front or his back.

55.174 In the third place, in view of the gravity and fluidity of the situation, with most people's attention (particularly that of Fr Daly) concentrated on the casualty, recollections as to the number of people present at any particular moment are not in our view likely to be necessarily reliable.

55.175 There remains the question whether Sam Gillespie was correct in his recollection that he had taken the second photograph after Michael Bridge had been shot.

55.176 A note at the top of the statement made by Sam Gillespie in 1972¹ indicates that photographs accompanied the original statement. Those photographs are not attached to any of the copies of that statement obtained by the Inquiry. In his statement and oral evidence to this Inquiry,² Sam Gillespie told us that he thought that he had made his 1972 statement to a journalist from the *Sunday Times*, and that he gave the journalist his negatives, which were subsequently returned to him. He referred to this journalist as “Derek Humphries”, although in fact his name is Derek Humphry. However, Sam Gillespie accepted the possibility that his 1972 statement had been made to a representative of NICRA. Since the statement is in similar form to a large number of NICRA statements, we are satisfied that the statement was taken on behalf of NICRA, and that Sam Gillespie was mistaken in thinking that Derek Humphry took the statement, although we have no reason to doubt that Derek Humphry met Sam Gillespie and borrowed his negatives.

¹ [AG36.17](#)

² [AG36.6](#); [Day 142/64-66](#)

55.177 In June 1999 the Inquiry received, from the archives of Liberty (then known as the National Council for Civil Liberties) held at the University of Hull, copies of five photographs, which bear on the reverse manuscript annotations indicating that they were taken by Sam Gillespie. Two of these photographs are identical to the two shown above.¹

¹ [Paragraph 55.166](#)

55.178 In October 1999, Sam Gillespie provided to the Inquiry some further copies of photographs taken by him on Bloody Sunday, some of which were annotated on the reverse. This set did not include the two shown above,¹ but included copies of the other three photographs supplied by the University of Hull, without annotations, and of some more photographs not found in the archives of Liberty. Sam Gillespie was shown one of the photographs in this last category and the annotations on the back during the giving of his oral evidence to this Inquiry,² and was asked in general terms when he had made the annotations on the copies of his photographs in the possession of the Inquiry. He said that he had done this not in 1972 but only after he had been contacted for the first time by solicitors acting on behalf of this Inquiry.

¹ [Paragraph 55.166](#)

² [Day 142/58-59](#)

55.179 While we have no doubt that this answer was correct in relation to the photograph and annotations he was shown and the other annotations on the set of photographs provided to the Inquiry by Sam Gillespie, we are also satisfied that the annotations on the reverse of the five photographs from the archives of Liberty were made in 1972. As was explained in a circular letter dated 11th February 1972 from its General Secretary Tony Smythe,¹ that organisation acted as a “*central clearing house*” for the statements that we have

described as NICRA statements. We think that it is highly probable that the five photographs held in the archives of Liberty were those that originally accompanied Sam Gillespie's NICRA statement, and in our view Sam Gillespie would have had neither reason nor opportunity to annotate those photographs after they had come into the possession of Liberty.

¹ [AS28.9-AS28.14](#)

55.180 We are confirmed in this view by the fact that, in the annotations on the reverse of the photographs obtained from the archives of Liberty, Sam Gillespie gave the address at which he lived at the time of Bloody Sunday and not his current address.

55.181 The annotations on the reverse of the first of the photographs shown above,¹ which we are satisfied were made in 1972, are as follows:

"FIRST FRAME [1]

The death of McIlhenny with Michael Bradley (extreme right) running berserk away from body and shouting to be shot. He was.

Taken by Sam Gillespie [address]"

¹ [Paragraph 55.166](#)

55.182 The name "*Bradley*" has been deleted and replaced by "*Bridge*". We do not know whether this amendment was made by Sam Gillespie or by someone else, but we have no doubt that the original reference to Michael Bradley was erroneous. We also have no doubt that "*McIlhenny*" should read "*Duddy*".

55.183 The annotations on the reverse of the second of the photographs shown above,¹ which we are satisfied were made in 1972, are as follows:

"NEXT FRAME [2]

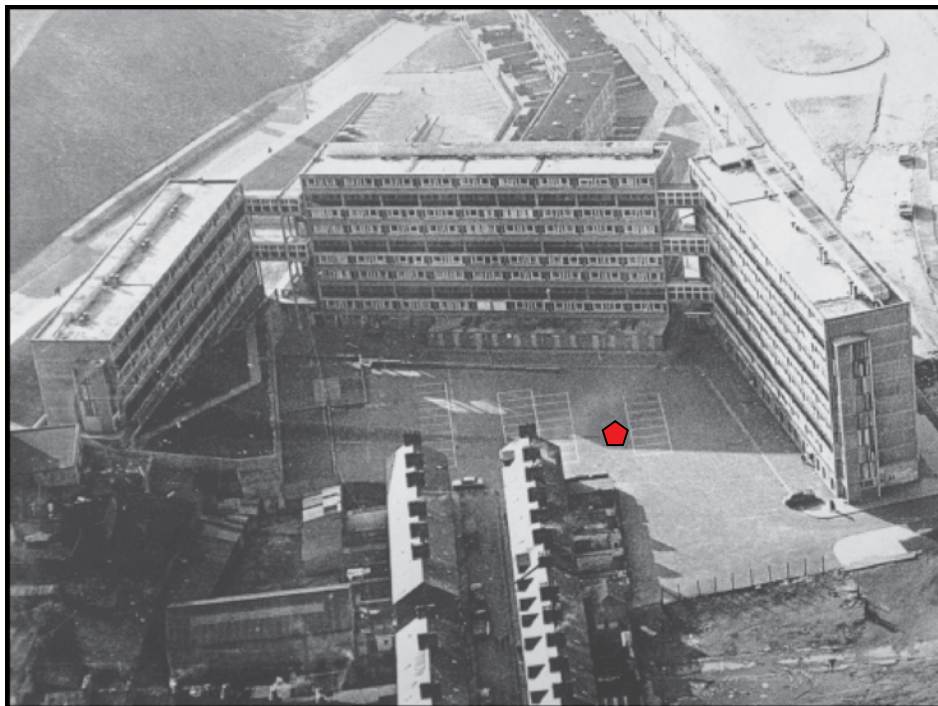
Michael Bradley seconds before he was shot.

Taken by Sam Gillespie [address]"

¹ [Paragraph 55.166](#)

55.184 On this photograph, the name "*Bridge*" has not been substituted for "*Bradley*", but it is clear to us that the same mistake has been made about the name as was originally made in the annotations on the previous photograph.

- 55.185** For these reasons we regard the annotations on this photograph as convincing evidence that Sam Gillespie believed in 1972 that he had taken his second photograph shortly before Michael Bridge was shot, rather than immediately after the shooting, which was his recollection when he gave evidence to this Inquiry. Since we consider that his original memory is more likely to be reliable, we have reached the conclusion that this photograph was taken shortly before the shooting of Michael Bridge.
- 55.186** Bearing these matters in mind, we are of the view that of the two photographs taken by Sam Gillespie, the first shows Michael Bridge advancing towards the soldiers while the second shows him very soon before he was shot. It may be that Michael Bridge had moved a little further towards the soldiers after this photograph was taken and before he was shot, but it seems that this cannot have been any great distance. Hence, by reference to the lines marking the car park bays, it is possible to show on an aerial photograph of the car park the approximate position (marked in red) where, on the basis of the evidence discussed above, Michael Bridge was when he was shot.



When Michael Bridge was shot

- 55.187** From the accounts that he gave in 1972, it seems to us clear that Michael Bridge had come along Chamberlain Street and seen Lieutenant N's APC and soldiers disembarking from it. From his description in his RUC statement of seeing a soldier standing at the corner of a small shop at the rear of 12a Chamberlain Street (in other words, on the north

side of the entrance to the Eden Place alleyway from the waste ground), and of hearing a shot, we have little doubt that he saw Lieutenant N in that position and heard one of his shots. His descriptions of hearing, as he ran further along Chamberlain Street, a young lad saying that someone had been shot dead, and of seeing, as he ran into the courtyard of the flats, a priest bending over a body, make us sure that Michael Bridge arrived in the Rossville Flats car park at some stage after Jackie Duddy had been shot and after Fr Daly and others had gone to Jackie Duddy.

55.188 Michael Bridge's account to the *Sunday Times* of being told, after he had been wounded and taken to 33 Chamberlain Street, that a woman (in our view Margaret Deery) was in the front room of that house indicates to us that she had been wounded and carried there before Michael Bridge was wounded, possibly even before Michael Bridge had reached the southern end of Chamberlain Street, as he made no other mention of seeing her.

55.189 There are other witnesses who in our view confirm that Margaret Deery was taken into 33 Chamberlain Street before Michael Bridge.

55.190 At the time 33 Chamberlain Street was the home of Bridget Nelis and her daughters Anna and Margaret Nelis. The only evidence we have from Bridget Nelis (who died before this Inquiry was established) is a statement that she gave to the RUC in 1972. In this she noted that an injured woman was brought into her house, and that later two wounded civilians were carried away. It appears that she did not see the second casualty arrive.¹ Anna Nelis told NICRA that she was at home when a woman with a leg wound was carried into her house. Anna Nelis stated that she subsequently went to the home of Mrs Donahoe in High Street in order to telephone for an ambulance; during the time she was gone Michael Bridge was carried into 33 Chamberlain Street.² In her evidence to this Inquiry, Anna Nelis gave a consistent account of this sequence, and stated that she subsequently learned that the injured woman was Margaret Deery.³ Margaret Nelis also stated to NICRA and the RUC in 1972 that Michael Bridge was brought into 33 Chamberlain Street after Margaret Deery.⁴ In her evidence to this Inquiry, Margaret Nelis stated that she remembered Margaret Deery being carried into her home, but although she understood that an injured man might also have been brought into the house she did not have any recollection of this happening.⁵

¹ AN26.1

⁴ AN11.8; AN11.10

² AN8.9

⁵ AN11.3; Day 103/62

³ AN8.2-3; Day 103/6-10

- 55.191** George Nelis (Bridget Nelis's son) recorded in his NICRA statement that he was in his mother's house (33 Chamberlain Street) when: "*An injured woman (Mrs. Deery) was carried by a few men into the kitchen. A few minutes later there was an injured man carried into the house.*" Soldiers arrived at the house "*Approx 5 minutes later*".¹

¹ [AN9.9](#)

What Michael Bridge was doing when he was shot

- 55.192** Philip Jacobson's and Peter Pringle's notes of their interview of Michael Bridge carry the following handwritten annotation: "*He did chuck a half brick just before getting hit.*" Philip Jacobson told us that this annotation was in his handwriting and that he thought that it must have been based on something that Michael Bridge had told him and Peter Pringle.¹ However, later in his evidence he agreed that the annotation might have been made as the result of information obtained elsewhere.²

¹ [Day 191/147-148](#)

² [Day 191/168-170](#)

- 55.193** As already noted, Paul Mahon interviewed Michael Bridge. During the course of this interview, which was video-recorded, Michael Bridge played Paul Mahon a tape recording of an interview that he had earlier given to a local radio station, BBC Radio Foyle.¹

¹ [AB84.49](#)

- 55.194** Paul Mahon's interview of Michael Bridge was transcribed,¹ including the recording played during it. Some of that recording is indecipherable, but its transcription includes the following:²

"Yeah, he was dead, he was down, obviously dead. [Even, in my, you know, sort of ... umm ... there was a stone just beside the wall.] A priest was with him. Well, even then, like, it's [still not there]. There are no functions or registrations in the head. [You see it's there] in full sight. You see it, but it's not believable. You know it's ... [indecipherable]. [I turned anyway, and I gathered up a number of stones] and the soldiers at this time were ... the Saracens, were [just at the high flats on the wasteground]. There was one soldier in particular. He was [along a well]. I started throwing stones at him.

[Indecipherable references to hands in the air and verbal abuse] ‘You can shoot anybody, so shoot me?’ It sounds stupid, but you’d never believe that they would do it, you know. But he shot. He shot five or six shots [at me into the leg. [Indecipherable] [but I didn’t feel it]. [I thought I was hit by a rubber bullet.] I could sense the bullets flying around me. [A boy run out from Chamberlain Street. He grabbed me.] [I was spinning, he grabbed me. He pulled me down to the first wee house in Chamberlain Street.”

¹ Square brackets were used on the transcripts of the Mahon interviews to mark any part of the recording where the transcriber was either unsure of, or could not hear, what was being said.

² X4.3.5

55.195 In his supplementary statement to this Inquiry,¹ made after he had given oral evidence, Michael Bridge told us, as he had in his earlier evidence to us,² that he threw no stones in the Rossville Flats car park. His explanation of what he had said in the Radio Foyle interview was: *“If I said otherwise in the radio interview about gathering up or throwing stones, it was a point of detail which, on reflection, is probably wrong.”*³

¹ AB84.49

³ AB84.49-50

² AB84.5; AB84.6; Day 93/51-55

55.196 However, there is other evidence to the effect that Michael Bridge was throwing stones or bricks at the soldiers shortly before he was shot.

55.197 William McClintock gave a NICRA statement¹ in which he recorded that he had been watching from his mother’s flat at 9 Mura Place. This was in Block 1 of the Rossville Flats.

“I could see a wounded man lying in the car park, – Fr. Daly and the Knights of Malta were giving him aid. Paratroopers were lined along the wall opposite the back of the Flats and they opened up fire on the group. A man stepped forward with about half a brick and threw it at the Paratroopers. He then opened his coat and roared ‘Go ahead and shoot me’ and the Paratrooper did, in the leg.”

¹ AM113.1

55.198 In the light of the evidence we have already considered, it seems to us that the man William McClintock saw was Michael Bridge.

55.199 We have also taken into account the evidence of Billy Gillespie,¹ Hugh Barbour² and Bernard Doherty. We have expressed some doubts earlier³ about the sequence of events in the account of Billy Gillespie, and Hugh Barbour appears to have mistakenly thought

that Michael Bridge was protesting about the shooting of Michael Bradley, another casualty in Sector 2, to whom we turn later in this chapter.⁴ Bernard Doherty gave evidence that when he was in the car park he saw someone with a piece of brick in his hands, advancing towards the soldiers, and this may have been Michael Bridge.⁵

¹ AG33.2; Day 84/149

⁴ Paragraph 55.211

² AB10.3; Day 88/93

⁵ AD54.3; Day 85/117-125

³ Paragraphs 55.117 and 55.123

55.200 Our assessment of the evidence considered above leads us to conclude that Michael Bridge had thrown at least one stone or piece of brick at the soldiers shortly before he was shot. It follows that in this regard he gave inaccurate evidence to us. However, we consider that at the moment he was shot Michael Bridge no longer had anything in his hands, as Fr Daly told us was the case,¹ and that he was instead advancing towards the soldiers shouting and gesticulating. Sam Gillespie's second photograph, which we believe was taken shortly before Michael Bridge was shot, in our view supports this conclusion, since it contains no indication that at that stage Michael Bridge was still holding a stone or a brick.

¹ H5.5

55.201 This photograph also shows that there was no-one in front of or beside Michael Bridge. As a number of witnesses told us, including Fr Daly, he was advancing towards the soldiers on his own. There is nothing to suggest, and no-one has suggested, that Michael Bridge was armed or posing or about to pose a lethal threat. Whether at the time he was shot his actions could have led a soldier mistakenly to believe that he was or might have been about to throw a bomb is a matter to which we return,¹ when we consider whether it is possible to identify the soldier who shot Michael Bridge.

¹ Paragraph 64.17

Where Michael Bridge was taken

55.202 Michael Bridge was taken to Bridget Nelis's house at 33 Chamberlain Street after he had been shot.

55.203 In his statement to the RUC,¹ Michael Bridge recorded that after he had been shot, he turned and walked a short distance. Two men came running out, caught hold of him and told him that he had been shot. He was carried into the first house in Chamberlain Street.

¹ AB84.13

55.204 In Peter Pringle's and Philip Jacobson's note of their interview of Michael Bridge,¹ he is recorded as saying that he *"didn't go down and was hobbling towards chamberlain street when a couple of boys dashed out to help me"*.

¹ [AB84.25](#)

55.205 In his statement to this Inquiry,¹ Michael Bridge said that the shot spun him round and that two boys ran out of Chamberlain Street and grabbed him. One of them told Michael Bridge that he had been shot. Michael Bridge then collapsed and was either carried or dragged to Chamberlain Street.

¹ [AB84.6](#)

55.206 William McCloskey,¹ Maurice McColgan,² Hugh McMonagle³ and OIRA 8⁴ all said that they carried or dragged Michael Bridge into 33 Chamberlain Street. Maurice McColgan explained⁵ that the house was so crowded that there was nowhere to put Michael Bridge, and on the advice of an Order of Malta Ambulance Corps volunteer he and William McCloskey took Michael Bridge out into the back yard of the premises.

¹ [AM120.3](#); [Day 73/160](#); [Day 74/21-27](#)

⁴ [AW14.3](#); [Day 410/50-51](#); [Day 410/68-69](#)

² [AM124.2](#); [Day 74/167-169](#)

⁵ [AM124.3](#)

³ [AM369.4](#); [Day 100/50](#)

55.207 Fulvio Grimaldi's photograph, reproduced below, shows Michael Bridge lying on the ground in the back yard of 33 Chamberlain St. Maurice McColgan identified himself¹ as the man on the left of the photograph with long hair and spectacles.

¹ [AM124.3](#)



55.208 The Order of Malta Ambulance Corps volunteer Charles McMonagle said in his interview with Kathleen Keville¹ that he attended to Michael Bridge at 33 Chamberlain Street. There was no severe haemorrhaging but he bandaged the wound and covered Michael Bridge with a blanket in the hope of concealing him from the soldiers. He also referred to this in his report to the Order of Malta Ambulance Corps.² In his oral evidence to this Inquiry,³ he said that he believed that he had treated Michael Bridge, although he no longer recalled doing so.

¹ AM367.24

² AM367.21

³ Day 102/126-127

55.209 Michael Bridge was taken to Altnagelvin Hospital in the same ambulance as Margaret Deery. We are satisfied that he is the man with leg injuries described in statements made on 2nd February 1972 by the ambulance driver John Holmes¹ and the attendant William Gray.²

¹ [ED48.8](#)

² [ED48.10](#)

55.210 Later in this report¹ we consider whether it is possible to identify the soldier who shot Michael Bridge.

¹ [Chapter 64](#)

Michael Bradley

Biographical details

55.211 Michael Bradley was 22 years old at the time of Bloody Sunday. He was recently married and lived in Rinmore Drive, Creggan. He was an unemployed painter.¹

¹ [ED30.3](#); [N1](#); [AB66.39](#)

Prior movements

55.212 Michael Bradley went on the march on Bloody Sunday with some of his brothers and friends.¹

¹ [AB66.2](#)

55.213 Michael Bradley stated in several accounts given in 1972 that he was part of the crowd in the area of William Street between Barrier 14 and the junction with Chamberlain Street. When the water cannon was used, and when CS gas was released, as he thought by the soldiers but as we have found by civilians, Michael Bradley moved back up William Street and paused for some minutes as he was affected by the gas. He then proceeded down Quinn's Lane, otherwise known as Macari's Lane, and across the waste ground towards the Rossville Flats.¹ In his written statement to this Inquiry² he gave a similar account, although he said that while the rioting was taking place at Barrier 14 he was standing outside James Porter's shop. As can be seen from the following photograph, that shop was in the part of William Street west of Macari's Lane, and hence further from Barrier 14 than the position indicated in the accounts that Michael Bradley gave in 1972.

¹ [AB66.19](#); [AB66.17](#); [AB66.25](#)

² [AB66.2-AB66.3](#)



55.214 In his notes of his research interview of Michael Bradley,¹ Tony Stark of Praxis Films Ltd wrote that Michael Bradley was “*AMONG THOSE STONING THE TROOPS*” at Barrier 14. According to the transcript of the fuller interview that followed, Michael Bradley did not in that interview say that he had thrown stones at Barrier 14, although he described a confrontation with the soldiers at the barrier and said that “*of course we grabbed for the barbed wire fences or whatever you call them, pickets, we grabbed for those trying to part them, trying to make our way through*”.² In his oral evidence to this Inquiry,³ Michael Bradley was asked whether there had been attempts to part the barrier, and said that he presumed so, but that he had been several rows back from the front.

¹ O1.19

³ Day 94/6

² O1.4

55.215 In his interviews with Paul Mahon¹ and Jimmy McGovern² and in his written statement to this Inquiry,³ Michael Bradley said that stones were thrown at Barrier 14 but did not say that he had thrown stones himself.

¹ X4.2.2-X4.2.3

³ AB66.3

² AB66.40

55.216 Michael Bradley is also recorded as having said in his second interview with Tony Stark¹ that “*the placards which we were carrying were thrown at the army*”, but in his interviews with Paul Mahon² and Jimmy McGovern³ and in his written statement to this Inquiry⁴ he said that the placards were thrown over his head by people further back in the crowd.

¹ O1.5

³ AB66.40

² X4.2.2

⁴ AB66.3

Medical evidence

- 55.217** Mr Fenton, the consultant orthopaedic surgeon at Altnagelvin Hospital, gave the following description of injuries to Michael Bradley's arms and chest in his letter to Detective Sergeant Cudmore dated 7th February 1972:¹

"Gun shot wounds right & left forearms and chest. Left forearm – small entrance and exit wounds on forearm. Comminuted fracture radius, mid shaft level. Entrance and exit wound on front of chest. Soft tissue wound only. Right forearm showed large entrance and exit wounds with severe damage to muscle and nerves of forearm and severe comminuted fracture radius at junction of upper 1/3 with mid. 1/3."

¹ [ED30.4](#)

- 55.218** An X-ray of Michael Bradley's right forearm showed that several small metallic foreign bodies were projected in the soft tissues opposite the head of the radius.¹

¹ [D982](#)

- 55.219** In a letter to Michael Bradley's general practitioner dated 22nd March 1972, Mr Fenton expressed the opinion that a bullet had struck the left forearm first and passed across the chest and into Michael Bradley's right forearm, to which it caused much more severe damage, probably because by that time it was spinning.¹

¹ [D960](#)

- 55.220** Dr Richard Shepherd and Mr Kevin O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who received non-fatal gunshot wounds on Bloody Sunday. In their report on these cases,¹ Dr Shepherd and Mr O'Callaghan made the following comments about Michael Bradley's injuries:

"Mr Bradley had a through and through wound right forearm, a through and through wound to the left forearm and two apparently minor injuries to the front of the right lower chest. The injuries to the right arm were the most severe of these injuries.

In a discharge summary of the 22nd March Mr Fenton suggests that the injuries to the left arm are less severe because it was struck first and a bullet 'went straight through'. Mr Fenton also suggests that the right arm was the more severely injured because the bullet was 'probably spinning' when it struck. It is clear that there was damage to both the bones and the nerves of this arm.

A report on an X ray of the right forearm of the 30th January 1972 indicates that 'Several small metallic foreign bodies are projected in the soft tissues...' The presence of these fragments is confirmed on the X ray films made available to us. However no foreign bodies were recovered at operation and neither are there any records or reports from DIFS [the Department of Industrial and Forensic Science].

It is not possible to determine if the injuries to the arms were caused by one or more than one projectile or if they originated from left or right. No comment can be made concerning the nature of the projectile or projectiles.

The injuries to the chest are only described as 'a superficial wound' in the operation note of 30th January 1972 and as 'two small wounds' in the operation note of the 11th February 1972. The injuries to the chest may have been caused by fragments of bone, by fragments of one bullet or of several bullets or by some other object or objects."

¹ E10.6-7

55.221 Despite the caution shown by Dr Shepherd and Mr O'Callaghan, we accept the view of Mr Fenton that Michael Bradley was hit by a single bullet. This conclusion is consistent with the evidence of Michael Bradley himself.

Accounts given by Michael Bradley

55.222 Michael Bradley gave the following accounts in 1972:

1. answers to some questions put to him by Detective Sergeant Cudmore on 4th February 1972;¹
2. a written statement dated 7th February 1972, witnessed by Brian Rainey.² Although this is not in the usual NICRA form, we are satisfied that it is a NICRA statement. Brian Rainey (then a schoolteacher) recalled taking a statement from Michael Bradley for, he believed, "*the Civil Rights Association*".³ The Inquiry has in its possession a handwritten copy of this statement, bearing the same date and what appear to be the signatures of Michael Bradley and Brian Rainey;
3. an interview with Fulvio Grimaldi, an account of which appears in Fulvio Grimaldi's book *Blood in the Street* (published in March 1972);⁴
4. a written statement for the Widgery Inquiry dated 28th February 1972;⁵ and

5. an interview with the *Sunday Times* Insight Team journalists Philip Jacobson and Peter Pringle on 1st March 1972.⁶

¹ AB66.24

⁴ AB66.35-38

² AB66.30-31

⁵ AB66.17-18

³ AR3.10

⁶ AB66.25-26; AB66.32

55.223 Michael Bradley was not discharged from hospital until the Widgery Inquiry was in progress, and he did not give oral evidence to that Inquiry.

55.224 Michael Bradley gave interviews to Tony Stark in 1991,¹ to Don Mullan² on 23rd August 1998,³ to Paul Mahon in or about 1998,⁴ and to Jimmy McGovern in or about 1999.⁵ He submitted an approved draft written statement to this Inquiry on 30th September 1999.⁶ He spoke again to Paul Mahon on 12th January 2000.⁷ He gave oral evidence to this Inquiry on 20th March 2001⁸ and made a supplementary statement on 6th June 2004.⁹

¹ O1.1-O1.18; O1.19

⁵ AB66.39-AB66.76

² Don Mullan was the editor of *Eyewitness Bloody Sunday*, a collection of some of the NICRA statements made by witnesses to the events of the day. The collection was published in 1997.

⁶ AB66.1-AB66.29

³ AB66.77-AB66.82

⁷ AB66.85-AB66.88

⁴ X4.2.2-X4.2.95

⁸ Day 94/1-46

⁹ AB66.83-AB66.84

55.225 Michael Bradley died on 2nd May 2009.

55.226 The answers Michael Bradley gave to the questions put by Detective Sergeant Cudmore¹ revealed little more than that Michael Bradley had been hit by gunfire at the rear of the Rossville Flats. He said he was heading home from William Street and, when asked how he received his injuries, replied: "*I don't know, I was just standing there, then I was out.*"

¹ AB66.24

55.227 Another RUC officer, Detective Constable Gillanders, wrote a report to his Detective Inspector in which he recorded that during the evening of 4th February 1972 John Hume MP had stopped Michael Bradley from giving an interview to the police and had advised him to appoint a solicitor.¹ There appears to have been no further attempt by the RUC to interview Michael Bradley.

¹ AB66.21

- 55.228 In his NICRA statement,¹ Michael Bradley described how he had gone from William Street through Macari's Lane (he called it Quinn's Lane) into the Eden Place waste ground, with a view to going towards the courtyard behind the Rossville Flats (ie the car park):

"I was still on the waste ground, no yet having reached the courtyard, when I looked round and saw the saracens driving along Rossville Street. There were several other people near me and when we saw the troops we began running and shouting, 'There's the Army.' The crowd ran in all directions. I ran straight ahead across the courtyard towards the far top corner of the flats – that is, the corner that leads out to the steps towards Fahan Street and to Joseph's Place. There was quite a few people running towards this corner also. After I went through the opening at the corner I stopped to catch my breath. I heard gunfire and ran back out through the opening towards the courtyard and it was then I saw a body lying on the ground about five to ten yards away. I observed it was the body of a young man and there was a small group of men around him.

I was standing there with my back towards the back of the shops and I was looking across the courtyard in the direction of the Army, whom I could quite clearly see at the Rossville Street end of the courtyard. There was also a saracen just stopping in the courtyard. It was this saracen in particular that caught my attention. I could see soldiers jump out and take up firing positions at the front of the saracen. All during this time I could hear the sound of gunfire.

Suddenly, I felt a heavy pain in my right arm. I realised I had been shot but didn't know how serious the wound was. I pulled myself back over the small wall behind the shops. I was still on my feet. I hadn't lost consciousness. In a bent over position I stumbled along towards the opening which leads out of the courtyard towards Joseph's Place and which I had come through a few minutes earlier. As I came near the opening a few men reached forward, grabbed me and carried me through to a house. I cannot remember exactly the house I was carried to. My main thought at the time was – would I live or die."

¹ [AB66.30-31](#)

- 55.229 Michael Bradley gave a similar account in his written statement for the Widgery Inquiry.¹ In this statement he recorded that it was because he had heard that Jackie Duddy (whom he knew personally) had been shot that he decided to go back into the forecourt of the flats:

“I jumped over the small retaining wall at the back of the shops in Joseph Place and went towards a small crowd which was positioned near the children’s playground on the north-eastern corner of the forecourt. I noticed blood on the ground where the people were standing. I was not able to see the body at this stage as the people were surrounding it. I was about five or six yards from this crowd when I looked over towards the waste ground at Eden Place. I saw two Saracens in the forecourt. One was near the rear of the houses in Chamberlain Street and the other was positioned in line with it but more towards Rossville Street. I saw soldiers come out of the Saracens and take up position around the vehicles. I noticed that they did not appear to have visors on their helmets. Just as they had taken up these positions I heard shooting. Then I felt a heavy thud on my left arm. I clutched my arm and I then turned and staggered over the small retaining wall again and made my way towards the alleyway I had come out of.”

¹ [AB66.17](#)

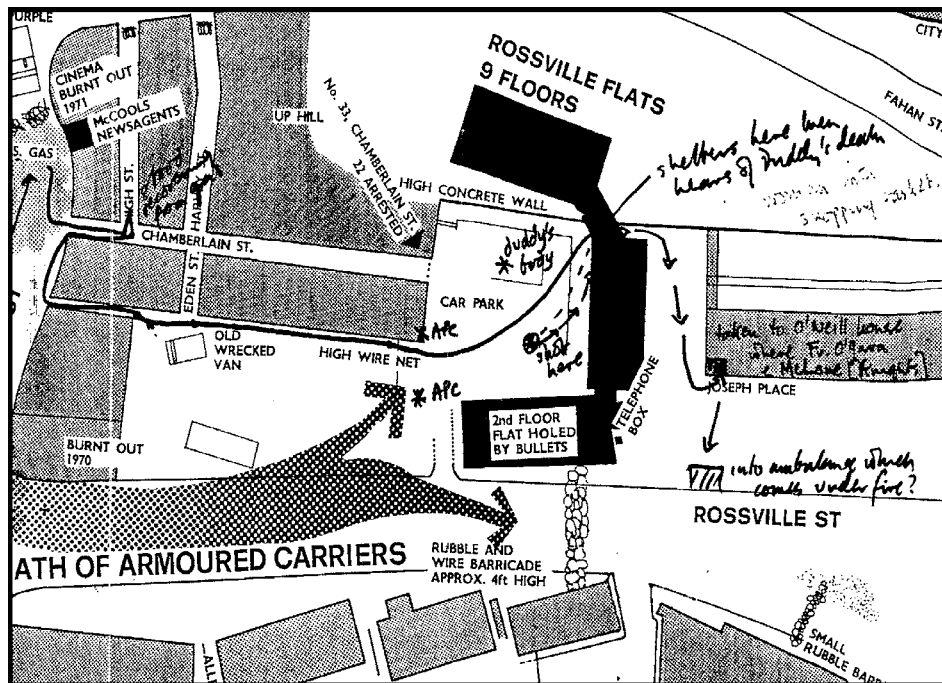
55.230 In this statement Michael Bradley recorded that he was not armed with a weapon or a nail bomb at any time.

55.231 According to the notes of his *Sunday Times* interview,¹ Michael Bradley again gave a similar account, this time adding that when he saw a body lying in the car park with Fr Daly and a group of others around it, he ran out into the car park and was shouting abuse at the troops when he was hit.

¹ [AB66.25](#)

55.232 The *Sunday Times* map, reproduced below,¹ which bears the annotation “*Michael Bradley 1/3/72*”, puts what is marked as “*duddy’s body*” in or near the recreation ground in the car park of the Rossville Flats. This is consistent with the description given by Michael Bradley in his statement for the Widgery Inquiry.

¹ [AB66.32](#)



55.233 We have no doubt that what Michael Bradley saw was the group of people (including Fr Daly) around the body of Jackie Duddy and the body itself. However, as will have been seen from our discussion of the shooting of Jackie Duddy, the location Michael Bradley described is clearly wrong. Michael Bradley himself acknowledged this during his oral evidence to this Inquiry,¹ though it appears that he was for many years under a misapprehension about the location.²

¹ Day 94/30

² As in his Mahon interview (X4.2.25-31).

Where Michael Bradley was shot

55.234 In his written statement to this Inquiry,¹ Michael Bradley told us that he was shot when standing about six feet in front of the low wall that ran along the northern side of Block 2 of the Rossville Flats, and about five or six feet from the body of Jackie Duddy. He sought to illustrate this by reference to a plan² and to the following photograph,³ which shows what he described as his approximate position, that of Jackie Duddy and that of an APC.

¹ AB66.5

³ AB66.15

² AB66.29



55.235 The position shown for the body of Jackie Duddy is close to where (for the reasons given earlier in this chapter)¹ we are confident that he was lying. The position shown for Michael Bradley in this photograph is indeed a few feet from the body, but substantially more than six feet away from the low wall. Thus it is not clear from Michael Bradley's account exactly where he was, though it should be noted that the *Sunday Times* map puts him in the general area where we know (contrary to what is shown on that map) that Jackie Duddy was lying.

¹ [Paragraphs 55.18–28](#)

55.236 Michael Bradley told us that he had always thought that he had dragged or pulled himself back over the wall after he had been shot.¹ As can be seen from the following photograph taken by Gilles Peress, the height of the low wall above the ground on its south side reduced as the wall ran towards Block 1 of the Rossville Flats.

¹ [AB66.6](#)



55.237 In his statement for the Widgery Inquiry, Michael Bradley recorded that he had jumped over “*the small retaining wall*”. To our minds the fact that this wall reduced in height towards the north-west, together with Michael Bradley’s description of it and of how he crossed back over after being shot, lend support to the view that he is likely to have been towards the north-western end of this wall both when he jumped over and when he dragged or pulled himself back. This is further supported by the fact that he recalled that after the shooting he returned along the back of this wall in an endeavour to go through the gap between Blocks 2 and 3 of the Rossville Flats, and by the accounts that he gave to Jimmy McGovern and Don Mullan.¹

¹ [AB66.41](#); [AB66.79](#)

55.238 Brian Doherty,¹ James O’Kane² and James Rowe³ gave evidence to this Inquiry to the effect that Michael Bradley was shot rather further to the south-east (ie nearer to the gap between Blocks 2 and 3 of the Rossville Flats) than would appear to us to be the case from an examination of Michael Bradley’s own accounts. None of these witnesses gave an account in 1972 that indicated where Michael Bradley was shot. Although we cannot be certain, we consider it more likely than not that Michael Bradley was shot when he was further along the low wall in a north-westerly direction than these witnesses suggested,

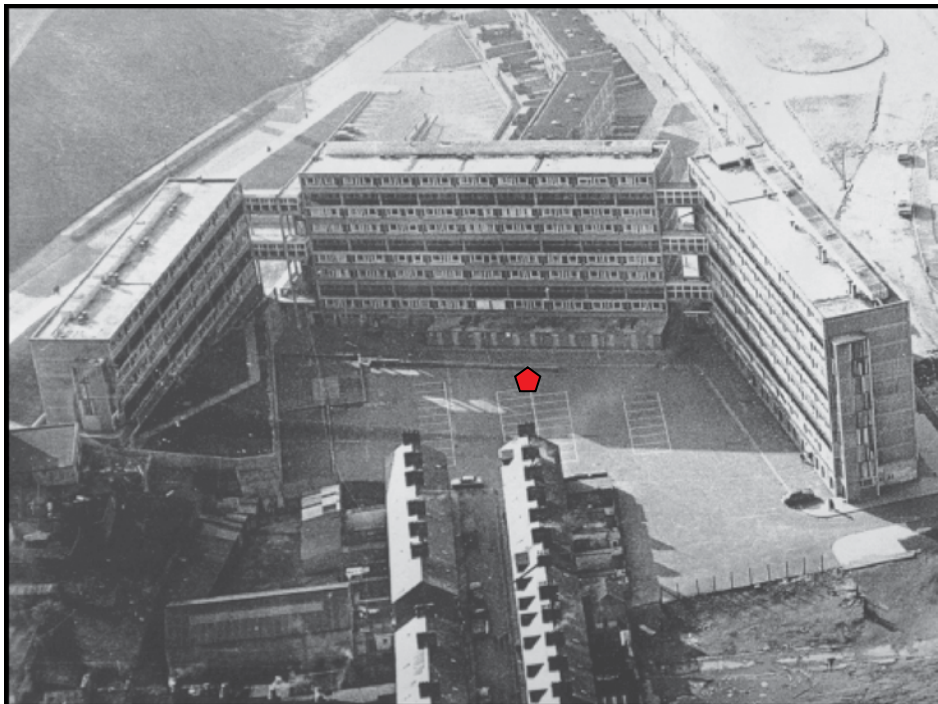
and a short distance out from it (he told Jimmy McGovern that he had taken “*about two steps forward*” from the wall), though this would put him a substantially greater distance from the body of Jackie Duddy than the five or six feet he estimated.

¹ AD57.4; AD57.11

³ AR29.1; AR29.5

² AO81.3; AO81.11

55.239 We mark below on an aerial photograph of the car park the approximate position where in our view Michael Bradley is likely to have been shot.



When Michael Bradley was shot

55.240 In his NICRA statement Derrik Tucker Senior, who was watching events from 31 Garvan Place, a flat in Block 2 of the Rossville Flats, gave the following account:¹

“Two Saracens turned into the car park of the Flats from Rossville St. In doing so, they drove through the crowd and the first Saracen knocked down one man, sending him spinning away. The Saracens stopped and soldiers deployed from the back of them. One soldier ran to the front nearside wheel and took up a firing position. Another ran to the wall at the backs of the Chamberlain St. houses and started pushing people with his rifle held in a port position.

The soldier at the nearside front wheel of the Saracen started firing and I saw a man fall to the ground. Someone, running in front of the man, stopped, turned and went to his aid. The shot which that soldier fired was the first shot that I heard that day. Shooting continued and I saw two other men shot in the car park. The first of these was roughly in the middle of the car park with his hands raised in the air. He appeared to be shot in the leg as he suddenly grasped his right leg with his right arm and hopped into the top corner of the carpark where the kiddies play area is.

The second man who was shot, was crouching at the little wall dividing the service area of the shops from the car park. He got up from his crouching position. I saw him clutch his stomach and bend over.”

¹ [AT16.1](#)

55.241 To our minds, this account puts the shooting of Michael Bridge before that of Michael Bradley. We know of no other evidence that is inconsistent with this.

What Michael Bradley was doing when he was shot

55.242 Although Michael Bradley stated in his written statement dated 7th February 1972 that “at no time during all this had I any object in my hands”,¹ and was recorded by Fulvio Grimaldi as having said “I was carrying nothing at the time, I had neither brick, stone or nothin’ in my hand”,² there is a body of evidence to the effect that this was not true, and that Michael Bradley had in fact been throwing stones at the soldiers immediately before and perhaps even at the time he was shot.

¹ [AB66.31](#)

² [AB66.27](#)

55.243 There is a manuscript annotation at the side of the typed notes of Philip Jacobson’s and Peter Pringle’s interview of Michael Bradley,¹ which Philip Jacobson told us was in his handwriting.² It reads:

“He agrees he was almost certainly stoning then, can’t really recall.”

¹ [AB66.25](#)

² [Day 191/146](#); [Day 191/169](#)

55.244 It appears that Michael Bradley may earlier have told another *Sunday Times* journalist, Derek Humphry, that he had been throwing stones. According to a draft article¹ that was not published, Michael Bradley had said:

"I was throwing stones at the soldiers – my blood was up, you know. I had just finished throwing a stone when I saw a soldier aiming at me from about 20 yards away and I was hit in the arm and chest. I just caught a glimpse of him – he was to one side of me and I didn't throw the stone at him, at a saracen."

¹ [M71.30](#)

55.245 According to an article in the *Irish Times* of 30th January 1985,¹ Michael Bradley had told this newspaper:

"I came back into the forecourt of the flats. I saw the body and my nerves got to me. I lifted stones and started throwing. The army were sitting there. A Saracen was on the forecourt at the Chamberlain Street corner. I saw soldiers shooting. I could see soldiers taking aim and shoot."

¹ [L232](#)

55.246 In his interview with Tony Stark, Michael Bradley was recorded as saying:¹

"... I automatically with the anger being in me and the bitterness being in me, I looked around, looking around the ground for something to throw. Picking up these two stones, which I had held one in my right and one in my left hand. I threw the stones, I just threw them. I didn't even know where I was throwing them. I just threw them straight in front of me, straight in front of me just. And as I thought when I let the stone go, I went to throw, I felt this heaviness in my right arm, right upper arm and I grabbed my arm such as this. I thought someone had given me a thump, like a thump in the arm and I grabbed the arm like this. I looked over, and there I was in astonishment. The blood was just flowing out of me. Blood was flowing down out of my arm."

¹ [O1.17-18](#)

55.247 The *Derry Journal's* Bloody Sunday 20th anniversary publication records Michael Bradley as saying:¹

"I lost the head and looked around to see what I could pick up to throw at the soldiers who were pouring into the area. I grabbed two pieces of brick and was just about to throw them when I was shot. I know I had been hit, but I was still on my feet. At first I thought I had been struck by a rubber bullet, but then I felt a heavy thud on the top muscle of my right arm and saw blood pouring from my hand."

¹ [L257](#)

55.248 Michael Bradley said in his interview with Paul Mahon that having seen Jackie Duddy:¹

“... I just looked. And all of a sudden I could hear the name, ‘It’s Jackie Duddy, it’s Jackie Duddy.’ Well when I seen that, I sort of lost everything. I lost control. I was angry, I was frustrated, and I thought, ‘Oh Jesus no, not poor Jackie, it couldn’t be Jackie’ and I looked around me and I found two stones on the ground and I picked them up and I was about to throw them at the soldiers that was directly in front of me. There was a Pig directly in front of me, about 50–60 yards in front of me, say, and I went to throw these two stones and obviously I didn’t get to throw them. The first thing I felt was a terrible, heavy, thud, a massive thud.”

¹ [X4.2.11](#)

55.249 Although in his written statement to this Inquiry Michael Bradley told us that he definitely had nothing in his hands when he was shot,¹ his evidence to us as a whole was to the effect that he had no recollection of throwing stones but could not say that he had not done so. When asked about what he had said to Tony Stark, he said:² “*Well, I do not have any recollection of it, sir, because as I said, everything happened so quick. It was within seconds, but I make no apologies if I did throw a stone.*” He also said:³

“... I know I have said on several occasions, sir. It is because, when speaking to so many people, you get the reaction that maybe you did pick up a stone and maybe you did not, and do not forget I was angry, so I had every option to pick up the stone. I possibly could have picked it up, but my recollection today is I do not remember.”

¹ [AB66.6](#)

³ [Day 94/19](#)

² [Day 94/22](#)

55.250 In these circumstances, while we take the view that Michael Bradley was not trying to deceive the Tribunal into believing that he had not thrown stones, and that by the time he came to give evidence to us he had no recollection of having done so, nevertheless his accounts to others in the past lead us to conclude that very shortly before he was shot he had been throwing stones, and that he was probably on the point of throwing more when he was shot.

Where Michael Bradley was taken

55.251 After Michael Bradley was shot, he pulled himself over the wall to the north of Block 2 of the Rossville Flats and stumbled towards the passage between Blocks 2 and 3. From there he was assisted to a house in Joseph Place, where he was put down in the hall.¹

¹ [AB66.31](#); [AB66.17](#); [AB66.26](#); [AB66.79-AB66.80](#); [AB66.42](#); [AB66.6](#)

55.252 Much of the evidence was to the effect that the house to which Michael Bradley was taken was the northernmost house in Joseph Place. Michael Bradley so stated in his written statement for the Widgery Inquiry,¹ and more recently in his interviews with Don Mullan² and Jimmy McGovern,³ although in his NICRA statement⁴ he had said that he could not remember exactly which house it was.

¹ [AB66.17](#)

³ [AB66.42](#)

² [AB66.79-AB66.80](#)

⁴ [AB66.31](#)

55.253 The evidence of some witnesses suggests that the house to which Michael Bradley was taken was further south in Joseph Place. Mary Anne Murray said in oral and written evidence to this Inquiry¹ that an injured man was carried into the house of Anna Brennan at 13 Joseph Place, and that this was the fourth house from the north end. She heard someone mention the name Bridge but accepted² that the injured man might have been Michael Bradley. Kay Campbell said in her written statement to this Inquiry³ that Michael Bradley was taken into the flat of “*Robert Bremen*” but that she could not remember where in the north block of Joseph Place this was. In his interview with Jimmy McGovern,⁴ Michael Bradley said that the house into which he was carried was 13 Joseph Place, and that this was the northernmost house, although he had previously believed that it was 1 Joseph Place. He told Don Mullan,⁵ Jimmy McGovern⁶ and this Inquiry⁷ that the house was that of Michael McConnell.

¹ [AM462.2](#); [Day 174/120-122](#)

⁵ [AB66.79](#)

² [Day 174/122](#)

⁶ [AB66.42](#)

³ [AC15.5](#)

⁷ [AB66.6](#)

⁴ [AB66.42](#)

55.254 While there seems to have been a degree of confusion on this point, in our view nothing turns on it.

55.255 Those who assisted Michael Bradley to Joseph Place included Eugene Lafferty¹ and John McIntyre.² Eugene Lafferty said that Michael Bradley was taken to the first house in Joseph Place, and John McIntyre that he was taken to the first or second.

¹ [AL1.16-AL1.17](#); [AL1.4](#); [Day 64/95-97](#)

² [AM286.3](#)

55.256 The Order of Malta Ambulance Corps volunteer Noel McLoone stated in his report to the Ambulance Corps¹ that he gave first aid treatment to Michael Bradley. In his written statement to this Inquiry² Noel McLoone explained that he knew Michael Bradley and had helped to carry him into the northernmost house in Joseph Place. He applied a shell dressing to the wounds on Michael Bradley's arms.

¹ [AM359.13](#)

² [AM359.2-AM359.3](#)

55.257 Fr Thomas O'Gara briefly attended to Michael Bradley in a house in Joseph Place before leaving to attend to others who had been fatally injured.¹

¹ [H19.6](#)

55.258 In due course Michael Bradley was taken from the house in Joseph Place to an ambulance in Rossville Street and driven to Altnagelvin Hospital with a number of other casualties. We are satisfied that he is the man described in a statement made on 4th February 1972 by the ambulance driver John Gilchrist¹ as having had injuries to both his arms and his left side, and as having been brought to the ambulance from the hall of the first house in Joseph Place.

¹ [ED33.7](#)

55.259 Michael Bradley is shown being moved from Joseph Place to the ambulance in the following photographs, taken respectively by Colman Doyle, Constable Robert S Simpson, Gilles Peress and Larry Doherty.







55.260 We have found no evidence to suggest that Michael Bradley was hit by non-Army gunfire. Since he was more or less facing the soldiers, not far from the low wall in front of Block 2 of the Rossville Flats, there is no conceivable reason why a paramilitary gunman should have fired in his direction. We are sure that a soldier shot Michael Bradley.

55.261 There is nothing to suggest, and no-one has suggested, that Michael Bradley was armed or posing or about to pose a threat of causing death or serious injury. Whether his actions could have led a soldier mistakenly to believe that he was or might have been about to throw a bomb is a matter to which we return¹ when we consider whether it is possible to identify the soldier who shot Michael Bradley.

¹ [Chapter 64](#)

Patrick McDaid

55.262 Unlike the casualties in Sector 2 whom we have discussed above, who we have no doubt were hit by Army rifle fire, we are sure, for the reasons set out below, that while Patrick McDaid was wounded in Sector 2, this was not the result of him being hit by a lead bullet.

Biographical details

55.263 Patrick McDaid was 24 years old at the time of Bloody Sunday. He was then an unmarried man living with his parents in Dunaff Gardens, Creggan. He was a plumber employed by the Londonderry Development Commission.¹

¹ N38; AM172.21; AM172.1

Prior movements

55.264 Patrick McDaid went on the march on Bloody Sunday with his brother-in-law.¹ In several accounts given in 1972, he said that he followed the march down William Street and turned into Rossville Street, where he stood among the crowd for a time. He saw people stoning the soldiers in the area of Sackville Street and Little James Street. The soldiers fired CS gas and baton rounds at the stone-throwers. He then moved up Rossville Street away from the gas, and along Eden Place into Chamberlain Street.²

¹ AM172.1

² AM172.21; AM172.14; AM172.33; AM172.12

55.265 In his statement to the RUC,¹ Patrick McDaid said that when he reached Chamberlain Street he headed towards the Rossville Flats. In another statement made in 1972,² he said that he looked towards William Street but turned to walk towards the Rossville Flats. According to Philip Jacobson's interview note,³ Patrick McDaid told him that he "*went to turn left*" towards William Street, but could see that there was more trouble there, with clouds of CS gas and the water cannon being used, and decided to turn right instead. In a further statement made in 1972,⁴ Patrick McDaid said that he looked up Chamberlain Street from the end of Eden Place and saw stones being thrown, but did not see any soldiers, and then moved down Chamberlain Street towards the Rossville Flats.

¹ AM172.21

³ AM172.33

² AM172.14

⁴ AM172.12

55.266 On the other hand, in his note of his research interview of Patrick McDaid,¹ Tony Stark wrote that Patrick McDaid was at the junction of Chamberlain Street and William Street, and watched the marchers approach Barrier 14 and begin to throw stones. In his interview with Paul Mahon,² Patrick McDaid also said that he reached the corner of Chamberlain Street and William Street. A lot of stones were being thrown but he did not think that there was as much rioting as usually occurred on a Saturday afternoon. After a while he made his way back down Chamberlain Street. As he did so, people started to run past him and he began to run too. Patrick McDaid gave a similar account in his written statement to this Inquiry.³ He confirmed this in his oral evidence,⁴ but explained⁵

that he had remained some distance to the south of the junction of Chamberlain Street and William Street while watching the rioting. He also gave a similar account in his interview with Jimmy McGovern.⁶

¹ [AM172.38](#)

² [X4.24.3-X4.24.4](#)

³ [AM172.2](#)

⁴ [Day 92/105-106](#)

⁵ [Day 92/123](#)

⁶ [AM172.45-AM172.46](#)

55.267 In these circumstances Patrick McDaid's movements before he reached the southern half of Chamberlain Street remain uncertain, but there is no evidence that he took part in the rioting at Barrier 14.

Medical evidence

55.268 Mr HM Bennett, the consultant surgeon at Altnagelvin Hospital, gave the following description of an injury to Patrick McDaid's back in a letter to the RUC dated 7th February 1972:¹

"This patient was admitted about 4.45 p.m. on Sunday, 30th January, 1972 with laceration over the upper part of the left scapula.

Later the same evening he was operated on by Mr. Malhotra who excised the wound edges noting that many carbon particles were present. The wound affected merely the supraspinatus muscle along the back of the left shoulder – i.e. a glancing wound which had been fired as the patient was ducking down and did not indicate a direct hit from behind. The wound was noted to be full of carbon particles which would indicate a fairly close range discharge.

The patient's life appears to be in no danger and he should make an excellent recovery."

¹ [ED28.3](#)

55.269 In his notes¹ Mr Malhotra, the surgeon who debrided the wound, referred to "*black edges (carbon)*" and a "*lot of carbon particles*".

¹ [D841](#)

55.270 The wound is shown in two photographs, not reproduced here, which were taken by Eamon Melaugh in the house in Joseph Place to which Patrick McDaid went after he had been injured.

55.271 Dr Richard Shepherd and Mr Kevin O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who might have received non-fatal gunshot wounds on Bloody Sunday. In March 2000, in their report on these cases,¹ Dr Shepherd and Mr O'Callaghan made the following comments about Patrick McDaid's injury:

"Mr. McDaid had a ragged 3" x 2" lacerated injury over the upper part of the left scapula. No true entrance or exit wounds are described. The wound was surgically debrided by Mr Malhotra who recorded that the wound had 'black edges (carbon) lot of carbon particles'

A letter to the Royal Ulster Constabulary from Mr Bennett, Consultant Surgeon, dated 7th February suggested that the injury was a 'glancing wound' fired as the patient was 'ducking down' which 'did not indicate a direct hit from behind'. He drew attention to the carbon particles which he suggested 'would indicate a fairly close range discharge'. In a discharge summary dated 11th February it is again suggested that this is possibly a glancing wound with tearing of the skin and superficial tissues.

[One of the photographs] shows a wound with sharply demarcated margins. The carbon soiling of the edges cannot be confirmed in this photograph.

Comment

The nature of the projectile(s) cannot be determined and in the absence of any further evidence no meaningful conclusions can be made about the 'black edges' of the wound. There is no evidence that would allow any conclusions to be drawn about the position of Patrick McDaid at the time he received this injury."

¹ E10.7-8

55.272 In August 2001, after consideration of the photographs and of enlargements made from the negative of one of them, Dr Shepherd and Mr O'Callaghan commented in a supplementary report:¹

"The photographs show an, essentially, semi-circular wound with little apparent bleeding. The wound seems shallow, as if the tissues had been sliced.

The top edge of the wound appears to be composed of a flap of skin pushed or folded upward exposing the underlying tissue.

There is a relatively straight margin at the right side and a rather more curved margin at the left.

Conclusions

Even with these photographs, a fresh interpretation of the injury remains difficult, mainly due to the overall lack of reliable information. However, the appearance of the injury suggests that it may have been caused by a thin 'disc' or 'sliver' of material moving rapidly, which has sliced through the skin of the back from a generally right to left direction leaving a flap of tissue at the upper margin. It does not have the appearance of a typical bullet wound.

There are no obvious features visible in the photographs to help explain or identify the 'black particles' described by Mr. Malhetra [sic]."

¹ E18.6.1

55.273 In August 2002, having again reviewed the medical records and photographs, and having been invited to consider the possibility that Patrick McDaid had been injured by a modified baton round or by a non-standard object fired from a baton gun, Dr Shepherd and Mr O'Callaghan made the following comments:¹

"1. We are of the opinion that Patrick McDaid was not struck by a bullet.

2a. Objects that could cause such a slicing wound include a penny (old coinage), other metal discs, the top or bottom plates of a 'U2' type battery etc and we understand that these items were attached to or fired in place of baton rounds in Northern Ireland in the period of time around Bloody Sunday.

2b. The 'black particles' might be explained by the disc being contaminated by either the contents of the battery or by soiling of a penny if it were placed against the charge in the baton round gun. No material suggestive of 'black particles' can be seen in the photographs of the wound.

3. There are no specific features that would allow us to make a positive interpretation and we cannot distinguish between the possibilities noted above and we accept that other possibilities may exist."

¹ E20.1-2

55.274 In his oral evidence to this Inquiry,¹ Dr Shepherd was asked what significance might be attached to the presence of carbon particles around the wound if, contrary to his view, the wound had been caused by a lead bullet. He replied:

“Carbon particles around the wound are commonly associated with a close discharge of a weapon. That would be of significance, but one would need to see them, in this case also on the overlaying clothing and on other points adjacent to the wound for that conclusion to be drawn.”

¹ Day 229/60

55.275 However, Dr Shepherd said that he thought that it would be fair to say that he and Mr O’Callaghan were “*confident*” in the view that they had reached that Patrick McDaid’s injury was not caused by a lead bullet.¹

¹ Day 229/62

55.276 Dr Shepherd was asked¹ whether he and Mr O’Callaghan had considered a metal nut as a possible cause of the injury. He replied:

“No, I do not believe we had considered nuts and bolts because I think the appearances of the injury, having considered it, were so suggestive of this flat slicing action that I do not think you could achieve with a nut or a bolt. If there was a flat base, a tin can lid, for instance, placed on the bottom of a nail bomb or some other explosive device or within it, and it flew in the correct way, then that possibly could be one force. But I could find nothing of the appearances of explosive injuries in the injury to the back of Patrick McDaid.”

¹ Day 229/75

55.277 Dr Shepherd made it clear that the penny and the U2 battery plates were put forward only as two possible causes of the injury, and that he and Mr O’Callaghan did not exclude others. He said:¹

“That injury is an extremely difficult one to interpret. I think I understand now the mechanism that caused it, but I do not have any particular idea of – other than the broadest terms of a sliver or disc – of the object that actually damaged the skin in that way.”

¹ Day 229/77

55.278 We accept the evidence of Dr Shepherd and Mr O’Callaghan that the appearance of Patrick McDaid’s wound indicates that it was caused by something other than a lead bullet. We return later to the question of what that object might have been.

Accounts given by Patrick McDaid

55.279 Patrick McDaid gave the following accounts in 1972:

1. a statement taken by Detective Sergeant Cudmore on 4th February 1972 in the presence of a solicitor acting on behalf of Patrick McDaid;¹
2. a statement witnessed by Marjorie Donaghy on 7th February 1972;²
3. an undated statement,³ which the Inquiry obtained from a collection deposited in the Public Record Office of Northern Ireland by the solicitor who acted for the next of kin of 12 of the deceased at the Widgery Inquiry. It is similar in form to other statements believed to have been sent to that solicitor on 29th February 1972, in order that he might pass them to the Widgery Inquiry, by an apprentice solicitor in the firm that represented the wounded. We think it highly likely that the statement of Patrick McDaid was taken by that firm in preparation for the Widgery Inquiry;
4. a written statement for the Widgery Inquiry dated 27th February 1972;⁴
5. oral evidence to the Widgery Inquiry on 29th February 1972;⁵ and
6. an interview with the *Sunday Times* Insight Team journalist Philip Jacobson on 7th March 1972.⁶

¹ [AM172.21-22](#); [AM172.24](#)

² [AM172.14-16](#)

³ [AM172.12-13](#)

⁴ [AM172.27-28](#)

⁵ [WT7.82-85](#)

⁶ [AM172.33-37](#)

55.280 Patrick McDaid gave interviews to Tony Stark in 1991,¹ to Don Mullan² on 24th August 1998,³ to Paul Mahon in or about 1998⁴ and to Jimmy McGovern in or about 1999.⁵

¹ [AM172.38](#)

² Don Mullan was the editor of *Eyewitness Bloody Sunday*, a collection of some of the NICRA statements made by witnesses to the events of the day. The collection was published in 1997.

³ [AM172.70-AM172.86](#)

⁴ [X4.24.1-X4.24.33](#)

⁵ [AM172.40-AM172.69](#)

55.281 Patrick McDaid gave written and oral evidence to this Inquiry.¹

¹ [AM172.1-AM172.26](#); [Day 92/103-143](#)

55.282 In his statement to Detective Sergeant Cudmore, Patrick McDaid described how he had gone along Rossville Street to get away from the CS gas, and then through the Eden Place alleyway into Chamberlain Street, and had headed towards the Rossville Flats. His statement continued:¹

“I was walking up Chamberlain Street whenever crowds started to run pass me going towards the Rossville high flats because somebody had shouted, ‘The Armys coming’. I ran along with this crowd to the top of Chamberlain Street where I slowed down. Two or three youths then appeared from the direction of the Rossville flats and to my right. They were carrying a woman who I now know to be a Mrs. Deery and I saw that she had been shot in the leg. I went over and helped then to carry Mrs. Deery into a house in Chamberlain Street where I tied a piece of scarf around her leg to stop it bleeding. I went outside and started to shout for first aid or an ambulance. I then heard shooting going on in the area and I saw a young fellow fall and I believe his name was Duddy. He fell in the square of the flats but I didn’t see who had shot him. I then moved in along the side of a woman’s house to a wall and I made a run for it over towards an entrance between the flats, that is the flats facing onto Fahan Street and the flats with the shops in them. As I neared the entrance between the flats I bent my head forwards in order to fall to the ground as there was still lots of shooting going on. I then felt a blow to the back of my shoulder and this made me fall to the ground. Another fellow, whose name I don’t know, fell nearly on top of me and he said, ‘You’ve been shot’. This man then dragged me through to the front of the shops and then I was assisted into a maisonette where someone treated my wound.”

¹ [AM172.21](#)

55.283 The other accounts that Patrick McDaid gave in 1972 are to similar effect, as are the accounts he gave later. As we have explained above,¹ we are of the view that the young man he described seeing fall was not Jackie Duddy, but could have been Michael Bridge. Patrick McDaid told the Widgery Inquiry that he did not know who this man was.²

¹ [Paragraph 55.118](#)

² [WT7.83](#)

Where Patrick McDaid was injured

55.284 In his written statement for the Widgery Inquiry, Patrick McDaid described being hit as he bent to take cover behind some steps when trying to reach the passage between Blocks 2 and 3 of the Rossville Flats.¹ In his oral evidence to the Widgery Inquiry he said that he was just at the top of three steps that led down to the passage for which he was heading.² According to Philip Jacobson’s note Patrick McDaid told him:³

“i carried on running but just before i got to the end, it goes down over a small wall and i was going to sort of dive over behind it, just then i felt something flick my shoulder.”

¹ [AM172.27](#)

³ [AM172.34](#)

² [WT7.83](#)

55.285

In the course of his interviews with Don Mullan,¹ Paul Mahon² and Jimmy McGovern,³ and in his written statement to this Inquiry,⁴ Patrick McDaid recounted that at the time when he was hit he had been diving to get behind the wall (which must have been the low wall mentioned in Philip Jacobson’s note) and did not appreciate that the steps were there until after he had landed on the ground. In his oral evidence to this Inquiry,⁵ Patrick McDaid confirmed this and said that he did not know whether he had jumped over the steps or over the wall beside the steps.

¹ [AM172.72](#)

⁴ [AM172.3](#)

² [X4.24.14](#)

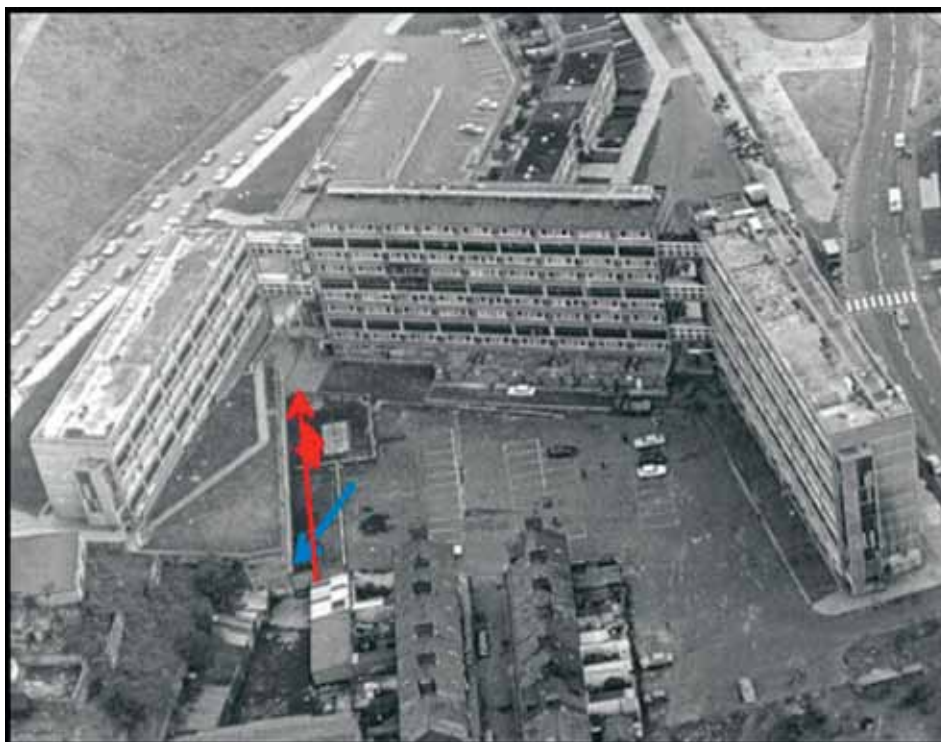
⁵ [Day 92/115](#)

³ [AM172.48](#)

55.286

Patrick McDaid marked his position on the following photograph with the long red arrow.¹

¹ [AM172.39](#)



55.287 The tip of the red arrow marks where a set of steps led down to the area immediately to the north of the gap between Blocks 2 and 3 of the Rossville Flats. The top of these steps can be seen in the following photograph, which was not taken on Bloody Sunday.



55.288 Although in recent years Patrick McDaid recalled that he did not feel anything before he was told he was shot,¹ in statements made soon after the event he said that he did recall feeling something hit him. As noted above, in his statement to Detective Sergeant Cudmore he said that he felt a blow to the back of his shoulder, and in his interview with Philip Jacobson he said that he felt something flick his shoulder just as he was about to dive over the small wall. In his statement of 7th February 1972² he said that he was struck on the back left shoulder as he bent forwards to fall. In his written statement for the Widgery Inquiry,³ he recorded that a bullet hit him on the back of the left shoulder as he bent down, and that initially he thought that the shot had missed him but hit his coat. In oral evidence to the Widgery Inquiry⁴ he said that until someone told him that he had been shot he thought that he had just hurt his shoulder. In his undated statement⁵ he said that he dived for cover and felt something hitting the back of his shoulder.

¹ AM172.72; X4.24.14; AM172.48; AM172.6; Day 92/116; Day 92/127; Day 92/138-142

² AM172.15

³ AM172.27

⁴ WT7.83

⁵ AM172.13

55.289 In these circumstances we are sure that something hit Patrick McDaid in the back of his shoulder as he reached the area of the steps and jumped or was about to jump over the steps or the low wall beside them.

55.290 Earlier in this chapter,¹ in our discussion of the shooting of Jackie Duddy, we have reproduced a photograph taken by Gilles Peress showing Fr Daly and Charles Glenn attending Jackie Duddy in the car park of the Rossville Flats.

¹ [Paragraph 55.18](#)

55.291 In his written account for the Widgery Inquiry, Gilles Peress described how, having taken that photograph, *“I went over towards the centre block taking cover along the wall past Chamberlain Street. I went to the end of the small wall in the centre of the centre block but the body had been taken away.”*¹ Gilles Peress said that he then took the photograph showing the low wall running parallel to Block 2 of the Rossville Flats, which can be seen above,² where we deal with the wounding of Michael Bradley.

¹ [M65.1.1](#)

² [Paragraph 55.236](#)

55.292 Gilles Peress told the Widgery Inquiry that he then went back a few yards towards the big concrete wall between the flats, by the children’s playground.¹ He said that *“Shooting was heavy at this time”*.

¹ [M65.1.1-M65.2](#)

55.293 At this stage Gilles Peress took six more photographs. The first he described as showing seven men hiding from gunfire, which was coming from two soldiers, *“one at the far corner of the high flats and one at the back of 36 Chamberlain Street”*.¹

¹ [M65.2](#)



55.294 Gilles Peress said that he took the next photograph about 30 to 40 seconds later.



55.295 Gilles Peress took four more photographs of the scene at the bottom of the concrete wall. We return to consider these in our discussion of events in Sector 5,¹ to which they are relevant for reasons there explained.

¹ [Paragraph 117.2](#)

55.296 In his written statement to this Inquiry,¹ Patrick McDaid told us that he did not recognise himself in either of the photographs shown above. In his interview with Paul Mahon,² he said that although it was hard to say, it was possible that he was in these photographs. However, in his oral evidence³ he said that he believed he was the man seen lying on the ground on the right of the group in the first photograph; and it is clear that the second shows the same individual. Furthermore, the balding man seen in the first photograph apparently looking at the back of the man lying on the ground, and in the second holding the right side of that man's back, is Patrick Walsh; and while Patrick Walsh did not recall the incident when making his written statement to this Inquiry,⁴ in his interview with Philip Jacobson on 13th April 1972⁵ he described seeing an injured man whose wound looked as it would if flesh had been scooped away with a butter knife.

¹ [AM172.5](#)

⁴ [AW5.2-AW5.3](#)

² [X4.24.17-X4.24.18](#)

⁵ [AW5.35](#)

³ [Day 92/117](#); [Day 92/128](#)

55.297 The account Patrick Walsh gave to Philip Jacobson¹ was that he had decided to run from the steps shown in Gilles Peress's photographs to the passage between Blocks 2 and 3 of the Rossville Flats; as he was getting into his stride the youth who turned out to be injured cannoned into him and they both fell; he then felt the youth's back and found a rent in his jacket. Philip Jacobson has added in the notes of the interview that this is shown in "*gilles first shot*" (ie the first of the photographs shown above), in which "*walsh has his hand on mcdaid's back*". When he gave oral evidence to this Inquiry, Patrick Walsh's memory had been refreshed to a limited extent and he agreed that the first two photographs showed him with a man who could have been Patrick McDaid.²

¹ [AW5.34-AW5.35](#)

² [Day 171/30-32](#)

55.298 In the light of the evidence discussed above we have no doubt that the first two of these photographs show Patrick McDaid lying face down on the ground.

When Patrick McDaid was injured

55.299 It seems to us that Gilles Peress's photographs of Patrick McDaid must have been taken very soon after he was injured. This in turn leads us to conclude that Patrick McDaid was injured after both Michael Bridge and Michael Bradley, since at the time these two were injured Jackie Duddy was still lying in the car park, whereas Gilles Peress took the photographs of Patrick McDaid after he had gone along the low wall running along the car park side of Block 2 of the Rossville Flats to find that Jackie Duddy had been taken away.

What Patrick McDaid was doing when he was injured

55.300 There is nothing to suggest, and no-one has suggested, that Patrick McDaid was doing anything except trying to run away from the shooting when he was injured.

What injured Patrick McDaid

55.301 It was submitted by the representatives of the majority of represented soldiers that Patrick McDaid might "*have been hit by a malfunctioning nail bomb*".¹ It was submitted by the representatives of the majority of the families that "*It is overwhelmingly likely that he was wounded by a projectile fired from a rubber bullet gun*"² and that the round had been "*doctored*" so as to cause an injury of the kind sustained by Patrick McDaid. By "*doctored*" was meant that some object, such as a razor blade or coin, had been inserted into the nose of the baton round.

¹ [FS7.1611](#)

² [FS1.1182](#)

55.302 We are not persuaded by either of these submissions. As to the first, no witness who was near Patrick McDaid gave evidence of any explosion close to him. Had a nail bomb exploded in the area, we have no doubt that the Mortar Platoon soldiers who were in or around the entrance to the car park would have heard and reported it. Having considered their evidence, we have already concluded earlier in this report¹ that no nail bombs exploded in Sector 2.

¹ [Chapter 47](#)

55.303 As to the suggestion that Patrick McDaid was hit by a doctored baton round, it was submitted that of the four baton gunners in Mortar Platoon, Private 013 was “*a prime contender*” to have fired the round in question.¹ As we have explained earlier in this report,² his evidence was that he had advanced to the forecourt of the Rossville Flats where he fired his baton gun at the crowd in the car park. He did not say that he had fired towards the area where Patrick McDaid was injured. He did fire a baton round into the stairway at the northern end of Block 1 of the Rossville Flats and in our view injured Patrick “Barman” Duffy. However, the distance from this area to where Patrick McDaid was injured was about 100 yards. According to the then current standard operating procedures of 22 Lt AD Regt, baton rounds were ineffective at ranges greater than 50m.³ For this reason it seems to us unlikely that a baton round fired by Private 013 could have been responsible for Patrick McDaid’s injury. In addition, there is no evidence either that anyone saw a baton round hit Patrick McDaid, or that one was afterwards found in the area.

¹ [FS1.1181](#)

³ [G38B.255.8](#)

² [Paragraphs 26.30–32 and 46.23–24](#)

55.304 Of the other baton gunners, Private 017 was, as we have explained above,¹ in Rossville Street, and there is no evidence that Private 019, who had accompanied Lieutenant N to the Eden Place alleyway, later fired baton rounds in the area of the car park. Private 112 was at the north-east corner of Block 1 of the Rossville Flats and did fire into the car park, but doubted whether he would have fired towards the gap between Blocks 2 and 3 of the Rossville Flats, because of the distance.² As with Private 013, it seems to us that even if he had done so, the distance was such that he would have been unlikely to have injured Patrick McDaid.

¹ [Paragraphs 24.18–25 and 24.32–36](#)

² [Day 320/143](#)

55.305 As already noted,¹ the Inquiry’s experts were of the view, which we accept, that a live round did not hit Patrick McDaid. In these circumstances, since we do not accept the submission that he was hit either by shrapnel from a nail bomb or by a doctored baton

round, it seems to us that the most likely cause of his injury was a piece of debris sent flying when an Army bullet hit the ground or some other object. As Gilles Peress told the Widgery Inquiry, there was heavy Army fire at what must have been about the time Patrick McDaid was hit, and Sergeant O, Private Q and Private R all gave accounts of firing towards the gap between Blocks 2 and 3 of the Rossville Flats, only a few yards from where Patrick McDaid was injured.

¹ [Paragraphs 55.268–278](#)

Where Patrick McDaid was taken

55.306 After he was injured, Patrick McDaid was helped to a house in Joseph Place where his wound was dressed by Order of Malta Ambulance Corps volunteers.¹ In his statement made on 7th February 1972² he said that he was taken by the back entrance into the second or third house in Joseph Place. In later accounts he said either that it was the second house,³ or that it was the first,⁴ or that it was one of the first two houses.⁵

¹ [AM172.21-AM172.22; AM172.15; AM172.35; AM172.38; AM172.73; AM172.48-50; AM172.4; Day 92/120](#)

³ [AM172.35](#)

⁴ [AM172.73; X4.24.20-X4.24.21; AM172.4; Day 92/120](#)

² [AM172.15](#)

⁵ [AM172.49](#)

55.307 The Order of Malta Ambulance Corps volunteer Noel McLoone recorded in his written statement to this Inquiry¹ that he treated a man with a wound in the centre of his back in the second house in Joseph Place. He stated that this man seemed elderly to him but in his oral evidence² he said that this recollection was not completely clear. He said that the man's wound was similar to that shown in Eamon Melaugh's photograph of Patrick McDaid's wound,³ although he could not tell from the photograph whether this was the wound that he had treated.

¹ [AM359.21-AM359.22](#)

³ [P760](#)

² [Day 175/151-153](#)

55.308 In his report to the Order of Malta Ambulance Corps,¹ another volunteer, James Norris, described how he and Noel McLoone treated a man with a back wound. He said that the bullet had "*scooped a piece out and left an overlap of skin*". In his written statement to this Inquiry,² James Norris said that this happened in one of the houses in Joseph Place and that he thought that Michael Bradley had been in the same house. He could not recall the identity of the man with the back wound, but in our view it was Patrick McDaid.

¹ [AN20.22](#)

² [AN20.11](#)

55.309 In due course Patrick McDaid was taken from the house in Joseph Place to an ambulance in Rossville Street and driven to Altnagelvin Hospital with a number of other casualties, including Michael Bradley. We are satisfied that he is the man described in the statement made on 4th February 1972 by the ambulance driver John Gilchrist¹ as having said that he had been shot in the shoulder.

¹ ED33.7

55.310 Patrick McDaid is shown being escorted from Joseph Place to the ambulance in a photograph found in the *Sunday Times* archive, and in one of Jeffrey Morris's photographs.





Patrick Brolly

Biographical details

55.311 Patrick Brolly was 40 years old at the time of Bloody Sunday. He was a married man who lived with his wife and children in Leenan Gardens, Creggan.¹

¹ [AB90.1](#); [AB88.1](#)

Prior movements

55.312 In his written statement to this Inquiry,¹ Patrick Brolly said that he took part in the march on Bloody Sunday and reached the front of the crowd at Barrier 14. When the soldiers came in, he went down Macari's Lane and across the waste ground to Rossville Street, and entered Block 1 of the Rossville Flats by the main entrance at the south end of the block.

¹ [AB90.1](#)

Medical evidence

55.313 We have no medical evidence relating to Patrick Brolly's injury.

55.314 In a letter to the secretary to the Widgery Inquiry dated 2nd March 1972,¹ the Patient Services Officer at Altnagelvin Hospital confirmed that Patrick Brolly had received treatment at the hospital for “*Lacerations to face*”. In her written statement to this Inquiry,² Marie Dunne, the Communications Manager at Altnagelvin Area Hospital, told us that Patrick Brolly’s hospital record contained no reference to injuries sustained on Bloody Sunday, and that it was likely that he had been treated and discharged on the same day, in which case the records of his treatment would have been destroyed.

¹ [D1093](#)

² [D1086](#)

55.315 This is consistent with Patrick Brolly’s written statement to this Inquiry,¹ in which he said that he was sent home on the evening of Bloody Sunday.

¹ [AB90.2](#)

Accounts given by and relating to Patrick Brolly

55.316 Although he made a written statement to this Inquiry,¹ Patrick Brolly was not well enough to give oral evidence. He died on 27th January 2002.

¹ [AB90.1](#)

55.317 According to Patrick Brolly’s account,¹ while in the flat of Kathleen Cunningham (she was his brother-in-law’s sister) in Block 2 of the Rossville Flats, which he marked as being towards the end nearest Block 1, he saw Fr Daly giving the last rites to a young boy in the car park. As he turned away from the window he heard a loud bang and was hit by a bullet “*which came through the window and skimmed the left side of my head just above my forehead. I fell to the ground and was knocked out for a while.*”

¹ [AB90.1-AB90.2](#)

55.318 Patrick Brolly was taken to Altnagelvin Hospital in the same ambulance as Alana Burke and others but was discharged the same day. Samuel Hughes, the attendant in the ambulance, confirmed that one of the casualties had a cut on his left forehead.¹

¹ [ED39.6-7](#); [GEN3.10-11](#)

55.319 Patrick Brolly’s wife Celine Brolly made a NICRA statement¹ in which she described going into a second floor flat and, from the back bedroom, looking with her husband at the scene in the car park. They could see three soldiers by an Army vehicle and tried to “*draw their attention that Father Daly wanted them as the other soldier against the wall was shooting away*”. A small blond stout soldier directly behind the vehicle “*aimed the gun*

and my husband threw me to the ground and they fired right in at the bedroom window. My husband [was] hit in the head with glass and a rubber bullet and was unconscious for half an hour.”

¹ [AB88.9](#)

55.320 The account given by Celine Brolly in her written statement to this Inquiry¹ differs in a number of ways. She there stated that she and her husband had seen Fr Daly escorting Jackie Duddy out of the car park of the Rossville Flats while two soldiers on either side of the exit into Chamberlain Street were shooting into the crowd. Her husband told her that one of the soldiers was pointing his gun at them, and threw her to the floor. A bullet then smashed the window and Patrick Brolly was wounded on the top of his head. Celine Brolly told us that for a long time afterwards she thought that a baton round had been fired at the window and that splinters of glass had caused her husband's injury. According to this account, however, the hole in the window was only small, and she was later told that the projectile was a lead bullet.

¹ [AB88.1-4](#)

55.321 Kathleen Cunningham was the owner of the flat. Celine Brolly told us that according to one of Kathleen Cunningham's relatives the bullet had lodged in the top of a wardrobe in the sitting room.¹ According to Celine Brolly's NICRA statement² her husband was in the back bedroom when he was hit.

¹ [AB88.3](#)

² [AB88.9](#)

55.322 Celine Brolly told us that Kathleen Cunningham's flat was on the second floor of Block 2 of the Rossville Flats towards the end nearest Block 3¹ (ie much closer to Block 3 than the position indicated by her husband).

¹ [AB88.2](#)

55.323 In her oral evidence¹ Celine Brolly, while evidently in a state of some confusion on the point, ultimately reverted to saying that the blond soldier by the vehicle had fired the shot that hit her husband.

¹ [Day 94/63-64](#); [Day 94/75-78](#)

55.324 In her written statement to this Inquiry Celine Brolly told us that in the last few years she had suffered a stroke and had also had a nasty fall as a result of which she was unconscious, lost her memory and was unable to speak for some months. She admitted

that her recall was therefore not as clear as it had been in 1972.¹ In these circumstances we treat the evidence that she gave to us with caution, though there is no doubt that she was doing her best to help us.

¹ AB88.4

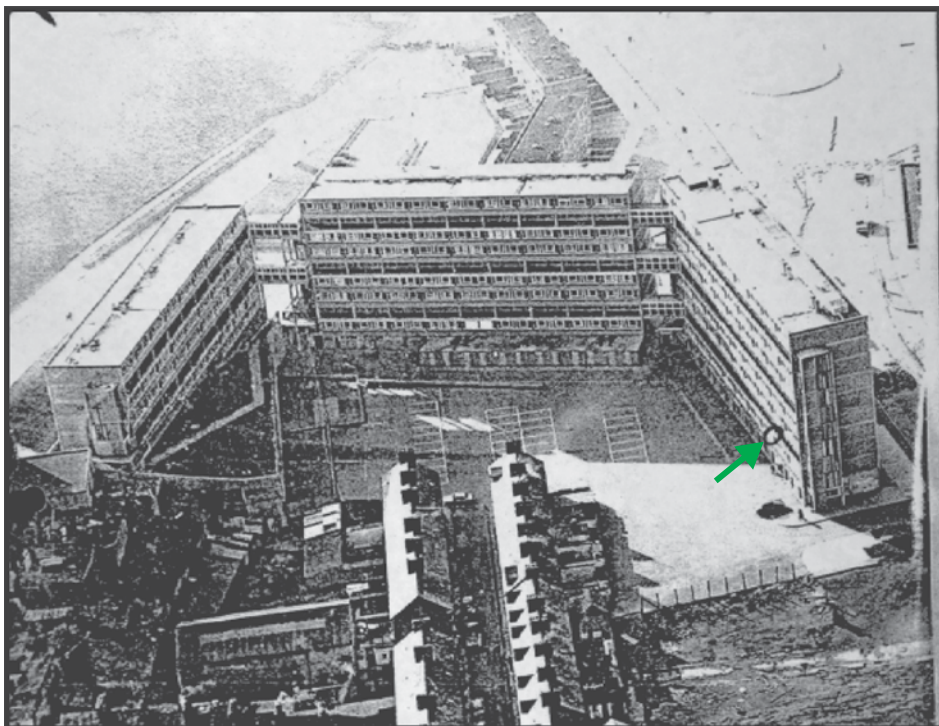
55.325 As Celine Brolly recorded in her NICRA statement, Annie Curran (Patrick Brolly's sister) was also in the flat at the time. In her written statement to this Inquiry,¹ Annie Curran told us that from the living room she saw her brother go into the bedroom, and that through the open door she saw him fall with blood streaming from his head. She could not remember whether the bullet had completely shattered the window or just made a hole. They looked for a bullet but could not find one.

¹ AC156.2

Where Patrick Brolly was injured

55.326 As we have explained, in their accounts to us, both Patrick and Celine Brolly described the flat as being in Block 2 of the Rossville Flats, though in different positions in that Block. However, Annie Curran told us that Kathleen Cunningham's flat was 3 Garvan Place, on the first floor of Block 1 of the Rossville Flats. She marked the position of this flat on a photograph, reproduced below.¹

¹ AC156.4



55.327 3 Garvan Place was in fact where Annie Curran marked it.¹

¹ [GEN3.12](#)

55.328 In her NICRA statement,¹ Celine Brolly did not specify which block the flat was in. However, she recorded that she and the others looked out of the living room windows and “*saw the Saracen tanks charging up*”. They then went to watch from the back bedroom, which was where her husband was injured. Had the flat been in Block 2, Celine Brolly could not have seen the Army vehicles moving in from the front windows, though they would have been visible from the front of Block 1.

¹ [AB88.9](#)

55.329 Marie Cregan is Patrick Brolly’s daughter. She was not present when her father was injured, but told us in her written statement to this Inquiry¹ that he had been in a flat in Block 1 of the Rossville Flats when it happened. According to this account, Patrick Brolly initially thought that a baton round had hit him, but in fact it had been a live round. Someone apparently removed a lead bullet from a wardrobe in the flat on the day after Bloody Sunday.

¹ [AC121.4](#)

55.330 In the light of this evidence it seems to us that Patrick and Celine Brolly’s recollection that the flat was in Block 2 was mistaken; and we are sure that the flat was in fact in Block 1, where Annie Curran marked it. This conclusion is supported by the evidence of Patrick Friel¹ and Gearóid Ó hEára.²

¹ [AF38.1](#); [AF38.3](#)

² [AO79.3-AO79.5](#); [Day 406/209-212](#)

What Patrick Brolly was doing when he was injured

55.331 There is nothing to suggest that Patrick Brolly was doing anything that could have led a soldier to believe, albeit mistakenly, that he was either posing or about to pose a threat of causing death or serious injury or doing anything to justify the firing of a baton round.

What injured Patrick Brolly

55.332 As noted above, Celine Brolly originally believed that her husband had been hit by flying glass and a baton round while he was in the bedroom. Annie Curran told us that she and the others looked for a bullet but could not find one, and so she did not know whether a rubber bullet or a live bullet had hit Patrick Brolly.¹ At the same time, in her statement to this Inquiry Celine Brolly told us that there was only a small hole in the bedroom window;

and there is the evidence, to which we have referred,² that a bullet was later found in a wardrobe in the living room. We consider that Patrick Brolly was injured in the bedroom, as he, Celine Brolly and Annie Curran have all said.

¹ AC156.2

² Paragraph 55.321

55.333 The matter is complicated by the fact that, according to Celine Brolly's NICRA statement,¹ after her husband had been injured and a "*First Aid man*" was attending him, she went to the window in the living room, at which point a soldier shot a rubber bullet at her "*and Mr McGill who was in the flat helping to attend my husband*". Celine Brolly, in her oral evidence to this Inquiry, said that this incident had gone out of her mind.²

¹ AB88.9

² Day 94/66

55.334 James McGill, who is dead and gave no evidence to this Inquiry, gave a Keville interview¹ in which he said that he went into the flat with a "*boy of the Red Cross*" after hearing Celine Brolly shouting that her husband was dead, and looked after Mr Brolly. Asked what had happened to Patrick Brolly, James McGill said that a bullet had come through the window, hit Patrick Brolly and then hit the ceiling. He does not appear to have witnessed a later incident of a rubber bullet coming in through the living room window.

¹ AM231.2

55.335 The Order of Malta Ambulance Corps volunteer Bernard Feeney said in his NICRA statement¹ that he was called to attend to a man (in our view Patrick Brolly) who was "*said to be shot in the head*" but that on arrival "*it turned out that a rubber bullet had come through the window and glass had embedded in his head*". In his written statement to this Inquiry,² Bernard Feeney told us that when he arrived at the flat he found a man slumped "*on the chair immediately in front of the window which looked out on Rossville Street. People thought that he had been shot in the head, as his head was bleeding. The window had been entirely shot away but as it then turned out, in fact he was simply bleeding from the glass in the window.*" In his oral evidence to this Inquiry, Bernard Feeney said that he knew that a rubber bullet had come through the window because he saw the bullet lying in the apartment.³

¹ AF8.10

³ Day 141/54-55

² AF8.4

55.336 In these circumstances it could be the case that Bernard Feeney wrongly concluded that Patrick Brolly had been injured by a rubber bullet that had come in through the living room window.

55.337 Gearóid Ó hEára told us in his written statement to this Inquiry¹ that he was called into a flat from the lowest balcony of Block 1. According to this account Patrick Brolly and others were there. He stood with Patrick Brolly at the front window, overlooking Rossville Street. Patrick Brolly hammered on the window to attract the attention of two photographers, and shouted to them to take photographs of what was happening. The photographers had come from behind two soldiers who were lying on the ground near the ramp at the north-east corner of Glenfada Park North, firing down Rossville Street. Suddenly the window blew in. Patrick Brolly fell into the room with blood on his face. At first those in the flat thought he had been shot in the head, but after he had been cleaned up it turned out that the window had been hit by a baton round at close range. It must have been fired either from the west side of Rossville Street or from the Ferret scout car which was beneath the window. In his supplementary written statement,² Gearóid Ó hEára told us that the two soldiers could have been at the ramp at the south end of Kells Walk, but he did not think so. He believed that Patrick Brolly had been trying to make a photographer take pictures of the soldiers firing. In his oral evidence to this Inquiry,³ Gearóid Ó hEára said that the two soldiers were by the ramp at the north-east corner of Glenfada Park North. The projectile, which was later found to have been a baton round, seemed to come straight through the window and hit Patrick Brolly *“on the face, glass and all”*. He said⁴ that despite other evidence to the contrary he was *“pretty clear”* that the shot came from Rossville Street. He thought that someone had found the baton round in the living room, or at least that *“that was the explanation we then had”*.

¹ [AO79.3-AO79.5](#)

³ [Day 406/149-161](#)

² [AO79.17](#)

⁴ [Day 406/209-215](#)

55.338 In our view Gearóid Ó hEára’s memory was playing him tricks. He might have witnessed a rubber bullet coming through the living room window, but in our view this was after Patrick Brolly had been injured.

55.339 In his NICRA statement¹ Patrick Friel recorded that he went into Kathleen Cunningham’s flat after hearing her call out that there was a man dead. *“I went into this lady’s flat and there was a man lying on the floor, his face covered in blood with glass splinters stuck in his face and forehead ... I was later informed that an army rubber bullet had been shot through the window.”* He did not claim to have direct knowledge that this was so. Patrick Friel is dead and gave no evidence to this Inquiry.

¹ [AF38.3-4](#)

55.340 In these circumstances it is not possible to be certain whether a live round or a rubber bullet caused Patrick Brolly's injuries. In the end we have concluded that it was probably a live round. If it had been a rubber bullet, it would have been found without difficulty, whereas a bullet lodged in a wardrobe in another room could well have escaped immediate notice. Bernard Feeney's and Gearóid Ó hEára's evidence of the window being entirely broken, and the former's evidence about seeing a baton round, appear to us to be more likely to relate to the later incident in the living room. We cannot tell whether the round itself hit Patrick Brolly, or whether his injuries were all caused by flying glass. If a live round hit Patrick Brolly, it must have only lightly grazed him, for otherwise he would have been killed or seriously injured.

55.341 The only soldier who admitted firing live rounds into the south-east side of Block 1 of the Rossville Flats was Private T. We have considered earlier in this report¹ the evidence relating to the two shots that he said that he fired towards somebody who had thrown down bottles containing acid or some other corrosive liquid.

¹ Paragraphs 51.266–384

55.342 In the course of that analysis¹ we noted that the Loden List of Engagements records that this person was on the "*top floor*" of the flats.² This contrasts with Private T's Royal Military Police (RMP) statement in which he referred to the bomber being on a balcony "*some 20 to 30 feet above me*".³ Private T told the Widgery Inquiry that the "*verandah*" on which he saw his target was "*about three storeys up*".⁴ Private T's trajectory photograph⁵ shows a position on the fifth floor balcony of Block 1 of the Rossville Flats. Private T told the Widgery Inquiry that both his shots missed and that the second shot hit "*the wall a few feet above his [the man's] head*"⁶ or "*the roof of the building*".⁷

¹ Paragraphs 51.277–281

⁵ Paragraph 64.91

² ED49.12

⁶ B736

³ B725-726

⁷ WT13.90

⁴ WT13.89

55.343 There is thus some uncertainty as to how high up in Block 1 was the man at whom Private T fired. On his RMP map,¹ on the co-ordinates given in the Loden List of Engagements² and on his trajectory photograph³ Private T's target is shown as slightly further along Block 1 (to the south-west) than the flat where we have concluded that Patrick Brolly was injured. In his RMP statement,⁴ Private T recorded that the balcony was "*almost directly above me*", which would suggest a position towards the north end of the block.

¹ B727

³ B747

² ED49.12

⁴ B725

55.344 In the end, it is our view that it was probably one of Private T's shots that went through the bedroom window of the flat and caused Patrick Brolly's injury. If we are wrong about this and the injury was caused by a rubber bullet, then in our view this is likely to have been fired by Private 013. In his written statement to this Inquiry,¹ this soldier told us that he fired a number of rounds at windows in the Rossville Flats "*as these were also good firing positions. I wanted to keep people away from the windows to prevent them shooting at us. I cannot now recall which windows I fired at.*" He was the only one of the soldiers in Mortar Platoon equipped with a baton gun to admit to firing it at windows in the Rossville Flats.

¹ [B1408.003](#)

When Patrick Brolly was injured

55.345 According to Celine Brolly's NICRA statement and her husband's written statement to this Inquiry, Patrick Brolly was injured when Jackie Duddy was still lying in the car park attended by Fr Daly. We take the view that we should not, because of her later health problems, rely on the different account given by Celine Brolly in her evidence to us. Gearóid Ó hEára told us in his written statement to this Inquiry¹ that it was only after he had seen Michael Bridge fall that he went into the flat in which he witnessed the incident in which Patrick Brolly was injured. In his oral evidence to this Inquiry,² he said that some time elapsed between the two incidents, possibly about five minutes. However, as we have pointed out above,³ we are of the view that Gearóid Ó hEára did not witness Patrick Brolly being injured. Thus all that we can say is that Patrick Brolly was injured after Jackie Duddy was shot but before he had been carried from the car park.

¹ [AO79.4-AO79.5](#)

³ [Paragraphs 55.337–338](#)

² [Day 406/155](#)

Where Patrick Brolly was taken

55.346 Patrick Brolly said in his written statement to this Inquiry¹ that he was taken to Altnagelvin Hospital in the same ambulance as Alana Burke. In their statements made on 2nd February 1972,² John Rafferty and Samuel Hughes, respectively the driver of that ambulance and the attendant, said that they carried a man with an injured forehead who came and sat in the ambulance. We are satisfied that this was Patrick Brolly.

¹ [AB90.2](#)

² [ED39.8](#); [ED39.6](#)

Pius McCarron

55.347 Pius McCarron made no statement in 1972 and was unable through ill health to give evidence to this Inquiry. He died in 2004. We have no biographical details of him, save that James Deeney told us in his written statement to this Inquiry¹ that Pius McCarron was about 30 years old on Bloody Sunday. We have no medical evidence either. His name does not appear on a list, submitted to the Widgery Inquiry on 2nd March 1972 by the Patients' Services Officer at Altnagelvin Hospital, of the names of those who had been treated at the hospital for injuries sustained on Bloody Sunday.²

¹ [AD27.2](#)

² [D1093](#)

55.348 However, there is evidence that he was injured in the gap between Blocks 2 and 3 of the Rossville Flats.

55.349 In his NICRA statement¹ Patrick Clarke described running along Chamberlain Street towards the Rossville Flats and seeing, when he reached the car park area, someone lying flat on his back being tended by two people. He continued:

"At this particular point I was able to see British soldiers in firing positions and shooting over the head of the priest at other people who were taking cover behind a low wall at the rear of the steps in the high flats. I made my way round to the passage at the lower intersection of the two blocks of High Flats and here I came upon a member of the Knights of Malta in attendance on another injured person. He asked for assistance. We were unable to determine there and then what was wrong with him as he did not seem to have any wounds. I knew the man to be Pius McCarran [sic]. Another fellow and myself started to carry him to one of the nearby houses, and while doing so some shots were also fired at us, hitting the wall above our heads.

When we got him into a house we found out that he had been hit in the head by a piece of masonry from a ricochet. This he told us himself when he recovered. In that same house was a young girl who had been hit by a Saracen and was in great pain from back injuries."

¹ [AC64.1](#)

55.350 In his written evidence to this Inquiry,¹ Patrick Clarke told us that he had discovered Pius McCarron at the car park entrance to the small alleyway between Blocks 1 and 2 of the Rossville Flats. He said that he saw Pius McCarron lying on the ground. He thought that he had been shot dead. He stopped and looked for a bullet wound but could not see one.

He saw the piece of masonry lying next to Pius McCarron. It was a piece of cladding from the wall of the Rossville Flats. He did not see a hole in the wall but saw a gash on Pius McCarron's head. He and someone else carried him to a house in Joseph Place, on the other side of the Rossville Flats.

¹ [AC64.5](#)

55.351 Patrick Clarke's oral evidence¹ was to the same effect, though he agreed, on being shown his NICRA statement, that it was likely that he had come across Pius McCarron in the passageway between Blocks 2 and 3 of the Rossville Flats.

¹ [Day 74/97-102](#)

55.352 In his written evidence to this Inquiry,¹ Eamonn Baker described running along Chamberlain Street to the Rossville Flats car park, where he saw the body of Jackie Duddy. He then decided to leave the car park through the passage between Blocks 2 and 3. He told us that he saw Michael Bradley shot and helped to get him round the corner into the passage:

"There was another lad in the gap between Block 2 and Block 3 who I knew, called Pius McCarron. He was rushing through the gap trying to escape with his back to a wall and the position where I think this wall was is marked with a C on the attached map (grid reference L18). I have a blurred feeling of shots being fired into this wall at just above head height. Just as the bullets struck the wall, Pius seemed to faint and he slumped to the ground. I am unable to say how many shots hit this wall, but there was more than one."

¹ [AB2.3-AB2.4](#)

55.353 The position marked by Eamonn Baker was indeed on the concrete wall below Block 3 just by the passage between Blocks 2 and 3. During his oral evidence to this Inquiry,¹ he marked with a blue arrow on the following photograph the approximate position where he recalled the bullets striking.² This photograph was not taken on Bloody Sunday.

¹ [Day 96/141-142](#)

² [AB2.7](#)



55.354 James Deeney also gave written and oral evidence to this Inquiry. In his written statement¹ he told us that as he ran for the gap between Blocks 2 and 3 he saw Pius McCarron, whom he knew, running ahead of him. *“Before we made it through the gap there were, I think, two shots fired. At this point Pius fell in front of me and I thought he had been shot. However, the shots hit the masonry above us, and the dust from the masonry had got into his eyes and stunned him.”* In his oral evidence to this Inquiry, James Deeney said that he recalled Pius McCarron stumbling rather than actually falling: *“he was able to go up and carry on, so I think he was okay.”*² He also marked on a photograph where he recalled the masonry had come from,³ which was almost exactly the same spot as that marked by Eamonn Baker and shown above.⁴

¹ AD27.2

² Day 75/132

³ AD27.6

⁴ Day 75/131

Where Pius McCarron was injured

55.355 From the evidence examined above, we have no doubt that Pius McCarron was injured at the entrance to the passageway between Blocks 2 and 3 of the Rossville Flats.

What Pius McCarron was doing when he was injured

55.356 From the evidence of Eamonn Baker and James Deeney it seems clear to us that Pius McCarron was running away when he was injured. There is no evidence that before this he was doing anything that could have justified shots being fired towards him.

What injured Pius McCarron

55.357 Patrick Clarke recorded in his NICRA statement that Pius McCarron told him that he had been hit by a piece of masonry dislodged by a ricochet. From this and the other evidence examined above we are sure that he was hit on the head by masonry dislodged by a bullet or bullets striking the concrete wall in or near the position shown in the photographs marked by Eamonn Baker and James Deeney.¹

¹ In the *Derry Journal* newspaper of 29th January 2010 it was reported that Donna McElhinney (daughter of Pius McCarron) had said that her father had been grazed by a bullet on Bloody Sunday, and that this was the cause of a brain haemorrhage that developed a year and half later. At this stage of the Inquiry it is not possible to investigate whether the injury sustained by Pius McCarron on Bloody Sunday was causative of his later illness. In the light of the evidence to which we have referred above, we remain of the view that Pius McCarron was hit by masonry, and not by a bullet.

55.358 We should note at this point that it was submitted by the representatives of the majority of represented soldiers that a far more likely explanation is that Pius McCarron was “knocked unconscious by a blast from a bomb of some description”.¹ We have found no evidence of any kind that to our minds supports this submission, which is inconsistent with the accounts that we have considered above.

¹ [FS7.1621](#)

55.359 According to their accounts Sergeant O, Private Q and Private R fired in total six rounds in the direction of the passageway between Blocks 2 and 3 of the Rossville Flats. According to their trajectory photographs, which we have considered earlier in this report,¹ these shots, unless they hit an intermediate target, would have hit the concrete wall in more or less the very place where Eamonn Baker and James Deeney recalled bullets striking. It is impossible to tell which bullet or bullets may have indirectly injured Pius McCarron. For reasons explained later,² we cannot eliminate the possibility that Private S fired one or more shots in this direction and thus he might have been responsible for the injury to Pius McCarron.

¹ [Paragraphs 51.240, 51.145 and 51.167](#)

² [Paragraphs 64.81–90](#)

When Pius McCarron was injured

55.360 It seems to us from Patrick Clarke’s NICRA statement that he saw Jackie Duddy lying in the car park before he came across Pius McCarron. According to Eamonn Baker, it was after he had seen Jackie Duddy lying in the car park, and Michael Bradley injured, that he saw Pius McCarron slump to the ground. Eamonn Baker,¹ Patrick Clarke² and perhaps also James Deeney³ saw Jackie Duddy lying on the ground in the car park, and yet none said that he had seen Jackie Duddy lifted and carried away before he saw

Pius McCarron. In our view it is likely that Pius McCarron was injured before Jackie Duddy was carried away, but after Michael Bradley was injured. The fact that Gilles Peress took no photographs of Pius McCarron is to our minds an indication that he was injured and helped away before Gilles Peress got to the low wall parallel to the side of Block 2 and took the photographs of the men below the high retaining wall beneath Block 3, to which we have referred⁴ when considering the wounding of Patrick McDaid. In our view, therefore, it is probable that Pius McCarron was injured before Patrick McDaid.

¹ AB2.3

³ AD27.2; Day 75/124-126; Day 75/149-150

² AC64.1; AC64.5

⁴ Paragraph 55.293

Where Pius McCarron was taken

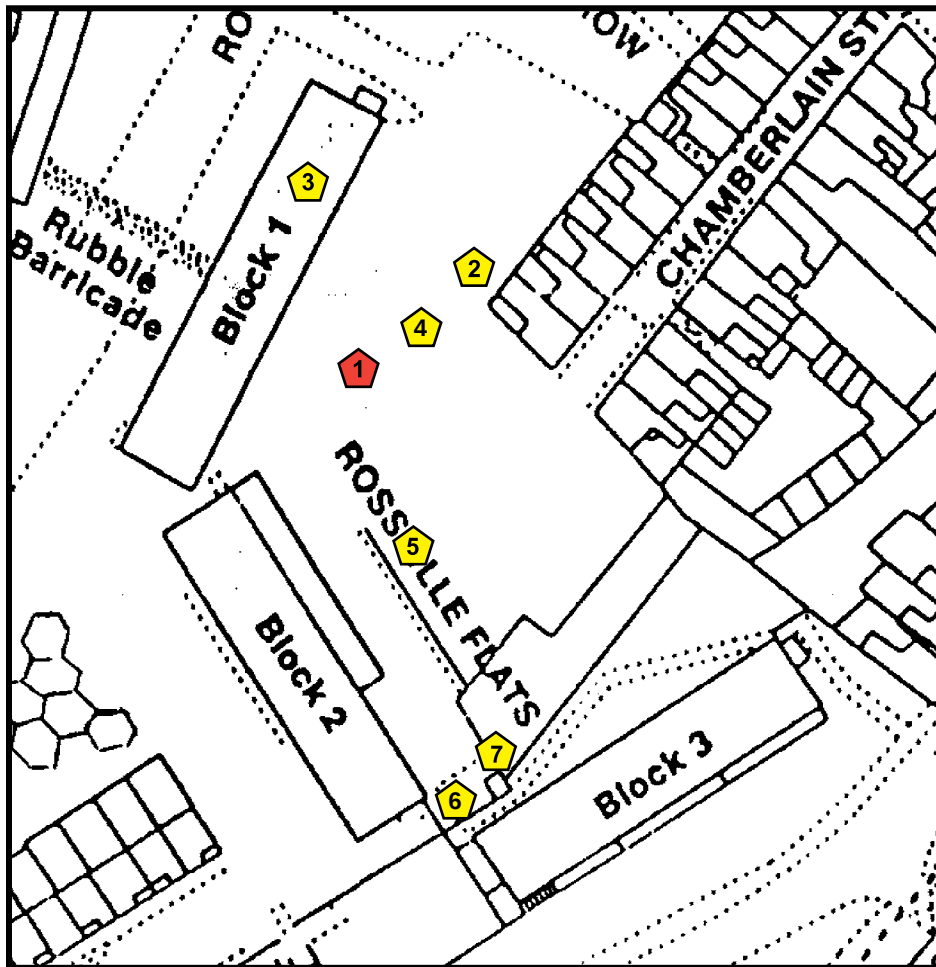
55.361 In his NICRA statement¹ Joseph Doherty described going to the “*maisonettes near the flats*”, where there were two men carrying Pius McCarron, “*and I helped get him into a house. He was unconscious but only from a graze atop his head, he came around alright.*” It seems to us that the house to which Joseph Doherty referred must have been one of the maisonettes in Joseph Place, where Patrick Clarke said that he had taken Pius McCarron.

¹ AD76.7

55.362 We have no evidence of Pius McCarron’s movements after he reached Joseph Place. He may simply have gone home.

Chapter 56: The order and position of the known casualties in Sector 2

- 56.1** In the light of the evidence relating to the casualties in Sector 2 that we have considered above, it seems to us that the first person to be shot was Jackie Duddy, soon followed by Margaret Deery.
- 56.2** Patrick Brolly was injured after Jackie Duddy was shot but before the latter had been carried from the car park, as were Michael Bridge and Michael Bradley.
- 56.3** Pius McCarron was injured after Michael Bradley had been shot and was followed by Patrick McDaid.
- 56.4** We do not know how much time elapsed between the first and the last of the casualties, but our overall impression from our examination of the evidence relating to Sector 2 is that it could only have been a matter of a very few minutes.
- 56.5** From the evidence that we have considered above, it is possible to mark on a map the positions of these casualties when they were shot or otherwise injured.



Casualty who was killed or mortally wounded in the car park of the Rossville Flats

1 Jackie Duddy



Casualties who were wounded in this area

2 Margaret Deery

3 Patrick Brolly

4 Michael Bridge

5 Michael Bradley

6 Pius McCarron

7 Patrick McDaid

56.6

As will have been seen from the photographs reproduced above,¹ anyone looking from the northern side of the car park must have seen Jackie Duddy's body lying there, and also the group carrying his body away. Michael Bridge was on his own in the car park when he was shot and again must have been clearly visible to anyone looking from the north, as must Margaret Deery who was shot near the wall at the back of the houses at the Rossville Flats end of Chamberlain Street and then carried round the corner to 33 Chamberlain Street. Michael Bradley would not have been as clearly visible as a

casualty, since he quickly moved back over the low wall that ran parallel to Block 2 of the Rossville Flats. Patrick Brolly probably could not have been seen by anyone in the car park area, while it may not have been apparent that either Pius McCarron or Patrick McDaid had been injured.

¹ [Chapter 55](#)

56.7

In these circumstances it is important to consider the evidence that the soldiers of Mortar Platoon gave about the known casualties from gunfire in Sector 2.

Chapter 57: Evidence from the soldiers concerning the known casualties

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Lieutenant N

57.1 In his oral evidence to the Widgery Inquiry,¹ Lieutenant N said that he did not see a young boy fall dead in the area of the car park of the Rossville Flats.

¹ [WT12.78](#)

57.2 In his oral evidence to this Inquiry,¹ Lieutenant N said that he had no recollection of seeing the body of a boy in the car park or of seeing a group of men gathered around what might have been the body of a boy. He said that he had no recollection of seeing the scenes shown in Gilles Peress's and Sam Gillespie's photographs of Jackie Duddy and the group around him,² which we have reproduced above.³ He told us that he did not see anyone other than his own target shot in the leg in the area shown in Sam Gillespie's photograph of Michael Bridge on his own in the car park,⁴ which we have also reproduced above.⁵

¹ [Day 322/97](#)

⁴ [Day 322/99](#)

² [Day 323/71-75](#)

⁵ [Paragraph 55.166](#)

³ [Paragraphs 55.18](#) and [55.166](#)

57.3 Lieutenant N was asked¹ how he had failed to see any of his soldiers shooting anyone, or to see anything of significance in the car park during a time when several people were shot, and said that he was very busy with the events in which he was directly involved.

¹ [Day 323/17-19](#)

Sergeant O

57.4 In his written statement to this Inquiry,¹ Sergeant O said that he had no recollection of seeing a group including Fr Edward Daly around a body at any stage, or of the scene shown in Sam Gillespie's photograph of the group round Jackie Duddy. In his oral evidence to this Inquiry,² he said that he had no recollection of seeing Fr Daly attending to a body on the ground. He completely missed the shooting of Jackie Duddy, and the group of people attending to him. His only explanation of this was that he had "*tunnel vision*" while engaging his first two gunmen and was then concentrating on the location towards which Private S was firing. He said that he did not recall seeing the scene shown in Fulvio Grimaldi's photograph³ of Jackie Duddy being carried out of the car park, or anything like it.⁴

¹ [B575.115](#)

³ [Paragraph 55.68](#)

² [Day 335/78-79](#)

⁴ [Day 335/82](#)

57.5 In his written statement to this Inquiry,¹ Sergeant O said that he did not remember a woman being shot in or around the car park.

¹ [B575.118](#)

57.6 In his oral evidence to this Inquiry,¹ Sergeant O said that he did not remember a tall man being shot in the leg in the entrance to the car park. He accepted² that he was probably the soldier shown standing at the rear of his Armoured Personnel Carrier (APC) and marked with an arrow in Sam Gillespie's photograph of Michael Bridge (shown again below)³ but said that he did not see Michael Bridge or the body that lay on the ground behind him, surrounded by a group of civilians that included a priest.

¹ [Day 335/80](#)

³ [B575.171](#)

² [Day 336/64-69](#)



57.7 Sergeant O said¹ that he did not see a man shot in front of Block 2 of the Rossville Flats either in the arm or in the chest. He was shown Larry Doherty's photograph² of Michael Bradley being taken away on a stretcher at a later stage, and said that so far as he was aware he had never seen his face before.

¹ [Day 335/83-84](#)

² Shown at [paragraph 55.259](#).

Corporal P

57.8 Corporal P did not describe seeing any of the known casualties in Sector 2.

Private Q

57.9 In his oral evidence to this Inquiry,¹ Private Q said that he did not recall seeing a group of people around a body in the position shown in Fulvio Grimaldi's photograph of Fr Daly and Charles Glenn attending to Jackie Duddy,² nor did he see a group of people carrying a body out of the car park.

¹ [Day 339/49-50](#)

² [Paragraph 55.20](#)

57.10 Private Q said¹ that he did not see the shooting of Michael Bridge, nor did he see him being carried away towards Chamberlain Street.

¹ [Day 339/54-55](#)

57.11 Private Q said¹ that he could give no assistance as to who might have shot Jackie Duddy, Michael Bridge or Michael Bradley.

¹ [Day 339/59-60](#)

Private R

57.12 In his written statement to this Inquiry,¹ Private R said that he did not remember seeing any civilians shot in the car park other than the two at whom he fired, one of whom he might not have hit, and the gunman at whom he saw Sergeant O fire.

¹ [B691.005](#)

57.13 In his oral evidence to this Inquiry,¹ Private R said that he had not seen the scene shown in Fulvio Grimaldi's photograph² of Jackie Duddy being carried out of the car park. He said³ that he had no recollection of seeing scenes such as those shown in Gilles Peress's photograph of Jackie Duddy and the group around him,⁴ or Fulvio Grimaldi's photograph of Fr Daly and Charles Glenn attending to Jackie Duddy,⁵ and that he did not see Jackie Duddy being carried out of the car park, as shown in the CBS film.⁶

¹ [Day 337/39](#)

² [Paragraph 55.68](#)

³ [Day 337/60-61](#)

⁴ [Paragraph 55.18](#)

⁵ [Paragraph 55.20](#)

⁶ [Vid 49 19.12](#)

57.14 Private R said¹ that he did not see a man approaching Sergeant O's APC from around a group surrounding a body in the southern part of the car park, nor did he see anyone shoot a man in the leg in the car park. He also said² that he did not see anyone shot in the arms and chest near the low wall parallel to Block 2. So far as he was aware, he had not seen the man (Michael Bradley) shown being taken away on a stretcher in Larry Doherty's photograph.³

¹ Day 337/67-68

³ Paragraph 55.259

² Day 337/69

Private S

57.15 In his oral evidence to the Widgery Inquiry,¹ Private S said that he had seen what he took to be a body lying on the ground in front of him, at a stage which he thought was after he had taken up his position at the back of 34 Chamberlain Street but before he had fired his first shots. He did not notice whether there was a priest near the body at any time. A lot of people were milling about in the car park even after he saw the body. In his oral evidence to this Inquiry,² Private S said that he had no recollection of seeing the body. None was prompted when he was shown some of the photographs of Jackie Duddy lying on the ground reproduced above.³ He said⁴ that he had no recollection of witnessing the scene shown in Fulvio Grimaldi's photograph of Jackie Duddy's body being carried away.⁵

¹ WT13.7-8

⁴ Day 331/95

² Day 331/85-88

⁵ Paragraph 55.68

³ Paragraphs 55.18 and 55.20

57.16 Private S said¹ that he did not recall seeing anyone fall, or anyone who had fallen, in the area where he was positioned at the back of the Chamberlain Street houses. He was certainly not aware of a woman being shot in the leg close to him. He said² that he did not see a woman being shot by another soldier as he made his way along the back of the Chamberlain Street houses, and had no recollection of seeing a woman being carried away from that area.

¹ Day 331/90-92

² Day 332/54-55

57.17 Private S said,¹ after being shown Sam Gillespie's photograph of Michael Bridge standing on his own in the car park,² that he did not recall seeing anyone being shot close to the mouth of the car park.

¹ Day 331/94

² Paragraph 57.6

Private T and Private U

57.18 Neither of these soldiers gave any evidence of seeing any of the known casualties in Sector 2.

Lance Corporal V

57.19 In his RMP statement,¹ Lance Corporal V recorded that when he fired a shot at a man who had thrown a bottle with a fuse attached to the end, the man was thrown to the ground. The crowd scattered but four or five people returned. Lance Corporal V saw them waving white handkerchiefs and attending to the man.

¹ [B788](#)

57.20 In his written statement for the Widgery Inquiry¹ and in his oral evidence to the Widgery Inquiry,² Lance Corporal V said that four or five male persons approached the body of the man whom he had shot, with their hands in the air, waving white handkerchiefs. He was asked³ whether one of these people had been a priest in clerical clothes, and said that he thought so.

¹ [B802](#)

³ [WT13.22](#)

² [WT13.13](#)

57.21 In his oral evidence to this Inquiry,¹ Lance Corporal V said that although he had no present recollection, it had been his impression at the time, possibly mistaken, that a group of people including a priest had attended to the man whom he had shot. He then said that he had seen a body on the ground being attended to by a priest, which he had taken to be the body of the man whom he had shot. However, he repeatedly rejected the suggestion² that this man was Jackie Duddy, since he said that the man whom he shot had been wearing a white shirt and was hit in the centre of the body. Lance Corporal V said³ that he did not recognise the scene shown in Gilles Peress's photograph of Jackie Duddy and the group around him,⁴ and⁵ that he could not explain how he had failed to see the body of Jackie Duddy lying on the ground. He said,⁶ after being shown Fulvio Grimaldi's photograph of Jackie Duddy being carried,⁷ that he did not see that scene.

¹ [Day 333/146-148](#)

⁴ [Paragraph 55.18](#)

² [Day 333/86-90](#); [Day 333/147-150](#); [Day 333/156-157](#); [Day 333/160](#); [Day 333/169-171](#)

⁵ [Day 333/152](#)

⁶ [Day 337/97-98](#)

³ [Day 333/95-96](#)

⁷ [Paragraph 55.68](#)

57.22 Lance Corporal V said¹ that he did not see the shooting of Margaret Deery. He also said,² after being shown Sam Gillespie's photographs of Michael Bridge reproduced above,³ that he did not see a tall man shot in the leg in the car park. He said⁴ that he could not explain how he had failed to see Michael Bridge approaching his position, shouting and gesticulating, and said that he did not see the shooting of Michael Bridge.

¹ Day 333/169

³ Paragraphs 55.166–167

² Day 333/97

⁴ Day 333/152-153

Private 006

57.23 Private 006 gave no evidence of seeing any of the known casualties in Sector 2.

Private 013

57.24 In his written statement to this Inquiry,¹ Private 013 said that he did not remember seeing “*anyone hit or anyone being shot*” in the car park, although he saw people falling over in the crowd.

¹ B1408.004

Private 017

57.25 Private 017 gave no evidence of seeing any of the known casualties in Sector 2.

Private 019

57.26 Private 019 gave no evidence of seeing any of the known casualties in Sector 2. In his written statement to this Inquiry,¹ he told us that he saw no bodies other than the three placed inside Lieutenant N's vehicle, an incident that occurred later and to which we return in due course.²

¹ B1494.004

² Chapter 122

Private 112

57.27 In his oral evidence to this Inquiry,¹ Private 112 said that, as far as he could recall, while at the north-east corner of Block 1 he did not see anyone who had been injured. He said² that he did not see any civilians lying on the ground, nor did he recollect seeing a group of people gathered around the body of a young man, or seeing a priest in the car park.

¹ [Day 320/107](#)

² [Day 320/142](#)

Corporal 162

57.28 Corporal 162 gave no evidence of seeing any of the known casualties in Sector 2.

Lance Corporal INQ 768

57.29 Lance Corporal INQ 768 gave no evidence of seeing any of the known casualties in Sector 2. In his oral evidence to this Inquiry,¹ he said that he did not at any time see any civilian fall to the ground.

¹ [Day 323/147](#)

Private INQ 1579

57.30 In his oral evidence to this Inquiry,¹ Private INQ 1579 said that he had no recollection of seeing the shooting of Jackie Duddy or of any of the other known casualties.

¹ [Day 336/189](#)

Private INQ 1918

57.31 Private INQ 1918 gave no evidence of seeing any of the known casualties in Sector 2. In his oral evidence to this Inquiry,¹ he said that he had no idea when he first learned that civilians had been killed and wounded.

¹ [Day 342/120](#)

57.32 As we have observed earlier in this report,¹ none of the soldiers has admitted shooting any of the gunfire casualties in Sector 2. With the exception, perhaps, of Private R, none admitted even the possibility that any of the gunfire casualties could have been hit by accident. When this is added to the fact that, while Lance Corporal V and Private S each said that he saw a body, none of the soldiers has admitted seeing any of the known

gunfire casualties and many have asserted that they did not do so, our view, that the evidence of one or more of them must be inaccurate and incomplete, is reinforced. Some at least of them must have seen Jackie Duddy lying in the car park and then being carried away, Margaret Deery shot and being carried away and Michael Bridge out on his own facing the soldiers and then shot in the leg, if not Michael Bradley being shot as well.

¹ [Paragraph 54.6](#)

Chapter 58: Other evidence of paramilitary gunmen in Sector 2

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- 58.1** We now turn to consider evidence from others (apart from the members of Mortar Platoon) of paramilitary gunmen in Sector 2.

The gunman described by Fr Daly

- 58.2** In his written statement for the Widgery Inquiry, Fr Edward Daly, after describing giving Jackie Duddy the last rites and seeing Michael Bridge shot, recorded that he and the others there decided to try to carry Jackie Duddy to a position where he could receive medical aid.¹ His statement continued:

“Just as we were about to get up and make a dash for Chamberlain a civilian gunman appeared at the gable of the last house in Chamberlain Street. I first of all saw the man move along the gable of the house. I thought his movements were strange and suddenly he produced a gun from his pocket ... it was small hand gun and made a very different bang than the soldiers’ rifles ... he fired two or three shots at the soldiers at the corner of the flats ... I think they fired back although I am not sure. I shouted at him to go away or he would get us all killed. He looked round at us lying out in the middle of the car park and then he moved away. After lying for a few more moments, I got up on my knees and was just about to rise when the army opened fire again. We all dived to the ground again and lay there for another while.”

¹ [H5.19-H5.20](#)

- 58.3** Fr Daly gave a similar account in his oral evidence to the Widgery Inquiry:¹

“LORD WIDGERY: Is that the way you went?

A. That is the way we decided to go.

Q. We see this in the film?

A. There was an incident happened before that. Just as we were about to get up I saw a man with a brown jacket move along this gable here of this house here. He suddenly appeared on the corner of the house and moved along. I thought that his movements were rather strange and suddenly he produced a gun from his right hand pocket of his jacket, or it appeared in his right hand. It was a small gun, a hand gun and he fired two or three shots around this corner here at the soldiers. I think there were two soldiers; there certainly was one who stepped out from time to time. I remember the time he shot this boy here and he fired two or three shots at them.

We screamed at him to go away because again we were frightened the soldiers might think the fire was coming from where we were and he looked around and then he just faded out across here and I do not know where he went to; he must have gone into Chamberlain Street or somewhere. Then we decided to make a dash for it and we got up first of all on our knees and I waved this handkerchief and there was a burst of gunfire that came at the time. I remember we had to lie down again.”

¹ WT4.11

58.4 Fr Daly told the Widgery Inquiry that this was the only firearm that he saw that afternoon “*outside of Army hands*”.¹

¹ WT4.14

58.5 Fr Daly gave similar accounts of this gunman in:

- an interview with Philip Jacobson and Peter Pringle of the *Sunday Times* Insight Team on 16th March 1972;¹
- an interview with the journalist Tony Parker, published in the *New Statesman and Society* at the time of the 20th anniversary of Bloody Sunday in January 1992;²
- an interview in 1991 with the journalist Peter Taylor, who was carrying out research for the BBC television documentary *Remember Bloody Sunday*;³
- his written statement to this Inquiry;⁴
- an interview with Jimmy McGovern on 29th January 2001;⁵ and
- his oral evidence to this Inquiry.⁶

¹ H5.59-60

⁴ H5.6

² H5.71-72; L244.2-L244.3

⁵ H5.85-86; H5.91; H5.101

³ I43-44; I47-49

⁶ Day 75/36-39

58.6 According to Fr Daly's accounts, the gunman moved along the gable end at the southern end of Chamberlain Street and fired from the corner in the direction of the soldiers. That corner was at the end of the garden wall that extended westwards from the gable end of the last house (number 36) on the west side of Chamberlain Street. An enlargement of one of the photographs taken by Derrik Tucker Senior from Block 2 of the Rossville Flats on Bloody Sunday, reproduced below, shows this gable end and the wall extending from it. It will be noted that on the eastern side of Chamberlain Street there is also a gable end and a wall running eastwards that formed the southern wall of the garden of the last

house (number 33) on that side of Chamberlain Street. Many of the witnesses described the wall along which Fr Daly (and others) told us the gunman moved as “the gable end” or “the gable end wall”. We use these expressions in this report, though, as will be seen, in some cases it is necessary to distinguish between the western and eastern gable ends and their adjoining walls.



58.7 Because this gunman was seen and described by Fr Daly, he has become known as “Fr Daly’s gunman”.

OIRA 4

58.8 OIRA 4 gave written evidence to this Inquiry in the form of two statements, one prepared by his solicitors and one taken by the Inquiry.¹ He was called to give oral evidence, but unfortunately fell ill soon after starting to do so and was unable for that reason to complete his evidence then or thereafter. As a result Counsel to the Inquiry could not finish his questioning of this witness, and the other interested parties were deprived of the opportunity to ask him any questions.

¹ [AOIRA4.1](#); [AOIRA4.15](#)

58.9 OIRA 4 told us that in 1972 he was a member of the Official IRA Command Staff in the north-west of Ireland, that he was based in Derry, and that he was the Adjutant and Finance Officer.¹ He told us that on Bloody Sunday he was carrying a .32in pistol “to protect myself from the security forces”.²

¹ Day 394/3

² AOIRA4.15; Day 394/11-12

58.10 According to his written accounts to this Inquiry,¹ OIRA 4 was nearly 34 years old at the time of Bloody Sunday. He had been near the rioting at Barrier 14. He went along Chamberlain Street when he thought the Army was about to come in. He told us that it was as he was running down Chamberlain Street that he heard shooting for the first time that day. When he reached the car park he went in a few yards and saw Fr Daly attending to a body that he afterwards learned was that of Jackie Duddy. He then realised that the soldiers were firing live rounds, and so he ran back to the gable wall at the end of Chamberlain Street and moved westwards along this wall. From this point he said that he could see a “Saracen” which he recalled being near the north-east corner of Block 1 of the Rossville Flats. His second account continued:²

“There seemed to be lots of shooting going on and I could see the paras firing but I cannot now recall exactly how many shots they fired because it all happened so quickly. I don’t know whether the paras I could see were firing all of the shots I could hear, but all the shots I could hear were high calibre, heavy duty fire and I took them all to be coming from the army.

I just lost my temper. The Brits were gunning down innocent civilians. I took my short weapon out of my pocket and fired two, possibly three, shots towards the Saracen at point D. I did it out of pure anger at what was happening around me. As I have said, my gun was a .32 calibre, a small, and looking back, pretty pathetic weapon, and I was probably well out of range to do any damage to the paras or their Saracen. I didn’t hear any pings or anything to suggest I hit the Saracen. Not only do I think I was out of range, I don’t even know if I fired well enough to hit it, but I was just firing out of pure frustration.

I never even thought about what was around the corner of the wall (northwards) because I was only concerned with firing at the Saracen and obviously not thinking straight. I wasn’t holding my gun around the corner shooting blindly northwards as has been suggested. I was shooting in a westerly direction towards the Saracen in front of me, and the paras near to the Saracen. I wasn’t aiming at anyone in particular, I was just firing towards where I could see the shooting coming from. Someone told me later

that at the end of the wall, around the corner where I couldn't see, were a couple of paras and I know now that I was very lucky not to be seen and to have got out of the whole situation alive.

I don't think the soldiers even noticed me. I have a vague feeling as I stood there that I could feel bullets going over my head, but this might be a false memory. If there were bullets going over my head I think they must have been getting fired at someone else rather than me. If those paras had seen me they wouldn't have been firing over my head – I'd be dead now. They would have shot me to pieces. Even if I'd been caught with a weapon, let alone caught firing it, I would have been shot dead by the Brits. Of course, I didn't think of any of this at the time; I was just so angry and firing out of frustration. At no time did I hear any shots coming from the area around me or above me from the Rossville Flats. Also, I have no recollection of any shots striking anywhere near me, so I could just be imagining this sensation. The only shooting I heard coming from our side that day was mine. I never heard any explosions that day at all.

The minute I had fired I was confronted by people shouting at me to stop. They were yelling at me words to the effect of 'pack it in!' or possibly 'pack it in OIRA 4' if they knew me. I can't remember whether I knew any of the people who shouted to me, only that they wanted me to stop. Even Father Daly seemed to be shouting at me to stop from where he was attending to Jack Duddy. I was still mad as hell but these people brought me to my senses and I put my gun away in my coat pocket. It never left the pocket after that."

¹ AOIRA4.4-AOIRA4.5; AOIRA4.15-AOIRA 4.17

² AOIRA4.17-AOIRA4.18

58.11 The "*point D*" to which OIRA 4 referred in the second paragraph quoted above was, according to the map accompanying this statement, at about the north-east corner of Block 1 of the Rossville Flats.¹

¹ AOIRA4.29

58.12 OIRA 4 told us that just after he had fired he saw Michael Bridge shot. He then went back to try to get into 33 Chamberlain Street, saw a group of people outside wondering what to do, and after a while followed the photojournalist Fulvio Grimaldi and his assistant Susan North, who had been in this group, through the alleyway between Blocks 2 and 3 of the Rossville Flats. According to his account he then left the area and went back to the Creggan.¹

¹ AOIRA4.19

58.13 The representatives of the majority of represented soldiers did not accept that OIRA 4 was Fr Daly's gunman.¹ For reasons that we give below, we consider that he probably was.

¹ [FS7.1432](#)

58.14 There is no evidence from the soldiers that any or them saw or reacted to a gunman firing from the garden wall of 36 Chamberlain Street. In his written statement for the Widgery Inquiry,¹ Fr Daly had said that he thought, but was not sure, that the soldiers had fired back, but in his evidence to this Inquiry he was more than doubtful that they had done so or that they had even seen the gunman.²

¹ [H5.19-H5.20](#)

² [H5.6; Day 75/36-39](#)

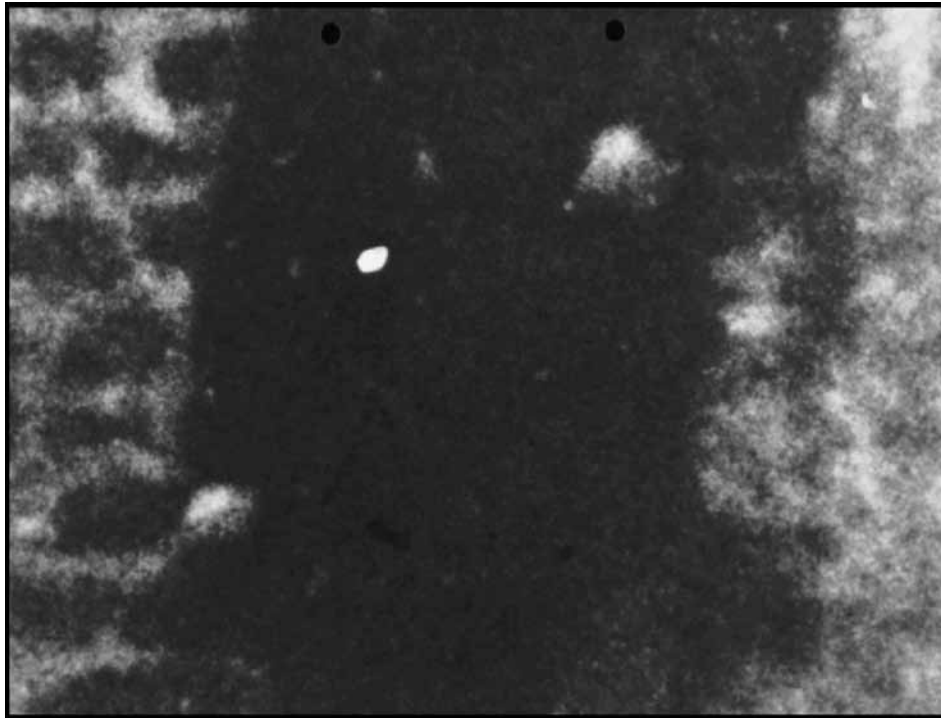
58.15 The first photograph reproduced below is an image of a photograph that was shown in a BBC documentary programme broadcast on 19th April 1972.¹ The reason why it is of poor quality is that the Inquiry does not have in its possession a print or negative of the original photograph. The image was produced from the 16mm film of the BBC programme by Alexis Slater of the Forensic Science Service, who also prepared two enlargements of sections of the photograph, which are reproduced beneath the complete image.² We set out and discuss later in this report³ the evidence relating to the provenance of this photograph. For the reasons there set out we are of the view that the photograph was probably taken by Fulvio Grimaldi, despite his reluctance to admit that he had taken it. We are also of the view that this photograph probably does show Fr Daly's gunman, again for reasons given below.

¹ [X1.12.1-20](#)

³ [Paragraphs 58.86–108](#)

² [E14.001; KS1.43](#)





58.16 When he made his second statement to this Inquiry, OIRA 4 had been shown images of the photograph taken from a videotape of the BBC programme.¹ These were similar to the images produced by Alexis Slater albeit of lesser quality. OIRA 4 told us that he did not “necessarily” recognise himself, but he said: “*I know it must be me because of the location.*”²

¹ [AOIRA4.33-AOIRA4.35](#)

² [AOIRA4.20-21](#)

Robert Brady

58.17 Robert Brady died in 1996 and gave no evidence to this Inquiry, but he did give a statement to the Royal Ulster Constabulary (RUC) in 1972.¹ He gave a description of a gunman: “*short, about 5’ 7” and he had black hair which just hung over his ears. He was wearing a black checked overcoat with a fur collar and black trousers.*” According to this account, the gunman fired two shots from the gable end of the last house in Chamberlain Street towards the waste ground, at a time when Fr Daly was assisting Jackie Duddy. Although OIRA 4 told us that he thought he was wearing a dark blue or black duffel coat,² while Fr Daly described the man he saw as wearing a brown jacket,³ it seems to us that the man Robert Brady saw was probably the one seen by Fr Daly, since both describe a

man firing from this position while Fr Daly was assisting Jackie Duddy. We return later in this report⁴ to consider a submission based on the fact that a number of witnesses gave different descriptions of the gunman that they said that they saw.

¹ AB71.1

³ WT4.11; H5.59; H5.85-H5.86

² AOIRA4.21

⁴ Paragraph 58.81

Gerard Grieve

58.18 We formed the same view of the evidence of Gerard Grieve¹ who told us that as he went across the car park from Chamberlain Street to the gap between Blocks 1 and 2 of the Rossville Flats, he passed the group that included Fr Daly and looked back to see a civilian with a handgun walking along the gable end wall of Chamberlain Street: *“All I can remember about this man is that he was approximately 5’ 6”, tall with grey hair and a grey moustache. I did not see him fire his gun.”*²

¹ At the beginning of his oral evidence he told us that his name had been misspelt as “Greeve” in his written statement (Day 147/1).

² AG55.4

William Harley

58.19 William Harley told us, in his written statement to this Inquiry,¹ that he watched events from 37 Donagh Place, which was on the top floor in the centre of Block 2 of the Rossville Flats. He stated:²

“One final recollection concerns a civilian gunman. I knew him from work but I will not name him. While I was standing at the balcony looking out on the Rossville Flats car park (before going inside my flat as I have described above) I noticed him at the gable end of Chamberlain Street at the south western corner of grid reference M15. His hair was black with a moustache and he wore a black coat and black trousers. I saw him before the armoured car reached point B described above. I remember him looking out around the western corner of the gable end in a northerly direction across the waste ground in Rossville Street. It was only a quick, furtive look after which he stepped back behind the gable end and took out a revolver with a 3" barrel from his right hand coat pocket. With his back to the gable end wall, the man reached out his right hand and bent his wrist around the corner of the wall and fired five or six shots without looking. From my vantage point in Block 2 of Rossville Flats, I watched the five or six shots simply fire into the ground. As far as I can recall, this all happened before I saw any soldiers on foot and before I saw or heard any gunfire from the

soldiers. I do not believe that the soldiers were aware of this man or his actions. I then watched the man turn and walk towards the southern end of Chamberlain Street in a south easterly direction.”

¹ AH36.1

² AH36.5-AH36.6

58.20 The grid reference M15 refers to the area of the garden wall of 36 Chamberlain Street and point B is the position where, from other evidence discussed above, Sergeant O’s Armoured Personnel Carrier (APC) stopped in the car park. William Harley gave this Inquiry the name of the gunman that he said he saw. This was the name of OIRA 4.¹

¹ Day 78/172

58.21 In his oral evidence to this Inquiry¹ William Harley corrected what he had stated about when this incident occurred:

“Q. You say that you saw this all happen before you saw any soldiers on foot and before you saw or heard any gunfire from the soldiers. Had you seen Jack Duddy’s body on the ground before this?

A. May I correct that statement, please?

Q. Yes, certainly.

A. That was a, an error on my part. The incident is exactly as I have described it, but the timing is completely wrong. The reason, at the time there were no soldiers anywhere near that gunman and that is what confused my thinking as to the time. I know now that he fired round that corner while Jack Duddy’s body was lying on the ground.”

¹ Day 77/29

58.22 It was submitted by the representatives of the majority of represented soldiers that this correction by William Harley of his written statement was “*simply not credible*” and that he (apparently dishonestly) later altered his evidence “*to fit in with the accepted explanation*”.¹

¹ FS7.1436-7

58.23 We reject this submission. William Harley was in our view doing his best to assist this Inquiry and we do not find it surprising or suspicious that on reflection he changed his mind about when he saw the incident in question. In our view what he was recalling was a sighting of Fr Daly’s gunman.

Maureen Gerke

58.24 Maureen Gerke gave evidence to this Inquiry that “*Quite late on*” she saw from Block 3 of the Rossville Flats someone flattened against the wall at the gable end of Chamberlain Street with his right hand poking something round the corner into Chamberlain Street.¹ In her oral evidence to this Inquiry² she told us that this was after Jackie Duddy had been taken from the car park. She said that she did not know whether the man had a gun, but did recall people shouting at him to go away.³

¹ AG27.9

³ Day 133/92-93

² Day 133/91

58.25 Since people were, according to Maureen Gerke, shouting at the man to go away, it is reasonable to infer that they may have seen that he was armed. In our view this man was probably OIRA 4, since on his own account he did not leave this area until he followed Fulvio Grimaldi and Susan North to the gap between Blocks 2 and 3 of the Rossville Flats; and their evidence was that this was after Jackie Duddy had been taken along Chamberlain Street, and after Fulvio Grimaldi had photographed Margaret Deery and Michael Bridge in 33 Chamberlain Street.¹ Maureen Gerke did not suggest that she saw this man fire into Chamberlain Street. We return to her evidence below² after considering the accounts of those who suggested that a gunman fired up Chamberlain Street from its southern end.

¹ M34.1-2; M34.10; M34.59-61; M35.4-7; Day 130/25-37

² Paragraph 58.38

Evidence of shots fired up Chamberlain Street

Bernard Gilmour

58.26 Bernard Gilmour, a brother of Hugh Gilmour who was killed on Bloody Sunday, told us in his written statement¹ that he saw a gunman near Chamberlain Street after Jackie Duddy had been shot. He stated that he knew who the gunman was, described him as “*a big, tall fellow wearing a mask*” and stated that he saw him fire some shots up Chamberlain Street.

¹ AG38.4-AG38.5

58.27 During his oral evidence to this Inquiry, Bernard Gilmour wrote down the name of this man.¹ It was the same man as William Harley had identified, namely OIRA 4. However, Bernard Gilmour also told us that he could have been mistaken in recalling that the man had fired up Chamberlain Street, and on being shown one of the images of the gunman taken from the videotape of the BBC programme, to which we have referred above, said:²

“Q ... Anyway, you cannot specifically recall now whether he fired up Chamberlain Street or into the waste ground?

A. No. I still get the recollection it was up Chamberlain Street – well, maybe I was wrong, but I thought he was firing up Chamberlain Street. This photograph here, he was firing up towards the waste ground, is he not?

Q. Yes, undoubtedly, if that is the same man?

A. Well, there was only one man there at that wall at the time, so I assume he must have been firing at the waste ground.”

¹ [Day 88/14](#)

² [Day 88/15](#)

58.28 Bernard Gilmour’s description of the gunman’s appearance does not fit OIRA 4’s evidence that he was not a big, tall man and never wore a mask.¹ But the name matches OIRA 4, and in our view Bernard Gilmour probably saw OIRA 4 fire. It seems to us that his recollection of the description of the gunman may well have become distorted over the years. Again, we return to consider below² his recollection that the gunman fired up Chamberlain Street.

¹ [AOIRA4.26](#)

² [Paragraph 58.38](#)

58.29 In addition to Maureen Gerke and Bernard Gilmour, there are two other witnesses who gave evidence that a gunman fired up Chamberlain Street from its southern end.

Frank Lawton

58.30 Frank Lawton made a Northern Ireland Civil Rights Association (NICRA) statement of which two typescript versions exist.¹ The texts of the two versions of this statement are substantially identical. Frank Lawton then made a further statement, which was witnessed by a Londonderry solicitor.² This statement is undated but was clearly made in 1972. In large part it reproduces the content of the NICRA statement but it contains some additional material. Frank Lawton also gave written and oral evidence to the Widgery Inquiry.³

¹ [AL6.19](#); [AL6.27](#)

³ [AL6.21](#); [WT6.77](#)

² [AL6.29](#)

58.31 In all the written accounts that he gave in 1972 Frank Lawton said that he had seen no-one other than members of the security forces carrying guns. In his oral evidence to the Widgery Inquiry he made no reference to, and was not asked about, any paramilitary gunman.¹ However, in his interview for Praxis Films Ltd² in 1991 he told Tony Stark that he had seen an elderly man wearing a long raincoat and a flat cap: *“And he was running about and he fired a handgun, as far as I could see, along the street where the soldiers were coming down, and then he disappeared out of sight, I don’t know where he went after that, you know?”* This interview continued:

“Q: Where was he when he fired the gun?

A: He was running about in the middle of the – the car park at the back. In actual fact er – as far as I remember Father Daley at the time, he passed – he passed him on his way to the corner of the flats where they were running for cover, you know.

Q: And when he fired at the soldiers, when was this?

A: It was – it was – as I say, it was er – as they were bringing the body across the back of the square, he – he appeared from somewhere. Where he appeared from, I do not know, but he started firing a gun and he fired about five or six shots as far as I could see along the street, and then he disappeared.”

¹ AL6.28; AL6.20; AL6.22

² O8.1-O8.2

58.32 The note made by Tony Stark’s colleague John Goddard concerning this witness¹ included the following: *“Gunman ran along wall, pulled out pistol, idiot, fired at troops, stopped by three people thrown against wall and ‘admonished’. Could have been .22 or even starting pistol.”*

¹ O8.13

58.33 Frank Lawton gave written and oral evidence to this Inquiry. He said nothing in his written statement¹ about the gunman, but he was asked about him during the course of his oral evidence.² He told us that he did not know why he had not mentioned the gunman in his written evidence to this Inquiry. He said, *“I may not have been asked that question.”*³ He initially told us that he did not know why he had not mentioned the gunman in the accounts that he gave in 1972,⁴ but said that *“I just must have overlooked that particular piece; there was so much going on and there was so much I wanted to get down on that paper while it was still fresh in my mind that I must have just overlooked this particular incident.”*⁵ He told us that his recollection was that the gunman had fired up Chamberlain Street⁶ and, though later in his evidence he agreed that the gunman could in fact have

fired from the garden wall of 36 Chamberlain Street towards the armoured vehicle,⁷ at the end of his evidence he again said that to the best of his recollection the man had fired round the corner of Chamberlain Street.⁸

¹ AL6.1

² Day 389/103-111

³ Day 389/105-106

⁴ Day 389/106

⁵ Day 389/142

⁶ Day 389/138

⁷ Day 389/144

⁸ Day 389/145

Peter McLaughlin

58.34 Peter McLaughlin was watching events from 27 Garvan Place in Block 2 of the Rossville Flats, moving between one of the bedrooms overlooking the car park on the north side and the living room overlooking Joseph Place on the south side.¹ He gave us the following account in his written statement to this Inquiry:²

“Between five and ten minutes after I first became aware of the shooting, I saw a civilian man armed with a gun inching his way west along the southern gable end of the houses on the eastern side of Chamberlain Street. He particularly stood out because when I first saw him there was a lull in the shooting. There was a group of people sheltering in the fenced play area to the east of the gable end and the gunman was within 60 feet of this group of people. There is attached to this statement marked Photo 3, a photograph of the south gable end of the houses on Chamberlain Street. I saw the gunman along the gable end indicated by the arrow and the fenced play area I have described is in the area marked by the asterisk.

The man seemed to be a fairly young, in his early twenties. I could not see the colour of his hair. He seemed to be wearing casual clothing. I cannot remember the colour of his clothes although he was not wearing anything bright that stood out. I cannot be more specific than that.

I remember seeing the man with a hand pistol in his right hand although I cannot be not certain [sic] about the exact nature of the gun; I do not have the necessary expertise to tell one weapon apart from another. The crowd in the fenced play area also seemed to be aware of him although, it appeared to me, that they had no reason to believe he was armed or any idea of what he was going to do.

As the man reached the south western corner of the gable end he stretched his right arm and wrist around the corner and pointed the gun in a northerly direction up Chamberlain Street. He then fired, to the best of my recollection, between three and five shots. The man did not take aim before he fired. In fact he couldn't see what he was shooting at. The shots he fired were markedly different from those I had heard previously since they produced low velocity sounds rather than the high pitched crack of high velocity shots. He then put the gun away. I thought to myself, 'how stupid,' because this was clearly a danger to the people in the play area. I had a general sense of people in the play area and other people in the flats shouting their disapproval to him. No one moved or went near to him. It would have been dangerous in an open area to move towards a gunman.

I was afraid that soldiers were going to come from any direction towards the gunman and to the other people in the play ground, however, there was no response by the army. I have no recollection of where the man went. I only watched the scene for a couple of minutes."

¹ AM352.2

² AM352.2-3

58.35 On the photograph to which Peter McLaughlin referred, the gable wall is shown, consistently with his statement, as being the one on the *eastern* side of Chamberlain Street. As we have described earlier in this report,¹ there was a fenced area to the east of this wall, as Peter McLaughlin stated.

¹ Paragraph 23.4

58.36 In his oral evidence to this Inquiry, Peter McLaughlin's attention was drawn to the evidence given by his father, Charles McLaughlin, who had been watching events from the same flat.¹ Charles McLaughlin's evidence was that he had seen a gunman move along the gable wall on the *western* side of Chamberlain Street and fire from the end of the garden wall of 36 Chamberlain Street into the waste ground.² In other words, his account of this man's movements was similar to that given by Fr Daly. When shown his father's account, Peter McLaughlin agreed that it was possible that he had seen the same gunman as his father, and when asked how certain he was as to which gable wall the gunman was at, he said that he could not be absolutely certain, but that for 30 years it had been his recollection that the gunman was against the east gable wall.³

¹ AM322.1-2

³ Day 174/11-12

² AM322.2-3

Joe Nicholas

58.37 We should note at this point that we have considered the evidence of Joe Nicholas, who told us that after he had seen Jackie Duddy lying in the car park and another person shot (in our view Michael Bridge) he saw a man at the south end of Chamberlain Street holding a handgun down by his side, but did not see him fire it or see where the man went.¹ In our view this was probably OIRA 4, who on his own account was in that area at that time.

¹ AN17.4

Assessment of the civilian evidence of a gunman firing up Chamberlain Street

58.38 There are thus four witnesses whose accounts can be said to support the suggestion that a gunman fired up Chamberlain Street, namely Maureen Gerke (though she did not say that she saw the gunman fire), Bernard Gilmour, Frank Lawton and Peter McLaughlin. However, for the following reasons we are not persuaded that there was, or even might have been, any shooting by a man with a handgun into Chamberlain Street from its southern end.

58.39 There is no doubt that a gunman fired from the end of the garden wall of 36 Chamberlain Street, as Fr Daly and others have described. Yet none of the four witnesses mentioned in the previous paragraph (nor indeed any other witnesses) suggested either that the gunman they said they saw fired from two different positions, or that one gunman fired from one position and another from a different position. It seems to us that had either of these things occurred, one or more of the witnesses would have been bound to have seen and remembered it. There is no obvious reason why any of the witnesses should have wished to conceal one incident while being prepared to tell us of the other. At the same time, apart from the position in which the four witnesses put the gunman, their accounts of him firing from a corner and of the reaction of the people near him are similar to the descriptions given by Fr Daly and others. Finally, none of the witnesses gave an account in 1972 of a gunman firing up Chamberlain Street. In the light of these matters it is our view that the four witnesses saw the same gunman as Fr Daly, firing from the western end of the garden wall of 36 Chamberlain Street as Fr Daly described, but that over the years their recollection of where he was has become faulty.

58.40 For these reasons we reject the submission made by the representatives of the majority of represented soldiers that OIRA 4 may have fired an additional shot or shots up Chamberlain Street. However, we should note that in addition to relying on the evidence of Maureen Gerke (who they mistakenly suggested gave evidence of seeing a man firing up Chamberlain Street), they also relied on some evidence given by the BBC cameraman Cyril Cave about a sound heard at a certain point in the soundtrack of his footage.¹

¹ [Vid 1 05.12](#)

Cyril Cave

58.41 In Cyril Cave's oral evidence to this Inquiry¹ he gave these answers:

"Q. Is there anything in the previous clips of film that you may be able to spot from them but that we cannot simply by looking at the film?

A. In this sequence?

Q. No, in the whole sequences that I have been showing you?

A. There is one sequence where the troops are running across ground where there is a zip of a bullet which could have been incoming fire. There is only the one zip, you can hear it very close and I would assume that in Father Daly's statement, he saw a man fire a revolver and that would coincide with that particular sequence in my film. That could have been – I did not notice it until the Inquiry sent me out a clip of the film and I was running through it – because I never had a clip of the film and I was running it through and I noticed this, so I ran it very slowly and there is one, just zip and – as soldiers run across. We would assume the soldiers would not have been firing at their own men, somebody was firing at them. That is the only occasion I heard any or seen any incoming fire – I did not see it, I did not know it existed until I saw that clip.

Q. I wonder if we can identify whereabouts – what is the piece of film you are talking about. Have you seen that as we were looking through it?

A. Yes.

Q. I wonder if you could stop it when we get there.

A. The troops are running towards the camera.

Q. Let us run it forward, please.

(Video played)

A. There, that was the zip. You will have to run it back, it comes earlier in the sequence.

Q. It is just after the sequence with Father Daly. I for my part heard what could be called a zip on the film: that is not a defect in the soundtrack, is it?

A. (Witness shaking head)."

¹ [Day 141/118-119](#)

58.42 A little later in his evidence,¹ he was asked:

"Q. So we have the picture complete, Mr Cave: your understanding and your confirmation of the order of your film is that the whining shot we hear with the whine of the shot on the film, that of course takes place on the film and took place in your recollection of where the film was, after Father Daly is already escorting the body of the young man carried down Chamberlain Street?"

¹ [Day 141/134](#)

58.43 Cyril Cave replied: "*That is correct.*"

58.44 As for Cyril Cave himself, as noted, he said that he was not aware of the sound that he identified as an incoming shot until he was sent a copy of his footage by the Inquiry.¹ The evidence that he gave in 1972 contains no indication that he was aware of an incoming shot while he was standing in Eden Place filming the soldiers running towards him.² In his written evidence to this Inquiry he stated that while he was filming on the (Eden Place) waste ground he was only aware of shots fired by soldiers: "*There was no incoming fire that I witnessed.*"³

¹ [Day 141/118-119](#); [Day 141/134](#)

³ [M13.26](#)

² [M13.6](#)

58.45 We consider first the question of when this part of the film was taken.

58.46 Cyril Cave's colleague John Bierman edited the BBC footage in 1972, and although the latter told us that he thought that it was in the correct sequence,¹ it is clear that in fact the surviving material does not always follow the order in which the footage was filmed on Bloody Sunday. For example, after the section under discussion here, there are shots of soldiers taking an arrested civilian away towards William Street, at a time when APCs

were parked in Rossville Street.² By the time Cyril Cave came to film the soldiers running towards him in Eden Place, those vehicles had moved south to the area immediately north of Block 1 of the Rossville Flats.

¹ Day 111/27-28; Day 111/47-48

² Vid 1 05.35

58.47 In his written statement for the Widgery Inquiry,¹ Cyril Cave stated that he filmed events in the following order:

- He filmed Fr Daly leading the group carrying Jackie Duddy up Chamberlain Street and into Harvey Street.
- The BBC crew ran out of film and asked a lady in Harvey Street if they could change their magazines. This they did in her house, where they were also given a cup of tea. Cyril Cave estimated that they were in the house for five to eight minutes.
- They returned to Harvey Street and filmed some ambulances in the Eden Place and Chamberlain Street area.
- They filmed an Army ambulance with a red cross on it as it reversed along Rossville Street.
- He noticed, and then filmed, some prisoners who were being lined up against a wall at Kells Walk.
- Then they filmed “*troops running across the waste ground on the east side of Rossville Street ... more or less opposite where we were at Eden Place, towards us in Eden Place*”.²

¹ M13.4-6

² M13.6

58.48 It is in the last of these clips that the sound can be heard.

58.49 Cyril Cave told this Inquiry that in one respect he did not think that the sequence of events that he gave in 1972 was correct. He believed that he changed the magazine of his camera (and re-attached a filter to the lens) before taking the shots of Fr Daly.¹ He told us² that the filter on his lens became detached when he was in Columbcille Court, as a result of which he was unable to film properly, and that he was only able to fix it in the house of the lady in Harvey Street. He said in his oral evidence³ that without the filter he

“could not have taken any pictures because colour bands from the pictures would have been all completely wrong”, although he said⁴ that if something had been happening he might have filmed it anyway, “*knowing basically that it probably was useless*”.

¹ M13.26; Day 141/88-90; Day 141/92-94

³ Day 141/89

² M13.25-M13.26

⁴ Day 141/144-145

58.50 In our view Cyril Cave was right to correct the sequence of events he had given in 1972, and that the visit to the house in Harvey Street must have preceded the filming of Fr Daly and the group carrying Jackie Duddy, and of the soldiers coming across the waste ground. It seems highly unlikely that the crew would have spent any more time in the house than the minimum necessary to change the film and re-attach the filter if they had just seen Fr Daly with the group carrying Jackie Duddy, from which they would have known that a major news event was in progress. Finally, John Bierman, the reporter in the team (to whose evidence we refer below), told us in his written statement to this Inquiry¹ that the crew went into the house of the lady in Harvey Street before they filmed Fr Daly. They spent about five minutes in the house, recovering from the effects of CS gas and having a cup of tea. In his oral evidence to this Inquiry,² John Bierman said repeatedly that they would not have spent time having tea with the lady if they had known that the soldiers had entered the Bogside and that live rounds were being fired, and that it was his “*very clear recollection*” that they had gone to the house in Harvey Street before they saw Fr Daly with the group carrying Jackie Duddy.

¹ M6.28

² Day 111/17-23; Day 111/43-45; Day 111/76-80

58.51 According to Cyril Cave, it was before taking the portion of film under discussion that he saw and filmed two ambulances. According to his written statement for the Widgery Inquiry,¹ one of the ambulances was pointing up Chamberlain Street towards the Rossville Flats. This must have been the ambulance with registration number 4491 WZ in which Margaret Deery and Michael Bridge were taken from 33 Chamberlain Street. That registration number is faintly visible in the BBC footage² which would appear to show the ambulance moving forward into Harvey Street after having reversed into Eden Place to turn. According to the second entry in the emergency calls log,³ that ambulance had reached the scene of the emergency at 4.27pm and arrived back at Altnagelvin Hospital at 4.50pm. According to the same statement, Cyril Cave saw the other ambulance moving from Eden Place across the waste ground and out of sight. This would seem to be the ambulance with registration number 7449 WZ shown entering the waste ground in the BBC footage.⁴ According to the fourth entry in the emergency calls log, that ambulance was called at 4.30pm to deal with two injured people in Rossville Street, and reached the scene of the emergency at 4.37pm. Hence if Cyril Cave was correct in saying that he filmed the ambulances before he filmed the soldiers coming across the waste ground, then

the section of the soundtrack which it is suggested may record the sound of an incoming shot cannot have been recorded before about 4.35pm. We have found nothing to suggest that in this respect Cyril Cave's sequence of events was incorrect.

¹ M13.5

³ D500.26-D500.27

² Vid 1 06.19

⁴ Vid 1 06.24

Jim Deeney

58.52 Jim Deeney, the sound recordist who accompanied Cyril Cave throughout the day, made a written statement for the Widgery Inquiry, in which he too stated (in our view, for the reasons given above, mistakenly) that it was after seeing Fr Daly and the group carrying Jackie Duddy that the team went into the house in Harvey Street and were there for "about 10 minutes".¹ He did not mention the sound under discussion in his written evidence to either Inquiry.² He did not give oral evidence to us.

¹ M20.2-M20.3

² M20.3; M20.6-7

John Bierman

58.53 John Bierman, the reporter in the team, told the Widgery Inquiry that he could hear "sporadic" rifle fire when they were filming from Eden Place, but did not say from which direction it came, and did not refer to hearing any pistol fire.¹ John Bierman told the Widgery Inquiry² that "Soon after" filming Fr Daly "we moved down to the bottom of Eden Street. We looked across the open ground that f[ronts] the Rossville flats. There was still sporadic rifle fire. We filmed some more scenes from this position, as the film shows."

¹ M6.5

² M6.5

58.54 In his written evidence to this Inquiry John Bierman stated that while they were at Eden Place, "we kept hearing the 'crack, crack, crack' of live fire, although because we were still partially surrounded by the houses it was not possible to tell where it was coming from".¹ In his oral evidence, which was given earlier than Cyril Cave's oral evidence, he said that once he moved on to the waste ground he formed an impression that the firing was coming from the direction from which the soldiers had deployed, and that he did not hear any shots going in the opposite direction at any stage.² John Bierman gave the following evidence in relation to the portion of film that Cyril Cave believed recorded an incoming round:³

“Q. This is a shot of a whole lot of soldiers going down the back of Chamberlain Street to the south, which looks as if it was taken by your cameraman. Again, apart from what we can see for our own eyes on the film, is there anything you can add to what appeared to be going on at this stage?”

A. Not really, no.”

¹ M6.29

³ Day 111/26

² Day 111/12-13

Private INQ 5

58.55 Private INQ 5, a signaller in 7 Platoon, C Company, identified himself as one of the soldiers running towards the camera in the BBC film footage.¹ His evidence to this Inquiry was that he had moved on to the Eden Place waste ground after being ordered through Barrier 14, but was forced to take cover because of heavy incoming fire.² We consider his evidence about this firing later in this report,³ where we conclude that he ran across the Eden Place waste ground at a late stage and did not come under fire.

¹ Day 379/15-16; C5.61

³ Paragraphs 65.28, 65.151–153 and 65.189–191

² C5.2

The absence of stationary Army vehicles in Rossville Street

58.56 No stationary vehicles are present in the parts of Rossville Street shown on the relevant part of the film footage. Army vehicles can be seen moving north. This shows that by the time the events were filmed, Support Company had moved its vehicles to the northern end of Block 1 of the Rossville Flats.

Assessment of the evidence relating to the sound on the film clip

58.57 On the basis of the evidence to which we have referred above, we are of the view that this part of Cyril Cave’s film was taken after Fr Daly went along Chamberlain Street with Jackie Duddy; and indeed after all the casualties had been sustained in Sectors 2, 3, 4 and 5, which was before any ambulances arrived. As we describe later in this report,¹ some minutes after these casualties had been shot, there was further shooting by soldiers in Sector 3 at a flat on the western side of Block 1 of the Rossville Flats. On the soundtrack of the BBC film footage of the soldiers running towards Chamberlain Street,

about a second after the sound that Cyril Cave believed might have been an incoming shot, a loud bang can be heard. In our view this bang was probably the sound of one of those shots.

¹ [Chapter 123](#)

58.58 There remains the question as to whether Cyril Cave was correct in his belief that the sound under consideration could have been that of an incoming round. As to this it is noteworthy that none of the BBC team, including Cyril Cave himself, said either in 1972 or in their evidence to this Inquiry that they had heard an incoming round. It seems to us that had the sound on the film clip been that of an incoming round, one or more of the team would have heard it and mentioned it in their evidence. Furthermore, by this stage soldiers of C Company, as we discuss later in this report,¹ are likely to have reached the south end of Chamberlain Street and gone into number 33 where they made arrests. It seems to us unlikely that a paramilitary gunman would have fired from that area with soldiers close by. While we cannot exclude the possibility that the recording equipment did pick up the sound of an incoming round, it seems to us more likely, despite Cyril Cave's denial, that this was a fault in the recording.

¹ [Chapters 65 and 66](#)

Summary of the civilian evidence of a gunman

58.59 We have already commented on the fact that witnesses have given differing descriptions of the gunman that they said they saw at or in the vicinity of the gable wall or garden wall of 36 Chamberlain Street. These differing descriptions led to the submission that there may have been more than one gunman operating in the area of the Rossville Flats car park.¹ For reasons already given, it is our view that there was only one incident of firing, namely as Fr Daly had described, and not another incident of firing into Chamberlain Street from its southern end. However, it is convenient to bring together at this point the descriptions that the witnesses gave of the gunman that they said they saw. We include in this list not only descriptions given by witnesses whose evidence we have considered above but also accounts given by other witnesses which in our view clearly relate to a gunman or possible gunman at the gable wall or garden wall of 36 Chamberlain Street.

¹ [FS7.610](#)

Descriptions of the gunman

Fr Daly

58.60 In his oral evidence to the Widgery Inquiry,¹ Fr Daly said that the gunman was wearing a brown jacket. In his *Sunday Times* interview,² Fr Daly said that he thought that the gunman was in his thirties and that he was wearing a brown car coat. In his interview with Peter Taylor,³ he said that the gunman was in his late twenties, early thirties or thereabouts. In his written statement to this Inquiry,⁴ he said that he could no longer remember the details of the gunman's age and clothing. In his interview with Jimmy McGovern, he said that the gunman was wearing a brown coat,⁵ and that it was a three-quarter length brown jacket.⁶

¹ [WT4.11](#)

⁴ [H5.6](#)

² [H5.59](#)

⁵ [H5.85](#)

³ [I43-I44](#)

⁶ [H5.86](#)

Peter McLaughlin

58.61 In his written evidence to this Inquiry,¹ Peter McLaughlin told us that the gunman appeared to be in his early twenties and was wearing casual clothing.

¹ [AM352.3](#)

Robert Brady

58.62 In his statement taken by the RUC,¹ Robert Brady recorded that the gunman was about 5ft 7in tall, had black hair hanging just over his ears, and was wearing a black checked overcoat with a fur collar and black trousers.

¹ [AB71.1](#)

Bernard Gilmour

58.63 In his written statement to this Inquiry,¹ Bernard Gilmour said that the gunman was a big, tall man and that he was wearing a mask.

¹ [AG38.5](#)

Gerard Grieve

58.64 In his written statement to this Inquiry,¹ Gerard Grieve said that the gunman was approximately 5ft 6in tall, with grey hair and a grey moustache. In his oral evidence to this Inquiry,² Gerard Grieve confirmed that the gunman had grey hair and a grey moustache, and guessed that he may have been in his thirties.

¹ AG55.4

² Day 147/64-65

William Harley

58.65 In his interview with Paul Mahon,¹ William Harley said that the gunman had black hair and was wearing a black overcoat and black trousers. The overcoat was about knee length. In his written statement to this Inquiry,² William Harley said that the gunman had black hair and a moustache, and was wearing a black coat and trousers.

¹ X4.12.27

² AH36.5

Frank Lawton

58.66 In his interview with Tony Stark,¹ Frank Lawton said that the gunman was an elderly man wearing a long raincoat and flat cap. In his oral evidence to this Inquiry,² he confirmed that this was his recollection of the gunman's appearance.

¹ O8.1

² Day 389/106-107; Day 389/144

Donal Deeney

58.67 In his written statement to this Inquiry,¹ Donal Deeney told us that he seemed to recall that the gunman was wearing a jacket and slacks, which were "*probably grey ... although he was against a fairly grey background*".

¹ AD26.5

Francis Dunne

58.68 In his NICRA statement,¹ Francis Dunne recorded that the gunman was wearing a black overcoat. In his oral evidence to the Widgery Inquiry,² Francis Dunne said that he was under the impression that the gunman was “*oldish*”. He would not swear to this but said that the gunman was “*50-ish anyway*”. He was asked about the gunman’s clothing and said that he “*would have put it as a dark-ish overcoat*”.³

¹ [AD173.3](#)

³ [WT8.34](#)

² [WT8.24](#)

58.69 According to John Goddard’s interview note,¹ Francis Dunne told him that the gunman was a distinguished-looking man with white hair, and that he was wearing a black overcoat that reached almost to his knees.

¹ [AD173.46](#)

58.70 In his interview with Paul Mahon,¹ Francis Dunne said that the gunman was “*very distinctive*”, that he had “*whiteish hair, grey, iron grey hair*”, and that he was wearing a long black coat.

¹ [X4.8.19](#); [X4.8.53](#)

58.71 In his written statement to this Inquiry,¹ Francis Dunne said that the gunman was aged about 50 years and that he was wearing a dark coat, which reached below his knees and was either a “*crombie*” or a raincoat. He also told us that the gunman had “*distinguished, silvery grey hair*”. In his oral evidence to this Inquiry,² he said that the coat was not an anorak but a “*proper overcoat*”, and that the gunman’s hair was “*not silvery*” but “*iron grey*”.³

¹ [AD173.27](#)

³ [Day 90/77](#)

² [Day 90/16](#)

John McCrudden

58.72 In his written statement to this Inquiry,¹ John McCrudden told us that he could not describe the gunman’s age or appearance, but thought that he had been wearing a jacket rather than an overcoat.

¹ [AM152.3](#)

Charles McLaughlin

58.73 In his written statement to this Inquiry,¹ Charles McLaughlin said that the gunman appeared to be about 40 years old and was wearing a dark overcoat.

¹ [AM322.2](#)

Denis Mullan

58.74 In his written statement to this Inquiry,¹ Denis Mullan told us that he saw a man in a duffel coat standing close to the south gable end wall of Chamberlain Street. He had the impression that the man had a weapon and was refusing to use it. Someone in the car park was accusing the man of being useless. In his oral evidence to this Inquiry,² Denis Mullan said that the coat shown in the photograph we have reproduced above³ looked like the duffel coat that he had seen the man at the gable end wearing.

¹ [AM449.2](#)

³ [Paragraph 58.15](#)

² [Day 92/23](#)

Joe Nicholas

58.75 In his oral evidence to this Inquiry,¹ Joe Nicholas said that the gunman whom he encountered at the south end of Chamberlain Street was a youngish man. Joe Nicholas could remember nothing about the gunman's clothing but did not think that he had been wearing a hat or dark glasses.

¹ [Day 78/72-73](#)

James Norris

58.76 In his written statement to this Inquiry,¹ James Norris said that the gunman was wearing "some sort of brown trench coat". The coat reached just below the knee and was "double breasted with a belt and was fastened up". James Norris did not know how old the gunman was.

¹ [AN20.4](#)

58.77 In his oral evidence to this Inquiry,¹ James Norris was asked whether the man shown in one of the images of the photograph of the gunman taken from the videotape of the BBC programme, to which we have referred above, looked like the gunman whom he had seen. He replied: “*I could not be sure, but if it was taken – a photograph of the man at the back of the gable wearing a brown trenchcoat, yes.*”

¹ [Day 147/105](#)

Thomas Wilson

58.78 In his written statement to this Inquiry,¹ Thomas Wilson, who at the time of Bloody Sunday was 34, described a man older than he, who was wearing a longish coat and who he thought had grey hair. He gave varying accounts to us of where this man was, but in his NICRA statement² he had given the following description of what he had seen while looking from his flat on the top floor of Block 2:

“Just before Father Daly lifted the shot man to move him, a man out of a group of 3 or 4 along the facing wall took out a pistol. The others moved back. He shot at the soldiers – low velocity weapon, not more than 2.2. The other 3 stopped him probably fearing that if the soldiers saw him they would fire at all the people hiding in the corner.”

¹ [AW19.6](#)

² [AW19.1](#)

Susan North

58.79 In her written statement to this Inquiry,¹ Susan North told us that a man had caught her arm near the gable end of 33 Chamberlain Street and said that he had a pistol in his pocket. He was “*a little stocky guy*” aged about 30 years with no distinguishing features that she could recall. The man had normal length dark hair, not long flowing hair, and was wearing a sports jacket and trousers with no overcoat. His clothes were not expensive. In her oral evidence to this Inquiry,² Susan North said that this man was older and more heavily built than the typical young stone-thrower. In his second written statement to this Inquiry,³ OIRA 4 told us that he did not remember saying this to Susan North, but that he was likely to have been this man. As noted above,⁴ his evidence was that after he had gone back to the southern end of Chamberlain Street he followed Fulvio Grimaldi and Susan North from there towards the gap between Blocks 2 and 3 of the Rossville Flats.

¹ [M35.6](#)

³ [AOIRA4.19](#)

² [Day 130/37](#)

⁴ [Paragraph 58.12](#)

OIRA 4

58.80 OIRA 4 told us that he was 5ft 5in tall, that at the time his hair was dark but not black, that he did not think that he had a moustache on Bloody Sunday, that he had not been wearing a flat cap or spectacles or a mask and that he thought, as we have noted above,¹ that he had been wearing a dark blue or black duffel coat.²

¹ Paragraph 58.17

² AOIRA4.21; AOIRA4.25-26

Consideration of the evidence describing a gunman

58.81 If these various descriptions are taken at face value and in isolation from the rest of the evidence, it could be said that they indicate that the witnesses saw a number of different gunmen. But once the rest of the evidence of these witnesses is taken into account, together with the reasons we have given for concluding that those who thought that a gunman had fired or pointed a gun into Chamberlain Street were mistaken, we are left only with accounts that in our view show that the gunman seen by Fr Daly was probably the only gunman in the area of the gables at the end of Chamberlain Street. To our minds the explanation for the differing descriptions lies in the fact that people were trying to recall details that they had seen in the middle of fast-moving and frightening events.

58.82 We should add that we have considered the accounts relating to a gunman in Sector 2 given by Patrick Walsh,¹ Gerard Doherty,² Daniel McGowan³ and Joseph McKinney.⁴ All these seem to us to relate to the gunman seen by Fr Daly, but not to add materially to the evidence that we have discussed above on this topic.

¹ AW5.16

³ AM255.14; AM255.16

² AD65.18; Day 400/56-58

⁴ AM304.24; X4.26.22

58.83 In these circumstances we have concluded that the gunman seen by Fr Daly was probably OIRA 4.

58.84 According to Fr Daly, the gunman fired two or three shots after Michael Bridge had been injured and as Fr Daly and the others with him were about to stand up and carry Jackie Duddy away.¹ According to OIRA 4, he fired two or possibly three shots before Michael Bridge had been injured.² We have also considered the evidence of others as to the number of shots fired and when they were fired. Some gave accounts to the same effect as Fr Daly, though others gave differing accounts both with regard to the number of shots fired and when they were fired.³ We have considered all this evidence but have no doubt of the accuracy of Fr Daly's evidence both as to the number of shots fired and when they

were fired. OIRA 4's evidence, unlike much of that given by Fr Daly, was only given many years after the event and in our view he was mistaken in his recollection that he fired before Michael Bridge was injured.

¹ H5.19; WT4.11; H5.59; H5.6; H5.85; Day 75/36

² AOIRA4.6; AOIRA4.17-18

³ The latter witnesses were William Harley X4.12.29; AH36.6; Day 77/29; Day 77/63-64; X4.12.29; X4.12.35; AH36.6; Day 77/28-29; Maureen Gerke AG27.9

Day 133/91; Frank Lawton O8.2; Charles McLaughlin AM322.2; Day 90/101-103; Denis Mullan AM449.2; Day 92/25-26; Day 92/45-47; and James Norris AN20.4; Day 147/131-132.

58.85 There is no evidence from any soldiers of Mortar Platoon that any of them saw a gunman approach the corner of the garden wall of 36 Chamberlain Street or fire from that position. This is understandable if, as OIRA 4 indicated was the case, he did not go beyond the corner, for although in the background of the first of the photographs shown above¹ at least one soldier can be seen further along the back (western) wall of the gardens of the Chamberlain Street houses, OIRA 4 would have been out of that soldier's sight so long as OIRA 4 remained around the corner of the wall.

¹ Paragraph 58.15

58.86 We now turn to consider the provenance of this photograph.

58.87 On 19th April 1972, following the publication of the Widgery Report, the BBC broadcast a programme on Bloody Sunday as part of its 24 Hours documentary series. In the course of the programme, as we have explained above,¹ a still photograph was displayed of a man said to be in possession of a handgun against the southern wall of the garden of 36 Chamberlain Street. The programme linked this man with the gunman seen by Fr Daly.

¹ Paragraph 58.15

58.88 The Inquiry does not have a print or a negative of the original photograph. However, images of the photograph were produced for the Inquiry from the 16mm film of the BBC programme by Alexis Slater of the Forensic Science Service.¹

¹ E14.001; E14.004-006

58.89 For convenience we show again below one of the images derived from the 16mm film.¹

¹ E14.005



58.90 None of the photographers who gave evidence to this Inquiry stated unambiguously that he was responsible for taking this photograph.

58.91 At the end of the BBC's transcript of the 24 Hours documentary,¹ a number of items are listed under the heading "*OTHER COSTS*", seemingly a record of organisations and individuals who provided services or material to the makers of the programme. The photographs used in the programme, identified by a brief description, are included in the list, with each attributed to a photographer, publication or agency. The only apparent match to the photograph under discussion is one described as "*Gunman by wall*". This is attributed, with others, to Fulvio Grimaldi:²

"Troops	Fulvio Grimaldi	
Gunman by wall	"	"
Bodies (4 pix)	"	"
Armoured car	"	"
Girl screaming	"	"
Troops running	"	" "

¹ [X1.12.4-20](#)

² [X1.12.20](#)

58.92 This Inquiry obtained, principally from the records of the Widgery Inquiry and the archives of the *Sunday Times*,¹ copies of several photographs known to have been taken by Fulvio Grimaldi. Some of these photographs were displayed in the BBC programme and appear to match the descriptions given in the list. However, the photograph described as “*Gunman by wall*” was not among those obtained by the Inquiry.

¹ [KS1.7](#)

58.93 The 24 Hours documentary was produced by David Mills. He recalled, in his evidence to this Inquiry, that Fulvio Grimaldi had taken his film to Dublin to be processed, in order to ensure that none of his material could be seized by the authorities in Northern Ireland. Although David Mills had in the course of his research for the documentary seen some of Fulvio Grimaldi’s photographs in Londonderry, he had thought that one or two might be missing. He had therefore visited the offices of RTÉ (Radio Telefís Éireann) in Dublin, where the photographs had been developed, and found there a copy of the photograph of the gunman, which he used in his documentary. David Mills recalled that he took the print, possibly the only one, and that he might have used it without speaking to Fulvio Grimaldi, who he feared would object to the photograph being broadcast. He could not recall what happened to the print afterwards, and neither the BBC nor RTÉ has been able to assist on this matter.¹

¹ [M108.13](#); [Day 235/19-21](#)

58.94 David Mills’ evidence was that the photograph had been taken by Fulvio Grimaldi, who would have been paid a royalty.¹

¹ [M108.13](#); [Day 235/20](#)

58.95 John Barry, the editor of the *Sunday Times* Insight Team, also gave evidence to this Inquiry that Fulvio Grimaldi had taken, but had then withheld, the photograph of a gunman at a gable end wall:¹

“So far as I recall we found only one sequence of photographs showing an IRA gunman on that day. A pair of pictures showed a man holding a pistol while standing against a gable-wall abutting the car-park of the Rossville Flats. In the later of the images he appeared to be aiming the pistol round the gable-end. These came to light when we noticed photographs were missing from a sequence supplied to us by an Italian photographer named Fulvio Grimaldi. We demanded his contact sheets and identified the missing images. We had skilled photo-technicians work to enlarge and lighten these but they remained too murky to be reproduced in *The Sunday Times*.”

¹ [M3.5](#)

58.96 During his oral evidence John Barry told us that he became aware of the missing photographs after he was told by another photographer that Fulvio Grimaldi had a photograph of a gunman that he had not published.¹ John Barry remained confident that there were two photographs, the first being the one that appeared in the BBC documentary. He recalled that in the second the gunman had advanced towards the corner of the wall: *“I recall you could see the pistol in profile jutting beyond the end of the gable wall; it was quite a striking image.”*²

¹ Day 193/98

² Day 193/98

58.97 Although the photographs were not used in the *Sunday Times* Insight article of 23rd April 1972, reference was made to them. The journalists quoted Fr Daly’s account of seeing a man firing with a revolver from the garden wall of 36 Chamberlain Street, and then wrote: *“The photographer, Fulvio Grimaldi, also saw this gunman, and took a picture of the gunman. He also is certain that the gunman did not appear until after the Army had killed [Jackie] Duddy and wounded others.”*¹ When asked how confident he was that his attribution of the photographs to Fulvio Grimaldi was correct, John Barry said that while he could have been mistaken, after 30 years, had he been relying solely on his memory, the text of the article made him sure that his team would not have made *“so elementary an error so close to the time”*.²

¹ L213

² Day 193/99

58.98 Material from the *Sunday Times* archive suggests that John Barry’s colleague Peter Pringle interviewed Fulvio Grimaldi during their investigation.¹ Peter Pringle himself recalled meeting him a few days after Bloody Sunday.² The notes of the interview do not refer to a gunman at the wall of 36 Chamberlain Street, and make no reference to the existence of a picture or pictures of such a man.³ However, Peter Pringle did record that: *“He [Fulvio Grimaldi] took many pix ... The material is in Dublin and he cannot get at it before the weekend.”*⁴ As well as being consistent with the evidence of David Mills, this would suggest that at this point the *Sunday Times* journalists had not seen Fulvio Grimaldi’s photographs, and it may be the case that they had not by then been told that Fulvio Grimaldi’s shots included one of a gunman.

¹ M34.21-26; M68.22

³ M34.21-26

² Day 190/45

⁴ M34.21

58.99 Peter Pringle could not help this Inquiry as to why the *Sunday Times* article attributed the photograph of the gunman to Fulvio Grimaldi.¹ Philip Jacobson, another of the Insight journalists, was similarly unable to assist further; he said that he did not realise that the attribution of the photograph had been questioned.²

¹ [Day 190/107-108](#)

² [Day 191/151-152](#)

58.100 There are, therefore, two pieces of documentary evidence dating from 1972 that attribute the photograph to Fulvio Grimaldi. The evidence to this Inquiry of David Mills and John Barry suggests that Fulvio Grimaldi took the photograph but wished to withhold it from publication. Indeed, John Barry's evidence was that there was a second photograph, although his article only referred to "*a picture*" in the singular, and David Mills apparently only found one. Peter Pringle's interview notes provide circumstantial support for David Mills' account of how he discovered the photograph in Dublin.

58.101 There are two further indications that Fulvio Grimaldi took a photograph of a gunman on Bloody Sunday. In his book *Eyewitness Bloody Sunday*, which was published in 1997, Don Mullan wrote that Fulvio Grimaldi took a photograph of a man who fired a revolver from the gable end of Chamberlain Street. Susan North, who was with Fulvio Grimaldi on Bloody Sunday, told this Inquiry that she had seen, at the time of the Widgery Inquiry, a photograph taken by Fulvio Grimaldi, which she thought had shown a man with a pistol in his hand among a crowd of people. She was shown the photograph used in the 24 Hours documentary, but said that this was not the one that she had in mind as the gunman in the photograph that she recalled was not alone. She said that she had not seen the 24 Hours photograph until an image taken from the videotape of the programme was shown to her when she came to make her written statement to this Inquiry.¹

¹ [Day 130/27-32](#)

58.102 In his evidence to this Inquiry, Fulvio Grimaldi said that he did not see a gunman in the Rossville Flats car park, and he did not know whether he had taken the photograph.¹ He stated that if he had, in fact, taken that photograph it was not intended to be specifically of that man: "*If I took that picture, I would liken it to taking a picture of an ant in a flowerbed. The photographer takes a picture of the flowerbed before him and on magnification, one can observe an ant.*"² Fulvio Grimaldi said that he did not accept that the photograph, whoever took it, showed a gunman, and added that if he had been aware that he had photographed a gunman he would have said so in his statements.³ He denied that he had taken the photograph and then held it back.⁴

¹ [M34.60](#); [Day 131/41-42](#)

² [M34.60](#)

³ [Day 131/43](#)

⁴ [Day 131/47](#)

58.103 Fulvio Grimaldi accused the *Sunday Times* of “utter and total manipulation” in attributing a photograph of a gunman to him.¹ He also criticised the accuracy of Peter Pringle’s interview notes.² He accepted that Susan North and Don Mullan had been told or had come to believe that he took a photograph showing a gunman, but denied again that he was aware of having done so.³

¹ Day 131/44

³ Day 131/44–47

² M34.74–75

58.104 Despite his denials to this Inquiry, when he was interviewed by the researcher Paul Mahon on 5th July 1998, Fulvio Grimaldi had agreed that he had taken a photograph of a gunman at a wall.¹ Paul Mahon told Fulvio Grimaldi that this photograph had “mysteriously gone missing from the public records office”, but that he had a copy of it “taken off the television”. In his oral evidence to this Inquiry,² Paul Mahon confirmed that this was the photograph shown in the BBC documentary. He said that he believed that it had gone missing from the Public Record Office because a certain numbered photograph was “classed at the PRO as missing”. It is true that the records of the Widgery Inquiry deposited in the Public Record Office included a set of photographs taken by Fulvio Grimaldi, numbered from 1 to 26, and that photograph 11 is recorded as missing. However, we do not know in what circumstances that photograph came to be missing, nor is there any proof that the missing photograph was the photograph of the gunman. Later in his interview of Fulvio Grimaldi, Paul Mahon referred again to the photograph of the gunman and asked Fulvio Grimaldi whether he had seen him fire. Fulvio Grimaldi said that he had not.³ The transcript of the interview continues:⁴

“Paul Mahon: Were you aware that he had a gun, is that why you took the photograph?

Fulvio Grimaldi: I don’t think so, I don’t remember.

Susan North: No, you wouldn’t have been.

Fulvio Grimaldi: But, I don’t think that I was aware, I only remember that people grabbed a person with a revolver.

Susan North: Mmm.

Fulvio Grimaldi: And said ‘you’re mad’, ‘you’re crazy’ and ‘fuck off’ and things like that.

Paul Mahon: Right, right so that’s why you took his picture?

Fulvio Grimaldi: No. I think this happened afterwards because he's still moving undisturbed or as other people might have noticed that and they really grabbed him and...

Paul Mahon: Right.

Fulvio Grimaldi: ... and shouted at him and...

Paul Mahon: Did you take that photograph before you took the photograph of Jack Duddy?

Fulvio Grimaldi: I don't think so, I think that this picture was taken on the way after Jack Duddy and moved back towards...

Paul Mahon: Chamberlain Street?

Fulvio Grimaldi: No, uh yes, it could be that we moved back first to Chamberlain Street then we moved back to the back of the flats and that's the time when I tried to climb the wall and she said 'don't, don't'.

Paul Mahon: Yeah right."

¹ [X4.48.45](#)

³ [X4.48.52-53](#)

² [Day 412/52-53](#)

⁴ [X4.48.53](#)

58.105 Fulvio Grimaldi was not asked about this interview during his evidence to this Inquiry, as the Inquiry was not in possession of the recording of it at that time.

58.106 Later in this interview, Fulvio Grimaldi explained how he went to Dublin in order to process his photographs, before returning to Londonderry.¹ This is consistent with the evidence of David Mills and the interview notes of Peter Pringle, to which we have referred above.

¹ [X4.48.80-81](#)

58.107 If Fulvio Grimaldi did not take the photograph used by 24 Hours it is not clear who did. Two other photographers were present in the Rossville Flats car park at the relevant time, Gilles Peress and Sam Gillespie. However, there is no evidence to suggest that the photograph should be attributed to either of these men. Gilles Peress told this Inquiry that he had never seen the photograph before,¹ and both he and Sam Gillespie said that they were not aware of any gunman firing in the manner described by Fr Daly.²

¹ [Day 213/112](#)

² [WT6.72](#); [Day 213/113-119](#); [Day 142/90](#)

58.108 In our view the evidence considered above establishes that Fulvio Grimaldi took the photograph; and that it was of a gunman at the garden wall at the end of Chamberlain Street. We have earlier concluded that the gunman was probably OIRA 4. It is possible that Fulvio Grimaldi also took another photograph or photographs of the gunman. We formed the impression from his evidence that he was anxious not to be associated with any photograph of paramilitary gunmen.

The gunman described by Monica Barr

58.109 In 1972 Monica Barr was living with her husband in the ground floor flat of 36 Chamberlain Street. As already noted, this is the house at the south-western end of that street.

58.110 Monica Barr gave a Keville interview.¹ She also gave written and oral evidence to this Inquiry.²

¹ AB16.11

² AB16.1; Day 148/1-45

58.111 In her Keville interview, Monica Barr said that she had been standing by the landing window at the back of the house. She described seeing Army vehicles coming in and one parking “*just behind our house*”.¹ She then described seeing a soldier fire a baton round at a man in a doorway. In our view this was the incident involving Patrick Duffy, which we have discussed earlier in this report.² Her account continued:³

“Well I did not see the man stepped back then whenever the soldier fired the bullet the man went right on back and I did not see the man come out again I took it that the bullet hit the man and the soldier he came away then. Then there was a couple of soldiers then came round the side of the personnel carrier towards just near the window where we were standing. One of them I saw lift a rifle and I said to my husband he’s going to shoot he’s going to shoot but at the same time I just kept hoping you know I was just imagining things and he lifted the rifle and fired and this was the first shot that I saw fired and then I heard a scream and I took it then that someone had been hurt then there was a few other shots fired then by the soldiers and there was a soldier then on the far side of the personnel carrier from me and he was more to the back of the personnel carrier and he looked up towards the flats and he fired three shots. Well then after this there was no one whatsoever at the windows and after this there was a couple more shots fired and we heard a lot of screams and he fired three shots. Well then after this there was no one whatsoever at the windows and after this there was a couple more shots fired and we heard a lot of screams and we just took it people were being hurt because normally a few times down there we

hear gunfire and people are that used to it they do not scream unless someone has been hurt. Then on the window above the eighth floor I saw a man at one of the windows and he had a gun in his hand and he fired down one shot and he had his hand back in the window and he went to lift his head back and one of the troops fired a shot which landed above his head up at the top of the window and then I happened to look around and there seemed to be a lot of troops around. Over opposite in the garage opposite there was troops lined along there and they had no protective helmets they had just on their berets with no other shots being fired towards them.”

¹ AB16.11

³ AB16.12

² Paragraph 55.303

58.112 In her written statement to this Inquiry¹ Monica Barr told us that she had a recollection of seeing a hand stick out of an open window on the eighth floor of Block 1 of the Rossville Flats: “*I think the flat was approximately in the middle of Block 1 but I am unable to be more precise.*” She continued:

“The window, as I recall it, was tilted inwards at the top and outwards at the bottom. The hand which was holding a pistol appeared from over the top of the window pane and pointed downwards. I remember one shot being fired from the pistol. The shot had a ‘pop’ sound and was certainly different from the other shots I had heard earlier. Almost immediately I heard a ‘crack’ and saw the wood at the top of the window frame splinter where I presume a bullet fired by a soldier below the flats had hit. At around the same time the hand disappeared. I think there may have been net curtains over the window as I am unable to describe the face or shape of the individual who fired the shot from the Rossville Flats.”

¹ AB16.3

58.113 In her oral evidence to this Inquiry, Monica Barr gave a similar account of seeing this gunman, though she said that the gunman was on the ninth, not the eighth, floor.¹ The difference is important, because on the eighth floor the windows were set back behind the balcony. In her Keville interview, Monica Barr had described the gunman as being “*on the window above the eighth floor*”, which to our minds is likely to be a description of a window on the ninth floor.

¹ Day 148/9

58.114 Monica Barr was closely questioned by counsel for the majority of the families and wounded, who among other things suggested that what she had heard was the firing of a handgun much closer to where she was and that it would have been difficult for anyone to have fired over the top of one of the tilting windows of the Rossville Flats. Monica Barr maintained that she had seen a gunman fire from the position she had described:¹

“Q. What you said, to be fair to you in your evidence today, was that you heard – this pop seemed to occur, it seemed to happen when the pistol came out of the window. When you say it ‘seemed’ to happen, can we take it from that that you are not sure that it did happen at the same time?

A. Well, it is how I remember it now.

Q. What I have to ask you is whether it is possible that you heard a pistol shot when you were looking out of your window; you saw a man in the upper flats, on the top floor of Rossville Flats, perhaps with a camera, perhaps with a bottle. You saw a soldier fire in that direction and you formed the mistaken impression that the man or the hand at the window was firing a gun when in fact it was a man just under your own window; is that possible?

A. No, it is not possible. I saw the man on the top floor with a gun and I heard the pop when he fired.”

¹ [Day 148/32-33](#)

58.115 The representatives of the majority of the families and wounded submitted that Monica Barr could “*only be mistaken in her recollection*”.¹ They drew attention to the difficulty of firing over the top of the tilting window, and to the fact that no soldier in Mortar Platoon claimed to have seen or reacted to a gunman at the top of Block 1 of the Rossville Flats.

¹ [FS1.1367](#)

58.116 Monica Barr’s original account was given soon after the event, when her recollection would have been fresh; and there is no doubt that she believed that she had seen a gunman fire one shot from the ninth floor of Block 1 of the Rossville Flats. However, she also believed that a soldier had fired back almost immediately and hit the window. We have considered whether this could have been one of the shots fired by Private T, though he was not aiming at this window; but the difficulty with this possibility is that earlier in the account that Monica Barr gave in 1972, she described a soldier firing up at the flats, which might well have been Private T. It is the fact that no soldier of Mortar Platoon claimed to have seen or reacted to a gunman at the top of Block 1 of the Rossville Flats;

and no soldier apart from Private T admitted firing up at Block 1. Had a soldier seen and fired at a gunman in this block he would in our view have reported that he had done so. It is of course possible that Monica Barr was mistaken in believing that a shot from a soldier had hit the window in question, but if she was so mistaken, this casts some doubt on the accuracy of her account as a whole.

- 58.117** In the end we are left in doubt as to whether Monica Barr did witness a gunman firing from Block 1 of the Rossville Flats. It is possible that she did so, but to our minds it is equally possible that she was mistaken.
- 58.118** If Monica Barr did see a gunman, it is clear from her 1972 account that the gunman only fired after the soldiers had opened fire in the car park area. On the basis of Monica Barr's evidence there is thus no question of the shot fired by this gunman having precipitated what happened in that area.
- 58.119** No-one has admitted firing a shot from a window in Block 1 of the Rossville Flats, and no paramilitary organisation has accepted responsibility for the firing of such a shot.

The gunman described by Billy Gillespie

The *Sunday Times* notes

- 58.120** According to interview notes compiled by Peter Pringle of the *Sunday Times* Insight Team and dated 6th April 1972:¹

"billy gillespie, 22. bro of above. helped to carry mrs deery into 33 chamberlain st with michael bridge. went with bridge into the car park between the flats and saw duddy shot. he threw some stones at the soldier on the corner of the flats and saw bridge shout at the army and get shot.

n.b. he also claims that he saw a gunman on the 5th floor of the flats with an M1 carbine. he says the gunman fired seven shots and had three shots returned at him by the army. he went up to see if there were any bullet marks where he had seen the man and there weren't any. Story suspect and as yet unconfirmed but as far as i know we haven't had statements from people who came out of chamberlain st. at that end as the army moved into the car park area. let's face it no one in their right minds would have done."

¹ AG34.17

58.121 “*Bro of above*” indicated that the subject of this note was the brother of Daniel Gillespie, who sustained an injury in circumstances that we consider later in this report,¹ when discussing the events of Sector 4.

¹ [Paragraphs 104.165–202](#)

58.122 In his oral evidence to this Inquiry,¹ Billy Gillespie told us that he had no recollection “*at all*” of talking to journalists and denied both that he had seen a gunman on the fifth floor of the Rossville Flats and that he had told journalists that he had.

¹ [Day 84/162-164](#)

58.123 The evidence of Peter Pringle satisfies us that this note is an accurate record of what he was told by Billy Gillespie.¹ This conclusion is supported by the fact that other details in the note, such as the reference to Billy Gillespie having helped to carry Margaret Deery into 33 Chamberlain Street, correspond with the evidence that Billy Gillespie gave to this Inquiry.

¹ [Day 190/37-42](#)

58.124 Peter Pringle was asked during the course of his oral evidence to this Inquiry why he thought at the time that the account of the gunman was suspect. His answer was:¹

“Well, one of the reasons is that we had never heard a story like this, we did not hear another one like this. The second reason is that firing from flats was a very exposed position and I think I have a note on that. That is reflected in the last sentence here, ‘let us face it, no-one in their right minds would have done this’.”

¹ [Day 190/40-41](#)

58.125 Notwithstanding this, in the Insight article published by the *Sunday Times* on 23rd April 1972 there was the following passage:¹

“... one civilian, whose name we agreed to withhold, told us that he did see someone with a carbine firing at the soldiers from the 5th floor of the flats. The man fired seven shots and three were returned at him. This gunman corresponds exactly with the man at whom Soldier O said he fired three shots and hit.”

¹ [L213](#)

58.126 It seems to us that the civilian referred to in this passage must have been Billy Gillespie, since Peter Pringle told us that he heard the account from only one source.

58.127 As to the comment that the gunman corresponded exactly with the man at whom Sergeant O said he fired three shots, and whom he said he hit, there is nothing in Billy Gillespie's account to indicate that the gunman was hit, nor anything in Sergeant O's accounts to the effect that the gunman fired seven shots, though in his oral evidence to the Widgery Inquiry he had said that the gunman was "*triggering it off fairly fast*".¹ At the same time, it is noteworthy that, according to Sergeant O, the gunman at whom he fired three times after seeing the flash of his weapon was on the lower balcony of Block 3 of the Rossville Flats, which was on the same level as the fifth floor of Block 2. That level was also regarded as the fifth floor in Block 3, although because that block was built on higher ground it was in fact only the third level, as can be seen in the photograph below.²

¹ [WT13.30](#)

² [AG27.6](#); [GEN3.14](#)



58.128 There is therefore some correspondence between the account given by Sergeant O of seeing a man with a weapon like an M1 carbine or small rifle on the lower balcony of Block 3 and firing three shots at him, and the account given by Billy Gillespie to Peter Pringle.

58.129 The representatives of the majority of the families and wounded pointed out that no other civilian witness or journalist corroborated Billy Gillespie's account, and that the gunman described in that account would have been in a very exposed position. They submitted that "*The story as related to Peter Pringle bears all the hallmarks of an invented account, perhaps given to impress a journalist.*"¹

¹ [FS1.1368](#)

58.130 It is true that the gunman would have been in a very exposed position, but the same could be said of the gunman seen by Fr Daly. It is also true that there is no other civilian or journalistic evidence to support what Billy Gillespie said, but we do not accept that this should necessarily lead us to reject it, though it leaves us, like Peter Pringle, less than certain of its accuracy. On his own account,¹ Billy Gillespie was a rioter and witnessed some of the shootings in Sector 2, and to our minds, though possible, it is unlikely that he would have invented an account of seeing a paramilitary gunman firing at the Army.

¹ [AG33.1](#)

58.131 In these circumstances we have concluded that Billy Gillespie probably did see a gunman firing from the lower balcony of Block 3; and that his account to Peter Pringle supports the evidence given by Sergeant O in this regard.

Whether Eileen Collins saw the body of a gunman

58.132 At this point it is convenient to deal with a submission made by the representatives of the majority of represented soldiers to the effect that Eileen Collins saw the body of this gunman.¹

¹ [FS7.1495](#)

58.133 According to an article written by Tony Parker and published in the *New Statesman and Society* at the time of the 20th anniversary of Bloody Sunday in January 1992,¹ Eileen Collins, using her maiden name Eileen Shiels, told him:

“Where we lived, my flat was on the first floor of the block, so I went round and up the back staircase to it. Inside the children were all safe: when he’d heard the shouting and shooting, the young boy looking after them’d made them all take shelter in the sort of boiler cupboard we had. All of them were wild with excitement, they wanted me to let them go out on the balcony and watch what was happening. I thought ‘Well I’ll look out of the windows first to see if it’s safe’. And still to this day I can’t tell what I saw without the horror of it coming back to me. Right there outside my window lying on the balcony was a dead man, crumpled up with blood all over him. I straight away pulled the curtains together and told the children they weren’t to open them: then I ran out of the door along the corridor, to go down and see if I could fetch someone to help. At the bottom of the staircase at the front was another body lying. I had to step over it to get out, and it was someone I recognised: it was young Tony Doherty’s father, who I knew.”

¹ [AC72.11](#); [L244.1-3](#)

58.134 Eileen Collins’ flat was 20 Garvan Place.¹ This flat was in Block 2 of the Rossville Flats, on the first floor and right at the end nearest to Block 1.²

¹ [AC72.1](#)

² [GEN3.13](#)

58.135 In her oral evidence to this Inquiry, Eileen Collins told us that she had no recollection of talking to Tony Parker and that what he had written about her seeing a dead man outside her window on the balcony was “*lies*”: “... *there was no body outside my apartment.*”¹

¹ [Day 161/120-122](#); [Day 161/151-154](#); [Day 161/167-169](#)

58.136 In our view Eileen Collins was interviewed by Tony Parker and may well have given him an account of seeing a dead man outside her flat. However, we doubt the accuracy of this account, so far as the position of the body is concerned.

58.137 In her written evidence to this Inquiry¹ Eileen Collins had told us that on her way into her flat she saw an injured man behind a door receiving attention from an Order of Malta Ambulance Corps volunteer, but was unable to say whether he had been shot. In her oral evidence² she said that she did not think that he had been shot, but was not sure.

¹ [AC72.3](#)

² [Day 161/157-158](#)

58.138 As we discuss later in this report,¹ one of the casualties in Sector 3 was Kevin McElhinney, and there is evidence to the effect that after being shot and mortally wounded in Rossville Street he was taken into the lobby at the south-west end of Block 1, and then carried up the stairs leading from that lobby by the Order of Malta Ambulance Corps volunteer James Norris and the photographer Liam Mailey.²

¹ Paragraphs 86.365–469

² AN20.3; AN20.19-21; AN20.25

58.139 In order to reach her flat, Eileen Collins told us that she went up these stairs and crossed the walkway to Block 2.¹ In none of her accounts did Eileen Collins suggest that she saw more than one casualty outside or near her flat.

¹ AC72.3

58.140 There are two other considerations.

58.141 Firstly, as is explained more fully later in this report,¹ following a ruling of the Tribunal dated 1st June 2001,² the Inquiry sought and obtained access to a substantial quantity of intelligence material held by the RUC and other agencies in relation to witnesses or those who might become witnesses in the Inquiry. Relevant documents obtained in the course of this exercise were disclosed to the interested parties subject to such redactions as were necessary to comply with our obligations under the Human Rights Act 1998. A small amount of this material related directly to the events of Bloody Sunday but the great majority was relevant only to the extent that it contained information about the membership of paramilitary organisations in Londonderry at the time of Bloody Sunday and in the months thereafter. The nature of the material is such that we believe it to be highly likely that if a paramilitary gunman had been killed on Bloody Sunday some reference to his death would appear in it. However, there is no indication in any of the material provided to us that such an event occurred.

¹ Paragraphs 151.21–22

² A2.17

58.142 Secondly, we accept the evidence given by Fr Daly that it amounted to “*offensive nonsense*” to suggest that there could have been secret burials of people killed by the Army on Bloody Sunday.¹ We do not believe that the local community would have considered it desirable or acceptable to try to conceal such deaths, nor do we believe that it would have been possible to conceal them.

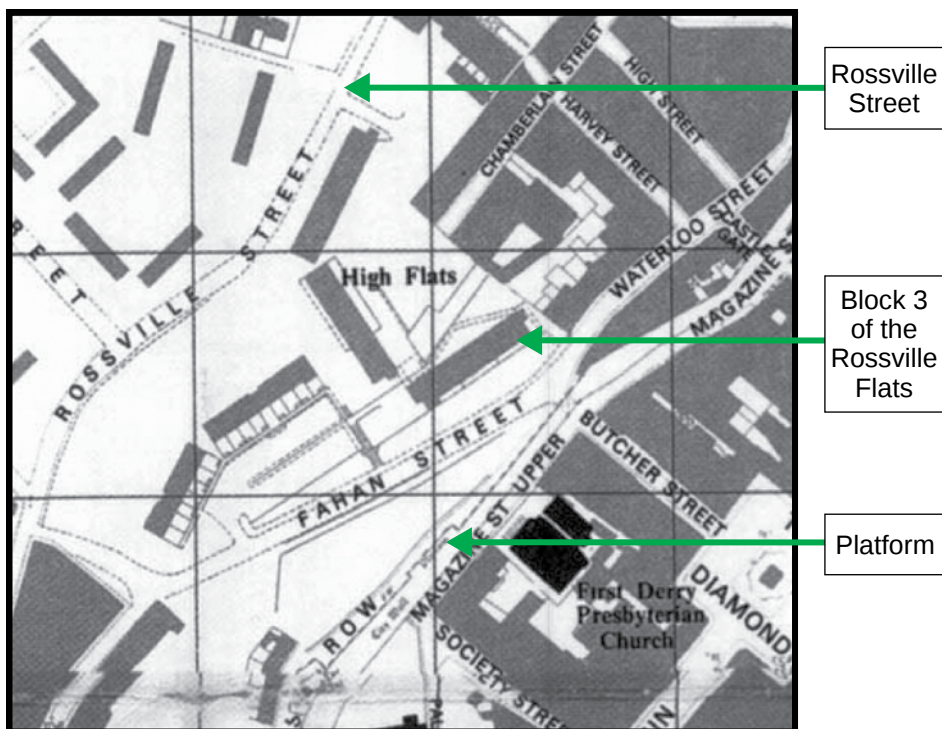
¹ Day 75/51-55

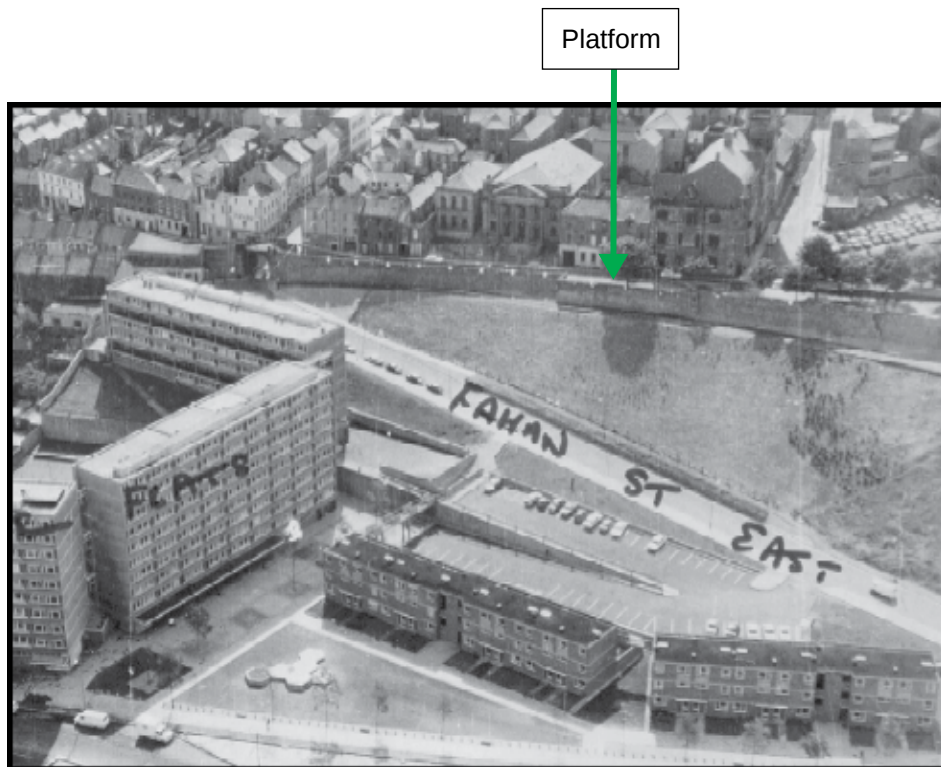
- 58.143** In these circumstances we are of the view that the body that Eileen Collins saw was that of Kevin McElhinney; and that what Tony Parker recorded may have been the result of misunderstanding by him or a degree of exaggeration by her, or a combination of both these things.
- 58.144** It remains to say that there is no evidence of any kind that suggests any link between the body Eileen Collins said that she saw near her flat, and the gunman that Sergeant O said that he had shot towards the south-west end of the lower balcony of Block 3 of the Rossville Flats, a location that was over 60 yards away, and four floors up, from Eileen Collins' flat in Block 2.

The gunman described by Gunner 030

- 58.145** Gunner 030 was a soldier in 22 Lt AD Regt. According to his first Royal Military Police (RMP) statement, timed at 2343 hours on 2nd February 1972,¹ he was on duty at the Platform on the City Walls. This Platform is shown on the following map and photograph.

¹ B1590





58.146 In this statement Gunner 030 recorded that he was on duty with Sergeant 001. He stated that he heard the sound of baton rounds and gas cartridges being fired, which seemed to be coming from the area of Rossville Street/William Street: *“By about 1620 hrs the crowd had built up to about 2–300 people situated around Rossville Flats. At this time the sound of baton guns being fired grew closer.”* Gunner 030’s statement continued:¹

“Suddenly I heard one (1) low-velocity shot. I then heard a number of low-velocity shots. It was then I saw a youth standing firing a pistol. He was in between Blocks Nos 1 & 2 Rossville Flats. Taking cover slightly between Block No 2. There were about 10–15 people crowding around him, therefore I did not shoot for fear of hitting a member of the crowd. The gunman was wearing a brown jacket, faded blue jeans and he had long dark well kept hair.

At this time I saw a body lying on the floor by the telephone box, at the far end to the right of No 2 Block. I had heard no high velocity fire at this time.”

¹ B1590-B1591

58.147 Gunner 030 gave another account in his written statement for the Widgery Inquiry.¹

“Suddenly I heard one low velocity shot. I said to soldier 001 that this was not a baton round but a low velocity shot. Then I heard a number of low velocity shots and I could see a youth who was holding what I could clearly see was a pistol from which I could see puffs of smoke coming in the gaps between blocks 2 and 3 of Rossville Flats. I could not shoot him as there was a crowd of about 10 to 15 people gathered round him. I could see quite clearly that he was wearing a brown jacket, faded blue jeans and he had long dark well kept hair, he was about 75 yards from me and I had a good view of him from the platform.”

¹ B1599

58.148 In his oral evidence to the Widgery Inquiry, there was the following passage:¹

“Q. Then the low velocity shots – where did they appear to come from?

A. I could not say exactly where it came from.

Q. You cannot say right, left, or –

A. I believe it would be to my right.

Q. Did you observe its strike or not?

A. No, sir.

Q. After that shot did you hear any more?

A. Yes, sir, I heard a number of low velocity shots coming from my right.

Q. How long after the first ones?

A. Just a matter of seconds, sir.

Q. And how many more came?

A. I would say five or six rounds, sir, were fired.

Q. Could you see anyone who was firing?

A. Yes.

Q. Whom did you see?

A. It was a youth, sir.

Q. Where about?

A. Between Blocks 2 and 3, sir, of Rossville Flats.

LORD WIDGERY: You are seeing it from my side, are you not?

A. Yes.

LORD WIDGERY: Just show me where he was.

The WITNESS: I was about there, sir, and he was between there that he came through, from behind.

Mr. GIBBENS: The south-east corner.

LORD WIDGERY: Is he inside?

A. There is a small wall round there about three feet high and he was behind there, sir.

Mr. GIBBENS: What was he doing?

A. He was firing towards William Street.

Q. Was he firing up the side, parallel with Block 3 of Rossville Flats? I do not quite understand.

A. Something like that. If you are between Block 2 and 3 you can see William Street.

Q. I am afraid I do not quite understand. This is William Street here.

A. Yes, that is William Street. He was between here.

Q. Take the pointer and give us his line of fire.

A. His line of fire would be from about there across that way.

LORD WIDGERY: He was inside the courtyard, was he?

A. Yes, this small wall here. He was behind that wall kneeling down.

Q. You were looking at it through that alleyway between the two blocks?

A. Yes.

Mr. GIBBENS: That is behind the small wall inside the courtyard?

A. Yes, sir.

Q. Could you see what he was using to fire with?

A. I seen a small pistol, sir, but what type it was I do not know.

Q. Could you see further into the courtyard, what he was firing at?

A. No, sir, but after I looked back I seen a body lying there. It was a civilian, but whether he had been shot or not I do not know.

Q. Was it the same man lying, a body there, or was the man still upright?

A. He was lying down there.

Q. The body was lying down, but what happened to the man with the pistol?

A. Well, I was going to shoot, but there was too many round him, you know. In case I hit a civilian, an ordinary person, I did not shoot. After that I turned round and he was gone.

Q. Had you seen him before he went or after he went?

A. This was before he went, sir.

Q. You saw the body before he went?

A. Yes, sir."

¹ [WT16.25-26](#)

58.149 Later in his oral evidence Gunner 030 told the Widgery Inquiry that he had heard self-loading rifle (SLR) fire "*after the first set of pistol shots*", coming from what he described as "*the back end*", by which he said that he meant the area of William Street and Little James Street.¹

"Q. Did you hear any SLR fire from right inside the area of the forecourt of the flats?

A. No.

Q. You didn't?

A. I couldn't see.

Q. You could not identify any as coming from that area?

A. No.

Q. How far away would you be from the corner of blocks 2 and 3?

A. To there?

Q. Yes. About 30 yards?

A. Forty to fifty yards.

Q. I think the measurement has been given before as thirty metres, but would it be around forty metres?

A. Yes sir.

Q. You were forty metres, or so, from the corners of the inter-section of blocks 2 and 3?

A. Yes.

Q. And at no stage did you identify SLR fire coming from that area?

A. It was coming from the back end."

¹ [WT16.32-33](#)

58.150 Gunner 030 told the Widgery Inquiry that he was within shouting distance of an Army Observation Post (OP) which was equipped with a radio,¹ but that at the time neither he nor Sergeant 001 shouted any report of seeing the man with the gun. He said that this was because he and the sergeant were too busy looking at other places, but agreed that there could hardly be anything more important than reporting gunmen at the time they were supposed to be present. He said that he had reported seeing the gunman to his officer later on, at a time when ambulances had arrived. Gunner 030 also told the Widgery Inquiry that he did not know that soldiers had come down Rossville Street and were in the area; and that the first soldiers he saw were in Glenfada Park North.²

¹ This was called Charlie OP. We refer to Charlie OP again in the context of Sector 5, where we provide a photograph ([paragraph 116.29](#)). ² [WT16.30-31](#)

58.151 Gunner 030 gave written and oral evidence to this Inquiry.¹ In our view he had little clear recollection of events. He told us himself that he might have mixed up events that had occurred on Bloody Sunday with other things that had happened when he was in Northern Ireland.² In view of this, we consider that his evidence to us, where it differed from the accounts that he gave in 1972, is unreliable, though, as we point out below, there are significant difficulties with those accounts. He did say to us, however, that he stood by the accounts that he had given in 1972.³

¹ [B1612.001](#); [Day 366/79](#)

³ [Day 366/82](#)

² [Day 366/81](#)

- 58.152** From his vantage point on the Platform, Gunner 030 would have had a limited view through the gap between Blocks 2 and 3 of the Rossville Flats, and would have been able to see a portion of the low wall running parallel to the northern side of Block 2 of the Rossville Flats and a small portion of the car park. This can be demonstrated from stills taken from the Channel 4 Secret History documentary *Bloody Sunday*, which was made by Praxis Films Ltd and first broadcast on 5th December 1991. By the time this documentary was made, the Rossville Flats had been demolished, and so the makers used archive footage, from which the two stills reproduced below have been taken. The date on which this footage was filmed is not known, but the physical features shown in it appear to be as they were on Bloody Sunday.

Low wall





58.153 Since Gunner 030 would not have been able to see the gap between Blocks 1 and 2 of the Rossville Flats from his vantage point, it seems that his reference to this gap in his RMP statement must have been an error for the gap between Blocks 2 and 3, which, as can be seen, he corrected in his evidence to the Widgery Inquiry.

58.154 According to his RMP statement, it was “*at this time*” that Gunner 030 saw a body lying “*on the floor*” by the telephone box.¹ This must be a reference to the telephone box that was situated at the southern end of Block 1 of the Rossville Flats. There was a body in that position, that of Bernard McGuigan, who was shot dead in Sector 5. In his written statement for the Widgery Inquiry,² Gunner 030 recorded that he had been shown photographs of the body of Bernard McGuigan lying near the telephone box, and he confirmed that this was the body that he had seen. Representatives of some of the soldiers suggested that this identification might not be reliable,³ but we see no good reason for doubting it. However, as will be seen later in this report,⁴ this shooting took place after all or virtually all the events of Sector 2. Nevertheless, on an examination of the whole of the evidence that he gave in 1972, we consider it possible that Gunner 030 may not have intended to say that he saw this body at exactly the same time as he saw the gunman. It must be borne in mind that all the events of Sectors 2 to 5 took place within a few minutes.

¹ B1591

² B1600

³ FS8.1125-1126

⁴ Paragraphs 118.207–213 and 227–261

58.155 It was submitted on behalf of the majority of the families and wounded that we should reject the account Gunner 030 gave of seeing, through the gap between Blocks 2 and 3 of the Rossville Flats, a man firing a pistol in the direction of William Street.¹

¹ [FR1.95-FR1.100](#)

58.156 There are significant difficulties with the evidence that Gunner 030 gave in 1972. He did not report seeing the “pistol man” at the time. His sergeant, Sergeant 001, who was near him on the Platform, made no mention of seeing this pistol man, or that Gunner 030 told him that he had seen one. Lieutenant 227, who was stationed at Charlie OP,¹ gave no evidence of any report and did not recall him being on the Platform.² Major 159, the Battery Commander, gave no evidence of a report being made to him. In his RMP statement, Gunner 030 described the pistol man as standing between the blocks of the Rossville Flats; while in his oral evidence to the Widgery Inquiry he said that the pistol man was kneeling behind a low wall, which would appear to be the low wall running along the side of Block 2. Gunner 030 does not appear to have heard any high velocity firing in Sector 2, of which there was on any view a large amount, though this may be explicable on the basis that the Rossville Flats might have dampened the sound of high velocity fire and made it harder to recognise or appear to come from further away. He gave accounts of hearing and seeing Thompson sub-machine gun fire in Glenfada Park North, which we consider later in this report,³ but which in our view cannot be correct for the reasons we give there. He gave no account of seeing or hearing military firing from the south-east corner of Glenfada Park North, of which, as we explain later,⁴ there was a considerable amount, even though this was more or less directly in front of his position.

¹ [B2184](#)

³ [Paragraphs 119.128–141](#)

² [Day 371/116; Day 371/118](#)

⁴ [Chapter 119](#)

58.157 In these circumstances we have grave doubts about the reliability of Gunner 030’s accounts of seeing a pistol man firing in Sector 2. Had he done so, we consider that he would have immediately reported what he had seen, but he made no report. We return to the evidence of Gunner 030 when considering the events of Sector 5,¹ where we express the view that Gunner 030 (and Sergeant 001) were probably keeping their heads down most of the time, but were loath to admit this was what they had done; or, or as well, were simply wholly muddled and confused about what they saw and heard. We should add that we have considered the possibility that Gunner 030 saw the same gunman as Fr Daly, firing from the garden wall of 36 Chamberlain Street. However, since his accounts are not consistent with the other evidence of that incident, which we have discussed above, and since we are satisfied that he would not have been able to see the garden wall from his vantage point, this possibility can be rejected. We should also note that the possibility

exists that Gunner 030 saw the gunman that, according to Susan North, Fulvio Grimaldi may have photographed, with a pistol in his hand among a crowd of people, as we have discussed above, but this is no more than speculation.

¹ Paragraphs 119.128–141

58.158 We have concluded that it would be unwise to rely on the accounts given by Gunner 030 of seeing a pistol man firing. It remains to note that Sergeant O's evidence was that he had seen a man firing a pistol from behind a car, not from behind a low wall and not surrounded by other people; and no other soldier who was deployed in Sector 2 gave evidence of seeing a man with a handgun in a crowd as described by Gunner 030.

The evidence of Patrick Gerard Doherty

58.159 Finally, we have considered the account given by Patrick Gerard Doherty, who told us in his written statement to this Inquiry¹ that on seeing the APCs come in, he had run from the waste ground, through the Eden Place alleyway, down to the southern end of Chamberlain Street. There he saw someone carrying a woman who he afterwards learned was Margaret Deery. He then ran to the area beneath Block 3 of the Rossville Flats. From there he saw soldiers firing rubber bullets into the crowd in the car park. He told us that at this stage, which according to his account was before Jackie Duddy had been shot and before live rounds had been fired:

“There were two other boys standing in between the walls with me. Suddenly, one of them shouted ‘look, there’s a sticky bastard and he’s got a short’. By this he meant that there was a member of the Official IRA carrying a handgun. I immediately started looking into the crowd in the middle of the car park, particularly at peoples hands but I couldn’t see anyone carrying a gun. The boy who had shouted was hysterical and moved to climb over the wall into the car park – I remember the other boy grabbed his collar to restrain him.”

¹ AD96.2-3

58.160 In his oral evidence to this Inquiry, Patrick Gerard Doherty told us that the boy had not indicated where he had seen the man with the handgun.¹

¹ Day 85/10; Day 85/54-55

58.161 In our view Patrick Gerard Doherty was mistaken in his recollection of the order of events, as he acknowledged might be the case.¹ For the reasons we have given earlier in this report,² we are of the view that Margaret Deery was shot soon after Jackie Duddy, so that

at least two live rounds had been fired by the time Patrick Gerard Doherty saw her. Thus we reject the submission of the representatives of a number of soldiers that his account indicates that there was a man in the car park holding a handgun at a stage before Jackie Duddy was shot.³ In our view, given the other evidence that we have considered above, Patrick Gerard Doherty probably heard someone drawing attention to OIRA 4, the gunman seen by Fr Daly, at or about the time when OIRA 4 was moving along the garden wall of 36 Chamberlain Street after the shooting of Margaret Deery.

¹ [Day 85/24](#)

³ [FS8.1140](#)

² [Chapters 55 and 56](#)

The man seen in Gilles Peress's photograph

58.162 We have earlier in this report shown the photograph taken by Gilles Peress of the group round the body of Jackie Duddy. We reproduce below an enhanced copy and enhanced detail of this photograph, prepared by Alexis Slater.¹

¹ [E15.018](#); [E15.019](#)





58.163 It was submitted on behalf of the majority of represented soldiers that the crouching man was holding “*what may well be a firearm*”.¹ Billy Gillespie and Donal Deeney identified this man as Brown, and OIRA 4 told us that he was quite sure that Patrick Brown would never have had a gun.² Patrick Brown made a written statement to this Inquiry,³ in which he expressed the view that the crouching figure may have been him. He was not asked whether he had anything in his hand.⁴ Patrick Brown gave no oral evidence to this Inquiry. He was due to do so in February 2001 but was too ill to attend. He died on 3rd May 2001. These representatives submitted that the man was “*clearly removing something, and the probability is that it was a weapon, the only thing that would need removing*”.⁵ Representatives of other soldiers submitted that the photograph raised the probability that a weapon of some kind was held by the man in the photograph, and that it is at least a realistic possibility that the weapon being held was a firearm.⁶

¹ [FS7.1469](#)

² [Day 84/197](#); [Day 86/80](#); [AOIRA4.21](#)

³ [AB98.1-2](#)

⁴ [AB98.6](#)

⁵ [FS7.1473](#)

⁶ [FS8.1150](#)

58.164 While it appears that Patrick Brown might have been holding something, we are not persuaded either that it was a firearm or that he was trying to remove something. In our view it is unlikely that anyone would be handling a firearm in full view of soldiers only a few yards away.

Chapter 59: When the Support Company vehicles moved forward

59.1 It is convenient to deal at this point with the question of when Support Company vehicles moved from Rossville Street to the area at the northern end of Block 1 of the Rossville Flats. As we have explained above,¹ this question is relevant to the issue of the time at which the portion of the soundtrack of the BBC footage was filmed on which Cyril Cave thought that an incoming round was audible.

¹ [Paragraph 58.45](#)

59.2 In the BBC footage of the soldiers running across the waste ground towards Eden Place, two Armoured Personnel Carriers (APCs) can be seen in the background travelling north up Rossville Street.¹ These in our view were probably the two empty APCs of Machine Gun Platoon, which were sent by Major Loden to retrieve members of that platoon from Abbey Taxis.² Although it is not clear from his evidence when these vehicles were moved back, it seems to us from his account that this was after he had ordered his vehicle to be moved from Rossville Street to the area of the north end of Block 1 of the Rossville Flats.

¹ [Vid 1 05.12](#)

² [B2221-B2222](#)

59.3 In his written statement for the Widgery Inquiry, Major Loden gave this account:¹

“As soon as we came under fire, the situation changed and the priority shifted from making arrests, to taking cover and defending ourselves from the attack of the gunmen and bombers ... I returned to my vehicle with my crew and ordered the driver to move the vehicle forward to a position of cover against the Northern Wall of Block 1 Rossville Flats. For a period of about 10 minutes, during which the majority of the firing occurred, the Platoon Commanders were unable to report, as they themselves were actively engaged in repelling the attacks made against them.”

¹ [B2221](#)

59.4 As we have discussed elsewhere in this report,¹ according to Major Loden this was soon after he had arrived in Rossville Street and had come under low velocity automatic gunfire, though for the reasons given, we are of the view that he was mistaken about coming under fire.

¹ [Paragraphs 50.47–75](#)

59.5 In his supplementary statement for the Widgery Inquiry,¹ Major Loden described stopping at the junction of Pilot Row and Rossville Street. He did not refer in that statement to any later movement of his vehicle but did say,² *“During the time I was in the Rossville Flats area I saw no identifiable gunmen firing but of course my concern is with the control of the company rather than for observing for possible attackers. In any event from my position by the north wall of the Rossville Flats I had very limited observation.”*

¹ B2241

² B2242

59.6 This again suggests that his vehicle was moved to the north end of Block 1 before the shooting had finished, although he drew no distinction between shooting in Sector 2 and shooting in Sectors 3, 4 and 5.

59.7 In his oral evidence to the Widgery Inquiry, Major Loden said that he moved his vehicle forward to the cover of Block 1 after hearing about 15 rounds of low velocity fire. According to him shooting then continued for about another ten minutes. He said that soldiers were firing into the “funnel” of the Rossville Flats (between his position and Chamberlain Street) during that time. He went on to describe seeing a body in the car park and regarded that body as a casualty of the soldiers’ firing.¹ He also referred to hearing firing which, he thought, had come from the Rossville Flats, although the time at which this is said to have occurred was not explicitly stated.²

¹ WT12.10-WT12.11; WT12.13

² WT12.13

59.8 In his written evidence to this Inquiry, Major Loden again stated that he ordered his driver to move the vehicle after hearing a burst of low velocity automatic fire. There was then a heavy exchange of fire, which lasted about ten minutes. He saw Mortar Platoon soldiers firing into the Rossville Flats car park and thought that they were under fire from the area of the Rossville Flats.¹

¹ B2283.005-006

59.9 This again suggests that firing continued in Sector 2 after Major Loden’s vehicle had moved to the cover of Block 1.

59.10 In the course of his oral evidence to this Inquiry, Major Loden was shown a number of photographs and pieces of film footage taken when his command vehicle was still in Rossville Street. He agreed that certain arrested civilians were probably taken away before any incoming fire started. He also agreed that by the time his vehicle was moved, soldiers must have moved to Kells Walk and around the low walls of the ramp at the south end of that block, civilians were no longer visible at the rubble barricade, and

Michael Kelly had probably been shot behind the rubble barricade.¹ He also said that he had a vague recollection of talking to Warrant Officer Class II Lewis before the vehicle was moved.² Warrant Officer Class II Lewis's evidence was that, while the command vehicle was on Rossville Street, he reported to Major Loden firing by soldiers of the Anti-Tank Platoon from Kells Walk towards the rubble barricade. He said that this occurred within about the first 20 minutes of deployment.³

¹ Day 342/61-73; Day 343/2-10; Day 343/14-15

³ B2111.016-017

² Day 343/20

59.11 We have already shown the following photograph earlier in this report and expressed our view that it was taken very shortly before Michael Bridge was shot. As can be seen, Major Loden's vehicle was still in Rossville Street when the photograph was taken. It follows that it was there when Jackie Duddy and Margaret Deery were shot.



Command
vehicle

59.12 The ITN film footage shows Major Loden's vehicle moving towards the north end of Block 1 of the Rossville Flats. Sergeant O's APC can be seen in the car park but there is no visible activity in the area. It seems to us that Jackie Duddy's body had been moved by the time that this footage was taken, as it is not visible on the film.¹

¹ Vid 3 05.31

59.13 Firing is recorded on the soundtrack of the ITN film at a time after Major Loden's vehicle had moved to the north end of Block 1.¹ It is not possible from the film to tell from where the firing was coming. Major Loden, in his oral evidence to this Inquiry, said that he thought that the shots were self-loading rifle fire.² Warrant Officer Class II Lewis gave similar evidence.³ It seems to us that this was probably firing in Sectors 4 or 5, all of which we describe in detail later in this report.

¹ Vid 3 05.31

³ Day 373/151-2

² Day 346/17

59.14 This evidence establishes in our view that there was a substantially greater lapse of time between Major Loden's arrival in Rossville Street and the moving of his vehicle to the north end of Block 1 of the Rossville Flats than Major Loden's evidence to the Widgery Inquiry suggested. It also establishes in our view that there was a substantial amount of shooting by the soldiers before the vehicle was moved, in both Sector 2 and Sector 3. Counsel for the Inquiry put to Major Loden that his evidence to the Widgery Inquiry of seeing a number of soldiers firing into the car park after he had arrived at the north end of Block 1 was not consistent with the other evidence, which suggested that most of the shooting in Sector 2 must have occurred before this time. Major Loden said that his memory was no longer good enough to assist.¹

¹ Day 343/33-34; Day 344/78; Day 346/21-25

59.15 Our assessment of the evidence leads us to conclude that the shooting incidents in Sector 2 had finished or virtually finished, as had much of the firing in Sector 3 (other than that described in Chapter 123), before Major Loden's vehicle moved forward. In this regard we have no reason to doubt Sergeant O's recollection that the shooting incidents in Sector 2 lasted only some three to four, or four to five minutes.¹

¹ B575.003; Day 335/121

59.16 It follows that in our view the evidence given by Major Loden in 1972 about when his command vehicle moved from Rossville Street to the north end of Block 1 of the Rossville Flats was incorrect.

Chapter 60: The question of unidentified casualties

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- 60.1

We have considered earlier in this report¹ the submission made by the representatives of the majority of represented soldiers, that Eileen Collins saw the body of the gunman that Sergeant O said he had shot towards the south-west end of the lower balcony of Block 3 of the Rossville Flats. For the reasons we gave, we rejected this submission. In our view the body that Eileen Collins saw was that of Kevin McElhinney, one of those shot and killed in Sector 3.

¹ [Paragraph 58.132](#)
- 60.2

The representatives of the majority of represented soldiers submitted that there were other unidentified casualties in Sector 2.

Evidence of an unidentified casualty in the car park of the Rossville Flats

The evidence of Eamonn Baker

60.3 These representatives submitted that the evidence of Eamonn Baker supported the evidence of Sergeant O and Private R that there was a gunman behind a red Cortina on the south-east side of the car park. They submit that the casualty whom Eamonn Baker saw was that gunman.¹

¹ [FS7.1484-FS7.1488](#)

60.4 In his written statement to this Inquiry, Eamonn Baker told us that he had seen the body of Jackie Duddy and had sought to get away from the area by running towards the gap between Blocks 2 and 3 of the Rossville Flats. A man running in front of him gasped “*I’m hit, I’m hit*”, and fell to the ground. This occurred at a point to the north of the gap between Blocks 2 and 3 but south of the low wall that ran parallel with Block 2. The man was wearing a big, dark-coloured coat. Eamonn Baker attempted to put a tourniquet around the man’s left shoulder but was unable to do so. He thought that the man had been hit in the back. Eamonn Baker’s evidence was that the man’s name was Michael Bradley.¹

¹ [AB2.3-AB2.4](#); [AB2.6](#); [Day 96/136-140](#)

60.5 The representatives of the majority of the represented soldiers submitted that Eamonn Baker was wrong in his identification of this casualty as Michael Bradley. They pointed out that the casualty seen by Eamonn Baker was in a different place from that where Michael Bradley was shot, was wearing different clothes from those worn by Michael Bradley and, unlike Michael Bradley, had been shot in the back. They also submitted that the casualty cannot have been Patrick McDaid because Patrick McDaid was not shot by a 7.62mm lead bullet.¹

¹ [FS7.1484-FS7.1488](#)

60.6 The representatives of the majority of the families submitted that the casualty seen by Eamonn Baker was Patrick McDaid, who believed (along with everybody else at the time, including the doctor who subsequently examined him) that he had been hit by a lead bullet. Patrick McDaid was hit in the back, as was the man seen by Eamonn Baker.¹

¹ [FR1.494](#)

60.7 Eamonn Baker told us¹ that the man he saw was running in front of him, on the south side of the low wall parallel to Block 2, towards the passage between Blocks 2 and 3. Eamonn Baker “*did not have a sense of a bullet hitting him*” but heard the man gasp that he was hit, and slump to the ground as though running out of energy. Eamonn Baker tried unsuccessfully to put a handkerchief around the man’s shoulder as a tourniquet, and helped him around the corner. That is substantially consistent with the movements of Michael Bradley *after* he was shot, but not with those of Patrick McDaid, who approached the passage between Blocks 2 and 3 from a different direction and was injured as he jumped or prepared to jump over the low wall or down the steps. Eamonn Baker said that he thought that the man had been wearing “*a big dark coloured coat*”. Gilles Peress’s photographs² suggest that both Michael Bradley and Patrick McDaid were wearing dark coats, and that Michael Bradley’s was longer than Patrick McDaid’s. It is the case that Eamonn Baker said in his oral evidence to this Inquiry that he had thought at the time that the man had been hit “*in the back at the top left-hand shoulder*”, which fits Patrick McDaid’s injury more nearly than Michael Bradley’s injuries, but in our view on this aspect it is possible that Eamonn Baker’s recollection was at fault.

¹ AB2.3-AB2.4; Day 96/136-140

² Paragraphs 55.259, 55.294 and 117.2

60.8 In these circumstances we are of the view that the casualty seen by Eamonn Baker was not Patrick McDaid. We have considered whether this person could have been an unknown casualty, but in the end we concluded that Eamonn Baker was correct in identifying him as Michael Bradley.

Evidence of an unidentified casualty in the area of the stairwell at the south end of Block 1 of the Rossville Flats

60.9 The representatives of the soldiers submitted that there was a casualty, in addition to Kevin McElhinney, in the area of the southern stairwell of Block 1 of the Rossville Flats. These representatives rely on the evidence of the civilian witnesses whose accounts are summarised below in support of the proposition that there was more than one casualty in the area.¹

¹ FS7.1541-FS7.1542; FS7.1768-FS7.1770; FS8.1394-FS8.1401

The evidence of John Casey

60.10 In his Keville interview, John Casey described seeing young men being shot in Rossville Street. He said that he then “*went a way on and, the way up the back of the wee flats up near the Bogside ... and it must have been ... a couple of shots were fired down from the wall like, and then there was two young fellas lying up at Colmbcille Court and a whole lot of men had to go over with their hands in the air to get near them. And there was – they got the other young fellas and they went back up – rushing back up to the flats again and ... and there was a young fella lying dead on the second floor.*”¹

¹ [AC47.3](#)

60.11 Later in his Keville interview John Casey said that there was a priest with the dead man.¹

¹ [AC47.4](#)

60.12 The reference to the “*the second floor*” in this Keville interview seems to be to the second floor of Block 1 of the Rossville Flats, since John Casey described “*rushing back up to the flats again*”. He had earlier told Kathleen Keville that he had run from his flat into Rossville Street. That flat was 29 Mura Place, on the fourth floor of Block 2.¹ The obvious way of getting to and from Rossville Street would be to use the walkway on the second floor and the stairs leading to the entrance from Block 1 into Rossville Street.²

¹ [GEN3.13](#)

² [AC47.2](#)

60.13 The Inquiry was unable to trace John Casey.

60.14 It was submitted by the representatives of some of the soldiers that the reference to a “*young fella*” lying dead on the second floor does not tally with the preponderance of the evidence to the effect that Kevin McElhinney was carried only as far as the first landing below the first floor.¹

¹ [FS8.1400-1401](#)

The evidence of Donal Deeney

60.15 In his first supplementary written statement to this Inquiry, Donal Deeney told us that he and Sean McCallion entered Block 1 of the Rossville Flats from Rossville Street and that he saw someone who had been shot, lying inside the doorway. People were attending to the casualty.¹

¹ [AD26.12-AD26.13](#)

60.16 He went on to tell us that as he and Sean McCallion made their way up the stairs, he saw someone who had been shot and was being attended to by some young women. He added: “*I do not know who the person was that had been shot but I think he may have been the same person who was shot at the main door several minutes earlier.*”¹

¹ [AD26.13](#)

60.17 In his first written statement to this Inquiry, Donal Deeney had recorded that he had gone “*back into*” the stairs *to join* Sean McCallion.¹ The latter told this Inquiry² that he had been with Donal Deeney during the day but that they had become separated at times. In our view it is likely that he and Donal Deeney had been separated at the relevant time. Sean McCallion did not refer to seeing any casualties on the stairwell.

¹ [AD26.5](#)

² [AM492.2](#); [Day 147/157](#)

60.18 In his oral evidence to this Inquiry, Donal Deeney said that he thought that the casualty was called McElhinney, but he was not sure of this.¹

¹ [Day 86/49-50](#)

60.19 It was submitted by the representatives of the majority of represented soldiers that the person being attended to by young women was an unidentified casualty. Those representatives asserted that the casualty seen by Donal Deeney had fair hair and that Kevin McElhinney had dark hair.¹ In fact Donal Deeney did not describe *this casualty* as having fair hair.²

¹ [FS7.1542](#)

² [Day 86/50-51](#)

The evidence of Alan Harkens

60.20 In his written statement to this Inquiry,¹ Alan Harkens told us that as he went down the stairs at the southern end of Block 1 he saw two bodies. One was on the first half-landing that he reached. In his oral evidence to this Inquiry he said that he had reached the stairwell along the “*first floor balcony*” of Block 1.² There was no first floor balcony, so it is likely that Alan Harkens meant the balcony on the second floor, so that the half-landing would have been at first floor level or between the second and first floors.³

¹ [AH8.4](#)

³ [AM449.4](#)

² [Day 96/16](#)

60.21 Alan Harkens described the casualty on the half-landing as a young man in his teens, with longish, black hair. A coat had been placed over the body and there was a pair of Oxford-style shoes next to the body.¹

¹ [AH8.4](#)

60.22 Alan Harkens told us that he then went to the full landing on the ground floor and saw a second body, again of a young man. The young man's boots had been removed and placed next to him. One of the two casualties was wearing a white T-shirt. Alan Harkens saw no sign of blood or injury on either casualty.¹

¹ [AH8.4](#)

60.23 In his oral evidence to this Inquiry, Alan Harkens said that there had been nobody with the body on the half-landing. He thought that there might have been a few people with the second body. He said that when referring to the "*full landing*" at ground floor level, he meant the foyer at the entrance to the flats.¹ He was certain that the body he had seen at ground floor level was inside the entrance hall and not out of doors.²

¹ [Day 96/16-18](#)

² [Day 96/25-26](#)

60.24 The representatives of some of the soldiers submitted that one of the bodies seen by Alan Harkens must have been that of Kevin McElhinney, but that the identity of the second casualty is unknown. It was acknowledged that Alan Harkens is the only witness to have described seeing two bodies in the area of the stairwell; however, reliance was placed on the evidence of other witnesses (namely James Norris, Alex Morrison and John Casey) as indicating that there was a body whose location and description did not match Kevin McElhinney.¹ The representatives of the majority of the represented soldiers relied in particular on Alan Harkens' certainty, expressed when he gave oral evidence to this Inquiry, that he had not confused the body on the ground floor with that of Hugh Gilmour (another of those shot and killed in Sector 3) whose body was outside the flats.²

¹ [FS8.1394-1395](#)

² [FS7.1768-1769](#)

60.25 The representatives of the majority of the families submitted that it is clear that Alan Harkens had a confused recollection of events and that the body that he thought that he saw in the stairwell was that of Hugh Gilmour.¹ They accepted that Alan Harkens refused to acknowledge in his oral evidence to this Inquiry that he might be wrong, but they pointed out that he conceded that he was in a state of shock at the time and that he broke

down when he reached home. They also observed that he did not make a statement in 1972 and therefore was unable to rely on any account given at that time when recalling events for this Inquiry.²

¹ [FR1.204](#)

² [FS1.2144-2145](#)

The evidence of Alex Morrison

60.26 In his Northern Ireland Civil Rights Association (NICRA) statement Alex Morrison recorded that he was with Kevin McElhinney immediately before the latter was shot. He stated that the two of them crouched and ran towards the main door of the Rossville Flats and that, as he entered the flats, he heard Kevin McElhinney shouting “*I’m hit*”. Alex Morrison stated that he continued up the stairs but, on realising that Kevin McElhinney was not behind him, returned and saw Kevin McElhinney lying dead just inside the entrance to the flats. He also stated that Kevin McElhinney’s body was then taken upstairs.¹ Alex Morrison gave an essentially similar account to Philip Jacobson of the *Sunday Times* Insight Team; the principal difference was that he said that, on returning downstairs, he did not initially recognise the body as being that of Kevin McElhinney. He said that it was only when someone took a rubber bullet from a pocket of the casualty that he realised who the casualty was (he having seen a rubber bullet protruding from Kevin McElhinney’s pocket at an earlier stage). He told Philip Jacobson that a man from the Order of Malta Ambulance Corps and a cameraman were present with the body.²

¹ [AM429.1](#)

² [AM429.2-AM429.3](#)

60.27 In his interview with Paul Mahon,¹ Alex Morrison said that he had thought that Kevin McElhinney was beside him when he dived through the entrance doors and ran upstairs. He then said that he had returned down the stairs and seen Kevin McElhinney somewhere on the stairs; he thought that Kevin McElhinney had been lifted upstairs by others. He added, however, that he had not recognised Kevin McElhinney and that it was not until the following day that he had realised who the casualty was or that he learned that Kevin McElhinney had been shot.

¹ [X4.44.18-20; X4.44.29-34; X4.44.37-38](#)

60.28 In his written statement to this Inquiry, Alex Morrison explained that Kevin McElhinney was a friend of his whom he had met on the march. He again gave a very similar account of having been with Kevin McElhinney in the moments before Kevin McElhinney was shot. He said that he had “*a fleeting memory*” of Kevin McElhinney picking up a rubber bullet somewhere in the vicinity of the rubble barricade. He told us that, after live shooting

had started, he had run to the entrance of Block 1 of the Rossville Flats, assuming that Kevin McElhinney was behind him. He had run upstairs and, on returning, had seen a body on the first floor landing. There had been people around the body. He had not initially recognised the casualty but had then realised that the body was that of Kevin McElhinney.¹

¹ [AM429.4-AM429.5](#)

60.29 In his oral evidence to this Inquiry, Alex Morrison said that Kevin McElhinney had picked up a rubber bullet before the two of them turned to run towards the entrance to the Rossville Flats.¹ He said that he had seen Kevin McElhinney's body on the stairs, or on a half-landing between flights of stairs, and agreed that he had not recognised Kevin McElhinney immediately but had done so "*subsequently*".²

¹ [Day 143/141](#); [Day 143/150-151](#)

² [Day 143/142](#)

60.30 The representatives of some of the represented soldiers submitted that the casualty seen by Alex Morrison might not have been Kevin McElhinney. They referred to the inconsistencies in his accounts about whether he heard Kevin McElhinney shout "*I'm hit*" and whether he saw Kevin McElhinney's body on the ground floor or only after the body had been taken upstairs. They accepted that these discrepancies may be regarded as minor; they relied more heavily on Alex Morrison's account to Paul Mahon, in which he said that he had not recognised Kevin McElhinney at the time, but had only realised on the following day that the body that he had seen must have been that of Kevin McElhinney. Since Alex Morrison and Kevin McElhinney were friends, the representatives submitted that it would be very surprising for Alex Morrison to have failed to recognise the body of his friend. They also submitted that support for the proposition that the body seen by Alex Morrison was not that of Kevin McElhinney can be found in Alex Morrison's account of a rubber bullet being found on the body; and that the evidence of Fr Kieran O'Doherty¹ and Liam Mailey² suggests that no such bullet was found on Kevin McElhinney.

¹ [Day 161/49](#)

² [Day 163/128-129](#)

60.31 These representatives accepted that it is possible either that Alex Morrison was mistaken in 1972 about a rubber bullet having been found on the body, or that Liam Mailey and Fr O'Doherty were mistaken. However, they submitted that an alternative possibility is that the body was not that of Kevin McElhinney.¹

¹ [FS8.1396-1400](#)

The evidence of Denis Mullan

60.32 In his written statement to this Inquiry, Denis Mullan told us that he saw a man lying on the half-landing of the southern set of stairs leading to the second level of Block 1 of the Rossville Flats (three flights up from the ground floor). The man's upper body was against the wall of the landing. Denis Mullan described the man as being about 19 years old, with longish dark hair and a thin face being "*the colour of skimmed milk*".¹ The man was wearing a shirt with a droopy collar and a shiny V-necked jumper. He appeared to have an injury to his stomach, which was covered with a field dressing. The man was being attended to by a member of the Order of Malta Ambulance Corps and by Fr Denis Bradley. Denis Mullan is likely to have mistaken another priest for Fr Bradley, since the latter has never said that he attended to a casualty on the stairs in Block 1. The Order of Malta Ambulance Corps volunteer James Norris told us² that he was present when Fr Irwin gave the last rites to Kevin McElhinney. In our view Fr Irwin was the priest seen by Denis Mullan.

¹ [AM449.4](#)

² [AN20.21](#)

60.33 Denis Mullan told us that he heard the people around the man saying that no pulse could be detected.¹ This is consistent with the evidence of the Order of Malta Ambulance Corps volunteer James Norris, who said in 1972 that, on his return to the casualty whom he later believed to be Kevin McElhinney, he was told by a photographer that there was no pulse, and was himself unable to find a pulse.²

¹ [AM449.4](#)

² [AN20.25](#)

60.34 In his oral evidence to this Inquiry, Denis Mullan said that he assumed that the man was dying, because of the nature of the wound, the man's colour and the inability of the "*medical orderly*" to find a pulse. He added that it was obvious that the man was dying.¹

¹ [Day 92/44-45](#)

60.35 The representatives of the majority of the represented soldiers submitted that the casualty seen by Denis Mullan was three flights up from the ground floor and therefore cannot have been Kevin McElhinney. They supported this submission that the casualty was an unknown one by pointing out that the casualty was wearing a V-necked jumper, while Kevin McElhinney was wearing a roll-necked one.¹

¹ [FS7.1541-1542](#)

The evidence of James Norris

60.36 In a handwritten statement,¹ undated but clearly written in 1972, since the statement gives the witness's age as 18, which it then was, James Norris recorded that, while he was treating the man who had been hit by a gas canister, a man came in and said that "*a man was shot just at the door of the flats*". James Norris ran down the stairs to go to the man's aid and, as he reached the bottom stair, "*a youth fell in the doorway*". There was blood pumping from the youth's left side. With the aid of a photographer, he carried the youth upstairs. He pulled away the youth's jacket and shirt and saw a three-inch wound in the youth's side. James Norris said that he left the wounded youth with the photographer in order to look for a man who was reported to have been shot in the head. He found that one of his colleagues was attending to this man,² and when he returned to the photographer and the injured youth he discovered that the youth was dead. An old man lent James Norris a coat with which to cover the youth.

¹ [AN20.25](#)

² The man was Patrick Brolly, attended to by Bernard Feeney ([AN20.20-21](#)).

60.37 In a handwritten report to the Order of Malta Ambulance Corps dated 7th February 1972,¹ James Norris described being in one of the flats and treating a man who had been hit in the face with a gas canister. This is likely to have been Hugh Hegarty.² James Norris recorded that he had left the man and gone down the stairs at the south end of Block 1. As he went downstairs, someone told him that a man had been shot and had fallen around the corner from the doorway of the flats. As he reached the ground floor he saw a boy aged 16 to 20 fall "*in the doorway*". The boy was bleeding profusely. James Norris and a cameraman carried the boy upstairs for shelter. The boy's face was yellow-white in colour and James Norris knew that the boy was dying. James Norris described ripping away the boy's coat and shirt, turning the boy onto his stomach and seeing a three-inch wound in the boy's side. James Norris left the boy with the cameraman and went to attend to other casualties. On his return, he discovered that the boy had just died. Those present covered the body with a blanket. When an ambulance arrived, he and the cameraman carried the boy (whom James Norris named as Kevin McElhinney) to the ambulance.

¹ [AN20.18-AN20.22](#)

² [AH67.2](#)

60.38 In his written statement to this Inquiry, James Norris described taking a man who had been hit by a gas canister to a flat on the fourth floor of Block 1 of the Rossville Flats. He told us that he left the flat in order to look for a doctor. When he reached the ground floor, the lobby area was deserted. However, as he stood there, a man crashed through the doors and collapsed. James Norris caught the man and lowered him to the ground.

There was blood on the man's left side. The man was wearing a bottle green suit and a white collared shirt. James Norris recalled wondering why the man, on a cold day, was wearing a suit and shirt with no vest or T-shirt. James Norris examined the man where he caught him. The man died within about a minute of coming through the door. Another man came into the lobby. James Norris now knew that this was Liam Mailey. He left Liam Mailey with the body and went upstairs.¹

¹ [AN20.8-9](#)

60.39 In his oral evidence to this Inquiry, James Norris said that he was certain that the casualty was wearing a green suit. He did not recall the casualty wearing a pullover but remembered that he was wearing a white shirt. James Norris said that he did not recall finding a rubber bullet in the casualty's pocket. He also said that he did not know the names of the casualties on the day, but learned them later.¹ He also said that he believed that the cameraman to whom he had referred in his report to the Order of Malta Ambulance Corps was Liam Mailey.²

¹ [Day 147/98; Day 147/135-136](#)

² [Day 147/95](#)

60.40 The representatives of some of the soldiers submitted that the man treated by James Norris might not have been Kevin McElhinney.¹ They relied on two aspects of James Norris's written and oral accounts to this Inquiry:

1. James Norris described the casualty as wearing a green suit and no pullover. Kevin McElhinney was wearing a brown suit, pink shirt and brown/green pullover.
2. James Norris described treating the casualty on the ground floor of the flats. Kevin McElhinney was treated on the small landing below the first floor.

¹ [FS8.1395-1396](#)

60.41 These representatives acknowledged that in the accounts that he gave in 1972, James Norris stated that the casualty was carried upstairs, and that the injury described by James Norris is consistent with that known to have been suffered by Kevin McElhinney. They submitted, however, that it is possible that the casualty whom James Norris described to this Inquiry was not Kevin McElhinney, and they pointed out that the position of the body described by James Norris corresponds closely to the position of the second body described by Alan Harkens.

- 60.42** These representatives also relied on the fact that in his evidence to this Inquiry James Norris described the casualty whom he treated as having crashed through the doors of Block 1. They submitted that the weight of the evidence indicates that Kevin McElhinney crawled to the flats and was probably dragged through the doors.
- 60.43** The representatives of the majority of the families submitted that the youth treated by James Norris was clearly Kevin McElhinney. They submitted that James Norris was wrong in his recollection that the youth “*crashed*” through the doors and that his 1972 accounts of the youth falling in the doorway are more reliable. They also submitted that his recollection of the youth’s clothing was wrong and that he may have mistaken the handkerchief around Kevin McElhinney’s neck for a white collared shirt. They pointed out that James Norris described the casualty’s left side as being covered in blood, as Kevin McElhinney’s was, and that he recalled Liam Mailey as having been present in the lobby of Block 1 when the casualty entered. It was submitted that on his own evidence to this Inquiry, Liam Mailey was present when Kevin McElhinney came into the lobby.¹ In fact, in both his written and oral evidence to this Inquiry, James Norris said that Liam Mailey arrived after the injured man had come through the door; though his report to the Order of Malta Ambulance Corps suggests that Liam Mailey was at the scene when the injured man came in.²

¹ [FS1.2145-2146](#)

² [AN20.10](#); [Day 147/100](#); [AN20.19](#)

The evidence of Liam Mailey

- 60.44** The representatives of the majority of represented soldiers referred to the evidence of Liam Mailey, to the effect that he was brought downstairs to the entrance to Block 1 by the news that someone had been shot, and that he was there when Kevin McElhinney was shot.¹ These representatives submitted that the news that someone had been shot could not refer to Hugh Gilmour, since there was a photograph that shows that Liam Mailey was already downstairs when Hugh Gilmour ran past the doorway.²

¹ [M50.3-5](#)

² [FS7.1769-1770](#)

- 60.45** In relation to this photograph,¹ although Liam Mailey told the Widgery Inquiry² that he was the man shown with his hand on the door, he told this Inquiry³ that he had been persuaded of this by others and now did not believe that it was correct, particularly since someone else had claimed to be the person shown in the photograph with his hand on the door, and this man had said that Liam Mailey was behind him. In his interview with Stephen Gargan,⁴ Liam Mailey suggested that he had gone upstairs at least as far as the first landing when the photograph was taken. His comment later in his oral evidence to

this Inquiry,⁵ that the photograph “*positions me there*”, read in the context of his earlier evidence to this Inquiry and his account to Stephen Gargan, does not to our minds undermine his correction of what he told the Widgery Inquiry, a correction that we accept.

¹ Paragraph 86.88

² M50.57; WT7.27

³ M50.7; Day 163/108-109

⁴ M50.87-89

⁵ Day 163/118

Consideration of the submissions on unidentified casualties

60.46 We reject the submission that the evidence considered above shows or suggests that there was another casualty in the area of the southern stairwell of Block 1 of the Rossville Flats, in addition to Kevin McElhinney. In our view, as was submitted by the representatives of the majority of the families, a number of witnesses had acquired confused recollections, and the shocking nature of events, combined with the speed with which the events occurred, had affected the ability of witnesses to assimilate accurate and detailed recollections. We also accept the submission of those representatives that to suggest that an additional body was lying in the area of the stairwell involves alleging that there was a widespread conspiracy of silence among a sizeable group of what the submission described as “*ordinary people*”, who would have had no reason to take part in such a conspiracy.¹ We have found no evidence of any such conspiracy.

¹ FR1.204-205

60.47 In addition to this general point, it appears to be accepted by the soldiers’ representatives that the evidence on which they rely cannot be taken entirely at face value, for if it were, there would not have been one unidentified casualty in the stairwell (which is what they suggested), but several on different floors, attended to by different people.

63.48 There are in addition the two matters to which we referred when considering earlier in this report the submission that Eileen Collins saw an unidentified casualty. These were the absence of any record in the intelligence material disclosed to the Inquiry by the Royal Ulster Constabulary and other agencies of the death on Bloody Sunday of any person other than the known casualties; and Fr Edward Daly’s rejection (which we accept) of the suggestion that there could have been secret burials of unidentified casualties killed by the Army on that day.

60.49 In these circumstances it is our view that there were no unidentified casualties of Army gunfire in Sector 2.

Chapter 61: Firing by a soldier in Sector 2 observed by Corporal INQ 444

61.1 We now turn to another topic, namely the evidence from Corporal INQ 444 about a soldier firing in Sector 2.

61.2 In his written statement to this Inquiry,¹ Corporal INQ 444, who was on Bloody Sunday a member of C Company, 1 PARA, told us that he saw a soldier firing from about the point marked “E” on the plan attached to his statement² (ie near the west end of the fence to the north of the entrance to the car park). The soldier was “*standing up*”, holding his rifle under his arm between his shoulder and his waist, and firing in the direction of Blocks 2 and 3 “*at an angle of 30 to 40 degrees*”. Corporal INQ 444 stated that he thought that the soldier had fired more than ten rounds and fewer than 20. In his opinion, the soldier was frightened and had “*lost the plot*”. He told us that he believed that this soldier was “*Lance Corporal H*”, but that there was “*a good chance*” that he had only learned the identity of the soldier after the event.

¹ C444.5

² C444.9

61.3 We return to the evidence of Corporal INQ 444 later in this report,¹ when we consider the accounts of the day given by members of C Company, but it should be noted here that when he gave oral evidence to this Inquiry, Corporal INQ 444 repeated his uncertainty about the identification of the soldier and told us that he was also uncertain about where the soldier was and the direction of his fire.

¹ Paragraphs 65.29, 65.127 and 65.195

61.4 It was submitted by the representatives of the majority of the families that the soldier whom Corporal INQ 444 saw was a member of Mortar Platoon.¹ For the reasons we give later in this report,² when dealing further with the evidence of Corporal INQ 444, we consider it unlikely that the soldier was any of those who had been engaged in the Eden Place waste ground or the car park of the Rossville Flats. Whether it was Corporal P, who asserted that he had fired three rounds over the heads of people he said were advancing over the rubble barricade in Rossville Street, is a matter we consider later in this report.³ Whether the firing, which we are sure Corporal INQ 444 observed, was by Private H, as was submitted on behalf of Private H,⁴ is a matter we also consider later in this report.⁵ There is no evidence to suggest that this firing resulted in any casualties.

¹ FS1.1283

⁴ FS9.109-FS9.115

² Paragraph 65.39

⁵ Paragraphs 105.9–29

³ Paragraphs 65.39 and 85.2–28

Chapter 62: The shooting posture of the soldiers who fired in Sector 2

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62.1 We now set out the evidence that the soldiers of Mortar Platoon gave as to whether they were standing or kneeling when they fired their rifles. With the exception of Lieutenant N and his first three shots aimed over the heads of people in the Eden Place alleyway, all the soldiers of this platoon have maintained that they fired shots aimed at individuals. None of the firing soldiers has admitted to firing from the hip.

Lieutenant N

62.2 In his oral evidence to the Widgery Inquiry,¹ and in his written statement to this Inquiry,² Lieutenant N stated that he was standing when he fired his final shot from a position on the Eden Place waste ground. We accept this part of the evidence of Lieutenant N.

¹ WT12.69

² B438.011

Sergeant O

62.3 In his first Royal Military Police (RMP) statement,¹ Sergeant O recorded that he was positioned by the rear of his Armoured Personnel Carrier (APC) when the incoming fire began. He went on to describe the three shooting incidents in which he was involved, without giving further details of his own position or saying whether he was standing or kneeling when he fired his rifle.

¹ B440

62.4 In his written statement for the Widgery Inquiry,¹ Sergeant O recorded that he and three of his men were “*grouped at the pig*” when he saw his first gunman. He then described his first and second engagements, and stated that at the time when he saw his second gunman he was “*Still by the front end of the pig, behind the mudguard*”. Sergeant O said that when Private T was splashed with acid, he (Sergeant O) was just behind him, and that after hearing Private T fire two shots, he “*moved round to the front of the pig*” before he saw his third gunman. Sergeant O did not in this statement record whether he was standing or kneeling when he fired his rifle.

¹ B467-B469

62.5 In his oral evidence to the Widgery Inquiry, Sergeant O said¹ that his firing position when he engaged his first gunman was “*the forward left wing of my position*”, presumably meaning the nearside wing of his APC. Having described his first engagement, he said that he stayed where he was “*at the front of the pig*”, and while in that position saw and engaged his second gunman.² He said that he then went to the rear of the vehicle. After the incident in which Private T fired at an acid bomber, Sergeant O “*came back round to the front of the vehicle*” and engaged his third gunman.³ He did not in this evidence say whether he was standing or kneeling when he fired his rifle.

¹ WT13.39

³ WT13.32

² WT13.30

62.6 In his written statement to this Inquiry,¹ Sergeant O told us that he was standing next to the nearside front wheel of his APC before his first and second engagements took place. He recorded nothing to suggest that he had moved from that position or was no longer standing when he opened fire. Sergeant O told us² that he was somewhere near the mudguard of the nearside front wheel of his APC when he engaged his third gunman, but he did not state whether he was standing or kneeling.

¹ B575.113-B575.115

² B575.118

62.7 In his oral evidence to this Inquiry,¹ Sergeant O said that he was standing “*in front of the Pig, at the front edge of the Pig*” when he fired at his first and second gunmen. He said that he was at the nearside front mudguard of the APC when he fired at his first two gunmen,² and that he was standing at the nearside front door of the vehicle when he fired at his first gunman.³ He said that he was at the front of the vehicle when he fired at his third gunman,⁴ but did not say whether he was standing or kneeling.

¹ Day 335/70

³ Day 336/35

² Day 336/90-91

⁴ Day 336/91

Private R’s evidence about Sergeant O

62.8 In his second RMP statement¹ and in his written statement for the Widgery Inquiry,² Private R recorded that after he had been hit by two acid bombs thrown from Block 1 of the Rossville Flats, he saw a man firing a pistol towards the soldiers from behind a maroon Cortina in the car park. He stated that Sergeant O fired at the gunman, who fell and was dragged away. In each statement, Private R said that Sergeant O was “*standing beside*” him when he fired at the gunman. In his RMP account, Private R seemed to say that his own position when Sergeant O fired was between Block 1 and Sergeant O’s APC; while in his statement for the Widgery Inquiry, Private R seemed to say that he had been beside the “*right hand back door*” of the APC when the first acid bomb was thrown, and that he had then “*stepped back*” by the time Sergeant O fired. Private R also recorded in that statement that after the gunman had been dragged away, Sergeant O “*went to the back somewhere*”. In his oral evidence to this Inquiry,³ Private R said that by this he had probably meant that Sergeant O went “*back behind the vehicles, further along*” rather than merely to the rear of his own vehicle.

¹ B666

³ Day 337/128

² B670-671

62.9 In his oral evidence to the Widgery Inquiry, Private R said that he was standing behind Sergeant O's APC when he saw Sergeant O fire,¹ and that he was at that time "*stood next*" to Sergeant O.² He said that he presumed that after the gunman had been taken away, Sergeant O "*went behind*" in order to count heads and make sure that none of his men had been injured.³ Private R did not in this evidence say whether Sergeant O was standing or kneeling when he fired his weapon.

¹ WT13.76

³ WT13.76

² WT13.83

62.10 Private R also described this incident in his written statement to this Inquiry,¹ but did not say where Sergeant O had been when he fired or whether he had been standing or kneeling. In his oral evidence to this Inquiry, Private R initially said that he did not now recall how close he had been to Sergeant O when this firing took place.² Later in his evidence,³ he said that Sergeant O was probably only four or five feet away. Private R said that he believed that he had been at the back of the APC, but was not sure whether Sergeant O had been at the back or the front. He accepted that Sergeant O might well have been at the nearside passenger door. Private R said that his present recollection was that he saw Sergeant O firing before he, Private R, was hit by acid bombs.⁴

¹ B691.004

³ Day 337/126-128

² Day 337/52

⁴ Day 337/148

62.11 Private R did not describe the other two shooting incidents in which Sergeant O was involved.

Private S's evidence about Sergeant O

62.12 In his second RMP statement,¹ Private S recorded that Sergeant O fired from the nearside of his APC at a gunman who was firing from a window on the ground floor of Block 1 of the Rossville Flats. In his written statement for the Widgery Inquiry,² and in his oral evidence to the Widgery Inquiry,³ Private S told the Widgery Inquiry that he had seen Sergeant O fire one or two shots from the forward nearside of his APC towards the south-east corner of the car park. Private S stated that he could not see Sergeant O's target, as the target was behind the wall against which Private S was standing. Private S said that Sergeant O did not appear to fire "*in an elevated position*" but that he "*would not say it was exactly sort of level*".⁴ In his written statement to this Inquiry,⁵ Private S said that he remembered seeing Sergeant O apparently engaging a target. Sergeant O had been at the front nearside of his vehicle. Private S said that he thought that Sergeant O had been near the passenger door. In his oral evidence to this Inquiry,⁶ Private S said

that this Inquiry should not rely on the account given in his second RMP statement of seeing a gunman, but he stood by his evidence of seeing Sergeant O firing from the nearside of his APC. He conceded that the account of seeing a gunman given in his second RMP statement was untrue.⁷ Private S said that when he saw Sergeant O firing, Sergeant O was “*standing*” at the nearside of his APC.⁸

¹ B703

² B708

³ WT13.3-WT13.4

⁴ WT13.9

⁵ B724.003

⁶ Day 331/73-77

⁷ Day 332/65-74

⁸ Day 332/114-116

Private T’s evidence about Sergeant O

62.13 In his written statement for the Widgery Inquiry,¹ Private T said that at one point Sergeant O shouted “*There’s one over there behind the wall*” and fired across the car park. Private T thought that Sergeant O had fired two or three shots. He did not say where Sergeant O was when he fired, or whether he was standing or kneeling. In his oral evidence to the Widgery Inquiry,² Private T gave a similar account. He said that Sergeant O fired two or possibly three shots in the direction of the flats. He said that he did not know where Sergeant O meant by “*over there*”. Private T said that he could not see into the car park. He told the Widgery Inquiry that when Sergeant O fired, he (Sergeant O) was standing at the back of his APC about three feet away from Private T.

¹ B736

² WT13.91; WT13.93

62.14 In our view, based on the evidence of Private T, it is likely that Sergeant O was standing when he fired his shots.

Private Q

62.15 In his oral evidence to the Widgery Inquiry,¹ Private Q said that he was kneeling when he fired his shot from a position near the north-east corner of Block 1 of the Rossville Flats.

¹ WT12.89

62.16 Private Q told us in his written statement to this Inquiry¹ that he could not recall whether he had been kneeling or standing when he fired his shot, but he said in his oral evidence to this Inquiry² that his oral evidence to the Widgery Inquiry on this point was likely to be accurate.

¹ B657.4

² Day 339/34

62.17 In our view Private Q was probably kneeling when he fired.

Private R

62.18 In his first RMP statement,¹ Private R recorded that he had “*reached the Humber*” before he fired his first shot at a man holding a fizzing object in the car park of the Rossville Flats, although the accompanying RMP map² shows Private R’s position as having been at the north-east corner of Block 1. Neither the statement nor the map suggests that Private R moved to a different position before firing his three shots at what he described as a man firing a pistol from the passage between Blocks 2 and 3 of the Rossville Flats.

¹ [B659](#)

² [B660](#)

62.19 In his written statement for the Widgery Inquiry,¹ Private R recorded that when he fired his first shot, he was beside the “*right hand back door*” of Sergeant O’s APC. He stated that he had “*stepped back*” from that position when the first acid bomb was thrown, but did not say that he had moved any further by the time he fired his three shots at the man he described as firing a pistol from the passage between Blocks 2 and 3. He described his position during both engagements as being “*in the same area as T and O*”.²

¹ [B670-B671](#)

² [B673](#)

62.20 In his oral evidence to the Widgery Inquiry,¹ Private R said that he was “*just coming round this corner ... to get back to the vehicle*” when he saw the man holding the smoking object. He said that after he had fired at the man, acid bombs were thrown and he took cover behind the APC. Private R did not describe any further movement before he engaged what he described as the man with the pistol.

¹ [WT13.73-WT13.75](#)

62.21 In his written statement to this Inquiry,¹ Private R told us that he was positioned at the back of the APC when he fired at the man holding the smoking object and that he took cover behind the APC after being splashed by acid. He did not refer to any further movement before he fired at the man with the pistol.

¹ [B691.003-B691.004](#)

62.22 In his oral evidence to this Inquiry, Private R said that it was possible that he had seen the man with the smoking object before he reached Sergeant O’s vehicle,¹ but that he was “*at the right-hand side of the Pig*” when he fired his first shot at this man.² He said that he “*went back round the rear*” of the APC after firing that shot,³ and that he then stayed behind the APC “*all the time*”.⁴

¹ [Day 337/37](#)

² [Day 337/104](#)

³ [Day 337/31](#)

⁴ [Day 337/128](#)

- 62.23 Private R did not in any of his evidence say whether he fired his shots from a standing or a kneeling position.

Private 005's evidence about Private R

- 62.24 In his RMP statement,¹ Private 005 (the driver of one of the APCs of Machine Gun Platoon) recorded that Private R fired three rounds at a man who was firing a pistol from *"the first floor veranda which runs between block one and block two of the flats"*. He said that Private R was *"standing"* at the nearside wing of an APC when he fired.

¹ B1370

- 62.25 In his written statement to this Inquiry,¹ Private 005 told us that he saw a soldier firing towards the Rossville Flats. He stated that he thought that it had been Private R but could not rule out the possibility that it had been Private T. The soldier was *"in a standing position"*. Private 005 told us that he thought that the soldier had fired three shots, and that it seemed to him that the soldier was firing *"into the first floor of the flats because he looked to have his gun more or less on a level rather than raised"*. Private 005 stated that he could see *"puffs of smoke"* rising from the ground where the soldier was standing. This and the soldier's firing led Private 005, according to this statement, to believe that acid bombs or something similar were being thrown at the soldier, but he stated that he did not see any acid being thrown. Private 005 told us that he had a vague memory of seeing a man on either the ground floor or the first floor of Block 1 of the Rossville Flats, with his arm back as if about to throw something, and with an object, possibly a nail bomb or petrol bomb, in his hand. However, Private 005 stated that he did not remember seeing the man throw anything, and was concerned that his memory might be wrong. He stated² that he did not now remember seeing a man with a pistol, although he recalled hearing pistol fire at about the time when he saw the soldier firing.

¹ B1374.001

² B1374.004

- 62.26 In his oral evidence to this Inquiry, Private 005 said that Private R was *"just standing and firing"*¹ and that Private R was *"standing at the side of the Pig"*.² Private 005 admitted that he had seen neither a gunman nor a man with his arm in a throwing position.³ He said that he recalled seeing Private R fire only one shot towards the passage between

Blocks 1 and 2, and denied that he had told the RMP that he had seen him fire three shots.⁴ Private 005 was asked⁵ what made him think that Private R was having something thrown at him, and replied that it was “*Just the way the stuff was splashing about*”.

¹ [Day 338/138](#)

⁴ [Day 338/169-170](#)

² [Day 338/163](#)

⁵ [Day 338/140](#)

³ [Day 338/144-156](#); [Day 338/163-179](#)

62.27 In view of the doubts we have earlier expressed about Private 005’s account of the firing by Private R, we remain uncertain whether Private R was standing or kneeling when he fired.

Private S

62.28 Private S did not in any of his evidence say whether he was standing or kneeling when he fired his shots from beside the wall at the back of the Chamberlain Street houses.

Sergeant O’s evidence about Private S

62.29 In his oral evidence to the Widgery Inquiry,¹ Sergeant O said that he saw Private S “*standing*” at the back wall of 32 or 34 Chamberlain Street and firing towards the passage between Blocks 1 and 2 of the Rossville Flats.

¹ [WT13.31](#)

62.30 In his written statement to this Inquiry,¹ Sergeant O told us that he saw Private S aiming his rifle at a gunman in the passage between Blocks 1 and 2, and that at some stage after Private S’s engagement was over, he looked back and saw that Private S was “*still standing*”.

¹ [B575.115-B575.118](#)

62.31 In his oral evidence to this Inquiry, Sergeant O did not say whether Private S was standing or kneeling when he opened fire.

Lance Corporal V’s evidence about Private S

62.32 In his written statement for the Widgery Inquiry,¹ Lance Corporal V recorded that he saw Private S “*standing at the corner of the buildings at the end of Chamberlain Street*” and firing towards the passage between Blocks 1 and 2 of the Rossville Flats. In his oral evidence to the Widgery Inquiry,² Lance Corporal V said that he saw Private S fire

approximately four shots and that so far as he could recall Private S had fired these shots from a standing position. In his oral evidence to this Inquiry,³ Lance Corporal V said that he now had no recollection of Private S firing.

¹ B802

³ Day 333/80

² WT13.22

62.33 In our view Private S was probably standing when he fired.

Private T

62.34 In his oral evidence to the Widgery Inquiry,¹ Private T said that after hearing incoming fire he had moved to the rear of Sergeant O's APC on the offside. He said that he fired his first shot from a standing position at the rear of the APC.² He then described firing his second shot shortly afterwards, and did not suggest that he had changed his position before doing so. He said that he was standing on the "*William Street side*" of the APC during a period that appears to cover the firing of his shots.³

¹ WT13.88-WT13.89

³ WT13.91

² WT13.90

Private Q's evidence about Private T

62.35 In his written statement for the Widgery Inquiry,¹ Private Q said that he saw a soldier fire from beside Sergeant O's APC at the "*western*" (in our view a mistake for "*eastern*") side of Block 1 of the Rossville Flats. He confirmed this in his oral evidence to the Widgery Inquiry.² He did not say whether this soldier was standing or kneeling at the time of firing. In his oral evidence to this Inquiry,³ Private Q said that he did not remember seeing Private T fire, and could not say whether this firing had occurred at the same time as acid bombs were thrown from Block 1 or at a later time.

¹ B637

³ Day 339/45-48

² WT12.90

Private R's evidence about Private T

62.36 Private R did not in his evidence about Private T's firing¹ say whether Private T fired from a standing or a kneeling position.

¹ B671; WT13.75; WT13.83-84

62.37 In our view Private T fired from a standing position.

Lance Corporal V

- 62.38** Lance Corporal V did not in any of his evidence say whether he was standing or kneeling when he fired his shot from what he described as a position north of the entrance to the car park of the Rossville Flats. In these circumstances we remain in doubt whether he was standing or kneeling when he fired.

Chapter 63: Civilian evidence relating to the position on the ground of the soldiers who shot those hit by gunfire

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63.1 We now turn to consider the evidence given by civilians relating to which soldier shot those hit by gunfire in Sector 2.

63.2 A large number of civilians gave evidence about the events of Sector 2. Their evidence about the positions of the soldiers who shot particular casualties was conflicting, often inconsistent with other evidence we have considered above, and in many cases confused. We are not surprised that this should be so. As we have observed elsewhere in this report, it is often the case that people witnessing the same event give very different accounts of it. The circumstances were terrifying and fast-moving, and often more than one soldier was firing at or about the same time. Furthermore, when giving evidence to us, the witnesses were trying to recall events that had happened decades earlier. Nevertheless, when later in this report¹ we seek to determine which soldier shot which casualty, we take into account the evidence to which we now turn as one of the matters to be borne in mind.

¹ [Chapter 64](#)

Civilian evidence relating to the position of the soldier who shot Jackie Duddy

A soldier at the north-east corner of Block 1 of the Rossville Flats

Cathleen Bell

63.3 Cathleen Bell, now Cathleen O'Donnell, lived with her parents at 57 Donagh Place,¹ the third flat from the south-west end of Block 3 of the Rossville Flats, on the seventh floor.² In her written statement to this Inquiry,³ she described seeing two soldiers near the north-east corner of Block 1 as she crawled towards Block 3 along the balcony on the eighth floor of Block 2. One of the soldiers, a black man, was standing.⁴ The other, a white man, was kneeling. The standing soldier had a gun at his waist and was firing it around the car park into the air. The kneeling soldier was firing a weapon from his shoulder. Cathleen O'Donnell told us that she reached a position on the balcony on the eighth floor of Block 3 near the entrance to her parents' flat, from where she looked down and saw a young boy shot as he ran across the car park. She later learned that this was Jackie Duddy. In her oral evidence to this Inquiry,⁵ she confirmed that both soldiers had rifles. She said⁶ that she heard shots from the general direction of the two soldiers when

she saw Jackie Duddy fall. She accepted⁷ that she could not say that she had seen the soldiers firing, but said that they were aiming their weapons. She did not see any other soldiers.

¹ AO23.1

² GEN3.14

³ AO23.2-AO23.3

⁴ None of the soldiers of Mortar Platoon who were equipped with rifles was black. However, many of the soldiers were wearing camouflage paint on their faces, which probably explains why some witnesses recorded seeing a “black soldier”.

⁵ Day 82/105; Day 82/110

⁶ Day 82/109-110

⁷ Day 82/115-116

Donal Deeney

63.4 Donal Deeney told us, in his written statement to this Inquiry,¹ that he was running through the car park of the Rossville Flats a short distance behind Jackie Duddy. Donal Deeney saw Jackie Duddy fall but did not recall hearing the shot that hit him. Donal Deeney stated that he then saw Michael Bridge run towards the soldier who Donal Deeney thought had probably shot Jackie Duddy. This soldier was standing at the point marked “G” on the plan attached to the statement² (the north-east corner of Block 1). In a supplementary written statement to this Inquiry,³ Donal Deeney told us that this soldier “*could have been*” the one who shot Jackie Duddy and that he was holding his rifle “*just under his armpit*”. In his oral evidence to this Inquiry,⁴ Donal Deeney said that the soldier had his rifle “*raised at sort of waist level*”. He thought that Jackie Duddy had been shot in the chest and hence believed that this soldier was the “*obvious culprit*”.

¹ AD26.3-AD26.4

² AD26.9

³ AD26.11

⁴ Day 86/29-31

Brian Doherty

63.5 Brian Doherty told us, in his written statement to this Inquiry,¹ that he was running towards the passage between Blocks 2 and 3 of the Rossville Flats but stopped and looked back when he reached the low wall parallel to Block 2. A young man came into view, running towards the passage between Blocks 1 and 2. The man fell at about the point marked “B” on the plan attached to Brian Doherty’s statement² (in the car park between the western gable end of Chamberlain Street and the north-west end of Block 2). At the same time, Brian Doherty heard the sound of a shot, which seemed to him to have come from a soldier who was standing upright at the north-east corner of Block 1. He also saw this soldier’s rifle apparently recoiling as if he had just fired. In his oral evidence to

this Inquiry,³ Brian Doherty said that more than one shot had been fired and that he had heard something “*more like a volley*”. He remained “*fairly confident*” that the soldier whose rifle had appeared to recoil was the soldier at the north-east corner of Block 1.

¹ AD57.3-AD57.4

³ Day 149/47

² AD57.11

Noel Doherty

63.6 Noel Doherty told us, in his written statement to this Inquiry,¹ that as he ran across the car park of the Rossville Flats towards the passage between Blocks 2 and 3, he looked round and saw a soldier standing at the north-east corner of Block 1 “*holding up his rifle just under his armpit and aiming through his sights*”. The soldier was firing in the direction of the passage between Blocks 2 and 3. Noel Doherty noticed that a young man had fallen to his right. At first, Noel Doherty thought that the young man had tripped, and he carried on running, but he subsequently returned to him and found that he had been shot. He told us that he now believed that the young man was Jackie Duddy. In his oral evidence to this Inquiry,² Noel Doherty said that the soldier had his rifle at shoulder level and seemed to be firing directly at those who were fleeing across the car park. He said that he thought that Jackie Duddy was directly in the soldier’s line of fire.³

¹ AD91.3-AD91.5

³ Day 82/35-36

² Day 82/11-12

Isabella Duffy

63.7 Isabella Duffy was on the balcony outside her brother’s maisonette in Block 2 of the Rossville Flats.¹ We have earlier in this report² concluded that this maisonette was 19 Garvan Place, on the second floor of Block 2 at its north-western end.³ In her written statement for the Widgery Inquiry,⁴ Isabella Duffy said that three Army vehicles came across the waste ground and stopped near the north end of Block 1. Soldiers jumped out. One of the soldiers went down on his knee and fired his rifle, and a boy who had been running away from the soldiers “*pitched forward*”. In her oral evidence to the Widgery Inquiry,⁵ Isabella Duffy said that she only saw soldiers jump out of the leading vehicle. The kneeling soldier fired a shot that missed before the shot was fired that hit the boy. She now knew that the boy was Jackie Duddy. In her written statement to this Inquiry,⁶ Isabella Duffy told us that she saw two soldiers, both kneeling on one knee close to the wall at the north-east corner of Block 1 and holding their rifles at their waists. She said

that she heard a shot that she believed had been fired by one of the two soldiers, although at the time she thought that it was a baton round. Then she heard a second shot and Jackie Duddy pitched forward and fell on his face.

¹ [AD158.2](#)

² [Paragraph 55.36](#) note 9

³ [GEN3.13](#)

⁴ [AD158.8](#)

⁵ [WT5.53-WT5.55](#)

⁶ [AD158.2-AD158.3](#)

Angela Fleming

63.8 Angela Fleming, now Angela Copp, was watching events from a bedroom window of 65 Mura Place, a maisonette occupied by the family of her friend Maureen Barr, now Maureen Gerke, on the sixth floor of Block 3 of the Rossville Flats.¹ This maisonette was the third from the north end of that block.² In her written statement to this Inquiry,³ Angela Fleming told us that she saw a soldier kneeling on one knee at the point marked “B” on the plan attached to her statement⁴ (the north-east corner of Block 1). The soldier was facing towards the passage between Blocks 1 and 2. She saw the soldier lift his rifle, heard a bang and saw a boy fall. The boy seemed to have come running from Rossville Street and to have been trying to reach the passage between Blocks 1 and 2. She stated that she now knew that his name was Jackie Duddy. In her oral evidence to this Inquiry,⁵ she said that she remembered seeing the soldier going down on his knee and bringing his rifle to shoulder height, hearing the bang and seeing the boy fall at the same time, although she did not remember seeing the recoil of the weapon. She resisted the suggestion⁶ that she had merely made an assumption that the soldier had shot Jackie Duddy.

¹ [AC44.1](#); [AG27.1](#); [Day 119/2-3](#)

² [GEN3.14](#)

³ [AC44.2](#)

⁴ [AC44.8](#)

⁵ [Day 119/7-8](#)

⁶ [Day 119/13-15](#)

A soldier on the offside of Sergeant O’s Armoured Personnel Carrier

William McDonagh

63.9 William McDonagh said that he was on the balcony on the second floor of Block 1 of the Rossville Flats outside 4 Garvan Place, the second maisonette from the north end of that block.¹ In his NICRA statement,² he recorded that two soldiers jumped out of the vehicle that entered the car park. One of them grabbed an elderly man, threw him against a wall at the back of Chamberlain Street, and began hitting him with the butt of his rifle.³ Two youths attempted unsuccessfully to free the man. As they were retreating, the second soldier fired two or three shots indiscriminately, hitting one of the youths. More soldiers

then disembarked from the vehicle. In his written statement to this Inquiry,⁴ William McDonagh told us that the soldier who fired did so from a position on the west side of the vehicle, and that he was aiming his rifle from the shoulder towards the passage between Blocks 1 and 2. William McDonagh stated that he was not sure whether this soldier was one of those who had held the elderly man or whether he had just disembarked from the vehicle. The youth fell almost simultaneously with the firing. William McDonagh assumed that the youth had been shot. In his oral evidence to this Inquiry,⁵ he said that the soldier did not aim his rifle but fired indiscriminately from the waist or midriff. He said⁶ that he was not sure that the youth who fell was one of those who had been trying to rescue the elderly man, and he thought that the NICRA statement taker had misunderstood him on this point. He was not sure that the soldier who fired was one of those who had held the elderly man, but thought that he probably was. William McDonagh said⁷ that the soldier had fired from the west side of the vehicle.

¹ AM192.2; Day 119/17-18; GEN3.12

² AM192.7

³ Earlier in this report (paragraph 40.20) we expressed the view that this was a description of the arrest of William John Doherty.

⁴ AM192.2-AM192.3

⁵ Day 119/20

⁶ Day 119/25-28

⁷ Day 119/56-63

A soldier on the nearside of Sergeant O's Armoured Personnel Carrier

Kevin McDaid

63.10 Kevin McDaid told us, in his written statement to this Inquiry,¹ that he ran into the car park of the Rossville Flats from the south end of Chamberlain Street. He stated that he heard two or three shots fired on his right and saw two soldiers on the nearside of an Army vehicle in the entrance to the car park. The soldier nearer to him was crouching and holding his rifle at about chest height but not aiming it. Kevin McDaid told us that as he heard the shots, he saw someone stumble and fall forward. He now knew that this was Jackie Duddy. He thought that the soldier who had shot him was the crouching soldier *“as the shooting definitely came from that direction”*. In his oral evidence to this Inquiry,² Kevin McDaid said that the reason why he thought that this soldier had shot Jackie Duddy was that he could only see two soldiers, and the nearer soldier was the only one who was pointing his rifle.

¹ AM167.2-3

² Day 100/82-83

Derrik Tucker Senior

63.11 Derrik Tucker Senior told us that he was watching events from his bedroom window at 31 Garvan Place, the third maisonette from the south-east end of Block 2 of the Rossville Flats on the second and third floors.¹ In his NICRA statement,² he recorded that two Army vehicles turned into the car park. Soldiers disembarked and one of them took up a firing position at the nearside front wheel of one of the vehicles. The soldier started firing and a man fell to the ground. In his written statement for the Widgery Inquiry,³ Derrik Tucker Senior told the Widgery Inquiry that the soldier had his rifle to his shoulder, and that Fr Edward Daly attended to the man who had fallen, who was Jackie Duddy. In his oral evidence to the Widgery Inquiry, Derrik Tucker Senior said that the soldier was on the nearside of the “*leading*” vehicle⁴ and that he was leaning across the front of the vehicle with his rifle supported on it.⁵ In a deposition taken for the inquest into the death of Jackie Duddy,⁶ Derrik Tucker Senior said that the soldier fired “*towards the ground*”.

¹ AT16.1; GEN3.13

⁴ WT7.9

² AT16.1

⁵ WT7.21

³ AT16.17.1

⁶ AT16.21

Martin Tucker

63.12 Derrik Tucker Senior’s son Martin Tucker told us that he was also watching from 31 Garvan Place.¹ In his NICRA statement,² Martin Tucker recorded that the first person he saw hit was a young boy in denims who was then attended to by a priest, but he did not describe the position of the soldier who shot the boy. In his written statement to this Inquiry,³ Martin Tucker told us that two soldiers disembarked from an Army vehicle that had entered the car park of the Rossville Flats. The soldiers moved to the front of the vehicle and one of them stood by the “*offside door*”. Martin Tucker was not sure whether the other soldier had gone to the other side of the vehicle, but recalled that they were both quite close together, and that the “*one that moved closest to Block 1*” was leaning on the front of the vehicle. Within seconds, at least one of the soldiers, and probably both, had opened fire. Martin Tucker saw the soldier by the “*offside door*” aiming his rifle from his shoulder. He heard a crack and saw a man fall. He told us that he now knew that this was Jackie Duddy. However, in his oral evidence to this Inquiry,⁴ Martin Tucker said that by “*off-side door*” he had meant the passenger (ie nearside) door. He said that he had a particular recollection of the soldier at that door aiming his rifle before Jackie Duddy fell,

and that his recollection in relation to the other soldier was much less clear. Later in his evidence he appeared to be saying⁵ that both soldiers had moved to the passenger side of the vehicle when they disembarked.

¹ AT17.1

² AT17.17

³ AT17.3

⁴ Day 98/87-89

⁵ Day 98/98; Day 98/130-134

A soldier who had jumped out of Sergeant O's Armoured Personnel Carrier

Mary Bonner

63.13 Mary Bonner made a NICRA statement¹ jointly with her brother Bernard Gilmour and his wife. In that statement, the three witnesses recorded that they were looking out across the car park of the Rossville Flats from a bedroom in 23 Garvan Place, the third maisonette from the north-west end of Block 2 on the second and third floors.² According to this statement, a soldier standing "*in the waste ground*" fired at a man who fell on his face in the car park and was then given the last rites by Fr Daly. However, in her written statement to this Inquiry,³ Mary Bonner explained that by the time Jackie Duddy had been shot, she had left her mother's maisonette at 23 Garvan Place and was observing events from the balcony on the second floor of Block 2 outside her own maisonette at 34 Garvan Place, the second from the south-east end of that block.⁴ That is consistent with what Mary Bonner said in a number of accounts given in 1972.⁵ In those accounts, she stated that the soldier who shot Jackie Duddy had jumped out of one of two vehicles that had entered the car park. In her written statement to this Inquiry,⁶ she told us that the vehicle had pulled up beside the stairs at the north end of Block 1, and that the soldier had fired from close to the back door of the vehicle, although it was her recollection that the back door was facing into the car park. She could not tell from where the shot that hit Jackie Duddy had come, but she connected it in her mind with the soldier who fired when he disembarked from the Armoured Personnel Carrier (APC). She said in a number of her accounts either that the soldier fired from the hip,⁷ or that he fired from the waist.⁸ In her oral evidence to this Inquiry,⁹ Mary Bonner said that she did not see any movement of the

gun but believed that the soldier had fired because she heard the sound of a shot from his direction. Jackie Duddy fell at the same time as she heard the shot. She said¹⁰ that she could not remember in which direction the APC had been facing.

¹ AB38.15

² GEN3.13

³ AB38.1

⁴ GEN3.13

⁵ AB38.36; AB38.34; WT5.38; AB38.37

⁶ AB38.1-AB38.2

⁷ AB38.34; WT5.42; WT5.44

⁸ WT5.38; AB38.37; AB38.2

⁹ Day 82/51-54

¹⁰ Day 82/72

A soldier at the back of the Chamberlain Street houses

Elizabeth Dunleavy

63.14 Elizabeth Dunleavy told us that she was standing in the doorway of her maisonette at 5 Garvan Place, the third from the north end on the second floor of Block 1 of the Rossville Flats.¹ According to her NICRA statement,² she saw a soldier “*in the middle of the car park*” kneel and take aim at a boy who was running towards “*the gap between the flats*”. The soldier fired. The boy “*twirled round*” and fell on his back. The soldier swung round and pointed his gun at Elizabeth Dunleavy, who then went inside and upstairs, from where she saw Fr Daly and others carry the boy away. In her written statement to this Inquiry,³ Elizabeth Dunleavy told us that she now knew that the boy was Jackie Duddy. She stated that the soldier who shot him was kneeling at the point marked “C” on the plan attached to her statement⁴ (near the back of 34 Chamberlain Street). In her oral evidence to this Inquiry,⁵ she said that this was the position that she had intended to describe when she used the phrase “*in the middle of the car park*” in her NICRA statement.

¹ AD169.1; GEN3.12

² AD169.5

³ AD169.2

⁴ AD169.4

⁵ Day 83/133-134

A soldier at the back of a vehicle at Eden Place

James McKinney

63.15 James McKinney recorded in his NICRA statement¹ that he ran down Chamberlain Street “*into the waste ground – car park behind the flats*”. He saw a soldier take up a position at the back of an Army vehicle. The soldier took aim at an unarmed civilian and shot him in the back. In his written statement to this Inquiry,² James McKinney told us that he was at about the point marked “D” on the plan attached to his statement³ (near the centre of the car park) when he saw an Army vehicle at about the point marked “E” (the south side of

the junction of Eden Place and Rossville Street) facing towards Free Derry Corner. A soldier appeared at about the point marked “F” (the nearside rear of the vehicle) and fired an aimed shot from the shoulder. A man immediately fell in the car park and rolled along the ground. This man was clean-shaven, aged between 17 and 20 years, about 5ft 10in tall, of medium build, and had short, dark hair. James McKinney thought that the man was wearing a red jumper. The man lay motionless on his back and James McKinney realised that he must be dead. In his oral evidence to this Inquiry,⁴ James McKinney said that he now knew that the man was Jackie Duddy. He said initially⁵ that there had been no Army vehicle in the entrance to the car park when he looked into the waste ground from point D. Later in his evidence,⁶ he said that there might have been a vehicle in the entrance to the car park, but he still recalled that the vehicle from beside which the soldier fired had been further away.

¹ AM303.7

² AM303.3-AM303.4

³ AM303.8

⁴ Day 81/100

⁵ Day 81/97

⁶ Day 81/112-113

A soldier on the waste ground

Bernard Gilmour

63.16 As noted above, Bernard Gilmour made a NICRA statement¹ jointly with his wife and his sister Mary Bonner, in which the three witnesses recorded that they were looking out across the car park of the Rossville Flats from a window in Block 2, and attributed the shooting of Jackie Duddy to a soldier standing “*in the waste ground*”. In his written statement to this Inquiry,² and in his oral evidence to this Inquiry,³ Bernard Gilmour said that he did not see who had shot Jackie Duddy, although he assumed that it was one of a group of three or four soldiers who were near the back of 36 Chamberlain Street, who were the only soldiers he had seen at that time. However, he said⁴ that it was possible that what he had said in his NICRA statement about the position of the soldier was more accurate. Bernard Gilmour’s wife did not give evidence to this Inquiry.

¹ AG38.11

² AG38.4

³ Day 88/4-5

⁴ Day 88/8

Civilian evidence relating to the position and appearance of the soldier who shot Margaret Deery

A soldier with a red hat or red hair firing from close range

Margaret Deery's accounts

63.17 For reasons given earlier in this report¹ we are of the view that at the time of her shooting, Margaret Deery was near the corner of the garden of 36 Chamberlain Street, probably a matter of feet to the north or north-east of that corner. In her statement to the Royal Ulster Constabulary (RUC),² Margaret Deery recorded that the soldier who shot her was in front of her, but did not describe his position in any more detail. In her statement for the Widgery Inquiry dated 29th February 1972,³ she recorded that the soldier was only about 20ft away from her. According to Philip Jacobson's note of the same date,⁴ Margaret Deery told him that she saw "*a soldier with the red para hat come up from the pig that was near us*", and take aim either at her or the man standing next to her. As she moved towards the man for protection, she felt a thump in her leg but did not hear a bang. The soldier was not more than 25 yards away. Philip Jacobson noted that Margaret Deery had told him that the soldier was "*about your height (5' 10''), fatter than you (!) with a round fat face and a little dark of complexion, although he also had that black stuff streaked over his face*". In the note of her recollections dated 25th January 1983,⁵ Margaret Deery is recorded as having said that the soldier who shot her fired from a range of less than 10ft.

¹ Paragraphs 55.94–108

⁴ AD33.1

² ED62.2

⁵ AD33.6

³ AD33.5

63.18 Margaret Deery's daughter Helen Deery told us, in her written statement to this Inquiry,¹ and in her oral evidence to this Inquiry,² that her mother had told her that she had been shot at close range by a soldier with red hair. She said the same in an interview with Stephen Gargan.³

¹ AD32.3

³ AD32.33-AD32.34

² Day 77/83

63.19 Margaret Deery's son Owen Deery told us, in his written statement to this Inquiry,¹ that his mother had told him that she had been shot by a soldier with red hair who fired from a few yards away.

¹ AD34.2

63.20 Another of Margaret Deery's sons, Tony Deery, told us, in his written statement to this Inquiry,¹ that his mother had said that the soldier who shot her was tall with red hair.

¹ [AD35.1](#)

63.21 We should note at this point that in his oral evidence to this Inquiry,¹ Lieutenant N said that he had never had reddish hair. In his oral evidence to this Inquiry,² Lance Corporal V said that he had brown hair at the time of Bloody Sunday. In his oral evidence to this Inquiry,³ Private S said that his own hair was a "*Light mousey*" colour and that he could not recall whether any other member of the platoon had red or reddish hair. We have no evidence of the colour of the hair of other members of Mortar Platoon at the time of Bloody Sunday.

¹ [Day 323/122-123](#)

³ [Day 332/127](#)

² [Day 333/92](#)

A soldier at the front of an Armoured Personnel Carrier

Leo Deehan

63.22 In an undated statement,¹ Leo Deehan described a soldier who raised his rifle, but did not indicate the position of the soldier, nor did he clearly say that the soldier had shot Margaret Deery. In his later draft chapter for a book,² having referred to an Army vehicle pulling up behind him and to a confrontation between an older man and a soldier, Leo Deehan said: "*Suddenly I was almost pushed off my feet when a wee woman running up behind me shouted as she pushed me 'Jesus you're going to be shot look there' I didn't see the soldier who has cocked his rifle on the front of the sarachon [sic] and taking aim – BANG – I jumped in the air, I must have traveled 50 feet before I got my senses back, I was running harder than I ever remember, now I looked back and was shocked once again, this time to see that little woman lying on the ground.*"

¹ [AD178.3-AD178.7](#)

² [AD178.16](#)

63.23 Leo Deehan's daughter Maria Nelson told us in her written statement to this Inquiry¹ that her father had told her that the soldier about whom Margaret Deery shouted the warning was not the soldier who was beating the elderly man but another soldier "*further along Chamberlain Street*".

¹ [AN14.3](#)

Civilian evidence relating to the position of the soldier who shot Michael Bridge

Michael Bridge's own accounts

63.24 Michael Bridge said in his interview with Kathleen Keville¹ that at the time of his shooting he was facing a soldier who was holding up his rifle. He did not believe that this soldier had shot him because he was hit in the side of his leg. He was “*nearly sure it was the soldier at the side of the flats*” who shot him.

¹ [AB84.33](#)

63.25 In his RUC statement taken by Detective Constable Gillanders,¹ Michael Bridge recorded that a soldier was holding his rifle to his shoulder and aiming at him. However, this soldier “*could not have shot me but I was aware of another soldier at the bottom of Rossville Flats and to my left*”.

¹ [AB84.13](#)

63.26 In his written statement for the Widgery Inquiry,¹ Michael Bridge recorded that just before he was shot, he had noticed a soldier kneeling “*at the corner of the Rossville Street flats*” with his rifle aimed into the car park. There was another soldier standing a few feet from the rear wall of one of the houses in Chamberlain Street, who had his rifle in his shoulder in an aiming position. Michael Bridge expressed no view as to which, if either, of these soldiers had shot him.

¹ [AB84.21-AB84.22](#)

63.27 In his oral evidence to the Widgery Inquiry,¹ Michael Bridge again referred to the two soldiers but said that he did not know which one had shot him.

¹ [WT7.70](#)

63.28 In his interview for BBC Radio Foyle, a recording of which was played during his interview with Paul Mahon,¹ Michael Bridge said that he was shot by a soldier “*along a w[a]ll*” at whom he had been throwing stones.

¹ [X4.3.5](#)

63.29 In his interview with Don Mullan,¹ Michael Bridge said that he had walked or run towards the soldier who he thought had shot Jackie Duddy, shouting at him, and had then been shot by that soldier.

¹ [AB84.34-AB84.38](#)

63.30 In his written statement to this Inquiry,¹ Michael Bridge described a soldier kneeling at the north-east corner of Block 1 and another soldier standing near the corner of the back yard of 36 Chamberlain Street. He stated that, although he was not certain, it was his strong belief that he had been shot by the second of these soldiers. He told us that at the time he had believed that this soldier was responsible for the shooting of Jackie Duddy, probably because this soldier was the closest to Michael Bridge.

¹ [AB84.5-AB84.6](#)

63.31 In his oral evidence to this Inquiry,¹ Michael Bridge said that he did not see, or did not recall having seen, who shot him. However, he expressed² a belief that he had been shot by Lieutenant N, which he said³ was based on evidence that he had heard and read in the course of this Inquiry.

¹ [Day 93/56-59](#)

³ [Day 93/89](#)

² [Day 93/22](#)

A soldier at the north-east corner of Block 1 of the Rossville Flats

Deirdre Barr

63.32 Deirdre Barr told us that she was looking out of a bedroom window in 65 Mura Place, on the sixth floor of Block 3 of the Rossville Flats.¹ This maisonette was the third from the north end of that block.² In her written statement to this Inquiry,³ she told us that she saw a man in the car park, jumping up and down, waving his arms and shouting. A soldier kneeling on one knee at the north-east corner of Block 1 raised his weapon to his shoulder, pointed it at the man and fired. Deirdre Barr thought that the soldier had hit the man in his left thigh. She did not see a muzzle flash or any recoil of the weapon, but she heard the shot.

¹ [AB13.1](#)

³ [AB13.4-AB13.5](#)

² [GEN3.14](#)

Patrick Brown

63.33 Patrick Brown told us, in his written statement to this Inquiry,¹ that he was in the car park near the body of Jackie Duddy, when he saw a tall soldier standing at the north-east corner of Block 1 shoot Michael Bridge from the hip.

¹ [AB98.1-AB98.2](#)

Fr Edward Daly

63.34 Fr Daly recorded in his written statement for the Widgery Inquiry¹ that he had just finished giving the last rites to Jackie Duddy when a young man dashed out towards the soldiers and danced up and down shouting, with his hands stretched up above his head. A soldier “*at the corner of the flats*” took aim and fired at him. Fr Daly was certain that the man was hit and thought that his name was Bridge. In his oral evidence to the Widgery Inquiry,² Fr Daly said that the soldier had stepped out and gone down on one knee before firing. In his written statement to this Inquiry,³ Fr Daly told us that the soldier who shot Michael Bridge had stepped out from the north-east corner of Block 1. In his interview with Jimmy McGovern,⁴ Fr Daly said that the soldier stepped out from the corner of the flats and either went down on one knee or crouched. In his oral evidence to this Inquiry,⁵ Fr Daly said that he had an absolutely clear recollection of the soldier stepping out and firing at Michael Bridge. He was asked⁶ whether it was possible that another soldier had fired the shot that hit Michael Bridge, and said that he thought it very unlikely. Although in his interview with Philip Jacobson and Peter Pringle⁷ he had said that his view of the incident was to some extent limited, Fr Daly said, in his oral evidence to this Inquiry,⁸ that he had had a clear view of the soldier.

¹ H5.19

² WT4.10

³ H5.5

⁴ H5.85

⁵ Day 75/32-33

⁶ Day 75/59

⁷ H5.13

⁸ Day 75/97-98

Donal Deeney

63.35 Donal Deeney told us in his written statement to this Inquiry¹ that he was near the body of Jackie Duddy in the car park of the Rossville Flats when he saw Michael Bridge run towards a soldier standing at the point marked “G” on the plan attached to the statement² (the north-east corner of Block 1). He stated that Michael Bridge moved to the point marked “M” on the plan (described in the statement as “*within 3 yards of the soldier*” but shown on the plan as about 20 yards from him) and Donal Deeney moved close to Michael Bridge, who was shouting at the soldier with his hands forward of his body. The soldier then shot Michael Bridge. Donal Deeney thought that this shot hit Michael Bridge in the leg. Michael Bridge seemed to be in a lot of pain, and someone tried to drag him away, but he moved forward again to “*have another go at the soldier*”. Donal Deeney recalled that the soldier had then fired another shot that hit Michael Bridge in the stomach, but he accepted in his oral evidence to this Inquiry³ that this recollection was wrong. In a supplementary written statement to this Inquiry,⁴ Donal Deeney told us that

the soldier was holding his rifle “*just under his armpit*” when he fired at Michael Bridge. In his oral evidence to this Inquiry,⁵ Donal Deeney said that he was not certain that this soldier had shot Michael Bridge. That had been an assumption on his part, and he accepted that a soldier on the other side of the entrance to the car park could have been responsible.

¹ AD26.4

² AD26.9

³ Day 86/34

⁴ AD26.11

⁵ Day 86/142

Gerard Doherty

63.36 Gerard Doherty told us, in his written statement to this Inquiry,¹ that he was in the car park of the Rossville Flats about 10ft away from Michael Bridge, who was facing north and had his fists in the air. Michael Bridge flinched and hopped back, holding his right thigh. Shooting had been going on before this happened, but it was only when Michael Bridge flinched that Gerard Doherty realised that shots were being fired into the car park. He then instinctively looked in the direction in which Michael Bridge was looking, and saw a soldier leaning against the wall of Block 1 at its northern end. This soldier was aiming his rifle directly at Michael Bridge and was “*the only one there*”. Gerard Doherty stated that he considered that this was the only soldier who could have shot Michael Bridge. In his oral evidence to this Inquiry,² Gerard Doherty said that it was his recollection that Michael Bridge had been closer to the south end of Chamberlain Street when he was shot than the position in which he is shown in the second of the two photographs taken by Sam Gillespie which are reproduced earlier in this report.³ On that basis, Gerard Doherty said⁴ that he did not think that Michael Bridge could have been shot by a soldier at the back of the Chamberlain Street houses. However, he accepted that Michael Bridge could have been shot by a soldier beside Sergeant O’s APC and also accepted that his recollection of Michael Bridge’s position at the time of the shooting could be wrong.

¹ AD65.4

² Day 400/51-52

³ Paragraph 85.166

⁴ Day 400/54-55

Billy Gillespie

63.37 Billy Gillespie told us, in his written statement to this Inquiry,¹ that he was standing next to Michael Bridge when the latter was shot. He stated that Michael Bridge was shot by a soldier standing at the north-east corner of Block 1 of the Rossville Flats. Before he was

shot, Michael Bridge had shouted something like “*Shoot me you b******” at the soldier, and had thrown half a brick at him. Billy Gillespie confirmed this recollection in his oral evidence to this Inquiry.²

¹ AG33.2

² Day 84/149-152

Bernard Gilmour

63.38 Bernard Gilmour made a NICRA statement¹ jointly with his wife and his sister Mary Bonner. In that statement, the three witnesses recorded that they were looking out across the car park of the Rossville Flats from a bedroom in 23 Garvan Place, the third maisonette from the north-west end of Block 2 on the second and third floors.² They stated that Michael Bridge was shot by a soldier who was “*kneeling at the back stairs of the flats*”. In his written statement to this Inquiry,³ Bernard Gilmour told us that the soldier was standing at the north-east corner of Block 1 and that he fired from the waist. Bernard Gilmour stated that he knew that this soldier had shot Michael Bridge, because he saw the recoil of the weapon. He said the same in his oral evidence to this Inquiry.⁴ He also said⁵ that the description of the soldier in the joint NICRA statement as kneeling was “*a total mistake*”. The soldier had been standing and Michael Bridge had been confronting him. In her oral evidence to this Inquiry,⁶ Mary Bonner said that she could not associate the shot that hit Michael Bridge with a particular soldier, although she thought that it had come “*from the Saracen*”. Bernard Gilmour’s wife did not give evidence to this Inquiry.

¹ AG38.11

⁴ Day 88/9-10

² GEN 3.13

⁵ Day 88/50

³ AG38.4

⁶ Day 82/57

Joe Nicholas

63.39 Joe Nicholas told us, in his written statement to this Inquiry,¹ that he entered the car park of the Rossville Flats from Chamberlain Street. He saw a soldier taking cover in the doorway at the north end of Block 1, and a second soldier more in the open at the point marked “E” on the plan attached to his statement² (near the north-east corner of Block 1). Joe Nicholas thought that the soldier in the doorway was standing and that the second soldier was kneeling. Both were in firing positions. A man came running across the car park and was shot in the thigh. Joe Nicholas told us that he found out later that this was Michael Bridge; and that he did not see who fired the shot, but he heard the shot and formed the impression that it had come from the soldier who was kneeling at the point marked “E”. In his oral evidence to this Inquiry,³ Joe Nicholas said that he could not recall why he formed the impression that this soldier had fired rather than the soldier in the

doorway, but that he thought that the kneeling soldier had been aiming his rifle, whereas he did not recall that the soldier in the doorway had been doing so. He accepted⁴ that he was “*not in a position to say*” who shot Michael Bridge.

¹ AN17.3-AN17.4

³ Day 78/12

² AN17.18

⁴ Day 78/69

Brian Ward

63.40 Brian Ward told us, in his written statement to this Inquiry,¹ that from behind the wall parallel to Block 2 of the Rossville Flats he saw Michael Bridge shouting “*Shoot me you bastards, shoot me*” at a group of about six or seven soldiers who were standing along the east wall of Block 1 at the points marked “K”, “L” and “M” on the plan attached to the statement² (towards the north end of that wall). Brian Ward told us that he saw one of these soldiers go down on one knee, bring his rifle to his shoulder and fire. He then saw Michael Bridge fall, having been hit in the left thigh. In his oral evidence to this Inquiry,³ he said that he could not be more precise about the position of the soldier other than to say that he was one of this group.

¹ AW6.4

³ Day 85/151-153

² AW6.7

OIRA 8

63.41 OIRA 8 told us, in his written statement to this Inquiry,¹ that he was standing next to Michael Bridge in the car park of the Rossville Flats. Michael Bridge shouted “*Shoot us, you bastards*” at a soldier who was kneeling at the north end of Block 1. The soldier then aimed his rifle at Michael Bridge and OIRA 8. A shot rang out. OIRA 8 told us that he thought that it had been fired by the soldier who was kneeling at the north end of Block 1. Michael Bridge fell and OIRA 8 saw that he had been hit in the leg. OIRA 8 was sure that Michael Bridge had been shot by the soldier at the north end of Block 1. In his oral evidence to this Inquiry,² OIRA 8 said that he could not be sure that he had seen the soldier’s rifle move, and he had only assumed that this soldier had fired the shot that hit Michael Bridge because he had seen the soldier turn and aim his rifle when Michael Bridge shouted at him.

¹ AW14.2-AW14.3

² Day 410/50

A soldier on the offside of Sergeant O's Armoured Personnel Carrier

Denis Mullan

63.42 Denis Mullan told us, in his written statement to this Inquiry,¹ that he was observing events from the balcony on the second floor of Block 1 of the Rossville Flats from about the point marked "A" on the plan attached to his statement² (north of the centre of that block). He stated that he saw two soldiers disembark from the back of a vehicle after it had stopped at the point marked "B" on the plan (in the entrance to the car park) with its front facing towards Chamberlain Street. Both soldiers immediately took up firing positions. One was facing south at the point marked "C" on the plan (on the offside of the vehicle). He was standing with his rifle in his shoulder. The other soldier was covering him from the point marked "D" (behind the first soldier). Denis Mullan saw a man jumping about as if incandescent with rage, saying something like "*here I am, shoot me*". He later found out that this was Michael Bridge. Denis Mullan stated that the soldier at point C shot Michael Bridge in his left leg from a range of 12 to 15ft; and that he thought that the soldier had deliberately inclined his rifle downwards in order to strike Michael Bridge in the leg rather than the upper body. In his oral evidence to this Inquiry,³ Denis Mullan said that the soldier who fired was on the offside of the vehicle, slightly forward of the rear doors. He said he knew that this soldier had fired because he saw the recoil of the weapon, heard a high velocity crack, and saw the result.

¹ AM449.2-AM449.3

³ Day 92/8-9

² AM449.6

A soldier on the nearside of Sergeant O's Armoured Personnel Carrier

Hugh Barbour

63.43 Hugh Barbour told us, in his written statement to this Inquiry,¹ that he was watching from a position about two-thirds of the way from the north to the south end of the balcony on the second floor of Block 1 of the Rossville Flats. According to this statement, Michael Bridge "*made a go*" for a soldier on the nearside of an APC parked in the entrance to the

car park. This soldier shot him. In his oral evidence to this Inquiry,² Hugh Barbour said that the soldier who shot Michael Bridge was standing in a firing position about 2ft from the rear doors of the APC.

¹ AB10.2-AB10.3

² Day 88/62; Day 88/98-99

William Harley

63.44 William Harley told us that he was looking out of a window of his flat at 37 Donagh Place, which was in the centre of the top floor of Block 2 of the Rossville Flats.¹ In his NICRA statement,² he recorded that a youth walked with his hands raised above his head towards an Army vehicle that had entered the car park. A soldier “*came around from behind the car*”, raised his rifle and shot the youth, who turned and limped away, holding his leg. In his interview with Paul Mahon,³ William Harley said that the soldier came around the offside of the vehicle. However, in his written statement to this Inquiry⁴ and in his oral evidence to this Inquiry,⁵ he told us that the soldier fired his rifle from the nearside of the vehicle, and that he may have been leaning on the bonnet. William Harley said he knew that the soldier had fired because he saw a small jolt of his rifle.

¹ AH36.1-AH36.3; GEN3.13

⁴ AH36.3

² AH36.12

⁵ Day 77/15

³ X4.12.68

Mitchel McLaughlin

63.45 Mitchel McLaughlin recorded in his NICRA statement¹ that he was running across the car park of the Rossville Flats towards a boy who was lying on his back with his face covered in blood. He saw Michael Bridge shouting to people to come over towards him “*as the paratroopers were taking up position in the waste ground, covering the square*”. Michael Bridge was shot in the leg by “*one of these three soldiers*”. In his written statement to this Inquiry,² Mitchel McLaughlin told us that an Army vehicle had stopped at the point marked “D” on the plan attached to his statement³ (in the entrance to the car park) and that three soldiers were standing in the positions marked “E”, “F” and “G” (between the vehicle and the back of the Chamberlain Street houses). Michael Bridge began to run towards the soldiers. He was shouting and swearing at the soldiers, and also at a group of men at the western gable wall of Chamberlain Street for hiding from the soldiers and not helping Jackie Duddy. When Michael Bridge shouted “*Shoot me – shoot me*”, the soldier in the group of three who was closest to the vehicle casually lifted his gun to his shoulder and shot Michael Bridge. Mitchel McLaughlin stated that he was looking directly at the soldier when this happened. In his oral evidence to this Inquiry,⁴ Mitchel McLaughlin confirmed

his belief that Michael Bridge had been shot by one of the soldiers in the group of three, and said that although he had always believed that the soldier who shot Michael Bridge was the closest of that group to the vehicle, he could not swear to this.

¹ [AM340.9](#)

³ [AM340.11](#)

² [AM340.4-AM340.5](#)

⁴ [Day 80/24-25; Day 80/83](#)

Hugh McMonagle

63.46 Hugh McMonagle told us in his written statement to this Inquiry¹ that he was standing within about 3 yards of Michael Bridge who was walking towards an Army vehicle parked at Eden Place shouting words like “*You murdering bastards, you shot the young lad. Come on, come on, shoot me’.*” A second Army vehicle appeared and stopped in the position indicated by a rectangle on the plan attached to Hugh McMonagle’s statement² (north of the entrance to the car park of the Rossville Flats), pointing towards Chamberlain Street. A soldier disembarked and moved in front of this vehicle on the nearside. The soldier knelt, raised his rifle to his shoulder and looked through the sight. Hugh McMonagle stated that he heard a shot; and that Michael Bridge shouted that he had been hit in the leg. Hugh McMonagle did not see which soldier had fired, but assumed that it had been the soldier at the front of the second vehicle because that soldier was the only one Hugh McMonagle could see. In his oral evidence to this Inquiry,³ Hugh McMonagle said that the second vehicle had been further north than had been indicated in his statement, and he marked its position with an arrow on a plan⁴ (on the waste ground at Pilot Row). He said that he did not see a vehicle in the entrance to the car park.

¹ [AM369.4](#)

³ [Day 100/21-28](#)

² [AM369.10](#)

⁴ [AM369.11](#)

Martin Tucker

63.47 As we have noted earlier in this chapter, Martin Tucker was watching from 31 Garvan Place, the third maisonette from the south-east end of Block 2 of the Rossville Flats on the second and third floors.¹ In his NICRA statement,² Martin Tucker referred to a young boy who seemed to have lost his head and was running and waving his arms, while a priest was attending to a boy who had already been shot. Martin Tucker recorded that “*the soldiers*” shot the boy who was waving his arms, but he gave no details. In his written statement to this Inquiry,³ Martin Tucker told us that two soldiers disembarked from an Army vehicle that had entered the car park of the Rossville Flats. The soldiers moved to the front of the vehicle and one of them stood by the “*offside door*”. Martin Tucker was not

sure whether the other soldier had gone to the other side of the vehicle, but recalled that they were both quite close together, and that the “*one that moved closest to Block 1*” was leaning on the front of the vehicle. According to this statement, within seconds at least one of the soldiers, and probably both, had opened fire. Martin Tucker told us that he saw the soldier by the “*offside door*” aiming his rifle. He heard a crack and saw Jackie Duddy fall. After Fr Daly had come to the assistance of Jackie Duddy, Martin Tucker stated that he saw a man with his arms extended walking towards “*the soldier standing at the offside*” of the vehicle and shouting. The soldier aimed his rifle at the man. Martin Tucker heard a shot. The man clutched at his right hip and fell. Martin Tucker told us he now knew that this was Michael Bridge. In his oral evidence to this Inquiry,⁴ however, Martin Tucker said that by “*off-side door*” he had meant the passenger (ie nearside) door. He confirmed⁵ that it was towards a soldier on that side of the vehicle that he had seen Michael Bridge walking. He attributed the shooting of Michael Bridge to the soldier who had been aiming his rifle at Michael Bridge, and ultimately appeared to be saying that this soldier was one of two who had disembarked and moved to the front of the vehicle on the passenger side.⁶

¹ AT17.1; GEN3.13

² AT17.17

³ AT17.3-AT17.4

⁴ Day 98/87-89

⁵ Day 98/93-95

⁶ Day 98/98; Day 98/130-134

A soldier who had jumped out of Sergeant O’s Armoured Personnel Carrier

Sean O’Neill

63.48 Sean O’Neill told us, in his written statement to this Inquiry,¹ that an Army vehicle was parked at the point marked “12” on the plan attached to his statement² (in the entrance to the car park of the Rossville Flats close to the back of the Chamberlain Street houses). He stated that he thought that the vehicle was facing south but was not certain about this. Sean O’Neill also stated that he ran past the western gable end of Chamberlain Street, heading towards the north-east corner of the car park. As he ran, he looked back and saw Michael Bridge standing nearby, swearing at soldiers near the vehicle and waving his arms. A tall soldier “*swung out of the right hand side back door*” of the vehicle. This soldier aimed his rifle at Michael Bridge and fired. Michael Bridge fell backwards. Sean O’Neill told us that he thought that Michael Bridge had been shot in the left leg. Sean O’Neill did not give oral evidence to this Inquiry.

¹ AO65.19-20

² AO65.30

A soldier at the back of the Chamberlain Street houses

Brian Baker

63.49 Brian Baker told us, in his written statement to this Inquiry,¹ that he was in Block 3 of the Rossville Flats, on the balcony marked with a circle on a photograph attached to his statement² (the fifth floor balcony). He stated that he saw a man with dirty fair hair move to the corner of the back yard of 36 Chamberlain Street. The man shouted several times in the direction of the waste ground something like “*Shoot me too, you bastards*”. A shot rang out and the man clutched his leg. Brian Baker told us that he thought that the soldier who had shot him was positioned “*in the lane at the back of Chamberlain Street*”. He stated that he now knew that the man was Michael Bridge. In his oral evidence to this Inquiry,³ Brian Baker said that from his position he could not see whether there were soldiers in the lane but that it was “*obvious from, you know, subsequent events*” that there were.

¹ AB1.14

³ Day 88/109-110

² AB1.22

Michael Bridge

63.50 Michael Bridge (not the Michael Bridge who was injured but his cousin) told us that he lived at 4 Garvan Place.¹ The front door of this maisonette, which was the second from the north end of the block, opened onto the balcony on the second floor of Block 1 of the Rossville Flats.² Michael Bridge told us in his statement to this Inquiry³ that he came out of that door and saw a man with his arms in the air facing an isolated soldier who was standing at about the point marked “C” on the plan attached to the statement⁴ (a few yards from the wall of the back yard of 34 Chamberlain Street). The soldier was holding his rifle at shoulder level and pointing it at the man. Michael Bridge told us that he saw the soldier shoot the man whose arms were in the air. He stated that he did not recall seeing a muzzle flash or the recoil of the weapon, but heard a bang and saw the man react. He told us that he now knew that this man was his cousin Michael Bridge. He confirmed this account in his oral evidence to this Inquiry.⁵

¹ AB83.1

⁴ AB83.5

² GEN3.12

⁵ Day 88/121-123

³ AB83.1-AB83.2

Charlie Downey

63.51 Charlie Downey told us, in his written statement to this Inquiry,¹ that as he ran through the car park of the Rossville Flats towards the passage between Blocks 1 and 2, he saw Michael Bridge facing a soldier who was standing at the corner of the back yard of 36 Chamberlain Street. According to this statement, Michael Bridge was waving his arms, jumping in the air and shouting “*shoot me, shoot me you bastards*” as Charlie Downey ran past him. Charlie Downey stopped briefly and turned to look at Michael Bridge. Charlie Downey then heard a single loud bang and saw Michael Bridge fall. He assumed, but did not know, that the bang had come from the soldier at the corner of the back yard of 36 Chamberlain Street. In his oral evidence to this Inquiry,² Charlie Downey said that he made this assumption because Michael Bridge had been walking towards that soldier.

¹ AD133.4

² Day 91/101

Francis Duddy

63.52 Francis Duddy told us, in his written statement to this Inquiry,¹ that he was standing at the western gable end of Chamberlain Street while Fr Daly moved forward to try to assist a boy who was lying in a pool of blood in the car park of the Rossville Flats. Francis Duddy told us that he now knew that the boy was Jackie Duddy. A soldier arrived at the point marked “H” on the plan attached to Francis Duddy’s statement² (the western corner of the southern entrance to Chamberlain Street). According to this statement the soldier began to fire live rounds between Fr Daly and Jackie Duddy in an apparent attempt to prevent Fr Daly from assisting Jackie Duddy. Michael Bridge became angry and told the soldier that he was shooting at a priest. The soldier said that if Michael Bridge did not move back he would shoot him, to which Michael Bridge replied “*well shoot me then*”. The soldier then shot Michael Bridge in the leg. In his oral evidence to this Inquiry,³ Francis Duddy said that the soldier was not at point H and appeared to place him somewhere further west along or beyond the gable wall. Francis Duddy said⁴ that he did not see the soldier fire, but heard the shot.

¹ AD144.3-AD144.4

² AD144.8

³ Day 89/70-71

⁴ Day 89/72-73

Francis Dunne

63.53 Francis Dunne recorded in his NICRA statement¹ that as he was running through the car park of the Rossville Flats he paused, looked back and saw three soldiers along the wall at the back of the Chamberlain Street houses. The soldier at the front of the group was

firing from the hip towards the passage between Blocks 2 and 3. Francis Dunne recorded that he saw a boy fall, and then saw a taller man standing in the middle of the car park with his hands up and spread wide, shouting “*They are shooting, they are killing*”. This man also went down. In another NICRA statement,² Francis Dunne recorded that he did not know whether the taller man had been hit, but “*The soldier*” certainly fired at him. In his written statement for the Widgery Inquiry³ and in his oral evidence to the Widgery Inquiry,⁴ Francis Dunne said that the soldier who fired at a tallish youth was the soldier at the front of the group, at the corner of the wall at the back of the Chamberlain Street houses, and that he fired from the hip. According to John Goddard’s interview note,⁵ Francis Dunne told him that there was an Army vehicle by the back entrance of Block 1, and that Michael Bridge was shot as he advanced towards that vehicle by a soldier facing him from behind it. In his interview with Paul Mahon,⁶ Francis Dunne said that the vehicle was at the north-east corner of Block 1 and that the man with his hands in the air was shouting at a soldier who was standing at that corner. He said that he “*would have been talking about the man at Rossville Flats*” when, in his written statement for the Widgery Inquiry, he described the soldier who fired at the tallish youth, although in fact in that statement he put the soldier at the wall at the back of the Chamberlain Street houses.⁷ In his written statement to this Inquiry,⁸ Francis Dunne told us that the vehicle was at the point marked “G” on the plan attached to the statement⁹ (near the north-east corner of Block 1) and that three soldiers were standing approximately in the positions marked “1”, “2” and “3” on that plan (in front of the vehicle in a line across the entrance to the car park). The westernmost soldier was leaning against the wall of Block 1, holding his rifle at hip level. Francis Dunne had the impression that this soldier fired and that the tall man then fell, although he could not say that he had seen this soldier fire or that it was his shot that hit the tall man, and he did not notice the soldier’s rifle recoiling. He told us that he believed that the tall man was Michael Bridge. In his oral evidence to this Inquiry,¹⁰ Francis Dunne accepted that over the years his memory had transposed the three soldiers from the back of the Chamberlain Street houses to the positions described in his written statement to this Inquiry, and said that he would be much happier with the accounts that he gave at the time. He confirmed this in later questioning.¹¹

¹ AD173.1

² AD173.3

³ AD173.5

⁴ WT8.23-WT8.24

⁵ AD173.46

⁶ X4.8.13-X4.8.16

⁷ X4.8.48

⁸ AD173.26-AD173.27

⁹ AD173.45

¹⁰ Day 90/11-12

¹¹ Day 90/57-76

Joseph Ernest Moore

63.54 Joseph Ernest Moore recorded in his NICRA statement¹ that he looked back as he was running through the car park of the Rossville Flats and saw two soldiers beating an elderly, grey-haired man. Two other soldiers were in the same area, aiming their rifles from the shoulder. Joseph Ernest Moore saw *“a person with his two hands above his head – like a challenge, calling to come to the assistance of the man”*. One of the soldiers moved forward to a *“steady position”*, pointed his rifle at *“the youth”* and fired. Joseph Ernest Moore recorded that he saw *“the person’s leg go out”* and the person fell. In his written statement for the Widgery Inquiry,² Joseph Ernest Moore recorded that the youth emerged *“from behind a house near Chamberlain Street”*, waving and shouting at the soldiers with his hands above his head. He was shot in the leg from a range of no more than 10 yards by one of two soldiers who were in a firing position *“near the fence in the car park”*. In his Praxis interview note,³ Tony Stark stated that Joseph Ernest Moore had witnessed the shooting of Michael Bridge, but did not record Joseph Ernest Moore’s recollection of the position of the soldier who shot Michael Bridge. In his interview with Paul Mahon,⁴ Joseph Ernest Moore appeared to be uncertain of the position of the soldier. In his written statement to this Inquiry,⁵ Joseph Ernest Moore told us that a *“fella ... in his twenties”* who had *“come across the car park”* was shot by one of *“two soldiers close to the gable end of the western side of Chamberlain Street”*. He stated that the soldier fired after going down on one knee and aiming his rifle, and that he saw the recoil of the rifle. In his oral evidence to this Inquiry,⁶ Joseph Ernest Moore said that the man who was shot had approached from somewhere on the waste ground, around the back of the Chamberlain Street houses, rather than from the car park. The soldier who fired was facing up towards the point marked “D” on the plan attached to Joseph Ernest Moore’s statement to this Inquiry,⁷ or slightly to the right of that point (north-east along the back of the Chamberlain Street houses). He said he now knew that this man was Michael Bridge. He was asked⁸ whether he still had an image in his mind of the soldier going down on one knee and aiming at Michael Bridge, and replied: *“No, I would say it is dependent on my statement, you know, honestly.”*

¹ AM413.13

² AM413.10

³ AM413.15

⁴ X4.28.13

⁵ AM413.3-4

⁶ Day 89/126-134

⁷ AM413.9

⁸ Day 89/150

Civilian evidence relating to the position of the soldier who shot Michael Bradley

Michael Bradley's own accounts

63.55 Michael Bradley is recorded, in an account published in Fulvio Grimaldi and Susan North's book *Blood in the Street*, as having said that he did not know which soldier had shot him. In his interview with Don Mullan,¹ he said that he did not see "*the exact soldier*" and could not say in which direction the bullet had come. He had thought that he had been shot by "*the boy right in front of me kneeling at the front of the Saracen*", but now presumed that he had been shot from somewhere around "*the angle of the flats, you know the corner of the Rossville Flats where I was standing*". In his written statement to this Inquiry,² Michael Bradley told us that he did not know who had shot him, although he remembered seeing a soldier leaning over the mudguard of an Army vehicle. Earlier in his statement³ he had given a more detailed description of this soldier, which suggested that he was leaning over the offside mudguard of Sergeant O's vehicle with his rifle apparently aimed at Michael Bradley, and of another soldier on the nearside of the vehicle. However, in his oral evidence to this Inquiry,⁴ Michael Bradley withdrew that description and said that all that he could clearly recall was that there were two soldiers at the front of the vehicle and that they both looked in his direction. He said that he could not say who had shot him.⁵ The two soldiers at the front of the vehicle had been looking towards him, and he had presumed that it must have been one of them, but it was quite possible that it was a soldier at the north end of Block 1 of the Rossville Flats, and it "*could have been any one of them*". In his interview with Jimmy McGovern,⁶ Michael Bradley expressed the view that he was shot by Private Q or Private R, but said that he did not know from where the shot had come.⁷

¹ AB66.78

² AB66.6

³ AB66.5-AB66.6

⁴ Day 94/3-4

⁵ Day 94/39-41

⁶ AB66.67

⁷ AB66.70

A soldier on the offside of Sergeant O's Armoured Personnel Carrier

Hugh Barbour

63.56 Hugh Barbour told us, in his written statement to this Inquiry,¹ that he was watching from a position about two-thirds of the way from the north to the south end of the balcony on the second floor of Block 1 of the Rossville Flats. He described a soldier who had disembarked from an APC parked in the entrance to the car park and moved towards the offside front of the vehicle. He stated that this soldier fired four or five rounds in quick succession from the hip towards a crowd in front of Block 2. A man seemed to stagger and fall back towards Block 2. Hugh Barbour then heard someone shout that Michael Bradley had been shot. Hugh Barbour told us that he saw Michael Bradley, who was his neighbour, lying on the ground clutching the right side of his body; and that he had “clearly” been shot by the soldier on the offside of the vehicle. In his oral evidence to this Inquiry,² Hugh Barbour resisted the suggestion that the person whom he had seen fall might have been someone other than Michael Bradley.

¹ AB10.2-AB10.3

² Day 88/91-92

A soldier beside Sergeant O's Armoured Personnel Carrier

Danny Deehan

63.57 Danny Deehan recorded in his NICRA statement¹ that he had run into the car park of the Rossville Flats and jumped over the wall that ran parallel to Block 2. Another man, who had gone over the wall in front of him, turned to look at the soldiers and was shot in the arm by soldiers who were firing “*from the side of the saracen*” in the entrance to the car park. In his written statement to this Inquiry,² Danny Deehan told us that he now knew that this was Michael Bradley, but that his current recollection was that he saw him for the first time when Michael Bradley was behind the wall, struggling to stand up with his arm shaking and trembling. Nevertheless, Danny Deehan stated that he believed the account given in his NICRA statement to be true, as it was made when events were fresh in his mind. He could not now say who shot whom. In his oral evidence to this Inquiry³ Danny Deehan confirmed that he saw Michael Bradley on the ground after he had been shot, and that he remembered this “*more clearly*” than seeing the shooting itself.

¹ AD21.1

³ Day 102/17-18; Day 102/23-24

² AD21.4; AD21.7

Martin Tucker

63.58 As we have already mentioned, Martin Tucker was watching from his family's home at 31 Garvan Place. This was the third maisonette from the south-east end of Block 2 of the Rossville Flats on the second and third floors.¹ In his NICRA statement,² Martin Tucker recorded that a man wearing a red pullover and denims and a black jacket was shot in the stomach by "*a soldier who was standing beside a Saracen*". In his written statement to this Inquiry,³ Martin Tucker told us that he saw a man in a red jumper shot in the upper body or shoulder, and that he thought that this may have been Michael Bradley. However, he could not link this shooting with any particular soldier. In his oral evidence to this Inquiry,⁴ Martin Tucker said that it was possible that he had seen the red pullover worn by Jackie Duddy and transposed this recollection to his description of Michael Bradley.

¹ [AT17.1](#); [GEN3.13](#)

² [AT17.17](#)

³ [AT17.4](#)

⁴ [Day 98/115-117](#)

Chapter 64: The soldiers responsible for the Sector 2 casualties

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64.1 It is important at this stage to bear in mind a number of matters that we have dealt with in detail earlier in this report,¹ where we have given our reasons for reaching certain conclusions.

¹ [Paragraphs 52.14](#) and [54.6](#); [Chapters 55, 58](#) and [63](#)

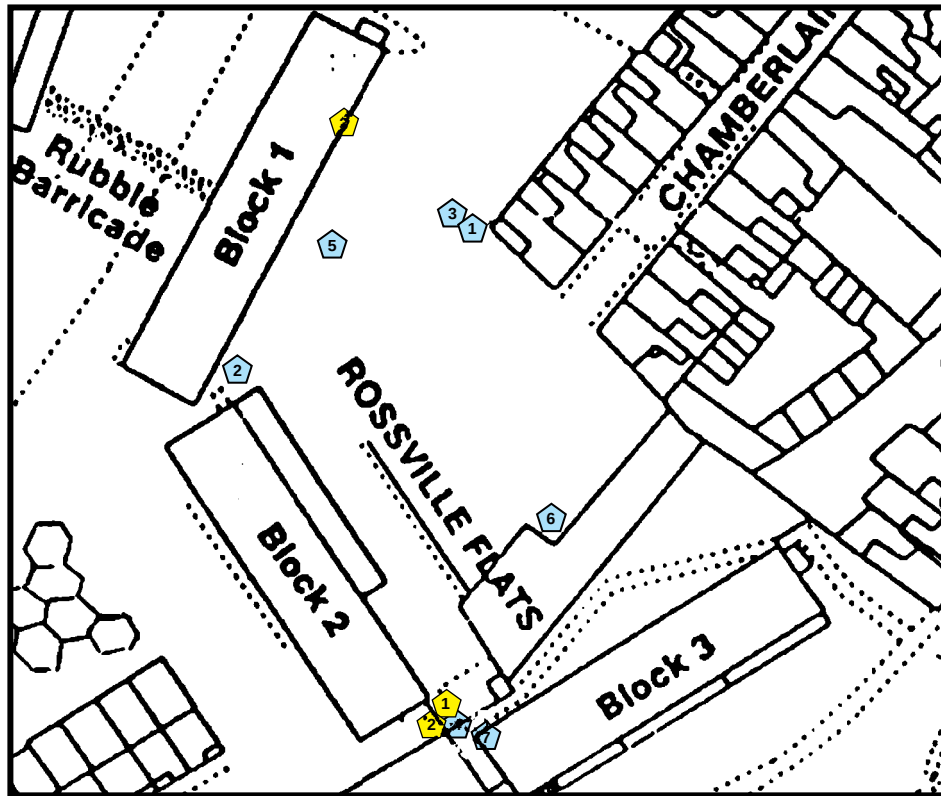
64.2 In the first place, we are satisfied that the known casualties in Sector 2 were the only casualties of Army gunfire in that sector. It follows that the soldiers did not shoot any gunmen or bombers in Sector 2.

64.3 In the second place, we are satisfied that none of the casualties was doing anything that could have justified any of them being shot.

- 64.4** In the third place, we are satisfied that no soldier other than Lieutenant N, Sergeant O, Lance Corporal V, Private Q, Private R, Private S and Private T, all of Mortar Platoon, could have been responsible for any of the casualties in Sector 2.
- 64.5** In the fourth place, we consider that it is improbable that, apart from “Fr Daly’s gunman” (OIRA 4), there were any gunmen at ground level in the car park of the Rossville Flats or its surrounding area who deployed or attempted to deploy their guns. We are sure that no-one threw or attempted to throw a nail or petrol bomb. It is probable that there was a gunman who fired from the lower balcony of Block 3 of the Rossville Flats and also possible that a man with a handgun fired a single shot from a window high up in Block 1.
- 64.6** In the fifth place, none of the soldiers admitted shooting any of the Sector 2 casualties nor (with the possible exception of Private R) even the possibility that he had hit any of them by accident while aiming at another target. All of them (except for Lieutenant N in respect of the shots that he fired up the Eden Place alleyway, which caused no casualties) insisted that they had fired only at men who were deploying or seeking to deploy firearms or bombs, and that those they hit were their intended targets.
- 64.7** Furthermore, with the possible exception of Lance Corporal V and Private S, none of the soldiers of Mortar Platoon admitted seeing any of the Sector 2 casualties after they were shot,¹ despite the fact that those who sustained gunshot wounds were in the car park only a short distance from the soldiers and would have been in full view of anyone looking into the car park. In particular, as will have been seen,² Jackie Duddy lay on the ground long enough to be photographed several times before he was picked up, and was photographed again as he was carried across the car park to Chamberlain Street. Patrick McDaid and Pius McCarron were indirectly injured as the result of firing by soldiers in this sector, but we accept that the soldiers might not have been aware of this. We also accept that the soldiers were unlikely to have been aware that Patrick Brolly had been hit, since he was in Kathleen Cunningham’s flat.
- ¹ Private S told the Widgery Inquiry that he thought he saw a body in the car park before he fired, but gave no further details ([WT13.7-WT13.8](#)). ² [Chapter 55](#)
- 64.8** We have already pointed out that according to the accounts of these soldiers, they had between them shot three nail or blast bombers, one petrol bomber, one man with a pistol and two or three men with rifles or carbines, which makes a total of seven or eight gunmen or bombers. They had fired 32 shots, three fired by Lieutenant N up the Eden Place alleyway (which did not result in any casualties) and the remainder in the area of the Rossville Flats car park.

64.9 We have earlier provided a map¹ on which we have marked the position of the targets at which the soldiers said that they had fired. It is convenient to reproduce that map here.

¹ [Paragraph 52.12](#)



-  **Targets the soldiers claim to have hit**
- 1 Lieutenant N's target: man about to throw a bomb
 - 2 Private S's target: man (or more than one man) with a rifle
 - 3 Lance Corporal V's target: man with a petrol bomb (location based on Lance Corporal V's evidence to the Widgery Inquiry)
 - 4 Private Q's target: man with nail bombs
 - 5 Private R's target: man with fizzing or smoking object
 - 6 Sergeant O's target: man with a pistol behind a Cortina
 - 7 Sergeant O's target: man with a rifle on lower balcony of Block 3
-  **Targets the soldiers claim to have missed (or do not claim positively to have hit)**
- 1 Private R's target: man with a pistol
 - 2 Sergeant O's target: man with a rifle
 - 3 Private T's target: man with acid bombs on Block 1 balcony

64.10 It follows from the conclusions stated above¹ that these soldiers must, between them, have been responsible for shooting Jackie Duddy, Margaret Deery, Michael Bridge and Michael Bradley and for the shots that caused injury to Patrick Brolly, Patrick McDaid and Pius McCarron. We consider below² whether any of the soldiers mistakenly believed that he was justified in firing.

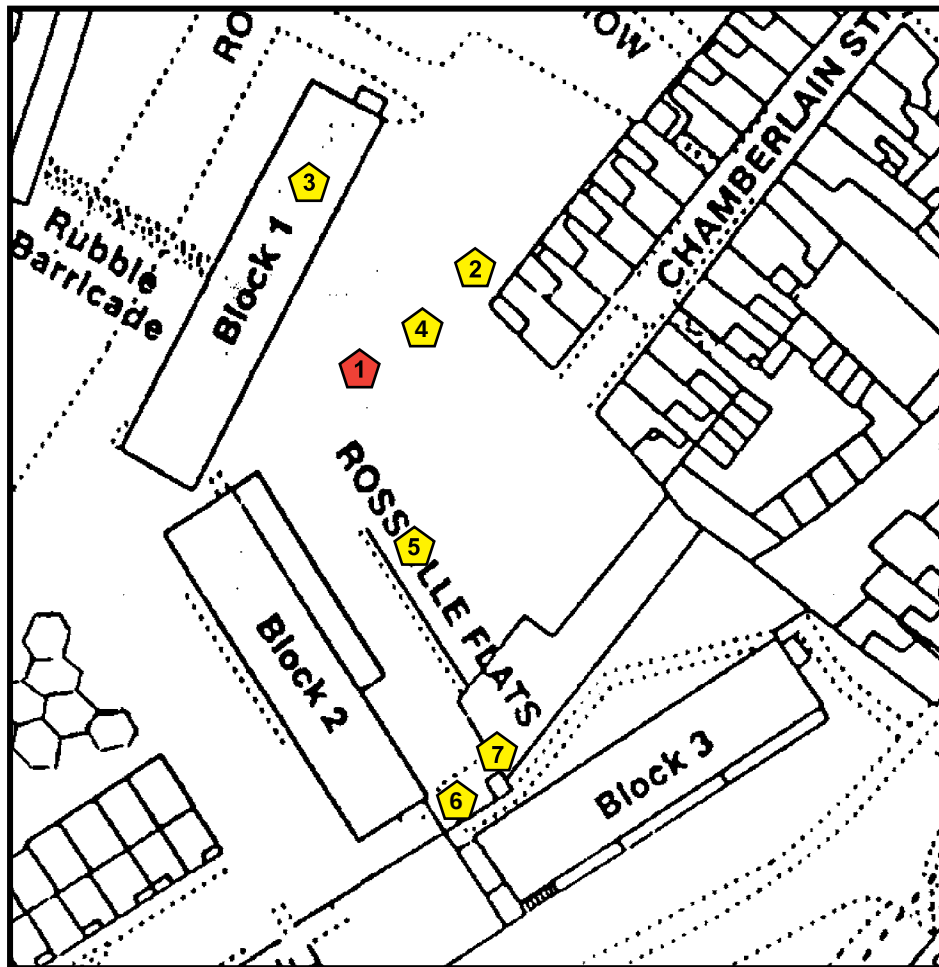
¹ [Paragraphs 64.2–6](#)

² [Paragraphs 64.17–95](#)

64.11 In short, the soldiers insisted that they had shot gunmen and bombers, which in our view they had not; and denied, or did not admit, that they had shot the known casualties in Sector 2, which in our view they had. As we have already observed,¹ to our minds it inevitably follows that this materially undermines the credibility of the accounts given by the soldiers who fired. The evidence of one or more of them must be significantly inaccurate and incomplete.

¹ [Paragraph 54.8](#)

64.12 For ease of reference, we show again the map on which we have marked the positions of the casualties in Sector 2 when they were shot or otherwise injured.



Casualty who was killed or mortally wounded in the car park of the Rossville Flats

1 Jackie Duddy



Casualties who were wounded in this area

2 Margaret Deery

3 Patrick Brolly

4 Michael Bridge

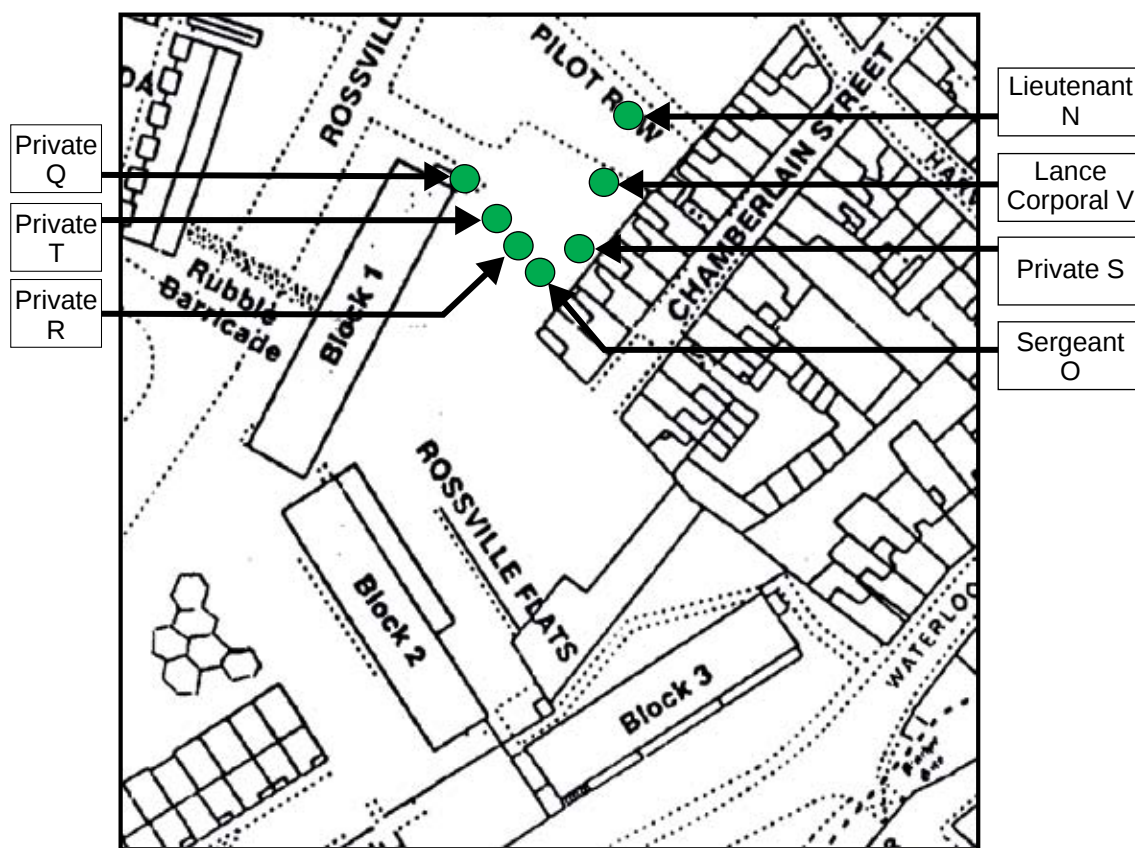
5 Michael Bradley

6 Pius McCarron

7 Patrick McDaid

64.13

It is also convenient to show here a further map on which we have marked where, according to their trajectory photographs, the soldiers were when they fired.



64.14 We have found no evidence that suggests to us that Jackie Duddy, Michael Bridge or Michael Bradley was shot by accident. Apart from the soldiers' evidence that this had not happened, the short distances between the soldiers and these casualties, and the fact that in our view no-one in the car park of the Rossville Flats other than OIRA 4, whom none of the soldiers saw, was using or about to use a firearm or bomb, lead us to conclude that the shots that hit these three casualties were aimed at them. The same might be true of the shot that hit Margaret Deery, though we consider that she was probably more likely to have been the victim of a shot fired at someone close to her. However, we are of the view that there was no-one close to her who was using or about to use a firearm or bomb. OIRA 4 did not approach the wall of 36 Chamberlain Street until after Margaret Deery had been shot. There is no evidence that any of the firing in Sector 2 was accidental, in the sense of soldiers discharging their rifles by mistake, not intending to fire.

64.15 In the light of the evidence we have considered in detail earlier in this report,¹ and the views we have expressed on that evidence, as well as the conclusions we have stated above, we now turn to consider the firing by the soldiers in Sector 2 to see whether it is possible, firstly, to determine which casualty was shot by which soldier and, secondly, to

ascertain whether or not each of the soldiers concerned believed (albeit mistakenly) that he had identified as his target someone who was posing a threat of causing death or serious injury.

¹ [Chapters 45–63](#)

64.16 We appreciate that soldiers on internal security duties, facing a situation in which they or their colleagues might at any moment come under attack, may have little time to decide whether they have identified, and so are justified in firing at, a person posing a threat of causing death or serious injury; and may have to make the decision in a state of tension or fear. As we observed when discussing the events of Sector 1,¹ it is a well-known phenomenon that, particularly when under stress or when events are moving fast, people often erroneously come to believe that they are or might be hearing or seeing what they were expecting to hear or see. We have borne this in mind when assessing the credibility of the evidence given by soldiers. We have also borne in mind that the fact that a soldier afterwards lied about what had happened does not necessarily entail that he fired without believing that he had identified a person posing a threat of causing death or serious injury, since it is possible that he was convinced at the time that he had identified someone posing such a threat, but later invented details in an attempt to bolster his account and make it more credible to others.

¹ [Paragraph 18.179](#)

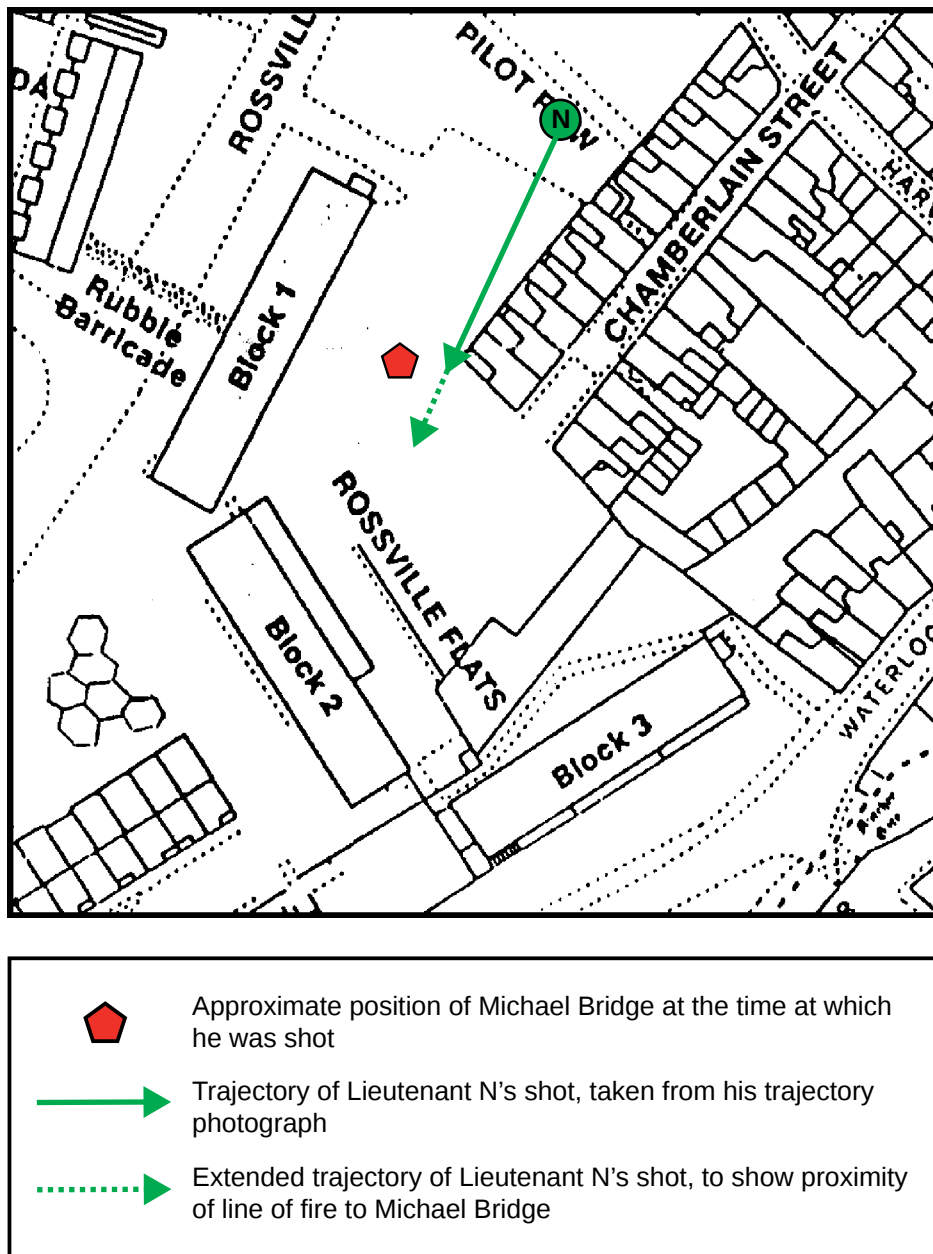
Lieutenant N

64.17 In our view Lieutenant N could not have been responsible for the shooting of Jackie Duddy or Margaret Deery. After the incident at the Eden Place alleyway, he returned to his APC and did not start towards the car park until after William John Doherty, arrested by Sergeant O, had been brought back to Lieutenant N's APC. By this stage we are sure that Jackie Duddy and Margaret Deery had already been shot. We have found nothing that suggests to us that Lieutenant N might have shot Michael Bradley.

64.18 In our view Lieutenant N probably shot Michael Bridge. This casualty was shot after Fr Daly had gone to the aid of Jackie Duddy and after Margaret Deery had been shot. This shooting would correspond in time with the period after Lieutenant N had gone towards the car park from his APC. Lieutenant N believed that he had hit his target in the thigh, and that the person he shot then staggered away. Michael Bridge was shot in the thigh and staggered away. On Lieutenant N's trajectory photograph, the line from the point marked "x" to the point marked "3" is intended to show the trajectory of his final

shot. Extending this line suggests that the shot would have passed to the south-east of where we believe Michael Bridge was shot, but only by a short distance. We set out below Lieutenant N's trajectory photograph and a map depicting Lieutenant N's position, the line of his shot as shown on the trajectory photograph, and the position where we believe Michael Bridge was when he was shot.





64.19

Lieutenant N described his target as having adopted a bowling position. The first of the two photographs of Michael Bridge taken by Sam Gillespie shortly before Michael Bridge was shot shows him in a position that could loosely be so described.



Michael
Bridge

64.20 Lieutenant N denied shooting Michael Bridge. His descriptions of the clothes his target was wearing and of the direction from which his target had come are not consistent with what Michael Bridge was wearing or the direction from which he had in fact come. Michael Bridge was shot in the left thigh, but Lieutenant N said that he thought that he had hit his target in the right thigh. As we have already observed,¹ civilian witnesses have identified a variety of places from where they believe a soldier shot Michael Bridge. Nevertheless, since no-one else (apart from Margaret Deery, who we are sure was not shot by Lieutenant N) was shot in the thigh, and since for reasons given hereafter,² we are of the view that none of the other soldiers shot Michael Bridge, we have concluded that the evidence as a whole establishes that Lieutenant N was responsible for the shooting of Michael Bridge.

¹ [Paragraphs 63.24–54](#)

² [Paragraphs 64.32–95](#)

Lieutenant N's state of mind

64.21 The question remains whether Lieutenant N believed at the time that he had targeted and hit someone about to throw a nail bomb. He has consistently maintained that this was the case, and though he also told us that he has since agonised over the matter, he said that he remained sure that at the time he believed he was justified in firing.

64.22 Lieutenant N said to the Widgery Inquiry that he had been told that the Rossville Flats were a particularly dangerous spot.¹ He had approached the flats from his APC knowing that other soldiers of his platoon were ahead of him. Notwithstanding his evidence that he heard no shooting at this stage, we consider that he is very likely to have heard one or both of the shots that hit Jackie Duddy and Margaret Deery, and perhaps the early shots in Sector 3, which we discuss when considering the events of that sector.² He would in our view have been in a state of high alert when he reached the position from where he shot Michael Bridge, who might well have appeared to him to be approaching his soldiers in a bowling posture.

¹ WT12.61

² Chapter 73

64.23 However, Michael Bridge was approaching the soldiers in front of Lieutenant N. Michael Bridge was on his own and in the open, without any immediate means of escape or cover. For someone to act in this way with a visible nail bomb would have been little short of suicidal and a complete departure from the way in which such weapons were usually deployed, namely from a position of cover. There would have been little time for Lieutenant N to assess the situation, but to our minds a soldier in his position would, or should have, realised that it was at least equally likely that the person was, at worst, coming forward to throw a non-lethal missile.

64.24 Lance Corporal V, Private S, Sergeant O, Private R and Private Q were closer to Michael Bridge than Lieutenant N and would have been able to see him had they been looking in that direction. None of these soldiers gave evidence of seeing Michael Bridge but we consider that one or more must have had him in view, as he was only a few yards away and on his own. None appears to have regarded Michael Bridge as posing a threat of causing death or serious injury.

64.25 In his first RMP statement,¹ in his written statement for the Widgery Inquiry,² and in his oral evidence to the Widgery Inquiry,³ Lieutenant N gave accounts of seeing or thinking that he had seen smoke coming from the object in the man's hand.

¹ B374

³ WT12.67-68

² B399

64.26 There was no smoking object in Michael Bridge's hands. We do not accept that Lieutenant N, who was not wearing his respirator, could have thought otherwise. In our view Lieutenant N invented this part of his account. We have considered whether he did

this simply to make what he believed sound more credible, but in our view, in the circumstances of his case, it is equally likely that he would not have added this false detail had he been sure at the time that he had identified a nail bomber.

64.27 We should note at this point that the Regimental Sergeant Major of 1 PARA (Warrant Officer Class I INQ 2037) told us that after observing the loading of arrestees into a truck in the William Street area, he had gone forward to see what was going on and to find out what had happened to his nephew (Private 005 of Machine Gun Platoon). He was directed to an APC which was, according to him, in the area a little way north of the northern end of Block 1 of the Rossville Flats. He told us that he had found Private 005 with Lieutenant N in the front of the APC and that, when he asked Private 005 whether he was “okay”, Private 005 had said: “*yes but he’s not*.” Warrant Officer Class I INQ 2037 stated that Private 005 “*was referring to Lieutenant N who shouldn’t have been in the Pig but was sheltering there because he was scared*”.¹

¹ C2037.3-4; Day 321/156-159; Day 321/219-222

64.28 Both Lieutenant N and Private 005 told us that this did not happen. Private 005 said that he believed that Warrant Officer Class I INQ 2037 was thinking of something that had happened on another occasion.¹ Since we are unable to reconcile these conflicting accounts, and since, even if Warrant Officer Class I INQ 2037 was correct, we consider that his evidence does not assist in enabling any inference to be drawn as to Lieutenant N’s state of mind when he fired, we do not take his evidence into account in our assessment of that state of mind.

¹ Day 322/103-104; Day 322/117-118; Day 323/15-17; Day 338/156-159

64.29 Lieutenant N shot Michael Bridge in the thigh. He told the Widgery Inquiry that the man was about 30 to 40 yards away.¹

¹ B399

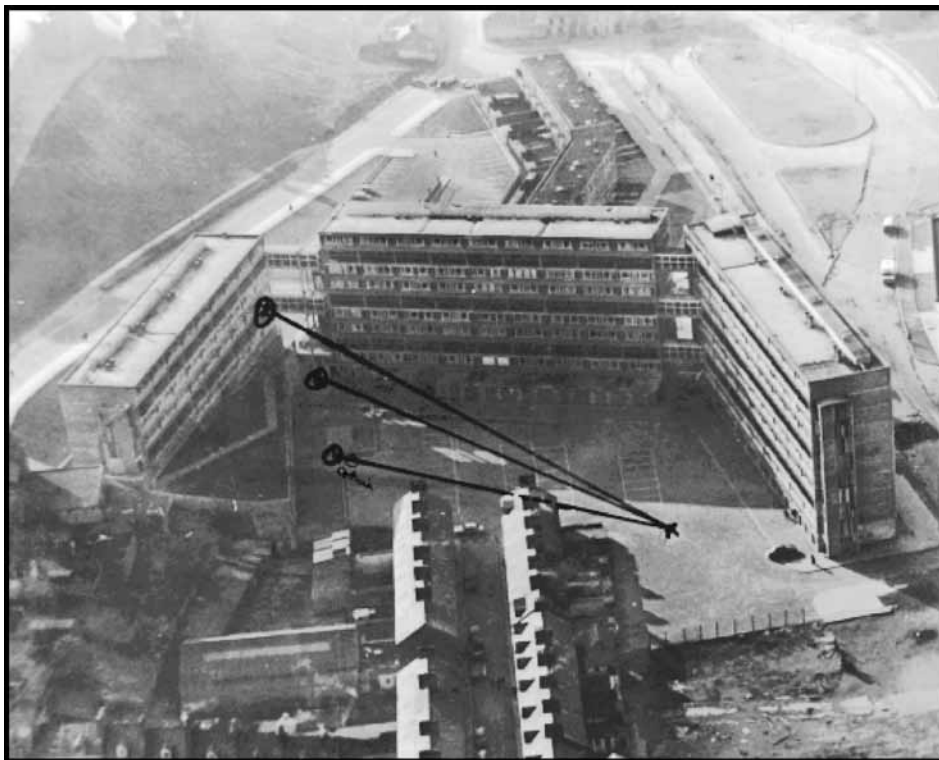
64.30 Lieutenant N’s evidence was that he had aimed at the centre of the body: “*I brought my rifle to my shoulder and fired an aimed shot at the man’s chest. That was the target we were trained to aim at.*”¹ We remain in doubt as to whether this is what Lieutenant N did. The fact that his shot hit the thigh and not the torso could indicate either that Lieutenant N had fired in haste without taking proper aim, or that he aimed at the thigh, or that he simply missed the area of the body at which he had aimed.

¹ B438.011

64.31 Our assessment of the evidence makes us sure that Lieutenant N fired, either in the belief that his target was about to throw a nail bomb, but without any adequate grounds for that belief; or in the belief that his target might have been about to throw a nail bomb, but without being confident that that was so. In either case, it is possible that Lieutenant N fired in a state of fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.

Sergeant O

64.32 In our view the shots fired by Sergeant O on Bloody Sunday did not hit anyone, though his shots towards the corner of the passage between Blocks 2 and 3 of the Rossville Flats may have indirectly resulted in the injuries to Patrick McDaid and Pius McCarron, or one of these two. According to his accounts, he fired at and hit a man with a pistol who was behind a Cortina car on the south-east side of the car park; and a man with an M1 carbine or similar weapon towards the south-west end of the lower balcony of Block 3 of the Rossville Flats. He also said that he shot at but probably missed a further man with an M1 carbine or similar weapon at the corner of the passage between Blocks 2 and 3. All these shots are shown on his trajectory photograph.



64.33 We have no reason to doubt that Sergeant O fired in the directions shown in his trajectory photograph, but in our view there were no casualties with gunshot wounds at or near the positions where he said that he had hit a man with a pistol and a man with an M1 carbine or similar weapon.

64.34 We have already concluded that there were no casualties of Army gunfire other than those we have identified. We should point out here that any suggestion to the contrary necessarily involves the proposition that the many civilians who gave accounts of what they saw in Sector 2 and in Sector 5 (which was on the other side of the Rossville Flats and which we consider later in this report¹) obeyed instructions or somehow knew that they should only mention what had happened to certain individuals, and should keep quiet about others. The instructions would have to have been given and accepted, or this state of knowledge acquired, at the latest very soon after the firing, so that those talking to the media or Kathleen Keville or giving Northern Ireland Civil Rights Association (NICRA) statements would have known both which gunshot casualties they could describe and, more importantly, which they should not. It is not explained how people could have known or been made aware of which casualties could be mentioned and which should be concealed, nor by whom and by what means instructions could have been given to all who might be giving Keville interviews or NICRA statements or talking to the media and who might have seen casualties, so as to ensure that certain casualties were kept secret. It is also not explained how journalists who were on the scene, such as Gilles Peress, could have been persuaded to censor or misreport what they saw.

¹ [Chapters 115–120](#)

64.35 In these circumstances we are of the view that any such suggestion has no basis in fact.

64.36 We also reject Sergeant O's description of the incoming fire that he said occurred in Sector 2. As will have been seen from his various accounts, he appeared to be saying that, with the exception of the men on the south-east side and near the south-east corner of the car park at whom he said he fired, and of the rifleman at ground level he said he saw Private S engaging in the area between Blocks 1 and 2 of the Rossville Flats, the firing from both high and low velocity weapons was coming from about four or five positions in the area of the Rossville Flats, including from the flats themselves. He described it as the most intense firing he had experienced in Northern Ireland in such a short space of time and told the Widgery Inquiry that there had been about 20 to 30 shots in the initial burst; and then continuous fire for about two or three minutes, at the end of which about 80 to 100 shots had been fired. He later told Praxis Films Ltd that his soldiers

were spotting gunmen and firing at them, and that the gunmen were eliminated fairly quickly. He also told Praxis Films Ltd that there was automatic fire, though he said to us that this was not so.

64.37 Private T was the only other soldier in Mortar Platoon who said that he fired up at the Rossville Flats, but that was at someone who was throwing down acid or a similar corrosive substance. No soldier other than Sergeant O claimed to have engaged a gunman in the Rossville Flats in Sector 2, though a soldier (probably Private T) fired the shot that injured Patrick Brolly. Thus Sergeant O's description of a full-scale gun battle between gunmen and soldiers in the car park, in which the gunmen and the soldiers exchanged fire and by the end of which the soldiers had dealt with the gunmen, bears in our view no resemblance either to what happened or indeed to what the other soldiers said had happened. According to those soldiers, there was a man firing an M1 carbine or similar weapon at ground level in the area of the gap between Blocks 1 and 2 of the Rossville Flats, and a gunman or gunmen on the south-east side and near the car park, but otherwise the men at whom they fired were, according to them, deploying petrol, nail or acid bombs and not firearms. Furthermore, Sergeant O's account of his soldiers engaging and eliminating gunmen in a gun battle is hardly consistent with his evidence that the only soldier he saw firing was Private S, who he said was engaging a gunman at ground level.¹

¹ [WT13.31](#); [Day 335/92](#)

64.38 There is a further consideration. Had the soldiers encountered the degree of incoming fire described by Sergeant O, it seems to us, bearing in mind the short distance between the soldiers and the alleged gunmen, that one or more soldiers would probably have been hit by gunfire, but this did not happen.

64.39 We found Sergeant O's explanation as to why no soldier had been hit unconvincing. He suggested¹ that the reason was that "*second rate*" men had got hold of "*low quality*" weapons which were ready for use in the Rossville Flats and that had experienced IRA snipers been firing, his soldiers would have suffered casualties. Such a suggestion can only be categorised as speculation. It assumes, on the basis of the amount of incoming fire that Sergeant O claimed, that there was a substantial stock of low-grade weapons in the Rossville Flats ready for use, which were then used at short notice by inexperienced people. As we describe elsewhere,² both the Provisional and the Official IRA were at the time short of weapons and jealously guarded those that they had.

¹ [B575.122](#)

² [Chapters 147 and 148](#)

- 64.40** We have found no evidence that suggests to us that there was a stock of weapons and ammunition in the Rossville Flats, to which inexperienced gunmen could have obtained access at short notice.
- 64.41** There is no doubt that “Fr Daly’s gunman” (OIRA 4) fired from the corner of the garden wall of 36 Chamberlain Street, after Jackie Duddy had been killed and Michael Bridge had been injured. Sergeant O may have heard this firing, but neither he nor any of the other soldiers said that they saw or heard a gunman firing from there. It is also possible (as Monica Barr told us) that a man with a pistol fired a single shot down from the top floor of the Rossville Flats and that a soldier fired back, though again no soldier said that he did this and we are left in doubt as to whether such an incident occurred. It is probable that Billy Gillespie saw a paramilitary gunman firing from the lower balcony of Block 3 of the Rossville Flats.
- 64.42** Apart from this, we consider that it would be unwise to rely on the accounts of incoming fire given by other soldiers of Mortar Platoon. We have already expressed our views¹ on the unreliability of some of these accounts. It should be noted that a number of these soldiers described incoming gunfire at a stage before Sergeant O arrested William John Doherty, while Sergeant O said that the incoming fire only occurred after or towards the end of this event. With the exceptions described in the previous paragraph, we have concluded that it is probable that there was no firing directed at the soldiers of Mortar Platoon.
- ¹ [Chapters 26 and 49](#)
- 64.43** Sergeant O denied that he had heard the three shots fired by Lieutenant N at the Eden Place alleyway.¹ It is possible that he did not hear this firing, though it was only some 75 yards away across an open space, but if he did (which seems to us much more likely) it is possible that with the echo from the Rossville Flats, he might have believed that the firing was coming from there. Some firing by soldiers in Sector 3 (which we consider later in this report²) probably occurred while the events of Sector 2 were unfolding. In addition, there was the substantial firing by soldiers in Sector 2 itself. We have commented more than once in this report on the fact that in a built-up area it is difficult, if not impossible, to identify either the type of weapon being fired or from where it is being fired.
- ¹ [Day 336/31-33](#) ² [Chapter 73](#)
- 64.44** In view of these matters, and despite his denials, we consider that Sergeant O is likely to have misidentified some at least of the Army firing he heard as paramilitary firing. As will be seen from our examination of the later events in Sector 3,¹ there was an incident

towards the end of the operation in which a number of soldiers mistook Army fire for paramilitary fire. In our view, however, Sergeant O also chose to give an exaggerated and largely false account of what he had witnessed, by describing a gun battle which we are sure did not take place, in order, probably out of misplaced loyalty to his men, to seek to demonstrate that his soldiers had encountered violent opposition and had become engaged in an all-out conflict with paramilitaries equipped with firearms, and thus to support their accounts of what they did.

¹ [Chapters 121–124](#)

64.45 We have already noted¹ that Sergeant O said that, apart from Private S, he had not seen any of his soldiers firing, and that he said that he did not remember seeing any of the Sector 2 casualties.

¹ [Paragraphs 51.257 and 57.4–7](#)

64.46 It is possible that, apart from Private S, Sergeant O did not see any of his soldiers firing. However, we cannot accept that he failed to see any of the casualties. His explanation for not seeing Jackie Duddy was that he had “*tunnel vision*”¹ while engaging his first two gunmen, but we do not accept this explanation, since in our view Jackie Duddy was shot and lying on the ground before Sergeant O opened fire. As we have already described,² Jackie Duddy was lying on the ground long enough to be tended by Fr Daly and Charles Glenn and to be photographed by journalists, and was then carried right across the car park to Chamberlain Street. Anyone looking into the car park would have been able to see Michael Bridge being shot when he was on his own and then staggering away after being shot. Michael Bradley and Margaret Deery would also have been visible to anyone looking in their direction. In our view Sergeant O must have seen Jackie Duddy and probably saw Michael Bridge, and perhaps Margaret Deery and Michael Bradley, but chose not to admit this, in all probability to avoid saying anything that might have prejudiced any of the soldiers who fired.

¹ [Day 335/79](#)

² [Paragraphs 55.18–28 and 55.65–68](#)

64.47 For reasons that we have given,¹ it is likely that Sergeant O saw and engaged a gunman towards the south-west end of the lower balcony of Block 3 of the Rossville Flats, but we are unpersuaded that he saw a man with a pistol behind a Cortina or a man with an M1 carbine or similar weapon at the corner of the passage between Blocks 2 and 3. In our view his shots at ground level were probably fired in order to keep people’s heads down

or to frighten them away, and without any regard to the risk to people in the area. The tactic of firing to keep people's heads down was something Sergeant O mentioned to Praxis Films Ltd,² though he denied³ that this was what he had done on Bloody Sunday.

¹ Paragraphs 58.131 and 64.5

³ Day 331/71-73

² O22.5

Lance Corporal V

64.48 In our view Lance Corporal V probably shot Margaret Deery.

64.49 Lance Corporal V and Private S had approached the car park from Lieutenant N's APC at Eden Place. They were involved in the incident with the Order of Malta Ambulance Corps volunteer Charles McMonagle, which we have discussed in detail earlier in this report.¹ This incident took place at the back of the Chamberlain Street houses more or less in line with the wire fence that ran along the southern edge of the waste ground. After this incident they continued towards the car park as can be seen in the following enlargement of part of a photograph taken by Colman Doyle.

¹ Paragraphs 31.1–14



64.50 Both soldiers were wearing respirators when this photograph was taken. Lance Corporal V told this Inquiry that he could not remember whether he was still wearing his respirator when he fired.¹ We do not know whether or not he took it off before he fired.

¹ Day 333/146

64.51 As we have described earlier in this report,¹ Lance Corporal V originally gave an account of seeing a man throwing a bottle with a fuse attached to it, which hit the ground but did not explode; he said that he then shot the man, who was soon surrounded by four or five people who waved white handkerchiefs and attended to the shot man, whom he did not see again. In his account to John Heritage (who, as described earlier,² conducted a preliminary interview of Lance Corporal V for the Widgery Inquiry) he said that the bottle had a lighted fuse and that the man moved back into the crowd after the bottle had been thrown. When he reappeared, Lance Corporal V fired at the man and believed that he had hit him. In his evidence to the Widgery Inquiry he said that he had seen a man holding a bottle with a lit fuse, took aim and though his view was obscured “*for a fraction of a second*”,³ probably by someone running in front of the man, he fired at the man as soon as he had a clear view; and that the man was thrown backwards to the ground. Lance Corporal V said that all these events had taken place “*almost instantaneously*”.⁴

¹ Paragraph 51.80

³ B802

² Paragraphs 51.81–83 and 51.107–135

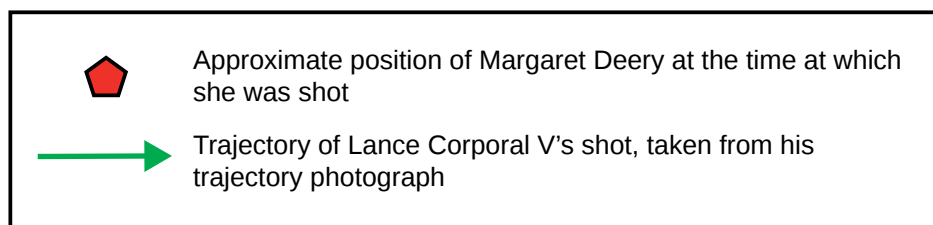
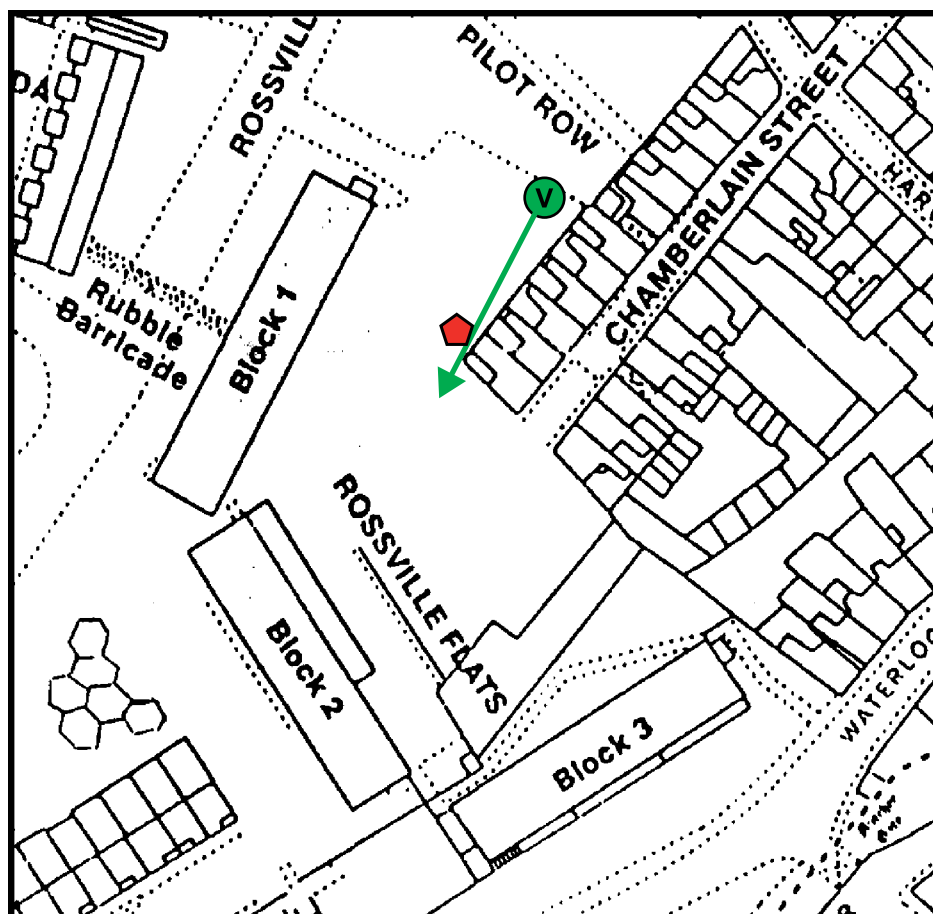
⁴ B802

64.52 Lance Corporal V also told the Widgery Inquiry that when he aimed at the man he was so close that his sight picture was filled with the part he was aiming at.¹

¹ WT13.21

64.53 We set out below Lance Corporal V’s trajectory photograph and a map depicting Lance Corporal V’s position, the line of his shot as shown on the trajectory photograph, and the position where we believe Margaret Deery was when she was shot.





64.54 The line of his shot (according to Lance Corporal V's trajectory photograph) passed through or very close to the position where we believe Margaret Deery was wounded. What Lance Corporal V said about his sight picture indicates that he was near to his target, though in his oral evidence to the Widgery Inquiry he said that his target was 50m to 60m away from him. Margaret Deery said that the soldier who shot her was nearby. According to the soldiers' trajectory photographs, the lines of the shots fired by other members of Mortar Platoon, apart from Lieutenant N, did not go near where Margaret Deery was shot. We have given above¹ our reasons for concluding that Lieutenant N did not shoot Margaret Deery. We have found no evidence that suggests to us that any of the other soldiers who fired hit Margaret Deery.

¹ Paragraph 64.17

Lance Corporal V's state of mind

- 64.55** Lance Corporal V denied shooting Margaret Deery. However, we are sure that there was no petrol bomber, such as he had described. Furthermore, we are sure that he gave the Widgery Inquiry a knowingly false account of what he had done, having realised that in his earlier accounts (particularly the one he had given to John Heritage) he had admitted firing at someone who was not posing a threat of causing death or serious injury; at whom it was therefore not necessary or right for him to fire.
- 64.56** Although we consider that Lance Corporal V shot Margaret Deery, we doubt that she was his target. However, it seems to us that Lance Corporal V must have realised that he had shot her, albeit by accident. Margaret Deery was only yards from him and had to be carried from where she fell towards and around the corner at the end of the Chamberlain Street houses.
- 64.57** Although Lance Corporal V told the Widgery Inquiry that he thought that one of the people who had surrounded the body of the man he had shot had been a priest, he denied shooting Jackie Duddy and in our view he did not do so. To our minds the evidence shows that he is the only soldier who could have shot Margaret Deery, who was wounded after Jackie Duddy had been hit. He only fired one shot and, for reasons we give below,¹ we consider that another soldier was responsible for shooting Jackie Duddy.
- ¹ [Paragraphs 64.62–66](#)
- 64.58** We find the evidence Lance Corporal V gave about seeing a lit fuse wholly unconvincing and we reject it. At most it is possible that someone in the group of people at the southern end of the western side of the Chamberlain Street houses had thrown a stone or bottle towards the soldiers. It is also possible that Lance Corporal V, who may still have been wearing a respirator which restricted his view, thought that this object might have been a petrol bomb, but this cannot have been more than a suspicion, since even on his account the object did not explode. Furthermore, based on his own original accounts, Lance Corporal V, when he fired, must in our view have realised that his target was no longer posing a threat of causing death or serious injury.
- 64.59** Margaret Deery was shot in the thigh. Since in our view she was not Lance Corporal V's target, the fact that the bullet was at this low height, despite being fired at comparatively short range, indicates to us that Lance Corporal V probably fired in haste without taking proper aim. The case of Lieutenant N is different, because we are sure he hit the person at whom he aimed.

64.60 In the circumstances, we have concluded that Lance Corporal V probably fired in the knowledge that his target was not posing a threat of causing death or serious injury. It is possible that he fired in a state of fear or panic, without giving any proper thought as to whether his target was posing such a threat.

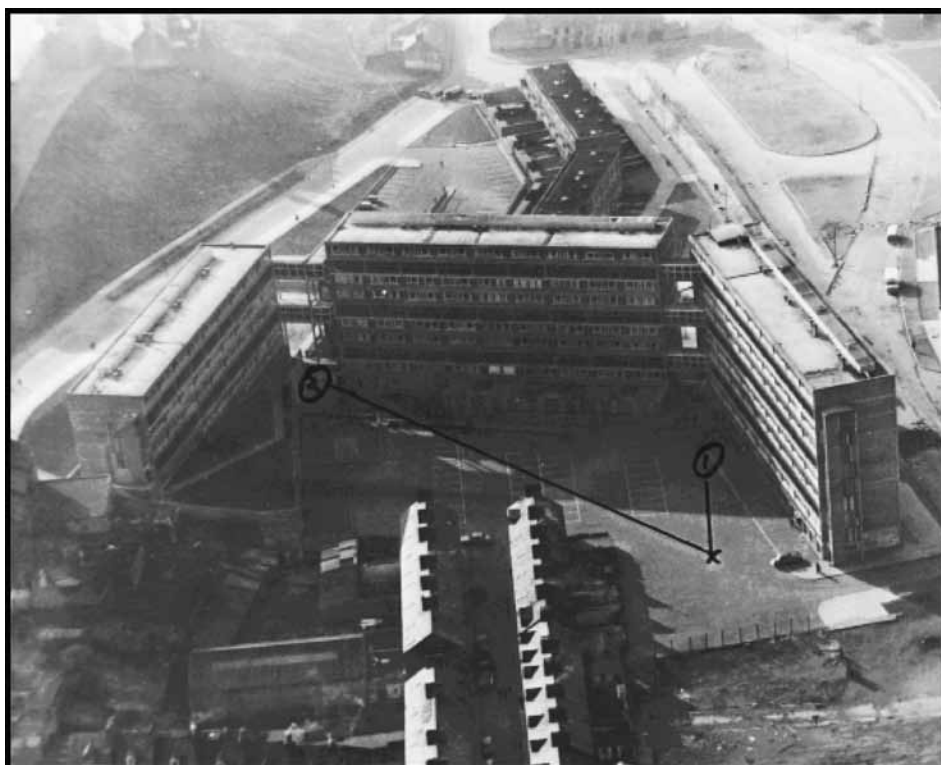
64.61 The result of Lance Corporal V's firing was a grave injury to Margaret Deery.

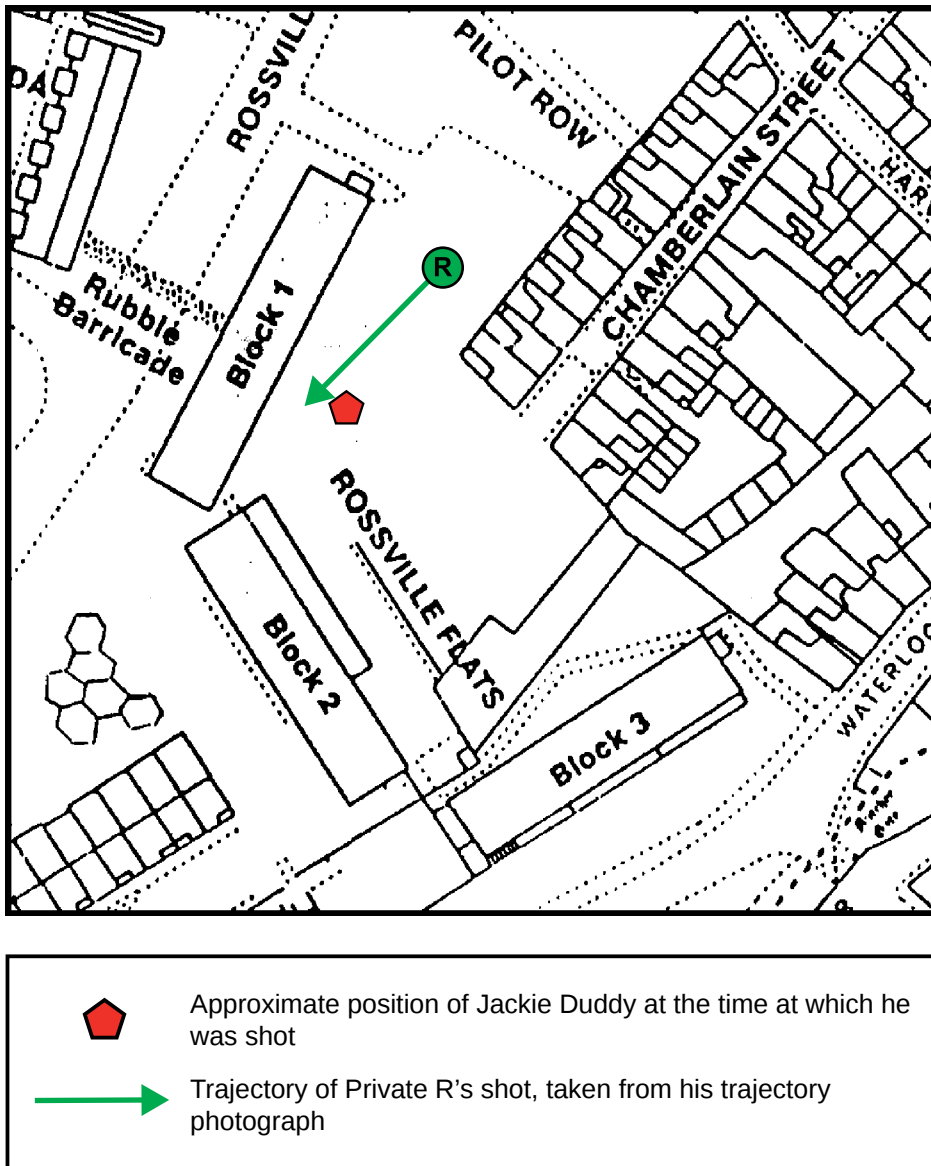
Private R

64.62 In our view Private R probably hit Jackie Duddy with his first shot. Jackie Duddy was the first casualty in Sector 2, killed as he and others (including Fr Daly) ran away from the soldiers when they came into the Bogside.

64.63 Private R had disembarked from Sergeant O's APC in Rossville Street and then ran after it when it continued into the Rossville Flats car park. He described shooting a man, when he had reached Sergeant O's APC, who he said was about to throw a bomb. He told the Widgery Inquiry that he had taken off his respirator just before he reached the waste ground.

64.64 We set out below Private R's trajectory photograph (which shows the path of his first shot towards the gap between Blocks 1 and 2 of the Rossville Flats) and a map depicting Private R's position, the line of his first shot as shown on the trajectory photograph, and the position where we believe Jackie Duddy was when he was shot.





64.65

There is little correlation between Private R's accounts of the incident in which he fired at a man who according to him was throwing a bomb and the evidence of the civilians who told us that they saw Jackie Duddy shot and who described what happened to him afterwards. However, it appears from Private R's account that he fired at his target at a time when there were a number of people still in this area of the car park and close to his target and this does correspond with the accounts of the shooting of Jackie Duddy given by a number of civilians. The line of Private R's shot (according to his trajectory photograph) passed not far from the position where Jackie Duddy fell. The same can be said of the position where Michael Bridge fell, but he was shot when there was no crowd and the car park was more or less deserted, save for the people tending Jackie Duddy. Furthermore, Private R described hitting his target in the right shoulder. This was where Jackie Duddy was hit, whereas Michael Bridge was hit in the thigh.

64.66 For reasons given below,¹ we are satisfied that Private S, Private Q and Private T were not responsible for the shooting of Jackie Duddy. We have already given reasons² for taking the same view in relation to Lieutenant N, Sergeant O and Lance Corporal V.

¹ [Paragraphs 64.74–95](#)

² [Paragraphs 64.17–61](#)

Private R's state of mind

64.67 In his written statement for the Widgery Inquiry,¹ Private R described being on the lookout for likely snipers or bombers, having heard, according to his account, firing from the area of the rubble barricade in Rossville Street, a couple of explosions he thought were bombs, and weapons being fired from his side of the Rossville Flats.

¹ [B670](#)

64.68 We have already concluded¹ that no nail or other bombs exploded in Sector 2 and, for reasons given in the course of this report,² we are of the view that no bombs were thrown or exploded in any of the sectors. We do not know whether Private R invented this part of his account, or simply mistook the firing of other weapons for the explosion of bombs. We also express later in this report³ our view that there was no firing from the rubble barricade, though Private R might have mistakenly thought that there was. We have noted on more than one occasion that in a built-up area it is difficult, if not impossible, to tell from where gunfire is coming. In our view he may have heard the firing by Corporal P in Rossville Street, which we consider in our discussion of Sector 3.⁴ He may also have heard the firing by Lieutenant N up the Eden Place alleyway, which we have discussed earlier.⁵

¹ [Paragraph 47.43](#)

⁴ [Chapter 73](#)

² [Paragraphs 18.64, 83.8, 111.242 and 119.264](#)

⁵ [Chapter 30](#)

³ [Paragraph 82.84](#)

64.69 The sound of gunfire would understandably have put a soldier in the position of Private R on high alert, even if he believed that it was or might have been firing by soldiers, since in that event he would in our view be likely to have assumed that the shots were fired at persons who were posing a threat of causing death or serious injury.

64.70 On the evidence we have discussed in detail earlier in this report,¹ we are satisfied that Jackie Duddy was shot when running away from the soldiers but that at the moment of the shooting his upper body was turned towards them, as evidenced by the fact that he was hit in the right shoulder. He probably had a stone in his right hand, but we do not know whether he was about to throw it when he was shot.

¹ Paragraphs 55.49–64

64.71 Jackie Duddy did not have a smoking object in either of his hands. We do not accept that Private R could have believed that he had and we reject his evidence on this point. We are sure that Private R invented this detail in order to seek to justify his shot. We did not believe Private R when he told us that he had not seen Jackie Duddy being tended on the ground or being carried across the car park, which to our minds indicates that he was seeking to dissociate himself from the person he knew he had probably shot.

64.72 In our view it is probable that Private R thought that Jackie Duddy might have been about to throw a bomb and shot him for this reason, but we consider that he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private R fired in a state of fear or panic, giving no proper thought as to whether his target was posing a threat of causing death or serious injury.

Private R's other shots

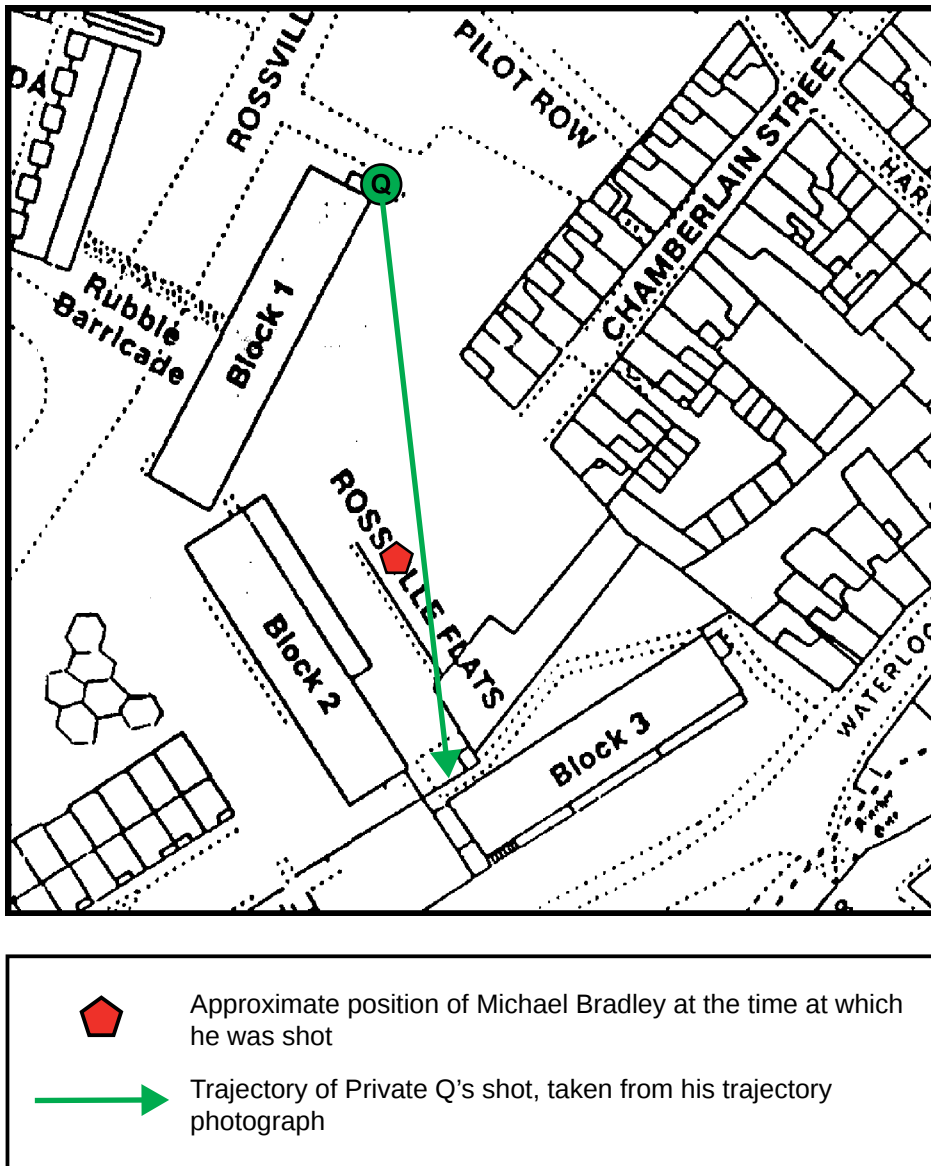
64.73 For the same reasons that we gave¹ when discussing Sergeant O's shots towards the corner of the passage between Blocks 2 and 3 of the Rossville Flats, we are of the view that Private R did not hit anyone else with the shots that he said (and which we accept) that he later fired across the car park, though these shots may have indirectly injured Patrick McDaid and Pius McCarron or one of these two, as they sought to escape through the gap between Blocks 2 and 3 of the Rossville Flats. In view of his untruthful account of the circumstances in which we believe that he probably shot Jackie Duddy, we can place no reliance on his accounts of seeing gunmen. We are not persuaded that Private R saw a man with a pistol who was shot and fell near the Cortina vehicle in the south-east corner of the car park; in our view the account he gave of this in his second RMP statement cannot be correct, as no-one was wounded in that area. We have concluded that this was a false account, given in order to support what Sergeant O had said about the firing into this part of the car park. In our view Private R probably fired shots across the car park to frighten people or drive them away.

¹ Paragraph 64.33

Private Q

- 64.74** In our view Private Q probably shot Michael Bradley, who was wounded after Jackie Duddy had been shot dead, and after Margaret Deery and Michael Bridge had been wounded. Private Q said that after disembarking from Lieutenant N's APC he moved to the north end of Block 1 of the Rossville Flats, and from the north-east corner of that block saw a man throwing what he believed to be nail bombs, one of which exploded about ten yards from Sergeant O's APC. Private Q said that he then fired at this man's chest, as the man was about to throw another bomb, and that his shot hit the man.
- 64.75** We set out below Private Q's trajectory photograph and a map depicting Private Q's position, the line of his shot as shown on the trajectory photograph, and the position where we believe Michael Bradley was when he was shot.





64.76 Private Q located his target at the corner of the gap between Blocks 2 and 3. We are sure that no-one was shot in the position he described, although Patrick McDaid and Pius McCarron were indirectly injured in that area as a consequence of gunfire. However, as will have been seen, the line of Private Q's shot (according to his trajectory photograph) passed close to where we believe that Michael Bradley was shot. Bearing in mind where we believe Michael Bradley was when he was shot, and when he was shot, we consider that it is unlikely that Private Q's firing resulted in the injuries to Patrick McDaid and Pius McCarron.

- 64.77** The bullet that hit Michael Bradley struck his left forearm and passed across his chest and into his right forearm. There is accordingly a correlation between the injuries he sustained and the part of the body at which Private Q said that he had fired. There is also the fact that Michael Bradley had been throwing stones and was probably about to throw another when he was shot. Private Q said that his target had been throwing objects, though according to him these objects were bombs, not stones.
- 64.78** We have found no evidence that suggests to us that another soldier shot Michael Bradley. Neither Sergeant O nor Private R suggested that he had fired at a man throwing objects from this corner of the car park, as opposed to a man using a firearm. We consider that Lieutenant N and Lance Corporal V fired at and hit, respectively, Michael Bridge and Margaret Deery, before Michael Bradley was hit. We are satisfied, for reasons given below,¹ that neither Private S nor Private T shot Michael Bradley.

¹ Paragraphs 64.81–95

Private Q's state of mind

- 64.79** We are sure that Private Q's account of having previously seen a nail bomb thrown and exploding was to his knowledge untrue. We have considered whether it is possible that Private Q was convinced that he was justified in firing, but later invented this detail in an attempt to bolster his account and make it more credible to others, but, in the circumstances of his case, we have concluded that he would not have added this false detail had he believed when he fired that he had identified a nail bomber.
- 64.80** In our view it is possible that Private Q thought that Michael Bradley might have been about to throw a bomb and shot him for this reason, but in our view, even if this was so, he could not have been sufficiently confident about this to conclude that he was justified in firing. Private Q may have fired in a state of fear or panic, giving no proper thought to whether his target was posing a threat of causing death or serious injury.

Private S

- 64.81** Although we accept that Private S fired 12 shots and probably did so from the eastern side of the car park, we are sure that he did not fire at a gunman or gunmen as he claimed in his accounts that he had.

64.82 According to these accounts, about five minutes after he reached a position near the back wall of the last but one house in Chamberlain Street and from that position, he fired four groups of three shots at a man who was firing a rifle in his direction from the gap between Blocks 1 and 2 of the Rossville Flats. Private S said that he believed he missed the man with his first group of shots but hit him when he fired his second group. Similarly, he said he believed he missed the man when he fired his third group of three shots but hit him when he fired his fourth group. His evidence was that there was a gap of about 30 seconds between each of his groups of shots, and that on each occasion after he had fired a group of shots, the crowd came between him and the man he was seeking to shoot. He said he did not know whether each group of shots was fired at the same man.

64.83 Private S had come from Lieutenant N's APC and had been involved in the incident with Charles McMonagle, the Order of Malta Ambulance Corps volunteer, at the wall at the back of the Chamberlain Street houses, near the fence that ran along the southern edge of the Eden Place waste ground. He can be seen moving forward with Lance Corporal V after this incident in the photograph taken by Colman Doyle.



64.84 Private S told the Widgery Inquiry, in our view falsely, that there were a lot of people milling about in the car park even after he had seen a body lying on the ground. Apart from the fact that there is abundant evidence to contradict Private S's description of people milling about in the car park, it seems to us beyond belief that a gunman or gunmen, let alone a crowd of people, could have behaved in the way Private S described,

in the face of his repeated firing only some 50 yards away and the presence of other soldiers in the immediate vicinity. We reject as knowingly untrue the account Private S gave of his firing and of the shots he said were fired at him. There was no casualty in the area in which Private S said that he had shot a gunman or gunmen.

64.85 According to his trajectory photograph, reproduced below, the shots Private S said that he had fired would have passed close to where Jackie Duddy fell.

64.86 In our view Private S did not shoot Jackie Duddy. This casualty was running away to the south when he was shot, but, as Fr Daly told us,¹ he was looking over his shoulder from time to time as he ran. The bullet that killed him entered his right side and the minor injuries on his left side indicate that this was the side onto which he fell. It seems to us therefore that he had turned his upper body to the right when he was shot.

¹ [H5.3](#)

64.87 It is important to bear in mind that, as our experts Dr Richard Shepherd and Mr Kevin O'Callaghan pointed out, "*The greatest care must be exercised in interpreting the track angles in this injury since the mobility of the shoulder may allow for many different positions of the chest and body with the arm in the same position*".¹ However, it seems to us that it would not have been possible for Jackie Duddy to have turned his body so far to the right as to present his right shoulder to a soldier firing from near the south end of the back of the Chamberlain Street houses, from where Private S fired. Thus it does not seem possible to us that Private S shot Jackie Duddy, despite the fact that his shots, according to his evidence and his trajectory photograph, which we reproduce below, would have passed through the area where Jackie Duddy fell.

¹ [E2.32](#)



64.88 Private S told the Widgery Inquiry that he had seen what he took to be a body lying on the ground in front of him, at a stage that he thought was after he had taken up his position at the back of 34 Chamberlain Street, but before he had fired his first shots.¹ In our view this was the body of Jackie Duddy. He also told the Widgery Inquiry that some time passed, after he took up his position, before he fired his rifle. In his first RMP statement Private S said that the interval was “*about five minutes*”,² but in our view it cannot in fact have been as long as this, though it might have been some time after he had reached his position; and after he had seen the body of Jackie Duddy. These matters further militate against the possibility that Private S shot Jackie Duddy.

¹ WT13.7-8

² B693

64.89 We have no evidence to suggest that Private S might have shot Margaret Deery, Michael Bridge or Michael Bradley and, for reasons given earlier,¹ we consider that other soldiers were responsible for these casualties. It is possible, but in our view unlikely, that Private S was responsible for firing the bullet that resulted in the injury to Patrick Brolly. In our view he probably fired his shots in order to frighten people rather than aiming at a particular target, but since he had no possible justification for such conduct it seems to us that he did not wish to admit that this was what he had done and so concocted a fictitious account of firing at the targets he described. It is possible that he was the soldier that Joseph Doherty, in his NICRA statement,² recorded seeing fire into the ground in order to

ricochet the bullets. He might also have been the soldier Isabella Duffy recorded seeing fire up into the Rossville Flats.³ Finally, we cannot rule out the possibility that he might have been responsible for the shots that indirectly injured Patrick McDaid and Pius McCarron, or one of these two.

¹ Paragraphs 64.17–20, 64.48–54 and 64.74–78

³ AD158.14-16; AD158.8; WT5.54-56; AD158.3-4

² AD76.7

64.90 In these circumstances, although it may well be that Sergeant O and Lance Corporal V saw the firing, or some of it, by Private S, we do not accept their evidence in so far as it suggested that Private S was firing at a gunman or that shots were fired at Private S. We are sure that these soldiers invented these aspects of their accounts in order to seek to back up what Private S had falsely said that he had done.

Private T

64.91 There is a considerable body of convincing evidence that Private T fired up into Block 1 of the Rossville Flats at someone he believed was responsible for throwing down bottles containing some form of acid or other corrosive substance. We set out below his trajectory photograph.

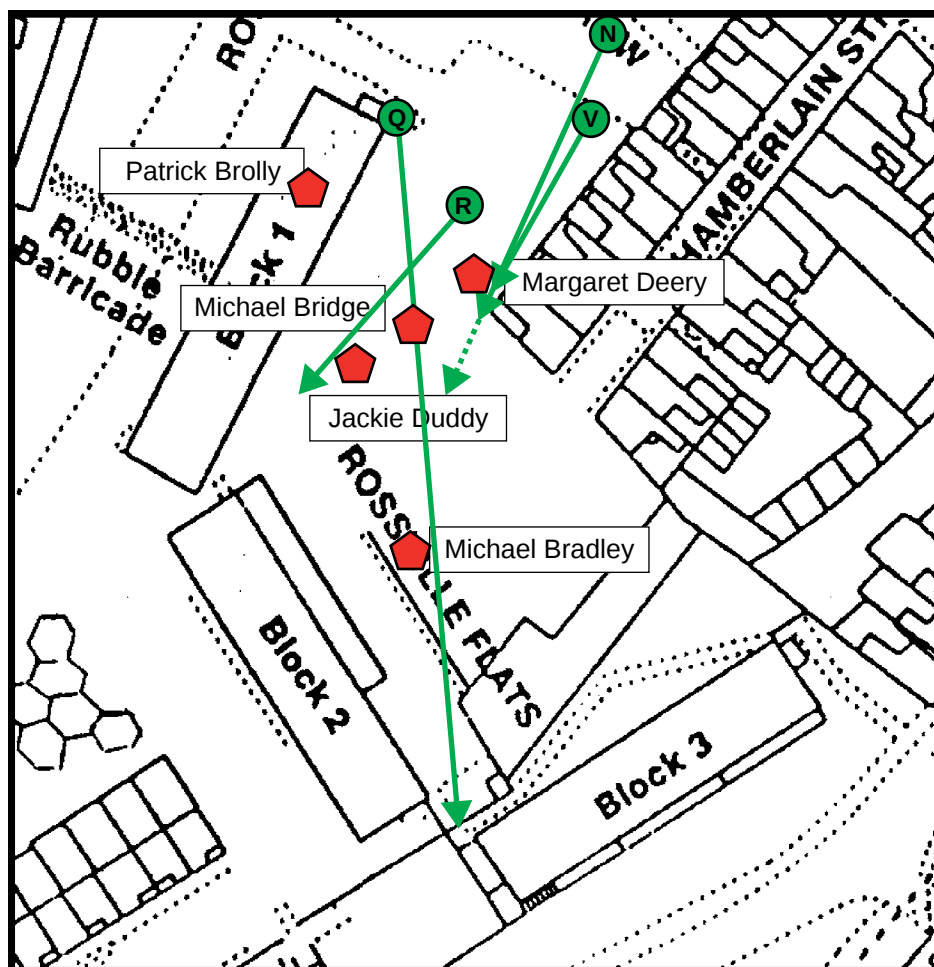


- 64.92** In our view Private T believed that he was firing at someone who was posing a threat of causing serious injury, and Sergeant O also believed this to be the case. Private T did not hit the person he was aiming at, and though it is probable that one of his shots caused the injury to Patrick Brolly, we are satisfied that Private T did not intend to hit this casualty.
- 64.93** We have found no clear evidence as to when the acid bomb incident took place, though on both Sergeant O's and Private R's accounts this was after at least some of the shooting in Sector 2.
- 64.94** Earlier in this report¹ we expressed the view that the failure of Sergeant O and Private T to give a warning before firing was not a technicality. As we stated, in our view there was a real possibility of ending the threat of acid bombs by giving a warning, so that it was a serious matter for Private T, without warning, to try to kill the man instead. Furthermore, we are not persuaded that Private T had no other way of protecting himself, such as by putting on his helmet (if he was not already wearing it), or moving to a safer position, or seeking to dodge any falling bottles. In these circumstances we do not accept that Sergeant O was entitled to assume that the condition stated in Rule 12 of the Yellow Card would be met, and thus that Private T would be justified in firing.
- ¹ [Paragraph 51.383](#)
- 64.95** On Private T's evidence, he fired his first shot either as the man released the bottle, or just after he had released it. He then fired a second shot at the man. Quite apart from the failure to give a warning, that second shot was in our view unjustified, since there was, once the acid bomb had been thrown, no further immediate danger from the man.

Summary

- 64.96** For the reasons we have given above, we have concluded that it is probable that Jackie Duddy was shot by Private R, Margaret Deery by Lance Corporal V, Michael Bridge by Lieutenant N, and Michael Bradley by Private Q. We consider that one or more of Sergeant O, Private R and Private S were responsible for the shots that indirectly injured Patrick McDaid and Pius McCarron. We set out below a map showing the location of Lieutenant N, Lance Corporal V, Private Q and Private R, the trajectories of their shots as shown on their trajectory photographs, and the position of the casualties hit directly by gunfire. We do not include Private S as it is uncertain where he fired his shots, and though one of them might have hit Patrick Brolly, it seems to us that Private T probably caused this casualty. The soldiers and casualties were not, of course, all in the positions

shown on the map at the same time. The map, for example, shows the trajectory of Private Q's shot passing through Michael Bridge. The Tribunal is of the view that Private Q did not shoot Michael Bridge.



64.97 None of the soldiers who in our view were probably responsible for the casualties shot someone posing a threat of causing death or serious injury, though Private T (who probably fired the shot that injured Patrick Brolly) believed that his target was posing a threat of causing serious injury.

64.98 We are sure that Lieutenant N fired, either in the belief that his target was about to throw a nail bomb, but without any adequate grounds for that belief; or in the belief that his target might have been about to throw a nail bomb, but without being confident that that was so. In either case, it is possible that Lieutenant N fired in a state of fear or panic, without giving proper thought as to whether his target was posing a threat of causing death or serious injury.

- 64.99** We consider that Lance Corporal V probably fired in the knowledge that his target was not posing a threat of causing death or serious injury. It is possible that he fired in a state of fear or panic, without giving any proper thought as to whether his target was posing such a threat.
- 64.100** We consider that it is probable that Private R thought that Jackie Duddy might have been about to throw a bomb and shot him for this reason, but in our view he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private R fired in a state of fear or panic, giving no proper thought as to whether his target was posing a threat of causing death or serious injury.
- 64.101** We consider that Private Q did not believe when he fired that he had identified a nail bomber. It is possible that Private Q thought that Michael Bradley might have been about to throw a bomb and shot him for this reason, but in our view, even if this was so, he could not have been sufficiently confident about this to conclude that he was justified in firing. Private Q fired in a state of fear or panic, giving no proper thought as to whether his target was posing a threat of causing death or serious injury.
- 64.102** Private T, one of whose shots probably caused the injury to Patrick Brolly, fired without giving a prior warning, contrary to the provisions of the Yellow Card. We do not accept that he had no other way of protecting himself; and consider that his second shot was also unjustified, since apart from the failure to give a warning, there was no further immediate danger from the man.
- 64.103** In our view the soldiers in the car park, who fired otherwise than at people, did not believe that they were justified in doing so and fired without any regard to the risk that by doing so they might kill or injure people.
- 64.104** It is important to note that none of the soldiers who in our view shot people in Sector 2 suggested that he had done so because of incoming fire. None of those killed or injured was deploying firearms or was even said by any of these soldiers to have been in possession of firearms. Thus there is nothing to suggest that incoming fire could somehow be regarded as providing an excuse for the shooting of the casualties in this sector.

Chapter 65: C Company

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65.1 C Company of 1 PARA was commanded by Major 221A and consisted of three platoons, 7, 8 and 9. Earlier in this report¹ we described the stage when soldiers of C Company went through Barrier 14 in William Street. As we have observed,² this happened shortly after Support Company had deployed, in vehicles, through Barrier 12 in Little James Street and moved along Rossville Street into the Bogside.

¹ [Paragraphs 20.224–231](#) ² [Paragraph 20.261](#)

65.2 It appears from the evidence that we consider below¹ that 7 Platoon, commanded by Second Lieutenant 110, moved to the corner of Rossville Street and William Street. At least some of the members of this platoon subsequently moved into the Eden Place waste ground and across to the back of the houses on the western side of Chamberlain Street.

¹ [Paragraphs 65.9–52](#)

65.3 8 Platoon, under Second Lieutenant 026, moved to the corner of Chamberlain Street and paused before advancing south along that street. The platoon encountered Fr Edward Daly and the group carrying Jackie Duddy at the junction with Harvey Street. Soldiers of this platoon subsequently made their way further along Chamberlain Street to the edge of the Rossville Flats car park. Members of 8 Platoon were responsible for arresting a number of civilians in 33 Chamberlain Street, the southernmost house on the eastern side of that street. This was the house to which two of the Sector 2 casualties, Michael Bridge and Margaret Deery, had been taken.

65.4 The movements of 9 Platoon are less clear. It appears that they too moved along William Street and some probably got as far as the junction with Rossville Street, but the soldiers of this platoon do not seem to have advanced further into the Bogside.

65.5 7 Platoon was the first platoon of C Company to go through Barrier 14. This platoon was followed by 9 Platoon and 8 Platoon in that order.¹

¹ [B1366.3; B1545.2](#)

65.6 In this chapter of the report, we deal first with the composition of these platoons and their movements, and then consider the evidence that C Company soldiers gave of hearing non-military fire and of seeing civilian gunmen. In the following chapter¹ we deal with the circumstances in which the arrests in 33 Chamberlain Street took place.

¹ [Chapter 66](#)

65.7 Very few members of C Company gave evidence in 1972. Thus most of the accounts given by the soldiers of this company are what they told us that they recalled decades after Bloody Sunday. In the case of some of these soldiers, we concluded that they had no real or accurate recollections of the day. In the case of other soldiers it was necessary to test their recollections against other material in order to try to assess what weight we could properly give to their accounts. We should note at this point that the recollections

of Major 221A, the Commander of C Company, about the movement of his soldiers after they had gone through Barrier 14 were not sufficiently clear to be of much assistance.¹ We consider his evidence of hearing incoming fire in detail below.²

¹ [B2168](#); [Day 294/153](#); [Day 294/156](#)

² [Paragraphs 65.140–141](#)

65.8 We have found no evidence that suggests to us that any soldier of C Company fired his rifle on the day.

The composition and movements of 7 Platoon of C Company

65.9 From the evidence that we have collected, it appears that the following soldiers were members of 7 Platoon, though there may well have been others.

	Cipher	Rank	Identified by
1	Soldier 110	Second Lieutenant	Himself ¹
2	Soldier 003	Lance Corporal	Himself ²
3	INQ 5	Private	Himself ³
4	INQ 96	Private	Stated to this Inquiry that his Platoon Commander was Second Lieutenant 110 ⁴
5	INQ 131	Private	Himself ⁵
6	INQ 444	Corporal	Himself ⁶
7	INQ 554	Private	Lance Corporal 003 ⁷
9	INQ 815	Private	Himself ⁸
10	INQ 1582	Private	Himself ⁹
11	INQ 1799	Lance Corporal	Himself ¹⁰

¹ [B1726.002](#)

² [Day 309/64](#)

³ [C5.1](#)

⁴ [C96.1](#)

⁵ [C131.1](#)

⁶ [C444.1](#)

⁷ [B1366.003](#); [Day 309/69-70](#)

⁸ [C815.2](#)

⁹ [C1582.1](#)

¹⁰ [C1799.1](#)

65.10 Only two members of 7 Platoon gave statements in 1972. We consider their accounts first.

65.11 One of the two was the Platoon Commander, Second Lieutenant 110, who gave a Royal Military Police (RMP) statement timed at 1405 hours on 4th February 1972.¹ In this account, Second Lieutenant 110 referred to making an earlier statement which was recorded on 3rd February 1972.² We have not been able to trace this statement,³ and Second Lieutenant 110 told us he had no recollection of making it.⁴ The statement dated 4th February 1972 does not deal specifically with the movements of 7 Platoon, but instead records Second Lieutenant 110's account of hearing incoming fire and seeing a gunman, both matters that we deal with later. According to the statement, Second Lieutenant 110 moved to the corner of William Street and Rossville Street and later to "*a recess at the rear of houses facing Chamberlain Street*".⁵

¹ B1726.009

⁴ B1726.005

² B1726.008

⁵ B1726.008

³ B1726.001

65.12 The other soldier of 7 Platoon who gave evidence in 1972 was Lance Corporal 003, who gave an RMP statement dated 4th February 1972.¹ In this statement, Lance Corporal 003 recorded that he moved with Second Lieutenant 110 from Rossville Street to the corner of 36 Chamberlain Street, the southernmost house on the west side of Chamberlain Street. References in the statement to being "*in the forecourt of the flats*" and to being able to "*observe the flats*" from this position suggest that Lance Corporal 003 was at the rear of number 36. Lance Corporal 003 stated that after "*about twenty minutes*" he was ordered by Second Lieutenant 110 to pull back to the junction of Harvey Street and Chamberlain Street, before being withdrawn further to the junction of High Street and Chamberlain Street.

¹ B1366.008

65.13 In his RMP statement, Lance Corporal 003 gave an account of seeing, as he ran from Rossville Street to 36 Chamberlain Street, a soldier from Support Company fire several shots from a kneeling position in the direction of Columbcille Court, "*where gunfire was coming from*".¹ He also stated that from 36 Chamberlain Street he witnessed "*quite a lot of firing coming from the flats at this time directed towards us*". We return to these accounts of incoming fire later in this chapter.²

¹ B1366.008

² Paragraphs 65.142–146 and 65.197

65.14 Both Second Lieutenant 110 and Lance Corporal 003 gave written and oral evidence to this Inquiry. According to his written statement to this Inquiry, Lance Corporal 003 ran up William Street with Corporal INQ 444 and Private INQ 554 and reached the south-eastern corner of the junction of Rossville Street and William Street.¹ Lance Corporal 003 stated

that he thought the whole of his platoon had come up to this point when he, Corporal INQ 444 and Private INQ 554 were ordered to cross the Eden Place waste ground.² He told us that he ran across with these soldiers and ended up behind the yards of the Chamberlain Street houses at the southern end of that street.³

¹ B1366.003

³ B1366.004

² B1366.003

65.15 It is not clear from the written evidence of Lance Corporal 003 to this Inquiry when he got to this position. He recalled that it was after he had arrived there that Support Company came south along Rossville Street in their vehicles.¹ This cannot be right since, as we have observed earlier in this report, Support Company had moved into the Bogside before any C Company soldiers had crossed Barrier 14.

¹ B1366.004

65.16 Lance Corporal 003 gave the following account of what he saw while at the southern end of the Chamberlain Street houses:¹

“At some point, I saw a soldier take up a kneeling position near to a Pig on Rossville Street. The soldier was facing south down Rossville Street, and I saw him fire one or two rounds in a southerly direction, from a kneeling position. His approximate position was at the point marked G on the attached map ... I saw him fire, and saw the gas extrusion or smoke come off his weapon. He was wearing a helmet, but not a gas mask. I do not know what his height or build was, as he was kneeling down when I saw him. I cannot recall whether he was right or left handed as he fired. I did not see where he was aiming, apart from south down Rossville Street. I didn’t know who the soldier was although I found out later that he would have been from Support Company. There were other soldiers from his Company around him.”

¹ B1366.004-5

65.17 The point marked “G” was on Rossville Street just south of the entrance into Pilot Row.¹

¹ B1366.010

65.18 In his oral evidence to this Inquiry, Lance Corporal 003 identified himself on a still from BBC film footage, among a group of soldiers waiting behind Barrier 14.¹ We set out that still below.²

¹ Day 309/66

² B1366.0011



65.19 Lance Corporal 003 told us that he was the first soldier through the barrier.¹ He agreed that when he went through the crowd had moved back and there was no prospect of being able to catch any of them.² Apparently contrary to his RMP statement, he told us that he was not with Second Lieutenant 110 as he crossed the Eden Place waste ground.³ He repeated what he had stated in his written statement to this Inquiry, that to the best of his knowledge there was no-one in the car park and no vehicles in the car park when he was at the end of the Chamberlain Street houses.⁴

¹ Day 309/68

³ Day 309/116

² Day 309/109-110

⁴ Day 309/97-98

65.20 In his written evidence to this Inquiry,¹ Second Lieutenant 110 told us that his platoon went through Barrier 14 on foot, and that *"The aim of my platoon as the men went through Barrier 14 was to clear the area, prevent further civil disorder and to make as many arrests as possible"*.² He also told us that on turning the corner into Rossville Street he saw Support Company soldiers further down Rossville Street in the area around Eden Place. Since there was no need for his men to be in the same place he directed his platoon to go south-east across the Eden Place waste ground towards the back of the houses on the western side of Chamberlain Street. He thought that at this time civilians had already cleared away from the waste ground and he told us that he believed that *"the area in front of the Rossville Flats and to the north of the flats as I looked at them*

was also very open and that there were no people in that area at that time".³ In his oral evidence to this Inquiry, Second Lieutenant 110 accepted that there might have been *"one or two people"* in the car park at that time.⁴

¹ [B1726.002-006](#)

³ [B1726.004-5](#)

² [B1726.003](#)

⁴ [Day 350/108-109](#)

65.21 In the course of his oral evidence to this Inquiry, Second Lieutenant 110 was asked to look at footage filmed by a BBC camera crew showing soldiers running across the Eden Place waste ground and taking up positions to the rear of the houses on the western side of Chamberlain Street. Second Lieutenant 110 agreed that it might have been his soldiers seen running across the Eden Place waste ground and that his soldiers had taken up positions as shown in the footage.¹ In our view this footage does show soldiers of 7 Platoon running across the Eden Place waste ground.

¹ [Day 350/67-71](#); [Day 350/74-78](#); [Vid 1 05.12](#)

65.22 It can be seen from the film footage that at the time when these soldiers crossed the Eden Place waste ground and ran along the backs of the Chamberlain Street houses there were no longer military vehicles parked in Rossville Street opposite Kells Walk. Instead, a number of vehicles are shown just to the north of Block 1 of the Rossville Flats, while three vehicles, one of them a military ambulance, can be seen moving north along Rossville Street. This, as was suggested to Second Lieutenant 110, indicates that this film footage was shot relatively late in the day. For reasons given earlier in this report,¹ we have concluded that it was filmed not only after the Army vehicles had moved to the north of Block 1 of the Rossville Flats, but after all the casualties had been sustained in Sectors 2, 3, 4 and 5.

¹ [Paragraphs 58.41–58](#)

65.23 Despite this, Second Lieutenant 110 remained sure that when he reached the junction of Rossville Street and William Street, Support Company vehicles were still present on Rossville Street, although he could not say in which direction they might have been moving.¹ He agreed that it was possible that he had waited for some time at the junction of Rossville Street and William Street before moving across the Eden Place waste ground, but he could not remember stopping and his assumption was that he moved through this area *"in a relatively short period of time"*.²

¹ [Day 350/75-77](#)

² [Day 350/111](#)

65.24 Private INQ 5 was a member of 7 Platoon and Second Lieutenant 110's signaller.¹ As such, he should have remained with his commander.² However, in his first written statement to this Inquiry,³ Private INQ 5 told us that after going through Barrier 14 he had turned left down Macari's Lane into the Eden Place waste ground, where he came under fire and took cover behind a burned-out car.⁴ He also told us that after the shooting had died down he and other soldiers went into one of the back yards of the houses on the western side of Chamberlain Street, where he found 20 to 30 civilians sheltering. According to Private INQ 5, the civilians were not arrested, but they were told to get out with their hands on their heads.⁵ At the end of this statement Private INQ 5 asserted that he had not spoken to the press about Bloody Sunday.⁶

¹ Day 379/3

⁴ C5.2; C5.4

² Day 350/65; Day 379/9

⁵ C5.2-3

³ C5.1

⁶ C5.3

65.25 In a supplementary written statement to this Inquiry,¹ Private INQ 5 accepted that he had been interviewed by journalists. He told us that he had forgotten about this when he made his first written statement.²

¹ C5.5

² C5.8-9; Day 379/59

65.26 Private INQ 5 gave oral evidence to this Inquiry. He accepted that he was wrong in saying that he had gone down Macari's Lane, and agreed that he had moved with other members of his platoon to the junction of William Street and Rossville Street before crossing the Eden Place waste ground.¹ He identified himself as the centre figure in a still from the BBC film footage showing soldiers running across the waste ground.²

¹ Day 379/13-14

² C5.61; Day 379/15



65.27 The impression we gained from Private INQ 5's evidence to us, including his evidence on incoming fire which is discussed below,¹ was that he had little if any independent recollection of events and was relying wholly or to a very substantial extent on what he had been told by others or had otherwise come to believe. He gave accounts to journalists of C Company going into the Bogside, where they were fired on by the IRA and then in effect rescued by Support Company arriving in vehicles. In view of the evidence that we have considered earlier in this report² this account is at odds with what actually happened.³ Although it is possible he did so, we remained unconvinced by his evidence that he sheltered behind a burned-out vehicle on the Eden Place waste ground, and his account of finding civilians sheltering in a back yard appears to be unsupported by any civilian evidence. In these circumstances, while we do not doubt his identification of himself on the still from the film footage shown above, we consider that it would be unwise to place any reliance on Private INQ 5's accounts of what he witnessed.

¹ Paragraphs 65.151–153

³ C5.29; C5.49

² Paragraphs 20.224–271 and 24.1–4

65.28 As already observed,¹ the film footage on which Private INQ 5 identified himself shows Army vehicles in the background travelling north. This was after Support Company vehicles had moved forward to the north side of Block 1 of the Rossville Flats. In our view, for the reasons we have given earlier,² by this stage all the casualties had been sustained in Sectors 2, 3, 4 and 5.

¹ Paragraph 65.22

² Paragraphs 58.41–58

65.29 Corporal INQ 444, another member of 7 Platoon, told us in his written statement to this Inquiry that after deploying through Barrier 14 he moved along William Street. He recalled that he had not quite got to the junction with Rossville Street when he heard, but did not see, Support Company vehicles moving south down Rossville Street. He stated that he returned back along William Street and turned into Chamberlain Street, from where he entered a small alleyway that led into a large area of waste ground. Corporal INQ 444 was unable to identify the alleyway on the map attached to his statement, but he thought that he moved to the end of it, from where he was able to see Block 1 and “*about a quarter*” of Block 2 of the Rossville Flats.¹

¹ C444.4; C444.9

65.30 Corporal INQ 444 stated that from this position he saw a civilian gunman moving between Blocks 1 and 2 of the Rossville Flats, a matter to which we return later.¹ He also recalled the following incidents:²

“The second incident that sticks out in my mind is seeing a person standing on the roof of Block 1 of the Rossville Flats. I saw this person immediately after seeing the gunman. The person was at position D (grid reference L14) on the attached map [a position at the northern end of Block 1]. I do not know if the person was male or female, I just saw a figure standing up. The person threw a bucket of liquid towards the Pig at position B [close to Block 1, just to the south of the northern end of the block]. The liquid was aimed at some soldiers below the flats who were near to the Pig. I cannot give any description of the soldiers. I can’t recall anyone actually hit with the liquid. I initially thought that it was just water or crap that was being thrown but I suddenly saw a couple of soldiers jumping about and some other soldiers dousing their bodies with water so I knew it was acid. It was maybe the upper body area which was being doused.

Almost as soon as this occurred, a soldier, who seemed to appear from nowhere as far as I can recall, began shooting. This is the third incident that sticks out clearly in my mind. I did not know what target he had found as he was shooting out of my line of sight, but I heard rapid firing and I had never seen that before. I think that the soldier was standing approximately at position E (grid reference L14) on the attached map [the northern edge of the car park, approximately half way between Rossville Street and the backs of the Chamberlain Street houses]. I believe although I do not know that the person who was firing was a man called Lance Corporal H. I have it in my mind it is Lance Corporal H. I think I came to the conclusion it was Lance Corporal H although I did not know him to recognise him, nor can I give any description of him. It was single, distinct shots that I heard from an SLR rifle, but rapid semi-automatic fire. It was not automatic fire.

I remember that the soldier was standing up and he was holding his rifle under his arm at a position between his shoulder and his waist. I could not see the butt of the rifle. He was firing at an angle of 30 to 40 degrees towards Block 2 and 3 of the Rossville Flats, in the direction shown on the attached map. I personally thought that he was being stupid firing as he did. I think he fired more than 10, less than 20. Our brief was always to fire aimed shots with minimum force. We always carried out disciplined controlled fire. It is my opinion that he was phased out by the situation, was frightened and he had 'lost the plot'. That was the impression I formed of him. He is the only person I can recollect seeing firing. He had possibly seen a target, but he did seem to be firing an awful lot of rounds.

I think that Lance Corporal H at that time was fairly new to the battalion. Although I have in my mind that it was Lance Corporal H I saw there is a good chance that I did not know at that time that it was him but that I found out it was Lance Corporal H from either talking about the incident or hearing it was him after the event. I believe that he fired more than ten rounds, but probably less than twenty. I do not recall hearing any return fire towards Lance Corporal H during that period. I do not remember him trying to take cover. I then remember a voice of authority shouting 'cease fire cease fire', and Lance Corporal H stopped firing. I cannot remember who gave the command or where that command came from."

¹ Paragraphs 65.206 and 65.212

² C444.5-6; C444.9

65.31 In his oral evidence to this Inquiry, Corporal INQ 444 said that at the time he did not know that the liquid he had described being poured from Block 1 of the Rossville Flats was acid; he said he must have picked this up from talk later. He also said to us that his identification of “Lance Corporal H” (who was in fact a Private, not a Lance Corporal) as the soldier firing indiscriminately was something that he had learned much later. He said that he had a “*clear recollection of a soldier firing too many rounds in an indisciplined manner*”, but he thought he had been “*far too detailed [in his statement] in certainly the position I put the man in, um, where he was firing, et cetera*”. In addition, he told us that he did not remember exactly when the ceasefire order was shouted, nor whether his memory of the order came from the day itself or from the television footage he had subsequently seen.¹

¹ [Day 344/82-83](#)

65.32 During the course of his oral evidence Corporal INQ 444 was shown the evidence of Second Lieutenant 110 and Lance Corporal 003, who both described moving from the northern end of Rossville Street, across the Eden Place waste ground, to the backs of the houses in Chamberlain Street. Corporal INQ 444 was told that Lance Corporal 003 had recorded in his RMP statement that he (Lance Corporal 003) had moved in this way with Corporal INQ 444. Corporal INQ 444 was then asked if he accepted that his recollection of being in Chamberlain Street and looking through an alleyway could be at fault:¹

“Yes, I do, and this was always my concern, right from the beginning, when I first started to make statements, is how I actually got there. I was convinced that I had come through an alleyway, but it was pointed out to me that there was not an alleyway, but I just could not recollect how I got there.”

¹ [Day 344/100-102](#)

65.33 Corporal INQ 444 was asked about the soldier he said he had seen firing:¹

“Q. You describe, if we look at paragraph 34 and we take it in stages:

‘The soldier was standing up and he was holding his rifle under his arm at a position between his shoulder and his waist.’

Can you elaborate, please, on the firing position that was being adopted by this soldier?

A. I am pretty certain he was in the standing position, um, and firing rapidly, probably starting with his rifle properly in his shoulder, but the amount of rounds that he fired, which was a number of rounds, I cannot say exactly how many, the rifle had slipped out of the shoulder and was working its way down the body. At that particular stage he should have stopped firing.

Q. You described it at the beginning of giving your evidence as 'indisciplined'?

A. Yes.

Q. Did you get the impression that this soldier was not firing aimed shots?

A. Yes.

Q. If we look, please, at your map at C444.9, in 2000 when you made this statement, you put the approximate position of the soldier at point E and the arrow indicated the direction of fire. So that we understand your evidence properly: how sure are you today of the position of the soldier?

A. I am not at all sure. Um, with lots of mind searching I believe the soldier come from across the other side of Rossville Street because he seemed to be, um, totally alone; he was in the middle of the open area, um, but I am not sure. I was gently asked to come up with a position and that was probably a totally wrong assumption. I believe he was somewhere in the general area of that wasteground. I could identify, you know, a general area.

Q. What about the direction of fire?

A. The direction of fire was at 45 degrees – between 30 and 45 degrees. It was definitely up in the air, absolutely certain it was up in the air, but I could not say where it was directed to.

...

Q. ... How sure are you now that these shots were being fired in between the blocks and towards the car park?

A. Not sure at all."

¹ [Day 344/107-109](#)

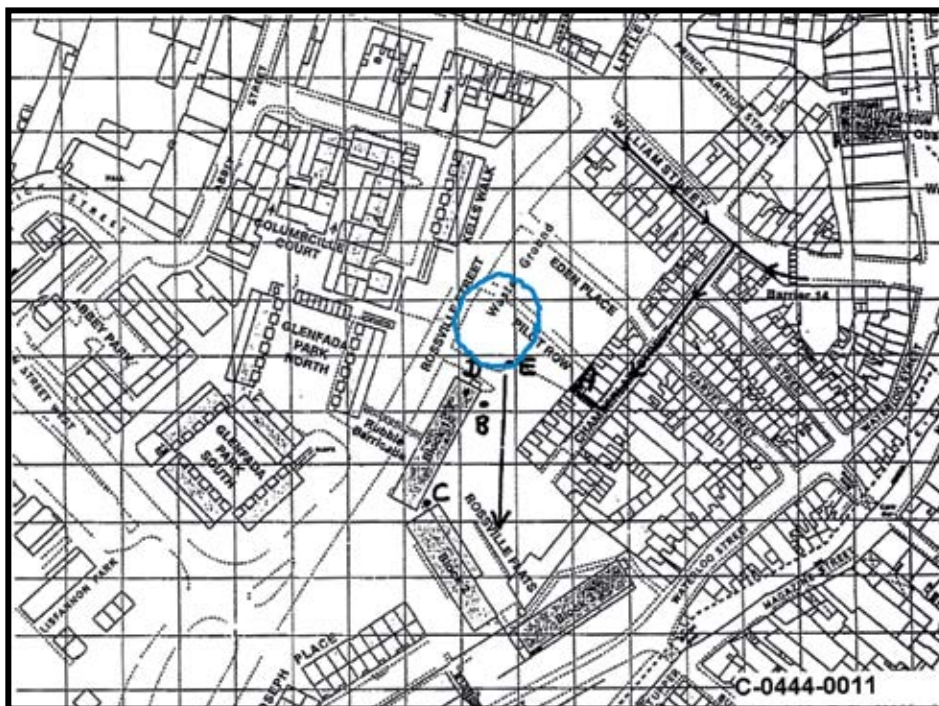
65.34 A little later in his evidence Corporal INQ 444 said that he was not sure how many shots the soldier had fired: *"It could have been six to 15"*. However, he stood by his recollection of a soldier somewhere in the waste ground, firing at least six shots in an undisciplined manner.¹ He told us that he did not recall seeing a Lance Corporal's stripe on the soldier's uniform, and that he had somehow gained the belief that the soldier was a Lance Corporal when he first started making his statement.²

¹ Day 344/110-111

² Day 344/115

65.35 With regard to the soldier that he said he saw firing indiscriminately, Corporal INQ 444 described him as being about 50 yards away somewhere in the area of a circle that he drew on the following map, the letter "A" representing Corporal INQ 444's approximate position.¹

¹ Day 344/137-139; C444.11



65.36 Corporal INQ 444 told us that he was not certain of the direction in which this soldier was firing, but it *"was up in the air at 45, 30 to 40 degrees as I remember it, from a standing position"*. He also told us that his earlier evidence about the soldier probably starting to fire with the rifle at his shoulder with the rifle then slipping down was *"something I worked out; I did not see it"*.¹

¹ Day 344/139-140

65.37 Corporal INQ 444 told us that he had no recollection, apart from the soldier firing indiscriminately, of any other soldiers firing into the area of the Rossville Flats car park.¹

¹ [Day 344/135](#)

65.38 We formed the view that Corporal INQ 444 was doing his best to assist this Inquiry. He was careful to make clear that he was now not sure about the sequence of events or about how he reached the back of the Chamberlain Street houses. He also told us that some of his account was based on what he had heard afterwards from others. We consider that an example of this was his recollection of something being poured on soldiers from the roof of the Rossville Flats, which we believe to be an inaccurate version of an incident concerning Private R and Private T that we have considered earlier in this report.¹ While in our view it would be unwise to place much reliance on his recollection of his movements, we do accept his account of seeing a soldier firing in an indiscriminate manner.

¹ [Paragraphs 51.266–385](#)

65.39 In the light of the fact that Corporal INQ 444 had in our view arrived at the back of the Chamberlain Street houses at a late stage, and believed that the soldier firing indiscriminately had come from the other side of Rossville Street, it seems to us that it is unlikely that this was Private S or another soldier from Mortar Platoon, as suggested by the representatives of the majority of the families.¹ It also seems unlikely that it was Corporal P, since it appears that the shots this soldier described firing were fired at an earlier stage, as we discuss later in this report.²

¹ [FS1.1283](#)

² [Chapter 73; paragraphs 85.2–28](#)

65.40 Corporal INQ 444 was at pains to explain that the only reason that he thought the soldier was Private H (of Anti-Tank Platoon) was because of information that he received after the events of the day. We consider this matter later in this report,¹ where we conclude that it is somewhat more likely than not that Corporal INQ 444 saw Private H, though we remain far from certain. We return later in this chapter² to the evidence of Corporal INQ 444 of hearing incoming fire and of seeing a civilian with a rifle.

¹ [Paragraph 105.29](#)

² [Paragraphs 65.127–129 and 65.206](#)

65.41 Private INQ 131 and Private INQ 1582 gave evidence that they were members of 7 Platoon, and that after they went through Barrier 14 they moved along William Street to the junction with Rossville Street and then across the waste ground to the back of the houses on the western side of Chamberlain Street.¹

¹ [C131.3-4; C1582.2-3](#)

65.42 In his written statement to this Inquiry, Private INQ 131 told us that he believed that he was one of the first to climb over Barrier 14 and, with Lance Corporal 003, among the first soldiers to turn south from William Street into Rossville Street.¹

¹ [C131.3](#)

65.43 We formed the impression from his oral evidence¹ that Private INQ 131 really had little if any clear recollection of events.

¹ [Day 333/1-37](#)

65.44 Private INQ 1582 did not give oral evidence to this Inquiry, but he did make a written statement. He told us that Second Lieutenant 110 was his Platoon Commander,¹ and recalled running across waste ground to the back yard of one of the houses on Chamberlain Street. He described hearing a lot of firing, but was not sure whether this was as he was running across the waste ground:²

“There seemed to be a lot of firing going on and although I had been in fire fights before, there had generally not been that much firing. Generally a terrorist would fire then disappear and soldiers would only have a chance to fire once or twice at a target. However, on this occasion I was conscious of more shooting than that going on to the right of me (west). Although that I know I wasn’t fired at personally, I did not know who was firing what, at whom, or why.”

¹ [C1582.1-6](#)

² [C1582.3](#)

65.45 In respect of his movements on the day, Lance Corporal INQ 1799 recorded in his written statement to this Inquiry that he turned into Chamberlain Street from William Street,¹ but during his oral evidence he seemed inclined to think that he reached the rear of the Chamberlain Street houses from Rossville Street.² We discuss below³ Lance Corporal INQ 1799’s evidence of seeing two gunmen on Bloody Sunday: first, a civilian with an automatic pistol whom he saw shortly after his deployment through Barrier 14; and second, a man with an M1 carbine in the vicinity of the Rossville Flats. We also consider below⁴ Lance Corporal INQ 1799’s evidence of what he described as the first gunfire he had heard that day, namely two bursts of automatic fire from a Thompson sub-machine gun after he had taken cover in a doorway.

¹ [C1799.5](#)

³ [Paragraphs 65.208–211](#) and [65.234–235](#)

² [Day 314/159-163](#); [C1799.15](#)

⁴ [Paragraph 65.130](#)

65.46 Listening to Lance Corporal INQ 1799 we came to the conclusion that he too had little clear recollection of events. He agreed that he had difficulties with his memory in confusing things that he had been told with things that he actually recalled.¹

¹ [Day 314/189](#)

65.47 Private INQ 815 did not give oral evidence to this Inquiry, but he did make a written statement. In this he told us that he was the driver of one of the two Armoured Personnel Carriers (APCs) of 7 Platoon.¹ Again it seemed to us that this soldier had little clear recollection of events. However, he did state, and we accept, that after Barrier 14 had been moved, he drove his (empty or almost empty) APC through, and stopped behind his Platoon Commander's Pig on William Street, approximately level with the northern end of Chamberlain Street.²

¹ [C815.2](#)

² [C815.4](#)

65.48 In his written statement to this Inquiry, Private INQ 96 told us that his Platoon Commander was Second Lieutenant 110, which would put him in 7 Platoon.¹ According to his account, having crossed the barrier he went along William Street, turned left into Macari's Lane, south across the Eden Place waste ground and then turned and went north up Chamberlain Street. He told us he was following Private INQ 5. He also told us that he did not encounter any snipers on the day nor did he feel under fire at any stage: *"By the time I went in, I suspect that the shooting was already over."*²

¹ [C96.1](#)

² [C96.3-4](#)

65.49 Private INQ 96 did not give oral evidence to this Inquiry. If, as he recalled, he was following Private INQ 5, then it seems to us that he was probably mistaken in believing that he had gone into the Eden Place waste ground through Macari's Lane. Although Private INQ 5 initially thought that this was the way he had gone, he later agreed that in fact he must have come into the Eden Place waste ground from Rossville Street.

65.50 Private INQ 554 told this Inquiry that he was in 9 Platoon. However, he recalled taking cover *"in an area of rubble"*,¹ and Lance Corporal 003 believed that the two of them were together on the day.² Both of these pieces of evidence suggest that Private INQ 554 was actually in 7 Platoon. We return to his account when considering evidence of C Company soldiers of non-military fire.

¹ [C554.7](#)

² [B1366.003](#); [Day 309/69-70](#)

65.51 It is possible that Private INQ 559 was a member of 7 Platoon, but his evidence to us was to the effect that he went down Chamberlain Street,¹ and so on the whole it seems more likely that he was part of 8 Platoon.

¹ [C559.2](#)

65.52 Our consideration of the evidence reviewed above¹ leads us to conclude that the soldiers of 7 Platoon who moved into the Eden Place waste ground and along the back of the Chamberlain Street houses did so at a late stage, after all the casualties had been sustained in all the sectors.

¹ [Paragraphs 65.9–51](#)

The composition and movements of 9 Platoon of C Company

65.53 We do not know for certain who commanded 9 Platoon. Private INQ 587 suggested it was Sergeant UNK 925.¹ However, the Ministry of Defence informed us that this soldier was not in Northern Ireland on Bloody Sunday. A more likely candidate is UNK 410. He is referred to in the written evidence to this Inquiry of Second Lieutenant 026, Platoon Commander of 8 Platoon.² Since Second Lieutenant 026 correctly identified the Platoon Commander of 7 Platoon, he may be correct in his recollection that UNK 410 was the Commander of 9 Platoon. Lance Corporal INQ 1056, whom we believe to have been a member of 9 Platoon, told us that he thought that the Platoon Commander was UNK 410, although he could not recall him being present on Bloody Sunday.³ We were unable to obtain a statement from UNK 410.

¹ [C587.1](#); [Day 324/154](#)

³ [C1056.1](#)

² [B1545.002](#)

65.54 No member of 9 Platoon gave evidence in 1972. We traced a number of soldiers whose accounts indicate that they were or may have been among the members of this platoon, although it is likely that there were others.

	Cipher	Rank	Identified by
1	UNK 410	Unknown	Second Lieutenant 026 ¹
2	INQ 488	Sergeant	Tribunal, on the basis that his platoon did not advance beyond the junction of William Street and Rossville Street ²
3	INQ 587	Private	Himself ³
4	INQ 736	Corporal or Lance Corporal	Tribunal, on the basis that he stated that he was with Sergeant INQ 488 and that he remained around the junction of William Street and Rossville Street ⁴
5	INQ 956	Private	Himself ⁵
6	INQ 1010	Private	Himself ⁶
7	INQ 1056	Lance Corporal	Himself, by implication from his statement ⁷
8	INQ 1093	Private	Himself ⁸
9	INQ 1594	Corporal	Himself, tentatively, on being told that Private INQ 587 believed that he was in 9 Platoon ⁹
10	INQ 1910	Lance Corporal	Himself ¹⁰
11	INQ 2057	Private	Tribunal, on the basis that he stated that he was ordered to remain by " <i>a junction</i> " ¹¹

¹ B1545.001

² Day 300/44-45

³ C587.1

⁴ C736.2-3

⁵ C956.1

⁶ C1010.1

⁷ C1056.1

⁸ C1093.2

⁹ C1594.1

¹⁰ C1910.1

¹¹ C2057.1-2

65.55 Much of the evidence that we have obtained from soldiers of 9 Platoon as to their movements is muddled and inconsistent, which is not surprising in view of the fact that they were first asked to give their accounts long after Bloody Sunday.

65.56 Sergeant INQ 488 gave written and oral evidence to this Inquiry. He told us that he could not remember which platoon he was with on the day.¹ He recalled that his platoon was the first across Barrier 14, and that it did not advance further than the junction of William Street and Rossville Street, and he had no recollection of other platoons of C Company doing so either.²

¹ C488.1

² Day 300/44-45

65.57 Private INQ 587 told this Inquiry that after going through Barrier 14 he moved along William Street towards Rossville Street. As we discuss below,¹ he stated that he heard gunfire, including incoming rounds, before reaching the junction. He took cover until his APC was brought forward and then exchanged the baton that he was carrying for his self-loading rifle (SLR). He subsequently moved into the northern end of Rossville Street, but did not proceed beyond the block of buildings on the south-east corner of the junction with William Street.²

¹ Paragraph 65.135

² C587.3-4; C587.6; Day 324/161-163; Day 324/172

65.58 Lance Corporal INQ 1910 told us, in his written evidence to this Inquiry, that he moved along William Street to the junction with Rossville Street following 9 Platoon's deployment through Barrier 14. He recalled hearing shots and temporarily detaining and searching civilians on the waste ground to the north of the junction, something that he said was done "*for their own safety as much as anything*".¹ Lance Corporal INQ 1910 did not give oral evidence to this Inquiry.

¹ C1910.4-5; C1910.10

65.59 Since we are satisfied from the evidence considered above¹ and below² that soldiers of 7 Platoon did go further than the junction of William Street and Rossville Street and that 8 Platoon went down Chamberlain Street, it seems more likely than not that Sergeant INQ 488 was with 9 Platoon on the day.

¹ Paragraphs 65.9-52

² Paragraphs 65.67-119

65.60 INQ 736 told us in his written statement to this Inquiry that he was either a Lance Corporal or a Corporal on the day.¹ He gave an account of going through the barrier with Sergeant INQ 488 and stated that the Sergeant called for him to follow.² He thought that he was not among the first to go through the barrier, but not among the last either, and he recalled running west, straight along William Street. We discuss below³ his evidence of hearing incoming shots, high velocity fire and explosions. INQ 736 described looking round the corner of the buildings on the eastern side of Rossville Street (ie the buildings that extended a short distance from the south-eastern corner of the junction with William

Street), and seeing soldiers from Support Company in aiming positions, including a soldier leaning against a wall near Kells Walk. INQ 736 told us that he stayed by the buildings on the eastern side of Rossville Street, but he neither saw nor heard anything else of significance.⁴ In his oral evidence to this Inquiry he said that he did not see any members of Support Company attempting to make arrests “*because the crowd had dispersed as soon as the shooting started*”.⁵

¹ C736.1

⁴ C736.2-3

² C736.2

⁵ Day 310/159

³ Paragraphs 65.131–133

65.61 In the course of his oral evidence INQ 736 gave an account of Support Company initially entering the Bogside on foot and being met by hostile fire. In response, according to INQ 736, Support Company’s vehicles were brought forward, and the men returned to them in order to re-arm.¹

¹ Day 310/152-154; Day 310/164-165

65.62 The evidence given by INQ 736 of the movement of Support Company into the Bogside is inconsistent not only with the evidence of members of that company but also with the photographic and other evidence of what in fact happened, as we have set out earlier in this report.¹ On listening to his evidence we formed the view that it would be wise to place little reliance on INQ 736’s account of what he said he heard and saw on the day, though his references to Sergeant INQ 488 and the fact that he did not seem to move from the area of the junction of William Street and Rossville Street indicate that he was probably a member of 9 Platoon.

¹ Paragraphs 20.233–271 and 24.1–36

65.63 Private INQ 1093 appears to have been the signaller for 9 Platoon who accompanied the Platoon Commander on Bloody Sunday.¹ He told us that he recalled following behind Support Company, walking at a brisk pace, and said that he saw the soldiers of Support Company “*dismounting*” near the Rossville Flats. He recalled walking along a “*terraced street*”, but he was unsure whether this was Chamberlain Street or Rossville Street.² We consider below³ his evidence of seeing the strike of a burst of automatic fire that “*danced down the street*” in front of him.⁴

¹ C1093.2

³ Paragraph 65.134

² C1093.3

⁴ C1093.3-4

65.64 It is far from clear from this account where Private INQ 1093 went. If he had gone down Chamberlain Street he could not have seen the Support Company vehicles entering the Bogside, and he could not have “*followed behind*” them.¹ However, it is difficult to accept that he advanced very far (or at all) along Rossville Street. There is no other evidence that suggests to us that 9 Platoon went further along Rossville Street than the houses at the south-eastern corner of the junction with William Street, and Rossville Street cannot be described as a “*terraced street*”. In our view it would be unwise to place reliance on the evidence of Private INQ 1093.

¹ [C1093.3](#)

65.65 It is possible that Private INQ 2057 was a member of 9 Platoon, but according to his written evidence to this Inquiry¹ he had little recollection of the day, save that he was at a junction.

¹ [C2057.1](#)

65.66 We refer to the evidence of other soldiers who appear to have been members of 9 Platoon when considering the evidence of C Company soldiers of non-military fire. We consider that 9 Platoon, after crossing Barrier 14, did not advance further than the buildings on the south-eastern corner of the junction of William Street and Rossville Street.

The composition and movements of 8 Platoon of C Company

65.67 Counsel to the Inquiry prepared what we consider to be an accurate summary of the evidence relating to the composition of 8 Platoon on the day, which with few alterations we set out below:¹

¹ [CS9.14-16](#)

1. According to Sergeant INQ 2000, Platoon Sergeant of 8 Platoon, he, Corporal 007 and Private INQ 12 were members of a 17-man patrol commanded by Second Lieutenant 026.¹

¹ [C2000.2](#)

2. Second Lieutenant 026 identified himself as a Second Lieutenant and the Platoon Commander of 8 Platoon, which consisted of 22 men on Bloody Sunday.¹ He named Private INQ 12,² Corporal INQ 579,³ Private INQ 876,⁴ Lance Corporal INQ 1334⁵ and Lance Corporal INQ 2121⁶ as having been under his command that day.

¹ B1541

⁴ Day 315/132-133

² Day 315/141

⁵ B1545.002

³ Day 315/121-123

⁶ Day 315/119

3. Corporal 007 identified himself as a Corporal and a Section Commander in 8 Platoon.¹ He further identified Private INQ 876, Private INQ 12 and Lance Corporal INQ 2045,² Sergeant INQ 2000,³ Private INQ 437 and Lance Corporal INQ 2121.⁴

¹ B1384.001; Day 312/4

³ B1384.003

² B1384.001

⁴ Day 310/12

4. Private INQ 12 was a Private in 8 Platoon.¹ He identified Corporal INQ 579,² Lance Corporal INQ 1334,³ Sergeant INQ 2000⁴ and Lance Corporal INQ 2045⁵ as members of 8 Platoon present on Bloody Sunday.

¹ C12.001

⁴ Day 351/13

² Day 351/32

⁵ Day 351/13

³ Day 351/32

5. Private INQ 437 identified himself as a Private in 8 Platoon.¹

¹ C437.1-C437.4

6. Private INQ 471 identified himself as a radio operator in 8 Platoon, although on Bloody Sunday he operated as a rifleman.¹ He claimed that Private INQ 12, Lance Corporal INQ 1334 (who he thought was his Section Commander²) and Lance Corporal INQ 2121 travelled from Belfast in his Pig, which was driven by Private INQ 876.³ According to Private INQ 471 there would have been eight men in the back of the Pig and two in the front.⁴ He also identified Corporal INQ 579 and Corporal 007 as members of 8 Platoon although he was not sure that either man was there on the day.⁵

¹ C471.1

⁴ C471.2

² Day 312/119-120

⁵ Day 312/119-120

³ C471.2

7. Corporal INQ 579 identified himself as a Corporal and Section Commander in 8 Platoon.¹ He also identified Private INQ 12 and Sergeant INQ 2000.²

¹ C579.1

² Day 308/64-65

8. Private INQ 876 confirmed that he was a member of 8 Platoon.¹ He identified Private INQ 12 and Lance Corporal INQ 1334,² who he believed might all have been in his Pig from Belfast to Londonderry.

¹ C876.1

² C876.3

9. Private INQ 1073 stated that on 30th January he travelled in a Pig with Private INQ 12, Private INQ 437, and Lance Corporal INQ 1334 from Palace Barracks, Belfast to Londonderry.¹

¹ C1073.1

10. Private INQ 1296 identified himself as being in 8 Platoon.¹ He cited Corporal INQ 579 and Lance Corporal INQ 1334,² and Lance Corporal INQ 2121³ as members of 8 Platoon.

¹ C1296.1

³ C1296.1

² C1296.5

11. Lance Corporal INQ 1334 identified himself as a member of a platoon commanded, he thought, by Second Lieutenant 026.¹

¹ C1334.3

12. Lance Corporal INQ 1574 identified himself as a member of 1 PARA, C Company, 2 Platoon. However, he described travelling from Belfast to Londonderry in the company of Private INQ 12, Private INQ 437, Private INQ 876, Private INQ 1073, Sergeant INQ 2000 and Lance Corporal INQ 2121.¹

¹ C1574.3

13. Lance Corporal INQ 2045 confirmed he was a member of 8 Platoon.¹ On his account, other members of this platoon included Private INQ 12, Lance Corporal INQ 1334, Corporal INQ 579, Private INQ 876, Sergeant INQ 2000, Lance Corporal INQ 2121 and Lance Corporal INQ 1574.²

¹ Day 309/171

² Day 309/171-172

14. Lance Corporal INQ 2121 identified himself as a member of 8 Platoon. He also named Sergeant INQ 2000.¹

¹ C2121.1

15. Lance Corporal INQ 2151 declined to co-operate with this Inquiry, but he was identified in a photograph¹ standing face on to the camera at the corner of Chamberlain Street and William Street by both Second Lieutenant 026 and Private INQ 12.²

¹ Paragraph 65.102

² Day 315/121-122; Day 351/14

65.68 The table below summarises this evidence.

	Cipher	Rank	Position/Identified by
1	026	Second Lieutenant	Platoon Commander. Identified by Lance Corporal INQ 1334 and Sergeant INQ 2000.
2	007	Corporal	Section Commander. Identified by Private INQ 471 and Sergeant INQ 2000.
3	INQ 12	Private	Identified by Corporal 007, Second Lieutenant 026, Private INQ 471, Corporal INQ 579, Private INQ 876, Lance Corporal INQ 1056, Private INQ 1073, Lance Corporal INQ 1574, Sergeant INQ 2000 and Lance Corporal INQ 2045.
4	INQ 437	Private	Identified by Corporal 007, Private INQ 1073 and Lance Corporal INQ 1574.
5	INQ 471	Private	Identified by himself.
6	INQ 579	Corporal	Section Commander. Identified by Second Lieutenant 026, Private INQ 12, Private INQ 1296 and Lance Corporal INQ 2045.
7	INQ 876	Private	Identified by Corporal 007, Second Lieutenant 026, Corporal INQ 444, Private INQ 471, Lance Corporal INQ 1574 and Lance Corporal INQ 2045.
8	INQ 1073	Private	Identified by Lance Corporal INQ 1574.
9	INQ 1296	Private	Identified by himself.
10	INQ 1334	Lance Corporal	Identified by Second Lieutenant 026, Private INQ 12, Private INQ 471, Private INQ 876, Private INQ 1073, Private INQ 1296 and Lance Corporal INQ 2045.
11	INQ 1574	Lance Corporal	Identified by himself and Lance Corporal INQ 2045.
12	INQ 2000	Sergeant	Platoon Sergeant. Identified by Corporal 007, Private INQ 12, Corporal INQ 579, Lance Corporal INQ 1574, Lance Corporal INQ 2045 and Lance Corporal INQ 2121.
13	INQ 2045	Lance Corporal	Identified by Corporal 007, Private INQ 12 and Lance Corporal INQ 1056.
14	INQ 2121	Lance Corporal	Identified by Private INQ 471, Private INQ 1296, Lance Corporal INQ 1574 and Sergeant INQ 2000.
15	INQ 2151	Lance Corporal	Identified by Second Lieutenant 026 and Private INQ 12.

65.69 It is likely that there were other soldiers forming part of 8 Platoon on the day, but the evidence does not allow us to identify them with any certainty. However, it seems on balance that Private INQ 559 was also in this platoon, as he described running down a narrow street after he had gone through the barrier.^{1,2}

¹ [C559.1-2](#)

² Counsel to the Inquiry prepared an Appendix which dealt with other possible members of this platoon. In our view it is not necessary to reproduce that Appendix in this report ([CS9.61-63](#)).

The evidence of Second Lieutenant 026

65.70 In his RMP statement dated 4th February 1972, the Commander of 8 Platoon, Second Lieutenant 026, gave the following account:¹

“About 1615 hrs, 30 January 1972, my entire platoon of 22 men all moved down Chamberlain Street towards Rossville Flats. We had one APC carrying some of the Platoon, while some of us were on foot. Our object was to secure our left flank and to consolidate at the end of Chamberlain Street.

As we moved down Chamberlain Street a crowd of about 80 persons were confronting us. They moved backwards as we approached and shouted abuse at us. They remained 50 yards ahead of us all the time. Nothing was thrown at us.

When we reached the end of Chamberlain Street, the crowd disappeared into the Rossville Flats complex. The APC moved into a position at MR 43311681, and the Platoon deployed around it.”

¹ [B1541](#)

65.71 The grid reference given by Second Lieutenant 026 indicates that the APC moved to a point at the southern end of Chamberlain Street.

65.72 Second Lieutenant 026 did not give evidence to the Widgery Inquiry, but he did give written and oral evidence to this Inquiry.

65.73 According to Second Lieutenant 026's written statement to this Inquiry, 8 Platoon went through Barrier 14 after 7 and 9 Platoons. He stated that Major 221A, the Commander of C Company, gave him orders “*to take my Platoon down Chamberlain Street and secure the Battalion's left flank*”. The platoon climbed over the barrier, turned left and went on foot down Chamberlain Street.¹

¹ [B1545.002](#)

65.74 In his oral evidence to this Inquiry, Second Lieutenant 026 told us that he was “*as certain as I can be*” that 7 and 9 Platoon went through Barrier 14 before his platoon. He recalled that one of his APCs had broken down, which had delayed his men. He told us that he assumed that the platoons of C Company had all been given the task of arresting rioters. He said that the other platoons were no more than a few hundred metres ahead of him and that “*7 and 9 Platoon went off down William Street and I was, at that stage, caught up with Major 221A and was tasked to go down Chamberlain Street*”.¹ He had earlier stated that he was met by Major 221A “*at the barrier*”.²

¹ [Day 315/123-124](#)

² [Day 315/123](#)

65.75 We are of the view that Second Lieutenant 026 was with his soldiers when they went into Chamberlain Street. He said that “*There was absolutely no reason why I would lag behind, I was the platoon commander*”.¹

¹ [Day 315/130-131](#)

65.76 Second Lieutenant 026 recorded in his written evidence to this Inquiry that having entered Chamberlain Street, he advanced towards the junction with High Street. He said that he saw a crowd, which he did not judge to be a threat, ahead of his platoon at the southern end of the street, and that he could tell from the debris on the street and the smell of CS gas that a riot had recently been dispersed.¹

¹ [B1545.002](#)

65.77 In his oral evidence to this Inquiry, Second Lieutenant 026 stated that he preferred the account that he had given in 1972 of pushing an abusive and confrontational crowd backwards as his platoon moved along Chamberlain Street.¹ Initially he added that “*there were a few stones that were thrown, but they were not going to hit us, they were probably ... too far away for that*”.² However, on being shown the section of his RMP statement in which he stated that “*Nothing was thrown at us*”, Second Lieutenant 026 retracted his comment to this Inquiry and accepted his earlier evidence.³ In response to being asked how he came to the conclusion that the crowd ahead of his platoon was riotous, he said:⁴

“The riotous behaviour, as I recall, had taken place in the area of Waterloo Street and was dispersing by the time we, C Company, went in there. So we were following up a rioting situation.

I had every reason to believe, based on the fact that the crowd was dispersing and the crowd were throwing – were shouting abuse at us, that those people on Chamberlain Street had been part of the, part of the rioters.”

¹ [Day 315/125-126](#)

³ [Day 315/127-128; B1541](#)

² [Day 315/126](#)

⁴ [Day 315/128](#)

65.78 Second Lieutenant 026 was shown a photograph taken by Gilles Peress, reproduced below, of the scene in Eden Place just before, as we discuss earlier in this report,¹ Lieutenant N of Mortar Platoon fired a shot up this alleyway. Second Lieutenant 026 said that he did not see any such scene, nor did he recall civilians being present in Eden Place.²

¹ [Chapter 30](#)

² [Day 315/156-157](#)



65.79 Second Lieutenant 026 told us that he and his platoon advanced to the junction of Chamberlain Street and High Street. From there, he saw Fr Daly coming north up Chamberlain Street with a group carrying a body. This must have been the group carrying Jackie Duddy. He said that he sent Lance Corporal INQ 1334 “*to quickly check the*

person who was being carried".¹ In his oral evidence, Second Lieutenant 026 stated that he did not think that he had been in Chamberlain Street for "very long" before encountering the group carrying Jackie Duddy.²

¹ [B1545.002](#)

² [Day 315/131](#)

65.80 Second Lieutenant 026 recalled that he then moved with his men to a point about halfway along Chamberlain Street, where he was joined by an APC driven by Private INQ 876. The platoon and the APC advanced to the end of Chamberlain Street, where Second Lieutenant 026 saw two frightened women crouching behind a small car. *"The women were clearly in fear and we persuaded them to come to us. We then arranged for them to move further up Chamberlain Street to a place of safety."*¹ We have no reason to doubt this recollection of Second Lieutenant 026, but we do not know who these people were.

¹ [B1545.003](#)

65.81 Second Lieutenant 026 gave the following evidence of what he saw as he looked into the Rossville Flats car park from the southern end of Chamberlain Street:¹

"My memory was that the people who had moved down the Chamberlain Street ahead of us, some dispersed into the bottom left house at the – I do not know the number – and some dispersed across the car park. It was very quickly – the car park was very quickly empty of all people, apart from the two women."

¹ [Day 315/135](#)

65.82 Second Lieutenant 026 told us that he heard gunfire as his platoon crossed the barrier but before they moved into Chamberlain Street. This was *"shooting going on in the general area of west, somewhere in the area of Rossville Street and beyond"*. However, he said that he was not aware of any further firing from the time that he entered Chamberlain Street until the time that he reached the southern end of that street.¹ We discuss below² Second Lieutenant 026's evidence of hearing incoming fire from that position.

¹ [Day 315/163-164](#); [Day 315/158](#)

² [Paragraphs 65.168–172](#)

The evidence of other members of 8 Platoon

65.83 Corporal 007 gave two statements to the RMP in 1972, in which he dealt with his actions and movements shortly after 8 Platoon moved through Barrier 14. In his first statement, dated 4th February 1972, he said that his platoon:¹

“... moved along Chamberlain Street, Londonderry, towards Rossville Flats. Our intention was secure the left flank. We were confronted by a mob of about 80–100 persons who shouted abuse at us but moved back as we approached. As we came to the end of Chamberlain Street the mob disappeared into surrounding houses.”

¹ B1378

- 65.84** The account that Corporal 007 gave in this statement is similar, in both content and phraseology, to that which Second Lieutenant 026 gave to the RMP on the same day.¹ Both of these soldiers were interviewed by the same person, Staff Sergeant Middleton-Jones, within 20 minutes of one another.²

¹ B1541

² B1542; B1379

- 65.85** In his later statement, dated 19th May 1972, Corporal 007 gave a different version of events:¹

“About 1600 hrs, 30 Jan 72, a group of rioters who had been throwing stones [at] the Security Forces left WILLIAM ST and ran into CHAMBERLAIN ST. We gave chase, but when we reached CHAMBERLAIN ST *they had disappeared* [emphasis added] ... I assumed that they had gone into the ROSSVILLE Flats area.”

¹ B1383

- 65.86** As will be seen from the discussion that follows,¹ this account is in somewhat similar terms to those given by Private INQ 12 and Sergeant INQ 2000, who were interviewed by the same member of the RMP shortly before and shortly after Corporal 007.²

¹ Paragraphs 65.88 and 65.92–93

² C2000.4; B1384; C12.11

- 65.87** Corporal 007 told this Inquiry that he could not recall seeing civilians in Chamberlain Street, but he could not be sure that there were none.¹ He said that he had no recollection of being confronted by a crowd in the way described in his first RMP statement.² He also said that he did not remember seeing Fr Daly and the group carrying Jackie Duddy.³

¹ Day 310/18

³ Day 310/23

² Day 310/20

- 65.88** Private INQ 12 gave three statements in 1972, two of which dealt with his actions and movements shortly after 8 Platoon deployed through Barrier 14. In a statement dated 10th March 1972, Private INQ 12 told a Royal Ulster Constabulary (RUC) officer that he had seen one man throwing stones from within a hostile crowd that had confronted troops at the barrier. When C Company deployed, this man “*ran up Chamberlain Street and into*

a house”.¹ Private INQ 12 told the RMP in a statement dated 19th May 1972 that although his patrol gave chase to a group of rioters who had run from William Street to Chamberlain Street, “on our arrival in CHAMBERLAIN ST they had disappeared”. It was not until he subsequently entered a house (33 Chamberlain Street) that he saw again those who he believed had been throwing stones in William Street.² As is noted above,³ this second account is in somewhat similar terms to the evidence given by Corporal 007 and Sergeant INQ 2000 to the same RMP interviewer on the same day.

¹ C12.9

³ Paragraph 65.86

² C12.10

65.89 During his oral evidence to this Inquiry it was suggested to Private INQ 12 that these two statements were inconsistent, on the basis that his evidence to the RUC officer suggested that he had seen the man running up Chamberlain Street, whereas in his RMP statement he had stated that the rioters had disappeared by the time his patrol reached Chamberlain Street. When asked which was true, Private INQ 12 answered, “*The both of them really*”; when pushed as to how that could be, he replied: “*It is how the question was asked, sir, that is the only way I can answer that.*”¹ In our view, in the light of the other evidence of the situation when 8 Platoon soldiers reached the north end of Chamberlain Street, we consider that on this point Private INQ 12’s RMP statement is likely to be closer to the truth than his account to the RUC officer.

¹ Day 351/110-111

65.90 In his evidence to this Inquiry, Private INQ 12 gave an account of moving into Chamberlain Street, hearing incoming fire and then taking cover in the doorway of a house until his APC arrived. He stated that he subsequently retrieved his SLR from the APC and held his position for ten to 15 minutes.¹ At some stage after that, he said he recalled entering a house where he found a number of people whom he recognised as having been involved with the civil rights demonstration and rioting. He said that he did not know that these people were in the house until after he had entered it.²

¹ C12.2-4; Day 351/16-27

² C12.4; Day 351/29

65.91 We consider below¹ Private INQ 12’s evidence of hearing incoming fire and seeing civilian gunmen. In the next chapter² of this report we discuss his role in arresting people in 33 Chamberlain Street.

¹ Paragraphs 65.161–165 and 65.213–219

² Chapter 66

65.92 Sergeant INQ 2000 gave an RMP statement dated 19th May 1972 in which he said the following:¹

“About 1600 hrs, 30 Jan 1972, we were chasing rioters who had left WILLIAM ST and entered CHAMBERLAIN ST. There were about 50 persons in this group, mostly male. This group disappeared on reaching the top of CHAMBERLAIN ST and I assumed that they had gone into the ROSSVILLE Flats area, because on our arrival at the top of CHAMBERLAIN ST they were nowhere to be seen. The patrol was then approached by a woman, who came from 33 CHAMBERLAIN ST. She asked if we could call for an ambulance as a person who had been shot was in the house.”

¹ C2000.2

65.93 This account is in similar terms to those given by Corporal 007 and Private INQ 12 on the same day and to the same interviewing soldier. However, the context of Sergeant INQ 2000’s statement suggests that he was referring to the southern end of Chamberlain Street as the “*top*”. Number 33 was the southernmost house on the eastern side of the street and, as we discuss in the next chapter,¹ members of 8 Platoon were not alerted to the presence of injured people there until they had moved most of the way along the street. Sergeant INQ 2000’s RMP statement is not inconsistent with the evidence considered above² to the effect that a crowd was present on Chamberlain Street as 8 Platoon advanced along it.

¹ Chapter 66

² Paragraphs 65.70, 65.76–77 and 65.83

65.94 In his evidence to this Inquiry, Sergeant INQ 2000 stated that he could not remember anything about the events of Bloody Sunday, but he accepted that his RMP statement accurately reflected what he remembered at the date on which he gave it.¹

¹ C2000.1

65.95 Lance Corporal INQ 1334 gave an account to this Inquiry, which we discuss below,¹ of hearing incoming gunfire shortly after he moved through Barrier 14. He told us that William Street and Chamberlain Street seemed “*completely empty apart from a crowd of about two dozen people, who were trying to get into a house at the far end of Chamberlain Street*”.² Lance Corporal INQ 1334 said that he was the soldier who approached Fr Daly and the group carrying Jackie Duddy as they made their way up Chamberlain Street;³ this can be seen in the photographs and television footage discussed below.⁴

¹ Paragraph 65.157

³ C1334.4-5; Day 340/108-109

² C1334.4

⁴ Paragraphs 65.106–109

65.96 Private INQ 471 told this Inquiry that by the time his platoon moved through Barrier 14 the crowd that had been in William Street had “*dispersed around the corners*”.¹ He recalled moving towards or into Chamberlain Street and pausing at a corner, before hearing gunfire and then moving to his APC in order to exchange his baton for a rifle.² He did not believe that there were any civilians in Chamberlain Street when he entered it,³ but shortly afterwards he saw Fr Daly and the group carrying Jackie Duddy moving north along the street towards his platoon.⁴

¹ Day 312/128

³ Day 312/128-129

² C471.3; Day 312/150-151

⁴ C471.4

65.97 Corporal INQ 579 said in his evidence to this Inquiry that as he advanced down Chamberlain Street he saw a crowd of about 30 civilians who had retreated to the southern end, close to the flats. He recalled that the crowd were looking towards his platoon and had their backs to the flats, “*but they were not causing us any trouble*”. He thought that they were “*just bystanders, onlookers*”. He told us that the crowd retreated as his platoon advanced, and that the “*vast majority*” of this crowd went into the last house on the eastern side of Chamberlain Street (number 33). He did not recall seeing any other civilians on Chamberlain Street or the surrounding side streets.¹ We discuss below² his evidence of being fired upon and taking cover as he moved down Chamberlain Street.

¹ C579.2-3; Day 308/39-41; Day 308/50-51

² Paragraphs 65.180–181

65.98 Private INQ 1073 told this Inquiry that when he entered Chamberlain Street the street was empty except for a crowd of people at the southern end.¹

¹ C1073.1; C1073.5

65.99 It follows from the evidence of these soldiers, and that of Second Lieutenant 026, that there is some uncertainty as to whether there were any civilians on Chamberlain Street when 8 Platoon deployed down it. The RMP accounts given by Second Lieutenant 026 and Corporal 007 on 4th February 1972 suggest that a confrontational and verbally abusive crowd of about 80–100 people were present, and that they moved back as 8 Platoon advanced, before dispersing into the area of the flats or into surrounding houses. Sergeant INQ 2000’s RMP statement may also suggest that the soldiers saw, and indeed chased, a crowd along Chamberlain Street. However, the statements given by Corporal 007 and Private INQ 12 on 19th May 1972 record that the crowd of rioters that these soldiers had seen on William Street had “*disappeared*” by the time 8 Platoon reached Chamberlain Street. The evidence given to this Inquiry by members of 8 Platoon on this issue can be divided between those who cannot remember any civilians being

present on Chamberlain Street (Corporal 007 and Private INQ 471) and those who thought that there was a crowd at the southern end of the street, possibly comprising people who subsequently went into a nearby house (Lance Corporal INQ 1334, Corporal INQ 579, Private INQ 1073 and Second Lieutenant 026 in his written evidence to this Inquiry).

65.100 Before reaching our conclusions on this issue, we turn to consider the photographic and television footage material that we have seen of 8 Platoon's movements down Chamberlain Street.

Photographic evidence

65.101 In the course of their evidence to this Inquiry,¹ Second Lieutenant 026 and Private INQ 12 identified some of the soldiers of 8 Platoon as those grouped on the western side of the corner of Chamberlain Street and William Street on the following photograph. From right to left, the following were identified: Corporal INQ 579 (standing with one foot on and one foot off the pavement, with his visor pulled back to the rear of his helmet); Private INQ 12 (looking in the same direction as Corporal INQ 579); Lance Corporal INQ 2151 (facing the camera); Lance Corporal INQ 2045 (holding a weapon with a large sight); and Sergeant INQ 2000 (standing with his back against the wall). The final soldier, who was holding his SLR to his shoulder, was not identified by Second Lieutenant 026 or Private INQ 12.

¹ [Day 351/12-14](#); [Day 351/32](#); [Day 315/121-121](#)



- 65.102** It is not clear whether James Dakin (a *Daily Express* staff photographer) or Frederick Hoare (a photographer working for the *Belfast Telegraph*) took this photograph. It appears from their evidence to the Widgery Inquiry that both of them were in this area at relevant times.¹

¹ [M17.1-2](#); [M40.1-2](#)

- 65.103** There are two further photographs taken by James Dakin that help to establish the order of events. As can be seen from his contact sheet, they were taken in the following order.



65.104 The first photograph is of two soldiers at the corner of Chamberlain Street and William Street. It seems to us that these were probably Lance Corporal INQ 2045 (with a sniping rifle which had what was known as a Starlight sight) and Sergeant INQ 2000.¹

¹ [Day 309/174-179](#)

65.105 The second photograph shows members of 8 Platoon, including Lance Corporal INQ 2045 with his sniping rifle, running in Chamberlain Street. By this time an APC has arrived in that street.

65.106 After taking these photographs James Dakin took a further sequence of photographs looking south along Chamberlain Street. These were of the approach of the group, including Fr Daly, carrying the body of Jackie Duddy. The sequence of photographs can be seen on James Dakin's contact sheet.



65.107 The last of this sequence is available as a full-size photograph, which we have also shown when describing where Jackie Duddy was taken to after he had been shot.¹

¹ [Paragraph 55.76](#)



65.108 The moments in which the group carrying Jackie Duddy approached 8 Platoon at the corner of Chamberlain Street and Harvey Street are also captured on BBC television footage.¹ As can be seen, and as we have discussed earlier in this report,² Jackie Duddy was carried into and along Harvey Street.

¹ [Vid 1 05.00](#)

² [Paragraphs 55.75–77](#)

65.109 Frederick Hoare, whose movements at that time were similar to those of James Dakin, also took a photograph of the group as it walked along Chamberlain Street.



65.110 Two men can be seen behind the group carrying Jackie Duddy. On the right, carrying a television camera, was David Green of CBS.¹ On the left, carrying a stills camera, was the photographer Fulvio Grimaldi.² Unfortunately, the Inquiry was unable to obtain any of the footage shot by David Green at that time. However, Fulvio Grimaldi told this Inquiry that he took the following photograph from the southern end of Chamberlain Street.³

¹ M33.1-2; M33.6

³ Day 131/33-34

² M34.1-2



65.111 From Fulvio Grimaldi's evidence to the Widgery Inquiry, it appears that this photograph was taken shortly before Fr Daly and others carried Jackie Duddy into Chamberlain Street from the Rossville Flats car park.¹ The photograph shows an APC and several soldiers, who must have been from 8 Platoon, towards the northern end of Chamberlain Street. The sign for the 720 Bar and a nearby lamp post are visible on the right-hand side of the frame; these stood on the corner of Harvey Street and Chamberlain Street. It can be seen that the APC is some way to the north of this corner, as are most of the visible soldiers. It follows that this photograph was taken earlier than those reproduced above showing the group carrying Jackie Duddy approaching 8 Platoon and the APC.

¹ [M34.1](#)

65.112 It is evident from the photographs and television footage considered above¹ that there were very few civilians on Chamberlain Street shortly before and during the moments when Fr Daly and others carried Jackie Duddy from the Rossville Flats car park. The earliest photograph, that of Fulvio Grimaldi, shows an almost empty street, with only two civilians visible in doorways on the western side. The later photographs of James Dakin and Frederick Hoare, and to a more limited extent the BBC television footage, also indicate that other than those with and following Jackie Duddy, there were very few people present.

¹ [Paragraphs 65.106–111](#)

Consideration of the evidence of 8 Platoon soldiers

65.113 In the light of the foregoing evidence, we consider that the soldiers of 8 Platoon were the last of the three platoons of C Company to come through Barrier 14 and that, as the photographs show, this platoon initially grouped at the corner of Chamberlain Street and William Street before moving south down Chamberlain Street.

65.114 Earlier in this report¹ we considered the incident in which Lieutenant N fired three shots up the Eden Place alleyway. In that context we examined the evidence given by Gilles Peress, to whose photograph of the Eden Place alleyway we have referred above.² In our view that evidence establishes that Gilles Peress was one of the last civilians who moved down Chamberlain Street from the area around Barrier 14, when the vehicles of Support Company came into the Bogside. Nothing in his evidence suggests that there was still a crowd in Chamberlain Street who were confronting 8 Platoon as the soldiers of that platoon moved down that street. The other evidence we have considered in relation to

that incident indicates to us that, initially at least, people were moving down Chamberlain Street, not because soldiers were advancing down that street, but because Army vehicles had come through Barrier 12.

¹ [Chapter 30](#)

² [Paragraph 65.78](#)

65.115 Our assessment of the evidence as a whole leads us to conclude that by the time soldiers of 8 Platoon started to move down Chamberlain Street, Lieutenant N had fired his shots up the Eden Place alleyway and virtually all the people who had been in Chamberlain Street had either moved to the southern end of that street or had otherwise dispersed, so that the street was more or less empty. We do not accept that 8 Platoon soldiers pushed back a confrontational and abusive mob as they moved along Chamberlain Street. The photographic evidence establishes that soldiers had not moved very far along Chamberlain Street and had not reached, or had only just reached, Harvey Street when Fr Daly and the group carrying Jackie Duddy came along Chamberlain Street. At that stage there were very few people in Chamberlain Street and no sign of a crowd at the southern end of that street.

65.116 On the evidence we have already considered¹ about when the casualties in Sector 2 occurred, by the time 8 Platoon met the group carrying Jackie Duddy at the junction of Chamberlain Street and Harvey Street, Margaret Deery, Michael Bridge and Michael Bradley, as well of course as Jackie Duddy, had already been shot, and it is probable that Patrick Brolly had been injured. It is possible that Pius McCarron and Patrick McDaid had also been injured by this stage, though this is not so certain. It is however clear in our view that by the time Second Lieutenant 026 and other soldiers of 8 Platoon reached the southern end of Chamberlain Street, and Second Lieutenant 026 had looked into the car park, all the casualties of Sector 2 had been sustained.

¹ [Paragraphs 55.112–118, 55.187–191, 55.240–241, 55.299, 55.345 and 55.360; Chapter 56](#)

65.117 We return below¹ to consider the evidence that Second Lieutenant 026 and other soldiers of 8 Platoon gave about hearing gunfire.

¹ [Paragraphs 65.157–166 and 65.168–181](#)

65.118 We also return to 8 Platoon in the next chapter,¹ when we deal with the arrests of people at 33 Chamberlain Street, the southernmost house on the eastern side of Chamberlain Street. As we have already described,² it was to this house that Margaret Deery and Michael Bridge were taken after they had been wounded by gunfire in the car park of the Rossville Flats.

¹ [Chapter 66](#)

² [Paragraphs 55.128–130 and 55.202–207](#)

65.119 Several members of 8 Platoon told this Inquiry that at some stage after they had moved through Barrier 14, and in response to hearing shots fired, they were sent to their APC or APCs in order to exchange batons and baton guns for rifles.¹ There is no reference to this happening in any of the existing accounts given by 8 Platoon soldiers in 1972 (ie those given to the RMP and RUC by Second Lieutenant 026, Sergeant INQ 2000, Corporal 007 and Private INQ 12), but it should be noted that these accounts were relatively brief and focused on specific issues. BBC television footage does show a number of soldiers at the top of Chamberlain Street carrying batons and without SLRs.² The position of these soldiers at the time shown in the footage strongly suggests that these were members of 8 Platoon. It is possible that at some stage after hearing gunfire some members of 8 Platoon did exchange their batons and baton guns for rifles, but we remain in doubt about this.

¹ C12.4; C1334.3-4; C471.3; C559.2

² Vid 1 04.36

65.120 We now turn to examine as a specific topic the evidence of C Company soldiers relating to non-military firing. This necessarily involves some duplication with the accounts that we have examined above.¹

¹ Paragraphs 65.9–119

The evidence of C Company soldiers relating to non-military firing

65.121 The Inquiry obtained evidence from 44 members of C Company, many of whom gave accounts of hearing incoming or non-military gunfire on Bloody Sunday. The most significant of these accounts can be grouped into four broad categories: those who said that they heard such firing while at the junction of William Street and Rossville Street; those who said that they heard such firing while on the Eden Place waste ground to the east of Rossville Street; and those who were at the northern and southern ends of Chamberlain Street. It should be borne in mind that this division of the C Company evidence is for the purpose of analysis of the evidence and should not be taken as suggesting that there were four separate incidents, or that the evidence of soldiers in different geographical groups is necessarily unconnected.

65.122 In addition to the witnesses who are included in the four categories listed above, it is important to bear in mind that 14 members of C Company gave evidence that they either did not hear, or did not recall, or could not positively identify incoming fire, or otherwise did not comment about incoming fire. These were Private INQ 2057,¹ Private INQ 939,²

Sergeant INQ 2000,³ Private INQ 1296,⁴ Private INQ 559,⁵ Corporal INQ 1594,⁶ Private INQ 96,⁷ Private INQ 429,⁸ Private INQ 437,⁹ Private INQ 815,¹⁰ Warrant Officer Class II 204,¹¹ Private INQ 1574,¹² Private INQ 1582¹³ and Lance Corporal INQ 1916.¹⁴

¹ C2057.2

² C993.3-4

³ C2000.1-3

⁴ C1296.3

⁵ C559.2-3

⁶ C1594.2

⁷ C96.4

⁸ C429.2

⁹ C437.2

¹⁰ C815.4

¹¹ B2117.002; B2115

¹² C1574.4-5

¹³ C1582.3

¹⁴ C1916.1-2

65.123 A further four soldiers gave evidence of hearing shots while they were stationed at or near Barrier 14, and before going through that barrier: they were Private INQ 876,¹ Corporal INQ 457,² Lance Corporal INQ 945³ and Private INQ 1582.⁴ With the exception of Private INQ 1582, these soldiers, none of whom gave accounts in 1972, were in our view mistaken in their recollection about this, since they described a volume of firing which we are sure did not occur at this stage. As for Private INQ 1582, who described hearing “*a couple of rounds*” fired, it is possible that he heard some of the firing further west in the William Street area, to which we have referred⁵ in our consideration of the events of Sector 1. Private INQ 1010 told us that he thought that a soldier was shot in front of him as they went through Barrier 14.⁶ In our view he was mistaken. There is no other evidence from any source to suggest that this happened.

¹ C876.3-4

² C457.1-2

³ C945.3; Day 309/164-169

⁴ C1582.2-3

⁵ Chapters 18 and 19

⁶ C1010.2-3

C Company soldiers at the junction of William Street and Rossville Street

65.124 As we have noted above,¹ 7 Platoon of C Company advanced from Barrier 14 to the corner of William Street and Rossville Street. At least some members of 9 Platoon seem to have moved in this direction as well.

¹ Paragraph 65.2

65.125 A number of soldiers from these platoons gave evidence of hearing incoming fire, stating that they heard it either as they moved to the junction or once they had arrived there.

65.126 Second Lieutenant 110, who commanded 7 Platoon, told the RMP that he heard a burst of eight Thompson sub-machine gun shots while standing at the corner, and he thought that they came from “a two storey block of flats west of Kells Walk”.¹ In his evidence to this Inquiry he stated that he could no longer recall the detail of his 1972 statement, but he assumed that it recorded his recollection at the time.² Instead, he said that he remembered hearing a mixture of high velocity and low velocity fire as he moved towards Rossville Street.³

¹ B1724

³ B1726.004; Day 350/92-94

² B1726.005-006; Day 350/63-65; Day 350/81-85

65.127 Corporal INQ 444, another member of 7 Platoon, stated in his written evidence to this Inquiry that he heard Thompson sub-machine gun fire after he had moved through Barrier 14, and while he was moving along William Street. He recalled that there were two bursts of fire, with six to seven rounds in each. He initially stated that the firing came from somewhere to the south-west of his position on William Street, but he later expressed some uncertainty as to the location of the gunman or gunmen, and the time at which he heard the bursts of fire. Nonetheless, he stated that he was convinced that the firing in question came from a Thompson sub-machine gun.¹

¹ C444.3; Day 344/93-96; Day 344/118-124

65.128 Corporal INQ 444 also told us that at some stage he heard high velocity rifle fire coming from the direction of Glenfada Park. The firing continued for some time, and he formed the impression that he was listening to an ongoing gun battle; he told us that he did not himself feel threatened by this firing.¹

¹ C444.4; Day 344/98-99

65.129 In his written evidence to this Inquiry, Corporal INQ 444 stated that he was “fairly sure”, but not certain, that as he ran along William Street he heard the sound of nail bombs exploding in the area of Glenfada Park and Kells Walk.¹ In his oral evidence he agreed that it was possible that the noises that he heard were the shots fired by Lieutenant N along the Eden Place alleyway,² which we have discussed above.³ For reasons given elsewhere in this report,⁴ we are sure that no nail bombs exploded in any of the sectors on Bloody Sunday. In our view (assuming his recollection of hearing sounds is accurate) what Corporal INQ 444 heard was the firing of baton rounds or the shots fired by Lieutenant N up the Eden Place alleyway.

¹ C444.3

³ Chapter 30

² Day 344/98

⁴ Paragraphs 18.64, 47.43, 83.8, 111.242 and 119.264

65.130 Lance Corporal INQ 1799 of 7 Platoon also told this Inquiry that the first gunfire he heard was two bursts of Thompson sub-machine gun fire after he had moved through Barrier 14. Initially he recalled moving into Chamberlain Street, but during his oral evidence he stated that he was no longer sure that this was the case. However, he told us that he remained “*absolutely certain*” that he heard Thompson sub-machine gun fire.¹ As we have commented above,² we came to the conclusion that this soldier had little clear recollection of events. We consider below³ Lance Corporal INQ 1799’s evidence of seeing armed civilians, including a man with an automatic pistol in the area of Chamberlain Street or William Street.

¹ C1799.4-5; Day 314/141-145

³ Paragraphs 65.208–211 and 65.234–235

² Paragraph 65.46

65.131 INQ 736, who appears to us to have been in 9 Platoon, told this Inquiry that either while he was at the corner of William Street and Rossville Street, or as he moved there from Barrier 14, he heard high and low velocity rounds. He said that while it was difficult to distinguish (Army) SLR fire from (IRA) M1 carbine fire, he thought that he heard the latter. He attributed the low velocity shots to the firing of a Thompson sub-machine gun, but he could not recall whether these rounds were fired in bursts. INQ 736 also recalled hearing outgoing shots, fired from closer to him, but he thought that there was more incoming fire than outgoing and that it was, with one exception, the heaviest firing that he heard in Northern Ireland. INQ 736 thought that the incoming high and low velocity shots sounded like they were coming from the south, from the direction of the Rossville Flats, and were aimed towards his position.¹ He told us he recalled seeing Support Company moving as if they were under fire.²

¹ C736.2; Day 310/146-150

² C736.2-3; Day 310/146-154

65.132 INQ 736 also told us that he recalled hearing two small explosions, which were louder than a baton round or a gas canister and could have been from a nail bomb. He said that he did not pay any particular attention to them, as he knew they were too far away to be directed at him.¹ In his written statement to this Inquiry, INQ 736 recorded that he heard these explosions as he ran down William Street.² However, in his oral evidence he said that he could not remember where he was when he heard the noises, but he thought that they occurred after he had passed through Barrier 14, but before the Support Company vehicles went into the Bogside.³

¹ C736.2

³ Day 310/144-145; Day 310/172-173

² C736.2

65.133 For reasons given earlier,¹ we have taken the view that it would be wise to place little reliance on the accounts given by INQ 736 of what he saw and did. As we have already concluded, there were no nail bomb explosions on Bloody Sunday.

¹ [Paragraph 65.62](#)

65.134 Private INQ 1093, a signaller in 9 Platoon, told this Inquiry that he saw the strike of rounds fired from what he took to be an automatic weapon about 10m to 12m in front of him as he advanced down either Chamberlain Street or Rossville Street. We have earlier expressed the view¹ that it would be unwise to rely on his evidence.²

¹ [Paragraph 65.64](#)

² [C1093.3-4](#)

65.135 Private INQ 587, another member of 9 Platoon, later became a weapons instructor. He told this Inquiry that as he moved towards the junction of William Street and Rossville Street he heard a mixture of firing, which went on for 20 minutes. He estimated that 20 per cent of the shots that he heard on Bloody Sunday came from non-military sources.¹ Private INQ 587 said that he thought that the first weapon he heard was a Thompson sub-machine gun, and that this was followed by shots from SLRs and a Garand rifle (a high velocity weapon that was not carried by soldiers on 30th January 1972).² However, he stated that he could only identify these weapons in retrospect years later, and that he would not have been able to identify the types of fire at the time.³

¹ [C587.3-4](#); [Day 324/161-163](#); [Day 324/194-195](#)

³ [C587.3](#); [Day 324/167-168](#); [Day 324/173-175](#);
[Day 324/193-194](#)

² [C587.7](#); [Day 324/168-170](#); [Day 324/189-190](#)

65.136 In our view it would be unwise to rely on this retrospective identification of the sound of weapons, years after the event.

65.137 Private INQ 131, a member of 7 Platoon, told us that he heard incoming fire from a low velocity, low calibre weapon as he reached the junction of William Street and Rossville Street; he was sure that this was not SLR fire.¹ Lance Corporal INQ 1056 of 9 Platoon told us that he recalled hearing small arms fire at some point shortly after he moved through Barrier 14, but his precise location at the time was not clear.²

¹ [C131.4](#); [Day 333/4-9](#)

² [C1056.3](#)

65.138 Sergeant INQ 488 stated to this Inquiry that he heard low velocity gunfire coming from the south when he was about 20 yards from the corner of Rossville Street.¹ He was not able to identify the type of weapon from which this came.² During his oral evidence to this Inquiry, Sergeant INQ 488 expressed himself as sure that what he heard was not the sound of baton rounds, because he had heard the “*crack and then thump*” which he said applied to both high and low velocity rounds but not to baton rounds.³ In our view Sergeant INQ 488

was mistaken in seeking to distinguish low velocity rounds from baton rounds on the basis that the former made a “*crack and then thump*”. He was correct in describing the “crack” as the sound of a round passing overhead or close by⁴ and the thump as the explosion in the breech of the weapon, but the “crack” is the sound of the round breaking the sound barrier, which is why it is heard before the “thump” of the weapon being fired. A low velocity round does not exceed the speed of sound, so that the sound of the bullet (if heard at all) will not be heard before the sound of the weapon being fired.⁵ It follows in our view that we cannot accept Sergeant INQ 488’s basis for distinguishing between low velocity rounds and baton rounds, both of which are subsonic. His written description of hearing a “*booming*” sound is in our view apt to describe the sound made by the firing of a baton gun.⁶

¹ C488.3

² C488.3; Day 300/74; Day 300/38-39

³ Day 300/38-39

⁴ Day 300/38

⁵ E9.172-183; Day 353/175-176; Day 298/70-71; Day 298/85-86; Day 301/42

⁶ C488.3

C Company soldiers on the Eden Place waste ground

65.139 After they had deployed through Barrier 14 some C Company soldiers, including the Officer Commanding, Major 221A, and a significant proportion of 7 Platoon, eventually made their way onto the waste ground to the east of Rossville Street. We have heard evidence from some of these soldiers that while they were in this area they heard incoming fire or saw the strikes of incoming rounds on the ground.

65.140 Major 221A prepared a statement, dated 31st January 1972, which included a Diary of Operations. This contained the following entry for the time period 1610–1620 hours:¹

“During asslt [assault] 22 persons were arrested. I heard gunfire from my right. I quite definitely heard an M1 carbine firing from Rossville Flats across the open ground to the North. I saw the strike of several enemy rounds in the Rossville/William St area.”

¹ B2166.1; B2166

65.141 In his oral evidence to this Inquiry, Major 221A said that he had no aural recollection of any shooting on the day, and nor did he remember seeing rounds striking the ground. However, he had no reason to think that his 1972 statement was untrue.¹ He also stated that at the time of Bloody Sunday he would have had considerable knowledge as to the different sounds made by different weapons.² He told us that he recalled that he made his way to the Eden Place waste ground via Chamberlain Street and Eden Place, and once there he saw that Support Company had taken up defensive positions.³ He was unable,

though, to help us further as to the timing of his movements.⁴ He also commented that he believed that he would have included a reference to hearing automatic gunfire in his Diary of Operations, had he in fact done so.⁵

¹ [Day 294/96-97](#); [Day 294/157](#); [Day 294/179-180](#);
[Day 294/221](#)

⁴ [Day 294/205-206](#); [Day 294/153](#); [Day 294/208-209](#);
[Day 294/160](#); [Day 294/220-221](#)

² [Day 294/221-222](#)

⁵ [Day 294/163](#)

³ [B2168.003-004](#)

65.142 Lance Corporal 003, a member of 7 Platoon, gave the following account to the RMP on 4th February 1972:¹

“I had moved from Rossville Street with [Second Lieutenant] 110 to the corner of number 36 Chamberlain Street where I was able to observe the flats ... There was quite a lot of firing coming from the flats at this time directed towards us. I was unable to locate any gunmen.

When we ran from Rossville Street to the corner of No 36 Chamberlain Street I saw one member of Support Company, I do not know who he was, take up a kneeling position and fire several rounds in the direction of Columbcill Court where gunfire was coming from. I did not see any gunman fire from that area but I heard automatic fire coming from there. It could possibly have been a Thompson MG [machine gun].”

¹ [B1364](#)

65.143 Number 36 Chamberlain Street was at the southern end of the terraced houses that backed onto the Eden Place waste ground. Lance Corporal 003's evidence of hearing shots once he *had* moved to that position, or at least *as* he moved to that position, contrasts with Second Lieutenant 110's 1972 account, discussed above,¹ of hearing Thompson sub-machine gun fire while at the corner of William Street and Rossville Street.² However, Second Lieutenant 110 told this Inquiry that he did move to the back of 36 Chamberlain Street,³ and it is clear, as is noted above,⁴ that he gave an earlier statement to the RMP on 3rd February 1972, which has not survived and in which it is possible that he might have referred to further incoming fire.

¹ [Paragraph 65.126](#)

³ [Day 350/99](#)

² [B1724](#)

⁴ [Paragraph 65.11](#)

65.144 We consider Lance Corporal 003's 1972 account of seeing a member of Support Company firing several rounds in the direction of Columbcille Court when examining the events of Sector 4.¹

¹ [Paragraph 94.37](#)

65.145 In his evidence to this Inquiry, Lance Corporal 003 told us that he recalled that he heard Thompson sub-machine gun fire as he ran from the corner of William Street and Rossville Street to the back of the houses at the southern end of Chamberlain Street.¹ He also stated that he saw the strike of rounds on the ground.² He said that he was sure that the incoming fire was that of a Thompson sub-machine gun and attributed the more equivocal identification contained in his RMP statement to the statement taker's choice of words.³ He told us that he thought that the fire was coming from the general direction of Columbcille Court and not necessarily the complex itself, as had been implied by his RMP statement.⁴ He also told us that he was not aware of any shooting until he was crossing the Eden Place waste ground.⁵

¹ B1366.004; Day 309/80-81

⁴ Day 309/81-83

² B1366.004

⁵ Day 309/110-111

³ B1366.004; Day 309/85-86; Day 309/115-118

65.146 Lance Corporal 003 was asked about the reference in his RMP statement to incoming fire from "*the flats*" which was directed towards his position. In his written statement to this Inquiry, he told us that he understood this to mean shots from the Rossville Flats and that although he no longer recalled such firing, "*if I said it then, we were fired at*".¹ During his oral evidence, it was suggested to Lance Corporal 003 that what he had said to the RMP was "*just wrong*". He replied: "*No, at the time I would say that that is the truth, but I cannot recollect it now, to this day, not now.*"² However, a little later in his evidence Lance Corporal 003 told us that "*we were not fired at while we were at the back of Chamberlain Street*" and that the firing that he had recorded in his RMP statement was that which he heard as he was crossing the waste ground.³

¹ B1366.006

³ Day 309/113-114

² Day 309/93

65.147 Private INQ 131 told this Inquiry that he was with Lance Corporal 003 as they ran across the waste ground.¹ Lance Corporal 003 did not mention being with Private INQ 131 at that time, but his evidence about who he was with was slightly uncertain and not wholly consistent with that of his supposed companions.² As is explained above,³ Private INQ 131 told us that he recalled that he heard shots from a low velocity weapon (and not an SLR) as he approached the corner of Rossville Street and William Street. He told us that he recalled that this shooting continued for some time, and that as he ran from the corner to the back of the Chamberlain Street houses he saw the dirt jumping from the bullet strikes on the ground.⁴ He stated that the shots could have come from anywhere, but he thought that they were being fired in his direction.⁵ Private INQ 131 stated that he also

heard SLR fire at this time, which he believed came from members of Support Company who were then positioned in the Kells Walk area.⁶ In contrast to Lance Corporal 003, Private INQ 131 told us that he did not recall hearing any automatic gunfire.⁷

¹ C131.4

⁵ C131.4

² B1366.003; Day 309/69-70

⁶ C131.5

³ Paragraph 65.137

⁷ C131.5

⁴ C131.4; Day 333/4-9; Day 333/16; Day 333/21-23; Day 333/31

65.148 Lance Corporal 003 gave no evidence of being with Private INQ 131 as they ran across the Eden Place waste ground; indeed, he believed that he was with Corporal INQ 444 and Private INQ 554.¹ Lance Corporal 003 also recalled that he was armed with an SLR and not, as Private INQ 131 thought, a baton.²

¹ B1366.003; Day 309/69-70

² Day 309/70; C131.2

65.149 We have earlier¹ expressed the view that Private INQ 131 really had little if any clear recollection of events.

¹ Paragraph 65.43

65.150 As we have already noted,¹ though Private INQ 554 told this Inquiry that he was in 9 Platoon, it appears to us that he was in 7 Platoon. Private INQ 554's recollection of events was limited, but he told us that he recalled hearing either a mix of high and low velocity fire, or high velocity fire from different areas.² He also thought that he heard small arms fire, such as that from a pistol, a shotgun or a Garand rifle (a weapon that he only identified in retrospect).³ Although he could not be sure where he was when he first heard the firing, he recalled taking cover "*in an area of rubble*",⁴ which we consider is likely to have been a reference to the Eden Place waste ground. Private INQ 554 did not recall hearing Thompson sub-machine gun fire, and he thought that he would have remembered this had he heard it.⁵

¹ Paragraph 65.50

⁴ C554.7

² C554.8

⁵ C554.8

³ C554.8

65.151 Private INQ 5, a member of 7 Platoon, told this Inquiry that as he arrived at the Eden Place waste ground he became aware of incoming fire, which caused him to take cover behind a burned-out car.¹ He stated that the firing, which was "*definitely heavy*" and probably lasted for some minutes, came from a mixture of small arms and heavy calibre weapons, including some machine gun fire. However, he could not identify exactly which

weapons were used.² Private INQ 5 told us that he did not know from where the firing was coming, and that he could not respond anyway as he was only armed with a baton.³ He said that he did not recall hearing any SLR fire as he sheltered behind the car.⁴

¹ C5.2; Day 379/17-20

³ C5.2

² C5.2; Day 379/27-28

⁴ Day 379/27-28

65.152 Private INQ 5 gave interviews to a number of media organisations.¹ In these he gave broadly consistent accounts of hearing incoming fire before and as he took cover on the Eden Place waste ground.² On some occasions he stated or implied that the firing came from the Rossville Flats.³ He told this Inquiry that this was an assumption on his part, and that he could not, in fact, be sure of the source or sources of the hostile firing.⁴

¹ C5.3; C5.5; C5.8-9; Day 379/59-61; Day 379/80-81

³ C5.15; C5.28-29

² C5.15-16; C5.28-29; C5.49; C5.56

⁴ Day 379/29-30

65.153 We have already¹ expressed the view that it would be unwise to rely on the accounts given by Private INQ 5.

¹ Paragraph 65.27

65.154 Lance Corporal INQ 1799, also a member of 7 Platoon, gave evidence to this Inquiry that he heard a mixture of incoming single shots from an unidentified weapon, SLR rounds and “*distinct slow automatic fire which I would say came from a Bren gun, or an LMG [light machine gun], possibly the 303 version*”.¹ In his written statement, Lance Corporal INQ 1799 told us that he thought that he was at the southern end of Chamberlain Street when he heard this firing, but in his oral evidence he accepted that he was somewhere on the Eden Place waste ground.² Lance Corporal INQ 1799 said that he did not think that the incoming fire was aimed at him, but was instead “*off to the side*”.³

¹ C1799.6; Day 314/150-151

³ Day 314/164

² C1799.6; C1799.10; C1799.15; Day 314/148-168

65.155 According to Lance Corporal INQ 1799, the Company Commander, Major 221A, and his radio operator were with him when he heard this incoming fire.¹ Major 221A, whose evidence is considered above,² told this Inquiry that he heard M1 carbine fire, but he did not comment on the incoming shots recalled by Lance Corporal INQ 1799.³ As we discuss below,⁴ while Lance Corporal INQ 1799 stated that he saw a civilian gunman at this time, Major 221A did not remember such an incident, although he did not rule out the possibility that it happened.⁵

¹ C1799.6; Day 314/151-152

⁴ Paragraphs 65.208–210

² Paragraphs 65.140–141

⁵ Day 294/167-168

³ Day 294/165-169

65.156 We have earlier¹ expressed the view that Lance Corporal INQ 1799 had little clear recollection of events.

¹ Paragraphs 65.46 and 65.130

C Company soldiers at the northern end of Chamberlain Street

65.157 Lance Corporal INQ 1334, a member of 8 Platoon, told this Inquiry that as he entered Chamberlain Street he heard the “*distinct sound*” of one or two short bursts of Thompson sub-machine gun fire,¹ which he believed was being fired on William Street rather than at him.² He was “*absolutely certain*” that the sound he heard was a Thompson sub-machine gun firing,³ and he said that he did not recall hearing any high velocity shots at that time.⁴ Lance Corporal INQ 1334’s evidence was that he heard these shots before he saw Fr Daly and the group carrying Jackie Duddy moving up Chamberlain Street.⁵

¹ C1334.3; Day 340/106; Day 340/137-139

⁴ Day 240/139

² C1334.3-4; C1334.8; Day 340/105

⁵ C1334.4

³ Day 340/106

65.158 Lance Corporal INQ 2045, another member of 8 Platoon, told this Inquiry that while he was in Chamberlain Street he “*had the impression*” of hearing automatic Thompson sub-machine gun fire, and he was also “*aware*” of single shots, which he thought were high velocity, passing over his head as he heard the sound of a “*crack*”. However, his memory of the events of Bloody Sunday, and particularly of the sequence in which they occurred, was very limited.¹ Lance Corporal INQ 2045 told us that he initially thought that he heard the relevant shots when he had advanced about three-quarters of the way down the street to the south.² However, as he believed that he did not see Fr Daly and the group carrying Jackie Duddy until after he had heard the shooting, he thought it possible that he was actually far further to the north than he had originally recalled.³

¹ C2045.2-3; Day 309/189-195; Day 309/214-219; Day 309/222-226

³ C2045.3-4; Day 309/196-200; Day 309/208-209

² C2045.2-3

65.159 Lance Corporal INQ 2045’s evidence appeared to be that these shots took place in the context of a short and intensive gun battle, involving Thompson sub-machine gun fire and high velocity, single shots which he thought probably came from SLRs.¹ He said that he did not think that he would have confused the sound of Thompson sub-machine gun fire with baton rounds.² He described the Thompson sub-machine gun fire as having come from the south-west of his position, although he could not be sure on this point.³

¹ C2045.2-3; Day 309/190-193; Day 309/214-215

³ C2045.3; Day 309/190-191; Day 309/214-215

² Day 309/191-192

65.160 Private INQ 1073 also told this Inquiry that he heard Thompson sub-machine gun or small arms fire as he turned into Chamberlain Street. He stated that he was not sure where the firing was coming from, but it did not seem to be directed at his position and “*nobody commented about it*”. He stated that he did not recall hearing any high velocity fire.¹

¹ C1073.1

65.161 Private INQ 12, another member of 8 Platoon, gave evidence to this Inquiry of coming under fire and taking cover, as he and his colleagues turned into what we are confident was Chamberlain Street.¹ He said he thought that the source of the incoming shots was either a semi-automatic rifle, or from a bolt action rifle that was fired rapidly, although he also thought it possible that the shots came from more than one weapon.² He said that he did not think that the firing sounded like SLR fire or baton rounds.³ In his written evidence to this Inquiry he described the shots as being high velocity.⁴ In his oral evidence he said first that they were lower velocity than an SLR, and then that they were low velocity; but when the discrepancy between this evidence and his written statement was pointed out, he said that he must have been mistaken and that the shots were high velocity after all.⁵

¹ C12.3; C12.8; Day 351/15-17

⁴ C12.3

² C12.3; Day 351/18-19; Day 351/93-94

⁵ Day 351/94-95

³ Day 351/18-19

65.162 Private INQ 12 stated throughout his evidence to this Inquiry that after the shots were fired, he and his platoon took cover.¹ Some people dived in the gutter, but he kicked open a door of a family home and hunkered down in the doorway, while another soldier entered the hallway.² He also stated, in his oral evidence, that he saw the strike of rounds hitting the ground,³ and that he thought that they were fired straight down the road towards them.⁴

¹ C12.3

³ Day 351/96

² C12.3; Day 351/20

⁴ Day 351/19-20

65.163 Private INQ 12 told us that from his position in cover, he heard SLR fire and then saw a civilian gunman on the roof of Block 2 of the Rossville Flats. Private INQ 12 said that he did not have a weapon at that stage and so he could not fire at this man; in any event, he said he recalled hearing the Lieutenant commanding 9 Platoon telling soldiers not to fire as Support Company was in that building.¹ We discuss this aspect of his evidence further below.²

¹ C12.3-4; Day 351/21-23; Day 351/97-104

² Paragraphs 65.213–219

65.164 Private INQ 12 made statements to the RMP and the RUC in the months after Bloody Sunday.¹ These dealt with the arrests that he made on Bloody Sunday and made no reference to his having heard incoming fire or having seen a gunman. He told this Inquiry, and we accept, that he was not asked to include this aspect of his evidence when he made those statements.²

¹ [C12.9-14](#)

² [Day 351/88-93](#)

65.165 Having listened to Private INQ 12, we formed the impression that he had very little real recollection of Bloody Sunday and that it would be unwise to place much reliance on his evidence. We return to this soldier's evidence when considering the arrest of civilians in 33 Chamberlain Street and their subsequent treatment.¹

¹ [Chapter 66](#)

65.166 One member of 8 Platoon, Private INQ 471, told this Inquiry that he was sure that he *did not* hear Thompson sub-machine gun fire as he entered Chamberlain Street. He stated that he knew the sound of the weapon as he had been injured by one.¹ Private INQ 471 said that he did hear shooting either while he was at the corner of William Street and Chamberlain Street, or at a time when he had advanced to the junction of Eden Place and Harvey Street.² Initially he thought that he heard hostile rounds followed by a pause and then a return of fire.³ However, he later accepted that the first shots might have been those fired by Lieutenant N along Eden Place and into Chamberlain Street, and that it was quite possible that soldiers were responsible for all of the fire that he heard.⁴ He was unsure as to the direction and type of the first firing that he heard.⁵

¹ [Day 312/153](#)

⁴ [Day 312/149-152](#)

² [C471.3; C471.6; Day 312/150-151](#)

⁵ [Day 312/130; Day 312/152](#)

³ [C471.3-4; Day 312/130-131](#)

65.167 Lance Corporal INQ 1056, a member of 9 Platoon, gave evidence to this Inquiry that he heard small arms fire and then high velocity rounds shortly after he moved through Barrier 14. The small arms fire came from his left and the high velocity shots from his right. His evidence was unclear as to where he was when he heard these shots, but he may, on his account, have been somewhere close to the northern end of Chamberlain Street.¹

¹ [C1056.3](#)

C Company soldiers at the southern end of Chamberlain Street

65.168 Second Lieutenant 026 commanded 8 Platoon. In an RMP statement timed at 1640 hours on 4th February 1972, he recorded that he witnessed the following events after his platoon, accompanied by an APC, had taken up positions at the southern end of Chamberlain Street:¹

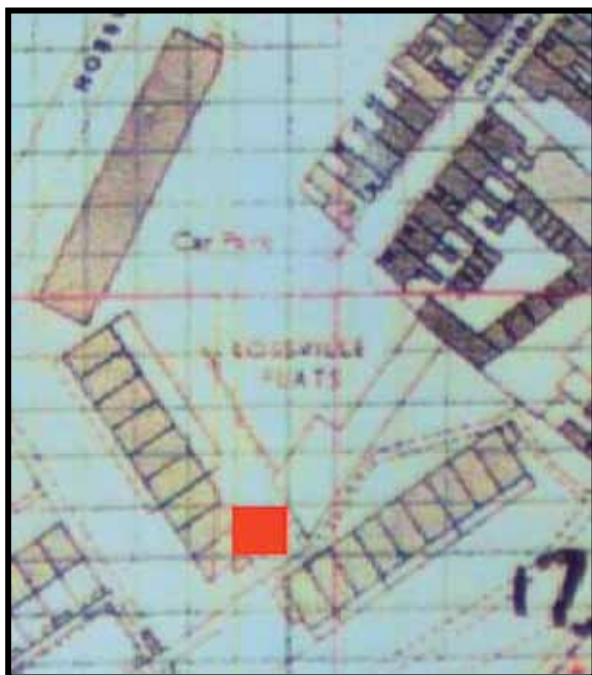
“At this time I heard the sound of two distinct weapons firing between 20–30 rounds within a space of five–ten minutes. The fire was not directed at us but the projectiles passed across our front. One weapon was almost certainly a M1 Carbine while the other was possibly of a .303 calibre. It was definitely not a 7.62 weapon.

I could not see the target in question, neither was I able to pinpoint the exact position of the gunmen. I could not see any weapon or flashes indicating firing position consequently we did not return any fire.

From my own observations, I am of the opinion the both weapons were located on the roof of Rossville Flats in the immediate vicinity of a lift-housing. I have marked the area concerned on the map the approximate map reference being 43281675.”

¹ [B1541-1542](#)

65.169 The map to which Second Lieutenant 026 referred has not survived. However, the grid reference indicates that the position to which he was referring was the south-east corner of Block 2 of the Rossville Flats, as is shown on the following image, which was created for this Inquiry.



65.170 In his evidence to this Inquiry, Second Lieutenant 026 told us that he recalled hearing, while at the southern end of Chamberlain Street, two or three shots from a high velocity weapon, which sounded to him (and to some of his men) like an M1 carbine.¹ He said that he was sure of this identification, and that he did not think that he would have mistaken the sound for that of SLR fire.² The shots were fired rapidly, and he thought that there might have been two gunmen.³ He was not sure of the position of the firer or firers, but he thought that they were above ground level and in or on Block 2 of the Rossville Flats.⁴ He told us that the shots were not aimed at him or his men and passed in front of them, having been fired in a north-westerly direction.⁵

¹ B1545.003; B1545.006

⁴ B1545.003; Day 315/166; Day 315/137

² Day 315/136-138; Day 315/165

⁵ B1545.003; Day 315/136; Day 315/168-169

³ B1545.003

65.171 In relation to his RMP statement, Second Lieutenant 026 told us that he believed that the details of the incident would have been clearer in his mind in 1972.¹ He was happy to stand by that statement as being correct,² although he did suggest that it was the RMP who first mentioned the lift housing on top of Block 2 of the flats.³

¹ B1545.004

³ Day 315/139-140; Day 315/166-168

² Day 315/159

65.172 Second Lieutenant 026 told this Inquiry that, as far as he was able to recall, he reported these shots to his Company Commander on the radio.¹ C Company's Commander was Major 221A, who, as is explained above,² also gave evidence in 1972 of hearing an M1

carbine firing from the Rossville Flats, albeit while he was somewhere in the region of the Eden Place waste ground.³ Major 221A made no reference in his evidence to receiving a message concerning incoming fire from Second Lieutenant 026, and there is no log for the C Company net, on which such a report would have been transmitted. Whether Second Lieutenant 026 was right in thinking he recalled that he had made a radio report to his Company Commander remains in doubt.

¹ B1545.003

³ B2166.1; B2166

² Paragraph 65.140

65.173 Corporal 007 also gave evidence of hearing M1 carbine fire at a time when he was at the southern end of Chamberlain Street. He gave the following account in an RMP statement timed at 1700 hours on 4th February 1972:¹

“From where I was standing, behind the APC I heard the sound of about 4 or 5 shots. I heard only one weapon firing, which in my opinion was a M1 carbine. It was definitely not 7.62 calibre. The shots panned across our position, and I do not believe the fire was directed at us.

From what I could see the gunman was in the vicinity of a lift housing on the roof of Rossville Flats. I did not actually see him or the weapon concerned, and I base my opinion on my experience alone and the sound of the weapon. I estimate the distance of the gunman from us to be about 100 yds. His position would be approximately MR 43281675 [the same reference as was given by Second Lieutenant 026, which is marked on the image above²].”

¹ B1378

² Paragraph 65.169

65.174 This Inquiry is in possession of the original handwritten notes of the RMP interviews conducted with Second Lieutenant 026 and Corporal 007. These show that both men were interviewed by the same RMP statement taker, Staff Sergeant Middleton-Jones. According to the timings given, the interviews took place within 20 minutes of one another.

65.175 As is noted above,¹ Second Lieutenant 026, who gave his statement before Corporal 007, told us that he thought that the reference to the lift housing in his statement was suggested to him by the interviewer.² The same words, and the same grid reference, are contained in Corporal 007’s statement.³ Corporal 007 told us that his RMP evidence on

this point was an “*assumption made after the event*”, the result of being taken through “*suggested areas*”, in a “*process of elimination*”.⁴ Staff Sergeant Middleton-Jones is dead. He gave no evidence to this Inquiry.

¹ Paragraph 65.171

³ B1378

² Day 315/139-140; Day 315/166-168

⁴ B1384.003; B1384.005; Day 310/77-80

65.176 Despite the caveat as to the location of the gunman, Corporal 007 gave a similar account to this Inquiry as he had done to the RMP. He recalled that as he was standing behind an APC at the southern end of Chamberlain Street he heard three to four high velocity shots fired in quick succession.¹ Although in his written evidence he stated that the shots “*seemed to me to be from an M1 Carbine*”, he said in his oral evidence that “*Standing here today I could not say that [the shots came from an M1 carbine as opposed to another weapon], but obviously at the time I believed it was [an M1 carbine]*”.² He told us he thought that the shots passed across the front of the vehicle and were not aimed at his position; that he did not know the exact location from which they were fired; and that he did not see anyone or any weapon.³ He said that this was the first gunfire that he could recall hearing since moving through Barrier 14.⁴

¹ B1384.002-003; Day 310/30-31; Day 310/77-80

³ B1384.003; B1384.005

² B1384.003; Day 310/77

⁴ Day 310/29

65.177 Lance Corporal INQ 1334, whose evidence of hearing Thompson sub-machine gun fire shortly after moving through Barrier 14 is summarised above,¹ also told this Inquiry that he heard an M1 carbine while with 8 Platoon at the southern end of Chamberlain Street.² He said he thought that the incident occurred at around the time that people arrested by other members of his platoon were being brought out of 33 Chamberlain Street, although he accepted that his recollection of relative timings was hazy.³ Lance Corporal INQ 1334 told us that he did not feel that the firing was aimed at him,⁴ but was confident that the sound was that of an M1 carbine and not an SLR.⁵ He said he thought that the gunman was firing “*double taps*” (two shots in quick succession) and that there were a large number of shots fired, although he could not specify how many.⁶ He said that he did not see the source of the firing, but thought that it came from the central area of Block 2 of the Rossville Flats.⁷

¹ Paragraph 65.157

⁵ Day 340/115-116; Day 340/159; Day 340/118

² C1334.5

⁶ C1334.5; Day 340/115-116

³ Day 340/115; Day 340/119

⁷ Day 340/116-117; Day 340/120

⁴ C1334.5

65.178 Lance Corporal INQ 1334 told this Inquiry that while he was at the southern end of Chamberlain Street he also heard low velocity pistol or single shot sub-machine gun fire. He thought that this came from the direction of Block 3 of the Rossville Flats, and that it was possible that more than one weapon was being fired. He was not sure how many rounds were fired, but he was confident that he heard these shots after he had heard the M1 carbine fire.¹

¹ C1334.5-6; Day 340/118-119; Day 340/162-163

65.179 According to his evidence to this Inquiry, Lance Corporal INQ 1334 was with his pair, Private INQ 1596, when he heard the firing at the southern end of Chamberlain Street.¹ Private INQ 1596 gave no evidence to this Inquiry. However, Second Lieutenant 026 told this Inquiry that he thought that Lance Corporal INQ 1334 might well have been one of the soldiers who were with him when he heard M1 carbine fire at the bottom of Chamberlain Street.²

¹ Day 340/120

² Day 315/136

65.180 Corporal INQ 579, who was also a member of 8 Platoon, told us that he recalled being aware of high velocity fire aimed towards him as he moved down Chamberlain Street. He told this Inquiry that when he was about halfway down Chamberlain Street he heard the crack and thump of a high velocity round passing him. He said that he thought that this had been fired at him from a position in the Rossville Flats area. Corporal INQ 579 and his colleagues took cover, and within seconds a second shot was fired from the same direction. He said he asked if anyone had seen a gunman, but no-one had. It was his recollection that 8 Platoon then advanced under cover to the end of Chamberlain Street.¹

¹ C579.3; Day 308/44-49

65.181 Corporal INQ 579's account is to be contrasted with that of Second Lieutenant 026, who told us that he was not aware of any gunfire from the time he went into Chamberlain Street with his soldiers until he got to the Rossville Flats end of that street.¹ Corporal 007 also stated that he did not hear gunfire until he reached the southern end of Chamberlain Street.² Had there been gunfire along Chamberlain Street, we are sure that Second Lieutenant 026 would not only have remembered it, as it would have meant that his soldiers were under attack, but would also have made mention of it in his RMP statement. In these circumstances we do not place any reliance on the account of firing given by Corporal INQ 579.

¹ Day 315/163-164

² Day 310/29

Consideration of C Company soldiers' evidence of non-military fire

65.182 We were greatly assisted by the report prepared by RA Davis, Michael Lower and Stuart Dyne of ISVR Consultancy Services, who advised us on various aspects of sound and sound perception in relation to the firing of weapons.¹ We accept the views of these experts.

¹ [E9.1-183](#)

65.183 In general terms, and according to most definitions, a high and medium velocity weapon fires a supersonic bullet, the former at a greater speed than the latter, while a low velocity weapon fires a subsonic round. When a high velocity weapon is fired, a listener in front of the firearm and close to the passage of the bullet will, if he or she is some distance from the weapon, hear a crack and then a thump or boom. The crack is the sound of the bullet breaking the sound barrier. The thump or boom is the sound of the blast from the muzzle of the weapon. The latter noise travels at the speed of sound and is accordingly heard after the crack of the supersonic bullet. Thus the closer the listener is to the weapon, the less the interval between the two different sounds. The presence of a crack sound would enable an experienced listener to deduce that the shot was from a high velocity firearm. The absence of a crack sound does not permit the listener to draw any conclusion regarding the type of firearm.

65.184 Part of the ISVR Consultancy Services report considered the feasibility of conducting experiments to test the abilities of listeners to identify firearms subjectively.¹ The conclusion was that experiments would be extremely difficult to carry out, the results would be difficult to interpret, and the findings would be of limited use to this Inquiry.

¹ [E9.16-18](#)

65.185 The reasons for this conclusion were as follows:¹

“Test conditions

The witnesses on Bloody Sunday were in an urban environment with sound reflections and shielding by buildings, considerable background noise, and many distractions. Firearms sounds may have occurred with little or no warning, and any decision made by an individual about the type of weapon being fired would have relied on a spontaneous judgement. Any identification of a weapon may also have been based on other cues, particularly visual cues, on the individual's surmise about or knowledge of

what had happened, or on the individual's expectations of which weapons were likely or unlikely to be extant. It is obviously not possible to reproduce the above conditions for the purposes of an experiment, although the effects of buildings on the propagation of sounds can be reproduced to some extent in a similar environment.

Test subjects

The individual witnesses who heard gunfire or similar sounds on Bloody Sunday would have fallen into several categories, including soldiers, police and civilians. They would not be from a single, homogeneous group. To have been able to discriminate between weapons, or to identify particular types of weapon from the sounds produced, individual witnesses would not only have to have been exposed to weapons noise previously, but they would have to have seen, or known for certain, which type of firearm was being fired at any time, so that they could learn to associate a given sound with a given type of weapon. The opportunities available to each individual to obtain such experience, and the range of firearms encompassed by that experience, must have varied considerably from person to person and cannot be quantified. It is therefore obviously impossible to match the experience of potential subjects to the experience of the individual witnesses to Bloody Sunday. If an experiment were to be carried out the abilities tested would be those of the subjects participating, and it would not be possible to relate their abilities to the abilities of the original witnesses.

Test firearms

We do not know what types of weapon and ammunition, if any, were used on Bloody Sunday other than by the Army. Thus the choice of any firearms or ammunition to be used in a subjective listening experiment would be arbitrary and not necessarily representative of the firearms and ammunition which might possibly have been used on Bloody Sunday. It would also not be possible to include test firings of one of the most important firearms, a baton gun with ammunition of the type used in 1972, because the particular type of ammunition has long been superseded.

Practical difficulties and design complexities

It is extremely difficult, even with the best of loudspeakers, to reproduce waveforms of very short-duration, very high-level, impulsive sounds of nearby gunfire at a realistic level or with convincing realism. Therefore we concluded that any experiment should involve listeners hearing real rather than recorded gunfire. Live firing experiments would be limited because, for safety, listeners would only be able to hear gunfire from behind or to the side of the firer, and certainly not in front.

We carried out some informal pilot tests using ourselves as subjects to listen to live firing. Close to the firing point, about 50 metres away, with an unobstructed sound path between us and the firearms, and with the benefit of a direct comparison, we could hear clear differences in sound level and character between the high- and low-velocity firearms (i.e. between rifles and pistols) fired in succession from the same position. However it was also clear that the benefit of direct comparison between sounds from different firearms made the discrimination relatively easy. If we wished to test the abilities of listeners to identify firearms from single shots we would need to take precautions to prevent listeners having an opportunity to compare directly sounds fired from the same spot and we would not be able to allow the listeners to hear more than one firearm at a time without changing the firing position, the listening position, or both.

At greater distances, or when screened by buildings, our observation was that the sounds of some of the high-velocity and low-velocity firearms could become very similar in character, although the actual sound levels of high-velocity weapons were still higher. This meant that if two shots were fired in succession from the same point, one from a rifle and one from a pistol, it could be deduced that the louder shot was obviously from a rifle and the quieter from a pistol. Again we would have to prevent listeners from making a comparison. We also considered that in some circumstances the sound of a rifle a given distance away could be similar in character to the sound of a pistol being fired at a shorter distance. This observation reinforced the conclusion that any formal experiment must be designed to allow the distance between the firing point and the listeners, and the direction of firing relative to the listeners, to be readily and randomly changed between successive shots.

These informal tests confirmed the practical and logistical difficulties which would be involved in carrying out a formal scientific listening experiment. In particular, the precautions which would need to be taken to prevent listeners from hearing more than one firearm at a time from any given firing position and at any given listening position would make an experiment long and unwieldy, and probably impracticable.

In some very specific circumstances, the sound of a firearm may assist identification. These circumstances are when a bullet from a high-velocity firearm passes close to the listener or witness. The presence of a 'crack' sound from a supersonic bullet's shock wave will identify the firearm as a high-velocity type to an experienced listener, whereas the absence of the crack will not assist identification. We do not know how

close a listener would need to be to the bullet's path to be able to hear the crack of the shock wave. This particular point was not addressed in our Report No. 5903 R04, but is covered in our Report No 5903 R06 and summarised in Section 7 below."

¹ E9.16-18

65.186 An SLR and an M1 carbine both produce a crack sound. Revolvers and Thompson sub-machine guns, which fire subsonically, do not.¹

¹ E9.22; E9.181; Day 301/42

65.187 The evidence of Colour Sergeant 002 of Composite Platoon, Support Company (a weapons training officer) was that in a built-up area it is not possible to identify from the sound the type of weapon being used.¹ The evidence of Colonel James Ferguson, Commanding Officer of 22 Lt AD Regt, was that in a built-up area such as Londonderry, it would be very difficult for individual soldiers to know who was shooting and from where: *"One shot was all that it might take for everyone to believe that they were coming under fire."*² Colonel Roy Jackson, Commanding Officer of 1 R ANGLIAN, gave evidence to much the same effect, noting in particular that the topography of Londonderry made it *"almost impossible"* to identify from where a shot was fired unless the flash from the weapon on firing could be seen.³ In the light of the ISVR report, we prefer the evidence of these soldiers to those (such as Private INQ 587) who were positive that they were able from the sound to distinguish between different types of weapons and from where and in which direction firing was coming.

¹ B1363.002; B1363.007

³ CJ2.2; Day 287/8

² B1122.11-12; Day 281/67

65.188 Bearing in mind these difficulties in the identification of weapons from the sound of firing, we turn to consider the evidence of C Company soldiers about non-military firing.

65.189 On the basis of the available material and as is explained above,¹ we consider that soldiers of 7 Platoon did not move across the Eden Place waste ground until a late stage, by which time the vehicles of Mortar Platoon had been moved to the north end of Block 1 of the Rossville Flats and some Army vehicles were moving from there back along Rossville Street. In the course of this report,² we consider what was happening in Sector 3 after the vehicles had moved forward. We have found nothing that suggests to us that there was at that stage non-military firing of the kind described by soldiers of 7 Platoon into the area of the Eden Place waste ground.

¹ Paragraph 65.52

² Chapters 121–124

65.190 There was (as we discuss in the context of the later events in Sector 3¹) late firing by soldiers of Support Company and Composite Platoon at a window on the western side of Block 1 of the Rossville Flats and in our view this is likely to be what the 7 Platoon soldiers heard from the Eden Place waste ground. As will be seen,² in our view other soldiers mistook this firing, or some of it, for firing by paramilitaries.

¹ [Chapter 123](#)

² [Paragraphs 124.118–121](#)

65.191 In these circumstances we do not accept the evidence of non-military firing given by soldiers of 7 Platoon who went across the Eden Place waste ground. In our view what, if anything, they heard was firing by soldiers of Support Company.

65.192 As to the 8 Platoon soldiers, as we have already observed,¹ it seems to us that before these soldiers had gone far along Chamberlain Street, the group carrying Jackie Duddy had come along that street and turned up Harvey Street; and that by the time soldiers had got to the southern end of Chamberlain Street and Second Lieutenant 026 had looked into the car park, all the casualties in Sector 2 had been sustained. We do not find convincing the evidence of non-military fire from soldiers who were at the southern end of Chamberlain Street. They did not suggest that it was directed at them and in our view it is much more likely that what they heard were some of the shots fired at a late stage by soldiers at a flat in Block 1 of the Rossville Flats, which we consider in detail later in this report.²

¹ [Paragraphs 65.115–116](#)

² [Chapter 123](#)

65.193 We are of the view that there was no non-military firing along Chamberlain Street, as was suggested by Lance Corporal INQ 2045, Private INQ 12 and Corporal INQ 579. In our view, had 8 Platoon come under fire in Chamberlain Street, Second Lieutenant 026 would have noticed it or been told of it and would have recorded the fact that his soldiers had come under fire in his 1972 account.

65.194 We now consider the remaining accounts of non-military firing.

65.195 For the reasons given above,¹ we are unable to accept the evidence of those soldiers of C Company who said that they were able to distinguish between different types of high or medium velocity weapons. In our view it must also be borne in mind when considering what reliance to place on the evidence of C Company soldiers of non-military fire, that shortly after they crossed Barrier 14, Lieutenant N fired three shots up the Eden Place alleyway; and soon after that other soldiers of Support Company opened fire in Sectors 2 and 3, followed by further Army fire in Sectors 4 and 5. We discuss this firing in detail in

our consideration of the events of the five sectors.² Within a short space of time, probably ten minutes or less, Support Company soldiers fired over 100 rounds, as well as a substantial number of baton rounds. In our view this must have given rise to a belief among soldiers who had come through Barrier 14 that 1 PARA soldiers had become engaged in a full-scale gun battle. In these circumstances some soldiers at least would be expecting to hear non-military fire, and would be ready (albeit in good faith) to ascribe some of what they heard to such firing. As will have been noted, Corporal INQ 444 and Private INQ 1582 in effect told us that this is what they thought. In our view there was in fact no such gun battle, as will be seen from our detailed consideration of what took place in the five sectors; but soldiers of C Company could understandably have mistaken what was going on.

¹ Paragraphs 65.182–187

² Chapters 30, 51, 73, 81, 84, 85, 97, 107 and 119

65.196 As to those who described hearing Thompson sub-machine gun fire, much the same considerations apply. As will be seen from our consideration of the events of Sector 5,¹ soldiers on the City Walls described hearing and in one case seeing Thompson sub-machine gun fire from Glenfada Park North. We are sure, for the reasons we give, that there was no such firing from there; and in our view what these soldiers thought was sub-machine gun fire was in fact a soldier firing repeatedly at the corner of Glenfada Park North and Rossville Street. To our minds this instance provides a striking example of soldiers mistakenly attributing repeated high velocity Army gunfire to fire from a Thompson sub-machine gun.

¹ Paragraphs 119.57–141

65.197 The only evidence of Thompson sub-machine gun fire given in 1972 by members of C Company was that of Second Lieutenant 110 and Lance Corporal 003. The former recorded that he heard a burst of eight rounds fired from a two-storey block of flats west of Kells Walk,¹ while he was at the corner of Rossville Street and William Street. The latter recorded that as he ran across the Eden Place waste ground with Second Lieutenant 110 he saw a member of Support Company fire several rounds in the direction of Columbcille Court, from where he could hear automatic gunfire, “*possibly*” from a Thompson.² There is nothing in the evidence from the soldiers of Support Company who went into the Bogside that suggests to us that there was automatic gunfire from Columbcille Court or elsewhere to the west of Kells Walk.

¹ B1724

² B1364

65.198 Corporal INQ 444 told us that he recalled hearing two bursts of Thompson sub-machine gun fire, of six to seven rounds each, as he was moving along William Street, but in view of the state of his recollection, on which we have commented above,¹ it is difficult to rely on his account of where he was when he said he had heard this firing.

¹ [Paragraph 65.40](#)

65.199 Lance Corporal INQ 1334, Lance Corporal INQ 2045 and Private INQ 1073, all of 8 Platoon, also described hearing Thompson sub-machine gun fire when they were in or turning into Chamberlain Street. However, there is no record of such firing by Second Lieutenant 026 (the Commander of 8 Platoon) in his 1972 account. As already noted, Private INQ 471 (also of 8 Platoon) told us that he knew the sound of this weapon as he had been injured by one; but he did not recall hearing Thompson sub-machine gun fire as he entered Chamberlain Street.

65.200 We have already expressed the view¹ that it would be unwise to rely upon the accounts given by INQ 736 and Private INQ 1093. We have also expressed the view² that it would be unwise to rely upon the retrospective description of Thompson sub-machine gun fire given by Private INQ 587 and that Lance Corporal INQ 1799 had no clear recollection of events.

¹ [Paragraphs 65.62, 65.64 and 65.133–134](#)

² [Paragraphs 65.46, 65.130, 65.136 and 65.156](#)

65.201 In all the circumstances we are doubtful whether any of the soldiers of C Company heard or witnessed Thompson sub-machine gun fire. It is possible that some of them did, but it is in our view more likely that what happened was that they mistakenly thought or came to believe that some of the substantial firing by soldiers of Support Company was that of paramilitary gunmen with Thompson sub-machine guns. Elsewhere in this report¹ we consider other evidence about Thompson sub-machine gun fire, and give reasons for our conclusion that although we cannot eliminate the possibility that there was some such firing on Bloody Sunday, we consider it more likely that there was not.

¹ [Chapter 153](#)

65.202 As to other low velocity gunfire, it is possible that some soldiers did hear what little low velocity firing there was in the sectors; but for the reasons already given,¹ it is our view that it is equally likely that they were mistaken about this.

¹ [Paragraphs 65.182–187 and 65.195](#)

Evidence from C Company soldiers of seeing civilian gunmen

65.203 Some members of C Company gave evidence of seeing a civilian gunman or civilian gunmen on Bloody Sunday. Their accounts can be divided into soldiers who claim to have seen or been aware of a man with a rifle running at ground level in the vicinity of Block 1 or Block 2 of the Rossville Flats, those who thought that there was a gunman on the roof of one of the blocks of the same flats, and the account of Lance Corporal INQ 1799 of seeing a man with an automatic pistol on either Chamberlain Street or William Street.

A gunman at ground level in the vicinity of Block 1 or Block 2 of the Rossville Flats

65.204 Second Lieutenant 110, the officer in command of 7 Platoon, gave the following evidence of seeing a gunman in his RMP statement of 4th February 1972:¹

“At approximately 1600 hrs I was positioned in a recess at the rear of houses facing Chamberlain St observing in the direction of Rossville Flats. Whilst in this position I saw a male person aged about 25 yrs and was wearing jacket and trousers. The distance between this person and myself was about 100 metres, so I could not say what colour of clothing he was wearing.

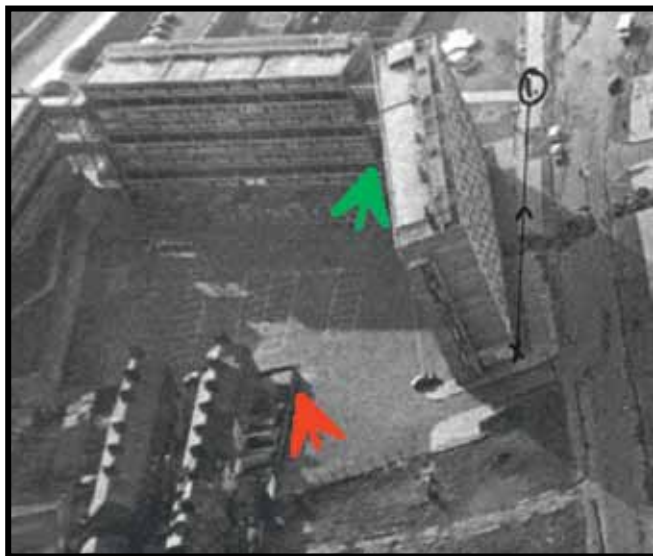
I observed that this person was carrying a weapon under his right arm, all I saw was the butt of the weapon sticking out from underneath his arm. Again fire was not returned to the best of my knowledge.”

¹ [B1724](#)

65.205 Second Lieutenant 110 gave a similar account of seeing a civilian carrying a gun in his evidence to this Inquiry. He told us that he recalled that the man moved from Block 1 of the Rossville Flats to Block 2 at ground level and then disappeared from view. Second Lieutenant 110 stated that he recalled that the man was carrying a long weapon, of which he could see both the butt and the barrel. Second Lieutenant 110 stated that he did not fire at the gunman as he only had a baton.¹ He marked his position and that of the gunman with red and green arrows on the following photograph.²

¹ [B1726.005](#); [Day 350/71-73](#); [Day 350/98-108](#)

² [Day 350/71-72](#); [B1726.010](#)



65.206 Another member of 7 Platoon, Corporal INQ 444, also gave evidence of seeing, from a position at the back of the Chamberlain Street houses, a man with a rifle close to the corner of Blocks 1 and 2 of the Rossville Flats. In contrast to Second Lieutenant 110, Corporal INQ 444 recalled that the gunman passed from Block 2 to Block 1. Corporal INQ 444 stated that events took place so quickly that he was unable to take any action and only had a fleeting glimpse of the man in question. He added that the gunman, who was alone, was carrying the rifle in both hands and making no effort to conceal it. The gunman, according to Corporal INQ 444, did not aim the weapon. Corporal INQ 444 stated that he was “*pretty certain ... not 100 per cent, but ... pretty certain*” that the man was carrying a rifle.¹

¹ C444.5; C444.9; Day 344/81; Day 344/99-103; Day 344/129-133

65.207 Lance Corporal 003, also of 7 Platoon, told this Inquiry that he was with Corporal INQ 444 as they moved across the Eden Place waste ground and to the back of the Chamberlain Street houses.¹ He stated that at some point during the time they spent at the back of the houses he heard Corporal INQ 444 ask whether or not he had seen a man with a weapon between Blocks 1 and 2 of the Rossville Flats. Lance Corporal 003 told us that he did not see this, nor any gunman.² Lance Corporal 003 did not mention this incident in his RMP statement, although he did state that he was “*unable to locate any gunmen*”, despite being aware of incoming fire.³ In his evidence to this Inquiry, Corporal INQ 444 said that he did not recall shouting a warning to anyone in his platoon, but he thought that it was possible that he might have done so.⁴

¹ B1366.003

² B1366.004; Day 309/91; Day 309/100-101

³ B1364

⁴ Day 344/103

65.208 Lance Corporal INQ 1799, again of 7 Platoon, recorded in his written evidence to this Inquiry that while he was sheltering behind a “*boulder*” at the southern end of Chamberlain Street he saw a civilian gunman lying prone with an M1 carbine at the low wall in front of the gap between Blocks 2 and 3 of the Rossville Flats. He nearly fired at this man, but did not due to the proximity of a civilian, who he thought was seeking to restrain the gunman. He also recalled that Major 221A, the Commander of C Company, was with him and gave an order not to fire at that time. The gunman, on Lance Corporal INQ 1799’s evidence, crawled back towards a “*pillar type object*”.¹

¹ C1799.6-7

65.209 In his oral evidence Lance Corporal INQ 1799 said that he was “*Absolutely certain*” that he had seen a man armed with an M1 carbine, but he thought that he, Lance Corporal INQ 1799, might have been in the Eden Place waste ground, while the gunman was in the waste ground to the north of Block 1.¹ He did not, however, see any Army vehicles or soldiers in the vicinity of the gunman.² Lance Corporal INQ 1799 said that he saw the gunman at a time when he could hear the firing that is described above.^{3,4}

¹ Day 314/166; Day 314/156-168; C1799.0015

³ Day 314/163

² Day 314/177-180

⁴ Paragraph 69.154

65.210 In his evidence to this Inquiry, Major 221A stated that he did not recall being with Lance Corporal INQ 1799 at the southern end of Chamberlain Street, but, as he gave oral evidence before Lance Corporal INQ 1799, he was not asked about the latter’s change of evidence as to his and the gunman’s position.¹ Major 221A stated that he had no recollection of the incident described by Lance Corporal INQ 1799 and no reference to it appeared in his 1972 statements; however, he thought it was still possible that it happened as Lance Corporal INQ 1799 described.²

¹ Day 294/165

² Day 294/165-169; B2166; B2166.1; B2168

65.211 We have already expressed the view¹ that it would be unwise to rely on the accounts given by Lance Corporal INQ 1799.

¹ Paragraphs 65.46, 65.130, 65.156 and 65.200

65.212 In our view it is unlikely that Second Lieutenant 110 and Corporal INQ 444 saw a gunman. As we have already concluded,¹ by the time Second Lieutenant 110 and Corporal INQ 444 had got to the back of the Chamberlain Street houses, from where they said that they had seen a gunman, the shooting in Sector 2 had finished, but there were soldiers and Army vehicles in the area of the Rossville Flats. In these circumstances it

seems to us that a gunman would be foolhardy in the extreme to come into the open with his weapon in full view, when the Rossville Flats provided a ready means of moving, concealed from the soldiers.

¹ Paragraphs 65.21–22 and 65.52

A gunman on the roof of one of the blocks of the Rossville Flats

65.213 Private INQ 12, a member of 8 Platoon, told this Inquiry that as he advanced down Chamberlain Street he saw a gunman, armed with a rifle and dressed in civilian clothing, on the roof of the block of flats 300 to 350 yards in front of him (which would have been Block 2 of the Rossville Flats).¹ He said that he saw this man just after he had heard incoming fire; his evidence of this firing is discussed above. Private INQ 12 told us that he recalled that the man emerged from behind a structure on top of the roof and looked as if he was getting into a firing position, but that he did not see him fire;² and that the gunman subsequently stood up again and walked away.³ Private INQ 12's evidence was that he could not engage the target as he did not have a weapon; and that in any event he heard one of the Lieutenants, who he believed was in command of 9 Platoon, shout three times that no-one was to fire as Support Company was in the building.⁴

¹ C12.3; Day 351/20-23

³ C12.3; Day 351/97-104

² C12.3; Day 351/21-22

⁴ C12.3; Day 351/23

65.214 As already noted,¹ we do not have any evidence from anyone who claimed to have commanded 9 Platoon.

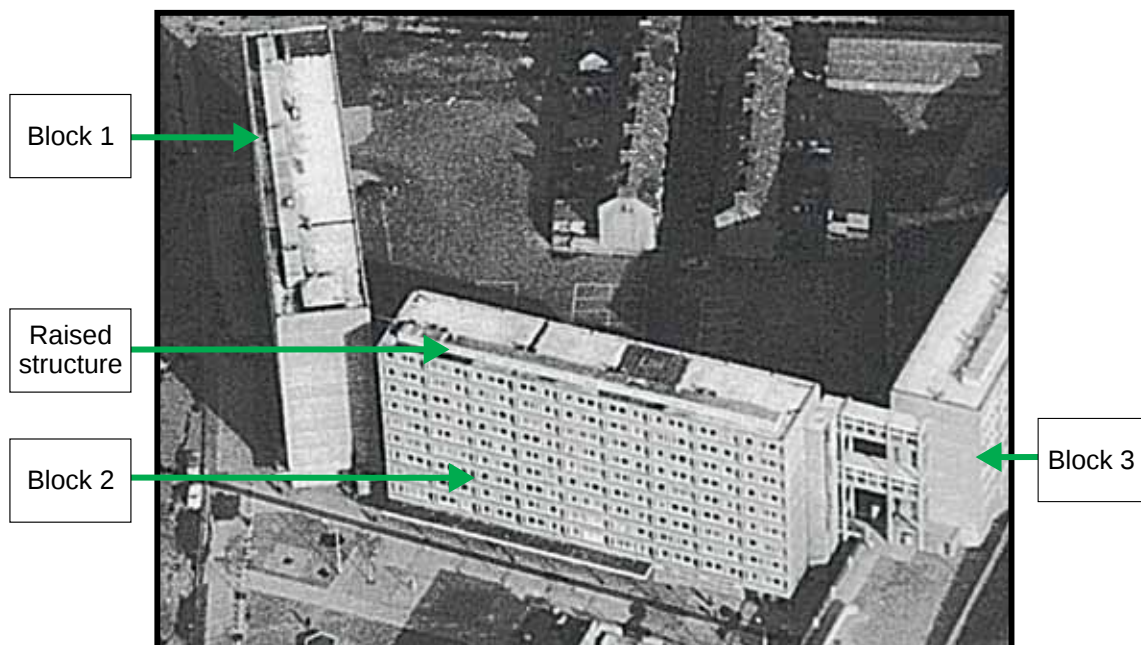
¹ Paragraph 65.53

65.215 Private INQ 12's evidence of seeing a man with a rifle close to a structure on top of Block 2 of the Rossville Flats is comparable to the 1972 accounts, described above, of Second Lieutenant 026 and Corporal 007. Both of these soldiers, also members of 8 Platoon, thought that they heard rifle shots fired from the area around what was described in their RMP statements as the "*lift housing*" at the eastern end of the Block 2 roof.¹ Neither Second Lieutenant 026 nor Corporal 007 claimed to have seen a gunman, and both expressed reservations as to the extent to which the description of the source of fire reflected their memory, as opposed to the RMP statement taker's interpretation.²

¹ B1541-1542; B1378

² Day 315/139-140; Day 315/166-168; B1384.003; B1384.005; Day 310/32-33; Day 310/77-80

65.216 This Inquiry has a number of photographs showing the roof of Block 2 of the Rossville Flats, but in none of these is there any evidence of the presence of what might be described as lift housing. There was a raised structure running all the way along the southern edge of the roof, but we doubt whether this would have been visible to a soldier at ground level at the southern end of Chamberlain Street.



65.217 While most of the relevant photographs, including those shown above, were not taken on Bloody Sunday, a still image from film footage taken on that day seems to confirm that the roof at the south-eastern end of Block 2 would have appeared to be flat when viewed from ground level.



65.218 In his evidence to this Inquiry, Private INQ 12 said that he was unable to explain why, contrary to his stated memory, there did not appear to be any structure on the roof of Block 2 of the Rossville Flats.¹ Second Lieutenant 026 told us that he could not recall seeing a lift housing, and suggested that the phrase was that of the RMP statement taker.² However, he did suggest that from the ground level he might have had the impression, possibly mistakenly, of seeing a raised area on the roof in the relevant position.³ Corporal 007 was not asked specifically about the apparent lack of any structure on the roof of Block 2. In our view the top of the Walker Monument, which was some 180 yards south of the Rossville Flats, could hardly be mistaken for a lift housing.

¹ [Day 351/22](#)

³ [Day 315/166-168](#)

² [Day 315/139-140](#)

65.219 We have already¹ expressed the view that it would be unwise to place much reliance on the evidence given by Private INQ 12. We do not accept that he saw a gunman on the Rossville Flats.

¹ [Paragraph 65.165](#)

65.220 Another member of 8 Platoon, Lance Corporal INQ 2121, gave evidence to this Inquiry of seeing a gunman on the roof of Block 1 of the Rossville Flats. Lance Corporal INQ 2121 stated that he did not deploy through Barrier 14 with other members of his platoon as he

remained behind guarding a broken-down vehicle. He was subsequently driven into the Bogside as the guard to a Medical Officer, and he disembarked somewhere in the region of the entrance to Pilot Row, close to the Rossville Flats.¹

¹ C2121.2-3; Day 369/211-215; P520

65.221 Lance Corporal INQ 2121 told this Inquiry that as he disembarked he heard two shots fired in the direction of the vehicle, and the crack as the bullets passed over him.¹ Although he did not recognise the type of weapon used to fire the shots, he thought that the sound was slower and lighter than that of an SLR.² He said that these were the only shots that he recalled hearing, and he said that he was “*definite*” that they were incoming fire.³ He told us that he was not sure where the shots came from, but he did see a man, who was on his own, moving in a crouching position from east to west across the roof at the north-west corner of Block 1 of the Rossville Flats.⁴ Lance Corporal INQ 2121 said that he formed the impression that the long object that the man was holding in both hands was a rifle or a carbine,⁵ and he shouted to a colleague that he had seen a gunman.⁶ However, the man disappeared before Lance Corporal INQ 2121 could fire.⁷

¹ C2121.3

⁵ C2121.3; Day 369/221

² C2121.3; Day 369/216

⁶ C2121.3

³ C2121.3; Day 369/216-217; Day 369/248-250

⁷ C2121.3

⁴ C2121.3; Day 369/218-222; C2121.26

65.222 During the 1990s, Lance Corporal INQ 2121 gave interviews to John Goddard and Tony Stark of Praxis Films Ltd,¹ Lena Ferguson of Channel 4 News² and Toby Harnden of the *Daily Telegraph*.³ In each case, he referred to the incident described above, and commented that he thought that one of the rounds had struck the roof of the vehicle in which he had travelled. In his oral evidence to this Inquiry, Lance Corporal INQ 2121 said that his recollection was that the bullets passed overhead and that he could not be sure that one of them struck the vehicle.⁴

¹ C2121.13

³ Day 369/224-227

² C2121.20-21

⁴ Day 369/216-217; Day 369/258-262

65.223 In his interview with Lena Ferguson, Lance Corporal INQ 2121 appeared to say that he thought that one of the shots might have come from a Thompson sub-machine gun, and that this was a “*heavier calibre shot*” than those of SLRs.¹ In his oral evidence to this Inquiry, Lance Corporal INQ 2121 denied that he intended to give this impression, and said he thought that he might have been referring to some other shooting that he could no longer recall. He reiterated that he could not tell what type of shots were fired at him, other than that they were not SLR rounds.²

¹ C2121.21

² Day 369/237-240

65.224 It is not easy to tell from the evidence of Lance Corporal INQ 2121 when he entered the Bogside,¹ but in general his account suggests that by the time he disembarked from his vehicle the main shooting incidents were over.²

¹ [Day 369/250-253](#)

² [C2121.3](#); [Day 369/223](#)

65.225 1 PARA's Medical Officer on Bloody Sunday was Captain 219. In an RMP statement dated 14th February 1972, he recorded driving into Rossville Street at about 1630 hours in order to attend "*a paratrooper who had fallen from a building and concussed himself*".¹ The injured soldier was probably Private INQ 455, a member of Machine Gun Platoon who fell while entering the Abbey Taxis building on William Street at a time when the march was still in progress,² as we have described earlier in this report.³ It is not clear why there was such a delay in calling for medical assistance for him.⁴ Captain 219's vehicle was an APC converted for use as an ambulance, and marked accordingly. He believed that this was the only such vehicle that was in the vicinity of the Rossville Flats on that day.⁵ This suggests that Lance Corporal INQ 2121 was present in the same ambulance as Captain 219, even though the latter did not mention the former in his 1972 evidence. For his part, Lance Corporal INQ 2121 could not recall the name of the officer he accompanied, although he did remember that he was a Captain.⁶

¹ [B2160-2161](#)

⁴ [Day 303/82-84](#)

² [C455.1-2](#); [C441.4](#); [Day 303/82-84](#)

⁵ [B2160](#)

³ [Paragraph 17.9](#)

⁶ [Day 369/212](#)

65.226 The timing given in Captain 219's 1972 account is supported by the 1 PARA log, which records in an entry at 1630 hours that Support Company had incurred a casualty. In the "Action" column, there is a note reading "*Medic passed*" (entry 35).¹ This entry seemingly represents the moment at which Captain 219 was called forward. While the times contained in the log and Captain 219's RMP statement might not be exact, they would seem to indicate that the military ambulance did not enter the Bogside until after the main shooting incidents were over. Further, the evidence to this Inquiry of both Captain 219 and Lance Corporal INQ 2121 is that it took them some time to reach Support Company's position. Captain 219 recalled getting lost,² and Lance Corporal INQ 2121 remembered driving for about five minutes before stopping by the Rossville Flats.³

¹ [W90](#)

³ [C2121.2](#)

² [B2162.003](#)

65.227 In his written evidence to this Inquiry, Captain 219, who was not called to give oral evidence, told us that he recalled hearing incoming fire as he disembarked from his ambulance. He stated that the rounds did not strike the ambulance, but did hit the ground

near it. Although other soldiers thought that the shots were coming from the top of the Rossville Flats, Captain 219 believed that they were fired from the Glenfada Park North direction. Captain 219 stated that he took cover and then heard “*a lot of high velocity fire but also some low velocity fire*”. He recalled that there was a lot of firing, and that he thought that the soldiers might have fired more than the rounds that were officially recorded as having been expended.¹

¹ [B2162.004](#)

65.228 In his one-page RMP statement, Captain 219 made no reference to hearing any firing when he was in the vicinity of the Rossville Flats.¹

¹ [B2160](#)

65.229 In our view there was no gunman on the roof of the Rossville Flats. As we describe elsewhere in this report there were soldiers on lookout on the City Walls in positions overlooking the Rossville Flats; and in an Observation Post (OP) on the Embassy Ballroom to the north-east of William Street. Any gunman on the roof of those flats and visible from the ground would also have been visible from either of these locations; but we have found nothing that suggests that one was spotted that day. It should be noted that the evidence of Gunner 023, a sniper stationed at the Peter England shirt factory on Sackville Street, was that he did not recall seeing anyone on the roofs of Blocks 1 and 2 of the Rossville Flats.¹ Furthermore, it would have been foolhardy in the extreme for anyone minded to fire at the soldiers to take up a position on the roof, in full view of soldiers on the City Walls and the Embassy Ballroom OPs, who customarily kept a look-out from those positions.

¹ [Day 360/24](#)

65.230 As to the evidence of Lance Corporal INQ 2121 and Captain 219, we are sure that they did not arrive in the area until after most of the events of Sectors 2, 3, 4 and 5. As we discuss in our consideration of the events of Sector 3,¹ there was at a late stage firing by soldiers at a window on the west side of Block 1 of the Rossville Flats. The journalist Fulvio Grimaldi had taken a photograph (shown below) from that window shortly before soldiers had fired at it, which shows the converted APC ambulance.

¹ [Chapter 123](#)



65.231 As we describe elsewhere in this report,¹ some of the firing at this window came from soldiers on a walkway on the west side of the Kells Walk flats, behind the ramp which can be seen in the left background of this photograph. These shots would have passed more or less over the ambulance. In our view this was the firing that Lance Corporal INQ 2121 and Captain 219 described hearing. We do not accept that they witnessed a shot hitting the ambulance or the ground nearby.

¹ [Paragraphs 123.1–103](#)

65.232 Other soldiers fired at the window from positions at ground level near the converted ambulance. In our view Lance Corporal INQ 2121 and Captain 219 probably also heard this firing, and may have again mistaken it for incoming fire.

65.233 In our view this incident is another example of soldiers mistakenly believing that they were witnessing incoming fire by paramilitaries.

Lance Corporal INQ 1799's account of seeing a man with an automatic pistol

65.234 Lance Corporal INQ 1799's evidence of hearing shots after he deployed into the Bogside and of seeing a gunman close to the Rossville Flats is considered above.¹ We have already noted² that he also told this Inquiry that as he moved down either Chamberlain

Street or William Street he saw a gunman armed with an automatic pistol among the crowd. According to Lance Corporal INQ 1799 the gunman, who was dressed in a black parka jacket, raised the pistol with both hands and pointed it in the general direction of Lance Corporal INQ 1799, who took cover in a doorway, from where he heard Thompson sub-machine gun fire. Lance Corporal INQ 1799 stated that he could not remember the gunman firing the pistol, but he thought that it was possible that he did so. Although Lance Corporal INQ 1799 only had a “*short, fast exposure*” to the gunman, he had a “*quite ineradicable*” impression of seeing the weapon.³

¹ Paragraphs 65.130, 65.154–155 and 65.208–211

³ C1799.4-5; Day 314/135-136; Day 314/140-142; Day 314/170-174

² Paragraphs 65.45, 65.130 and 65.203

65.235 We have already expressed¹ the view that Lance Corporal INQ 1799 had no clear recollection of events. We consider it unlikely that he saw a gunman. No other member of C Company gave evidence of seeing a civilian with a handgun at this location and at this time.

¹ Paragraphs 65.46, 65.130, 65.156 and 65.200

Conclusions on the evidence of C Company soldiers of seeing civilian gunmen

65.236 For the reasons given above,¹ we are of the view that soldiers of C Company are unlikely to have seen civilian gunmen on Bloody Sunday.

¹ Paragraphs 65.204–235

Chapter 66: Arrests at 33 Chamberlain Street

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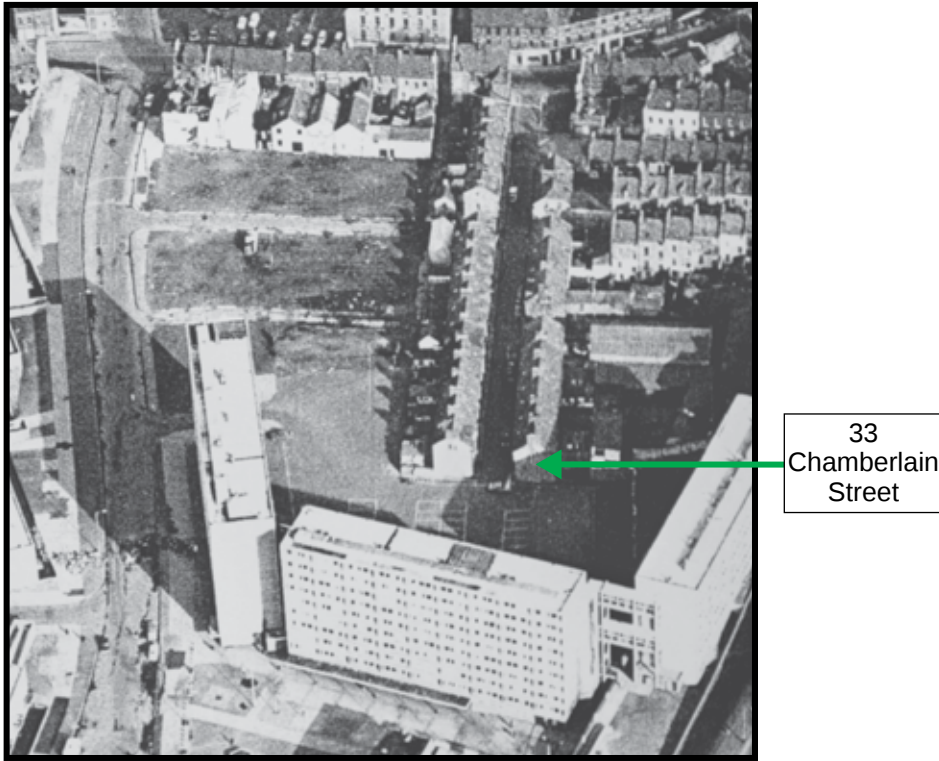
66.1 Earlier in this report¹ we described the movements of members of C Company of 1 PARA following their deployment through Barrier 14. We now turn to consider the circumstances in which members of 8 Platoon of that company arrested people who, as we have also explained earlier,² had taken refuge in 33 Chamberlain Street. We should note that in this report, unless otherwise indicated, we use the words “*arrest*”, “*arrested*”, “*arrestees*” and “*prisoners*” in a non-technical sense as meaning simply that the people in question were detained by soldiers and were not free to leave. It should not be understood that the use of such terms carries the inference that the formalities of a lawful arrest had necessarily been observed.

¹ [Paragraphs 65.1–119](#)

² [Paragraphs 65.3 and 65.118](#)

The scene in 33 Chamberlain Street as the soldiers arrived

66.2 We set out below a photograph on which we have marked 33 Chamberlain Street. The house was at the southernmost end of Chamberlain Street, on the east side.



66.3 Bridget Nelis was the occupier of 33 Chamberlain Street. She was in the house when soldiers from C Company arrived there, as were her two daughters, Anna and Margaret, who lived with their mother, and her son George. A number of civilians who had sought shelter in the house and its back yard were also present. In addition, and as we have described elsewhere in this report,¹ Margaret Deery and Michael Bridge, who had been shot and injured in the Rossville Flats car park, had been carried there. The following photographs, taken by Fulvio Grimaldi, show Michael Bridge in the back yard of 33 Chamberlain Street and Margaret Deery² in the house.

¹ [Paragraphs 55.128–130](#) and [55.202–206](#)

² [AM124.9](#)





- 66.4** Michael Bridge and Margaret Deery were attended by two Order of Malta Ambulance Corps volunteers, Majella Doherty and Charles McMonagle.
- 66.5** Following the arrival of soldiers at 33 Chamberlain Street, a total of 19 men were ordered from the house and arrested. They were: an individual whose name has been redacted, Robert Brady, Noel Breslin, Matthew Campbell, William Leo Carlin, William Duddy, James Ferguson, Joseph Hutchman, Kevin Leonard, Charles McCarron, William McCloskey, Maurice McColgan, James McDermott, Henry McGurk, Thomas Meehan,

John Morrison, George Nelis, George O'Neill and Otto Schlindwein. Of these, Otto Schlindwein, James McDermott, William McCloskey and Charles McCarron were charged with offences; Noel Breslin, Henry McGurk, George Nelis, Joseph Hutchman, Maurice McColgan, Robert Brady, William Duddy, the individual whose name has been redacted and James Ferguson were released pending further inquiry; and no further action was taken against Matthew Campbell, William Leo Carlin, Kevin Leonard, Thomas Meehan, John Morrison and George O'Neill. In those cases where individuals were charged, proceedings were subsequently dismissed, the prosecution having offered no evidence.¹

¹ [L216](#)

66.6 Charles McMonagle, the Order of Malta Ambulance Corps volunteer, was allowed to stay in 33 Chamberlain Street in order to treat the wounded.¹

¹ [AM367.24](#)

The arrival of the soldiers at 33 Chamberlain Street and the arrests

66.7 The manner in which members of 8 Platoon deployed south along Chamberlain Street, and their accounts as to what they saw and heard at that time, are described in the previous chapter of this report.¹ In the following paragraphs, we consider the evidence of those soldiers who arrived at, and in some cases entered, 33 Chamberlain Street.

¹ [Paragraphs 65.67–119](#)

66.8 The Platoon Commander, Second Lieutenant 026, told this Inquiry that having reached the southern end of Chamberlain Street, he attempted to take cover in the doorway of a house. He stated that he “*nudged*” open the door and ordered a non-commissioned officer (NCO) “*to check the occupants*”.¹ Second Lieutenant 026 told us that he was “*generally aware*” that “*people, rioters as we thought they were, who had moved down Chamberlain Street, had disappeared in the general area of that house*”.²

¹ [B1545.003](#); [Day 315/142](#)

² [Day 315/141](#)

66.9 Having been informed that there were “*no fewer*” than 30 people inside the house, Second Lieutenant 026, according to his evidence to this Inquiry, radioed his Company Commander, Major 221A, and was ordered to detain the people and take them “*back up*”

Chamberlain Street".¹ Second Lieutenant 026 said that he did not enter the house himself.² He could not recall whether he told Major 221A that he suspected the people in the house of being involved in a riotous situation.³

¹ [B1545.003-004](#)

³ [Day 315/143](#)

² [Day 315/142](#)

66.10 Major 221A's evidence to this Inquiry was to the effect that he did not know that arrests were made inside a house in Chamberlain Street,¹ and that his recollection was that his company made their arrests in Harvey Street/High Street.² Major 221A's recollection in this regard is clearly wrong. Whether Second Lieutenant 026 is correct in his recollection that he contacted Major 221A, and that Major 221A ordered the arrest of those inside 33 Chamberlain Street, remains in doubt.

¹ [Day 294/173](#)

² [Day 294/171](#)

66.11 Second Lieutenant 026 told us that he could not remember the name of the NCO whom he thought he ordered to check the occupants of the house.¹ It is unlikely that this was Sergeant INQ 2000, because this NCO's 1972 evidence (considered below²) as to how those in the house came to be detected differs from the account given by Second Lieutenant 026 to this Inquiry. It is possible that it was Corporal INQ 579, whose evidence we also consider below,³ but he said nothing about receiving an order from Second Lieutenant 026 to enter the house. It is notable that Second Lieutenant 026 did not refer to ordering men into 33 Chamberlain Street in his Royal Military Police (RMP) statement,⁴ and in view of the accounts given by Sergeant INQ 2000 and Corporal INQ 579, it is possible that Second Lieutenant 026 was mistaken in his recollection to this Inquiry that he was responsible for sending soldiers into the house. In the end we remain in doubt whether Second Lieutenant 026 did order soldiers into 33 Chamberlain Street.

¹ [Day 315/142](#)

³ [Paragraph 66.25](#)

² [Paragraph 66.12](#)

⁴ [B1541](#)

66.12 In an RMP statement dated 19th May 1972,¹ Sergeant INQ 2000 made no mention of being ordered by Second Lieutenant 026 to check the house. Instead, he said that his patrol was approached by a woman who had come from 33 Chamberlain Street, and who asked for an ambulance to be called for a wounded person in the house. Sergeant INQ 2000 stated that he detailed Corporal 007 and Private INQ 12 to enter the house and ascertain the extent of the casualty's injuries while he used the radio in his Armoured Personnel Carrier to call for an ambulance. Sergeant INQ 2000 continued:

“A few minutes later, Cpl 007 and Pte INQ 12 came out of the house and informed me that it was full of people. These people were the ones we had chased up CHAMBERLAIN ST after having seen them throwing stones at the Security Forces in WILLIAM ST/CHAMBERLAIN ST. I then went into the house with Cpl 007 and Pte INQ 12 and recognised these people as the ones who we had seen running down CHAMBERLAIN ST.”

¹ C2000.2

66.13 In this statement,¹ Sergeant INQ 2000 described how the people taken from 33 Chamberlain Street were searched outside the house and then taken to Fort George, where they were searched again:

“I then positively identified [name redacted], CHARLES McCORRAN [sic] and WILLIAM MACCLOSKEY [sic] a people I had seen throwing stones at the Security Forces in WILLIAM ST and CHAMBERLAIN ST. I also identified JAMES PATRICK FERGUSON as being present in 33 CHAMBERLAIN ST, however, I had not seen FERGUSON throwing stones and he was only taken to FORT GEORGE for screening.”

¹ C2000.3

66.14 Sergeant INQ 2000 signed statements at Fort George, in which he recorded that the first three of these people (ie name redacted, Charles McCarron and William McCloskey) had thrown stones at the military.¹ This Inquiry also has the Arrest Report Forms for these men, each of which lists the relevant offence as “*RIOTOUS BEHAVIOUR*”, and records either that “*The prisoner was seen throwing stones and taking part in a riot in Chamberlain St*”,² or that he was “*seen throwing stones in Chamberlain St*”.³ In the case of James Ferguson, his Arrest Report Form does not contain an entry next to the heading “*Offence*”, and neither this document, nor the statement signed by Sergeant INQ 2000 at Fort George, records any details or evidence of riotous or other criminal activity on his part.⁴

¹ C2000.7; C2000.10; C2000.16

³ C2000.9

² C2000.6; C2000.15

⁴ C2000.12-13

66.15 In his written statement to this Inquiry,¹ Sergeant INQ 2000 told us that he had “*absolutely no recollection*” of the events of the day. He did not give oral evidence.

¹ C2000.001

66.16 Corporal 007 gave a statement to the RMP dated 19th May 1972,¹ that is similar to the account given by Sergeant INQ 2000 in his RMP interview of the same day. In his statement, Corporal 007 recorded that on entering the house he saw a woman with a gunshot wound in her thigh lying on a settee, and around 30 other people, some of whom he recognised as *“being in the crowd which we had chased out of WILLIAM ST into CHAMBERLAIN ST”*. Corporal 007 told this Inquiry that he could no longer recall seeing any injured people in the house.²

¹ B1383

² B1384.003-B1384.004; Day 310/34

66.17 Corporal 007 was recorded in the Arrest Report Forms as having arrested James McDermott and Otto Schlindwein for *“throwing stones and taking part in a riot in Chamberlain St”*, and William Duddy for *“throwing stones at the Security Forces”*. He signed statements at Fort George in which he stated that these people had thrown stones at the military. However, in his RMP statement of 19th May 1972, he recorded that while he *“positively identified [the three men] as being members of the crowd which were throwing stones at the Security Forces in WILLIAM ST ... I did not see any of these three people actually throw any stones.”*¹

¹ B1384.010

66.18 In relation to the arrests, Corporal 007 told this Inquiry¹ that all of the men in the house were detained, and that identifications were then made by the soldiers of those individuals that they had seen in William Street and Chamberlain Street as they deployed. He described his evidence in this regard as being *“to the best of my recollection”*, but subsequently stated that he *“assume[d]”* or *“would imagine”* that this was what had happened. He also said that when he initially identified the three men he arrested as having been involved in stone throwing or rioting, he *“must have believed it to be true, or I would not have said it”*.²

¹ Day 310/36-38

² Day 310/73-77

66.19 Private INQ 12 made three statements in 1972 and gave two written statements and oral evidence to this Inquiry. In a statement taken by a Royal Ulster Constabulary (RUC) officer on 10th March 1972,¹ Private INQ 12 described entering the house after being told by a woman that there were two injured people inside. He said that he saw the two casualties and arrested George Nelis, whom he recognised as being *“in the hostile crowd in William Street”*. Although it is not entirely clear, this statement appears to us to record

that Private INQ 12 recognised George Nelis as one of those throwing stones at Barrier 14; and that on going through the barrier, he had seen this individual run up Chamberlain Street and into the house.

¹ C12.9

66.20 In his RMP statement dated 19th May 1972, Private INQ 12 gave an account similar to those of Corporal 007 and Sergeant INQ 2000 as to how they came to enter the house and make arrests. However, in contrast to what we believe he had told the RUC, Private INQ 12 recorded nothing about seeing a man run along Chamberlain Street and into a house. Instead he stated that “*a group of rioters ran out of WILLIAM ST. into CHAMBERLAIN ST. we gave chase, but on our arrival in CHAMBERLAIN ST they had disappeared.*”¹ As we have discussed in the previous chapter,² we consider this to be a more reliable account of what actually happened in Chamberlain Street. Private INQ 12 also said in this statement that he “*positively identified*” six people from 33 Chamberlain Street, including George Nelis, “*as persons I had seen throwing stones at the Security Forces in WILLIAM ST*”.³

¹ C12.10-11

³ C12.11

² Paragraph 65.89

66.21 In a further statement dated 17th November 1972,¹ Private INQ 12 stated that he was “*personally responsible*” for the arrest of five men, one of whom was George Nelis. In this statement, Private INQ 12 said that although he could not say “*positively*” that George Nelis had been throwing stones, he could say that he (George Nelis) had been “*one of the crowd all of whom were shouting abuse and encouraging the stone throwers*”. In this statement he denied allegations of abuse made against him by George Nelis, which we discuss further below.^{2,3}

¹ C12.12-14

² Paragraphs 66.47–54

³ In his statement dated 17th November 1972, Private INQ 12 recorded that 22 people were arrested in the house. We do not know the reason for this figure, as opposed to the 19 that we believe were arrested.

66.22 In fact, Private INQ 12 was listed as the arresting soldier on the Arrest Report Forms of six people on Bloody Sunday. Of these, only one, Noel Breslin, was recorded in the arrest documentation as having been seen throwing stones. In the cases of the other five men, including that of George Nelis, the offence of “*riotous behaviour*” was recorded on each of their Arrest Report Forms, but neither these forms nor the statements signed by Private INQ 12 at Fort George contain any details or evidence as to how the alleged offence was committed.

66.23 In his first written statement to this Inquiry,¹ Private INQ 12 told us that he “*vaguely*” recalled a woman approaching his patrol and requesting assistance for an injured person in her house. He said that he and a Platoon Corporal, whom he later identified as Corporal 007,² were detailed by the Platoon Sergeant to enter the house and ascertain the extent of the casualty’s injuries.³ Private INQ 12 went into the hallway and noticed about 20 to 30 people in the house. He stated that he recognised some of those present as people who had “*been involved in the civil rights demonstration and rioting*”. The people were brought out of the house and searched while standing against a wall.

¹ C12.4

³ C12.4

² Day 351/24-25

66.24 In his oral evidence to this Inquiry,¹ Private INQ 12 said that before entering the house he did not know that it contained people who had been rioting. His evidence was that all of the people in the house were taken outside, even though he was not in a position to say that each of them had been involved in the riot. In relation to those that he identified at Fort George, he said that he recognised them as having been at the riot, but he was not sure whether they had been stone-throwers or just people who were present.² He gave the following evidence in response to being asked to explain why he had not recorded, in the arrest forms that he signed at Fort George, seeing these individuals engaging in rioting:³

“A. ... because they were not arrested as such, they were arrested to be screened.

Q. What does that mean?

A. It means they go back and the details are taken and they are checked off to be screened.

Q. What is the point in screening somebody if no soldier is coming forward to say that he had been doing anything illegal?

A. I am sorry, sir, they were doing illegal – they were illegal in the first place because they were at the riot.

Q. Why did you not say that in the statement?

A. Because I was never asked that, sir.

...

Q. What did you understand the purpose of these statements to be?

A. As we said, we took them there to be screened and this is a statement, I suppose, so they could hold them for a time to screen them.

Q. Is the true position that you did not identify any of these people as rioters in your statements because you knew that the first time you had clapped eyes on any of them was when you went into the house on Chamberlain Street?

A. No, sir.”

¹ Day 351/29-30

³ Day 351/42-44

² Day 351/41-42

66.25 Two other soldiers, Private INQ 1073¹ and Corporal INQ 579², gave accounts of having entered 33 Chamberlain Street, but playing no role in the arrests. The account given by Corporal INQ 579 would place him in the house before Sergeant INQ 2000, Corporal 007 and Private INQ 12.³ Corporal INQ 579, who described a more tranquil scene in the house and back yard than his three colleagues, was “*Absolutely*” clear that no-one was arrested in the house while he was there and said he was “*Gobsmacked*” that more than a dozen people were arrested there.⁴ He told us that he had satisfied himself that the occupants “*were just bystanders, onlookers*”.⁵ The sequence implied by Corporal INQ 579’s evidence, that he and another soldier entered and left the house before those members of his platoon who made the arrests, is similar to the account given by Margaret Nelis in her Northern Ireland Civil Rights Association (NICRA) and RUC statements.⁶

¹ C1073.2

⁴ C579.3-4; Day 308/65-66

² C579.3-4; Day 308/51-54; Day 308/64-66; Day 308/80-85

⁵ Day 308/50-51

³ Day 308/52

⁶ AN11.8-9; AN11.10

66.26 Sergeant INQ 2000, Corporal 007 and Private INQ 12 were the only soldiers who are recorded as responsible for the arrests of the people in 33 Chamberlain Street.

66.27 Those detained were made to stand against the outside wall of 33 Chamberlain Street, where they were searched. So far as Private INQ 1073 and Corporal INQ 579 are concerned, they appear to have played no part in arresting people, and in our view they were probably the first soldiers to go into 33 Chamberlain Street.

Allegations of physical and verbal abuse as the arrests were made

66.28 On 4th February 1972, George Nelis complained to Sergeant Boyle of the RUC that after being arrested in 33 Chamberlain Street, and while he was being held awaiting transportation to Fort George, a soldier had threatened to shoot him.¹ Chief Superintendent Frank Lagan approved a recommendation that the complaint be investigated further.² On 10th March 1972, Sergeant Dorsett of the RUC submitted two reports of his investigation into the complaint, in which he summarised interviews that he had conducted with George Nelis, Bridget Nelis, Anna Nelis, Margaret Nelis, Joseph McGurk, Thomas Meehan, James Ferguson, William Leo Carlin, Joseph Hutchman, Kevin Leonard, Charles McCarron, Matthew Campbell, James McDermott and George O'Neill.³ On 18th December 1972, Sergeant Cooke of the RUC reported the results of interviews with 12 soldiers, only three of whom were members of C Company, namely Sergeant INQ 2000, Corporal 007 and Private INQ 12.⁴

¹ JB12.1-12.2

³ JD8.1-3; JD8.4

² JB12.2

⁴ JC13.1-3

66.29 Although George Nelis's complaint was about his treatment while on the waste ground awaiting transport to Fort George, the RUC investigation was not restricted to events there. Some of the civilians interviewed alleged that verbal and/or physical abuse occurred in 33 Chamberlain Street, as well as while they were being escorted to the waste ground, while they were being transported to Fort George, and at Fort George itself.

66.30 With respect to verbal abuse by the soldiers in 33 Chamberlain Street, George Nelis told us that he heard the two soldiers who ordered people from the house making remarks about the two wounded people such as "*let them bleed to death*" and "*they deserve it*".¹ Anna Nelis told us in her written evidence to this Inquiry that one soldier "*seemed very hyped up*" and used obscene language, saying of Margaret Deery "*Let the whore bleed to death*" and, having learned of the wounded Michael Bridge in the back yard, "*Let them all die*".² Margaret Nelis stated to us that two soldiers were "*unpleasant*", but she could not recall what they said.³ However, in statements to NICRA and Sergeant Dorsett made in February 1972 she said that one soldier asked the injured man (Michael Bridge) "*Are you*

not dead yet mate".⁴ Bridget Nelis, who died in 1980, recorded in a statement taken by Sergeant Dorsett on 18th February 1972 that a "*small, squat Scot soldier ... used the most obscene and abusive language and seemed to be enjoying himself*".⁵

¹ AN9.3

⁴ AN11.8; AN11.10

² AN8.4

⁵ AN26.1

³ AN11.3

66.31 In his report of 10th March 1972, Sergeant Dorsett summarised his interview with the Nelis family by writing that: "*They allege that the soldiers used the most obscene and abusive language and made crude and offensive remarks about the shot and wounded persons in the house, eg. 'Let the whore bleed to death.'*"¹

¹ JD8.1

66.32 Not only Nelis family members made allegations of verbal abuse in the house. Matthew Campbell told Sergeant Dorsett on 7th March 1972 that he heard a soldier say "*Let the bastards or whores bleed to death*", and that a "*wee, stout Scot soldier [...] used the most obscene language to everybody*".¹ Thomas Meehan also mentioned a soldier using the phrase "*Let the bastard bleed to death*" both in his statement to Sergeant Dorsett on 26th February 1972 and in his NICRA statement.² Joseph Hutchman told Sergeant Dorsett on 1st March 1972 that "*a Sergeant, with a Liverpool accent*" said "*Let the bastards bleed to death*", and that a "*private [...], a short fat man with dirty teeth and a scotch accent*" referred to those in the house as "*F_____ Irish bastards*".³ In his evidence to this Inquiry, Joseph Hutchman said that he could no longer recall the former comment, but he did remember the Private with a Scottish accent "*giving a lot a old lip to [a] woman*".⁴

¹ AC140.1

³ AH91.7

² AM393.2; AM393.1

⁴ Day 102/180-181

66.33 Charles McMonagle said in his Keville interview that "*the women in the house started to argue with the soldiers and they were verbally abused and rather obscene language*".¹ Before us, he agreed that any abuse was verbal, and that both civilians and soldiers had used abusive language.² James Ferguson³ told Sergeant Dorsett on 26th February 1972 that, while he was not badly treated, he heard "*a soldier using obscene and abusive language to some women*"; it is unclear from the statement whether this occurred inside or outside the house.⁴ In his statement to Sergeant Dorsett on 7th March 1972, James

McDermott said that a “*small Scot soldier went into the parlour and started using dirty language about all and every F_____n pig of an Irishman was under arrest*”.⁵ However, he did not mention the abusive language in his NICRA account.⁶

¹ AM367.24

⁴ AF45.1

² Day 102/200

⁵ AM185.5

³ AF45.1

⁶ AM185.4

66.34 Some of those present in 33 Chamberlain Street also made allegations of rough treatment by the soldiers. In his statement to Sergeant Dorsett, Matthew Campbell said that “*A young soldier hit me twice on my [shoulder] with his rifle butt, (actually it was more of a hard push)*”.¹ James McDermott told Sergeant Dorsett that a “*small Scot soldier*” hit him several times about his shoulder with a baton.² Kevin Leonard said in his statements to both NICRA and the RUC that he was kicked by a soldier as he was being searched outside Chamberlain Street.³ In his account to Sergeant Dorsett, Thomas Meehan stated that he was shoved with a butt of a rifle as he tried to assist the ambulance men who had come for the wounded. He also stated that while he and others were standing against a wall, “*We received the odd poke with a baton and kicks on the inside of our legs no matter how far we had them apart*”.⁴ It is not clear whether the wall to which Thomas Meehan referred was in Chamberlain Street, or whether he was suggesting that this alleged incident took place while the prisoners were awaiting transportation to Fort George. It is also relevant to note that neither Thomas Meehan nor James McDermott mentioned the allegations of rough treatment in their NICRA statements.⁵

¹ AC140.1

⁴ AM393.2

² AM185.5

⁵ AM185.1; AM393.1

³ AL7.12; AL7.10

66.35 Private INQ 12, in his RMP statement of 19th May 1972, said that “*a great deal of obscene and abusive language was directed at members of the Security Forces by the arrested persons and on occasions I did tell these people to ‘Shut their fucking mouths’, but at no time did I make any obscene or abusive remarks about injured people*”.¹ In his third statement, dated 17th November 1972, Private INQ 12 recorded: “*At no time did I threaten abuse or in any way ill-treat the prisoners nor did I witness any other person doing same.*”²

¹ C12.10-11

² C12.14

66.36 In his first written statement to this Inquiry, Private INQ 12 said that the soldiers and the civilians both used “*choice language*” and he accepted that he swore while taking the prisoners out of the house.¹ However, he denied that his language was “*directed at, or personal to, any particular individual*”, and he specifically denied seeing any wounded

people in the house, or making the remarks that had been attributed to him by those civilians interviewed in the course of the RUC investigation.² He also stated that he “*did not physically or verbally abuse anyone, at the house, in the lorry or at Fort George*”.³ Before us, Private INQ 12 stated that he had not remembered anything about going into 33 Chamberlain Street until he saw his 1972 statements.⁴ Counsel to the Inquiry put to him a large number of allegations of physical and verbal abuse contained in the evidence of those present at 33 Chamberlain Street. Private INQ 12 admitted that he had used a certain amount of bad language in the house but otherwise denied the allegations.⁵

¹ C12.4

⁴ Day 351/25

² C12.5

⁵ Day 351/45-60

³ C12.5

66.37 The evidence of Private INQ 12 to this Inquiry has to be considered in the light of his inaccurate claims that there were “*thousands*” of people rioting at Barrier 14 and that petrol bombs were thrown during the Barrier 14 riot, causing the feet of one soldier to be set alight.¹ It may be that Private INQ 12 was mistaking Bloody Sunday for another day. In his first written statement to this Inquiry, he told us that he accompanied the arrestees to Fort George and went back later in the evening to be photographed with the persons he identified as rioters.² As will be seen in the part of this report dealing with allegations of abuse at Fort George,³ Private INQ 12 is mistaken about this, as the Chamberlain Street prisoners were taken to Fort George in the third and final trip there and were immediately processed. This was unlike the previous two groups, who had to await the return of the identifying Support Company soldiers. For these reasons, we view the evidence that Private INQ 12 gave to us with some caution.

¹ C12.2; Day 315/8-9; Day 351/81-82

³ Paragraphs 159.26–32 and 161.1

² C12.4

66.38 Corporal 007 recorded in his 1972 RMP statement that “*a great deal of obscene and abusive language was being directed at the Security Forces*” by those who had been arrested in 33 Chamberlain Street. Corporal 007 stated: “*I did not reply to these people nor did I hear anyone else.*”¹ Before us, he said that he did not either hear or make remarks such as “*Let her bleed to death*” about Margaret Deery.² In his written statement to this Inquiry, he had recorded that the only force that was used when removing the men from 33 Chamberlain Street was “*to put our hands on their shoulders to move them along*”.³

¹ B1383-1384

³ B1384.004

² Day 310/65-66

66.39 As is noted above,¹ Sergeant INQ 2000 told us that he had no memory of the day, and his RMP statement makes no mention of any incidents of verbal or physical abuse in the house. However, he did record, in similar terms to Private INQ 12 and Corporal 007, that he got into an exchange of swearing with some of those who had been arrested, seemingly as they were being moved to the vehicles that took them to Fort George.² He also stated: *“During the time that these people were in my custody, I did not assault any of them nor did I see any other members of the Security Forces assault them.”*³

¹ Paragraph 66.15

³ C2000.4

² C2000.3

66.40 As we have described above,¹ Corporal INQ 579, who said that he had been in the house shortly before Sergeant INQ 2000, Corporal 007 and Private INQ 12, described a much calmer situation there than did the arresting soldiers. It is probable that the threat of arrest or the aggressive attitude of the soldiers contributed to the confrontation. In any event, looking at the evidence as a whole, we are satisfied that some of the arresting soldiers directed foul language at the civilians sheltering in 33 Chamberlain Street and we consider that it is probable that abusive remarks of the nature described above were either directed towards or about the seriously wounded Margaret Deery and Michael Bridge. Some of the soldiers’ remarks may have been in response to language used by some civilians. In the context of what happened on Bloody Sunday, such an exchange of bad language is in our view of little consequence, but we can find no excuse at all for the abusive remarks directed towards or about the wounded Margaret Deery and Michael Bridge. We are unable to identify the soldier or soldiers who made these remarks. We also consider that some of the arrestees were probably, for no reason other than to hurry them along, struck or pushed by soldiers as they were leaving the house, though such assaults were of a minor kind.

¹ Paragraph 66.25

66.41 The arrest photographs show that Private INQ 12, at 5 feet 6 inches, was the shortest of the three arresting soldiers. In his oral evidence to this Inquiry, Private INQ 12 confirmed that this was his height and that he was of stocky build and a Scotsman.¹ A soldier fitting this description was singled out by some of the occupants of the house as the most abusive and aggressive of the arresting soldiers. In our view this was Private INQ 12, who, despite his denials, we consider was, without justification, both verbally and physically abusive towards occupants of 33 Chamberlain Street, though we remain in doubt as to whether he was the soldier, or one of the soldiers, who singled out Margaret Deery or Michael Bridge for abuse.

¹ Day 351/46

The justification for the arrests

66.42 The arrest documents indicate that Corporal 007, Private INQ 12 and Sergeant INQ 2000 were the arresting soldiers for all of those arrested at 33 Chamberlain Street.

66.43 As we have already noted,¹ although Corporal 007 had made statements at Fort George to the effect that he had seen those he arrested throwing stones at the security forces, he later admitted that this was not the case. We do not accept that at the time he made the former statements he “*must have believed it to be true, or I would not have said it*”.² In our view Corporal 007 knew throughout that he had not seen any of those he arrested throwing stones, and knowingly made false statements at Fort George. In view of this, we find it impossible to accept his assertion that he had identified any of those he arrested as being part of a rioting crowd in William Street.

¹ Paragraph 66.17

² Day 310/74

66.44 As to Private INQ 12, as we have also already noted,¹ our reading of his account to the RUC of seeing the man he had identified as throwing stones running down Chamberlain Street and going into number 33 means that this account is inconsistent with the account that he gave to the RMP and his evidence to this Inquiry that he did not realise, before entering the house, that it contained people who had been rioting. He later admitted that he could not say positively that George Nelis was throwing stones, though he maintained that George Nelis was one of the crowd, all of whom were shouting abuse and encouraging the stone-throwers. In view of these matters, we take the view that Private INQ 12 knowingly made a false statement to the RUC that he had positively identified George Nelis as a stone-thrower. In these circumstances, as with Corporal 007, we find it difficult to accept Private INQ 12’s assertion that he had identified any of those he arrested as being part of a rioting crowd in William Street or that he had identified five others, in addition to George Nelis, as persons he had seen throwing stones at the security forces in William Street.

¹ Paragraphs 65.88–89 and 66.19–24

66.45 As to Sergeant INQ 2000, in his RMP statement¹ he recorded that Corporal 007 and Private INQ 12 informed him that the house was full of people: “*These people were the ones we had chased up CHAMBERLAIN ST after having seen them throwing stones at the Security Forces in WILLIAM ST/CHAMBERLAIN ST. I then went into the house with Cpl 007 and Pte INQ 12 and recognised these people as the ones who we had seen running down CHAMBERLAIN ST.*” The first part of this quotation would appear to be what, according to Sergeant INQ 2000, he was told by Corporal 007 and Private INQ 12,

since he had yet to go into the house and at that stage did not himself know who was inside. The second part of the quotation merely recorded that Sergeant INQ 2000 recognised the people as those whom he had seen running down Chamberlain Street. In our view there is little in his RMP statement to suggest that, out of the people taken from 33 Chamberlain Street, Sergeant INQ 2000 had actually himself identified the three he claimed he had seen throwing stones before he got to Fort George.

¹ C2000.2

66.46 Furthermore, as we have described earlier in this report,¹ the moment C Company soldiers were seen approaching Barrier 14 the situation rapidly changed, with the rioters fleeing from the immediate area of the barrier. At the time the C Company soldiers actually started going through the barrier, the street immediately in front of them, from where the rioters had been throwing stones, was clear or virtually clear.² Sergeant INQ 2000 was the Platoon Sergeant of 8 Platoon, the last of the three platoons of C Company to go through the barrier. Thus, although 8 Platoon soldiers could have seen rioting after they had arrived in the vicinity of Barrier 14 from Waterloo Place and before C Company soldiers started to move to cross Barrier 14, they would have been behind the soldiers manning the barrier. In such circumstances we are left in doubt as to whether Sergeant INQ 2000 had been able to see sufficient of the rioting to be able, either at 33 Chamberlain Street, or later at Fort George, to allow him to make a positive identification of people who had been throwing stones. Since Sergeant INQ 2000 told us that he had “*absolutely no recollection*” of the events of the day,³ we took the view that little purpose would be served by calling him to give oral evidence to this Inquiry. We are unable to determine whether or not Sergeant INQ 2000’s identifications were made in good faith.

¹ Paragraph 20.227

³ C2000.001

² M11.3-4; M39.1

The allegation that Private INQ 12 threatened to shoot George Nelis

66.47 Once those arrested at the house had been searched, they were made to walk north along Chamberlain Street to a waste ground at the corner of William Street. There they were held while awaiting transportation to Fort George.¹ Some of those being held are shown in the following photograph, taken by Gilles Peress.

¹ C2000.3; B1384.004; AN9.21; AN9.4; AH91.7; AH91.4; Day 102/181-182; AM120.4; AC40.3; AC40.8



66.48 George Nelis has said throughout his evidence that it was while he was being held at the waste ground that a soldier threatened to shoot him. In a report dated 10th February 1972, Sergeant Boyle recorded that on 4th February 1972 George Nelis had told him that:¹

“When they reached the waste ground, they were forced to sit on the ground, facing a wall. One of the soldiers [...] (he is not sure of rank) about 5' 3" tall, Scotch, wearing a maroon coloured ‘flash’ on the upper arm of his battle dress, threatened to shoot him that night. [The soldier] also boasted of having shot four people in Belfast, relating in which part of the anatomy he had placed his shots.

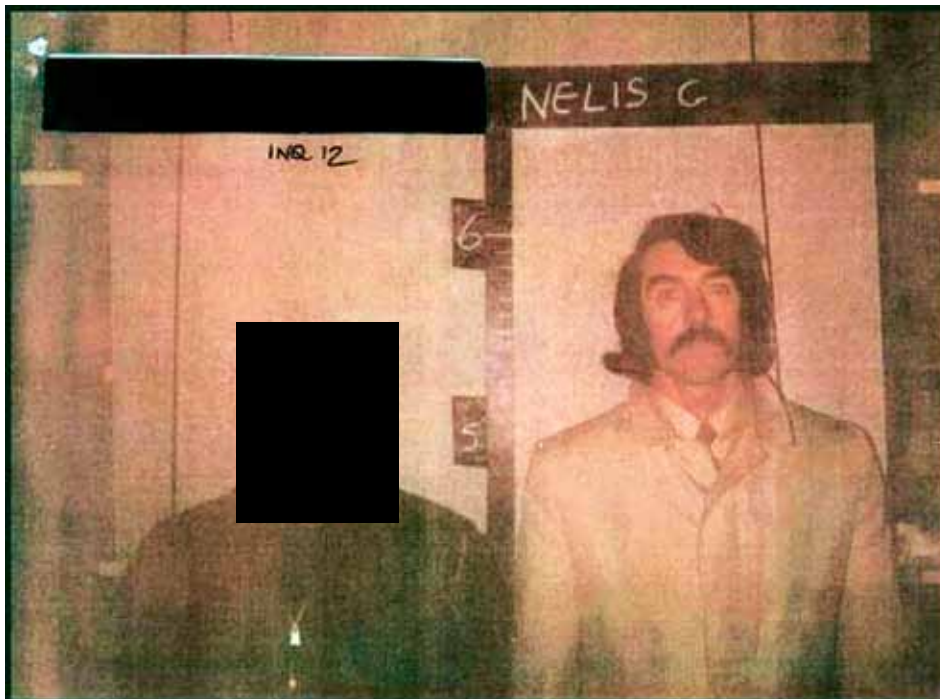
Nelis alleges that he would know [the soldier] again, as both had their photographs taken together at Fort George, where he had been detained for the remainder of that day.

Apart from this, Nelis stated that he was treated quite well by the security forces.”

¹ [JB12.2](#)

66.49 George Nelis’s arrest photograph shows him with Private INQ 12, whose name was written on the board above his head.¹

¹ [Day 351/40-41](#)



66.50 On the day before he spoke to Sergeant Boyle, George Nelis had given a similar account to NICRA, in which he said that the soldier who made the threat had also told him that he had been “critically injured in Belfast”.¹ George Nelis also gave consistent accounts to Sergeant Dorsett on 17th February 1972,² and to this Inquiry.³ However, in his oral evidence, George Nelis said that he no longer had any recollection as to whether the soldier who threatened him at the top of Chamberlain Street was the same one with whom he was photographed at Fort George, although he thought that it probably was.⁴

¹ AN9.9

³ AN9.4; Day 103/95-96

² AN9.21

⁴ Day 103/101-103; Day 103/136-138

66.51 George Nelis’s brother-in-law, George O’Neill, was also arrested at 33 Chamberlain Street and taken to the waste ground. In his statement to Sergeant Dorsett he said: “a small scot soldier [...] said to my brother-in-law, George Nelis, that he’d shot so many people in Belfast and that he’d shoot George, or words to that effect. I couldn’t look too much or they’d have carried the head off me.”¹ In his evidence to this Inquiry, George O’Neill said that he no longer recalled this incident.²

¹ AO77.1

² Day 113/15

66.52 As we have set out above, Private INQ 12 told the RUC and the RMP that he was responsible for arresting George Nelis. In his third statement, made on 17th November 1972, Private INQ 12 addressed the allegations made against him.¹

“... at no time did I say to Mr Nelis that I had shot four (4) people in Belfast, or indicate that I was going to shoot him. I have been in N. Ireland for a total of 25 months and although I have been shot in the leg myself, I have never shot any person.

At no time did I threaten abuse or in any way ill-treat the prisoners nor did I witness any other person doing same.”

¹ [C12.13-14](#)

66.53 In his evidence to this Inquiry, Private INQ 12 categorically denied saying that he had shot four people in Belfast, and stated that he had never shot anybody.¹ He specifically denied threatening George Nelis in the way that George Nelis had described.² However, he did accept that he had been wounded in Belfast, and he was unable to explain how George Nelis would have known this unless he had heard Private INQ 12 say it.³

¹ [C12.5](#)

³ [Day 351/48](#)

² [Day 351/47](#)

66.54 We are of the view, on considering the evidence, that Private INQ 12 probably did make the impugned remarks.

Other allegations of abuse at the waste ground in William Street

66.55 A number of other people who were arrested at 33 Chamberlain Street alleged that threatening language was used by soldiers as they held the prisoners at the waste ground in William Street. William Duddy told us that: “*The soldier in charge said: ‘Shoot the fuckers’. I heard a rifle click and said my prayers, but nothing actually happened.*”¹ Joseph Hutchman told us, but not Sergeant Dorsett, that while waiting to be taken to Fort George soldiers were saying things like “*‘We’ll get you this time you bastards’*”.² Thomas Meehan told Sergeant Dorsett that “*A wee stout soldier was very aggressive, he threatened several people with what he would do to them down in the dockyard [Fort George], he used very obscene and abusive language*”.³ Charles McCarron said in his RUC statement that “*some soldier was doing a lot of shouting but I didn’t look up to see who it was*”.⁴

¹ [AD152.2](#)

³ [AM393.2](#)

² [AH91.4](#); [AH91.7](#)

⁴ [AM80.3](#)

66.56 We consider that it is likely that abusive remarks were made at this time, although we cannot say by whom.

66.57 Other prisoners allege that the soldiers used unnecessary physical force. William McCloskey stated in his evidence to this Inquiry that, while he was being escorted up Chamberlain Street, he was struck on the head with a rifle butt after refusing to place his hands on his head.¹ Maurice McColgan told us that the prisoners were lined up against a wall and had their legs kicked apart before being searched.² Kevin Leonard gave similar evidence to this Inquiry,³ but his statement to Sergeant Dorsett suggests that this alleged incident occurred while he was still in Chamberlain Street.⁴ As is discussed above,⁵ Thomas Meehan also gave evidence to the RUC of being kicked while he was searched either in Chamberlain Street or possibly at the waste ground.⁶

¹ AM120.4

⁴ AL7.10

² AM124.4; Day 74/215

⁵ Paragraph 66.34

³ AL7.6

⁶ AM393.2

66.58 Otto Schlindwein told this Inquiry that while he was kneeling on the waste ground a soldier with a Scottish accent struck him in the side with a rifle butt without apparent provocation.¹ He also stated that other than this incident he saw no violence used at this stage against those people who had been arrested, nor did he hear “*unnecessary speaking or talking from the soldiers*”.² In his evidence to this Inquiry, Private INQ 12 denied that he hit anyone in the side with a rifle butt in the waste ground.³

¹ AS2.3; Day 104/166-167

³ Day 351/59

² AS2.3

66.59 We are of the view that William McCloskey and Otto Schlindwein were probably assaulted as they described. Otherwise, we are left in doubt as to whether the other arrestees were subjected to unreasonable physical coercion while being taken to the end of Chamberlain Street, or while waiting there.

66.60 The allegations made by Chamberlain Street arrestees of abuse during their transport to Fort George and while they were there are considered later in this report.¹

¹ Chapter 161

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

VOLUME V

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Sector 3: Events in Rossville Street

1

Sector 3: Events in Rossville Street

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Chapter 67: Introduction

- 67.1** Sector 3 is concerned with what happened in the area of Rossville Street, to the immediate west of the area covered by Sector 2. The area covered by Sector 3 is highlighted on the map below.



67.2 There is no doubt that in Sector 3 Michael Kelly, Hugh Gilmour,¹ John Young, Michael McDaid, William Nash and Kevin McElhinney were killed by Army gunfire. Alexander Nash, the father of William Nash, was wounded by gunfire having probably previously been hit by a baton round, though whether his gunshot wound was the result of Army or civilian gunfire was a matter of dispute. All these casualties occurred in the area of the rubble barricade on Rossville Street, which we describe in detail below. It was submitted by the soldiers' representatives that there was at least one additional casualty of Army gunfire in this area, who was engaged in paramilitary activity when he was shot, but whose existence has for this reason been kept secret.² We consider this submission later in this report.³

¹ In many documents the surname of this casualty is given as "Gilmore" but we understand that "Gilmour" is correct.

² [FS7.1848](#)

³ [Chapter 87](#)

67.3 It must be kept in mind that, to a significant degree, there is a chronological overlap between the events of Sector 2 and those of Sector 3.

Chapter 68: The layout of this part of the city

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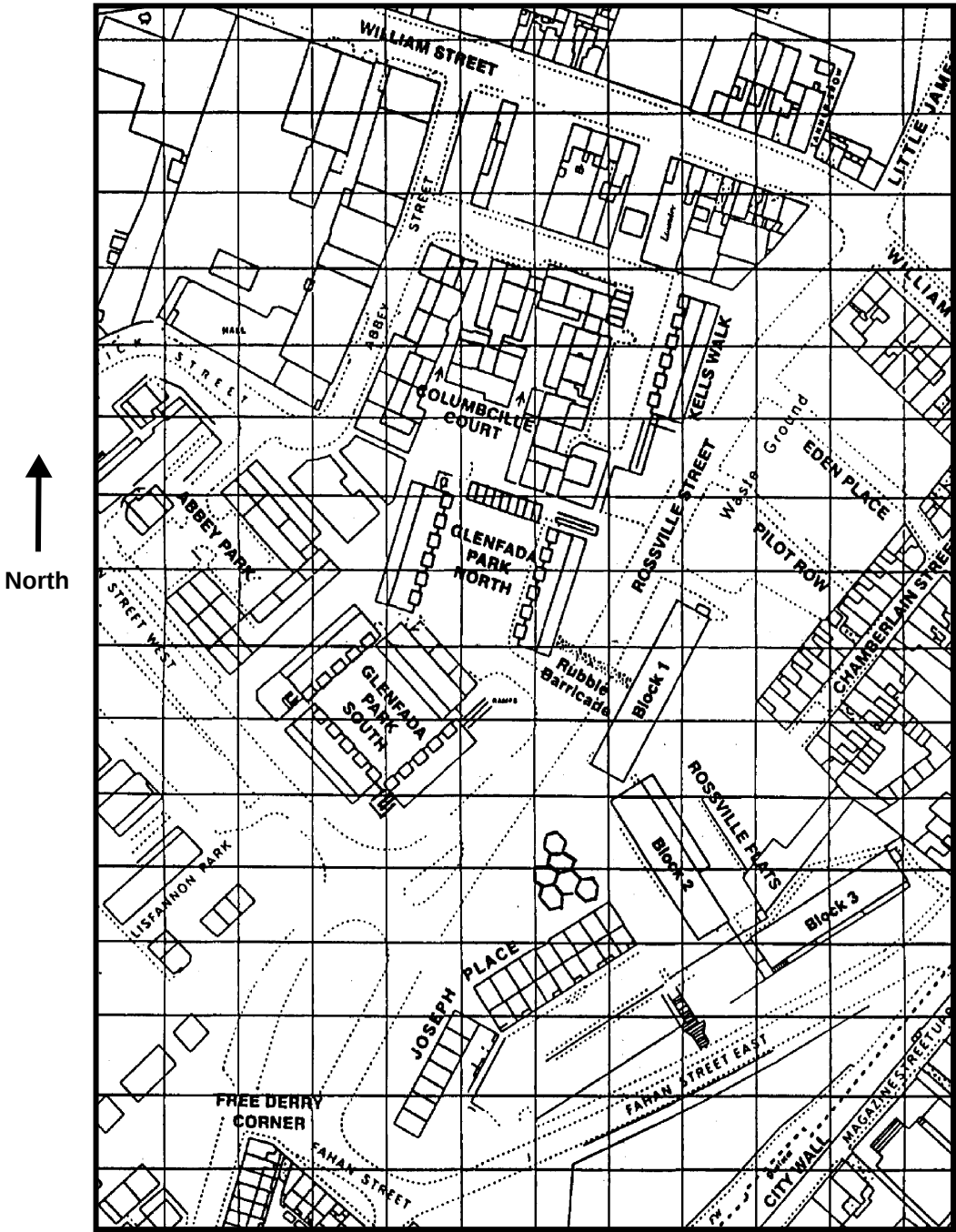
68.1 The most important feature in Sector 3 was the rubble barricade on Rossville Street, the position of which is marked on the map shown above,¹ since it was at that barricade or in its immediate vicinity that the casualties of Sector 3 were shot. We describe this barricade later in this chapter.²

¹ [Paragraph 67.1](#)

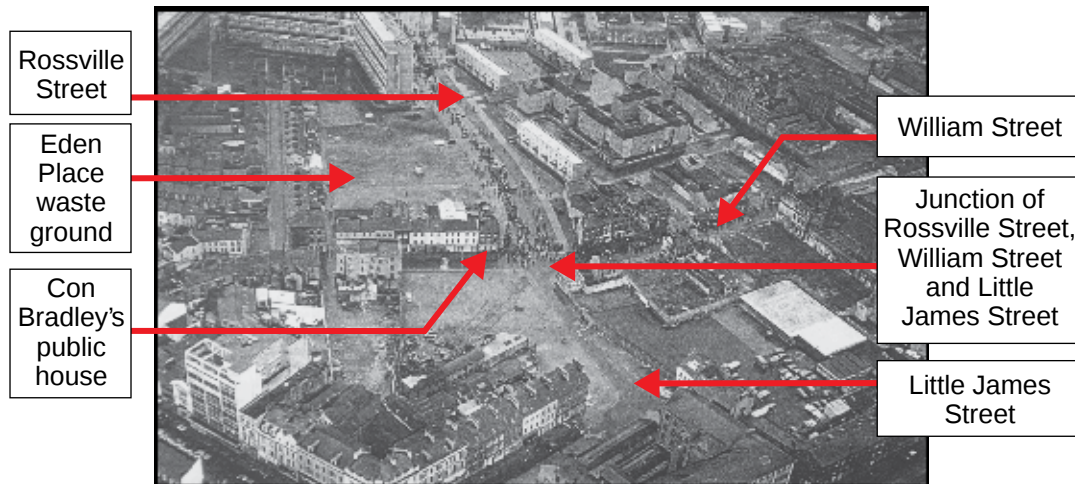
² [Paragraphs 68.30–35](#)

Rossville Street

68.2 As can be seen from the map reproduced below, Rossville Street ran from the junction of William Street and Little James Street in a south-westerly direction towards Free Derry Corner. For most of its length there was a relatively wide area of footpath or open ground on either side of the road. The distance between the junction of William Street and Little James Street and Free Derry Corner was approximately 370 yards. The distance from that junction to the north-eastern corner of Block 1 of the Rossville Flats, which ran along the eastern side of Rossville Street, was approximately 140 yards. From Barrier 12 in Little James Street to the same corner of Block 1 of the Rossville Flats was approximately 240 yards.



- 68.3** The junction of Rossville Street, William Street and Little James Street, which was sometimes referred to, usually by the Army, as Aggro Corner, is shown near the centre of the following aerial photograph.



- 68.4** Rossville Street is the street leading from that junction towards the top of the photograph, in the direction of Free Derry Corner, which is out of view. This photograph, although approximately contemporaneous with Bloody Sunday, was taken on another occasion and does not show the Northern Ireland Civil Rights Association march on that day.

The south-eastern side of Rossville Street

- 68.5** As can be seen from the aerial photograph shown above, the route from the junction with William Street down the south-eastern side of Rossville Street passed initially along the side of Con Bradley's public house, which fronted onto William Street, and adjacent buildings. These buildings extended from William Street for about 25 yards along Rossville Street, before the area opened up into the Eden Place waste ground, at the point at which a soldier is shown kneeling in a photograph (shown below) taken on Bloody Sunday by Colman Doyle of the *Irish Press*.



68.6 For approximately 100 yards beyond that point, the left side of Rossville Street passed along the north-western edge of the Eden Place waste ground, upon which the buildings of Eden Place and Pilot Row had formerly stood. Nothing remained of those buildings in January 1972, but the position previously occupied by the two streets was still discernible. They ran approximately parallel to one another from Rossville Street to the backs of the houses of Chamberlain Street on the opposite side of the waste ground. This area has been described in greater detail in our description of Sector 2.¹ At the south-western end of the waste ground, an access road led off Rossville Street to the car park of the Rossville Flats.

¹ [Paragraphs 23.12–20](#)

68.7 Block 1 of the Rossville Flats, which was situated beyond this access road, was a ten-storey residential building containing both flats and maisonettes. It was a little over 60 yards long and ran parallel to Rossville Street. We have provided a fuller description of the Rossville Flats in the part of the report concerned with Sector 2.¹

¹ [Paragraphs 23.25–38](#)

68.8 A partly paved footpath about 8 yards wide separated the front of Block 1 from Rossville Street. This can be seen in the following photograph, which shows the view towards William Street from a point near the south-western end of Block 1, and also shows part of the rubble barricade, which we describe below.¹

¹ [Paragraphs 68.30–35](#)



68.9 The main entrance to Block 1 was situated at the south-western end of the side overlooking Rossville Street. It consisted of a double door, outside which was a canopy supported by four posts. The entrance can be seen in a photograph (which we show below) taken by Eamon Melaugh, although not on Bloody Sunday, which also shows the telephone kiosk that was located around the corner from the main entrance, at the southern end of Block 1.



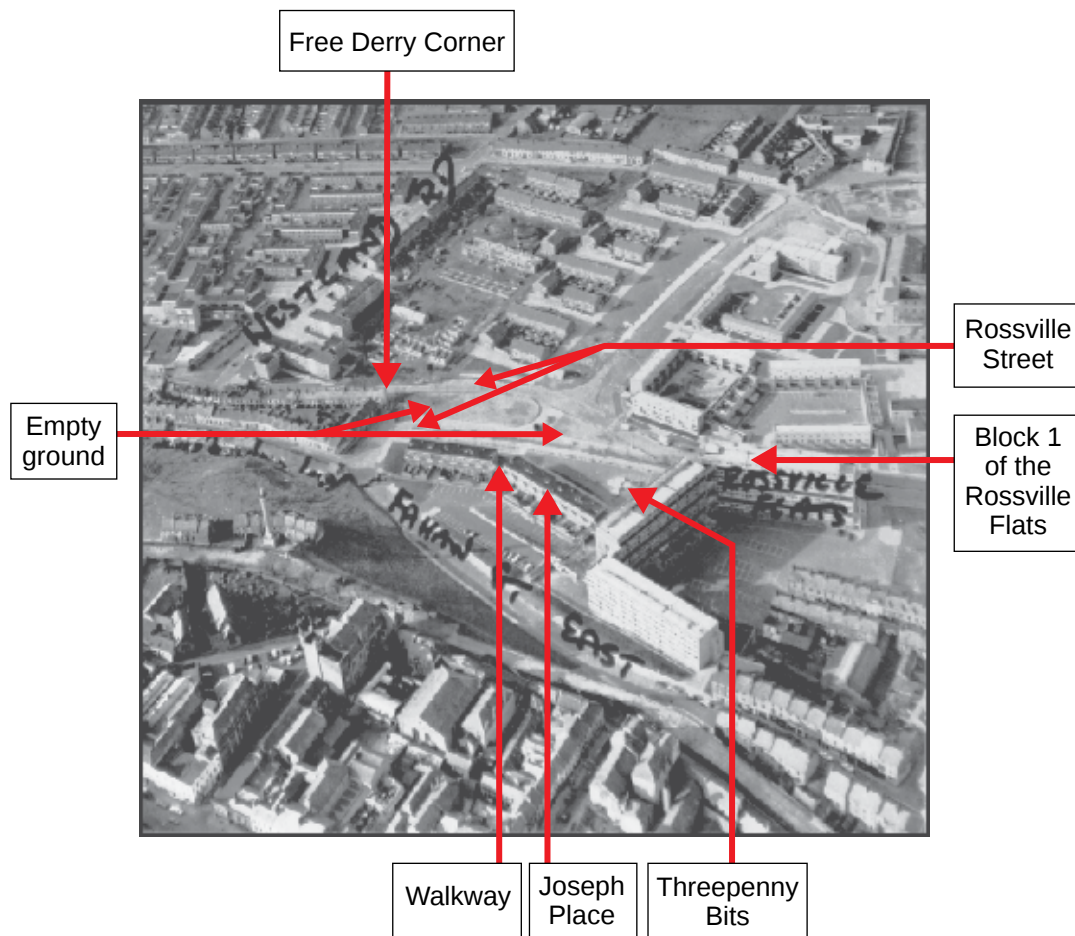
- 68.10** On the right side of the photograph above can be seen the lowest of three walkways that connected Block 1 to Block 2. In the foreground is visible one of six low hexagonal brick structures known to many witnesses as the Threepenny Bits. These can be seen more clearly in a photograph taken from Block 2 on Bloody Sunday by Derrik Tucker Senior.



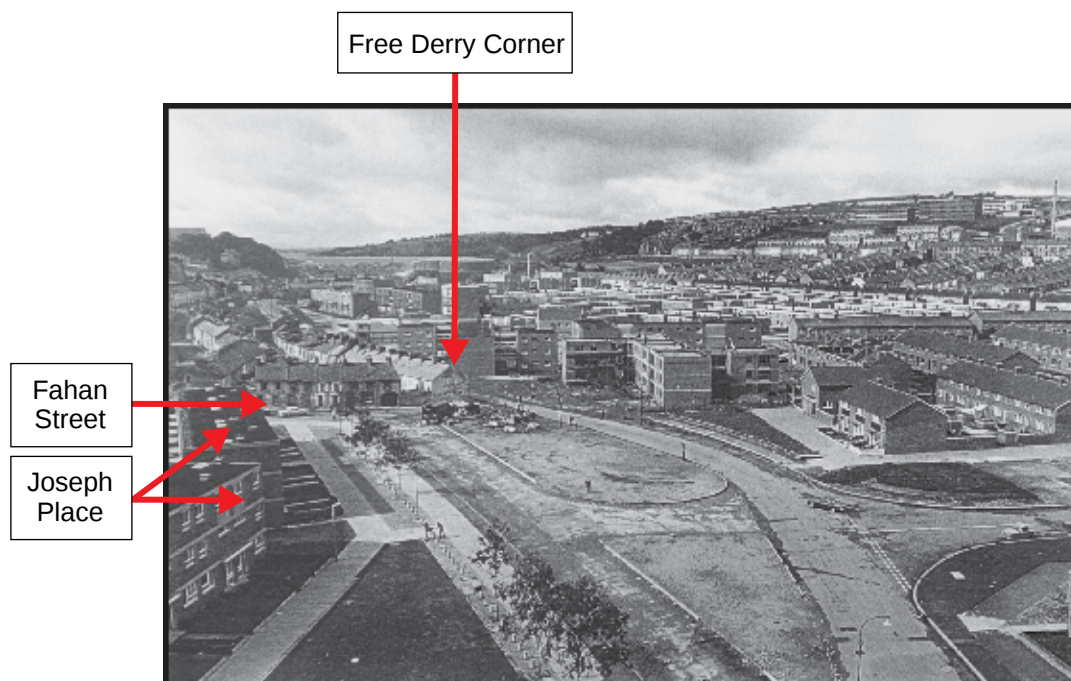
- 68.11** Between the Threepenny Bits and Block 2 of the Rossville Flats there was access to a pedestrianised area leading off Rossville Street towards the City Walls. A line of trees occupied the centre of this area. The trees can be seen in the following photograph which also shows the south-western (front) side of Block 2 and Rossville Street in the background.



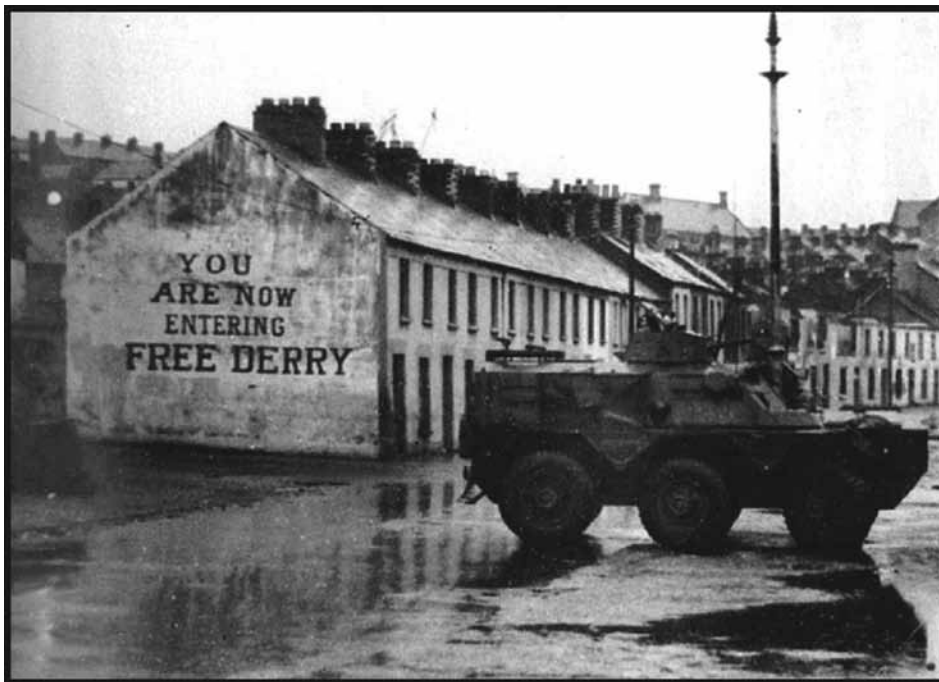
- 68.12** The distance from the main entrance to Block 1 of the Rossville Flats to Free Derry Corner was approximately 175 yards. In this area Rossville Street became broader and the road divided into two carriageways, separated by two islands of empty ground. On the south-eastern side of the road, extending along most of this distance, lay the two three-storey residential blocks of Joseph Place. The first of these blocks, that is, the block closer to the Rossville Flats, was set back some 40 yards from the road at its north-eastern end but ran towards the road in a south-westerly direction. The second block of Joseph Place ran parallel to the road and closer to it. A second-floor walkway connected the two blocks. All these features can be seen in the following aerial photograph.



68.13 The next photograph shows the south-western end of Rossville Street, with the two blocks of Joseph Place on the left of the picture.

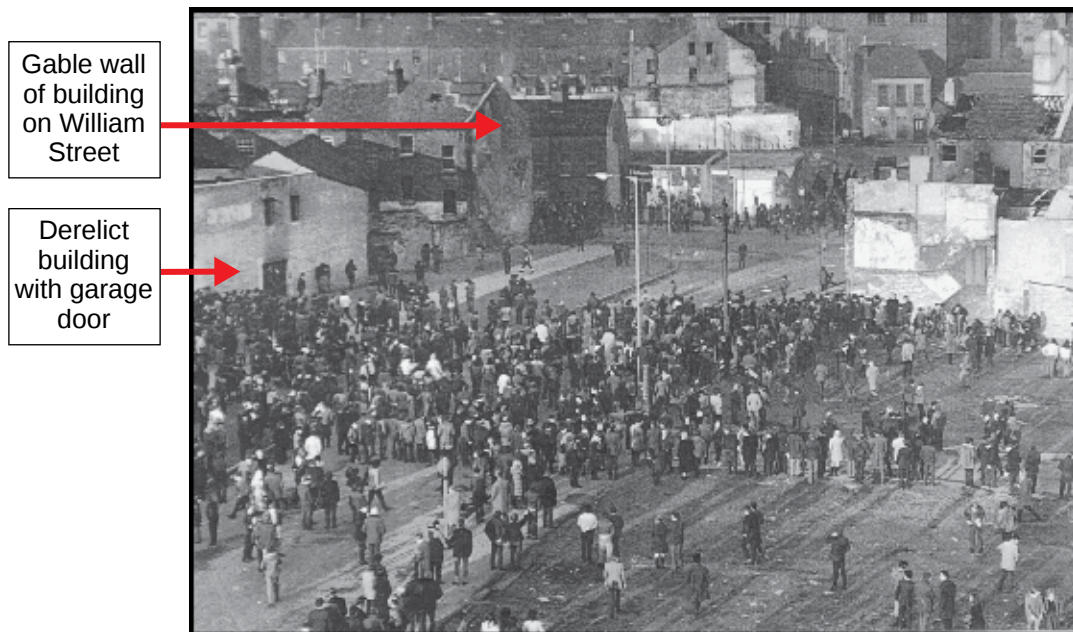


- 68.14** As the photograph shows, the carriageway that ran in front of Joseph Place ended at a T-junction. At this junction it met Fahan Street, on which were situated a small terrace of houses and, further to the west, the gable wall of Free Derry Corner painted with the inscription “*YOU ARE NOW ENTERING FREE DERRY*”. The other carriageway of Rossville Street ran past Free Derry Corner on the western side, beyond which point the street became Lecky Road. The following photograph shows Free Derry Corner. This photograph was not taken on Bloody Sunday.

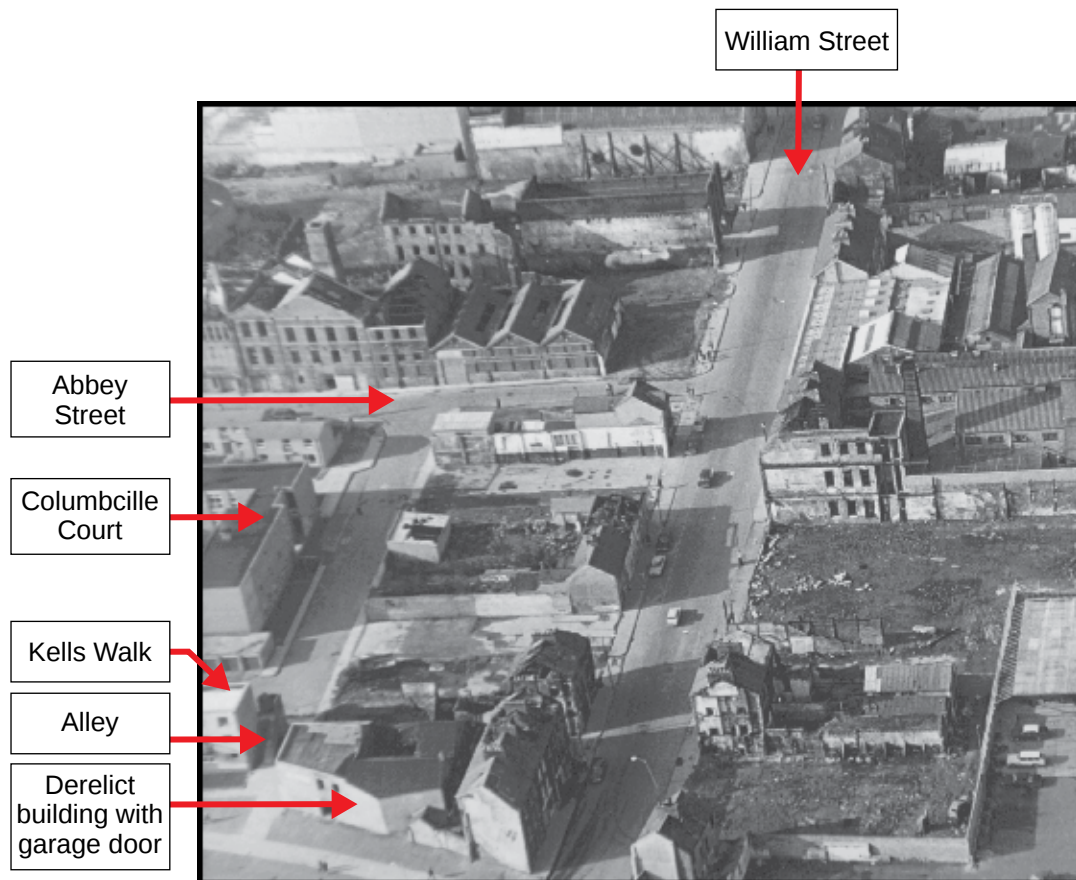


The north-western side of Rossville Street

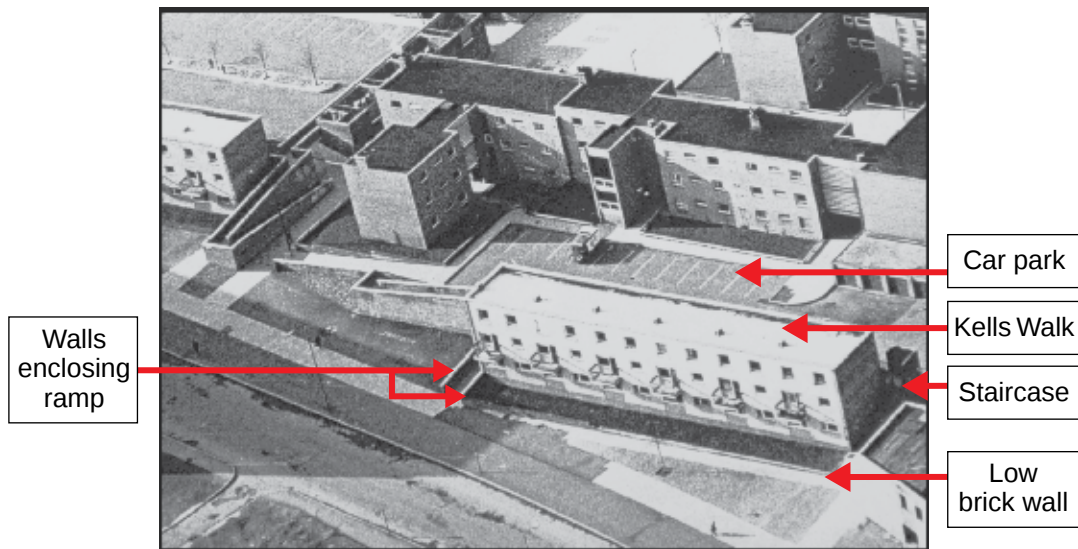
- 68.15** Closest to the junction with William Street on the north-western side of Rossville Street were the gable wall of a building on William Street and an adjacent lower wall. The next building to the south had a large garage door on the ground floor. The inside of the latter building was in a derelict state on Bloody Sunday. The following photograph, taken on Bloody Sunday, shows this part of Rossville Street.



- 68.16** The residential block known as Kells Walk was the next building on Rossville Street after the building with the garage door. Between Kells Walk and the latter building was an alley, occasionally also referred to as Kells Walk, which gave pedestrian access to a road that ran along the northern side of Columbcille Court, which was the larger complex of flats that lay behind Kells Walk, and led to Abbey Street. These features are illustrated in the following aerial photograph.



68.17 Kells Walk was a rectangular three-storey block, about 40 yards long, positioned alongside Rossville Street, opposite the Eden Place waste ground. At first floor level each maisonette had access to a small balcony overlooking Rossville Street. In front of the block, and beneath these balconies, lay a small garden area enclosed by a low, and in places dilapidated, brick wall. At the southern end of the block a ramp passed between two slightly higher brick walls, giving pedestrian access to a parking area on the eastern side of Columbcille Court. The more northerly of the walls that enclosed this ramp projected from the southern end wall of Kells Walk. At the northern end of Kells Walk was an external staircase leading to a walkway (sometimes referred to as a verandah), which ran the length of the western side of the building at first floor level. Most of these features (although not the first floor walkway) can be seen in the following aerial photograph.



68.18 The staircase at the northern end of the Kells Walk building is shown clearly in the photograph below, which was taken on Bloody Sunday by Jeffrey Morris of the *Daily Mail*.



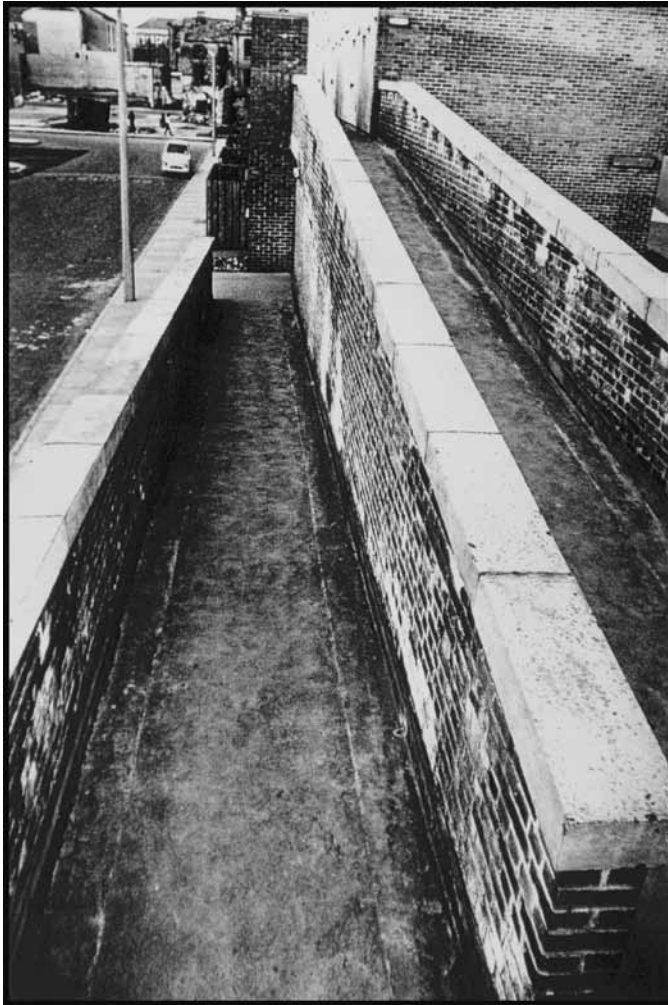
68.19 A clearer view of the walls between which the ramp at the southern end of Kells Walk passed is given in two further photographs taken on Bloody Sunday, the first by Jeffrey Morris, from the north looking south, and the second by a freelance photographer, Liam Mailey, from the south looking north.



68.20

As the second of these photographs shows, the ramp described above passed beneath the upper flight of another ramp, sometimes referred to as a pram-ramp, which led down from the walkway, or verandah, at first floor level on the west side of Kells Walk. The upper flight of that ramp descended from north to south. The lower flight returned from south to north on the Columbcille Court side to complete the descent, and at ground level

met the ramp that gave access from Rossville Street. The descent of the ramp from the first floor walkway of Kells Walk can be seen in a photograph taken by Larry Doherty of the *Derry Journal* from halfway up the ramp, looking towards Kells Walk.



- 68.21** The next feature to the south on this side of Rossville Street was a brick wall, about 4ft high, which started from the southern end of the ramp that led down from the first floor walkway of Kells Walk. This wall projected a short distance towards Columbcille Court before turning to the left and running south for about 15 yards, approximately parallel to Rossville Street. Most of this wall can be seen on the left side of another of Liam Mailey's photographs.

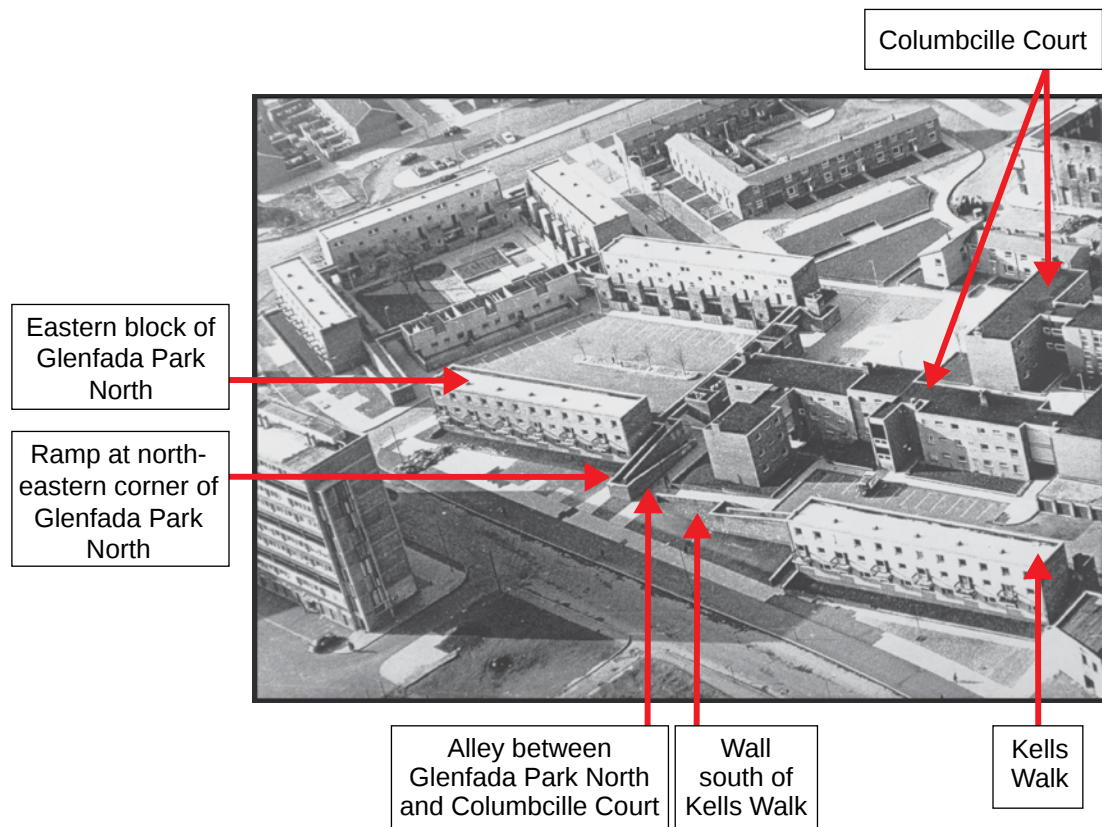


68.22 Beyond the southern end of this wall, an alley led off Rossville Street, passing between Columbcille Court to the north, and Glenfada Park North to the south. The entrance to the alley can be seen in a photograph taken on Bloody Sunday by Private 017.



68.23 As the photograph above shows, on the southern side of the alley, and lying parallel to it, was situated a ramp, again sometimes referred to as a pram-ramp, which rose in two flights, leading to a walkway. This walkway gave access at first-floor level to the Glenfada Park complex of buildings. To the south of the ramp, and overlooking Rossville Street opposite Block 1 of the Rossville Flats, lay the eastern block of Glenfada Park North. This three-storey block was similar in size and design to Kells Walk. As at Kells Walk,

there were balconies on the eastern side of the block at first floor level, and beneath the balconies a low brick wall enclosed a garden area. The walkway reached from the ramp ran along the other side of the block, facing the interior of Glenfada Park North. The following aerial photograph shows these features.

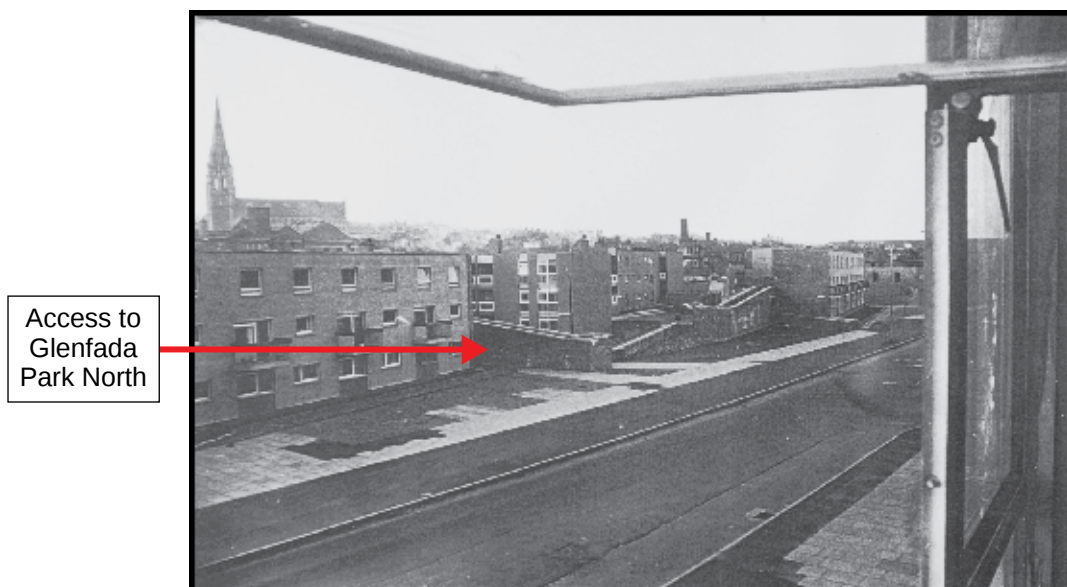


68.24

Another photograph taken by Jeffrey Morris on Bloody Sunday provides a closer view of the eastern block of Glenfada Park North.



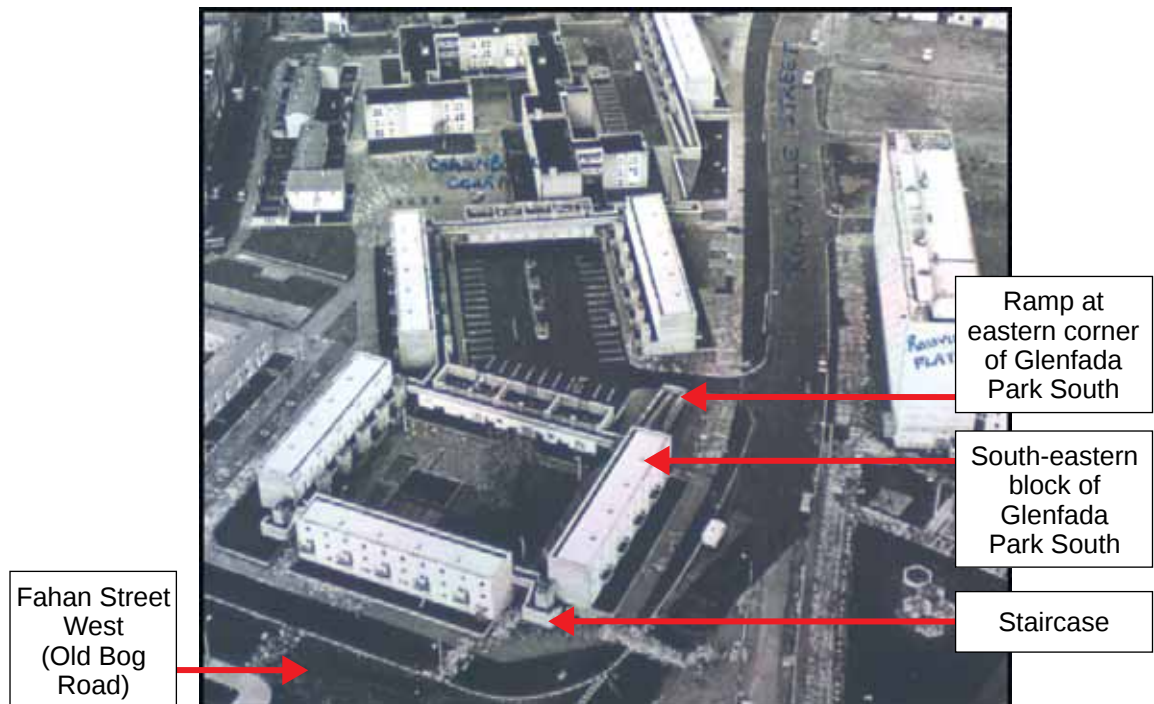
- 68.25** It was possible to reach the interior of Glenfada Park North either through a passage leading to the left from the foot of the ramp, or by an entry between the ramp and the northern wall of the eastern block of Glenfada Park North. The second of these routes is illustrated in a photograph taken by Larry Doherty from Block 1 of the Rossville Flats.



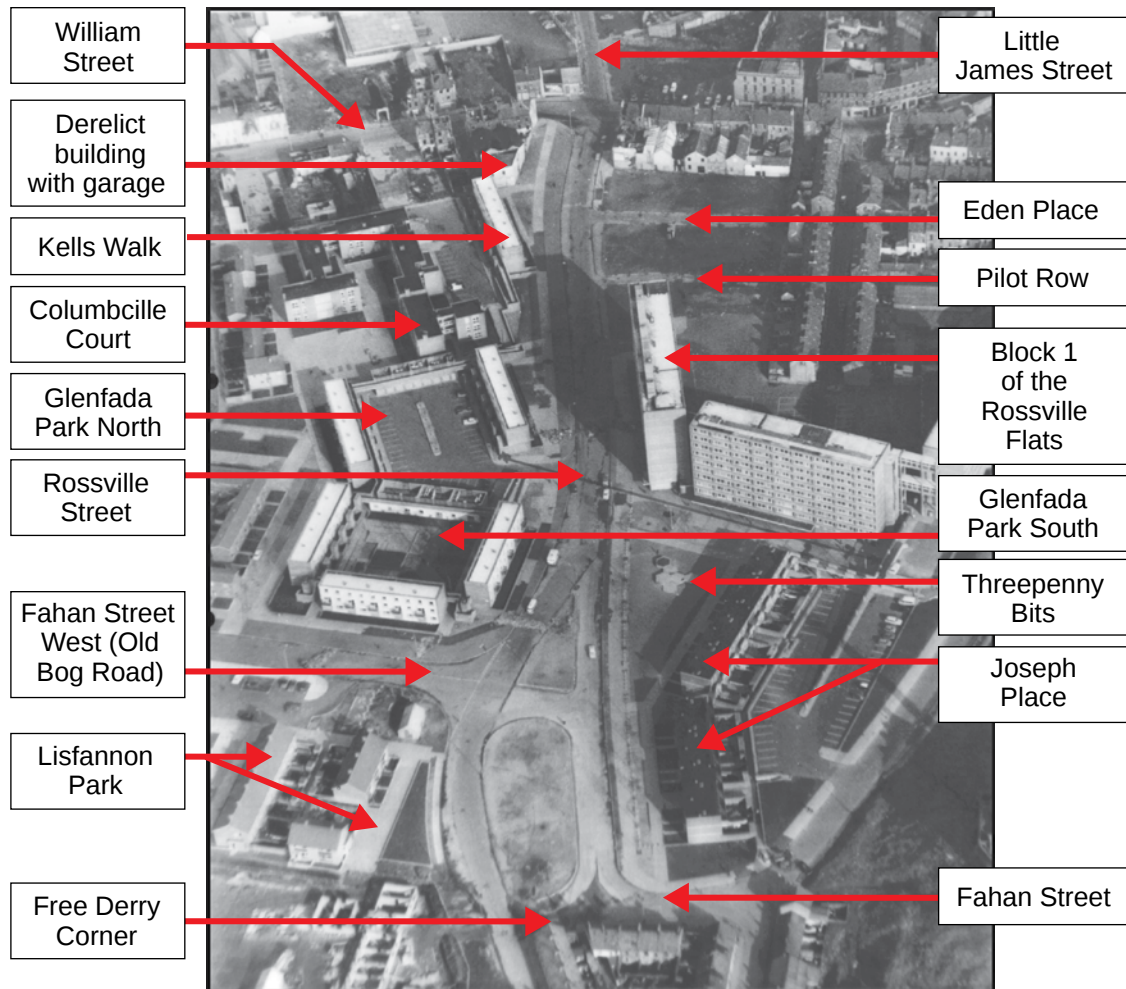
- 68.26** A turning off Rossville Street at the southern end of the eastern block of Glenfada Park North provided access for vehicles to a parking area, sometimes described as a courtyard, inside Glenfada Park North. This entrance can be seen in the following photograph.



68.27 On the southern side of this entrance lay another ramp, beyond which was the south-eastern block of Glenfada Park South. The ramp started at the north-eastern end of that block, rose in a north-easterly direction parallel to Rossville Street, and returned to the south-west, leading to a walkway at first floor level that ran around the interior of Glenfada Park South. It was possible to enter Glenfada Park South at its eastern corner either from the base of the ramp, by passing under its upper flight, or from Glenfada Park North, by passing down the north-western side of the ramp and beneath the walkway. The south-eastern block of Glenfada Park South was similar in design to its counterpart in Glenfada Park North, although not so long. There were balconies overlooking Rossville Street at first floor level, and once again beneath the balconies there was a garden area enclosed by a low brick wall. The block faced south-east across Rossville Street towards the northern block of Joseph Place. At its south-western end was a staircase leading to another part of the walkway. The following aerial photograph shows these features.



68.28 The photograph above also shows the street that led off Rossville Street in a north-westerly direction immediately south-west of Glenfada Park South. This street was Fahan Street West, often called the Old Bog Road. Further south, buildings that formed part of Lisfannon Park occupied the area on the north-western side of Rossville Street between the Old Bog Road and Free Derry Corner. Those buildings, and many of the others we describe, can be seen in the following aerial photograph, which shows the whole of Rossville Street, viewed from south-west to north-east.

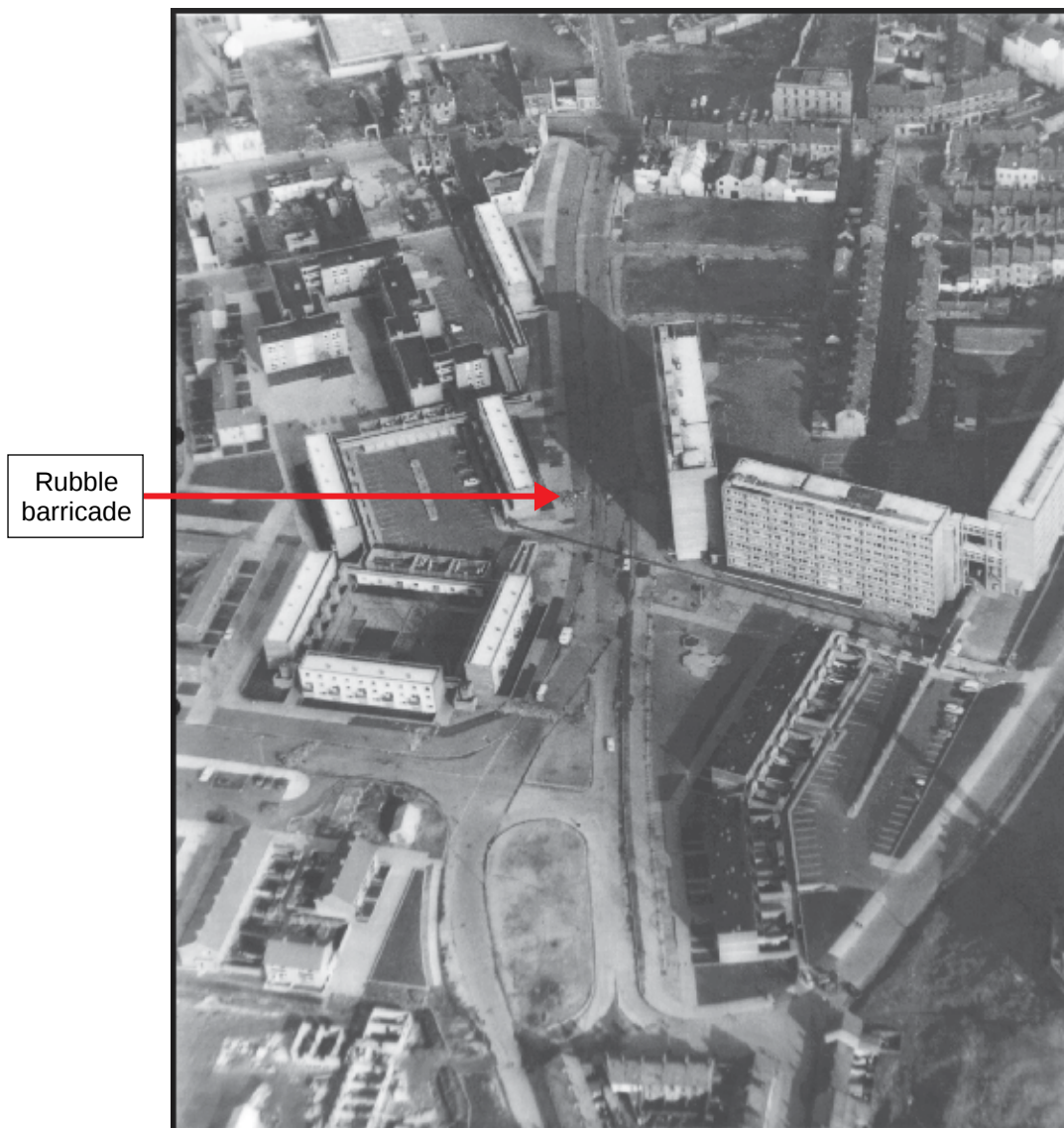


68.29 At the beginning of this Inquiry the buildings of Joseph Place, Kells Walk, Columbcille Court and Glenfada Park remained largely unaltered, although substantial modifications were made to Kells Walk and Glenfada Park during the course of the Inquiry. We were therefore able to walk around these buildings and see their layout. This was not possible in the case of the Rossville Flats, which were demolished in the 1980s. There are now new buildings where the Rossville Flats used to be and on what was formerly the Eden Place waste ground.

The rubble barricade

68.30 The rubble barricade ran across Rossville Street, from a point close to the southern end of the eastern block of Glenfada Park North, to about the midpoint of Block 1 of the Rossville Flats, approximately 30 yards from the north-western corner of the block and 25 yards from the doors at the south-western corner. To show where the barricade was in

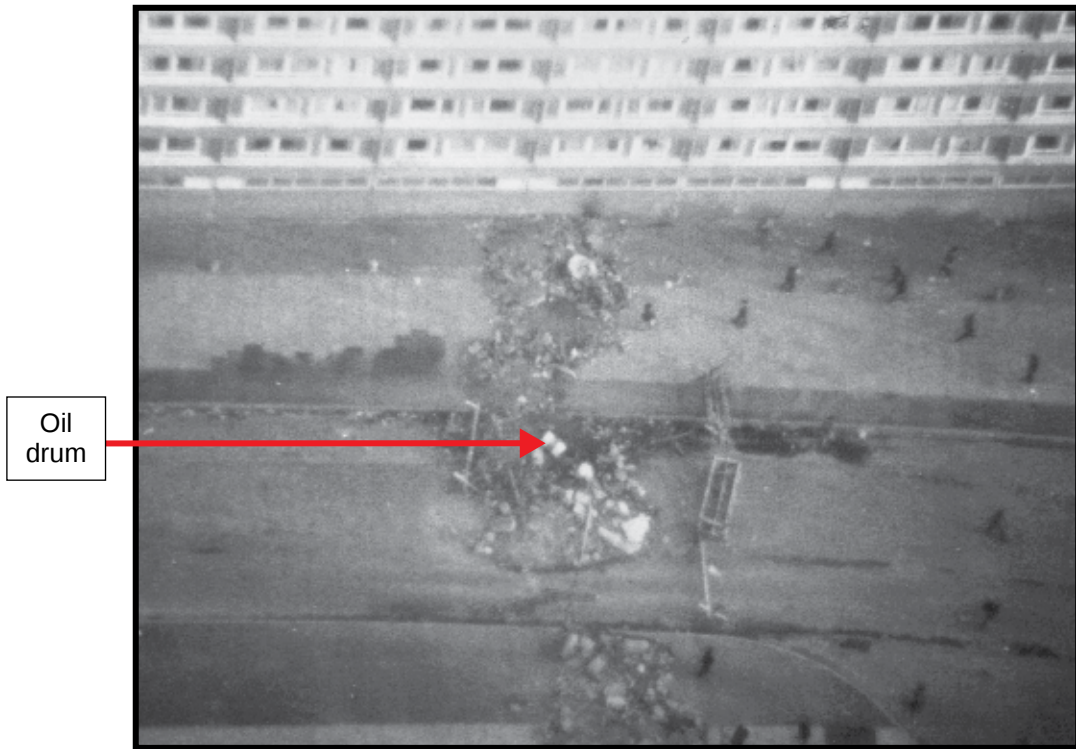
relation to the other features of Sector 3, we reproduce below an aerial photograph. This photograph was not taken on Bloody Sunday and it should be borne in mind that since the barricade was in existence for some time before and after Bloody Sunday, photographs taken on other dates may not show its exact configuration on the day. A barricade across Rossville Street had probably been in existence since August 1971, although it may have been cleared by the Army on one or more occasions and then rebuilt.



68.31

There was a gap near the middle of the barricade, on the western side of the road. A still from the Army helicopter footage filmed on Bloody Sunday, reproduced below, shows the eastern part of the barricade, the gap and some of the western part. Another photograph, taken by the *Derry Journal* photographer Larry Doherty and also reproduced below,

shows the barricade as it appeared from the entrance to Block 1 of the Rossville Flats, ie looking towards the north, but as this photograph was taken on 12th March 1972 it is possible that it does not show the barricade in the same state as it was in on Bloody Sunday.



68.32 It can be seen from the first of these photographs that there was an oil drum on top of the eastern part of the barricade. In front, that is to the north, of the drum there was a wooden trestle. Behind it there were further trestles, including one that barred the gap in the barricade, which could be moved to allow vehicles to pass. These trestles and other features of the barricade can be seen in three photographs (shown below) taken on Bloody Sunday by Ciaran Donnelly of the *Irish Times*.





68.33 Robert White took the following photograph on Bloody Sunday. It shows the eastern part of the barricade.



68.34 Other photographs of the rubble barricade taken on Bloody Sunday include two taken from the north by Colman Doyle, the *Irish Press* photographer. We show these photographs below.



68.35 The following photograph, taken on Bloody Sunday by the freelance photographer Fulvio Grimaldi, shows the barricade viewed from the south.



Chapter 69: The movement of the soldiers

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69.1 In our consideration of the events of Sector 2,¹ we described the movement of the first two vehicles to come into the Bogside, namely the two Armoured Personnel Carriers (APCs) of Mortar Platoon. With the exception of Corporal P and Private 017, who had travelled in the second APC commanded by Sergeant O, the other soldiers in those APCs deployed on the Eden Place waste ground and in the Rossville Flats car park and were involved in the events of Sector 2, though Private U and the baton gunner Private 112, who also disembarked from Sergeant O's APC in Rossville Street, were also involved in the events of Sector 3, in the course of which the former fired a shot.

¹ [Chapter 24](#)

69.2 These two APCs were followed into the Bogside by Major Loden's command vehicle, behind which was a Ferret scout car with a mounted Browning machine gun. In turn came two APCs of Machine Gun Platoon, which were empty but for the drivers and (possibly) vehicle guards, the other members of Machine Gun Platoon still being in the Abbey Taxis building, as described in our discussion of the events of Sector 1.¹ Two soft-skinned lorries containing Composite Platoon (Guinness Force) followed these APCs. At the rear were the two APCs of Anti-Tank Platoon.

¹ [Paragraph 18.154](#)

69.3 The vehicles that followed the two APCs of Mortar Platoon all initially stopped in Rossville Street. The first of these (Major Loden's command vehicle) stopped some yards short of Pilot Row; the Ferret car stopped to its side and a little behind; and the other vehicles

lined up in turn behind these two, as can be seen from an enlargement of a photograph taken by Ciaran Donnelly, which we have reproduced in full above,¹ and from a photograph taken by Liam Mailey, both of which are shown below.

¹ [Paragraph 68.32](#)



69.4 Private 037 drove Major Loden in the command vehicle.¹ Warrant Officer Class II Lewis, the Company Sergeant Major (CSM), was also in this vehicle,² as were two radio operators, Lance Corporal 033³ and Lance Corporal INQ 627.⁴

¹ B1635-B1636; Day 357/122-126

³ B1617; B1621.001; B1621.003-4

² B2111.012-013

⁴ C627.2-4; Day 324/35

69.5 Corporal INQ 993 drove the Ferret scout car.¹ Corporal INQ 1826 also travelled in this vehicle.² Private INQ 665 was another Ferret car driver. Although this soldier told us he was sure that he was not with C Company,³ we are of the view that he was mistaken about this, as he also told us that he drove through a barrier which most of the company crossed on foot; and that he then drove to the corner of Little James Street and William Street where he went “static”.⁴ Sergeant INQ 1822 initially thought that he was in a Ferret car attached to Support Company, perhaps with Corporal INQ 993, but later in his oral evidence said that he now thought that he was mistaken about this and that he had in fact accompanied Private INQ 665 and C Company.⁵

¹ C993.1-3; Day 340/2-4

⁴ C665.1-4

² C1826.1-3; Day 341/126

⁵ Day 340/71-73; Day 340/93-94

³ Day 356/162

69.6 Behind these vehicles were the two APCs of Machine Gun Platoon. As noted, these were empty save for their drivers and (possibly) guards. Private 005 drove one of these vehicles¹ and it seems likely that Private INQ 439 drove the other.² Whether vehicle guards accompanied them is not clear. Private 005 recollected that he was on his own, but Private INQ 1544 (a member of Machine Gun Platoon) told us that he recalled guarding an APC close to the Rossville Flats.³

¹ B1373

³ C1544.2

² C439.2

Composite Platoon

69.7 The next two vehicles, the two soft-skinned lorries, contained Composite Platoon (Guinness Force). As we have explained earlier in this report,¹ this platoon was a rifle platoon made up of soldiers who had other regular duties, such as administrative, band and catering tasks. Captain 200, the officer commanding Composite Platoon, described it as follows:²

“When the whole battalion is employed in an operation the Administrative Company provides an operational force in the form of a composite platoon usually known as guinness force. This operates under the command of the officer commanding Administrative Company and for the operations of 30 January was commanded by me. In those operations guinness force was used to strengthen Support Company.”

¹ Paragraph 12.53

² B2022.024

69.8 Another, and less formal, description of Guinness Force was contained in the January 1972 edition of *Pegasus*, the magazine of the Parachute Regiment:

“Guinness Force is the nickname given to Admin Company when it turns out as a Rifle Company. This stalwart body, consisting of Quartermaster’s staff, Orderly Room Clerks, Pay Clerks, Bandsmen, off duty Dog Handlers, spare Drummers and not infrequently volunteer drivers and signallers from Command Company, was first formed during the severe rioting in Bligh’s Lane, Londonderry, in July this year.”

69.9 On 29th January 1972 Captain 200 made a manuscript list¹ of the 36 members of his platoon who were to be in service the following day. The list was typed “*prior to our movement*”² with notations in manuscript added to the typescript following the engagement.³ The call sign for the first lorry, with Captain 200 in command, was 71, while that for the second lorry, commanded by Colour Sergeant 002, was 71A. Captain 200’s list makes the following division of the soldiers between the two call signs:

71	71A
Captain 200	Colour Sergeant 002
Warrant Officer Class II INQ 1710	Sergeant 014
Colour Sergeant INQ 147	Sergeant 035
Sergeant 106	Sergeant K
Sergeant INQ 1318	Corporal 039
Corporal INQ 468	Corporal INQ 25
Corporal INQ 739	Corporal INQ 812
Corporal INQ 993	Lance Corporal D
Lance Corporal 229	Lance Corporal 010
Lance Corporal INQ 391	Lance Corporal INQ 816
Lance Corporal INQ 704	Private L
Lance Corporal INQ 1077	Private M

71	71A
Lance Corporal INQ 1175 ⁴	Private 032
Lance Corporal INQ 2047	Private INQ 127
Bandsman INQ 1854	Private INQ 405
Private C	Private INQ 449
Private 024	Private INQ 748
Private 203	
Private INQ 24	

¹ [B2022.063](#)

² [Day 367/50](#)

³ [B2022.064](#)

⁴ When the Inquiry approached Lance Corporal INQ 1175, he told us that he was not present on Bloody Sunday and was attending a course in England on that day. It is possible therefore that the soldier named in the unredacted version of Captain 200's list was another soldier with the same surname, who has not been traced. The surname is a common one, so this is a real possibility.

69.10 In the event, we are satisfied that the allocations for call sign 71A reflect what occurred on the day. The driver of this vehicle was Private INQ 405.¹ Colour Sergeant 002's radio operator was Private INQ 127.²

¹ [C405.001](#)

² [B2022.064](#); [Day 360/130](#)

69.11 The allocations for call sign 71, however, have discrepancies. Corporal INQ 993 was driving the Ferret scout car on the day.¹ Bandsman INQ 1854² told us that he stayed in the area in front of the Presbyterian church off Great James Street and never went into the Bogside, though he may be mistaken about this, since he also told us that he had no recollection of his colleagues in Composite Platoon going in either. In addition, Private 203³ and Lance Corporal INQ 2047⁴ recalled, in our view mistakenly, that they, and in the case of Lance Corporal INQ 2047, all the soldiers of this call sign, went in on foot.

¹ [Day 340/2](#)

³ [Day 306/84](#)

² [C1854.3](#)

⁴ [C2047.2](#)

69.12 Six soldiers from Composite Platoon claimed to have fired (in total) 15 live rounds in Sector 3.

Anti-Tank Platoon

69.13 Anti-Tank Platoon were in the ninth and tenth (the last two) of the vehicles that entered the Bogside. Both these vehicles were APCs.

69.14 Lieutenant 119 commanded the first of these two vehicles.¹ His radio operator was Private 027² and his driver Private INQ 1581.³ Corporal E⁴ and Private H⁵ also travelled in this vehicle. For the reason given below,⁶ we think it likely that Private INQ 635 and Private INQ 1558 were also in this vehicle.

¹ [B1752.043](#)

⁴ [B106](#)

² [Day 364/2-5](#)

⁵ [B233](#)

³ [B1752.012](#)

⁶ [Paragraph 69.16](#)

69.15 Sergeant INQ 1694 commanded the second of these APCs.¹ Private 147 was his radio operator and Lance Corporal 036 the driver.² Lance Corporal F,³ Lance Corporal J⁴ and Private G also travelled in this vehicle. In addition it is likely that Lance Corporal 018⁵ and Private Longstaff⁶ were in this vehicle. Private INQ 1237 told us that he was in the same vehicle as Lance Corporal F and Private 027 and possibly Private Longstaff.⁷ In our view he was mistaken about this, as Lance Corporal F and Private 027 travelled in different vehicles. However, Private INQ 1237 also told us that at the end of the operation he was in the same vehicle as Lance Corporal F and Lance Corporal J. In our view he too probably travelled in the second APC.

¹ [B1752.012](#)

⁵ [B1491](#)

² [B1886](#)

⁶ [Day 374/65](#)

³ [B145](#)

⁷ [C1237.4](#)

⁴ [B276-7](#)

69.16 According to the nominal roll of Anti-Tank Platoon, 17 soldiers of this platoon were deployed on Bloody Sunday. In the case of two soldiers (Private INQ 635 and Private INQ 1558) it is not apparent from the evidence in which APC they travelled. Private INQ 635 told us he had no recollection,¹ while Private INQ 1558 gave no evidence of any kind. However, to put these in the second APC would mean a significant imbalance in the numbers in each APC, and so on the whole we consider that, as noted above,² they probably travelled in Lieutenant 119's APC.

¹ [Day 352/4](#)

² [Paragraph 69.14](#)

69.17 Private INQ 1940 told us that he did not travel in either of the APCs, but went in on foot after receiving an order from Warrant Officer Class II Lewis to act as an escort for persons under arrest.¹ We do not know whether or not he was correct in this recollection.

¹ [C1940.2; Day 315/102-110](#)

69.18 Five soldiers from Anti-Tank Platoon claimed to have fired (in total) 14 live rounds in Sector 3.

Summary of the disposition of the soldiers in Sector 3

69.19 The tables below show the weapon carried by each soldier and, in some cases, his position of command or other specific role. The evidence on these issues is not wholly consistent; for example, Private G told the Royal Military Police (RMP) that two members of Anti-Tank Platoon carried baton guns and 16 carried self-loading rifles (SLRs),¹ but the other evidence indicates that there were only 17 members of Anti-Tank Platoon present on the day, of whom only one is known to have carried a baton gun. Confusion may have been caused by the fact that some soldiers initially carried baton guns and then exchanged these guns for SLRs. Captain 200's annotated list of members of Composite Platoon² indicates that at least three soldiers with baton guns had sub-machine guns, as did the signallers. According to Captain 200's oral evidence to the Widgery Inquiry,³ five soldiers had baton guns. Major Loden, in his evidence to the Widgery Inquiry, said that three members of Composite Platoon who carried baton guns also carried sub-machine guns.⁴ The tables below show what weapons the soldiers were in our view probably carrying. For the sake of completeness, we include in these tables the soldiers of Mortar Platoon who were involved in the events of Sector 3.

¹ B168

³ WT15.40

² B2022.064

⁴ B2217; WT12.5

Sergeant O's Armoured Personnel Carrier

Corporal P	SLR ¹	Section Commander ²
Private 017	Baton gun and SLR ³	
Private U	SLR ⁴	
Private 112	Baton gun ⁵ and SLR ⁶	

¹ B576

⁴ B748

² B623.011

⁵ B1730

³ Private 017 told this Inquiry that he deployed initially with a baton gun alone, having left his SLR in the APC (B1484.001). He told this Inquiry that, after seeing a gunman, he returned to the APC and exchanged the baton gun for his SLR (B1484.005).

⁶ Private 112 told this Inquiry that at some stage he put away his baton gun and took out his SLR (B1732.006).

Major Loden's command vehicle

Major Loden		Officer Commanding Support Company
Warrant Officer Class II Lewis	Pistol ¹	Company Sergeant Major, Support Company ²
Lance Corporal 033	SLR ³	Radio operator for Major Loden
Lance Corporal INQ 627	SLR ⁴	Radio operator for Major Loden
Private 037	SLR ⁵	Driver ⁶

¹ [B2111.012](#)

² [B2111.006](#)

³ [B1617](#)

⁴ [C627.2](#)

⁵ [B1636.014](#)

⁶ [B1635](#)

Ferret scout car

Corporal INQ 993	Sterling sub-machine gun (SMG) ¹	Driver ²
Corporal INQ 1826	Sterling sub-machine gun ³	In charge of Ferret cars ⁴

¹ [C993.4](#); [C1826.2](#)

² [C993.2](#)

³ [C993.4](#); [C1826.2](#)

⁴ [C1826.1](#)

Machine Gun Platoon Armoured Personnel Carriers

Private 005	SLR ¹	Driver ²
Private INQ 439	SLR ³	Driver ⁴
Private INQ 1544 (?)	SLR ⁵	Vehicle guard (?)

¹ [B1374.003](#)

² [B1373-4](#)

³ [C439.2](#)

⁴ [C439.1-2](#)

⁵ [C1544.3](#)

First Composite Platoon lorry

Captain 200		Platoon Commander
Warrant Officer Class II INQ 1710	Baton gun and SMG ¹	Captain 200's bodyguard ²
Colour Sergeant INQ 147	Probably SLR ^{3,4}	
Sergeant 106	SLR ⁵	Section Commander ⁶

Sergeant INQ 1318	SLR ⁷	
Corporal INQ 468	Baton gun and SLR ⁸	
Corporal INQ 739	SLR ⁹	
Lance Corporal 229	SLR ¹⁰	
Lance Corporal INQ 391	SLR ¹¹	Driver ¹²
Lance Corporal INQ 704	Baton gun and SLR ^{13,14}	
Lance Corporal INQ 1077	SMG ¹⁵	Radio operator ¹⁶
Lance Corporal INQ 1175	Probably SLR (whether he or another soldier with the same name was present on Bloody Sunday) ¹⁷	
Lance Corporal INQ 2047	Probably SLR ^{18,19}	
Bandsman INQ 1854	SLR ²⁰	
Private C	SLR ²¹	
Private 024	SLR ²²	
Private 203	Baton gun ²³ and SLR ²⁴	
Private INQ 24	SMG ²⁵	Radio operator ²⁶

¹ [B2022.064](#)

² [B2001](#); [Day 367/28](#)

³ [C147.2](#)

⁴ Colour Sergeant INQ 147 could not recall the type of weapon that he carried. The evidence of Captain 200 was that men who were not carrying SMGs were issued with SLRs ([WT15.40](#)). There is no evidence to suggest that Colour Sergeant INQ 147 was issued with an SMG.

⁵ [B1713.001-002](#)

⁶ [B1713.001](#)

⁷ [C1318.1](#); [Day 354/160](#)

⁸ [C468.1](#)

⁹ [C739.2](#)

¹⁰ [B2208](#); [B2211.002](#)

¹¹ [C391.3](#)

¹² [C391.2](#)

¹³ [B2022.064](#)

¹⁴ Lance Corporal INQ 704 did not give evidence to this Inquiry.

¹⁵ [C1077.2](#)

¹⁶ [C1077.2](#)

¹⁷ The evidence of Captain 200 was that men who were not carrying SMGs were issued with SLRs ([WT15.40](#)). There is no evidence to suggest that Lance Corporal INQ 1175 (or a soldier with the same name) was issued with an SMG.

¹⁸ [C2047.2](#)

¹⁹ Lance Corporal INQ 2047 could not recall the type of weapon that he carried. The evidence of Captain 200 was that men who were not carrying SMGs were issued with SLRs ([WT15.40](#)). There is no evidence to suggest that Lance Corporal INQ 2047 was issued with an SMG.

²⁰ [C1854.1](#)

²¹ [B44](#)

²² [B1527](#)

²³ [B2022.064](#)

²⁴ [B2022.064](#); [B2114.006](#)

²⁵ [C24.1](#)

²⁶ [C24.1](#)

Second Composite Platoon lorry

Colour Sergeant 002	SLR ¹	Commander, 71A ²
Sergeant 014	SLR ³	Section Commander ^{4,5}
Sergeant 035	SLR ⁶	Section Commander ^{7,8}
Sergeant K	SLR or sniper rifle ⁹	
Corporal 039	Baton gun and SMG ¹⁰	
Corporal INQ 25	No firearm ^{11,12}	
Corporal INQ 812	SLR ¹³	
Lance Corporal D	SLR ¹⁴	
Lance Corporal 010	Baton gun ^{15,16}	
Lance Corporal INQ 816	SLR ¹⁷	
Private L	SLR ¹⁸	
Private M	SLR ¹⁹	
Private 032	SLR ^{20,21}	
Private INQ 127	SMG ²²	Radio operator ²³
Private INQ 405	SLR or SMG ^{24,25}	Driver ²⁶
Private INQ 449	SLR ²⁷	
Private INQ 748	SLR or SMG ²⁸	

- 1 [B1349](#)
- 2 [B1348](#); [B1351.001](#); [B2022.64](#)
- 3 [B1412.002](#)
- 4 [B1409](#); [B1412.001](#)
- 5 Sergeant 014 was in command of eight members of Composite Platoon, including Private L and Private 032 ([B1412.004](#); [Day 372/4](#); [B1613](#)).
- 6 [B1625](#)
- 7 [B1625](#)
- 8 Sergeant 035 was in command of a section of four men.
- 9 Captain 200's evidence was that all members of Composite Platoon who did not carry an SMG carried an SLR. However, a note made by him after the event suggests that Composite Platoon had been issued with a sniper rifle ([B2022.061](#)). The note does not identify the soldier to whom the rifle was issued. However, there is some evidence (considered elsewhere) which shows that Sergeant K was armed with a sniper rifle.
- 10 [B1649](#); [B364](#)
- 11 [C25.1-2](#)
- 12 Corporal INQ 25 is shown in a photograph taken by Constable Robert S Simpson of the Royal Ulster Constabulary carrying only a baton.
- 13 [C812.1](#)
- 14 [B70](#)
- 15 [B1395.002](#); [B1395.006-7](#); [Day 355/83-4](#)
- 16 Lance Corporal 010 told this Inquiry that he was not carrying an SLR or pistol.
- 17 [C816.2](#)
- 18 [B312](#)
- 19 [B347](#)
- 20 [Day 362/1](#)
- 21 In his written statement to this Inquiry, Private 032 said that he thought that he was carrying an SMG ([B1616.001-2](#)). When he gave oral evidence, he said that he had been carrying an SLR. In our view his oral evidence is likely to be correct.
- 22 [C127.2](#)
- 23 [Day 360/129-130](#)
- 24 [C391.3](#); [C405.1](#)
- 25 The evidence of Lance Corporal INQ 391 was that Private INQ 405 was issued with an SLR. This evidence is consistent with Captain 200's list ([B2022.064](#)). However, Private INQ 405's own evidence was that he was carrying an SMG ([C405.1](#)). In his written statement to this Inquiry, Private INQ 405 told us: "*I was carrying an SMG. The majority of Guinness Force would have had SLRs ... 9mm were sometimes used, but not for a job like this. I had a magazine on the SMG and two spare magazines, 60 rounds in total.*" It remains unclear whether Private INQ 405 was carrying an SLR or an SMG.
- 26 [C391.2](#)
- 27 [C449.4](#)
- 28 In his written statement to this Inquiry, Private INQ 748 told us that he had an SLR ([C748.2-3](#)). Captain 200's list ([B2022.064](#)) suggests that Private INQ 748 was issued with an SMG. It remains unclear whether Private INQ 748 was carrying an SLR or SMG.

First Anti-Tank Platoon Armoured Personnel Carrier

Lieutenant 119	SLR ¹	Platoon Commander ²
Corporal E	SLR ³	Section Commander ^{4,5}
Private H	SLR ⁶	
Private 027	SLR ⁷	Radio operator ⁸
Private INQ 635	SLR ⁹	
Private INQ 1558 ¹⁰		
Private INQ 1581	SLR ¹¹	Driver ¹²

- 1 [B1752.014](#)
- 2 [B1752.009](#)
- 3 [B86](#)
- 4 [B86](#); [B264](#)
- 5 Corporal E's section consisted of Lance Corporal F, Private G and Private H.
- 6 [B219](#)
- 7 [B1548](#)
- 8 [B1546](#)
- 9 [C635.2](#)
- 10 This soldier did not give evidence to this Inquiry.
- 11 [C1581.2](#)
- 12 [C1581.2](#)

Second Anti-Tank Platoon Armoured Personnel Carrier

Sergeant INQ 1694 ¹		Section Commander
Lance Corporal F	SLR ²	
Lance Corporal J	SLR ³	
Lance Corporal 018	Baton gun ⁴	
Lance Corporal 036	SLR ⁵	Driver ⁶
Private G	SLR ⁷	
Private Longstaff	SLR ⁸	
Private 147	SLR ⁹	Radio operator ¹⁰
Private INQ 1237	SLR ¹¹	

¹ Sergeant INQ 1694 died before this Inquiry was established.

² [B121](#)

³ [B265](#)

⁴ [B1485](#)

⁵ [B1631.12](#)

⁶ In his RMP statement Lance Corporal 036 recorded that he drove an APC along Rossville Street ([B1629](#)). Although he told this Inquiry that he did not drive a vehicle on Bloody Sunday, on being shown his RMP statement he accepted that it was possible that he had done so, though he could not remember doing so ([B1631.11](#)).

⁷ [B168-9](#)

⁸ [C23.4](#)

⁹ [B1891.002](#)

¹⁰ [B1889](#)

¹¹ [C1237.4](#)

Unknown

Private INQ 1940 ¹	SLR ²
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¹ This soldier's evidence was that he went in on foot after receiving an order from Warrant Officer Class II Lewis to act as an escort for persons under arrest ([C1940.2](#); [Day 315/102-110](#)). We do not know whether or not he was correct in this recollection.

² [C1940.2](#)

Mortar Platoon soldiers in Sector 3

69.20 In the course of our consideration of the events of Sector 2,¹ we explained that Corporal P and Private 017 disembarked from Sergeant O's APC when it briefly stopped in Rossville Street, before it continued and turned into the car park of the Rossville Flats. Unlike the other soldiers who disembarked in Rossville Street from this APC, Corporal P and Private 017 (a baton gunner) crossed to the western side of Rossville Street. At this stage they were in front (ie to the south) of the other soldiers coming into Sector 3, and so it is convenient to start with their movements. We have referred to their accounts of hearing incoming fire in the context of Sector 2,² but for the sake of clarity we shall refer again to their evidence on this topic in discussing the events of Sector 3.

¹ [Paragraphs 24.33–36](#)

² [Paragraphs 49.30–37](#)

69.21 Private U of Mortar Platoon was also involved in the events of Sector 3. We return to consider this soldier later in this report.¹

¹ [Paragraphs 85.29–82](#)

Corporal P

69.22 According to his first RMP statement timed at 2230 hours on 30th January 1972,¹ Corporal P had cocked his rifle no later than when he was in the APC. When he disembarked he “*and two others*” deployed to the right of the APC (ie to the west) and “*immediately came under heavy stoning and bottling from the rioters*”. His statement continued:

“About 20 of the rioters were advancing towards us and were throwing stones and other missiles at us continually. One of the two chaps with me and armed with a anti riot gun fired a number of rubber bullets in an attempt to disperse the 20 who were attacking us. They were about 50 metres away at this time. The rioters on being hit by these rubber bullets split up.”

¹ [B576-7](#)

69.23 According to this statement it was at this stage that Corporal P saw a nail bomber at the back of the crowd and fired two shots; and a little later that he fired at a man holding a pistol. We return later in this report¹ to this part of Corporal P's account and to his firing of further shots.

¹ [Chapter 73](#) and [paragraphs 85.2–28](#)

69.24 In this statement Corporal P recorded that he went to the right of the APC with two others. One of these, as already noted, was the baton gunner Private 017, but whether there was a third soldier remains unclear. Corporal P did not mention a third soldier in his later evidence; and none of the other soldiers who disembarked from Sergeant O's APC in Rossville Street claimed to have moved to the western side of that street. In our view Corporal P was probably mistaken in referring to a third soldier, though it is possible that one of the others may temporarily have gone in that direction before moving back to the eastern side of the street.

69.25 In his written statement for the Widgery Inquiry,¹ Corporal P gave the following description:

“When the vehicle stopped the section got out and split into twos and threes in order to make arrests. I was with another soldier. It was at this time that I cocked my rifle. As we got out of the vehicle I noticed a small crowd in the area in front of a wall on the left-hand side (from the direction I was looking) of the low rise flats in front of Columbcille Court. The crowd were throwing missiles in the general direction of the troops on the ground in front of the Rossville Flats. I was wearing a gas mask and I signalled to the soldier I was with to advance in the direction of the crowd in order to make arrests. As we moved across Rossville Street they dispersed up the alley way into Columbcille Court and the alleyway to the left of Columbcille Court (from the direction I was looking). By the time we reached the wall the crowd had dispersed. Upon reaching the wall we came under fire from roughly the direction of the barricade. At that time I could not see anyone firing at us. There were two shots which I thought to be high velocity shots. They appeared to go over our heads as I heard the crack of the round going overhead. We then took cover along-side the wall. Shortly after this we noticed a group of people coming along the alleyway who started stoning and bottling us. The soldier I was with then fired a number of baton rounds into the crowd in an attempt to disperse them. The crowd on being hit split up...”

¹ [B592](#)

69.26 It will be noted that in this account Corporal P described hearing two shots that he stated he believed to be high velocity and coming from “*roughly*” the direction of the rubble barricade. Corporal P continued with a description of then seeing and firing at a nail bomber at the back of the crowd and at a man with a pistol, and of later shots, to which we return below.¹

¹ [Chapter 73](#) and [paragraphs 85.2–28](#)

69.27 In his oral evidence to the Widgery Inquiry, Corporal P said that when he disembarked there was a crowd of people on the waste ground and another crowd “*across the road from us*”. Both crowds were rioting, “*throwing stones, bottles, all sorts of missiles*”.¹

¹ [WT13.45](#)

69.28 Corporal P then gave a description of moving to a wall on the Kells Walk side of the street, and of hearing two shots that had come from the direction of the barricade. He told the Widgery Inquiry that there were quite a few people behind the barricade, throwing stones or moving back to Free Derry Corner. He said that there were only one or two people on his side of the barricade, trying to cross to the other side of the barricade, but that he then noticed “*a group of people coming out from the Columbcille Court alleyway and they started stoning us and bottling us*”. The other soldier he was with fired some baton rounds to disperse them.¹ He then again described his firing, to which we return below.²

¹ [WT13.46-47](#)

² [Chapter 73](#) and [paragraphs 85.2–28](#)

69.29 Corporal P gave written and oral evidence to this Inquiry. In his written account¹ he told us that he had very little recollection of the day, but that he relied on what he had said in his oral evidence to the Widgery Inquiry.²

¹ [B623.001](#)

² [B623.004](#)

69.30 In his oral evidence to the present Inquiry, Corporal P said that Bloody Sunday was the only time he had fired live rounds, apart from on the rifle ranges, but despite this he said that he had practically no memory of the day.¹ He could give no explanation for why he had told the RMP that his rifle had been cocked while he was in the APC, whereas he had told the Widgery Inquiry that he had cocked it on disembarking,² nor for the fact that there was no mention in his RMP statement of the two shots he told the Widgery Inquiry that he had heard.

¹ [Day 353/2-3](#)

² [Day 353/15-16](#)

69.31 We return to Corporal P's evidence later in this report,¹ when we consider the firing by soldiers in Sector 3.

¹ [Chapter 73](#) and [paragraphs 85.2–28](#)

Private 017

69.32 In his first RMP statement timed at 0130 hours on 31st January 1972, Private 017 described how, armed only with a baton gun, he disembarked and moved to a position near a low wall to the north-west of the northernmost block of the Rossville Flats:¹

“A barricade had been erected by the crowd in Rossville St some 60 metres to my front. This barricade was made up of bricks and rubble. There was a rioting crowd at the barricade and they were stoning troops who deployed around the flats. I fired a number of baton rounds at the crowd. They stoned me. A group of about 4 to 5 male youths came close to me around the corner of a wall to my right. They stoned me heavily. I realised that I could make an arrest from this small group and prepared to rush forward. As I ran towards the corner I saw a man walk around the corner towards me.”

¹ [B1472](#)

69.33 Private 017 then explained that this man was carrying a handgun, and gave an account of firing a baton round at him. We consider this evidence later in this report.¹

¹ [Chapter 74](#)

69.34 Private 017 made a second RMP statement timed at 2030 hours on 4th February 1972,¹ in which he described being behind a brick wall about 10m from No 2 Columbcille Court. He stated that there was a crowd of about 50 people milling around in front of the barricade. *“They rushed towards me so I fired one round from my rubber bullet gun, which split them up.”* Private 017 then gave a description of seeing a man come from behind the crowd with what he took to be a nail bomb, at whom Corporal P, *“who was located just behind me”*, fired one shot. The man fell, the bomb did not go off, and the crowd carried the man away. We return to this part of Private 017's evidence when considering below² the firing by Corporal P.

¹ [B1479](#)

² [Paragraphs 73.11–18](#)

69.35 The brick wall about 10m from 2 Columbcille Court is the wall near which Private 017 can be seen in photographs that we consider below.¹

¹ [Paragraphs 69.44–58](#)

69.36 In his written statement for the Widgery Inquiry, Private 017 gave this account:^{1,2}

“2. About 4.10 that afternoon my platoon debussed at the north end of Block 1 of Rossville Flats. Whilst we had been moving to this position in our vehicles we could hear stones continuously hitting our armoured vehicle and on leaving the vehicle we were surrounded by a large crowd who were milling about the area of the front of the flats and in Rossville Street and the other side of the road and a lot of stones and debris was thrown in my direction.

3. Immediately after leaving the vehicle and together with soldier ‘P’ who was armed with an SLR as a protection for myself I went across Rossville Street to the side of a wall in front of Columbcille Court. Soon after we took up this position I heard two single high velocity shots which I believe may have come from around the area of Rossville Flats but I am not sure what the direction of the fire was. There was a crowd of about 50 people in front of the barricade in Rossville Street, they rushed towards me so I fired one round from my rubber bullet gun which split the crowd up.”

¹ [B1482](#)

² In this statement Private 017 was given the cipher 125.

69.37 This statement continued with Private 017’s account of seeing a nail bomber who had come from behind this crowd and who was shot by Corporal P; of the crowd then retreating behind the rubble barricade; of people running in and out of the alleyway leading to Columbcille Court and throwing stones and bottles in the direction of the two soldiers; and of then firing his baton gun at a man with a handgun who came round the corner of that alleyway. We deal with the man with the handgun below.¹

¹ [Chapter 74](#)

69.38 Private 017 gave written¹ and oral evidence² to this Inquiry. As already noted,³ though in his written statement he told us that he was pretty sure that he had been in the leading APC, in his oral evidence he said that this was wrong and that he had been in Sergeant O’s vehicle. For reasons already given,⁴ we take the view that he had indeed travelled with Sergeant O.

¹ [B1484.001-0035](#)

³ [Paragraph 24.12](#)

² [Day 358/35-185](#)

⁴ [Paragraph 24.12](#)

69.39 In his written statement to this Inquiry, Private 017 described firing a rubber bullet and chasing the crowd after he disembarked from the APC. The crowd generally moved south and “A lot of them joined the main crowd at a barricade across Rossville Street”. He stated that he initially made his way to a point that he described as the north-east corner

of Block 1 of the Rossville Flats (although on a map¹ he marked it as the entrance to the access road leading from Rossville Street to the car park of the Rossville Flats), and that he then crossed to the west side of Rossville Street. He told us that at this stage he heard some shots but did not know where they were coming from and did not think that they were aimed at him. He also told us that he was being stoned. His statement continued:²

“23. A group mainly of youths aged 20 to 25, broke away from the crowd behind the Rubble Barricade and made four or five half hearted approaches towards me. They were trying to urge the rest of the crowd to join them. They were shouting ‘Get him’. They would have ripped me to pieces if they had got me. Crowds had killed soldiers before. I felt very vulnerable there on my own.

24. I fired two or three rubber bullets into the riot. Shortly afterwards P joined me. He cannot have been far behind me because I think I was only there for seconds before he joined me.

25. The next thing I remember is that a large group of people (40 to 50) ran out of an alleyway that was on our right, leading from Rossville Street to Columbcille Court (grid reference J13). The crowd turned and ran south to join the main group of rioters at the Rubble Barricade. I didn’t fire any rubber bullets as the group ran past but once they joined the rest of the crowd I fired a steady trickle of rubber bullets to contain them. In all, I think I fired 12–15 rubber bullets that day.”

¹ [B1484.010](#)

² [B1484.004](#)

69.40 After giving a description of Corporal P shouting a warning about a nail bomber, and of hearing him fire, Private 017 stated:¹

“29. Not long after that, I looked west down the alleyway immediately to my right (the one leading to Columbcille Court). I could see rubble and old prams lying around, across the alleyway. Four or five youths had formed a line and were throwing bottles or bricks towards me. In particular, I saw a guy with long hair and I decided to arrest him. As I ran forward, the youths doubled back and ran away and I saw a man with a pistol come around the corner, from the north east corner of Glenfada Park North, into the alleyway towards me. The gunman was about 20 to 30 yards from me. I don’t remember which hand his gun was in, but I could see that it was a pistol. He was pointing it in my direction. I fired a rubber bullet at him and he shied away. I then ran round the corner, back into Rossville Street and called P. I can’t be certain, as I did so, whether or not the man with the pistol fired at me, but I think that he did. The gunman was a young man, not fat but of normal build. If I had seen him again that day I would have recognised him.”

¹ [B1484.005](#)

69.41 In his oral evidence to this Inquiry, Private 017 said that he had fired his baton gun at the crowd, rather than bouncing the rounds off the ground. He agreed that he had probably fired his baton gun soon after disembarking from the APC, although the crowd was running away, to “*Keep ’em moving*”.¹ He also corrected his written statement, in which he had recorded that he had initially made his way to a point on the eastern side of Rossville Street, agreeing that he had only later gone to that position, having first gone to the western side of Rossville Street.²

¹ [Day 358/49](#); [Day 358/135-136](#); [Vid 48 12.26](#)

² [Day 358/51-52](#)

69.42 Private 017 said that at this stage he had heard what he thought was high velocity fire, but could not say how many shots he had heard. Asked how big the crowd was at the barricade, he estimated the number at “*around 100*”. Asked what they were doing, he said:¹

“They were mainly behind the barricade. On occasions they charged forward and stopped in front of the barricade and then went back; they were making half-hearted attempts to charge.”

¹ [Day 358/55](#)

69.43 Private 017 said that he was about 50 metres or so from the barricade.¹

¹ [Day 358/55-56](#)

69.44 During his oral evidence Private 017 was asked to look at a photograph, which was taken by the *Irish Press* photographer Colman Doyle, and to which we have already referred¹ when considering, in our discussion of the events of Sector 2, the arrest of William John Dillon:

¹ [Paragraph 33.36](#)



69.45 Private 017 agreed that the figure in the background on the left of the photograph was probably him. *"It looks like I am firing a rubber bullet gun and that is the smoke from it."* He also identified the soldier with him as Corporal P. He said he did not recall being any closer than this to the rubble barricade before the incident in which he fired a baton round at a gunman.¹

¹ [Day 358/56](#)

69.46 Next, Private 017 was shown two photographs taken by the freelance photographer Liam Mailey in the order shown below.



69.47 Private 017 identified himself as the soldier on the left standing at the corner of the wall. He did so because of the pouch that can be seen at the hip, in which he carried a camera. He agreed that it was from this position that he had fired his baton gun. He also identified the soldier behind him as Corporal P.¹

¹ [Day 358/57-60](#)

69.48 Private 017 said that the group that had run out of the alleyway leading from Columbcille Court was not the 40 to 50 he had described in his written statement, but “*round about 15*”.¹ He was sure that this group had turned south and run towards the rubble barricade; and he thought that the two incidents involving the nail bomber and the gunman were separate from this.²

¹ [Day 358/62](#)

² [Day 358/61-62](#)

Other evidence relating to the movements of Corporal P and Private 017

69.49 From the photograph taken by Colman Doyle, which we have reproduced above,¹ and Private 017’s identification of himself and Corporal P, it can be seen that when the photograph was taken Private 017 had just discharged his baton gun, with Corporal P close behind him. The following is the second photograph of the scene taken by Colman Doyle. This was taken immediately after the first photograph, as can be seen from the different positions of the soldier on the right running towards the group in the foreground.

¹ [Paragraph 69.44](#)



69.50 As will have been seen from our account of the arrest of William John Dillon in Sector 2,¹ Colman Doyle took these photographs after Lieutenant N had fired up the Eden Place alleyway, but before Lieutenant N had returned to his APC.

¹ [Chapter 33](#)

69.51 As to the photographs taken by Liam Mailey, those shown to Private 017 are part of a series taken of this scene. We set the complete series out below, in the order in which they were taken, which is established by the contact prints.

The first photograph

69.52 Of the six in this series, we have already shown the first¹ when describing the arrival of the vehicles in Rossville Street. By the time this photograph was taken, the two APCs of Mortar Platoon had moved from Rossville Street into the Eden Place waste ground and the Rossville Flats car park and so are out of sight. On the left of the photograph can be seen a group of soldiers.

¹ [Paragraph 69.3](#)



The second photograph

69.53 The group of soldiers is in much the same position in the second photograph, but in front of the sloping wall of the low ramp at the southern end of Kells Walk another soldier can be seen, apparently running west. Liam Mailey told the Widgery Inquiry that this soldier had a rubber bullet gun.¹ This photograph was referred to as photograph 6 in Liam Mailey's evidence to the Widgery Inquiry.

¹ [WT7.29-30](#)



The third and fourth photographs

69.54 The third and fourth photographs are those in which Private 017 identified himself and Corporal P. The latter also identified himself and Private 017 in the third photograph in his oral evidence to the Widgery Inquiry.¹ Liam Mailey told that Inquiry that the soldier with the rubber bullet gun shown in the second photograph could be seen in the third in the position from which he fired rubber bullets.² In his written statement for the Widgery Inquiry, Liam Mailey recorded that when he took the third photograph this soldier had just fired a few rubber bullets.³

¹ [WT13.48](#)

³ [M50.58](#)

² [WT7.30](#)



The fifth and sixth photographs

69.55 The next two photographs show that by this stage other soldiers had arrived at the low ramp at the southern end of Kells Walk. Liam Mailey told the Widgery Inquiry that “*the troops ran towards the ramp and towards the alleyway there. They should have obviously gone between the walls. They ran in front of them and turned back again and went up between the walls.*”¹

¹ [WT7.30](#)



69.56 The last two of these six photographs show soldiers at the low ramp at the southern end of Kells Walk. In Colman Doyle's two photographs of the scene (reproduced above¹), no soldiers can be seen in this position, from which we conclude that he took these photographs before they arrived and probably just before Liam Mailey took his third and fourth photographs, the third of which, as noted above,² Liam Mailey told the Widgery Inquiry he had taken just after the soldier with the rubber bullet gun had fired.

¹ Paragraphs 69.44 and 69.49

² Paragraph 69.54

69.57 Although Private 017 told us that he thought he was not one of the soldiers shown in the fifth of Liam Mailey's photographs, because he did not recollect "*that amount of people being there*",¹ we consider, in the light of this series of photographs, that he was mistaken about this and that he was the soldier seen furthest to the left in the fifth and sixth photographs. Corporal P told the Widgery Inquiry that he had fired two shots at a man he said was a nail bomber, before the group of soldiers had arrived at the low ramp at the southern end of Kells Walk.²

¹ [Day 358/59](#)

² [WT13.48-49](#)

69.58 On the basis of this evidence, we are satisfied that Corporal P and Private 017 did initially go to the Kells Walk side of Rossville Street and that Private 017 fired some baton rounds when standing at the southern corner of the wall of the high ramp at the southern end of Kells Walk, with Corporal P close by. Private 017 appears to have fired at least one of these baton rounds after William John Dillon had been arrested. Later in this report¹ we consider Corporal P's account of firing two shots at a man with a nail bomb and Private 017's account of firing his baton gun at a man with a handgun.

¹ [Chapters 73 and 74](#)

Chapter 70: The actions of civilians in Rossville Street on and after the arrival of the Army vehicles

70.1 In our consideration of the events of Sector 2,¹ we concluded that while some civilians threw stones and bottles at the vehicles as they came into the Bogside, the general reaction of the crowd was to run away. So far as Sector 3 is concerned, there was initially the same general movement away, as can be seen from the film of the two leading vehicles driving in.²

¹ [Paragraph 24.72](#)

² [Vid 48 12.26](#)

70.2 We have referred earlier, in our consideration of the events of Sector 2,¹ to photographs taken by Derrik Tucker Senior from Block 2 of the Rossville Flats, before and as the Army vehicles came in. We set out below the photograph that he took after the Armoured Personnel Carriers (APCs) of Mortar Platoon had turned off Rossville Street.

¹ [Paragraphs 23.20, 23.22 and 24.27–28](#)



70.3 Ciaran Donnelly, the *Irish Times* photographer, took a number of photographs when the vehicles arrived. He told us that he took the first two of these from the ramp at the north-eastern corner of Glenfada Park South (ie from behind and slightly above the rubble barricade) and the second two at ground level and also from behind the barricade.¹ His contact prints show that the photographs were taken in the following order.

¹ [Day 71/21-23](#); [Day 71/30-36](#)





70.4 At the stage when these photographs were taken, Lieutenant N's APC had already turned into the Eden Place waste ground and Sergeant O's APC into the Rossville Flats car park, and so they are out of view.

70.5 Before the sequence of six photographs taken by Liam Mailey that show the arrival of Corporal P and Private 017 at the pram-ramp wall south of Kells Walk, which we have set out above,¹ Liam Mailey had taken another photograph, which we show below.

¹ [Paragraphs 69.51–56](#)



70.6 Although each of the photographs that we have set out above shows only a moment in time and must be treated on that basis, together they give a view of people moving away from the Army vehicles, a number gathering at the rubble barricade, some to the north of that barricade and some apparently armed with stones and similar missiles. A number of civilians gave evidence that there was rioting at and north of the barricade, in the form of throwing bricks, stones and similar missiles.

70.7 Thomas Heaney,¹ Vincent McCauley,² Ciaran Donnelly³ and Peter Lancaster⁴ told us of rallying cries and calls for people at Free Derry Corner to return to the rubble barricade. Some witnesses, such as Don Mullan,⁵ told us of returning to the barricade with “*maybe a dozen or two dozen people*” to throw stones.⁶ Paul McGeady put the number returning at “*maybe several dozen*”.⁷ Gavan Duffy said “*about ... 80 people ... surged forward towards the [Free Derry Corner side of the] barricade*” from Glenfada Park North on seeing a soldier hitting a youth with a rifle butt.⁸

¹ [Day 140/32](#)

² [Day 119/115](#)

³ [M22.7](#)

⁴ [AL4.8](#)

⁵ [Day 148/105-9](#)

⁶ [Day 148/105](#)

⁷ [Day 137/128](#)

⁸ [Day 126/144](#)

70.8 Vincent McCauley told us of rioters “*charging towards the soldiers*”¹ and of “*youths running towards the soldiers with the intent of tackling them with bricks*”,² from about the south end of Glenfada Park South.³ Paul McGeady thought “*maybe between 6 to 12 people*” went over the barricade,⁴ while George Downey thought “*three or four guys*” went over the barricade “*five or six foot*”.⁵ Hugh Patrick O'Donnell said that 30 to 50 people ran towards soldiers at

the corner of the Rossville Flats, and that he thought that there had been “30/40 of us north of the barricade”.⁶ Frankie Mellon said that “20 or 30 people”, including Hugh Gilmour (one of those shot and killed in Sector 3), would pick up fist-sized stones from behind the barricade and run forward “about 40 or 50 yards” to hurl them at the soldiers.⁷ James Quinn said that, while he threw stones from behind the barricade, some were stoning from the north side of the barricade.⁸ George Roberts said that he and between 15 and 20 others threw stones from the rubble barricade, but the soldiers were too far away for them to reach.⁹

¹ Day 119/117

⁶ AO32.4; Day 405/13-14

² Day 119/118

⁷ AM399.3; Day 151/137-138

³ Day 119/135-138; AM99.10

⁸ AQ10.5; Day 179/54-55

⁴ Day 137/128

⁹ Day 151/69-70

⁵ Day 123/16-19

70.9

Many civilian witnesses described seeing or taking part in rioting at the barricade itself. Paul McGeedy thought “*Maybe a dozen*” youths were involved in the stoning.¹ Brian Kelly described rioting by some of “*between 12 and 15*” youths behind the barricade, but thought that the youths would have realised that the stones “*could not reach the soldiers and that there was no chance of causing injury*”.² Gavan Duffy believed that only a minority in the crowd were rioting with stones and bottles while the remainder watched without participating.³ Ciaran Donnelly said that of the 20 or so youths lined up behind the barricade, only six to ten “*were constantly throwing stones*”.⁴ Ronald Wood said that a crowd of ten to 15 people were throwing rubble and pieces of brick from the centre of the rubble barricade, among whom were two young men who fell, though he said that he had not actually seen the two men throwing stones.⁵ Professor Terence O’Keeffe (who in 1972 was Fr O’Keeffe) told us that he had the “*impression*” that “*a small group of youths, about 7 or 8, towards the middle of the barricade*” were throwing stones.⁶ George Roberts put the number at “*15 to 20 maybe*”, but said that the soldiers were out of range.⁷ Jack Nash threw stones from behind the barricade and saw others do the same.⁸ Donal Deeney thought that “*There might have been more*” than 10 to 20 rioters.⁹

¹ Day 137/125-126

⁶ H21.46; Day 127/99

² AK6.14-15

⁷ Day 151/69-70

³ Day 126/140-143

⁸ Day 137/31

⁴ WT2.81

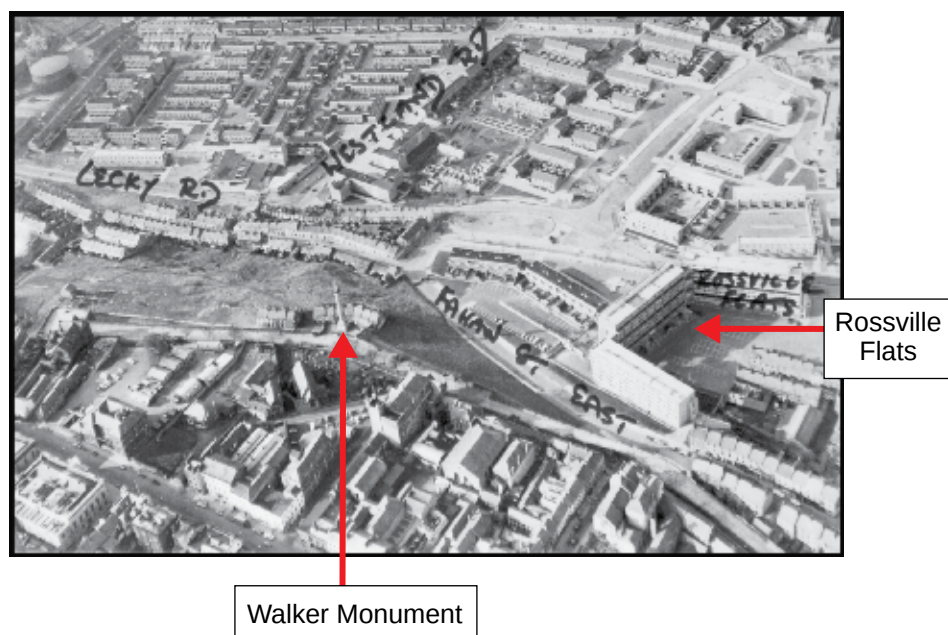
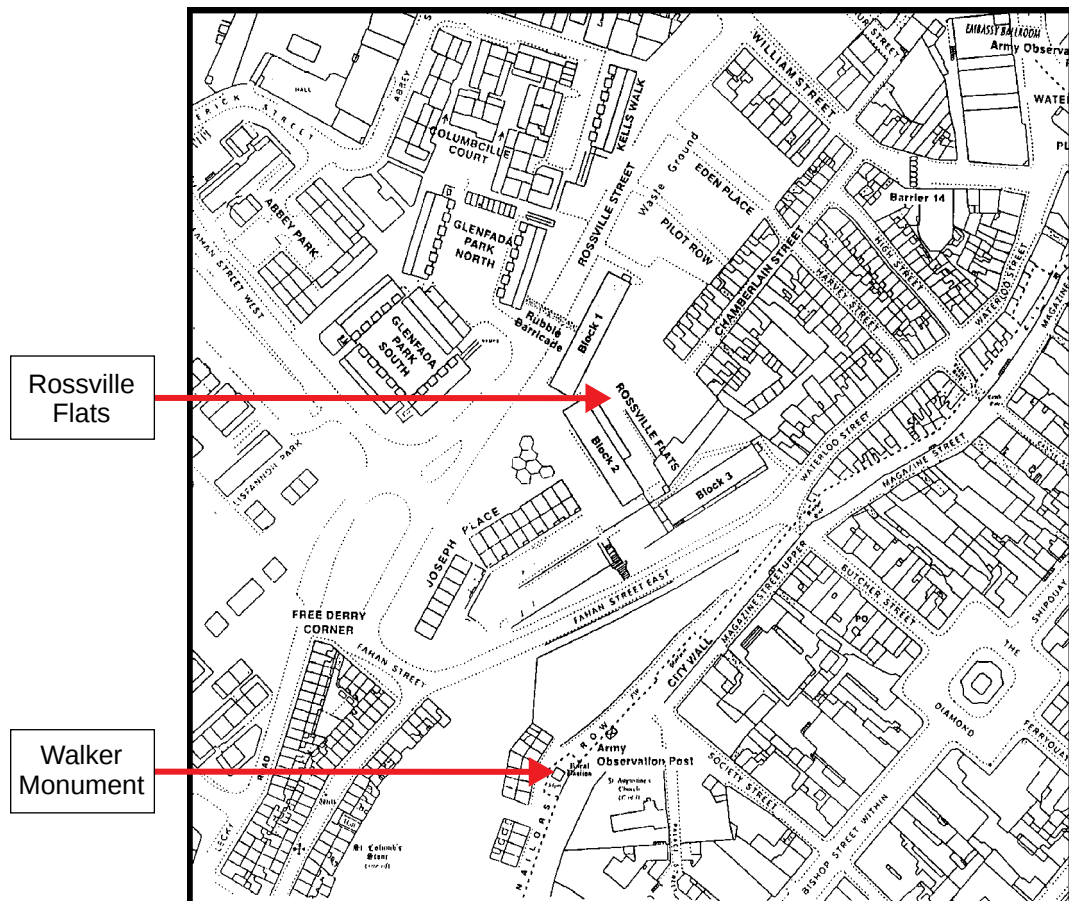
⁹ Day 86/42

⁵ AW24.3; Day 127/21-22

70.10

Assistant Chief Constable Robert Campbell, of the Renfrew and Bute Constabulary, and Superintendent Samuel McGonigle, then the Planning Officer of that constabulary, were visiting Northern Ireland in order to study the methods employed there for dealing with major incidents; and were present on Bloody Sunday. They accepted an invitation from

the Royal Ulster Constabulary (RUC) to observe the civil rights march from near the Walker Monument on the City Walls. We indicate the position of the Walker Monument on the following map and photograph.



70.11 Both these police officers reported being able to observe, among other things, part of the rubble barricade, though their view of Rossville Street further north was obscured by the Rossville Flats; and that they saw people running north to the rubble barricade and hurling stones and similar missiles at what they assumed were soldiers out of their view.¹ According to Superintendent McGonigle, a crowd formed up behind the rubble barricade and then ran forward throwing these missiles.²

¹ [JC4.6](#); [JM19.6](#)

² [JM19.16](#)

70.12 There was some evidence to suggest that a number of people at the rubble barricade went forward and threw stones after seeing a person arrested by soldiers on the Eden Place waste ground.

70.13 George Downey,¹ Gavan Duffy,² Paul McGeady,³ Alphonsus Cunningham,⁴ Noel McCartney⁵ and Hugh Patrick O'Donnell⁶ all gave accounts of what some described as a “surge” forward, with numbers varying from about three and four up to as many as several dozen crossing the barricade and going forward. However, none suggested that they came close to the arresting soldiers or near enough to do them harm. We accept that, as George Downey said, the surge was really more a gesture than a real attempt to engage the soldiers.⁷

¹ [Day 123/16-19](#)

⁵ [M55.8](#)

² [AD155.2](#); [Day 126/144](#)

⁶ [Day 405/13](#)

³ [AM219.3-4](#); [Day 137/128](#)

⁷ [Day 123/65-66](#)

⁴ [AC125.11](#)

70.14 Although it is not certain, we consider it more likely than not that the arrest, or one of the arrests, to which these civilians were referring, was that of William John Dillon. We considered this arrest in our discussion of the events of Sector 2.¹ Neither of the soldiers who arrested William John Dillon (Private 006 and Private 037) gave any evidence of being approached by civilians or being stoned as they did so.

¹ [Chapter 33](#)

70.15 As we noted while considering the arrest of William John Dillon,¹ both Jeffrey Morris of the *Daily Mail* and Colman Doyle of the *Irish Press* photographed this event. The first photograph taken by Jeffrey Morris from the Eden Place waste ground gives a view across Rossville Street and of part of the rubble barricade.

¹ [Paragraphs 33.13–14](#) and [33.35–37](#)



70.16 There is an enlargement of the left-hand side of this photograph shown below.



70.17 This shows two figures north of the rubble barricade and perhaps moving northwards. However, the photograph as a whole shows no-one near the soldier arresting William John Dillon, and the part of Rossville Street in view (from the western part of the rubble barricade to a position a few yards from the corner where Corporal P and Private 017 can be seen in the photographs we have considered above¹) is shown entirely clear of people.

¹ [Paragraphs 69.44](#), [69.46](#) and [69.49](#)

70.18 As we have also already noted¹ when discussing the arrest of William John Dillon, Colman Doyle took a very similar photograph from a position that must have been close to Jeffrey Morris. Colman Doyle's contact prints show that after that he took five further photographs of the arrest of William John Dillon. In the background of the last three of these can be seen Corporal P and Private 017. Two of these photographs we have reproduced above.² The contact sheet we show below.

¹ Paragraph 33.36

² Paragraphs 69.44 and 69.49



70.19 In our view there can be little doubt that this series of photographs, and those of Jeffrey Morris, were taken over a short period of time. With the exception of the figures just to the north of the rubble barricade shown in the enlargement of Jeffrey Morris's photograph, none shows any civilians (apart from William John Dillon) in the area of Rossville Street or along its western side.

Conclusions on the rioting at and near the rubble barricade

70.20 From the evidence we have considered above we are sure that rioting broke out at the rubble barricade soon after the Army vehicles arrived in Rossville Street, in the form of some dozen or more men collecting and throwing stones, bricks, rubble, bottles and the like towards the soldiers. Some went forward of the rubble barricade to stone from nearer the soldiers, but in our view none came near enough to soldiers to pose a real danger to them. At this stage most of the soldiers in Sector 3 were some 70 yards away from the rubble barricade, in the Kells Walk area of Rossville Street.

Chapter 71: Rioters coming from the Columbcille Court alleyway

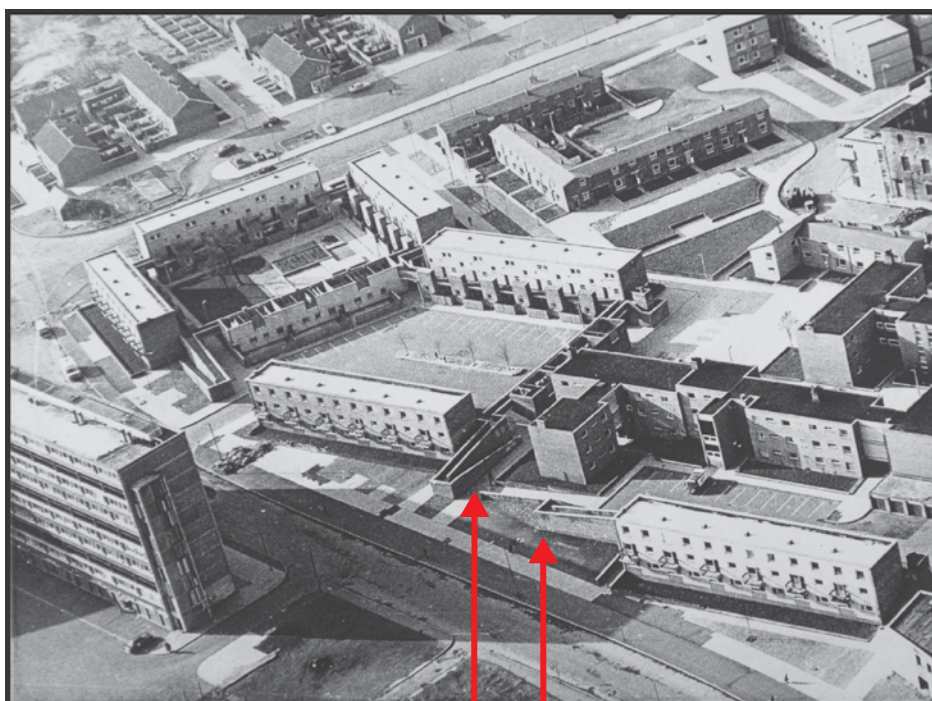
71.1 In a part of his first RMP statement¹ that we have quoted above,² Corporal P described about 20 advancing rioters, who were about 50m away and at whom Private 017 fired a number of baton rounds, causing the rioters to split up. The rubble barricade would have been about 50m away from the corner where Corporal P and Private 017 can be seen in the photographs shown above.³ However, in a part of his written statement for the Widgery Inquiry that we have also quoted above,⁴ Corporal P described taking cover against a wall (which appears from the context to be the wall where he and Private 017 can be seen in the photographs), after which a group of people came along the alleyway and started stoning and bottling them. Again from the context, this would appear to be the alleyway that led off Rossville Street towards Columbcille Court. This alleyway is shown in the following photograph, on which we have also marked the position of Corporal P and Private 017 when they were photographed by Colman Doyle.

¹ B576

² Paragraph 69.22

³ Paragraphs 69.44, 69.46 and 69.49

⁴ B592



Alleyway
leading to
Columbcille Court

Location of Corporal P and
Private 017, when photographed
by Colman Doyle

- 71.2** The distance between the position occupied by Corporal P and Private 017 at the wall and the alleyway into Columbcille Court is only some 20m. According to Corporal P's evidence to the Widgery Inquiry, it was at a crowd that came along this alleyway that Private 017 fired his baton gun, splitting them up.
- 71.3** In his first RMP statement,¹ Private 017 described going to a low wall and seeing about 60m in front of him the rubble barricade where there was a rioting crowd at which he fired a number of baton rounds. (In his second RMP statement,² he recorded that he had fired one round at this crowd.) He then described a group of about four to five youths coming close to him round a corner to his right, and stated that he decided to go forward to try to make an arrest. In his written statement for the Widgery Inquiry,³ he described firing one baton round at the crowd near the barricade, which in this statement he recorded was rushing towards him. He then gave an account of people coming from the Columbcille Court alleyway and throwing stones and bottles, and of then seeing a man with a handgun coming round the corner, and of firing a baton round at this man. We consider the incident involving the gunman later in this report.⁴
- ¹ [B1472](#) ³ [B1482](#)
² [B1479](#) ⁴ [Chapter 74](#)
- 71.4** The evidence that Corporal P (in his first RMP statement) and Private 017 gave about the state of the crowd at or near the rubble barricade corresponds to a significant degree with the evidence given by civilians. We therefore conclude that there were a number of rioters at the rubble barricade, some of whom came forward to throw stones and similar missiles, but none of whom advanced more than a few yards from the barricade.
- 71.5** In his later evidence Corporal P referred to Private 017 firing baton rounds, not at the crowd near the rubble barricade, but at a group of people who had come out of the alleyway leading to Columbcille Court. Private 017 had given an account of this group in his first RMP statement, but both in this statement and in his written statement for the Widgery Inquiry he recorded that he had first fired at the crowd coming from the barricade, and then at a gunman who came round the corner of the alleyway.
- 71.6** There is only one other witness who gave an account of people coming out of the alleyway and stoning soldiers. This was Brendan Carlin, who gave written evidence to this Inquiry¹ but did not give oral evidence.

¹ [AC30.5](#)

71.7 Brendan Carlin was 13 at the time of Bloody Sunday. He stated that he had run down Chamberlain Street and through the gap between Blocks 2 and 3 of the Rossville Flats, and taken shelter at the Threepenny Bits (the hexagonal brick structures to the south of Block 1 of the Rossville Flats). His account continued as follows:¹

“12. I could see up Rossville Street but I have no recollection of what was happening around the Rubble Barricade. What grabbed my attention was two soldiers who were in the area I have marked D on the map in map reference K12. They were standing on an area that had cobbled stones pushed into cement. I do not recall seeing any other soldiers around these two, as my attention was focused entirely on them. The crowd had come out of the alleyway eastwards from the north of Glenfada Park North at point E on the map at reference J13 and had turned to confront the soldiers. They were taking on the two soldiers and were giving them a right stoning. One of the soldiers had a rubber bullet gun and the other had a rifle. The one with the rubber bullet gun was loading his gun as fast as he possibly could and was firing out at the youths who were coming back and forth from the alley but he was going to lose out and he knew it. These two were under pressure and the other soldier with a rifle shot a live round. He did this with his right elbow at the hip but with the gun pointing above the heads of the youths. Witnessing this scene convinced me that things were going to go wrong.”

¹ [AC30.6-7](#)

71.8 The area Brendan Carlin marked “D” was by the corner of the wall where Private 017 and Corporal P can be seen in the photographs that we have set out above.¹ The alleyway he marked “E” was the alleyway leading from Rossville Street to Columbcille Court.² Brendan Carlin told us that after witnessing this he crossed Rossville Street and went into Glenfada Park North, but did not remember seeing anyone injured at the rubble barricade at this time.

¹ [Paragraphs 69.44, 69.46 and 69.49](#)

² [AC30.9](#)

71.9 We draw no adverse inference from the fact that Brendan Carlin did not give oral evidence. His account of the two soldiers in the position he described who were being stoned by people coming out of the alleyway leading from Columbcille Court in our view supports the evidence of Corporal P and Private 017 that on their arrival at the wall there were people who came out of that alleyway and threw stones and bottles. We return later in this report¹ to Brendan Carlin’s evidence of Corporal P firing a shot over their heads.

¹ [Paragraphs 73.20 and 73.25–27](#)

71.10 In summary, therefore, we conclude that in addition to the crowd at or near the rubble barricade, a few people (Private 017 told us it was about four or five¹) were throwing objects from the Columbcille Court alleyway towards him.

¹ [B1484.008](#)

Chapter 72: The high velocity shots heard by Corporal P and Private 017

72.1 As we have noted,¹ in his written statement for the Widgery Inquiry,² Corporal P described hearing two shots as he and Private 017 reached the wall. He stated that he thought that these were high velocity shots that had come “*roughly*” from the direction of the rubble barricade and that he heard the crack of the round going overhead. In his written statement for the Widgery Inquiry,³ Private 017 recorded that soon after he had taken up his position at the wall in front of Columbcille Court he heard two high velocity shots “*which I believe may have come from around the area of Rossville Flats but I am not sure what the direction of the fire was*”. In his written statement to this Inquiry,⁴ Private 017 told us he had heard some shots but did not know where they had come from and did not think that they were aimed at him.

¹ Paragraph 69.25

³ B1482

² B592

⁴ B1484.004

72.2 We have found no other evidence from any source to suggest that two high velocity shots were fired from the area of the rubble barricade towards Corporal P and Private 017. It is noteworthy that Private 017 was from the outset uncertain of the direction of fire. In our view these shots were two of the three fired by Lieutenant N up the Eden Place alleyway, an incident that we considered in the context of Sector 2.¹ This incident, which occurred quite soon after Lieutenant N had disembarked from his APC, and some 85m from where Corporal P and Private 017 were situated, corresponds in time with the firing that Corporal P and Private 017 said that they heard. We do not accept Corporal P’s account of hearing the shots pass over his head. Had this happened, there is no reason why Private 017 should not also have heard this, but this soldier has never suggested that he came under fire. As will be seen later in this report,² we have concluded that Corporal P has throughout lied, to the RMP, to the Widgery Inquiry and to this Inquiry. This is an additional reason for not accepting his account that this was incoming fire.

¹ Paragraphs 30.36–129

² Paragraphs 73.27–28 and 85.25–28

Chapter 73: The initial firing by Corporal P

73.1 In his first RMP statement, Corporal P described firing two shots at a nail bomber who was behind a crowd about 50m away:¹

“About 20 of the rioters were advancing towards us and were throwing stones and other missiles at us continually. One of the two chaps with me and armed with a anti riot gun fired a number of rubber bullets in an attempt to disperse the 20 who were attacking us. They were about 50 metres away at this time. The rioters on being hit by these rubber bullets split up.

As they split up I saw a man aged about 23–25 yrs wearing a light coloured jacket just behind the crowd. I saw him light an object in his hand. I saw it fizzle and sparks came from it. I shouted a warning to the chaps with me and then fired two aimed shots. The first I saw strike the ground near the nail bombers feet. The second I saw strike him in the chest, and this knocked him backwards, he fell to the ground.

The crowd then pulled back temporarily about 5–10 metres. The nailbomb did not explode. They then surged forward again and removed the body of the man I had shot.”

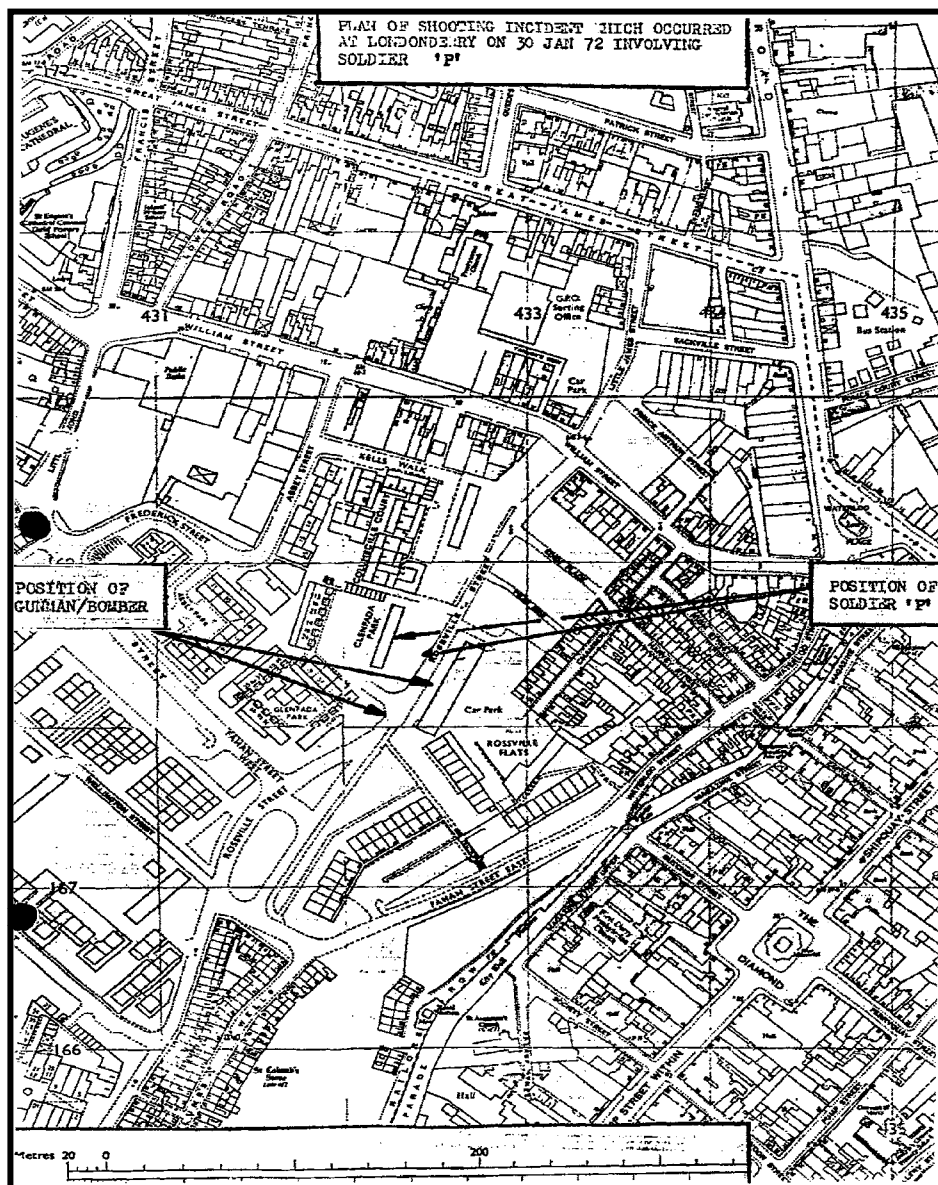
¹ [B577](#)

73.2 On Corporal P's RMP map are marked two positions for him and two positions for his targets. The map was intended to mark not only the position of the nail bomber Corporal P had stated that he had shot but also the position of a man with a pistol he said that he had shot later behind the barricade. We consider the pistol man later in this report,¹ but so far as the nail bomber is concerned neither of the positions of Corporal P marked on the map corresponds with the position from which Corporal P had stated that he had fired, though his first target is perhaps intended to be indicated by the more southerly of the two “target” arrows.² We explain later in this report³ that the RMP maps were not prepared or approved by the soldier concerned. The map does not show the wall of the high ramp south of Kells Walk, which may have led the compiler of the map mistakenly to place Corporal P further to the south than this soldier had said he was.

¹ [Paragraphs 85.2–28](#)

³ [Paragraph 173.149](#)

² [B579](#)



73.3 Corporal P gave a significantly different account in his evidence to the Widgery Inquiry. In a part of his written statement for that Inquiry that we have previously set out,¹ he described a group of people coming along the alleyway and the soldier he was with (Private 017) firing a number of baton rounds to disperse them. This statement continued:²

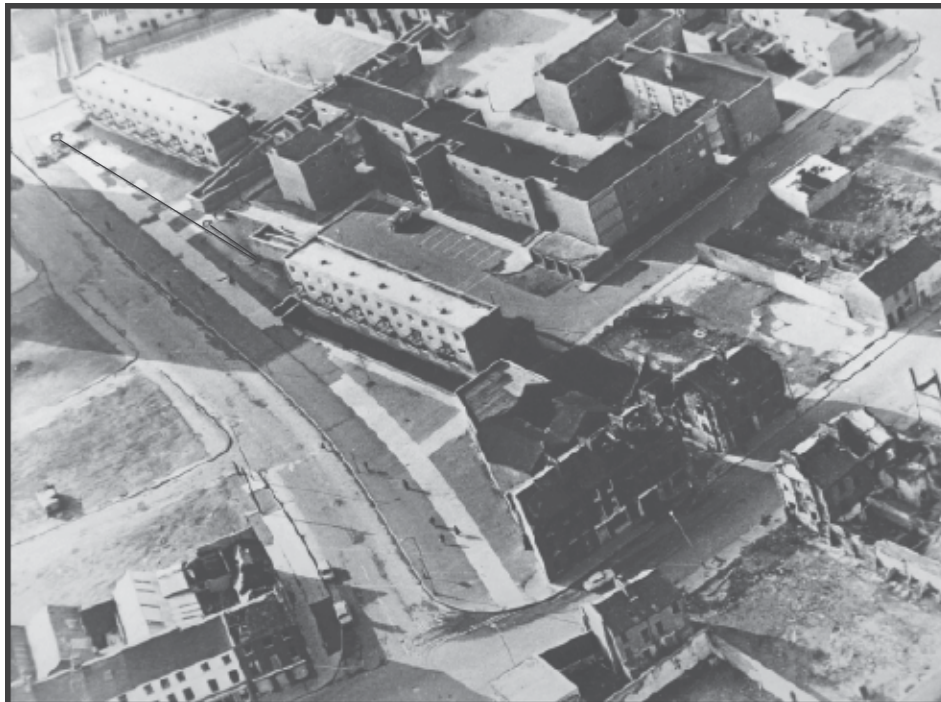
“The crowd on being hit split up and I noticed a man (he appeared to be aged about twenty-five and was wearing a light-coloured jacket) who was taking cover behind the crowd light an object which I would describe as an explosive missile and which seemed to me to be a nail bomb which began to fizz. I told the other soldier I was with to watch out and I took aim at the man and fired two shots. The man fell, dropping the object which did not explode. At that time my attention was directed down Rossville Street but when I re-directed my attention to where I had shot the man, the body had been removed and I could not see any object on the ground.”

¹ [Paragraph 69.25](#)

² [B592](#)

73.4 Corporal P's trajectory photograph put him at the wall where he can be seen in the photographs set out above,¹ and his first target at the entrance of the alleyway leading into Columbcille Court.

¹ [Paragraphs 69.44, 69.46 and 69.49](#)



73.5 The longer of the two lines drawn on this photograph from the corner of the high ramp at the south end of Kells Walk relates to the shot that Corporal P said that he later fired at a man holding a pistol behind the rubble barricade. We note at this point that there is no entry in Major Loden's List of Engagements¹ that relates to any of the shots that Corporal P said that he had fired. The reason for this is that Corporal P had gone up to Altnagelvin Hospital with the bodies of three of the casualties at the time when Major Loden was compiling this list.²

¹ ED49.12

² B593; WT13.52

73.6 Corporal P initially gave a somewhat similar account of shooting a nail bomber in his oral evidence to the Widgery Inquiry:¹

"Mr. GIBBENS: The people behind the barrier, did they just throw a few stones and leave?

A. No, sir, they stayed where they were.

Q. Did they persist in throwing things?

A. Yes, sir.

Q. What happened then?

A. Around this time I noticed a group of people coming out from the Columbcille Court alleyway and they started stoning us and bottling us. The other person I was with fired some baton rounds in an attempt to disperse them, which he did, but when they split up I noticed a man standing behind and attempting to light an object, an explosive missile.

LORD WIDGERY: Yes. Describe it.

A. It was black. It was a black object with what seemed to be a fuse sticking out of it and at the time it was fizzing.

MR. GIBBENS: What do you mean by fizzing?

A. Smoking and spluttering – that sort of thing.

Q. Have you ever seen similar things before in your service in Northern Ireland?

A. Yes, three or four times.

Q. What have they proved to be?

A. Nail bombs.

Q. What did you believe this one was?

A. A nail bomb.

Q. What did you do then?

A. I shouted a warning to this soldier I was with and fired two aimed shots at him.

Q. Not at the soldier?

A. At the nail bomber, sir.

Q. What position were you in when you fired those shots?

A. I was standing, sir.

Q. And where was your weapon?

A. At the shoulder.

Q. Did you ever fire any shots from the hip?

A. No, sir, it is not part of our training.

LORD WIDGERY: Forgive me. You and this other soldier who had been with you all the time, were you alone at this stage or were there others close to you?

A. There was a group of people, from what I understand, to the rear of us.

Q. I am talking about other soldiers of your battalion. You and your mate were there by yourselves?

A. Yes.”

¹ [WT13.47](#)

73.7 Corporal P told the Widgery Inquiry that the man dropped the object, which did not go off, that his attention was directed to the rear and that when he turned back the body had gone, along with the nail bomb.¹

¹ [WT13.49](#)

73.8 A little later in his oral evidence Corporal P told the Widgery Inquiry that the man with the nail bomb was about 50 to 75m from him.¹ This distance would suggest that the man was in the area of the rubble barricade, whereas the distance from Corporal P’s position to the Columbcille Court alleyway (and the distance between him and his target according to the trajectory photograph) was only some 20m. A little later in his oral evidence to the

Widgery Inquiry, Corporal P was shown his trajectory photograph. He agreed that the nail bomber would have been right in the open on the concrete pathway; and said that the nail bomber was about 50 yards away; and was positive that he had hit him in the chest.²

¹ WT13.54

² WT13.69

73.9

Corporal P initially told the Widgery Inquiry that he had seen the man light the nail bomb:¹

“Q. This nail bomb, was it fizzing at the time when the man had it in his hand?

A. Yes sir.

Q. Did you see him light it?

A. Yes sir.

Q. How did he light it?

A. Well, he just held it down, struck a match.

Q. Did he have it in his left hand or right?

A. Left.

Q. Did he have the match in his right hand?

A. I believe so.

Q. Did he strike it on a box?

A. I couldn't be certain.

Q. If he did not strike it on a box, what did he strike it on?

A. I could not be certain, sir.

Q. Could you show me now how you think the man with the nail bomb in his left hand lit it with his right?

A. Well, he had the nail bomb and, as I say, I don't know how he struck the match. He just lit the fuse.

Q. Would you just go back? Two seconds before you see a lighted match in his right hand. Can you tell me how that match materialized in his right hand?

A. No, I couldn't say, sir.

Q. You could not say?

A. No.

Q. Did it appear as if by magic?

A. I shouldn't think so, sir.

Q. Did he have a wall on his right-hand where he may have struck it?

A. He would have an entrance to the alleyway.

Q. When he was in Rossville Street, looking towards William Street, would it not be quite untrue to suggest that he had a wall near his right-hand? Do you recall where you pointed out to my Lord only a few minutes ago where the man was standing?

A. Yes sir.

Q. Are you trying to tell the Tribunal that he would have had a wall near his right hand?

A. No sir.

Q. Did he have a matchbox then?

A. I couldn't be certain, sir.

Q. If he got it lit, you saw the match come towards the nail bomb?

A. I saw the nail bomb fizzing."

¹ [WT13.58-59](#)

73.10

However, at the end of Corporal P's oral evidence to the Widgery Inquiry, there was this question and answer:¹

"Q. ... As regards the man with the nail bomb, did you or did you not see him actually light the match or did you first see the match lit?

A. I did not see the match being lit. I just seen the object spluttering and a certain amount of smoke coming from it."

¹ [WT13.71](#)

- 73.11** Private 017 mentioned nothing in his first RMP statement about Corporal P shooting a nail bomber. However, in his second RMP statement¹ he gave this account:

“Further to my statement of 30 Jan 72 which I made at Londonderry. I would like to add that I was positioned behind a brick wall about 10 metres from No 2 Columbcille Court. There was a crowd of about 50 people milling around in front of the barricade which was built across Rossville St. They rushed towards me so I fired one round from my rubber bullet gun, which split them up. From behind the crowd came a man wearing a blue coat and carrying in his hand what I took to be a nail bomb. It was lit as I could see the smoke coming from the fuse. As he raised his arm to throw the bomb towards us ‘P’ who was located just behind me fired 1 x 7.62 rd from his SLR. I don’t know where the round hit the man but he fell and was quickly enveloped by the crowd. The bomb did not go off and the crowd carried away the injured man.”

¹ B1479

- 73.12** Private 017 gave a similar account in his written statement for the Widgery Inquiry.¹ In this statement, having described Corporal P firing at the nail bomber, he continued by describing how the crowd retreated behind the barricade but other people ran in and out of the alleyway and threw bricks and stones and bottles.

¹ B1482

- 73.13** Private 017 gave this description of the man with a nail bomb in his written evidence to this Inquiry:¹

“Not long after the crowd ran out of the alleyway, P shouted ‘Look out, bomber!’. There was a crowd just north of the Rubble Barricade in the area marked G on the map (grid references J14 and K14). At first I did not see the bomber because there were a lot of people there. I then saw some blue-white smoke low down amongst the crowd. I saw someone crouched down with a dark object in his hand, which I took to be a nail bomb. He had his arm back as if he was ready to throw. I couldn’t now give a description of the man. I heard a shot. I did not actually see the man struck by the bullet but I saw him spin to his right and go down. I don’t know if he fell on his back or on his face. Within seconds, he was engulfed by the crowd and that was the last I saw of him. When the crowd went back he had gone. The device did not go off. I was waiting for a bang but there was nothing.”

¹ B1484.004

73.14 In his written evidence to this Inquiry,¹ Private 017 gave this explanation for making no mention of the nail bomber in his first RMP statement:

“I didn’t mention the nail bomber that [Corporal P] fired at in that statement. I thought seeing the gunman was more important so that is what I mentioned seeing. I think that was what I was specifically asked about.”

¹ [B1484.008](#)

73.15 In his oral evidence to this Inquiry, Private 017 said that he had not mentioned the nail bomber in his first RMP statement “*because Corporal P was ... dealing with that one*”.¹ His evidence continued as follows:²

“Q. When you say, ‘Corporal P was dealing with that,’ had you discussed the matter with Corporal P?

A. No.

Q. Do you mean that he was dealing with it in the sense that he is the one who fired the shots at the nail bomber?

A. Yes.

Q. But nevertheless, if this evidence is right, you had seen a suspected nail bomber fall in front of your eyes?

A. Correct.

Q. Apparently shot by another soldier?

A. Yes.

Q. And presumably that nail bomber had been wounded or maybe killed; is that not right?

A. Correct.

Q. Was that not something sufficiently important to be included in your first statement to the Military Police?

A. Maybe, but they were not interested in it.

Q. How do you know they were not interested in it?

A. They were only interested in the gunman.

Q. Did you tell them about the nail bomber?

A. During that, during that night it could have been, the company commander asked if anybody had seen a gunman and I said I did and he said, 'You better make a statement,' and that is what I made, the early hours of the morning.

Q. Did you tell either the company commander or the RMP that you had seen a nail bomber shot in front of your eyes?

A. No, Corporal P did that.

Q. So you did not tell either the company commander or the military policeman who was taking your first statement, anything about the nail bomber?

A. No.

Q. The reason you did not is that the company commander had asked you whether you had seen a gunman; is that right?

A. I think it was the company commander, yes.

Q. Did it not occur to you that unless you told somebody that you had seen a nail bomber they would not be in a position to tell you whether that was something you ought to make a statement about or not?

A. Could you say that again?

Q. Yes. Did it not occur to you that unless and until you told somebody that you had seen a nail bomber being shot right in front of you, nobody would be in a position to say, 'Well, you ought to make a statement about that'?

A. It did not occur to me to, to mention it.

Q. Because you say the Military Police were not interested in the nail bomber?

A. Yes, he was just interested in my encounter with the gunman.

Q. How can you tell whether he was interested in the nail bomber if you had not told him that there was a nail bomber?

A. I took it that Corporal P was dealing with that.

Q. Did the military policeman not say to you in the course of taking that statement was there anything else that you saw?

A. No.

Q. Not at all?

A. Not at all.

Q. You are not suggesting, are you, that you had forgotten about the nail bomber when you saw the RMP?

A. No.

Q. Just that you took a conscious decision not to mention it?

A. Only because Corporal P had been – had given a statement the early hours of that morning about it.

Q. Did you know that?

A. Yes, or everybody that fired had to make a statement that morning.

Q. Do you say that you had no discussion, either before or after making your statement that night, with Corporal P about either what he was going to say or what he had said?

A. No.

Q. You then made a second statement to the Military Police on 4th February; is that not right?

A. Yes.

Q. And if we look at B1484.007, paragraph 46, you refer to that and you say:

‘When we got back to Palace Barracks, we were told that there was going to be an inquiry into what had happened that day. I was interviewed again by someone in civilian clothes ... A copy of that statement is attached marked appendix 2. We were told that anyone involved had to make a statement and anyone who had witnessed what had happened that day had to make a statement to back up the statement of the person who fired the round.’

Should we understand that the purpose of the second statement was to back up what Corporal P had said?

A. Yes.

Q. And do you remember who told you that you were required to make another statement to back up the statement of the person who fired the round?

A. It could have been platoon commander or the platoon sergeant, N or P – sorry, N or O.

Q. N or O. By the time you came to make this second statement, did you know what P had said in his first statement?

A. No, I did not.

Q. Had you still not discussed the matter with P at all?

A. We probably did mention it at 22nd Light Air Defence barracks, but just in talking, not in great detail.

Q. Can you remember anything that he said to you about what he had told the Military Police?

A. No, I cannot.

Q. It may be suggested that the reason why you did not mention the nail bomber in your first statement was that you had not seen the nail bomber and that it was only when you knew what P was saying that you decided to make a statement about the nail bomber yourself, in order to back him up. Is that what happened or not?

A. No.”

¹ Day 358/64

² Day 358/64-69

73.16

Private 017 was also asked about his second RMP statement and his written statement for the Widgery Inquiry, in both of which he had stated that he had seen a smoking fuse:¹

“Q. Let us look at B1484.013, which is the second [RMP] statement. In the account that you give of the incident, you say: ‘From behind the crowd came a man wearing a blue coat and carrying in his hand what I took to be a nail bomb. It was lit, as I could see the smoke coming from the fuse.’ You have told the Inquiry in your statement of the year 2000 that you do not now remember smoke coming from a fuse?

A. I remember seeing smoke, but not like a fuse the size of a pencil sticking out of the bomb.

Q. Did you see a fuse at all, never mind what size it was?

A. No, just smoke and a dark object in his hand.

Q. If we go to B1484.008, paragraph 49.1 [Private 017's written statement to this Inquiry], you have said there: 'I do not think actually I saw a fuse. The RMP taking the statement would have put that in. All I saw was smoke and a dark object. The IRA were famous for using nail bombs, so I probably did say that the object was a nail bomb.'

So you are suggesting, are you, that the military policeman introduced the reference to seeing a fuse when you had not said anything about seeing a fuse?

A. Yes.

Q. Why would the military policeman have done that?

A. He was helping me along with the statement and, um, he has probably done it all before and he put it in.

Q. Did you read through the statement that he prepared before you signed it?

A. Yes, I did.

Q. And would you not have spotted, when you read it through, that the reference to seeing a fuse was incorrect?

A. It did not occur to me as I took it it was a nail bomb which would have had a fuse.

Q. Let us look, then, at B1484.015, which is the statement that you made to the Treasury Solicitor. Do you remember making this statement?

A. Vaguely.

Q. Do you recall what the procedure was for taking the statement?

A. No, no, I do not.

Q. Can you remember someone asking you questions or was some other procedure followed?

A. I cannot remember.

Q. Do you remember whether you had your Military Police statements in front of you when you made this statement?

A. I am not sure.

Q. If we look in paragraph 3, you say:

‘P then told me to look out as he had seen a man come from behind the crowd. This man was about 25, wearing a light blue jacket and carrying in his hand an object which I could see had a smoking fuse which I took to be a nail bomb.’

Do you see there that in this statement as well you were saying that you could see a smoking fuse?

A. Yes, I see what you mean, but if I took it it was a nail bomb, it would obviously have a fuse.

Q. Is the position that you might have told the Treasury Solicitor that you could see a smoking fuse, even though in fact you had seen smoke but no fuse?

A. Yes, I think so.

Q. Did you in fact see anything in the hand of this person?

A. Yes, a dark object.

Q. Did you see smoke around him or around the object?

A. Yes.

Q. Was it clear to you that the smoke that you saw was coming from the object in the hand of this person?

A. Yes.”

¹ [Day 358/69-72](#)

73.17 It will be noted that the accounts Private 017 gave of the position of the nail bomber correspond with that given by Corporal P in his first RMP statement, according to which the nail bomber appeared from behind a crowd advancing from the rubble barricade. The accounts are inconsistent with the second version that Corporal P gave of this incident, according to which the nail bomber had been taking cover behind a crowd that had emerged, not from the direction of the rubble barricade, but from the alleyway leading into Columbcille Court.

73.18 We have concluded that the reason why Private 017 made no mention of a nail bomber in his first RMP statement was that he had not seen one. We find his varying explanations of why there is nothing about a nail bomber in this statement unconvincing and we reject them. In our view, after he had given his first RMP statement, Private 017 made up a false account of seeing a nail bomber in an attempt to provide support for Corporal P’s

evidence. In this attempt he appears to have relied upon Corporal P's original version of shooting a nail bomber who was behind a crowd advancing from the Rossville Flats area; not the later version Corporal P gave of the nail bomber sheltering behind people appearing from the alleyway leading into Columbcille Court. The suggestion made by the representatives of the majority of the families that Private 017 colluded with members of the RMP and the solicitors working for the Widgery Inquiry "*to provide an account of events consistent with that of Soldier P*"¹ cannot therefore be sustained, as their accounts are not consistent.

¹ [FS1.1669](#)

73.19 There is, however, evidence that Corporal P did fire his rifle at about the time he said that he had shot a nail bomber.

73.20 We have referred above¹ to the evidence of Brendan Carlin, who told us that he saw a soldier, who from his account we consider must have been Corporal P, fire a shot from the hip over the heads of the people stoning him and the soldier with him.

¹ [Paragraphs 71.6–9](#)

73.21 In his written statement for the Widgery Inquiry,¹ the photographer Liam Mailey recorded that his impression was that just before he had taken what we have described above² as his third photograph (showing Private 017 at the corner of the wall of the high ramp at the southern end of Kells Walk), the soldier on the right (Corporal P) had fired about two rifle shots towards the barricade from his hip.

¹ [M50.58](#)

² [Paragraph 69.54](#)

73.22 In his written statement for the Widgery Inquiry,¹ Fr Thomas O'Gara described taking up a position about 15 yards south of the barricade in Rossville Street and seeing some soldiers in battle dress who were positioned beside a wall at the Free Derry Corner end of Kells Walk:

"One fired rubber bullets and the other got down on one knee several times pretending to fire. On the last of these occasions a sharp crack rang out and I knew this was live rifle fire. I saw no one fall. The soldier was aiming in the Glenfada park direction."

¹ [H19.5](#)

73.23 In the statement that Peter Pringle of the *Sunday Times* Insight Team took from Eamon Melaugh, there is the following account:¹

“The soldiers who jumped out of the pigs caught a young lad and were giving him an unmerciful beating. He was on the g[ro]und and they were giving him a kicking. And a number of us ran forward to try and effect a rescue and we were throwing stones. There’s no doubt about I thre[w] stones. We ran forward for about 10 or 15 yards and then we could hear shooting. I would assume that this shooting was going up Chamberlain St to my right. A number of people turned and ran back up Rossville St. and I did the same. Residents from the first floor of the flats called down to me that I had dropped part of my camera. It was a lens hood. And I walked back down and collected it. I would be at this time the last civilian going up Rossville St. I was the last. I walked back up again to the barricade and I turned round and the a[rm]y were still pouring in on the left hand side of Glenfad[a] Park as I looked at it. There were three troopers who came the furthest up Rossville St. One was a rubber bullet man who was at the front and he was shooting his rubber bullet gun almost as quickly as he could load it. Immediately behind him and slightly further away because they were standing tight into the brick wall one of the troops I know now to be a paratrooper fired two rounds. He didn’t take aim. He fired from the waist. I know he was a paratrooper because it is generally recognised now that they were all paras.

I was in front of the barricade going down towards Rossville St at this time – on the rossville st. side of the barricade. When this happened I got up on top of the barricade and I attempted to take a photograph of the guy who had shot, but he saw I had long telephot[o] lens he turned his back to me and he walked down the length of the wall and he kept taking a quick glance over his shoulder to see if I had my camera to my eyes.

When I saw he had twigged on to what I was trying to do I got down off the top of the barricade into the Free Derry side.”

¹ [AM397.23-24](#)

73.24 Although Eamon Melaugh claimed in his oral evidence to this Inquiry¹ that some of the contents of these notes did not reflect anything that he had said to Peter Pringle, he did tell us that he remembered seeing a soldier fire two rounds from behind another soldier

who had a baton gun; and that he attempted to photograph the soldier who had opened fire.² We should add that we are of the view that Peter Pringle probably did record accurately what Eamon Melaugh told him.

¹ [Day 143/24; Day 143/65](#)

² [Day 143/42-43](#)

73.25 Thus there is evidence from three civilians and a priest that Corporal P fired at least one shot, if not two, at the stage under consideration.

73.26 For reasons that we give later in this report,¹ there is no doubt that the first person to be shot in the area of the rubble barricade was Michael Kelly. There is equally no doubt that he was shot by Lance Corporal F of Anti-Tank Platoon, since the bullet recovered from his body matched Lance Corporal F's rifle. There is no evidence from any source (including journalists but apart from that of Corporal P and Private 017) that anyone was shot in Sector 3 before Michael Kelly; and we are sure that Michael Kelly was the first casualty in that sector.

¹ [Paragraphs 81.21–33 and 86.43–47](#)

73.27 It follows that we reject Corporal P's account that he shot a nail bomber. Thus in our view either Corporal P fired at someone, or at more than one person, but missed, or he fired otherwise than at people. There is nothing to suggest to us that Corporal P fired by way of last resort, in order to avoid being caught by the crowd. Nor have we found any other evidence that suggests to us that he fired at someone with a nail bomb. On the basis of the evidence to which we have referred we have concluded that Corporal P fired from the waist or hip over the heads of the people further south on Rossville Street, as a means of frightening them off; and then made up accounts of shooting a nail bomber in order to conceal this firing. We can see no possible justification for this use of his weapon, fired in contravention of the provisions of the Yellow Card.¹

¹ [ED71.1–2](#)

73.28 The false accounts that Corporal P gave of shooting at a nail bomber in our view make it difficult to rely on the accounts he gave of his later shots. We consider these accounts later in this report.¹

¹ [Paragraphs 85.2–28](#)

73.29 At this point we record that Corporal P told the Widgery Inquiry¹ that when he disembarked from the APC he was wearing a respirator. He gave no evidence about whether or when he took it off. It is not possible from the photographs of Corporal P that we have discussed earlier in this report² to see whether or not he was wearing a respirator when they were taken.

¹ [B592; WT13.46](#)

² [Paragraphs 69.44, 69.46 and 69.49](#)

Chapter 74: Private 017's gunman

74.1 Private 017 has given consistent accounts of this incident, starting with his first RMP statement. In the part of this statement that we have reproduced above,¹ Private 017 described a group of four to five male persons coming close to him from around a corner to his right and stoning him. He then stated that as he ran towards the corner a man came round it towards him:²

“He was a young man of about 19/20 years of age. He was wearing a blue shirt and a dark jacket. I could only see the part of the man above his knees. He was about 20 metres away from me. In his hand, I cannot say now which hand, he had a black object I recognised as a hand weapon; either a pistol or a revolver. I raised my baton gun and fired a round at the man. I did not hit him. I turned and ran off. As I did so I heard two small calibre weapon shots behind me as if the man had fired twice at me or other troops.”

¹ [Paragraph 69.32](#)

² [B1472](#)

74.2 In his written statement for the Widgery Inquiry,¹ Private 017, after giving an account of the nail bomber, continued:²

“4. After this had happened the crowd then went behind the barricade and continued to throw stones and bottles in our direction. Also bricks and stones and bottles were also being thrown at us by people who were running in and out of the alleyway leading to Columbcille Court. I noticed one man in particular who was throwing bricks from this position and I realized that I could arrest him. I therefore decided to run towards the alleyway. As I did so I saw a man walk around the corner towards me. From where I was he was about 15–20 metres away from me. He was aged about 20 and was wearing a blue shirt and a dark jacket. In his hand he had either a pistol or a revolver. I raised my baton gun and fired a round at him. I do not know if I hit him because my main concern was to get out of his line of fire so I turned and ran off back to where I had come from. As I did so I heard two small calibre weapon shots behind me as if the man had fired twice at me or other troops in my area.”

¹ [B1482](#)

² In this statement Private 017 was given the cipher 125.

74.3 In his written evidence to this Inquiry, Private 017, after giving the account we have rejected concerning the nail bomber, told us:¹

“Not long after that, I looked west down the alleyway immediately to my right (the one leading to Columbcille Court). I could see rubble and old prams lying around, across the alleyway. Four or five youths had formed a line and were throwing bottles or bricks towards me. In particular, I saw a guy with long hair and I decided to arrest him. As I ran forward, the youths doubled back and ran away and I saw a man with a pistol come around the corner, from the north east corner of Glenfada Park North, into the alleyway towards me. The gunman was about 20 to 30 yards from me. I don't remember which hand his gun was in, but I could see that it was a pistol. He was pointing it in my direction. I fired a rubber bullet at him and he shied away. I then ran round the corner, back into Rossville Street and called P. I can't be certain, as I did so, whether or not the man with the pistol fired at me, but I think that he did. The gunman was a young man, not fat but of normal build. If I had seen him again that day I would have recognised him.”

¹ [B1484.005](#)

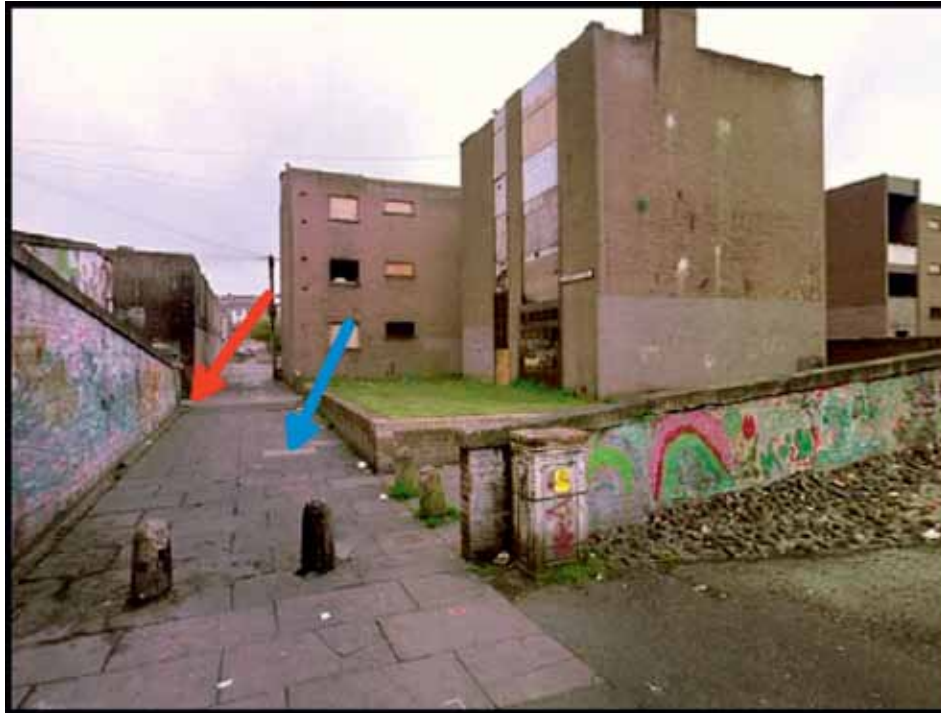
74.4 During the course of his oral evidence to this Inquiry, Private 017 was closely questioned about the gunman he said that he had seen and at whom he had fired his baton gun.¹ He did not resile from the accounts that he had previously given about this.

¹ [Day 358/1-185](#)

74.5 In his oral evidence to this Inquiry, Private 017 marked with a red arrow on a photograph the location from which he said that the gunman had come.¹ The photograph is reproduced below.² The blue arrow shows where Private 017 put his own position.

¹ [Day 358/76-78](#)

² [B1484.035](#)



Private 017 and the Loden List of Engagements

74.6 In the course of our consideration of the events of Sectors 1 and 2,¹ we referred to what we described as the Loden List of Engagements, which Major Loden compiled from information provided to him by soldiers soon after the shooting on Bloody Sunday. We consider the preparation of this list elsewhere in this report.²

¹ [Paragraphs 18.134 and 51.4–7](#)

² [Chapter 165](#)

74.7 The seventh entry in this list is in the following terms:¹

“7. 1 gunman with pistol fired 2 rounds at a soldier armed only with a baton gun at GR 43231688 (Alleyway). Soldier fired one baton round and withdrew swiftly.”

¹ [ED49.12](#)

74.8 Private 017’s position, as indicated by the grid reference, is shown in blue on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families.¹

¹ [OS2.59](#) (extract)



74.9 As is explained elsewhere in this report,¹ we take the view that the grid references contained in the list as a whole do not necessarily indicate the precise positions that those interviewed by Major Loden wished to convey, as inaccuracies undoubtedly arose as a result of the difficult circumstances in which the list was created. However, the similarity between the account of his encounter with a gunman given in Private 017's first RMP statement² and in his written statement for the Widgery Inquiry,³ and the details recorded in the seventh entry in Major Loden's List of Engagements leave us in no doubt that he was the source for that entry. Private 017 could not remember being interviewed by Major Loden, but did remember telling someone about his encounter with the gunman, and agreed that he might have spoken to Major Loden as well as the RMP.⁴

¹ Paragraphs 18.137 and 165.8

³ B1482-1483

² B1472-1473

⁴ Day 358/184

74.10 It is our view, for reasons that we give when considering the list and individual entries in it,¹ that entries 1 to 7 in Major Loden's List of Engagements record engagements involving members of Mortar Platoon, entry 8 is an account given by a member or members of Machine Gun Platoon, entries 9 to 11 concern Anti-Tank Platoon and entries 12 to 15 refer to Composite Platoon (Guinness Force). From this it would appear that Major Loden interviewed members of each platoon in turn, and that Private 017 was the last member of Mortar Platoon to see his Company Commander.

¹ Paragraphs 18.135–138, 51.19–23, 51.93–95, 51.146–148, 51.178–184, 51.277–281, 74.7–9, 84.7–12, 97.58–66, 105.25, 123.16–18 and 165.13

74.11 There are thus consistent accounts from Private 017, the first given to Major Loden soon after the events of the day, of an encounter with a civilian carrying a handgun.

Chapter 75: Other evidence of a man with a handgun in Rossville Street

Contents

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Military witnesses

75.1 Only one other military witness gave evidence of seeing a gunman in the area to which Private 017 had gone. This was Lieutenant Colonel INQ 1383.

Lieutenant Colonel INQ 1383

75.2 This officer was the Assistant Provost Marshal in Northern Ireland at the time and was present on Bloody Sunday. He told us that he had followed Support Company through Barrier 12. He was on foot and in civilian clothes. After hearing firing he saw a pistol man emerge from and withdraw behind a wall. According to his written statement to this Inquiry he did not recall whether the man fired, or his exact location, though he described the wall as being in Rossville Street.¹

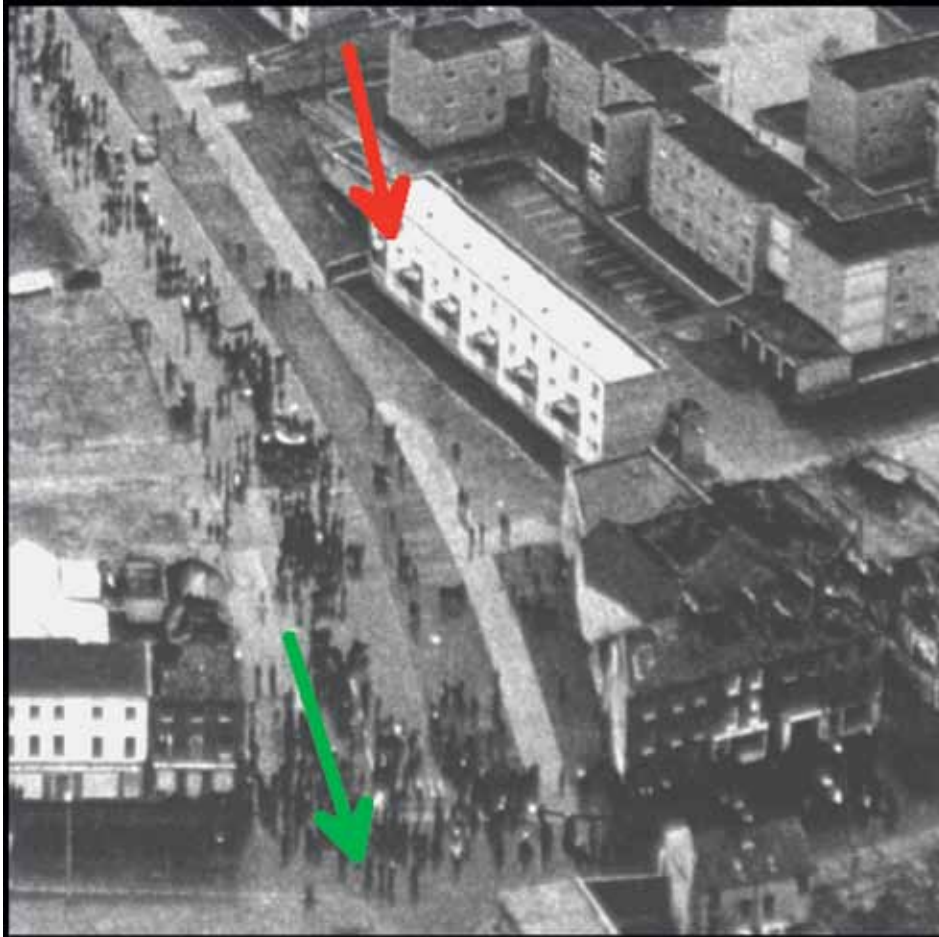
¹ [B1383.5](#)

75.3 Lieutenant Colonel INQ 1383 gave oral evidence to this Inquiry, during the course of which he was shown a photograph of the area. On this he marked his position as being on the eastern corner of the junction between William Street and Rossville Street when he caught a fleeting glance of a gunman who appeared from behind a wall in the area of

the southern end of Kells Walk. He said: “... *it appeared he had a pistol in his hand, fleetingly, and then disappeared.*”¹ We set out below the photograph (not taken on Bloody Sunday) marked by this officer.²

¹ [Day 304/89-92](#)

² [C1383.0010](#)



75.4 Colonel INQ 1383 was unable to recall any details of the age or hair colour of the gunman he said that he had seen, though he told us that he might have been wearing a raincoat.¹

¹ [Day 304/92-93](#)

75.5 We have no reason to doubt Colonel INQ 1383’s account of catching a glimpse of a gunman in Rossville Street. Since this sighting appears to have been made at about the time when Private 017 was at the corner of the high ramp at the southern end of Kells Walk, we think it possible that Colonel INQ 1383 saw the gunman described by Private 017, but in view of the lack of detail in his account, we cannot be certain of this.

Civilian witnesses

Fr Thomas O’Gara

75.6 Fr Thomas O’Gara is dead and gave no evidence to this Inquiry. However, he gave a written statement for the Widgery Inquiry and oral evidence to that Inquiry.

75.7 We have already noted¹ that in his written statement for the Widgery Inquiry,² Fr O’Gara described seeing two soldiers, who in our view were Private 017 and Corporal P, the former firing his baton gun and the latter kneeling and pretending to fire, though Fr O’Gara then heard the sharp crack of rifle fire. In the next paragraph of the statement, Fr O’Gara described the scene at the barricade:

“Secondly my attention was taken by some young lads on the barricade at the Flats. They were screaming for the mass of the people at Free Derry Corner to come back. None of them had fire-arms or nail bombs or petrol bombs. They shouted both at the army and their own people and I can vaguely recall some stones being thrown. I stood there for about 1 minute and heard some other muffled shots like rubber bullets all from the William Street area. I didn’t realise the danger.”

¹ [Paragraph 73.22](#)

² [H19.5](#)

75.8 Fr O’Gara continued:¹

“The third incident which I can clearly recall happened about thirty seconds after the soldier discharged his shot. A young man appeared from the Cathedral side of Kells Walk unknown and unseen by soldiers, drew a pistol from his pocket leaned over a wall at the end of Kell’s walk and fired three shots quickly. The soldiers didn’t even recognize his presence and he disappeared. This was the only weapon I saw throughout that day. The man wore a ‘longish’ coat. He was completely separated from the main crowd even those around the barricade on Rossville Street. There was at no stage any gunfire from behind me or beside me. I am certain the revolver was fired after the troops opened fire.”

¹ [H19.5-6](#)

75.9 Fr O’Gara gave a similar account of this gunman in his oral evidence to the Widgery Inquiry. He added that the gunman “*could not possibly have hit any troops but was possibly aiming at a Saracen car that was parked on Rossville Street about 25 yards away, I would say*”.¹

¹ [WT7.86](#)

75.10 It is not entirely clear from his account where Fr O’Gara put the gunman. From his viewpoint behind the rubble barricade “*the Cathedral side of Kells Walk*” could indicate the western side of Kells Walk. His evidence could also be interpreted as meaning that the gunman appeared between the walls of the low ramp at the southern end of Kells Walk. However, in view of the other evidence that we have considered above,¹ we consider this unlikely, as Corporal P and Private 017 had already gone south of these walls and other soldiers were not far away. To our minds the description Fr O’Gara gave could also apply to the wall extending south from the high ramp at the southern end of Kells Walk, which would put him in a position, and his firing at a time (soon after Corporal P had fired), that would correspond reasonably closely with the place and time given by Private 017. Fr O’Gara told the Widgery Inquiry that the soldiers did not see this gunman, but it remains possible that he either did not see Private 017 firing his baton gun or did not associate this with the gunman.

¹ [Paragraphs 69.22–58](#) and [Chapters 73](#) and [74](#)

Marian McMenamin

75.11 Marian McMenamin was 17 at the time of Bloody Sunday. She gave a Northern Ireland Civil Rights Association (NICRA) statement¹ in which she made no mention of seeing a civilian gunman, but in her written statement to this Inquiry she described running south from the junction of William Street and Rossville Street with her mother as the Army vehicles came in. Her account continued:²

“As we were running away, I saw a civilian with a gun. I hate myself for saying this; I have never told anybody about this before, not even my husband and we have been married for over 25 years. I feel disloyal to the innocent men who died on Bloody Sunday, but I did see him and I feel that the truth must now be told. The gunman was in an alleyway, near the pram ramp at the south gable end wall of Kells Walk. I have marked his approximate position on the attached map point D (grid reference K12).

The man was at ground level in the area around the pram ramps, but not actually on the pram ramp. To the best of my recollection, he had his back to the gable end wall of Kells Walk. He was young, probably in his mid to late 20s, about 5'8" tall, average build, dark hair and wearing dark clothing ($\frac{3}{4}$ black coat). He did not have his face covered with a mask or balaclava. He was on his own – there was no-one around him; he was just a single gunman. He had a quite big, squarish, hand gun in his right hand. He was holding the hand gun out in front of him, but not aiming it. I did not see him fire it. He appeared from behind the wall, walked east towards Rossville Street, looked south towards the Rossville Flats' shops and then withdrew again. I do not know where he went after that."

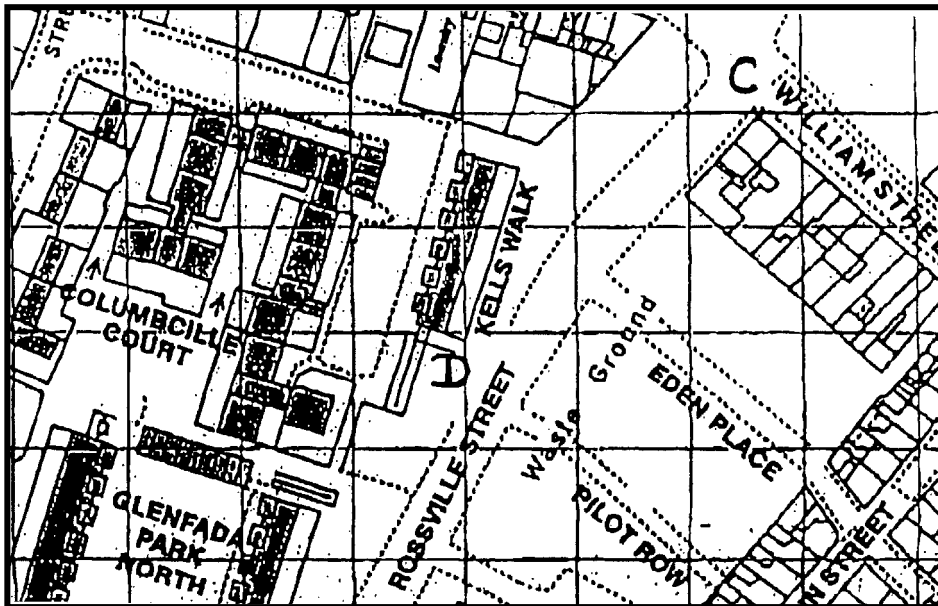
¹ AM363.1

² AM363.2-3

75.12

The part of the map on which Marian McMenemy marked point D is reproduced below.¹

¹ AM363.5



75.13

In her oral evidence to this Inquiry, Marian McMenemy said that "*it is still hard after 30 years to actually pinpoint*" the gunman's location.¹ Initially, she told us that the gunman was in the area immediately south of the low walls at the southern end of Kells Walk, but she later expressed doubt about this as she would not have been able to see him if he

had been in that area.² Later, she said that “*quite possibly*”³ he could have been in the area of the alleyway leading off Rossville Street between Glenfada Park North and Columbcille Court.

¹ [Day 194/214](#)

³ [Day 194/211](#)

² [Day 194/207-211](#)

75.14 Marian McMenamin marked with an arrow on the following photograph the area where she thought there was “*a good possibility*” she had seen the gunman.¹

¹ [Day 194/212; AM363.10](#)



75.15 She told us that the gunman was moving slowly along the wall of a block of flats with his back to it.¹ He came out towards Rossville Street but then withdrew without actually putting his foot onto Rossville Street. The wall was “*much higher than him*” and “*sort of in a covered area*”. She could only see the man from his knees upwards. On this basis it is possible that Marian McMenamin saw a gunman moving along the eastern wall of Columbcille Court and then approaching the low wall shown in this photograph from its western side.

¹ [Day 194/212-215](#)

75.16 Marian McMenamin told us that the man was confronted by a steward who told him to leave and that he would have been seen by “*maybe half a dozen people*”.¹

¹ [Day 194/218-220](#)

75.17 It is not surprising that Marian McMenamin cannot be precise. She had not previously spoken of the incident. She was running with her mother in a noisy, frightening and confusing situation as Army vehicles were coming south down Rossville Street. Nevertheless her accounts put a gunman close to where, according to Private 017, one appeared shortly afterwards.

Michael Lynch

75.18 Michael Lynch, who was then 16 years old and observing from the living room of a flat on the seventh floor of Block 1 of the Rossville Flats, told us that he saw a young man with a handgun, who was wearing a three-quarter-length parka with its hood covering his head, come from the north-east side of Glenfada Park North.¹ Michael Lynch saw the gunman after the soldiers entered the Bogside and before he saw people lying on the barricade, one of whom was apparently dead. He stated that this man fired twice towards soldiers on Rossville Street by putting “*his hand round the corner*”.² He marked the gunman’s position with an arrow on the following photograph.³

¹ AL38.2; Day 148/231

³ AL38.10

² Day 148/189



75.19 It was suggested to Michael Lynch, who gave no statement in 1972, that he might have been confused and might in fact have seen the gunman we discussed when considering the events of Sector 2,¹ who has become known as “Father Daly’s gunman” (OIRA 4), while looking from the bedroom of the flat that overlooked the Rossville Flats car park. Michael Lynch acknowledged the possibility that he might have been looking out of the bedroom window rather than the living room window, but said that he still believed that this was not so and that he had seen the gunman when looking onto Rossville Street, though his confidence in this belief became somewhat less certain in the course of his evidence.²

¹ Paragraphs 58.2–108

² Day 148/216-219; Day 148/223-229

75.20 In our view Michael Lynch probably saw a gunman when looking onto Rossville Street. The gunman he described appears to have been dressed differently from OIRA 4; and there is some question as to whether OIRA 4 would have been visible from the flat from which Michael Lynch was watching. In addition, Michael Lynch described the gunman as having run both out of and back into an alleyway, and referred to “*the speed of how quick he run out and run back again*”,¹ which does not correspond to the actions of OIRA 4.

¹ [Day 148/237](#)

75.21 Not surprisingly, after so long Michael Lynch found it difficult to give any sort of estimate as to the length of time that passed between seeing the gunman and seeing the bodies on the rubble barricade.¹ He told us that he did not see any reaction from the soldiers but explained that he was not right up against the window so that his view was limited.² He was shown what Fr O’Gara had said about a gunman and agreed that it was possible that they were both describing the same man.³

¹ [Day 148/192-193](#)

³ [Day 148/233-234](#)

² [Day 148/220](#)

Margo Harkin

75.22 Margo Harkin also watched events in Rossville Street from Block 1 of the Rossville Flats. She was in her grandmother’s fifth floor flat. She told this Inquiry that although she was not sure of the sequence of events, at a time when people were lying dead in Rossville Street, she saw two young men emerge from the alleyway separating Glenfada Park North and Columbcille Court. One of the men took a handgun from the other, “*swung round the corner*” and fired one unaimed shot southwards down Rossville Street.¹ Margo Harkin told us, in her written evidence to this Inquiry, that the gunman “*went to the edge of the gable, ducked his head around the gable end to his right – and fired*”. The gunman then appeared to return the gun to his companion.² The two young men (who Margo Harkin thought were aged between 16 and their early twenties and wearing jackets³), ran off in the direction from which they had come and then separated, the one who appeared to have the gun going to the left (towards Abbey Park) and the other to the right.⁴ According to Margo Harkin, this incident occurred as a soldier was inching his way down the eastern wall of the eastern block of Glenfada Park North, and this soldier reacted to the shot by turning round.⁵ Margo Harkin remained confident, as she was questioned,

that the two young men had come from, and returned along, the alleyway to the north of the pram-ramp at the north-eastern corner of Glenfada Park North, and not to the south of it. She was also certain that the gunman had fired in a southerly direction, not northwards.

¹ Day 416/26-28

⁴ Day 416/31-32

² AH23.17

⁵ AH23.16-17; Day 416/27

³ Day 416/25

75.23 There is no other evidence of a soldier moving or reacting to a shot in the way Margo Harkin described. However, we are of the view that she probably did at some stage see a gunman firing in Rossville Street, though it may well be that with the passage of time, her memory of the details of that sighting has become blurred. Thus whether this was the same gunman that Private 017 said that he had seen remains uncertain.

Liam Mailey

75.24 We have previously referred to some of the photographs taken by the freelance photographer Liam Mailey.¹ He recorded in his written statement for the Widgery Inquiry that after he had taken the photograph that we have reproduced above,² of civilians advancing over the rubble barricade in the direction of the soldiers, and before he took the six further photographs that we have numbered and reproduced above,³ he moved towards the Rossville Flats, and that as he did so he heard:⁴

“... 3 single shots which appeared to be of lower calibre than the rifle shots. They appeared to be fired from the area of Glenfada Park or Kells Walk. I cannot give the direction.”

¹ Paragraphs 69.51–56 and 70.5

³ Paragraphs 69.52–55

² Paragraph 70.5

⁴ M50.57-58

75.25 During his oral evidence to the Widgery Inquiry, Liam Mailey said that the sound of low calibre shots came from Kells Walk but “*possibly in a built-up area it could have come from somewhere else*”.¹

¹ WT7.29

75.26 According to Liam Mailey’s evidence to the Widgery Inquiry, therefore, these shots were fired at a relatively early stage, before he took the photographs of Private 017 at the corner of the high ramp at the southern end of Kells Walk, and before other soldiers arrived at the low ramp at the southern end of Kells Walk.

75.27 Liam Mailey did not mention these shots in his 1972 *Sunday Times* and NICRA interviews.¹ In his written evidence to this Inquiry he told us that he recalled hearing approximately three or four low calibre shots, but he could not remember exactly when he heard them or where he was when he did so. He told us that he thought that these shots came from the area of either Glenfada Park North or the southern end of Columbcille Court, with the latter being perhaps more likely.² Liam Mailey was unable to assist further during his oral evidence,³ and said that he considered his evidence to the Widgery Inquiry to be his most accurate account.⁴

¹ M50.51-54; M50.60

³ Day 163/94-96

² M50.2

⁴ Day 163/112-113

Consideration of the evidence of a gunman in Rossville Street

75.28 Our consideration of the evidence we have set out above leads us to conclude that Liam Mailey heard shots fired by a civilian gunman, and that Lieutenant Colonel INQ 1383 and the civilian witnesses saw a civilian gunman, on the western side of Rossville Street after the soldiers had come in.

75.29 There are differences in the accounts of a gunman that the witnesses have given. Private 017 described the gunman as a young man of normal build, wearing a blue shirt and a dark jacket. Colonel INQ 1383 thought that the gunman might have been wearing a raincoat. Fr O’Gara described the man as young and wearing a “*longish*” coat. Marian McMenamin described the gunman as young, probably in his mid or late twenties, of average build, with dark hair and wearing a dark three-quarter-length coat. Michael Lynch described the gunman as a young man wearing a three-quarter-length parka with its hood covering his head. Margo Harkin described two young men wearing jackets, one of whom took a handgun from the other and fired southwards down Rossville Street. There are also differences between the accounts of the witnesses as to when and where the gunman appeared.

75.30 The differences between, and in some case within, the various accounts do not in our view establish that there was more than one gunman operating at the time and in the area of Rossville Street under consideration. The confusion, noise and panic created by the arrival of the soldiers, the short time during which the witnesses caught a glimpse of a gunman, the different viewpoints of the witnesses, and the fact that in most cases the witness was trying to recollect something seen decades ago, could well explain these

differences. It could also be the case, for example, that Margo Harkin saw the same gunman as described by other witnesses but at a later stage. At the same time, we cannot reject the possibility that the witnesses were describing more than one gunman, though with the exception perhaps of Margo Harkin, we consider it more likely than not that they were describing the same man.

- 75.31** Much of this evidence supports the account that Private 017 gave of encountering a man with a handgun who shortly afterwards fired his weapon. Although his misguided attempt to support Corporal P's account of shooting a nail bomber leads us to treat Private 017's evidence with caution, in the end we are sure that he did, as he described, encounter a man with a handgun after Corporal P had fired. We are also sure that this gunman then fired one or more shots, possibly at Private 017.
- 75.32** We should note one further matter. With the exception of Colonel INQ 1383, no other soldier has given evidence of seeing a gunman at or about the same time and place as Private 017. There is thus nothing to suggest that this incident had anything to do with what happened very soon afterwards, when soldiers in Rossville Street fired towards the rubble barricade and killed people at or near that barricade.
- 75.33** No-one has admitted being the gunman discussed in the previous paragraphs, nor has either the Official or the Provisional IRA accepted that it could have been any of its members. We do not know who this gunman was.

Chapter 76: Other firing of baton rounds in Sector 3

Contents

	Paragraph
Private 112	76.1
Lance Corporal 018	76.5

Private 112

- 76.1

For the reasons that we gave when discussing the events of Sector 2,¹ we consider it probable that Private 112, a baton gunner, disembarked from Sergeant O's APC when it briefly stopped in Rossville Street. After this he assisted Private U in the arrest of Charles Canning and then took up a position at the north end of Block 1 of the Rossville Flats.

¹ [Paragraphs 24.33–36](#)
- 76.2

In his RMP statement,¹ in which he did not mention being involved in the arrest of Charles Canning, Private 112 recorded that he took up a position at the corner of Block 1 of the Rossville Flats and fired a number of baton rounds to disperse rioters, but he did not specify which corner, or where the rioters were located.

¹ [B1730](#)
- 76.3

In his written statement to this Inquiry,¹ he told us that he went first to the north-east corner of Block 1 and from there fired baton rounds towards stone-throwers who had emerged from the passage between Blocks 1 and 2 of the Rossville Flats. Then he moved to the north-west corner of Block 1. A group of men advanced towards him from the rubble barricade, throwing bricks and rubble. He fired, on his estimate, about six baton rounds in their direction. They retreated and dispersed.

¹ [B1732.004](#)
- 76.4

Private 112 also told us that as soon as he reached the north-west corner of Block 1 he noticed a body lying on top of the rubble barricade, apparently unconscious or dead.¹ This appears to indicate that he did not fire baton rounds towards the group of men who advanced from the rubble barricade until after at least one person had been shot at the

barricade. However, in his oral evidence to this Inquiry,² he said that he could not remember whether he fired these baton rounds before or after he saw the body. We are left in doubt as to when Private 112 fired these baton rounds.

¹ [B1732.004](#)

² [Day 320/112](#)

Lance Corporal 018

76.5 This soldier was a member of Anti-Tank Platoon who probably travelled in the last of the vehicles to enter the Bogside, ie the APC commanded by Sergeant INQ 1694.

76.6 In his RMP statement timed at 1915 hours on 4th February 1972,¹ Lance Corporal 018 recorded that he was armed only with a baton gun. He stated that after disembarkation he was initially positioned *“ten metres south of the north east corner of a Block of Flats, against the east wall. The flats were situated forty metres west of the junction Eden Place, Rossville Street.”*

¹ [B1485-1486](#)

76.7 On the basis of this description it would seem that Lance Corporal 018 was initially a short distance down from the northern end of the Kells Walk flats.

76.8 Lance Corporal 018 recorded in his RMP statement that while he was in this position he was:¹

“... fired on by a gunman located on the ground beside the doorway to Block 1 of Rossville Flats, near the south west corner of the block. I did not see anyone engage this gunman as he was operating from behind a crowd of people at a barricade.

The gunman’s shots fell short of my position by about twenty metres and nearly hit a camera crew who immediately ran to cover. I am unable to describe the gunman.”

¹ [B1485-1486](#)

76.9 Lance Corporal 018's RMP statement continued:¹

"I then moved my position by the Block of Flats and took up a similar position by the south east corner of the same block. From this position I fired at the crowd behind the barricade. The distance was about 120 metres and the direction south. The barricade was positioned near to the southern end of Block 1 of Rossville Flats and stretched across Rossville Street.

I moved positions again and took up a position behind the north east corner of a block of flats in Glenfada Park. The Block was situated about fifty metres west of block 1, Rossville Flats. I fired one baton round from this position at a woman who emptied liquid from a glass jar onto troops below. The round must have been weak because it did not reach the flats. I fired a further round from this position at people behind the barricade. I did not see a strike on any occasion."

¹ B1486

76.10 Lance Corporal 018 gave written evidence to this Inquiry,¹ but was too unwell to give oral evidence. He told us that his recollection now differed from what was in his RMP statement; and that he believed that the latter contained some details that were not accurate and that some of the incidents were out of sequence.² He stated that he initially took up position at the northern end of Kells Walk, and lost contact with the rest of his platoon, whom he thought had moved to the other (western) side of Kells Walk.³ He made no mention of firing his baton gun before he fired at the woman in Block 1 of the Rossville Flats, which in this statement he told us that he did from a position at the southern end of Kells Walk.⁴ He also recorded in this statement that (while he was still on his own) he fired a further baton round from the same position towards the rubble barricade in order to try to repel a group of people that had gathered on the south side of the barricade, some of whom were starting to throw pieces of rubble. He stated that he aimed this baton round at the ground in front of the barricade, in order not to hit anyone directly.⁵ Lance Corporal 018 then told this Inquiry that:

“Shortly after I fired the round, I noticed the group of men on the side of the Barricade nearest to Block 1 of the Flats move towards the middle of the Barricade ... Then a gunman appeared from the doorway at the (southwest) corner of Block 1 of the Flats. His approximate position is marked ‘F’ on the map (grid reference J16). I would estimate that he was a man in his mid 30’s. He was wearing dark clothing and, I think, a casual jacket. He was not wearing any head gear or a mask. He came out quickly from the doorway and fired two shots in quick succession from a weapon which looked like an M1 Carbine. He did not have time to get into a really steady position and I do not think the shots were aimed at any particular target. I do not think he was aiming at me, but the shots were fired in the general direction (northwards) up Rossville Street. After the shots were fired, the man moved quickly back into the doorway of the Flats and I did not see him again.”

¹ B1489

⁴ B1491.005

² B1491.004

⁵ B1491.002

³ B1491.001

76.11 The position marked “F” on Lance Corporal 018’s map was at the south-western end of Block 1 of the Rossville Flats.¹ Lance Corporal 018 told us that as far as he could recall, there were no other soldiers in the area around him when the shots were fired and that he did not remember hearing any other gunfire at about the same time.²

¹ B1491.10

² B1491.002

76.12 As to his RMP statement, Lance Corporal 018 told us that the details he gave of the gunman “*are not quite as I remember them*”. He told us that his recollection was that he was behind the low wall at the southern end of Kells Walk when he saw the gunman; and that he did not remember seeing the gunman’s shots falling short of his position. “*I do remember seeing a camera crew running for cover, but I recall that they did so as a result of shots fired before the incident involving the gunman at the door of the Flats.*” He explained that at the time he made his RMP statement, “*I had so many images flashing through my mind that I could not give any details as to description*”.¹

¹ B1491.005

76.13 So far as his baton gun firing is concerned, it is far from clear at what stage Lance Corporal 018 fired any of his rounds. In his written statement to this Inquiry he told us that the reason he fired at the woman was not that she was pouring something from the window, but rather for her own protection, since by then he had heard live fire.¹ In view of what he had recorded in his RMP statement, it is difficult to accept this explanation.

¹ B1491.002

76.14 We also find it difficult to accept his accounts of seeing a gunman. According to his RMP statement, the shots the gunman fired “*nearly hit a camera crew, who immediately ran to cover*”.¹ We have no evidence from any other source that this happened. If Lance Corporal 018 was at the northern end of Kells Walk, while there was still a crowd at the rubble barricade, there must have been soldiers of his platoon, or Composite Platoon, or both platoons in front of him. The account Lance Corporal 018 gave in his written statement to this Inquiry was to the effect that he was on his own when he saw the gunman and further south on Rossville Street. However, as will become clear in this report, by the time Anti-Tank Platoon soldiers had moved from Rossville Street, the rubble barricade was deserted or virtually deserted and remained so thereafter.

¹ [B1486](#)

76.15 In his RMP statement Lance Corporal 018 recorded that he was unable to describe the gunman. This statement was given on 5th February 1972, and we find unconvincing Lance Corporal 018’s explanation for why he was unable at that time to give the detailed description he provided to us.

76.16 We did not have the opportunity to question Lance Corporal 018 about these matters. It is possible that what he had recorded in 1972 related to an incident, which we consider later in this report,¹ in which at a late stage a gunman fired a handgun from the entrance to Block 1 of the Rossville Flats and that over the years his recollection of events has become distorted. In the end we concluded that we should place no reliance on Lance Corporal 018’s account of seeing a gunman. We have no reason to doubt that he fired his baton gun, though we have no other evidence about the round that he stated that he fired at a woman in Block 1 of the Rossville Flats, or the further round that he said that he fired at people behind the rubble barricade, nor is it clear at what stage he fired any of his rounds.

¹ [Paragraphs 86.561–608](#)

76.17 Private 017, Private 112 and Lance Corporal 018 are the only soldiers who gave evidence in 1972 that they had fired baton guns towards the rubble barricade. In his written statement to this Inquiry, Lance Corporal 010, a member of Composite Platoon (Guinness Force) who travelled in the second of the two lorries of that platoon, told us that he fired a baton round at the rubble barricade.¹ However, he had not mentioned doing so in his RMP statement,² and in his oral evidence to us³ he said that he thought that his recollection that he had fired a baton round was incorrect. In these circumstances we consider it unlikely that Lance Corporal 010 fired his baton gun on Bloody Sunday.

¹ [B1395.006](#)

³ [Day 355/99](#)

² [B1393-1394](#)

Chapter 77: The injury to Seamus Liddy

77.1 Seamus (or James) Liddy was 49 at the time of Bloody Sunday. He was arrested on Bloody Sunday. He is dead and gave no evidence to this Inquiry.

77.2 Peter Pringle of the *Sunday Times* Insight Team interviewed Seamus Liddy on 18th May 1972. According to the note of the interview, in which his age is incorrectly noted as 43, Seamus Liddy ran into Glenfada Park when the Army entered the Bogside. The note continues:¹

“There was a group standing by the gable and he went over to it. He could see a soldier across near the barricade, standing at the bottom of the Rossville flats. The soldier fired a rubber bullet which hit Liddy in the chest close to his heart. He is not a strong man, is 43, and it hurt him badly. He was helped by his brother Barry and Fr Bradley. The next thing he saw was a group bending over the body of Michael Kelly...”

¹ [AL12.5](#)

77.3 In his Keville interview,¹ Seamus Liddy had made no reference to this incident, claiming instead that the Army had detained him in William Street while he was on his way to work. It is likely that since he was at that time employed as a bar steward in the NAAFI (the bar run by the Navy, Army and Air Force Institutes) at Fort George,² he was concerned at the time of that interview not to admit that he had been among the crowd in Glenfada Park North or in the area of the rubble barricade.

¹ [AL12.2-4](#)

² [AL12.5-6](#)

77.4 There is other evidence to confirm that Seamus Liddy received an injury from a baton round. His brother Barry Liddy, who was 45 years old at the time and who is also dead, did not make a statement to this Inquiry, but mentioned the incident in his Keville interview.¹ In an undated handwritten statement, Barry Liddy recorded that while he was at “*the Gable End house*” in Glenfada Park, someone shouted that his brother had been shot. He went to where a crowd had gathered and found his brother in a distressed condition. He helped him into the shelter of the houses and discovered that a baton round had struck him.²

¹ [AL13.14](#)

² [AL13.3](#); [AL13.7](#)

77.5 Paddy Doherty, who was accompanied on the march by his brother-in-law Joseph Donnelly, said in his written statement to this Inquiry that he was standing just out from the south-east corner of the eastern block of Glenfada Park North when he saw a “*quite short and stocky*” soldier with a rubber bullet gun step out from the northern end of that block. The soldier “*made to fire*” his baton gun whereupon everyone ducked or made for cover, but an older man behind Paddy Doherty, whose name he later heard was Liddy, was not fast enough and was hit in the chest by a rubber bullet when the soldier fired. He fell to the ground on the western side of Rossville Street just south of the entrance to Glenfada Park North. When Paddy Doherty offered assistance, Seamus Liddy said not to worry about him as a young man had been more badly hurt. Seamus Liddy was pointing to Michael Kelly when he said this.¹ Paddy Doherty mentioned the incident briefly in his NICRA statement of 1st February 1972² and also in his oral evidence to this Inquiry.³

¹ AD97.2-3

³ Day 157/143-145

² AD97.1

77.6 Joseph Donnelly told us in his written statement to this Inquiry that he saw Seamus Liddy standing just south of the wall at the southern end of the eastern block of Glenfada Park North, hunched over in some pain, and receiving assistance from two men. He recalled that Seamus Liddy had said that a baton round had hit him in the chest.¹ The incident is briefly mentioned in Joseph Donnelly’s NICRA statement² and in his oral evidence to this Inquiry.³

¹ AD124.3

³ Day 128/90-91

² AD124.1

77.7 In a statement dated 23rd February 1972, John O’Kane recorded that he saw Seamus Liddy in terrible agony, standing with the help of people around him who were opening his collar and tie. John O’Kane recorded that he saw blood coming from Seamus Liddy’s front and heard that a baton round had hit him; and that this happened before the shooting of Michael Kelly.¹ In a supplementary written statement to this Inquiry, John O’Kane told us that he no longer remembered this incident, although he had “*a vague recollection*” of Seamus Liddy being there.² In his oral evidence, he said that “*As far as I remember*” he came across a man in Glenfada Park who had been shot with a rubber bullet.³

¹ AO48.35-36

³ Day 163/11

² AO48.32

77.8 On the basis of this evidence we are sure that Seamus Liddy was hit by a baton round when he was behind the rubble barricade and near the entrance to Glenfada Park North. This incident seems to have occurred just before Michael Kelly was shot and mortally injured near the rubble barricade.

77.9 Seamus Liddy himself, in his interview with Peter Pringle, attributed the baton round to a soldier “*standing at the bottom of the Rossville flats*”. Paddy Doherty, in his evidence to us, described the soldier stepping out and firing from the northern end of the eastern block of Glenfada Park North. In our view the account given by Seamus Liddy in 1972 is the more likely to be correct. It will have been seen from our discussion of the movements of Corporal P and Private 017¹ that although the latter fired his baton gun towards the rubble barricade, he may have been too far from the barricade for his baton round to be travelling with sufficient force to cause Seamus Liddy to fall. As to Lance Corporal 018, it is difficult to tell from his accounts, to which we have referred in the previous chapter,² where he was when he fired his baton gun.

¹ Paragraphs 69.20–58

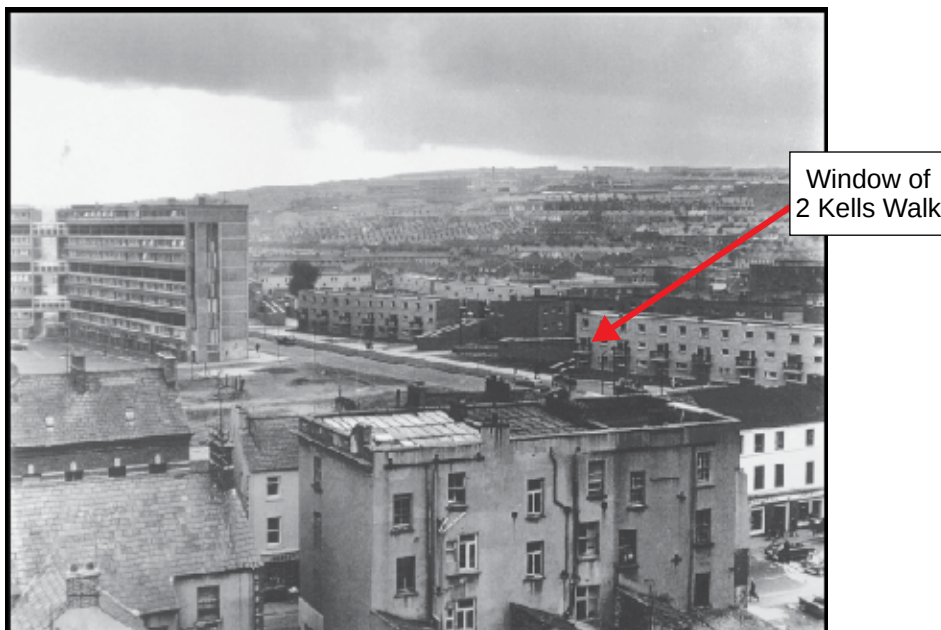
² Paragraphs 76.5–17

77.10 In these circumstances we have concluded that it is likely, though far from certain, that the baton round that hit Seamus Liddy was fired by Private 112 from the northern end of Block 1 of the Rossville Flats. He was the closest baton gunner in Sector 3 to the rioting near the rubble barricade. The distance between the northern end of Block 1 of the Rossville Flats and the area where Seamus Liddy was hit was within, though at about the limit, of the effective range for a baton gun. There is nothing to suggest that Private 112 deliberately targeted Seamus Liddy; and we consider that this soldier may well (as he said) have been attempting to deter the advance of rioters beyond the rubble barricade. In our view the use of a baton gun for this purpose cannot fairly be criticised.

Chapter 78: The injury to Mary Smith

78.1 Mary Smith, who was 17 years old at the time of Bloody Sunday, was watching events outside from the larger of the two windows of the sitting room of her mother's flat at 2 Kells Walk.¹ This was the southernmost window on the first floor on the eastern side of the block, facing Rossville Street and the Eden Place waste ground. The window can be seen in the following photograph.

¹ [AB80.1](#)



78.2 In her written statement to this Inquiry, Mary Smith (now Mary Breslin) said that after the soldiers entered Rossville Street, a foreign photographer arrived in the flat and went to the smaller, more northerly window of the sitting room. Someone in the flat warned that a soldier was pointing a gun up at the flat. Mary Smith heard a bang and was hit on the left side of her face and in her left eye by flying glass. She did not think that anyone had been doing anything at either window to attract attention. Mary Smith was admitted to hospital and underwent an operation. She lost the sight in her left eye for a week or so.¹

¹ [AB80.1-3](#)

78.3 Mary Smith's aunt, the late Kathleen Kelly, confirmed the substance of this account in her written evidence to this Inquiry, although she did not make a distinction between the two windows of the sitting room. Kathleen Kelly was in the room with her niece. She recalled that her sister had shouted out of the window to some soldiers "*Leave them wee 'uns alone*" and that a journalist had been trying to take photographs from the window. She

then saw a soldier fire his gun from the western side of Rossville Street beneath the window of the flat. She believed that he had fired a baton round because the whole window was smashed.¹

¹ [AK14.3](#)

78.4 Brian Power, a self-confessed “*well known rioter*”,¹ was also in the sitting room at 2 Kells Walk. In his written evidence to this Inquiry, he said that an officer was talking to a Corporal “*in the area of the wall where there was a ramp up from Rossville Street*”. The officer pointed to the window of the flat, obviously saying something to the soldier, who then swivelled around, aimed at the window and fired a baton round, which shattered the glass.² In his oral evidence to this Inquiry, Brian Power said that no-one had been throwing anything out of the windows of the room and that he was not sure whether the photographer had been using his camera at the time when the baton round was fired.³

¹ [AP18.1](#)

³ [Day 425/26](#)

² [AP18.4](#)

78.5 Maura Power, Brian Power’s girlfriend at the time and later his wife, was in the room as well. She told us that as the photographer went to the window to take photographs, a rubber bullet was fired and the glass broken. She did not see the soldier who fired the baton round.¹

¹ [AP19.2](#)

78.6 Damien Friel recorded in his NICRA statement¹ that he entered 2 Kells Walk as the soldiers were advancing down Rossville Street. From the flat he also saw soldiers in Rossville Street apprehend a young man. In our view this was William John Dillon. Damien Friel stated that a “*French cameraman*” stepped out onto the balcony overlooking Rossville Street. A soldier holding a baton gun was standing beside a Sergeant at the back of an Army vehicle along with three other soldiers. The Sergeant grabbed the soldier with the baton gun by the left arm, turned him towards the balcony and pointed at the cameraman. The soldier fired one baton round, which missed the cameraman by about a foot, smashed the window, hit the window frame and bounced back into the street. The broken glass severely cut the face of a girl in the room.

¹ [AF30.14](#)

78.7 Damien Friel also described this incident in his written evidence to this Inquiry, in which he said that the cameraman “*kept trying to look out of the window*”. He said that before the baton round was fired people in the flat had implored the cameraman to come away from the window in case he drew fire. Damien Friel said that the soldier who fired the

baton round had been standing near an Army vehicle just short of the entrance to the car park of the Rossville Flats.¹ In his oral evidence, he said that he was “*not too sure*” whether the cameraman was at the window or outside, but that his NICRA statement, in which he had stated that the cameraman was on the balcony, was more likely to be correct.²

¹ AF30.4

² Day 159/147-148

78.8 The only soldier who has given evidence that he fired a baton round at a window in Kells Walk is Corporal 039 of Composite Platoon. In his RMP statement, he recorded that:¹

“... a first floor window opened in ... about the centre of the block and two women appeared and started to throw missiles at us. There was also one man in the window who had a camera and was trying to take photographs of us...”

¹ B1640

78.9 He stated that he fired a baton round in the direction of the window in order to clear the people away from it. When the smoke from the discharge cleared, he saw a hole in the main pane of the window, to the left centre. The three people had disappeared. Within a few seconds a figure appeared to move across in front of the window and pick someone up from the floor. Corporal 039 could then see a female figure being supported by another person, holding her hands to her face, having apparently been struck by the baton round.¹

¹ B1640-1641

78.10 In his written statement for the Widgery Inquiry,¹ Corporal 039 recorded that “*on a balcony I saw two women who were shouting at us and throwing missiles*”, whereas in his RMP statement he had said that a window opened and “*two women appeared and started to throw missiles at us*”. He recorded in his written statement for the Widgery Inquiry that a man was “*taking photographs from the balcony*”, whereas in his RMP statement he had said that the man “*in the window ... was trying to take photographs*”. In his written statement for the Widgery Inquiry he continued, “*She and the others were in the room rather than out on the edge of the balcony*”. He stated that he fired the baton round after having moved forward to an APC parked in Rossville Street “*by the building fronting Columbcille Court*”, that is Kells Walk. He also stated that when he raised his baton gun and took aim, one of the women began to close the window.

¹ B1649

78.11 Corporal 039's recollection of the incident was less clear in his written evidence to this Inquiry. He stated:¹

"Something about the window caught my attention although it is difficult now to say what it was. Whatever it was I saw, I must have considered it to be a threat. Someone may have been throwing something out of this window."

¹ B1651.3

78.12 He told us that he had no reason to doubt the accuracy of the statements that he had made at the time.¹ In his oral evidence to this Inquiry, Corporal 039 said that he now had no recollection of seeing women throwing missiles or of anyone attempting to take photographs, but that he would stand by the statements that he made in 1972.²

¹ B1651.6-7

² Day 362/60-61

78.13 Private M, who was providing cover for Corporal 039, did not mention this incident in either of his two RMP statements or in his written statement for the Widgery Inquiry.¹ He was not asked about it in the course of his oral evidence to Lord Widgery, nor was any other military witness. In his written evidence to this Inquiry, he told us only that he recalled that a woman at one of the windows in Kells Walk screamed abuse at them.² In his oral evidence to this Inquiry, Private M said that he could not remember whether anything had been thrown or pointed out of the window, nor could he recall Corporal 039 firing his baton gun. He resisted the suggestion that he could not have failed to be aware of the incident at the time,³ and denied that he would have attempted to protect Corporal 039 by failing to mention the matter to the RMP or to the solicitor who took his statement on behalf of the Widgery Inquiry.⁴ We are not persuaded that Private M's failure to mention the incident in 1972 or his present apparently meagre memory about it was motivated by an effort to protect Corporal 039. It appears not to have been treated as a major issue in 1972 and, although Mary Smith's injuries were not minor, the incident was overshadowed by what happened when soldiers opened fire with live rounds.

¹ B347-348; B356-357; B359-362

³ Day 365/69

² B372.004

⁴ Day 365/75

78.14 In his written evidence to this Inquiry, Colour Sergeant 002 of Composite Platoon told us that people "*on the balconies of Kells Walk*" were shouting abuse at the soldiers.¹ He did not mention that missiles had been thrown.

¹ B1363.003-004

- 78.15** Despite some inconsistencies in the evidence, we are sure that Corporal 039 fired the baton round that caused Mary Smith to be injured by flying glass. A photographer, who has not been identified, was either taking photographs or trying to do so before the baton round was fired. There is no suggestion that his camera was mistaken for a weapon. Kathleen Kelly acknowledged that her sister shouted at the soldiers, although the reported remark was hardly abusive. The evidence of Kathleen Kelly, Brian Power and Corporal 039 himself indicates that the baton round was fired from somewhere on the western side of Rossville Street, not far from the window and thus at relatively close range. Damien Friel's evidence that it was fired from the waste ground is in our view mistaken. Brian Power and Damien Friel appear independently to have recalled that a more senior soldier had pointed out the window of the flat to the soldier who fired the baton round. Corporal 039 has, however, never suggested that he fired other than on his own initiative. If someone pointed out the window to him, his identity remains unknown.
- 78.16** Corporal 039's assertion in his RMP statement that two women had been throwing missiles from the window before he fired and that he fired towards the window to clear the people away from it is diminished by his later statement for the Widgery Inquiry, in which he said that before he fired one of them began to close the window. Additionally, in the latter statement he recorded both that they and the photographer were on the balcony and that they were in the room. It is also difficult to accept that two middle-aged mothers, one with her children present, the other being concerned about her marching son,¹ would take the lead in throwing missiles at soldiers when there were youths, one being a well-known rioter, in the room. At most, it seems to us that one of the women was shouting at the soldiers. General Ford's Internal Security Instruction 1/71² dated 15th October 1971 sanctioned the use of baton rounds, subject to the proviso that the minimum force must be used at all times to achieve the immediate aim. The annex to the 8th Infantry Brigade Operational Directive No 4/71 dated 10th November 1971 governing the use of internal security weapons³ indicates that baton rounds were primarily used for crowd control, that they were best fired in salvos, and that they were normally to be fired towards the ground since they could cause severe injury if fired directly at the crowd.

¹ AB80.1; AK14.1

³ G27.217-218

² G20.148

78.17 In our view Corporal 039 was not justified in firing this baton round nor could he have believed that he was. According to the account that he gave to the Widgery Inquiry, the act of raising his baton gun had had the desired effect, even if, which we are not persuaded was the case, the women had been throwing things. The fact that one of the women was shouting at the soldiers, even to the extent of screaming abuse, could not have justified firing a baton round at them.

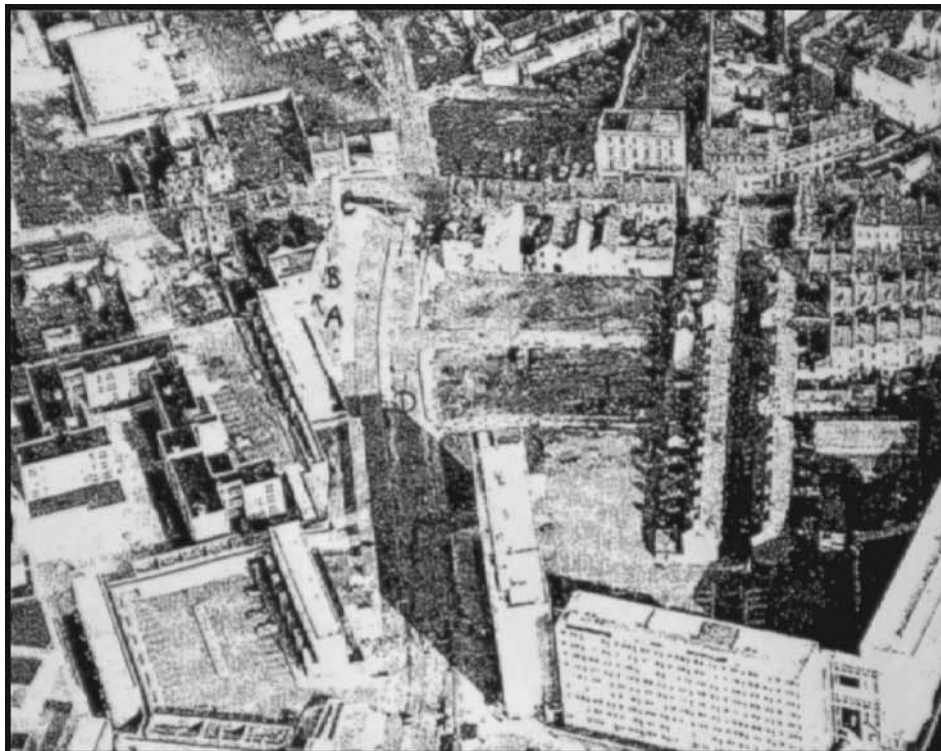
Chapter 79: Joseph Lynn and the incident in the derelict building

79.1 Just after members of Composite Platoon debussed in Rossville Street, Lance Corporal 229 and Private L became involved in an incident in a derelict building on Rossville Street, where Joseph Lynn had sought refuge.

79.2 Joseph Lynn, who was then 18 years old and lived in Strabane, told us that he entered a building on the western side of Rossville Street immediately to the north of Kells Walk to take cover.¹ He identified it on the following photograph by the letter A, with an arrow pointing to the building.²

¹ [AL39.2-3](#)

² [AL39.9](#)



79.3 According to Joseph Lynn, after going into the derelict building, he climbed to the top of an interior wall, where a soldier later found him. According to his account, one soldier with black camouflage on his face came into the building, saw Joseph Lynn and told him to get down. Hoping to be left alone, Joseph Lynn said that he could not get down. The soldier said something to the effect of “*Get down or I’ll effing shoot you down*” and then fired a shot with his rifle. Joseph Lynn felt something pass through his hair. Although not certain, he told us that he now believes that this can only have been a bullet. The soldier shouted

at him again and fired another shot, and again Joseph Lynn felt something pass through his hair. Joseph Lynn then jumped down and the soldier pulled him outside and stood him against a wall to the north of the building.¹ Joseph Lynn insisted that two shots were fired at him and that there was only one soldier in the building.

¹ [AL39.2-3](#); [Day 193/8-13](#)

79.4 Joseph Lynn was arrested and taken to Fort George. He told us that there he and other prisoners were mistreated. We deal with allegations of mistreatment at Fort George later in this report.¹

¹ [Chapters 155–164](#)

79.5 Joseph Lynn stated that Lance Corporal 229 identified him at Fort George as a man whom he had arrested.¹ He told us that he learned the name of Lance Corporal 229 when they were photographed together. Joseph Lynn, however, thought that Lance Corporal 229 was not the arresting soldier, as that soldier had been the same height as he was, whereas Lance Corporal 229 only came up to his shoulder.² The photograph taken at Fort George shows that although Lance Corporal 229 was substantially shorter than Joseph Lynn, it was not accurate to say that he only came up to Joseph Lynn's shoulder.

¹ [AL39.6](#)

² [AL39.6](#)

79.6 In his RMP statement of 15th February 1972,¹ Lance Corporal 229 recorded that Composite Platoon (Guinness Force), of which he was a member, disembarked from its vehicles “*near Barrier 14, in Little James Street*”. He was in the first of the two lorries of this platoon. He stated that shortly before he disembarked, he saw a youth, who he later learned was Joseph Lynn, run “*from one side of the road to the other, to the other side of the barricade*”. In his written statement to this Inquiry,² Lance Corporal 229 told us that he believed that the references to “*Barrier 14*” and “*the barricade*” in his RMP statement should both have been references to Barrier 12. In our view he was right about this.

¹ [B2208-2210](#)

² [B2211.008](#)

79.7 According to his RMP statement, Lance Corporal 229 chased Joseph Lynn and found him in a deserted building with a burned-out car inside. Joseph Lynn had climbed into the rafters. Lance Corporal 229 ordered him to come down three times, by which time Private L had arrived in the building. Joseph Lynn jumped down and was arrested. Lance Corporal 229 took him from the building and he “*was almost immediately handed over to members of Guinness Force*”.¹

¹ [B2208](#)

79.8 Lance Corporal 229 recorded in his RMP statement that he identified Joseph Lynn at Fort George and was photographed with him.¹

¹ [B2211.016](#)

79.9 In his written statement to this Inquiry, Lance Corporal 229 told us that after debussing “*We were all very disorientated*” and he was “*frightened*”. He told us that he followed Joseph Lynn into an old building that might have been a burned-out garage. He ordered Joseph Lynn to get down from the rafters at least twice and then noticed that Private L had come into the building. Private L shouted to Joseph Lynn to come down and at the same time fired an unaimed shot into the roof above Joseph Lynn; a shot that Lance Corporal 229 stated that he thought was intended as a warning. When it was fired Joseph Lynn immediately started to come down from the rafters.¹

¹ [B2211.003-004](#)

79.10 Lance Corporal 229 told us that his only explanation for his omission to refer to Private L’s warning shot in his RMP statement was that the investigator did not ask him about it.¹ He said that he would not have withheld the information in order to protect Private L. In his oral evidence² he denied that he and Private L had made an agreement that neither would refer to the shot.

¹ [B2211.009](#); [Day 341/23-24](#)

² [Day 341/44](#)

79.11 In his RMP statement,¹ Private L, a member of Composite Platoon who had travelled in the second of the two lorries of that platoon, recorded that he was in a derelict building at the side of Rossville Street and saw “*a man climbing along the rooftops*”. He arrested the man at gunpoint and took him back to the battalion arrest team. In his written statement for the Widgery Inquiry,² Private L stated that after he debussed he saw two men on the roof of the Rossville Flats and that the crowd in Rossville Street was throwing stones and bottles sporadically. He and another soldier took cover in a derelict building, where they heard a noise in the rafters and some rubble fell from the apex of the roof. They shouted to a man in the rafters to come down. The man stood up and said that he could not come down. Private L cocked his weapon, which he stated he had not done until that stage, and the man jumped down. Private L’s oral evidence to the Widgery Inquiry³ was to the same effect. He said that he and the other soldier took the man away.

¹ [B312](#)

³ [WT16.3-4](#)

² [B320](#)

79.12 In his written statement to this Inquiry,¹ Private L told us that he saw a number of rioters run into a derelict building, which, in his oral evidence,² he identified as being the same building that Joseph Lynn had indicated. He recalled that some of the rioters ran out of the back of the building but that one man stayed up in the rafters. When that man dropped to the ground, Private L grabbed him, took him from the building and handed him over to soldiers at an APC. In this statement, he told us that he had cocked his weapon before he reached Rossville Street, but that he did not take the safety catch off when he was with the man in the derelict building. Private L told us that he had only “*the vaguest recollection*” of another soldier being present, and could not remember who this might have been. Private L stated that there was “*no way*” that he fired a shot at the man when he pointed his gun at him, a position he reiterated in his oral evidence to us.³ In that evidence, he said that he, and not Lance Corporal 229, took the man from the building. When shown Joseph Lynn’s arrest photograph, Private L said he could not recognise Joseph Lynn as the man in the building, or Lance Corporal 229 as the soldier in the building with him.⁴

¹ B345-346

³ Day 381/17

² Day 381/16

⁴ Day 381/22-23

79.13 We are sure that Joseph Lynn was the man in the derelict building and was arrested there. The first question is whether a soldier fired at Joseph Lynn, as both he and (when he gave evidence to us but not in 1972) Lance Corporal 229 have said.

79.14 As will have been seen, Lance Corporal 229 identified that soldier as Private L.

79.15 In a statement made on 5th February 1972 in the form of an RMP statement,¹ Captain 200 (the Platoon Commander) recorded that when Composite Platoon returned to Clarence Avenue at the end of the operation, he immediately ordered an ammunition check and conducted preliminary questioning of those who had fired their weapons. In relation to Private L, he recorded the following as one of four shots fired by this soldier:

“1 x 7.62 in rafters of ruin 43281696 at possible sniper in roof – deliberate miss after two warnings to come down. Man jumped down from roof (15 feet) and was arrested. Roof not searched for weapons.”

¹ B1982-1983. Captain 200 told us that he had not made or signed a formal RMP statement but had written up his own account (B2022.040) which he had given to the Adjutant; and that this was later typed up on an RMP statement form. For convenience, we refer hereafter to this statement as Captain 200’s RMP statement.

79.16 The grid reference corresponds to the derelict building on Rossville Street immediately north of Kells Walk. In his oral evidence to this Inquiry,¹ Captain 200 confirmed that this information could only have come from Private L. Lance Corporal 229 said that he did not give this information to Captain 200.²

¹ [Day 367/157](#)

² [Day 341/116-119](#)

79.17 In our view the statement made by Captain 200 on 5th February 1972 supports the evidence of Lance Corporal 229 that Private L fired one shot in the derelict building before the arrest of Joseph Lynn. In his oral evidence to this Inquiry,¹ Private L maintained that he did not fire a shot into the rafters of the derelict building, and was unable to explain how Captain 200 came to record that he had done so. He denied that he had decided to pretend that he did not fire the shot after having realised that it was unjustifiable. In our view Private L was not telling us the truth. We are sure that he did tell Captain 200 that he had fired a shot as recorded in the latter's RMP statement. This and the evidence of Lance Corporal 229 and Joseph Lynn satisfy us that Private L fired in the derelict building.

¹ [Day 381/25-30](#)

79.18 The second question is whether Private L fired only one shot, or two as Joseph Lynn told us.

79.19 As we are of the view that Private L told Captain 200 that he had fired one shot in the derelict building, we think it unlikely that in fact he had fired two, as it would not have served Private L any useful purpose to conceal one shot while admitting the other. For that reason, we accept the evidence of Lance Corporal 229 that Private L fired one shot rather than the evidence of Joseph Lynn that the soldier who arrested him fired two shots.

79.20 In his written statement to this Inquiry,¹ Lance Corporal 229 told us that Private L came into the building carrying his rifle pointing upwards, and that Private L "*shouted to Lynn to come down and shot at the same time. The shot was not an aimed shot and it was not aimed at Lynn ... the shot was a warning to Lynn...*" That Lance Corporal 229 viewed it as a warning shot is consistent with the description of the shot in Captain 200's RMP statement as a "*deliberate miss*". Although Joseph Lynn said that he felt something pass through his hair when the soldier fired, we are not persuaded of this. Joseph Lynn did not suggest that the soldier had attempted to kill him. In our view an aimed shot at that short

range could not have missed the target. When Joseph Lynn was asked whether the soldier could have missed if he had been shooting to kill, he said “*At that range he would have probably took me off at the waist*”.²

¹ B2211.004

² Day 193/13

79.21 In these circumstances we are satisfied that Private L intended his shot as a warning to Joseph Lynn and to encourage him to climb down, and that he did not intend to hit Joseph Lynn. The Yellow Card (which we have discussed elsewhere in this report¹ and which set out the circumstances in which soldiers were entitled to open fire) required that a soldier should not fire more rounds than absolutely necessary.² Private L agreed that there had been no need to fire at the man in the rafters of the derelict building.³ Lance Corporal 229 said that he did not believe that Joseph Lynn presented any form of threat and that if Joseph Lynn had not come down from the rafters, he would have gone up himself and brought him down.⁴

¹ Paragraphs 8.121–123

³ Day 381/17

² ED71.1-2

⁴ Day 341/35

79.22 Private L’s shot in the derelict building was in our view unjustified and contrary to the Yellow Card.

79.23 There is nothing in Major Loden’s List of Engagements¹ that corresponds with the shot fired by Private L in the derelict building.

¹ ED49.12

79.24 The third question relates to the identity of the soldier who arrested Joseph Lynn.

79.25 Lance Corporal 229 and Private L both claimed to have arrested him. Joseph Lynn’s evidence is that only one soldier was involved in his arrest and that this soldier was different from, and taller than, either Lance Corporal 229 or Private L. In his oral evidence to this Inquiry, Joseph Lynn said that he was as sure as he could be that this soldier was white, although his face was blackened. Joseph Lynn was about 5ft 11in tall and, on his evidence, the soldier who arrested him was about the same height.¹ If this evidence is accurate, it would exclude both Lance Corporal 229, who was 5ft 8in tall,² and Private L, who was not white, did not wear camouflage paint, and was only 5ft 7in tall.³ The implication of Joseph Lynn’s evidence, if accurate, is therefore that an unknown third soldier arrested him and that the incidents described by Lance Corporal 229 and Private L were either invented or related to the arrest of someone else.

¹ Day 193/10-11; Day 193/47-48

³ B342; B346; Day 381/2

² Day 341/76

- 79.26 It seems to us that Joseph Lynn may have become confused about the height of the soldier because of a newspaper photograph he had seen after Bloody Sunday,¹ which showed him standing against a wall after being arrested, with a soldier of approximately the same height standing at his back. It is possible that the photograph in question was the first of the two shown below (taken by the *Daily Mail* photographer Jeffrey Morris) and that Joseph Lynn is the individual seen on the far left, who can also be seen beside a soldier in the second photograph (taken by Constable A Brown of the RUC).

¹ AL39.3-4



79.27 If Joseph Lynn mistakenly believed that the soldier who stood behind him at the wall was the soldier who had arrested him, it is possible that the photograph that he saw caused him to reach an erroneous conclusion about the height of the soldier who arrested him. In any event, it is our view that Joseph Lynn was mistaken both in his belief that the soldier who arrested him was alone and about the height of that soldier. On the basis of the evidence we have considered above we are satisfied that Lance Corporal 229 and Private L arrested Joseph Lynn.

79.28 The last question is whether Joseph Lynn's arrest was justified.

79.29 The justification for the arrest given by Lance Corporal 229 in a statement made at Fort George that evening was that he had seen Joseph Lynn throwing stones. This statement is the only evidence that Joseph Lynn was seen engaging in such activity. There is nothing about Joseph Lynn throwing stones in Lance Corporal 229's RMP statement made on 15th February 1972.¹ In his written statement to this Inquiry,² Lance Corporal 229 told us that he went after a man who he had seen run into a derelict building and no longer recalled whether he had seen that man throwing stones or whether someone told him that this is what he had been doing. Nor could he recall whether he was ordered to go after Joseph Lynn or whether he did so of his own accord. Lance Corporal 229 stated that people had been throwing stones when the soldiers arrived in the area and that Joseph Lynn "*may have been*" one of them.

¹ B2208

² B2211.004

79.30 In his oral evidence to this Inquiry,¹ Lance Corporal 229 said that he would not have been able to make out the features of individuals because he was wearing a respirator. He said that he was sure that he had not seen Joseph Lynn doing anything wrong. When asked why he chased after Joseph Lynn, Lance Corporal 229 said that he had "*probably been told to go and get him*", although he did not remember being told this. He also said that it was possible that he had simply gone after anyone whom he could catch. In his RMP statement,² Lance Corporal 229 recorded that he chased Joseph Lynn and found him in the derelict building and that Private L joined him in the building at a later stage. In Lance Corporal 229's written statement to this Inquiry³ he told us the same, although there and in his oral evidence,⁴ he acknowledged that it was possible that he only entered the derelict building for cover and caught sight of Joseph Lynn once he was inside it.

¹ Day 341/28-34

³ B2211.004-005

² B2208

⁴ Day 341/32

79.31 That possibility would be consistent with Private L's written statement for the Widgery Inquiry¹ and with his oral evidence to that Inquiry,² in which he said that he and another soldier entered the building to take cover, and then heard a noise and realised that there was someone in the rafters. This account by Private L, however, is inconsistent with his written statement to this Inquiry³ and with his oral evidence to this Inquiry,⁴ in which he said that he followed rioters into the building. Because of the time lapse and certain personal difficulties that Private L has undergone in the interim, we prefer the accounts that he gave in 1972 to his more recent ones, though even the former give rise to problems.

¹ B320

³ B345-6

² WT16.2

⁴ Day 381/15

79.32 In his written statement to this Inquiry,¹ Joseph Lynn told us that he thought that the soldier who arrested him had not followed him into the building, but was just checking the area. Joseph Lynn denied that he threw any stones.²

¹ AL39.3

² AL39.8; Day 193/38-39

79.33 Lance Corporal D, a member of Composite Platoon, recorded in his RMP statement¹ that after disembarking from his vehicle, he was given an arrested youth to look after, who told him that his name was Finn and that he had "*become mixed in the riot accidentally*". The description given by Lance Corporal D suggests that this was Joseph Lynn.

¹ B69

79.34 At the time, Lance Corporal 229 justified the arrest of Joseph Lynn on the basis that he had seen Joseph Lynn throwing stones. There is a real doubt as to whether Lance Corporal 229 had seen Joseph Lynn at all before he entered the building, let alone seen him throwing stones. The evidence, particularly the evidence given in 1972, persuades us that Lance Corporal 229 could not have held a genuine belief that Joseph Lynn had been throwing stones. As will be seen in our consideration of events at Fort George, to which Joseph Lynn was taken, there are other instances in which arrest forms were completed with false details of activities justifying arrest. In our view Joseph Lynn, a stranger to the area, was probably caught by soldiers simply because he was in the wrong place at the wrong time, and not because he had been seen throwing stones; and there is no evidence to contradict his denial that he had engaged in this activity. For these reasons his arrest was in our view probably unjustified.

Chapter 80: The initial movements of the soldiers in Sector 3

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Mortar Platoon

80.1 Earlier in our consideration of the events of Sector 3¹ we examined the movement and initial action of three soldiers from Mortar Platoon, namely Corporal P and the baton gunners Private 017 and Private 112. Another soldier from Mortar Platoon, Private U, was also involved in the events of Sector 3.

¹ [Paragraphs 69.20–58](#), [Chapters 73](#) and [74](#), and [paragraphs 80.1–4](#)

80.2 As we described when considering the events of Sector 2,¹ soon after disembarking from Sergeant O’s Armoured Personnel Carrier (APC) in Rossville Street, Private U was involved in the arrest of Charles Canning, after which he made his way past Major Loden’s command vehicle to the north end of Block 1 of the Rossville Flats. According to his accounts, he fired one shot from there at a man with a pistol who appeared some distance away to the south of the rubble barricade. We deal with the firing by Private U later in this report.² He told the Widgery Inquiry that he was not wearing his respirator when he disembarked from Sergeant O’s APC.³

¹ [Paragraphs 34.4–8](#), and [Chapters 35](#) and [36](#)

² [Paragraphs 85.29–82](#)

³ [WT13.95](#)

Composite Platoon (Guinness Force) and Anti-Tank Platoon

80.3 As we have described earlier in this report,¹ the two lorries containing Composite Platoon (also known as Guinness Force) followed the two APCs of Machine Gun Platoon into the Bogside; and were followed by the two APCs of Anti-Tank Platoon. When the vehicles stopped in Rossville Street, the soldiers of Composite Platoon and Anti-Tank Platoon disembarked. There is film footage showing soldiers disembarking from the lorries in Rossville Street.²

¹ Paragraphs 73.1–6

² Vid 48 12.41; Vid 48 12.54

Captain 200 – the Commander of Composite Platoon

80.4 In his Royal Military Police (RMP) statement dated 5th February 1972,¹ Captain 200, the Commander of Composite Platoon, recorded that when his platoon disembarked there was CS gas in the air: *“This delayed our deployment slightly as we had to put on gas masks. I decided to split my Force, with 71 [the call sign for the soldiers in the first lorry] moving to the left to give support to the Mor Pl [Mortar Platoon] and 71A [the call sign for the soldiers in the second lorry] to move right flanking along the eastern side of Columbcille Court.”* He stated that his orders to Colour Sergeant 002, in command of 71A, were to move up the right flank of Rossville Street and act on his own initiative if they got separated. *“I went left with 71.”* He then stated that on moving off, he noticed Anti-Tank Platoon overtaking the 71A soldiers² and moving quickly through Columbcille Court and the *“long block east of the Court”*, by which he must have meant Kells Walk. *“I stopped and shouted quick orders to ‘L.1’ [Colour Sergeant 002, who was his Platoon Sergeant] to move up in support of the Anti Tank Pl.”*

¹ B1978-1983

² In his RMP statement, Captain 200 stated that Anti-Tank Platoon overtook 71A in their APCs, but in his oral evidence to this Inquiry he said that he clearly recalled, as we believe was the case, that the Anti-Tank Platoon soldiers overtook his men on foot (Day 367/85-89).

80.5 In his written statement for the Widgery Inquiry,¹ Captain 200 recorded that his vehicles had stopped *“under cover”* just past the junction with William Street. In this statement he recorded that it was his Company Commander (Major Loden) who told him to assist Mortar Platoon, but that he decided to split his force, *“half to support the anti-tank platoon which were now in position near the long straight building between Rossville Street and Kells Walk and half to support the mortar platoon”*. He continued:

“It was at this stage that I saw at least three men from the anti-tank platoon kneeling behind the wall on the right hand side of Rossville Street by the building firing their SLR. I looked to see what they were firing at and saw a barrier in Rossville Street near the Rossville flats. I could see people behind the barrier. Immediately behind the barrier I could see perhaps two heads beyond that near Glenfada Park there were about 30 scattered people on the right hand side of the road near the Glenfada Park building. There were others further down the road – scattered not in a crowd. This was all taken in in a matter of seconds. My feeling was that the crowd had dispersed rapidly and that gunmen would be likely to appear. I told my men in the vicinity of the long building to spread out – they were too bunched, an obvious target. It was about this time that I removed my gas-mask. I then went over to the half of my platoon which was supporting the mortar platoon and on my way over I saw two women sheltering behind a car who were obviously frightened and I told them to move out through Eden Place into Chamberlain Street.”

¹ [B1985-1986](#)

80.6 A little later in this statement, Captain 200 described moving between the two halves of his force “*and in the end all those not employed in dealing with prisoners or guarding vehicles were in the vicinity of the long building and of Columbcille Court*”.¹ Again, it seems that by “*the long building*” Captain 200 meant Kells Walk.

¹ [B1987](#)

80.7 Captain 200 gave a similar account in his oral evidence to the Widgery Inquiry. He told that Inquiry that after Anti-Tank Platoon had moved forward “*round the corner towards the Glenfada Park area*” he ordered Colour Sergeant 002 to move his soldiers up to the wall from where that platoon had been firing.¹ He also told the Widgery Inquiry that he did not see any of his soldiers firing.²

¹ [WT15.44](#)

² [WT15.48](#)

80.8 Captain 200 gave written and oral evidence to this Inquiry. In his written statement,¹ he gave much the same account of his movements and that of his soldiers as he had in the accounts that he gave in 1972. In this statement, Captain 200 told us that Major Loden had told him to support Anti-Tank Platoon, not Mortar Platoon, but he corrected this in his oral evidence.²

¹ [B2022.006-008](#)

² [Day 367/25](#)

80.9 In his oral evidence to this Inquiry,¹ Captain 200 said that the initial deployment of his soldiers was to send half to move up the “*right flank*”, ie the western side of Rossville Street, and that after the other half had stayed for a while at a wall at the north end of Rossville Street he sent them to the “*left flank*”, behind Mortar Platoon.

¹ [Day 367/84](#)

80.10 Captain 200 also told us that he moved to the left, ie to the east, and shepherded people away from the Eden Place waste ground, not after receiving orders from Major Loden, as he had said in his written statement to this Inquiry,¹ but just before he went back to Major Loden, as he had recorded in his RMP statement and in his written statement for the Widgery Inquiry.² This, therefore, would have been after he had seen soldiers from Anti-Tank Platoon firing from a wall at Kells Walk.

¹ [B2022.006](#)

² [B1980](#); [B1986](#); [Day 367/90-91](#)

Lieutenant 119 – the Commander of Anti-Tank Platoon

80.11 Lieutenant 119 was the Commander of Anti-Tank Platoon. Although in the accounts that he gave in 1972 he did not provide as much detail as Captain 200 of the movement of his soldiers, nothing he said on this subject was inconsistent with the accounts of Captain 200. In his second RMP statement,¹ Lieutenant 119 recorded:

“About 1615 hrs 30 Jan 72 I moved into the Rossville Street area of Londonderry with my Platoon. We moved along Rossville Street in a Southerly direction, towards Rossville Flats.

When we arrived at MR 43251688, we came under fire from at least two different directions. We were on foot and in open ground without adequate cover. Just prior to this we had been advancing rapidly towards the mob of rioters with the object of arresting as many as possible. As soon as we came under fire, I moved those soldiers with me to the cover of a wall just in front of us, at the Map Reference given.”

¹ [B1752.036](#)

80.12 We deal elsewhere in this report¹ with accounts of incoming fire given by the soldiers involved in the events of Sector 3.

¹ [Chapters 72](#) and [82](#)

Summary of the initial movements of the soldiers in Sector 3

80.13 On the basis of the foregoing evidence, we have concluded that the sequence of events, so far as the soldiers were concerned, was that Corporal P and Private 017 from Mortar Platoon disembarked from Sergeant O's APC in Rossville Street and went to the western side of that street, where Corporal P fired two shots and Private 017 encountered a man with a handgun. These matters we have already considered in detail.¹ Meanwhile Composite Platoon and Anti-Tank Platoon disembarked from their vehicles. Soldiers from the latter platoon moved ahead (ie south) of the soldiers from Composite Platoon and reached the low walls of the Kells Walk ramp after Corporal P had fired two shots. In our view the fifth and sixth of the six photographs taken by Liam Mailey, which we have set out earlier in this report,² but which for the sake of clarity we set out again below, show soldiers of Anti-Tank Platoon reaching those low walls, with Corporal P and Private 017, who had reached that area earlier, in front of them.

¹ [Chapters 73 and 74](#)

² [Paragraphs 69.52–55](#)





80.14 Very shortly after soldiers of Anti-Tank Platoon arrived at the low walls of the Kells Walk ramp, there was firing from that position. As noted above,¹ Captain 200, the Commander of Composite Platoon, described seeing at least three soldiers from Anti-Tank Platoon kneeling in that position and firing their rifles.

¹ [Paragraph 80.5](#)

Chapter 81: Firing by Anti-Tank Platoon soldiers from the low walls of the Kells Walk ramp

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81.1 There is convincing evidence, which we discuss later in this report,¹ that the first of the identified casualties to be shot by Army gunfire at the rubble barricade was Michael Kelly, and that he was hit by a shot fired by Lance Corporal F, a member of Anti-Tank Platoon. Although it does not follow that this was the first firing by a soldier of Anti-Tank Platoon in Sector 3, it is convenient to consider first the accounts given by Lance Corporal F and then to deal with the accounts of the other soldiers who have stated that they fired from the low walls of the Kells Walk ramp.

¹ [Paragraphs 81.21–35](#) and [86.43–58](#)

Lance Corporal F

81.2 As noted above,¹ Lance Corporal F had travelled into the Bogside in the second of the two Armoured Personnel Carriers (APCs) of Anti-Tank Platoon.

¹ [Paragraph 69.15](#)

81.3 In his first RMP statement, timed at 0240 hours on 31st January 1972,¹ Lance Corporal F recorded:²

"I am a member of Sec, Commanded by 'F1'. About 1600 hrs we deployed from our vehicle at the junction of William Street and Rossville Street. We deployed in pairs and I was working with 'G'. We advanced along Rossville St towards Rossville Flats where numerous rioters were. I was armed with a SLR loaded with a magazine of 20 rounds. When we deployed and started to advance I cocked my weapon with one round in the breech. The safety catch was on safe.

We advanced about 30 yards and came under sniper fire which sounded like rifle fire. These shots came from the direction of Rossville flats. We were too far from the flats to pinpoint the gunmen at this stage.

We continued to advance and as we got nearer to the flats I could see that there was a barricade across the street at the far end of the flats. I estimate there were about 200 rioters in this area at that time. They were throwing stones, bottles and other missiles at us and other troops as they advanced. I saw at least two nail bombs explode as we advanced.

We took up position behind a wall on the right hand side of Rossville St about 40 yards short of the Rossville Flats. We again came under sniper fire from the flats. I estimated that this gunfire was coming from the second floor of the flats and the third window along. I fired 3 aimed shots at this window and I saw all three shots strike the windows.

After these shots the sniper fire stopped and I saw about 30–40 rioters leave the barricade and go to the right behind a block of flats out of our sight."

¹ B125.004

² B121-122

81.4

The handwritten original version of this statement contains more text than the typed version. In the handwritten version the second paragraph of the passage set out above begins: "*We advanced along Rossville Street taking cover in doorways. After we had covered about 30 yds we came under sniper fire which sounded like rifle fire.*"¹ In the handwritten version, the word "*windows*" (the last word of the penultimate sentence of the passage set out above) appears as "*window*".² These were probably errors made when the statement was typed up.

¹ B125.001

² B125.002

81.5 The first sentence of the extract quoted above has been redacted. The blank space before the abbreviation “Sec” has replaced “56A”, this being the call sign for a section within Anti-Tank Platoon. “F1” was the cipher given by the RMP to a soldier known in the present Inquiry as Sergeant INQ 1694.

81.6 This statement continued with a description by Lance Corporal F of moving into Glenfada Park North and there firing at a nail bomber, then arresting people and escorting them back to Rossville Street, and afterwards firing “*approximately*” four further shots at a window in the Rossville Flats followed by another four shots, also at a window in those flats.¹ We consider what Lance Corporal F did in Glenfada Park North in the context of Sector 4;² and return to the shots that he said that he fired at the flats in our consideration of the later events of Sector 3.³

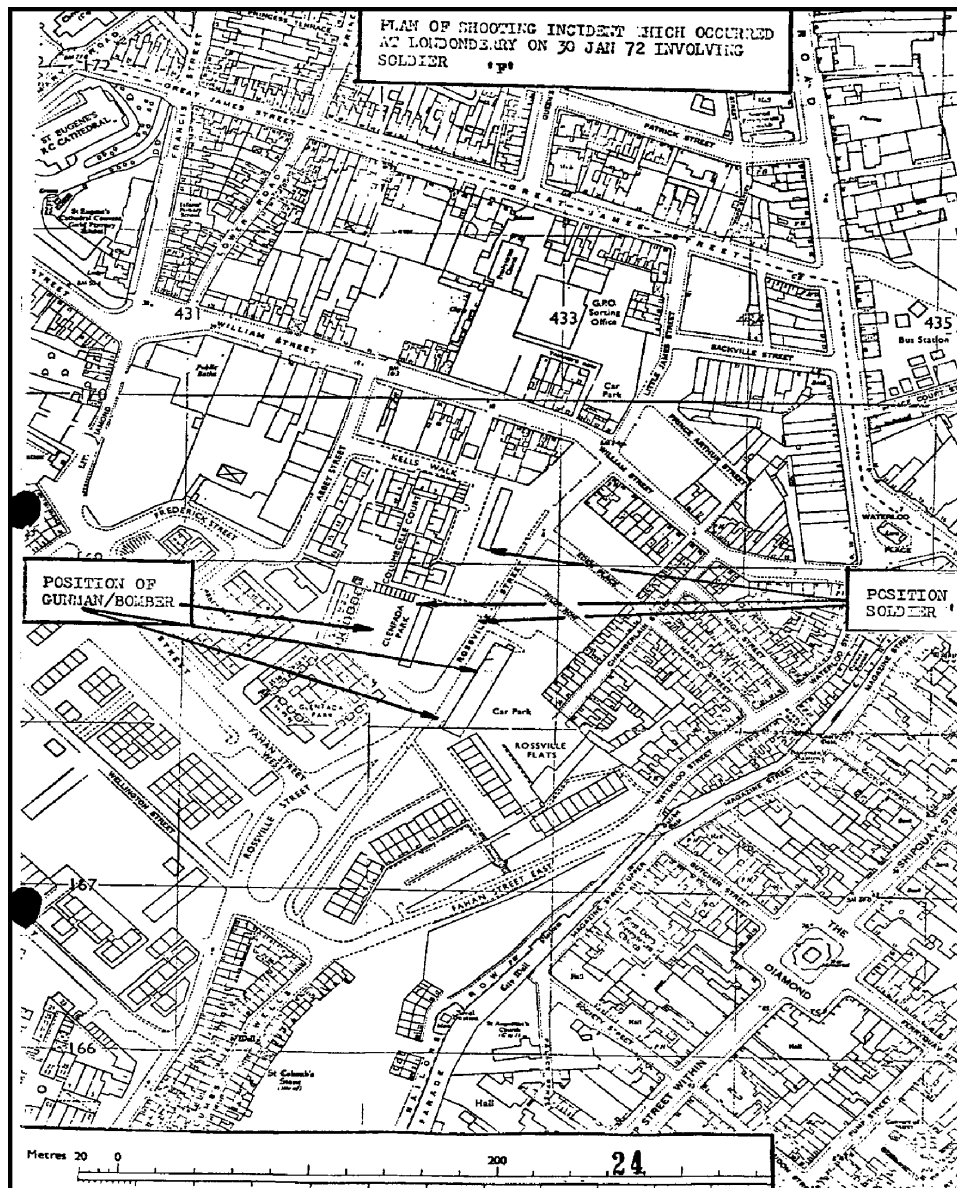
¹ [B122-123](#)

³ [Paragraphs 123.118–180](#) and [123.212–278](#)

² [Paragraphs 97.13–26](#) and [Chapter 113](#)

81.7 The following RMP map accompanied Lance Corporal F’s statement.¹

¹ [B124](#)



81.8 As in the first RMP statement itself, it will be seen that there is nothing on this map to suggest that Lance Corporal F fired at the rubble barricade. The two lowest arrows indicate the positions of the alleged gunmen in Block 1 of the Rossville Flats.

81.9 Lance Corporal F made three later RMP statements. One was timed at 1410 hours on 31st January 1972.¹ Another was timed at 2030 hours on 4th February 1972. The typed copy of the latter has no date or time,² but the original handwritten copy seen by the Tribunal bears this date and time. A further RMP statement was dated 15th February 1972.³ These statements dealt respectively with the identification of a man shot in Glenfada Park North, with events in Rossville Street and Glenfada Park North, and with

events at Fort George, to which people arrested on Bloody Sunday had been taken. In none of these statements did Lance Corporal F mention anything about firing across the rubble barricade.

¹ B126-127

³ B132-133

² B129-130

81.10 On 19th February 1972 Lance Corporal F made a further statement,¹ this time to Colonel Overbury. This officer was, as we explained in the part of this report dealing with Sector 2,² a solicitor and Assistant Director of the Army Legal Services at the Ministry of Defence, who had arrived in Northern Ireland at the beginning of February 1972 to join the Army Tribunal Team preparing for the Widgery Inquiry.

¹ B135

² Paragraph 51.124

81.11 We set out this statement in full,¹ since, as will be seen, it was in this statement that for the first time Lance Corporal F gave an account not only of firing at a man behind the rubble barricade in Rossville Street before moving into Glenfada Park North, but also of firing from there at a man on the south side of the Rossville Flats. The firing to the south of the Rossville Flats is a matter to which we return when considering the events of Sector 5.²

“Further to my previous statements.

I have now read my previous statements and looked at maps and photographs of the area, and realise that I have mistaken the sequence of events.

After we first left our vehicles in the Rossville Flats area, I did not, as said earlier, fire at a window in the Rossville Flats. I fired these shots later. I did however fire; I aimed round at a man I saw behind the barricade about 40 yards from me who was about to throw a bomb. It was a large object and I saw sparks coming from it. As I said earlier, 2 nail bombs had earlier exploded near us as we moved towards the Rossville Flats.

When I moved with G into Glenfada Park I fired 2 rounds as I said earlier at another man who was about to throw a bomb. The object in his hand was definitely a bomb because it was fizzing. Immediately after this I ran along the Eastern wall of Glenfada Park to the corner. As I did so I heard pistol shots coming from the area of the wall at the far end of the Rossville Flats. I shouted 'there's a gunman' and I dropped to one knee and took an aim position. I saw a man near the wall facing in my direction who turned as if to run. I saw he had an object in his hand. He was the only person in the area from which the gunfire had come. The object in his hand was large and black like an automatic pistol. I fired 2 rounds at this man and he fell to the ground. I then saw 20 people, 19 men and one woman standing near me huddled together at the end of the flats in Glenfada Park. I arrested these people with others including G who came up.

After I had returned to my vehicle and came under fire again as I described earlier I fired 3 shots at the 2nd floor window of Rossville Flats. I also fired a further 5 rounds at men firing in my direction from the windows of Rossville Flats. I can work out the number of rounds I fired on the last two occasions from the ammunition check I made very shortly afterwards when I counted 7 rounds left in my magazine. I am certain that I fired 1 round at the nail bomber at the barricade, 2 rounds at the nail bomber in Glenfada Park, 2 rounds at the gunman at the end of Rossville Flats and 3 rounds at the window on the 2nd Floor of the Rossville Flats. The remaining 5 rounds I fired on 2 separate occasions at different windows of the Rossville Flats. On each occasion I saw a man with a rifle who had on each occasion fired in our direction. At no time did I fire except aimed shots at a person who was attacking us."

¹ B135

² Paragraphs 119.164–175

81.12 Lance Corporal F made a written statement for the Widgery Inquiry.¹ In this statement he again described seeing explosions in Rossville Street near the north end of the Rossville Flats as he advanced along Rossville Street after disembarking. He recorded that he had taken cover behind the wall at the south end of the low-rise flats on the west side of Rossville Street in front of Columbcille Court. We have no doubt that this was a description of one of the low walls of the Kells Walk ramp. He continued:

“4. I then observed a number of people behind the barricade. One of them was attempting to throw what looked like a bomb which was in his hand. It was fizzing. I have seen nail bombs before and I am in no doubt that this was one. I fired one aimed shot and he fell. The bomb did not explode. I did not see what happened to it. Then I saw three men leave the barricade. One was carrying a rifle, and they moved to the right in the direction of Glenfada Park.”

¹ B137

81.13 In his oral evidence to the Widgery Inquiry,¹ Lance Corporal F described seeing two nail bombs explode about 40m in front of the rubble barricade, about halfway up to where he was positioned. He then said that there was nobody on his side of the rubble barricade when he saw “*a person attempting to throw what looked like a nail bomb. It was fizzing in his hand. I took an aimed shot and then the man with the bomb fell to the ground.*”²

¹ WT14.45

² WT14.46

81.14 In the course of his oral evidence to the Widgery Inquiry, Lance Corporal F was asked why he had failed to tell the RMP of the shots he had fired on the south side of the Rossville Flats.¹ We return to this in our consideration of the events of Sector 5,² but it is to be noted here that he was not asked why he had failed to tell the RMP about the shot that he was now saying that he had fired at a nail bomber behind the rubble barricade. When he told the Widgery Inquiry, in reply to a question from counsel for the families and for the injured, who did not have access to the RMP statements, that he had told the RMP about both the nail bombers he had shot, no-one intervened to disclose that his RMP statements contained no reference to the nail bomber behind the rubble barricade.³ We do not know why Lance Corporal F was not questioned about this matter and Colonel Overbury said to us that he did not know either.⁴

¹ WT14.60

³ WT14.61

² Paragraphs 119.169–170

⁴ Day 243/60-61

81.15 The trajectory photograph below apparently shows the shot that Lance Corporal F fired at the man he said was a nail bomber behind the rubble barricade. It is one of a number of trajectory photographs prepared for the purposes of the Widgery Inquiry to illustrate the shots that the soldiers of 1 PARA said that they had fired, but we have no evidence of the exact date on which this photograph was prepared. In his statement to Colonel Overbury,¹

Lance Corporal F recorded that he had been shown maps and photographs, but neither this nor any of the other accounts that he gave in 1972 refers to a photograph marked to illustrate the trajectory of his shot fired across the rubble barricade.

¹ B135



81.16 There is no entry in Major Loden's List of Engagements¹ that corresponds with the shot fired by Lance Corporal F that hit Michael Kelly at the rubble barricade. Nor is there an entry that corresponds with his firing in Sector 5. As we explain in our discussion of the events of Sector 4,² we are of the view that Lance Corporal F gave Major Loden an

account of shooting in Glenfada Park North. If this is so, Lance Corporal F told Major Loden of some of his shooting, but failed to inform him of his shot across the rubble barricade, despite the fact that it had been fired only a short time before.

¹ ED49.12

² Paragraph 97.62

81.17 In his written statement to this Inquiry,¹ Lance Corporal F told us that he did not now “recall firing one shot at the barricade”. Early in his oral evidence to this Inquiry he gave the following answers:²

“Q. Have you ever killed anyone before Bloody Sunday?

A. No.

Q. Or after Bloody Sunday in Northern Ireland?

A. No.

Q. This must, therefore, must it not, have been a pretty dramatic day?

A. It was, yes.

Q. And are you being truthful when you say that you remember practically nothing whatever about it?

A. That is correct.”

¹ B167.008

² Day 375/59

81.18 Later, when his attention was drawn to the absence of any reference in his first RMP statement¹ either to the shot across the rubble barricade or to the two shots that he later said that he had fired to the south of the Rossville Flats, Lance Corporal F gave the following evidence:²

“Q. May we have that on one side and may we have the next page, 123, on the other. You described firing eight shots in two sets of four at windows in the Rossville Flats. You see there is a reference to firing ‘approximately four aimed shots at’ one window and then ‘four aimed shots’ at another window; do you follow?

A. Yes.

Q. We need not worry for the moment about the details of the eight shots fired at the windows of the Rossville Flats, but you will see from that account that you do refer to 13 shots, but you begin with three shots at a window in the flats before you go into Glenfada Park and you then describe two shots being fired in Glenfada Park before a further eight shots after you had come out of Glenfada Park; do you follow?

A. Yes.

Q. Why is it that there is no reference in this statement to firing, as your first shot, one shot from the Kells Walk wall towards the barricade, or to firing two shots from Glenfada Park towards a man with a pistol at the wall below the Rossville Flats?

A. All I can say is that there is errors in the judgement of making the statements and they got confused.

Q. Let us take that in stages: you were not confused on this occasion, were you, about the number of bullets that you fired?

A. Not at that particular time.

Q. And you gave a precise account of the number of shots, the sets of shots, the targets and the sequence?

A. That is correct.

Q. One of the shots that you omitted to refer to was your first shot of the day at a man with a nail bomb whom you in fact killed; that is right, is it not?

A. As my statement says, yes.

Q. And you must have been trying to kill him?

A. The person has got a nail bomb, he was trying to kill me, then, yes.

Q. And the other shots that you omitted to refer to were two shots at a man with a pistol whom you were also trying to kill?

A. That is correct.

Q. How can you possibly have forgotten those shots?

A. There was a lot going on that day, there was a lot of activity going on and when I made the statements, the statements got confused and there was errors made.

Q. What you have done is to omit all reference to firing in two very controversial areas, firstly towards the barricade and, secondly, towards the south of the Rossville Flats; do you follow?

A. Yes.

Q. Is the reason why there is no mention of either of those firings because the firing that took place from the Kells Walk wall to the barricade and from Glenfada Park to below the Rossville Flats, was known by you to be unjustifiable and you wished to hide the part that you had played in it?

A. No.”

¹ B121-123

² Day 375/138-140

81.19 Later in his oral evidence there was another exchange about Lance Corporal F’s professed lack of recollection:¹

“Q. You told the Inquiry yesterday that as far as your experiences in Northern Ireland were concerned, that was confined to a number of shooting incidents prior to Bloody Sunday; is that correct?

A. That is correct, yes.

Q. So as far as Northern Ireland is concerned, the only circumstances in which you admit to killing people was on Bloody Sunday itself?

A. That is correct.

Q. Notwithstanding that fact, you are asking this Tribunal and all of the people, who have travelled a very long way to find out what you have to say about this, the best that you can do is to say that you cannot remember anything at all about it, even though those are the only human beings that you killed in Northern Ireland?

A. I was speaking the truth, to the best of my knowledge.

Q. You have the benefit of anonymity; is that not right?

A. That is correct.

Q. And you also have the benefit and assurance from the Attorney General – you and a number of other witnesses – that any evidence that you give before this Inquiry could not be used against you in a subsequent trial; you do understand that, do you not?

A. I do, yes.

Q. Notwithstanding – of course you have had the opportunity to come to London and give your evidence, rather than have to come to Derry and give it; is that not right?

A. That is correct.

Q. With all those combination of safeguards and given the fact we are now in 2003, some 30 years or so after Bloody Sunday, and all these people who have been waiting for so long to find out exactly what happened on Rossville Street and what happened in Glenfada Park and what happened in Abbey Park and what happened at the back of Block 2 of Rossville Flats, are you not now prepared to tell us something about what you saw and heard that day?

A. I can only tell you what I remember and that is it.

Q. Which is nothing?

A. That is correct.”

¹ [Day 376/22-23](#)

81.20 In our view Lance Corporal F did not tell the truth when he told us that he had practically no recollection of what he did on Bloody Sunday.

The bullet recovered from Michael Kelly’s body

81.21 We have referred earlier in this report¹ to some of the evidence given by Dr John Martin, then a Principal Scientific Officer in the Department of Industrial and Forensic Science (DIFS) in Belfast.

¹ [Paragraphs 55.15–16](#)

81.22 In the period from 7th to 15th February 1972, a total of 29 rifles used by the Army on Bloody Sunday were submitted to DIFS for examination, and the receipt of each weapon was recorded on a submission form in which it was identified by a number.¹ The numbers entered on the submission forms were not the complete serial numbers of the weapons but only the last part of the serial numbers.² They were, however, sufficient to distinguish each weapon from the others in the set of 29. The number of rifles submitted for

examination is one more than the number of soldiers who had at the time admitted deliberately firing their rifles on Bloody Sunday. We do not know why this is so, though it is possible that the additional weapon was the rifle used by Gunner INQ 1255, a member of 22 Lt AD Regt, who at about 1700 hours on Bloody Sunday accidentally shot himself in the foot when on duty in a building at the eastern end of Prince Arthur Street. We consider this incident elsewhere in this report.³

¹ D438-D496

³ Chapter 168

² OPA1.63

81.23 DIFS had already received, on 2nd February 1972, bullets recovered from the bodies of two of those who died, Michael Kelly¹ and Gerald Donaghey,² and, on 3rd February 1972, one bullet and three metal fragments recovered from the bodies of three of the surviving casualties.³

¹ D36-D37

³ D802-D803; D825-D825.1; D903-D904

² D329-D330. In the evidence, Gerald Donaghey's first name is often given as Gerard and his second name as Donaghy. We have ascertained from his family that the correct name is Gerald Donaghey.

81.24 Herbert Donnelly, an Assistant Scientific Officer at DIFS, carried out test firings of the rifles¹ and Dr Martin conducted a microscopic examination of bullets from the test firings and of the bullets recovered from the casualties. In the case of Michael Kelly, Dr Martin found agreement between the rifling marks on the bullet recovered from the deceased and the test bullets fired in rifle number A32515, which satisfied him that the bullet that hit Michael Kelly had been fired from that rifle.²

¹ D741.59

² D47; WT9.14

81.25 Dr Martin told this Inquiry that he matched the bullet recovered from the body of Michael Kelly to that rifle by comparing the grooves on the recovered bullet with the grooves on the bullets test-fired by Herbert Donnelly. Dr Martin said that he believed that the matches that he made in this case and in the case of Gerald Donaghey (who was killed in Sector 4) were definite and not just the "*best matches*".¹

¹ D610.6-8; Day 226/95-96; Day 226/152-156; Day 226/159

81.26 Dr Martin initially told us that on making a "*match*" for the rifles that fired the bullets recovered from Michael Kelly and Gerald Donaghey, he would have ceased his examination.¹ This meant that he might not have compared the recovered bullets to those

fired from all of the remaining weapons in the pool of 29 submitted to DIFS. However, later in his oral evidence he said that he “*probably looked at all the rest anyway, on the way through*”.²

¹ Day 226/95-96

² Day 226/154

81.27 Mr Kevin O’Callaghan (the ballistics expert retained by this Inquiry) told us that his method would have been to continue to examine the bullets test-fired from all the remaining rifles in the pool to see whether any of them had marks corresponding with those on the recovered bullets.¹ However, he said:² “... *I am not saying for one moment that Dr Martin was wrong. I am saying that I am simply unable to say whether he was correct or not ... [H]e felt confident in his conclusions and certainly I am expressing ... the approach I would take and it is just one approach.*”

¹ Day 230/48-51

² Day 230/52

81.28 Mr O’Callaghan could not give an idea of the level of probability that the marks on the bullet recovered from Michael Kelly’s body might have corresponded to the marks on the bullets test-fired from more than one of the rifles in the pool of 29 submitted to DIFS.¹

¹ Day 230/50-51

81.29 Mr O’Callaghan also told this Inquiry that he would not describe the process carried out by Dr Martin as matching a bullet to a weapon. He preferred to talk of a “*corresponding agreement between marks on the test bullets and the fired bullet ... recovered from the victims*”.¹

¹ Day 230/50

81.30 Although perhaps Dr Martin could have used a more thorough method, we are satisfied that the bullet recovered from Michael Kelly’s body was fired from Lance Corporal F’s rifle. In his oral evidence to the Widgery Inquiry,¹ Lance Corporal F confirmed that the number of his rifle was A32515 and that there was no possibility that anyone else could have used it on Bloody Sunday.

¹ WT14.73

81.31 Mr O’Callaghan and Dr Richard Shepherd, the latter being the expert pathologist retained by this Inquiry, concluded from the features of the entry wound that the bullet that killed Michael Kelly was unstable when it hit him¹ and that the most likely cause of this instability was contact with some other object or person before the bullet hit Michael Kelly.² The experts could not be precise about the nature of any such contact and could not say, for example, whether the bullet might have ricocheted from a hard surface or

whether it had travelled through the body of another person.³ In his oral evidence to this Inquiry, Dr Shepherd said that he thought that the bullet would not have travelled *through* any hard object.⁴ Mr O’Callaghan said that the lack of any evidence of damage to the bullet made it impossible to determine the nature of any contact that the bullet may have had before it hit Michael Kelly.⁵

¹ E2.7; E2.40-41

⁴ Day 229/78-79

² Day 229/6-7

⁵ Day 230/18-22

³ Day 229/78-79; Day 230/18-25

Lance Corporal F and Michael Kelly

81.32 In view of the matters considered above, we have no doubt that Lance Corporal F fired the bullet that killed Michael Kelly at the rubble barricade. Later in this report,¹ we give reasons for our view that Lance Corporal F did not believe at any stage that there was a man with a nail bomb behind the rubble barricade.

¹ Paragraph 89.16

81.33 We also return later in this report¹ to the evidence of civilians and others relating to the shooting of Michael Kelly, but note at this point that there are two photographs taken by Robert White (an amateur photographer) that show a body lying on the ground behind the rubble barricade. We have no doubt that this is the body of Michael Kelly (he was identified by his brother John Kelly)² and equally no doubt that he is lying at or very close to the position in which he fell when shot, as a number of witnesses told us, namely Hugh O’Boyle;³ Jack Nash;⁴ Charles Lamberton;⁵ Ronald Wood;⁶ and Fr Terence O’Keeffe.⁷

¹ Paragraphs 86.43–58

⁵ Day 183/113-114

² AK13.4

⁶ Day 127/17-20

³ Day 132/8-9

⁷ Day 127/102

⁴ Day 137/14

Michael
Kelly



Michael
Kelly



81.34 We return to the other shots that Lance Corporal F said that he had fired when considering the events of Sectors 4 and 5 and the later events of Sector 3.¹

¹ [Paragraphs 97.13–26](#), [119.164–175](#), [123.118–180](#) and [123.212–278](#)

81.35 We observe at this point that it was submitted by the representatives of the majority of the represented soldiers that Michael Kelly was “*the unfortunate victim of a ‘shoot through’ round*” that first hit a nail bomber standing in front of him.¹ In support of this submission these representatives suggest, among other things, that the photographs displayed above² “*clearly show*” part of an additional body lying at the rubble barricade at the same time as Michael Kelly.³ We consider this submission later in this report⁴ and for reasons we give there reach the conclusion that no-one else was shot at the rubble barricade at the same time as Michael Kelly.

¹ FS7.1817

³ FS7.1818-1819

² Paragraph 81.33

⁴ Chapter 87

Lance Corporal J

81.36 Lance Corporal J had travelled into the Bogside in the same vehicle as Lance Corporal F, namely in the second of the APCs of Anti-Tank Platoon.

81.37 In his first RMP statement, timed at 1515 hours on 1st February 1972,¹ Lance Corporal J gave the following account:

“At Londonderry on 30 Jan 72 about 1610 hrs my Coy was deployed at the junction of William St and Rossville Street.

We were tasked to advance along the Rossville Street towards the Lecky Road and disperse a crowd of about 1500 rioters.

The rioters were congregated at a barricade opposite the junction facing the Rossville St Flats.

As we advanced along Rossville St I heard shots coming from Rossville Flats. They sounded like automatic shots.

I was positioned on the right hand side of Rossville Street advancing near to Columbcill Court group of houses.

As we moved along we came under fire and heavy stoning from groups of young persons, mostly male youths, located in the Glenfada Court area. I was armed with a 7.62 SLR fitted with a magazine of 20 rounds of 7.62mm ammunition.

At that time we were near to the barricade about 100 metres distant. I could see a group of youths, throwing missiles at us. The barricade consisted of broken cars and other materials mostly paving stones obtained from the nearby scrap wasteland.

My location was about 100 metres from the entrance of Glenfada Park facing the Rossville Lecky Road junction. I could clearly see the barricade from my location.

Shots were being fired at us from gunmen located at the barricade.

I saw a youth, I cannot describe his dress, in his hand which was in the throwing position, I saw an object which I could clearly see smoke coming from. I levelled my rifle which was cocked on the start of the advance. I fired one aimed 7.62 round at the youth. He was about 100 metres from me. I observed the round hit the top of the barricade the youth then ducked behind the barricade. I did not think that I hit him. Other troops had opened fire on other snipers located around the Rossville and Glenfada Flats area.”

¹ [B265-266](#)

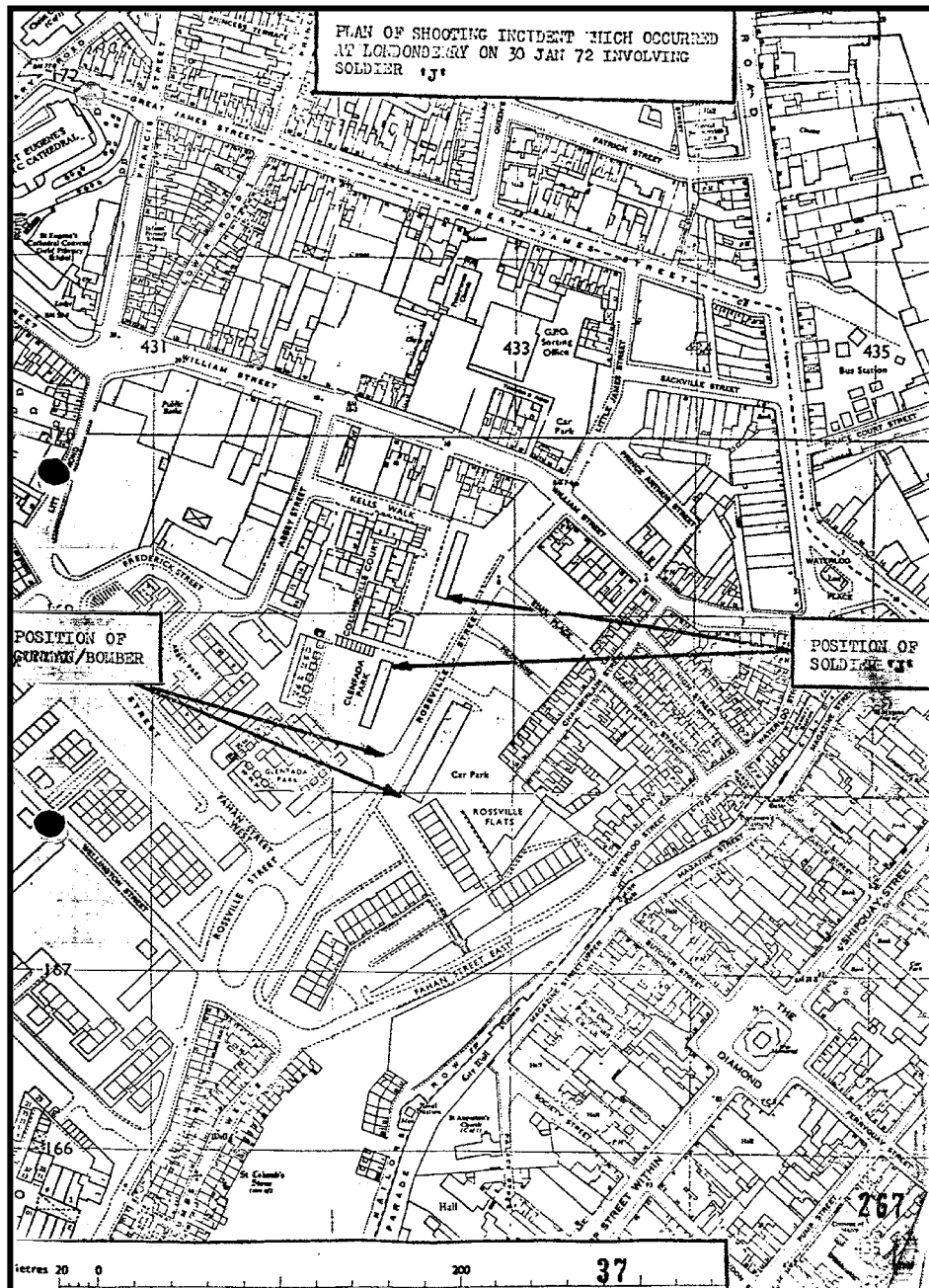
81.38 This statement continued with an account of moving further along Rossville Street and firing at another nail bomber. We return to this part of Lance Corporal J's account below.¹

¹ [Paragraph 85.83](#)

81.39 According to this account, therefore, Lance Corporal J fired a shot, which he thought missed, at a youth behind the rubble barricade who was in the act of throwing a smoking object at a time when other troops had opened fire. At this stage he was about 100m from the rubble barricade.

81.40 The following RMP map accompanied this statement.¹

¹ [B267](#)



81.41 According to this map, Lance Corporal J fired at one stage from the area of the low walls of the Kells Walk ramp and at another from a position at the north-east corner of the eastern block of Glenfada Park North. We return to the latter incident below.¹

¹ Paragraphs 85.83–94

81.42 Lance Corporal J made a second RMP statement, timed at 1510 hours on 4th February 1972.¹ Much of this statement was concerned with his account of what happened when he went into Glenfada Park North, which we consider when dealing with the events of

Sector 4;² and with what he saw when he returned to Rossville Street, to which we return later in our consideration of the later events of Sector 3.³ However, at the beginning of this statement he recorded:

“Furtherance to my statement which I made on the 1 Feb 72 about 1500 hrs I would like to add. That on the 30 Jan 72 about 1600 hrs I was positioned alongside a brick wall on the right hand side of Rossville Street, about opposite Eden Place. At this time the weather conditions were clear skies and sunny, visibility was very good. From this position I observed two male persons taking cover behind a barrier which was placed across the street at Rossville Flats. The distance between them and myself was about 100 metres. These male persons were wearing dark clothes but I would not be able to identify them again. From my position members of my Coy returned fire at the nail bombers but I cannot say who they were as at this point everyone was wearing gas masks.”

¹ B269

³ Paragraphs 123.161–166

² Paragraphs 98.11–15 and 100.21

81.43

Lance Corporal J gave a further account in his written statement for the Widgery Inquiry.¹ So far as his own firing was concerned, he recorded:

“We moved off from the position where we had arrived after some delay and the convoy of armoured vehicles moved down Great James Street and crossed the barricade in Little James Street and then crossed William Street and parked just on the west side of Rossville Street by some derelict houses. Just as we got out of our vehicles I heard what I took to be automatic fire coming from the direction of Rossville Flats. I took up a position just by one of the derelict houses. By this time the rioters had crossed over the barricade in Rossville Street and I was in this position for approximately five minutes. I was with another soldier and we were covering each other.

We then moved along in front of the wall behind which are low rise flats and while we were moving along to the end of this wall I could see stones and bottles and also nail bombs being thrown in our direction, from the direction of the barricade. I saw one nail bomb explode. None of the missiles got as far as the position where we were standing.

Shooting then commenced from the barricade. I saw about three people behind the barricade and I could also see smoke coming from their rifles. We could hear the rounds going overhead. I then took cover behind the wall with at least two members of the platoon. The other two soldiers then engaged the two gunmen at the barricade. I then saw a third person come up from behind the barricade and he was holding an object, which was fizzing, in a throwing position. From my experience I was sure this was a nail bomb. He was a young person although I cannot describe him clearly. I had cocked my rifle when I had disembarked from the armoured vehicle and I took aim at this youth and fired one aimed shot at him. I saw a puff of dust from the top of the barricade and since this young man ducked down behind the barricade I do not think I hit him.”

¹ B272-273

81.44 In his oral evidence to the Widgery Inquiry, Lance Corporal J said that he heard one burst of automatic fire as he disembarked from the APC, and that *“it seemed to me there was some nail bombs thrown, and I heard one explode”*. He then said that as he moved along a kind of low wall that jugged out into the street (by which it seems he was referring to one of the low walls of the Kells Walk ramp), two gunmen opened up from the rubble barricade. He said that *“it seemed as if they had rifles from the position they were holding them”*, and that *“You could see puffs of smoke as they were firing”*.¹

¹ WT15.28-29

81.45 Lance Corporal J told the Widgery Inquiry that it was because of this firing that he and at least two other soldiers from his platoon took cover behind the low wall; and that they returned fire. He said that it was at this stage that he saw *“a third person who kind of came up from behind the barricade in a throwing position. He had a metallic object, a cylindrical object, in his hand, which was fizzing, so I realized this was a nail bomb and I took one aimed shot at him.”* He said that he did not think that he had hit this person, but that he saw a puff of smoke as his bullet hit the top of the barricade.¹

¹ WT15.30

81.46 Lance Corporal J gave accounts of moving forward towards the rubble barricade and firing at another man with a nail bomb, which we consider below,¹ of then going into Glenfada Park North, which we consider when dealing with the events of Sector 4,² and of then witnessing firing after he had returned to Rossville Street, to which we return when considering the later events of Sector 3.³

¹ Paragraphs 85.83–94

³ Paragraphs 123.161–166

² Paragraphs 98.11–15 and 100.21

81.47 We set out below Lance Corporal J's trajectory photograph.¹

¹ [B289](#)



81.48 There is no entry in Major Loden's List of Engagements that corresponds with either of the shots that Lance Corporal J said that he had fired in Rossville Street. It appears therefore that he did not report this firing to Major Loden, but we do not know why this was so.

81.49 Lance Corporal J gave written and oral evidence to this Inquiry. In his written evidence¹ he said that his recollection was poor, but that he recalled firing at a man at the rubble barricade who was holding something that had smoke coming from it, which Lance Corporal J identified as a nail bomb. He stated that he fired at the man but was certain

that he had missed. He also described firing at another nail bomber after having moved further south down Rossville Street and said that he was sure that he had not hit this person, but had hit the wall above him.

¹ [B289.003-4](#)

81.50 Lance Corporal J was interviewed for the purposes of taking this statement on 26th April 1999. He was sent a draft on 22nd June 1999, which he signed on 1st March 2000.

81.51 On 20th May 1999 an article written by Toby Harnden appeared in the *Daily Telegraph* under the headline: “*We want the truth of Bloody Sunday to come out. Toby Harnden talks to two ex-Paras who were there on the day 13 people died. They want to set the record straight ...*”¹

¹ [L282](#)

81.52 According to this article a soldier, called “Soldier X” by Toby Harnden, had been present on Bloody Sunday and had given the *Daily Telegraph* an account of the events of that day. In an accompanying article, also by Toby Harnden,¹ the following passage appeared in quotation marks, and was attributed to “Soldier X”:

“I was grilled for several hours this year by lawyers acting for the Saville Inquiry. ... I told them the bare minimum and said I could not really enlarge on anything said to Widgery or contained in my original statement the day after Bloody Sunday. When I heard there was to be another inquiry I was shattered. It was pure politics.”

¹ [L282.1-2](#)

81.53 The Inquiry wished to discover the identity of “Soldier X” in order to question him about the account that he had given to Toby Harnden. We suspected that Lance Corporal J might have been “Soldier X”, but through his solicitors he denied that this was so. Toby Harnden refused to divulge the identity of “Soldier X” on grounds of journalistic confidentiality. It was not until 12th September 2003 that Lance Corporal J finally admitted, in a supplemental written statement, that he was indeed “Soldier X”. He admitted that he had on several occasions denied this when asked by his own solicitors. He stated that he had done this because he was concerned about his anonymity.¹

¹ [B289.028-9](#)

81.54 However, Lance Corporal J asserted in this statement that he had not made the comments about his interview by solicitors acting on behalf of the present Inquiry that we have quoted above.¹

¹ [B289.028-9](#)

81.55 After Lance Corporal J had admitted that he was “Soldier X”, the Inquiry obtained a statement from Toby Harnden, which was dated 4th December 2003.¹ This statement contains the following passage:

“I telephoned Soldier X from a hotel in County Cork, where I was covering another story. I found Soldier X to be nervous to the point of paranoia about his identity. As a ‘shooter’, he was aware he would be very much under the microscope. He seemed to have a clear recollection of what happened on Bloody Sunday though I believed it was possible he might have added or omitted some details in order to prevent his being identified; he seemed to weigh every word he said. He was very emotional and made me promise again and again that I would protect his anonymity. Again, the interview was noted and taped and a full transcript made afterwards. I would say the conversation lasted 10 or 15 minutes but again I cannot be precise about this.

Following the interviews, I telephoned my news desk to discuss what the soldiers had said to me. I was asked to write two separate articles. After a normal editing process, including discussions with Richard Spencer, then news editor, Neil Darbyshire, then home editor, and Arthur Wynn Davies, the Telegraph’s in-house lawyer, they were published. Because the tribunal had already been established, I knew the articles could generate controversy and would be examined very closely. I was therefore especially careful to check and double-check my notes and the tapes. I am certain that every quotation was accurate. At this juncture, I cannot recall anything about the detailed content of the interviews beyond what was published.”

¹ [M117.34-35](#)

81.56 Toby Harnden is a reputable journalist. We have no reason to doubt what he said in this statement, whereas Lance Corporal J, on his own admission, lied to his own solicitors about the interview on more than one occasion. In these circumstances we have no doubt that he did make the comments about the interview that we have quoted above.

81.57 In his oral evidence to this Inquiry, Lance Corporal J repeatedly told us that he could not remember events that were put to him, including giving statements to the RMP and to the Widgery Inquiry.¹ In effect Lance Corporal J professed to remember little or nothing of the events of the day, though he said that the accounts that he gave in 1972 must have been true. In the light of what Lance Corporal J said to Toby Harnden and our assessment of this soldier when he gave evidence to us, we do not believe that Lance Corporal J genuinely had no recollection of events.

¹ [Day 370/11](#); [Day 370/14](#)

Corporal E

81.58 In his first RMP statement, timed at 0140 hours on 31st January 1972,¹ Corporal E described deploying with his section at the junction of William Street and Rossville Street, and then gave this account:

“We advanced along Rossville Street towards Rossville Flats. As we advanced I could see numerous rioters in the vicinity of the flats and that there was a barricade across Rossville Street.

I heard what I thought was automatic gunfire and also other gunshots coming from the vicinity of Rossville Flats. The rioters in the street were throwing stones and bottles. I also saw a petrol bomb explode but I did not see who threw it or from where.

I was armed with a SLR loaded with a magazine of 20 rounds. My weapon was cocked with one round in the breech. The safety catch was at safe.

We took up position on the right hand side of the road behind a small wall, about 20 metres from Rossville Flats, but on the opposite side of the road. Once in position we came under sniper fire from Rossville Flats.

I saw a man in a window in the next to the top floor of the flats. He had what appeared to be a pistol of some sort in his hands. I saw this man fire one shot at our position from this weapon. I fired off one aimed shot at this man. I saw the shot go through the window that he was in and strike the ceiling.

Just after this I saw one man behind the barricade with what appeared to be a machine gun. I saw him take up a firing position and then fall to the ground as if he had been shot. I saw that he wore glasses and had cloth tied around the lower part of his face and he was dressed in dark clothing.

I also saw a man next to the one with what appeared to be a machine gun. He had what seemed to be the butt of a gun. I could not see anymore of the instrument.

At this time rioters from the area of the barricade started to move off to our right and go behind a block of flats there.”

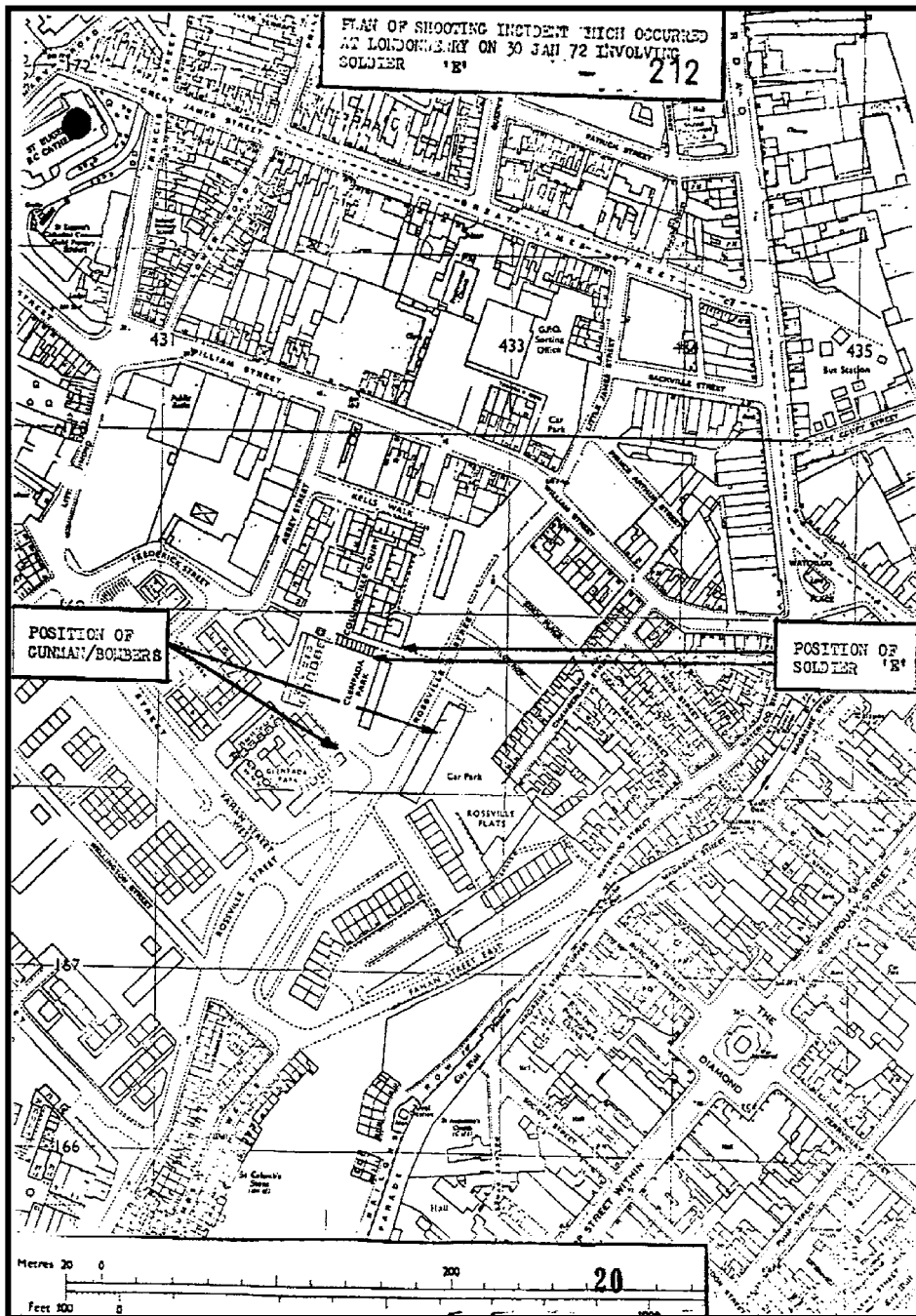
¹ [B86-87](#)

81.59 This account continued with a description of moving into Glenfada Park North, encountering nail and petrol bombers, and shooting a man who threw a petrol bomb and then a nail bomb. We deal with this part of Corporal E’s account when we consider the events of Sector 4.¹

¹ [Paragraph 97.50](#)

81.60 The RMP map that accompanied Corporal E’s first RMP statement shows both his positions and those of the two people at whom he had recorded that he fired.¹

¹ [B89](#)



81.61 In his second RMP statement, timed at 1400 hours on 31st January 1972,¹ Corporal E recorded that he was reasonably sure that two photographs of “Kelly” (ie Michael Kelly) showed the man he shot “in an incident at the Glenfada flats”.

¹ B91

81.62 Corporal E gave written and oral evidence to the Widgery Inquiry.

- 81.63 In his written statement for the Widgery Inquiry,¹ Corporal E described disembarking from his vehicle “on the corner of the piece of vacant ground in William Street, opposite the entrance to Rossville Street”. He stated that his whole section, “which is eight or nine of us, took up position in the area of the first building on the west side of Rossville Street”. This statement continued:

“Since shooting had broken out from the direction of Rossville Car Park we were told to move forward to make arrests. I could see about one hundred people scuttling off in different directions across the open ground and towards the barricade and behind the barricade I saw what seemed to me to be a very large crowd. I had an SLR with twenty rounds in a magazine together with a further magazine of twenty rounds and ten rounds wrapped in a bandolier. As soon as the firing which was mixed had broken out I cocked my rifle which is the normal procedure.

We moved forward in single file in front of the low rise flats on the west side on Rossville Street and when we reached the end of the flats sniper fire broke out from the area of the Rossville Flats and I heard machine gun fire. As soon as this happened we deployed and I took cover behind a wall at the end of the flats. I saw a sniper in the second storey from the top of Rossville Flats at a window and he fired one shot with what looked like a machine pistol. I fired one round in the direction of this sniper. The round went in through the window and I have no idea whether I hit the sniper. Shortly after I shot at the sniper I saw a petrol bomb land about thirty yards in front of the barricade. The petrol bomb smashed and burned. Almost instantaneously I saw two gunmen behind the centre of the barricade. One of the gunmen was kneeling and taking up a firing position. He was wearing dark clothes and goggles and a handkerchief over the lower part of his face. There was a lot of mixed calibre firing going on at this stage and I saw this gunman falling to the ground but I cannot be sure where the shot came from.”

¹ B94

- 81.64 Corporal E continued with his account of moving into Glenfada Park North,¹ to which we return when considering the events of Sector 4.² He also stated that he was now not sure that Michael Kelly was the man he had shot in Glenfada Park, as he had claimed in his second RMP statement. As we have already observed,³ there is no doubt that Michael Kelly was shot at the rubble barricade by Lance Corporal F, who was firing from the low walls at the south end of Kells Walk.

¹ B94-B95

³ Paragraph 81.32

² Paragraph 97.53

81.65 In his oral evidence to the Widgery Inquiry,¹ Corporal E described hearing “*mixed calibre*” shots as he and his men moved forward after disembarking. He then said that he heard an explosion like that of a nail bomb and that when he came under fire from what he said was a “*small machine pistol*”, he took cover behind what must, in our view, have been one of the walls of the low ramp at the south end of Kells Walk. He told the Widgery Inquiry that he was just to the left of the wall when he fired at a sniper located in the centre of the Rossville Flats, one floor down from the top floor. The sniper, he said, had fired roughly three shots, one at him, with “*a Luger-type pistol, sir, a machine gun*”.²

¹ WT14.28

² WT14.29-30; WT14.42

81.66 Corporal E then described seeing a petrol bomb, which according to him was thrown from the crowd round the rubble barricade and smashed and burned about 20m from his position. He also described seeing two gunmen in the centre of the barricade at about the same time as the petrol bomb was thrown:¹

“Q. Were they on the other side of it from you?”

A. Yes sir.

Q. Which way were they facing?

A. Towards us.

Q. You say two gunmen. Did you see what sort of weapons either of them had?

A. The one in the kneeling position had a Thompson, sir, in the shoulder and the other one had what appeared to be a rifle, sir.

Q. One was in a kneeling position with the Thompson?

A. Yes sir.

Q. What position was the other one in?

A. He was sort of crawling, sir, behind it, in a crawling position.

Q. When you first saw them, was either of them in a firing position with the weapon?

A. Only the Thompson machine gun.

Q. The kneeling man?

A. Yes sir.

Q. Can you describe him at all, Corporal? What sort of clothes was he wearing?

A. He had dark clothes, sir.

Q. Anything about his face?

A. He had a cloth over the bottom part of his face.

Q. A cloth over the bottom part of his face?

A. And he was wearing goggles.

Q. What sort of goggles?

A. They seemed to be motor bike goggles, sir.

Q. When you saw those two gunmen at that point just tell my Lord was there any firing going on from anywhere?

A. Yes sir.

Q. There was?

A. Yes, all around the area.

Q. High or low velocity?

A. Again mixed calibre.

Q. Did you see that man who had been in the kneeling position do anything?

A. He seemed to have been hit, sir. He fell back.

Q. Could you tell at all where the shot came from if he was hit?

A. No sir."

¹ [WT14.30-31](#)

81.67 Corporal E told the Widgery Inquiry that he did not at any stage hear the man at the rubble barricade fire the Thompson sub-machine gun.¹

¹ [WT14.38](#)

81.68 It was pointed out to Corporal E that neither in his first RMP statement nor in his written statement for the Widgery Inquiry had he mentioned hearing a nail bomb explode when he was in Rossville Street. He told the Widgery Inquiry that when he made his RMP statement, everybody was tired; and that so far as his written statement for the Widgery Inquiry was concerned, "*obviously it has been missed out from somewhere. I did hear the explosion in that area.*"¹

¹ [WT14.42](#)

81.69 We return later in this report¹ to what Corporal E told the Widgery Inquiry about moving into Glenfada Park North, when we deal with the events of Sector 4.

¹ [Paragraph 93.22](#)

81.70 There are no entries in Major Loden's List of Engagements that appear to relate to the shots that Corporal E stated he had fired, and so it seems that he did not report his firing to Major Loden. The explanation for this may be that Corporal E was at the time in question occupied with arrestees taken to Fort George.

81.71 There is, however, a trajectory photograph that shows the two shots that Corporal E said that he fired, the first from the low walls of the Kells Walk ramp into the western side of Block 1 of the Rossville Flats, and the second in Glenfada Park North.



81.72 Corporal E is dead and gave no evidence to this Inquiry. Later in this report¹ we consider what reliance we can place on his account of firing a shot at a man who had fired one shot at him with what looked like a machine pistol from a window in Block 1 of the Rossville Flats.

¹ [Paragraphs 89.42–45](#)

Summary of Anti-Tank Platoon evidence of shooting from the low walls of the Kells Walk ramp

81.73 At this point we summarise the evidence given by soldiers of Anti-Tank Platoon of their firing from the low walls at the Kells Walk ramp. We return below¹ to consider the evidence they gave of incoming fire and of nail and petrol bombs; and what reliance we can place on their accounts.

¹ [Paragraphs 82.2–7](#) and [Chapter 83](#)

81.74 Lance Corporal F originally stated that he had fired three shots from this position at windows of the Rossville Flats, but later said that this was wrong and that at this stage he had fired only one shot, at a nail bomber behind the rubble barricade, who fell to the ground.

81.75 Lance Corporal J stated that he had fired one shot at a nail bomber behind the rubble barricade but did not think that he had hit him.

81.76 Corporal E stated that he had fired one shot at a sniper located at a window in the centre of Block 1 of the Rossville Flats, one storey down from the top of the flats, but had no idea whether he had hit him.

81.77 In total therefore, according to the accounts discussed above, and on the assumption that Lance Corporal F's later accounts are to be preferred to his earliest, soldiers of Anti-Tank Platoon fired three shots from the low walls of the Kells Walk ramp, two of which were at targets at the rubble barricade; and claimed one certain hit. As we have already stated,¹ there is no doubt that Lance Corporal F, positioned at the low walls of the Kells Walk ramp, shot and killed Michael Kelly, who was behind the rubble barricade.

¹ [Paragraph 81.32](#)

Chapter 82: Evidence of soldiers of gunmen at or firing from the rubble barricade

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82.1 All the identified casualties in Sector 3 were sustained in the area of the rubble barricade. Michael Kelly, Michael McDaid, John Young, William Nash and Alexander Nash were all shot at or immediately behind the rubble barricade. Hugh Gilmour and Kevin McElhinney were shot close by. It is thus important to consider in detail the evidence of soldiers about gunmen in the area of the rubble barricade. We have found no evidence that suggests to us, nor has it been suggested by those acting for soldiers in this Inquiry, that any of the identified casualties was carrying a gun.

The soldiers of Anti-Tank Platoon who admitted firing from the southern end of Kells Walk

82.2 In his third RMP statement,¹ Lance Corporal F recorded that he saw three men move from the rubble barricade “*north west into the area of Glenfada Park flats*” and that one of them was carrying what looked like a rifle. In his written statement for the Widgery Inquiry,² he recorded that the man was carrying a rifle. In his oral evidence to the Widgery Inquiry,³ he said that the man was carrying what appeared to be a rifle. In his written

statement to this Inquiry,⁴ he said that he no longer recalled seeing a man carrying something that looked like a rifle. He made no mention at any stage of incoming fire from the rubble barricade.

¹ B129

³ WT14.46

² B137

⁴ B167.007

82.3 In his first RMP statement, Lance Corporal J described shots being fired from the rubble barricade, but said that he fired at a nail bomber.¹ In his second RMP statement, he said that members of his company “*returned fire at the nail bombers*”.² In his written statement for the Widgery Inquiry³ he recorded that he saw smoke coming from the rifles of about three people at the rubble barricade and could hear the rounds going overhead; and in his oral evidence that two soldiers engaged two gunmen at the barricade.⁴ No other soldier gave specific evidence about Lance Corporal J firing from the low walls of the Kells Walk ramp.

¹ B265-266

³ B272-273

² B269

⁴ WT15.28-30

82.4 Corporal E said that he saw a man behind the rubble barricade with a machine gun who took up a firing position and then fell as if shot. He said that the man next to the man with the machine gun seemed to have what looked like the butt of a rifle.¹ He did not say that either of these men had fired. On his account he did not fire himself at targets at the rubble barricade. No other soldier gave specific evidence about Corporal E firing from the low walls of the Kells Walk ramp.

¹ B87; WT14.30-31; WT14.38

82.5 Accordingly, of the three soldiers of Anti-Tank Platoon who admitted firing from the low walls of the Kells Walk ramp, one (Lance Corporal F) said nothing about incoming fire from the rubble barricade, one (Lance Corporal J) described two or three men with rifles firing from there, and one (Corporal E) described seeing a man with a machine gun and another man with what appeared to be a butt of a rifle, but did not suggest he saw either of these men firing or that he fired at them.

Consideration of the evidence of Lance Corporal F, Lance Corporal J and Corporal E

82.6 In the remainder of this chapter we consider whether the evidence of other soldiers lends any support to the accounts of these soldiers that there were men with rifles or a machine gun at the rubble barricade while they were at the low walls of the Kells Walk ramp. We have found nothing that to our minds lends any such support. As will be seen, there is no

evidence from civilians, journalists or photographers that there were men deploying firearms at the rubble barricade either when soldiers of Anti-Tank Platoon were at the low walls of the Kells Walk ramp or indeed at any other time.

82.7 The three soldiers under consideration did not suggest that they fired at gunmen there, nor did any other soldier of Anti-Tank Platoon claim to have done so. We consider below¹ and for reasons that we give there reject the claim by Corporal P of Mortar Platoon to have shot a man with a pistol at the rubble barricade. Had there been gunmen at the rubble barricade while these soldiers were at the low walls of the Kells Walk ramp, they would have posed an instant danger to soldiers and would have been an obvious and indeed justifiable target. Yet no soldier of Anti-Tank Platoon claimed to have fired at a gunman at the rubble barricade.

¹ Paragraphs 85.2–28

Other soldiers

Mortar Platoon

Corporal P

82.8 Corporal P of Mortar Platoon said that he had heard two shots that came “*roughly*” from the direction of the rubble barricade.¹ Private 017 also said he heard two shots, but was not sure of the direction of fire.² We have already expressed the view³ that these shots were two of those fired by Lieutenant N up the Eden Place alleyway.

¹ B592

³ Paragraph 72.2

² B1482

82.9 Corporal P initially said that after shooting a nail bomber whose body was removed by the crowd, he saw a man behind the rubble barricade get up with a pistol and point it in his direction. He said he fired four shots at this man.¹ He recorded in his written statement for the Widgery Inquiry² that he had seen this gunman fire a number of shots, something that he had not previously mentioned. He also told the Widgery Inquiry that there were about five or six people at the barricade, on either side of this gunman, who were throwing stones.

¹ B578

² B592-593

82.10 We consider in detail later in this report¹ the accounts of this incident given by Corporal P and there give reasons for rejecting his evidence. In short, in view of the unreliability of Corporal P's evidence as a whole, we do not accept that he saw and fired at a pistol man at the rubble barricade. It is noteworthy that none of the three Anti-Tank Platoon soldiers who admitted firing from the low walls of the Kells Walk ramp said anything about seeing a pistol man there, let alone that this pistol man fired a number of shots. Had a man with a pistol stood up at the rubble barricade he would have been in full view of the soldiers in Rossville Street, yet apart from Corporal P none reported seeing this. We cannot believe that anyone would have been so foolish as to stand holding a gun in such a conspicuous position.

¹ [Paragraphs 85.2–28](#)

Anti-Tank Platoon

Lieutenant 119

82.11 Lieutenant 119 was the Commander of Anti-Tank Platoon.

82.12 In his first RMP statement,¹ Lieutenant 119 recorded that as he and his men advanced along the western side of Rossville Street they came under fire from “*snipers concealed in the Glenfadda Flats*” at GR 43201683 (immediately within the south-east entrance to Glenfada Park North). He did not state that any of the soldiers of his platoon returned fire.

¹ [B1752.041](#)

82.13 In his second RMP statement,¹ Lieutenant 119 recorded that he and his men took cover behind a wall at GR 43251688 (the western side of Rossville Street immediately north of the entrance to the alley between Columbcille Court and Glenfada Park North) after they had come under fire from at least two directions. According to this account he then heard a number of shots from what sounded like a pistol and an M1 rifle; and these shots passed very close over the heads of the soldiers. He estimated that seven to ten rounds were fired. The weapon that sounded like a pistol was located about 30m ahead of him at ground level, at the southern corner of the eastern block of Glenfada Park North. Lieutenant 119 stated that he saw muzzle flashes but did not see the weapon or the person holding it, who was clearly aiming quickly around the corner of the building without showing himself. The weapon that sounded like an M1 rifle was located at a window towards the southern end of Block 1 of the Rossville Flats, probably on the top floor. Lieutenant 119 did not state that any of the soldiers of his platoon returned fire.

¹ [B1752.039-B1752.040](#)

82.14 In his written statement for the Widgery Inquiry,¹ Lieutenant 119 recorded that as he and his men disembarked from their vehicles they came under fire from an M1 carbine in Block 1 of the Rossville Flats and from single shots fired from a low velocity weapon at the south-east entrance to Glenfada Park North. He saw muzzle flashes as the low velocity weapon was fired. He moved forward to the low walls at the southern end of Kells Walk, which gave protection against the low velocity fire. Again Lieutenant 119 did not state that any of the soldiers of his platoon returned fire.

¹ [B1752.044](#)

82.15 In his oral evidence to the Widgery Inquiry,¹ Lieutenant 119 said that he and his men took cover at the low walls at the southern end of Kells Walk after they had come under fire from an M1 carbine and from a pistol or other hand-held weapon. He thought that about eight or nine rounds had been fired with the M1 carbine from the southern end of Block 1 of the Rossville Flats on about the middle floor, and that three or four rounds had been fired with the pistol around the southern corner of the eastern block of Glenfada Park North. He saw muzzle flashes from the pistol. Asked whether his men had returned fire, Lieutenant 119 initially said that he had heard but not seen fire being returned in the direction of the pistol man, but then said that he had seen one of his men fire one aimed shot. He said that he could not say which soldier this had been.

¹ [WT14.12-WT14.13](#)

82.16 In his written statement to this Inquiry,¹ Lieutenant 119 told us that he was aware that he and his men had been under fire at this stage, but he no longer recalled the details, nor did he now recall his men firing their rifles from the low walls.

¹ [B1752.016](#)

82.17 In his oral evidence to this Inquiry,¹ Lieutenant 119 again said that he lacked recollection of these matters. He was asked how it had come about that even when he gave oral evidence to the Widgery Inquiry, he had apparently recalled the firing of no more than one shot from the low walls at the southern end of Kells Walk.² He replied that he did not know, but assumed that the reason was that “*a lot of other things were going on at the same time*” and that his attention had been distracted by “*the general situation*”. He said that he had no recollection of any of his men reporting at this stage that he had hit a target.³ He rejected Private 027’s account of concerted firing by a number of soldiers towards the rubble barricade.⁴ We consider Private 027’s evidence below.⁵

¹ [Day 363/129-134](#)

² [Day 363/135-137](#)

³ [Day 363/137-138](#)

⁴ [Day 363/141-144](#)

⁵ [Paragraphs 82.46–61](#)

- 82.18** Lieutenant 119 did not suggest at any stage that he had observed gunmen at or firing from the rubble barricade, as opposed to the south-east entrance into Glenfada Park North.
- 82.19** Had there been a pistol man where Lieutenant 119 claimed to have seen flashes, it seems to us that other soldiers would also have seen him. Yet no other soldier suggested that he had seen a pistol man at the south-east corner of Glenfada Park North, or flashes from that position, or that he had fired at a gunman in that position.
- 82.20** As we describe elsewhere in this report,¹ we have found much of Lieutenant 119's evidence to be unsatisfactory. We do not accept his unsupported account of seeing flashes from a gunman firing from the south-east corner of Glenfada Park North. Nor do we accept his equally unsupported account of witnessing someone firing about eight or nine rounds with an M1 carbine from near the southern end of the top or middle floor of Block 1 of the Rossville Flats. It will have been noted that the reason Lance Corporal J gave for taking cover was that there were riflemen firing from the rubble barricade. It will also have been noted that the gunman in Block 1 of the Rossville Flats whom Corporal E claimed to have engaged fired, according to Corporal E, three shots with what appeared to be a machine pistol. Corporal E could hardly have missed seeing a man firing eight or nine shots from an M1 carbine, had such an event in fact occurred. Private G did give accounts of fire coming from Block 1 of the Rossville Flats and we consider his evidence next.
- ¹ [Paragraphs 24.51, 93.34, 93.43–44, 93.51, 93.54, 96.4–7, 100.15–17 and 113.58–60](#)
- 82.21** Later in this chapter¹ we consider the evidence of soldiers who must have been close to Lieutenant 119 but did not observe incoming fire.

¹ [Paragraphs 82.38–61](#)

Private G

- 82.22** In his first RMP statement,¹ Private G recorded that a gunman in Block 1 of the Rossville Flats fired about three shots at members of his platoon soon after they had disembarked from their vehicles. About 30 seconds later, the soldiers again came under fire from Block 1. About six of the soldiers took cover behind a low wall. Some of the men returned fire when the gunman was located.

¹ [B168](#)

82.23 In his written statement for the Widgery Inquiry,¹ Private G recorded that after disembarking from his vehicle, he ran to take cover against the wall of an old building at the northern end of Rossville Street. According to this account, shots were fired at him and the soldiers who were with him in that position. Although he was not sure, Private G thought that these shots might have been fired from the Rossville Flats. The sound came from that direction. He heard the bullets pass overhead. He and the other soldiers moved *“down the new building of Columbcille Court to the low wall at its far end”*. He heard quite a bit of firing at this stage from the Rossville Flats and the area of the rubble barricade. This included automatic fire that he thought came from a Thompson sub-machine gun. Members of his platoon were returning fire from the same position as Private G, who was looking in a different direction and did not himself identify any targets.

¹ [B185](#)

82.24 Private G gave a similar account in his oral evidence to the Widgery Inquiry.¹ He said that the automatic fire was coming from above ground level, but from a *“pretty low”* level and definitely not from the top of the Rossville Flats. Private G heard fire being returned by the soldiers with him at the low wall, but could not say which of them had fired.

¹ [WT14.75-WT14.77](#)

82.25 Again, none of the Anti-Tank Platoon soldiers claimed to have fired at anyone armed with a sub-machine gun. Elsewhere in this report¹ we give reasons for our view that Private G lied about his actions on Bloody Sunday, which has led us to conclude that it would be unwise to rely upon his evidence save where otherwise supported. In our view his accounts do not support those of Lieutenant 119, who said nothing about automatic fire or his soldiers returning fire at the rifleman he claimed to have seen firing from Block 1 of the Rossville Flats.

¹ [Paragraphs 94.34, 100.11, 108.17, 112.13 and 123.98](#)

Private H

82.26 Elsewhere in this report,¹ we have discussed the order in which Private H made his three RMP statements. In his RMP statement taken by Corporal Smith,² which in our view was the third of those statements that he gave, Private H recorded that, after hearing gunfire from the rubble barricade, he took cover behind *“a four foot brick wall which runs from the South wall of number 1 Columbcille Court, East to Rossville Street”*. According to this account, he thought that two gunmen were firing from the rubble barricade. Two soldiers

in his location engaged the gunmen, who ceased firing. In his oral evidence to this Inquiry,³ he confirmed that the description of his location given in this statement was likely to have been intended to refer to the southern end of Kells Walk.

¹ Paragraphs 97.27–34

³ Day 377/129

² B229

82.27 In his written statement for the Widgery Inquiry,¹ Private H recorded that he and other soldiers moved forward to two low walls at the end of “*Columbcille Court on Rossville Street*” and there came under fire from at least two gunmen at the rubble barricade. Other members of his platoon returned the fire and the gunmen ceased firing.

¹ B233

82.28 In his oral evidence to the Widgery Inquiry,¹ Private H said that he had definitely seen two gunmen at the rubble barricade. He could not be certain whether there had been more. The gunmen were armed with what he took to be small rifles or machine guns. Some soldiers fired at them from his location.

¹ WT14.96

82.29 In his written statement to this Inquiry,¹ Private H told us that he no longer remembered seeing any other soldiers open fire from the low walls at the southern end of Kells Walk, nor did he remember seeing any gunmen at the rubble barricade.

¹ B264

82.30 In his oral evidence to this Inquiry,¹ Private H repeated that he lacked present recollection, but said that the evidence that he gave to the Widgery Inquiry must have been right. He said that he did not see Lance Corporal F firing from the low walls towards the rubble barricade.²

¹ Day 377/28-30

² Day 377/33

82.31 We consider the accounts given by Private H elsewhere in this report.¹ It will be seen that he made a number of muddled and inconsistent RMP statements; and also gave an account of his own firing that we have found unbelievable. In our view it would be unwise to rely upon any of his accounts of what he saw or did on Bloody Sunday. It will be noted that his account of soldiers firing at gunmen armed with small rifles or machine guns at the rubble barricade is not supported by either of the members of Anti-Tank Platoon who admitted firing at targets at the rubble barricade, or by Corporal P of Mortar Platoon who claimed to have seen and shot a pistol man at that location.

¹ Paragraphs 97.27–49, 99.7–10, 100.12–14, 105.9–31 and 123.155–160

Private INQ 635

82.32 Private INQ 635 was a member of Anti-Tank Platoon. He made no statement in 1972.

82.33 In his written statement to this Inquiry,¹ Private INQ 635 told us that he had moved only a few paces down Rossville Street after disembarking from his vehicle when he saw three or possibly four men move out from the southern end of the eastern block of Glenfada Park North towards the rubble barricade. Two or possibly three of these men were carrying weapons. According to this account he had a clear view of the wooden stocks of the weapons. He did not think that he had shouted a warning about the gunmen, but believed that the other soldiers of his section had also seen them, because their actions were so blatant, and because the soldiers all immediately took cover. Private INQ 635 told us that he moved with most of his section to a small wall at the southern end of Kells Walk and took cover behind another soldier at the eastern end of the wall. Six or seven soldiers of his platoon were on his right, including one who had his rifle to his shoulder and was pointing it over the wall.

¹ [C635.3-C635.4](#)

82.34 Private INQ 635 told us that the men who had come out from Glenfada Park North walked at a fast pace towards the middle of the barricade from west to east, holding their weapons down. They were not hidden by the barricade, either because it was not high enough or because they were not crouching. He assumed that they were moving to a firing position. He did not remember seeing anyone else at the barricade, although there was a crowd of people some distance away to the south and slightly to his right. He did not remember any incoming fire from the area of the barricade, but he heard one or more of the soldiers on his right fire shots towards the barricade. He did not know how many rounds were fired and did not remember seeing which soldiers fired them. He could not remember whether the shots were fired separately or together. He assumed that the shots were being fired at the gunmen at the barricade, but he was not looking at the barricade because he was taking cover, and so he did not see anyone fall. He then heard an order to cease firing. He could not recall by whom or from where this order was given. He could not distinctly recall whether Colonel Wilford was present, but believed that senior officers must have been in the immediate vicinity because of the order that he heard. During this incident he heard other gunfire as well as the shots fired by the soldiers at Kells Walk. He could not remember whether he heard only high velocity rounds or whether he also heard pistol fire.

82.35 In his oral evidence to this Inquiry,¹ Private INQ 635 rejected a suggestion that one or more of the men at the barricade might have been carrying a piece of wood rather than a firearm. He was sure that he had seen at least two men with weapons. Although his current recollection was only of seeing the wooden stocks, he thought that he had seen more of the weapons. He agreed that the gunmen were taking an enormous risk of being seen and shot. They were only in his view for a matter of seconds. The firing started as he reached the wall and once he had taken cover behind the wall he did not see the men again. He did not see them take up firing positions. Private INQ 635 said that he believed that one of the soldiers behind the wall with him had been Private Longstaff. He had a picture in his mind of the soldier at the wall with his rifle to his shoulder but he did not know which soldier this was. He said that the number of shots fired from the southern end of Kells Walk was “*more than two or three*”, but he could not say how many shots were fired, nor could he say whether more than one soldier fired them.

¹ [Day 352/6-17](#)

82.36 Private INQ 635 told us that he had no recollection of seeing anyone with a pistol behind the barricade, or anyone with a weapon at the southern end of the eastern block of Glenfada Park North other than the men who came out to the barricade. He did not recall hearing any incoming fire from the Rossville Flats or from the area of the barricade. He said that when he saw the gunmen at the barricade¹ they were in an area that he indicated by marking a photograph² (near the centre of the western part of the barricade). He also said that he thought that he had become confused about the order to cease firing by watching television coverage over the years, and that his recollection of hearing such an order might relate to another occasion.³ He told us that he did not know why no statement was taken from him at the time about this incident.⁴

¹ [Day 352/52-64](#)

³ [Day 352/1-2](#)

² [C635.12](#)

⁴ [Day 352/64-67](#)

82.37 We do not accept the evidence of Private INQ 635, given many years after Bloody Sunday, of seeing two or three men carrying weapons come from the south-east corner of Glenfada Park North and move in the open towards the rubble barricade. Apart from the fact that no other soldier has given an account of seeing this, or anything like it, we cannot believe that anyone would have been so foolish as to come carrying weapons into the view of a substantial number of soldiers only some 80 yards away.

Private INQ 1237

82.38 Private INQ 1237 was also a member of Anti-Tank Platoon. He too made no statement in 1972.

82.39 In his written statement to this Inquiry,¹ he told us that when he disembarked from his vehicle there were some high flats to his right and a huge crowd in the corner of a big open space ahead of him and to his left. He did not remember seeing a rubble barricade. There may have been between 600 and 1,500 people in the crowd. A hail of missiles, including more than one petrol bomb, was being thrown towards the soldiers but most of them were falling short because the crowd was, on Private INQ 1237's estimate, about 150 yards away.

¹ C1237.5-6

82.40 Private INQ 1237 told us¹ that within seconds he saw six to eight soldiers of Anti-Tank Platoon, including Lance Corporal F, Private G and Lance Corporal J, in a "*rough line facing the crowd*" about ten to 15 yards beyond and to the east of the parked Army vehicles. Some of them were lying prone and others were kneeling. Private INQ 1237 stated that he seemed to recall that there was an incline in the ground or a wall that provided cover for the soldiers from any threat from the southern part of Rossville Street, but he had been shown a photograph of the low walls at the southern end of Kells Walk² and said that this was not where he saw the soldiers. According to this account the soldiers opened fire at the crowd with their rifles.

¹ C1237.6; C1237.9-10

² C1237.14

82.41 Private INQ 1237 told us¹ that he imagined that they fired a minimum of about 30 to 40 shots intermittently over a period of a few seconds, although it "*seemed to last an eternity*". These were aimed shots. According to this account, he saw the soldiers tracking their rifles from side to side and then firing. He did not see any civilian gunmen or anyone falling wounded or killed. He did not see the strikes of any incoming bullets or hear any incoming fire, but it was difficult to "*pick anything out*" because of other noises such as the sound of breaking glass or landing bricks and stones. He then heard Warrant Officer Class II Lewis behind him shouting "*Cease-fire, stop your firing*". Private INQ 1237 had the impression that the soldiers were already ceasing their fire as Warrant Officer Class II Lewis came forward. Private INQ 1237 was not aware of any other officer in the area. The whole episode took no more than one to one and a half minutes. When it was over, the crowd was still there but had been subdued. Private INQ 1237 recalled seeing

500 to 600 people waving white handkerchiefs over their heads. Then people started screaming “*Get help*” or “*You shot them*”. Private INQ 1237 could not see any injured civilians because of the density of the crowd.

¹ [C1237.6-7](#); [C1237.11](#)

82.42 In his oral evidence to this Inquiry,¹ Private INQ 1237 said that he did not remember seeing three blocks of flats in front of him and to his left. He did not think that he had overestimated the size of the crowd in his written statement. He recalled that the place where the soldiers took up position was a “*low rubble wall that was broken down in the open space*”.² He was asked whether Lance Corporal F, Private G and Lance Corporal J were the only three soldiers of whom he could say with certainty that he had seen them firing, and said that they were. It was possible that other soldiers in the group had not fired their weapons.

¹ [Day 366/6-27](#)

² [Day 366/20](#)

82.43 Private INQ 1237 said that his estimate of 30 to 40 shots being fired was just his best recollection. There did not seem to be a lot of firing but it happened quickly. When the soldiers opened fire the crowd was still about the same size as it had been when they disembarked, and missiles were still being thrown. He did not recall any warnings being shouted by other soldiers of his platoon about gunmen. He did not see anyone in the crowd with a firearm.

82.44 Private INQ 1237 was asked whether he could be mistaken in his recollection that Warrant Officer Class II Lewis had shouted a ceasefire order soon after soldiers of his platoon had begun firing in Rossville Street. He said that this was what he recalled, but he could not be sure.¹ Private INQ 1237 was told that Private G had not admitted firing any shots towards the barricade. He replied that, whether or not Private G fired a shot, he was “*on the front row*”. Private INQ 1237 was surprised that he was never asked to make a statement for the Widgery Inquiry.² He said that when Lance Corporal F was firing towards the crowd he was perhaps about 20 or 30 feet away from him. Private INQ 1237 said that it was not possible that the ceasefire order had been given by Lieutenant 119 rather than by Warrant Officer Class II Lewis.³

¹ [Day 366/52-59](#)

³ [Day 366/71-72](#)

² [Day 366/67-71](#)

82.45 We formed the view that Private INQ 1237 had such a confused memory of events that it would be unwise to rely upon his account, given long after the event. Nothing in it lent any support to the accounts given by the Anti-Tank Platoon soldiers who admitted firing at targets at the rubble barricade, or to those given by Corporal P.

Private 027

82.46 In his RMP statement,¹ Private 027, a member of Anti-Tank Platoon, recorded that he and four or five other members of his platoon, including Lance Corporal F, reached a 2ft 6in high garden wall with Rossville Street on their left and Block 1 of the Rossville Flats further down the street. According to this account, as they took shelter behind the wall, someone shouted “*Sniper*”. Almost immediately, members of the platoon fired at the rubble barricade. Private 027 saw the strikes of several rounds on the barricade, but could not say which soldiers had fired. Their target appeared to be a male civilian. Private 027 stated that he believed that this man was carrying a firearm, possibly a rifle. The man fell almost immediately. At the same time, Private 027 saw “*two men of the machine platoon*” at the “*North east corner of Rossville Flats*”, who also appeared to be firing at targets located behind the central section of the barricade, which consisted of white masonry. Private 027 did not observe the effect of their shots. An order to cease fire was then shouted from the rear and repeated by the soldiers near to Private 027. He could not say who gave the original order.

¹ B1546-B1547

82.47 In his supplementary written statement taken by John Heritage on 8th March 1972,¹ and in his written statement for the Widgery Inquiry,² Private 027 recorded that Lance Corporal F was one of the soldiers who fired in the direction of the barricade. When the soldiers opened fire, Private 027 looked over the wall and saw a man who had something in his hands that appeared to be a weapon. Private 027 aimed his rifle at the man in preparation for shooting, but the man fell before Private 027 could fire. This happened within ten seconds of the other soldiers opening fire. At this stage Private 027 could see an Armoured Personnel Carrier drawn up at the “*near corner*” of Block 1 of the Rossville Flats. A group of “*our men*” was standing around the vehicle, aiming rifles and baton guns in the direction of the barricade. Private 027 saw the rifles being fired. By this time the crowd on the other side of the barricade was running away. Some people were crawling down the side of Block 1 from the barricade to its far corner. He saw shots from “*our troops*” striking the centre of the barricade. He was scanning the flats, and his attention was directed away on a number of occasions, and so he did not see any other civilians

hit, or any other civilians with weapons. An order to cease fire was then shouted from the rear and repeated by the soldiers near to Private 027. He could not say who gave the original order.

¹ B1565.114

² B1551-B1552

82.48 It will be noted that in these statements Private 027 gave an account of men from his platoon firing at a man with a firearm at the rubble barricade, whereas both Lance Corporal F and Lance Corporal J said that they had fired at a nail bomber.

82.49 Later in this report¹ we describe the various accounts later given by Private 027. In his account written in or about 1975,² Private 027 stated that he was with the leading group of soldiers as they reached a “*small garden at the corner of Kells Walk*”. They were approximately 100 yards from the crowd. Lance Corporal F fired at the centre of the crowd from behind the low wall that ran around the garden. Private G immediately jumped down beside Lance Corporal F and also opened fire. On the pavement just beyond the wall, Private INQ 635 also began firing. Looking at the centre of the barricade, Private 027 saw two bodies fall. He brought his rifle to the aim and tracked across the people in front of him, who were mostly men but included some women and children. He could see no-one with a weapon and so lowered his rifle. He could best describe his feelings as “*amazed, although this is very inadequate*”. There were now half a dozen other soldiers positioned side by side. Private 027 asked himself whether they knew something that he did not. Opposite the soldiers of his platoon, “*members of the machine guns*” were also firing at quite a rapid rate. He estimated that 100 rounds were fired at the crowd in the first 30 seconds of firing.

¹ Paragraphs 179.1–18

² B1565.005-B1565.006

82.50 This account continued with a description of people falling, bodies being dragged away, and men lying on their faces, crawling along the pavement in front of Block 1 in an attempt to escape.¹ After “*an eternity of timeless moments and sights*”, Major Loden’s voice came over the radio, ordering a ceasefire. Soldiers were “*getting in while the going was good*” by running up from the rear and elbowing their way into the line of firers. Private 027 shouted the order to cease fire and ran along the line, tapping the soldiers on their shoulders. The firing slackened and died as the crowd dispersed. Private 027 stated² that in the course of the operation Private INQ 635 fired ten rounds into the crowd from a private supply of dum-dum (ie modified) bullets. Because Private INQ 635 still had his quota of issued ammunition, he got away with saying in the subsequent investigations that he had fired no shots. Other soldiers in Private 027’s vehicle did the same.

¹ B1565.006

² B1565.008

82.51 In his draft for a proposed book written in or about 1999,¹ Private 027 said that he was in the first group of a few soldiers to arrive at a low garden wall, perhaps 2ft or 3ft high, projecting from a block of flats on the right. As they reached the wall, a soldier on the pavement just ahead of him knelt and fired in the direction of the centre of the crowd behind the barricade. This was the first shot fired by a member of his platoon of which Private 027 was aware. Almost immediately other soldiers arrived on the scene, took up positions around the wall and opened fire. White chips and dust flew off the barricade as rounds struck it. Private 027 saw two men fall among the rubble. He scanned the crowd through the sights of his rifle, trying to identify a target, but failed to locate one. He did not understand at what the other soldiers were firing. As the crowd pulled back, he saw a prostrate body by the entrance to Block 1 of the Rossville Flats with someone kneeling beside it. Others were crawling or bent double as they tried to move away. He saw “*soldiers from the machine gun platoon*” around a stationary vehicle near the northern end of Block 1. One of them was firing along the front of the block. The muzzle flash and smoke discharge were clearly visible. Other soldiers were arriving at the garden wall. One member of Composite Platoon was smiling broadly and said something like “... *isn't this great*” before eagerly joining in with those who were firing from the wall. The firing had become intermittent by the time Private 027 received a ceasefire order from Major Loden over the radio. Private 027 shouted the order out several times and clapped some of those around him on the shoulder as he did so.

¹ [B1565.310-B1565.311](#)

82.52 In his written statement to this Inquiry,¹ Private 027 told us that the crowd was south of the rubble barricade, “*slightly to the east towards the Rossville Flats*”. A soldier of his section, identified subsequently by Private 027 in his supplementary written statement to this Inquiry² as Lance Corporal F, started firing towards the centre of the crowd as soon as he had reached the pavement by the end of the garden wall. Private 027 was standing behind Lance Corporal F. Within seconds, other soldiers came on the scene and joined in the firing. Private 027 saw the strikes of bullets on the barricade. He recalled that the barricade was white, but may simply have seen white dust rising from it when it was hit. Two people towards the centre of the barricade fell within a few seconds of each other during the opening burst of fire.

¹ [B1565.039](#)

² [B1565.113](#)

82.53 Private 027 told us¹ that he moved to his right and stood “*at the junction between the wall and Kells Walk*”. The other soldiers were to his left. A member of Composite Platoon ran up and pushed himself in between two other soldiers who were firing, so that he could

open fire himself. He indicated to Private 027 that he thought that what was happening was great. Private 027 thought that this soldier was a Corporal but could not recall his name. Private 027 scanned the crowd through the sights of his rifle, trying to identify a target, but did not see anyone with a weapon, nor did he see or hear any explosive device. He lowered his rifle, looked at the firing soldiers and tried to see their targets. He was unable to do so, and recalled feeling some inadequacy as a result. He could not recall which other soldiers had been there, although those present included “*all the characters*” in his section. He had the impression that some soldiers had not wanted to miss the chance to fire their weapons, and that an absence of officers at the scene had contributed to what happened.

¹ [B1565.039-040](#)

82.54 Private 027 stated¹ that he could not say how many rounds any individual soldier had fired. Initially, when only two or three soldiers were firing, he would say that shots were being fired steadily at intervals of a second or two. As more soldiers arrived, the shooting intensified, and continued for a number of minutes. Private 027 thought that he could remember Private G firing from the southern end of Kells Walk, and said that it was likely that he had done so because he always acted as a pair with Lance Corporal F. Private 027 also had a mental image of Private INQ 635 firing from this location, but was not now sure whether this was correct.

¹ [B1565.040](#)

82.55 According to this account,¹ after a period of immobility, the crowd broke up and people tried to flee. Some could be seen crouching or crawling on the pavement in front of Block 1 of the Rossville Flats. One man was apparently prostrate with someone kneeling beside him. Private 027 thought that by the time he saw these people he had moved further south down Rossville Street, because he recalled looking almost immediately to his left and seeing a Mortar Platoon vehicle at the northern end of Block 1. A soldier standing in the open near the corner of Block 1 was aiming his rifle to the south, along the length of the block. Private 027 saw a muzzle flash and discharge of smoke as the soldier fired. Private 027 could not say how many times the soldier fired.

¹ [B1565.041-042](#)

82.56 Private 027 then told us¹ that as the crowd dispersed, the volume of firing subsided. He stated that he received a ceasefire order over the radio from Major Loden, and relayed it to the members of his section by shouting it several times and tapping some of the men on the shoulder. The firing came to an end. Private 027 stated that it was not true, as he had claimed in his RMP statement, that someone had shouted “*sniper*” when

the soldiers were at the southern end of Kells Walk, and that the references in that statement and in his written statement for the Widgery Inquiry to a civilian with a firearm falling in Rossville Street had been pure fabrication.² Private 027 told us that it may have been an overstatement to say in his account written in or about 1975 that 100 rounds were fired at the crowd in the first 30 seconds of firing. On the other hand, he thought that an estimate of 50 rounds in the first two or three minutes would be too low. He recalled continuous and sustained firing over a period of several minutes.³

¹ B1565.042

³ B1565.056

² B1565.050-B1565.054

82.57

In his oral evidence to this Inquiry,¹ Private 027 said that it was his impression that when Lance Corporal F began firing the crowd stretched from one side of Rossville Street to the other and was of “*some depth*”. His recollection was that Lance Corporal F was kneeling in approximately the same position as the soldier shown standing on the left in Jeffrey Morris’s photograph of soldiers at the low walls of the Kells Walk ramp,² or perhaps a little further back.

¹ Day 246/53-79

² This photograph shows soldiers of Composite Platoon, not Anti-Tank Platoon.

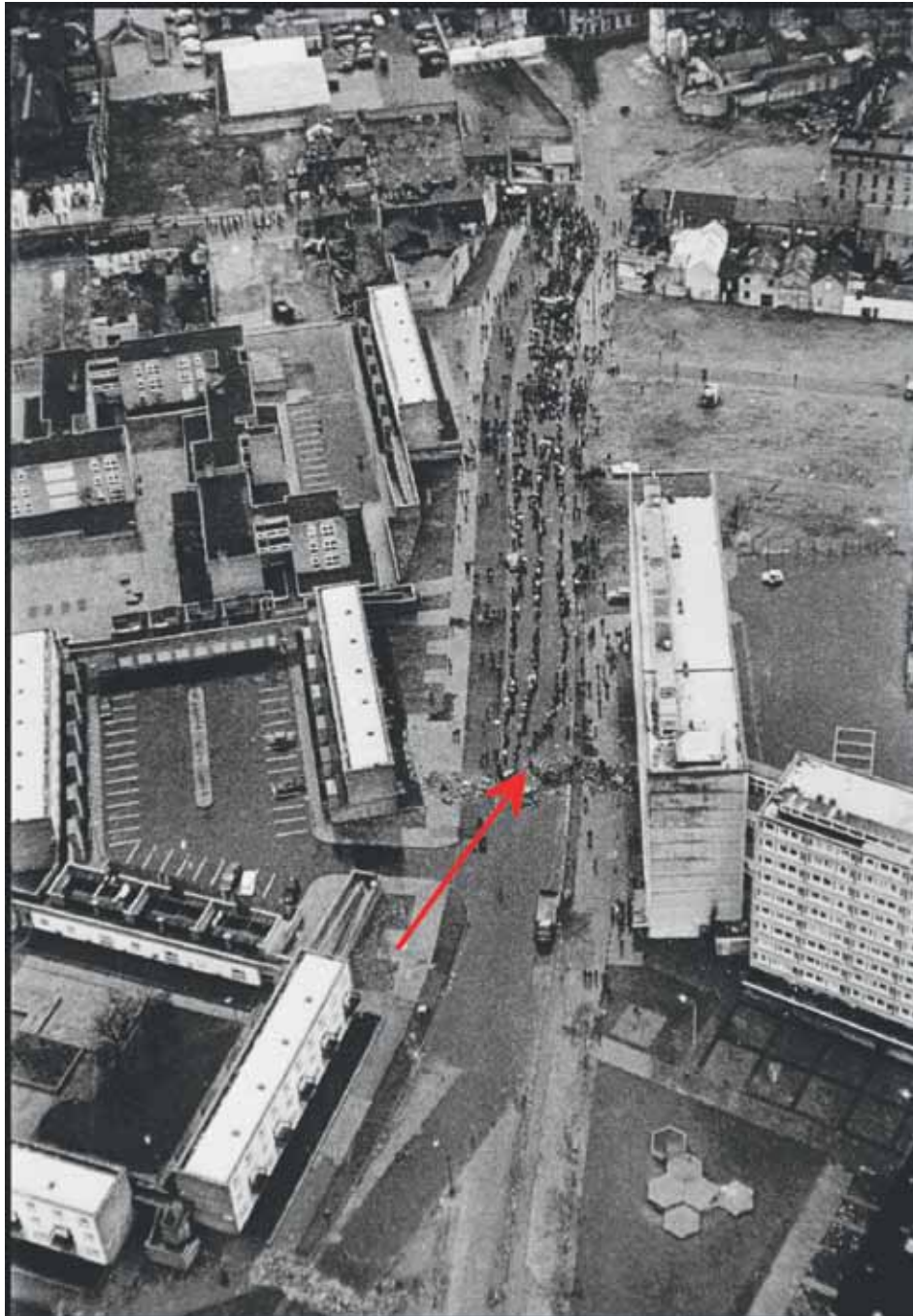


82.58

Private 027 thought that after a short period of time soldiers of both Anti-Tank Platoon and Composite Platoon had arrived at the scene and opened fire. The situation was fluid but he said that he recalled that at some stages there were soldiers both behind the more

northerly of the two low walls at the southern end of Kells Walk and on the ramp between those walls. Private 027 marked an aerial photograph¹ (reproduced below) to show where he saw two people fall in the initial burst of firing.

¹ [B1565.275](#)



82.59 Private 027 told us that he could not now recall with any certainty which individuals other than Lance Corporal F had opened fire from the southern end of Kells Walk, although he believed that Private G and Private INQ 635 had been present, and believed that his

account written in or about 1975 accurately recorded what at that time he believed had happened. Private 027 could not say whether the Corporal of Composite Platoon described in his written statement to this Inquiry had been one of the soldiers who opened fire. When he said in that statement¹ that “*all the characters*” in his section had been present, his comment had contained “*an element of assumption*”.² He was unwilling to estimate the total number of shots fired from the southern end of Kells Walk, saying that any figure that he gave would be a guess. Private 027 said that he saw nothing that appeared to justify the shooting that took place, and did not recall any of the soldiers saying why or at what he was firing, or warning of the presence of any gunman or bomber. He said that he did not know the identity of the soldier who fired from the northern end of Block 1, and that he did not see at what that soldier was firing. Private 027 told us³ that he could not have had direct knowledge that Private INQ 635 had fired rounds from a private supply of dum-dum bullets into the crowd, and could not recall why he had said in his account written in or about 1975 that this had happened. Private 027 said⁴ that it had not been true to say in his RMP statement that he could not say which soldiers had fired from the southern end of Kells Walk, since he had seen Lance Corporal F fire. On the other hand, he said that he had no reason to think that the account that he gave in that statement of firing by soldiers from the northern end of Block 1 had been fabricated. He could not explain why in that statement he had said that the ceasefire order was shouted from the rear, when his current recollection was that the order was given over the radio.

¹ B1565.040

³ Day 247/6-7; Day 249/41-42; Day 249/54

² Day 246/66

⁴ Day 247/18-20

82.60 In his written statement to this Inquiry,¹ Private INQ 635 said that he did not fire any shots from the low walls at the southern end of Kells Walk. In his oral evidence to this Inquiry,² Private INQ 635 said that he was certain that he fired no shots and that Private 027 had been wrong when he said that he had done so. Private INQ 635 denied that he had ever had dum-dum bullets in his possession, had ever tampered with bullets to create dum-dums, or had ever had a private supply of ammunition.

¹ C635.4

² Day 352/17-22; Day 352/74-75

82.61 We have commented elsewhere in this report¹ on the accounts and evidence given by Private 027. Much of it was exaggerated and some of it clearly wrong or at best second-hand. However, we have no reason to doubt that he witnessed firing by soldiers from the low walls of the Kells Walk ramp; and we accept that despite what he had put in his RMP statement and said to the Widgery Inquiry, he did not see any legitimate target

for this firing. We do not accept that Private INQ 635 was one of those firing, an allegation for which there is no other support. We deal with evidence relating to dum-dum bullets elsewhere in this report.²

¹ Paragraphs 96.9–12, 98.2–3, 104.442–447 and 166.124–131 and Chapter 179

² Paragraphs 166.124–131

Composite Platoon

Captain 200

82.62 Captain 200 was the Commander of Composite Platoon.

82.63 In his RMP statement,¹ Captain 200 did not refer to firing by soldiers of Anti-Tank Platoon from the low walls at the southern end of Kells Walk. He did record that as he was deciding to direct some of his soldiers along the right-hand side of Rossville Street, he “*heard the burst of automatic fire and one or two single shots fired in our general direction*”. The reference to one or two single shots fired in his general direction did not appear in the manuscript draft of the statement.²

¹ B1978-1983

² B2022.043

82.64 In the transcript of an interview conducted on 2nd February 1972 for the purposes of the Thames Television This Week programme *Northern Ireland – Two Sides of the Story*,¹ but not used in the programme itself, Captain 200 is recorded as having said that he saw at least one person with a weapon behind the rubble barricade, at least four or five minutes after the first shots had been fired at the soldiers.

¹ B1993-B1994; B1988

82.65 Captain 200’s undated manuscript note of the sequence of events¹ suggests that after he had heard automatic fire and deployed his platoon, and while he was still wearing his respirator, he saw what he described as “*3 men Anti-Tk pl – barrier 2 hds [ie heads]² fire posns crowd dispersed – scattered too bunched – (my men)*”.

¹ B2022.060

² Day 367/119

82.66 In his written statement for the Widgery Inquiry,¹ Captain 200 recorded that after he had disembarked from his vehicle he went up to Major Loden, whose vehicles had stopped at the junction of Eden Place and Rossville Street, and asked what Major Loden wanted Composite Platoon to do. According to this account, Major Loden told Captain 200 to assist Mortar Platoon. At about this time, Captain 200 heard automatic fire. He decided

to deploy half of Composite Platoon in support of Mortar Platoon and half in support of Anti-Tank Platoon. At this stage he saw at least three soldiers of Anti-Tank Platoon firing their rifles from behind a wall by “*the long straight building between Rossville Street and Kells Walk*”. Captain 200 looked to see at what they were firing. He saw the barricade and perhaps two heads immediately behind it. Beyond them, he could see about 30 people scattered on the western side of Rossville Street near Glenfada Park. There were more people scattered further down Rossville Street. Captain 200 took in all this in a matter of seconds. He thought that the crowd had dispersed rapidly and that gunmen were likely to appear. He told his men on the western side of Rossville Street to spread out. It was at about this time that he removed his respirator.

¹ [B1985-B1986](#)

82.67 Captain 200 recorded in the same statement¹ that when he spoke in the Thames Television interview about the first shots fired at the soldiers, he had been referring to the burst of automatic fire that he said that he had heard. When he said in that interview that at least four or five minutes after those shots were fired, he saw at least one person with a weapon behind the barricade, he had been speaking on the spur of the moment and without thinking hard about what he had seen. He had seen people behind the barricade when Anti-Tank Platoon opened fire, but he could not say positively that these people had been armed.

¹ [B1988](#)

82.68 In his oral evidence to the Widgery Inquiry,¹ Captain 200 said that he saw the heads of at least two people behind the barricade at whom the soldiers of Anti-Tank Platoon were firing from behind the wall. One head was popping up and down, while the other was crouching much lower. Captain 200, who was still wearing his respirator, assumed from their behaviour that the people behind the barricade were gunmen. He said² that at the time when he saw soldiers firing towards the barricade, there was a lot of firing but none that he could identify as fire coming from the barricade. He saw no weapons at the barricade but assumed that they were there because he could not believe that the soldiers would have been firing if they were not, because of the way in which the men behind the barricade were moving, and because he thought that any unarmed civilians would have left the barricade.

¹ [WT15.42-WT15.44](#)

² [WT15.59-WT15.61](#)

82.69 In his written statement to this Inquiry,¹ Captain 200 told us that when he made the first of two visits to the position at Kells Walk to which soldiers of Anti-Tank Platoon and Composite Platoon had deployed, he would still have been wearing his respirator. He thought it was at this stage that one of the soldiers taking cover behind the wall at the southern end of Kells Walk had pointed out a man holding a pistol in his hand, with his arm extended out of an open window about three floors up in Block 1 of the Rossville Flats. Captain 200 thought that he had been told afterwards that this soldier was Lance Corporal F, but was not sure whether this was correct. Captain 200 thought that he had seen the pistol. He had no recollection of the pistol being fired. The soldier fired one aimed shot at the pistol man. Captain 200 had the impression that the pistol man had ducked back in and that the shot had missed, but he was not sure about this. Captain 200 also saw heads bobbing up and down behind the barricade and formed the firm impression that gunmen there were taking sightings of the soldiers.

¹ [B2022.007](#)

82.70 In his oral evidence to this Inquiry,¹ Captain 200 said that it was his impression that there had been a time when soldiers of both Anti-Tank Platoon and Composite Platoon had been together at the low walls at the southern end of Kells Walk. He recalled² that at some stage he had seen soldiers firing from behind the low walls, and heads bobbing up and down behind the barricade, but he could not now remember when or from where he had seen this. He could not recall the basis of his impression that those behind the barricade were gunmen, and said that this was “*a very small point of my vision at that time*”. He said³ that he did not see a weapon at the barricade, and that all that he could remember⁴ was that there had appeared to be two people behind the barricade and that he had glimpsed some soldiers, presumed by him to be members of Anti-Tank Platoon, firing from Kells Walk towards the barricade. Captain 200 said⁵ that the incident involving the pistol man in the Rossville Flats had been described out of sequence in his written statement to this Inquiry and had in fact occurred at a later stage of events.

¹ [Day 367/89-90](#)

⁴ [Day 367/119-120](#)

² [Day 367/95-98](#)

⁵ [Day 367/94-95](#); [Day 367/115-117](#)

³ [Day 368/54](#)

82.71 It will be noted that Captain 200 did not see firing from the rubble barricade, or anyone he could identify as a gunman at the rubble barricade.

82.72 We should add that it seems to us that Captain 200's account of being told that there was a man with a pistol, with his arm extended out of an open window about three floors up in Block 1 of the Rossville Flats, is likely to relate to the shooting at Block 1 of the Rossville Flats at a late stage, after the events of Sectors 4 and 5. We consider this shooting later in this report.¹

¹ [Chapter 123](#)

Sergeant K

82.73 In his RMP statement,¹ Sergeant K recorded that when he had reached a point "*level with the north west corner of a block of maisonettes of Columbcille Court*" he saw members of Support Company at "*the north east corner*" fire one to two shots towards "*the flats area*". The soldiers of Support Company then moved away and Sergeant K and those with him took up the positions that they had vacated. Sergeant K moved behind a small brick wall at GR 43261692 (the southern end of Kells Walk).

¹ [B290](#)

82.74 In his written statement for the Widgery Inquiry,¹ Sergeant K recorded that soldiers of Support Company were taking cover and firing from the wall at the southern end of "*the low-rise flats in front of Columbcille Court*".

¹ [B298](#)

82.75 In his oral evidence to the Widgery Inquiry,¹ Sergeant K said that the soldiers of Support Company were firing "*into the area of Rossville Flats*".

¹ [WT15.81](#); [WT15.85](#)

82.76 In his written statement to this Inquiry,¹ Sergeant K told us that he saw soldiers of Support Company standing behind a low wall at the point marked B on the plan attached to his statement² (the southern end of Kells Walk), but that he could not recall what these soldiers were doing. He stated that he did not "*specifically recall*" that they were shooting.

¹ [B311.006](#); [B311.011-B311.012](#)

² [B311.037](#)

82.77 In his oral evidence to this Inquiry,¹ Sergeant K confirmed that he remembered soldiers being at the low walls at the southern end of Kells Walk before he reached that point, but said that he no longer remembered seeing any of those soldiers fire their weapons.

He could not say more precisely what he had meant when he said in his oral evidence to the Widgery Inquiry that these soldiers were firing “*into the area of Rossville Flats*”. He said that he had not seen at what these soldiers were firing.²

¹ [Day 364/148-150](#)

² [Day 364/184](#)

82.78 As will be seen when we discuss the firing by soldiers of Composite Platoon from the low walls of the Kells Walk ramp,¹ Sergeant K did not suggest that his men, moving up behind the Anti-Tank Platoon soldiers, had come under fire, which in our view casts further doubt on the evidence that there had been firing from the rubble barricade.

¹ [Paragraphs 84.16–40](#)

Other members of Composite Platoon

82.79 Later in this report¹ we discuss the evidence of other members of Composite Platoon about incoming fire. For reasons we give there, we are of the view that their evidence does not provide support for the suggestion that there were gunmen at or firing from the rubble barricade.

¹ [Paragraphs 84.44, 84.79, 84.82, 84.86, 84.131, 84.144 and 84.178–179](#)

Warrant Officer Class II Lewis

82.80 In his interview with Peter Taylor,¹ Warrant Officer Class II Lewis said that at a certain stage Major Loden made him aware “*that there was slight confusion*”, and he said that he would try to find out what was going on. He ran forward to the platoon deployed “*on the flats on the right, behind the low wall*”. He saw that the soldiers of this platoon were aiming their weapons, and was concerned to know at what they were aiming or firing. The Platoon Sergeant told him: “*we have identified gunmen on the barricades there are people who are armed on the barricades*”. Warrant Officer Class II Lewis said that he then saw the strikes of two or three high velocity rounds on the ground “*about 150 yards forward of the barricades*”. These rounds struck the ground between the rubble barricade and a crowd “*right at the far side of what appeared to me to be a very large square*”. Warrant Officer Class II Lewis said that he ran back to the command vehicle to give a report to Major Loden. He also said that he could not recall seeing any gunmen on the barricade but his vision was impaired because he was wearing a respirator.

¹ [I604-I608](#)

82.81 In his written statement to this Inquiry,¹ Warrant Officer Class II Lewis told us that as he approached the low wall, he saw that Sergeant INQ 1694 (the Platoon Sergeant of Anti-Tank Platoon)² was there with about three or four other members of his platoon. Sergeant INQ 1694 was still wearing his respirator, as was Warrant Officer Class II Lewis. Sergeant INQ 1694 was looking south down Rossville Street with his rifle up. On each side of him, there was another soldier half-crouching behind the wall in a firing position. Warrant Officer Class II Lewis told us that he then heard two high velocity shots. He formed the impression that these shots had been fired by the two soldiers on either side of Sergeant INQ 1694. He went onto the ramp alongside Sergeant INQ 1694 and asked him at whom his men were firing. Sergeant INQ 1694 replied that they had identified gunmen on the barricade. Warrant Officer Class II Lewis looked down Rossville Street. There was no-one on the barricade, but there was *“quite a lot of activity to the left of it as I looked at it, i.e. in front of the Rossville Flats, to the east side of the barricade”*. Warrant Officer Class II Lewis then saw the strikes of two rounds on the pavement about 25m in front of the low wall, between the soldiers and the barricade. Warrant Officer Class II Lewis could not identify the source of these shots, but stated that he knew from their sound that they were high velocity rounds. Although he could not see anyone at the barricade, Warrant Officer Class II Lewis trusted Sergeant INQ 1694's judgement and was satisfied with his explanation of his soldiers' actions. He ran back to the command vehicle, and recalled that as he ran back, Colonel Wilford was running forward.

¹ B2111.016-B2111.017

² Sergeant INQ 1694 died before this Inquiry was established and we have no evidence from him.

82.82 In his oral evidence to this Inquiry,¹ Warrant Officer Class II Lewis said that Sergeant INQ 1694 and the two soldiers on either side of him were behind the more southerly of the two low walls at the southern end of Kells Walk. There were about three or four more soldiers behind the more northerly wall. He believed that these soldiers were all members of Anti-Tank Platoon. Each of the soldiers beside Sergeant INQ 1694 fired one shot while Warrant Officer Class II Lewis was present. Sergeant INQ 1694 told Warrant Officer Class II Lewis that they had identified gunmen on the barricade. Warrant Officer Class II Lewis scanned the whole area, looking to see whether there was anyone crouching or lying at the barricade. He was standing on the path between the low walls, wearing his respirator. He saw nobody on the barricade, but there were people to the left and right and in the far distance, running or milling around. He did not spend long looking at those people to see whether he could pick out anyone with a firearm. Then he saw the strikes of two rounds on cobblestones in front of the barricade. He had no means of knowing whether these rounds were fired by civilians or by soldiers. It was possible that soldiers standing very close to him fired them. He said² that these shots struck cobblestones

about 25 to 30m in front of him, and that they were high velocity shots. Although he did not see any gunman at the barricade, he did not doubt that Sergeant INQ 1694 had told him the truth about what he and his men had seen. Warrant Officer Class II Lewis said³ that later that evening he ascertained from Sergeant INQ 1694 the identity of the two soldiers who had fired in his presence, but he could not now remember who they were.

¹ [Day 373/60-68](#)

³ [Day 373/92-94](#)

² [Day 373/117-122](#); [Day 373/250-251](#)

82.83 It will be noted that Warrant Officer Class II Lewis said that he did not himself see any gunman at the rubble barricade, and that he had not been able to identify the source of the rounds that he said that he saw hitting the ground.

Conclusions on gunmen and firing from the rubble barricade

82.84 We are not persuaded by the evidence of Lance Corporal F, Lance Corporal J or Corporal E that there were gunmen at the rubble barricade or firing from there. We take the same view of the evidence of Corporal P concerning a man with a pistol, which we consider in detail below.¹ We have found nothing in the evidence of other soldiers that to our minds supports the suggestion that gunmen were at the rubble barricade or that there was firing from there. On the contrary, the evidence of the soldiers as a whole leads us to the opposite conclusion.

¹ [Paragraphs 85.2–28](#)

82.85 What must be borne in mind is that by the time soldiers opened fire towards the rubble barricade from the low walls at the southern end of Kells Walk, there had been other gunfire, in the form of the shots fired by Lieutenant N up the Eden Place alleyway (discussed in the course of our consideration of the events of Sector 2¹), the initial shots fired by Corporal P (discussed above²) and shots fired by the pistol man described by Private 017 and others. In our view by this stage other firing had broken out in Sector 2. As we observe elsewhere in this report,³ and as Colonel James Ferguson told us, it is extremely difficult to know where fire is coming from in a built-up area.⁴ Although we do not believe that Corporal P considered himself to be under fire from the rubble barricade, it is possible that shots fired elsewhere led other soldiers in Sector 3 mistakenly to believe that they were under fire from that direction. However, even if this happened, it does not

justify the firing at people at the rubble barricade by members of Anti-Tank Platoon, who did not claim to have fired at gunmen, or the firing by Corporal P, since we reject his account of firing at a pistol man at the rubble barricade.

¹ [Chapter 30](#)

³ [Paragraph 30.126](#)

² [Chapter 73](#)

⁴ [Day 281/67](#)

Chapter 83: Nail and petrol bombs

Evidence of the explosion of nail bombs and the ignition of petrol bombs

83.1 As we have previously noted,¹ Lance Corporal F gave accounts of witnessing two nail bombs exploding about 40m from the rubble barricade, before the incident in which he claimed to have fired at a nail bomber behind the barricade. Corporal E told the Widgery Inquiry in his oral evidence that he heard an explosion like that of a nail bomb, which he had not mentioned in his previous accounts. Lance Corporal J said that he saw one nail bomb explode before the incident in which he claimed to have fired at a nail bomber behind the rubble barricade. As we explain in more detail later in this report,² he also said that he saw about two more explode after that incident, at a time when he had moved forward from the low walls at the southern end of Kells Walk. As will be seen below,³ Private M of Composite Platoon said that he heard the sound of nail bombs exploding from the direction of the rubble barricade.

¹ Paragraphs 81.2–20

³ Paragraphs 84.78–101

² Paragraphs 85.83–94

83.2 We have also previously noted¹ that Corporal E gave an account of seeing a petrol bomb smash and burn about 30 yards in front of the rubble barricade. As we explain later,² Private M said that he saw a petrol bomb thrown from the side of Glenfada Park and “*exploding*”³ in front of the rubble barricade.

¹ Paragraphs 81.58–72

³ WT16.19

² Paragraphs 84.82 and 84.85–86

83.3 In his written and oral evidence to this Inquiry, Private INQ 1237 told us that he saw the burst of flames from the ignition of at least one petrol bomb.¹

¹ C1237.5-6; Day 366/16; Day 366/25

83.4 Gunner 023, who was in the Peter England shirt factory in Little James Street, recorded in his Royal Military Police statement¹ that he heard an explosion coming from the area of Rossville Street, and in his written statement for the Widgery Inquiry² that he heard small explosions from the general area beyond the rubble barricade, one of which sounded like a small gelignite bomb. In his written statement to this Inquiry³ he told us that he no longer recalled hearing this.

¹ B1519

³ B1525.1-2

² B1522

83.5 These are the only soldiers who gave evidence of the explosion or ignition of nail or petrol bombs in Sector 3.

83.6 Neither Lieutenant 119 nor Captain 200, the respective Commanders of Anti-Tank Platoon and Composite Platoon, nor Major Loden, said at any stage that he saw or heard nail or petrol bombs being thrown or exploding or igniting. The same is the case with Warrant Officer Class II Lewis. Sergeant K, as will be seen below,¹ told the Widgery Inquiry that he had neither seen a nail bomb explode nor seen anyone with a nail bomb. Private INQ 635 told us that he recalled no nail bombs being thrown or exploding.² Private U told the Widgery Inquiry that he had heard no nail bombs at any time.³

¹ Paragraph 84.25

³ WT14.6

² Day 352/13

83.7 Had nail or petrol bombs been thrown and exploded or ignited in Sector 3, we have no doubt that all or virtually all the soldiers in that area would have seen or heard them and reported what they had witnessed. There is no evidence from journalists or civilians of bombs of any kind exploding or igniting in this sector.

83.8 In these circumstances we have no doubt that the accounts of nail or petrol bombs exploding or igniting were false. Those giving evidence of actually seeing nail or petrol bombs exploding or igniting could hardly have come to believe, albeit mistakenly, that such bombs had been deployed; and in our view therefore must knowingly have given false accounts in this regard. This raises doubts in our minds about the reliability of their evidence on other matters.

Evidence of nail bombers at the rubble barricade

83.9 The accounts that Lance Corporal F and Lance Corporal J gave of a number of other matters were in our view false and knowingly so, as we explain elsewhere in this report.¹ For this reason we are of the view that we should not accept the claim of either that he fired at a nail bomber behind the rubble barricade unless other evidence supports it. We have found no evidence from any source that to our minds provides such support. As appears hereafter,² we are sure that none of the casualties at the rubble barricade was in possession of nail bombs. For reasons given elsewhere in this report,³ we reject the suggestion that there was an additional unidentified casualty at the rubble barricade who could have been a nail bomber.

¹ Paragraphs 81.20, 81.57, 98.15, 112.13, 112.54, 119.218, 120.20, 123.145–148 and 123.267–268

³ Paragraphs 87.228–236

² Paragraphs 86.55, 86.155, 86.364, 86.461 and 86.500

83.10 We are sure that there were no nail bombers at the rubble barricade. Whether Lance Corporal F or Lance Corporal J fired in the genuine but mistaken belief that he had seen a nail bomber is a matter that we consider later in this report.¹

¹ [Paragraphs 89.16–17](#) and [89.41](#)

Chapter 84: Firing by Composite Platoon soldiers from the low walls of the Kells Walk ramp

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Captain 200's list of soldiers who fired

84.1 As we have explained above¹ when dealing with the shot fired by Private L in a derelict building, Captain 200, the Commander of Composite Platoon, recorded in his Royal Military Police (RMP) statement dated 5th February 1972 that on his return to Clarence Avenue he *"immediately ordered an ammunition check and preliminary questioned all those who had fired their weapons"*.² This suggests to us that he interviewed Private C, Lance Corporal D, Sergeant K, Private L and Private M at an early stage and before Major Loden compiled his List of Engagements. In this regard, it is notable that the order of the entries in Major Loden's List of Engagements suggests that he saw members of Mortar Platoon first, and then members of Machine Gun Platoon and Anti-Tank Platoon, with soldiers from Composite Platoon coming at the end. A further ground on which we think it likely that Captain 200 interviewed the Composite Platoon soldiers before Major Loden is that the latter would have been reliant on his Platoon Commanders to identify those who had fired, and then to send them to him to be interviewed. This sequence is supported by Captain 200's written statement for the Widgery Inquiry, in which he said:³

"13. ... At Clarence Avenue I asked my two Colour Sergeants in charge of the half platoons what rounds had been fired. Having been given a list of the soldiers who'd fired I then spoke to each soldier individually so that I was clear as to why they had fired and what targets they had engaged.

14. I reported the result to the company commander. I told him the names of the men that had fired ... I told him that we had fired 14 SLR rounds..."

¹ Paragraph 79.15

³ B1987-1988

² B1982

84.2 A list of the soldiers of Composite Platoon who fired their rifles, with details of their firing, appears in the manuscript draft and in the final version of Captain 200's RMP statement.¹ In his oral evidence to this Inquiry,² Captain 200 said that this list was based on notes that he had made when he interviewed the soldiers, although those notes have not survived. For the reasons that we have given, we consider that the list compiled by Captain 200 represents the first account given by those soldiers of Composite Platoon who said at the time that they had fired their weapons. With two exceptions we have found no evidence to suggest that any soldiers of Composite Platoon other than those listed by Captain 200 fired their rifles in Sector 3 or at all. The two exceptions are Private INQ 449, who gave no evidence in 1972 of firing and whose account we consider later in this report;³ and Private L, who told us (but again said nothing about it at the time) that he saw Corporal

INQ 1671 shoot and kill a gunman who was near the junction of Rossville Street and Pilot Row. For reasons given when we consider the evidence of Private L,⁴ we are of the view that this account is fantasy.

¹ B2022.047; B1982

³ Paragraphs 123.69–96

² Day 367/146-149

⁴ Paragraph 84.71

84.3 Captain 200 said in his oral evidence to this Inquiry that he prepared the manuscript draft of his RMP statement, which contained the list of soldiers who had fired their rifles, when he returned to Palace Barracks in Belfast two days after Bloody Sunday.¹ However, later in his evidence he said that he wrote the statement on about 5th February.²

¹ Day 367/158-160

² Day 368/36-37

84.4 It is convenient at this point to set out the list of firing soldiers compiled by Captain 200:¹

“Guinness Force fired 14 x 7.62 rounds and 2 rubber bullets. The 7.62 rounds were fired as follows:-

Soldier ‘K’: 1 x 7.62 from GR 43271691 to gunman at barricade 43231683 – missed.

Soldier ‘D’: 2 x 7.62 from GR 43261691 to gunman at window of Rossville Flats 43261684 – possible hit.

Soldier ‘C’: 3 x 7.62 from 43261691 to gunman at window of Rossville Flats 43261684 and 2 x 7.62 from same position at gunman at corner of Rossville Flats 43231680 – both possible hits.

Soldier ‘M’: 2 x 7.62 from GR 43271691 to gunman behind barricade 43231683 – possible hit.

Soldier ‘L’: 1 x 7.62 in rafters of ruin 43281696 at possible sniper in roof – deliberate miss after two warnings to come down. Man jumped down from roof (15 feet) and was arrested. Roof not searched for weapons. 2 x 7.62 from wall 43251688 at barricade 43231683 and 1 x 7.62 at same gunman as ‘C’ and ‘D’.”

¹ B1982-1983

84.5 In the entry relating to Private L in the manuscript draft of this list,¹ Captain 200 originally wrote “3 x 7.62 from wall” and then amended this to “2 x 7.62”.

¹ B2022.047

84.6 We have already discussed¹ the entry relating to Private L's shot in the derelict building. We return to consider each of the other entries in our discussion of the accounts of the individual soldiers concerned.

¹ [Paragraphs 79.15–17](#)

Major Loden's List of Engagements

84.7 The 12th to 15th entries in Major Loden's List of Engagements¹ appear to relate to shooting incidents in Sector 3. For reasons given later in this report² it seems to us likely that the 12th entry relates to firing reported by Private C or Lance Corporal D or both from the top of the high ramp at the southern end of Kells Walk, while in our view the 13th entry relates to other firing reported by Private C.

¹ [ED49.12](#)

² [Paragraphs 123.16–18](#)

84.8 The 14th and 15th entries¹ are in identical terms, save that the second and third digits of the second grid reference in the 15th entry have been transposed. In our view this was an error, since the grid reference as written would put the firer some distance away in the Creggan:

“14. 1 gunman with rifle at GR 43231682 (barricade) shot from GR 43261682. Killed
Body recovered.

15. 1 gunman with rifle at GR 43231682 (barricade) shot from GR 42361682. Killed.
Body recovered.”

¹ [ED49.12](#)

84.9 The grid references for the 14th entry were marked on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families, with the red mark indicating the target and the blue mark indicating the position of the firer.¹ However, the position of the blue mark is inaccurate. It should be one small square further to the right.

¹ [OS2.77](#) (extract)



84.10 The position of the firer does not correspond with any of the evidence. It seems to us that the most likely explanation is that a mistake was made in recording or transcribing the references and that the grid reference 43261682 should in fact have been 43261692. This would make the reference the same as appears in the 12th and 13th entries, and though it would put the firer just southern of the centre of Kells Walk, we consider that it was intended to put the firer at the southern end of Kells Walk. The mistake may have arisen from the accidental repeating of the last four digits of the grid reference for the gunman in the 14th and 15th entries (also 1682) when noting the position of the firer.

84.11 As will be seen,¹ Sergeant K never said that he had killed the man at whom he fired and indeed denied to the Widgery Inquiry that he had done so.² Thus the 14th and 15th entries are not consistent with his evidence at the time, as each refers to the gunman being killed and the body recovered. The evidence of Private L and Private M, which we consider below,³ is to the effect that they fired from the walls of the low ramp at the southern end of Kells Walk at two men crawling along the pavement beneath Block 1 of the Rossville Flats, a little distance from the area indicated in the 14th and 15th entries, and both said of each man, in the accounts that they gave in 1972, either that he had crawled or that he had been dragged into Block 1 of the Rossville Flats, and neither claimed to know that both men had been killed. However, it seems to us possible that the references to the gunmen being killed and their bodies recovered were introduced by

Major Loden. As we discuss later in this report,⁴ soldiers recovered three bodies from behind the rubble barricade and he may have assumed wrongly that two of these were the casualties described in the 14th and 15th entries. None of the other targets described in the List of Engagements appears to have been in the same area. We have considered the possibility that the fourth entry in the list might refer to firing in Rossville Street, in view of its reference to a barricade, but for reasons given in our discussion of the events of Sector 2,⁵ we are of the view that it is much more likely to refer to firing by Private R of Mortar Platoon.

¹ Paragraphs 84.16–40

⁴ Paragraphs 122.1–128

² WT15.87

⁵ Paragraphs 51.181–184

³ Paragraphs 84.41–101

84.12 We consider it likely that the 14th and 15th entries were the result of information provided by Private L and Private M and possibly also by Sergeant K, though none of them told us that he remembered reporting his shot or shots to Major Loden. The fact that the grid reference given for the targets of all three soldiers in Captain 200's list differs slightly from that given for the two gunmen in the 14th and 15th entries in Major Loden's list seems to us to be of no real significance, since, as we have observed elsewhere in this report,¹ such references should be regarded as approximations rather than precise positions. We think that the similarity between the grid references lends significant support to the view that the 14th and 15th entries in the List of Engagements refer to the firing of some or all of these three soldiers.

¹ Paragraphs 51.20 and 165.8

Colour Sergeant 002

84.13 As we have noted earlier in this report,¹ Captain 200 told the Widgery Inquiry that after Anti-Tank Platoon had moved forward "*round the corner towards the Glenfada Park area*" he ordered Colour Sergeant 002 to move his soldiers up to the wall from where that platoon had been firing.²

¹ Paragraph 80.7

² WT15.44

84.14 In his RMP statement timed at 1730 hours on 2nd February 1972,¹ Colour Sergeant 002 gave this account:

“About 1610 hrs Force with Support Company were ordered up to Barricade 12 which was situated across Rossville Street at the junction with William Street. Support Company mounted in APCs moved into Rossville Street. The Force because it was in soft skin vehicles debussed along side Nos 1 2 3 Rossville Street. When we debussed there was CS gas in that area and I heard shots from the area of Rossville Flats well to the front of Support Company. I saw members of Support Company take cover behind a wall adjacent to a block of two storey flats between Kells Walk and Rossville Street. I do not remember how many shots were fired. I then saw members of Support Company start to arrest people in the area between my position and the car park in front of Rossville Flats. My platoon then deployed themselves around the two storey block of flats where members of Support Company had previously taken cover. ‘K’ with ‘M’ and ‘L’ moved along side of the flats on the Rossville side and took up a position behind a wall about four feet high at the Southern end of the block of Flats. While I was moving up to join ‘K’, he fired one round of 7.62 at two males who were behind a pile of rubble about half way along Block 1 of Rossville Flats. When I joined ‘K’ I saw a male person dressed in dark jacket and trousers doing a leopard crawl towards the South end of No 1 Block. I saw that he had a rifle in the crook² of his elbow. I pointed him out to ‘M’ and ‘L’ and told them to fire at him. Both soldiers fired two rounds of 7.62 and the man was hit. A second man then crawled from behind the rubble. I could not see any weapon with him and as a group of people were standing inside the door to where he was crawling I ordered ‘M’ and ‘L’ to cease fire. This they did. The second person to leave the rubble then started to drag the man who had been hit towards the door. Then about four men came out of the flats and dragged both men inside.”

¹ B1349-1350

² This word appears as “crouch” in the typed version of the statement. The correct reading has been taken from the original manuscript version.

84.15 We return later in this chapter¹ to Colour Sergeant 002’s evidence of what he saw, when we consider the evidence given by the soldiers of what they saw at and near the rubble barricade, but we accept his evidence that Sergeant K, Private L and Private M of Composite Platoon moved to the low walls of the Kells Walk ramp. It follows in our view that these three soldiers arrived at the low walls after the firing by, according to their accounts, Lance Corporal F, Lance Corporal J and Corporal E.

¹ Paragraphs 84.116–122

Sergeant K

84.16 As we have indicated earlier,¹ it appears that Sergeant K reported to Captain 200 that he had missed his target. The grid reference in Captain 200's list puts Sergeant K's target on the western side of Rossville Street behind the rubble barricade, but in our view, as in the case of Major Loden's List of Engagements, it would be wrong to treat these references as necessarily recording accurately the information given by soldiers.

¹ [Paragraph 84.4](#)

84.17 In his RMP statement dated 1st February 1972,¹ Sergeant K gave this account:

"When we were called to advance to a barricade at the junction William St/Rossville St, Londonderry. There I saw rioting taking place in and around the Rossville St area. They numbered between 4–700 persons of all ages and of both sexes.

As the Coy advanced the rioters fell back towards the Rossville Flats area. I moved with the Section 71A along the north east side of Rossville St, Londonderry.

I was armed with a SLR which had a magazine of 20 rounds affixed to it. It also had a telescopic sight affixed to it.

We advanced until we came level with the north west corner of a block of maisonettes of Columbcille Court. There I saw members of [...] Coy at the north east corner fire 1–2 shots towards the flats area. That element of [...] Coy then moved towards St Columbs Wells. We took over the positions they had vacated. I located myself behind a small brick wall at GR 43261692 together with other members of the Section and observed the flats area.

I saw two men crawling from behind a pile of rubble that forms part of a barricade across Rossville St, Londonderry. I saw the rear man who was crawling, appear to have a weapon in his hands. I cocked my weapon and fired 1 x 7.62 round aimed shot at him. I didn't observe a strike. 'L' and 'M' of my unit also fired at this gunman. I didn't observe the rounds they fired strike. The gunman disappeared into the flats. I fired no further rounds during the shooting incident. I think that I may have hit the gunman when I fired at him."

¹ [B290-291](#)

84.18 In the fourth paragraph of the above quotation the word "*Support*" has been blanked out before the word "*Coy*" in both places where that word appears. Although in his RMP statement¹ and in his evidence to the Widgery Inquiry² Sergeant K referred to having had

a self-loading rifle (SLR) with a telescopic sight, in his written statement to this Inquiry³ he described his weapon as a sniper rifle. We consider his original account the more likely to be accurate.

¹ B290

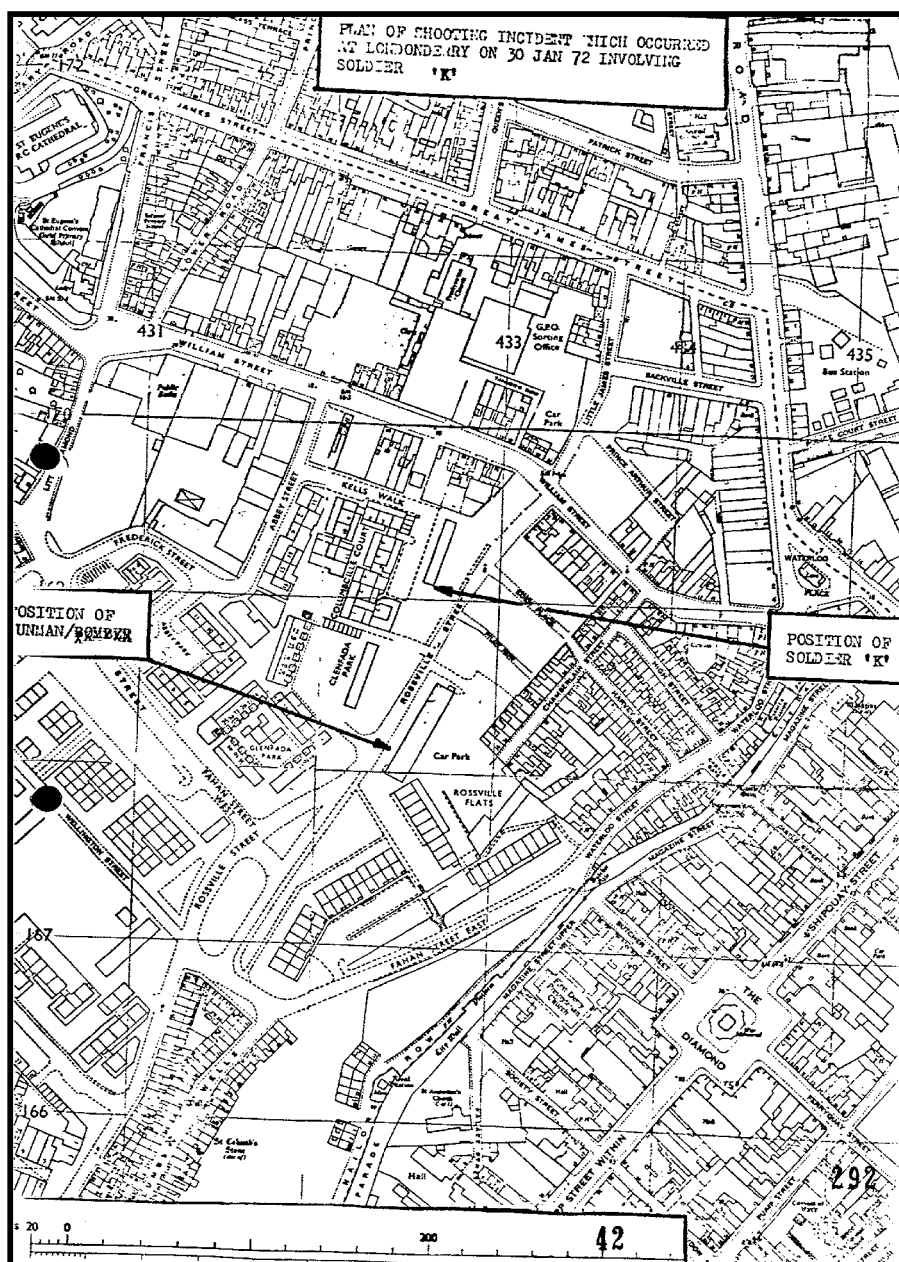
³ B311.005

² B297; WT15.80

84.19

The following RMP map which accompanied this statement shows the position of Sergeant K at the southern end of Kells Walk and locates his target on the eastern side of Rossville Street in a position that would have been a little way behind the rubble barricade.¹

¹ B292



84.20 In his written statement for the Widgery Inquiry,¹ Sergeant K recorded that on disembarkation the soldiers put respirators on as there was still gas floating around. He described how soldiers of his call sign (71 Alpha) went along the front of the low-rise flats in front of Columbcille Court and took up position at the wall at the southern end of these flats, where soldiers from Support Company had been taking cover and firing, after those soldiers had moved off down Rossville Street and then to the right. His statement then continued:²

“From this position we were able to observe the area of the Rossville Flats and from behind the rubble barricade in Rossville Street we saw two men doing a leopard crawl and I could see the rear man was carrying what I could clearly see was a rifle. I then cocked my rifle and fired one round at this man. I could not see this man too clearly except to say that he was wearing a dark suit. It is difficult to say whether in fact I hit the man. Two other members of my platoon had fired at the man almost simultaneously. These were soldiers L and M. By this time the first man had reached the doors of the flats and had been pulled in by people and the second man eventually got level with the door and several people came to the doorway and I saw them pull him in.”

¹ B297-298

² B298

84.21 Sergeant K then stated that, after this, “*firing from our position had stopped completely*” and he moved into a car park facing Columbcille Court.¹

¹ B298

84.22 In his oral evidence to the Widgery Inquiry, Sergeant K said that he had been in service with the Parachute Regiment for nearly 14 years, had a Marksman’s Badge and was equipped with a rifle with a telescopic sight.¹ When asked whether he had taken cover behind the wall he replied that “*we stayed close to the wall because there was need to*”; and, asked what that need was, he replied: “*Because if we had gone too far ahead we would have got mixed up with another Call Sign in front of us.*”² He told the Widgery Inquiry that firing was taking place as soon as the soldiers of Composite Platoon had deployed from their vehicles, but he could not say where it was coming from. He then gave the following answers:³

“Q. What sort of firing?

A. Rifle fire and in general a lot of screaming and shouting and bottles being thrown.

Q. Could you tell where the rifle fire was coming from or where it was occurring?

A. I could not, sir. I could not say offhand.

Q. What sort of rifle fire was it?

A. 7.62. In the general confusion one tends to get mixed up with different types of weapon.

Q. Some of it, at any rate, was 7.62 – your own fire?

A. Yes.

Q. Before that had there in your recollection been any rubber bullets fired?

A. In the area of the Presbyterian Church before we moved in there had been rubber rounds fired.

Q. What about the waste ground?

A. Some in the waste ground, but not by the Call Sign I was with.

Q. Not your platoon. Did you see where the 7.62 firing was going on?

A. There was some going from the previous half-platoon that had already moved up along the low-rise flats into that small wall there. They were firing into the area of Rossville Flats, and that was part of Support Company.”

¹ WT15.80

³ WT15.81

² WT15.81

84.23

Sergeant K then told the Widgery Inquiry that he had seen two men crawling from behind the rubble barricade towards the doors of the Rossville Flats. *“The rear man was carrying a rifle. On seeing this weapon in his hand I cocked my weapon and fired one aimed shot. I could not say whether I hit him or not.”* He said that the man he shot at stopped momentarily but continued to crawl. He agreed that he had not killed the man, but said that he might have hit him and that the man had appeared to lurch and then to carry on crawling. He described the men as doing a *“leopard crawl”*, ie lying on their stomachs, using elbows, knees and toes to move along. He said that it was difficult to see what type of weapon the rear man was carrying *“because the bulk of the weapon was hidden by the body of the man crawling along”* and could not say whether it was long, short or bulky. Though he believed it to be a .303in rifle, he was unable to say on what evidence he had

based that belief, save that he had seen part of the butt. He described the man at whom he fired as of medium height and wearing a dark suit.¹ He said that he and the other soldiers with him had removed their respirators before firing, as they crossed Rossville Street.²

¹ [WT15.81-83](#); [WT15.86-87](#)

² [WT15.86](#)

84.24 Sergeant K said that Private L and Private M were also firing, though whether at the same man or the one in front he could not say. He said that the man in front was wearing a light suit. He then gave the Widgery Inquiry an account similar to his written statement, of seeing the men reaching the door of the flats and being pulled in.¹

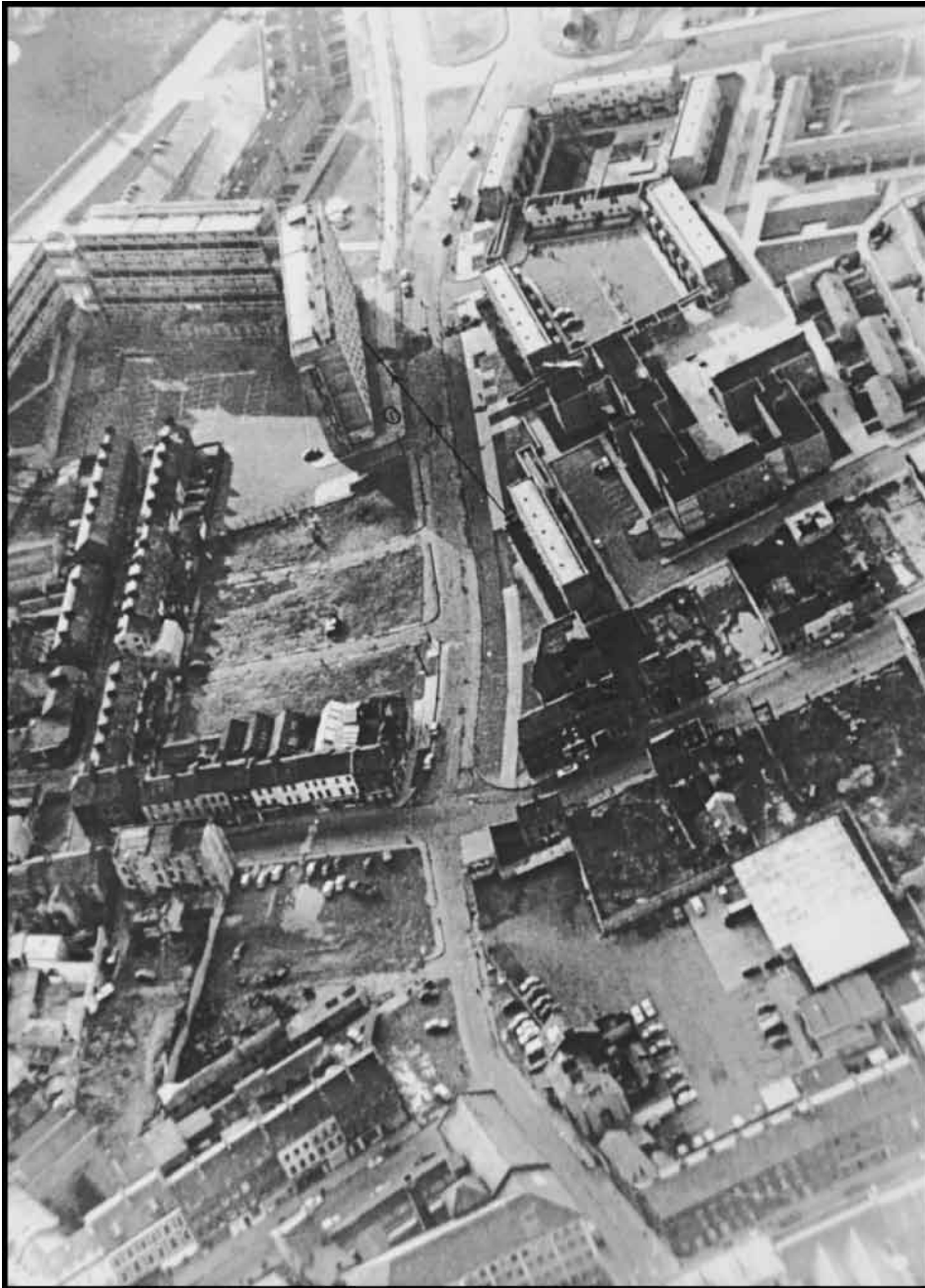
¹ [WT15.83-84](#)

84.25 Sergeant K told the Widgery Inquiry that he had neither heard a nail bomb nor seen anyone with a nail bomb.¹ He also said that while he was in position behind the wall, he did not see any other soldiers in front of him.²

¹ [WT15.85](#); [WT15.90](#)

² [WT15.88](#)

84.26 Sergeant K's trajectory photograph (which we reproduce below) shows very similar positions to those shown on his RMP map.



84.27 Sergeant K gave written and oral evidence to this Inquiry.

84.28 In his written statement to this Inquiry, Sergeant K told us that he was carrying a sniper's rifle because he was normally the Platoon Commander's bodyguard, though he was not assigned to be his bodyguard on Bloody Sunday.¹ As noted above,² we prefer the evidence that he gave in 1972 to the effect that he had an SLR fitted with a telescopic sight. When he disembarked from his vehicle he could see some people throwing stones, but they were too far away for the stones to hit him. He stated that he could hear

shooting. *"I cannot say whether the shots were outgoing or incoming fire but I could hear the noise of SLR weapons. I was not being shot at and I did not feel under any immediate threat."*³

¹ B311.005

³ B311.006

² Paragraph 84.18

84.29 Sergeant K continued by giving an account, similar to those that he had given in 1972, of moving south and then taking the place of Support Company soldiers at the low walls of the Kells Walk ramp. He recalled standing just to the east of the gap between these walls.¹ His account of seeing two men "leopard crawling" south from the rubble barricade, and of firing at the second man, was also similar to his previous accounts, though to us he stated that he thought that he had hit this man with his shot; and that he had been able to identify the weapon the man was carrying as a .303in rifle, because when the man reached the doors of the flats someone picked it up and Sergeant K could see the whole length of it through his telescopic sight.²

¹ B311.006-007

² B311.007-008

84.30 In this statement Sergeant K told us that two soldiers to his right fired at the same time as he did, but that he did not see what they were aiming at, nor did he see their rounds strike.¹

¹ B311.008

84.31 Sergeant K also told us that he recognised the low walls in a photograph taken by Jeffrey Morris (shown again below) as those from which he fired. He stated that the soldier on the left might be him; the two on the right Private L and Private M; the soldier kneeling behind the nearest low wall Colonel Wilford, and the other soldier to the right also kneeling down a radio operator.¹ In his written statement for the Widgery Inquiry, Jeffrey Morris had stated that after taking the third of his photographs of the arrest of William John Dillon, to which we have referred in our consideration of this arrest in Sector 2,² he ran over Rossville Street and took the following photograph. *"As I did so, I am certain the soldier on the left and the soldier fourth from the left were firing."*³

¹ B311.009

³ M57.3

² Paragraph 33.13



84.32 Commenting on the fact that he had told the Widgery Inquiry that “*we stayed close to the wall [at Kells Walk] because there was need to*”,¹ Sergeant K stated: “*We did not need to stay near the wall because we were under fire; it was because we didn’t want to get mixed up with the other call sign ahead of us, that is, further south down Rossville Street.*”²

¹ [WT15.81](#)

² [B311.013](#)

84.33 In his oral evidence to this Inquiry, Sergeant K said that it was not his current recollection that he saw the whole of the weapon of the man at whom he had fired, but he could not explain how he had come to sign his written statement in which he had said that he had seen the whole weapon.¹ However, he maintained that he had no doubt that the person was carrying a rifle, though he did not know what type it was.² He also said that he thought he had hit the man “*because he appeared to lurch*”.³

¹ [Day 364/127-128](#)

³ [Day 364/163](#)

² [Day 364/161](#)

84.34 Sergeant K also told us that he was supplied with a rifle with a telescopic sight because he was a battalion marksman and the only one trained in the use of the sight.¹

¹ [Day 364/134](#)

84.35 As to the firing that he heard when he disembarked from his vehicle, Sergeant K said that he could not hear or recognise the noise of anything other than SLRs.¹

¹ [Day 364/142](#)

84.36 Asked whether he had complied with the provisions of the Yellow Card in firing at someone who was not posing any immediate threat, Sergeant K said that as far as he was concerned “*there was a possible intention to use*” the weapon, and he relied upon Rule 13(b) of the Yellow Card, which permitted firing “*against a person carrying a firearm if you have reason to think he is about to use it for offensive purposes*”.¹

¹ Day 364/156-158; ED71.2

84.37 Sergeant K was shown the accounts of Colour Sergeant 002, to which we have already referred¹ and to which we refer again later,² and of Corporal 039, to which we refer later in this chapter.³ According to the former, he saw Sergeant K fire, then saw a man crawling with a rifle and ordered Private M and Private L to fire, which they did. He then saw a second man crawling from the rubble barricade, but could see no weapon, and so he ordered a ceasefire. The second man dragged the man who had been shot towards the door of the flats, where others dragged them both in. Sergeant K said that he could not remember whether this was the sequence, or whether Colour Sergeant 002 had given an order to fire, but said that he was still sure that he had seen two men, and that the one in front had been without a weapon.⁴

¹ Paragraphs 84.13–15

³ Paragraphs 84.102–115

² Paragraphs 84.116–122

⁴ Day 364/166-167

84.38 According to Corporal 039, he and the other soldiers at the low walls at the southern end of Kells Walk came under fire from the direction of the Rossville Flats area. Sergeant K said that he was not aware of coming under fire.¹ Corporal 039 stated that there were two crawling men, one wearing dark clothing and carrying what appeared to be a Thompson sub-machine gun and the other in light clothing with fair hair trailing a weapon; and that he told Private L, on his left, and Private M, on his right, to fire. Sergeant K told us that he did not see anything that looked like a Thompson sub-machine gun, that he saw only one weapon and that he had no recollection of Corporal 039 telling Private L and Private M to fire.²

¹ Day 364/168

² Day 364/168-169

84.39 Sergeant K was also shown the account given by Private L to the RMP, which we consider below,¹ in which this soldier had stated that a few seconds after the two men had been taken into a doorway a shot was fired from that doorway. Sergeant K said that he was never conscious of such a shot.²

¹ Paragraph 84.44

² Day 364/170

84.40 Sergeant K told us that he had no recollection of telling Major Loden about his firing.¹

¹ [Day 364/172-173](#)

Private L

84.41 Earlier in this report¹ we described the shot fired by Private L in the derelict building on Rossville Street, where Joseph Lynn had taken refuge when the soldiers came into the Bogside. Apart from telling Captain 200 of this shot, Private L said nothing in his various other accounts about this firing except to deny in his evidence to this Inquiry that it had occurred. For the reasons we have given earlier² we are sure that Private L did fire in the derelict building.

¹ [Chapter 79](#)

² [Paragraphs 79.13–17](#)

84.42 As noted above,¹ Captain 200 also recorded three other shots as having been fired by Private L.² We set out again the full entry for Private L:

“Soldier ‘L’: 1 x 7.62 in rafters of ruin 43281696 at possible sniper in roof – deliberate miss after two warnings to come down. Man jumped down from roof (15 feet) and was arrested. Roof not searched for weapons. 2 x 7.62 from wall 43251688 at barricade 43231683 and 1 x 7.62 at same gunman as ‘C’ and ‘D’.”

¹ [Paragraph 84.4](#)

² [B1983](#)

84.43 We are currently concerned with the part of this entry that appears to relate to the shots that Private L stated that he fired from the low walls of the Kells Walk ramp at the two men to the south of the rubble barricade. We return below¹ to the part that records that Private L fired one shot at the same gunman as Private C and Lance Corporal D, but it should be noted, as will be seen, that this firing (like the firing in the derelict building) was mentioned neither in Private L’s RMP statement nor in his evidence to the Widgery Inquiry. In those accounts Private L gave a description of firing two shots towards a building in Abbey Street.

¹ [Paragraphs 123.61–68](#) and [123.80–96](#)

84.44 In his RMP statement,¹ after giving an account of being under fire from “*the bottom end of the road*” on disembarking in Rossville Street and then arresting a man in the derelict building in Rossville Street (but not having disclosed that he had fired his rifle in the derelict building), Private L continued:

“I then returned to Rossville St to rejoin my unit. When I had rejoined my force we continued to advance on a group of men who were manning a barricade which was across the road. As we did so we were met by sporadic fire from the direction of the barricade. At that time, I was armed with SLR 7.62 and magazine of 20 rounds. I had not fired my rifle up to that time. As we neared the barricade, several rounds of rubber bullets were fired at the men on the barricade and they started to withdraw along Rossville St. We followed the men up and next² subject to bottle and stone throwing. When we had got to a point about 150 yards from the barricade, we took cover behind a wall at the side of the road, and from there I could see two figures lying on the ground behind the barricade. As I watched, the two men started to leopard crawl away from the barricades and they appeared to be cradling rifles in their arms. At that point, ‘L1’ told us to fire at the two men and I aimed my rifle at one and fired. I am sure I hit the man that I aimed at, but after lurching, he continued crawling along with the other man. As the man was making for a doorway I again fired at him a single shot and again I think I hit him. However, in the meantime, the second man, who had been fired on by other members of my force, had gained the shelter of the doorway and he pulled the first man into the doorway with him. A few seconds later, a shot was fired from the doorway into which the two men had vanished.

About that time we were ordered to withdraw, which we did, and I did not see what bodies, if any, were recovered.

I consider it possible that the second shot which I fired may well have hit both men because they both appeared to jump and slow down at the same time and it is possible because of their relative positions that both men could have been hit by the same shot.

At the time of these incidents, it was bright daylight and visibility was perfect. The men were about two hundred yards away from me when I fired my first shot and the man at whom I fired had on a light grey suit and he had fair hair. I could not distinguish anything else because of the distance and also our relative positions. The second man was wearing a dark blue suit, but that was all I can remember of him.

During the action at the barricade I fired two rounds only, but as we were withdrawing along a side street of Rossville St, we were fired on from a derelict building and I returned two single shots from my SLR, but I do not think I hit anyone.”

¹ [B312-314](#)

² The word “next” was a typographical error for “were”, as can be seen from the manuscript original ([B317](#)).

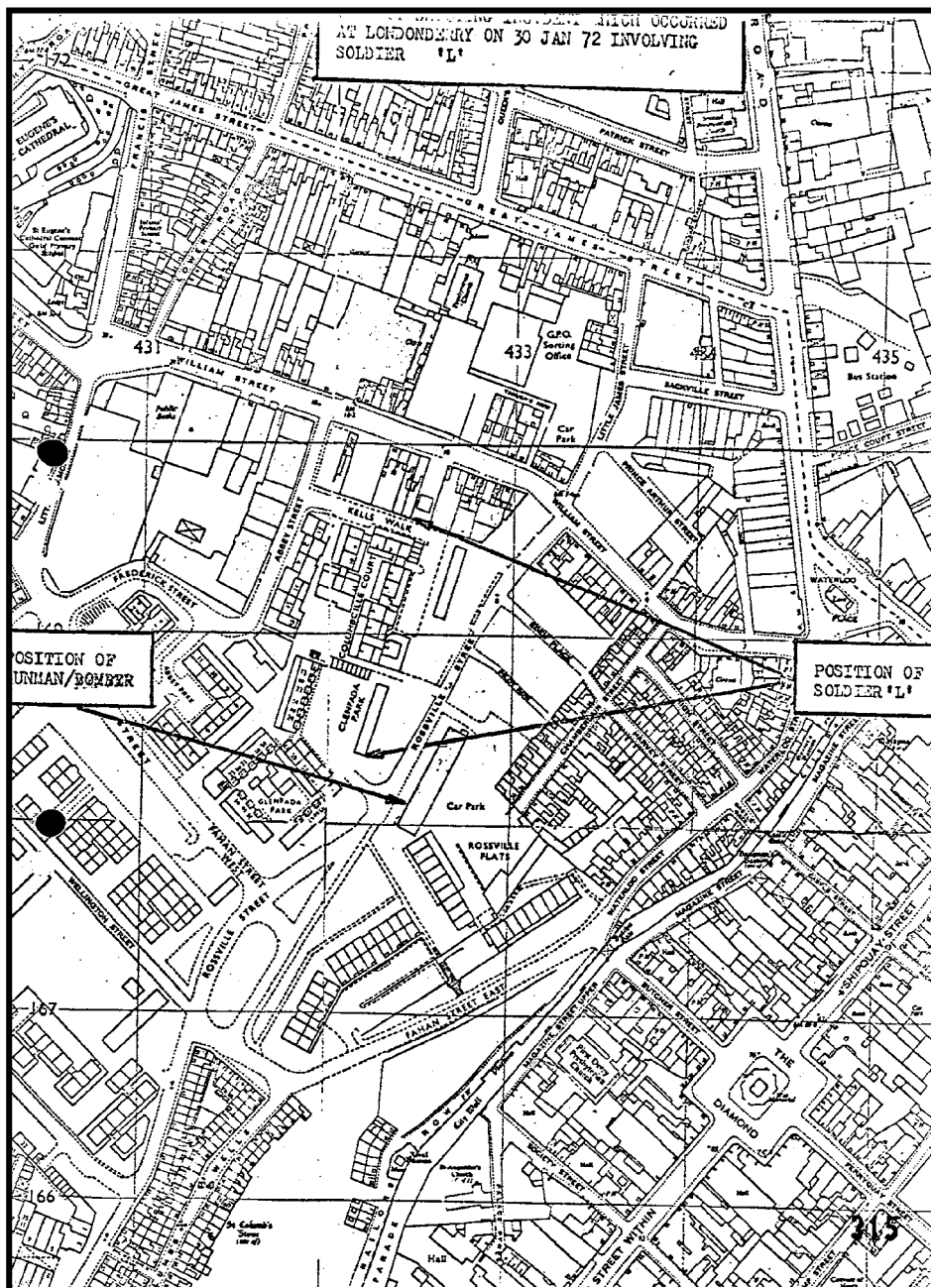
84.45 The reference in the above RMP statement to “L1” is a reference to Colour Sergeant 002.

84.46 We return below¹ to the two shots that Private L stated that he had fired towards a derelict building as he was withdrawing.

¹ [Paragraphs 123.61–68](#) and [123.96](#)

84.47 The RMP map that accompanied this statement (reproduced below) showed two positions for Private L, one at the southern end of the eastern block of Glenfada Park North; and the other in the roadway marked Kells Walk to the west of Rossville Street.¹

¹ [B315](#)



84.48

According to his RMP statement, Private L fired his first shots when he was about 150 yards from the rubble barricade on its north side. The first of the two positions marked on the RMP map does not reflect this account, as it puts him close to and on the other side of the rubble barricade. The second position is clearly intended to mark the point from which Private L said that he had fired at a gunman in a derelict building in Abbey Street.

84.49 In his written statement for the Widgery Inquiry,¹ Private L described disembarking and seeing two men on the roof of the Rossville Flats; and then arresting a man in a derelict building on Rossville Street and taking the man back to the area in which the soldiers of Composite Platoon had disembarked from their vehicles. Again Private L did not disclose that he had fired a shot in the derelict building. This statement continued:

"I then re-joined my group in the same doorway of the derelict house where I had been before and we started advancing down the road until I came to the entrance to the alleyway which leads to Columbcille Court. The crowd was dispersing down Rossville Street, over to the barricade and also to the Rossville Flats. At this stage I saw a man lying down just behind the barricade. This man was isolated and I was suspicious of his movements. I was bunched together with my platoon and another soldier confirmed what I had seen behind the barricade. I brought the attention of L1 (my platoon sergeant) to the man who was then about ten feet from the barricade and creeping down. By this time I believed all the platoon had seen him and I myself could see that he was carrying a rifle cradled in his arms, although I could not say what type of rifle it was.

L1 gave me orders to shoot the man behind the barricade and I fired one round. I hit him and he lurched over. By this time there was another man with him who I could still not see very clearly since the barricade was covering him and he was behind the man I shot. He began pulling the man I had shot along but the man I had shot can only have been wounded as he was still apparently pulling himself along too. Another member of my platoon then shot him again but both men carried on moving. I then shot the first man again and I believe the bullet may have hit both men. It was at this stage that I saw the second man cradling the rifle which I had originally seen in the possession of the first man. The second man dragged the body of the first man, who I believe must now have been dead, on his back into a doorway. Soldier 'K' of my platoon went through into Glenfada Park since there appeared to be disturbances from that area and I went forward too to the wall beside the north entrance to Glenfada Park on the west side of Rossville Street."

¹ [B320-321](#)

84.50 As we have previously noted, "L1" was a cipher for Colour Sergeant 002.

84.51 This statement continued with an account of seeing a man behind the rubble barricade whom he ordered to come out; a man with a pistol at a window on the sixth floor of the Rossville Flats; and a man who had come out from the corner at the entrance to the

Rossville Flats carrying a rifle which Private L stated he thought was a short carbine, though he could not be sure.¹ Private L then gave an account of what he said he afterwards saw when he withdrew and of the two further shots that he stated that he had fired towards a building on the corner of Kells Walk (ie the road on the northern side of Columbcille Court) and Abbey Street.

¹ B321

84.52 Private L gave oral evidence to the Widgery Inquiry. He told the Widgery Inquiry that the two people he had seen on the top of the Rossville Flats appeared to be snipers and that the firing he had heard when he disembarked from the lorry was not high velocity and consisted of several single shots.¹ After giving an account of arresting a young man in a derelict building,² Private L gave a description, similar to that in his written statement, of seeing a man with a rifle and being told by his Platoon Sergeant to fire at him. He then gave the following evidence:³

“Q. Why did you believe he had a rifle? What did you see?

A. He was like leopard crawling along the ground and a weapon was cradled in his arm. I could see it. It was sticking out. I could not see any more of the rifle; I could just see the butt, and he was crawling along the wall.

Q. Whatever kind of weapon it was, it was the butt of a weapon of some kind?

A. The butt of a rifle of some description.

LORD WIDGERY: You say you could see the rifle. It was not merely that the platoon sergeant said it was there; you saw it?

A. Yes, I saw it. I pointed it out to the platoon sergeant.

Mr. GIBBENS: At that time had the second man come on the scene?

A. I could not very well see him clearly then. It was the first man initially and the second man was behind him.

Q. The platoon sergeant told you to stop him?

A. Yes, sir.

Q. Did you fire at him?

A. Yes, I took one aimed shot at him, sir.

Q. From what position?

A. Stil[l] by the pram ramp there, sir, behind the wall.”

¹ WT16.2

³ WT16.5

² WT16.3-5

84.53

Private L told the Widgery Inquiry¹ that “*it could well be*” him standing on the left of the photograph taken by Jeffrey Morris which we have reproduced above² when considering the evidence of Sergeant K. He said that the figure shown behind the wall with a white flash on the back of his neck was Colonel Wilford, who was there when he fired the shot he had just described. He said he thought that the soldier with the visor was his Platoon Sergeant.³ For convenience we reproduce this photograph again.

¹ WT16.5

³ WT16.5-6

² Paragraph 84.31



84.54

Private L then gave the following evidence:¹

“Q. You fired one shot. Did it strike?

A. Yes sir.

Q. It struck the man did it?

A. Yes sir.

Q. What happened to him then?

A. I saw the man kind of jump as though the round hit him. I didn't actually see the round hit him, but the time I fired my round corresponded to him jumping, sir.

Q. By that time had you seen the other man?

A. Yes sir, the other man was close behind his heels, sir.

Q. What was he doing?

A. He was crawling along with him, sir.

Q. What happened next?

A. I think several, or one of the other platoon, fired at the man as well, because this other man was helping pulling the first one I shot along.

Q. The second man helped to pull the first one along?

A. Yes, I think he was uninjured because he was crawling initially himself.

Q. Did you fire again?

A. After someone else, one of the other soldiers fired, sir, they got near to the doorway of Rossville Flats, I then fired again.

Q. Did the other soldier hit him?

A. I believe so, sir.

LORD WIDGERY: When you say 'him' you mean the second man, do you?

Mr. GIBBENS: I did not mean either of them, my Lord. (To the witness) Did the second shot, or the other soldier firing, did he hit either of them?

A. I believe he hit the first man, sir.

Q. So the first man would then have had two rounds?

A. Yes, sir.

Q. Did you fire again?

A. Yes sir.

Q. Why did you fire again?

A. The other man was still in front of him coming more alongside him. He was dragging him along again and when the second man had hit him the fellow had lurched over and I could see the rifle clearly and then I fired another shot. I believe I shot both men, sir, and it was then I saw distinctly the second man had taken the rifle off the first man and the second man had lurched up against the wall about the same time as the other man fell away. That is why I believe the shot hit both of them. Then I saw the rifle across the other man's chest definitely, sir.

Q. You saw then it was a rifle?

A. Yes sir.

Q. What sort of a rifle, could you tell?

A. A carbine, or it could be an armalite. It wasn't an SLR."

¹ [WT16.6-7](#)

84.55 Private L then told the Widgery Inquiry that (apparently after he had advanced from the low wall) a man came out of the doorway of the Rossville Flats with a gun and fired about two or three rounds.¹

¹ [WT16.7](#)

84.56 Private L told the Widgery Inquiry that he later went back to Columbcille Court and, having been told by a soldier to take cover because shots were coming down the Kells Walk road, went to the eastern corner of that road, stuck his head round the corner, saw a man with a rifle in a burned-out building on the corner of the Kells Walk road and Abbey Street, and fired two shots at him but did not hit him.¹ We return to this account later in this report.²

¹ [WT16.8-9](#)

² [Paragraphs 123.61–68 and 123.96](#)

84.57 Private L's trajectory photograph (reproduced below) illustrating the two shots that he said that he had fired from the low walls at the southern end of Kells Walk shows him in that position and his targets behind the rubble barricade and close to the western side of Block 1 of the Rossville Flats.



84.58 As we have already explained,¹ we consider it likely that the 14th and 15th entries in Major Loden's List of Engagements were the result of information provided by Private L, Private M and possibly Sergeant K. However, there is nothing in this list which corresponds with the shot Private L fired in the derelict building in Rossville Street, or with the two shots that Private L told the RMP and the Widgery Inquiry that he had fired at a

later stage towards a building in Abbey Street. Whether the shot that Captain 200 recorded Private L as having fired at “*same gunman as ‘C’ and ‘D’*”² is reflected in the 12th entry in Major Loden’s List of Engagements is a matter we consider below.³

¹ Paragraph 84.12

³ Paragraphs 123.16–18, 123.38, 123.61–68 and 123.96

² B1983

84.59 Private L gave written and oral evidence to this Inquiry.

84.60 In his written statement to this Inquiry, Private L told us that hearing the shot that hit the Presbyterian church (which we discussed when considering events in Sector 1¹) “*changed our whole mood*” and that the soldiers cocked their weapons, which he stated that they always did when they went out on patrol.² Private L stated that he ran behind the lorries going into the Bogside, and then went into a derelict building and arrested a man, adding “*there is no way that I fired a shot at him*”. He stated that after making this arrest, when he was “*at the Pig*” he decided to leave his respirator and other gear behind.³

¹ Chapter 19

³ B345-346

² B344-345

84.61 Private L then, for the first time, gave an account of seeing Corporal INQ 1671 shoot and kill a gunman who was near the junction of Rossville Street and Pilot Row. Corporal INQ 1671 is dead and gave no evidence to this Inquiry. His name does not appear on the Support Company nominal roll¹ or on Captain 200’s list of members of Composite Platoon,² and in our view he was not present on Bloody Sunday. There is no other evidence from any source that suggests that a gunman was shot in this area.³

¹ GEN8.1-7

³ B346-346.1

² B2022.064

84.62 Private L followed this with a description of moving in the direction of Kells Walk to catch up with other soldiers; seeing bullet strikes on the ground near him “*indicating incoming fire from a southerly direction*” and then seeing Private H, at the junction of Eden Place and Rossville Street, blasting off rounds into a body lying face up on the ground. Again there is no other evidence from any source that suggests that Private H, or any other soldier, did any such thing.¹

¹ B346.1-2

84.63 Private L then described what he saw and did when he reached the low walls of the Kells Walk ramp. His description was as follows:¹

"I could see the barricade across Rossville Street in front of me. As I was looking, I saw at once a couple of heads bob up over at the far side of the barricade where it joined the Rossville Flats at Block 1. The two men were lying face downwards and they were immediately adjacent to Block 1 with their elbows to the ground and their fists in the air. I could see them as they emerged from the barricade. One was behind the other. One looked around 30 or so and the other may have been in his 40s, but of course, I could not see them clearly as they were facing away from me. The furthest one from me was wearing, I think, dark clothing and a pullover and a white shirt and the one closest to me was wearing something that was like a 'fair isle' jumper. The one furthest away from me was the one in his 30s and the one nearest to me was the one in his 40s. The one closest to me had a $\frac{3}{4}$ length coat.

Both of these men were crawling in a way that I would describe as professional.

I knew this because this was the way we crawled when we were in action. I could see that each of them had a rifle which was positioned across their arms. I couldn't see any bolt and therefore, I couldn't say with precision what the rifles were, but I would say that they were either Carbines, Kalashnikoffs or 303's.

From my training as a soldier and my experience in active operations in Belfast, and given that these men were crawling professionally away from the barricade, I strongly suspected that they had planted explosives inside the barricade. From the way they were moving, I formed the view that these men were trained in the art of combat and were likely to be a serious threat. Someone from within our group (and it might have been me) shouted out, 'They've got rifles, what do you reckon, Sarge?' Colour Sergeant Soldier 002 said, 'Yes, one of them has got a Carbine.' I said, 'What shall I do, I've got them undercover?' At this point, I turned around. To my rear, behind the second of these walls, I quickly saw that Colonel Wilford had joined us with his radio operator, INQ 1247. I think there was another man with us who may have been a soldier, although I do not remember his name. I was a little surprised to see Colonel Wilford there, but our spirits certainly rose to see him. He was not like Colonel Gray, his predecessor. He was always with us on the front line and this boosted our confidence. My recollection now is that Colonel Wilford said, 'In your own time, commence firing, if you have a target' or 'take shots when you are ready', or words to such effect.

In the position that I appear in the photograph at Appendix 4, and from a standing position (all my shots on the day were taken standing), I aimed and fired at the man that was crawling that was nearest to us, and nearest to the barricade. I fired a round and I hit him and he slammed into the wall behind him and bounced back into position on the pavement where he had been crawling. He was still moving and it occurred to me that he might only be grazed, and possibly I had hit him under his arm in the middle of his body, this being the impression that I got from the way that he moved. He then continued to crawl. I fired a second shot at the same man and I hit him again. The position in which this first target was hit, I have marked at point A (grid reference J16) on the attached map at Appendix 5. The colleague who was with him in front of him was only a few feet away at point B (grid reference J16). The one who was furthest away from us turned around and tried pulling his colleague, but quickly gave up as the man who had been shot was clearly too heavy for him to budge. He then picked up the shot man's rifle and began moving towards the door of the Rossville Flats with the two rifles across his arms. I believe that the first man that I had hit twice was dead and he remained where he was left. He was not pulled into any building.

The guy who was left with two rifles across his arms then started moving and all of us at the wall could see that two rifle butts were in the cock of his elbow. I saw this quite clearly.

I took aim and fired at this man who was trying to get away, and I have the feeling someone else might have fired at around the same time too. Later in the day, when we were in Holywood Barracks, I can remember telling my mates that I had been shooting and had hit someone, but I can't remember anyone else talking about this so I cannot be sure who, if anyone else, fired at the same time. There was a cacophony of sounds going on at the time and that would have made it difficult to tell who was shooting. As far as I was concerned, in all of this cacophony of sound, there was no gunfire that had hit me so I carried on doing my job. When I fired at the second target, he was getting very close to the door that entered into the Rossville Flats, Block 1. The second target was hit and he lifted up and slammed through the door that was open. He smashed through the glass at the bottom of the door and fell through it. It is possible that my shot missed and went through the glass. There were clearly people who were in the door entrance to the Rossville Flats and they dragged him in through the glass bits and into the flats. Because there were so many people in that door, it was not possible to fire any further.

As this second target was being pulled in through the door, I became aware of a priest who moved across Rossville Street from the western side of the road in the position I have marked with an arrow on Appendix 6. He moved over towards the door entrance. He passed the two rifles that the second victim had been carrying which were in the area of the door and had not been dragged in, and I saw this priest walk across and pick up the two rifles and put them up his cassock or coat. I actually saw the rifles as he did this; what I saw was not a perception from the movement of the priest. This priest grabbed the barrels first and put them up his coat. I did not see the magazines or the length of the barrels which would have helped me identify the type of weapons. At around this time, I have a recollection of the priest assisting others take another body out of sight behind the corner of the Rossville Flats.”

¹ B346.2-4

84.64 The photograph in Appendix 4 of this statement is a copy of the one we have shown above,¹ taken by Jeffrey Morris of soldiers at the low walls of the Kells Walk ramp, marked with an arrow identifying Private L as the soldier standing on the left.² Points A and B on the map attached to Private L’s statement, which he said showed the positions of the two men whom he shot, were close to the western side of Block 1 of the Rossville Flats about 20 yards behind the rubble barricade.

¹ Paragraph 84.53

² B346.15

84.65 Private L continued this statement by telling us that he moved forward and with Colour Sergeant 002 and Corporal INQ 1671 started to crawl towards the rubble barricade. He told us that when he reached it he found about three pounds of plastic explosives with a detonator cord leading away; and that he and Corporal INQ 1671 collected these materials. He stated that he remembered this incident very clearly, despite being told, as was the case, that no other witness had recalled or recounted it.¹

¹ B346.4-5

84.66 In this statement Private L also described later firing a shot from the area of Columbcille Court at a gunman in a window of a building in Abbey Street; and told us that the RMP had later told him that when they had gone into that building they had found blood in the vicinity of the place to which his shot had been directed.¹

¹ B346.5

84.67 Private L stated that he had told those who took his RMP statement and his written statement for the Widgery Inquiry about Private H's shooting at a body, and about his own discovery of explosives, as well as the other matters that appeared for the first time in his statement to this Inquiry, but that he was "*encouraged*" by them not to include these matters in his accounts.¹

¹ [B346.7](#)

84.68 Towards the end of this account, Private L told us that his current recollection was that he had fired three shots at the men near the rubble barricade and that he thought that his previous evidence "*was wrong, although not deliberately so*".¹

¹ [B346.10](#)

84.69 In his oral evidence to this Inquiry, Private L told us that he had seen what he had assumed from the smoke to be lumps of plastic explosive thrown from the top of the Rossville Flats, but had left it to others to tell the Widgery Inquiry about this.¹ He also told us that he had not in fact seen anyone fire from the doorway to Block 1 of the Rossville Flats, despite what he had said in his 1972 accounts.²

¹ [Day 381/33-34](#)

² [Day 381/102-104](#)

84.70 In the course of his oral evidence, Private L agreed that "*possibly*" he was suffering from some illness that would cause him difficulties with his recollection or memory.¹

"Q. In other words do you have a lot of recovered memories, things that did not seem to be so at the time, but when you have your nightmares, they fall into place for you?

A. Yes."

¹ [Day 381/147-148](#)

84.71 Private L was questioned at length during the course of his oral evidence to us. We came to the conclusion that it would be unwise to rely on what he told us, either in his written or in his oral evidence, unless other evidence supported it. Some of his accounts, for example of Corporal INQ 1671 shooting a gunman in the Eden Place waste ground, of seeing Private H repeatedly shooting into a body in the same area, and of retrieving explosives from the rubble barricade, can in our view only be described as fantasy. His accounts of seeing one of the crawling men retrieving the other's rifle, and of a priest eventually collecting the rifles, are unsupported by other evidence and to our minds are figments of his imagination. Other aspects of his accounts to us are inconsistent with the evidence that he gave in 1972, though as to the latter there are also serious difficulties. These include the fact that he failed to tell the RMP or the Widgery Inquiry what we are

sure that he told Captain 200, that he had fired a shot in a derelict building in Rossville Street, which indeed he had; and that the account he gave the RMP and the Widgery Inquiry of firing two shots at a gunman in a building in Abbey Street is not one he appears to have given Captain 200.

- 84.72** At this point we should note that Captain 200, in the course of his oral evidence to us, was asked why in his list of the details of his soldiers' firing he had recorded only that Corporal L's second two shots were fired at the barricade, without identifying the target. Captain 200 told us that he had no explanation for this but there was then this exchange with the Chairman:¹

"LORD SAVILLE: Forgive me interrupting.

Officer 200, is it a possible explanation, looking at what you have written about Soldier L, that the two 7.62 shots he told you he had simply loosed off at the barricade and at no particular target at all?

A. Yes, I accept that, that he did loose two shots off at the barricade, I mean that, that must be the, the possibility. If he was more exact, he would have said, 'gunman at a certain point'."

¹ [Day 368/62-67](#)

- 84.73** Later in his oral evidence, Counsel to the Inquiry pointed out to Captain 200 that the previous entries in his list, covering firing by Sergeant K and Private M, both referred to them firing at a gunman behind the rubble barricade at the same grid reference (43231683) as was given for the two shots that Private L was recorded as having fired at the barricade:¹

"MR CLARKE: ... Could we look, please, at the preceding page, 1982, the second half, please. On this page you record, in relation to Soldier K, that he had fired from a grid reference: 'to gunman at barricade 43231683'.

In relation to Soldier M you record that he had fired from the same grid reference: ' ... to gunman behind barricade 43231683'.

Over the page, if we may go back to it, in relation to L, you record that he fired from a wall at a different grid reference: ' ... at barricade 43231683'.

Is it possible, or not, that what you were referring to, using the same grid reference as before, was the same gunman as had been referred to by K and M at the barricade which has the same grid reference?

A. I would say it was possible.

Q. It may be an impossible question, but can you tell which is more likely to be correct: that you were referring to Soldier L having fired at the same gunman at the same grid reference, or that in fact you were deliberately making a distinction in relation to Soldier L and recording that he had fired at the barricade itself?

A. Sir, that is a fair question, but I do not think I could answer that.”

¹ [Day 368/122-123](#)

84.74 In view of this evidence, it is uncertain whether Private L told Captain 200 that he had fired at an identified gunman, or gunmen, or merely at the rubble barricade. At the end of his RMP statement,¹ Captain 200 recorded that:

“I am absolutely satisfied that none of my soldiers fired 7.62 rounds before being subjected to enemy fire. All rounds fired, except for one by ‘L’ in the ruin, were controlled by Senior NCOs and directed at gunmen either in Rossville Flats or behind the barricade. I fully support the actions taken by my soldiers and I am satisfied that they reacted as required in the situation.”

¹ [B1983](#)

84.75 On the face of it, this statement counts against the possibility that Private L had told Captain 200 that he had simply fired at the rubble barricade. It is possible that Private L had told Captain 200 that he had fired at a gunman or gunmen at the barricade, but (since there is no reference to his firing either missing or resulting in a possible hit or hits), said nothing to Captain 200 that allowed the latter to record whether these shots had hit or missed the target. It is also possible that Private L had told Captain 200 whether he had hit or missed his target, but that for some reason Captain 200 did not record this information.

84.76 In these circumstances, though the matter is far from clear, we consider on balance that Private L had told Captain 200 that he had fired at a gunman or gunmen at or near the rubble barricade, but gave no further information to enable Captain 200 to record whether Private L had fired at the same gunman or gunmen as Sergeant K or Private M, or whether Private L had missed or hit with his shots. We should note that Captain 200’s statement that all rounds fired, except for one fired by Private L in the derelict building, “*were controlled by Senior NCOs*”,¹ is not on any view wholly correct, since, as will be seen when we consider the accounts of Lance Corporal D and Private C,² there is nothing to suggest that the shots fired by these soldiers from the top of the high ramp at the

southern end of Kells Walk were in any way controlled by a Senior NCO. Furthermore, in reaching his view as to the legitimacy of the firing by his soldiers, Captain 200 was relying on what the firing soldiers had told him and perhaps also on what he had been told by other soldiers, since according to his evidence to the Widgery Inquiry, he did not himself see his soldiers firing.³

¹ B1983

³ WT15.48

² Paragraphs 123.1–60

84.77 We return to Private L when considering the accounts of firing at the Rossville Flats.¹

¹ Paragraphs 123.61–68 and 123.80–96

Private M

84.78 As we have seen, in his list of the details of firing by members of his platoon,¹ Captain 200 made this entry in relation to Private M:

“Soldier ‘M’: 2 x 7.62 from GR 43271691 to gunman behind barricade 43231683 – possible hit.”

¹ B1982-1983

84.79 In his first RMP statement timed at 1235 hours on 31st January 1972,¹ Private M described the deployment of his “Co[mpan]y”, by which he must have meant Composite Platoon, at the junction of Rossville Street and William Street, and its advance along both sides of Rossville Street. He gave this account:

“My location was on the right hand side of the street, approximately 200 yards from the Rossville Flats. A crowd of about 1500 strong had built a barricade, consisting of old cars and bits of scrap and paving stones taken from the waste ground around the flats.

On our advance we came under fire from snipers located in the flats, and from the main crowd, contained behind the barricade.

We were wearing gas masks as troops had previously used gas in the area to disperse crowds of rioters.

As we neared the main crowds location behind the barricade, we came under attack from youths throwing nail bombs and petrol bombs.

The weather conditions were good and visibility was clear.

As I neared the barricade, about 130 yards, on the corner of a street at GR 43151675 I could see the barricade and the crowd behind it. We were being heavily stoned, bottled and shot at.

I saw 2 males crawling along the south west flats at GR 43161663 They were crawling towards the direction of the Lecky Rd, trying to get into the flats. Their side elevations were facing me. I could clearly see them. I saw they were both pushing long black stick shaped objects in front of them. As they were acting in a suspicious manner, and the door location they were heading for was a good sniper location where they could have shot a number of troops advancing towards the barricade.

I cocked my rifle and from the aiming position, fired two aimed shots of 7.62. Also other members of my Section fired. I cannot remember who.

I fired one shot at each man. On firing, both men jerked and rolled over. A crowd formed around them and they were dragged out of sight. They were dragged into the block of flats.

The crowd kept us from getting near the scene but much later the area was checked but nothing was found.

I am sure I hit both men.

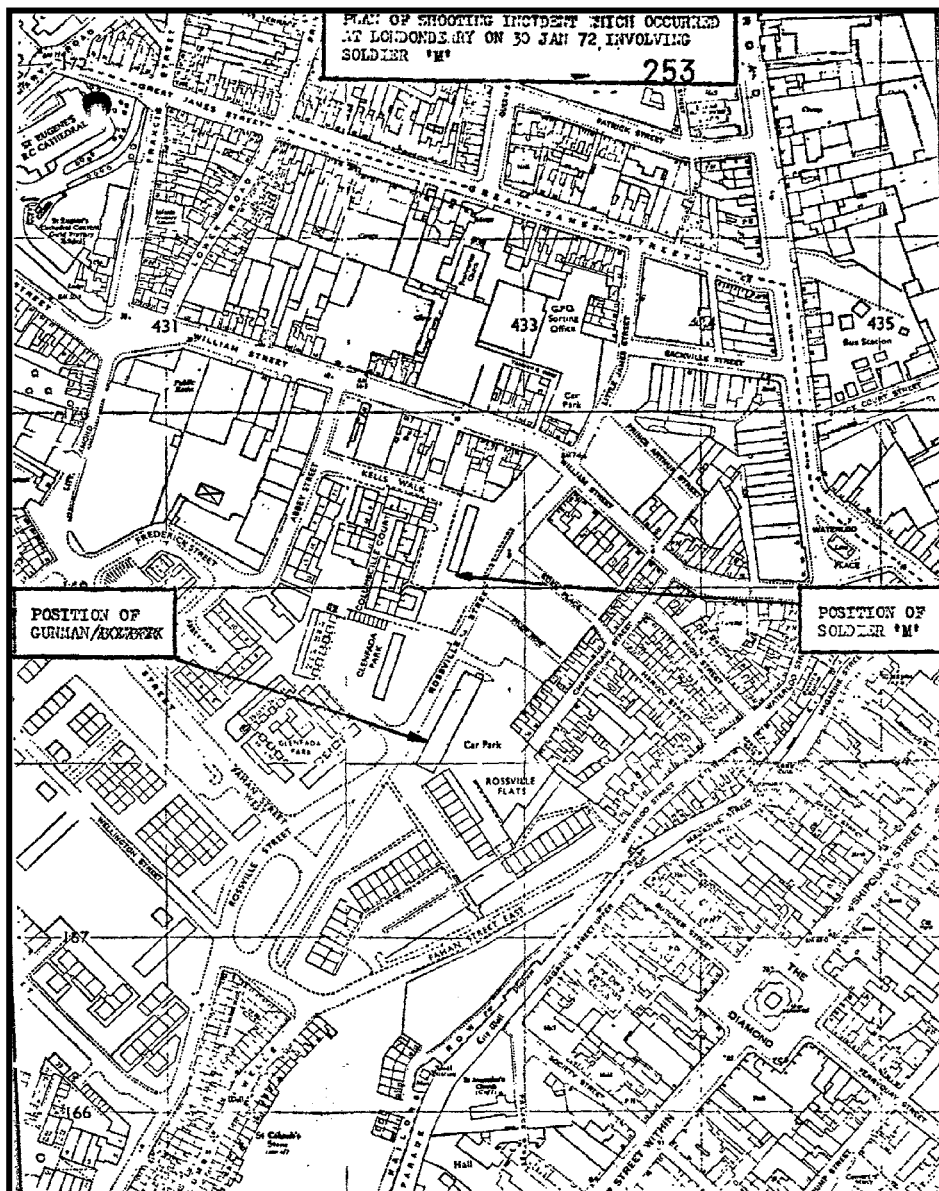
One was dressed in a dark suit and the other a grey suit.”

¹ B347-348

84.80

The RMP map that accompanied this statement¹ (reproduced below) showed the position of Private M at the southern end of Kells Walk and showed his target on the eastern side of Rossville Street close to Block 1 of the Rossville Flats, in a position that would have been a little way behind the rubble barricade.

¹ B349



84.81 It should be noted that the grid reference given in the RMP statement for the position of the two men at whom he said that he fired is clearly wrong, as it would put them in St Columb's Wells, south of Free Derry Corner.

84.82 In his written statement for the Widgery Inquiry,¹ Private M recorded that he was covering Corporal 039 who had a baton gun. He told the Widgery Inquiry:

“As we reached the west side of Rossville Street soldier 039 and myself advanced up by the wall in front of the low-rise flats which are themselves in front of Columbcille Court and as we were doing so a few shots some high velocity, some pistol, were fired from the barricade in Rossville Street although I could not say where the shots went.

The crowd behind the barricade appeared to be scattering in all directions away from the direction in which we were advancing and it was at this time that I am sure I heard the sound of nail bombs exploding from the direction of the barricade. I was not looking in this direction at the time I heard these explosions but I know the sound of nail bombs very well from previous experience. As we were moving further up along the side of the wall I was looking in the direction of the barricade and saw what I am sure was a petrol bomb thrown from the far end of Glenfada Park and land just in front of the barricade. When we reached the end of the wall we turned right and took cover just at the entrance to an alleyway which leads into the flats and from there we had a view across Rossville Street to Rossville Flats. It was then that soldier 039 pointed out to me two men who were behind the barricade crawling along the base of the wall of the block of Rossville Flats nearest to us. I observed that both men were crawling along in what I assumed to be a leopard crawl position. To me both men appeared to be each cradling something in their arms and from the[ir] shape and length and from the[ir] black colour my opinion was that they were rifles. There is no real doubt in my mind that these objects were anything but rifles. I then had a shouted conversation with soldier 039 a[mid]st all the noise which was going on. He had pointed out the men to me previously and now shouted to me ‘They’re carrying something’. He added ‘They look like rifles’ and I shouted ‘They are rifles’. I had by that time cocked my weapon and I then took an aimed shot at the first man who was by that time almost at the door of the flats. The man appeared to jerk and fall forward. Both of his hands were forward with the rifle cradled in his arms just at the door of the flats and he was dragged inside. By this time another soldier nearby had already taken an aimed shot at the second man crawling behind who was still crawling. I then took an aimed shot at this man. He gave a jerk and fell to his side and rolled slightly but he carried on crawling cradling the rifle in his arms. Another soldier took another aimed shot at the man but he still kept crawling. The shooting then stopped and a small crowd of about 10 to 15 people had come out of the doorway of the flats and when the crowd dispersed into the doorway again the man’s body had disappeared and I assumed he had been carried inside.

I then went through the alleyway with a sergeant and then climbed up onto a ramp in front of these flats which overlooks the part of Rossville Flats where the in[c]ident I have described took place since there had been a few people firing from the flats. I watched the roof tops and windows of the flats for about 2 minutes.”

¹ [B359-361](#)

84.83 Private M gave this description of his targets:¹

“I can describe the dress of the two men who were shot in general terms. The first man I shot was wearing a dark coloured jacket, dark trousers, had longish hair and was wearing a very light coloured shirt or jumper. I believe his hair was dark.

The second man was wearing a light brownish jacket and a black or dark sweater or shirt. He had fairly long brownish hair and he was wearing light coloured trousers or jeans. Both men looked young and I would say were aged about 20.”

¹ [B361-362](#)

84.84 At the end of this statement Private M made these observations:¹

“In this present statement I have set down the events of that afternoon as I best remember them but I would like to emphasis[e] that there are two points in my statement of 31 January that I would like to correct. In the fourth paragraph on the second page I said that that when I had shot two men both men jerked and rolled over. In fact it was only the second man I shot who had rolled over. I also said in the same paragraph that a crowd had formed around the men and they were dragged out of sight. I should make clear that the crowd only appeared after the shooting had died down. Earlier the first man who had been shot was dragged inside the building and I assumed the second man was dragged inside since he had disappeared by the time the crowd had gone back inside the flats.”

¹ [B362](#)

84.85 Private M told the Widgery Inquiry that he was wearing his respirator and that after he had taken cover with Corporal 039 at Kells Walk he heard a few explosions from the direction of the rubble barricade which sounded like nail bombs, which he had heard before.¹ Then as he moved forward he saw a petrol bomb being thrown from the side of Glenfada Park, which exploded in front of the rubble barricade.²

¹ [WT16.18](#)

² [WT16.19](#)

84.86 Private M then gave this account:¹

“Q. What happened when that landed?

A. By this time I was moving into cover at the ramp, the archway at Columbcille Court.

Q. Between Columbcille Court and Glenfada Park?

A. Yes.

Q. Does that mean you did not see what happened to the nail bomb?

A. Petrol bomb.

Q. Petrol bomb.

A. No, I did not see it.

Q. When you went in there where did you go?

A. We took cover behind the small wall that was at the archway.

Q. Did you then look back or where did you look?

A. I was then concentrating on the barricade and the flats.

Q. What did you see or hear?

A. There were some shots coming from the area of the barricade.

Q. How many shots did you hear coming?

A. I could not say how many shots; there were some pistol shots and a few high velocity ones coming.

Q. Did you see who were firing them?

A. I did not see who was firing them.

Q. Did you see any people about in that area at all?

A. Yes.

Q. Whom did you see?

A. There were two men pointed out to me.

Q. By whom?

A. By Soldier 039.

Q. What were they doing when they pointed them out to you?

A. They were crawling along from the end of the flats towards the doorway in Rossville flats.

Q. What sort of crawl were they doing?

A. A leopard crawl.

Q. Did either of them appear to have anything with him?

A. They both appeared to be carrying weapons in the crook of their arms.

Q. What sort of weapons, did you see?

A. I would say it was a rifle.

Q. Why would you say?

A. Because of the length, the shape.

Q. You could see the length and shape?

A. You could see the length and you could see the shape of the butt at the end.

Q. Did you believe them to be in fact rifles?

A. Yes, I did.

Q. What did you do?

A. I then held a shouted conversation with Soldier 039. He shouted that they appeared to be carrying something. Then he added they were rifles. I said they were and I had cocked my weapon by this time and I put an aimed shot down at the first man.

Q. From what position?

A. I was still behind this wall.

Q. But were you standing, kneeling or firing from the hip or what?

A. I was kneeling.

Q. And firing?

A. Firing from the shoulder in the aim position.

Q. Did you think that you hit the man?

A. Yes, I did.

Q. Why did you think that?

A. Because he jerked and slumped forward.

Q. Did you know that Soldier L was firing at him at the same time?

A. No, I did not.

Q. What happened after he fell and jerked forward?

A. After he had been dragged forward I saw the man crawling behind. I heard somebody else take a shot at him. He kept crawling towards the doorway of the flats, so I took an aimed shot at this man as well.

Q. Did you hit him or did the other person hit him?

A. I think I hit him again.

Q. For the same reason?

A. Yes.

Q. What happened to those two men after you had hit them?

A. The first man was right at the door of the flats and he slumped forward; his hands were very near to the doorway and he was dragged inside straight away. After I had fired at the second man he was a few yards away from the doorway. After the firing had died down about 10 or 15 people came out of the doorway and they were round the area where the man was; I could not see the man there. When the crowd went back in the man had disappeared. I therefore took it the crowd had either carried or dragged him inside the door with them.

Q. Did you then leave that position?

A. I did."

¹ [WT16.19-20](#)

84.87 Private M told the Widgery Inquiry that he was on one knee when he fired. He also said that he was the first to fire at the crawling men. *"I heard a shot after I fired, but I do not know who it was fired."*¹ He said that when this shot was fired *"one of the men had been dragged inside the building and the other man was crawling to the doorway of the building"* and could have been about ten yards from the doorway. Told that Private L had said that one of the crawling men took the weapon from the one that was shot, Private M said that this was not his recollection. He said that he saw that both men had weapons.²

¹ WT16.22-23

² WT16.23

84.88 Private M told the Widgery Inquiry that he did not know that Colonel Wilford had been at the low wall at any time.¹

¹ WT16.23

84.89 Private M's trajectory photograph (reproduced below) shows very similar positions to those shown on his RMP map.



84.90 For the reasons we have given above,¹ we consider it likely that Private M provided at least some of the information contained in the 14th and 15th entries in Major Loden's List of Engagements.²

¹ Paragraphs 84.8–12

² ED49.12

84.91 Private M gave written and oral evidence to this Inquiry.

84.92 In his written evidence to this Inquiry,¹ Private M told us that he had no clear memory of the day, but gave this account of what he saw and did when he reached the low walls of the Kells Walk ramp, which he described as point E:²

"23. From the cover of the wall at point E, I could see past the Rubble Barricade. My next memory is of Soldier 039 pointing out two men to me. These men were south of the Rubble Barricade and were crawling along the western edge of Block 1 of Rossville Flats and were moving in a southerly direction. They were on their hands and knees, and both of them were carrying or dragging what looked very much like weapons of some kind. I thought they were rifles. At his point I was kneeling on one knee and was leaning against the wall with my SLR up on my shoulder so that I was ready to fire if necessary. Soldier 039 only had a baton gun. I do not know if he was to my left or my right. The[r]e were other people near the barricade but I do not know what they were doing.

24. I can remember speaking to Soldier 039 about these two men but I cannot remember what was said. I had a good side on view of both of them and it looked clear to me that they were both carrying rifles. The rifles were on their right hand side and so they were not shielded from my view by the men's bodies. The position where these two men were when I first saw them is marked with a G on the attached map (grid reference K15). I cannot be certain that this is the exact point where they were, but it is approximately right. At the southern end of Block 1 was a doorway. The position where this doorway was is marked with an H on the attached map (grid reference J16). As I was clear that we had already been under fire, I knew that if the two men could reach the sanctuary of this doorway, they would have then found a good sniping position from which they would fire at me or my colleagues. I made the instant decision that I was entitled, under the yellow card rules, to fire an aimed shot at each of these two men. We were always being reminded of the yellow card and told of any alterations. Everybody had a copy and carried it with them.

25. Therefore, I aimed my SLR at the centre of the southern most man, who by this time had almost reached the doorway at point H. I fired one shot at him and I believed that this shot hit him. His body seemed to jerk forward, but I do not know which part of him I hit. I cannot now recall any other movements, such as rolling.

26. As he fell forward he had very nearly reached the door marked H, and I can remember that he was then pulled through this doorway by people who were inside the door.

27. I did not think of shooting again and I changed target and point of aim to stop the other man who was crawling behind him and fired a shot at him as well. There was only a gap of perhaps two or three seconds between each shot. I had no idea whether or not I had hit this second man and there was no visible reaction from him to my shot. He scrambled forward towards the door at point H and was assisted into the doorway as well. I did not fire another shot as the target was no longer visible.

28. I am unable to describe the two men at all, save for the fact that I remember they were wearing dark clothing. I cannot say how old they were, what colour their hair was or how long it was. There were definitely no vehicles near the flats at the time.

29. I do not know if any other soldiers were firing at the time. I was concentrating on what I was doing. It was instantaneous and all over very quickly. My present recollection is that no one else was shooting but my memory may be affected by 27 years of discussion and different opinions being thrown about by the media.”

¹ B372.001

² B372.004-005

84.93 The map attached to Private M’s statement¹ shows point G, which he said marked the approximate position of the two crawling men when he first saw them, as close to the western side of Block 1 of the Rossville Flats and about halfway between the rubble barricade and the doorway of that block.

¹ B372.020

84.94 Private M told us that his memory was nothing like as clear as it would have been in 1972, and that where the statements he made at the time conflicted with what he now remembered, he was satisfied that the earlier statements were the more accurate.¹

¹ B372.006

84.95 On being shown the photograph taken by Jeffrey Morris of soldiers at the low walls of the Kells Walk ramp which we have reproduced above,¹ Private M told us that he thought that neither he nor Corporal 039 (who had a baton gun) was shown in that photograph.²

¹ [Paragraph 84.53](#)

² [B372.009-010](#)

84.96 In his oral evidence to this Inquiry, Private M said that the estimate of a crowd at the rubble barricade being about 1,500 strong which appeared in his RMP statement was an estimate provided by the statement taker, despite being shown the evidence of Corporal Brobson, who took this statement and who told us (which we accept) that he would not have known this detail.¹

¹ [Day 365/80-81](#); [Day 275/138](#)

84.97 Private M also said that he was positive that the two men were carrying rifles.¹ When he was asked why in his first RMP statement he had described the two men as pushing “*long, black stick shaped objects in front of them*”, he answered as follows:²

“Q. ... On the right-hand side of the screen, in paragraph 42 of your statement to this Inquiry, you comment on the reference to ‘long, black stick shaped objects’, and you say: ‘I am sure that I would not have said this; I would have been quite firm in that interview, that the two men were carrying what I was sure to be weapons.’

How exactly are you suggesting that the words, ‘long, black stick shaped objects’ were included in your Military Police statement if that is not what you wanted to say?

A. I cannot say that, sir. I can only assume that that is the way that the RMP, who took the statement, described it.

Q. Would you have read the statement before you signed it?

A. Probably not, sir, because it would be getting done at the time with the explanations as to why they were writing that at the time.

Q. At the time when he wrote that particular part of the statement down in front of you, you would have known what he was writing; would you not?

A. Yes, sir.

Q. However exactly it came about, you would have known that what he was writing in the statement was that the men were pushing long, black stick-shaped objects?

A. Yes, sir.

Q. Was there anything to stop you from saying to him: 'No, they were not – I do not want to describe them as long, black stick-shaped objects, because I know they were rifles and that is what I think the statement ought to say'?

A. No, sir.

Q. Do you know whether you did say something to that effect to the military policeman?

A. I do not, sir, no.

Q. Can you think of any reason why you would not have said that if you were certain in your own mind that these were rifles?

A. Only as I have said before, sir, he may have said that that is the description that you should give.

Q. Let us look at the evidence he has given about this. Could we have on the screen, please, the transcript of Day 275 at page 139. This is part of the evidence that was given to this Inquiry by former Corporal Brobson, the military policeman. The relevant part of your statement to this Inquiry was read to him and then at line 7, he was asked this: 'This has been put to you, this part of it. Again I want to ask you about this. What is being suggested here that M told you, in other words they looked like rifles or something like that kind, were being pushed along the ground and that you have watered it down in some way.'

His answer was: 'Answer: No, if he had been adamant I am sure that I would have included 'weapons' in his statement.'

In the light of that, are you prepared to accept that the reason why your Military Police statement refers to 'long, black stick shaped objects' is that that is the way you chose to describe them to the Military Police?

A. No, sir.

Q. Were the objects in fact long?

A. Yes, sir.

Q. Were they black?

A. Yes, sir.

Q. Were they stick-shaped?

A. No, sir, they were rifle-shaped.

Q. What is it that distinguished them from being a stick, in terms of their shape?

A. I cannot describe it now, sir. I have known all the time that it was weapons, rifles, those individuals had and I have always described them as rifles or weapons."

¹ [Day 365/92-93](#)

² [Day 365/95-98](#)

84.98 Although earlier in his oral evidence to this Inquiry Corporal Brobson had accepted the possibility that Private M might have used the expression "*a weapon of some sort*" and he might have put this down as "*long stick-shaped black objects*",¹ he then said (as can be seen from the passage quoted above) that had Private M told him that he was certain that the men had weapons, he would have recorded this in the statement. Warrant Officer Class I Wood, who in 1972 was the Regimental Sergeant Major of 178 Provost Company of the RMP Special Investigation Branch, told us in his oral evidence to this Inquiry² that if a soldier said that he had seen what he described as a rifle being carried in a non-hostile manner, from a distance that meant that he could be mistaken, the practice was to put this down in the statement as a long straight object. Thus we remain unsure whether Private M was certain that he had seen weapons, or whether Corporal Brobson thought that he might have been mistaken and so used the expression he did in the statement.

¹ [Day 275/124](#)

² [Day 383/149-158](#)

84.99 Private M told us that he did not remember being ordered to fire by any other soldier.¹ He also told us that he did not know why the description of the second man's clothing had changed from "*grey suit*" in his first RMP statement to "*light brownish jacket*" and "*light coloured trousers*" in his written statement for the Widgery Inquiry.²

¹ [Day 365/102](#)

² [Day 365/104](#)

84.100 It was pointed out to Private M that Sergeant K, Private L and he had all made their written statements for the Widgery Inquiry on the same day, 5th March 1972. Private M agreed that it was possible that the three of them had had some discussion about what they had previously said and what they were going to tell those taking statements for that Inquiry, and that if this had happened there was a possibility that they had influenced each other in relation to what they then told the Widgery Inquiry, though he denied that there had been any attempt to make their accounts fit.¹

¹ [Day 365/124-125; Day 365/140](#)

84.101 We note at this point that in his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Private M said that he no longer recalled coming under fire “*from snipers located in the flats, and from the main crowd, contained behind the barricade*” as described in his first RMP statement.

¹ [B372.007](#)

² [Day 365/82](#)

Evidence of Corporal 039 and Colour Sergeant 002 of the firing by Private L and Private M

Corporal 039

84.102 Earlier in this report,¹ when considering the injury sustained by Mary Smith, we referred to the evidence given by Corporal 039 about the firing of a baton round at a window in Kells Walk. We now return to this soldier’s account of what he said he then saw and did.

¹ [Paragraphs 78.8–12](#)

84.103 In his RMP statement timed at 1630 hours on 2nd February 1972,¹ Corporal 039 recorded that after he had fired the baton round at the window “*we removed our respirators as the area was clear of CS gas*”. His account continued:

“I was positioned behind a wall at the end of the flats where I could see the barricade across Rossville Street almost opposite the centre of the Rossville flats block.

We came under fire from the direction of the Rossville Flats area and we all took defensive positions.

As I looked towards the flats I saw two male figures appear from behind the barricade crawling on their bellies towards the base of the flats and then crawl on towards a door at the south end of Rossville Flats. One of the men was carrying what appeared to me to be a Thompson machine gun and was wearing a dark suit, or a dark jacket and trousers. He also had dark hair.

The second man appeared to be trailing a weapon with him but I couldn’t say what type it was. He was wearing a light, possibly fawn coloured coat and light trousers, with long fair hair. I pointed out the gunman² to ‘L’ who was situated on my left and ‘M’ who was on my right and told them to fire at the gunmen.

They each fired two rounds x 7.62 from their SLRs.

The man dressed in the dark clothing flinched as if hit, but kept crawling towards the flats, the other man appeared to be hit about two or three times, and rolled off the pavement on to the road. By this time the first man was already inside the door of the flats and the second was about ten to twelve feet from the door. He was obviously badly hurt but managed to crawl to the door of the flats where he was assisted inside by unseen helpers. At this time I heard a voice behind me call to cease firing. I later discovered it was L1."

¹ B1641-1642

² As appears from the manuscript original, "gunman" was a typographical error for "gunmen" (B1651.17).

84.104 The reference to "L1" is a reference to Colour Sergeant 002.

84.105 In his written statement for the Widgery Inquiry,¹ Corporal 039 gave a similar account. He said that almost as soon as he and another soldier, who was armed with an SLR, had started to move forward after disembarking they came under fire. As we have noted earlier,² the soldier armed with an SLR who was protecting Corporal 039 was Private M. Corporal 039 said: "*I identified low velocity weapons and I believe a couple of high velocity rounds. It came from the direction of the Rossville Flats.*" He stated that, after the incident in which he fired his baton gun, he had taken up a position between the two low walls of the Kells Walk ramp, from where he had seen the two men crawling down the side of Block 1 of the Rossville Flats towards the door at the end, with the leading man "*doing a leopard crawl*". He also stated that in addition to his baton gun he was carrying a Sterling sub-machine gun for his own protection.

¹ B1649-1650

² Paragraphs 78.13 and 84.82

84.106 Corporal 039 did not give oral evidence to the Widgery Inquiry but did give written and oral evidence to this Inquiry.

- 84.107 In his written evidence to this Inquiry,¹ Corporal 039 said that he recalled that he had heard firing when he was behind the wall (the position of which he could not clearly remember):

"I recall that shooting took place at this time. I cannot say if this was the first shooting that I had heard (apart from the shot which hit the drainpipe in the church courtyard) but I am certain that there was definitely some shooting going on at this time. I cannot say where the shooting was coming from, how much of it there was or what type of weapon was being fired. Although I did not see any bullets striking the ground near where we were I was certain that we were under threat. I cannot say what type of weapons were being used. There was a great deal of noise.

My attention was focused on the doorway to Block 1 of the Rossville Flats. The door was made from glass and I could see some movement within the doorway. I could see nothing more distinct than shadows of people moving about. However, I do recall seeing perhaps four or five muzzle flashes coming from this doorway. When a gun of any type is fired in low light conditions, the muzzle flash can clearly be seen. If I had previously been in any doubt that there was firing directed at us and that we were under threat, the muzzle flashes in the doorway confirmed it."

¹ [B1651.3-4](#)

- 84.108 Corporal 039 then gave this account:¹

"The next memory I have is of seeing a man crawling from behind the rubble barricade towards the door into Block 1. He was crawling along the pavement, which ran alongside Block 1. I remember that he was wearing a dark coat or jacket and that he was carrying a weapon. From the shape and size of the weapon I believed that it was a short rifle such as an American carbine. Although I did not have binoculars, it was clearly visible as he was carrying it on his right side.

There was no doubt in my mind that he was a hostile gunman and that he would fire his weapon at me or another soldier if he was given the opportunity to do so. He was definitely a threat to us. There was and is no doubt in my mind that the Yellow Card rules governing fire orders authorised us to shoot this man. I have not seen a Yellow Card since 1972 and cannot now recall the precise instructions it gave about firing. We were all fully aware of them at the time, indeed it was a breach of regulations for us ever to go on an operation without carrying the Yellow Card. Had I been armed with an SLR, I would have fired but the man was out of range of the SMG [sub-machine gun].

As is entirely normal in these circumstances, I shouted out this man's position to my colleagues who were behind the wall with me. I cannot recall the words which I used, but I would have confirmed that I had seen an armed man and I would have stated his position. I would have described him as a target. The other soldier or soldiers behind the wall would have shouted back to confirm that they had seen him.

Having pointed him out and identified him as a target, it would not have been necessary for me to give a second order that he should be shot. I may have ordered that shots be fired at him, but it would not have been unusual for me to not to have said anything further having identified him to my colleagues as a target. Soldiers are expected to use their own initiative in circumstances like these, and we certainly would not be expected to wait for this man to start firing at us before we were justified in shooting him.

A shot or shots were fired at this man. I cannot recall who fired these shots although I presume it was my buddy. I cannot remember how many shots were fired at him, but I am certain that I saw that the man was hit. An SLR is a powerful weapon and bullets fired from it hit with considerable force. I can remember that the man on the ground jerked as if he had been hit by a round. He did this at least once, although he may have been hit with more than one bullet.

This man then got to the doorway into Block 1. I cannot recall if he carried on crawling into this doorway or whether he was dragged into the doorway by anyone else.

Some time after this incident everything in the area went fairly quiet. I cannot remember how much time elapsed before things did go quiet."

¹ B1651.4-5

84.109 Corporal 039 told us that where there were any differences between the contents of his RMP statement and his current recollection, the former should be preferred, as he had no reason to believe that the RMP statement was other than an accurate record of his experiences of the day in question.¹

¹ B1651.6

84.110 Corporal 039 was shown the photograph taken by Jeffrey Morris of soldiers behind the low walls of the Kells Walk ramp that we have reproduced above,¹ but was unable to identify himself or any of the other soldiers, though he did state that the figure in a beret kneeling down could have been Colonel Wilford and the soldier next to him a radio operator.²

¹ Paragraph 84.53

² B1651.7-8

84.111 In his oral evidence to this Inquiry, Corporal 039 said that he had a clear recollection of muzzle flashes coming from the doorway of Block 1 of the Rossville Flats. Asked why this detail did not appear in his 1972 statements, Corporal 039 said *"It would depend on what questions I was asked about the incident, sir, you know, that is all I can say on that"*.¹

¹ [Day 362/74](#)

84.112 Corporal 039 said that he had no recollections of hearing explosions when he was at the low wall, and when asked whether, if he had heard explosions, it was something he might have mentioned to the RMP, he gave the same answer that he had given in relation to his account of seeing muzzle flashes.¹

¹ [Day 362/82-83](#)

84.113 Corporal 039 was shown the following photograph of a Thompson sub-machine gun.



84.114 Corporal 039 agreed that this was a distinctive-looking weapon; but said that he had only had a fleeting glance when he saw it on the day.¹

¹ [Day 362/95-96](#)

- 84.115** In our view, had Corporal 039 seen muzzle flashes from the door of Block 1 of the Rossville Flats, he would have mentioned this in the accounts that he gave in 1972.

Colour Sergeant 002

- 84.116** We have already referred¹ to the RMP statement of Colour Sergeant 002,² in which he described Sergeant K, Private M and Private L moving to the low walls of the Kells Walk ramp; Sergeant K firing one shot *“at two males who were behind a pile of rubble”*; and himself telling Private M and Private L to fire at *“a male person dressed in dark jacket and trousers doing a leopard crawl towards the South end of No 1 Block”* who had a rifle in *“the crook of his elbow”*. He recorded that each of these soldiers fired two rounds at this man, who was hit. He also stated that he saw a second man crawling from behind the rubble. *“I could not see any weapon with him and as a group of people were standing inside the door to where he was crawling I ordered ‘M’ and ‘L’ to cease fire. This they did. The second person to leave the rubble then started to drag the man who had been hit towards the door. Then about four men came out of the flats and dragged both men inside.”*

¹ Paragraph 84.14

² B1348-1351

- 84.117** In his written statement for the Widgery Inquiry, Colour Sergeant 002 recorded that he was moving up behind Sergeant K when that soldier fired one round. He stated that Sergeant K then told him that there were two men crawling from the barricade towards the far corner of the flats. Colour Sergeant 002 then gave a similar account to that in his RMP statement of seeing a man with a rifle; ordering Private M and Private L to fire, which they did; and then ordering them to cease fire, as he could not see that the second man had a weapon and people had gathered at the doorway of the flats. He told the Widgery Inquiry that the people outside the door dragged the first man into the flats and that the second man went with them.¹

¹ B1361-1362

- 84.118** Colour Sergeant 002 did not give oral evidence to the Widgery Inquiry, but he did give written evidence to this Inquiry.

- 84.119** In his written evidence to this Inquiry, Colour Sergeant 002 told us that he had been a weapons training officer and on 30th January 1972 was the Commander of Composite Platoon.¹ In fact Captain 200 was the Commander of Composite Platoon, and Colour Sergeant 002 the Platoon Sergeant, who led the half of the platoon given the call sign 71A. He stated that he did not have any memory himself of incoming fire as he and his

men moved further along Rossville Street after disembarking, “*but I do remember soldiers in front of me taking cover and behaving as if they were under fire*”.² He gave us this description of the man whom he said he saw “*leopard crawling*” towards the door of Block 1 of the Rossville Flats:³

“27. I can remember that he was wearing a long black Crombie style overcoat and that he was leopard crawling along with a rifle in the crook of his arm. I can remember thinking that it was a good leopard crawl and I that I would have given him a B grading if I had been assessing him as a soldier.

28. I cannot remember whether he had crawled from or over the Rubble Barricade but I can remember him being on the pavement below the windows of the Rossville Flats heading towards the entrance door. I could definitely see his weapon and could see the butt and stock. I had absolutely no doubt as to what it was. I think the rifle was a Lee Enfield .303 and I say this because this weapon has a very small magazine and I cannot remember seeing a large or distinctive magazine such as that on a Kalashnikov or SLR. It was quite a long rifle, which the .303 Lee Enfield is, as opposed to the Armalite which is shorter. At that time I was not familiar with the M1 Carbine and so cannot say if it may have been that weapon.

29. There were two members of Guin[n]ess Force just to the right of me. One of them was the one who had shouted something like ‘There’s a guy with a rifle’ or ‘That guy’s got a rifle’. I cannot remember who this was but I told them to engage and they opened fire with I think one round a piece. I saw dust come up around the man who was hit. I then shouted at them to stop firing.

30. The entrance door to the Rossville Flats was packed with people watching. Some came out came towards the man. They picked him up and half walked and half carried him back into the door. I think there were about six of them doing this. They took the rifle from him.”

¹ B1363.001

³ B1363.004

² B1363.003

84.120 A little later in this statement Colour Sergeant 002 told us this:¹

“33. After this man had been shot we noticed a second one who had been crouching down behind a pile of rubble at the barricade. I can remember that he stood up and whether this is because I or someone else shouted at him to stand up I do not know. He walked towards the entrance door to the Rossville Flats but there were no shots fired at him because he was not carrying a weapon. I think that we intended to go in and try and pursue the gunman but we did not go further forward because of orders. I think that we were told to consolidate our position but whether this was by Captain SA8² or Colonel Derek Wilford I do not know. We did not go into the Glenfada Park area and remained in Rossville Street just outside Glenfada Park North.”

¹ B1363.005

² This is an alternative cipher used to refer to Captain 200.

84.121 Colour Sergeant 002 recalled that he had given a weapons demonstration for members of the Widgery Inquiry (not including Lord Widgery). “*We fired a variety of weapons including SLR’s, SMG’s, pistols and Rubber Bullet Guns but we (the soldiers present) could not differentiate between them and neither could the members of the Inquiry who were there.*”¹

¹ B1363.007

84.122 Colour Sergeant 002 did not give oral evidence to this Inquiry. He lived outside the jurisdiction and informed us that he was unable to attend for reasons of ill health.

Evidence of other soldiers

84.123 It is convenient at this point to refer to the evidence of some other soldiers that refers or appears to refer to the firing by soldiers of Composite Platoon from the walls of the low ramp at the southern end of Kells Walk.

Private 032

84.124 In his RMP statement,¹ Private 032 recorded that he took up a defensive position behind a 4ft high brick wall “*about six metres North East of number two Columbcille Court*”, facing south towards the Rossville Flats. According to this account, Private L was about 3ft to the east of his position, at the corner of the wall. Private 032 saw two men crawling south from a barricade along the wall of Block 1 of the Rossville Flats. The rear man was wearing a dark brown suit and was trailing what looked like a rifle behind him. The man crawling ahead of him was wearing a mid-grey suit or overcoat. The men had been

crawling for about 30 seconds, and the man in front was nearing the entrance to Block 1, when Private L opened fire. Private 032 saw the body of the rear man jerk as if he had been struck by a bullet. The man in front had by this time reached the entrance and disappeared into the building.

¹ B1614

84.125 In his written statement to this Inquiry,¹ Private 032 told us that while he was at the wall someone shouted “*Gunman at the barricade*”. As he looked towards the barricade, he saw two men were moving in “*a sort of leopard crawl*” from the barricade to the entrance to Block 1. The rear crawling man was wearing a dark overcoat and trailing a long implement that Private 032 thought was a rifle. It was difficult to estimate the length of this object, but Private 032 believed that it was about half as long as the man was tall, or about 2ft to 3ft long. It was not straight and its shape was too intricate for it to have been a stick. Private 032 was clear in his own mind that it was a rifle. The man was holding it on his right side, partly concealing it under his body and using one hand to crawl. He might have been on his knees rather than his stomach, but Private 032 had the impression that he was very low to the ground.

¹ B1616.005-B1616.008

84.126 Private 032 told us that the man in front was wearing a dark suit, but he did not see him carrying anything. This man was turning and calling to the rear man, as if encouraging him to move. Private 032 stated that he could not give an estimate of the age of either of the crawling men. Private 032 also told us that he heard shots fired; and that he recalled that these shots came from his left, implying that they might have come from the waste ground. The body of the rear crawling man jerked twice. He might have been shot by more than one soldier. The other crawling man then stood up and ran into the entrance to Block 1. Just before the shots were fired, the rear man “*seemed to have half rolled towards us or as if he had been hit by a round and so he was lying on his left hand side*”.¹

¹ B1616.007

84.127 Private 032 told us that he no longer recalled that Private L had been present. Private 032 identified the soldier with the upturned visor shown in Jeffrey Morris’s photograph of soldiers at the low walls of the Kells Walk ramp¹ as himself. Private 032 stated, incorrectly, that he had recorded in his RMP statement that Sergeant K fired a round. He told us that he had a recollection of Sergeant K firing a round, but was confused about whether his recollection was correct. If Sergeant K fired, it was possible that he did so in the course of the incident in which the rear crawling man was shot. At some stage after the rear crawling man was shot, Colonel Wilford arrived at the wall where Private 032 was

positioned, shouting “*Stop shooting, fire only when told to do so*”.² Colonel Wilford gave an instruction that if anyone was to fire it should be Sergeant K, because he was the regimental sniper. Private 032 did not see any wounds on the body of the rear crawling man and did not know what happened to him.

¹ Paragraph 84.53

² B1616.008

84.128 In his oral evidence to this Inquiry,¹ Private 032 said that he could not remember the words “*Gunman at the barricade*” being used, but recalled that he was told to look at the barricade. He said he did not now have a clear recollection that the weapon carried by the rear crawling man was being held on his right side, nor did he clearly recall that this man was wearing a dark overcoat, or any long coat.

¹ Day 362/17-30

84.129 According to Private 032, the other crawling man was wearing dark clothing, but not necessarily a suit. He did not think that the description of this man’s clothing in his RMP statement as “*mid-grey in colour*”¹ was in his own words, and thought that the RMP investigator might have suggested it to him. When he first saw the two men, they were already moving away from the barricade. The rear crawling man did not at any stage make any offensive move with his rifle, or put himself into a position from which he could have shot Private 032 or any of the soldiers near him. Private 032 did not feel under threat because enough soldiers were present for him to be confident that if the crawling man were to turn his weapon towards them one of the soldiers would take action. He did not, while he was watching, see anything to justify a soldier opening fire at the rear crawling man.

¹ B1614

84.130 Private 032 said that the shots that he heard came from the other side of Rossville Street, not from the soldiers around him. He did not now have any impression that a soldier near him had fired. Private 032 said he recalled seeing the rear crawling man move as if he had been hit, but not that the man seemed to have rolled onto his left side before the shots were fired, as he had recorded in his written statement to this Inquiry. He told us that he had no recollection of Private L firing as described in his RMP statement, nor did he now have any recollection of hearing or receiving any order from Colonel Wilford, or hearing a ceasefire order shouted by Major Loden.

84.131 We note at this point that in his RMP statement¹ Private 032 gave an account of the soldiers coming under automatic fire “*from a barricade South West in Rossville Street*” as they disembarked from their vehicles. In his written statement to this Inquiry,² Private 032

told us that he had no recollection of “*anyone firing at us at the Rubble Barricade*”,³ although he added that when his section was at the southern end of Kells Walk they could hear “*one or two shots in front of us at the Rubble Barricade*”.⁴ In his oral evidence to this Inquiry,⁵ he said that he no longer recalled hearing automatic fire or hearing shots from the rubble barricade. We have found no other evidence that suggests to us that soldiers of Composite Platoon came under fire from an automatic weapon as they disembarked; and it is difficult to see how Private 032 could have been able to identify this fire as coming from the rubble barricade. We do not accept his evidence that there was such firing.

¹ B1613

⁴ B1616.006

² B1616

⁵ Day 362/10; Day 362/14

³ B1616.005

Sergeant 035

84.132 In his RMP statement,¹ Sergeant 035 recorded that he took up a position at the southern end of a block of flats approximately 30m west of the junction of Rossville Street and Pilot Row. According to this account, he had been in this position for about one minute when he saw Private M fire two shots at two men about 100m away who were crawling south along the wall of Block 1 of the Rossville Flats away from a pile of rubble. Both men were hit but they continued to crawl until they reached the entrance to the block. One of the men was wearing a brown suit and the other was wearing dark clothing. Both men appeared to be dragging long objects that looked like rifles.

¹ B1626

84.133 In his written statement to this Inquiry,¹ Sergeant 035 told us that he recalled being on a low roof, at least one and no more than three storeys high. He could not remember how he had reached it. The roof was flat and not very large. He believed that he was up against a waist-high balustrade or wall, looking towards Block 1. Sergeant K and some others were also there. In all, Sergeant 035 thought that there were four to six soldiers on the roof. Sergeant 035 told us that he did not recall seeing the rubble barricade, and hence believed that if there was such a barricade he was to the south of it. He believed that his position was either at the point marked A or at the point marked B on the plan attached to his statement² (the southern end of the eastern block of Glenfada Park North or the eastern end of the northern block of Glenfada Park South). Sergeant 035 stated

that he saw two men about 100 yards away crawling along the wall of Block 1, moving from north to south. They were crawling on their knees and elbows in military style, keeping as low as possible.

¹ B1628.003-B1628.005

² B1628.009

84.134 Sergeant 035 told us that each man was holding a long, thin, dark object in his left hand; and that he knew immediately that these objects were rifles. The men were holding the butts of their rifles under their armpits with the muzzles pointing forwards in accordance with standard military practice. The muzzles became visible when the men moved their left elbows forward. The wooden stocks of the weapons were also visible. As the Section Commander, Sergeant 035 was the proper person to give an order to fire. Such an order was given, although Sergeant 035 could no longer remember whether it was given by him or by someone else. The order would not have been given to any particular soldier but would have been a general order to fire. A standard wording would have been used to identify the target and prepare the men to fire. Sergeant 035 recalled that at least one soldier responded to the order but he could not now say which soldier it was. Nor could he remember actually hearing any shots fired. Sergeant 035 believed that both men were hit, but did not think that he had seen this happen. Instead he had assumed that they had been hit because he did not think that the soldiers would have missed from the range from which they were firing. The men continued to crawl and then disappeared, probably into the entrance of Block 1 of the Rossville Flats, or perhaps around the corner at the southern end of that block.

84.135 In his oral evidence to this Inquiry,¹ Sergeant 035 said that in reliance on his RMP statement he now believed that he had been at the southern end of Kells Walk and that he had been mistaken about his location when he made his written statement to this Inquiry. He no longer had any recollection of seeing rifles being carried by the two crawling men. The account that he gave in his written statement to this Inquiry of how the two men had carried the weapons had not been intended to be a description of what he remembered seeing, but to be an explanation of the manner in which a soldier would carry a rifle when crawling. However, he said that he believed that he had told the truth when he made his RMP statement.

¹ Day 361/61-86

84.136 Sergeant 035 accepted that he could not have known whether either of the men carrying a firearm was, in the words used in Rule 13 of the Yellow Card,¹ “*about to use it for offensive purposes*”. Nevertheless, he said that it had been his belief that they were going to fire at soldiers after reaching a position of cover and that it was impracticable to give a

warning because of the distance between the soldiers and the crawling men and because of the amount of noise in the area. He said that in these circumstances he thought that it had been right to give an order to fire without warning; and that a general order to fire did not contravene the principle of minimum force or create unnecessary risk to bystanders, because although it authorised any of the soldiers in his section to open fire, it did not require all of them to do so.

¹ [ED71.2](#)

84.137 Sergeant 035 said that he did not now remember an order to fire being given, and accepted that as no such order was mentioned in his RMP statement, it would be reasonable to conclude that he had not given one. It was possible that no order to fire was given by anyone, in which case a soldier should only have opened fire in order to deal with a threat of which he did not have time to inform his superior. Sergeant 035 said that he no longer had a recollection of seeing Private M fire, nor remembered seeing Sergeant K fire, or seeing more than one soldier fire. He had no idea of the ages of the two crawling men.

84.138 Sergeant 035 rejected the suggestion that in his written statement to this Inquiry he had lied about his location at the time of this incident, in order to suggest that his view of the crawling men had been better than in fact it was.¹ Sergeant 035 was shown a photograph taken by the *Derry Journal* photographer Larry Doherty (reproduced below) of the return halfway up the ramp leading to the upper storey of Kells Walk.

¹ [Day 361/95-101](#)



84.139 Sergeant 035 accepted, after lengthy questioning,¹ that he had been “*on a pram ramp*” when he saw the two crawling men. However, he then said² that he had been on the smaller ramp between the low walls at the southern end of Kells Walk, and that he believed that in his written statement to this Inquiry he had confused this ramp with a roof on which he had been positioned at some stage on that day. He said that the reason for his belief that he was on the ramp between the low walls when he saw the two crawling men was that in his RMP statement he had recorded that the men were about 100m away from his position.³ In our view Sergeant 035 was probably correct in describing himself as being on the smaller ramp.

¹ [Day 361/109-119](#)

³ [Day 361/122](#)

² [Day 361/119-121](#)

Lance Corporal 010

84.140 In his RMP statement,¹ Lance Corporal 010 recorded that he reached a low wall at the south-west end of a block of flats. Someone shouted that the western flank should be checked. Lance Corporal 010 moved to his right, checked that the flank was secure and then moved back behind the low wall. As he returned to this position, he saw Private L fire two aimed rounds towards a barricade in Rossville Street. He did not see Private L’s target, but when he looked towards the barricade he saw a male person apparently dragging the body of a second male towards the flats.

¹ [B1393](#)

84.141 In his written statement to this Inquiry,¹ Lance Corporal 010 told us that he was one of a group of perhaps five soldiers who took cover behind the wall. According to this account, Lance Corporal 010 had a picture in his mind of the head and upper chest of a man who was leaning against the rubble barricade after having been shot twice by a soldier on Lance Corporal 010’s right. Lance Corporal 010 was not sure whether this was based on his own memory or on something that he had been told. He thought that he had heard someone say that the man was still twitching, to which the firing soldier replied “*Leave him, he’s been hit twice already*”. Lance Corporal 010 could now see that the man on the barricade had a rifle. Lance Corporal 010 “*would guess*” that the man’s clothes were “*probably lightish*”. Lance Corporal 010 also had a picture in his mind of the flashes of two or three pistol shots in a dark area at the entrance to Block 1 of the Rossville Flats. Again he was not sure whether this was a true memory or something that he had been told. After he saw these flashes, a soldier on his left fired two shots.

¹ [B1395.007-B1395.008](#)

84.142 Lance Corporal 010 told us that he assumed that either these shots had hit the gunman or the gunman had run away. Lance Corporal 010 said he did not see the gunman. He stated that he could not remember whether the soldier on his left or the soldier on his right fired first. The soldier on his left might have been Private INQ 748 but he “*would be guessing*”¹ about this. Neither of the soldiers was Sergeant K, who was somewhere behind Lance Corporal 010, and neither of the soldiers was using a telescopic sight. Lance Corporal 010 thought that these shooting incidents had lasted about two minutes. Lance Corporal 010 stated² that he did not now remember checking the western flank. He did not remember Private L as one of the soldiers who fired, but assumed that what he had said in his RMP statement was correct. He did not remember seeing a body being dragged anywhere.

¹ [B1395.008](#)

² [B1395.010](#)

84.143 In his oral evidence to this Inquiry,¹ Lance Corporal 010 said that the other soldiers who took cover with him at the wall were definitely members of Composite Platoon. He said that it was quite possible that he had derived his mental pictures of a wounded gunman at the rubble barricade and of the flashes of pistol shots at the entrance to Block 1 of the Rossville Flats from what he had heard after the event. There had obviously been a lot of talk afterwards about what had taken place. He could not recall which soldiers had been at the wall with him, but thought that Private L had been there. Sergeant K was “*there somewhere near*”. He could not remember whether Private M had been at the wall. His current recollection was of two soldiers firing rather than one, but he thought that “*part of this might have been ... from stories told afterwards, possibly*”. He now had a mental picture of a body being dragged towards the Rossville Flats but did not know whether this was derived from what someone had told him or from what he had seen. He also said that he could not remember anyone trying to make his way to the doorway of Block 1. His suggestion that Private INQ 748 may have been one of the soldiers who fired was “*more of a guess than anything else*”. Lance Corporal 010 said, in reliance on his RMP statement, that Private L had fired but that he could not recall Sergeant K or Private M firing.² He confirmed that he did not see Private L’s target.³

¹ [Day 355/106-112](#)

³ [Day 355/126](#)

² [Day 355/122-123](#)

84.144 We note at this point that Lance Corporal 010 gave an account in his written statement to this Inquiry¹ of as many as 20 rounds being fired north up Rossville Street when he was within 50 yards of the rubble barricade. In his oral evidence to this Inquiry,² Lance Corporal 010 said that he still had a recollection of incoming fire at this stage, but he

accepted that it was not mentioned in his RMP statement and that “*maybe it was something to do with another occasion*”. In our view Lance Corporal 010 was indeed confusing Bloody Sunday with another occasion.

¹ [B1395.006](#)

² [Day 355/103-105](#)

Sergeant 014

84.145 In his RMP statement,¹ Sergeant 014 recorded that he took up a position behind a 4ft high wall and faced south-east towards the Rossville Flats. According to this account, he saw two men crawling south beneath the wall of Block 1 of the Rossville Flats away from the rubble barricade. The rear man was wearing a dark brown suit and trailing what looked like a rifle behind him. The other man was wearing dark clothing. Private L was behind the wall, about 5 yards east of Sergeant 014. Private L fired two shots at the men. Sergeant 014 saw the rear man jerk as if hit. The other man reached the doorway and went inside. The rear man also continued to crawl and when he arrived at the doorway was dragged inside. Colonel Wilford arrived at the wall at this stage and ordered Private L to cease firing.

¹ [B1409-B1410](#)

84.146 In his written statement to this Inquiry,¹ Sergeant 014 told us that he saw two men leopard-crawling towards the entrance to Block 1. He thought that one of the soldiers to his right had pointed the men out and had said that they were armed. The rear man was dragging a weapon behind him on his right side. Sergeant 014 and the soldiers to his right thought that the weapon was a rifle. The soldiers to his right had a better view than Sergeant 014 because they were higher up. One of them fired two shots at the crawling men. Sergeant 014 stated that he could not recall the identity of the firing soldier. He thought that another two shots might have been fired at the crawling men from somewhere else to his right, but could not be sure about this. He could not say whether the men were hit. One of the men entered the doorway and the other was dragged in by the crowd. Sergeant 014 thought that it was soon after the shooting that Captain 200 arrived at the wall with a section of eight men, followed by Colonel Wilford, who told the soldiers to cease firing, even though they were not firing at the time. Sergeant 014 told us² that the soldier who fired was definitely to the west of his position, not to the east as indicated in his RMP statement. He did not now remember Private L and stated that he might not have known him at the time.

¹ [B1412.005-B1412.006](#)

² [B1412.007](#)

84.147 In his oral evidence to this Inquiry,¹ Sergeant 014 said that the soldiers in a higher position to his right were on the sloping path between the two low walls at the southern end of Kells Walk. The soldier who drew his attention to the two crawling men was a member of his section. He did not recall that any of the other soldiers shouted a warning about the men. He agreed that he had only seen the rear man dragging a weapon and had not been able to tell whether the other crawling man was armed. He did not recall seeing one of the men dragging the other along. He could not remember whether Colour Sergeant 002, Sergeant K or Private M had been at the low walls when this incident occurred. He did not hear anyone give an order to the soldiers to fire. He could not say why he did not describe Sergeant K's or Private M's firing in his RMP statement.

¹ [Day 372/27-49](#)

84.148 In his oral evidence to this Inquiry,¹ Captain 200 said that when he arrived at the low walls at the southern end of Kells Walk he was not accompanied by eight men. He did not see Colonel Wilford there. He had no recollection of Colonel Wilford giving an order to cease firing, nor did he himself give such an order.

¹ [Day 368/127-129](#)

Private INQ 127

84.149 In his written statement to this Inquiry,¹ Private INQ 127 told us that he was delayed when disembarking from his vehicle because the straps on his radio backpack became caught on the tailboard of the lorry. When he had freed himself, he followed the rest of his platoon down the right side of a street and caught up with a group of soldiers who were standing near some steps, behind which he took cover. The flight of steps was "*about chest height*" and rose to the right. He attached to his statement² a copy of Jeffrey Morris's photograph of soldiers at the low walls of the Kells Walk ramp, but stated that he was not shown in it, and that the steps at which he was positioned "*protruded more than those on this photograph*".

¹ [C127.3-C127.6](#)

² [C127.9](#)

84.150 Private INQ 127 was acting as signaller to an officer whom he described in his statement as his Commanding Officer. He could not recall the identity of this officer, although it is clear that he did not mean Colonel Wilford, since he said that he was not with him at any stage. Private INQ 127 told us that while he was crouching behind the steps, someone asked over the radio to speak to the officer. Private INQ 127 passed the handset of the radio to the officer, who was on his right. As the officer was using the handset, he stood

up, which meant that Private INQ 127 also had to rise to a half-crouching position because the wire connecting the handset to the radio was too short for him to remain as he was.

84.151 Private INQ 127 told us that from this position he looked towards the rubble barricade, behind which he could see something long and black, which he took to be the body of a person lying prone. He did not assume that the person was dead. He thought that the person was lying face down. The head was on the barricade and the feet to the south. The body was about 20ft from the side of a building. Private INQ 127 stated that he believed that this building was Block 1 of the Rossville Flats. Just as he saw the body, someone next to him said "*Thompson Machine Gun*". Private INQ 127 thought that the soldier next to him had fired a shot. Private INQ 127 could also see "*someone who was nothing more than a black shadow*" at the southern end of Block 1, standing with his shoulder to the wall, looking round the corner and ducking in and out. Private INQ 127 could not see any weapon in this man's hands but he only observed the scene for 20 seconds. The officer dropped the handset and grabbed his rifle, whereupon Private INQ 127 dropped back down behind the steps and saw nothing more. Something made him think that the officer had fired his rifle, but Private INQ 127 did not know whether this was so. He thought that the officer had been using a sniper rifle with a telescopic sight. He assumed that if the officer had fired, his target would have been either the body at the barricade or the man at the southern end of Block 1. Private INQ 127 said he had not seen any smoke from the muzzle of a weapon at the barricade, but had seen some dust rising, which could have resulted from a weapon being fired at or from the barricade, or from some other cause.

84.152 In his oral evidence to this Inquiry,¹ Private INQ 127 said that when in his written statement to this Inquiry he had referred to his "*Commanding Officer*", he had meant to refer not to Colonel Wilford but to his Platoon or Section Commander, and that although he reached a flight of steps while he was trying to catch up with the rest of his platoon, he moved on from there to a position behind a wall. When it was drawn to his attention that Colour Sergeant 002 had said in the unredacted version of his RMP statement that Private INQ 127 had been his signaller, Private INQ 127 said that although he could not remember Colour Sergeant 002, he thought that this was possible.

¹ [Day 360/124-131](#)

84.153 Private INQ 127 said¹ that the wall shown in Jeffrey Morris's photograph of soldiers at the low walls of the Kells Walk ramp² now looked familiar to him, and that he believed that after stopping by the steps at the northern end of Kells Walk he had moved down the side

of that building and taken cover behind the wall at the southern end. He said he could not remember which other soldiers had been at the wall when he reached it. He thought that the soldier to whom he passed the handset of his radio had been the Senior NCO for whom he had been acting as signaller.

¹ Day 360/136-155

² C127.9

84.154 Private INQ 127 said that he saw only one soldier open fire. That soldier was using a sniper rifle. Private INQ 127 identified him as Sergeant K. He was not the soldier who had given the warning about a Thompson sub-machine gun. Private INQ 127 said that he believed that Sergeant K had been standing next to the NCO for whom Private INQ 127 had been acting as signaller. Private INQ 127 said that he remembered Sergeant K bringing his rifle to the aim and looking through the sight to see “*where everybody was shouting at*”.¹ He did not see at whom or at what Sergeant K fired his rifle. Private INQ 127 said that he did not remember any soldier other than Sergeant K firing, or hearing any other shot close to him, although he still had “*a feeling*”² that the NCO whose signaller he was had fired his rifle.

¹ Day 360/148

² Day 360/151

84.155 Private INQ 127 also said that he did not remember seeing Private L or Private M at any stage; nor did he see any crawling man, or recall any order to fire or cease firing being given by an NCO. So far as Private INQ 127 knew, the person lying prone had not had any part of his body on the barricade. Private INQ 127 did not remember seeing anyone else in the area of the barricade when he looked over the wall, other than the person at the corner of Block 1, nor did he recall seeing anyone with a weapon at the barricade. The dust that he saw rising from the barricade had been near the body of the person lying prone. Private INQ 127 said¹ that he did not see anything in the moments before Sergeant K fired his rifle that warranted opening fire.

¹ Day 360/161-162

Private 006

84.156 In his RMP statement,¹ Private 006 of Mortar Platoon recorded that he took up a position at the rear of Sergeant O’s vehicle when it was located about 10m to the north of Block 1 of the Rossville Flats. According to this account, from this position he saw a member of his battalion firing at the rubble barricade. The firing soldier was behind a low wall, which “*circled number two Columbcille Court, situated at the North East Corner*”. He saw three

strikes on the barricade as a result of the firing but did not see anyone hit. When the firing finished, Lieutenant N ordered Private 006 and others to collect three bodies from the barricade.

¹ [B1375-B1376](#)

84.157 In his written statement to this Inquiry,¹ Private 006 told us that his current recollection was that he had looked towards the barricade from the northern end of Block 1 and seen bullets hitting the barricade. He had not seen any civilians but had assumed that they were keeping low behind the barricade in firing positions. He only recalled hearing the sound of SLR fire. He thought that the bullets had been fired by soldiers who were standing behind a low wall near Kells Walk. He did not now remember seeing the soldiers fire, although he said that their firing was “*very controlled*”, that they appeared to be firing at identifiable targets and that they were acting in a disciplined manner and not firing wildly. The soldiers were gesturing towards the barricade, indicating to Private 006 and perhaps to others nearby that there were identifiable targets behind the barricade. When he and others later went to pick up the bodies from the barricade, Private 006 knew that these soldiers would give them cover. Although his current recollection was of seeing several bullet strikes on the barricade, Private 006 preferred to rely on his RMP statement, in which he stated that he had referred to “*2 or 3*”. In fact, he had referred in that statement to three strikes.

¹ [B1377.005-B1377.007](#)

84.158 In his oral evidence to this Inquiry,¹ Private 006 said that although he had said in his RMP statement that he had been at the rear of Sergeant O’s vehicle at the material time, he thought that he could actually have been at the northern end of Block 1. He did not think that the vehicles had gathered at the northern end of the block when he arrived there. He could not remember whether he had seen only one soldier firing, as he had said in his RMP statement, or whether there had been two or three soldiers behind the low wall. Private 006 said² that he had seen the soldiers firing at the barricade but had not seen any gunmen, nail bombers or petrol bombers. He had not recognised any of the soldiers and did not know to which platoon they belonged. He did not remember seeing a group of soldiers move forward from the low wall at any stage to be replaced by a second group. Later in his evidence,³ Private 006 said at first that he had been at the north-west corner of Block 1, but then said that the description of his position that he gave in his RMP statement would have been accurate and that he would have been looking at the barricade around the side of Sergeant O’s vehicle. When the bullets hit the barricade, he saw “*the muck fly up*”. He could not remember which part of the barricade the bullets

had hit. He did not see anyone crawling away from the barricade as a result of the shooting, pushing rifles or anything of that kind, nor did he see anyone bouncing up against a wall having been shot.

¹ [Day 334/25-30](#)

³ [Day 334/76-87](#)

² [Day 334/58-61](#)

Evidence of Lieutenant Colonel Wilford on shooting from the low walls of the Kells Walk ramp

84.159 Later in this report¹ we consider in detail Colonel Wilford's accounts of what he did and saw when he followed his soldiers into the Bogside. However, in view of the references made to his presence or possible presence at the low walls of the Kells Walk ramp, it is convenient at this point to refer to his evidence on this topic.

¹ [Paragraphs 171.1–36](#)

84.160 In his undated 1972 statement,¹ Colonel Wilford recorded that as he arrived at a low wall on the western side of Rossville Street, one of the soldiers fired "*to his left front*". Colonel Wilford asked the soldier what his target was, and he said that there was a gunman lying behind some rubble. "*I warned them all to keep their heads down and to fire only at identifiable targets. I asked where the Company Commander was and he was pointed out as being across near the flats. I then ran over and had a quick word with the RMP arrest team which had arrived to pick up some arrested civilians.*"

¹ [B951](#)

84.161 In his oral evidence to the Widgery Inquiry,¹ Colonel Wilford confirmed this account and said that the soldier who fired was the one shown standing on the left of the low walls in Jeffrey Morris's photograph of soldiers at the low walls of the Kells Walk ramp, which we have reproduced above.² He said that the soldier was firing towards the rubble barricade. He was asked³ whether he could identify the soldier by letter, and said that he would be able to do so after the Widgery Inquiry had risen. However, there is no indication in the transcript that he ever did this. Colonel Wilford also identified the figure in a beret shown behind the wall in the photograph as himself. He said⁴ that he had seen one of his soldiers "*firing shots*", but it was then put to him that he had seen a soldier "*fire one shot*", and he agreed with that proposition.

¹ [WT11.44-46](#)

³ [WT11.79](#)

² [Paragraph 84.53](#)

⁴ [WT11.65](#)

84.162 In his written statement to this Inquiry,¹ Colonel Wilford told us that he did not now recall seeing the soldier firing. He stated that his current recollection was that the soldier had told him that he had fired, but that it was clear from his evidence to the Widgery Inquiry that he had in fact seen the soldier fire. He could not now identify any of the soldiers at the low wall, nor could he say whether he had seen the soldier fire more than one shot, although he inclined to the view that he had not.

¹ B1110.034

84.163 In his oral evidence to this Inquiry,¹ he confirmed that he thought that he had probably seen the soldier fire a single shot. Later in his evidence,² he was shown the account given by Private L in his statement to this Inquiry of his firing towards the rubble barricade, and it was put to Colonel Wilford that one of these shots must have been the one that he saw. He said that this would seem to be so.

¹ Day 313/58-59; Day 315/31-32; Day 316/58

² Day 321/39-40

Summary of the military evidence of shooting by Composite Platoon from the low walls of the Kells Walk ramp

84.164 Sergeant K stated that he fired one shot from the walls of the low ramp at the southern end of Kells Walk at the second of two men crawling from the rubble barricade, who appeared to have a rifle. Sergeant K told Captain 200 that he had fired at a gunman at the barricade and missed. He told the RMP that he might have hit the gunman but that he did not observe a strike, and told the Widgery Inquiry that he could not say whether he had hit the gunman or not, but also said that he had not killed him. He told this Inquiry that he thought that he had hit the gunman. Sergeant K also stated that the first man had reached the door of the flats and had been pulled in and that the second man had also eventually been pulled in. There was nothing in the accounts that Sergeant K gave in 1972 to suggest that the first man was armed and Sergeant K told us that he had no weapon.

84.165 Private L stated that on the orders of Colour Sergeant 002 he had fired a shot at, and hit, one of two men crawling away from the rubble barricade and shortly afterwards had fired another shot at the other man which he thought had hit both men. He told the RMP and this Inquiry that both men appeared to be cradling rifles, but his evidence to the Widgery Inquiry was that the man at whom he fired his second shot was cradling the rifle he had originally seen in the possession of the first man. Captain 200 recorded that Private L had

fired two shots at the rubble barricade, but not that he was claiming a hit or a possible hit. According to his evidence to this Inquiry, Private L fired two shots at the first man, both of which hit him, and one at the second, which might have missed.

- 84.166** Private M stated that he had fired one shot from a kneeling position at each of two men crawling from the rubble barricade who he thought were pushing weapons in front of them, and told the Widgery Inquiry in his oral evidence that he thought that he had hit both of them. Captain 200 recorded that Private M had fired two rounds at a gunman (not gunmen) behind the rubble barricade, with a possible hit.
- 84.167** Colour Sergeant 002 recorded in his RMP statement that he saw Sergeant K fire one shot at two males who were behind a pile of rubble, but in his written statement for the Widgery Inquiry said that Sergeant K told him about the two men after the shot had been fired. Colour Sergeant 002 also stated that he himself told Private L and Private M to fire at a man with a rifle doing a leopard crawl towards the southern end of Block 1 of the Rossville Flats, and saw these two soldiers each fire two shots at this man, who was hit. He saw a second man crawling from the rubble barricade but could see no weapon and as people were standing inside the door to which he was crawling he ordered Private L and Private M to cease fire, which they did.
- 84.168** Corporal 039 gave a different account. He stated that he ordered Private L and Private M to fire at two gunmen crawling from the rubble barricade to the door at the southern end of the Rossville Flats, one of whom appeared to have a Thompson sub-machine gun and the other a weapon of some sort. Private L and Private M each fired two shots. He thought both men had been hit, the former about two or three times.
- 84.169** Private 032 gave an account of seeing two men crawling from the rubble barricade along the wall of Block 1 of the Rossville Flats, the rear one trailing what looked like a rifle. Private L opened fire and the rear man jerked as if struck by a bullet. The man in front had by this time gone into the entrance. Sergeant 014 gave a very similar account.
- 84.170** Sergeant 035 gave an account of seeing Private M fire two shots at, and hit, two men who were crawling south along the wall of Block 1 of the Rossville Flats. Both men, who appeared to be dragging long objects that looked like rifles, continued to crawl until they reached the entrance to the block. Sergeant 035 told us that he did not think that he had actually seen the men hit, but that he had assumed that they had been hit because he did not think that the soldiers would have missed from the range from which they were firing.

- 84.171** Lance Corporal 010 told the RMP that he had seen Private L fire two aimed rounds towards the rubble barricade, but did not see his target.
- 84.172** Private INQ 127 told us that he only saw Sergeant K fire and that he did not see anything in the moments before this soldier fired that warranted opening fire.
- 84.173** As to the evidence of Private 006, this in our view may relate to the firing by Sergeant K, Private L or Private M, but does not provide any assistance on the question why this firing occurred.
- 84.174** In total, therefore, according to the accounts discussed above, and on the assumption that Private L fired two shots at this stage as he said in 1972, and not three as he told this Inquiry, soldiers of Composite Platoon fired five shots from the low walls of the Kells Walk ramp, all of them at one or other of two men who were crawling from the rubble barricade to the entrance to Block 1 of the Rossville Flats, though the descriptions soldiers gave of these men and their actions and movements differed significantly. These soldiers were ordered to fire by Colour Sergeant 002 and perhaps also by Corporal 039, though in our view Sergeant 035 probably gave no order.
- 84.175** The evidence of Sergeant K, Colour Sergeant 002, Private 032 and Sergeant 014 is that only one man was hit. As will be seen, this is consistent with the evidence of civilians, which we consider later in this report.¹ We have found no evidence, apart from that of Private L, Private M and Corporal 039, that two men were hit, and in our view these soldiers were mistaken in stating that this was the case. We consider later in this report² the question of what Colonel Wilford said when he reached the low walls of the Kells Walk ramp.
- ¹ Paragraphs 86.414–468
- ² Paragraph 171.30
- 84.176** Despite his later evidence that he might have hit his target, it is in our view likely that Sergeant K missed. This is what he initially told Captain 200, and that he missed his target is to our minds supported by the evidence of Colour Sergeant 002. It is possible that Sergeant K untruthfully told Captain 200 that he had missed in his initial accounts in order to avoid being held responsible for the casualty, but to our minds this is highly unlikely in view of his later accounts.
- 84.177** We are sure, on the basis of the soldiers' evidence and of the civilian, medical and scientific evidence that we consider later in this report,¹ that the man who was hit by firing from Private L or Private M was Kevin McElhinney, who was shot as he crawled from the rubble barricade and had got close to the entrance to Block 1 of the Rossville Flats.

We are also sure, for the reasons we also give later in this report,² that neither Kevin McElhinney nor anyone close to him was armed with a rifle. Later in this report³ we consider whether it is possible to determine which of these soldiers is the more likely to have shot Kevin McElhinney and whether or not they believed (albeit mistakenly) that he posed a threat of causing death or serious injury.

¹ Paragraphs 86.375–398 and 86.411–468

³ Paragraphs 89.50–71

² Paragraphs 86.461 and 89.56

84.178 We should add that we do not accept the evidence of Private M to the Widgery Inquiry, that as he and Corporal 039 were advancing up the side of Kells Walk, there were some pistol shots and a few high velocity shots coming from the rubble barricade. He said that he did not see who was firing them, or where they went. Thus it is difficult to see how he could have known that these were shots from the rubble barricade. Private M also gave accounts of hearing nail bombs and seeing a petrol bomb land in front of the rubble barricade. We have already expressed our view that there were no nail or petrol bombs.

84.179 By the time Private M advanced up the side of Kells Walk, Lieutenant N had fired shots up the Eden Place alleyway, Corporal P had fired two shots a short distance further south on Rossville Street, and a man with a pistol had fired as described by Private 017 and others, also a short distance to the south or south-west. As Private M advanced up the side of Kells Walk, Anti-Tank Platoon soldiers fired from the low walls at the southern end of Kells Walk, and firing was taking place in the car park of the Rossville Flats. In our view Private M probably heard these shots, or some of them, wrongly assumed that they had come from the area of the rubble barricade and as a result believed that there were armed men at that barricade. We take the same view of what Private L described in his RMP statement¹ as sporadic fire coming from the direction of the rubble barricade as he advanced and of bullet strikes in Rossville Street.

¹ B312

Chapter 85: Other shooting by soldiers in Sector 3

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85.1 In addition to the shots that soldiers from Anti-Tank Platoon and Composite Platoon stated that they had fired from the low walls of the Kells Walk ramp, there is evidence of other shooting by soldiers in Sector 3.

Corporal P

85.2 Earlier in this report¹ we considered the evidence of Corporal P of Mortar Platoon, to the effect that he had fired two shots at a nail bomber soon after taking up position on the western side of Rossville Street, after disembarking from Sergeant O's APC. For the reasons we gave, we rejected his account of engaging a nail bomber, but we concluded that he did fire his rifle at about this time. On the basis of Liam Mailey's evidence and photographs, which we have considered earlier in this part of the report,² we are sure that these shots were fired before soldiers of Anti-Tank Platoon reached the low walls of the Kells Walk ramp.

¹ [Chapter 73](#)

² [Paragraphs 69.51–57](#)

- 85.3 After giving the account that we have rejected of firing at a nail bomber, Corporal P recorded in his first RMP statement:¹

“The crowd then pulled back temporarily about 5–10 metres. The nailbomb did not explode. They then surged forward again and removed the body of the man I had shot.

In front of us about 70–75 metres was a block of flats. To the right of us were the Rossville Flats.

Between us and the flats in front was a low barricade towards which we advanced. As we advanced we came under gunfire. I think it was from a pistol but cannot be certain. Two bullets struck the wall just above our heads.

We went to ground. When lying I saw a man get up from behind the barricade he had what appeared to be a pistol in his hand. He held it like a pistol and he pointed it in our general direction. I fired four aimed shots at this man. I saw the first round strike the barricade and the following three rounds appeared to hit the body of the man with the pistol. He fell backwards behind the barricade.

A group of people ran towards where he had fallen and some of them bent down and picked something up. It was not the body and I assumed it was the gun.

We stayed in our positions until the rioters dispersed.

After I had shot the gunman I fired a further five rounds over the heads of the rioters to attempt to disperse them.

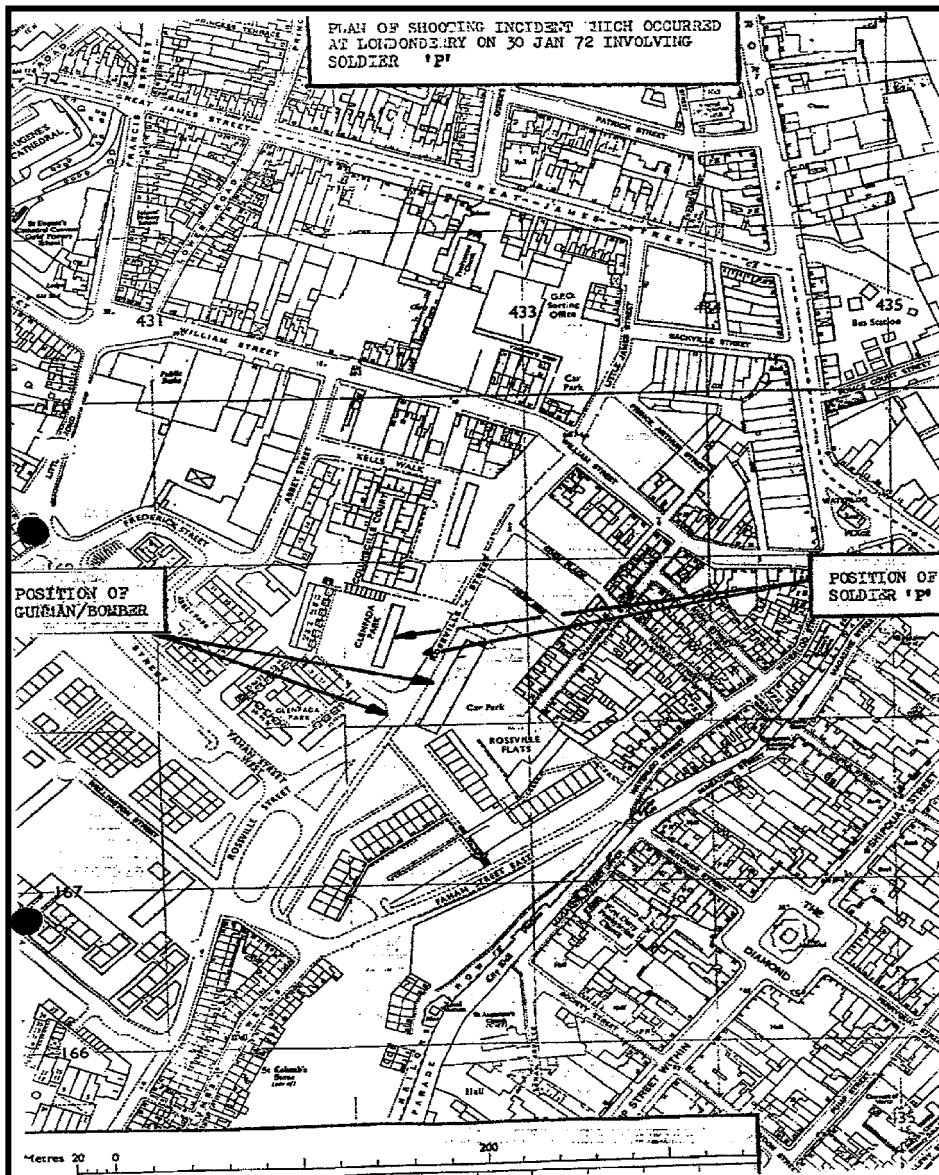
I cannot describe the gunman I shot, the incident occurred so quickly.”

¹ [B577-578](#)

- 85.4 We have earlier¹ reproduced the RMP map that accompanied this statement but for convenience we reproduce it again here.²

¹ [Paragraph 73.2](#)

² [B579](#)



85.5 It is not possible to tell from this map which of the two positions marked for Corporal P was intended to show what he had said was his position when he fired four shots at a man with a pistol behind the rubble barricade.

85.6 In his second RMP statement timed at 1450 hours on 1st February 1972,¹ Corporal P stated that his first RMP statement was incorrect in recording that he had fired five shots over the heads of rioters: "*I fired only 3 rounds 7.62 over their heads.*" He stated that during the afternoon he fired a total of nine rounds. We have no reason to doubt that this was an accurate correction as to the total number of shots he had fired.

¹ B588

- 85.7 In his written statement for the Widgery Inquiry,¹ Corporal P gave a similar account of firing at a man with a pistol at the rubble barricade, but whereas in his first RMP statement he had said only that the gunman pointed in the general direction of the soldiers something that looked like a pistol, in this statement Corporal P added that the gunman fired a number of shots. As to the shots that he said that he had fired after shooting at the man with a pistol, he gave this account:

“The area qui[e]ttened down. I noticed the vehicle had moved back on to the waste ground in front of the North End of the Rossville Flats. I then told the soldier who was with me to move back across the road to cover the vehicle. I followed on behind him. When I was halfway across a group of people came out from the Glenfada Park area and started coming down the road towards the barricade. Most of them were again throwing missiles at myself, the soldier who had been with me and at the vehicle. I thought the crowd was coming too close for comfort so I knelt down in the street and fired three shots over the heads of the crowd in an attempt to disperse them. There would have been no-one in my line of fire. I then reached the cover of the vehicle. I got into the back of the vehicle and could still hear firing but inside the vehicle the sound is very indistinct so I could not tell what kind of firing it was. I was then ordered to act as escort in the Commander’s vehicle which held the bodies and accompanied them to the Altnagelvin Hospital.”

¹ [B592-593](#)

- 85.8 In this statement Corporal P recorded that (contrary to his first RMP statement) he did not cock his rifle until after leaving the vehicle. He also stated that there was only one soldier with him, not two as he had recorded in his first RMP statement.¹

¹ [B593](#)

- 85.9 In his oral evidence to the Widgery Inquiry, Corporal P said that when he saw the man with a pistol at the rubble barricade there were about five or six people there, on either side of the man with the pistol, who were throwing stones. His evidence continued:¹

“Q. Can you say how many shots he fired?

A. Not altogether, sir.

Q. What would have been the range?

A. About 100 metres – something like that.

Q. Did you then take action?

A. Yes.

Q. What did you do?

LORD WIDGERY: Did you hear the shots? Did you hear the bullets from that range?

A. Yes, they passed overhead. I took aim at him and fired four shots. He stood up before this and pointed the pistol again and fired another couple of shots, not particularly in my direction, but I believe in the direction of Guinness Force.

Mr. GIBBENS: That is behind you?

A. Yes. I fired four shots, one of which hit the barricade and the other appeared to hit the man. He fell back.

Q. You say four shots you heard go over you. Were you in a position to judge what sort of pistol it was he had?

A. Not particularly, no, sir.

Q. I mean, normally 100 metres would be rather a good range for a pistol?

A. Yes, reasonably good.

Q. But these bullets went past you?

A. Yes.

Q. When you fired you say you knelt down. What position did you hold your rifle in?

A. At the shoulder, sir.

Q. Were there any other people in your line of fire at the time?

A. No, sir.

Q. That you were aware of?

A. No, none whatsoever.

Q. You fired, and you believe you hit him?

A. Yes."

¹ WT13.50

- 85.10 Corporal P continued his account by telling the Widgery Inquiry that a group of people had come out from the Glenfada Park area and run across towards the Rossville Flats, one or two coming in the direction of the rubble barricade: *"They picked up something which I think was a pistol, but I could not be certain, and carried it over to the area of Rossville Flats."* He said that the body of the man he had shot lay at the barricade and that he did not see it removed.¹

¹ WT13.51

- 85.11 Corporal P then said that about a minute later people came back to the rubble barricade who he thought were attempting to cross it, but the immediate area then quietened down.¹ His evidence continued as follows:²

"Q. Did you see where the vehicle was that you had been with?

A. Yes, a vehicle which was at the car park, nearest to the car park at Rossville Flats, had moved back on to the open ground just by the corner of Block 1.

Q. Did you tell your companion soldier to move back under the cover of that vehicle?

A. Yes, I did.

Q. And did you follow him?

A. Yes.

Q. So you were going towards Pilot Row, were you?

A. Not to Pilot Row – towards the corner.

Q. That way?

A. Yes.

Q. Your back then would be to Glenfada Park?

A. Yes.

Q. When you were going in that direction did you see some more people?

A. Yes, as I say, they came out of Glenfada Park. I was looking around as I was running. I saw some people coming out of Glenfada Park and attempt to cross the barricade. They were still throwing stones at this time.

Q. What part of Glenfada Park did they come out of – which end?

A. From this end here.

Q. And down that alleyway near the barricade?

A. That is correct.

Q. And they seemed to be attempting to cross the barricade?

A. One or two of them did, sir.

Q. You mean towards Rossville Flats or up the street?

A. Up the street towards where we were.

Q. Were they doing anything as regards –

A. They were throwing stones and bottles.

Q. At whom?

A. Towards me in general.

Q. At you?

A. At me and at the vehicle.

Q. How close to you did they come?

A. I could not say to be exact. They were fairly close. I would not like to pin it down.

Q. Where were the troops behind you at the alleyway to Kells Walk?

A. I believe a few had moved back, but I could not be certain. I believe one or two had left the alleyway and carried on.

Q. When the crowd approached throwing stones and bottles what did you do?

A. I dropped on one knee and fired a couple of shots over their heads in an attempt to disperse them, which I did. I thought it was endangering a lot of life.

Q. The crowd?

A. Me in particular and also the people with the vehicle.

Q. How many were in the crowd?

A. About 50 or 60.

Q. And then in which direction would you fire?

A. It would be more or less straight up the road, sir.

Q. Did you then reach the cover of your vehicle?

A. I did, yes.

Q. And get into it?

A. Yes.

Q. When you got in could you hear any firing still going on?

A. There was some firing still going on, but I could not make out as to what sort it was.

Q. Were you then ordered to act as escort of the Commander's vehicle, where there were three bodies?

A. Yes.

Q. And did you accompany them to Altnagelvin Hospital?

A. Yes, sir."

¹ WT13.51

² WT13.51-52

85.12 Corporal P told the Widgery Inquiry that the reason he fired over the heads of the crowd was to frighten them off.¹

¹ WT13.53

85.13 Corporal P also told the Widgery Inquiry that when he fired four shots at the man with a pistol behind the rubble barricade he was "*Alongside the wall*",¹ and he agreed, on being shown his trajectory photograph, that he had fired at this man from the same position as that from which he had previously fired at the man he said was holding a nail bomb. He said that he was firing at an angle, so that his shots did not go down to Free Derry Corner (which he said he could not see from where he was) but to what appears from the transcript to have been the left.²

¹ WT13.63

² WT13.63; WT13.69

85.14 We have already exhibited Corporal P's trajectory photograph when discussing his shots at an alleged nail bomber,¹ but for convenience we reproduce this photograph again below.

¹ Paragraph 73.4



85.15 Corporal P said that the pistol man was the only man with a weapon whom he saw at the rubble barricade and that he did not hear any explosions near the barricade. He then said that after he had fired at the pistol man the rioting died down and he went towards the car park of the Rossville Flats, at which stage he saw a hostile crowd of about 50 or 60 people who had come from the Glenfada Park area, a few of whom came across the barricade towards him. He said that he was within range of the stones that these people were throwing and that at this stage he fired three shots over their heads and the crowd retreated. He also said that he was crossing Rossville Street at this stage and that there were one or two soldiers at the corner of Block 1 of the Rossville Flats who were nearer to the crowd.¹

¹ [WT13.65-67](#)

85.16 As we have already observed,¹ in his written statement to this Inquiry Corporal P told us (in our view falsely) that he recollected very little about 30th January 1972.² He also said that he had no recollection of firing his weapon or of seeing or hearing others firing weapons.³

¹ [Paragraph 69.29](#)

³ [B623.002](#)

² [B623.001](#)

Summary of the accounts of firing by Corporal P

85.17 According to his accounts, Corporal P was close to the wall of the high ramp at the south end of Kells Walk when he fired two shots at, and hit, a nail bomber at or near the alleyway leading into Columbcille Court; he then fired four shots from the same position at a man with a pistol behind the rubble barricade whom he also hit; and finally he fired three shots over the heads of people advancing over the rubble barricade as he was making his way across Rossville Street towards his vehicle (Sergeant O's APC), which by this time had moved to the north end of Block 1 of the Rossville Flats.

85.18 We have already expressed our conclusion¹ that Corporal P was not telling the truth when he stated that he had first fired at a nail bomber. As we observed,² this makes it difficult to rely on the accounts he gave of his later shots, in the absence of supporting evidence. We return to consider Corporal P's evidence about those shots later in this report³ when we discuss the question which soldier or soldiers shot the casualties at the rubble barricade. At this stage, however, we should record that though it appears that Corporal P fired his first shots, which he claimed (falsely) to have fired at a nail bomber, before other soldiers arrived at and fired from the low walls of the Kells Walk ramp, it is difficult to relate his remaining shots in time to the other firing in Sector 3. The reasons for this are not only the unreliability of Corporal P's accounts but also the fact that there is no other evidence from soldiers of Corporal P's later firing.

¹ [Paragraph 73.27](#)

³ [Paragraphs 89.21–32](#)

² [Paragraph 73.28](#)

85.19 In his oral evidence to this Inquiry,¹ Lance Corporal F said that he did not see a soldier firing approximately nine shots from a position in front of Anti-Tank Platoon when they were at the south end of Kells Walk. In his oral evidence to this Inquiry,² Private H said that he had no recollection of a soldier from another platoon firing approximately nine shots from a position not far in front of him at the south end of Kells Walk. In his oral evidence to this Inquiry,³ Lance Corporal J said that he had no recollection of a soldier from another platoon firing approximately nine shots from a position to the south of the south end of Kells Walk.

¹ [Day 375/79-80](#)

³ [Day 370/25](#)

² [Day 377/25](#)

85.20 In his oral evidence to this Inquiry,¹ Private U said that he did not see any soldiers firing from the western side of Rossville Street. In his oral evidence to this Inquiry,² Captain 200 said that he had no recollection of seeing a soldier firing any shots from a position in front

of the eastern wall of the high ramp at the south end of Kells Walk. In his oral evidence to this Inquiry,³ Private David Longstaff said that he did not remember a soldier from another platoon firing approximately nine shots in the area of the low walls at the south end of Kells Walk.

¹ Day 369/108

³ Day 374/77-78

² Day 367/101-102

85.21

In his oral evidence to the Widgery Inquiry,¹ Sergeant K said that when he was at the low walls at the south end of Kells Walk he saw no other soldiers immediately in front of him, and did not see the two soldiers shown in Liam Mailey's third photograph, which we have reproduced above² and which we are satisfied shows Corporal P and Private 017. In his oral evidence to this Inquiry, Sergeant K confirmed that he did not remember seeing two soldiers on their own in the position shown in that photograph,³ and said that he had no recollection of seeing, while at the low walls at the south end of Kells Walk, a soldier of Support Company firing from a position further south.⁴

¹ WT15.88-WT15.89

³ Day 364/145-146

² Paragraph 69.54

⁴ Day 364/151

85.22

As explained earlier in this report,¹ the baton gunner Private 017 disembarked from Sergeant O's APC when it stopped briefly in Rossville Street and, with Corporal P as his escort, crossed to the western side of that street. We have already drawn attention² to the fact that Private 017 mentioned nothing in his first RMP statement about Corporal P engaging a nail bomber.³ He mentioned nothing in that statement, nor in the other accounts that he gave in 1972,⁴ about any of the other shots that Corporal P said that he fired later. In his written evidence to this Inquiry, Private 017 told us that he did not see Corporal P fire another shot after firing at the alleged nail bomber. He also told us that after he had seen the gunman at whom he fired his baton gun, an incident which we have considered earlier in this report,⁵ he went back to his APC to collect his rifle and stayed there looking for snipers in the Rossville Flats, but "*there were none there*".⁶

¹ Paragraphs 24.12–19 and 24.33–36

⁴ B1479; B1482

² Paragraph 73.11

⁵ Chapter 74

³ B1472

⁶ B1484.005

85.23

In his oral evidence to this Inquiry, Private 017 said that he "*vaguely*" remembered Anti-Tank Platoon moving forward from his and Corporal P's position and going into Glenfada Park,¹ but he denied that he had seen four youths killed at the rubble barricade.² His attention was drawn to the fact that Corporal P had said that, after he had shot the man with a pistol at the rubble barricade, he and Private 017 had started to make their way across Rossville Street where a crowd attacked them and where Corporal P fired three

shots over their heads. Private 017 told us that he neither saw nor heard the shots Corporal P said that he had fired at a pistol man, or the shots Corporal P said that he had fired over the heads of a crowd.³

¹ [Day 358/134](#)

³ [Day 358/166-167](#)

² [Day 358/144](#)

85.24 Private 017's evidence lends no support to the accounts given by Corporal P of his shooting at a pistol man or over the heads of the crowd. In view of his false assertion that he saw Corporal P shoot a nail bomber, it is difficult for us to rely on his assertion that he did not see what Corporal P then did. Whether Private 017 returned more or less immediately to his APC is in our view in doubt, given that Corporal P had said in the accounts that he gave in 1972 that he remained with or close to Private 017 until they returned to the APC. It thus remains possible that Private 017 saw at least some of what Corporal P did after his first firing, but has chosen not to tell us what he saw.

Assessment of the accounts of Corporal P

85.25 We have already rejected Corporal P's account of firing two shots at a nail bomber.¹ We also reject his account of firing over the heads of a crowd that was advancing over the rubble barricade as he was making his way to his vehicle (Sergeant O's APC), which had moved in front of the north end of the Rossville Flats. There is no other evidence to suggest that at this stage there was any hostile movement of the crowd as Corporal P asserted. On the contrary, as we describe later in this report,² people had been killed at the rubble barricade, and all others had fled, leaving it deserted save for Alexander Nash, who had gone to his son William, whose body was lying there with those of Michael McDaid and John Young.

¹ [Paragraph 73.27](#)

² [Chapter 86](#)

85.26 As to the man with a pistol at the rubble barricade at whom Corporal P said that he had fired four shots, we have found nothing that to our minds supports Corporal P's accounts, which varied from telling the RMP that he had seen a man get up from behind the barricade and point a pistol "*in our general direction*"¹ to telling the Widgery Inquiry that the man had fired a number of shots before he fired at the man. We consider, as we have said above,² that Corporal P's account of a man with a pistol getting up from the rubble barricade in full view of a considerable number of soldiers in the area, let alone then proceeding to fire a number of shots, is simply not credible.

¹ [B578](#)

² [Paragraph 82.10](#)

85.27 Corporal P initially fired two shots, not at a nail bomber but probably over the heads of people to frighten them off, and he fired nine shots in total. Four people were killed at the rubble barricade: Michael Kelly (who was shot by Lance Corporal F), Michael McDaid, John Young and William Nash. As will be seen hereafter,¹ we are sure that none of these was armed with a weapon or doing anything that justified him being shot. We are also sure, for the reasons we give later in this report,² that there were no additional unidentified casualties at the rubble barricade. It seems to us highly unlikely, in view of the fact that Corporal P must have known that people had been killed at the rubble barricade, that he would have invented an account of firing at that barricade. Accordingly we conclude that Corporal P did fire at least four shots at the rubble barricade, but lied about his target, knowing that he had no justification for what he did. It is possible that he fired more than four shots in this direction, since we do not believe his account of later shooting over the heads of a crowd that in our view was not there.

¹ Paragraphs 86.55 and 86.364

² Paragraphs 87.228–236

85.28 We make two further observations about Corporal P. The first is that his first two shots were fired at an early stage. No member of Anti-Tank Platoon or Composite Platoon appears to have seen Corporal P firing. It is therefore in our view likely, as we have already commented,¹ that other soldiers mistakenly took this firing for paramilitary firing. The second observation is that there is no evidence to support Corporal P's evidence as to where he was when he fired his subsequent shots, nor indeed as to when he did so. It is possible that some of these at least may have been fired from or near to the low walls of the Kells Walk ramp; and may have been fired at an earlier stage than Corporal P was prepared to admit.

¹ Paragraph 82.85

Private U

85.29 Private U was another Mortar Platoon soldier who disembarked from Sergeant O's APC in Rossville Street. We have described earlier in this report¹ how Private U was then involved in the arrest of Charles Canning. Having described this arrest in his first RMP statement timed at 0040 hours on 31st January 1972,² Private U continued:³

"I then returned the roadside corner of the Rossville Flat GR 43271686 where I took up a position there alone. I then came under fire from the waste ground at the far end of Rossville Flats. Between myself and this waste ground there was a barricade across Rossville Street. It was about three feet high and formed of rubble. The rioters were gathered around and behind this barricade but they were beginning to thin out by this time.

I heard about thirty gunshots while I was in this position but could not tell where they were coming from.

As the rioters thinned out I saw a man on the waste ground behind the barricade, he was about 150 metres from my position. He was standing in the middle of about five other men at GR 43321678⁴ and he was wearing a light coloured anorak.

In his right hand he had a pistol and I saw him fire two shots at other members of my unit who were on the opposite side of the road from me.

From the standing aiming position I fired one aimed shot at this man. I saw that the shot struck him in the stomach and he jerked and fell. I also saw a man behind the one I fired at clutch his head with his hands and also fall to the ground.

When these two men fell to the ground the other rioters nearly⁵ dropped to the ground also.

I reported my hit to my Coy CSM who was nearby and we were going to go forward to recover the body and weapon.

As we were about to do so a priest came out into the road with about ten other people. The priest was waving a white cloth.

We remained in our position. After about five minutes the Priest and the men with him moved off and we could see that the body had been removed.

We stayed in our positions until I was recalled to the arrest vehicle to identify the rioter I had arrested earlier."

¹ [Chapter 35](#)

² [B748-749](#)

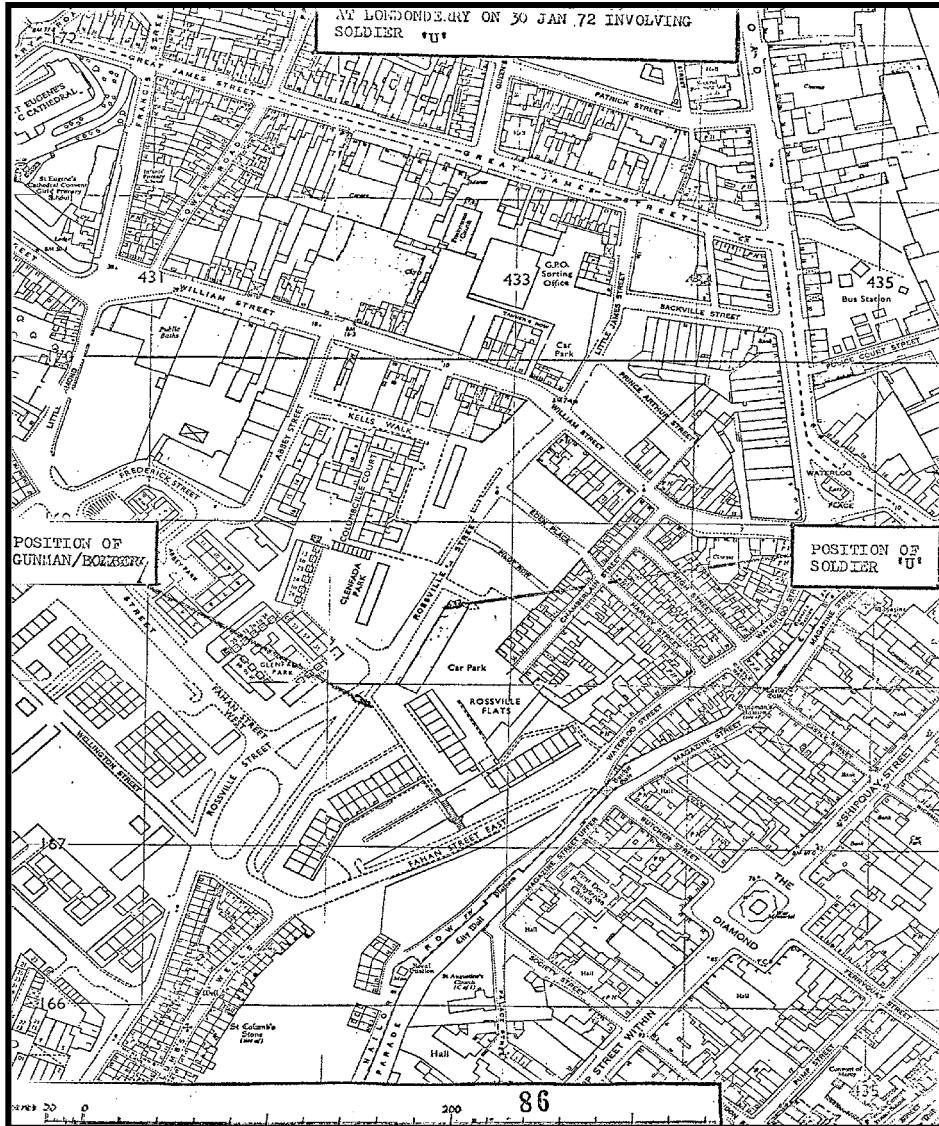
³ [B749-750](#)

⁴ This appears to be a mistake for GR43221678, which is the position shown on the RMP map.

⁵ The word "nearly" was a typographical error for "nearby", as can be seen from the manuscript version of the statement ([B758](#)).

85.30 On his RMP map, Private U's position is shown a little way down the western side of Block 1 of the Rossville Flats, while that of his target is shown a considerable distance south of the rubble barricade.¹

¹ B754



85.31 In his second RMP statement, dated 4th February 1972,¹ Private U gave an account of seeing a gunman at the door of Block 1 of the Rossville Flats firing two shots. We return to this account later in this report.²

¹ B759

² Paragraph 86.563

85.32 In his written statement for the Widgery Inquiry, Private U gave this account of what he saw and did after dealing with the man he had arrested:¹

"I then went back up Rossville Street towards the flats and as I did so I could see soldiers at the entrance to the forecourt firing at a gunman I could see on the far corner of the forecourt. At this point I cocked my rifle. I asked one of the soldiers in an armoured vehicle on the open ground to give me cover and I ran across in the direction of the flats. As I was running I saw four or five automatic shots landing near the Company Commander's vehicle which was ahead of me in the direction of the flats. I got to the Command vehicle at the north end of Rossville Flats and intended to return to my own vehicle which was parked on the opposite side of the entrance to the forecourt but I noticed soldiers had taken up covering positions in that area and as there was not enough cover in the area where I was I decided not to proceed in the direction of my vehicle. I took over a position at the other end of the north end of Rossville Flats which is marked with a cross on the photograph which I have signed.

I was in this position about two minutes when I saw five or six men walking across from Glenfada Park towards Rossville Flats behind the barricade. I saw one of these men had a pistol. He had a light blue jacket on. The other men moved away from him as though they were surprised he had a pistol. He fired two shots in quick succession in the direction of the opposite side of Rossville Street from where I was standing where there were soldiers. Then I was in a standing aiming position, I took off my safety catch and aimed for the centre of his body. I fired one round. He fell backwards and the man behind him clutched his head. All the men went to the ground. I reported this to company sergeant major. About a minute later a group of people including a priest came out from behind the flats. The priest was waving a white flag and they picked the body up and took it to the back of the flats. I didn't see what happened to the man who had clutched his head going down."

¹ [B767-768](#)

85.33 In his oral evidence to the Widgery Inquiry, Private U said that when he returned from handing over the man he had arrested he had been going to go to Sergeant O's APC but in fact went to the corner of the Rossville Flats:¹

"Q. From there where were you intending to make your way?

A. At this point most of the firing had died down, hardly anything happening. I saw more of my own platoon in firing positions so the area inside of the flats was covered, but the corner, I believe the north corner of Rossville flats was not covered, or it was covered by one man and I did not think it was enough, so I went and joined him.

Q. When you were in that position did you see some people moving?

A. Yes.

Q. Where were they moving?

A. There were people moving all round this area, moving along here, a few people moving in towards Glenfada Park.

Q. Did you see a particular group of people?

A. At this point I see a group of about five or six men moving out from the area of Glenfada Park.

Q. Which way were they moving towards?

A. Moving towards the flats.

Q. Were they on the Free Derry Corner side of the barricade or your side of the barricade?

A. On this side of the barricade.

Q. This is on the far side, the Free Derry Corner side. Did you notice any of that group of men in particular?

A. Yes, one man had a pistol which he raised and fired two quick shots in the area opposite Rossville flats."

¹ [WT13.97](#)

85.34 Private U then gave the Widgery Inquiry a similar description to that in his written statement of firing at the man who had a pistol, seeing him fall backwards, seeing a man behind him clutch his head (Private U said that he did not see what happened to this man) and seeing the group of people all going down to the ground. He said that he reported this incident immediately to the Company Sergeant Major who “*was stood right next to me*”.¹

¹ [WT13.98](#)

85.35 We should record at this point that in his oral evidence to this Inquiry,¹ Warrant Officer Class II Lewis (the Company Sergeant Major of Support Company) told us that so far as he knew or recalled, Private U did not report a shot to him.

¹ [Day 373/168](#)

85.36 Private U told the Widgery Inquiry that from his position he could see two bodies at the rubble barricade. He then gave an account of seeing an old man with one of the bodies and of a gunman firing from the door of Block 1 of the Rossville Flats,¹ to which we return later in this report.²

¹ [WT13.98-100](#)

² [Paragraph 86.565](#)

85.37 During his oral evidence to the Widgery Inquiry, Private U was shown his trajectory photograph.



85.38 Private U agreed that the man he shot was on the junction behind the flats and that there were people at or near the rubble barricade at the time, who would have been in danger as they were between the man and the soldiers at whom, according to Private U, the man was firing.¹

¹ [WT14.3](#)

85.39 Private U told the Widgery Inquiry that he had seen soldiers going into Glenfada Park and had then heard high velocity firing from that area.¹

¹ [WT14.8](#)

85.40 There is no entry in Major Loden's List of Engagements¹ that corresponds with the shot that Private U said that he fired at a man who had a pistol. Private U told us that he had no recollection of talking to Major Loden.² It appears therefore that Private U did not report his shot to Major Loden, but we do not know why this was so.

¹ [ED49.12](#)

² [Day 369/183](#)

85.41 Private U gave written and oral evidence to this Inquiry. In his written evidence to this Inquiry he gave a broadly similar account of his firing to the accounts that he had given in 1972.¹

¹ [B787.005-006](#)

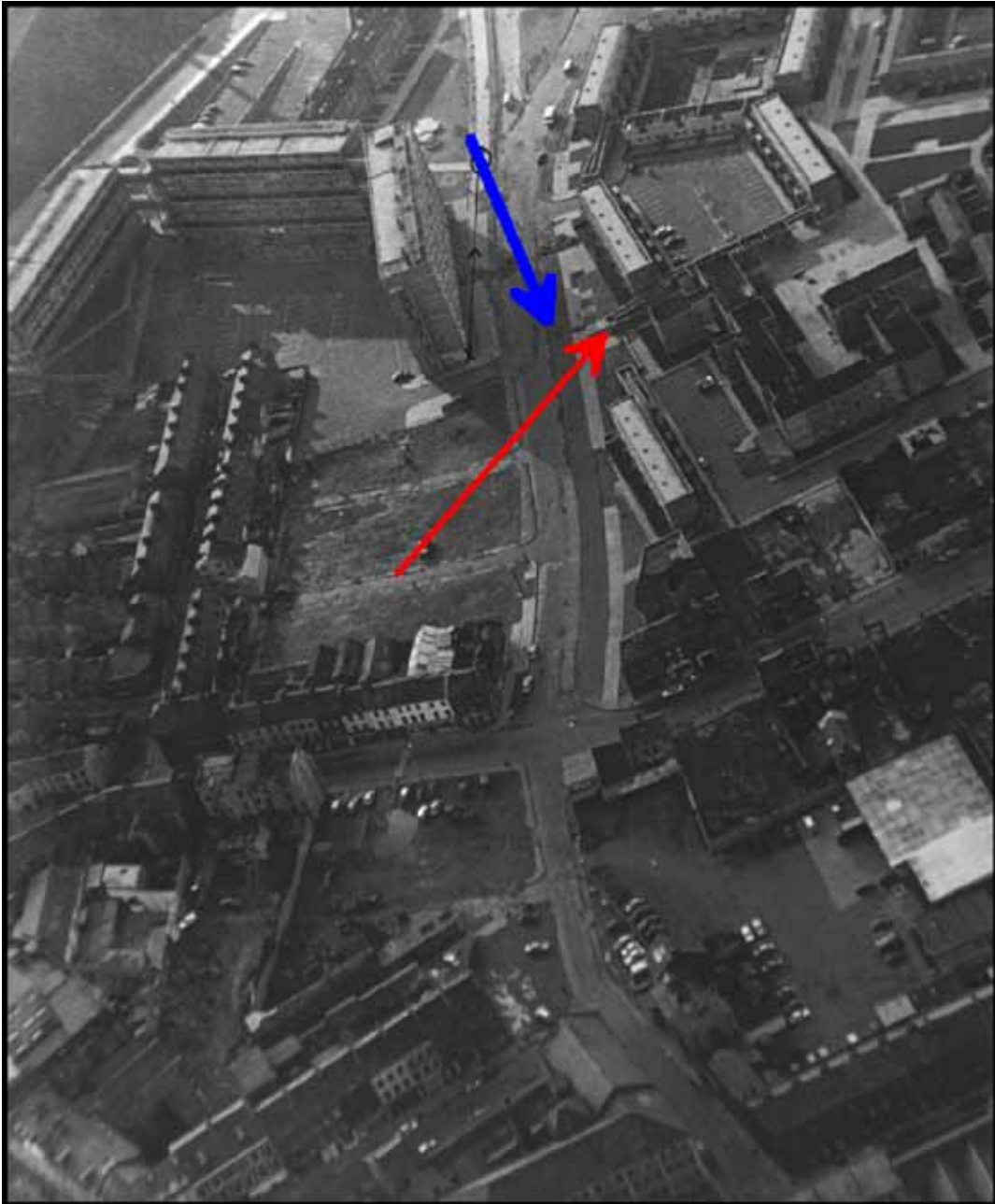
85.42 In his oral evidence to this Inquiry, Private U told us that when he was at the northern end of Block 1 of the Rossville Flats he recalled being on his own and hearing gunfire coming "*from – towards Glenfada Park and others over to my left, which would be the courtyard area*".¹ He said that when he heard the high velocity firing from Glenfada Park that he had described to the Widgery Inquiry he was at the corner of the Rossville Flats.² He also told us that when he was there he saw five or six soldiers crouched in firing positions behind a wall on the other side of Rossville Street directly across from him. The position of these soldiers he marked on the following photograph with a red arrow as being in the area of the ramp at the northern end of Glenfada Park North.³ He used a blue arrow to show the approximate direction, according to Private U's evidence, in which the gunman at whom he fired was facing.⁴

¹ [Day 369/58](#)

² [Day 369/61-63](#)

³ [Day 369/64-67](#); [B786.0039](#)

⁴ [Day 369/85](#)



- 85.43** Private U told us that he could not say whether these soldiers moved before he fired his shot.¹ He also told us that he had no recollection of seeing from his position people carrying Michael Kelly from the rubble barricade after he had been shot, or of seeing three men fall at the rubble barricade, or of seeing civilians running towards the door of Block 1 of the Rossville Flats, or of seeing a man stumble or fall near that door.² These

are all matters to which we return later in this report.³ Private U also said that he had no recollection of Army vehicles moving close to his position and parking at the time he was at the northern end of Block 1 of the Rossville Flats.⁴

¹ Day 369/68

³ Paragraphs 86.59 and 86.85–151

² Day 369/72-74

⁴ Day 369/91

85.44 In the course of Private U's oral evidence to this Inquiry, he gave the following answers when he was being questioned about his first RMP statement:¹

"MR HARVEY: Again this statement is graphically painting a picture at the time that you shot of the barricade being manned by rioters; is that not right?

A. That is what I said there.

Q. Yes. There is not one mention which later comes into your SA statement² and your Widgery evidence about persons walking across from Glenfada Park towards the direction of Rossville Flats; is that not right, not one mention? Do you want to go back? Let us go back, could we go to the previous page: 'As the rioters thinned out I saw a man on the wasteground behind the barricade, he was about 150 metres from my position. He was standing in the middle', standing, not walking, but 'standing in the middle of about five other men and he was wearing a light-coloured anorak. In his hand he had a pistol ...'

That is a far different picture from the picture you sought to paint in your Treasury Solicitor's statement³ and in your evidence before Widgery: you are placing this man behind the barricade at some distance, but in the midst of rioters who are thinning out; he is a member of them; they open up; he fires and all the other rioters nearby fall to the ground; is that not right?

A. Once again, I do not understand what you are getting at.

Q. Well, this picture that you are painting, it is a very simple picture in this statement, it is not really all that complicated: you get out of your vehicle, you say you make an arrest; you then go to the north-west corner of Block 1. There is still a riot going on. There are many people behind the barricade. They are thinning out. As they thin out, there is one man who is noticeably standing in the middle of five of those rioters. He opens fire with a pistol and other people around him fall to the ground nearby.

There is no mention of people walking out from Glenfada Park. There is no mention of people walking out from Glenfada Park and moving across towards Rossville Flats; is there?

A. I cannot explain that.

Q. Surely when you were making your statement to the Royal Military Police that particular evening these events would have been fresh in your mind as to when it was and what were the circumstances in which you had killed another person; were they not?

A. I suppose so.

Q. And this picture that you paint in words is consistent with other members of your unit, that is both Mortar Platoon, Machine Gun Platoon firing, either simultaneously or around the same time as you are and not one person being killed but a number of persons being killed at this barricade; is that not right?

A. No, it is not.”

¹ [Day 369/147-150](#)

² This refers to his written statement for the Widgery Inquiry.

³ This is also a reference to his written statement for the Widgery Inquiry.

85.45 It was suggested to Private U that while he was at the end of Block 1 he could not have failed to see other troops shoot and kill a number of those who were hit behind the rubble barricade. Private U said: “*I did not see that.*”¹

¹ [Day 369/156](#); [Day 369/163](#)

85.46 Private U’s attention was drawn to some of the evidence, to which we refer below,¹ given by Bombardier 015, who was stationed in the shirt factory on the corner of Little James Street and Sackville Street, which he marked with an “X” on the following photograph when he made his written statement to this Inquiry.²

¹ [Paragraphs 85.48–67](#)

² [B1434.009](#)



85.47 As can be seen, from this position Bombardier 015 had a view down Rossville Street. Private U gave the following evidence:¹

“Q. Sir Allan Green has already taken you to some portions of what 015 said, can I take you to his statement at B1414.² If we could go to the final paragraph on this page. This is the soldier I have already pointed out to you on photographs 415, 417, 427, you can see the Peter England factory. He is looking straight down Rossville Street:

‘Suddenly all the troops in the area seemed to dive for cover and take up fire positions. One soldier I noticed was observing two men behind a rubble barricade that stretched from Block No 1 Rossville Flats across Rossville St to Glenfada Park. The soldier was positioned on the corner of Block No 1 Rossville Flats. The men were continually throwing missiles in his direction.’

Your claiming before the Widgery Inquiry is in fact that people were throwing stones and bottles at you and that you were hit several times by stones and twice by two bottles; that is right, is it not?

A. That is correct, but not at that time.

Q. You were positioned – and the soldier later describes where it is – it is in precisely the north-west corner, you were positioned there and you were positioned there on your own; is that not right?

A. As far as I remember.

Q. 'The two men suddenly jumped up and started running towards an open door halfway down Block No 1. The rear man stopped suddenly and turned to look at the soldier, as the soldier brought his SLR into the aim position. The man turned and started running faster towards the open door. I then saw the soldier fire one round in the direction of the fleeing man. The man dropped to the ground. He fell in the doorway, I then saw hands come from the doorway and dragged the body in.'

When he gave evidence on 10th July, he accepted that with the perspective that he had, the person may not have fallen into the doorway, but in fact have been brought into the rear of Block 1 at the south-west corner. You are firing in the same direction as the person described by 015; is that not right? You are firing along the eastern pavement of Rossville Street; is that not right?

A. That is his description.

Q. But that is the position you were firing in; that is the trajectory of your shot?

A. I was at that corner.

Q. And you were at that corner?

A. That day, yes.

Q. And you were the first soldier at that corner that day, so far as you recollect?

A. I, I cannot say I was the first soldier there; I have a recollection of being the only soldier there.

Q. If you were the first soldier and the only soldier there for some time, you are firing in this direction, you also, like the soldier described by 015, fired only one shot; that is correct, is it not?

A. I fired only one shot.

Q. The person that you hit, by whatever mechanism, appeared to have been brought into the safety of the rear of the flats; that is also right, is it not?

A. I did not see that."

¹ Day 369/157-159

² B1414

The evidence of Bombardier 015

85.48 In his first RMP statement,¹ timed at 1150 hours on 3rd February 1972, Bombardier 015, a member of 22 Lt AD Regt, recorded that he was at one of the upper windows of the Peter England shirt factory in Little James Street. From that position he saw a soldier at the corner of Block 1 of the Rossville Flats. The soldier was observing two men behind the rubble barricade who were continually throwing missiles in his direction. The two men suddenly jumped up and started running towards an open door “*halfway down*” Block 1. The rear man stopped suddenly and turned to look at the soldier, as the soldier brought his rifle into the aiming position. Then the man turned again and started running faster towards the door. Bombardier 015 saw the soldier fire one round in the direction of the fleeing man, who fell to the ground in the doorway. Hands emerged from the doorway and dragged the body inside. Bombardier 015 stated that while he was on duty on that day his vision was aided by a pair of binoculars, but he did not say in this statement whether he was using the binoculars when he observed this incident.

¹ [B1413-B1416](#)

85.49 In his second RMP statement,¹ taken by Colonel Overbury and dated 16th February 1972, Bombardier 015 recorded that the open door was at the south end of Block 1, not in the centre as he had said in his first RMP statement. He also said that when the man stopped and turned to face the soldier at the corner of Block 1, the man raised his right arm to shoulder height, pointing towards the soldier. Bombardier 015 had not been able to see whether the man had anything in his hand. According to this account Bombardier 015 pointed the man out to Gunner 023, who was at another window in the same room.

¹ [B1422](#)

85.50 In his written statement for the Widgery Inquiry, dated 9th March 1972,¹ Bombardier 015 recorded that during the relevant period of observation he was using his binoculars from time to time. The soldier was at the near corner of Block 1. When the two men were behind the rubble barricade, Bombardier 015 saw the movement of their arms, and saw “*pieces of rock*” coming over and landing on the corner where the soldier was positioned. Bombardier 015 “*did not see any flashes or hear any bangs where they landed*”. There was a lot of other noise. When the rear man stopped running towards the door and turned to look at the soldier, Bombardier 015 could see that he was not holding any weapon as large as a rifle. He was too distant for Bombardier 015 to be able, even with the aid of

binoculars, to see whether he was holding anything as small as a pistol. Bombardier 015 saw the soldier fire after the man had turned again and was running away towards the door at a faster pace than before.

¹ [B1425](#)

85.51 In manuscript on this statement, where Bombardier 015 had described the man turning to look at the soldier, are the words “*His right arm came up*”. We return to this manuscript addition below.¹

¹ [Paragraphs 85.64–65](#)

85.52 In his oral evidence to the Widgery Inquiry,¹ Bombardier 015 said that the two men were throwing objects from behind the rubble barricade on the side closer to Block 1. The distance was too great for him to see what sort of objects they were throwing. He saw some of the objects landing near the soldier at the corner of Block 1. Bombardier 015 said that the two men suddenly got up and and started running away towards the door at the south end of the Rossville Flats. The rear man then stopped and turned round and faced the soldier. He said that he was unable to see whether the rear man had anything in his hand when he stopped and turned. Asked to confirm that the soldier at the corner brought his weapon to the aim, Bombardier 015 said “*And fired, sir*”. Bombardier 015 was then asked what happened, and he replied: “*The man who was running away, sir, who had stopped, he fell in the door, in front of the door, and then he was dragged into the door, sir.*” Bombardier 015 said that he was sure that the man had not been crawling at any time. He neither saw nor heard any of the objects thrown by the two men from behind the barricade exploding. Questioned by Lord Widgery, at the end of his oral evidence Bombardier 015 gave the following evidence:²

“LORD WIDGERY: Was this man running away at the moment when he was shot?

A. No.

Q. As I understand it, he paused and you saw his arm move?

A. Yes.

Q. But at what time did the soldier fire at him?

A. I could not say, I did not see; all I saw was the puff of smoke and he fell away towards the door.

MR. GIBBENS: I think my Lord was asking whether you saw the sign of the shot before or after he raised his arm.

A. It was about the same time.”

¹ WT16.36-WT16.37

² WT16.40

85.53 In his written statement to this Inquiry,¹ Bombardier 015 told us that the two men were lying or crouching behind the rubble barricade. According to this account, they threw “*probably three, four or five*” objects in the direction of the soldier at the north-western corner of Block 1, using an overarm action that suggested that they were throwing “*a grenade or nail bombs or something similar*”. Bombardier 015 did not see any of the objects explode. The two men suddenly rose from behind the barricade and ran towards the doorway. The rear man stopped and turned anti-clockwise, so that his left side was facing the soldier. As he did so, he lifted his right arm, so that it was bent across his chest at shoulder height, with his hand pointing towards the soldier. The man was carrying nothing as large as a rifle or a stick. Bombardier 015 could not see clearly, and could not say whether the man had anything in his hand, but said that his actions were those of someone firing a pistol in a hurry. Bombardier 015 saw a puff of smoke from the rifle of the soldier at the corner. The man “*crumpled down*” and was dragged by one or more people into the entrance to Block 1. This all happened within “*seconds or micro-seconds*” of the time when the man turned towards the soldier. Bombardier 015 thought that the man would have been hit “*between his front and right side, ie more to the front than to the rear*”. Bombardier 015 could not believe that the soldier would have shot the man if he had nothing in his hands, and assumed that the man must have had a pistol. Bombardier 015 said that the passage in his first RMP statement that suggested that the man had been running away when he was shot may have been “*a little confused*”.² He thought that the passage to the same effect in his written statement for the Widgery Inquiry was “*misleading the way that it is written*”. The man was shot as he turned towards the soldier with his arm up. Bombardier 015 stated that although his current recollection was that he observed this incident without using his binoculars, the reference in his written statement for the Widgery Inquiry to his inability to see, even with binoculars, whether the man had anything in his hand showed that he must have been using binoculars.

¹ B1434.003-B1434.004

² B1434.006-B1434.007

85.54 In his oral evidence to this Inquiry,¹ Bombardier 015 said that he was too far away to see whether any of the objects thrown by the two men from behind the barricade were fizzing. He “*could not say correctly*” that they were throwing anything other than pieces of rock.

When the rear man stopped running and turned to face the soldier, Bombardier 015 had not, so far as he could remember, seen smoke or a muzzle flash. He did not hear any pistol shots. He did not know whether the man was armed, although he had assumed that he was because he could not believe that the soldier would have fired without reason. He did not recall seeing anyone else fall at the same time as the man was shot. Bombardier 015 said that he had his binoculars with him during this incident, but was not using them all the time. He told us that the man was shot “*as he was stopped or just about to run away again*” and that he ran on towards the doorway after the shot was fired.² He could not say why he had said in his first RMP statement and in his written statement for the Widgery Inquiry that the man had been shot while running away from the soldier, but suggested that he might have been tired and confused when he made those statements. He said that he considered that the man “*was fleeing because he jumped up from the barricade and went, he was fleeing from the moment he got up*”. Bombardier 015 denied that he had resiled from his earliest accounts in order to protect the soldier. His attention was drawn to the similarity between the relevant passages in his first RMP statement and in his written statement for the Widgery Inquiry.³ He said that he did not know whether the latter passage had been copied from the former. Bombardier 015 said that the man took a step or two after being shot before he fell and was pulled into Block 1.⁴ It was then put to Bombardier 015 that he had been wrong when he said that the man had been running away when he was shot. He said that he did not think that he had been wrong. Bombardier 015 accepted that the man might have been pulled around the south-western corner of Block 1 instead of into the doorway.⁵ Bombardier 015 said that he had told the truth in his oral evidence to the Widgery Inquiry, in which he had said that the man was not running away when he was shot.⁶

¹ Day 360/173-183

⁴ Day 360/197-198

² Day 360/185-191

⁵ Day 360/202-203

³ Day 360/191-193

⁶ Day 360/208-210

85.55 There are three common threads that run through the accounts that Bombardier 015 gave in 1972 and the evidence that he gave to this Inquiry. The first of these was that the man he said he saw was running from the rubble barricade away from the soldiers. The second is that the man stopped and turned towards a soldier at the north end of Block 1 of the Rossville Flats. The third is that that soldier shot at, and hit, the man.

85.56 There is no mention in Bombardier 015’s first RMP statement or in his written statement for the Widgery Inquiry of the man raising his right arm. In his oral evidence to the Widgery Inquiry he said that the man’s right arm came up as he turned, but said nothing about the man pointing his arm at the soldier.

- 85.57** In his RMP statement and in his statement for the Widgery Inquiry, Bombardier 015 recorded that the man was running away when the soldier shot him. In his oral evidence to the Widgery Inquiry he said that the man was not running away at the moment he was shot.
- 85.58** It was submitted that Bombardier 015 had tailored his accounts, particularly his second RMP statement in which he had recorded that the man had raised his right arm and pointed it towards the soldier, in order to provide a justification for the soldier firing.¹ In response to this, the legal representatives of Bombardier 015 submitted that the reason there was no mention of the man raising and pointing his arm at the soldier in the statement Bombardier 015 made for the Widgery Inquiry was either because this was omitted in error, or because the statement was made up without the statement taker actually interviewing Bombardier 015.² These representatives further submitted that there was nothing to support a finding of deliberate deception on the part of Bombardier 015.³
- ¹ [FS1.1696-1699](#) ³ [FR9.5-6](#)
² [FS9.121](#)
- 85.59** The statement made for the Widgery Inquiry was taken by John Heritage, one of the lawyers acting for the Widgery Inquiry. Those acting for John Heritage were shown the submissions made on behalf of Bombardier 015 and replied by letter dated 20th April 2004,¹ setting out John Heritage's response to the suggestions that he had not interviewed Bombardier 015 or had in error omitted including what Bombardier 015 had told Colonel Overbury about the man raising his right arm.
- ¹ [FR18.1-4](#)
- 85.60** John Heritage expressed the view that he had not simply amalgamated the two RMP statements without interviewing Bombardier 015. He pointed to the fact that the statement that he took contained material that was not in either of the two previous statements. He pointed out that it was his practice to take the witness through his previous statements. He also pointed out that at the end of the statement he recorded that he had taken it in the presence of Charles MacMahon, who was acting on behalf of the Army.
- 85.61** As to the reason why there was no mention in the statement he took from Bombardier 015 of the man raising his right arm, John Heritage suggested that there were three possible explanations, namely that he did not have the second RMP statement before him; that he

overlooked the evidence about the raised arm in that statement; or that he had concluded that since Bombardier 015 had clearly stated that the man was running away when he was shot, the evidence relating to the raised arm was not material.¹

¹ FR18.2

85.62 John Heritage was unable to state with certainty which one of these explanations was correct, but expressed the view that it was likely that he did have the second RMP statement before him, since that statement had been provided for the Widgery Inquiry and contained the information that the door to the flats was at the far end, which appears in the statement that he took; that it was also unlikely that the evidence about the right arm was omitted through inadvertence, since it was his practice to refer to any material evidence a witness had already given, to which he already adhered, and since, if Bombardier 015's recollection seemed clear on the point, and since the evidence was favourable to the Army, Charles MacMahon "*could and (as an experienced lawyer) would have intervened to request its inclusion*".¹

¹ FR18.3

85.63 John Heritage considered the possibility that the evidence about the raised arm was intentionally omitted as the result of a discussion with Bombardier 015, but stated that if this had happened he would normally have added an explanation for the change of evidence. There is no such explanation and John Heritage could not now offer any reason for this. However, he expressed the view that the most likely explanation was that the matter had been discussed with Bombardier 015. He also told us that Bombardier 015 "*must in any event have left him in no doubt that he saw the man running away when he was shot*".¹

¹ FR18.3

85.64 As to the manuscript addition of the words "*His right arm came up*" on the statement, John Heritage told us that this was not in his handwriting and that he did not make it. He expressed the view that it was likely that this was done by one of the counsel appearing at the Widgery Inquiry, and drew our attention to the fact that other statements that he took also bear additions in similar handwriting.

85.65 We observe elsewhere in this report¹ that we considered John Heritage to be a careful, honest witness on whose evidence we could place reliance. In those circumstances we are of the view that he was correct in his view that the omission of any mention of the man raising his right arm was likely to have been the result of a discussion with Bombardier 015.

¹ [Paragraph 51.123](#)

85.66 Our assessment of Bombardier 015's evidence as a whole is that we are sure that he saw a man running away from the rubble barricade who stopped and turned to look at the soldier who was at the north end of Block 1 of the Rossville Flats; and that as the man turned to continue running away, the soldier shot him. We are doubtful whether the man raised his arm, and we do not accept that he pointed it towards the soldier, something that (apart from his second RMP statement) Bombardier 015 did not mention in his other 1972 statements or when he gave oral evidence to the Widgery Inquiry.

85.67 Bombardier 015 agreed with Counsel to this Inquiry that he believed that a soldier in the British Army would not fire without a reason, which had led to him telling us that he assumed that the man must have had a pistol.¹ It is possible that in this belief he convinced himself that the man must have pointed at the soldier. We are left in doubt whether this was the explanation for what he told Colonel Overbury, or whether he knowingly invented this detail, from which he later resiled when questioned by John Heritage and when he gave his oral evidence to the Widgery Inquiry.

¹ [Day 360/181; B1434.004](#)

The evidence of Gunner 023

85.68 As we have noted above,¹ in his second RMP statement Bombardier 015 recorded that he had pointed out the man he had seen running away to Gunner 023 "*who was at another window in the same room*".²

¹ [Paragraph 85.49](#)

² [B1422](#)

85.69 Gunner 023 gave an RMP statement and also a written statement for the Widgery Inquiry. In his RMP statement,¹ he recorded that he said that he saw a man appear from "*behind a wall, on the waste ground opposite FAHAN ST*". His RMP map² put the position of this man as just to the west of the south end of the northern block of Joseph Place. The man seemed to take aim with a rifle at APCs in Rossville Street. Gunner 023 heard some low velocity shots and the man disappeared. After a couple of minutes, the man appeared again and aimed his weapon in the direction of the APCs. Gunner 023 took aim at the

man with his SLR. He then heard a low velocity shot that seemed to come from the man's position, immediately followed by a high velocity shot from the area of the APCs. The man behind the wall seemed to jump in the air and fall back. A crowd gathered around him and carried him off. In his written statement for the Widgery Inquiry,³ Gunner 023 gave a similar account.

¹ B1519

³ B1522

² B1520.1

85.70 In his written statement to this Inquiry,¹ Gunner 023 said that he no longer remembered the incident. In his oral evidence to this Inquiry,² he said that he did not recall Bombardier 015 drawing his attention to a man who had been running towards a doorway south of the rubble barricade and was then shot.

¹ B1525.1-2

² Day 360/40

85.71 We have found no other evidence to support Gunner 023's account of seeing a man with a rifle near Joseph Place, or of this man apparently being shot and then being carried away by a crowd. No soldier gave evidence of firing at or hitting a man in this position. On the basis of Gunner 023's account, a soldier would have been justified in firing at a man behaving as Gunner 023 described. Gunner 023's account was so different from that of Bombardier 015 that in our view it cannot be a description of the incident described by the latter. In these circumstances we take the view that Gunner 023 must have been mistaken in what he said he saw.

Summary and consideration of the accounts of firing by Private U

85.72 Private U gave evidence that when at the north-western corner of Block 1 of the Rossville Flats, he fired at and hit a man armed with a pistol who fired two shots towards soldiers on the opposite side of Rossville Street; and who, according to his first RMP statement, was standing with about five other men on waste ground behind the rubble barricade; or, according to the evidence he gave to the Widgery Inquiry, was walking with a group of men across from Glenfada Park towards the Rossville Flats.

85.73 We have no reason to doubt that Private U fired from the position that he indicated. We should note that Private 006 told us that during the time when he was at the north-western corner of Block 1 of the Rossville Flats, or behind a vehicle near that corner, he did not see Private U fire or see any soldier fire from that corner.¹ If Private U had fired

from the corner during that time, Private 006 said that he would have been bound to see him do so. However, in view of the evidence of Bombardier 015, we are sure that a soldier did fire from that position.

¹ [Day 334/76-82](#)

85.74 In our view that soldier was Private U. There is no evidence that suggests to us that another soldier fired his rifle into Sector 3 from the north-western corner of Block 1 of the Rossville Flats.

85.75 We should note at this point that Charles Canning, who, as we have described earlier in this report,¹ was arrested by Private U and Private 112, recorded in his NICRA statement² that before he was arrested one of the two soldiers who arrested him had been firing shots with his SLR towards the people at the rubble barricade. There is no other evidence that suggests to us that Private U fired his rifle at this early stage or that he fired more than one shot. In his written statement to this Inquiry,³ Charles Canning said that he saw a number of paratroopers firing towards the rubble barricade from about the point marked “G” on the plan attached to his statement⁴ (near the entrance to the alleyway between Glenfada Park North and Columbcille Court). He said that of the two soldiers who arrested him, the soldier with the SLR had come from that area, but he did not say that he had seen him firing his rifle. In our view Charles Canning probably witnessed Corporal P firing his first two shots and confused this soldier with those who had arrested him.

¹ [Chapter 35](#)

³ [AC25.2](#)

² [AC25.5](#)

⁴ [AC25.6](#)

85.76 Apart from Private U's account, there is no evidence from any source that suggests to us that anyone was shot in the position that he gave for the man at whom he fired. As with Corporal P, we find it beyond belief that a man, in full view of a number of soldiers in the area and away from any cover, should produce a pistol and fire it at soldiers. We reject as an invention Private U's account of the man with a pistol. We should add that having listened to Private U we formed the view that he had seen and remembered much more of what occurred on and near the rubble barricade than he was prepared to admit to us.

85.77 Later in this report¹ we conclude, for the reasons that we give, that Private U shot Hugh Gilmour; and we also consider the state of mind of Private U when he fired.

¹ [Paragraphs 86.154 and 89.46–49](#)

The evidence of Captain 028

85.78 The representatives of the majority of represented soldiers submitted that the description Captain 028 gave in 1972 of a man with a pistol who appeared to the south of Block 1 of the Rossville Flats had “*particular similarities*” to the account of Private U.¹

¹ [FS7.1684](#)

85.79 Captain 028 was the Unit Press Officer of 22 Lt AD Regt.¹ He gave an RMP statement dated 3rd February 1972,² and written and oral evidence to the Widgery Inquiry.³ In these accounts he described being in Rossville Street when the vehicles of Support Company came in, and hearing a shot fired from a .303in rifle or an M1 carbine from the direction of Free Derry Corner, which struck the front of the leading vehicle just before it came to a stop in front of the north end of Block 1 of the Rossville Flats; seeing a man with a machine gun some 20 yards behind the rubble barricade fire about 15 rounds in one burst, which hit the ground about 20 feet in front of soldiers who were advancing towards the barricade; hearing 7.62mm fire returned and seeing the man with the machine gun fall; seeing a priest at the rubble barricade apparently directing the other people there; seeing the bodies of four people at the rubble barricade, of whom he told the Widgery Inquiry that he could not say categorically whether they were hit by Army fire or by the man with the machine gun behind them; and later seeing a man appear from the south end of Block 1 of the Rossville Flats with a pistol, who fell to the ground when a shot was fired, together with another civilian who had run or walked towards him.

¹ [WT17.64](#)

³ [B1569.001-002; WT17.52-64](#)

² [B1566](#)

85.80 Captain 028 told us in his written statement to this Inquiry that he now had no recollection of making these statements in 1972 or of giving oral evidence to the Widgery Inquiry. He also told us that he no longer had any memory of the incidents summarised above, except that he recalled hearing a high velocity shot fired from the vicinity of Free Derry Corner.¹

¹ [B1582.3; B1582.6-8](#)

85.81 According to his own accounts, Captain 028 had accompanied the paratroopers who had gone through Barrier 14 in William Street. As we have explained earlier in this report,¹ this occurred after the vehicles from Support Company had gone into the Bogside. On this basis Captain 028 could not have been in Rossville Street in time to see the Support Company vehicles arrive, and thus to witness a bullet hitting the leading vehicle before it had come to a stop. As we have explained earlier in this report,² no Army vehicle moved

to the north end of Block 1 of the Rossville Flats until much of the shooting was over. His accounts of this shot and of a man firing a burst of about 15 rounds with a machine gun from some 20 yards behind the rubble barricade are unsupported by any other persuasive evidence. Some of his other accounts, such as that of seeing a priest (whom he identified in his RMP statement,³ by reference to a photograph,⁴ as Fr Anthony Mulvey) directing people at the rubble barricade as the man was firing the machine gun, are in our view so far-fetched that they can be rejected out of hand. We consider the evidence given by Fr Mulvey elsewhere in this report.⁵

¹ Paragraphs 20.259–261

⁴ B1568.002

² Paragraphs 43.18 and Chapter 59

⁵ Paragraphs 122.138–141 and 124.24–27

³ B1567

85.82 In these circumstances we take the view that it would be unwise to rely at all upon the accounts of Captain 028; and we accordingly reject the submission that his evidence supports the accounts given by Private U.

Lance Corporal J

85.83 In his first RMP statement, having described shooting from a position that appears (from his RMP map and later accounts) to have been near the low walls of the Kells Walk ramp at a man he said had a nail bomb at the rubble barricade (an incident that we have considered earlier in this report¹), Lance Corporal J continued:²

“I then, accompanied by other members of my unit, advanced further along Rossville Street towards the barricade. Several nail bombs were thrown at us. I saw at the junction of a block of flats a person, he was holding a nail bomb in his hand. I could see smoke coming from the bomb. I fired one aimed 7.62 round at this man. The round struck the wall above him and he then dropped down and disappeared behind the block of flats. I do not think I hit him.

My location was about 50–60 metres from the man’s location. I could not describe him as I was being fired on from the flats by an automatic weapon. The advance was continued and the crowds from the barricade were dispersed.

I then received orders to go to Glenfada Park and assist in escort duties for a number of civilians that had been arrested for rioting. These were escorted by us to our vehicle location where they were taken in armoured vehicles, I do not know where.

We were ordered to withdraw. I did not fire any more rounds.”

¹ Paragraphs 81.36–57 and 83.9–10

² B266

85.84 In his written statement for the Widgery Inquiry,¹ Lance Corporal J gave this account of his second shot:

“After a few minutes we then moved further down towards the entrance to an alleyway which leads to Glenfada Park. From behind the barricade several nail bombs were thrown in our direction. They fell short and I saw about two explode. Then I saw, at the corner of Rossville Flats further down Rossville Street, a man who had his head and left arm round the corner and he held in his left hand an object which I saw to be fizzing. I fired one quick aimed shot at him. As soon as I saw him he must have seen me and as I fired he ducked back round the corner out of my vision and I did not see the object in his hand explode. I do not think that I hit him.”

¹ [B273](#)

85.85 In his oral evidence to the Widgery Inquiry, after he had described his first shot, which he said that he fired from the low walls of the Kells Walk ramp, Lance Corporal J gave an account of moving forward from the low walls when “*most of the trouble had stopped for that time*”. He said that most of the people had moved back, to the far corner of the Rossville Flats and the corner of Glenfada Park, but some of them were still throwing missiles “*and several nail bombs were then thrown*”, of which two went off.¹

¹ [WT15.30](#)

85.86 He then gave the following answers:¹

“Q. Did you see some particular person who attracted your attention?

A. Just as I got to the alleyway leading to Glenfada Park I looked across to the far side of Rossville Flats and a person came into view there with a fizzing object in his left hand.

Q. Just point out with the pointer where he was.

A. Just here.

LORD WIDGERY: I cannot see from here. Is it at the very end of the block that you are pointing?

A. The very end, sir.

Q. What level? Ground floor?

A. No, he was on the street outside.

Mr. UNDERHILL: He came to the corner of the building?

A. Yes sir.

Q. Did he have anything in his hand?

A. Yes, he had a cylindrical object and it was fizzing.

Q. Can you remember which hand it was in?

A. In the left hand.

Q. Was he close to the corner of the building?

A. Yes sir, he was hiding behind it and as I got to the wall he came out into view sufficient to throw the object.

Q. What did you do?

A. Well, I got to the alleyway, to the corner there, took one aimed shot at him –

Q. Did you have much time for aiming?

A. No sir.

Q. Did it hit him, as far as you could tell?

A. I don't think so, sir. I think as soon as I saw him he must have seen me.

Q. What did he do? Did he remain in the same position?

A. As I fired he kind of went back behind the corner and the round must have missed him.

Q. Did you see what happened to the object he had in his hand?

A. It wasn't thrown. He seemed to go back behind the corner.

Q. Did it go off, so far as you know?

A. I didn't hear any explosion, sir.

Q. Where did you go then?

A. We then moved up into Glenfada Park ...”

¹ [WT15.31](#)

85.87 We have reproduced Lance Corporal J's trajectory photograph¹ earlier,² but it is convenient to do so again here. The upper trajectory line marked on this photograph indicates that Lance Corporal J fired at the man he said was a nail bomber at the corner of Block 1 of the Rossville Flats from a position in Rossville Street beside the ramp at the north-eastern corner of Glenfada Park North.

¹ [B289](#)

² [Paragraph 81.47](#)



85.88 We have observed above¹ that there is no entry in Major Loden's List of Engagements that corresponds with either of the shots that Lance Corporal J stated that he had fired in Rossville Street. It appears therefore that he did not report this firing to Major Loden, but we do not know why this was so.

¹ [Paragraph 81.48](#)

85.89 Lance Corporal J gave written and oral evidence to this Inquiry. In his written evidence¹ he told us that his recollection was poor, but he described firing a second shot, at a man who was holding a smoking object, after he had moved further south down Rossville Street from the position from which he had fired his first shot, and he said that he was sure that he had not hit this person, but the wall above him.

¹ [B289.003-004](#)

85.90 As we have already observed,¹ we did not believe Lance Corporal J when he professed, in his oral evidence to this Inquiry, that he had virtually no recollection of the events of the day.

¹ [Paragraph 81.57](#)

Summary of the accounts of firing by Lance Corporal J

85.91 According to his accounts, Lance Corporal J fired first from the low walls of the Kells Walk ramp at a nail bomber at the rubble barricade, but did not think that he had hit him. He then moved south along Rossville Street, and from the wall of the Glenfada Park North ramp fired another shot at a man at the southern corner of Block 1 of the Rossville Flats who was holding a cylindrical fizzing or smoking object, but again did not think that he had hit him.

85.92 No other soldier gave specific evidence about Lance Corporal J firing from near the ramp at the north-eastern corner of Glenfada Park North.

85.93 Earlier in this report¹ we gave our reasons for rejecting the accounts of Lance Corporal J of the throwing of nail bombs and for our conclusion that, in view of the unreliability of his evidence, we could not accept Lance Corporal J's account of shooting at a nail bomber at the rubble barricade in the absence of supporting evidence, of which in our view there was none. We take the same view of the claim by Lance Corporal J that he saw and fired at a nail bomber who was at the corner of Block 1 of the Rossville Flats. Again there is no evidence from any source to support this claim. In our view there was no such nail bomber.

¹ [Paragraphs 83.9–10](#)

85.94 Whether Lance Corporal J shot anyone at the rubble barricade and whether he fired in the genuine but mistaken belief that he had seen a nail bomber at the corner of Block 1 of the Rossville Flats are matters that we consider later in this report.¹

¹ [Paragraphs 89.33–41](#)

Chapter 86: The casualties in Sector 3

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86.1 We now turn to consider the circumstances in which the known casualties in Sector 3 were shot. As we have previously stated,¹ there is no doubt that Michael Kelly, Hugh Gilmour, John Young, Michael McDaid, William Nash and Kevin McElhinney were killed by Army gunfire in this sector. Alexander Nash, the father of William Nash, was wounded by gunfire, though whether this was Army or civilian gunfire was a matter of dispute. Alexander Nash was wounded after he had gone out to the rubble barricade to his son William Nash, who was lying there after being shot.

¹ [Paragraph 67.2](#)

86.2 Later in this report¹ we consider whether it is possible to determine who shot these casualties.

¹ [Chapter 89](#)

Michael Kelly

Biographical details

86.3 Michael Kelly was 17 years old at the time of Bloody Sunday. He lived in Dunmore Gardens, Creggan, with his parents and some of his siblings. He was employed as an apprentice sewing machine mechanic in the factory of Deyong Golding Ltd, on the Maydown Industrial Estate. He kept racing pigeons as a hobby.¹

¹ [AK14.1](#); [ED45.5](#); [ED65.1](#)

Prior movements

86.4 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Michael Kelly's brother-in-law George Downey said that he went to Michael Kelly's parents' house on the morning of Bloody Sunday. George Downey arrived too late to accompany Michael Kelly's parents to Mass at midday, but found Michael Kelly still in bed. Michael Kelly joined the rest of the family for lunch after his parents returned from Mass. At about 2.00pm, George Downey set off for the start of the march at Bishop's Field in the

company of Michael Kelly, his other brothers-in-law John Kelly and George Cooley, and Michael Kelly's friends Zac Rooney, John Daly and Jim Brennan. George Downey said³ that he became separated from Michael Kelly at some point during the march.

¹ AD134.17

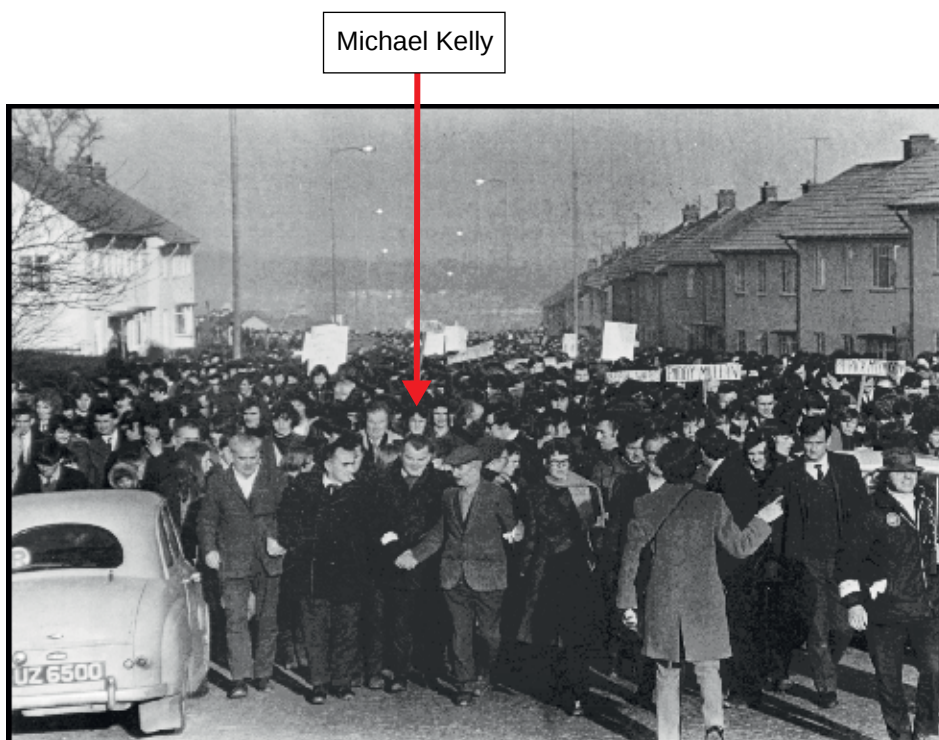
³ AD134.19

² Day 123/5

86.5 William Martin Hegarty was another brother-in-law of Michael Kelly. He said in his written statement to this Inquiry¹ that he too left for the march from Michael Kelly's parents' house. William Martin Hegarty's evidence was that he left the house at about 2.20pm with George Downey, George Cooley, another man named Eamonn Quigley, and (he thought) Michael Kelly's brother John, but that Michael Kelly, Jim Brennan and Zac Rooney left for the march separately.

¹ AH65.2

86.6 A photograph taken by the *Derry Journal* photographer Larry Doherty appears to show Michael Kelly on the march. We have no other photographs that show him before he arrived in the area of the rubble barricade.



86.7 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² George Downey told us that after he had become separated from Michael Kelly, he did not see him again until they happened to meet (before the paratroopers entered the Bogside) at

the point marked “B” on the plan attached to his statement³ (the north-eastern corner of Columbcille Court). While they were there, Michael Kelly’s mother shouted and beckoned to him from the first floor walkway on the western side of Kells Walk, but Michael Kelly was embarrassed and did not go to his mother. George Downey then heard that two people (evidently Damien Donaghey and John Johnston) had been shot. He went to find out which house they were in, thereby parting company once more with Michael Kelly.

¹ [AD134.18-AD134.19](#)

³ [AD134.26](#)

² [Day 123/8-9](#)

86.8 Michael Kelly’s mother, the late Kathleen Kelly, told us in her written statement to this Inquiry¹ that she had seen him near the north-eastern corner of Columbcille Court. She was looking from the front door of her sister’s maisonette on the first floor of Kells Walk. It appears from her statement that Kathleen Kelly believed that she saw her son only after the paratroopers had entered the Bogside. She said that he did not hear her when she called to him and that he ran off towards Glenfada Park.

¹ [AK14.2-AK14.3](#)

86.9 According to the note made by Philip Jacobson of the *Sunday Times* of his interview of her on 29th February 1972,¹ Margaret Deery said that Michael Kelly had helped her into Chamberlain Street after she was wounded. The same claim appears in Margaret Deery’s written statement for the Widgery Inquiry² and in the note of her recollections taken on 25th January 1983,³ to which we have referred in our discussion of the casualties in Sector 2.⁴ Margaret Deery’s daughter Helen Deery said in her written statement to this Inquiry⁵ and in her oral evidence to this Inquiry⁶ that her mother had told her that she had been assisted to Chamberlain Street by Michael Kelly. Helen Deery added that Michael Kelly was “*always at our house and all our family knew him*”.

¹ [AD33.1](#)

⁴ [Paragraphs 55.88 and 55.93](#)

² [AD33.5](#)

⁵ [AD32.3-AD32.4](#)

³ [AD33.6](#)

⁶ [Day 77/85-86](#)

86.10 John Kelly identified his brother Michael in one of the photographs taken by the *Irish Times* photographer Ciaran Donnelly of the scene at the rubble barricade when the Army vehicles came into the Bogside.¹

¹ [AK13.9; AK13.11](#)



Michael
Kelly

86.11 We accept this identification. The same figure can be seen in the following photograph taken moments earlier by the same photographer.



Michael
Kelly

86.12 These photographs, which we have also shown earlier in this report,¹ show some of the Army vehicles on Rossville Street, and the Eden Place waste ground virtually deserted. We are doubtful whether there was time for Michael Kelly to have made his way to the car

park of the Rossville Flats, to have helped Margaret Deery into Chamberlain Street after she was shot and then, by one route or another, to have reached the area south of the rubble barricade before he was photographed there.

¹ [Paragraph 70.3](#)

- 86.13** In our view, therefore, Margaret Deery was probably mistaken in thinking that Michael Kelly had assisted her after she was shot. In our view he is unlikely to have had time to have assisted Margaret Deery (who was the second casualty in Sector 2) and then gone to the rubble barricade, where he became the first casualty in Sector 3.
- 86.14** In these circumstances it remains uncertain from where Michael Kelly had come to reach the rubble barricade. On the whole, however, we consider that he had probably entered from the western side of Rossville Street, perhaps through Glenfada Park North. If Kathleen Kelly was mistaken in her memory of seeing her son after (as opposed to before) the soldiers entered the Bogside, both her account and that of George Downey support this conclusion.

Medical and scientific evidence

Wound pathology and ballistics

- 86.15** Dr Thomas Marshall, then the State Pathologist for Northern Ireland, conducted an autopsy of the body of Michael Kelly on 31st January 1972 at Altnagelvin Hospital.¹ Dr Raymond McClean (a local general practitioner who attended the autopsies of the bodies of many of the deceased as an observer at the request of the Cardinal Archbishop of Armagh)² and an RUC photographer were also present.³ Dr Richard Shepherd and Mr Kevin O'Callaghan, who were engaged by this Inquiry as independent experts on pathology and ballistics respectively, considered the notes, report and photographs from this autopsy. Dr Marshall (now Professor Marshall), Dr Shepherd and Mr O'Callaghan all gave written and oral evidence to this Inquiry. Dr Marshall also appeared before the Widgery Inquiry.

¹ [WT9.3; D543](#)

³ [D60](#)

² [AM105.8](#)

- 86.16** In his autopsy report,¹ Dr Marshall described a gunshot wound consisting of an approximately oval hole measuring 28mm x 16mm, in the left side of the abdomen, centred 6cm to the left of the umbilicus and 40.5in above the soles of the feet. The long axis of the wound was directed downwards and to the left at an angle of 20° to the

vertical. The left margin was shelved, with the subcutaneous tissue facing outwards. The right margin was fairly steep. The margins were soiled in places by what appeared to be fibres of clothing. The hole was bordered by a variable zone of pale abrasion, up to 3mm wide. Between the 11 o'clock and 1 o'clock positions, the outer limit of this abrasion was a thin red line.

¹ [D60](#)

86.17 The internal injuries found by Dr Marshall are described in his report.¹

¹ [D62-D63](#)

86.18 We have referred in an earlier chapter of this report¹ to the examination conducted in 1972 of the bullets recovered from three of the casualties. For reasons we gave there,² we have no doubt that Lance Corporal F fired the bullet recovered from Michael Kelly's body. In his case, a copper-jacketed, lead-cored bullet bearing rifling marks was found embedded in the centre of the sacrum at about the level of the third segment. The bullet was removed and handed to Constable Hugh McCormac,³ who took it to the Department of Industrial and Forensic Science in Belfast on 2nd February 1972.⁴ Dr John Martin, then a Principal Scientific Officer in that department, there examined it microscopically in order to compare the rifling marks with those on bullets fired from the rifles known to have been used on Bloody Sunday. It was this exercise that enabled the bullet to be matched to Lance Corporal F's rifle. In his report on the comparison of the bullets dated 29th February 1972,⁵ Dr Martin did not mention any damage to the bullet extracted from the body of Michael Kelly. After this Inquiry was established, a search for the bullet was made in the holdings of the Forensic Science Agency of Northern Ireland, formerly the Department of Industrial and Forensic Science, but the bullet was not located.⁶

¹ [Paragraphs 81.21–31](#)

⁴ [ED45.6](#)

² [Paragraph 81.32](#)

⁵ [D47](#)

³ [D63](#)

⁶ [D741.7](#)

86.19 In the course of the autopsy, as he explained in his oral evidence to this Inquiry,¹ Dr Marshall caused X-rays to be taken of Michael Kelly's sacrum to show the location of the bullet.

¹ [Day 207/50-52](#); [Day 207/60-61](#)

86.20 In his autopsy report, Dr Marshall summarised his conclusions about the fatal injury as follows:¹

“Death was due to a bullet wound of the abdomen. A single bullet had entered the abdomen just over two inches to the left of the umbilicus. It had caused three perforations of the upper small intestine, complete transection of a segment of small intestine further down and it had lacerated the artery and vein serving the left leg before it embedded itself in the middle of the sacrum, the bone forming the back of the pelvis. It was the haemorrhage into the abdomen from the lacerated blood vessels which precipitated his death.

The bullet was recovered. It had a copper jacket and lead core and was seemingly of SLR type.

With the body erect, the track of the bullet through the body was backwards, with a declination of about 30° and a deviation to the right of about 20°. The bullet might have come from a point above him to his left front or, had he been bending forwards at the time he was shot, the bullet would have been travelling horizontally about 3 ft. 6 ins. above the ground.

The entrance wound was atypical and indicates that the bullet was not travelling nose-on when it struck. It had probably already passed through some object or been deflected by it.”

¹ [D64](#)

86.21 In his oral evidence to the Widgery Inquiry,¹ Dr Marshall confirmed the conclusions set out in his autopsy report.

¹ [WT9.6-WT9.7](#)

86.22 In his written statement to this Inquiry,¹ Dr Marshall clarified his reference in those conclusions to a declination of about 30° and a deviation to the right of about 20°, explaining that the former was the declination from the horizontal plane and the latter the deviation from the sagittal plane. The sagittal plane is the vertical plane which divides an object (in this case, the human body) down the middle into left and right sides.

¹ [D546-D547](#)

86.23 In his oral evidence to this Inquiry,¹ Dr Marshall said that it was possible that the bullet had passed through something soft, such as the soft tissue or clothing of another person, before it hit Michael Kelly. He was asked whether the bullet could have been deflected by hitting something harder such as a brick or a piece of debris without showing any sign of

damage. Although he thought that in such circumstances a bullet would show signs of damage, Dr Marshall said that this was a matter outside his expertise. Dr Marshall was asked² whether, on the hypothesis that the bullet had passed merely through the jacket of a person standing ten yards or so in front of Michael Kelly, it was likely that the bullet would have been so destabilised in its flight as to have hit Michael Kelly side-on. He replied that he had “*no personal experience of this*” but that although he thought that passing through clothing, particularly firm clothing, would have helped to destabilise the bullet, he was “*not sure that it would have made it go side-on by the time it got to Michael Kelly*”.

¹ [Day 207/55-61](#); [Day 207/99-102](#)

² [Day 207/128-130](#)

86.24 Professor Keith Simpson, then a Home Office pathologist, gave oral evidence to the Widgery Inquiry after having studied the mortuary photographs and autopsy reports relating to those who were killed on Bloody Sunday, and photographs of rifling and score marks on the bullets recovered from the deceased.¹ Professor Simpson said that he did not think that the bullet that killed Michael Kelly was a ricochet or that it had struck bone before it entered Michael Kelly’s body.² His view appears to have been based on the degree of enlargement of the entrance wound rather than on the absence of damage to the bullet. He thought it possible that the bullet had been slightly deflected on passing through soft tissue or clothing before it hit Michael Kelly.

¹ [D629](#)

² [WT9.39](#)

86.25 In their report, Dr Shepherd and Mr O’Callaghan reached conclusions which they summarised as follows:¹

“Michael KELLY was hit by only one bullet, which struck his abdomen approximately ‘side on’ most probably with the nose of the bullet pointing upwards and to the right and the base downwards, indicating that the bullet was unstable.

Assuming the Normal Anatomical Position the direction of travel of the bullet is clearly downward and slightly from left to right.”

¹ [E2.41](#)

86.26 As Dr Shepherd and Mr O’Callaghan explained in their report:¹ “*When describing the human body it is standard practice in medicine to assume that the body is standing vertically with the arms by the sides and the palms facing forwards. This position is known as the standard or NORMAL ANATOMICAL POSITION.*”

¹ [E2.0020](#)

86.27 In his oral evidence to this Inquiry,¹ Dr Shepherd said that it was most likely that the bullet had struck an object or person before it struck Michael Kelly. It could have bounced off a hard object or passed through a soft object, such as part of a human body. The “*relatively pristine*” state of the bullet showed that it had not passed through a hard object and suggested that any contact with such an object had been very shallow.

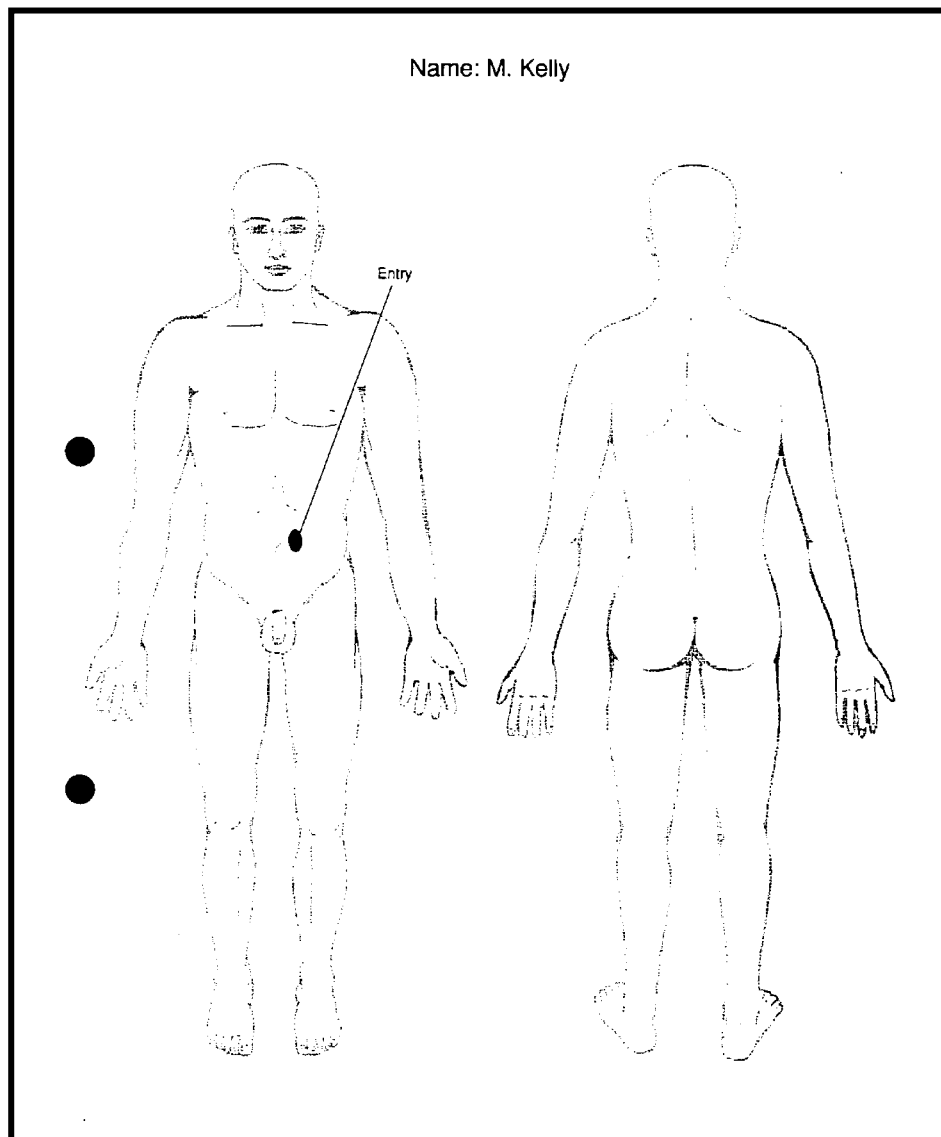
¹ [Day 229/5-7](#); [Day 229/77-80](#)

86.28 In his oral evidence to this Inquiry,¹ Mr O’Callaghan was shown one of the X-rays showing the bullet lodged in Michael Kelly’s sacrum and said that while no damage to the bullet was apparent from the X-ray it was not possible to draw the conclusion that the bullet was undamaged. If the bullet had struck a hard object, it is likely that some damage would have resulted, although it would not necessarily have been visible to the naked eye if the contact had been slight.

¹ [Day 230/18-22](#)

86.29 The photographs of Michael Kelly’s body taken in the mortuary show the wound described by Dr Marshall. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O’Callaghan¹ illustrates the position of the wound.

¹ [E2.76](#)

**86.30**

Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science, examined the clothing of Michael Kelly under the direction of Dr Martin.¹ In his report dated 21st February 1972,² Dr Martin set out this finding:

"A hole approx. 1" long in the front left of the jacket had a trace of lead on the edge and is consistent with bullet damage. There is corresponding damage to the undergarments."

¹ D50-D53; D741.60; Day 225/59-62

² D45

- 86.31** Dr Martin commented that before it hit Michael Kelly the bullet had probably struck an intermediate object, which had upset its stability.
- 86.32** Dr Shepherd and Mr O'Callaghan also examined the clothing of Michael Kelly, which had been retained by his family. Photographs were taken of the clothing.¹ In their report,² Dr Shepherd and Mr O'Callaghan stated:

"As can be seen in our photographs of the clothing, the bullet struck the deceased's jacket side-on. It passed through the left front of the jacket, pullover and vest, and nicked the top of the elasticated waistband of the deceased's underpants.

The more extensive damage to the vest visible in the photographs is likely to have been due to the vest being crumpled in that area when the bullet passed through.

The two small holes adjacent to the bullet hole in the front of the pullover may well be due to deterioration of the garment with age. We found no associated damage to the other items of clothing.

We found no further bullet damage."

¹ [F5.1-8; F5.11-12](#)

² [E2.40-E2.41](#)

- 86.33** On the basis of this evidence, we consider that the bullet was very likely to have contacted some object before it hit Michael Kelly. Later in this report¹ we conclude, for the reasons that we give there, that Michael Kelly was not the victim of a bullet that had first struck someone else. In front of Michael Kelly was the rubble barricade, constructed out of a variety of materials. In our view the bullet probably struck some part of this barricade at a shallow angle before it struck Michael Kelly. We have found no evidence that suggests that the bullet first passed through the clothing of anyone standing in front of Michael Kelly.

¹ [Paragraphs 87.228–236](#)

Tests for firearm discharge and explosives residue

- 86.34** Dr Martin tested the jacket that Michael Kelly was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Apart from the trace of lead on the edge of the bullet entry hole in the jacket, Dr Martin detected what he considered to be "*above normal*" densities of lead particles on the right cuff and back of the jacket. He also detected a "*large lead particle*" on the swab from the back of the left hand, but no lead particles on the other hand swabs. He stated in his report the conclusion that

the nature and distribution of lead particles on the swabs and jacket was similar to those produced by exposure to discharge gases from firearms, but that the absence of lead on the right hand was not consistent with the high levels detected on the right cuff of the jacket.¹ Dr Martin also detected lead particles on Michael Kelly's trousers,² but did not comment on these in his report.

¹ D45-D46

² D49; D605-D606

86.35 In his oral evidence to the Widgery Inquiry,¹ Dr Martin said that the contamination of the right cuff but not of the right hand was consistent with firing while wearing a glove. He could think of no explanation for the particles found on the cuff other than exposure to discharge gases either from handling or standing beside someone using a firearm. Dr Martin said² that it was possible that the particle on the left hand had come from a fragmenting bullet.

¹ WT9.14

² WT9.19-WT9.20

86.36 The clothing removed from the body of Michael Kelly at the autopsy did not include a glove.¹ There is no evidence that he was wearing a glove on his right hand when he was shot.

¹ D61

86.37 Dr John Lloyd, the independent scientific expert engaged by this Inquiry, summarised in his report¹ his overall conclusions about the tests for lead particles conducted by Dr Martin. He considered that, in view of the lack of control testing and the likelihood of spurious contamination, Dr Martin's results were of no evidential value.

¹ E1.51-E1.52

86.38 In his oral evidence to this Inquiry,¹ Dr Martin accepted that unless there was evidence from other sources to indicate an association between any of the deceased and a weapon, it would be unwise to interpret his findings "*as other than contamination*".

¹ Day 226/2

86.39 In relation to Michael Kelly, Dr Lloyd stated in his report¹ and in his oral evidence to this Inquiry² that although the use of a firearm while wearing a glove was a possible explanation for the particles found on the right cuff, it was of doubtful credibility in view of the flawed and unspecific nature of Dr Martin's tests, and that it was improbable that proximity to a person who was discharging a gun could have produced the distribution of particles found in this case.

¹ E1.44

² Day 227/43-44

86.40 Dr Martin said in his oral evidence to this Inquiry¹ that he would now agree with those views of Dr Lloyd. We also accept the views of Dr Lloyd. It follows that we consider there to be no valid scientific evidence that Michael Kelly had been handling firearms or had been close to someone who was handling a firearm.

¹ [Day 226/94](#)

86.41 Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Michael Kelly for explosives residue. None was detected.¹ There is, therefore, no scientific evidence that Michael Kelly had been in contact with explosives.

¹ [D41](#)

Michael Kelly's clothing

86.42 Michael Kelly was wearing a light blue jacket, a mustard-coloured pullover, a brown tie and blue trousers.¹

¹ [D0040](#)

Where Michael Kelly was when he was shot

86.43 We have shown earlier in this report¹ the two photographs taken by Robert White of Michael Kelly lying on the ground after being shot. It is convenient to show those photographs again here.

¹ [Paragraph 81.33](#)



Michael Kelly



Michael Kelly

86.44 There is no doubt that Michael Kelly fell at, or very close to, the position in which he can be seen in these photographs. We have already referred¹ to the evidence on which we rely for this conclusion. By way of example, Fr Terence O’Keeffe, who was watching from the south end of the eastern block of Glenfada Park North,² gave the following evidence to the Widgery Inquiry:³

“Q. What was the first casualty you observed?

A. One young man who dropped holding his stomach, and four young people detached themselves from this crowd which was still on that gable end corner and ran over very fast indeed. They crouched and grabbed him by the arms and legs and ran back behind the gable end of the wall. At that stage the crowd more or less got in behind the wall to see what was wrong with the young man.

Q. I would like greater detail about that if you are capable of giving it, but if not, say so if you will. Can you say where about on that barricade that first casualty was – the Rossville Flats side of the barrier or your side, or where?

A. More towards my side of the barrier on the gable end.

LORD WIDGERY: That is nearer to Rossville Street th[a]n to the flats. You were on that side?

A. Nearer to the gable end of the maisonettes.

LORD WIDGERY: Glenfada Park, yes.

Mr. STOCKER: When he was hit, can you tell m[y] Lord whether he was crouched or standing or lying down?

A. Standing facing Rossville Street, down Rossville Street towards the Saracens. I saw him hold his stomach and double up and begin to fall, at which these four young people took him and carried him very swiftly. It was very swiftly done.”

¹ [Paragraph 81.33](#)

³ [WT5.6](#)

² This south end is often referred to as the “gable end” of this block.

When Michael Kelly was shot

86.45 As we have noted earlier in this report,¹ Michael Kelly was the first casualty of Army gunfire at the rubble barricade.

¹ [Paragraph 81.1](#)

86.46 Before taking the two photographs shown above¹ of Michael Kelly lying shot on the ground, Robert White had taken photographs of Armoured Personnel Carriers (APCs) coming into the Bogside, and of the crowd moving away on the Eden Place waste ground. Robert White told us that these photographs were taken in fairly quick succession. He believed that they would have been taken within a few seconds of each other.² He said that he then ran into Glenfada Park North and halfway up the pram-ramp at the north-eastern corner of Glenfada Park South and took three photographs from there, of which the first two are those of Michael Kelly. The third photograph, to which we return below,³ was of Hugh Gilmour. Robert White recalled that it did not take him very long to get to the pram ramp, because he was afraid of missing something. He said that he did not think that the distance that he had to run was as far as 60 yards.⁴ He also said that he thought that he was standing at the pram ramp for a matter of seconds, but less than a minute, before he took the first photograph showing Michael Kelly lying on the ground.⁵

¹ [Paragraph 86.43](#)

² [Day 137/86-87](#)

³ [Paragraph 86.88](#)

⁴ The distance is, in fact, somewhat more than 100 yards.

⁵ [AW11.4](#); [Day 137/87-90](#)

86.47 It is difficult to estimate what time passed between the entry of the Army vehicles and the shooting of Michael Kelly, but in our view at most it can only have been a matter of a very few minutes.

What Michael Kelly was doing when he was shot

86.48 As we have discussed earlier in this report,¹ there was rioting at the rubble barricade when the Army vehicles came into the Bogside. The photographs that we have displayed above² show that Michael Kelly moved forward slightly from the position, just south of a missing piece of pavement, in which Ciaran Donnelly photographed him standing, so that when he was shot he was closer to the rubble barricade, on the tarmac verge of the pavement close to the kerb.

¹ [Chapter 70](#)

² [Paragraph 86.43](#)

86.49 Differing accounts of Michael Kelly's actions emerge from the civilian evidence, ranging from him being a passive bystander to him being an active rioter. Ronald Wood, who saw Michael Kelly fall, told the Widgery Inquiry that he was not throwing stones when he was shot¹ and told us that it "*did not appear*" that Michael Kelly had been throwing anything when he was hit.² The photographer Ciaran Donnelly told the Widgery Inquiry that "*Immediately prior to falling he [Michael Kelly] had not been doing anything at all, he was*

merely standing, but people on both sides of him were throwing stones".³ Hugh O'Boyle, who was standing to the right of Michael Kelly, told us that he did not remember people around him throwing stones.⁴

¹ WT4.57

³ WT2.81

² Day 127/15

⁴ Day 132/6

86.50

On the other hand, Paul McGeady suggested that Michael Kelly was shot while scaling the barricade and was thrown backwards by the shot,¹ although he placed him more towards Block 1 of the Rossville Flats. Danny Craig said that Michael Kelly had been throwing stones and had picked up another that he was about to throw when he was struck.² Patrick Joseph Norris said that Michael Kelly had picked up a stone after stepping out from the south end of the eastern block of Glenfada Park North when the Army came in and was about to throw it when he was shot.³ Neither Danny Craig nor Patrick Joseph Norris could identify himself in the two photographs that Ciaran Donnelly took of the people behind the rubble barricade, which we have shown above⁴ and which we show again below.⁵ These witnesses placed Michael Kelly in different positions when he was shot. Danny Craig said that Michael Kelly was at the rubble barricade when he fell, while Patrick Joseph Norris said that Michael Kelly had just stepped out from the wall at the south end of the eastern block of Glenfada Park North when he was shot.

¹ Day 137/128-131

⁴ Paragraphs 86.10–11

² AC111.11-12; AC111.2; Day 135/94

⁵ Paragraph 86.52

³ AN24.3; Day 167/98-103

86.51

John J McLaughlin told the *Sunday Times* Insight Team reporter Philip Jacobson that Michael Kelly was struck while dragging fencing "*to close the gap*" in the rubble barricade.¹ William Vincent Hegarty made a NICRA statement² and a written statement for the Widgery Inquiry,³ and gave oral evidence to the Widgery Inquiry⁴ and a deposition for the purposes of the inquest into Michael Kelly's death,⁵ in all of which he said that Michael Kelly was shot while attempting to cross the rubble barricade, after having been entangled in barbed wire there. He described the young man he saw shot as wearing a light blue suit, and said that he was told by Michael Kelly's parents that Michael Kelly was so dressed that day.⁶ William Griffin⁷ told the Widgery Inquiry and the *Sunday Times* that he and Michael Kelly were crossing the barricade from the north when Michael Kelly was shot, and that he had not been entangled in wire.

¹ AM334.4

⁵ AH66.9

² AH66.3

⁶ WT7.23

³ AH66.1

⁷ AG58.1; AG58.2; AG58.3-4

⁴ WT7.22

- 86.52 The accounts of Paul McGeady, Danny Craig, Patrick Joseph Norris, John J McLaughlin, William Vincent Hegarty and William Griffin differ, but all describe an active Michael Kelly. Ciaran Donnelly's first photograph appears to show Michael Kelly standing, though the second may show him stepping forward.



Michael Kelly



Michael
Kelly

- 86.53 As we have observed elsewhere in this report,¹ it is important to bear in mind that still photographs such as these record only an instant of time. Thus in our view it would not be legitimate to infer from these photographs that Michael Kelly was simply standing when

he was shot. Our assessment of the evidence discussed above² has led us to conclude that it is likely that Michael Kelly had thrown or was throwing or was about to throw a stone when he was shot.

¹ [Paragraph 70.6](#)

² [Paragraphs 86.49–52](#)

86.54 However, we have no doubt about four matters.

86.55 Firstly, we are sure that Michael Kelly was neither a gunman, nor a nail or petrol bomber. There is no evidence to suggest, nor did anyone suggest, that he was armed with any form of lethal weapon.

86.56 Secondly, we are sure that Michael Kelly (even if, contrary to our view, he was not himself throwing anything) was among or near the people at the rubble barricade who were throwing stones, bricks, rubble and perhaps bottles, as we have described earlier in this report.¹

¹ [Chapter 70](#)

86.57 Thirdly, we are sure, having considered both the military and civilian evidence, that when Michael Kelly was shot, there was no-one at the rubble barricade who had deployed or who was about to deploy a firearm or bomb of any kind. We have considered whether the actions of those at the rubble barricade when Michael Kelly was shot could have led a soldier mistakenly to believe that anyone there was presenting a lethal threat sufficient to justify opening fire, but for reasons we give later in this report,¹ we have concluded that Lance Corporal F neither had, nor believed that he had, any justification for firing the round that killed Michael Kelly.

¹ [Paragraphs 89.15–17](#)

86.58 Finally, in view of Robert White's photographs and the medical evidence, we have no doubt that Michael Kelly was shot when he was behind the rubble barricade and facing north.

Where Michael Kelly was taken after he was shot

86.59 Soon after he was shot, Michael Kelly was carried behind the south wall of the eastern block of Glenfada Park North, where Fr Denis Bradley and others tended him. He was then carried across Glenfada Park North, through the south-western alleyway and into the Carrs' house at 8 Abbey Park. From that house he was taken to Altnagelvin Hospital in an

ambulance that also carried two of the Sector 4 casualties. We deal in more detail with what happened to Michael Kelly after he had been taken to the gable end, in our consideration of the events of Sector 4.¹

¹ [Chapter 92](#)

Hugh Gilmour

Biographical details

86.60 Hugh Gilmour was 17 years old at the time of Bloody Sunday. He was the youngest member of his family and lived with his parents at 23 Garvan Place in Block 2 of the Rossville Flats. He was employed by Northern Ireland Tyre Services as a tyre fitter.¹

¹ [AB38.5](#); [AB38.47](#); [AG39.1](#); [ED37.11](#)

Prior movements

86.61 In her written statement to this Inquiry,¹ Hugh Gilmour's sister Mary Bonner told us that her brother had lunch at their parents' flat. At about 2.30pm or 2.45pm, he left the flat to meet some friends by the shops on the south side of Block 2 of the Rossville Flats. This group of seven or eight friends walked through the Bogside to join the march.

¹ [AB38.1](#)

86.62 Michael Bridge (the cousin of the man of that name wounded in Sector 2) told us in his written statement to this Inquiry,¹ that he joined the march with Hugh Gilmour, and left him at the junction of William Street and Rossville Street.

¹ [AB83.1](#)

86.63 In their closing submissions,¹ the representatives of the family of Hugh Gilmour refer to a photograph that they submit shows him on the march.

¹ [FS1.1468](#)



Man with Fair Isle or similar sweater

86.64 It appears from a photograph of Hugh Gilmour being carried to an ambulance, that he was wearing a Fair Isle or similar sweater.



86.65 A man wearing such a sweater can be seen towards the foreground of the photograph of the marchers shown above,¹ but we are not wholly persuaded that this is Hugh Gilmour, because the pattern of the sweater appears different. There are two photographs, taken by Frederick Hoare of the *Belfast Telegraph*, which show a man in a patterned sweater facing Barrier 14, apparently holding a stone or other projectile in his hand, but this man's hairstyle bears little resemblance to that of Hugh Gilmour, and he appears to have been wearing a longer coat than is shown in Robert White's photograph of Hugh Gilmour running south past Block 1 of the Rossville Flats, which we consider below.²

¹ [Paragraph 86.63](#)

² [Paragraph 86.88](#)

86.66 We accept that Hugh Gilmour was on the march, but have found no evidence to indicate how he arrived at the vicinity of the rubble barricade after he left Michael Bridge at the junction of William Street and Rossville Street.

Medical and scientific evidence

Wound pathology and ballistics

86.67 Dr Derek Carson, then the Deputy State Pathologist for Northern Ireland, conducted an autopsy of the body of Hugh Gilmour on 31st January 1972 at Altnagelvin Hospital.¹ Three other doctors and two RUC photographers were also present.² Dr Shepherd and Mr O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Carson, Dr Shepherd and Mr O'Callaghan all gave written and oral evidence to this Inquiry. Dr Carson also appeared before the Widgery Inquiry.

¹ [WT8.64](#); [D532](#)

² [D179](#)

86.68 In his autopsy report,¹ Dr Carson described the following four gunshot wounds:

(i) A circular entrance wound, 6mm in diameter, on the ulnar border of the left forearm, centred 12cm above the ulnar styloid. This wound was surrounded by a rim of dark red abrasion, 2mm wide. There was no blackening of the surrounding skin.

(ii) A ragged exit wound, measuring 20mm x 11mm, on the flexor surface of the left forearm, at a slightly lower level than wound (i). This wound was surrounded by an irregular rim of abrasion, 2–3mm wide. It lay within a vague zone of bruising, measuring 5cm x 2.5cm. There was a fracture of the underlying ulna.

(iii) A gaping wound, measuring 6cm x 5cm, on the left side of the trunk, with the centre of its anterior border situated 13cm directly below the nipple. There was no significant abrasion of its margins.

(iv) An elliptical wound, measuring 20mm x 12mm, on the right side of the trunk, centred 14cm below and 7cm behind the right nipple and 16cm above the right anterior superior iliac spine. The long axis of this wound was directed downwards and forwards at an angle of 20° to the vertical. There was no significant abrasion of the wound margins nor was there any bruising or blackening around it. The wound had a “split” appearance, with pointed extremities, and did not have the typical appearance of an entrance wound.

¹ D179

86.69 The internal injuries found by Dr Carson are described in his report.¹

¹ D181-D182

86.70 Dr Carson summarised his conclusions about the gunshot injuries as follows:¹

“There were two gunshot wounds on the left forearm and two more on the trunk. Only one of the four had the typical appearances of an entrance wound. This was located on the ulnar border of the back of the mid-forearm. From here the bullet had passed through the forearm, causing a fracture of the ulna, before leaving the front surface of the forearm at a slightly lower level than the entrance wound.

Of the wounds on the trunk the larger was located on the left side of the front of the lower chest and the other on the right side at about the same level but slightly further back. The bullet causing these wounds had fractured the 8th rib on each side, lacerated the diaphragm, the left lung, the liver, spleen and stomach. The liver injury was particularly extensive. Massive bleeding into the chest and abdominal cavities from these injuries would have caused rapid death.

It might be argued that because the wound on the left chest was larger than that on the right chest, the wound on the right side was an entrance wound and that the man must therefore have been struck by two bullets. If this were so then the bullets would have come from opposite directions, one from his left and the other from his right. However the wound on the right chest, although smaller, did not have the typical appearance of an entrance wound, being pointed at each of its extremities as though the tissues were split open from within. It would be more logical to conclude that all

four wounds were caused by the passage of a single bullet and that the large size of the wound on the left chest was accounted for by distortion or yawing of the bullet which had already passed through the left forearm and fractured the ulna. All four wounds were brought into line when the left forearm was semi-flexed at the elbow with the upper arm almost touching the body and the flexor surface of the wrist facing the abdomen. On this interpretation the bullet had passed horizontally from left to right through the body with a slight inclination backwards. Assuming the deceased was erect at the time the bullet must have come from his left and slightly in front of him.

The extent of the injuries indicated that the bullet had come from a weapon of medium or high velocity, but since the missile had passed completely through the body and was not recovered it was not possible to determine the calibre. There was nothing to suggest that the weapon had been discharged at close range.”

¹ [D184-D185](#)

86.71 In his oral evidence to the Widgery Inquiry,¹ Dr Carson confirmed the conclusions set out in his autopsy report.

¹ [WT8.67-WT8.69](#)

86.72 In his written statement to this Inquiry,¹ Dr Carson told us that although he could not entirely rule out the possibility that the wound in the right chest was an entrance wound, he still stood by his original conclusions and believed that the most likely explanation of Hugh Gilmour’s wounds was that they were all caused by a single bullet.

¹ [D535](#)

86.73 In a further written statement,¹ Dr Carson made the following comments in support of his interpretation of Hugh Gilmour’s injuries:

“There is an adage in medicine that common things occur most commonly. This is true of wounds of arm and trunk. Experience over the years has shown many cases in which a single bullet passes through both.

The arm is usually in a position by the side, whether standing, walking or running. Therefore there is a great possibility that a bullet passing through the trunk from side to side will also damage an arm, and vice versa.

Since the probability is that both wounds were caused when the deceased was upright, then it is asking a lot of coincidence to suggest that two bullets struck the body at the same level and at the same time, and further that they came from diametrically opposite directions.

The wound on the right side of the trunk does not have the appearance of an entrance wound. (Note the appearance of *all* the other entrance wounds in the six cases). It is not a small neat circular hole with an abrasion collar – rather it is large and pointed above and below with a split appearance, typical of an exit wound.

A bullet which has been deformed, especially by impact with bone, and which has lost its stability of flight may well cause a re-entry wound larger than the ultimate exit wound. It is losing more energy on re-entry, and temporary cavitation must also be considered as a factor, in high velocity wounds in particular.”

¹ [D537.1](#)

86.74

In his oral evidence to this Inquiry,¹ Dr Carson maintained the same views, although he accepted that if Hugh Gilmour had been hit by two bullets, they need not necessarily have struck him simultaneously. He explained the phenomenon of temporary cavitation, whereby the passage of a bullet through the body can cause an expansion of the surrounding tissue and hence an enlargement of the wound. Dr Carson added that it would have been possible for Hugh Gilmour to run a distance of 20 to 30 yards even after he had sustained the injury to his trunk. Dr Carson observed that unless the brain or spinal cord is grossly damaged it is “*amazing what can be done after a gunshot wound*”. On the other hand, he later said² that he would not have expected Hugh Gilmour to have “*stayed on his feet for long*” after receiving the injury to the trunk. Dr Carson was inclined to agree with a suggestion put to him that once Hugh Gilmour had been injured in the arm, it would have been natural for him to clutch his arm to his abdomen, in which case a second bullet passing through the trunk would have been likely to cause a further injury to the arm. Dr Carson agreed³ that there did appear to be a small area of abrasion on part of the margin of the wound on the right side of the chest, but he did not consider that any significance should be attached to this.

¹ [Day 206/11-34](#); [Day 206/48-74](#)

³ [Day 207/35-39](#)

² [Day 207/21-27](#)

86.75 In their report, Dr Shepherd and Mr O'Callaghan reached conclusions which they summarised as follows:¹

"The possible causes of the injuries to the chest and arm are:

- a) ONE SHOT: passing through the left arm then re-entering the left chest and exiting the right chest.
- b) ONE SHOT: entering the right chest, exiting the left chest, re-entering the left arm.
- c) TWO SHOTS: one passing through the left arm and one passing through the chest left to right.
- d) TWO SHOTS: one passing through the left arm and one passing through the chest right to left.

The injury to the ulnar aspect of the left arm is such a classic entry wound that we have no doubt that it indicates that the bullet must have passed through the left arm from the ulnar to the flexor surface.

It is extremely difficult to orientate the arm so that the ulnar wound is against the site of the wound on left chest wall. The entry wound on the ulnar surface of the arm is so unlikely to be a re-entry wound that we consider that this possibility can be excluded. These factors exclude option (b).

It is our opinion that the injury to the right side of the chest is, more likely than not, an entry wound and that the injury to the left side represents an exit wound. This would exclude options (a and c). However the injury to the left side of the chest is not photographed clearly and in the absence of X rays that might have given information about the direction of fragmentation of the ribs this cannot be stated with certainty.

Based on the original 4 hypotheses it is therefore much more likely than not that Hugh Gilmore was struck by two bullets; one striking the right side of the chest and the other the left forearm. (d)

The forearm is an extremely mobile part of the body and it is not possible to give any indication of its position when struck. The mobility is so great that the shot that struck the forearm could have come from almost any position around the body. Clearly the shot to the chest, if we are correct in the orientation of this shot, has come from a point to the right of the chest at the moment of discharge."

¹ [E2.60-E2.61](#)

86.76 In his oral evidence to this Inquiry,¹ Dr Shepherd adhered to these conclusions. With regard to Dr Carson's views, Dr Shepherd commented that a moving person is less likely to have his arm at his side than one who is stationary, and that if two bullets had hit Hugh Gilmour when he was moving they need not necessarily have come from opposite directions. There was also no reason why the two bullets must have struck Hugh Gilmour at the same time. Dr Shepherd said that although the wound on the right side of the trunk had some features of an exit wound, it looked less like an exit wound than the wound on the left side. Although atypical, it was possible for an entrance wound to show the "*split*" appearance described by Dr Carson and to lack a rim of abrasion. Dr Shepherd considered that temporary cavitation was more likely to affect the size of an exit wound than of an entrance wound.

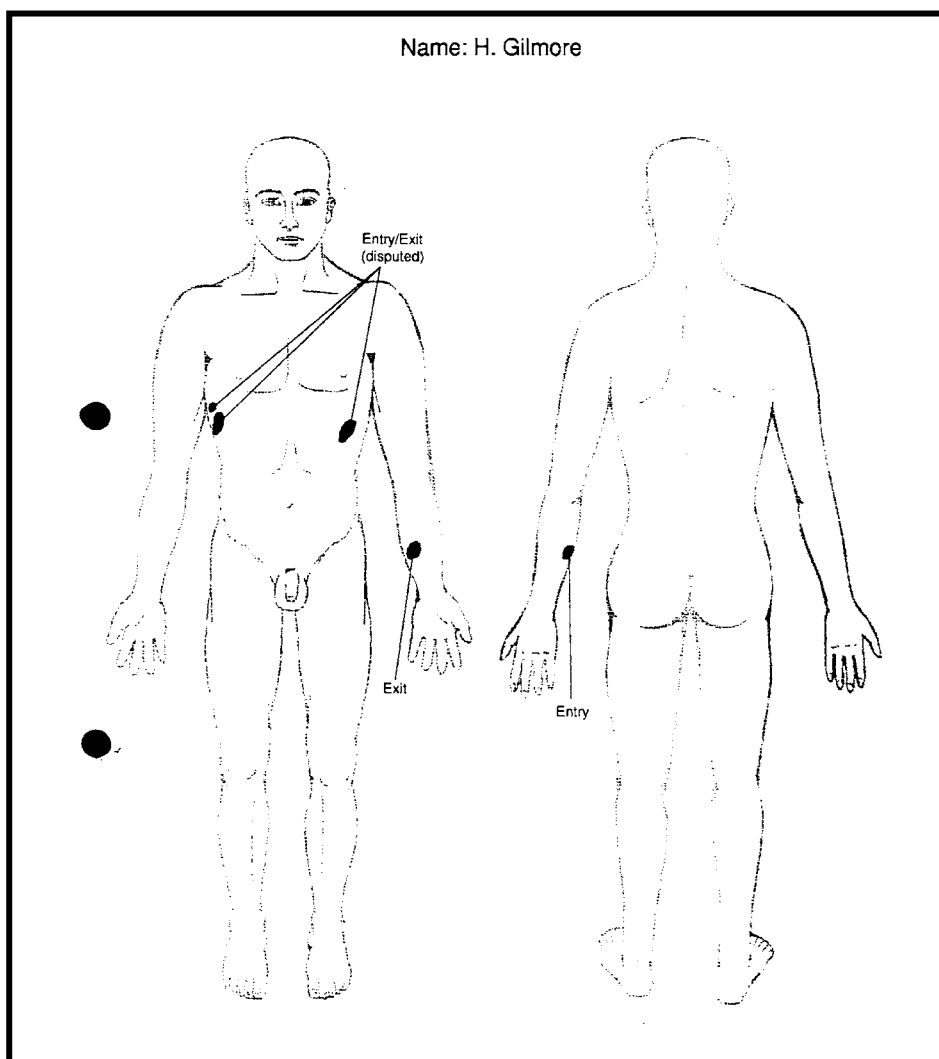
¹ [Day 229/12-20](#); [Day 229/89-90](#); [Day 229/93-99](#)

86.77 It will be seen from the foregoing summaries of their evidence that there is a fundamental difference of opinion between Dr Carson and the Inquiry's experts as to whether Hugh Gilmour was struck by one or two bullets. We return to this difference of opinion later in this report.¹

¹ [Paragraph 86.148](#)

86.78 The photographs of Hugh Gilmour's body taken in the mortuary show the wounds described by Dr Carson. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O'Callaghan¹ illustrates the position of the wounds.

¹ [E2.82](#)



86.79 This diagram also shows the position of what Dr Shepherd and Mr O’Callaghan described as a “*small puncture wound*”¹ adjacent to the upper margin of the wound to the right side of the trunk, visible in the mortuary photographs but not mentioned in Dr Carson’s autopsy report or notes. However, in his oral evidence to this Inquiry,² Dr Carson said that he was not sure that there had been a puncture wound and thought that this was just a blemish on the skin.

¹ E2.58

² Day 207/38

86.80 Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of Hugh Gilmour under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.¹ In his report dated 21st February 1972,² Dr Martin set out these findings:

“There is a small hole in the left arm of the anorak (item 2) which had traces of lead on the perimeter and is consistent with a bullet entry. A second larger hole in the arm is consistent with bullet exit and two more larger holes in the left and right of the anorak body are consistent with the path of the same bullet. There is corresponding damage to the pullover, shirt and vest (items 3, 4 and 5).”

¹ [D171-D174](#); [D741.60](#); [Day 225/64-66](#)

² [D169](#)

Tests for firearm discharge and explosives residue

86.81 Dr Martin tested the anorak that Hugh Gilmour was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Apart from the traces of lead consistent with bullet entry around one of the holes in the left arm of the anorak, Dr Martin detected no significant number of lead particles on the anorak and none on the hand swabs. He concluded that Hugh Gilmour had not been using a firearm.¹

¹ [D169](#)

86.82 Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Hugh Gilmour for explosives residue. None was detected.¹

¹ [D165](#)

86.83 It follows that there is no scientific evidence that Hugh Gilmour had been handling firearms or had been close to someone who was handling a firearm, or that he had been in contact with explosives.

Hugh Gilmour's clothing

86.84 We have referred above¹ to Hugh Gilmour's multi-coloured sweater. Over this he was wearing a brown anorak and under it a yellow shirt. He was also wearing blue denim jeans.²

¹ [Paragraph 86.64](#)

² [D164](#)

Where Hugh Gilmour was when he was shot

86.85 Two difficulties arise when considering the question of where Hugh Gilmour was when he was shot.

86.86 Much of the evidence is confused and irreconcilable. We do not find this surprising, in view of the fact that they were witnessing horrific and fast-moving events, and, as we have pointed out elsewhere in this report,¹ people who have witnessed the same event very often give sharply differing accounts of it.

¹ [Paragraph 63.2](#)

86.87 In the second place, if the Inquiry's experts are correct in their view that it is most likely that two bullets hit Hugh Gilmour, then the possibility arises that he was first hit when in one place and hit again after he had moved to another place.

86.88 Hugh Gilmour can be seen in the following photograph, which Robert White took from the Pram Ramp on the north-eastern corner of Glenfada Park North after he had taken the photographs of Michael Kelly lying on the ground behind the rubble barricade, which we have considered earlier in this report.¹ Hugh Gilmour was identified in this photograph by, among other witnesses, Frankie Mellon.²

¹ [Paragraphs 81.33 and 86.43–44](#)

² [AM399.4](#)



Hugh Gilmour

86.89 Robert White (who did not make a statement in 1972) gave the following account in his written statement to this Inquiry of what happened after he had taken the two photographs of Michael Kelly:¹

“Just at that moment I became aware that a young man was running south on the pavement to the west of Block 1 of the Rossville Flats. He was running along and holding his side with his right hand and I instinctively took a photograph of him. There would only have been a second or two between me seeing this young man and me taking the photograph. I would have had my camera ready and my elbows were probably resting on the wall of the pram ramp with my camera held up ready to shoot. I would say that the young man could only have run 5 or 6 yards between me seeing him and me taking the photograph that is attached and numbered 32. I subsequently learned that this young man’s name was Hugh Gilmore and that he was shot and killed that day. When I saw him I did not realise he had been shot, and again I thought that he had perhaps been hit by a rubber bullet.”

¹ AW11.4

86.90 Robert White told us that he did not know what had happened to the man he had photographed running.¹ He stated that he later came down from the pram ramp and took a photograph of a group of people at the southern end of Block 1 of the Rossville Flats. *"It looked as if there were seven or eight people standing around a body on the ground, but I could not see that body and I did not know who it was."*²

¹ [AW11.4](#)

² [AW11.5](#)

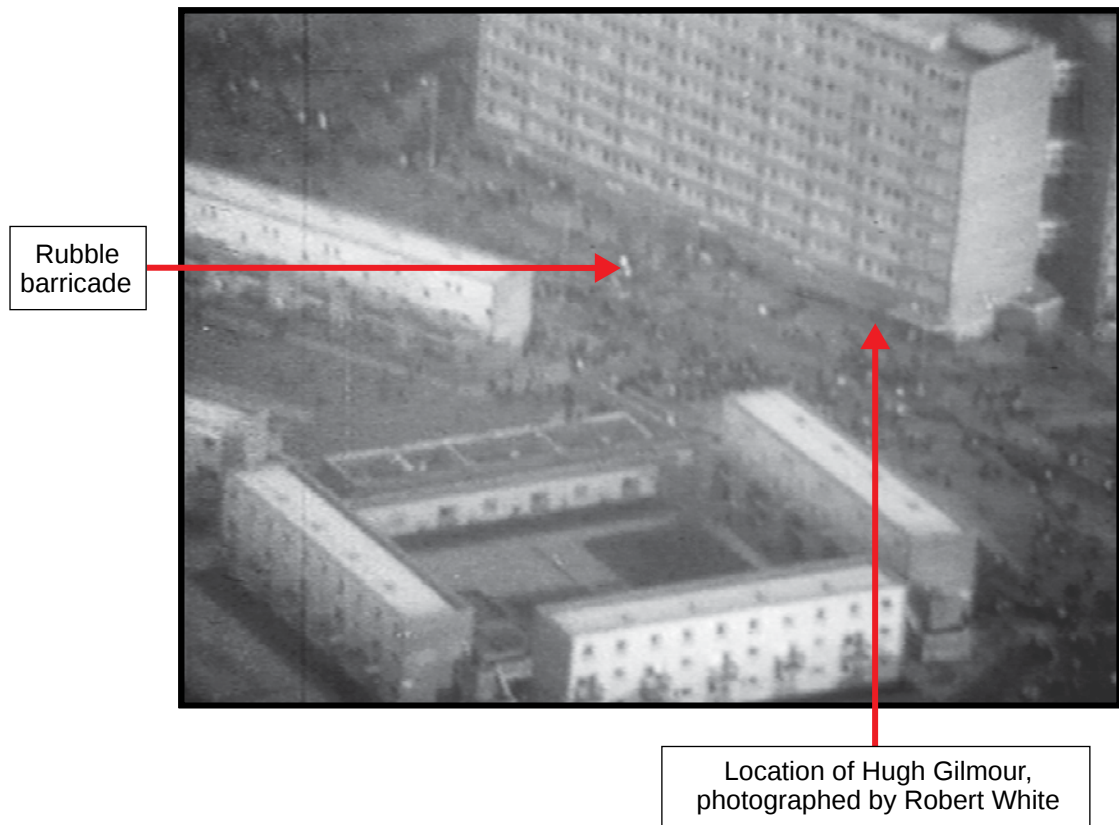


86.91 There is no doubt that the people on the left of this photograph were standing over the body of Hugh Gilmour. There is abundant and convincing evidence that he had continued to run until he reached or came very close to the south end of Block 1 of the Rossville Flats, where he collapsed; and that he was then taken round the corner to a position beneath the end wall of the block. He died there; and from there he was taken by ambulance to Altnagelvin Hospital, as we describe later in this report.¹

¹ [Paragraphs 124.5–6](#)

86.92 In our view Hugh Gilmour had been hit by at least one bullet before he reached the entrance to Block 1 of the Rossville Flats. We set out below a still from the helicopter footage on which we have marked the position of Hugh Gilmour as shown in Robert White's photograph, from which it can be seen that he was some distance from the rubble barricade when that photograph was taken.¹

¹ [E27.14](#)



86.93 We now turn to consider the evidence of other civilians relating to where Hugh Gilmour was when he was shot. As will be seen, some of the witnesses put him in front of, some at, and some behind the rubble barricade when this happened.

Eamon Melaugh

86.94 Eamon Melaugh gave a Keville interview which included the following account:¹

“At approximately four o’clock or some time shortly after that I found myself standing at the barricade outside the Rossville Street Flats. The barricade was situated about twenty five to thirty yards from the Free Derry end of the flats. I was er – facing the Army and watching the members of the Security Forces fire their self-loading rifles. Most of the shots that I seen fired were being fired from waist level and that they weren’t deliberately aimed. Two shots rang out, the lad standing beside me who had – who I now know to be Hugh Gilmore lurched forward from the waist. He said ‘I’ve been hit Eamon, I’m hit’; meaning that he was shot. I looked at him, there was an expression of amazement, total amazement on his face. He turned round and ran up

the street away from the barricade and from the soldiers. I ran after him. I wasn't able to catch up with him because I was lumbered down with two cameras and long lenses. He ran, after having been shot, to the gable end nearest to Free Derry Corner. He then slumped to the ground out of the line of fire and some time later he died."

¹ [AM397.70](#)

86.95 According to the statement taken by Peter Pringle of the *Sunday Times* Insight Team,¹ Eamon Melaugh was one of the crowd that surged forward from around the area of the rubble barricade in response to seeing a youth being arrested. He was among the last civilians to move back towards the barricade as he had paused to pick up a lens hood that he had dropped. As he did so he saw a soldier with a baton gun firing from the western side of Rossville Street, and another soldier behind him who fired two live rounds. For reasons given earlier in this report,² we are of the view that these two soldiers were respectively Private 017 and Corporal P. According to the same statement, Eamon Melaugh attempted to take a photograph of at least one of these soldiers. He saw two youths lying on the ground near the rubble barricade, and believed that they were taking cover or feigning injury. There was a lull of 10 to 15 seconds and then two further shots rang out. Eamon Melaugh was standing next to Hugh Gilmour who "*lurched forward from the waist*" and called out "*I'm hit Eamon, I've been hit*". As he said this "*he turned round and he bolted back towards Free Derry Corner and when he came to the door of the flats he started to stagger somewhat*".

¹ [AM397.23-25](#)

² [Paragraphs 69.20–58](#) and [Chapter 73](#)

86.96 This statement also recorded that after trying to photograph the soldier who had fired first, Eamon Melaugh "*got down off the top of the barricade into the Free Derry side*". Hugh Gilmour was shot no more than two feet from where Eamon Melaugh was standing. Eamon Melaugh took a moment to register what was happening, and then set off after Hugh Gilmour. He thought that Hugh Gilmour wanted to get into the doorway of the Rossville Flats, but could not do so as there were too many people present. He instead ran to the corner and fell "*out of the line of fire*". Eamon Melaugh reached Hugh Gilmour and saw a wound below his chest that was emitting no blood. Someone was holding some material to Hugh Gilmour's side. Eamon Melaugh said "*with ut[t]er and complete conviction*" that Hugh Gilmour was not even throwing stones when he was shot. He had nothing in his hands, and was not armed.

86.97 In his oral evidence to this Inquiry¹ Eamon Melaugh accepted that he had been interviewed by, or had given a statement to, Peter Pringle but said: “*Obviously there are elements in the statement that I conveyed, but I can tell you that 85 per cent of that statement is sheer fiction, fiction.*” He also told us that the account that he had given to Kathleen Keville might have been more accurate than his current recollection.²

¹ Day 143/23-25

² Day 143/37-39

86.98 Despite what Eamon Melaugh said to us, we consider that the statement probably did accurately record an account that Eamon Melaugh gave in 1972. In his oral evidence to this Inquiry,¹ Peter Pringle said that “*in most cases we would not have said ‘statement’ unless there had been some special reason for that*”, and suggested that it might be a transcript of a tape recording or perhaps a copy of a statement made previously by the witness. The statement was generally consistent with what Eamon Melaugh had told Kathleen Keville. Thus the accounts that Eamon Melaugh gave in 1972 were to the effect that Hugh Gilmour was standing at or behind the rubble barricade, and only ran south after he was shot; whereas his recollection when he gave evidence to this Inquiry is that both he and Hugh Gilmour were both north of the rubble barricade, and that Hugh Gilmour was already moving in a southerly direction when he was shot.²

¹ Day 190/47-50

² AM397.4

86.99 We should note that it was Liam Mailey’s evidence to this Inquiry that Eamon Melaugh was behind the rubble barricade as the soldiers began to fire.¹

¹ M50.3

Geraldine Richmond

86.100 In her NICRA statement, Geraldine Richmond (who became Geraldine McBride) gave the following account:¹

“I was in the march on Sunday 30th January. I was at the corner of Rossville Street. I turned back towards Free Derry Corner. The boy Gilman [sic], was walking along the side of the flats at Rossville Street beside me. All of a sudden there was a lot of shooting. There had been no shooting before this. This shooting came from the army because when I turned round there was a soldier on one knee. The boy Gilman stumbled. I went over to him. Some men were already by his side. I prayed into his ear. I helped to carry him to where the telephone box was.”

¹ AM45.26

86.101 In an undated statement taken in 1972 (probably by solicitors acting for the wounded)¹ Geraldine Richmond recorded that she ran south when she saw soldiers on the waste ground. She heard gunfire and saw smoke from some of their guns. Hugh Gilmour was on her left. He shouted that he was hit, and ran on holding onto his stomach. Geraldine Richmond grabbed his right arm and told him to keep running. She assisted him around the south-western corner of Block 1 of the Rossville Flats, where he collapsed and died.

¹ [AM45.30-31](#)

86.102 In her written statement for the Widgery Inquiry¹ and in her oral evidence to that Inquiry,² Geraldine Richmond said that she had been near Hugh Gilmour between Pilot Row and Eden Place. The two of them were present there when they became aware of the soldiers entering the Bogside, and they ran south towards Free Derry Corner. Just as they reached “*the main section of Rossville Flats*” Hugh Gilmour said “*I’m hit, I’m hit*”. Geraldine Richmond encouraged him to keep running. Hugh Gilmour began to stumble, but Geraldine Richmond was able, with the help of an unnamed man, to hold him up and help him round the corner of Block 1 of the Rossville Flats. Geraldine Richmond said that Hugh Gilmour was shot “*just before we came to the barricade*” (and therefore presumably to the north of the barricade).³

¹ [AM45.24](#)

³ [WT6.49](#)

² [WT6.48-51](#)

86.103 In the course of her oral evidence to the Widgery Inquiry, Geraldine Richmond was shown a photograph of a man running doubled up. We have no doubt from the context that this was a copy of the photograph taken by Robert White of Hugh Gilmour running which we have reproduced above.¹ Geraldine Richmond accepted that she was not shown in this photograph and that she did not begin to assist Hugh Gilmour around the corner until after this point.²

“Q. You are not in that photograph?

A. No, I am not.

Q. So at this stage, at any rate, you were not still helping him to run?

A. No, but when we got beside those people there we grabbed him again and got him round the corner to help him.”

¹ [Paragraph 86.88](#)

² [WT6.50](#)

86.104 In her deposition taken for the purposes of the inquest into Hugh Gilmour's death,¹ Geraldine Richmond again indicated that Hugh Gilmour was shot north of the rubble barricade as he ran south down Rossville Street.

¹ [AM45.27](#)

86.105 In her evidence to this Inquiry, Geraldine Richmond told us that she and Hugh Gilmour ran from the incoming soldiers, but stopped at a point level with Pilot Row on Rossville Street. From there, Hugh Gilmour and another youth threw one stone each in the direction of the Army vehicles.¹ She then saw soldiers disembark from vehicles on Rossville Street. She saw one soldier in particular firing from beside one of the vehicles.² Geraldine Richmond and others ran south. Hugh Gilmour was slightly in front of her and to her left. Geraldine Richmond recalled scrambling over the barricade, with no indication as yet that Hugh Gilmour had been shot. There were youths at the barricade throwing stones, but Geraldine Richmond could not recall seeing any casualties there. There were more than ten people present at the barricade, some throwing stones, some standing around, and some running away.³ Hugh Gilmour continued to run in front of her and to her left on the pavement of Rossville Street, about six feet from the wall of the Rossville Flats.⁴ A little further south than halfway between the barricade and the south end of Block 1, Geraldine Richmond heard two shots that came from her right, and felt the bullets pass her. She heard Hugh Gilmour gasp and say that he had been hit. She believed that Hugh Gilmour was shot when just out of frame on Robert White's photograph of him running. She marked her likely position in red at the time that the photograph was taken.⁵

¹ [AM45.15](#); [Day 145/147-149](#)

² [AM45.15-16](#)

³ [AM45.16](#); [Day 145/154-155](#)

⁴ [AM45.16](#)

⁵ [AM45.17](#); [Day 145/157-158](#); [AM45.36](#)



86.106 Geraldine Richmond told us that at the time when he was shot, Hugh Gilmour was running south and was not turning, and that she believed that the bullets came from the western side of Rossville Street from the Glenfada Park area.¹ She and another man assisted Hugh Gilmour around the corner of Block 1, where he died.² Geraldine Richmond said that when she recorded in her written statement for the Widgery Inquiry that she saw Hugh Gilmour shot before he reached “*the main section*” of the Rossville Flats she was referring to the main door of Block 1 (ie the entrance near the south-western corner of the block). However, this does not explain other indications in her earlier evidence that he was shot further to the north. Geraldine Richmond accepted that it was possible that Hugh Gilmour was hit twice, but remained confident that she became aware of Hugh Gilmour’s injury only after he had crossed the rubble barricade.³

¹ [AM45.17](#)

³ [Day 146/1-22](#)

² [AM45.17-18](#)

86.107 Geraldine Richmond’s oral evidence to the Widgery Inquiry and her deposition for the coroner indicate that Hugh Gilmour was shot to the north of the rubble barricade, while her evidence to this Inquiry is that he was shot to the south of it. She also indicated for the first time, in her written statement to this Inquiry, that she believed that the bullets came from the western side of Rossville Street and flew past her. She recorded in that statement that Hugh Gilmour had thrown a stone at an earlier point, but at the moment of his shooting was running south and not turning.

Frankie Mellon

86.108 In his Keville interview,¹ Frankie Mellon, then a student nurse, said that he was standing “*just outside ... the flats opposite Glenfada Park*” when Hugh Gilmour “*come crawling round shouting he had been shot in the stomach*”. In his oral evidence to this Inquiry,² Frankie Mellon said that this account was “*not correct at all*”.

¹ AM399.19

² Day 151/178-179

86.109 Frankie Mellon gave a NICRA statement¹ in which he recorded that “*Me and my mate were standing at the corner of flats opposite Glenfada Park. John [sic] Gilmore jumped into the air shouting ‘I’ve been hit’ and he started running towards the corner² of the flats where we were standing. My friend and I grabbed Gilmore by each arm and dragged him around the corner. Just beside the telephone box Gilmore collapsed to the ground.*”

Frankie Mellon stated that he then tried to tend to Hugh Gilmour’s wounds.

¹ AM399.16

² In the typed version of this statement the word “cover” appears but we are satisfied that this was a typographical error for “corner”.

86.110 In his written statement to this Inquiry, Frankie Mellon told us that he was walking south down Rossville Street when he saw a number of people running to the north of the rubble barricade and throwing stones in a northerly direction. Frankie Mellon stated that he walked south past them and that he noticed that Hugh Gilmour was one of these people. Hugh Gilmour was about six to eight feet from the wall of Block 1, and ran from the south of the barricade to 40 to 50 yards north, then threw one stone and turned to run back.¹ In his oral evidence to this Inquiry,² Frankie Mellon said that Hugh Gilmour might not have run so far to the north.

¹ AM399.3

² Day 151/142-143

86.111 Frankie Mellon told us that at this point he became aware of Army vehicles driving down Rossville Street.¹ However, he stated that he had earlier seen an Army vehicle on the waste ground.² In his oral evidence to this Inquiry,³ Frankie Mellon accepted that he could have been wrong about the timing of the arrival of the vehicles. In his written statement to this Inquiry he recorded that he saw a number of soldiers disembark and commence firing immediately. Some of the soldiers moved towards the northern end of Block 1 of the Rossville Flats and some to a low wall on the western side of Rossville Street. Frankie Mellon stated that he ran south, and reached the rubble barricade. As he did so he heard two single SLR shots fired in rapid succession. He believed that the shots came from somewhere to his right (thus the west). He told us that he was one of the last civilians to

cross the rubble barricade, and that he continued running south. He recalled Hugh Gilmour running in front of him as he heard the shots. Hugh Gilmour had previously looked over his shoulder and seen the vehicles on Rossville Street, and was running in a southerly direction, two or three feet ahead of Frankie Mellon. The second shot appeared to hit him, and Hugh Gilmour jumped up, grasped his right side and shouted “*I’ve been hit*”.⁴ Frankie Mellon told us in his oral evidence that he thought that both men were south of the rubble barricade by this point.⁵ In his written evidence to this Inquiry he stated that Hugh Gilmour continued to run, but after a few steps began to stumble. Frankie Mellon ran after him and caught up with him at the entrance to Block 1. He was on Hugh Gilmour’s right-hand side. As the doors to Block 1 were closed, he pulled him around the gable and Hugh Gilmour collapsed. Frankie Mellon said that he believed that he was the only man who helped Hugh Gilmour at this point, although he did recall that he was with John Anthony (Sean) McDermott, to whose evidence we refer below,⁶ on the day.⁷ Frankie Mellon identified himself in Robert White’s photograph as the first man to the left of Hugh Gilmour, in a light-coloured jacket.⁸

¹ AM399.3

² AM399.2

³ Day 151/148-151

⁴ AM399.3-4

⁵ Day 151/145-146

⁶ Paragraphs 86.113–118

⁷ AM399.4-5; Day 151/159

⁸ AM399.4



Frankie Mellon

- 86.112** Frankie Mellon’s NICRA statement was to the effect that he was standing at the southern corner of Block 1 of the Rossville Flats when he heard Hugh Gilmour shout that he had been hit and saw him start to run towards where he was standing. His Keville interview appears to be to much the same effect. In contrast, his evidence to us was that Hugh Gilmour was already running in a southerly direction when he was shot and that he, Frankie Mellon, was running behind him.

Sean McDermott

- 86.113** John Anthony McDermott, known as Sean McDermott, gave the following account in his NICRA statement:¹

“I was standing on the pavement outside the High Flats in Rossville St. I saw a boy walking alone across waste ground on the William St. side of the Flats. A soldier appeared on the corner of the Flats on the side nearest William St. The soldier caught hold of the youth and beat him mercilessly with a riot stick or baton. At this moment Hugh Gilmore emerged from the main door of the High Flats on Rossville St. He moved past towards the mound of rubble which formed a barricade across Rossville St. He got on top of the barricade and someone shouted ‘They are shooting live ammunition.’ When I heard this I crouched and looked around and Hugh Gilmore jumped up clutching the bottom of his stomach shouting ‘I’m hit, I’m hit.’ I thought he had been hit by a rubber bullet so a friend of mine Francis Mellon and myself got hold of him and assisted him around the corner of the Flats on the side nearest Free Derry Corner. As we got round the corner he collapsed. A few people gathered round to assist us.”

¹ [AM4.11](#)

- 86.114** In our view, Sean McDermott’s description of a youth being caught by a soldier relates, like the accounts of certain other witnesses to which we have referred earlier,¹ to the arrests of William John Dillon.

¹ [Paragraphs 70.12–14](#)

- 86.115** In his evidence to this Inquiry, Sean McDermott said that he no longer recalled seeing the arrest of a youth on the waste ground and that he was not aware of the presence of soldiers when he saw Hugh Gilmour for the first time.¹ He told us that he did recall seeing

Hugh Gilmour emerge from Block 1 of the Rossville Flats as he (Sean McDermott) stood with Frankie Mellon to the south of the rubble barricade. He saw Hugh Gilmour move off towards William Street.²

¹ Day 144/56; Day 144/74-75

² AM4.3

86.116 A few minutes after seeing Hugh Gilmour, Sean McDermott heard someone shout that live rounds were being fired. He crouched down, and heard bangs that he thought came from the general direction of William Street.¹ Sean McDermott said that within 30 seconds he saw Hugh Gilmour running unaided in a “*semi-crouched*” position, along the eastern side of Rossville Street. He shouted “*I’m hit, I’m hit*”. Hugh Gilmour was approximately on the rubble barricade, or perhaps just to the south of it. He was running in a southerly direction. On hearing this, those at the barricade turned and ran.² Sean McDermott and Frankie Mellon chased after Hugh Gilmour, who ran past the door of the flats. They assisted him around the corner of the gable, as his knees seemed to buckle when he reached the corner.³

¹ AM4.3; Day 144/56-57

³ AM4.3-4

² AM4.3; Day 144/60

86.117 Neither in his NICRA statement nor in his evidence to us did Sean McDermott suggest that he had actually seen Hugh Gilmour shot, but his NICRA statement implies that he saw him on the top of the rubble barricade very soon afterwards. He said that he was not shown in Robert White’s photograph of the running Hugh Gilmour, as he was just out of frame to the left, running behind Frankie Mellon.¹

¹ AM4.4

86.118 In his NICRA statement, Sean McDermott referred to helping Hugh Gilmour “*around the corner*” of the Rossville Flats with his friend Frankie Mellon. The latter referred in his NICRA statement to “*My friend and I*” grabbing Hugh Gilmour by each arm and dragging him round the corner.

James Green

86.119 James Green gave the following account in his NICRA statement:¹

“I was standin[g] at the barricade at Rossville flats with a young lad who turned out to be Hugh Gilmour. We saw the soldiers comin[g] in from William St. and this lad said to me, ‘They are firing live ammunition’. I said, ‘They are firing over our heads and we are O.K. as long as we don’t get hit.’

A minute later I heard one shot then another shot and then the boy said, ‘Christ I’ve been hit.’ He half ran back to the corner of Rossville St flats for cover. With some help we put him on his back. The blood was pouring out of his side.”

¹ AG54.6

86.120 In his evidence to this Inquiry, James Green said that he was behind the rubble barricade when the soldiers arrived in the Bogside. After a few minutes he and others threw stones at the soldiers. There were about 20 to 30 people at the barricade at this point, but not all of them were throwing stones.¹ James Green said that he heard gunfire and thought that the soldiers were firing over their heads. Although he could not be precise, he thought that there was probably a single shot, then a few, and then a volley.² The crowd at the barricade did not seem too concerned about the shooting, possibly because they thought that baton rounds were being fired. James Green said that he knew that live rounds were being fired, and recalled a remark that he had made to a freelance photographer standing nearby who had said that he thought that live ammunition was being fired; but he said that did not seek cover because he was confident that the shots were being fired into the air.³ He acknowledged that his NICRA statement indicated that he had had the conversation about live rounds with Hugh Gilmour. He did not appear to be sure which was the more accurate recollection.⁴

¹ AG54.2; Day 149/5; Day 149/7

³ AG54.2-3; Day 149/8-11

² AG54.2

⁴ Day 149/13-14

86.121 James Green told us that he became aware of Hugh Gilmour beside him. James Green bent to pick up a stone and, as he stood up, he heard Hugh Gilmour exclaim that he had been hit.¹ James Green did not see any visible signs of a wound at this time, and did not think that Hugh Gilmour had been hit with a live round. However, he recalled that Hugh Gilmour was crouched over and holding his stomach.²

¹ AG54.3

² Day 149/17-18

- 86.122 He told us that he and Hugh Gilmour turned and ran south, and that he noticed Hugh Gilmour falling behind and turned to look at him. He stated that he was doing so at the time that Robert White's photograph of the running Hugh Gilmour was taken and identified himself as the man with glasses and a beard looking at Hugh Gilmour from under the canopy of the entrance to Block 1.¹

¹ AG54.3



James Green

- 86.123 James Green said that he saw no evidence of Hugh Gilmour having been hit by a second bullet, although he accepted that this could have happened after he had run past him.¹ As Hugh Gilmour reached the corner of Block 1, James Green and three or four others lifted him and carried him round to the south end of the block where they laid him down.²

¹ Day 148/21

² AG54.3

- 86.124 In his written statement to this Inquiry, James Green told us that Hugh Gilmour had been throwing stones from behind the barricade, but that he did not have anything in his hands at the time he was shot. James Green stated that he thought that Hugh Gilmour's hands had been "*in front of him, down by his sides*".¹ However, in his oral evidence James Green said that while he had not seen Hugh Gilmour at the moment when he was shot (as he himself

was bending down), and while there was no stone in Hugh Gilmour's hand when he looked at him after the shooting, he thought that Hugh Gilmour had "*probably*" had a stone in his hand, which he had "*possibly*" dropped at the moment when he was shot.²

¹ AG54.3

² Day 149/15-16

- 86.125** James Green's evidence, therefore, is to the effect that Hugh Gilmour was shot while at the rubble barricade. There is nothing in his evidence to suggest that Hugh Gilmour was on, as opposed to just behind, the rubble barricade.

Michael McCusker

- 86.126** Michael McCusker did not refer in his Keville interview to witnessing the shooting of Hugh Gilmour. He gave an account of leaving the car park of the Rossville Flats after soldiers had started firing there and then talking to John Young at the rubble barricade, who told him that two boys had been shot at the back of the flats. The account that he gave in this interview continued as follows:¹

"Then the shooting started again and somebody says that er – it's the army shooting so I run and I got around the corner with the telephone box, round at the side of the flats there's a telephone box. So I threw myself there and about – there must have been about a dozen all lying there and there was a young fella, he was just lying at the corner of the flats and the first aid couldn't get to him."

¹ AM160.13-15

- 86.127** This account appears to indicate that after seeing John Young (which would have been very shortly before the latter was killed at the rubble barricade) Michael McCusker ran to the southern corner of Block 1 of the Rossville Flats and saw Hugh Gilmour lying there.
- 86.128** In his written statement to this Inquiry, Michael McCusker told us that as the soldiers entered the Bogside he ran through the Rossville Flats car park and then through the passage between Block 1 and Block 2. When he reached the south end of Block 1 there was a lull in the gunfire that he had previously heard. He moved to the rubble barricade. He stayed there for about five minutes. There were about 12 to 20 people standing around. One of them was John Young, who told him that two people had been shot in the car park, and that one of these was Michael Bradley, who had been taken to a house in Joseph Place.¹ Michael McCusker told Praxis Films Ltd in about 1991² that John Young had told him that Michael Bradley had been hit "*so I went around the back of the flats towards the courtyard to see if I could help him*". Michael McCusker said that he turned to

go, but heard firing break out before he moved. He ran south along with several other men. One of these men, who was running ahead of him, was dressed in a black bomber jacket and jeans. As he reached a point towards the southern end of Block 1, this man put his right hand to his back and staggered, falling forwards. Michael McCusker thought that the man had been shot, and although he did not see the source of fire he assumed that it came from the north. There was considerable firing at this time. Four or five people assisted the man around the corner.³

¹ AM160.1-2

³ AM160.2; Day 148/57-59

² AM160.9

86.129 In his oral evidence to this Inquiry, Michael McCusker was unable to explain why he had not referred in his Keville interview to seeing a man clutching his back and falling forwards.¹

¹ Day 148/63-64

Hugh Patrick O'Donnell

86.130 In his Keville interview Hugh Patrick O'Donnell gave an account of running from the junction of Rossville Street and William Street towards the Eden Place waste ground and of armoured cars passing him. He continued:¹

"There was four or five of them and then the Ferret² car behind that. Well I looked back and I saw my mate and he seemed to be c – he seemed to be caught though I wasn't sure. And I ran on and I ran into the waste ground and the army they were – and Saracens they were ploughing into the crowd. They were trying to ram the people ... everything started to get confused then and we were surrounded by hundreds of soldiers, they were batoning people all round me and I was looking for a way out. There was a young – young bloke in front of me and the soldiers just at arms reach away; don't know how he missed me but he did. And he hit me ... head ... his rifle butt and I got past him and as I passed the soldier I heard the rifle shots and I wasn't sure where they came from or anything else but then I saw a soldier outside a Saracen and I saw him shooting his rifle. So I ran up to the end of the Rossville Street flats and I met another mate of mine and he told [me] that there was two young fellas lying dead around the back of the flats and nobody could get at them and he then started to cry and panicked and he led a few of us over a barricade at Rossville Street and we run down ... the army and as we were running a black soldier stepped out of a saracen and he started firing his rifle at us and the bullets were hitting the barricade behind us and hitting the wall beside us and I could feel the wind passing me. And I

ran back to the corner of the flats and I looked back and saw that my mate was all right and as I turned the fella just at the corner of the flats fell beside me he was shot, he was right beside me and I got over to look, someone pulled up his jumper and opened his shirt to see how he was. There was a hole in him and the blood was running out of his nose and mouth and a man says he's dead."

¹ AO32.20-21

² Having listened to the Keville tape, we consider that the word "other" in the typed version is a transcription error for "Ferret".

86.131 In his evidence to this Inquiry, Hugh Patrick O'Donnell said that he was part of a crowd of about 30 to 50 people (some of whom were throwing stones) who surged over the rubble barricade towards the soldiers in Rossville Street. He believed that they did this in response to reports of youths being shot in the Rossville Flats car park. He heard live rounds being fired immediately after this and dropped to the ground at the rubble barricade.¹ Hugh Patrick O'Donnell rose to his feet and as he did so he saw a black soldier at the north-western corner of Block 1 of the Rossville Flats firing his rifle repeatedly from the hip.²

¹ AO32.4; Day 405/13-17

² AO32.4; Day 405/17-19

86.132 Hugh Patrick O'Donnell said that he ran south, aware of further firing and bullets striking the rubble barricade. As he approached the corner of Block 1, he became conscious of a man on his left who was the only person who could keep up with him. This man suddenly seemed to be knocked forward in an unnatural movement and dropped to the ground somewhere close to the corner of Block 1. Hugh Patrick O'Donnell said that he jumped over the man to get to cover and then (with another man) pulled the injured youth to cover. He immediately realised that this man had been shot in the torso. He later learned that this was Hugh Gilmour. Hugh Patrick O'Donnell said that he believed that he was shown covering Hugh Gilmour with his jacket in the photograph that Robert White took of the group at the south end of Block 1 of the Rossville Flats.¹

¹ AO32.4-5; AO32.15; Day 405/20-23

86.133 Hugh Patrick O'Donnell said that he did not believe that Hugh Gilmour turned his body while he ran, and that he did not have anything in his hands. Hugh Patrick O'Donnell could not comment on the possibility that Hugh Gilmour had been shot twice, but he did not believe him to have been in pain or discomfort before he lurched forward and fell. He could not identify himself in Robert White's photograph of the running Hugh Gilmour.¹ Hugh Patrick O'Donnell told us he did not hear Hugh Gilmour shout anything as he ran.²

He said that he subsequently looked back at the rubble barricade and recalled that he could see about ten people lying behind it. He believed that at least one of these people (and in his opinion probably more) had been shot.³

¹ Paragraph 86.88

³ AO32.5; Day 405/24-25

² Day 405/21-23

86.134 It will have been noted that in his Keville interview Hugh Patrick O'Donnell described seeing a man fall, but did not record that he had actually seen him shot. In our view the account that he gave to Kathleen Keville is to be preferred to his recollection long afterwards; so that, although in our view he probably did see Hugh Gilmour collapse, we place no reliance on his evidence to the extent that it might suggest that Hugh Gilmour was shot close to the end of Block 1 of the Rossville Flats.

PIRA 14 and PIRA 26

86.135 PIRA 14 and PIRA 26, who are brothers, and who at the time of Bloody Sunday were members of the Provisional IRA, told us that they were at the rubble barricade when Hugh Gilmour was shot. PIRA 26 said that he saw him run past them and throw a stone at soldiers at the north end of Block 1 of the Rossville Flats¹ after which he was shot by a soldier standing in front of the low ramp at the south end of Kells Walk, the same soldier having previously fired what PIRA 26 thought at the time were blanks “*down Rossville Street but more towards the Glenfada Park side*”.²

¹ APIRA26.4; Day 425/65

² APIRA26.4; Day 425/63-69

86.136 PIRA 14 gave evidence to this Inquiry that Hugh Gilmour “*may*” have been throwing a stone at the soldiers, and placed him either on or just north of the barricade when he was shot by a tall soldier near the low ramp at the south end of Kells Walk, who had previously been firing “*in the direction of Free Derry Corner*”. PIRA 14 said that his recollection was that Hugh Gilmour was facing towards the soldiers at the north end of Block 1 of the Rossville Flats when he was shot.¹ He told us that after being hit, Hugh Gilmour “*turned and ran alongside the Flats in the direction of Free Derry Corner*”.²

¹ APIRA14.3-4; Day 421/48-49

² APIRA14.4

86.137 We have no 1972 accounts from PIRA 14 or PIRA 26.

Alex Morrison

86.138 In his NICRA statement this witness described seeing, from the entrance to Block 1 of the Rossville Flats, one of a group of “boys” standing on the Free Derry Corner side of the rubble barricade being shot. He stated that “*This was the first boy shot.*” He continued:¹

“Immediately I heard further shots which came from the soldiers and were directed at the other boys at the barricade of rubble. We retreated immediately to the doors of the flats. Kevin McElhinney was running alongside me. We were crouched and running at the same time – making for the main door of the flats. As I entered I heard Kevin – who was now² just behind me shout ‘I’m hit ... I’m hit ...’ I dived on in the door and went up the stairs thinking that Kevin was behind me. I realised that no one was behind me so I ran back down and saw Kevin lying dead just inside the door. Others lifted him and took him upstairs. Kevin was beside me for the few moments before he was shot. At no time had a nail bomb, petrol bomb, gun or any other lethal weapon.”

¹ [AM429.1](#)

² It is clear from the manuscript that “not” in the typed version was a transcription error for “now”.

86.139 This account referred to Kevin McElhinney, who was also shot in Sector 3. However, in his oral evidence to this Inquiry, Alex Morrison said that he now believed that it might have been Hugh Gilmour who was running behind him and shouted that he had been hit. He identified himself in Robert White’s photograph of the running Hugh Gilmour as standing under the canopy over the doorway to Block 1.¹

¹ [AM429.1](#); [AM429.8-9](#); [AM429.11](#); [Day 143/140-148](#)



- 86.140 In view of Alex Morrison's 1972 identification of the person who called out as Kevin McElhinney, and the fact that his NICRA statement recorded him diving "*in the door*" and not standing under the canopy as shown in the photograph above, it is difficult to place reliance on his current belief that it might have been Hugh Gilmour. Kevin McElhinney was shot after this photograph was taken. The evidence of this witness does not provide us with any assistance as to where Hugh Gilmour was shot.

Brendan Gallagher

- 86.141 This witness told us that he believed that he had seen Hugh Gilmour fall while level with the doorway of Block 1 of the Rossville Flats.¹ However, there is nothing in his NICRA statement² to support this recollection and in our view it would be unwise to place any reliance on it.

¹ AG4.3

² AG4.1

Brian McLaughlin

86.142 We have considered the accounts given by Brian McLaughlin to this Inquiry, but have concluded that these are too vague and confused to allow us to place any reliance on them.¹

¹ AM320.3-4; Day 145/86-103; Day 145/124-125

Kathleen Brown, Margaret Patterson and Donal Deeney

86.143 These witnesses gave evidence to this Inquiry relating to the question of where Hugh Gilmour was when he was shot. There is a NICRA statement that appears to have been made by Kathleen Brown,¹ but which she told us that she did not think that she had made.² According to this NICRA statement, the witness saw a man “*coming out from the alley between the flats, towards the market*” who staggered and fell, and was “*finished ... off*” by a soldier firing from Glenfada Park. Kathleen Brown told us, in her evidence to this Inquiry,³ that Hugh Gilmour came past the doorway of Block 1 of the Rossville Flats and appeared to try to run for cover through the passage between Blocks 1 and 2, but then to change his mind and turn back to face the direction from which he had come, whereupon he was shot by a soldier at the south end of the eastern block of Glenfada Park North. We have found no other evidence that provides any support for this account. The other two witnesses gave no statements in 1972, and, having considered the evidence they gave to us, we concluded that it did not provide us with any reliable assistance on this topic.⁴

¹ AB94.10

² AB94.4; Day 144/111-115; Day 114/134-135

³ AB94.2

⁴ AP2.1; Day 185/68-99; AD26.1; AD26.10; AD26.16; Day 86/1-171

Consideration of the evidence relating to where Hugh Gilmour was shot

86.144 As we noted above, much of the evidence on the question of where Hugh Gilmour was when he was shot is confused and irreconcilable. Nevertheless, in our view an analysis of the evidence does enable us to reach some conclusions on this matter.

86.145 Robert White’s photograph of Hugh Gilmour running¹ shows him with his right arm extended towards the side of his chest or abdomen. As we have noted above,² Robert White himself said that he took the photograph because the man was running and holding his side. He also said that the man could only have run five or six yards from when he first saw him to when he took the photograph. Geraldine Richmond, Frankie Mellon, Sean McDermott and James Green also described seeing Hugh Gilmour clutching this part of

his body after he had called out that he had been shot. We are therefore of the view that Hugh Gilmour had been hit by the bullet that had passed through his chest before this photograph was taken. It follows that we consider that Hugh Gilmour was shot in the chest at least a few yards north of the entrance to Block 1 of the Rossville Flats.

¹ [Paragraph 86.88](#)

² [Paragraph 86.89](#)

- 86.146** The evidence of Eamon Melaugh, James Green, PIRA 14 and PIRA 26 is to the effect that Hugh Gilmour was behind or just to the north of the rubble barricade when he was shot. Geraldine Richmond's oral evidence to the Widgery Inquiry and her deposition for the coroner indicate that she recalled him being to the north of the rubble barricade.
- 86.147** We have concluded that Hugh Gilmour received his chest wound when he was in the area of the rubble barricade; though we do not find it possible to say from the evidence considered above whether he was behind or in front of it.
- 86.148** None of the eyewitness evidence suggests that Hugh Gilmour was hit in the left arm by another bullet either before or after the time when he sustained the chest wound. The possibility exists that he was shot twice more or less simultaneously, but this would involve him either being shot from two quite different directions, or very rapidly turning his arm or body or both between the shots. In our view it is much more likely that Hugh Gilmour was only shot once, the bullet passing through his left arm and into and through his chest. Accordingly we take the view that on this matter Dr Carson's opinion is to be preferred to that of the Inquiry experts.

When Hugh Gilmour was shot

- 86.149** In view of Robert White's sequence of photographs we have concluded that Hugh Gilmour was shot after Michael Kelly. As discussed above,¹ Robert White took two photographs of Michael Kelly lying on the ground after he had been shot. We do not know how long Michael Kelly had been lying there when these photographs were taken, though it appears (for example, from Fr O'Keeffe's account quoted above²) that soon after he was shot he was carried to the south end of the eastern block of Glenfada Park North, and so it could not have been very long. Robert White's next photograph was of Hugh Gilmour running. The evidence discussed above³ shows that Hugh Gilmour started running more or less immediately he had been hit and thus only a short time before Robert White photographed him. Robert White was asked about the time lapse between photographing Michael Kelly and photographing Hugh Gilmour. He told us that he thought

that it would have been a very short time, even less than a minute, but he did not honestly know.⁴ In these circumstances, we consider that it is probable that only a short time elapsed between the shooting of Michael Kelly and that of Hugh Gilmour.

¹ Paragraphs 86.43–44

³ Paragraphs 86.94–143

² Paragraph 86.44

⁴ Day 137/81-82

86.150 As we have noted above,¹ Michael McCusker recorded in his Keville interview that after leaving the Rossville Flats car park after soldiers had started firing there, he went to the rubble barricade and there talked to John Young (who was shot dead a short time later), who told him that two people had been shot at the back of the flats, ie in the car park. This was before Michael McCusker, according to this account, ran to the southern end of Block 1 of the Rossville Flats and found a young man (in our view clearly Hugh Gilmour) lying there.

¹ Paragraphs 86.126–127

86.151 This evidence leads us to conclude firstly, that Hugh Gilmour was hit before John Young and secondly, that the shooting in Sector 2 had started before John Young was hit. Michael McCusker told this Inquiry¹ that John Young told him when they met at the rubble barricade, not only that two people had been shot in the car park but also that one of them (Michael Bradley) had been taken (as indeed was the case) to a house in Joseph Place. In his written evidence to this Inquiry,² Sean McCallion told us that after two people had been shot in the area of the car park of the Rossville Flats he came out through Block 1 into Rossville Street, where there were still rioters at the rubble barricade and no shooting was taking place. In our view this evidence makes it probable that people had been shot in Sector 2 before either Michael Kelly or Hugh Gilmour had been shot in Sector 3.

¹ AM160.2

² AM492.1-AM492.2

What Hugh Gilmour was doing when he was shot

86.152 As will have been seen from our examination of the witnesses who gave accounts of seeing Hugh Gilmour shot, there are varying accounts of what he was doing at the time. From the nature of his chest wound, he must have been more or less sideways on to the soldier who shot him. We consider that it is probable that shortly before he was shot Hugh Gilmour had been throwing stones at or towards the soldiers, and it is possible that he was about to throw another at the moment when he was shot.

86.153 Earlier in this report¹ we considered in detail the evidence of Bombardier 015, who was observing events from one of the upper windows of the Peter England shirt factory in Little James Street.

¹ [Paragraphs 85.48–67](#)

86.154 To a significant degree this evidence is consistent with that discussed above.¹ It is inconsistent with the evidence of the shooting of any of the other Sector 3 casualties. Since we are sure, for reasons given later in this report,² that there were no additional unidentified casualties in Sector 3, we are of the view that Bombardier 015 was describing the shooting of Hugh Gilmour. Later in this report,³ we reach the conclusion, for the reasons we give there, that Hugh Gilmour was shot by Private U, who was at the northern end of Block 1 of the Rossville Flats.

¹ [Paragraphs 86.88–143](#)

³ [Paragraph 89.46](#)

² [Chapter 87](#)

86.155 We are sure that at no stage was Hugh Gilmour armed with any form of lethal weapon. Many of the witnesses to whom we have referred above expressly said so; and there is no evidence that to our minds suggests the contrary. We note that it was implicitly suggested by the representatives of the majority of represented soldiers that PIRA 14, PIRA 26 and the late Colm Keenan – who at the time of Bloody Sunday were members of the Provisional IRA and who, on the accounts of the two who remain alive, were close to Hugh Gilmour when he was shot – may themselves have been armed.¹ PIRA 14 and PIRA 26 denied that this was the case² and we have nothing that suggests to us that their evidence on this point should be rejected. If the suggestion is that Hugh Gilmour was shot by accident by a soldier legitimately aiming at one of these individuals, we reject it, because to our minds it is unlikely in the extreme that anyone would have been so foolish as to produce a weapon in full view of a number of soldiers not far away.

¹ [FS7.1691](#)

² [APIRA14.4](#); [Day 421/83](#); [APIRA26.4](#); [Day 425/59-60](#)

Where Hugh Gilmour was taken after he was shot

86.156 Hugh Gilmour lay at the corner of the south end of Block 1 of the Rossville Flats until he was carried to the first ambulance that arrived in Rossville Street, and then taken in that ambulance to Altnagelvin Hospital, as we describe later in this report.¹

¹ [Paragraphs 124.5–6](#)

Michael McDaid

Biographical details

86.157 Michael McDaid was 20 years old at the time of Bloody Sunday. He was the second youngest member of his family and lived with his parents in Tyrconnell Street. He worked as a barman at the Celtic Bar in Stanley's Walk.¹

¹ [AB60.1](#); [AG5.4](#); [AM162.1](#); [ED40.6](#)

Prior movements

86.158 Michael McDaid's brother Kevin told us in his written statement to this Inquiry¹ that they both had lunch at home in Tyrconnell Street. After lunch, they both went on the march, but separately.

¹ [AM167.1](#)

86.159 William Leo Carlin told us in his written statement to this Inquiry¹ that he went on the march with Michael McDaid. It appears that they reached lower William Street together, but when the crowd began to run away from Barrier 14, William Leo Carlin ran down Chamberlain Street and lost contact with Michael McDaid.

¹ [AC40.1](#)

86.160 Donal Moran, having recorded in his written statement to this Inquiry¹ that he went on the march with Michael McDaid, corrected this in his oral evidence to this Inquiry² to say only that he met Michael McDaid somewhere in William Street.

¹ [AM421.1](#)

² [Day 153/50](#)

86.161 A photograph taken by Constable Robert S Simpson and two photographs taken by Constable A Brown of the RUC, all of which we reproduce below, show Michael McDaid at the front of the crowd at Barrier 14. In the first photograph he is shown linking hands with others to contain the crowd.



Michael McDaid



Michael McDaid



Michael McDaid

- 86.162** The following photograph taken by an unknown photographer, which was obtained by the Inquiry from the *Sunday Times*, shows Michael McDaid on the waste ground south of Sackville Street, near Barrier 13, next to men who were using sheets of corrugated metal as shields. He has his back to the camera. It is not clear exactly what he was doing when this photograph was taken.



Michael McDaid

86.163 None of these photographs shows Michael McDaid with a stone in his hand. However, the representatives of the family of Michael McDaid have accepted that he “*may ... have been throwing stones at soldiers at the Barrier [14]*”.¹ We are unable to determine whether or not he was doing so.

¹ [FS1.1511](#); [FS1.1514](#)

86.164 A man who appears to be Michael McDaid is shown in RTÉ footage¹ standing in front of Barrier 14 during the rioting, apparently with a stick or metal bar in his hand.

¹ [Vid 25 00.08](#)

86.165 Michael McDaid can be seen in profile on the right in Liam Mailey’s photograph of soldiers and Army vehicles soon after their arrival in Rossville Street, which we reproduce below, and is shown in Liam Mailey’s next photograph, also reproduced below, standing and facing the soldiers. These photographs show that at this stage Michael McDaid was to the north of the rubble barricade. As we have discussed earlier in this report,¹ these photographs were taken before Private 017 had begun firing baton rounds on the western side of Rossville Street.

¹ [Paragraphs 69.51–58](#)

Michael McDaid



86.166 We have shown above¹ the two photographs that Robert White took of Michael Kelly lying behind the rubble barricade. The second of these, which we reproduce below, shows Michael McDaid walking south through the rubble barricade. We do not know what he had been doing immediately before this photograph was taken.

¹ [Paragraph 86.43](#)



Medical and scientific evidence

Wound pathology and ballistics

86.167 Dr John Press, then the Assistant State Pathologist for Northern Ireland, conducted an autopsy of the body of Michael McDaid on 31st January 1972 at Altnagelvin Hospital.¹ Two RUC photographers were also present.² Dr Shepherd and Mr O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Press, Dr Shepherd and Mr O'Callaghan all gave written and oral evidence to this Inquiry. Dr Press also appeared before the Widgery Inquiry.

¹ WT8.56; D509

² D88

86.168 In his autopsy report,¹ Dr Press described the following two gunshot wounds:

- (i) An oval entrance wound, measuring 8mm x 5mm, on the left cheek, centred 5cm in front of, and 1cm below, the outer opening of the ear, and 61in above the soles of the feet. The upper margin shelved outwards and was bordered by an arc of abrasion up to 5mm broad. The lower margin was undermined. There were two superficial lacerations at the lower border, each about 3mm long. A probe inserted into the wound extended

downwards at about 45° to the horizontal plane, with an inclination backwards of about 30° and a deviation of about 25° to the right.

(ii) A roughly oval exit wound, measuring 3cm x 1.5cm, on the right side of the back, centred 29cm above the level of the iliac crest and 19cm to the right of the midline, and 52in above the soles of the feet. The long axis of the wound was horizontal. The upper margin was undermined while the lower margin shelved outwards. The margins were somewhat ragged and the wound was bordered by a zone of patchy bruising, up to 3cm wide.

¹ D88

86.169 The internal injuries found by Dr Press are described in his report¹ and summarised in his conclusions about the fatal injury, which are as follows:²

“Death was due to a gunshot wound of the neck and chest. A bullet had entered the left cheek about two inches in front of the outer opening of the ear, fracturing the left side of the lower jaw. It had then passed through the mouth, the spine in the neck, fracturing the three lower neck vertebrae and severing the spinal cord, before entering the right chest cavity, fracturing the first two ribs. It had then traversed the upper part of the right lung before leaving the body through the back of the right side of the chest. The injury to the spinal cord would have caused his rapid death.

The injuries were of a type caused by a bullet of high velocity. There was nothing to indicate that the weapon had been fired at close range.

The track of the bullet through the body was downwards and backwards at an angle of about 45° to the horizontal plane and a slight deviation to the right.

If he were erect at the time he was shot then the bullet must have come from above, to his left and slightly in front of him.”

¹ D90

² D92

86.170 In his oral evidence to the Widgery Inquiry,¹ in his written statement to this Inquiry,² and in his oral evidence to this Inquiry,³ Dr Press confirmed the conclusions set out in his autopsy report. He said⁴ that there was a margin of error of at least 5° either way in the estimation of the angle at which the bullet passed through the body.

¹ WT8.56-WT8.57

³ Day 205/160-161

² D509

⁴ Day 205/193-194

- 86.171** In their report, Dr Shepherd and Mr O'Callaghan reached conclusions which they summarised as follows:¹

"Michael McDaid was struck by one bullet which hit his left cheek and penetrated through his neck and right chest before exiting at the back.

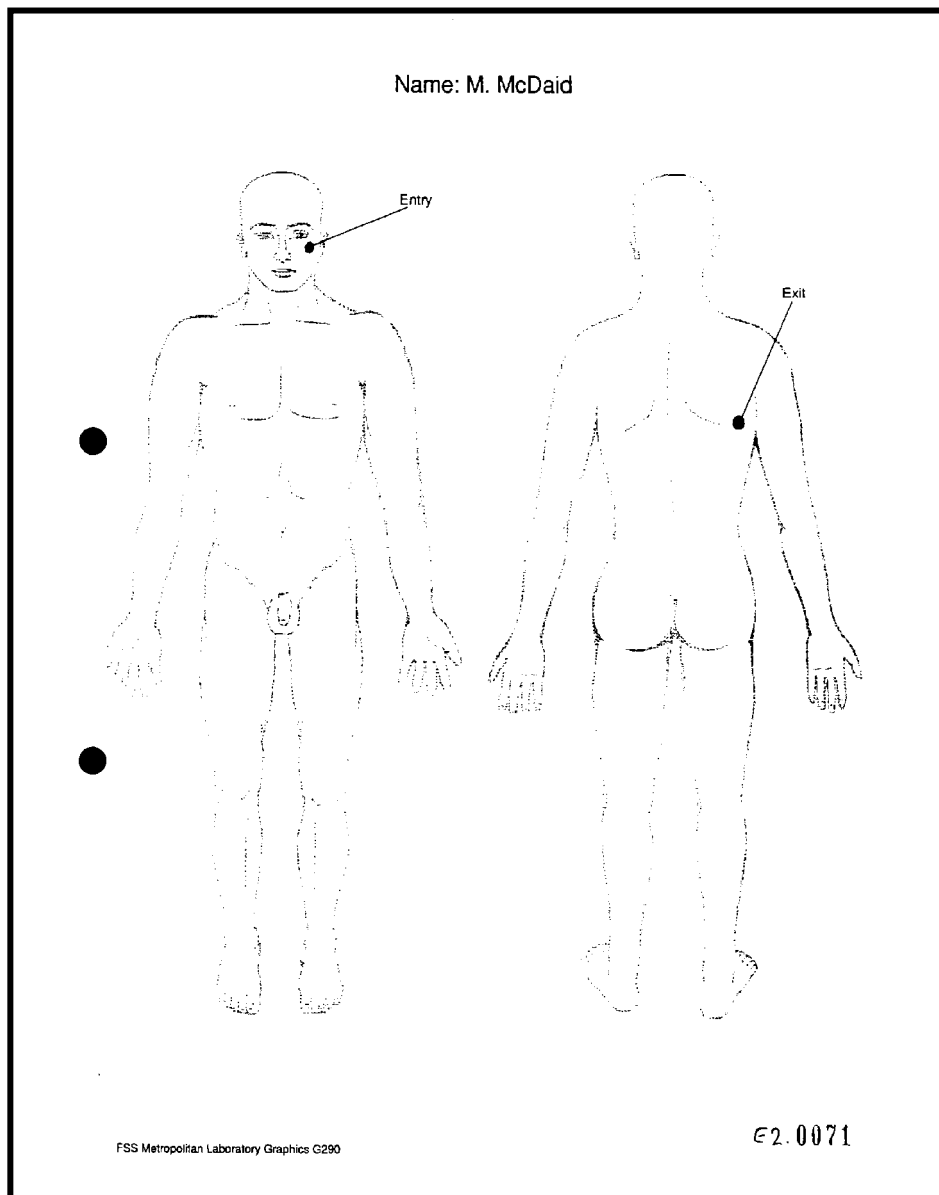
Assuming the Normal Anatomical Position the track has passed downwards, backwards and from left to right.

It is likely that Michael McDaid's head was turned to the left at the time he was shot since this orientation gives the most direct track of the bullet through the body."

¹ [E2.25](#)

- 86.172** The photographs of Michael McDaid's body taken in the mortuary show the wounds described by Dr Press. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O'Callaghan¹ illustrates the position of the wounds.

¹ [E2.71](#)



86.173 Dr Shepherd and Mr O'Callaghan were invited to consider the theory that the angles at which Michael McDaid, William Nash and John Young were hit by bullets indicated that these three casualties had been shot from the City Walls. The essence of their conclusions was that it was impossible from consideration of the pathology of the wounds and of measurements of the locality taken by the Northern Ireland Ordnance Survey to say either that it was more or that it was less likely that the fatal shots were fired from the City Walls than that they were fired from Rossville Street. They stated in their report:¹

“Whether the shots were fired downwards from the walls or horizontally at ground level from the Kells Walk direction the deceased would have been bending forward for the shots to have caused the tracks that were found.

If facing towards the walls the deceased would have to have bent forwards at an angle of approximately 40° to align the track through the body with the angle from the ground by Glenfada Park to the walls.

If facing towards a gun at ground level the deceased would have to have bent forwards at an angle of approximately 45° to align the track through the body with a horizontal trajectory.

The difference in angle of shot is therefore only 5°, well within the possible error of measurement.

Consequently, our opinion is that the shots which killed WILLIAM NASH, JOHN YOUNG and MICHAEL McDAID could have been fired from either the street or from the City Walls.

However, it is clear from the injuries that all three men were facing in the general direction from which the shots came. It follows that if the shots originated from the City Walls the deceased would have to have had their backs towards Kells Walk at the time they were shot. Conversely if the shots originated from the Kells Walk side of the barricade they would have to have been facing in that direction. Witness testimony and not pathology or ballistics is therefore the key to resolving this matter.”

¹ [E2.65-66](#)

86.174 Later in this report¹ we consider whether there was shooting from the City Walls.

¹ [Chapter 167](#)

86.175 Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of Michael McDaid under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.¹ In his report dated 21st February 1972,² Dr Martin set out this finding:

“A hole approx 1" x 1" in the right back of the jacket with corresponding damage to the undergarments is consistent with bullet exit.”

¹ [D82-D83](#); [D741.60](#); [Day 225/62-63](#)

² [D79](#)

86.176 Dr Shepherd and Mr O'Callaghan also examined the jacket of Michael McDaid, which had been retained by his family. Photographs were taken of the clothing.¹ In their report,² Dr Shepherd and Mr O'Callaghan said:

"As can be seen in the photographs of Michael McDaid's jacket, there was a bullet exit hole just to the rear of the seam behind the right armpit. The right side seam was split and there was heavy bloodstaining in the area of the lower left back of the jacket as well as smaller patches elsewhere.

The position of the exit hole in the jacket is consistent with the position of the exit wound in the deceased's back."

¹ F1.1-6; F1.8-9

² E2.25

Tests for firearm discharge and explosives residue

86.177 Dr Martin tested the jacket that Michael McDaid was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Dr Martin detected what he considered to be a "*higher than normal*" density of lead particles on the jacket. He also detected a "*large particle of lead*" on the swab from the back of the right hand, but no lead particles on the other hand swabs. He stated in his report the conclusion that the nature and distribution of lead particles on the swabs and jacket was similar to that produced by discharge gases from firearms.¹ Dr Martin also detected lead particles on Michael McDaid's trousers, at levels "*within the same range*" as those found on the jacket, but he did not comment on these in his report as he only examined the trousers at a later stage.²

¹ D79

² D81; D605-D606; WT9.36

86.178 In his written statement for the Widgery Inquiry¹ and in his oral evidence to the Widgery Inquiry,² John Bradley said that he had employed Michael McDaid and knew that he was left-handed.

¹ AB60.1

² WT7.82

86.179 In his oral evidence to the Widgery Inquiry,¹ Dr Martin said that the results of his tests for lead particles were consistent with Michael McDaid having been handling a firearm. He said that the knowledge that Michael McDaid was left-handed would not make any essential difference to this conclusion, although the absence of lead on his left hand would have been unusual if Michael McDaid had been firing with that hand and if the hand had been uncovered. Dr Martin said that it was possible that the particle on the right hand had come from a fragmenting bullet,² and that a higher than normal density of lead

particles on the jacket would have been expected if Michael McDaid had been lying in an area where guns were being discharged or bullets were ricocheting.³ Dr Martin acknowledged that the particle on the right hand and the general distribution of particles on the jacket and trousers were consistent with contamination from the firing of a weapon up to 30 feet away.⁴

¹ WT9.12

³ WT9.30

² WT9.19-WT9.20

⁴ WT9.35-WT9.36

86.180 Dr John Lloyd, the independent scientific expert engaged by this Inquiry, summarised in his report¹ his overall conclusions about the tests for lead particles conducted by Dr Martin. He considered that, in view of the lack of control testing and the likelihood of spurious contamination, Dr Martin's results were of no evidential value.

¹ E1.51-E1.52

86.181 In his oral evidence to this Inquiry,¹ Dr Martin accepted that unless there was evidence from other sources to indicate an association between any of the deceased and a weapon, it would be unwise to interpret his findings "*as other than contamination*".

¹ Day 226/2

86.182 In relation to Michael McDaid, Dr Lloyd said in his report¹ that the APC in which the body was transported to Altnagelvin Hospital was likely to have been heavily and continuously contaminated with firearms residue. He said that the results obtained by Dr Martin in this case were "*explicable solely on this basis*". In his oral evidence to this Inquiry,² Dr Lloyd confirmed that he meant that this could by itself explain the contamination, rather than that it was the only possible explanation.

¹ E1.44-E1.45

² Day 227/44-46

86.183 Dr Martin said in his oral evidence to this Inquiry¹ that he agreed with Dr Lloyd's views on this matter.

¹ Day 226/97-98

86.184 Dr Lloyd said in his report¹ that the particle found on the right hand could well have been derived from contamination of the clothing, and was not evidence that Michael McDaid or anyone close to him had been using a firearm. Dr Martin was prepared to accept that this was so.²

¹ E1.44

² Day 226/96-97

86.185 Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Michael McDaid for explosives residue. None was detected.¹

¹ [D75](#)

86.186 In these circumstances we consider that there is no valid scientific evidence that Michael McDaid had been handling firearms or had been close to someone who was handling a firearm, or that he had been in contact with explosives.

Michael McDaid's clothing

86.187 Michael McDaid was wearing a green checked sports jacket, a blue shirt, blue and orange tie and grey trousers.¹

¹ [D73](#)

Where Michael McDaid was when he was shot

86.188 Michael McDaid was shot dead at or very close to the rubble barricade. In his oral evidence to the Widgery Inquiry, Alexander Nash, who was himself later wounded at the rubble barricade, said that he went out to his son William, who was lying dead "*Just in the middle of the wee barricade*". He said that his son was lying between two other bodies, which he confirmed were those of Michael McDaid and John Young.¹

¹ [WT8.2-7](#)

86.189 Part of the ABC film footage shows a man raising his arm behind the rubble barricade.¹ We are sure that this is Alexander Nash and that he was close to where his son was lying. We show below a still from this film.

¹ [Vid 48 10.49](#)



86.190 We have no photographs or film that show the bodies of Michael McDaid, William Nash and John Young at the rubble barricade. However, from the foregoing evidence we are satisfied that they were shot somewhere close behind the western side of the rubble barricade. As will be seen, there is other evidence that supports this conclusion.

When Michael McDaid was shot

86.191 Michael McDaid must have been shot after Michael Kelly, since in Robert White's photograph shown above¹ he can be seen walking through the rubble barricade at the stage when Michael Kelly was lying on the ground. He was also, in our view, shot after Hugh Gilmour, since, as discussed above,² Michael McCusker recalled speaking to John Young just before going to the south end of Block 1 of the Rossville Flats where he saw Hugh Gilmour lying on the ground. For reasons we give below,³ we have concluded that Michael McDaid, William Nash and John Young were all shot within a very short space of time.

¹ [Paragraph 86.166](#)

³ [Paragraphs 86.287–364](#)

² [Paragraphs 86.126–129](#) and [86.150–151](#)

What Michael McDaid was doing when he was shot

86.192 The evidence of what Michael McDaid was doing when he was shot is confused and inconsistent. We return to consider this matter¹ after discussing the shooting of William Nash and John Young.

¹ [Paragraphs 86.287–364](#)

Whether Michael McDaid (and William Nash and John Young) were shot from the City Walls

86.193 It is convenient at this point to deal with the theory, canvassed at the outset of this Inquiry but not in the end pursued by any of the interested parties, that Michael McDaid, as well as William Nash and John Young, were shot from the City Walls. As already noted, we consider later in this report¹ whether there was firing from the City Walls.

¹ [Chapter 167](#)

86.194 This theory, which was based on the tracks of the bullets that passed through the bodies of the three casualties, was put forward before this Inquiry was established, by Robert Breglio, a ballistics expert from New York City, and Dr Raymond McClean, a local general practitioner who had attended some of the casualties in the Bogside on Bloody Sunday and had also attended many of the autopsies. Mr Hugh Thomas, a consultant surgeon from Merthyr Tydfil, also supported the theory that these three casualties were shot from above. He told Alex Thomson of Channel 4 News in 1997 that the “*shot could only have come from a higher level*”¹ and in his written statement to this Inquiry said: “*... in my opinion the chances of the three men shot at the barricade stooping to the same angle, being shot in exactly the same pattern ... from in front, and especially from ground level must be minute*”.²

¹ [X1.6.9](#)

² [M90.4](#)

86.195 As we have already noted, the suggestion was considered by Dr Shepherd and Mr O’Callaghan,¹ whose conclusion was that it was impossible from consideration of the pathology of the wounds and of the measurements of the locality taken by the Northern Ireland Ordnance Survey to say either that it was more or that it was less likely that the three fatal shots were fired from the City Walls than that they were fired from Rossville Street. We accept this conclusion.

¹ [E2.0065](#)

- 86.196 It is clear from the injuries they sustained that all three men were facing in the general direction from which the shots were fired.
- 86.197 As will be seen,¹ while there is some disagreement among the civilian witnesses as to the direction in which Michael McDaid, William Nash and John Young were facing immediately before, and when, they were shot, it is our conclusion that the weight of the evidence shows that the three were facing north towards the soldiers in Rossville Street. As will have been seen,² several photographs taken on Bloody Sunday show civilians at the barricade, in the main, facing the soldiers in Rossville Street or fleeing west towards Glenfada Park North. No soldier has acknowledged firing from the City Walls towards the rubble barricade. We consider it unlikely in the extreme that all three of these casualties would have been facing south, when there were soldiers north of them in the Rossville Street area. For these reasons, we are sure that Michael McDaid, William Nash and John Young were shot from the area of Rossville Street north of the rubble barricade when they were more or less facing the soldiers who were in that area.

¹ Paragraphs 86.287–364

² Paragraphs 68.32 and 86.52

Whether Michael McDaid was arrested and put into an Army vehicle from which he escaped

- 86.198 It is also convenient to consider at this point the evidence that some witnesses gave to the effect that Michael McDaid had been arrested and put into the back of an Army vehicle from which he had escaped before he was shot.
- 86.199 This evidence is irreconcilable with the bulk of the civilian and photographic evidence. John Begley, who made the claim in two statements in 1972,¹ told us in his written statement to this Inquiry that he was inebriated when he made those statements and now has no recollection of the day.² Ciaran Donnelly, who described the arrest of a youth in his written statement for the Widgery Inquiry and said that he thought that he had been told at some stage that the youth's name was McDaid,³ acknowledged in his oral evidence to this Inquiry that what he witnessed had looked "*extremely like*" the scene shown in Jeffrey Morris's photographs of the arrest of William John Dillon,⁴ which we have reproduced above in our consideration of the events of Sector 2.⁵ At one stage in his oral evidence to this Inquiry, Frankie Boyle said that Michael McDaid was arrested by three soldiers and placed in an APC south of the barricade,⁶ though elsewhere in his evidence he told us that the APC was "*On the waste ground facing Rossville Flats.*"⁷ He said that CS gas was fired into the APC before Michael McDaid escaped, only to be shot, apparently in the back, within 20 yards of the APC.⁸ However, no APC moved south of

the rubble barricade until, as we explain later in this report,⁹ Lieutenant N's APC was driven forward to collect three bodies from the barricade, including that of Michael McDaid, who had not been shot in the back. The photograph we have shown above¹⁰ of Michael McDaid walking through the rubble barricade, appearing composed and neatly dressed, hardly depicts a person who has just escaped from arrest after being exposed to CS gas. We believe that these witnesses and others who described the purported arrest of Michael McDaid were mistaken. In our view they had either confused Michael McDaid with someone whom they had seen being arrested, or had come to believe that they had seen something which we are sure that they did not.

¹ [AB30.1](#); [AB30.2](#)

² [AB30.5](#)

³ [M22.2](#)

⁴ [Day 71/25](#)

⁵ [Chapter 33](#)

⁶ [Day 122/59-60](#)

⁷ [Day 122/58](#)

⁸ [AB48.3](#)

⁹ [Paragraphs 122.1–128](#)

¹⁰ [Paragraph 86.166](#)

Where Michael McDaid was taken after he was shot

86.200 Michael McDaid lay at the rubble barricade until he was picked up by soldiers and put into an APC, together with William Nash and John Young. These three casualties were then taken in the APC to Altnagelvin Hospital. We deal in detail below¹ with the circumstances in which the bodies were collected and with the manner in which they were handled.

¹ [Chapter 122](#)

William Nash

Biographical details

86.201 William Nash, sometimes known as “Stiff” Nash, was 19 years old at the time of Bloody Sunday. He lived in Dunree Gardens, Creggan, with his parents, four of his seven brothers, and his five sisters. One of his brothers had been married on the day before Bloody Sunday and the celebrations had continued late into the night. Their mother had missed the wedding, as she had suffered a heart attack a few days earlier and was recovering in Altnagelvin Hospital. William Nash was employed as a docker.¹

¹ [AL34.1](#); [AN2.1-AN2.2](#); [AN6.1](#); [AN7.1](#); [Day 149/59-62](#)

Prior movements

86.202 William Nash's cousin Charles Christopher Nash told us in his written statement to this Inquiry¹ that they went on the march together and became separated somewhere near Barrier 14.

¹ [AN3.1](#)

86.203 According to a *Sunday Times* research note, William Nash went on the march with his friends Pat Ward and Tommy Hazlett. His brother Paddy Nash said in his oral evidence to this Inquiry¹ that a journalist from the *Sunday Times* Insight Team had interviewed his mother. We therefore consider it probable that Mrs Nash was the source of this piece of information. Paddy Nash confirmed that it was likely that his brother had been on the march with Pat Ward but said that he did not recall Tommy Hazlett.² Another brother, John Nash, said in his interview with Jimmy McGovern³ that he thought that his brother had gone on the march with Pat Ward but not with Tommy Hazlett, who had been ill. Neither Pat Ward nor Tommy Hazlett gave evidence.

¹ [Day 149/63-64](#)

³ [AN6.16](#)

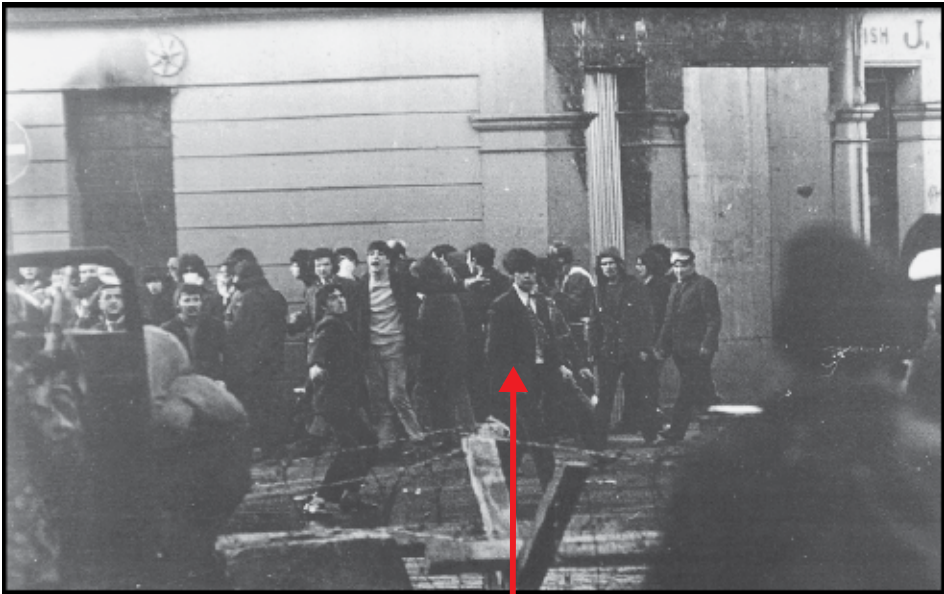
² [Day 149/69](#)

86.204 Three photographs taken by Constable A Brown of the RUC, a photograph taken by Frederick Hoare of the *Belfast Telegraph* and a photograph taken by John Walters of the *Daily Mail* show William Nash in front of Barrier 14 while rioting was in progress. Counsel for the Nash family accepted that in the fourth of these photographs he is "throwing something",¹ though to us it looks as though the photograph was taken just after he had thrown something.

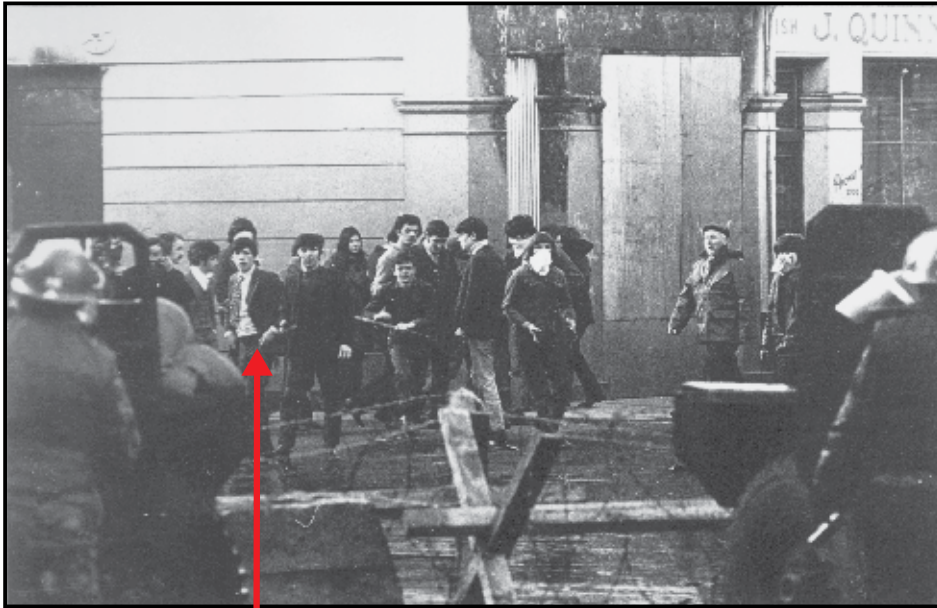
¹ [Day 50/133](#)



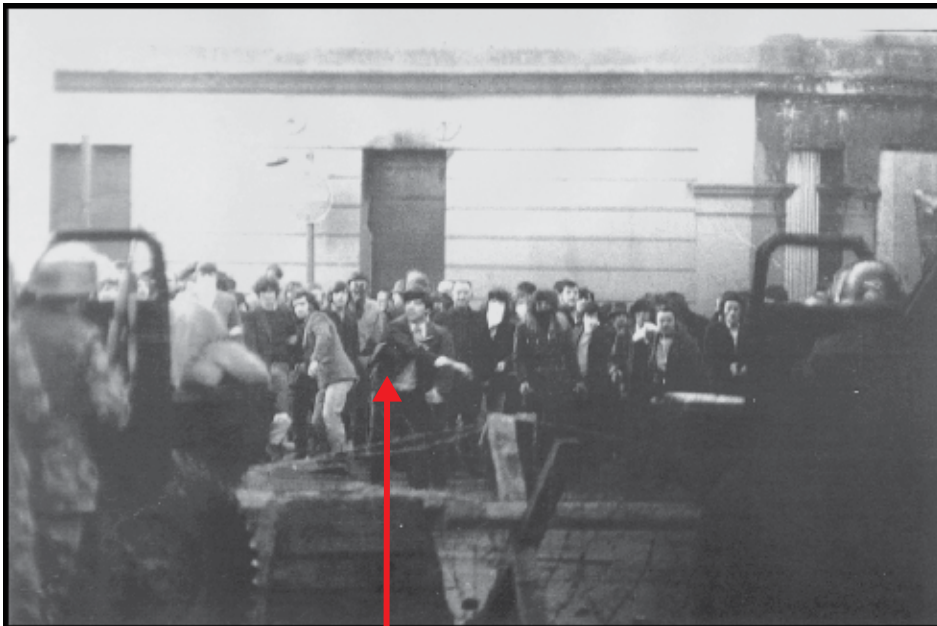
William Nash



William Nash



William Nash



William Nash



William Nash

86.205 In his oral evidence to this Inquiry, John Nash identified his brother William as the man standing with his back to the south wall of the eastern block of Glenfada Park North in the following photograph taken by Ciaran Donnelly.¹

¹ Day 97/89

Man identified as William Nash



86.206 With rather less confidence, John Nash identified his brother at the corner of the south end of the eastern block of Glenfada Park North in an earlier photograph, also taken by Ciaran Donnelly.¹

¹ [Day 97/90-91; AN6.6](#)



86.207 It is difficult (as John Nash himself acknowledged) to be sure of the identification of his brother in the earlier photograph,¹ which shows the group behind the rubble barricade. Nor are we convinced that William Nash appears in the later photograph (the first of the two reproduced above²), which, as we explain later in this report,³ shows the group carrying the body of Michael Kelly, which had been lying near the south end of the eastern block of Glenfada Park North, where Fr Bradley had given Michael Kelly the last rites. Our reasons for not accepting this identification are as follows.

¹ [Paragraph 86.206](#)

³ [Paragraph 92.4](#)

² [Paragraph 86.205](#)

86.208 The scene shortly before this photograph was taken, when Fr Bradley and others were around the body of Michael Kelly at the south-eastern corner of Glenfada Park North, is shown in two photographs taken by Liam Mailey.



Helen
Johnston

Barry
Liddy

86.209 The next photograph that Liam Mailey took was the following.



86.210 An examination of the different positions of people seen in this photograph as compared with the immediately preceding photograph¹ shows that these two photographs were taken within a very short time of each other. When the first was taken, Michael Kelly's body was still on the ground. Barry Liddy is shown in that photograph kneeling on the right of the group around Michael Kelly, wearing a hat. A tall lady in a trouser suit (Helen Johnston²) is behind him, looking towards Rossville Street. The second man to the right of Helen Johnston is a tall man wearing a tie. In the next photograph³ the body of Michael Kelly has been lifted but not moved very far. Fr Bradley and Helen Johnston have moved towards the south wall of the eastern block of Glenfada Park North. Barry Liddy has stood up and the tall man has moved slightly to the north. In the photograph taken by Ciaran Donnelly,⁴ which is said to show William Nash, the body of Michael Kelly has been carried further to the north. A significantly larger group has gathered at the south wall and the tall man appears to have moved to the western corner of the wall and turned round in order to look at the body. This can only have happened after Liam Mailey had taken the photograph showing Fr Bradley walking in the direction of Rossville Street.⁵

¹ [Paragraph 86.208](#)

² [AJ11.5](#)

³ [Paragraph 86.209](#)

⁴ [Paragraph 86.205](#)

⁵ [Paragraph 86.209](#)

86.211 Fr Bradley told us that he thought that this photograph¹ showed him "*walking towards the gable end having been told that someone had been shot at the barricade*".² As we discuss further when considering the events of Sector 4,³ Fr Bradley said that he was

about to accompany those who had lifted Michael Kelly when his attention was drawn to three or four other people lying at the rubble barricade and he made his way in that direction and found that they had been shot. He recalled that during this period he could hear shooting, and he had the strong impression that this was coming from the northern end of Rossville Street.⁴

¹ Paragraph 86.209

³ Paragraph 92.3

² Day 140/117

⁴ H1.30; WT4.36; H1.8-10; Day 140/115-122

86.212 Fr O’Keeffe, who was also there, thought that he had seen bodies at the rubble barricade by the time this photograph was taken.¹

¹ Day 127/108

86.213 The only casualties of gunfire who could have been lying at the rubble barricade at this stage were William Nash, Michael McDaid and John Young. In these circumstances we are of the view that the identification of William Nash in Ciaran Donnelly’s photograph¹ of the group carrying Michael Kelly is mistaken.

¹ Paragraph 86.205

Medical and scientific evidence

Wound pathology and ballistics

86.214 Dr John Press, then the Assistant State Pathologist for Northern Ireland, conducted an autopsy of the body of William Nash on 31st January 1972 at Altnagelvin Hospital.¹ Three other doctors and two RUC photographers were also present.² Dr Shepherd and Mr O’Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Press, Dr Shepherd and Mr O’Callaghan all gave written and oral evidence to this Inquiry. Dr Press also appeared before the Widgery Inquiry.

¹ WT8.56; D509

² D118

86.215 In his autopsy report,¹ Dr Press described the following two gunshot wounds:

(i) A round entrance wound, 7mm in diameter, on the right side of the body, centred 4cm above, and 6.5cm medial to, the nipple, and 53in above the soles of the feet. The wound was bordered by a zone of abrasion, 1–2mm broad. A probe inserted into the wound passed downwards at 45° to the horizontal plane, with an inclination backwards of about 40° and no deviation to the left or right.

(ii) A roughly oval exit wound, measuring 17mm x 7mm, on the right side of the back, centred 4.5cm above the iliac crest and 4.5cm to the right of the midline, about midway between the iliac crest and the 12th right rib, and 42in above the soles of the feet. The long axis of the wound was directed downwards and to the left. The margins were slightly ragged. There was an arc of abrasion up to 4mm broad along the lower margin of the wound.

¹ D118

86.216 The internal injuries found by Dr Press are described in his report¹ and summarised in his conclusions about the fatal injury, which are as follows:²

“Death was due to a gunshot wound of the chest. A bullet had entered the right side of the chest about 1½ inches above and about 2½ inches to the left of the nipple. It had grazed the upper border of the fourth right rib as it entered the right chest cavity. It had then passed through the front margin of the upper part of the right lung, through the right atrium of the heart, the heart sac before entering the abdominal cavity through the diaphragm, lacerating the inferior vena cava, the largest vein in the body, as it did so. It had then lacerated the liver, the right suprarenal gland and the right kidney before leaving the body through the right side of the back wall of the abdomen. The combined effect of these injuries would have caused his rapid death.

The injuries were of a type caused by a bullet of high velocity. There was nothing to indicate that the weapon had been fired at close range.

The track of the bullet through the body was from front to back with an inclination downwards of 45° to the horizontal plane but no deviation to right or left.

If he were erect at the time he was shot then the bullet must have come from in front and slightly above him.”

¹ D120-D121

² D123

86.217 Dr Press also described a number of minor external injuries.¹ His findings about these injuries were as follows:²

“Abrasions on the forehead, neck, right knee and right shin were probably caused when he collapsed. They were of trivial nature and played no part in the death.”

¹ D119-D120

² D123

86.218 A test on a sample of William Nash's blood showed that the alcohol content was 121mg/100ml.¹ Dr Press commented in his autopsy report that this concentration was not high and would not have accelerated death.²

¹ [D108; D116-D117; D121-D122](#)

² [D123](#)

86.219 In his oral evidence to the Widgery Inquiry,¹ Dr Press confirmed the conclusions set out in his autopsy report, except that he said that his description of the direction from which the bullet must have come would have been more accurate if "*downwards*" had been substituted for "*slightly above him*".

¹ [WT8.59-WT8.61](#)

86.220 In his written statement to this Inquiry,¹ Dr Press referred to the description in his autopsy report of an arc of abrasion around the wound on the right side of the back. He said:

"Although it is not unusual to get an abrasion at an exit wound site, abrasion of the wound is normally associated with an entrance wound. I have been asked therefore to consider whether it is possible that the wound in the right side of the back was an entry wound. I think this is very unlikely in the circumstances. The reason for this is that the wound on the right chest has the typical appearance of an entrance wound and the most likely explanation is that a single bullet entered from the front and exited the right back. The wound on the back also has all the characteristics of an exit wound. It is larger than the wound on the chest and is less regular in outline being roughly oval. I do not believe the arc of abrasion on the lower margin of the wound is significant in the circumstances."

¹ [D512-D513](#)

86.221 In his oral evidence to this Inquiry,¹ Dr Press agreed with a suggestion that the abrasions on the neck of William Nash could have been caused when the body was "*manhandled*" after death. He said that there was a margin of error of at least 5° either way in the estimation of the angle at which the bullet passed through the body.²

¹ [Day 205/183-186](#)

² [Day 205/193-194](#)

86.222 In their report,¹ Dr Shepherd and Mr O'Callaghan observed that the mortuary photographs revealed more extensive abrasion around the exit wound than Dr Press had described in his autopsy report. They noted that the abrasion appeared to occupy the

whole circumference of the wound and to be more prominent at the upper right border. Splits, both deep and superficial, could be seen within the ring of abrasion. They summarised their overall conclusions as follows:

“A single bullet in the right chest struck WILLIAM NASH. Assuming the Normal Anatomical Position the angle of impact is front to back and from above downwards.

The appearance of the exit abrasion strongly suggests a shored wound, possibly due to clothing pulled tight against the skin.

The appearances of the ‘other injuries’ are consistent with minor blunt trauma.

The injuries to the shins are typical of ‘running into’ or ‘tripping over’ blunt objects.

The injuries to the head are also minor and are due to contact with a blunt object or objects. They are consistent with a fall or collapse to the ground.

There is nothing in the appearances, patterns or distribution of these injuries alone or together that would indicate that they were deliberately inflicted.”

¹ [E2.27](#)

86.223 In his oral evidence to this Inquiry,¹ Dr Shepherd said that clothing would only have caused shoring of the exit wound if it had been pulled tightly across the back for some reason. It would not have been enough that the clothing was tight-fitting. Dr Shepherd said that there were many possible reasons why clothing might have been pulled tightly across William Nash’s back. One explanation might be that he was bending when he was shot.

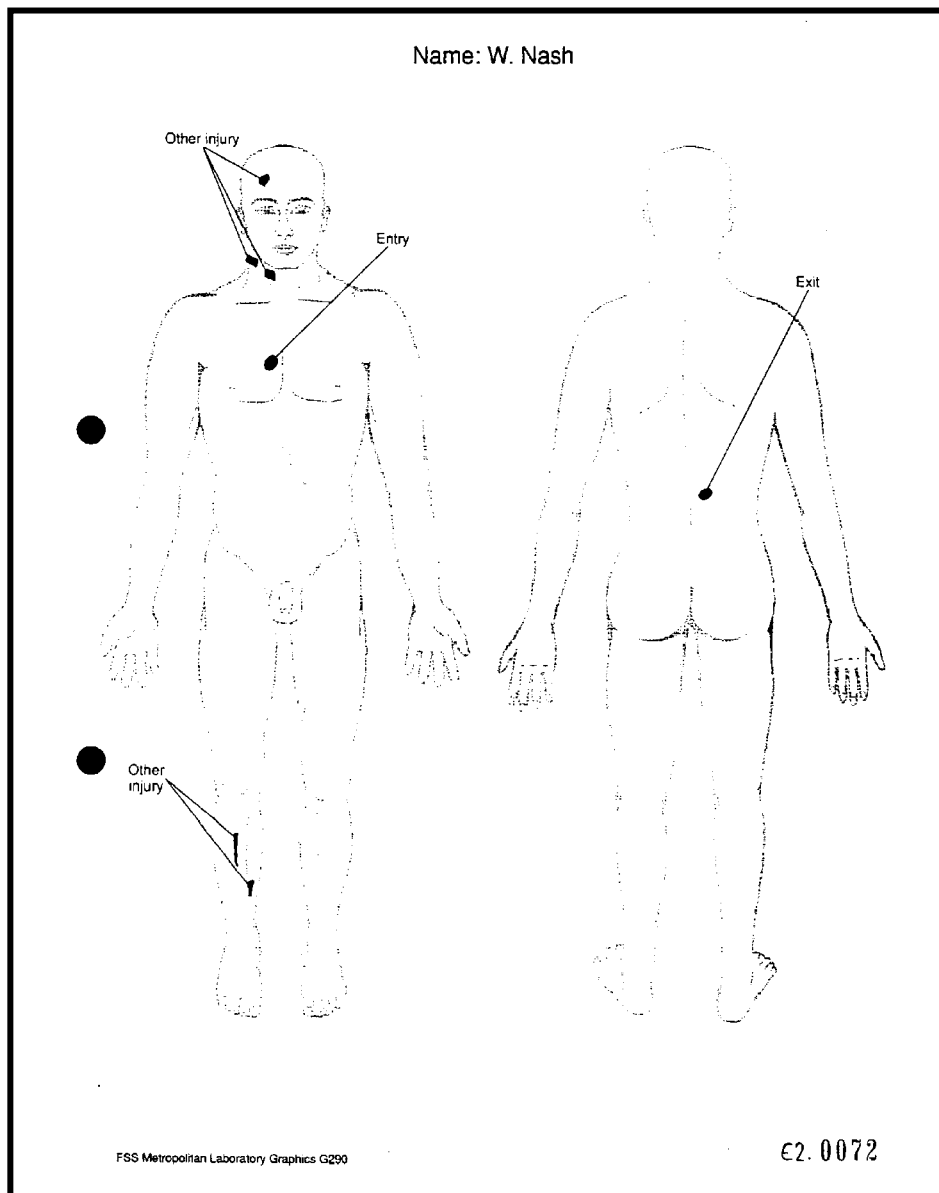
¹ [Day 229/10-12](#)

86.224 In his oral evidence to this Inquiry,¹ after reviewing the photographs, Dr Press said that he agreed with Dr Shepherd that the abrasion around the exit wound was more extensive than he had described in his report. Dr Press also agreed that shoring of the wound was the “*most likely explanation*” of the abrasion. We accept this conclusion.

¹ [Day 205/168-172](#)

86.225 The photographs of William Nash’s body taken in the mortuary show the wounds and minor external injuries described by Dr Press. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O’Callaghan¹ illustrates the position of these wounds and injuries.

¹ [E2.72](#)



86.226 In relation to William Nash, as in relation to Michael McDaid and John Young, Dr Shepherd and Mr O'Callaghan reached the conclusion that it was impossible from consideration of the pathology of the wounds and of measurements of the locality taken by the Northern Ireland Ordnance Survey to say either that it was more or that it was less likely that the fatal shot was fired from the City Walls than that it was fired from Rossville Street.¹ For the reasons that we have already given,² we have rejected the theory that any of these three casualties was shot from the City Walls.

¹ E2.65

² Paragraphs 86.193–197

- 86.227 Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of William Nash under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.¹ In his report dated 21st February 1972,² Dr Martin set out these findings:

“A small hole in the front of the waistcoat and shirt with corresponding damage to the undergarments is consistent with bullet entry. A larger hole in the back of the jacket with similar undergarment damage is consistent with bullet exit.”

¹ [D111-D113](#); [D741.60](#); [Day 225/63-64](#)

² [D108](#)

Tests for firearm discharge and explosives residue

- 86.228 Dr Martin tested the jacket that William Nash was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. He detected lead particles on the swabs from the web, back and palm of the left hand, but none on the swabs from the right hand and no significant number on the jacket. Dr Martin stated in his report the conclusion that the nature and distribution of lead particles on the swabs from the left hand was similar to that produced by exposure to discharge gases from firearms.¹ Dr Martin also detected lead particles on William Nash’s trousers² but did not comment on these in his report.

¹ [D108](#)

² [D110](#); [D605-D606](#)

- 86.229 In Eamonn McCann’s book *Bloody Sunday in Derry: What Really Happened*,¹ William Nash’s sister Margaret McGilloway is reported to have said that William Nash was left-handed and that the lead particles were found on his right hand. She may have meant to say the opposite, since the lead particles were in fact detected on the left hand; and in his written statement to this Inquiry,² her brother Paddy Nash said that William Nash was right-handed. Counsel for the Nash family accepted³ that Frederick Hoare’s photograph (reproduced above)⁴ shows William Nash “*throwing something*”. The photograph may actually have been taken just after he had thrown something, but it appears in any event that the action was performed with his right hand. In our view William Nash was right-handed.

¹ Eamonn McCann, *Bloody Sunday in Derry: What Really Happened*, Dingle: Brandon Book Publishers Ltd, 1992, pp88–89

³ [Day 50/133](#)

⁴ [Paragraph 86.204](#)

² [AN7.4](#)

- 86.230** In his oral evidence to the Widgery Inquiry,¹ Dr Martin confirmed what he had said in his report. He also said that the quantity of lead particles found on the left hand of William Nash was as he would have expected it to be if the deceased had been holding that hand forward of the breech mechanism of a weapon while using his gloved right hand to fire it.²
- ¹ [WT9.30; WT9.35](#) ² [WT9.13](#)
- 86.231** The clothing removed from the body of William Nash at the autopsy did not include a glove.¹ There is no evidence that he was wearing a glove on his right hand when he was shot.
- ¹ [D119](#)
- 86.232** Dr John Lloyd, the independent scientific expert engaged by this Inquiry, summarised in his report¹ his overall conclusions about the tests for lead particles conducted by Dr Martin. He considered that, in view of the lack of control testing and the likelihood of spurious contamination, Dr Martin's results were of no evidential value.
- ¹ [E1.51-E1.52](#)
- 86.233** In his oral evidence to this Inquiry,¹ Dr Martin accepted that unless there was evidence from other sources to indicate an association between any of the deceased and a weapon, it would be unwise to interpret his findings "*as other than contamination*".
- ¹ [Day 226/2](#)
- 86.234** In relation to William Nash, Dr Lloyd repeated in his report¹ the observation that he had made in the case of Michael McDaid,² that the APC in which the body was transported to Altnagelvin Hospital was likely to have been heavily and continuously contaminated with firearms residue. He said that the results obtained by Dr Martin were "*explicable solely on this basis*". In his oral evidence to this Inquiry,³ Dr Lloyd confirmed that he meant that this could by itself explain the contamination, rather than that it was the only possible explanation.
- ¹ [E1.48](#) ² [E1.45](#) ³ [Day 227/45-46](#)
- 86.235** Dr Martin said in his oral evidence to this Inquiry¹ that he agreed with Dr Lloyd's views on this matter.
- ¹ [Day 226/97-98](#)
- 86.236** Dr Lloyd pointed out in his report¹ that in the laboratory notes² Dr Martin had recorded that he had detected five lead particles on the jacket of William Nash and 14 on the trousers. Dr Lloyd said³ that it was the general, but not the invariable, rule that the

deposition of firearms discharge residue became weaker as the distance from the point of origin increased. Hence the results in William Nash's case could more readily be explained on the assumption that the source of the particles, or at least the majority of the particles, was other than the firing of a gun by the deceased. In his oral evidence to this Inquiry,⁴ Dr Martin accepted that this was "*fair reasoning*".

¹ [E1.48](#)

³ [E1.32-E1.33](#)

² [D110-D111](#)

⁴ [Day 226/82-85](#)

86.237 Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of William Nash for explosives residue. None was detected.¹

¹ [D105](#)

86.238 In these circumstances we consider that there is no valid scientific evidence that William Nash had been handling firearms or had been close to someone who was handling a firearm, or that he had been in contact with explosives.

William Nash's clothing

86.239 William Nash was wearing a brown corduroy jacket, brown waistcoat, yellow flowered shirt and tie, and brown trousers.¹ The jacket and trousers are described in a police report as a suit.²

¹ [D102](#)

² [D103](#)

Where William Nash was when he was shot

86.240 For the reasons we have given when discussing the shooting of Michael McDaid,¹ we are satisfied that William Nash was shot just behind the western side of the rubble barricade, close to Michael McDaid and John Young.

¹ [Paragraphs 86.188–190](#)

When William Nash was shot

86.241 For reasons given below,¹ we are sure that William Nash was shot at about the same time as Michael McDaid and John Young. It follows in our view, for the reasons we have given when discussing the shooting of Michael McDaid,² that he was shot after Michael Kelly and Hugh Gilmour.

¹ [Paragraphs 86.287–364](#)

² [Paragraph 86.191](#)

What William Nash was doing when he was shot

86.242 The evidence of what William Nash was doing when he was shot is confused and inconsistent. We return to consider this matter¹ after discussing the shooting of John Young.

¹ [Paragraphs 86.287–364](#)

Where William Nash was taken after he was shot

86.243 William Nash lay at the rubble barricade until he was picked up by soldiers and put into an APC, together with Michael McDaid and John Young. These three casualties were then taken in the APC to Altnagelvin Hospital. We deal in detail below¹ with the circumstances in which the bodies were collected and with the manner in which they were handled.

¹ [Chapter 122](#)

John Young

Biographical details

86.244 John Young was 17 years old at the time of Bloody Sunday. He was the youngest member of his family and lived in Westway, Creggan, with his parents and one of his three sisters. He was employed as a salesman in the men's clothing shop of John Temple Ltd in Waterloo Place.¹

¹ [AD67.1; AD67.4-AD67.5](#)

Prior movements

86.245 In his written statement to this Inquiry,¹ Brian McCay told us that he and Noel McLaughlin went on the march with John Young and became separated from him in Lecky Road.

¹ [AM100.1](#)

86.246 In his written statement to this Inquiry,¹ Jerry Mallett told us that he went on the march with John Hegarty and that they were walking behind John Young and Barry Chambers.

¹ [AM21.1](#)

86.247 In his written statement to this Inquiry,¹ Eugene Roddy told us that he went on the march with John Young and became separated from him at the eastern end of William Street. Eugene Roddy said that John Young did not throw any stones while they were together.

¹ [AR17.1-AR17.2](#)

86.248 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Joseph McKinney said that he called for John Young at his house at about 2.00pm and went on the march with him and Eugene Roddy. Joseph McKinney was with John Young at the junction of William Street and Rossville Street as the crowd was directed towards Free Derry Corner. This was his last recollection of seeing John Young. Joseph McKinney went on to Barrier 14 but did not see John Young there.

¹ [AM304.1-AM304.2](#)

² [Day 76/108-109](#)

86.249 In his written statement to this Inquiry,¹ Noel Doherty told us that he saw John Young near Barrier 14, pleading with people in the crowd to move back and go to Free Derry Corner. In his oral evidence to this Inquiry,² Noel Doherty said that he did not see John Young throw any stones.

¹ [AD91.2](#)

² [Day 82/3-4](#)

86.250 In his written statement to this Inquiry,¹ Matthew Connolly told us that he had been on the march with John McKeever, from the Creggan to William Street. He thought that John McKeever had met John Young on the march and that the three of them stood talking at the point marked "A" on the plan attached to his statement² (in William Street a short distance west of the junction with Rossville Street) while Matthew Connolly, who was a steward, directed the marchers down Rossville Street. About two minutes after Matthew Connolly had heard baton rounds that he thought were being fired from the eastern end of William Street, he and John McKeever moved down Rossville Street. In his oral evidence to this Inquiry,³ Matthew Connolly said that he could not say where John Young had gone at this stage. However, an annotation in Philip Jacobson's handwriting on the note of his and Peter Pringle's interview of Matthew Connolly on 14th March 1972⁴ suggests that Matthew Connolly told the interviewers that he did not see John Young on Bloody Sunday until a later stage of events, when Matthew Connolly was at the south end of the eastern block of Glenfada Park North.

¹ [AC76.1-AC76.2](#)

³ [Day 151/5](#)

² [AC76.24](#)

⁴ [AC76.14](#)

86.251 In his written statement to this Inquiry,¹ Seamus O'Donnell said that he arrived at Barrier 14 and threw a few stones. At some point, he and John Young were behind a corrugated tin sheet used as a defence against baton rounds. After a while, Seamus O'Donnell moved away because he could not see the soldiers or throw stones from behind the tin shield. Seamus O'Donnell described himself as a very experienced rioter. He did not say whether he had seen John Young throw stones.

¹ [AO80.1](#)

86.252 A photograph taken by Frederick Hoare of the *Belfast Telegraph*, a photograph taken by Constable A Brown of the RUC, a photograph taken by Kenneth Mason of the *Daily Telegraph*, and two photographs taken by Fulvio Grimaldi, all of which are reproduced below, and also a section of the ITN film footage,¹ show John Young in front of Barrier 14 while rioting was in progress. The representatives of the family of John Young have accepted that in the third of these photographs he appears to be throwing a stone at soldiers behind the barrier and that in the fourth he appears to have a stone in his right hand.² In our view John Young was taking part in the rioting at Barrier 14.

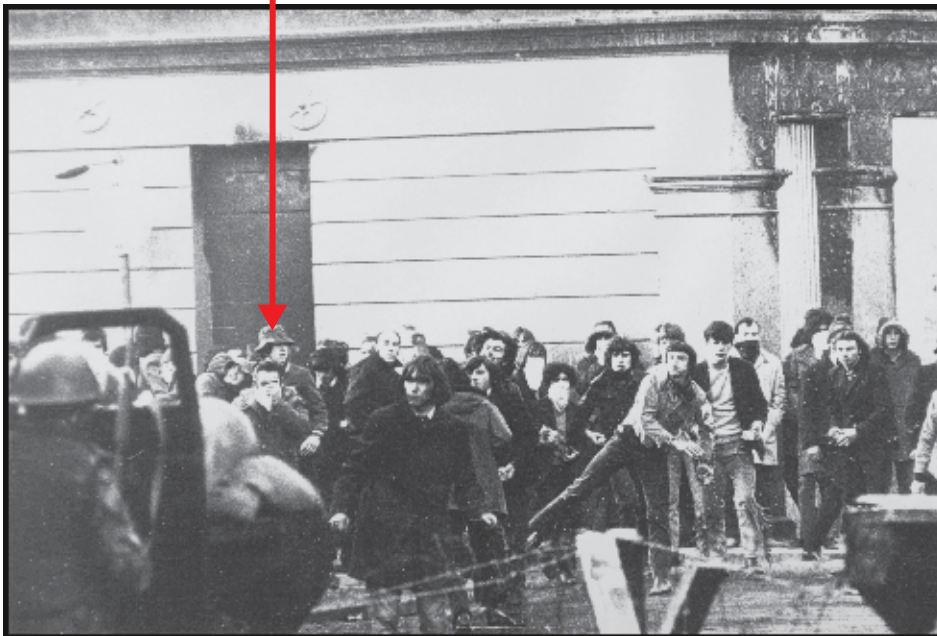
¹ [Vid 3 02.55](#)

² [FS1.1513](#)



John Young

John Young



John Young





John Young



John Young

86.253 In her written statement to this Inquiry,¹ Phyllis McLaren (then Phyllis Browne) told us that her friend Agnes McGuinness introduced her to John Young as they stood in Rossville Street near the north end of Block 1 of the Rossville Flats. It appears from the context that the conversation took place shortly before the paratroopers entered the Bogside. In her oral evidence to this Inquiry,² Agnes McGuinness agreed that this conversation might have happened, although she did not recall it.

¹ [AM313.2](#)

² [Day 97/18](#)

86.254 In his written statement to this Inquiry,¹ Jerry Mallett told us that he followed the march as it turned down Rossville Street. He went to the point marked “A” on the plan attached to his statement² (near the gap between the two blocks of Joseph Place). John Young was with him in that location when the speeches were beginning at Free Derry Corner. Jerry Mallett gave the impression, but did not say in terms, that John Young had been near him all the time until then; but the photographs of John Young in front of Barrier 14 during the riot show that this cannot be so (unless Jerry Mallett, contrary to his evidence, had also gone to Barrier 14). According to Jerry Mallett, while he and John Young were at point A, he pulled off John Young’s hat and ran with it towards Free Derry Corner. John Young chased him and retrieved the hat, and they both returned to somewhere around point A. Very soon after this, shooting began. Jerry Mallett ran towards Free Derry Corner. He became separated from John Young and did not see in which direction John Young ran.

¹ [AM21.1-AM21.2](#)

² [AM21.4](#)

86.255 We have already referred¹ to Michael McCusker’s evidence when considering the shooting of Hugh Gilmour. He told us that John Young had approached the rubble barricade from the direction of Free Derry Corner.²

¹ [Paragraphs 86.126–129 and 86.150–151](#)

² [Day 148/54](#)

86.256 Our assessment of this evidence is that between the time when John Young was near Barrier 14 and the time when he was shot at the rubble barricade, he had gone to a location somewhere in the area of Joseph Place; and that the conversation with Phyllis Browne and Agnes McGuinness took place when John Young was on his way from Barrier 14 to that area.

Medical and scientific evidence

Wound pathology and ballistics

86.257 Dr John Press, then the Assistant State Pathologist for Northern Ireland, conducted an autopsy of the body of John Young on 31st January 1972 at Altnagelvin Hospital.¹ Three other doctors and two RUC photographers were also present.² Dr Shepherd and Mr O’Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Press, Dr Shepherd and Mr O’Callaghan all gave written and oral evidence to this Inquiry. Dr Press also appeared before the Widgery Inquiry.

¹ WT8.56; D509

² D149

86.258 In his autopsy report,¹ Dr Press described the following two gunshot wounds:

(i) An oval entrance wound, measuring 8mm x 5mm, on the left cheek just to the left of the nose, centred 1cm below the inner corner of the left eye and 64in above the soles of the feet. The long axis of the wound was directed downwards and slightly to the left. The wound was bordered by a zone of abrasion, 2–4mm broad. A laceration, 4mm long, extended downwards and to the left from the lower margin of the wound. A probe inserted into the wound extended downwards at an angle of about 45° to the horizontal plane and backwards at an angle of about 40°, with a deviation of about 10–15° to the right.

(ii) A roughly rectangular exit wound, measuring 2cm x 1cm, on the left side of the back, centred 53cm (it appears possible that this was an error for 35cm) above the level of the iliac crests and about 4.5cm to the left of the midline and 52in above the soles of the feet. The long axis of the wound was directed downwards and to the left. The upper margin was undermined while the lower margin shelved outwards. The margins were somewhat ragged.

¹ D149

- 86.259** The internal injuries found by Dr Press are described in his report¹ and summarised in his conclusions about the fatal injury, which are as follows:²

“Death was due to a gunshot wound of the head and neck. A bullet had entered the left cheek just below the inner corner of the left eye and had caused fractures of the base of the skull associated with some bruising of the brain. It had then passed downwards and backwards through the spine in the neck severing the spinal cord before leaving the body through the back of the chest a little to the left of the midline. The injury to the spinal cord would have caused his rapid death.

The injuries were of a type caused by a bullet of high velocity. There was nothing to indicate that the weapon had been fired at close range.

The track of the bullet through the body was downwards and backwards at an angle of about 45° to the horizontal plane and a slight deviation to the right.

If he were erect at the time he was shot then the bullet must have come from above and slightly in front of him.”

¹ [D151-D152](#)

² [D154](#)

- 86.260** Dr Press also described a number of minor external injuries.¹ His findings about these injuries were as follows:²

“Abrasions on the face, the tip of the tongue and the back of each hand were probably caused when he collapsed. They were of trivial nature and played no part in the death.”

¹ [D150-D151](#)

² [D154](#)

- 86.261** In his oral evidence to the Widgery Inquiry,¹ Dr Press agreed that the similarity between the tracks of the bullets in this case and that of Michael McDaid would, combined with evidence that the two men were close to each other when they were shot, suggest that they were very likely to have been shot from the same position.

¹ [WT8.57-WT8.59](#)

- 86.262** In his written statement to this Inquiry,¹ Dr Press confirmed the conclusions set out in his autopsy report.

¹ [D512](#)

86.263 In his oral evidence to this Inquiry,¹ Dr Press said that there was a margin of error of at least 5° either way in the estimation of the angle at which the bullet passed through the body.

¹ [Day 205/193-194](#)

86.264 In their report,¹ Dr Shepherd and Mr O’Callaghan reached conclusions which they summarised as follows:

“A single bullet struck John YOUNG in the left cheek and the bullet traversed the neck and exited through the back.

Assuming the Normal Anatomical Position the track has passed downwards and backwards with only slight deviation to the left.

The path of the bullet past the base of the skull and through the vertebrae of the neck and upper chest suggests strongly that John YOUNG’s head was tipped backwards when he was shot.

The other injuries are minor and due to blunt trauma. The injuries to the face are consistent with a collapse, the injuries to the hands may have been caused in the same way but other forms of minor blunt trauma cannot be excluded.”

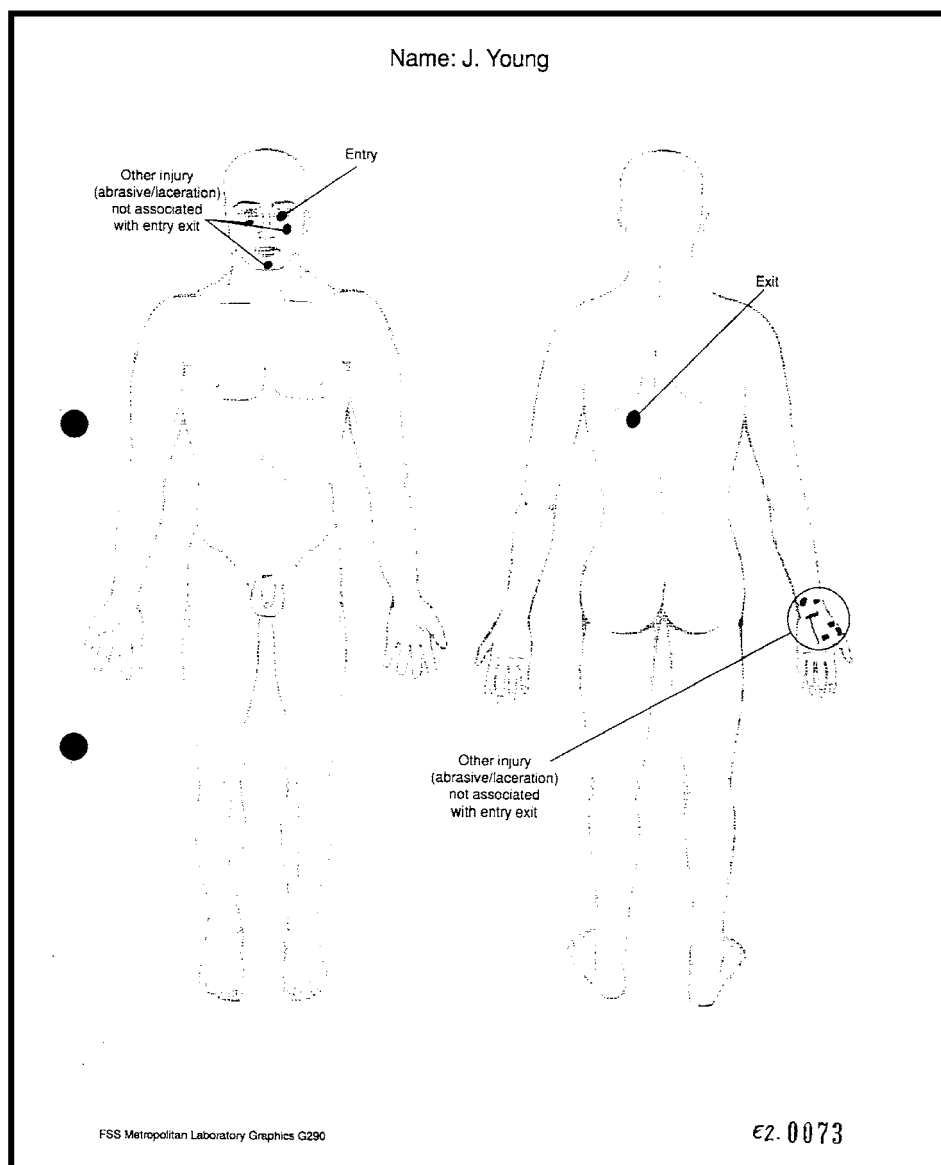
¹ [E2.29-E2.30](#)

86.265 The reference to a slight deviation to the left contrasts with Dr Press’s description of a slight deviation to the right. In his oral evidence to this Inquiry,¹ Dr Shepherd said that if there was any deviation in either direction it was only minimal.

¹ [Day 229/9-10](#)

86.266 The photographs of John Young’s body taken in the mortuary show the wounds and minor external injuries described by Dr Press. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O’Callaghan¹ illustrates the position of these wounds and injuries, with the exception of what Dr Press described in his autopsy report as an abrasion on the tip of the tongue.

¹ [E2.73](#)



86.267 In their report,¹ Dr Shepherd and Mr O'Callaghan said the photographs showed that what Dr Press had described as an abrasion was not in fact an injury, but post-mortem drying of part of the tongue that had protruded from between the lips. In his oral evidence to this Inquiry,² Dr Press said that he found it difficult to comment on this view, but that his impression at the time had been that there was an abrasion on the tongue due to contact with the ground. He thought that photographs could sometimes be a little deceptive. In his oral evidence to this Inquiry,³ Dr Shepherd said that he had no doubt at all that the

photographs showed post-mortem drying of the tongue. He pointed out that if the tongue had been injured by contact with the ground there would also have been injury to the lips and probably to the nose. We accept Dr Shepherd's view on this matter.

¹ E2.29

³ Day 229/7-8

² Day 205/166-168

86.268 In relation to John Young, as in relation to Michael McDaid and William Nash, Dr Shepherd and Mr O'Callaghan reached the conclusion that it was impossible from consideration of the pathology of the wounds and of measurements of the locality taken by the Northern Ireland Ordnance Survey to say either that it was more or that it was less likely that the fatal shot was fired from the City Walls than that it was fired from Rossville Street.¹

¹ E2.65

86.269 Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of John Young under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.¹ In his report dated 21st February 1972,² Dr Martin set out this finding:

"A 1" long hole in the back of the jacket with corresponding undergarment damage is consistent with bullet exit."

¹ D143-D144; D741.60; Day 225/64

² D140

86.270 Dr Shepherd and Mr O'Callaghan also examined the clothing of John Young, which had been retained by his family. Photographs were taken of the clothing.¹ In their report,² Dr Shepherd and Mr O'Callaghan stated:

"It can be seen from our photographs of John Young's jacket and shirt that the bullet exited through the back of the clothing at a point to the left of the mid-line. The bullet exited essentially side-on causing the elongated damage visible in the photographs.

The more extensive damage to the shirt is due either to the forces of the bullet being dissipated in the light cloth, causing it to tear or, to the shirt being slightly crumpled as the bullet passed through it.

Both the shirt and the jacket were extensively bloodstained, as can be seen in the photographs.

No further bullet damage was found on the clothing."

¹ F2.8-11; F2.13-21

² E2.29

Tests for firearm discharge and explosives residue

86.271 Dr Martin tested the jacket that John Young was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Dr Martin detected what he considered to be a “*higher than normal*” density of lead particles on the jacket. He also detected lead particles on the swabs from the web, back and palm of the left hand, but none on the swabs from the right hand. He stated in his report the conclusion that the nature and distribution of lead particles on the swabs and jacket was similar to that produced by discharge gases from firearms.¹ Dr Martin also detected lead particles on John Young’s trousers,² at levels “*within the same range*” as those found on the jacket, but he did not comment on these in his report as he only examined the trousers at a later stage.

¹ D140

² D141; D605-D606; WT9.36

86.272 As we have noted above,¹ the representatives of the family of John Young have accepted² that in a photograph taken by Kenneth Mason he appears to be throwing a stone at soldiers behind Barrier 14 and that in a photograph taken by Fulvio Grimaldi he appears to have a stone in his hand. In each case, the stone is held in the right hand, suggesting that John Young was right-handed.

¹ Paragraph 86.252

² FS1.1513

86.273 In his oral evidence to the Widgery Inquiry,¹ Dr Martin said that the results of his tests for lead particles were consistent with John Young having been handling or firing a weapon. Dr Martin said² that the density of lead particles found on John Young’s clothing could have resulted from the discharge of weapons up to 30 feet away or from fragmentation of bullets around him, but that this would not explain the high density of particles detected on his left hand. However, Dr Martin accepted that it was possible that these particles could have been transferred to John Young’s left hand if one or more paratroopers whose own hands were contaminated with lead particles had held it.

¹ WT9.12-13

² WT9.30; WT9.35-WT9.36

86.274 Dr John Lloyd, the independent scientific expert engaged by this Inquiry, summarised in his report¹ his overall conclusions about the tests for lead particles conducted by Dr Martin. He considered that, in view of the lack of control testing and the likelihood of spurious contamination, Dr Martin’s results were of no evidential value.

¹ E1.51-E1.52

86.275 In his oral evidence to this Inquiry,¹ Dr Martin accepted that unless there was evidence from other sources to indicate an association between any of the deceased and a weapon, it would be unwise to interpret his findings “*as other than contamination*”.

¹ [Day 226/2](#)

86.276 In relation to John Young, Dr Lloyd repeated in his report¹ the observation that he had made in the case of Michael McDaid,² that the APC in which the body was transported to Altnagelvin Hospital was likely to have been heavily and continuously contaminated with firearms residue. He said that the results obtained by Dr Martin were “*explicable solely on this basis*”. In his oral evidence to this Inquiry,³ Dr Lloyd confirmed that he meant that this could by itself explain the contamination, rather than that it was the only possible explanation.

¹ [E1.50](#)

³ [Day 227/45-46](#)

² [E1.45](#)

86.277 Dr Martin said in his oral evidence to this Inquiry¹ that he agreed with Dr Lloyd’s views on this matter.

¹ [Day 226/97-98](#)

86.278 In the laboratory notes¹ Dr Martin had recorded that he had detected four lead particles on the left hand of John Young, “*some smears*” on the web of that hand, and 15 particles on the jacket and 34 on the trousers. In his oral evidence to the Widgery Inquiry,² Dr Martin said that a person operating the bolt of a rifle might acquire a smear of lead on the palm of his hand, but Dr Martin did not attach the same significance to lead smears elsewhere on the hand.

¹ [D141-D143](#)

² [WT9.36](#)

86.279 Dr Lloyd said in his report¹ that it was the general, but not the invariable, rule that the deposition of firearms discharge residue became weaker as the distance from the point of origin increased. He said in his report² and confirmed in his oral evidence to this Inquiry³ that the distribution of particles in John Young’s case was not consistent with him having used a firearm or having been beside someone using a firearm.

¹ [E1.32-E1.34](#)

³ [Day 227/49-50](#)

² [E1.49](#)

86.280 In his oral evidence to this Inquiry,¹ Dr Martin effectively accepted those views. He conceded that he did not now understand why he had told the Widgery Inquiry that the density of particles on the left hand was too high to be explained as the result of the discharge of weapons up to 30 feet away or of bullet fragmentation.

¹ [Day 226/82-86](#); [Day 226/99-100](#)

86.281 Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of John Young for explosives residue. None was detected.¹

¹ [D136](#)

86.282 In these circumstances we consider that there is no valid scientific evidence that John Young had been handling firearms or had been close to someone who was handling a firearm, or that he had been in contact with explosives.

John Young's clothing

86.283 John Young was wearing a dark blue zip-up jacket, a mid-brown round-necked sweater and olive green trousers.¹

¹ [D134](#); [D144](#)

Where John Young was when he was shot

86.284 For the reasons we have given when discussing the shooting of Michael McDaid,¹ we are satisfied that John Young was shot just behind the western side of the rubble barricade, close to Michael McDaid and William Nash.

¹ [Paragraphs 86.188–190](#)

When John Young was shot

86.285 For reasons given below,¹ we are sure that John Young was shot at about the same time as Michael McDaid and William Nash. It follows in our view, for the reasons we have given when discussing the shooting of Michael McDaid,² that he was shot after Michael Kelly and Hugh Gilmour.

¹ [Paragraphs 86.287–364](#)

² [Paragraph 86.191](#)

Where John Young was taken after he was shot

86.286 John Young lay at the rubble barricade until he was picked up by soldiers and put into an APC, together with Michael McDaid and William Nash. These three casualties were then taken in the APC to Altnagelvin Hospital. We deal in detail below¹ with the circumstances in which the bodies were collected and with the manner in which they were handled.

¹ [Chapter 122](#)

What Michael McDaid, William Nash and John Young were doing when they were shot

86.287 In the case of John Young, as in the cases of Michael McDaid and William Nash, much of the evidence of what he was doing when he was shot is confused and inconsistent. This does not surprise us, since the witnesses were seeking to recall horrific and fast-moving events and, as we have previously observed,¹ people who have witnessed the same event very often give sharply differing accounts of it.

¹ [Paragraphs 63.2 and 86.86](#)

Ronnie Ballard

86.288 In his evidence to this Inquiry,¹ Ronnie Ballard said that he was watching from a position in Rossville Street on the south-eastern side of Glenfada Park South and saw a youth running towards the rubble barricade from the waste ground north of Block 1 of the Rossville Flats with about four other young men. The youth was shot as he made to hurdle the barricade. An older man then went towards the body, but was shot while still on the southern side of the barricade. Ronnie Ballard believed that these two were William Nash and his father but only found this out from watching television after the event.

¹ [AB6.3-4](#); [Day 134/10-20](#)

86.289 We concluded that it would be unwise to rely on this account, having formed the view that this witness was, understandably, having difficulties in recollecting what he saw.

James Begley

86.290 In his interview with Kathleen Keville, James Begley gave the following account.¹ We should note that having listened to the audio tape² and also considered the transcription made in 1972,³ we have filled in some of the passages omitted and corrected some mistakes in the transcript made for the purposes of this Inquiry.⁴

“To start off I was halfway up Waterloo Street and I heard a roar and the Paras came up. And there was a wild scatter over Chamberlain Street. I run down Chamberlain Street and run along as far as the bookies. The soldiers came round the corner and we charged back at one of them, they caught hold of an old man, we run back after them but they came back and they opened fire. I never seen them there before, they just went down over Chamberlain Street and into the back of flats. There was a boy lying there I went down on my knees to look at him and everybody else went past and he was coughing up blood and I knew I’d seen he was a goner, anyway when I looked at him, you know, he was a goner. I went down and went over and outside of the flats across Rossville Street and I run down and seen more soldiers and I run down there with a couple of other boys and they started shooting at us so I went back over the barricade and hid in behind it when there was right up there a young man who was Will Nash known as Stiff he was lying there. Well I lay down and they were still firing at us then the firing stopped and a – another boy came up his name is Pat Young he come over to me and says ‘are you all right’ and I says ‘aye’ and I was getting up and started firing again and I told him to get down and I looked up and I seen he got right between the eyes just on there and er – he fell over the top of me and they kept on firing and then another boy came up it was Mr Nash I knew him by looking at him I looked up and seen him and told him to get down but I was too late he got it too. And some other fella then came out to give us a hand over and er – I don’t know what you call him but he got it as well and there was three or four all lying there at the barricade and me and another boy just creeped in from the corner and hid in behind the flats. They then stopped shooting and went back over the road. That’s it.”

¹ [AB29.3](#)

³ [AB29.1](#)

² [Aud 34 01.16.05](#)

⁴ [AB29.3](#)

86.291 James Begley is dead and gave no evidence to this Inquiry. From his Keville interview, since James Begley did not say that William Nash was shot when lying next to him, it appears to us that William Nash must have been shot by the time James Begley arrived at his side. His reference to Pat Young must be a reference to John Young and the later reference to “*Mr Nash*” must be a reference to Alexander Nash, William Nash’s father, who, as we explain in more detail below,¹ came out to the rubble barricade after his son had been shot. However, we are confident that no-one was shot at the rubble barricade after Alexander Nash, which casts doubt on James Begley’s recollection of the sequence of events.

¹ [Paragraphs 86.482–558](#)

James Breslin

86.292 In his evidence to this Inquiry,¹ James Breslin said that he was watching from the front garden of the northernmost house in Joseph Place and saw a youth shot as he pulled himself along the western section of the rubble barricade towards Block 1 of the Rossville Flats, *“clinging on to the side of the barricade, defying gravity. He was pulling himself along with his hands and not using his legs.”* He was later told that this youth was William Nash, although he might also have realised this at the time. We find difficulty with this account in view of the medical and scientific evidence, which in our view is inconsistent with this description of what William Nash was doing.

¹ [AB78.1-2](#); [Day 146/82-90](#)

James Chapman

86.293 In his oral evidence to the Widgery Inquiry,¹ James Chapman said that he was watching from the window of his maisonette, approximately in the middle of the eastern block of Glenfada Park North. He described seeing three men fall as they scrambled over the rubble barricade. They fell on the right-hand side (ie the western section) of the barricade. The first to fall was the nearest to the gap in the barricade, the second fell almost underneath James Chapman’s window on the (western) edge of the barricade, and the third fell between the other two.

¹ [WT4.65-66](#); [WT4.70](#)

86.294 James Chapman is now dead and gave no evidence to this Inquiry.

Matthew Connolly

86.295 Matthew Connolly gave the following account in his NICRA statement:¹

“I was standing rubble at Ros[s]ville Street when a young fellow of 16 or 17 was shot and fell in front of me. He was shot fairly high up in his chest. The soldier who fired the shot was crouched behind the door of a saracen. At this time the fellow was not dead. As we went to forward to help him, automatic fire riddled the rubble. Everyone lay flat out on the ground, about four stayed on for about a minute and during this time the soldiers were still shooting and we could hear the bullets above our heads. The fellow was screaming. We retreated behind a wall. About a minute later John Young crawled with his head down towards the boy who had been hit. He got to within a yard of him when a single shot hit him, he was dead. A youth tried to move towards the two

bodies but only got out into the open and was shot. He stumbled back towards the wall and taken on to a house.”

¹ [AC76.13](#)

- 86.296** Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team interviewed Matthew Connolly. Their interview notes (dated 14th March 1972) recorded that Matthew Connolly had told them that he had moved from the Rossville Flats car park to the telephone box on the other side of the gap between Blocks 1 and 2:¹

“i then moved across to the barricade and until this time, as far as i could tell, ther[e] had not been any high velocity fire – only rubber bullets. i was standing on the glenfada park side of the barricade on the pavement when i heard a single rifle shot a young fellow of about 16 or 17 fell in front of me. he had been shot in the chest on the left side. i learnt after that it was willie nash. i could see the bullet hole in his light coloured shirt. the shot appeared to come from the soldiers who were about 40 y[a]rds away up rossville st on the same side crouched behind the door of a pig. nash squealed. he was not dead. he was moaning.

then the shooting really started and i could hear the bullets hitting the barricade. everyone lay flat on the ground and about four of us stayed on for about a minute and we then crawled along the gable end of a block of flats in glenfada park (x1).² we were there for about a minute. It was then I saw John Young for the first time that day.

then i saw someone crawling out to the barricade. he had his back to me and i didn't know. he was crawling to willie nash. a single shot ran out and he slumped. i thought he was hit somewhere in his head. he was wearing some kind of combat hat and jeans. when he was hit i saw it was john young. he didn't move. another boy – i dont know his name – stepped out from the gable end and was shot in the left shoulder. he fell back and a group of about four people took him away through the alley into abbey park. we stayed by the gable for a few minutes longer and then some of us ran off into abbey park.”

¹ [AC76.14-15](#)

² Point x1 was shown on the plan that accompanied the notes of this interview ([AC76.17](#)) as the south-eastern corner of the eastern block of Glenfada Park North.

- 86.297** In his deposition for the coroner's inquest into the death of John Young, Matthew Connolly described how he had reached the rubble barricade. He then gave the following account, which we have set out here in its original typed form:¹

¹ [AC76.25-26](#)

I stayed behind this small rubble barricade for 5 - 10 minutes and slight stoning of the soldiers and the saracens in Rossville Street was taking place. A young lad called either Nash or McDaid, was standing beside John Young of West way. I knew Young. There also were some other young boys there as well. I mean boys of 15 to 17 years old. I heard one shot and I knew it was not a rubber bullet being fired as the sound was much sharper I can say that this was the first time I realised live bullets were being used although there could have been others used on the car park side of the high flats without me being aware of it. After I heard the shot being fired the youth in front of me fell. The shot seemed to come from further down Rossville Street where foot soldiers were behind the saracens. I saw one soldiers half exposed behind an open door of a saracen. The saracen was facing towards us. I got the impression this soldier fired the shot but I couldn't be sure. I don't think I saw him with his rifle at the aim position. I looked at the youth and he was hit high up on the left hand side of his chest. He was moaning and everyone gathered round. He was named either Nash or McDaid I learned later, but I didn't know him. As we stood around him and about 30 seconds later a barrage of about 12 to 15 shots rang out and we all fell down for cover. The shooting continued with about two or three shots being fired at short intervals. We all started to crawl away towards a wall at Glenfada Park. I reached the wall with most of the others who were crawling and when I looked back I saw the boy who had been shot lying on the roadway with his feet towards the barricade. ~~There definitely wasn't a gun in his hand or near him. I would have been if he had had a gun as he was immediately in front of me.~~ One of the youths who was lying behind the wall beside me and whom I later saw to be John Young of Westway started to crawl on his hands and knees towards where the other youth was lying behind the barricade. ~~He had no gun nor any weapon in his hands.~~ The crowd shouted at him not to go out into the open but he didn't listen. He was out about 2' from the end of the garden wall when a single shot rang out and he slumped forward. I could see from where I was he was hit in the head or face as I could see the blood there. Just then everybody shouted the soldiers were coming and we all ran into the opening into Glenfada Park. About 18 shots all close together rang out. Everybody dived into Gardens and houses in Glenfada Park.

86.298 In his oral evidence to this Inquiry, Matthew Connolly said that he did not remember three sentences in this deposition being deleted and could not explain why this had been done, but he said that the contents of the deleted sentences were true.¹ The reason appears to be found in a note by Robert Carswell QC, counsel for the Ministry of Home Affairs at the inquests, dated 22nd August 1973, in which he wrote: “... *it was agreed in discussion between the legal representatives before the inquest opened that no evidence from the forensic science reports would be given and there would be no debate on the question whether any deceased person had been handling or close to a firearm or bomb. References to the absence of firearms were deleted from the draft depositions. I saw the Coroner before the inquests opened, explained that these steps were acceptable to all parties and obtained his approval for the omission of surplus evidence.*”²

¹ Day 151/58-59

² GEN2.2

86.299 Matthew Connolly gave written and oral evidence to this Inquiry.

86.300 In his written statement to this Inquiry,¹ Matthew Connolly told us that he was standing at the rubble barricade with other people for perhaps two or three minutes. He saw people throwing stones in the general direction of the soldiers, though there was “*nothing close enough to throw stones at*”. He then told us:²

“17. As I stood there, a small boy in front of me jumped and screamed as if he had been shot. My first impression was that he was play-acting. I had not heard a specific shot. He fell backwards, perhaps two or three feet in front of me, very slightly to my right. He, too, was behind (on the south side) of the Rubble Barricade approximately at the point marked 1 on the attached map (grid reference J15). He did not say anything, he just screamed. I did not know who he was but was subsequently told that he could have been either William Nash or Michael McDaid.

18. I went forward to the boy. I thought he was fifteen or sixteen years old. He had a shirt but no jacket. I think the shirt may have been light blue in colour. I cannot recall what else he was wearing. I think that his hair was dark and of average length. He had been shot high up in the front left-hand side of his chest. I could not see much blood and I think it took me a couple of minutes to realise there was any. I wanted to do something but did not know what to do. I think there were two or three of us around him at that time. Somebody was holding him and he was still screaming. I think that we stayed by him for about two minutes. I did not hear any shots at all during the time that we were beside him.”

¹ AC76.2-3

² AC76.3

86.301 The point marked “1” on Matthew Connolly’s map was slightly to the west of the centre of the rubble barricade.¹

¹ [AC76.24](#)

86.302 After giving a description of the soldiers he recalled seeing north of the rubble barricade, Matthew Connolly continued:¹

“22. There was then a volley of automatic shots. I got the impression that these shots were very close to us. The impact sounded as if it was hitting stones, perhaps the stones in the Rubble Barricade. I think that there were more than ten or fifteen shots.

23. Immediately, I got down flat on the ground. Nobody had been throwing stones immediately before these shots. The soldiers near the Saracen were too far away to throw stones at. Although there had been ten or fifteen of us behind the Rubble Barricade before these shots, it is my recollection that there were only four or five of us lying down behind the barricade after these shots. The others must have moved away, perhaps south down Rossville Street, although I do not know.

24. We then also ran, keeping down, to the gable end wall of the row of houses on the east side of Glenfada Park North. There were other people there when we got there. I cannot remember how many. People were milling about but I think there were about twenty or thirty people there at that time. I think I was approximately at the point marked F on the attached plan (grid reference I 15). There were also people in the car park of Glenfada Park North and people further south from me, nearer to the north-eastern entrance to Glenfada Park South. I refer to the copy photograph at Appendix 3. This is taken at the place where I and the other people were sheltering by the gable wall although I do not know when during Bloody Sunday that this picture was taken. I refer also to the copy photograph at Appendix 4 which shows Glenfada Park North. I do not recognise anybody in this photograph.

25. I do not know whether the boy at the point marked 1 at the Rubble Barricade was still screaming; I could not hear him. John Young was also behind the gable wall when I got there.

26. I moved slightly to the south of the people by the gable wall so that I could see up Rossville Street. As I looked out into Rossville Street, the gable end wall of Glenfada Park North blocked my view of the injured boy at point 1. I think I was about ten or twelve feet south from the end gable wall but I am not very sure how far east or west along the gable wall I was. I heard someone in the crowd shout ‘come back in’. I saw

somebody on his hunkers move out from the gable end of the wall where we were sheltering towards the Rubble Barricade. I thought that the person who had shouted 'come back in' had shouted at this man. There was also another man behind him and slightly to his left as I was looking at them and I will describe him later. The first man who I had seen then fell over. He was between the gable wall and the Rubble Barricade, to the south of the Rubble Barricade, approximately at the point marked 2 on the attached map (grid reference J15). He fell to his right. He had been crouched down with his left side towards the Rubble Barricade and he fell to the south away from the barricade onto his right side, facing east. I then saw him plainly and I saw that he was John Young. He had been shot in the head. The wound was in the left-hand side of the head. He lay on his side with his feet towards the Rubble Barricade, still in a crouched position. He did not move. Although I heard shots at the time, there was no specific shot which I could say hit him. At no time had I seen John Young throw stones.

27. Immediately after this, the second man who had been behind John Young and to his left, that is, nearer to the Glenfada Park North side of Rossville Street, seemed to stumble. He was approximately at the point marked 3 on the attached map (grid reference J14/15). I think, therefore, that he was further out in the road than the first boy (at the point marked 1) I had seen shot. I would say that this man was about eighteen or nineteen years old. I think that he wore something dark, maybe jeans, although I am not sure. He was not tall and I cannot recall what his hair was like. After I saw him stumble someone then blocked my view and I never saw him again. I do not know what happened to him but assumed he had been shot. I did not know who he was, but afterwards have discovered that he may be either William Nash or Michael McDaid, because I learned that they, too, were shot there.

28. I could not say whether or not John Young and the other man had gone out towards the Rubble Barricade to help the first boy we had seen shot, or not. After this, the people sheltering by the gable wall were standing in shock. Although I heard shots at the time they fell I could not see any soldiers from where I was standing. It did seem to me as though the shots were coming south down Rossville Street from where I had seen the soldiers by Kells Walk. I could not tell the difference between a high or low velocity shot but I could tell the difference between the sound of rubber bullets and live bullets. These shots were live shots.

29. I did not see anyone cross the Rubble Barricade towards the soldiers after the first shot. Nor did I hear anyone say ‘They’re only firing blanks’. Nobody was shooting from the Rubble Barricade at the army. I was not aware of any civilians at the barricade with guns. If I had seen a civilian gunman, I would have remembered.

30. There had been sporadic shooting ever since the first boy had been shot. Occasionally there would be clusters of heavier shooting too. John Young fell during the sporadic shooting as did the man who was behind him when he was shot.

31. I cannot recall how long I stayed with the people behind the gable wall at Glenfada Park North but I think I was there for about fifteen or twenty minutes in total. I was in shock. I did not see what happened to the bodies at the Rubble Barricade.”

¹ [AC76.3-5](#)

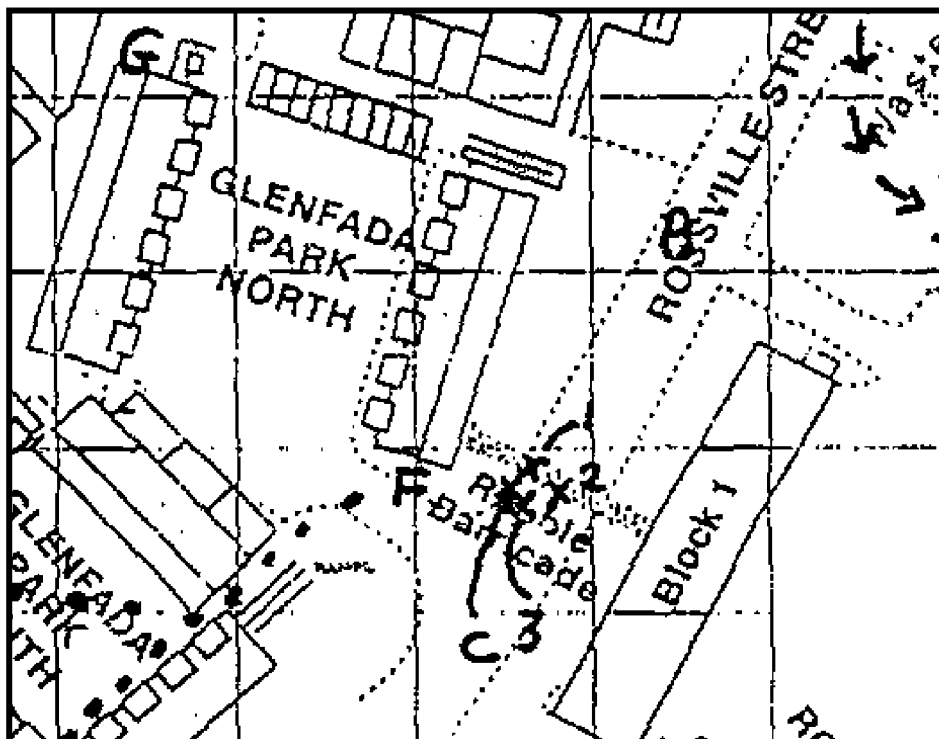
86.303 The position marked “F” by this witness was just south of the south end of the eastern block of Glenfada Park North, ie what Matthew Connolly described as the gable wall.¹ The two photographs to which this witness referred were respectively one taken by an unknown photographer of people at the south end of the eastern block of Glenfada Park North, which we discuss later in this report,² and the photograph taken by the *Irish Times* photographer Ciaran Donnelly of people carrying Michael Kelly across Glenfada Park North.

¹ [AC76.24](#)

² [Chapter 176](#)

86.304 The part of the map on which this witness marked “2” and “3” is reproduced below.¹

¹ [AC76.24](#)



86.305 In his oral evidence to this Inquiry, Matthew Connolly, having been shown one of the photographs taken by Robert White of Michael Kelly lying on the ground behind the rubble barricade, said that it was possible that the first person he saw shot was Michael Kelly.¹ He also said that when he heard the volley of shots after seeing this person shot there were “*maybe half a dozen*” people at the rubble barricade, most either lying down or crouching down, and that there was no stone-throwing at this time.²

¹ [Day 151/13](#); [Day151/39](#)

² [Day 151/18-19](#)

86.306 Matthew Connolly marked on a photograph the position so far as he could remember it of the three bodies at the rubble barricade. The blue arrow shows the position of the first person he said that he saw fall, the red arrow the position of John Young, and the green arrow the position of the person he said had followed John Young out from the south end of the eastern block of Glenfada Park North.¹

¹ [Day 151/22-25](#); [AC76.28](#)



86.307 Matthew Connolly also told us that it was possible that in the accounts he had given in 1972 he had become muddled between Michael Kelly and Michael McDaid, when describing a boy being hit in the left shoulder after John Young had been shot, and being taken away to Glenfada Park North.¹ He told us that of those he saw shot dead the only one he knew was John Young.²

¹ [Day 151/26-28](#)

² [Day 151/38-39](#)

86.308 Later in the course of Matthew Connolly's evidence he gave the following answers to questions put by counsel for the majority of the families:¹

"Q. We know that Michael Kelly's body was taken away by a group of persons around him. When his body was taken away, were you actually on the ground taking shelter and not looking to see what was happening further at that time?

A. Yes, that is probably correct, if I was still at the barricade, yes.

Q. But still at the barricade. Because we know that William Nash was also shot at this barricade and that William Nash was also, like Mr Kelly, shot in the chest; he was shot just to the right of the midline and above his right nipple.

Could it be, Mr Connolly, that what you have seen is Mr Kelly being shot first; you then take shelter; Mr Kelly's body has been removed by a number of persons, but in the meantime Mr Nash has been shot and Mr Young, who was in the same class as William Nash, has gone out to crawl to his body and that you have taken it, because you have not seen him shot, that that was actually Michael Kelly?

A. It is possible, yes.²

Q. When you saw John Young – if you could perhaps look at the map that you originally compiled, that is the map at AC76.24. If we look at the positions you have marked as to three bodies that you saw on the barricade, they in fact appear to be marked on the road side of the barricade, not on the pavement. Number one appears to be just at the right-hand margin on the barricade and to the right of the left-hand footpath; do you see that?

A. Yes.

Q. Just immediately to the right of the figure 1 is the figure 2, and south of both those bodies and in a midpoint between them is the third. Those are in different positions from what you marked today on the photograph. The photograph you marked today has been preserved as AC76.28. The position is that you were asked to mark firstly where you saw the first body, and you marked that with the blue arrow; that is Michael Kelly?

A. Uh-huh.

Q. You were then subsequently asked to mark where John Young was; you marked the red arrow. Finally the other person whom you saw, and you have marked that with the green arrow.

Were you taking the reference point for the green and red arrow as being the body of Michael Kelly; namely, you assumed that both of those persons were making towards the first body that you saw?

A. Yes, that is correct to say that.

Q. In other words, the markings for John Young and the second person are predicated upon your understanding that it was Michael Kelly's body they were crawling out to?

A. Yes, that would be fair to say.

Q. Whereas in fact if you look at your original map, or the map that was prepared for the Eversheds statement, it would appear that the bodies were further out to the eastern side of the barricade, that is the Rossville Flats side?

A. Well, that one is wrong, they were definitely nearer the Glenfada Park side.

Q. When you made your statement to NICRA, it would be correct to say that the only person you really named in that was John Young. Then when you were dealing with the *Sunday Times*, and I wonder if that could be put up, AC76.14, and if the final third of that could be highlighted. The words just before this begins:

'i was standing on the glenfada park side of the barricade on the pavement when i heard a single rifle shot a young fellow of about 16 or 17 fell in front of me. he had been shot in the chest on the left side. i learnt after that it was willie nash.'

Can you recall who told you it was Willie Nash, or was that just the general topic of conversation that you became appraised of?

A. It was just a general topic of conversation. I cannot actually remember who gave the names of the people. Sometimes when they were interviewing me, they would say that was such-and-such and that was such-and-such because of where I said that I thought the bodies were lying. So they actually put a name to them. But I myself could not put a name to them because I did not know any of them at the time.

Q. It goes on:

'i could see the bullet hole in his light coloured shirt.'

Willie Nash appears to have been wearing a white coloured shirt:

'the shot appeared to come from the soldiers who were about 40 y[a]rds away up rossville st on the same side crouched behind the door of a pig. nash squealed. he was not dead. he was moaning.

then the shooting really started'

Do you recall that now after –

A. Well, I recall beginning – I only actually heard the one shot and then shortly after, when I say the shooting really started, there was continuous firing for a while.

Q. Also in this statement it continues on:

‘everyone lay flat on the ground’

If one goes over to AC76.15, that it was some time after you saw the first person fall that John Young moved out from the gable; is that right?

A. Yes, that is correct.

Q. Would that have been a matter of minutes, or can you not recall?

A. Well, I could not really put a time on it, but, yeah, minutes, maybe – I think it must have been about 5 or 10, but I could not swear to that.

Q. When he was crawling out, did he crawl out on his hands and knees or on his stomach, can you recollect?

A. No, what I can recollect is by the time I actually saw him he was well clear of the crowd and he was crouched down, but not – when I say crawling, not on his hands and knees, no.

Q. When you saw him he was well clear of the gable, he was actually out towards the barricade?

A. Yes, that is correct.

Q. At this stage he was not crawling, his body was not on the ground, he was not on his hands and knees, I think you used the word ‘crouching’; is that correct?

A. Yes, that is correct, he was not on his hands and knees, no.

Q. Can you say how far he was away from the body or could you not – you simply could not see the body at that stage; is that right?³

A. No, I could not see the body, I could not actually say.

Q. Would it also be correct to say, Mr Connolly, that you were very unfamiliar with this area at this time?

A. Yes, that is the first time I had ever been in it.”

¹ Day 151/39-45

² We note here that Matthew Connolly was prepared to agree that it was possible that the first man he saw shot was Michael Kelly, after being told that Michael Kelly had been shot in the chest. Matthew Connolly has consistently said that the first casualty he saw was shot high up in the front left chest. Michael Kelly was not shot high up in his chest. William Nash was shot high up in the front of his chest, albeit slightly to the right of the midline.

³ The tape recording of the evidence reveals that the transcript inaccurately recorded the question as including a quotation.

86.309 Matthew Connolly also told us that the person he recalled seeing with a shoulder injury could have been Patrick O'Donnell.¹ As we describe when considering the events of Sector 4,² Patrick O'Donnell was hit in the shoulder by a shot fired in Glenfada Park North, and then went to the south end of the eastern block of Glenfada Park North, where he was eventually arrested by soldiers. However, Patrick O'Donnell was injured after soldiers had come into Glenfada Park North, ie after the shooting of William Nash, John Young and Michael McDaid; and after Matthew Connolly had fled into Abbey Park.

¹ [Day 151/50-51](#)

² [Paragraphs 104.494–521](#)

86.310 Matthew Connolly's various accounts are not easy to follow. However, we have concluded that the first person he saw shot was William Nash, who was hit high on the chest; and the second John Young, whom he knew. His evidence indicates that there was an appreciable interval of time between William Nash and John Young being shot, which is also supported by the account given by James Begley. In his NICRA statement Matthew Connolly described it as about a minute, though in our view it would be unwise to rely on such estimates as necessarily accurate; and it may have been a shorter period, though enough time for John Young to realise what had happened and decide to go out to William Nash.

86.311 Matthew Connolly also described John Young as crawling out, but he told us, and we accept, that by this he meant not on his hands and knees, but crouching,¹ which is consistent with the medical and scientific evidence relating to John Young.

¹ [Day 151/44](#)

86.312 Despite Matthew Connolly accepting that it was possible that he had seen Michael Kelly shot, we consider that it is unlikely that he did so. We have noted above¹ that Matthew Connolly has consistently maintained that the first casualty was hit high on the chest, a description that fits William Nash's injury, but not that of Michael Kelly. Matthew Connolly may either have been nearer the rubble barricade than Michael Kelly and did not realise that the latter had been shot behind him, or had not reached the rubble barricade until after this had happened.

¹ [Paragraph 86.308](#)

86.313 This leaves Michael McDaid, who was undoubtedly shot at the rubble barricade. Matthew Connolly described a third casualty hit in the shoulder, who was carried into Abbey Park. This was not Michael McDaid, who remained at the barricade until put by soldiers into an APC. Michael Kelly was carried into Abbey Park, just before soldiers arrived in Glenfada Park North. The exit wound on Michael McDaid was under his left shoulder. We have

concluded that it is likely that Matthew Connolly witnessed the shooting of Michael McDaid, saw the exit wound, and then mistakenly assumed that it was this casualty who was being carried across Glenfada Park North to Abbey Park. Matthew Connolly must have fled from the area of the rubble barricade in the same direction and at about the same time as Michael Kelly was being carried across, just before the soldiers came into Glenfada Park North.

Paul Coyle

86.314 In his interview with Tony Stark of Praxis Films Ltd,¹ Paul Coyle said that he saw William Nash run out towards the rubble barricade in the middle of the shooting, presumably to go to someone's assistance. William Nash fell to the ground dead after taking only a few steps. He had nothing in his hands. In his written statement to this Inquiry,² Paul Coyle told us that he was watching from the south end of the eastern block of Glenfada Park North and saw a youth fall at the rubble barricade, where he had been gesticulating at soldiers. He later learned that this might have been William Nash. In his oral evidence to this Inquiry³ he said that it was possible that the youth had just jumped behind the barricade for cover. He no longer had any recollection of seeing William Nash run out towards the rubble barricade.

¹ O5.5-O5.7

³ Day 152/66-69

² AC105.2

Alphonsus Cunningham

86.315 In his evidence to this Inquiry,¹ Alphonsus Cunningham said that when standing near the south end of the eastern block of Glenfada Park North he saw a youth shot just after he lifted rubble from the barricade to throw at the soldiers. An older man subsequently went to his aid and was also shot. In our view this evidence refers to the shooting of William Nash and his father.

¹ AC125.2; Day 150/12; Day 150/16-18

John Devine

86.316 In his written statement to this Inquiry,¹ John Devine told us that while hiding behind a car in the south-eastern corner of Glenfada Park North he saw three bodies on the western side of the rubble barricade. One body was about a metre away from another, and the third was another metre and a half away. This account is consistent with Alexander Nash's account of where the three casualties lay.²

¹ AD41.1-2

² Paragraph 86.188

Joseph Doherty

86.317 Joseph Doherty's evidence was that while looking through the letter box of a house in Joseph Place he saw a youth shot at the rubble barricade as he straightened after bending as if to pick something up, although he told us that he did not see anything in the youth's hands. The youth had gone to the barricade from the south end of the eastern block of Glenfada Park North. An older man then went to him and was shot himself.¹ Again, in our view, this refers to the shooting of William Nash and his father.

¹ AD76.7; AD76.9-10; WT8.11-12; WT8.14; AD76.3; Day 138/147-149

Letty Donnelly

86.318 In her written statement to this Inquiry,¹ Letty Donnelly told us that while watching from her sister's flat at 6 Garvan Place (on the first floor of Block 1 of the Rossville Flats) she saw a boy fall just north of the eastern section of the rubble barricade, as he ran towards the barricade.² She then saw the crouched figure of a man just south of the eastern section of the barricade shouting: "*That's my son. Help me'.*" She learned that these two were William Nash and his father. She also saw two other bodies on the north side of the western section of the rubble barricade, which were later thrown into an Army vehicle. In her oral evidence to this Inquiry³ she accepted that William Nash and his father could have been on the western section of the barricade but remained sure that one was to the north of the barricade and one to the south. In view of the evidence given in 1972, we have concluded that Letty Donnelly's memory has deceived her, since we are sure that William Nash was shot when on the southern side of the rubble barricade. Furthermore, for reasons given earlier in this report,⁴ we are sure that William Nash (as well as Michael McDaid and John Young) was facing north and not running south when he was shot.

¹ AD125.2

³ Day 124/119

² AD125.7

⁴ Paragraphs 86.193-197

Hugh Duffy

86.319 Hugh Duffy said in his evidence to this Inquiry that while standing at the south end of the eastern block of Glenfada Park North he saw two bodies at the rubble barricade, both to the west of the gap, lying very close to each other. He knew that the body further from Glenfada Park North was that of William Nash as he saw his father, Alexander Nash (who was standing in the same group as the witness), go to him. William Nash was lying with his head pointing north. The other body was lying on the barricade, was wearing dark clothes and had dark hair. This man was lying on his side with his back to Glenfada Park and with his head pointing north.¹ There is no doubt that there were three bodies at the rubble barricade when Alexander Nash went out to his son. Hugh Duffy also told Kathleen Keville that he saw two bodies.² It appears that his observation in this regard was incomplete.

¹ [AD156.3; Day 150/77-81](#)

² [AD156.9](#)

John Dunleavy

86.320 In his written statement to this Inquiry,¹ John Dunleavy told us that from the sitting room of his flat at 5 Garvan Place (on the second floor of Block 1 of the Rossville Flats) he saw three bodies very close to one another, approximately in the middle of the rubble barricade. His recollection was that one of the bodies was “*slightly on top of the other two*” and that this youth wore a jumper that gradually became red with blood. The recollections of this witness are to a significant degree consistent with the 1972 accounts of Alexander Nash.

¹ [AD170.2](#)

William Etherson

86.321 William Etherson said in his evidence to this Inquiry¹ that while crouching in Rossville Street some distance south of the rubble barricade, he saw three youths fall as they ran across the rubble barricade from west to east. They all seemed to drop at the same time, but he could not be sure that they had been hit.

¹ [AE4.3-4; Day 143/6-9](#)

Seamus Fleming

86.322 In his NICRA statement,¹ Seamus Fleming described being affected by CS gas and spraining his ankle when he began to run from Columbcille Court; and then reaching the “*entry to Glenfada Park*” (ie the south-eastern entrance to Glenfada Park North). His statement continued:

“There were about twenty young men sheltering behind a barricade of bricks and rubble. I then noticed that some of the lads got up and ran into the entry where I was standing. As they were running, I heard gunfire.

There were still about six left at the barricade and they fell for cover. I saw soldiers everywhere and three saracens. During a lull in the shooting, the six lads at the barricade got up to run towards our entry. The minute their heads appeared, there was a burst of fire and I saw a lad with a blue half jerkin clutch his stomach with his hands and slump on top of the barricade. I saw also a lad with a brown coat slumping over, holding his left side. They did not move. A man beside me in the entry made an attempt to go forward to assist them but there was another burst of gunfire and a bullet struck the wall above us. A piece of red brick fell to the ground beside where the man was standing. At that point I ran through Lisfannon Park and into Butcher Street. I stood there for from 5 to 10 minutes. There was a lot of gunfire so I made for home.”

¹ [AF22.11](#)

86.323 It is our view that the “*lad with a blue half jerkin*” was probably Michael Kelly and the “*lad with a brown coat*” William Nash, since these descriptions are consistent with the clothing worn by these casualties. Seamus Fleming said to this Inquiry that he did not see youths at the rubble barricade throwing stones or anything else at this time. In his oral evidence¹ he told us that he did not see anybody throwing anything from the barricade towards the soldiers.

¹ [Day 146/55](#)

Brendan Gallagher

86.324 This witness made a NICRA statement,¹ in which he gave the following account:

“I was in Rossville Street Barricade and five Saracens drove into Rossville Street and lined up. A few young boys were going to throw stones at them when the army opened fire. I saw two of these young boys fall dead and the third fellow was shot in the stomach. At the same time another person was shot in the leg while he was standing on the barricade.”

¹ [AG4.1](#)

86.325 In his written statement to this Inquiry,¹ Brendan Gallagher told us that he did not now remember seeing four boys shot at the rubble barricade although he vaguely remembered seeing bodies there. However, in his oral evidence to this Inquiry he said that he saw three people fall at the rubble barricade, two to the west of centre and one to the east (who was shot in the stomach). All three were on the southern side of the rubble barricade. He also saw a fourth person (who was shot in the leg) still further to the east. Some of these people had been throwing stones, but Brendan Gallagher could not recall which ones. He told us that as he dived for cover at a point close to the north-eastern corner of Glenfada Park South he had also seen another casualty fall close to him, and that he believed that at a slightly later stage, after he had taken refuge in a flat in the eastern block of Glenfada Park North, he saw Hugh Gilmour shot.²

¹ [AG4.3](#)

² [Day 147/198-208](#)

86.326 The person Brendan Gallagher said he had seen shot in the leg is likely in our view to have been Constantine Gallagher, who, as we describe elsewhere in this report,¹ was on the rubble barricade and had been injured in the leg by a baton round. We are doubtful whether Brendan Gallagher saw Hugh Gilmour shot, as there is nothing in his NICRA statement to that effect.

¹ [Paragraphs 87.142–148](#)

Veronica Glenn

86.327 Veronica Glenn said in her evidence to this Inquiry that she had been watching from her parents' flat (at 26 Mura Place at the south end of the fourth floor of Block 1 of the Rossville Flats) and that she believed that she had seen four bodies on the rubble barricade. One of these was on the western side, two on the eastern, but she could not

place the fourth body. Veronica Glenn believed that she had previously seen these people taking cover at the barricade during a burst of fire that followed the shooting of a youth who appears to have been Michael Kelly.¹

¹ AG68.2-8; Day 144/142-148

Helen Johnston

86.328 In a NICRA statement made jointly with her sister Margaret Johnston,¹ Helen Johnston recorded that she was in a small alley with a number of other people:

“From where we were standing we could see the remains of a barricade. Lying at the barricade were three men all on top of the other. Immediately beside them on his back was an elderly man. He appeared to be alive as his arms were moving. I asked some of the men, could they not pull him in. They said it was much too dangerous and the other three were dead. Then the chippings came off the wall, where the bullets were striking the wall by where we were standing.”

¹ AJ11.1

86.329 In her written statement to this Inquiry, Helen Johnston told us that she thought that she had seen the casualties at the rubble barricade from the area of the eastern entrance to Glenfada Park South.¹ In her oral evidence to this Inquiry, she recalled that two of the three people were close to one another, while the third was a foot or two further away. She initially said that she had seen these three men throwing stones, but later withdrew that suggestion.²

¹ AJ11.3; AJ11.13

² Day 228/32-36; Day 228/61-66

86.330 From this account it appears that Helen Johnston did not see any of the casualties being shot, but only saw them lying close together after Alexander Nash (William Nash’s father) had gone out to his son.

Eamon McAteer

86.331 In his NICRA statement, Eamon McAteer recorded that from the area of the south end of the eastern block of Glenfada Park North he saw three bodies almost lying on top of one another on the rubble barricade.¹ In his evidence to this Inquiry, he again referred to three bodies in close proximity to each other and recalled that they were in a position to the west of the centre and to the south of the barricade.²

¹ AM41.33

² AM41.13; Day 135/13-15

Mary McCann

86.332 This witness was uncertain as to the precise position of the two bodies that she recalled seeing at the rubble barricade as she looked out from the window of 11 Garvan Place (on the first floor of Block 1 of the Rossville Flats), but indicated that they were close together on the eastern side of Rossville Street. She also thought that a man (who appears to have been Alexander Nash) was in between these two bodies waving his arm.¹ We formed the view that this witness, though doing her best, really had no clear recollection of events.

¹ [AM78.1](#); [Day 133/60-64](#)

Kevin McCloskey

86.333 Kevin McCloskey said in his evidence to this Inquiry that he saw three men fall as he and they ran south over the rubble barricade. He indicated that they fell on the southern side of the barricade, to the west of the gap. He tried to help one of these men, but could not drag him to cover. He thought that this man was in his twenties or thirties. He saw no stone-throwing from the barricade.¹

¹ [AM116.4-5](#); [Day 135/237-242](#)

86.334 We formed the view, on listening to Kevin McCloskey's evidence, that he did not have a true recollection of events; in many respects his overall account is inconsistent with other convincing evidence. For example he described going from the rubble barricade and seeing three or four men standing at the south end of the eastern block of Glenfada Park North, one of whom was Fr Bradley. It is clear from photographic and other evidence that there were substantially more people at the south end of that block, who remained there throughout the shooting at the rubble barricade. We concluded that it would be unwise to rely on the account given by this witness.

John McCrudden

86.335 This witness said in his evidence to this Inquiry¹ that he looked out from an upstairs window in 12 Garvan Place (on the third floor of Block 1 of the Rossville Flats) and saw two bodies on the western side of the rubble barricade, a little to the left of the arrow he marked on the following photograph.² He also appears to have seen Alexander Nash nearby, which may have prevented him from seeing a third body.

¹ [AM152.3-4](#); [Day 95/108-111](#)

² [AM152.13](#)



Nola McSwine

86.336 In her evidence to this Inquiry,¹ Nola McSwine (now McCullagh) said that while looking out of the window of a flat on the third floor of Block 1 of the Rossville Flats she saw three bodies lying towards the middle of the rubble barricade. She had the impression (possibly from their posture) that they had come from the south-eastern corner of Glenfada Park North. The bodies were very close to each other. She subsequently saw a man (who appears to have been Alexander Nash) go to the bodies.

¹ [AM157.3-4](#); [Day 137/10-11](#)

Michael McCusker

86.337 We have referred earlier¹ to the evidence of this witness. In his Keville interview,² he said that he talked to John Young at the rubble barricade and that John Young told him “*that there was two boys shot around at ... the back of the flats*”. According to John Goddard’s interview note,³ Michael McCusker said that John Young, who had no stone in his hands, had told him that Michael Bradley had been shot. In his written statement to this Inquiry,⁴ Michael McCusker said that John Young had told him that Michael Bradley had been shot

and taken to a house in Joseph Place. In his oral evidence to this Inquiry,⁵ Michael McCusker said that he left John Young standing at about the point marked with an arrow on the following photograph.⁶

¹ Paragraphs 86.126–129 and 86.150–151

² AM160.14

³ AM160.9

⁴ AM160.2

⁵ Day 148/55-56

⁶ AM160.10



Denis Patrick McLaughlin

86.338 In his Keville interview, this witness (who was 16 at the time) gave the following account:¹

“I was down at the William Street to see what was happening and er – they started to shoot the gas and we came running up Rossville Street.

[Female voice] To get away from the gas?

To get away from the gas. I was hit with a rubber bullet and I fell and two men dragged me up...

[Female voice] You were hit with a rubber bullet?

Aye and I fell and I was dragged up a bit ... I was all right and er – ... I says I'm ... going down, see what's happening down here again. And I went down and I seen a body over at the barricade and there was another fella along with me, he goes over at the body and I went over along with him and er – this other fella walked out and he was shot in the stomach and he fell, then another man came out again he was shot and he fell and a boy came out and he was shot in the head...

[Female voice] Were any of them armed?

No. None of them was armed at all.

[Female voice] they weren't trying to – to fight the soldiers?

No. They just came out to help with this body that was lying there. They thought we were – they thought we were shot too as we were lying beside him because we didn't want to get up, you know. And they shot him in the head and the – the blood spurted out of his head it came away in my hands, you know. And er – there was a – the oth – there was a boy then that came over and he dragged this boy by the feet, you know, to get him out of the road. He says for us to come over out of the road, you know, you don't want to get shot. We says 'what about these bodies?'

He says 'you have to come over here in case you get shot', you know. So he dragged the first boy by the feet then he grabbed my hands and he dragged me across and we run in against the wall with Father Bradley, you know. And I grabbed Father Bradley down beside me, you know, as he's sort of like a little scared, you know. Some of the soldiers came around the corner and there was another man and he pulled off his coat and the steam was rising out of him and there was a hole in his shoulder and I knew he was shot."

¹ AM326.38-39

86.339 Denis Patrick McLaughlin also made a NICRA statement,¹ in which he recorded that the first casualty he saw was dressed in a brown suit and had black hair, and had been running south over the "*loose stones of the barricade*" when he fell back and rolled over onto his face. He stated that he saw this man from the south end of the eastern block of Glenfada Park North, and that George Roberts, who had been running alongside the man, went to assist him. Denis Patrick McLaughlin also crawled out to him. A second man fell nearby, who he later found out had been shot dead. A third man walked out slowly. More shots rang out and the third man fell on top of Denis Patrick McLaughlin. The witness turned and saw a fourth casualty's head burst open with blood pouring out. Denis Patrick McLaughlin recorded in his NICRA statement that after witnessing people being shot he became hysterical.

¹ AM326.19-21

86.340 Denis Patrick McLaughlin gave written and oral evidence to this Inquiry. In his written statement to this Inquiry¹ he gave a similar account to that he had given in his NICRA statement, but said that from photographs of those who were killed on Bloody Sunday he

had been able to identify the first casualty he saw, who was wearing the brown suit, as William Nash. In his oral evidence to this Inquiry² he said that he did not see any wound suffered by this casualty. He said³ that he did not know what the second man had been doing before he fell. He thought that the man had been shot, because bullets were hitting the rubble barricade when he fell. He said⁴ that he presumed that the third man had walked out “*from the Glenfada Park side*”. He thought that this man had been shot because of the way he fell, but he saw no sign of injury on him. He said⁵ that he could not remember from where the fourth casualty had come, but he remembered the blood coming out of his head.

¹ AM326.4-6

⁴ Day 159/29-30

² Day 159/102-105

⁵ Day 159/30-33

³ Day 159/27-29

86.341 We have no doubt that Denis Patrick McLaughlin witnessed the shooting of some of the casualties at the rubble barricade. He identified himself¹ as the youth standing fourth from the right in the photograph taken by Liam Mailey showing Fr Bradley walking in the direction of Rossville Street, which we have shown earlier in this report and which we reproduce below.²

¹ AM326.12

² Paragraph 86.209



86.342 In his oral evidence to the Widgery Inquiry, Liam Mailey said that the youth shown fourth from the right in his photograph had become hysterical.¹

¹ [WT7.33](#)

86.343 We have considered the evidence of Denis Patrick McLaughlin. He was a witness to horrific events taking place close to him, and so it is not surprising that he became hysterical. However, we take the view that his evidence indicates that William Nash was shot before John Young and Michael McDaid. There is nothing in his accounts to suggest that the latter two were doing anything other than trying to go out to the bodies.

Kevin McGonagle

86.344 According to the note made by John Barry of the *Sunday Times* Insight Team of an interview with Kevin McGonagle,¹ this witness said that from his position in a house in Joseph Place he saw one youth near the “*left-hand*” (which from there would be the western) pavement of Rossville Street crawling towards another youth who was lying at the rubble barricade. The crawling youth then ceased moving. In his evidence to this Inquiry, Kevin McGonagle said that he recalled seeing three or four people fall in a similar area, and another person crawling towards them before that person twitched and was presumably shot.²

¹ [AM254.22.3](#)

² [AM254.10](#); [Day 128/181-192](#)

Jack Nash

86.345 This witness said in his evidence to this Inquiry¹ that he recalled looking towards the rubble barricade from near the south end of the eastern block of Glenfada Park North and seeing two bodies lying close to one another, and Alexander Nash in the middle of them waving his arm. He believed that the bodies were approximately in the centre of the rubble barricade, slightly to the east of the gap.

¹ [AN27.3](#); [Day 137/18-19](#)

Brian Rainey

86.346 Brian Rainey (who was a schoolteacher) made a written statement dated 4th February 1972.¹ In this statement he described moving towards Free Derry Corner and continued:

“I had just crossed the street barricade across Rossville Street, just in front of the High Flats and was approaching the small wall surrounding the block of maisonettes at Glenfada Park when I heard shouting and as I looked behind I could see Army Saracens rushing into Rossville Street. A number of young lads were running in all directions in front of them. One saracen stopped about 15–20 yards of the William Street side of the street barricade in Rossville Street. Most of the young lads stopped level with the barricade. I stepped up onto the wall which runs along the front of the maisonettes at Glenfada Park so that I could see better what was happening. I saw a couple of young lads being captured by the Army and being led towards the saracens. At this stage other soldiers were taking up positions. A number of the young lads began stoning the Army, and I saw and heard other young lads shout towards the people at the meeting to come and join them.

Then I heard a burst of gunfire. I decided to get down from the wall and I stood close against the front of the maisonettes. There came another burst of gunfire and as I looked back towards the Army I saw a closely packed group of about four young lads fall lifelessly to the ground. Their position was directly behind the Rossville Street barricade on the Glenfada Park side of the road. At this burst of shooting I got down on my hands and knees and crawled along the base of the maisonettes at Glenfada Park. Just before I turned the corner I looked back to see if what I had seen had actually happened. From the way this small group had fallen – they seemed to be piled on top of one another – I was quite certain they had been shot. Again I must state I did not see any guns except those used by the Army, nor did I see any petrol bombs nor did I hear any nail bombs. The only weapons I saw being used by a number of young lads were stones.”

¹ [AR3.11-12](#)

86.347 Brian Rainey also made a written statement for the Widgery Inquiry, though he did not give oral evidence.¹ In this statement he gave the following account:

“I looked back towards William Street and I saw armoured vehicles driving into and along Rossville Street. Everyone was running. I ran about twenty yards and stopped alongside a small wall which surrounds a block of maisonettes at Glenfada Park. I stood on top of this wall and looked back. By this time I could see two of the army vehicles had halted some thirty yards on the far side of the barricade. Soldiers had got out of the vehicles and were moving around very fast. I saw two people being arrested and dragged away. It was at this point that a number of young lads, who had run past the barricade in the direction of Free Derry Corner, returned to the barricade and began shouting and throwing stones at the army. Other lads were shouting in the direction of the meeting for the people there to come back and help them. It was just then that I heard the sound of gunfire – a couple of single shots. I got down off the small wall immediately and crouched along the front of the maisonettes. I was looking to my left – that is in the direction of the army. I was still hearing single shots ringing out – very sharp and crisp in sound. Just then I observed a group of young lads, about three or four quite close together, falling to the ground and lying motionless. I knew they had been hit. They seemed to fall quite close together. Their position was at the barricade across Rossville Street, opposite the high flats, on the Glenfada Park side of the street.”

¹ AR3.15-16

86.348 Brian Rainey gave written and oral evidence to this Inquiry. In his written statement,¹ he told us that the wall on which he had first stood was the one running along the gardens on the south-eastern side of Glenfada Park South, that the youngsters at the rubble barricade had their backs to him and that the three or four he saw fall did so at about the centre of the rubble barricade:²

“To my mind they had all been throwing stones, grabbing what was nearest. I could not believe my eyes. I had never seen anyone shot before. I remember the way they fell was most unusual, they just dropped together in a lifeless way, not forwards or backwards, just sideways in a heap on top of one another. To me, when they were shot they were looking towards the army position where they were throwing stones.”

¹ AR3.1

² AR3.2-3

86.349 In his oral evidence to this Inquiry, Brian Rainey was asked about this part of his written statement:¹

“Q. ... Is your recollection sufficiently clear for you to be able to say that you actually saw them throwing stones, or is there an element of supposition in your expression ‘to my mind, they had all been throwing stones’?”

A. That was a general, there was a general comment to cover the boys that were at the barricade. Most of them, I feel, were throwing stones, but I could not say all of those who were shot were throwing stones.”

¹ [Day 132/113](#)

86.350 When he was shown Ciaran Donnelly's photograph (reproduced below) of people facing the Army vehicles in Rossville Street, Brian Rainey told us that his recollection was that there were more people around the rubble barricade when people were shot than shown in that photograph.¹

¹ [Day 132/114-115](#)



86.351 Brian Rainey marked on the following photograph where he recalled the young men falling.¹

¹ [Day 132/147-148; AR3.20](#)



86.352 As will have been noted, Brian Rainey has given consistent accounts of what he heard and saw from his vantage point on the eastern side of Glenfada Park South.

Edward Rigney

86.353 It appears that this witness made a NICRA statement,¹ for although the statement in question bears the name of Damion Rigney, the address corresponds with that given by Edward Rigney to this Inquiry and the signature on the manuscript copy of the NICRA statement matches the signature on his written statement to this Inquiry.² The NICRA statement was in the following terms:

“I was in Chamberlain Street when the army made their charge into Rossville Street. I ran back to the meeting at Free Derry Corner. I left this when B. Devlin was about to speak. There was shooting started. I saw a man fall at the barricade at Rossville Flats. Two boys ran out to lift him and they were shot at as well, both fell.”

¹ AR8.1

² AR10.7

86.354 In his evidence to this Inquiry,¹ Edward Rigney said that as he ran across Rossville Street to the southern corner of Glenfada Park South he thought that he saw people fall behind the rubble barricade as they moved from east to west.

¹ AR10.5; Day 136/39-40

Ronald Wood

86.355 Ronald Wood (who had served in the Royal Navy) gave a written statement for and oral evidence to the Widgery Inquiry. In his written statement he described what he saw from what would appear to have been the south-eastern corner of the eastern block of Glenfada Park North:¹

“8. Soldiers got out of the saracens immediately they stopped and some took cover round the saracens and some took cover by a wall in front of the building which I think is called Columbcille Court.

9. The crowd was scattering away from the soldiers towards Free Derry Corner or into the turnings and alleyways off Rossville Street. A few stones were thrown at the soldiers and they fired one or two rubber bullets in return.

10. From somewhere on the William Street side of me two shots were fired. They were real bullet shots. There was no crowd between myself and the troops. That part of Rossville Street from which these two shots were fired was occupied by the troops.

11. One of those two shots hit a young fellow of I suppose about eighteen or nineteen who was standing at the barrier about two or three yards away from me. He was hit in the left side of his stomach. He had a light jacket and white T-shirt on. He was not armed. He was not firing. He was not even throwing stones. This happened no more than a minute or so after the troops got out of the saracens.

12. Several of us lifted this young fellow and took him into cover behind Glenfada Flats. As that was happening there was a whole fusillade of shots and two people further out along the barricade fell. They were young fellows as well. They were dressed in jackets and trousers. I saw no weapons on them or round their bodies. I am fairly certain that they were unarmed. In any case they definitely were not firing. No shots had come from our end of Rossville Street at all.

13. About the same time that these two young fellows were shot the first fellow whom we had carried into cover was taken into one of the flats in either Glenfada Park or Abbey Park. I saw when he was taken that he had been shot in the left side of his stomach. He was still alive then.”

¹ [AW24.11-12](#)

86.356 Ronald Wood gave a consistent account in his oral evidence to the Widgery Inquiry.¹

¹ [WT4.55-59](#)

86.357 In his written and oral evidence to this Inquiry, Ronald Wood gave an account essentially consistent with the evidence that he had given in 1972, though it appears that his recollection now is that he did not actually see Michael Kelly or the other two casualties at the moment they were shot.¹

¹ [AW24.1-4; Day 127/1-72](#)

86.358 We have no doubt that Ronald Wood was close to Michael Kelly when the latter was shot and then (*“fairly quickly”* afterwards), as he put it to the Widgery Inquiry,¹ saw two other people who had fallen at the rubble barricade. He told us in his written statement to this Inquiry that he had been informed afterwards that these two people had been shot in the head.² This, if he was correctly informed, indicates that he saw Michael McDaid and John Young.

¹ [WT4.58](#)

² [AW24.3](#)

Conclusions on the foregoing evidence

86.359 As we have already noted,¹ much of the evidence is confused and inconsistent. Nevertheless, in our view an analysis of the evidence as a whole does enable us to reach some firm conclusions.

¹ [Paragraph 86.287](#)

86.360 We are sure that William Nash, John Young and Michael McDaid were all shot and fell close together when they were slightly to the west of the centre of the rubble barricade; and that they were shot in that order.

86.361 We are also sure that, while there was an interval between the shooting of William Nash and the other two casualties, the latter two were shot within a very short time of each other.

86.362 In our view John Young was going to the aid of William Nash when he was shot; and probably Michael McDaid was doing likewise.

86.363 We are sure that all three of these casualties were facing north in the direction of soldiers who were further north along Rossville Street when they were shot; and must have been shot by one or more of those soldiers.

86.364 There is no evidence at all that any of these three casualties was armed with any form of lethal weapon. We are sure that they were not. Many of the witnesses to whom we have referred have stated expressly that none of these three, nor anyone around them, was

armed with either a firearm or any form of bomb. All three had probably been throwing stones or similar missiles at the soldiers from the area of the rubble barricade. William Nash may have been throwing or about to throw a stone when he was shot; but in our view John Young was not doing so, as he was going to the aid of William Nash; and the same is probably the case with Michael McDaid. Given, as we are sure was the case, that these casualties were shot by a soldier or soldiers at ground level further along Rossville Street, the medical and scientific evidence indicates that they were not standing upright when they were hit, but were leaning forward or, as one witness put it, crouched.

Kevin McElhinney

Biographical details

86.365 Kevin McElhinney was 17 years old at the time of Bloody Sunday. He was the third of five children and lived with his parents in Phillip Street, Pennyburn. He was employed as a shop assistant in Lipton's supermarket in Strand Road.¹

¹ [AM503.1](#); [ED44.3](#)

Prior movements

86.366 Kevin McElhinney's sister Roslyn (now Roslyn Doyle) told us in her written statement to this Inquiry¹ that her brother left the family home after lunch to go on the march with a few friends who had called for him, including Frank Hone and Paul Coyle.

¹ [AD139.1](#)

86.367 Frank Hone told us in his written statement to this Inquiry¹ that he called for Kevin McElhinney on his way home from Mass and went with him to the Creggan for the start of the march, but lost him in the crowd at an early stage. Frank Hone only went on the march to throw stones, but he said that Kevin McElhinney was not interested in rioting in the way that he was.² On the other hand, he also said that after Kevin McElhinney had been killed he told Kevin McElhinney's father that Kevin McElhinney "*would not have been carrying more than a stone*".

¹ [AH80.2](#)

² [AH80.4](#)

86.368 In his written statement to this Inquiry,¹ Paul Coyle told us that he and his friend Kevin Duffy went to the Creggan where the march was to begin. He met Kevin McElhinney at the Creggan roundabout. Kevin McElhinney was carrying a paint bomb (ie a bottle

containing paint). It appears from a remark attributed to Paul Coyle in an article published in the *Sunday Press* on 19th January 1992,² which he confirmed in his oral evidence to this Inquiry,³ that Kevin McElhinney had told him something to the effect that he wanted “*to make his mark on a Saracen*”. We accept this evidence.

¹ AC105.1

³ Day 152/56-57

² L242

86.369 James McGeehan told us in his written statement to this Inquiry¹ that he walked to the start of the march with his two brothers and his friends Kevin McElhinney and Paul Coyle. James McGeehan went on the march to William Street and continued to Barrier 14 instead of turning down Rossville Street. In his oral evidence to this Inquiry,² James McGeehan admitted that he had been involved in the rioting at Barrier 14. James McGeehan said that he vaguely recalled that he saw Kevin McElhinney for the last time “*when we were well up William Street*”.³ It is not clear exactly what this means. James McGeehan expressed the opinion that when they became separated Kevin McElhinney must have stayed at Little James Street, but he did not explain the reason for this belief.

¹ AM227.1-AM227.2

³ AM227.5

² Day 99/68-69

86.370 In his written statement to this Inquiry,¹ Paddy Kelly told us that he met Kevin McElhinney at Bishop’s Field and accompanied him on the march as it made its way down to the Bogside. Paddy Kelly took part in the early stages of the rioting at Barrier 14 and then moved to Little James Street where he took part in further rioting. When the paratroopers entered the Bogside, Paddy Kelly ran down Rossville Street and across the waste ground. Paddy Kelly stated that he saw Kevin McElhinney for the last time at the junction of William Street and Rossville Street, and was not sure where Kevin McElhinney had gone subsequently.² He gave the impression, without saying so expressly, that Kevin McElhinney had been with him all the time until then. Paddy Kelly described Kevin McElhinney as someone who might have thrown a bottle or stone in a riot, but did not say whether he had in fact done so on this occasion.

¹ AK20.1

² AK20.2-AK20.3

86.371 Larry Doherty’s photograph, which is reproduced below, shows Kevin McElhinney on the march. He is also shown on the march in a section of a cine film made by Michael Rodgers.¹

¹ Vid 52 00.40



Kevin McElhinney

86.372 A further photograph shows Kevin McElhinney at the front of the crowd as it moved down lower William Street towards Barrier 14.



Kevin McElhinney

86.373 Alex Morrison told us in his written statement to this Inquiry¹ that he went on the march on his own but soon met Kevin McElhinney. They followed the march to the junction of Creggan Street and William Street. They then decided to take a short cut, knowing that there was to be a meeting at Free Derry Corner. Alex Morrison thought (but doubtfully)² that they had walked via Little Diamond and Fahan Street West to Rossville Street, as indicated on the plan attached to his statement.³ On reaching Rossville Street, however, they changed their minds and went to the main entrance of Block 1 of the Rossville Flats instead of to Free Derry Corner. On Alex Morrison's account, Kevin McElhinney then remained in the vicinity of the rubble barricade until he was killed. This evidence is inconsistent with the evidence of James McGeehan and Paddy Kelly, and with the photograph showing Kevin McElhinney at the front of the crowd in William Street, which we have reproduced above,⁴ and which indicates that Kevin McElhinney went down William Street instead of taking the short cut described by Alex Morrison.

¹ [AM429.7-AM429.8](#)

³ [AM429.12](#)

² [Day 143/128](#)

⁴ [Paragraph 86.372](#)

86.374 According to the note made by Philip Jacobson of the *Sunday Times* Insight Team of his interview of Alex Morrison,¹ the latter had left the march at the “*far end*” of William Street after having “*seen it grind to halt and then seen gas and water cannon etc*” and then “*cut through to the rossville flats via glenfadda*”. The note does not record that Kevin McElhinney was with Alex Morrison at that stage, which raises the question whether the latter could be mistaken in his current recollection that he and Kevin McElhinney took the short cut together. The references in Philip Jacobson's note to seeing gas and water cannon and to cutting through Glenfada Park also indicate that Alex Morrison himself must have proceeded further along William Street than he now uncertainly recalls. It is also relevant to note that Alex Morrison's answers in the transcript of the interview that he gave to Paul Mahon on 6th April 1998² (more than two years before he signed his written statement to this Inquiry on 2nd May 2000) suggest that he was then extremely uncertain both about the route that he took and about whether Kevin McElhinney was with him before he reached Rossville Street. In our view Alex Morrison was mistaken in his uncertain recollections. We consider that it is likely that Kevin McElhinney took part in the rioting at Barrier 14.

¹ [AM429.2](#)

² [X4.44.1-X4.44.5](#)

Medical and scientific evidence

Wound pathology and ballistics

86.375 Dr Thomas Marshall, then the State Pathologist for Northern Ireland, conducted an autopsy of the body of Kevin McElhinney on 31st January 1972 at Altnagelvin Hospital.¹ Dr Domhnall MacDermott (a local general practitioner who attended as an observer)² and an RUC photographer were also present.³ Dr Shepherd and Mr O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, considered the notes, report and photographs from this autopsy. Dr Marshall (now Professor Marshall), Dr Shepherd and Mr O'Callaghan all gave written and oral evidence to this Inquiry. Dr Marshall also appeared before the Widgery Inquiry.

¹ WT9.3; D543

³ D214

² AM5.7

86.376 In his autopsy report,¹ Dr Marshall described the following five gunshot wounds:

(i) An entrance wound, 3mm in diameter, on the inner side of the left buttock, 2cm from the anus. The left posterior margin of the wound was bordered by a zone of abrasion, up to 3mm wide. The wound bled profusely. When a probe was inserted, there was a track into the abdomen, extending forwards with an inclination of 45° and a slight deviation to the left.

(ii) A lacerated oval exit wound, measuring 7cm x 4cm, in the left flank over the lower ribs, centred 13cm above the top of the iliac crest. The long axis of the wound was vertical. The wound exposed lacerated, black-soiled muscle and a fractured rib. There was a band of green discoloured skin extending downwards from the wound towards the left groin.

(iii) A circular laceration, 4mm in diameter, situated 2.5cm above the upper margin of wound (ii). A tongue of superficial abrasion, 4mm broad, extended upwards for 12mm from the upper surface of this wound.

(iv) A circular laceration, 4mm in diameter, situated 8cm above wound (iii). Around this wound, between the 9 o'clock and 12 o'clock positions, there was an arc of abrasion, 4mm broad.

(v) A laceration, measuring 5cm x 4cm (this appears to be an error for 5mm x 4mm), situated 3.5cm above wound (iv), which had a base formed by the shelved upper margins.

¹ [D214](#)

86.377 Dr Marshall noted that a track passed downwards between the skin and the left lower ribs, connecting wounds (ii) to (v), and emerging into the abdominal cavity through a ragged hole in its left wall.¹

¹ [D215](#)

86.378 Dr Marshall also described a linear abrasion, 6cm long and up to 1cm wide, extending downwards and forwards across the outer side of the left thigh at the junction of the upper and middle thirds.¹

¹ [D215](#)

86.379 The internal injuries found by Dr Marshall are described in his report.¹

¹ [D217](#)

86.380 In the course of the autopsy, as he explained in his oral evidence to this Inquiry,¹ Dr Marshall caused X-rays to be taken of Kevin McElhinney's chest and pelvis. He may have done this in order to see whether any bullet or fragment of a bullet was still lodged in the body, and found that there was none.²

¹ [Day 207/50-53](#)

² [Day 209/77-79](#)

86.381 In his autopsy report, Dr Marshall summarised his conclusions about the fatal injury as follows:¹

"Death was due to a missile wound of the abdomen. A single missile had entered the left buttock only an inch to the left of the opening of the anus. It had passed into the left side of the pelvic cavity causing considerable laceration of muscle, fracturing of bone and a tear in the bladder. It had then divided a segment of large intestine, lacerated the artery supplying the left leg and torn open two segments of small intestine before entering the left side of the abdominal wall. Here it fragmented as it passed through the tissues outside the left lower ribs. One large piece and three small fragments emerged separately, the larger piece fracturing the ninth left rib. Death was precipitated by the bleeding into the abdomen from the lacerated artery.

The injuries were of a kind caused by a high velocity bullet.

The track of the missile through the body was upwards and forwards with a slight deviation to the left although the forwards and left deviations might have been influenced by the missile striking the pelvic bone. When the situation of the entrance wound is taken into account, it seems likely that he was bent forwards at the time he was shot from behind. Then the bullet could have been travelling almost horizontally.”

¹ [D218](#)

86.382 With regard to the abrasion of the left thigh, Dr Marshall’s conclusions were as follows:¹

“There was an abrasion extending downwards and forwards across the outside of the left thigh. This could have been a graze from a bullet. It could have come from the same weapon if the left thigh had been flexed at the time. He might have been crouched down on all fours or climbing over something.”

¹ [D218](#)

86.383 In his oral evidence to the Widgery Inquiry,¹ Dr Marshall confirmed the conclusions set out in his autopsy report.

¹ [WT9.4-WT9.6](#)

86.384 In his written statement to this Inquiry,¹ Dr Marshall clarified the reference in his description of the entrance wound to an inclination of 45° and a slight deviation to the left, explaining that the former was the inclination from the horizontal plane and the latter the deviation from the sagittal plane. Dr Marshall had been asked whether the abrasion around the uppermost three wounds on the left side of Kevin McElhinney’s body might indicate that these were entrance wounds caused by fragments of a second bullet. He said that although he could not entirely rule out this possibility, he remained of the opinion that a single bullet had caused all the injuries.

¹ [D547](#)

86.385 Dr Marshall also explained that the reason why he suggested that the abrasion on the left thigh might have been a graze from a bullet was that it appeared to lack some of the characteristics of a graze caused by falling or rubbing against another surface.¹

¹ [D547-D548](#)

86.386 In their report,¹ Dr Shepherd and Mr O’Callaghan observed that the mortuary photographs showed shelving of the upper margin of wound (iii) rather than the abrasion described by Dr Marshall.

¹ [E2.51](#)

86.387 Herbert Donnelly, then an Assistant Scientific Officer in the Department of Industrial and Forensic Science in Belfast, examined the clothing of Kevin McElhinney under the direction of Dr John Martin, then a Principal Scientific Officer in the same department.¹ In his report dated 21st February 1972,² Dr Martin set out these findings:

“A small hole in the seat area of the trousers (item 6) had traces of lead on the perimeter and is characteristic of bullet entry. A large rip in the left side seam of the jacket (item 2) is characteristic of bullet exit. There is corresponding damage to the undergarments. A small rip in the rear left shoulder of the jacket with damage to the undergarments is characteristic of a bullet fragment – possibly a piece of metal jacket. Two small fragments of lead were detected on the edge of this rip.”

¹ [D205-D209](#); [D741.60](#)

² [D201](#)

86.388 In the laboratory notes,¹ Herbert Donnelly had described his findings in more detail, and had referred to the following damage to the clothing:

(i) A tear on the left leg of the trousers, 11in below the waist and 2½in behind the side seam.

(ii) A hole, with a diameter of ⅛in, situated 8in below the top of the trousers on the rear mid-seam, with corresponding damage to the underpants. Dr Martin had added a note that this hole was tested positively for lead and that it had all the appearance of an entry hole.

(iii) Two splits in the left side seam of the jacket. Only the lower of these, which was situated 8in below the armpit, was accompanied by a corresponding hole in the lining of the jacket. This split measured 1in x ⅛in.

(iv) A further hole in the jacket, measuring ½in x ⅛in, situated 1in behind the left side seam and 8¾in below shoulder level. Dr Martin had added a note that this hole was tested positively for lead particles. There was a corresponding hole in the lining of the jacket.

(v) A hole in the left side of the pullover, corresponding to the “*previous exhibit*”, ie the jacket. Herbert Donnelly did not say which of the holes in the jacket it matched.

(vi) The following four holes in the left side of the shirt:

- (a) A hole measuring $\frac{1}{2}$ in x $\frac{1}{8}$ in, situated just in front of the side seam and 16in below shoulder level.
- (b) A hole, $1\frac{1}{2}$ in long, situated just behind the side seam and 15in below shoulder level.
- (c) A hole measuring $\frac{3}{4}$ in x $\frac{1}{8}$ in, situated $1\frac{1}{2}$ in behind the side seam and $14\frac{1}{2}$ in below shoulder level.
- (d) A hole measuring $\frac{3}{16}$ in x $\frac{1}{16}$ in, situated $3\frac{1}{4}$ in behind the side seam and $6\frac{1}{4}$ in below shoulder level.

(vii) The following three holes in the left side of the T-shirt:

- (a) A hole measuring $\frac{3}{4}$ in by 2in, situated $1\frac{1}{2}$ in in front of the side seam and 15in below shoulder level.
- (b) A hole, with a diameter of $\frac{1}{8}$ in, situated $\frac{1}{8}$ in in front of the side seam and 10in below shoulder level.
- (c) A hole, with a diameter of $\frac{1}{8}$ in, situated 1in behind the side seam and $8\frac{1}{2}$ in below the shoulder seam.

(viii) Holes in the upper and sole of the left boot. These were not accompanied by corresponding damage to the sock.

¹ [D205-D209](#)

86.389 In his oral evidence to the Widgery Inquiry,¹ Dr Martin said that he had not found “*fragments*” on the rip in the left shoulder of the jacket ((iv) in the list set out above), but “*evidence which suggested a fragment*”, although he then described what he had found as “*minute fragments*”. In the laboratory notes,² he had marked an illustration of the rip “*pb +ve particles*”. Dr Martin had marked the polythene bag containing the filter paper used to test this area of the jacket with the following note:³ “*Entry hole L shoulder Cut in cloth 2 particles of lead*”. In their report,⁴ Dr Shepherd and Mr O’Callaghan commented

that Dr Martin appeared to have concluded from the traces of lead found on the rip in the left shoulder of the jacket that this damage had been caused by the entrance of a fragment of a bullet not linked to the fatal injury.

¹ WT9.28

³ F11.1

² D205

⁴ E2.52-E2.53

86.390 In his oral evidence to the Widgery Inquiry,¹ Dr Martin referred to the tear in the left leg of the trousers ((i) in the list set out above) as “*another cut ... which may have suggested another particle, but I could not say*”. In context, it seems that he meant that it might have been caused by another bullet fragment. In their report,² Dr Shepherd and Mr O’Callaghan pointed out that in the laboratory notes³ the tear was illustrated as a right-angled defect. This damage to the left leg of the trousers, which was associated with the abrasion of the left thigh considered by Dr Marshall to be a possible bullet graze, was in the view of Dr Shepherd and Mr O’Callaghan more consistent with contact with a point than with the passage of a bullet.

¹ WT9.18

³ D207

² E2.53

86.391 In summarising the gunshot wounds described by Dr Marshall in his autopsy report, we referred to the entrance wound in the left buttock as wound (i), to the large laceration in the left side as wound (ii), and to the three smaller lacerations in the left side as wounds (iii) to (v), in order from lowest to highest. In their report, Dr Shepherd and Mr O’Callaghan used different numbering. In order to avoid confusion, we set out the following summary of their conclusions¹ with our numbering substituted for theirs:

“Clearly a bullet entered the left buttock of Kevin McELHINNEY and penetrated the organs of the pelvis. The X-ray of the pelvis shows the point of contact with the flat bone (ilium) of the left side of the pelvis. The bullet entered at an acute angle from right to left (which is supported by the site of the abrasion rim) and was deflected nearly vertically after the contact with the pelvis.

The large oval wound [(ii)] does not have the appearance of a true exit wound, it is clearly a laceration and overlays the fractured left 9th rib. The photographs show a faint darker line joining the top margin of this wound with the bottom of wound [(iii)].

Wound [(ii)] and the lowest damage to the clothing have been caused by the passage of the bullet through the rib, and possibly against the skin, which has stretched the skin and caused it to lacerate but the bullet has not exited through this wound. Instead it has passed 2.5 cm in the subcutaneous tissues before exiting through wound [(iii)].

Wound [(iii)] has the shelved (or abraded) upper margin which is consistent with a bullet exiting upwards.

Wound [(iv)] is a re-entry wound. The small arc of abrasion on the upper front margin is consistent with an entry wound. However the site of this abrasion is not typical for a bullet travelling upwards from wound [(iii)]. Despite this it is our opinion that wound [(iv)] is the re-entry site from wound [(iii)].

There is a dark band connecting wounds [(iv)] and [(v)]. Wound [(v)] has a shelved upper margin which is consistent with a bullet exiting upwards.

The X-rays of the chest show that air (or gas) is present in areas in the soft tissues of the left side of the chest and the left axilla (armpit). This is highly suggestive of the subcutaneous passage of a bullet, but no tracks can be identified on the X-rays.

None of the X-rays show any bullet fragments that would result if the bullet had fragmented after its impact with the rib as suggested by Dr Marshall in his opinion.

The bullet passed upward through the undergarments of the chest leaving the series of holes. After leaving wound [(v)], the bullet did not pass through the jacket or its lining until it exited through the hole near the shoulder.

Dr Marshall formed the opinion that all of the injuries were caused by one bullet and we would concur with that conclusion; we differ only [o]n the behaviour of the bullet at the time of exit and in our opinion that it did not fragment.

Assuming the Normal Anatomical Position it is clear that the track of the bullet was from below upward and from right to left.

The same track could be achieved if Kevin McELHINNEY was bending over or on all fours and the shot was fired from behind and to his right.”

¹ E2.54-E2.55

86.392

In his oral evidence to this Inquiry,¹ Dr Marshall stood by his interpretation of Kevin McElhinney’s injuries. As to Dr Shepherd’s view that wound (ii) did not have the appearance of a true exit wound, Dr Marshall said that while a textbook might describe an exit wound as a stellate wound with everted margins and no rim of abrasion, there was no such thing as a typical exit wound. He could see no reason why wound (ii) should not be an exit wound. Dr Marshall did not think that the bullet had exited intact through wound (iii), since it had passed through the pelvis and the ninth left rib and would have been unlikely to make such a neat hole. He believed that this wound was caused either by a fragment

of the bullet or a fragment of the rib. Dr Marshall did not accept that wound (iv) was a re-entry wound and pointed out that he had reported a track between wounds (iii) and (iv), which was not consistent with the proposition that the bullet had exited through wound (iii) and re-entered through wound (iv). He thought that wounds (iv) and (v) had also been caused by the exit of a fragment of bullet or rib. Dr Marshall agreed that no bullet fragments were shown in the X-rays. He accepted that if the bullet had fragmented he would expect at least to have found some small fragments in the body, but he said that their absence did not “*entirely rule ... out*” the possibility that the bullet had fragmented.

¹ [Day 207/61-84](#)

86.393 Dr Marshall’s attention was drawn¹ to a mortuary photograph showing an area of shading on the skin between wounds (ii) and (iii) and an area of reddening between wounds (iv) and (v). He said that he did not know what had caused these marks and that they were not necessarily attributable to the subcutaneous passage of a bullet or fragment. He was asked whether he would have expected to see damage to the surface of the skin if a bullet had passed internally between wounds (iii) and (iv), and said that there was no reason why such damage should have occurred.

¹ [Day 207/132-136](#)

86.394 Dr Marshall said¹ that although the track of the bullet was not definitive because it might have been deflected on hitting the pelvis, nevertheless the site of the entrance wound and the general course of the bullet through the body suggested that Kevin McElhinney had been bending forwards, kneeling or crawling when he was shot. The bullet was fired from behind Kevin McElhinney, but Dr Marshall did not accept that the rim of abrasion on the margin of the entrance wound showed that the bullet had necessarily come from the right.

¹ [Day 207/102-107](#); [Day 207/130-132](#)

86.395 Dr Marshall said¹ that he had suggested that the graze on the left thigh might have been caused by a bullet fired from the same weapon as the fatal shot because it was a linear abrasion in the vicinity of the entrance wound and aligned in the right kind of direction. However, he agreed that it was possible that the graze was not caused by a bullet.

¹ [Day 207/84-86](#)

86.396 In his oral evidence to this Inquiry,¹ Dr Shepherd said that he and Mr O’Callaghan remained of the view that their interpretation of Kevin McElhinney’s wounds was correct and that Dr Marshall’s was wrong. They found it impossible to believe that a bullet could have fragmented in the way proposed by Dr Marshall without leaving any fragments in the body, which would have been visible on the X-rays. They also considered that the appearance of

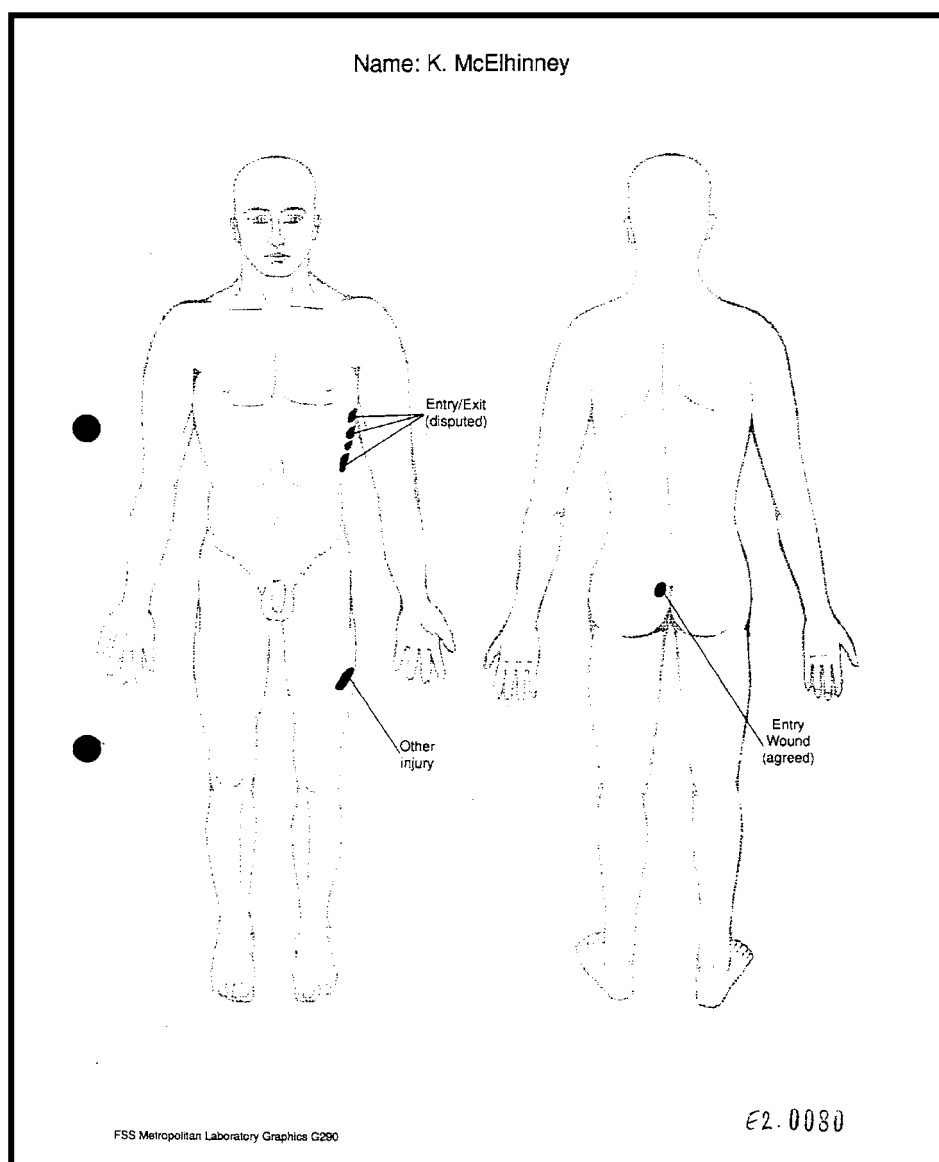
wounds (iii), (iv) and (v) suggested that they had been caused by a round object such as an intact bullet, rather than a fragment of a bullet or bone. Dr Shepherd also maintained his view that the bullet had entered Kevin McElhinney's body from the right.²

¹ Day 229/20-24; Day 229/90-92; Day 229/101-102

² Day 229/63-64

86.397 The photographs of Kevin McElhinney's body taken in the mortuary show the wounds described by Dr Marshall. We have examined these photographs but do not reproduce them here. A diagram appended to the report of Dr Shepherd and Mr O'Callaghan¹ illustrates the position of the wounds and of the abrasion of the left thigh.

¹ E2.80



86.398 As noted above,¹ Dr Marshall thought that an abrasion on Kevin McElhinney's left thigh might have been the result of a bullet that grazed him before he was fatally injured, though Dr Shepherd and Mr O'Callaghan were sceptical about this on the basis of the nature of the damage to the clothing, which Dr Marshall had not considered. In our view it is possible that a bullet grazed Kevin McElhinney before a second bullet caused his fatal injury, since some civilians described bullets striking the ground around him, but we are not certain about this. As to the other suggestions that Kevin McElhinney was struck by more than one bullet, we have concluded that this is unlikely to have happened. In our view, apart possibly from the injury to the left thigh, Kevin McElhinney was struck only by the bullet that caused the fatal injuries. We accept the view of Dr Shepherd and Mr O'Callaghan that this bullet is unlikely to have fragmented. The bullet entered Kevin McElhinney's body from behind him and, though we are not certain about this, probably from his right.

¹ Paragraphs 86.382, 86.385, 86.390 and 86.395

Tests for firearm discharge and explosives residue

86.399 Dr Martin tested the jacket that Kevin McElhinney was wearing when he was shot, and swabs taken from his hands, for the presence of lead particles. Dr Martin detected a density of lead particles on the back of the jacket that he considered to be "*significantly above the range normally encountered*". He also detected lead particles on the swabs from the back and web of the left hand, but none on the swabs from the right hand. He stated in his report the conclusion that the nature and distribution of lead particles on the swabs and jacket was similar to that produced by discharge gases from firearms. However, given his view that the damage to the left shoulder of the jacket suggested that Kevin McElhinney had been hit by a fragment of a bullet, Dr Martin said that it was also possible that the lead particles on the back of the jacket and on the left hand had come from that bullet.¹ Dr Martin also detected lead particles on Kevin McElhinney's trousers² but did not comment on these in his report.

¹ D201-D202

² D204; D605-D606

86.400 In his oral evidence to the Widgery Inquiry,¹ Dr Martin said that it would not be safe to interpret his results as showing that Kevin McElhinney or someone close to him had been handling a firearm, in view of the alternative possible explanation of the lead particles as having originated from a fragmented bullet.

¹ WT9.15; WT9.17-WT9.18; WT9.28

86.401 In his written statement to this Inquiry,¹ Dr Martin confirmed that he had concluded that he could not establish whether Kevin McElhinney had been exposed to firearm discharge residues or to particles from a fragmented bullet.

¹ [D608](#)

86.402 Dr John Lloyd, the independent scientific expert engaged by this Inquiry, summarised in his report¹ his overall conclusions about the tests for lead particles conducted by Dr Martin. He considered that, in view of the lack of control testing and the likelihood of spurious contamination, Dr Martin's results were of no evidential value.

¹ [E1.51-E1.52](#)

86.403 In his oral evidence to this Inquiry,¹ Dr Martin accepted that unless there was evidence from other sources to indicate an association between any of the deceased and a weapon, it would be unwise to interpret his findings "*as other than contamination*".

¹ [Day 226/2](#)

86.404 In the laboratory notes¹ Dr Martin had recorded that he had detected two specks of lead on the left hand of Kevin McElhinney, one large smear on the web of that hand, 11 particles on the jacket, and 25 particles and one "*smudge*" on the trousers. In his oral evidence to the Widgery Inquiry,² Dr Martin said that a person operating the bolt of a rifle might acquire a smear of lead on the palm of his hand, but Dr Martin did not attach the same significance to lead smears elsewhere on the hand.

¹ [D203-D205](#)

² [WT9.36](#)

86.405 Dr Lloyd stated in his report¹ that it was the general, but not the invariable, rule that the deposition of firearms discharge residue became weaker as the distance from the point of origin increased. Hence the results in Kevin McElhinney's case could more readily be explained on the assumption that the source of the particles, or at least the majority of the particles, was other than the firing of a gun by the deceased. In his oral evidence to this Inquiry,² Dr Martin accepted that this was "*fair reasoning*".

¹ [E1.32-E1.33](#)

² [Day 226/82-85](#)

86.406 Dr Lloyd also observed in his report¹ that the small number of particles found on the left hand could have been transferred from the clothing, and did not constitute acceptable evidence that Kevin McElhinney had used a firearm. In his oral evidence to this Inquiry,²

Dr Lloyd confirmed this view. He added that the presence of the particles detected by Dr Martin would be explicable if Kevin McElhinney had been crawling on a surface contaminated by fragmenting bullets.

¹ E1.45-E1.46

² Day 227/46-47

86.407 In these circumstances we are of the view that there is no valid scientific evidence that Kevin McElhinney had been handling firearms or had been close to someone doing so.

86.408 Alan Hall, then a Senior Scientific Officer in the same department as Dr Martin, examined the outer clothing of Kevin McElhinney for explosives residue. None was detected.¹ There is, therefore, no scientific evidence that Kevin McElhinney had been in contact with explosives.

¹ D197

Kevin McElhinney's clothing

86.409 Kevin McElhinney was wearing a brown striped suit with a pink shirt under a brown/green round-necked pullover.¹

¹ D195; D206

Where Kevin McElhinney was when he was shot

86.410 There is substantial and convincing evidence that Kevin McElhinney was shot when he was close to the south-western door of Block 1 of the Rossville Flats. We refer to this evidence when considering below¹ what he was doing when he was shot.

¹ Paragraphs 86.414–468

When Kevin McElhinney was shot

86.411 Kevin McElhinney was in our view the last person killed by Army gunfire in Sector 3. In their joint NICRA statement,¹ Helen and Margaret Johnston described seeing from a small alleyway three men lying on the rubble barricade, and beside them on his back an elderly man, who appeared to be alive as he was moving his arms. The three men were in our view Michael McDaid, John Young and William Nash; and the elderly man Alexander Nash. Helen and Margaret Johnston recorded that they then saw two boys crawling along the road towards the entrance to Block 1 of the Rossville Flats, one of

whom then appeared to be shot. We have no doubt that this was Kevin McElhinney. There is nothing in this statement that indicates whether or not Alexander Nash had been wounded by this stage.

¹ [AJ11.1](#)

86.412 In her oral evidence to this Inquiry, Helen Johnston said that as she and her sister Margaret watched from the north-eastern corner of Glenfada Park South she saw Alexander Nash walking to the barricade with a handkerchief and then falling.¹ However, her recollection was that Alexander Nash had come from somewhere further down towards Free Derry Corner, whereas the evidence of Alexander Nash and others, which we accept, was that he walked out from the south-eastern entrance to Glenfada Park North. Since Helen Johnston had said nothing about seeing Alexander Nash walking out to the rubble barricade in her NICRA statement, and since in our view Alexander Nash had come from the entrance to Glenfada Park North, her recollections about where he had come from are to this extent faulty, though we have no doubt that she was doing her best to help us. As will be seen when we discuss the circumstances in which Alexander Nash was wounded,² we have concluded that he was wounded some time after he had gone out to the rubble barricade. It is possible, therefore, that Alexander Nash was wounded after Kevin McElhinney had been shot, though we are not sure about this.

¹ [Day 228/33-39](#)

² [Paragraph 86.552](#)

86.413 We should note that Margaret Johnston told us that she did not remember much about making the NICRA statement and that her sister's memory had been better than hers, though she did recall seeing Alexander Nash at the rubble barricade.¹

¹ [AJ13.5](#)

What Kevin McElhinney was doing when he was shot

86.414 A number of witnesses gave accounts of seeing Kevin McElhinney as or immediately after he was shot.

Alex Morrison

86.415 We have already referred to some of the evidence of this witness when discussing the shooting of Hugh Gilmour and when discussing the prior movements of Kevin McElhinney.¹ He gave this account in his NICRA statement,² part of which we have already quoted when discussing the shooting of Hugh Gilmour:³

“When the soldiers entered Rossville St I retreated and ran towards the entrance of the High Flats. From there I saw a batch of soldiers getting out of a Saracen opposite. One of these soldiers ran towards a wall at the maisonettes opposite the High Flats – he aimed the rifle at a group of young boys who were standing on the Free Derry Corner side of a barricade of rubble which is directly outside the main doors of the High Flats. These boys had retreated to this point as the army came along Rossville St. I saw one of these boys fall just as a soldier fired from his position at the maisonettes. This was the first boy shot.

Immediately I heard further shots which came from the soldiers and were directed at the other boys at the barricade of rubble. We retreated immediately to the doors of the flats. Kevin McElhinney was running alongside me. We were crouched and running at the same time – making for the main door of the flats. As I entered I heard Kevin – who was now⁴ just behind me shout ‘I’m hit ... I’m hit ...’ I dived on in the door and went up the stairs thinking that Kevin was behind me. I realised that no one was behind me so I ran back down and saw Kevin lying dead just inside the door. Others lifted him and took him upstairs. Kevin was beside me for the few moments before he was shot. At no time had a nail bomb, petrol bomb, gun or any other lethal weapon.”

¹ Paragraphs 86.138–140 and 86.373–374

² AM429.1

³ Paragraph 86.138

⁴ It is clear from the manuscript that “not” in the typed version was a transcription error for “now”.

86.416 We have referred above¹ to the fact that Philip Jacobson of the *Sunday Times* Insight Team interviewed Alex Morrison. According to his note,² this witness found himself standing next to Kevin McElhinney on the William Street side of the rubble barricade. They both were “*vigorously stoning the army, at extreme range*” and Alex Morrison noticed that Kevin McElhinney had a rubber bullet protruding from his pocket. After dealing with where Alex Morrison said that he had come from, a matter to which we have referred above,³ the note continued:⁴

“morrison says he saw the paras come in and run from their pigs; he saw a soldier run to the wall of the maisonettes opposite the north end of the flats and aim at a group of youths standing on or just in front of the barricade. morrison says he saw one youth fall – he has no idea who it was – and then, as he and mcelhinney turned to run, there was another burst of shots. He put his head down and ran flat out for the flats door, crossing the barricade on the way; mcelhinney was alongside him at this stage, nearest to the flats wall. “we were both crouched over, you know, to try and make a smaller target.” morrison got ahead of mcelhinney and rushed in through the main flats doors; at that moment he heard mcelhinney shout ‘I’m hit ... I’m hit’. Morrison was by his own admission scared shitless by now and he just dashed ahead up the stairs to the first floor before his panic subsided. ‘I came running down again and there was this body on the first floor just inside the door. he was lifted up and carried upsta[ir]s and at first I didnt recognise it was kevin the face was so white and disturbed (pj; I assume he means distorted). but then they set him down and somebody looking for identification took the rubber bullet out and I then knew it was kevin.’ he recalls seeing a knights of malta man with kevin (pj: jim norris) and thinks there was also a cameraman (mailey, who helped carry kevin upstairs). after that morrison stayed out of sight on the first floor. he is, of course, adam[a]nt that mcelhinney had no gun, nail bomb or other lethal weapon at the time he saw him, though he volunteered the information that kevin ‘was always away stoning’ and had been stoning just before he got it.”

¹ Paragraph 86.374

³ Paragraph 86.374

² AM429.2

⁴ AM429.2-3

86.417 In his evidence to this Inquiry, Alex Morrison said that he only assumed that Kevin McElhinney was behind him. He reached the entrance to the flats, ran upstairs and lay down on a balcony taking cover “*in a state of panic ... for some time*”. He then returned down a flight of stairs and saw Kevin McElhinney’s body on the first floor.¹ He said that it was possible that he had heard Hugh Gilmour and not Kevin McElhinney cry out that he had been hit.²

¹ AM429.8; Day 143/136; Day 143/141-142

² Day 143/145-148; AM429.9

86.418 As we have already noted¹ when considering the circumstances in which Hugh Gilmour was shot, it is difficult to place reliance on Alex Morrison's current belief that it was Hugh Gilmour that he had heard. We have concluded that it is probable that Alex Morrison was just in front of Kevin McElhinney and did hear him (not Hugh Gilmour) call out that he had been hit, as they both made for the entrance to Block 1 of the Rossville Flats.

¹ Paragraph 86.140

Liam Mailey

86.419 Liam Mailey, the freelance photographer, gave a NICRA¹ statement,² an undated interview to the *Sunday Times*³ and a written statement for and oral evidence to the Widgery Inquiry. These accounts were consistent with one another. In his accounts to the Widgery Inquiry he said that after he had taken the photograph showing Fr Bradley walking away from the group surrounding the body of Michael Kelly along the south end of the eastern block of Glenfada Park North (which we have shown above)⁴ he stepped back into the southern lobby of Block 1 of the Rossville Flats as people ran into that area. Patrick O'Hagan was standing in front of him. Liam Mailey gave an account of seeing "*at least four people*" run into the entrance before a fifth or sixth person collapsed face first through the door. He later learned that this was Kevin McElhinney. Liam Mailey also said that he saw what he assumed was the same bullet as hit Kevin McElhinney strike and splinter a doorpost. He thought that it then ricocheted and grazed Patrick O'Hagan on the ankle. Liam Mailey said that Kevin McElhinney had no weapon of any description. Patrick O'Hagan had told him that he had seen Kevin McElhinney approaching the door in a crawling or crouched position.⁵

¹ The typeface and layout of this document have the appearance of a transcript of a Keville interview, which it may be, but there is no interview of Liam Mailey on the surviving Keville tapes.

² M50.60

³ M50.50-54

⁴ Paragraphs 86.209 and 86.341

⁵ M50.58; WT7.33; WT7.39; WT7.47

86.420 In his evidence to this Inquiry, Liam Mailey said that as he walked down the stairs towards the entrance of Block 1 he saw a man fall through the doorway, and a piece of wood splinter from the doorpost. He presumed that the same bullet had hit the man and the doorpost, although he accepted that he might have been wrong about this. It was his belief that the man had either been shot at the moment that he saw him, or very shortly before. From material that he had seen and heard after the event, he believed that this man was Kevin McElhinney.¹ In his oral evidence² he said that Kevin McElhinney was "*very close to ... or possibly on the ground*" when he saw him fall through the door.

Hence Kevin McElhinney may not have been falling from his full standing height. He said that he could no longer recall who Patrick O'Hagan was, and did not recall him being hit by a ricochet.³

¹ M50.4-5; Day 163/127-129

³ Day 163/148-149

² Day 163/125-126

Patrick O'Hagan

86.421 In his NICRA statement,¹ Patrick O'Hagan recorded that he was in the doorway of the Rossville Flats at a time when six people crawled towards this area, under fire from the Army. The first five reached cover, but the sixth man was shot, was pulled into the flats, possibly by the person who preceded him, and was attended by a first aid man. Patrick O'Hagan described the youth as about 15 years old and unarmed.

¹ AO44.1

86.422 In his handwritten statement dated 22nd February 1972,¹ Patrick O'Hagan gave a consistent account, adding that the youths had been "*trapped*" at the rubble barricade by Army gunfire before they began crawling to the flats. Patrick O'Hagan here said that the youth who was shot had "*collapsed partially around the open door*". He had seen him several times during his crawl and was sure that he was not armed.

¹ AO44.12-13

86.423 Patrick O'Hagan did not mention seeing the door splinter, or being grazed by a ricochet, in either of these statements.

86.424 In his written statement to this Inquiry, Patrick O'Hagan said that he only saw two boys crawling towards the flats, both unarmed as far as he could tell. The second one stood up and made a run for the doorway, which he reached safely. Patrick O'Hagan then became aware that the other youth had stopped crawling. A couple of people moved from the doorway and dragged him in. Patrick O'Hagan recalled that the youth was alive when he left the scene. Patrick O'Hagan again did not mention being struck by a ricochet, but did say that he saw the door splinter, although he thought that this occurred as he ran to the doorway himself, before seeing any casualties. He told us that he believed that his statement dated 22nd February 1972 was more accurate than his other accounts.¹ He emphasised that his current recollection was very uncertain and unreliable. Patrick O'Hagan did not give oral evidence.

¹ AO44.5-7

James Norris

86.425 James Norris was an Order of Malta Ambulance Corps volunteer who was in the Rossville Flats treating Hugh Hegarty, who had been hit by a gas canister in William Street, when firing began. In his report to the Order of Malta Ambulance Corps, he stated that he left the flat to find another first aid volunteer or a doctor to assist, and after brushing past numerous people who were taking cover he began to descend the stairs. As he did so, he was told that someone had been shot *“around the corner from the flats doorway”*. When James Norris reached the bottom stair, he *“saw a cameraman and just at that a boy aged between 16–20 years fell in the doorway”*. This youth was bleeding profusely and one of his legs was shaking violently.¹

¹ [AN20.18-19](#)

86.426 James Norris made another written statement, which contains a broadly consistent account, which he told us that he probably wrote *“within days”* of Bloody Sunday.¹ In that account he said that he was told about a casualty *“just at the door of the flats”* and ran down the stairs in time to see a youth fall in the doorway. He noted that one of the youth’s legs shook violently.²

¹ [Day 147/133](#)

² [AN20.25](#)

86.427 In his evidence to this Inquiry, James Norris said that he did not recall being told that a man had been shot, and said that the lobby was deserted when the doors were *“flung open and a fella crashed through the doors as if he was in full flight”*. He thought that *“he must have been shot as he came through the doors as he seemed to collapse”*. James Norris caught him and lowered him to the ground. The youth was, he thought, wearing a green suit and white shirt with no pullover, and was bleeding from his left side. James Norris said that Liam Mailey (whose account of this incident he did not accept) joined him at some point after the entry of the youth into the lobby.¹ James Norris said that his recollection was that he only treated one person who came through the doors of the Rossville Flats. He did not accept the suggestion that he might have treated one casualty at the door, and one further up the stairs.²

¹ [AN20.3-4](#); [Day 147/94-101](#)

² [Day 147/136-137](#)

86.428 We took the view that where his account to us differed from his 1972 accounts, it would be wise to rely upon the latter rather than the former.

Gerard Grieve

86.429 Gerard Grieve said in his Keville interview¹ that he had been one of about a dozen youths who had been standing at the rubble barricade. After they heard some shooting seven of them ran away. Gerard Grieve was the fourth of these to reach the southern entrance to the Rossville Flats. He then heard another shot. Kevin McElhinney fell and Gerard Grieve saw him *“creeping into the doorway”*. Gerard Grieve went to help him, and four further shots rang out and hit the door. Gerard Grieve then pulled Kevin McElhinney into the doorway. Gerard Grieve said that Kevin McElhinney had nothing in his hands.

¹ [X2.34.45](#)

86.430 In his evidence to this Inquiry, Gerard Grieve said that before this incident he had run through the Rossville Flats car park, where he had seen Fr Daly attending to Jackie Duddy. Gerard Grieve had gained access to Block 1 of the Rossville Flats after a man in the crowd had kicked in a panel in a locked door. He had walked to the barricade when *“we were sure that the shooting had stopped”*. A group of around 12 to 15 people stood at the barricade for a couple of minutes (without throwing stones) until a burst of fire led to Gerard Grieve and the four or five people immediately next to him diving to the ground. During a lull in the firing a number of these people ran in a crouched posture to the south-western entrance of Block 1. As his turn came, Gerard Grieve saw a soldier at the Kells Walk walls (the third in from Rossville Street), described in his oral evidence as the second soldier with his visor up in the following photograph taken by Jeffrey Morris, aim at him.¹

¹ [AG55.4-6; Day 147/21-23](#)



86.431 Gerard Grieve told us that he reached the doorway before the soldier could fire.¹ He said that he ran inside the foyer of Block 1, and from there heard a thud and a man calling that he had been shot. Gerard Grieve could not see this person because the door was in the way. However, he had been aware of someone behind him as he ran. After taking cover for a few seconds, Gerard Grieve went to the doorway and saw a young man crawling towards him. Gerard Grieve pulled him into the flats from the cover of the doorway, and as he did so he heard more shots ring out, one of which hit the doorway. He later learned that the injured man was Kevin McElhinney, and that he died of his injuries. Gerard Grieve said that this man had been using his hands to crawl, and had been carrying nothing in them.²

¹ AG55.6; Day 147/23-24

² AG55.6; Day 147/24-28; Day 147/31

John Patrick Friel

86.432 In an undated statement made in 1972,¹ John Patrick Friel recorded that as he reached the ground floor having run down the stairs at the (south) end of Block 1 of the Rossville Flats he “*saw someone’s body falling in the front door of the flats. People dragged the person who was bleeding into the flats and carried him up the stairs.*” He described how a priest had asked him to search the dead boy’s clothing for identification, but said that he found only a rubber bullet in the left-hand pocket of the boy’s jacket, though he later learned that the casualty was Kevin McElhinney.

¹ AF32.14-16

86.433 In his evidence to this Inquiry, John Patrick Friel could only state that when he first saw this casualty his “*shoulders were inside the door and the rest of his body was outside*”. He was not sure whether the casualty had fallen in this position, or had been dragged there.¹

¹ AF32.5; Day 118/142-143

Fr Terence O’Keeffe

86.434 Fr O’Keeffe has given consistent accounts of how, after he had seen the bodies on the rubble barricade, he saw a youth dragging himself towards the south-western entrance to the Rossville Flats. Fr O’Keeffe formed the impression from the manner of the youth’s movement (ie crawling more on his side and back than his front) that this man had been injured in the leg. The youth had nearly made it to the doorway when he hauled himself up – possibly on the first of the poles that supported the porch roof – in order to get over

the step. At this point his body jerked and Fr O'Keeffe assumed that a bullet had hit him. The youth subsequently made his way, or was dragged, through the doors of the flats.¹ Fr O'Keeffe saw no-one around this youth at the time that he was shot.²

¹ WT5.8-9; WT5.18-19; H21.38; H21.47

² WT5.18; H21.47; Day 127/117-118

86.435 In his oral evidence to the Widgery Inquiry, Fr O'Keeffe said that he did not see the man dragging anything with his feet. Although he could only see one hand when the man was crawling, he did not see him drop anything when he hauled himself up and hence he deduced that he had not been carrying anything with his hands either.¹

¹ WT5.19

86.436 In his written statement to this Inquiry, Fr O'Keeffe told us that the youth lay still after he had been shot, and he had to be dragged into the flats.¹ However, in his written statement for and oral evidence to the Widgery Inquiry he seemed to imply that the youth was able to scramble into the flats of his own accord.² In his interview with Philip Jacobson of the *Sunday Times* Insight Team, Fr O'Keeffe is recorded as saying that the youth "*half-fell*" through the doorway.³

¹ H21.47

³ H21.38

² H21.22; WT5.18-19

86.437 In his oral evidence to this Inquiry, Fr O'Keeffe said that the manner in which the youth was dragging himself across the ground would have made it very difficult for him to have been carrying anything.¹

¹ Day 127/117-118

Helen and Margaret Johnston

86.438 We have referred above¹ to the evidence of these witnesses. According to a joint NICRA statement that she made with her sister Margaret,² Helen Johnston was at the south end of the eastern block of Glenfada Park North. She recorded in that statement and in her written statement to this Inquiry³ that she saw two youths crawling towards the south-western entrance to Block 1 of the Rossville Flats. As the first youth made it to the doorway she saw the second youth's body jerk as if he had been shot. In her evidence to this Inquiry she said that she saw this youth jerk twice, once at a point between the rubble

barricade and the doorway, and again when he was at the doorway. People who were taking cover at the doorway subsequently pulled this youth into the flats. Helen Johnston also told this Inquiry that she did not believe that either youth was carrying a weapon.

¹ Paragraphs 86.328–330 and 86.411–413

³ AJ11.3-4

² AJ11.1

86.439 In her oral evidence to this Inquiry, Helen Johnston said that she believed that the youths may have been coming from the rubble barricade, and that they were crawling on their stomachs.¹ Margaret Johnston told us in her written statement to this Inquiry that she did not see this incident, although her sister told her about it afterwards.²

¹ Day 228/41-43

² AJ13.5

Peter Lancaster

86.440 According to his written statement to this Inquiry, Peter Lancaster had taken cover beneath some stairs at the north-eastern corner of Glenfada Park South. He told us that he saw two men crawling south along the wall of Block 1 of the Rossville Flats towards the entrance to the building. The first managed to reach the entrance, but the second was shot about three yards short. Peter Lancaster saw the man's body jerk, but the man still managed to crawl a little further and was then helped through the doorway. Peter Lancaster described the man as crawling on his stomach using only his hands and feet, as he did not want to raise himself from the ground. He could see that the man who was shot had nothing in his hands.¹

¹ AL4.4

86.441 In an undated statement made in 1972,¹ Peter Lancaster gave an account that was broadly consistent with his evidence to us, but implied that the second man began to crawl just after the first man had reached the doorway, having previously been "*hugging the ground for cover*". He also referred to the second man being hit in the back or the lower region of his body, and to seeing a second shot splinter the doorway of the flats. Peter Lancaster said that the first youth was responsible for dragging the second into the building and said in terms that the second youth was unarmed.

¹ AL4.9

86.442 Peter Lancaster did not give oral evidence.

Barry Liddy

86.443 In his Keville interview¹ and in his undated statement made in 1972,² Barry Liddy said that after he had seen Michael Kelly and other casualties at the rubble barricade he saw another youth, on the far (ie eastern) side of the road, apparently with a leg injury. Barry Liddy and others urged him to remain under the limited cover of the barricade. The youth either did not hear, or ignored, this advice and began to crawl towards the southern entrance to the Rossville Flats as the soldiers continued to fire towards him. Barry Liddy recorded in his undated statement that although he saw the youth reach cover he later learned that he had been shot dead. Barry Liddy did not in either account give a specific description of observing the moment when the youth was shot.

¹ [AL13.14-16](#)

² [AL13.3-6](#)

86.444 In his interview with Paul Mahon,¹ Barry Liddy said that he recalled seeing two youths on the eastern side of Rossville Street by the barricade. People in the doorway encouraged them to move towards the entrance to Block 1. The first youth began to move in this direction while the other watched from the barricade. The crawling youth was shot from behind about halfway between the barricade and the flats. Barry Liddy saw his jacket jump. The youth cried out and ceased moving.

¹ [X4.49.39-45](#)

86.445 Barry Liddy died in 1998 and did not give evidence to this Inquiry.

Patrick Joseph Norris

86.446 In his Keville interview Patrick Joseph Norris said that he saw one shot pass a youth crawling along Rossville Street and hit a door. The next bullet hit the youth. Patrick Joseph Norris thought that the youth had died. The youth was not armed with "*petrol bombs, acid, not even stones*".¹

¹ [AN24.20](#)

86.447 Patrick Joseph Norris told us in his written statement to this Inquiry that from a position at the south end of the eastern block of Glenfada Park North he saw Kevin McElhinney shot as he crawled on his own towards the doorway of Block 1 of the Rossville Flats. Patrick Joseph Norris then saw people coming from the doorway of Block 1 to pull him into the building.¹ Patrick Joseph Norris said in his oral evidence that what he had said in his Keville interview was in accordance with his present recollection.²

¹ [AN24.4](#)

² [Day 167/136](#)

Margaret Healy

86.448 In her NICRA statement¹ Margaret Healy recorded that she took refuge in a house in Glenfada Park. She then gave the following account:

“Looking out of the window of the flat where I was taking refuge, I saw a soldier in a kneeling position. He was approached by another soldier who seemed to be in a position of authority and his attention was drawn to a young boy who was crawling along the ground. The soldier who had been kneeling rose to his feet, took aim at the boy and pulled the trigger. I saw a red flash spurting from his rifle. The boy stopped moving and someone from the flats pulled him into the doorway. The soldier who fired the shot followed the instructions given him by the other soldier and fired at targets as he was told.”

¹ AH51.8

86.449 Margaret Healy told us in her written statement to this Inquiry that as she looked out of the window of a flat at the northern end of Glenfada Park North she saw two soldiers at the northern gable of Block 1 of the Rossville Flats. One, who was standing up, smoking a cigarette and holding a baton, appeared to draw the attention of a kneeling soldier to the south end of the block. The kneeling soldier then rose, aimed his weapon and fired at a young man who was crawling towards the entrance to Block 1. Margaret Healy told us she saw the muzzle flash. The young man’s body jerked. Margaret Healy briefly covered her eyes, and when she opened them again she saw the young man being pulled into the entrance to Block 1. The young man was crawling with his palms flat to the ground and hence could not have been carrying anything. At the time of this incident a lot of people were trying to gain access through this doorway, but Margaret Healy did not mention any other youths crawling in that direction.¹

¹ AH51.3-4; AH51.7

86.450 Margaret Healy is dead and did not give oral evidence to this Inquiry. We have considered the account that she gave to Paul Mahon.¹ We are left in doubt as to whether she was seeking in her various accounts to describe the shooting of Hugh Gilmour or Kevin McElhinney, and concluded that it would be unwise to place reliance on her accounts.

¹ X4.14.12-X4.14.17; X4.14.31-X4.14.32; X4.14.34

Robert Devine

86.451 In his written statement to this Inquiry, Robert Devine told us that he was sheltering under the pram-ramp of Glenfada Park South. He appears to have seen Kevin McElhinney just after he had been shot. Robert Devine referred only to seeing one man crawling in this area, and told us that a number of people moved from the doorway in order to drag him in.¹ Robert Devine did not give oral evidence to this Inquiry.

¹ [AD42.3](#)

Paul Coyle

86.452 In his evidence to this Inquiry,¹ Paul Coyle said that he saw a man crawling along the pavement beneath the western wall of Block 1 of the Rossville Flats, at a point between the rubble barricade and the entrance to the flats. The man was unarmed and was crawling on his front. Paul Coyle saw him stop moving, but could not state categorically that he had been shot. He later learned that it could have been Kevin McElhinney. In an interview with Tony Stark of Praxis Films Ltd,² Paul Coyle said that he saw two people crawling in that direction. He said in his oral evidence to this Inquiry³ that he had a vague recollection of this, but could not recall any further detail.

¹ [AC105.7](#); [Day 152/69-70](#)

³ [Day 152/70-71](#)

² [O5.16](#)

Fergus McAteer

86.453 Fergus McAteer made a statement in 1972¹ in which he described being with his brother Eamon and looking across from the south end of the eastern block of Glenfada Park North after learning of three people who had been shot and were lying on the rubble barricade. This statement continued:

“To my left I looked across Rossville Street and saw, a few feet from the door of the High Flats, a man lying on the footpath. He had been shot in either the right side or leg. He was bleeding. He dragged himself inside the door of the flats. I could see no weapon or gun of any description on the footpath where he had been.”

¹ [AM42.1](#)

86.454 Fergus McAteer gave consistent accounts in his written and oral evidence to this Inquiry.¹

¹ [AM42.8-9](#); [Day 168/35-56](#)

Eamon McAteer

86.455 This witness is the brother of Fergus McAteer. He told us that he also saw a man crawling close to the wall of the western side of Block 1 of the Rossville Flats, who he was sure was being shot at as he could see chips and bullets coming off the pavement around him. *“I was sure that he was being shot at. It was heart rending to see. I do not know whether he remained there or what happened to him.”*¹ In his oral evidence to this Inquiry, Eamon McAteer said that the reason he did not notice what happened to the man was that his attention was drawn to people running away across Glenfada Park North. He also said that he would have noticed if the man had had a rifle with him and would have recorded this in his statement if he had done so.²

¹ AM41.4

² Day 135/15-17

86.456 Eamon McAteer also made a statement in 1972, but recorded nothing about seeing a crawling man in that statement.¹ This may have been because he did not know what had happened to the crawling man.

¹ AM41.33

86.457 It is our view that the person Fergus and Eamon McAteer described was Kevin McElhinney, though as we have explained above,¹ he was shot in the left buttock, not in the leg.

¹ Paragraphs 86.375–398

Other witnesses

86.458 We have considered the evidence of Sean O'Neill,¹ Christopher James Doherty,² Eugene Bradley³ and Charlie Downey,⁴ but in our view it provides little assistance on the matter under discussion. Sean O'Neill claimed to have seen Kevin McElhinney running with a group of people including Hugh Gilmour, who was clutching his stomach and who shouted *“I’m hit”*. In our view this is a false memory, as Kevin McElhinney was not shot at the same time as Hugh Gilmour. Christopher James Doherty described seeing a man he thought was shot in the leg crawling on his back and then going into the entrance to Block 1 of the Rossville Flats. It is possible that this was Kevin McElhinney, but there is no other evidence to suggest that this casualty was at any stage on his back. In our view this detail is a false memory. Eugene Bradley described seeing a man being shot in the front or side as the man was crawling backwards along Rossville Street facing north, almost in a sitting position. Eugene Bradley made no statement in 1972 and in our view, though he may have seen Kevin McElhinney, his recollection of the manner in which the man was

crawling is again a false memory. No other witness gave a similar description and Kevin McElhinney was, as we have already explained,⁵ shot in the left buttock and could not have been so wounded while facing north. Charlie Downey saw Kevin McElhinney only when the latter was lying inside Block 1 of the Rossville Flats after he had been shot.

¹ AO65.9

⁴ AD133.5

² AD58.1; AD58.7-8; AD58.12

⁵ Paragraphs 86.375–398

³ AB113.2; Day 169/165

Consideration of the foregoing evidence

86.459 There are inconsistencies between the various accounts that we have considered above.¹ However, in our view many of the inconsistencies in the civilian evidence are attributable to understandable errors in observation or recollection of frightening events taking place in rapid succession. Notwithstanding these inconsistencies, we have concluded that it is possible to draw three firm conclusions from the civilian evidence viewed as a whole.

¹ Paragraphs 86.415–458

86.460 In the first place, we are sure that Kevin McElhinney was shot when he was crawling or moving in a crouched position in a southerly direction from the area of the rubble barricade and when he had come close to the entrance to Block 1 of the Rossville Flats. The evidence of the eyewitnesses that he was moving in this manner is in our view supported by the medical and scientific evidence.

86.461 In the second place, we are sure that Kevin McElhinney was posing no threat to soldiers when he was shot. He was simply trying to crawl to safety. In our view he is likely to have been throwing stones towards the soldiers, but this activity was posing no serious threat and had ceased by the time he was seeking to escape and was shot. We are also sure that Kevin McElhinney did not have a rifle or any other form of weapon with or near him when he was shot. There is nothing in the civilian evidence to suggest that he had anything with him that could have been mistaken for a rifle. Indeed, as will have been seen, a number of civilian witnesses were sure that he had nothing with him at all.

86.462 In the third place, we have, when considering the events of Sector 2 earlier in this report¹ considered and rejected the submission made on behalf of many of the soldiers² (based on descriptions of a casualty given by civilians that were said not to match Kevin McElhinney) that apart from Kevin McElhinney, there was another, unidentified, casualty who was shot and taken into Block 1 of the Rossville Flats. As we describe elsewhere in this report,³ Kevin McElhinney was carried from Block 1 of the Rossville Flats, put into an ambulance and taken to Altnagelvin Hospital. Although they were walking wounded,

witnesses may well have seen Patrick Brolly and Hugh Hegarty being escorted out of Block 1 of the Rossville Flats. We have found nothing to suggest that any witness saw or might have seen any other casualty taken from Block 1 of the Rossville Flats. For reasons that we have already given,⁴ we reject any suggestion that witnesses may have seen other casualties but somehow knew or had been told that no mention should be made of them.

¹ Paragraphs 60.9–49

³ Paragraphs 124.13–20

² FS7.1768-1770; FS8.1394-1401

⁴ Paragraph 60.46

- 86.463** Some witnesses referred to seeing a body being dragged into the Rossville Flats (eg Gerard Grieve, Patrick O'Hagan, Helen Johnston, Peter Lancaster, Patrick Joseph Norris, Margaret Healy and Robert Devine), whereas others described a youth falling or crashing through the doors (eg Liam Mailey and James Norris). In our view it is probable that people did help Kevin McElhinney through the door.
- 86.464** Some witnesses saw only one person moving from the barricade to the Rossville Flats (eg Fr O'Keeffe, Patrick Joseph Norris, Margaret Healy and Robert Devine), whereas others (eg Helen Johnston and Peter Lancaster) saw two. The evidence of the latter is in that respect consistent with the evidence of soldiers (considered earlier in this report¹) of seeing two crawling men.
- ¹ Chapter 84
- 86.465** Gerard Grieve, Patrick O'Hagan and Liam Mailey have all given evidence at some point that up to five people had run into the flats before the person who was shot. In our view this was probably the case.
- 86.466** There are some suggestions that Kevin McElhinney was shot twice. Fr O'Keeffe and Barry Liddy both thought that when they first saw the youth crawling towards the Rossville Flats door he was already injured in his leg. Helen Johnston saw the youth jerk twice, once when he was between the rubble barricade and the doorway, and the second time when he was at the entrance to the flats. Peter Lancaster also saw the youth jerk. If he jerked, it does not necessarily follow that he had been shot. However, as we have noted above,¹ the possibility exists that a bullet caused the abrasion on Kevin McElhinney's left thigh.
- ¹ Paragraph 86.398
- 86.467** Some witnesses (eg Gerard Grieve and Peter Lancaster) have said that after the casualty fell through the door a further shot or shots struck and splintered the doorpost at the entrance to the flats. Liam Mailey initially believed that this damage was done by the

same shot as struck Kevin McElhinney, but accepted in his evidence to this Inquiry that this may have been a false assumption. Patrick Joseph Norris said that the shot had hit the door shortly before the crawling youth was hit. As noted above,¹ other witnesses described a number of shots being fired at about the time Kevin McElhinney was shot. We have concluded that a shot probably did hit the door, though we are not certain whether or not this happened before, or as, Kevin McElhinney reached Block 1.

¹ Paragraphs 86.421–424, 86.443–447 and 86.455–457

86.468 We return later in this report¹ to the question as to whether the soldier or soldiers who fired at Kevin McElhinney did so in the mistaken belief that he was carrying a firearm and that, although he was crawling away, he would use the weapon once he had reached a position of cover.

¹ Paragraphs 89.52–71

Where Kevin McElhinney was taken after he was shot

86.469 As we have already noted,¹ Kevin McElhinney was carried from Block 1 of the Rossville Flats to an ambulance. We describe elsewhere in this report² the circumstances in which this happened. The following photographs¹ respectively show Kevin McElhinney lying in Block 1 before he was taken to the ambulance, and being carried from Block 1 to the ambulance.³

¹ Paragraph 86.462

² Paragraphs 124.13–20

³ Although Fulvio Grimaldi told us that he took the first of these photographs ([Day 131/71](#)) we are not certain about this, as it did not appear in the set of his photographs submitted to the Widgery Inquiry. The photograph appeared in his book *Blood in the Street* but he may have acquired it from someone else. The second photograph was taken by James Dakin of the *Daily Express*.





Alexander Nash

Biographical details

86.470 Alexander Nash was 52 years old at the time of Bloody Sunday. He lived in Dunree Gardens, Creggan, with his wife and ten of his 13 children. One of his sons had been married on the day before Bloody Sunday and the celebrations had continued late into the night. Alexander Nash's wife had missed the wedding, as she had suffered a heart attack a few days earlier and was recovering in Altnagelvin Hospital. Alexander Nash was an unemployed painter.¹ He died on 25th January 1999 before he had given any evidence to this Inquiry.

¹ [AL34.1](#); [AN1.10](#); [AN1.14](#); [AN1.16](#); [AN6.1](#); [AN7.1](#); [WT8.2](#); [Day 149/59-60](#)

Prior movements

86.471 In his statement to the RUC,¹ Alexander Nash said that he left home at 11.00am and went to a public house, where he drank "*about seven or eight stout and two whiskeys*". At about 2.15pm he left and took a taxi with a friend to the cemetery. He walked through the cemetery and joined the march near its front.

¹ [ED33.6](#)

86.472 Alexander Nash gave broadly consistent accounts of his subsequent movements in his statement to the RUC,¹ in a statement witnessed by Eamonn Deane found in the collection held by the Irish Government,² and in his written statement for the Widgery Inquiry,³ which is a re-typed copy of a statement taken by the solicitors who acted for the surviving casualties in that Inquiry.⁴ He stated that he followed the march down William Street. At the junction with Chamberlain Street, he met his son John (Columba), who said that another of his sons, Alan, had returned from England to see his mother, and was at the Rossville Flats. Alexander Nash walked with his son John down Chamberlain Street to the car park of the Rossville Flats. He went out of the car park into the area around the shops (on the south side of Block 2 of the Rossville Flats) and then crossed Rossville Street into Glenfada Park.

¹ ED33.6

³ AN1.10

² AN1.14

⁴ AN1.16

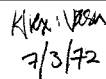
86.473 In his statement to the RUC, and in his statement witnessed by Eamonn Deane,¹ Alexander Nash recorded that he waited for ten or 12 minutes in the area of the Rossville Flats while one of his sons, John, looked for another of his sons, Alan, but that he then became fed up with waiting and moved across Rossville Street, across the rubble barricade and “*over near Glenfada Park*”. He then moved to the rubble barricade. He did not refer to waiting in the area of the Rossville Flats in his written statement for the Widgery Inquiry.²

¹ AN1.14

² AN1.10

86.474 An annotated *Sunday Times* plan,¹ which is dated 7th March 1972 and which, although it is not accompanied by any interview notes, appears to be an illustration of an account given by Alexander Nash on that date, indicates that instead of walking all the way down Chamberlain Street to reach the car park of the Rossville Flats, Alexander Nash walked on to the waste ground at Eden Place and then walked down the back of the houses on the western side of Chamberlain Street. The plan also indicates that he left the car park through the passage between Blocks 1 and 2 of the Rossville Flats.

¹ AN1.13



1 AN6.2

86.476 Fulvio Grimaldi's photograph appears to show Alexander Nash standing on his own on the eastern side of Chamberlain Street near the junction with William Street at a time when the water cannon had been used and the area immediately in front of Barrier 14 was almost empty. On the basis of his accounts and the *Sunday Times* map, we are of the view that Alexander Nash left this area and went through the gap between Blocks 1 and 2 of the Rossville Flats and then across Rossville Street to the entrance to Glenfada Park North, from where he then went to the rubble barricade.



Alexander Nash

Medical and scientific evidence

86.477 Mr HM Bennett, a consultant surgeon at Altnagelvin Hospital, described the injury to Alexander Nash's left arm in a letter to the RUC dated 7th February 1972.¹ He reported that the wound was "*through and through passing from right to left*". He considered that it had probably been caused by a low velocity projectile because there was relatively little muscle destruction. Mr Bennett also noted that there was a graze on the left side of the chest, "*?? from rubber bullet*". He gave no reason for his view that the graze might have been caused by a baton round. Mr Bennett described Alexander Nash's injuries as relatively minor.

¹ [ED33.5](#)

86.478 Dr Shepherd and Mr O'Callaghan, the experts on pathology and ballistics engaged by this Inquiry, reviewed the medical records relating to the injuries sustained by those who received non-fatal gunshot wounds on Bloody Sunday. In their report on these cases,¹ Dr Shepherd and Mr O'Callaghan made the following comments about Alexander Nash's injuries:

“[Alexander] Nash had a through and through wound of the left forearm. This was described by Mr Bennett in a letter to the RUC dated 7th February as passing from ‘right to left’, he also notes that the ‘relatively little muscle destruction’ indicates that the wound was ‘probably a low rather than a high velocity missile’. On the evidence available no comment can be made concerning the nature of the projectile.

In addition to the bullet wound of the left arm there was a graze of the left chest (or ‘left abdomen’ in the casualty notes), which may have been associated with the passage of the projectile through the left arm or it may have been due to a different projectile. Mr Bennett suggests that it may have been due to a plastic bullet but in the absence of any specific wound descriptions it is not possible to determine how he came to this conclusion.”

¹ [E10.8](#)

86.479 In written answers to questions submitted by the representatives of the family of Alexander Nash,¹ Dr Shepherd and Mr O’Callaghan said that it was not possible to distinguish reliably between wounds caused by low velocity bullets and those caused by high velocity bullets in cases where the bullet had passed through only a few centimetres of tissue. The wound profile caused by a 7.62mm L2A2 bullet was well established. The first 10cm or so of the wound track showed little if any cavitation and minimal tissue destruction. The wound to Alexander Nash’s left arm could therefore have been caused either by a 7.62mm bullet or by a low velocity bullet. Dr Shepherd confirmed this view in his oral evidence to this Inquiry.²

¹ [E18.1.8-E18.1.10](#)

² [Day 229/66-67](#); [Day 229/98-99](#)

86.480 In our view it is not possible from the medical and scientific evidence to determine whether Alexander Nash was shot by a high or low velocity bullet. As will be seen below,¹ Alexander Nash told the Widgery Inquiry² that he was struck on the inside of his raised left arm.

¹ [Paragraph 86.490](#)

² [WT8.4-5](#)

Alexander Nash’s clothing

86.481 Alexander Nash was wearing a cloth cap, dark jacket and trousers and a white or pale-coloured shirt.¹

¹ [P774](#)

Accounts given by Alexander Nash

86.482 As we have already explained,¹ Alexander Nash died before he could give evidence to this Inquiry. However, while he was in Altnagelvin Hospital he was interviewed by journalists² and made a statement to the RUC³ and he subsequently made a further statement witnessed by Eamonn Deane that appears in the collection held by the Irish Government.⁴ An interview of Alexander Nash and other members of his family was published in Fulvio Grimaldi's book *Blood in the Street*. Alexander Nash made a statement to the solicitors representing the surviving casualties at the Widgery Inquiry,⁵ a copy of which stood as his written statement for the Widgery Inquiry.⁶ He also gave oral evidence to the Widgery Inquiry.⁷ Alexander Nash was quoted in the Insight article published in the *Sunday Times* on 23rd April 1972.⁸ He had been interviewed by journalists of the *Sunday Times* Insight Team on 7th March 1972, although it appears that the annotated plan⁹ shown above¹⁰ is the only surviving record of that interview. Alexander Nash made a deposition to the coroner¹¹ and gave oral evidence at the inquests held on 21st August 1973.¹² In later years he gave accounts to his daughters Kate Lyons¹³ and Linda Roddy¹⁴ and to his son John Nash.¹⁵

¹ Paragraph 86.470

² L85.2; L94; L132; L134; L135; L136; L137; L139; L140; L142; L143; L144; L145; L151; L293; X1.4.7

³ ED33.6

⁴ AN1.14

⁵ AN1.16

⁶ AN1.10

⁷ WT8.2

⁸ L214

⁹ AN1.13

¹⁰ Paragraph 86.474

¹¹ AN1.12

¹² L220; L220.1

¹³ AL34.6

¹⁴ AR21.11-AR21.13

¹⁵ AN6.21

86.483 We examine the various accounts Alexander Nash gave in some detail, since although there is no doubt that Alexander Nash was injured while at the rubble barricade, there is controversy over whether his left arm was hit by an Army bullet or one fired by a paramilitary gunman. We consider that it is likely that a baton round caused the injury to his chest, as Mr Bennett thought might have been the case.

86.484 There is a film of Alexander Nash's interview at Altnagelvin Hospital.¹ The transcript of that interview² is as follows:

"I was going, you know the wee barricade at the flats, the wee small ... I was walking up there you see to go home, and the shooting started you see. I was only going a few yards, I looked back and I seen three ... so I had an idea ... You know.

You saw three bodies?

Three bodies yeah. And I went out across and I put that hand up like that there and I got it right through the arm. And then I got this one and I dived, threw myself to the ground and three or four shots were fired at me, and my son was lying dead beside me and two others.

Did you see who fired these shots at you?

No, soldiers about 50 yards from me, they were this side and there were another crowd that side. Soldiers, definitely I know it.

Were you or your son at any time carrying a gun?

Not a chance. I wouldn't know how to shoot it. Never in my life had a gun. Never.

Did you see any other men around who were carrying guns?

No, no guns, there weren't a shot fired, ... time.

You don't think its possible at all that the bullets which hit you, which killed your son, could have come from anywhere else?

Impossible, impossible, where I got that shot. Impossible. He was shot there right there, and the other boys were shot there. I viewed them in the morgue you can see them, they couldn't get at the back of you.

What happened to you after you were shot?

I lay there and a Saracen tank come up and these two big boys jump out, three more dead bodies there, picks them up, drags them over into the Saracen tank with them ... one there, one on top and they dragged my son there."

¹ [Vid 4 12.14](#)

² [X1.4.7](#)

86.485 In his statement to the RUC, Alexander Nash (after describing how he reached Glenfada Park) gave this account:¹

"I then heard shooting although I thought it was rubber bullets or gas. I turned around and looked towards the wee barricade in Rossville Street and saw my son William lying on his stomach with his head looking towards me. I also saw two other bodies lying one on either side of him, on their backs. I ran over to the barricade and I put my right hand up to stop the Army from shooting. The next thing I heard was more shots and I fell to the ground for safety. I then realised that I had been hit in the left arm and on my left side. I fell just beside my son and the Army tank then came and soldiers lifted the 3 bodies into the tank. They didn't say anything to me or interfere with me. When the tank went away I got up and went around to the back of the Rossville high flats into a wee house there where the Knights of Malta men dressed my wound. They put me into their ambulance along with some other injured people and a dead body. They then brought us all up to Altnagelvin Hospital where I have been ever since. At the time I was shot I was not carrying any object."

¹ [ED33.6](#)

86.486 In his statement witnessed by Eamonn Deane, which was made on or about 7th February 1972, Alexander Nash gave a somewhat similar account, though in this statement he recorded that he had put his left hand up to signal that the shooting should stop:¹

"I was shot in that arm and was hit in the ribs also. When I was hit I was fired at four or 5 times more. I dropped down beside Willie and the other 2 men. I put my hand on my son's back and said 'Willie!' His eyes were wide open but I knew straight away that he was dead and that the other 2 were dead too."

¹ [AN1.14](#)

- 86.487** In the statement taken from Alexander Nash in 1972 by the solicitors who then acted for the surviving casualties, he gave the following account:¹

“Having seen my son, William, I put up my left hand as a signal and and walked out into Rossville Street. The shooting was still going on and I went over towards where my son was lying. As I approached him I knew he was dead. I went on over I; more shots were striking around me – I could heard the bullets hitting the stones and I deliberately dropped down flat on my face – this way I had the barricade of stones between me and the shooting soldiers. As I lay there a Saracen came up Rossville Street, and stopped at the barricade. I then sat with my back to the barricade. I saw two soldiers get out of the Saracen. I heard one of them shouting ‘three more dead bodies’. He and his companion then lifted the bodies, one at a time and threw them into the Saracen. They then drove away, and when the Saracen drove away I got up and walked over towards the shops at the rear of the high flats.

It was when I was sitting on the ground that I realised that I had been hit by a bullet or bullets, and when I got over to the shops I was taken to a First Aid post there.”

¹ [AN1.16-17](#)

- 86.488** As already noted,¹ a copy of this statement² was used as his written statement for the Widgery Inquiry.

¹ [Paragraph 86.482](#)

² [AN1.10](#)

- 86.489** In the course of his oral evidence to the Widgery Inquiry, Alexander Nash gave the following answers:¹

“Q. You emerged I suppose from Glenfada Park into Rossville Street?

A. I went in the middle like that, and put my hand up like that.

Q. Was there any shooting going on when you did that?

A. Yes.

Q. Could you see where the bullets were striking?

A. They were striking the concrete, the wee barricade, where I was.

Q. They must have been very close to you?

A. Yes. That is where I was hit, when I went down. When I put my hand up I got shot here, and I got one here somewhere in my side.

Q. Did you realise at the time you had been shot?

A. Yes, I had a good idea then.

Q. What did you do?

A. I got down. There is a wee barricade and I got hold of him, he was laying face down with his head that way. I couldn't get him out.

Q. Was the shooting continuing when you got down on the ground?

A. I was there on the ground while there was shooting still going on. A Saracen tank came up, and it picked the three bodies up. There were two jumped out and they said 'Three more dead bodies'.

Q. What about yourself?

A. They never touched me.

Q. What did you do?

A. I walked across to the far side. There was an ambulance there, and I went into a house there and he bandaged me up. I got on the ambulance to the hospital.

Q. You were taken to hospital?

A. Yes."

¹ WT8.3

86.490 A little later he gave the following evidence:¹

"Q. Would you demonstrate what you did as you went out?

A. I got my hand and put it like that. I stood in the middle of the barricade to stop them, and I got it there and there.

Q. You stood at the barricade with your left hand raised and your fingers stretched out?

A. Yes.

Q. And when you did that, did the shooting continue?

A. Yes.

Q. Where were you struck?

A. There and there.

Q. You were struck on the inside of your left arm and on the left side?

A. Yes.

Q. You must have been struck by two bullets?

A. Yes, must have been.

Q. And at first you were not conscious I suppose of being struck?

A. No. I had my conscious about me, so I went down.

Q. Did the shooting stop?

A. Yes, the shooting stopped after that, but there were three or four bullets hit the concrete, the big stones. Then it stopped and the tank came up.

Q. You stood up and raised your left hand toward the soldiers?

A. Yes.

Q. When you did that could you see where the soldiers were?

A. Just at the bottom of the flats.

Q. Rossville Flats?

A. Yes. They were across the other wee place too.

Q. Was the firing coming from the Rossville Flats or the men on the other side?

A. It was coming that way.

Q. Towards you?

A. Yes.

Q. Were you carrying anything in your hand? Had you any weapon in your possession?

A. None at all.

Q. After you got down behind the barricade, what did you do?

A. I just lay there on top of him, put my hand on top of his back, and I just said 'Willie', that's all."

¹ WT8.4-5

86.491 Alexander Nash was asked by counsel for the Ministry of Defence about the direction of the firing that he had heard:¹

“Q. At that time when you went out with your hand up was there firing coming from the other direction – that is, from that way, down the corner of Rossville Flats (Indicating)?

A. There was firing there.

Q. There was firing coming from that direction?

A. Yes.

LORD WIDGERY: That would be from Joseph Place or somewhere around there?

A. No, no. At the end of the flats, near the top of the flats, away at the end of it.

Mr. GIBBENS: Can you follow this: There you found the barricade –

A. At the very end of the flats, down this way (Indicating).

Q. There was some Army up there?

A. Yes – at the little flats, here.

Q. What I was asking – you have misunderstood me – is this: There was firing coming from that direction up towards the barricade, was there not? Did you hear pistol shots being fired from there?

A. No.”

¹ WT8.8

86.492 Later in his evidence he gave these answers:¹

“Q. Just before going back to Glenfada Park to pick up your son, had you heard shooting coming from that direction, that is to say, the bottom of No. 1 block, up there behind the barrier? I am asking you about shooting against the soldiers.

A. No.

Q. Had you heard shooting coming out of Glenfada Park?

A. No.”

¹ WT8.9

86.493 Alexander Nash gave a general account of the circumstances of his shooting in his deposition and oral evidence to the coroner inquiring into the death of William Nash and Michael McDaid,¹ but neither added anything to, nor said anything inconsistent with, the accounts we have already considered. The same is the case with the interview with Alexander Nash and other members of his family that appeared in Fulvio Grimaldi's book *Blood in the Street*.

¹ [AN1.12](#); [L220](#); [L221](#)

86.494 We return to the *Sunday Times* Insight article¹ later in this chapter.

¹ [L214](#)

86.495 Kate Lyons was one of Alexander Nash's daughters. She told us in her written statement to this Inquiry¹ that her father had told her that he did not realise that he had been shot until after the event. She also stated:

"My father described lying next to Willie and being approached by a soldier, who had a blackened face and was aged about 25–30, coming towards the Rubble Barricade from the north of Rossville Street. My father thought that the soldier was coming to finish him off. My father believed that this was the same soldier who had shot him in the first place. The soldier told him that he would get help 'over there'. My father did not know where 'over there' meant, but the soldier may have meant a first aid post."

¹ [AL34.6](#)

86.496 Kate Lyons also told us:¹

"My father went to the Widgery Inquiry but I cannot remember if he was asked to give evidence. When he returned, he raged about the way that the Inquiry had been conducted. He said that they painted Willie as a criminal on the basis that he had a police record. Lord Widgery implied that Willie had been a gunman. My father used to say, 'IRA m'shite.' There was no way that Willie was ever a gunman."

¹ [AL34.4](#)

86.497 Linda Roddy (another daughter) gave this account in her written statement to this Inquiry of what she recalled her father telling her about the circumstances in which he was shot:¹

“My father told me that he rushed to Willie’s side, in between the three bodies as Willie lay there dying. Willie screamed at my father to help him. On many occasions my father told me that, had there been a gun there, he would have used it to protect himself and Willie (any parent’s instinct would be to protect their young), but there was no gun there. Nor were there any other bombs or weapons.

My father stood up and started waving his hands about to get help, shouting ‘help me, help me, this is my son’. At this point a soldier, who my father described as an officer, and who was standing north of the rubble barricade, fired a shot at my father with a hand pistol, which hit my father in the arm. My father kept on screaming that my brother and the others needed help. My father then felt a second impact in his side and fell to the ground. When I started looking into the events of Bloody Sunday, I learnt that it was suggested that my father had been shot by a gunman from the Rossville Flats, as the shot that injured him was probably a low-velocity shot. I asked him about it. His reply was to the point: ‘IRA gunman, me shite’. He added that, unless the officer who shot him was also an IRA gunman, it was out of the question. He told me that, as he was facing north up Rossville Street behind the rubble barricade, trying to get help for my brother, all the bullets he could feel coming past were coming towards him (from north to south).

My father went on to say that the officer who had shot him kept coming forward (south) towards him. At this point, my father stood up. He thought the officer was coming forward to finish him off. My father said over and over that he could not understand why the officer did not finish him off. He came to the conclusion that the officer’s conscience had gotten to him. As the officer reached my father, he removed his hat and my father asked him for help. The officer pointed my father in the direction of the telephone kiosk at the southern gable end of Block 1 of the Rossville Flats. The officer then called other soldiers over to the bodies. My father believed the officer and started walking south towards the kiosk to get help. He then told me that he remembers very little else after that. He can remember seeing Willie’s body being dragged into the Saracen but he cannot recall whether he was still at the rubble barricade at that stage or at the southern gable end of Block 1 of the Rossville Flats.”

¹ [AR21.12](#)

86.498 Later in this report¹ we consider the circumstances in which soldiers came forward with an APC to collect the bodies at the rubble barricade. Although we do not doubt that Alexander Nash told his daughters that it was the officer who came forward who had shot him, and that this soldier was coming forward to finish him off (and gave much the same account in his interview with Jimmy McGovern²), we are sure that he was mistaken about this. In his second RMP statement³ and in his written statement for the Widgery Inquiry⁴ Lieutenant N described going with other soldiers to the rubble barricade, finding a man of about 60 years who was mumbling about being hurt in the shoulder, and directing him to a first aid man. We are sure that Lieutenant N was not responsible for the injury to Alexander Nash, nor went forward for any purpose other than to collect the bodies at the rubble barricade.

¹ [Paragraphs 122.1–128](#)

³ [B384](#)

² [AN6.21](#)

⁴ [B400](#)

Where Alexander Nash was when he was shot

86.499 There is no doubt that Alexander Nash (who consistently said so) was shot in the left arm after he had gone out to his son William Nash, who was lying at the rubble barricade.

When Alexander Nash was shot and what he was doing when he was shot

86.500 Again from his own account there is no doubt that Alexander Nash was shot after the shooting of his son William, John Young and Michael McDaid. It is not clear from the accounts Alexander Nash gave how long he was at the rubble barricade before he was shot, but we have no doubt, from his accounts alone, that he was doing nothing that could have justified him being shot or that could have led anyone to believe, albeit mistakenly, that he was a gunman or bomber. He was, in our view, simply waving for help. In our view he was shot after Kevin McElhinney.

86.501 We now turn to consider the other evidence relating to these aspects of the shooting of Alexander Nash. We do so in some detail, as much of this evidence is relevant to the question whether he was shot by an Army bullet or one fired by a paramilitary gunman. We consider that question below.¹

¹ [Paragraphs 86.560–607](#)

Charles McDaid

86.502 In his evidence to this Inquiry, Charles McDaid identified himself in one of Liam Mailey's photographs as one of the group of people surrounding the body of Michael Kelly behind the south end of the eastern block of Glenfada Park North.¹

¹ [AM161.6; Day 60/176](#)



Charles McDaid

86.503 In the course of his oral evidence to this Inquiry he gave the following evidence:¹

“Q. You, in direct response to a question from Mr Clarke, indicated that on this particular occasion you did not hear any firing from behind the barricades towards the north end of Rossville Street?

A. That is right.

Q. Indeed, in response to a series of questions from Mr Harvey, you confirmed that at no stage in or around the barricade you observed any person in possession of a firearm, nail bomb or petrol bomb?

A. That is correct, yes.

Q. If one more especially focuses attention on the doorway of block 1, can you confirm, or can you say whether or not you recall anything of a person in that location with a firearm, nail bomb or petrol bomb?

A. I cannot recollect seeing anybody with anything in their hands.

Q. If I could call up, please, AM161.6² and more especially if we could have highlighted paragraph 39. Mr Clarke has already quoted that – it is a short paragraph, if you bear with me. You say:

‘I also saw one man at the rubble barricade with a raised hand which then fell back to the ground.’

When you say, ‘which then fell back to the ground’, do you remember specifically to his hand?

A. To his hand.³

Q. You then, in the subsequent paragraph, if one could highlight paragraph 40, please. At that particular stage you say:

‘There were still shots being fired from the northern end of Rossville Street towards the rubble barricade at this stage.’

A. Yes.

Q. Is that correct?

A. Yes.

Q. Is it your recollection at this time, Mr McDaid, that at that point in time when this gentleman’s hand fell to the ground, the only shooting that you were aware of was coming from the northern end of Rossville Street?

A. Yes.”

¹ [Day 60/178-179](#)

² [AM161.6](#)

³ There is no audio record of this part of the transcript, as the cassette tapes were being changed at this point. The transcript of this question and answer do not make sense. We do not recall what was in fact said.

86.504 Though it is not perhaps entirely clear, we consider that Alexander Nash was the man described by Charles McDaid.

John Duffy

86.505 John Duffy (whose father was Patrick “Barman” Duffy, to whom we have referred when considering the events of Sector 2¹) told us that he was observing events from a stairwell in the northern block of Joseph Place.² His recollection was that someone he afterwards learned was Alexander Nash walked out of Glenfada Park North. He told us that this man walked out with his hands up, and then there was a lot of shooting and he fell. He recalled that he saw Alexander Nash walk out “*side on*” to Rossville Street with his hands up, when he was shot. He described the shots he had heard as to him “*coming from up Rossville Street*”.³

¹ Chapter 29

³ Day 80/126; Day 80/140-142; Day 80/152-155

² Day 80/138; AD160.15

86.506 John Duffy’s recollection was that Alexander Nash was shot as he went out from Glenfada Park North. He gave this answer during the course of his oral evidence to this Inquiry:¹

“Q. Again he fell, could you tell whether it was on to his front or his back or whatever?

A. From what I remember, I think, at shots – as he came walking out, there was a lot of shots and he kind of fell, fell over, because I was getting pulled in. Where I was at the time, I was getting pulled in and I would go out again, you know what I mean, I think he slumped over.”

¹ Day 80/152-153

Elizabeth Dunleavy

86.507 In her NICRA statement Elizabeth Dunleavy described seeing events in the car park of the Rossville Flats from her flat in Block 1 of those flats.¹ In this statement she made no mention of witnessing events in Rossville Street, but in her written evidence to this Inquiry she told us that after seeing what happened in the car park, she looked from the sitting room window into Rossville Street and saw three bodies on the rubble barricade. Her statement continued:²

“I saw an older man approach the three bodies from the south end of Rossville Street (although I do not know from where he came). This man knelt down in the street on one knee, and raised his hand. I think he was signalling to the soldiers not to shoot. His arm then went limp and fell by his side. I assume that he was shot in the arm but I did not hear a shot.”

¹ [AD169.5](#)

² [AD169.2-3](#)

86.508 In her oral evidence to this Inquiry, Elizabeth Dunleavy told us that when the man put his hand up he was “*facing down Rossville Street towards where the soldiers were*”.¹

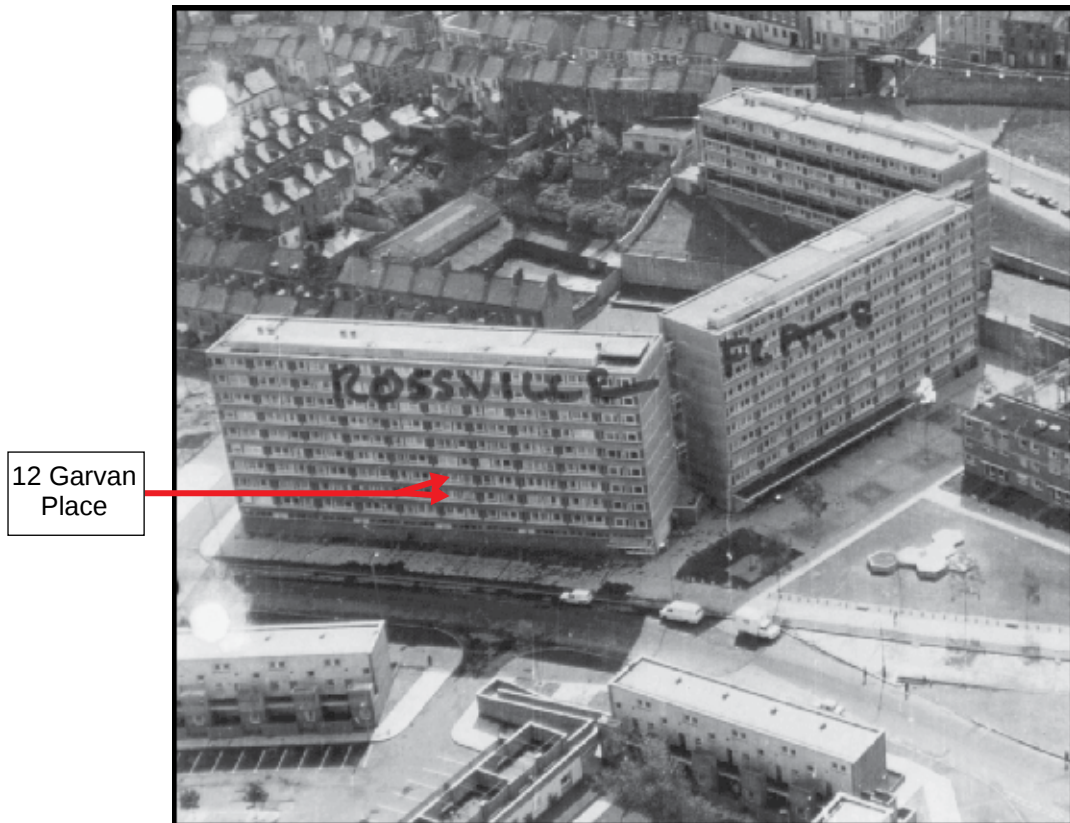
¹ [Day 83/142](#)

86.509 In our view Alexander Nash was the older man described by Elizabeth Dunleavy.

John McCrudden

86.510 At the time of Bloody Sunday, John McCrudden was 12 years old. He observed events from his home, which was 12 Garvan Place, a maisonette on the second and third floors of Block 1 of the Rossville Flats. Later in this report¹ we consider his evidence relating to shots fired by soldiers at a window of his home. We were impressed by this witness. We identify 12 Garvan Place in the following photograph.

¹ [Paragraphs 123.212–278](#)



86.511 In his NICRA statement,¹ after describing what he had seen happen in the Rossville Flats car park, John McCrudden recorded that he had then looked out of the front windows and seen three men falling in Glenfada Park. He continued:

“I looked at the barricade below the window and I saw 4 men and three were lying not moving at all. The 4th man was waving his arms saying ‘There are three bodies’. The army then fired at him.

Then a Saracen came up to the barricade. About six soldiers jumped out and they just grabbed the three men and threw them into the Saracen.”

¹ [AM152.10](#)

86.512 In his written evidence to this Inquiry, John McCrudden gave the following account:¹

“I looked out from the living room window and down at the Rubble Barricade that stretched across William Street. I could still hear gunfire. As I looked from the window the Barricade was slightly to my right (to the north). I saw two fellas lying on the ground on the south side of the Barricade. I cannot remember how they were lying or describe them any further, but they were not moving and I assumed they had been shot. There was an elderly man with them. I could tell he was elderly because he had grey hair and was wearing a cap. He crouched down and I got the impression that he was trying to move them. He was waving at someone and shouting for them to come and help. The man kept his head down, but moved his hand above the Barricade. I saw lumps fly up from the Barricade near to his hand and generally I saw lumps and dust fly from the Barricade due to shots being fired at it. During all this time the shooting that had started when I saw the army vehicles move in continued with the same intensity.”

¹ [AM152.3-4](#)

86.513 During his oral evidence to this Inquiry there was this exchange:¹

“MR MANSFIELD ... Just a couple of questions first of all on this: dealing with the older man who you originally described as wearing a cap, that man; when you were looking out of your window, which way was that older man facing as he was on the barricade, can you remember or not? You can either do it with reference to the photograph, in other words, looking at this photograph was he facing up Rossville Street, away from the barricade, or was he facing some other way?

A. He would have been facing more towards William Street.

Q. Facing towards William Street. And the shots that you either – you heard shots, did you, and you saw the effect of the shots on the rubble barricade because bits were flying up?

A. Yeah.

Q. From which direction were the shots coming?

A. From William Street.

Q. Again, still looking at this photograph, the window from which you were looking, is it right that it is between this entrance to the block of flats in which yours was and the rubble barricade?

A. That is correct, yeah.”

¹ [Day 95/132-133](#)

86.514 In our view Alexander Nash was the elderly man described by John McCrudden.

86.515 The following photograph is the one to which John McCrudden was referred in this passage and was one that he had previously marked to show where he recalled seeing lumps of concrete fly up from the rubble barricade.¹

¹ [AM152.13; Day 95/109-110](#)



Kevin McGonagle

86.516 At the time of Bloody Sunday, Kevin McGonagle was a 24-year-old schoolteacher. In a letter that he wrote to the Widgery Inquiry dated 1st March 1972, he gave this account of what he saw from a house in Joseph Place:¹

“I then stood up and looked out of the window. I saw two youths lying on the near side of the rubble barricade in front of the large flats. An old man was kneeling beside them with his hands in the air, gesturing for aid. He was facing the Little James Street direction of Rossville Street. As his hands were in the air, obviously beckoning help, there was three loud cracks and I saw dust rising off[f] a sloping paving stone in front of the old man. In my opinion it was a bullet fired from the Rossville Street (Little James Street direction) area. The puff of dust on the paving stone was instantaneous with the noise of the cracks, which, in my opinion was rifle fire. The man then fell.”

¹ [AM254.19-20](#)

86.517 John Barry of the *Sunday Times* Insight Team interviewed Kevin McGonagle on 10th March 1972.¹ In this interview Kevin McGonagle gave a similar but more detailed account:

"I watched out of the window. And I could see the barricade, not all of it, but the left half. I could see one young fellow lying most of him on the left-hand pavement, but with his head almost off the kerb. The other was lying more to the centre, with his head towards the barricade and his feet towards the corner gable of Abbey Park.² Round the gable of Abbey Park a lot of people were gathered. And I saw the left-hand young fellow crawl for a bit, about two feet, towards the other guy. He was quite flat, never raising any part of his body even his head, just pushing himself. Then he stopped and he didnt move again. I just assumed they had been the last over the barricade and were trying to take cover from the shooting. Perhaps it didnt cover them enough.

There were some more loud cracks, and I moved away from that corner over to the left, so I didn't have a continuous view. I didnt see the man come out to the two lads. I warned the people not to be looking out. When I looked out again, I saw a man out behind the barricade, an oldish sort of man, with a long tweedy sort of overcoat on. He was kneeling there. Just between the two lads, looking down on them, with his back up the road towards me. He was looking down at the two fellows and then he lifted his hands in the air, his elbows bent, his bare hands up. I could see his palms, and he had nothing in them. He was motioning to someone out of my sight – beckoning them up for aid, slowly waving his hands back towards his face. I immediately assumed that the two fellows were dead or unconscious, something wrong them anyway. And he somehow looked really frightened, pretty frightened looking, beckoning them towards him. Then I heard two or three cracks. And in front of the man on the barricade, a paving stone sloping down towards the Army, I saw a puff of smoke rising from this. And the man fell backwards. I couldnt see whether he was getting down for cover or whether he was hit. It looked to me though as if he had a violent reaction, a sort of tremor, and he fell.³ I went back from the window again, too, and I was afraid of being shot. I took it for granted it was the Army shooting. And I knew that glass or wood or even concrete wouldnt protect you."

¹ [AM254.22.3](#)

² In his oral evidence to this Inquiry, Kevin McGonagle explained that here and in the next sentence he had meant Glenfada Park ([Day 128/190-191](#)).

³ There was the following manuscript addition to this sentence: "I surmised he had been hit by something."

86.518 Kevin McGonagle gave a consistent account in his written and oral evidence to this Inquiry.¹ He told us that he recalled seeing the oldish man (who in our view was undoubtedly Alexander Nash) facing north when shots struck the rubble barricade.²

¹ AM254.11; Day 128/189-191; Day 128/193-197;
Day 128/210-213

² Day 128/213

Marie Lynch

86.519 In her NICRA statement¹ Marie Lynch described looking from the front window of 6 Garvan Place in Block 1 of the Rossville Flats and seeing a man lying behind the rubble barricade and another man leaning over him. She continued: “*The man called up to me for help and an ambulance. The man then put his hand up to the army and the army fired at him but the bullet hit the barricade.*” In her written statement to this Inquiry, Marie Lynch told us that from what she had heard later she thought the man was called Nash.² In our view this man was Alexander Nash.

¹ AL27.5

² AL27.1-2

Frank Lawton

86.520 As we have noted earlier in this report,¹ Frank Lawton made a NICRA statement of which two typescript versions exist.² The texts of the two versions of this statement are substantially identical. Frank Lawton then made a further statement, which was witnessed by a Londonderry solicitor.³ This statement is undated but was clearly made in 1972. In large part it reproduces the content of the NICRA statement but it contains some additional material. He also made a written statement for the Widgery Inquiry⁴ and gave oral evidence to that Inquiry. He gave written and oral evidence to this Inquiry.

¹ Paragraph 58.30

³ AL6.29

² AL6.19-20; AL6.27

⁴ AL6.21

86.521 Frank Lawton described observing events from his mother-in-law’s flat (11 Mura Place) in Block 1 of the Rossville Flats. In his oral evidence to the Widgery Inquiry, he said that he was on the fifth floor.¹ In his evidence to this Inquiry he agreed that the yellow arrow on the following photograph (which was taken in 1986 when Block 1 was being demolished) marked about where he remembered the flat to be.²

¹ WT6.78

² Day 389/93; AL6.33



- 86.522** In 1972 Frank Lawton gave accounts of what he had seen when looking into the Rossville Flats car park. He then recorded that he had gone to the front of the building. In his NICRA statement he described seeing an elderly man who was lying beside three shot men at the rubble barricade. He continued:¹

“He appeared to be getting them closer to the barricade for shelter. None of these three men were able to assist themselves. The elderly man was later identified to me as Mr Darnion (this will have to be verified). I saw him look over the barricade and raise his hand, a shot struck the slab of concrete beside him and passed on to the area of ‘Free Derry Corner’. He ducked then again put his hand up. By this time the fire had stopped.”

¹ [AL6.20](#)

- 86.523** A similar account appears in the other version of Frank Lawton’s NICRA statement and the statement witnessed by the Londonderry solicitor.¹

¹ [AL6.27-28](#); [AL6.30](#)

- 86.524** We have no doubt that the elderly man was Alexander Nash and that Frank Lawton had been misinformed of his identity.

86.525 Frank Lawton's written statement¹ for and oral evidence to the Widgery Inquiry were consistent with his previous accounts relating to the elderly man, although in his oral evidence to the Widgery Inquiry he described seeing perhaps two or three shots hitting the concrete at the rubble barricade.² He also told the Widgery Inquiry that he had heard no sound of shooting that might have come from the rubble barricade and had seen no signs of weapons there.³

¹ AL6.21

³ WT6.80

² WT6.79; WT6.81

86.526 In an interview with Tony Stark of Praxis Films Ltd, Frank Lawton described the flat from which he was watching as directly over the rubble barricade.¹

¹ O8.4

86.527 Frank Lawton also gave written and oral evidence to this Inquiry. In relation to Alexander Nash, he gave the following account in his written statement:¹

"A man, who I later found out to be Alexander Nash, walked briskly or ran, crouching as he did so, towards the three bodies on the Rubble Barricade. I am not certain exactly where Mr Nash came from but it seemed to me that he came from opposite the front entrance of Rossville Flats (that is from the western side of Rossville Street). He was wearing a light coloured tweed overcoat (or perhaps a raincoat) and a flat cap. As he ran he waved both arms in the air. When he reached the Rubble Barricade, he knelt down between the bodies at points H and J. He reached over to all three bodies, one on his left and two on his right, and seemingly tried to pull them closer towards himself. Intermittently, he would raise his hands – his right if he was pulling the body on his left and vice versa – beckoning to the soldiers, it seemed to me, either to stop shooting or for help. The shooting did not cease. On the contrary, there was lead flying everywhere and I saw bullets strike the Rubble Barricade in front of where Mr Nash was kneeling. It seemed to me that the shots were fired at him and in response to his raising his hands or head above the height of the Rubble Barricade. Every time Mr Nash stuck his head up he was shot at. The army have said that there were people shooting at them from the Rubble Barricade and that they returned fire. Mr Nash however was not armed and posed no threat to the soldiers. All the bullets Mr Nash however was not armed and posed no threat to the soldiers. All the bullets I saw hit the Rubble Barricade did so on its north side and were travelling in the direction of Free Derry Corner. I did not see any bullets hit the south side of the

Rubble Barricade. After the shooting had ended, I went down to the Rubble Barricade and saw a concrete block with about three or four bullet tracks on it. The tracks, which looked like they had been etched in by a grindstone, were about four or five inches long. In my opinion, the angle of the tracks were consistent with the shots I heard fired from the direction of William Street, the soldiers I had seen around Kells Walk and the bullets I had seen ricocheting off the Rubble Barricade.”

¹ [AL6.9-10](#)

86.528 Frank Lawton marked the points “H” and “J” on a map, as denoting positions near the centre of the rubble barricade.¹

¹ [AL6.26](#)

86.529 In his oral evidence to this Inquiry, Frank Lawton gave similar evidence in respect of Alexander Nash. He told us that when he saw Alexander Nash come out there were only the three bodies at the rubble barricade and that he saw no-one else come out afterwards.¹ Asked how many shots he had seen directed at Alexander Nash while he was looking at him, he replied “*I think there was probably three or four*” and later “*probably ... about two to three*”.² He also told us that he did not recall having heard any low velocity shots in the area while he was watching Alexander Nash (from behind the closed window)³ or in the period that followed.⁴ He said that from his viewpoint he could see the whole of the rubble barricade, but would not have been able to see the entrance to Block 1 of the Rossville Flats unless he had leaned out of the window, which he did not do.⁵

¹ [Day 389/120](#)

⁴ [Day 389/129](#)

² [Day 389/118](#); [Day 389/139-140](#); [Day 389/145-147](#)

⁵ [Day 389/118-119](#)

³ [Day 389/119](#)

Fr Terence O’Keeffe

86.530 Fr O’Keeffe’s evidence to the Widgery Inquiry and to this Inquiry was that he saw a man raising his arm while holding a body at the rubble barricade at a time when he and Fr Bradley were attending to Michael Kelly. His evidence to the Widgery Inquiry indicated that he saw this man before Fr Bradley began to consider moving out to the barricade himself. Fr O’Keeffe saw the man fall and assumed that he had been shot but, as he said to this Inquiry, he could not be sure that he had actually seen the moment at which the

man was shot. Fr O'Keeffe also said that he saw a soldier at the north-western corner of Block 1 of the Rossville Flats at this time. Fr O'Keeffe saw this soldier aiming, but could not be certain that he saw him fire.¹

¹ H21.22; WT5.7-8; H21.46-47; Day 127/110-112

86.531 We accept, as Fr O'Keeffe said in his oral evidence to this Inquiry,¹ that the man in question was Alexander Nash.

¹ Day 127/150

Fr Denis Bradley

86.532 The transcript of the account given by Fr Bradley to the *Sunday Times* Insight Team in 1972,¹ and his evidence to this Inquiry,² also indicate that by the time he contemplated moving out to the casualties at the rubble barricade Alexander Nash was already with the body of his son, and had his arm in the air. Fr Bradley did not mention seeing Alexander Nash in this position in his evidence to the Widgery Inquiry, but he did mention seeing four bodies at the barricade at this time.³

¹ H1.31

³ H1.41; WT4.36-37

² H1.10; Day 140/117-118

George Downey

86.533 George Downey said to this Inquiry that it was before he carried Michael Kelly away from the south end of the eastern block of Glenfada Park North that he saw Alexander Nash moving to the rubble barricade and waving his arm. He believed that Alexander Nash's arm fell within a couple of seconds, but it is not clear whether Alexander Nash had been shot at this point.¹

¹ AD134.3-4; Day 123/29-31; Day 123/71-72; AD134.16

Helen Johnston and Margaret Johnston

86.534 In her written statement to this Inquiry,¹ Helen Johnston told us that she now knew that Alexander Nash had been shot but did not know this when she saw him. In her oral evidence to this Inquiry² she said that he was shot, but when asked whether she saw him being shot she said "*No, I just saw him going down*". Margaret Johnston recorded in her written statement to this Inquiry³ that Alexander Nash looked as if he had stumbled and tripped. She did not know what had happened to him but "*just knew he couldn't get*

himself up". In her oral evidence to this Inquiry,⁴ she said that Alexander Nash had appeared unable to stand up and that there had "*appeared to be something wrong with him*".

¹ [AJ11.3](#)

³ [AJ13.3](#)

² [Day 228/38](#)

⁴ [Day 228/88-89](#)

86.535 As we have explained earlier in this report¹ when discussing when Kevin McElhinney was shot, Helen Johnston and Margaret Johnston recorded in their joint NICRA statement² that they saw an elderly man at the rubble barricade. In our view this man was Alexander Nash. However, we are not persuaded by their accounts that Alexander Nash was shot before Kevin McElhinney. As we have already observed,³ we are uncertain whether or not this was the case.

¹ [Paragraph 86.411](#)

³ [Paragraph 86.412](#)

² [AJ11.1](#)

Jack Nash

86.536 Jack Nash, who was at the south end of the eastern block of Glenfada Park North, told us that he saw his relation Alexander Nash at the rubble barricade shortly after having helped to carry Michael Kelly to the south end of the eastern block of Glenfada Park North. He recalled that Alexander Nash had his right arm in the air and was talking, but he could not hear what he was saying as there was still shooting going on at the time.¹

¹ [AN27.3; Day 137/17-19](#)

Nola McSwine

86.537 Nola McSwine (now McCullagh) was watching events from a flat in Block 1 of the Rossville Flats. In her NICRA statement she said that she saw an elderly man lying next to three bodies at the rubble barricade. He got up and shook them, and realised that they were dead. The man then raised his arm, but "*they*" (presumably the soldiers to the north) shot him. The man raised his other arm and was shot again, this time falling to the ground.¹ Nola McSwine's evidence to this Inquiry was that she saw an elderly man inspect each of the bodies, waving his arm as he did so. She then saw a soldier in Rossville Street approximately level with the north end of the eastern block of Glenfada Park North, who had one knee on the ground, fire his rifle towards, she assumed, the

elderly man. Nola McSwine said that she knew that the soldier had fired as she saw his body jerk. As he fired the rifle, the elderly man fell. She believed that the man then got up and waved his other arm, at which point she saw the same soldier fire again and again.²

¹ AM157.9

² AM157.4; Day 136/111-112; Day 136/129-134

86.538 We are sure that the elderly man described by Nola McSwine was Alexander Nash.

Leo Friel

86.539 Leo Friel recorded in his NICRA statement, and told us in his evidence to this Inquiry, that from the area north of Free Derry Corner he saw a man at the rubble barricade get to his feet and raise his hands during a lull after the initial burst of gunfire in the Rossville Street area; and then heard further shooting, and saw the man fall. According to his NICRA statement he knew that this man had been shot. In his evidence to this Inquiry he said that before the man fell he saw his *right* arm wobble and bend in the middle. There was another lull in firing after this incident, and then shooting commenced again.¹ Leo Friel said in his oral evidence to this Inquiry² that he later learned that the man's surname was Nash. He thought that he had been told that his first name was William but he was not sure of this. The man had been in his forties or possibly older. We are sure that the man Leo Friel observed was Alexander Nash.

¹ AF35.1; AF35.4; Day 142/132-139

² Day 142/136-137

Celine Dunleavy

86.540 Celine Dunleavy recorded in her NICRA statement, and told us in her evidence to this Inquiry, that from a window of a flat in Block 1 of the Rossville Flats she saw an elderly man at the rubble barricade shouting out to the soldiers that they should come and see what they had done to his son. In her evidence to this Inquiry she said that he raised his hand and a single shot rang out. She did not see who fired it, but from the way in which his hand fell she assumed that the shot came from the north. In her NICRA statement she recorded that the soldiers fired at the old man calmly, but her recollection to this Inquiry was that she could only hear the shot.¹ We are sure that the man Celine Dunleavy observed was Alexander Nash.

¹ AD168.5; AD168.2; Day 132/162-163

Mary McCann

86.541 Celine Dunleavy's cousin, Mary McCann, was with her at this time. She recorded in her NICRA statement that she saw an elderly man lying with the bodies at the barricade, apparently shortly after she had heard the first live rounds fired. Mary McCann saw this man kneel, and wave his hand, during a lull in firing. A live round was fired at him, but it hit the stones in front of him. The man took cover, but subsequently knelt up again and shouted to the soldiers to come and see what they had done to his son.¹ Mary McCann gave a similar account to this Inquiry, and said that she could not see the soldiers who fired, but assumed that they were positioned further north along Rossville Street. Mary McCann said that she later recognised the man whom she had seen as Alexander Nash.²

¹ AM78.4

² AM78.1-2; Day 133/64-65

Other civilian witnesses

86.542 We have examined the evidence of Patrick Heaney,¹ Letty Donnelly,² Kathleen Carlin (now Kathleen Hutton),³ RM 2⁴ and Patrick McGinley,⁵ but in our view these witnesses provided no additional assistance on the matter under discussion.

¹ AH107.3

⁴ AK42.8; Day 424/37-42

² AD125.9; Day 124/130-133; AD125.16; Day 124/136-137

⁵ AM241.4; Day 425/129-132

³ AH97.2; X2.14.16-17; Day 189/57-60; Day 189/75-77

Captain 021

86.543 Captain 021 was an officer of the Royal Electrical and Mechanical Engineers (REME) attached to 22 Lt AD Regt in January 1972. He was at Echo Observation Post (OP) (on the roof of the Embassy Ballroom) for most of the afternoon of Bloody Sunday. In his RMP statement he recorded that before a shot was fired past his position, followed by further incoming fire and then return fire from paratroopers at Kells Walk, "*an old man who had been behind the barricade was struck by a rubber bullet which caused him to fall behind the barricade near the centre*" and that "*When the shooting stopped, the old man who had been struck by a rubber bullet, rose to a sitting position and waved to the troops, to come forward to him*", which they eventually did in an APC. Captain 021 then described the old man going off in the direction of the "*Glenfada flats*".¹

¹ B1503-1504

86.544 According to Captain 021's RMP statement, the old man was hit by a baton round before there was any firing; and remained there until an APC came forward and collected three bodies at the rubble barricade. There is, as we have described above,¹ abundant evidence to show that Alexander Nash did not reach the rubble barricade until after his son William, John Young and Michael McDaid had been shot there. Captain 021's description of an old man waving to the troops to come forward in our view clearly refers to Alexander Nash; but in our view Captain 021 was mistaken in his account of this man being hit by a baton round while at the rubble barricade and before any firing, and in describing him as going off in the direction of Glenfada Park. It is possible that Captain 021 did see Alexander Nash hit by a baton round at a later stage, when the latter had got to the rubble barricade; or saw him hit there but mistakenly thought that this was by a baton round. However, we are not at all certain about this, because there are other difficulties with Captain 021's RMP statement.

¹ Paragraphs 86.482–500, 86.507–509 and 86.520–529

86.545 Captain 021 described seeing three bodies being removed from behind the rubble barricade and taken behind Glenfada Park North, as well as a further three bodies later being loaded onto the APC which had come forward. We are sure that only Michael Kelly was carried from the rubble barricade into the entrance to Glenfada Park North; and that Alexander Nash had not gone out to the rubble barricade until after all four casualties had been shot at the rubble barricade. When describing the shooting by soldiers at Kells Walk, Captain 021 asserted that "*the men who remained at the barricade were completely covered by the concrete which is about 3 feet in thickness and made up of slabs of concrete and rubble and in my opinion these men could not have been shot by the Paratrooper¹ as they were concealed from my position which is some 60 to 70 feet above the position occupied by the troops*". However, there is no doubt that Michael Kelly, William Nash, John Young and Michael McDaid were shot at the rubble barricade.

¹ In his oral evidence to this Inquiry, Captain 021 agreed that this should have read "Paratroopers" (Day 317/119).

86.546 Captain 021 made no mention of the shooting of Hugh Gilmour or Kevin McElhinney.

86.547 Captain 021 made a written statement for the Widgery Inquiry.¹

¹ B1507

86.548 Later in this report¹ we consider Captain 021's account of incoming fire.

¹ Paragraphs 151.36–47

86.549 Captain 021 gave written and oral evidence to this Inquiry. In his written statement to this Inquiry, Captain 021 told us that he now had no memory of the old man; and he also told us that he was not happy that his written statement for the Widgery Inquiry reflected accurately his recollection of events.¹

¹ [B1509.007](#)

86.550 In his oral evidence to this Inquiry, Captain 021 told us that he was the intelligence officer of 22 Lt AD Regt.¹

¹ [Day 317/81-82](#)

86.551 We have considered the accounts given by Captain 021 in 1972 as well as his written and oral evidence to this Inquiry. We have come to the conclusion that it would be unwise to rely upon his accounts in seeking to establish the circumstances in which Alexander Nash came to be injured.

Consideration of the foregoing evidence

86.552 The evidence we have considered above¹ is not sufficient to enable us to say precisely when Alexander Nash was shot. However, in our view the weight of the evidence shows that this probably happened a little time after he had reached his son. We are of the view that after he had been shot, Alexander Nash, who had been waving before, probably waved again; and that, after that, an APC came forward and soldiers collected the bodies of the three young men lying at the rubble barricade. On the basis of his own account, and the medical evidence, we consider it probable that in addition to being shot, Alexander Nash was also struck by a baton round while he was at the rubble barricade.

¹ [Paragraphs 86.500–551](#)

86.553 As we have already stated,¹ we are sure that Alexander Nash was doing nothing that could have led anyone to believe, albeit mistakenly, that he was posing any threat that justified him being shot. It is our view that when he was shot he was waving his left arm to attract attention.

¹ [Paragraph 86.500](#)

86.554 There is nothing in the civilian evidence to suggest that during the time Alexander Nash was at the rubble barricade, anything was happening that might have caused any of the soldiers to believe that there was any form of activity there hostile to them. On the

contrary, there is a substantial body of civilian evidence to the effect that there was no such activity; and that all that was happening at the rubble barricade was Alexander Nash waving for help. We accept that evidence.

86.555 It is convenient at this point to refer to the ABC footage which shows Army vehicles, including the Support Company command vehicle and the Ferret scout car, gathered to the north of Block 1 of the Rossville Flats, as well as the vehicles of Anti-Tank Platoon on the western side of Rossville Street south of Kells Walk.¹

¹ [Vid 48 10.36](#)

86.556 In view of the presence of these vehicles, it is clear that this footage was shot after Jeffrey Morris's photograph of Colonel Derek Wilford and members of Composite Platoon at the walls of the low ramp at the south end of Kells Walk, which we have shown earlier in this chapter.¹ Alexander Nash cannot be seen in that photograph, but in view of the evidence we have considered above, he was either out of sight behind the rubble barricade at this time, or just out of the photograph to the left.

¹ [Paragraph 86.430](#)

86.557 A figure that we have no doubt was Alexander Nash can be seen in the ABC footage. The following are two stills from that footage, in chronological order. The first shows Alexander Nash behind what appears to be a lump of concrete forming part of the rubble barricade; and the second shows him in the same position but with an arm in the air.¹

¹ [E30.4](#); [E30.10](#)

Alexander
Nash



Alexander
Nash



86.558 Paul Smith of the Forensic Science Service told us that from the footage he was unable to comment on the direction in which Alexander Nash was facing, as no facial features were visible, nor could the fingers or thumb be seen that might have shown which arm was being raised.¹ Barry Fox gave written evidence to this Inquiry,² but was unable to help us fix with any precision when he shot the footage. Notwithstanding this, in view of

the position of the vehicles and the evidence we have considered above,³ we have concluded that the footage is likely to have been shot at a stage after Alexander Nash was injured, when he was waving again. We have also concluded, from the same evidence, that Alexander Nash was facing the camera (ie looking northwards) when he was filmed.

¹ E30.1

³ Paragraphs 86.500–551

² M115.1

What happened to Alexander Nash after he was shot

86.559 After the bodies had been collected from the rubble barricade, Alexander Nash moved to the south end of Block 1 of the Rossville Flats. He can be seen in the following photograph taken by Fulvio Grimaldi. Alexander Nash recorded in his written statement for the Widgery Inquiry that when he went over to the shops (presumably those on the south side of Block 2 of the Rossville Flats) he was taken to a first aid post (which according to his oral evidence to the Widgery Inquiry was in a house), and then to an ambulance.¹ According to the statement he made to the RUC² he was treated in “a wee house” where “*the Knights of Malta men dressed my wound*”. The Order of Malta Ambulance Corps volunteers who treated Alexander Nash were James Norris and Noel McLoone, who did so in a house in Joseph Place.³ As appears later in this report,⁴ Alexander Nash was taken to Altnagelvin Hospital in the same ambulance that carried Hugh Gilmour, Patrick Doherty (shot in Sector 5), and Michael Bradley and Patrick McDaid (injured in Sector 2).

¹ AN1.10-11; WT8.3

³ AN20.21-22; AM359.22

² ED33.6

⁴ Paragraphs 124.3–9



Alexander
Nash

Whether a soldier or a paramilitary gunman shot Alexander Nash

86.560 It will have been seen from the evidence discussed above¹ (including that of Alexander Nash himself) that there is a body of civilian evidence to the effect that Alexander Nash was shot by a soldier firing from further north along Rossville Street.

¹ [Paragraphs 86.482–551](#)

86.561 No soldier has admitted firing at Alexander Nash, nor do any of the soldiers' descriptions – either of the individuals at whom they said that they fired, or of the circumstances in which they said that they fired – match either Alexander Nash or the circumstances in which he was injured. We discuss later in this report¹ whether the trajectory photographs assist in determining which, if any, of the soldiers might have been responsible.

¹ [Chapter 89](#)

86.562 We now turn to examine the evidence which, it is submitted by the representatives of the majority of represented soldiers,¹ shows that Alexander Nash was injured by a man firing a pistol from the entrance to Block 1 of the Rossville Flats.

¹ [FS7.1700-1710](#)

Private U

86.563 Private U did not mention the matter in his first RMP statement,¹ which was principally concerned with the shot that he recorded that he had fired; and which we have considered earlier in this report.² However, in a second RMP statement (untimed but dated 4th February 1972),³ he gave this account:

“Further to my previous statement dated 1 Feb 72:⁴

I am at present serving with my unit engaged on IS Duties in Northern Ireland.

At Londonderry on the 30 January 1972 about 1615 hrs I was with my Company in the forecourt of Rossville Flats as the Northern corner, Grid 43251686. I had taken over a position here, observing people behind a barricade in Rossville St, about half way down block one of the flats. I saw 2 bodies lying down behind the barricade, a man of about 45 years came across to give assistance to one of the bodies, he had come out of the flats. I saw this man sit one of the bodies up behind the barricade and wave for assistance. I could now see that the body he had propped up was a youth of about 16–17 yrs, this youth had a wound to his stomach. I was approximately 50 meters from the barricade. The main doors at the bottom of the flats facing Rossville St were open and I saw an arm holding a pistol extended from behind the door. I saw the pistol jerk, observed the strike of the bullet. It hit about 5 metres short on the other side of the barricade, ricocheted and hit the man who had gone over to the youth, in the right arm. Immediately after this shot, another was fired by the gunman at the doors. I saw the youths head jerk and he slumped into the man’s arms. Previous to this the youth had been looking round. The man had been shouting, ‘Come and help me, he’s dying.’ He also said, ‘He’s been shot.’ After the youth was hit in the head, the man said, ‘He’s dead’. and got up onto his feet and wandered off away from the barricade, apparently in a daze. One of our Humber APCs went forward to the barricade shortly after this and three bodies were removed from behind the barricade. One of these bodies was that of the youth I had seen hit in the head. Shortly after this my company withdrew from the area. About 2 days later this incident whilst watching the news on television I saw an interview with a man in hospital who said that the Army had shot his son, and shot him in the arm. This man on the interview was the man aged about 45 years to whom I have already referred.”

¹ B748

² Paragraphs 34.4–5 and 85.29

³ B759-760

⁴ His first RMP statement was in fact dated 31st January 1972.

- 86.564** Private U gave written and oral evidence to the Widgery Inquiry. In his written statement, after describing the shot he said he had fired himself, he made the following statement about the incident under consideration:¹

“At this point I could see two bodies on the barricade. One was a youth who was sat up with an old man holding him and he appeared to be looking round. I heard the old man shout ‘He’s dying’. At this point the two grey doors of the flat were open and a right arm appeared with a pistol. I did not engage the hand with the pistol as it was not a definite target and also there was people beyond it. I shouted across the road to the other soldiers but they could not hear me. The pistol fired two quick shots in the direction of the barricade. The first hit the ground and ricocheted into the old man who was holding the youth and the second appeared to hit the youth whose head jerked back. At this point the old man shouted ‘He’s dead’.

I could also see a blood stain on the youths shirt. The old man called to me to come and assist him. I told the Sergeant Major about it who said that he was waiting for a vehicle.

The old man was holding his arm as if wounded and he got up and walked away looking dazed. A vehicle was then sent in by the platoon commander who found three bodies which were piled behind the barricade. All had gun shot wounds and were dead.”

¹ [B768-769](#)

- 86.565** Private U gave a similar account in his oral evidence to the Widgery Inquiry.¹ He also told that Inquiry that he had not seen any firing down Rossville Street before soldiers had removed the three bodies on the rubble barricade.²

¹ [WT13.99-100](#); [WT14.4-5](#)

² [WT14.8](#)

- 86.566** Private U gave written and oral evidence to this Inquiry. In his written statement he gave the following account:¹

“Another incident I remember at the Rubble Barricade (and I cannot remember whether it came after or before I shot the gunman). There were two young men and an old man. The old man was holding one of the young boys who was wearing a light shirt on which there was a large patch of blood. The boys were much much younger and the old man was much older than the man I shot with grey hair. The old man was shouting at me, as if beckoning me over. He was shouting something like ‘help, he is dying’.

As the man was beckoning me, an arm appeared out of the grey doorway which led from Block 1 of the Rossville Flats into Rossville Street, near to the Rubble Barricade. I cannot be sure whether it was a right arm or a left arm but visualising it now, I think it more likely to have been a right arm. The hand held a pistol, which was pointing towards the Rubble Barricade and, almost instantaneously, I heard two pistol shots in quick succession. I took it at the time that this gunman was shooting blind, possibly towards the soldiers by the wall. However, one of his shots (I cannot be sure which but I think it was the first one) hit the ground south of the Rubble Barricade and ricocheted up to hit the old man in the arm. It did not hit the barricade and bounce back when it ricocheted. It simply hit the ground and bounced back to continue travelling in the same direction. I say this because I think they misunderstood me on this point when I was giving my evidence to the Widgery tribunal. As the other shot rang out (probably the second) the young lad's head jerked backwards. The impression I had at the time was that the shot had hit him. At that moment, the old man turned the young boy round, laid him down, and shouted something like 'he's dead'. He then wandered away, looking like he was in a daze.

The target was too small and there were too many people around the area from which the man with a pistol was firing for me to fire at him. I might have hit one of them or possibly someone further in the distance near Free Derry Corner. The target was just too small, unlike the first target I had fired at. I knew, however, that the soldiers on the other side of the road by the wall would have a better angle so, when I saw the pistol appear, I shouted over to them 'grey doors'. I don't think they heard me. I did not see them firing at the target. In fact, I do not remember the soldiers by the wall firing at all."

¹ B787.006-007

86.567 In the course of his oral evidence to this Inquiry, it was suggested to Private U that he had made up his account of seeing a gunman fire from the entrance to Block 1 of the Rossville Flats and hit two people at the rubble barricade, in order to rebut what (as he had mentioned in his second RMP statement) he had seen on television. Private U maintained that he had seen this incident.¹ He gave the following answers:²

“Q. We will have, so it is quicker, could we have page 760, please. This is the last sentence of the statement dated 4th February, a statement which only effectively deals with the Nashes, if I can put it generally. It says:

‘About two days after this incident [that is the one in Rossville Street] whilst watching the news on television I saw an interview with a man in hospital who said that the Army had shot his son, and shot him in the arm. This man on the interview was the man aged about 45 years to whom I have already referred.’

That is in this statement. You had not said a word about this before you saw the television; had you?

A. I do not recall.

Q. I would like you to think carefully: you had not said a word about seeing a man, a more elderly man, an old man, however you want to describe him, at the barricade, had you?

A. I do not recall.

Q. You can take it from me, it is certainly not in your first statement, not a single reference to it in the first statement, on the night, on the 31st; do you follow?

A. I follow.

Q. It is a simple question: why had you not given any description, in the first statement on the night, of what you had seen at the barricade?

A. I cannot explain.

Q. Because it is the kind of thing, I suggest, the description, if you had seen it, that you could not forget and you would have put in the first statement. That is why I suggest you did not see it in the way you have described it and you do not have any other explanation; do you?

A. I have no other explanation.”

¹ Day 369/184-191

² Day 369/184-185

Private 037

86.568 Private 037 made an RMP statement timed at 2230 hours on 4th February 1972,¹ the same date as the second RMP statement made by Private U. It was in the following terms:

"I was observing the Street from a position at the North West corner of No 1 Block Rossville Flats looking in the direction of a barrie[r] which was placed across the street.

Behind this barrier I saw two male persons one of which was lying on the ground and appeared to be dead the other male person I saw waving both his hands in the air trying to draw some attention to himself. At this time no member of my Coy was firing in the direction of the barrier as they were preparing to withdraw.

Suddenly I heard a shot being fired, this shot was of low velocity and was fired from a front door of Block 1 Rossville Flats, which lead out into the street. This shot was directed at the male person who I saw waving his hands in the air.

This was followed by the person falling to the ground behind the barrier and at this point all I could see was his shoulder sticking up. I could not return fire as I was not in a position to do so. I noticed that as this male person fell he looked towards the doorway of the flats but I could not see any movement from this doorway only smoke coming from it.

I observed the area for about ten minutes then withdrew."

¹ [B1632-1633](#)

86.569 Private 037, who was Major Loden's driver and who, as we have explained earlier in this report,¹ was involved in the arrest of William John Dillon, did not give evidence to the Widgery Inquiry, but did give written and oral evidence to this Inquiry. In his written statement to this Inquiry, Private 037 told us that he had not seen the incident described in his RMP statement and could not have done so as he was only ever on the eastern corner of the northern gable of Block 1. He told us that a colleague told him about it and that he might have retold the story to the RMP, who then recorded it as if it were his own evidence. He denied that he had lied to the RMP in order to support someone else's evidence. He stated that he was not asked to put forward a story in support of another soldier, and he did not take it upon himself so to do.²

¹ [Chapter 33](#)

² [B1636.3](#)

86.570 In his oral evidence Private 037 said again that he had no first-hand knowledge of this incident, and had only a vague recollection of being told about it. He also suggested that he might not have given the RMP a statement at all, although he could not explain how his signature came to appear on the manuscript copy held by this Inquiry:¹

“Q. How did your signature end up on the manuscript version if you did not make the statement?

A. I have no idea.

Q. Because one possibility that arises from your evidence today and in your statement to Eversheds is that in 1972 you were prepared to put your signature to a statement in which you say you saw a number of events but which you now say was just knowledge gleaned from general conversation?

A. I am not saying that, I am saying I did not write this statement.

Q. But you signed it, did you not?

A. Yes, I did by all accounts, yes.

Q. So you were prepared to put your signature to a statement that recorded events you had not seen?

A. No, I was not.

Q. Why did you sign it?

A. Because this is not what I made.

Q. So how did your signature end up on this statement?

A. I would certainly like to know myself.

Q. Do you have any explanation?

A. No, I have none whatsoever.”

¹ [Day 357/150-151](#)

86.571 Private 037 told us that he knew Private U, but that he was not really friendly with him.¹

¹ [Day 357/145-146](#)

Lance Corporal 033

86.572 Lance Corporal 033 was a signaller who travelled into the Bogside in Major Loden's command vehicle. He also made an RMP statement dated 4th February 1972.¹ This statement was timed at 1950 hours. We have already referred to this soldier and considered some of his evidence earlier in this report.²

¹ B1617-1618

² Chapter 50 and paragraphs 51.343–344

86.573 In this statement Lance Corporal 033 described disembarking, making an arrest and returning to the command vehicle. After describing coming under Thompson sub-machine gun fire, Lance Corporal 033 recorded that he (apparently together with Major Loden and Lance Corporal INQ 627) *“ran forward to the end of the Flats and I took up a position at Grid 43271686, where I could observe people at the barricade across Rossville St, about half way down the flats”*.

86.574 The grid reference indicates a position a short distance to the north of the north end of Block 1 of the Rossville Flats.

86.575 This statement continued:

“I saw one male person apparently dead lying on the top of the barricade. Next to this body, behind the barricade was a male person waving his arms in the air as if to indicate an injured person behind the barrier. Also from this position I saw a gunman armed with a handgun shooting at troops advancing along the right hand side of Rossville St. The gunman was located on the ground floor of the flats, about three or four windows from the end. I could only see the arm with the gun extend into view and fire. The location was Grid 43251682. I did not engage fire. I think the gunman was engaged by troops on the right flank in Rossville St. Whilst observing the gunman I saw him switch his aim from the advancing troops and observed him fire at the man waving from behind the barricade. I think he fired twice at this man but I definitely observed one round strike behind the barricade. I did not observe any other gunmen or nail bombers during the engagement. At about 1630 hours we withdrew from the flats area. I did not fire any rounds during the engagement.”

86.576 The grid reference that Lance Corporal 033 gave for the gunman indicated a position just south of the centre of Block 1 of the Rossville Flats.

86.577 Lance Corporal 033 did not give evidence to the Widgery Inquiry but did give written and oral evidence to this Inquiry.

86.578 In his written statement to this Inquiry,¹ Lance Corporal 033 described vehicles moving forward to where he was standing near Block 1. He told us that he then heard SLR fire and, he thought, a different type of fire, possibly an M1 carbine. His statement continued:

"My next memory is going to the northern corner of Block 1 of the Rossville Flats and looking down the side of the Flats. I could see a small barricade which had been set up across the road, which was very typical of the type you would see in No Go areas. I think it was slightly further north than the rubble barricade marked on the attached map (grid reference J15 on the map attached). It was made of general rubble and was not particularly high. I do not think it was above knee height at the highest point, but I was some distance away from it.

I could see a male lying on the barricade. I think his head was towards me and he was lying on his stomach and chest. I cannot remember anything about the clothing he was wearing. Another man was near to him. He was waving one hand; I cannot now remember which hand it was. I assumed, from what I saw, that the man lying near him had been shot. I thought he was indicating that he wanted help.

I took my gas mask off at some point, but I cannot remember whether it was before or after I looked round that corner.

I then saw part of an arm and a handgun emerge from Block 1 of the Rossville Flats, at ground level. I cannot remember whether the gun was in the person's right or left hand. My memory of this incident is that the gun emerged out of a window but, looking at the photographs of Block 1 of the Rossville Flats, I believe it would have been from the doorway. I have no memory of seeing a porch by the doorway; I just focused on the arm and the handgun. Seeing the gun was a surprise. It was very unusual to actually be able to see a gunman shooting a weapon, because they were usually concealed. I did not shoot because the arm and weapon did not provide enough of a target to shoot at from that range.

I could see that the gun was being fired by the recoil of the weapon. I did not see any shells eject. That does not² mean that shells were not ejected, some weapons ejected shells backwards and some forwards. It would, however, suggest that it could have been a revolver not a pistol.

The shots appeared to be aimed at the troops in what I know now (from the map attached) to be the area of Rossville Street, by Glenfada Park North. I do not know how many shots the terrorist fired. He then appeared to be engaged by troops on my right (on the western side in Rossville Street). I remember seeing a soldier there, shooting with an SLR. He was a right hand shot. I believe he fired one shot as I was looking at him. I think he may have been standing by a small wall as he was engaging his target. From where I was standing, it was not possible to see with any certainty where he was aiming, other than his weapon was pointing south. He was the only soldier that I can remember seeing shooting.

I then looked back south towards the barricade and then I saw one or two strikes of bullets that I assume came from the handgun on the barricade, close to the man who was waving, like small explosions of dust upwards. These strikes were from bullets fired behind the man on the barricade. The way the bullets struck the barricade, they could not have come from the soldiers. I found this very confusing. It looked to me as if the gunman was shooting at one of his own people. It did not make any sense, but that is what I saw and I have absolutely no doubt about that.”

¹ [B1621.006-007](#)

² We have inserted the word “not” since in his oral evidence to this Inquiry ([Day 324/32-33](#)) Lance Corporal 033 told us that this had been omitted in error.

86.579 In his oral evidence to this Inquiry, Lance Corporal 033 gave the following answers after he had been shown his RMP statement, in which he had described seeing the arm of the gunman “*about three or four windows from the end*”:¹

“Q. ... There is an ambiguity in that sentence because it refers to the ground floor of the flats, but it also refers to three or four windows from the end.

A. That is correct, sir.

Q. And the windows are not on the ground.

A. I agree, sir.

Q. But it appears that three or four windows from the end, if we go back to P310, would take you to there or there (indicating). Do you think that when you made your RMP statement and referred to ‘windows’ you were intending to indicate that the fire was from somebody firing out of a window?

A. No, sir. What I saw came from ground level. It was at ground level, down here. And I had not been down here. And I – I guess back then I thought these were windows; I did not know it was a doorway. So I was trying to work it out from there, sir.

Q. Are you saying that you thought the door that appears in the porch in your mind's eye had become a window?

A. That is correct, sir.”

¹ [Day 324/71-72](#)

Private 112

86.580 Private 112 was a baton gunner who had disembarked from Sergeant O's APC in Rossville Street. As we have described earlier in this report,¹ he was involved in the arrest of Charles Canning on the Eden Place waste ground. He recorded nothing in his RMP statement² that in our view relates to the incident under consideration. Private 112 gave written and oral evidence to this Inquiry. In the former he said that he recalled seeing the hand of a person holding a gun appear from a second floor window of Block 1 of the Rossville Flats and fire a single shot,³ while in the latter he agreed, since there was nothing to this effect in his RMP statement, that it was possible that he had not seen this happen.⁴ As we have noted earlier in this report,⁵ Private 112 told us that he was an alcoholic and that his memory was blurred. In these circumstances we are of the view that it would be unwise to rely upon his evidence in relation to the matter under consideration.

¹ [Chapter 35](#)

² [B1730](#)

³ [B1732.005](#)

⁴ [Day 320/116](#)

⁵ [Paragraph 34.2](#)

Lieutenant 227

86.581 Later in this report, when dealing with the events of Sector 5,¹ we consider in detail the evidence given by Lieutenant 227, who was observing from Charlie OP, an Observation Post on the City Walls, near the Walker Monument. In his accounts he described hearing two or three pistol shots being fired “*from the area of Rossville flats*”² though he saw no civilian with a weapon.³

¹ [Paragraphs 119.57–82 and 119.225–234](#)

² [B2186.2; B2184; WT16.42-44](#)

³ [WT16.43; WT16.49; B2204.004; Day 371/168-170; Day 371/204-207](#)

Summary of the soldiers' evidence of a gunman at ground level at the south end of Block 1 of the Rossville Flats

86.582 As will have been seen, the soldiers who gave evidence of a gunman firing in Rossville Street gave differing accounts of what they saw. Private U, having said nothing in his first RMP statement, gave in his second RMP statement and subsequent evidence detailed accounts to the effect that he saw a gunman firing two shots from the doors of Block 1 of the Rossville Flats, of which the first hit a man in the right arm and the second hit in the head the youth the man was holding up. Private 037 originally said that he had seen a man at the rubble barricade waving both hands in the air, and had then heard a low velocity shot fired from the door of Block 1 of the Rossville Flats at this man, who had fallen to the ground; but afterwards told us that he had not seen this incident. Lance Corporal 033 described a gunman at ground level firing from a window (or, as he suggested in his evidence to this Inquiry, the doorway) near the southern end of Block 1 of the Rossville Flats, first at soldiers advancing along the other side of Rossville Street and then at a man next to a body waving from behind the rubble barricade.

Kieran Gill and the *Sunday Times* Insight Team

86.583 Kieran Gill became involved with the Insight Team as a local stringer as they worked on their article on Bloody Sunday.¹ He gave evidence to this Inquiry that in the course of this work he and Peter Pringle developed a theory about Alexander Nash being shot by a low velocity weapon. Kieran Gill told us that he received information from a Provisional IRA source that a member of the Official IRA had fired a revolver on Bloody Sunday. Kieran Gill was not prepared to name his source.² According to his account, he and Peter Pringle found the address and went to the home of the Official IRA volunteer, probably during the period in which the Widgery Inquiry was sitting.³ According to Kieran Gill, the man recognised him and Peter Pringle. They told him that the Provisional IRA had said that he fired a revolver on Bloody Sunday. Kieran Gill said something like "*So you shot Mr Nash!*" The man looked horrified. He admitted that he had fired a revolver around a door of the Rossville Flats. He said that he had fired the revolver after the Army had fired between 100 and 150 rounds and there had been a lull in the shooting. There were people lying dead in front of the flats. People were frightened that the soldiers were going to come into the flats and continue to shoot. The man said that he had fired three or four shots up Rossville Street to make the soldiers stay away.⁴

¹ M105.13

² M105.13-14; Day 205/116-117

³ Day 206/111-114

⁴ M105.14

86.584 Kieran Gill told us that he and Peter Pringle said to the Official IRA volunteer that he might have shot Alexander Nash in the arm.¹ Kieran Gill said that he thought that he had “*filed a short story as a memo to the group news editor*”, but he did not know whether it was ever used. The essential purpose of this memorandum would have been to flag the issue for further discussion.² Although Kieran Gill told us that he believed that he or Peter Pringle had intended to go back and interview the Official IRA volunteer, he did not do so and he did not know whether anyone else had done so. Kieran Gill had a vague memory that after speaking to the man, he and Peter Pringle had gone to the door of the Rossville Flats to see whether it would have been possible for Alexander Nash to have been shot from there, and had concluded that it would.³

¹ [M105.14](#)

³ [Day 206/120-122](#)

² [Day 206/119-120](#)

86.585 It will have been noted that Kieran Gill did not suggest that the Official IRA volunteer had admitted that he had, or might have, shot Alexander Nash.

86.586 Kieran Gill told us in a supplementary statement that he approached the Official IRA volunteer again on 1st May 2002. The man said that he had no recollection of the conversation described by Kieran Gill in his first statement and denied that he had fired a revolver from the door of the Rossville Flats on Bloody Sunday.¹

¹ [M105.28-29](#)

86.587 It is clear that Peter Pringle knew of the theory that Alexander Nash had been shot by a paramilitary gunman. However, some of this knowledge, at least, came in our view from the evidence given to the Widgery Inquiry. His notebook for Day 9 of the hearings of that Inquiry recorded: “*Nash senior: not shot by army bullet.*”¹

¹ [M68.226](#)

86.588 A draft of the *Sunday Times* Insight Team’s article suggested that Alexander Nash might have been shot with a low velocity weapon fired from the doorway of the Rossville Flats.¹ In his oral evidence to this Inquiry,² Peter Pringle was asked why this suggestion had been left out of the *Sunday Times* article³ published on 23rd April 1972. In fact counsel asking the question was mistaken, because the article as published stated in terms that a bullet fired from the entrance to Block 1 of the Rossville Flats had probably hit Alexander Nash.⁴

“Nash had one hand on his son’s back, his left arm in the air. It was at this point that U’s ‘mystery pistol’ appeared. Alex Nash was shot through the left arm from the direction of the doorway, the bullet passing straight through from right to left. Medical evidence suggests the bullet was low-velocity which fits a pistol. The balance of probability, as Widgery agreed, suggests that somebody poked a pistol round the doors of the flats and – it being clearly imprudent to step out into full view – fired blindly at the nearest soldiers.”

¹ S303

³ L213

² Day 191/33

⁴ L214

86.589 Peter Pringle, clearly labouring under the same mistake, said that it must have been omitted “*because we had no evidence that would satisfy us that it was – to be included*” and that the information may have been uncorroborated.¹

¹ Day 191/33

86.590 When Peter Pringle gave oral evidence, Kieran Gill had not yet made his first witness statement, and so Kieran Gill’s account was not put to Peter Pringle. However, in written comments provided to this Inquiry on 25th May 2003,¹ Peter Pringle told us that he had “*no recollection of the incident Mr Gill relates*” and could find no reference in his notebooks to “*such a meeting with the PIRA or the OIRA*”.

¹ M68.375

86.591 OIRA 1 said in his oral evidence to this Inquiry that he was the man whom Kieran Gill had approached about this matter in May 2002. However, he denied that Kieran Gill had spoken to him in 1972 to suggest that he had fired a shot from the doorway that may have struck Alexander Nash. He also denied that he had been involved in any such incident. He did not know whether any other member of the Official IRA had given Kieran Gill information about the events of Bloody Sunday.¹ His evidence was that throughout the main incidents of Bloody Sunday he was in areas to the west of Rossville Street.²

¹ Day 395/145-152

² AOIRA1.6-11; AOIRA1.26-30

86.592 Elsewhere in this report¹ we have considered the note that John Barry of the *Sunday Times* Insight Team made of what we are sure OIRA 1 had told him: about firing from Columbcille Court at a soldier beside the Presbyterian church, then returning to Glenfada Park North and fleeing through the south-western corner of Glenfada Park North as soldiers came into that area, after he had seen Michael Kelly lying at the gable end.²

¹ Paragraphs 19.12–21, 19.35–36, 111.22–32 and 111.156–173

² AOIRA1.1-2

86.593 OIRA 1 disputed much of what was contained in John Barry's note, but not that he had fled westwards from Glenfada Park North when the soldiers came in. We have, apart from Kieran Gill's evidence, nothing to suggest that OIRA 1 made his way to the entrance to Block 1 of the Rossville Flats. At the same time, as we have observed elsewhere in this report,¹ OIRA 1 has not always told the truth about his movements immediately before and on Bloody Sunday.

¹ Paragraphs 19.21–32, 19.40, 111.25–26 and 111.73

John Nash

86.594 We have already referred¹ to the evidence given by John Nash, one of Alexander Nash's sons. In 2000, Jimmy McGovern interviewed John Nash. The interview was tape-recorded and when John Nash was talking about his father he said this:²

"JN: Now apparently they say we have just come across it now but my father has been telling me for the last twenty seven years that he was shot by a soldier. Right ... he says that the soldier who shot him approached him, fired, and came forward again and had the gun raised and he, he says I, I looked in he's eyes and I swore blind he going to fucking finish me off. But for some reason he didn't and he put the gun down. Now that is what he has been telling me for twenty six years ... but then you have ... some other fucking eejit and I actually went down to the Republic of Ireland. I went into a Sinn Fein office and apparently this is only a few years back way this guy says that he is the person responsible for shooting me Da ... well I went down to face him and tell him he was a fucking liar ... and I would a done it only this guy didn't turn up ... that particular day you know what I mean ... but I went down ... you know what I mean as far as ... if it means that he was telling the truth my father has been lying to me for twenty seven years. And I don't think my father was lying to me ... he says that he was shot now apparently we have been told that nowhere, no statement does me father say that he was shot by the British Army. That is not correct. Because I there is video footage there where me father says that he was shot by the soldier ... there is also a statement to say that he was shot and then in questioning when they came up to pick up the bodies you know well why did you not say anything then and me father reply was sure wouldn't they a shot again. You know which indicates that he was talking about them and us them being the British Army and us being obviously us you know. So he did he has says that but he ... obviously no written statement as he says it was actually a British soldier but he has within a day or two after it says on video footage that he was shot by the British Army.

J.McG: It is strange for a Sinn Fein man to say 'it was I who shot him' cause he must have been an idiot ... I mean ... The soldiers were all in uniform your father ... is the argument that he ...

J.N: The argument is that he, he is just ... well the argument is that he just stuck he's hand out the door and he fired you know what I mean well ... this is ... a soldiers statement ... you know what I mean and I do not believe that statement ... you know what I mean because I you know there is nobody dis ... because if the points his hand out the door and there is quite a number of people at that door as you can see ... you know what I mean like ... and I know some of the people that are ... the likes of Jimmy Green ... people like that there ... who are there standing at the door ... and he said naw they never seen no gunman at that point ..."

¹ Paragraphs 86.203, 86.205–207 and 86.475

² AN6.21

86.595 John Nash had not mentioned in his original evidence to this Inquiry that someone had admitted responsibility for shooting his father. At that stage the Inquiry was not aware that Jimmy McGovern had interviewed John Nash, and so the latter was not asked any questions about this interview. However, after the Inquiry had received the transcript, John Nash was interviewed again and gave a supplementary statement.¹

¹ AN6.53-54

86.596 In this statement John Nash gave the following account:

"At Page AN6.21 (a copy of which is attached to this statement), the notes record a trip I made to the Republic to visit the Sinn Fein office. This trip was made by me in 1997. The purpose of the trip was actually to meet John Bruton, Dick Spring and Mr De Rossa, in connection with the campaign for a new public inquiry into Bloody Sunday. I was involved in that campaign.

Shortly before that trip I had a conversation in a bar with another man. As often happens to me, the man knew who I was and wanted to talk about Bloody Sunday. I do not remember this man and I cannot say who he was. The gist of what he told me was that there had been an article in the republican newspaper An Phoblacht, about my father's shooting. He told me that this article contained an admission by a civilian gunman that it was him who had shot my father. He did not have a copy of the article and did not tell me the name of the person who had made that admission.

I thought that this suggestion was inherently unlikely for a number of reasons. Firstly, my father had always maintained that he was shot by a soldier. He was quite definite about this. Secondly, I am aware of the photographs of the area around the rubble barricade and the doorway to block one of the Rossville Flats. Over the years I must have spoken to just about everyone shown in those photographs. Not one of them has ever mentioned to me any civilian gunman. Thirdly, it is extremely unlikely that such a story would be carried by a republican newspaper such as *An Phoblacht*. If such a story had been published by anyone, it would certainly have subsequently received wider exposure.

Despite my doubts, I decided that when I was next in Dublin I would visit Sinn Féin's offices and see if it was possible to look at back copies of *An Phoblacht*. If such an article did exist I obviously wanted to see it. I would certainly then have wanted to confront the person who had apparently admitted shooting my father.

I remember visiting Sinn Féin's offices in Parnell Square, Dublin. I spoke there to a man who undertook to help me. He said that he would have a look through his back copies and see if any such article existed. On that basis I agree to return the following day.

However, when I went back the next day this man was not there. The man who I did see had no knowledge of the conversation that I had had with his colleague the previous day. I was due to catch a bus back to Derry shortly, so I left the matter there.

I have never subsequently followed this story up. This reflects the fact that I never really had any belief in the story in the first place. I did not discuss this with my father Alexander either. In his last years my father did not enjoy the best of health, and I would not have wanted to trouble him by raising issues like this."

86.597 No article containing an admission to the shooting of Alexander Nash has come to light, whether published in *An Phoblacht* or elsewhere.

86.598 John Nash was recalled to give oral evidence to this Inquiry about this matter. He told us that he was aware of the Insight Team's article in the *Sunday Times* of 23rd April 1972,¹ in which, in apparent reliance on the evidence given to the Widgery Inquiry and on Lord Widgery's report, it was said that Alexander Nash had probably been hit by a shot fired from the entrance to Block 1 of the Rossville Flats; and that he was also aware of the

evidence given to the Widgery Inquiry by Private U.² John Nash told us that he had had the conversation with someone in a bar in Derry whom, “*at that particular time*”, he did not know, and that he never did know his name.³

¹ L214

³ Day 424/81-82

² Day 424/80-81

86.599 When John Nash was referred to the transcript of his interview with Jimmy McGovern, there was the following exchange:¹

“Q. Reading it alone by itself, what you appeared to have told Mr McGovern was that you went to confront someone who claimed to have shot your father, a civilian who claimed to have shot your father and so whose name was known to you; do you follow?

A. Yes.

Q. But your evidence is that that is not the position at all?

A. That is absolutely not the case. You know, had I have ever known of any – the name of any individual who would have made such a statement as that, the first people to know that name would be the Inquiry. I have done absolutely nothing over the last six years but do my best and my utmost best to assist this Inquiry. If I have given the impression that I actually knew the name of this gunman, then I have given, in this particular interview, I have given a wrong impression and I apologise for that.

Q. Because it seems to be the impression that Mr McGovern had because he then asks you, he says:

‘It is strange for a Sinn Fein man to say ‘It was I who shot him’ because he must have been an idiot’ and you do not appear to have corrected him at that point.

Were you surprised when you saw this transcript again and saw what Mr McGovern’s impression had been?

A. I have a – I have never actually seen this particular part of the transcript.

Q. This particular page?

A. Uh-huh.

Q. It is attached to your supplementary statement?

A. Yes, I did not read it.

Q. Was there any reason why you chose not to read it?

A. No, not really.”

¹ [Day 424/88-89](#)

Consideration of the evidence relating to whether a soldier or a paramilitary gunman shot Alexander Nash

86.600 There is no direct civilian evidence that OIRA 1 or any paramilitary gunman fired from the entrance to Block 1 of the Rossville Flats on Bloody Sunday. However, if, as we consider to be the case, Alexander Nash was wounded at a relatively late stage, after Kevin McElhinney had been shot and carried upstairs, there may have been few if any people still around that entrance. We note also that Alphonsus Cunningham, who was sheltering in a house on the eastern side of Glenfada Park North, said in his evidence to this Inquiry that he remembered hearing two or three low velocity gunshots which came from the direction of the Rossville Flats. He said: “*I immediately thought that some maniac had decided to take on the army with a pistol.*”¹ It is possible that these were the shots under consideration, though it is not entirely clear from Alphonsus Cunningham’s account when he heard them.

¹ [AC125.3](#); [Day 150/20-22](#)

86.601 We accept Kieran Gill’s evidence. In our view he did not make up his account of seeking out the Official IRA volunteer he had been told had fired from the entrance to Block 1, and of this man admitting to him and Peter Pringle that he had fired at a stage when there were dead bodies lying in front of the Rossville Flats. Equally, we can see no reason why Kieran Gill should have come mistakenly to believe that this admission had been made. In our view, on the basis of his evidence, it is probable that a paramilitary gunman fired from the entrance to Block 1 of the Rossville Flats at a stage when there were casualties lying in front of the Rossville Flats, by which someone observing from the entrance would have meant that they were lying in Rossville Street. In our view Lieutenant 227 may well have heard these shots.

86.602 As we noted above,¹ Kieran Gill did not suggest that the Official IRA volunteer whom he met admitted that he had shot Alexander Nash. The only direct evidence that a paramilitary gunman shot a man who must have been Alexander Nash came from Private U; though, according to his RMP statement (from which he later resiled), Private 037 recorded that a man, who must have been Alexander Nash, fell after a low

velocity shot had been fired at him from the entrance to Block 1 of the Rossville Flats. Lance Corporal 033, while he said that the gunman had fired towards Alexander Nash, did not say that the gunman had hit him.

¹ [Paragraph 86.585](#)

86.603 While Private U may have seen a gunman fire from the entrance to Block 1 of the Rossville Flats, we are not persuaded by his account that one of the gunman's bullets hit the man who must have been Alexander Nash and that the other hit in the head the youth whom the man was holding up. Alexander Nash was hit in the left arm, not the right as Private U had described. The other casualties at the rubble barricade were all shot before Alexander Nash had gone out to his son. There is, as we have described, a substantial body of civilian evidence that a soldier firing from somewhere further north along Rossville Street wounded him. Had Private U actually seen a paramilitary gunman shoot two men on the rubble barricade, we are sure that he would have recorded this in his first RMP statement. We do not accept his explanation that he was told by the RMP to explain what he did, not what he saw.¹ Later in his oral evidence to this Inquiry, Private U said that he could not explain why he had not included a description of this shooting in his first RMP statement.²

¹ [Day 369/32](#); [Day 369/43-44](#)

² [Day 369/185](#)

86.604 For reasons given elsewhere in this report,¹ we consider that in a number of respects Private U gave untruthful evidence. In our view his evidence about seeing the gunman hit the man and the youth he was holding up was an invention on his part, which was probably an attempt to divert the blame from the soldiers for two casualties at the rubble barricade. As to Private 037, he set out in his RMP statement something that he had not himself witnessed. It is possible that he did so in the belief that what he had been told was true, but even if this was the case, we find his RMP statement of no evidential value. On balance, we consider that Lance Corporal 033 saw the gunman, but this soldier did not suggest that he had seen him hit Alexander Nash.

¹ [Paragraphs 24.40, 49.87](#) and [85.76](#)

86.605 On our assessment of the evidence as a whole, we have concluded that it is probable that a soldier, not a paramilitary gunman, shot Alexander Nash.

86.606 Although we are not sure, we consider on balance that OIRA 1 was the gunman. In view of what we consider was the unreliability of much of his evidence, he probably, contrary to the accounts he gave of his movements, made his way to Block 1 of the Rossville Flats, and fired from there. If the gunman was not OIRA 1, we have no evidence to suggest who else it could have been.

86.607 Later in this report¹ we consider whether it is possible to identify the soldiers responsible for the casualties in Sector 3.

¹ [Chapter 89](#)

The removal of the bodies of Michael McDaid, John Young and William Nash

86.608 After the events of Sectors 4 and 5 were over, soldiers collected the bodies of these casualties and put them into Lieutenant N's APC which had been driven from the area at the north end of Block 1 of the Rossville Flats and was then driven back there, after which it was used to take the bodies to the mortuary at Altnagelvin Hospital. We discuss this matter in more detail¹ after consideration of the events of Sectors 4 and 5.

¹ [Chapter 122](#)

Chapter 87: The question of unidentified gunfire casualties in Sector 3

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Introduction

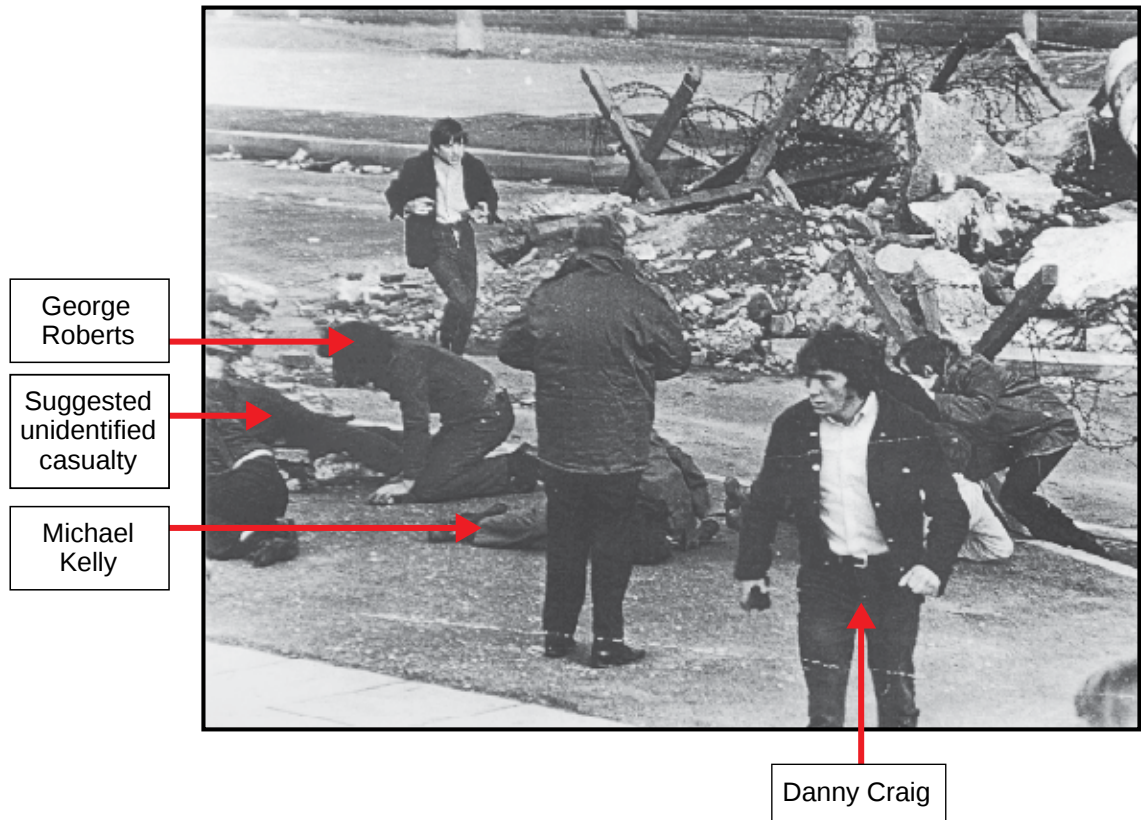
87.1 We have already given our reasons for concluding that Lance Corporal F shot Michael Kelly.¹ We have also referred to the fact that the representatives of the majority of represented soldiers submitted that Michael Kelly was “*the unfortunate victim of a ‘shoot through’ round*” that first hit a nail bomber standing in front of him.²

¹ Paragraphs 81.21–32

² FS7.1817

87.2 In support of that submission, the representatives of the majority of represented soldiers relied on two photographs (taken by Robert White) which they say “*clearly show part of an additional body lying at the rubble barricade at the same time as Michael Kelly*”.¹ We have reproduced both photographs below and identified a number of the individuals shown in them. We refer to the evidence of some of these individuals below.

¹ FS7.1819



87.3 As we understand the submission, it is that the body which appears on the left of the photographs, and which we have marked on the first photograph, is that of an unidentified casualty; and that there is civilian evidence to substantiate this. It is further submitted that

*“The lack of evidence as to the identity of this person and failure, even at this stage, to acknowledge him as a casualty of the day would tend to suggest that he was indeed armed when shot at the rubble barricade. The likelihood is that this man was the nail bomber at whom Soldier F aimed and fired...”*¹ Later in their submissions, the representatives of the majority of represented soldiers put this in rather stronger terms, *“The very denial of his existence is proof that he was engaged in violent, armed activity at the time he was shot, just as Soldier F describes”*.²

¹ FS7.1817

² FS7.1848

87.4 As we explained earlier,¹ the bullet that struck Michael Kelly was unstable, and it was likely that the instability had been caused by the bullet striking something else before hitting him. The submission is that this was another person.

¹ Paragraphs 86.15–33

87.5 We first turn to consider the witnesses upon whom reliance is placed for the purpose of the submission that there was an unidentified casualty of Army gunfire at the rubble barricade, who was shot at the same time as Michael Kelly.

Someone shot at the same time as Michael Kelly

87.6 The representatives of the majority of represented soldiers drew our attention to the evidence of the following witnesses.

Anthony Coll

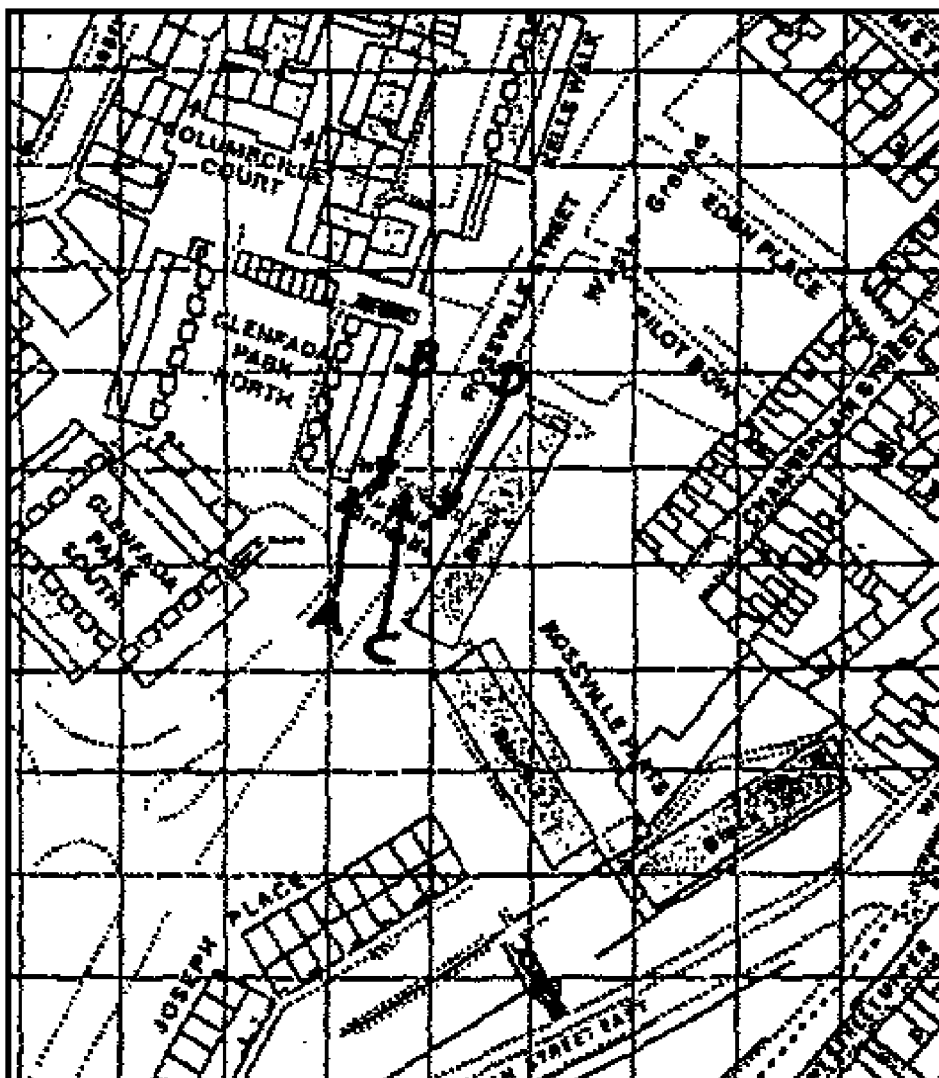
87.7 The submission referred to the following evidence, given by Anthony Coll in his written statement to this Inquiry:¹

“I remember Michael Kelly falling to the ground... I knew Michael very well, we were good friends... I took his left arm and got hold of his neck and shoulder. Someone else took his right arm. I thought that we would lift him... Michael was dragged to the corner of Glenfada Park North, but I did not help carry him because I went to help someone else after someone had shouted ‘This man is shot’. He was about 5 yards away from where Michael fell at about the point marked B on the map (grid reference J15). He was a wee, small fella with black hair with a wave in it. I remember him in front of us when I was standing behind the Rubble Barricade and two minutes later he was dead.”

¹ AC84.5

87.8 The map marked by Anthony Coll is reproduced below.¹

1 AC84.11



87.9 According to the representatives of the majority of the represented soldiers,¹ Anthony Coll confirmed that the person he went to assist after trying to help Michael Kelly was shown in the first of the two photographs we have reproduced above.² A copy of that photograph was attached to Anthony Coll's written statement to this Inquiry.³ Commenting on it he said: "*This shows two bodies on the Rubble Barricade. The one on the left was the one I went to help but who was dead*".⁴

1 FS7.1820

2 Paragraph 87.2

3 AC84.12

4 AC84.9

- 87.10 The submission correctly summarises that part of Anthony Coll's written statement to this Inquiry that relates to a casualty other than Michael Kelly. However, the next three paragraphs of this statement were in the following terms:¹

"13. There was also another lad who was a few yards further back, nearer to the Rossville Flats at about the point marked C on the attached map. I went towards him to help him along with about four others. He was a young fella, lying face down with his head towards the Rossville Flats and his back towards Free Derry Corner. He was lying flat on the ground, slightly away from the Rubble Barricade (to the south). However, we had to leave him because the shooting was heavy and we needed to get to shelter...

14. I also saw a more elderly man lying on Rossville Street, who looked as if he had rolled off the Rubble Barricade. He was lying next to it, leaning with his arm towards the Rubble Barricade at about the point marked D on the map.

15. I went back to the gable end of Glenfada Park North after trying to help the lad on the Rubble Barricade. There were 20 or 30 of us there. As I looked out I could see boys crawling south along Rossville Street, close to the Rossville Flats, trying to get in the doors."

¹ [AC84.5-6](#)

- 87.11 In his Keville interview (the transcript of which was not available when he made his written statement to this Inquiry), Anthony Coll said:¹

"... thirty of us got behind a wall just facing the Rossville Flats and about four of us got up behind – behind the two cars and we seen four drop, getting shot at the barricade and there was four – six of us – six of us went out to pull in, took one, a couple of fellas² and we – four of us came back in again. There were another two shot, went out to get them boys in. Then we were pinned down for about a quarter of an hour with the shooting."

¹ [AC84.19](#)

² The transcript at [AC84.19](#) reads "... six of us went out to pull ... took ... a couple of fellas". Having listened to the tape, we believe that the transcription that we set out above is more accurate.

- 87.12** A note provided to the Inquiry as part of the *Sunday Times* archive (and almost certainly based on the Keville interview) contains similar information:¹

“... and 3 of us got behind a wall just facing Rossville Flats and about 4 of us got behind 2 cars and we saw 4 getting shot at the barricade 6 of us went out to pull them in and four of us came back in again the other two were shot and we had to get them boys in We were pinned down for a quarter of an hour by the shooting...”

¹ [AC84.2](#)

- 87.13** In some respects Anthony Coll’s evidence is not entirely reliable. In his written statement to this Inquiry, Anthony Coll referred to other events that had occurred on the day. This is part of the account that he gave of events at Barrier 14:¹

“I knew that the army was building up to coming through the barrier. The Saracens were in gear and revving up. I actually saw one of the barriers pulled aside and as soon as I saw this I turned to run and my objective was to reach open ground. I would say I threw the last stone. Barrier 14 was dismantled in a flash; a snatch squad was coming towards us. The vehicles came through first with troops running behind and at the side. The Saracens were not at full speed and as the Brits were behind or parallel to the vehicles, this gave us a chance to get away.”

¹ [AC84.4](#)

- 87.14** As will have been seen from our discussion of the events of Sector 1 and Sector 2,¹ this is an inaccurate description of events at Barrier 14, since Army vehicles followed, rather than preceded, soldiers going through that barrier.

¹ [Paragraphs 20.209–232](#) and [Chapter 65](#)

- 87.15** Anthony Coll, after giving his written statement, did not co-operate with the Inquiry and did not give oral evidence.

- 87.16** The following factors should be borne in mind in any assessment of Anthony Coll’s evidence:

1. In his written statement to this Inquiry, Anthony Coll did not say whether the casualty whom he tried to help was shot before or after Michael Kelly.

2. He does identify the person on the ground in the first of the two photographs shown above¹ as the person whom he tried to assist. The presence of Michael McDaid, alive, in the second of the two photographs shows that the person on the ground, *if he is a casualty*, was shot before Michael McDaid, William Nash and John Young.

¹ [Paragraph 87.2](#)

87.17 However, we do not accept that the photographs, with or without the evidence of Anthony Coll, provide evidence of the presence of a second casualty. To our minds they show no more than a person on the ground. Since Anthony Coll did not give oral evidence, it was not possible for anyone to ask him the basis on which he felt able to say that the person shown in the photograph was the one whom he had tried to help.

87.18 Anthony Coll's written statement to this Inquiry is to the effect that he saw three other casualties in the area of the rubble barricade, in addition to Michael Kelly. The last one that he mentions was "*a more elderly man lying on Rossville Street, who looked as if he had rolled off the Rubble Barricade*".¹ We are sure that this "*more elderly man*" was Alexander Nash.

¹ [AC84.6](#)

87.19 In the previous chapters, we looked in detail at the evidence of what took place at the rubble barricade. We have no doubt that Michael Kelly was the first to be shot there, and that he was then taken into the entrance to Glenfada Park North, where he was tended by, among others, Fr Denis Bradley. William Nash, John Young and Michael McDaid were then shot in that order. Alexander Nash was wounded after he had gone out to the aid of his son William.

87.20 We are also sure that the only rubble barricade casualty to be carried into Glenfada Park North was Michael Kelly. When the soldiers later went to the rubble barricade (in circumstances that we examine when considering the later events of Sector 3¹) they picked up the bodies of William Nash, John Young and Michael McDaid, and found the wounded Alexander Nash in the area.

¹ [Chapter 122](#)

87.21 In these circumstances, we have concluded that what Anthony Coll saw were the known casualties, and that he is simply wrong in his identification of one of them in the photographs. In our view his evidence does not support the suggestion that there was what would necessarily be a fifth, unidentified casualty at the rubble barricade.

George Roberts

87.22 The representatives of the majority of represented soldiers referred us to the evidence of George Roberts and stated, correctly, that he identified himself in the first of the two photographs we have set out above¹ as the person leaning over what these representatives described as the “*unidentified casualty*”.² We have already identified George Roberts on that photograph.

¹ [Paragraph 87.2](#)

² [FS7.1821](#)

87.23 These representatives then referred to an extract from George Roberts’ written statement to this Inquiry and two answers he gave in oral evidence to this Inquiry.¹

¹ [FS7.1821-1822](#)

87.24 The extract from George Roberts’ written statement was preceded by this witness recounting that he had reached the rubble barricade:¹

“Shooting then started from the soldiers who were to the north of us... All of a sudden, a young fella who was standing next to me, just in front of me to my left, went down. He fell and was lying on his back with his head pointing up in the direction of William Street and his feet pointing in the direction of Free Derry Corner... I remember that he was wearing a white arran sweater and there was blood gushing like a fountain out of a hole just under his eye.”

¹ [AR13.1](#)

87.25 The first answer in oral evidence upon which reliance is placed was one prompted by George Roberts being shown the first of the two photographs reproduced above¹ and in which he had identified himself kneeling behind the rubble barricade. Counsel pointed out Michael Kelly on the photograph to George Roberts. He was then told that it was “*very likely*” that Michael Kelly had been the first person shot at the rubble barricade and that he had been shot “*substantially before anybody else*”. George Roberts was then asked if “*you could simply have been kneeling there on the left to take shelter and then turned back?*” He replied:²

“A. No, no, there was a young fella shot dead before I went down behind the barricade. He was shot underneath the left – the right eye and there was a fountain of blood coming out. Out of his right eye. That is why I went down behind the barricade.”

¹ [Paragraph 87.2](#)

² [Day 151](#)

87.26 A little later George Roberts was shown the second of the two photographs reproduced above¹ and asked:²

“Q. Is that the scene that you are quite certain of is you bending over the man in the Aran sweater?”

A. That is what I recall, yes, the Aran sweater. There was a coat on, but it is the Aran sweater sort of sticks out in my mind and the blood coming out from underneath his eye.”

¹ [Paragraph 87.2](#)

² [Day 151/107](#)

87.27 The submission was that:¹

“While it was also put to Mr Roberts by Arthur Harvey QC [Counsel for the majority of the families] that in fact the man he saw shot was John Young, the position of the body over which he is seen crouching would not match what is known of Mr Young, nor would the timing of the man’s fall or indeed his dress of which Mr Roberts was quite certain when questioned by Edwin Glasgow QC [Counsel for the majority of the represented soldiers].

....

Mr Roberts could not have any conceivable reason to invent the account he gives of this casualty. His evidence is corroborated by the photographs, although no one suggests that his recollection of the events with which he was so closely involved at the time was prompted by being shown them.”

¹ [FS7.1823](#)

87.28 The submission relating to George Roberts made no reference to his Keville interview. In that interview, George Roberts said:¹

“The army started shooting and a fella fell beside me, he said, ‘I’m hit’ and er – I got down beside him to try and pull him behind the gable house and I called the crowd and er – six people ran forward to help us and three of them were shot, they fell on top of me and another boy, another young fella. And er – we crawled, we couldn’t help the people that were shot, we crawled over behind the barricade and then a small wall...”²

¹ [AR13.10](#)

² Having listened to the tape, we have concluded that the transcript should be corrected. The corrected version is shown. It is noteworthy that the unsigned statement prepared in 1972 from the Keville interview ([AR13.8](#)) tallies with this corrected version.

87.29 In his oral evidence to this Inquiry, George Roberts accepted that his was the voice on the tape of the Keville interview, but said that he could remember nothing of people coming to help the casualty. He thought that it would not have been possible for anyone to have taken the casualty away from the barricade because “*the Paras were coming in at the time*”. He also said that he thought it probable that it was not until the next day that he learned of others having been shot at the barricade.¹ Shown the two photographs that we have displayed above,² and in which Michael Kelly’s body can be seen, George Roberts said that he had been unaware of a second body being present.³ He said that he saw only one person shot.⁴

¹ [Day 151/79-81](#)

³ [Day 151/72-73](#)

² [Paragraph 87.2](#)

⁴ [Day 151/91](#)

87.30 The photographs show that George Roberts was very close to Michael Kelly and it seems very odd indeed that he could have been unaware of Michael Kelly having been shot. However, George Roberts was firm in his evidence to us that the casualty whom he attended was wearing a white Aran sweater, had been shot underneath the right eye and that there was “*a fountain of blood*” coming from the right eye.¹ Michael Kelly was wearing a mustard-coloured sweater and had been shot in the abdomen.

¹ [Day 151/74](#)

87.31 George Roberts did say that he might have been mistaken in his recollection that the casualty whom he saw was wearing an Aran sweater.¹ He said that the person might have been wearing a suit over the Aran sweater but added, “*It was an Aran jumper that stood out in my mind, you know*”.²

¹ [Day 151/75](#)

² [Day 151/90](#)

87.32 It was put to George Roberts that the first of the photographs displayed above¹ did not appear to show anyone who was wearing an Aran sweater. He replied that the photograph might have been taken “*before this individual was shot*” or “*before anyone was shot*”.² It is not possible to tell from this exchange whether George Roberts was there accepting that the person on the ground in the photograph may not have been a casualty; and thus accepting that he might have been wrong in his written statement to this Inquiry, where he identified himself in the same photograph “*leaning over the boy who had been shot just to my left*”.³ We cannot tell from the photographs whether or not the person lying on the ground was wearing an Aran sweater *underneath a jacket*.

¹ [Paragraph 87.2](#)

³ [AR13.2](#)

² [Day 151/90-91](#)

- 87.33 George Roberts conceded that it was “*Very possible*” that he saw one person shot but at a later time than that shown in the photograph in which he can be seen kneeling, and “*Quite possible*” that he missed a considerable number of events because he was so shocked.¹ When shown an enhanced copy of the same photograph and asked what he was doing, he replied:²

“I was crouching down because there were either rubber bullets or live bullets, I did not know at the time, but were being fired at us, we were down.”

¹ [Day 151/97](#)

² [Day 151/105-106](#)

- 87.34 This evidence might be taken to suggest that George Roberts was accepting the possibility that no-one had been shot at that stage. He subsequently agreed with the proposition that, to the best of his recollection, the scene showed him bending over the casualty who was wearing an Aran sweater.¹ He then went on to say that, of the two recumbent figures shown on the left-hand side of the photograph in which he identified himself, it was possible that neither was the casualty whom he recalled having seen.² He thought that neither looked like the man whom he saw shot.³ However, he thought that in any event he was kneeling within a yard or two of the casualty. He could not be sure whether the casualty might have been just out of the photograph.⁴

¹ [Day 151/107](#)

³ [Day 151/119](#)

² [Day 151/117](#)

⁴ [Day 151/118](#)

- 87.35 Of those known to have been shot at the rubble barricade, only John Young and Michael McDaid had injuries that bear comparison with those described by George Roberts. He was unable to say whether the person whom he helped bore any resemblance to Michael McDaid. He said that he would be unable to describe anyone who had been shot that day.¹ Michael McDaid was shot in the left cheek. He clearly cannot have been the person shown on the ground in the photographs since as we have already noted, he appears, alive, in one of them.

¹ [Day 151/73](#)

- 87.36 George Roberts was also unable to say whether the person whom he helped looked like John Young, although when shown a photograph showing John Young at Barrier 14 he thought that the person “*looked a lot younger*”.¹ John Young was wearing a brown sweater under a dark blue zip-up jacket² and was shot in the face, the bullet entering between the left eye and the nose. Detective Sergeant Ruddell was present at the post-mortem examination carried out on John Young. He noted that John Young’s face

was bloodstained,³ although no significant bloodstaining is seen in the mortuary photographs. We are sure that the person on the ground to the north of Michael Kelly is not John Young, who was shot after Michael Kelly had been carried away.

¹ Day 151/74

³ D0134-135

² D0134; D0144

87.37 In his written statement to this Inquiry, George Roberts said that he had crawled from the rubble barricade and taken shelter behind the south end of the eastern block of Glenfada Park North.¹ Having refreshed his memory from the Keville tape, he said in his oral evidence that he had instead hidden behind cars in Glenfada Park and had been behind the cars when arrested by the soldiers.²

¹ AR13.2

² Day 151/83-84

87.38 We have concluded that George Roberts did not see an unidentified casualty at the rubble barricade. The suggestion that he had necessarily requires that this casualty must have been removed before the soldiers arrived at the rubble barricade and collected the bodies of the three known casualties; but we are sure that Michael Kelly was the only casualty to have been carried by civilians from the rubble barricade. George Roberts' Keville account is consistent with what we consider happened, namely that Michael Kelly was shot and carried into the entrance to Glenfada Park North, and then three others were shot, namely William Nash, John Young and Michael McDaid. In our view this account is to be preferred to his recollections decades later.

James Begley

87.39 The representatives of the majority of represented soldiers submitted that James Begley can be seen "*looking on with concern at the person who has fallen in the left of [the second of the two photographs we have displayed above¹] rather than looking either in the direction in which he is walking or at Mr Kelly who is on the ground almost immediately in front of him.*"²

¹ Paragraph 87.2

² FS7.1823

87.40 James Begley is dead and did not give any evidence to this Inquiry. He did give a Keville interview in which he said that he had hidden behind the barricade with William Nash and had seen a man called Pat Young being shot between the eyes. He said that he had also seen "*Mr Nash*" being shot, as well as another, unidentified man.¹ He did not refer to the death of Michael Kelly or to anyone being shot before the death of Pat Young.

¹ AB29.3; AB29.1

- 87.41 It will be noted that two other people in the photograph, Michael McDaid and William Griffin, each appear to be looking at something other than Michael Kelly or the other person on the ground. In our view it is not possible to draw any conclusions at all from the direction in which people appeared to be looking in the instant when the photograph was taken. There is nothing in the 1972 accounts that William Griffin gave to suggest that there was another casualty near to Michael Kelly.¹

¹ [AG58.1](#); [AG58.2](#); [AG58.4](#)

John J McLaughlin

- 87.42 According to his signed NICRA statement, John J McLaughlin moved behind the rubble barricade when “3 *saracen armoured cars rushed up Ros[s]ville St*”.¹ He went on in that account to describe events at the barricade. The representatives of the majority of represented soldiers quote the following part of John J McLaughlin’s NICRA statement:

“... the paras. opened fire. We ran in the direction of Glenfada Park. As we reached here, two young men fell behind the barricade.”

¹ [AM334.1](#)

- 87.43 They do not quote the rest of the paragraph, nor subsequent paragraphs. John J McLaughlin continued:

“There had been at least a dozen shots fired by the paras. as we made for cover. A few seconds later, a youth was shot at the entrance to Glenfada Park. We rushed out and carried him towards the flats for shelter ... In my opinion, the youth was dead and I said an ‘act of contrition’ in his ear. As I looked up, the late Gerry McKinney was also kneeling beside me, and a Priest (Fr. Bradley) who was giving the Last Rites to the youth.

At this stage, another youth who had sought shelter was calling on help to recover the two other bodies from behind the barricade. As he ran out, he was shot down by a volley of gunfire. No one else followed as we had witnessed the callous murder of this defenceless, unarmed youth.”

- 87.44 In our view in the passages that we have quoted, John J McLaughlin was providing further details of the shooting of the two young men to which he had referred in the passage quoted by the representatives of the majority of represented soldiers. On that basis John J McLaughlin’s evidence is to the effect that Michael Kelly was shot first

(which in our view he was) and that, after his body had been brought from the rubble barricade, another young man was shot. This interpretation does not involve the presence of any unknown casualty shot immediately before, or at the same time as, Michael Kelly, while at the same time it is consistent with the evidence of many other civilians.

87.45 It is also to be noted that the representatives of the majority of represented soldiers do not refer to the account given by John J McLaughlin to the *Sunday Times*:¹

“... a few youths began dragging the sort of army fence that was behind the barricade up to close the gap on the glenfadda side for the cars to get through ... Eye [sic] was watching them do this when I sudden[l]y realized they were firing real bullets. I dont know how I knew. I dont know anything about guns but I thought the noises were not like the rubber bullet bangs which are sort of low bangs. these were sharp high cracking noises.

Eye began to move back towards the entrance to glenfadda when one of the boys who had been dragging the small fence up was hit. Me and three other men rushed up to him and carried him out of the direct line of fire behind the side gable. He had been hit in the side, eye think it was the right side at just over hip level and his whole side was a mass of blood though eye couldn't see the wound through his shirt. he made no sound and eye thought he must be dead. a crowd gathered round the youth and father bradley was giving him his last rights [sic] when I looked up and saw gerry mckinney, who works for me...

While we were gathered around the first shot boy, another youth appeared and his hands were completely covered in blood; eye think but couldn't swear that he was one of the men who helped me carry the first boy. he was shouting that two more men had been shot on the barricade and pleading with us to help him carry them away. he was begging us with open hands, all bloody; there was nothing in his hands, nothing at [sic], they were just soaking in blood. None of us moved to help him ... The youth with bloody hands turned and ran back out of the area where we were and as he rounded the gable he was shot and he staggered forward and fell almost on the barricade. he never made a sound and eye was sure he must have been dead as he fell very hard...”

¹ [AM334.4-5](#)

87.46 The *Sunday Times* account is consistent with John J McLaughlin's NICRA account.

- 87.47 John J McLaughlin is dead. He did not give evidence to this Inquiry. We have no further accounts from him of the events of Bloody Sunday. In our view the accounts that he gave in 1972 do not demonstrate that there was an unknown casualty at the rubble barricade.

Hugh Anthony Duffy

- 87.48 The submission that there was an additional casualty at the rubble barricade also relies on the Keville interview given by Hugh Anthony Duffy and on the contents of his written statement to this Inquiry. It is acknowledged by those making the submission that the two accounts are somewhat different from each other.¹

¹ [FS7.1825](#)

- 87.49 In his Keville interview, Hugh Anthony Duffy said:¹

“I was standing on the footpath at Rossville Street beside a low barricade when the shot – the shooting rang out and I dived to the ground beside the barricade. Er – a young lad beside me, who was also diving beside the barricade just turned on his back and his eyes were closed and I couldn’t – I reached my hand over and he wouldn’t move. Another lad next to him – the blood was pumping out of his stomach and a few other young fellas came over to lift him and they were shot at and one almost fell – I don’t know if he was hit or not ... As far as I could ascertain the young lad that was lying beside me, nobody could get out to lift him and I couldn’t wake him so I just assumed he was dead – there was no sign of life at all.”

¹ [AD157.10](#)

- 87.50 In his written statement to this Inquiry, Hugh Anthony Duffy told us that he was behind the western end of the rubble barricade, facing north. He saw a soldier, who was leaning on a wall at the southern end of Kells Walk, aiming a rifle directly at him, and so threw himself down onto the ground. He heard bullets hitting the rubble barricade, and the sound of rifle fire. He looked across to his right and saw a young man, who was about 8 feet away (to the east) and also on the southern side of the barricade. The man was lying still on his back with his head on the barricade and his lower body and legs on the road. He was not moving and his eyes seemed to be half open; Hugh Anthony Duffy could not see any blood or wounds. The young man had dark blond hair and was very tidy. He was wearing a collar and tie and *“I think a light blue or grey sports coat and slacks, it may have been a suit”*.¹

¹ [AD157.5](#)

- 87.51** Hugh Anthony Duffy then noticed a second young man who was lying about ten yards further across the rubble barricade to the east. He was also lying on his back, with his head and upper body on the barricade, pointing towards William Street. This young man had long black hair. He appeared to have been shot in the stomach; blood was coming out of the wound.
- 87.52** Hugh Anthony Duffy did not see either of these young men being shot. They were not lying on the rubble barricade when he reached it. He thought that he was the only person directly behind the rubble barricade at the time that he reached it.¹ He told us that three or four young lads ran out from [the south end of the eastern block of Glenfada Park North] and tried to lift the second young man. At that time, Hugh Anthony Duffy thought, the first young man was still lying on the rubble barricade.²

¹ AD157.5

² AD157.6

- 87.53** In his oral evidence to this Inquiry, Hugh Anthony Duffy said that the young men carrying the body moved behind him and out of his sight. He did not know whether they had reached Glenfada Park. Hugh Anthony Duffy said that he had crawled to the first body and touched it. The body did not move. There was no sign of blood.¹

¹ Day 149/79-80

- 87.54** Hugh Anthony Duffy also said in his oral evidence to this Inquiry that he had seen a third body on top of the rubble barricade. That body had been “*on the other side of the barricade towards the High Flats*”; Hugh Anthony Duffy said that he did not know whether the person was dead or alive.¹ He thought that the first two young men were on the western side of the gap in the rubble barricade.² This is inconsistent with the locations given by Hugh Anthony Duffy in his written statement to this Inquiry. When shown a photograph of Michael McDaid, Hugh Anthony Duffy said that Michael McDaid looked like the first young man but that he could not really tell whether Michael McDaid was the man whom he had seen.³

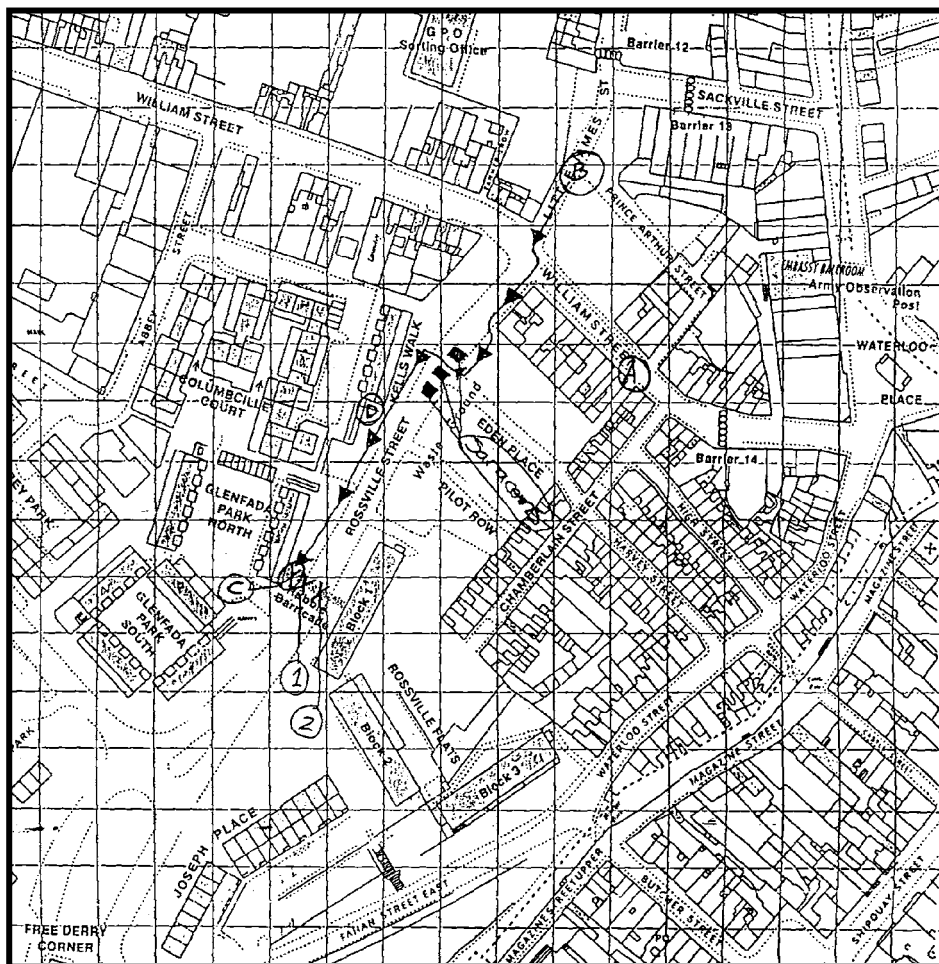
¹ Day 149/80-81

³ Day 149/84-85

² Day 149/84

- 87.55** The representatives of the majority of represented soldiers reproduced the map on which Hugh Anthony Duffy marked (as 1 and 2) the locations of the two bodies to which he referred in his written statement to this Inquiry; and C as his own position.¹

¹ FS7.1825; AD157.2; AD157.8



87.56 These representatives submitted that the body marked 1 is the unidentified casualty and the body marked 2 is that of Michael Kelly. As to this, assuming Hugh Anthony Duffy was correct (in his written evidence to this Inquiry) about the location of the two bodies, it would not have been possible for Lance Corporal F to shoot the unidentified person and for Michael Kelly then to have been the unlucky victim of a “shoot-through”.

87.57 Hugh Anthony Duffy did not see the shooting of Michael Kelly or anyone else. While it can be said that his evidence can be read as consistent with a missing casualty being shot before Michael Kelly, it is not in our view evidence that there was such a casualty, since his account is equally consistent with a person being shot *after* Michael Kelly, namely one of the other known casualties.

87.58 If Hugh Anthony Duffy saw three bodies, then to our minds it is likely that the bodies were those of Michael Kelly and two of the other three known casualties.

Kieran Gill

87.59 The representatives of the majority of represented soldiers referred to an extract from the oral evidence of Kieran Gill.¹ Questioned by counsel for these soldiers, Kieran Gill said that he had an “*indistinct impression*” that two people fell in the first volley of shots at the rubble barricade.

¹ [FS7.1828](#)

87.60 However, the quotation is only of part of the relevant passage. The whole passage is set out below, including the part quoted in the submission, which we have highlighted in bold. Counsel drew Kieran Gill’s attention to the evidence in 1972 of Liam Mailey, who had told the Widgery Inquiry that he had seen at least two people fall, injured, at the rubble barricade. The following exchange then took place:¹

“Q ... Your recollection, sir, I do not challenge its honesty, is you recall one person falling?

A. Yes, I only saw one.

Q. You only saw one?

A. Yeah, generally aware that somebody else may have, but I can offer no, no insight at all into –

Q. Is that simply a matter of impression, or may it be a result of things you have been told?

A. The second person?

Q. Yes, you say you are generally aware that a second person fell; did you understand that to be in the very first volley of shots?

A. Yes.

Q. You did?

A. Yes. I have a very indistinct impression of that, but I cannot offer anything on that.”

¹ [Day 206/178-179](#)

87.61 Counsel was wrong to put to the witness that he had said that he was “*generally aware that a second person fell*”. The witness had said that he was generally aware that “*somebody else may have*” fallen.

87.62 In his first written statement to this Inquiry, Kieran Gill said that he had been standing on the rubble barricade, looking northwards, but turned his back and stepped down from the barricade as the soldiers deployed in Rossville Street. He said that he heard a volley of 5–6 shots and then one bullet passed close to him.¹ He continued:²

“At the same time I heard a thud and from the edge of my vision saw a young man topple and crash from the barricade, falling in the direction of Free Derry corner.

I believe the thud was from a bullet hitting him and not from his body making contact with the ground as he was still falling when I looked in his direction. He was not armed. He was approximately five yards from me.

Like everyone in the vicinity I ducked and recall dozens of others doing the same, including some who appeared to fall on the barricade and not get up again.”

¹ M105.6

² M105.7

87.63 He did not in this written statement indicate that he had seen a specific, second person, rather than simply a number of people who fell when the shooting broke out. He did not say whether he thought that any of these people had been shot.

87.64 During the course of his oral evidence to this Inquiry, Kieran Gill marked on a photograph the location of the man whom he saw fall.¹ The photograph is reproduced below. The blue arrow represents Kieran Gill’s own position and the red arrow that of the young man.²

¹ Day 203/140-141

² M105.30



87.65 Kieran Gill said that the only description that he could give of the young man was that he was in his late teens and was wearing dark-coloured clothes.¹ Although the position of the young man is not the same as that of Michael Kelly (or indeed where any of the other known casualties fell), we consider that it is likely that it was Michael Kelly whom Kieran Gill saw.

¹ [Day 203/141](#)

87.66 In our view Kieran Gill's evidence of "*a very indistinct impression*" of a second person falls far short of establishing, or even suggesting, that there was an unidentified casualty on the rubble barricade, as opposed to someone simply seeking cover.

Pearse McCaul

87.67 There is this passage in the written statement to this Inquiry of Pearse McCaul:¹

“As soon as live shots were fired Seamus [Friel] and I ran to the southern gable end of the eastern block of Glenfada Park North ... where there were about fifteen to sixteen people sheltering. From my position [at the gable end] I also saw people sheltering behind fences of the houses in Glenfada Park North. I saw three to four bodies lying in Rossville Street to the south of the Rubble Barricade. One man was lying at the edge of the footpath near the gable end of Glenfada Park North. He had fallen forward with his head pointing north and his feet pointing south, although I am not certain about this. I cannot remember what he was wearing. Another man was lying about one to two feet further east along the Rubble Barricade but I do not remember much about him. I did not realise that the two men had been shot because I could not see any blood on their bodies. I cannot remember anything about the other bodies on the Rubble Barricade.

I went to fetch one of the bodies lying near the Rubble Barricade with the help of one or two other people. I am not sure which body it was. We could not drag the man by his feet so we turned him over and dragged him away by holding him under his arms. I did not see his injuries and I cannot remember seeing anything in the man's hands, not even a stone. I cannot remember where we left him. I am not sure whether we dropped him on the ground or put him down somewhere. I have never discovered the man's identity. Live shots were still being fired and I thought we were all going to be shot.

There was then a lull in the shooting. I went back to the Rubble Barricade and picked up another body with the help of another man. I found out recently that the body was that of Michael Kelly. I cannot remember the man who helped me to carry him ... We each took hold of one of his legs and possibly a shoulder and carried him from the Rubble Barricade west towards and through the Glenfada Park North car park. I saw the bullet's entry wound in his abdomen and the clothing on his back felt very wet.”

¹ [AM93.3](#)

87.68 Pearse McCaul went on to say that two soldiers appeared in Glenfada Park North, causing him to put down Michael Kelly's body; he and Seamus Friel then ran towards the north-west corner of Glenfada Park and sought shelter in the alleyway there. According to Pearse McCaul, Jim Wray was running behind him but was shot shortly before reaching

the north-west corner.¹ As will be seen from our discussion of the events of Sector 4,² there is no doubt that Jim Wray was shot when making for the alleyway at the south-west corner of Glenfada Park North. In his oral evidence Pearse McCaul said that he had not run towards the north-west corner of Glenfada Park North but to the south-west corner.³

¹ AM93.4

³ Day 164/94-95

² Paragraphs 104.205–208 and 104.233–238

87.69 In the course of his oral evidence to this Inquiry, Pearse McCaul said that Seamus Friel was deceased.¹ The Inquiry has no evidence from Seamus Friel. Pearse McCaul also said that he had left the rubble barricade when rubber bullets were being fired, and before live rounds were fired. He was at the “*gable end of Glenfada Park*” [the south end of the eastern block of Glenfada Park North] by the time that live rounds were fired. He told us he had seen bodies lying at the rubble barricade but did not recall seeing anyone fall there.²

¹ Day 164/69

² Day 164/80-81

87.70 Pearse McCaul said that the first man whom he tried to help was unconscious or dead. He had no recollection of seeing any blood on the casualty. He could remember nothing about the age or appearance of the casualty, or about the others who had tried to help to carry the casualty. He recalled bringing the casualty into Glenfada Park North but could not remember where the casualty had been left.¹

¹ Day 164/84-86

87.71 In response to a suggestion from the Chairman, Pearse McCaul said it was possible that he had only helped one person. He thought it possible that he had taken Michael Kelly “*into the gable end*” and then picked him up again.¹ When it was pointed out to him by counsel for the majority of the families that Michael Kelly had been brought to the south end of the eastern block of Glenfada Park North, put down and picked up again, and that photographs indicated that Pearse McCaul had been involved in carrying Michael Kelly on each occasion, Pearse McCaul agreed that it could well be that he carried just the one body.² However, questioned by counsel for the majority of the represented soldiers, he confirmed that it was his recollection that the first body was dragged, not carried, from the rubble barricade.³

¹ Day 164/87-88

³ Day 164/126

² Day 164/109-110

87.72 Pearse McCaul also said that it was “*quite possible*” that the other bodies that he had seen were of people who had simply fallen or dropped to the ground when the gunfire started.¹ He said that he had seen no-one at the rubble barricade with a pistol, rifle, nail bomb or petrol bomb.²

¹ [Day 164/106](#)

² [Day 164/110](#)

87.73 In view of the evidence of other people who were sheltering in Glenfada Park North, including in particular Fr Bradley and Fr Terence O’Keeffe, whose accounts we consider when discussing the events of Sector 4,¹ we are sure that Michael Kelly was the only casualty of gunfire taken from the rubble barricade to the southern end of the eastern block of Glenfada Park North. In our view Pearse McCaul’s recall of events was limited and we are not persuaded that his account provides any support for supposing that there might have been a second gunfire casualty moved as suggested.

¹ [Chapters 92](#) and [101](#)

Charles McDaid

87.74 The representatives of the majority of represented soldiers submitted that Charles McDaid “*gave evidence in 1972 of carrying a casualty from the rubble barricade who was shot in the right side just above his leg*”¹ and state that he told the Widgery Inquiry that the casualty was shot “*on ‘the right hand top of the leg’*”.²

¹ [FS7.1828](#)

² [FS7.1829](#)

87.75 In his written statement for the Widgery Inquiry, Charles McDaid recorded that:¹

“As I moved across the barricade towards Glenfada Park shots rang out and a boy just behind me called out ‘Mister I’m shot’. I turned around and he was sinking to the ground holding his side. He had nothing in his hands nor was there any other instrument near him. A group of men moved out cautiously and as they lifted him water ran down through their hands as though his kidneys had burst. There was a bullet hole in his front right hand side just above his leg. He was laid on the ground in the shelter of Glenfada Park and Father Bradley administered the Last Rites to him.”

¹ [AM161.14](#)

87.76 Apart from the description of the bullet hole, this account, made on 23rd February 1972, contains a description of a casualty who to our minds is clearly Michael Kelly. As will be seen from our discussion of the events of Sector 4,¹ he was the casualty whom Fr Bradley tended at the south end of the eastern block of Glenfada Park North.

¹ Paragraphs 92.1–3

87.77 In his oral evidence to the Widgery Inquiry, Charles McDaid said:¹

“As I ran towards the flats I passed a boy and as I passed he called out ‘Mister, I’m shot’. I stopped for a second and looked round and the boy was falling towards the ground holding his side ... When we moved out to bring the boy in, there were a few men got to the boy before I did, and as they lifted him I could see water run down between their hands and it looked as if his kidneys had burst. He had been shot on the right hand top of the leg, it wasn’t his stomach, it was quite visible ... They carried him into the alley at Glenfada Park and Father Bradley administered the Last Rites of the Church to the boy.”

¹ WT5.46

87.78 He gave a similar account in his deposition to the Coroner conducting the inquest into the death of Michael Kelly.¹

¹ AM161.24

87.79 In his first written statement to this Inquiry,¹ Charles McDaid said that he had passed to the southern side of the rubble barricade when he heard a voice crying “*Mister, I am shot. Help me*”, and turned to see a young lad on the ground. He told us that the lad’s head was facing towards Glenfada Park and his feet towards the rubble barricade. The second of the two photographs that we have reproduced above² shows Michael Kelly in such a position. However, when shown this photograph, Charles McDaid was unable to identify Michael Kelly as the casualty whom he had seen.³ He said that he had helped to carry the casualty and that he recalled urine seeping through his hands as he held the casualty. He said, though, that he could no longer recall the site of the bullet wound.

¹ AM161.5

³ Day 60/151-152

² Paragraph 87.2

87.80 It is correct that in his oral evidence to the Widgery Inquiry, Charles McDaid said that the casualty’s wound was “*on the right hand top of the leg, it wasn’t his stomach, it was quite visible*”.¹ Michael Kelly was hit in the left side of the stomach. However, Charles McDaid also told the Widgery Inquiry that “*the boy*” fell holding his side. He did not suggest at any

stage that another person was shot at or about the same time as the casualty whom he saw. He said that he did not hear or see a petrol or nail bomb at any time on the afternoon of Bloody Sunday.²

¹ WT5.46

² WT5.47

87.81 In these circumstances, since the other details provided by Charles McDaid point unequivocally to Michael Kelly as the casualty that he saw, we are of the view that he must have been mistaken in his recollection of where the casualty had been wounded.

87.82 Michael Kelly's clothing was scanned by the Department of Industrial and Forensic Science (DIFS) in Belfast. The DIFS notes contain no reference to the presence of urine on Michael Kelly's clothing, though this does not necessarily show that there was none. There is a note to the effect that the outside of the seat of his trousers showed some bloodstaining and the inside of the trousers showed more.¹ The autopsy report indicates that the left common iliac artery and vein and both the large and small intestine were lacerated by the bullet.^{2,3}

¹ D0052

² D0060-64

³ The *Derry Journal* reporter Noel McCartney (whose evidence we consider below and when discussing the events of Sector 4 at paragraphs 87.142–148 and 111.129–142) saw a casualty who was clearly Michael Kelly; and told us that he had a vivid memory of seeing the open wound in Michael Kelly's stomach. He added that his recollection was of seeing water, not blood.

Robert Wallace

87.83 The representatives of the majority of represented soldiers also referred to the written and oral evidence to this Inquiry of Robert Wallace.¹

¹ FS7.1676; FS7.1829

87.84 In his written statement to this Inquiry, Robert Wallace told us that, while sheltering at the “*gable end*” of the eastern block of Glenfada Park North, he had seen Michael Kelly, whom he knew by sight, being carried around the corner from the rubble barricade. Michael Kelly had then been laid on the ground. Robert Wallace continued:¹

“A few seconds later, a second young man was carried around the gable end from the barricade. I have no idea who he was. He was aged about 17 or 18 and was a bit smaller than Michael Kelly, but I cannot recall any other details about him. Although he was not moving at all, I saw no wound or blood on him. I was still so shocked by the sight of Michael Kelly that I did not pay much attention to this second man.”

¹ AW3.02

87.85 The representatives of the majority of represented soldiers rely on some of this passage and also on that part of Robert Wallace's oral evidence to this Inquiry in which he said that he had not seen the face of the second young man, who was being carried face down, but that he had assumed from the man's figure that he was 17 or 18 years old. The young man had longish, dark hair and was being carried by two men in their twenties.¹

¹ [Day 154/138-139](#)

87.86 In his oral evidence to this Inquiry, Robert Wallace also said that he had recognised the first young man as one of the Kelly family but had not known which member of the family he was.¹ He said that he had not seen Michael Kelly lying near the rubble barricade but had first seen him when he was carried round the corner of the south end of the eastern block of Glenfada Park North.²

¹ [Day 154/134](#)

² [Day 154/135](#)

87.87 Robert Wallace said that he thought that the second young man was wearing dark jeans. He seemed to be slumped forward; those carrying him held their arms under his arms. Robert Wallace said that he was not really looking at this second casualty because he was "*mesmerised*" by the first young man, who he knew to be dying. He thought that the second casualty had also been placed on the ground, "*practically beside Michael Kelly*", but he was not sure because he had at that stage tried to make a break and had run to the shelter of a car.¹

¹ [Day 154/139-142](#)

87.88 The representatives of the majority of represented soldiers do not set out the relevant part of Robert Wallace's Keville tape. Robert Wallace is recorded as having said to Kathleen Keville:¹

"... I got round behind the gable of a house in Glenfada Park. Just as we got round this young lad was brought around by a couple of fellas he had a wound in his side – bullet wound in his side, and there was another boy supposed to be lying at the barricade. There was at least three young fellas went out to pick him up I seen them going out I did not see them coming in again I heard afterwards they were shot.

...

They just run out, I did not see it that's as far as I seen that. I did not see them coming in again and afterwards I heard they were shot."

¹ [AW3.14](#)

87.89 We have no doubt that the “*young lad*” referred to in this interview was Michael Kelly. Robert Wallace’s reference to “*another boy supposed to be lying at the barricade*” is in our view a reference to William Nash, whom, as we have concluded in the previous chapter,¹ John Young and Michael McDaid went to aid.

¹ [Paragraph 86.364](#)

87.90 In his oral evidence to this Inquiry, Robert Wallace was shown the transcript of his Keville interview. He remained adamant that a second person had been brought around the gable end, even though he had not said so in 1972. He added that he did not know whether that person had been hurt,¹ and said that he had not mentioned this second person in 1972 because he was unsure whether that person had been wounded.² He said that in 1972 he had been trying to give as accurate an account as he could and that he had given the interview about a fortnight after 30th January 1972.³

¹ [Day 154/146-147](#)

³ [Day 154/173](#)

² [Day 154/174](#)

87.91 The representatives of the majority of represented soldiers are incorrect in their submission that Robert Wallace was, in his oral evidence to this Inquiry, “*unable*” to explain why he had not mentioned the second casualty in 1972. Robert Wallace did give an explanation: he said that he had not mentioned the person because he was uncertain whether the person was injured.

87.92 The representatives of the majority of represented soldiers do not refer to Robert Wallace’s evidence, both in his written statement and in his oral evidence to this Inquiry, to the effect that he paid little attention to the second casualty.

87.93 We do not accept that this evidence supports the submission that there was an additional unidentified casualty of Army gunfire. It is possible that Robert Wallace was recalling others (such as Constantine Gallagher and Seamus (James) Liddy) who were injured by baton rounds in the area and who ended up at or near the south end of the eastern block of Glenfada Park North, the evidence relating to whom we consider elsewhere in this report.¹ Had Robert Wallace seen a person wounded by Army gunfire carried round the gable end others, such as Fr Bradley and Fr O’Keeffe, would have seen this and recorded it in their accounts. We consider these accounts when dealing with the events of Sector 4.² We are confident that such witnesses would not have chosen to keep quiet about any such event.

¹ [Chapter 77](#) and [paragraphs 87.142–148](#)

² [Chapters 92](#) and [101](#)

Seamus Fleming

87.94 Our attention was drawn by the representatives of the majority of represented soldiers to parts of Seamus Fleming's statements to NICRA and to this Inquiry.¹

¹ [FS7.1829](#)

87.95 In his NICRA statement, Seamus Fleming said:¹

"... I got as far as the entry to Glenfada Park. There were about twenty young men sheltering behind a barricade of bricks and rubble. I then noticed that some of the lads got up and ran into the entry where I was standing. As they were running, I heard gunfire.

There were still about six left at the barricade and they fell for cover. I saw soldiers everywhere and three saracens. During a lull in the shooting, the six lads at the barricade got up to run towards our entry. The minute their heads appeared, there was a burst of fire and I saw a lad with a blue half jerkin clutch his stomach with his hands and slump on top of the barricade. I also saw a lad with a brown coat slumping over, holding his left side. They did not move. A man beside me in the entry made an attempt to go forward to assist them but there was another burst of gunfire and a bullet struck the wall above us."

¹ [AF22.11](#)

87.96 In his written statement to this Inquiry, Seamus Fleming said that he made his way through Columbcille Court and Glenfada Park North to the south-eastern corner of Glenfada Park North¹ and looked into Rossville Street. He said that he saw three "Saracens" parked on the far side of the flats near Pilot Row. He continued:²

"I also saw people lying on the southern side of the Rubble Barricade. There were about 20 people there. It was then that I heard the first shots.

When there was a lull in the shooting a number of the people got up from the Rubble Barricade to run towards where I was standing. Some of them made it, but about six or seven did not and they dived down for cover as there was further firing. As soon as they got up again, there was more firing and one man clutched his stomach and another one his left breast. Both fell down and neither moved."

¹ This location is taken from his map ([AF22.12](#)) not his statement, which appears to contain an error.

² [AF22.8](#)

87.97 He said that he saw no civilian with a gun or bomb.¹ He went on:²

“The people I saw at the Rubble Barricade were on its southern side and were mainly lying or crouching behind it. They were obviously taking cover ... I could hear shooting...

When the five or six people left on the Rubble Barricade were trying to come towards us, they were trying to make for the opening where I was standing between Glenfada Park North and Glenfada Park South. They were definitely facing towards Glenfada Park. They were heading in my direction, but the minute they got up two of them were hit by shots. They had got up from a crouching position very gingerly to have a look and then they were hit. They were both in their late teens...

I had been standing at my position ... for about 10 or 15 minutes and the two men shot at the rubble barricade were shot within that period. I could not see which way they were facing at the barricade. They were near enough in the middle. They were on the roadway on the Free Derry side, and they fell onto the Rubble Barricade. No one tended to them, but there may have been one young man from where I was standing trying to edge out to assist them, but there was another burst of gunfire and then the bullet struck the wall above us. People were afraid to move.”

¹ [AF22.8](#)

² [AF22.9-10](#)

87.98 Seamus Fleming went on to say that he then made his way home via Glenfada Park South and Abbey Park.¹

¹ [AF22.10](#)

87.99 Seamus Fleming did not add anything significant in his oral evidence to this Inquiry.

87.100 It is acknowledged by the representatives of the majority of represented soldiers that, if one of the casualties seen by Seamus Fleming was Michael Kelly, then Seamus Fleming’s description of the circumstances of Michael Kelly’s shooting is inconsistent with the accounts given by witnesses who were with Michael Kelly at the time at which he was shot.¹ However, Counsel to the Inquiry in his opening statement “*acknowledged*” that Seamus Fleming had identified an unknown casualty.

¹ [FS7.1830](#)

- 87.101** What Counsel to the Inquiry said in his opening statement is, of course, not evidence. In our view what Seamus Fleming was describing was what happened after Michael Kelly had been shot and taken away, and the casualties whom he saw were probably John Young and William Nash.
- 87.102** In his NICRA statement, Seamus Fleming said that the first casualty whom he saw was a lad who was wearing a blue half jerkin and who clutched his stomach with his hands. The second casualty was wearing a brown coat and fell holding his left side.¹ As we have already noted, John Young was wearing a dark blue zip-up jacket² and, although he was shot in the face, the exit wound was in the middle of his back.³ It is possible that he clutched his stomach as he fell. William Nash was wearing a brown corduroy jacket⁴ and was shot in the chest, with the exit wound in his right lower back.⁵

¹ [AF22.11](#)

⁴ [D0102](#)

² [D0134](#)

⁵ [D0119](#)

³ [D0150](#)

Matthew Connolly

- 87.103** The representatives of the majority of represented soldiers also relied on the evidence of Matthew Connolly.¹

¹ [FS7.1830](#)

- 87.104** We have examined in detail the accounts given by Matthew Connolly earlier in this part of the report.¹ We have found nothing in our analysis of his evidence to suggest that he had seen an unidentified casualty.

¹ [Paragraphs 86.295–313](#)

Michael Havord

- 87.105** The representatives of the majority of represented soldiers, in support of their submission that a missing casualty was shot in the shoulder, refer to an interview that Michael Havord gave to Paul Mahon, in which Michael Havord said that he had been told by Paddy Devlin (a leading Social Democratic and Labour Party (SDLP) member of the Northern Ireland Parliament) that a person wounded in the arm or shoulder had been taken to Letterkenny Hospital in the Republic of Ireland.¹ Paul Mahon's handwritten notes contain a further reference to Michael Havord having spoken of a person wounded in the shoulder and

taken to Letterkenny.² A surname appears in the notes but has been redacted. It is a common name and it is not possible for the Inquiry to identify this alleged casualty from the name alone.

¹ FS7.1832

² AM19.328

87.106 In our view this account is of little or no use in considering whether someone was shot on the rubble barricade immediately before Michael Kelly.

87.107 Michael Havord gave written and oral evidence to this Inquiry before Paul Mahon's material became available. However, in his written statement to this Inquiry he did tell us that he recalled Paddy Devlin handing over the keys to his car so that a casualty could be taken to hospital. He gave no details either of the casualty or the hospital¹ and in his oral evidence said that he did not know the identity of the casualty or where he had been shot.²

¹ AH46.6

² Day 125/45

87.108 After Paul Mahon's material came to light, Michael Havord was asked to provide further details of the casualty transported in Paddy Devlin's car. His solicitors supplied a draft supplementary statement which was, in the event, never signed. That draft statement included the following passage:^{1,2}

"During my talk with Paul Mahon before the interview I had been told by him of the incident that the person who was taken to Letterkenny in Paddy Devlin's car had in fact been shot in the arm. At the time on Bloody Sunday I was aware only that someone had been shot and needed to get to hospital and wanted to go to Letterkenny. I would not have thought it strange or covert for someone to go to Letterkenny given the fact that there were people from all over Ireland on the march and could well have been an Irish citizen or that they wouldn't want to go to Altnagelvin and have it documented that they had been on the march with the consequence of facing a possible six months jail sentence."

¹ AH46.23

² This draft supplementary statement was made after the representatives of the majority of represented soldiers had made their submissions, in order to give Michael Havord the opportunity to respond to allegations that had been made in those submissions.

87.109 The Inquiry obtained a statement from Geraldine McIntyre, an administrator at Letterkenny General Hospital, who had reviewed the hospital's records at the Inquiry's request.¹ The hospital's operating theatre register indicated that no patient received surgical treatment for gunshot wounds between 30th January and 2nd February 1972.²

The Inquiry is aware that Hugh Hegarty, who suffered serious facial injuries after being hit by a gas canister on Bloody Sunday, attended Letterkenny Hospital on the following Monday or Tuesday. The Inquiry obtained his treatment records, with his consent, after he had informed us that he had been treated at Letterkenny Hospital. He did not require surgery. The Inquiry is not aware of any other casualty injured on Bloody Sunday having been treated at Letterkenny Hospital. No casualty record for the relevant period could be found, so it remains possible that a patient with a minor gunshot wound, not requiring surgery, could have been treated at Letterkenny Hospital. However, there is nothing to suggest that any such person had been engaging in paramilitary activities.

¹ AM475.1

² AM475.4

Descriptions of the alleged unidentified additional casualty

- 87.110** It is not clear whether the representatives of the majority of represented soldiers submit that there was more than one missing casualty at the rubble barricade. However, they rely on George Roberts' description of the unknown man as wearing an Aran sweater (under a suit). They do not refer to Hugh Anthony Duffy's evidence that the unknown man whom he saw was wearing a collar and tie under a coat or suit.
- 87.111** Hugh Anthony Duffy said that the unknown man had dark blond hair and was very tidy; Robert Wallace described an unknown casualty as wearing jeans and having long dark hair. Anthony Coll's "missing casualty" had black hair with a wave in it.
- 87.112** George Roberts' casualty had blood pouring from a wound under his eye. Charles McDaid's casualty was wounded in the leg. Matthew Connolly's casualty was shot in the left shoulder. Hugh Anthony Duffy's casualty and Robert Wallace's casualty had no visible injury.
- 87.113** In these circumstances it is difficult to accept that these witnesses were all describing the same person.
- 87.114** The known fatalities at the rubble barricade relevant to the submission under discussion were Michael Kelly, Michael McDaid, William Nash and John Young. We describe elsewhere in this report¹ and in fuller detail the injuries that they sustained. Kevin McElhinney and Hugh Gilmour were also fatally shot in the general area of the rubble barricade, but on the eastern side of Rossville Street, a little distance away from where

Michael Kelly was shot. There is no doubt that Kevin McElhinney ended up inside Block 1 of the Rossville Flats and Hugh Gilmour at the southern end of that block, as we describe elsewhere in this report.²

¹ Paragraphs 86.15–29, 86.167–173, 86.214–226 and 86.257–268

² Paragraphs 86.85–148 and 86.414–468

87.115 Michael Kelly was wearing a light blue jacket, a mustard-coloured pullover, a brown tie and blue trousers.¹ He was shot on the left side of the abdomen. There was no exit wound.

¹ D0040

87.116 Michael McDaid was wearing a green checked sports jacket, a blue shirt, a blue and orange tie and grey trousers.¹ According to a police report he had “*dirty fair neck length straight hair*”.² The bullet entrance wound was in his left cheek and the exit wound was on his back, behind his right shoulder. The mortuary photographs show bloodstaining on his shirt (the right side of his abdomen, on the front). It seems to us that this bloodstaining occurred after he was lifted by soldiers from the rubble barricade and carried in an APC, as we describe elsewhere in this report,³ and not while he was on the rubble barricade.

¹ D0073

³ Chapter 122

² D0073

87.117 William Nash was wearing a brown corduroy jacket, a brown waistcoat, a yellow flowered shirt and tie and brown trousers. The jacket and trousers are described in the police report as a suit.¹ According to this report he had “*dark brown straight hair, about neck length*”.² The bullet entrance wound was on the left side of his chest and the exit wound was on his right lower back. There is a record that there were bloodstains on the bottom right side of his shirt and some isolated patches on the left front.³

¹ D0103

³ D0112

² D0103

87.118 John Young was wearing a dark blue zip-up jacket, a mid-brown round-necked sweater and olive green trousers.¹ According to a police report he had “*straight dark brown hair, collar length ... [with] side locks to just below ear lobe*”.² The entrance wound was between the left eye and the nose. The exit wound was in the middle (slightly to the left) of his back. At post-mortem the face was bloodstained. Isolated areas of bloodstaining were seen on the front and back of the jacket during examination of the clothing. Some bloodstaining was also seen on the waistband and front of the trousers.³

¹ D0134; D0144

³ D0143–4

² D0134

“Two casualties carried across Glenfada Park North”

87.119 The representatives of the majority of represented soldiers submitted¹ that some of those who helped to carry Michael Kelly’s body across Glenfada Park North say that the soldiers entered Glenfada Park North and opened fire before the group carrying Michael Kelly had reached the exit to Abbey Park. However, there are other witnesses who say that the group had left Glenfada Park North before the soldiers arrived. These representatives invited us to conclude that there must, therefore, have been two casualties carried across Glenfada Park North.

¹ [FS7.1833](#)

87.120 In support of this submission these representatives drew our attention to the evidence of Fergus McAteer, Michael Quinn, Daniel Gillespie, Eamon McAteer, Ciarán Mac Lochlainn and Don Campbell.

87.121 None of these witnesses spoke of seeing more than one body being carried across Glenfada Park North.

Fergus McAteer

87.122 His evidence, in his NICRA statement in 1972,¹ in his written statement to this Inquiry² and in his oral evidence to this Inquiry,³ was that, while he was in Glenfada Park North, he saw a casualty being carried across that complex. He then went to the south-east corner of the eastern block of Glenfada Park North, joining his brother Eamon, and saw a group of men (including Fr Bradley) who were discussing ways of reaching three young men who had been shot at the rubble barricade. Fergus McAteer remained at the south end of the eastern block of Glenfada Park North until he was with others arrested by members of Anti-Tank Platoon. We discuss these arrests later in the report.⁴

¹ [AM42.1](#)

³ [Day 168/44-47](#)

² [AM42.7-8](#)

⁴ [Chapter 113](#)

87.123 According to his evidence to us, a period of some minutes elapsed between seeing the man being carried away and soldiers coming round the corner of the south end of the eastern block of Glenfada Park North.¹

¹ [AM42.9; Day 168/56](#)

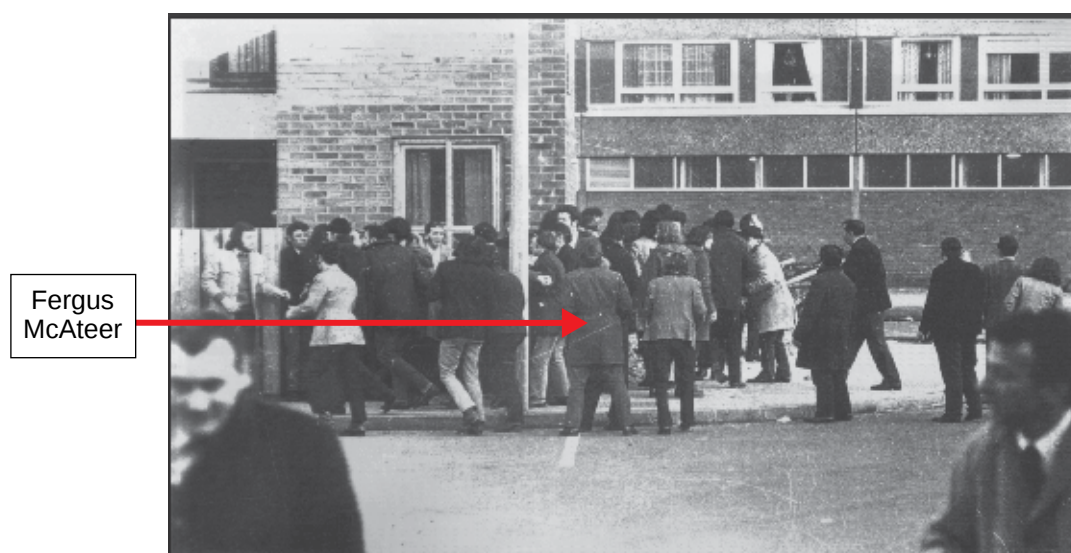
87.124 As we discuss when considering the events of Sector 4,¹ there is abundant and convincing evidence that soldiers came into Glenfada Park North as the group carrying Michael Kelly reached the alleyway leading into Abbey Park. There then followed the shooting of casualties in Glenfada Park North before soldiers reached the south end of the eastern block, where Fergus McAteer was sheltering. He saw only one body being carried across Glenfada Park North.²

¹ [Chapter 92](#)

² [Day 168/47](#)

87.125 Fergus McAteer identified himself in the following photograph.¹

¹ [AM42.14](#); [AM42.22](#)



87.126 As we consider more fully when dealing with the events of Sector 4,¹ this photograph shows the group carrying Michael Kelly. Fergus McAteer told us that this was the group that he saw and that they had passed him at this stage.²

¹ [Chapter 92](#)

² [Day 168/87](#)

87.127 In these circumstances we have no doubt that what Fergus McAteer saw was the group carrying Michael Kelly across Glenfada Park North, as indeed counsel for the majority of represented soldiers himself suggested to the witness.¹

¹ [Day 168/90-91](#)

Michael Quinn

87.128 Michael Quinn was one of the casualties in Sector 4. The representatives of the majority of represented soldiers submitted that he was one of the witnesses who saw an additional unidentified casualty being carried across Glenfada Park.¹ In his written statement to this Inquiry, Michael Quinn told us that the injured man whom he saw had been shot in the chest and was being carried by a group among which was “*the man who had been carrying the Civil Rights Banner earlier*”.² As we describe more fully when considering the events of Sector 4,³ that man was Jim Wray, who can be seen in the following photograph, very close to the group of people who are carrying Michael Kelly. Michael Quinn himself appears in the same photograph.⁴ He was wounded very soon after this photograph was taken.

¹ FS7.1834

³ Paragraphs 104.158, 104.162 and 104.440

² AQ11.23

⁴ Day 169/85-86



87.129 Michael Quinn’s evidence in 1972¹ and to this Inquiry² was that the casualty whom he saw was wearing a blue anorak. Michael Kelly was wearing a blue jacket.

¹ AQ11.7; WT7.72

² AQ11.23

87.130 The representatives of the majority of represented soldiers drew our attention to the fact that in 1972 Michael Quinn said that he saw a casualty being carried “*into a house in Glenfada Park*”.¹

¹ [FS7.1834](#)

87.131 In his statement for the Widgery Inquiry, Michael Quinn recorded that:¹

“Just then a small crowd of people carrying the body of a man, who was wearing a blue anorak, crossed the car park and went into the back of one of the houses at Glenfada Park. After some hesitation I decided to get out of Glenfada Park. I ran across the alleyway leading into Abbey Park...”

¹ [AQ11.7-8](#)

87.132 He also told the *Sunday Times* that he had seen several men carrying a man’s body into one of the houses;¹ the location of which was identified on a map² as a house in the middle of the row of maisonettes on the western side of Glenfada Park.

¹ [AQ11.11](#)

² [AQ11.15](#)

87.133 However, in his oral evidence to the Widgery Inquiry, Michael Quinn said that he saw a casualty being carried “*across the car park towards a house on the other side*”. He said that he left the area when the group was “*very near the house*” to which the casualty was being taken.¹ In his written statement to this Inquiry he referred to seeing the group carrying the casualty in the middle of the courtyard of Glenfada Park North, heading towards the north-west corner. He told us that he then left the area. He did not refer in his statement to seeing the group reach a house.² He said that he did not recollect the man being taken into a house.³ As will be seen in the course of our consideration of the events of Sector 4,⁴ Michael Kelly was carried through the alleyway at the south-west corner of Glenfada Park North to a house in Abbey Park.

¹ [WT7.72](#)

³ [Day 169/127](#)

² [AQ11.23](#)

⁴ [Chapter 92](#) and [paragraph 108.132](#)

87.134 We have no doubt that the person Michael Quinn saw being carried was Michael Kelly.

Daniel Gillespie

87.135 The representatives of the majority of represented soldiers drew our attention to the evidence of Daniel Gillespie.¹ We discuss the accounts given by this witness when considering the events of Sector 4.² He appears to have sustained an injury on Bloody

Sunday, but as will be seen, his accounts of what he saw and did on the day are confused and contradictory to the extent that in our view it would be unwise to place any reliance on his evidence.

¹ FS7.1836

² Paragraphs 104.167–177

Eamon McAteer

87.136 The representatives of the majority of represented soldiers also referred us to part of Eamon McAteer's NICRA statement.¹ The part which they cited is highlighted in bold below:²

"I was standing for a while with some friends. We were talking near the gable wall of the high flats when the armoured cars first came into Rossville Street. I ran into Glenfada Park. Then looking behind me at the armoured cars I saw the soldiers get out and take up firing positions. Then the army shot towards our fleeing group. We took cover at the gable wall of No. 1 Glenfada Park. With me was a group of about twenty people. We were shocked at the firing by the army. In our group I noticed my brother Fergus and Fr. Denis Bradley. A young man was dragged from the centre of Rossville Street behind the first barricade into the gap leading into Glenfada Park. He was laid down near me and was soon tended by Fr. Bradley. The man had a small hole in his stomach which I saw quite clearly as I bent over him. **The man was carried away into the adjoining Park through a passage way.**"

¹ FS7.1838

² AM41.33

87.137 Eamon McAteer went on to state that he remained at the south end of the eastern block of Glenfada Park North until he was arrested, as indeed was the case.¹

¹ AM41.33

87.138 In our view this is a clear and accurate statement of the circumstances in which Michael Kelly was brought from the rubble barricade, tended by Fr Bradley, and then carried across Glenfada Park North through the south-west alleyway to a house in Abbey Park. As already noted, we return to these events in our consideration of the events of Sector 4.¹ Had another casualty been carried across Glenfada Park North, then Eamon McAteer would have been bound to have seen this happen. It was not suggested to Eamon McAteer when he gave oral evidence to this Inquiry that he must have seen another casualty apart from Michael Kelly being carried across Glenfada Park North.

¹ Chapter 92 and paragraph 108.132

Ciarán Mac Lochlainn

- 87.139** It was submitted by the representatives of the majority of represented soldiers that this witness's written evidence to this Inquiry,¹ of seeing a casualty carried through the alleyway leading to Abbey Park before soldiers came into Glenfada Park North, goes to show that this was not Michael Kelly, but another casualty.² In our view what this witness recalled was Michael Kelly being carried into Abbey Park; and his memory has played him tricks over precisely when this happened.

¹ [AM12.4-5](#)

² [FS7.1838](#)

Don Campbell

- 87.140** Don Campbell told us that he recalled seeing a casualty being carried from the north-west corner of Glenfada Park North towards Abbey Park.¹ He had made no reference to this in his written statement.²

¹ [Day 157/30-39](#)

² [AC8.2-4](#)

- 87.141** In our view this is another case where a witness's memory, after so many years, has played him tricks. Don Campbell recalled seeing William McKinney fall when the latter was looking at a body on the ground with a group of people, after an ambulance had arrived in Rossville Street. William McKinney was in fact shot in Glenfada Park North, as we describe when considering the events of Sector 4,¹ some minutes before any ambulances arrived. Don Campbell accepted that his recollections were extremely vague.²

¹ [Paragraphs 104.457–479](#)

² [Day 157/78-79](#)

Noel McCartney

- 87.142** At this point we draw attention to the evidence of Noel McCartney, a *Derry Journal* newspaper reporter, to whose accounts the representatives of the majority of represented soldiers do not refer in the course of the submission under consideration.

- 87.143** In his written statement for the Widgery Inquiry,¹ Noel McCartney, then a junior reporter on the *Derry Journal*, recorded that he watched the arrest operation from behind the rubble barricade. As about 20 people surged forward from the barricade to assist a youth who had been arrested, rifle shots were fired from the direction of the soldiers. People retreated to the [south] side of the barricade and a youth fell as he climbed over the barricade. Noel McCartney retreated to the "opening" into Glenfada Park.

¹ [M55.8-9](#)

87.144 Noel McCartney went on to state that the youth who had fallen was brought into the Glenfada Park opening by a group of people. The youth (we have no doubt this was Michael Kelly) had been shot in the left lower stomach. At least four people then ran out to another person who was lying at the barricade. There was further firing. Noel McCartney saw “3 of them” lying at the base of the barricade. A fourth person was also lying out from the barricade on his stomach. Noel McCartney recognised him as a close friend, Constantine Gallagher, who then crawled to the Glenfada Park opening. He had been hit by a rubber bullet and was in great pain.¹

¹ M55.8-9

87.145 In his written statement to this Inquiry, Noel McCartney gave a similar account. He added that Constantine Gallagher had been hit in the leg by a rubber bullet.¹ He identified Constantine Gallagher in a number of photographs² and, in his oral evidence to this Inquiry, agreed that Constantine Gallagher had longer hair than he did and was wearing a denim jacket.³ Based on the evidence of Noel McCartney we have identified him and Constantine Gallagher on the photograph below, which shows a large number of civilians gathered behind the rubble barricade. A number of Army vehicles parked in Rossville Street can be seen in the background.

¹ M55.2

³ Day 157/110

² M55.3-7



Constantine
Gallagher

Noel
McCartney

87.146 In his oral evidence to this Inquiry, Noel McCartney was asked whether he recalled anyone running, walking or standing to the north of Michael Kelly at the time at which Michael Kelly fell, or whether he recalled anyone lying on the ground between

Michael Kelly and the soldiers, after Michael Kelly had fallen. He said that he had no such recollection. He also had no memory of people at the rubble barricade at this time doing anything other than running away.¹ He said that he was not aware of anyone, other than Michael Kelly, being brought into Glenfada Park from the rubble barricade.²

¹ [Day 157/137-9](#)

² [Day 157/141](#)

87.147 Noel McCartney said that he did not know when Constantine Gallagher had been hit by a rubber bullet but he acknowledged that the photograph which we have shown above, taken from the south-west side of the barricade, and in which Constantine Gallagher appears, was taken before Constantine Gallagher was struck.¹ It seems likely, therefore, that Constantine Gallagher was hit when he was in the area of the rubble barricade.

¹ [Day 157/111](#)

87.148 We consider that Constantine Gallagher is likely to have been thought by some witnesses (for example, Robert Wallace as we have noted above¹) to be a casualty of Army rifle fire. We were unable to obtain a statement from Constantine Gallagher.

¹ [Paragraph 87.93](#)

An unidentified casualty not necessarily shot at the same time as Michael Kelly

87.149 We turn now to consider other evidence relied upon in support of the submission made on behalf of some of the soldiers that there was evidence of an unidentified casualty or casualties at the rubble barricade, whether or not shot before, at the same time as, or after Michael Kelly.¹

¹ [FS8.1320-1343](#)

87.150 When, as we describe later in this report,¹ soldiers arrived at the rubble barricade, only the bodies of Michael McDaid, John Young and William Nash were lying there. The submission therefore must be that the unidentified casualties had been removed before this happened, or that they had been able to remove themselves from the area.

¹ [Paragraphs 122.1–128](#)

Danny Craig

87.151 Danny Craig told this Inquiry, both in his written statement and in his oral evidence that he saw two young men shot before Michael Kelly was hit. He was able to identify Michael Kelly, saying that he and Michael Kelly had met at the rubble barricade and that he, Danny Craig, had taken on the role of a brother in seeking to look after Michael Kelly.¹

¹ [AC111.2-3](#); [Day 135/51](#); [Day 135/58](#)

87.152 In his written evidence to this Inquiry he said:¹

“One of the big guys got down on his knee in Rossville Street close to Kells Walk. I think he was on the footpath. I was facing him and I would say he went down on his right knee, and he pulled his gun up and fired at us. I thought it would be a rubber bullet and I told Michael to watch it. The soldier fired and the noise was not like the noise of a rubber bullet. It left a ringing in my ears because it was live fire. Most of the lads around me were younger than me and one of them fell down straight away. Then another one was shot and fell face down on the barricade, screaming and clutching his leg. I was thinking ‘What’s the matter with you?’ because I couldn’t believe they had been shot. The big guys were walking along towards us and Saracens were still coming in behind them.

I said to Michael Kelly ‘Get down,’ and I bent down to pick up a stone and he did the same because he was doing everything that I did, but as he stood up he fell back and said ‘Danny, I’m shot’.”

¹ [AC111.2](#)

87.153 Danny Craig then described leaving the rubble barricade and going to Glenfada Park North:¹

“There was a fence with about 10–12 people hiding by it and I ran to it. I can’t recall where this fence was. As I was there I saw friends of the two young lads shot before Michael Kelly out at the Barricade dragging them by their hair, because they both had fairly long hair. I don’t know where they were dragged to. Then two braver men than me ran out and pulled Michael Kelly on to the footpath in the shelter of the southern gable end wall of the eastern block of Glenfada Park South [sic].”

¹ [AC111.3](#)

- 87.154 The representatives of some of the soldiers refer to an undated handwritten statement which Danny Craig appears to have signed.¹ Danny Craig's evidence was that the contents of the first page were incorrect; however, in his written statement to this Inquiry, when referring to the handwritten statement, he said, "*it is right about me seeing the two boys being shot*".²

¹ [Day 135/79](#)

² [AC111.5](#)

- 87.155 The relevant part of the handwritten statement reads:¹

"... I made my way over to Glenfada Park and out onto Rossville Street, to directly behind small barricade opposite the High Flats. I saw a lad being hit in the stomach by a bullet which came from the direction of the soldiers. He shouted to me, 'I'm shot, help me'. This lad doubled forward and fell forward first and then fell back on his side. I stared at him and then another boy jumped out from behind Glenfada Flats to assist him. I saw this boy being shot in the leg. He shouted 'Somebody help me, I'm shot.' I now know the first lad to be Kelly. I don't know who the second boy was."

¹ [AC111.7-8](#)

- 87.156 In another handwritten statement dated 4th March 1972 and signed by him,¹ Danny Craig recorded:²

"I was standing at the Rossville Street barricade as the Paras came into Rossville St. I had heard the firing on William Street earlier, two shots.

There had been no shooting since that until the volley of shots rang out and Kelly fell. Two others fell I think they were both injured.

I am shown in the Photo with a stone in my hand.

There had been quite a few stones thrown until the volley of shots fired. Then everyone cleared. It took a good minute for me to realise that it was real bullets they were firing.

Mr Kelly came over and lifted a stone the same time as me. He raised himself up in position to throw when he was struck in the stomach. I had not fired my stone.

Someone had yelled out, just before that to stand our ground & hold them at the barricade.

About 100 people were at the barricade. Gas filled the air and some people were just looking on.

I did not see the Paras take aim and fire. I saw the Saracens come in. I saw the soldiers dismount. The shots came immediately. They opened fire almost immediately. After Kelly was hit, I made my way into an alleyway in the flats. I went through a house. Before I left I saw Kelly carried over and died.”

¹ [Day 135/124-125](#)

² [AC111.11-12](#)

87.157 The statement was witnessed by JC (Christopher) Napier and appears to have been made for the purposes of the Widgery Inquiry. However, during his oral evidence, Danny Craig said that he had no recollection of making the handwritten statements that were attributed to him.¹

¹ [Day 135/125-126](#)

87.158 In the first handwritten statement to which we have referred, Danny Craig:

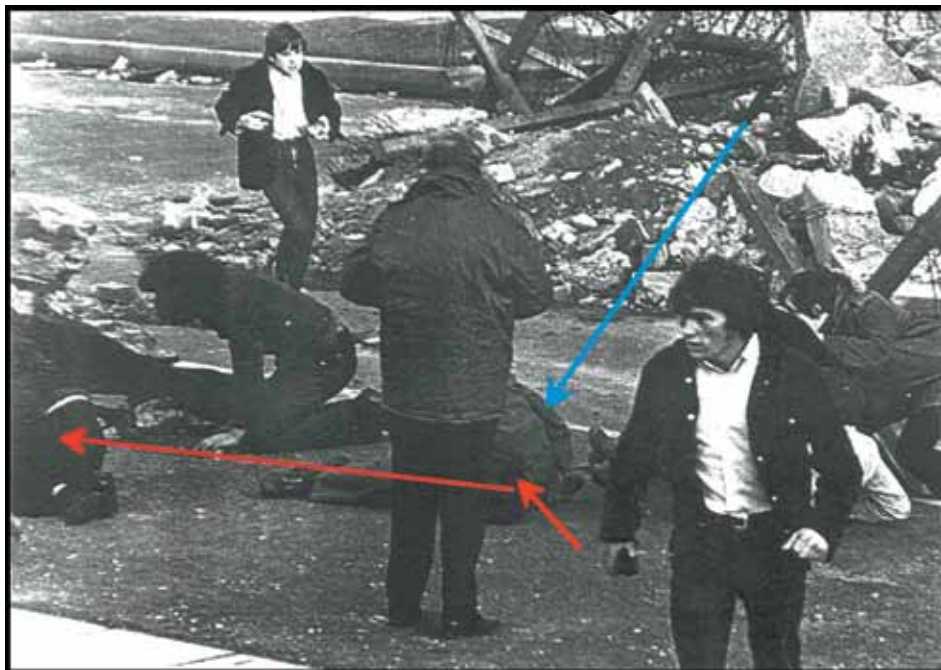
- made clear that the second boy was hit *after* Michael Kelly; and
- made no reference to a third boy having been shot.

87.159 In the second handwritten statement, Danny Craig made no reference to anyone other than Michael Kelly being shot at the barricade. These handwritten statements appear to be accounts made soon after the event and may perhaps be expected to be more reliable than accounts given many years later.

87.160 It is correct, as the representatives of some of the soldiers record, that in his oral evidence to this Inquiry Danny Craig marked a photograph,¹ indicating that the two boys whom he saw shot were in the area in which a kneeling or lying person can be seen in the photograph.²

¹ [AC111.28](#)

² [Day 135/145](#)



87.161 This photograph shows people on the ground. Without more it does not provide evidence that they had been shot. We should note at this point that Danny Craig, in his written evidence to this Inquiry, identified himself as the figure in the foreground of the photograph with a stone in his hand.¹

¹ [AC111.3; AC111.14](#)

87.162 We are not persuaded that Danny Craig's evidence shows that there were one or two unidentified casualties at the rubble barricade. His 1972 accounts, which we consider are more reliable than his evidence to us, refer to only one casualty hit in the leg. In our view this is likely to have been Constantine Gallagher who, as we have explained above,¹ was hit in the leg by a baton round while in the area of the rubble barricade.

¹ [Paragraphs 87.142–148](#)

Brendan Gallagher

87.163 The relevant part of Brendan Gallagher's NICRA statement is set out below:¹

"I was in Rossville Street Barricade and five Saracens drove into Rossville Street and lined up. A few young boys were going to throw stones at them when the army opened fire. I saw two of these young boys fall dead and the third fellow was shot in the stomach. At the same time another person was shot in the leg while he was standing on the barricade. At this time I ran towards Glenfada Park and as I reached it a bullet hit the wall beside me and knocked a big lump out of it."

¹ AG4.1

87.164 In his written statement to this Inquiry, Brendan Gallagher told us that he went to Free Derry Corner, where Bernadette Devlin and others were standing on the back of a lorry, heard shots, turned northwards and saw two Army "*Saracens*" parked in Rossville Street. Soldiers kneeling beside them were shooting into the crowd. At that stage "*There were a few lads at the Rubble Barricade throwing stones*".¹ He continued:²

"For a moment, I just stood there in momentary shock, and then I walked north towards the Saracens ... I think that all the Brits I saw near the Saracens were shooting, but I can't remember now. No-one was shooting at them ... I then dived for cover at the north east gable end of Glenfada Park South ... When I dived for cover, I saw a bullet take a chunk out of a wall near me, although I cannot remember which wall ...

I also saw a person falling on the footpath somewhere near me. He was obviously dead. He had just been standing there when he was shot. I would say that he had been shot from the City Walls because, in my opinion, the angle that he was shot at could only have come from the Derry Walls."

¹ AG4.2

² AG4.2-3

87.165 Brendan Gallagher also referred to the statement that he had made in 1972. He stated that his current recollection was that boys were throwing stones, not just preparing to throw them, and that he could no longer remember seeing four boys shot at the rubble barricade: "*I can only vaguely remember seeing bodies on the Rubble Barricade, but I have no idea whether they were dead.*"¹

¹ AG4.3

87.166 In his oral evidence to this Inquiry, Brendan Gallagher said that he did remember people “*being shot, lying on the ground in front of ... the barricade*”.¹ He went on to say that he saw two young boys “*falling to the ground*” and then saw a third man shot in the stomach.² The men were on the southern side of the rubble barricade; the first two young men fell on the western (Glenfada Park) side of Rossville Street and the third man fell on their right, closer to the Rossville Flats.³ A fourth man was then shot in the leg; that man was close to the rubble barricade, on the Rossville Flats side of the street.⁴ Brendan Gallagher said that he then moved to the cover of the north end of the eastern block of Glenfada Park South and saw another man fall near to him, on the footpath bordering Glenfada Park South. Brendan Gallagher said that the man lay with blood pouring from his chest or stomach;⁵ however, he also said that this man “*fell face down, I think*”.⁶ Brendan Gallagher went on to say that this casualty was carried away; he thought that the casualty had been taken towards the Rossville Flats, but was uncertain of this.⁷ He was certain that this incident had occurred after other young men had been shot at the rubble barricade; the casualty was many yards from the barricade.⁸

¹ [Day 147/198](#)

⁵ [Day 147/202](#)

² [Day 147/198-199](#)

⁶ [Day 147/203](#)

³ [Day 147/198-199](#)

⁷ [Day 147/203](#)

⁴ [Day 147/200](#)

⁸ [Day 147/212](#)

87.167 Brendan Gallagher said that he then, with others, broke into a flat on the eastern side of Glenfada Park North. Going to a window that looked out onto Rossville Street, he saw a few young lads still throwing stones from the rubble barricade, “*game for a fight with the Brits*”.¹

¹ [Day 147/204](#)

87.168 It is odd that Brendan Gallagher could recall so little when he gave his written statement to the Inquiry, yet was able to remember far more when he gave oral evidence. There are significant discrepancies between the account that Brendan Gallagher gave in 1972 and his accounts to this Inquiry. In 1972 Brendan Gallagher described seeing four casualties falling at the same time and in the same place as each other. In Brendan Gallagher’s account to this Inquiry, four casualties fell at the rubble barricade and a fifth casualty fell some time later, and to the south of them.

87.169 In our view Brendan Gallagher is mistaken in his accounts to this Inquiry of a casualty being carried across Rossville Street towards the Rossville Flats. There is no other evidence to that effect. We take the same view of his accounts of boys continuing to throw stones at the Army after several of their number had been shot.

87.170 We consider that Brendan Gallagher's accounts are confused and do not persuade us that he had witnessed the shooting of an unknown casualty. His 1972 account was of two casualties shot dead, another shot in the stomach and a fourth shot in the leg, all in the area of the rubble barricade. As we describe elsewhere in this report,¹ Michael Kelly was shot in the stomach before William Nash, John Young and Michael McDaid, none of whom was shot in the stomach or in the leg. In our view the man with a leg injury was probably Constantine Gallagher, hit in the leg by a baton round as we have described above.²

¹ Paragraphs 86.15–29, 86.45–47, 86.167–173, 86.191, 86.214–226, 86.241, 86.257–268 and 86.285

² Paragraphs 87.142–148

87.171 It was submitted to us that Brendan Gallagher's evidence corroborates that of Danny Craig; both of them speak of a casualty having been shot in the leg. As we have observed, it is our view that this was Constantine Gallagher.

Hugh Foy

87.172 The representatives of some of the soldiers refer, in a footnote, to the evidence of Hugh Foy.¹ They submit that he gave evidence of a similar casualty to the fifth casualty reportedly seen by Brendan Gallagher, though they accepted that Hugh Foy's evidence was ambiguous.

¹ FS8.1325

87.173 Hugh Foy's evidence to this Inquiry was that he was standing on the edge of the pavement surrounding the north-east corner of the eastern block of Glenfada Park South when he saw a man lying a few feet to the north of him. The man was about his own age (he was 31 at the time) and had been injured in the torso; there was a pool of blood around him.¹ In his written evidence to this Inquiry, Hugh Foy told us that he was on this pavement when the Army vehicles came into the Bogside; during the course of his oral evidence, he said that he must have been further north when the vehicles first arrived and he must then have moved southwards.² His evidence indicates that he was somewhere on Rossville Street when the soldiers arrived and that he stayed there until he saw the body of the casualty. He saw no other casualties.

¹ AF29.4, Day 146/106-107

² AF29.3; Day 147/102-103

87.174 The relevant part of Hugh Foy's NICRA statement is set out below:¹

"I saw three saracens approaching at great speed. I fled across the first barricade in Rossville Street.

About five minutes afterwards I heard a single shot (high velocity) which seemed to go over my head, and which came from the direction of the entrance to Rossville Street. After about 30 secs. approx. this was followed by about 30 shots (from the same direction) which were fired into the crowd that was running and many of whom were crouching for cover. I saw one man fall. He groaned and I realised he was shot. NB This man was NOT armed (Some shots came from the city walls)."

¹ [AF29.7](#)

- 87.175** There are inconsistencies between the evidence given by Hugh Foy in 1972 and that given to this Inquiry. In his evidence to this Inquiry, he provided details of more incidents than he did in 1972. He told this Inquiry that after witnessing the shooting in Rossville Street he had fled to the gap between Blocks 1 and 2 of the Rossville Flats, not being aware that there was an entrance to Block 1 at its southern end on the Rossville Street side.¹ At least some of this evidence must be incorrect; if Hugh Foy was standing where he told this Inquiry that he was standing, then he would have been able to see the Rossville Street entrance. In 1972, he said that he ran to "*the safety of the maisonettes opposit[e] the high flats*".²

¹ [AF29.5](#)

² [AF29.7](#)

- 87.176** In our view the body seen by Hugh Foy was that of Michael Kelly.

George Downey

- 87.177** The representatives of some of the soldiers submitted:¹

"Mr Downey gave evidence of seeing four or five bodies on the rubble barricade prior to seeing Alexander Nash crawling out, although his attention was focussed on his brother-in-law Michael Kelly."²

¹ [FS8.1328](#)

² [Day 123/72](#)

- 87.178** They make no further submissions about this witness.

87.179 In his written statement to this Inquiry, George Downey told us that he took shelter at the south end of the eastern block of Glenfada Park North after having heard gunfire. He heard others say that people had been shot, looked out towards the rubble barricade and saw three to five men who were lying still on the barricade. One of those men looked like – and turned out to be – Michael Kelly.¹ George Downey continued:²

“I also distinctly remember seeing an old man, south of the Rubble Barricade... crawling on his elbows, towards the Rubble Barricade. At the time, I thought that the man was simply taking cover but I learned later that he was Alexander Nash and that he was crawling towards the Rubble Barricade to reach his son, William, who lay shot on it.”

¹ [AD134.3-4; AD134.12](#)

² [AD134.4](#)

87.180 George Downey went on to say that Michael Kelly’s body was then brought by a man called Charlie McLaughlin from the rubble barricade to the south end of the eastern block of Glenfada Park North.

87.181 However, in his oral evidence to this Inquiry, George Downey gave a slightly different account:¹

“There was still more shooting and I came to about the end of the gable wall, that is – and I looked out and there were fellas dragging a body, right? At this time there were only one body at the barricade and another fella called Charlie McLaughlin, he lifted him and I recognised then that it was my brother-in-law and I give Charlie a hand over to what-do-you-call-it, you know what I mean, just the edge of the pad there, you know, and by that time then there were more shooting and I looked out and there were three bodies at the barricade, right, lying down at, now, but at this time I do not know whether they were dead or not at that time.

There was an old gentleman too there and he was waving away at his arm up in the air and I said to Charlie, you know what I mean, ‘What is he waving about?’. There were that much confusion, squealing, crying, everything going on all at the one time, but his hand fell down then and at that time there were people coming over to us in the corner and we were there roughly three to four minutes.”

¹ [Day 123/28-29](#)

87.182 He went on to say that two other men had initially crawled out to Michael Kelly and dragged him back but that Charlie McLaughlin had then lifted Michael Kelly off the ground.¹ He recalled seeing boys lying down when he first looked at the barricade; these were the two men who then crawled out to retrieve Michael Kelly's body.² He said that he had subsequently glanced at the barricade and had noticed people lying down behind it and then seen an old man crawling; however, his attention had been focused on Michael Kelly.³

¹ [Day 123/30](#)

³ [Day 123/31](#)

² [Day 123/36](#)

87.183 George Downey said that he had seen four or five people lying on the rubble barricade but stressed that he did not know whether or not they were dead; he had thought at the time that they were trying to take cover.¹ No-one suggested to George Downey that he had seen other dead bodies on the barricade at or before the time at which Michael Kelly was shot.

¹ [Day 123/71-72](#)

87.184 In our view George Downey's oral evidence, which appears to clarify his written statement, provides no support for the proposition that there were missing casualties at the rubble barricade.

Betty Walker

87.185 The representatives of some of the soldiers rely on a note taken by John Goddard¹ of Praxis Films Ltd, who was reporting a conversation that he had had with a woman named in the note as Betty Watson.²

¹ [M86.16-17](#). The note was not taken by Neil Davies as stated in the written submissions.

² [FS8.1331-2](#)

87.186 The relevant part of the note reads:¹

"BETTY WATSON

Not present on BS, but is family spokesperson for Michael McDaid family re BS and most other things.

....

1) They have photograph showing Michael still walking around the barricade while priest and crowd are tending two bodies behind the barricade, one of whom they all say is Michael Kelly."

¹ [M19.471](#)

87.187 The representatives of some of the soldiers submit, in our view correctly, that the photograph in question must be the following, which we have reproduced earlier in this chapter.¹

¹ [Paragraph 87.2](#)



87.188 "Betty Watson" is Betty Walker, a sister of Michael McDaid, one of those killed at the rubble barricade. She and her husband, Mickey Walker, gave an interview to Jimmy McGovern and Stephen Gargan.¹ In that interview, Mickey Walker again described the

photograph in which Michael McDaid is seen standing while the body of Michael Kelly lies on the ground. Mickey Walker made no reference to that photograph depicting another body.²

¹ [AW30.2-41](#)

² [AW30.18](#)

87.189 In our view the interpretation by family members of the scene depicted in this photograph is not of great assistance. It is not possible to tell from the photograph alone whether there is a dead or injured person, other than Michael Kelly, on the ground.

Alphonsus Cunningham

87.190 The representatives of some of the soldiers rely on the written and oral evidence to this Inquiry of Alphonsus Cunningham.¹ They do not refer to his NICRA statement,² which Alphonsus Cunningham made on 3rd February 1972. In that statement he recorded that he was standing on the Free Derry side of the rubble barricade when the soldiers came in; he saw them reach the ramp leading into Kells Walk. He watched while the soldiers arrested a youth.

¹ [FS8.1336-1337](#)

² [AC125.5](#)

87.191 The relevant part of the statement continues:¹

“The crowd attempted to charge over the barricade at the soldiers. A soldier standing in front of the ramp raised his rifle to his shoulder and fired a single shot into the crowd. The crowd scattered in confusion and I observed a youth lying on his side with his knees bent, on the Free Derry side of the barricade.

A group of men went to his aid in a crouching position. One man raised his arm to appeal for time to remove the injured youth. The same soldier fired 2/3 shots towards the rescue party. Again the crowd scattered in confusion.

Heavy gunfire followed and I took refuge in the square of Glenfada Park. I saw the youth who was shot at the barricade carried past with a wound in his stomach. They carried him in the Abbey Street direction.”

¹ [AC125.5](#)

87.192 In addition to making a NICRA statement, Alphonsus Cunningham gave a taped interview to Kathleen Keville.¹ The representatives of some of the soldiers refer to this interview but do not quote extensively from it. The relevant parts are as follows:²

“There was a soldier standing on his own er – out on Rossville Street at the far end of Glenfada Park, er – he seen the crowd moving over the top of the barricade [towards the soldiers who had just arrested a man] and fired one shot into the middle of them. Somebody called out is er ‘is anybody hurt’ and the next thing I seen was a young man of about eighteen or nineteen with a white shirt and light coloured er – sports jacket lying on the ground with his knees pulled up towards his chin. Some near the corner where I was standing made a move out to rescue him and the same soldier opened fire again, firing about three o[r] four shots. After this here the shooting seemed to intensify and er – there was a – another man brought round the corner towards me with er – I would say a wound in his leg I wha – I’m not too sure about that, but he was wounded anyway because somebody’s called out for a scarf and used as a tourniquet. I er – I moved into the Glenfada Park area itself and took cover as everybody else in the area was doing.”

¹ In his oral evidence to this Inquiry, Alphonsus Cunningham said that he had no recollection of giving such an interview (Day 150/25).

² AC125.11-12

87.193 The representatives of some of the soldiers quote from some of the relevant part of Alphonsus Cunningham’s written statement to this Inquiry. He told us that he had been standing behind (south of) the rubble barricade. He continued:¹

“I then noticed a soldier standing in front of a ramp on the south end of Kells Walk ... He raised his rifle casually to his shoulder and fired a shot in the direction of the Rubble Barricade. Almost immediately a young lad, standing about 4 yards away from me on the south side of the Rubble Barricade, crumpled face-down onto the barricade. Just before he fell I noticed that the boy had been lifting some rubble off the barricade to throw at the soldiers. The boy hit the Rubble Barricade and just seemed to lie there without moving. I cannot remember any details at all about the boy’s appearance or what he was wearing. I am not sure exactly where he fell.

Just after I saw the boy fall, a stocky grey haired man came out from the south gable end wall on the eastern block of Glenfada Park North. He moved past me and crouching down, he made his way towards the boy who had fallen onto the barricade. He had just about reached the boy, when I saw the same soldier ... fire another shot. Almost immediately the older man fell but I cannot remember whether he fell onto his front or his back. I am unable to remember any further details about the older man's appearance or what he was wearing. I couldn't see a wound or any blood coming from the older man but I have no doubt that he was shot by the soldier whom I saw fire the shot.

... I moved west, further along the gable end wall where I had been standing ... Almost immediately, four men passed me coming from the direction of the Rubble Barricade. They were carrying a young lad. Two men held the boy's shoulders and two held his legs. The boy was wearing a pale pink shirt and I think he may have also been wearing a jacket which was hanging off him. I noticed a small hole in the area of the boy's abdomen, but there was not much blood. This may have been the youth whom I had first seen fall at the Rubble Barricade, but this is only an assumption on my part because he was being carried from the direction of the Rubble Barricade."

¹ [AC125.2](#)

87.194 In his oral evidence to this Inquiry, Alphonsus Cunningham could not explain why his NICRA statement contained no reference to an older man being shot at the rubble barricade, but denied that his recollection of such a man being shot could be mistaken.¹

¹ [Day 150/15](#)

87.195 The representatives of some of the soldiers rely on Alphonsus Cunningham's belief, expressed in his oral evidence to this Inquiry, that the casualties whom he saw at the barricade (the youth and the older man) were not Michael Kelly and Alexander Nash.¹ It is true that the description given by Alphonsus Cunningham in 1972 of the youth's clothing – a white shirt and light-coloured sports jacket – does not match the description of Michael Kelly's clothing. In his oral evidence to this Inquiry, Alphonsus Cunningham said that he could no longer recall the casualty wearing a sports jacket but remembered a "*light-coloured*" shirt.²

¹ [FS8.1336-1337](#)

² [Day 150/25](#)

87.196 The 1972 description does match closely the clothing worn by Michael McDaid, who was wearing a sports jacket and a blue shirt; when shown the photograph of Michael McDaid walking by the rubble barricade after Michael Kelly had been shot, Alphonsus

Cunningham said that the young man did not look familiar to him.¹ The representatives of some of the soldiers submit that, in his oral evidence, Alphonsus Cunningham “*emphatically denied*” that the older man whom he had seen was Alexander Nash.² In fact, the “emphatic denial” was of the suggestion that he might simply have seen a man going to the assistance of someone injured on the barricade, had later heard of the shooting of Alexander Nash and had come to believe that he had seen an older man shot when he had not.³

¹ Day 150/18

³ Day 150/15-16

² FS8.1337

87.197 Alphonsus Cunningham, shown photographs of Michael Kelly lying face up, south of the barricade, agreed with the proposition put to him by counsel for some of the families that Michael Kelly was unlikely to be the youth whom he had seen face down on the barricade itself. He also said, “*I am not sure. To tell you the truth, it is that long ago.*”¹ In our view it is difficult to place much reliance on Alphonsus Cunningham’s expression of opinion about the identity of this casualty.

¹ Day 150/28-29

87.198 It is impossible to say why Alphonsus Cunningham referred in one 1972 account to a man having been wounded in the leg but made no reference in his other 1972 account to this incident. In any event, we consider that a casualty wounded in the leg is likely to have been Constantine Gallagher. To our minds the reference to an older man is to Alexander Nash. We are not persuaded that Alphonsus Cunningham’s evidence indicates the existence of an unidentified casualty.

Michael Kivelehan (“Michael Cunningham”)

87.199 The representatives of some of the soldiers rely on a document which they identify as a NICRA statement and which is attributed to a man identified as “Michael Cunningham”.¹ The document was in fact prepared from the recording of an interview given to Kathleen Keville. The name of the interviewee has been mistranscribed; the correct name is Michael Kivelehan.

¹ FS8.1339

87.200 In that 1972 account, Michael Kivelehan stated:^{1,2}

“As I cleared the barr[i]cade I went to my Grannys to get fixed up and I came out again. When I came out again I came over to the barr[i]cade and as I dived to the barr[i]cade two fellows fell beside me, I dont know who they were, I went into the house everybody was in a panic, and I looked out the front and everybody was in a panic again. Then shots rang out and we looked out the front and there was some fellow lying on the ground, he was shaking, another fellow dived into the garden, we told him not to go out we were holding the crowd back. The young fellow got up and stood on the wall and walked over to a man to help him, this was a fellow by the name of Michael Kelly, as he got over to help him they plugged him in the back. He fell and when we looked out the front there were people lying ev[e]rywhere...”

¹ This version is in our view more accurate than the transcript created by the Inquiry from the Keville tape.

² [AK45.16](#)

87.201 Michael Kivelehan gave an interview to John Goddard of Praxis Films Ltd. The relevant part of the interview notes reads as follows:¹

“Began to run up Rossville street. Saracens parked across Kells Walk, Pilots Row, men came out of them. Over barricade, they had started shooting – impression was from the men by Kells Walk, boy got stuck on barbed wire on top of barricade. Not sure if shot or not. Been no shooting, bombing, even stoneing at that point. Me into Glenfada Park, and to my Grannie’s flat, top right corner of top quadrangle. Soldiers coming into G. Park from Kells Walk.”

¹ [AK45.1](#)

87.202 The notes then record descriptions of casualties seen by Michael Kivelehan in Glenfada Park and Kells Walk.

87.203 In his written statement to this Inquiry, Michael Kivelehan told us that his grandmother’s flat was almost in the south-west corner of Glenfada Park; it was towards the southern end of the western block of Glenfada Park North.¹ He stated that he decided, as the soldiers came into the Bogside, to seek safety in his grandmother’s flat. According to this account, he climbed over the rubble barricade and lay behind it until there was a lull in the shooting. He was with his brother, whose trousers were torn by barbed wire on the

barricade. Although he could hear shouts about people having been shot, he was not aware of anyone around him having been shot. He then went to his grandmother's home, which had windows overlooking Abbey Street and Glenfada Park North.²

¹ AK45.2; AK45.7

² AK45.3-4

87.204 Michael Kivelehan made no reference in his written statement to the Inquiry to having seen anyone, at any stage, shot in the area of the rubble barricade. Referring to the NICRA statement of his mother, Mary Ann Kivelehan, who said that she saw "*the young boy Kelly*" falling "*in the back garden*", he observed that she was probably right but added, "*However I did not see any of this*".¹

¹ AK45.6

87.205 In his oral evidence to this Inquiry, Michael Kivelehan said that the boy whom he described to Praxis as being stuck in barbed wire was his brother; he could not explain the reason for the sentence in the Praxis notes that recorded that Michael Kivelehan did not know whether or not that boy had been shot.¹ He did not refer in the course of his oral evidence to seeing anyone shot on the rubble barricade.

¹ Day 406/72-73

87.206 The contents of Michael Kivelehan's Keville interview were not put to him, either when he made his written statement to this Inquiry or when he gave oral evidence. The reason for this was that at that time the Inquiry had not linked Michael Kivelehan with Michael Cunningham and had not appreciated that it was the former who had given a Keville interview. The Inquiry made attempts subsequently to contact Michael Kivelehan for the purpose of addressing his Keville interview, but these were unsuccessful.

87.207 Mary Ann Kivelehan's NICRA statement contained the following passage:¹

"I was in my mothers home [...] when the shooting started. The young boy Kelly came and fell in the back garden. Next he got up, just ran towards the steps where he fell dead. The Knights of Malta tried to help him."

¹ AK38.1

87.208 Although Michael Kivelehan gave a slightly different address for his grandmother's home in Glenfada Park to his mother, the evidence indicates that they were both referring to the same address.

87.209 The representatives of some of the soldiers submitted that the 1972 account attributed to Michael Cunningham provides evidence of a person being shot before Michael Kelly. We do not accept this submission. It is not possible from the language used to tell whether Michael Kelly is being identified as the man who went to the assistance of somebody else, or is the victim whom that man was trying to help. There is no reference in any of Michael Kivelehan's other accounts to his having seen Michael Kelly fall. Michael Kivelehan could not have seen the rubble barricade from his grandmother's flat. It is not entirely clear from the Keville transcript that Michael Kivelehan, when referring to the shooting of Michael Kelly, was in fact referring to events on the rubble barricade.

87.210 The NICRA account of Michael Kivelehan's mother, Mary Ann Kivelehan,¹ shows that she identified wrongly one of those shot in Glenfada Park or Abbey Park as "*Kelly*". It seems to us that that mistake is likely to be the origin of a mistake made by Michael Kivelehan as to the identity of someone he saw shot.

¹ [AK38.1](#)

Hugh Breslin

87.211 Hugh Breslin is dead and gave no evidence to this Inquiry. The representatives of some of the soldiers rely on an account that he gave to Kathleen Keville, in which he said:^{1,2}

"As they came into the Bogside I saw a young – a man being shot. He was lying on the ground. A young lad by the name of Michael Kelly went out with his arms up facing the soldiers telling them that he was going to pull the man in and when he went out they shot him, shot him in the back and shot him in the head. That's all I seen at that end. As far as I can see the young lad was shot from the Derry Walls."

¹ [AB76.1-2](#)

² Neither the 1972 transcript, on which the soldiers' representatives rely, nor the transcript prepared by the Inquiry, seems to be entirely accurate. The version reproduced above seems to us more closely to reflect the words spoken on the tape.

87.212 Hugh Breslin gave no description of the casualties whom he said he saw, nor of the place at which they fell. His description of Michael Kelly's actions is not consistent with other evidence relating to Michael Kelly's activities in the moments before he was shot. It seems to us that Hugh Breslin has wrongly identified another casualty as Michael Kelly. We have found nothing in his account to suggest that there was an unknown casualty.

Peter O'Neill

87.213 In his Keville interview, Peter O'Neill said:¹

"... I had just er – er – negotiated the barricade, opposite the high flats when er – I heard people running. I looked round and I saw er – Army wagons er – coming in with the soldiers with guns ... reached the ramp at Glenfada Park the second er – block er – in Glenfada Park and I saw the soldiers starting. I went up the ramp er – and I got a pretty good view and I'm sure, I can't really say how many seconds but it wasn't very long, er – I heard a shot and I saw a ... youth with long hair falling to the ground clutching his knees or his thighs like he was shot in the thigh and it was obvious that er – it came from the Army...

He had no stones ... as far as I can remember he was only shouting abuse at them and who blame him ... he was carried away by his friends."

¹ [AO64.1](#)

87.214 We decided that there was no need for a statement from Peter O'Neill. No efforts were made, therefore, to trace him.

87.215 Peter O'Neill does not in his Keville interview provide any information at all about the location of the casualty whom he saw. Assuming the casualty to have been on the rubble barricade, we consider that it is likely to have been Constantine Gallagher, hit in the leg by a baton round. Alternatively it may have been Michael Kelly, who was shot in the stomach but may have clutched his thighs as he fell. As described elsewhere in this report¹ Michael Kelly was carried from the rubble barricade to the area to the south of the southern end of the eastern block of Glenfada Park North.

¹ [Paragraphs 86.59 and 92.1–3](#)

87.216 The representatives of some of the soldiers submitted that the casualty seen by Peter O'Neill may have been the same as the casualty seen by Vincent Mulvane.¹

¹ [FS8.1340](#)

Vincent Mulvane

87.217 Vincent Mulvane described to Kathleen Keville the scene at Barrier 14 and continued:¹

“... next the Army was all over the Bogside. As we were coming into – towards the meeting the next thing we heard loud bangs and we knew it was an army rifle right away. And the first one that went down ... shouted to other people there is one hit. That was the very first one that was hit.

...

I seen him yes, I seen him getting carried away he was a young lad.

...

I didn't see him getting hit but I was lets say about ten yards from him and he just went down and people were ... shouting all over the place screaming one of them's hit and then er – about two minutes later another man was hit in the leg and he was carried away.”

¹ [AM453.2](#)

87.218 The Inquiry was unable to find Vincent Mulvane. He did not, in his Keville interview, say where he or the casualties were. Assuming the casualties to have been in the area of the rubble barricade, we are of the view that the first casualty seen by Vincent Mulvane was Michael Kelly and that the second person was Constantine Gallagher.

Unidentified casualties on the Rossville Flats side of the rubble barricade

87.219 The representatives of some of the soldiers referred to the evidence of three witnesses,¹ Brendan Deehan,² Don Campbell³ and Kieran Gill,⁴ each of whom told the Inquiry that he had seen a casualty on top of the rubble barricade. In addition, Brendan Deehan said that he had seen another casualty near the wall of Block 1 of the Rossville Flats.

¹ [FS8.1340-1342](#)

³ [AC8.1](#)

² [AD20.1](#)

⁴ [M105.1](#)

87.220 These representatives acknowledged that the witnesses gave no descriptions of the casualties whom they said that they saw, and further acknowledged that it is not possible to tell whether the casualties described were known or unknown ones. We have found nothing to suggest that it was the latter.

87.221 These representatives further referred to the evidence of Captain 021¹ who in his RMP statement said that he saw three bodies being taken from the rubble barricade and behind Glenfada Park.² He said that this occurred after the “*main shooting*” had stopped but before three bodies were taken away in an APC. As already mentioned, Captain 021 was a Royal Electrical and Mechanical Engineers Captain attached to 22 Lt AD Regt in January 1972. He was at Echo Observation Post on the top of the Embassy Ballroom for most of the afternoon of Bloody Sunday.

¹ FS8.1342-3

² B1504

87.222 In his written statement to this Inquiry, Captain 021 told us that he had only a vague recollection of seeing bodies on the day.¹ However, he stated that he thought that his RMP statement accurately reflected his recollections on 3rd February 1972 (the date of the statement).² In his oral evidence, when speaking of the account given in the RMP statement of three bodies being taken from the barricade, he maintained “*It was an accurate recollection at the time*”.³

¹ B1509.005

³ Day 317/121

² B1509.006

87.223 In our view Captain 021 was simply wrong in his recollection. Michael Kelly was carried from the rubble barricade at an early stage to the area at the southern end of the eastern block of Glenfada Park North. After that the three identified casualties at the rubble barricade lay there until picked up by soldiers. We are sure that at the stage after Michael McDaid, John Young and William Nash had been killed and before the APC came forward, no-one except Alexander Nash approached the rubble barricade; and no bodies were moved from there. Earlier in this report¹ we expressed our doubts about the accounts given by Captain 021.

¹ Paragraphs 86.543–551

A casualty at the small barricade in Rossville Street

- 87.224 The representatives of some of the soldiers relied on the account given in 1972 by Thomas Mullarkey, who said:¹

“We started to move along towards Fahan Street West. I crossed the barricade at the corner. Shooting broke out again. I turned to run. A man beside me fell, shot through the head; he was not armed. I fell in the shelter of the terraced houses on the other side of the street.”

¹ [AM452.17](#)

- 87.225 These representatives raised the possibility that Thomas Mullarkey was referring to an event at the main rubble barricade, and not at a smaller barricade which was further south. They acknowledge the difficulty that Thomas Mullarkey, in his evidence to this Inquiry, said that he had no recollection of this incident and could not accurately identify the barricade that he had had in mind in 1972.¹

¹ [FS8.1343-1346](#)

- 87.226 The same representatives submitted that, if the incident occurred on the main rubble barricade, it could not have involved a known casualty since “*the only civilian known to have been shot in the head, in the ordinary meaning of that phrase, was Bernard McGuigan*”.¹ The representatives note that both Michael McDaid and John Young were shot in the left cheek but, for reasons that are not explained, submit that such shooting would not have led Thomas Mullarkey to describe either victim as having been shot in the head.

¹ [FS8.1346](#)

- 87.227 In our view Thomas Mullarkey was referring to the shooting of either Michael McDaid or John Young.

Conclusions on unidentified casualties in Sector 3

- 87.228 We are sure, for the reasons that we have given, that there were no unidentified casualties of Army gunfire in Sector 3, either standing in front of Michael Kelly with the result that the bullet that hit him became unstable, or shot elsewhere and at a

different time. It follows that as part of this conclusion we reject the submission that the bullet fired by Lance Corporal F hit a nail bomber and then continued and killed Michael Kelly.

87.229 There are other considerations that lead us to the same conclusions.

87.230 If one or more unidentified casualties were shot at the rubble barricade, he or they must have moved or been moved, because otherwise when the soldiers arrived to pick up the bodies of Michael McDaid, John Young and William Nash (as we describe later in this report¹) the unidentified casualty or casualties would still have been there. This seems implicitly to be acknowledged (at least in part) by the representatives of the majority of represented soldiers, who submit that in addition to Michael Kelly, another unidentified casualty was carried across Glenfada Park North.

¹ [Paragraphs 122.1–128](#)

87.231 As will be seen from our consideration of the events of Sector 4,¹ there were over two dozen people who sheltered at the south end of the eastern block of Glenfada Park North or who were elsewhere in Glenfada Park North after the soldiers came into the Bogside and opened fire. Many remained in the area of the south end of the eastern block of Glenfada Park North until arrested by soldiers who had come into Glenfada Park North, as we describe in the context of considering the events of Sector 4.² None of them has given evidence of seeing more than one person injured by Army rifle fire being brought from the rubble barricade into Glenfada Park North.

¹ [Chapter 92](#)

² [Chapter 113](#)

87.232 The explanation proffered by the representatives of the majority of represented soldiers appears to be that there was, in effect, a conspiracy of silence among civilians not only about what one or more unidentified casualties had been doing, but also about how he or they moved or were moved; and that the only possible reason for the conspiracy of silence was to conceal that the casualty or casualties had been engaged or were about to engage in attacking the soldiers with lethal weapons and thus had been justifiably shot.

87.233 Quite apart from what we regard as a lack of evidence to support the submission, we find great difficulties with it. The submission appears to assume that a number of civilians knew or had been told or discovered (or at least suspected) what the unidentified casualty or casualties had been doing and decided, or obeyed instructions, not to make any mention of them; and that this conspiracy of silence has lasted ever since. No explanation is proffered (nor can we think of one) as to how civilians knew or came to know or

suspect that the casualty or casualties had been engaging the soldiers with lethal weapons and decided or obeyed instructions to say nothing about this from a very early stage. Simultaneously, however, as will have been noted, the submission relies upon the accounts of a number of civilians as demonstrating that there was at least one additional casualty. Assuming for the purpose of the argument that their evidence does demonstrate this, it follows that they cannot have been privy to the need to conceal the additional casualty, but no explanation is suggested as to how or why this was so. In our view the proposition that there was such a conspiracy is untenable.

87.234 By way of example, Fr Bradley was at the south end of the eastern block of Glenfada Park North from an early stage. He there tended Michael Kelly. He was asked whether he learned of any other casualty whose identity was not made public and told us that he had not,¹ but it was not suggested to him either that in addition to Michael Kelly there was another casualty of gunfire brought into Glenfada Park North, or that he saw this but chose to keep quiet about it. We take the view that Fr Bradley was a witness on whose accounts we can place reliance. He is not a person who would have been party to the suggested conspiracy. Had there been an additional casualty or additional casualties we are sure not only that he would have known about it, but also that he would have told us. Furthermore, had there been an additional casualty carried into or across Glenfada Park North, we are sure that Ciaran Donnelly, who took photographs of Michael Kelly, would have seen and photographed this event.

¹ [Day 140/241](#); [Day 140/246](#)

87.235 There are further difficulties with the submission. None of the witnesses whose accounts are called in aid suggests that what he saw was a paramilitary shot while employing or about to employ lethal force against soldiers or that he knew or suspected that this was or might have been the case. Furthermore, the descriptions these witnesses give of a casualty differ in material respects, including what the casualty was wearing and the nature of the wound that he sustained. No attempt is made to deal with these differences, though it does not seem to be submitted that there were more than, at most, one or two unidentified casualties. As was the case with a similar submission made in respect of casualties in Sector 2, it appears to be accepted that the evidence of the witnesses on which the submission relies cannot on any view be taken literally at face value, for were this to be done, there would not be one unidentified casualty, but many.

87.236 As we have also pointed out, our examination of documentation held by the security services has convinced us that if there had been any people killed on Bloody Sunday in addition to the known dead, news of such an event would have reached the security

services and would have been recorded. There is no record of any additional fatalities. In addition, we accept the evidence given by Fr Edward Daly that it amounted to “*offensive nonsense*” to suggest that there could have been secret and private burials of people killed by the Army on Bloody Sunday.¹

¹ [Day 75/51-55](#)

Further firing in Sector 3

87.237 There was further firing in Sector 3, after the shooting of the casualties to which we have referred, though it did not result in any further gunfire casualties. This firing took place after the events of Sectors 4 and 5, so we return to this aspect of the matter after considering what happened in those sectors. Below¹ we consider whether it is possible to identify which soldier was responsible for which casualty in Sector 3. We have already given our reasons² for concluding that Lance Corporal F was responsible for the shooting of Michael Kelly. We also express our views on the question as to whether the soldiers concerned believed that they had identified and fired at someone posing a risk of causing death or serious injury.

¹ [Chapter 89](#)

² [Paragraphs 81.21–32](#)

87.238 It is convenient at this stage to examine the evidence relating to shot damage to the southern end of the eastern block of Glenfada Park North and the question of who could have caused such damage.

Chapter 88: The damage to the south end of the eastern block of Glenfada Park North

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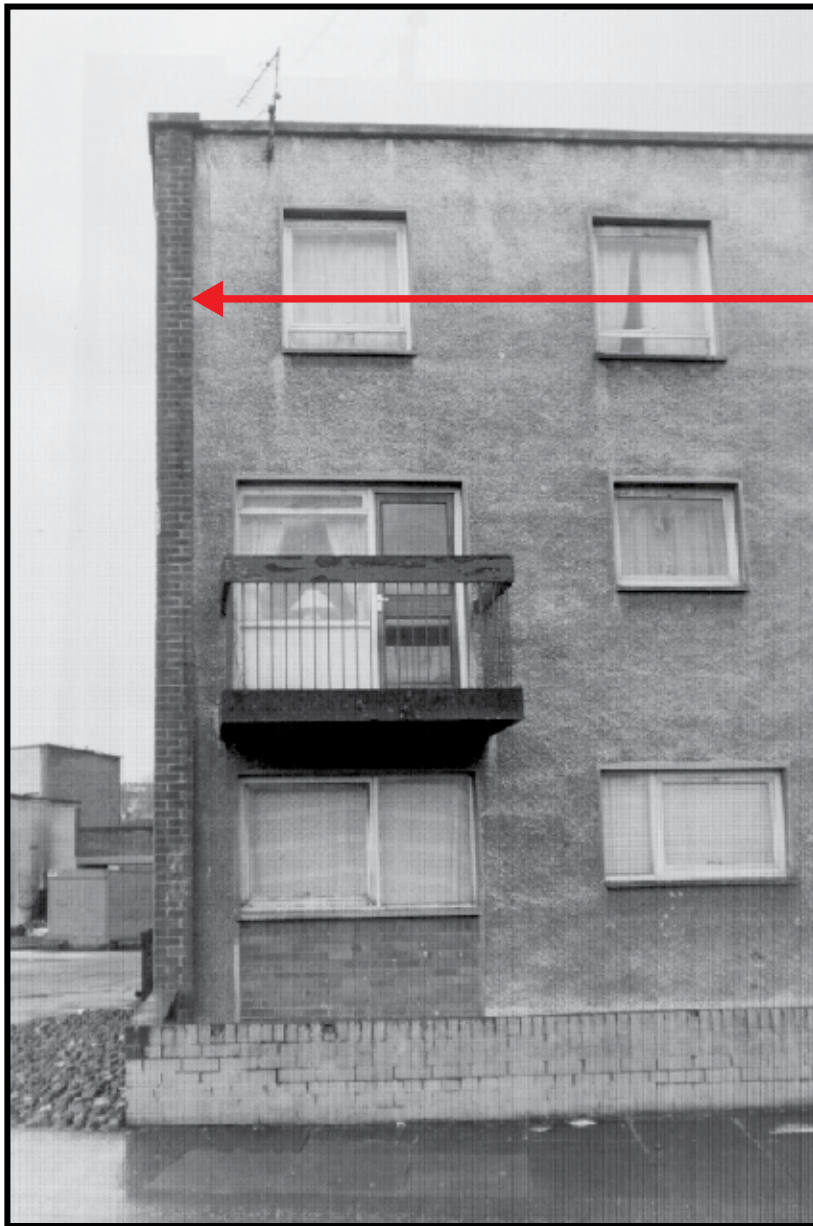
88.1 Mr Kevin O’Callaghan, the expert on ballistics engaged by this Inquiry, appended to the report that he prepared jointly with the independent expert pathologist Dr Richard Shepherd the following series of photographs,¹ taken for the purposes of their report. The photographs show the south end of the eastern block of Glenfada Park North (often called the gable end) and an area of damage to the northern edge of the brickwork return at the south-east corner of that block at the level of the second floor windows.

¹ [F9.1-F9.6](#)





Damage to
brickwork
return



Damage to
brickwork
return



Damage to
brickwork
return





- 88.2** A number of civilian witnesses gave evidence that appears to relate, or that may relate, to the cause of this damage, which is likely to have occurred on Bloody Sunday.

Jim Doherty

- 88.3** In his written statement to this Inquiry,¹ Jim Doherty told us that between five and 15 minutes after the shooting of Damien Donaghey and John Johnston he left the junction of William Street and Rossville Street because CS gas seemed to be coming from

Barrier 14. He made his way to Glenfada Park North where he heard a lot of high velocity gunfire. He could not tell from where these shots were coming. He hid for a time behind one of the fences on the eastern side of Glenfada Park North. Then he came out and kept moving between the north-eastern and south-eastern corners of Glenfada Park North and looking out from those positions. From the south-eastern corner he could see soldiers on the City Walls. From the north-eastern corner he could see soldiers running south over the waste ground; and up to five Army vehicles, which pulled up on the waste ground at Pilot Row and Eden Place and in Rossville Street just north of the rubble barricade.

¹ [AD73.4-AD73.6](#)

88.4 While at the south-eastern corner he “*saw bullets striking*” the south end of the eastern block of Glenfada Park North. He knew that bullets were being fired “*by the way the brickwork was splintering and hitting the side of the gable wall*”. He made the assumption, or formed the impression, that these bullets had been fired by soldiers on the City Walls. The reason, or one of the reasons, for this assumption was that the bullets hit the brickwork above the height of his head. However, he did not see the soldiers on the walls firing and could not be sure that his assumption was correct. He returned to the garden fence where he hid again with Gerard McKinney. When a young lad came up and said that people were lying dead in front of the rubble barricade, Jim Doherty ran away through the alley leading to Abbey Park.

88.5 In his oral evidence to this Inquiry,¹ Jim Doherty at first tentatively accepted that the splintering brickwork had been in the position shown in the fourth of Mr O’Callaghan’s photographs shown above² (the south-east corner of the eastern block of Glenfada Park North), but then said that he was unsure whether he had been at the south-east or the south-west corner of Glenfada Park North when he saw it. Later in his evidence,³ he confirmed that he had been at the south end of the eastern block of Glenfada Park North but said that he would not have been able to see the south-east corner of that block. The bullets could have hit anywhere between the top of the wall and 8 feet above his head. There was “*brickwork splintering all over the place*”. With some diffidence, he marked a photograph⁴ to illustrate where he thought the bullets had struck (at the south-west corner of the eastern block of Glenfada Park North).

¹ [Day 65/78-84](#)

² [Paragraph 88.1](#)

³ [Day 65/109-114](#)

⁴ [AD73.9](#)



88.6 Jim Doherty did not claim to have seen how many bullets hit the wall.

George Downey

88.7 In his written statement to this Inquiry,¹ George Downey told us that after hearing people shouting that the Army was coming into the Bogside, he ran through Columbcille Court and Glenfada Park North and emerged into Rossville Street to the south of the rubble barricade. He saw soldiers and Army vehicles to the north of the barricade. There were 30 to 40 people to the south of the barricade. Some of these people were throwing stones at the soldiers. He then heard a single shot. This was the first shot that he heard after the soldiers had entered Rossville Street. The bullet hit the “*southern gable wall of Glenfada Park North*” above the height of his head and chipped off a piece of masonry. George Downey thought that the bullet had been fired from the City Walls. Then many more single high velocity shots were fired from the direction of the soldiers in Rossville Street and people scattered in all directions to take cover. When this shooting subsided, George Downey heard others saying that people had been shot. He then saw three to five men lying still on the barricade, including his brother-in-law Michael Kelly.

¹ [AD134.3-4](#)

88.8 In his oral evidence to this Inquiry,¹ George Downey said that there had been ten to 15 people, rather than 30 to 40, in the area south of the rubble barricade when he came out into Rossville Street. The shot hit the wall of Glenfada Park North after an incident in which a number of people moved north of the rubble barricade to try to rescue a man who had been arrested on the waste ground. He was not sure whether the shot had hit the south wall or the east wall, or the south-east corner, of the eastern block of Glenfada Park North, but he remembered that it had made a hole at least 5 or 6 inches wide. He thought that the bullet had hit the wall above the level of the balcony. Although he was not sure about this, he believed that it had been fired from the City Walls because the noise came from behind him as he faced north, and because of the height at which the bullet struck the wall. This shot was followed by further high velocity shooting, after which he looked out and saw Michael Kelly being brought in from a position south of the barricade. There was then more shooting before he saw another three bodies behind the barricade. Later in his evidence,² George Downey said that the shot had hit the wall before the attempt was made to assist the man being arrested on the waste ground. It was a high velocity shot. His attention was drawn³ to the fourth of the six photographs reproduced above⁴ showing damage to the brickwork at the south-east corner of the eastern block of Glenfada Park North at the level of the top floor window. George Downey said that this was consistent with the height at which he remembered the bullet striking the wall.

¹ [Day 123/15-39](#)

² [Day 123/63-67](#)

³ [Day 123/78-79](#)

⁴ [Paragraph 88.1](#)

Hugh Duffy

88.9 In his interview with Kathleen Keville,¹ Hugh Duffy said that he was standing at the side of “*Columbcille Court*” with another man when two bullets struck above their heads. Then Alexander Nash arrived. There were two young men lying shot at the rubble barricade. Alexander Nash went out to the two casualties. One of them was his son William. Then Alexander Nash was himself hit in the side.

¹ [AD156.12](#); [AD156.9](#)

88.10 In his written statement to this Inquiry,¹ Hugh Duffy told us that although he remembered hearing the two shots fired and seeing Alexander Nash go out to the two casualties, he was now unclear about the order in which these events occurred. The two shots were fired when he was standing very close to the wall at the south end of the eastern block of Glenfada Park North. He thought that other shooting had been taking place at the time, but these two shots were very clear. As they rang out, small flakes of red brick dust fell

from the wall above him. He did not know whether both shots had hit the wall, but when he looked up he saw a large chip in the brickwork, probably 20 to 30 feet above him, almost level with the “*second floor balconies*”. Someone had said that the shots must have come from the City Walls. Hugh Duffy had thought that this was so, as the shots “*could not have come from anywhere else*”. He had looked up towards the City Walls but had not seen anyone there, nor had he seen any soldiers anywhere else. Hugh Duffy attached to his statement a marked photograph² indicating that the site of the bullet damage was at the south-east corner of the eastern block of Glenfada Park North approximately level with the top of the first floor windows.

¹ [AD156.2-4](#)

² [AD156.6](#)



88.11 In his oral evidence to this Inquiry,¹ Hugh Duffy agreed that the bullet damage might have been higher up the wall than this, in the position shown in the fourth of Mr O’Callaghan’s photographs reproduced above.² He confirmed that he was not now sure whether the two shots had been fired before or after Alexander Nash went out to the rubble barricade.³

¹ [Day 150/83-86](#)

³ [Day 150/88](#)

² [Paragraph 88.1](#)

Seamus Fleming

88.12 In his Northern Ireland Civil Rights Association (NICRA) statement,¹ Seamus Fleming recorded that he was in Columbcille Court when he heard that the soldiers were coming into the Bogside. He started to run but fell and sprained his ankle. Two men pulled him up. He reached *“the entry to Glenfada Park”*. There were about 20 young men sheltering behind the rubble barricade. Some of them rose and ran towards the entrance where he was standing. As they were running, Seamus Fleming heard gunfire. He could see soldiers *“everywhere”* and three Army vehicles. There were about six men left at the barricade. During a lull in the shooting, these men rose to run towards the entrance. There was a burst of fire. A lad wearing a blue half-jerkin clutched his stomach and slumped on top of the barricade. Another lad wearing a brown coat slumped over, holding his left side. Neither of these lads moved. A man beside Seamus Fleming tried to go to their assistance, but there was another burst of gunfire and a bullet struck the wall above Seamus Fleming and this other man. A piece of red brick fell to the ground beside where the other man was standing. Seamus Fleming then ran away through Lisfannon Park.

¹ AF22.11

88.13 In his written statement to this Inquiry,¹ Seamus Fleming gave a generally similar account. He stated that he spent about ten to 15 minutes standing at the point marked “X” in square I15 on the plan attached to his statement² (near the south-east end of the fences on the north-east side of the north-eastern block of Glenfada Park South). After the man tried to edge out to help the two casualties on the rubble barricade, there was a burst of fire and one or more shots hit *“the corner of the red brick parapet”* above Seamus Fleming, showering him and others with chippings from the wall. According to this account, Seamus Fleming thought that this shooting must have come from the direction of Joseph Place or the City Walls because the south wall of the eastern block of Glenfada Park North would have shielded the wall above him from firing by soldiers on the waste ground.

¹ AF22.2-5

² AF22.12

88.14 In his oral evidence to this Inquiry,¹ Seamus Fleming was asked whether at any stage he had moved from the south to the north side of the south-eastern entrance to Glenfada Park North, and he said that he could not really remember. He said that the amount of debris that fell from the wall made him think that only one shot had hit it.² His view that the shot must have been fired from the direction of the City Walls was reached only after the event. Seamus Fleming then marked a photograph³ (reproduced below) to indicate

the site of the bullet damage as being at the south-east corner of the eastern block of Glenfada Park North, and said that by the time the shot was fired he had moved forward to a position at the south end of that block. He nevertheless remained of the view that the shot could not have been fired from Rossville Street.⁴

¹ [Day 146/53-54](#)

³ [AF22.13](#)

² [Day 146/62-65](#)

⁴ [Day 146/77](#)



Brendan Gallagher

88.15 In his NICRA statement,¹ Brendan Gallagher recorded that he was “*in Rossville Street Barricade*” when five Army vehicles were driven into Rossville Street. A few young boys were going to throw stones at them when the soldiers opened fire. Brendan Gallagher ran towards Glenfada Park. As he arrived there, a bullet hit the wall beside him and knocked out a big lump. He ran into a back garden with eight others. They had to break into a house because bullets were flying around them. They spent 20 minutes lying in the house. The shooting continued for about half that time.

¹ [AG4.1](#)

88.16 In his written statement to this Inquiry,¹ Brendan Gallagher told us that he was standing at the point marked “A” on the plan attached to his statement² (in the middle of Rossville Street just south of the junction with Fahan Street West). According to this account, he

heard shots and saw two Army vehicles parked further north in Rossville Street. Soldiers were kneeling beside the vehicles and firing into the crowd. A few lads at the rubble barricade were throwing stones but nothing else. Brendan Gallagher stood in shock for a moment and then walked towards the vehicles. He thought that he had wanted to see what was going on. He then took cover at the north-east end of the south-eastern block of Glenfada Park South. As he did so, he saw a bullet take a chunk out of a wall nearby, but he could not remember which wall this was. He also saw a man standing near him on the footpath fall. The man had been shot and was obviously dead. Brendan Gallagher considered that this man had been shot from the City Walls because of “*the angle that he was shot at*”, but could remember no further details. He and others then ran into Glenfada Park North and broke into a flat in the eastern block. From a window overlooking Rossville Street, he could see people running and panicking. A few lads at the barricade were still throwing stones. He thought that he had then seen Hugh Gilmour shot at the entrance to Block 1 of the Rossville Flats. He also seemed to remember seeing another lad on the ground near the barricade. He remained in the flat for 15 to 20 minutes until the shooting had stopped. He no longer remembered seeing four people shot at the barricade. He vaguely recalled seeing bodies on the barricade but had no idea whether they were alive or dead.

¹ AG4.2-3

² AG4.7

88.17 In his oral evidence to this Inquiry,¹ Brendan Gallagher was not asked about the shot that hit a wall when he was taking cover at the north-east end of the south-eastern block of Glenfada Park South.

¹ Day 147/195-214

Helen Johnston

88.18 In her NICRA statement made jointly with her sister Margaret Johnston,¹ Helen Johnston recorded that the two of them had crossed Rossville Street to Glenfada Park when they heard Army vehicles coming in. They heard gunfire and “*moved back*”. Then they moved to a “*small alley way*” where some other people had gathered. From here they could see three men lying on top of one another at a barricade. Immediately beside these men an elderly man was on his back. The elderly man appeared to be alive because his arms were moving, but Helen Johnston was told that the other three men were dead. Then chippings came off a wall near where the two sisters were standing as bullets struck it. Helen Johnston and Margaret Johnston moved to the “*next alleyway*” where they found Fr Denis Bradley and others. The firing continued. On the opposite side of the road, two

boys were crawling towards the entrance to the Rossville Flats. The first boy reached the entrance, but the second appeared to be shot and had to be pulled in through the doorway.

¹ [AJ11.1](#)

88.19 In her written statement to this Inquiry,¹ Helen Johnston told us that she believed that when the Army came into Rossville Street she had entered Glenfada Park North at its north-east corner; and, although she could not be sure of this, that she had continued past the south end of the eastern block of Glenfada Park North to the area of the eastern entrance to Glenfada Park South. She believed that it was from there that she had seen the three young men and the older man on the rubble barricade. She now knew that the older man had been Alexander Nash. She also believed that she had been in that area when chippings flew off the wall above her head. However, she remembered that she and her sister had been “*between two walls close together*” and that the chippings had been flying from “*a wall opposite us*”, which she said could have been the wall at the south end of the eastern block of Glenfada Park North. Helen Johnston identified herself and her sister in photographs taken by Liam Mailey and Ciaran Donnelly, all of which show people in the area of the south end of the eastern block of Glenfada Park North after the body of Michael Kelly had been brought in from Rossville Street. Nevertheless she did not think that this was where she had been when she saw the casualties at the rubble barricade, because her recollection was of “*a walkway with walls on either side*” and of “*a much narrower area with a pram ramp*”.

¹ [AJ11.2-6](#)

88.20 In her oral evidence to this Inquiry,¹ Helen Johnston said that she could not remember where she had been when the chippings flew off the wall, but that it had been a small enclosed area with only enough room for two people to stand shoulder to shoulder.

¹ [Day 228/45-48](#)

Margaret Johnston

88.21 The account given in the NICRA statement made jointly by Margaret Johnston and her sister Helen Johnston¹ is summarised above.

¹ [AJ13.1](#)

88.22 In her written statement to this Inquiry,¹ Margaret Johnston told us that she was not certain where she and her sister had taken cover when the Army had entered Rossville Street. She was sure that they had moved around a bit in “*the network of alleyways*”. While taking cover she had seen brick chippings coming off a wall to her side, but she could not say where exactly she had been when this happened, or which wall had been chipped by bullets.

¹ [AJ13.2-3](#)

88.23 In her oral evidence to this Inquiry,¹ Margaret Johnston told us that she believed that when the chippings came off the wall she and her sister had been in a “*ramp-type alleyway*” with a sloping wall. Although she said that it was on the William Street side of the rubble barricade, she also said that “*you could look directly across at the doors of the High Flats*”.

¹ [Day 228/80-87](#)

James Kelly

88.24 In his NICRA statement,¹ James Kelly did not refer to bullets hitting the south end of the eastern block of Glenfada Park North.

¹ [AK12.1](#)

88.25 In his written statement to this Inquiry,¹ James Kelly told us that he was at the south end of the eastern block of Glenfada Park North at a time when a group of people had gathered around the body of Michael Kelly after he had been shot. James Kelly said that the body was lying at the point marked “D” on the plan attached to his statement² (in Rossville Street near the south-east corner of the eastern block of Glenfada Park North); but he also said that it was lying in the position shown in two photographs appended to his written statement.³ These show the group around the body after it had been brought into the entrance to Glenfada Park North. James Kelly said that during this time he had noticed bullets hitting the wall above him. Someone had said that shots were being fired from the City Walls. Quite a few of the group around James Kelly thought that this might be so. James Kelly looked up towards the City Walls but saw nothing.

¹ [AK12.3-AK12.4](#)

³ [AK12.20; AK12.22](#)

² [AK12.34](#)

88.26 In his oral evidence to this Inquiry,¹ James Kelly said that he thought that he had first seen the body of Michael Kelly while it was still in Rossville Street. He vaguely recalled that the body had then been lifted and carried, but he could not remember in which

direction. He said that he believed that bullets had struck the wall above him, because dust or little pieces of stone had fallen from it. Later in his evidence,² James Kelly accepted that it was possible that he first saw Michael Kelly's body only after it had been brought in from Rossville Street. James Kelly said³ that the bullets struck the wall in an area that he marked on a photograph with an arrow.⁴

¹ [Day 145/25-29](#)

³ [Day 145/47](#)

² [Day 145/54-55](#)

⁴ [AK12.39](#)



88.27 However, James Kelly agreed¹ that the dust and debris that fell into the area where he was standing could have resulted from a bullet or bullets hitting the corner of the block in the area where damage is shown in Mr O'Callaghan's photographs.²

¹ [Day 145/75-77](#)

² [F9.4-F9.6](#)

88.28 There is no other evidence indicating that a bullet struck the gable end wall as James Kelly had described. In our view he was describing, as he accepted could have been the case, the damage to the corner of the gable end.

Don Mullan

88.29 In his NICRA statement,¹ Don Mullan recorded that after the soldiers entered the Bogside he began to run with the rest of the crowd down Rossville Street. Suddenly there was an outbreak of shooting. As he ran past the rubble barricade he saw a boy fall. Men ran from

“behind a wall at the maisonettes” to help the boy but had to dive for cover because the soldiers fired at them. Bullets struck a wall above Don Mullan’s head. He and others ran *“behind the maisonettes”*, by which we understand him to mean into Glenfada Park.

¹ [AM448.12](#)

88.30

In his written statement to this Inquiry,¹ Don Mullan told us that he had been standing close to Michael Kelly, and ducked instinctively when Michael Kelly was shot. In the next few seconds there was a huge quantity of gunfire. According to this account, Don Mullan believed that this gunfire came from the direction of the soldiers at Kells Walk and that it was aimed at the rubble barricade, off which he could see bullets *“spitting”*. For several moments it appeared that people at the barricade did not know what to do. Don Mullan may have moved to help Michael Kelly. At some stage Don Mullan stood up. Two men pushed past him as they ran out from Glenfada Park to try to rescue casualties at the barricade. Don Mullan did not know whether the two men reached the casualties, but he said that they had to retreat because of the high concentration of shooting. Don Mullan then heard another burst of fire. The bricks and mortar in the wall above his head *“seemed to explode like a fire cracker”*. What he had seen was bullets striking the south-east corner of the eastern block of Glenfada Park North. Immediately after these shots hit the wall, he ran away.

¹ [AM448.5-6](#)

88.31

In his oral evidence to this Inquiry,¹ Don Mullan said that he thought that after Michael Kelly had been shot there had been a brief interval, after which perhaps ten to 12 shots had been fired down Rossville Street. Although the two men who pushed past him had obviously been going to help someone, Don Mullan did not himself see anyone other than Michael Kelly fall. He said that it had been his impression that the two men were trying to reach people other than Michael Kelly who had fallen at the barricade.² He could not say whether the corner of the eastern block of Glenfada Park North had been struck by one bullet or more than one. He confirmed that the damage that he saw was the damage shown in Mr O’Callaghan’s photographs.³ Don Mullan said that his belief at the time had been that the shot or shots that hit the wall had been fired from the north.⁴

¹ [Day 148/114-117](#)

² [Day 148/126-129](#)

³ [Paragraph 88.1](#)

⁴ [Day 148/154-156](#)

Robert Breglio

- 88.32** In a report dated 14th March 1997, Robert Breglio, a ballistics expert who had been consulted by Don Mullan and the Bloody Sunday Justice Campaign, gave the following opinion:

“On Sunday, January 26, 1997, I visited the area of Rossville Street and Glenfada Park and examined some impact marks on a building at the corner of Rossville Street and [sic] bears a sign named Glenfada Park. Mr Mullan stated to me that he had seen these impact marks made by being struck by bullets on the day of Bloody Sunday, 30 January 1972.

These impact marks are confined in a tight pattern to only three bricks in the entire column of brick work. The impact marks are high up on the building and approximately the 22nd, 23rd and 24th brick down from the top of the column. The bricks have been impacted at the right edge of each individual brick.

In my professional opinion, these impact marks on the bricks were made by being struck by high velocity projectiles that were fired from a high powered weapon.

The trajectory of these projectiles is incoming from east to west and probably a west north west direction.

I will conclude that in my professional opinion these projectiles were fired from a position located up in the area of the Derry Walls.”

- 88.33** Robert Breglio did not give evidence to this Inquiry.

The evidence of the Inquiry's scientific experts

88.34 In their report,¹ Dr Shepherd and Mr O'Callaghan set out their opinion about the damage to the brickwork at the south-east corner of the eastern block of Glenfada Park North:

"If the damage was caused in 1972, as was indicated to Mr. Breglio, weathering over the subsequent twenty-seven years will almost certainly have caused the weakened brick to deteriorate further, so any interpretation of the damage must be made with caution.

The photographs taken for this report ... clearly show a continuous curved edge to the margin of the damage which involves four bricks and not three. The continuous margin indicates that, at least, the major part of the damage was caused by a single event which was sufficiently forceful to damage all four bricks: such as a bullet strike.

If the damage was caused by a bullet, the bullet is likely to have travelled from right to left as one faces the gable end of Glenfada Park, striking the right edge of the column of bricks as viewed from Rossville street. In other words from the direction of Kells Walk and not from the direction of the City Walls."

¹ [E2.66-7](#)

88.35 In his oral evidence to this Inquiry,¹ Mr O'Callaghan confirmed that although he could not be absolutely certain that the damage seen in the photographs had been caused by a bullet, he thought that it must have resulted from a "*single, fairly forceful event*". The damage to four bricks was consistent with the impact of a single bullet because a shock wave would have passed through the brickwork adjacent to the actual point of contact.

¹ [Day 230/46-48](#)

Conclusions

88.36 The civilian evidence considered above is confused and conflicting. As we have observed in other contexts, we do not find this surprising, since people were trying to recall what happened, and the order in which things happened, in the course of fast-moving and horrific events. However, we have no doubt that a bullet did hit the south-east corner of the eastern block of Glenfada Park North on Bloody Sunday.

88.37 In the light of the photographic evidence and that of the experts retained by this Inquiry, we are of the view that only one bullet hit that corner; and that this bullet was fired from the north, ie from further along Rossville Street. We do not accept the views expressed by

Robert Breglio, since in our view there was no firing from the City Walls directed into the area of Sector 3, or indeed into any of the other sectors. We discuss the question of firing from the City Walls elsewhere in this report.¹

¹ [Chapter 167](#)

88.38 More difficult is the question of when the shot that hit the corner of the gable end was fired. The civilian evidence ranges from an early stage to about the time that Alexander Nash was wounded.

88.39 As we have explained earlier in this report,¹ there is evidence that before Anti-Tank Platoon soldiers reached the low walls of the Kells Walk ramp, Corporal P of Mortar Platoon fired two shots which he, in our view falsely, claimed were directed at a nail bomber. One of these shots could account for the damage to the corner, if it occurred at that stage.

¹ [Chapter 73](#)

88.40 As we have also explained earlier in this report,¹ Corporal P claimed that he had fired three shots over what he described, again in our view falsely, as a hostile crowd moving forward after he had advanced south along Rossville Street. If indeed he did fire a shot or shots at above head height at this stage, one of those shots could account for the damage to the corner, if that damage occurred at a later stage.

¹ [Paragraphs 85.2–28](#)

88.41 There is no evidence from any other soldier of firing that could explain the damage to the corner of the south end of the eastern block of Glenfada Park North. In our view it is probable that Corporal P was responsible for this shot, whenever it was fired.

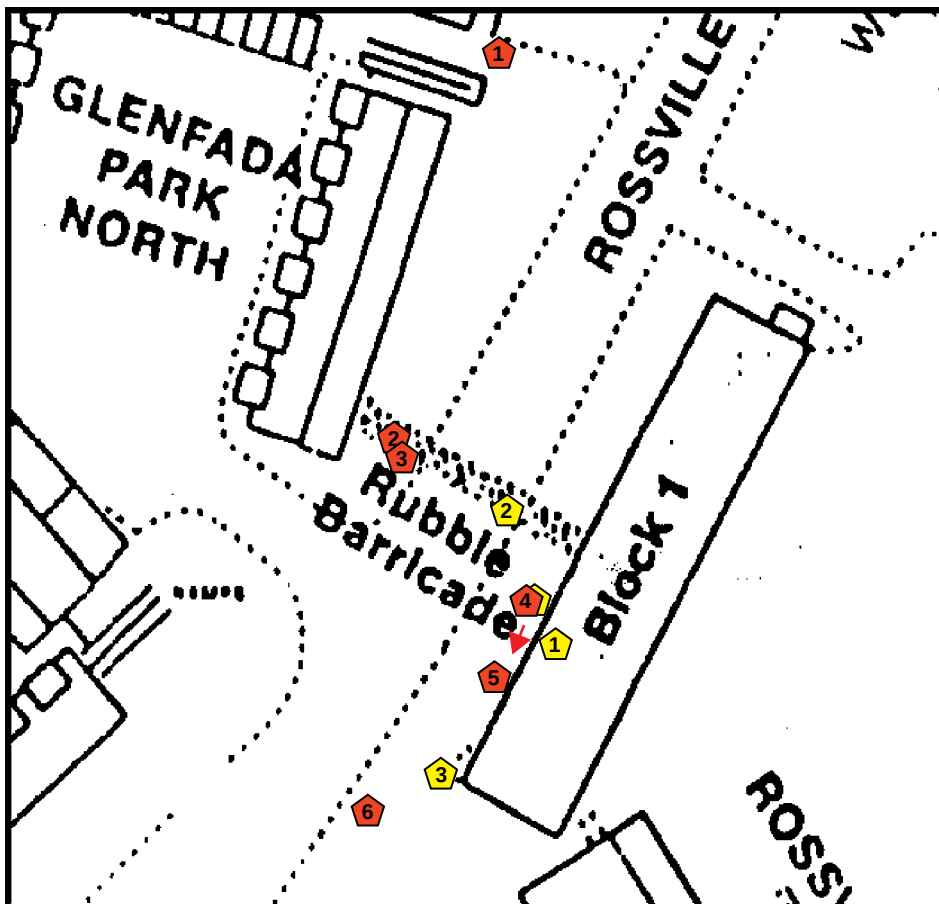
Chapter 89: The soldiers responsible for the Sector 3 casualties

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-
- 89.1** As was the case with Sector 2, it is important to bear in mind a number of the conclusions that we have reached.
- 89.2** In the first place, we are satisfied that the known casualties in Sector 3 were the only casualties of Army gunfire in that sector. It follows that the soldiers did not shoot any gunmen or bombers in Sector 3.
- 89.3** In the second place we are sure that none of the casualties was armed or doing anything that could have justified any of them being shot.
- 89.4** In the third place, we are satisfied that no soldier other than Corporal E, Lance Corporal F and Lance Corporal J of Anti-Tank Platoon, Sergeant K, Private L and Private M of Composite Platoon, and Corporal P and Private U of Mortar Platoon could have been responsible for any of the casualties in that sector.

- 89.5** In the fourth place, apart from a man who fired a handgun from the entrance to Block 1 of the Rossville Flats at a stage when all the casualties save possibly Alexander Nash had been hit, we have found no evidence that persuades us that at or in the immediate area of the rubble barricade there were gunmen or nail or petrol bombers.
- 89.6** In the fifth place, none of the firing soldiers (with the possible exception of Lance Corporal F¹) admitted shooting any of the Sector 3 casualties or even the possibility that he had hit any of them by accident, while aiming at another target. All of them (except for Corporal P in respect of the shots that he said that he fired over the heads of a crowd in Rossville Street, which on his account caused no casualties) insisted that they had fired only at men who were carrying or deploying or seeking to deploy firearms or bombs.
- ¹ [Day 376/175](#); [Day 376/86-87](#)
- 89.7** According to the only soldiers who in our view could have been responsible for the casualties in Sector 3, Lance Corporal F and Corporal P had each shot a nail bomber, Corporal P and Private U had each shot a man with a handgun, and Private L and Private M had shot one or two riflemen.
- 89.8** During the period in which the casualties were sustained in Sector 3, Corporal E, Lance Corporal F and Lance Corporal J of Anti-Tank Platoon, Sergeant K, Private L and Private M of Composite Platoon, and Corporal P and Private U of Mortar Platoon had between them (according to their evidence) fired a total of 19 rounds. The soldiers claimed that all of these shots were fired at gunmen or bombers, except for the three shots that Corporal P said that he fired over the heads of a crowd.
- 89.9** There was later firing by soldiers in Sector 3, which did not result in any casualties, and which we consider later in this report.¹
- ¹ [Chapter 123](#)
- 89.10** We set out below two maps. On the first of these we show the position of the targets that the soldiers said that they had hit and those that they said that they had missed (or did not know whether they had hit), compiled from their trajectory photographs. On the second map we show where we believe the Sector 3 casualties were shot.



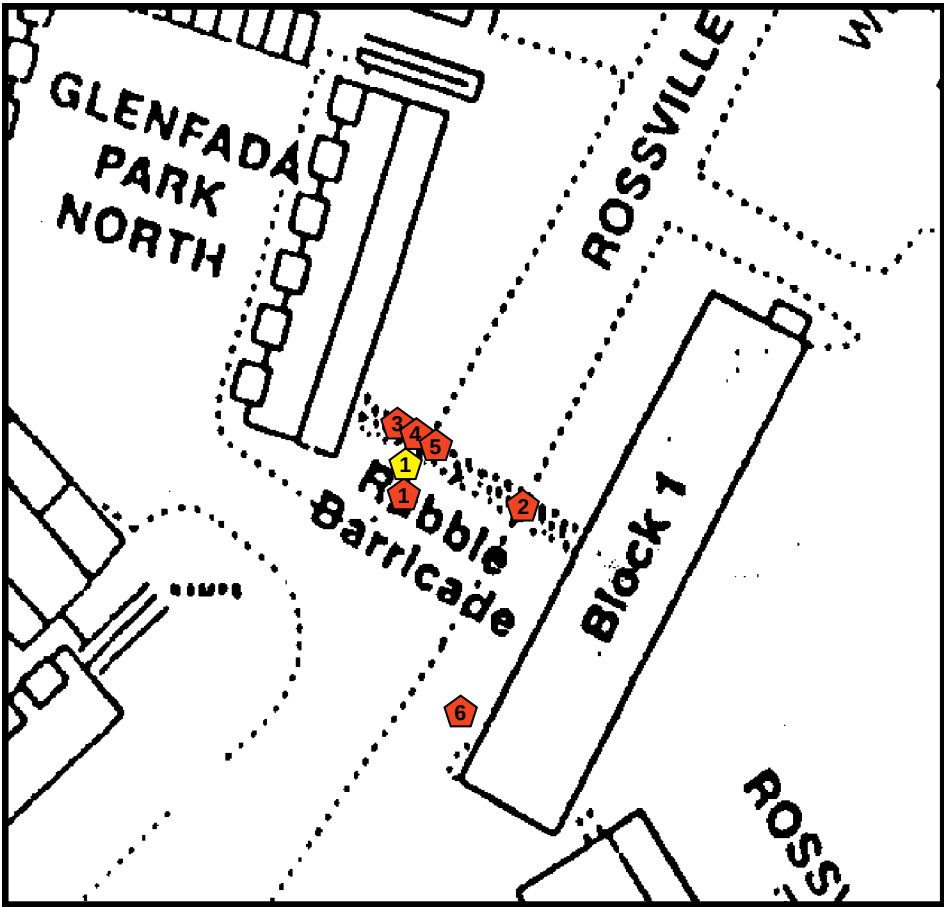
Targets the soldiers claim to have hit

- 1 Corporal P's first target: man with a nail bomb
- 2 Corporal P's second target: man with a pistol
- 3 Lance Corporal F's target: man with a nail bomb
- 4 Private L's target: man with a rifle. Private L said that he hit the target with two shots; the target continued to move southwards after having been hit by the first shot. Private L said that he thought that he might have hit two men with his second shot.
- 4 and 5 Private M's targets: two men with long, black, stick-shaped objects
- 6 Private U's target: man with a pistol



Targets the soldiers claim to have missed (or do not claim positively to have hit)

- 1 Corporal E's target: man with a pistol
- 2 Lance Corporal J's first target: youth with a smoking object
- 3 Lance Corporal J's second target: man with a nail bomb
- 4 Sergeant K's target: man with a gun



	Casualties who were killed or mortally wounded in the area of the rubble barricade
1	Michael Kelly
2	Hugh Gilmour. The precise position at which this casualty was shot is unknown.
3, 4 and 5	Michael McDaid, William Nash and John Young. William Nash was in the middle of the three but the precise position of these casualties at the rubble barricade is not known.
6	Kevin McElhinney
	Casualty who was wounded in this area
1	Alexander Nash

89.11 In short, as in Sector 2, soldiers in Sector 3 insisted that they had shot or shot at gunmen or bombers, which in our view they had not, and (with the possible exception of Lance Corporal F with regard to Michael Kelly) did not accept that they had shot the known casualties, which in our view they had. As in the case of Sector 2, to our minds it

inevitably follows that this materially undermines the credibility of the accounts given by the soldiers who fired. The evidence of one or more of them must be significantly inaccurate and incomplete.

89.12 We have found no evidence to suggest that any of the Sector 3 casualties was or might have been shot by accident. No soldier said that he might have missed the person he was firing at and hit someone else by mistake, though Private U said that he appeared to hit someone in addition to the man with a handgun whom he said that he had shot south of the rubble barricade. There is nothing to suggest that any soldier discharged his rifle unintentionally.

89.13 In the light of the evidence we have considered in this part of the report, and the views we have expressed on that evidence, as well as the conclusions we have stated above,¹ we now turn to consider the firing by the soldiers in Sector 3 to see whether it is possible to determine which casualty was shot by which soldier. We also express our view on the state of mind of the soldiers when they fired. We bear in mind, as we have previously observed, that particularly when under stress or when events are moving fast, people can often erroneously come to believe that they are hearing or seeing what they were expecting to hear or see.

¹ [Paragraphs 89.2–9](#)

Lance Corporal F's shooting of Michael Kelly

89.14 It is our view that we cannot rely on the accounts of Lance Corporal F in the absence of supporting evidence. The fact that he shot Michael Kelly at the rubble barricade is established beyond doubt. The question remains whether he believed that he was justified in firing.

Lance Corporal F's state of mind

89.15 We reject Lance Corporal F's evidence that he fired at a nail bomber at the rubble barricade. The fact that for many days he did not admit to firing across the rubble barricade but instead invented an account of firing additional shots into the Rossville Flats, in order to account for the rounds he had expended, means to our minds that he could not have believed that he had identified someone posing a threat of causing death or serious injury, for otherwise there would have been no reason to conceal this shot. We have considered whether Lance Corporal F fired in panic or fear, without giving any proper thought to whether he had identified a person posing a threat of death or serious

injury, but in our view this was not the case, since he was with other soldiers and a considerable distance from his target; and had no reason to believe that he or his colleagues were in immediate danger. We have concluded that there is no doubt that Lance Corporal F fired across the rubble barricade either in the belief that no-one there was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. Whether or not he had specifically targeted Michael Kelly remains in doubt, as the bullet that hit this casualty had previously hit something else, but in view of the number of people who at that stage were at the rubble barricade Lance Corporal F must have appreciated that his firing was, at the least, very likely indeed to cause injury or death among those people. On his own account, of course, he did deliberately fire at someone.

89.16 We are reinforced in our conclusion about Lance Corporal F's state of mind when he shot Michael Kelly by his subsequent conduct in Sectors 4 and 5, and the false evidence he gave about what happened in those sectors, which we consider in detail later in this report.¹

¹ Paragraphs 97.13–26, 100.8–11 and 112.30–58

89.17 It was suggested by the representatives of the majority of the families and the wounded that the reason why Lance Corporal F finally admitted to shooting at the rubble barricade might have been that it had become known that Dr Martin had identified the bullet that hit and killed Michael Kelly as having come from his rifle.¹ We are not persuaded that this was so, since it was only after Colonel Overbury had interviewed Lance Corporal F on 19th February 1972 that Dr Martin conducted his examination of bullets test-fired from the rifles sent to him and matched the bullet from Michael Kelly's body with Lance Corporal F's rifle.²

¹ FS1.158; FR1.571.1

² D56; D550; D628

89.18 What caused Lance Corporal F to change his accounts therefore remains unclear. We reject as wholly implausible his explanation that until he was shown maps and photographs he had forgotten that he had shot not only a man (Michael Kelly) at the rubble barricade but also (as we discuss later in this report¹) another man in Sector 5. Colonel Overbury told us that he had no direct recollection of the circumstances in which the statement that he took from Lance Corporal F came to be made, though he

suggested that the statement was taken because of the inconsistencies in Lance Corporal F's previous statements as to the sequence of events.² That may be so but, as our Counsel pointed out to Colonel Overbury:³

"Q. It is not, in fact, just a problem about sequence, is it? If we look at the statement you took from him, he has now recalled –

A. Yes, he has.

Q. – shooting somebody dead at the barricade?

A. Yes, he has.

Q. And firing at a man with a pistol?

A. Yes, he has, sir.

Q. Neither of which were recorded in any of his previous statements?

A. That is true, sir."

¹ Paragraphs 119.164–175

³ Day 243/57-58

² Day 243/56-57

89.19 In the end we are unable to be sure why Lance Corporal F changed his accounts, though it may well have been the result of being questioned closely by Colonel Overbury, who at that stage was cross-checking with photographs the evidence given by soldiers, in the light of knowing where people had been shot on Bloody Sunday;¹ and who probably knew that a comparison was going to be made between bullets recovered from the deceased and bullets test-fired from the rifles that had been used on that day, in order to see whether the former could be matched to any of the rifles.

¹ Day 243/56-57

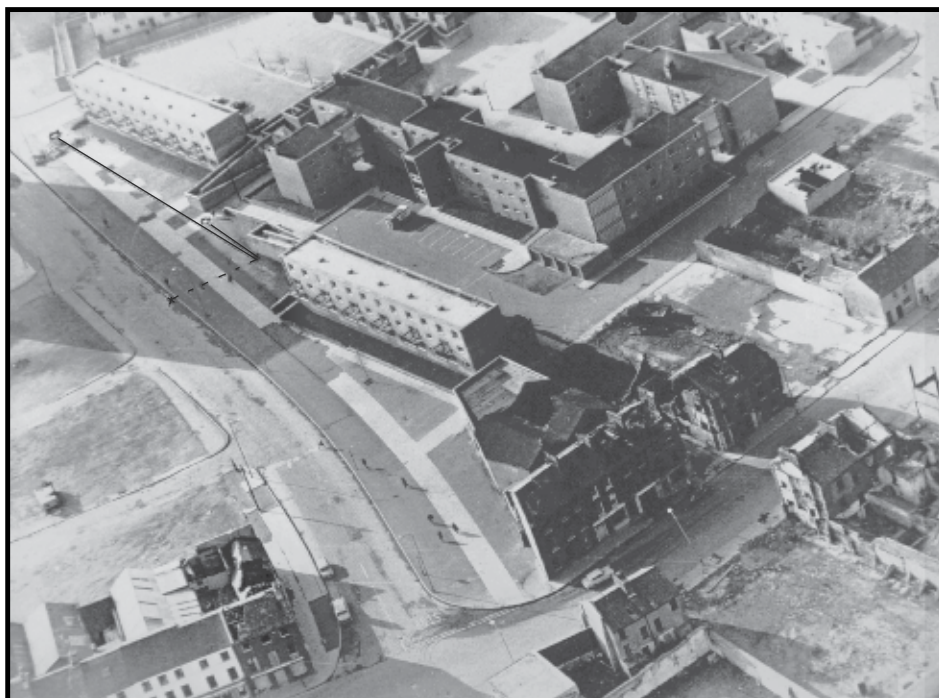
Corporal P

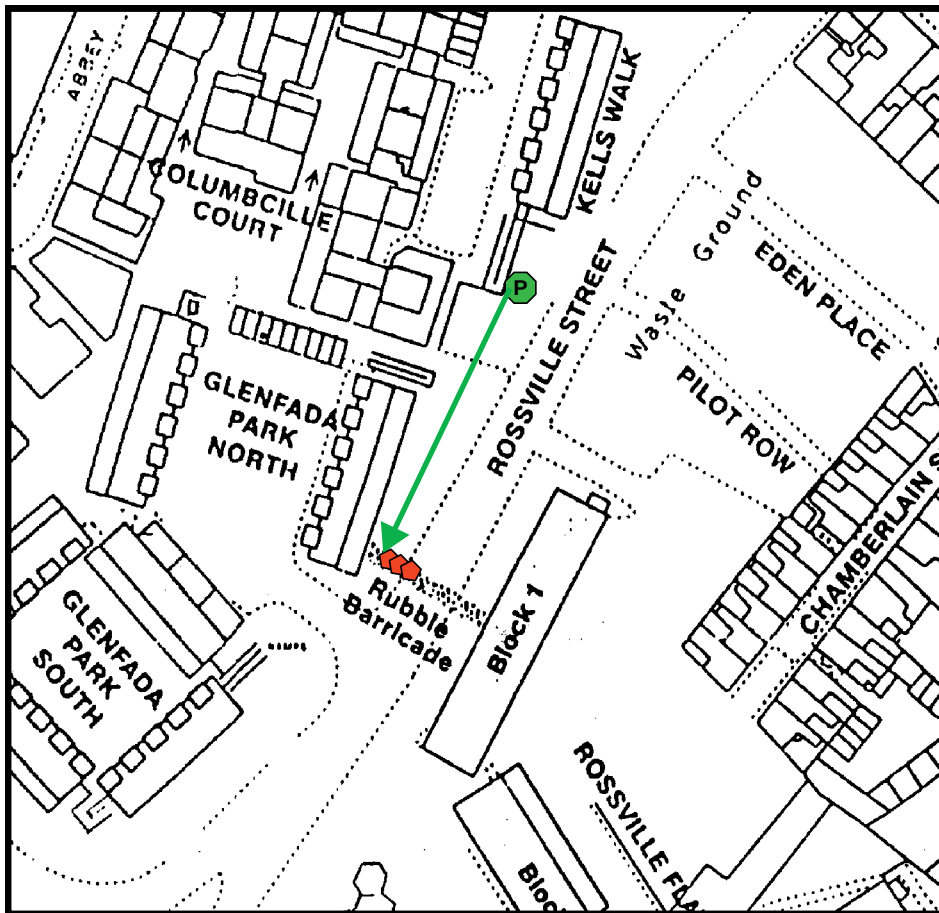
89.20 Earlier in this report¹ we have, for the reasons given, rejected Corporal P's evidence that soon after he had disembarked from Sergeant O's Armoured Personnel Carrier (APC) he had fired at and hit a man with a nail bomb whose body was removed by the crowd; and his account of firing four shots at a man with a pistol at the rubble barricade. As will have been seen, there is no civilian evidence to support his account of firing either at a man with a bomb or a man with a firearm; and much to contradict this account.

¹ Paragraph 73.27

89.21 In our view Corporal P was responsible for the shooting of one or more of the casualties William Nash, John Young and Michael McDaid. As we have previously concluded,¹ William Nash was shot first and after a short interval, John Young and then Michael McDaid were shot within a very short time of each other. We set out below Corporal P's trajectory photograph and a map depicting, according to that trajectory photograph, the line of his shots at what he said was a man with a pistol at the rubble barricade. This trajectory photograph also shows the shots that Corporal P said that he had fired at a nail bomber and over the crowd. On the same map we depict where we believe these three casualties were when they were shot.

¹ [Paragraphs 92.360–361](#)





Approximate positions of Michael McDaid, William Nash and John Young at the time at which they were shot. William Nash was in the middle of the three but the precise positions of these casualties at the rubble barricade are unknown.



Trajectory of Corporal P's four shots towards the rubble barricade, taken from his trajectory photograph

89.22 As will be seen, on the basis of Corporal P's trajectory photograph, his shots at what he described as a man with a pistol passed close to where we believe these three casualties were shot.

89.23 No other soldier gave evidence of seeing Corporal P fire these shots, even though on his account he was in front of soldiers at the low walls of the Kells Walk ramp; and Private 017 was close by. None of the soldiers who fired in Sector 3 gave an account that explained the shooting of three casualties close together and within a short time of each other.

- 89.24** In our view it is unlikely in the extreme that Corporal P would have admitted firing four shots in the direction of the rubble barricade if he had not in fact done so, since he would have known that people had been shot there. He told the Widgery Inquiry that when he shot there were about five or six people at the barricade, on either side of the man with a pistol.

Corporal P's state of mind

- 89.25** As we have stated earlier in this report,¹ we are sure that Corporal P lied when he said that he had aimed at and hit a pistol man at the rubble barricade, just as we are sure that he lied when describing shooting a nail bomber earlier. In our view there is no doubt that Corporal P lied about shooting the nail bomber in order to conceal the fact that he had not been justified in firing his rifle over the heads of people in Rossville Street, and that he lied about shooting the pistol man in order to conceal the fact that he had fired either in the belief that no-one at the rubble barricade was posing a threat of causing death or serious injury, or not caring whether anyone there was posing such a threat. We have considered both whether it is possible that Corporal P fired in fear or panic without giving proper thought as to whether or not he was justified in doing so, and whether it is possible that Corporal P fired in the mistaken belief that he had identified a man with or (as he told the Widgery Inquiry) firing a pistol, but we have found no evidence that in our view supports either of these possibilities. To our minds nothing in the conduct of William Nash, John Young or Michael McDaid could have led anyone to believe that any of them was or might be handling or firing a pistol; and we have found no evidence that suggests to us that anyone else near to these casualties could have been thought to have been doing so.

¹ [Paragraph 85.27](#)

- 89.26** Whether Corporal P was responsible for all three of these casualties remains in doubt, since, for the reasons given below,¹ Lance Corporal J might have been responsible for shooting one of them; and we cannot eliminate the possibility that Corporal E might have shot another.

¹ [Paragraph 89.35](#)

Corporal P's other shots

- 89.27** According to his accounts, which we have considered in detail earlier in this report,¹ Corporal P, after shooting a pistol man at the rubble barricade, noticed that Sergeant O's APC had moved from the Rossville Flats car park to the corner of Block 1 and he followed

the soldier he had been with towards that corner. He said that at that stage a crowd of about 50 or 60 people came out of Glenfada Park and attempted to cross the rubble barricade. These people were still throwing stones and he fired three shots over their heads to disperse them.

¹ [Paragraphs 85.2–28](#)

89.28 We have earlier¹ rejected this account. By the stage at which Sergeant O's APC moved to the corner of Block 1 of the Rossville Flats, people had been killed at the rubble barricade leaving it deserted save for the three shot there and Alexander Nash, who had gone to his son William, who was lying there with Michael McDaid and John Young.

¹ [Paragraphs 85.2–28](#)

89.29 We have earlier¹ discussed the evidence about a shot that hit the southern corner of the eastern block of Glenfada Park North at the level of the second floor windows and concluded that this shot was probably fired by Corporal P. It is not clear when this shot was fired.

¹ [Chapter 88](#)

89.30 We have found nothing that could have justified this firing or that could have led Corporal P to believe, albeit mistakenly, that he or his colleagues were in such danger from a crowd of people that his only recourse was to fire over their heads, at whatever stage this shot was fired. The same applies if Corporal P fired another two shots at the same sort of elevation.

89.31 There is, however, another possible explanation for Corporal P's account of these three shots, which is that he fired one or more of them at Alexander Nash, who was tending his dead or dying son at the rubble barricade, but in the knowledge that he had fired without believing that he had, or might have, identified someone posing a threat of causing death or serious injury, made up an account of shooting over the heads of a crowd. On the basis of his own account Corporal P fired these shots at a stage when Alexander Nash was (apart from the people already shot) probably on his own at the rubble barricade. However, this remains only a possibility and there is insufficient evidence to make any finding against Corporal P on this point. As we explain below,¹ there is also a possibility that Lance Corporal J was responsible for the injury to Alexander Nash.

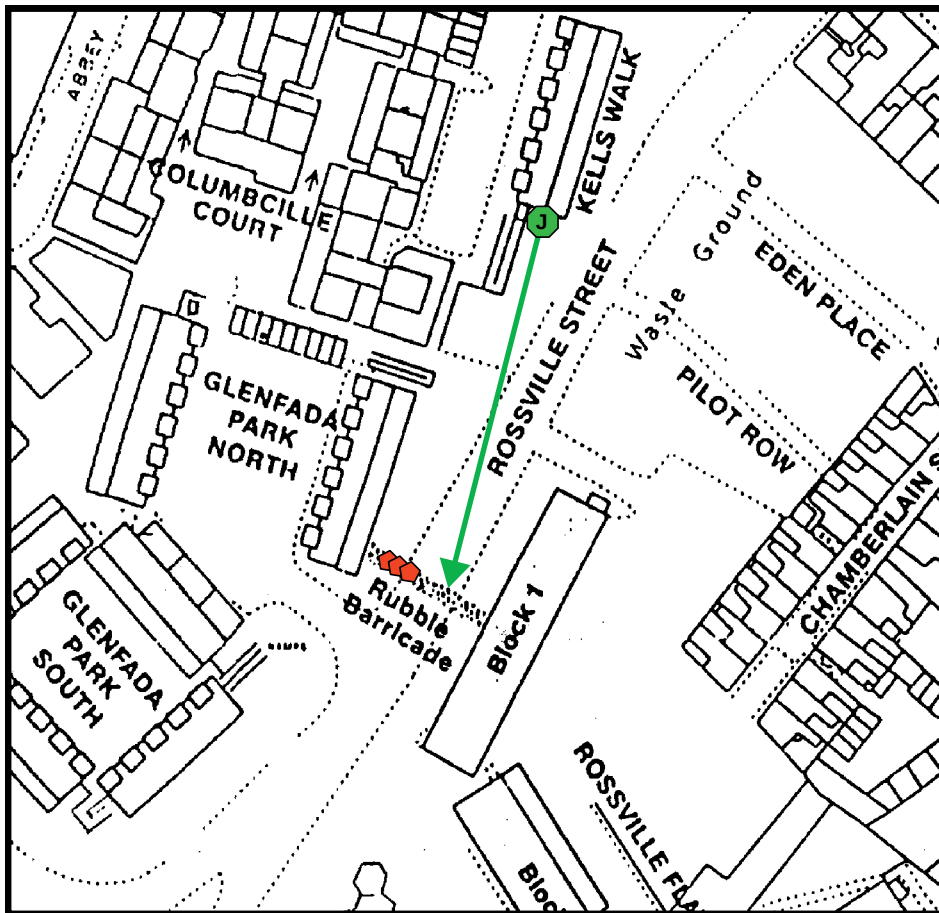
¹ [Paragraph 89.38](#)

Lance Corporal J

89.32 Lance Corporal J gave accounts of seeing nail bombs thrown from the direction of the rubble barricade and of seeing one explode, though none of the missiles came as far as his position. He described two gunmen who fired from the rubble barricade and a youth with a fizzing object that he was sure was a nail bomb. He said that he fired one shot at the nail bomber, which he thought missed.

89.33 We set out below Lance Corporal J's trajectory photograph and a map depicting the line of his shot at what he said was a nail bomber. The trajectory photograph also shows another shot that Lance Corporal J said that he had fired later at another nail bomber. On the same map we depict where we believe William Nash, John Young and Michael McDaid were when they were shot.





Approximate positions of Michael McDaid, William Nash and John Young at the time at which they were shot. William Nash was in the middle of the three but the precise positions of these casualties at the rubble barricade are unknown.



Trajectory of Lance Corporal J's first shot, taken from his trajectory photograph

89.34

We have earlier in this report¹ given our reasons for rejecting Lance Corporal J's evidence of gunmen at the rubble barricade and of nail bombs being thrown with one exploding; and his evidence that there was a nail bomber at the rubble barricade at whom he fired. As will have been seen, there is no civilian evidence to support his account of gunmen and nail bombers; and much to contradict this account.

¹ Paragraphs 82.6–7, 82–84 and 83.7–10

89.35 In these circumstances it is difficult to rely on Lance Corporal J's evidence to the effect that he missed his target at the rubble barricade, although we have found nothing that suggests to us that he fired more than one shot at this stage. In our view it is possible that he hit Michael McDaid, or John Young, or William Nash. We consider below¹ the question of Lance Corporal J's state of mind.

¹ [Paragraph 89.39](#)

89.36 After firing the shot that he claimed was fired at a nail bomber at the rubble barricade, Lance Corporal J described advancing towards the barricade, at which stage, according to him, several nail bombs were thrown, two of which exploded. He then described seeing a nail bomber at the southern corner of Block 1 of the Rossville Flats, and from the wall of the ramp at the northern end of Glenfada Park North firing one shot at this man, which he thought missed.

89.37 We have earlier¹ given our reasons for rejecting Lance Corporal J's evidence about nail bombs exploding and his evidence that he had identified and fired at a nail bomber at the southern end of Block 1 of the Rossville Flats.

¹ [Paragraphs 83.7–10](#) and [85.93](#)

89.38 We have no reason to doubt that Lance Corporal J fired one shot from the northern end of Glenfada Park North, though no other soldier gave specific evidence of seeing him do so. It is likely that Lance Corporal J fired at about the stage when other soldiers of Anti-Tank Platoon had gone, or were going into Glenfada Park North, as we describe when dealing with the events of Sector 4.¹ In our view therefore it is possible that Lance Corporal J fired the shot that injured Alexander Nash. This would provide an explanation for why he lied, as in our view he did, about his target, since if he did fire at Alexander Nash he could not have believed that he had, or might have, identified someone posing a threat of causing death or serious injury, and thus had a motive for seeking to conceal what he had done. However, as with Corporal P, this remains only a possibility and there is insufficient evidence to make any finding against Lance Corporal J on this point.

¹ [Chapter 93](#)

Lance Corporal J's state of mind

89.39 We have considered whether it is possible that Lance Corporal J fired in a state of fear or panic without giving proper thought to whether or not he was justified in doing so. However, when he first fired he was a long way from the rubble barricade, while his second shot was fired at a stage when in our view there was no activity of any kind in Sector 3 that might have induced panic. We have also considered whether it is possible that he mistakenly suspected that the people he fired at might have been about to throw nail bombs, albeit it is difficult to see what could have induced such a suspicion. However, we have found no evidence that in our view supports either of these possibilities. In our view there is no doubt that Lance Corporal J lied about gunmen, nail bombers and nail bombs in order to conceal, in the case of both his shots, the fact that he had fired either in the belief that no-one in the area towards which he was firing was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat.

Corporal E

89.40 As we have described earlier in this report,¹ Corporal E gave an account of firing from behind the low walls of the Kells Walk ramp at a man with a pistol, who had fired one shot from a window in the next-to-top floor of Block 1 of the Rossville Flats. We set out below his trajectory photograph, which also shows the trajectory of two shots that he said that he fired later in Glenfada Park North, which we consider when dealing with the events of Sector 4.²

¹ [Paragraphs 81.58–72](#)

² [Paragraphs 97.50–57](#)



89.41 No other soldier gave specific evidence about Corporal E firing from the low walls of the Kells Walk ramp.

89.42 As already noted,¹ there is no entry in Major Loden's List of Engagements that appears to relate to the shot that Corporal E said that he fired at a man firing a pistol from Block 1 of the Rossville Flats.

¹ [Paragraph 81.70](#)

89.43 There is no evidence from any source, other than Corporal E himself, that there was a gunman in the position he identified, or that he fired at that position, or that a bullet went in through any window in that position. For reasons we give elsewhere in this report,¹ we are of the view that in a number of important respects Corporal E lied in his 1972

accounts, in particular in describing a petrol bomb smashing and burning in front of the rubble barricade and in claiming (as we discuss when considering the events of Sector 4²) that after he had gone into Glenfada Park North, he encountered nail and petrol bombers and then shot a man who threw a petrol bomb and then a nail bomb in his direction. Thus although it is possible that Corporal E fired a shot from the low walls of the Kells Walk ramp at a window in the Rossville Flats, we do not accept that he had identified a gunman at that window or even that he believed that he had identified, or might have identified, a gunman. In view of the unreliability of Corporal E's accounts it is also possible that he did not fire up at Block 1 of the Rossville Flats at all but fired in another direction. We therefore cannot eliminate the possibility that he was responsible for shooting William Nash, John Young or Michael McDaid, and invented an account of firing up into Block 1 in order to escape responsibility for having shot a young man at the rubble barricade either in the belief that no-one at the barricade was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat.

¹ Paragraphs 89.8 and 100.4–7

² Paragraphs 97.50–57

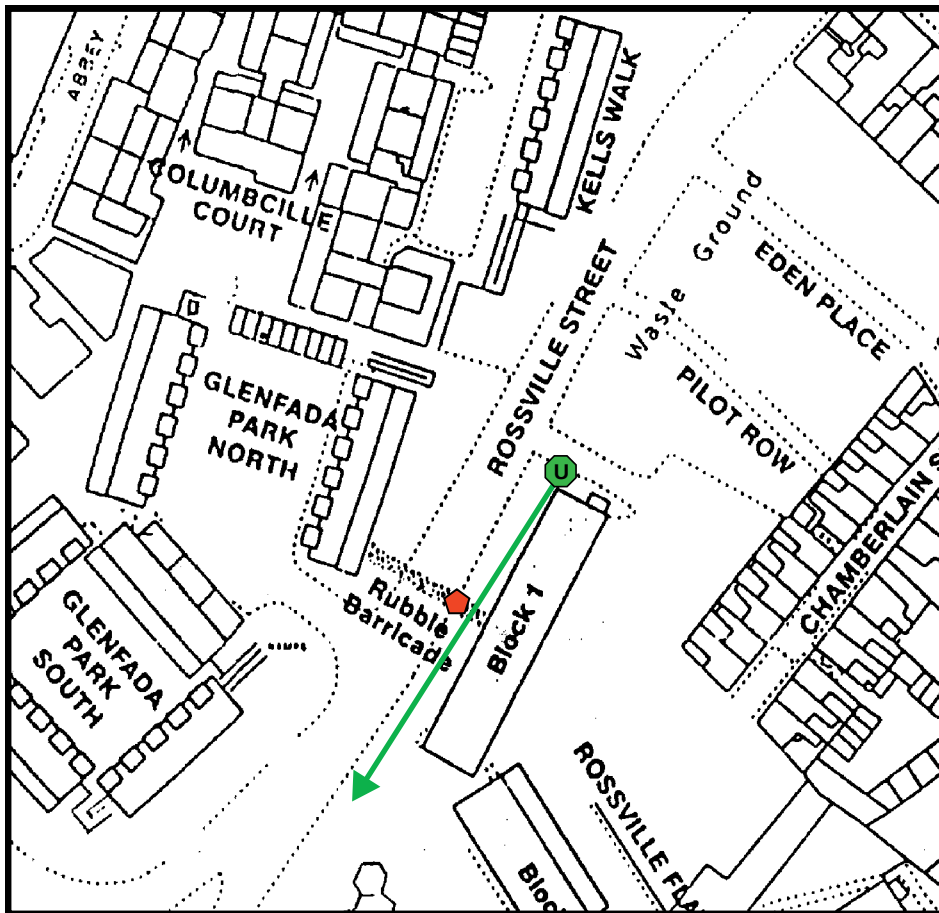
Private U

89.44 We have earlier¹ given reasons for our view that Hugh Gilmour was the casualty witnessed by Bombardier 015, who was watching events from the Peter England shirt factory and who saw a man shot by a soldier at the north-west corner of Block 1 of the Rossville Flats. Private U was the only soldier to have fired from that position along Rossville Street. We are sure that Hugh Gilmour was the casualty witnessed by Bombardier 015; and that Private U shot Hugh Gilmour.

¹ Paragraph 86.154

89.45 We set out below Private U's trajectory photograph and a map depicting the line of his shot at what he said was a man with a handgun. On the same map we depict the approximate position where we believe Hugh Gilmour was when he was shot.





Approximate position of Hugh Gilmour at the time at which he was shot. The precise position is unknown



Trajectory of Private U's shot, taken from his trajectory photograph

Private U's state of mind

89.46 For the reasons that we have given earlier in this report,¹ we reject Private U's account of firing at a gunman. To our minds there can be only one reason why he put forward what was in our view a knowingly false account of his firing, namely that he wished to conceal the fact that it was unjustified.

¹ [Paragraph 85.76](#)

- 89.47** In our view Private U did not fire in fear or panic without giving proper thought to whether or not he was justified in doing so, since we have found nothing that suggests to us that this might have been the case. We also consider that he did not fire because he mistakenly thought that his target was or might be about to shoot at him or his colleagues since, had that been the case, he would have had no reason to invent an account of shooting someone some distance from where he had in fact shot Hugh Gilmour. We have no doubt that Private U shot Hugh Gilmour either in the belief that Hugh Gilmour was not posing a threat of causing death or serious injury, or not caring whether or not he was posing such a threat.

Private L and Private M

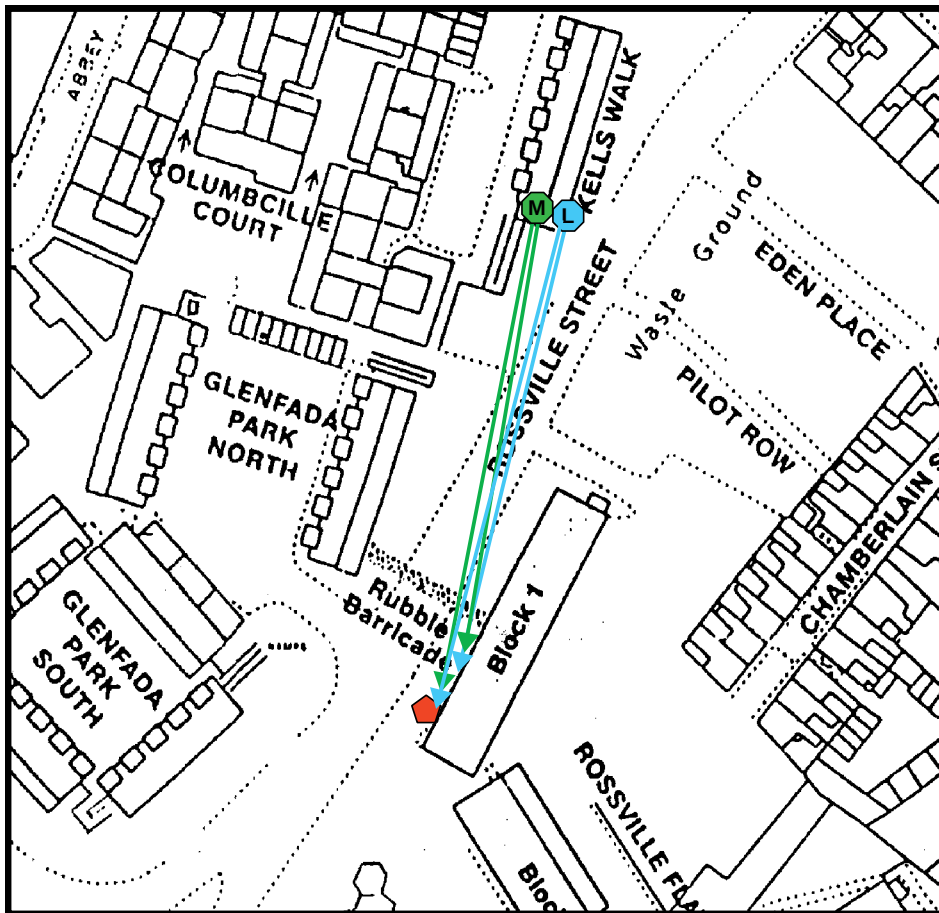
- 89.48** We are sure that Kevin McElhinney was shot by either Private L or Private M from the low walls of the Kells Walk ramp after Anti-Tank Platoon soldiers had moved forward from those walls and soldiers of Composite Platoon had taken their place. We have previously given reasons for our view that although Sergeant K fired at about the same time as Private L and Private M, he did not hit Kevin McElhinney or anyone else. We do not know whether it was the firing by Private L or by Private M that resulted in this casualty.
- 89.49** We set out below Private L's and Private M's trajectory photographs relating to this shooting and a map showing the line of the shots that they fired and the position in which we believe Kevin McElhinney was when he was shot.

Private L's trajectory photograph



Private M's trajectory photograph





Position of Kevin McElhinney at the time at which he was shot



Trajectory of Private L's shots, taken from his trajectory photograph



Trajectory of Private M's shots, taken from his trajectory photograph

Private L's and Private M's state of mind

89.50 As can be seen from the accounts of soldiers relating to the firing by Private L and Private M, which we have considered in detail earlier in this report,¹ their evidence was confused and conflicting. However, there is a common thread running through this evidence, which is that there were two men who were crawling away from the rubble barricade towards the entrance to Block 1 of the Rossville Flats. As we have observed earlier,² this is consistent with some (but not all) of the evidence given by civilians. In our view, in the light of both the civilian and the military evidence, there were probably two men who were trying to crawl to safety from the rubble barricade, when one of them, Kevin McElhinney, was shot. We are also of the view that it is probable that at this time Sergeant K fired one round, while Private L and Private M fired two each.

¹ [Chapter 84](#)

² [Paragraph 86.464](#)

89.51 The evidence of the soldiers about what the crawling men were doing varies in material respects. Sergeant K, Sergeant 014 and Private 032 described the man crawling after the other as having a rifle. Colour Sergeant 002 described the leading man as having a rifle and could see no weapon with the following man. Private L and Private M described both men as having a rifle, while Sergeant 035 described both dragging objects that looked like rifles. Corporal 039 described the leading man as having something that looked like a Thompson sub-machine gun and the following man as having some sort of weapon.

89.52 The evidence relating to the targets at which Private L and Private M fired also varies in material respects between the soldiers. Private L said that he fired two shots at the leading man and thought he had hit him with both shots and that his second shot had also hit the other man. Private M said that he had fired a shot at each of the men and thought that he had hit them both. Sergeant 035 said that both men had been hit. Sergeant K originally described both Private L and Private M shooting at the following man but told the Widgery Inquiry that he did not know which man they were shooting at, though he did not suggest that the leading man had been hit. Sergeant 014 and Private 032 said that only the following man had been hit. Colour Sergeant 002 said that he told Private L and Private M to fire at the leading man, which they did; and that this man was hit. Corporal 039 said that he told Private L and Private M to fire at the gunmen; the leading man flinched as if hit, while the following man appeared to be hit two or three times.

89.53 We have considered the significance of these inconsistencies in the evidence of the soldiers. As we have explained earlier in this report,¹ soon after the event Sergeant K and Private M reported to Captain 200, the Commander of Composite Platoon, that they had

fired at a gunman. Private L also reported firing two shots, and though it is not clear from Captain 200's list of the soldiers who fired, and of the details of their firing, whether Private L reported to him that he had engaged a gunman, it does appear that he and Private M (and perhaps also Sergeant K) told Major Loden the same evening that this is what they had done. Any joint decision to give a knowingly false account would therefore have had to be made very soon after the firing; and would have had to involve the soldiers who gave accounts of this incident (including three Senior NCOs) agreeing to join the scheme by providing knowingly false supporting evidence. There is the further point that the inconsistencies are such that so far from demonstrating that the soldiers had got together to concoct a story, they point to the conclusion that the accounts were given without any such collaboration.

¹ Paragraphs 84.1–6, 84.16, 84.41–43, 84.71–76 and 84.78

- 89.54** Our examination of the civilian evidence makes us sure that neither Kevin McElhinney, nor anyone near him as he tried to make his escape from the rubble barricade, was carrying a rifle or anything that could be mistaken for a rifle or a Thompson sub-machine gun. The question arises, therefore, how the soldiers could possibly have believed, as they said that they did, that one or both of the crawling figures had firearms with them.
- 89.55** In our view the answer to this question lies in the situation in which the firing in question took place. By this stage there had already been a substantial amount of firing by soldiers. Lieutenant N had fired three shots up the Eden Place alleyway. There had been a lot of further firing in Sector 2. Corporal P had fired two shots at what he said was a nail bomber, from further south along Rossville Street, and then a further four shots at what he said was a man with a pistol. A man with a pistol had fired at Private 017. The firing by Anti-Tank Platoon soldiers from the low walls of the Kells Walk ramp had also taken place shortly before Composite Platoon soldiers had taken their place there.
- 89.56** As we have explained earlier in this report,¹ we are of the view that in a number of cases soldiers had or may have mistakenly assumed that some at least of the firing by soldiers was from paramilitaries. But whether or not they did so is, in the present context, of little relevance. There had been a lot of firing. The soldiers arriving at the low walls of the Kells Walk ramp after Anti-Tank Platoon had moved forward must have heard much of this firing. This to our minds is likely to have led them to believe that there was in progress a large-scale encounter between soldiers and paramilitaries, whether or not they attributed

the firing, in whole or in part, to the latter, for they would have had no reason to suppose that soldiers had fired otherwise than at what they believed were people posing a risk of causing death or serious injury.

¹ [Paragraphs 30.127, 72.2 and 82.85](#)

89.57 In our view, Sergeant K, Private L, Private M and the other soldiers to whose evidence we have referred are likely to have been in this state of mind when they were at the low walls of the Kells Walk ramp. In other words, in view of what had been going on, it is in our view likely that they were expecting to see paramilitary activity at the rubble barricade.

89.58 We have earlier¹ commented that, particularly when under stress or when events are moving fast, people can often erroneously believe that they are seeing what they were expecting to see. When they were at the low walls of the Kells Walk ramp the soldiers were looking at and beyond the rubble barricade, which was some 80 yards away. Two crawling men appeared, moving south away from the rubble barricade. We can understand that someone (possibly Corporal 039) erroneously jumped to the conclusion that these were or might be gunmen and shouted (as he and Private M said that he had done) something to this effect, leading the others or some of them to believe that this could be so; or that those others or some of them independently jumped to the same or a similar erroneous conclusion, in consequence of which the firing then took place.

¹ [Paragraph 89.13](#)

89.59 To our minds this is a much more likely explanation for the subsequent confused and inconsistent accounts that the soldiers gave than an agreement between them to invent a reason for firing.

89.60 For these reasons we are of the view that it is unlikely that Private L or Private M (or indeed Sergeant K) fired in the belief that the crawling men would pose no threat of causing death or serious injury even when they had reached cover, or not caring whether or not either of the men would pose such a threat. At the same time we cannot accept that any of these three (or Colour Sergeant 002 or Corporal 039, both of whom said that they had ordered Private L and Private M to fire) could have been certain that he had identified a gunman or gunmen, as opposed to believing or suspecting that such a target might have been identified.

89.61 Sergeant K gave evidence that he had removed his respirator before firing.¹ Private L told the Widgery Inquiry that he had taken his respirator off before he had fired at the crawling figures.² It is not clear whether Private M was wearing his respirator when he fired, though

in his Royal Military Police statements he recorded that he and the soldiers with him were wearing their respirators as they advanced along Rossville Street.³ It is also not clear whether Colour Sergeant 002, Sergeant 014, Sergeant 035 or Corporal 039 were wearing respirators at the time when they said that they had seen a man or men crawling with rifles. Private 032 told us that he had not worn his respirator after he had disembarked.⁴

¹ WT15.80; WT15.86; B311.006-007

³ B347; B356

² WT16.14

⁴ B1616.005

89.62 Whether or not the soldiers were wearing respirators, which might have impeded their vision, they were looking at two men crawling south from the rubble barricade and away from the soldiers, probably by that stage some 100 yards away. Even if they were expecting to see paramilitary activity and mistakenly thought that they might have seen one or two men crawling away with rifles, in our view at that distance they could not have been certain that they had done so. We accordingly do not accept the evidence of these soldiers that they had been certain that they had identified a man or men with weapons.

89.63 Private L and Private M (and Sergeant K) fired at a man or men who were crawling away. In our view it is probable that they did so after being given an order to that effect by Colour Sergeant 002, Corporal 039, or both. None of the soldiers could have believed that their target or targets, crawling away from them in an obvious attempt to get away from the rubble barricade, were posing at that moment an immediate threat of causing death or serious injury to them or others.

89.64 Sergeant K sought to justify his firing on the grounds that there was a “*possible intention*” to use the firearm that he said that he saw and that Rule 13(b) of the Yellow Card permitted firing “*against a person carrying a firearm if you have reason to think he is about to use it for offensive purposes*”.¹ Sergeant 035 told us that while he would not have known that the gunmen he said he saw were about to use their weapons for offensive purposes, he believed that they were going to fire at soldiers when they had reached a position of cover.²

¹ Day 364/156-158; ED71.2

² Day 361/71-74

89.65 Private L, in his oral evidence to this Inquiry, gave the following answers:¹

“Q. Why did you shoot at a man who was trying to escape?

A. He has got a rifle, he may escape to the top of the flats and then pick us all off as a sniper. Hey, you cannot allow that to happen. Are you crazy or something?

Q. So were you prepared to shoot at any man that you saw with a weapon, whatever he was doing with that weapon?

A. Exactly, yes.

Q. Even if he was not taking any offensive action against you?

A. That is right, weapons are not allowed to be put in civilian hands in British society, as far as I know and anybody with a weapon is endangering somebody else.

Q. Did you regard yourself as permitted by the Yellow Card to fire at anyone with a weapon whatever he was doing?

A. Yes, because he could come back and use that weapon on us. Nothing worse than getting shot with your own shit, and that would have been a categoric excuse there, or case. Because of our negligence, then some of my mates could have got shot before – after. I would have been blamed for my own mates’ death. That happened enough in Aden.”

¹ [Day 381/90](#)

89.66 We have elsewhere in this report¹ commented that it would be unwise to rely on the evidence Private L gave to this Inquiry. Thus we are not sure whether this was his state of mind at the time he fired at the crawling men. If it was, he appears to have believed wrongly that he was entitled to fire at anyone with a firearm, whether or not he had reason to believe that his target was about to use his weapon for offensive purposes.

¹ [Paragraph 84.71](#)

89.67 Private M told us in his written statement to this Inquiry that he had made the instant decision to fire at the crawling men, and believed that the Yellow Card allowed him to do so, since “*As I was clear that we had already been under fire, I knew that if the two men could reach the sanctuary of this doorway, they would have then found a good sniping position from which they would fire at me or my colleagues*”.¹

¹ [B372.4](#)

89.68 Although we are not certain about this, it is our view that in the belief, albeit mistaken, that the soldiers were engaged in a major encounter with paramilitaries, and in the belief that one or both of the two men crawling away might have been armed, those who said that they ordered Private L and Private M to fire probably did so because they thought that there was a risk that one or both of these men would or might use their weapons. Colour Sergeant 002 told us in his written statement to this Inquiry,¹ *“As far as I was concerned there was a very clear risk. The man had a rifle and we thought he was going to use it and in fact he probably had used it. We were going to take his power away.”* Corporal 039 told us in his written statement to this Inquiry,² *“There was no doubt in my mind that he was a hostile gunman and that he would fire his weapon at me or another soldier if he was given the opportunity to do so. He was definitely a threat to us.”* In his oral evidence to this Inquiry he said that the single crawling man he now remembered *“would have been trying to get to different cover unseen”*, that he presented a threat to the soldiers and that he (Corporal 039) did not consider the possibility that he might simply have been trying to get away.³

¹ B1363.4

³ Day 362/78-79

² B1651.4

89.69 We are of the view that the soldiers concerned probably believed that the crawling men might pose a threat of causing death or serious injury once they had reached cover, though it is possible that Private L did not care whether or not they would pose such a threat.

Summary of conclusions

89.70 For the reasons that we have given we are sure that Lance Corporal F shot Michael Kelly; and that Corporal P shot at least one of William Nash, John Young and Michael McDaid, though Lance Corporal J may have been responsible for one of these casualties and we cannot eliminate the possibility that Corporal E was responsible for another. We are also sure that Private U shot Hugh Gilmour; and that Private L or Private M shot Kevin McElhinney.

89.71 We have earlier¹ expressed the view that a soldier shot and wounded Alexander Nash. It is possible that it was Corporal P or Lance Corporal J, but we have insufficient evidence to make any finding against either soldier on this matter.

¹ Paragraph 86.606

89.72 The soldiers were not justified in shooting any of the casualties in Sector 3. In our view Corporal E, Corporal P, Lance Corporal F, Lance Corporal J and Private U fired either in the belief that no-one in the areas towards which they were firing was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat; and Private L and Private M probably fired in the belief that they might have identified gunmen, but without being certain that this was the case.

89.73 After the casualties had been shot in Sector 3, there were other important events in that sector. These occurred after the events of Sectors 4 and 5 and we return¹ to consider them after examining the events of those sectors.

¹ [Chapters 121–124](#)

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

VOLUME VI

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Sector 4: Events in Glenfada Park North and Abbey Park

1

Sector 4: Events in Glenfada Park North and Abbey Park

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90.3 For reasons that we give in the course of considering the events of Sector 4, we have no doubt that Joe Friel, Michael Quinn, Jim Wray, William McKinney, Joe Mahon and Patrick O'Donnell were hit by Army gunfire in Glenfada Park North. Jim Wray and William McKinney were fatally wounded. Daniel Gillespie might have sustained a minor wound in Glenfada Park North as the result of Army gunfire, though it remains unclear whether, if this was so, he was hit directly by a bullet, or by a bullet that had ricocheted off a wall,

or by a splinter from a brick that was struck as a bullet hit a wall. A further two civilians (Gerard McKinney and Gerald Donaghey¹) were fatally wounded by Army gunfire in Abbey Park.

¹ In some documents Gerald Donaghey's name appears as Gerald Donaghy or Gerard Donaghy.

90.4 In the case of Jim Wray there is no doubt that he was shot twice, but whether he fell because he was shot and whether he was shot after he had fallen and was lying on the ground were matters of great controversy, which we consider in detail later in this part of the report.¹

¹ [Paragraphs 104.239–455](#)

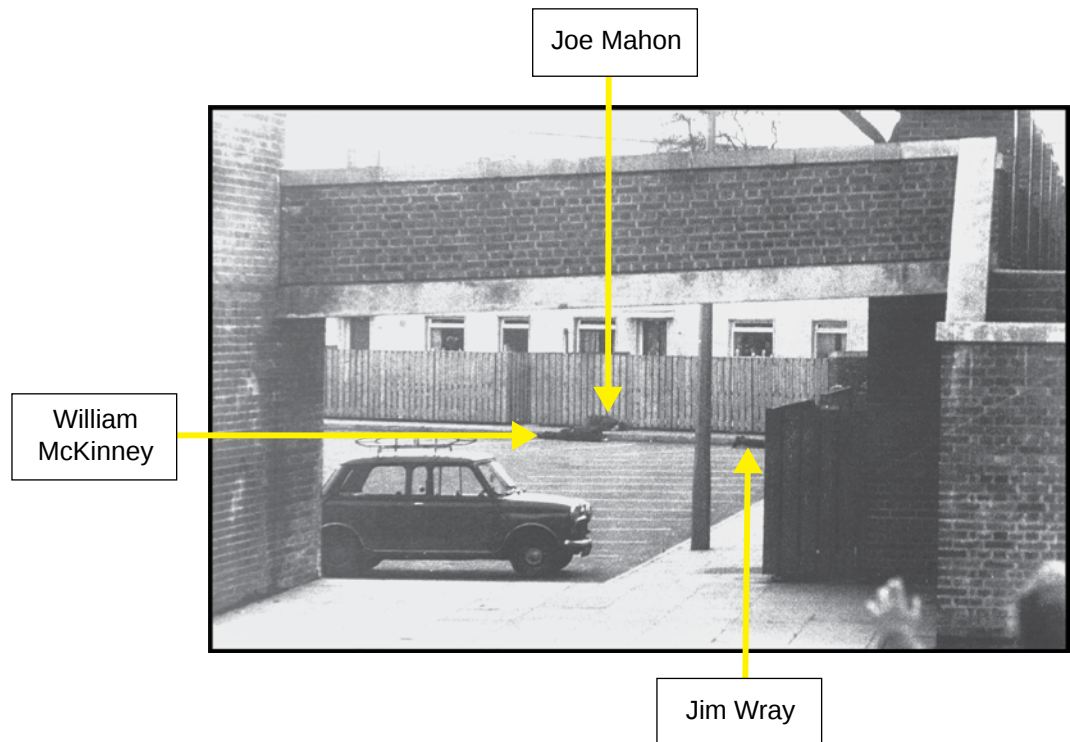
90.5 Joe Friel, Michael Quinn and Daniel Gillespie were injured near the south-west alleyway leading from Glenfada Park North into Abbey Park. Patrick O'Donnell was injured as he sheltered behind a fence at the southern end of the eastern block of Glenfada Park North.

90.6 Trevor McBride, a freelance photographer commissioned by the *Daily Mirror* to cover the march, took two photographs from a position in Columbcille Court of the scene in Glenfada Park North, shortly after the initial firing there.¹ There is very little difference between these photographs, other than that the one shown below is in sharper focus and shows a figure on the right-hand side in the foreground, seemingly looking at the same scene.

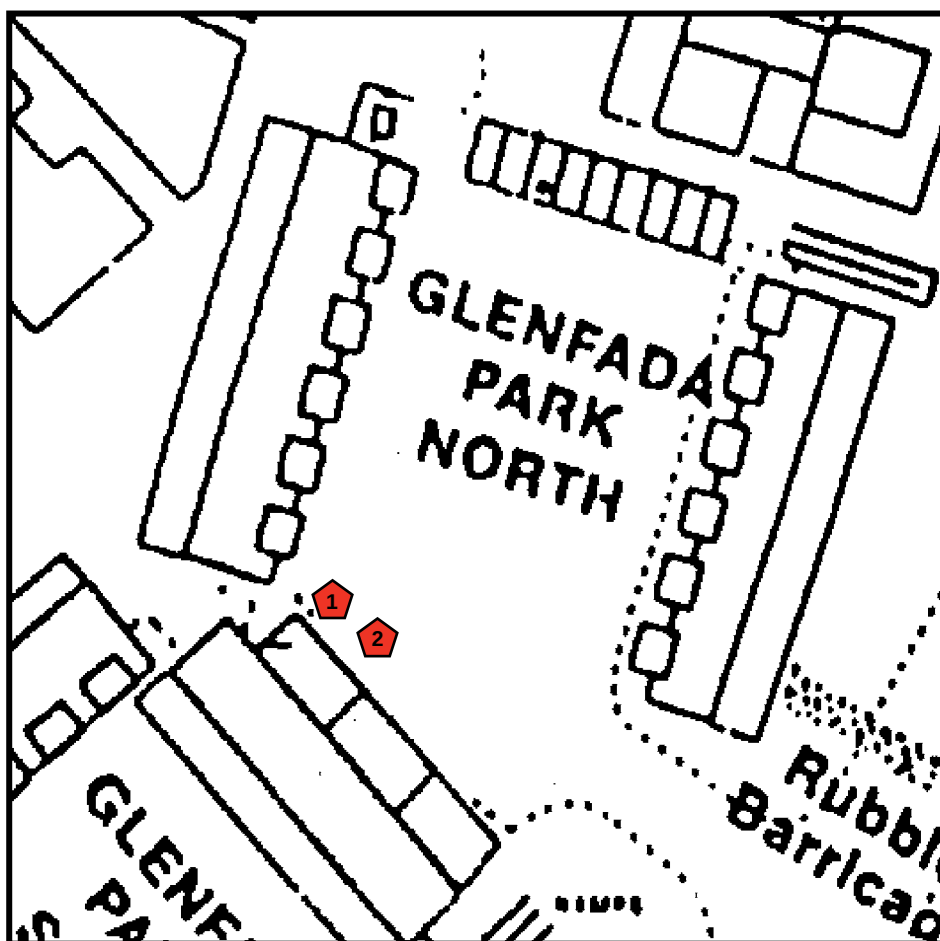
¹ [M53.2](#)

90.7 This photograph shows three bodies lying at the southern end of Glenfada Park North. There was some doubt at the Widgery Inquiry as to where William McKinney fell, and as is discussed later in this report,¹ several witnesses told this Inquiry that he was shot in Abbey Park. However, we are satisfied from the evidence that we have examined that the photograph shows William McKinney and Joe Mahon lying close together and the legs of Jim Wray, who was lying nearer to the south-west alleyway leading into Abbey Park, in or very close to the positions where they fell.

¹ [Paragraphs 104.459–464](#)

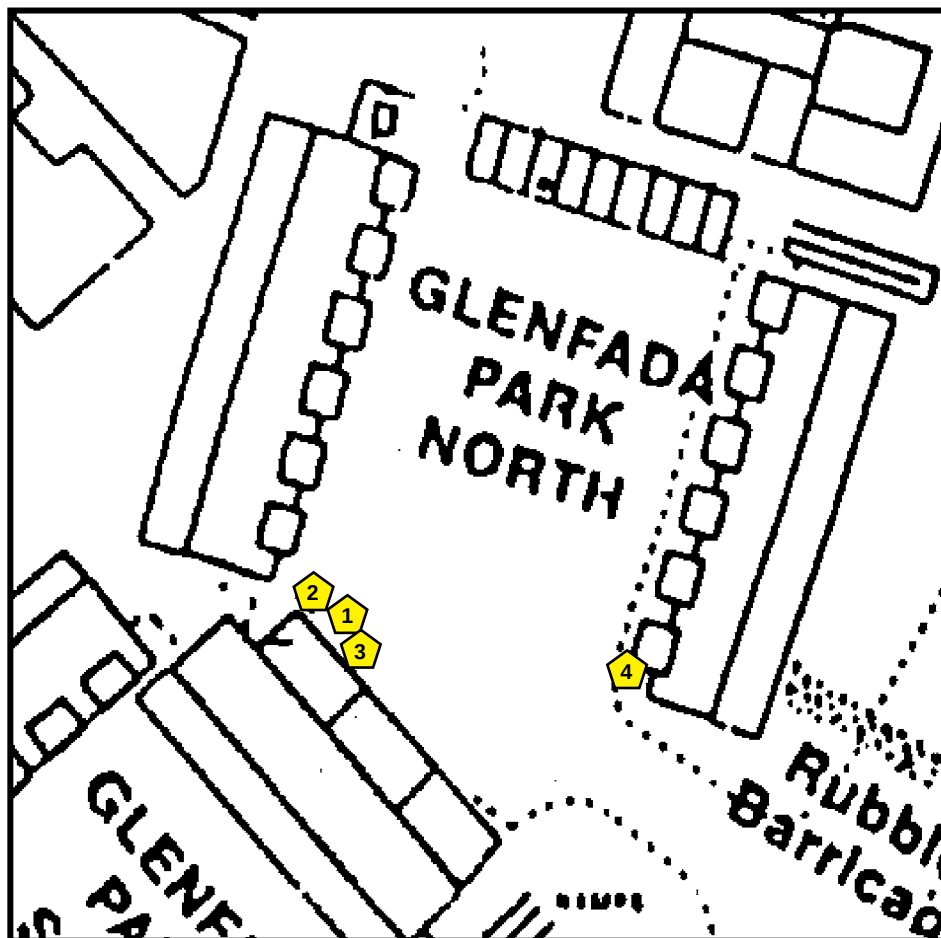
**90.8**

The following maps show the positions of those who were shot in Glenfada Park North.



Casualties who were killed or mortally wounded in
Glenfada Park North

- 1 Jim Wray
- 2 William McKinney



Casualties who were wounded in Glenfada Park North

- 1 Michael Quinn
- 2 Joe Friel
- 3 Joe Mahon
- 4 Patrick O'Donnell

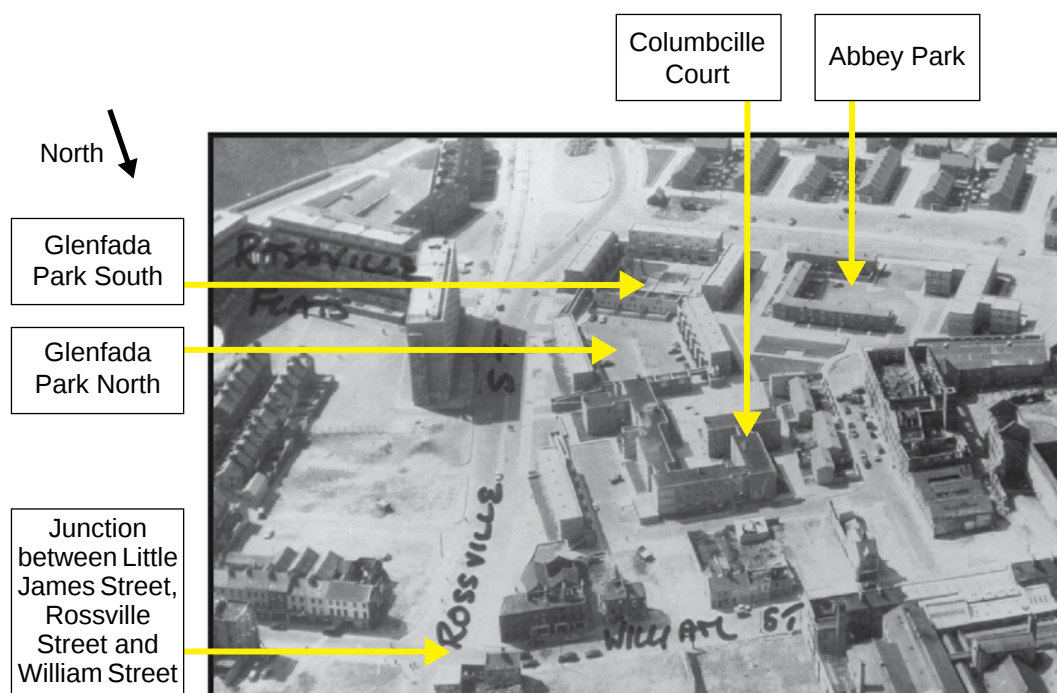
90.9

Gerard McKinney and Gerald Donaghey were fatally wounded in Abbey Park, after the casualties in Glenfada Park North. As we explain later,¹ they were crossing a set of low steps in front of the alleyway that led from Glenfada Park North when they were shot.

¹ [Chapter 107](#)

Chapter 91: The layout of this part of the city

91.1 Glenfada Park lay to the west of Rossville Street and the Rossville Flats. It was divided into two courtyards, known as Glenfada Park North and Glenfada Park South. To the west of Glenfada Park was Abbey Park, and to the north Columbcille Court.



91.2 Glenfada Park North consisted of a courtyard surrounded by buildings on four sides. To the north a row of garages separated Glenfada Park North from Columbcille Court. On the eastern side was a three-storey block of maisonettes. The block was approximately 45 yards long. To the south of the eastern block was an access road into Rossville Street. On the south side of Glenfada Park North were the yards of the northern block of Glenfada Park South. Again, this was a three-storey block of maisonettes. On the western side of the courtyard was another block similar to that on the eastern side. The western side of the west block faced onto Abbey Park.

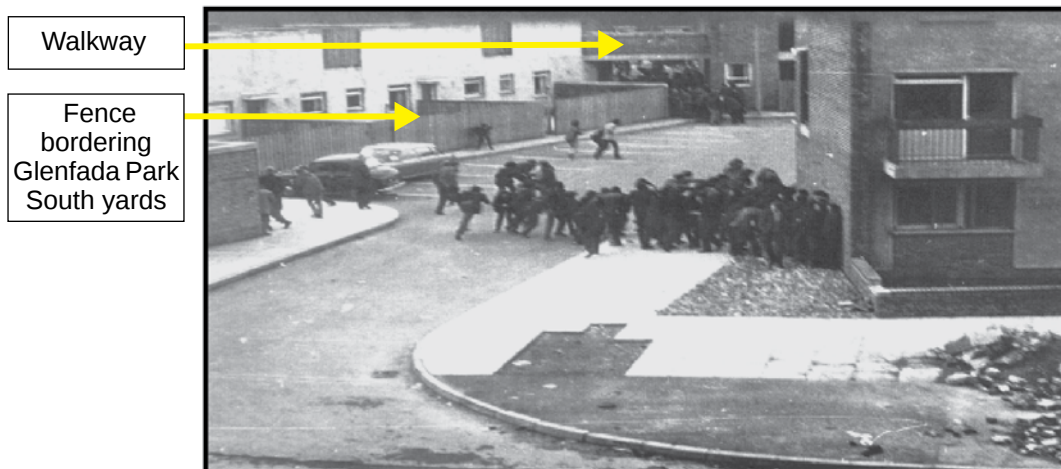
91.3 Running down the centre of the courtyard (in a roughly north–south direction) was an island on which a row of four trees had been planted. The trees were still present on Bloody Sunday although they are absent from many photographs taken at a later date. Along the east, west and south sides of the courtyard car park spaces were marked with white painted lines.

- 91.4** The eastern block of Glenfada Park North faced outwards onto Rossville Street. On the side facing into Glenfada Park North, a balcony ran the length of the block. In front of the balcony was a series of two-storey brick structures, attached to the main block at ground level. Between each of these structures was a wooden fence and gate, giving access to the residents' yards. The eastern block, viewed from Glenfada Park North, is shown in the photograph below. This photograph was not taken on Bloody Sunday and does not show all the fencing.



- 91.5** On the south side of Glenfada Park North was a wooden fence, about 30 yards long, which bordered the yards of the maisonettes of the northern block of Glenfada Park South. Gates in the fence gave access to the yards. A pavement ran along the north side of the fence. The northern block of Glenfada Park South was joined to the western block of Glenfada Park North by a walkway at first floor level. The fence and the walkway can be seen in the photograph below.¹

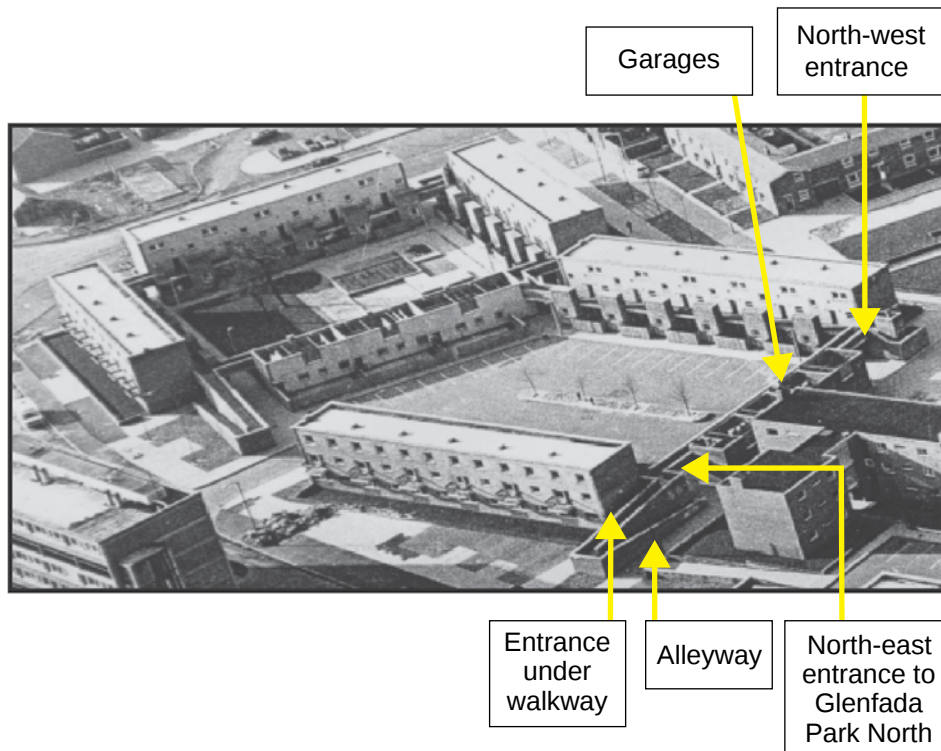
¹ The provenance of this photograph is uncertain, as we discuss elsewhere in this report ([Chapter 176](#)).



91.6 The western block of Glenfada Park North was of similar construction to the eastern block. It is seen in the background in the photograph below, which was taken from the Rossville Street entrance on the south-east side.



91.7 There were entrances to Glenfada Park North from all four corners. There were two pedestrian entrances leading from the south of Columbcille Court; one in the north-east corner of Glenfada Park North and one in the north-west. A walkway ran at first floor level along the top of the garages that separated Columbcille Court from Glenfada Park North. The entrances ran underneath the walkway. They are shown in the photograph below.

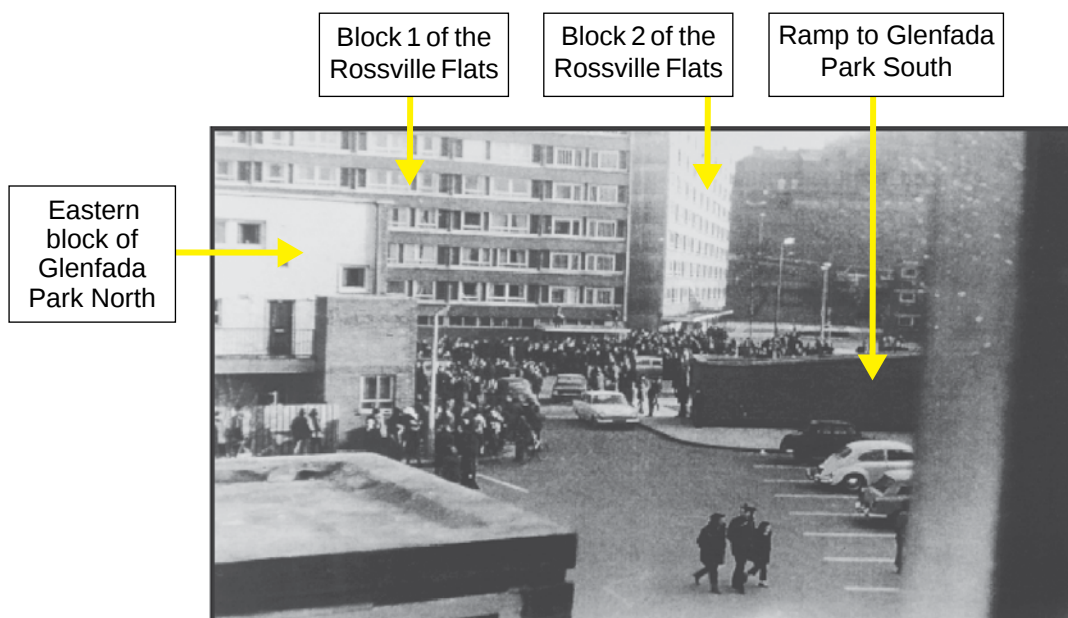


91.8 The north-east entrance could be reached directly from Columbcille Court or from Rossville Street. The photograph above shows a ramp leading from the ground to the first floor of the eastern block of Glenfada Park North. An alleyway running parallel with the ramp led from Rossville Street to Columbcille Court, giving access to the north-east entrance into Glenfada Park North. It was also possible for a pedestrian to walk between the ramp and the north gable end of the eastern block of Glenfada Park North, going underneath the walkway at the top of the ramp and turning left into Glenfada Park North.

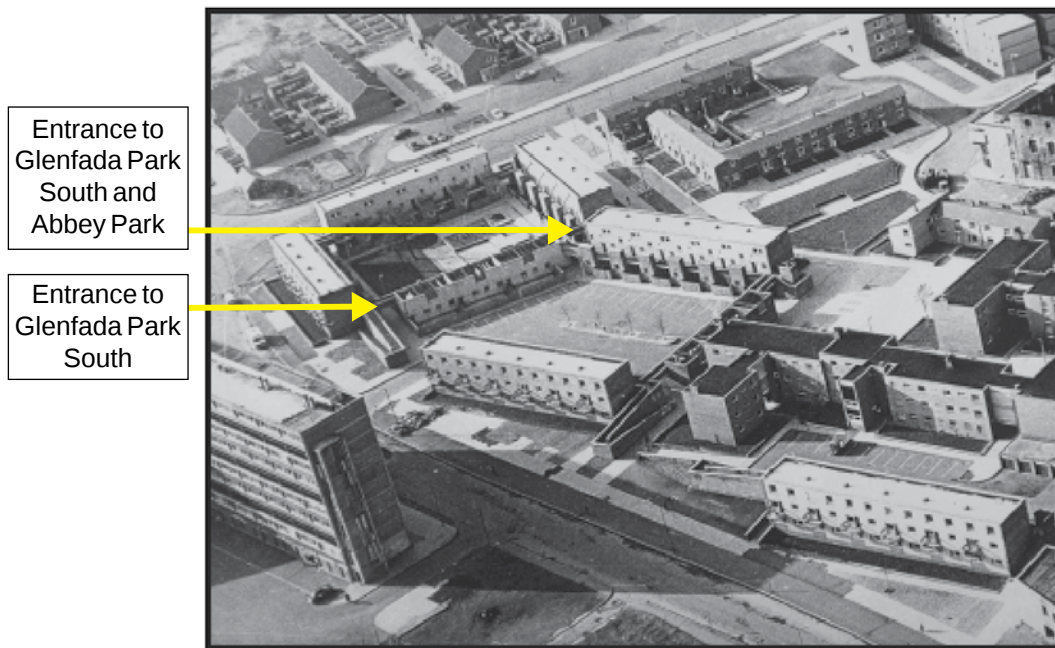
91.9 The north-west entrance can be seen in the photograph below. As we have noted earlier, this photograph was taken from Columbcille Court; the photographer was looking southwards into Glenfada Park North. This photograph also shows the wooden fence that bordered the yards on the south side of Glenfada Park North.



- 91.10** The access road from Rossville Street is seen in the photograph below, which was not taken on Bloody Sunday. The access road was in the south-east corner of Glenfada Park North. The photograph was taken from the west side of Glenfada Park North. Blocks 1 and 2 of the Rossville Flats can be seen immediately behind the access road.



- 91.11** Pedestrian access from Glenfada Park North to Glenfada Park South was also possible at the south-east corner of Glenfada Park North. The photograph above shows part of the ramp that led to the first floor of Glenfada Park South. The photograph below shows the pedestrian entrance on the west side of that ramp.



91.12 At the south-west corner of Glenfada Park North it was possible to walk underneath the walkway that joined the northern block of Glenfada Park South to the western block of Glenfada Park North. It was then possible to turn left into Glenfada Park South or to go straight on to Abbey Park.

91.13 We describe Abbey Park later in this report.¹

¹ [Chapter 106](#)

91.14 Many of the witnesses referred simply to Glenfada Park in their evidence. Unless noted otherwise, these references were to Glenfada Park North.

Chapter 92: Civilian evidence of the situation immediately before and as soldiers entered Glenfada Park North

92.1 As we have described when considering the events of Sector 3, Michael Kelly was shot at the rubble barricade on Rossville Street. He was carried to the southern end of the eastern block of Glenfada Park North, where people (including Fr Denis Bradley) tended to him as he lay on the ground. There is a chronological sequence of photographs taken by Liam Mailey, showing the scene.





92.2 The third of these photographs shows Fr Bradley, then a Catholic priest and curate at Long Tower Parish,¹ walking away from Michael Kelly towards Rossville Street.

¹ [H1.2](#)

92.3 Fr Bradley gave evidence to this Inquiry and to the Widgery Inquiry; he was also interviewed by *Sunday Times* journalists in 1972. He stated that he knelt down beside Michael Kelly, saw that he had been shot but was still alive, and administered the last rites to him. He then asked those standing around to carry Michael Kelly to a place where he could get medical treatment. Fr Bradley said that he was about to accompany those who had then lifted Michael Kelly when his attention was drawn to other people lying at the rubble barricade and he made his way in that direction. He recalled that during this period he could hear shooting, and he had the strong impression that this was coming from the northern end of Rossville Street.¹

¹ [H1.30](#); [WT7.36](#); [H1.8-10](#); [Day 140/115-122](#)

92.4 Ciaran Donnelly, a photographer for the *Irish Times*, took three photographs which show a group of people carrying Michael Kelly, firstly in a northerly and then in a westerly direction in Glenfada Park North.



92.5 In his evidence to the Widgery Inquiry and his interview with the *Sunday Times*, Liam Mailey suggested that the youth gesticulating in the first of his photographs reproduced above was warning bystanders of the presence of soldiers in Glenfada Park North.¹ In our view this was not the case. Ciaran Donnelly's photographs of Michael Kelly being carried across the car park were taken after this first photograph, and they do not show any indication that soldiers were present in the courtyard. Ciaran Donnelly's evidence to this Inquiry, which is consistent with that which he gave to the Widgery Inquiry, was that he left Glenfada Park North by the north-west exit after taking the three photographs of the group carrying Michael Kelly, and that as he did so he heard people shouting that soldiers were approaching and firing at civilians.² This indicates to us that members of Anti-Tank Platoon entered Glenfada Park North very shortly after Ciaran Donnelly took the last of the photographs shown above, and this sequence is supported by the evidence of those civilians shown in this photograph and the two that preceded it.

¹ WT7.37; M50.52

² M22.2; M22.21; Day 71/40-41

92.6 The following civilians have either identified themselves, or have been identified, as part of or accompanying the group shown carrying Michael Kelly in Ciaran Donnelly's photographs: George Downey;¹ Joseph Donnelly;² Paddy Doherty;³ Pearse McCaul;⁴ Charlie McLaughlin;⁵ and Patrick Moyne.⁶ Pearse McCaul and Daniel Gillespie recalled that Seamus Friel, who died without giving evidence to this Inquiry, was also among those who accompanied this group.⁷

¹ Day 123/44-45

⁵ Day 177/82-86

² AD124.4; AD124.10; Day 128/97-98

⁶ Day 162/31-32

³ Day 128/131; Day 157/156

⁷ AM93.3; AG34.8; Day 158/84-88; Day 158/29-30

⁴ Day 164/88-89

92.7 The man at the front of the group on the right was Joseph Donnelly. He told this Inquiry that he removed his tie in order to use it to staunch the bleeding from Michael Kelly's stomach, as can be seen in the photographs above.¹ The clothing and possessions found on and with Michael Kelly's body were subsequently sent to the Department of Industrial and Forensic Science for testing. Their records show that "*a brown tie accompanied the body*".² It seems likely that this belonged to Joseph Donnelly.

¹ AD124.4

² D37

92.8

Jim Wray, who was shot and killed in Glenfada Park North very soon after Ciaran Donnelly took the photographs, is also shown in them. He is the person wearing a dark hat and jacket to the right of the group in the second and third of these photographs.¹ Gregory Wild, then 14 years old, identified himself as the boy carrying something (possibly a lump of wood) to the right of Jim Wray in the third photograph.²

¹ FS4.135² AW15.9

Jim Wray



Jim Wray

Gregory Wild

92.9 John O’Kane stated in 1972¹ and to this Inquiry² that he and his brother-in-law, Gerard McKinney, were among those carrying Michael Kelly. Neither man is identifiable in the second and third of Ciaran Donnelly’s photographs and it is likely that John O’Kane and Gerard McKinney had by this time separated from the group. Gerard McKinney, who was also seen lifting Michael Kelly by Desmond McNabb,³ was subsequently shot and mortally injured in Abbey Park. The circumstances of his death are considered below.⁴

¹ [AO48.13](#); [AO48.24](#)

³ [AM373.1-2](#); [AM373.5](#); [AM373.7](#)

² [AO48.3](#); [Day 163/13-16](#); [Day 163/70-73](#)

⁴ [Chapter 107](#)

92.10 While the men carrying Michael Kelly moved across Glenfada Park North, a larger group remained at or around the southern end of the eastern block of the complex, often referred to as the gable end. Many of these people had taken shelter from the shooting in Rossville Street, and some of them can be seen in the photographs of Liam Mailey and Ciaran Donnelly reproduced above. The situation was fluid, and several witnesses recalled that they moved from this area into Glenfada Park South or Abbey Park at some point in this period.¹ However, this Inquiry has evidence from more than 30 people who were still at or near the gable end as the soldiers entered Glenfada Park North,² and the most significant evidence from those within this group is discussed below.

¹ [CS6.20-23](#)

² [CS6.23-24](#)

92.11 At least three people, George Roberts,¹ Hugh O’Boyle² and Anthony Coll,³ moved from the gable end to take cover behind a nearby car or cars shortly after Michael Kelly was carried from the rubble barricade. They each identified their position as being behind the vehicles shown in the first photograph reproduced below.⁴ The doubts about the provenance of this photograph are considered elsewhere in this report,⁵ but in any event, footage taken from the Army helicopter which flew above the Bogside on that day shows that at least one car was parked in a similar position, as shown in a still from that footage, also reproduced below.⁶

¹ [AR13.8](#); [Day 151/81-83](#)

⁴ [Day 151/81-83](#); [Day 13/14](#); [AC84.6](#)

² [AO1.4-6](#); [AO1.11](#); [Day 132/6-27](#)

⁵ [Chapter 176](#)

³ [AC84.1-2](#); [AC84.6](#); [AC84.14](#)

⁶ [E24.10-14](#); [CS6.33-34](#)



Car

92.12 There were some people who, it appears, broke into an unused flat in the eastern block of Glenfada Park North in order to take shelter there. Alphonsus Cunningham stated to this Inquiry that he moved to the back yard of a flat in the middle of the eastern block of the complex after he had seen Michael Kelly carried into Glenfada Park from the rubble barricade. He told us he recalled that between 10 and 20 others broke into the flat, which previously had no-one inside, in order to take cover.¹ In his Northern Ireland Civil Rights Association statement Alphonsus Cunningham recorded that after seeing an injured youth (presumably Michael Kelly) being carried “*in the Abbey Street direction*” he then “*had to take cover in a flat*”.²

¹ AC125.3; Day 150/18-20; Day 150/33-35

² AC125.5

92.13 Brendan Gallagher and Noel Kelly both gave accounts in 1972 of taking refuge in a flat on the eastern side of Glenfada Park North, and Brendan Gallagher gave evidence to this Inquiry to the same effect.¹ Both men indicated that the flat in question was located slightly to the south of the one identified by Alphonsus Cunningham,² but it is likely that all three were involved in the same incident. None of these witnesses refer to seeing soldiers in Glenfada Park before they took shelter and hence we are satisfied that they did so before the first members of Anti-Tank Platoon arrived there.

¹ AG4.6; AG4.3; Day 147/204; AK18.1; AK18.3

² AG4.3; AG4.7; AK18.2

92.14 It is possible that those or some of those involved in getting into a flat can be seen behind the fence in the background of the third of the photographs taken by Ciaran Donnelly of the group carrying Michael Kelly across Glenfada Park North.



92.15 Other witnesses have given evidence of taking cover in other buildings around Glenfada Park North shortly before soldiers entered the area. John Shiels told this Inquiry that he was in the middle of a line of people who were let into flats on the first floor of the eastern block of the complex.¹ A number of people, including the journalists Nell McCafferty, Nuala Ni Dhomhnaill and Patsy Murphy, took shelter in a house on the south side of Glenfada Park North. This was most probably 59 Glenfada Park, the most westerly of the maisonettes. Bernard Doyle, who lived there with his elderly mother, told this Inquiry that after hearing gunfire, he let about 30–40 people run through his house, though the journalists said that they remained in the house throughout the subsequent gunfire. William Kelly recorded in 1972 accounts that he was visiting his mother-in-law at this address and let “*three girls*” in just before or as the soldiers entered the square.²

¹ [AS19.10](#)

² [M54.4-7](#); [M54.13](#); [Day 168/130-131](#); [Day 169/13-20](#); [M60.2-3](#); [Day 173/8-9](#); [AM486.2](#); [Day 165/53-59](#); [AD185.2](#); [Day 180/133-134](#); [AK29.1-3](#); [CS6.25-26](#)

92.16 Oliver Green, who was eight years old at the time of Bloody Sunday, told us that after hearing gunfire in the Rossville Street area he took cover with his friend Gary English in one of the yards on the south side of Glenfada Park North, while others went into the house behind him. It may well be that this was also 59 Glenfada Park.¹

¹ [AG52.2-3](#); [Day 152/109-111](#)

92.17 As can be seen from the three photographs taken by Ciaran Donnelly of the group carrying Michael Kelly, several people were standing close to the walls and fences of the eastern block of Glenfada Park North. Gerry McLaughlin identified himself and his friend, Danny McCloskey, as is shown in the photograph below. He told us that he remained at or near this spot until he saw a soldier coming into Glenfada Park North, whereupon he and Danny McCloskey ran through the north-eastern entrance to Glenfada Park South.¹ Don Boyle also identified himself as another person shown on the eastern side of Glenfada Park in Ciaran Donnelly's photographs. He stated to this Inquiry that when the soldiers arrived he with others fled towards the south-west corner and the alleyway to Abbey Park.²

¹ [AM332.2-3](#); [AM332.13](#); [Day 162/116-124](#)

² [AB47.2-6](#)

92.18 One of the civilians who was wounded on Bloody Sunday, Michael Quinn, is also pictured on the eastern side of the car park. Michael Quinn was shot as he ran from this position to the south-west corner of Glenfada Park North, and the circumstances in which he sustained his injuries are discussed later in this report.^{1, 2}

¹ [AQ11.25-26](#); [AQ 11.39](#)

² [Paragraphs 104.145-163](#)



Michael Quinn

92.19 A number of witnesses appear to have run into Glenfada Park North through one of the northern entrances, just before the soldiers arrived in the area.¹ These include: John McCourt;² Manus Morrison;³ Eugene Bradley;⁴ Gerard Coyle;⁵ Charles Coyle;⁶ Dennis Patrick Irwin;⁷ George Hillen;⁸ John McLaughlin;⁹ and OIRA 7.¹⁰ Donncha MacFicheallaigh told this Inquiry that in the moments before the soldiers arrived in Glenfada Park North he saw a group of civilians running from the north-east to the north-west corner of the complex, and from there through towards Columbcille Court. He said that he believed that Gerald Donaghey, who was shot and mortally injured in Abbey Park in circumstances that are considered later in this report,¹¹ might have been in this group.¹²

¹ CS6.36-43; CS6.56-57

⁷ AI3.8; AI3.2; Day 170/70-77; CS6.36-37

² AM144.1-2; AM144.7; Day 152/134-137; Day 152/165-167

⁸ AH74.3; Day 164/26-29

³ AM437.1; AM437.4; Day 154/105-108; CS6.38

⁹ AM500.1

⁴ AB113.1-4; AB113.8; Day 169/150-174; CS6.37-38

¹⁰ AOIRA7.11; Day 398/67; Day 398/162-169

⁵ AC90.1-4; Day 155/4-21; Day 155/31-32

¹¹ Chapter 107

⁶ AC88.5-6; AC88.12; Day 146/167-171; Day 146/176-180

¹² Day 409/102-103

92.20 John McCourt was one of those who gave evidence to this Inquiry of running into Glenfada Park North through the north-eastern entrance shortly before the soldiers arrived. He stated that he ran through the car park with the intention of reaching his wife's grandmother's house at the southern end of the western block. As he made his way in that direction he told us that he grabbed hold of a youth and dragged him behind the fence surrounding the house's yard.¹ It is possible that the youth was Malachy Coyle, who told us that he had been milling about at the northern end of Glenfada Park North, and recalled a similar incident in which he had been pulled into a yard,² although there are some differences in the detail between his account and that of John McCourt.³ We consider the evidence of both men in greater detail below.

¹ AM144.1-2; AM144.7; Day 152/134-137; Day 152/165-167

³ CS6.40-41

² AC97.20; AC97.12

92.21 It appears that Michael Wilson also took cover in a yard in the same area, possibly next door to the one into which Malachy Coyle and John McCourt went. Michael Wilson told this Inquiry that he ran from Rossville Street into the yard of the southernmost flat in the western block of Glenfada Park North when he first heard shooting.¹ In his Keville interview, Michael Wilson referred to hiding in a back yard in Columbcille Court,² but he told us that he must have meant Glenfada Park North.³ He also told this Inquiry that he recalled that other people were in the yard with him;⁴ in 1972 he referred to taking cover with "*another boy*".⁵ Again, we consider Michael Wilson's evidence in more detail below.

¹ AW18.1; AW18.11

⁴ AW18.2

² AW18.12

⁵ AW18.12

³ AW18.4

Summary of the civilian evidence

92.22 A summary of the situation in Glenfada Park North as described by civilian witnesses was provided by Counsel to the Inquiry in their submissions.¹ We are satisfied that it is an accurate summary and set it out, with minor revisions, in the following paragraphs.

¹ [CS6.54-57](#)

Movement in Glenfada Park North before the soldiers arrive

92.23 There was considerable civilian movement and activity in Glenfada Park North in the period immediately preceding the arrival of Anti-Tank Platoon in the area. The civilian witnesses who have given evidence to this Inquiry have indicated for the most part that their actions at this point were motivated by a desire to seek cover at a time when they could hear gunfire on Rossville Street. In many cases the witnesses said that they had seen casualties at the rubble barricade, or bullet strikes on the masonry of the south end of the eastern block of the complex.

People carrying Michael Kelly's body

92.24 A group of at least seven men were carrying or assisting the carriage of Michael Kelly from the southern end of the eastern block of Glenfada Park North across the courtyard, as shown in Ciaran Donnelly's photographs.¹ When the soldiers arrived, shortly after the last of these photographs was taken, several of these men fled through the south-west corner, leaving Joseph Donnelly to carry Michael Kelly while George Downey and Paddy Doherty helped to clear the way. Others appeared to move into or through the Abbey Park alleyway independently of those carrying Michael Kelly (eg Matthew Connolly and Gerry Doran).

¹ [Paragraph 92.4](#)

92.25 A number of other civilians, including Gregory Wild, Jim Wray and Daniel Gillespie, were close to this group as it moved across the courtyard. The precise positions of John O'Kane and Gerard McKinney are not clear, but it is probable that they were carrying Michael Kelly at some stage shortly before the last two of Ciaran Donnelly's photographs were taken, and that as the soldiers entered Glenfada Park, they fled through the south-west exit.

92.26 A relatively large number of civilians (at least 13) passed through Glenfada Park North and into Glenfada Park South at various points shortly before the arrival of the soldiers.

- 92.27** Several people, including Hugh Duffy and Ciaran Donnelly, moved out of Glenfada Park through the north-western entrance at this time.

People staying at the gable end

- 92.28** A group probably numbering at least 30 remained at or near the southern end of the eastern block of Glenfada Park North at this stage.
- 92.29** At least three people (George Roberts, Hugh O'Boyle and Anthony Coll) had taken cover behind a car or cars in the south-east corner of the Glenfada Park North car park.

People breaking into flats on the eastern side

- 92.30** The Inquiry has evidence from three witnesses, Alphonsus Cunningham, Brendan Gallagher and Noel Kelly, who broke into a flat in the eastern block of the complex in order to take cover. Alphonsus Cunningham and Brendan Gallagher both indicated that several other civilians were involved in this incident. John Shiels took cover with others in a flat on the floor above.

People sheltering in 59 Glenfada Park

- 92.31** At 59 Glenfada Park, Bernard Doyle and his elderly mother appear to have let Nuala Ni Dhomhnaill, Patsy Murphy and Nell McCafferty into their house, possibly with other civilians. Two boys, Oliver Green and Gary English, hid in the yard after being ushered to the area by Mrs Doyle.

People close to fences and walls

- 92.32** Several other civilians were standing close to the fences and walls of the complex. These included Gerry McLaughlin, Danny McCloskey, Don Boyle and Michael Quinn on the eastern side of the courtyard, and Malachy Coyle to the north and west. Malachy Coyle subsequently took cover in the yard of a flat in the western block of the complex, possibly with John McCourt. Michael Wilson believed that he hid in the same garden or the one next door.

Vehicles

92.33 In the photograph of uncertain provenance that we have reproduced above,¹ two cars can be seen in the south-east corner of Glenfada Park North. We discuss the vehicles in this area and the movement of some of them later in this report. Footage taken from the Army helicopter which flew above the Bogside on that day shows that at least one car was parked in a similar position. There is also some evidence that there was a vehicle in the north-west corner, and another in the north-east corner, of Glenfada Park North, as well as a car parked about halfway down the western side.

¹ [Paragraph 92.11](#)

People entering Glenfada Park North before the soldiers arrive

92.34 John McLaughlin, John McCourt, Manus Morrison, Eugene Bradley, OIRA 7, Dennis Patrick Irwin, Charles Coyle and Gerard Coyle all entered Glenfada Park North through the north-east entrance at some stage between the arrival of the soldiers in Rossville Street and their appearance in the courtyard. The timing of the movement of these civilians – who are most unlikely to have been the only people to have moved in this direction – is generally difficult to reconstruct. While it is probable that several of them entered Glenfada Park North well before Anti-Tank Platoon, John McCourt and Charles and Gerard Coyle appear to have arrived only moments before the soldiers. Once in Glenfada Park North, John McCourt and Manus Morrison ran towards the south-west of the courtyard; John McLaughlin, Eugene Bradley, Dennis Patrick Irwin, and Charles and Gerard Coyle ran along the eastern block.

92.35 We deal later in this report¹ with the question of paramilitary activity in Glenfada Park North.

¹ [Chapter 111](#)

Chapter 93: The movement of soldiers into Glenfada Park North

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- 93.1** We are satisfied that the soldiers who first entered Glenfada Park North were members of Anti-Tank Platoon. The 17 members of that platoon present in Londonderry on Bloody Sunday had deployed into the Bogside in the last two Armoured Personnel Carriers (APCs) that went through Barrier 12, and most of them had subsequently moved to a position behind the low wall at the southern end of Kells Walk. As is described earlier in the course of considering the events of Sector 3, in the following minutes a number of Army shots were fired in Rossville Street.
- 93.2** Soldiers of Anti-Tank Platoon moved forward of the low walls of the Kells Walk ramp and into Glenfada Park North after Michael Kelly had been shot at the rubble barricade, and probably after John Young, Michael McDaid, William Nash and Hugh Gilmour had also been shot in Sector 3, though before Kevin McElhinney was fatally wounded in Rossville Street and Alexander Nash was wounded at the rubble barricade.
- 93.3** We first turn to consider whether the movement into Glenfada Park North took place after the soldiers had been ordered to cease fire; and then consider who was responsible for that movement, before turning to consider the reason for the move.

The ceasefire order

- 93.4** It was submitted by the legal representatives of the Wray family that the movement of soldiers into Glenfada Park North took place after Major Edward Loden, the Commander of Support Company, had given a ceasefire order.¹ The suggestion is based in the main on the evidence given by Private 027, who was the radio operator for Lieutenant 119,

the Platoon Commander of Anti-Tank Platoon. In his 1972 statements to the Royal Military Police (RMP) and the Widgery Inquiry, Private 027 recorded hearing “a shout from the rear” to cease fire, which was repeated by those around him at the low walls of the Kells Walk ramp, before the platoon proceeded further to the south and ultimately into Glenfada Park North.² He stated that he could not say who gave the original order.³ In an account that he wrote in 1975, the provenance of which is discussed elsewhere in this report,⁴ Private 027 described hearing Major Loden give an order over the radio to cease fire, and claimed that he passed this on by shouting out the order and running along the line of soldiers at the low walls of the Kells Walk ramp, tapping them on the shoulder.⁵ In his evidence to this Inquiry, Private 027 maintained that he had received Major Loden’s ceasefire order on the radio before soldiers went into Glenfada Park, but could not explain why he had said in 1972 that the order had been shouted.⁶

¹ FS4.155-156

⁴ Chapter 179

² B1547; B1552

⁵ B1565.006

³ B1547

⁶ B1565.42; Day 246/77-78; Day 246/81-83; Day 247/20; Day 248/88-93

93.5

The legal representatives of the Wray family submitted that the evidence of Private INQ 635, a member of Anti-Tank Platoon who also appears to have been present at the low walls of the Kells Walk ramp, supported Private 027’s account.¹ Private INQ 635 stated in his written evidence to this Inquiry that at some point after shots were fired towards the rubble barricade by soldiers at the walls, he heard “an order to ‘cease fire’ or ‘stop firing’”. He had “no recollection of who gave that command or where it came from”.² In his oral evidence to this Inquiry, Private INQ 635 said that he had become uncertain of this aspect of his evidence, as he might have been confused by seeing television footage of Bloody Sunday, or by his recollections of other occasions.³

¹ FS4.156

³ Day 352/1-2

² C635.4

93.6

There is no other evidence that there was a ceasefire order given to Anti-Tank Platoon before they left the low walls of the Kells Walk ramp, and the Platoon Commander, Lieutenant 119, told this Inquiry that he did not receive one.¹

¹ Day 363/144

93.7

We are satisfied that Major Loden did order a ceasefire considerably later, and that he can be heard doing so on film footage taken by an ITN news team accompanying the reporter Gerald Seymour.¹ The soundtrack of the film contains two orders; one in which Major Loden is heard shouting “cease firing” after what appear to be two shots; in the other he shouts “... do not fire back for the moment unless you identify a positive target”.

Major Loden told the Widgery Inquiry that he gave the second of these orders,² but he was not asked about the first. In his evidence to this Inquiry he again accepted that he had given the second order, and said that the first was “*probably*” him as well.³ Gerald Seymour and his producer David Phillips told the Widgery Inquiry that both orders were given by the same officer.⁴ We are satisfied that they were and that this officer was Major Loden.

¹ Vid 3 05.55

³ B2283.008; Day 346/56-59

² WT12.14

⁴ M72.3; WT2.26; M66.3; M66.4.1; WT2.16; WT2.17

93.8 There are a number of reasons for concluding that these orders were given after Anti-Tank Platoon had moved forward of the low walls of the Kells Walk ramp.

93.9 First, the footage was filmed in the lee of the Rossville Flats, and the evidence of Gerald Seymour, supported by the cameraman Peter Wilkinson and David Phillips, was that before they arrived there they had filmed “*a group of prisoners being led from the Abbey Street – Kells Walk area, including one woman*”.¹ As is discussed below, these were the people arrested by members of Anti-Tank Platoon after these soldiers had moved off Rossville Street and into Glenfada Park.

¹ M72.2; M82.2; M66.2-3

93.10 Second, Gerald Seymour told the Widgery Inquiry that the orders were given at about 4.30pm,¹ and Major Loden gave a similar estimate of 1635 hours.² This would have been about 20 minutes after Support Company deployed through Barrier 12, and we are satisfied that it did not take members of Anti-Tank Platoon anything like this length of time to disembark, move to the low walls of the Kells Walk ramp, fire towards the rubble barricade and then move into Glenfada Park North.

¹ M72.3

² B2222; WT12.15-16

93.11 Third, Gerald Seymour stated in 1972 that he did not hear any further shooting after the second ceasefire order,¹ and Major Loden told the Widgery Inquiry that he gave this order “*after the main flush of fire had ceased*”.² These statements are not consistent with the idea that this occurred shortly before Anti-Tank Platoon advanced from the low walls of the Kells Walk ramp, as within a very short time of that movement more than a dozen shots were fired in Glenfada Park North and Rossville Street.

¹ M72.3

² WT12.15

93.12 Finally, Major Loden told this Inquiry that he did not give his order “*not to fire back for the moment*” until after he had moved his command vehicle to the north end of Block 1 of the Rossville Flats,¹ and this is consistent with his evidence to the Widgery Inquiry.² In the background of the ITN film footage on which the orders can be heard, military vehicles can be seen parked just to the north of Block 1. As is discussed below, we are satisfied that the majority of Anti-Tank Platoon were filmed advancing from the low walls of the Kells Walk ramp by a different camera crew. In that footage, Major Loden’s command vehicle is shown still parked on Rossville Street, and there are no APCs or other vehicles drawn up in the lee of the Rossville Flats.³

¹ B2283.006-008

³ Vid 48 11.35

² B2222; WT12.15-16

93.13 We are accordingly satisfied that Major Loden gave the ceasefire orders that were recorded on the ITN footage after Anti-Tank Platoon soldiers had moved forward of the low walls of the Kells Walk ramp, and indeed after they had withdrawn with the people they had arrested from Glenfada Park North. The context in which these orders were given is considered later in this report,¹ in our discussion of late firing in Sector 3.

¹ Paragraphs 124.92–95

93.14 Major Loden told this Inquiry that he did not recall giving any ceasefire orders other than the ones captured on the ITN footage,¹ and specifically that he had not given such an order over the radio earlier in the day.² Other than the evidence of Private 027 and Private INQ 635 discussed above, there is nothing to contradict Major Loden’s recollection.

¹ Day 343/65

² B2283.008

93.15 It may be that Private 027 and Private INQ 635 heard Major Loden’s later ceasefire orders, but confused the chronology of events when they came to give their statements and other accounts. In any event, we are sure that Major Loden did not give any ceasefire order while Anti-Tank Platoon was present at the low walls of the Kells Walk ramp. Further, in view of the varying accounts given by Private 027, the uncertain, vague and non-contemporary evidence given by Private INQ 635 on this point, and the lack of support for their recollections from other witnesses, we are of the opinion that no such order was given to this platoon by anyone else at this time.

The order to move forward

93.16 Lieutenant 119, the Platoon Commander, gave an initial statement to the RMP on 31st January 1972. In this he recorded that “*Under the command of ‘E’ and ‘F’ a number of my platoon entered a square, Columbcille Court*”.¹ From the rest of the statement it is clear that Columbcille Court was a mistake for Glenfada Park North. Lieutenant 119 recorded nothing at this stage about who, if anyone, had ordered this move.

¹ [B1752.041](#)

93.17 Lieutenant 119 gave a second statement to the RMP on 4th February 1972. In this he recorded that he heard what sounded like a pistol and saw muzzle flashes at the corner of Glenfada Park. After giving details of this and other firing, Lieutenant 119 continued: “*I noticed that it was possible to get into Glenfada Park from an entrance directly to my right. I sent ‘E’ and ‘F’ together with a party of men around the right of Glenfada Park, and sending for my vehicles at the same time for cover.*”¹

¹ [B1752.039-040](#)

93.18 In his written statement for the Widgery Inquiry, Lieutenant 119 again recorded that his platoon came under fire from “*the opening into Glenfada Park, just behind the rubble barricade*”, from where he saw muzzle flashes. He made arrangements to bring his vehicles forward to provide cover and recorded that “*I then ordered some men forward into the courtyard of Glenfada Park, hoping to cut off the gunman by the barricade*”.¹

¹ [B1752.044](#)

93.19 Lieutenant 119 gave a consistent account in his oral evidence to the Widgery Inquiry, in which he added that he ordered Corporal E and Lance Corporal F to take a party of men into Glenfada Park. Lieutenant 119 said that he subsequently followed them.¹

¹ [WT14.12](#); [WT14.13-14](#); [WT14.19-20](#)

93.20 In his written evidence to this Inquiry, Lieutenant 119 told us that he could not recall the circumstances of the deployment into Glenfada Park North: “*I do not now remember whether I ordered it or whether [the soldiers who moved forward] did it because it was appropriate in order to secure our flanks.*”¹

¹ [B1752.016](#)

93.21 The only soldier who gave an account in 1972 of being ordered into Glenfada Park by Lieutenant 119 is Lance Corporal J, who told the Widgery Inquiry: “*I think there was a Platoon Commander standing behind us who shouted, ‘Move into Glenfada Park as there*

*are a lot of people there and arrest them’.*¹ As Lieutenant 119 was Lance Corporal J’s Platoon Commander, this evidence could be considered to support Lieutenant 119’s account. However, it was Lieutenant 119’s evidence that he ordered his men into Glenfada Park to cut off a gunman; he said nothing of shouting that they should move there in order to arrest “*a lot of people*”. Further, the surrounding detail of Lance Corporal J’s evidence, which is discussed in our consideration of the events of Sector 3, leads us to conclude that at the time that he heard this order he had already moved forward of the low walls of the Kells Walk ramp to the “*alleyway leading to Glenfada Park*”.² and that by the time he entered the courtyard Lance Corporal F and Private G were already there.³ In his evidence to this Inquiry, Lance Corporal J told us that he had no current recollection of these matters.⁴

¹ WT15.31

³ WT15.32

² WT15.31

⁴ B289.4; Day 370/53-54

93.22

In contrast to the evidence given by Lieutenant 119, Corporal E claimed that he was responsible for giving the order for members of Anti-Tank Platoon to move to Glenfada Park North. In his written statement for the Widgery Inquiry, Corporal E recorded that after he had witnessed events at the rubble barricade (from what was almost certainly the low walls of the Kells Walk ramp), he saw part of the crowd trying to infiltrate to their left (his right) through Glenfada Park, “*so I got four or five men and we moved forward from the opposite side through an archway*”.¹ In his oral evidence to the Widgery Inquiry, Corporal E said that he had not received any instructions or orders from anyone and had moved into Glenfada Park on his own initiative to cut off this crowd.² He accepted “*full responsibility*” for this decision.³ In his first RMP statement Corporal E gave a similar description of the move, but did not say anything about who had initiated it.⁴ As is noted above, Lieutenant 119 told the Widgery Inquiry that Corporal E was one of the men whom *he* ordered to lead a party into Glenfada Park.⁵ Corporal E is dead and gave no evidence to this Inquiry.

¹ B94-95

⁴ B87

² WT14.31

⁵ WT14.13; WT14.19

³ WT14.38-40

93.23

Lance Corporal F gave evidence to the Widgery Inquiry that supported Corporal E’s account. He told that Inquiry that he had moved to Glenfada Park as a result of an order from Corporal E, rather than one from his “*platoon officer*” (Lieutenant 119).¹ In his RMP statements and his written statement for the Widgery Inquiry, Lance Corporal F had described moving into Glenfada Park in general terms, but he did not comment on who had ordered him to do so. He told this Inquiry that he had no recollection of the details surrounding this issue.²

¹ WT14.63-64

² B167.4-7

93.24 We have heard considerable evidence that within 1 PARA's platoons, one soldier would generally be "*paired*" with another during operations, in order to provide mutual support and cover, although on some occasions they would work in groups of three. It appears from the evidence of those involved that on Bloody Sunday Lance Corporal F was paired with Private G,¹ and Corporal E was paired with Private H.² It follows that if Corporal E and Lance Corporal F were to move, Private G and Private H, both of lower rank, would be likely to go with them.

¹ [B121](#); [B137](#); [B168](#); [B186](#); [WT14.75](#)

² [B263](#); [B264](#); [Day 377/52-53](#)

93.25 Private G told the Widgery Inquiry that he followed Lance Corporal F when he moved forward of the low walls of the Kells Walk ramp.¹ He stated that he did not hear whether Lance Corporal F received an order to advance into the alleyway leading into Glenfada Park,² but as Private G was of a lower rank, his own movements were dictated by those of his non-commissioned officer (NCO). Private G did not explain in his RMP statements why or on whose orders he and others went into Glenfada Park.³ He is dead and gave no evidence to this Inquiry.

¹ [B186](#); [WT14.77](#)

³ [B168-180](#)

² [WT14.85](#)

93.26 Private H told the Widgery Inquiry that while he was at the low walls of the Kells Walk ramp, he did not receive any orders at all.¹ In his RMP statements he made no reference to hearing an order to move into Glenfada Park,² but like Private G, Private H would have been likely to follow the NCO with whom he was operating.³ During his oral evidence to this Inquiry, Private H was asked whether he recalled any order from the NCOs or an officer to go to Glenfada Park, or whether he just went there. He replied: "*We just went I think, sir, I think.*"⁴

¹ [WT15.8](#)

³ [Day 378/80](#)

² [B218-232](#)

⁴ [Day 378/80-81](#)

93.27 Private 027, the only other member of Anti-Tank Platoon to have given evidence in 1972 of the events in Glenfada Park North, did not refer in his statements to the RMP or the Widgery Inquiry to hearing any orders to advance.¹ His written account from 1975 and his evidence to this Inquiry do not assist further on this issue.² Several other soldiers from the same platoon were present at the low walls of the Kells Walk ramp, and as is discussed below, it is likely that all moved forward of this position. None of these soldiers gave evidence in 1972, and we have not been assisted by the evidence that they gave to this Inquiry on who, if anyone, ordered the platoon into or towards Glenfada Park North.

¹ [B1546-B1552](#)

² [B1565.006](#); [Day 246/83](#)

93.28 There is a clear dispute in the evidence given to the Widgery Inquiry by members of Anti-Tank Platoon, as to who gave the order to move forward of the low walls of the Kells Walk ramp and into Glenfada Park. Lieutenant 119 and Corporal E each claimed responsibility and it is not possible to reconcile their evidence. Corporal E's account is supported by the evidence of Lance Corporal F. Private G and Private H stated that they followed the NCOs with whom they were operating, and were not aware of the origin of the order to advance. Lance Corporal J's evidence was that he was told to move into Glenfada Park by Lieutenant 119, but his recollection of the words used and the time at which he heard them is inconsistent with the Platoon Commander's own evidence to the Widgery Inquiry.

93.29 The evidence given by these soldiers on the separate but related issue of what was occurring to the south of the low walls of the Kells Walk ramp immediately before the platoon moved forward is also markedly dissimilar. As is noted above, Lieutenant 119 told the Widgery Inquiry that he ordered his men into Glenfada Park North to cut off a gunman. In contrast, Corporal E informed the same Inquiry that he took four or five men forward in response to seeing a crowd infiltrate the area to the west of the rubble barricade. Lance Corporal J's evidence was that Lieutenant 119 had instructed the platoon to arrest "*a lot of people*",¹ or "*a lot of the demonstrators or rioters or terrorists*"² who had gone into Glenfada Park, although the chronology of his account indicates that this order occurred after the initial movement from the low walls of the Kells Walk ramp.

¹ WT15.31

² WT15.39

93.30 Lance Corporal F recorded in his first RMP statement, timed at 0240 hours on 31st January 1972,¹ that immediately before he moved to Glenfada Park he saw "30–40 rioters" leave the rubble barricade and "*go to the right behind a block of flats*" (a description that fits with their movement into Glenfada Park North).² In his second RMP statement, dated 4th February 1972, he did not mention this group of rioters, but said that he saw three men, one of whom was carrying "*what looked like a rifle*", move from the rubble barricade north-west into the area of the Glenfada Park flats.³ The representatives of the majority of represented soldiers sought to resolve this apparent discrepancy by submitting that in his second account Lance Corporal F was in effect stating that "*there were amongst that crowd [of 30–40 rioters] three men, one of whom appeared to be carrying a rifle*".⁴

¹ B125.004

³ B129

² B122

⁴ FS7.2014

93.31 We do not accept this point for two reasons. First, there is no mention of any such crowd in Lance Corporal F's second RMP statement. Second, such an interpretation is inconsistent with Lance Corporal F's evidence to the Widgery Inquiry. This was similar to the account that he gave in his second RMP statement,¹ and he stated in his oral evidence to the Widgery Inquiry that when he entered Glenfada Park North he saw no civilians in the area other than the three men that he had seen flee from the rubble barricade.² Thus after his RMP statement of 31st January 1972, Lance Corporal F did not mention the group of 30–40 rioters again. In our view, had he seen what appeared to be a gunman as he later asserted, we are sure that he would have mentioned this in his first RMP statement. A number of people did move from the rubble barricade into Glenfada Park North and Lance Corporal F may well have seen this, but we do not accept his later and inconsistent account of seeing a gunman and only two other people. We return to Lance Corporal F's evidence below.

¹ B137; WT14.46-47; WT14.68

² WT14.73

93.32 Private G told the Widgery Inquiry¹ that while he was at the low walls of the Kells Walk ramp, he took up a position facing and covering the left, and hence he did not look down towards the rubble barricade.

¹ B185-186; WT14.77; WT14.85

93.33 In his first RMP statement, timed at 0210 hours on 31st January 1972,¹ Private H recorded that he and other members of his platoon moved in pursuit of a group of youths who had thrown stones and nail bombs "*at our advancing patrol*".² It is not entirely clear from the statement whether he was stating that this pursuit began before or after the platoon moved forward of the low walls of the Kells Walk ramp. In a later RMP statement, Private H again mentioned a group of youths, and stated that one of them threw a brown object that looked like a nail bomb, but which did not explode.³ According to this account, this incident occurred after Private H's section had advanced about ten yards beyond what appears to have been the low walls of the Kells Walk ramp.⁴ Private H's evidence to the Widgery Inquiry was consistent with his later RMP statement, and he also stated that he was behind Lance Corporal F and Private G at the time of the incident and that "*we pursued the youths*" into Glenfada Park.⁵ In the latter two accounts, Private H's description suggested that the group of youths were at the mouth of the alleyway leading into the northern end of Glenfada Park North, and that they fled down this alleyway after one of the youths had thrown the "*nail bomb*". However, in his evidence to this Inquiry,

Private H stated that he did not have a nail bomb thrown towards his position until he reached Glenfada Park itself,⁶ and that he believed that his unit moved forward in order to make arrests.⁷

¹ B221

⁵ B233-234; WT14.96-97

² B219

⁶ B264.5

³ B229-230

⁷ Day 377/41-42

⁴ B230

93.34

In our view, Corporal E, Lance Corporal F, Private G and Private H received no order from Lieutenant 119 to move into Glenfada Park North. Had such an order been given, then it would in our view have been recorded in the Platoon Commander's first RMP statement.¹ Such an order would have been uppermost in his mind when he made this statement, as (had he given such an order) it would have led to soldiers going into Glenfada Park North, where they fired at civilians and caused a number of casualties. Lieutenant 119 was aware that there had been casualties when he gave his first RMP statement, as he had entered Glenfada Park North and seen bodies there.² Furthermore, although we have not had the opportunity of questioning Corporal E, he was adamant in 1972 that he moved on his own initiative. Though for reasons we give later in this report³ we treat his evidence with caution, it seems to us that this part of his testimony is likely to be correct, since there seems to be no reason for him to deny that he was ordered to move. It may well be that after Corporal E, Lance Corporal F, Private G and Private H moved forward, Lieutenant 119 did give an order to others in his platoon to follow them. However, we have concluded that Lieutenant 119 invented his account of ordering Corporal E and Lance Corporal F into Glenfada Park North, to our minds in an attempt to demonstrate that he had been in control of his men, and perhaps also out of loyalty to his men, in a misguided attempt to take responsibility for their move.

¹ B1752.041-042

³ Chapter 112

² B1752.041

The reason for going into Glenfada Park North

93.35

The reason Corporal E (and initially Lance Corporal F) gave for going into Glenfada Park North was to cut off a crowd of people moving into that area from the area of the rubble barricade. According to Private H's first RMP statement, the soldiers moved in pursuit of a group of youths who had been throwing stones and nail bombs.

93.36

There is no doubt that people had moved from the rubble barricade into Glenfada Park North, particularly after Michael Kelly had been shot.

93.37 By the time the soldiers started forward from the low walls of the Kells Walk ramp Michael Kelly had been shot dead at the rubble barricade, and (as we have pointed out above) John Young, Michael McDaid, William Nash and Hugh Gilmour had probably also been shot in Sector 3. Rioting had ceased and all or virtually all the people who had been in the area of the rubble barricade had already moved into Glenfada Park North or taken shelter behind the south end of the eastern block, as we have described above.

93.38 In these circumstances we consider that what probably happened is that Corporal E decided to go into Glenfada Park North in pursuit of the people who had been in the area of the rubble barricade, taking Lance Corporal F, Private G and Private H with him.

93.39 Those acting on behalf of the majority of the represented soldiers, including Lance Corporal F, Lance Corporal J and Lieutenant 119, submitted that it was not surprising that members of Anti-Tank Platoon gave “*differing accounts*” of their reasons for entering Glenfada Park North, given the conditions under which they were operating.¹

¹ [FS7.2008](#)

93.40 As is discussed above, the initial RMP statements of Corporal E, Lance Corporal F and Private G do not give “*differing accounts*” of why they entered Glenfada Park North. Corporal E and Lance Corporal F stated that they deployed there after seeing rioters move from the rubble barricade, while Private G recorded that he followed Lance Corporal F. Where the accounts of these soldiers do differ in a material respect is in Lance Corporal F’s change in evidence between his first RMP statement, where he referred to seeing “*about 30–40 rioters*” leaving the barricade, and the rest of the accounts that he gave, in which he mentioned seeing only three men doing so. We do not accept that this change, and the subsequent discrepancy between Lance Corporal F’s evidence and that of Corporal E, can be explained by reference to the conditions under which the soldiers were operating on the day. The accounts given by Lieutenant 119 and Private H as to why they moved into Glenfada Park North and what they saw immediately before and as they did so are discussed below.

93.41 The same representatives also submitted that the soldiers entered Glenfada Park North for “*legitimate and proper reasons*”, and appear to support this by the assertion that Glenfada Park was a “*habitual haven for paramilitary activity*”.¹ Even assuming this claim to be correct (a matter we consider elsewhere in this report²) it is not submitted (nor is there any evidence to suggest) that any of the four soldiers who initially went into Glenfada Park North was aware that this was the case, and none suggested that that was the reason they moved there. What seems to be submitted is that their accounts

of seeing armed activity before going into Glenfada Park North are supported by the fact that there is other evidence to show that Glenfada Park North was indeed a habitual haven for paramilitary activity.

¹ FS7.2008

² Chapter 111

93.42 These representatives further submitted that there was armed activity in Glenfada Park North on Bloody Sunday itself, including gunmen who had previously carried and fired handguns at soldiers in Rossville Street; young men armed with nail bombs; and a car or cars belonging to the Official IRA from which weapons were removed at about the time the soldiers entered the Bogside.¹ Again we consider these assertions elsewhere in this report,² but so far as the last of them is concerned, again it is not submitted (nor is there any evidence to suggest) that any of the soldiers was aware of the presence of Official IRA vehicles in Glenfada Park North when they moved from the low walls of the Kells Walk ramp, and hence this could in our view have played no part in forming a “*legitimate and proper reason*” to enter this area.

¹ FS7.2017

² Chapter 111

93.43 As we have stated above, it is our view that Lieutenant 119 did not give an order for some of his platoon to move into Glenfada Park North to cut off a man with a handgun whom he had seen firing in Rossville Street. Neither Corporal E nor any of the other soldiers considered here gave evidence of seeing a civilian with a handgun in Rossville Street immediately before the deployment into Glenfada Park. For these reasons we do not accept that the move was prompted by people with handguns in Rossville Street moving into Glenfada Park North.

93.44 As well as rejecting the claim that Lieutenant 119 ordered the move, we do not accept that he witnessed pistol firing in Rossville Street, since we consider that had he done so, this would have been mentioned in his first RMP statement. It was only in his second RMP statement that Lieutenant 119 recorded that he had heard what sounded like a pistol and saw muzzle flashes at the corner of Glenfada Park North.¹ In his first RMP statement he had recorded that the vehicles of Support Company had come under fire from “*the Rossville Flats and Glenfadda [sic] Flats*” as they travelled down Rossville Street, and that after debussing his platoon came under fire from “*snipers concealed in the Glenfadda Flats*”.² For the reasons given in our consideration of the events of Sector 3 we have rejected Lieutenant 119’s account of coming under fire as he travelled into the Bogside. In our view the reference to coming under fire from “*snipers concealed in the*

Glenfadda Flats” cannot be a reference to the man with a handgun he described in his second RMP statement, because on his own account that gunman was not concealed in the Glenfada Flats.

¹ [B1752.039-040](#)

² [B1752.041](#)

- 93.45** As for Private H’s implicit suggestion in his 1972 evidence that the presence of youths with nail bombs represented a legitimate and proper reason for the soldiers entering Glenfada Park, this was not the reason Corporal E or Lance Corporal F (or Private G) gave for the move. Only Private H of the four soldiers who initially moved into Glenfada Park North mentioned seeing a nail bomb or something that looked like a nail bomb before doing so. Had a nail bomb been thrown at this stage the other soldiers could hardly have failed to have noticed it. Furthermore, as noted above, Private H stated to this Inquiry that no nail bomb was thrown at him until he had entered Glenfada Park North, which in our view also casts doubt on his original account. We therefore reject the suggestion that the reason, or one of the reasons, for the movement into Glenfada Park North was to chase a suspected nail bomber.
- 93.46** As we have already pointed out, in our view it was Corporal E who initiated the move into Glenfada Park North. At no stage did he suggest that he did so as the result of seeing armed activity in Rossville Street. For this reason, and because we do not accept the evidence of Lieutenant 119 or Lance Corporal F of seeing respectively handgun fire or a man with a rifle, we reject as untenable the submission that paramilitary activity provided legitimate and proper reasons for soldiers to enter Glenfada Park North.

The question of effective command

- 93.47** It was submitted by the legal representatives of the majority of the families that if, as we consider was the case, Corporal E, Lance Corporal F, Private G and Private H moved forward from the low walls of the Kells Walk ramp and into Glenfada Park North without an order from their Platoon Commander, this evidenced that this platoon was without effective command on the day; that the members of the platoon were therefore not subject to any restraint in terms of where they went and what they did; and that there was no co-ordination of the movement of the platoon as part of the overall operation by Support Company as they moved south along Rossville Street.¹

¹ [FS1.2329-2330](#)

- 93.48** For the following reasons and in relation to the movement of Corporal E, Lance Corporal F, Private G and Private H into Glenfada Park North, there is in our view some substance in these submissions.
- 93.49** Lieutenant 119 was in charge of Anti-Tank Platoon and was with his soldiers. The movement of the soldiers into Glenfada Park North meant going even deeper into the Bogside and out of sight of their Commander. This seems to us to amount to soldiers getting “*sucked in*”, contrary to what Colonel Derek Wilford told us he expected and required his soldiers to do. In our view Corporal E initiated the move, in order to pursue the people who had been at the rubble barricade. It was not an attempt specifically to engage gunmen.
- 93.50** In his written evidence to this Inquiry, Lieutenant 119 told us that he could not remember whether he ordered the move into Glenfada Park North, or whether the soldiers concerned did so because it was appropriate in order to secure the flanks: “*Securing our flanks was a standard practice.*”¹ He said much the same in his oral evidence.²
- ¹ [B1752.016](#) ² [Day 364/106-107](#)
- 93.51** The difficulty with the implicit suggestion that the move could have been in order to secure the soldiers’ flanks is that this is not the reason Corporal E, or any of the other soldiers, gave for going into Glenfada Park North. Furthermore, it is not a reason that Lieutenant 119 put forward in 1972. Had Lieutenant 119 thought that Corporal E was correctly using his own initiative in moving forward to protect the flanks, there would have been no reason for him later to claim (in our view falsely) that he had himself given the order to move.
- 93.52** INQ 1253 was a Lieutenant in 1st Battalion, The King’s Own Royal Border Regiment and was in Londonderry on 30th January 1972. In his written statement to this Inquiry he told us that he recalled a conversation some time after Bloody Sunday with Lieutenant 119, who was a friend of his. Lieutenant INQ 1253 stated that during this conversation he had the impression from Lieutenant 119 that on Bloody Sunday his men had run ahead of him and been frightened. “*They were reacting to their fear and he did not have the tight control over them that he would usually have had.*”¹ When he gave oral evidence to this Inquiry, it became apparent that Lieutenant INQ 1253 had mistakenly thought that Lieutenant 119 had been in charge of inexperienced soldiers from Headquarters Company of 1 PARA, rather than Anti-Tank Platoon.² Nevertheless, Lieutenant INQ 1253

maintained that the impression he had was that Lieutenant 119's soldiers had overreacted to the circumstances by running ahead of him and that Lieutenant 119 was not able to assert any control over them.

¹ C1253.2

² Day 304/5-7; Day 304/11-15

93.53 Lieutenant 119 denied that he had lost control of his men; and further denied that he had said anything to Lieutenant INQ 1253 about his men running ahead of him or of him losing the tight control over them that he would usually have had.¹

¹ Day 364/110-112

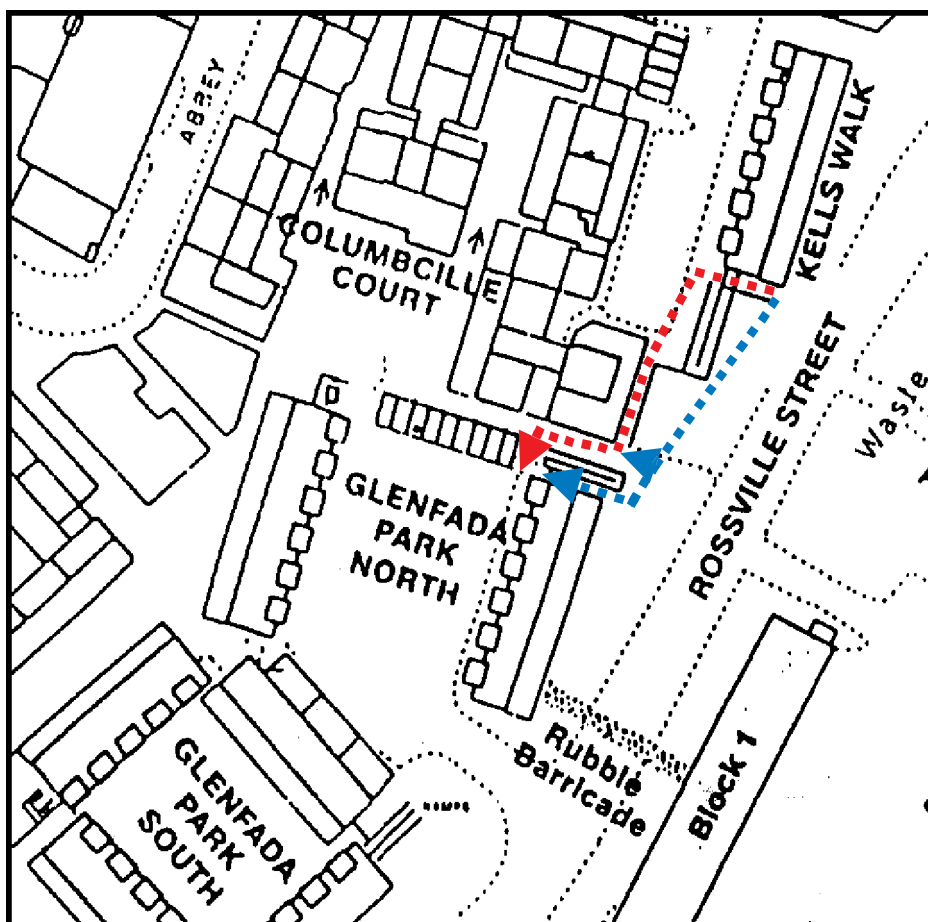
93.54 In our view Corporal E should not have left Rossville Street in pursuit of the people who had moved from the rubble barricade, as this involved him and the soldiers with him getting "*sucked in*" to the Bogside. Despite his denial, we are of the view that Lieutenant 119 did admit to Lieutenant INQ 1253 that he did lose control over his soldiers. As a result, Corporal E, Lance Corporal F, Private G and Private H went into Glenfada Park North, without their Commander having any idea of their purpose for so doing or having any means of controlling what they did when they got there. What all four of these soldiers did almost immediately after arriving in Glenfada Park North was to open fire, as we discuss in greater detail below.

93.55 In summary we are of the view that there was no legitimate or proper reason for Corporal E to initiate the move into Glenfada Park North.

Chapter 94: The route of the soldiers into Glenfada Park North

94.1 There are two routes that Corporal E, Lance Corporal F, Private G, Private H and Lieutenant 119 might have taken to go from their position at the low walls of the Kells Walk ramp into Glenfada Park North.¹ The first would have required the soldiers to move between the two low walls of the Kells Walk ramp and underneath the pram-ramp at the south-west corner of the Kells Walk maisonettes, before turning left and heading south (parallel to the eastern block of Columbcille Court) until they reached the alleyway that led to the northern entrances to Glenfada Park North. The second would have involved the soldiers advancing south down Rossville Street and then turning right into either of the alleyways that led into the northern end of Glenfada Park North. These routes are indicated by the red and blue dotted lines respectively on the map below.

¹ There was, of course, the road entrance into Glenfada Park North from Rossville Street, but there is abundant evidence that none of the soldiers used that route.



- 94.2** The evidence that these soldiers have given as to their movements is fragmentary and imperfect, and it is not possible to ascertain which of the two routes any of them took.¹ The same is true for the other members of Anti-Tank Platoon who, as is discussed below, followed them into Glenfada Park North.²

¹ B87; B95; WT14.31; B122; B129; B137; WT14.46; B167.4; Day 375/92-95; B169; B171; B186; WT14.77-78; B219-220; B230; B234; WT14.97; WT15.8; B264; B264.51; Day 377/45; B1752.41; B1752.40; B1752.44; WT14.13; B1752.17

² B266-267; B269; B273; WT15.30-32; B289.4; B289.27; B289.4; Day 370/45-46; B1486-1487; B1491.1-3; B1565.83; B1552; B1565.6; B1565.42; Day 246/79-81

Firing along an alleyway

- 94.3** There is evidence, from Private G and several civilians, that as Corporal E, Lance Corporal F, Private G and Private H advanced towards Glenfada Park, a soldier or soldiers fired along one or more of the alleyways that separated the complex from Columbcille Court. However, the details of the various accounts are not easily reconciled.

- 94.4** In his first statement to the RMP, Private G recorded:¹

“we moved further up the street [from the low wall at the end of Kells Walk] and I saw a gunman positioned behind a wall at the end of an alleyway about fifteen yards away. I fired two quick rounds of 7.62mm at the gunman to give cover to one of the other men who was running across open ground. The gunman went to ground at this time. I ran up the alleyway with ‘F’ into Glenfada Park area. We were followed by two others.”

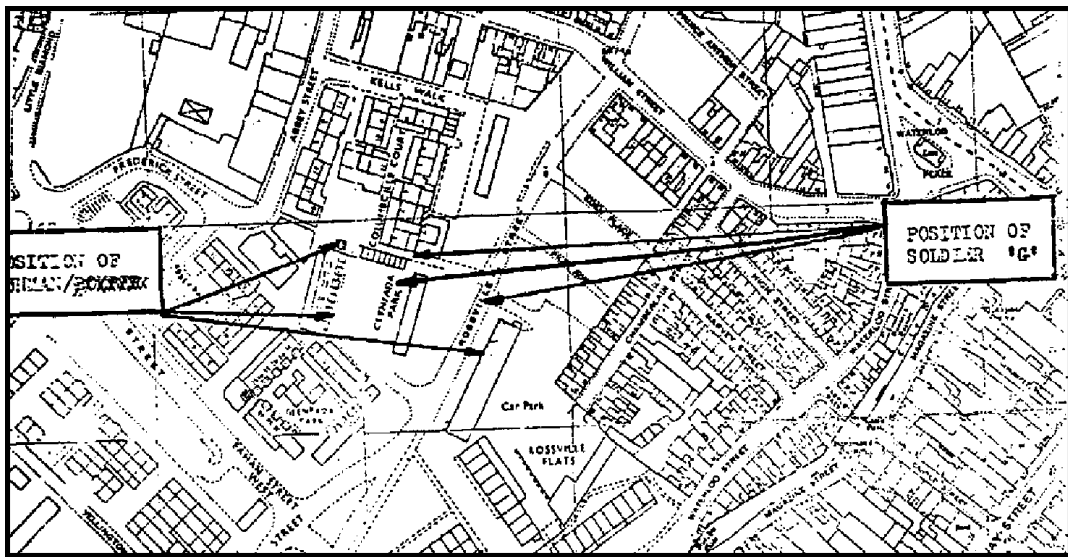
¹ B168-9

- 94.5** He gave a similar account in his written statement for the Widgery Inquiry.¹ Both his RMP map² and his trajectory photograph,³ which are shown below, put the gunman he described in the *more northerly* of the two alleyways leading westwards out of Rossville Street.

¹ B186

³ B212

² B171



94.6

In his oral evidence to the Widgery Inquiry, Private G said that when he reached the alleyway someone shouted, he thought from the other side of the street, "*There's a gunman up there*", or words to that effect. He said that he looked up the alleyway and saw a man "*dodging about*" between Columbcille Court and the north-west corner of Glenfada Park North. Private G told the Widgery Inquiry: "*I could see he had something in*

his hand, which after being warned, which I got a glimpse of, was a weapon of some description.” He then said: *“I was satisfied that he was a gunman, so we had to move from there and I took aim and fired two aimed shots up this alleyway.”* Private G, who said he fired from a kneeling position, saw *“both shots strike the wall”* and the man *“took back round the corner”*. He commented that he did not expect to hit the man *“because there was not much of a target to aim at as he was dodging”*. He denied that he had fired from the hip.¹

¹ [WT14.78-79](#)

94.7 As is discussed in detail elsewhere in this report,¹ Major Loden interviewed a number of the firing soldiers shortly after Support Company had withdrawn from the Bogside, and from the information they gave him, he compiled a list of 15 engagements in what he described as the *“gunbattle”*.² In this report we have described this list as the Loden List of Engagements. The list was not comprehensive, as Major Loden did not speak to all the relevant soldiers.

¹ [Chapter 165](#)

² [ED49.12](#)

94.8 There is no reference to any shots being fired along the alleyways between Glenfada Park North and Columbcille Court on either the typed or the handwritten copy of Major Loden’s List of Engagements.¹ We do not know why this is so.

¹ [ED49.12](#); [B2214.005](#)

94.9 Private G’s evidence that he fired along the more northerly of the two alleyways between Glenfada Park North and Columbcille Court is potentially at odds with his account of seeing both of his shots *“strike the wall”*.¹ There is no wall at the end of this alleyway, and while the bullets might have struck a building in Frederick Street further to the west, such is the distance involved that it is unlikely that Private G would have been able to see this happen. It might be the case that Private G’s evidence to the Widgery Inquiry was intended to convey that his shots struck the wall to the side of the alleyway, presumably the one at the back of the garages that faced onto Glenfada Park North. However, it is also possible that Private G’s RMP map and trajectory photograph are misleading,² and that he actually fired along the shorter, more southerly alleyway leading into Glenfada Park North. This did have a wall at the western end, and two civilian witnesses have given evidence of seeing a soldier fire into it from a kneeling position.

¹ [WT14.79](#)

² [B171](#); [B212](#)

94.10 Charles Coyle told us, in his written statement to this Inquiry, that he ran from Rossville Street when he saw Pigs (APCs) entering the Bogside, and soldiers debussing from them.¹ His route was along the north and then west sides of Kells Walk and then across the western end of the more southerly alleyway between Columbcille Court and Glenfada Park.² Charles Coyle recalled that several other civilians ran “*behind and ahead of me, and you had to watch your feet to avoid tripping over*”.³

¹ AC88.5

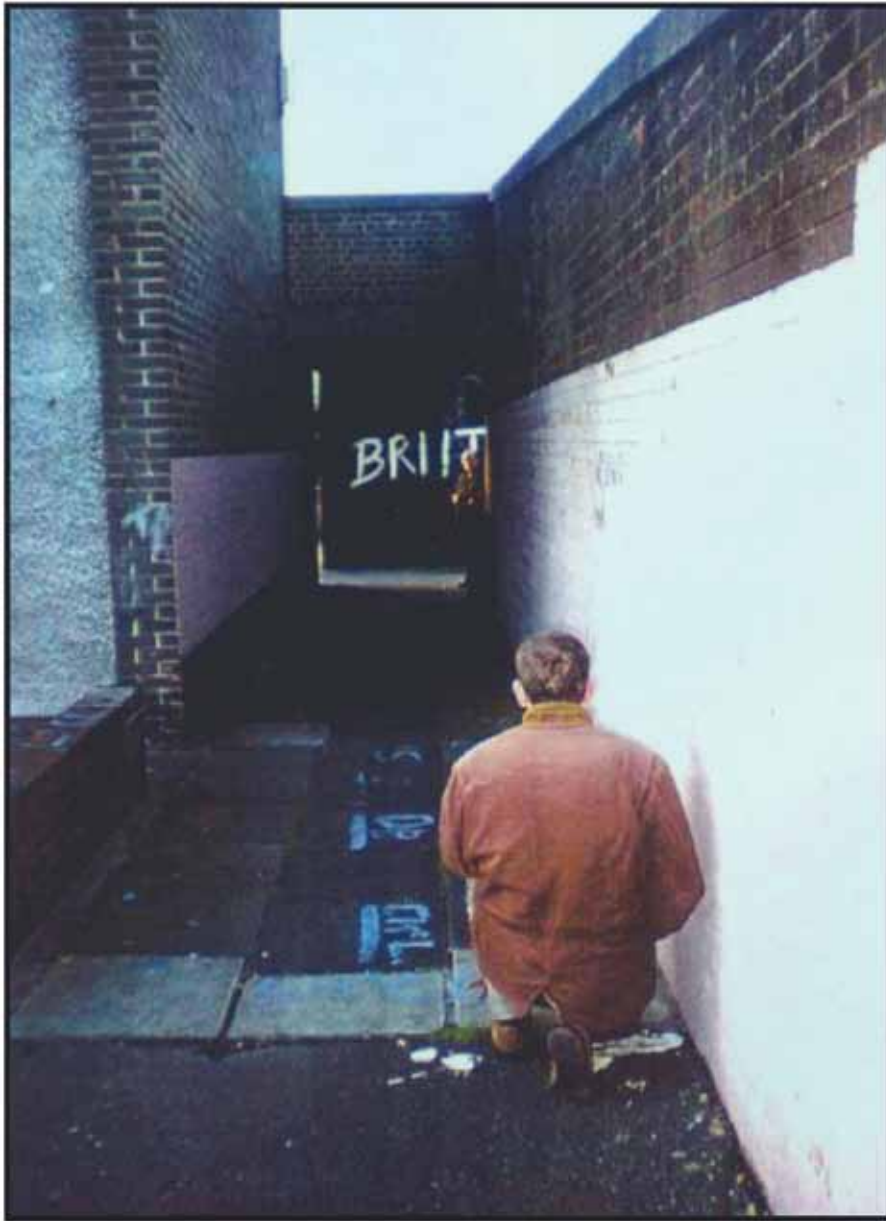
³ AC88.5

² AC88.13

94.11 Charles Coyle stated that he paused at the western end of this alleyway, close to the north-eastern entrance to Glenfada Park North, and from this position he saw a soldier about 30 yards away at the opposite end of the alleyway. This soldier moved to a kneeling position facing towards the west, as shown in the photograph below.¹ Charles Coyle thought that pressure from people behind him forced him further into the alleyway, and as he moved across towards Glenfada Park, the soldier fired one round towards him with the rifle at his hip. Charles Coyle told us that the bullet struck well above his head, approximately where the letter “T” appears in the photograph below.²

¹ AC88.12

² AC88.12



94.12 Charles Coyle told us that he thought that the shot startled both men, and he speculated that the soldier might have fired by accident. As he looked for the rebound of a rubber bullet Charles Coyle recalled hearing his brother, Gerard, shout that “*these bullets don’t bounce*”. He told us he realised then that it had been a live round, and “*ran like the blazes*” with his brother into Glenfada Park. He told us he could hear firing as he did so.¹

¹ [AC88.5-6](#); [Day 146/167-171](#); [Day 146/176-180](#)

- 94.13** Charles Coyle said that he did not see a civilian gunman in the alleyway at any stage during this incident. However, he noted that he was running as part of a crowd, concerned about tripping over others, and hence he was only partially aware of what was around him.¹
- ¹ [Day 146/177-179](#)
- 94.14** Gerard Coyle also gave an account of this incident to this Inquiry, which was broadly consistent with that of his brother. He believed that the soldier was further to the west, and hence closer to them when, *“in one graceful movement”*, he went down on one knee and fired with his rifle to his shoulder. Gerard Coyle did not recall making any comment to his brother after the shot. In general, it seemed to us that Gerard Coyle did not have such a firm recollection of this incident as Charles Coyle.¹
- ¹ [AC90.1-4](#); [Day 155/4-21](#); [Day 155/31-32](#)
- 94.15** There is reason to doubt the complete accuracy of the evidence given by Charles and Gerard Coyle, neither of whom gave accounts in 1972. Their evidence to this Inquiry was to the effect that this incident happened very shortly after the soldiers debussed on Rossville Street, ie within a matter of seconds rather than minutes. This is unlikely, in the light of the sequence of events we described in Sector 3. Nonetheless we were impressed by their evidence to us, particularly the evidence of Charles Coyle, and we are of the view that the chronological compression in their evidence is not of great significance. We consider that some reliance can be placed on their accounts, especially on that of Charles Coyle.
- 94.16** There are clear similarities between the Coyle brothers’ evidence of a soldier firing along an alleyway towards them as they ran into the north-east corner of Glenfada Park North, and the account Private G gave of firing in this area. However, while the Coyle brothers thought that one round was fired along the more southerly alleyway, Private G stated that he shot twice and seemingly down the more northerly alleyway.
- 94.17** Three other civilian witnesses gave evidence that may relate to the shots that Private G said that he fired. They were Jim O'Donnell, Gerald McCauley and Julian Daly.
- 94.18** Jim O'Donnell recalled that he was interviewed by the *Sunday Times* shortly after Bloody Sunday.¹ We have no notes of this interview, but the final Insight article² quotes him saying that he was *“moving away from the area of the firing in Rossville Street when I saw the soldier come in through the alley between Columbcille Court and Glenfada Park. I ran. Suddenly three bullets hit the wall above my head”*. The article continued by

recording that Jim O'Donnell later showed the journalist the bullet marks. *"There are three at about head height spaced along a distance of about 10ft. All are in the wall towards which G said he fired his two shots."*

¹ [AO33.5](#)

² [AO33.10](#)

94.19 As was noted earlier, the position of the wall into which Private G fired is not entirely clear from his evidence; nor is it identified in the Insight article.

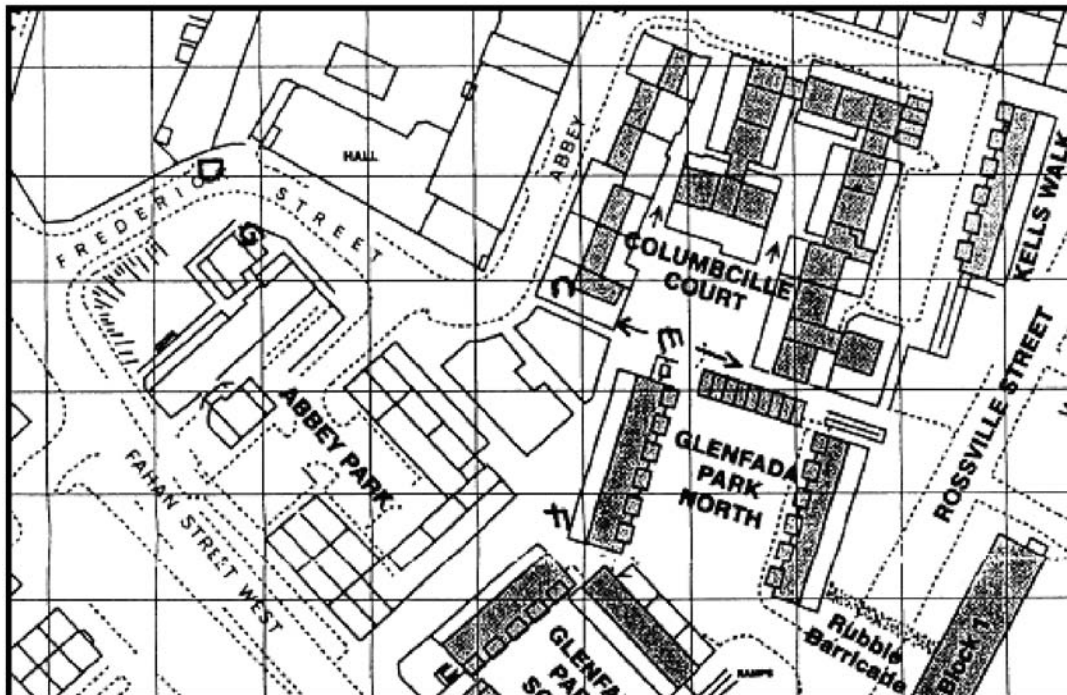
94.20 Jim O'Donnell stated in his written evidence to this Inquiry that when he was at the point marked C on the following map he saw two soldiers running across from Columbcille Court into Glenfada Park North. Jim O'Donnell told us that he wanted to get away so he ran into Frederick Street. As he did so he heard three shots strike the wall next to him (point D on the map). He stated that he did not have anything in his hands as he ran, and he did not see who had fired the shots.¹ Jim O'Donnell told us that, a few days after Bloody Sunday, he returned to the scene of the incident and took photographs of the bullet holes.² He provided these photographs to this Inquiry, and they are shown below.^{3,4}

¹ [AO33.2-3](#); [Day 222/5-16](#)

² [AO33.3-4](#)

³ [AO33.7-8](#)

⁴ The blue arrow in another photograph ([AO33.13](#)) was confusingly said during his oral evidence to show where he said he saw two soldiers running ([Day 222/6-7](#)) and also where he said he was sheltering when he saw them cross ([Day 22/15](#)). However, it seems to us reasonably clear that what Jim O'Donnell was saying was along the lines of his written statement ([AO33.2-3](#)).





94.21 The position Jim O'Donnell marked could be reached by bullets fired from or near the Rossville Street entrance to the more northerly alleyway, but not from the entrance to the more southerly alleyway. Hence it is not possible to reconcile the evidence of Jim O'Donnell and that of the Coyle brothers into a single event unless one or more of these witnesses were mistaken as to their geographical position at the time of the shots.

94.22 Gerald McCauley, in his written statement for the Widgery Inquiry, recorded that he looked down from what appears to be somewhere in the Columbcille Court area towards “*the entry*” and saw two soldiers on their knees in a firing position. He then heard shots “*coming up the entry*”.¹ From his oral evidence to that Inquiry it is clear that Gerald McCauley was describing being at the southern end of Columbcille Court and seeing two soldiers at the entrance to the more northerly alleyway. He said he subsequently heard two shots that he associated with these soldiers.²

¹ [AM95.8](#)

² [WT6.22](#)

94.23 Gerald McCauley gave oral evidence to this Inquiry,¹ but on this aspect of his evidence we found his recollections to be somewhat confused, though we have no reason to doubt that he was doing his best to help us. Gerald McCauley told us that he did not see who fired the shots that he heard. He said he thought there were at least three, that they struck a low garden or dividing wall close to his position, and that one grazed the sleeve of his jacket, though there was nothing in his evidence to the Widgery Inquiry about any of these specific matters.² He said that he had in effect been stopped by the Widgery Inquiry from saying anything about the graze to his jacket,³ but there is nothing in the transcript of the Widgery Inquiry to suggest that this had in fact happened. It is also unclear from Gerald McCauley's evidence either to the Widgery Inquiry or to us when exactly the incident that he related occurred.

¹ [Day 173/87-131](#)

³ [Day 173/99](#)

² [AM95.2](#); [AM95.4](#); [AM95.18](#); [Day 173/89-103](#)

94.24 Julian Daly recorded in his Northern Ireland Civil Rights Association (NICRA) statement that he was in Rossville Street, near Pilot Row when he saw “*saracens*” entering the Bogside. He stated that “*someone caught me by the shoulder and said they were shooting. The bullets were hitting the road. I ran up the entry between Kell's Walk and Glenfada Park. The bullets hit the wall above us and we hit the ground. After a few seconds we ran in the direction of Frederick Street.*”¹ Unfortunately, this statement does not allow us to identify the wall to which Julian Daly was referring, and as he told this Inquiry that he had no recollection of this incident,² we are not assisted by his evidence on this point.

¹ [AD2.12-13](#)

² [Day 183/10](#)

94.25 We are satisfied that none of these civilian witnesses was armed or carrying anything that could be mistaken for a weapon. Jim O'Donnell and Gerald McCauley told this Inquiry that they had nothing in their hands,¹ while Charles Coyle's evidence can be interpreted in the same way.² Gerard Coyle stated to us that he did not see anyone with a weapon or anything that could be mistaken for a weapon in the relevant area.³ Julian Daly did not give any evidence on this point in his NICRA statement,⁴ and as is noted above, told us that he could no longer recall the incident.⁵ However, there is nothing that suggests to us that he was or might have been carrying a weapon or anything that looked like one.

¹ AO33.3; Day 173/103

⁴ AD2.12-13

² Day 146/177-179

⁵ Day 183/10

³ Day 155/18

94.26 The Coyle brothers, Jim O'Donnell, Gerald McCauley and Julian Daly might all have witnessed the same incident, but thereafter remembered the chronological and geographical details differently. Alternatively, there might have been two incidents of shooting, one towards the Coyle brothers in the more southerly alleyway and another in the direction of Jim O'Donnell and Gerald McCauley, though in the latter case it is possible that the firer, aiming along the more northerly alleyway, was shooting not at them but at or towards someone else closer to the entrance to Rossville Street.

94.27 Private G, who stated that he fired two shots along the more northerly alleyway, is the only witness from Support Company¹ to have given evidence of firing in this area at the relevant time. However, we have doubts about the veracity of his general testimony, and his claims to have fired these particular shots. As is discussed elsewhere in this report,² we are satisfied that Private G later fired two shots into the Abbey Park area, something that he afterwards denied doing. Thus from his first statement to the RMP and then throughout his evidence to the Widgery Inquiry, Private G lied about where and when he fired. Private G claimed to have fired six shots in total, and this is consistent with the ammunition counts, which we discuss elsewhere in this report.³ If Private G fired only six shots on Bloody Sunday, which in our view is probably the case, then his decision to conceal his firing in Abbey Park meant that he had to invent an incident or incidents in which he fired two shots elsewhere. It is thus possible that he fabricated his account of firing at a gunman along the more northerly alleyway in order to do just this, or claimed to have fired two shots when he fired only one, though it is equally possible that he claimed to have fired three shots in Glenfada Park when he had in fact fired only one. As to the first of these possibilities, it is relevant to note first that none of the soldiers who would

have been close to him (Corporal E, Lance Corporal F and Private H) gave evidence of seeing Private G fire from this position, and second that while some of Private G's firing is recorded in the Loden List of Engagements, his claimed shots along the alleyway are not.

¹ We consider below the evidence of Lance Corporal 003 of C Company ([paragraph 94.37](#)).

² [Chapter 107](#)

³ [Chapter 166](#)

94.28 Nonetheless, there is evidence to suggest that Private G did fire at least once along one of the alleyways. The accounts of the Coyle brothers, which we by and large accept, were that after they had seen a soldier shoot along the more southerly alleyway, they ran into Glenfada Park North. They gave no evidence of running past soldiers as they did so, and they did not refer to seeing any soldiers ahead of the one who fired. Hence, if their accounts are accurate, it would appear that the soldier who fired was at the head of those who moved into Glenfada Park North. For reasons given below, we consider that Lance Corporal F and Private G were the first two soldiers to advance into Glenfada Park North, and in his evidence to the Widgery Inquiry, Private G stated that by the time he reached the alleyway along which he fired Lance Corporal F was behind him.¹ Accordingly, we are of the opinion that the Coyle brothers' evidence probably does relate to Private G, and that it shows that he fired at least one shot along the more southerly alleyway; though we remain uncertain whether Private G fired from the hip or from his shoulder.

¹ [WT14.77](#)

94.29 We are also of the view that the failure of the other soldiers to mention Private G's firing along the alleyway is possibly explicable either by the fact that they were not asked about this by the RMP or in their evidence to the Widgery Inquiry, or because Private G was ahead of them and might have been out of their sight-line at the time of the incident. This lack of corroborating evidence from his colleagues does not alter our view that Private G probably fired at least one of the shots that he claimed to have fired before his arrival in Glenfada Park North.

94.30 In contrast to the Coyle brothers, Jim O'Donnell referred to seeing one or more soldiers crossing the alleyway between Columbcille Court and Glenfada Park before he ran towards Frederick Street, and hence a short time before he became aware of bullets striking a wall there. Gerald McCauley told the Widgery Inquiry that he saw two soldiers along the alleyway before he heard shots. Private G's evidence was of being ahead of all the other members of his platoon when he fired. In our view there are chronological as well as geographical reasons for concluding that the incident, if accurately described by Jim O'Donnell and Gerald McCauley, was different from that witnessed by the Coyle brothers.

94.31 Of the four soldiers who initially went into Glenfada Park North, there remain Corporal E and Private H. Corporal E told the RMP and the Widgery Inquiry that he fired three shots in total on Bloody Sunday; the first was at a target in the Rossville Flats, the latter two at an alleged bomber in Glenfada Park North.¹ While, for the reasons given below, we believe that Corporal E did fire in Glenfada Park North, it is notable that there is no evidence beyond his own accounts to support his claimed shot into the Rossville Flats. It is, therefore, possible that he fired along the more northerly alleyway between Glenfada Park and Columbcille Court and subsequently invented an account of firing at a target in the flats, as he knew that there was no justification for the former shot. When considering the events of Sector 3, we have also noted the possibility the Corporal E was responsible for one of the casualties at the rubble barricade.

¹ [B86-89; B94-95; B116](#)

94.32 As to Private H, he too might have been responsible for the shots witnessed by Jim O'Donnell and Gerald McCauley. For reasons we give later in this report,¹ we reject his account of firing 19 shots into a window in Glenfada Park North and have concluded that he must have fired all but one of these shots elsewhere. That some of these were the shots under discussion is in our view also a possibility.

¹ [Paragraphs 105.9–24](#)

94.33 It is significant that both Jim O'Donnell and Gerald McCauley recalled more than one round being fired in their direction. On the analysis above, we are unsure about the location of only one of Corporal E's claimed shots, while we consider that Private H fired up to 19 rounds for which he has not accounted. It is, therefore, in our view possible that Private H, rather than Corporal E, fired along the alleyway between Glenfada Park North and Columbcille Court in the incident witnessed by Jim O'Donnell and Gerald McCauley.

94.34 We do not accept Private G's assertion that he fired along the alleyway at a man carrying a gun. As we have already noted, it appears that he did not report these shots to Major Loden. Had he shot at a gunman, it seems to us on the face of it that he would have reported this to Major Loden. Had he simply fired at random, or to frighten people off, he would have had a motive not to do so. Furthermore, as we have observed and as will be seen later in this report,¹ we are sure that he was responsible for firing into Abbey Park (and killing two people there), yet he denied doing so. This denial and other unsatisfactory features of his evidence to which we refer elsewhere have led us to place no reliance on the reasons he gave for firing on Bloody Sunday.

¹ [Chapter 112](#)

94.35 The only other evidence that there might have been a man with a rifle in the area of Columbcille Court at the time in question comes from information given by OIRA 1 to John Barry of the *Sunday Times* Insight Team and to Gerard Kemp of the *Sunday Telegraph*, which we consider in detail later in this report.¹ This suggests that there was an Official IRA gunman with a .22 automatic, who went there from Glenfada Park North after the soldiers had come into the Bogside and who fired two shots from a balcony in Columbcille Court. We have no other information about this gunman, nor does it seem that any soldier saw or heard him fire. In our view it is unlikely that Private G saw and fired at this gunman.

¹ Paragraphs 111.157–162

94.36 We have not found it possible to decide with any certainty whether or not there were two shooting incidents along the alleyways between Glenfada Park and Columbcille Court. On balance, though not without doubts, we consider that there was only one, in which Private G fired one or two shots, and that those whose evidence indicated otherwise were confused in their recollections.

94.37 We should note at this point that we have considered the evidence of one further military witness, Lance Corporal 003, a member of 7 Platoon, C Company, 1 PARA. He told the RMP that when he was at the corner of 36 Chamberlain Street, he saw a soldier firing towards Columbcille Court from a kneeling position in Rossville Street. He believed that this soldier was returning fire on a gunman who was armed with what could possibly have been a Thompson sub-machine gun.¹ However, Lance Corporal 003 told this Inquiry that he could no longer recall this incident, and instead he believed that the soldier he saw firing in Rossville Street was aiming to the south.² Lance Corporal 003's evidence to this Inquiry appeared to be chronologically confused,³ and his 1972 evidence of the soldier returning fire against a person with a sub-machine gun is not consistent with Private G's account of engaging a man he saw holding, but not firing, a rifle. For reasons we give elsewhere in this report,⁴ we consider that members of 7 Platoon (including Lance Corporal 003) did not get to this end of Chamberlain Street until a late stage, after the soldiers of Anti-Tank Platoon had moved forward from the low walls of the Kells Walk ramp. In these circumstances we consider that Lance Corporal 003's evidence does not assist in an analysis of this matter.

¹ B1364

² B1366.4; B1366; Day 309/85-86; Day 309/102-104

³ B1366.1-7; Day 309/71-76

⁴ Paragraphs 65.9–52

Chapter 95: The arrival of Corporal E, Lance Corporal F, Private G and Private H in Glenfada Park North

95.1 Private G told the Widgery Inquiry that he followed Lance Corporal F when the latter moved forward of the low walls of the Kells Walk ramp. He said that by the time they reached the alleyway to the north of Glenfada Park, he was ahead of Lance Corporal F, who had stopped a few yards beyond the wall in order to cover him.¹ Private G claimed to have fired along the alleyway at a gunman in the manner described above. In his written statement for the Widgery Inquiry, Private G recorded:²

“We waited a couple of seconds to make sure he [the gunman] did not re-appear ... We moved quickly into the alleyway and I remember looking around for [Lance Corporal] F who was just behind me. There is an archway into the courtyard of Glenfada Park. There was a car parked close to the mouth of the archway and I went round to the right-hand side of the car with F close beside me.”

¹ WT14.77

² B186

95.2 In his oral evidence to the Widgery Inquiry, Private G said that Corporal E had also gone into the alleyway with them;¹ in his first RMP statement he had recorded that he and Lance Corporal F were followed into Glenfada Park North by “*two others*”.²

¹ WT14.79

² B169

95.3 Lance Corporal F stated throughout his 1972 evidence that he moved with Private G.¹ He said to the Widgery Inquiry that he did not recall any other soldiers being with them as he and Private G entered Glenfada Park North.²

¹ B129; B135; B137; WT14.46

² WT14.47

95.4 The evidence given by Corporal E in 1972 does not assist in establishing the order in which soldiers arrived in Glenfada Park, although he did tell the Widgery Inquiry that “*about five*” originally moved there.¹

¹ WT14.31

95.5 Private H’s 1972 evidence to the RMP and the Widgery Inquiry was to the effect that he was behind Lance Corporal F and Private G, who preceded him by about two seconds. He said that when he reached Glenfada Park he took up a firing position at the bonnet of a car, which was parked (according to his second RMP statement) “*near to the first*

garage facing East". He said that Lance Corporal F and Private G had already run to the other end of the car, which was parked with the boot further from the north-east corner through which they had all entered.¹ In his evidence to this Inquiry, Private H said that he had moved with his "*pair*" Corporal E, as part of a four-man "*brick*" with Lance Corporal F and Private G.²

¹ B234; WT14.97; B230; B224

² B264; Day 377/65

95.6

While we bear in mind the caution with which we should approach the evidence of Corporal E, Lance Corporal F, Private G and Private H, we are satisfied that these were the first soldiers to go into Glenfada Park North, moving through the north-eastern entrance, with Lance Corporal F and Private G leading and Corporal E and Private H following close behind. Apart from the evidence of these soldiers, that of Private 027 and Lieutenant 119, which is discussed elsewhere, supports the conclusion that these were the first four soldiers to go in. It appears, from the evidence of Private G and Private H, (which we consider in detail below) that at the time the two pairs entered Glenfada Park North, Private G was slightly ahead of Lance Corporal F and Private H was just in front of Corporal E.

95.7

We also consider that it is likely that Lance Corporal F and Private G took up a position at the rear of a car parked facing east at the north-eastern corner of Glenfada Park North; and that Private H arrived after them and moved to the other end of the car. It is not clear precisely where Corporal E went when he arrived in Glenfada Park North, but we consider that initially at least he must have been close to the other three soldiers.

Chapter 96: The movement and actions of other members of Anti-Tank Platoon

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96.1 Other soldiers from Anti-Tank Platoon followed Corporal E, Lance Corporal F, Private G and Private H into Glenfada Park North. We are satisfied, for the reasons given below, that their movement away from the low walls of the Kells Walk ramp is shown in film footage.¹

¹ [Vid 48 11.35](#)

96.2 This footage shows a group of more than a dozen soldiers moving over or around the low walls of the Kells Walk ramp. There is no evidence of such a large number of soldiers moving in this way before the arrival of Anti-Tank Platoon in this position. Members of Composite Platoon (Guinness Force) took up positions at the southern end of Kells Walk at some point after Anti-Tank Platoon had done so, and by the time that they did so it seems that all of Anti-Tank Platoon had moved away from the walls.¹ There is no suggestion that more than a dozen members of Composite Platoon moved forward of the Kells Walk walls at any point in the way shown on the footage, nor is there any evidence of another platoon or group of men congregating in this area during the day. Accordingly, the only explanation for the footage is that it shows the majority of Anti-Tank Platoon moving from the low walls of the Kells Walk ramp towards Glenfada Park North.

¹ [B290](#); [B298](#); [B302](#); [B311.6](#); [B311.11](#); [Day 364/147-151](#); [B372.4](#); [B1650](#); [B1615.5](#); [FS7.1738-1739](#)

- 96.3** As is discussed above, we consider that Corporal E, Lance Corporal F, Private G and Private H were the first soldiers to move from the low walls of the Kells Walk ramp, and that they did so on the instigation of Corporal E. In our view, the footage shows the rest of Anti-Tank Platoon at some stage moving forward after them, possibly on the orders of Lieutenant 119.

Lieutenant 119

- 96.4** Lieutenant 119 has consistently stated that he entered Glenfada Park North after the initial group of soldiers who moved there, although the precise time at which he did so is a matter of some dispute. He accepted at the Widgery Inquiry that Corporal E and Lance Corporal F had momentarily gone out of his sight as they advanced from the low walls of the Kells Walk ramp.¹ In his second Royal Military Police (RMP) statement and in his evidence to the Widgery Inquiry he referred to arriving in Glenfada Park in time to see Lance Corporal F fire from the north-eastern corner along the eastern block of flats.² He told the Widgery Inquiry that he did not see Corporal E or Private G fire;³ that Private G was about halfway down the western side of the complex;⁴ that Lance Corporal J was also present;⁵ and that he could not recall any other soldiers who were there as well.⁶ In his RMP and Widgery Inquiry accounts, Lieutenant 119 stated that he went into the courtyard at a time when three bodies were lying in the south-west corner with a crowd of civilians and members of the Order of Malta Ambulance Corps gathered around them.⁷ He also told the Widgery Inquiry that he saw a group of about 20 people when they emerged from the gable end of the east building.⁸

¹ WT14.13

² B1752.33-34; B1752.44; WT14.14; WT14.20-21

³ WT14.14

⁴ WT14.14; WT14.20

⁵ WT14.20

⁶ WT14.20

⁷ B1752.034; B1752.041-042; B1752.044; WT14.15; WT14.20

⁸ B1752.044; WT14.15

- 96.5** As is discussed below, Lieutenant 119's description of Lance Corporal F's firing is difficult to reconcile with the latter's own evidence, and in Lieutenant 119's first RMP statement he did not mention witnessing any of his soldiers firing in Glenfada Park North.¹ Other details of his 1972 accounts, when compared to the analysis of the events in Glenfada Park North (and Abbey Park) that follows, lead us to believe that he arrived in the courtyard after the firing by Lance Corporal F, Private G and Private H that had resulted

in the casualties in Sector 4. What we consider he witnessed in Glenfada Park North is discussed later in this report,² where we conclude that it is likely that he witnessed the firing by Corporal E, but confused this soldier with Lance Corporal F.

¹ B1752.041

² Paragraphs 98.4–8 and 100.19

The movement of Anti-Tank Platoon vehicles

96.6 There is another aspect of Lieutenant 119's 1972 evidence that merits consideration at this stage. In his accounts to the RMP and to the Widgery Inquiry, Lieutenant 119 stated that as he ordered the group under Corporal E and Lance Corporal F to move into Glenfada Park, he arranged for his platoon's vehicles to be brought up to provide cover for his men from firing coming from Block 1 of the Rossville Flats. He added that he did not follow the first soldiers until after the vehicles had arrived and he was satisfied that his men were in cover.¹ This answer implied that he left a number of his men at the low walls of the Kells Walk ramp, and that he did not move away from there himself until some time after Corporal E, Lance Corporal F, Private G and Private H had advanced. In his evidence to this Inquiry, Lieutenant 119 agreed with this interpretation of his evidence, and while he accepted that it was possible that he had been mistaken, he said that he continued to believe that his 1972 accounts were accurate.² However, as is discussed elsewhere in this report,³ we are of the view that before the arrival of soldiers from Composite Platoon at the low walls of the Kells Walk ramp, all members of Anti-Tank Platoon had vacated this position; they are shown so doing in film footage.⁴ Further, the photograph reproduced below shows Colonel Wilford and members of Composite Platoon at the wall at a time when the soldiers of Anti-Tank Platoon were no longer there.

¹ B1752.37; B1752.44; WT14.13

³ Paragraphs 96.1–2

² Day 363/147-150; Day 364/122-123

⁴ Vid 48 11.35



- 96.7 We have already concluded that Lieutenant 119, contrary to some of his accounts in 1972, did not give an order for Corporal E and the three who accompanied him to go into Glenfada Park North. In our view he was probably also wrong in saying that he did not follow these soldiers until after his vehicles had arrived.

Lance Corporal J

- 96.8 Lieutenant 119 told the Widgery Inquiry that other than Corporal E, Lance Corporal F and Private G, the only soldier whom he recalled seeing in Glenfada Park North when he went in was Lance Corporal J.¹ As is discussed above, Lance Corporal J stated in his 1972 evidence that he was ordered into Glenfada Park North by Lieutenant 119 in order to assist with arrests. Throughout his 1972 accounts he claimed that he saw Lance Corporal F and Private G firing in Glenfada Park North. His evidence as to their precise positions and that of their targets is discussed later in this report, but it seems to us that it is possible, despite doubts we have as to his evidence generally, that he may have seen these soldiers firing towards the opposite side of the courtyard, ie from north-east to south-west.² If Lance Corporal J did see Lance Corporal F and Private G firing in this direction, it would follow that he did indeed arrive in Glenfada Park North before Lieutenant 119, who in our view arrived after this firing. However, it is noteworthy that Lance Corporal J either failed to see or failed to record the shots fired at approximately the same time by Corporal E and Private H. In light of the unreliability of Lance Corporal J's evidence, we do not know for sure whether he reached Glenfada Park North in time to see Lance Corporal F and Private G fire; but we do consider that he arrived there before Lieutenant 119 because the evidence of the latter was to that effect.

¹ WT14.20

² B270.1-2; B273; WT15.32-33

Private 027

- 96.9 During his oral evidence to the Widgery Inquiry, Lieutenant 119 was asked about the presence of his wireless operator in Glenfada Park North. Lieutenant 119 confirmed that the signaller was present when he and his men withdrew from the area and stated that *"He [the wireless operator] came in shortly after me"*.¹ We are satisfied that Private 027 was the only wireless operator with Lieutenant 119 on Bloody Sunday, and that he was the soldier to whom Lieutenant 119 was referring in this evidence. Lieutenant 119 told this Inquiry that Private 027 should have been with him throughout the day.² We accept Lieutenant 119's evidence to both inquiries on these points.

¹ WT14.59

² Day 363/144

96.10 Private 027 has given a number of accounts as to what he saw when he arrived in Glenfada Park North. We discuss these below. The time at which he arrived is a factor in our assessment of his reliability as a witness of the events that took place in Glenfada Park North.

96.11 In his evidence to the RMP and his written statement for the Widgery Inquiry, Private 027 stated that he was “*some short distance behind*” Corporal E, Lance Corporal F, Private G and Private H as they advanced into Glenfada Park North, and that he heard several self-loading rifle (SLR) shots prior to his arrival there. He stated that when he entered he saw a crowd of 40 civilians and a petrol bomber at whom Corporal E fired.¹ In his written evidence to this Inquiry, Private 027 told us that his statement in 1972 that he saw a man with a petrol bomb was a “*total fabrication*”.² He said that he was about 10m behind Corporal E, Lance Corporal F, Private G and Private H by the time they reached Glenfada Park, and that he recalled seeing a crowd and hearing shooting as he entered. Private 027 stated that he was psychologically unable to remember the precise events that he saw in the complex, but he thought that four soldiers, whom he could not identify, fired while he was present.³

¹ B1547-1548; B1551-1552

³ B1565.42-43; Day 246/83-86; Day 246/92-93

² B1565.51

96.12 We discuss elsewhere in this report¹ the various accounts that Private 027 has given over the years. In view of the fact that we are satisfied that Private 027 did not enter Glenfada Park North until after Lieutenant 119, it follows in our view that he too was not an eyewitness to the situation when the soldiers first arrived or to any of the shooting (save perhaps that witnessed by Lieutenant 119) that resulted in the casualties in that courtyard. Thus it seems to us that his accounts in these respects must be based on what he was later told or believed had happened. His evidence in this regard is, therefore, at best second-hand. Whether and to what extent it accurately reflects what happened is a matter that we consider later in this report.²

¹ Chapter 179

² Paragraphs 112.41 and 112.46

Other soldiers

96.13 Many other members of Anti-Tank Platoon moved from the low walls of the Kells Walk ramp into Glenfada Park North, or close to it, at some stage after Corporal E, Lance Corporal F, Private G and Private H had gone into the courtyard. However, the evidence that we have from these other soldiers does not, in our view, assist further in determining what the situation was at the stage under consideration, though we return to consider their accounts later in this report,¹ when we deal with the arrests that were made in this area.

¹ [Chapter 113](#)

Chapter 97: The situation in Glenfada Park North on the arrival of the soldiers

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-
- 97.1** We begin by considering the evidence given by Corporal E, Lance Corporal F, Private G and Private H of what they saw and did when they first arrived in Glenfada Park North and took up positions at or near the car in the north-east corner. We deal later with what these soldiers said that they saw and did subsequently.
- 97.2** All four of these soldiers gave statements to the Royal Military Police (RMP). They also gave written and oral evidence to the Widgery Inquiry. As already noted, Corporal E and Private G are dead and gave no evidence to the present Inquiry, but Lance Corporal F and Private H gave us both written and oral evidence.
- 97.3** The following paragraphs are ordered so as to present the evidence of each soldier in the likely sequence in which they arrived in Glenfada Park North. Thus we consider, in turn, the evidence of Private G, Lance Corporal F, Private H and Corporal E.

The evidence of Private G

97.4 Private G made three statements to the RMP. In the first, timed at 0215 hours on 31st January 1972,¹ he stated that:^{2,3}

“On entering the square I saw two men standing about twenty five metres away, both of them were holding what appeared to be small rifles in their hands. There was a small group of people standing near to them. I fired three aimed shots at one of the men and I saw him fall to the ground. [Lance Corporal] ‘F’ fired at the same time and I saw the other gunman fall. The group of people standing near to the gunmen picked up the two weapons and ran off down an alleyway in a North Easterly direction.”

¹ B168-170

² B169

³ “North Easterly” in this statement must be an inconsequential mistake for “south-westerly”, since otherwise the group of people would have been running towards the soldiers.

97.5 Private G’s second RMP statement was timed at 1420 hours on the same day.¹ In this statement Private G recorded that he had been shown a collection of photographs and from these he was “*reasonably sure*” that the man whom he shot was identified as “*Young*”. The only person named Young shot on Bloody Sunday was John Young, and we are satisfied that this was the person whom Private G identified. However, we are also satisfied that John Young was shot while at the rubble barricade on Rossville Street, and not in Glenfada Park North. In his written statement for the Widgery Inquiry, Private G recorded that when he said he was “*reasonably sure*” he did not mean that he was certain; he merely thought that the man could have been “*Young*”.²

¹ B176

² B188

97.6 When Private G gave his identification of John Young to the RMP on 31st January 1972, he stated that his target had been “*throwing nail bombs*”.¹ A later statement contained a handwritten correction, with “*throwing nail bombs*” crossed out and replaced with “*armed with a small rifle*”.² Private G told the Widgery Inquiry that the reference to nail bombs was an error that he attributed to Corporal Brobson, the statement taker.³ It is noteworthy that Corporal Brobson had interviewed both Corporal E and Lance Corporal F a few minutes before interviewing Private G on the afternoon of 31st January, and those soldiers had referred to their targets as throwing or being in possession of bombs.⁴ In his evidence to this Inquiry, Corporal Brobson could give no assistance on this matter.⁵

However, given Corporal Brobson's schedule of interviews and the early correction made to the statement, it seems to us that Private G was probably correct in attributing an error to Corporal Brobson.

¹ B176

⁴ B91-92; B126-127

² B177.001

⁵ C1868.3; Day 275/110-111; Day 275/121-122

³ B188; WT14.93; WT14.95

97.7 In a third RMP statement, timed at 1315 hours on 14th February 1972,¹ Private G stated that he wished to add that:²

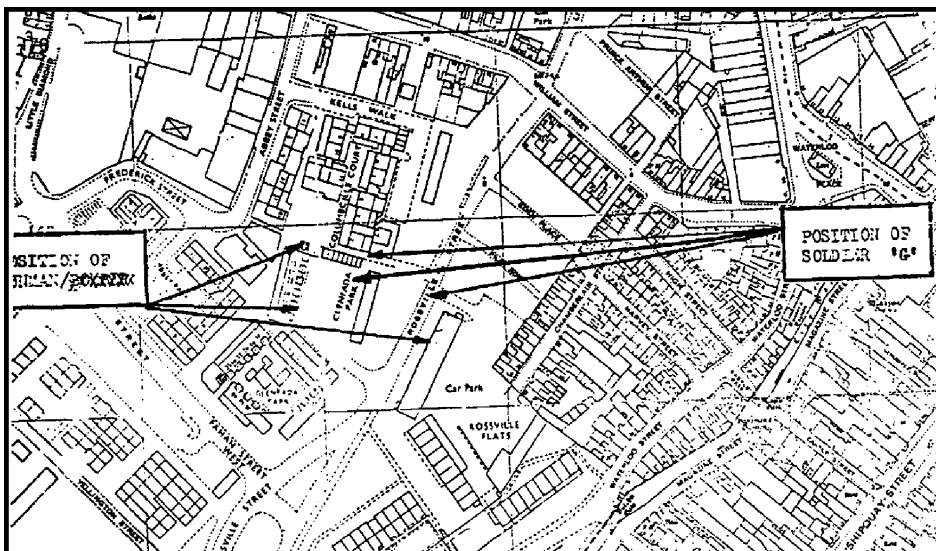
"the gunmen I saw in Glenfada Park were accompanied by a third man. Because this man did not have a rifle like the others I did not pay any more attention to him. I shot at one of the gunmen and I heard 'F' fire at the same time and because the two gunmen fell to the ground I automatically thought that the second gunman had been engaged by 'F'. However, in view of the fact that I fired 3 shots it is possible that I hit both men and the third man who was with them, I later saw was lying on the ground but not moving. Therefore it is likely he was shot by 'F'."

¹ B179-180

² B179

97.8 On Private G's RMP map the position of his target or targets was marked as being slightly to the north of the south-western corner of Glenfada Park North.¹

¹ B171



97.9 In his written statement for the Widgery Inquiry, Private G sought to clarify his third RMP statement:¹

"I assumed at the time I had made my earlier statement [ie the first that he made to the RMP] that I had shot one and F had shot the other of the two [men] I was observing. As they were right together it is quite possible that I shot them both, while F shot a third man whom I was not observing. This is the reason why I was asked to make a supplementary statement on 14 February [his third to the RMP] explaining this point. This statement has been read to me and I do not now think it is an accurate record of what happened. I did not have a third man under close observation near the two identified targets that I mentioned earlier. I know I may have shot these two, but I certainly could not have shot the third man. If F was firing at the same time it is possible he may have shot the third man, but I do not know ... I am quite certain that I could not have meant that I hit both the men and the third man who was with them."

¹ B188

97.10 In his written and oral evidence to the Widgery Inquiry, Private G stated that the two gunmen he saw were armed with "*short rifles like an M.1 Carbine*",¹ and were in a position "*on the footpath*"² at the opposite (south-west) side of the courtyard.³ This location is consistent with his trajectory photograph, which is reproduced below.⁴ Private G believed that these men were facing towards the rubble barricade, and he did not recall them turning towards the soldiers in the north-east corner of the courtyard at any stage.⁵ He said he fired, without warning, at the man on the right-hand side of the two.⁶ According to Private G both men fell, and while he said that he "*definitely*" hit one, he also thought it possible that he shot both.⁷ Private G stated that he was not aware of any third man either as he fired or after the two gunmen had fallen.⁸ He said that, when he fired at his targets, there was no one else immediately in front of them or behind them in the line of fire.⁹ After the two gunmen and their weapons fell to the ground, Private G said that he saw a crowd surround the bodies; and that while he did not see anyone pick up the two rifles, by the time the crowd had cleared, the rifles had disappeared.¹⁰

¹ B186; WT14.79; WT14.91

² WT14.79

³ WT14.79

⁴ B212

⁵ WT14.91-92

⁶ WT14.92

⁷ WT14.80

⁸ WT14.80

⁹ WT14.87

¹⁰ B187-188; WT14.88



97.11 He said, for the first time, that he had heard Lance Corporal F shout that there was a gunman; he said that Lance Corporal F had been in a kneeling position at the south-east corner of the park and had fired one or two shots. Private G said that he had not been able to see Lance Corporal F's target.¹

¹ [WT14.81](#)

97.12 In his oral evidence to the Widgery Inquiry, Private G mentioned, again for the first time, that he saw some bricks land in front of him when he was "*kneeling down*" in Glenfada Park. The precise timing and detail of this incident are unclear. Private G stated that he took no notice of these bricks. He also stated that he did not see anyone with a nail bomb in the area.¹

¹ [WT14.85](#)

The evidence of Lance Corporal F

97.13 Lance Corporal F made four statements to the RMP.¹ The last deals with what Lance Corporal F said about identifying rioters at Fort George, and is considered elsewhere in this report.²

¹ [B132-133.004](#). Private G's cipher has mistakenly been included in place of Lance Corporal F's on the latter's last RMP statement. This was a clerical mistake presumably made in 1972 during the redaction process. We have seen an unredacted copy of the document and are satisfied that Lance Corporal F did indeed make this statement, and that there is no significance in the erroneous inclusion of Private G's cipher.

² [Chapter 162](#)

- 97.14 In the first of these statements, timed at 0240 hours on 31st January 1972,¹ Lance Corporal F stated that he moved to Glenfada Park after seeing a group of “30–40 rioters” leaving the rubble barricade. When he reached the complex:²

“I saw one of the men light something. I saw it fizzle and spark, and I realised it was some form of bomb. He raised his arm as if to throw the bomb. I fired two aimed shots at the man. The first I saw strike him in the shoulder and the second strike him in the stomach. The bomb did not explode.”

¹ B123

² B122

- 97.15 Lance Corporal F recorded that by the time he fired, other members of his unit had arrived. Together they “*advanced towards the rioters*”, who dispersed.¹

¹ B122

- 97.16 In his second RMP statement, timed as 1410 hours on 31st January 1972, Lance Corporal F recorded that he had been shown a collection of photographs and was reasonably sure that the man he shot “*in a full scale riot in the Glenfada flats on 30 Jan 72 for being in possession of nail bombs*” was shown in two of them marked “Donaghy”. As the photographs are likely to have been those taken of the dead in the morgue, it is probable that Lance Corporal F was identifying Gerald Donaghey as the man whom he shot. As is discussed later in this report,¹ we are satisfied that Gerald Donaghey was shot by Private G on the steps leading to Abbey Park and not in Glenfada Park North.²

¹ Chapter 107

² B126

- 97.17 Lance Corporal F’s third RMP statement, which was expressed as being further to his first statement, was timed at 2030 hours on 4th February 1972.¹ In it Lance Corporal F described entering a square that appears to have been Glenfada Park North. He stated that:²

“I saw the three men on the other side of the square about thirty metres away near to 24 Glenfada Park, south west of our position.

I shot and hit one man as he attempted to throw an object which looked like a nailbomb. I saw [Private] ‘G’ fire and hit another of the men who was carrying what appeared to be a rifle.

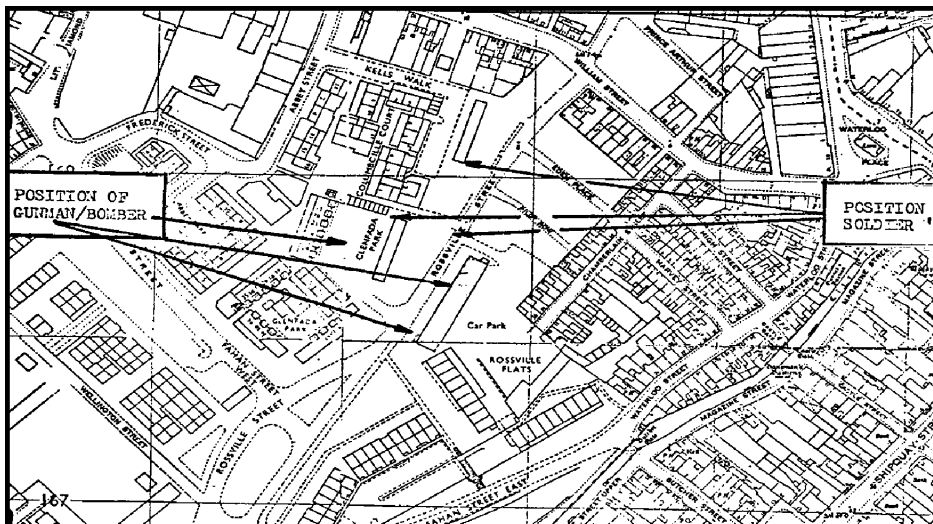
The third man ran off but I believe he was engaged by another soldier. I did not see this.”

¹ B129-130. On the redacted copy of this document, the date has been removed and Private G's cipher has been included in place of the signature. We have seen an unredacted copy of this document, which shows both the date and the fact that it was signed by Lance Corporal F. We are of the view that the errors and omissions on the redacted version are of no significance.

² B129

97.18 Lance Corporal F's RMP map shows the position of his target at about the centre of Glenfada Park North.¹ The apparent discrepancy between this map and his trajectory photograph is discussed below.

¹ B124



97.19 On 19th February 1972, Lance Corporal F gave a statement to Colonel Colin Overbury, the legal officer for the Army team at the Widgery Inquiry.¹ Lance Corporal F and Colonel Overbury told us that they had no independent recollection of this statement,² but the latter told this Inquiry that he assumed that it was intended to “*untangle [Lance Corporal F's] memory as to the sequence of events*”, in light of the different accounts of his actions that he had given to the RMP.³ The statement is largely concerned with Lance Corporal F's acceptance, for the first time, that he had fired towards the rubble barricade while in Rossville Street, and also towards the southern end of the Rossville Flats when he was at the south-east corner of Glenfada Park North. His evidence on these points is discussed in this report when we consider the events of Sectors 3 and 5. In relation to

Sector 4, Lance Corporal F recorded in this statement that “*When I moved with G into Glenfada Park I fired 2 rounds as I said earlier at another man who was about to throw a bomb. The object in his hand was definitely a bomb because it was fizzing.*”⁴

¹ B135

³ CO1.51-52

² B167.008; CO1.51

⁴ B135

97.20 In his written statement for the Widgery Inquiry,¹ Lance Corporal F recorded that he moved into Glenfada Park North with Private G in order to cut off three men, one of whom was armed with a rifle, who had fled from the rubble barricade. He recorded:²

“As we entered Glenfada Park the three men were directly in front of us on the far side. One of them turned and was about to throw what appeared to be a bomb (because it was fizzing) in our direction. Myself and ‘G’ dropped down on one knee. I took an aimed shot. The first shot seemed to hit the man with the bomb in the shoulder, the second in the chest. The man fell to the ground.”

¹ B137; B138; B138.001

² B137

97.21 The statement appears to have been amended by hand, with two significant additions. First, the words “*SE corner*” were added over the geographical description of the three men being “*on the far side*”. Later, at the end of the passage quoted above, an extra handwritten sentence, “*I saw G hit one of the others, I don’t know about the 3rd*”, was included at the bottom of the page.¹

¹ B137

97.22 Later in the same statement, Lance Corporal F referred to his RMP interview in which he had recorded that he was reasonably sure that he had shot a man identified as “*Donaghy*”. In his statement for the Widgery Inquiry, Lance Corporal F recorded that he had seen further photographs of “*Donaghy*” and was “*still reasonably satisfied*” that this was the person whom he shot.¹

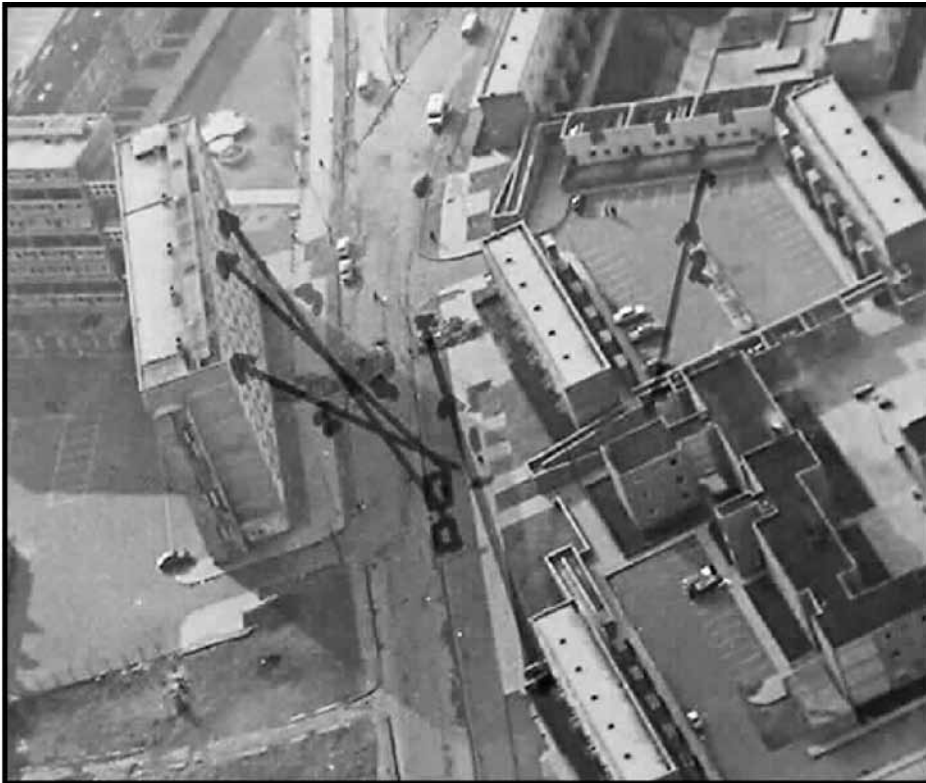
¹ B138.001

97.23 In Lance Corporal F’s trajectory photograph, shown below, his target in Glenfada Park North is shown as being on the pavement at the southern end of the complex, a little west of centre.¹ This is further to the south than the position indicated on Lance Corporal F’s RMP map, which is reproduced above. We are not persuaded that there is any significance in this matter. In our view Lance Corporal F did not mark the arrows on his RMP map, and in other cases, such as those of Corporal A and Private B, we are of the view that the markings on these maps lack precision and accuracy. Elsewhere in this

report² we consider how the RMP maps and trajectory photographs came to be prepared. Considering these points and Lance Corporal F's evidence as a whole, we are of the opinion that Lance Corporal F's trajectory photograph should be preferred as his evidence of where he saw his target in Glenfada Park North.

¹ B166

² Chapters 173 and 174



97.24

In his oral evidence to the Widgery Inquiry, Lance Corporal F gave a similar account of the shooting in Glenfada Park to that he had given in his written statement. He added that the man at whom he fired, who he said had a fizzing object that he took to be a nail bomb, had been on the “*extreme left*” of the group of three that he had seen move from the rubble barricade.¹ His oral evidence was that his first shot hit this man in the right arm.² Although he had stated in his written evidence that it struck the man's shoulder we do not consider this to be a material difference in his evidence. Lance Corporal F later told the Widgery Inquiry that he fired both of his shots at the man within a split second,³ and that after he had shot him, the fizzing object that the man had been holding dropped to the ground; but it did not explode.⁴

¹ WT14.46

³ WT14.73

² WT14.47; WT14.73

⁴ WT14.68-69

97.25 Lance Corporal F's oral evidence to the Widgery Inquiry as to the actions of the two men who were with his target was somewhat uncertain. He stated at first that he did not know whether one or both men were armed, although he said he did recall seeing a rifle.¹ Later in his evidence, in response to questioning from counsel for the families, Lance Corporal F referred to only one of the men, the one who had been in the middle of the group of three, as having a rifle. Lance Corporal F said he thought that Private G shot this man, and that the rifle dropped to the ground.² Lance Corporal F added that he made no effort to recover the unexploded nail bomb or the rifle, as he then heard pistol shots from the direction of the Rossville Flats and, after asking Private G to cover him, he went forward to investigate.³ We deal with Lance Corporal F's evidence of hearing pistol shots at this stage and of what he said he then did in the course of considering the events of Sector 5. Lance Corporal F also stated that he did not remember what happened to the third man,⁴ and that at the time when he entered Glenfada Park he did not see any other civilians there.⁵

¹ WT14.46-47

⁴ WT14.47

² WT14.69

⁵ WT14.73

³ WT14.69-70

97.26 Lance Corporal F gave written and oral evidence to this Inquiry. He told us that he recalled a lot of people and noise in Glenfada Park, but nothing more. He did not, he claimed, recall firing his weapon there.¹ As we observe elsewhere, we do not accept that Lance Corporal F had completely forgotten what he did in Glenfada Park North, especially since, as he told us himself, Bloody Sunday was the first time he had killed someone, and the only time that he did so in Northern Ireland.²

¹ B167.004; Day 375/90-91

² Day 375/59

The evidence of Private H

97.27 Private H made three statements to the RMP. The first of these was taken by Corporal Brobson and was timed at 0210 hours on 31st January 1972.¹ In this statement, Private H recorded that as his platoon advanced, seemingly down Rossville Street, they became the target of stones and nail bombs thrown by a group of youths. These youths then ran off in a north-westerly direction "*in the direction of waste land between 2 blocks of flats about 50–60 metres apart*".² Private H continued:³

“We then pursued these youths through the gap between the two flats about 15 metres wide. At the gap we saw the group of youths hiding behind a broken down car. Around them in all directions were groups of other youths. On seeing us they began to throw bricks and any other material on the waste land.

I saw 3 youths at a distance of about 70 metres, hiding behind the wall. They were dressed in light clothing. I cannot remember their exact dress. With me were ‘F’ and ‘G’. I saw the three youths in possession of nail bombs. I cocked my rifle, took aim at the youth in the middle of the group and fired 2 x 7.62 rounds at the centre of the stomach. The other two soldiers fired 7.62 rounds at the other persons. I could recognise nail bombs in their hands. All three youths fell to the ground.

A youth then appeared from the north west block of flats. He ran from a crowd of people. He was dressed in a jean suit; that was all I noticed. He picked up an object from one of the youths that had been shot and ran in the direction of the north block of flats across the waste land. I aimed my SLR and fired 1 aimed 7.62 round at him which struck him on the shoulder. He then disappeared into a crowd of people converging on the 3 youths who were lying at the side of the broken car.

The youth, when I fired, was about 20 metres from me. I aimed my shot at his central back. On firing I observed him clutch his right hand shoulder but still continue running into the crowd. ‘G1’ examined the bodies of the youths. He later informed us they were dead.

I did not inspect the bodies.”

¹ B218-221; C1868.4

³ B219-221

² B219

97.28 Private H’s reference to “G1” was to the Commander of Anti-Tank Platoon, Lieutenant 119, who had been given that cipher.¹

¹ Day 377/125

97.29 There is considerable doubt as to the date of one of the other two statements given by Private H. The typed and redacted copy of this statement records that it was taken at 0230 hours on 31st January 1972.¹ The unredacted, manuscript version, the document that Private H actually signed,² also bears the date 31st January 1972 in two places, the first immediately above the signature of Private H and the second where the statement taker, Corporal Smith, has signed.³ At the latter point, Corporal Smith has completed the pro forma to show that he had recorded the statement and witnessed the signature at 0230 hours on 31st January 1972 in Londonderry. Both the time and the date have

clearly been altered. It is difficult to make out what the original date was. It was clearly some point in February; prefaced by what appears to be a single figure accompanied by a “th”, which would encompass a date between the 4th and the 9th. We have not found it possible to establish the original time, though the first number “0” seems to us to have been added, to create a time in the early hours of the morning. Corporal Smith is dead and gave no evidence to this Inquiry. Private H told us that he has no memory of making any statements to the RMP.⁴

¹ B228-232

³ C1868.18

² C1868.12-18

⁴ Day 377/80; Day 377/84-85; Day 377/126-127; Day 378/39

97.30

There is no reason to doubt that the time and date recorded by Corporal Brobson on Private H's first RMP statement, 0210 hours on 31st January 1972, are accurate.¹ If this is so, and if the disputed statement taken by Corporal Smith really had been taken by 0230 hours on 31st January, then the entire process of Corporal Brobson interviewing Private H, recording what he said by hand over six-and-a-half pages and arranging for the document to be signed would have to have taken only 20 minutes. We consider this to be highly unlikely. In his evidence to this Inquiry Private H seemed to agree, stating that *“There has to be an error there somewhere, sir, because you could not have made a statement that big in 20 minutes”*.²

¹ C1868.4; Day 275/128-129

² Day 377/126

97.31

The other RMP statement made by Private H is timed, on the manuscript copy, at 2015 hours on “5 Jan 1972”.¹ The location of the interview is recorded as Hollywood Barracks,² the base in County Antrim where 1 PARA was stationed during its deployment as the reserve battalion for 39th Infantry Brigade, and to which it returned shortly after Bloody Sunday. “Jan” seems to be a straightforward and insignificant mistake for “February”. The statement was taken by Warrant Officer Class II INQ 1835, who gave a statement to this Inquiry but did not comment on this particular RMP statement.³ He did not give oral evidence and is now dead. We are satisfied that this statement was taken at Hollywood Barracks on 5th February 1972 at the time recorded.

¹ B226.002; B224-226; B226.001-003

³ C1835.1-8

² B226.002

97.32

This statement, which is concerned with the events of Glenfada Park North and is considered in full below, starts with the words: *“Further to my statement of 30 Jan 72 in which I described in detail my actions during the Bn [Battalion] Operation in Londonderry on that day.”*¹ It seems to us that this introduction refers to Private H's first RMP statement; although technically this was dated 31st January, it is understandable that

Private H did not distinguish between the day in question and the early hours of the following morning, when he came to give his first RMP interview. It is notable that on 5th February 1972, Private H referred to only this one previous statement.

¹ B224

97.33 This reference in his statement of 5th February, the clearly changed date on the manuscript copy of the disputed RMP account, and the inherent improbability that Private H could have given two lengthy and inconsistent statements within twenty minutes of one another, lead us to conclude that the “second” statement was not given at 0230 on 31st January. Considering all three of the RMP statements, it seems to us that Private H’s first account, given to Corporal Brobson on the morning of 31st January, was so confused that further statements were obtained in order to clarify his evidence. On 5th February a second interview was conducted by Warrant Officer Class II INQ 1835, dealing with the events that occurred in Glenfada Park North. At some later point, a third statement was drawn up by Corporal Smith. As is discussed below, this was a coherent account that covers all of Private H’s evidence of the day and in some respects (for example, identifying where his targets were in Glenfada Park North) goes into greater detail than the statement of 5th February 1972. As such it seems to us to have been an attempt to provide a definitive and complete version of Private H’s evidence.

97.34 As Corporal Smith died without giving evidence on this point, and as Private H claimed at this Inquiry that he could not recall any RMP interviews that he gave, we are unable to determine why the date and time were changed, though the possibility exists that this was done by someone in an attempt to make Private H’s statements to the RMP more coherent and consistent. The handwriting of the changed date and time appear dissimilar to that of the body of the statement, which to our minds indicates that the changes were not made by Corporal Smith. We are satisfied from an examination of a report dated 23rd March 1972,¹ made by Colonel Overbury, and the brief delivered to counsel for the Ministry of Defence (MoD) on 18th February 1972,² that the statement timed at 0210 hours on 31st January³ and the statement taken on 5th February⁴ were submitted to the Widgery Inquiry, but we have been unable to determine whether what we consider to be the third statement (which was disclosed to us by the MoD) was ever submitted to that Inquiry.

¹ CO1.5

² G121B.805.19-41

³ B218-221

⁴ B224-226; B226.001-003

97.35 In these circumstances we now turn to the statement given by Private H to Warrant Officer Class II INQ 1835 on 5th February 1972, in what we consider to be his second RMP interview.¹ In this, Private H stated that he was positioned behind a parked civilian car in the north-east corner of the Glenfada car park with other members of his platoon, including Lance Corporal F. According to this statement, to the south-west of his position he saw a group of between five and seven youths on a footpath an estimated 70m away.² In the typed version of the statement several words are omitted (in our view through clerical error), but the manuscript document continues:^{3,4}

"I am positive that two of these youths were carrying nail bombs, I cannot say if the others carried weapons or offensive weapons. In my earlier statement [in our view, the one that he gave to Corporal Brobson at 0210 hours on 31st January] I have described my action, however shortly before I fired at one of the youths carrying a nail bomb, Lcpl [F] fired at the other youth carrying a nail bomb and I saw him fall to the ground. This was followed by more shots from the members of my platoon and I can say that four of the youths were shot dead. I did not actually see who shot the other two youths. This was because I was watching a youth who appeared from the west side of the Glenfada Car Park he ran to where the bodies lay picked up a nail bomb and as he turned I fired one shot from my SLR and hit him in the upper right arm or shoulder but he continued and left the area the way he had come. The only thing I remember about him was that he was wearing a blue denim jacket and trousers.

I cannot say what happened to the youths who were not shot who could have numbered between one and three.

The members of the platoon besides myself and [F] were Cpl [E] and Pte [G]. I know that [E] and [G] fired but I did not actually [see] what they were aiming at.

Shortly after the shooting Lieut [119] arrived and went to look at the bodies of the youths. He may have been present for some time but I would not have seen him because he would have been behind me.

I did not search or examine the bodies myself. When firing I was guided by the instructions laid down in the Yellow Card."

¹ B224-226; B226.001-003

² B224

³ B224-225; B226.001-002

⁴ The manuscript document only gives the ranks of the soldiers concerned, so the ciphers from the typed version have been added in square brackets.

97.36 Private H also recorded in this statement that at the time of firing he was wearing a gas mask and thus was unable to say exactly where Lance Corporal F, Corporal E and Private G stood in relation to him, though Lance Corporal F was positioned near the boot of the car.¹

¹ [B225](#); [B226.002-003](#)

97.37 There remains the statement taken by Corporal Smith, which in our view was the last of the three that Private H gave to the RMP.¹ In this, Private H stated that he followed two other members of his platoon in pursuing a group of youths, one of whom had thrown a nail bomb, along an alleyway and into a “*large square formed by ... garages and three blocks of flats*”.² We are sure that this is a description of his entering Glenfada Park North through the alleyway that led into the north-east corner. He continued:³

“On entering the Square I saw the two other members of my unit positioned behind the rear of a parked civilian car in the aim position. These two men I later identified as being ‘F’ and ‘G’, both members of my section.

I saw ‘F’ fire at a man near an opening in the South West corner of the square. I positioned myself behind the front of the car which was parked near to the first garage facing East.

I saw a youth aged between eighteen and twenty two years standing about five feet North East of the North East wall of number 59 Glenfada Park. He had his right arm drawn back in a throwing position and was about fifty yards South West of my position. I saw that he had in his hand a round object about the size of a coca-cola tin which looked like a nailbomb. I fired two aimed shots 7.62mm at the youth and he fell to the ground. The youth was dressed in dark coloured trousers and a bright coloured sweater or shirt. The nailbomb did not explode.

I saw another youth of about the same age, dressed in blue denim jacket and trousers run from the gap in the South West corner of the square. He picked up the nailbomb which was lying on the floor near to the fallen youth. The youth turned and faced towards the gap he had ran from. I fired one aimed shot 7.62 mm at the youth. I saw him stagger and then run North East and into the gap where I noticed other people had assembled.”

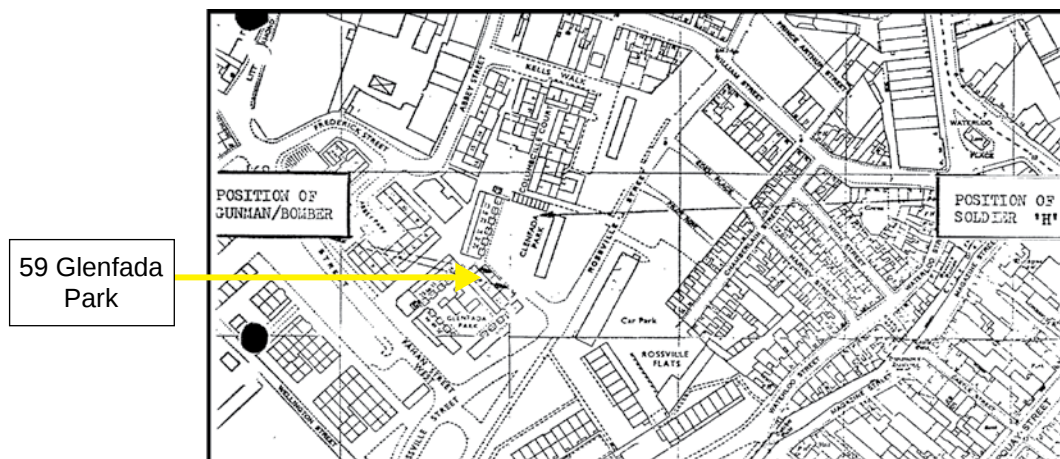
¹ [B228-232](#)

³ [B230-231](#)

² [B229-230](#)

97.38 Although a map was produced to accompany Private H's RMP evidence,¹ it is not clear when it was made. We are satisfied that it could not have been produced on the basis of his first RMP statement, since this was so confused in its geography. It is not possible to determine whether it was instead drawn up in association with the statement that Private H gave to Warrant Officer Class II INQ 1835 on 5th February 1972, or at what we believe to be his later interview with Corporal Smith.

¹ B222



97.39 On this map we have identified 59 Glenfada Park.

97.40 The reference to the injured youth running “*North East*” must in context be a mistake, for otherwise the youth would have been running directly towards Private H.¹

¹ As already noted, a similar mistake is found in Private G's first RMP statement. These mistakes might well have occurred as a result of the soldiers looking at a map with the south side at the top. If this was the case, then “north east” would have been a mistake for “south west”, which would be consistent with the evidence that Private H gave in what we consider to be his second RMP statement and to the Widgery Inquiry.

97.41 In his written statement for the Widgery Inquiry, signed in early March 1972, Private H again described chasing a group of youths, one of whom had thrown a nail bomb, down an alleyway and into Glenfada Park.¹ He continued:²

“Through the alley-way in Glenfada Park there was a car parked. I stayed at one end, F and G at the other. I leaned on the bonnet in a firing position. F and G were there about two seconds in advance of me. I saw F fire. I saw a lad at the end of the line marked 2 on the photograph (marked Soldier H). [This a reference to his trajectory photograph which is reproduced below.] He had an object like a Coca-Cola tin in his hand. He was drawn back in a throwing position. I fired two shots at him and he fell to the ground ... The bomb just thudded to the ground without rolling or bouncing. I am

still sure it was a bomb. It did not explode. There was an alley-way at the opposite corner of the square from which a youth ran. He picked up the bomb, I think with his right hand, and I thought he was about to throw it. I fired one round at him and think it hit him in the right shoulder or upper arm. He was able to stagger away. He did not drop the bomb.”

¹ B233-235

² B234

97.42

On his trajectory photograph,¹ Private H indicated that his second target was slightly to the west of his first target and that both were at the southern end of Glenfada Park North, slightly to the west of centre. The photograph is also marked with the location at which Private H claimed to have fired 19 further shots at a gunman, a matter that we consider later in this report.²

¹ B261

² Paragraphs 105.9–24



97.43

In his oral evidence to the Widgery Inquiry Private H said that when he reached Glenfada Park North he took up a firing position at the bonnet of the parked car, which was closer to the corner through which he had entered than the boot.¹ The two soldiers who had been in front of him were at the other end of the vehicle.² Private H said he saw one of these soldiers fire,³ and that he thought it quite possible that the other soldier did so too.⁴

Private H told the Widgery Inquiry that he did not see what they were firing at, as his attention was drawn to a youth about 70m away, who was in a throwing position, holding a brown object shaped like a Coca-Cola tin.⁵ Private H said he took this to be a nail bomb, even though he “*did not notice any fizzing, or smoke, or anything like that*”.⁶ He said that he fired twice in quick succession;⁷ that his first shot missed his target and struck a building; that the second shot hit the youth; and that he saw the object in the youth’s hand fall to the ground without exploding.⁸ Private H told the Widgery Inquiry that shortly afterwards he saw a youth dressed in blue denim run out and pick up the object with his right hand.⁹ Private H said that as he believed that the youth was about to throw the object at him, he fired another aimed shot, which hit his target in the arm or shoulder.¹⁰ According to Private H the youth, who did not drop the object, then staggered back from where he had come.¹¹

¹ WT14.97-98

² WT14.97

³ WT14.97

⁴ WT15.10

⁵ WT14.98; WT15.10

⁶ WT15.10

⁷ WT14.98

⁸ WT14.98; WT15.11

⁹ WT14.98

¹⁰ WT14.98; WT15.12-13

¹¹ WT14.99

97.44 Private H also told the Widgery Inquiry that he had not seen or heard any nail bombs exploding in Glenfada Park, though when he was behind the car he had heard an explosion like a nail bomb or gelignite bomb, which sounded as if it had come from a position outside that area.¹

¹ WT15.11

97.45 Private H gave written and oral evidence to this Inquiry. In his written statement,¹ he told us that he did not remember how he reached Glenfada Park North, although he stated that he did recall being terrified.² In contrast to his 1972 evidence, Private H told us that he did not recall anyone throwing a nail bomb towards him as he advanced towards Glenfada Park. However, he told us that on arrival in the courtyard he saw a civilian, who was among a larger group on the south side, throw a nail bomb. Private H stated that he was aware that it landed quite close to him, but the bomb did not explode.³ He also told us that he looked around for anyone else who might be throwing nail bombs, and saw a youth “*among the group of civilians at the far side of the courtyard*”, holding a brown, smoking object that was about the size of a Coca-Cola tin in one of his hands. According to Private H, the youth was in a throwing position, and he was “*absolutely sure*” that the

object was a bomb.⁴ He told us that he fired two quick shots at this youth with his rifle at his shoulder, and thought that *“I hit him with one of my shots – possibly both although I am not sure where on his body he was hit”*.⁵

¹ B262-264; B264.001-008

⁴ B264.001

² B264

⁵ B264.001

³ B264

97.46 Private H stated that this was the first time that he had ever fired at a live target and the first time he had shot anybody. He commented that as he was concentrating on his target he had a memory only of this incident, and he did not recall the actions of the other soldiers or civilians in the car park.¹ Later in his statement he added that as he was still wearing his respirator, he could *“only really see clearly straight ahead of me”*.²

¹ B264.001

² B263-264; B264.001-002

97.47 Private H stated that shortly after his first target had fallen, he saw another youth run out from one of the southern entrances to Glenfada Park North. Private H told us that he recalled that this youth picked up the bomb and ran with it; and that he fired one shot and hit the youth in the shoulder or upper arm. *“He did not fall to the ground and continued running. There was no explosion and I assumed that he must have removed the fuse as he went.”*¹

¹ B264.001

97.48 In his oral evidence to this Inquiry, Private H said that he had no recollection on many matters, despite being taken in detail through the statements that he had made and the evidence that he had given in 1972.¹ However, he said he remembered taking cover behind either a car or a low wall when he arrived in Glenfada Park North,² and he agreed that his evidence to the Widgery Inquiry, to the effect that he did not see any fizzing or smoking from the object in the hands of his first target, was more likely to be correct than his original recollection to this Inquiry that the object was smoking.³ He also accepted that it appeared from the transcript of his oral evidence to the Widgery Inquiry that he had told that Inquiry that his first shot had missed.⁴ Private H insisted that his first target had been in possession of a nail bomb,⁵ and he did not think that he had missed this youth and hit someone else.⁶ He also said that he had not fired from the hip, or in a fanning motion, nor had he seen any other soldiers doing so.⁷

¹ Day 377/1-194; Day 378/1-139

⁵ Day 377/61-62

² Day 377/56

⁶ Day 378/138-139

³ Day 377/58-59

⁷ Day 377/90-91; Day 378/13; Day 378/113

⁴ Day 377/60-61

97.49 Contrary to his first RMP statement,¹ Private H told this Inquiry that he did not see his Platoon Commander, Lieutenant 119, go forward to examine the bodies in the southern end of the courtyard in the aftermath of the shootings.² He later agreed that his RMP evidence might have arisen from his being told later by Lieutenant 119 that people had died in Glenfada Park North, and subsequently assuming that Lieutenant 119 had learned this by examining the bodies.³

¹ B220

³ Day 377/136-137

² Day 377/125

The evidence of Corporal E

97.50 Corporal E made two RMP statements. In the first, timed at 0140 hours on 31st January 1972,¹ he recorded that he moved from the low walls of the Kells Walk ramp into Glenfada Park in order to head off “rioters” who had moved into that area from the rubble barricade. This statement continued:²

“There were about six men coming towards us and then a petrol bomb exploded in the square in front of us. This was followed by the explosion of a nail bomb nearby and other missiles were thrown at us.

We deployed and took up firing positions. The rioters stopped and continued to bombard us with missiles including petrol and nail bombs. I heard shots from around me and saw two of the rioters fall to the ground.

I then saw one of the men, who was about 30 metres from my position, had what appeared to be a petrol bomb and a nail bomb in his hands. I saw him light one of these objects and throw it in our direction and then a petrol bomb exploded near us. I saw him light the other. I shouted at him to drop it. I don’t know if he heard me or not but he throw it in my direction. I fired two aimed shots at this man. The first shot missed the target but I saw the second strike him in the chest and he was knocked backwards, and he fell to the ground. Immediately after I fired a nail bomb exploded near my position.

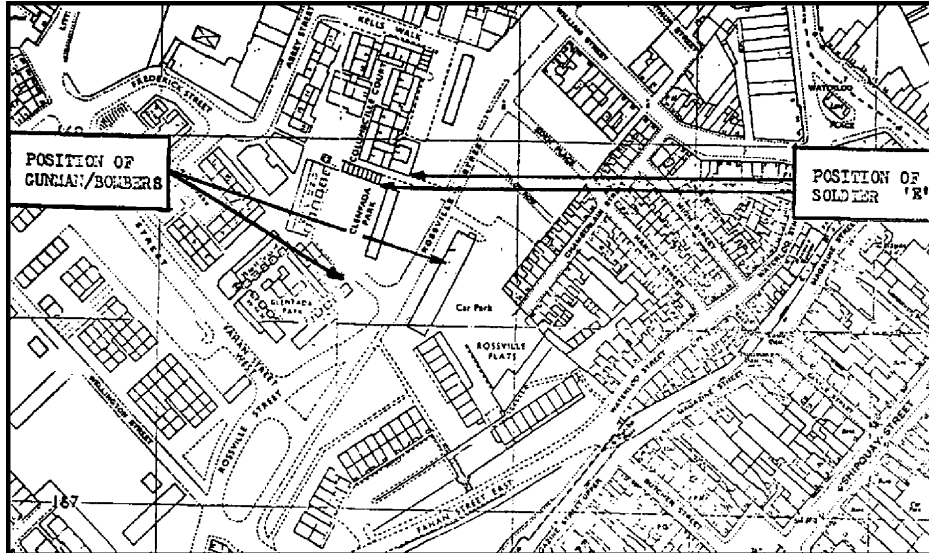
Numerous people came out of the flats and went over to the bodies. There was a lot of commotion going on and we withdrew to our original positions on Rossville Street.”

¹ B86-88

² B87-88

97.51 On his RMP map, Corporal E's target in Glenfada Park North was shown as being south and slightly west of the southern end of the eastern block of Glenfada Park North.¹

¹ B89



97.52 In a second RMP statement, timed at 1400 hours on 31st January 1972, Corporal E recorded that he had been shown a collection of photographs and that from these he had selected two marked “Kelly” as showing the man that he was “*reasonably sure*” that he shot “*in an incident at the Glenfada flats*”.¹ It is clear from the description given of the photographs, and from the fact that only one person named Kelly was shot on Bloody Sunday, that Corporal E was referring to Michael Kelly. As we have described earlier in this report,² Michael Kelly was shot at the rubble barricade on Rossville Street, and not in Glenfada Park North. Corporal E claimed to have hit only one target on Bloody Sunday, namely a nail and petrol bomber in Glenfada Park North.

¹ B91-92

² Paragraphs 92.43–44

97.53 In his written statement for the Widgery Inquiry, Corporal E recorded that when he arrived in Glenfada Park North:¹

“there were about forty or fifty people there, some of whom started to throw missiles in my direction. On the extreme left of the crowd, from my direction, I saw a man throwing a petrol bomb in my direction which landed about ten yards from me. I then saw that he also had a nail bomb in his hand which he lit. As he was lighting it I shouted to him to drop it but by this time he had already lit it and so I fired two aimed shots at him. The reason that I fired two shots at him was that I missed with the first. I am not sure where the first round went but I could see that no-one else was in my line of fire. The second one hit him and he fell down. The nail bomb exploded but I could not see anyone hurt. During this time there was quite a lot of shooting in the whole area and I saw two more bodies fall but I did not notice if they had anything in their hands. The crowd were still aggressive and some of them surrounded the body of the man I had shot.”

¹ B95

97.54 Later in this statement Corporal E recorded that, “*having thought about the matter and having seen further photographs*”, he was “*not sure*” that he had been correct in telling the RMP that he had shot the man identified as “*Kelly*”.¹

¹ B95

97.55 Corporal E’s trajectory photograph shows the same position of the man he said he shot in Glenfada Park North as his RMP map, namely on the eastern side of Glenfada Park North close to the northern block of Glenfada Park South.^{1,2}

¹ B116

² We consider the other shot shown on Corporal E’s RMP map and trajectory photograph elsewhere in this report (paragraphs 87.58–65).



97.56

In his oral evidence to the Widgery Inquiry, Corporal E gave a broadly consistent account of what he saw and did in Glenfada Park. He claimed that the crowd of about 40 that he saw in the courtyard threw “*rocks and stones and nail bombs*”.¹ However, he later made clear that he saw only one petrol bomb and one nail bomb thrown, and that these were the bombs he said were thrown by the man at whom he fired.² In his account of the shooting, and in contrast to his earlier statements, Corporal E stated that he did not see his target light the nail bomb that he threw, as “*the petrol bomb had gone off at that time*”.³ Corporal E also gave the additional evidence that the man at whom he fired was about 30m away, that he (Corporal E) shouted “*Drop it*” before firing, and that his two shots were fired within a split second of one another.⁴ He said that after he had fired,

some in the crowd remained aggressive while others ran away, and that while he could not recall how many people approached his fallen target, he thought that it was “*quite a few*”.⁵

¹ WT14.32

⁴ WT14.32

² WT14.40

⁵ WT14.33

³ WT14.32

97.57 In relation to the two other people whom he saw fall, Corporal E indicated that they fell in the centre of the southern end of Glenfada Park North. He said that he did not know who had shot them,¹ and that he did not recall which way the casualties were facing, stating that it was “*too easy not to notice it when you are concentrating on something else*”.² However, he said that he remained “*positive*” that he had indeed seen these people fall.³

¹ WT14.33

³ WT14.41

² WT14.41

Major Loden’s List of Engagements

97.58 As is discussed in detail elsewhere in this report,¹ Major Loden compiled a list of engagements after interviewing a number of the firing soldiers in the immediate aftermath of Support Company’s withdrawal from the Bogside. This consisted of 15 entries, each containing a brief description of the target or targets at whom a soldier or soldiers fired, and grid references giving their respective positions. This list is incomplete and there are further problems with some of the information it contains. Nonetheless, it is possible in many cases to ascertain to which of the soldiers particular entries refer.

¹ Chapter 165

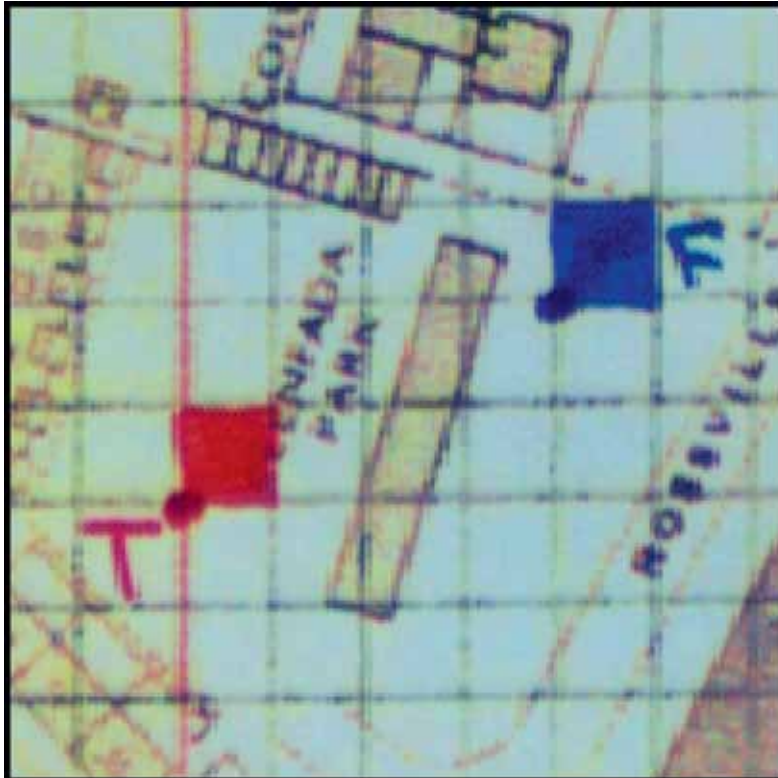
97.59 In the case of the initial military firing in Glenfada Park North, there are two relevant entries. These are:¹

- “9. 3 nail bombers at GR 43201685 (Glenfada Park) shot from GR 43241687. All hit.
- 10. 2 gunmen with pistols at GR 43181686 (Glenfada Park) shot at from GR 43231687. One hit, one unhurt.”

¹ ED49.12

97.60 When plotted, the grid references at entry 9 reveal that while the targets were close to the southern edge of the centre of the car park, the firing soldier or soldiers were outside Glenfada Park North, seemingly between Rossville Street and the eastern wall of the eastern block of the complex. As is shown below, this would mean that there was no line of fire between the soldier or soldiers and the nail bombers:¹

¹ OS2.64



97.61 We are satisfied that due to the difficult circumstances in which Major Loden compiled his list, no significance should be placed on what we consider to be an understandable error in recording the precise position of the firing soldiers. In our view, the soldiers to whom Major Loden spoke intended to indicate that they were inside Glenfada Park North, in the north-eastern corner.

97.62 Allowing for this adjustment, we are of the view that entry 9 probably resulted from the evidence given to Major Loden by Lance Corporal F, who claimed to have shot one nail bomber at the southern side of Glenfada Park North, and Private H, who stated that he had hit two, one in the arm or shoulder. It is notable that in his initial RMP statement, Private H claimed to have seen four youths with nail bombs at various points; he hit two

and he believed that the other two fell after being shot by his colleagues.¹ However, it may be that when Major Loden compiled his list he recorded only the target or targets at whom a soldier claimed to have himself fired.

¹ [B219-220](#)

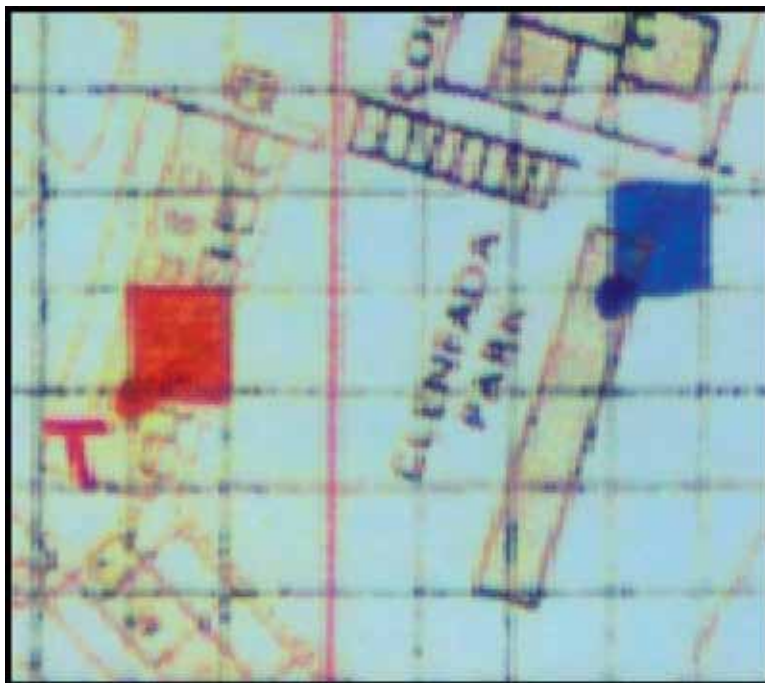
97.63 Private H told this Inquiry that he had a “*vague*” memory of being interviewed by Major Loden in the immediate aftermath of the shooting incidents.¹ Lance Corporal F said that he had no such recollection.² Nonetheless, it is in our view probable that both soldiers did speak to Major Loden, and that they gave the information that was recorded in entry 9.

¹ [Day 378/57-59](#)

² [Day 376/141-142](#)

97.64 Taken literally, as is shown below, the grid references at entry 10 would suggest that the two gunmen were in the western block of Glenfada Park North, while the firing soldier or soldiers were in the eastern block, or just outside the complex.¹ Again, we consider that this is not what was intended; instead it is likely that the firing soldier or soldiers claimed to have been in the north-east corner of Glenfada Park North, with their targets in the south-west corner.

¹ [OS2.66](#)



97.65 In our view, it is possible that entry 10 refers to Private G. However, there are two notable differences between the information recorded in Major Loden’s list and Private G’s evidence to the RMP and to the Widgery Inquiry. First, Private G stated in these accounts

that the men at whom he fired were armed with “*short rifles*” instead of pistols.¹ Second, Major Loden appears to have been told that one of the gunmen was hit, while the other was “*unhurt*”. However, Private G told the RMP that he saw both men fall; he shot one and he assumed that Lance Corporal F hit the other.² In a supplementary RMP statement, and in his evidence to the Widgery Inquiry, Private G again said that the gunmen fell, although he had by then changed his account to allow for the possibility that he had shot them both.³ In these circumstances, though it is possible, we are not sure that the information came from Private G. We have nothing to suggest that the information came from another of the soldiers who fired in Glenfada Park, none of whom gave an account of firing at, or of seeing firing at, men with pistols. In short, we do not know who gave Major Loden the information recorded in entry 10.

¹ B169; B186; WT14.79; WT14.91

³ B179; WT14.80

² B169

97.66

Corporal E's claimed shots in Glenfada Park North were not recorded on Major Loden's List of Engagements. As noted earlier in this report,¹ his claimed shot against a target in a window of Block 1 of the Rossville Flats is also absent from this list. We do not know why this is.

¹ Paragraph 87.70

Chapter 98: Other military evidence of firing in Glenfada Park North

Contents

	Paragraph
Private 027	98.2
Lieutenant 119	98.4
Lance Corporal J	98.11

98.1 Three other soldiers have said that they saw members of Anti-Tank Platoon fire in Glenfada Park North. They are Private 027, Lieutenant 119 and Lance Corporal J.

Private 027

98.2 In relation to Private 027, we have already expressed the view that he did not arrive in Glenfada Park North until after Lieutenant 119, and that he was not present when the casualties (with the possible exception of Patrick O'Donnell) were shot there. Therefore, his account of the shooting of civilians in Sector 4 is at best second-hand.

98.3 In his statements to the Royal Military Police (RMP) and to the Widgery Inquiry, Private 027 recorded that he saw Corporal E shoot at and hit a petrol bomber.¹ In an account given in 1975 he wrote that he saw Private H and Corporal E fire at apparently defenceless civilians, and that a fourth man was killed by either Lance Corporal F or Private G.² In an interview with the journalist Lena Ferguson in March 1997 he said that Corporal E, Private G and Private H all fired and hit civilians in Glenfada Park North.³ In his evidence to this Inquiry Private 027 stated that his earlier account of seeing Corporal E shoot a petrol bomber was a “*total fabrication*”, though he said that he thought that “*four soldiers had fired*” while he was in Glenfada Park North.⁴

¹ [B1547-1548](#); [B1551-1552](#)

² [B1565.6-7](#)

³ [B1565.273](#); [Day 249/173-175](#)

⁴ [B1565.41-51](#); [Day 246/84](#); [Day 264/90-92](#)

Lieutenant 119

98.4 Lieutenant 119, in his first RMP statement,¹ timed at 1320 hours on 31st January 1972, recorded: *“Under the command of ‘E’ and ‘F’ a number of my platoon entered a square, Columbcille Court. On rounding the corner they informed me that they had fired a number of aimed shots at male persons in the process of preparing nail bombs.”*² Lieutenant 119 indicated that three youths had been killed, and that their bodies were in the south-west corner of Glenfada Park North.³ Later in this statement he described the casualties as *“males dressed in dark blue jean jacket”*, adding that to the best of his recollection they were lying on their stomachs and he could see only the side elevation of their faces.⁴ After being shown a selection of photographs he identified the dead as (Gerald) *“Donaghy”*, (Michael) *“Kelly”* and (John) *“Young”*.⁵ As is discussed above, these were the three men identified with varying degrees of confidence by Lance Corporal F, Corporal E and Private G respectively. We are sure that none of these men was shot in Glenfada Park North.

¹ B1752.041-042. The typed and redacted copy of this statement is dated “11 January”. We have seen the original unredacted, handwritten and signed copy of the statement, and it is clear from this that the document was signed on 31st January 1972. We consider that this was probably a typist’s error and of no significance.

² B1752.041

³ B1752.041-042

⁴ B1752.042

⁵ B1752.042

98.5 In his second RMP statement, timed at 1930 hours on 4th February 1972,¹ Lieutenant 119 recorded that as he followed Corporal E and Lance Corporal F into Glenfada Park North he saw Lance Corporal F fire two rounds at a target he could not see, from a grid reference that put Lance Corporal F in the north-east corner of Glenfada Park North. He continued: *“I then moved into Glenfada Park where I saw three bodies, all apparently dead, lying on the ground. I have previously been shown photographs of these bodies, but I am unable to identify them as the bodies recovered from this location.”*² We have been unable to ascertain to which photographs Lieutenant 119 was here referring.

¹ B1752.031-037

² B1752.034; B1752.037

- 98.6 In his written statement for the Widgery Inquiry,¹ Lieutenant 119 recorded that as he came through the archway on the northern side of Glenfada Park North:²

"I saw F, who was standing on the eastern side of the courtyard, fire two shots. I looked quickly but could not identify his target. The courtyard then contained only my own men and on the far corner three bodies about which one or two civilians had started to assemble."

¹ B1752.043-045

² B1752.044

- 98.7 In relation to the identifications that he gave in his first RMP statement, Lieutenant 119 stated that he did not get closer than 15m to the bodies, as he received an order to withdraw shortly after he began to move towards them.¹ In the typed version of Lieutenant 119's statement it is recorded that he was asked to attempt the identifications by the SIB (the Special Investigation Branch of the RMP); that he gave a "*possible recognition*", but that he "*certainly would not be able to give positive evidence of identity from the view that I had*".² However, this section has been crossed out and seemingly replaced with a manuscript sentence reading: "*But when I was shown the photographs the following day I felt that the photographs of Kelly, Donaghy and Wray bore most resemblance to the bodies I had seen*".³ As is noted above, in his first RMP statement Lieutenant 119 gave the names of Kelly, "Donaghy" and Young, but not that of (Jim) Wray.

¹ B1752.044-045

³ B1752.045; the underlining was on the original.

² B1752.045

- 98.8 In his oral evidence to the Widgery Inquiry,¹ Lieutenant 119 said that when he entered Glenfada Park North he saw Corporal E, Lance Corporal F and Private G, the last of whom was halfway down the west side of the complex.² Later in his oral evidence Lieutenant 119 added that he also saw Lance Corporal J in the courtyard; that his signaller, Private 027, followed behind him when he entered; and that although he subsequently learnt that Private H was also present, he did not recognise him at the time.³ Lieutenant 119 stated that as he entered he saw Lance Corporal F fire two rounds more or less straight down the eastern side, but that he did not see Corporal E or Private G shoot.⁴ At one point in his oral evidence to the Widgery Inquiry, Lieutenant 119 was asked "So F was firing up towards Glenfada Park – you see the words 'Glenfada Park?'" He answered "Yes".⁵ The context makes it clear that the questioner was referring to the model of the Bogside used at the Widgery Inquiry. A photograph of this model is shown below, and from this it can be seen that the above exchange is consistent with Lieutenant 119's earlier evidence of seeing Lance Corporal F fire in a southerly direction

approximately along the eastern block of Glenfada Park North. He repeated his evidence of seeing three bodies, lying face down in the south-west corner.⁶ In relation to his identification of these men as Kelly, “Donaghy” and Wray (not Young) he stated that he was only “able to say that those three bore most resemblance” to the casualties in Glenfada Park.⁷

¹ WT14.9-27

² WT14.14

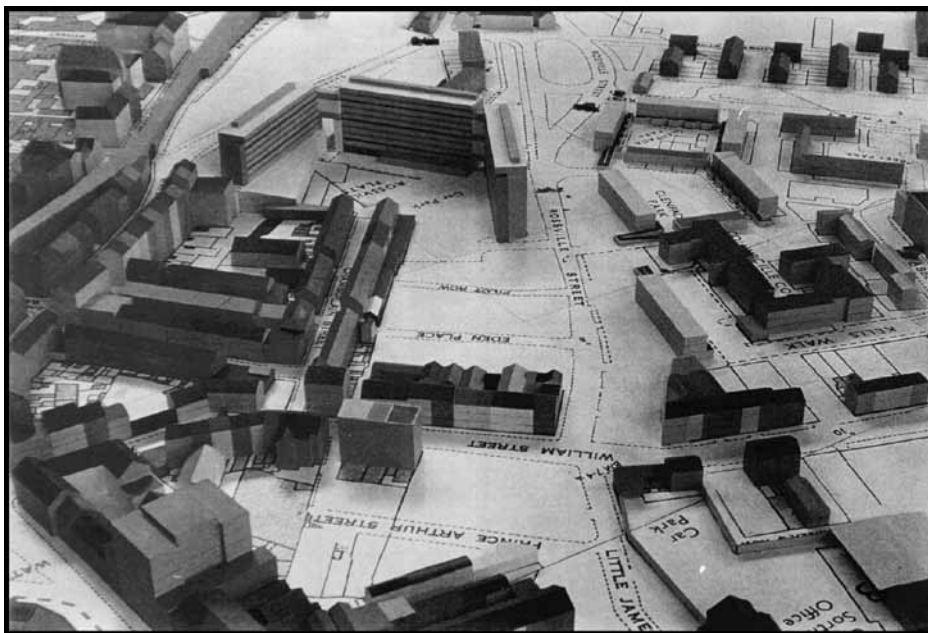
³ WT14.20; WT14.22; WT14.26

⁴ WT14.14; WT14.20-21

⁵ WT14.20

⁶ WT14.14; WT14.16; WT14.20

⁷ WT14.16



98.9

Lieutenant 119 told the Widgery Inquiry that he received a “quick report” from his soldiers before leaving Glenfada Park, and then a “full report” afterwards.¹ He stated that “They explained how people had been in the act of throwing nail bombs and they explained also that they saw someone with a weapon in his hand in the position where these three bodies were”.² Under questioning from counsel for the families, Lieutenant 119 accepted that he had not mentioned these reports in his written statement for the Widgery Inquiry.³ Later in his evidence, Lieutenant 119 was reminded that he had told the RMP in his first statement that members of his platoon had informed him that they had fired at “male persons in the process of preparing nail bombs”.⁴ Lieutenant 119 said that he recalled that one soldier, whom he believed to have been Lance Corporal F, had told him that a nail bomb had been thrown.⁵

¹ B1752.058

² B1752.059

³ B1752.059

⁴ B1752.041

⁵ WT14.26

- 98.10 Lieutenant 119 told this Inquiry that he could no longer recall what he saw in Glenfada Park North,¹ though he did say that the words in his first RMP statement “*preparing nail bombs*” should have read “*preparing to throw nail bombs*”.²

¹ B1752.16-20; Day 363/146-178; Day 364/10-25;
Day 364/41-56; Day 364/89-92; Day 364/107-109;
Day 364/122-123

² Day 363/170

Lance Corporal J

- 98.11 Lance Corporal J, in his second RMP statement, timed at 1510 hours on 4th February 1972,¹ recorded that after he moved from Rossville Street he took up position on the left-hand corner of Glenfada Park observing in the direction of the compound.² By “*compound*” we consider that Lance Corporal J meant “*courtyard*”. As he did so, he saw:³

“two male persons aged about 26 yrs positioned at the far left corner of the block of flats just beyond the compound. These persons were wearing suits one with an all dark suit the other a Brownish coloured suit. The two persons were in posession [sic] of nail bombs which failed to go off. The nail bombs were in their right hands.

Two members of my Coy namely LCpl [F] & Pte [G] fired at these two Nail bombers and I saw them fall to the ground. At this same time rioters were running away from the main crowds up into the alleyway along side the flats.”

¹ B270.001-003

³ B270.002

² B270.001-002

- 98.12 In the typed version of this statement it is recorded that the nail bombs were in the “*left hands*” of the two people in the far left corner.¹ We consider that the reference to the “*left hands*” in the typed version was a transcription error of no significance.

¹ B269

- 98.13 In his written statement for the Widgery Inquiry, Lance Corporal J recorded that while he was going through the alleyway to the entrance to Glenfada Park North he heard an explosion, which sounded like a nail bomb.¹ He continued:²

“When I reached the entrance to Glenfada Park I saw soldiers F and G firing at two men on the opposite side of Glenfada Park and they fell. They had objects in their hands which looked to me like nail bombs but I could not be sure. These objects did not explode. At that time there were a crowd of people in the area of Glenfada Park where the men had been shot and they surrounded the bodies.”

¹ B273

² B273

98.14 Lance Corporal J’s oral evidence to the Widgery Inquiry was broadly consistent with his written statement.¹ He added that he thought that the crowd who surrounded the men “*must have picked up the objects that fell from these two people’s hands*”.²

¹ WT15.31-32; WT15.36

² WT15.32

98.15 Lance Corporal J told this Inquiry that he could not remember any of the events leading up to or during his time in Glenfada Park North.¹ We do not accept that he had in fact no memory of these events.

¹ B289.4; B289.7; Day 370/52-81

Chapter 99: Summary of the military evidence

- 99.1** According to the evidence given by Corporal E, Lance Corporal F, Private G and Private H, therefore, their targets and shots were as follows.
- 99.2** Corporal E said he fired twice at a petrol and nail bomber on the eastern side of the southern block of Glenfada Park North, hitting him in the chest with his second shot. The man fell.
- 99.3** Lance Corporal F stated that he fired twice at a nail bomber who was on the pavement at the southern end of Glenfada Park North and approximately halfway across the complex. Lance Corporal F believed that he hit him in the arm or shoulder with the first shot and in the stomach or chest with the second. The man fell. We find no significance in the slightly differing descriptions given by Lance Corporal F of where his shots hit his target.
- 99.4** Private G stated that he fired three shots at a rifleman a little to the north of the south-western corner of Glenfada Park North. The man fell. Private G also claimed that he might have hit another rifleman who was close to his target and who also fell, but at the time he thought that Lance Corporal F had shot this man.
- 99.5** Private H stated that he fired three shots at two targets. His first Royal Military Police (RMP) statement contained a confused account of where these targets were, but in his subsequent evidence he claimed that his first two shots were fired at a nail bomber who was at the southern end of Glenfada Park North, to the west of centre. He might have hit or missed with his first shot, but he saw the man fall after the second and drop the nail bomb. His third shot was fired at a man who had come out of the gap at the south-western corner of Glenfada Park North and recovered the nail bomb. He hit this man on the arm or shoulder but the man staggered back from where he had come.
- 99.6** Corporal E, Lance Corporal F, Private G and Private H therefore claimed to have fired a total of ten shots. Their evidence as a whole was that three bombers and two gunmen fell after being shot, and another youth was wounded as he fled Glenfada Park North after picking up a nail bomb dropped by one of these casualties. Up to four of their rounds might have missed their targets. Corporal E, Lance Corporal F and Private G gave no evidence of firing further shots into Glenfada Park North, but, as is discussed below,¹ Private H stated that he went on to shoot 19 times into the window of a flat in the southern block of the complex.

¹ [Paragraphs 105.9–24](#)

Did Corporal E, Lance Corporal F, Private G and Private H each fire in Glenfada Park North?

99.7 In view of what we regard as the unreliable nature of much of the evidence given by Corporal E, Lance Corporal F, Private G and Private H, it is valid to question whether some or all of these soldiers actually fired at all in Glenfada Park North. In our view, Lance Corporal F, Private G and Private H had reason to lie as, at various points, they all sought to conceal shots that they had fired on the day. In his initial RMP statement Lance Corporal F made no reference to shooting a man at the rubble barricade;¹ yet he later admitted doing so and a bullet from his rifle was recovered from Michael Kelly's body. He also initially failed to admit that he had fired shots in Sector 5. We discuss these aspects of Lance Corporal F's evidence in our consideration of the events of Sectors 3 and 5. As we consider in more detail below,² we are satisfied that Private G fired two shots into Abbey Park but denied that he had done so. In respect of Private H, as is also considered later in this report,³ we reject his account of firing 19 times into a bathroom window and take the view that he invented this story in order to conceal an incident or incidents in which he actually did fire. This being the case, it is possible that he lied about his earlier claimed shots in Glenfada Park North as well. If the ammunition count was correct in recording the number of rounds discharged by each of these soldiers, which in our view it probably was, then in order to conceal any incidents of shooting that they did not wish to disclose they would have needed to invent other occasions on which they fired in order to avoid any discrepancy between the amount of ammunition that they retained and the amount of firing that they claimed.

¹ B121-124

³ Paragraphs 105.9–24

² Chapter 107

99.8 Notwithstanding this, we are sure that Corporal E, Lance Corporal F, Private G and Private H did all fire in Glenfada Park North. We discuss in detail later in this report¹ what shots we consider they fired in that area.

¹ Chapter 112

99.9 It would have been apparent to Corporal E, Lance Corporal F, Private G and Private H in the immediate aftermath of the incident in Glenfada Park North that people had been killed and seriously wounded by military fire in this area. In these circumstances, it seems to us highly improbable that a soldier who did not fire there would claim to have done so, even if he was seeking to conceal other shots. By fabricating an incident in which he fired in Glenfada Park North, a soldier would automatically have been inviting suspicion that he

might have hit and even killed one of the casualties; it would have been much safer to invent a separate incident in which he fired and missed. Finally, the pattern of firing as described by the soldiers is to a significant degree supported by the other evidence of the events in Glenfada Park North. As is described below, the material we have examined suggests a small amount of firing along the eastern side of the complex, where Corporal E claimed to have fired two shots, and considerably more into the south-west quadrant, into which Lance Corporal F, Private G and Private H stated that they fired shots, eight in all.

- 99.10** Although we are sure that the four soldiers who stated that they fired in Glenfada Park North did indeed do so, it does not follow that these soldiers fired the precise number of rounds that they subsequently claimed, or that their targets were as they described. In particular, though Private H probably fired one shot into a window of a house on the south side of Glenfada Park North, we also consider that he probably fired a number of shots in Sector 5 and more at a later stage in Sector 3. We are sure that Private G fired two shots in Abbey Park, though he denied to the Widgery Inquiry that he had done so. We consider that on Bloody Sunday Private G probably fired only the six shots that he claimed. On this basis, and in order to conceal his firing in Abbey Park, he would have had to invent an account of firing two shots somewhere else.

Did any other soldiers fire into Glenfada Park North?

- 99.11** We have seen no evidence from any military source that suggests to us that any soldier or soldiers other than Corporal E, Lance Corporal F, Private G and Private H fired into Glenfada Park North. Although civilian witnesses gave differing accounts of the number of soldiers who fired in Glenfada Park North, that evidence was not sufficient to persuade us that other soldiers fired or might have fired into that area.

Chapter 100: Consideration of the soldiers' evidence

100.1 We test the accounts that these soldiers have given of their firing and its justification in two ways: by an internal and comparative analysis of the accounts given by the soldiers themselves and by considering the civilian evidence of the same events. We deal with the civilian evidence later in this report,¹ and adopt the former approach here.

¹ Chapters 101, 102 and 103

100.2 It should be borne in mind that some differences are to be expected in the detail of the soldiers' evidence. They were in unfamiliar surroundings, participating in fast-moving events and, on the accounts that they gave, facing hostile crowds and potentially lethal threats. Each soldier would have been focused on his own target or targets and hence an individual might not have seen those at which his colleagues fired. However, it is also important to note that the buildings of Glenfada Park North formed a relatively small courtyard of the order of some 30 yards by 40 yards. The four soldiers were at the north-eastern corner, grouped closely together, within not more than about 40–50 yards of what they said were their targets.

100.3 The contrast in the accounts given by Corporal E, Lance Corporal F, Private G and Private H of the scene that greeted them on their arrival in Glenfada Park North is striking, especially given how close they were to one another and to the events that they described. Corporal E's evidence to the Widgery Inquiry was of a riotous crowd of 40 to 50 people.¹ As is discussed above, Lance Corporal F's initial Royal Military Police (RMP) statement provided some support for Corporal E's account of a large number of rioters fleeing into Glenfada Park from the rubble barricade, but he did not mention this group again after 31st January 1972, and he told the Widgery Inquiry that when he entered the courtyard he saw only three civilians there.² Private G stated to the Widgery Inquiry that there was a crowd of about fifteen people on a footpath and that they ran past the two gunmen whom, he said, he had shot.³ He also referred to seeing "*some bricks*" coming down in front of him, but said that he "*didn't take any notice*".⁴ Private H also gave evidence of seeing rioters in the courtyard before he fired, but he did not refer to more than five to seven people in any of his 1972 accounts,⁵ and he told this Inquiry that he could not remember how many civilians he saw in the group from which he said his target emerged.⁶ The estimates of the number of civilians who were visible in Glenfada Park North when the soldiers arrived therefore vary from three (Lance Corporal F), through five to seven (Private H) and 17 (Private G), to an estimate of 40 to 50 (Corporal E). We have

been given no satisfactory explanation, and nor can we think of one, to reconcile this markedly differing evidence. We do not accept that the inconsistencies can simply be attributed to the circumstances in which the soldiers found themselves.

¹ B94; WT14.32

⁴ WT14.85

² WT14.73

⁵ B224

³ WT14.80

⁶ B264.001

100.4 In relation to the evidence of Corporal E, he claimed that his target threw a petrol bomb and a nail bomb, both of which exploded. Lance Corporal F, Private G and Private H did not mention at any stage hearing or seeing any type of bomb detonating in Glenfada Park North, something which in the small and confined space they could not in our view have failed to notice. Private H told the Widgery Inquiry that he had neither heard nor seen any nail bombs exploding there.¹ There is no reason why these soldiers should have concealed or denied the explosion of petrol or nail bombs had there been such events; indeed it would have been contrary to their interests to do so. Two soldiers, Lance Corporal J and Private 027, did give evidence of hearing or seeing an explosion, but we do not find their evidence on this point convincing. On his own account Lance Corporal J was not in Glenfada Park North when he heard what he took to be the detonation of a nail bomb, and as is discussed elsewhere in this report,² we consider him not to be a reliable witness. Private 027 subsequently retracted his account of seeing Corporal E shoot a petrol bomber.³ In these circumstances, and quite apart from the civilian evidence, we are satisfied that no nail bomb or petrol bomb exploded in Glenfada Park North while members of Anti-Tank Platoon were present.

¹ WT15.11

³ B1547-1548; B1552; B1565.51

² Paragraphs 81.50–57 and 98.15

100.5 More generally, Corporal E's evidence would require us to accept that a man, in full view of four armed soldiers, one of whom was only some 30 yards away, threw a petrol bomb towards them which exploded and then, apparently without seeking cover, lit and threw a nail bomb. It strikes us as being beyond belief that anyone would be so foolish as to act in this way.

100.6 There is a final issue arising from Corporal E's evidence, concerning what happened to his target after he had fired. Corporal E claimed that the man fell in the south-east corner of Glenfada Park North and was quickly surrounded by a crowd.¹ As is discussed below, Lance Corporal F and other soldiers from Anti-Tank Platoon subsequently moved to this corner where they apprehended a number of civilians; Corporal E himself stated that he advanced halfway down the eastern block in order to help escort those who had been arrested.² No other soldier claims to have seen a casualty lying or being treated or tended

by civilians in this area. As to the possibility that the man Corporal E said he shot might have been moved or carried away by the crowd that surrounded him, Corporal E told the Widgery Inquiry that he did not know whether anyone had moved the man after he fell.³ In our view Corporal E could not have failed to see the body being carried away, or that it had been carried away, if indeed there had been a body where he said there was.

¹ B88; B95; WT14.33-34

³ WT14.41

² B95; WT14.33-34; WT14.42

100.7 In light of these problems with Corporal E's evidence, we reject his account of shooting a man who had thrown petrol and nail bombs that subsequently exploded. We do not believe that there was any such target. Nor do we accept that Corporal E shot anyone in the chest who fell in the position that he claimed. However, as is discussed later, he probably shot an unarmed civilian, Patrick O'Donnell, in the shoulder, as or after Patrick O'Donnell took cover behind a wooden fence on the eastern side of Glenfada Park North.

100.8 Turning to Lance Corporal F and Private G, in their initial RMP statements the two soldiers gave quite different accounts: Lance Corporal F referred to shooting a man holding "*some form of bomb*", who was seemingly among a group of rioters;¹ Private G stated that he saw two men holding small rifles, and he believed that he and Lance Corporal F each shot one of them.²

¹ B122

² B169

100.9 In later statements to the RMP, the accounts given by the two soldiers began to converge. Lance Corporal F referred in his third interview to seeing three men: a nail bomber, whom he hit; a man with a rifle who was shot by Private G; and a third man who ran off and was possibly engaged by another soldier.¹ In his third statement, Private G added that the two gunmen that he had seen were accompanied by a third man. He suggested that he might have shot both gunmen while Lance Corporal F might have engaged the third man, whom Private G later saw lying on the ground not moving.² However, in our view these two accounts are not entirely consistent. Private G's evidence relied on the two gunmen being so close together that he might have shot both men without initially realising, but Lance Corporal F's evidence was that one of the two men that he did not shoot ran away and was possibly engaged by a different soldier. The chronological and geographical implication, as well as Lance Corporal F's opinion, was that this man was not shot by Private G.

¹ B129

² B179

100.10 Lance Corporal F told the Widgery Inquiry that he did not know or could not recall what happened to the man who accompanied the nail bomber and gunman who were shot by him and Private G.¹ This brought the accounts of the two soldiers closer still. Private G's evidence to the Widgery Inquiry again rested on the idea that the two gunmen were so close together that he could have shot both without initially realising, and he stated that at the time he fired he was not aware of any third person present with these gunmen.² Lance Corporal F's testimony was that in the aftermath of his shots he could see his target, a nail bomber, but he was only aware of what happened to one of the other two men, a gunman. For his account to be consistent with that of Private G it is necessary to accept the proposition that immediately before or after the soldiers fired, Private G was able to observe both gunmen but not the nail bomber, while Lance Corporal F was conscious of the nail bomber but only one gunman.

¹ B137; WT14.47

² WT14.80

100.11 We do not accept that proposition. We have the strong impression that Lance Corporal F and Private G sought to tailor their evidence in an attempt to reconcile their originally markedly conflicting accounts. It is possible that aspects of each soldier's evidence are accurate, but the internal and comparative inconsistencies revealed above are such as to cast doubt on the veracity of both witnesses.

100.12 Private H also claimed to have fired into the south-west quadrant of Glenfada Park North. In his initial RMP statement, Private H referred to seeing three nail bombers fall after he, Lance Corporal F and Private G fired:¹ this contrasts with Private G's initial statement of seeing two gunmen fall.² In what we are satisfied was his second RMP statement, Private H thought that two youths within a group of five or seven were carrying nail bombs, and that he and Lance Corporal F shot them.³ In his third RMP statement he referred only to the weapon carried by his own nail bomber,⁴ and in his evidence to the Widgery Inquiry he stated that he did not see the targets at which his two colleagues fired.⁵ Even on the basis of this last account, Private H's evidence can be reconciled with the Widgery Inquiry evidence of both Lance Corporal F and Private G only if it is accepted either that Private H and Lance Corporal F both shot the same nail bomber, or that more than three men fell in the south-west quadrant. As with Lance Corporal F and Private G, we consider that the changes that Private H made to his evidence in the various accounts that he gave raise doubts as to his veracity.

¹ B219-221

⁴ B230-231

² B169

⁵ WT14.98; WT15.10

³ B226.001-002

- 100.13** Private H claimed to have shot and wounded a second man, who ran past and picked up the unexploded nail bomb dropped by Private H's first target. None of the other members of his platoon has given any evidence of seeing this incident or even of hearing Private H's shot, despite the fact that Lance Corporal F and Private G were close by and had, on their accounts, just fired in the same direction, and that the latter had begun or was about to begin his advance towards that corner of the courtyard. The fact that these soldiers have never given evidence of witnessing this incident casts doubt as to whether it took place in the way described by Private H. If indeed a man had run out, picked up a nail bomb, been shot and then run away, we do not see how all but Private H would have failed to be aware of this. If any other soldier had seen something along these lines, then it would have been in his interests, and those of his colleagues, to have said as much.
- 100.14** In his evidence to this Inquiry, Private H stated that before he identified the first target at which he fired, he saw someone in Glenfada Park North throw a nail bomb that did not explode. He gave no such evidence to the Widgery Inquiry or the RMP, and we are of the view that had he witnessed such an incident he would have stated as much in those 1972 accounts.
- 100.15** Lieutenant 119 recorded in his first RMP statement that the group of soldiers who had preceded him into Glenfada Park informed him that they had fired a number of aimed shots at male persons in the process of preparing nail bombs.¹ He told the Widgery Inquiry that as far as he could remember one soldier, who he believed was Lance Corporal F, had said that one had been thrown.² Lance Corporal F did not say in his evidence that a nail bomb had been thrown, although Corporal E did. It is possible that Lieutenant 119 confused the identity of the soldier who had told him a nail bomb had been thrown, and we do not regard this point as significant. As already noted, Lieutenant 119 told us that his first statement should have read, "*preparing to throw nail bombs*" instead of "*preparing nail bombs*".³ Lieutenant 119 may well have been right in correcting his first RMP statement. However, there is nothing in Lieutenant 119's first RMP statement to suggest that any of his soldiers told him that they had seen or shot at men with rifles. Had Lance Corporal F and Private G seen or shot at men with rifles as they later claimed, they would in our view have informed Lieutenant 119, who would have recorded it in his first RMP statement.

¹ [B1752.041](#)

³ [Day 363/170](#)

² [WT14.26](#)

100.16 In his evidence to the Widgery Inquiry, Lieutenant 119 stated that he received “a quick report before leaving Glenfada Park and a full report afterwards”.¹ When asked what he was told “at that time”, he replied that his men “explained how people had been in the act of throwing nail bombs and they explained also that they saw someone with a weapon in his hand in the position where these three bodies were”.² Lieutenant 119 subsequently confirmed that he had been given this explanation “initially”.³ In contradistinction to his first RMP statement, Lieutenant 119 was thus claiming that from the first report that he received from the soldiers who fired in Glenfada Park North he was told about the presence of gunmen in that area.

¹ WT14.21

³ WT14.22

² WT14.22

100.17 In our view, had the soldiers in Glenfada Park North reported not only nail bombers but also men with firearms, Lieutenant 119 would not have failed to record this fact in his first RMP statement. We do not accept that Lieutenant 119 might have forgotten to mention this vital detail in the interview, nor, for the same reason, do we accept that the reference to a gunman was lost as the result of careless note-taking or drafting. It follows from this that in our view there is significant evidence that none of the soldiers initially told their commander that they had seen a gunman, let alone that they had fired at one. This fact alone casts doubt on the accounts given by Lance Corporal F and Private G.

100.18 In his evidence in 1972 Lance Corporal J referred to both Lance Corporal F and Private G firing at nail bombers.¹ Again, he made no reference to seeing anyone with a rifle.

¹ B270.002; B273; WT15.31-32

100.19 As to Lieutenant 119, we have already pointed out¹ that his description of seeing Lance Corporal F shoot down the eastern side of Glenfada Park North is inconsistent with the accounts that this soldier gave of his shooting in Sector 4. However, it is consistent with the accounts given by Corporal E. According to Lieutenant 119, he witnessed this shooting immediately after he had arrived in Glenfada Park North and before he moved further forward and saw three bodies; the grid reference he gave put him in the north-east corner.² As we describe when considering the events of Sector 5, we are of the view that Lance Corporal F fired into this sector after all the casualties had been sustained in Sector 4 and people sheltering behind the south gable wall of the eastern block of Glenfada Park North had been arrested and moved away. We have already observed that in our view it is likely that Lieutenant 119 confused Lance Corporal F with Corporal E.

¹ Paragraphs 96.5, 98.4–8 and 100.19

² B1752.040

- 100.20** In the course of their statements to the RMP, Corporal E, Lance Corporal F, Private G and Lieutenant 119 were all shown photographs and made identifications of their targets or the bodies that they saw in Glenfada Park North. They subsequently gave further, sometimes different, evidence regarding these identifications to the Widgery Inquiry. In every case, with the exception of one of the three names given by Lieutenant 119 to the Widgery Inquiry (but not to the RMP), we are sure that the persons identified by these soldiers were not shot in Glenfada Park North. We consider that such misidentifications are not of any significance in considering the credibility of the accounts given by these soldiers.
- 100.21** As to Lance Corporal J, we have already concluded¹ that we can place little or no reliance on his evidence, and though it is possible he may have seen Lance Corporal F and Private G firing, we do not accept from his evidence that their targets were as he described.
- ¹ [Paragraphs 81.50–57](#) and [98.15](#)
- 100.22** In the case of Corporal E, we consider that the inconsistencies between his evidence and that of his colleagues, and the inherent implausibility of the alleged actions of his target are such that his account of how he came to fire should be rejected. In relation to Lance Corporal F, Private G and Private H, we have identified a number of issues that raise doubts as to the credibility of their evidence and their veracity as witnesses in respect of their actions in Glenfada Park North. No clear and convincing explanation of what happened in Glenfada Park North emerges from a consideration of the totality of this military evidence.
- 100.23** It does not follow from this that any of Corporal E, Lance Corporal F, Private G and Private H must have knowingly fired without justification. They might have acted in the honest belief that they had identified a target posing a threat of causing death or serious injury, and then embroidered their accounts with false details to bolster their evidence, in the hope of persuading others that they had acted properly. Alternatively, they could have changed or supplemented their evidence in order to provide support for one or more of their colleagues. Indeed, the possibility remains that, apart from Corporal E, one or other of the soldiers did give a substantially accurate account.
- 100.24** With these points in mind, we now turn to examine other evidence of what happened in Glenfada Park North (and Abbey Park) before returning to the question whether any of the soldiers was, or believed himself to be, justified in firing.

Chapter 101: Civilian evidence of the situation in Glenfada Park North as the soldiers arrived and opened fire

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Introduction

101.1 Earlier in this report¹ we examined civilian accounts of the situation in Glenfada Park North shortly before soldiers entered Glenfada Park North.

¹ [Chapter 92](#)

101.2 Counsel to the Inquiry prepared a summary of that evidence that we are satisfied is fair and accurate and which with slight changes we set out below:¹

The following groups of civilians were in Glenfada Park immediately before the entry of the Anti-Tank Platoon:

- a. A group of at least six men were carrying Michael Kelly towards the south west corner of the courtyard. Several other civilians were close to this group or were moving independently in the same direction.
- b. A relatively large number of civilians had moved, or were moving, through the courtyard and into Glenfada Park South.
- c. A smaller number of civilians had moved or were moving through the north western entrance to the park.
- d. A number of civilians were milling around inside the courtyard, especially on the eastern side.
- e. Several civilians had run into the flat or the garden of the flat at the Doyle's house at 59 Glenfada Park.
- f. Some civilians had broken into a flat on the eastern side of the complex.
- g. A group of probably more than 30 civilians were gathered at or near the southern gable of the eastern block.
- h. A number of civilians had run into the complex through the north eastern corner, including Charles and Gerard Coyle, who might previously have seen, and been fired at, by Private G.

¹ [CS6.95](#)

101.3 We now turn to consider the wider civilian evidence about the moments when the soldiers arrived in Glenfada Park and started firing. Inevitably there will be points at which material is duplicated; this is the unavoidable consequence of an attempt to reconstruct in detail fast-moving and complex events that were seen by dozens of people in different locations.

101.4 The evidence of the civilians about the events that occurred as the soldiers entered Glenfada Park North and began firing can be divided into five broad groups:

1. Accounts given by civilians who were moving towards the south-western corner of Glenfada Park North as the soldiers arrived and as they fired. These include those who were carrying the fatally wounded Michael Kelly in this direction, and a number

of people who were heading towards Abbey Park after having decided to move away from the Rossville Street area.

2. Accounts given by civilians who were in Abbey Park, looking towards the alleyway that led to Glenfada Park North.
3. Accounts given by civilians who were at the southern end (often called the “gable end”) of the eastern block of Glenfada Park North. As is discussed above, somewhere in the region of 30 people had gathered there prior to the soldiers’ arrival.
4. Accounts given by other civilians who were observing events from houses, yards or other positions inside Glenfada Park North. These include residents of the surrounding flats and houses and witnesses who had taken shelter in their properties.
5. Accounts given by witnesses in the Rossville Flats who could see into Glenfada Park North and Abbey Park.

101.5 In this section of the report we set out the relevant evidence from these five groups of witnesses, before examining whether it allows us to establish a reliable narrative account of the events in Glenfada Park North. In particular, we address two specific issues that emerge from this material:

1. There is a significant difference between the evidence of witnesses who were at the southern end of the eastern block of Glenfada Park North, and those who were running towards the south-west corner of Glenfada Park North. The evidence of the former tends to suggest that a small, isolated group of civilians ran across the southern edge of Glenfada Park North as the soldiers arrived, and that three members of this group, seemingly William McKinney, Joe Mahon and Jim Wray, subsequently fell, having been shot. However, those who were running towards the corner gave accounts suggesting a more fluid and chaotic situation, with a larger number of people moving across the car park in order to enter the alleyway that led to Abbey Park. We assess whether it is possible to reconcile these different perspectives.
2. As well as seeking to provide an outline of who was shot and where, we also examine whether it is possible to establish the order in which the known casualties were hit.

101.6 Elsewhere in this report¹ we consider the evidence as to whether there was paramilitary activity in Sector 4.

¹ [Chapter 111](#)

101.7 Having examined the available evidence we have again concluded that the summaries of it prepared by Counsel to the Inquiry and contained in their closing submissions¹ provide a fair and accurate account, and so in many cases we have, with some changes, used those as the basis of the summaries of the evidence that follow.

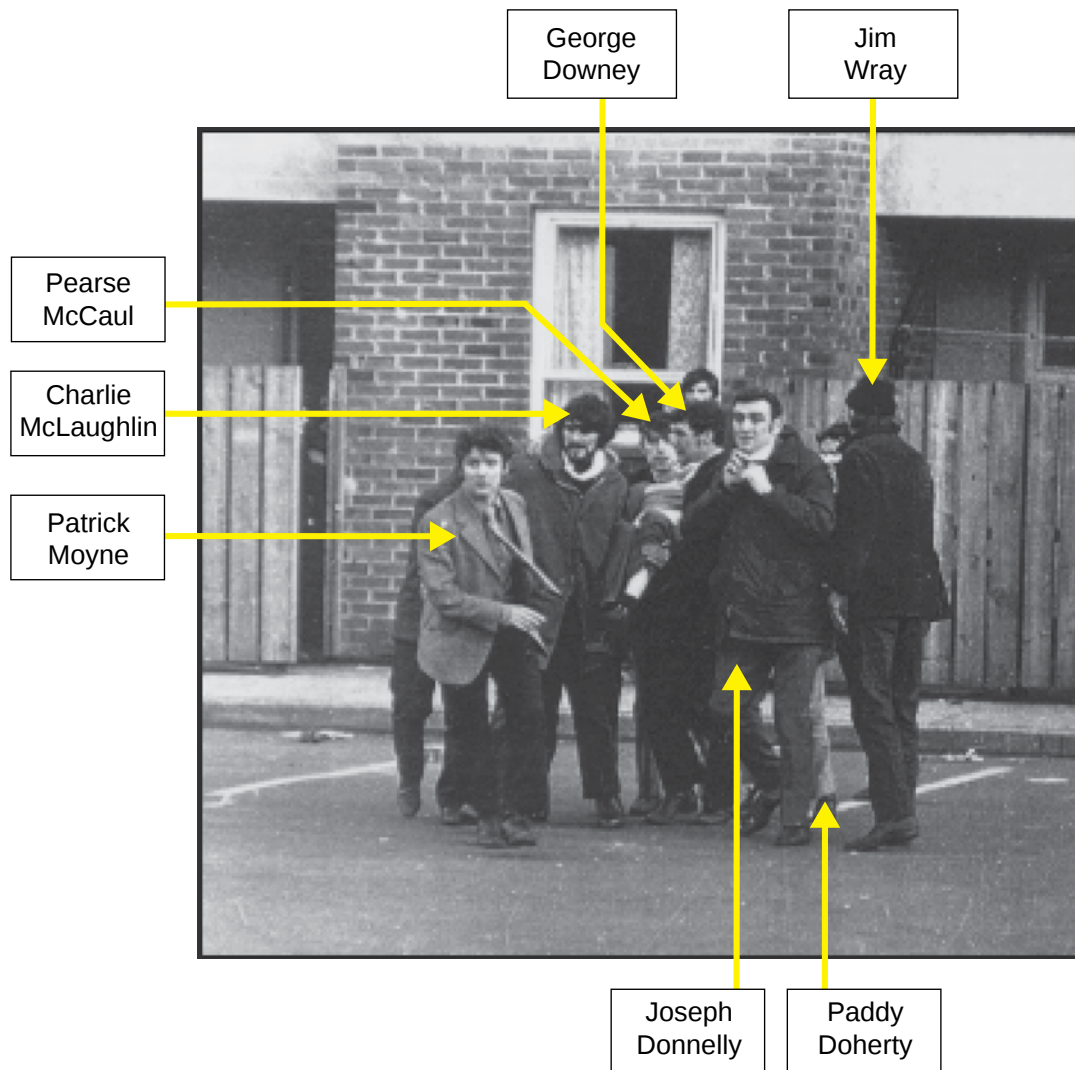
¹ [CS6.95-112](#); [CS6.161-189](#)

Witnesses moving towards and into the alleyway into Abbey Park

The group carrying Michael Kelly and those accompanying them

101.8 As we have already discussed,¹ Michael Kelly was carried across the car park in Glenfada Park North by a group of men, many of whom are identified in the following photograph.

¹ [Paragraphs 92.1–9](#)



101.9 George Downey told this Inquiry that he and others carried Michael Kelly, his brother-in-law, across Glenfada Park North. As he did so, he heard shouts of “*they are coming*” and glanced over his shoulder to see a soldier emerge from the alleyway leading into the north-eastern corner of Glenfada Park North. George Downey said that he was left holding Michael Kelly because everyone else ran away. He started running, still carrying Michael Kelly, but then fell into the alleyway leading into Abbey Park at about the same time as three shots passed close to him and struck a wall. George Downey described how a “*big English fella*” then lifted Michael Kelly and, amidst further firing, they ran to a house (8 Abbey Park) which he later learned was the home of Mr and Mrs Carr.¹

¹ [AD134.4-5](#); [Day 123/43-51](#); [Day 123/88-89](#)

101.10 The “*big English fella*”, as George Downey later learned,¹ was Joseph Donnelly, who walked with the group carrying Michael Kelly across Glenfada Park North. Joseph Donnelly recalled that as the group approached the alleyway leading to Abbey Park, he saw three soldiers entering Glenfada Park North through the north-eastern entrance. He stated that those carrying Michael Kelly “*almost dropped him in panic*”, leaving Paddy Doherty (Joseph Donnelly’s brother-in-law) and George Downey supporting him in a V-shape. Joseph Donnelly “*took him [Michael Kelly] in my arms and carried him on my own*” to the Carrs’ house at 8 Abbey Park accompanied by Paddy Doherty and George Downey. As they left Glenfada Park, Joseph Donnelly heard shots and saw a wooden fence to his left splinter.²

¹ [Day 123/47](#)

² [AD124.4-5](#); [Day 128/94-102](#); [Day 128/107-110](#)

101.11 Paddy Doherty made a Northern Ireland Civil Rights Association (NICRA) statement in which he referred to carrying Michael Kelly, but gave few further details.¹ His evidence to this Inquiry was broadly consistent with the account given by Joseph Donnelly, though he said he did not see any soldiers as “*I was running for my life*”.²

¹ [AD97.1](#)

² [AD97.3](#); [Day 157/160-162](#)

101.12 Charlie McLaughlin told this Inquiry that he was one of those who helped to carry Michael Kelly from the rubble barricade to the gable end, where Fr Denis Bradley attended to him.¹ When it was decided to move Michael Kelly again, Charlie McLaughlin assisted once more.² He said that “*when the shooting started and I am sorry to say, I think I probably let go of the boy, because I looked around and seen two paratroopers coming through the back of Kells Walk and that is when I started to run out of Glenfada Park*”.³ Charlie McLaughlin moved through the south-west corner into Abbey Park.⁴

¹ [AM321.3-4](#)

³ [Day 177/83](#)

² [Day 177/82-89](#)

⁴ [AM321.4](#)

101.13 Pearse McCaul identified himself as one of those shown carrying Michael Kelly in Ciaran Donnelly’s photographs.¹ He told this Inquiry that as the group crossed Glenfada Park North he saw soldiers entering the area through the north-eastern corner. He stated that as soon as he saw the soldiers he “*must have either dropped Michael Kelly on the ground or put him down somewhere in the car park*”, before making his way out through the alleyway to Abbey Park.^{2,3}

¹ [Day 164/88-89](#)

² [AM93.4](#); [Day 164/88-100](#)

³ In his written evidence Pearse McCaul stated that he ran towards the north-west corner of the complex ([AM93.4](#)). However, his oral evidence, which we accept, was that this was incorrect, and he ran towards the alleyway leading to Abbey Park ([Day 164/93-95](#)).

101.14 As Pearse McCaul ran for the alleyway he told us that he heard what he recognised was the “*distinct crack of army rifle fire*”. Moments after he reached the cover of the gable end he looked back and saw a youth fall two feet from him. This youth had been running behind him at the back of the crowd making their way out of the courtyard, but Pearse McCaul did not see where he had come from. He said that he had “*recently found out*” that this was Jim Wray, but stated that he did not know him at the time.¹

¹ AM93.4; Day 164/89; Day 164/93-100

101.15 There are *Sunday Times* notes of an interview Pearse McCaul gave to the *Sunday Times* Insight Team in 1972. The notes are brief and do not record any mention of his seeing a youth falling.¹ This casts some doubt on the reliability of his recollection of seeing a youth falling, as had he done so this is something we consider he would be likely to have mentioned to the *Sunday Times* Insight journalists, who we are sure would have recorded it.

¹ AM93.14; AM93.15

101.16 Patrick Moyne told this Inquiry that although he agreed that he was shown in Ciaran Donnelly’s photographs he could no longer recall helping to carry Michael Kelly across Glenfada Park North.¹ He stated that he had been interviewed shortly after Bloody Sunday by Peter Pringle of the *Sunday Times*.² This Inquiry has a note summarising this interview.³ There, Patrick Moyne is recorded as saying that he believed that the body of Michael Kelly was put down at the entrance to the alleyway leading into Abbey Park “*when firing started in glenfada*”.

¹ Day 162/31-36

³ AM444.8

² Day 162/35

101.17 In his evidence to this Inquiry, Patrick Moyne told us that he knew Jim Wray, and that he might have spoken to him in Glenfada Park North. He said he was standing next to Jim Wray when he became aware of people running. They followed them, but Jim Wray suddenly “*froze*”. Patrick Moyne said that he heard more than two shots¹ and became aware that Jim Wray was no longer with him and had fallen nearby. He bent over him on one knee and in that position saw soldiers² entering Glenfada Park through both of the northern entrances. His recollection was that there were 20–30 other people in Glenfada Park North at the time, the majority of whom were at the south end of the eastern block.³ His evidence, considered as a whole, was to the effect that most of those in Glenfada Park North did not run. He said that he thought that those around Jim Wray had run, although he was himself not the first or the last to run and did not stand around to watch.⁴

¹ Day 162/19

³ Day 162/57

² Day 162/22-25; AM444.5

⁴ AM444.5; Day 162/18-27; Day 162/32-35; Day 162/56-59

101.18 The note summarising Patrick Moyne's *Sunday Times* interview recorded that he identified Jim Wray in a photograph that was shown to him, but there is no mention within it of Patrick Moyne seeing Jim Wray fall and then bending over him.¹

¹ [AM444.8](#)

101.19 Patrick Moyne's evidence is inconsistent with that of the other witnesses in the area. He made no reference in 1972 to the shooting of Jim Wray, and his current lack of recollection in relation to the transportation of Michael Kelly casts doubt on the reliability of his recollection generally.

101.20 Despite our doubts about the reliability of some of the evidence given to this Inquiry by Pearse McCaul and Patrick Moyne, a clear picture emerges from the accounts of the witnesses to this Inquiry who carried Michael Kelly across Glenfada Park, all of whom recorded seeing soldiers or hearing firing as they approached the Abbey Park alleyway. This led many in the group to drop Michael Kelly and run, leaving Joseph Donnelly to carry him, accompanied by George Downey and Paddy Doherty, to the Carrs' house at 8 Abbey Park.

101.21 Gregory Wild, who was 14 at the time of Bloody Sunday, has identified himself on the photograph we show again below as the young man carrying an object to the right of the group around Michael Kelly.



Gregory Wild

101.22 Gregory Wild told this Inquiry that he could not recall what he was carrying, although he thought it looked like a lump of wood, and he could not recall any further details about the events shown in this scene. However, Gregory Wild gave an interview to the *Sunday Times* and a further statement in 1972 in which he stated that he was walking with the group carrying Michael Kelly when he saw soldiers arrive in Glenfada Park North. According to these accounts Gregory Wild shouted a warning and then ran through the alleyway to Abbey Park, hearing shots as he went; and also heard Joe Friel, one of the known injured in Sector 4, shout out that he had been shot. Gregory Wild reached 8 Abbey Park just before Joseph Donnelly and the other civilians who remained with Michael Kelly.¹

¹ [AW15.1](#); [AW15.3](#); [AW15.4](#); [AW15.6-7](#); [AW15.9](#)

101.23 John O’Kane stated in 1972 and to this Inquiry that he and his brother-in-law Gerard McKinney (one of those shot and killed in Sector 4) had been part of the group carrying Michael Kelly.¹ As they do not appear in the photograph above it seems likely that they became separated by the time those with Michael Kelly crossed the car park. Nonetheless, John O’Kane recorded that he was in Glenfada Park North as the soldiers arrived,² and that he and Gerard McKinney ran to the alleyway leading to Abbey Park.³ He said that as they did so, they heard the sound of gunfire.⁴

¹ [AO48.13](#); [AO48.24](#); [AO48.3](#); [Day 163/13-16](#);
[Day 163/70-73](#)

³ [AO48.3-4](#); [Day 163/16-20](#)

⁴ [AO48.3-4](#); [Day 163/16-20](#); [AO48.13](#); [AO48.40](#)

² [AO48.3](#)

101.24 John O’Kane told this Inquiry that as he and Gerard McKinney ran he saw a youth, who he later learned was Jim Wray, fall behind them and to their right.¹ He gave a similar account in a handwritten statement dated 23rd February 1972.² He did not mention this casualty in his NICRA statement,³ but in view of his other 1972 account we consider that we can place some reliance on his evidence on this point.

¹ [AO48.3-4](#); [Day 163/19-20](#)

³ [AO48.24](#)

² [AO48.24](#); [AO48.40](#)

101.25 We refer, when considering in detail the fatal shooting of Jim Wray, to John O’Kane’s evidence to this Inquiry that he saw the fallen youth shot for a second time.¹ In his handwritten statement from 1972, John O’Kane gave no indication of this incident, but he did record that an attempt was made to go to the casualty’s aid.² Thus both of these accounts indicate that John O’Kane continued to observe the person who had fallen.

¹ [Paragraph 104.414](#)

² [AO48.36](#); [AO48.40](#)

The evidence relating to Joe Friel and Michael Quinn

101.26 Patrick Bradley told this Inquiry that he ran across Glenfada Park North after having run into there from Rossville Street at the south-east entrance. His recollection of the scene in Glenfada Park was limited, but he believed that there were about 15 or 20 people in front of him as he ran. He saw Joe Friel fall in front of him, and with another man whose name he did not know, he helped to pick up Joe Friel and carry him through to Abbey Park. His evidence is covered in greater detail below,¹ when considering the circumstances in which Joe Friel was injured. We should note here that although we are satisfied that Patrick Bradley did assist Joe Friel, we are not persuaded that he carried him from Glenfada Park North. Instead, we believe that Joe Friel either ran or stumbled into the alleyway leading to Abbey Park, though possibly while being helped by Patrick Bradley.²

¹ Paragraphs 104.63–66

² AB68.3; Day 153/130-135; AB68.13

101.27 It appears that Eugene McGillan also assisted Joe Friel immediately after the latter had been shot. Eugene McGillan is dead and his relevant evidence consists of a brief NICRA statement in which he recorded that a boy who had been standing beside him was shot, and that he helped to carry this casualty to the Murrays' house.¹ Joe Friel, who was taken to the house of the Murray family in Lisfannon Park,² told this Inquiry that he understood that Eugene McGillan was one of the people who assisted him.³ Again, while we consider that Eugene McGillan might, with Patrick Bradley, have assisted Joe Friel into the Abbey Park alleyway, we are not sure that Joe Friel was being carried at this point.

¹ AM233.1

³ AF34.3; Day 155/63

² AF34.3; AY1.27; AC56.1-2

101.28 Michael Quinn, whose evidence is discussed in greater detail elsewhere in this report,¹ was shot in the face and wounded as he ran through Glenfada Park North. Moments before, and as the group carrying Michael Kelly began to make its way across the car park, Michael Quinn had been standing next to a fence on the eastern side of the complex; he is shown in the background of one of the photographs of the group.²

¹ Paragraphs 104.145–164

² AQ11.25-26

Michael Quinn



- 101.29** Michael Quinn gave a series of consistent accounts from 1972 onwards to the effect that after watching the group carrying Michael Kelly he decided to get out of Glenfada Park North;¹ he told this Inquiry that he did so after hearing someone shout that the Army were coming in.² He ran towards the south-west corner of the courtyard, but just before he reached the entrance to the Abbey Park alleyway he was shot in the face,³ the bullet having previously passed through the shoulder of his windcheater jacket.⁴ He was shot from behind and to the side, and hence he did not see who was responsible.⁵ As he stumbled, having been shot, he saw a man's head hitting the ground just in front of him. He later identified this person, we believe correctly, as Jim Wray.⁶

¹ [AQ11.48](#); [AQ11.18](#); [AQ11.60-61](#); [AQ11.11](#); [AQ11.80-87](#);
[AQ11.23](#)

⁴ [AQ11.48](#); [AQ11.61](#); [AQ11.23](#); [Day 169/88](#)

² [AQ11.23](#)

⁵ [AQ11.48](#); [AQ11.61](#); [WT7.73](#); [AQ11.23](#)

³ [AQ11.48](#); [AQ11.18](#); [AQ11.60-61](#); [AQ11.11](#); [AQ11.80-87](#);
[AQ11.23](#)

⁶ [AQ11.24](#); [AQ11.13](#)

- 101.30** Throughout his evidence Michael Quinn stated that after he was shot he stumbled, but managed to run through the alleyway into Abbey Park.¹ He told this Inquiry that once there he was helped first by one or two men whom he did not know or could not recall,

and subsequently by two school friends, Bernard McAnaney and Gerry Roddy.² His 1972 evidence was to similar effect.³ In our view the men who first helped Michael Quinn were probably Patrick McGowan and Ciarán Mac Lochlainn.

¹ WT7.73; AQ11.8; AQ11.11-12; AQ11.13; AQ11.18; AQ11.24

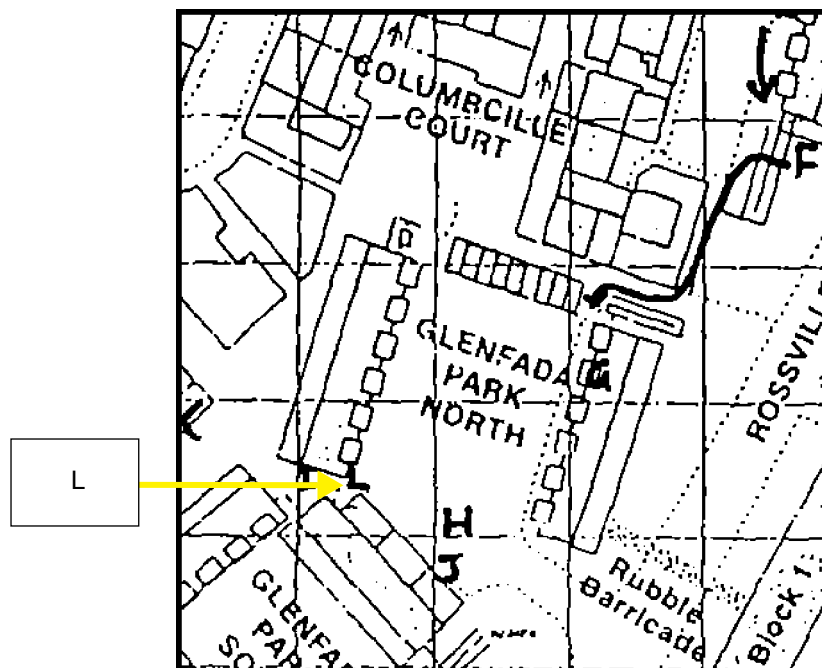
² AQ11.24; Day 169/91-97

³ AQ11.8; WT7.73; AQ11.11-12; AQ11.18

101.31 Ciarán Mac Lochlainn stated to this Inquiry that he ran across Glenfada Park North at a time when there was firing in the area, but he did not see any casualties fall. When he reached the southern gable of the western block of the complex, he saw, through the corner of his left eye, a man spinning after having apparently been shot in the face. Ciarán Mac Lochlainn told us that he believed that this man was just at the entrance to the Abbey Park alleyway, and he gave a physical description of the man that fitted Michael Quinn's appearance on Bloody Sunday. Ciarán Mac Lochlainn stated that he could not recollect taking this man anywhere, although it was possible that he supported him in the alleyway. He said that shortly after this incident, he ran towards a house in Abbey Park, and as he did so he thought that he might have seen people carrying the man with the facial wound.¹ He stated that the injured man was shot at point "L" marked on the following map.²

¹ AM12.5-6

² AM12.10; Day 415/115-117



- 101.32** Patrick McGowan gave evidence to this Inquiry that suggests that he ran across Glenfada Park as the soldiers entered the area. He recalled assisting a man with a facial injury, but he believed that he first saw him at the southern end of the eastern block of Glenfada Park North. Our opinion is that this is incorrect, that the person that he saw was Michael Quinn, and that he first saw him on the western side of the courtyard.¹

¹ [AM261.3-4](#); [Day 138/11-19](#)

- 101.33** One witness, Donal Dunn, appears to have seen Michael Quinn and Jim Wray immediately after they had been shot. He gave a NICRA statement in which he recorded that he was in the entrance to the Abbey Park alleyway when he saw:¹

“One fellow, his right cheek torn by a bullet, a second shot in the region of his left shoulder. This youth was shouting ‘I’m shot, I’m shot.’ The crowd took him away. When the crowd had cleared I could see a dark haired youth lying partly on the pavement, partly on the tarmac.”

¹ [AD172.8](#)

- 101.34** In our view, from the descriptions given by Donal Dunn, the first casualty he saw was Michael Quinn, and the second, the youth lying on the ground, was Jim Wray.¹

¹ [AD172.8](#); [Day 161/14](#)

- 101.35** Donal Dunn’s evidence to this Inquiry was that he saw a man with a major wound to the right-hand side of his face as he sheltered in the alleyway. However, he recollected (in our view mistakenly) that this occurred after arrests were being made at the southern end of the eastern block of Glenfada Park North. He did not refer to any casualty who fitted Joe Friel’s description.¹

¹ [AD172.2-AD172.3](#); [Day 161/9-17](#)

- 101.36** In both accounts Donal Dunn stated that he was in this position with Derek McFeely. The latter signed Donal Dunn’s NICRA statement,¹ but his evidence to this Inquiry was not consistent. He believed that he saw a man lying on the ground near the alleyway, possibly due to a heart attack, shortly before the troops entered Glenfada Park North, and later a man with a facial injury walking down the Abbey Park steps.² In the light of the other evidence we take the view that these recollections are not reliable.

¹ [AD172.10](#); [Day 61/102](#)

² [AM217.2-4](#); [Day 61/80-84](#); [Day 61/106-114](#)

Other civilians who were running towards the south-west corner when the soldiers arrived

101.37 In addition to those with Michael Kelly, and those who were either shot in Glenfada Park North or who assisted them, a number of other witnesses have given evidence of running towards the entrance to the Abbey Park alleyway either as or just after the soldiers entered the courtyard.

101.38 Patrick McLaughlin told this Inquiry that he was near a fence on the eastern side of Glenfada Park North when he decided to “*make a break*” towards the south-west alleyway. He said that “*there were twenty or so people in front of me running in the same direction. I think there were others behind me as I can remember hearing footsteps.*” He recalled that just before he reached the exit from Glenfada Park North, he glanced over his shoulder and saw four or five soldiers at the entrance to the north-east alleyway. They appeared to have stopped and he thought they were all standing up pointing their rifles in the direction of the group of people fleeing across the car park. Patrick McLaughlin told us he had a memory of a tall, thin soldier standing close to the wall on the right-hand side entrance of the alleyway, looking down his rifle with the butt positioned at his shoulder giving the impression that he was taking aim. “*I did not stop running and managed to get through the alley way. A few seconds later I heard three or four gunshots. I cannot say where they came from, but my impression was that the shots were fired by the soldiers whom I have just described.*”¹

¹ AM349.4-5; Day 153/105-108

101.39 Patrick McLaughlin gave a NICRA statement in which he described in brief terms how he had run to the exit and seen soldiers coming in through the courtyard “*at the far end, firing as they came*”.¹

¹ AM349.6

101.40 Benn Keaveney told this Inquiry that he was in Glenfada Park North when soldiers entered. Although his precise movements are uncertain, his account was that he was in a group of about 10–15 people in the south-west corner, and was aware of a further 5–8 people in the courtyard area at this time. He told us that he saw two soldiers enter Glenfada Park North, who immediately fired; and that he saw a person standing to his right hit “*in the face, head or neck*”. He ran into the alleyway leading to Abbey Park, and on reaching the alleyway, he looked back and saw people continuing to run towards his position from the east and north-east.¹

¹ AK2.8-9; Day 160/13-20

101.41 Paul Coyle told this Inquiry that he followed a number of other people (at least four) in running from the gable end towards the south-west corner. As he ran he looked to his right and saw two soldiers entering from the north-east. At this stage there were two or three people in front of him and others might have been behind. However, he told us that there was nobody between his group and the soldiers. He said that he was not aware of anyone looking as though they were preparing to engage the soldiers or to throw anything at the soldiers, and that he was not aware of anyone carrying anything that looked like a weapon.¹ He also said that there was no large crowd or full-scale riot facing the soldiers.² He told us that he saw the soldiers open fire, and this made him run harder. He had a vague recollection of jumping over someone as he ran.³ Paul Coyle gave a broadly consistent account to Praxis Films Ltd.⁴

¹ Day 152/76-77

³ AC105.3-4; AC105.12; Day 152/73-78; Day 152/84-88

² Day 152/86-87

⁴ O5.9-10; O5.17-22

101.42 In his evidence to this Inquiry, George Hillen recalled running across Glenfada Park North after hearing people shouting that the Army were coming in. George Hillen told us that he estimated that there were about 40–60 people in the Abbey Park alleyway by the time he arrived there, with Jim Wray (whom he knew by sight) on his right. According to George Hillen there were shots, and looking over his shoulder he saw a soldier in the opposite corner raising his rifle to a firing position. He told us that he recalled that Jim Wray called out that he had been hit and then fell, and that he (George Hillen) pushed his way through the alleyway.¹

¹ AH74.3-4; Day 164/26-40

101.43 Don Boyle told this Inquiry that he was next to the fences on the east of Glenfada Park North when he saw soldiers, “*numbering about four to six*”, enter the courtyard. He stated that he was sure that they were shooting and that he fled in panic towards the south-west corner of Glenfada Park. There was another person running in front of him. As Don Boyle ran, the person in front of him (who might have been wearing a hood or hat) stumbled and fell. Don Boyle jumped over him and ran into and through the Abbey Park alleyway. He stated that he later realised from photographs that he had seen that the person who fell was Jim Wray.¹ Because of ill health Don Boyle did not give oral evidence to this Inquiry.

¹ AB47.2

101.44 OIRA 1 told this Inquiry that he was at the southern end of the eastern block of Glenfada Park North when he saw a soldier enter from the north-east corner. He said that he then ran to the alleyway leading into Abbey Park and that he heard, as he ran, the sound of

high velocity shots. He did not recall seeing anyone fall.¹ The notes of John Barry's interview with OIRA 1 for the *Sunday Times* are broadly consistent with this account, although they record that OIRA 1 heard the "*burst of firing as he got into the Abbey Park alleyway*", and that he saw two soldiers as he ran, one each at the north-east and north-west entrances.²

¹ AOIRA1.29; Day 395/99-101; Day 395/120-121

² AOIRA1.2

101.45 One witness, Joseph Gallagher, stated to this Inquiry that he saw Jim Wray fall on the southern side of Glenfada Park North. He stated that he ran across from the gable end at a time when at least one soldier was firing. This soldier, who had fair hair, had entered the courtyard through the north-west entrance and was advancing south, firing from the hip as he went. Joseph Gallagher said he saw Jim Wray fall in front of him, and after running past he turned back to try to help him. He said that at this stage a bullet passed through his hair, and so he decided to run again for the south-west corner. As he did so he saw that Joe Friel (whom he knew "*very well*") had been shot and was lying at the entrance to the Abbey Park alleyway.¹

¹ AG18.2-3; Day 165/10-24; Day 165/36-37

101.46 Joseph Gallagher's evidence amounted to seeing Jim Wray shot at a point somewhat to the east of that in which he is shown lying in the photograph taken by Trevor McBride of the three bodies lying in Glenfada Park North, which we have reproduced earlier in this report;¹ and then seeing Joe Friel further to the west.

¹ Paragraph 90.7

101.47 It is notable that while several of the witnesses who ran to the south-west corner appear to have seen Joe Friel, Michael Quinn or Jim Wray at that time, very few gave evidence that suggests that they saw Joe Mahon or William McKinney fall. The two possible exceptions to this observation are Donncha MacFicheallaigh and OIRA 7.

101.48 Donncha MacFicheallaigh told this Inquiry that as he walked towards the south-west exit of Glenfada Park North he heard someone shout that "*the Brits*" were entering the area. According to his account, he turned and saw two soldiers advancing from the north-eastern corner "*at pace*" to within 12 yards of the running crowd, both firing from the hip. He saw two men fall close to the southern fence, one as if he had been shot in the leg. Donncha MacFicheallaigh turned to run through the packed entrance to the Abbey Park alleyway, and, as he did so, he heard more shots and saw someone, who he came to believe was Jim Wray, fall behind him. Once he was in the alleyway he looked round and saw two more

soldiers entering the north-eastern corner of Glenfada Park. He said he took cover at the side wall of the gardens of the southern block of Glenfada Park South, and while he was there he saw a man who he later learned was Michael Quinn shot in the face.¹

¹ [AM7.9-10](#); [Day 409/104-116](#); [Day 409/165](#); [Day 409/175-184](#)

101.49 If this account is correct then it could indicate that Joe Mahon and William McKinney were shot shortly before Jim Wray, and that Michael Quinn was injured after all three of these casualties. However, we take the view that we should place no reliance on this account of Donncha MacFicheallaigh. Donal Dunn has consistently stated that he was in a similar position to Donncha MacFicheallaigh by the time that Michael Quinn came through. Donal Dunn's evidence is that he saw Jim Wray lying on the ground only after Michael Quinn had passed his position. The two men might have been able to see different things from their respective positions, but we prefer Donal Dunn's account, which clearly suggests a different sequence of events. As we observe below, Donncha MacFicheallaigh's account of soldiers advancing across Glenfada Park North and then firing is at odds with most of the civilian evidence and that of the soldiers.

101.50 OIRA 7 told this Inquiry that he entered Glenfada Park North from the north-east corner at a time when about 100–150 people were crossing Glenfada Park North. He told us that he was present when Michael Kelly was carried through the area, and that he recalled having been somewhere in the centre of the car park when he heard gunfire from the north-east corner of Glenfada Park North. He told us that he subsequently saw soldiers in the north-eastern and north-western entrances of the courtyard; and that he ran for the south-west corner, where there was "*a big scramble*" to get out. He was unsure of the precise sequence of events, but he believed that he might have seen Joe Mahon "*stoop*" as if shot close to the position in which he fell. He also assumed that Jim Wray fell behind him, as he saw him on the ground once he had taken cover at the Abbey Park alleyway.¹

¹ [AOIRA7.11-13](#); [Day 398/67-81](#); [Day 398/169-173](#)

101.51 In effect, OIRA 7's evidence amounts to seeing Jim Wray on the ground after he looked back from the Abbey Park alleyway, and possibly seeing a civilian "*stoop*" in the approximate position in which Joe Mahon's body is later shown in Trevor McBride's photograph of three bodies in Glenfada Park North.

Summary of the evidence of those who were moving towards the south-west corner of Glenfada Park North as the soldiers arrived

- 101.52** As the soldiers arrived in Glenfada Park North a number of civilians seem to have seen them and shouted a warning to this effect. The group carrying Michael Kelly across the car park appear at this time to have been close to the entrance to the alleyway leading to Abbey Park. The arrival of the soldiers caused several of those in the group to drop Michael Kelly, leaving George Downey, Paddy Doherty and Joseph Donnelly to lift him into the alleyway and ultimately to take him to a house in Abbey Park.
- 101.53** The people moving towards the south-western corner came from various points in Glenfada Park North. Some, such as Gregory Wild, John O’Kane and Gerard McKinney, had been walking close to the group carrying Michael Kelly before the arrival of the soldiers. Others, such as Patrick McLaughlin, Paul Coyle, George Hillen, Don Boyle, OIRA 1 and OIRA 7, had run from positions further to the north and east, and some of these appear to have reached the alleyway before any shots were fired. Estimates varied as to how many people were running into the south-western corner of Glenfada Park North at this time, but it seems to us that it was a considerable number.
- 101.54** Among those who ran to the alleyway were Michael Quinn and Joe Friel, both of whom were then shot and wounded. Later in this report¹ we consider their cases in greater detail. Michael Quinn had been standing next to a fence on the eastern side of Glenfada Park North. He was shot in the face just before he reached the entrance to the alleyway, but he managed to stumble into Abbey Park, possibly with the help of Ciarán Mac Lochlainn and Patrick McGowan. Joe Friel was shot across the chest, as we describe in more detail elsewhere in this report.² He had been alerted to the presence of the soldiers by Gregory Wild, and after he was hit he was assisted (but not it seems carried) out of Glenfada Park North by Eugene McGillan and Patrick Bradley.
- ¹ [Chapter 104](#) ² [Paragraphs 104.1–52](#)
- 101.55** The circumstances in which the other known casualties in Glenfada Park North were shot are discussed below. However, it is relevant to note that Jim Wray fell close to the entrance to the Abbey Park alleyway and he appears to have been seen either falling or on the ground by several of the witnesses in this area.

Witnesses in Abbey Park

- 101.56** A number of civilians on the east side of Abbey Park witnessed the actions and movements of those people who were in or running towards the alleyway that led from Glenfada Park North to Abbey Park.
- 101.57** John Porter stated in 1972 that as he stood outside 8 Abbey Park, he saw a man running through the Abbey Park alleyway with *“lacerations to the side of his head”*;¹ John Porter is dead and gave no evidence to this Inquiry. We return to consider his 1972 accounts in detail later in this report,² but of particular relevance in the present context is that he recorded that the man with the head lacerations was at the front of the crowd that ran through this area in the aftermath of shooting in Glenfada Park North. John Porter believed that the casualty was wearing a blue suit. This Inquiry has no evidence of what Daniel Gillespie (someone possibly wounded in Glenfada Park North) was wearing, but the description is not compatible with the description Michael Quinn gave to the Widgery Inquiry of his windcheater (*“rust coloured”*).³ However, other aspects of John Porter’s evidence, most notably his account of the wound, indicate that it might well have been Michael Quinn that he saw. In one statement John Porter referred to the man as having *“his right eye shot off”*, and he confirmed to the Widgery Inquiry that the person in question had apparently substantial injuries on the right side of his face.⁴ If this identification is correct, and we believe that it probably is, then it reinforces our interpretation of Donal Dunn’s evidence that Michael Quinn was the first casualty to go through the Abbey Park alleyway.

¹ [AP11.2](#)

³ [Paragraph 104.141](#)

² [Paragraphs 104.291–302](#)

⁴ [AP11.19; AP11.5](#)

- 101.58** William O’Reilly stated to the Widgery Inquiry and to the Coroner, Major O’Neill, that as he watched events from the doorway of his house at 7 Abbey Park, he saw a man, who he later learned was Jim Wray, fall at the entrance to the Abbey Park alleyway. He referred to Jim Wray as being the last of a group of about 13 or 14 civilians running into the alleyway.¹ He did not refer to seeing any other casualties running through the alleyway at this time.

¹ [AO69.8; AO69.24; AO69.34](#)

101.59 In his written evidence to this Inquiry, William O'Reilly referred to seeing Jim Wray when he was already on the ground in the position given above.¹ William O'Reilly was unable to give oral evidence to this Inquiry through ill health. His written evidence to us does not make clear whether he recalled seeing Jim Wray fall, but in view of his 1972 accounts we consider that he probably did see this happen.

¹ [AO69.2](#)

101.60 John Carr stated to Paul Mahon (but not in his other accounts) that after he saw Michael Kelly carried through the alleyway, he noticed another man being supported by civilians in a “*chair*” lift. This man was in the middle of the crowd of people moving into Abbey Park, and it was only after this group cleared that he saw Jim Wray lying on the ground.¹ There is insufficient evidence to establish which of the casualties this was, but it could have been Joe Friel, Michael Quinn or even Daniel Gillespie. Joe Friel is perhaps the most likely candidate given that the other two seem to have made their way through the alleyway without being carried.

¹ [X4.6.5-6](#); [X4.6.62](#)

101.61 We should note that other aspects of John Carr's evidence to Paul Mahon and to this Inquiry indicate that he was slightly confused as to the chronology of events. For example, he believed (in our view mistakenly) that a “*Saracen*” had reversed into Glenfada Park North before the shooting incidents in Abbey Park, which we consider later in this report.¹ He also indicated (again in our view mistakenly) that there was a significant lapse of time between Michael Kelly being brought into Abbey Park and the rest of the crowd surging into the area.²

¹ [X4.6.21-X4.6.22](#); [AC42.4](#); [Day 159/122-123](#); [Chapter 107](#) ² [X4.6.16-X4.6.20](#); [AC42.2](#)

101.62 The evidence of John Porter and William O'Reilly, who were in Abbey Park, and Donal Dunn, who was in the alleyway, suggests to us that Michael Quinn was the first casualty to move into Abbey Park, followed by Joe Friel. According to William O'Reilly, Jim Wray fell at the back of the group running from Glenfada Park North.

Witnesses at the southern end of the eastern block of Glenfada Park North

- 101.63** In general, witnesses at the southern end of the eastern block of Glenfada Park North (often called the “gable end”) have given accounts of seeing two or three people being shot as they ran from this area towards the south-west corner of Glenfada Park North.
- 101.64** Fr Terence O’Keeffe was a lecturer in Philosophy and Dean of the School of Humanities at the New University of Ulster in Coleraine. He told the Widgery Inquiry that while he was at the gable end of the eastern block of the courtyard he saw three “*young fellows*” make a run for the Abbey Park alleyway. A fourth youth was prevented from doing so by other members of the crowd, who in general had decided that it was safer to remain where they were. Fr O’Keeffe heard shots and all three men fell, two in the courtyard itself, and one with his body “*halfway onto the pavement which runs at the edge of the maisonettes*”. According to a consistent account that Fr O’Keeffe gave to the *Sunday Times*, this occurred about two to three minutes before the soldiers arrived at the southern end of the eastern block.¹

¹ [H21.22](#); [H21.8-9](#); [H21.39](#)

- 101.65** Fr O’Keeffe’s evidence to this Inquiry was broadly consistent with his earlier accounts. He recognised the scene shown in the following photograph as being similar to the one he recalled from the time that the youths ran, save that he no longer had a memory of people being in the alleyway to which the men were running, and he believed that there were about 25–30 people at the gable end at that time.^{1,2}

¹ [H21.48](#); [Day 127/118-123](#); [Day 127/153-156](#); [CS6.162](#)

² The provenance of this photograph is discussed in [Chapter 176](#).



101.66 In his opinion, the photograph taken by Trevor McBride from Columbcille Court of the three bodies lying in Glenfada Park North, which we have shown above,¹ accurately reflected the positions in which the three men fell.² We are sure that he is right about this.

¹ Paragraph 90.7

² Day 127/121-122

101.67 Fr O'Keeffe told us that he did not see any justification for these men to be targeted.¹

¹ H21.48; Day 127/118-123; Day 127/153-156

101.68 Patrick McGinley was in our view probably the person whom Fr O'Keeffe saw being restrained from running. Patrick McGinley told this Inquiry that he was at the south end of the eastern block when he became aware of soldiers entering the complex. A group of four young men, including himself, decided to make a dash for Glenfada Park South. As he began to run he was grabbed and prevented from doing so by Barry Liddy. Patrick McGinley then saw one of the three boys who had run fall in front of him, apparently shot. He subsequently learned that this was Jim Wray. In a 1972 account¹ he recorded that all three fell, and he accepted in his evidence to this Inquiry that this was more likely to be accurate. He also accepted that it was possible that the youths had run towards the alleyway to Abbey Park rather than towards Glenfada Park South.² Patrick McGinley's account of being restrained by Barry Liddy is supported by the evidence of Myles O'Hagan³ and by Barry Liddy himself.⁴

¹ AM241.10

³ AO43.13

² AM241.4-5; AM241.8; Day 425/141-149; Day 425/168-172

⁴ AL13.8; AL13.4

101.69 Denis Patrick McLaughlin also recalled Patrick McGinley returning to the southern end of the eastern block of Glenfada Park North while others ran for the Abbey Park alleyway.¹ However, his evidence was to the effect that the running away and Patrick McGinley's return occurred at the same time as soldiers arrived at the southern end of the eastern block. He was on his own account hysterical after seeing casualties fall at the rubble barricade, and in our view this affected his recollection, since we are satisfied that it was after the events described by Patrick McGinley and the others, and after all the casualties had been sustained in Sector 4, that any soldier reached the southern end of the eastern block.² Nevertheless, we consider it probable that he actually witnessed the same events as those recorded by Barry Liddy, Patrick McGinley and Fr O'Keeffe.

¹ [AM326.6](#); [AM326.21](#)

² [AM326.6](#)

101.70 Eamon McAteer was one of the civilians at the southern end of the eastern block of Glenfada Park North. He stated to this Inquiry that while he was there he saw three people run towards the south-west corner of the complex. He recognised the scene in the photograph of people at the southern end of the eastern block shown above¹ as being similar to that which he remembered at the time, although he thought that there might have been fewer people at the southern end of the block. According to his account, he heard three shots, and saw two of the runners fall; he did not know what happened to the third. Eamon McAteer believed that the man who fell closest to the entrance of the Abbey Park alleyway lay half on and half off the pavement. The other man was slightly behind the first, also lying half on and half off the pavement. Eamon McAteer stated that he could see no reason why these men had been shot.²

¹ [Paragraph 101.65](#)

² [AM41.13-14](#); [Day 135/16-21](#)

101.71 Eamon McAteer also gave a NICRA statement that was less detailed than, but consistent with, his account to this Inquiry:¹

"We took cover at the gable wall of No. 1 Glenfada Park. With me was a group of about twenty people. We were shocked at the firing by the army. In our group I noticed my brother Fergus and Fr. Denis Bradley. A young man was dragged from the centre of Rossville Street behind the first barricade into the gap leading into Glenfada Park. He was laid down near me and was soon tended by Fr. Bradley. The man had a small hole in his stomach which I saw quite clearly as I bent over him. The man was carried away into the adjoining Park through a passage way. Then three of our group dashed from the corner of the gable wall inside Glenfada. I saw two of these men fall as shots were fired apparently from inside Glenfada Park. They lay motionless half on and half off the path. The army were now inside the Park."

¹ [AM41.33](#)

101.72 Fergus McAteer, Eamon's brother, who was with him at the gable end, drafted his own statement in 1972, in which he recorded seeing three men run from the southern end of the eastern block "*along the footpath in Glenfada Park*". Fergus McAteer believed that "*they had only got a few yards*" when there was a burst of firing from "*the other end of Glenfada Park*" and the men fell. Fergus McAteer could "*see two of them clearly lying on the footpath*". He did not at first realise that they had been shot.¹

¹ [AM42.1-2](#)

101.73 Fergus McAteer gave a consistent account of this incident in his evidence to this Inquiry. He was unable to assist with much further detail, though he said that he first noticed the men as they were making a dash along the south side of Glenfada Park North and had not actually seen them set off. He was not aware, he said, of any others running in the same direction. He agreed that Trevor McBride's photograph of the three bodies in Glenfada Park North¹ reflected the positions in which they fell. He emphasised that he could see no justifiable reason why these men were shot.^{1,2}

¹ [AM42.9](#); [AM42.13](#); [Day 168/57-67](#)

² Fergus McAteer also gave an interview to Praxis in which he mentioned this incident, but in our view this account does not provide any additional assistance ([AM42.4](#)).

101.74 John McLaughlin gave two accounts of the events of Bloody Sunday in 1972, one to NICRA and the other to the *Sunday Times* Insight Team. In both he stated that while he was at the gable end he saw three people shot as they ran across Glenfada Park. John McLaughlin's NICRA statement recorded that these three were part of a larger group, "*a few*" of whom made it to safety. In his more detailed *Sunday Times* account he mentioned only the three people who were shot running out at that time.¹

¹ [AM334.1](#); [AM334.6-7](#)

101.75 John McLaughlin's *Sunday Times* account indicated that he saw Gerard McKinney, who was an employee of his, at the gable end, and that he learned later that he was one of the men who had been shot in Glenfada Park North. Although Gerard McKinney was present at the gable end he was (as we discuss later in this report¹) shot in Abbey Park and not in Glenfada Park North, and hence John McLaughlin was wrongly informed about this.²

¹ [Chapter 107](#)

² [AM334.4](#); [AM334.6](#)

101.76 James Kelly stated to this Inquiry that he saw Jim Wray and two other men run from the southern end of the eastern block to the south-west corner of Glenfada Park North, a route that five or six civilians had taken before them. According to his account, he thought that they ran after rumours spread that firing was coming from the City Walls. The three

men all fell at the same time, close to one another. James Kelly was unsure whether he could identify the specific shots that hit them as there was so much firing going on at this time, but stated that he could see no justification for their being targeted. A short time later (James Kelly was unsure exactly how long) he saw soldiers rounding the gable end.¹

¹ [AK12.4-5](#); [Day 145/30-32](#); [Day 145/47-48](#)

101.77 James Kelly's NICRA statement records that he saw three youths shot as they made "a dash for safer refuge in a square in the Glenfada Park area". The account indicates that soldiers arrived at the gable end "At that moment", though, as we have said earlier, some time in fact passed before this happened.¹

¹ [AK12.1](#)

101.78 As Counsel to the Inquiry pointed out in their summation,¹ James Kelly's NICRA statement does not mention Jim Wray by name, and no other civilian witness has specifically identified him as one of the men who ran from the gable end. James Kelly stated that he did not know Jim Wray well in 1972, but he was sufficiently familiar with him to be confident in identifying him.² However, James Kelly's evidence suggests that he compressed the chronology of events slightly and it is possible that this, combined with a memory of seeing Jim Wray close to the gable end and his later knowledge that he had been shot, led him to associate Jim Wray with the group of people who ran from the gable end. As we observe later in this report,³ despite this and other evidence that we consider below, we are of the view that Jim Wray was not on his way from the gable end when he was shot.

¹ [CS6.165](#)

³ [Paragraphs 104.205-207](#)

² [Day 145/23](#); [AK12.18](#)

101.79 In his written evidence to this Inquiry, James Kelly recorded that he saw the Order of Malta Ambulance Corps volunteer Charles Glenn attending to Michael Kelly's body at the gable end.¹ This in our view must be a false memory, as Charles Glenn was, as we discuss in Sector 2, concerned with helping to carry Jackie Duddy, who had been killed in the Rossville Flats car park. James Kelly accepted in his oral evidence that he could have been mistaken.²

¹ [AK12.4](#)

² [Day 145/26](#)

Summary of the evidence of the witnesses at the southern end of the eastern block of Glenfada Park North

- 101.80** The evidence of the witnesses above gives in our view a broadly consistent picture.
- 101.81** Fr O’Keeffe, Patrick McGinley, Eamon McAteer, Fergus McAteer and James Kelly stated that they saw a small number of youths running from the southern end of the eastern block of Glenfada Park North towards the south-west corner. Denis Patrick McLaughlin probably saw the same incident, although to our minds he confused the detail and timing of it in his evidence to this Inquiry. James Kelly also gave evidence of this small group, though as we have noted, we believe he was mistaken in his recollection that Jim Wray had run from the gable end.
- 101.82** Seven witnesses, Fr O’Keeffe, Patrick McGinley, Barry Liddy, Denis Patrick McLaughlin, Fergus McAteer, John McLaughlin and James Kelly, gave evidence in 1972 to the effect that three people fell as if shot after they ran from the gable end. A further witness, Eamon McAteer, stated that he saw only two people fall and he did not know what happened to the third.
- 101.83** Fr O’Keeffe, Barry Liddy and Patrick McGinley all gave consistent accounts of how Patrick McGinley was restrained from running by Barry Liddy. Denis Patrick McLaughlin’s evidence probably amounts to a slightly confused version of the same event.
- 101.84** Several of the witnesses have said that the events that they recalled were similar to the scene shown in the photograph displayed above¹ of people at the gable end and in the southern part of Glenfada Park North and that the bodies they saw fall were in the positions shown in Trevor McBride’s photograph.² The evidence of Celine Dunleavy and Mary Lewis, which is considered below,³ is broadly consistent with these accounts.
- ¹ Paragraph 101.65
- ² Paragraph 90.7
- ³ Paragraphs 101.98 and 101.102–103
- 101.85** John McLaughlin’s NICRA statement suggested that there were more people running from the gable end at this time than the three men who were subsequently shot. This is supported by the evidence of several other witnesses whose evidence is considered in the following paragraphs.

Witnesses who ran from the southern end of the eastern block of Glenfada Park North

101.86 In addition to Patrick McGinley, other people appear to have begun to run from the gable end as or shortly after the soldiers arrived in Glenfada Park North. While Patrick McGinley was restrained by those around him, a handful of civilians did run out from the cover of the eastern block. One, Brian Conaghan, appears to have reached the Abbey Park alleyway at approximately the same time as those whose evidence is considered above.¹ Robert Wallace, who had been with Brian Conaghan, veered to his left and joined others in taking cover behind a parked car at the southern end of the car park.² Two other witnesses, James McNulty and Patrick O'Donnell, turned and ran back towards the east side of the courtyard after seeing people fall in front of them.³ As is discussed below, it seems that Joe Mahon and William McKinney, who were both shot on the day on the southern side of Glenfada Park North, the latter fatally, also ran from the gable at around this time.

¹ [AC155.2](#)

³ [AM377.2-3](#); [AO35.2](#)

² [AW3.02](#); [Day 154/141-2](#), 146-7

101.87 James McNulty told this Inquiry that he began to run towards the south-west corner of the complex, but, after seeing civilians fall in front of him, he returned to the southern end of the eastern block. He said that as he did so he saw a soldier on one knee in the north-east corner of Glenfada Park North, with his rifle pointing towards the civilians at the southern end of the park, and two or three other soldiers in a similar location. James McNulty stated that he ran back to the southern end of the eastern block, from where he saw bullets ricocheting off the northern end or pram-ramp of the eastern block of Glenfada Park South.¹ In his NICRA statement James McNulty did not indicate that he had actually started to move from the southern end of the eastern block, but we are persuaded from his oral evidence to this Inquiry that he probably did.²

¹ [AM377.2-3](#); [Day 152/8-13](#)

² [AM377.10](#); [Day 125/25](#)

101.88 Patrick O'Donnell has also stated that he began to run towards the south-west corner before turning and running back to cover close to the fences on the eastern side of the courtyard after seeing someone fall in front of him. He was one of those shot and wounded in Glenfada Park North and we consider his evidence in detail later in this report.¹ At this stage we note that his evidence was that as he crossed Glenfada Park North he saw one or two soldiers to his right.²

¹ [Paragraphs 104.499–511](#)

² [AO35.2](#); [AO35.7](#); [AO35.18](#); [WT6.41](#); [Day 156/113-118](#); [Day 156/122-123](#)

101.89 Patrick Joseph Norris stated to this Inquiry that he began to run to Glenfada Park South but was dragged back by another civilian. However, although we accept that Patrick Joseph Norris was doing his best to help us, we have doubts as to his account and place no reliance on it. Patrick Joseph Norris stated that he had become hysterical while at the gable end, and he believed that John Young and Michael McDaid ran ahead of him and were shot in the mouth of the entrance into Glenfada Park North, which we are satisfied is incorrect.¹ Further, Robert Wallace, whose evidence is considered in the next paragraph and which we accept, stated to this Inquiry that Patrick Joseph Norris had taken cover behind a car in the south-east corner of Glenfada Park North by the time shooting commenced in the courtyard.²

¹ AN24.3-5; Day 167/112-139; AN24.15

² AW3.2; Day 154/170

101.90 Robert Wallace told this Inquiry that he was at the southern end of the eastern block with his friend Brian Conaghan. He recalled that he and Brian Conaghan panicked when they heard shooting in Glenfada Park North, and they decided to make a break for Abbey Park. Robert Wallace thought that “*a few of us*” ran out at the same time,¹ and that “*a sorta handful of people [were] trying to make it across*”.² He stated that as he ran he saw bullets striking the southern block of the courtyard. While Brian Conaghan, who ran out first, reached the alleyway to Abbey Park safely, Robert Wallace changed his plan and ran for cover behind one of the cars shown in the photograph below.³ Robert Wallace recalled that he joined other civilians, including George Roberts and Patrick Joseph Norris, whose evidence is discussed above, who were already sheltering behind the car.⁴

¹ Day 154/149

² Day 154/170

³ As is mentioned above, the provenance of this photograph is discussed in Chapter 176.

⁴ AW3.01-3; Day 154/148-159; Day 154/170-172



- 101.91** In his Keville interview Robert Wallace gave a similar account, and added the detail that he was behind one car while three other people were behind another.¹

¹ [AW3.14-15](#)

- 101.92** Brian Conaghan's evidence to this Inquiry¹ was that he went on the march with Robert Wallace. The two were together at the southern end of the eastern block of Glenfada Park North. However, Brian Conaghan said that he saw bullets strike the masonry there; he ran from the gable end and became separated from Robert Wallace. He believed that he was among many civilians who ran to the alleyway at the south-west corner of the courtyard, and then through into Abbey Park where he took cover in a house. Brian Conaghan commented that he believed that Jim Wray was at the back of the group.

¹ [AC155.1-2](#)

- 101.93** John Devine stated to this Inquiry that as he took cover behind one of the cars he saw one of the other youths who had been doing the same make a break for the south-west corner of Glenfada Park North. This youth, who had red hair, was shot as he reached the corner, but he managed to continue running until he was out of sight.¹ John Devine did not explicitly mention this incident in his NICRA account, where he stated that he saw soldiers shoot three people in circumstances that he did not record.² However, in our view this does not necessarily make his 1972 statement inconsistent with his evidence to us. He did not give oral evidence to this Inquiry because of ill health.

¹ [AD41.2](#)

² [AD41.6](#)

101.94 Joe Friel stated for the first time during his appearance at this Inquiry that before he was shot he had “cowered” behind what he thought was the black (eastern) car seen in the photograph of people at the gable end and southern part of Glenfada Park North shown above, though he later said that he did not know which of the two cars he was behind. There were a number of other people behind the car, and he said that he had the impression that when he started to run from that position some of them might have run with him.¹ Joe Friel was one of those shot and wounded in Glenfada Park North and we consider his evidence in detail later in this report.²

¹ Day 155/53-56

² Paragraphs 104.6–36

Summary of the evidence of those who ran from the southern end of the eastern block of Glenfada Park North

101.95 We are of the view, from the evidence considered above, that a number of people ran from the gable end in the moments before the first shots were fired in Glenfada Park North. Brian Conaghan managed to make it to the Abbey Park alleyway, but Robert Wallace, who was with him, changed his plan and ducked behind a vehicle in the south-east corner of the car park, where other civilians were taking cover. Patrick McGinley began to run, but was restrained by nearby civilians. Two others, James McNulty and Patrick O'Donnell, moved away from the gable end but turned back when they saw people fall in front of them.

101.96 The evidence of these witnesses indicates that the situation at the gable end was more complicated and fluid than is suggested by the accounts of those who believed that they saw three people run and three people fall as the soldiers entered the area.

Other witnesses in Glenfada Park North

101.97 This Inquiry has also obtained relevant evidence from a number of other civilians who were in Glenfada Park North when the soldiers arrived there.

101.98 Mary Lewis gave a NICRA statement¹ in which she recorded that she witnessed events from the terrace of her house on the western side of Glenfada Park North. The *Sunday Times* Insight Team's notes record that Mary Lewis's neighbours recalled her having been “*out on the balcony overlooking the park*”.² She stated that she saw two boys run out from a crowd huddled at “*Glenfada Corner*” (presumably the southern gable end of the eastern block) and that soldiers who were “*in the middle of the courtyard*” fired at and hit the two boys, who fell “*on the road*”. Their bodies were later taken away.

¹ AL10.1

² AM18.21

101.99 John Shiels stated to this Inquiry that from a position in a first floor flat in the eastern block of Glenfada Park North he saw a soldier shoot a man who was running across the courtyard to the south-western corner. There were already two bodies in the car park at this time. John Shiels stated that the soldier was standing in the centre of the northern end of the complex, and that the soldier fired one shot from the shoulder (with John Shiels seeing the recoil of the rifle). In his Keville interview, John Shiels recorded that from an upstairs flat he saw a man running across the courtyard of the flats and a paratrooper emerge shooting from behind a wall. The man fell.¹

¹ [AS19.10-11](#); [AS19.19](#); [Day 149/108-111](#); [Day 149/133-137](#)

101.100 In his 1972 account John Shiels made no mention of seeing two bodies before he witnessed the soldier firing and the man falling. In the light of other civilian evidence, which is to the effect that William McKinney, Joe Mahon and Jim Wray all fell within seconds of each other, we take the view that John Shiels' evidence to us cannot be relied upon as indicating that the shooting he said he witnessed took place a significant time after others had been shot. In his evidence to us, John Shiels accepted that his memory was comprised of "*snapshots*" created by brief glances into the courtyard.¹

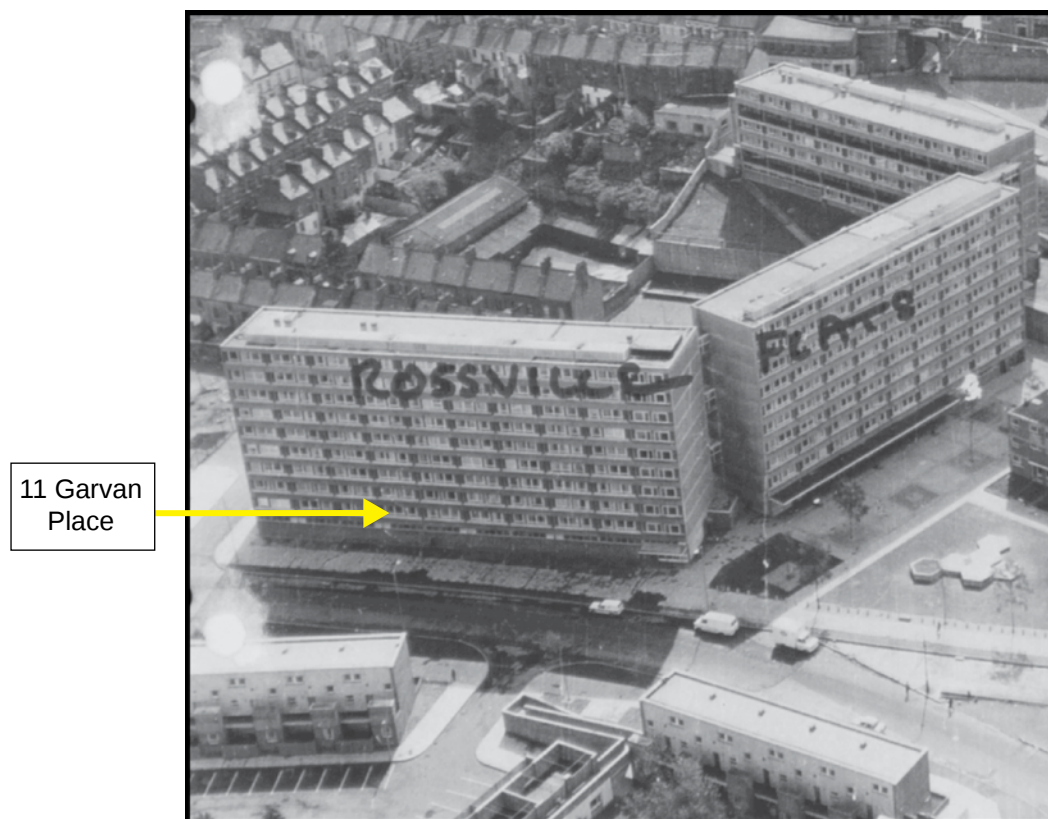
¹ [Day 149/132](#)

Witnesses looking from the Rossville Flats

101.101 Several witnesses who were in the Rossville Flats, looking into Glenfada Park North, have given evidence of events as the soldiers arrived in the courtyard.

101.102 Celine Dunleavy told this Inquiry that she was in her flat (11 Garvan Place, whose position is indicated in the photograph below) on the first floor of Block 1 of the Rossville Flats, when she saw three men fall at the southern end of Glenfada Park North. These men had been walking towards the south-west corner in an unhurried manner, but Celine Dunleavy did not see where they had come from. She did not realise at first that they had been shot. Celine Dunleavy was shown Trevor McBride's photograph of the three casualties in Glenfada Park North, and she thought that this showed the position of the men that she had seen fall.¹

¹ [AD168.2-3](#); [Day 132/164-168](#)



101.103 Celine Dunleavy accepted that she signed a statement in 1972 that recorded: “*The crowd started to run from Glenfada Pk and I heard gunshots. Three fell. Later the soldiers arrested some people at Glenfada.*”¹ In her evidence to this Inquiry she stated that she no longer recalled making this statement, but she accepted that it might be more accurate than her current recollection.² In our view what Celine Dunleavy stated in 1972 is likely to be the more accurate account.

¹ AD168.5

² AD168.4; Day 132/175-177

101.104 Jenny McFadden gave a NICRA statement¹ in which she recorded that she took cover in a flat at the southern end of Block 1 of the Rossville Flats, possibly at 17 Garvan Place, and that she saw three or four youths run towards an alleyway in Glenfada Park at a time when soldiers were present in the vicinity. Three of the youths stopped, and one raised his hands. At this point the “*soldier nearest the Glenfada Park alleyway*” shot all three of them. Jenny McFadden gave no evidence to this Inquiry and since it is not clear from her 1972 account where the youths and the soldier she said that she saw were, or when the shooting incident she described occurred, it is difficult to place any reliance on her account.

¹ AM213.1-3

101.105 John McCrudden was 12 years old at the time of Bloody Sunday and lived at 12 Garvan Place, in Block 1 of the Rossville Flats. He gave a NICRA statement.¹ In this he recorded that he looked from the front window of the flat towards Glenfada Park North. *“There was a crowd of about 15–20 running away. I heard about 3 shots and I saw three men falling in the crowd. These men were not firing on the army or throwing nail bombs. They were shot in the back.”*

¹ [AM152.10](#)

101.106 In his evidence to this Inquiry he recalled seeing three men fall as they ran on their own across Glenfada Park North from the southern end of the eastern block.¹

¹ [AM152.4](#); [Day 95/111-116](#)

101.107 John McCrudden could not recall seeing other people at the gable end. He thought that one of the men had looked around the south-east corner of the block and been shot at, but not hit; two lumps had fallen from the corner of the block. The men had then run towards Abbey Park. His recollection was that when they ran the man furthest to the east fell first, while the man in the middle of the group was apparently hit twice as he tried to climb over a fence. According to John McCrudden the final man was shot at the entrance to the Abbey Park alleyway.¹

¹ [AM152.4](#); [AM152.12](#)

101.108 In our view John McCrudden’s memory has in this instance played him tricks. His account to us is inconsistent with that of many other witnesses and in our view we can place no reliance on it. His NICRA statement of three men falling in a crowd, taken literally, is also inconsistent with that of other witnesses whose evidence is to the effect that the men who were shot were more or less on their own, though it could be that he was intending to refer merely to people in the near vicinity or ahead of those who were shot.

Chapter 102: Civilian evidence of soldiers firing in Glenfada Park North

Contents

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- 102.1** We turn now to examine the evidence given by civilians who believed that they witnessed soldiers firing in Glenfada Park North. In this part of the report we consider only those who gave accounts that suggested that they saw specific soldiers fire, and even then we are mindful of the possibility that they were mistaken. In the course of the Inquiry we have come across many examples of witnesses who, despite their best intentions, made a false assumption that a soldier that they were watching must have fired a shot that they heard.
- 102.2** We consider first the evidence of those civilians who thought that a soldier or soldiers fired from the hip from the north-eastern corner of Glenfada Park North. We then examine the accounts of witnesses who recalled soldiers firing from the centre of the car park, before looking at the evidence of shots that were fired towards the south-eastern corner of the complex and other miscellaneous evidence regarding the soldiers who fired in Glenfada Park. As is discussed above,¹ the cumulative evidence of those members of Anti-Tank Platoon who acknowledged firing shots in Sector 4 was to the effect that four soldiers fired a total of ten rounds in the initial burst of gunfire. All of the shots came from somewhere in the north-eastern quadrant of the courtyard, with eight directed towards the south-west corner and two towards the south-east corner.

¹ [Chapters 99](#) and [100](#)

Soldiers firing from the hip

102.3 A number of witnesses have given evidence that one or more of the soldiers who fired on entering Glenfada Park North did so from the hip or in a manner other than raising the weapon to the shoulder. It was contrary to the Yellow Card¹ to fire other than aimed shots; and aimed shots cannot be fired otherwise than from the shoulder.

¹ The instructions to soldiers on when they could use their weapons, discussed elsewhere in this report (paragraphs 8.121–123).

102.4 Joe Friel was shot across the chest as he ran through Glenfada Park North; he stumbled but was able, with assistance, to make it through the Abbey Park alleyway. We consider his evidence in detail later in this report,¹ when we discuss the circumstances of his wounding. His evidence was that he believed that he was shot by a soldier who was holding his rifle between his hip and his shoulder.

¹ Paragraphs 104.6–36

102.5 Gregory Wild, whose shout had alerted Joe Friel to the presence of soldiers in Glenfada Park North, also gave an account in 1972 that suggests that a soldier fired from the hip. In a written statement he recorded that the first soldier he saw in Glenfada Park North was standing close to an opening that led to Rossville Street with his gun at hip level, the gun apparently resting on a small wall. Gregory Wild stated that after shouting his warning he was “*looking towards the soldier and I saw a flash and heard a shot*”. Shortly after this he heard Joe Friel shout that he had been shot.¹

¹ AW15.4

102.6 Gregory Wild also gave an interview to the *Sunday Times* Insight Team, in which he stated that he was aware of two shots fired shortly before Joe Friel was hit: “... *i was certain that they came from the soldier I was looking at. he had fired from the hip. it was definitely not an aimed shot.*”¹ A map prepared in conjunction with the interview shows the soldier in the north-east corner of the car park.²

¹ AW15.1

² AW15.3

102.7 In his written evidence to this Inquiry, Gregory Wild recorded that he saw a soldier in the north-east corner of Glenfada Park holding a self-loading rifle (SLR) with the butt against his hip and the barrel leaning against the wall of the wheelchair ramp in front of him. He stated that the soldiers fired two or three shots without aiming.¹

¹ AW15.7; AW15.11

102.8 Joe Mahon was shot in the hip as he ran across Glenfada Park North. He fell on the pavement in the centre of the southern side of the complex, next to the fatally wounded William McKinney. He told this Inquiry that before he was shot and as he was running towards the Abbey Park alleyway, he saw a group of four or five soldiers coming into Glenfada Park North from the north-eastern entrance, one of whom fired a number of shots from the hip in a “*fan*”.¹ Later in this report² we consider the evidence of Joe Mahon in detail, where we give reasons for our view that some at least of his evidence is unreliable.

¹ AM18.2-3; Day 167/20; Day 167/18-22; AM18.2-3

² Paragraphs 104.399–409, 104.481–2 and 104.488–492

102.9 Joseph Donnelly, the man who ended up carrying Michael Kelly from Glenfada Park after others had fled, told this Inquiry that he saw three soldiers enter the complex through the north-east corner. He saw one of the soldiers drop to his knee and assume a firing position. The other two soldiers held their rifles at waist height. He believed that all three fired. He explained in his oral evidence that this belief was based on hearing the sound of shots come from all three soldiers rather than seeing any recoil from the rifles. Joseph Donnelly told us that, as he ran, he saw bullets hit the wooden fence to his left, and that he was confident that the soldiers were aiming at the crowd carrying Michael Kelly. He did not see any civilian casualties at that stage or see the soldiers advancing as they fired.¹ In his NICRA statement Joseph Donnelly referred to soldiers firing as he ran from Glenfada Park with Michael Kelly, but gave no further detail.²

¹ AD124.4; Day 128/99-101; Day 128/130

² AD124.1

102.10 Charlie McLaughlin was one of the group who, initially, helped to carry Michael Kelly across Glenfada Park. In his NICRA statement he recalled seeing two soldiers entering the north-east corner of the complex as he carried Michael Kelly. One fired from the hip, and Charlie McLaughlin heard bullets striking the wooden fence on the southern side of the courtyard before he ran out through the alleyway and towards Blucher Street. He gave a similar account of the soldier shooting from the hip in his evidence to this Inquiry, but he also recalled that the other soldier fired aimed shots from the shoulder as he walked forward. Charlie McLaughlin was confident that these soldiers were firing because of the number of shots fired at a time when they were the only soldiers in Glenfada Park North.¹

¹ AM321.8; AM321.4; Day 177/87-89

102.11 Patrick Moyne and Pearse McCaul were two of those who helped to carry Michael Kelly across Glenfada Park North. Patrick Moyne told this Inquiry that he saw soldiers running into Glenfada Park North “*with rifles at the hip*”.¹ Pearse McCaul² told this Inquiry that he saw two soldiers come into Glenfada Park North from the north-eastern entrance, one holding his rifle “*at his chest in a very casual fashion*”, and the other with his rifle “*higher up*”. However, neither of these men described seeing these soldiers fire and in our view, their evidence does not assist in assessing the matter under discussion.

¹ AM444.5; Day 162/19-26

² AM93.3-4; Day 164/91-95

102.12 Paul Coyle was one of those who ran from the southern end of the eastern block to the south-western exit. According to his account, as he ran he saw two soldiers entering the courtyard through the north-east corner. These soldiers opened fire from the hip towards the fleeing crowd. They were standing side by side and gave no warning. He thought that he heard 10–20 shots fired in rapid succession as he ran across the courtyard.¹ His evidence to us is consistent with what he told Praxis Films Ltd,² but he does not appear to have given an account in 1972.

¹ AC105.3; Day 152/73-77

² O5.9-10; O5.17-22

102.13 Benn Keaveney identified himself as one of those in the group at the southern end of the eastern block around Michael Kelly.¹ He told us that he saw two soldiers entering the north-east corner of Glenfada Park when he was at the south-west corner, and that he saw one soldier fire from the knee with a weapon held to his chest. He thought, but could not be sure, that the weapon was a Sten gun. The other soldier fired while standing, but “*seemed to discharge his round before bringing his gun up to his shoulder*”. Benn Keaveney’s evidence suggests that he saw Michael Quinn shot, to the right side of him. Then, as he started to run, Benn Keaveney was temporarily blinded by pieces of brick and masonry dislodged by a bullet that struck a nearby wall. According to his account, he subsequently heard another bullet strike a wooden fence on the east face of the western block of Glenfada Park North.²

¹ AK2.14

² AK2.8-9; AK2.24; Day 160/13-27

102.14 In our view, Benn Keaveney was wrong in identifying the weapon held by the soldier as a Sten gun. However, he stated that he was not sure of his evidence on this point, and in our view this identification does not invalidate his wider testimony.

102.15 Don Boyle stated to this Inquiry that while he was still on the eastern side of the courtyard he saw about four to six soldiers enter the courtyard to the north of him. He had the impression that they were all firing, and recalled that one was on one knee and another

held his rifle at his hip. Don Boyle stated that he did not see any of the soldiers pull the trigger and he did not see any bullet strikes, but he was “*sure they were shooting*”.¹ Through ill health Don Boyle was unable to give oral evidence to this Inquiry.

¹ AB47.2

102.16 OIRA 1’s evidence to this Inquiry was that as he ran across Glenfada Park he had the impression that the soldier he could see in the north-east corner was firing high velocity rounds from the hip. However, he could not be sure that he saw this soldier actually firing.¹ In his note of an interview with this witness, John Barry of the *Sunday Times* Insight Team recorded, in our view correctly, that OIRA 1 said he heard the “*first burst of firing as he got into the Abbey Park alleyway*”, and that he saw two soldiers as he ran, one each at the north-east and north-west entrances. OIRA 1 is also recorded as saying that the former was armed with a Sterling sub-machine gun.² We are not persuaded that OIRA 1 actually saw, as opposed to heard, soldiers firing.

¹ AOIRA1.30; Day 395/99-101; Day 395/120-121

² AOIRA1.2

102.17 Private G stated that he fired from a kneeling position.¹ Joseph Donnelly, Don Boyle and James McNulty gave an account of a soldier kneeling, which may therefore indicate (if Private G is to be believed on this point) that it was not Private G who, at this stage at least, fired from the hip. None of the soldiers who have stated that they fired in Glenfada Park has given evidence of having done so from the hip. Lance Corporal F and Private H, who gave oral evidence to this Inquiry, denied that they had fired in this manner or that they had seen anyone else doing so.² Corporal E and Private G, as noted above, are dead and gave no evidence to this Inquiry. They were not asked directly at the Widgery Inquiry whether they fired from the hip, but their claim that they fired aimed shots³ would seem to amount to a denial that they had fired from the hip. However, for reasons that appear in the course of this report, it is necessary to view with great caution the evidence given by these soldiers.

¹ B186; WT14.79

³ B95; WT14.32; B186; WT14.79

² Day 375/109; Day 376/153-154; Day 378/13;
Day 377/90-91

102.18 Our assessment of the evidence relating to the question under consideration leads us to conclude that, despite our concerns about specific aspects of some of the civilian accounts considered above, it is probable that at least one of the soldiers did fire his rifle from the hip, in contravention of the provisions of the Yellow Card.

Soldiers firing from the centre of Glenfada Park North

- 102.19** Some civilian witnesses have given accounts of soldiers entering Glenfada Park North, advancing to the centre of the car park and then firing from there. This contrasts with the evidence given by Corporal E, Lance Corporal F and Privates G and H, which is supported by the majority of the civilian testimony, that their initial shots were all fired from positions close to the north-eastern corner of the complex. However, for the sake of completeness, we turn to consider the accounts suggesting that the soldiers advanced well into Glenfada Park North before opening fire.
- 102.20** Donncha MacFicheallaigh stated to this Inquiry that as he walked towards the south-west exit of Glenfada Park North he heard someone shout that “*the Brits*” were entering the area. He said that he turned and saw two soldiers entering through the north-eastern corner. There were one or two cars parked in that area and the soldiers moved to the right (ie to the west) and came out from behind the cars before advancing “*at pace*” to within 12 yards of the running crowd. He told us he had a “*firm memory*” of seeing both soldiers firing from the hip towards the south of the courtyard in the direction of the person who had shouted the warning. There were at least three people standing in front of the fences of the southern block, who “*appeared to be petrified as the paras came in and began running parallel to the fence towards the south western exit*”. He heard two or three shots and saw one of these men fall as if he had been shot in the leg. Donncha MacFicheallaigh said he turned to run through the packed entrance to the Abbey Park alleyway, and as he did so he heard more shots and saw someone who he came to believe was Jim Wray fall behind him. Once he was in the alleyway he looked round and saw two more soldiers entering the north-eastern corner of Glenfada Park. He took cover at the side wall of the gardens of the southern block of Glenfada Park North, and while he was there he saw the man beside him, on his left, who he later learned was Michael Quinn, take two steps away from the wall towards Abbey Park, at which moment he was shot in the face.¹

¹ [AM7.9-10](#); [Day 409/104-116](#); [Day 409/165](#); [Day 409/175-184](#)

102.21 Donncha MacFicheallaigh gave an interview to the journalist Peter Taylor in 1991 in which he stated that “*two to three Brits came in the opening where we had just come through and just as we looked around they started firing, spraying the square*”.¹ In a later interview with Channel 4 in or around 1997 he mentioned that the first soldier he saw in Glenfada Park was firing from the hip.²

¹ I102; Day 409/179

² AM7.15; Day 409/163

102.22 John Shiels told this Inquiry that from a position in a first floor flat in the eastern block of Glenfada Park North he saw a soldier shoot a man who was running across the car park towards the south-western corner of the complex. There were already two bodies in the car park at this time. He stated that the soldier was standing in the centre of the northern end of the courtyard, and that he fired one shot from the shoulder.¹

¹ AS19.10-11; Day 149/108-111; Day 149/133-137; AS19.18

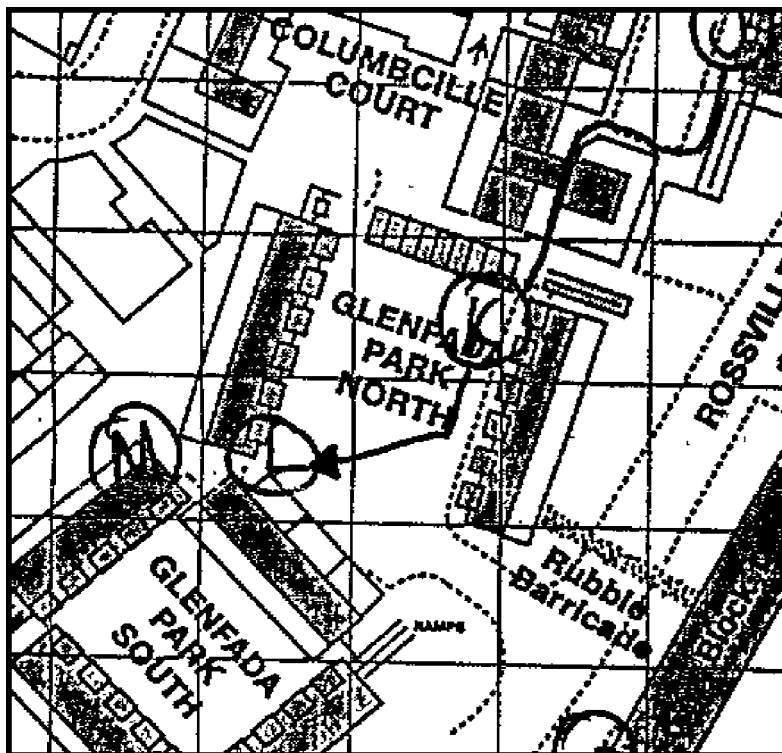
102.23 In his Keville interview John Shiels stated that he saw “*a man run across the courtyard of the flats and a paratrooper come from behind a wall ... came out shooting and the man fell...*”¹ Although John Shiels may have seen someone shot, we are not persuaded that his accounts indicate that the soldier who fired had advanced to the centre of Glenfada Park North, as opposed to the centre of the northern side of that courtyard.

¹ AS19.19

102.24 George Hillen, in his written evidence to this Inquiry, stated that immediately before he heard Jim Wray shout that he had been shot, he saw a soldier standing just inside the car parked close to the north-east entrance (“*parked*” would appear to be a typographical error for “*park*”). “*The soldier was standing still when I looked at him but I saw him lift his rifle up to his shoulder and take aim in our direction.*”¹ He stated that he could not say definitely that the soldier he saw was the one who shot Jim Wray, as he did not see him shoot, but he did not think that there were any other soldiers around at the time. He marked the position of the soldier on a map, which we show below, with the letter K.²

¹ AH74.4

² AH74.19



102.25 In his oral evidence, however, George Hillen told us that the soldier had come a fair way into the courtyard and indicated that he was about in the centre.¹ He marked two possible positions of the soldier on a photograph, which we show below.

¹ [Day 164/38-42](#)



- 102.26** In view of this inconsistency between his written and oral evidence, we have concluded that it would be unwise to rely on George Hillen's recollection as to where the soldier he said he saw was standing.
- 102.27** Nuala Ni Dhomhnaill stated to this Inquiry that she had a vague recollection of seeing a soldier who was firing while on one knee, without aiming, from the centre of the car park.¹ She believed that she saw this soldier as she ran towards 59 Glenfada Park (the house at the western end of the southern block of Glenfada Park North) where she and her friends took cover. The notes of an interview that Nuala Ni Dhomhnaill gave in the early 1990s to Praxis recorded that this soldier was "*standing in the far corner (where the IRA car is marked on the maps)*".² Nuala Ni Dhomhnaill told us that she could not recall the interview or this detail regarding the position of the soldier.³ In view of this inconsistency in her accounts and, as she herself said, the fact that her account was based on a vague recollection, we place no reliance on it.

¹ M60.15³ M60.2-3; Day 173/9-14; M60.15; M60.14² M60.14

- 102.28** John O'Kane, some of whose evidence we have discussed above,¹ stated to this Inquiry that as he fled into the alleyway leading to Abbey Park he saw three soldiers entering Glenfada Park North, two from the north-east and one from the north-west. He recalled that they advanced towards the fleeing crowd, with their rifles to their shoulders. John O'Kane was aware of bullets flying past and hitting the houses on the southern side of Glenfada Park North, but it is unclear whether he actually saw specific soldiers firing.² John O'Kane made no specific reference to seeing soldiers firing in Glenfada Park in his 1972 evidence.³ Since the evidence as a whole persuades us that soldiers did not enter Glenfada Park North from the north-west alleyway before the casualties in Sector 4 were sustained, it seems to us that in this respect John O'Kane's memory is at fault.

¹ Paragraphs 101.23–25³ AO48.24; AO48.40² Day 163/17-18; AO48.3

- 102.29** Mary Lewis told NICRA that from the terrace of her house on the western side of Glenfada Park North she saw two youths fall, apparently having been shot by soldiers who were "*in the middle of the courtyard*".¹ This statement is the only evidence that we have from Mary Lewis.

¹ AL10.1

102.30 Three witnesses, Frankie Mellon, Michael McCusker and John Anthony McDermott (known as Sean McDermott), who were at the southern end of Block 1 of the Rossville Flats, have given evidence of seeing a soldier or soldiers firing inside Glenfada Park North after soldiers had advanced to the southern end of the eastern block of Glenfada Park North. Such was the sight-line of these witnesses that, if their evidence is accurate, the soldier or soldiers must have fired from somewhere in the southern half of Glenfada Park North. However, for reasons that we give later in this report,¹ we have concluded that we should place no reliance on this part of their evidence.

¹ [Paragraphs 109.22–27](#)

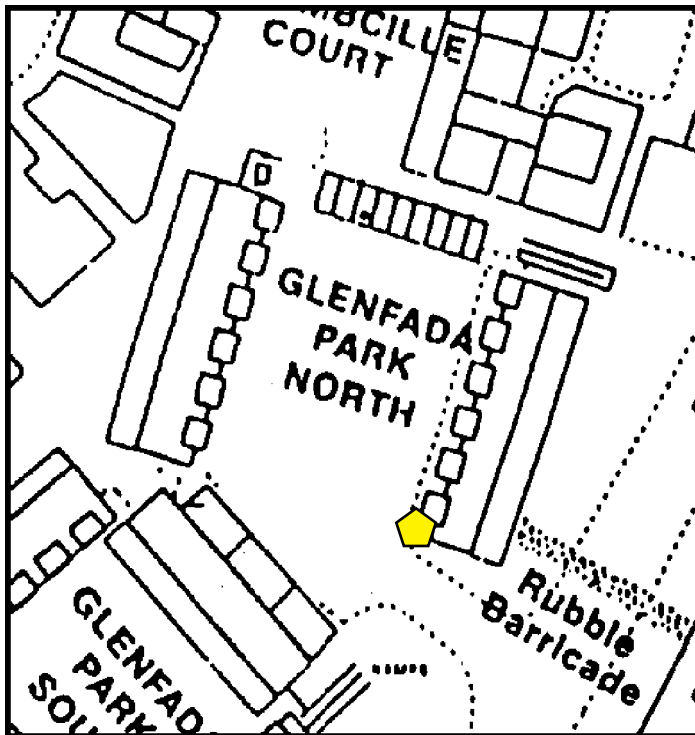
102.31 In our view the evidence as a whole shows that the initial firing by the soldiers who entered Glenfada Park North from the north-east corner was from the area of that corner. We accordingly are not persuaded by the accounts of witnesses that suggest that soldiers advanced further into Glenfada Park North before opening fire. However, it is possible that what these witnesses (or some of them) saw was not the initial firing by the soldiers, but subsequent firing, which we consider later in this report.¹

¹ [Chapter 119](#)

Soldiers firing towards the south-eastern corner of Glenfada Park North

102.32 We have heard evidence from several civilians regarding shots that were fired into the south-eastern corner of Glenfada Park North. In general, these accounts tend to suggest that a small number of rounds were fired in this direction. The only soldier to have stated that he fired in this direction was Corporal E, who claimed to have fired two rounds at a nail and petrol bomber.

102.33 Patrick O'Donnell was wounded as he crouched behind a fence at the southern end of the south-western side of the eastern block of Glenfada Park North, as is shown on the map below.



 Approximate location of Patrick O'Donnell

102.34 We consider his evidence in detail later in this report.¹ In essence, he was unable to identify the soldier who shot him, though he has given an account of seeing at least two soldiers in the north-east quadrant of the courtyard shortly before he was hit. Patrick O'Donnell said that he had also seen a civilian fall on the south-western side of Glenfada Park North, which caused him to take cover on the eastern side, but it is not clear from his accounts how many shots were fired in his direction. One round certainly hit Patrick O'Donnell's shoulder, and this shot might also have struck the wall behind him. However, it is also possible that there was a second or even a third bullet.

¹ [Paragraphs 104.499–511](#)

102.35 Gerry McLaughlin told this Inquiry that he and his friend Danny McCloskey were standing beside a fence on the eastern side of Glenfada Park North when Gerry McLaughlin saw a soldier entering the complex through the north-east corner, carrying a sub-machine gun. This soldier called out in the direction of Rossville Street, "*Here the bastards are, Sarge*", and Gerry McLaughlin decided then to run, as did Danny McCloskey, towards the east entrance to Glenfada Park South. Gerry McLaughlin said that as he ran he looked over his shoulder and caught a fleeting glimpse of about four soldiers entering the park. He then heard shots that he was confident were aimed at him and Danny McCloskey. He recalled a large number of people fleeing through the same entrance to Glenfada Park

South, while others ran towards the south-west corner of Glenfada Park North. Just as he went into the alleyway leading to Glenfada Park South he heard someone shout from a position to the west that he had been hit.¹

¹ [AM332.9](#); [Day 162/120-129](#); [AM332.17](#)

102.36 We consider that Gerry McLaughlin was wrong in identifying the weapon held by the soldier as a sub-machine gun. Further, we are not persuaded by this evidence that the shots described by Gerry McLaughlin were in fact aimed at him and Danny McCloskey (who gave no evidence to this Inquiry), since he did not see the soldiers actually firing, nor anything else that could back up his belief. However, it may be the case that he heard shots that were fired in the direction of the south-east corner of Glenfada Park North.

102.37 Dennis Patrick Irwin stated to this Inquiry that, as he ran from the southern end of the eastern block of Glenfada Park North towards Glenfada Park South, he had a “*very quick glimpse*” behind him. He saw about four soldiers entering through the north-east corner of the car park in pairs. The first two soldiers (including one who he thought was a Sergeant as he was “*shouting orders*”) dropped to their knees, raised their rifles and fired in his direction. He felt one bullet graze his hair and saw others hitting the wall at the northern gable of the eastern block of Glenfada Park South.¹

¹ [AI3.3](#); [Day 170/84-88](#)

102.38 Dennis Patrick Irwin made a brief NICRA statement that made no mention of firing in Glenfada Park North. He did refer to bullets “*bouncing off the wall of the corner of the flats*”, but the context of the account suggests to us that this was a reference to the east corner of the southern end of the eastern block of Glenfada Park North. Dennis Patrick Irwin told NICRA that he watched some of the events at the rubble barricade from close to this position, and there is a body of other evidence considered elsewhere in this report¹ of a bullet or bullets striking the eastern corner of this wall.²

¹ [Chapter 88](#)

² [AI3.8](#)

102.39 In our view it would be unwise to rely upon the account given to us by Dennis Patrick Irwin as showing that bullets were fired in his direction as he ran into Glenfada Park South. It seems to us that his memory has played him tricks, and that in truth what he witnessed was some of the firing in Rossville Street. Had he in fact had a bullet graze him, it seems to us that this is something he would have mentioned when he gave his NICRA statement.

102.40 James McNulty was one of the civilians who began to run towards the south-west corner of Glenfada Park from the gable end, but turned back after seeing civilians fall in front of him. He stated to this Inquiry that as he ran out he glanced to his right and saw a soldier on one knee in the north-east corner of Glenfada Park, with his rifle pointing towards the southern end of the park. James McNulty stated that he only looked briefly in this direction, but he could also see two or three other soldiers in a similar location. He ran back to the southern end of the eastern block, from where he saw bullets ricocheting off the northern end or pram-ramp of the eastern block of Glenfada Park South.¹

¹ [AM377.2-3](#); [Day 152/8-13](#)

102.41 In his 1972 evidence, James McNulty did not mention seeing this incident.¹ It is unclear to us from his evidence as a whole whether what he told us he recalled seeing was the result of firing by soldiers in Glenfada Park North or those in Rossville Street.

¹ [AM377.10](#); [AM377.11](#); [AM377.13-AM377.15](#)

102.42 John Leo Clifford gave written evidence to this Inquiry in which he stated that he was outside a house on the eastern side of Glenfada Park South when a bullet passed by him; he thought the round had been fired by soldiers in Glenfada Park North.¹ He was too unwell to give oral evidence to us. As we observe elsewhere in this report,² although his account is evidence of the firing of a shot that went into Glenfada Park South, it remains unclear at what stage and from where it was fired.

¹ [AC66.1](#); [AC66.7](#)

² [Paragraph 109.25](#)

102.43 Charles Coyle, whose evidence about being fired at as he ran across the alleyway between Glenfada Park North and Columbcille Court is discussed earlier,¹ told this Inquiry that he was shot at again as he ran from Glenfada Park North to Glenfada Park South. He said that he heard three shots pass by “*very close indeed*” as he ran into Glenfada Park South through the north-eastern entrance. He could not tell whether those shots had come from Glenfada Park North or from the direction of Rossville Street.²

¹ [Paragraphs 94.10–16](#) and [94.25–30](#)

² [AC88.5](#); [Day 146/171-172](#)

Other civilian evidence of soldiers firing in Glenfada Park North

102.44 Two civilian witnesses have given evidence of seeing soldiers taking up positions behind a red van after they entered Glenfada Park North. William Kelly was in 59 Glenfada Park, on the south-western side of the northern block of Glenfada Park South. Although he did not actually record seeing soldiers firing, he did state in his short NICRA account that he saw soldiers behind a red van.¹ In his NICRA statement, William Ward also referred to soldiers behind a red van. There were, he said, three and they “*said nothing and opened fire*”. It appears from this statement that this occurred as Michael Kelly was being carried across Glenfada Park North.²

¹ AK29.1

² AW9.1

102.45 Another witness, Ann Gallagher, also referred to a soldier firing from a position behind a vehicle. She was in her aunt’s flat, 8 Garvan Place in Block 1 of the Rossville Flats, during the main events of Bloody Sunday. In her NICRA statement she recorded that:¹

“When the crowd dispersed [from the rubble barricade] the soldiers moved up Rossville Street and they moved in behind the park at the villas. One soldier stood at a car facing the fellows they had their backs to him and he opened up at the three of them. There was a man standing up there and he was shot in the leg. They must have killed him because the blood was flowing out of him.”

¹ AG1.6

102.46 Ann Gallagher’s account implies that she saw three men shot by a soldier who was at a car in Glenfada Park. However, in our view it is unlikely that from her aunt’s flat she could have seen more than the very southern end of the courtyard. A photograph (reproduced below) taken from a nearby flat, 12 Garvan Place, shows that there was no sight-line over the eastern block of Glenfada Park North and into the courtyard.¹ Ann Gallagher may have been one floor further up, but to our minds there is still little chance that she could have seen into the north-eastern corner of the car park, from where many witnesses recall a soldier or soldiers firing.

¹ GEN3.12



LONDONDERRY "ROSSVILLE" SECTRA FLATS - LAYOUT.
BLOCK I

FLOOR

9th		23 X	22	18	17	12	11	7	6	1 X	DONAGH								
8th	ACCESS LEVEL	24 X	21	16	13	10	5	2 X			PLACE								
7th		25	20	19	15	14	9	8	4	3 X									
6th		24	21	18	17	12	11	7	6	1 X	MURA								
5th	ACCESS LEVEL	25	22	17	16	13	10	5	2		PLACE								
4th		26	21	20	15	14	9	8	4	3 X									
3rd		17 X	16	13	12	9	8	5	4	1 X	GARVAN								
2nd											PLACE								
1st		18	15	14	1	10		6	3	2									
Grd.		SUB-STATION	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	ROSSVILLE

STREET

END

12 Garvan Place

8 Garvan Place

102.47 In her evidence to this Inquiry, Ann Gallagher stated that she could no longer recall seeing a soldier fire from beside a vehicle, and she did not recall seeing men fall in Glenfada Park.¹ She did recall seeing a soldier at the southern end of Glenfada Park North firing, but she believed (in our view mistakenly) that he shot the casualties who fell at the rubble barricade.²

¹ AG1.4; Day 401/17-18

² AG1.2

102.48 Ann Gallagher's aunt, Eileen Gallagher, was also in the flat. She gave a NICRA statement, but did not mention seeing any men fall in Glenfada Park.¹

¹ [AG10.1-5](#)

102.49 In these circumstances we have concluded that we should place no reliance on Ann Gallagher's account of seeing men shot in Glenfada Park North.

Chapter 103: Consideration of civilian evidence

- 103.1** In general terms the evidence that we have discussed above discloses a picture, as soldiers came into Glenfada Park, of people in various parts of the courtyard. Some people remained at the southern end of the eastern block, while others sought to make their way out of the courtyard in various directions. These included the group accompanying those carrying Michael Kelly towards the alleyway into Abbey Park. Again, in general terms, while those at the southern end of the eastern block spoke of seeing three people running from there and then being shot and falling in the positions shown in the photograph of the bodies taken by Trevor McBride,¹ the recollection of those running towards the Abbey Park alleyway is of one man being shot and falling at the rear of the running group, while others were shot when closer to that alleyway.
- ¹ [Paragraph 90.7](#)
- 103.2** Although some of those at the southern end of the eastern block recollected that the three men who were shot were on their own, in our view the true state of affairs was that they were at the back or close to the back of a number of people making their way across the southern side of Glenfada Park North.
- 103.3** We consider that those who believed that all three were shot as they moved from the southern end of the eastern block as the soldiers came in were mistaken. In our view Jim Wray, one of these three, was already in Glenfada Park North close to the group carrying Michael Kelly when the soldiers came in, and he is most unlikely to have had time to return to the southern end of the eastern block and then set off back towards the alleyway into Abbey Park before he was shot. No witness spoke of seeing Jim Wray do this. It seems to us that he fell in the position shown in Trevor McBride's photograph, when he was at the back of the group of people going into the alleyway to Abbey Park. In our view those witnesses who thought he was running from the southern end of the eastern block, seeing three bodies lying on the south side of Glenfada Park North, mistakenly assumed and came to believe that all three had been running from where they were.
- 103.4** It appears that at least some of the witnesses at the southern end of the eastern block saw William McKinney and Joe Mahon as they were shot. However, in our view we have no reliable accounts of seeing these two men fall from witnesses who were further to the west when they ran to the alleyway leading to Abbey Park – for example, those who had moved with the group carrying Michael Kelly, or those who were milling about in the car

park when the soldiers arrived. This indicates to us that William McKinney and Joe Mahon were probably behind these people, having made their run towards the Abbey Park alleyway slightly later and from a point further to the east. In an account that we are satisfied Joe Mahon gave to the *Sunday Times* Insight Team¹ (and to which we return later in this report²) he is recorded as saying that he saw two others – meaning William McKinney and Jim Wray – hit in front of him before he was shot. The evidence of those at the southern end of the eastern block satisfies us that William McKinney was probably shot at about the same time as Joe Mahon. Indeed, as we discuss later in this report, Joe Mahon may well have been hit by the bullet that first struck William McKinney.

¹ [AM18.14; AM18.20](#)

² [Paragraphs 104.402–408 and 104.488–490](#)

- 103.5** As to Michael Quinn and Joe Friel, the evidence indicates to us that these two were probably both shot at almost the same moment, with Jim Wray falling almost immediately afterwards.
- 103.6** As to Patrick O'Donnell, his evidence is to the effect that he turned back from running towards the alleyway into Abbey Park after seeing someone fall in front of him. As he took cover on the eastern side of Glenfada Park North, Patrick O'Donnell was shot.
- 103.7** Our consideration of the evidence leads us to conclude that Joe Friel and Michael Quinn were probably the first gunfire casualties. As to Daniel Gillespie, the evidence of what caused his injury and when and where he was at the time is far from clear, but for reasons that we give when discussing his case,¹ it seems possible (though far from certain) that he sustained an injury at about the same time as Joe Friel and Michael Quinn.
- ¹ [Paragraphs 104.167–201](#)
- 103.8** In our view Jim Wray fell immediately after Joe Friel and Michael Quinn had been shot. For reasons that we give when discussing his case,¹ it seems likely that Jim Wray fell because he had been shot. He was followed by William McKinney and Joe Mahon. Of the identified casualties, Patrick O'Donnell seems to us to have been the last to be hit by the initial gunfire in Glenfada Park North, though for the reasons we give elsewhere in this report,² we consider that afterwards Jim Wray was probably shot again as he lay on the ground.
- ¹ [Paragraphs 104.437–455](#) ² [Paragraphs 104.239–436 and 104.448–455](#)
- 103.9** We should emphasise that in our view the time interval between the shooting of all the identified casualties was very short.

- 103.10** To our minds the civilian evidence is to the effect that the soldiers who came into Glenfada Park North opened fire very soon after they arrived; again probably only in a matter of seconds. In this regard their accounts are not dissimilar to those of the soldiers.
- 103.11** In none of the civilian evidence considered above is there any indication that the people in Glenfada Park North behaved in a hostile or riotous manner when the soldiers arrived. On the contrary, the strong impression that we obtained from this evidence is that there was widespread shock and fear, arising from the shooting that had been going on in Rossville Street, and among those at the southern end of the eastern block and probably others, from the knowledge that one person at least (Michael Kelly) had been shot. People were already leaving Glenfada Park North or taking cover when the soldiers arrived, and their arrival and opening fire accelerated this movement. We consider elsewhere in this report¹ the question of paramilitary activity in Glenfada Park North.

¹ [Chapter 111](#)

- 103.12** The representatives of the majority of represented soldiers submitted that the scene in Glenfada Park North when the soldiers arrived was not one of “*an isolated square across which three broke for cover*”, but rather “*a scene of general chaos and confusion*”.¹ We regard the latter as a reasonably accurate description. However, these representatives have also suggested that there were two witnesses whose evidence indicated that some of the crowd at least were preparing for a violent encounter.

¹ [FS7.1902](#)

- 103.13** The first of these witnesses was PIRA 25. In the first version of his written and signed statement to this Inquiry, he stated that when he first arrived in Glenfada Park there were lots of people there. “*They were gathering stones and bottles, ready to throw them at the soldiers.*”¹ In his oral evidence he said he remembered about six or seven people doing this and that one of them was Jim Wray, though later in his evidence he indicated that he was not certain about this.^{2,3}

¹ [AG17.2](#)

² [Day 424/108-118](#); [Day 424/131](#); [Day 424/146](#)

³ PIRA 25's then solicitors (Madden and Finucane) later sent to this Inquiry another statement signed by PIRA 25, in which the sentence quoted was omitted ([AG17.6](#)). In his oral evidence PIRA 25 said that he did not remember signing two statements or why the sentence was omitted in the second statement, but he told us that what was contained in the first statement was true ([Day 424/108-118](#); [Day 424/131](#); [Day 424/146](#)). Two other sentences had also been omitted from the second statement. In one PIRA 25 had stated that if there was any rioting he wanted to join in and in the other that there were quite a few people standing about in Columbcille Court ready to throw stones

at the Army if they came further into the Bogside. PIRA 25 said in his oral evidence that he did not know why these sentences too had been omitted, though both contained what he recalled. We made enquiries of the solicitors as to the circumstances in which the second statement came to omit these three sentences, since according to PIRA 25's oral evidence, the information in them was the truth, but they were unable to explain how this had come about, save to say that the person responsible for preparing this statement, who was no longer employed by them, had told them that he had no recollection of the matter at all; and that they could only surmise that he had suggested amendments based on the notes that he had made.

103.14 We take the view, having listened to his oral evidence,¹ that PIRA 25 did see a number of people picking up stones and bottles in Glenfada Park North. However, it is clear from his evidence as a whole that this was before soldiers came into the Bogside and opened fire, and provides no support for any suggestion that at a later stage, after people had been shot at the rubble barricade and Michael Kelly was being carried across Glenfada Park North, the people there were intent on a violent confrontation with the soldiers.

¹ [Day 424/108-148](#)

103.15 The second witness was Daniel Gillespie, who stated to us that he saw five or six boys entering Glenfada Park North with broken flagstones, which he assumed they intended to use as missiles to throw at soldiers, but did not see them thrown at any stage.¹

¹ [AG34.8](#)

103.16 We consider Daniel Gillespie's evidence in detail later in this report,¹ where we conclude that he may have received an injury in Glenfada Park North when the soldiers came in and opened fire, though this is far from certain, since his accounts and those of others relating to him are confused and inconsistent and in conflict with the evidence we have discussed above. It is possible that at some earlier stage Daniel Gillespie did see some youths with broken flagstones, but even assuming that this is so, we are not persuaded that this occurred at the stage when Michael Kelly was being carried across Glenfada Park North and the soldiers came into the courtyard. Again, therefore, we consider that this evidence does not support the suggestion that, at that time, people in Glenfada Park were intent on a violent confrontation with the soldiers.

¹ [Paragraphs 104.167–177](#)

103.17 No civilian witness gave evidence that suggested that when the soldiers came into Glenfada Park North, any people there (including those who were shot) were armed with guns or bombs or any other form of lethal weapon. Indeed, all or virtually all were of the same view in positively asserting that they saw no such thing. It was not suggested by those representing soldiers that any of the identified casualties in Glenfada Park North was armed with any lethal weapon.

103.18 The representatives of the majority of represented soldiers appear to submit that in view of the many inconsistencies between the civilian accounts we should place no reliance at all on their evidence.¹ That there are many inconsistencies does not surprise us, since people were trying to recall what they saw in a chaotic and terrifying situation and from different viewpoints. In the nature of things a number of witnesses to the same events are unlikely to give consistent accounts, but in our view this is not a reason for the wholesale

rejection of all the civilian evidence. We consider below² the further submission that there was paramilitary activity at the time in question and that civilian witnesses have deliberately refrained from speaking about it.

¹ [FS7.1895-1900](#)

² [Paragraphs 111.63–65, 111.89–94 and 111.100–113](#)

103.19 We now turn to consider the identified casualties in Glenfada Park North, after which we consider the shooting in Abbey Park, which resulted in the death of Gerard McKinney and Gerald Donaghey. We then discuss various other matters, including the conclusions we reach from the whole of the evidence (military and civilian) of the events in Sector 4.

Chapter 104: The casualties in Glenfada Park North

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Joe Friel

104.1 Joe Friel was wounded by a shot in the chest when he was in Glenfada Park North.

Biographical details and prior movements

104.2 Joseph Friel, commonly known as Joe, was 20 years old at the time of Bloody Sunday. He was single, lived with his family in the Rossville Flats, and worked as a tax inspector for the Inland Revenue.¹ He admitted to this Inquiry at a late stage that he had been on the civil rights march on 30th January 1972, having joined it close to the Bogside Inn. He subsequently made his way to Glenfada Park North.² However, as will be seen below, there are doubts about how and when Joe Friel got to Glenfada Park North.

¹ [Day 48/48-49](#)

² [Day 155/37-38](#); [AF34.67](#); [FS1.2287-2288](#); [CS6.300-301](#)

104.3 Joe Friel told the Widgery Inquiry that he was wearing a green Parka coat with a hood, a light blue shirt and light grey trousers.¹ In his evidence to this Inquiry, Joe Friel stated that this was correct and added that he was also wearing black socks and black shoes.²

¹ [WT6.40](#)

² [Day 155/146](#)

Medical and scientific evidence

104.4 Joe Friel underwent surgery at Altnagelvin Hospital during the night of Bloody Sunday, and was discharged on 10th February 1972.¹

¹ [D0778](#); [D0780](#)

104.5 According to his medical records, Joe Friel suffered a gunshot wound to the chest.¹ The entry wound was on the right side of the sternum, level with his second rib, and the exit wound, which measured 1 inch x 2½ inches, was on the left side of his sternum below the clavicle.² His surgeon, Mr HM Bennett, recorded that a bullet had passed transversely across the front of Joe Friel's chest from his right to left.³ In a letter to the Royal Ulster Constabulary (RUC), Mr Bennett referred to the wound as being caused by "*an 'almost near miss' bullet*";⁴ elsewhere he wrote that Joe Friel "*was an extremely lucky young man*".⁵ In a report to this Inquiry, Dr Richard Shepherd and Mr Kevin O'Callaghan (experts engaged by this Inquiry) commented that on the basis of this information, the track of the wound was "*more likely*" to be as Mr Bennett described, ie from right to left, than the reverse.⁶

¹ [D768-780](#)

⁴ [D0780](#)

² [D769](#)

⁵ [D0778](#)

³ [D778](#); [D780](#)

⁶ [E10.8](#)

Where and when Joe Friel was shot

Accounts given by Joe Friel

104.6 Joe Friel gave a number of accounts in 1972:

- a) An interview with Detective Sergeant Cudmore on 1st February 1972.¹
- b) A filmed interview in which he is shown in his hospital bed.² No date is given for this interview, but it must have taken place before he was discharged from Altnagelvin Hospital on 10th February 1972.
- c) A statement signed by him bearing the date 7th February 1972.³ This was probably taken for the Northern Ireland Civil Rights Association (NICRA), since it was witnessed by Marie McDowell, who also took other NICRA statements.⁴
- d) An undated statement,⁵ which is probably one of a number that were prepared in February 1972 by the solicitors John Doherty and Christopher Napier, who represented the families of the deceased and the wounded at the Widgery Inquiry. We have seen correspondence from late February and early March 1972 that records that a number of statements taken from civilian witnesses were forwarded by Christopher Napier to John Heritage, the senior legal assistant at the Widgery Inquiry. Although Joe Friel's statement was not among them, it is very similar in appearance to documents that we know were sent.⁶ In our view Joe Friel's statement was probably withheld because it revealed that he had been on the civil rights march.⁷ This detail is notably absent from the formal statement that he gave for the Widgery Inquiry on 24th February 1972.⁸
- e) A written statement for and oral evidence to the Widgery Inquiry.⁹
- f) An interview with the *Sunday Times* journalist Philip Jacobson dated 15th or 16th March 1972.¹⁰

¹ AF34.10-11

² Vid 4 10.54; X1.4.5-6

³ AF34.13-14

⁴ AD172.4; AD172.8

⁵ AF34.41-42

⁶ AW15.4; AN1.16-17

⁷ AF34.41

⁸ AF34.49-50

⁹ AF34.15-16; WT6.33-41; WT6.47-48

¹⁰ AF34.63-66

104.7 In about January 1998 Joe Friel gave an interview to Paul Mahon.¹ He was also interviewed by Don Mullan,² and by Jimmy McGovern and Stephen Gargan.³ He gave written and oral evidence to this Inquiry.⁴

¹ [X4.9.1-50](#)

³ [AF34.78-118](#)

² [AF34.69-77](#)

⁴ [AF34.1-68](#); [Day 155/33-149](#)

104.8 In his interview with Detective Sergeant Cudmore,¹ which was conducted at Altnagelvin Hospital, Joe Friel described watching the march from his home address, 9 Donagh Place, a flat on the seventh floor of Block 1 of the Rossville Flats.² He said he decided to go to Free Derry Corner to listen to the speeches and was on his way there when he heard a lot of single shots being fired:³

“I then ran like mad towards my block of flats and when I reached the block nearest the Rossville Street end I stopped to get my breath. Shooting was fierce at this time although again I couldn’t see who was doing the shooting. There were about 5 young chaps at the entry door of my block of flats and I walked quickly up towards them keeping in near to the flats. I got right up to these fellows, who were young fellows, none of whom I knew. I didn’t say anything to these chaps and they didn’t speak to me. I stood with my back towards the upper entry of our flats which is off the old Bogside Road. I then heard somebody shout, ‘Look out’ or something like that and saw 3 or 4 soldiers appear at the entry between Rossville Street and the square where I was. They immediately opened fire and then I heard the shots and felt a thud on my chest. At first I thought I was hit by a rubber bullet but when I looked down I saw blood pouring out of my chest and mouth. I ran around the corner where I was assisted by some people.”

¹ [AF34.10-11](#)

³ [AF34.10](#)

² [GEN3.12](#)

104.9 Joe Friel then continued by describing how he was taken to a house, then put in a car and eventually taken to Altnagelvin Hospital in an Army vehicle. We return to this part of his account below. He told Detective Sergeant Cudmore that he normally wore glasses but had broken them the week before, though he could see fairly well without them.

104.10 In his filmed interview,¹ Joe Friel described running into a square “*the minute the shooting started*”:²

“... a group of other boys ran into it too. We thought that was the safe spot, where there was a confined square. There was no way to get into it except two wee alleys ... down at the foot of it.

So we thought we were safe from the shooting and we were just standing ... and bullets were flying everywhere. We saw people panicking and running, hundreds of them. Next thing we saw is about four soldiers coming down that alley. Then they stepped out into the square and one of them opened fire from his hip. He couldn't have had time to take aim because the minute they appeared I heard a shot, looked, saw him, heard about three shots bang, bang, bang. I thought I was hit with a rubber bullet and I looked down and I saw blood gushing out of here, and ... I panicked I'm shouting I'm shot, I'm shot and I ran down the alley way and was carried out from there over into a house.”

¹ Vid 4 10.54; X1.4.5-6

² X1.4.5

104.11 In his NICRA statement of 7th February 1972,¹ Joe Friel again recorded that he had been making his way to the meeting at Free Derry Corner when the shooting began.² He stated that he tried to run from Glenfada Park into Abbey Park in order to get away from the area.³ He continued:⁴

“Just before coming to the archway I stopped between 5 or 6 young fellows when suddenly there was a shout which sounded like ‘look-out’. I instinctively looked across Glenfada Park and saw 3 or 4 soldiers appear in an alleyway diagonally across from where I was standing. I saw that one of the soldiers had his rifle above his hip and had it pointed towards the group. He immediately opened fire. I remember hearing 3 bangs and felt a thud in the centre of my chest. Although I had seen him fire with the rifle I imagined it to be a rubber bullet because of the dull thud on my chest. Immediately I looked down and saw blood come from just beneath my left shoulder, at the same time blood came spurting out of my mouth. Being still on my feet I ran through the arch into the alleyway leading to Abbey Park shouting, ‘I'm shot, I'm shot’.

¹ AF34.13-14

³ AF34.13

² AF34.13

⁴ AF34.13

- 104.12 In his written statement for the Widgery Inquiry dated 24th February 1972,¹ Joe Friel again stated that he went from his flat to listen to the speeches at Free Derry Corner. He heard the shooting commence just after Bernadette Devlin began to speak, and recalled “*steady firing*” from along Rossville Street. He stated that he then ran through the “*inner courtyard*” of Glenfada Park and got “*to the corner nearest the Rossville buildings*”, from where he could see people taking cover on the other side of Rossville Street and hear consistent firing. He continued:²

“I decided I could not safely [cross] over the road. I went along the pathway between the two parts of Glenfada Park meaning to leave the area entirely.

When I was nearly at the end of this pathway (where it passes between the two blocks) I heard someone behind me shout. It was not a shout of pain but I cannot otherwise describe it. I looked round and just saw soldiers appearing at an alley across the other side of Glenfada Park. I heard three bangs and felt something strike me below the left shoulder. It was like a light blow with a fist. I looked down and saw blood coming from a wound in my left upper chest. At the same time I coughed up blood. I ran a few steps and felt myself fall forward.

I am certain I saw the soldier who fired the shot which hit me. He was standing slightly to the front of the others and with his rifle at just above waist height fired three shots without aiming. His face was blacked up and I could not recognise him again. He was with at least two other soldiers.

I was carrying no weapon on this day.”

¹ AF34.15

² AF34.15

- 104.13 In his oral evidence to the Widgery Inquiry, Joe Friel reiterated that he was unarmed when he was shot, adding that he had nothing in his hands,¹ “*not even a stone*”.² His response to allegations from Lance Corporal 104, who claimed that Joe Friel had admitted to having been in possession of a weapon when he was shot, is discussed below.

¹ WT6.34

² WT6.37

- 104.14 At this stage it should be noted that in the course of his oral evidence to the Widgery Inquiry Joe Friel was asked where he had come from and said from “*Just above that second barricade*”.¹ Asked whether this was the barricade at the end of Fahan Street or the barricade at the Rossville Flats, he answered, “*The barricade further up, not the one on Rossville Flats, the other one*”.²

¹ WT6.39

² WT6.39

- 104.15** According to the *Sunday Times* interview notes,¹ which are dated 15th or 16th March 1972, Joe Friel said that as he was walking over from the door of the Rossville Flats towards the meeting at Free Derry Corner:²

“... I heard a quite large burst of firing and the crowd began to go down on their faces or make for cover away from the open. I was still some way from the meeting area and I just dashed back to my right for cover in the nearest part of glenfadda [sic]. I went up the small alleyway that isn't marked in your map but it runs along roughly parallel to rossville street. When I got to the end near the entrance to the flats, I realised there was no chance of crossing the street behind the barricade, the shooting was really fierce then. So I turned into glenfadda and made for the alleyway into abbey park, I was just thinking of getting out of the area completely at the time, since it didnt seem I could get home directly.

As I was about halfway down the pavement heading for the alleyway, I heard someone behind me shout something like 'look out, the limeys are there' ... This lad saved my life because when he yelled out, I turned to my right and looking across the car-park bit I saw a group of soldiers standing by the far entrance to glenfadda. One of them was standing a few yards ahead of the others; he had his rifle tucked in just under his shoulder, sort of held in tight with his right arm, and it was aimed in my direction. I recall hearing three shots, bang, bang, bang and I felt a thump in my chest ... I looked down and saw the gash in my jacket and the blood starting to come through, this was all in a few split seconds, you know, and I never stopped moving forward; I ran into the alley as the blood started coming from my mouth and two or three men grabbed me when I came through.”

¹ [AF34.63-66](#)

² [AF34.63](#)

- 104.16** Philip Jacobson made a note that the person who shouted “*was a youth called Gregory Wild*”.¹ We consider Gregory Wild's evidence below. Another note added by Philip Jacobson's colleague Peter Pringle indicated that Joe Friel recalled that when he was shot there were about six people in front of him and others behind, and that he did not remember anyone else lying on the ground or being hit.²

¹ [AF34.63](#)

² [AF34.65](#)

- 104.17** The *Sunday Times* map¹ shows the route described in the interview notes.

¹ [AF34.66](#)



104.18

"I glanced round as I was running, looking back towards the High flats. I saw a Saracen armoured car on the William Street side of the high flats – there was only the one I saw. I heard shots but I did not see any one shooting. People were running for cover; some were standing in close against the flats taking shelter behind the outbuildings. I raced across the street towards Glenfada Park and ran in through the empty space there. I was hopeful that I could then back back [sic] along the Glenfada houses, into the alleway [sic] and then be able to re-cross the Rossville Street and get into the High Flats where I live.

There was so much shooting that it was not possible for me to get back across Rossville Street so I continued on up towards Abbey Street, with the intention of getting out through the Little Diamond to get out of the area altogether. Just before I reached the alleyway leading out of the Glenfada houses I heard a shout [sic] 'look out' and I turned my head round. I saw a soldier holding a rifle – it was not up against his shoulder, but underneath his shoulder – and I heard three separate shots and I felt

a small crush – ‘thud’ on my chest. I felt blood coming up my throat and saw blood coming from under my left shoulder. I ran on some more. I felt myself falling forward and then I felt myself being held and I was taken into a house.”

¹ AF34.41-42

³ AF34.41

² AF34.41

⁴ AF34.41-42

104.19 In the late 1990s Joe Friel gave accounts to the journalist Don Mullan;¹ and to Stephen Gargan and Jimmy McGovern who were conducting interviews in preparation for their television dramatisation of the events of Bloody Sunday.² Joe Friel’s evidence in these interviews was generally consistent with his solicitors’ statement in 1972.³

¹ AF34.69-77

³ AF34.41-42

² AF34.78-118

104.20 In addition to these accounts Joe Friel was also interviewed by the researcher Paul Mahon in 1998.¹ In this interview Joe Friel said that he had been on the march with his brother Mickey and, he thought but was not sure, Paddy O’Connor, but as the march went on they got separated.² He said that he recalled that he was close to the front of the march and could be seen on film,³ and that when the Army brought out the water cannon he started to head for the Rossville Flats via Chamberlain Street, in order to go home for a cup of tea.⁴ He said he was never a man for speeches “*so I had no intention of even going to the platform*”.⁵ He had reached the forecourt of the Rossville Flats when he started hearing shots.⁶ He told Paul Mahon that he ran (seemingly) into the gap between Blocks 1 and 2, tried to get into the entrance to Block 1 but could not because of the size of the crowd, and then ran across Rossville Street into Glenfada Park North.⁷ He said that as he crossed Rossville Street he saw two boys fall, and he kept running when he got into Glenfada Park North.⁸

“I was about half way through when this boy shouted, Gregory Wild. And he turned round and said, ‘There’s the Brits.’ I turned instinctively like that. And as I looked, I could see three soldiers coming through the far end more or less diagonally across from where I was ... The boy in front, he had a gun at his hip ... you could see the smoke or whatever it was coming out of the gun.”

¹ X4.9.1-50

⁵ X4.9.5

² X4.9.3

⁶ X4.9.7

³ X4.9.3

⁷ X4.9.9-11

⁴ X4.9.4-5

⁸ X4.9.17

104.21 A little later in this account Joe Friel said that he had got about two-thirds of the way across Glenfada Park North before he heard Gregory Wild's shout.¹ He described one of the soldiers as crouching down with his rifle pointing and said that he was hit by the second or third shot fired by this soldier.² He agreed that the shots were "*pretty rapid fire*".³

¹ X4.9.18-20

³ X4.9.23

² X4.9.20-21

104.22 In his written statement to this Inquiry, dated 21st July 1999,¹ Joe Friel described how he had watched the march from the flat and then left to listen to the speeches at Free Derry Corner.² He told us that he heard Army fire when Bernadette Devlin was speaking and ran back towards the Rossville Flats;³ and that he paused at the telephone box at the southern end of Block 1 before moving around the corner to the south-western entrance to that block.⁴ That doorway was full of people and he could not get in so he crossed Rossville Street to Glenfada Park North.⁵ He told us that he remembered that as he did so people fell to his right, the north.⁶ He then described running along the south side of Glenfada Park North, hearing a shout when he was about eight to ten feet from the south-western alleyway, stopping and turning to see soldiers about five or six feet into Glenfada Park North, coming from the north-east corner.⁷ He told us that as he was without his glasses he could not make out the soldiers' faces, and that he could not remember if they were blacked up.⁸ He stated that there were three or four soldiers, and that the one in front was firing: "*He had his gun in front of him at just above waist height and was moving it from side to side – not swinging it, just moving it a few inches from left to right. The other soldiers were not firing their weapons.*"⁹ Joe Friel described hearing three shots, feeling a slight blow to his body and, realising he had been shot, shouting "*I'm shot, I'm shot!*".¹⁰

¹ AF34.1-8

⁶ AF34.2

² AF34.1-2

⁷ AF34.2-3

³ AF34.2

⁸ AF34.3

⁴ AF34.2

⁹ AF34.3

⁵ AF34.2

¹⁰ AF34.3

104.23 In his initial written evidence to this Inquiry, Joe Friel referred to the undated statement that he gave in February 1972,¹ and described its contents as "*an utter fabrication*" that he believed to be "*part of the cover-up of what happened on Bloody Sunday*".² However, he accepted that the signature on the document was his, and that the events described on its second page³ were "*reasonably accurate*".⁴

¹ AF34.41-42

³ AF34.42

² AF34.7

⁴ AF34.7

- 104.24** Before he came to give oral evidence, Joe Friel supplied a further statement to this Inquiry, which had been prepared by his solicitors and was dated 7th June 2000.¹ In this he stated that he wished to correct his initial written evidence of his movements on the day. He had not, as previously claimed, been in his family flat until he left to listen to the speeches. Instead:²

"I had in fact been on the march that day and not at home as I described. My reason for misstating the position was that I had given the same account in my statement to the Widgery Tribunal and felt that I should keep the two accounts consistent.

I had given the incorrect account to the Widgery Tribunal because at the date of the march I was a tax official in the Inland Revenue in Derry and in the climate of that time I was concerned that, if my superiors discovered that I had taken part in what was a proscribed march, it might result in my dismissal from secure employment."

¹ AF34.67-68

² AF34.67

- 104.25** Joe Friel gave oral evidence to this Inquiry on 10th October 2001. At the outset he told us that his further statement, admitting to being on the march,¹ was true to the best of his information and belief.² He also told us that he was "*no longer alleging that the contents of the undated statement³ are a complete fabrication or a cover-up. I have always accepted that the signature on the document was mine.*"⁴

¹ AF34.67

³ AF34.41

² Day 155/34

⁴ Day 155/35

- 104.26** Joe Friel also made some corrections to his written statement. He said that the impression given that he had immediately run through Glenfada Park North was wrong and that he had stayed there for seconds, "*maybe minutes*". He also said that the soldier he saw was not moving the gun from side to side, but only in one direction, left to right.¹

¹ Day 155/36-37

- 104.27** During his oral evidence, Joe Friel rejected some of his earlier accounts of his movements before he reached Glenfada Park North. He described the route depicted on the *Sunday Times* map as "*totally nonsensical*" and "*totally wrong*".¹ He maintained that after the shooting broke out he went first to the telephone box at the south gable end of Block 1 of the Rossville Flats, then tried to get into the flats and then crossed the road into Glenfada Park North, but he could not explain why that sequence did not appear in his statement for the Widgery Inquiry.² He was also asked about his reference, in his oral evidence to the Widgery Inquiry, to having come from the "*second barricade*".³ He stated that the rubble barricade in Rossville Street was divided into two parts, and by the

“second barricade” he was intending to indicate the part of the barricade that was closer to Glenfada Park North, as opposed to the side that adjoined the Rossville Flats.⁴ This explanation is in contrast to the unchallenged interpretation placed on his words in 1972 by the then questioning counsel, who took him to mean that the barricade in question was a smaller one in Fahan Street.⁵ Joe Friel stated in his oral evidence to this Inquiry that once he had got to Glenfada Park North he took cover behind one of the two cars, as shown in the south-east corner of the car park in the following photograph.⁶

¹ [Day 155/42](#); [Day 155/51-52](#)

² [Day 155/45-46](#)

³ [WT6.39](#)

⁴ [Day 155/47-48](#)

⁵ [WT6.39](#)

⁶ As discussed in [Chapter 176](#), the provenance of this photograph is uncertain ([Day 155/53-56](#)).



104.28 At this stage, Joe Friel told us, he could hear shooting, but there were no soldiers in Glenfada Park North.¹ He also said that his statement in his filmed interview that there were “*hundreds*” of people in the square was an exaggeration.² With others who had been hiding behind the cars he decided to run towards the entrance to Abbey Park.³ His evidence of hearing a shout as he ran, turning and seeing soldiers in the north-east of the courtyard, seeing the lead soldier shoot and realising he had been hit was consistent with that given in his written statement.⁴ He added that his recollection of seeing the soldiers

arrive in Glenfada Park North with one carrying a weapon at his hip was “*totally crystal clear*”.⁵ He also said that the boy who shouted the warning about the soldiers was Gregory Wild, who came to visit him in hospital a few days after Bloody Sunday.⁶

¹ Day 155/56

⁴ Day 155/56-59; AF34.2-3

² Day 155/103-105

⁵ Day 155/115-116

³ Day 155/56-57

⁶ Day 155/106; Day 155/111

104.29 Questioned by counsel for the family of Jim Wray, Joe Friel said he did not see Michael Kelly being carried across Glenfada Park North, nor did he see Jim Wray.¹

¹ Day 155/82-84

104.30 Joe Friel was asked who else he had told that he had been on the march.¹ He replied that he had told his wife, his father and possibly his sisters and his brothers. When asked, “*Is that it?*”, he replied, “*That is it*”.² He did not disclose that he had told Paul Mahon, though this may have been due simply to forgetfulness.

¹ Day 155/136-137

² Day 155/137

104.31 During the course of his oral evidence, Joe Friel was not asked any questions about his interview with Paul Mahon. The reason for this was that it was not until many months after Joe Friel had given evidence that the Inquiry obtained and transcribed the tapes of the interviews conducted by Paul Mahon. However, at the Inquiry’s invitation, Joe Friel’s solicitors subsequently made written submissions in respect of what the soldiers’ representatives described as inconsistencies between Joe Friel’s account to Paul Mahon and his other accounts.

104.32 We have examined the various accounts given by Joe Friel in some detail, taking these submissions into consideration. We have concluded that we should exercise some caution with regard to his evidence, especially that relating to his movements before he was shot. Our reasons for reaching this conclusion are as follows.

104.33 As he has himself admitted, Joe Friel lied to the police, to the Widgery Inquiry and initially to this Inquiry about his presence on the march. It is understandable that in 1972 he did not wish the authorities to know about this as he would have risked imprisonment and the loss of his job. However, that reason did not exist when he made his first written statement to this Inquiry, in which he gave a detailed but wholly false account of what he could see of the march from his home in the Rossville Flats. His explanation for continuing to lie was that he wished his evidence to be consistent with what he had said

in 1972, but in other words this means that he was at one stage at least prepared to seek to deceive this Inquiry in order to bolster his credibility, rather than seek to help us to discover the truth. Joe Friel told us that his decision finally to tell the truth was his own.¹

¹ [Day 155/88-89](#); [Day 155/128](#)

104.34 There are other matters. Joe Friel told us that he went on his own on the march, whereas he told Paul Mahon that he had gone with his brother and talked with others along the way.¹ He told us that he had gone down to hear the speeches, but told Paul Mahon that he had not done so, but instead had gone towards his flat for a cup of tea.² He told us that he could not remember the route that he took to get to the area of the Rossville Flats, but explained to Paul Mahon that he had gone down Chamberlain Street and across the forecourt of the Rossville Flats.³ He told us that he had paused behind a car in the corner of Glenfada Park North before running for the south-western exit, but told Paul Mahon that he had not paused but run straight across Glenfada Park North.⁴ He gave the Widgery Inquiry one account of how he got into Glenfada Park North and us another.⁵ In this regard, we are satisfied that Philip Jacobson accurately recorded the route that Joe Friel told him that he had followed to get into Glenfada Park North, a route that Joe Friel himself categorised as “*nonsensical*”,⁶ but which seems to us to be the same or much the same route as he described to the Widgery Inquiry.

¹ [Day 155/99](#); [Day 155/118](#); [X4.9.3](#)

⁴ [Day 155/53-54](#); [X4.9.17](#)

² [Day 155/38](#); [X4.9.5](#)

⁵ [AF34.15](#); [WT6.39](#); [AF34.2](#); [Day 155/38-53](#)

³ [Day 155/100](#); [X4.9.5](#)

⁶ [Day 155/42](#)

104.35 On its own, each of the matters considered in the previous paragraph is not perhaps of the greatest significance, but cumulatively to our minds, together with his initial attempt to deceive this Inquiry, they undermine our confidence in accepting (unless supported by other evidence) the accuracy of the accounts given by Joe Friel as to his movements before he ran from the south-east corner of Glenfada Park North towards the south-west exit, though he has consistently stated, and we accept, that he was shot just as he reached that exit. Our lack of confidence was reinforced by the way he gave oral evidence. He was understandably hostile to the Army, but was in our judgment by turns overly combative and defensive and sometimes too ready to answer without giving the matter sufficient thought. It must further be borne in mind that, as he told us, he still bears physical and mental scars from what happened on Bloody Sunday.¹

¹ [AF34.8](#)

104.36 It is the case that Joe Friel has from the time of his NICRA statement maintained that he saw the soldier who shot him as the leading one of three or four who had come through the north-eastern alleyway of Glenfada Park North, who he said fired three shots from the hip, or from between the hip and the shoulder.¹ However, in his very first interview it appears that he told Detective Sergeant Cudmore that he saw three or four soldiers appear at the entry between Rossville Street and the square where he was and that “*They immediately opened fire*”,² without identifying the leading soldier as the one who had fired and hit him. We bear in mind, of course, that this interview took place only two days after Joe Friel had been admitted to hospital and quite soon after he had been under general anaesthetic, but he cannot have been particularly confused as he was able to give the police a detailed but wholly false account of watching the march from his home. Thus, although we are satisfied that Joe Friel did see soldiers coming into Glenfada Park North, and that one fired from the hip, or from between the hip and the shoulder, we are less certain, from his evidence alone, that he identified the leading soldier as the one who shot him.

¹ The representatives of the majority of represented soldiers drew our attention to the fact that Joe Friel, in his interview with Paul Mahon, described the soldier as firing from a crouched position. However, the video of the interview shows that Joe Friel was demonstrating that the soldier had the rifle at roughly waist level; and elsewhere during the interview he agreed that the soldier had the gun at his hip.

² AF34.10

Evidence of other witnesses

104.37 There is, however, other evidence that does indicate that it was the leading soldier who fired and hit Joe Friel.

104.38 The evidence of Gregory Wild has been considered earlier in this report¹ in relation to the scene as the soldiers arrived in Glenfada Park. Gregory Wild, who was 14 at the time of Bloody Sunday, is shown in the following photograph (also reproduced above) carrying what appears to be a piece of wood.²

¹ Paragraphs 101.21–22

² AW15.9



Gregory Wild

- 104.39** Gregory Wild was interviewed in 1972 by Peter Pringle of the *Sunday Times* Insight Team.¹ In his notes of the interview, which are dated 6th April, Peter Pringle described Gregory Wild as being “*very bright, good witness, in spite of his age. also very articulate.*”²

¹ [AW15.1-2](#)

² [AW15.2](#)

- 104.40** The notes of the interview, which appear to be a transcript of Gregory Wild’s actual words, record that Gregory Wild arrived in Glenfada Park North at about the same time as Michael Kelly was shot at the rubble barricade.¹ According to the notes:²

“just as I had crossed over into glenfada to make my way home there were some shots. I did not know any of those who were shot at the barricade and I did not witness them but I saw a group of people round one of the bodies which I now know was kelly. there were lots of people milling around in the car park of glenfada park. I was making my way towards the alley way leading into abbey park when I suddenly saw a soldier at the northeastern corner – diagonally opposite from me. there [were] people in front and behind me at the time. I shouted: ‘Look out there’s a limey.’ I think there was another one behind him. Just as I shouted that two shots rang out and I was certain that they came from the soldier I was looking at. he had fired from the hip. it was definitely not an aimed shot. we all started to run through to the alley way. On the other side friel became hysterical and shouted I’m shot, I’m shot. I was at the top of the steps when some people came thru the alley way carrying a body. they shouted

to me to open the door of the nearest house – it was no. 7 – . I was ready to put the boot in the door when it opened and I helped to carry the body in. I now know that it was Kelly's body."

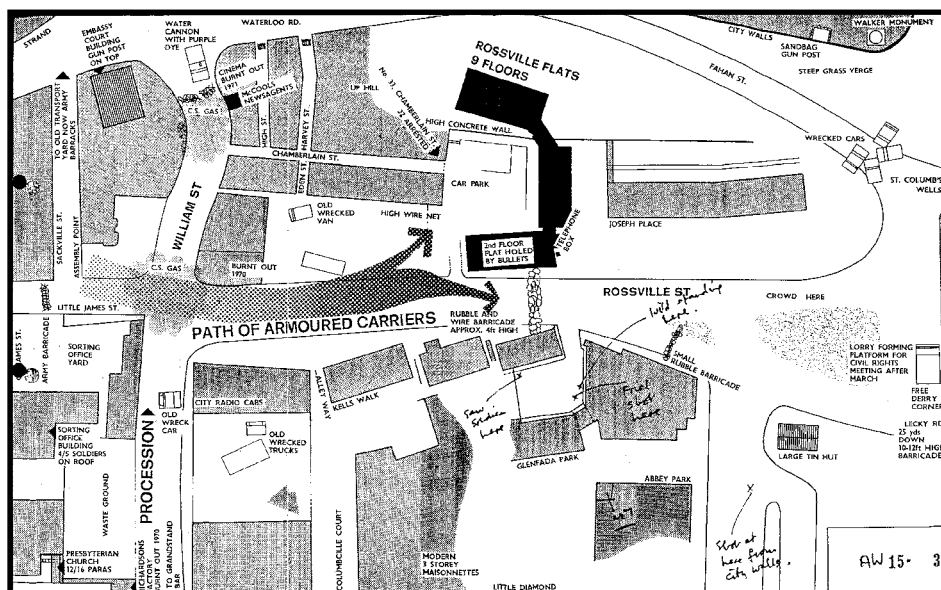
¹ AW15.1

² AW15.1

104.41 Gregory Wild then told Peter Pringle that he helped to carry Michael Kelly's body into the house, and later saw the body of Jim Wray brought into the same house after hearing some firing which he took to be coming from Glenfada Park. He also said that at some stage he saw another body, which he now knew to be Gerard McKinney, on the steps immediately opposite the alleyway.

104.42 A marked map accompanied the interview notes.¹ This indicated the positions of the soldier, of where Joe Friel was shot, and where Gregory Wild was at the time.

¹ AW15.3



104.43 Gregory Wild made a signed statement in 1972.¹ In his written evidence to this Inquiry,² he said that he believed that this statement was prepared from his conversation with Peter Pringle. However, we consider that Gregory Wild was mistaken in this belief, as we are satisfied that it was in fact made some time in February 1972 and was one of a number of statements, discussed above, that were handed to John Heritage of the Widgery Inquiry by Christopher Napier, the solicitor who represented the families of the deceased, on 29th February 1972.

¹ AW15.4

² AW15.5

104.44 In this statement Gregory Wild described seeing a soldier in Glenfada Park close to the entrance leading onto Rossville Street. Gregory Wild stated that the soldier was holding a rifle at just about the height of his hip and “*appeared to have his gun resting on a small wall*”. Gregory Wild called out a warning and saw Joe Friel turn towards the soldier. Gregory Wild was also looking in that direction, and saw a flash and heard a shot. He continued: “*Joe Friel ran a short distance towards an opening which leads [to] Abbey Place and he was shouting ‘I’m shot; I’m shot.’ I saw blood coming from his shoulder. Two men ran towards him and caught him underneath his arms and took him away.*”¹

¹ [AW15.4](#)

104.45 Gregory Wild also stated that he visited Joe Friel in Altnagelvin Hospital.¹

¹ [AW15.4](#)

104.46 The signed statement Gregory Wild gave in February 1972 differs from his *Sunday Times* account in three main respects. First, in the February statement Gregory Wild referred to seeing only one soldier, rather than two, though this may be because he was asked only about the soldier he saw firing. Second, he recorded that this soldier appeared to rest his rifle on a “*small wall*”. Third, he referred to only one shot, whereas he mentioned two to the *Sunday Times*.

104.47 Gregory Wild gave a written statement to this Inquiry.¹ In relation to these points of difference, Gregory Wild stated that he saw two soldiers, one in the north-west corner of Glenfada Park and one in the north-east.² He told us that he thought that the soldier in the north-east fired two or three shots with the barrel of his gun resting on the wall of a wheelchair ramp.³ At the time when the Inquiry was hearing oral evidence Gregory Wild lived abroad, and he stated in his written evidence that he had no intention of appearing before us in person as he would find it too painful and distressing.⁴ We were accordingly unable to call him.

¹ [AW15.5-10](#)

³ [AW15.6-7](#); [AW15.9-10](#); [AW15.11](#); [AW15.17](#)

² [AW15.6](#)

⁴ [AW15.10](#)

104.48 Gregory Wild told us that the surgical mask that can be seen in the photograph of him close to the group carrying Michael Kelly shown above¹ was supplied by volunteers of the Order of Malta Ambulance Corps, and that once soaked in vinegar it provided some protection against the effects of CS gas.²

¹ [Paragraph 104.38](#)

² [AW15.9](#)

104.49 We consider that Gregory Wild’s 1972 accounts are likely to be more reliable than his recollections after so many years. Thus it seems to us that his recollection of seeing a soldier in the north-western corner of Glenfada Park North is in error, and the soldier or

soldiers he saw appeared at the north-eastern corner. It remains uncertain whether he heard one or two shots; though he may well have seen a second soldier behind the one he recalled firing. His February 1972 account of the soldier appearing to have his rifle resting on a low wall is difficult to follow, since, so far as we can ascertain, there was no low wall near the north-east entrance to Glenfada Park North.

104.50 Although we have not had the advantage of hearing the oral evidence of Gregory Wild, it is clear that he impressed Peter Pringle and we take the view that he is a witness on whom we can place some reliance. His 1972 evidence, together with that of Joe Friel, leads us to conclude that Joe Friel was shot in Glenfada Park North by a soldier (probably one of the first to come into Glenfada Park North) who was holding his rifle at hip level, or between his hip and his shoulder.

104.51 We should note at this point that we have considered the evidence given by Derek McFeely,¹ Joseph Gallagher,² Paul Coyle³ and John Devine.⁴ The first of these signed Donal Dunn's NICRA statement and gave written and oral evidence to us, but we formed the view that although he was doing his best to help us, with regard to his present recollection of what he saw when at the entrance into Abbey Park, he no longer had a reliable memory. We formed the same view of the reliability of the recollections of the others.

¹ AM217.2-4; Day 61/80-84; Day 61/106-114

³ AC105.4; Day 152/77-82

² AG18.2-3; Day 165/10-24; Day 165/36-37; AG18.7

⁴ AD41.2

104.52 The other evidence as to what happened to Joe Friel immediately after he was shot is confused and in parts conflicting.

Where Joe Friel went after he was shot

104.53 As noted above, Joe Friel told Detective Sergeant Cudmore that after he was shot he "*ran round the corner*" where he was assisted by some people and carried into someone's house.¹ In his NICRA statement he recorded that he ran into the alleyway leading to Abbey Park and was then carried to a house in Lisfannon Park.² In his *Sunday Times* interview he said that he never stopped moving forward despite coughing up blood and seeing the wound in his chest. He said he ran into the alleyway and "*two or three men grabbed me when I came through*". He identified one of the men who helped him as Leo Young.³

¹ AF34.10

³ AF34.63-64

² AF34.13

104.54 In his written evidence to this Inquiry, Joe Friel stated that he did not think that he fell after being shot, while in his oral evidence he told us that he did fall after he had almost made it to the Abbey Park alleyway.¹ He recorded in his written statement that he was helped by Leo Young, Eugene McGillan and Jackie Chambers.² In his oral evidence to this Inquiry, Joe Friel said that these names had been given to him by Leo Young, either when they met at the Ardoyne Hotel or at the Widgery Inquiry. Joe Friel went on in his oral evidence to say that he had recently found out that Jackie Chambers had not carried him, but that Patsy Bradley and Manus Morrison had done so.³

¹ AF34.3; Day 155/63

³ Day 155/60

² AF34.3

104.55 Hugh Leo Young told the Widgery Inquiry that he did not assist Joe Friel in Glenfada Park, but first saw him when he was “*lying against a wall*” in an alleyway that was described as being at the “*south-westerly corner of the south-westerly block of Glenfada Park*”. Hugh Leo Young stated that a “*large crowd*” had run through the alleyway, but it was left to him and two others to carry Joe Friel to a house in Lisfannon Park.¹

¹ AY1.9; AY1.15

104.56 Hugh Leo Young appears to have given an interview to the *Sunday Times* shortly after Bloody Sunday. The extant notes do not mention Joe Friel, but a map that is marked with Hugh Leo Young’s name (and which is dated 29th March) appears to us to indicate that he first saw Joe Friel at the south-west end of the Abbey Park alleyway, and that he carried him from there into the Murrays’ house in Lisfannon Park.¹

¹ AY1.27

104.57 Hugh Leo Young said to this Inquiry that he had no recollection of being interviewed by anyone from the *Sunday Times*, although he thought that he might have been. However, he did not think that the map accurately represented his movements or the position in which he saw Joe Friel.¹

¹ Day 388/46-49

104.58 In his evidence to this Inquiry, Hugh Leo Young explained that he first saw Joe Friel as the latter stumbled out of the alleyway leading from the south-west corner of Glenfada Park South and collapsed at a small wall nearby.¹ He believed that Joe Friel was the last person to emerge from the alleyway, and was unaided at that time. Hugh Leo Young told

us that he ran from his position on the southern side of Fahan Street West and reached Joe Friel at the same time as a couple of other people. Together, four of them picked Joe Friel up and carried him to a house in Lisfannon Park.²

¹ [AY1.11](#); [AY1.14](#)

² [AY1.2](#); [AY1.14](#); [Day 388/24-29](#)

104.59 Hugh Leo Young remained confident that he saw Joe Friel coming through the south-western alleyway leading from Glenfada Park South into Abbey Park, despite being shown the *Sunday Times* marked map.¹

¹ [Day 388/33-35](#); [Day 388/47-49](#)

104.60 In his written statement to this Inquiry, Jackie Chambers told us that he did not help to carry Joe Friel, but was present at the Murrays' house in Lisfannon Park when others brought him there.¹

¹ [AC56.1-2](#)

104.61 Eugene McGillan's evidence consisted of a brief NICRA statement in which he recorded: "*They [the Army] hit a boy standing behind me. I pulled him away and we carried him into [...] house.*"¹

¹ [AM233.1](#)

104.62 Manus Morrison's evidence to this Inquiry was that he did not see or assist Joe Friel until the latter was in the Abbey Park region. He stated that he was not aware of any military activity in Glenfada Park, and, on his account, he ran through the alleyway before any soldiers arrived in the area. Once in Abbey Park, he saw a man who he later learned was Joe Friel, on the pavement of the Old Bog Road (Fahan Street West) close to the south-eastern corner of Abbey Park.¹ This man was on the ground and had an injury to his chest. Manus Morrison believed that he tended Joe Friel with the help of a man whom he knew, and to whom the Inquiry has given the cipher CIV 1. Manus Morrison did not recall carrying Joe Friel to a house; instead he believed that he flagged down a car to take Joe Friel to hospital.²

¹ [AM437.1](#)

² [AM437.1-2](#); [AM437.4](#); [Day 154/86-92](#); [Day 154/105-110](#)

104.63 CIV 1 gave a Keville interview in 1972 in which he stated that he saw Joe Friel lying shot in a house, realised that he had to be taken to hospital immediately, asked if anyone had a car and was lent one by the person next door. He recalled that he, Manus Morrison and another then set off for the hospital with Joe Friel in the back.¹ His evidence about borrowing a car is supported by Brian Kelly, who told us that he lived at Lisfannon Park, and that he lent the car to CIV 1.² Patsy Bradley stated to this Inquiry that he saw a man,

whom he later recognised as Joe Friel, fall in front of him and to his right as they ran across Glenfada Park. Patsy Bradley did not recall hearing any shouts of warning just before this incident, and he did not believe that Joe Friel looked over his shoulder in the seconds before he was shot. His evidence was that Joe Friel was slightly to the west of centre in the south of the courtyard when he was hit, and that he fell onto the tarmac of the car park and not the pavement at its southern edge.³

¹ AD23.4

³ AB68.3; AB68.13; Day 153/130-136; Day 153/151-152

² CIV 1 told the RUC in 1972 that he went to a house in Meenan Park (ED34.10) but in our view, in the light of Brian Kelly's evidence, this is wrong (AK6.3-4).

104.64 Patsy Bradley's recollection of the scene in Glenfada Park was limited, but he believed that there were about 15 or 20 people in front of him as he ran. He believed that he heard about five or six bangs around the time that Joe Friel fell, but assumed that they were rubber bullets. As he lifted Joe Friel with the help of another (see below), he heard one different, sharper noise than the bangs he had heard before. He did not see any other casualties in Glenfada Park, and he did not see any soldiers there either.¹

¹ AB68.3; Day 153/130-135

104.65 Patsy Bradley told us that he recalled that he and another man whom he did not know helped Joe Friel to his feet from the tarmac onto which he had fallen, and then carried him (Patsy Bradley going first carrying his legs and the other man holding him under his armpits) out of Glenfada Park, through the Abbey Park alleyway, and to a house in Lisfannon Park. Patsy Bradley said that he believed that he saw two bullets striking the tarmac as they crossed Fahan Street West.¹

¹ AB68.3; Day 153/132-136

104.66 Patsy Bradley told this Inquiry that Joe Friel was not carrying any form of weapon.¹

¹ AB68.5

104.67 We are satisfied from the evidence of Gregory Wild (discussed above) that Joe Friel was, as he has always maintained, shot while in Glenfada Park North, after which he ran or stumbled through the south-west alleyway into Abbey Park, shouting that he had been shot. We consider that Patsy Bradley's recollection (decades after the event) of carrying Joe Friel from Glenfada Park North must accordingly be faulty, though he may have assisted Joe Friel at a later stage. It also seems to us that Hugh Leo Young must be mistaken in his current recollection that Joe Friel came out of the Glenfada Park South alleyway, though we have no reason to doubt that Hugh Leo Young was one of those who carried him.

104.68 We are also satisfied that Joe Friel was carried to Lisfannon Park and then put in a car to be taken to hospital. In this regard we prefer the 1972 accounts of Hugh Leo Young and CIV 1 to the belief of Manus Morrison that Joe Friel was put in a car flagged down in the Old Bog Road (Fahan Street West). Although we are not certain about this, we consider it more likely than not that Joe Friel remained on his feet for a while and may indeed have got some way towards Fahan Street West before he fell.

Where Joe Friel was then taken

104.69 Once inside the Murrays' house in Lisfannon Park, Joe Friel was treated by Eibhlin Lafferty, an Order of Malta Ambulance Corps volunteer.¹ As we have already noted, CIV 1 borrowed a car, which was a light-coloured Ford Cortina with the registration number HGB 992D, from Brian Kelly next door, in order to take Joe Friel to hospital.² Joe Friel was placed on the back seat, and he was joined in the car by CIV 1, who was driving, Manus Morrison, in the front passenger seat, and Eugene O'Donnell, who crouched over Joe Friel in the rear of the vehicle.³

¹ AF34.3; AM17.2; AM17.9; AM17.13

³ AD23.4; AO27.2-3; Day 155/177; ED34.10-11; AF34.3;

² AD23.4; ED34.10-11; ED34.4; AO27.2; AF34.3

AF34.10; AF34.44; AM437.2

104.70 CIV 1 drove the Cortina to Barrack Street,¹ where he was stopped at Barrier 20, an Army checkpoint manned by soldiers from 7 Platoon, B Company, 1 R ANGLIAN. According to the battalion's log sheet the car had arrived there by 1631 hours.²

¹ AD23.4-5; ED34.10-11; AF34.3; WT6.37

² W106.7; W103

104.71 Barrier 20 was erected in Barrack Street close to the corner of Pitt Street. It consisted of a barbed wire barrier and a strategically placed Armoured Personnel Carrier (APC).¹

¹ B1165; B1832



Barrier 20

104.72 The car driven by CIV 1 arrived at Barrier 20 at about the same time as two other vehicles.¹ One of these was the car containing Gerald Donaghey (shot in Abbey Park as we describe below) with Hugh Leo Young and the driver Raymond Rogan, who had come from Abbey Park. We return later in this report² to consider what happened to this car and its passengers at Barrier 20, in the context of considering the question of whether Gerald Donaghey was in possession of nail bombs when he was shot. The other vehicle, apparently containing a middle-aged couple whom the Inquiry has been unable to identify, reversed and drove back into the Bogside.³

¹ [B1586](#); [B1665](#); [B1832](#)

³ [B1587](#); [B1666](#); [B1833](#)

² [Chapter 130](#)

104.73 The Cortina with Joe Friel was probably on the left (looking from the barrier) of the car carrying the older couple. The vehicle carrying Gerald Donaghey seems to have been to the right (again looking from the barrier) and slightly behind the other two vehicles.¹

¹ [B1586](#); [B1665](#); [B1832](#); [B1876](#); [B1898](#); [B1909](#); [AR24.3-4](#)

104.74 Before these vehicles arrived a crowd of some 20 to 40 civilians, mostly women and children, had come to Barrier 20 from the direction of the Bogside and asked to be let through the barrier. The soldiers initially refused and an argument developed but after

about five minutes the soldiers agreed to let the people through. At this stage the vehicles arrived and stopped behind the crowd, probably just as the barrier was about to be moved.¹

¹ B895; B1586; B1665; B1680; B1690; B1832; B1898; B1909; B1912

Evidence of what happened on the arrival of the car carrying Joe Friel

104.75 We consider first the evidence from soldiers.

104.76 Private 029, Private 042, Corporal 150 and Private 135 gave evidence that the driver (CIV 1) or the person in the front passenger seat (Manus Morrison) or both shouted to the soldiers manning the barrier to open it as they were late for work or that they wanted to get to work.¹

¹ B1586; B1666; B1898; B1832

104.77 Private 029 said that he approached the driver's side of the car with Sergeant AA and that Private 135 went to the passenger's side. Private 029 stated that as he got there the driver said that he had a sick man in the back and Sergeant AA (the Platoon Sergeant of 7 Platoon) told the driver to get out. *"I dragged the driver out of the car and put him against the wall of a house. 'AA' took the passenger behind the driver out and did likewise. The other person in the back was wounded and was left in the car."*¹ Sergeant AA gave a similar account in his Royal Military Police (RMP) statement but said nothing about the driver demanding that the barrier be opened as he was late for or wanted to get to work. He stated that Corporal 150 and Lance Corporal 104 assisted in the arrest of these two people.²

¹ B1586-7

² B895-6

104.78 According to Private 135, as he approached the passenger's side of the vehicle, the front passenger *"aged about 20–25 yrs wearing a black leather jacket and dark trousers, threw the door open to block my way. I fired one baton round at this man as he turned to run away, the round hit him a glancing blow on his left shoulder and he ran off down Barrack St into the Bogside."*¹ Sergeant AA,² Private 029³ and Private 042⁴ gave similar accounts of this incident, though Sergeant AA thought that the baton round had hit the person in the head.

¹ B1833

³ B1587

² B896

⁴ B1666

104.79 There is some 1972 evidence from the soldiers that after CIV 1, Manus Morrison and Eugene O'Donnell had left the vehicle, it started rolling backwards down the hill. It seems that Sergeant AA and possibly another soldier stopped this happening after which Lance Corporal 104 got into the car and drove it through Barrier 20, which by this time had been opened.¹

¹ B1690; B1694; B1876

104.80 On the basis of the military evidence considered above, including his own RMP statement, Sergeant AA played a significant role in dealing with the crowd and cars at Barrack Street. However, in his evidence to the Widgery Inquiry he stated that he was aware of the arrival of two cars carrying casualties, but he claimed not to have taken “*any part in the incident at all*”.¹ In his written statement to this Inquiry, Sergeant AA accepted that he knew that this was untrue when he said it, and that he was wrong to give such false evidence. He gave various reasons for concealing his involvement in the incident, namely that he did not think that the incident was relevant,² that he wanted to complete his evidence to the Widgery Inquiry as quickly as possible,³ perhaps because “*I did not search the body at the time*”⁴ and that he might have misunderstood the question.⁵ Sergeant AA denied that he did not mention this incident as he wished to conceal misconduct in the form of Private 135 firing a baton round into a car, soldiers abusing the passengers, and a woman who said she was a nurse being prevented from going to the casualties.⁶

¹ B903

⁴ B908.9

² B908.9

⁵ Day 378/225

³ B908.9

⁶ Day 378/207-215

104.81 We are unconvinced by the first two of these excuses and from the Widgery Inquiry transcript it is difficult to see how Sergeant AA could have misunderstood the question.¹ As to the two remaining possibilities, we accept Sergeant AA's denial that he was seeking to conceal misconduct. For reasons given below, we do not believe that Private 135 fired a baton round into a car, nor are we sure of the accuracy of his account of preventing a nurse from going to the casualties. As to verbal abuse, in the climate of the times this does not seem to us to be of any real significance. In our view the most likely explanation is that Sergeant AA had failed to search or order the searching of the car, which in our view he should have done. Battalion HQ sent a message to B Company ordering a check of the car for weapons, though this was probably not received until after the car had left Barrier 20.²

¹ B903

² W106.7 serial 83

104.82 In his evidence to this Inquiry, Private 135 gave an account of firing his baton gun into the car, hitting the men in the front and knocking them out of the car, whereupon they got up and ran away. He told us that he had acted in response to seeing the vehicle lurch forward and touch the barrier; and that he fired in order to force the occupants out of the car. He also told us that after firing the baton round, he looked and saw a man (Gerald Donaghey) in the back of the car; and that a woman who said that she was a nurse came across to the car and was told by him in abusive terms to go away.¹ For reasons given below, we do not accept Private 135's evidence of firing his baton gun into a car.

¹ B1835.007-008; Day 379/143-145; Day 379/151-152

104.83 As to the police, there is some evidence from RUC officers who were stationed at the corner of Barrack Street and Bishop Street, which was about 40 yards from Barrier 20,¹ to the effect that one or both of the cars rammed or tried to force their way through the barrier.²

¹ JS2.1

² Sergeant Keys (JK5.1); Constable Gawley (JG3.1; JG3.3); Constable McVeigh (JM42.1); Constable Carson (JC5.1; JC5.2); Constable Scott (JS2.1)

104.84 We are satisfied that this did not happen, as none of the soldiers manning the barrier suggested in their 1972 evidence that this occurred or indeed that any police officers were at the barrier. Private 135, in his evidence to us, agreed that he might have been mistaken in his recollection that one of the cars lurched forward and touched the barrier and nothing in his evidence or that of any of the other soldiers suggests that there was any deliberate attempt to ram the barrier. Sergeant AA agreed, in his oral evidence to this Inquiry, that this had not happened.¹ As will be seen later in this report,² Corporal 150 told us that when he drove the car containing Gerald Donaghey through Barrier 20 he remembered "*clipping*" it.³ It may be this incident that these officers saw and wrongly believed was an attempt to force through the barrier. We return below to the evidence of the police officers.

¹ Day 379/164-166; Day 378/204

³ B1918.2

² Paragraph 130.11

104.85 We now turn to the civilian evidence.

- 104.86 In his Keville interview, CIV 1 stated that they had hoped to get outside the area without the troops seeing them, but this was impossible and they went straight to the barrier:¹

“Manus Morrison got out of the car as there was a car in front of us at the barricade and he approached the soldiers and told them that we had someone shot in the back of the car. The soldiers then ripped the barricade away and came towards the car and Morrison managed to run away and he was shot by a rubber bullet gun and I saw someone else in the car in front of me, he started to give cheek to the Army, telling them that there was someone shot and they had to get to the hospital right away and they fired a rubber bullet gun at his chest at point blank range in – in the window. I was then pulled out of the car ... I was put up against the wall...”

¹ AD23.3

- 104.87 CIV 1 is dead and gave no evidence to this Inquiry.

- 104.88 In his Keville interview Eugene O'Donnell recalled that when they approached the barrier and asked to be let through “*they immediately attacked the car and dragged us all out. One of them – the driver was hit over the head with a – a rifle. We were dragged out and up – put up against the wall and er – searched...*”¹ His NICRA statement was to the same effect.² In his oral evidence to this Inquiry, Eugene O'Donnell explained that what he meant by soldiers attacking the car was that the soldiers had pulled him and CIV 1 out of the car and one had also jumped in and put on the handbrake.³ He told us that he did not recollect the driver (CIV 1) being hit over the head with a rifle nor any incident in which Manus Morrison was hit by a baton round.⁴ He recalled that the front passenger followed by the driver and then he went out of the car in that order.⁵

¹ AO27.9

² AO27.8

³ Day 155/182-185

⁴ Day 155/183-184

⁵ Day 155/192-193

104.89 Manus Morrison did not give a statement in 1972.¹ In his written evidence to this Inquiry² he stated:

“As we drove up Bishop Street we were stopped at an army barricade at the top of Bishop Street. There were two soldiers there. One seemed to be a normal soldier. He was wearing a khaki camouflage uniform and was carrying a baton gun. I cannot remember what type of helmet he was wearing, I cannot remember if his helmet had a visor or not. The other soldier looked to me like a major as he was wearing a side arm belt with a revolver in it.

The soldiers told us to pull our vehicle in to the left hand side of the road and we did. The soldier with the baton gun told me to get out of the car. I opened the passenger car door and as I was getting out I was suddenly hit at close range with a rubber bullet to my left shoulder. At the time I was not standing straight, I was in a bent position getting out of the car and facing the soldier. He did not say anything to me he just shot me. The major went to CIV 1’s side of the car but I did not see what happened.

After I was shot in the left shoulder with the rubber bullet I spun round and ran. I was very scared. I just ran and ran. I never heard the soldiers shout to me and I cannot remember them firing any rubber bullets or any other live ammunition to stop me from running away. I do not know if they fired at me or not. I cannot remember where I was running to. I just wanted to get away.”

¹ Day 154/119

² AM437.2

104.90 In his oral evidence to this Inquiry, Manus Morrison told us he believed that one of the soldiers who approached the car was an officer, possibly a Major, carrying a sidearm.¹ He also said that the soldier who fired at him had his rubber bullet gun “*just sitting at the top of the door*”, but that “*when I opened the door he put the rubber bullet gun down and told me to get out*”. He agreed with the soldier’s description of his age and what he was wearing, but denied that he had said that he wanted to get to work or that he had opened the door in an attempt to block the soldier. “*He told me to get out of the car and I opened the car door and he just let blow [sic] with the rubber bullet gun.*” He said that he was hit on the front of the shoulder and denied that he had been hit as he was running away. He also disagreed with the evidence that Private 135 gave us about firing into the car and knocking two people out.²

¹ Day 154/93

² Day 154/95-102

104.91 In the statement that Joe Friel gave to Detective Sergeant Cudmore at Altnagelvin Hospital on 1st February 1972, he merely stated that the soldiers got the other three people out of the car and recalled a soldier getting into the driver's seat to stop it running back.¹ In what appears to be a NICRA statement, Joe Friel described seeing the driver being dragged out of the car and also the other two passengers being "*taken out. I heard a bang which I took to be a rubber bullet being fired.*"² There is nothing in his written statement for the Widgery Inquiry about what happened at Barrier 20.³ In his oral evidence to that Inquiry he denied that the driver had got out and talked to a soldier: "*He was dragged out.*" He also denied that the driver had said anything about being late for work but that he had shouted "*There is a man in here, he is dead*".⁴

¹ AF34.11

³ AF34.15

² AF34.14

⁴ WT6.38

104.92 In his written evidence to this Inquiry, Joe Friel stated that CIV 1 had been dragged out of the car, but said that he thought that Eugene O'Donnell had opened the back door and got out himself. He stated that he did not know whether Manus Morrison had got out himself or had been dragged out. He stated that he then heard a bang that could have been a rubber bullet or CS gas, and that a soldier jumped into the car and tried to stop it moving. His oral evidence was to the same effect.¹

¹ AF34.3; Day 155/66-71

104.93 We consider in more detail later in this report¹ the evidence of the occupants of the car carrying Gerald Donaghey, who were Raymond Rogan and Hugh Leo Young.

¹ Chapter 130

104.94 Raymond Rogan told the Widgery Inquiry that he recalled seeing the driver getting out of the car in front of him at Barrier 20.¹ In an interview with Stephen Gargan, Raymond Rogan said that he thought that people were taken from that car; he could not say for definite but presumed that what had happened to him had happened to the occupants of the other car.²

¹ WT6.4

² AR24.83

104.95 In his written statement to this Inquiry, Hugh Leo Young said that he was made to line up against a wall with three other men who, he assumed, had been taken from the other car. He told us that subsequently those three men were put in a "*Saracen*" while he and Raymond Rogan were put in a jeep and taken to Craigavon Bridge.¹ In his statement for the Widgery Inquiry, Hugh Leo Young said that the men who had got out of the first car told him that Joe Friel was in it.² In an interview with Jimmy McGovern, Hugh Leo Young

said that “five boys” from the car containing Joe Friel had already been captured by the Army by the time he arrived at the barrier; they were already against a wall. He said that he and Raymond Rogan were put in a jeep and that the other boys must have been taken somewhere else because he did not see them again.³

¹ AY1.4-5

³ AY1.39-40

² AY1.9

104.96 Two schoolgirls gave NICRA statements about what they said they saw at the barrier at Barrack Street. Perpetua O'Neill described the driver of a car jumping out and shouting to the soldiers to open the barricade as there was an injured man in the car. “*One of the soldiers approached driver of the car, held his gun in one hand and began searching the driver with the other, feeling his pockets. The man said ‘I’ve nothing on me!’ Just after he said this there was a flash from the gun in the soldiers hand, the driver of the car put his hands to his shoulder and ran away towards St. Columb’s Wells.*”¹ Perpetua O'Neill mentioned nothing about this incident in her written evidence to this Inquiry.²

¹ AO63.1

² AO63.2

104.97 Brenda Doherty gave a rather different account. She described a car coming up Barrack Street and a young man getting out of it, saying that he had a dying man in the car and needed to go to a hospital. She said that a soldier who was standing by a “Saracen” fired a rubber bullet which struck the young man on the right shoulder. Two soldiers then came down through the barrier and opened the car door.¹ The Inquiry could not find this witness and we accordingly have no evidence from her apart from this NICRA statement, which does not seem consistent with what other witnesses have said.

¹ AO63.6

Consideration of the Barrier 20 evidence

104.98 The military and civilian evidence is consistent to the extent that a baton round was fired at one of the people who had arrived in the car carrying Joe Friel; and we have no doubt that this was Manus Morrison, Perpetua O'Neill being mistaken in thinking it was the driver. We reject the account given long after the event by Private 135 of firing into a car. CIV 1, Eugene O'Donnell and Manus Morrison who were in the car with Joe Friel; and Raymond Rogan and Hugh Leo Young who were in the car with Gerald Donaghey, never suggested that this had happened. CIV 1 did give a 1972 account of seeing a soldier fire into the car in front, but he too must be wrong about this. The car carrying Gerald Donaghey was behind, and there is no other evidence from either soldiers or civilians to

suggest that a baton round was fired into the car carrying the middle-aged couple, or (as CIV 1 stated) that anyone in this latter car said that there was someone shot and they had to get to hospital.

104.99 As to what Private 135 said to us about the woman who said that she was a nurse, this may have been another false account. None of the other soldiers said anything at the time about a nurse coming forward to one of the cars. However, Sergeant AA in his RMP statement¹ did record that a woman among the crowd in front of the barrier said that she was a nurse and that there was a sick man in the car with the red stripe. (This would have been the car carrying Gerald Donaghey.) Sergeant AA stated that he was suspicious and so went through the barrier and approached the first car. We had the impression that Private 135 was not kindly disposed towards this Inquiry; and that he may well have said what he did to us out of a misplaced sense of bravado. We are not persuaded by his account of what he said to the woman who said she was a nurse.

¹ B895

104.100 We have some hesitation in accepting the account given by Manus Morrison so long after the event. We have already observed that in our view he was mistaken in believing that people in Fahan Street West had flagged down the car in which Joe Friel was driven. His account of being shot with a rubber bullet immediately after getting out of the car and before starting to run away is not supported by the 1972 evidence of CIV 1, whose account was that Manus Morrison was running away when he was hit by a baton round, nor by that of Perpetua O'Neill, who recalled that the man was out of the car and being searched when the baton gun was fired.

104.101 We do not find it possible to state with certainty the exact circumstances in which Manus Morrison was hit by a baton round. However, in our view this probably was at close range as he attempted to run away, though it remains possible (from Perpetua O'Neill's account) that Private 135 discharged his weapon (perhaps by accident) as he was searching Manus Morrison. However, whether or not he was running away, if the shot was fired deliberately, we do not see any justification for it. A baton gun was designed to be used to disperse rioters, not to fire at people running away.

104.102 Civilian witnesses dispute the evidence of the soldiers that Manus Morrison initially demanded to be let through the barrier because they were late for or wanted to get to work. However, we consider it likely that he or the driver did say something like this. Several soldiers recalled it; in particular Corporal 150¹ who, as we observe later in this report,² struck us as a careful, honest and reliable witness.

¹ B1898

² Chapter 130

What happened to CIV 1 and Eugene O'Donnell

104.103 As we have already noted, Private 029 in his RMP statement described how he and Sergeant AA took these two civilians and put them up against a wall. This is consistent with the evidence of the civilians.¹ The wall was in Pitt Street, a side street which runs into Barrack Street.²

¹ AD23.5; AO27.3

² B1899

104.104 CIV 1, in his Keville interview, said that he was struck on the head with the butt of a rifle, apparently while he was being taken to the wall.¹ He was later the same day interviewed by Detective Constable Neilly. This statement appears to record that CIV 1 told this officer that he had been hit on the head twice with the butt of a rifle, once when he was pulled out of the car and again when he was at the wall, but the statement is not entirely clear, as on one reading it appears to suggest that CIV 1 was moved from one wall to another, which is unsupported by any other evidence. There may have been some misunderstanding by the statement taker.

¹ AD23.5

104.105 CIV 1 submitted a complaint form to the RUC, in which it is recorded that he had a cut to the left-hand side of the skull. There is a record from Altnagelvin Hospital that CIV 1 was admitted for observation at 12.10am on 31st January 1972, with a cut to the left side of his head which he attributed to a blow by a rifle butt.¹

¹ D1112

104.106 CIV 1's account of being hit over the head with a rifle butt as he was pulled out of the car is supported by the NICRA account of Eugene O'Donnell,¹ but there is nothing in this account to suggest that CIV 1 was hit again as they were held against the wall. Raymond Rogan and Hugh Leo Young were also held at this wall, but neither gave an account of

seeing CIV 1 hit on the head while they were there. Hugh Leo Young told us that although soldiers threatened to shoot them if they moved “*The soldiers didn’t actually do anything to us*”.²

¹ AD27.8

² AY1.5

104.107 In these circumstances, while we accept that CIV 1 was hit on the head with a rifle butt as or after he was pulled from the car, we are not persuaded that he was physically assaulted again as he stood against the wall.

104.108 No soldier has admitted hitting CIV 1 with a rifle butt. Private 135 told us that it was possible that he struck a prisoner with the butt of his rubber bullet gun but did not recall doing so.¹ We have already observed that we cannot accept much of what Private 135 now says. On the 1972 evidence, he was, at least at one stage, on the other side of the car. In addition to Sergeant AA and Private 029 there were other soldiers in the area. We are unable to determine which soldier struck CIV 1, but can find nothing in the evidence to justify this blow.

¹ Day 379/158

104.109 There is no doubt that the civilians taken from the two cars were the subject of verbal abuse and threats as they were taken from the cars and while they were being held against the wall in Pitt Street. It is not possible to identify the soldiers who used such language, though some did agree that strong language had been used.¹ As we have already observed, in the context of what happened on Bloody Sunday, we consider that the use of abusive and threatening language is not of the greatest significance, and though such language cannot be condoned, we note the view expressed by Sergeant AA in the course of his oral evidence to this Inquiry:²

“Q. Do you remember there were soldiers who were there who were gloating and making comments such as ‘one stiff’s not enough’?”

A. I did not actually hear that, but I could understand that sentiment.

Q. You could understand that sentiment?

A. Absolutely.

Q. Sorry, what do you mean by that answer?

A. Because for the two years we have had people shot, killed, blown up and abused and everything, for two years, by the Bogside and the Creggan. So if a soldier now and again he gets a bit – he comes out with stuff like that, you have got to expect it, because they are only working-class guys, they are just doing it – 18, 19 years old, 20 years old, that is how it was.”

¹ Day 378/216-220; Day 379/154-158; Day 380/17-18

² Day 378/215

104.110 In their closing summation, Counsel to the Inquiry provided in summary form details of the threats and abuse allegedly directed at those taken from the cars.¹ We see no purpose in going through them in detail in this report.

¹ CS6.909-910

² Chapter 130

104.111 We should say at this stage that it seems to have been suggested that the soldiers at Barrier 20 acted callously in not permitting the cars containing the casualties to proceed immediately through the barrier to the hospital.¹ In our view this is not a legitimate criticism. It seems to us that the arrival of two wounded people correctly aroused the soldiers’ suspicions, which can only have been compounded both by the false reason given initially for demanding that the barrier be opened and when one of the passengers ran away. In this regard we accept the evidence given by Sergeant AA:²

“I was interested also in trying to apprehend the people in the cars because, you know, when you suddenly turn up with two people, one is shot dead and one is shot through the chest and we do not know what happened in the Bogside. I am a soldier and my job is to apprehend and to stop anybody who might be involved in a terrorist action or in any action who has been shot, and to try and apprehend it. That was what I was doing.”

¹ FS1.2538; FS1.2545

² Day 378/157

104.112 As it is, the cars were stopped at Barrier 20 for some ten minutes. We explain later in this report,¹ when considering the question of Gerald Donaghey and the nail bombs, how we reach this timing.

¹ Chapter 130

104.113 Lance Corporal 104 drove Joe Friel in the car in which the latter had arrived at Barrier 20 to the Regimental Aid Post (RAP) at Craigavon Bridge. There he was given medical attention by an Army doctor (Captain 138) and was then taken by ambulance to

Altnagelvin Hospital.¹ We deal below with the question of whether during his journey to the RAP Joe Friel admitted to Lance Corporal 104 that he had been in possession of a weapon when he was shot.

¹ AF34.14

104.114 The four people taken from the cars and held against the wall in Pitt Street were taken to the RAP at Craigavon Bridge, arriving at about 1725 hours;¹ and from there to the RUC Headquarters at Victoria Barracks.²

¹ C1347.18

² AY1.9-10; AY1.5-6; WT6.13; Day 388/40-41; AR24.4; AR24.29; AR24.43-45; AD23.6-7; AO27.4

104.115 According to the Arrest Report Forms prepared at Fort George these four people were arrested by Corporal 150 “*for evading arrest by security forces*”. In other arrest forms Corporal 150 recorded that he had arrested these people at the barrier from two cars, each containing a body, and had handed the four arrestees to Sergeant Vernon Carson (RUC) at the “*bridge location*”, in other words at the RAP.

104.116 In his first RMP statement Corporal 150 described “*physically*” arresting the driver and front seat passenger, “*who were by now out of their vehicle. They did not have sufficient chance to run away from me.*”¹ In the context of this statement as a whole, this is clearly a reference to the vehicle carrying Joe Friel, but Corporal 150 was mistaken in believing that one of these two men was the front seat passenger, as the evidence considered above shows that this was Manus Morrison, who ran away. He recorded that he took the two men to Pitt Street and ordered them to put their hands against the wall. He stated that he then returned to the barrier which was now open, saw Lance Corporal 104 driving the vehicle through, went to the other vehicle, and then drove this forward through the barrier. After driving this car to the RAP at Craigavon Bridge, Corporal 150 stated that he returned to Barrier 20 and then escorted four persons, including those whom he said that he had arrested, to the RMP operations room.² In the arrest documents Corporal 150 recorded that he had arrested two people from the first car; that his Platoon Sergeant had handed him the occupants of the second car; and he had then arrested the the latter.

¹ B1899

² B1900

104.117 In a subsequent RMP statement, Corporal 150 recorded that he recognised CIV 1 and Eugene O'Donnell as the two whom he had arrested and that he believed the other two he escorted to the RMP had come from the other car. “*They were arrested by other members of my platoon, whose names are not known to me.*”¹

¹ B1902

104.118 So far as CIV 1 and Eugene O'Donnell are concerned, we accept that Corporal 150 was involved in their arrest. The 1972 statement of Sergeant AA supports his account.¹ Although he had stated in his first RMP statement that these two had had no chance to run away from him, the same statement records that before these arrests and as he ran through the barrier towards the cars he heard someone shouting that the occupants of the cars were trying to escape.² In fact, only Manus Morrison tried to escape (and succeeded in doing so), but Corporal 150, when compiling the arrest forms, may well have relied on what he had heard when recording that the arrests were made because the persons concerned were “*evading arrest*”; and whoever shouted may have believed (mistakenly) that it was not only Manus Morrison who was trying to get away.

¹ B896

² B1899

104.119 On his own account Corporal 150 did not arrest Raymond Rogan and Hugh Leo Young, and the former in his evidence to the Widgery Inquiry made this point.¹ However, in the arrest form relating to these two, Corporal 150 stated that he had been handed these people by his Platoon Sergeant whereupon “*I arrested them*”. In his RMP statement Sergeant AA recorded that he did not know who had arrested these people.² The 1972 evidence of Private 135 was that he told Raymond Rogan and Hugh Leo Young to get out of the car, after which he held onto the wing mirror to prevent the car rolling back while the driver and passenger were taken away to Pitt Street.³ It may be that the reason Corporal 150 signed these arrest forms was because he was the soldier who had escorted them from Barrier 20. Corporal 150 was not asked about this matter when he gave evidence to this Inquiry, as his testimony was (correctly) directed to the much more important matter of what he could tell us about Gerald Donaghey. We return to his evidence in this regard later in this report.⁴

¹ AR24.29

³ B1834

² B986

⁴ Chapter 130

104.120 Raymond Rogan told this Inquiry that they were told at the RAP that they had been arrested under the Special Powers Act.¹ He told the Widgery Inquiry that he was informed that he was being detained under this Act because explosives had been found in his car.²

¹ AR24.4

² AR24.29-30

104.121 Raymond Rogan also told us that he and the others were searched at the RAP with a device that detected traces of explosive, and after being photographed were taken to RUC headquarters. He and the others were in a cell for some time. He there identified himself as Chairman of the local tenants' association and asked the police to contact Inspector McCullough, whom he knew. “*After about half an hour, I was released.*”¹

CIV 1 and Eugene O'Donnell were also told at Victoria Barracks that they were free to go. The latter recalled that they had been in the cell for about two hours before they were released at about 10pm.² Hugh Leo Young was taken from Victoria Barracks to Ballykelly (a police holding station to the north-east of Londonderry) and released the following day, when he was told in brutal terms that his brother was one of those killed on Bloody Sunday.³

¹ AR24.4

³ AY1.10; AY1.6

² AD23.7; AO27.4

104.122 In our view the soldiers at Barrier 20 cannot fairly be criticised for stopping the two vehicles containing the casualties and detaining CIV 1, Eugene O'Donnell, Raymond Rogan and Hugh Leo Young. We can find no justification for the firing of the baton round that struck Manus Morrison or the blow with a rifle butt to the head of CIV 1.

The allegation that Joe Friel admitted that he had been armed when he was shot

104.123 We now turn to consider the allegation made in 1972, that on his way to hospital Joe Friel admitted to a soldier that he had been armed when he was shot, something that Joe Friel has always denied.¹

¹ WT6.39; Day 155/72-73

104.124 Lance Corporal 104 (a member of 1 R ANGLIAN) was on duty at Barrier 20 when the vehicles arrived. In his RMP statement, timed at 2340 hours on 30th January 1972, he recorded that after the civilians had got out of both cars, he looked into the back of them and saw in each a person lying on the back seat.¹ He continued:²

"I got into the driving seat of the first car and I drove it along Barrack Street, past the road block, for about 200 metres. When I stopped, the youth who was lying on the back seat asked me to take him to Altnagelvin Hospital. I could see that he had a serious chest injury and that he appeared to be in considerable pain.

When the youth, who appeared to be quite lucid, asked me to take him to hospital, I asked him what he had been up to. He said that he had been shot, and I told him that I could see that and that he shouldn't have been playing with guns. I asked how he had been shot and he said that he had a gun and was carrying it when he walked round a corner and bumped into some soldiers, one of whom shot him. He did not say where the incident had occurred nor did he say what sort of gun he had been carrying,

but he did say that he had never done that sort of thing before and that he would not do it again. I asked him what had happened to his gun, and he said that he did not know.

At that stage, the youth again asked me to take him to hospital, and I drove him in the car to the bridge location where some medical orderlies took the youth out of the car and put him into an APC. I did not see the youth again after that.”

¹ B1680-1681

² B1681

- 104.125** Lance Corporal 104 gave written and oral evidence to the Widgery Inquiry. In his written statement he recorded that his Platoon Commander ordered him to move the car, which had a defective hand brake. As a result, Lance Corporal 104 drove the car through the barricade and about 40m beyond to the top of a hill.¹ He was then told to drive the car to Company Headquarters. He continued:²

“I pulled just round onto the main road but I could not go without an escort – it was too dangerous to do so. The injured man then asked me to take him to a hospital. I told him that I couldn’t go on my own. I asked him what he had been doing. He wouldn’t tell me outright. And then he said his wounds hurt him. I said ‘If you didn’t play with guns you wouldn’t get hurt’. He said that it was his first time and he wouldn’t do it again. I asked him how he had got his wounds. He said he just walked round the corner and that was it. He said that he had a gun, but that he had not fired it. He kept on asking to go to the hospital, and I saw a RUC policeman near and asked him to go with me to the hospital.”

¹ B1690

² B1690

- 104.126** Lance Corporal 104 recorded in his written statement for the Widgery Inquiry that after these conversations he did not drive to the Company Headquarters but went instead to the RAP at Craigavon Bridge.¹

¹ B1690

- 104.127** In his oral evidence to the Widgery Inquiry, Lance Corporal 104 stated that he recognised Joe Friel, whom he had earlier seen giving his evidence, as the injured man from the car.¹ Lance Corporal 104 gave the following account of the conversation that they had had as they waited for an escort to go to the RAP:²

“Q. What did he say?

A. I asked him what he was doing and he said he had walked round a corner and he got shot. I said to him ‘You shouldn’t play with guns’. He said ‘I wouldn’t do it again’. Then he asked me my name and I would not tell him and he asked me to take him to hospital.

Q. Is that all that was said?

A. I think so, sir.

Q. Now did he say what he had had with him when he was wounded?

A. Yes, he said he had a gun.”

¹ WT17.43

² WT17.42

- 104.128** Under cross-examination by counsel representing the families, Lance Corporal 104 accepted that there were Army investigators present at Craigavon Bridge, but said that he did not tell them of Joe Friel’s confession that he had been armed.¹ When asked whether he had told any RUC officers, Lance Corporal 104 said that he “*may have mentioned it to the bloke on the way down*”, by which he clearly meant the escort, but he agreed that it “*could be*” that he did not tell any policemen either.² He did state, however, that he informed his Platoon Commander when he got back to his unit.³

¹ WT17.48-49

³ WT17.49

² WT17.49

- 104.129** Lieutenant 145, who was Lance Corporal 104’s Platoon Commander, gave an RMP statement¹ and a written statement for the Widgery Inquiry.² There is nothing in these accounts to indicate that Lance Corporal 104 told him about Joe Friel’s alleged confession.

¹ B1876

² B1881

- 104.130** The police officer who accompanied Lance Corporal 104 was Constable Alexander Malone. He made a report, dated 4th February 1972, in which he referred to the journey to Craigavon Bridge but made no mention of being told that Joe Friel had confessed to

being in possession of a weapon.¹ Constable Malone gave written and oral evidence to this Inquiry, but stated that he could not recall any conversation that he had between leaving Barrier 20 and arriving at the RAP.²

¹ JM5.9

² JM5.3; Day 219/122; Day 219/131

- 104.131** Lance Corporal 104 gave a written statement to this Inquiry in which he recorded that while he thought he had had a conversation with the wounded man whom he drove to Craigavon Bridge, he could no longer recall the details of it.¹ He also commented on his RMP evidence, stating that although he did not remember a discussion about a gun, he had *“no reason to think that the conversation in my 1972 statements is wrong”*.² He added that when he was interviewed by the RMP, *“I did not know the full extent of what had happened on that day, so I had no reason or desire to lie about Joseph Friel”*.³

¹ B1705.003

³ B1705.004

² B1705.004

- 104.132** We wished to hear the oral evidence of Lance Corporal 104, but he stopped communicating with his legal representatives, went abroad, did not respond to letters from the Inquiry and could not be traced.¹

¹ Day 380/1-6; Day 382/131-9

- 104.133** Detective Sergeant Cudmore, who interviewed Joe Friel in Altnagelvin Hospital on 1st February 1972,¹ prepared an internal memorandum about this interview. In this he wrote that Joe Friel was:²

“the man from whom the Army obtained a verbal admission of using/having a gun, although he would not admit same to us. Friel’s statement varies little from the Army’s version other than the admission, and I am convinced that he did admit this to the soldier. Because of his injury and location he was not pressed about this admission.”

¹ AF34.10

² AF34.12

- 104.134** There is nothing in the statement that Joe Friel gave that evening to suggest that he was asked specifically about this admission, although in it he did deny that at any time he had any weapon or object on his person or in his hand.¹

¹ AF34.11

- 104.135** Detective Sergeant Cudmore gave a written statement to this Inquiry.¹ In this he commented on his memorandum. *“The report goes on to say that I was convinced that he did admit this to the soldier. I have no recollection of being convinced that what he told the soldier was correct.”* Detective Sergeant Cudmore appears to be saying that he could

not recall believing that the admission was true, rather than that he could not recall believing that the admission had been made, though it may be that he meant the latter. He did not give oral evidence to this Inquiry. Detective Constable Gillanders, who accompanied Detective Sergeant Cudmore, was unable to help on this topic in his evidence to this Inquiry.²

¹ JC26.10

² JG4.6

104.136 In our view Joe Friel did not admit to Lance Corporal 104 that when wounded he was in possession of a gun. It is apparent from Lance Corporal 104's oral evidence to the Widgery Inquiry that, despite his previous statements, it took a leading question to elicit from him that Joe Friel had made this admission. Lance Corporal 104 did not say anything to the authorities at Craigavon Bridge and in our view had he said anything about an admission to Constable Malone, the latter would have written it in his report. There is material to suggest that Lance Corporal 104 was at the time regarded as an unsatisfactory witness by Detective Inspector McNeill, who attended the Widgery Inquiry hearings, and who reported to the Director of Public Prosecutions that Lance Corporal 104 "*did not come up to strength on his evidence ... regarding the alleged admission*".¹

¹ OS1.197

104.137 There is nothing to suggest that the police ever interviewed Joe Friel again about this alleged admission. He was neither cautioned nor arrested, and we accept his evidence to the Widgery Inquiry that he was not placed under armed guard, nor were his clothes examined by the RUC or the Army.¹ Thus whatever the reason for Detective Sergeant Cudmore's view, it did not result in the police taking any further action.

¹ WT6.35-36

What Joe Friel was doing when he was shot

104.138 In our view Joe Friel was unarmed when he was shot in Glenfada Park North close to the south-west exit to Abbey Park. There is no evidence that he was doing anything that could have led anyone to believe that he was posing a threat of causing death or serious injury. In our view he was simply trying to get away.

Michael Quinn

104.139 Michael Quinn was shot in the face when he was in Glenfada Park North.

Biographical details and prior movements

104.140 Michael Quinn was 17 years old at the time of Bloody Sunday and was still at school.¹ On 30th January 1972, he joined the civil rights march in the Creggan and subsequently made his way to Glenfada Park North.² There he was shot and received a facial wound. Michael Quinn was taken to Altnagelvin Hospital, where he was operated upon the following day. He was discharged on 10th February 1972.³

¹ [AQ11.19](#); [AQ11.7](#)

³ [AQ11.50-51](#)

² [AQ11.19](#)

104.141 On Bloody Sunday Michael Quinn was wearing what he described to the Widgery Inquiry as a “*rust coloured windcheater*”.¹ He is shown, lying on the ground after his injury, in the following photograph.² He had a white handkerchief or scarf round his neck.

¹ [AQ11.9](#)



Medical and scientific evidence

104.142 According to his medical records, Michael Quinn received a gunshot wound to his right cheek, the entry point being just below his “*right molar*”, the bullet travelling above the roots of the upper right molar, and traversing across the face before exiting through the left side of Michael Quinn’s nose.¹ The injuries can be seen in the photographs reproduced above and below, which were taken on the day.

¹ [D917](#); [D908-941](#)





104.143 Michael Quinn's medical records, and the accompanying X-rays, also recorded that he had "*foreign material*" in his septum and mouth. His surgeon, Mr Harvey, commented that this material "*appeared to be lead pellets*".¹ These were sent for examination at the Department of Industrial and Forensic Science, where Dr John Martin commented that they were "*several small spherical pieces of a brittle black non-metallic substance*", which contained "*no bullet or bullet fragment*".² Dr Shepherd and Mr O'Callaghan concluded that there was insufficient evidence to form any conclusions on the origin of this material.³

¹ D943; D935

³ E10.9

² D944-D947

104.144 In a report for this Inquiry, Dr Shepherd and Mr O'Callaghan presented an analysis of the damage caused to the clothes worn by Michael Quinn on Bloody Sunday.¹ This recorded that there was damage to the right-hand shoulder of his jacket, and they concluded that this might have been caused by the same bullet that injured Michael Quinn's face, though it was "*equally possible*" that the damage to Michael Quinn's jacket was caused by a different round from that which caused his facial injuries.² However, as will be seen below, Michael Quinn himself ascribed the damage to his jacket as caused by the same bullet that hit his face, so that we consider that the jacket damage was probably not caused by an additional bullet.

¹ E22.1-2

² E22.1-2

Where and when Michael Quinn was shot

Accounts given by Michael Quinn

104.145 Michael Quinn gave a number of accounts in 1972:

- a) An interview with Detective Sergeant Cudmore on 7th February 1972.¹
- b) A statement taken by his solicitor dated 17th February 1972.²
- c) Written and oral evidence to the Widgery Inquiry.³
- d) An interview with the *Sunday Times* journalists Peter Pringle and Philip Jacobson, the notes of which are dated 1st March 1972.⁴

¹ [AQ11.47-48](#)

³ [AQ11.7-9](#); [AQ11.63-65](#); [WT7.71-76](#)

² [AQ11.17-18](#)

⁴ [AQ11.10-16](#)

104.146 In addition, Michael Quinn gave an interview to Don Mullan in August 1998,¹ and gave written and oral evidence to this Inquiry.²

¹ [AQ11.80-87](#)

² [AQ11.19-79](#); [Day 169/50-147](#)

104.147 Detective Sergeant Cudmore recorded in a note of his interview that Michael Quinn declined at that stage to make a statement to the police, and inferred that this was because Michael Quinn did not want to admit to having been on the march.¹ Michael Quinn did, however, answer a number of questions, although not the one relating to what he was doing in the area at the time. In his responses he said that he had been injured by a gunshot on 30th January and that it had happened when he was running to get out of Glenfada Park. He added that he was shot from behind, and that the bullet “*pierced my jacket at the right shoulder and grazed my face*”.² Michael Quinn also agreed that his hospital records could be released.

¹ [AQ11.47](#)

² [AQ11.48](#)

104.148 In the statement taken by his solicitor,¹ Michael Quinn described sheltering at the back wall of McLaughlin’s Hardware Store from the gas he thought was being fired by the Army from the direction of Little James Street into the Rossville Street area. He stated that some “*Saracen*” armoured cars then passed by him and travelled “*over*” Rossville Street and he started to run across the waste ground towards the front of the Rossville Flats. He climbed over the rubble barricade and as he did so he heard what he took to be shots

fired by the Army. He then joined a small crowd of people standing at the gable wall of Glenfada Park, but after a short while went around into the small car park “*at the rear of*” Glenfada Park, where he remained for some minutes.²

¹ [AQ11.17-18](#)

² [AQ11.17](#)

104.149 Michael Quinn stated that while he was there the shooting began again and he saw a man of about 19 or 20 “*who was shot in the right leg at the entrance to the small alleyway which leads from the carpark into Abbey Park*”.¹ None of those known to have been injured in Glenfada Park North was shot in the leg, and hence Michael Quinn’s evidence on this point might relate to an unknown casualty. This matter is discussed further elsewhere in this report.²

¹ [AQ11.17](#)

² [Chapter 110](#)

104.150 Michael Quinn continued in this statement by recording that the shooting then stopped.¹ He stated that “*The place was fairly crowded with people*” and that he remained there for another couple of minutes, but the shooting then resumed “*and the people who were standing at the gable wall at Glenfada Park/Rossville Street, rushed into the carpark at Glenfada Park where I was standing*”.² Michael Quinn continued:³

“The shooting ceased again after some seconds during which it appeared to me that a large number of rounds had been fired. Just then a small crowd of people carrying the body of a man, who was wearing a blue anorak, crossed the carpark and went into the back of one of the houses at Glenfada Park. After some hesitation, I decided to get out of Glenfada Park. I ran across towards the alleyway leading into Abbey Park and as I was nearing this entrance I felt myself being struck on the right cheek by a bullet. I stumbled but got up and ran on through the alleyway. As I was passing through I noticed the man who I had seen being shot earlier lying in the shadows of a nook in the alleyway. When I reached Abbey Park, someone grabbed me by the arm and we kept on running through Abbey Park and across the old Bogside towards Lisfannon Park.”

¹ [AQ11.17](#)

³ [AQ11.18](#)

² [AQ11.18](#)

104.151 Michael Quinn then described how he was given first aid from Order of Malta Ambulance Corps volunteers in Blucher Street, after which he was taken by car to the first aid post at St Mary’s School in the Creggan, and from there by car to Altnagelvin Hospital. He said that he had not been armed at any stage with a gun, nail bomb, petrol bomb, stone or any other implement.¹

¹ [AQ11.18](#)

104.152 Michael Quinn's written statement for the Widgery Inquiry¹ was in the same terms as that taken by his solicitor, though at the end he added that the coat he was wearing had been cut on the shoulder by the bullet that hit his cheek.² He also stated that "*From the direction I was running the shot must have come from the opposite corner of Glenfada Park*".³ He subsequently produced this coat (a rust coloured windcheater) and in a further short statement agreed that it could be tested "*for signs of it having recently been in contact with weapons of any kind*".⁴ There is no evidence to suggest that any such tests were ever conducted.

¹ [AQ11.60-61](#)

³ [AQ11.61](#)

² [AQ11.61](#)

⁴ [AQ11.62](#)

104.153 In his oral evidence to the Widgery Inquiry, and in contrast to his written statement, Michael Quinn said that he had no idea of the source of the shot that struck him.¹ He also stated that he did not hear any ricochet before he was hit.² He told the Widgery Inquiry that the young man he saw shot in the leg was not Joe Friel, whom he knew, and that this person had no weapon of any sort on him.³ Again, we return to consider this part of Michael Quinn's evidence later in this report.⁴

¹ [WT7.73](#)

³ [AQ11.60](#); [WT7.71-74](#)

² [WT7.75](#)

⁴ [Chapter 110](#)

104.154 According to the *Sunday Times* notes of an interview with Michael Quinn,¹ he had joined the march at Bishop's Field. He described the scene at Barrier 14 and said that he had met a friend in Chamberlain Street. He then gave an account in similar terms to his earlier statements, though when he came to describe what happened in Glenfada Park North the journalists made the comment "*from here his recollection of sequence of events becomes confused, but he is clear about what he saw*".²

¹ [AQ11.10](#)

² [AQ11.11](#)

104.155 At the end of these notes the journalists recorded that Michael Quinn had given them certain information about paramilitary activity that he had observed in Glenfada Park North.¹ This is a matter to which we return later in this report.²

¹ [AQ11.12](#)

² [Chapter 111](#)

104.156 The material from the *Sunday Times* also includes a memorandum dealing with Michael Quinn.¹ This contains an account of Michael Quinn's movements in Glenfada Park North, but adds a detail that did not appear in any of his earlier statements, namely that: "*he stumbled and just beside him james wray (who he now recognises from the pix) fell beside him and hit his head of the kerb of the footpath. but quinn regained his balance and staggered through the passage into abbey park.*"² It is not clear how the journalist

came to include this detail about Jim Wray, but from the reference to Michael Quinn recognising him “*from the pix*” it is reasonable to infer that at some stage this was information that he gave to the journalists.

¹ [AQ11.13-14](#)

² [AQ11.13](#)

104.157 The interview conducted by Don Mullan in 1998¹ added nothing material to the accounts that Michael Quinn had given in 1972.

¹ [AQ11.80-87](#)

104.158 In his written evidence to this Inquiry,¹ Michael Quinn described how he had been drenched by the water cannon in William Street.² He also recalled that a man he later learned was Jim Wray told him to take one end of the civil rights banner and go with him onto the waste ground north of William Street, which he did for about two minutes.³ Michael Quinn then gave a similar description to his 1972 accounts of how he moved over the rubble barricade and then decided to take shelter in Glenfada Park North.⁴ At this stage he gave a description of what appeared to be paramilitary activity, and of the man he saw fall in the south-west corner,⁵ matters to which we return later in this report.⁶

¹ [AQ11.19-79](#)

⁴ [AQ11.20-22](#)

² [AQ11.19-20](#)

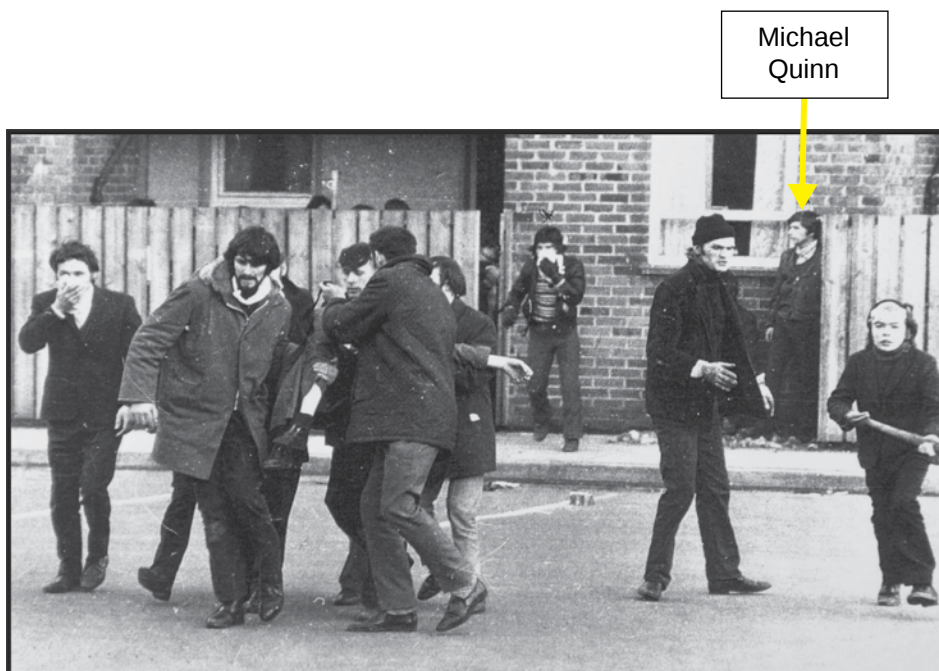
⁵ [AQ11.22-23](#)

³ [AQ11.20](#)

⁶ [Chapter 111](#)

104.159 Michael Quinn identified himself standing next to a fence on the eastern side of Glenfada Park North in the photograph below, which also shows the group carrying Michael Kelly across the car park.

¹ [AQ11.25-26](#)



104.160 He recorded in his written statement to this Inquiry that as those carrying Michael Kelly made their way towards the south-west corner, a crowd surged into Glenfada Park and he heard someone shout that the Army were coming in.¹ Michael Quinn decided to run for Abbey Park, and stated that he was not conscious of people around him as he did so.² He continued:³

“I must have been quite close to the exit in the southwest corner of Glenfada Park when I was shot in the face. I recall a raised footpath and then I felt a very hard thump in the face ... I had been running bent over and did not look back at all ... I do not recall hearing the shot that hit me and I did not at any stage as I was running look back and see any soldiers.”

¹ [AQ11.23](#)

³ [AQ11.23](#)

² [AQ11.23](#)

104.161 In his oral evidence to this Inquiry, he clarified that he had not reached the raised footpath by the time he was shot.¹

¹ [Day 169/88](#)

104.162 Michael Quinn also stated that he recalled that as he stumbled after being shot, he saw a man's head hitting the ground just in front of him. He recognised the man as the person who had held the NICRA banner with him and one of those who had been around the group carrying the body in Glenfada Park North.¹ Michael Quinn told us that he came to believe that this was Jim Wray, and we are satisfied that this identification is correct.

¹ AQ11.24

What Michael Quinn was doing when he was shot

104.163 As will have been seen, Michael Quinn has given consistent accounts of the circumstances in which he came to be shot on Bloody Sunday. In our view we can place reliance on those accounts. In summary, we accept that he was running for the alleyway into Abbey Park when he was shot in the face by a bullet that had probably first gone through the right shoulder of his windcheater; that he did not see who fired the bullet that hit him; that he saw Jim Wray fall; and that he then staggered on through the alleyway into Abbey Park. We are sure that Michael Quinn was not armed with any weapon on Bloody Sunday, nor behaving in a way that could lead anyone to believe that he was posing a threat of causing death or serious injury.

What happened to Michael Quinn after he was shot

104.164 Throughout his evidence Michael Quinn stated that after he was shot he stumbled but managed to run through the alleyway into Abbey Park.¹ He told this Inquiry that once there he was helped first by a man whom he did not know, and then by two school friends, Bernard McAnaney and Gerry Roddy.² His 1972 evidence was to similar effect.³ Michael Quinn was taken to Blucher Street (mistakenly transcribed as Butcher Street in some of his 1972 evidence), where he was treated by members of the Order of Malta Ambulance Corps, as is shown in several photographs taken at this time.⁴ He was driven by car to a first aid post at St Mary's School in the Creggan, and then by ambulance to Altnagelvin Hospital.⁵ We accept Michael Quinn's account of what he did and what happened to him after he was shot. We are also satisfied that Brendan Deehan assisted Michael Quinn by finding a car in which he could be taken to hospital and that Charles McLaughlin went with Michael Quinn in the car to the first aid post.⁶

¹ WT7.73; AQ11.8; AQ11.11-12; AQ11.13; AQ11.18; AQ11.24

² AQ11.24; Day 169/91-97

³ AQ11.8; WT7.73; AQ11.11-12; AQ11.18

⁴ WT7.73; AQ11.8; AQ11.12; AQ11.18; AQ11.24; AQ11.86-87; CS6.286

⁵ AQ11.8; AQ11.18; AQ11.24-25; AD20.11; Day 155/164-166; AM321.4-5; Day 177/90-92; ED50.4

⁶ AD20.11; AM321.4-5

Daniel Gillespie

Biographical details

104.165 Daniel Gillespie was 32 at the time of Bloody Sunday.¹ He was an unemployed steel erector.² He joined the civil rights march in William Street and subsequently made his way to Barrier 14.³ His later movements and the nature and extent of the wound that he received that day are discussed in detail below.

¹ AG34.6

³ AG34.6; AG34.18

² AG34.23; AG34.18

Medical evidence

104.166 There are no contemporary medical records relating to Daniel Gillespie. However, Dr Domhnall MacDermott told this Inquiry that he recalled treating “a boy”, whose name he did not know, for a minor head wound in a house somewhere in the general area of Lisfannon Park, Abbey Park and Glenfada Park, or possibly in Francis Street.¹ Dr MacDermott recalled that this casualty, who he thought might have been in his early twenties,² told him that he “*had been peeping around a wall and that he had seen a brick in the wall splinter when hit by a bullet and he assumed that a splinter of brick had hit him on the forehead*”.³ In his written statement to this Inquiry, Dr MacDermott recorded that he saw that his patient’s forehead had actually been grazed by a bullet.⁴ However, in his oral evidence, Dr MacDermott appeared to suggest that a fragment of masonry had injured the casualty.⁵ In any event, the wound was very small and Dr MacDermott was able to treat it, after cleaning, by using two strips of Elastoplast.⁶ Dr MacDermott did not give any evidence in 1972 of this incident, and understandably his recollections so many years later are not entirely clear.

¹ AM5.5

² Day 176/186

³ AM5.5

⁴ AM5.5

⁵ Day 176/184-186; Day 176/207-208

⁶ AM5.5

Where, when and how Daniel Gillespie was wounded

Accounts given by Daniel Gillespie

104.167 Daniel Gillespie did not make any statement in 1972, although he did speak to the *Sunday Times* Insight Team.¹ He was interviewed by the television production company Praxis Films Ltd in the early 1990s,² and by Paul Mahon³ and Don Mullan⁴ in 1998.

¹ AG34.17

³ X4.11.1-49

² AG34.18

⁴ AG34.23-32

104.168 Daniel Gillespie gave written and oral evidence to this Inquiry.¹ In his written statement he told us that he was in Rossville Street when the Army vehicles came in.² He told us that he recalled that he ran south, over the rubble barricade and into Glenfada Park North, where he saw the group of people carrying Michael Kelly.³ He said that he had no recollection of Michael Kelly being put down as he was carried across the car park and into Abbey Park.⁴ Daniel Gillespie said that he followed the group into Abbey Park and then returned to Glenfada Park North, at a time when there were not a lot of people in the alleyway, so that he easily got through and back again.⁵ He told us that after moving to the centre of the courtyard, he turned back and saw a group of boys coming through the south-west alleyway carrying broken flagstones that he assumed they intended to throw at the soldiers; and that he told the boys that live rounds had been fired and that they should go to a safe place.⁶ He stated that he turned towards Rossville Street and at that point noticed a paratrooper standing at the north-east corner of Glenfada Park North; and that the paratrooper had his gun at his shoulder and was pointing it at him.⁷

¹ AG34.6-11; Day 158/16-88; Day 159/162-168

⁵ Day 158/61-62; AG34.8

² AG34.7-8

⁶ AG34.8

³ AG34.7

⁷ AG34.8-9

⁴ Day 158/66-67

104.169 Daniel Gillespie stated in his written evidence that he started to run towards the entrance to Rossville Street, but as did so he heard a sharp “*crack*” and realised that he had been hit.¹ His oral evidence was that he did not in fact run before he was shot, but was standing facing the soldier.² He told us that he recalled that he fell forwards suffering from a head wound; and that on regaining his senses he saw that two of the boys he had spoken to had come to his aid. As they lifted him up there was another shot from the soldier at the northern end of Glenfada Park and the taller of the two boys groaned, apparently shot.³ In his oral evidence to this Inquiry, Daniel Gillespie said that he heard this shot, but he could not be sure that he saw it.⁴ His account was that this boy fell on him and pushed him back onto the ground.⁵ Daniel Gillespie stated that he pushed the

now still boy from his legs, got up and ran into Abbey Park and on to the Credit Union building.⁶ There he met Joe Moran and Michael Canavan.⁷ They assisted him back to his house in the area of Lisfannon Park, where he found his wife.⁸ Daniel Gillespie told us that he subsequently went to Vinny Coyle's house for medical treatment and that there a doctor and an Order of Malta Ambulance Corps member shaved his head so that the wound could be cleaned.⁹ He stated that he did not go to hospital, as he was frightened of being arrested if he did so.¹⁰

¹ AG34.9

² Day 158/46

³ AG34.9

⁴ Day 158/50-52

⁵ AG34.9

⁶ AG34.9

⁷ AG34.9

⁸ AG34.9

⁹ AG34.9-10

¹⁰ AG34.10

104.170 Peter Pringle of the *Sunday Times* Insight Team told this Inquiry that he assumed that he had interviewed Daniel Gillespie.¹ Having seen his handwritten notes² and a typed memorandum under his initials dated 6th April,³ we are satisfied that he did so. The memorandum recorded the following:⁴

“danny gillespie, 31, ... was shot in glenfada park a few feet from the alley way leading into abbey park. it may have been the same fusilade which hit friel. it was the first time soldiers had been seen in the park. he saw the soldier come into the opening in the nor'east corner. the one in front had a sterling and then there were two with slrs. one of these went down on one knee and fired two or three shots. he felt a bang on his head and started to bleed profusely. he carried on running a few steps and then stumbled in the alley way itself. he was not treated by any k.o.m. [Knight of Malta]. he went home and sprinkled antiseptic powder on it. was seen at the cable st. corner by canavan and others. there is no more than a small scratch on his head.”

¹ Day 190/37-38

² M68.149-150; Day 190/38-39

³ AG34.17

⁴ AG34.17

104.171 During his evidence to this Inquiry, Daniel Gillespie was asked about Peter Pringle's note.¹ Daniel Gillespie said that he had not made a statement to anyone;² that it was not possible that he was shot further over towards the alleyway leading into Abbey Park;³ that he was never conscious of a soldier with a Sterling gun;⁴ but that he did recall stumbling in the south-west alleyway.⁵

¹ AG34.17

² Day 158/55-56

³ Day 158/55

⁴ Day 158/56

⁵ Day 158/56

- 104.172** We are satisfied that the *Sunday Times* Insight Team did interview Daniel Gillespie and accurately recorded what he had told them.
- 104.173** In the early 1990s Daniel Gillespie gave an interview to Praxis Films Ltd.¹ According to the Praxis notes he had seen the soldiers get out of their vehicles in Rossville Street and had then moved past Glenfada Park North into Abbey Park. There he met three other men who were “*throwing stones at the soldiers*”. He moved with them back into Glenfada Park. As they ran in, the three men with him were ready to throw stones. As they entered the park, Daniel Gillespie saw a soldier at the “*other end*” of the courtyard. Daniel Gillespie was “*just running*” when this soldier shot him, the bullet hitting his head after coming off a wall. He was knocked unconscious, and when he awoke another man was lying across him. He was disoriented, but raised himself and stood against a wall for support. He noticed that two other men had been shot – one to his right, and one further away who was trying to raise himself. Two men then came to Daniel Gillespie and helped him away and then to his home.
- ¹ [AG34.18](#)
- 104.174** Daniel Gillespie told us that he remembered being interviewed by Praxis Films Ltd. He said, however, that he had not re-entered Glenfada Park North with youths carrying stones and he did not recollect the bullet that hit him first hitting a wall. He said he had not steadied himself against a wall after being shot, and that he had not noticed two other people near him who had also been shot.¹
- ¹ [Day 159/163-166](#)
- 104.175** We accept the evidence of Tony Stark of the Praxis team, that he recorded what Daniel Gillespie had told him.¹
- ¹ [Day 234/156](#)
- 104.176** Don Mullan interviewed Daniel Gillespie in August 1998.¹ Daniel Gillespie gave a similar, although less detailed account to the one contained in his written statement to this Inquiry.
- ¹ [AG34.23-32](#)
- 104.177** Paul Mahon also interviewed Daniel Gillespie, but we have found nothing of assistance in this interview.¹
- ¹ [X4.11.1-49](#)

Accounts given by other witnesses

- 104.178** The *Sunday Times* archive also contained what appears to be the transcript of an interview with Michael Canavan, the civil rights activist whom Daniel Gillespie recalled seeing shortly after he had been shot.¹ According to this document, Michael Canavan and two companions were at the top of the Old Bog Road (Fahan Street West), close to the Credit Union building when:²

“... this fellow rounded the corner with blood all over his face. And I recognised him. He was Daniel Gillespie and he lives beside Vinny Coyle. I had met him for the first time the previous day. I said ‘Daniel, what’s happening down there?’ And he said ‘There’s something terrible happening down there. Myself and three others were going round a corner and we met a soldier with a sten gun and he opened fire.’ And he said: ‘I dont know how I got up here.’ Then he said ‘Look at my head’. His head was split a short distance and blood was pouring out of it. And he said ‘Thats what you and your bloody well civil rights march get us, today.’ And I said ‘Well, I’m nothing to do with this. I’m only taking part in it like you.’ ‘But come on, let’s get you into the nearest house and well get it cleaned up and see how badly you’re wounded.’ So we went to the nearest house and the people just opened the door for us, and in a couple of minutes it was obvious that he had just been grazed by a bullet. And I said what happened to the other three boys? And he said I dont know I blacked out completely and I’ve forgotten what happened between then and the time I got up here.’ But he said ‘I think they were shot’. He had run up round from Abbey Park. He was off home round the corner after that, he was all right.”

¹ [KC4.1-8](#)

² [KC4.5](#)

- 104.179** Later in this interview Michael Canavan said that Joe Moran was one of the people with him.¹ As noted above, Daniel Gillespie has said that he did meet and was assisted by Michael Canavan and Joe Moran near the Credit Union building. Joe Moran is dead and Michael Canavan was too ill to give evidence to this Inquiry.

¹ [KC4.5](#)

- 104.180** Anthony Martin was 34 at the time of Bloody Sunday. In an article in the *Irish Times* dated 1st February 1972, the journalist Dick Grogan reported that Anthony Martin had said at a press conference that Daniel Gillespie received a scalp wound from a bullet from a low velocity weapon like a Sterling, when they were going to the aid of wounded people.¹

¹ [L115](#); [Day 176/126](#)

104.181 Anthony Martin also gave a NICRA statement¹ and was interviewed by Peter Pringle of the *Sunday Times* Insight Team, whose notes of the interview are dated 29th March 1972.²

¹ AM24.1

² AM24.3

104.182 In his NICRA statement Anthony Martin described (among other things) going from what appears to have been the area of Lisfannon Park to Abbey Park after men on the north side of Fahan Street West had shouted for help to take the wounded into cover. In this he recorded:¹

“We went to where the bodies were lying. There were four bodies. On reaching the nearest body, we lifted it and began to carry it to the cover of houses but gun-fire was directed upon us. We had to lower the body to the ground and squatted for cover. I could tell that these shots were low-velocity because they did not make the same noise as a high-velocity bullet on striking the wall.”

¹ AM24.2

104.183 He made no mention of Daniel Gillespie in this statement.

104.184 However, in Peter Pringle’s interview notes, Anthony Martin is recorded as saying that he went into the alleyway between Abbey Park and Glenfada Park and found a man lying there who he afterwards discovered was William McKinney. He said they picked this man up and took him to 7 Abbey Park. He then said that they went back to get a body that:¹

“... was lying on the little ramps on the edge of the pavement in glenfada park. as we went into the alleyway some others were carrying the body of joseph mahon (who was only injured) out of the park. there were soldiers in the park at the time and as we left the cover of the alleyway to get wray’s body we were fired on and the two bullets smacked into the wall ... just after the two shots had been fired the guy who was next to me held his head and blood started pouring out of a scalp wound right on the crown of his head. i know now that his name is gillespi [sic]. i said to him, fuck your head wound lets get this body in. we managed to get it out of the park and took it into the first house (No. 8) on the corner of abbey park.”

¹ AM24.5

104.185 In his evidence to this Inquiry, Anthony Martin gave various accounts of this incident. In his written evidence he suggested that the shots were fired at his group as they picked up the first casualty, William McKinney.¹ However, during his oral evidence he told us that

he recalled that William McKinney had already been moved by that stage, and that the shots were fired when they were attending to Joe Mahon.² He later accepted that he could be wrong on this matter. In response to what was in his NICRA statement, which recorded that he removed only one body from the area, he said that he had no control over the statement after it had been written down in longhand and read back to him, and seemed to us to be doubting its accuracy in its typed-up form.³

¹ [AM24.12](#)

³ [Day 176/97-98](#)

² [Day 176/84-86](#)

104.186 Anthony Martin identified himself as one of the men carrying the body of William McKinney, as shown in the photograph below.¹

¹ [AM24.12](#); [AM24.15](#)



104.187 Another photograph shows Joe Mahon being carried from Glenfada Park by two people – almost certainly Leo Day and Eddie Shiels. It is possible that Anthony Martin took over from one of these men, but there is no positive evidence from the film footage of the following moments that this was the case.¹

¹ [Vid 19 03.47](#)

104.188 Anthony Martin told this Inquiry that a soldier who had a pistol fired the shots. However, he was equivocal as to whether he actually saw this weapon, or assumed that it was a pistol either from the sound, or because only a limited amount of masonry was dislodged

from the wall that it struck, or because he saw a soldier in a kneeling position without a rifle.¹ He identified the general area where he said the bullets had struck (as shown in the photograph below).²

¹ AM24.12; Day 176/86-87; Day 176/111-112;
Day 176/126-128

² AM24.29; Day 176/95



104.189 Anthony Martin again referred to a man who he later learned was called Gillespie being hit on the head.¹ He said that he believed that he and Gillespie carried William McKinney into Abbey Park, and that he then returned to help with moving Joe Mahon and Jim Wray. He also said that he had the vague impression that a fourth body might have been present, possibly on the western side of the courtyard.²

¹ AM24.12; Day 176/88

² AM24.12; Day 176/85; Day 176/129-130; AM24.31

104.190 Daniel Gillespie stated to this Inquiry that Anthony Martin's accounts did not accurately reflect the incident in which he was injured, and that he (Daniel Gillespie) did not help in assisting the Glenfada Park casualties.¹

¹ Day 158/77-80

104.191 There are a number of other problems with Anthony Martin's accounts.

104.192 As already noted, there is no mention of the injury to Daniel Gillespie in Anthony Martin's NICRA statement.

104.193 The photographic evidence of the movement of Jim Wray and William McKinney established that they were moved at the same time, and that this was after Joe Mahon had been carried from Glenfada Park. Anthony Martin's evidence to the *Sunday Times* and to this Inquiry is inconsistent with this sequence, whereas his NICRA statement (in which there is no reference to Daniel Gillespie) is compatible.

104.194 There is no other evidence that any soldier fired a pistol in Glenfada Park North. In our view no soldier did fire a pistol in that area.

104.195 Daniel Gillespie does not appear to be shown in any of the relevant photographs or films carrying any of the Glenfada Park North casualties.¹

¹ [Paragraphs 108.103–115](#)

104.196 Most significantly, none of the other witnesses who have stated categorically that they helped to remove the casualties from Glenfada Park North have given evidence of a man being shot in the head as they did so. Most, or all, of the following people must either have missed this incident or have failed to recall it or to record it in any of their evidence if Anthony Martin is correct: Eibhlin Lafferty, Mary Lewis, Sean McDermott, Nell McCafferty, James McDaid, Patrick Kelly, John McLaughlin, Eddie Shiels, Greg Doherty, Thomas Heaney, Daniel McLaughlin, Susan Coyle, Leo Day and Don Campbell.¹ Daniel Gillespie would also have moved into Abbey Park without being caught on the photographs of Trevor McBride or the cine film taken by Michael Rodgers. In our view, had Daniel Gillespie been injured at this stage one or more of these witnesses would have been bound to see him. We return to the removal of the casualties from Glenfada Park North later in this report.²

¹ [AM17.1](#); [AL10.1](#); [AM188.1](#); [M54.1](#); [AM166.1](#); [AK21.1](#); [AM500.1](#); [AS16.1](#); [AD66.1](#); [AH56.1](#); [AM325.1](#); [AC86.1](#); [AD13.1](#); [AC8.1](#)

² [Chapter 108](#)

104.197 In these circumstances it seems to us that it would be unwise to rely on Anthony Martin's accounts of how Daniel Gillespie came to be injured.

104.198 At the same time we cannot accept what Daniel Gillespie told us or what he told Praxis Films Ltd, since it is inconsistent with a substantial body of evidence¹ as to what happened when the soldiers came into Glenfada Park North and first opened fire, as well as with what he told Peter Pringle of the *Sunday Times*. As to the account in the *Sunday Times*, this could be closer to the truth, though it is not wholly consistent with what Michael Canavan told the *Sunday Times* journalists; and both these accounts refer to a soldier with a Sten gun or a Sterling gun, which again is unsupported by any convincing evidence.

¹ Chapters 92, 97, 101 and 102

104.199 As will have been seen from the foregoing, on his own account to us, Daniel Gillespie was the first, or one of the first, to be shot, when he was in the centre of Glenfada Park North. According to Anthony Martin he was the last to be shot when close to the south-west corner. Daniel Gillespie's account to Praxis was that he was hit by a bullet coming off a wall after he had gone from Abbey Park into Glenfada Park North with three stone-throwers. According to Michael Canavan, Daniel Gillespie told him that he had been going round a corner with three others when they met a soldier with a Sten gun who opened fire. He told the *Sunday Times* that he was close to the south-west alleyway when one of three soldiers shot him.

104.200 It is also unclear whether, assuming Army gunfire caused his injury, Daniel Gillespie was hit directly by a bullet, by a bullet that had ricocheted off a wall or by a splinter of brick from a bullet hitting a wall. The last of these possibilities is supported only by the oral evidence of Dr MacDermott given long after the event and is inconsistent with 1972 evidence.

104.201 The one thread that does seem to run through all accounts (save that of Michael Canavan who does not say anything about where Daniel Gillespie was when he was injured) is that Daniel Gillespie was injured in Glenfada Park North as the result of Army gunfire. The only circumstances that could fit with the other evidence of what happened there is that Daniel Gillespie did receive a slight head injury when the soldiers first opened fire and then made his own way from the scene, meeting Michael Canavan a little later. Whether this is what happened, though, remains very much in doubt, and can only be categorised as a possibility. It is also in doubt whether, if the injury was the result of a gunshot, Daniel Gillespie was hit directly by a bullet or by a ricochet of a bullet that had struck the wall, or indeed (though this is unsupported by any 1972 evidence) by a splinter of brick from a shot hitting a wall.

104.202 We should record at this point that we have considered the NICRA statement of James McDonald,¹ the evidence of Michael McGinley,² that of Bernard Gillespie³ and the account John Carr gave to Paul Mahon.⁴ In our view this material provided no assistance in seeking to determine how Daniel Gillespie came to be injured.

¹ [AM195.1](#)

³ [AG32.4](#); [Day118/177-178](#)

² [AM240.3](#); [Day 91/70-72](#); [Day 91/78-81](#)

⁴ [X4.6.5-6](#); [X4.6.62](#)

Jim Wray

Biographical details and prior movements

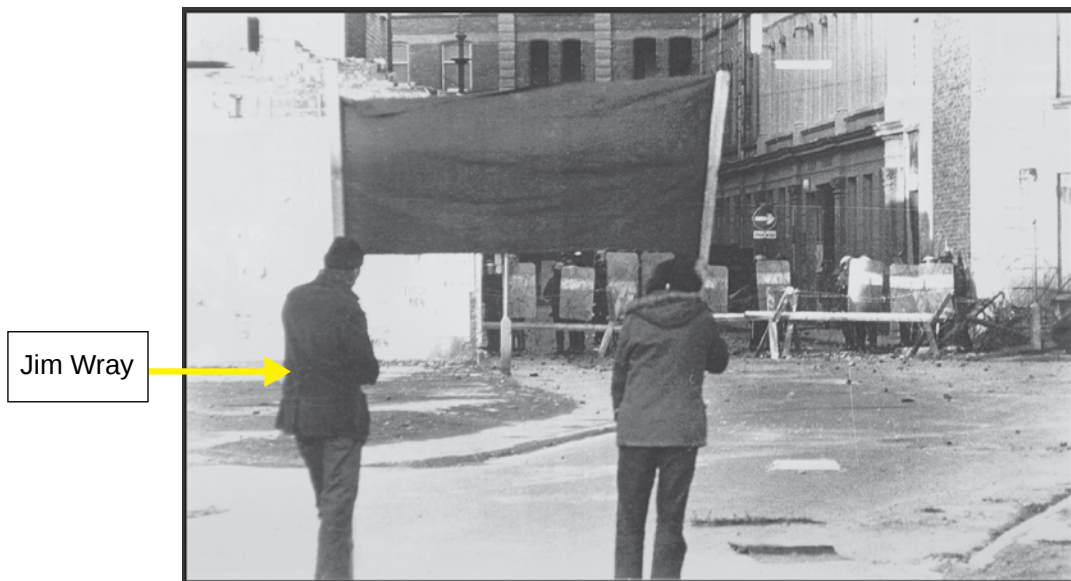
104.203 James Wray, commonly known as Jim, was 22 years old at the time of Bloody Sunday. He was engaged to be married, lived in the family home in Drumcliffe Avenue, Londonderry and worked as a refrigeration inspector.¹ On 30th January 1972 he went on the civil rights march with members of his family, and was present in William Street during the disturbances that followed the arrival of the crowd at Barriers 12 and 14.² Jim Wray is shown in photographs taken at this time, sitting cross-legged in William Street, and carrying the civil rights banner towards Barrier 12.

¹ [AW25.1](#); [D0226](#); [Day 49/25-27](#)

² [Day 49/25-27](#); [FS4.1-5](#)

Jim Wray





104.204 Jim Wray subsequently made his way to Glenfada Park North, where he was shot.

Where and when Jim Wray was shot

104.205 As we have already described, Jim Wray can be seen in three photographs close to the group carrying Michael Kelly across Glenfada Park North.





Jim Wray



Jim Wray

104.206 For reasons given earlier in this report,¹ we consider that Jim Wray probably stayed close to this group and did not return to the gable end on the eastern side of Glenfada Park North before making his way towards the alleyway into Abbey Park. As we also described earlier, Jim Wray was probably at the back of the group of people going towards and into the alleyway into Abbey Park, when he fell in the south-west corner of Glenfada Park

North. The legs of his body can be seen in the photograph taken by Trevor McBride. Although this photograph is shown earlier in this report, it is convenient to show it again here.

¹ Paragraph 103.3



Jim Wray

104.207 We are sure that Jim Wray was in the course of leaving Glenfada Park North through the south-west alleyway into Abbey Park when he fell. He was at the back of a group of people leaving through this alleyway and probably fell immediately after Joe Friel and Michael Quinn were shot in front of him. Seconds before these events, soldiers had come into Glenfada Park North from the north-east entrance.

104.208 There is no doubt, as appears from the medical and scientific evidence we discuss below, that Jim Wray was shot twice in the right side of his back. As we have already mentioned, whether he fell because he was shot and whether he was shot after he had fallen and was lying on the ground were matters of great controversy.

Medical and scientific evidence

104.209 The autopsy on Jim Wray was conducted by Dr Derek JL Carson, then the Deputy State Pathologist for Northern Ireland,¹ on 31st January at Altnagelvin Hospital.² Three other doctors and two RUC photographers were also present.³ The notes, reports and photographs from this autopsy have been considered by Dr Shepherd and

Mr O'Callaghan who were engaged by this Inquiry as independent experts on pathology and ballistics respectively. Dr Carson, Dr Shepherd and Mr O'Callaghan all gave written and oral evidence to this Inquiry; Dr Carson also appeared before the Widgery Inquiry.

¹ WT8.64; D0532

³ D0247

² D0247

104.210 The autopsy revealed two entrance wounds and two exit wounds.¹ In their report, Dr Shepherd and Mr O'Callaghan identified the respective wounds as "Wound 1" and "Wound 2" but emphasised that this was to assist description and did not imply the order in which the injuries were inflicted.²

¹ D0248-0249

² E2.33

104.211 **Wound 1:** The entry wound (a 0.7x0.5cm oval) was on the right side of the back, with its centre 4.5cm from the midline and 4cm below the scapula. The corresponding exit wound lay on the top back of the left shoulder, and was described in Dr Carson's autopsy notes as being "*elliptical ... 4 cm. x 2 cm. ... its long axis in the sagittal [vertical] plane ... bordered by an irregular zone of abrasion 2–3 mm. wide and it gaped widely exposing lacerated muscles in its depth*".¹ After inspecting photographs of this wound, Dr Shepherd and Mr O'Callaghan gave their opinion that it was caused by "*a bullet that was not 'nose on' at the time of exit*".² The exit wound of Wound 1 was higher than the entry wound.

¹ D0248

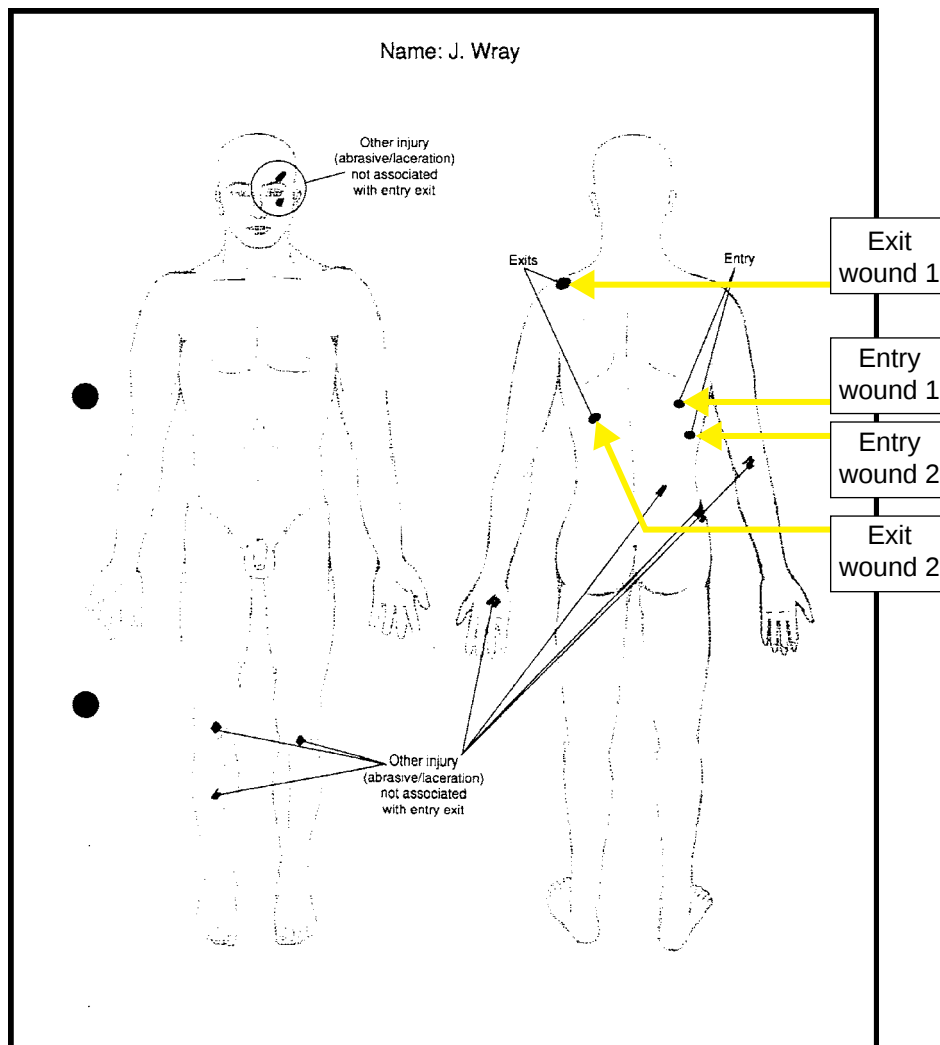
² E2.0034

104.212 **Wound 2:** The entry wound (which was circular and 0.7cm in diameter) was on the right side of the back 7cm below and 2.5cm to the right of entry wound 1. The exit wound (which was roughly circular and 1.1cm in diameter) lay over the left side of the back 14cm to the left of the midline and 5.5cm below the angle of the scapula.¹

¹ D0248-249; E2.34-35

104.213 We have examined the morgue photographs, but at the request of the Wray family we do not reproduce them in this report. However, Dr Shepherd and Mr O'Callaghan produced a diagram showing the position of the wounds.¹ That diagram is reproduced below with the addition of the identification of Wounds 1 and 2.

¹ E2.75



104.214 The internal injuries caused by the track of the two bullets were set out in Dr Shepherd's and Mr O'Callaghan's report. The bullets damaged some of Jim Wray's ribs and thoracic vertebrae.¹

¹ [E2.33](#); [E2.34](#)

104.215 In response to questions posed by the legal representatives of the Wray family, Dr Shepherd stated that it would be "*difficult to see*" how either of the bullets could have passed through Jim Wray's ribs and vertebrae in the way described in his report without damaging the spinal canal and spinal cord either through contact or the transmission of "*shock*" waves. He thought it "*most likely*" that either of these situations would have led to "*temporary or permanent damage to the spinal cord*", making it "*extremely likely that JAMES WRAY would have had, at least, decreased function in his legs after being struck by either of the bullets*". If he had been standing when he received either of the wounds then Dr Shepherd would have expected him to fall to the ground "*within a very few*

seconds". He did not expect these injuries to have affected Jim Wray's arms, but commented that it was "*not possible to state if and for how long JAMES WRAY might have been sufficiently conscious to be capable of voluntary movement*".¹

¹ [E18.1.4-E18.1.5](#)

- 104.216** During his oral evidence to this Inquiry, Dr Shepherd was asked whether each of the wounds would necessarily have proved fatal, or whether Jim Wray's life might have been saved by prompt medical treatment.¹ He replied:²

"The wounds were such that with – if I take medicine at 2002, there is a possibility that with advanced trauma support, helicopter ambulances and the like, that [Jim Wray's] life could have been saved. But in the circumstances then, with only the Knights of Malta and different approaches to casualties ... both of these wounds would ultimately have been fatal ... I believe that intervention in terms of 1972 standards of resuscitation at the scene of an accident [meant that] nothing could have been done; having received these injuries, either of these injuries, Mr Wray was going to die."

¹ [Day 229/69](#)

² [Day 229/70](#)

- 104.217** Jim Wray had a number of lacerations and abrasions to his face, back, right arm and legs.¹ One of these was a cut above his left eye, which Dr Shepherd and Mr O'Callaghan considered was typical of a blunt impact by or against a flat surface rather than a "*tangential*" contact with a bullet, ie a bullet graze, though they could not entirely discount that explanation.² Dr Carson also felt that this laceration did not appear to be a graze from a bullet, but again he could not exclude the possibility completely.³

¹ [D0249](#)

³ [Day 207/8](#)

² [E8.26](#)

- 104.218** As to the other lacerations and abrasions, apart from commenting that they were all typical of blunt trauma caused by contacts with the ground or other hard objects, Dr Shepherd and Mr O'Callaghan could not say whether or not they were caused by Jim Wray falling. Because the lacerations and abrasions were on various parts of the body (both back and front), these experts commented that it was impossible for them all to have been caused by a single, simple contact.¹

¹ [E8.27](#)

- 104.219** Dr John Martin, then the Principal Scientific Officer at the Department of Industrial and Forensic Science (DIFS) in Northern Ireland, conducted tests on the hands and clothing of each of those killed¹ in order to ascertain whether lead particles were present. In cases

where they were, he interpreted the results and gave his opinion as to whether these particles were from firearm discharge residues, which would indicate that the casualty had either been handling a weapon himself or had been close to someone else who fired.²

¹ D549

² WT9.7-10; D0549-0550; D0550.1; D0551

104.220 Dr Martin's 1972 notes recorded that lead particles were found on Jim Wray's clothing and his left hand. Dr Martin identified more than 45 particles on Jim Wray's jacket, some partially obscured by the presence of purple dye, and more than 60 lead particles on his trousers.¹ Dr Martin's conclusions were less clear concerning Jim Wray's left hand, but it appears that he identified one lead particle and "smears" on swabs taken from the web of the hand and further "smears" on swabs taken from the palm and back that he also interpreted as positive results.² He noted that there was "*not much particle definition (pb) [lead]*" on the web, and, in relation at least to the palm and possibly to the whole of the hand, that the "*smears maybe [sic] dye*".³ In his report to the Widgery Inquiry, Dr Martin, who did not mention the lead particles found on Jim Wray's trousers, concluded that "*The nature and distribution of lead particles on the hand swabs and clothing is similar to that produced by exposure to discharge gases from firearms*".⁴ He confirmed in his oral evidence in 1972 that he considered this to be a "*positive finding*".⁵

¹ D0236-237; D0239-240; E1.0030; E1.0074

⁴ D0235

² D0237; E1.0030; Day 226/102

⁵ WT9.15

³ D0237; Day 226/102

104.221 Dr John Lloyd was engaged by the present Inquiry as an expert scientific witness to consider, among other things, the significance that could be given to Dr Martin's tests and findings relating to the presence of possible firearms discharge residue on the bodies and clothing of the deceased. He criticised Dr Martin's general approach and methods and agreed that the overall distributions of the lead particles on all the deceased "*[did] not merely provide no support for the assumption that [the deceased] had been using firearms, but suggest that they had not*".¹ In Dr Lloyd's view those found to have lead particles on their bodies or clothes could have picked these up from a variety of sources other than proximity to discharged firearms.²

¹ Day 227/50

² E1.51; E1.0001-0114

104.222 In the case of Jim Wray, Dr Lloyd made a number of specific criticisms of Dr Martin's interpretation of the presence of particles. First, Dr Lloyd explained that if a casualty had been firing a weapon it would be expected, as a general rule, that the number of lead

particles would decrease with distance from the point at which the weapon was fired. Thus it would be reasonable to expect the greatest density close to the hands, and less on the jacket and trousers. In Jim Wray's case the opposite occurred.¹

¹ E1.32-33; E1.49; E1.74

- 104.223** Dr Lloyd also drew attention to the negative results returned for the presence of lead particles in the pockets of Jim Wray's jacket and jeans. These were significant, he argued, as a gunman might be expected to keep his weapon in a pocket at some point.¹

¹ E1.35; E1.49; Day 227/28; D238; D241

- 104.224** Dr Lloyd told us that "*In view of the erratic nature of particle deposition when a firearm is discharged, the presence of a single particle in a particular area cannot be reasonably claimed to represent a preferential deposition in that area.*"¹ During his oral evidence he explained that: "*One could describe a deposition as preferential if a substantial number of particles had been deposited and that one could see a distribution of particles over the hand. But where one can see only a single particle, it can hardly be described as a distribution, it could have occurred anywhere on the hand.*"² He agreed that a single particle found on the left hand might just as well have appeared on the right.³ Dr Lloyd also commented that the single particle found on Jim Wray's hand could have derived from his clothing or the incident that contaminated his clothing.⁴

¹ E1.38

³ Day 227/30-31

² Day 227/30-31

⁴ E1.0049

- 104.225** Dr Lloyd considered the general evidential basis of "smears" of particles as "*dubious*". In the case of Jim Wray he thought that Dr Martin was "*presumably... attributing the smears on his left palm to the purple dye that had been detected*",¹ rather than to possible handling of bullets or a rifle bolt. In his evidence to this Inquiry, Dr Martin accepted that it was possible that this interpretation was correct.²

¹ E1.38

² D607; Day 226/102-104

- 104.226** Dr Lloyd felt that there were far too many lead particles present on Jim Wray's clothes to be consistent with his presence as a bystander close to someone who was firing a weapon. Dr Martin's notes recorded the presence of more than a hundred lead particles on Jim Wray's jacket and trousers. Dr Lloyd would have expected a "*much lower*" figure if Jim Wray had been standing close to someone who was firing, perhaps in the order of ten or 20. It would, he said, be "*most unusual*" to see the figure rising to 60.¹

¹ Day 227/62-64

104.227 Dr Lloyd concluded that the distribution of lead particles found on Jim Wray's body and clothing was "*not consistent with Wray's use of a firearm or with his role as a bystander*".¹

¹ [E1.49](#); [Day 227/49-50](#)

104.228 In his written statement to this Inquiry, Dr Martin stated that "*After reviewing the file, I do not believe that the pattern of lead particle distribution is necessarily consistent with that produced by exposure to discharge gases from firearms*".¹

¹ [D608](#)

104.229 Dr Martin appeared to accept many of the criticisms made by Dr Lloyd of his approach and conclusions in relation to Jim Wray, regarding the significance of the density of particles on Jim Wray's trousers;¹ the smears found on Jim Wray's hand and clothing;² the interpretation of a single particle;³ the likelihood that Jim Wray was neither handling a weapon nor close to someone who was; and that the lead particles on his body and clothing were more likely to have been the result of contamination from external sources when his body was subsequently moved.⁴

¹ [Day 226/82-83](#)

³ [Day 226/86-88](#)

² [Day 226/102-104](#)

⁴ [Day 226/104-105](#)

104.230 We have no doubt of the correctness of the views expressed by Dr Lloyd, which were largely accepted by Dr Martin, in contrast to the latter's original reports and his evidence to the Widgery Inquiry. It follows that there is no acceptable scientific evidence to suggest that Jim Wray discharged a firearm on Bloody Sunday, or that he was near anyone else who fired.

104.231 Mr McSparran, counsel for the families, told the Widgery Inquiry that Jim Wray was right-handed.¹ Dr Martin's tests disclosed no evidence of lead particles on his right hand.²

¹ [WT9.33](#)

² [D0235](#); [D0237](#); [E1.00074](#)

104.232 Jim Wray's outer garments were examined for the presence of explosive residues, but none was detected. This alone does not demonstrate that he had not had contact with nail bombs or other such devices. The amount of explosive residues left on a surface can decline very rapidly to the point where detection is not possible, and, as the explosive core of a hand-held bomb is usually wrapped, it is possible that only a small amount of residue would have been deposited in the first place.¹ There is no record of any test for

explosive residues on Jim Wray's hands and it appears no swabs were received by DIFS for this purpose.² However, there has never been any positive evidence, including in the work done by DIFS, to suggest that Jim Wray had been handling explosives.

¹ [D0230-0233](#)

² [D0233](#)

What Jim Wray was doing when he was shot

104.233 It has not been suggested by the legal teams representing the surviving soldiers who fired in Glenfada Park North that Jim Wray was armed or in possession of nail or petrol bombs when he was shot.

104.234 Corporal E and Private G were not represented at this Inquiry, because they died before it began. However, other soldiers' representatives submitted that there was evidence to suggest "*that in fact James Wray was in possession of stones in Glenfada Park and part of a group preparing to attack soldiers when they entered*".¹

¹ [FR7.679](#)

104.235 This submission was based on the evidence of PIRA 25. The evidence that this witness gave related to a period before soldiers had even come into the Bogside and opened fire; and he was not certain of his identification of Jim Wray as one of those he had seen picking up stones and bottles in Glenfada Park North.¹ This evidence, as we have already indicated, provides no support for the suggestion that, at the time when people had been shot in Rossville Street and Michael Kelly was being carried across Glenfada Park North, Jim Wray (or indeed anyone else) was preparing to attack soldiers when they came into Glenfada Park North, as opposed to trying to take cover or escape.

¹ [Day 424/108-118](#); [Day 424/131](#); [Day 424/146](#)

104.236 In his written statement to this Inquiry, John McGee recalled that he walked through the alleyway from Abbey Park into Glenfada Park North after seeing a man lying on the ground in Abbey Park and came across two men lying on the ground. He recognised one as Jim Wray and the other as William McKinney. "*I believe Jim Wray may have been alive when I saw him; he may have moved his head ... While I was there I picked up either from Jim Wray's hands or from the ground very close beside him a small brown-handled steak knife and a couple of pebbles. I also picked up Jim Wray's watch which had come*

off.”¹ In his oral evidence, John McGee said that over the years he had lost the watch.² He also said that the knife and the pebbles were very small and that he did not know why he had picked them up.³

¹ AM223.2

³ Day 65/62

² Day 65/52-53

104.237 We have doubts about the correctness of John McGee’s recollection as regards Jim Wray. In our view it is very unlikely that this casualty was still alive at the stage when John McGee says that he went to him. There is nothing in his account that suggests to us that Jim Wray was preparing to attack soldiers when he fell.

104.238 There is no other evidence from any civilian source that Jim Wray was either preparing to attack soldiers if and when they came into Glenfada Park North, nor any scientific or medical evidence to suggest that he was or had been armed with any lethal weapon. On the contrary, we consider that the civilian evidence establishes that he was, with others, simply attempting to get out of Glenfada Park North through the alleyway into Abbey Park when he fell.

Whether Jim Wray was shot while he was on the ground

104.239 There is evidence to suggest that Jim Wray was shot at least once as he lay on the ground. This consists of eyewitness accounts given both at the time and in later years, and the interpretations of the wounds to Jim Wray’s body and the bullet damage to his clothing made by some, but not all, of the expert witnesses. This issue was one of the most controversial matters discussed during the course of the Inquiry, and while the representatives of Jim Wray’s family have consistently alleged that he was, as they put it, executed by being shot at close range while on the ground,¹ the representatives of the majority of represented soldiers deny that this was the case.² No soldier has ever admitted firing at a casualty lying on the ground in Glenfada Park North or anywhere else. The relevant arguments, and the surrounding evidence and analysis, are discussed in the following paragraphs.

¹ FS 4.179-180; FS 4.203-205

² FS 7.1924-1925

104.240 There is no evidence that Jim Wray fell, returned to his feet and fell again, and we are satisfied that he did not do so. This being the case, there are three possible explanations as to Jim Wray’s anatomical position when he received the two bullet wounds found on his body:

1. Jim Wray was shot twice before he fell to the ground.

2. Jim Wray was shot once before he fell to the ground and once after he had fallen.
3. Jim Wray was shot twice after he had fallen to the ground.

104.241 In order to establish which of these possibilities is the most likely, we first consider the medical and scientific evidence available to this Inquiry, and the interpretations placed upon it by the expert witnesses. In addition to assessing the arguments that directly support each of the possibilities described above, we have to consider a number of subsidiary questions that are relevant to this matter. These include the order in which Wound 1 and Wound 2 occurred, the interval between the shots, the range at which the shots were fired, and whether the shots were fired from the same weapon.

104.242 None of the expert witnesses who gave evidence to this Inquiry was of the opinion that the question of whether Jim Wray was shot on the ground could be answered by looking at the scientific and medical evidence alone. However, this does not mean that either these witnesses or we considered all interpretations to be equally valid or equally likely. On some aspects the scientific and medical evidence was so inconclusive that it was not useful to our assessment of this matter. On other aspects this evidence and its analysis helped us in our efforts to establish the circumstances in which Jim Wray was killed.

Expert evidence concerning the wounds and the clothing

104.243 Turning first to what can be learned solely from the wounds on Jim Wray's body, the most significant expert witnesses in this regard were Dr Carson, who performed the original autopsy, and Dr Shepherd and Mr O'Callaghan, who reviewed the reports, notes and photographs arising from the autopsy.

104.244 Dr Carson agreed with Dr Shepherd and Mr O'Callaghan that a number of issues concerning Jim Wray's wounds could not be resolved incontrovertibly on the medical evidence alone. These included the order in which the two wounds were inflicted,¹ the time that elapsed between the infliction of the two wounds, and whether or not the wounds were caused by bullets fired from the same weapon.³ Nonetheless, their interpretations of the wounds and subsequent explanations as to the most likely circumstances in which Jim Wray was shot differed significantly.

¹ Day 229/69; Day 230/92; Day 206/40; Day 206/47-48

³ E2.38; E8.17; Day 206/40; Day 206/47-48

² E2.38; Day 206/40; Day 206/47-48

- 104.245** In the original opinion that he gave on his autopsy findings, which was before the Widgery Inquiry, Dr Carson recorded that:¹

“The close proximity and appearance of the two entrance wounds strongly suggested that they were caused by two bullets fired from the same weapon, whilst the divergence in the exit wounds indicates some movement of the body between the first and second wounds. On this interpretation the interval between the shots must have been very brief ... It would thus seem likely that the lower of the two entrance wounds was caused first, by a bullet fired from the right of the deceased at near horizontal level, and that as he was falling to the left he was very quickly hit by another bullet, thus accounting for the divergent paths of the two missiles through the body.”

¹ [D253](#)

- 104.246** In other words, Dr Carson thought it likely that Jim Wray was on his feet when he was hit by a bullet that caused Wound 2. Very shortly afterwards and as he fell, he was hit again by a second bullet, which caused Wound 1. As is discussed below, Dr Carson told this Inquiry that he continued to think that this was the most likely explanation for Jim Wray’s injuries, although he accepted that other interpretations were possible.¹

¹ [D537](#); [Day 206/38-48](#)

- 104.247** In their evidence to this Inquiry,¹ Dr Shepherd and Mr O’Callaghan agreed that it was more likely that both shots were fired by one person, and by extension in quick succession and from the same weapon, rather than by two people. They pointed to the similar shallow angles at which the bullets struck the deceased, the closeness of the shots and the generally similar wound tracks in support of their opinion, although they emphasised that other explanations were also possible.²

¹ [E8.0017](#); [E2.0038](#)

² In a telephone conversation in March 2006, Dr Shepherd confirmed to the Inquiry that his view that the shots were likely to have been fired by one person meant that, in his opinion, they were fired in quick succession and from the same weapon.

- 104.248** Dr Shepherd and Mr O’Callaghan stressed that caution had to be exercised when examining wound tracks within a body in order to calculate from where the corresponding shot or shots had been fired. Once a bullet had entered a body it could change direction, for example after striking bone, and damage to internal organs might extend far outside the actual track of the bullet. As a result, it was not possible to draw a line between the

exit wound and the entrance wound and then extend it backwards in order to indicate the position of the firer. Indeed, “*often only the first few centimetres of the track will reflect the actual angle of impact*”.¹

¹ [E2.0009](#)

104.249 Bearing this in mind, they set out “*three broad propositions that would satisfy the angles of entry of these two bullets if, as we believe, the same individual fired both shots*”. They were:

“If James WRAY was vertical the shots must have been fired from below upwards, as if by someone lying on the ground.

If the firer was standing and the shots were fired horizontally James WRAY must have been bending forwards and the shots must have been fired from his right.

If James WRAY were lying on the ground the shots must have been fired from above and to his right as if by someone standing.

These are three possible variations of the relative positions of the firer and James WRAY, however, others will exist.”

¹ [E2.0038](#)

104.250 As we have seen, it was the view of Dr Carson that the second of these propositions was the most likely, namely that Jim Wray was shot once on his feet and then as he fell, with the first bullet coming from the right on a near horizontal level. In contrast, Dr Shepherd and Mr O’Callaghan felt that the nature of the exit wound at Jim Wray’s shoulder (Exit Wound 1) was such that it suggested that he was in contact with a firm surface, such as the ground, when he received this injury. The argument on this point revolved on the issue of the cause and extent of the “*shoring*” of this exit wound.

Shoring

104.251 Dr Shepherd and Mr O’Callaghan described shored wounds in their report to this Inquiry:¹

“If the skin is ‘reinforced’ or ‘shored’ by a firm surface as the bullet exits, the everted skin impacts the surface against which it is shored. The everted margin is abraded by the surface leaving a zone of abrasion. The zone of abrasion surrounding shored exit wounds can vary significantly in size and density. In some instances it may mimic the appearance of the abrasion ring of an entrance wound while on other occasions they will be large and diffuse.

Shored exit wounds can occur with a variety of surfaces and circumstances.

Individuals shot while sitting against a firm chair back or lying on the floor or against a wall may have shored exits. In some circumstances, particularly when the velocity of the bullet has been reduced by its passage through the body or for any other reason, even heavy clothing can present a sufficiently firm surface to produce a shored exit.

Generally speaking, if the bullet is travelling at high velocity and the surface against which the skin is shored is hard and unyielding, the zone of abrasion will be well defined. If, however, the velocity of the bullet has significantly diminished and the surface is less firm, the abrasion will be less well defined.”

¹ E2.8-9; Day 206/40-44

- 104.252** In the opinion of Dr Shepherd and Mr O’Callaghan the exit wound at Jim Wray’s shoulder (Exit Wound 1) had the appearance of a shored wound.¹ Dr Carson agreed with this assessment, and with the description of the shoring quoted above.² However, there was disagreement between Dr Shepherd and Mr O’Callaghan on the one hand, and Dr Carson on the other, as to the most likely cause of the shoring. We also considered a report by another pathologist, Dr Vincent Di Maio,³ who took a similar view to that of Dr Carson.

¹ E2.0034

² Day 206/42-45

³ Instructed by those representing the majority of represented soldiers.

- 104.253** Dr Carson told this Inquiry that he believed that the shoring of Exit Wound 1 could have been caused by the tightening of Jim Wray’s clothing as he fell to his left.¹ However, this was not the preferred explanation of Dr Shepherd and Mr O’Callaghan. The resulting debate was well summarised in the submissions of Counsel to the Inquiry, which with little amendment we set out below:²

44. Dr Shepherd and Mr O’Callaghan ... felt that it was more likely that the shoring to Exit Wound 1 was caused by Jim Wray being in close proximity to a hard surface. In their report they concluded:

“The exit wound from wound 1 ... is in our opinion a shored exit, which indicates that the left shoulder was in contact with a firm surface and/or his clothing was pulled tight at the time that the bullet exited from this site. We believe that the most likely explanation for this is that James WRAY lay on his left side on the ground when he suffered this wound.”³

45. In response to a question from the Treasury Solicitor, Dr Shepherd and Mr O’Callaghan explained further the grounds on which this conclusion was reached:

“1. The exit wound in the left shoulder is a ‘shored’ exit.

2. The 'standing' or 'bending' scenarios are extremely unlikely to result in sufficient tightening of the clothing and cannot result in outside pressure against the shoulder.

3. The 'lying' scenario can result in either or both of these effects.

4. In order to 'shore' an exit of the left shoulder it is therefore 'most likely' that James Wray was lying on his left side.

While the possible orientations of James Wray are infinite the orientation that allows for the tracks of the injuries and the shoring of the wound are limited and, based on the information available to us, we believe that lying on his left side is the most likely orientation.”⁴

Dr Shepherd confirmed that that still represented his view when he gave oral evidence.⁵

46. During his oral evidence to this Inquiry Dr Shepherd stated of their conclusion:

“[I]t is very much a subjective opinion based upon the size of the person within the jacket and how the jacket is being worn, but it was our interpretation, really summed up in [the answer given to the Treasury Solicitor’s written question], it is most likely we felt there had to be this additional shoring rather than simple tightness of the jacket through the position of the body within it.”⁶

47. During his oral evidence to this Inquiry, Dr Shepherd compared Exit Wound 1 on Jim Wray’s shoulder with the injury to William Nash’s back. He concluded that both were shored exit wounds, but he believed that in Mr Nash’s case, the shoring effect was due solely to the tightening of his clothes caused by the orientation of his body, and not by Mr Nash’s back being in contact with a hard surface. Dr Shepherd pointed out that Mr Nash’s wound was more “succulent” than Jim Wray’s,⁷ and hence the result of less pressure being applied to the surface of the skin as the bullet exited the body. As Jim Wray’s wound was the result of a “quantitative – or a qualitative difference in the type of shoring”,⁸ he continued to believe that it had occurred in a different way – ie through contact with a hard surface as set out above.⁹ Dr Shepherd and Mr O’Callaghan’s conclusions on Mr Nash can be found at E2.26-27,¹⁰ and Dr Shepherd’s oral evidence in relation to this case was given at Day 229/10-12;¹¹ ... Dr Shepherd explained the differences between these photographs [photographs of William Nash’s wound] and those of Jim Wray’s wound on Day 230.¹²

48. Dr Shepherd held to this opinion while being questioned by Peter Clarke QC [Counsel for the majority of the represented soldiers], stating that in his opinion (and that of Mr O’Callaghan) “the shoulder wound was such that it needed a little bit more than simple tightness of the clothing”.¹³ He added that this was a “subjective view”.¹⁴

49. Dr Shepherd gave further evidence on this subject the following day, when he stated that no “grading” of shored wounds had been developed in the literature on the subject.¹⁵

50. Dr Carson expressed his doubts about this theory, arguing that the position of Exit Wound 1 at the very top of Jim Wray’s back was such that it was unlikely that it could have been in contact with the ground at the time when the bullet exited.¹⁶ Dr Carson did accept that there was a greater possibility that the relevant area of the shoulder could have been pressed against a “vertical surface”, such as a kerb stone.¹⁷ The evidence does not suggest that Mr Wray’s body was pressed against a kerb stone.

51. Dr Shepherd answered this point by stating that in his opinion (and that of Mr O’Callaghan), the flesh around Exit Wound 1 need not have been pressed directly against a hard surface in order to obtain the shoring effect. A part of the body close to the exit wound could have been in contact with the ground and that could have caused the pulling of the clothing tightly across the site of the exit wound. That could produce the required pressure, which would be greater than that resulting from the tightening of clothes caused by Jim Wray falling from a standing position, and “any action ... when the clothing was fixed on the ground that would pull it tight, so any rotational action might tend to pull it tighter over the shoulder and increase the shoring”.¹⁸

(a) Dr Shepherd agreed with Dr Carson that if the area of the wound had been in contact with the hard surface then it was more easily explained by the suggestion that this was a vertical surface, such as a kerb stone.¹⁹ However, as is considered in the preceding paragraph, Dr Shepherd did not see this as necessary in order to explain the shoring of the wound.

(b) During his examination by Richard Harvey [Counsel for the Wray family], Dr Shepherd accepted that it was possible that the shoring of the wound could have been caused by Jim Wray lying prone against the pavement or courtyard while “struggling to get the left arm out from under himself and push himself up that way”.²⁰

52. Peter Clarke QC raised more than once the very limited experience that Dr Shepherd had with shored wounds caused by high velocity bullets.²¹ Dr Shepherd stated that such wounds were “something of a rarity” in the United Kingdom,²² and he had not seen such a wound in his personal examinations.²³ However, he had seen them demonstrated by other pathologists,²⁴ and low velocity shored wounds were “much more common”.²⁵ In general, he commented that:

“There is no huge body of evidence. I return to the word ‘subjective’. That is our opinion, that it is most likely that the injury to Mr Wray is caused in that way, but we have tried to be extremely careful, in this interpretation, not to be dogmatic because of the significance that we realise is attached to this particular exit wound.”²⁶

(a) Peter Clarke also questioned Mr O’Callaghan along similar lines. Mr O’Callaghan stated that he had seen “really very few” shored high velocity wounds, but he emphasised that the wound itself was of more concern to a pathologist than an expert on ballistics. He accepted that Jim Wray’s Exit Wound 1 could have been caused by clothing alone, but he did not alter the opinion that he and Dr Shepherd gave in their report, namely that it was more likely that it was caused by Jim Wray’s proximity to a hard surface.²⁷

...

3.5 Dr. Vincent Di Maio’s report to this Inquiry

78. Dr Vincent Di Maio provided a report to this Inquiry in which he reviewed Dr Shepherd’s evidence to this Inquiry in addition to the original autopsy notes relating to Jim Wray’s case.

79. Dr Di Maio did not disagree with the descriptions of the wounds provided by Dr Shepherd, and he accepted that Jim Wray could have received both wounds while on his feet bending over, while pitching forward, or while lying on the ground.²⁸

80. In relation to Wound 1, Dr Di Maio accepted that the wound was “shored” but characterised the shoring as “minimal”. He noted that this was a subjective term as he was not aware of any grading system for the degree of shored wounds.²⁹

81. Dr Di Maio noted that in cases where a shored exit wound was associated with a hard surface, “the exiting bullet may itself fragment, or fragment the impacted surface, creating secondary fragment wounds around the exit”. In Jim Wray’s case, there were no such secondary fragment wounds around Exit Wound 1.³⁰

82. After raising these two points, Dr Di Maio commented that:

“Two suggestions were made to explain the shoring. One was contact with a firm surface such as a curb. In my opinion, this is extremely unlikely due to the minimal degree of shoring in this case and absence of secondary fragment wounds. The second possibility, and the one I believe to be correct, is that the clothing was ‘pulled tight’ at the time the bullet exited the shoulder, shoring up the skin.

The suggestion is made in the testimony that the clothing was ‘pulled tight’ due to Mr. Wray lying on the ground. In actuality, this position of Mr. Wray is not necessary to explain the occurrence of the shoring. Mr. Wray was dressed in multiple (five) layers of clothing ... I have seen a number of cases of shoring associated only with multiple layers of clothing. In such cases the clothing is often pulled tight by the act of bending. The clothing in such cases reinforces the skin sufficiently so as to produce a shored exit. Therefore there is no necessity for Mr. Wray to have been lying on the ground when he incurred the shored exit. The act of bending over and running away or of pitching forward would be sufficient to tighten the clothing such as to produce a shored exit. In other words, there is no way one can say with certainty whether at the time he received the wound, Mr. Wray was bent over, pitching forward or already on the ground.”³¹

83. It might be felt that Dr Di Maio’s point relating to the secondary fragment wounds was answered by the evidence of Dr Shepherd, Mr O’Callaghan and Dr Lloyd to this Inquiry:

(a) It was not suggested that Jim Wray’s shoulder was pressed tight against a firm surface; but, instead, that he would have been lying on the ground but with his shoulder raised. It was therefore possible that a bullet exiting his shoulder could have struck the ground a small but significant distance from Jim Wray’s body.

(b) The fragmentation of any bullet depended on a number of factors, including the speed at which it left the body, the angle at which it hit any surface and the density of that surface. In the absence of evidence regarding all of these factors, it is not possible to predict with certainty whether or not any given bullet would fragment significantly.

84. While Dr Di Maio stated that secondary fragment wounds “may” result from the proximity of the casualty to a hard surface, his choice of auxiliary verb tacitly acknowledges that this need not be the case. The possible circumstances relating to Jim Wray’s death might be a prime example of an occasion when the absence of such wounds does not indicate that the casualty was upright when the bullet exited the body.

85. Dr Di Maio’s other argument – that the “minimal” shoring could have been caused by the tightening of the clothing without contact with the ground – is avowedly based on a subjective analysis of the extent of the shoring around the wound.

86. The conclusion of Dr Di Maio's report was that "there is no way one can say with certainty whether at the time he received the wound, Mr. Wray was bent over, pitching forward or already on the ground".³²

87. Despite that, it is reasonable to summarise Dr Di Maio's evidence as an assessment that Jim Wray was probably not lying on the ground when he received Wound 1. While he accepted that the other interpretation was possible, he did not feel that it was the most likely explanation. He based this opinion on a subjective view of a "minimal" level of shoring, which could have been caused by the tightening of Jim Wray's clothes alone, and the absence of secondary fragment wounds. His report did not indicate the weight that he attached to his two points.

88. Dr Shepherd's response to Dr Di Maio's report emphasised that he and Mr O'Callaghan had made a subjective judgement on Jim Wray's likely position when he received Wound 1. As was clear from his earlier evidence, he did not rule out other possibilities, including the two broad scenarios suggested by Dr Di Maio. In conclusion he argued that it was not possible to take the matter further through the pathology alone.³³

¹ Day 206/45-46

² CS6.352-356; CS6.367-370

³ E2.39

⁴ E8.16

⁵ Day 229/028

⁶ Day 229/30-31

⁷ Day 230/102-103

⁸ Day 229/30

⁹ Day 229/27-30

¹⁰ E2.26-27

¹¹ Day 229/10-12

¹² Day 230/102-103

¹³ Day 229/88

¹⁴ Day 229/88; Day 230/80-81; Day 229/88-89

¹⁵ Day 230/100-101

¹⁶ Day 206/46-47

¹⁷ Day 206/47

¹⁸ Day 229/31-32

¹⁹ Day 229/31

²⁰ Day 229/69

²¹ Day 229/71; Day 229/81-82; Day 230/103-104

²² Day 230/102

²³ Day 230/104

²⁴ Day 230/104

²⁵ Day 230/102

²⁶ Day 230/104

²⁷ Day 230/68-73

²⁸ E33.2-E33.3

²⁹ E33.2-E33.3

³⁰ E33.2

³¹ E33.2-E33.3

³² E33.3

³³ E33.4

104.254 On balance we prefer the views on the shoring of Exit Wound 1 expressed by Dr Shepherd and Mr O'Callaghan, though we should emphasise that those views do not in themselves establish that Jim Wray must have been shot at least once while he was on the ground.

- 104.255** We were particularly impressed by Dr Shepherd's comparison with the wound sustained by William Nash; and consider that Dr Di Maio's view (and possibly that of Dr Carson) was based in part on the absence of evidence of fragmentation of the bullet. For reasons given below, we do not accept that absence of evidence of fragmentation indicates that Jim Wray was unlikely to have been shot on the ground.

Fragmentation

- 104.256** Dr Carson raised a second objection to the possibility that Jim Wray was shot as he lay on the ground. He suggested that if this had occurred, the bullet would have fragmented on hitting the hard surface of the kerb with the result that the exit wound and adjacent clothing would have been likely to be contaminated with lead particles from the disintegrating bullet and possibly also with debris from the kerb.¹ He stated that he saw no evidence of fragmentation damage to the wound,² and there was nothing in Dr Martin's notes of his examination for lead particles to indicate the presence of any particles attributable to a fragmenting bullet.³

¹ Day 207/30-35

³ D240-241; Day 227/72-73

² Day 207/30

- 104.257** Dr Carson's point was based on the belief that Dr Shepherd and Mr O'Callaghan were suggesting that Jim Wray was shot while lying with his shoulder pressed to a kerb, and hence that this kerb would inevitably have been struck by the bullet as it left Jim Wray's body. Dr Lloyd told this Inquiry that had this been the situation he would have expected something approaching "*gross*" contamination around the exit hole in the jacket.¹ However, as is discussed above, Dr Shepherd's and Mr O'Callaghan's view was that the shoring of the shoulder wound need not have been caused by direct contact between the area of the exit wound and the kerb. On their hypothesis, it was possible for the wound to have been shored in the way that it was despite the presence of a gap between the point at which the bullet left Jim Wray's shoulder and the kerb or pavement below.²

¹ Day 227/69-73

² Day 230/71-72; Day 229/30-32

- 104.258** In these circumstances, Mr O'Callaghan suggested two reasons as to why the jacket would not be contaminated by a fragmenting bullet. First, the bullet might have been slowed in its path through Jim Wray's body and there was no certainty that it would have fragmented.¹ Second, even if the bullet had fragmented, the particles would have retained velocity and energy after the bullet struck a hard surface and hence they could have dispersed from the area without contaminating Jim Wray's jacket and wound. Because of

these factors, Mr O'Callaghan considered the possibility that Jim Wray's clothing would have contained fragments of the bullet that struck him as "*unlikely*" and "*a difficult one to envisage*", although he could not rule it out.²

¹ [Day 230/27-28](#)

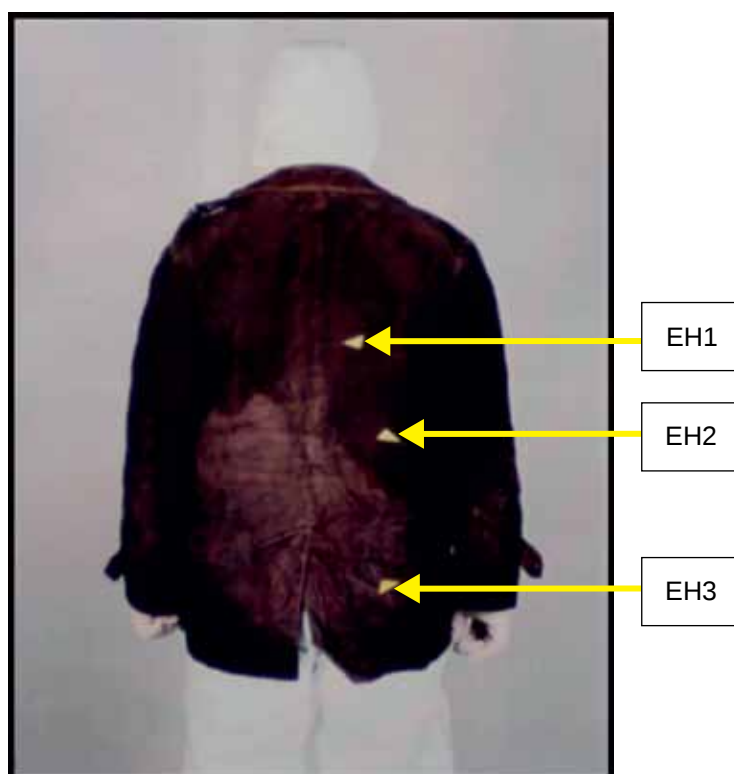
² [Day 230/28-29](#)

104.259 For the reasons given by Mr O'Callaghan we are not persuaded that there would have been evidence of bullet fragmentation on Jim Wray's clothing had he been shot while on the ground; nor (as Dr Di Maio suggested) secondary fragmentation wounds. It follows that in our view the absence of signs of fragmentation in relation to Exit Wound 1 does not indicate that this wound was unlikely to have been sustained while Jim Wray was lying on the ground.

Bullet damage to the clothing

104.260 Jim Wray's jacket was sent to DIFS on 2nd February 1972 for examination by Dr Martin and others.¹ It was subsequently returned to the Wray family, who preserved it and made it available to this Inquiry. Dr Shepherd and Mr O'Callaghan were asked to look at the jacket as well as the DIFS notes in the course of their work. They concluded that there appeared to be three bullet entry holes in the back of the jacket. These are marked EH1, EH2 and EH3 on the photograph below.

¹ [D235](#)



104.261 Dr Shepherd and Mr O'Callaghan considered that in the case of EH3, the bullet entered from the lining side of the jacket.¹

¹ [E2.37](#); [Day 230/32](#)

104.262 Dr Martin's notes record the presence of EH1 and EH2.¹ A reference to EH3 appears to have been crossed out on his drawing of the jacket,² and no further mention of it was made in his written notes or report.³

¹ [D238](#); [D239](#); [D235](#)

³ [E2.36](#); [D226-246](#)

² [D239](#)

104.263 Dr Martin tested all three holes for the presence of lead particles, but only EH1 returned a positive result. Dr Shepherd and Mr O'Callaghan commented that "*bullet wipe*", the deposit left by the passage of the bullet through clothing, was still visible at the lower right margin of this hole.¹

¹ [E2.36-37](#); [F4.19](#); [Day 230/13-14](#)

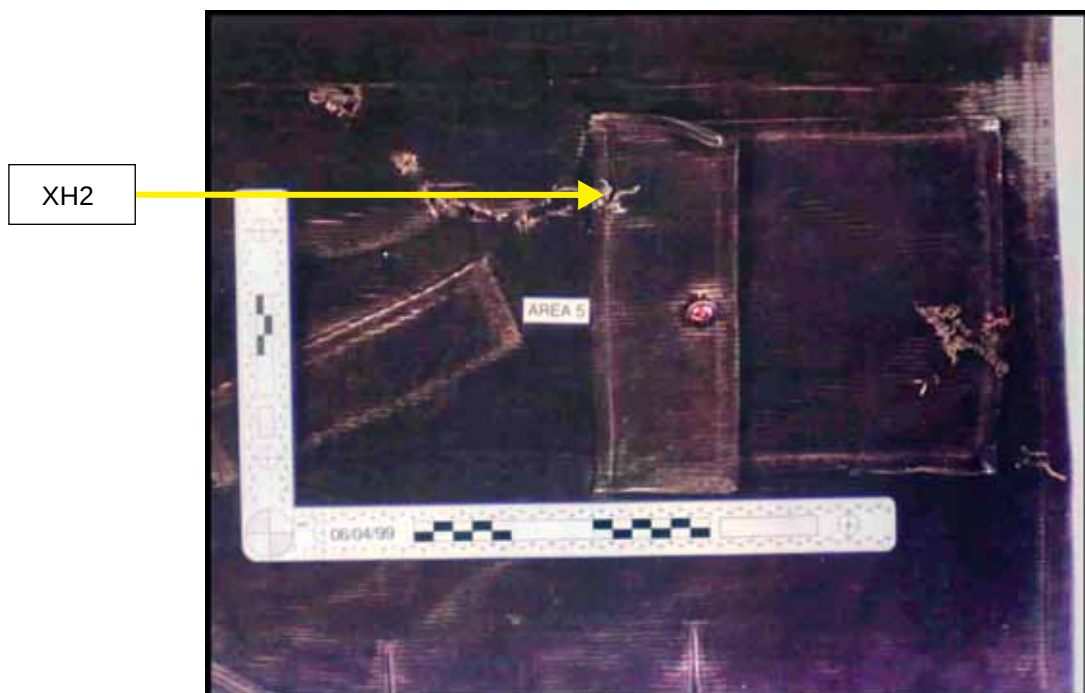
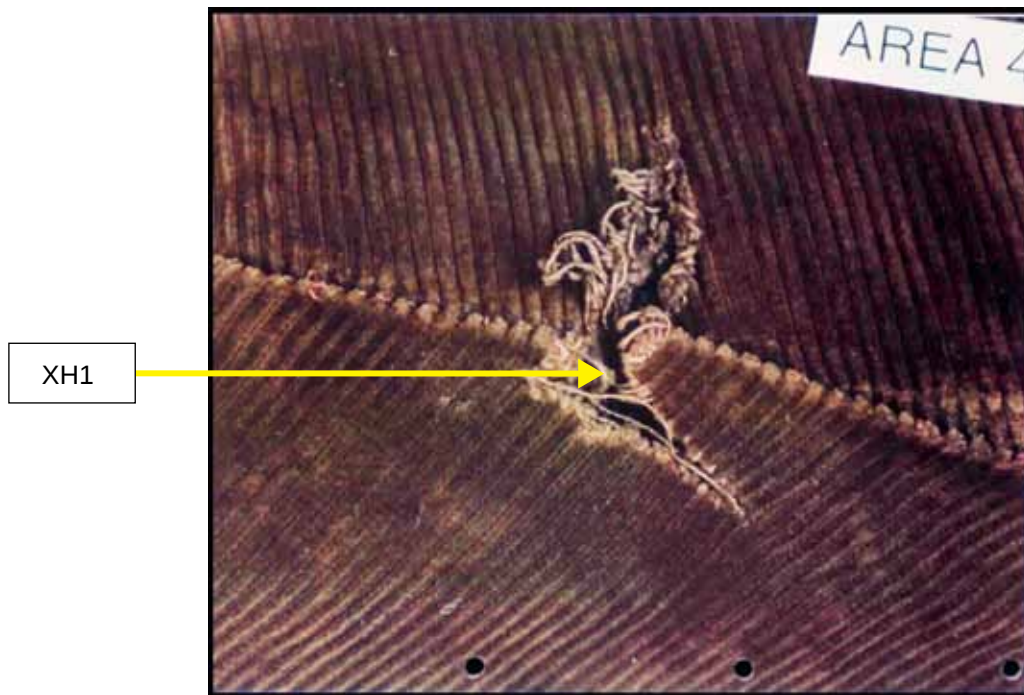
104.264 Dr Lloyd stated to this Inquiry that Dr Martin's notes indicated that he tested only the exterior surface of the jacket for lead.¹ Mr O'Callaghan attempted to conduct a further test on the lining of EH3, but due to the deterioration of the jacket over the years this was not possible. However, he did confirm that there was no visible bullet wipe around EH3.²

¹ [D238-D244](#); [Day 227/55-56](#)

² [Day 230/31-32](#)

104.265 There was further damage to the jacket at the seam on the left shoulder and also to the left side of the jacket including the side pocket. In both cases the lining of the jacket was far less extensively affected than the outer cloth, and there were no visible deposits from muzzle discharges.¹ The relevant areas are marked respectively XH1 and XH2 on the following photographs.

¹ [E2.37](#); [F4.1](#); [F4.3](#); [F4.21-27](#)



104.266 Dr Martin concluded that the damage was consistent with bullet exit.¹ Dr Shepherd and Mr O'Callaghan agreed that this was the most likely cause, though they accepted that there was a possibility that the damage marked XH2 might have been caused by a third bullet.²

¹ D235

² E8.26

104.267 Dr Shepherd and Mr O'Callaghan expressed their conclusions on the damage to Jim Wray's jacket, which we accept, as follows:¹

"There is little doubt that the top hole in the back of the jacket [EH1] is associated with the damage on the left shoulder [XH1] and that the middle hole [EH2] is associated with the damage to the left side [XH2]. The lowest hole [EH3] is more difficult to account for. It may be possible that a bullet passed through the jacket causing the lowest of the three holes but without inflicting an injury to the body. However, photographs taken of the deceased wearing the jacket on Bloody Sunday show that this hole would have been situated high on his right buttock. It is difficult to envisage how a bullet could have passed through the jacket at this site without causing an injury even if the deceased had been running and the jacket moving away from his body when shot.

We have concluded that the most likely explanation for the damage is that the bottom of both the left and right sides of the jacket were folded or crumpled up when the lower of two shots struck. This exposed the lining at the bottom of the right side of the jacket through which the bullet entered, causing holes in the underlying layers of outer cloth and lining beneath. As the bullet exited through the left side of the jacket it left relatively little damage to the lining, but cut through the folded outer cloth leaving a line of ragged damage approximately centered on the top of the pocket."

¹ [E2.37](#)

104.268 In other words, according to these experts the most likely explanation for the damage to the jacket is that two bullets hit Jim Wray. One entered the jacket at EH1 and exited around the shoulder at XH1. The other initially passed through the exposed lining of the jacket at EH3 while it was folded upwards. It then went through the outside of the jacket at EH2, before exiting on the left side where it caused the damage at XH2. The implication of this analysis is that the bullet that caused EH1 and XH1 also caused Wound 1, while a second bullet resulted in EH2, EH 3, XH2 and Wound 2.

104.269 Dr Shepherd and Mr O'Callaghan repeatedly stressed that the medical and scientific evidence did not allow them to establish a unique and exact theory regarding the orientation of Jim Wray's body at the time when he was shot.¹ However, they did provide two possible examples of how the jacket came to be crumpled in order to allow for the damage at EH2, EH3 and XH2.

¹ [E2.39](#); [Day 230/33-34](#); [Day 230/62-63](#); [Day 230/86-90](#)

- 104.270** Jim Wray could have been standing upright, but leaning forward from the waist, with the jacket folded up on his back and pushed forward at the sides, as shown in the following photograph.



- 104.271** Alternatively, Jim Wray could have been lying on his front, with the jacket folded on top of his back and pushed forward at the sides, as shown in the photograph below.¹ Mr O'Callaghan confirmed in his oral evidence that this photograph showed "*a person lying full length on the ground and slightly pushing himself up with his arms*" and that this was "*one particular position in which the damage can be reconciled with the position of the deceased*".²

¹ [Day 230/62-63](#)

² [Day 230/63](#)



104.272 Mr O’Callaghan commented that these were just two of “*a whole range of possibilities*” that could explain how the jacket came to be “*ruched up*” at the relevant time.¹ He also explained that the position of the model, Jim Wray’s nephew, James,² in the photograph directly above was intended “*to give the general relationship of [Jim Wray to] the jacket*” and was “*not, by any means, necessarily the position in which Jim Wray was, either when shot or indeed at any time*”.³ Dr Shepherd reiterated this point when he was recalled.⁴

¹ [Day 230/33-34](#); [Day 230/89](#)

³ [Day 230/88](#)

² [FS4.194](#)

⁴ [Day 230/94-96](#)

104.273 With these caveats in place, Mr O’Callaghan went on to say that:¹

“I think, as we said, there are variations which could account for the crumpling but, taking everything as a whole, this seems to be the more likely, taking, you know, the pathological aspects of it, together with the jacket, but it does not preclude the possibility that the jacket arrived in that position with the deceased in a different position.”

¹ [Day 230/89](#)

- 104.274** The Chairman asked Mr O'Callaghan, "*In your answer, you said, 'this seems to me the more likely'; what did you mean by 'this'?*". Mr O'Callaghan replied:¹

"That the deceased is actually on the ground when the – with the jacket crumpled rather than running. I suppose it is more common sense than anything to do with firearms expertise that the jacket, in this position, for both sides of the jacket to be up, the victim on the ground, the deceased on the ground seems more likely to me, but it is not an immutable opinion, by any means."

¹ [Day 230/90](#)

- 104.275** It is important to note that Mr O'Callaghan's opinion in this regard relates solely to the damage to the jacket at EH2, EH3 and XH2 and therefore only to Wound 2, the lower of the two injuries to Jim Wray's body. In itself, this opinion does not relate in any way to Wound 1 (which resulted in the shored exit wound at Jim Wray's shoulder), or the corresponding damage to the jacket at EH1 and XH1.
- 104.276** As Mr O'Callaghan himself indicated, his view on this matter was based more on common sense than his expertise. While respecting this view, we remain unpersuaded that it amounts on its own to a firm basis for concluding that Wound 2 was sustained when Jim Wray was on the ground.

The range of the shots

- 104.277** In his evidence to this Inquiry, Mr O'Callaghan explained that a visible deposit of lead and burned propellant might be left on the outer surface of a target shot at a range of less than 1m.¹ In the case of Jim Wray, there is nothing in Dr Martin's 1972 notes to indicate the presence of such a deposit, and his diagrams of the jacket are accompanied by the comment "*no sign of close range*".² Mr O'Callaghan told this Inquiry that there was nothing in the material that he had examined to contradict this opinion, and, on the basis that Dr Martin had made a thorough examination and noted the presence of any relevant deposits, he concluded that there was no evidence that Jim Wray was shot from a distance of less than 1m.³ We accept Mr O'Callaghan's evidence on this point.

¹ [E2.0012; Day 229/15-16](#)

³ [Day 230/34-36](#)

² [D239; F23.6](#)

- 104.278** In his 1972 notes Dr Martin also recorded that Jim Wray had been shot from a distance of more than 30 feet.¹ This finding appears to be based on the absence of contamination by muzzle discharge residues, which, unlike discharge residues from the breech of a weapon, are indicative of firing from a relatively close range. Dr Martin told this Inquiry

that through the results of his tests in 1972 he was able to ascertain the difference between discharge from the muzzle and that from the breech in shots fired at a range of between zero and 12 feet, and that there was only a “negligible” possibility of contamination from muzzle discharge when the range was greater than 30 feet. However, he also stated that at a range of between 12 and 30 feet it was possible to mistake muzzle discharge for that emanating from the breech.² Hence, on his own logic, it would be possible for an observer looking at a target struck from a range of between 12 and 30 feet to misidentify muzzle discharge as breech discharge, and then to conclude that as no muzzle discharge was present then the shot must have been fired from a distance of more than 30 feet. Dr Shepherd and Mr O’Callaghan noted that Dr Martin had inexplicably failed to report that residues apparently emanating from a breech could equally have come from a muzzle fired 12–30 feet away. They also recorded that Dr Martin’s descriptions of the particles did not clearly indicate the size of the particles, and that it was not clear how Dr Martin had used these descriptions to interpret the nature of the residues.³ They concluded that in the cases of all but one of the known victims of Bloody Sunday, the only potentially reliable finding that could be drawn was that the apparent absence of a visible deposit from muzzle discharge on the deceased’s clothing or skin indicated that the shots were fired from a distance of probably no less than a metre.⁴ Mr O’Callaghan confirmed in his evidence to this Inquiry that this conclusion applied in the case of Jim Wray,⁵ and we accept his evidence on this point.

¹ F23.6; D239

² D604; Day 226/60-67

³ E2.0012-0013

⁴ E2.0013. The exception was Gerard McKinney, whose clothes were washed at the hospital prior to examination.

⁵ Day 230/35-36

104.279 We return below to the scientific and medical evidence on the question of whether Jim Wray was shot at very close range, albeit one of greater than a metre.

Summary of the medical and scientific evidence on whether Jim Wray was shot on the ground

104.280 The expert witnesses who gave evidence to this Inquiry agreed that there was no way of establishing from the medical and scientific evidence alone Jim Wray’s precise anatomical position when he was shot, which of the shots struck him first, the time that elapsed between the two shots, and whether or not Jim Wray was standing, falling or lying on the ground when either wound was inflicted. However, the following paragraphs set out the explanations that each of the relevant experts considered to be the most likely.

104.281 Dr Shepherd and Mr O'Callaghan thought that the following scenario was the most persuasive:

- a) that the two bullets that struck Jim Wray were fired from the same weapon, from the same position and in quick succession;
- b) that Wound 1, because of the nature of the shoring of the exit wound, was caused when Jim Wray was on his left-hand side on the ground;
- c) that Wound 2, because of the bullet damage to the jacket, was also caused when Jim Wray was on the ground; and
- d) that there was insufficient evidence to indicate which of Wounds 1 and 2 was the first to be sustained.

104.282 In contrast, Dr Carson, supported in part by Dr Di Maio, considered the most likely explanation for Jim Wray's wounds to be as follows:

- a) that Jim Wray was shot by two bullets fired from the same weapon, from the same position and in quick succession;
- b) that the shoring to the exit wound at Jim Wray's left shoulder was more likely to be caused by a tightening of the clothes as Jim Wray fell, rather than by Jim Wray being in contact with the ground. Dr Di Maio agreed with Dr Carson on this point; and
- c) that, because of the proximity and similar appearance of the entrance wounds and the divergent tracks and exit wounds, and the probable cause of the shoring of the shoulder wound, the lower wound, Wound 2, was inflicted first when Jim Wray was upright and the upper wound, Wound 1, was caused by a bullet striking Jim Wray as he fell to his left.

Professor Keith Simpson

104.283 Professor Keith Simpson, in 1972 Professor of Forensic Medicine at the University of London and a Home Office pathologist, reviewed the medical evidence available to the Widgery Inquiry and gave evidence on it to that Inquiry. In relation to Jim Wray, Professor Simpson stated that it was not possible to comment on whether the two bullet wounds to his body were caused by the same weapon in the absence of the bullets themselves.¹ However, his view was that the entry wounds were consistent with those caused by a round from a 7.62mm NATO rifle.² Professor Simpson thought that the upper of the entry

wounds to Jim Wray's body (Wound 1) might have been caused by a bullet that had been destabilised in flight, but he explained that the deflection need only have been slight and could have been caused by Jim Wray's own clothing.³ He described the direction of fire as being from right to left.⁴

¹ WT9.39; D0630

³ WT9.39; D0627

² WT9.39

⁴ WT9.40

104.284 On the question of whether Jim Wray was shot while standing or while on the ground, Professor Simpson stated that he could not tell whether he was erect, lying down, raising himself from a prone position, or falling from a raised position.¹ Professor Simpson also commented that he could not assist as to whether it was more likely that Jim Wray was standing when the bullet entered his body.²

¹ WT9.40; WT9.51

² WT9.43

104.285 When asked about one of the bullet tracks (Wound 2), Professor Simpson agreed it "*went through from right to left with an inclination upwards at about 15 degrees to the horizontal plane*".¹

¹ WT9.43

104.286 We return to Professor Simpson's evidence below, when we consider the question of whether the position of Jim Wray's body on the ground assists in determining whether he was shot after he had fallen.

104.287 Professor Simpson was not asked about, nor did he comment upon, the points raised by the witnesses to this Inquiry concerning the shoring of Jim Wray's shoulder wound, the significance of possible bullet fragmentation, the range at which Jim Wray was shot and the bullet damage to his jacket. However, his testimony reinforces our view that the scientific and medical evidence alone does not enable us to form a conclusion on the matter under consideration. As Dr Shepherd commented when discussing the question of shoring, "*any final conclusions concerning the position of James Wray when he received this injury will now depend on an assessment of any eye witness accounts that are available to the Inquiry*".¹

¹ E33.4

104.288 We accordingly turn to consider the civilian evidence on this question.

The civilian evidence

104.289 We turn first to look at the evidence of the eight civilians who gave accounts in 1972 that could be said to show that Jim Wray was shot as he lay on the ground. They are: Malachy Coyle, John Porter, Michael Wilson, Susan and Betty Coyle, Bridget and William O'Reilly, and Gerald Campbell. We then consider later evidence given by these witnesses before assessing what reliance we can place on their accounts.

Malachy Coyle

104.290 Malachy Coyle gave a NICRA statement that was dated 1st February 1972. In this he was described as a 14-year-old schoolboy.¹ As we have noted above, shortly before the soldiers opened fire in Glenfada Park North he had been pulled to cover in a yard in Glenfada Park North. In his NICRA account, Malachy Coyle recorded:²

"We hid behind a dustbin and looked out to see if we could see the army. I could see three unarmed men lying on the ground in Glenfada Park. One of the men had his left eyebrow shot away. He was lying face down on the ground.

I made a move towards this man but the man in the yard with me pulled me back. We then tried to get into this house, but the man said we should not as the door of the back yard was open and the army would be able to see us. We looked towards the wounded men on the ground and the man with the eye wound looked up at us and exchanged a few words with the man in the yard with me. I heard another shot coming from the direction of the soldiers and I then knew that the man had been shot again in the back of the left-hand shoulder. He gave a groan and I could then see that the man was dead."

¹ [AC97.20](#). Malachy Coyle told us when he gave evidence to this Inquiry that he was in fact 16 at the time of Bloody Sunday ([AC97.1](#)).

² [AC97.20](#)

John Porter

104.291 John Porter, a Quartermaster Sergeant in the Irish Army who was 33 at the time of Bloody Sunday,¹ gave a long Keville interview.² We have already considered some of the evidence of this witness in our examination of Sector 1. In his Keville interview he gave an account of the rioting in William Street, firing in the Rossville Street area, events, including a shot, in the Columbcille Court area and people running from Glenfada Park North. He then described going into 8 Abbey Park:³

“I looked out the window and I saw a man running towards the front of Glenfada Park running towards er – from the Rossville Street area. I could just seen the corner of the flats from the house I was in, saw the man running and the next thing I saw was er – your man falling. In my opinion this man was shot from the walls behind the flats to the right of – right of Butcher Gate.”

¹ AP11.1; WT8.44

³ AP11.26

² AP11.26-28

104.292 John Porter continued by saying that two paratroopers appeared. *“I saw the front paratrooper come up and aim and fire two shots ... These shots would be directed towards the corner of Rossville Street flats and the Free Derry Corner. Er – the next thing I saw was a second paratrooper and another paratrooper appeared and he fired one shot. Er – these two paratroopers went to advance forward...”*¹ These paratroopers then arrested a group of people *“standing behind the flats”* including a woman in a green coat who protested and was kicked. He then said that he ran out of the door towards *“a man seemingly shot in the arm”* who had fallen and cut his right eye or his left eyebrow on the edge of the path, but as he was about *“half way between the man and the flats there was a volley of shots rang out. I knew by the noise of the bullets that the bullets – the bullets had hit the wall just between me and the man and I assumed that the idea was to keep people from getting out on to the Court to lift the wounded men. Er – I learned later that there were two other men round the corner. One of them was dead and the second man was wounded.”*²

¹ AP11.26

² AP11.26

104.293 John Porter then stated that he ran back but this time went into 7 Abbey Park. He then described incidents which (as appears later in this report¹) took place in Abbey Park, after which he said:²

“I saw the man lying on the ground that I had tried to rescue earlier on, rise up again with his head and all off the ground and I saw the clothes on his back jump up and I knew that he had been shot at close range by a rifle er – but I saw the smoke at the back of his clothes. The next thing a Paratrooper came out behind the man about four yards across the way and then I went out and helped men to carry this man into the house and er – one of the shots was in his arm where I later – earlier said it was and the cut was above his eye and one of the bullets was in his lower right side and this bullet’s sitting probably in his body but er – the other shots that they fired at close range entered his left side and came out of his right shoulder blade ... There was no doubt in my mind that the Paratrooper shot a wounded man on the ground.”

¹ [Chapters 106, 107 and 108](#)

² [AP11.27-28](#)

104.294 It appears that this Keville interview was edited and transcribed by NICRA and dated 31st January 1972,¹ but that transcription contains some material inaccuracies, to which we refer below. The quotations that we have set out above come from our own transcription of the interview, with the inaccuracies corrected.

¹ [AP11.18](#)

104.295 John Porter’s signed NICRA statement was dated 1st February 1972.¹ Having given his recollection of earlier events, John Porter stated that he moved from Columbcille Court in the direction of Glenfada Park North:²

“... I only got as far as 8³ Glenfada Park when I heard people shouting and squealing ‘there’s the army. There’s the Saracens.’ I stopped and looked to my left and saw a group of people running through an arch in front of me. A young man in the group wearing a blue suit had an injury and lacerations to the side of his head. I then turned to run and a woman shouted ‘Mister, quick come in here.’ I ran in the door and she said ‘Close the door.’ I kept the door slightly open and looked through the slip-way between the houses in front of me. I saw a young man falling and as he fell he hit his head on the sidewalk. I then heard a volley of shots. I closed the door and went to the window. I told the people in the house that a man was injured. I went back to the door and opened it. I looked towards the injured man. His head was raised up looking towards me and I saw a cut above his left eye. He tried to raise himself up but failed

and then I saw blood on his wrist. I said to the people in the house, 'My God, there's a man who has been shot.' I ran out the door towards the man and saw a group of men standing in the same area. As I was running I saw one of the men make an effort to go towards the injured man. I then heard three bullets hitting the wall between myself and the injured man. The last was a ricoche. I turned immediately and the men at the corner scattered. I ran back to No. 7 and closed the door. I then went to the window and looked out to my left and saw an elderly man lying face up on the ground. He was not moving. I returned to the door and heard someone shout 'Get a first aid man, this man has had a heart attack or something.' I then saw a young man run from the right towards the man waving a white handkerchief. He stopped between the corner and the man and shouted 'Don't shoot, don't shoot!' The next I saw he was knocked off his feet onto the ground. I then saw a girl run from the same place. She was wearing a white coat with a red cross on it. When she arrived at the corner she stumbled and fell. A crowd of approx. 15 people came forward with their hands raised. Some were waving white handkerchiefs. When the group arrived at the corner a number of shots rang out and some squatted down and some lay down. They immediately scattered again. Then I looked back towards the first man who had fallen. I saw a paratrooper appear followed by a second. They took up aimed positions. The first fired two shots and the second one shot. These shots were aimed and elevated. They then moved forward a few yards and noticed a group of people sheparding together. The paratroopers then pointed their rifles in their direction and signaled for the people to move off. I then saw a paratrooper kick one of the people. When the group moved off a woman wearing a green coat remained. She seemed to protest and was perturbed. She moved and the paratrooper stepped to her right rear. I then saw the paratrooper kick the woman. Two more paras arrived followed by a third. This para. turned and followed the group. I then saw the first para. of the second group fire four shots from the hip position and fanned the rifle as he did so. The second para, almost at the same time fired two shots from chest high. They then moved out of my range of view. I again told the people of the house about the man I had seen fall earlier, and told them he was definitely shot. They wanted me to keep away from the window so I moved to an angled position so as to still observe the man lying on the ground. I saw a paratrooper move from the right side of the man to his left. He moved back to the right and crossed again. He was small, dark complexion and could have been wearing a moustache. That was the last I saw of this para.

I still did not go outside because I knew the second para was still there. I moved to the centre of the window and still observed the man I had tried to rescue. I then saw him lift his head off the ground and I said 'That man's not dead yet. He's still alive.' I then saw the back of the man's coat jump up twice about 4 or 5 inches in the air and I said, 'Good God, that man's must been shot twice in the back at close range.' I saw some smoke rise from where he'd been shot. A few seconds afterwards I saw the second para. move out to clear view. Thats the last I saw of that para. He was of light complexion and appeared to have blond type hair.

We waited a few minutes and the area became completely silent. Myself and a few men rushed out of the houses towards this man. We lifted him and carried him back towards the house. When we carried the first man into the house before, we lay him face down and while some tended to him I said, 'What about an Act of Contrition.' We lifted his shirt up and he had a bullet wound on his right lower back and also one on his left lower back. As we pulled his shirt further up I noticed the long triangular shape laceration on his left shoulder. He was still wearing all of his clothes but they were pulled up so we could see his back. Some blood was coming from the wound on his left lower back. I put my handkerchief over the wound to stop the blood flow and a man began to wrap a large wide bandage round his body. I then said that the man would have a wound in his lower right/left arm and I stood up and left the house.

I then got worried and moved off towards Eglington Terrace. On the way a shot rang out and I looked round towards the area of Free Derry Corner and the City Walls and as I did so more shots rang out from the Walls. I then turned towards the houses again and when I arrived I found out that there were five men in the houses who had been shot. I went into No. 7 where a man was being tended by a doctor. Knights of Malta First Aid men were also present."

¹ [AP11.1-3](#)

² [AP11.1-3](#)

³ Examination of the original handwritten version of the statement would suggest that the "8" in the typed version was a typographical error; the number does not appear in the handwritten version. However, John Porter also gave an interview to Kathleen Keville. In the transcript of that interview, he does identify the house as number 8 Glenfada Park ([AP11.25](#)).

104.296 John Porter gave written and oral evidence to the Widgery Inquiry.¹

¹ [AP11.16-17](#); [WT8.44-55](#)

- 104.297** In his written statement for the Widgery Inquiry, John Porter, after giving an account of events in the Columbcille Court area and what he said he saw from the north-west corner of Glenfada Park looking across the waste ground on the far side of Rossville Street, then stated:¹

"I then moved to the outside of 8 Abbey Park. I then saw five people running towards me through the slipway out of Glenfada Park and a boy at the front had blood around his right eye. He was wearing a blue suit and had long dark hair. I was then called into 8 Abbey Park. I then saw a young man with auburn hair run towards the slipway in Glenfada Park. He stumbled and fell at the corner of Glenfada Park and remained there. He raised his head and I noticed that he had blood on his left hand and on the left eyebrow. I ran towards him but as I approached there was further rifle fire which struck number 19 Glenfada Park and seemed to come from the north eastern corner. I ran back to Abbey Park and went into Number 7 and noticed a young man running from the direction of Fahan Street. I then noticed an older man lying on his back between the corner of Glenfada Park and Abbey Park."

¹ AP11.16

- 104.298** John Porter then gave an account of hearing a shot, seeing this young man fall in the same area as the older man, and hearing other shots and seeing soldiers threatening a group of people.¹ He continued:²

"I then looked at the man I had tried to rescue. He raised his head. I then noticed his green/brown corduroy jacket rise at the back twice and I realized he had been shot again. I didn't see who fired but I saw two puffs of smoke and I think he was shot at from the southern side of Glenfada Park. He then lay still. I then saw a paratrooper move across Glenfada Park behind him. The firing ceased and I then went to the man I had tried to rescue. He was still alive but unconscious and I then helped to carry him to number eight Abbey Park. I noticed a graze wound above his left wrist and on the knuckle of the left index finger. His shirt was bloody. There were two entry wounds on the left and right side of the small of his back. I noticed a jagged exit wound on his left shoulder about 1¼" long and about ¼" thick."

¹ AP11.16-17

² AP11.17

- 104.299** John Porter gave a similar account in his oral evidence to the Widgery Inquiry.¹ He said that the man was lying flat when he saw the bullets strike his body and that the bullet that struck him first *"was the one that entered the left side of his back"* and that *"The second bullet, looking at the strike and seeing his jacket move, it was lower, towards the right,*

lower down his back".² He told the Widgery Inquiry that he had army experience of bullets striking the area of the butts when he was in charge of a butt parade (ie in charge of shooting practice).³ He also told the Widgery Inquiry that when the body had been taken to the house, he looked at it to see where the wounds were.⁴ He said he found wounds to match the places where he saw the strikes occur.⁵

¹ WT8.44-55

⁴ WT8.52

² WT8.52

⁵ WT8.52-53

³ WT8.52

104.300 John Porter also told the Widgery Inquiry that when he saw Jim Wray fall at first he did not think he had been shot, but had stumbled and fallen.¹ He was then asked, "*Did you think then he was shot or did you come to the conclusion afterwards that he was not?*". John Porter answered, "*Not until I saw him trying to get up off the ground*". The next question was of a leading character and was "*Wray was only shot when he was standing up?*", to which the answer was "*That I couldn't say*".²

¹ WT8.54

² WT8.54

104.301 We should note that John Porter also gave a deposition dated 21st August 1973 for the coroner's inquest into the death of (among others) Jim Wray. In this he stated that when the shootings started he moved to Glenfada Park and eventually entered the doorway of No. 8 Abbey Park:

"I was able to see the alleyway at Glenfada Park and saw a man run through the park for a few steps and fall a few feet from the corner of the flats. There was shooting going on in the background. There was a group of people standing at the corner but none made any effort to assist. I ran to lift him for he lifted his head to me. I noticed blood coming from the corner of his left eye and at the left side of his left hand. I saw his jacket jump up in the air twice, four or five inches. At that instance I realised that this young man had been struck by two bullets in the small of the back. I also saw what I took to be two puffs of gas or smoke as from a rifle in the direction just behind where the man had been shot in the back. When I got to him he was still conscious. I carried him to No. 8 Abbey Park. I subsequently learned that the name of the man was James Joseph Wray."

¹ AP11.23

104.302 The *Sunday Times* Insight Team attributed a map to John Porter, though there is no record of him giving any statement or interview to the *Sunday Times*.¹ There is another Insight Team map² which does not indicate the source of the information, but in our view neither takes the matter any further.

¹ [AP11.22](#)

² [AP11.21](#)

Michael Wilson

104.303 Michael Wilson, then aged 40, gave a Keville interview (the NICRA transcription of which was dated 30th January 1972¹) in which he recorded that he ran into Columbcille Court and “*me and another boy went into a small backyard*”.² He continued:

“... we were pinned down there and some wee lad, some lad, was a man actually about 25 or so, threw himself on the ground at the kerb and I said to him, ‘sonny, come in here out of the road’ he says ‘I can’t move, they have me pinned down’. Just as that – he was shot in the back. About five minutes after that five or six paratroopers came into, in the cul-de-sac and they called on anybody to come out with their hands up. So we – we came out with our hands up and there was five or six other ones came out from behind cars with their hands up and there was a crowd sitting round the corner at the gable end of the flats...”

¹ [AW18.6](#)

² [AW18.12](#)

104.304 Although Michael Wilson described himself as being in Columbcille Court, his description of seeing soldiers come forward and arrest people and of the crowd sitting round the corner of the gable end is consistent only with him in fact being in Glenfada Park North. We discuss those arrests later in this report.¹

¹ [Chapter 113](#)

Susan and Betty Coyle

104.305 Susan Coyle gave a NICRA statement on 3rd February 1972. It was counter-signed by her daughter Betty.¹ Betty Coyle added no detail to her mother’s evidence, but stated that she had witnessed everything that was contained in her mother’s statement.²

¹ [AC86.1-2](#)

² [AC86.2](#)

104.306 Susan Coyle recorded in the statement that she and her daughter were in their home, which was in the eastern block of Glenfada Park North, when she saw people shot at the rubble barricade.¹ According to this account she subsequently watched as soldiers threw

bodies from the barricade into a nearby “*Saracen*”; and then became aware of events in Glenfada Park North.² The chronological problems raised by the sequence of the events described in her evidence are discussed below. She continued:³

“I then heard shooting at the back of my house; my daughter went to the kitchen and from the kitchen window she saw three bodies lying in front of the three pensioner’s houses in Glenfada Park. I went into the kitchen and I also saw the bodies. Just then there was another shot also from the army, at the same time one of the bodies shuddered as though struck by a bullet. There was no other people present in this part of Glenfada Park at the time.”

¹ AC86.1

³ AC86.1

² AC86.1

Bridget O’Reilly

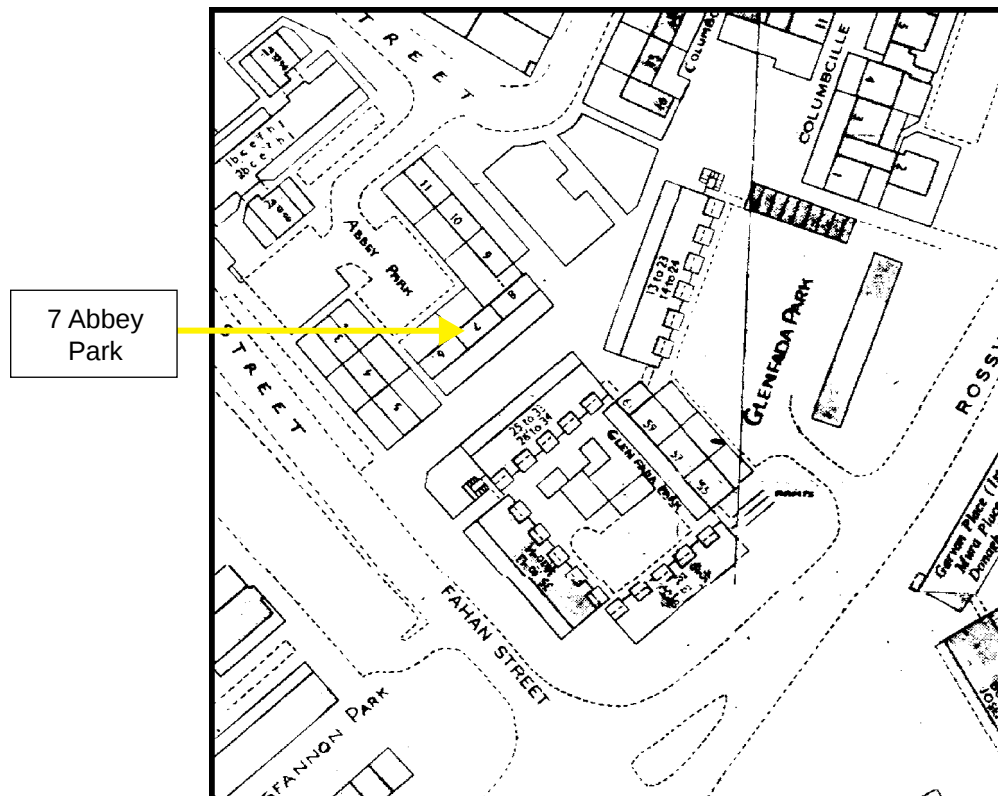
104.307 Bridget O’Reilly gave a NICRA statement¹ in which she recorded that she was at her home in 7 Abbey Park, shown on the map below, when she first heard shooting. She crawled to and opened her front door, and called for people to come inside. She went on:²

“The firing ceased for a few minutes and I went to the window and saw the legs of a man lying outside. There were five or six people across from him and a youth lying in Glenfada Park. The shooting started again. The boys across the street had their hands above their heads. A man stepped over a low wall to reach the man who was lying down. He had his hands above his head.

At this point I saw the man lying in Glenfada Park raise himself from the ground. I saw a soldier run up to [him] and shoot him again. He fell in the road again. This same soldier then fired at the man who had stepped over the wall and this man fell.”

¹ AO66.9

² AO66.9



104.308 We should note here that in her evidence to this Inquiry, Bridget O'Reilly told us that she did not see a soldier fire at Jim Wray. We consider that evidence below.

William O'Reilly

104.309 Bridget O'Reilly's husband, William O'Reilly, who was 40 at the time of Bloody Sunday, also gave a NICRA statement in which he described running to his house, 7 Abbey Park, with others after he had heard shooting.¹ He said that from there he saw the following incident:²

"I went to my front window and I saw a youth fall at Glenfada Park – his head was on the kerb and his body on the street. He moved slightly and just as I was going out to him more shots rang out, the youths body jerked and lay still."

¹ AO69.7

² AO69.7

- 104.310** William O'Reilly also gave written and oral evidence to the Widgery Inquiry. In his written statement he recorded that:¹

"I was looking out of my front window on the ground floor. I do not know the exact time, but I had heard two lots of shooting. During the second lot of shooting I saw 13 or 14 people come running out [of the alleyway leading from Glenfada Park North to Abbey Park] ... The last one to run out suddenly fell down. He fell heavily and his head hit the ground first. He lay with his head on the flagstones and his body on the tarmac.

He was later taken to No. 8 Abbey Park, my neighbour's house, and I now know his name was Wray."

¹ [AO69.24](#)

- 104.311** We should note here that in William O'Reilly's account to Paul Mahon, he said that he did not actually see the man fall. We consider that evidence below.¹

¹ [X4.33.43](#)

- 104.312** In his oral evidence to the Widgery Inquiry,¹ William O'Reilly stated that he could hear general shooting at the time at which Jim Wray fell, but he was unable to associate a specific shot with the incident and he accepted that Jim Wray might just have tripped and fallen at that stage.

¹ [WT7.3](#)

- 104.313** There was then the following exchange between William O'Reilly and counsel acting for the families:¹

"Q. When he was on the ground, after he had fallen, did you see his body move at all at any time?

A. He lifted his head and tried to look round, you know.

LORD WIDGERY: I think you were indicating that he moved his head around?

A. Yes. He was trying to look round.

Mr. HILL: He raised his head from the ground and moved it around, looking about him, is that correct?

A. Yes.

Q. After that, what else, if anything, did you notice about him?

A. I was going to run down like, to get him up, and the body gave a jerk.

Q. Was that a sudden sort of twitch?

A. Yes, it was.

Q. Were you able to see with your own eyes what caused that sudden twitch in Wray's body?

A. No.

Q. But after this twitch, did he then fall again from the slightly raised position to the ground?

A. His head just went down again.

Q. His head had been raised?

A. Yes, he was moving about his head.

Q. And after the twitch did his head fall to the ground?

A. Yes.

Q. Did he then remain lifeless?

A. I did not see him move after.

Q. You did not see him move at all after that?

A. No.

Q. So after the body twitched his head fell to the ground, and he remained perfectly motionless after that, is that so?

A. Yes.

Q. You did not see any weapon of any sort in Wray's hand, is that right?

A. No, I didn't."

¹ WT7.3-4

- 104.314** Counsel for the Ministry of Defence asked William O'Reilly whether he had mentioned in his written statement anything about the man's body jerking:¹

"Q. In your statement – I don't know if you can answer this – to the Tribunal did you mention anything about the body jerking when Mr. Wray lay on the floor?

LORD WIDGERY: The answer is 'No'.

MR. GIBBENS: In your mind, and this is the object of the answer, isn't it, in your mind it must have been that while lying on the ground the body jerked because the boy was deliberately shot when he was lying flat and motionless?

A. That is right.

Q. And killed by that shot?

A. He was not killed.

Q. Whereas he may only have tripped up till that moment, he then jerked and lay lifeless, according to your evidence?

A. Yes.

Q. Did you believe at that moment that he was dead?

A. Yes.

Q. Because of the second shot?

A. Yes.

Q. Why didn't you mention it when the Tribunal's solicitor, who enquired into this matter, took a statement from you? All you mentioned was the fall, which may have been due to a trip, in your opinion. Why didn't you mention the shot that killed him?

A. I didn't see a shot kill him."

¹ WT7.5

- 104.315** William O'Reilly also gave a deposition dated 21st August 1973 for the coroner's inquest into the death of (among others killed on Bloody Sunday) Jim Wray. In this he described being in his house when he heard two sets of shooting. During the second he saw a group of about 13 people run through the alleyway between Glenfada Park and Abbey Park. As he watched he saw the last person, who he subsequently learned was

Jim Wray, fall flat, with his head on the footpath and his body on the tarmac. In this statement William O'Reilly made no mention of seeing this person's body flinch or jerk on the ground.¹

¹ AO69.34

Gerald Campbell

104.316 Gerald Campbell, a nephew of William O'Reilly who was 18 at the time of Bloody Sunday, was also present in 7 Abbey Park when shooting broke out in Glenfada Park North.¹ In an undated Keville interview, he gave the following account:²

"Er – I got into an uncle of mine's house and we were standing at the window. Me, him and another uncle and his wife. And there was a man a fella lying, lying between an opening already shot and he lifted his head up for somebody to help him. We were going to go out and lift him but another shot hit him in the side and the position he was lying, the only place it could have come from would have been Derry walls. While he was lying – well we thought he was dead then, but he seemed to lift his head again."

¹ AC13.1-2; AC13.9

² AC13.9

Assessment of the evidence given in 1972 and 1973

104.317 The first matter to consider is whether from the civilian accounts given in 1972 and 1973 we can conclude that the witnesses were speaking of Jim Wray.

104.318 So far as Malachy Coyle is concerned we are sure that the man he described as having "*his left eyebrow shot away*" was Jim Wray. The medical evidence established that Jim Wray had a laceration above his left eye and a bullet wound in the area of his left shoulder.

104.319 On the face of it, the descriptions given by John Porter of the man falling and lying on the ground appear to us to be of Jim Wray. However, those representing the majority of the represented soldiers submitted that John Porter confused Jim Wray with William McKinney. We consider this submission below.

104.320 In our view the man William O'Reilly saw was Jim Wray. He told the Widgery Inquiry and the Coroner that he had learned that this was the casualty's name and the position that he described corresponds with the photograph taken by Trevor McBride.^{1,2} William

O'Reilly also stated to the Widgery Inquiry that the man in question was taken to 8 Abbey Park, which is where Jim Wray was carried in the aftermath of the shooting incidents, as we describe later in this part of the report.

¹ M53.2

² Paragraph 104.206

104.321 Bridget O'Reilly described herself as watching events from 7 Abbey Park and seeing a man lying in Glenfada Park. From that position we consider that she would not have been able to see the other two casualties lying further to the east, so in our view she was describing Jim Wray, who we know from Trevor McBride's photograph¹ was much closer to the entrance to the alleyway than the other two casualties. We take the same view of Gerald Campbell, whose description of seeing from 7 Abbey Park someone already shot lying between an opening is again to our minds consistent with Trevor McBride's photograph.

¹ Paragraph 104.206

104.322 On its own, Michael Wilson's 1972 account does not identify the person whom he described being shot. The same can be said of the 1972 accounts of Susan and Betty Coyle. However, considering their evidence in the light of the accounts of those who we are satisfied did identify Jim Wray, we are of the view that they were probably describing the same casualty.

104.323 We now turn to consider the weight of the evidence given in 1972 and 1973, before considering whether later evidence reinforces or undermines what was said then about the shooting of Jim Wray. Since the medical evidence establishes that he was shot twice, our consideration of this point necessarily encompasses further questions, in particular whether he was shot twice while on the ground, or whether he fell because he had been shot and was then shot again.

104.324 With the exception of John Porter, none of the witnesses who gave evidence in 1972 and 1973 of seeing a man shot as he lay on the ground explicitly stated that they saw the casualty hit twice while prone. Malachy Coyle, Susan and Betty Coyle and Gerald Campbell indicated in their statements and interviews that only one shot struck the fallen man. The 1972 accounts of Michael Wilson and William and Bridget O'Reilly are in terms that are insufficiently precise to allow an unambiguous interpretation of their evidence on this point.

104.325 As to John Porter, in his Keville interview he gave his opinion that the man he saw “*falling*” had been shot and at the end of this interview that there was no doubt that the paratrooper had shot “*a wounded man on the ground*”.¹ He did not say in that interview that he saw the clothes on the person’s back jump up twice, but merely that “*I saw the clothes on his back jump up and I knew that he had been shot at close range by a rifle*” and though this is what he then did record in his NICRA statement,² he had earlier in this statement recorded that after the man fell (and before this incident of the clothes jumping) he saw him trying and failing to raise himself and thus had shouted to the people in the house “*My God, there’s a man who has been shot*”. John Porter also appears to have told the Widgery Inquiry that although he had at first thought that when the person fell he had stumbled rather than been shot, he had changed his mind when he saw the person trying to get up off the ground.³

¹ AP11.26-28

³ WT8.44

² AP11.1-3

104.326 As we have said, there is no doubt from the medical and scientific evidence that Jim Wray’s body was struck by only two bullets. John Porter’s account, taken as a whole, was to the effect that he believed that Jim Wray was shot as he was running and then twice when he was on the ground, ie three times in all. Thus his account cannot be wholly correct.

104.327 The other evidence under discussion does not directly assist much in deciding whether or not Jim Wray was shot before he fell. Malachy Coyle seems to have thought that Jim Wray had sustained a bullet wound to his left eyebrow. Michael Wilson described Jim Wray as throwing himself down at the kerb. Susan and Betty Coyle saw only the bodies on the ground. Bridget O’Reilly saw only the legs of the man and said nothing about seeing him fall, so her account of the man being shot “*again*” would appear to be only an assumption on her part. William O’Reilly said only that he saw a man fall, something that, as will be seen, he later retracted. Gerald Campbell described only a man lying on the ground.

104.328 Apart from the question of whether Jim Wray was shot twice while on the ground, John Porter’s evidence of witnessing Jim Wray being shot on the ground does not stand alone. He was with or close to William and Bridget O’Reilly and Gerald Campbell, who were at 7 Abbey Park. William O’Reilly said he saw the youth move slightly and just as he was going out to him more shots rang out and the “*youth’s body jerked and lay still*”.¹ Bridget O’Reilly said she saw the man in Glenfada Park raise himself from the ground and a soldier then run up to him and “*shoot him again*”,² though as appears from her evidence

to us (which we consider below) she told us that she did not in fact see this soldier. Gerald Campbell said that he saw a “fella” lying at an opening lift his head before being shot from the side.³

¹ AO69.7

³ AC13.8; AC13.9

² AO66.9

104.329 Malachy Coyle was close enough to Jim Wray to overhear a conversation between the man who was with him and Jim Wray. Malachy Coyle said that he “*heard another shot coming from the direction of the soldiers and I then knew that the man had been shot again in the back of the left-hand shoulder*”.¹

¹ AC97.20

104.330 We consider that Michael Wilson was in or close to the same area. He said that a “fella” had thrown himself down at the kerb, he called to the man to come in with them; that the man had said that he could not because they had pinned him down; and “*Just as that – he was shot in the back*”.¹ Although it is possible that Michael Wilson was intending to convey that the casualty could not move because he had already been shot in the back, in our view it is more likely that what he was saying was that Jim Wray was shot in the back soon after he had said that he was pinned down.

¹ AW18.12

104.331 Susan and Betty Coyle said they heard shooting at the back of their house on the eastern side of Glenfada Park North, went to the kitchen and saw three bodies lying in front of the three pensioners’ houses in Glenfada Park, ie on the southern side of that complex. “*Just then there was another shot also from the army, at the same time one of the bodies shuddered as though struck by a bullet.*”¹

¹ AC86.1

104.332 In our view, John Porter’s evidence that Jim Wray was shot twice in that position does not appear to be supported by the other accounts.

104.333 It is theoretically possible that there was an additional shot which did not hit Jim Wray when he was on the ground, but which passed through the lowest of the three entry holes in his jacket (discussed above), leading John Porter mistakenly to believe that Jim Wray had been shot twice in this position, but in our view this is unlikely, as we consider that the damage to the jacket is more consistent with the passage of the bullets causing the wounds sustained by Jim Wray.

104.334 It is also possible that John Porter's evidence was influenced by the knowledge of Jim Wray's wounds that he acquired in the aftermath of the shooting. It is clear from his Keville interview and his NICRA statement that he believed that Jim Wray had received an injury to his arm before he was shot as he lay on the ground.¹ John Porter subsequently saw wounds to Jim Wray's torso after the casualty had been carried to 8 Abbey Park.² It might be the case that in an attempt to reconcile what he knew of the wounds with his memories of what he saw, John Porter came to believe that Jim Wray was shot in the arm before he fell, and twice in the back afterwards. This might also help to explain how he felt able to give the Widgery Inquiry detailed though inaccurate evidence about precisely where the bullets struck.³ To our minds this is a more likely reason than the possibility that there was another shot that went through Jim Wray's jacket without injuring him, but again this can only be regarded as a possibility.

¹ AP11.2; AP11.26

³ WT8.47-48; WT8.52; AP11.17

² AP11.3; AP11.28; WT8.52

104.335 We are of the view that John Porter confused the sequence of a number of events that he referred to in his evidence. We are satisfied that Jim Wray received all of his bullet wounds before soldiers made arrests in Glenfada Park North, and before anyone was shot in Abbey Park. John Porter's evidence was to the effect that these latter two events took place between Jim Wray falling and his being shot as he lay on the ground.¹ Similarly, Susan and Betty Coyle thought that the incident in which a man was shot on the ground took place after they had seen soldiers lifting bodies into a "Saracen" in Rossville Street. Again, for reasons given elsewhere in this report,² this seems to be an incorrect sequence. However, we are not persuaded that this significantly devalues the evidence of these witnesses about Jim Wray. It must be borne in mind that they, like other civilians, were being asked to give accounts of what on any view were rapidly moving, horrific and frightening scenes of shooting and people falling, all in a short space of time. We do not find it surprising that their accounts differed, or that they became confused about the order in which events occurred.

¹ AP11.2-3; AP11.26-28; AP11.16-17; WT8.44-54

² Chapters 113, 121, 122, 123 and 124

104.336 It follows from the foregoing that in our view there is a body of evidence, collected very soon after the event, which on the face of it points towards Jim Wray being shot on the ground, though only John Porter's account suggests that he was shot twice in that position.

- 104.337** To our minds it is not possible simply to dismiss this evidence as being somehow invented, orchestrated or the product of a growing rumour or myth about the shooting of Jim Wray, especially since most of it was gathered so soon after the events of the day.
- 104.338** The name of the interviewer who took or counter-signed a NICRA statement is recorded in five cases involving the witnesses considered above. A different person took each of these five statements.^{1,2} There is nothing to suggest that those giving their accounts and the five people who took their statements somehow sought to orchestrate these accounts, or indeed were even aware of what other witnesses had said.
- ¹ [AC97.20](#); [AO66.9](#); [AO69.7](#); [AC86.1-2](#); [AP11.3](#)
- ² One of these statements was co-signed by two witnesses, Susan and Betty Coyle ([AC86.1-2](#)).
- 104.339** However, those representing the majority of the represented soldiers have advanced a number of criticisms in relation to the evidence and the witnesses discussed above, which we now turn to consider.

Criticisms of the civilian evidence

- 104.340** So far as Malachy Coyle is concerned, the representatives of the majority of represented soldiers suggested that there was “*considerable reason to doubt his account not least that he believed that James Wray was shot in the back of the left shoulder*”.¹ Malachy Coyle did indeed give such a description in his NICRA statement, and it is the case that Jim Wray was actually shot in the right side of the back, where both entry wounds were located. However, as the medical evidence establishes, Wound 1 did exit in the area of the left shoulder. We take the view that far from throwing doubt on Malachy Coyle’s account, it can be said with considerable force that his evidence as to where in his body Jim Wray was shot greatly strengthens that account; on the grounds that what Malachy Coyle saw was the effect of a bullet exiting Jim Wray’s left shoulder but wrongly, though reasonably, thought that this is where the bullet entered.
- ¹ [FS7.1959-1960](#)
- 104.341** These representatives also suggested that other incidents described in Malachy Coyle’s evidence (both that given in 1972 and later) were “*quite incredible*”. Specifically, they referred to his account of seeing, immediately after Jim Wray had been shot, “*the close-range shooting of a boy in blue denims in circumstances which cannot be correct*”. We discuss this aspect of Malachy Coyle’s evidence later in this report¹ and conclude

that he was mistaken about this, though for the reasons we give, this mistake too was understandable. In any event the fact remains that his account of seeing Jim Wray shot on the ground is to our minds supported by the other evidence discussed above.

¹ [Chapter 110](#)

104.342 The representatives of the majority of represented soldiers also suggested that the circumstances in which Malachy Coyle came to give his NICRA statement were relevant to an assessment of his reliability as a witness. Based on an interview that Malachy Coyle gave to the researcher Paul Mahon in March 1998¹ they made two submissions: first that Malachy Coyle told Paul Mahon that he had had contact with Jim Wray's father, James Wray Senior, at an early stage after the events of Bloody Sunday, yet Malachy Coyle deliberately concealed this from this Inquiry; and second that Malachy Coyle told Paul Mahon that it was James Wray Senior who had asked him to make a NICRA statement.²

¹ [X4.45.1-154](#)

² [FS7.1963-1965](#)

104.343 As to the first of these submissions, we are not persuaded that Malachy Coyle intentionally kept this information from the Inquiry; when he gave his evidence to this Inquiry he was not asked about this issue. As to the second submission, it is not at all clear from the Mahon interview whether James Wray Senior asked Malachy Coyle to give a NICRA statement. In its context it could also be read as James Wray Senior asking Malachy Coyle to explain to him what he had witnessed.¹ However, on the assumption that James Wray Senior did ask Malachy Coyle to give a statement, it does not follow that the evidence he provided was untrue or influenced by James Wray Senior. It is also relevant to note that Malachy Coyle told Paul Mahon that he thought that Jim Wray's father approached him because "*somebody told him that I must have been talking about it*".² To our minds this indicates that it was because Malachy Coyle had previously spoken of the circumstances in which Jim Wray had been shot that the latter's father was naturally anxious to hear a first hand account.

¹ [X4.45.76-79](#)

² [X4.45.76](#)

104.344 The representatives of the majority of represented soldiers made no specific criticisms of the accounts of the shooting of Jim Wray that Michael Wilson, Bridget O'Reilly and Gerald Campbell gave in their NICRA statements.¹

¹ [FS7.1965-1969](#); [FS7.1974-1975](#)

104.345 In relation to William O'Reilly, these representatives drew attention to the fact that he made no reference to seeing Jim Wray's prone body jerk as if shot in his written statement for the Widgery Inquiry, in his examination in chief before the Widgery Inquiry,

or in his statement to the Coroner.¹ While this is true, we are not persuaded that this is sufficient to reject the account William O'Reilly gave in his NICRA statement and orally to the Widgery Inquiry.

¹ [FS7.1969-1970](#)

104.346 The same representatives criticised the evidence of John Porter on a number of grounds.¹

¹ [FS7.1975-1983](#)

104.347 First, they submitted that his chronology of events is “*wholly at odds*” with that given by other witnesses.¹ We are of the view, for the reasons given above, that this factor does not entail that his account of seeing Jim Wray shot on the ground should be rejected.

¹ [FS7.1975](#)

104.348 Second, they submitted that the details contained in John Porter's Keville interview showed that the casualty that he saw in Glenfada Park North was William McKinney, rather than Jim Wray. They asserted that John Porter said in that interview that the man in question “*was shot in the arm and as he fell he cut his right eye*”.¹ They also argued that John Porter's use of language suggested that this casualty was taken to 7 Abbey Park.² As these representatives pointed out, Jim Wray was not shot in the arm, had a cut to his left eyebrow and not his right eye, and was taken to 8 Abbey Park after he had been shot. In contrast, William McKinney was shot in his left arm, did have a laceration to his right eye, and was carried from Glenfada Park North to 7 Abbey Park.³ The representatives of the majority of represented soldiers concluded that the man John Porter originally described in his Keville interview was “*on the facts described by Mr Porter, clearly William McKinney. He has later altered his evidence to fit the location, dress and wounds of James Wray, no doubt having been impressed by the rumour that James Wray was the man who had been shot while prone.*”⁴

¹ [FS7.1978](#)

³ [FS7.1978-1979](#); [FS7.1982](#)

² [FS7.1978](#)

⁴ [FS7.1982](#)

104.349 When considering this suggestion it is important to bear in mind, as we have already noted, that there is an unsigned, edited and inaccurate transcription of the Keville interview dated 31st January 1972.¹ It is the case that William McKinney, one of the casualties shot in Glenfada Park North, as we describe later in this chapter, was shot in the left arm and had a laceration in the area of his right eye. However, it is wrong to

submit that in his Keville interview John Porter stated that the man he saw had been shot in the arm because the words he used were “*seemingly shot in the arm*”.² The word “*seemingly*” was omitted from the edited transcript of the Keville tape.³

¹ AP11.19

³ AP11.19

² AP11.26

104.350 Similarly, in the Keville tape, John Porter said that the man fell and cut his right eye “*or his left eyebrow*” on the edge of the path, while the edited transcription omitted the italicised words. Those acting for the soldiers relied on the edited version.¹

¹ FS7.1976

104.351 It is true, of course, that later in his Keville interview John Porter did say that he “*helped men to carry this man into the house*” and “*one of the shots was in his arm*”.¹ However, he also said that one of the bullets was “*in his lower right side and this bullet’s sitting probably in his body but er – the other shots that they fired at close range entered his left side and came out of his right shoulder blade*”. Jim Wray had an exit wound in his left shoulder, but if John Porter had simply confused left and right, an exit wound coming out of the shoulder blade is a reasonably accurate description of one of Jim Wray’s wounds. As will be seen below, it cannot have been (whether left or right) a description of the exit of William McKinney’s body wound, which was below and to the left of the left nipple.² We consider below the evidence that John Porter gave about a shot wound in the arm.

¹ AP11.28

² D0281

104.352 In relation to John Porter’s evidence of where the casualty was taken, he stated in his Keville interview that “*I went out and helped men carry this man into the house*”.¹ The representatives of the majority of represented soldiers submitted that the totality of John Porter’s 1972 evidence was that he left 7 Abbey Park when he went to pick up the casualty, and that his reference to carrying the man into “*the house*” indicated that he returned to number 7.²

¹ AP11.28

² FS7.1978-1979

104.353 We have no doubt that William McKinney was carried to 7 Abbey Park, while Jim Wray was taken to 8 Abbey Park. However, it is also clear from John Porter’s evidence that he had been present in both 7 and 8 Abbey Park during the shooting in Glenfada Park North and Abbey Park. The two houses were next door to one another, and it seems to us that his use of language at the end of his interview was not intended to distinguish between them. Alternatively, he might simply have confused where he went at that point, perhaps understandably given that he was recalling the assistance that he gave to a dying man in

the aftermath of an incident in which a number of people were killed. In our view, what John Porter said in his Keville interview is consistent with his having helped carry Jim Wray to 8 Abbey Park.

- 104.354** In support of their submission that John Porter described William McKinney rather than Jim Wray, those representing the majority of the represented soldiers also drew attention to the fact that he described in his NICRA statement someone beginning to wrap a large wide bandage around the body and that the autopsy photographs show (as they do) just such a bandage wrapped around the body of William McKinney.¹ The difficulty with this argument is that there is nothing to suggest that the same measure was not applied to Jim Wray. On the contrary, a list of the material taken from Jim Wray's body and forwarded to the Department of Industrial and Forensic Science includes what is recorded as a "*field dressing from body*".²

¹ FS7.1979

² D0227

- 104.355** There are other elements of John Porter's NICRA statement that in our view undermine the proposition that the man that he saw and carried was William McKinney. In the statement he described the wounds that he saw once he had taken the casualty to the house:¹ "*We lifted his shirt up and he had a bullet wound on his right lower back and also one on his left lower back. As we pulled his shirt further up I noticed the long triangular shape laceration on his left shoulder.*" This is an accurate description of three of the four visible shot wounds sustained by Jim Wray, but not of those sustained by William McKinney. The fact that the wound on Jim Wray's left lower back was an exit rather than an entry wound seems to us in this context to be neither here nor there.

¹ AP11.3

- 104.356** The representatives of the majority of represented soldiers again suggested that John Porter's description in this statement of carrying a casualty to "*the house*" suggested that he was referring to taking William McKinney to 7 Abbey Park.¹ However, a consideration of this document as a whole suggests that this was not the case. John Porter stated that he rushed out to the casualty with other men from "*the houses*", suggesting that he was not intentionally distinguishing between 7 Abbey Park and its neighbours.² Further, at the end of the statement John Porter described returning to the area after he had moved away. He commented that he went "*into No. 7 where a man was being tended by a*

doctor”³ (emphasis added). His language here does not suggest that this man, William McKinney in 7 Abbey Park, was the same casualty that he had seen shot while on the ground and had subsequently helped to carry and treat.

¹ AP11.3; FS7.1979

³ AP11.3

² AP11.3

104.357 Although in his Keville interview¹ John Porter described seeing a man on the ground “*seemingly shot in the arm*” and said that when he helped to carry this man into the house “*one of the shots was in his arm*”,² it is notable that in his NICRA statement John Porter did not describe seeing the wound to the casualty’s arm after the wounded man had been carried to the house. Instead, he commented that when he first saw the man fall – at a point when John Porter was in 8 Abbey Park and the casualty was some distance away in Glenfada Park – he saw “*blood on his wrist*” and seems to have assumed that this was the result of a bullet wound somewhere on his arm.³ Later, when the casualty had been carried into the house, John Porter described the wounds to the torso in the terms given above. He went on: “*I then said that the man would have a wound in his lower right/left arm and I stood up and left the house*”.⁴ It therefore appears from this statement that John Porter did not see an arm wound when he was in the house. In his written statement for the Widgery Inquiry,⁵ John Porter stated that when he first saw the casualty lying at the corner of Glenfada Park he noticed that “*he had blood on his left hand*”; later, after the injured man had been brought into 8 Abbey Park, John Porter noticed “*a graze wound above his left wrist and on the knuckle of the left index finger*”. In his oral evidence to the Widgery Inquiry, John Porter gave a similar account,⁶ adding that when the casualty had tried to lift himself from the ground “*his left hand was hanging*”.⁷ Dr Carson’s autopsy report recorded that Jim Wray had an “*abrasion, 1¾ x ½ cm., on the back of the [left] hand near its ulnar border*”.⁸ Although neither Dr Carson nor Dr Shepherd and Mr O’Callaghan considered this injury to have been caused by a bullet,⁹ in our view it is likely that John Porter did. His description of a “*graze wound*” is considerably closer to the injury to Jim Wray’s wrist than to the far more extensive wound caused by a bullet going through William McKinney’s left forearm.¹⁰

¹ AP11.26

⁶ WT8.47-48; WT8.52

² AP11.28

⁷ WT8.52

³ AP11.2

⁸ D0249

⁴ AP11.3

⁹ D0253; E2.0036

⁵ AP11.16

¹⁰ D0282

104.358 In the light of this evidence we consider that while John Porter thought that the man had been shot in the arm, and that the bullet had, or had also, caused a graze wound, he was not describing William McKinney rather than Jim Wray.

104.359 We now turn to other points of criticism that have been made of John Porter's evidence. In his Keville interview John Porter had said, "*I saw the smoke at the back of his clothes*".¹ In his NICRA statement he said that "*I saw some smoke rise from where he'd been shot*",² in his written statement for the Widgery Inquiry that "*I didn't see who fired but I saw two puffs of smoke*"³ and in his oral evidence to the Widgery Inquiry that "*I also saw what I took to be two puffs of gas or smoke as from a rifle ... They came from the direction just behind the man where the shot struck his back*".⁴

¹ AP11.28

³ AP11.17

² AP11.3

⁴ WT8.47

104.360 Those acting on behalf of the majority of the represented soldiers pointed out that only in his oral evidence did John Porter add "*the detail of seeing smoke from a rifle*".¹ They also submit that in only one of his "*first two statements*" did John Porter mention smoke "*and this coming from the injured man's clothes*".²

¹ FS7.1981

² FS7.1981

104.361 In fact, the words John Porter actually used in his oral evidence to the Widgery Inquiry were "*as from a rifle*". In addition, as can be seen from the quotations set out above, John Porter in his Keville interview said he saw smoke "*at the back of his clothes*" and did not say that he saw smoke coming from the injured man's clothes. These latter words only appear in the inaccurate and unsigned transcription of the Keville interview.¹ We are not persuaded that this devalues the accounts that John Porter actually gave.

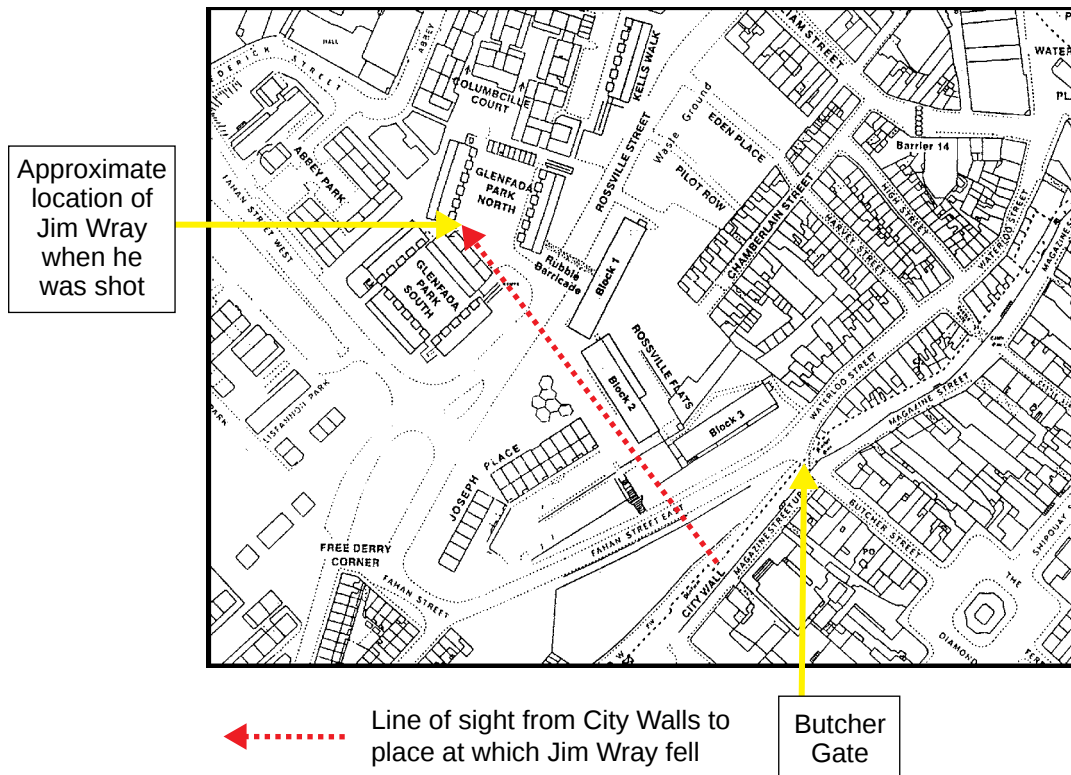
¹ AP11.19

104.362 The legal representatives of the majority of the represented soldiers raised one further issue from John Porter's Keville interview in support of their suggestion that he saw someone other than Jim Wray. Referring to what they cited as John Porter's opinion that the casualty that he saw had been shot from Butcher Gate, they argued that this "*was not an assumption that would have made sense to a man observing James Wray from a house in Abbey Park*".¹ However, this apparent problem arises from selective quotation from the original sources. John Porter did not say he thought that the shot originated from Butcher Gate; instead he stated that "*In my opinion this man was shot from the walls behind the flats to the right of – right of Butcher Gate*"² (emphasis added). This was also correctly transcribed by NICRA in 1972.³ In our view this was an opinion that did make sense – John Porter would have been aware that there were soldiers on the City Walls and the geography was such that it could easily be thought that someone to the right of Butcher Gate could have shot Jim Wray.

¹ FS7.1978

³ AP11.19

² AP11.26



104.363 For these reasons, we reject the criticisms made of the 1972 accounts given by John Porter and the submission that John Porter described William McKinney and not Jim Wray. It follows that we also reject the allegation that John Porter “*has in fact re-written his evidence for the benefit of the Widgery Inquiry in order to match the known facts relating to James Wray*”.¹

¹ FS7.1983

104.364 Those acting on behalf of some of the soldiers submitted that we should doubt the 1972 accounts given by several of the witnesses considered above because of “*the apparent failure of Mr Porter, Mr Campbell and the O’Reillys to repeat their shocking account to those around them*”.¹ The legal representatives of the majority of the represented soldiers referred to the evidence of James Logue,² Maureen Doherty³ and John Carr,⁴ all of whom were in 7 Abbey Park and yet did not refer to Jim Wray being shot on the ground in their 1972 accounts. We see no force in this point, which is based on the dubious assumption that these individuals would probably have recorded in their statements not just what they saw themselves, but what others told them they had seen. It seems also to be suggested that it is suspicious that these witnesses did not themselves see Jim Wray being shot as

he lay on the ground. This suggestion is also based on an equally dubious assumption that these witnesses were looking at Jim Wray at the moment when he was shot and we again see no force in it.

¹ [FS7.1983-86](#)

³ [AD85.1](#)

² [AL18.1](#)

⁴ [AC42.1](#)

Later civilian evidence relating to Jim Wray's death

104.365 Of those who gave accounts in 1972 that we have considered above, Malachy Coyle, Bridget O'Reilly and Gerald Campbell gave written and oral evidence to this Inquiry. Michael Wilson and William O'Reilly gave written statements, but were not well enough to give oral evidence. John Porter is dead and gave no evidence to this Inquiry, and we were unable to trace Susan and Betty Coyle.

Malachy Coyle

104.366 Malachy Coyle stated in his written evidence to this Inquiry that after he had been pulled into the back yard of the corner house at the south gable end of the west block of Glenfada Park North by a bald man in his forties whom he did not know, he looked through the gaps in the wooden fence and saw three people lying to his right on the south side.¹ The person closest to him was still alive:²

"He was lying face down half on and half off the south pavement very close to the south west alleyway leading out of the car park. One knee was on the pavement and the other was in the car park. His head was nearest to me and his feet were pointing back east towards the Rossville Flats. His hands were lying outstretched on the ground above his head and I could see that they were empty and that there was nothing lying near them. His head was turned towards where we were hiding and he was looking directly at us. I could see that he had received injury to his right eyebrow which looked like it had been blown away. At the time, I assumed he had been shot and that this was why he was lying on the ground. However, his injury did not seem serious (i.e. life threatening)."

¹ [AC97.12](#)

² [AC97.12](#)

104.367 In his oral evidence Malachy Coyle explained that at the time he assumed that the injury to the man's eyebrow had been caused by a glancing blow from a bullet, and that it was this injury that he did not think was life threatening. He also agreed that his 1972 statement that the injury was to the *left* eyebrow would be the more accurate.¹

¹ [Day 156/21-22](#)

104.368 A little later in his written evidence¹ Malachy Coyle stated:

“Once I had determined that the two men lying behind the man closest to me were probably dead, I was only concerned for the man closest to me who was clearly still alive. I do not recall what he was wearing, although I am certain that he did not have any kind of hat on his head. I remember that he raised his head from the pavement and looked directly at the bald man and me and said: ‘I can’t move my legs’. By this point, I know that I was in a state of complete shock. It is a strange feeling. Your emotions become very detached and even though you are on the point of panicking it suddenly becomes possible to think very very clearly. I can remember talking to the bald man in the backyard with me. He was saying: ‘Keep calm. Keep calm’. I must have had a premonition that something really awful was going to happen, as I remember saying to the wounded man: ‘Don’t move. Pretend you’re dead’.

It was moments later that I heard a shot coming from the direction of the Columbcille Court/Kells Walk area to my left (north). As I heard this shot, I saw the pavement near the wounded man explode in sparks. At the same time, I heard the wounded man groan and I saw his head (which was still lifted towards me) go down slowly towards the pavement. He did not move again and I knew he was dead. I was convinced that the shot that caused the sparks to fly from the pavement near by him had killed him. I did not know who this man was at the time but I found out later that he was Jim Wray.”

¹ [AC97.13](#)

104.369 In his oral evidence, Malachy Coyle said that he had seen no soldier close to Jim Wray while he was looking at him, including when he saw him shot on the ground.¹ As already noted, he also told us that he was 16 at the time, not 14 as stated at the top of his NICRA statement.²

¹ [Day 156/91-92](#)

² [Day 156/98](#)

104.370 According to Malachy Coyle’s evidence to this Inquiry, Jim Wray was lying at an angle, with the left side of his body propped up on the pavement and the right side lower down, resting in the gutter.¹ This approximate position was reproduced in the photograph below, although Malachy Coyle explained that Jim Wray was not raising himself with his hands and his feet.² The arrow on the photograph indicated roughly where Malachy Coyle thought the bullet would have struck underneath Jim Wray’s body.³

¹ [Day 156/33-35; AC97.12](#)

³ [Day 156/34-35](#)

² [Day 156/64; AC97.27](#)



104.371 We consider below the submission that the position of Jim Wray's body as recalled by Malachy Coyle meant that, on the basis of the medical and scientific evidence, Jim Wray could not have sustained either wound while on the ground.¹

¹ [FS7.1965](#)

104.372 Malachy Coyle was interviewed by the television production company Praxis Films Ltd in 1991 during preparations for a documentary marking the 20th anniversary of Bloody Sunday.¹ This brief account seems to us to be consistent with the evidence he gave to this Inquiry.

¹ [O 4.1-19; Day 233/18-19](#)

104.373 He was also interviewed by Paul Mahon in 1998.¹ Again Malachy Coyle gave an account that is broadly consistent with his evidence to this Inquiry.² He said that the kerb was holding up the left side of Jim Wray's body, and that Jim Wray moved his left arm in an attempt to raise himself from the ground.

¹ [X4.45.1-154](#)

² [X4.45.39-44; X4.45.102-108; X4.45.128-136](#)

104.374 We should note at this point that by the time that he came to give evidence to this Inquiry, Malachy Coyle had come to believe that the man who dragged him into the yard in Glenfada Park North was John McCourt.¹ This is possible, as John McCourt told this Inquiry that he pulled a teenage boy into cover in the yard outside his wife's grandmother's house in the south-west corner of Glenfada Park North.²

¹ Day 156/18-19

² AM144.2; AM144.7; Day 152/136-139

104.375 In his evidence to us John McCourt stated that while he was lying behind the fence in the yard he called to the people lying outside to keep still and not move.¹ He also stated that he then heard two or perhaps three shots that he "*instinctively*" knew had been fired in Glenfada Park North.²

¹ AM144.2

² AM144.2

104.376 There is a Keville interview attributed to a "*Joe McCourt*", according to which:¹

"I was in Glenfada Park on Sunday when I seen five British soldiers run into the park. They fired on four fellas carrying a wounded civilian. They fired at the civ – wounded civilian and hit him in the head. These four blokes run with the civilian and had to drop him at the far side of Glenfada Park. These five soldiers then went to the corner where there was about thirty civilians standing. They ordered the civilians round the corner and one of the soldiers hit a fella in the mouth with his rifle. He then proceeded to kick another fella. Then two soldiers attacked a woman, they began to kick her and hit her. Three fella then broke away from the crowd and run ... soldier then lifted his rifle and fired at them. I was unable to see whether he hit them because they were then out of sight. This s – soldier then run over into the corner of Glenfada Park. At this time I was standing in er – my wife's Granny's kitchen. I looked out the window and seen two fellas lying dead. A first aid girl came over and showed the red cross – the red cross on her sleeve but the soldier ignored it and fired at her. Er – if the girl hadn't of threw herself on top of one of the dead fellas this soldier would have killed her. The soldier then run away. Thats about all I seen."

¹ X2.35.17

104.377 However, despite the fact that the address given for Joe McCourt was the same address as that of John McCourt, this witness denied that this interview was with him, on the grounds that he had not seen anyone being killed, only dead bodies.¹ The interview contained nothing about sheltering in a yard with a teenage boy. In view of the fact that the address was the same, in our view John McCourt probably did give this interview.

¹ Day 152/147; Day 152/169

104.378 Malachy Coyle and John McCourt did not know each other at the time of Bloody Sunday and there are some differences in the detail of their accounts. Malachy Coyle's recollection to this Inquiry was that he was in the yard of the southernmost house of the western block.¹ If in fact he was with John McCourt then on the latter's evidence he was in the adjoining yard to the north.² However, these positions would only have been a few feet apart and in our view whichever yard it was makes no difference to the validity of Malachy Coyle's account.

¹ [AC97.12](#); [AC97.21](#); [Day 156/58-59](#)

² [Day 152/138-139](#); [AM144.7](#)

104.379 In his evidence to us, John McCourt stated that he banged on the door of his wife's grandmother's house and he and the boy went in, crawling on their hands and knees.¹ In contrast Malachy Coyle's 1972 recollection (and his evidence to us) was that the man he was with walked out of the yard and that he followed with his hands on his head.²

¹ [AM144.3](#)

² [AC97.20](#); [AC97.6](#)

104.380 It is not clear whether Malachy Coyle and John McCourt were in the same yard. On the whole, in view of the differences in their accounts, we consider, though we are far from certain, that they probably were not and that Malachy Coyle was mistaken in coming to believe that he was with John McCourt.

104.381 It was argued by the representatives of many of the soldiers that Malachy Coyle had deliberately obfuscated his evidence to this Inquiry as to the identity and actions of the man with whom he took cover.¹ We consider this submission to be without merit. Malachy Coyle was an impressive witness who we are sure was trying his best to give an accurate and truthful account of events. In our view the points raised in those submissions in relation to his identification of John McCourt do not devalue Malachy Coyle's evidence about Jim Wray.

¹ [FS7.1960-1963](#)

104.382 On the basis that Malachy Coyle was with John McCourt, the same representatives submit that their evidence is "*strangely at odds*", in that they describe being in different yards.¹ Presumably this phrase is intended to suggest that this casts doubt on Malachy Coyle's accounts. We disagree. Even assuming they were in the same yard, this does not to our minds detract from Malachy Coyle's description of what he saw.

¹ [FS7.1960](#)

104.383 These representatives also pointed out that John McCourt “*could see into Glenfada Park North but saw nothing of the shooting Mr Coyle describes and makes no reference to the boy he was with mentioning this to him either*”.¹ It again appears to be suggested that this throws doubt on the honesty and reliability of Malachy Coyle’s evidence and again we disagree. The first part of this suggestion proceeds upon the assumption that John McCourt would have noticed a shot hitting Jim Wray on the ground had that occurred. This in turn assumes that John McCourt was looking at Jim Wray at the same time as Malachy Coyle. There is nothing to indicate that this was the case. The second part of this suggestion proceeds upon the assumption that the two were in the same yard and that since John McCourt in his evidence did not refer to Malachy Coyle saying anything about seeing Jim Wray being shot on the ground, it can be inferred that Malachy Coyle did not say anything. John McCourt’s evidence was in fact directed to what he had himself seen and heard when sheltering in the yard and he was not asked when he gave evidence to this Inquiry whether the person he was with had said anything. However, it is the case that in his Paul Mahon interview, Malachy Coyle said that he did not say anything to the man he was with, because he was too terrified to do so.² We have no reason to doubt this. Thus even if we are wrong in our view that the two were probably not in the same yard, we are not persuaded that the fact that Malachy Coyle said nothing to the man he was with about the apparent shooting of a man on the ground throws any doubt on the honesty or reliability of his evidence when assessed as a whole.

¹ [FS7.1960](#)

² [X4 45.44](#)

Michael Wilson

104.384 Michael Wilson was unable to give oral evidence to this Inquiry due to ill health, but he did provide a written statement.¹

¹ [AW18.1-5](#)

104.385 Michael Wilson stated to this Inquiry that he took cover in the garden of the southernmost flat of the western block in Glenfada Park North, and recalled two or three other people being with him. While there he saw a youth fall or throw himself to the ground to his right; he was unsure whether the youth had been shot. Michael Wilson urged him to take cover in the flat, but the youth said he could not move, possibly adding that he was “*pinned down*”. The youth was lying on his stomach with his body “*tight up against the kerb*” and his head pointing towards the alleyway. He was not moaning as he spoke.¹

¹ [AW18.2](#)

104.386 Michael Wilson stated that as he lay on the ground, the man was shot. He recorded that he saw “*the round hit him in the middle of his back and the coat lifted about 1” or so and left a small tear in his coat*”. The man had made no attempt to get up or to move his hands, and Michael Wilson believed that his left hand might have been under his body, though he could not see it. “*His other hand was on the kerb near me.*” Michael Wilson did not see where the shot came from, and could see no soldiers at this time, though he explained that his view might have been obstructed due to his position behind the slatted fence.¹

¹ [AW18.2](#)

104.387 Michael Wilson’s physical description of the man on the ground – perhaps 20–21 years old, about 5ft 10in, wearing a dark, suit-like jacket and jeans, and no hat¹ – is not entirely consistent with that of Jim Wray, but bearing in mind his 1972 account, together with his description to us of where he was, where the person fell and how he continued to watch that person, we are left in no doubt that Michael Wilson was giving us an account that related to Jim Wray.

¹ [AW18.2](#)

104.388 Michael Wilson also commented in his written statement that when he said in his Keville interview that he was in Columbcille Court, he must have meant Glenfada Park North. He was clearly right about this.¹

¹ [AW18.4](#)

Bridget O’Reilly

104.389 Bridget O’Reilly, who watched events unfold from the window of her house at 7 Abbey Park, described in her written evidence to this Inquiry how Jim Wray was “*lying half on the pavement and half off*” in the south-west corner of Glenfada Park North.¹ She stated that she saw him move his head and look up,² before his body jerked and his coat jumped up.³ Bridget O’Reilly also recorded: “*Then I saw a soldier coming into view and I think that he shot Jim Wray again ... The soldier stepped over the top of him.*”⁴

¹ [AO66.1-2](#); [AO66.5](#); [AO66.8](#)

³ [AO66.2](#)

² [AO66.1](#)

⁴ [AO66.2](#)

104.390 In her oral evidence, Bridget O’Reilly, when asked about this part of her written statement, said that she did not actually see the soldier aim his gun at Jim Wray.¹ She also said that she saw Jim Wray move only his head, not his shoulders, while he was on the ground.²

¹ [Day 172/8](#)

² [Day 172/22-23](#)

William O'Reilly

104.391 William O'Reilly, who witnessed events from his home at 7 Abbey Park, gave an interview to Paul Mahon. This takes on added significance because William O'Reilly was unable to give oral evidence to this Inquiry owing to his ill health. William O'Reilly told Paul Mahon that when he looked from his house towards the alleyway leading from Abbey Park to Glenfada Park North he saw Jim Wray lying in the gap;¹ he had not seen Jim Wray fall.² William O'Reilly recalled that Jim Wray was lying with his body on the car park roadway and his head on the pavement, and that he was looking around.³ However, he formed the impression that Jim Wray must have been "*paralysed*" with the shot.⁴ William O'Reilly said that he was standing next to another man, who Paul Mahon suggested was John Porter,⁵ and that this man suggested going out to try to get to Jim Wray. Before they could do so William O'Reilly heard a shot, which seemed to come from somewhere closer than the previous firing that he had heard.⁶ William O'Reilly saw Jim Wray's coat jump once, and either he or the other man commented that Jim Wray would now be dead.⁷ Both men stepped back a little from the door, and William O'Reilly saw a soldier enter Abbey Park, stepping over Jim Wray apparently without touching him.⁸

¹ X4.33.14-15

⁵ X4.33.14; X4.33.16-18

² X4.33.43

⁶ X4.33.18-19

³ X4.33.15

⁷ X4.33.19

⁴ X4.33.15-16

⁸ X4.33.20-21

104.392 William O'Reilly was able to provide a written statement to this Inquiry, in which he gave a similar account to that contained in his Mahon interview.¹ He added that his current memory did not fully tally with some of the things that he had said in his earlier statements, such as seeing Jim Wray fall.² He also told us that he did not know the man who was with him at the front door,³ but in our view Paul Mahon was correct in identifying that man as John Porter.

¹ AO69.1-2

³ AO69.2

² AO69.3

Gerald Campbell

- 104.393** Gerald Campbell stated in his written evidence to this Inquiry that he had gone to 7 Abbey Park, where his uncle William lived.¹ In the course of this statement he recorded:²

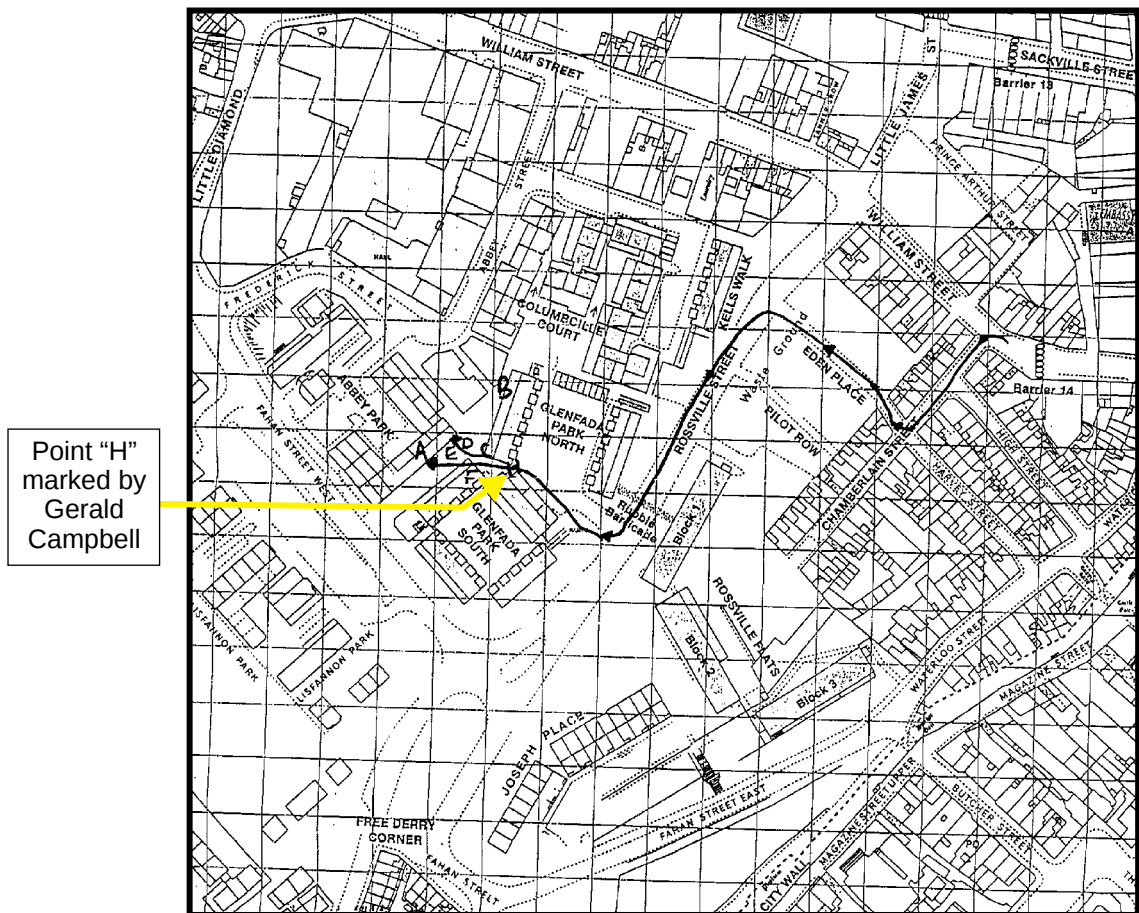
“Another recollection I have of that day is of seeing a man at the gap between Glenfada Park North and Glenfada Park South at about the point marked H on the attached map (grid reference H14), although I cannot say exactly when I saw him. I know that I was at the kitchen window when I saw him. I never saw the man’s face and I do not know if he was wearing a hat. He was lying face down with his head and shoulders on a pavement. I could see the top of his head pointing towards me. He kept raising his head, which I will never forget because afterwards I felt that I should have been able to help him. He raised his head three times and then I saw a cloud of dust inches away from the right side of him as I was looking at him, which would have been his left. His body raised on his left side and then he fell down. He did not move again. The way he moved is clear in my mind. I assumed from the cloud of dust I saw and the fact that the man lifted his left side up, that a bullet coming from his right hit the ground to his left first, bounced off the wall and then hit him on his left side. I saw the cloud of dust and the body lifting more or less together. I assumed that he had been shot from the northern area of Glenfada Park North.”

¹ [AC13.2](#)

² [AC13.4](#)

- 104.394** The point marked “H” by Gerald Campbell was right in the south-west corner of Glenfada Park North.¹

¹ [AC13.7](#)



104.395 Gerald Campbell had to be subpoenaed to give oral evidence, though in our view this has no relevance to our assessment of this witness. Asked about this description of a bullet striking the ground, he said:¹

“Well, that is only an assumption of mine. I do not know what happened him, you know, I seen the cloud – I seen a cloud of like either dust or smoke. The body just flipped to one side and that is what I recall, like, but I cannot remember – I do not know how I would know it was going to bounce off a wall or anything, like.”

¹ Day 401/48

104.396 Gerald Campbell told us that he did not recall giving a Keville interview, though he agreed that he lived at the address recorded by the “*Gerald Campbell*” who can be heard on the relevant tape.¹ He said that he could not remember the sequence in which things occurred.² He also said that he could not see the whole of the body of the man on the ground, but only his head and shoulders and that he was lying face down.³ His

recollection was that he could not see more than about at most a foot to either side of the body and when asked if he had seen a soldier standing over the body, he said, “No, I could not see to either side of that body”.⁴

¹ Day 401/52; X2.33.19; Aud 33 26.55

³ Day 401/66

² Day 401/57

⁴ Day 401/67-68

Assessment of the later evidence of those who gave accounts in 1972 and 1973

104.397 In assessing the later evidence and accounts given by Malachy Coyle, Michael Wilson, William and Bridget O'Reilly, and Gerald Campbell we have borne in mind the passage of the years and the consequent risk of memories fading or become distorted, though we should say that we are confident that these witnesses were honestly telling us what they believed they had seen and heard. With this caveat in mind in our view the later accounts of these witnesses did not materially undermine the accounts that they gave in 1972, save that Bridget O'Reilly told us that she did not now think that she did see a soldier aim his rifle at Jim Wray as he lay on the ground;¹ and her husband that he did not think that he actually saw Jim Wray fall.²

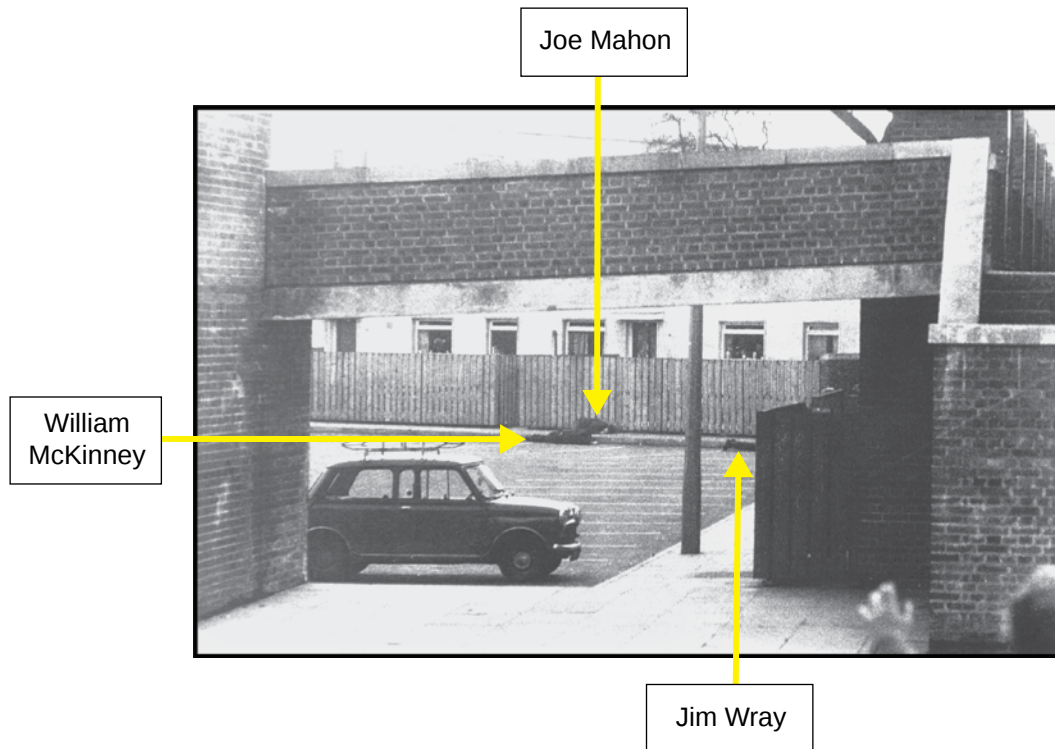
¹ Day 172/8

² AO69.3

Other civilian witnesses

104.398 A number of other witnesses have given evidence to this Inquiry relating to the shooting of Jim Wray.

104.399 Joe Mahon, then a 16-year-old schoolboy, was shot as he made his way along the southern side of Glenfada Park North. As is described later in this chapter, he was grievously wounded in the stomach and fell to the ground close to where Jim Wray was lying, as is shown in the photograph below.



104.400 Joe Mahon gave a vivid account to this Inquiry of seeing, as he lay on the ground, a soldier walk diagonally across Glenfada Park North towards the fallen Jim Wray. According to this account, the soldier shot Jim Wray twice in the back at point blank range, while standing as shown by Joe Mahon, the figure on the right, in the photograph below, and then continued into the south-western alleyway leading to Abbey Park.¹ In the late 1990s, Joe Mahon gave brief accounts of this incident to the journalist Don Mullan² and to Channel 4 News,³ and a more detailed version to Jimmy McGovern and Stephen Gargan in a research interview conducted by them in preparation for their dramatisation of the events of Bloody Sunday.⁴

¹ AM18.4; Day 167/24-26; Day 167/47; Day 167/66-68; AM18.12

² AM18.75-76; AM18.82-83

³ AM18.23

⁴ AM18.48; AM18.55-61; AM18.64-67



- 104.401** Joe Mahon did not give evidence to the Widgery Inquiry, but he was interviewed by a number of different people in the aftermath of his shooting. We have written notes or accounts apparently based on these interviews. In none of them is there any mention of Joe Mahon seeing Jim Wray shot in the manner described above.
- 104.402** On 2nd March 1972, the day after he had been discharged from hospital, Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team interviewed Joe Mahon at his home. This Inquiry has a copy of notes made of that interview, seemingly by Peter Pringle,¹ as well as a map and an internal memorandum that appear to be based on them.² Joe Mahon is recorded as saying the following about the point at which he was shot and the incidents that occurred directly afterwards:³

“i was hit as i was walking along the wooden fencing. There were two others hit in front of me. i fell to the ground and at first i thought it was a rubber bullet. I assume the shot came from a soldier who I had seen enter through the alley from Rossville St and come up behind a van parked on the east side of the square. The soldier pointed a rifle in my direction.

After I had been shot and was lying face down on the ground I could see about six others [sic] soldiers against the east wall. The other two bodies: one was a few yards in front of me and dressed in a heavy dark overcoat and I think had glasses ... and the other was further down lying in the entrance to the passage way with his head pointing through to Abbey Park.

The next thing I recall clearly was seeing a single soldier on the opposite side of the court from the others, looking towards the passageway and firing two or three shots from under his arm and at the same time shouting to the other soldiers: 'I've got another one [of] them Dave.' The soldier then pulled back towards the van. i think it could have been the first soldier i saw pointing a rifle in my direction, but I'm not certain. I raised my head to look around and a woman from the balcony of a flat diagonally across from me shouted to me: 'Lie still, son, don't move. Pretend you're dead.'"

¹ AM18.14-16

³ AM18.14-15

² AM18.18-21

104.403 The *Sunday Times* archive contained a map and a memorandum which appear to be based on the material contained in the notes.¹

¹ AM18.18-21

104.404 In his evidence to this Inquiry, Joe Mahon denied the accuracy of the account contained in the notes.¹ He recalled being interviewed at home by, he thought, two *Sunday Times* journalists, but "*we did not prepare a written statement together and I was never given anything to look at or sign*".² In relation to the notes quoted above Joe Mahon stated: "*The statement appears to me to have been put together by someone from the Sunday Times after that visit, and it is not an accurate account of what happened to me on Bloody Sunday.*"³ He added that he had set out what happened to him in his written evidence to this Inquiry.⁴

¹ AM18.7-8; Day 167/32-38; Day 167/73-77

³ AM18.7-8

² Day 167/74; AM18.7

⁴ AM18.8

104.405 In his oral evidence to this Inquiry, Joe Mahon put forward two suggestions as to why the *Sunday Times* interview notes make no reference to Jim Wray being shot from point blank range as he lay on the ground. He first suggested that the reference in the notes to the soldier "*looking towards the passageway and firing two or three shots from under his arm*"¹ might have been intended to convey his evidence about Jim Wray's death.² However, later in his oral evidence Joe Mahon said that he had not told the journalists about seeing Jim Wray shot because "*I was feared for my life*".³ Asked why he was fearful, he said, "*Well, who was I going to tell. If I had made a statement to the police about it, they are the Security Forces and who killed Jim Wray, who did I see killing Jim Wray while he lay on the ground. It was the Security Forces.*"⁴

¹ AM18.15

³ Day 167/68-69

² Day 167/36

⁴ Day 167/79-80

104.406 Joe Mahon had been interviewed twice before he talked to the *Sunday Times* journalists. On 7th February 1972 an RUC officer, Detective Sergeant Cudmore, conducted a brief interview which was concerned with the circumstances in which Joe Mahon was shot and did not touch upon matters relevant to the death of Jim Wray.¹ It also appears that the photo-journalist Fulvio Grimaldi talked to Joe Mahon while he was in hospital.² In the account Fulvio Grimaldi subsequently produced, there is no reference to Joe Mahon seeing Jim Wray shot as they lay on the ground.³

¹ [AM18.13](#)

³ [AM18.25](#)

² [Day 167/39-42; AM18.25](#)

104.407 In our view the *Sunday Times* interview notes accurately recorded what Joe Mahon told Peter Pringle and Philip Jacobson. We find no force in the suggestion that they had somehow confused the shooting of Jim Wray with three shots by a soldier looking towards the passageway. Indeed, as is noted above, Joe Mahon himself in his evidence seemed later to withdraw from this suggestion.

104.408 Furthermore, we do not accept Joe Mahon's explanation that he did not tell the *Sunday Times* journalists about seeing Jim Wray shot in the back while on the ground because he feared for his life. In our view, if Joe Mahon had in fact seen Jim Wray being shot twice in the back at point blank range, as Jim Wray lay wounded on the ground, he would have witnessed a particularly horrific event. His explanation that he said nothing about it because he feared for his life might explain his not volunteering this information to the security forces, but does not explain his failure to say anything to the *Sunday Times* journalists or to Fulvio Grimaldi, since he did give them detailed accounts of the incident in which he, William McKinney and Jim Wray were all shot as they ran across Glenfada Park.¹ Had Joe Mahon really witnessed the event he described to us, we are sure that he would have told the *Sunday Times* and Fulvio Grimaldi about it.

¹ [AM18.14; AM18.25](#)

104.409 What in our view is likely to have happened is that Joe Mahon, as he lay wounded on the ground, saw a soldier approach the south-west alleyway of Glenfada Park North and he heard that soldier fire his rifle into Abbey Park. This is an event which, for reasons given later in this report,¹ we are certain occurred. Having later learned that Jim Wray had been shot twice in the back, Joe Mahon mistakenly came to believe that it was this soldier who had shot Jim Wray at point blank range.

¹ [Chapter 107](#)

104.410 Our view that Joe Mahon was mistaken is to our minds reinforced by the scientific and medical evidence about the photograph reconstructing Joe Mahon's evidence of what he saw, which is shown above.¹

¹ Paragraph 104.400

104.411 We accept the view of Dr Shepherd that for Jim Wray to have been shot by a soldier standing in such a position, the body on the ground would have to have been at an angle of 45° to the horizontal, with his left side down and right side up.¹ Dr Carson gave similar evidence to this Inquiry.² There was no evidence, including from Joe Mahon himself,³ that Jim Wray was in this position.

¹ Day 230/96-97

³ Day 167/67-68; Day 167/25

² Day 207/29

104.412 We are thus unable to place any reliance on this aspect of Joe Mahon's evidence.

104.413 With the exception of Bridget O'Reilly, none of the witnesses who gave accounts in 1972 of Jim Wray being shot while lying on the ground referred to seeing a soldier firing into Jim Wray's back from a range of just a few feet. Some of the witnesses were in positions that would not have enabled them to see such an incident had it occurred, but others, such as Susan and Betty Coyle, Malachy Coyle and Michael Wilson, would seemingly have been well placed to see the events Joe Mahon described. As for Bridget O'Reilly, she told us that she did not in fact see the soldier aim his gun at Jim Wray.

104.414 We have also considered the evidence of a number of other witnesses who gave accounts in 1972 but did not say then anything about seeing Jim Wray being shot on the ground.¹

¹ Donal Dunn (AD172.3; Day 161/17-20; AD172.8), Pearse McCaul (AM93.4; AM93.16; AM93.14-15; Day 164/115; Day 164/33), John O'Kane (AO48.4; AO48.10; X4.31.30-36; Day 163/19-24; AO48.36; AO48.40; AO48.16-17; AO48.6; AO48.33; Day 163/29; AO48.24; Day 163/64), Paddy McCauley (AM97.5; AM97.8-9; Day 162/81-87; Day 162/92-99; Day 162/105-106; Day 162/111; AM97.12), Celine Dunleavy (AD168.2-3; AD168.8-10; Day 132/166-168; Day 132/187-188; Day 132/193-194; AD168.5), James McNulty (AM377.3; Day 152/16-20; AM377.8; AM377.11; AM377.13-15), John Stevenson (AS33.2; Day 166/6-7), Vincent Harkin (AH34.3; Day 417/149; AH34.1; AH34.9-10), Patrick Moyne (AM444.5; Day 162/27-29; Day 162/40-43; AM444.8) and Frances Lytle (AL36.3; AL36.6-7).

104.415 Benn Keaveney¹ and OIRA 7² did not give accounts in 1972.

¹ AK2.8-10; AK2.20; Day 160/22-42; CS6.389-390

² AOIRA7.14; AOIRA7.31; Day 398/80-88; Day 398/101-106; Day 398/175-182; Day 399/5-17; FR 7.714-715; FS4.184

104.416 We have come to the conclusion that it would be unwise to place reliance on the evidence of the witnesses we have identified in the previous two paragraphs, in relation to the question as to whether or not Jim Wray was shot while on the ground. As with Joe Mahon, had those witnesses who gave accounts in 1972 really witnessed such an event,

it seems to us that they would have been bound to have recounted it at the time. Benn Keaveney acknowledged that in his opinion his memory was affected by trauma, a condition with which he was used to dealing in a professional capacity.¹ OIRA 7 gave a television interview for a programme made to commemorate the 25th anniversary of Bloody Sunday, but made no mention of seeing Jim Wray shot on the ground.² We found his explanation for this unconvincing.³

¹ AK2.1; AK2.9; AK2.20; Day 160/38

³ Day 398/104-106

² X1.28.29; AOIRA7.21; Day 398/16-17

104.417 One other witness gave an account that might relate to Jim Wray. James McDonald gave a NICRA statement in which he described seeing a man running in Glenfada Park North, before *“Another three shots rang out and this man fell. A soldier appeared and ran forward and shot this man at point blank range in the lung.”*¹ The NICRA statement as a whole is vague and clearly confused, and James McDonald gave no evidence to this Inquiry. We do not place any reliance on this account.

¹ AM195.1

Further submissions on behalf of soldiers

104.418 The nature of the bullet wounds and the orientation of Jim Wray’s body as he lay on the ground formed the basis of a submission made by the representatives of the majority of represented soldiers, that:¹

“Ultimately, while James Wray died tragically on Bloody Sunday, the evidence, closely examined, demonstrates that he was not shot either at close or long range while on the lying on [sic] the ground, as, with the possible exception of a shooting by a soldier lying prone on the ground which no civilian witnessed, the angle of bullet entry cannot admit such a possibility if he was lying flat on his front as almost every eyewitness acknowledges.”

¹ FS7.2001

104.419 This submission seems to us to depend upon on a number of propositions, namely that:

1. The expert evidence was that if Jim Wray was lying flat on his front when hit, the firer would either have had to have lowered his weapon to the ground or be lying on the ground when he fired.
2. The civilian evidence was to the effect that Jim Wray was lying flat on his front.
3. There was no evidence that any soldier in Glenfada Park North fired in this manner.

- 104.420** So far as the first of these propositions is concerned, the representatives of the majority of represented soldiers drew our attention to the following passage from Dr Carson's oral evidence to this Inquiry:¹

"Q. Finally, as far as the upper wound is concerned, we know the entry is upper middle right-hand side of the back and the exit is here. (Indicating)

A. Yes.

Q. If James Wray was actually lying flat, even if he was trying to push himself up but lying flat rather than on one side, if he is lying flat, right?

A. Yes.

Q. The situation would be that the firer of the weapon would be having to lower his weapon to ground level and fire sideways, would he not?

A. Yes, or he could be lying on the ground, of course."

¹ [Day 207/35](#)

- 104.421** It was submitted that this evidence represents Dr Carson's view that if the shot was from a distance, the firer would have had to have been shooting from a very low angle, potentially a lying position.¹

¹ [FS7.1950](#)

- 104.422** Apart from the fact that the question and answer related to only one bullet wound (Wound 1), we do not accept that Dr Carson was expressing a view about a shot from a distance. The context in which these questions and answers are to be found is a discussion of the likelihood of Jim Wray being shot at very close range,¹ and in our view what Dr Carson was dealing with was only what in his view the position of the firer would have had to be if Jim Wray had been lying flat on the ground and had sustained Wound 1 from a firer close to him.

¹ [Day 207/29-35](#)

- 104.423** As to the second proposition, Malachy Coyle in his NICRA statement described the man (in our view Jim Wray) "*lying face down on the ground*".¹ In his evidence to us he recalled Jim Wray lying with the left side of his body propped up on the pavement and the right side lower down, resting in the gutter.²

¹ [AC97.20](#)

² [AC97.12; Day 156/33-35](#)

104.424 Bridget O'Reilly, in her oral evidence to this Inquiry, recalled that Jim Wray was “*kind of*” lying on his stomach rather than lying on his back.¹ When asked whether she had seen Jim Wray raise his head and shoulders, she replied that all she had seen at the time she observed the body jerk was his head lifting up.²

¹ Day 172/9

² Day 172/23

104.425 It was submitted that William O'Reilly had changed his account in his written evidence to this Inquiry,¹ in stating that Jim Wray “‘*seemed to be looking around*’. *This contradicts his earlier evidence to Lord Widgery that James Wray was lying ‘flat and motionless’.*”²

¹ AO69.1

² FS7.1971

104.426 In fact William O'Reilly did not use the words “*flat and motionless*”. They appeared in a question put to him by Mr Gibbens, counsel for the Ministry of Defence:¹

“Mr. GIBBENS: In your mind, and this is the object of the answer, isn't it, in your mind it must have been that while lying on the ground the body jerked because the boy was deliberately shot when he was lying flat and motionless?

A. That is right.”

¹ WT7.5

104.427 A little earlier in his oral evidence to the Widgery Inquiry, William O'Reilly had made clear that he had seen Jim Wray looking around:¹

“Q. When he was on the ground, after he had fallen, did you see his body move at all at any time?

A. He lifted his head and tried to look round, you know.

LORD WIDGERY: I think you were indicating that he moved his head around?

A. Yes. He was trying to look round.

Mr. HILL: He raised his head from the ground and moved it around, looking about him, is that correct?

A. Yes.

Q. After that, what else, if anything, did you notice about him?

A. I was going to run down like, to get him up, and the body gave a jerk.

Q. Was that a sudden sort of twitch?

A. Yes, it was.

Q. Were you able to see with your own eyes what caused that sudden twitch in Wray's body?

A. No.

Q. But after this twitch, did he then fall again from the slightly raised position to the ground?

A. His head just went down again.

Q. His head had been raised?

A. Yes, he was moving about his head.

Q. And after the twitch did his head fall to the ground?

A. Yes.

Q. Did he then remain lifeless?

A. I did not see him move after.

Q. You did not see him move at all after that?

A. No.

Q. So after the body twitched his head fell to the ground, and he remained perfectly motionless after that, is that so?

A. Yes."

¹ [WT7.3](#)

104.428 In our view there was nothing inconsistent in William O'Reilly's evidence on this point. In its context, his answer to Mr Gibbens cannot fairly be understood as a retraction of what he had just said. Had it been thought to be so, Mr Gibbens would undoubtedly have pointed this out, which he did not do.

104.429 As we have already noted, in his written statement to this Inquiry Gerald Campbell recalled seeing a man (in our view clearly Jim Wray) lying face down with his head and shoulders on the pavement, who kept raising his head.¹

¹ [AC13.4](#)

104.430 Asked with regard to Jim Wray “*When you saw the bullets strike his body, are you sure he was lying on the ground when you saw those bullets st[r]ike?*”, John Porter answered “*He was lying flat*”.¹

¹ AP11.12

104.431 In his written evidence to this Inquiry, Michael Wilson described the youth he saw (again in our view Jim Wray) as lying on his stomach with “*his body tight against the kerb*”.¹

¹ AW18.1

104.432 From the accounts of these witnesses it does appear that Jim Wray was lying face down, though raising his head and looking around. Whether he was in the position described by Malachy Coyle decades after the event is much more uncertain, and in the light of the other evidence it seems to us that we should not rely on his recollection in this regard.

104.433 As to the third proposition, it is also the case that there is no evidence, from either a military or a civilian source, that a soldier fired from a prone position or lowered his rifle and fired it from ground level, though it should be noted (as discussed above) that there is both civilian and military evidence that earlier a soldier had fired from a kneeling position.

104.434 As we have already indicated, in our view the civilian evidence, taken with the scientific and medical evidence discussed above, does establish that if Jim Wray was lying flat (as opposed to an angle of about 45° to the ground) he could not have been shot at short range save by a firer at ground level.

104.435 We are not persuaded, however, that it is legitimate to take Dr Carson’s evidence and to extrapolate from it the proposition that if Jim Wray was lying flat and face down a soldier at other than short range would have had to have fired from ground level. There was no scientific evidence to support such an extrapolation.¹ On the contrary, though he seems only to have been considering the angle at which the bullets entered Jim Wray’s body and their track through his body, Professor Simpson expressed the following view to the Widgery Inquiry:²

“Q. So if Wray was lying on the ground when shot, he must have been shot by someone also lying on the ground?”

A. No. He could be shot in the way in which these injuries were sustained by a person kneeling, standing or lying. The angle at which the bullet enters the body, unless it was a very close discharge, bears no relation to their relative position. This was a transverse wound.

Q. Is the track which the bullet takes through the body, unless interrupted by a bone, indicative of the direction from which the shot comes?

A. No. It is a relative matter between the position of the body as to whether it is prone, or half-prone or half-supine: it is not solely a matter of the direction from which the bullet comes.

Q. I do not see quite then how the relative term 'shot as when standing' relates to the position of the firer and the position of the victim?

A. I am only putting forward a probability – shot as when standing.

Q. Would it appear to you to be, from the evidence of the wound and the direction, more likely that the person was standing when the bullet entered his body?

A. I do not think I can help in that respect.

Q. In the case of Wray, the track went through from right to left with an inclination upwards at about 15 degrees to the horizontal plane?

A. Yes.

Q. That would still apply if the firer was kneeling and necessarily aiming rather downwards?

A. Yes, or if the body were tilted with the weapon horizontal.”

¹ Although we are not scientific experts, it seems to us that as the distance from a standing firer increases, as a matter of geometry the angle at which Jim Wray's body would have to be relative to the ground in order to account for Wound 1 would necessarily decrease from the angle required if the shot was from a standing firer at short

range; and would further reduce if the firer was not standing but was kneeling or shooting from a lower position. However, this was not canvassed with the experts.

² WT9.43

104.436 In our view, therefore, though we are satisfied that Jim Wray was not shot on the ground at point blank range, we find nothing in the medical or scientific evidence that precludes the possibility that he was shot in that position from a greater range.

Whether Jim Wray fell because he was shot

104.437 We have already observed that in our view the 1972 evidence that Jim Wray was shot on the ground indicates that he sustained one wound in this position. A number of other witnesses described seeing Jim Wray fall.

104.438 George Hillen told this Inquiry that as he was at the back of the crowd trying to get through the south-western alleyway of Glenfada Park North he saw Jim Wray to his right, who then said he had been hit and fell forwards.¹ George Hillen gave no evidence in 1972, and though he was doing his best when he came to give oral evidence to us,² we formed the view from his evidence as a whole that his memory was such that we could not place much reliance on his recollection. However, his account is consistent with Jim Wray falling because he had been shot.

¹ [AH74.4](#)

² [Day 164/25](#)

104.439 Michael Quinn was, as we have described earlier in this chapter, shot in the face as he ran towards the south-west exit of Glenfada Park North, but he managed to continue through the alleyway and into Abbey Park. He was interviewed by a member of the *Sunday Times* Insight Team, whose notes included the comment: “*james wray (who he [Quinn] now recognises from the pix) fell beside him and hit his head of [sic] the kerb of the footpath.*”¹

¹ [AQ11.13](#)

104.440 In his evidence to this Inquiry, Michael Quinn stated that he recalled “*thinking that someone else has been shot with me because – I guess from the way he fell. He did not put his hand out. I recall his head hitting the kerb stone.*”¹ He later added: “*I did not see a bullet hitting the person, but I could tell from the fact that his head was hitting the kerb stone, his hands were nowhere in view. He did not put his hand out to stop his fall.*”² Michael Quinn stated that he did not know at the time who this person was, although he recognised him as someone who had carried the NICRA banner and had been around “*the group carrying the body in Glenfada Park North*”.³ He subsequently came to think that the man was Jim Wray,⁴ an identification that seems to us to be correct. To our minds this evidence supports the view that Jim Wray fell because he was shot.

¹ [Day 169/89](#)

³ [AQ11.24](#)

² [Day 169/136](#)

⁴ [AQ11.24](#)

104.441 Although other witnesses described seeing Jim Wray fall, we did not find their evidence helpful on the question as to whether or not this was because he had been shot or because he had simply tripped or otherwise lost his balance.

The evidence of Private 027

104.442 Private 027, the Anti-Tank Platoon signaller, gave some evidence that seemingly relates to the circumstances in which Jim Wray came to be shot. Elsewhere in this report¹ we have described the nature of the accounts he gave before he provided written and oral evidence to this Inquiry.

¹ [Chapter 179](#)

104.443 In the account he gave in 1975,¹ Private 027 stated that *“H fired from the hip at a range of 20 yards. The bullet passed through one man and into another and they both fell, one dead and one wounded. He then moved forward and fired again, killing the wounded man. They lay sprawled together half on the pavement and half in the gutter.”*

¹ [B1565.006-007](#)

104.444 Private 027 said to this Inquiry that, as with other aspects of his 1975 account, he had no recollection of the detail described in it, but he also had *“no reason to doubt that this description of events is what I thought occurred at the time or believed to have occurred at the time”*.¹

¹ [Day 246/94](#)

104.445 Private 027 told us that he believed that he read his *“field notebook”* account of the events of Sector 4 to the journalist Lena Ferguson,¹ who took notes as he did so, during the course of an interview for Channel 4 (which took place on 16th March 1997). Lena Ferguson told us that Private 027 did produce his diary, but that it did not play a major part in the conversation.² However, her interview notes do record a similar incident.³ On the most straightforward interpretation of these notes, Private 027 appeared to suggest that Private G fired into a crowd of 40 and hit two men with one bullet. A third man was then shot, possibly in the leg, by Private H, who then *“went and finished him off”*.⁴

¹ [Day 249/174](#)

³ [B1565.273](#)

² [Day 202/54-55](#)

⁴ [B1565.273; Day 249/173-175](#)

104.446 Private 027 told this Inquiry that he did not believe that he had an independent memory of the events in Glenfada Park when he gave this account to Lena Ferguson.¹

¹ [Day 249/183-184](#)

104.447 We have earlier explained why we consider that Private 027 did not enter Glenfada Park North until after the initial burst of firing. Thus in our view much of his accounts must at best be second hand. We have also observed that whereas in 1975 he stated that it was

Private H who had hit two men with one bullet, he seems to have told Lena Ferguson that it was Private G who had done this. In these circumstances, though these two accounts are consistent in identifying Private H who had shot a man on the ground, it seems to us that all that can be said about this evidence is that it is not inconsistent with the civilian evidence that Jim Wray was shot and fell and was then shot again as he lay on the ground. Private 027's naming of Private H as the soldier responsible for this latter shot is a matter that we return to consider below, though we should say at this stage that we do not regard it, on its own, as a reliable basis for concluding with any certainty that Private H shot Jim Wray on the ground.

Conclusions on the shooting of Jim Wray

- 104.448** It is clear from the medical and scientific evidence that Jim Wray was shot twice in the back.
- 104.449** On the basis of the civilian evidence discussed and considered above, we have concluded that Jim Wray probably fell because he was shot once as he was making his way out of Glenfada Park North.
- 104.450** We have also concluded, on the same basis, that he was probably shot again as he lay on the ground.
- 104.451** We reject the assertion that Jim Wray was “executed” by a soldier shooting him at close range while he was on the ground. There was no 1972 evidence to this effect and it seems to us that the accounts given in 1972 are inconsistent with such an assertion. Furthermore, the medical and scientific evidence, which we accept, is to the effect that for such a shooting to have happened, Jim Wray, rather than lying flat on the ground as most of the accounts in 1972 described, would have to have been on his left hand side at an angle of some 45° to the ground.
- 104.452** We interpret Malachy Coyle's 1972 account that Jim Wray had *been “shot again in the back of the left-hand shoulder”* as he lay on the ground as convincing evidence that he witnessed the effect of the bullet that caused Wound 1 exiting from his body, as there is no doubt from the medical evidence that it did so in this area. This is consistent with the views of Dr Shepherd and Mr O'Callaghan on the likely cause of the “*shoring*” of this exit wound, though not with those of Dr Carson and Dr Di Maio.
- 104.453** It follows from these conclusions that in our view the shot that caused Jim Wray to fall was the lower of the two shots that hit him, in other words the shot that caused Wound 2. This means in turn that while we accept that the entry hole of a bullet into the lining of

Jim Wray's jacket was caused by the bullet that inflicted Wound 2, we are not persuaded that this is a firm indication that Wound 2 was inflicted when Jim Wray was on the ground. Mr O'Callaghan thought this was the most likely explanation, but described his view as "*not an immutable opinion, by any means*".

- 104.454** From the medical and scientific evidence the experts expressed as "*the most likely*" of the possibilities, that the two bullets that struck Jim Wray were fired from the same weapon from the same position and in quick succession, though as they emphasised more than once, this did not preclude other possibilities that might arise from eyewitness evidence.
- 104.455** That eyewitness evidence persuades us that it is probable that Jim Wray, after he had been shot and had fallen, lay on the ground for long enough to exchange words with people nearby before he was shot again. There is no civilian evidence that helps to decide whether he was shot by the same weapon or from the same position; and only Private 027's second hand account that the same soldier was responsible for both shots.

Where Jim Wray was taken

- 104.456** We deal with this aspect of the matter after considering the circumstances of the casualties in Abbey Park, since it was after these casualties had been sustained that Jim Wray was moved from Glenfada Park North.

William McKinney

- 104.457** William McKinney was shot in the back and fatally wounded by Army gunfire when he was on the south side of Glenfada Park North.

Biographical details and prior movements

- 104.458** William McKinney, often known as Willie, was 26 years old at the time of Bloody Sunday.^{1,2} He was engaged to be married, lived in the family home in the Creggan and was a compositor at the *Derry Journal* newspaper.³ On 30th January 1972 he attended the civil rights march with his next-door neighbour, Peter Harrigan.⁴ William McKinney, a keen amateur photographer, took his cine camera with him, as he had done at the Magilligan Strand demonstration the previous week, and we have seen the footage that he filmed on both occasions. William McKinney and Peter Harrigan separated when they moved away from William Street because of the presence of gas in the area.⁵

William McKinney spoke to his brother, George, at the junction of William Street and Rossville Street shortly before soldiers entered the Bogside.⁶ He subsequently made his way to Glenfada Park North.⁷

¹ [Day 48/100](#); [D0280](#)

² There are contemporary documents ([D0262](#); [D0264](#); [D0267](#)) that give William McKinney's age as 27; this may be because he was only three days short of his 27th birthday when he was shot.

³ [Day 48/101-105](#); [D262](#); [FS1.2267](#)

⁴ [AH 37.1](#)

⁵ [AH37.1-2](#)

⁶ [AM301.2](#)

⁷ [CS6.505-508](#); [FS1.2267-2269](#)

Where William McKinney was shot

104.459 We have no doubt that William McKinney was shot and fatally wounded in Glenfada Park North. It is convenient to set out again Trevor McBride's photograph showing where he lay after being shot.



William
McKinney

104.460 We should note, however, that there was some evidence that seemed to suggest that William McKinney might have been shot in Abbey Park.

104.461 John Carr in his evidence to the Widgery Inquiry and the later coroner's inquest said that a man, who he later learned was William McKinney, was shot as he ran to assist Gerard McKinney.¹ As described later in this report,² Gerard McKinney was shot in Abbey Park. In his evidence to this Inquiry, John Carr agreed that the person he believed to have been

shot may just have been diving for cover, and that he might simply have assumed it was William McKinney, because he later saw William McKinney being carried into a house in Abbey Park.³

¹ AC42.14; AC42.18; AC42.23-24; AC42.26

³ Day 159/107-115; Day 159/126

² Chapter 107

104.462 Maureen (also known as Mary) Doherty stated to this Inquiry that from her position in the scullery of 7 Abbey Park she saw William McKinney crawling south along the west side of the western block of Glenfada Park North just before Gerard McKinney and Gerald Donaghey were shot.¹ Mary Doherty stated that she recognised William McKinney from his work at the *Derry Journal* and his presence at a dinner dance “*a while before Bloody Sunday*”. In her NICRA statement² she did not mention seeing William McKinney, but in her written statement for the Widgery Inquiry she did add, after describing shooting in Abbey Park, that before this shooting she saw “*the young McKinney*” creeping along at the Glenfada Flats. “*He appeared to be injured but I did not see him being shot.*”³ In our view Mary Doherty was mistaken in thinking that she saw William McKinney.

¹ AD85.2-3; Day 161/93-95; Day 161/111-113

³ AD85.11

² AD85.9

104.463 James McLaughlin gave a NICRA statement in which he recorded that “*A man running beside me who I later learned was William McKinney was shot.*”¹ This statement does not make clear where he was saying that this incident occurred, though on one reading he could have been referring to Abbey Park. In an account given to Peter Pringle of the *Sunday Times* Insight Team, James McLaughlin described being in Abbey Park and helping to carry William McKinney into 7 Abbey Park, but said nothing about being beside William McKinney when this casualty was shot.² In his written statement to this Inquiry, James McLaughlin told us that he was now not sure precisely where the running man fell or whether the running man had stumbled or had been shot. He also told this Inquiry that William McKinney might not have been the person he saw fall.³

¹ AM463.8

³ AM463.2-4

² AM463.9

104.464 Joe Mahon (who is also shown in Trevor McBride’s photograph of the three lying in Glenfada Park North¹) has throughout maintained that William McKinney fell in Glenfada Park North just to his right.² As we describe later in this part of the report there are photographs that show William McKinney’s body being carried into Abbey Park from Glenfada Park North through the south-west alleyway. There is also evidence of the earlier presence of William McKinney at the south gable end of the eastern block of Glenfada Park North, to which we refer below. In our view the witnesses who said or

implied that William McKinney was shot elsewhere are mistaken, possibly because they confused William McKinney with Gerard McKinney, who (as we describe later³) was shot in Abbey Park, or because William McKinney was carried into Abbey Park after he was shot.

¹ Paragraph 104.206

³ Chapter 107

² AM18.3; AM18.15

Medical and scientific evidence

104.465 Dr Carson performed an autopsy on the body of William McKinney at Altnagelvin Hospital on 31st January 1972. The autopsy was observed by Dr Raymond McClean, Dr MacDermott and Dr Cavanagh.¹

¹ D0280

104.466 The autopsy revealed two entry and two exit wounds. The fatal injuries were caused by a bullet that entered the right side of William McKinney's back, traversed his upper abdomen and exited on the left side of his lower chest.¹ A bullet had also passed through his left forearm from the palm side to the back.² Dr Carson's conclusion on the autopsy was that a single bullet was responsible for all the injuries.³

¹ D0280-0281; D0285; E2.0043

³ D285

² D0282; D0285; E2.0043

104.467 We have had the opportunity to examine the photographs that were taken of William McKinney during the autopsy. We have decided, after consulting with the families of the deceased, not to publish them.

104.468 The Trunk Wound: The entry wound (0.5cm circular) was on the right side of the back 13cm from the midline and 9cm below the scapula. The corresponding exit wound (2cm x 1.6cm) lay on the left side of the chest 8cm below and 10cm to the left of the left nipple. There were substantial internal injuries to William McKinney's ribs, right lung, liver, stomach, colon and spleen.¹ Assuming the body was in the Normal Anatomical Position, a concept used by pathologists to describe wounds on the basis that the casualty was standing vertically with hands by the sides,² the track was described in the 1972 notes, reports and opinions as being from back to front at 33° from right to left and horizontal.³ Dr Shepherd and Mr O'Callaghan concluded that the bullet entered the right side of William McKinney's back and passed through the left side of his lower chest, causing the body wounds and internal injuries.⁴ There was a disagreement between Dr Carson and Dr McClean, who observed the autopsy, over whether the track was horizontal or whether, as Dr McClean suggested, there was a 5° upward angle.⁵ Dr Shepherd and

Mr O’Callaghan considered that the difference “*was well within the possible error for these measurements and can therefore be disregarded*”⁶ and Dr Carson in his evidence to this Inquiry referred to the difference as being insignificant.⁷ We accept their opinions on this point.

¹ D0281; D0285; D0291-293

⁵ D0535-536; AM105.38-39

² Day 229/103

⁶ E2.0042-43

³ D0281; D0291-293; E2.0042; D292

⁷ D0535-536

⁴ E2.0042-43

104.469 In his autopsy opinion Dr Carson stated that the internal gunshot wounds to William McKinney’s torso were “*associated with bleeding into the chest and abdominal cavities and death, which would probably have been rapid but not instantaneous, was due to their combined effects*”.¹

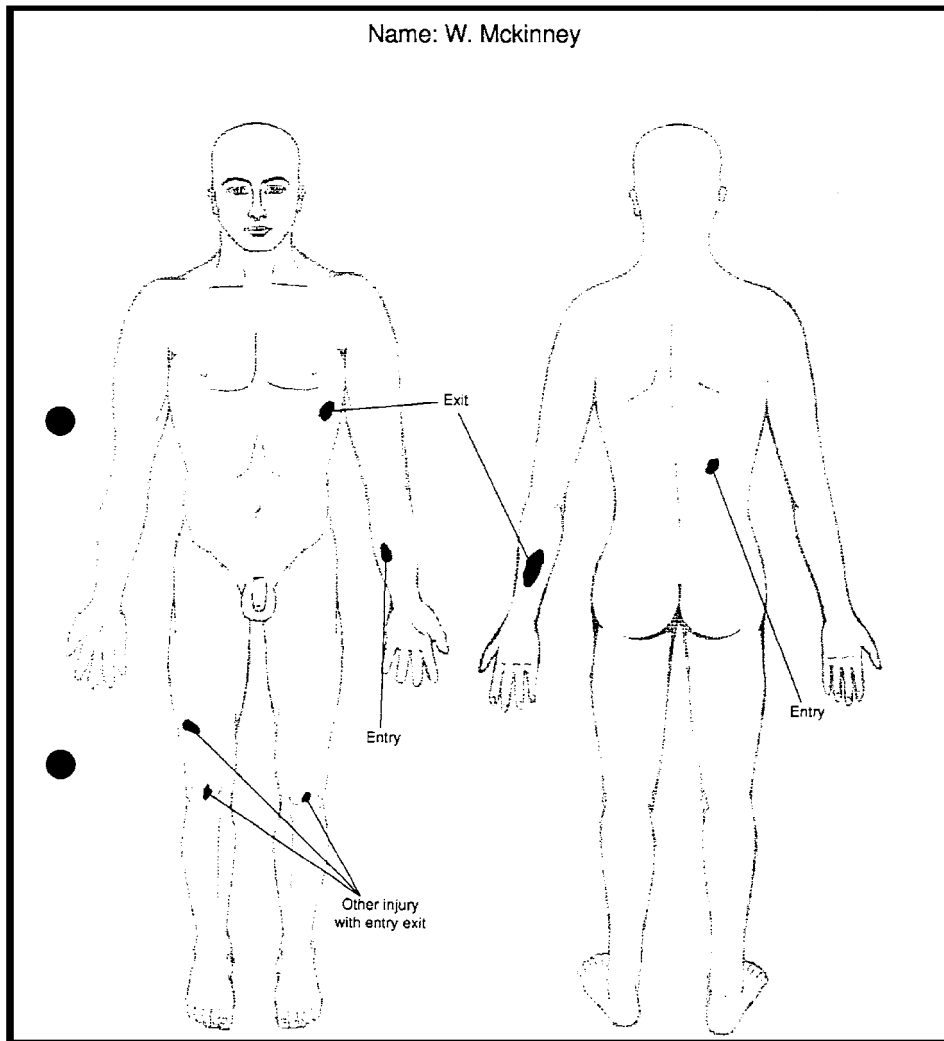
¹ D0285

104.470 **The Arm Wound:** The entry wound to William McKinney’s forearm was described in the autopsy report as “*an irregular elliptical wound, 15mm. x 10 mm.*” on the flexor surface (ie the palm side). It lay 70mm above the wrist. The exit wound was “*a gaping elliptical wound*”, 80mm long by 30mm wide, with the lower end 25mm above the wrist.¹

¹ D0282; E2.0043

104.471 Dr Shepherd and Mr O’Callaghan produced a diagram showing the position of the wounds.¹ That diagram is reproduced below.

¹ E2.75



104.472 Dr Carson agreed with Dr Shepherd and Mr O'Callaghan that the wound on the palm side of the forearm was an entrance wound, and that its atypical appearance – being larger and more irregular than a “*clean*” or “*simple*” entrance wound – suggested that the bullet that struck William McKinney’s arm was unstable or damaged by the time that it did so.¹ The experts had different views as to the cause of the damage or instability, and their evidence on this point is accurately described in our Counsel’s summation, which we set out below:

4. There is some disagreement between Dr Carson on the one hand, and Dr Shepherd and Mr O'Callaghan on the other, regarding the nature of the injuries to Mr McKinney's arm. Dr Carson believed that these were likely to have been caused by the same bullet that had earlier passed through his body (and thus represented a re-entry and an exit wound).² Dr Shepherd and Mr O'Callaghan thought that this explanation was only of equal likelihood with the possibility that he was hit by a second unstable or damaged bullet.³

(a) Dr Shepherd and Mr O'Callaghan explained that the fact that the entry wound in Mr McKinney's arm was considerably smaller than the exit wound to his chest did not preclude the possibility that the same bullet was responsible. They commented that fragments of rib might have distorted the chest wound, while Dr Carson also referred to the possibility that the phenomenon of 'temporary cavitation' (the expansion of tissue around a wound in the immediate aftermath of the bullet passing through) could have caused the same effect.⁴

(b) Dr Carson explained to this Inquiry that he did not rule out the possibility that the arm was struck by a second bullet, but he believed that it was simpler to explain the injuries by the single-bullet theory, and hence it was 'more likely' that this was correct.⁵

(c) Dr Martin's contemporary notes referred to the damage to the sleeve of Mr McKinney's coat as being consistent with the re-entry and re-exit of the same bullet that had passed through his torso.⁶ Dr Shepherd and Mr O'Callaghan concluded that there was no accompanying description or explanation in the extant notes to suggest why he came to that conclusion.⁷

¹ Day 206/37-38; E2.0043

² D285; Day 206/23-37; D536; D537.1

³ E2.43-E2.45; Day 229/33-36

⁴ E2.43; Day 229/35; Day 206/31

⁵ Day 206/37

⁶ D276; D272-D275

⁷ E2.44

104.473 We accept the evidence of Dr Shepherd and Mr O'Callaghan on this topic. We therefore consider that it is not possible on the medical evidence alone to determine whether it was more likely that William McKinney was struck by one bullet than by two. There is no civilian evidence that assists on this question.

104.474 Dr Martin conducted tests for the presence of lead particles on William McKinney's clothing and hands. He interpreted his findings as a negative result, and therefore concluded that William McKinney had not been using a firearm.¹ William McKinney's clothing was also tested for the presence of explosive residues, but none was found;

no swabs were received by DIFS to allow similar tests to be conducted in relation to his hands.² There is therefore no scientific evidence to suggest that William McKinney had discharged a firearm or handled explosives at any stage on Bloody Sunday.

¹ [D269-271](#)

² [D265-266](#)

When William McKinney was shot

104.475 We have no doubt that William McKinney was shot as he went from the southern end of the eastern block of Glenfada Park North towards the south-west alleyway into Abbey Park. Shortly before he was shot he had been standing among the crowd round the body of Michael Kelly, and was identified by John James McLaughlin¹ and John Kelly² from the photograph of this scene, as shown below. There is nothing to indicate that he went elsewhere before he started to go across the south of Glenfada Park North.

¹ [AM339.5](#); [AM339.7](#)

² [AK13.4](#); [AK13.14](#)



William
McKinney

What William McKinney was doing when he was shot

104.476 There is no evidence and no-one has suggested that William McKinney was in possession of any form of weapon. However, it appears to be suggested by the representatives of the majority of represented soldiers that William McKinney may not have been attempting to flee, but was rather “*standing his ground*” when soldiers came into Glenfada Park North; and that his possession of both a cine camera and an ordinary camera might, with “*sudden movement with such a piece of photographic equipment*” be mistaken for some kind of aggressive, armed behaviour.¹

¹ [FS7.1910](#); [FR7.750](#)

104.477 We do not accept this. William McKinney did have his cine camera with him, though not his ordinary camera,¹ and did on occasion take risks to get pictures.² The short distance between William McKinney and the soldiers in Glenfada Park North in our view makes it highly unlikely that anyone at that distance could mistake a cine camera for a firearm. There is no evidence to suggest that as he made his way across Glenfada Park North, he behaved in such a way as could lead anyone to believe that he was armed and posing a threat of causing death or serious injury. The fact that he was shot in the back is to our minds inconsistent with any such suggestion.

¹ [Day 176/150](#); [AD13.2](#)

² [AM301.5](#)

104.478 We deal later in this report¹ with the question of who shot William McKinney.

¹ [Chapter 112](#)

Where William McKinney was taken after he was shot

104.479 We deal later in this report¹ with this aspect of the matter.

¹ [Chapter 108](#)

Joe Mahon

104.480 Joe Mahon was shot by Army gunfire at the top of his right thigh, when he was on the southern side of Glenfada Park North.

Biographical details and prior movements

104.481 Joseph Mahon, commonly known as Joe, was 16 years old at the time of Bloody Sunday. He was single and lived with his family in the Creggan, had left school in January 1972 and was due to begin an apprenticeship as a joiner.¹ He took part in the civil rights march at Bishop's Field on 30th January 1972 and subsequently made his way to Glenfada Park North.² There he was shot and seriously wounded.³

¹ [AM18.1](#); [Day 48/97-98](#); [FS1.2277](#)

² [AM18.1](#); [AM18.14](#)

³ When interviewed by Detective Sergeant Cudmore while in hospital, Joe Mahon said that he had been visiting the house of a relative at the time when he was shot ([AM18.13](#)). We have drawn no adverse inferences from Joe Mahon's refusal to tell Detective Sergeant Cudmore the truth, as it is understandable that he would not wish to admit that he had been on the march.

104.482 Joe Mahon spent a month in hospital and as a result lost his apprenticeship.¹ He described the effect of the injury he sustained on his life in the following terms:²

"I have never fully recovered from the wound I received that day. I have to have regular check ups and the damage to my intestines means I have to be careful about what I eat and drink. I am unable to drink strong spirits. I regularly get pain and cramp in my hips and suffer frequent bowel infections and some numbness in my leg. Before Bloody Sunday I was a very keen sportsman and played Gaelic football. I played football once for Derry Minors and had been captain of the school hurley team. After Bloody Sunday I did not dare take up these sports again because I did not believe that my hips were up to it. Whilst I was in hospital I had been told that I would suffer severe arthritis and would be in a wheelchair by the time I was 45. Mentally, my outlook on life changed. I became more withdrawn and introverted."

¹ [D0819](#); [AM18.6-7](#); [AM18.78](#)

² [AM18.7](#)

Medical and scientific evidence

104.483 Joe Mahon was shot above his right hip by a bullet that penetrated into his abdomen and was recovered from the left anterior superior iliac region (ie the front left side of the pelvis).¹ He suffered multiple perforations of the bowel,² and the serious and potentially fatal nature of his condition is demonstrated by a letter written by consultant surgeon Mr HM Bennett to Chief Superintendent Frank Lagan on 10th February 1972:³

“The bullet was a high velocity one and such missiles when they penetrate abdominal viscera carry a notoriously bad prognosis. I am not therefore prepared at this moment to state the possible outlook for this patient and he may well have a very stormy period if indeed he survives at all.”

¹ D809-824; E10.09-10

³ D0824

² E10.10; D0824

104.484 Dr Martin, in his letter to the RUC dated 4th April 1972, described the round that was found in Joe Mahon’s body as being a “*badly damaged 7.62 calibre rifle bullet*”.¹ He stated that he was unable to match the bullet with any of the 29 rifles that the Army had supplied to him, but nor could he exclude the possibility that it was fired from one of those weapons.² Dr Shepherd and Mr O’Callaghan concluded in a report to this Inquiry that “*The damage to the bullet is unlikely to have been caused during its passage through the clothing or the body. It is most likely that this bullet has struck an intermediate object prior to hitting Joseph Mahon.*”³ We accept this conclusion.

¹ D0827

³ E10.10

² D0826-829

Whether Joe Mahon was hit by a bullet that had hit William McKinney

104.485 The intermediate object to which Dr Shepherd and Mr O’Callaghan referred was, in our view, probably the body of William McKinney, since the latter (as can be seen in the photograph of the three bodies in Glenfada Park North¹) fell close to Joe Mahon. In addition, it should be noted that in his 1975 account Private 027 described two men being struck by one bullet fired by Private H.² However, in this account Private 027 said that Private H had fired from the hip and then had gone forward and shot again, killing the wounded man. According to the notes made by the journalist Lena Ferguson, Private 027 told her that it was Private G who had fired into a crowd and hit two men with one bullet, after which Private H shot another man and then “*went and finished him off*”.³ Since in our view Private 027 did not enter Glenfada Park North until after the initial burst of firing, at best his account of this incident and his inconsistent accounts of who was responsible must be based on what he was told afterwards. We return to consider Private 027’s account later in this report,⁴ when discussing the question of which soldier shot William McKinney.

¹ Paragraph 104.208

³ B1565.273; Day 249/173-175

² B1565.6-B1565.7

⁴ Chapter 112

104.486 In his evidence to this Inquiry, Lance Corporal F was asked about the possibility that he might have shot both Joe Mahon and William McKinney with the same bullet and he agreed that this was possible.¹ However, in view of his professed lack of memory of events and the generally unsatisfactory nature of his evidence, we consider that this answer is of little if any assistance.

¹ [Day 376/171-175](#)

104.487 There is no other evidence that assists in determining whether Joe Mahon was hit by a bullet that had previously struck William McKinney. The only other possibility is that the bullet first hit the ground, as there does not appear to be anything else (apart from William McKinney's body) that it could have struck before hitting Joe Mahon. Despite the fact that Private 027's evidence is second hand, it does in our view point, though far from conclusively, to Joe Mahon being hit by a bullet that had struck William McKinney. We are of the view that Joe Mahon was probably shot by a bullet that had first hit William McKinney.

Where Joe Mahon was when he was shot

104.488 As noted when discussing the circumstances in which Jim Wray came to be shot earlier in this chapter, we have rejected the account given by Joe Mahon of seeing, as he lay on the ground, a soldier shoot Jim Wray at point blank range. However, there is an account contained in a memorandum prepared by the *Sunday Times* Insight Team, according to which Joe Mahon told the journalists that he was running along the fencing on the south side of Glenfada Park North, thought he saw two others hit in front of him *"and then I was hit in the thigh [sic]. at first i thought it was a rubber bullet. i assumed the shot had come from the soldier i had seen enter the alley from rossville street in the northeast corner of the car park. he had come up behind a van and pointed a rifle in my direction."*¹

¹ [AM18.14](#); [AM18.20](#)

104.489 In his evidence to this Inquiry, Joe Mahon said that much of what was contained in the *Sunday Times* notes of the interview was inaccurate.¹ In particular he told this Inquiry that he had not seen a soldier in the north-east corner of Glenfada Park North but rather a number of soldiers, one of whom wore a distinctive jacket and was firing from the hip in a *"fan"* motion.² We take the view that the *Sunday Times* notes did record what Joe Mahon told the journalists at the time; and that had he in fact seen a soldier behaving in this

manner he would have told the journalists. The same applies to the interview conducted by Fulvio Grimaldi to which we have already made reference.³ In this interview Fulvio Grimaldi recorded Joe Mahon saying that he was walking when shot.

¹ [AM18.8](#)

³ [AM18.25](#)

² [AM18.3; Day 167/18-21](#)

104.490 The *Sunday Times* map relating to Joe Mahon marked him as falling well to the east of centre on the southern edge of Glenfada Park North.¹ This map, and Joe Mahon's other *Sunday Times* evidence, indicated that there were two other bodies to the west.² However, on the basis that Joe Mahon was hit by a bullet that had struck William McKinney, which we consider was probably the case, this map shows Joe Mahon further to the east than the point at which we believe he fell. That he fell closer to William McKinney seems to us to be supported by what is seen in Trevor McBride's photograph of the bodies in Glenfada Park North, which we have reproduced above.³

¹ [AM18.8](#)

³ [Paragraph 104.206](#)

² [AM18.18; AM18.14; AM18.20](#)

What Joe Mahon was doing when he was shot

104.491 We return to the evidence of Joe Mahon when considering what happened subsequently in Glenfada Park North and Abbey Park. At this stage, however, we should state that we have found no evidence to suggest that he was behaving in a way that could lead anyone to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. He was running (or possibly walking) away from the soldiers when he was shot.

104.492 We deal later in this report¹ with the question of who shot Joe Mahon.

¹ [Chapter 112](#)

Where Joe Mahon was taken after he was shot

104.493 We deal with this aspect of the matter later in this report.¹

¹ [Chapter 108](#)

Patrick O'Donnell

104.494 Patrick O'Donnell was shot in the shoulder by Army gunfire as he sheltered behind a fence on the east side of Glenfada Park North.

Biographical details and prior movements

104.495 Patrick O'Donnell, commonly known as Patsy, was 41 years old at the time of Bloody Sunday. He was married with six children, lived in Rathowen Park, Londonderry and was employed as a roofing contractor.¹ On 30th January 1972 he joined the civil rights march with some friends, and subsequently made his way to Glenfada Park North,² where he was wounded.

¹ [AO35.1](#); [AO35.12](#); [Day 48/146](#); [FS1.2298](#)

² [AO35.1](#)

Medical and scientific evidence

104.496 Patrick O'Donnell sustained what was described in his discharge letter as a “*through and through bullet wound*” to his right shoulder.¹ Dr Shepherd and Mr O'Callaghan reviewed the 1972 notes relating to Patrick O'Donnell's injury and commented that “*A number of metallic fragments were noted on X-Ray but only one appears to have been found at operation; this fragment was submitted to DIFS [Department of Industrial and Forensic Science]. Dr Martin identified that fragment as being a piece of lead 'which could be part of a bullet.'*”² No comment can be made concerning the nature of the projectile.”³

¹ [D899](#)

³ [E10.10](#); [D889-D902.1](#); [D903-D907](#)

² [D906](#)

104.497 Patrick O'Donnell also received an injury to his scalp later in the day. This wound and the circumstances in which it was sustained are discussed later in this report.¹

¹ [Chapter 114](#)

104.498 Patrick O'Donnell was treated at Altnagelvin Hospital and was discharged on 9th February 1972.¹ As a result of his injuries he was unable to return to his work for a period of six to eight months.²

¹ [D0902.1](#)

² [Day 48/150](#)

Accounts given by Patrick O'Donnell

104.499 Patrick O'Donnell gave a number of accounts in 1972:

- a) An interview with Detective Constable FJR Gillanders. According to the resulting statement and an associated police note, the main interviews were conducted on 3rd and 4th February 1972 at Altnagelvin Hospital, and Patrick O'Donnell provided additional information and signed the document in the presence of his solicitor on 11th February 1972.¹
- b) A NICRA statement dated 7th February 1972.²
- c) Written and oral evidence to the Widgery Inquiry.³
- d) An interview with the *Sunday Times* journalists, Peter Pringle and Philip Jacobson, the notes of which are dated 6th March 1972.⁴

¹ ED61.4-5; AO35.9

³ AO35.18-AO35.19; WT6.41-46

² AO35.7-AO35.8

⁴ AO35.20-25

104.500 Patrick O'Donnell also gave written and oral evidence to this Inquiry.¹

¹ AO35.1-AO35.6; AO35.10-AO35.11; AO35.26; Day 156/110-134; Day 157/1-28

104.501 Patrick O'Donnell was quoted in at least two newspapers in 1972, describing the incident in which he was shot.¹ In his evidence to this Inquiry, he accepted that these accounts were “colourful”.²

¹ L136; L144; Day 157/10-12

² Day 157/12

104.502 In his interview with Detective Constable Gillanders,¹ Patrick O'Donnell stated that he had heard that two people had been shot and taken to a house in Columbcille Court. When he got there he was not allowed in and after talking to people about what had happened he decided to go to Free Derry Corner. According to this account, he went through Columbcille Court and then Glenfada Park North. Before he reached the exit into Rossville Street he heard shots that sounded different from rubber bullets. He and everyone else started to run towards Free Derry Corner, but as he came round the corner of Glenfada Park he saw two civilians “*obviously injured*” lying a few yards back from the rubble barricade. The shots continued and there were a number of people sheltering at the gable end. He decided to run back across Glenfada Park North. He then continued:

“As I started to run I saw somebody falling some distance in front of me across the Park. There were other ones running as well as me. As I ran along I could still hear shooting. I stopped for a second and across Glenfada Park in the direction of Columbcille Court and about 30 or 40 yards from me I saw a soldier with a rifle in his hands. He appeared to be aiming in the direction of where I stood. There was a woman just in front of me and we both dived down behind a wooden fence and I kept the woman pushed down as far as possible. I heard a crack and felt pieces of cement of the wall behind me hit me around the shoulders. I looked round and saw the right shoulder of my coat was torn and I also saw a mark on the wall just above my shoulder. I felt a pain in my right shoulder, like burning. The tear in my coat also looked burnt. The woman and I rolled round to the shelter of the gable of the flats.”

¹ [ED61.4](#)

104.503 Patrick O'Donnell then described what happened to him subsequently, to which we return later in this report.¹

¹ [Chapter 114](#)

104.504 Patrick O'Donnell gave a similar account in his NICRA statement, although he mentioned in this that he had seen more than one soldier in Glenfada Park North.¹

¹ [AO35.7-8](#)

104.505 The *Sunday Times* interview notes¹ also contain a similar account, with Patrick O'Donnell again recorded as referring to the presence of soldiers rather than a soldier in Glenfada Park North.² Patrick O'Donnell described taking cover “*by the side of a wooden fence that juts slightly out into the park*” and “*almost sitting on top of an elderly woman in a fur coat*”.³ According to this account, he said that the fence provided hardly any cover and that “*the next thing i knew there was a sharp crack and a bullet hit the wall beside me and sprayed me with chiipings from the brick. another bullet smacked into the wooden fence. i didnt realise immediately that i had been hit.*”⁴ This appears to be the only time that Patrick O'Donnell was recorded as saying that a second bullet had struck close to him.

¹ [AO35.20-21](#)

³ [AO35.20](#)

² [AO35.20](#)

⁴ [AO35.20](#)

104.506 Patrick O'Donnell's evidence to the Widgery Inquiry was broadly consistent with his earlier statements.¹ He told that Inquiry that he could remember seeing two soldiers in Glenfada Park North,² and that they were about 30 or 40 yards away.³ It is not possible to ascertain from the transcript precisely where Patrick O'Donnell said that the soldiers were positioned, although one was "*at about the centre*"⁴ and the other appears to have been in the north or "*north-by-west*" segment of the car park.⁵ Patrick O'Donnell recalled that one of the soldiers had his "*rifle levelled, but level with his chest, not to his shoulder*".⁶ However, while he "*took it*" that he was shot by one of the soldiers that he had seen,⁷ he said that he "*could not really say what soldier fired the shot*".⁸

¹ AO35.18; WT6.41-46

⁵ WT6.46

² WT6.46

⁶ AO35.18

³ WT6.44

⁷ WT6.46; WT6.42

⁴ WT6.42

⁸ WT6.44

104.507 Patrick O'Donnell also told the Widgery Inquiry that at the moment he was shot he was "*pretty low down*", crouched on top of the woman with whom he had taken cover behind the fence.¹ He thought that the bullet that struck him also hit the wall behind him at his shoulder level,² but he did not know whether or not he was hit by a ricochet.³ He stated that he had not been carrying a gun or a weapon of any sort.⁴

¹ WT6.46

³ WT6.46

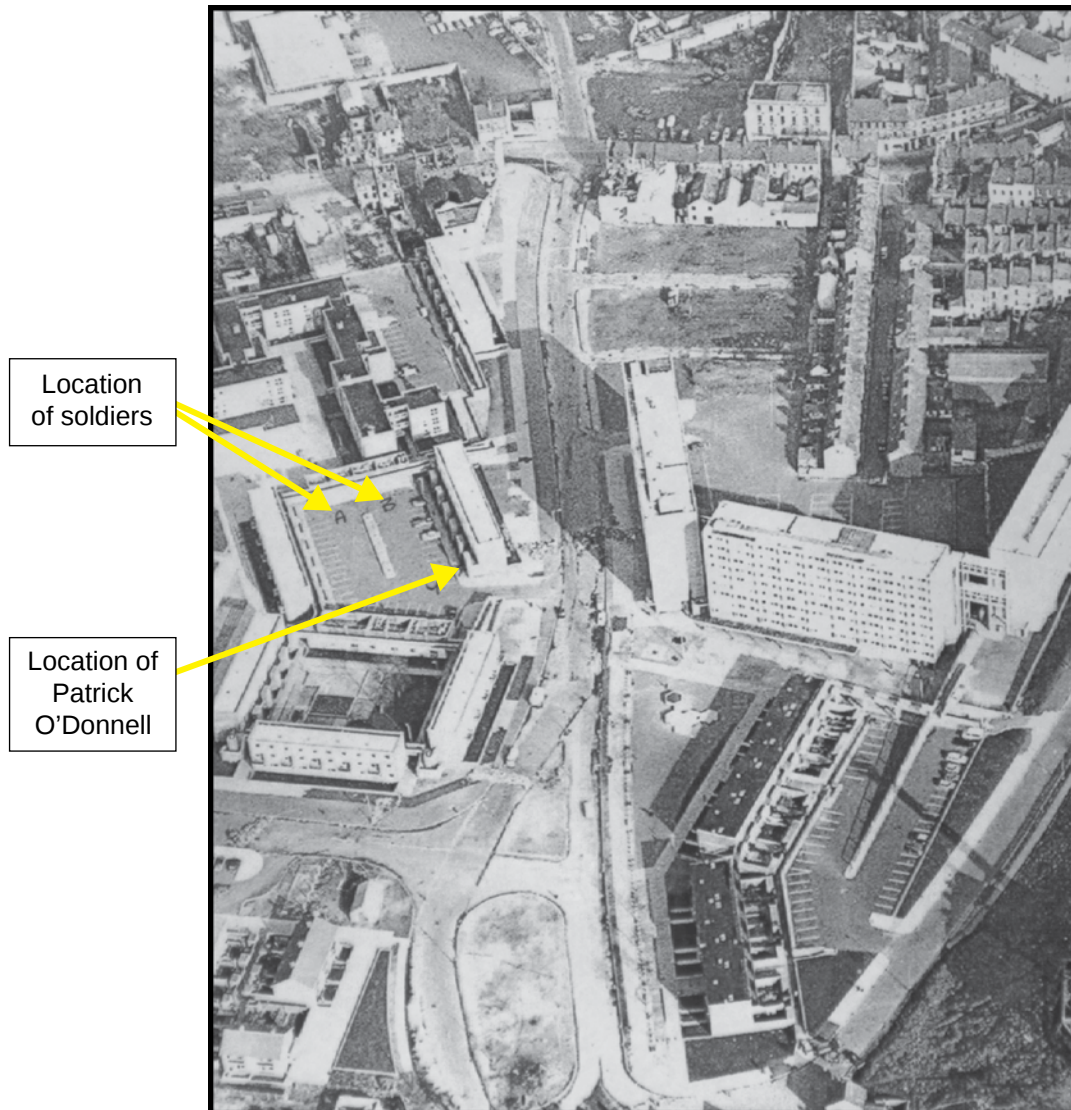
² WT6.44; WT6.41

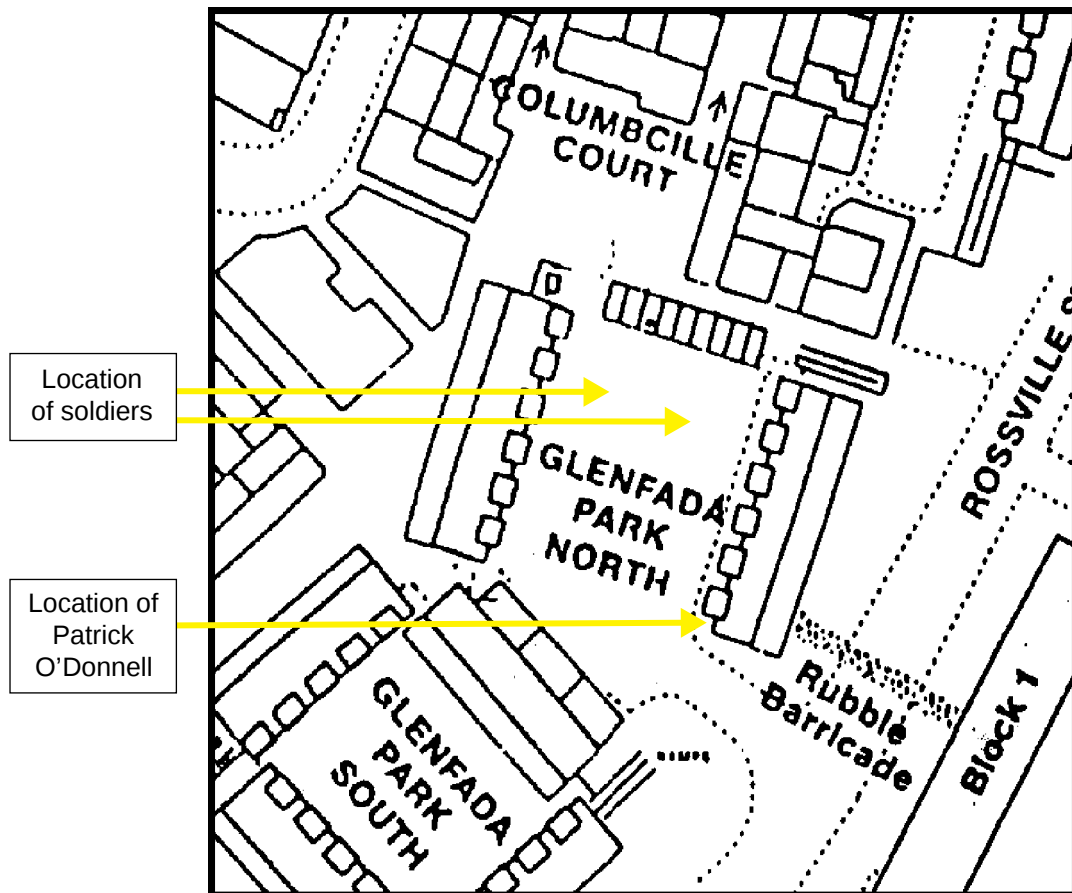
⁴ WT6.44

104.508 In his written evidence to this Inquiry,¹ Patrick O'Donnell identified where he had taken shelter, and where he had seen the soldiers in Glenfada Park North.² These positions are identified on the following photograph and map.

¹ AO35.1-AO35.6; AO35.10-AO35.11; AO35.26

² AO35.2; AO35.6





104.509 Patrick O'Donnell's evidence to this Inquiry was consistent with his 1972 accounts. He recalled that as he was thinking of running from the gable end of the eastern block of Glenfada Park North towards Abbey Park he saw three or four lads running in the same direction. One of these stumbled and fell at the corner of the exit, and Patrick O'Donnell, who by that time had taken a couple of steps away from the gable end, turned back.¹ He took cover in the position marked above, crouched on top of a woman, who he subsequently learned was called Winifred O'Brien, and another man.²

¹ Day 156/113-115; AO35.2

² Day 156/115; AO35.2

104.510 In relation to the shot that injured him, Patrick O'Donnell marked on the photograph below the approximate position that the bullet struck the wall behind him.¹

¹ AO35.37; Day 156/131-133



104.511 He told this Inquiry that he thought that it was possible that he had been hit by bullet fragments that had ricocheted off the wall.¹ However, he stated that he had no recollection of a second round hitting the fence despite being reminded of what was recorded in the *Sunday Times* notes.²

¹ [Day 156/118](#)

² [Day 156/125](#)

Accounts of other witnesses

104.512 Winifred O'Brien, who was 44 years old at the time, gave a Keville interview and spoke to the *Sunday Times* in the aftermath of Bloody Sunday. In the former, she simply stated that "*They shot a fella in an arm while we was under cover*".¹ However, in a longer account to the *Sunday Times* she recalled that after she heard shooting she knelt down by a wooden fence.² She was comforted by a man of 17 or 18, but then heard people shouting that the Paras were coming in.³ She continued:⁴

“Next thing, an older heavier built man came up and he sort of threw himself on top of me to protect me behind the fence. I cant remember how it happened but he suddenly said he was hit in the right shoulder. he was going to put his own hankie on the wound but i'd a brand new one, never been used, with me and i said here, take this one, it will be cleaner. i opened his coat and put the folded hankie inside his shirt against the wound. there was quite a lot of blood and i got some on both hands.

the next thing was 5 or 6 paras rushing up and lifting everybody there. the young boy, the first one who helped me, was knocked around very rough and they were also shoving the man hit in the shoulder.”

¹ AO4.5; AO4.1

³ AO4.2

² AO4.2

⁴ AO4.3

104.513 Winifred O'Brien's account is consistent with those given by Patrick O'Donnell and in our view both of these witnesses are correct in their recollections. It has not been possible to identify the other man with whom they took cover.

104.514 Robert Devine gave this Inquiry a written statement in which he recorded that on the evening of Bloody Sunday he visited Patrick O'Donnell in Altnagelvin Hospital. Robert Devine recalled that Patrick O'Donnell told him that he had been hit by a bullet ricocheting off the wall and that he had seen the soldier who had shot him.¹ This contrasts with Patrick O'Donnell's later evidence, in which he explained that he only assumed that a soldier whom he had seen was responsible for shooting him. In our view Patrick O'Donnell's later evidence was the more reliable.

¹ AD42.4

Where and when Patrick O'Donnell was shot

104.515 We have no doubt that Patrick O'Donnell was shot by one of the soldiers in Glenfada Park North. We are not certain that he suffered this wound from a ricochet of a bullet hitting the wall. Though fragments were found in Patrick O'Donnell's shoulder, one of which Dr Martin identified as a bullet fragment, it is possible either that the bullet first went through the wooden fence, broke up as it did so and then hit him, or that the bullet fragmented on hitting the wall.

104.516 We accept Patrick O'Donnell's evidence of how he came by this bullet injury. Some details in his various accounts vary, but we are sure that throughout he was doing his best to give an honest recollection of events.

- 104.517** On the basis of this evidence we have concluded that Patrick O'Donnell decided to run towards Abbey Park because people were shouting and he had seen people lying at the rubble barricade. He saw somebody falling some distance in front of him. This caused him to turn back and take cover as he described. He was shot after he had done so.
- 104.518** Although Patrick O'Donnell only mentioned a second bullet once and afterwards could not remember, it is noteworthy that Peter Pringle (one of the journalists who interviewed him for the *Sunday Times*) recorded that he himself saw “*the hole in the brick wall and also the splintered wood of the fence during the first week following BS [Bloody Sunday]*”.¹ This might be an indication that Peter Pringle saw evidence of two bullets and thus that Patrick O'Donnell may have been correct when he told the *Sunday Times* that a second bullet struck the fence behind which he was sheltering.

¹ [AO35.23](#)

What Patrick O'Donnell was doing when he was shot

- 104.519** There is nothing to suggest, and no-one has suggested, that Patrick O'Donnell was armed with any sort of weapon. We are sure that he was not and that he was doing nothing that could have led anyone to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. He was simply trying to take cover.
- 104.520** We return later in this report¹ to the question as to whether or not it is possible to identify the soldier whose fire injured Patrick O'Donnell. At this stage it is to be noted that none of the soldiers admitted firing at a fence or at a person crouched behind a fence at the south-west end of the eastern block of Glenfada Park North.

¹ [Chapter 112](#)

What happened to Patrick O'Donnell

- 104.521** Patrick O'Donnell was one of those later arrested at the southern gable end of the western block of Glenfada Park North. We deal with these arrests and what happened to Patrick O'Donnell later in this report.¹

¹ [Chapters 113 and 114](#)

Summary of the initial shooting in Glenfada Park North

- 104.522** In the light of the evidence we have considered, we have concluded that, with the exception of the injury caused by the second shot to hit Jim Wray, the gunshot injuries suffered by the following individuals were sustained as the result of the initial burst of firing by the soldiers who had come into Glenfada Park North. Michael Quinn, Joe Friel and Jim Wray were shot when close to the south-west alleyway leading into Abbey Park, within a very short time of each other. William McKinney and Joe Mahon were shot further to the east, in our view probably just after Michael Quinn, Joe Friel and Jim Wray. Patrick O'Donnell was probably shot slightly later, as his 1972 evidence (which we accept) was that he turned back from running to the south-west exit of Glenfada Park North after seeing someone fall in front of him. As to Daniel Gillespie, we remain in doubt as to where and how he sustained his injury, though it is possible that he was also hit by a bullet, a ricochet or a splinter of brick during this initial burst of firing.
- 104.523** We are satisfied that none of those shot in Glenfada Park North was armed or doing anything that could have led anyone to believe that any of them was posing a threat of causing death or serious injury. There was no evidence from any source that any warning was given before soldiers opened fire, though Corporal E said that he had shouted "*drop it*" before he fired.
- 104.524** We now turn to consider what happened after the shooting of the casualties considered above, though we should point out that it is not wholly clear whether any of the movements of the soldiers we now turn to describe took place before or after the shot that in our view hit Jim Wray as he lay on the ground.

Chapter 105: The movements of the soldiers after the initial shooting

Contents

	Paragraph
Corporal E	105.2
Lance Corporal F	105.4
Private H	105.9
Private G	105.32
Other soldiers	105.43
Civilian evidence	105.47

105.1 We consider first the evidence of the soldiers.

Corporal E

105.2 Corporal E recorded nothing in his Royal Military Police (RMP) statements about what he did after shooting what he described as a petrol and nail bomber. In his written statement for the Widgery Inquiry he recorded that some of the crowd surrounded the body of the man he had shot. He continued:¹

“With the other soldiers I then moved forward to make arrests and we arrested about thirty people. My section took them back as far as the wall from which we had come for them to be conveyed back. I was still covering the position at the entrance to Glenfada Park for a few more seconds and then returned to a position in Rossville Street in front of Columbcille Court where armoured vehicles were waiting for members of my platoon.”

¹ [B95](#)

105.3 In his oral evidence to the Widgery Inquiry, Corporal E said that after he had shot the man he moved forward slightly with three or four others in order to collect prisoners. He said that they collected roughly 30 prisoners, some or all of whom had been in the crowd

which he said had surrounded the person he had shot.¹ In reply to a question from Lord Widgery, Corporal E agreed that the furthest south he had gone in Glenfada Park North was to about the middle of the eastern block.²

¹ WT14.33-34

² WT14.42

Lance Corporal F

- 105.4** Lance Corporal F recorded in his first RMP statement¹ that after he had shot and hit a nail bomber in Glenfada Park North he and other members of his unit advanced towards the rioters:²

“The rioters dispersed.

The remainder of my team gave me cover when I checked around the corner of a building. Around the corner I saw huddled against the wall about 20 people, 19 men and 1 woman. I called to the remainder of the team and we arrested this [sic] twenty people.

We then escorted the prisoners back towards Rossville St...”

¹ B121

² B122

- 105.5** In the statement taken by Colonel Overbury dated 19th February 1972,¹ Lance Corporal F recorded that, immediately after he had shot a nail bomber in Glenfada Park North, he ran along the eastern wall of Glenfada Park to the corner. “*As I did so I heard pistol shots coming from the area of the wall at the far end of the Rossville Flats.*” He then described shouting that there was a gunman and shooting someone near that wall. We consider this part of Lance Corporal F’s evidence in detail in that part of this report concerned with the events of Sector 5. Lance Corporal F told Colonel Overbury that after these shots he saw people standing near him and huddled together at the end of the flats in Glenfada Park North. He and other soldiers, including Private G, arrested these people.

¹ B135

- 105.6** In his written statement for the Widgery Inquiry,¹ Lance Corporal F recorded that after he had shot the nail bomber “*I then asked ‘G’ to cover me as I heard pistol shots in the direction of Rossville Flats.*” Lance Corporal F stated that he saw a gunman at the far end of the Rossville Flats, shouted a warning to Private G, shot the gunman and then saw and arrested people at the gable end.

¹ B138

- 105.7 In his oral evidence to the Widgery Inquiry, Lance Corporal F gave a similar account.¹ He also said that he did not see Corporal E at all when he was in Glenfada Park North,² and that apart from some ambulance people who came forward to the bodies and the people huddled behind the gable end wall he saw no other civilians in Glenfada Park North.³

¹ WT14.48

³ WT14.73

² WT14.48

- 105.8 Later in this report,¹ we deal in detail with the evidence relating to the arrest of the people who were at the southern end of the eastern block of Glenfada Park North.

¹ Chapter 113

Private H

- 105.9 In his first RMP statement, Private H gave no clear indication of his movements after he had first fired.¹ He stated that his patrol came under fire from a concealed sniper firing from a toilet window in “a block of flats extending east towards Chamberlain Street” and that he responded by firing 17 shots at the sniper, then changed his magazine and fired two more. The sniper “*did not return fire*”.² In what we believe to have been his second RMP statement he said that the sniper was located on the south side of the “*car park*”.³ In his third RMP statement,⁴ Private H recorded that after his initial shooting at a nail bomber and at someone who tried to retrieve a nail bomb in Glenfada Park North he withdrew from his position and took up a position behind a low wall about four feet high next to the north-east corner of the block of garages in Glenfada Park North.⁵

“Whilst in this position I heard the sound of a single shot being fired. I saw a puff of smoke come from a toilet window in 57 Glenfada Park. I could see the shape of a man, and the muzzle of a rifle pointing out of the window.

I fired the remainder of my magazine in aimed shots at the window to prevent the gunman from further firing because ‘F’ and ‘G’ were both still in the square without cover. I changed my magazine and fired a further two aimed shots at the gunman. I saw him fall and believe I hit him. I then ceased fire just as the order to cease-fire was given to me by Sergeant Major Lewis of my Company.”

¹ B220

⁴ B228

² B221

⁵ B231

³ B225

105.10 Private H gave a similar account in his written statement for the Widgery Inquiry, describing the window as “*a single window with frosted glass and an upper pane which was open. The rifle was sticking out of this pane.*”¹

¹ B234

105.11 In his oral evidence to the Widgery Inquiry, Private H repeated what he said about the 19 shots he had fired at a toilet window and his reason for doing so. He was closely questioned but continued to insist that he had given a true account. He said the window was at ground floor level¹ and that he had pulled back from where he had been earlier and had fired from the “*archway*” leading into Glenfada Park North.² We set out below part of what he told the Widgery Inquiry:³

“Q. You told my Lord of three rounds that you fired in the courtyard.

A. Yes.

Q. So that would mean that you had 17 left after you had fired those?

A. Yes.

Q. And you have told my Lord that you fired 19. Does that mean you had to put on another magazine?

A. Yes, a quick change.

Q. And fired two rounds out of that?

A. Yes.

Q. As a result of those shots did you see any effect?

A. Yes, on the 19th I saw the man fall.

Q. What could you actually see?

A. Normally when I was firing he would move back to the side and on the last one he went down instead of to the side.

Q. Was that from the same position where you had fired the other rounds from?

A. No.

Q. Where was it?

A. I pulled back from this under the archway here.

Q. That is the archway that leads into that courtyard?

A. Yes.

Q. Perhaps I had better get this clear: those shots that you fired in that way, were they fired in quick succession or with intervals between each one?

A. I fired when the gunman appeared.

Q. Were there long intervals between the shots; can you give my Lord any picture?

A. Between three and five seconds.

LORD WIDGERY: I want to get this clear. Do you mean he would go away for a time and then come back and you would fire at him again?

A. Yes. The reason he kept coming back is because two other members of my patrol were in the open and he was trying to shoot them, I am certain.

Q. I follow; I did not quite understand this at first. So it is not 19 shots in one engagement, it is a repetition of this man coming back and your firing at him and his retiring and then returning again?

A. Yes.

Q. How many such incidents are there? We break the 19 shots down into what – 5, 6, 10 different occasions?

A. I do not get what you mean.

Q. He must have come forward on a number of occasions? He came forward on 19 occasions.

Q. Single shot each time?

A. Yes.”

¹ [WT14.99](#)

³ [WT14.100](#)

² [WT14.100](#)

105.12 Private H said that his trajectory photograph (reproduced below) showed where he had fired the 19 shots, marked with a line to the east of where he had indicated his earlier shots.¹

¹ [WT15.16](#)



105.13 In his written evidence to this Inquiry Private H repeated his account of firing 19 shots at a window, though he said he did not now know where it was.¹ In his oral evidence to us he maintained this account, though he accepted that the window could not have been where he had said it was in 1972.²

¹ [B264.002](#)

² [Day 377/66-80](#); [Day 378/44-49](#)

105.14 We have no doubt, for the reasons we give below, that the accounts that Private H has given of firing 19 shots through the same window at a sniper were invented by him in an attempt to disguise what in fact had happened. It was suggested to us by Lieutenant 119 (Private H's Platoon Commander) that what might have happened was that Private H had lost a full ammunition magazine and had invented firing a large number of shots to cover up this loss.¹ We find this possible explanation quite unconvincing and Private H himself rejected it.² Lieutenant 119 told us that it was relatively easy to obtain a spare empty magazine,³ presumably on the basis that this is what Private H might have done, but we have found no evidence that indicates that this was or even might have been the case. We have no doubt that Private H fired the rounds in question on Bloody Sunday, and his own counsel did not suggest otherwise. The question is when and in what circumstances Private H fired these rounds.

¹ [B1752.018](#)

³ [B1752.018](#)

² [B264](#)

105.15 It is to our minds inconceivable that a sniper would come forward to the same window on 19 separate occasions, to be shot at on each occasion until hit with the nineteenth shot. On this basis alone we would reject as false the account given by Private H. Neither his Platoon Commander nor the Company Sergeant Major believed his account.¹ In addition, there is convincing evidence that no such series of repeated shots as described by Private H hit either 57 Glenfada Park North or indeed anywhere along the southern side of Glenfada Park North.

¹ [B1752.018](#); [Day 373/94](#)

105.16 James and Margaret McCartney, who lived in 57 Glenfada Park, stated that no bullets went through a frosted window in the property, but one round did break the clear glass of the bedroom window before lodging itself in the wardrobe.¹ William Kelly, who was in the next-door house (number 59) gave a Northern Ireland Civil Rights Association statement which indicates that this shot occurred when he attempted to go to the casualties he could see lying in the courtyard.²

¹ [AM88.1-2](#); [AM90.1-6](#); [AM90.6](#)

² [AK29.1](#)

105.17 Peter Carr, the Treasurer of the Abbey Street and Area Tenants Association, made a statement dated 10th March 1972,¹ in which he recorded that he had conducted a personal inspection of the area on 9th March, during which he discovered the following damage apparently caused by bullets:

- a) There was one bullet hole in the vicinity of No 55 Glenfada Park. The phraseology of the statement is obscure as to where exactly the bullet mark was but it appears to have been on the garden wall that ran out from the property on the left as one faced the house.²
- b) There were no bullet marks on the masonry of 57 Glenfada Park. The window marked by Private H on a photograph shown to Peter Carr was a kitchen window of clear glass, where the putty was “*obviously old*” and the window unmarked. To the right was a bathroom window of unmarked frosted glass, also with old putty. Next to the right was a bedroom window that had just been replaced and he was shown a bullet hole through the door of the wardrobe.³
- c) There was one bullet mark under the bedroom window of 59 Glenfada Park and the down pipe between the bathroom and the kitchen had been broken, apparently by a bullet. There was also a bullet mark on the garden wall.⁴

¹ [AC43.1.001](#); [AC43.2-4](#)

³ [AC43.2-3](#)

² [AC43.2](#)

⁴ [AC43.3](#)

- 105.18** This sequence of windows (clear kitchen, frosted bathroom, clear bedroom) can be seen in the first of the following photographs, the middle frosted glass window in the second, the replaced bedroom window in the third, the damaged bedroom window in the fourth, and the damage to the wardrobe in the bedroom in the fifth.





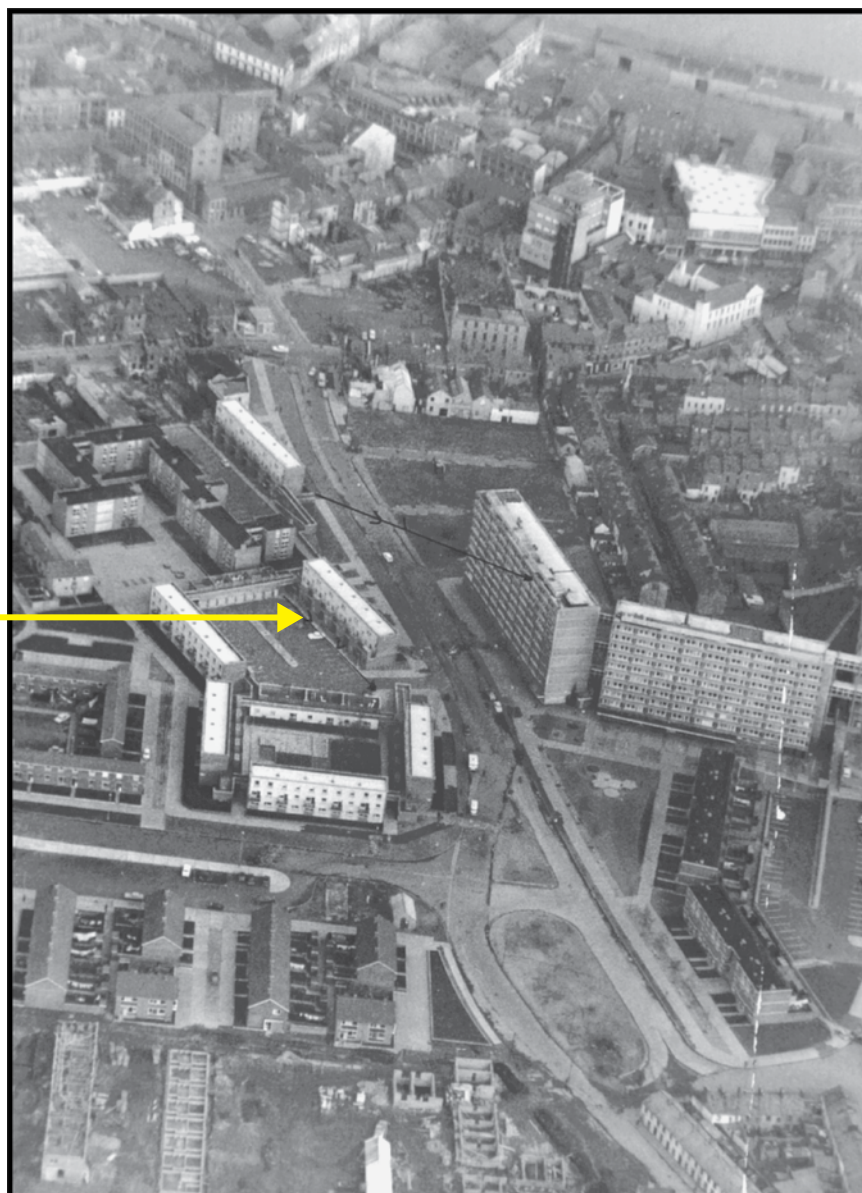


- 105.19** William McCartney, the son of James and Margaret McCartney, told us in his written statement to this Inquiry that his father told him that in addition to the round that came through the bedroom window, one bullet had hit the wall outside and another had struck the kitchen or bathroom outlet pipe.¹ It seems to us more likely than not that these were the shots recorded by Peter Carr as hitting 59 Glenfada Park, since his obviously careful observations were made soon after the event and he did not record similar shots hitting 57 Glenfada Park.

¹ [AM86.3](#)

- 105.20** The numbering of the three houses on the south side of Glenfada Park North ran in odd numbers, starting with number 55 on the eastern side, ie the side closest to Rossville Street.
- 105.21** William McKinney and Joe Mahon fell more or less in front of 59 Glenfada Park, so if two bullets hit William McKinney it is possible that one ended up causing one of the marks noted by Peter Carr at that address. It is possible that some of the bullet marks in this area observed by Peter Carr resulted from shots fired by Private H after the initial burst of firing.
- 105.22** Corporal E's trajectory photograph (reproduced below) shows the two shots that he said he had fired in Glenfada Park as travelling in a direction that might have hit 55 Glenfada Park; though in our view, on the basis of this trajectory photograph, they appear more likely to have gone into the entrance to Glenfada Park South.

Trajectory line
(running south-
east, parallel
to the eastern
block of
Glenfada Park
North)



105.23 For reasons given elsewhere in this report,¹ we have concluded that Corporal E is the soldier most likely to have shot Patrick O'Donnell, since the line of his two shots according to his trajectory photograph came closest to where Patrick O'Donnell was sheltering at the southern end of the eastern block of Glenfada Park North. However, as we have noted earlier,² it is not clear whether one or two shots landed where Patrick O'Donnell was wounded. If it was two shots, both would also have hit the fence and wall where he was, and accordingly are unlikely to have caused the bullet hole at number 55 recorded by Peter Carr. If only one shot landed near Patrick O'Donnell, it is possible that one of Corporal E's shots did hit 55 Glenfada Park.

¹ [Paragraph 112.26](#)

² [Paragraphs 104.505 and 104.518](#)

105.24 The only soldier who said at any stage that he had fired at 57 Glenfada Park was Private H. Although we reject his description of what he was firing at and the number of shots that he said he had fired at that time, he said that he had shot at a window in this house after the initial firing. This is consistent with the evidence of William Kelly to which we have referred above.

105.25 Item 11 in the Loden List of Engagements¹ records “*1 sniper in toilet window at GR 43191683 fired upon. Not hit.*” The grid reference corresponds to 57 Glenfada Park. To our minds the likely source for this entry is Private H, though the entry, in common with the other entries, does not record the number of shots the soldier told Major Loden that he had fired, nor that, as Private H afterwards asserted, he had hit his target with his 19th shot.

¹ [B2214](#)

105.26 In our view it is probable that Private H fired a shot at a window of 57 Glenfada Park.

105.27 No other soldier has said that he saw Private H firing any shots after the initial burst of firing. Private G told the Widgery Inquiry that there was shooting going on, apparently as he was making his way towards the bodies, which could have been further shooting by Private H, but in view of the unsatisfactory nature of Private G’s accounts, little reliance can be placed on this.¹

¹ [WT14.93](#)

105.28 In these circumstances we can find no good reason for the single shot that Private H probably fired at 57 Glenfada Park after the initial burst of firing. At the stage he fired this shot, the other soldiers would have been moving in Glenfada Park North and there is no evidence whatever to suggest that there was then any paramilitary activity in the area that could have justified this shot. Warrant Officer Class II Lewis (the Company Sergeant Major) told us that it was his belief that some soldiers, including Private H, might have responded “*enthusiastically, over-enthusiastically, to a situation that could have been controlled easier by firing fewer rounds.*”¹ Applied to the shot that in our view Private H fired at 57 Glenfada Park, this is a euphemistic way of describing a shot fired at a house, obviously giving rise to a serious risk of harm to the occupants, for which Private H neither had, nor could have believed that he had, any justification whatever.

¹ [Day 373/99](#)

105.29 It was submitted on Private H’s behalf that it was a possibility¹ that his firing of 19 shots, or some of them, was the incident in the Eden Place waste ground witnessed by Corporal INQ 444,² to which we refer elsewhere in this report.³ In our view this is likely

(though far from certain) to be the case in relation to some of Private H's shots, though there is nothing in Corporal INQ 444's account to suggest that Private H was firing at a window or other specific target, as opposed to shooting wildly upwards. However, we also consider that Private H was probably responsible for firing a substantial number of indiscriminate shots from the Rossville Street entrance to Glenfada Park North, at a stage soon after soldiers had arrested people sheltering at the southern end of the block at the entrance. We give our reasons for this conclusion when we consider the events of Sector 5.

¹ In the written submissions it was stated that this was "more likely than not" (FS9.114). ³ Chapter 61

² Day 430/85-87

105.30 In summary, therefore, we are of the view that Private H fired at least one further shot in Glenfada Park North after the initial burst of firing; and that he probably also fired indiscriminately from the entrance to Glenfada Park North and, after that, indiscriminately from somewhere in or about the Eden Place waste ground.

105.31 Private H told us that he was terrified on the day.¹ This may have been so, but in our view this does not excuse his indiscriminate firing. We consider elsewhere in this report² the shots that he said he fired upon first going into Glenfada Park North.

¹ B264

² Paragraphs 97.27–48

Private G

105.32 In his first RMP statement¹ Private G recorded that after he had fired three aimed shots at a man with a rifle in Glenfada Park North and seen him and another gunman fall, "*the group of people standing near to the gunmen picked up the two weapons and ran off down an alleyway in a North Easterly direction.*"² In context it is clear that "North Easterly" should have read "south-westerly". Private G continued:³

"We split up and gave chase. I ran down the alleyway past the two bodies lying on the ground but the people with the weapons had already turned off from the alleyway out of sight. We were recalled to Rossville St and when I returned I found that prisoners had been taken from the area by other members of my platoon. The bodies of the gunmen were left where they fell."

¹ B168-170

³ B169

² B169

105.33 In his written statement for the Widgery Inquiry, Private G recorded that:¹

“There were a fair number of people on the opposite side of the courtyard. When the men fell a small crowd gathered round quickly. I could not actually see anyone pick up a weapon because there were too many people in front. I did not fire at them. The crowd ran off quickly up a little alleyway only a couple of yards behind them. F moved down the wall of the eastern building to the big opening by the barricade and I worked round the other two walls. We could not run straight across the courtyard because it is open on a number of sides and we could have been fired on. By the time I reached the far corner the crowd had completely vanished. There was nobody there at all, just the two bodies and another body a few yards further down towards the opening.

Our Platoon Commander then recalled us. I heard F shout ‘There’s a gunman’ or something like that. I saw him down on one knee at the south east corner of Glenfada Park aiming in an easterly direction. I saw him fire one or two shots in a direction out of my sight.

At this point a party of about 20 people where F was were ferried back by F and some others.”

¹ B187

105.34 Private G had not mentioned in his RMP statements hearing Lance Corporal F shout a warning and then aim and fire in an easterly direction.

105.35 In his oral evidence to the Widgery Inquiry, Private G said that there was a fair crowd along the footpath where he had seen gunmen, that they immediately ran past the two who had been shot and “*when they had run past the weapons had gone as well*”.¹ He then described how he and Lance Corporal F gave each other cover while (as seems tolerably clear from the transcript) he went west and then south while Lance Corporal F went south.

¹ WT14.80

105.36 Private G then said “*My idea of moving up there was to find where the weapons had gone*”, but “*just as we got there we got the recall*”.¹ According to the transcript there followed the following exchange:

“Q. Before you got the recall did you fire through that alleyway in the direction of Abbey Park, towards you on the model?

A. Yes, Sir.

Q. Did you see any bodies through there in the open space just beyond the gap?

A. Do you mean through here?

Q. Yes.

A. No, sir.

Q. You did not see any bodies through there?

A. No.

Q. Then you say you got a recall?

A. Yes.”

¹ [WT14.81](#)

105.37 The questioning then turned to the topic of hearing Lance Corporal F shout a warning and shoot in an easterly direction across the front of the Rossville Flats, in respect of which Private G gave the same account as he had given in his written statement for the Widgery Inquiry.¹ He said that he had not mentioned this shooting by Lance Corporal F in his RMP statements because he was only making a statement about what he had done.² This explanation is quite unconvincing and we do not accept it, since he had in fact described in his first RMP statement³ the earlier shooting by Lance Corporal F. In our view Private G invented this part of his account in order to provide support for the account eventually given by Lance Corporal F of shooting in an easterly direction.

¹ [WT14.81](#)

³ [B169](#)

² [WT14.83](#)

105.38 Later in his oral evidence to the Widgery Inquiry, Private G said that the crowd at the gable end had not been removed before Lance Corporal F shot across the front of the Rossville Flats. He said that he did not see anyone shoot a man who was lying on the ground, and that when he and Lance Corporal F had fired initially there was no-one else in front of their targets or immediately behind them.¹

¹ [WT14.87](#)

105.39 It is important to note that during his oral evidence to the Widgery Inquiry, Private G was not questioned by anyone about what the transcript records as his admission that he had fired through the south-west alleyway towards Abbey Park. There is a passage near the end of his oral evidence that seems to us in its context to amount to a denial that he or any other soldier had fired through that alleyway:¹

“Q. ‘I ran down the alleyway past the two bodies lying on the ground, but the people with the weapons had already turned off from the alleyway out of sight.’ Do you remember saying that?

A. Yes.

Q. To what alleyway did you intend to refer?

A. What I mean is that I came through here, through there and looked down here.

Q. And looked across here?

A. Yes.

Q. You did go down that alleyway?

A. I did not go down here or in here. I just went into that alleyway, sir.

Q. Coming just to the people who had fled down there?

A. I mean trying to ascertain what is happening. I could not actually chase across there. We had to do that in a soldierly way, working our way round.

Q. You went up that alleyway looking for the people who had gone away with what you believed were the weapons from the two men who you thought had been shot?

A. I did not follow them any further than that, sir, because we got a recall.

Q. Who recalled you?

A. Our Platoon Commander. He came over.

Q. He came over and recalled you?

A. Yes. I do not know whether it was him who actually said to me, but I got the words ‘Come back’.

Q. Do you have a rifle which you keep all the time?

A. Yes.

Q. Is the number of that rifle A.5259?

A. I could not be sure about that, sir. We go by butt numbers. Mine is 11 or something.

Mr. READ: I would be grateful for assistance from my friend –

Mr. GIBBENS: I was instructed that that is his rifle.

Mr. READ: Did you see anybody lying down in that alleyway?

A. Not actually in the alley, no, sir.

Q. Did you see anyone in at the barricade behind – a lot of people there?

A. No, sir, I did not go out into here.

Q. You did not fire down there?

A. No, sir.

Q. Did you see any other soldier fire down there?

A. No, sir.”

¹ WT14.94-95

105.40 Despite the reference in the third to last question to “*the barricade*”, we are sure that the last two questions related to the alleyway leading into Abbey Park, not to the entrance into Glenfada Park North from Rossville Street, because Private G had already given evidence of seeing Lance Corporal F firing in an easterly direction from the latter entrance. Had Private G actually made an admission that he had fired through the south-west alleyway in the direction of Abbey Park, it would undoubtedly have been picked up in subsequent questioning, if only because he had not previously said anything about firing into Abbey Park. It may be that all concerned realised that the answer was not responsive to the apparent question, but in our view it is much more likely that a mistake was made in the transcript. If the word “*fire*” was a mistake for “*look*” the passage under discussion would make sense and be consistent with what Private G had said in his previous statements, as well as his later denial that he had fired through that alleyway. In our view, in his oral evidence to the Widgery Inquiry, so far from admitting that he had fired into Abbey Park, Private G denied that he had done so.

105.41 There is no reason to doubt that after the initial burst of firing Private G made his way to the south-west corner of Glenfada Park North, and it may be he did so, as he himself described, by moving westwards then southwards along the western side. His evidence

was consistently to the effect that he did no more than look through that alleyway in an attempt to see where the weapons he had earlier described had gone, after which he withdrew when he heard that the soldiers had been ordered to pull out.

105.42 For the reasons we give hereafter¹ we have no doubt that what in fact Private G did was not only to go to and through that alleyway, but also to fire from there into Abbey Park. We likewise have no doubt that it was in Abbey Park that Gerard McKinney and Gerald Donaghey were shot and mortally wounded by Private G.² We should note here that we are satisfied that Jim Wray was shot on the ground before Private G went into Abbey Park. We have already considered³ John Porter's evidence, which was to the effect that this occurred afterwards. However, in this regard we have concluded that he was mistaken in recalling this sequence of events. As will be seen from our discussion of what happened in Abbey Park,⁴ Private G went through the alleyway, fired one (or possibly two) shots, mortally injuring Gerard McKinney and Gerald Donaghey, and then fired a further shot in the direction of the people coming to the aid of these casualties, before returning to Glenfada Park North. Apart from John Porter, we have found no other evidence to suggest that it was after Private G returned from Abbey Park that Jim Wray was shot on the ground. The evidence that we have considered elsewhere⁵ indicates to us that while Jim Wray lay on the ground for long enough to exchange some words with those close by before he was shot again, this period was not long enough to allow Private G to go towards Abbey Park, shoot there as we describe below and return to Glenfada Park North. Furthermore, the evidence of both William O'Reilly and Gerald Campbell^{6,7} is to the effect that Jim Wray was shot on the ground before a soldier came into Abbey Park.

¹ [Chapter 112](#)

² The Widgery Inquiry seemed to proceed on the basis that these two had been shot in the south-west corner of Glenfada Park North; and Lord Widgery so found in his report.

³ [Paragraphs 104.293–302](#)

⁴ [Chapters 107 and 112](#)

⁵ [Paragraphs 104.368 and 104.385](#)

⁶ [Paragraphs 104.309–316](#)

⁷ [AC13.9](#)

Other soldiers

105.43 As to other soldiers, we have noted earlier in this report¹ that Lieutenant 119 said that he followed Corporal E and Lance Corporal F into Glenfada Park North; saw Lance Corporal F fire two rounds and saw Private G about halfway down the western side; and then, seeing three bodies at the south-western corner, started off towards them, at which point he

received an order to withdraw.² For reasons we have already given,³ we consider that Lieutenant 119 was mistaken in identifying Lance Corporal F as the soldier he saw firing two rounds; in our view the soldier in question was probably Corporal E.

¹ Paragraphs 96.4–5

³ Paragraph 100.19

² WT14.14

105.44 It is not possible to be sure of the movements of Lance Corporal J. It appears that he did, as he said, go into Glenfada Park North; Lieutenant 119 said he recalled seeing him there.¹ As already noted, Lance Corporal J said that he saw Soldiers F and G firing at nail bombers, but for reasons already given² we can place no reliance on his evidence.

¹ WT14.9

² Paragraphs 81.50–57, 82.84, 89.33–41, 98.11–15, 100.4, 100.18 and 100.21

105.45 As we have said,¹ we consider that Private 027 followed Lieutenant 119 into Glenfada Park North.

¹ Paragraphs 96.9–12

105.46 It is likely that many other members of Anti-Tank Platoon who had been at the Kells Walk wall moved into or closer to Glenfada Park North, as they seem to have been involved in the arrest or escorting of civilians who had been sheltering at the south gable wall of the eastern block of Glenfada Park North. None of them has said that he saw any of the shooting in Glenfada Park North, nor does their evidence provide any assistance on the situation there during or after the initial burst of firing, though we return to their accounts¹ when considering the circumstances in which the arrests were made.

¹ Chapter 113

Civilian evidence

105.47 There is not much civilian evidence of what the soldiers did and where they went in Glenfada Park North after the initial burst of firing, doubtless because the civilians had fled or were trying to keep out of sight. We consider what evidence there is in the context of discussing the shooting in Abbey Park,¹ the circumstances in which civilians were arrested in the vicinity of the wall at the southern end of the eastern block of Glenfada Park North,² and what happened in Sector 5.³

¹ Chapter 107

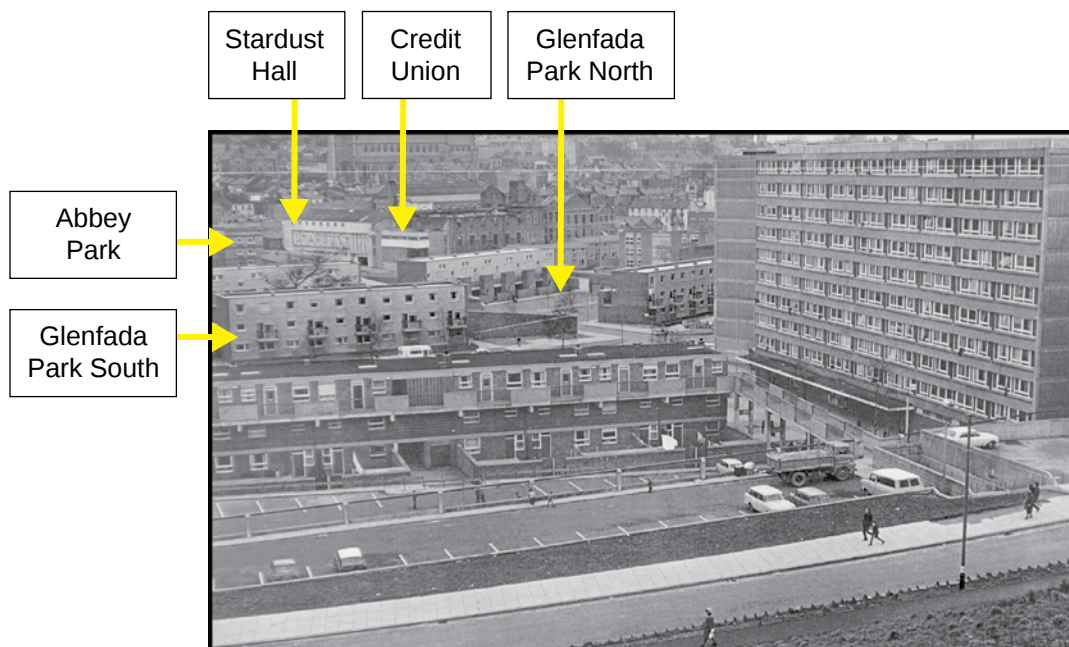
³ Chapter 119

² Chapter 113

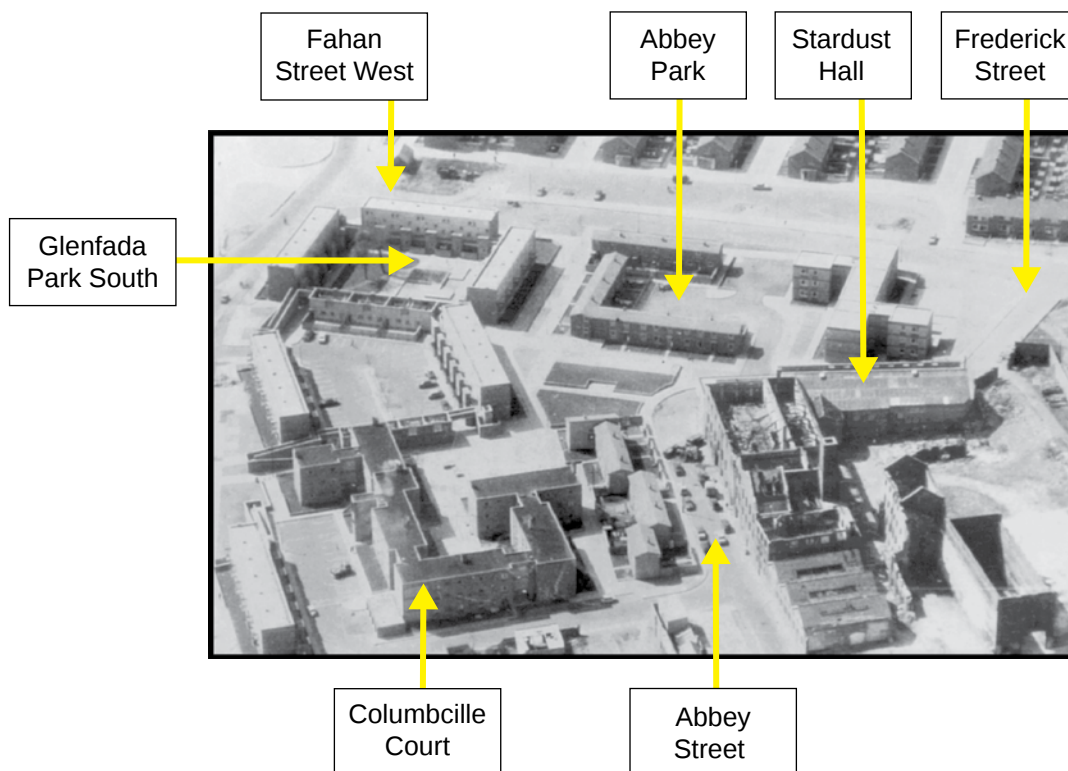
105.48 We now turn to what happened in Abbey Park, and first describe the layout of that part of the city.

Chapter 106: Abbey Park – the layout of this part of the city

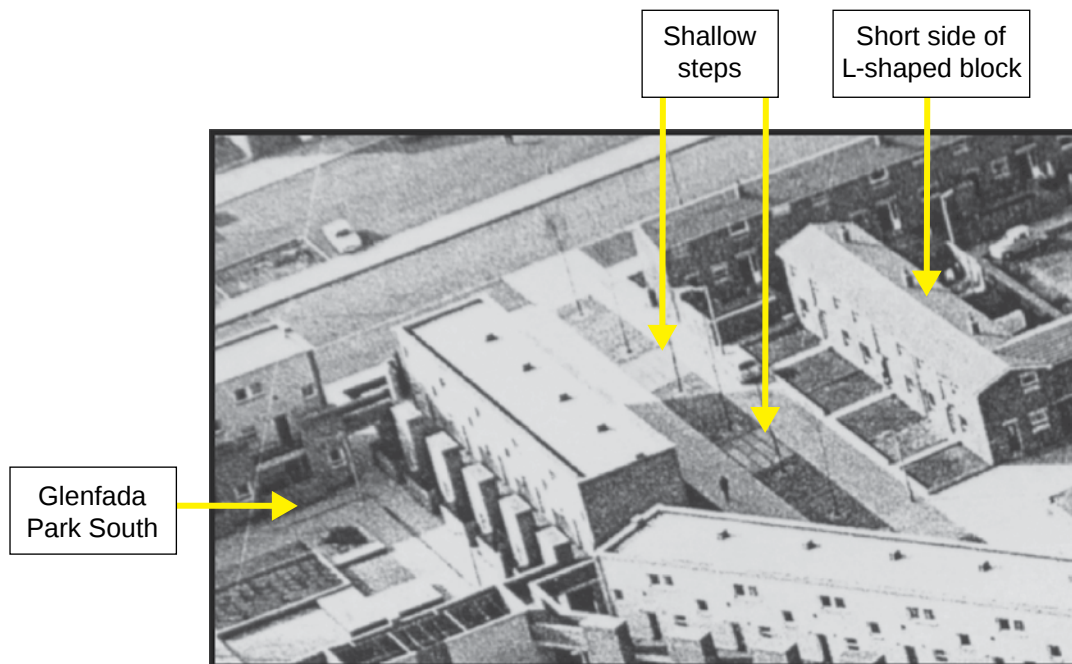
- 106.1** Abbey Park was in 1972 a modern development built immediately to the north-west of Glenfada Park South. Fahan Street West (Old Bog Road) bordered it to the south-west and Frederick Street to the north-east and north-west. Two well-known buildings on the north side of Frederick Street faced southwards towards Abbey Park. They were the Stardust Hall and the Credit Union building. The latter stood on the corner of Frederick Street and Abbey Street. Both buildings can be seen in the photograph below. The photographer was looking north-west from the City Walls.



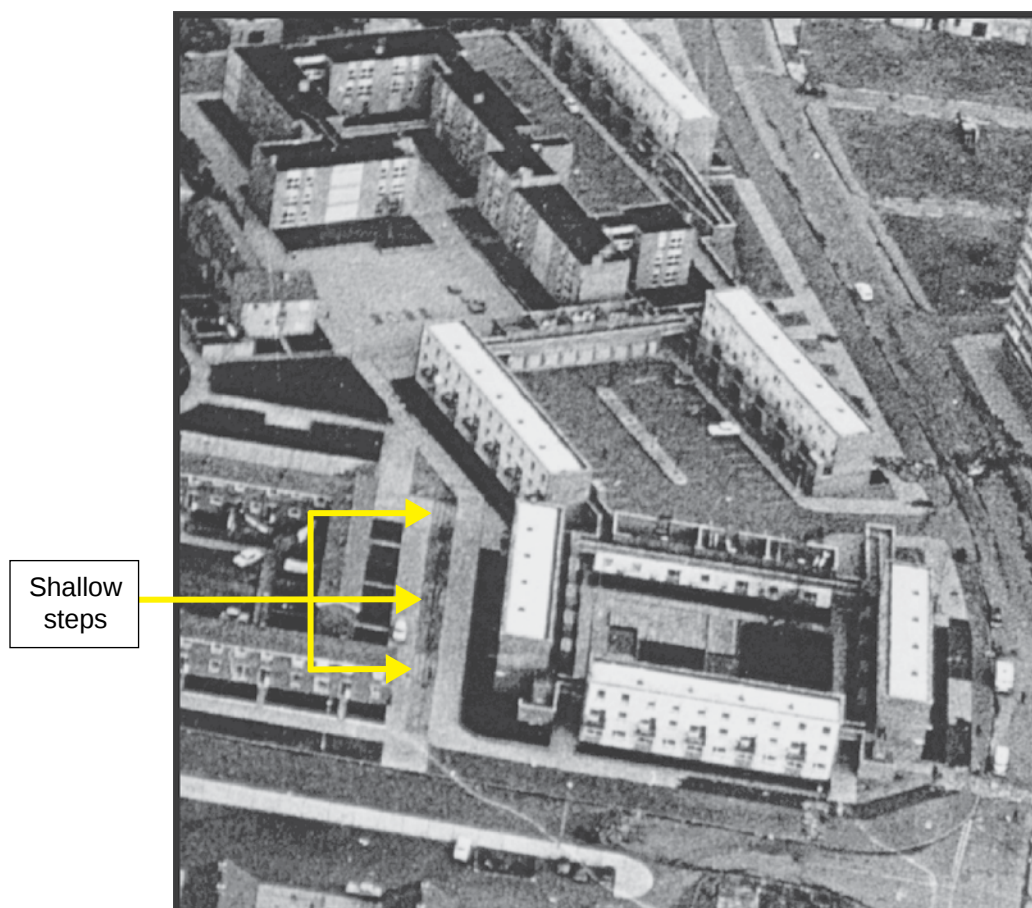
- 106.2** Abbey Park consisted of two sets of buildings. On the north-west side of Abbey Park was a three-storey block, fairly similar in appearance to the blocks of Columbcille Court. To the south-east were two blocks of terraced houses, each of two storeys. One block was L-shaped; the other formed a straight row. These sets of buildings are seen in the following aerial photograph, which was taken from the north-east.



- 106.3** The Inquiry is concerned in particular with events that occurred near the L-shaped block, the short side of which faced Glenfada Park South. This block is seen towards the top of the photograph above.
- 106.4** The short side consisted of three terraced houses, numbers 6, 7 and 8 Abbey Park, numbered from south to north, so that Number 8 was on the corner of the short and long sides. The front doors of these houses faced Glenfada Park South. There was an area of garden in front of each house, bordered by a low wall. At the south end of the short side was a gap between it and the straight block of houses which faced onto Fahan Street West.
- 106.5** The longer side of the L-shaped block consisted of further terraced houses, numbers 9, 10 and 11 Abbey Park.
- 106.6** The photograph below shows numbers 6, 7 and 8 Abbey Park and the gardens in front of these houses. The paved area between Glenfada Park South and Abbey Park is also visible. This area rose slightly in height as it approached Abbey Park. A cobbled strip ran down the middle of the paving. Three sets of shallow steps traversed the cobbled strip, since the north-western side of the path from Fahan Street West was higher than the south-eastern side. The photograph shows two of these sets of steps.



- 106.7** The third set of steps was slightly to the north-west of the alleyway leading from Glenfada Park into Abbey Park. All three sets of steps can just be seen in the photograph below.



Chapter 107: The shooting and casualties in Abbey Park

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Introduction

107.1 Two men, Gerard McKinney and Gerald Donaghey, were shot and fatally wounded in Abbey Park. Gerard McKinney fell on the northernmost set of shallow steps, ie to the north-west of the alleyway that ran into Glenfada Park. He is shown in the following photographs receiving treatment as he lay on these steps.



107.2 On the right of the latter picture is the short side of the L-shaped block of Abbey Park, which contained the homes of the William and Bridget O'Reilly (7 Abbey Park) and the Carr family (8 Abbey Park). Part of the rectangular block of houses facing Fahan Street West can be seen in the background. The photographer was looking south-west.

107.3 There are no similar photographs showing Gerald Donaghey, as after he was shot he was quickly carried into Raymond Rogan's house at 10 Abbey Park. However, we are sure that Gerald Donaghey was close to Gerard McKinney, slightly to the north and west, when the two men were shot.

- 107.4** Several members of the Order of Malta Ambulance Corps and at least one other civilian ran towards these casualties in order to offer assistance. Robert Cadman and Sean McDermott, who had been in Columbcille Court, approached from the north, while Eibhlin Lafferty and Hugh Leo Young ran from Lisfannon Park to the south. We are satisfied that a shot was fired towards the latter two, causing them to either duck or dive down. However, neither of them was injured, and they continued to move to the two dying men.
- 107.5** The sound of this shot, the reaction of Eibhlin Lafferty and Hugh Leo Young, and the way in which those who treated Gerard McKinney dropped to the ground in order to assist him once they arrived at the shallow steps, led several witnesses to assume that another casualty had been wounded in this incident. We are satisfied that this was not the case, and that Gerard McKinney and Gerald Donaghey, the only two people shot in Abbey Park, fell more or less at the same time.
- 107.6** The gunshot wounds to Gerard McKinney's body were not immediately apparent even to those attending him, and it was initially thought that he had suffered a heart attack. This misdiagnosis is reflected in much of the eyewitness evidence of the events in Abbey Park.
- 107.7** Gerald Donaghey was treated in 10 Abbey Park, before being placed in Raymond Rogan's car and driven towards Altnagelvin Hospital. The car was stopped at an Army checkpoint in Barrack Street, where Raymond Rogan and Hugh Leo Young, a passenger in the vehicle, were removed and arrested. A soldier then drove the vehicle to the Regimental Aid Post at Craigavon Bridge, where four nail bombs were found in the pockets of Gerald Donaghey's trousers and jacket. The circumstances in which the nail bombs were discovered, and the controversy over whether they had been in Gerald Donaghey's possession before he was shot or had been planted on him afterwards, are discussed in detail elsewhere in this report.¹
- ¹ [Chapters 125–145](#)
- 107.8** Gerard McKinney was treated on the steps in Abbey Park, until an ambulance arrived to take him to Altnagelvin Hospital.
- 107.9** We now turn to consider in more detail the events in Abbey Park. Among the matters to be considered are the number and identity of the soldier or soldiers who were in Abbey Park at the time; whether the casualties were shot by the same bullet; which of the two men fell first; and the number of shots fired in total in Abbey Park during this period. We also consider evidence that one or both of Gerard McKinney and Gerald Donaghey

had their hands in the air when they were shot, and that someone shouted at the soldier or soldiers not to fire. Finally, there is the question of whether there was anything that either man was doing that could have led anyone to believe that either of them was posing a threat of causing death or serious injury.

Gerard McKinney

Biographical details

107.10 Gerard McKinney, often known as Gerry, was 35 years old at the time of Bloody Sunday. He lived in the Waterside area of Londonderry and was married with seven children. His wife, Ita, gave birth to their eighth child eight days after Gerard McKinney died.¹

¹ [FS1.2439](#)

107.11 Gerard McKinney attended the civil rights march with his brother-in-law, John O’Kane, whose evidence is discussed below.¹ The two men were close to one another in Abbey Park when Gerard McKinney was shot and fatally wounded.

¹ [AO48.1](#); [AO48.34](#); paragraphs 107.72–85

Medical and scientific evidence

107.12 The medical and scientific evidence regarding Gerard McKinney’s death has been well summarised by Counsel to this Inquiry in their closing summation.¹ The following paragraphs are based on this work, with few changes.

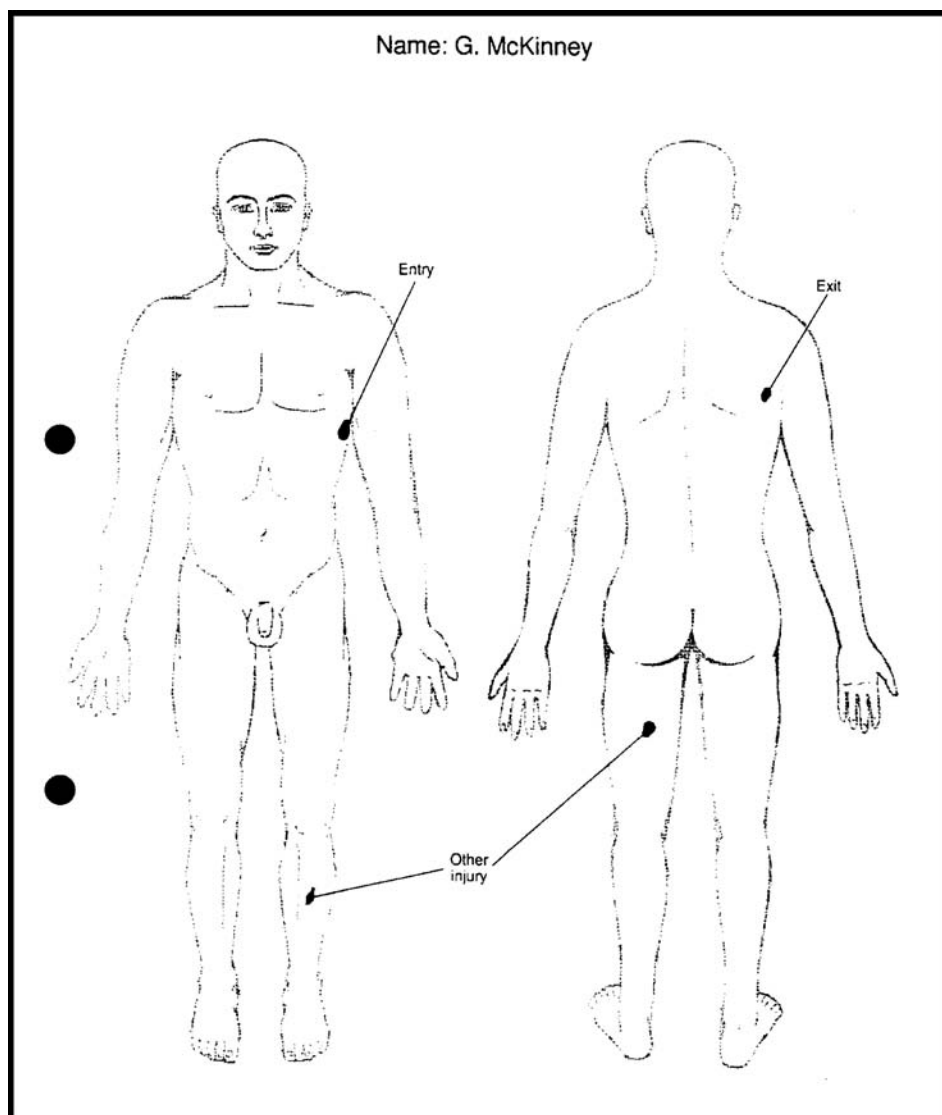
¹ [CS6.551-552](#); [CS6.558-559](#)

107.13 Dr Derek Carson performed an autopsy on the body of Gerard McKinney at Altnagelvin Hospital on 31st January 1972. This was observed by Dr Raymond McClean, Dr Domhnall MacDermott and Dr Cavanagh.¹ The notes, photographs and report that arose from the autopsy revealed one entry wound and one exit wound on Gerard McKinney’s body. The entry wound, which was circular and 0.7cm in diameter, was located 15cm below the left armpit. The exit wound, which was triangular and 1.6 x 1.4cm, lay on the right side of Gerard McKinney’s back, 17cm from the midline.² These wounds are shown on the diagram below.³

¹ [D313](#)

³ [E2.0079](#)

² [E2.49](#); [D314-D317](#)



107.14 We have had the opportunity to examine the photographs that were taken of Gerard McKinney during the autopsy. We have decided, after consulting the families of the deceased, not to publish them.

107.15 Dr John Martin's notes and report indicate that the damage to Gerard McKinney's clothing was consistent with the injuries.¹ Dr Martin was then the Principal Scientific Officer at the Department of Industrial and Forensic Science in Northern Ireland.

¹ [D304](#); [D306-7](#); [D309-10](#)

- 107.16** Dr Carson recorded that the bullet track was front to back, at 10° from left to right and upwards at 10°. ¹ He recorded internal injuries to the left 8th and 9th ribs, the lower lobe of the left lung, the spleen, the left kidney, the 11th and 12th thoracic vertebrae (with adjacent fractures of the ribs on both sides), the lower lobe of the right lung, and the right chest wall, associated with fractures of the right 8th and 9th ribs. ²
- ¹ [D314; D317](#) ² [E2.49; D314-17](#)
- 107.17** Dr Carson stated to the Widgery Inquiry that, considering these injuries, he would have expected Gerard McKinney to have died within five or ten minutes of receiving the wounds. ¹
- ¹ [WT8.64](#)
- 107.18** Gerard McKinney had abrasions to his left little finger, his left shin and the back of his right thigh. The autopsy notes also referred to an older injury to his right index finger. ¹
- ¹ [E2.49-50; D314-17](#)
- 107.19** The lack of any injuries to his arms indicates that, at the time when the bullet passed through his body, Gerard McKinney's arms were not across either the entry or the exit wound. Dr Richard Shepherd (engaged by this Inquiry as an independent expert on pathology) agreed that this was consistent with eyewitness evidence that suggested that Gerard McKinney had his hands raised when he was shot. However, he emphasised that this was not the only possible orientation that would allow for Gerard McKinney's injuries. ¹
- ¹ [E18.1.39](#)
- 107.20** Dr Carson suggested to the Widgery Inquiry that the injury to Gerard McKinney's right thigh was possibly caused by a bullet fragment. ¹ Dr Shepherd and Mr Kevin O'Callaghan (engaged by this Inquiry as an independent expert on ballistics) could neither confirm nor deny this possibility, because of the lack of an adequately detailed photograph. ² In his evidence to this Inquiry Dr Carson stated that he based his opinion on the fact that the injury was minor and isolated, but he emphasised that other explanations were also possible. ³
- ¹ [D317](#) ² [E2.50](#) ³ [Day 206/10-11](#)
- 107.21** Dr Shepherd and Mr O'Callaghan stated to this Inquiry that the minor injuries were consistent with a fall or a stumble against objects. ¹
- ¹ [E2.50](#)

107.22 Dr Shepherd and Mr O'Callaghan concluded:¹ “*Gerard McKINNEY was struck by a single shot and, assuming he was in the Normal Anatomical Position, the shot passed from right to left and slightly from front to back.*”² In view of their earlier findings this must be an error for “*left to right*”.³ Dr Shepherd also noted that Gerard McKinney was shot from a source below him and to his left.⁴

¹ [E2.50](#)

³ [E2.49](#)

² As described earlier, the “Normal Anatomical Position” is a concept used by pathologists to describe wounds on the basis that the casualty was standing vertically with hands by the sides ([Day 229/103](#)).

⁴ [E18.1.39](#)

107.23 Dr Carson’s autopsy notes, and his evidence to the Widgery Inquiry, recorded that Gerard McKinney’s clothes had been removed before he saw the body.¹ Dr Carson initially stated to this Inquiry that he did not know the reasons for this,² but he accepted that it could have been because Gerard McKinney had been admitted to the hospital with a suspected heart attack.³

¹ [D314](#); [WT8.64](#)

³ [Day 207/2](#)

² [Day 206/7](#)

107.24 It appears from the letter from the Department of Industrial and Forensic Science (DIFS) dated 15th February 1972 that when Gerard McKinney’s clothing was received, some of it appeared to have been washed. Gerard McKinney had been wearing a brown tweed car coat, a brown check suit, a pink shirt and tie and a distinctive patterned black, brown and white pullover. The clothing included a pair of brown leather gloves.¹

¹ [D299](#); [D301-306](#)

107.25 Although some of the clothing, when tested for explosive residues, showed what was described as a “*short sharp response*”, Alan Hall (a Senior Scientific Officer at DIFS) told us that such a response is usually created by substances other than explosive residues.¹

¹ [D303](#); [D622](#)

107.26 As to significant levels of lead particles, it appears that hand swabs and clothing were tested but no or no significant lead particles were detected. Dr Martin told the Widgery Inquiry that the gloves also tested negative for lead particles.¹ The letter from DIFS dated 18th February 1972 expressed the conclusion that “*The absence of significant numbers of lead particles on the hand swabs and clothing indicates that the deceased [Gerard*

McKinney] had not been using a firearm".² However, Dr Lloyd told the present Inquiry that the washing of Gerard McKinney's clothing could have led to the loss of lead particles if any had been present in the first place.³

¹ WT9.17

² D304

³ E1.21. It is not clear which items of clothing had been washed. Detective Inspector McNeill recorded that the shirt, vest and underpants had been washed by the hospital staff, but that the outer garments had not been washed, while DIFS recorded that the car coat had been freshly washed (JM38.4; D303).

107.27 There is therefore no scientific evidence that suggests that Gerard McKinney had been handling firearms or explosives, though it is the case that some of his clothing appears to have been washed before it was tested. However, there is no evidence from any source, nor was it suggested by anyone, that Gerard McKinney had been handling firearms or explosives.

107.28 On the basis that Gerard McKinney's clothing had been washed, Dr Shepherd and Mr O'Callaghan were unable to draw any reliable conclusions as to the range at which he was shot.¹

¹ E2.0014

Gerald Donaghey

Biographical details

107.29 Gerald Donaghey, commonly known as Gerry, was 17 years old at the time of Bloody Sunday. He lived with his sister Mary Doherty and her husband and son in the Bogside, his adoptive father having died in December 1965 and his adoptive mother four weeks later.¹ Gerald Donaghey had worked at Carlin's Brewery in the Waterside, but, as we record below, he was jailed for disorderly behaviour in 1971 and was not re-employed after his release in December of that year.² The evidence and arguments regarding his movements and associates on 30th January 1972 are all discussed in greater detail in the section of this report that deals with the discovery of four nail bombs on Gerald Donaghey's person after his death.

¹ AD86.1; FS1.2442

² AD86.11; AD86.29; FS1.2442; ED47.33

Medical and scientific evidence

107.30 The medical and scientific evidence regarding Gerald Donaghey's death has also been well summarised by Counsel to this Inquiry in their closing summation.¹ The following paragraphs are based on this work, although we have again made a few changes to the references and some of the phraseology.

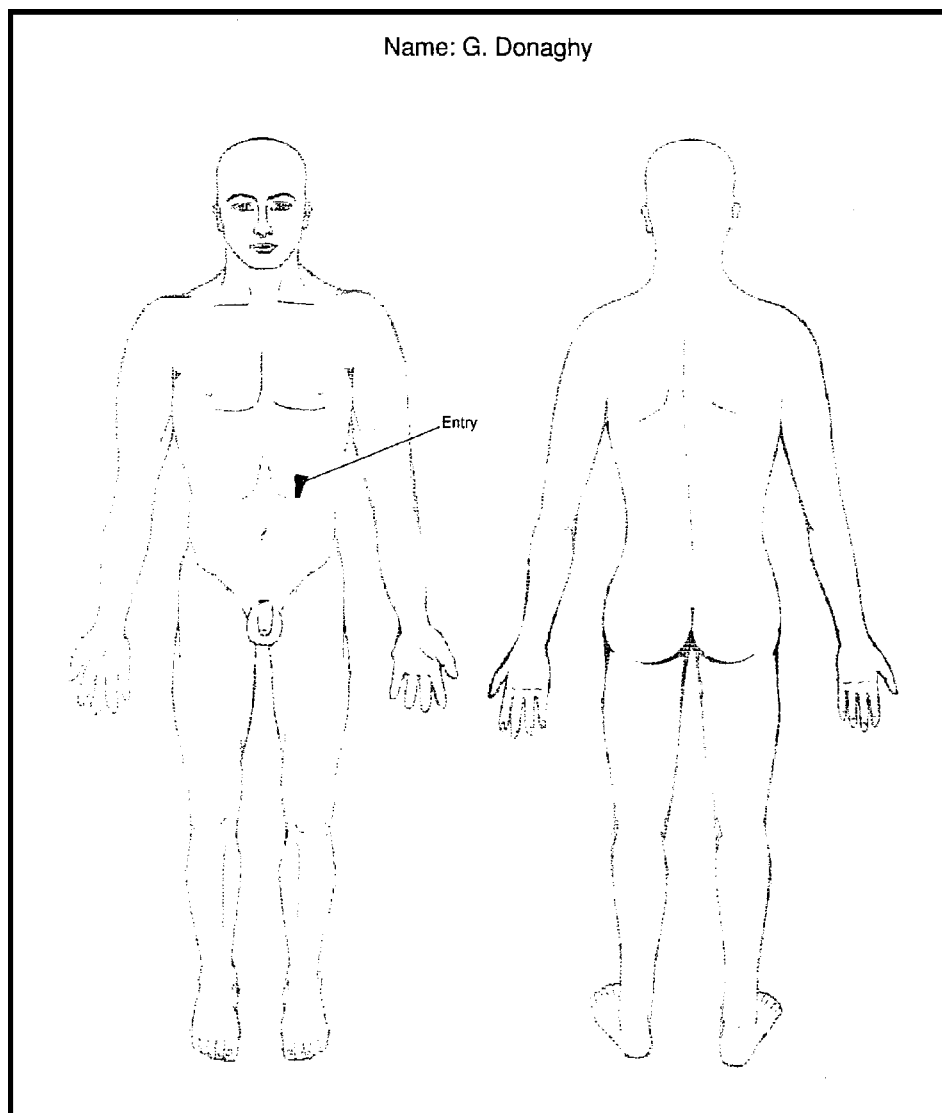
¹ [CS6.552-553](#); [CS6.559-560](#)

107.31 Dr John Press performed an autopsy on the body of Gerald Donaghey at Altnagelvin Hospital on 31st January 1972.¹ The notes, photographs and report that arose from the autopsy revealed only one significant external injury on his body. This was an entry wound on the left side of the front of the abdomen.² The position of the wound is shown on the diagram below.³

¹ [D0368](#)

³ [E2.0070](#)

² [E2.22](#); [D368-371](#); [D372](#)



- 107.32** We have had the opportunity to examine the photographs that were taken of Gerald Donaghey during the autopsy. We have decided, after consulting with the families of the deceased, not to publish them.
- 107.33** A single 7.62mm calibre bullet was recovered from the muscles on the right side of the back wall of the abdomen. This bullet had grazed the second lumbar vertebra before lodging in this position. Gerald Donaghey also suffered internal injuries to his stomach, duodenum, aorta and inferior vena cava.¹
- ¹ [E2.22](#); [D369-372](#)
- 107.34** Dr Press did not record the angle of the bullet track in his notes and main autopsy report,¹ but in the opinion that he presented to the Widgery Inquiry he described an angle of 15° downwards and 40° from left to right.²
- ¹ [D369-D371](#); [D376-D379](#) ² [E2.22](#); [D372](#)
- 107.35** Dr Martin described in his report a bullet entry hole in the left front of Gerald Donaghey's jacket, with corresponding damage to the clothing underneath. The size of the hole in the jacket indicated to Dr Martin that the bullet was not stable when it struck Gerald Donaghey.¹ Dr Shepherd and Mr O'Callaghan, who considered the entry wound on Gerald Donaghey's body as well as the damage to his clothing, agreed with this opinion.²
- ¹ [D354](#); [D358-361](#) ² [E2.22-23](#); [Day 229/44-45](#)
- 107.36** We accept Dr Shepherd's and Mr O'Callaghan's conclusion that:¹

“There is no doubt that Gerard DONAGHY was struck by only one bullet and that that bullet struck his abdomen approximately ‘side on’ most probably with the nose of the bullet pointing downwards and the base upwards.

Assuming the Normal Anatomical Position the angle of contact is clearly from left to right and downward.”

- ¹ E2.23; Day 229/38-39

- 107.37** Dr Martin tested Gerald Donaghey's clothing and body for lead particles. He found more than 100 particles on the front and right arm of Gerald Donaghey's jacket and four on his right hand.¹ This pattern led Dr Martin to conclude that:²

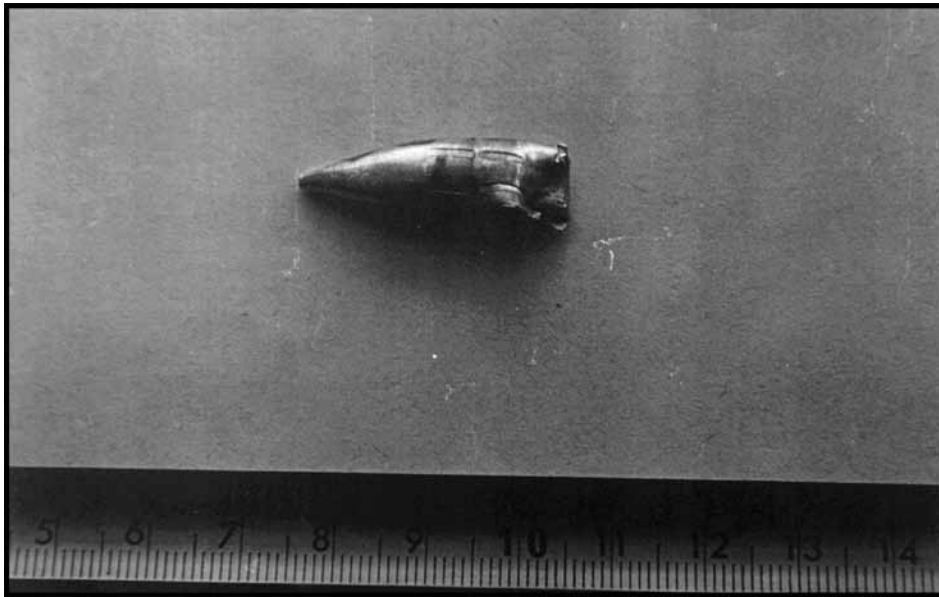
"The nature and distribution of lead particles on the swabs and jacket are not fully consistent with exposure to discharge gases from firearms; the levels on the jacket are too high. It is possible that lead particles from the bullet which entered the deceased's stomach were the main cause of the contamination."

- ¹ D354: D357-365: E1.30

- 2 D355

- 107.38** Dr Lloyd agreed with Dr Martin's conclusion that the "*distribution is not attributable to the use of a firearm*". However, he did not accept that the bullet that was recovered from Gerald Donaghey's body was the probable cause of the contamination. Dr Lloyd listed a number of possible causes, for example the presence of a weapon nearby or cross-contamination from those who searched for the nail bombs in Gerald Donaghey's pockets, but concluded that there was no scientific way of establishing the source of these particles.¹
- ¹ [E1.43](#); [Day 227/42-43](#)
- 107.39** We accept the opinions of Dr Lloyd and Dr Martin that there was no scientific evidence to suggest that Gerald Donaghey had been handling a firearm.
- 107.40** Gerald Donaghey's hands and clothing were also tested for the presence of explosives residue. He had been wearing a blue denim jacket, blue jeans, a blue shirt and a blue woollen sweater, and at the time of his death he had a white handkerchief tied around his neck.¹ The nature of Gerald Donaghey's clothing, and the DIFS tests for explosives residue, are examined in the section of this report dealing with the discovery of four nail bombs on his person after his death.
- ¹ [D330](#); [D336](#); [D349](#); [D354](#); [D358-360](#)
- 107.41** Dr Shepherd and Mr O'Callaghan considered both the medical and scientific evidence in order to ascertain whether any conclusions could be made regarding the range at which Gerald Donaghey was shot. They felt that the only "*potentially reliable conclusion*" that they could draw was that the range was probably no less than 1m. This was based on the absence of visible muzzle discharge deposits on Gerald Donaghey's clothes or body.¹
- ¹ [E2.14](#)
- 107.42** Dr Martin examined the bullet that was recovered from Gerald Donaghey's body, and conducted tests to determine from which rifle it had been fired. He concluded that it was a "*slightly damaged*" 7.62mm SLR round. He identified the rifle from which it had been fired as one that was assigned to Private G.¹ The damage to the bullet is shown in the following photograph.

¹ [D354](#); [D356](#); [D362](#); [D364-5](#); [WT9.15-16](#); [WT14.94](#)



107.43 Mr O’Callaghan stated to this Inquiry that if this bullet had been modified or tampered with in order to expose the lead core, then he would have expected to find a reference to this in Dr Martin’s notes. There was no reference to any such deliberate interference.¹ Accordingly there is nothing to suggest that the bullet had been modified or tampered with in any way.

¹ [Day 230/76](#)

107.44 Dr Martin told this Inquiry the method by which he matched the bullet to the rifle, and explained his belief that the matches he made were accurate and definite and not just the best fit.¹

¹ [D47](#); [D564](#); [D610.6-8](#); [Day 226/95-96](#); [Day 226/151-156](#)

107.45 Dr Martin told this Inquiry that he would have examined bullets that had been test-fired from each of the 29 rifles he had been given to examine. Having eliminated those bullets that clearly did not match the bullet recovered from one of the deceased (Michael Kelly or Gerald Donaghey), he would then have examined with care those test bullets that were a possible match. Once he had found a test bullet that he believed to match the recovered bullet, he would not have gone on to conduct a detailed examination of the remaining test bullets.¹

¹ [Day 226/95-96](#); [Day 226/153-156](#)

107.46 Mr O’Callaghan stated to this Inquiry that his method would have been to continue to examine the remaining test bullets to ensure that there was no closer match.¹ However, he said that:² *“I am not saying for one moment that Dr Martin was wrong. I am saying that*

I am simply unable to say whether he was correct or not ... he felt confident in his conclusions and certainly I am expressing ... the approach I would take and it is just one approach.”

¹ [Day 230/48-51](#)

² [Day 230/52](#)

107.47 Mr O’Callaghan could not suggest a figure for the level of probability that the bullet recovered from Michael Kelly’s body may have corresponded to another of the rifles in the pool of 29 that Dr Martin tested.¹

¹ [Day 230/50-51](#)

107.48 Mr O’Callaghan also told this Inquiry that he would not describe the process in which Dr Martin was involved as matching a bullet to a weapon, but preferred to talk of a “*corresponding agreement between marks on the test bullets and the fired bullet ... recovered from the victims*”.¹

¹ [Day 230/50](#)

107.49 Although perhaps Dr Martin could have used a more thorough method, we are satisfied that the bullet recovered from Gerald Donaghey’s body was fired from Private G’s rifle. Since there is nothing in any of the evidence to suggest that someone else had his rifle on Bloody Sunday, it follows that Private G must have fired this bullet.

Whether the same bullet hit Gerard McKinney and Gerald Donaghey

107.50 We are satisfied from the evidence considered below that Gerard McKinney and Gerald Donaghey were within a short distance of each other when they were shot. One possible explanation is that both men were killed by the same bullet, which passed through Gerard McKinney before striking Gerald Donaghey. The expert witnesses addressed this possibility in their evidence to this Inquiry, concentrating particularly on the damage that had been done to the bullet that was recovered from Gerald Donaghey’s abdomen, the nature of the entry signs found on Gerald Donaghey’s clothing and torso, and whether the medical evidence of the position and track of both men’s bullet wounds precluded the possibility that the resulting injuries were all caused by the same round. Again we have based the following paragraphs on the accurate summary of the expert views prepared by Counsel to the Inquiry,¹ with a few changes to the references and some of the phraseology.

¹ [CS6.555-558](#)

107.51 In their written report, Dr Shepherd and Mr O'Callaghan concluded: "*The 'side on' contact, the lack of penetration of the body and the damage to the bullet all indicate that the bullet [that was recovered from Gerald Donaghey's body] had struck another object or person before striking Gerard DONAGHY.*"¹

¹ [E2.23](#)

107.52 Dr Shepherd and Mr O'Callaghan stated in their oral evidence to this Inquiry that the extent of the damage to the bullet indicated that some of this prior contact would have been with a hard object or hard bone. They added that they did not think that the contact with Gerald Donaghey's spine alone would have been sufficient. However, they felt that it was possible that the bullet could have been damaged by first striking Gerard McKinney's vertebrae and ribs (at a time when it was moving faster) and then by its passage through Gerald Donaghey's body. However, they emphasised that this was not the only possible explanation, as a deflection off another hard surface could have had the same effect.¹

¹ [E18.1.38](#); [Day 229/40-46](#); [Day 230/40-44](#)

107.53 Dr Shepherd also commented that the entrance wound on Gerald Donaghey's body indicated that the bullet was yawing (ie tumbling so that it was not nose-on) when it struck him. In his opinion, the bullet might have been destabilised in its flight as the result of passing through soft tissue before hitting Gerald Donaghey's clothing and body. However, and as is noted above, he thought that the damage to the bullet could only have been caused by contact with a hard surface.¹

¹ [Day 229/44](#)

107.54 Dr Press, who conducted the autopsy on Gerald Donaghey, stated in his opinion to the Widgery Inquiry that the fact that the bullet was recovered from Gerald Donaghey's body indicated that the round was travelling at low velocity by the time that it struck him.¹ Dr Press initially told the present Inquiry that as there was no apparent fragmentation, he felt that it was unlikely that the bullet had struck hard bone or a hard object before it entered Gerald Donaghey's body. He therefore felt that the bullet might have been slowed to a low velocity by a passage through soft tissue, although he could not rule out other possibilities.² However, when it was pointed out to him that the recovered bullet had been slightly damaged at the rear he modified his initial view, stating that it was possible that the bullet had struck a hard object or hard bone before it entered Gerald Donaghey. As with Dr Shepherd and Mr O'Callaghan, he did not think that this damage could have been caused by the contact with Gerald Donaghey's vertebrae.³

¹ [D0372](#); [D513-514](#)

³ [Day 205/177-178](#)

² [D513-514](#); [Day 205/173-177](#)

- 107.55** We accept Dr Shepherd's and Mr O'Callaghan's view that the bullet must have struck a hard object, which could have been bone or something else, before entering Gerald Donaghey's body.
- 107.56** With regard to the implications of the medical evidence on the spatial relationship between the two men, it is relevant to note that the entry wound on Gerald Donaghey's body was lower than the entrance and exit wounds on Gerard McKinney's body. However, we accept Dr Shepherd's evidence that this could be consistent with a scenario in which the same bullet struck both men if Gerald Donaghey was on higher ground than Gerard McKinney at the time when they were shot, or if the latter was bending over at that time.¹
- ¹ [Day 229/47-49](#)
- 107.57** It was suggested by the representatives of the families of Gerard McKinney and Gerald Donaghey that the evidence of the expert witnesses did not support the notion that the two men were shot by the same bullet. In this regard they relied on the evidence of the bullet tracks to suggest that, assuming that Gerard McKinney and Gerald Donaghey were standing, the bullet that exited the former was travelling upwards, while the bullet that entered the latter was travelling downwards.¹
- ¹ [FS1.2437-2438](#)
- 107.58** Dr Press's and Dr Carson's Opinions for the Widgery Inquiry did indicate that the bullet track in Gerard McKinney's body was upwards at 10°,¹ and that that in Gerald Donaghey's body was downwards at 15°.² Dr Shepherd agreed that if these measurements were correct, and if both men were standing upright, then "*the orientation cannot be one that would allow for the shoot-through*".³ However, he also said this:⁴

"A. I think the angles are less certain than the descriptions given in the post mortem report, so I do not mean to say that they were measured incorrectly, but the fact that it is 10 degrees up or 5 degrees down is perhaps of less significance than the rather more obvious spatial arrangement between the two of the left side of the abdomen presenting towards the right side of the chest.

Q. Does that mean that the relative position of the two wounds on the bodies of these two deceased does or does not provide an indication that if a single bullet was responsible for both wounds, Mr Donaghy must have been higher up than Mr McKinney?

A. If Mr McKinney was bent over, the orientation of the wound is changed very considerably. Mr Donaghy potentially could be higher than him or lower than him or on a level ground to him. I think pathologically to try and extrapolate the injuries and the patterns of injuries we have and the angles that have been measured and place people in very precise positions, would be to stretch those facts to the point of failure, and I would rather not take that any further, other than the simple proposition that clearly the left side of Mr Donaghy must be presenting towards the right side of Mr Gerard McKinney's back."

¹ D0317

³ Day 229/65-66

² D0372

⁴ Day 229/48-49

107.59 We accept that it would be wrong to extrapolate, from the bullet tracks and the assumption that the two men were standing upright, their precise position when they were shot.

107.60 It seems to us that Dr Press agreed with these views, and suggested that if Gerald Donaghey had been leaning well forwards then the tracks would possibly be consistent with what was described as a "*shoot through*".¹

¹ Day 205/181-183

107.61 In the light of the foregoing, we were not persuaded by the submission that the medical and scientific evidence precluded the possibility that both men were hit by the same round because of the upwards angle of the bullet track through Gerard McKinney's body and the downwards track in Gerald Donaghey's body.¹

¹ FS1.2437-2438

107.62 It is noteworthy that this submission does not attempt to deal with the causes of the damage to the bullet, the angle at which it struck Gerald Donaghey and the reduction in its velocity to the extent that it did not pass through his body.¹ All of these matters to our minds suggest that the bullet struck a hard object, which could have been bone or something else, before hitting Gerald Donaghey. There is nothing to indicate what this could have been, other than to suggest that the bullet struck either Gerard McKinney or the ground first. The latter would involve the bullet having to pass upwards towards

Gerald Donaghey's body at an even steeper angle than if it had previously passed through Gerard McKinney. It would follow that this would require Gerald Donaghey to be leaning to a greater degree to allow for the downward track of the bullet. In our view this is much less likely than the explanation that Gerald Donaghey was struck by the same bullet that had first hit Gerard McKinney.

¹ [FS1.2443-2444](#); [FS1.2437-2438](#)

What Gerard McKinney and Gerald Donaghey were doing when they were shot

107.63 We now turn to consider the civilian evidence of the circumstances in which Gerard McKinney and Gerald Donaghey were shot.

The civilian evidence

107.64 There was a substantial amount of evidence on the events surrounding the shooting of Gerard McKinney and Gerald Donaghey, some of it inconsistent and contradictory. We do not find this surprising, given the terrifying circumstances in which the witnesses found themselves and the well-known fact that it is almost inevitable that a number of people giving an account of an event have sharply differing recollections. In addition, as we have mentioned before, apart from the shock of events, the passage of years is also likely to dim or distort memories or to cause people to come to believe, erroneously but in good faith, that they witnessed events that in truth they had only heard about from others, sometimes years or even decades later.

107.65 Thus we have had accounts that differ, for example, as to who was shot first, as to the time interval between the two casualties, as to where Gerard McKinney and Gerald Donaghey fell, as to the number of soldiers involved and the number of shots fired in Abbey Park, and as to where the soldier or soldiers were and from where the firing came. In this regard we should note that the Widgery Inquiry concluded that these two casualties were shot in Glenfada Park North,¹ though for the reasons we set out below we are certain that this was not the case.

¹ [WTRPT31](#)

Joe Mahon

107.66 We have already referred¹ to the accounts given by Joe Mahon when considering the events in Glenfada Park North, especially the shooting of Jim Wray and the wounding of Joe Mahon himself. In particular we concluded that despite Joe Mahon's current view that much of what was contained in the *Sunday Times* notes of interview was inaccurate, the notes recorded what he told the journalists at the time.

¹ [Paragraph 104.488](#)

107.67 Although we have set it out earlier in this report,¹ it is convenient to repeat the account that Joe Mahon gave to the *Sunday Times*. He described the circumstances in which he was shot, and explained that after he had fallen to the ground in Glenfada Park North he could see two other casualties lying nearby. He continued:²

"The next thing I recall clearly was seeing a single soldier on the opposite side of the court from the others, looking towards the passageway and firing two or three shots from under his arm and at the same time shouting to the other soldiers: 'I've got another one [of] them, Dave.' The soldier then pulled back towards the van."

¹ [Paragraph 104.402](#)

² [AM18.15](#)

107.68 From the context of his interview it seems to us that the van that Joe Mahon said was at the eastern side of Glenfada Park North was actually in the north-east corner of the complex. It is also clear that the passageway in question was the south-west alleyway leading from Glenfada Park North into Abbey Park.¹

¹ [AM18.14](#)

107.69 As we have noted earlier in this report,¹ we are of the view that this is a description of a soldier shooting into Abbey Park and not, as Joe Mahon appeared at one stage to suggest to us, a mistaken account of the shooting of Jim Wray. On this basis we have concluded that we can place reliance on this part of Joe Mahon's evidence in the context of considering the shooting in Abbey Park.

¹ [Paragraph 104.409](#)

107.70 The importance of this account lies firstly in the fact that Joe Mahon described the soldier shouting that he had got another "one", which suggests that this soldier thought that he had shot only one person; secondly that Joe Mahon described this soldier firing more than once; and thirdly that Joe Mahon described seeing only one soldier shooting into Abbey Park, something that he has maintained throughout.

107.71 Although two soldiers of Anti-Tank Platoon were called Dave, in our view Private G was probably addressing his “pair”, Lance Corporal F.

John O’Kane

107.72 John O’Kane, Gerard McKinney’s brother-in-law, was 31 years old on Bloody Sunday. He gave the following accounts of the events of that day:

- a) a Northern Ireland Civil Rights Association (NICRA) statement.¹ John O’Kane told this Inquiry that he did not recall giving this statement,² but we are satisfied that he did so;
- b) a long handwritten statement that he prepared in February 1972;³
- c) an interview with the television production company Praxis Films Ltd in the early 1990s;⁴
- d) an interview with the researcher Paul Mahon in the later 1990s;⁵ and
- e) an interview in the late 1990s with Stephen Gargan of Gaslight Productions Ltd, who was researching a dramatisation of the events of Bloody Sunday.⁶

¹ [AO48.24](#)

⁴ [O12.1-19](#); [AO48.27-29](#)

² [Day 163/76-77](#)

⁵ [X4.31.1-71](#); [AO48.49](#)

³ [AO48.34-38](#); [AO48.11-15](#); [AO48.39-41](#)

⁶ [AO48.45-88](#)

107.73 John O’Kane also gave written and oral evidence to this Inquiry.¹

¹ [AO48.1-89](#); [Day 163/1-78](#)

107.74 According to the statement John O’Kane gave to NICRA, he went on the civil rights march with Gerard McKinney.¹ The two were present when CS gas and the water cannon were deployed, and they subsequently doubled back to the junction of Abbey Street and William Street where they heard of injuries to two civilians. (These were Damien Donaghey and John Johnston.) Gerard McKinney subsequently intervened to assist a BBC journalist who had “*got into some difficulty with a section of the crowd*”.²

¹ [AO48.24](#)

² [AO48.24](#)

- 107.75** John O’Kane recorded that the shooting “*started in earnest*” near to Columbcille Court, and was carried out by the Army who concentrated on a retreating crowd. He and Gerard McKinney saw a youth of about 16 who had been shot in the side, who in our view was probably Michael Kelly. Along with a couple of others they tried to carry the youth out of danger, but the crowd soon knocked him from their grasp.¹

¹ [AO48.24](#)

- 107.76** As shooting was continuing they ran into what John O’Kane described as Columbcille Court:¹

“We lay with our backs to the wall on one side of the Court in the company of some six others, afraid to move for a time. Gunfire was heavy when I suggested that we try to cross the court in the direction of Blutchter St. [sic] one at a time. However as gunfire got heavier I decided not to risk it.

Gerry decided after a few mintues to take a chance and accompanied by a youth, whom I dont know, he led us out across the court. As we went forward I was some yards behind Gerry. At a stage when I can only assume he was visible from the other side of the entrance Gerry turned, shouted ‘No, no’ and put his hands in the air. A shot rang out which caught Gerry about the chest and he fell forward. A second shot rang out and the youth who was leading the way along with him fell to the ground. We retreated back to the wall of the court.

I cannot state emphatically enough that Gerry, the youth, and everybody else in the courtyard at the time were completely unarmed and defenceless.”

¹ [AO48.24](#)

- 107.77** John O’Kane’s long handwritten statement is dated 23rd February 1972.¹ There is a typed version.² He told us that he prepared this statement because he expected to be called to give evidence at the Widgery Inquiry, although in the event he was not interviewed for a written statement, nor did he give oral evidence to that Inquiry.³ He said that he was traumatised and worried about his sister, Gerard McKinney’s widow, when he made this statement.⁴

¹ [AO48.34-38](#)

³ [AO48.32](#)

² [AO48.39-41](#)

⁴ [Day 163/13](#)

- 107.78** In this statement John O’Kane described how he and Gerard McKinney heard gunfire and ran across the car park in Glenfada Park North.¹ They made their way towards the gable end of the eastern block where they saw a man, Seamus (James) Liddy, who had been

hit with a rubber bullet, and a youth, who John O'Kane later learned was Michael Kelly, who had been shot in the stomach.² With others, Gerard McKinney lifted Michael Kelly and began to run for safety; however, "*The youth was dropped in the process of running but with the intense firing we realised it would have been suicide to stop.*"³ John O'Kane continued his statement as follows:⁴

"As we ran through the opening at Glenfada Park another youth was shot down who was running with us. We dived for cover around the corner of the block and stood wondering how we were going to reach the boy. Another youth later known to me as Gerard Donaghy said he would be able to get him if he lay on his stomach and crawled. We were told not to as it was too dangerous but he had done so anyway. As he was starting to crawl[?] we pulled him in again by the feet.

With the firing continuing we realised that we would have to get out the area we ran from our cover of the flats with the intention of getting across the opening towards Westland Street.

As we did so we heard people shout get back, get back! I did not know where they was coming from but we started to run back anyway.

As we did so I noticed my brother-in-law and Gerard Donahey [sic] who was still standing. I stepped about five paces from them and said "Come back, come back it's not worth it". It appeared that they were sure they would get across.

My brother-in-law was standing with his left side facing the opening which we had run through and young Donaghy was standing just next to him on his immediate right. My brother-in-law's arm was outstretched across the boy's chest and James Gerard McKinney said just a minute son till we see if it's clear.

As he turned towards the opening to see if it was safe to cross his arms shot up in the air and he shouted "No! no!" as he did so a shot rang out and he fell to the ground right in front of my eyes and then another shot rang out and young Donaghy fell to the ground gripping his stomach and squealing right in front of my eyes.

I could not move, I just stood there frozen to the spot. I heard voices all round shouting "come back, come back". I just don't know how I got back but some other men who were standing in the [flats] pulled me out the garden so eventually they got me into one of the flats through the window and they pulled me by the shoulders into a room. All this time they were lying there and no one could get near them. A while after this, I cannot say, how long, people started to appear with their arms above their heads.

The first one I saw beside my brother-in-law was a Knights of Malta girl in uniform. By the time I reached him there was three male Knights of Malta treating him as a cardiac case. I told him he was shot but I could not convince them that this was the case. They asked me to get a cardiac ambulance. I respected their efforts and what they were trying to do so an onlooker and myself went to call an ambulance. This we succeeded in doing and we returned to the scene. I saw his brother leaning beside him and told him what had happened. By this time the ambulance arrived. We helped to lift him onto the stretcher and into the ambulance.”

¹ AO48.40

³ AO48.40

² AO48.40

⁴ AO48.40-41

107.79 John O’Kane said in his oral evidence to this Inquiry that the phrase “*we started to run back anyway*” in the third paragraph of the extract above should be taken to refer only to him, and not to Gerard McKinney or Gerald Donaghey.¹

¹ Day 163/30-31

107.80 The Inquiry obtained this statement from the *Sunday Times* archives. John O’Kane was not able to recall to whom he gave the statement,¹ but he or someone else must have supplied it to the *Sunday Times*. His name appears on the following two *Sunday Times* maps² but we have no notes or other indications that he was ever interviewed by the *Sunday Times* Insight Team.

¹ AO48.32

² AO48.16; AO48.17

107.81 In his written statement to this Inquiry,¹ John O’Kane gave a description of the young boy, who he believed was Gerald Donaghey, being shot before Gerard McKinney. When shown his 1972 handwritten statement, however, he accepted that the latter was the most accurate account of the shooting.²

¹ AO48.4

² Day 163/27-34

107.82 We should note at this point that we were satisfied that John O’Kane was an honest witness doing his best to assist us. His written statement to this Inquiry provides a good example of how people come, through no fault of their own, to change their recollection of events or mistakenly to believe that they had witnessed things which in fact they had only heard about from others. For example, John O’Kane stated in his written evidence that he had seen two people, which must be a reference to Damien Donaghey and John Johnston, who were shot on the laundry waste ground before 1 PARA entered the Bogside,¹ though in his oral testimony he agreed on reflection that he had not done so.² Thus we treat with some caution a number of matters recalled by John O’Kane years after the event, but not mentioned in his 1972 statements.

¹ AO48.2

² Day 163/47; Day 163/62-63

107.83 For the same reasons we found no further assistance in the accounts John O’Kane gave to Praxis¹ and Paul Mahon.²

¹ O12.11-18

² X4.31.36-50; X4.31.57

107.84 However, in our view, subject to one point, the statements that John O’Kane gave in 1972 about the shooting of Gerard McKinney and Gerald Donaghey seem to us to be an account of the event upon which we can place some reliance, though, as he has said himself, he was traumatised at the time by what he had seen and by the effect on his sister and her children.¹ The subject point is whether in fact he was correct in believing that each victim was shot by a separate bullet, something he maintained that he was sure about when he gave evidence to us.²

¹ Day 163/13

² Day 163/56-57

107.85 As we have already observed, and as John O’Kane seemed to accept,¹ there appears to have been nothing else apart from Gerard McKinney’s body that could have caused the bullet to slow and become damaged before it hit Gerald Donaghey. On his account, the two casualties were very close together when they were shot. Thus, despite his 1972 account (and those of others that we discuss below) his evidence does not persuade us that the two were shot by different bullets. In our view those who say that there were two

separate shots may have seen two people fall and concluded that there must have been two shots, or were confused by another shot aimed towards people coming up the pathway, which we discuss below. It is also possible that there were in fact two shots and people assumed that one had hit Gerard McKinney and the other Gerald Donaghey.

¹ [Day 163/56-58](#)

John Carr

107.86 John Carr, sometimes known as Sean, was 13 on Bloody Sunday. He lived in 8 Abbey Park, one of the houses that faced the entrance to the alleyway into Glenfada Park North. He gave a NICRA statement in which he described watching events from the upstairs front window of his home. He recorded that he saw a soldier run into the alleyway, put his rifle to his shoulder, and shoot a man *“who put his hands above his head and faced the soldier”*, and who then *“fell on his face and turned over”*. According to this account another man then ran to this casualty *“from the next house”*. As this second person bent over the injured man the soldier shot him too and he fell. The soldier then ran back through Glenfada Park.¹

¹ [AC42.11](#)

107.87 John Carr gave a written statement for and oral evidence to the Widgery Inquiry. In his written statement, he recorded that he had learned that the first man whom he saw shot was Gerard McKinney, and he described how Gerard McKinney had joined his hands together and blessed himself after he had fallen. In relation to the second casualty, whom he identified as William McKinney, John Carr did not claim that he had seen this man shot by the soldier, but instead stated that he had heard a second shot from the same direction as the soldier who had shot Gerard McKinney.¹

¹ [AC42.14](#)

107.88 It is clear from his oral evidence to the Widgery Inquiry¹ that John Carr was seeking to describe a shooting in Abbey Park, by a single soldier who had come through the south-west alleyway from Glenfada Park North.² He told the Widgery Inquiry that he had seen the second man shot, in terms consistent with his NICRA statement. He again said that the first man shot was Gerard McKinney, and the second man was William McKinney. He described the latter as wearing glasses and a sort of overcoat, and carrying what he was afterwards told was a camera.³ He also said that he was looking from the third window in from the corner on the first floor.⁴

¹ [WT17.3-13](#)

² [WT17.5](#)

³ [WT17.6](#)

⁴ [WT17.9](#)

107.89 Gerald Donaghey was wearing a denim jacket and jeans on Bloody Sunday.¹ In his oral evidence to the Widgery Inquiry, John Carr said that he had not seen a man in blue denims in the area.² He also stated that the men he saw shot were at “*the top of small steps ... Out from our house*”.³ John Carr gave evidence of seeing and hearing the soldier fire, but in view of what he stated in his written evidence it remains unclear whether he saw the soldier fire two shots or whether he saw him fire one shot and heard the other coming from the same direction.⁴

¹ AD86.2

³ WT17.11

² WT17.11

⁴ AC42.14; WT17.6; WT17.12-13

107.90 John Carr gave consistent but less detailed accounts to the Coroner in 1973.¹ He also gave written and oral evidence to this Inquiry.²

¹ AC42.26-29

² AC42.1; Day 158/161-174; Day 159/105-134

107.91 Since for reasons given elsewhere in this report¹ we have no doubt that William McKinney was shot in Glenfada Park North, and since John Carr’s description of the second person shot fits William McKinney but not Gerald Donaghey, John Carr was clearly wrong in his identification of the second person he said he saw shot in Abbey Park. As we describe later,² there is evidence that, after Gerard McKinney and Gerald Donaghey had fallen, a shot caused people coming up from the south (which would have been on John Carr’s right) to dive for cover. In his oral evidence to us John Carr accepted that he did not actually witness the second person being shot and agreed that he might have seen instead a civilian running towards Gerard McKinney and diving to the ground unhurt after another shot had been fired.³ In his written evidence to this Inquiry,⁴ he stated that he saw the second man and heard the second shot some 20 to 30 seconds after he had witnessed the first shooting. To our minds this supports the view that what John Carr saw was someone who dived for cover.

¹ Paragraphs 104.459–464

³ Day 159/107-108; Day 159/113-115

² Paragraphs 107.107 and 107.139

⁴ AC42.4

107.92 John Carr also agreed that one of the reasons he identified the second man as William McKinney was because he had learnt that this was the name of the person who had been taken into the O’Reillys’ house next door.¹ We accept his evidence to this Inquiry that he did not know for years after the event that Gerald Donaghey had also been shot in Abbey Park.²

¹ Day 159/125-127

² Day 159/126-127

- 107.93** John Carr reconstructed the positions of the soldier and the two casualties in two photographs¹ that were attached to his written evidence to this Inquiry. The first shows the position where the man that he later learned was Gerard McKinney was shot, and the second shows where John Carr first saw the man that he identified as William McKinney.

¹ [AC42.7](#); [AC42.8](#)

Location
of first
casualty



Location
of second
casualty



- 107.94** John Carr has given consistent accounts throughout of a single soldier coming through the south-west alleyway from Glenfada Park North, putting his rifle to his shoulder and shooting a person on the steps who had his hands in the air. We have no doubt, because of the evidence of John Carr, John O’Kane and the witnesses that we consider hereafter, that that person was Gerard McKinney. Likewise John Carr has given consistent evidence of a later second shot, though he now accepts that he did not see that shot hit anyone.
- 107.95** In our view it is understandable, especially bearing in mind the age of John Carr at the time and the frightening events that he witnessed, that he should have believed afterwards that he saw a second person shot. We also consider that he might not have seen Gerald Donaghey fall because this casualty was just out of sight around the corner of John Carr’s house. With regard to Gerard McKinney, however, we believe that he gave a reliable account of the shooting of that person. To our minds his evidence is not inconsistent with Gerald Donaghey having been shot by the bullet that had hit Gerard McKinney.
- 107.96** We should note that we have considered the accounts that John Carr gave to Stephen Gargan of Gaslight Productions Ltd¹ and to Paul Mahon.² In our view they do not provide any further assistance.

¹ AC42.40-46

² X4.6.25-60

Peter Carr

- 107.97** John Carr’s father, Peter Carr, also made a NICRA statement.¹ In this he described how he was in his home at 8 Abbey Park when Michael Kelly, then fatally wounded, was carried into the house. While he was attending to Michael Kelly, Peter Carr heard a volley of shots and went upstairs to check that his children were safe. From a bedroom window facing Glenfada Park North he saw a uniformed soldier aim a rifle and fire:²

“At this point I heard my son Sean [John] who was in another room scream hysterically, ‘They’ve shot a man and he had his hands up’. I ran into the room and saw Sean standing at the window. I jumped across the bed and was about to pull Sean to the ground when I saw a figure pass by the window. I heard another shot and my son shouted ‘They’ve shot another man’. I pulled Sean to the ground and told him to stay there.”

¹ AC43.5

² AC43.5

- 107.98** Peter Carr gave a consistent account of events to Praxis Films Ltd¹ and to Paul Mahon,² though in the latter account Peter Carr said that he did not know whether he saw the soldier actually fire.³

¹ [AC43.6](#)

³ [X4.6.15](#)

² [X4.6.13-16](#)

- 107.99** Peter Carr is dead and gave no evidence to this Inquiry. However, his 1972 account provides support for much of the evidence of his son.

Maureen Doherty

- 107.100** Maureen Doherty gave a NICRA statement¹ in which she described watching events from the scullery window of her friend Bridget O'Reilly's house at 7 Abbey Park. This was next door to the Carrs' home and also faced the alleyway that led to Glenfada Park North. She stated that she saw two men, one young and the other middle-aged, who were walking towards a soldier who had a gun trained on them. The young man, who had thick black hair, was wearing a white shirt, a dark coat and dark trousers. The older man was wearing a brown suit, brown socks and brown shoes:²

"The two men were walking, with their hands on the crown of their heads, from Abbey Park out towards Glenfada Park (had they continued walking they would have reached Rossville Street). Just outside Mrs O'Reilly's window the soldier fired his rifle, he had his rifle against his chest, and the two men fell. The older man, who was also the tallest of the two fell first, then almost immediately the younger man fell. They both fell on their backs."

¹ [AD85.9](#)

² [AD85.9](#)

- 107.101** Maureen Doherty described the older man joining his hands in a praying position and making the sign of the Cross, an account similar to that given by John Carr.
- 107.102** We should note at this point that John Carr's evidence was that he only saw one person shot, whereas Maureen Doherty saw two. However, this does not seem to us to be an inconsistency between the two witnesses, as they were looking at the scene from different windows at different levels, and John Carr may not have been able to see the second casualty.

- 107.103** In her written statement for the Widgery Inquiry,¹ Maureen Doherty gave a broadly similar account. However, she is recorded as stating the following, which may indicate that she did not actually see the soldier as he fired:²

“Suddenly I noticed one soldier outside Mrs O’Reilly’s door on the path. He was standing to my right ... I looked to my left immediately and saw two men coming forward ...

The soldier moved out into my vision. He must have stepped forward. He fired two shots one after the other.”

¹ AD85.11

² AD85.11

- 107.104** Maureen Doherty was not called to give oral evidence to the Widgery Inquiry, but she did give a written statement and oral evidence to the present Inquiry.¹ We have no doubt that she was doing her honest best to assist us, but we did not find her account after so many years added anything material to her 1972 evidence.

¹ AD85.1; Day 161/85-119

- 107.105** In our view Maureen Doherty’s NICRA statement is a reasonably reliable account of the shooting of Gerard McKinney and Gerald Donaghey, although whether she actually saw the soldier as he fired remains, by reason of her Widgery Inquiry statement, somewhat in doubt.

William O’Reilly

- 107.106** We have already referred¹ to the evidence of William O’Reilly and his wife, who were present in their house at 7 Abbey Park on Bloody Sunday, when considering the shooting of Jim Wray.

¹ Paragraphs 104.307–315

- 107.107** William O’Reilly gave a NICRA statement,¹ in which he described seeing a soldier standing at the Housing Trust Office² take aim and fire at a youth in blue denims who had been running towards the steps with his hands above his head. The youth fell and another youth, also with his hands up, ran towards him and was also shot and fell. He stated that the soldier fired twice more at the latter youth. A female Order of Malta Ambulance Corps member ran towards them, more shots rang out and “*she had to dive on her mouth and nose*”.

¹ AO69.7

² We do not know to what building William O’Reilly was referring.

- 107.108** William O'Reilly gave a rather different account to the Widgery Inquiry, in which he described seeing a soldier come about ten feet through the alleyway after Jim Wray had fallen. According to his written statement:¹

"4. ... One man dressed in light blue denims ran out from the wall and ran up the steps that lead to the side of Abbey Park (Nos. 9–11). He was followed by a man in a brown overcoat who ran after him with his hands up. The soldier fired two shots from waist level and both men fell.

5. The man in blue denim, whose name I now know was Donaghy, fell on the top step. The man in the brown overcoat, who I now know was McMcKinney [sic] (the one from the Waterside) fell at the foot of the steps. Mr McKinney was shot first because he was between Mr Donaghy and the soldier."

¹ [AO69.24](#)

- 107.109** His evidence about the Order of Malta Ambulance Corps member remained the same as in his NICRA statement.

- 107.110** In his oral evidence to the Widgery Inquiry, William O'Reilly gave an account similar to that in his written statement. In both he stated that neither man had any weapon. He told the Widgery Inquiry that the soldier fired, not from his shoulder, but with the gun gripped against his elbow. He also told the Widgery Inquiry that Gerard McKinney fell first "*because he was between Mr Donaghy and the soldier*".¹ His statement to the Coroner was much the same as his evidence to the Widgery Inquiry.²

¹ [WT7.2](#); [WT7.4](#); [WT7.5-7](#)

² [AO69.28](#)

- 107.111** In his written evidence to this Inquiry William O'Reilly stated that Gerard McKinney and Gerald Donaghey were about three feet apart when they were shot and that, although it now seemed to him that the latter fell first, "*it was that quick that one could almost say that they fell together*".¹ He provided a photograph reconstructing the position of the soldier that he saw.²

¹ [AO69.3](#)

² [AO69.5](#)



107.112 William O'Reilly's evidence to the Widgery Inquiry is generally consistent with the accounts of John O'Kane, John and Peter Carr and Maureen Doherty, though his NICRA statement is at odds with their evidence. Owing to his illness, we were unable to ask William O'Reilly further questions about this. However, in his written statement to this Inquiry he told us:¹

"I have been shown some of the previous statements that I have made. I do not actually remember making them now and my current memory of events does not fully tally with some of the things that I have read in these statements. Some things in these statements are definitely incorrect. For example, the statements that I appear to have given to Mary Healey in February 1972 says that I was one of the marchers, which isn't right. Mr Rooney's house was at the other end of Abbey Park, [...]. That statement refers to shooting from the Derry walls. I do not have any recollection of that. Neither do I recall actually seeing the youth who was lying in the alleyway between Glenfada Park North and Abbey Park actually fall. Neither can I now remember that the young fella with tight jeans tried to rise on his elbow after he had been shot. When the girl in the white uniform, who was a Knight of Malta, was shot at, the soldier that I had seen in the alleyway had, I think, already gone."

¹ [AO69.3](#)

- 107.113** In these circumstances it seems to us that we can place some reliance on what William O'Reilly told the Widgery Inquiry, even though the differences between that evidence and his NICRA account remain unexplained. His Paul Mahon interview¹ provides, on its own, only limited assistance in seeking to decide how these two casualties came to be shot, though he was consistent in saying that there was only one soldier.

¹ [X4.33.1-81](#)

Bridget O'Reilly

- 107.114** We have considered Bridget O'Reilly's accounts, and we accept her evidence to this Inquiry that she did not witness the shooting of either Gerard McKinney or Gerald Donaghey,¹ even though her NICRA statement could be interpreted to suggest that she may have seen one of them fall.² Apart from the fact that she said that she heard two shots and saw only one soldier in Abbey Park, her evidence did not help us further on the matter under consideration.³

¹ [AO66.2; Day 172/16-18](#)

² [AO66.9](#)

³ [AO66.9; AO66.2; AO66.5; Day 172/10-21; X4.33.59-67; X4.33.74-81](#)

Gerald McCauley

- 107.115** Gerald McCauley gave a written statement for and oral evidence to the Widgery Inquiry,¹ in which he described taking refuge in a house (almost certainly in Columbcille Court), witnessing the shooting of two people (from his description Gerard McKinney and Gerald Donaghey) and then going out with his hands up to try and help. In his written statement he recorded that:²

"I became aware of soldiers at the corner block of houses beside the wooden palings. I froze on the spot and a girl in a white overall come on the scene. The soldiers fired at her but the bullet hit the pathway about 2 feet in front of her. The soldier shouted 'Get back' and the girl threw herself on the ground and started to crawl over to the man in the brown coat. (Afterwards I was told he was McKinney). At this time I didn't hear any more shooting from the soldiers in the court yard."

¹ [AM95.8; WT6.21-26](#)

² [AM95.8](#)

- 107.116** Gerald McCauley continued by describing how he then went to help carry Gerald Donaghey to a house (10 Abbey Park), a matter to which we return later in this report.¹

¹ [Paragraph 129.17](#)

107.117 In his oral evidence to the Widgery Inquiry, Gerald McCauley gave a similar account,¹ but described seeing only one soldier at the gable end of the south-western corner of Glenfada Park North,² in contrast to the “*soldiers*” to whom he referred at points in his written statement. He described the younger man as being “*maybe six feet farther out*” from the older man in brown.³ In terms of his own movement he recalled leaving the house with his hands up, but then stopping dead when the soldier pointed a rifle at him.⁴ The soldier then saw the girl in white and shot towards her.⁵ He gave his opinion that “*I would not say he fired at the girl deliberately*” as “*he could not have missed her*”.⁶

¹ WT6.21-26

⁴ WT6.23

² WT6.23

⁵ WT6.24

³ WT6.22

⁶ WT6.26

107.118 Gerald McCauley gave written and oral evidence to this Inquiry.¹ In this evidence he confirmed that he had been in a house on the south-west side of Columbcille Court.² He also described seeing two soldiers and then a third who came between these two and shot towards the girl with a white coat or uniform.³

¹ AM95.1; Day 173/87-131

³ AM95.2-3; Day 173/118

² AM95.2; AM95.16; AM95.19; Day 173/104-105

107.119 Although in his NICRA statement he referred both to “*soldiers*” and to a “*soldier*”, in his oral evidence to the Widgery Inquiry Gerald McCauley referred only to one soldier. It may be that either Gerald McCauley or the person who took his statement in 1972 used the word “*soldiers*” loosely when compiling his written account. In any event his evidence does not persuade us that more than one soldier was involved in the events in Abbey Park.

Other witnesses

107.120 James Logue was also in 7 Abbey Park (his aunt’s house) and gave a NICRA statement,¹ but this lacked any additional helpful detail. He also gave written and oral evidence to this Inquiry,² in which he described seeing two soldiers near the south-west alleyway raise their rifles and hearing them fire, details that had not appeared in his NICRA statement.³ However, though we have no doubt that James Logue was doing his best to help us, we concluded that his recollections after so long were insufficiently clear to be relied on.

¹ AL18.7

³ Day 161/63-78; AL18.2-3; AL18.8

² AL18.1; Day 161/58-79

107.121 We have already referred¹ to the evidence of John Porter when considering the shooting of Jim Wray. As we noted, he also described witnessing shooting in Abbey Park, which on his account occurred before what he believed to be the shooting of Jim Wray on the ground, but which, from the evidence we have already considered, we are sure occurred afterwards.

¹ [Paragraph 104.291](#)

107.122 In his Keville interview John Porter said that he was in 7 Abbey Park when he heard someone shouting that a man had had a heart attack “*out to the left of Glenfada Park*”.¹ From other evidence, to which we have already referred, indicating that a number of people initially believed that Gerard McKinney had had a heart attack, it is clear that John Porter must have been referring to this casualty. John Porter then described seeing a young lad, who was waving a handkerchief and shouting “*don’t shoot*”, knocked off his feet:² “*I knew that he was shot dead by a high powered rifle.*”³ He said that he then saw a first aid girl fall as she ran towards the young boy; she told him afterwards she had been fired upon.⁴ A “*lot of people*” came running after her, but they also took cover when a volley of shots was fired in their general vicinity.⁵

¹ [AP11.26-27](#)

⁴ [AP11.27](#)

² [AP11.27](#)

⁵ [AP11.27](#)

³ [AP11.27](#)

107.123 John Porter’s evidence on this topic is difficult to reconcile with the evidence given by John O’Kane, John and Peter Carr, Maureen Doherty, William O’Reilly (in his evidence to the Widgery Inquiry) and Gerald McCauley. It is noteworthy that he made no mention of a soldier at or near the alleyway leading to Glenfada Park North. On his own account he did not see the shooting of Gerard McKinney. In our view it may be the case either that John Porter mistakenly thought that Hugh Leo Young had been shot as he ran up from the south, or that he had come to believe what he had been told by others; in any event we are not persuaded by his account that Gerard McKinney and Gerald Donaghey were shot in two separate incidents or that these two could not have been hit by the same bullet.

- 107.124** Patrick Kelly made a NICRA statement, in which he said that he had come across from Lisfannon Park towards Glenfada Park:¹

“People in the area told us that there were more casualties round the corner in the Mews lane. I and another man went round to pick up a casualty we saw lying on the ground. There were three soldiers armed with SLR guns who threatened to shoot us if we went forward into the area. We went back and after a few minutes we decided to try again. This time the soldiers did not stop us and we advanced to pick up the wounded man whom we later discovered was the older man, McKinney. As we lifted him from the sort of alcove where he lay we saw three other bodies lying still without movement. They were very close together. We carried up the first man who was still alive, round the corner to safety. The Knights of Malta took him over and attended him.”

¹ AK21.14

- 107.125** According to a note bearing Peter Pringle’s initials,¹ it appears that Patrick Kelly told the *Sunday Times* that he picked up Gerard McKinney’s body in the alleyway between Glenfada Park North and Abbey Park and placed the body on the steps.

¹ AK21.1

- 107.126** Patrick Kelly gave written and oral evidence to this Inquiry.¹ In his written statement he described seeing a body in Glenfada Park North, about halfway up the western side, as well as three bodies on the south side.² He said nothing about seeing a body in an alcove or carrying any casualty to the Abbey Park steps. With reference to his NICRA statement he told us that he had believed that the body on the western side was Gerard McKinney, though he no longer remembered why he thought it was Gerard McKinney; and that he did not actually help to move this body, though he was with the crowd that did.³ In his oral evidence he agreed that his reference to “*the Mews lane*” in his NICRA statement was to the path running from Fahan Street West northwards between Glenfada Park and Abbey Park.⁴ He also told us that he only had a quick glance at this body. “*The reason it was McKinney, I was just told that was who it was, I did not know him myself.*”⁵

¹ AK21.4; Day 158/88-161

⁴ Day 158/92-93

² AK21.7-10; AK21.16

⁵ Day 158/118-119

³ AK21.10

107.127 Patrick Kelly was unable to identify himself in the photographs and film of people carrying casualties from Glenfada Park North into Abbey Park,¹ to which we refer later in this report.²

¹ [Day 158/108-110](#)

² [Chapter 108](#)

107.128 Patrick Kelly was doing his honest best to assist this Inquiry, but in our view his evidence on the matter under consideration does not persuade us that Gerard McKinney was shot in Glenfada Park North. His 1972 accounts were of a man in a “*sort of alcove*” or in the alleyway, but both in his NICRA statement and to us he made clear that he was only given the name afterwards.

107.129 Leo Day, a Captain in the Order of Malta Ambulance Corps and commanding officer of the organisation’s Derry unit,¹ was interviewed by Philip Jacobson of the *Sunday Times*.² In typewritten notes bearing the handwritten date “22/2/72”,³ he is recorded as saying that he saw two bodies in Abbey Park and then went with a Knight of Malta, Alice Long, into Glenfada Park North. He went on:⁴ “*We knelt over the first man and eye [sic] could see he was definitely dead but myself and another man carried him back out of the line of fire. i remember he was terribly heavy, a big chap.*” At this point the journalist put in brackets “*this was probably Gerald McKinney*”. In our view this comment incorrectly identifies this body as Gerard McKinney. Leo Day is dead and gave no evidence to this Inquiry. He was in our view referring to William McKinney. In the light of the evidence we have considered above, we remain in no doubt that Gerard McKinney was shot on the steps in Abbey Park.

¹ [AD13.1; Day 182/66](#)

³ [AD13.1-3](#)

² [Day 191/137](#)

⁴ [AD13.3](#)

107.130 We have examined the evidence of a number of other people in relation to the shooting of Gerard McKinney and Gerald Donaghey. We have concluded that their evidence does not assist us further in trying to determine how Gerard McKinney and Gerald Donaghey came to be shot, though as appears elsewhere in this report the evidence of some of them is helpful on other matters.¹

¹ The witnesses include Gerald Campbell, Charles Meehan, Paddy McCauley, Gerry Doran, George Hillen, Julian Daly, Mickey McLaughlin, Sadie McGinley, Thomas McGlinchey, James McDonald, Ken Murphy, John McCourt, Jane McCourt, Charles Haslett, Benn Keaveney, Ann McEleney, Donncha MacFicheallaigh, Daniel Dunn, John McLaughlin, Greg Doherty, Eddie Shiels, Thomas Heaney, Daniel McLaughlin, Anthony Martin, Noel Kelly and Michael Wilson.

Other firing in Abbey Park after the shooting of Gerard McKinney and Gerald Donaghey

107.131 We have no doubt, from her evidence and that of others to whom we refer hereafter, that the girl in white described by Gerald McCauley and William O'Reilly was Eibhlin Lafferty (later Eibhlin Mahon). Eibhlin Lafferty was an Order of Malta Ambulance Corps volunteer and was 18 years old on Bloody Sunday.¹ She was wearing an Order of Malta Ambulance Corps uniform, a white coat with a red heart on the top left pocket, and carried a white first aid bag.²

¹ [AM17.1](#); [AC1.1](#)

² [WT6.14](#); [AM17.1](#)

Eibhlin Lafferty

107.132 Eibhlin Lafferty prepared a report for the Order of Malta Ambulance Corps soon after Bloody Sunday.¹

¹ [AM17.9](#)

107.133 The *Sunday Times* Insight Team archive contains what appear to be notes of an interview with Eibhlin Lafferty. A map attached to these notes is dated 21st February, which may be the date of the interview.¹ Philip Jacobson, whose initials appear on the notes, told us that he remembered interviewing her.²

¹ [AM17.11-17.18](#)

² [Day 191/136-138](#)

107.134 Eibhlin Lafferty denied to us that she gave this interview.¹ However, we are satisfied that she is mistaken about this and that the transcript does record what she told Philip Jacobson.

¹ [Day 166/61-62](#)

107.135 Her reluctance to admit to this interview might stem from the fact that in an introduction to the transcript of the notes, Philip Jacobson remarked: *"this is a remarkable interview but needs to be treated with caution. lafferty is bright, brave and talkative; her boss Leo Day has reservations about some of the specific incidents she recounts, but agrees she is a good Malta girl who certainly did good work on Bloody Sunday."*¹ Philip Jacobson, who had also interviewed Leo Day,² said to us that he could not recall what Leo Day's reservations were, or whether Leo Day himself referred to the specific details.³ However, his remark has caused us to treat with some caution Eibhlin Lafferty's accounts, though as will be seen below other evidence supports some of what she has said.

¹ [AM17.11](#)

³ [Day 191/136-137](#)

² [Day 191/137](#)

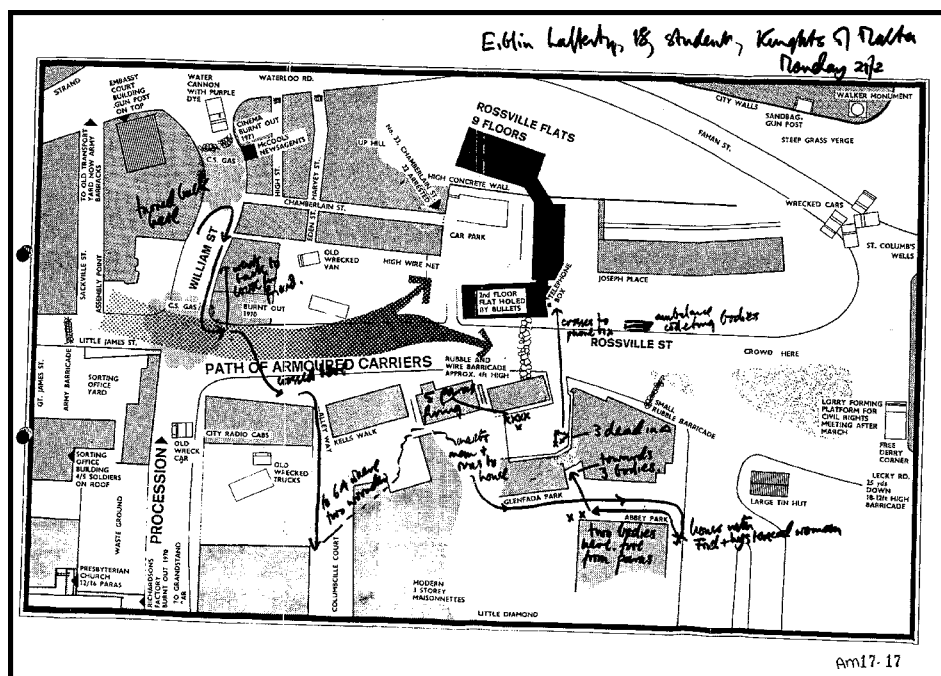
107.136 Eibhlin Lafferty also gave written and oral evidence to this Inquiry and an interview to Jimmy McGovern.¹

¹ [AM17.1](#); [AM17.22](#); [Day 166/28-85](#)

107.137 It is clear from her report to the Order of Malta Ambulance Corps and the *Sunday Times* interview notes that Eibhlin Lafferty had treated a casualty, Joe Friel, in a house in Lisfannon Park. On hearing further shots and, according to her own report, having seen casualties lying on the ground, Eibhlin Lafferty left this house and moved towards Glenfada Park.¹ A map attached to her *Sunday Times* interview notes, which is reproduced below,² shows her route.

¹ [AM17.9-10](#); [AM17.13](#)

² [AM17.17](#)



107.138 The notes record what she said happened next:¹

“Two men were lying near the abbey park angle (see map) and she went to them first. she just had time to see that one was still alive when a burst of shooting forced her to dive down. ‘I shouted [‘]dont shoot, dont shoot, red cross’ but they didn’t stop firing.’ Robert Cadman, Malta man, came out to help with the first two bodies...”

¹ [AM17.13](#)

107.139 In her evidence to this Inquiry, Eibhlin Lafferty told us that she recalled seeing from the house in Lisfannon Park (where she had treated the wounded Joe Friel) two bodies in Abbey Park. She stated that she ran across to Abbey Park. “*There was shooting going on*

as I ran past the front of the houses in Abbey Park and bullets were bouncing around me. I was shouting, 'Don't shoot, first aid' but the shooting was continuous, shot after shot. I did not see where the shooting came from but I thought it was coming straight towards me ... I could hear the 'ping' of bullets." She described one shot hitting the side of her trousers and stated that she dived down just before she reached the Carrs' house, close to what she now believed was the body of Gerard McKinney. She recalled saying the Act of Contrition in the ear of this person and that she was aware of another man lying further north.¹

¹ AM17.2-3

107.140 In her oral evidence to this Inquiry Eibhlin Lafferty told us that she could not now really be certain where this other body was, but that it was further to the west than that of Gerard McKinney. She also told us that she did not see any soldiers as she ran up the side of Abbey Park and dived to the ground, nor was she aware at this time of other civilians in the area.¹

¹ Day 166/41-47

107.141 Eibhlin Lafferty gave a broadly consistent account of events in an interview with Jimmy McGovern.¹

¹ AM17.23-24; AM17.28-30; AM17.32-35

107.142 Eibhlin Lafferty's account of moving from Lisfannon Park along the eastern side of Abbey Park is to a substantial degree supported by the evidence of Robert Cadman, Gerald McCauley and Hugh Leo Young.

Robert Cadman

107.143 Robert Cadman, a nurse who was on duty with the Order of Malta Ambulance Corps, made a NICRA statement dated 4th February 1972,¹ and a handwritten statement dated 5th February 1972.² The latter, which was very similar to his NICRA account, might well have been a report to the Order of Malta Ambulance Corps.

¹ AC1.1-AC1.1.1

² AC1.22

107.144 In his handwritten statement, Robert Cadman described how, shortly after the soldiers entered the Bogside, he had gone to a house in Columbcille Court where two injured men were being treated.¹ From the context we are sure that this was "Ma" Shiels' house, where Damien Donaghey and John Johnston, who had been shot on the laundry waste ground before 1 PARA had moved through barriers 12 and 14, had been taken. Robert

Cadman stated that as a number of other medical personnel were present and his services were not required he went outside, where he heard two women shouting that there were two men lying in front of their house who needed assistance:²

“Myself and Vol[unteer] Shane McDermott went to the men, coming in the opposite direction, that is towards us Wom[an] Vol[unteer] Evelyn [sic] Lafferty was coming to the assistance of the men at the same time. I seen a rifle appearing from a passage. I shouted at Evelyn to stay where she was, she did not appear to hear me, I heard a shot and seen Evelyn’s hand going to her leg. She shouted ‘First Aid, First Aid’ and came on to the men.

The first man I examined was dead, I checked the second who was still alive but was unconscious. I could see no bullet holes or blood so from his condition it appeared he had taken a heart attack. I said an Act of Contrition, I made the sign of the cross with an Indulged Crucifix on his forehead. I told Shane to start heart massage and I started mouth to mouth. This we kept up for a half hour or more until the ambulance arrived...”

¹ AC1.23

² AC1.23-24

107.145 Robert Cadman went on to describe going with this person to Altnagelvin Hospital, and learning only later that he had been shot.¹ In what appears to be a late amendment to the statement Robert Cadman named the casualty as “*G. McKinney*”, an identification that we accept.²

¹ AC1.24

² AC1.24

107.146 In his NICRA statement Robert Cadman recorded that after seeing Eibhlin Lafferty’s hand go to her leg, he did not see her again until later that evening.¹

¹ AC1.1

107.147 Robert Cadman gave a written statement to this Inquiry,¹ but did not give oral evidence. In his statement he identified himself as the person seeking to resuscitate Gerard McKinney on the steps in Abbey Park shown in the following photograph.²

¹ AC1.33

² AC1.40; AC1.46



Sean McDermott

107.148 The person Robert Cadman called “*Shane McDermott*” was Sean McDermott, another volunteer in the Order of Malta Ambulance Corps. In a Keville interview Sean McDermott said:¹

“... one of our girls out of the Order was running to an injured man who we later found out had a heart attack and later died in the ambulance going to the hospital. She went over to help him and she waved her hands in the air shouting ‘first aid, first aid’ to the soldiers which were standing in the middle of the – standing at the end of Columbcille Court behind a – a fence – a wooden fence and they er – fired two – two rounds of ammunition at her and everyone seen the dirt rising beside her feet and the girl was that much shocked that she dropped to the ground and she thought she was hit and when some other passer by come along and went over and examined her and told her she was all right she wasn’t hit she got up and she ... forward – rushed forward to the soldiers who still had their guns er – ready to shoot and said er ‘don’t shoot me don’t shoot me I’m a first aid girl’ and they started laughing and she shouted ‘you’re – you’re a pack of bastards’ and well at the – by that time I was behind her then and she run right out into the street...”

¹ [AM188.16](#)

- 107.149** Sean McDermott's account of a soldier shooting at an Order of Malta Ambulance Corps volunteer, who in our view was Eibhlin Lafferty as she advanced towards the casualties in Abbey Park is, therefore, consistent with that of Robert Cadman, except for the issue of how many rounds were fired.
- 107.150** Sean McDermott also made a handwritten account,¹ probably a report made at the request of Leo Day, the commanding officer of the Derry Order of Malta Ambulance Corps.² He recorded that he heard "*the army*" open up as Eibhlin Lafferty ran towards a fallen casualty. He stated that he then ran to her believing that she had been hit, after which he saw seven bodies round a corner and followed Eibhlin Lafferty as she ran to them shouting "*First AID*", after which he returned to assist Robert Cadman in treating Gerard McKinney for a suspected heart attack.

¹ AM188.5-6

² Day 180/120

- 107.151** Sean McDermott also gave written and oral evidence to this Inquiry.¹ In this, he stated that he believed that his account of the Order of Malta Ambulance Corps member being fired at as she ran to the person who they thought had had a heart attack related to what happened in Glenfada Park North.² We are of the view that this is incorrect, and that what he was seeking to describe in his 1972 reports was something that happened in Abbey Park. Sean McDermott admitted that he was in a state of shock immediately after the events in question, and it is possible that this affected his memory of events.³

¹ AM188.1-17; Day 180/92-123

³ AM188.2-3; Day 180/101-114

² Day 180/113-114

Hugh Leo Young

- 107.152** Hugh Leo Young, who was 26 at the time and whose younger brother was John Young, one of those killed on Bloody Sunday, has also given evidence to suggest that he was running to the casualties in Abbey Park from the south when a soldier fired towards him and Eibhlin Lafferty. Like her, he had previously been in 23 Lisfannon Park, the house to which he had helped to carry the injured Joe Friel.
- 107.153** Hugh Leo Young gave a 1972 statement to Detective Sergeant Eugene McTeggart, who, as is examined elsewhere in this report,¹ interviewed him in relation to the nail bombs found on Gerald Donaghey's person.² He provided a written statement for and oral

evidence to the Widgery Inquiry, which again concentrated on this issue,³ and it appears that he spoke to a *Sunday Times* journalist or journalists at that time.⁴ Hugh Leo Young also gave written and oral evidence to this Inquiry.⁵

¹ Paragraph 134.75

⁴ AY1.26

² ED47.7

⁵ AY1.1; Day 388/20-68

³ AY1.9-10; WT6.11-21

107.154 In his evidence to the Widgery Inquiry, Hugh Leo Young stated that he and “*Laverty*” (clearly Eibhlin Lafferty) crossed Fahan Street from Lisfannon Park to go to the two men he could see lying on open ground. He said they were both running, with Eibhlin Lafferty ten yards or less behind him. He also said that he saw a soldier with a rifle standing against the wall at the gable end, about 30 to 40 feet from him, who fired one round at him. He agreed that the shot fired at him struck the ground at his heels, as he had told Detective Sergeant McTeggart, and that in consequence he fell down onto one knee. In his written statement for the Widgery Inquiry he had recorded that the soldier was about 20 yards away on his right and that he had heard the bullet ricochet.¹ He described continuing on to the two men, with him going to Gerald Donaghey and Eibhlin Lafferty to the other man.²

¹ AY1.9

² AY1.9; WT6.11-12; WT6.14-15

107.155 There is a *Sunday Times* note¹ bearing Peter Pringle’s initials, which refers to Hugh Leo Young’s evidence to the Widgery Inquiry and which adds details in a form which indicates that Peter Pringle had talked to him. The note records that the soldier fired at Hugh Leo Young “*from the entrance (abbey park side) of the alley way leading into glenfada park*”. This position is shown on a *Sunday Times* map.²

¹ AY1.26

² AY1.27

1 Day 388/31

1 Day 388/33

2 AY1.32

Conclusions on the evidence of further firing in Abbey Park

107.158 On the basis of the foregoing evidence we are sure that a shot was fired towards Eibhlin Lafferty and Hugh Leo Young as they ran north up the path leading from Fahan Street West (the Old Bog Road) towards where Gerard McKinney and Gerald Donaghey were lying. Although others, including Eibhlin Lafferty herself, gave evidence that more than one shot was fired in this direction, we believe this to be incorrect. In our view what these witnesses probably heard was firing elsewhere, which they thought was directed at them.¹

¹ Charles Haslett ([M38.1](#)), Benn Keaveney ([AK2.10-20](#); [Day 160/43-45](#)) and Ann McEleney ([AM196.4](#)).

Chapter 108: Events following the shooting in Glenfada Park North and Abbey Park

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Photographs

108.1 There are a number of photographs that were taken by Trevor McBride and Larry Doherty of people standing round Gerard McKinney and making attempts to revive him, two of which were included earlier in this report.¹ We are not sure who took the following close-up photograph of this scene.

¹ [Paragraph 107.1](#)



108.2 As is noted earlier in this report,¹ Trevor McBride photographed William McKinney, Joe Mahon and Jim Wray as they lay in Glenfada Park North. He did this from the Columbcille Court area, facing south through the north-western entrance to Glenfada Park North. It is apparent from Trevor McBride's contact sheets² and his evidence to this Inquiry³ that he took these photographs before he moved towards Abbey Park, where he subsequently photographed Gerard McKinney and those tending him, and then people carrying William McKinney and Jim Wray through the alleyway from Glenfada Park North to Abbey Park. We return to the latter photographs below.

¹ Paragraph 104.206

³ M53.2; Day 168/9-28

² M53.5-6

108.3 Larry Doherty told us that he had moved to the Abbey Park area with his brother-in-law Dr Raymond McClean, after being in the house in Columbcille Court where Damien Donaghey and John Johnston, the first civilians to be injured by gunfire on Bloody Sunday, had been treated. He stated that he could only recall seeing one casualty (whom he photographed) in the Abbey Park area, and was confident that had there been another casualty close by he would have photographed him too.¹ It will be seen that there were considerably more people around Gerard McKinney when Larry Doherty took his photographs than there were when Trevor McBride took his, which indicates to us that they were taken at a later stage.

¹ M21.4-5; M21.16-20; Day 70/123-124

- 108.4** It is noteworthy that neither Trevor McBride nor Larry Doherty photographed Gerald Donaghey lying in Abbey Park. We have no doubt that had they seen him there they would have photographed him, but for the following reasons we are sure that Gerald Donaghey had been moved before either photographer reached the scene.
- 108.5** According to the ambulance logs and the evidence of Ronald Moore and John Rutherford, the ambulance staff involved, the call for the ambulance that took Gerard McKinney to Altnagelvin Hospital was made at 4.30pm. The ambulance left Altnagelvin at 4.31pm and got to the Glenfada Park area at 4.37pm.¹ So far as Gerald Donaghey is concerned, as we describe elsewhere in this report,² he was taken by car from 10 Abbey Park and the car was stopped at Barrier 20 on Barrack Street. We are satisfied that the car carrying him arrived at that barrier shortly before 4.31pm. On the basis of these timings, we are sure that Gerald Donaghey had been taken into the house and thence by car to Barrier 20 several minutes before the ambulance arrived for Gerard McKinney, who had not been moved from the steps. In our view Gerald Donaghey had been taken into 10 Abbey Park and may even have been in the car before either of the photographers arrived in Abbey Park, which we consider accounts for the fact that there are no photographs of him. We return elsewhere in this report³ to how Gerald Donaghey was moved, when considering the question of whether he had nail bombs in his possession at this time.

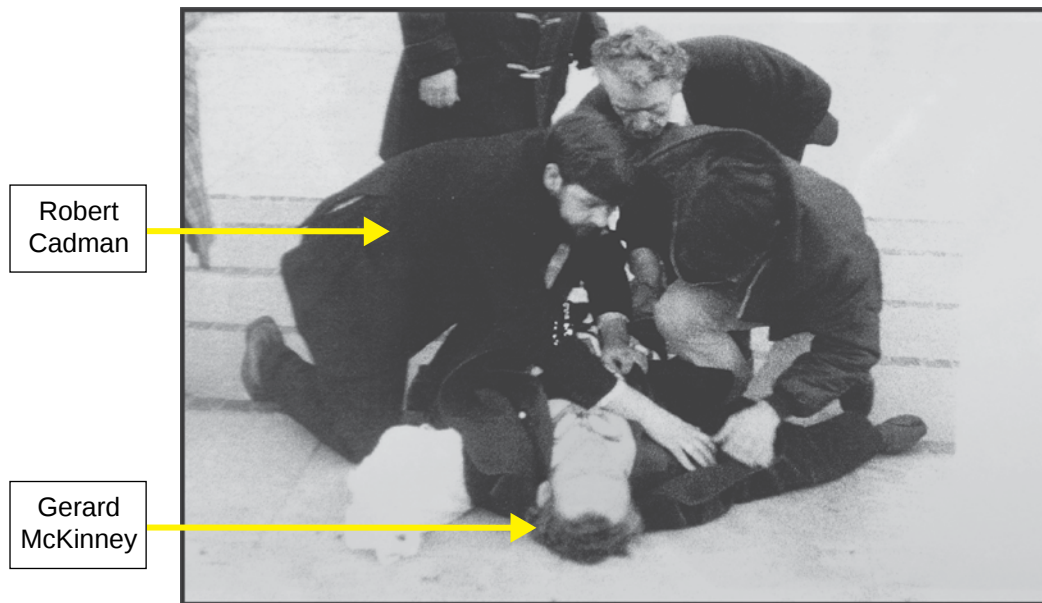
¹ [D500.27](#); [ED29.5](#); [ED36.8](#)

³ [Chapter 129](#)

² [Chapters 129](#) and [130](#)

- 108.6** Some of the first photographs in Trevor McBride's sequence show Gerard McKinney being treated by a bearded man wearing the coat of an Order of Malta Ambulance Corps volunteer, as seen in the first photograph below. This was Robert Cadman; several civilians were also in attendance. By the time Larry Doherty arrived to take his photographs, another Order of Malta Ambulance Corps volunteer had arrived at or returned to the scene, and was giving heart massage. This was Sean McDermott.¹ As can be seen in the second photograph below (taken by Larry Doherty) someone had placed a crucifix on one of the steps nearby.

¹ [AM188.8](#); [AM188.2](#); [AD50.14](#); [AD50.21](#)



Sean
McDermott



Where Gerard McKinney was taken

- 108.7** As we have described above, Gerard McKinney lay on the Abbey Park steps for some time until he was taken in an ambulance to Altnagelvin Hospital, accompanied by Robert Cadman. The ambulance also carried Michael Kelly and probably Joe Mahon.

Where Gerald Donaghey was taken

- 108.8** We deal in detail with where Gerald Donaghey was taken elsewhere in this report,¹ when we consider whether he had nail bombs in his pockets when he was shot. In summary, he was carried into Raymond Rogan's house, No 10 Abbey Park, and there examined by Dr Kevin Swords. He was put into Raymond Rogan's car to be driven to Altnagelvin Hospital. Soldiers at Barrier 20 in Barrack Street stopped the car. A soldier then drove the car to the Regimental Aid Post at Craigavon Bridge, where a medical officer examined him and he was found to be dead. Four nail bombs were found in his pockets. Gerald Donaghey was later taken to Altnagelvin Hospital.

¹ [Chapters 129](#) and [130](#)

Conclusions on the shooting of Gerard McKinney and Gerald Donaghey

- 108.9** On the basis of the scientific evidence we are sure that Private G fired the bullet that was found in Gerald Donaghey's body.
- 108.10** Our assessment of the civilian evidence to which we referred earlier is that, although some is confused and contradictory, nevertheless we can be reasonably sure of a number of matters.
- 108.11** In our view it was after Jim Wray had been shot a second time (probably as he lay on the ground) that Private G went alone into the south-west alleyway of Glenfada Park North; and from about the Abbey Park entrance to that alleyway was responsible for the shooting of Gerard McKinney and Gerald Donaghey. We are unable to determine whether he shot from the shoulder or from another position, since John Carr recalled the former and William O'Reilly the latter.

108.12 We have also concluded that Gerald Donaghey was hit by a bullet that first went through Gerard McKinney. To our minds there is no other viable explanation for the fact that the bullet that hit Gerald Donaghey had been damaged and lost velocity before it had entered his body. On what we regard as reliable evidence, the two individuals were in a position where this could have happened, having moved out from the grass strip on the western side of Glenfada Park North with a view to heading south. The civilian witnesses who insisted that the two were shot by separate bullets may well have assumed, seeing two bodies fall, that there had been two bullets. As we have already noted,¹ from his remark overheard by Joe Mahon, it seems that Private G may not have realised that he had shot two people, which in our view is consistent with him aiming and firing only at one.

¹ [Paragraphs 107.67–71](#)

108.13 We are persuaded by the civilian evidence that Gerard McKinney shouted out “*No, no*” and perhaps “*Don’t shoot*” immediately before he was shot. The medical and scientific evidence is that he did not have his arms in line with the entry and exit wounds; and the civilian evidence indicates to us that he had his hands up, having previously put one arm out, apparently to dissuade Gerald Donaghey from going further south while he checked that the coast was clear. In this position Gerard McKinney could not in our view have been believed by anyone to have been posing a threat of causing death or serious injury. It is possible that Gerald Donaghey also had his hands on or above his head, though we are not certain of this; but since we consider that Private G fired at Gerard McKinney, not Gerald Donaghey, what the latter was doing is not strictly relevant. We should record, however, that there is nothing in any of the evidence to suggest that he was doing anything that could have led anyone to believe that he was posing such a threat. We discuss elsewhere in this report¹ the question of whether he had nail bombs in his pockets when he was shot, but on the basis that he did, there is nothing to suggest that these would have been visible to Private G, or that Gerald Donaghey was attempting to use one of these devices.

¹ [Chapter 145](#)

108.14 In our view it was Private G who fired another shot towards Eibhlin Lafferty and Hugh Leo Young as they ran north towards the two casualties, though it seems to us that this shot was probably intended to frighten rather than to kill or injure. We are not persuaded that more than one shot was fired in this direction. It also seems to us that these two people were probably the first or among the first to reach the bodies, though others, some waving handkerchiefs, followed them shortly afterwards.

108.15 It is clear that many people believed Gerard McKinney to have suffered a heart attack. Indeed, it would appear that it was not until after he had been taken to Altnagelvin Hospital that it was discovered that he had been shot. He lay on the steps for some time until an ambulance arrived, while Gerald Donaghey was carried into Raymond Rogan's house, 10 Abbey Park, at a relatively early stage. We return to what happened to Gerald Donaghey elsewhere in this report.¹

¹ [Chapter 129](#)

108.16 It seems to us that Private G must have gone back into Glenfada Park North through the south-west alleyway before Eibhlin Lafferty and Hugh Leo Young reached the bodies in Abbey Park, since had he been there at that stage this would surely have been noticed.

108.17 As we have previously observed,¹ Private G never admitted to shooting anyone in Abbey Park. Indeed, on our interpretation of the Widgery transcript, while agreeing that he had gone into the south-west alleyway, he specifically denied firing into Abbey Park. We are satisfied that this was a lie and that he knew that he had shot at least one person in that area.

¹ [Paragraph 99.10](#)

108.18 The fact that Private G lied does not, of itself, necessarily establish that he knew at the time that he fired that he had no justification for doing so. However, when this fact is taken together with the civilian evidence discussed above, we are left in no doubt that this must have been the case.

The recovery of the bodies in Glenfada Park North

108.19 After Gerard McKinney and Gerald Donaghey had been shot in Abbey Park and Private G had gone from the alleyway, a number of civilians went into Glenfada Park North in order to assist the casualties there. Some witnesses have given evidence that shots were fired at one or more of these people at this stage. We deal first with the accounts given by the Order of Malta Ambulance Corps volunteer Eibhlin Lafferty.

Eibhlin Lafferty

108.20 We have already referred¹ to Eibhlin Lafferty's evidence concerning the events in Abbey Park. In her 1972 handwritten report,² she recorded that after she had been fired upon and reached a casualty in what we believe to have been Abbey Park, she was joined by "a male nurse". It is not entirely clear whether this was Robert Cadman or Sean

McDermott who, as described above,³ both recalled seeing her approach, though from what she told the *Sunday Times* (see below) it was the former. She subsequently moved to attend to three more injured men, who, from the context, we are confident were William McKinney, Joe Mahon and Jim Wray.⁴ She wrote:⁵

“I ran to the other three men and began shouting First Aid, and the soldiers began shooting at me again, but this time I did not move. I stood shouting ‘First Aid’ until the three patients were under cover, and as I went round the corner I was shot at again.”

¹ Paragraphs 107.132–142

⁴ AM17.10

² AM17.10

⁵ AM17.10

³ Paragraphs 107.144 and 107.148

- 108.21** In the account that Eibhlin Lafferty gave to the *Sunday Times* Insight Team, she is recorded as stating that after Robert Cadman had come to help with the two bodies in Abbey Park, she moved towards the passageway to Glenfada Park:¹

“looking through she saw five soldiers, three of whom were pointing rifles in her direction; one in particular was firing continuously from the kneeling position. She shouted ‘dont shoot, red cross’ and swears that one soldier shouted back ‘you[r] white coats are great targets but your red hearts are even better.’ Significance of this is that the Malta girls wear hospital style coats with their red insignia over the left breast.

‘The one on his knees doing all the firing looked scared stiff and i shouted out to him, are you mad. i almost felt a pity for him, he seemed that frightened.’ when a crowd came through the passway, the soldiers retreated through a side alley. an ambulance came in and backed up to the passway and the three men were put in it.”

¹ AM17.13-14

- 108.22** This account does not explicitly record that Eibhlin Lafferty thought that the soldier was aiming and firing at her.
- 108.23** So far as her 1972 accounts are concerned, therefore, one is to the effect that soldiers fired at her when she went into Glenfada Park North and again when she “*went round the corner*”, but she stood her ground; while the other records only one incident and does not seem to suggest that the soldier was trying to shoot her.
- 108.24** Eibhlin Lafferty gave written and oral evidence to this Inquiry.

108.25 In her written evidence,¹ Eibhlin Lafferty stated that as she was attending Gerard McKinney, “*so shocked, I could not even speak*”, she saw other bodies to her right, lying in Glenfada Park North. She went through the alleyway and as she came out into Glenfada Park North she saw three or four soldiers standing at the north-east entrance, but no civilians. She stated that she also saw a soldier “*about halfway across Glenfada Park North, down on one knee*”. Eibhlin Lafferty continued:²

“He had his rifle at his shoulder, in the firing position, pointing towards the south end of Glenfada Park North. As I went through the alleyway into the car park, he turned his gun straight towards me as if taking aim and there was a shot. At that second someone pulled me back by the back of my neck and said, ‘Are you looking to get killed?’. I told him not to be silly and said that they would not shoot a first aider. I went out again and walked towards the bodies.

I came right through the alleyway into Glenfada Park North. My arms were held right out at my sides, at shoulder level. I shouted out, ‘Don’t shoot. Don’t shoot, first aid’ and I think I shouted, ‘Do you not know that we are first aiders?’ I have always had the firm impression that there was another soldier at the north west entrance to Glenfada Park North. A soldier shouted, “Your white coats are a target but your red heart is a better one” (referring to the heart on my uniform). I think it was the one in the north west corner. On hearing this, I threw my First Aid bag to the ground in anger. I could not believe he said this to First Aid personnel. I kept my arms out, walking towards the bodies, looking at the soldiers. The soldiers were backing out of the courtyard facing the people who were starting to come out to the bodies. They were holding their guns up, but not taking aim. The soldiers were not hurrying. The soldier who had been on one knee was also backing out. He appeared to walk out at his leisure, holding his gun at waist height pointing it and swinging it from side to side.

I shouted for someone to get the bodies and people emerged and gathered around them. The bodies were lifted away. I just wanted them to be taken. I was the first person there. Joseph Mahon who is now my husband, was one of the men lying there. I remember being in a house after that and asking him whether he was alright, but I don’t know now which house that was. I also remember him asking for water. I asked him was he alright and he replied that he was.”

¹ AM17.3-4

² AM17.4

108.26 In her oral evidence to this Inquiry, Eibhlin Lafferty described the kneeling soldier as pointing his weapon at the bodies when she first saw him. When asked how she knew that this soldier was the one who had fired she said, “*Because he was the only one that was looking at me*” and because there was nobody else there, though she also said that she saw neither a flash from his gun nor the recoil of the rifle, nor where the shot went. When she was asked why she had said to the person who had pulled her back that the soldiers would not shoot a first-aider, since on her account she had just been shot at, she replied, “*Because I wanted to go out to the bodies again.*”¹

¹ [Day 166/52-55](#)

108.27 Eibhlin Lafferty told us that her recollection was that she was only shot at once at this stage.¹ She also said that she did not go near any of the bodies and stood until all the bodies were lifted with her arms outstretched: “*I just kept facing the soldiers.*”² She identified herself (in our view correctly) as the figure in a white coat just visible in the background of the photograph taken by Trevor McBride of two of the casualties being carried through the alleyway into Abbey Park.³

¹ [Day 166/58-59](#)

³ [Day 166/60; AM17.21](#)

² [Day 166/59-60](#)



108.28 Eibhlin Lafferty gave an account in an interview with Jimmy McGovern, broadly similar to the evidence that she gave us.¹

¹ [AM17.24-25; AM17.27; AM17.31](#)

108.29 There are difficulties with the accounts that Eibhlin Lafferty has given. One of her 1972 accounts is to the effect that she was fired at as she went to the casualties in Glenfada Park North, but stood her ground until they had been taken away, while the other seems

to record that she observed a soldier firing as she went in and does not seem to suggest that this soldier then tried to shoot her. In contrast her evidence to us is to the effect that she was fired on only as she first attempted to go into Glenfada Park North, that she was pulled back and then came out again into Glenfada Park North and stood facing the soldiers with her arms outstretched until the casualties had been removed, without being fired on again.

108.30 We now turn to consider what other evidence there is on the question of whether a soldier fired at Eibhlin Lafferty as she went into Glenfada Park North.

Mary Lewis

108.31 Mary Lewis, then aged 60, made a Northern Ireland Civil Rights Association (NICRA) statement¹ in which she described being on the terrace of her home in her first and second floor flat at 24 Glenfada Park North, which was in the eastern block of the complex. She recorded seeing soldiers fire from the middle of the courtyard and, it seems, two of the three casualties fall as they ran towards the Abbey Park alleyway. She continued:² *"I called to members of the Knights of Malta to come to tend to the boys. One, a girl, stepped out with her hands in the air but had to go back as the soldiers fired at her."* According to this statement, this incident occurred while people were sheltering at the southern end of the eastern block of Glenfada Park North, and that it was after those people had been taken away by soldiers that people came out and carried away the bodies in Glenfada Park North.

¹ [AL10.1](#)

² [AL10.1](#)

108.32 Mary Lewis is dead and gave no evidence to this Inquiry.

Seamus Doherty

108.33 Seamus Doherty told this Inquiry that he recalled Eibhlin Lafferty going into Glenfada Park North through the alleyway, hearing one or two shots, and seeing her come back. He does not appear to have given any account in 1972.¹

¹ [AD102.2](#); [Day 166/130-131](#)

“Joe McCourt”

- 108.34** We have already referred¹ to the Keville interview, and unsigned NICRA statement based on it, attributed to a “Joe McCourt”, according to which,² after the soldiers had ordered the civilians at the gable end “*round the corner*”, a soldier ran over “*into the corner of Glenfada Park*”:

“At this time I was standing in er – my wife’s Granny’s kitchen. I looked out the window and seen two fellas lying dead. A first aid girl came over and showed the red cross – the red cross on her sleeve but the soldier ignored it and fired at her. Er – if the girl hadn’t of threw herself on top of one of the dead fellas this soldier would have killed her. The soldier then run away.”

¹ [Paragraph 104.376](#)

² [X2.35.17](#); [AM144.6](#)

- 108.35** For reasons given earlier in this report,¹ we are of the view that this Keville interview was probably given by John McCourt, though he denied that this was the case. On this basis John McCourt was describing what he says he saw from a window of a house at the southern end of the western block of Glenfada Park North.

¹ [Paragraph 104.377](#)

Sean McDermott

- 108.36** We have already referred¹ to the evidence of Sean McDermott when considering the shooting of Gerard McKinney and Gerald Donaghey. As we have noted, although in his evidence to us he said that he believed that his descriptions of shooting aimed at a female volunteer of the Knights of Malta Ambulance Corps related to Glenfada Park North,² in our view his evidence refers to the incident when Private G fired a shot in the direction of Eibhlin Lafferty as she came up the pathway in Abbey Park and does not lend any support to her account of being shot at as she went into Glenfada Park North.

¹ [Paragraphs 107.148–151](#)

² [AM188.5-6](#); [AM188.13-16](#); [Day 180/114](#)

Noel Kelly

- 108.37** Noel Kelly gave evidence about Eibhlin Lafferty. We consider his accounts below¹ in the context of discussing his evidence of a shot directed at him as he attempted to go to the casualties in Glenfada Park North; but, as will be seen, though he recalled this Order of

Malta Ambulance Corps volunteer coming into Glenfada Park North after a shot had been fired at him, he agreed that notwithstanding one of his 1972 accounts he did not himself see or hear a shot directed towards her.

¹ [Paragraphs 108.79–95](#)

Further evidence relating to Eibhlin Lafferty

108.38 Eibhlin Lafferty's 1972 written report appears to suggest that she was fired on twice in Glenfada Park, as she recorded that she was fired on again; but when asked about this she told us that she recalled that she was fired on only once in Glenfada Park.¹

¹ [Day 166/58-59](#)

108.39 We have no doubt, as Eibhlin Lafferty told us, that she was in a state of shock, having been fired on as she approached the bodies in Abbey Park. Although she now does not suggest that she was shot at as she went back into Glenfada Park North and faced the soldiers until the bodies were removed, it is right to consider first whether any other evidence supports her 1972 account, and second whether there is any evidence to support the account that she gave us.

Nell McCafferty

108.40 The journalist Nell McCafferty took refuge in 59 Glenfada Park, a house at the western end of the northern block of Glenfada Park South. In an article for the *Irish Times*, published on 31st January 1972,¹ she wrote that about ten minutes after about 30 people had been arrested at the gable wall at the south-eastern end of Glenfada Park North “a group of Red Cross officials came into the courtyard. A young female wearing a white coat with Red Cross clearly marked ran into the middle of the courtyard waving her arm at the soldiers. I watched her duck and run cover [sic] as a soldier fired on her. Meanwhile the other Red Cross official dragged a body away.”

¹ [M54.11](#)

- 108.41 In a statement sent to the Widgery Inquiry,¹ Nell McCafferty again described the people at the gable end being taken away by soldiers. She recorded:²

“There was further silence. I heard voices outside and got up to look out. Knights of Malta off[fi]cials, and some civilians, about five in all, were removing the body outside my garden fence. They also picked up what I thought was a tape recorder. As they did so, a Knights of Malta girl stood in the middle of the courtyard, hands above her head, waving at the paratroopers opposite. She threw herself to the ground as one of them fired on her, his rifle balanced on the shoulder of his kneeling companion. I also threw myself to the ground. I did not get up again until I h[e]ard a voice saying ‘Theyre gone’.”

¹ M54.12-15

² M54.14

- 108.42 In her written evidence to this Inquiry,¹ Nell McCafferty stated that she recalled a young woman walking from the eastern walkway linking Glenfada Park North with Columbcille Court towards two bodies. “*As she approached the middle of the courtyard the soldiers fired at her feet in order to make her dance. I ducked down on the floor again.*”

¹ M54.7

- 108.43 In her oral evidence to this Inquiry Nell McCafferty first described this as a vivid recollection.¹ However she later said that although the soldiers certainly fired more than one shot at this girl,² her description of the girl being made to dance was “*a rhetorical, political flourish on my part*”.³

¹ Day 168/141

³ Day 169/40

² Day 169/39-41

- 108.44 Looking at Nell McCafferty’s oral evidence to us as a whole, we formed the view that many of the things that she said that she had witnessed, including the incident in question, she had in fact not seen but had been told about by others. So far as her 1972 accounts are concerned, she said in one that the girl had ducked and run for cover, and in the other that the girl had thrown herself on the ground. Eibhlin Lafferty, on the other hand, recorded in her 1972 report that she had stood her ground until the casualties had been removed. None of those who went to help to bring the bodies out of Glenfada Park supports Nell McCafferty’s accounts. If indeed soldiers had been firing at a girl in the middle of Glenfada Park North, those coming forward to the bodies could not have failed to see this, especially since they would have been in the line of fire. We have concluded that we can place no reliance on Nell McCafferty’s accounts of a soldier shooting at a girl in Glenfada Park North. In our view she has become muddled about what she herself saw

and what she was told about by others. Further, on her own admission, she thought it appropriate in one instance in her written evidence to this Inquiry, rather than trying to help us to discover the truth, instead to embellish her account with false details, for the reason she gave. It is to her credit that she admitted this when she gave oral evidence, but the fact that she initially chose to embellish her account undermines our confidence in accepting her testimony.

- 108.45** A number of witnesses have stated that they entered Glenfada Park North and assisted the casualties there without either being fired upon or seeing others fired upon.

Patrick Kelly

- 108.46** We have already referred¹ to the evidence of Patrick Kelly when considering the shooting of Gerard McKinney and Gerald Donaghey. As we have indicated, his evidence is problematic and he does not seem to appear in any of the photographs of people carrying casualties from Glenfada Park North, though his account does seem to relate to this period. However, it is noteworthy that in his NICRA statement,² from which we have quoted above,³ he does not suggest that the soldiers fired, but rather that for a time they merely threatened to do so if people went forward. He said to us that he had no recollection of seeing a female volunteer of the Knights of Malta Ambulance Corps running into Glenfada Park North or hearing shots.⁴

¹ Paragraphs 107.124–128

² AK21.14

³ Paragraph 107.124

⁴ Day 158/105-106

John McLaughlin

- 108.47** John McLaughlin, who was 51 years old on Bloody Sunday, was interviewed by Peter Pringle of the *Sunday Times*.¹ According to the notes of this interview, John McLaughlin had been among the group initially apprehended by a soldier at the gable end of the eastern block of Glenfada Park North, but he had managed to run away to Fahan Street.² He subsequently went to Abbey Park, where he went to the fatally injured Gerard McKinney, before leaving him to the care of the nurse Robert Cadman. John McLaughlin's account continued:³

“after that i went into the alley way with a k.o.m. girl as we could see at least two bodies in the glenfada park. when we looked out across the park there were still some soldiers – about tow or three – in the opposite corner. the girl kept shouting: “First aid.” i put my head out and made a motion to the soldiers that we wanted to get to the bodies and one of them nodded his head as though to say it was all right for us to come out. at the same time some other soldiers were loading bodies into a saracen in rossville st. the first body i came to i truned over on his back and sd an act of contrition in his ear. it was a young lad. then we helped to carry the lad into the house, No 8. abbey park. it was the carr’s house and there was another body [that of Michael Kelly] in there at the time.”

¹ [AM500.1-2](#)

³ [AM500.2](#)

² [AM500.1-2](#)

108.48 John McLaughlin gave a Keville interview in which he said that after he had run away from Glenfada Park and moved to Lisfannon Park, “*myself and a few others came back and helped to carry the bodies away*”. He was then asked “*were the [sic] ... hindered in any way when you tried to ... shot at or anything?*”, to which he answered “*No, no*”.¹

¹ [AM500.3](#)

108.49 John McLaughlin was identified by his brother, Daniel McLaughlin,¹ as one of those shown carrying Jim Wray’s body through the south-west alley of Glenfada Park North in a photograph we have reproduced above.² As already noted,³ in the background of the same photograph can be seen a female figure whom Eibhlin Lafferty identified as herself.⁴

¹ [AM325.5](#); [AM325.7](#)

³ [Paragraph 108.27](#)

² [Paragraph 108.27](#)

⁴ [Day 166/60](#)

108.50 John McLaughlin is dead and gave no evidence to this Inquiry. However, if (as seems to us possible but far from certain) the Order of Malta Ambulance Corps girl shouting “*First Aid*” was Eibhlin Lafferty, then his account contradicts her 1972 assertion that soldiers fired at her at this stage. It should also be noted that according to John McLaughlin’s account, it was at some stage after people had been arrested at the southern end of the eastern block of Glenfada Park North that he and others went to the casualties.

Eddie Shiels

108.51 Earlier in his account to the *Sunday Times*, John McLaughlin had said that he went into Abbey Park with “*Eddie Shields, a post office worker*”.¹ This person must be Eddie Shiels, who gave us a written statement in which he described himself as working for the Post Office at the time of Bloody Sunday.² According to Eddie Shiels, he saw from Abbey Park three people lying on the ground in Glenfada Park North and started to walk out towards them despite a warning from the crowd. He stated that he saw three soldiers at the corner of the square diagonally opposite him. He froze, but eventually one of the soldiers pointed to him and to one of the men on the ground:³ “*I took this to mean that I could tend to the injured man. I turned away from the soldier and carried the injured man with someone else, but I do not know who, back to the corner where the crowd was gathered.*”⁴ Later in this statement Eddie Shiels recorded that the only firing he heard on Bloody Sunday was when he was at Free Derry Corner before the incident described above.⁵

¹ AM500.2

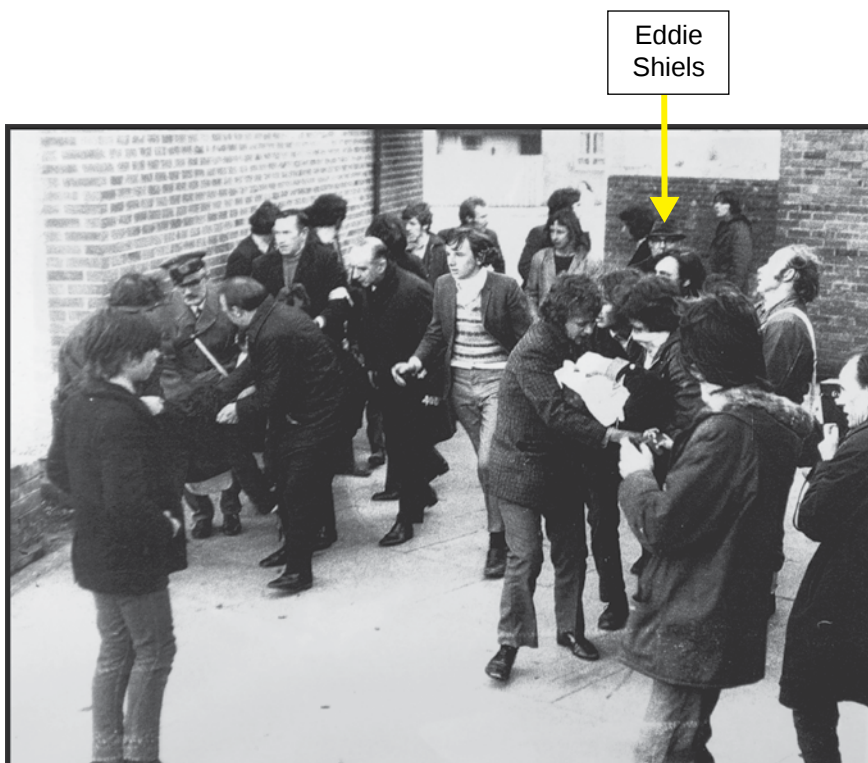
⁴ AS16.2

² AS16.1

⁵ AS16.2

³ AS16.2

108.52 Eddie Shiels identified himself in the photograph discussed in paragraph 108.49 above as the person behind William McKinney’s body.



108.53 Although Eddie Shiels did not appear to recognise himself in a film clip,¹ it seems to us that he was in all probability one of those shown helping to carry Joe Mahon. He can be seen in the following still:²

¹ [AS16.2](#)

² [Vid 19 03.47](#)



Leo Day

108.54 Leo Day was, as we have previously mentioned,¹ the officer in command of the Derry Brigade of the Order of Malta Ambulance Corps. He was interviewed by Philip Jacobson of the *Sunday Times* Insight Team,² who described him as a “*good witness, quiet and restrained*”.³

¹ [Paragraph 107.129](#)

³ [AD13.1](#)

² [AD13.1-5; Day 191/36](#)

108.55 In this account Leo Day described being called to Abbey Park and seeing “*two bodies lying there*”.¹ He is recorded as saying that he helped to carry what he thought was the older of these casualties into the nearest house and was looking at the other when “*i looked across to the pass through to glenfadda [sic] and saw another three, maybe four bodies visible. i could also see at least 3 soldiers on the far wall...*”² He then described asking Alice Long “*a Knight girl*” to go through with him:³

since Gerard McKinney lay on the steps until the ambulance came. On the basis of the photographic evidence, we are satisfied that Leo Day helped to carry two people from Glenfada Park North.

¹ [Day 168/26-27](#)

Alice Long

108.58 It is not entirely clear whether it was Alice Long who went into Glenfada Park North with Leo Day. This person (now Alice Doherty) gave a number of accounts in 1972 in which she recorded that at some stage during the day she was with Leo Day, but in none of those accounts did she say anything about accompanying him into Glenfada Park North,¹ and though in a *Sunday Times* interview she did say she went with Leo Day to where two bodies were outside Abbey Park, the journalist noted that she had very little recollection of the next few minutes and her account jumped to being with the body of Patrick Doherty at the front of the Rossville Flats.² Patrick Doherty was one of those shot in Sector 5, in circumstances we consider in the context of that sector.³

¹ [AD50.28; AD50.26-27; AD50.31-33](#)

³ [Chapter 118](#)

² [AL37.7-8; AL37.10](#)

108.59 Alice Long gave written and oral evidence to this Inquiry.¹ In this she recorded leaving the Shiels' house in Columbcille Court, moving along the alleyway to the north of Glenfada Park North, and meeting Leo Day on the corner of the eastern block of Glenfada Park North and Rossville Street. From there they went to investigate the reports of casualties in Saracens. There are, however, points of comparison with Leo Day's evidence – notably the two of them walking with their hands in the air, and with Alice Long in front as she was wearing a white coat. In her oral evidence to this Inquiry she was shown Leo Day's statement, but did not seem to recall the incident described.² She stated that she did not attend Jim Wray and was not with him.³ She also disputed the accuracy of the *Sunday Times* map.⁴

¹ [AD50.11-12; AD50.29; Day 135/155-224](#)

³ [Day 135/214](#)

² [Day 135/210-214](#)

⁴ [Day 135/215-217](#)

108.60 In view of this evidence it is possible, therefore, that it was Eibhlin Lafferty rather than Alice Long that Leo Day asked to go with him into Glenfada Park North, though this in our view is unlikely, as we find it difficult to accept that Leo Day identified the wrong volunteer of the Knights of Malta Ambulance Corps as the one with him. However, whether we are right or wrong about this, Leo Day's account contains nothing to suggest that Eibhlin Lafferty was fired on as she stood facing soldiers in Glenfada Park North.

Susan and Betty Coyle

108.61 We have already referred¹ to the NICRA statement of Susan Coyle and her daughter Betty² when considering whether Jim Wray was shot on the ground. In this statement they recalled that a woman in a white coat entered Glenfada Park North from Abbey Park shouting “*don’t shoot*”, and that “*The army permitted this girl and two or three men ... to come forwards and remove the bodies.*”

¹ Paragraphs 104.305–306

² AC86.1

Greg Doherty

108.62 Greg Doherty gave written and oral evidence to this Inquiry, though he does not appear to have made a statement in 1972.¹ He told us that he walked up the alleyway between Abbey Park and Glenfada Park North from the Old Bog Road (Fahan Street West). He said that he recalled seeing only one person on the ground in Abbey Park.² He also said that he went through the alleyway between Glenfada Park North and Glenfada Park South and as he went past the corner he saw three or four soldiers at the north-eastern entrance to Glenfada Park North. “*The soldiers were very close together and the one in the front was down on one knee with his gun raised, pointing it towards us. He was continually moving the gun in a figure of eight shape, pointing it at us. The other three soldiers didn’t seem to be doing anything apart from standing and talking to each other.*”³

¹ AD66.1; Day 160/137-155

³ AD66.4

² Day 160/145

108.63 Greg Doherty also described seeing four bodies lying on the south side of Glenfada Park North, three in about the position shown in Trevor McBride’s photograph of the bodies lying there, and the fourth to the left, ie much further to the east, though his recollection was that all four were lying with their feet facing north.¹ He had no recollection of seeing people huddled at the entrance-way from Rossville Street,² and agreed that apart from the soldiers and the bodies he saw nobody else. He told us that he moved towards the bodies and helped to carry one (clearly from his description William McKinney). He identified himself in a photograph and film footage.³

¹ AD66.4; Day 160/146-147

³ AD66.4-5; Day 160/150-151

² Day 160/148-149

108.64 Greg Doherty told us that when he was in Glenfada Park North he “*didn’t feel that I was about to be shot at*”, though as he moved between the bodies he could still see the kneeling soldier.¹

¹ [AD66.4](#)

108.65 This witness was clearly doing his best to recollect what he had seen and done in Glenfada Park North. In our view his recollection of the bodies lying with their feet facing north is faulty, in the light of Trevor McBride’s photograph of the bodies lying in Glenfada Park North, but had he been fired on as he went to the bodies we have no doubt that he would have recalled this. As it is, his evidence, which we find convincing on this point, is to the effect that this did not happen and that the soldiers still present did not attempt to stop people going to the bodies when he got into Glenfada Park.

108.66 We return to this witness¹ when considering whether there were casualties in Glenfada Park North in addition to those we have identified and considered above.

¹ [Paragraphs 110.34–40](#)

Thomas Heaney

108.67 Thomas Heaney told us that he was with his cousin Greg Doherty when they moved into Glenfada Park North, and recalled Eibhlin Lafferty pushing past them with her hands raised shouting “*first aid*”. He recalled seeing about a dozen soldiers on the northern side of Glenfada Park North, all in a line with their rifles pointing south. He also said he saw three bodies.¹ He could not identify himself as one of those in the photograph taken by Trevor McBride² of people carrying Jim Wray and William McKinney out of Glenfada Park North.³

¹ [AH56.9-10; Day 140/43](#)

³ [Day 140/44-45](#)

² [Paragraph 108.110](#)

108.68 According to Greg Doherty, whose evidence we discussed above, he saw his cousin Thomas Heaney in a gated yard in Glenfada Park South, crouching down with his knees up to his chin: “*He was completely terrified and wouldn’t move.*”¹ Thomas Heaney told us that his recollection differed and that he had met his cousin in Lisfannon Park.²

¹ [AD66.3](#)

² [Day 140/53-54](#)

- 108.69** In these circumstances it remains unclear whether Thomas Heaney did in fact go into Glenfada Park North with his cousin. It is also the case that he is alone in describing about a dozen soldiers all in line with their rifles pointing south. However, his evidence does not suggest that the people who went into Glenfada Park North came under fire from soldiers.

Joe Mahon

- 108.70** Joe Mahon had been shot and injured in Glenfada Park North. He was the only one of the three casualties who fell and lay on the south side of the car park to survive. Although in his evidence to us Joe Mahon recalled hearing a shot after he had heard Eibhlin Lafferty shouting, “*Don’t shoot – first aid*”,¹ there was no mention in the account Joe Mahon gave the *Sunday Times* of a shot after the soldier he described shooting into Abbey Park had come back to Glenfada Park North, and the Knights of Malta Ambulance Corps girl had come through the alleyway from Abbey Park, nor any mention of a soldier calling out to her as she had described.² The section of the interview notes dealing with this part of Joe Mahon’s account are in the form of a third person summary, rather than a transcript of Joe Mahon’s own words. However, we are sure that had Joe Mahon mentioned a shot or shots possibly being fired at a Knight of Malta Ambulance Corps volunteer, then this would have been recorded. The accounts of interviews conducted with Joe Mahon by Detective Sergeant Cudmore and Fulvio Grimaldi also contain no reference to such an incident.³ In the end we took the view that we should not rely on this part of Joe Mahon’s evidence.

¹ AM18.5; Day 160/28-30

³ AM18.25; AM18.13

² AM18.15

Conclusions on the accounts of Eibhlin Lafferty

- 108.71** In the light of the evidence discussed above, we consider that the 1972 account that Eibhlin Lafferty gave of standing her ground in Glenfada Park North while being fired at cannot be correct, as she herself has in effect acknowledged in her evidence to us.

- 108.72** The account that Eibhlin Lafferty gave to us of coming forward, being shot at and retreating before coming forward again could be said to be supported by what Mary Lewis said and, to a degree, by what John McCourt and Seamus Doherty said. Mary Lewis put the incident in question before the civilians at the gable end had been moved away, while John McCourt put it afterwards, though his account of a Knight of Malta Ambulance Corps volunteer having to throw herself on top of one of the dead people in Glenfada Park North is not what Eibhlin Lafferty said happened in any of her accounts. However, as we have already stated, the fact that people may have misremembered the sequence of events does not in our view necessarily devalue their testimony as to what they saw.
- 108.73** The major difficulty we find in the account Eibhlin Lafferty gave to this Inquiry is that it does not seem to be reflected by what she said at the time, apart perhaps from what she put in her report about being fired on again as she went round a corner. In addition, we found unconvincing Eibhlin Lafferty's explanation of why she had said to the person she recalled pulling her back that the soldiers would not fire at a first-aider, if indeed she had just seen a soldier doing precisely that. Such an explanation is, on the contrary, much more consistent with Eibhlin Lafferty going out, simply hearing shots without knowing that they had been fired at her, and then being pulled back into cover.
- 108.74** Weighing the evidence considered above as a whole, we have concluded that Eibhlin Lafferty probably did make an initial attempt to go into Glenfada Park North, but went, or was pulled, back after the sound of gunfire. In our view Eibhlin Lafferty (and Mary Lewis) heard gunfire and mistakenly assumed that it was directed at the former. We take the view that Eibhlin Lafferty was mistaken in her recollection that she actually saw a soldier fire at her; for had this been the case, she could hardly have made the remark she recalled making to the person who pulled her back. As to John McCourt, his account is in our view clearly wrong in at least one respect, as Eibhlin Lafferty has never suggested that she threw herself down on one of the bodies; and accordingly we are unable to place reliance on it.
- 108.75** We are also not persuaded by Eibhlin Lafferty's evidence to the *Sunday Times*, and to this Inquiry, that after she entered Glenfada Park North a soldier shouted words to the effect that her white coat was a good target but her red heart was a better one. Had this remark been made to her, we would have expected to see it in the report she made to the Order of Malta Ambulance Corps,¹ as it would obviously have been of concern to the organisation as a whole. Her explanation to us for its omission was that this was due to her youth and the trauma of events,² but we are not convinced by this. No-one else in Glenfada Park North at the time has given evidence of hearing any such remark. Furthermore, there is convincing evidence given in 1972 by another volunteer in the

Knights of Malta Ambulance Corps, Antoinette Coyle, that an army officer warned her in Chamberlain Street that the white uniforms made perfect targets.³ Alice Long also told the *Sunday Times* of a similar remark when she was with Antoinette Coyle in Chamberlain Street, which she ascribed to a “fat corporal”.⁴ In our view it would be too much of a coincidence for similar words to have been used on different occasions and in different parts of the Bogside, and we prefer the evidence of Alice Long and Antoinette Coyle to that of Eibhlin Lafferty. In our view Eibhlin Lafferty heard of this remark from one of her colleagues and mistakenly came to believe that the remark had been made to her.

¹ AM17.13

³ AC85.27

² Day 166/81-82

⁴ AL37.8

- 108.76** There is also the fact that Eibhlin Lafferty described being shot at continuously as she made her way towards where Gerard McKinney and Gerald Donaghey were lying in Abbey Park. As we have already mentioned, we are sure that only one shot was fired at her at this time.
- 108.77** We are also sure that Eibhlin Lafferty behaved very bravely on the day, both in going to the casualties in Abbey Park and then in going into Glenfada Park North. We also consider that she has come genuinely to believe what she told us. However, bearing in mind the matters discussed above, we do not accept that any soldier tried to shoot her or towards her in Glenfada Park North.

Other evidence of shooting at those going to the casualties in Glenfada Park North

- 108.78** We now turn to consider the evidence of others about shots being directed at people going to the casualties in Glenfada Park North. As will be seen, the first of these, Noel Kelly, gave some evidence about Eibhlin Lafferty, though in the end he accepted that he had not in fact seen a soldier shoot at her. It is possible that she mistakenly came to believe that the shot described by Noel Kelly had been fired at her, but the difficulty with this is that the position of the soldier said to have fired is significantly different in her account and that of Noel Kelly.

Noel Kelly

- 108.79 Noel Kelly gave a Keville interview.¹ In this he gave an account of seeing two men, one of whom he knew to be “*Mr McKinney from Westway*”, “*standing looking down into an alleyway and both of them fell. The shots rang out just before they fell.*” The statement continued:

“I went with another man and we went down beside him and I put a hanky above my head and waved it like a flag. Eh – down the alleyway we looked down and there was two more youths lying shot in the alleyway. Across from that there was a courtyard and there was a soldier standing with a rifle against the courtyard. He looked at us and I waved a hanky in the air and he’s fired two shots at us. We ran back against a wall. Then there was a red cross girl who shouted around the corner that she was red cross and then went out into the open way and he shot at her too. She came back in then and put her coat around the corner waving the coat and then she came around the corner there. I think her name is er – Lafferty. Er – the soldier panicked then and ran back and he went back then and er – we went across and one of the men was dead. He might of died of a heart attack I am not sure but the other man when we went to pick up he was shot twice. He was shot in the head and in the, the back and we went to pick him up and the blood came over our coats. We took him into the house. The house in the next door and every time someone moved out of it there was a soldier who was further up the street kept firing at people who came out the door and there are bullet holes in the wall to prove this.”

¹ [AK17.35](#)

- 108.80 Noel Kelly gave a NICRA statement.¹ In this he described running across the Old Bog Road (Fahan Street West), looking round the corner towards Abbey Street, and seeing “*two men lying side by side, face upwards on their backs in Glenfada Park. I could see that one of them was still moving.*” He decided with another youth to go to their aid, pulled out a handkerchief, held it above his head, and went towards the two men. The statement continued:

“We came opposite a laneway facing Rossville Flats I noticed 2 young men lying nearby in the laneway: one was trying to crawl in my direction. At this point I saw a soldier leaning against a lamppost, through the laneway on the opposite side of the small car park. He was facing in the direction of Free Derry Corner. He turned round and saw us. I held the handkerchief with both hands above my head. He seemed to hesitate for a few seconds and then swung his rifle in my direction and fired at least once when I dived to the ground. The other youth who had gone past the lane ran back towards the Old Bog Road. The crowd of youths who had been following had just reached the garden of the middle house of 6 and they run back too. When the soldier fired there was no one else visible to him as far as I know. I then began to crawl back to the shelter of the houses. A girl, called Lafferty of Creggan Hill, in a Knights of Malta white coat, came running across the gardens from the direction of Old Bog Road shouting [‘]Red Cross, Red Cross...’ and came between myself and the soldier. He seemed to panic and ran back in the direction of William St. I do not know if he fired at her or not. I got up and saw about 10 men coming in my direction from Old Bog Rd. with their hands on their heads. They were followed by the small crowd which had previously run back. Patrick Doherty and Junior McClintock, both from Broadway were among them. I then went to the aid of the two men in Colmcille Court with about 2 other youths.”

¹ [AK17.19-20](#)

- 108.81** In this statement Noel Kelly identified the two men “*in Colmcille Court*” as “*Gerald [sic]*” McKinney and William McKinney. He stated that with others he lifted the latter and took him into a house, “*No.7 nearby*”. He stated that he then went back to the other man who was surrounded by a small group of people and being treated by an “*oldish*” Order of Malta Ambulance Corps man “*with grey hair and thick lensed glasses*”.

- 108.82** Noel Kelly also gave an interview to Peter Pringle of the *Sunday Times* Insight Team. In the notes of this interview, dated 6th April,¹ he is recorded as saying:

“From [Lisfannon Park] ... I saw a body lying on the steps opposite the entrance leading into glenfada park (x4). I moved to the southern part of glenfada park and then with another boy i waved a whit handkerchief and moved over to the steps. I could now see there were two bodies. just as we passed the alley way leading into glenfada i saw a soldier in the car park (x1) and he fired a shot at me and we both hit the deck – or at least i slipped and fell down, Through the alley i could also see two bodies. one was on the pavement and the other was half way in the alley. the latter was joseph mahon and he was crying out that he had been hit. i went over to the first body on the steps and it was william mckinney from westway. he had a graze on his head and he had been hit in the back. i thought the other man was dead. there was no one else around the bodies when i first arrived but they gathered very soon afterwards. there were some k.o.m. people there. i helped to carry william mckinney into No. 7 abbey park.”

¹ [AK17.1](#)

- 108.83** On an accompanying map, various positions are marked with numbers that correspond to the text of the interview. These include “x4”, showing that the first casualty that Noel Kelly saw was on the shallow steps in Abbey Park; and “x1” showing that the soldier who fired at Noel Kelly was at the south-west corner of the eastern block of Glenfada Park North.¹

¹ [AK17.3](#)

- 108.84** Noel Kelly made no mention of Eibhlin Lafferty in his *Sunday Times* interview.

- 108.85** Noel Kelly gave written and oral evidence to this Inquiry.

- 108.86** In his written evidence,¹ he stated that he saw two bodies lying side by side on the top step “*in front of Abbey Street*”. He went to them. He stated that he later recognised the nearest to him as Gerard McKinney and the other as William McKinney. He then stated that he heard a shout from the alleyway leading into Glenfada Park North and saw a man crawling towards him, who he was afterwards told was Joe Mahon; and another man whom he recognised as Jim Wray lying in the south-western corner of Glenfada Park North.²

¹ [AK17.11](#)

² [AK17.12](#)

108.87 Noel Kelly also described seeing a soldier standing at the south-eastern corner of Glenfada Park North looking in the direction of Free Derry Corner. He stated that he called to the soldier who turned round and fired towards him. He also stated that the soldier was leaning on a lamp post holding his rifle at hip level. *“He seemed to pause for a split second, as if deciding what to do and then he swung his body and his rifle round to face me ... I shouted ‘don’t shoot’ and held a hanky above my head with both hands. The soldier took aim and shot at me.”* Noel Kelly stated that he went backwards but slipped and fell. He stated that he heard only one shot but had been told by others hiding behind a garden wall (who he said would not have seen the soldier) that three shots had been fired at him.¹

¹ [AK17.12](#)

108.88 Noel Kelly continued: *“As I fell, a girl wearing a Knights of Malta coat, whose name I knew to be Lafferty, jumped out from behind the garden wall and ran between me and the soldier. She shouted ‘Red Cross, Red Cross – don’t shoot.’ At this point, I can remember hearing a sound like a referee’s whistle – it was a very distinctive sound. The soldier turned and ran towards Rossville Street.”* He said that after a few minutes things seemed to calm down. *“Lafferty had gone – some people said the para had shot at her but I didn’t see this.”*¹ He then described helping to lift William McKinney into the living room of a house in Abbey Park; after he had come out of this house, he saw Gerard McKinney still lying on the ground.²

¹ [AK17.12](#)

² [AK17.13](#)

108.89 Later in this statement, after being shown his earlier accounts, he stated that he did not see either of the McKinneys fall, but added that *“On reflection, I do remember Lafferty coming out twice, and that she was shot at the first time”*.¹

¹ [AK17.14](#)

108.90 In his oral evidence to this Inquiry, Noel Kelly repeated that the man that he recalled crawling through the alleyway was Joe Mahon.¹ He also told us that the soldier he saw was leaning against the lamp post below the gable end of the eastern block of Glenfada Park North.² He gave an account of holding up his handkerchief, shouting *“do not shoot”*, seeing the soldier turn round and point his rifle at him, and hearing one shot as he was backing away.³ He said that this was the only soldier he saw at this stage.⁴

¹ [Day 62/33](#)

³ [Day 62/38](#)

² [Day 62/36-37](#)

⁴ [Day 62/42](#)

- 108.91** When asked about Eibhlin Lafferty, Noel Kelly told us that she had come into the alleyway and got between him and the soldier.¹

“Q. Did you see what the soldier did when she appeared, saying ‘do not shoot’?”

A. To be honest at that stage I was trying to get back up the alleyway to get back into cover again, so I do not know what the soldier did.

Q. You say ‘at this point I can remember hearing a sound like a referee’s whistle’?

A. Yes.

Q. ‘The soldier turned and ran towards Rossville Street.’ Did you see that?

A. I just caught him out of the corner of my eye. As I was going back, I saw him running away, yes.”

¹ [Day 62/43](#)

- 108.92** When shown his Keville interview, Noel Kelly told us that it was not right that he had seen two men fall or heard two shots as they did so.¹ He also said that he did not in fact recall the Red Cross girl coming out twice, nor did he see a soldier shoot at her, and agreed that he had no basis for saying that the soldier he saw panicked.² He did not recall seeing any people at the southern end of the eastern block of Glenfada Park North.³

¹ [Day 62/45](#)

³ [Day 62/51](#)

² [Day 62/47-48](#); [Day 62/80](#); [Day 62/126-127](#)

- 108.93** Noel Kelly identified himself in one of the photographs taken by Trevor McBride¹ of people carrying Jim Wray and William McKinney through the alleyway from Glenfada Park North into Abbey Park; though we are not certain about this, as Greg Doherty, as will be seen,² also identified himself as the same person. At this stage Noel Kelly agreed that he must have been mistaken in believing that William McKinney was one of the bodies he had seen in Abbey Park.³

¹ [Day 62/53-54](#)

³ [Day 62/54](#)

² [Paragraph 110.38](#)

- 108.94** As will have been seen, there are a number of differences and difficulties in the various accounts Noel Kelly has given. He was clearly wrong in believing that William McKinney was shot in Abbey Park and in seeing Joe Mahon crawling in the alleyway leading from Abbey Park and though he has throughout stated that a soldier fired at him, it seems that he is not sure whether this soldier fired one or two shots. We formed the impression that Noel Kelly was doing his honest best to help us in the evidence he gave to this Inquiry.

However, in the end we remained unpersuaded that a soldier standing at or near a lamp post to the south of the southern gable end of the eastern block of Glenfada Park North fired a shot in Noel Kelly's direction as the latter emerged from the alleyway leading from Abbey Park. As we discuss when considering the events of Sector 5,¹ there was a soldier in the position described by Noel Kelly, who fired a number of shots, but these were in the general direction of Free Derry Corner. In our view Noel Kelly was probably mistaken in believing that a shot or shots had been fired in his direction.

¹ [Chapter 119](#)

- 108.95** Noel Kelly's evidence does not assist on the question of whether a soldier fired at Eibhlin Lafferty, as it now seems clear that he did not witness any such incident.

James McDaid and others

- 108.96** James McDaid was an Order of Malta Ambulance Corps volunteer who gave written and oral evidence to this Inquiry.¹ He told us that he had made a report in 1972 of what he had done and witnessed on Bloody Sunday, but we have been unable to trace this document.² In his evidence to us he recalled that he had attempted to go into Glenfada Park North from the north-western entrance, having seen a body there.³ He said he was with another man whom he could not identify,⁴ carrying his medical bag.⁵ James McDaid said that when they got about ten feet into the courtyard he heard a ricocheting bullet strike the ground about three to four feet in front of him, though he did not hear the shot itself. He thought that this was intended to warn him not to go further.⁶ He told us that the people at a gable end near to the north-western entrance called for them to return, which they duly did,⁷ after which James McDaid went to a house where he treated a boy with chest wounds and a man whom he knew to be William McKinney.⁸

¹ [AM166.1; Day 61/16-17](#)

⁵ [AM166.3-4](#)

² [AM166.6; Day 61/14](#)

⁶ [AM166.4; Day 61/11-12](#)

³ [AM166.3-4](#)

⁷ [AM166.4](#)

⁴ [Day 61/10; Day 61/17](#)

⁸ [AM166.4; Day 61/12](#)

- 108.97** We have no doubt that William McKinney was the only casualty to be taken to 7 Abbey Park. However, it is possible that James McDaid went to both this house and 8 Abbey Park, as he acknowledged in his oral evidence.¹

¹ [Day 61/13; Day 61/16](#)

- 108.98** It was clear from his evidence, and James McDaid acknowledged, that he was unsure of where he had entered Glenfada Park North and indeed could not swear that he had gone into Glenfada Park at all.¹ He was identified by one Order of Malta Ambulance Corps

volunteer, Mary Gallagher, as being shown in the group around the body of Gerard McKinney in one of the photographs taken by Trevor McBride.² His own evidence was that he did not see the scene of William McKinney being brought out of Glenfada Park North and agreed that he must have arrived in that area some time after this had happened. He (and indeed others) identified the person Mary Gallagher thought was him as being in fact Leo Day.³

¹ [Day 61/9; Day 61/16; Day 61/26](#)

³ [Day 61/15](#)

² [Day 70/73](#)

108.99 James McDaid was trying to remember events occurring decades earlier, and while he was undoubtedly doing his honest best to help us, he acknowledged the limitations of what he recalled. We concluded that his recollections were not sufficiently clear or certain to allow us to place any reliance on them.

108.100 We take the same view of the evidence that Daniel McLaughlin gave to this Inquiry.¹

¹ [AM325.1](#)

108.101 We have also already referred¹ to the evidence of Anthony Martin, when discussing the wounding of Daniel Gillespie. For the same reasons as we gave there we are unable to accept his evidence that he and others trying to rescue the bodies in Glenfada Park North came under fire from a low velocity weapon. It should be noted, however, that at no stage did he suggest that soldiers had fired at an Order of Malta Ambulance Corps volunteer in Glenfada Park North.

¹ [Paragraphs 104.180–199](#)

108.102 We discuss below¹ the evidence of others about firing in Glenfada Park North at a stage after the casualties had been sustained in Sector 4.

¹ [Chapter 109](#)

Further consideration of the photographs

108.103 Although we have referred to photographs of casualties being carried from Glenfada Park North when discussing the evidence about the circumstances in which the bodies were recovered, it is convenient to describe the photographic records of these events in more detail at this stage.

108.104 Trevor McBride took three photographs of the removal of the bodies from Glenfada Park North through the south-west alleyway into Abbey Park. He took these after he had photographed Gerard McKinney lying on the steps in Abbey Park.¹ His contact sheets allow the chronological sequence of these photographs to be established, and we consider each in turn below.

¹ [M53.1-2](#)

108.105 Michael Rodgers took film footage at approximately the same time, and this too is considered below. Michael Rodgers told this Inquiry that he thought that the sequence of his footage had been altered when it was processed.¹ However, it is possible to establish, from Trevor McBride's contact sheets,² that this was not the case.³

¹ [AR22.5-6](#)

³ [CS6.240-241](#)

² [P233.53](#)

108.106 The first of Trevor McBride's three photographs taken from the contact sheets, reproduced below, shows two men carrying a youth through the Glenfada Park–Abbey Park alleyway. The same group is shown, briefly, on Michael Rodgers' film footage.¹

¹ [Vid 19 03.47](#)



108.107 Joe Mahon has told this Inquiry that he recognised himself as the person being carried.¹ We consider that he is right about this.

¹ [AM18.5; Day 167/30](#)

108.108 We are satisfied that Trevor McBride correctly identified the man in the distinctive uniform as Leo Day, who, as is discussed above,¹ was a Captain in the Order of Malta Ambulance Corps.² It is very likely that the other man is Eddie Shiels. He stated to this Inquiry that he did not recognise himself from film footage,³ but he did identify himself on a different photograph, reproduced below at paragraph 108.110. In our view, the similarity between the man shown carrying Joe Mahon with Leo Day and the man that Eddie Shiels identified as himself is such that we are confident that he is the man shown in the film footage.

¹ [Paragraph 107.129](#)

³ [AS16.2](#)

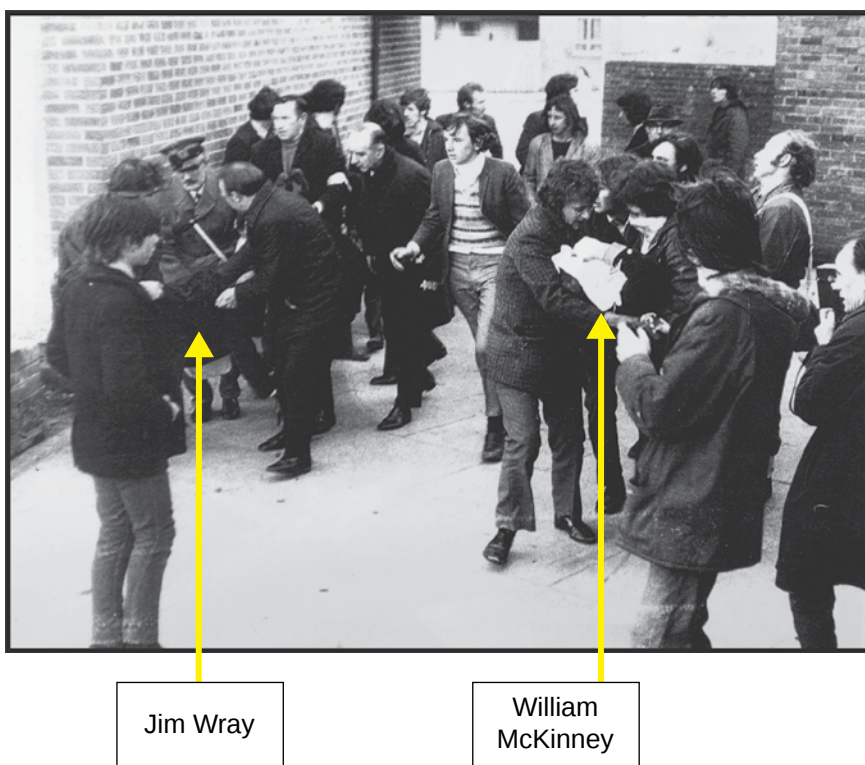
² [Day 168/26-27](#)

108.109 Michael Rodgers' film footage shows Leo Day seemingly handing Joe Mahon's legs to another person, and Eddie Shiels looking back a second later.¹ A still from the film, taken a little after Trevor McBride's photograph, shows a moustachioed man apparently carrying Joe Mahon with the person we believe to have been Eddie Shiels.

¹ [Vid 19 03.47](#)



108.110 The second of Trevor McBride's photographs shows two casualties being carried from Glenfada Park North into Abbey Park. These were Jim Wray on the left, and William McKinney, who is identifiable by the button on the cuff of his jacket, on the right.



Jim Wray

William
McKinney

108.111 Leo Day and John McLaughlin were identified from this photograph as two of those carrying Jim Wray. Leo Day was identified by James McDaid (a Lieutenant in the Order of Malta Ambulance Corps).¹ John McLaughlin was identified by his brother Daniel and by Greg Doherty.² We consider that these identifications are correct.

¹ [Day 61/15](#)

² [AM325.5](#); [AM325.7](#); [AD66.5](#); [AD66.8](#)

108.112 Sean McDermott identified himself as one of those carrying William McKinney. In our view he is right about this.¹ Don Campbell thought, but was not sure (so neither are we), that he was the man in the check jacket supporting William McKinney.² Noel Kelly and Greg Doherty both identified themselves as the man shown with his face turned to the right in the centre of the three men carrying the torso of William McKinney,³ but though we accept that they may have been there, we are not sure that either has made a correct identification. Anthony Martin identified himself as the man with dark hair and with his head turned to the right behind the three people holding William McKinney's torso. It is possible that this is a correct identification, but in view of the other difficulties we have had with his accounts we are not sure about this.⁴

¹ [AM188.3](#); [AM188.10](#)

³ [AK17.29](#); [Day 62/53-54](#); [AD66.5-6](#)

² [AC8.3](#); [Day 157/75-77](#)

⁴ [AM24.12](#); [AM24.15](#); [Day 176/81-82](#)

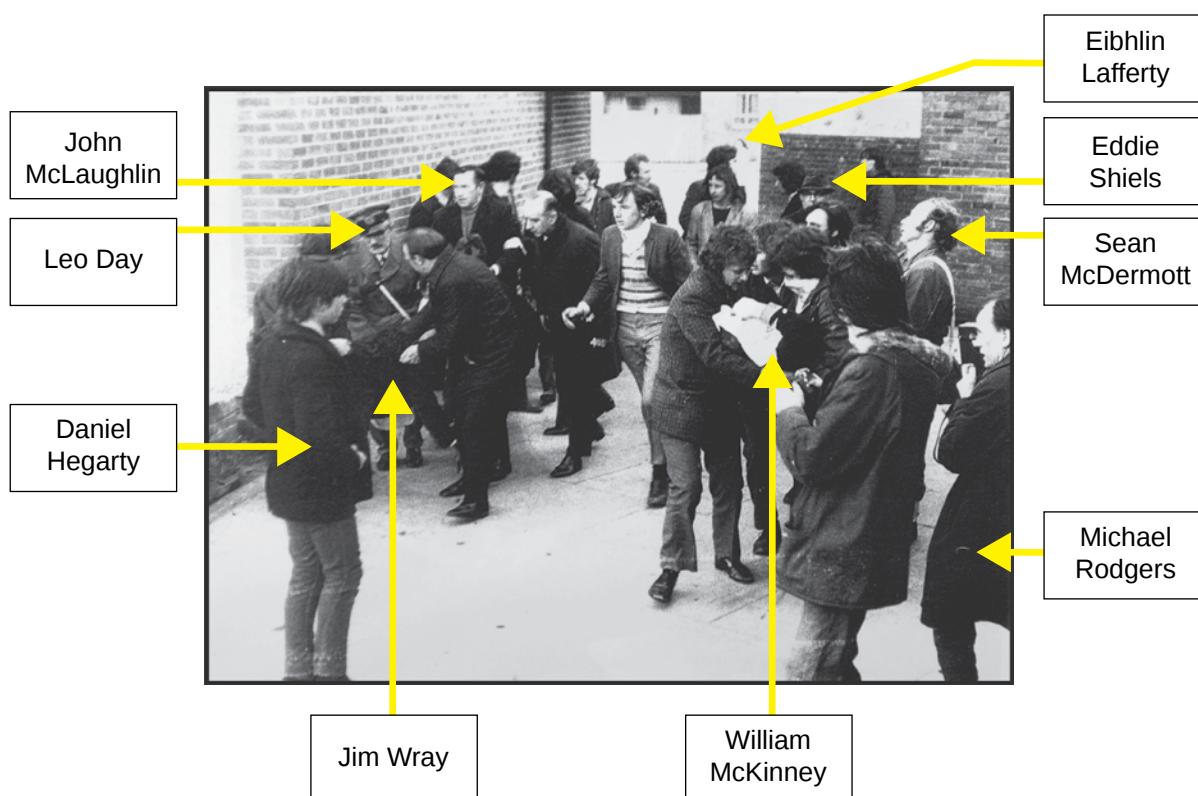
108.113 Eddie Shiels identified himself as the man in the hat and glasses standing behind the group carrying William McKinney.¹ Eibhlin Lafferty identified herself as the figure in the white coat in the background standing in Glenfada Park North.² We are satisfied that these identifications are correct.

¹ AS16.2-3

² AM17.21; Day 166/60

108.114 We have little doubt that the man shown filming on the extreme right of the photograph is Michael Rodgers. He did not comment on this photograph in his written evidence to this Inquiry, but his film seems to us to have been taken from this position. The solicitors for the majority of the families identified the man with a camera to the left of Michael Rodgers as Robert Renton, but gave no source for this information. The Inquiry has received no evidence from anyone of this name.

108.115 We set out below a marked copy of the photograph on which we have identified those we are reasonably sure appear in it.



When people went to the casualties in Glenfada Park North

108.116 As we describe elsewhere in this report,¹ a number of people sheltered behind or near the southern wall of the eastern block of Glenfada Park North, and were there when soldiers came into Glenfada Park North and opened fire. We describe later in this report² the circumstances in which many of these people were then arrested and taken by soldiers north through Glenfada Park North to the fence of the GPO sorting office at the junction of William Street and Rossville Street.

¹ [Chapter 92](#)

² [Chapter 113](#)

108.117 As will have been observed, a number of the witnesses whose evidence we have discussed in the preceding paragraphs have stated that they did not see or recall seeing any civilians at the southern end of the eastern block of Glenfada Park North, or indeed (apart from soldiers and the casualties) anyone in Glenfada Park North, when they went out to the casualties. None of the civilian witnesses who have given accounts of what was happening at this stage have suggested that there were then civilians at this southern end or visible elsewhere in Glenfada Park North. Mary Lewis, in her NICRA statement, did record that there were still people at this southern end when an Order of Malta Ambulance Corps member tried to go to the bodies but was fired at and retreated. We were not persuaded by this. Mary Lewis went on to state that it was after these civilians had been marched away that “*people then came along and took the bodies away*”.¹

¹ [AL10.1](#)

108.118 So far as the people at this southern end are concerned, there is nothing in their evidence to suggest that while they were there, or indeed while they were being marched through Glenfada Park North, they saw anyone go to the casualties. We deal with the circumstances of the arrests of these people and what subsequently happened to them later in this report,¹ but in the present context we should note that two of them (Fr Denis Bradley and Fr Terence O’Keeffe) recounted how they had seen the bodies in Glenfada Park North and unsuccessfully sought permission to go to them, in terms which in our view indicate that they probably did not observe any civilians with or going towards these casualties.

¹ [Chapters 113, 157, 159, 160, 161, 162 and 163](#)

108.119 Fergus McAteer, who was at the gable end, told this Inquiry that:¹

“Immediately before my arrest I do not recall seeing anyone approach the three men who had been shot [running across Glenfada Park North] but I am certain that no-one could have reached them before the soldiers because at that stage I could see no-one else around except the arrested gable wall group and the soldiers themselves. Their bodies were still lying on the ground on their own as I was arrested.”

¹ [AM42.10](#)

108.120 We have discussed the account given by John McLaughlin above.¹ According to this account he was someone who was both at the southern end of the eastern block of Glenfada Park North when the soldiers arrived there and one of those who went through the south-western alleyway of Glenfada Park North to the aid of the casualties. He told us² that he managed to escape from this southern end, running through Glenfada Park South, then along Fahan Street West (the Old Bog Road) and up the Abbey Park alleyway, after which he went back into Glenfada Park North to help bring out the casualties. He made no mention of seeing people still at this southern end when he went back in but only of seeing two or three soldiers in the “*opposite*” corner. Although it is not possible from his evidence to know precisely how long it took John McLaughlin to go from this southern end and round and back to the south-western exit to Glenfada Park North, this must in our view have been at least long enough for those arrested to have been marched away and out of Glenfada Park North.

¹ [Paragraphs 108.47–50](#)

² [AM500.1-2](#)

108.121 There is some evidence from soldiers that is relevant in this context.

108.122 Lieutenant 119 recorded, in his written statement for the Widgery Inquiry, that when he arrived there:¹

“The courtyard then contained only my own men and on the far corner three bodies about which one or two civilians had started to assemble. I set off towards the bodies with the intention of seeing what could be done, but just at that moment a man standing by my radio operator shouted that we had orders to withdraw. I saw Knights of Malta first aid staff approaching the bodies and therefore left them to take care of them. At that moment about 20 people emerged from the gable end of the east building. They were clearly in a hazardous position. I therefore picked them up, and did so as a routine arrest operation because I thought the gunman who had fired at us might still be amongst them.”

¹ [B1752.044](#)

- 108.123** In his oral evidence to the Widgery Inquiry, Lieutenant 119 gave a similar account.¹ He also noted that at this time he could also hear the sound of baton rounds being fired on the Rossville Street waste ground.² In his evidence to this Inquiry, Lieutenant 119 said that he had no recollection of the arrests in Glenfada Park North.³

¹ WT14.15

³ B1752.017; Day 363/159-164

² WT14.14

- 108.124** In his evidence to the Widgery Inquiry, Lance Corporal F was asked whether, before he made arrests at the southern end of the eastern block of Glenfada Park North, he had seen anyone in the courtyard other than the three men who had been shot. He replied that “*there were some a[m]bulance people came forward*” shortly after the casualties fell.¹ In his evidence to this Inquiry, Lance Corporal F stated that he had no independent recollection of most of the events in Glenfada Park North.²

¹ WT14.73

² B167.004

- 108.125** In contrast to the accounts given by Lieutenant 119 and Lance Corporal F, Private G told the Widgery Inquiry that he did not “*see a first-aid girl coming out to tend to some of the wounded at any time*”.¹ Private H told this Inquiry that he did not recall seeing any first aid personnel in Glenfada Park,² and he made no reference to any such people in his 1972 evidence.

¹ WT14.87

² B264.2; Day 377/112-113

- 108.126** Private 027, in his written evidence to the Royal Military Police and to the Widgery Inquiry, stated the following:¹

“The civilians remaining were arrested and led out of the square with their hands on their heads. As the park emptied I saw three male bodies lying at the far end of the park. They appeared to be dead. I subsequently saw these bodies being removed through the NW exit by male persons dressed in donkey jackets and flat caps.”

¹ B1548; B1552

- 108.127** In his evidence to this Inquiry, Private 027 stated that he had a vague recollection of seeing civilians being apprehended and escorted out of Glenfada Park. He was then left alone and believed that he crossed to the south-east corner where he stood watching the casualties being removed by civilians. He again referred to seeing men in donkey jackets and flat caps participating in this process. He was shown the evidence of Eibhlin Lafferty, but he said he did not recall the incident that she described.¹

¹ B1565.44; Day 246/96-98

108.128 Private 027's 1975 account gave the impression that after the arrestees were escorted from Glenfada Park he was left alone in the courtyard, and that during this time he saw four men with flat caps and donkey jackets enter the complex, pick up the bodies and carry them out. Private 027 aimed at them but did not fire.¹

¹ [B1565.7](#)

108.129 Lieutenant 119's and Lance Corporal F's evidence suggests that the people at the southern end of the eastern block of Glenfada Park North were either still there, or being escorted north through Glenfada Park North, when people went to the casualties. In the light of the other evidence, however, we consider that this is unlikely to have been the case. Lieutenant 119 may well have seen civilians at or approaching the bodies, but it seems to us that he was mistaken in believing that this was before the arrested civilians had been taken away. Lance Corporal F said that people attended the bodies "*shortly*" after they had fallen, but for the reasons given elsewhere in this report,¹ we find his evidence so unsatisfactory that we place no reliance on it. Much the same applies to Private G. In the case of Private 027, it seems to us (as we have stated earlier in this report) that he had come into Glenfada Park North with Lieutenant 119. He does not say anything about Order of Malta Ambulance Corps volunteers going to the casualties, but to a degree his evidence seems to be consistent, so far as timing is concerned, with that of the civilians.

¹ [Chapter 100](#)

108.130 In our view, therefore, the civilians arrested at the southern end of the eastern block of Glenfada Park North had probably gone from Glenfada Park North when people went to the aid of the casualties there.

What afterwards happened to Jim Wray, William McKinney and Joe Mahon

108.131 We have already described what happened to Joe Friel and Michael Quinn after they had been shot, and the evidence relating to Daniel Gillespie. We consider what happened to Patrick O'Donnell later in this report,¹ since he sustained a further injury after he was arrested at the southern end of the south-eastern block of Glenfada Park North.

¹ [Chapter 114](#)

- 108.132** Jim Wray was taken to the Carrs' house at 8 Abbey Park,¹ where Michael Kelly had already been carried.² Both men were treated by Rosemary Doyle and possibly other Order of Malta Ambulance Corps volunteers.³ They were examined by Dr Raymond McClean, who found that Michael Kelly was already dead and that Jim Wray was mortally wounded, if not also dead.⁴ Fr George McLaughlin attended Jim Wray as he lay in the house.⁵

¹ AC43.5; AC42.5; Day 158/164; Day 159/111

⁴ AM105.50; AM105.56-57; AM105.98; AM105.6

² AC43.5; Day 158/164; Day 159/111

⁵ H13.2; H13.7

³ AD140.3; AD140.8-9; Day 101/13-15; AM311.2;
AM105.50; AM105.56; Day 175/34

- 108.133** William McKinney was carried next door to 7 Abbey Park, the home of William and Bridget O'Reilly.¹ There he was attended by Fr Anthony Mulvey,² and treated by James McDaid and Sophia Marley of the Order of Malta Ambulance Corps,³ and Dr Raymond McClean.⁴ Despite their efforts, William McKinney died while in the house.⁵ William O'Reilly thought that William McKinney died while being carried to an ambulance,⁶ but in the light of Dr McClean's and James McDaid's evidence he was in our view mistaken about this.

¹ WT7.3; AO69.25; AO69.31; AO66.9

⁵ AM105.50; AM105.56-58; AM105.98; AM105.6-7;
AM166.5

² H15.12; WT4.28; AO66.9

⁶ WT7.3; AO69.25; AO69.31; AO66.9

³ AM166.5; AM311.2

⁴ AM105.50; AM105.56-58; AM105.98; AM105.6-7

- 108.134** Joe Mahon was taken into Isobel McCourt's house at 4 Abbey Park.¹ There he was treated by a nurse, Jackie Cassidy.²

¹ AM141.1; AM141.2-3; AM18.15; Day 167/38

² AM18.15; Day 167/38-39; AM141.1

- 108.135** Jim Wray, Michael Kelly, William McKinney and Joe Mahon were all subsequently driven to Altnagelvin Hospital by ambulance. Michael Kelly was the first of the fatally wounded to be taken. He was placed in an ambulance manned by Ronald Moore and John Rutherford,¹ which stopped in Glenfada Park at 4.37pm and arrived at Altnagelvin Hospital at 5pm.² Gerard McKinney was transported in the same vehicle,³ which also contained Michael Kelly's brother, John,⁴ his brothers-in-law George Cooley⁵ and George Downey,⁶ Gerard McKinney's brother Louis,⁷ and the Knights of Malta volunteers Sean McDermott⁸ and Robert Cadman.⁹

¹ ED29.5-6; ED36.8-9

⁶ AD134.6-7

² ED29.5; D500.26-27

⁷ ED29.6; AM305.3

³ ED29.5-6; ED36.8-9

⁸ AM188.6; ED36.8; AC1.4

⁴ AK13.3

⁹ AC1.1; AC1.1.01; AC1.38; ED36.8

⁵ Day 167/87; AD134.6-7

108.136 The ambulance that took Jim Wray to hospital arrived in the Abbey Park/Glenfada Park area at 5.03pm, and returned to Altnagelvin at 5.20pm.¹ It was manned by John Holmes and William Gray.² Rosemary Doyle accompanied Jim Wray.³ Geraldine Richmond, who was suffering from shock, was also placed in this ambulance.⁴

¹ [ED48.11](#); [ED48.8-9](#); [D500.26-27](#)

⁴ [AM45.6](#); [AD140.3](#); [AD140.8-9](#); [AM223.18](#); [ED48.9](#); [ED48.11](#)

² [ED48.8](#); [ED48.10](#)

³ [AD140.3](#); [AD140.8-9](#)

108.137 William McKinney, who was accompanied by Sophia Marley,¹ was taken to Altnagelvin Hospital in an ambulance manned by Norman McElhinney and William Wilson.² This arrived in Glenfada Park at 5.10pm, and reached the hospital at 5.20pm.³

¹ [AM166.5](#); [AM311.2](#); [ED37.8](#)

³ [D500.26-27](#)

² [ED37.5](#); [ED37.7-8](#); [D500.26-27](#)

108.138 It is not altogether clear how Joe Mahon was transported to Altnagelvin Hospital. He recalled that he was placed in an ambulance with two other casualties (which would suggest the vehicle manned by Ronald Moore and John Rutherford), but he thought that one of these was William McKinney, which would suggest the vehicle manned by Norman McElhinney and William Wilson.¹ A number of those who were present in the former ambulance, which contained Michael Kelly and Gerard McKinney, referred to the presence of a third casualty,² who was described by George Downey as a younger man of around 18–20 who appeared to have been shot in the leg.³ In our view this was likely to have been Joe Mahon.

¹ [AM18.6](#); [AM18.15](#); [Day 167/31](#)

³ [AD134.6](#)

² [ED36.8](#); [ED29.5](#); [AK13.3](#); [AC1.1.01](#); [AC1.38](#)

108.139 Later in this report¹ we return to consider the movements of the ambulances, as the logs that were kept are helpful in timing other events.

¹ [Chapter 124](#)

Chapter 109: Accounts of other shooting at civilians in the area of Sector 4

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-
- 109.1** A number of witnesses have given evidence of seeing one or more civilians inside Glenfada Park North, or running from Glenfada Park North, being shot, or shot at, after soldiers had arrived at the entrance to the car park. These included civilians who were in Glenfada Park North itself (Patrick McGinley, Denis Patrick McLaughlin, Malachy Coyle and John McCourt); one who was watching from Mura Place in Block 1 of the Rossville Flats (Pat Doherty); and three who were close to the phone box at the southern end of the same block (Frankie Mellon, Michael McCusker and John Anthony McDermott, known as Sean McDermott).

Patrick McGinley

- 109.2** In his Keville interview Patrick McGinley said that, while he and others were sheltering at the gable end, soldiers arrived and held them at gunpoint. Three youths attempted to run. The soldiers shot at them and they fell. Patrick McGinley said that he also tried to run but another man held him back.¹

¹ [AM241.10](#); [AM241.19](#)

Denis Patrick McLaughlin

- 109.3** Denis Patrick McLaughlin's evidence to this Inquiry, and in one of his 1972 statements, might suggest that he witnessed the same event. He believed that four youths ran across Glenfada Park North from the gable end when a soldier arrived there, and that three were "cut down" as they did so. The fourth, Patrick McGinley, returned with his hands on his head.¹

¹ [AM326.6-7](#); [Day 159/42-53](#); [Day 159/65](#)

Malachy Coyle

- 109.4** In his Northern Ireland Civil Rights Association (NICRA) statement dated 1st February 1972¹ Malachy Coyle gave an account of seeing from a yard in the south-west corner of Glenfada Park North a man who had been shot while lying on the ground. We have considered this account in our examination of the shooting of Jim Wray.² Malachy Coyle continued:

"I looked across the court, and saw about eight soldiers running across from my left to right. The first soldier looked around the corner and saw a group of women taking shelter from the army gunfire. He shouted that he was going to shoot them. He also called them bastards. The man in the yard with me said that if we showed ourselves the army would shoot us if they had seen us in the yard. I followed the man out with my hands on top of my head. We stood looking at the soldiers who were still threatening the women. I saw a youth wearing a dark blue suit panic, and start running. One of the soldiers shot him in the stomach before he had even made a step. The soldier had shot him from almost point blank range. On seeing this I panicked and ran towards the opening on my right hand side. I heard more shooting but I kept running until I was well away from the gunfire and danger."

¹ [AC97.20](#)

² [Paragraphs 104.290, 104.318, 104.327 and 104.340–343](#)

109.5 Malachy Coyle gave a similar account in his Paul Mahon interview and in his written and oral evidence to this Inquiry.¹ He agreed that it was possible that the soldier had missed, but that he did not believe that this had happened.

¹ [X4.45.48-64](#); [AC97.5-6](#); [Day 156/44-52](#)

John McCourt

109.6 We have referred above¹ to the Keville interview attributed to “Joe McCourt”. This recorded that after soldiers had begun to arrest (and assault) civilians at the gable end, three men broke away and ran off. One soldier then lifted his rifle and fired at them, but the witness could not see whether they were hit. We have also considered the next part of this statement in which Joe McCourt recorded that the same soldier then “*ran over into the corner of Glenfada PK*” and apparently fired at a female Order of Malta Ambulance Corps member.² As we have observed³ when considering the shooting of Jim Wray, John McCourt has denied being responsible for this statement, although some of the evidence contained within it regarding earlier events seems to match his account of what he did and saw on the day, and in oral evidence to this Inquiry John McCourt agreed that the address on the transcript was his address in 1972.⁴ John McCourt gave no evidence to this Inquiry of seeing the incident described in the Keville interview attributed to Joe McCourt.⁵ We have earlier expressed the view that John McCourt probably did give this Keville interview.⁶

¹ [Paragraph 104.376](#)

² [AM144.6](#); [AM144.9](#)

³ [Paragraphs 104.377–383](#)

⁴ [Day 152/146-147](#); [Day 423/93-95](#); [Day 423/109-112](#)

⁵ [Day 152/148-150](#)

⁶ [Paragraph 104.377](#)

Pat Doherty

109.7 Pat Doherty said in a Keville interview that from his position in 17 Mura Place, on the sixth floor of Block 1, he saw soldiers who “*came in round the back and they were arresting the fellas*”. He watched as a man was shot while holding a white flag with his hands above his head. Another man then ran off, and Pat Doherty said he heard further shooting. He also said that “*it was just out of our view and it appeared that he had been shot too*”. In his evidence to this Inquiry, Pat Doherty recalled that he saw one man shot as he gave himself up in Glenfada Park. Pat Doherty told us that he recalled seeing a man in Glenfada Park who came out to give himself up but was then shot. However, Pat Doherty stated that his memory of events was poor, and he preferred his 1972 evidence.¹

¹ [AD95.2](#); [AD95.1](#); [AD95.4](#)

Frankie Mellon

109.8 Frankie Mellon gave evidence to this Inquiry that while he was sheltering by the telephone box at the southern end of Block 1 of the Rossville Flats, he saw a soldier on one knee aiming at a tall man with fair hair who was running in a southerly direction (towards Free Derry Corner) in Glenfada Park. The soldier, whose position Frankie Mellon could not recall with precision, screamed at the man to stop. Frankie Mellon watched the man clutch his stomach as he was shot in the back, and saw a piece of masonry fall from the wall in front of the man. However, Frankie Mellon could not be sure that the soldier whom he had seen, and who had shouted and aimed at the man, was the one who fired the shot, though he did say that the soldier was aiming into Glenfada Park North. Frankie Mellon's recollection of this incident was extremely vague – so much so that he could not recall whether or not the soldier was actually in Glenfada Park¹ – and he gave no evidence of it in his Keville interview or NICRA statement.² He thought that it happened after he had seen the shootings of Hugh Gilmour and possibly Bernard McGuigan (casualties in Sector 3 and Sector 5 respectively that we discuss later in this report³) but he could not be sure of this sequence.⁴

¹ [Day 151/168-170](#)

³ [Paragraphs 86.60–150](#) and [118.205–294](#)

² [AM399.19](#); [AM399.16](#)

⁴ [AM399.12](#); [Day 151/164-171](#); [Day 151/196-197](#)

John Anthony (Sean) McDermott

109.9 Sean McDermott gave a NICRA statement in which he described sheltering with his friend Frankie Mellon by the telephone box after Hugh Gilmour and Bernard McGuigan had been shot and that *“While there I looked across the road and saw a soldier chase five young boys, behind a wall. I lost sight of the boys but I saw the soldier raise his gun and fire at the boys who were not more than five yards away from him. I don’t know if any of them were hit.”*¹

¹ [AM4.11-12](#)

109.10 In his written evidence to this Inquiry, Sean McDermott gave a slightly different account. He recalled seeing two civilians running into the north-west alleyway of Glenfada Park South who disappeared behind a wall near that alleyway. It is clear from the map attached to this statement that Sean McDermott was in fact referring to the north-east

alleyway. He then stated that he saw a soldier who appeared to come from the south-east corner of Glenfada Park North run to the opening of the alleyway and there fire three or four shots in quick succession in the direction of the fleeing men.¹

¹ AM4.5-6

109.11 In his oral evidence to this Inquiry, Sean McDermott gave a similar account to that in his written statement and marked on the following photograph where he said the soldier was standing.¹

¹ Day 144/72; AM4.14



Michael McCusker

109.12 Another witness at the southern end of Block 1 of the Rossville Flats, Michael McCusker, stated to this Inquiry (but not in his Keville interview¹) that he saw about five soldiers in the Glenfada Park North courtyard apparently shooting towards the south and west of that courtyard. Michael McCusker believed that the soldiers were firing from the hip as they ran, but he did not recall seeing the recoil of their rifles or any smoke coming from the barrels of their guns. He did not (or could not) see what the soldiers were firing at. He

told us that he did not see any civilians gathering at the south gable end of the eastern block of Glenfada Park North. He described the soldiers being in the entrance to Glenfada Park North and firing in a westerly direction.²

¹ AM160.7; AM160.13-15

² AM160.5-6; Day 148/64-68; Day 148/86-89; AM160.11; AM160.12

109.13 Michael McCusker appears to have spoken to Praxis Films Ltd, and the note of that interview contains a reference to “*Soldiers over in G. Park and K. Walk shooting*”.¹

¹ AM160.9

Consideration of the evidence of other shooting in the area of Sector 4

109.14 In our view Patrick McGinley and Denis Patrick McLaughlin were confused about the sequence of events, and were seeking to describe the shooting of Jim Wray, William McKinney and Joe Mahon, who we are sure were hit and fell on the south side of Glenfada Park North before any soldier had got as far as the gable end.

109.15 There is no doubt Malachy Coyle believed at the time and continues to believe that he witnessed a youth shot at very close range by one of the soldiers at the gable end. However, it seems to us that he must be mistaken about this. Had such an incident occurred, it would have been in very close proximity to the people at the gable end, who could hardly have missed seeing someone near them shot at close range, but there is no evidence from any of them of any such shooting.

109.16 There is evidence from others that some people did run away from the group at the gable end when the soldiers arrived there.

109.17 John McLaughlin (51 at the time) was at the gable end. We have already considered the evidence of this witness when examining the events in Abbey Park.¹ In a Keville interview he said that he had run away from the gable end when the soldiers arrived;² and in an interview with Peter Pringle of the *Sunday Times*, that after a soldier appeared at the gable end and pointed his rifle at them:³

“one young lad ran out toward the alley way and as he did so the soldier swiveled his rifle round after him but as far as i can remember did not shoot. he simply shouted at him to stop. i took the opportunity and ran across to the passage leading into the southern part of glenfada. the soldier shouted at me to stop and i saw him swing his rifle round at me. i put my hands on my head, bent double, and just kept going. i think there were others behind me. i didn’t hear any shots then.”

¹ Paragraph 107.130

³ AM340.12

² AM500.3

109.18 James Quinn (31 years old in 1972) told this Inquiry that he ran from the gable end to Joseph Place as the soldiers led the arrestees away.¹ As he did so, he heard shots, but he did not see who fired them and he could not say whether they were fired in his direction.² James Quinn’s evidence suggests that he fled at a later stage than John McLaughlin.

¹ AQ10.6

² Day 179/67-68

109.19 Ken Murphy gave a NICRA statement in which he described watching the arrests from a house in Glenfada Park North and seeing a “*young fella*” fall to the ground and get up again.¹ In his written evidence to this Inquiry, he told us that he now had no recollection of events, save that he did recall that he was in 13 Glenfada Park North at the northern end of the western block.²

¹ AM457.1

² AM457.2

109.20 It seems unlikely that what Malachy Coyle saw was either John McLaughlin or James Quinn running away, because neither of these could be described as a youth. However, he may well have seen the youth described by the former, and it is possible that this was the “*young fella*” Ken Murphy described as falling down. Malachy Coyle was on his own account terrified and in our view, especially if there had been other shooting from a soldier or soldiers at the gable end, he seems understandably but mistakenly to have associated this with seeing a youth fall to the ground.

109.21 The Keville interview¹ given by John McCourt refers to three men running away and a soldier firing at them, though it does not indicate in which direction he recalled the men running. In the previous chapter² we concluded that John McCourt was mistaken in his recollection that soldiers shot at a female volunteer of the Order of Malta Ambulance Corps in Glenfada Park North. In our view what he may have seen were people running

away and a soldier pointing his rifle at them, as described by John McLaughlin, but on its own his account does not persuade us that a soldier actually shot at those fleeing from the gable end.

¹ [X2.35.17](#)

² [Paragraphs 108.34 and 108.74](#)

109.22 As to Pat Doherty, the position of the man with the white flag or the other man who then ran is not clear from his 1972 account. It seems to us that he may well have observed some of the firing from, as opposed to into, Glenfada Park North, which we return to consider in the context of Sector 5.^{1,2} The evidence he gave to this Inquiry is also unclear, as he appears to have a recollection or impression of a soldier coming from the rubble barricade in Rossville Street firing at someone coming out of Glenfada Park North. Since Pat Doherty himself accepted that his recollection at the time was a lot clearer than when he gave evidence to this Inquiry, we have concluded that it would be unwise to rely on his evidence that there was any shooting in the Glenfada Park North area apart from that directed out from that area, which we consider when discussing the events of Sector 5.

¹ [Chapter 119](#)

² As will be seen ([paragraphs 118.263–268](#)), there is evidence that Bernard McGuigan, shot in Sector 5, was holding a cloth in his hand when he was shot.

109.23 As to Frankie Mellon, we took the view that his evidence of seeing someone shot in Glenfada Park North was so vague that it would also be unwise to place any reliance on it. He himself acknowledged that his recollection came from what he described as a peripheral vision while he was concentrating his attention elsewhere.¹ As noted above, he said nothing about such an incident in his Keville interview or NICRA statement.

¹ [Day 151/168-70](#)

109.24 As to Sean McDermott, in both his 1972 account and in his evidence to this Inquiry, he put the incident he described as occurring after the shooting of Bernard McGuigan. As appears from our consideration of the events of Sector 5,¹ there is no other evidence to suggest that any soldier he could have seen from his position shot at young boys fleeing southwards from this area after Bernard McGuigan was killed. However, as we have already observed, the fact that a witness has got the sequence of events wrong does not necessarily invalidate the account given by that witness. In his oral evidence, Sean McDermott appeared much less certain about when this incident occurred.²

¹ [Paragraphs 119.17–35](#)

² [Day 144/81](#)

109.25 It is possible that Sean McDermott was recalling the same incident as that contained in the Keville interview of John McCourt. If so, there are two witnesses who describe a soldier firing at fleeing people. However, the only evidence we have from people who did

flee when soldiers got to the south gable wall of the eastern block of Glenfada Park North is to the effect that although a soldier ordered them to stop and pointed his rifle in their direction, he did not actually fire. As we describe when considering Sector 5,¹ there was undoubtedly Army firing out of Glenfada Park North after soldiers had got to the gable end and it may be that Sean McDermott and John McCourt heard this firing and associated it with the soldier pointing his rifle at people fleeing from the area of the gable end.

¹ [Chapter 119](#)

109.26 John Leo Clifford gave written evidence to this Inquiry¹ though he was too unwell to give oral evidence. He stated that he was in Glenfada Park South when a bullet passed close by him which he thought must have come from soldiers “*on the walkway above the northern block of Glenfada Park North*” or from soldiers on the ground at the north-east corner of Glenfada Park North. It was suggested by counsel for the Wray family that this account was consistent with the evidence given by Sean McDermott.² In the sense that both witnesses describe shooting into Glenfada Park South this is correct, but John Leo Clifford spoke of only one bullet he thought had come from the north of Glenfada Park North, said nothing about people fleeing and thought the bullet had been aimed at him, whereas in his evidence to us Sean McDermott said that the soldier he saw fired three or four shots in quick succession from the south-east of Glenfada Park North at fleeing people. In our view, John Leo Clifford’s evidence does not support the account given by Sean McDermott. On its own, it is evidence that a shot was fired which went into Glenfada Park South, but when and from where remains unclear. It seems to us that this may have been one of the shots that was fired in Sector 3, or one fired earlier in Sector 4, but apart from John Leo Clifford’s recollections, given decades after the event, there is no evidence that he was the target of whoever fired this round.

¹ [AC66.1](#)

² [Day 144/79](#)

109.27 In these circumstances, we are not persuaded by Sean McDermott’s evidence, considered alone or with the Keville interview of John McCourt, that a soldier fired at anyone fleeing from the area of the southern end of the eastern block of Glenfada Park North.

109.28 As to Michael McCusker, while we have no doubt that he was doing his best to help this Inquiry, and may well have seen soldiers in the southern part of Glenfada Park North, we are not persuaded that they were firing into Glenfada Park North as he described. As he was close to the corner of the southern end of Block 1 of the Rossville Flats¹ his view into

Glenfada Park North was very restricted and he could have seen only part of the southernmost area from there. It seems to us that what he may have seen or heard is some of the firing in Sector 5, which we consider later in this report.²

¹ [Day 148/89](#)

² [Chapter 119](#)

Conclusions on the evidence

109.29 Having examined the evidence to which we have referred above, we are of the view that after soldiers had arrived at the mouth of the entrance to Glenfada Park North and started arresting people, there was no further shooting into Glenfada Park North by soldiers in the area. We consider that after the initial shooting soon after soldiers came into Glenfada Park North, the shooting of Jim Wray and the shots that Private G fired in Abbey Park, the next firing in the area was not into, but out of, Glenfada Park North, in circumstances that we examine when dealing with the events of Sector 5.¹ As we have already observed, it may be that some witnesses mistakenly thought that the firing into Sector 5 was into Glenfada Park North. It must also be remembered that at a late stage, after those arrested in Glenfada Park North had been taken away and indeed after the firing into Sector 5, there was, as we describe when dealing with later events in Sector 3,² firing by soldiers in Rossville Street. This too may have led people mistakenly to believe that shots were being fired in Glenfada Park North.

¹ [Chapter 119](#)

² [Chapters 123 and 124](#)

Chapter 110: The question of unidentified casualties in the area of Sector 4

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110.1 We now consider the evidence which representatives of the soldiers submitted shows that in addition to the casualties that we have identified and considered in this part of the report, other unidentified civilians were shot and injured in the area of Sector 4.¹

¹ [FS7.2173-2183](#); [FS8.1348-1357](#)

- 110.2** We should note at the outset that we find difficulty with this submission. There is no doubt that the casualties in Sector 4 that we have identified and considered were shot by soldiers and the contrary has not been suggested. The submissions therefore must be that *in addition* soldiers shot other people in Sector 4, but little or no attempt was made to suggest which soldier or soldiers were responsible, to identify the circumstances in which they fired, to reconcile the submissions with the evidence of the soldiers that they hit only the people at whom they were aiming and did not hit anyone by accident while aiming at others, or that they fired only the number of rounds that they later reported. It is the case that neither the soldiers nor the Army advanced any such submissions about additional casualties in 1972.
- 110.3** As we understand it, part of the submissions seems to be that in addition to the identified casualties, there were others, about which people kept quiet, because those casualties had been engaged in paramilitary activities and because people were told or knew that they should not be identified. We return to this point below.
- 110.4** In support of the submission that there were unidentified casualties, the soldiers' representatives drew our attention to the evidence of the witnesses that we consider below. On the logic of the submissions, these must have been witnesses who were somehow unaware that they should not have given this evidence, or who ignored instructions, though this is not a point addressed in the submissions.

The bodies lying in Glenfada Park North

- 110.5** The photograph taken by Trevor McBride (reproduced below) shows three people lying in Glenfada Park North after the shooting in that area.



110.6 These were William McKinney, Joe Mahon and Jim Wray. In addition, Patrick O'Donnell had been shot and injured on the eastern side of Glenfada Park North and was subsequently arrested with others at the gable end. We have described the circumstances in which these casualties were shot elsewhere in this report.¹

¹ [Chapters 104 and 112](#)

110.7 Trevor McBride's photograph shows only a small part of Glenfada Park North. It was suggested by the representatives of the majority of represented soldiers that at or about the time that this photograph was taken, one or two others were lying injured in Glenfada Park North.¹

¹ [FS7.2176-2182](#)

Patrick Kelly

110.8 We have already referred¹ to the evidence of this witness, when discussing the shooting of Gerard McKinney and Gerald Donaghey. We consider below Patrick Kelly's account of seeing an unidentified man with a leg wound in Abbey Park.

¹ [Paragraphs 107.124–128](#)

110.9 We consider first Patrick Kelly's 1972 accounts, to which the soldiers' representatives did not refer in their submissions.¹

¹ [FS7.2176-2177; FS8.1352-4](#)

110.10 In his Northern Ireland Civil Rights Association (NICRA) statement (which we have set out earlier in this report¹ when dealing with the shooting of Gerald Donaghey), Patrick Kelly described going into Glenfada Park North and while lifting a wounded older man he later discovered was “McKinney”, “*from the sort of alcove where he lay, we saw three other bodies lying still without movement. They were very close together.*” Patrick Kelly then described how he carried the older man “*who was still alive*” round the corner where “*the Knights of Malta took him over and attended him*”; and he and others went back into Glenfada Park North and carried the three remaining casualties to houses.²

¹ Paragraph 107.124

² AK21.14

110.11 According to a note bearing the *Sunday Times* journalist Peter Pringle’s initials,¹ it seems that Patrick Kelly told the *Sunday Times* that he picked up Gerard McKinney’s body in the alleyway between Glenfada Park North and Abbey Park and placed the body on the steps:

“he then says he looked round the corner of the alley way into glenfada park and saw two groups of soldiers and he went out into the park and saw three bodies lying along the south fencing. they were very clos together. he says ther was only about 8 feet between the three of them. he carried the nearest one into the alley way. this man had blood coming from his chest and he was wearing jeans and a broad belt. he was lying face downwards and had dark hair.”

¹ AK21.1

110.12 We have concluded earlier in this report¹ that the man Patrick Kelly described lifting could not have been Gerard McKinney, who we are sure was shot on the steps in Abbey Park. From his description, it would seem that the second person Patrick Kelly said he had carried into the alleyway was Jim Wray. It would also seem that the remaining two were William McKinney and Joe Mahon.

¹ Paragraph 107.128

110.13 On the basis of this account, therefore, Patrick Kelly helped to carry an older wounded man, not Gerard McKinney, from the alleyway between Glenfada Park North to Abbey Park where Order of Malta Ambulance Corps members attended to him.

110.14 We have already considered¹ the evidence of people who went to the aid of the identified casualties in Glenfada Park North; and considered the photographs and film taken as those casualties were taken into Abbey Park.² Patrick Kelly does not appear in this photographic record, and that record shows that Joe Mahon was carried out before William McKinney and Jim Wray.³

¹ [Chapter 104](#)

³ [Day 158/108-110](#)

² [Chapter 108](#)

110.15 There were, as again can be seen from photographs shown earlier in this report,¹ Order of Malta Ambulance Corps members who attended Gerard McKinney as he lay on the steps in Abbey Park; and we have also considered their accounts earlier in this report.² There is no evidence from any of these first-aiders that indicates that they rendered assistance to any but the identified casualties.

¹ [Paragraph 107.147](#)

² [Paragraphs 107.129 and 107.132–157](#)

110.16 In his evidence to this Inquiry, Patrick Kelly gave a different account.

110.17 He stated to this Inquiry that he returned to Glenfada Park at a time when the soldiers were apparently withdrawing from the area. In addition to the three casualties on the south side of the courtyard, he recalled seeing another body about halfway up the western side of the square.¹

¹ [AK21.7-8](#)

110.18 Patrick Kelly stated that this additional casualty was lying half on and half off the pavement, with his legs pointing into the car park. The casualty was a man in his twenties or thirties with dark hair and dark, mainly denim clothes, who was lying on his side facing the Abbey Park alleyway. Patrick Kelly saw, and briefly followed, a group that carried this body out of Glenfada Park North. He lost sight of them as they passed through the alleyway into Abbey Park. He subsequently helped to carry the body that was closest to the alleyway out of Glenfada Park North.¹

¹ [AK21.8; Day 158/114-116; Day 158/122-124](#)

110.19 During his oral evidence, Patrick Kelly remained adamant that he had seen a casualty in this position.¹ He stated that the casualty would not have been shown on Trevor McBride's photograph of the three casualties in Glenfada Park North, as the casualty would have been obscured from the photographer by the wall on the right-hand side of the frame to the right of the lamp post.²

¹ [Day 158/126; Day 158/128; Day 158/145](#)

² [Day 158/146](#)

- 110.20** As we have said earlier in this report,¹ we formed the view that Patrick Kelly was doing his best to help us, but in view of the differences between his 1972 evidence and the account he gave to us, and the fact that he does not appear in any of the photographic and film evidence of the casualties being removed from Glenfada Park North, we formed the view that we could not rely on his evidence about what he recalled that he saw and did.

¹ [Paragraph 107.128](#)

Anthony Martin

- 110.21** We have already considered¹ the accounts given by Anthony Martin of what he saw and did when he got to Abbey Park and Glenfada Park North. For the reasons there stated, we found significant difficulties with his evidence, and concluded that we could not rely upon his account of how Daniel Gillespie (whose slight head wound we were discussing) came to be injured. We now return to his evidence in the present context.

¹ [Paragraphs 104.180–197](#)

- 110.22** In his NICRA statement,¹ Anthony Martin described how he crossed the Old Bog Road (Fahan Street West) from Lisfannon Park on hearing shouts to come and get the wounded under cover:

“On commencing to cross, we were not fired on, and we reached the other side safely. We went to where the bodies were lying. There were four bodies. On reaching the nearest body, we lifted it and began to carry it to the cover of the houses but gun-fire was directed upon us. We had to lower the body to the ground and squatted for cover. I could tell that these shots were low-velocity because they did not make the same noise as a high-velocity bullet on striking the wall. I am certain that we were fired on by the Army because by then they were the only ones who were in command of the rear of Glen Fada Park. We put the wounded man into the nearest open door and then put him on the living-room floor. I then left the house to look for more wounded. There was at this stage only one wounded man left lying on the ground and he was being given mouth-to-mouth resuscitation. Upon finding that this man could not be moved, and there being no more wounded to bring in, I commenced to look for a priest.”

¹ [AM24.17](#)

110.23 On one reading of this account, it is possible that Anthony Martin could have been seeking to describe seeing Gerard McKinney in Abbey Park, and the three identified casualties in Glenfada Park North. As we have described earlier, Gerald Donaghey appears to have been taken to Raymond Rogan's house soon after being shot, while Gerard McKinney was left lying on the steps, people believing that he had had a heart attack.

110.24 In an interview with the *Sunday Times* Insight Team, Anthony Martin is recorded as saying that he joined a bunch of other people carrying white handkerchiefs and went with them into Abbey Park, where people were shouting that someone had been shot:¹

"i went into the alley way between abbey and glenfada park and there was a man lying there. he was middle aged and had a dark overcoat on. i now know that he was william mckinney of westway. he had blood over his eye (right) which i wiped away. with three others we carried him up some steps (there was a body lying on the steps immediately in front of the alleyway entrance, he says) and into no. 7 abbey park. i was carrying his legs. all the women in the house were crying as we brought him in and i tried to calm them down because this man was still alive. he was moving his eyes. then we went back to get a body which was lying on the little ramps on the edge of the pavement in glenfada park. as we went into the alleyway some others were carrying the body of joseph mahon (who was only injured) out of the park. there were soldiers in the park at the time and as we left the cover of the alleyway to get wray's body we were fired on and the two bullets smacked into the wall ... i was yelling at the soldiers that there were wounded people there but they did not seem to take any notice. just after the two shots had been fired the guy who was next to me held his head and blood started pouring out of a scalp wound right on the crown of his head. i know now that his name is gillespi. i said to him, fuck your head wound lets get this body in. We managed to get it out of the park and took it into the first house (no. 8) on the corner of abbey park. i then went out into fahan st direction asking people to get a priest."

¹ [AM24.19-20](#)

110.25 According to this account, Anthony Martin helped to carry William McKinney into number 7 Abbey Park and then, while going back for another body, met the people carrying out Joe Mahon. He was then fired on as he tried to get to Jim Wray's body.

110.26 We have already commented¹ on the fact that this sequence of events is not consistent with the photographic and film records, which show Joe Mahon as the first to be brought out of Glenfada Park North, followed by William McKinney and Jim Wray. In addition, we have, for the reasons we have given,² rejected Anthony Martin's account of being fired on as he tried to go to a casualty in Glenfada Park North and of how Daniel Gillespie came to be injured. It is also to be noted that Anthony Martin's *Sunday Times* account is inconsistent with his NICRA statement, particularly since in the latter he recounted being fired on as he was carrying the first body he reached.

¹ [Paragraph 104.193](#)

² [Paragraphs 104.191–197](#)

110.27 In his written evidence to this Inquiry, Anthony Martin stated that as he was helping with the casualties, "*I also had the impression of a fourth body in the square of Glenfada Park North, but not on the pavement in the South end*".¹ In his oral evidence, he thought this might have been on the west side of Glenfada Park North, but when he was asked how confident he was about his recollection of seeing a fourth body, he replied, "*After 30 years and at the age of 64, I would not put odds on it*".²

¹ [AM24.12](#)

² [Day 176/84-85](#)

110.28 In view of the difficulties with Anthony Martin's evidence to which we have already referred, and the vagueness of his recollection of a fourth body on the west side of Glenfada Park North, we are unpersuaded that he saw a fourth unidentified body.

110.29 It was suggested, however, that since Joe Mahon was the first to be carried out of Glenfada Park North, followed by William McKinney and Jim Wray (as can be demonstrated by the photographic and film evidence), and on the basis of accepting the accuracy of Anthony Martin's account that he went back out for another body (one on the south side of Glenfada Park North), this other body must have been an unidentified fourth casualty.¹ We reject this submission, on the grounds that we do not accept Anthony Martin's accounts, which are at odds with a substantial body of evidence that we have considered earlier in this report.²

¹ [FS7.2178](#)

² [Paragraphs 104.191–196; Chapter 108](#)

Joseph Gallagher

110.30 This witness does not appear to have given any account in 1972,¹ but did give written and oral evidence to this Inquiry. We formed the strong impression that he had no clear recollection of events. In his written statement he recorded that as he ran into Glenfada Park North from Rossville Street he noticed a man lying on the ground in the south-east corner:²

“[He] might not have been shot, he might just have been knocked down or lying down because I never remember seeing any blood on him. I can’t remember anything else about that first guy because I was past him so quick. He was lying right up against the fence, so may be he was just hiding.”

¹ AG18.4; Day 165/8

² AG18.2-4

110.31 During his oral evidence, Joseph Gallagher accepted that the man that he had seen in the south-eastern corner of Glenfada Park North might have been one of the casualties shown in Trevor McBride’s photograph of the three casualties in Glenfada Park North. He also marked on another photograph, shown below, the position of the man that he saw as being far closer to the centre of the car park than his initial evidence implied.¹

¹ Day 165/11-12



110.32 Joseph Gallagher also gave an account of seeing Jim Wray falling in front of him, of going back to help Jim Wray and feeling a bullet going through his hair, after which he saw Joe Friel falling after being shot.¹ This account is inconsistent with the evidence that we considered when dealing with the shooting of the identified casualties.²

¹ [AG18.3](#)

² [Chapter 104](#)

110.33 We are not persuaded by the evidence that Joseph Gallagher gave decades after the event. We are sure he was doing his best to assist us, but we have concluded that his recollections are so unclear that we should not rely upon them.

Greg Doherty

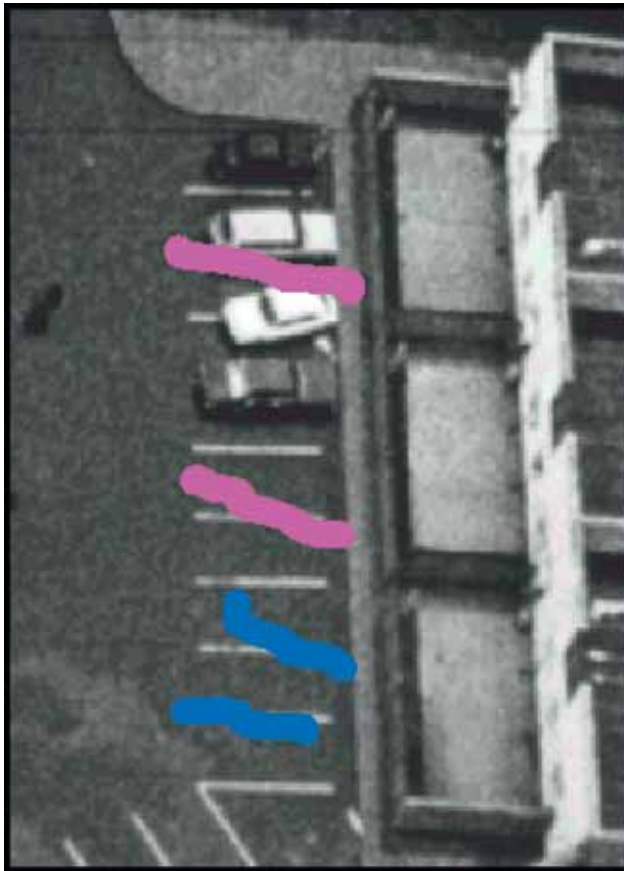
110.34 We have already considered¹ the evidence of this witness in the context of the question of whether those going to the bodies in Glenfada Park North were fired on as they sought to do so. In his evidence to this Inquiry, he described seeing four bodies lying on the south side of Glenfada Park North, three in about the position shown in Trevor McBride's photo,² and the fourth to the left, ie much further to the east, though his recollection was that all four were lying with their feet facing north.³ He marked their position on a blown-up section of an aerial photograph (reproduced below) of the south side of Glenfada Park North.⁴

¹ [Paragraphs 108.62–65](#)

² [Paragraph 110.5](#)

³ [AD66.4; Day 160/146-147](#)

⁴ [AD66.11](#)



110.35 Greg Doherty stated that all of these supposed casualties were lying with their heads on or against the kerb, and with their feet pointing towards the north-east corner of the complex. The distance between each of the three bodies closest to the Abbey Park alleyway was about three or four feet. The fourth body was a further ten or twelve feet to the east.

110.36 He told us he moved past the first two people – whom he believed were dead – and then assisted in carrying the third body into Abbey Park. Greg Doherty told us that he recalled that this man – who was alive – had a camera or camera case or light meter around his neck.¹

¹ [AD66.4-5](#)

110.37 Greg Doherty stated that he did not go to the fourth person lying in Glenfada Park. He was not close enough to see whether or not this person was a man or a woman, and he could not tell whether he or she was injured.¹ He said that he did not know what happened to this person.²

¹ [Day 160/146-147; Day 146/149](#)

² [Day 160/149](#)

110.38 We have no doubt that the man Greg Doherty described as the third body was William McKinney, for as we have already noted, he did have a cine camera with him when he was shot. Greg Doherty identified himself as one of the people helping to carry William McKinney.¹ We have discussed this identification earlier in this report,² and concluded, since Noel Kelly identified himself as the same person, that we cannot be sure that either was correct on this point. However, we have no reason to doubt that Greg Doherty did assist William McKinney.

¹ [Day 160/150-151](#)

² [Paragraphs 108.63, 108.93 and 108.112](#)

110.39 Whether he identified another casualty further to the east is another matter. He was in our view clearly wrong in his recollection that the feet of the casualties were pointing north, and that the first three were as close together or in line as he recalled, as can be demonstrated from Trevor McBride's photograph.¹ Had there been an injured person further to the east, then that person would have been very close to the people sheltering at the gable end; and even closer to those sheltering behind the cars on the other side of the entranceway from Rossville Street. There is no evidence from any of those people of an injured person in this position. We are not persuaded that Greg Doherty's testimony on this point (he gave no account in 1972) can be relied upon as indicating that someone in addition to the four identified casualties was shot and lay in Glenfada Park North.

¹ [Paragraph 110.5](#)

110.40 The representatives of the majority of the represented soldiers submit that a body described by Joseph Gallagher and Greg Doherty "*would of course correlate with the evidence of Soldier E*".¹ Corporal E, as we have noted earlier in this report,² claimed that he had fired at and hit a nail and petrol bomber who was on the eastern side of Glenfada Park North. What this submission does not address, however, is the fact that there is no evidence from any of the soldiers who approached the gable end after the shooting that there was a body on the south-east side of Glenfada Park North, which they could not have failed to see, if indeed there had been one there.

¹ [FS7.2181](#)

² [Paragraphs 97.50–57](#)

Patrick Moyne

110.41 It was suggested that Patrick Moyne saw a casualty in the area of the gable end after Jim Wray was shot.¹ In fact, there is nothing in his evidence to this Inquiry that indicates that what this witness recalled seeing ("*I think a person was being attended to at the south east entrance to Glenfada Park North and I think there was a crowd around him*") was something he observed after the shooting of Jim Wray.² As we have described

earlier,³ a crowd surrounded Michael Kelly at the gable end after he had been brought shot from the rubble barricade, Patrick O'Donnell was at the gable end after he had been shot on the eastern side of Glenfada Park North, and Seamus (James) Liddy was treated at the same place after being hit with a rubber bullet. In addition, the *Derry Journal* reporter, Noel McCartney, described his friend crawling there from the rubble barricade with his leg injured by a baton round.⁴ It seems to us that what Patrick Moyne was recalling was seeing one of these people. The suggestion that he saw an unidentified casualty necessarily involves asserting that the crowd around him have chosen not to refer to this incident, a matter that we consider further below.

¹ FS7.2181

² AM444.5; Day 162/28-30

³ Paragraphs 92.1–3

⁴ M55.9

Patricia Harkin

110.42 Patricia Harkin (now Patricia Canning) was in her sister's flat on the top floor of Block 1 of the Rossville Flats. She recorded in her NICRA statement¹ that from there she saw:

“five bodies lying in Glenfada Park – three on the path and the other two were further in. Some people from an alleyway off Glenfada Park were trying to pick up one of the bodies but the soldiers were shooting from the corner and they had to retreat. Some of these rescuers wore Knights of Malta uniforms.”

¹ AC26.13

110.43 Patricia Harkin initially stated to this Inquiry that she could not remember seeing any bodies in Glenfada Park North, nor shooting from the corner as described in her NICRA statement.¹ However, later during her oral evidence she said that she did recall seeing the five bodies, and she believed that they were all in Glenfada Park North. However, she also said that she was able to see some of Abbey Park from her viewpoint, and when asked whether it was there that she could have seen two of the bodies, she replied, “*It may have been*”. Patricia Harkin commented that her memory came and went on this matter.²

¹ AC26.10; Day 121/182-183

² Day 121/190-195

110.44 We reject the submission made by the representatives of the majority of the represented soldiers that Patricia Harkin was quite sure that all five casualties were in Glenfada Park North.¹ This submission was made on the basis of relying on only part of her evidence.

In our view, what Patricia Harkin was describing in her NICRA statement, and what she may or may not have recalled in her evidence to us, was seeing the three identified casualties in Glenfada Park North and the two in Abbey Park.

¹ [FS7.2181](#)

The fallen man behind Michael Kelly

110.45 Earlier in this report¹ we have described how Michael Kelly, shot at the barricade in Rossville Street, was carried into the entrance to Glenfada Park North and there tended while lying on the ground. One of the photographs records this scene.

¹ [Paragraphs 92.1–3](#)



- 110.46** In the background of this photograph a man is shown lying on the ground. A blown-up portion of this photograph is shown below.



- 110.47** The representatives of the majority of represented soldiers submitted that this photograph “appears to show a body lying in Glenfada Park North at the time the crowd was tending [Michael] Kelly which does not correspond with any known dead or injured person”.¹

¹ [FS7.2182](#)

- 110.48** No-one appears to be looking at or tending this body. Had it been someone who had been shot we would have expected a different reaction from the people around. The photograph was taken before Michael Kelly was carried across Glenfada Park North and thus before any soldiers had come into that area. We do not accept that the person on the ground was an unidentified casualty. It seems to us much more likely that he had simply fallen over while he was moving away, as some others are doing in the photograph.
- 110.49** Having looked individually at the evidence of the witnesses said to show unidentified casualties lying in Glenfada Park North, we considered whether, despite the difficulties and doubts we have expressed in relation to each individual account, the evidence looked at as a whole might paint a different picture. In our view it does not. We therefore conclude that there is no acceptable evidence that in addition to the three casualties identified in Trevor McBride’s photograph and Patrick O’Donnell at the gable end, there was or even might have been anyone else who was shot and lay in Glenfada Park North.

An armed member of the Provisional IRA shot in the chest

110.50 We have discussed earlier in this report¹ the evidence of Michael Quinn, one of those wounded in Glenfada Park North. In the *Sunday Times* interview notes (dated 1st March 1972) the following passage appears in the typescript, which is then crossed out by hand.²

¹ Paragraphs 104.145–162

² AQ11.12

~~4. he heard that a provisional ira man had been shot in the chest in the glenfada area and that the man had been carrying a gun.~~

110.51 The *Sunday Times* notes record that this was one of five items of information that Michael Quinn had supplied “under guaranty of total anonymity”.¹ One of Peter Pringle’s manuscript notes of what was clearly an interview with Michael Quinn contains a reference in square brackets “[IRA provo shot in chest]”.²

¹ AQ11.12

² M68.55; M68.289

110.52 Michael Quinn did not recall asking for a guarantee of anonymity but he suggested that Peter Pringle and Philip Jacobson (two of the *Sunday Times* Insight Team) may have offered it to him.

110.53 Michael Quinn believed that after he had given his account of his own experiences, Peter Pringle and Philip Jacobson put certain propositions to him regarding Glenfada Park. He believed that in some cases they recorded his evidence and opinions inaccurately.¹ He told this Inquiry that he had no recollection of having heard that a member of the Provisional IRA had been shot in the chest, and could not help further as to why this sentence appeared in the *Sunday Times* notes.²

¹ AQ11.26-27; Day 169/97-101

² AQ11.27; Day 169/101

110.54 Peter Pringle said to this Inquiry that it was not his normal practice to prompt the interviewee with possible information as to what they might have seen in Glenfada Park.¹ He commented that the sentence relating to the shot IRA man was in parentheses, probably as an indication that Michael Quinn was passing on information that he had

heard, rather than that which he had witnessed first-hand. Peter Pringle did not know why he had crossed the sentence out on the typed version, although he agreed that it indicated that he had chosen not to rely on the information.²

¹ Day 190/63-64

² Day 190/72-73

110.55 Philip Jacobson could not recall the interview with Michael Quinn, but he deduced that the crossing out of the sentence about the IRA man who was shot in the chest was a sign that they were unable to find any evidence that supported this rumour.¹

¹ Day 191/148-150

110.56 In the Insight Team's final article¹ there was no reference to an armed member of the Provisional IRA being shot in Glenfada Park.

¹ L211-214

110.57 In these circumstances we take the view that all that can be inferred from this part of Michael Quinn's evidence is that he seems to have heard from an unknown source that an armed member of the Provisional IRA had been shot in the chest in the Glenfada Park area. It also appears to be the case that the *Sunday Times* journalists were unable (as we were) to find any evidence to support this rumour. In our view the existence of such a rumour is not a reliable basis for concluding even that such an event might have occurred.

110.58 We should add that our examination of records held by the Security Services (which we cannot describe in full because to do so would be likely to infringe the human rights of individuals) revealed nothing that could be said to support this rumour. On the contrary, had a Provisional IRA man been shot in the chest in Glenfada Park North (or indeed anywhere else on Bloody Sunday) this incident would have been likely to have been mentioned in those records.

A man with a leg wound

110.59 The following witnesses gave evidence that it was suggested showed that an unidentified casualty or casualties sustained a leg wound in Glenfada Park North. We again first consider their evidence on an individual basis and then consider whether when viewed collectively, they present a different picture.

Hugh Duffy

110.60 In his written evidence to this Inquiry, Hugh Duffy (who was 42 at the time of Bloody Sunday) stated that he “*either saw, or somehow became aware of a man who had been shot in the leg. He may have been one of the other bodies I saw close to Mr McKinney or the person I saw being taken into one of the houses near Mr McKinney’s body.*”¹

¹ [AD156.4](#)

110.61 It is clear from this statement that “*Mr McKinney*” was Gerard McKinney. In his oral evidence Hugh Duffy told us that the man he recalled seeing was still alive and was about half his age. A little later in his oral evidence he said he thought he saw the man being taken into a person’s hallway “*or something like that*”, and then that “*I had not seen the chap was shot in the leg, I did not see his injury, no*”. Having been shown a section of the film showing people being carried out of Glenfada Park North,¹ he agreed that it was quite possible that the man he remembered was Joe Mahon.²

¹ [Vid 52 02.08](#)

² [Day 150/89-97](#)

110.62 Hugh Duffy gave a Keville interview which seems to have been transcribed into an unsigned NICRA statement. This dealt with what Hugh Duffy had seen at the barricade in Rossville Street, and recorded nothing about what he told us he had seen or learned when he was in Abbey Park.¹

¹ [AD156.9](#)

110.63 In our view Hugh Duffy’s evidence lends no support for the suggestion that he saw an unknown casualty with a leg wound in Abbey Park. To our minds the most likely explanation is that he saw or was told about Joe Mahon, who was shot at the top of the right thigh.

Patrick Kelly

110.64 We have considered above¹ Patrick Kelly’s 1972 account of seeing and lifting a body in the alleyway between Glenfada Park North and Abbey Park; and his evidence to us that he saw but did not himself help, a body halfway up the western side of Glenfada Park North.

¹ [Paragraphs 107.124–128](#)

110.65 In his NICRA statement Patrick Kelly recorded that he made his way to Lisfannon Park, looked towards the Rossville Flats, saw the Army vehicles and a body by the telephone box, and made his way across the “*Bogside Road*” towards Glenfada Park. “*The first thing I saw was a boy of about 17 or 18 years who had been shot in the leg being helped by two other people.*” He then described being told that there were other casualties round the corner in the Mews Lane, which is the alleyway between Glenfada Park South and Abbey Park.¹

¹ [AK21.14](#)

110.66 Nothing about a boy shot in the leg appears in Peter Pringle’s notes of an interview he appears to have had with Patrick Kelly.¹

¹ [AK21.1](#)

110.67 In his written evidence to this Inquiry,¹ Patrick Kelly described going into the alleyway between Glenfada Park South and Abbey Park and as he approached the alleyway into Glenfada Park North he saw:²

“a young fella coming towards me in a southerly direction. He was being supported by a couple of people who seemed to be holding him up under his arms and shoulders. He was dragging one leg and favouring the other and I think the people around him were saying ‘let’s get him into an ambulance’. He seemed to be a teenager and was slim, although not particularly tall. He was wearing dark clothing but I don’t remember any other details about him.”

¹ [AK2.4-11](#)

² [AK21.6-7](#)

110.68 In his oral evidence to this Inquiry, Patrick Kelly told us that he did not see any wound or blood and that seeing him limping, “*It is possible he might have been hit with a rubber bullet, you know, it is possible, I did not see any blood.*”¹ “*I took it he was shot in the leg.*”² He also agreed that it was in the alleyway between Abbey Park and Glenfada Park that he saw the young limping boy. He did not recollect seeing people clustered round a body in Abbey Park.³

¹ [Day 158/99](#)

³ [Day 158/101](#)

² [Day 158/100](#)

110.69 We have considered earlier in this report¹ Patrick Kelly’s evidence about Gerard McKinney and concluded that he was wrong to believe that this casualty was in the alleyway between Abbey Park and Glenfada Park North. We have also concluded that we cannot rely on his account of seeing and lifting a body in this alleyway, or his account of

seeing a body about halfway up the western side of Glenfada Park North. In view of this, we treat with caution his account of seeing a limping youth. If he did see such a youth in the area of Abbey Park, then on his account, since he saw no wound or blood, what was causing the limp remains uncertain, though he may have seen the friend of Noel McCartney, who had been injured by a baton round.²

¹ Paragraphs 107.124–128

² M55.8-9

Matthew Connolly

110.70 In an interview with Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team, Matthew Connolly is recorded as saying that he was taking shelter at the south-western corner of Glenfada Park South after fleeing from the gable end of the eastern block of Glenfada Park North, when he saw a boy of about 18 lying outside a house in Abbey Park about halfway down the alleyway between Abbey Park and Glenfada Park South. *“I could see that he had jeans on. He was holding his leg as if it had been shot.”* He then described looking round the corner and *“there were three or four soldiers on the corner of glenfada park”*.¹ According to the map accompanying this interview these soldiers were on the western side of the western block of Glenfada Park North.²

¹ AC76.15-17

² AC76.17

110.71 Matthew Connolly told the Insight Team that before he seen this boy he had seen three or four bodies on *“the steps”* as he ran to take shelter. The map indicates that these were on the steps where Gerard McKinney and Gerald Donaghey fell.¹

¹ AC76.17

110.72 Matthew Connolly had made no mention of this boy in his NICRA statement.¹ He made a statement to the coroner investigating John Young’s death on Bloody Sunday, but this was of course concerned with the death of this person and again made no mention of the boy.²

¹ AC76.13

² AC76.27

110.73 In his written and oral evidence to this Inquiry, Matthew Connolly told us when he came into the alleyway between Glenfada Park South and Abbey Park he saw two further casualties nearby, one *“almost exactly behind the other”*, close to the where the alleyway runs into Fahan Street West (Old Bog Road).¹ One of these casualties, who he came to believe was called Donaghy, was carried into a house in Abbey Park.² The other casualty,

16 or 17 years old, with dark curly hair, did not appear to be as badly hurt, as he was talking to people around him, and possibly kneeling. He did not see where this person was hurt.³

¹ AC76.5; AC76.24

³ AC76.5-6; Day 151/29-31

² AC76.6; Day 151/28-29

110.74 Some minutes later, Matthew Connolly saw another casualty further to the north. This was a middle-aged man, who appeared to be being treated for a heart attack. After Bloody Sunday he was told that this man was called William McKinney.¹

¹ AC76.7; Day 151/32-33

110.75 This middle-aged man was undoubtedly Gerard McKinney. However, we find the rest of Matthew Connolly's account, concerning the two casualties he said he had seen a few minutes earlier, very difficult to follow. It is inconsistent with what he said to the *Sunday Times* Insight Team, where he recalled seeing only one person holding his leg, somewhat further north up the alleyway and after he had seen people lying on the Abbey Park steps. We came to the conclusion that while Matthew Connolly was doing his best to help this Inquiry, his recollections in his evidence to us were muddled and that it would be unwise to rely on them. It is possible that one of the people he saw (in addition to Gerald Donaghey) was Joe Friel, who, as we described when considering the circumstances in which he was wounded,¹ may have paused at the southern end of the alleyway. Whether this is so, and whether the person in his NICRA statement he recorded seeing holding his leg had in fact been shot, remain uncertain. Again, this person may have been the friend of Noel McCartney, who had been injured in the leg by a baton round.²

¹ Paragraphs 104.53–67

² M55.8-9

Michael Quinn

110.76 We have already considered¹ the evidence of Michael Quinn, one of those wounded in Glenfada Park North, when considering the circumstances in which he came to be shot, and the passage in the *Sunday Times* notes referring to a Provisional IRA man being shot in the Glenfada Park area.

¹ Paragraphs 104.145–162

- 110.77 In the statement taken by his solicitor,¹ Michael Quinn recorded that he had gone from the gable end of the eastern block of Glenfada Park North into the car park in Glenfada Park North:²

"I remained there for some minutes. While I was there, the shooting began again. I saw a man, who appeared to be nineteen or twenty years of age, who was shot in the right leg at the entrance to the small alleyway which leads from the carpark into Abbey Park. I am quite sure that this man had nothing in his hands when I saw him. At this stage the shooting ceased for a short while ... The shooting then resumed and the people who were standing at the gable wall at Glenfada Park/Rossville Street, rushed into the carpark at Glenfada Park where I was standing. The shooting ceased again after some seconds during which it appeared to me that a large number of rounds had been fired. Just then a small crowd of people carrying the body of a man, who was wearing a blue anorak, crossed the carpark and went into the back of one of the houses at Glenfada Park. After some hesitation, I decided to get out of Glenfada Park. I ran across towards the alleyway leading into Abbey Park and as I was nearing this entrance I felt myself being struck on the right cheek by a bullet. I stumbled but got up and ran on through the alleyway. As I was passing through I noticed the man who I had seen being shot earlier lying in the shadows of a nook in the alleyway."

¹ [AQ11.17-18](#)

² [AQ11.18](#)

- 110.78 Michael Quinn's written statement for the Widgery Inquiry was in the same terms.¹ In his oral evidence to that Inquiry,² Michael Quinn repeated that he was in Glenfada Park North when he saw this young man being shot. "*He was standing just in front of the alleyway which leads into Abbey Park.*" He said that he knew the man had been shot because he saw the hole in his leg and blood coming from it. He also said that he did not see where the shot had come from and that there were no soldiers in the courtyard at the time; and that the man had been standing facing towards the garages in Glenfada Park. Michael Quinn then described seeing people carrying a body across Glenfada Park North. He then repeated what he had said in his written accounts about seeing the man shot in the leg lying in the alleyway leading into Abbey Park. He told the Widgery Inquiry that this man was not Joe Friel (another of those wounded in Glenfada Park North) whom he knew.

¹ [AQ11.60-61](#)

² [WT7.71-74](#)

- 110.79** According to the notes of an interview by the *Sunday Times* Insight Team (Peter Pringle and Philip Jacobson), Michael Quinn told them:¹

“I was amazed to see people still standing openly round the barricade in the middle of Rossville street; i talked to Charlie McGuigan (dead man’s son). the next thing i recall is seeing a young man shot in the leg on the footpath near the passway to Abbey Park. my impression was that the shot came from the north east corner of Glenfada and when i looked back to the man – I had seen the bullet wound in his leg – he had gone (he saw him again later) the shooting stopped for a bit and i moved between two of the wooden fences behind houses on the east side of Glenfada; from there i saw several men carrying a man’s body on their shoulders into one of the houses (map). after that i decided to dash for the passway to Abbey Park and was running doubled over and i was hit in the right upper cheek, (the bullet appears to have fractured his cheek bone and grazed his nose.)

I staggered through the passage way into Abbey Park and remember seeing the man shot in the leg lying near the back of the Glenfada block.”

¹ [AQ11.10-11](#)

- 110.80** The journalists made a note that when Michael Quinn dealt with what happened in Glenfada Park North, “*from here his recollection of sequence of events becomes confused, but he is clear about what he saw*”.¹ We do not know what led the journalists to record this comment.

¹ [AQ11.11](#)

- 110.81** In his evidence to this Inquiry, Michael Quinn gave a similar account, but with two main differences.¹ He told us that the youth was wearing a grey jacket and grey trousers and was standing in the north-west corner of Glenfada Park North.²

¹ [AQ11.22](#); [Day 169/73-82](#)

² [AQ11.22](#); [AQ11.29](#); [Day 169/77-79](#)

- 110.82** In our view Michael Quinn’s 1972 accounts of where the man was and what he was wearing are to be preferred to his recollection decades later.

- 110.83** While Michael Quinn’s 1972 accounts of seeing a man shot in the leg were generally consistent and coherent, there are difficulties in accepting his evidence in this regard. According to these accounts, he saw this event before he saw people carrying a body (clearly that of Michael Kelly) across Glenfada Park North and though to the *Sunday Times* he said that his impression was that the shot had come from the north-east corner of the courtyard, he told the Widgery Inquiry that there had been no soldiers in the

courtyard at the time. Thus on this basis what he saw could not have been the shooting of Joe Mahon, who was hit in the upper thigh after Michael Kelly had been carried across and after the soldiers had come in and opened fire. Joe Mahon was the only identified casualty in Glenfada Park North to have suffered a leg wound. No one else has given evidence of any casualty in Glenfada Park North before Michael Kelly had been carried across, and from the photographs of that event (and the evidence of those who told us they were there at that stage), which we have considered earlier in this report,¹ there were undoubtedly a considerable number of people around, some of whom at least could not have missed seeing what Michael Quinn described.

¹ [Chapter 92](#)

110.84 As we have said elsewhere it is understandable that witnesses could get the order of events wrong, but even on this basis Michael Quinn's account of the man wounded in the leg cannot, in our view, be reconciled with the other evidence. He could not have been describing the shooting of Joe Mahon, since we are satisfied (for the reasons given earlier in this report¹) that by the time this happened Michael Quinn was in the south-west corner of Glenfada Park North making his way into Abbey Park, and was probably the first of these two to be shot. Furthermore, his account does not suggest that he saw someone shot in the leg behind him.

¹ [Paragraphs 104.145–164](#) and [104.485–490](#)

110.85 For reasons that we give later in this report,¹ we do not accept the suggestion that there were people in Glenfada Park North who must have witnessed this event but chose not to mention it. In our view the most likely explanation is that Michael Quinn did see someone who he believed was a person shot in the leg, but that he was mistaken about this, even though in his oral evidence he denied that this was the case.² There is no evidence from either any military or any civilian source to support his account. It is possible that he saw someone who had or appeared to have sustained a leg injury who had been injured elsewhere, and came to believe that he had seen this happen, perhaps because he heard a shot when he first saw this person holding his leg. His account of seeing a person lying in the alleyway as he went through may be correct, but whether or not this was the person he said he had seen being shot is another matter, since at this time Michael Quinn had himself been shot in the face and was attempting to flee, so he could for those reasons have easily been mistaken. In the end we are unpersuaded by Michael Quinn's evidence that he witnessed the shooting of an unidentified person in the leg in Glenfada

Park North. It is noteworthy that when Peter Pringle, the *Sunday Times* journalist, was asked at this Inquiry about what Michael Quinn had said about a person shot in the leg, he told us that he was never able to resolve or get to the bottom of this matter.³

¹ Paragraphs 110.123 –127

³ Day 190/57-59

² Day 169/114

110.86 We should note at this point that the representatives of some of the represented soldiers submitted that the evidence of Kieran Gill and Noel Doherty about seeing casualties – respectively one with a leg wound and one with what seemed to be a hip injury – being placed into cars at St Columb’s Wells;¹ and an *Irish Times* article dated 31st January 1972,² which indicated that a man with a leg wound was taken to Letterkenny Hospital “*might, one can put it no higher, indicate that the man shot in the leg in Glenfada Park was taken to the area of St Columb’s Wells and/or Letterkenny Hospital*”.³ This submission is based upon the assumption that an unknown man was shot in the leg in Glenfada Park North.

¹ M105.9; Day 203/143-4; AD91.7; Day 82/24

³ FS8.1355-1357

² L69.2

110.87 For the reasons that we have given, the evidence of any of these witnesses, considered individually, does not persuade us that they saw unidentified people who had been injured by rifle fire. Looking at the evidence as a whole, Patrick Kelly and Matthew Connelly may have seen someone who had an injured leg and it may be that this was the same person whom Michael Quinn saw in Glenfada Park North, but whether or not this was so, we take the view that their evidence as a whole (including that of Hugh Duffy) does not show that an unidentified casualty had been shot in the leg by rifle fire in Glenfada Park North, or indeed elsewhere.

A man with a head or face wound

John McCourt

110.88 We have already considered the Keville interview with “*Joe McCourt*”¹ and have concluded that this account was (despite his denial) probably given by John McCourt. In his Keville interview John (or Joe) McCourt is recorded as saying:

“I was in Glenfada Park on Sunday when I seen five British soldiers run into the park. They fired on four fellas carrying a wounded civilian. They fired at the civ – wounded civilian and hit him in the head. These four blokes run with the civilian and had to drop him at the far side of Glenfada Park.”

¹ [AM144.6](#); [AM144.9](#)

- 110.89** As will have been seen during our consideration of the events in Glenfada Park North, immediately before and when soldiers came into that area, there is abundant and convincing evidence (including some photographic evidence) that a group of people carried Michael Kelly (who had been mortally wounded in Rossville Street) across Glenfada Park North, just before the soldiers came in, but dropped or left him close to the south-western alleyway leading into Abbey Park as the soldiers arrived, leaving one or two people to lift him up and carry him into Abbey Park, more or less as the soldiers opened fire.
- 110.90** None of those who helped carry Michael Kelly or who accompanied this group has suggested that he was shot in the head or at all as he was being carried and there is no medical or scientific evidence of such a wound.
- 110.91** Michael Kelly was in fact hit in the stomach, not the head. However, one of the casualties in Glenfada Park North was Jim Wray who, as we have described, fell near to the same alleyway. He was shot in the back, but had also sustained an abrasion wound above his right eye, which in our view might have been reasonably but mistakenly believed to be a shot wound.
- 110.92** There is no evidence from any source that suggests to us that another wounded person was carried across Glenfada Park North and fired on after (or indeed before) the soldiers came into that area, nor has any soldier given evidence that any of the people they fired at in Glenfada Park North was hit in the head.
- 110.93** In these circumstances we reject the account of John McCourt that soldiers fired and hit in the head a wounded person being carried across Glenfada Park North. If he saw anything at all, it was the group carrying Michael Kelly. In this context it will be noted that we have earlier in this report¹ also rejected what John McCourt said in his Keville interview about a soldier firing at a first aid girl who to save herself had had to throw

herself on one of the dead people in Glenfada Park North. It is possible that John McCourt had confused seeing Jim Wray's abrasion head wound with the wound on the body he said was dropped in what appears to be about the same area.

¹ Paragraph 108.74

Sean McDermott

110.94 We have discussed above¹ the evidence of the Order of Malta Ambulance Corps volunteer Sean McDermott about the aftermath of the shooting in Glenfada Park North and Abbey Park.

¹ Paragraphs 107.148–151 and 108.36

110.95 In his Keville interview, Sean McDermott described going into Glenfada Park North with Eibhlin Lafferty (another Order of Malta Ambulance Corps volunteer whose evidence we have also discussed above¹):²

“By that time I was behind her then and she run right out into the street and we later ss – seen that there was four men shot dead in the matter of about six yards the bodies was nearly on top of one another. There was one man shot through the head and one – there was one shot through the chest, one through the stomach and another man was sho – er – shot through the – two men were shot through the face out at the end of the barricade which is about thirty yards away and their face was completely destroyed.”

¹ Chapter 108

² AM188.16-17

110.96 Sean McDermott made no reference to a man with a head injury in his handwritten report for the Order of Malta Ambulance Corps,¹ nor, in his evidence to this Inquiry, could he recall seeing this.² He told us that what he had said about two men shot through the face “*must have been hearsay because I was not out near the barricade*”.³

¹ AM188.6

³ Day 180/116

² AM188.2; Day 180/114-115

110.97 In our view Sean McDermott was wrong in believing both that he saw a dead man who had been shot through the head in Glenfada Park North and that four dead men were lying there. In the light of the evidence discussed above, when considering the evidence of shooting in Glenfada Park North and of the photographs and film taken as casualties were removed from there, we are satisfied that the only three lying in Glenfada Park North when Sean McDermott went in were William McKinney, Joe Mahon and Jim Wray.

It is possible that Sean McDermott (who we are sure gave his evidence in good faith) saw the abrasion wound on Jim Wray's head and initially believed that it was a gunshot wound.

John Porter

110.98 In his Keville interview, John Porter described seeing four or five people “*coming through one of the little gateways between the flats. And the man in the front was wearing a light blue suit and er – his right eye on the side of his head was shot out. And in my opinion it was only shock kept him running...*”¹ In his signed NICRA statement, John Porter described seeing a group of people running through an arch in front of him. “*A young man in the group wearing a blue suit had an injury and lacerations to the side of his head.*”² In his written statement for the Widgery Inquiry,³ John Porter recorded that he was at the outside of Abbey Park when he saw five people running towards him through the slipway out of Glenfada Park “*and a boy at the front had blood around his right eye. He was wearing a blue suit and had long dark hair. I was then called into 8 Abbey Park.*” In his oral evidence to the Widgery Inquiry, John Porter was asked about this person:⁴

“Q. We particularly want your help here on what you saw and what happened when you had moved to 8, Abbey Park. Did you first of all see several people, five people, running towards you when you were in that position, through the slipway of Glenfada Park?

A. I did, yes.

Q. Did you notice that the one in the front of them appeared to have blood round the side?

A. I saw the group of people run through the slipway. I was about 15 or 20 yards away from them at the time. The young man in the front to the right wore a blue suit and I noticed his whole right eye was all covered in blood and I got the impression that the side of his head had been shot off.”

¹ AP11.25

³ AP11.16

² AP11.2

⁴ WT8.45

110.99 We are of the view that the person John Porter was describing was likely to be Michael Quinn. We have considered above¹ the circumstances in which Michael Quinn was wounded in the face and how he went through the alleyway between Glenfada Park

North and Abbey Park. He was not shot in the eye, but in our view, as can be seen from the photographs, sustained injuries that someone could have mistaken for an eye injury; and could be described as someone with long dark hair.

¹ Paragraphs 104.139–164

110.100 Michael Quinn does not appear to have been wearing a blue suit or anything that could be mistaken for a blue suit. As we have recorded above,¹ he told the Widgery Inquiry that he was wearing a “*rust coloured windcheater*”.²

¹ Paragraph 104.14

² AQ11.9

110.101 Despite this we are not persuaded that at the time we are sure that Michael Quinn emerged injured from Glenfada Park North, ie among the first to flee as the soldiers came into that courtyard, there was another man with different clothes but a similar-looking injury who did the same. There is no evidence, apart from John Porter’s description of the clothing, to suggest that this was the case. It seems to us much more likely that the person John Porter saw was Michael Quinn. As will have been seen from our consideration of other aspects of John Porter’s evidence,¹ we have concluded that some of the other details he gave are unlikely to be accurate. We would include among these his recollection of what the man he saw was wearing.

¹ Paragraphs 19.129–134, 104.325–326 and 104.333–335

Paul Coyle

110.102 In his written statement to this Inquiry, Paul Coyle described seeing in Abbey Park, as he emerged from the alleyway, a man walking in a northerly direction holding something to his face, which was red with blood.¹ During his oral evidence, he said that he could not be “*100 per cent*” where he had seen the casualty. However, he remained confident that the casualty was walking towards him as he exited the alleyway.² When shown photographs of Michael Quinn, Paul Coyle said that he was unable to comment on whether this was the man he had seen as the casualty had been walking with a handkerchief to his face.³

¹ AC105.8

³ Day 152/83-84

² Day 152/81-83

110.103 We have already observed¹ that in our view Paul Coyle no longer has a reliable memory of events. We consider that he may have seen Michael Quinn. It is also possible that he saw Daniel Gillespie, another of those we have considered earlier in this report.² We are not persuaded by Paul Coyle's evidence that he saw an unidentified casualty in Abbey Park.

¹ [Paragraph 104.51](#)

² [Paragraphs 104.165–202](#)

Patrick McGowan

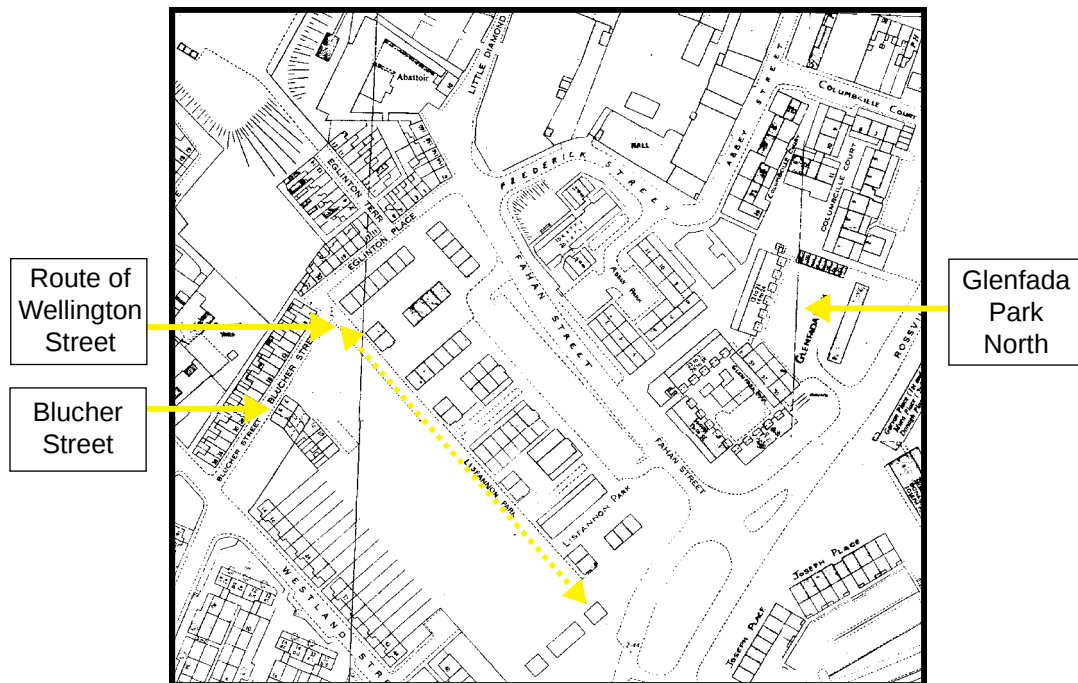
110.104 In a written statement dated 22nd February 1972 which was made to William O'Connell, an SDLP Councillor,¹ Patrick McGowan recorded that after witnessing Army shooting at the barricade in Rossville Street he moved into Glenfada Park *"and met two boys, one shot through the face. They needed assistance. I stayed and the other boy left. I took this boy through Glenfada Park into Wellington Street and the girls of the Knights of Malta took charge of him."*

¹ [AM261.4; AM216.8](#)

110.105 Wellington Street originally led into Blucher Street, which is where, as we have described above,¹ Michael Quinn received first aid from Order of Malta Ambulance Corps volunteers.² Wellington Street did not in fact exist by the time of Bloody Sunday, as it had disappeared with the creation of Lisfannon Park. We have marked on the map below where it used to be.

¹ [Paragraphs 104.151 and 104.164](#)

² [AQ11.18](#)



110.106 In his oral evidence to this Inquiry, Patrick McGowan said that he no longer remembered anything about the second boy.¹ In his written evidence he stated that while he was at the southern gable end of the eastern block of Glenfada Park North, he saw a young man who had been shot in the face. Patrick McGowan described the man as being about 20, tall and thin, and with a bloodstained white shirt. The man had apparently been shot in the cheek with the bullet coming out of the right side of his nose. He took this man to Blucher Street where he left him in the care of a member of the Order of Malta Ambulance Corps. Shown a photograph of Michael Quinn, he stated that the man he helped did not appear to have as severe a wound as shown in the photograph, but it might have been Michael Quinn that he helped.²

¹ Day 138/17-19

² AM261.3-4

110.107 In the course of his oral evidence Patrick McGowan was shown the photograph again, but this time said he was as sure that this was not the man he had helped.¹ He also said he was sure that he had come across the man, who was standing on his own, at or near the southern gable end of the eastern block of Glenfada Park North; and rejected the suggestion that the man was near the south-west alleyway leading into Abbey Park.²

¹ Day 138/16-17

² Day 138/12

110.108 In these circumstances, there are two aspects of Patrick McGowan's evidence to us that might suggest that the man he saw and helped was not Michael Quinn, namely that he expressed himself sure from the photograph of Michael Quinn that it was someone else; and because he recalled that the man he helped he first saw wounded but standing on the eastern side of Glenfada Park North, whereas from the evidence discussed earlier,¹ we are sure that Michael Quinn was wounded as he was in the south-western corner, making his way into the alleyway leading into Abbey Park.

¹ [Paragraphs 104.145–163](#)

110.109 Despite these aspects, we are not persuaded that the man Patrick McGowan saw and helped was or even might have been an unidentified casualty. In our view it was in all probability Michael Quinn. Patrick McGowan was seeking to recall details decades after the event. There is no other evidence of a person with a wound to the face standing near to the gable end of the eastern block of Glenfada Park North. As we have described elsewhere,¹ a considerable number of people were sheltering at this gable end; but none of them described seeing such a wounded man, though according to Patrick McGowan's recollection as to when he first saw this man, they would have been very close by. Furthermore, Patrick McGowan would, on his account, have been helping the man from Glenfada Park North to Blucher Street at about the same time as Michael Quinn, who had a remarkably similar injury to that described by Patrick McGowan, was also being assisted to the same place, yet there is nothing in Patrick McGowan's evidence to suggest that he saw another casualty with much the same injury.

¹ [Chapter 92](#)

110.110 As to the photograph of Michael Quinn, initially Patrick McGowan was not sure if this was the man, because of the severity of the wound. In his oral evidence he was firmer about this, because the man he helped "*was fit to run*" and "*had more of a suit and white shirt on him*".¹ As will have been seen in our consideration of the circumstances surrounding his wounding,² Michael Quinn was indeed able to run after he was wounded, but it is not surprising that he was lying on the ground when being attended to by Order of Malta Ambulance Corps volunteers; and since it is likely his wound would have continued to bleed, the injury could have appeared worse at this stage. It seems to us that the white handkerchief or scarf round his neck could have been mistaken for a white shirt, and though we bear in mind that he was wearing a windcheater, once again it must be borne in mind that after so many years, it would not be surprising if Patrick McGowan's recollection of such a detail was faulty.

¹ [Day 138/16](#)

² [Paragraph 104.164](#)

Dennis Patrick Irwin

- 110.111** Dennis Patrick Irwin made a NICRA statement in which he described what he saw at the barricade in Rossville Street and that he then “*ran up between the houses and through Abbey Pk. To Blutchers [sic] Street.*”¹

¹ AI3.8

- 110.112** In his written statement to this Inquiry, Dennis Patrick Irwin told us that he recalled seeing a crowd of people standing round a boy who was lying by “*Harry’s Toy Shop*”:¹

“In Blucher Street, I saw a crowd of people standing around a boy who was lying on the ground by Harry’s Toy Shop (at point X marked on map 2 attached to this statement). I remember that he was tall and dark haired. He was also well built, as though he lifted weights. He was wearing a checked shirt. His face and chest were covered with blood. There was so much blood that his shirt was saturated. Some people in the crowd were calling out for other people to give the boy more room to breathe. Others in the crowd were shouting that he was dead. No one seemed to know who he was. I do not know whether he was alive or dead.”

¹ AI3.5

- 110.113** In his oral evidence to this Inquiry, Dennis Patrick Irwin agreed that the shop to which he had referred in his written statement was not in fact a toyshop, but a shop belonging to a Mr Toye.¹ Shown photographs of Michael Quinn in Blucher Street, Dennis Patrick Irwin was not sure whether this was the man that he saw there, but thought that it could be him.²

¹ Day 170/89

² Day 170/90

- 110.114** The description of the man Dennis Patrick Irwin gave does not seem to match that of Michael Quinn, save that from the fact that the man’s face was covered with blood, it appears that the man he saw had sustained a wound to the head or face. However, once again we are not persuaded that this was an unidentified casualty. No witness, including Dennis Patrick Irwin himself, has suggested that two people were lying in Blucher Street with a head or face wound. After so many years, it seems to us that Dennis Patrick Irwin’s description of the man that he saw is not so convincing that it outweighs the fact that the person he saw was in the street where we are sure that Michael Quinn was taken. In our view it was Michael Quinn that Dennis Patrick Irwin saw.

Michael McGinley

110.115 Michael McGinley stated to this Inquiry that he saw a man with a head wound outside John Toye's shop on Blucher Street. The wound did not appear to be deep, although there was a lot of blood, and Michael McGinley described it as a "*scrape*". The casualty was standing alone, but within the proximity of about four or five other men, two of whom were having a fight. Michael McGinley heard one of these men complain to another: "*You bastard, you nearly got us all killed.*"¹

¹ [AM240.3](#); [AM240.7](#); [Day 91/80](#)

110.116 Michael McGinley was shown photographs of Michael Quinn, but said that this was not the man that he saw. He described the casualty as being in his mid to late twenties, with dark hair and a light build. His wound was on the left side of his forehead.¹

¹ [Day 91/78-80](#)

110.117 It seems to us that the person Michael McGinley recalled seeing was not Michael Quinn, whose wound could hardly be described as a scrape, and who seems to have been lying on the ground being attended to by Order of Malta Ambulance Corps volunteers soon after being brought to Blucher Street.

110.118 It was suggested during the course of the Inquiry that the person Michael McGinley saw was Daniel Gillespie, who was 32 at the time and did sustain a slight head wound on Bloody Sunday.¹ We have discussed his case in detail above.²

¹ [Day 91/86-90](#)

² [Paragraphs 104.165–202](#)

110.119 According to Daniel Gillespie, Joe Moran and Michael Canavan escorted him to Lisfannon Park on a route that did not take in Blucher Street. For reasons that we have already given,¹ we treat with caution Daniel Gillespie's accounts of where he went and what he did on Bloody Sunday. He told us that he had no recollection of seeing the confrontation described by Michael McGinley. However, he did say that after he had been treated he was still bleeding and could have been in Blucher Street, "*but I cannot say that I was in Blucher Street*".²

¹ [Paragraphs 104.198–201](#)

² [Day 158/81-82](#)

110.120 Bernard Gillespie told us in his written statement that he saw his namesake Daniel Gillespie in the area of Lisfannon Park or Westland Street. “*His head was grazed and he looked absolutely terrified.*”¹ In his oral evidence Bernard Gillespie said that though he had never thought about it for years, he thought he had met Daniel Gillespie, who was on his own, at the corner of Blucher Street and Westland Street.²

¹ AG32.4

² Day 118/177-179

110.121 Although the evidence is far from convincing, it does seem to us that the person Michael McGinley saw was probably Daniel Gillespie. However, if we are wrong and it was not, then how and when this person sustained a slight head wound remains a mystery. All that can be said is that there is no evidence from any source to suggest either that it was a rifle shot wound, or that this person was hurt in Glenfada Park North or indeed Abbey Park.

110.122 For the reasons that we have given, the evidence of these witnesses taken individually does not persuade us that they saw an unidentified casualty with a head or face wound. We have looked at their evidence as a whole, but to our minds this does not alter our view that no unidentified person was injured in the head or face by rifle fire in Glenfada Park North. There is no other evidence from these witnesses or from any other witnesses that anyone saw more than one person with a head or face wound. We conclude that the person whom the witnesses saw was Michael Quinn, seriously wounded in the face, or (in the case of Michael McGinley) Daniel Gillespie with a slight head wound.

General conclusions on unidentified casualties in the area of Sector 4

110.123 The representatives of some of the represented soldiers submitted that “*The issue of unidentified casualties raises the concern that the Tribunal has not been told the full story about the events of Bloody Sunday and particularly the involvement and the activity of the IRA.*”¹

¹ FR8.89

110.124 In our discussion of the events of Sectors 2 and 3 we gave our reasons for rejecting any suggestion that anyone other than the identified casualties had been shot by Army gunfire on Bloody Sunday. We take the same view of any suggestion that there were

any unidentified casualties in Sector 4 and on this point, for the reasons we have given, we accept the submissions made on behalf of the majority of the families that there were no such casualties.¹

¹ [FS1.2157-2180](#)

- 110.125** The suggestion that there were other unidentified casualties in Glenfada Park North necessarily involves the proposition that there must have been people in that area who saw unidentified casualties but who chose, or who were induced, to make no mention of them in the accounts that they have given. The only reason for such choice or inducement that we can conceive of would be that these people knew or suspected, or were told, that these casualties had been engaged in paramilitary activities against the soldiers, and so should not be mentioned. How they all knew or suspected this, or when and by what means they were induced not to say anything, remains unclear.
- 110.126** None of the civilians on the basis of whose accounts it is submitted that there were unidentified casualties has suggested that the people they recalled seeing injured were or had been engaged in paramilitary activities. These people obviously decided to state publicly what they believed that they had seen. There is no evidence that they were asked to conceal what they had seen. No explanation is offered as to why they chose, in contrast to the many other civilians in the area at the time, to give the accounts that they did.
- 110.127** In our view, however, there is a simple explanation and one that we accept, namely that the other people in the area did not see unidentified casualties. To our minds, this itself casts grave doubt on what some of the witnesses we have discussed above believed that they witnessed. We are sure that had unidentified people been shot and injured in Sector 4, many people there would have seen such events; the fact that they have given no account of having done so is far more likely to be because no such events occurred than because they individually or collectively decided or were told to say nothing. In short, we repeat our view that there were no unidentified casualties of gunfire in the area of Sector 4.

Chapter 111: Paramilitary activity in Sector 4

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- 111.1 In this chapter we consider evidence and submissions relating to paramilitary activity in the area of Sector 4. Elsewhere in this report¹ we discuss paramilitary organisations and activities generally.

¹ [Chapters 146–154](#)

Whether Glenfada Park North was a “*habitual haven of paramilitary activity*”

- 111.2 The representatives of the majority of represented soldiers submitted that there was considerable evidence that Glenfada Park North “*was a habitual haven of paramilitary activity and a regular sanctuary for rioters and armed individuals. Such evidence has emerged entirely separately from the soldiers’ accounts of observing just such activity in the area.*”¹ In support of this submission, these representatives relied on the evidence of a number of civilian witnesses, and other material that suggested that republican paramilitaries used Glenfada Park North as a place in which to store weapons.² We discuss these matters below.

¹ [FS7.2008](#)

² [FS7.2008-2014](#)

Civilian evidence

- 111.3 William Barrett lived in Glenfada Park South at the time of Bloody Sunday and for a number of years afterwards. He told us that a man with a machine gun had fired on a number of different occasions (he could not remember when) from inside Glenfada Park North towards an Army Observation Post on top of the Embassy Ballroom building.¹

¹ [AB110.3](#); [Day 198/063-067](#); [Day 198/95](#)

- 111.4 Raymond Rogan, the Chairman of the Abbey Park Tenants Association, gave the following evidence to the Widgery Inquiry:¹

“Q. And [you] have lived in Abbey Park for some years?

A. Almost two years.

Q. And you also, I suppose, can speak with close knowledge of previous incidents that happened in the way of rioting in that area?

A. That is correct.

Q. That William Street and the top of Rossville Street are the scene of daily riots in the afternoons?

A. There are disturbances there, yes.

Q. Can you tell my Lord this: is it not right that frequently rifle fire or IRA fire comes from Glenfada Park Flats?

A. That I couldn't say with a great degree of certainty who actually does the firing.

Q. But firing does come from that area against the troops, doesn't it?

A. It is common knowledge."

¹ [WT6.2](#)

111.5 In his oral evidence to this Inquiry, Raymond Rogan agreed that he had, in his answers in the passage quoted above, accepted that before Bloody Sunday it was common knowledge that fire directed against the troops came on occasion from the Glenfada Park flats.¹

¹ [Day 184/007-008](#)

111.6 Paddy McCauley told us that from his experience of participating in riots and witnessing gun battles, the north-east corner of Glenfada Park North was the safest place to be in the Bogside. He explained that this was because "*you cannot be seen from the Embassy buildings, you cannot be seen from the Derry Walls and the army will not come in that far*".¹ At the time of Bloody Sunday, the Army had Observation Posts on both the Embassy Ballroom building and the City Walls. Paddy McCauley accepted the suggestion put to him by counsel that "*hardline rioters*" and people "*carrying weapons of any kind*" would consider Glenfada Park North as "*the obvious place to run to as being somewhere that was reasonably safe where you could not be seen*".²

¹ [Day 162/106-107](#); [AM97.1](#)

² [Day 162/106-107](#)

111.7 Joe Mahon also told us that Glenfada Park North was a safe area, but he said this was because soldiers had never come that far into the Bogside before, rather than because Glenfada Park North was not overlooked.¹

¹ [Day 167/050](#)

Evidence of republican paramilitaries storing weapons in Glenfada Park North

111.8 The representatives of the majority of represented soldiers put forward several pieces of evidence to suggest that both the Provisional and the Official IRA had, on occasions, positioned cars with weapons in Glenfada Park.¹ In relation to the Provisional IRA, these representatives cited the evidence to this Inquiry of the researcher Paul Mahon, who said that in the late 1990s he interviewed Gerard “Mad Dog” Doherty, a member of the Provisional IRA at the time of Bloody Sunday.² In the notes that Paul Mahon made of this interview, he recorded being told that: “*The IRA often would use a car positioned in Glenfada Park as an arms dump.*”³ Paul Mahon stated that the interview had also been recorded on video tape and sound tape, but both of these tapes had gone missing.⁴ Gerard Doherty, who told this Inquiry that he had been a member of the Provisional IRA and was nicknamed “Mad Dog”,⁵ said that he had no recollection of being interviewed by Paul Mahon.⁶ He also stated, while being asked about different issues unrelated to the alleged interview, that he did not know where the Provisional IRA Quartermaster used to store weapons.⁷ With regard to Bloody Sunday itself, Gerard Doherty said that he was not aware of the presence of a car or cars containing weapons in Glenfada Park North.⁸

¹ FS7.2012-2013

⁵ AD65.19; AD65.25

² AM19.4; AM19.24; Day 413/85-86

⁶ Day 400/177-184

³ Day 412/196-197; AM19.232

⁷ AD65.23; Day 400/26; Day 400/133

⁴ AM19.24; Day 411/139

⁸ Day 400/71

111.9 In our view Gerard Doherty was interviewed by Paul Mahon and did make the remarks noted by Paul Mahon. Whether Gerard Doherty was referring to the Provisional IRA or the Official IRA remains uncertain, but we are of the view that it is likely that republican paramilitaries did often use a car in Glenfada Park North in which to dump or store weapons.

111.10 With regard to the Official IRA’s use of Glenfada Park North as an area in which to store weapons, the representatives of the majority of represented soldiers referred to the evidence of OIRA 1, OIRA 2 and OIRA 7.¹ These men told us that after OIRA 1 had fired a .303 rifle from Columbcille Court towards soldiers close to the Presbyterian church, an incident we considered earlier in this report,² the weapon that he used was dumped in the boot of a car that was parked on the eastern side of Glenfada Park North. We consider their accounts in detail below, but note here that in our view this happened.

¹ FS7.2012

² Chapter 19

Consideration of the submissions

111.11 The representatives of the majority of represented soldiers submitted that the material considered above provided “*clear evidence that Glenfada Park North was indeed likely to be the destination of both rioters and armed men surprised by the Army incursion into the Bogside on that day*”.¹ As we understand the submission, it is that this evidence provides support for the accounts of the soldiers who went into Glenfada Park North and there opened fire.

¹ [FS7.2014](#)

111.12 What this evidence shows is that Glenfada Park North was considered to be a place of safety for rioters and indeed for paramilitaries, because the area was not visible from Army Observation Posts and because at the time of Bloody Sunday it was thought that the security forces would not venture that far into the Bogside. The evidence shows that before Bloody Sunday, arms were stored in the area and that there was paramilitary firing from the area against the soldiers. The evidence also shows that shortly before soldiers did come into Glenfada Park North, members of the Official IRA dumped a weapon in a car that was parked there.

111.13 This evidence, of course, does not of itself establish what happened when soldiers did come unexpectedly into Glenfada Park North, as they did on Bloody Sunday, though it does indicate that republican paramilitaries could have been in that area of the Bogside.

111.14 In our view the central question in the context of Sector 4 is not simply whether paramilitaries or rioters might go into Glenfada Park North when surprised by soldiers coming into the Bogside, or had at some other time fired at soldiers from there, nor even whether paramilitaries or rioters had taken refuge there when the soldiers did come in on Bloody Sunday. To our minds the central question is whether there is evidence that when the soldiers came into Glenfada Park North, there were paramilitaries there who behaved either in the manner described by the soldiers, or otherwise in such a way as to cause the soldiers to open fire.

111.15 With this question in mind we now turn to consider other evidence of paramilitary activity in Glenfada Park North.

The gunman or gunmen seen on Rossville Street

111.16 In that part of this report dealing with the events of Sector 3, we considered the evidence given by Private 017 of encountering a man with a handgun on the western side of Rossville Street.¹ Private 017, who was armed with a baton gun, was one of the members of Mortar Platoon who debussed from Sergeant O's Armoured Personnel Carrier when it slowed on Rossville Street. He ran to the wall of the pram-ramp at the southern end of Kells Walk, from where, on his account, he saw the gunman further to the south shortly afterwards; and hence before soldiers from Anti-Tank Platoon entered Glenfada Park North. We also considered the accounts given by a number of civilians – Fr Thomas O'Gara, Marian McMenamin, Michael Lynch, Margo Harkin and Liam Mailey – whose evidence supported the proposition that there was a man with a handgun on Rossville Street as, or shortly after, Support Company entered the Bogside. We concluded that there had been at least one man who had fired a handgun at this stage and that there may have been others. From the evidence of these witnesses, it appears that at least one gunman then fled from Rossville Street along one of the alleyways at the north end of Glenfada Park North. We do not know where he went, but it is at least possible that it was into Glenfada Park North.

¹ [Chapter 74](#)

111.17 We have concluded earlier in this part of the report¹ that the gunman or gunmen who fled along one of the alleyways was not the reason for soldiers going into Glenfada Park North. We have already considered, and – for the reasons we have given – rejected, the evidence of Lieutenant 119 of seeing a man with a handgun at the *south-east* corner of Glenfada Park North, some distance from the gunman to which the witnesses, including Private 017, referred. None of the soldiers who went into Glenfada Park North and opened fire claimed in their evidence to the Royal Military Police (RMP) or to the Widgery Inquiry to have seen a man with a handgun in Glenfada Park North. There is an entry in Major Loden's List of Engagements,² which records firing at two men with pistols and that one was hit and the other unhurt. We have concluded that it is possible that this entry was made from information provided by Private G, but since that soldier afterwards described his targets as men with small rifles, and said that both were shot, this is only a possibility. There is nothing from any of the other firing soldiers to suggest that any of them saw one or more men armed with pistols. Thus even if one or more men with handguns did flee

into Glenfada Park North, there is insufficient evidence to conclude that they were there when the soldiers came into Glenfada Park North or (assuming that they were there) that their presence caused any of the soldiers to open fire.

¹ [Chapters 93 and 94](#)

² [ED49.12](#)

Evidence given to journalists of a man with a handgun firing in Glenfada Park North

111.18 John Barry of the *Sunday Times* Insight Team told this Inquiry that he interviewed the politician and civil rights activist Ivan Cooper at some point soon after his team had finished writing its article on Bloody Sunday (hence after 23rd April 1972).¹ This Inquiry obtained the Insight Team's working papers from the *Sunday Times*, including a long note that John Barry said he had made from a tape recording of his interview with Ivan Cooper.² This note includes the following passage:³

"IC [Ivan Cooper] only heard later that [OIRA 6] had fired a revolver in Glenfada Park. McE [George McEvoy] told IC that [OIRA 6] had been running around mad with a pistol all afternoon. McE says he fired very very early."

¹ [Day 193/105; M3.6](#)

³ [KC12.71](#)

² [Day 193/122](#)

111.19 Ivan Cooper told this Inquiry that he had never been interviewed by John Barry or any member of the Insight Team and he rejected the note referred to above in its entirety.¹ In response to the specific passage relating to OIRA 6 and the handgun, Ivan Cooper said that while he knew of OIRA 6 at the time of Bloody Sunday, he had never been aware that OIRA 6 was carrying a weapon that day.² However, we are of the view that John Barry did interview Ivan Cooper and made an accurate record of what Ivan Cooper told him.

¹ [Day 419/76-78; Day 419/142-143](#)

² [Day 419/132-133](#)

111.20 George McEvoy made a statement to this Inquiry in which he described Ivan Cooper as a "*fantastic liar*" and refuted many of the claims that Ivan Cooper is recorded as having made about him in John Barry's interview note.¹ George McEvoy also stated that he did

not know anybody with OIRA 6's name.² OIRA 6 denied carrying a weapon or being in Glenfada Park on the day, and he told us that he did not know George McEvoy and had only heard of, but had not met, Ivan Cooper.³

¹ AM208.3-5

³ AOIRA6.7; Day 413/163-164

² AM208.4

111.21 In these circumstances it is difficult to be confident of the accuracy of what Ivan Cooper told John Barry. His account was on its face second-hand, and his claimed source denied that he had told Ivan Cooper what the latter told John Barry. Furthermore, OIRA 6 denied being in Glenfada Park North or having a handgun on the day. At best, this evidence raises the possibility that there was a man with a handgun (whether or not it was OIRA 6) who fired in Glenfada Park North. This was said to be at a very early stage, which would hardly seem to describe the stage when soldiers came into Glenfada Park North, which was after considerable firing by soldiers in Sectors 2 and 3; while, at the same time, there would seem to be little point in anyone firing a handgun in Glenfada Park North if the soldiers had not come in. In these circumstances we consider it possible that what Ivan Cooper told John Barry was a confused reference to the man, or one of the men, with a handgun, whom Private 017 and others saw on the western side of Rossville Street. This incident could be described as being at an early stage. Whatever the truth may be, none of the soldiers who went into Glenfada Park North and there opened fire claimed in his statements or oral evidence to have seen or heard a man with, or firing, a handgun when the soldiers arrived in that area; nor is there any other evidence that suggests to us that a man firing a handgun caused any of the soldiers to open fire in Glenfada Park North or Abbey Park.

111.22 The *Sunday Times* archive also contains what appears to be a note taken by John Barry during or following an interview with OIRA 1.¹ John Barry told this Inquiry that he had no independent recollection of such an interview, or of the provenance of the note, although he was sure that he had talked to OIRA 1 during the time when the Insight Team was staying in the Bogside.² From the language and phrases used in the note, John Barry thought that it was not made from a tape recording.³

¹ AOIRA1.1; Day 193/100

³ Day 193/101

² Day 193/100-101

111.23 As we have discussed during our consideration of the events of Sector 1,¹ OIRA 1 fired a rifle shot from Columbcille Court across William Street at a soldier close to the Presbyterian church approximately 20 minutes before Support Company entered the Bogside. According to the *Sunday Times* notes, OIRA 1 told John Barry that after firing

this shot and being confronted by three Provisional IRA members, he returned the rifle to the boot of a car parked in Glenfada Park North. The words “*I think he said it was a green Avenger, but my notes don’t record that*” are included in parenthesis after the first reference to this car. The notes record OIRA 1’s reaction to the entry of Support Company into the Bogside in the following terms:²

“He sped back into Glenfada, and shouted to them to get the car out. He thought one of the Saracens would come into Glenfada and catch them red-handed. There were five or six Stickies [members of the Official IRA] around the car, and they couldn’t get the thing out in time. OIRA 1 said to abandon it, and get the arms out of the boot. They did: the arms consisted of a Sten, a carbine, two 303s and a .22 automatic.

He toyed with the idea of trying to make a fight of it, but rejected the idea. ‘The men weren’t in position’. Shouted to everyone to retreat. All did, except for one – who ran up to what OIRA 1 swears was the north-west corner of Glenfada, that is the corner towards Wm St [William Street] and furthest from the flats. OIRA 1 says he got up on a balcony – on the front of C. Court [Columbcille Court], he said the bloke told him later, – and got in a couple of shots with the 22 automatic.

OIRA 1 says he knows that a man from the Creggan section of the Officials got in a couple of shots in the carpark from a .38 pistol. Those, says OIRA 1, are the only three sets of shots that the Officials got off before the troops opened up.”

¹ Chapter 19

² AOIRA1.1

111.24 We deal in more detail below with the evidence about a car containing arms in Glenfada Park North.

111.25 As we have noted when dealing with the events of Sector 1,¹ OIRA 1 denied participating in a formal interview with John Barry, although he said that it was possible that he spoke to him.² OIRA 1 also denied many of the details contained in the *Sunday Times* note, and said that he doubted that he would have provided John Barry with information of the type that was recorded.³ OIRA 1 stated to this Inquiry that he did not provide the information concerning the weapons that were taken out of the car to John Barry. He also said that there was no possibility that there was more than one weapon in the car and he denied seeing any other Official IRA volunteers in Glenfada Park North at that time.⁴ He dismissed as “*false*” the information suggesting that someone fired from a balcony at the soldiers.⁵

¹ Chapter 19

⁴ Day 395/117-118

² Day 395/106

⁵ Day 396/105

³ AOIRA1.31-32; Day 395/106-109

- 111.26 However, for the reasons that we gave, we are sure that OIRA 1 did speak to John Barry, and in our view John Barry accurately recorded what OIRA 1 had told him about this incident.
- 111.27 We have also referred, when dealing with the events of Sector 1,¹ to an article written by Gerard Kemp, which was published in the *Sunday Telegraph* on 23rd April 1972. The article contains quotations from an interview between Gerard Kemp and a man described as the Official IRA sniper who fired at soldiers close to the Presbyterian church, a description that matches OIRA 1. The sniper is recorded as giving the following account of events after he had fired that shot:²

“After I fired that one shot I went back to my car and put the rifle in the boot. Ten to 15 minutes later the Paras moved up and I told our boys to get their weapons out of their cars.

Only a few of us were there. Most of the I.R.A. were up on the Creggan because we expected the Army to take advantage of the march and move in up there.

One guy got on to a balcony and fired at the Paras. Someone else fired with the pistol. I was by the barricade in Rossville Street next and saw three civilians go down. They were cracking away all over the show mostly army S.L.R.s (self-loading rifles). We started running. James Wray was shot dead just behind me.”

¹ Chapter 19

² L210

- 111.28 Gerard Kemp told this Inquiry that he could no longer remember this interview, but he had no reason to doubt that the article contained an accurate record of what he was told.¹ OIRA 1, however, said that he did not know Gerard Kemp and he did not think that he had given him such an interview.² OIRA 1 told us that the parts of the extract quoted above dealing with the order for “our boys” to get weapons and with the firing from the balcony were both inaccurate, as was the sentence about someone firing with a pistol, unless this was a reference to OIRA 4’s shots in the Rossville Flats car park.³ We are of the view that OIRA 1 did speak to Gerard Kemp, and that the latter did accurately record what he was told.

¹ M47.2

³ Day 395/140-141; Day 396/104-105

² Day 395/138

- 111.29** As to what OIRA 1 told John Barry about a man firing in a car park with a .38 pistol, and what he told Gerard Kemp about someone firing with *“the pistol”*, we consider it more likely than not that both of these references were to the shots fired by OIRA 4 in the car park of the Rossville Flats. We discuss the circumstances in which OIRA 4 fired those shots elsewhere in this report.¹
- ¹ [Chapter 58](#)
- 111.30** Although OIRA 1 told John Barry that the man had fired with a .38 pistol, whereas OIRA 4 told us he was armed with a .32, we nevertheless consider it more likely that the phrase *“the car park”* refers to the Rossville Flats car park rather than to Glenfada Park North. Witnesses generally referred to the latter as “Glenfada Park” or “Glenfada Park North” and not as “the car park”. John Barry was told by OIRA 1 that the man had fired *“before the troops opened up”* (which was not the case with OIRA 4), but to our minds this phrase cannot have meant before any soldiers had fired at all (because of the shooting by soldiers in Sector 1) and in our view was in its context probably a reference to soldiers opening fire in Rossville Street or Glenfada Park North; and it does not lead us to doubt that the firing referred to was probably that of OIRA 4 in the car park of the Rossville Flats.
- 111.31** As to what Gerard Kemp was told, although what he wrote could indicate that he was told that a man with a pistol fired in Glenfada Park North, it is noteworthy that if this is so, OIRA 1 did not mention to Gerard Kemp, as in our view he did to John Barry, the firing by OIRA 4, but instead told him of some other, unadmitted Official IRA firing on the day. This seems to us to be unlikely.
- 111.32** In our view, therefore, the evidence under discussion does not establish that a man fired a handgun in Glenfada Park North.
- 111.33** It is to be noted that none of the soldiers who went into Glenfada Park North and there opened fire claimed in their statements or oral evidence to have seen or heard a man firing a handgun in that area. As we have already observed, there is nothing to suggest that a man firing a handgun caused any of the soldiers to open fire in Glenfada Park North.
- 111.34** As to the shots said to have been fired from a balcony, it seems unlikely that this was a reference to the incident described by Private 017 and which we have considered in the context of Sector 3,¹ since this involved a man with a handgun further to the south of Columbcille Court and at ground level. We have found no other evidence that suggests to

us that there was firing from a balcony in Columbcille Court. It is just possible that OIRA 1 was referring to shots that in our view were probably fired at soldiers in Sector 2 from a balcony of the Rossville Flats, which we have discussed elsewhere in this report,² and that he misunderstood or was misinformed of the location. It is noteworthy that Gerard Kemp's article is to the effect that, according to OIRA 1, both the car park and balcony shots were fired before three people fell at the rubble barricade, another possible indication that they were fired before soldiers came into Glenfada Park North.

¹ Chapter 74

² Paragraphs 58.120–131

111.35 In these circumstances, we are not persuaded that shots were fired from a balcony in Columbcille Court. Again, however, even assuming that there were such shots, there is nothing that suggests to us that these were heard by, or had any effect on, the soldiers who went into Glenfada Park North.

The question of photographic evidence indicating paramilitary activity in the north-east corner of Glenfada Park North

111.36 The representatives of the majority of represented soldiers submitted that there was photographic evidence, which indicated “*that there was activity in the north east corner of the square [Glenfada Park North] shortly before the soldiers entered which caused concern to the civilians gathered in the area*”¹ and “*that something was taking place in the north east of Glenfada Park North in the period shortly before soldiers entered*”.²

¹ FS7.2018

² FS7.2021

111.37 We have earlier shown the photographs to which these submissions refer, but we reproduce them again here. The first, which was taken by freelance photographer Liam Mailey, shows the scene at the Rossville Street entrance to Glenfada Park North shortly after Michael Kelly, who had been mortally wounded at the rubble barricade, had been carried there.



111.38 The other three photographs were taken by Ciaran Donnelly of the *Irish Times*. They show the group carrying Michael Kelly across Glenfada Park North.





- 111.39** The last three photographs show the group initially carrying Michael Kelly towards the north-east corner of Glenfada Park North, but then changing direction and moving towards the alleyway at the south-west corner that led to Abbey Park. As we have already noted, these photographs were taken before (but only just before) the soldiers came into Glenfada Park North. The first photograph, which was taken a little earlier, shows a man on the left-hand side of the frame seemingly gesticulating with his right hand. The representatives of the majority of represented soldiers submitted that this man was “*signalling or remonstrating towards the north east corner*” of Glenfada Park North.¹

Whether the man was actually facing that corner (as opposed to a generally northward direction) and whether he was signalling or remonstrating or merely waving to someone to the north is not apparent from the photograph.

¹ [FS7.2021](#)

- 111.40** In the context in which the submission is made it seems to be suggested that the “*activity*” that prompted the change of direction and the man to gesticulate was related to the presence of gunmen or men with bombs, or perhaps both, on the northern side of Glenfada Park North.
- 111.41** We find no force in this submission and do not accept it. None of those who gave evidence to us about lifting and carrying Michael Kelly have suggested that they changed course because of any such activity, nor have we found any other evidence from any source that indicates to us that this might have been the reason for the change of course, or for the man gesticulating earlier.

Michael Kivelehan

- 111.42** In 1991 John Goddard, a journalist with Praxis Films Ltd, interviewed Michael Kivelehan.¹ He made the following notes of this interview:²

“Michael Kivelehan (along with mother, two sisters at various points, and if they could have got in the room another 37 Kivelehans.) Michael is a taxi driver, around early 40’s. Never been in any bother or involved.

His brother, and brother in law, were on the barricade when the shooting started there, and he is endeavouring to get them to talk to me.

Michael is believable up to point, but all the contentious stuff which is off tape his two sisters and mother backed up immediately with more detail. So ...? Excellent talker however.

WITNESS: GLENFADA PARK EVENTS

NOT WIDGERY and not talked before to anyone.

STORY

Saw two men who had been shot be [sic] soldiers early that day. One called Robinson. About 10 am.

Whole family (four brothers, seven sisters, children etc.) been to aunt's funeral that morning, and on march in best clothes etc.

Watching riot at bottom of William street when Paras came out. Began to run up Rossville street. Saracens parked across Kells Walk, Pilots Row, men came out of them. Over barricade, they had started shooting – impression was from the men by Kells Walk, boy got stuck on barbed wire on top of barricade. Not sure if shot or not. Been no shooting, bombing, even stoneing at that point. Me into Glenfada Park, and to my Grannie's flat, top right corner of top quadrangle. Soldiers coming into G. Park from Kells Walk.

In flat it was pandemonium – women on floor praying, shooting outside, picking targets by sound of it.

Looking through letter box into Glenfada saw:

- Young fella running across G. Park towards alley by us, and soldier leaning down the far corner, shot him.
- Young fella arrested by soldier, against wall, rifle near or against his right cheek, shot him.

Went to other side of house, window looking out on to Abbey Park, saw: – two bodies laid on ground out there.

Not republican minded, political.

OFF the record:

- Man with short arm in their flat, disarmed and got rid of.
- Two nail bombs dumped in street outside his flat. Know because dragged the two boys in who had them. ENDS.”

¹ M86.15

² AK45.1

111.43 In his oral evidence to this Inquiry, John Goddard told us that the “*contentious stuff*” referred to in his note was the “*off the record*” information regarding the short arm and the nail bombs. He also said that the interview took place during a family gathering, and he indicated that other members of Michael Kivelehan’s family contributed to the evidence regarding this issue.¹

¹ Day 233/199-200

111.44 John Goddard told us that he believed that the family as a whole were “*very, very detailed in what happened*”, namely that the people with weapons were “*disarmed, clipped round the ear and told to sit in a corner*”.¹ He later added that the Kivelehans had told him that the gun was “*broken up and attempts were made to drop it down the toilet and various other places*”.² He told us that the Kivelehans did not know where the gun had come from.³

¹ Day 233/200

³ Day 234/62

² Day 234/61

111.45 In his written evidence to this Inquiry, Michael Kivelehan told us that he had been in his grandmother’s flat on Bloody Sunday and that the flat was towards the southern end of the western side of Glenfada Park North.¹ We are sure that this is where the flat was. Michael Kivelehan referred to the notes made by John Goddard and told us:²

“I have to say I do not remember the interview but in view of what he says about lots of Kivelehans being together I wonder whether these notes were made at the 50th wedding anniversary of my parents in 1992 which was held at the Hall of the Ancient Order of Hibernians.³ I have a vague memory of being interviewed but where or when it was I do not know. My age is given as early 40’s and as I am now 55. I suppose that this is about right. Also I was a taxi driver.

The journalist has got it wrong however when he talks about seeing two men who had been shot by soldiers early in the day. There was a shooting near Columbcille Court the previous day when Peter Robson and Peter McLaughlin were shot near the Grandstand bar and this may be what is being referred to. I did not see anybody shot on the day itself and during the morning I was involved with my aunt’s funeral.

He mentions looking through the letterbox into Glenfada. I think this is something my brother in law, John McCourt, did rather than me.

Also, he refers to a young fellow being shot in the cheek. I think that the journalist is fantasising about this. I may have heard about it and the name Michael Quinn which has been mentioned to me now rings a bell but I think it was probably John McCourt who said he had seen someone shot in the cheek and I picked this up.

I do not remember anything about two boys with nail bombs. Maybe there were two boys in the house with us but I did not see them and I don't remember them having nail bombs. I have been referred to the evidence of Michael Quinn given to this Inquiry where he talks of two lads with nail bombs being led away. I know nothing about this. Certainly, I was not involved in any such incident. I do have a vague memory of a youngster about 18 or 19 who was brought into the house by John McCourt but I do not remember him having any nail bombs or there being any short arm or pistol in the house. If it happened I do not remember it.

I have been asked whether, assuming that it is I who gave the interview, the information was given under any cloak of confidentiality. I do not remember giving the interview, nor do I remember the journalist nor do I remember any undertaking of confidentiality being asked for or given."

¹ [AK45.4](#)

² [AK45.5](#)

³ In his oral evidence, Michael Kivelehan said that the anniversary might have been in 1991 or 1992 ([Day 406/67](#)).

111.46 Michael Kivelehan's oral evidence to us was in effect that he had no independent recollection of the circumstances of the interview.¹ He told us that he did not recall any information regarding the presence of nail bombs or a short arm in his grandmother's house on Bloody Sunday.² He said that he would not have forgotten about the incidents described at the end of John Goddard's notes if he had been aware of them, and he stated that if he did know anything about such matters he would have been prepared to tell the Inquiry.³ He suggested that he might have been drunk during the interview, which would explain his lack of memory. He could not explain why this would have made him invent a story about the presence of nail bombs and a short arm in his grandmother's house, other than suggesting that it might have been "*wishful thinking*" – a phrase that he was subsequently unable to expand upon.⁴ However, Michael Kivelehan accepted that he had "*no basis for suggesting that Mr Goddard is wrong in what he says happened at the interview*".⁵

¹ [Day 406/67-68](#); [Day 406/77-78](#)

² [Day 406/79-80](#)

³ [Day 406/80-81](#)

⁴ [Day 406/81-82](#)

⁵ [Day 406/85-86](#)

111.47 Michael Kivelehan also told us that he had eight sisters and three brothers. He said that he did not know to which two sisters John Goddard was referring in the first line of his note, a reference that implies that these sisters, and their mother, took part in the interview.¹ We consider the evidence of other members of his family about the interview and the events of Bloody Sunday in the paragraphs that follow.

¹ [Day 406/68-69](#); [Day 406/71](#)

111.48 Michael Kivelehan's brother-in-law John McCourt, to whom Michael Kivelehan referred in his evidence to this Inquiry, told us that he vaguely recalled the presence of a journalist at a family celebration in the early 1990s. In contrast to Michael Kivelehan's evidence, John McCourt thought that this celebration took place at Michael Kivelehan's house. John McCourt said that he saw this journalist but did not meet him.¹ He said that he later learned that the journalist had been invited to the gathering by Michael Kivelehan in order to conduct an interview.²

¹ [Day 423/96-97](#); [Day 423/112-114](#)

² [Day 423/102-103](#); [Day 423/115](#)

111.49 In relation to the events of Bloody Sunday, John McCourt, whose evidence we consider in greater detail in our consideration of the events of Sector 4, told us that he had entered his wife's grandmother's house in Glenfada Park shortly after the soldiers had fired in that area. He told us that he recalled that a 14- or 15-year-old boy went into the house with him. However, he stated that if the youth was in possession of a gun he did not see it, and he would not have let him into the house in those circumstances. He stated that he had no recollection of seeing any civilian with a weapon or nail bomb, or of anyone being disarmed, on Bloody Sunday.¹ He also said that it would not have been possible for Michael Kivelehan to have dragged two youths who had been in possession of nail bombs into the flat as *"I was outside and Mickey went in first and we went in and closed the door, nobody went back out again"*.²

¹ [AM144.2-3](#); [AM144.10](#)

² [Day 423/108](#)

111.50 John McCourt also told us that:¹

"On one occasion, some time ago now Michael did mention to me that he had seen a boy with a gun on the day, but he did not say where or when, and we did not discuss it further. In my view Michael can be fanciful on occasions and I just put it down to silly, stupid talk."

¹ [AM144.10](#)

111.51 In his oral evidence to this Inquiry, John McCourt said that Michael Kivelehan had told him that he had taken the gun away from the man. John McCourt said that the conversation took place in a bar, years after Bloody Sunday but long before Michael Kivelehan's interview with the journalist at the family gathering. He told us that he could not provide any further detail about what Michael Kivelehan had said of the incident, and reiterated that he considered the comments to be "*fanciful*", adding that "*Mickey was the type of person who tended to make himself feel important*". When asked whether it had occurred to him that the incident could have taken place in the house in Glenfada Park North, John McCourt commented: "*Very strange that nobody else seen this, I mean, there was quite a lot of people in this flat.*"¹

¹ [Day 423/103-107](#)

111.52 John McCourt's wife and Michael Kivelehan's sister, Jane McCourt, told us that she was in her grandmother's flat on Bloody Sunday, which she said was on the western side of Glenfada Park North.¹ She told us that she had no knowledge of a journalist interviewing her brother or any other members of her family.² She also told us that she did not see any of the incidents described in the note, and would not, knowingly, have allowed an armed person into her grandmother's flat.³ She said that the only family gathering that they had had in recent years and before the death of her mother was the celebration of her parents' 50th wedding anniversary, held at the Ancient Order of Hibernians club.⁴

¹ [AM142.1](#); [AM142.3](#)

³ [AM142.4](#); [Day 423/122-124](#)

² [Day 423/121-122](#); [Day 423/129-130](#)

⁴ [Day 423/128](#); [Day 423/131](#)

111.53 Jane McCourt also told us that her other sisters could not have supplied John Goddard with information as they were not present in her grandmother's flat on Bloody Sunday.¹ She agreed with her husband's opinion that Michael Kivelehan could be "*fanciful*", but said that she would not describe her mother in the same way.² She also stated that her husband had never spoken to her about Michael Kivelehan's alleged comments about seeing a man with a gun on Bloody Sunday.³

¹ [Day 423/126-127](#)

³ [Day 423/124-125](#); [Day 423/129](#)

² [Day 423/125](#)

111.54 Michael Kivelehan's wife, Helen Kivelehan, also recalled making her way to her husband's grandmother's flat.¹ She was there when her husband arrived.²

¹ [AK48.1](#)

² [AK48.2](#)

111.55 Helen Kivelehan stated that she had no knowledge, either from the time or after having been told by members of her family, of the contentious events described in John Goddard's notes. She told us that she was not interviewed by John Goddard, and had no recollection, or knowledge, of a journalist speaking to her husband.¹

¹ AK48.4; Day 423/83-85

111.56 Helen Kivelehan also told this Inquiry, in response to being shown John McCourt’s account, that her husband had never mentioned to her that he saw a boy with a gun on Bloody Sunday.¹ She denied that her husband was “*fanciful*” or “*fancifully given to making up stories of that kind of severity*”.²

1 Day 423/86-87

2 Day 423/91-92

111.57 Mary Ann Kivelehan, the mother of Michael Kivelehan and Jane McCourt, gave a Northern Ireland Civil Rights Association (NICRA) statement, but because of ill health gave no evidence to this Inquiry. In her NICRA statement, she recorded that she was in her mother's flat on Bloody Sunday, but she made no reference to the presence of weapons or nail bombs. At the end of her statement she recorded that John and Jane McCourt and Michael and Helen Kivelehan could corroborate her evidence.¹

1 AK38.1

111.58 The evidence of those who were in Michael Kivelehan's grandmother's flat is that a lot of family members were present there, as there was a "*family get-together*" following Michael Kivelehan's aunt's funeral.¹ John McCourt thought that there were more members of the Doherty side of the family than the Kivelehan side present.² Michael Kivelehan accepted that the reference to "*pandemonium*" inside the flat in John Goddard's notes would have been accurate.³

¹ AM142.1; AK48.1; Day 423/77

3 Day 406/73-74

2 Day 423/101

111.59 As will have been noted, evidence on this topic is confused and conflicting. However, our assessment of the evidence leads us to conclude that John Goddard did interview Michael Kivelehan in the presence of members of his family. It is difficult to see how or why he would have invented or could have misunderstood what he described as the “*off the record*” matters, and we also conclude that in our view he was informed of these matters by Michael Kivelehan and perhaps others of the family.

111.60 More difficult is the question of the accuracy of the account that Michael Kivelehan gave John Goddard.

111.61 Without being at all certain, it is our view that there probably was some incident when a man armed with a short arm, by which we understand a handgun, took refuge in the flat on Bloody Sunday; and that Michael Kivelehan or others of the family took and disposed of this weapon. Who the man was, when he came into the flat, where he had come from and what he had previously been doing (including whether he had fired this weapon) remain unknown. He might have been the man or one of the men seen by Private 017 and others, which we have discussed earlier,¹ but this can only be speculation. However, as we have already observed,² there is only the entry in Major Loden's List of Engagements that could be said to indicate that the soldiers saw and fired at two men with pistols, hitting one; and the evidential value of this entry is slight if not non-existent, since none of the soldiers who fired in Glenfada Park North claimed in their evidence to the RMP and the Widgery Inquiry that they had seen or shot at a man armed with a pistol. In our view there is insufficient evidence to conclude that a pistol man was or was likely to have been there when the soldiers came into Glenfada Park North or (even assuming that they were there) that their presence caused any of the soldiers to open fire.

¹ Paragraph 111.16; Chapter 74

² Paragraph 111.17

111.62 As to the nail bombs, again in our view there probably was some such incident as recorded by John Goddard, though as with the man with a short arm, who these "boys" were, when they came into the flat, where they had come from and what they had previously been doing remain unknown. We have found nothing that suggests to us that soldiers had seen these individuals in possession of nail bombs; or anything that lends support to what the soldiers said they encountered when they got into Glenfada Park North and the reasons they gave for opening fire. What can be said, however, is that this material is evidence that there were two individuals with nail bombs (which they dumped) in Glenfada Park North at some stage during Bloody Sunday.

111.63 It was submitted by the representatives of the majority of represented soldiers that it was "overwhelmingly likely" that Michael Kivelehan, who accepted that he had only given evidence under the threat of subpoena,¹ had been untruthful in his evidence to this Inquiry about what he could remember of the incidents discussed above.² Representatives of other soldiers also cast doubt on Michael Kivelehan's honesty on this point, and argued that this, together with the fact that none of the members of Michael Kivelehan's family or others who were in the flat at the time mentioned either the gunman or the nail bombs, means that "*The Tribunal is therefore faced with a clear example of reticence to tell the*

Tribunal the truth about civilian gunmen and nail bombers". It was also pointed out that no witness has come forward to admit carrying a handgun into this flat or to dumping nail bombs outside.³

¹ Day 406/83

³ FS8.1239-1240

² FS7.2034-2036

111.64 We remain in doubt whether or not to accept Michael Kivelehan's evidence that he did not recall what he had told John Goddard about a gunman and boys with nail bombs. He may genuinely have forgotten, but equally he may have been reluctant to tell this Inquiry what he had witnessed. As to his family, we did not have an opportunity to question Mary Ann Kivelehan, Michael's mother; and we do not know to which of the sisters John Goddard was referring in his note, or whether others in the flat were privy to what John Goddard was being told. Mary Ann Kivelehan made no mention of individuals with a short arm or bombs in her NICRA statement. On the whole we consider that there probably was reluctance to tell this Inquiry about the incidents in question.

111.65 As to the gunman and those with nail bombs, as Counsel to the Inquiry pointed out, they could be dead or, if active within paramilitary movements, reluctant for many reasons to come forward. Nevertheless, the fact remains that apart from the evidence under discussion, no-one has told us anything about this incident.

Michael Quinn

111.66 Michael Quinn, who was shot in the cheek as he ran from Glenfada Park North, gave an interview to the *Sunday Times* journalists Peter Pringle and Philip Jacobson, which is dated 1st March 1972.¹ This Inquiry has a copy of the journalists' notes of the interview, and we have referred to it when considering the circumstances in which Michael Quinn was shot² and when dealing with the issue of unidentified casualties in Glenfada Park North.³

¹ AQ11.10-16

³ Chapter 110

² Paragraphs 104.154–156

- 111.67 According to the notes of the interview, Michael Quinn gave the following account, “*under guaranty of total anonymity*”, of seeing boys with nail bombs in Glenfada Park North:¹

“while standing between the fences on the south side of glenfadda [sic] he saw two youths carrying nail bombs in their hands. one had long fair hair and was wearing a blue denim jacket; the other had very black hair, shortish, and was wearing a fawn jacket. the boms [sic] were cylindrical shape with a black fuse projecting from the top; they were about 6 ins long he estimates. at no time did he see the bombs lit but he is adamant that he saw them. one description fits gerard donaghy perfectly.

he says that he heard from close source that a senior official IRA man arrived on the scene and told the nail bombers to take them away as there was too much danger to other civilians.”

¹ [AQ11.12](#)

- 111.68 The comment that one of the descriptions “*fits gerard donaghy perfectly*” appears to have come from one of the journalists rather than Michael Quinn, who said that he did not know Gerald Donaghey.¹ Later in this report,² when considering whether Gerald Donaghey was in possession of nail bombs when he was shot in Abbey Park, we return to the question as to whether one of these descriptions does indeed fit him.

¹ [Day 169/122; Day 190/61](#)

² [Chapters 127 and 128](#)

- 111.69 Michael Quinn said nothing to the Widgery Inquiry about seeing nail bombs.¹ In his written evidence to this Inquiry, he told us that he took shelter in Glenfada Park North after seeing soldiers taking up positions in the area of Kells Walk. He stated that he moved to a position about halfway along the path on the eastern side of Glenfada Park North, from where he saw the following incident:²

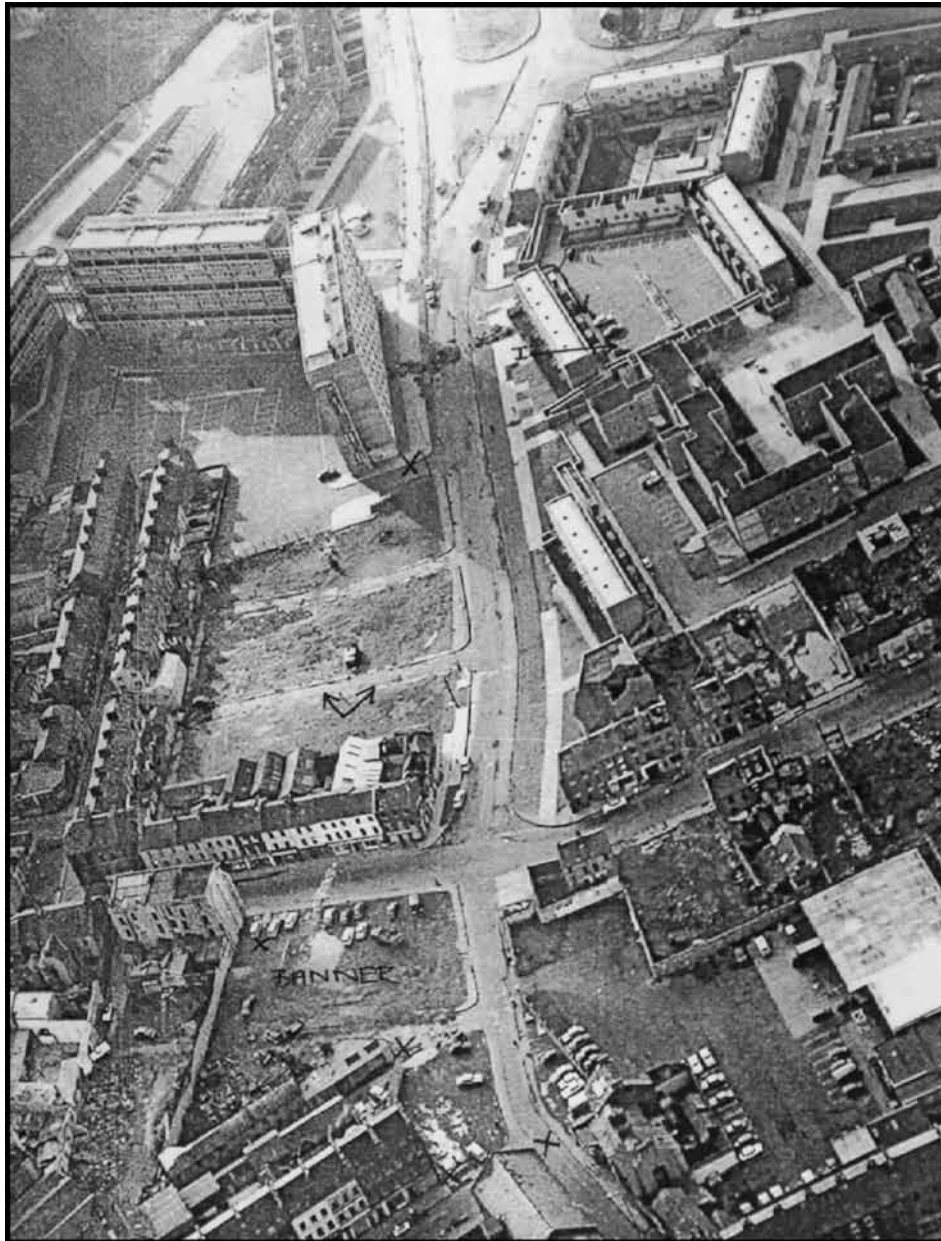
"I do not know how long I was in Glenfada Park North, but I remember after some time seeing two young fellows in the northeast corner at the point marked I in grid reference J13 (and on photograph MQ1) who were looking round the corner of the flats into Rossville Street. They were only young, about my age or a little bit older, and I did not know them. I was concerned in case they did anything. They were clearly nervous too, looking out and back again. I recall one of them having a denim jacket and dark hair and one with fair hair and a quilted anorak. The boy with the fair hair and quilted anorak had something which might have been a nail bomb in his left side pocket. I had not seen one before and didn't know what it looked like but I remember something like a Coke tin with grey tape and a piece of material coming out of the top. Coupled with the fact that they were peering out towards the army and seemed very nervous and were keeping a look out I was very frightened by what I saw. It was then I saw a man coming from the northwest corner of Glenfada Park North walking in the direction of the arrow I have marked on the map into Glenfada Park North at grid reference I13 towards these two boys. I remember hearing him say words to the effect of 'Put those away, you will only get people killed'. My only recollection is of seeing what I took to be a nail bomb in a pocket, but my memory of these words suggests to me that the boys may have had something in their hands which I saw, but cannot now remember seeing. The shooting in Rossville Street was going on at this time and was reasonably intense and the boys did as they were told and left by the northwest corner of Glenfada Park with this man back the way he had come. I did not recognise the man, or know whether he was an IRA man but concluded later that the man probably was a member of the IRA – by virtue of the way the boys unquestioningly did what he told them. The man was older than we were and was wearing a long coat. I would say he was in his mid twenties but I had never seen him before or since."

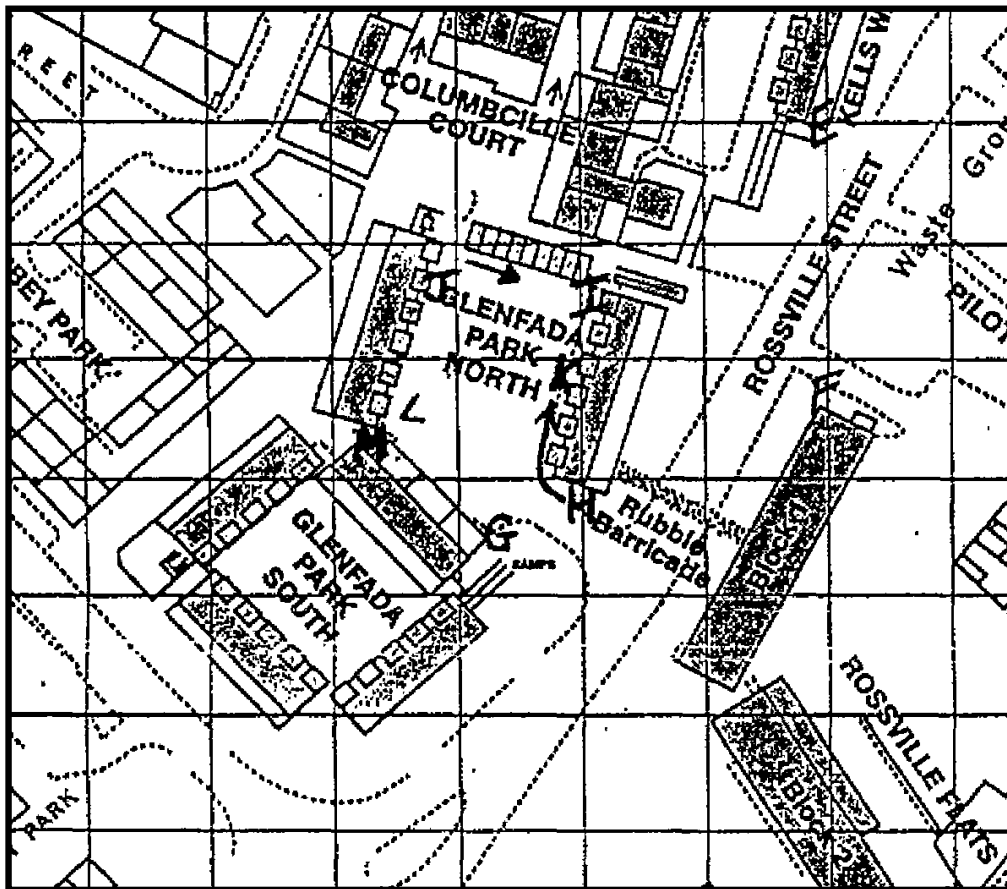
¹ [AQ11.1-9](#)

² [AQ11.22](#)

111.70 The photograph and map to which Michael Quinn referred are set out below.¹

¹ [AQ11.31](#); [AQ11.29](#)





- 111.71 During his oral evidence Michael Quinn told us, and we accept, that his recollection of events was limited to that which he had recorded in his written statement to this Inquiry.¹ He had, in his written evidence, made the following comments about those parts of the *Sunday Times* notes that concerned the youths with nail bombs:²

“Sunday Times:

I recall speaking to Jacobson and Pringle of The Sunday Times. I did not make a statement to them. It was soon after I had been released from hospital and was back at school and the journalists called at home to interview me. They said they would be in the City Hotel and so that evening I went down on my own to speak with them. There were just the three of us in the room and I told them what had happened to me. One was writing it down ... I did say that I saw two boys with what I took to be nail bombs, but they had left Glenfada Park North before the soldiers came in. Apart from the two boys I had seen in Glenfada Park whom I have referred to above I did not see anybody with a nail bomb or anything which looked like one that day. Frankly it beggars belief that someone would throw a nail bomb at a soldier in a confined space with civilians present and I certainly saw no-one doing this. I am quite clear in my own mind about that. It is alleged that I had heard from someone else of a man arriving to tell the two boys to get out of Glenfada Park. This is incorrect, for as I have stated above, I witnessed this episode and the fact that they left some time before the entry of the Army. I did not witness any other activity that could be considered suspicious in Glenfada Park North.”

¹ [Day 169/72](#)

² [AQ11.26](#)

- 111.72 In our view the account Michael Quinn gave the journalists in 1972 of seeing two youths carrying in their hands what he took to be nail bombs is likely to be more accurate or complete than his recollection so long afterwards, as indeed Michael Quinn indicated might be the case in his written statement to this Inquiry. Whether or not he saw a senior Official IRA man tell the two boys to get out of Glenfada Park, as opposed to being told about it, is perhaps not so clear, particularly because the *Sunday Times* journalists accepted that they might have misinterpreted some of Michael Quinn’s account of this incident.¹ In view of his evidence to this Inquiry, we are of the view that what Michael Quinn probably said (or intended to say) to the journalists was that he had seen the man tell the boys to leave and had seen them do so, but that it was not until later that he learned, or concluded, that the man was a member of the IRA.

¹ [Day 190/65-66](#); [Day 191/149-150](#)

111.73 As will be seen from his written evidence, Michael Quinn told us that “*reasonably intense*” shooting was going on in Rossville Street at the time when he saw the youths with nail bombs, and that the youths left Glenfada Park North before the soldiers arrived.¹ In view of the relatively short period of time between the first shots in Rossville Street and members of Anti-Tank Platoon entering Glenfada Park North and opening fire, according to Michael Quinn the youths could not have left Glenfada Park North very long before the soldiers arrived.

¹ [AQ11.22-23](#)

111.74 We are satisfied from this evidence that Michael Quinn did see two youths with nail bombs in Glenfada Park North shortly before the soldiers came into that area. We are also satisfied from this evidence that these youths were told to leave and then did leave Glenfada Park North, before the soldiers arrived. To our minds it is unlikely that they returned, since they had been told to leave because of the danger to civilians, though it is just possible that these were the two who went into the flat on the western side of Glenfada Park North. What can be said is that this material is evidence that there were people with nail bombs in Glenfada Park North shortly before the soldiers arrived, who left and who were unlikely to have been, or stayed, in the open square when the soldiers arrived.

111.75 Whether one of the youths with nail bombs was Gerald Donaghey, who was shot and fatally wounded in Abbey Park, is a matter that we consider elsewhere in this report,¹ when dealing with the fact that nail bombs were found in his possession when he was brought to the Regimental Aid Post at Craigavon Bridge.

¹ [Chapters 126, 127 and 128](#)

Danny Craig

111.76 Danny Craig’s name is attached to two 1972 statements: one undated¹ and the other dated 4th March.² The latter seems to have been a statement taken by Christopher Napier, a solicitor who acted for the families of the deceased at the Widgery Inquiry, as it bears his signature as a witness. In his oral evidence to this Inquiry, Danny Craig agreed that both statements were signed by him, and that both gave his then address.³ Although

he repeatedly told us that he had no memory of making either of these statements,⁴ in our view he did. His written and oral evidence to this Inquiry in many respects differs from that which he gave in 1972.

¹ AC111.7

⁴ Day 135/80-83; Day 135/89-90; Day 135/100-101;
Day 135/105; Day 135/124-128; Day 135/133-134

² AC111.11

³ Day 135/79; Day 135/83

111.77 Danny Craig told us that he had been next to Michael Kelly when the latter fell at the rubble barricade.¹ He stated that he then ran into Glenfada Park North and took cover at a fence with about ten or 12 other people.² In his written statement to this Inquiry he gave the following account of what he saw from this position:³

“When I was by the fence in Glenfada Park North with the other people I saw this young kid of about 10. He was carrying a tray made of a biscuit tin lid which looked to be full of petrol or nail bombs, although it may not have been as I have never seen a nail bomb and so do not actually know what one looks like. They looked like fireworks. He was crying his eyes out and he said to me ‘Mister, what do I do with these?’ The big guys were coming across Glenfada Park and I knew that if we had been caught with those bombs we would have been shot dead. I was crying at this stage and I kicked the tray out of his hands and away from us and said ‘Get your arse out of here!’ Whatever was on that tray never got used that day.”

¹ AC111.2

³ AC111.3

² AC111.3

111.78 Danny Craig had given no such account in 1972. On the contrary, in his undated statement, he had recorded that “*At no time did I see anyone of the civilians with either a gun, a nailbomb or a petrol bomb*”.¹

¹ AC111.9

111.79 In his oral evidence to this Inquiry, Danny Craig expressed uncertainty as to where he was when this incident occurred. Eventually he told us that he thought that it was “*more likely*” that he was in Abbey Park than in Glenfada Park North.¹ Danny Craig said that the youth carrying the tray told him that the objects on it were nail bombs; and told us that there were about “*six or ten*” objects on the tray.² His oral evidence was to the effect that he did not actually see soldiers coming into Glenfada Park North or Abbey Park when he saw the boy with the tray of bombs, but that he expected them to do so from what people were saying and shouting.³

¹ Day 135/63-75; Day 135/115; Day 135/139;
Day 135/151-152

² Day 135/112-113; Day 135/111

³ Day 135/75-76; Day 135/114-115

- 111.80** Looked at on its own, we would find it difficult to accept the account given by Danny Craig of encountering a very young boy with a tray of bombs, who was weeping and asking what he should do with them; and then kicking the tray out of the boy's hands, on the face of it a very dangerous thing to do with a tray he had been told was holding bombs. The account given by Danny Craig can only be described as extraordinary.
- 111.81** However, it was submitted by the representatives of some of the soldiers that despite the difficulties with Danny Craig's evidence, there were similarities with the evidence of Charles McGill, to whom we now turn.¹

¹ FS8.1232

Charles McGill

- 111.82** Charles McGill made a NICRA statement, dated 3rd February 1972.¹ He also made an initial written statement for this Inquiry, which he signed on 16th June 1999.² During the course of the interview with the solicitors acting for the Inquiry (Eversheds) that led to the production of this statement, Charles McGill gave additional information on an "off the record" basis. Eversheds produced a separate note that recorded this material,³ and Charles McGill later agreed, in a supplementary statement dated 29th January 2001, that this could be made public.⁴ The parts of the note made by Eversheds that are relevant to this part of the report were as follows:⁵

"Information given by Witness, on condition that it was NOT used in Statement:

Mr McGill said he did not see any firearms on civilians that day but after the shooting had finished he saw a man with a rifle in Glenfada Park. He was wearing a long khaki/ brown coat and had a rifle underneath his coat, which you could see. It was a swallow tail coat. Mr McGill spoke to him that day. The man asked him where he could get a firing point and Mr McGill told him to fuck off. After that the man disappeared. Mr McGill thinks that perhaps he came from one of the flats in Glenfada Park and that he was a member of the Official IRA.

Mr McGill also mentioned nail bombs. He said that he saw these long after the shooting was over. He saw three people, young men with long hair, who were panicking wanting to get rid of nail bombs. They had a tray with about 10 nail bombs in, which looked like grenades, shiny and well made. He saw them at about the same time and in the same area as the man with the rifle. He thinks that these men were Official IRA (Stickies)

...

MR MCGILL STRESSED THAT HE DOES NOT WANT THIS MENTIONED IN HIS STATEMENT – he says that he has to live around here and he only gave us the information after we assured him that his statement would only be signed when he had amended it as he wished and was happy with it. Although he allows me to write this information down, he stressed that it was not to go in his statement.

He was legally represented at the time by Nicola Hart of M&F who assured him that the only information that would go in his statement was what he wanted to go in it.”

¹ AM230.8

⁴ AM230.9

² AM230.1-7

⁵ AM230.11

³ AM230.11

111.83 In his supplementary statement of 22nd January 2001, Charles McGill commented on the matters recorded in this note.¹

“5. The Eversheds note is broadly accurate but I have the following comments to make in relation to it.

6. I believed that the man who had the rifle was a member of the Official IRA because I knew that the Provisional IRA had said that they would be nowhere near the march. I was not personally told this but it was well publicised and common knowledge in the community in which I was living. On the basis of that information I assumed that the man was an Official. It was this knowledge that also leads me to assume that the three young men with the nail bombs were also Official IRA. However, I did not recognise any of them.

7. The note says that I saw the gunman in Glenfada Park. I now do not think that is correct. I now believe that I was in the Abbey Park area. At the time I was not familiar with the area even though I came from Derry. Indeed, I still am not familiar with the flats in the Bogside area. It was difficult to know one block of flats from another block. I had left the area of Mrs Shiels house at Columbcille Court. I had not been inside the house. I walked along either Abbey Street or one of the lanes away from the direction of Williams Street, as I knew that there were soldiers in that area.

8. I was going roughly south and I was going along between the grassy area at the front of Abbey Park and the western side of Glenfada Park North. I arrived in the area where Gerry McKinney was on the ground after having been shot. He was at point 12 on the map that is exhibited to my statement dated 16 June 1999.² He was still on the ground when I arrived. I was at about that place when I saw the man with the rifle.

9. The shooting had ended and there were a lot of people milling about. They were more anxious about getting out of the area than in being shot. My main fear was in being lifted by the soldiers. I do not know where the rifleman came from. There were, as I say, many people milling about and he suddenly appeared. He was asking three or four people about where he could get a firing position. I was one of those people and I did tell him to fuck off. When I saw him he was to my right and ahead of me, to the north.

10. It was about the time that I saw the rifleman that I saw the young men with the nail bombs. They were also to the right of me. I do not think that they were together with the man with the rifle.

...

12. The reason why I did not want this information to be put in my Eversheds statement is explained in the Eversheds note. However, I also did not want people to use as an excuse to detract from the enormity of what I had seen that day – innocent people being shot down. I saw a lot of things from the time the shooting started but I did not hear any nail bombs that day or see any civilians fire any weapon.

13. When I made my statement to the Civil Rights people I do not believe that I would have told them of these events that I had seen after the shootings. My reasons for doing so are the same as those set out at paragraph 12 above.”

¹ [AM230.9-10](#)

² Point 12 is approximately the position of the shallow steps that lay between the buildings of the western block of Glenfada Park North and Abbey Park.

111.84 In his oral evidence to this Inquiry, Charles McGill said that he could not be sure that he saw the man with the rifle and the youths with nail bombs at “*actually the same time*”, but they were in the same area.¹

¹ [Day 69/116](#)

111.85 We are sure that Charles McGill saw a man with a rifle and three young men with nail bombs, since it is difficult to conceive of a reason why he should invent such an account when interviewed for this Inquiry, but simultaneously ask for it to be treated in confidence. Further, we have no doubt that the note made by Eversheds of his “off the record” evidence on this point was an accurate record of what he said at that time. However, it is less clear where and when he saw these armed men, and we discuss the evidence that he gave to this Inquiry on these points in the paragraphs that follow.

111.86 As Counsel to the Inquiry pointed out,¹ on these matters Charles McGill gave (or was recorded as having given), and then retracted, the following evidence:

- a) that he saw the man with the rifle in Glenfada Park and the youths with nail bombs in the “*same area*”: evidence given “off the record” during the statement-taking process with Eversheds;² evidence retracted, in the sense that he located both incidents in Abbey Park, in his supplementary statement and oral evidence;³
- b) that the gunman might have come from one of the flats in Glenfada Park: evidence given “off the record” during the statement-taking process with Eversheds;⁴ evidence retracted during his oral evidence;⁵
- c) that he moved through Glenfada Park himself: evidence given in original Eversheds statement;⁶ evidence retracted during his oral evidence;⁷
- d) that he saw a group of girls crossing Glenfada Park as he looked at events at the rubble barricade: evidence given in original Eversheds statement;⁸ evidence retracted during his oral evidence;⁹ and
- e) that he saw four bodies “*lying in the square*”, by which he meant Glenfada Park: evidence given in original Eversheds statement,¹⁰ and expanded upon in his oral evidence;¹¹ evidence retracted during his oral evidence, where he said that he was only told about these bodies and did not see them.¹²

¹ CS6.977

² AM230.11

³ AM230.9-10; Day 69/112; Day 69/116; Day 69/172-173

⁴ AM230.11

⁵ Day 69/114

⁶ AM230.4

⁷ Day 69/101-103; Day 69/156

⁸ AM230.5

⁹ Day 69/104-105

¹⁰ AM230.5

¹¹ Day 69/145

¹² Day 69/145

111.87 As Counsel to the Inquiry also pointed out, Charles McGill offered various explanations as to how these changes to his evidence came about:¹

- a) that he was not very familiar with the area, even though he lived in the city;²
- b) that the solicitor taking the statement had had difficulties in understanding what he was saying;³
- c) that at the time he did not read through his first statement after he had given it, as he thought that this Inquiry would be a “*whitewash*”;⁴

- d) that he did not read the statement as “*I just did not think about it*”;⁵
- e) that his evidence was “*misinterpreted*”, as he “*did not know one park from the other*”, and thought of Glenfada Park “*as an area, not one block of flats*”;⁶ and
- f) that in relation to the four bodies in Glenfada Park, the difference between his oral and written evidence was because the latter was “*taken out of context*”.⁷

¹ CS6.978

⁵ Day 69/171

² Day 69/99; AM230.9

⁶ Day 69/170

³ Day 69/112

⁷ Day 69/145-146

⁴ Day 69/146-147

111.88 Dealing first with the question of where Charles McGill saw these individuals, he initially told Eversheds that the incident took place in Glenfada Park North, whereas in his supplementary statement and in his oral evidence Charles McGill told us that he believed that the incident had taken place in Abbey Park.¹

¹ AM230.9; Day 69/112; Day 69/116; Day 69/172-173

111.89 The representatives of the majority of represented soldiers submitted that “*The Tribunal will no doubt consider whether Mr McGill had some reason to wish to relocate his evidence in this manner*”¹ and that “*The Tribunal may well consider whether Mr McGill is in some way motivated to distance the gunman he saw from the Glenfada Park area*”.² As we understand the submission, it is that Charles McGill wanted to distance what he saw from the events of Glenfada Park North and the casualties sustained there.

¹ FS7.2140

² FS7.2142

111.90 In his oral evidence to this Inquiry, Charles McGill was asked whether he was “*trying to remove all these incidents from Glenfada Park, for some reason*”. His answer was “*No, no, no reason whatsoever*”.¹

¹ Day 69/173

111.91 For the reasons that follow, we are of the view that Charles McGill probably saw the man with a rifle and the youths with nail bombs in Abbey Park, not Glenfada Park North.

111.92 In his first written statement to this Inquiry he told us that:¹

“At about 4.15 pm, as I was running or crawling in the Glenfada Park area, I remember seeing Gerry McKinney’s body lying on a ridge on a couple of steps. I would say he was positioned in the area marked at point 12 on the map (grid reference G13/G14). I recall that from where Gerry was lying, I could see William Street through the alleyway to the western side of Columbcille Court. There was a first aid person pumping Gerry’s chest. I did not see any blood. It looked as though they thought he had had a heart attack.”

¹ [AM230.4](#)

111.93 Point 12 on the map¹ marks the position where we are sure Gerard McKinney fell, which was, as we have already described,² on the northernmost set of steps leading to Abbey Park from Glenfada Park. Charles McGill, in this part of his first written account, used the expression “*the Glenfada Park area*” while describing something he saw in Abbey Park, which to our minds is an indication that he was not clearly differentiating between the two when he made his first statement. In his supplementary statement he told us that he was about where Gerard McKinney was when he saw the man with the rifle, and that about the same time he saw the youths with nail bombs.³

¹ [AM230.7](#)

³ [AM230.9-10](#)

² [Chapter 107](#)

111.94 Eversheds first interviewed Charles McGill in October 1998, at an early stage of this Inquiry. As we have noted above, he signed his first written statement on 16th June 1999, and his supplementary statement on 22nd January 2001, two days before he gave oral evidence. We do not find it surprising that on reflection he, like many other witnesses, should seek to correct or clarify what he had previously said about events that had taken place so long ago, especially considering his uncertainty about the geography of the Bogside. This to our minds is a much more likely reason for the changes to his evidence about where he saw the man with a rifle and the youths with nail bombs than the motive suggested by the soldiers, because the suggested motive does not explain why Charles McGill would want to distance what he saw from Glenfada Park to Abbey Park, where of course there were also casualties.

111.95 We now turn to the question of when Charles McGill saw the man with a rifle and the youths with nail bombs.

- 111.96** In our view Charles McGill saw these individuals at a relatively late stage, after the shooting in Glenfada Park North and Abbey Park. He told us, and we accept, that before seeing the armed men he saw Gerard McKinney lying on the steps in Abbey Park, being tended by a first aid person.¹ As we describe elsewhere in this report,² a first aid person did seek to help Gerard McKinney, in the mistaken belief that he had suffered a heart attack.
- ¹ [AM230.4; AM230.9; Day 69/113](#) ² [Chapter 108](#)
- 111.97** Charles McGill made no mention in any of his accounts of seeing Gerald Donaghey, who was shot at the same time as Gerard McKinney and fell close to him. As we also describe elsewhere in this report,¹ soon after Gerard McKinney and Gerald Donaghey had fallen, the latter was picked up and carried into a nearby house. It follows, in our view, that Charles McGill must have arrived on the scene after this had happened, for otherwise he would have seen that there were two casualties on or near the steps, something that he would be unlikely to forget.
- ¹ [Chapters 107 and 129](#)
- 111.98** We have concluded earlier in this report¹ that Gerard McKinney and Gerald Donaghey were shot in Abbey Park by Private G, after he and his colleagues had fired in Glenfada Park North, injuring or killing all of the casualties who were hit there. It follows that, in our view, Charles McGill did not see the man with the rifle, or the youths with nail bombs, until after the Sector 4 casualties had been shot.
- ¹ [Chapter 112](#)
- 111.99** Charles McGill made no mention of seeing Jim Wray, William McKinney and Joe Mahon being carried from where they had fallen in Glenfada Park North into Abbey Park. As we describe elsewhere in this report,¹ this happened after Gerard McKinney and Gerald Donaghey had been shot. Again, in our view, Charles McGill would probably have mentioned the casualties being carried into Abbey Park had he been there at the time, which may be an indication that he only arrived in Abbey Park after these casualties had been carried into Abbey Park.
- ¹ [Chapter 108](#)
- 111.100** There is, however, an aspect of Charles McGill's evidence that suggests that he saw the man with the rifle and the youths with nail bombs before the casualties had been moved from Glenfada Park North. As is noted above, in his first written statement Charles McGill described seeing "*four or five bodies lying in the square*";¹ he subsequently told us that "*the square*" was a reference to Glenfada Park North.² The sequence of events as

described in his first written statement to this Inquiry indicates that this would have been after he had seen the armed men, something that would be inconsistent with the Glenfada Park North casualties having been moved from there. In his oral evidence, Charles McGill stated that his written statement was “*totally untrue*” on this point, as he was only told about these bodies and did not actually see them.³

¹ AM230.5

³ Day 69/145

² Day 69/145

111.101 According to his first written statement to this Inquiry, Charles McGill saw the bodies lying in the square after he had seen bodies on the rubble barricade and after he had looked at the body of Bernard McGuigan, who had been shot in Sector 5 in circumstances we discuss elsewhere in this report.¹ In the light of these circumstances, we are of the view that by this stage it is more likely than not that the casualties had been moved from Glenfada Park North. Accordingly we consider it probable that Charles McGill was right when he told us that he was told about, rather than saw, casualties in Glenfada Park North.

¹ Chapter 118

111.102 It has also been suggested that Charles McGill’s evidence of the firing that he heard on Bloody Sunday indicates that he saw the rifleman and the youths with nail bombs at a time when soldiers were still engaged in the Glenfada Park area. He originally told Eversheds (the solicitors acting for this Inquiry) that he saw the nail bombs “*long after the shooting was over*”.¹ In his supplementary statement he told us that when he saw the man with the rifle “*the shooting had ended and there were a lot of people milling about*”.² In his oral evidence to this Inquiry he reiterated that the “*shooting was all over*” by the time he saw the armed men.³ A little later in his evidence Charles McGill gave the following evidence in response to the question of counsel for the majority of represented soldiers:⁴

“Q. Of course at the time you left Abbey Park, the shooting was going on, was it not, and it continued to go on when you were near to the rubble barricade; that is what you have told us?

A. Yeah, yeah.

Q. Was what you were telling us the truth?

A. Yeah, it is the truth as far as I can recall.

Q. If it is true that you saw a gunman in or near Abbey Park, that would be at a time when the shooting was still going on, would it not?

A. To be totally honest with you, there was no shooting at that time, that is what I recall.

Q. Then the shooting must have resumed, because you have told us it had resumed when you were away from Abbey Park, to which you did not return?

A. I told at the start I could not get any sequence other than what, what I seen that day, but there was no shooting from the gunman.”

¹ AM230.11

³ Day 69/112-113; Day 69/115

² AM230.9

⁴ Day 69/155

111.103 Charles McGill’s evidence was that after he saw the youths with nail bombs he “*tried to get away as fast as I could from that area*”.¹ He subsequently moved to the northern end of the eastern block of Glenfada Park South, from where he could see the rubble barricade on Rossville Street.² Contrary to counsel’s suggestion, Charles McGill had not said that there had been shooting going on or continuing as he left Abbey Park. It is the case, however, that in his original statement to this Inquiry Charles McGill recorded that as he looked at the rubble barricade, “*the firing was continuing, although I could not see any soldiers*”.³ Although at one stage during his oral evidence he appeared to doubt this recollection of gunfire,⁴ later he told us that he did hear shooting when he was in this position, though it was not as heavy as that which he had heard earlier in the day.⁵

¹ Day 69/116

⁴ Day 69/104

² AM230.4; AM230.7; Day 69/101-102

⁵ Day 68/128-129

³ AM230.5

111.104 It was submitted to us by the representatives of the majority of represented soldiers that Charles McGill’s evidence that “*there was still shooting from the Army when he reached the rubble barricade*”¹ indicated that when he saw the man with a rifle in Glenfada Park or Abbey Park, “*shooting was still occurring*” and “*soldiers were still engaged in the area*”.²

¹ FS7.2140

² FS7.2140-2142

111.105 We do not accept this submission. It assumes that because Charles McGill heard shots when he was near the rubble barricade, there must also have been shooting when he was in Abbey Park. As appears from our consideration of the later events of Sector 3,¹ after the last of the casualties of Bloody Sunday was shot in Sector 5, there was a pause of some minutes before there was renewed shooting by the soldiers, this time aimed

towards a window in Block 1 of the Rossville Flats. It follows that Charles McGill might have seen the gunman and moved from Abbey Park towards Rossville Street during the lull in firing, before hearing the later shots that were fired towards the flats once he had arrived by the rubble barricade.

¹ [Chapters 123 and 124](#)

111.106 Further, Charles McGill told us that while he was in the region of the rubble barricade he did not see any civilians at the southern end of the eastern block of Glenfada Park North.¹ As we discuss elsewhere in this report,² a group of civilians remained in this area until they were arrested and escorted away by members of Anti-Tank Platoon. This was after all of the Glenfada Park North and Abbey Park casualties had been shot. The absence of this group at the time when Charles McGill was in the area of the rubble barricade supports the proposition that he did not get there until relatively late in the day.

¹ [Day 69/104; Day 69/107](#)

² [Chapter 113](#)

111.107 Our assessment of Charles McGill's evidence, in the light of the other evidence to which we have referred, leads us to conclude that it is probable that he saw the man with the rifle and the youths with nail bombs after the casualties had been moved from Glenfada Park North and during the period between the end of the firing in Sectors 4 and 5 and the later firing by soldiers at Block 1 of the Rossville Flats.

111.108 The representatives of other soldiers made a separate submission on the timing of Charles McGill's accounts. They argued that Charles McGill's evidence that he saw the youths with nail bombs at a late stage was "*highly questionable*", especially because "*there was no reason for these young people to be panicking [as Charles McGill had suggested that they were] if this event occurred 'long after' the shooting had ended*".¹

¹ [FS8.1230-1231](#)

111.109 In our view this submission is advanced with the benefit of hindsight. If, as is our view, Charles McGill saw the youths with nail bombs at a stage after the main shooting had taken place, this would still have been in the aftermath of a period in which scores of live rounds had been fired and soldiers had unexpectedly advanced into the Bogside as far as Glenfada Park North, and, in the case of Private G, Abbey Park. At that stage, the civilians in these areas could not have known whether or not the soldiers had permanently withdrawn or whether they were likely to return. This was a point that Charles McGill himself made in the course of his oral evidence:¹

“Q. You are recorded there as saying that ‘the youngsters were panicking, wanting to get rid of them’?”

A. That is the opinion I got.

Q. That is what it appeared to be?

A. Yeah.

Q. The soldiers had all gone by then, had they not?

A. I never seen any soldiers there.

Q. There were not any soldiers about at that stage?

A. No, I never seen any soldiers.

Q. Was it apparent to you what they were panicking about?

A. It is okay talking now, you asked me a question now that people did not know when the army was going to come in, nobody was to say that the army was going to come in to lift people and arrest people.

Q. That is what you assume that they were panicking about?

A. Yeah.”

¹ Day 69/157-158

111.110 It was also the case that soldiers remained on the City Walls and other high points surrounding the Bogside, and that those carrying the nail bombs would have been at risk not only of arrest, but also of being shot.

111.111 In any event, of course, by the time we believe that Charles McGill saw the rifleman and the youths with nail bombs, there had been substantial shooting by soldiers, and people had been killed and wounded by Army gunfire. Many people have told us that they were at this stage in a state of fear, shock or panic and in our view those carrying the nail bombs are likely to have been similarly affected.

111.112 The representatives of the majority of represented soldiers also submitted that Charles McGill’s attitude to this Inquiry detracted from the reliability of his evidence.¹ As we have noted above, he told us that at the time that he gave his first statement he thought that the Inquiry would be a “*whitewash*”, and during his oral evidence he reiterated that belief.²

¹ FS7.2144

² Day 69/145-147

111.113 We do not accept this submission. It seems to us that whatever Charles McGill may have thought about the present Inquiry, it does not follow that he gave us evidence, especially in his supplementary statement and his oral evidence, upon which we should not rely. At the end of his oral evidence Charles McGill agreed that he had given Eversheds the information they recorded because he thought that the Tribunal should have a full account of that which he was able to say of the events of the day.¹ We can think of no other reason for Charles McGill to have mentioned the man with the rifle and the youths with nail bombs when he could simply have concealed his evidence on these points. We would also draw attention to the fact that when counsel for the majority of represented soldiers asked Charles McGill whether at the time he made his statement he was not taking the Inquiry seriously, the answer was “*I was taking it serious because I feel sorry for the people who were shot and the innocent people who were killed*”.²

¹ [Day 69/175](#)

² [Day 69/146](#)

111.114 Charles McGill told us that he thought that the rifleman and the youths with nail bombs were members of the Official IRA, but this was solely because he understood that the Provisional IRA “*would be nowhere near the march*”.¹ He also said that he did not recognise any of them.² In our view Charles McGill’s assumption that these men were members of the Official IRA does not amount to useful evidence identifying the organisation to which they belonged or may have belonged. We do not know who they were, though we do consider that they are likely to have been at least connected to the Official or the Provisional IRA, since we have found no evidence from any source to suggest that there were independent armed freelance republican paramilitaries in the city on Bloody Sunday.

¹ [AM230.11](#); [AM230.9](#); [Day 69/115](#); [Day 69/117](#)

² [AM230.9](#)

111.115 During the course of his oral evidence, Charles McGill agreed that the tray on which he had seen nail bombs was similar to a biscuit tin lid.¹ As we have described above, Danny Craig told us that he had kicked a biscuit tin lid which was being used to carry nail bombs out of the hands of a boy in the Abbey Park or Glenfada Park area. We consider that Danny Craig probably saw the same nail bombs as Charles McGill, notwithstanding that the description the former gave of the incident he told us he had witnessed differs in material respects from what in our view was a far more credible account given by Charles McGill.

¹ [Day 69/159-160](#)

111.116 Charles McGill told us that at some point during the day he was joined by his friend John Deeney. However, we have not found a comparative analysis of the evidence given by the two men to be of any assistance in the matter under consideration.¹

¹ [AD28.1-4](#); [AM230.5](#); [Day 69/105](#); [Day 69/129-130](#)

111.117 In the circumstances discussed above, while Charles McGill's evidence does show that there were paramilitaries in the area after the shooting by soldiers in Glenfada Park North, in our view it does not in itself lend any support to what the soldiers said they encountered when they got into Glenfada Park North or the reasons they gave for opening fire. There is nothing that suggests to us that soldiers saw youths with a tray of bombs when they came into Glenfada Park North; and in view of what Charles McGill heard the rifleman say, it is unlikely that he had been in Glenfada Park North while the soldiers were there. What such evidence does do is to indicate that there were armed paramilitaries in the area, albeit late in the day; and that no-one has come forward to explain who they were, where they had come from and what they had been doing. Charles McGill told us that many people were milling around when the man with a rifle appeared and that "*he was asking three or four people*", including himself, about where he could get a firing position,¹ which is another indication that there may have been reluctance among some people to come forward to this Inquiry to tell us of paramilitary activity.

¹ [AM230.10](#)

Benn Keaveney

111.118 Benn Keaveney told this Inquiry that while he was in the Abbey Park area in the aftermath of the shooting incidents, he saw two youths carrying a large box that contained between two and four nail bombs. The youths were 19 or 20 years old, and were wearing bulky jackets that he thought may have contained other nail bombs.¹

¹ [AK2.12](#)

111.119 In the course of his oral evidence, Benn Keaveney said that he recognised one of the youths, although he did not know his name. He had seen him at previous riots, and believed that the youth had associated with people who were armed with weapons or nail bombs on such occasions.¹ He also stated that he was sure that the youths carried the nail bombs in a box rather than on a tray, as he had seen them carrying the box at an angle, with the nail bombs in one corner.²

¹ [Day 160/46-47](#)

² [Day 160/108-109](#)

111.120 Benn Keaveney also told us that the youths appeared to have just arrived in the area and did not seem to know what had happened. They were out of breath and had been running. They approached him and asked him where “*the Brits*” were. An old man also approached, and told the youths not to do anything as the soldiers had moved back and they (the Army) would use the presence of nail bombs to justify their actions.¹ Benn Keaveney commented that the youths “*appeared to be resigned*” and moved back towards the Old Bog Road (Fahan Street West), which lay to the south of Abbey Park.²

¹ AK2.12; Day 160/49-50

² AK2.12

111.121 Benn Keaveney’s evidence was that this incident occurred after he had assisted in tending a casualty who lay at the shallow steps in Abbey Park, after he had helped carry at least one body into a house in Abbey Park and a long time after the Army had withdrawn. Benn Keaveney also told us that he had escorted a distressed old man into Glenfada Park South before he returned to Abbey Park and saw the youths carrying the nail bombs.¹

¹ AK2.10-12; Day 160/50-51

111.122 According to his evidence to this Inquiry, about five minutes after this incident Benn Keaveney saw a dark-haired man in his twenties or thirties, whom he believed was in the Provisional IRA, somewhere in the area of Lisfannon Park (the housing complex to the south of Fahan Street West). Benn Keaveney recalled that the man was wearing a long coat, “*inside which I could make out the obvious shape of a rifle*”. He did not know from where the man had come, but he saw him talking to the youths referred to above, who were still carrying the box containing nail bombs.¹ Benn Keaveney told us that he thought that the man was a member of the Provisional IRA, as he had seen him at previous riots. He had heard the man referred to as a “*Provo*” and had seen him exercise some authority on previous occasions, but he said that he did not know his name or nickname.²

¹ AK2.12; Day 160/51-54

² Day 160/53-54

111.123 Benn Keaveney told us that he heard the man tell the youths to “*get back up*”, which he interpreted as meaning that they should go back to the Creggan. Benn Keaveney also saw other people in the area telling the man about who had been shot. He said that the man did not do anything with his rifle while he was watching and that the man and the two youths with nail bombs moved further into Lisfannon Park, at which stage he lost sight of them.¹

¹ AK2.12; Day 160/54

- 111.124** In May 1998, before making his formal written statement for this Inquiry, Benn Keaveney prepared his own written account for us,¹ the relevant parts of which we set out below. This was broadly consistent with his later written statement and his oral evidence, although in this account Benn Keaveney recalled that the youths had nail bombs in their hands as well as in a box:

“Two young men appeared running which was strange because everyone else was still and quiet and shocked. They are out of breath and one was upset but also angry. They had a number of nail bombs in their hands and some in a box. An older man stopped them going forward and told them not to throw the bombs and that the army had withdrawn. He then told them that ‘they’ the army will just use it as an excuse to say that is why they fired. They stood still holding the bombs and I told them that the army has moved back and that there is no point. The two men agreed and walked away further into the Bogside. I am very very clear that the shooting was over and no more shots were ever fired. When I saw the men with the nail bombs: I had already helped carry people into houses and helped the old man and seen the army move back off Kells walk. Only then did I see the bombs carried by these two men who did not pass them to anyone else, light the fuses or throw them. A few minutes later I saw them again but much further back across Bogside road and they were talking to a man who had a rifle under his coat. Seeing him a number of men crossed over to this group and I went as well and they repeated that the army was gone and to shoot now would put at risk the injured and the dying. The man with the rifle nodded his head and ordered the other two to leave with him. There was no anger between these three men and the others. The general feeling then was not revenge but to help the wounded and the hundreds of distressed people milling around. Also the fact that there were some people dead was already starting to make some of the crowds start to pray.”

¹ [AK2.21-22](#)

- 111.125** In our view Benn Keaveney did see two youths with nail bombs in the area of Abbey Park, and later the same youths with a rifleman somewhere in Lisfannon Park. We also consider that he saw these individuals some time after the Army firing had finished. We do not know the identity of any of them, and though on the basis of Benn Keaveney’s evidence it could be suggested that they, or one or more of them, were members of the Provisional IRA, we remain in doubt as to whether this was the case.

- 111.126** We also remain in doubt as to whether those seen by Benn Keaveney were the same as those seen by Charles McGill. Benn Keaveney's evidence that the bombs were being carried in a box, not on a tray, could be an indication that they were not the same people, but the possibility exists that at some stage after Charles McGill's sighting, the bombs were transferred from a tray to a box.
- 111.127** As with Charles McGill, while Benn Keaveney's evidence does show that there were paramilitaries in the area after the shooting by soldiers in Glenfada Park North, in our view it does not in itself lend any support to what the soldiers said they encountered when they got into Glenfada Park North or the reasons they gave for opening fire; or provide any other explanation for why they opened fire, since there is nothing that suggests to us that the youths with nail bombs or the man with a rifle were or were likely to have been in Glenfada Park North at any relevant time. What such evidence again does do is to indicate that there were armed paramilitaries in the area, albeit late in the day; and that no-one has come forward to explain who they were, where they had come from and what they had been doing.
- 111.128** We do not know whether the gunman seen by Benn Keaveney was the same individual seen by Charles McGill.

Noel McCartney

- 111.129** Noel McCartney, a reporter for the *Derry Journal* at the time of Bloody Sunday, gave a written statement for the Widgery Inquiry,¹ but did not give oral evidence to that Inquiry. He did, however, give both written and oral evidence to the present Inquiry. We have already referred to his evidence in detail elsewhere in this report² when considering the submission that there was an additional unidentified casualty in Sector 3.

¹ M55.8-9

² Chapter 87

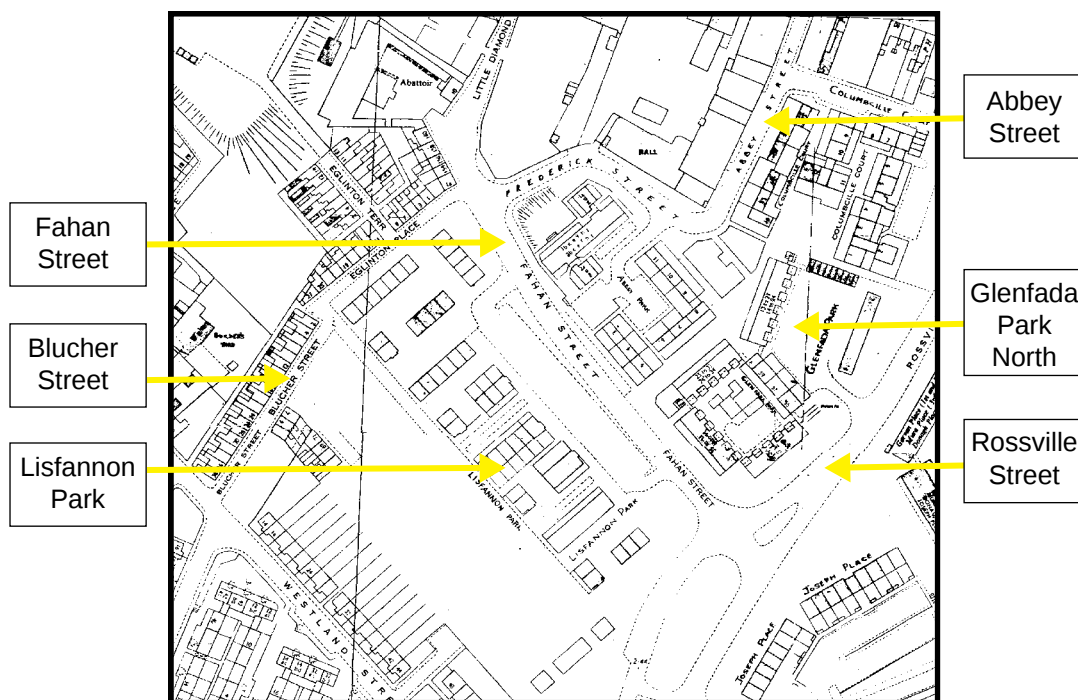
- 111.130** In his written statement for the Widgery Inquiry, Noel McCartney stated that he was at the entrance to the Glenfada Park North car park when a youth (clearly from his description Michael Kelly) was shot at the rubble barricade. He saw this casualty brought to a position close to him, and then left the area to look for someone with first aid training.¹ He recorded that:²

“I went through Glenfada Park to Fahan Street looking for a first aid man. I then saw a civilian with a rifle who appeared at the opening to Rossville Street, who crossed inside Glenfada Park in the direction of Abbey Street. I found a first aid post at Blucher Street but they were assisting a 15 year old youth shot in the cheek. I heard more shooting and went to Lisfannon Park.”

¹ M55.8-M55.9

² M55.9

111.131 We set out below a map showing the places mentioned in Noel McCartney's written statement for the Widgery Inquiry.



111.132 The youth whom Noel McCartney saw being treated in Blucher Street was in our view Michael Quinn; as we discuss elsewhere in this report,¹ Michael Quinn was shot in the face in Glenfada Park North, and was subsequently taken to Blucher Street. Noel McCartney gave no evidence, either to the Widgery Inquiry or to us, of seeing any of the shooting incidents that occurred inside Glenfada Park North.

¹ Paragraphs 104.139–164

111.133 Noel McCartney's written statement for the Widgery Inquiry does not provide sufficient detail to allow us to ascertain precisely when or where, on his account, he saw a civilian with a rifle. On timing, it is only possible to establish from the statement that the purported sighting was made after Noel McCartney left the entrance to the Glenfada Park North car

park and before he found the first aid post at Blucher Street. On location, Noel McCartney recorded that the man “*appeared at the opening to Rossville Street [and] crossed inside Glenfada Park in the direction of Abbey Street*” (emphasis added).

- 111.134** In respect of the latter point, it was submitted on behalf of the representatives of the majority of represented soldiers that earlier in his statement for the Widgery Inquiry, Noel McCartney had used the expression “*the opening*” to describe the entrance from Rossville Street into Glenfada Park North, which was close to the rubble barricade.¹ This is so. These representatives also submitted that the only “*opening*”, as opposed to “*alleyway*”, onto Rossville Street from either Glenfada Park North or Glenfada Park South was this entrance, but this point only has substance if each of the other entrances into Glenfada Park South from Rossville Street would not be described by anyone (including Noel McCartney) as an opening.

¹ FS7.2145

- 111.135** On the basis of this submission, it could be suggested that Noel McCartney saw a rifleman at the entrance to the Glenfada Park North car park. However, looking at the material part of the statement as a whole, it is our view that Noel McCartney was saying that it was not until after he had left Glenfada Park North and the area of the rubble barricade, and had got as far as Fahan Street, that he saw the rifleman. Noel McCartney was asked about this point during his oral evidence to this Inquiry:¹

“Q. I am asking you what you would have meant by the expression that was used in 1972:

‘I saw a civilian with a rifle who appeared at the opening to Rossville Street who crossed inside Glenfada Park to the direction of Abbey Street.’

A. I am not sure, but I do not think it was that location, that is very close to the barricade. I think it was some distance from the barricade, from vague memory, that I saw this person.

LORD SAVILLE: Mr Clarke, if you look at 55.9, on the account given then, paragraph 7, the third sentence says:

‘I then saw a civilian’ and the previous sentence says:

‘I went through Glenfada Park to Fahan Street looking for a first aid man.’

I read that and whether or not Mr McCartney now can help us with his recollection is that it was only when you had in effect got to or virtually to Fahan Street that you saw this civilian; that would be further south than the arrow on the map Mr Clarke has just shown you?

A. Yes, that would be my memory.”

¹ [Day 157/116](#)

- 111.136** It was pointed out by the representatives of the majority of represented soldiers that it is difficult to see how Noel McCartney, if he had got to Fahan Street, could have seen the man cross Glenfada Park South.¹ However, Noel McCartney’s statement could be interpreted as meaning that he saw the man entering Glenfada Park, moving east to west, and did not actually see him crossing inside Glenfada Park.

¹ [FS7.2146](#)

- 111.137** Turning to his evidence to this Inquiry on this point, Noel McCartney told us that his memory of Bloody Sunday was “*quite hazy*” other than of what he had witnessed at the rubble barricade.¹

¹ [M55.2](#)

- 111.138** He told us that he recalled moving off towards Blucher Street in order to find medical assistance. He did not know which route he took, but had a “*vague memory*” that he went through Glenfada Park South.¹ While on his way to Blucher Street, he recalled seeing a civilian with a three-quarter-length coat holding a rifle in an upright position. He commented that the light was not good at this point, and told us that he could not describe the person with the gun other than noting that he was male.² He said he could see the whole length of the rifle, and that the man was not seeking to conceal the weapon with his coat when he saw him.³

¹ [M55.2](#); [Day 157/109](#)

³ [Day 157/115](#)

² [M55.2](#); [Day 157/94](#)

- 111.139** We are of the view that Noel McCartney did see a rifleman, and though it is difficult to be sure exactly where, we accept his evidence to this Inquiry that it was some distance from the rubble barricade and thus not in the road entrance into Glenfada Park North. To our minds it is probable that Noel McCartney made his way into Glenfada Park South and that when he got to the southern end of Glenfada Park South, or to a position south of this courtyard, he saw the rifleman moving from the entrance into Rossville Street in the south-east corner of Glenfada Park South in the direction of Abbey Street.

- 111.140 The question remains as to when Noel McCartney saw this rifleman. The representatives of the majority of represented soldiers submitted:¹

“It is clear that Mr McCartney saw this gunman in the Abbey Park/Glenfada Park area at a time when soldiers were engaged in that area of the Bogside. Mr McCartney is confident that he saw the man on his way to Blucher Street to obtain medical assistance, shortly after seeing Michael Kelly fall.² Certainly having reached Blucher Street and then travelled on to Lisfannon Park Mr McCartney says that ‘I heard more shooting’,³ again confirming the early stage at which he saw the man with a rifle. Mr McCartney was able to confirm in his BSI statement that ‘shooting was still going on’⁴ when he reached Blucher Street.”

¹ FS7.2148

³ M55.9 paragraph 7

² M55.9 paragraph 6

⁴ M55.2 paragraph 7

- 111.141 We are sure that Noel McCartney left the entrance into Glenfada Park North before the soldiers came in and started firing, for he could hardly have failed to notice this event had he still been there. We are equally sure that by the time he reached Blucher Street Michael Quinn, injured in Glenfada Park North, had been brought to the first aid post there. It seems to us for this reason that the firing he recalled after having reached Blucher Street is unlikely to have been firing within Glenfada Park North or Abbey Park. As we have noted in the course of our consideration of the events of Sector 4, the shooting in these areas lasted for only a short period, which was not long enough to have allowed Michael Quinn to have been taken to and treated in Blucher Street. Instead it is more likely to have been the late firing by soldiers at Block 1 of the Rossville Flats, which we describe when considering the later events in Sector 3.¹ As we have already noted, Noel McCartney’s 1972 account does not answer the question of when he encountered the rifleman, other than establishing that it was after he moved from the entrance to the Glenfada Park North car park and before he reached the first aid post at Blucher Street, and his evidence to us does not assist us further. It is not therefore correct to suggest, as the representatives cited above submit, that his evidence makes it clear that he saw the rifleman at the stage when soldiers were engaged in Glenfada Park North or Abbey Park. In our view it is much more likely that he saw the gunman after the casualties had been sustained in that area.

¹ Chapters 123 and 124

- 111.142** We do not know who this gunman was and have no evidence that suggests to us that he was or might have been among those people who were moving across the southern side of Glenfada Park North when the soldiers came in and opened fire. We do not know whether the rifleman seen by Noel McCartney was the same as that seen by Charles McGill or Benn Keaveney.

John Leo Clifford and Kevin Clifford

- 111.143** John Leo Clifford gave a NICRA statement¹ which is dated 4th February 1972. In this he recorded that he went to his wife's aunt's house in Glenfada Park, then went out and learned that a man and a boy had been shot in William Street, went back to the house but could not get in, so entered Mrs Dunlop's house (which was next door and on the eastern side of Glenfada Park South) at some point after the lorry leading the demonstration had reached the southern end of Rossville Street. From the house he heard shots and saw bodies near a telephone box, and people cowering against the telephone box. He also described seeing a photographer taking pictures of these casualties.

¹ [AC66.8](#)

- 111.144** From this account we have no doubt that John Leo Clifford was describing the situation at the south end of Block 1 of the Rossville Flats, after the shooting in Sector 5, which we consider in detail elsewhere in this report.¹

¹ [Chapters 115–120](#)

- 111.145** In his NICRA statement¹ John Leo Clifford recorded that after this he left the house with a nephew, but *“gunfire started again ... and the bullets passed close to us”*. He thought that they seemed to come from the direction of Columbcille Court. He subsequently went back into the house, from where he saw Fr Anthony Mulvey moving from the telephone box towards the rubble barricade. John Leo Clifford stated that *“During this action at no time did I see anyone carrying guns other than the army. I did not hear any nail bombs no [sic] see any petrol bombs.”*

¹ [AC66.8](#)

- 111.146** John Leo Clifford gave a written statement to this Inquiry¹ but through ill health was unable to give oral evidence. In his written statement John Leo Clifford told us that he was outside when the shooting commenced; whereas his NICRA statement indicates that he was in Mrs Dunlop's house in Glenfada Park South. He also told us that he went to one house in Glenfada Park South, while in his NICRA statement he described going into two houses. His written evidence to this Inquiry as to how he came to enter Mrs Dunlop's

house also differs from his NICRA statement. In addition, his evidence to this Inquiry as to how he came to enter Mrs Dunlop's house is very different from his NICRA statement. There are other differences, as can be seen from a comparison of both accounts.²

¹ AC66.1

² AC66.5-6

111.147 In his written evidence to this Inquiry, John Leo Clifford told us:¹

"I stayed in [Mrs Dunlop's] house for a further 10 minutes, although by this stage people were starting to move around the Rossville Street area. As I left [Mrs Dunlop's] house and turned northwards whilst still in the Glenfada Park South courtyard, I saw about 40 people being lined up and frisked against the southern gable wall of the eastern block of Glenfada Park North by soldiers who were carrying rifles and batons. I cannot remember what was being said at the time. As I was standing there, at approximately the point marked N on the attached map (grid reference 115) [a position close to the pram ramp on the north-east corner of Glenfada Park South]² a civilian gunman ran from the south west corner of Glenfada Park South in a north easterly direction to the north east corner of Glenfada Park South. He was carrying a 303 rifle and wearing a brown suit. He was aged about 26 to 28. He looked around the north east corner of Glenfada Park South but turned round and then ran back in a south easterly direction. I was with my nephew Kevin at the time and he thought that the gunman was a "stickie", that is a member of the official IRA."

¹ AC66.3-4

² AC66.7

111.148 There are difficulties with this account, though we are sure that John Leo Clifford was doing his best to help us. We have no doubt that, as we describe elsewhere in this report,¹ the civilians who were arrested in the mouth of the Glenfada Park North car park were removed from the area before people were shot (in Sector 5) on the south side of the Rossville Flats, and that both of these events took place well in advance of the arrival of the ambulance in Rossville Street. Further, John Leo Clifford did not mention seeing people being arrested in Glenfada Park in his NICRA statement.

¹ Chapters 113 and 119

111.149 In our view, John Leo Clifford's NICRA statement is, so far as his movements are concerned, likely to be more accurate than his recollections decades later to this Inquiry. On this basis, we are of the view that his account of seeing a rifleman must relate to the time he ventured out of the house with his nephew, before going back after hearing more firing. His 1972 account is consistent with our findings elsewhere in this report¹ that some

minutes after people had been shot in Sector 5 (and hence even longer after the shooting in Sector 4), and after photographers had taken pictures of these casualties, there was further firing by soldiers at Block 1 of the Rossville Flats. We are of the view that it was this firing that John Leo Clifford heard after he left Mrs Dunlop's house.

¹ [Chapter 123](#)

111.150 Before expressing a view on whether John Leo Clifford saw a gunman, we draw attention to the evidence of his nephew.

111.151 John Leo Clifford's nephew was Kevin Clifford, who told us that he had very little recollection of the events of Bloody Sunday.¹ However, he did remember taking cover with John Leo Clifford in a house in Glenfada Park South.² He told us:³

"My uncle also refers to seeing a civilian gunman in paragraph 26 of his statement and now that I have read it I remember seeing the guy too, but not where uncle Leo says he was. My uncle refers to a 'stickie' and that's exactly what I would have called a member of the Official IRA too. I remember seeing a guy with a gun, but I think I saw him near the Bogside Inn, south of Free Derry Corner and around the junction of Westland Street and Lecky Road. He was coming up (northwards) from between Free Derry Corner and the Bogside Inn. The man was hiding the gun on his right hand side under his coat or jacket as if he was trying to disguise it. I don't know what sort of gun it was, but it was not big enough to be a rifle. There were a lot of people about and someone said something like 'It's a stickie'. The man was walking on his own amongst all these people and only stood out because you could see the gun he was trying to hide and people were saying he was a stickie. I couldn't describe the man, he was young enough, but I had never seen him before that day and I've never seen him since. I just kept on walking. I can't remember if uncle Leo was with me at the time, but I know I was on my way home."

¹ [AC67.1](#)

³ [AC67.2-3](#)

² [AC67.1-2](#)

111.152 If this account is broadly accurate, then a gunman (identified by someone as a "stickie", ie a member of the Official IRA) was present in the approximate area of Free Derry Corner in the aftermath of the shooting incidents on Bloody Sunday. To our minds this is not inconsistent with John Leo Clifford's NICRA statement, which ends fairly abruptly after the shooting. His statement that "*During this action at no time did I see anyone carrying guns other than the army*" is not in our view necessarily inconsistent with what he told us he had seen, since the word "*action*" indicates that he was referring to the period of Army

firing, at which stage John Leo Clifford could honestly say that he had not seen any civilian gunmen. He may have seen one shortly thereafter, but decided that it was not relevant, or best ignored, in his NICRA account.

- 111.153** We are of the view that both John Leo Clifford and his nephew did see a paramilitary gunman on Bloody Sunday. The major, though not the only, difference between the accounts of John Leo Clifford and his nephew is where these witnesses say they saw a gunman. We have considered whether each saw a different gunman, the one in Glenfada Park South and the other south of Free Derry Corner. In the end, however, in view of the fact that much of John Leo Clifford's evidence to this Inquiry as to where he was differs from his NICRA statement, and our conclusion that the latter is likely to be a more accurate account than the former, we consider it more probable than not that these witnesses saw only one gunman, who was somewhere south of Free Derry Corner. The other differences in their accounts (for example whether they saw a rifle or some smaller weapon) we would attribute to the fact that both were trying to recall what they saw, decades after the event.
- 111.154** There is nothing that to our minds suggests that the gunman seen by John Leo Clifford and his nephew was or was likely to have been in Glenfada Park North when the soldiers entered that area.
- 111.155** We deal below with the submission that John Leo Clifford's evidence was related to the movements and actions of Anthony Martin and OIRA 7.

Allegations of weapons in a vehicle or vehicles in Glenfada Park North

Evidence of members of the Official IRA

- 111.156** In the course of our discussion of the events of Sector 1,¹ we referred to the notes made by John Barry of the *Sunday Times* Insight Team of an interview with OIRA 1.² In that context, we were principally concerned with the circumstances in which OIRA 1 fired a shot with a rifle from Columbcille Court at soldiers on the opposite side of William Street, a shot which hit a drainpipe on the eastern side of the Presbyterian church. As we have noted above, although OIRA 1 denied that he had given any form of formal interview to

John Barry, we concluded not only that he did so, but also that in all essential respects John Barry accurately recorded in his note what he had been told by OIRA 1 about the latter's activities on Bloody Sunday.

¹ [Chapter 19](#)

² [AOIRA1.1-2](#)

111.157 As we point out in our discussion of the events of Sector 1,¹ OIRA 1 told John Barry that on Bloody Sunday he and OIRA 2 had collected the rifle which he later fired from a car in Glenfada Park. This differed from the account that OIRA 1 gave to this Inquiry, which was that on Bloody Sunday they picked up the rifle, which had previously been hidden, from Columbcille Court. However, in both the accounts OIRA 1 stated that after firing, and after becoming involved in a confrontation with a number of people shortly afterwards, he and OIRA 2 took the rifle back to a car in Glenfada Park North.

¹ [Chapter 19](#)

111.158 We set out below the relevant parts of John Barry's note. It will be seen that this includes the passage quoted earlier in this chapter concerning the firing of a couple of shots in the car park and shots said to have been fired from Columbcille Court:¹

"Said that no approach about guns had been made to the Officials. Said that the main emphasis by the Officials that day was up in Creggan. Two sections of 16 men – both the sections being Creggan ones, I gathered – were gathered in cars at the back of the Creggan. He said they were waiting for a possible Army assault.

The Bogside section was under his charge. He had the available arms stored in the boot of a car in Glenfada. (I think he said it was a green Avenger, but my notes don't record that).

[The notes then record OIRA 1 telling John Barry about his movements on the day, his shot at the soldiers close to the Presbyterian church, and the confrontation that followed between OIRA 1 and OIRA 2 and members of the Provisional IRA. We have discussed this part of the notes in Chapter 19.]

OIRA 1 then has very hazy chronology. He went back to Glenfada, put the rifle back in the boot of the car, and waited rather at a loose end. Then he either a) saw Kelly's body, or b) saw the Saracens coming in. From other sources, the latter is the only conceivable one:

OIRA 1 was appalled. Someone shouted to him, and he went round the gable to see. Behold, the Saracens approaching. He sped back into Glenfada, and shouted to them to get the car out. He thought one of the Saracens would come into Glenfada and catch them red-handed. There were five or six Stickies around the car, and they couldn't get the thing out in time. OIRA 1 said to abandon it, and get the arms out of the boot. They did: the arms consisted of a Sten, a carbine, two 303s and a .22 automatic.

He toyed with the idea of trying to make a fight of it, but rejected the idea. 'The men werent in position'. Shouted to everyone to retreat. All did, except for one – who ran up to what OIRA 1 swears was the north-west corner of Glenfada, that is the corner towards Wm St and furthest from the flats. OIRA 1 says he got up on a balcony – on the front of C. Court, he said the bloke told him later, – and got in a couple of shots with the 22 automatic.

OIRA 1 says he knows that a man from the Creggan section of the Officials got in a couple of shots in the carpark from a .38 pistol. Those, says OIRA 1, are the only three sets of shots that the Officials got off before the troops opened up.

OIRA 1 seems to have blown his mind at this point. Because he relates in great detail how he saw Micky Kelly – a young cousin of his – fall behind the gable. Pressed, he says that what he saw was a crowd around him, a figure in a white shirt, he thinks. But he insists that he then saw, obliquely, three figures standing at the barricade and a burst of automatic – 'machine gun' – fire, at which the three fell – adding austerely: 'Whether they were hit or not I could not say'.

He says that there was then the buzz that troops were coming up to Glenfada. He ran for it across Glenfada, out to the Abbey Park entrance. He says that there were two or three people in front of him, and he is convinced he was the last person to make it. He says there were five or six behind him. Says the person first behind him was Wray, whom he claims to have known.

Says there was a burst of firing. Says as he was running across he saw a soldier at both northern entrances of Glenfada – the soldier at the R St side with a Sterling, but he doesnt remember what the other soldier was carrying. 'I put my head down and ran'.

He heard the burst of firing as he got into the Abbey Park alleyway.

He cut into number 4, Abbey Park, where there were about 15 people. Was told 'There was a wounded man here, shot. He's gone to hospital'.

He ran over to his Grandma's place, on the other side of the Bog Road. My note says that she said 'Jesus, no don't.' The next note says that there were shots fired from the walls, but not at him. I think, but its a pure guess, that she was warning him not to cross the street or something.

He met one of his fellow from Glenfada with a sporting .303 down his trouser leg. The fellow asked him 'Shall I get down there and have a dab?' nodding towards Glenfada. This conversation was taking place around Lisfannon Park. OIRA 1 said no, more people will be killed.

[The notes then record OIRA 1 telling John Barry about seeing the injured 'Big Micky' Doherty at Vinny Coyle's house, before going to his own mother's house in order to reassure her.]

Went into Cable Street. Met OIRA 3. Who said 'Where's the weapons?' OIRA 1 said they were safe in the Bog. OIRA 1 indicated that OIRA 3 wanted to have a go, or at least was surrounded by people who wanted to have a go. But he was dissuaded.

OIRA 1 then headed for the far corner of Blucher Street, to find another of his Glenfada guys still with a weapon. Asked what he should do with it, OIRA 1 replied 'Get it dumped'.

OIRA 1 says he did hear shooting at this stage from their side but he doesnt know where it came from."

¹ AOIRA1.1-2

- 111.159** According to our interpretation of this account, OIRA 1 had the available arms of the Bogside section of the Official IRA in a car, which could have been a green Avenger, in "*Glenfada*", which in our view meant Glenfada Park North. When he returned from firing the shot at soldiers at the Presbyterian church he put the rifle that he had used in the boot. Then on realising that Army vehicles were coming into the Bogside, and fearing that one might come into "*Glenfada*", he and five or six other "*Stickies*" (a nickname for members of the Official IRA) tried but failed to get the car out. Instead, they abandoned the car and took the arms out of the boot. These consisted of a Sten gun, a carbine, two .303 rifles and a .22 automatic. OIRA 1 shouted to everyone to retreat and all did save for one who got in a couple of shots with a .22 automatic from Columbcille Court. OIRA 1 himself, according to this account, fled from Glenfada Park North through the entrance to

Abbey Park. He later encountered two men, both of whom are associated with “*Glenfada*” in the notes. The first was, “*around Lisfannon Park*”, with a “*sporting .303 down his trouser leg*”, while the other was in Blucher Street, “*still with a weapon*”.

- 111.160** In our consideration of the events of Sector 1,¹ we also discussed the article, published on 23rd April 1972 in the *Sunday Telegraph*, in which Gerard Kemp reported on an interview that he had conducted with a member of the Official IRA who fired on Bloody Sunday. We are sure that the interview was with OIRA 1. We are also of the view that the quotations contained in the article faithfully reproduced what OIRA 1 told Gerard Kemp.

¹ Paragraphs 19.18–19

- 111.161** The article recorded, in OIRA 1’s own words, his account of his shot at the soldiers close to the Presbyterian church. He continued:¹

“After I fired that one shot I went back to my car and put the rifle in the boot. Ten to 15 minutes later the Paras moved up and I told our boys to get their weapons out of their cars.

Only a few of us were there. Most of the I.R.A. were up on the Creggan because we expected the Army to take advantage of the march and move in up there.

One guy got on to a balcony and fired at the Paras. Someone else fired with the pistol. I was by the barricade in Rossville Street next and saw three civilians go down. They were cracking away all over the show mostly army S.L.R.s (self-loading rifles). We started running. James Wray was shot dead just behind me.”

¹ L210

- 111.162** OIRA 1 is not recorded in this article as having made any reference to seeing armed members of the Official IRA after he left Glenfada Park North.
- 111.163** In his written evidence to this Inquiry, OIRA 1 gave the following account of taking the weapon that he had fired to a car in Glenfada Park:¹

“... the other volunteer and I ... made our way through the back streets [from Columbcille Court] to Glenfada Park North where a car was parked along the eastern wall of the flats which bordered Rossville Street. The car was parked about half way along on the inside of the courtyard on the eastern side. It was parked lengthways ie. north/south not east/west. I have never seen any photographs of this from the day of the march, and I could therefore be wrong, but I am pretty certain that that was where the car was. It stayed there until after the end of the march. I put the rifle in the boot of the car and locked the car and took away the keys. I cannot recall what I did with the keys now. I am not sure now whether the other volunteer who had been with me was still with me. I think that on the way I may have lost him at some point around the time I put the gun in the car. It made sense for us to split up after a shot had been fired.”

¹ AOIRA1.28

- 111.164** OIRA 1 told us that apart from the rifle that he had used, there was no other weapon in the car.¹ He denied those parts of John Barry’s notes and Gerard Kemp’s article that suggested that there was a group of Official IRA volunteers in Glenfada Park, that he ordered them to remove weapons from a car or cars, and that he met armed Officials after he had fled from there.²

¹ AOIRA1.33; Day 395/97-98; Day 395/118

² AOIRA1.33-35; Day 395/117; Day 395/122; Day 395/124-125; Day 395/140; Day 396/104

- 111.165** OIRA 1’s evidence to us was that after dumping the rifle he moved to the southern end of the eastern block of Glenfada Park North. He told us he recalled seeing the arrival of soldiers in Rossville Street, hearing shots, and seeing a person fall at the rubble barricade. He told us that on realising that soldiers had entered Glenfada Park North he fled the area through the alleyway leading to Abbey Park.¹

¹ AOIRA1.29-30

- 111.166** OIRA 2 stated in his written evidence to this Inquiry that he accompanied OIRA 1 back to Glenfada Park North after the latter had fired at the soldiers close to the Presbyterian church. He told us that OIRA 1 put the .303 rifle that he had used into the boot of a car that was parked on the eastern side of the car park, and that OIRA 1 locked the boot. The two men decided that they could not move the car because of all of the people in the vicinity, and so they decided to split up, with OIRA 2 leaving the area via Rossville Street and Free Derry Corner. OIRA 2 stated that the only weapon that was in the car in Glenfada Park North was the rifle fired by OIRA 1.¹

¹ AOIRA2.16; AOIRA2.21-22

111.167 Another member of the Official IRA, OIRA 7, also told this Inquiry¹ that he was present when OIRA 1 and OIRA 2 placed a rifle in a car in Glenfada Park North.

¹ AOIRA7.7-9

111.168 In his written statement to this Inquiry he gave this account:¹

“There were few people in Glenfada Park North at the time. The march was still going on, and a crowd had gathered at Free Derry Corner to listen to the speeches.

I don’t know who suggested that we should put the rifle in a car, but I knew that we wanted to get rid of it. I am not now sure about the sequence of events, but it is my recollection that all three of us went to a car in Glenfada Park North, and put the rifle in the boot of that car. I do not know if the weapon had come from a dump, or from the car, and do not know if there was a dump in the area. I did not see the weapon until I was at the stairwell. I have no idea where the keys of the car came from or the sequence of events. Nor do I remember where the car had come from, or how it had come to be there. I know I did not drive it down or put it where it was. The rifle was put in the boot of the car (and not on the back seat), and once it was there, it was over and done with. I do not recall there being anything else in the back or boot of the car. From that point on the rifle did not surface again. We could not drive the car out of Glenfada because of the people in Rossville Street.

I am not sure where the other two volunteers went. I certainly did not go with them and did not hang around for long. There were no other volunteers around. No one approached us to ask what had happened. It did not make sense to stick together. I understand from Eversheds that neither of the other two volunteers now mention me being involved in the incident, and its immediate aftermath. I nevertheless was involved, as I have described.

I have been asked where the car was in Glenfada Park North. It was on the eastern side. I have marked its approximate position on the map at point E. I assume it had been driven in previously and left there. The car was facing north, ie towards us as we came into the square. Over the years I have been told it was a dark coloured car and possibly either an Avenger or a Cortina. They were two of the newest cars out then and it always made sense to use a car that worked! This is therefore probably true. I think it may have been an Avenger, because I know you did not lock the boot of a Cortina which had a push button, whereas the Avenger self locked and you had to use a key to open it. I am asked who left with the keys. I do not recall. It did not seem important at the time and is a detail I do not recall. I comment on this further later.”

¹ AOIRA7.9-10

111.169 OIRA 7 had in fact marked the position of the car on an aerial photograph rather than a map.¹ According to him, the car was parked about halfway down the eastern side of Glenfada Park North, facing north, ie towards Columbcille Court. This is consistent with the evidence of OIRA 1 and OIRA 2 to this Inquiry.² OIRA 7 said in his written statement that he did not think that the car was moved at any stage during the afternoon.³

¹ AOIRA7.26; Day 398/47

³ AOIRA7.17

² AOIRA1.28; AOIRA2.16; Day 392/67; E24.11

111.170 In response to the John Barry interview notes, OIRA 7 stated that there were no arms in the car in Glenfada Park North apart from the rifle that he, OIRA 1 and OIRA 2 put there. He also said that he was “*certain that there were not four or five OIRA members about in Glenfada Park*”, and that that he did not recall any attempt being made to move the car out of the area.¹

¹ AOIRA7.23; Day 398/51-53; Day 398/160

111.171 As we have discussed during our consideration of events in Sector 1,¹ OIRA 7 told us that he joined OIRA 1 and OIRA 2 in Columbcille Court during the confrontation that followed OIRA 1’s shot at soldiers close to the Presbyterian church. For reasons we gave there, we were not convinced that OIRA 7 was present at this time. We are not sure whether at some later stage he either joined OIRA 1 and OIRA 2 and went with them to the car in Glenfada Park North, or met them there. Neither OIRA 1 nor OIRA 2 mentions the presence of OIRA 7 in Glenfada Park North and OIRA 1 told us that he did not recall seeing OIRA 7 at that time,² but in view of our doubts about the reliability of the evidence given by OIRA 1 and OIRA 2, this is not conclusive.

¹ Paragraph 19.65

² Day 396/53

111.172 OIRA 7 told us that after the .303 rifle had been placed in the car, he left Glenfada Park North by the north-eastern exit and went into Rossville Street, where he remained until Support Company entered the Bogside. He said that having heard a live shot he went back into and through Glenfada Park North, leaving the area by the alleyway leading to Abbey Park.¹ We return below, when considering the evidence of Anthony Martin, to OIRA 7’s account of his later thoughts of returning to the car to get the rifle.

¹ AOIRA7.10-14

111.173 It is our view that what OIRA 1 told John Barry and Gerard Kemp about the presence of other weapons and their removal when soldiers came into the Bogside is much closer to the truth than is his evidence (and that of OIRA 2 and OIRA 7) to this Inquiry, that the rifle that had been fired in Columbcille Court was the only weapon in the car. As we have

pointed out in the course of our consideration of the events of Sector 1,¹ we have concluded that in other material respects neither OIRA 1 nor OIRA 2 told us the truth. In our view there were a number of weapons in the car, probably those described to John Barry; there were more Official IRA members present than just OIRA 1 and OIRA 2; and some at least of the weapons were removed shortly before the soldiers came into Glenfada Park North. We have considered earlier in this chapter whether any of those weapons was then fired and where this might have occurred.

¹ [Chapter 19](#)

111.174 It will have been noted that according to Gerard Kemp's article, there was more than one car in Glenfada Park North. We consider this matter below.

Civilian, photographic and film footage evidence

111.175 A little earlier in this chapter, we referred to the interview that Michael Quinn gave to the *Sunday Times* journalists Peter Pringle and Philip Jacobson. In the notes of the interview it was recorded that Michael Quinn had given a number of pieces of information, "under guaranty of total anonymity".¹ We have already discussed the evidence relating to nail bombs that was included under this heading. Now, we turn to the first item that was recorded:²

"1. there were two 'IRA cars' parked in glenfadda park. he knows they were IRA men, known in the district. two were in one, unknown in the other. he saw no guns."

¹ [AQ11.12](#)

² [AQ11.12](#)

111.176 In his written evidence to this Inquiry, Michael Quinn told us:¹

"At the end [of the interview] I recall they wanted to put certain things to me. I don't recall now, but having now seen their notes ... they put it to me that there were IRA cars in Glenfada Park North. There weren't any, and I am very upset and concerned that the notes I have seen have wrongly recorded me as saying that there were IRA cars in Glenfada Park."

¹ [AQ11.26](#)

111.177 In his oral evidence to this Inquiry, Michael Quinn added that he had no recollection of seeing any cars in Glenfada Park North.¹

¹ [Day 169/99](#)

111.178 Peter Pringle told us in his oral evidence to this Inquiry that he and Philip Jacobson would not normally prompt a witness in the manner described by Michael Quinn, even though he thought that they had heard from other sources about IRA cars in Glenfada Park North.¹ Philip Jacobson agreed that they would not generally “lead” witnesses.² Other than this, the two men were unable to assist further on the note about the IRA cars.

¹ Day 190/63-64

² Day 191/149

111.179 We are sure from the evidence discussed above that there was at least one IRA car in Glenfada Park North. However, we are unable to decide whether the information about two cars was given by Michael Quinn to Peter Pringle and Philip Jacobson, or whether the journalists had learned this from another source.

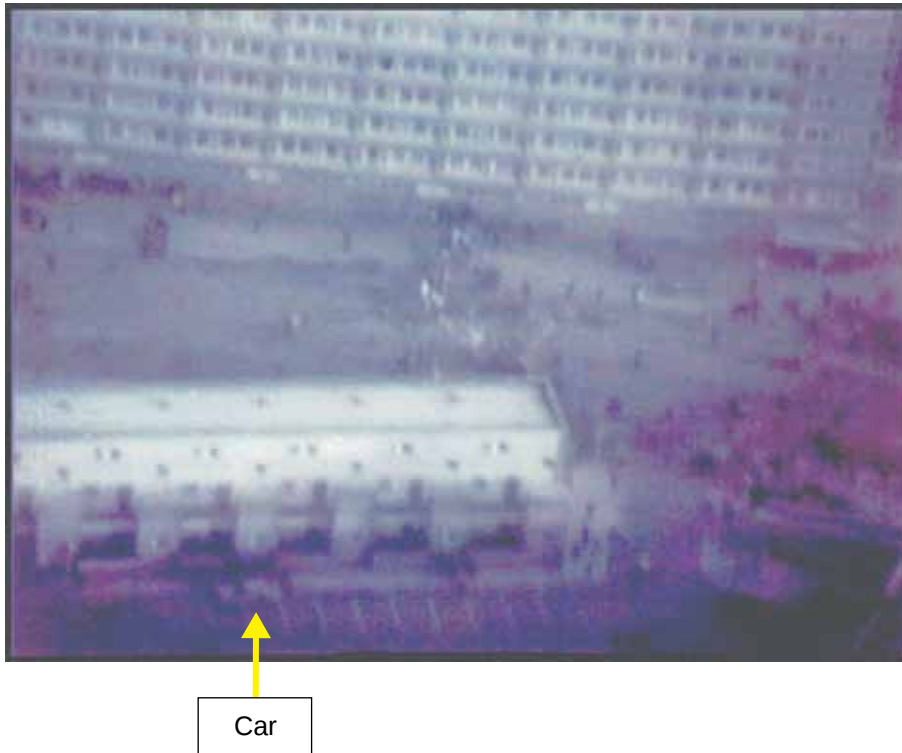
111.180 The *Sunday Times* notes record Michael Quinn referring to two “IRA cars” in Glenfada Park. Gerard Kemp’s article in the *Sunday Telegraph*, which we discussed above, quotes his source, who we are sure was OIRA 1, as saying that he “told our boys to get their weapons out of their cars” (emphasis added).¹

¹ L210

111.181 In this connection the representatives of some of the soldiers made submissions, based on an examination of the footage filmed from the helicopter that flew above the Bogside on Bloody Sunday and the photographic evidence obtained by this Inquiry, to the effect that five cars could be seen in Glenfada Park North at various stages shortly before and shortly after the events of Sector 4, and that two moved position at some stage during this period. Although these representatives submitted that there was, as OIRA 7 had said, a car parked on a north–south axis close to and about halfway along the eastern block of Glenfada Park North, they did not suggest that the evidence showed that this car was one of those that moved.¹ A still from the helicopter footage shows a car parked in the position described by OIRA 7.²

¹ FS8.1220-1227

² E24.11



111.182 One of the most significant photographs that was referred to in this submission is reproduced below. It shows two cars in the south-east corner of Glenfada Park North, one of which is parked facing east across the marked parking bays.¹

¹ As discussed in [Chapter 176](#), the provenance of this photograph is unknown, but in our view it was taken on Bloody Sunday.



111.183 We have no doubt that the car shown nearest the camera was in the same place throughout the events of the day, as it was supported on bricks.¹ However, we accept that it appears from the photographs and helicopter footage that the car shown parked across the marked bays was moved to that position at some stage during the afternoon.² OIRA 7 told this Inquiry that he did not know anything about the movements of this car, and denied that the Official IRA car with the rifle in its boot was moved after he, OIRA 1 and OIRA 2 returned to it from Columbcille Court.³ He also said that he had not mistaken the position of the Official IRA car, and that it was “*certainly not*” the one shown parked across the marked bays in the photograph above.⁴ The evidence of OIRA 1 and OIRA 2 was to the effect that the car they used to dump the rifle was not moved after they left it.⁵

¹ Day 155/53-56; AO1.5

⁴ Day 399/77

² FS8.1222

⁵ AOIRA1.28; AOIRA2.16

³ Day 399/65-66

111.184 The soldiers’ representatives made the following submission about the car that was parked across the marked bays:¹

“It is a very odd time for a car to have been moved, stranger still if it was moved once 1 Para had deployed. Added to this is the fact that the car has been parked across the hatched lines of the parking spaces, rather than within a parking space, certainly suggestive of the fact that the car was parked in some haste.

... both the fact that this car was moved at such a late stage and parked in an unusual manner are grounds for suspicion as to what purpose this car was being used for.”

¹ FS8.1223

111.185 These submissions appear to suggest the possibility either that this car was a second IRA vehicle in Glenfada Park North, or that it was the IRA vehicle that had originally been parked along the eastern side of the car park.¹

¹ FS8.1223

111.186 We have found nothing that suggests to us that this vehicle was likely to be the one that had been on the eastern side of Glenfada Park North, since it is equally possible that this was simply a vehicle that someone had tried to drive out of Glenfada Park North, abandoning the attempt when soldiers came into the Bogside. The soldiers’ representatives submitted that John Barry’s interview with OIRA 1 “*strongly suggests*” that an unsuccessful attempt was made to move the vehicle, relying on the following words in the notes of the interview: “*There were five or six Stickies around the car, and*

they couldn't get the thing out in time. OIRA1 said to abandon it, and get the arms out of the boot."¹ To our minds, however, this passage can equally be read as indicating that a decision was made to abandon the car without attempting to move it.

¹ FS8.1223-1224

- 111.187** The same representatives also made the following submission about the two figures shown in the centre of the car park in the photograph:¹

"The Tribunal will be aware of the two figures apparently running away from this vehicle [the car parked across the marked bays, which these representatives have suggested might have been used by paramilitaries], one of whom is carrying some type of object...

It is not clear what this person is carrying. The image is consistent with a firearm carried under a coat or in a holdall. Further the photo is more consistent with the man carrying the object moving not towards the south-west exit but towards the north west exit, running away from the position of car 1."

¹ FS8.1224

- 111.188** The following is a blown-up portion of the photograph, showing the two figures:



- 111.189** The same representatives also drew attention to OIRA 7's written evidence to this Inquiry, in which he identified himself as the figure with the light jacket shown in the middle of the car park in this photograph.¹ In his oral evidence to this Inquiry, OIRA 7 changed his evidence on this point, telling us that he had made a mistake when giving his statement as a result of misidentifying himself on television footage taken earlier in the day.² The soldiers' representatives submitted that "*the Tribunal should be very slow to accept OIRA*

7's *volte-face at face value*", and said that it was "*perhaps no coincidence*" that his change of evidence came after OIRA 1's oral evidence to this Inquiry, in which it was pointed out that the person in the photograph appeared to be carrying something.³

¹ AOIRA7.13

³ FS8.1225-1227

² Day 398/27-29; Day 398/76-77; Day 398/171-172;
Day 399/59-61; FS8.1225-1227

111.190 In our view it is not possible to infer from the photograph, which of course shows only an instant of time, that the figures were running away from the vehicle, in the sense of having departed from it, or that either figure was moving towards the north-west corner of Glenfada Park North, or that the figure on the right was carrying anything other than a coat or some other innocent object.

111.191 On the available evidence, we are unable to say more than that the possibility exists that the figure carrying a coat was OIRA 7, bearing in mind that we have doubts whether he was, as he asserted, in Glenfada Park North with OIRA 1 and OIRA 2. In addition, we cannot exclude the further possibility that, whoever the figure was, he was carrying a firearm under the coat.

111.192 We should note at this point that we have considered the evidence given by David Mills, a BBC producer who was sent to Northern Ireland to cover the Widgery Inquiry.¹ In his written statement to us he recorded the following:²

"During my research I also discovered that some Officials who were in the Bogside when the Paratroopers came in panicked, and tried to get out of the Bogside in a car. I was also told that in their haste to get away, the car had reversed into a wall. I was probably first told about this by Peter Pringle, a journalist with The Sunday Times Insight team. I was impressed by his methodical approach, and the accuracy and reliability of his sources of information. I would probably also have done some of my own research to check the details relating to this incident. I have a vague memory of seeing a damaged wall in a small courtyard. I have been shown a map of the Bogside and I think the wall in question was somewhere near the West side of Glenfada Park North."

¹ M108.1

² M108.3-4

111.193 David Mills gave a similar account of a car being driven into a wall by members of the Official IRA in a letter dated 20th April 1972 to Colonel Maurice Tugwell, the staff officer responsible for information policy at Headquarters Northern Ireland, whom David Mills had met during the course of his assignment in Northern Ireland.¹ In the letter, David Mills wrote that it was "*almost certain there were a car load of Officials*" in Glenfada Park as the paratroopers came in, and that these men took their weapons with them as they fled,

abandoning the vehicle. He added that three of the Officials fired from near Free Derry Corner “*Minutes after*”, while the fourth “*circled around and was shot at by Soldier G. or F.*”.² In his written evidence to this Inquiry, David Mills expressed surprise at the account of the firing that he gave to Colonel Tugwell and said that his recollection was that only one member of the group near Free Derry Corner fired, and that he did so “*much later*”.³ In his oral evidence he stated that he considered this aspect of the letter to be “*inaccurate*”.⁴

¹ M108.1

³ M108.8

² M108.9

⁴ Day 235/43-44

111.194 During his oral evidence to this Inquiry, David Mills was asked about the source of his information. He said that he was “*fairly sure it started with Peter [Pringle] and it was confirmed by others in the Bogside I spoke to*”.¹ Asked on what evidence he had based his account of a fourth Official who had circled around and was shot at by Soldier G or F, he said that “*I think it was almost certainly from Peter Pringle*.”² He also told us that he no longer believed this part of his account to be accurate.³

¹ Day 235/43; Day 235/23

² Day 235/59

³ Day 235/43; the transcript records David Mills saying that it was accurate, but in view of the context this seems to be a transcript error, as soldiers’ representatives appear to acknowledge (FS7.2120).

111.195 David Mills also said to us, in relation to his account of a car being driven into a wall, that his account “*was not going to be part of my programme and so there was no cause for me to investigate it very closely and it was really a bit of gossip that I was passing on*”.¹

¹ Day 235/24

111.196 There is no reference to an Official IRA car crashing into a wall in the *Sunday Times* article of 23rd April 1972,¹ or in the extant notes of the interview between John Barry and OIRA 1.² Apart from David Mills we have found no other evidence that suggests that an Official IRA car crashed into a wall in Glenfada Park North.

¹ L211-214

² AOIRA1.1-2

111.197 David Mills was asked whether he had any information to suggest that any Official IRA members had fired in Glenfada Park before fleeing. His answer was “*No, certainly they did not fire before fleeing*”.¹

¹ Day 235/25

111.198 In our view it would be unwise to rely on David Mills’ accounts, save where they are supported by the *Sunday Times* material.

Anthony Martin

111.199 We have referred to Anthony Martin’s evidence in the course of considering the events of Sector 4. As we have noted, he gave an interview to the *Sunday Times* Insight Team,¹ in the course of which he described assisting those taking casualties from Glenfada Park North to houses in Abbey Park. This account continued:²

“i then went out into fahan st direction asking people to get a priest into the two houses where we had taken the wounded. i met [Michael] canavan in fahan st. and he was shouting to some people to get some of the cars parked there and back them into abbey park to get the wounded to hospital. about this time i met an ira man and he told there were two rifles in a car – a green avenger – parked in glenfada park and he wanted me to help him get to it. i learnt later that the rifles had been removed before the shooting started. after that i moved out of the area to vinny coil’s house with a k. of m. girl. we [w]anted to take shelter there but he told us to go away because the helicopter circling overhead was watching his house. so I then walked home.”

¹ AM24.3

² AM24.5

111.200 In his written statement to this Inquiry¹ Anthony Martin gave us a similar account of this incident:

“I headed out of Glenfada Park North and met the man I knew who was involved in the IRA. He explained that there was a Green Avenger car parked in Glenfada Park North that had rifles in the boot. He asked me if I would help him go and collect them. I was so angry by that point that I said I would take one of the rifles myself and do something. We went back into Glenfada Park South and made our way to the entrance at the east of Glenfada Park South looking into Glenfada Park North to see if it was safe to go in. The car was in the position I have marked on the attached map at grid reference I14 [a position about halfway along the eastern side of Glenfada Park North].² The soldiers were still there and we decided it was too risky to approach the car.

I wish to make it clear that the reason the car was parked in Glenfada Park North that day was completely incidental to the Civil Rights March. Until I met the IRA man, I had no idea it was there. It would have been there to store guns in the way I have described earlier [see below]. I also wish to make it clear that I saw no civilian gunmen or nail bombers in the area.”

¹ AM24.12-13

² AM24.23

- 111.201 Anthony Martin's reference to "*stor[ing] guns in the way I have described earlier*" was to an earlier section of the same statement in which he said that:¹

"I know that some IRA guns were kept in cars dotted around the city, in order to avoid being seized in army raids. Everyone knew that this was their standard tactic, as houses could be raided and guns seized. There were no such cars placed to store guns for use during the march."

¹ AM24.9

- 111.202 Anthony Martin's evidence is relevant to that of OIRA 7. As we have discussed above, OIRA 7 told this Inquiry that he was with OIRA 1 and OIRA 2 when they placed the .303 rifle that OIRA 1 had fired into the boot of a car in Glenfada Park North. In his written statement to us, OIRA 7 said that he later considered going back to the car in order to get the rifle. His evidence was that this happened after he had returned to the Abbey Park alleyway, having followed people carrying a stretcher from Abbey Park to an ambulance that was parked in Rossville Street.¹ If accurate, this would mean that he did not contemplate this course of action until well after Anti-Tank Platoon had withdrawn from Glenfada Park North. In his written evidence to this Inquiry, OIRA 7 told us:²

"I do not now know how I thought I was going to get to the rifle. After all the rifle had been put in the boot of the car and I do not now know whether the car was open or whether the boot was locked. If the boot was locked I would have felt a fool going across Glenfada Park to a locked car and this makes me think that I may have had the keys of the car with me. I do not know how. I don't think it was me who brought the car down to Glenfada Park, but maybe I was with someone who did. Were the keys handed to me? I do not now know. One of the other two volunteers may have gave me the keys to bring the car up to the Creggan later as I was a volunteer and they were more senior to me. All I remember is that I intended to get the rifle so I think it more probable than not that I had the keys of the car."

However, there was a heated discussion about the sense of me going into Glenfada Park North and I did not make it as far as the car. I do not recall any particular conversation or confrontation and certainly not something like I have described earlier relating to the incident at the stairwell in Columbcille Court. I remember someone saying it was madness and I would only get myself killed. I was angry enough to have gone to the car and got the rifle and would have felt justified in getting and using it, but I was held back. Anyway, the army were withdrawing by then. I cannot recall now if I was pulled back or was persuaded it was too dangerous and that we should look after the casualties.

I have been referred to the evidence of Tony Martin. I know who he is. I do not remember seeing him, and do not recall discussions with him, but from what he says, he must be referring to me. I was totally focussed on not wanting to be talked out of it or be stopped. If Tony Martin says he was there I accept that. Whatever the reason, wiser counsel prevailed as there were still soldiers in the square, and I made no attempt to get at the rifle in the car. The car was still in Glenfada Park North when I intended to go and get the rifle.”

¹ AOIRA7.15-16

² AOIRA7.16

111.203 In his oral evidence to this Inquiry, OIRA 7 said that Anthony Martin was wrong in thinking that there was more than one rifle in the car, or that these rifles had been removed before the shooting began. He also thought that the discussion about returning to the car took place in the alleyway between Glenfada Park North and Abbey Park, and not in Glenfada Park South.¹ When asked whether the soldiers were still present at the time when he went to get the weapon, OIRA 7 said that *“there were still some soldiers around ... I believe they were still in Glenfada Park, although I could not see them”*.²

¹ Day 398/98-100

² Day 399/23

111.204 In the light of the evidence discussed above, particularly that of the account given by OIRA 1 to John Barry and Gerard Kemp, we are of the view, as we have said, that there were weapons in the car in Glenfada Park North, which were removed soon after the soldiers had come into the Bogside. We also consider that Anthony Martin’s evidence about meeting an *“IRA man”* is probably correct and that this man did ask Anthony Martin for help in collecting rifles from a car in Glenfada Park North.

111.205 We are not sure whether that man was OIRA 7. If OIRA 7 had been in Glenfada Park North and seen the weapons being removed, he could hardly have gone back later with the intention of collecting them. We have already expressed our doubts whether OIRA 7 was in Glenfada Park North at this stage. However, it remains possible that he was the person whom Anthony Martin met.

111.206 We should note at this point that the representatives of the majority of represented soldiers submitted, under the general heading of “*Civilian Evidence of Riflemen in Sector 4*”, that:¹

“The gunman seen by Mr [John Leo] Clifford was of course in a similar area, at a similar time as the IRA man from the OIRA Creggan section described by Mr Anthony Martin. OIRA 7 denied when questioned either seeing the man Mr Clifford describes or being involved in the incident himself.”

¹ [FS7.2136](#)

111.207 We have already expressed the view that what John Leo Clifford saw was probably a gunman in the area south of Free Derry Corner. Furthermore, there is nothing to suggest that the man Anthony Martin met was armed. On the contrary, in his oral evidence to this Inquiry Anthony Martin told us, and we accept, that the man was not armed.¹ Accordingly, in our view there is nothing to suggest that Anthony Martin and John Leo Clifford were referring to the same man.

¹ [Day 176/102-103](#)

111.208 We are unable to determine whether there was more than one IRA car in Glenfada Park North. Apart from the reference to “cars” in the *Sunday Times* notes and Gerard Kemp’s article, to which we have referred above, there is a reference in Paul Mahon’s interview of Anthony Martin to a couple of cars, though the transcript of the interview does not expressly indicate whether Anthony Martin was referring to cars used by the IRA.¹ It remains possible that there was more than one IRA car in Glenfada Park North, though on the evidence that we have seen there seems to have been IRA activity in relation to only one car.

¹ [X4.18.75](#)

Paul Mahon

111.209 Paul Mahon conducted research into the events of Bloody Sunday, in part by interviewing a large number of relevant witnesses. We have referred to the material he obtained in this way throughout the course of this report. In his written statement to this Inquiry Paul Mahon gave the following evidence about an alleged conversation that he had with Liam Wray, the brother of Jim Wray who was shot and killed in Glenfada Park North:¹

“In relation to matters concerning Glenfada Park, I was told by Liam Wray that many years after Bloody Sunday he was approached by a former member of the Official IRA who told him that he was sorry about what had happened to his brother, Jim on Bloody Sunday. He explained that he, and another member of the Official IRA were exiting Glenfada Park North through the alleyway into Abbey Park, carrying unconcealed weapons. He explained that the crowd rushing towards the exit at the time had held back at the sight of the two armed Official IRA men. The Official IRA man told Liam Wray that they both got through the alleyway into Abbey Park and within seconds of their exit heard the gunfire directed towards that position. I asked Liam Wray if he would provide the identity of this man or if it would be possible for him to speak to me and he said that there would be no possibility of this man speaking to me.”

¹ [AM19.14](#)

111.210 In his oral evidence to this Inquiry, Paul Mahon said that Liam Wray had probably given this information to him in 1999. He told us that he had never conducted a formal interview with Liam Wray or made a note of this conversation, though “*it was something I was not going to forget, anyway*”. Paul Mahon also said that he never found out the name of the former member of the Official IRA in question.¹

¹ [Day 411/124-127](#)

- 111.211 It was suggested to Paul Mahon that he was either mistaken or lying about what he said Liam Wray had told him, or that he had in fact wrongly attributed to Liam Wray what he had learned or inferred from John Barry's notes of his interview with OIRA 1 or from the *Sunday Times* Insight article itself. Paul Mahon denied these suggestions and told us that at the time he had spoken to Liam Wray he had not seen John Barry's notes, though he would have read the *Sunday Times* article and may have discussed it with Liam Wray.¹

¹ [Day 411/130-135](#); [Day 412/112-116](#); [Day 412/120](#)

- 111.212 Liam Wray made a supplementary written statement to this Inquiry, in which he made the following observations about the claims made by Paul Mahon in the extract from his statement quoted above:¹

"What Paul Mahon says in this paragraph is a complete and utter fabrication. I have never been approached by any person, either civilian or purported current or former member of any paramilitary organisation apologising to me for being in any way responsible for the murder of my brother and I have never given Paul Mahon any such account.

The only knowledge I have ever had, other than that contained in material generated through this Inquiry, about IRA activity in and around Glenfada Park derives from the *Sunday Times* article published on 23rd April 1972 (now in the Inquiry material at L211-214). My late father had retained a copy of this article since its publication and had passed it on to me in later years. The article makes reference to an Official IRA leader speaking about guns taken from a car in Glenfada Park by men who retreated through the alley into Abbey Park. (L214, col 2). I had never heard of this story other than in the *Sunday Times* account and I have certainly never spoken to anyone who claimed to be involved in such an episode. I am certain that Mahon and I would have discussed the contents of this article during our many discussions.

I reject in its entirety Paul Mahon's claim that I ever said anything to him of the nature set out in this paragraph. He is either genuinely mistaken or telling a deliberate lie about his recollection of conversations we had arising out of the *Sunday Times* article."

¹ [AW29.25](#)

111.213 The relevant parts of the *Sunday Times* Insight article¹ were in the following terms:

“One of the leaders of the Bogside official IRA section told us that one of their cars was parked in the Glenfada courtyard that afternoon and inside was a Sten gun, a carbine, two .303’s and a .22 rifle. When Support Company roared down Rossville Street, he ordered the car out immediately – he thought they would be caught red-handed. But his men – about half a dozen – couldn’t get the car out in time so he says they hurriedly unloaded it there. He shouted to them to retreat. And they did – through the alley into Abbey Park.

...

We can confirm there was an IRA gunman in [the alleyway between Columbcille Court and Glenfada Park North]. As the IRA men in the courtyard unloaded the weapons, one of them disobeyed the order to retreat and ran up out of the northwest corner of the courtyard towards the advancing soldiers. He was armed with a .22 rifle, and he fired two or three shots. He could have fired at any of the advancing soldiers. It is possible that Soldier G saw him at some stage.”

¹ L211

111.214 In his oral evidence to this Inquiry, Liam Wray repeated that what Paul Mahon had said was untrue.¹ His wife, Doreen Rice-Wray, also told us in a written statement² that her husband had never mentioned such an event occurring, despite the “*innumerable discussions regarding all aspects of the events of Bloody Sunday*” that they had engaged in over many years. She said that “*If it had happened I have absolutely no doubt that Liam would have mentioned it to me*”.

¹ Day 416/74-75

² AW33.1

111.215 As will have been seen, there is an irreconcilable conflict between Paul Mahon and Liam Wray on this matter. It should be noted that Paul Mahon held no brief for 1 PARA and on more than one occasion expressed his opinion that soldiers of this battalion murdered the people killed on Bloody Sunday, including Jim Wray.¹ He also told us, and we accept, that he did not regard it as his job to support the republican movement or the republican cause:²

“That was not my function; that was not my job. My function was to research into these events, to research into this murder that took place, to be dispassionate about it.

I wanted to talk to the IRA. I wanted to find out what their involvement was in Derry. It would not have been right if I was only interested in the activities of the 1st Battalion of the Parachute Regiment. What sort of researcher would I really be then? Where would my credibility lie as a researcher if I was only interested in one side of the story? I always made it very, very plain to the families that what I wanted, what I wanted was the whole truth, hook, line and sinker, warts and all. That, to many, many people in the north of Ireland is not acceptable.”

¹ Day 411/130; Day 412/38-39; Day 412/124-125;
Day 412/133; Day 412/144

² Day 412/69-70

111.216 Equally, however, Liam Wray was adamant that he had not made the remarks attributed to him by Paul Mahon.

111.217 In the end, having listened to both these witnesses, read what they put in their statements, and considered the submissions made on this matter,¹ we have concluded that it is more likely than not that Liam Wray did make some such remarks; and that he had been given the information by a member of the Official IRA.

¹ FS7.2171; FR4.5

111.218 Considering the evidence we have discussed above, we have concluded that, despite their denials to us, members of the Official IRA did remove firearms from a car in Glenfada Park North. In our view it is likely that some at least of these were taken through the alleyway into Abbey Park, this being an obvious escape route, immediately before or as soldiers came into Glenfada Park North. In those circumstances a member of the Official IRA may have come to believe that this had caused the fleeing people to pause, with the result that some were fired upon before they were able to escape through the alleyway; and thus to have told this to Liam Wray.

111.219 We have found no other evidence to suggest that people paused, as they fled from soldiers who had come into Glenfada Park North, because of the presence of armed paramilitaries, though there is evidence that the passageway was congested, and that those carrying Michael Kelly may have caused or contributed to a temporary bottleneck. We cannot wholly exclude the possibility that some of those who were leaving Glenfada Park North after the arrival of the soldiers did pause because of armed paramilitaries, but this necessarily assumes that they chose not to provide this information to this Inquiry. On the whole we consider it unlikely that people paused for this reason.

Other evidence

Barry Liddy

111.220 Barry Liddy was, as we describe elsewhere in this report,¹ one of the people arrested at the southern end of the eastern block of Glenfada Park North. He died without giving evidence to this Inquiry, but he was interviewed by Paul Mahon. In this interview Barry Liddy said that having been arrested, and as he was marched through a car park, an Army Sergeant opened the door of a red car and pulled back a blanket, revealing six to eight rifles of different types. According to Barry Liddy, the Sergeant said to him “*You were loaded for bear today*”, presumably meaning that they were heavily armed, before shutting the door. Barry Liddy thought that he was on his own when he was pulled over by the Sergeant, and that no other soldier or civilian was near the car at that time.²

¹ [Chapter 113](#)

² [AL13.86-91](#)

111.221 We have no doubt that Barry Liddy was arrested at the gable end and escorted by soldiers through Glenfada Park North together with other arrestees. However, it is to our minds unbelievable that such an incident could have occurred, for had it done so there would have been military evidence of it. As it is there is no evidence from any other source, military or civilian, that such an incident did occur. We have commented elsewhere in this report that there are grave doubts about other aspects of the account that Barry Liddy gave to Paul Mahon. In our view there was no such incident.

Witness X

111.222 Witness X was someone who was interviewed in 1972 by the Royal Ulster Constabulary (RUC). To protect his human rights we can give no further details of this individual save that according to the notes of the interview he was a member of the Provisional IRA.¹ Witness X was recorded as having told the RUC the following about the events of Bloody Sunday:²

“I was also in action on Bloody Sunday at Rossville Street...

On ‘Bloody Sunday’ I was using a carbine. It was a joint operation. I was firing from Glenfada. I used two full magazines. I had four mags altogether. PIRA 8, PIRA 9, [...] were the only Provos in Rossville Street along with the Stickies, Reg TESTER, OIRA 4, OIRA 6 were the only ‘Stickies’ I knew.”

¹ [AX1.1](#)

² [AX1.2](#)

111.223 PIRA 9 was the cipher for Martin Doherty, also known as “Ducksie Doherty”, who chose not to claim anonymity.

111.224 A letter from Headquarters Northern Ireland shows that the Army provided the RUC with a list of further questions about Bloody Sunday to be put to Witness X.¹ According to internal RUC correspondence, Witness X was re-interviewed but refused to say any more about the day.²

¹ [G134B.906.9](#)

² [G134B.906.8](#)

111.225 In his evidence to this Inquiry, Witness X said that he was arrested in 1972, but he denied that he was a member of the Provisional or Official IRA on Bloody Sunday. In relation to the notes of the alleged interview he said that he had “*absolutely no knowledge of this interview nor the contents of the note*”.¹ He also told us that he did not take part in the march on Bloody Sunday and did not go to the Bogside that afternoon.²

¹ [AX1.3; Day 435/36-38](#)

² [Day 435/3-4](#)

111.226 Witness X accepted that the unredacted notes of the interview correctly stated his full name, the address at which he lived at the time of the interview, the day and month of his birth, and the date on which he was interviewed by the RUC.¹ However, he said that he was not “*in action*” on Bloody Sunday, that he was not armed at any stage that day, and that he did not tell the RUC that he was. He denied saying that there was a “*joint operation*”, something about which he told us he knew nothing at all.² Witness X also denied knowing of, or telling the RUC about, almost all of the remaining information contained in the note of the interview.³ He said that he had “*absolutely no recollection*” of being re-interviewed by the RUC.⁴

¹ [Day 435/7-10](#)

³ [Day 435/10-19](#)

² [Day 435/14-15](#)

⁴ [Day 435/20](#)

111.227 The two RUC officers who interviewed Witness X were Detective Sergeant Samuel Davidson and Detective Constable William Edward Kilfedder. Neither man could recall the interview.¹ Detective Sergeant Davidson, in response to being told of Witness X’s denial of knowledge of the interview, told us that:²

“I can not comment on Witness X[’s] view other than to say I have no reason to believe that the part of the document shown to me is anything other than a genuine copy and that the record of what Witness X said at interview is an accurate account of the notes. As a matter of personal and professional pride I can confirm that I would not have used physical force, inducement or threat of either of the aforementioned upon Witness X or any other person being interviewed and I have no reason to believe Witness X would have been other than truthful at the time.”

¹ JD1.3; Day 423/37-38; JK6.4; Day 423/61

² JD1.3

111.228 Detective Sergeant Davidson also told us that it appeared to him that notes of the interview were made for intelligence purposes only.¹

¹ JD1.3; Day 423/32

111.229 Detective Constable Kilfedder told us that he had “*no reason to disbelieve or to doubt that the typed record of Witness X’s 1972 interview is anything other than an accurate record of the interview itself and of the information he provided*”.¹

¹ JK6.5

111.230 We are sure that Witness X did give the information recorded in the notes of interview.

111.231 However, we have concluded that it would be unwise to place any reliance on the account given by Witness X to the RUC or to this Inquiry.

111.232 We accept the evidence of former Officials and Provisionals, including most of those named in the interview notes, that there were no such joint operations, on Bloody Sunday or otherwise.¹ As PIRA 17 put it:²

“I have been referred to a redacted statement by Witness X. In particular I have been referred to the second page where ‘Witness X’ talks about a ‘joint operation’ and firing from Glenfada Park. I have no knowledge of anyone firing from Glenfada Park on Bloody Sunday. I completely refute the suggestion that there was a ‘joint operation’ between the Provisional and the Official IRA, if this is what was intended. It is inconceivable that a joint operation could be planned between us. At its best there was a strain in the relationship, and at worst, there were fundamental differences between the two groupings. Joint operations were not contemplated.”

¹ APIRA8.2; Day 400/72-73; AOIRA4.24; AOIRA6.4; Day 413/165; Day 391/270

² APIRA17.13

111.233 It seems to us unlikely that there was on Bloody Sunday a joint operation between the Official and Provisional IRA, given the poor relationship between these two organisations.

111.234 We should note at this point that on 17th January 1972 the Director of Operations Intelligence Committee (Northern Ireland) considered an assessment for the period from 11th to 17th January 1972¹ in which it was reported that “*both factions of the IRA ... claimed to have acted jointly*” in an incident in which five gunmen armed with Thompson sub-machine guns were engaged by troops in Londonderry. A Special Branch assessment for the period ending 19th January 1972² recorded that during the period terrorist elements, particularly gunmen, had been active in Londonderry, and that “*This activity is believed to have been sponsored jointly by both I.R.A. groups in the city.*”

¹ [G60B.367.6](#)

² [G64.383](#)

111.235 In our view, to the extent that these assessments suggest that the Official IRA and Provisional IRA had engaged in joint operations, they are likely to be inaccurate. There is no doubt that both the Officials and the Provisionals had, in the period before Bloody Sunday, engaged in paramilitary activities in Londonderry, but we have found nothing else (apart from what Witness X told the RUC) to suggest that the relationship between the two IRA groups was such that they might have planned or carried out any such activity in which both factions were acting jointly.

111.236 In any event we cannot see how on Bloody Sunday there could have been, after the soldiers had come into the Bogside, anything in the nature of an operation, joint or otherwise. The soldiers had come unexpectedly into the Bogside and those paramilitaries there had little or no chance of planning or doing anything that could be described as an operation against that incursion. We have found no evidence from any other source to suggest that there was the substantial amount of carbine firing from Glenfada Park described by Witness X. In the end we have concluded that the most likely explanation is that Witness X invented his account while being interrogated.

Conclusions on paramilitary activity in Glenfada Park North

- 111.237** Early in our discussion of paramilitary activity in Sector 4 we expressed the view that the central question in the context of Sector 4 is not simply whether paramilitaries or rioters might go into Glenfada Park North when surprised by soldiers coming into the Bogside, or had at some other time fired at soldiers from there; nor even whether paramilitaries or rioters were there or had taken refuge there when the soldiers did come in on Bloody Sunday. To our minds the central question is whether there is evidence that when the soldiers came into Glenfada Park North, there were paramilitaries there who behaved either in the manner described by the soldiers, or otherwise in such a way as to cause the soldiers to open fire.
- 111.238** So far as this question is concerned, we have found nothing in the material we have considered that to our minds supports the accounts of the soldiers of what they encountered when they entered Glenfada Park North or the reasons that they gave for opening fire.
- 111.239** We are satisfied that after soldiers had come into the Bogside and soon before they entered Glenfada Park North, there were people there with firearms and nail bombs, and that there was at least one car used to hold weapons, which members of the Official IRA removed. Thus the accounts of the soldiers cannot be challenged on the basis that there could be no question of the presence of armed paramilitaries in Glenfada Park North.
- 111.240** What to our mind is missing, however, is anything (apart from the evidence of the soldiers themselves) that suggests to us that when the soldiers did arrive in Glenfada Park North and opened fire, armed paramilitaries were still there. Our view of the evidence is that those with weapons had moved away. The closest the evidence gets to the presence of armed republican paramilitaries is the evidence that armed Officials left through the passageway into Abbey Park very shortly before the soldiers opened fire in Glenfada Park North. It is possible that one or more soldiers saw these paramilitaries as they left, which caused them to open fire at other targets, but this is difficult to reconcile with the evidence given by the soldiers, who said that the men they had seen with rifles had been in Glenfada Park North when they fired and that they had been shot. We have considered earlier in this report¹ whether there were additional casualties in Glenfada Park North or Abbey Park, other than those we have described, and have concluded for

the reasons that we give that there were no such casualties. Those who were killed and wounded in Sector 4 were not carrying firearms or (with the probable exception of Gerald Donaghey) bombs.

¹ [Chapter 110](#)

- 111.241** As for those paramilitaries who were seen after the shootings in Glenfada Park North and Abbey Park, it is of course possible that they (or one or more of them) had previously been in that area (for example, OIRA 7) but again we have found nothing that suggests to us that any of them was present with weapons when the soldiers came in and opened fire.
- 111.242** In our view, it follows from the foregoing consideration of the evidence relating to paramilitary activity that former members of the Official IRA have made attempts to conceal from this Inquiry the whole truth about the presence of members of this organisation in the area of Glenfada Park North; about the presence of an IRA car containing weapons in Glenfada Park North; and about what happened to those weapons. However, in the light of the whole of the evidence relating to Sector 4, we have concluded that when the soldiers came into Glenfada Park North and opened fire, no paramilitary there held weapons or used or attempted to use either bombs or firearms against any of the soldiers. In our view paramilitaries who had been present had left the square or taken refuge in houses or flats.

Chapter 112: The soldiers responsible for the Sector 4 casualties

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General considerations

- 112.1** It is important at this stage to bear in mind the following matters, which we have dealt with in detail earlier in this report, where we have given our reasons for reaching certain conclusions.
- 112.2** In the first place,¹ we are satisfied that the known casualties in Sector 4 were the only casualties of Army gunfire in that sector. These casualties were not using or seeking to use firearms or bombs, nor doing anything else that could have justified any of them being shot. Furthermore, we are satisfied that none of these casualties was doing anything that could have led a soldier to believe, albeit mistakenly, that any of them was posing a threat of causing death or serious injury.
- ¹ [Chapters 104, 107 and 110](#)
- 112.3** It follows that there was in our view no justification for the shooting of any of the Sector 4 casualties.
- 112.4** In the second place,¹ we are satisfied that no soldier other than Corporal E, Lance Corporal F, Private G and Private H, all of Anti-Tank Platoon, could have been responsible for any of the casualties in Sector 4.

¹ [Chapter 99](#)

112.5 In the third place,¹ we are satisfied that no paramilitary was holding lethal weapons (firearms or bombs) or seeking to use them against any of the soldiers who came into Glenfada Park North, though members of the Official IRA probably fled from the area carrying firearms as the soldiers arrived and shortly before the soldiers opened fire.

¹ [Chapter 111](#)

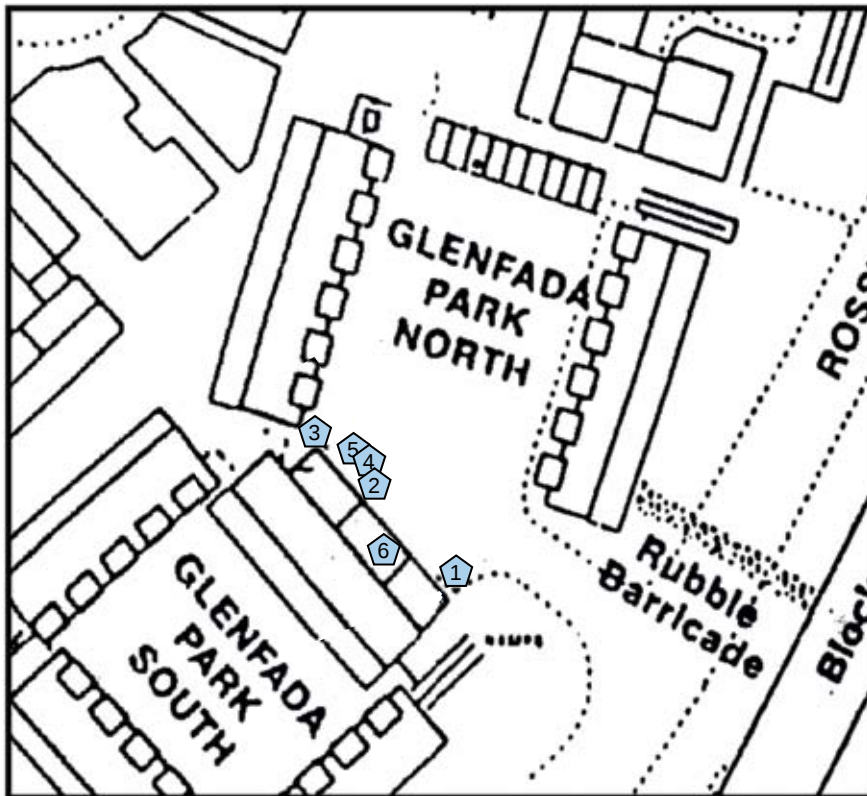
112.6 Lastly,¹ it is the case that none of the soldiers who fired in Sector 4 admitted shooting any of the Sector 4 casualties and none admitted that he had missed his target and hit someone else by mistake. Each of the soldiers insisted that he had fired at someone who was in possession of lethal weapons.

¹ [Chapter 99](#)

Glenfada Park North

112.7 According to the accounts of these soldiers, they had between them fired ten shots at people on the south side of Glenfada Park North, hitting in total three bombers and two riflemen, all of whom fell, as well as a further man who had attempted to recover a nail bomb but who staggered away after being shot. In addition, Private H claimed to have fired a further 19 shots into a window on the same side of Glenfada Park North, hitting a sniper with the last of these shots.

112.8 We set out below a map on which we have marked the position of the targets at which the soldiers said that they had fired. These positions are based on those given in the soldiers' trajectory photographs.



Targets the soldiers claim to have hit

- 1 Corporal E's target: man about to throw a nail bomb
- 2 Lance Corporal F's target: man about to throw a bomb
- 3 Private G's target: man with a rifle
- 4 Private H's first target: youth with a nail bomb
- 5 Private H's second target: youth with a nail bomb
- 6 Private H's third target: person with rifle behind a window

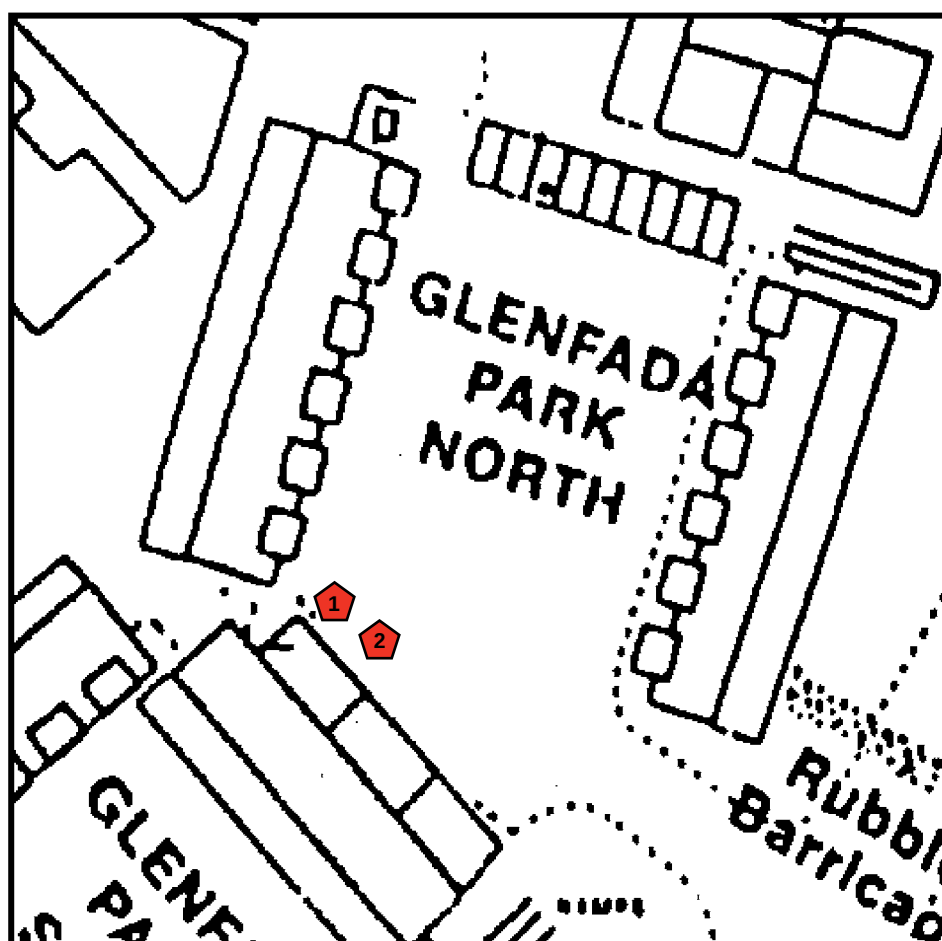
112.9

We have no doubt that between them these soldiers shot and mortally wounded Jim Wray and William McKinney; and shot and wounded Joe Friel, Michael Quinn, Joe Mahon and Patrick O'Donnell, all in Glenfada Park North.¹ We also have no doubt that Private G fired in Abbey Park, one of his shots fatally injuring Gerard McKinney and Gerald Donaghey. We consider the firing in Abbey Park below.

¹ As appears elsewhere in this report ([paragraphs 104.165–201](#)), it is not clear whether Daniel Gillespie suffered a gunshot wound.

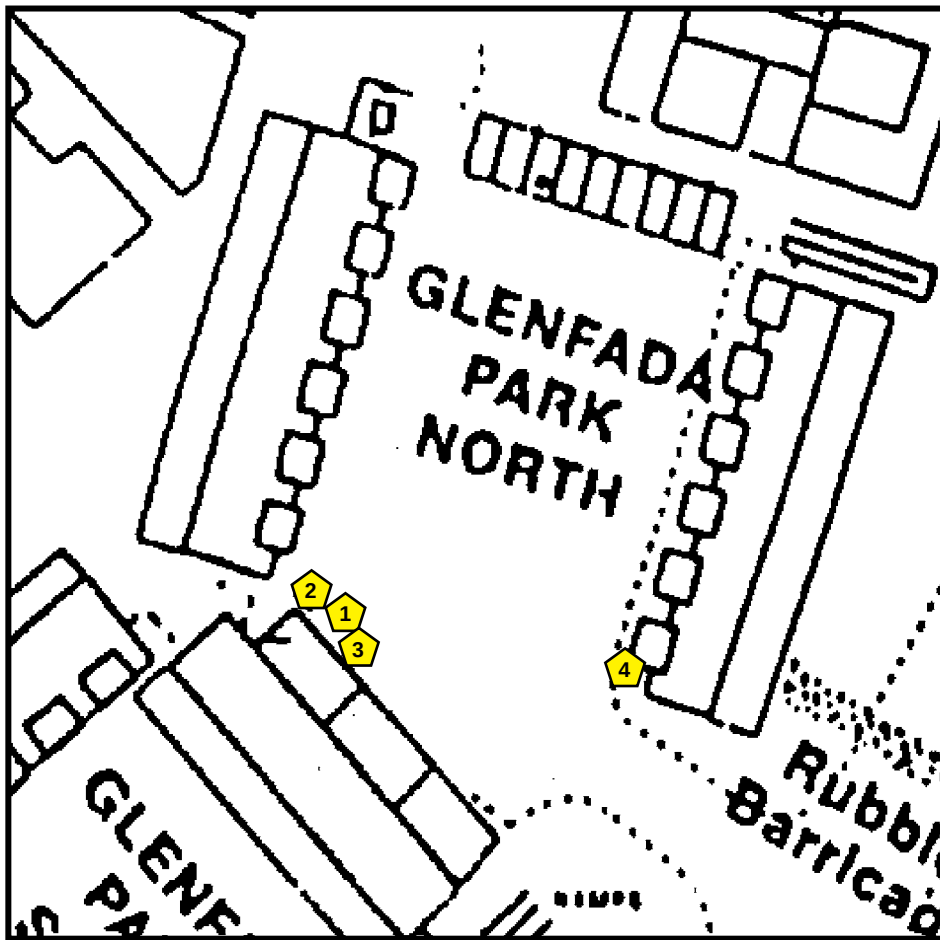
112.10 In short, the soldiers who fired in Glenfada Park North insisted that they had shot bombers and gunmen, which they had not; and denied that they had shot the casualties who were killed and wounded in Glenfada Park North, which in our view they had. As in the cases of Sectors 2 and 3, to our minds it inevitably follows that this materially undermines the credibility of the accounts given by the soldiers who fired. The evidence of one or more of them must be significantly inaccurate and incomplete.

112.11 We set out on the maps below the positions where in our view the Glenfada Park North casualties were likely to have been when they were shot. We deal with the casualties in Abbey Park below.



Casualties who were killed or mortally wounded in Glenfada Park North

- 1 Jim Wray
- 2 William McKinney



Casualties who were wounded in Glenfada Park North

- 1 Michael Quinn
- 2 Joe Friel
- 3 Joe Mahon
- 4 Patrick O'Donnell

112.12 We have omitted Daniel Gillespie from this map, in view of the uncertainties surrounding his case.

112.13 We are satisfied that the four soldiers who between them were in our view responsible for the casualties in Glenfada Park North have given knowingly untruthful accounts of what they saw and did on Bloody Sunday. For example Corporal E falsely asserted that he had shot and hit a man deploying both a nail bomb and a petrol bomb. Lance Corporal F gave and continued to give false accounts of where and in what circumstances he fired his rifle

on Bloody Sunday. Private G falsely denied that he had gone into Abbey Park and shot someone there. Private H gave a wholly fictitious account of firing 19 rounds at the same window in Glenfada Park North. It follows that in our view it would be unwise, in the absence of supporting evidence, to place reliance on what these soldiers have said by way of explanation for their shooting in Sector 4.

- 112.14** We consider below whether it is possible to identify which soldier shot which casualty and we express our view of the state of mind of the soldiers when they fired. However, before doing so we consider the suggestion made on behalf of the majority of represented soldiers, that the Glenfada Park North casualties were hit by accident.

The suggestion that the casualties in Glenfada Park North were hit by accident

- 112.15** Those acting for the majority of the represented soldiers submitted that the Tribunal should bear in mind the fact that:¹

“those who were killed and injured in Glenfada Park North were close to those individuals who were armed with either rifles or nail bombs and at whom it is known soldiers fired. The potential for such innocent bystanders to have been hit by soldiers legitimately targeting the armed men close to them is obvious.”

¹ [FS7.2183](#)

- 112.16** This submission, if correct, would mean that the soldiers who fired in Glenfada Park North had fired at gunmen or bombers, but had unfortunately and accidentally hit instead the Sector 4 casualties, who were neither gunmen nor bombers, nor posing any threat of causing death or serious injury.
- 112.17** The submission is based on three assumptions, namely that the soldiers shot at individuals who were armed with rifles or nail bombs; that those who were killed or injured were close to those individuals; and that in each case the casualty was accidentally hit by a shot intended for a gunman or bomber.
- 112.18** The first assumption depends on accepting as the truth the evidence of the soldiers themselves that they fired at individuals armed with rifles or nail bombs. The second assumption depends not only on this, but also on the assertion that those who were killed or injured were close to those armed individuals. The third assumption, while it again

depends on accepting the evidence of the soldiers that they fired at people armed with rifles or bombs, simultaneously depends on rejecting their evidence that they hit their targets and not innocent bystanders.¹

¹ [B95](#); [B122](#); [B137](#); [B186](#); [WT14.79-80](#); [WT14.87](#); [WT14.91-93](#); [WT14.98](#); [WT15.11-12](#)

112.19 We do not, for the reasons that we have given,¹ accept as the truth the evidence of the soldiers that they fired at individuals armed with rifles or nail bombs. When the soldiers' evidence is considered alongside the other evidence that we have considered, we are led to the conclusion that when the soldiers fired there were no gunmen or bombers in Glenfada Park North. Whether the soldiers believed, albeit mistakenly, that they had identified and fired at individuals armed with rifles or nail bombs is a matter that we consider below.

¹ [Chapters 100](#) and [103](#)

112.20 As to gunmen, we have earlier expressed the view that none of the soldiers initially reported to their commander (Lieutenant 119) that they had seen gunmen, let alone fired at gunmen.¹ Even assuming that one or more of the soldiers had seen one or more of the Official IRA men fleeing with firearms from Glenfada Park North into Abbey Park, we are of the view that, on the evidence we have considered, these paramilitaries had left Glenfada Park North by the time the soldiers opened fire. Corporal E did not say at any stage that he had encountered or seen a man or men with firearms. Private H did not suggest that he had seen a man or men with firearms, apart from the figure in a window at whom he said he had fired 19 shots. Lance Corporal F made no mention of seeing or engaging gunmen in his initial Royal Military Police statement. As we explained elsewhere in this report,² we formed the strong impression that Lance Corporal F and Private G had tailored their later evidence in an attempt to reconcile their originally markedly conflicting accounts, in the case of Lance Corporal F by saying for the first time that he had seen a gunman.

¹ [Paragraphs 100.15–17](#)

² [Paragraphs 100.8–11](#)

112.21 We have already stated that in our view, in the light of the evidence we have considered, there was no-one using or seeking to use such weapons in Glenfada Park North, or seeking to remove a bomb or bombs from the southern side of that area, when the soldiers arrived and opened fire.

112.22 It follows that in our view the first assumption on which the submission is based cannot be sustained.

- 112.23** We take the same view of the second assumption and for the same reasons.
- 112.24** As to the third assumption, we have found no evidence of any kind that suggests that the casualties were shot by mistake or by accident, save that in the cases of William McKinney and Joe Mahon, it may be that shots were directed at the former and that one that hit the former continued and hit the latter. However, William McKinney was not armed or posing any threat of causing death or serious injury.
- 112.25** In these circumstances we reject the suggestion that all or any of the casualties were accidentally shot by fire directed at individuals armed with rifles or nail bombs.

Corporal E

- 112.26** In our view Corporal E fired more or less in the direction that he said he did, and which his trajectory photograph shows.¹ We consider him to be the soldier whose firing wounded Patrick O'Donnell, though for reasons that we have given we reject his description of his target. His firing was probably witnessed by Lieutenant 119. In view of the unreliability of the evidence given by Lance Corporal F, Private G and Private H, it remains possible, but in our view highly unlikely, that one of these three soldiers was responsible for the injury to Patrick O'Donnell.

¹ B116

- 112.27** We have nothing that suggests to us that Corporal E fired additional shots in Glenfada Park North in a different direction. In our view he is unlikely to have been responsible for any of the other casualties.

Corporal E's state of mind

- 112.28** Corporal E may have seen Patrick O'Donnell taking cover and deliberately shot at him or in the direction where he had gone, or he may have simply shot at the fence, not intending to hit anyone but rather to frighten people off. If it was the former we consider that there was no justification for targeting Patrick O'Donnell, who was not posing any threat of causing death or serious injury. If it was the latter then it seems to us that such firing was in complete disregard of the obvious grave risk to life or limb.

- 112.29** Corporal E in our view lied about his target. This lie, coupled with the other evidence of the situation in Glenfada Park North, leads us to conclude that when he fired he could not have held a belief that he was justified in doing so. We can see no grounds for supposing that he may have fired in fear or panic, or believing, albeit mistakenly, that he had identified someone armed or posing a threat of causing death or serious injury.

Lance Corporal F, Private G and Private H

- 112.30** For reasons that appear hereafter, we deal with these three soldiers together.
- 112.31** Apart from Patrick O'Donnell, three people were shot and fell in Glenfada Park North, namely Jim Wray, William McKinney and Joe Mahon. Joe Friel and Michael Quinn were hit but did not fall and escaped through the alleyway into Abbey Park. We put Daniel Gillespie on one side for the purpose of this analysis, in view of the uncertainty about how he came to be injured.
- 112.32** Lance Corporal F said that he had shot someone who fell; Private G also said he shot someone who fell and that either he or Lance Corporal F shot someone else who also fell. Private H said that he shot someone who fell and someone else whom he hit but who staggered away.
- 112.33** William McKinney and Joe Mahon fell in Glenfada Park North. So did Jim Wray. There is thus a degree of correlation in relation to the casualties between what we are sure happened and what the soldiers said happened. Assuming that the person whom Private G said that he or Lance Corporal F had hit was the same as the person whom Lance Corporal F said he had hit, there would on the soldiers' accounts have been a total of three people who fell in Glenfada Park North. For the reasons we have given above, we are sure that three people did fall in Glenfada Park North. Two other people were hit and got away through the alleyway.
- 112.34** Private G throughout his accounts maintained that he had fired three shots in Glenfada Park North; and he denied firing additional shots in Abbey Park, though we have no doubt that he did. As we have described earlier in this report,¹ he also claimed to have fired two shots on his way into Glenfada Park North and one shot at a later stage at Block 1 of the Rossville Flats. We consider that he fired at least one shot and may have fired two on his way into Glenfada Park North; that he fired two shots in Abbey Park; and that he later fired one shot at Block 1 of the Rossville Flats.

¹ Paragraphs 94.3–37 and 123.181–211

- 112.35** We have earlier expressed the view that Private G probably fired in total six shots, which is what he claimed he did. On the basis that he fired one or two shots on his way into Glenfada Park North, two in Abbey Park and one later at Block 1 of the Rossville Flats, it would follow that he did not fire three shots in Glenfada Park North, but only one or two.
- 112.36** In his trajectory photograph, Private G put the line of what he said were his three shots in Glenfada Park North into the south-west corner.



- 112.37** In his trajectory photograph, Lance Corporal F depicted shots in Glenfada Park North and at Block 1 of the Rossville Flats. We deal with his alleged shots at Block 1 elsewhere in this report.¹ So far as Glenfada Park North is concerned, his shots are shown slightly to the east of the line depicted by Private G.

¹ [Paragraphs 123.118–180](#)



112.38 In his trajectory photograph, Private H put the line of what he said were his first two shots slightly to the west of those depicted by Lance Corporal F, in other words between the lines depicted by Lance Corporal F and Private G.¹

¹ The line of what Private H said were his 19 shots at a window is also shown on this trajectory photograph.



112.39 These trajectory photographs, taken at face value and considered with the positions of the casualties, could be said to indicate that Private G fired the shot that first hit Jim Wray, he being the furthest to the west of the casualties who fell in Glenfada Park North. However, Michael Quinn and Joe Friel were also shot in the same area, though they then left Glenfada Park North, so Private G may also (or instead) be responsible for one or both of these casualties.

112.40 On the same basis, the trajectory photographs and the position of the casualties could be said to indicate that either Lance Corporal F or Private H was responsible for shooting William McKinney and Joe Mahon, both of whom fell further to the east. As we have pointed out earlier in this report,¹ William McKinney was hit by one or two bullets, one of which probably continued and hit Joe Mahon. Lance Corporal F said that he had hit his target twice, but so did Private H.

¹ [Paragraphs 104.485–487](#)

112.41 In our view it is not possible to tell whether it was Lance Corporal F or Private H who shot William McKinney, and consequently Joe Mahon. Indeed, the possibility exists that each hit William McKinney with one shot but missed with the other. We should note at this point that Private 027 gave an at best second-hand description of a soldier hitting two people with one shot. Those two people could have been William McKinney and Joe Mahon. In one account Private 027 attributed this to Private H and in another to Private G. In the

end, we concluded that either Lance Corporal F or Private H could have been responsible for the shooting of William McKinney and Joe Mahon. It is possible, but in our view unlikely, that Private G was responsible for these casualties.

- 112.42** The shot Private H said that he fired at a man who was hit in the shoulder but staggered away could have been the round that hit Joe Friel, who was shot across the chest. If Private H was correct in describing this target as wearing a blue jacket and jeans, this could be another indication that he shot Joe Friel. However, as we have pointed out above, the possibility exists that Private G fired the shot that hit Joe Friel.
- 112.43** Michael Quinn was shot in the face. There is nothing in the accounts of any of the soldiers that provides any indication as to which soldier shot him. On the basis that Private G only fired one shot in Glenfada Park North, which hit Jim Wray (or Joe Friel), he did not hit Michael Quinn, though it is just possible that the first shot to hit Jim Wray continued and hit Michael Quinn. However, it is also possible that Private G fired two shots in Glenfada Park North, one of which did hit Michael Quinn. On the basis that Lance Corporal F fired only two shots in Glenfada Park North, one or both of which hit William McKinney, it would seem unlikely that he shot Michael Quinn, who was further to the west. As to Private H, we are sure that this soldier did not fire 19 shots at a window in Glenfada Park North, as he claimed that he had done. As we explain elsewhere in this report,¹ it seems that after the initial burst of firing by soldiers in Sector 4 he fired one shot at a window on the south side of Glenfada Park North, and later a number of shots in Sector 2 and south of Sector 5. We do not know the exact number of shots that he fired in these other sectors, so it is possible that he fired more shots during the initial firing in Glenfada Park North than he has admitted doing.
- ¹ [Paragraphs 105.8–30](#)
- 112.44** On the basis of the foregoing analysis, it is possible that Private G fired the first shot to hit Jim Wray; that either Lance Corporal F or Private H (or both of them) were responsible for the shot or shots that hit William McKinney, one of which injured Joe Mahon; that Private G or Private H was responsible for the shot that injured Joe Friel; and that either Private H or Private G was responsible for the shot that wounded Michael Quinn.
- 112.45** Such conclusions are based on accepting that these soldiers fired the number of shots that they claimed to have discharged on Bloody Sunday and on accepting (with the exception of Private H's 19 shots at a window in Glenfada Park North) that their trajectory photographs do give an indication of where they directed their fire in Glenfada Park North. We have previously expressed the view that the soldiers probably did fire only the

number of shots they claimed. As to the trajectory photographs, these do show a degree of correlation with where we are sure the casualties in Glenfada Park North were shot, but are based on evidence from soldiers whose accounts in many respects were in our view untruthful. Thus we are far from certain that the analysis based on these assumptions is correct.

112.46 As to the second shot that probably hit Jim Wray as he lay on the ground, Private 027, who for reasons given elsewhere in this report¹ was in our view giving a second-hand account, attributed this to Private H. On his own account, Private H fired at a man he described as running off with a nail bomb after the shots that he and the others had initially fired and after people had fallen. We do not accept this account of his target, and, as we have said, there are indications that Private H may not have fired the shot that hit Joe Friel.

¹ Paragraphs 96.9–12

112.47 In our view Jim Wray was probably shot on the ground after the initial firing. Private G was likely to have been the nearest to Jim Wray, as he said that he had gone down the western side of Glenfada Park North and we are sure that he went into Abbey Park. If he fired only one shot in Glenfada Park North, it could be said to be unlikely that he was responsible for the second (as opposed to the first) shot to hit Jim Wray, but he may have fired two shots. On the basis that Corporal E and Lance Corporal F fired only the shots they claimed in Glenfada Park North, which we consider was probably the case, it is unlikely that either was responsible for the second shot to hit Jim Wray. Private H was the only soldier who said he fired in Glenfada Park North after the initial burst of firing and whose shot count was large enough to include a shot at Jim Wray on the ground.

112.48 On the basis of this analysis, it could be said that the soldier who fired the second shot to hit Jim Wray was either Private G or Private H.

112.49 We now turn to consider whether the civilian evidence of soldiers firing in Glenfada Park North, which we have considered earlier in this report,¹ supports or detracts from the foregoing analysis.

¹ Chapters 102, 103 and 104

112.50 We have concluded that one or more of the soldiers in Glenfada Park North did fire from the hip, or from between the hip and the shoulder; and that one of these shots hit Joe Friel. We also concluded that it was probably one of the leading soldiers who fired this shot. On this basis, the soldier was unlikely to have been Private H, who was not the first to come into

Glenfada Park North. Private G's evidence was that he shot from a kneeling position, and there is civilian evidence of a kneeling soldier. On this basis the possibility exists that it was not Private G who shot Joe Friel, which (since we take the view that Corporal E probably did not fire into the south-western corner of Glenfada Park North) leaves Lance Corporal F. However, in view of what we consider was the unreliability of Private G's evidence generally, we do not regard his assertion that he fired from a kneeling position as conclusive. Thus it remains possible that he fired the shot that wounded Joe Friel.

- 112.51** From our examination of the civilian evidence of the shooting by soldiers in Glenfada Park North, we have found nothing that helps us to identify which soldier shot which casualty, save for the evidence which indicated that it was one of the leading soldiers that shot Joe Friel.
- 112.52** In these circumstances, though we consider it probable that Corporal E was responsible for the injury to Patrick O'Donnell, it is difficult to be confident about attributing any of the other casualties to any particular soldier. All we can say is that to our minds it is more likely than not that Lance Corporal F or Private H fired the shot that mortally wounded William McKinney; that one or other of these soldiers was responsible for the shot that wounded Joe Mahon; that Private G or Private H fired the shot that wounded Michael Quinn; that Lance Corporal F or Private G fired the shot that wounded Joe Friel; that Private G or Private H fired the first shot to hit Jim Wray; and that Private G or Private H fired the second shot that hit Jim Wray as this casualty lay on the ground.

Lance Corporal F's, Private G's and Private H's state of mind

- 112.53** There remains the question as to whether any of these soldiers held a belief that he was justified in firing, notwithstanding that in our view none of the casualties was doing anything that could have led any of the soldiers to hold such a belief.
- 112.54** Having read the accounts of the soldiers and listened to Lance Corporal F and Private H, and in the light of the other evidence to which we have referred in the course of considering the events of Sector 4, we are of the view that none of the soldiers who fired did so in the belief that he had or might have identified a person in possession of, or using or about to use, bombs or firearms. No doubt the soldiers were correctly on their guard against attack from paramilitaries, and may have been highly apprehensive that such an attack might happen. We appreciate that the soldiers would have had little time to assess and respond to what was happening. But we cannot accept as truthful any of their varying accounts of what they say they faced when they went into Glenfada Park North.

112.55 In our view they must have seen people simply trying to leave the area, many frightened and in shock after seeing or learning of the events in Rossville Street and fleeing when the soldiers came in. We cannot see how any of the soldiers could have thought that he or his colleagues were in such danger from individuals among these people that firing at them was justified. It will be borne in mind that William McKinney and Jim Wray were both shot in the back and that none of the casualties (with the possible exception of Daniel Gillespie) appears to have been facing the soldiers when shot. We are sure that these soldiers fired (without warning that they were about to fire¹) either in the belief that no-one in the area towards which they respectively fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. With the possible exception of Private H, we consider it unlikely that they fired in a state of fear or panic.

¹ Corporal E stated that he shouted "drop it" before he fired (B87).

112.56 Taking each of the casualties in turn, we do not find it possible to say with any confidence whether Michael Quinn, Joe Friel and (if he was hit by a bullet) Daniel Gillespie were specifically targeted, as opposed to being the victims of shots indiscriminately fired (one or more from the hip) at a number of people in the south-west corner of Glenfada Park North. In our view, however, both Jim Wray and William McKinney were specifically targeted, as there appear to have been few people near them at the time. We deal below with the second shot that hit Jim Wray. Joe Mahon may not have been specifically targeted but was probably wounded by a bullet that hit William McKinney.

112.57 As to the shot that in our view hit Jim Wray as he lay on the ground, we consider that this must have been deliberately fired at him. He was on his own. There is nothing to suggest that he could have been hit by mistake or by accident. No-one could have believed that Jim Wray was posing a threat of causing death or serious injury; no-one admitted firing at a man lying on the ground; and no-one suggested that there was or could possibly have been any real or imagined justification for shooting a man in this position.

112.58 Our overall assessment of what happened in Glenfada Park North is that the soldiers who went in, led by Corporal E, fired at fleeing civilians, and then, in the knowledge that what they had done was unjustified, proceeded to invent false accounts of what they had seen and done. It is possible that Private H, who told us he was frightened when he went into Glenfada Park North, fired in a state of fear or panic, without giving any proper thought to what he was doing, but we are far from certain of this. We repeat that we have found no

evidence that suggests to us that any of the four soldiers might have believed, albeit mistakenly, that he had, or might have, identified a target at which he was justified in firing.

Abbey Park

112.59 For the reasons that we have given,¹ we have no doubt that Private G was the soldier who fired in Abbey Park and mortally wounded Gerard McKinney and Gerald Donaghey.

¹ [Chapter 107](#)

Private G's state of mind

112.60 In our view Private G deliberately targeted Gerard McKinney in Abbey Park. Gerard McKinney and Gerald Donaghey were on their own. Private G denied firing in Abbey Park but we are sure that he did so. We have already concluded that in our view Private G neither had nor could have believed that he had any justification for shooting Gerard McKinney, a person who was not posing any threat of causing death or serious injury. His shot passed through Gerard McKinney and mortally wounded Gerald Donaghey. Private G may not have realised that his shot had had this additional effect.

112.61 There is no evidence that Gerald Donaghey was doing anything when he was shot that could have led any soldier to believe that he was posing a threat of causing death or serious injury. If, as we consider was the case, Private G did not target Gerald Donaghey, what the latter was doing is in this context irrelevant. We deal elsewhere in this report¹ with the separate question as to whether Gerald Donaghey had nail bombs in his pockets at this time, but as will be seen when we deal with that question, we are sure that if (which we consider was probably the case) he had nail bombs in his pockets, these were not visible to those who came to his aid and accordingly could not have been visible to Private G. In our view Gerald Donaghey was trying to leave the area when he was shot.

¹ [Chapters 125–145](#)

112.62 There was in our view no good reason for Private G's shot down the alleyway between Abbey Park and Glenfada Park South. We consider that this shot was intended to frighten rather than hit people; and was, without any justification whatever, fired with complete disregard to the obviously grave risk to life or limb.

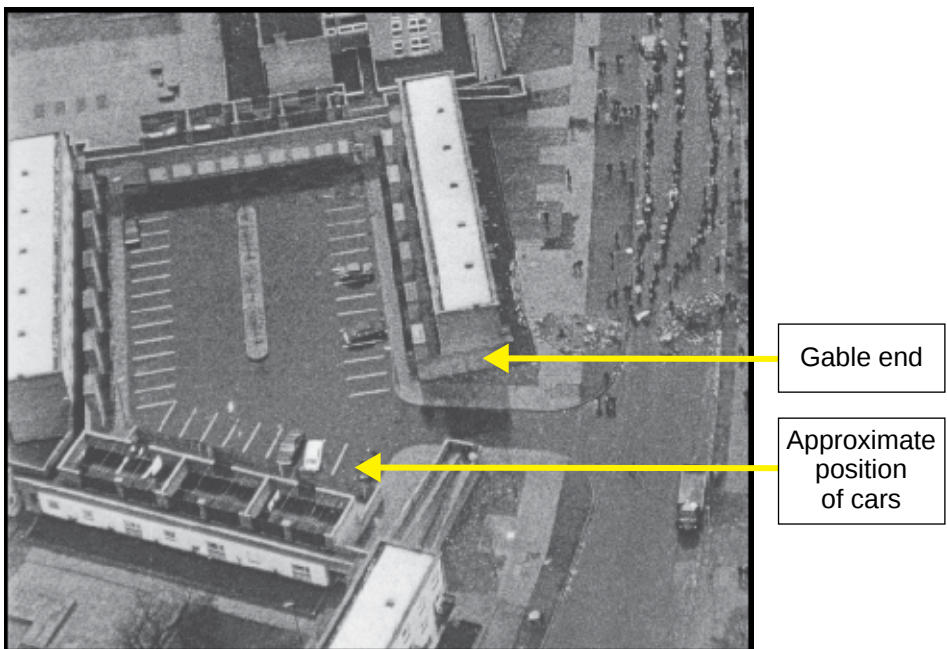
- 112.63** We now turn to consider the circumstances in which the people who had been sheltering at or near the southern end of the eastern block of Glenfada Park North were arrested before we turn to the events of Sector 5.

Chapter 113: Arrests in Sector 4

Contents

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113.1 A number of civilians were arrested as they sheltered behind or close to the southern end of the eastern block of Glenfada Park North or next to cars that were parked at the eastern end of the southern pavement of Glenfada Park North. The southern end of the eastern block was often referred to as the gable end. It is marked as such on the following photograph, which also shows the approximate position of the cars. The photograph was not taken on Bloody Sunday.



113.2 Seventeen people have said that they were arrested at or close to the gable end.¹ Five have said that they were arrested next to the cars.² In the case of Seamus (James) Liddy, in two of his three 1972 accounts he stated that he had been arrested in William Street.³ In the cases of PIRA 1 (then a member of the Provisional IRA) and Eamon McAteer,⁴ their accounts conflict with evidence from the soldiers. We consider these three accounts

below, but so far as the others are concerned, there is nothing to contradict their accounts of where they were arrested and we are sure that they were arrested where they said they were.

¹ Fr Denis Bradley ([H1.42](#); [H1.12](#)), Eugene Bradley ([AB113.3](#); [AB113.7](#)), Christopher James Doherty ([AD58.1](#); [AD58.12-13](#)), George Irwin ([AI4.1-2](#)), James Kelly ([AK12.5](#); [AK12.34](#)), Barry Liddy ([AL13.1](#); [AL13.8](#)), Eamon McAteer ([AM41.5](#); [AM41.33](#)), Fergus McAteer ([AM42.2](#); [AM42.9](#)), Patrick McGinley ([AM241.5](#)), Denis Patrick McLaughlin ([AM326.6](#); [AM326.23](#); [AM326.24](#)), James McNulty ([AM377.3](#); [AM377.8](#)), Patrick Joseph Norris ([AN24.5](#)), Winifred O'Brien ([AO4.2-3](#)), Patrick O'Donnell ([AO35.2](#); [AO35.7-8](#)), Myles O'Hagan ([AO43.3](#)), Fr Terence O'Keeffe ([H21.23](#); [H21.48](#)), PIRA 1 ([AM508.3](#))

² Anthony Coll ([AC84.6-7](#)), John Devine ([AD41.1-3](#); [AD41.6](#); [AD41.7-8](#)), Hugh O'Boyle ([AO1.5-6](#); [AO1.18](#); [AO1.16](#)), George Roberts ([AR13.8](#); [Day 151/82-84](#)), Robert Wallace ([AW3.2](#); [AW3.14](#))

³ [AL12.1](#); [AL12.2-4](#)

⁴ [AM508.3](#); [AM42.2](#)

113.3

The people arrested at the gable end or next to the cars were escorted by soldiers along the eastern side of Glenfada Park North and then into Columbcille Court where they were made to stand for some time in the search position¹ against a wall on the western side of the eastern block of Columbcille Court.² While there, they were seen and photographed by a number of journalists,³ some of whom followed the arrestees as they were led out of Columbcille Court and north towards Little James Street. The photographs taken of the arrestees while they were detained in Columbcille Court included the image below, taken by William Rukeyser, a freelance photographer.

¹ That is, with their faces against the wall and their arms above their heads.

³ [M13.5](#); [M17.2](#); [M23.2](#); [M52.2](#); [M57.3](#); [M80.2-3](#)

² [H21.23](#); [AW3.2-3](#); [AW3.8](#); [AM42.10](#); [AM42.15](#)



113.4

The two soldiers in the photograph would have been members of Anti-Tank Platoon. A number of arrestees were able to recognise themselves or other arrestees in this or other photographs taken of the same scene.¹ The only arrestees whose faces are visible in this

photograph, however, are the three who appear on the left of the image. They are, from left to right, Fr O'Keeffe, Fr Bradley and Winifred O'Brien. The latter was the only woman to be arrested on Bloody Sunday.

¹ [AM326.12](#); [AN24.6](#); [AN24.12-13](#); [AK12.6](#); [AK12.27](#); [AM41.17](#); [AM41.26](#)

113.5

The arrestees were escorted by members of Anti-Tank Platoon north to the perimeter fence on the eastern side of the GPO sorting office building on Little James Street (the GPO perimeter fence). The photograph below was taken by Frederick Hoare of the *Belfast Telegraph*. It shows arrestees lined up, again in the search position. Winifred O'Brien can be seen on the left of the photograph. The arrestee standing next to her is Fr O'Keeffe. The soldier wearing a beret and holding a baton is Captain INQ 7, the 1 PARA Intelligence Officer.¹ The helmeted soldiers are not members of Anti-Tank Platoon or the Provost Detachment of 1 PARA.² It is possible that they are either members of Composite Platoon (Guinness Force) or C Company detailed to guard the arrestees. As we explain later in this report,³ the Provost Detachment was involved in transporting the arrestees gathered by the GPO perimeter fence to Fort George. This was the battalion headquarters of 1 CG⁴ but had been designated as a location where arrestees could be held and processed by the Royal Military Police (RMP).⁵

¹ [B1288-1289](#); [B1295.023](#); [B1295.024](#)

⁴ [C588.1](#); [C179.1](#); [C454.1](#)

² [C301.4-5](#); [C301.7](#)

⁵ [G95.571](#)

³ [Chapter 159](#)



113.6 Fr Bradley was not among those arrestees collected at the GPO perimeter fence. As the arrestees were taken from Columbcille Court, he and another arrestee, Patrick O'Donnell, were released in the area of William Street.¹ We consider what then happened to Patrick O'Donnell in the next chapter.²

¹ [H1.43](#); [AO35.7.8](#)

² [Chapter 114](#)

113.7 It appears that two other people were arrested in or near Columbcille Court and joined the group being escorted from Glenfada Park North. Although John Gormley told us that he was arrested after leaving a house in Glenfada Park South, we prefer and accept the evidence of Fr George McLaughlin, that John Gormley was in fact arrested as he left a house in Columbcille Court.¹ According to his Keville interview,² George McDermott was arrested in Abbots Walk, which runs parallel to Drumcliffe Avenue, at the southern end of the Meenan Square complex. However, his description suggests to us that his arrest may have been on the western side of the central block of Columbcille Court.

¹ [H13.12-13](#); [Day 57/99](#)

² [AM183.2](#)

113.8 As we have noted at the beginning of this chapter, 22 people were arrested in Glenfada Park North. With the arrest of Seamus Liddy, whose accounts we consider below, together with the arrests of John Gormley and George McDermott, it follows that Anti-Tank Platoon escorted 25 civilians north from Columbcille Court. However, with the release of Fr Bradley and Patrick O'Donnell, only 23 arrestees detained by Anti-Tank Platoon reached the GPO perimeter fence. As we explain more fully later in this report,¹ they were joined there by four men (Charles Canning, William John Dillon, James Charles Doherty and Joseph Lynn) who had been arrested in the area of Rossville Street. Members of the Provost Detachment subsequently arrived at the GPO perimeter fence, escorted all 27 arrestees to a lorry parked in Sackville Street and then transferred them to Fort George.

¹ [Chapters 157](#) and [159](#)

113.9 Those we are sure were arrested at the southern end of Glenfada Park North have given varying accounts of the number of soldiers involved in their apprehension.¹ We found convincing the 1972 accounts of Fr Bradley that soon after he heard shooting in Glenfada Park North, a soldier appeared round the corner of the gable end, seemed surprised to find people there, pointed a gun at them and told them to put their hands up, after which other soldiers appeared, whose numbers he put in his various accounts at between two and five.² In his written statement to this Inquiry,³ he recalled that the soldier who came round the gable end was followed by a couple of others. Some civilians have said that a

much larger number of soldiers were involved, ranging from 12 to about 40 but in our view these are overestimates and the evidence of the civilians as a whole leads us to conclude that Fr Bradley's numbers (which can be found in the accounts of several others) are to be preferred.

- ¹ Fr Bradley (H1.12; H1.32-33; H1.42; H1.51; H1.87), Eugene Bradley (AB113.3; Day 169/194-5), Anthony Coll (AC84.1; AC84.2; AC84.7), John Devine (AD41.6; AD41.17; AD41.2-3), Christopher James Doherty (AD58.1; AD58.12-3), George Irwin (AI4.2), James Kelly (Day 145/33, 79), Barry Liddy (AL13.8; AL13.15; AL13.68-71; AL13.74), Seamus Liddy (AL12.3; AL12.5), Eamon McAteer (AM41.5; Day 135/23), Fergus McAteer (AM42.2; AM42.4; AM42.9; Day 168/68), Patrick McGinley (AM241.5; Day 425/150), Denis Patrick McLaughlin (AM326.6-7; Day 159/42-48), James McNulty (AM377.3; AM377.13), Patrick Joseph Norris (AN24.21; AN24.5-6),
- Hugh O'Boyle (AO1.16; AO1.24; AO1.6; Day 132/19, 69), Winifred O'Brien (AO4.5; AO4.3), Patrick O'Donnell (AO35.3; AO35.14; AO35.18; AO35.20; AO35.34), Myles O'Hagan (AO43.3; Day 388/104), Fr O'Keeffe (H21.23; H21.10; H21.39; H21.48; H21.104; H21.93; Day 127/232-3), George Roberts (AR13.10; AR13.2; Day 151/85), Robert Wallace (AW3.2; AW3.12; Day 154/159; 183)
- ² H1.32-33; H1.42; H1.51
- ³ H1.12

113.10 We now turn to consider whether it is possible to identify the soldiers who appeared at the southern end of the eastern block of Glenfada Park North. This is important for two reasons, firstly because of the shooting that took place from this area at about this time, to which we return in our consideration of the events of Sector 5,¹ and secondly because of allegations of physical and verbal abuse made against these soldiers (and other soldiers) involved in escorting the arrestees.

¹ Chapter 119

Soldiers at the southern end of the eastern block of Glenfada Park North

113.11 According to the evidence of Lance Corporal F, he was the soldier who first appeared round the southern end of the eastern block of Glenfada Park North (the gable end).¹ However, in view of our grave doubts about the reliability and truthfulness of much of his evidence, we are not sure that this was so. However, we are sure that he was one of the soldiers who did get to the gable end. As we discuss in the context of Sector 5,² he fired from the entrance to Glenfada Park North into that sector.

¹ B122; B138; B143; B158

² Paragraphs 119.158–175

113.12 It is more difficult to identify from the soldiers' evidence who accompanied or followed Lance Corporal F. Corporal E made no mention in his RMP statements of any involvement in arrests. In his written statement for the Widgery Inquiry, he described moving forward in Glenfada Park North with other soldiers to make arrests "*and we arrested about thirty people. My section took them back as far as the wall from which we had come for them to be conveyed back. I was still covering the position at the entrance*

to Glenfada Park for a few more seconds and then returned to a position in Rossville Street.”¹ In his oral evidence to the Widgery Inquiry, he said that he had moved forward “slightly” from the position in Glenfada Park North from which he said he had fired at a nail and petrol bomber with three or four other soldiers, in order “to collect prisoners”. He told the Widgery Inquiry that the furthest south he had gone was about halfway down the eastern block of Glenfada Park North.²

¹ B95

² WT14.33

113.13 We have rejected the account given by Corporal E of firing at a nail and petrol bomber and find it difficult to place reliance on where he then said he went.

113.14 In this connection we turn to the note made by the journalist Peter Pringle of an interview described as given by Seamus Liddy to the *Sunday Times* Insight Team dated 18th May 1972.¹ According to this note Seamus Liddy told Peter Pringle that he went over to the group standing by the gable, and there saw a soldier standing at the bottom of the Rossville Flats who fired a rubber bullet which hit him in the chest. He said that his brother Barry and Fr Bradley then helped him. He also said he saw a crowd bending over the body of Michael Kelly and then three bodies lying in Glenfada Park North. The note continued, “Then a soldier came round the corner with a sten gun, which he was firing ... He says this man was a corporal and he knows his name because it was the same soldier who arrested him and accused him of stone throwing.” Peter Pringle put a question mark against the statement that the soldier had come round the corner with a Sten gun that he was firing. We return to this account when considering the events of Sector 5.²

¹ AL12.5-6

² Paragraph 119.41

113.15 According to these interview notes,¹ Seamus Liddy told Peter Pringle that when he was eventually released from Fort George “he saw one of the Coldstream Sgts. he knew who sd to him: ‘You won’t be with us tomorrow, Jimmy’” and that when he turned up for work the next day he was turned away at the gate. In our view these notes show that Peter Pringle had got this information from Seamus (“Jimmy”) Liddy and that Jimmy was known to at least one of the sergeants at Fort George. In addition, the notes record that Seamus Liddy was a bar steward working in the NAAFI (the soldiers’ canteen) at Fort George.²

¹ AL12.5-6

² AL12.6

113.16 In his Keville interview and his Northern Ireland Civil Rights Association (NICRA) statement (this appears to have been prepared from the Keville tapes),¹ Seamus Liddy had described himself as a cleaner and as having been arrested in William Street on his

way to work; and had stated that it was not the corporal who at Fort George had accused him of stone throwing who had arrested him. It should be noted, however, that he also stated that his brother was “*also employed by the army*”, which implies that both of them had Army jobs.

¹ [AL12.1](#); [AL12.2-4](#)

113.17 On the face of it, therefore, there is a sharp conflict between what Seamus Liddy said during his Keville interview and what he told the *Sunday Times* Insight Team about where he was arrested and by whom.

113.18 Seamus Liddy's brother, Barry Liddy, also gave a Keville interview¹ and signed a NICRA statement² that appears to have been prepared from the Keville tape, as well as preparing a handwritten statement himself.³ From these statements it appears not only that he was arrested at the gable end, but also that he had probably helped his brother there. In his handwritten statement, Barry Liddy, after describing seeing three people shot in Glenfada Park North, stated that, “*A Paratrooper then came round the corner of Glenfada Park firing his rifle as he came holding it under his arm*” but gave no further details about this.⁴

¹ [AL13.14-17](#)

³ [AL13.3-6](#)

² [AL13.1-2](#)

⁴ [AL13.8](#)

113.19 There is no doubt that Barry Liddy was employed in the NAAFI at Fort George. He not only said so himself¹ but the possessions listed when he was taken under arrest to Fort George included “*1X MOD PASS and !X NAAFI PASS*”. However, he could not have been the person who was turned away when he went to work the next day, for records show that at this time he was in hospital.² In an interview with Paul Mahon in 1998, Barry Liddy said that the NAAFI had employed both him and his brother “*Jimmy*”.³

¹ [AL13.9](#)

³ [AL13.165](#)

² [AL13.10-13](#)

113.20 Seamus Liddy probably initially gave a false account of where and by whom he had been arrested, since he feared for his Army job; and thus also had to deny that a corporal at the gable end had arrested him. By the time of the *Sunday Times* interview some months later, the motive for denying where he had been arrested and by whom seems to have disappeared. Looking at what both brothers have said, we consider that Seamus Liddy was probably arrested at the gable end. Furthermore, though we are satisfied that Corporal E did not have a Sten gun on Bloody Sunday, we have no reason to doubt

Seamus Liddy's account that it was Corporal E who arrested him. The arrest records at Fort George record Corporal E as the arresting soldier. In our view, therefore, it is likely that this soldier did get as far as the gable end.

- 113.21** Private G, in his first RMP statement,¹ said that when he returned from the south-west alleyway of Glenfada Park North, "*prisoners had been taken from the area by other members of my platoon*".²

¹ B168

² B169

- 113.22** In his written statement for the Widgery Inquiry, Private G recorded that after seeing (from the south-western corner) Lance Corporal F fire one or two shots from the south-eastern corner of Glenfada Park North, he saw "*a party of about 20 people where F was were ferried back by F and some others. I went quickly across the courtyard to join them. I went back through the alleyway we had come in by, and went with the party into Columbcille Court where the civilians were handed over to another party from our unit.*"¹

¹ B187

- 113.23** For reasons already given,¹ we have rejected much of the evidence of Private G. Indeed we have concluded that he was responsible for shooting two people in Abbey Park, something which he never admitted doing and, in his evidence to the Widgery Inquiry, which he effectively denied. His evidence therefore must be treated with great caution. Thus he may have got as far as the south-east corner of Glenfada Park North.

¹ Chapters 100 and 112

- 113.24** In his first RMP statement,¹ Lance Corporal J recorded that after the crowds from the barricade were dispersed, "*I then received orders to go to Glenfada Park and assist in escort duties for a number of civilians that had been arrested for rioting*".² In his written statement for the Widgery Inquiry,³ Lance Corporal J did not mention these orders but, after describing going into Glenfada Park North, recorded that, "*Two suspects had been arrested by myself and my companion*".

¹ B265

³ B273

² B266

- 113.25** In his oral evidence to the Widgery Inquiry,¹ Lance Corporal J said that he went into Glenfada Park North from Rossville Street because, he thought, "*there was a Platoon Commander standing behind us who shouted, 'Move into Glenfada Park as there are a lot of people there and arrest them'.*" He then said that after he had moved into Glenfada Park North and had seen Lance Corporal F and Private G firing at men at the far corner,

“myself and the soldier with me arrested two people”.² He identified where he had made these arrests as *“at about here”* but the transcript does not reveal where that was, nor did Lance Corporal J identify his colleague. It is possible, therefore, that he was one of the soldiers who accompanied or followed Lance Corporal F to the gable end.

¹ WT15.31

² WT15.32

113.26 According to the records that were made at Fort George of the people arrested and taken there on Bloody Sunday,¹ Corporal E, Lance Corporal F, Private G and Lance Corporal J were among those who had arrested people who have told us that they were apprehended at the gable end or next to the parked cars. From the evidence of arrests by Lance Corporal F and of the Liddy brothers that we have discussed above, these seem to be an accurate record of arrests by Lance Corporal F and Corporal E, and possibly of arrests by Lance Corporal J. However, we consider that little reliance should be placed on those records as in themselves and without other supporting evidence demonstrating that the soldiers named were among those who got to the gable end and arrested people there or at the cars. Thus we consider that the records do not establish that Private G was one of their number. He may well have been selected as the arresting soldier simply because he was later involved with escorting the civilians from Glenfada Park North.

¹ We explain the records made at Fort George later in this report (paragraphs 156.5–9).

113.27 These records list other soldiers as arresting those who have told us that this happened at the gable end or next to the parked cars. We turn to consider these soldiers below.

113.28 Lance Corporal 033 was a member of HQ Platoon and Major Loden’s signaller.¹ According to the Fort George records he arrested PIRA 1 in Rossville Street. According to his RMP statement dated 4th February 1972,² he was never in Glenfada Park North nor went as far south as the gable end, but in Rossville Street *“made an arrest and returned to the ACV [Armoured Command Vehicle] with my prisoner”* who he delivered *“to the arrest team at the corner of Eden Place/Rossville St”*.

¹ B1621.001; Day 324/34

² B1617

113.29 PIRA 1 thought that he was the man photographed at Fort George with Lance Corporal 033¹ but told us that he did not recognise this soldier as the one who had arrested him.² Lance Corporal 033, in his oral evidence to this Inquiry,³ was sure that he had arrested the person shown in the photo with him, though he maintained that he had not carried out the arrest at the gable end.

¹ As we explain later in this report ([paragraphs 156.5–9](#)), the processing of arrestees at Fort George included members of 1 PARA being photographed with the person or persons they told the RMP they had arrested in the Bogside. These photographs were often described as arrest photographs.

² [AM508.4](#); [Day 409/47](#)

³ [Day 324/94-95](#)

113.30 We are sure that PIRA 1 was arrested at the gable end, since, apart from his own evidence, we are satisfied from the evidence of George Roberts and Denis Patrick McLaughlin¹ that PIRA 1 was with them and that they were arrested there. We are equally satisfied that it was not Lance Corporal 033 who arrested PIRA 1 and that this soldier was never at the gable end. It follows that if PIRA 1 is the person shown in the photograph with Lance Corporal 033, as we consider is likely to be the case, we must reject this soldier's evidence that it was PIRA 1 whom he arrested in Rossville Street.

¹ [AR13.2](#); [AM326.5-6](#)

113.31 Private 112 was a member of Mortar Platoon. According to the Fort George records, he arrested Eamon McAteer in Rossville Street. In his written evidence to this Inquiry,¹ Private 112 told us that he had arrested someone on the Eden Place waste ground. In his oral evidence to this Inquiry,² he accepted that he might have made a mistake and identified the wrong prisoner as the one he had arrested.

¹ [B1732.004](#)

² [Day 320/100-101](#)

113.32 We are sure from his accounts that Eamon McAteer was arrested at the gable end.¹ We are also sure that Private 112 was never at the gable end. It follows that the person he said he arrested on the Eden Place waste ground was not Eamon McAteer.²

¹ [AM41.33](#); [Day 135/31](#)

² Earlier in this report ([Chapter 35](#)), we concluded that Private 112 had taken part, with Private U, in the arrest of Charles Canning.

113.33 Lance Corporal 229 was a member of Composite Platoon (Guinness Force). According to the Fort George records, he arrested Patrick McGinley, Denis Patrick McLaughlin and Joseph Lynn in Rossville Street. In his RMP statement dated 15th February 1972,¹ after describing making another arrest, Lance Corporal 229 stated that he then:

“went back through the barricade and finished up with elements of Support Company in Glenfada Park. There was a crowd of civilians throwing stones at us and being generally abusive. I was aware that shooting was taking place but it seemed to be coming from above us ... We went into the ‘snatch’ routine, and I joined one of the Support Company squads and arrested two young male civilians, one of whom was a Mr McLoughlin [sic], and a second whose name I cannot remember. I arrested these two alone and took them back to the rear echelon where I handed them over. I do not recall to whom.”

¹ [B2211.014-15](#)

113.34 He added in this statement that Lance Corporal F was not concerned with any of the arrests he made.

113.35 In his written statement to this Inquiry, Lance Corporal 229 stated that he did not remember being in Glenfada Park, but that he must have been there since this appeared in his RMP statement.¹ He also stated that, *“It was possible that you could make a mistake in picking out the people you had arrested but I am fairly sure that I recognised the ones I had arrested.”*²

¹ [B2211.005](#)

² [B2211.007](#)

113.36 In his oral evidence to this Inquiry,¹ Lance Corporal 229 said that he could remember little and was not sure, but doubted that he was ever in Glenfada Park North. He told us that he thought that he might have received arrestees at a point north of Glenfada Park North, where he was informed where they had been arrested. He admitted that he had not seen the two he arrested actually rioting in Rossville Street, but had been told by others that this was the case.²

¹ [Day 341/47](#); [Day 341/53-55](#)

² [Day 341/54](#)

113.37 Patrick McGinley (who was 16 at the time) is one of those who we are sure was arrested at the gable end. His account of being at the gable end is supported by the evidence of Myles O’Hagan.¹ In his Keville interview,² Patrick McGinley described being pinned down there when soldiers charged round the corner and held them at gunpoint. He gave a similar account in his written statement and his oral evidence to this Inquiry,³ though his recollection of about a dozen soldiers appearing is, in our view, an overestimate.

¹ [AO43.3](#)

³ [AM241.5](#); [Day 30/64](#)

² [AM241.18](#)

113.38 Denis Patrick McLaughlin is another of those who we are sure was arrested at the gable end. He also gave a Keville interview,¹ in which he described some soldiers coming round the corner where he was sheltering up against a wall with Fr Bradley and seeing a man with a wound in his shoulder, who we are sure was Patrick O'Donnell. In his written statement to this Inquiry and in his oral evidence,² Denis Patrick McLaughlin gave a similar account, describing how he saw one soldier come from Glenfada Park North followed almost immediately by others.

¹ [AM326.39](#)

² [AM326.6-7; Day 159/42-48](#)

113.39 It is just possible that Lance Corporal 229 was one of the soldiers who got as far as the gable end, and there was involved with the arrest of Patrick McGinley and Denis Patrick McLaughlin, though in our view this is unlikely.

113.40 According to his written evidence to this Inquiry,¹ Private Longstaff had followed Lance Corporals F and J and Private G “*and others*” to the right from Rossville Street. He stated that he believed that he was looking northwards towards Columbcille Court from the north-west corner of Glenfada Park North when he heard gunshots from behind him. He told this Inquiry that although he recalled later guarding prisoners up against a wall, he had no recollection of having made the arrests himself.²

¹ [C23.5](#)

² [C23.5](#)

113.41 According to the Fort George records, Private Longstaff arrested James Kelly and George Roberts for throwing stones in Rossville Street. However, both in his written evidence and when giving oral evidence, Private Longstaff admitted that he may have lied when he identified James Kelly and George Roberts as rioters.¹

¹ [C23.7; Day 374/107-112](#)

113.42 George Roberts is one of those who we are sure was arrested as he sheltered behind a car on the south-eastern side of Glenfada Park North.¹ He could not tell us if the soldier who had claimed at Fort George to have arrested him was in fact the one who had done so.

¹ [AR13.10; AR13.2; Day 151/84](#)

113.43 James Kelly is also one of those who we are sure was sheltering behind the gable wall. In his written statement to this Inquiry,¹ he stated that he moved out slightly from the wall in a westerly direction and round the corner towards a wooden fence. “*As I moved out a paratrooper (who I later identify in this statement as ‘Falstaff’) was suddenly stood right in front of me in the gate or gap in the fence, blocking my way at the position marked E on*

the attached map (grid reference I14). He stuck the barrel of his gun into my abdomen and said, 'Get your hands up, you hairy fucker!' He stated that he then saw other paratroopers and was made to stand facing the gable end wall. He recalled Fr Bradley trying to reason with the paratroopers. He also recalled that there was a sergeant or an officer of some sort there giving orders, but that the officer he identified later in his statement as "*Falstaff*" was not the officer in charge, nor was "*Falstaff*" one of the soldiers who "*frogmarched*" him to or from the GPO.²

¹ AK12.13-14

² Day 145/32

113.44 James Kelly told us that when he got to Fort George, he heard the soldier who had stuck his gun into James Kelly's abdomen addressed by one of his colleagues as "*Falstaff*" and that he later learned that the name of this soldier was Longstaff.¹ It should be noted, however, that he was unable to recognise Private Longstaff from what was a rather poor quality arrest photo, and told us that the soldier who had identified him at Fort George was not Private Longstaff.² Despite this, there is no doubt that James Kelly was photographed with Private Longstaff and, as we have noted, he appears as the arresting soldier in the Fort George records.

¹ AK12.15

² Day 145/38

113.45 In these circumstances, though we are not certain, we consider that it is more likely than not that Private Longstaff was the soldier who arrested James Kelly; and it is possible, since on this basis he was in the area, that he also apprehended George Roberts, though in the case of the latter individual, it is equally possible that he was not the arresting soldier, but was at best involved in escorting the arrestees after they had been apprehended.

113.46 According to his written evidence to this Inquiry,¹ Private INQ 635, a member of Anti-Tank Platoon, was given a line of civilians to escort back to a holding area. He stated that he was unable to locate where he then was but gave a description of being in a courtyard area underneath "*some flats on stilts*" possibly to the west of Rossville Street. On his behalf it was suggested that this might be Columbcille Court,² but there are no flats on stilts there. By "*flats on stilts*" Private INQ 635 may have been referring to a block of flats which had large brick pillars, which could be a description of the east block of Columbcille Court, but this is a description that could equally well fit Glenfada Park North, where there

were flats to the same design. However, in his oral evidence,³ Private INQ 635 said he believed that he was not still in the area he had described when he was given the prisoners to escort.

¹ C635.5

³ Day 352/30; Day 352/83

² FR7.685

113.47 According to the Fort George records, Private INQ 635 arrested John Rodgers, James McNulty and George Irwin for “*throwing stones at security forces*”. The first two of these are among those who we have no doubt were apprehended at the gable end,¹ while John Rodgers said in 1972 that he was arrested from a taxi in William Street.² George Irwin gave a NICRA statement in which he described being arrested at the gable end with Fr Bradley.³ George Irwin died before the present Inquiry was established. We have no reason to doubt that he was arrested at the gable end.

¹ AR42.2; AM377.4

³ I4.1-2

² AR42.1

113.48 Private INQ 635 stated to us that he did not recall who had given him the arrestees nor where they had come from, though he did recall a woman among them, who we consider is likely to have been Winifred O’Brien. He said to us that he did not remember arresting anyone, and while he accepted that he must have provided the information in the Fort George arrest report forms (and agreed that his signature appeared on the arrest report forms) he told us he had no memory of doing so or indeed of ever having been at Fort George.¹ There is, however, a police report dated 2nd June 1972, in which the police officer recorded that Private INQ 635 gave a good description of John Rodgers, and also described seeing him throw stones in Rossville Street, chasing him into Glenfada Park and arresting him there.

¹ Day 352/38-39; Day 352/84

113.49 Leaving aside the Fort George records, there is nothing to indicate that Private INQ 635 was, or even might have been, involved with arresting civilians at the gable end. On the whole it seems to us that though he took part in escorting those apprehended there, it is more likely that he only became involved as the arrestees were being escorted from the area.

113.50 According to the Fort George records, Private INQ 1237 arrested Charles Glenn and George McDermott in William Street. The former said that he was arrested in William Street¹ while, as we have noted, George McDermott seems to have been arrested in the Columbcille Court area. Private INQ 1237 told us that he had no memory of dealing with

any arrested civilians.² There is therefore no material at all to suggest that Private INQ 1237 was ever near the gable wall, though he may have been one of the escorting soldiers at a later stage.

¹ AG43.6

² C1237.8

113.51 Sergeant INQ 1694 is dead and gave no evidence to this Inquiry. According to the Fort George records, he arrested Hugh O’Boyle and Robert Wallace in Rossville Street for throwing stones at the security forces.

113.52 Hugh O’Boyle and Robert Wallace are among those who we are sure were arrested as they sheltered behind the cars near the gable end. The former originally stated that Sergeant INQ 1694 was not one of the soldiers who had carried out the arrest, though later he modified this and thought that it could possibly have been so.¹ He described these soldiers as about 5ft 8in in height. The arrest photograph shows that Sergeant INQ 1694 was about 6ft tall.²

¹ AO1.8; AO1.19; Day 132/44; Day 132/47

² Day 132/56

113.53 Robert Wallace told this Inquiry that the soldier who arrested him was tall and well built with a blackened face but was not Sergeant INQ 1694.¹

¹ AW3.02; AW3.04; Day 154/167

113.54 In these circumstances, though Hugh O’Boyle thought that one of the two soldiers who had arrested him may have been a sergeant,¹ his evidence and that of Robert Wallace provide little support for any suggestion that Sergeant INQ 1694 was one of the soldiers who got as far as the southern end of Glenfada Park.

¹ AO1.6

113.55 Gerry McLaughlin was one of the civilians who, when soldiers came into Glenfada Park North, ran into Glenfada Park South. He told us that he heard one of the soldiers coming through the north-east entrance calling over his shoulder and looking in the direction of Rossville Street, “*Here the bastards are, Sarge!*”¹ This call might well have been to Sergeant INQ 1694 as he was the Anti-Tank Platoon sergeant, but does no more than indicate that this sergeant was behind soldiers coming into Glenfada Park North.

¹ AM332.3

113.56 In his interview with Paul Mahon, Barry Liddy said that the first soldier to come round the gable end was a sergeant. He said he knew this because another soldier addressed him as sergeant.¹ However, we have found this part of the account of Barry Liddy very

confusing. He may have mistaken a baton gun for a Sterling sub-machine gun, but his account of the soldier he said was a sergeant knocking out six of his teeth is not borne out by his dental records;² while his claim that this same soldier pointed out to him a car containing paramilitary weapons seems to us simply incredible.³ We take the view that what Barry Liddy told Paul Mahon about this is not a reliable basis for concluding that Sergeant INQ 1694 was or even might have been one of the soldiers who got to the southern end of Glenfada Park North.

¹ [X4.49.156](#)

³ [X4.49.70](#)

² [AL13.11-13](#)

113.57 In these circumstances, though it is possible that Sergeant INQ 1694 took part in escorting the arrestees, there is nothing to suggest that he got as far as the gable end.

113.58 Lieutenant 119, the Commander of Anti-Tank Platoon, made no reference to the arrests at the gable end in his two RMP statements.¹ In his written statement for the Widgery Inquiry,² however, he said that having come into Glenfada Park North and having seen Lance Corporal F fire two shots in Glenfada Park North, he set off towards the three bodies at the far corner:

“with the intention of seeing what could be done, but just at that moment ... we had orders to withdraw. I saw Knights of Malta first aid staff approaching the bodies and therefore left them to take care of them. At that moment about 30 people emerged from the gable end of the east building. They were clearly in a hazardous position. I therefore picked them up, and did so as a routine arrest operation because I thought the gunmen who had fired at us might still be among them.”

¹ [B1752.041](#); [B1752.040](#)

² [B1752.044](#)

113.59 Lieutenant 119 gave a similar account in his oral evidence to the Widgery Inquiry.¹ As observed earlier in this report, Lieutenant 119 told us he now had no recollection of these events, though it is noteworthy that he nevertheless felt able to tell us that there had not been a lot of aggression and rough handling of prisoners.²

¹ [WT14.15](#)

² [B1752.017](#); [Day 363/168](#)

113.60 We do not accept the reason Lieutenant 119 gave for the arrest of the people at the gable end. On his own account he did not see them until they emerged from the gable end, by which time we are satisfied that they had been arrested by one or more of the soldiers who had gone there. Furthermore, his explanation for the arrests is hardly consistent with the fact that nearly all these people were taken to Fort George and there treated as

suspected rioters. However, there is nothing to indicate that Lieutenant 119 ever got as far south himself as the gable end, though he may well have joined soldiers escorting arrestees from there.

113.61 We have examined the evidence given by Lance Corporal 018 and Private INQ 1940.¹ From their accounts it appears that they did assist in escorting arrestees, though there is nothing to suggest that either of them got as far as the south side of Glenfada Park North.²

¹ Private INQ 1940 told us that he was a lance corporal at the time of Bloody Sunday (C1940.1). However, the Support Company nominal roll (GEN8.2) lists him as a private in Anti-Tank Platoon (B1486; B1491.003; C1940.2; Day 315/105-107).

² B1486; B1491.003; C1940.2; Day 315/105-107

113.62 There is nothing to indicate that Private 027 either got as far south as the gable end or assisted with the escorting of arrestees.

113.63 From our review of this material we are of the view that Lance Corporal F undoubtedly got to the gable end, that Corporal E and Private G are also likely to have done so, that Private Longstaff probably got to or very close to the gable end and that Lance Corporal J might also have got that far.

113.64 There are grounds for concluding that Private H also got to the southern end of the eastern block of Glenfada Park North when people were being arrested there. We consider these grounds in our examination of the events of Sector 5.¹

¹ Chapter 119

113.65 Apart from these cases, we have not seen any evidence that suggests that other soldiers got to the gable end at this time. We have examined the civilian evidence to see if there is any description of soldiers that might help to identify which of them got to the gable end. George Irwin, one of those arrested at the gable end, described a soldier he witnessed firing from the south-east corner of Glenfada Park North as tall, but apart from that by George Irwin (whose evidence we discuss in Sector 5¹) the descriptions that were given have not assisted. For example, John Devine said in his Keville interview that a tall, stocky black man arrested him.² However, our researches have not found anyone of that description in Support Company.

¹ Paragraphs 119.36–37

² AD41.17

Allegations of abuse and assault

113.66 Many of those arrested have said that soldiers verbally abused them. We have no doubt that such abuse occurred but in the context of the day this was to our minds neither of great significance nor surprising. However, expressions such as “*Fenian bastards*” and “*IRA scum*”, which were among the expressions used, do perhaps indicate the attitude of at least some of the soldiers towards the people who had been arrested.¹ We are equally sure that Winifred O’Brien in turn roundly abused the soldiers, but in the circumstances we consider that this was not only unsurprising but also understandable.²

¹ [AM241.5](#)

² [AM241.5](#); [AM241.18-19](#); [H21.48](#); [H21.104](#); [AO4.3](#)

113.67 Of greater importance are the allegations of physical abuse.

Allegations of physical assault after arrest

113.68 We deal in the next chapter with Patrick O’Donnell, who, as described earlier,¹ sustained a bullet wound in his right shoulder when sheltering behind a fence on the eastern side of Glenfada Park North, was then taken from the gable end with the other arrestees and was later hit on the head by a soldier.

¹ [Paragraphs 104.494–520](#)

113.69 There is evidence of other incidents of physical assault, in the form of soldiers hitting or kicking civilians while they were being escorted away from the gable end, as they were being held against a wall in Columbcille Court and against the fence of the GPO building.

113.70 In a letter dated 20th February 1972, Fr O’Keeffe, one of those arrested at the gable end, wrote to General Tuzo (then General Officer Commanding Northern Ireland). Part of this letter concerned allegations of abuse and assault by soldiers while people were being taken in a lorry to Fort George and while they were there. We consider these matters elsewhere in this report.¹ In relation to the initial arrests at the gable end and what happened as the arrestees were being taken up to the wall in Columbcille Court and then to the fence of the GPO building, Fr O’Keeffe wrote:²

“Sir,

Some time ago, I had occasion to write to you concerning a statement on violence which was being prepared by the Association of Irish Priests. You were good enough on that occasion to reply to me, saying among other things that violence had to be condemned. I wish now to make a formal complaint about violence, inflicted by members of your forces, on myself and other civilians while in military custody. The incidents happened on Sunday, 30th January, 1972, after the ill-fated march in Derry. I realise that anything to do with the deaths which took place on that day is *sub judice* and a matter for Lord Widgery's Tribunal. I do not propose, therefore, to comment on these deaths at this stage.

May I stress that the account which follows is that of an eye-witness and a sufferer: nothing in this letter is either hearsay or deduction. I intend to confine myself to those incidents in which I was a participant, or which I personally witnessed. I may also add that any injuries I received have been medically attested by the University doctor.

Let me begin with the circumstances of my arrest. Soldiers, presumably of the 1st Parachute Regiment, had moved into Rossville Street in a pincer movement. I found myself trapped, along with Father Bradley from Derry and about twenty other people; at the gable-end of a maisonette, opposite the high flats. Both Father Bradley and myself were refused permission, on at least three occasions, with a good deal of verbal abuse, foul language and some physical assault, to go to the assistance of the wounded and dying. While I was not dressed clerically (a factor which no doubt accounted for my arrest), Father Bradley was so dressed and was acting as spokesman for us both. Your soldiers seemed unconcerned at the fact that spiritual aid was denied these people and used entirely unnecessary abuse and violence towards us to make that point.

I was then placed against the wall of a maisonette, being struck several times in the process. I saw many people being savagely beaten by your troops for no apparent reason. I was then taken in a line of civilians to the foot of Rossville Street. We were forced to run with hands on head, while soldiers ran beside us, striking us with rifles and screaming the most foul abuse. (At this stage let me say that your soldiers seemed quite beside themselves and in a highly elated mood). After being placed in line against a wire fence – again with threats, beatings and abuse – I was batoned into an Army lorry in William Street.”

¹ Chapter 160

² H21.27

- 113.71 General Tuzo replied by letter dated 28th February 1972,¹ in which he gave an assurance that the allegations will be “*very fully investigated*”. He expressed his hope that he could rely on Fr O’Keeffe and others to assist in the investigation:

“since my experience in connection with other accusations of this kind has been that the complainants refuse to cooperate. By this I mean that they refuse even to make a statement. This leads inevitably to the belief that they are more interested in propaganda than the redress of grievance.”

¹ H21.77

- 113.72 In his oral evidence to this Inquiry,¹ Fr O’Keeffe told us that some time after receiving this letter (but it seems while the Widgery Inquiry was still in progress) he was visited by two Army investigators who had a copy of his letter to General Tuzo and who took a statement from him. He stated, “*They gave me the impression at that time that this was a serious business which they were taking seriously.*” During 1972 the decision was taken not to take proceedings against soldiers (or alleged rioters). Fr O’Keeffe said he thought he remembered this and that in consequence someone telephoned to tell him that no further action would be taken against any soldiers.

¹ Day 127/148-9

- 113.73 There is no doubt that, as Fr O’Keeffe stated in this letter to General Tuzo, he and Fr Bradley were refused permission from soldiers to go to those who were lying shot in Glenfada Park North and that that refusal was given in unnecessarily abusive terms.¹ Leaving aside the way it was given, it is perhaps understandable that Fr O’Keeffe should not have been allowed to go to the bodies, as he was in plain clothes, but in our view the refusal to allow Fr Bradley (in clerical clothes) to do so cannot be defended. There were a number of soldiers around, so if it was thought, for example, that he might be intent on escaping (or even removing weapons from the bodies), it would have been easy to guard against such possibilities.

¹ H1.33; H1.14; Day 140/144; H21.23; H21.48; H21.138

- 113.74 As to instances of assault, the accounts of those arrested at or near the gable end varied from those who reported extremely serious assaults to those who said that they neither suffered nor witnessed any form of physical abuse.

113.75 Fr Bradley told the Widgery Inquiry:¹

"I ... was grabbed by a soldier and pushed in the direction of William Street. Another soldier hit me on the arm with a rifle and kicked me. I remonstrated again with the soldier, but was again pushed in the direction of William Street."

¹ H1.42

113.76 He told the *Sunday Times*¹ that one, well-dressed man was more badly treated than the others and that this man was kicked as he lay on the ground. In his written statement to this Inquiry,² Fr Bradley confirmed that he had been hit with a rifle and kicked but added, "*It was nothing terribly serious*". In his oral evidence he said that, with the exception of the man who was kicked while on the ground, most of those arrested were simply marched up to the wire fence north of William Street.³ He told Jimmy McGovern that he recalled seeing people being pushed and shoved but did not remember seeing anyone being hit.⁴

¹ H1.34

³ Day 140/234

² H1.14

⁴ H1.87-88

113.77 A further 11 of those arrested in the area of the gable end reported being struck with batons or rifles, or being pushed or kicked, but they did not complain of being seriously hurt, nor did they report witnessing the infliction of serious injury on anyone else.¹

¹ These witnesses were: Anthony Coll (AC84.1; AC84.19; AC84.7), John Devine (AD41.6; AD41.17; AD41.3), James Kelly (AK12.6), Eamon McAteer (AM41.33; AM41.5-6), Fergus McAteer (AM42.2; AM42.4), Patrick McGinley (AM241.18-19; AM241.5), Patrick Joseph Norris (AN24.21), Hugh O'Boyle (AO1.16; AO1.24; AO1.7), Winifred O'Brien (AO4.5; AO4.3), George Roberts (AR13.10; AR13.2), Robert Wallace (AW3.15; AW3.03; Day 154/160-164).

113.78 By way of example, in his Keville interview, John Devine said:¹

"[The soldiers] kicked us and they batoned us and stuck their guns into our ribs for about a hundred and fifty yards and they put us against wire which was surrounding ... the ... Post Office in Sackville Street facing there somewhere and they started to baton us against – again there against the wire and search our pockets."

¹ AD41.17

113.79 In his written statement to this Inquiry, Eamon McAteer told us, "*The paras were rifle butting us in our backs and telling us to stand still and not to move*".¹ In a statement made in 1972 Eamon McAteer's brother, Fergus McAteer, recorded:²

“[The soldiers] rushed us to Kells Walk next to Glenfada Park. There we were made to put our hands on a wall. They started to hit some people in the group.

Then they took us quickly to William Street and then to Little James Street. On my way there one of the soldiers struck me in the back with his rifle.”

¹ [AM41.5](#)

² [AM42.2](#)

113.80 Patrick McGinley told this Inquiry that “*All the time the soldiers were bullying, kicking and slapping us, and punching us as we went*”.¹

¹ [AM241.5](#)

113.81 Four of those arrested did not allege that there had been any physical abuse by the soldiers between the time of arrest and the time at which those arrested were placed on lorries to be taken to Fort George.¹

¹ These witnesses were: Eugene Bradley ([AB113.1](#)), George Irwin ([AI4.1](#)), PIRA 1 ([AM508.1](#)), Myles O'Hagan ([AO43.1](#)). Myles O'Hagan said simply that the soldiers “*manhandled*” those arrested ([AO43.4](#)).

113.82 Two of those arrested, Barry Liddy and Denis Patrick McLaughlin, did complain that they were the victims of very serious assaults.

113.83 In his Keville interview,¹ Barry Liddy said:

“... the British Army come round the corner, they were no more like human beings than the animals that come from the jungle. And trying to protect Father Bradley we were struck across the chest with a riot gun. Father Bradley was also struck. When we appealed to the Lieutenant in the Paratroop Regiment, we were again beaten and told to speak only when spoken to. We were put against the wall with our hands on the wall and we were severely kicked about the legs and in the private parts of our body; when anyone fell, they were kicked again. We were then ordered into single file and we run down towards the wire netting that surrounds the GPO in Little James Street [the GPO perimeter fence]. Whilst on my way down, a British Soldier again swung his – the butt of his rifle and hit me in the mid section. When I fell, they hit me with rubber hoses on the back and dragged me by the head of my hair [sic] to my feet again. Again we were put up facing the wire netting fencing surrounding the GPO in Little James Street. Again we were physically abused.”

¹ [AL13.15](#)

113.84 In another statement made in 1972, Barry Liddy recorded:¹

“We were then made to run, hands on heads, towards Little James St and it was during this period that I was beaten to the ground and kicked to my feet again.”

¹ [AL13.9](#)

113.85 Barry Liddy’s medical records¹ show that on admission to hospital on 31st January 1972 at 3.00am he said that he had been beaten up and had been knocked out. The manuscript notes are difficult to read but he was complaining, among other things, of chest pain, pain in the lumbar region and of some injury or pain in his leg. At a later stage, the notes record that he was still complaining of chest pain, pain in his right knee and occasional double vision.²

¹ [AL13.11](#)

² [AL13.12](#)

113.86 In his interview with Paul Mahon on 7th April 1998, Barry Liddy said that a sergeant came around the corner to the gable end. He continued:¹

“The sergeant. Right. He said, ‘Now, move it out’ and he started ... and he went over to Father Bradley, and I said, ‘Hold on a minute, that’s a Priest of God.’ And he turned the gun around and knocked my teeth out ... he turned it around, just lifted it, and said, ‘There’s no fucking priests here.’ ... With the butt of the gun ... Knocked my front bottom teeth out ... Knocked six of them out.”

¹ [X4.49.55](#)

113.87 There is nothing in Barry Liddy’s 1972 medical records to indicate that any dental injuries were noted following his admission to hospital on 31st January 1972. In our view there was no such incident.

113.88 Barry Liddy died in 1998 and did not give evidence to this Inquiry.

113.89 His other accounts of being assaulted are supported to some extent by his brother, Seamus Liddy, who, in a Keville interview, said:¹

“We were then thrown up against some wires [at the GPO perimeter fence] and it was then I observed my brother; two paratroopers were savagely beating him and he protested most strongly and they used most obscene and vulgar language at him ... We were assaulted – we thought we were going to be searched and questioned but that was not the case. Each one of us was then seized singly by a Paratrooper and run from the Post Office to a waiting van where we were – as we were being put in we were bludgeoned and beaten with rifle butts.”

¹ [AL12.2](#)

113.90 Seamus Liddy is also dead, and did not give evidence to this Inquiry.

113.91 However, in his own accounts Barry Liddy did not allege that it was at the wire fence that he was severely beaten. In his Keville interview, he summarised his treatment at the fence with the words “*Again we were physically abused*”.¹ His accounts indicate that he was saying that he was subjected to brutal treatment before he reached the GPO perimeter fence.

¹ [AL13.15](#)

113.92 We have listened to the recording of Barry Liddy’s interview with Kathleen Keville.¹ It is clear from that recording that he was deeply distressed at the time that he gave the interview. We accept that he was assaulted by soldiers between the time of his arrest and the time at which he was taken to Fort George but take the view that, in his distress, he exaggerated the extent of the abuse that he had received during this period. We further find that his recollection over the years became increasingly unreliable on the question of his treatment at the hands of the soldiers. We cannot accept that his teeth were knocked out (either while he was at the gable end or at any time during 30th January 1972), as he later alleged to Paul Mahon. We have no doubt that such injuries would have been recorded on his admission to Altnagelvin Hospital on 31st January 1972, had they been present.

¹ [Aud 32 45.34](#)

113.93 In his NICRA statement,¹ Denis Patrick McLaughlin recorded that:

“The soldiers were hitting a few of my companions as they stood against the wall. They were using butts of rifles, their fists and a few were using batons. They were saying things like, ‘You boys are [for] the rope. You boys will never learn, but we’ll teach you’.”

¹ [AM326.22](#)

113.94 He alleged in this statement that, while he was standing against the wall at Columbcille Court, a soldier placed a baton gun between his (Denis Patrick McLaughlin's) legs, seeking to shoot him in the testicles. Denis Patrick McLaughlin moved slightly, the soldier fired and the rubber bullet grazed the inside of Denis Patrick McLaughlin's thigh. He gave a similar account in his written statement to this Inquiry¹ but, in his oral evidence, said that the incident in which a rubber bullet was fired between his legs might have occurred somewhere other than Columbcille Court.²

¹ [AM326.7-8](#)

² [Day 159/91-92](#)

113.95 Two other witnesses give some support to this allegation. In his NICRA statement, James McNulty recorded:¹

"They marched us single file with our hands on our heads through an opening. As we reached the opening they shot a fellow with a rubber bullet in the leg from about 2 yards. They put us up against a coal house and hit us with batons."

¹ [AM377.8](#)

113.96 When he was interviewed by Paul Mahon on 22nd July 1998, James McNulty said that he could no longer recall a man being shot in the leg with a rubber bullet.¹ In his oral evidence to this Inquiry, he appeared to remember the incident and said that he thought that the man shot with a rubber bullet might have been putting up a struggle.²

¹ [X4.27.42-43](#)

² [Day 152/25-26](#)

113.97 In his 1972 accounts,¹ Christopher James Doherty made no allegations of abuse on the part of the soldiers that occurred at any time before those arrested reached Fort George. However, in his written statement to this Inquiry,² he told us that a soldier fired a rubber bullet towards an arrested person as the group of those arrested made their way from Glenfada Park North towards Little James Street. He stated that he did not know whether the bullet had hit its target. In his oral evidence to this Inquiry,³ he said that there was no violence on the part of the soldiers at the wall at which those under arrest "*were first stopped*" and no violence at the GPO perimeter fence. However, he said that he had a fairly clear recollection of a rubber bullet having being fired at one of those who had been arrested.

¹ [AD58.1](#); [AD58.8](#)

² [AD58.13](#)

³ [Day 182/150](#)

113.98 The representatives of Lance Corporal 229 (who is recorded as the soldier who arrested Denis Patrick McLaughlin) submitted to us that Denis Patrick McLaughlin had “*grossly exaggerated his account*” of a rubber bullet having been fired between his legs. The representatives alleged, in support of their submission, that no other arrested person lined up in Columbcille Court described having seen or heard such a shot being fired. They also submitted that Denis Patrick McLaughlin’s willingness, in his oral evidence to this Inquiry, to resile from his 1972 account about the location of the incident must cast doubt upon its credibility.¹

¹ FS8.1509-1512

113.99 It is true that no other witness speaks of a rubber bullet having been fired while those arrested were against the wall in Columbcille Court. However, the evidence of James McNulty and Christopher James Doherty does indicate that a rubber bullet was fired at an arrested person at some time before the group of those arrested reached the GPO perimeter fence. We take the view that it is not surprising for a witness, being asked to recall events so long ago, to become mistaken or confused about the precise location at which an incident such as the firing of a rubber bullet occurred. We are of the view that a rubber bullet probably was fired somewhere near Denis Patrick McLaughlin and may well have grazed him. However, we do not consider it likely that the bullet was aimed at his testicles, or fired at the close range that he recalls. We believe that, during the frightening time of his arrest, he may well have thought that he was being more closely targeted than he was.

113.100 The representatives of Lance Corporal 229 further submitted that there was in any event no evidence to suggest that it was this soldier who was responsible for firing a rubber bullet gun in this way.¹ We accept this submission. We have no evidence available to us from which we could identify the soldier who fired this rubber bullet.

¹ FS8.1512

113.101 We have concluded that the soldiers who carried out the arrests in the area of the gable end, and the soldiers who accompanied those arrested up to the GPO perimeter fence, did push and kick some of those arrested. We have no doubt that certain soldiers struck individuals with batons and rifle butts, in order to intimidate those arrested and to ensure compliance with the soldiers’ orders. However, we find that these assaults, while they cannot be condoned, were not generally of a serious nature. None caused severe or lasting injury. The most serious incident that seems to have occurred was the firing of the rubber bullet that may have struck Denis Patrick McLaughlin, though this firing did not result in significant harm.

Chapter 114: Patrick O'Donnell and the incident at City Cabs

Contents

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114.1 We now turn to consider what happened to Patrick O'Donnell after his arrest. We have already examined the circumstances in which he came to be wounded in the right shoulder while sheltering behind a fence on the eastern side of Glenfada Park North.¹ According to accounts Patrick O'Donnell gave in 1972, after he had been hit, he “*rolled*” around the corner of the southern end of the eastern block of Glenfada Park North (often referred to as the gable end). Patrick O'Donnell then sat down against the gable end. He saw about 15 other people crouched down against that wall, including Fr Denis Bradley. They were then arrested.²

¹ [Paragraphs 104.494–520](#)

² [AO35.7-8](#); [AO35.18](#); [WT6.43](#)

114.2 Of the accounts Patrick O'Donnell gave in 1972, the earlier was his statement to the Northern Ireland Civil Rights Association (NICRA), dated 7th February 1972. That account included an allegation that after he, and others sheltering in Glenfada Park North, had been detained, a soldier hit Patrick O'Donnell on the head with a baton causing a wound which required stitches. The statement recorded:¹

“The soldiers arrived immediately and with guns pointed at us ordered us up and marched us down Glenfada Park. They ordered hands up and I couldn’t put my right hand up as my right shoulder was shot and they butted with their rifles in the back and wrist and eventually I got my arm up. We marched down towards Rossville St. and I being at the front of the line and unable to look round (the soldiers kept telling us not to look round) turned up William St. as far as City Taxis. There were two taxi drivers and at least three women there and they took me in to sit down. A few moments later a soldier burst in the door and I jumped up and ran to the other side of the room. He grabbed me and pushed me out on to William St. and just one step outside the door a soldier battoned me on the head (7 or 8 stitches in this wound). I then saw Fr. Bradley who was pleading with the soldier to leave me alone. Somebody in charge came along and said ‘Leave that man alone, he is shot, he’s alright’. The two taxi drivers put me in a car and took me to Creggan to the first aid centre. A woman took me from the centre to her house in Swilly Gardens. She rang Dr. Fallon who came and took me to Altnagelvin.”

¹ AO35.8

114.3 Patrick O'Donnell's later accounts have not varied in substance. He was treated at Altnagelvin Hospital, and discharged on 9th February 1972.¹ The records of his medical treatment confirm that he suffered a *“1½ inch wound of the scalp”*.² A short report³ dated 11th February 1972 from Mr HM Bennett, a consultant surgeon at Altnagelvin Hospital, to the Royal Ulster Constabulary (RUC) records that Patrick O'Donnell's head injury was *“a small scalp wound just at the junction of forehead and hair-line on the left side of the forehead”*. Mr Bennett considered the possibility that this injury may have been caused by a fall or blow from a baton. While he concluded that the injury *“looked much more like an injury from a fall”* he said that the possibility that it was caused by a baton blow could not be *“completely excluded on medical grounds alone”*. Dr Richard Shepherd and Mr Kevin O'Callaghan noted in their report to this Inquiry on the injuries sustained by those injured on Bloody Sunday,⁴ that without a more detailed wound description, it was not possible to determine how Mr Bennett reached the conclusion he expressed in his short report on Patrick O'Donnell's scalp wound.

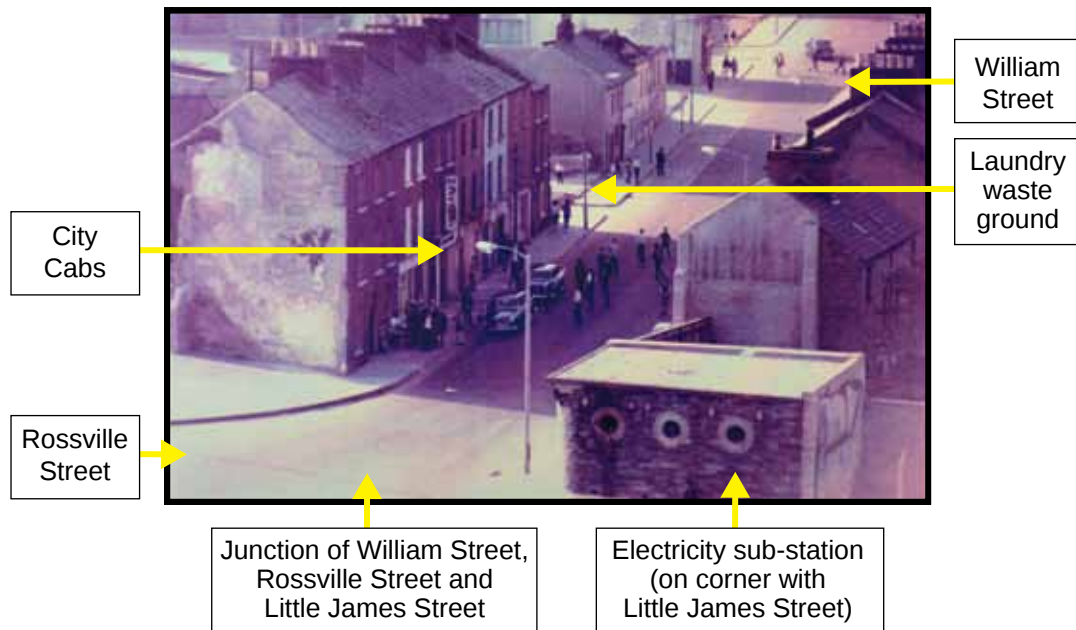
¹ D0902.1

³ D0902

² D0890; D0898

⁴ E10.010

114.4 City Cabs (which Patrick O'Donnell called City Taxis) was also known as Bradley's Taxis. It was on the south side of William Street, one building to the west of the junction of this street and Rossville Street, shown in the following photograph.



- 114.5** The following photograph, taken on Bloody Sunday by Constable Robert S Simpson, shows people standing outside the City Cabs office.



114.6 Pictured in the photograph above are, from left to right, William John Dillon, an unidentified soldier, Corporal INQ 25, Joseph Cauley, Mary McCourt, Alex Bradley, Joseph Leitch and another unidentified soldier. William John Dillon, who as we have described earlier,¹ had been arrested in the Eden Place waste ground, was one of a group of arrestees standing against the wall to the east of City Cabs.

¹ [Chapter 33](#)

114.7 In his 1972 accounts,¹ Fr Bradley described being held with other arrestees against a wall in the courtyard of Kells Walk. This was an error and Fr Bradley must have been describing the wall on the western side of the eastern block of Columbcille Court, where as we have explained in the previous chapter,² those arrested in Sector 4 were held for some time. Fr Bradley said that one of the arrestees standing at the wall told him that he had been shot in the shoulder and “*showed me the blood*”. He later learned that this person was Patrick O'Donnell. Fr Bradley made an unsuccessful attempt to tell the soldiers guarding the arrestees of Patrick O'Donnell's injury.³ The arrestees were then made to walk towards William Street. In his Widgery statement, Fr Bradley said:⁴

“As I arrived in William Street I saw the man who had been shot in the shoulder leaning with his hands against the wall. He half turned from the wall in a daze and was batoned on the head by a soldier. I went to his aid and showed an officer who was in charge in William Street at this time that this man had been shot and badly needed medical attention. I was allowed to put him into a car along with some people, who took him away for medical attention. The rest of the people were marched from William Street into Sackville Street and I was left alone with the soldiers in William Street.”

¹ [H1.43](#); [H1.36](#)

³ [WT4.39](#)

² [Paragraph 113.3](#)

⁴ [H1.43](#)

114.8 Two arrestees at the wall next to the City Cabs office, Charles Canning and James Charles Doherty, describe seeing a somewhat similar incident. Both were facing the wall and for that reason their view would have been limited. James Charles Doherty stated that he was “*afraid to turn my head*”. Charles Canning stated that a soldier dragged a man from the next building, while James Charles Doherty thought that a soldier dragged a man into the building. Both Charles Canning and James Charles Doherty describe the person who was involved as a man and both said that a priest intervened.¹

¹ [AD69.4](#); [AC25.3](#)

114.9 Corporal INQ 25, who is shown in the above photograph, and who was a member of Composite Platoon, also described in his evidence to us someone who in our view was clearly Patrick O'Donnell. He told us that he vaguely remembered this person being brought out of the taxi office by another member of Composite Platoon, who hit him with his baton, splitting his head open, though he told us he recalled that the blow was “*not too hard*” and that since the person was struggling to escape, in his view his colleague had used the minimum of force given the situation. Corporal INQ 25 said that it was after seeing this that a priest intervened. He also told us that he was unable to identify the soldier who had hit Patrick O'Donnell.¹

¹ C25.3; Day 300/88-91

114.10 Although Fr Bradley's recollection of this incident differed somewhat from that of Patrick O'Donnell, we are sure that the latter was hit on the head by a soldier, sufficiently hard to require stitches; and that this happened when he was close to the City Cabs office. In view of the fact that there were about six soldiers in the vicinity and all the other arrestees were under control,¹ we can see no justification for what this soldier did. We have been unable to identify him.

¹ Day 300/91

114.11 It is convenient at this point to consider a submission made on behalf of some of the soldiers that “*in all probability, a second, much younger man was also taken from Bradley's taxis with a gunshot wounds [sic]*”.¹

¹ FS8.135; FS8.1386-1393

114.12 The basis of this submission is the evidence of Alex Bradley, Frankie Boyle and Mary McCourt. None of these witnesses gave any account in 1972.

Alex Bradley

114.13 Alex Bradley told us, in his written statement to this Inquiry,¹ that in 1972 he ran the taxi business and an undertaker's from the City Cabs office.²

¹ AB55.1

² According to Seamus Carlin it was John Bradley who ran the office (Day 163/155).

114.14 In this statement Alex Bradley described seeing arrestees at a wall near Kells Walk when he was with a friend, Denis McLaughlin, and they decided to go back to the office. Shortly afterwards a young lad ran in through the office doors of City Cabs and into the rear office. This young lad was described by Alex Bradley as “*about 18 years old and had a longish,*

fashionable haircut. He was wearing a casual, light blue bomber jacket."¹ He could see that this young lad had been injured in the shoulder. A woman who was in the front office with Alex Bradley said that she thought he had been shot. The young lad was followed by two soldiers, who ran into the front door followed by a third. Frankie Boyle, who was in the office, thrust a broom at a soldier, who then hit Frankie Boyle on the top of the head, causing blood to start to run down Frankie Boyle's forehead.

¹ [AB55.3](#)

114.15 According to Alex Bradley, the soldiers left the office, though they did not arrest the young lad who had run in; Alex Bradley then drove the young lad in a Vauxhall Victor with about 14 other people in the car.

114.16 In his oral evidence to this Inquiry,¹ Alex Bradley conceded that this was an exaggeration, but told us that about nine people got into the car, all frightened and trying to get away from Rossville Street. The young lad, who was in the rear of the car, did not realise he had been injured. Alex Bradley said that he recalled that the young lad was worried about his shoes, which his mother had just bought, but one of which he had lost; and that this young boy was dropped off at the corner of Central Drive/Fanad Drive.²

¹ [Day 98/158](#)

² [Day 98/159](#)

114.17 In his oral evidence, Alex Bradley could not say for certain that this person with the injured shoulder was the only person with an injured shoulder who entered the taxi office that day.¹ He said that he did recall that other injured persons had entered the cab office with less serious injuries, some of whom were bleeding from the head.² He told us that the man with the shoulder injury was the only person with such an injury whom he drove in his vehicle to the Creggan.³

¹ [Day 98/155](#)

³ [Day 98/165](#)

² [Day 98/169](#)

114.18 According to this account the man with a shoulder injury seen by Alex Bradley was about 18 years old; ran into the back office; and went out again without being arrested. Patrick O'Donnell was 41 at the time; he described walking, not running, into the office; said he had not gone into the back office; and described being pushed out of the office by a soldier. It seems unlikely that in the circumstances Patrick O'Donnell would be worried about losing a shoe that his mother had just bought him.

- 114.19** For these reasons it is submitted that Alex Bradley saw someone other than Patrick O'Donnell with a shoulder wound. Presumably, because Alex Bradley said nothing about the cause of the youth's injury, reliance is placed on his account that a woman in the office said she thought the youth had been shot.
- 114.20** We do not accept this submission.
- 114.21** Alex Bradley acknowledged in his oral evidence that he could have been confused about the person's age.¹ There is also no doubt that he was wrong about a soldier hitting Frankie Boyle. When Frankie Boyle was asked about Alex Bradley's account in his oral evidence to this Inquiry, there was the following exchange:²

"Q. Can we then move on to the third line, he says:

'Frankie Boyle went at the third soldier with a brush shaft.'

Leaving aside whether it was the third soldier or the first soldier; that is your evidence, is it not?

A. That is right, sir.

Q. 'He had the brush head under his armpit and thrust the shaft at the soldier. I think he was trying to distract his attention.'

Then Mr Bradley said this:

'The third soldier then struck Frankie Boyle on the top of the head with his baton.'

A. He tried to but he missed me.

Q. Mr Bradley goes on:

'Everything seemed quiet for a moment and then blood started to run down Frankie Boyle's forehead.'

Did that happen?

A. No, it did not, it did not happen."

¹ Day 98/167

² Day 122/80-81

- 114.22** As noted above, Alex Bradley told us that "*blood started to run down Frankie Boyle's forehead*". In his statement to the RUC taken on 4th February 1972,¹ Patrick O'Donnell had recorded that after he was hit, "*blood streamed down my face*". In view of Frankie Boyle's denial that he had been hit on the head and the close correspondence between

Alex Bradley's description of the bleeding injury and that sustained by Patrick O'Donnell, we are of the view that he has confused events and muddled seeing Patrick O'Donnell with a head injury and what may well have been an altercation between Frankie Boyle and a soldier. Our view is reinforced by the fact that taking Alex Bradley's account at face value, and accepting, as we do, the accuracy of the accounts given by Patrick O'Donnell, would mean that there were two incursions into City Cabs by a soldier or soldiers and two instances of a man with a shoulder wound going into the office.

¹ [ED61.5](#)

- 114.23** We consider that time has distorted Alex Bradley's memory. In our view his account provides no support for the submission that someone apart from Patrick O'Donnell went into the City Cabs office with a gunshot injury.

Frankie Boyle

- 114.24** Frankie Boyle's account to us was to the effect that he saw a boy in his late twenties, who had been shot, dragged into the taxi office, and that he threw this boy into the back office, where coffins were stored. Soon after a soldier came into the office and pointed a rifle at him. He then threatened the soldier with a sweeping brush. The soldier was called outside by another soldier, after which he took the boy from the back office up to the Creggan. He said that he later discovered that this boy was Patrick O'Donnell, when the latter came to thank him for saving his life.¹

¹ [AB48.3](#); [Day 122/71](#)

- 114.25** Patrick O'Donnell did not go into the back office and told us that he did not know Frankie Boyle.¹ It was suggested that Frankie Boyle's account of Patrick O'Donnell thanking him was not convincing; presumably intending to suggest that this might have been said to conceal the fact that the person was someone else.

¹ [Day 157/16](#)

- 114.26** Again we are not persuaded that this evidence establishes or even suggests the possibility that someone in addition to Patrick O'Donnell came into the office with a shotgun wound. As with Alex Bradley, this would entail two incursions by soldiers into City Cabs, one of which we are sure happened from Patrick O'Donnell's accounts, but which Frankie Boyle somehow failed to notice or remember. As with Alex Bradley, we consider that time has distorted Frankie Boyle's memory.

Mary McCourt

114.27 Mary McCourt gave us an account of a scuffle while she was in the City Cabs office, when a soldier came in, possibly followed by another. She told us she recalled leaving the office and getting into a car full of people sitting on top of one another. There was a “*young fella*” who was also in the back of the car. Someone said that he had been shot in the shoulder. She recalled blood running down his forehead and had a vague memory that someone had brought him out of the taxi office. The man kept repeating “*Me Ma will kill me because I’ve lost my shoes*”. The wounded man was dropped off at a first aid post in the Creggan.¹

¹ [AM501.4](#); [Day 409/8](#)

114.28 Mary McCourt had described the man as young and in his twenties. Asked in her oral evidence to this Inquiry if he could have been 40, her reply was “*Well, I remember he was no teenager anyway*”.¹

¹ [Day 409/12](#)

114.29 In our view Mary McCourt saw Patrick O'Donnell. To our minds it is too much of a coincidence that two people, one Patrick O'Donnell, both with bleeding head wounds and shotgun injuries to the shoulder, should be taken from City Cabs to a first aid post at the Creggan. The fact that she may have recalled the man as being young and remembered a remark, as Alex Bradley did, about losing a shoe or shoes, does not to our minds change this view. It was clearly a chaotic situation: it would be only too easy afterwards to recall mistaken impressions and to misascribe remarks made by one person to another.

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

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Sector 5: Events in the Area South of the Rossville Flats

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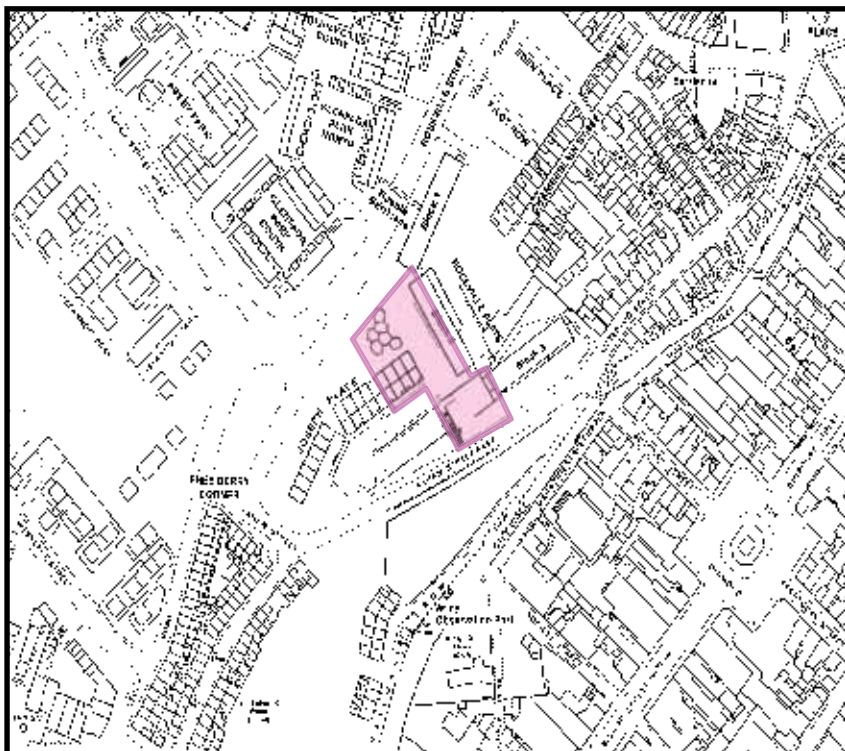
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Chapter 115: Introduction

115.1 The casualties in Sector 5 occurred in the pedestrianised area to the south and south-west of Blocks 1 and 2 of the Rossville Flats. The area covered by Sector 5 is highlighted on the map below, though as will be seen, this sector also covers firing by soldiers from the Rossville Street entrance to Glenfada Park North.



115.2 In this area Patrick Doherty and Bernard McGuigan were killed and Daniel McGowan and Patrick Campbell were wounded, all in our view by Army gunfire. These were the last of the civilian casualties in any of the sectors, though there is some overlap in time between the relevant events of Sector 5 and Sectors 2, 3 and 4; and some of the later events in Sector 3 (for example the collection of the bodies at the rubble barricade and the firing at 12 Garvan Place on the western side of Block 1 of the Rossville Flats) took place after these four men were hit by gunfire in Sector 5.

115.3 For reasons that we give in the course of our examination of the events of Sector 5, we consider that Patrick Campbell, Daniel McGowan and Patrick Doherty were shot in that order. Bernard McGuigan was shot at about the same time as these casualties. All were shot within a very short time of each other.

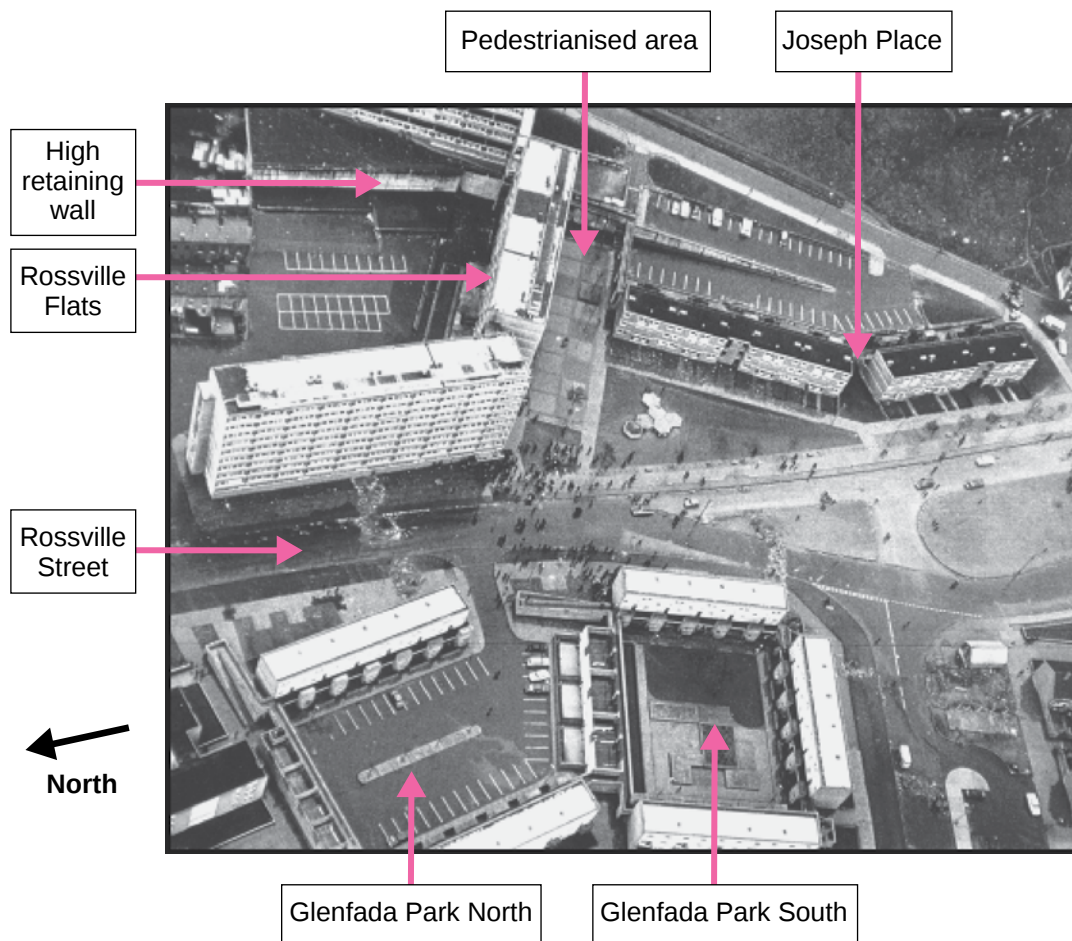
115.4 Both in 1972 and at this Inquiry, Lance Corporal F was the only soldier to admit firing shots in Sector 5. As we observe in the course of our consideration of the events of Sectors 3 and 4, in 1972 this admission only came at a late stage, after Lance Corporal F had given what in our view were significantly untruthful accounts of his shooting, which included neither firing at the rubble barricade in Rossville Street (which caused the death of Michael Kelly in Sector 3) nor firing in Sector 5. So far as the latter firing is concerned, Lance Corporal F eventually admitted and asserted that he had fired only two rounds in Sector 5. Whether he fired more and whether other soldiers also fired in Sector 5 are matters that we consider later in this part of the report.

Chapter 116: The layout of this part of the city

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-
- 116.1** The general area of this part of Londonderry is marked on the aerial photograph below, which was not taken on Bloody Sunday. The three blocks of the Rossville Flats are shown in the top left of the photograph. Also visible is a high retaining wall, which formed the north-eastern edge of the car park of the Rossville Flats. This wall continued south-east beyond the gap between Blocks 2 and 3 of the Rossville Flats.
- 116.2** On the upper right-hand side of the picture are the two blocks of Joseph Place. Glenfada Park North and Glenfada Park South are shown in the bottom half of the photograph.



The south side of Block 2 of the Rossville Flats

116.3 There were ten storeys (including the ground floor) to Block 2 of the Rossville Flats. The front of Block 2 was on its south side. The ground level of that south side was occupied by a parade of six shops under a canopy. This parade can be seen in the photograph below, taken before Bloody Sunday.



116.4 It appears that at the time of Bloody Sunday, these six shops (running from left to right on the photograph above), were probably being used in the following way:¹

- Shop 1 – vacant and boarded up, but previously used as a chemist;
- Shop 2 – Molly Barr’s confectionery and tobacconist shop – identifiable in the photograph;
- Shop 3 – uncertain but possibly a chemist shop;
- Shop 4 – playschool or Chinese takeaway;
- Shop 5 – Quigley’s grocers; and
- Shop 6 – Harley’s fish and chip shop.

¹ [AM255.5](#); [AB38.41](#); [AM 324.9](#); [AD5.9](#); [X4.12.22](#); [Day 100/12-14](#); [E14.008](#)

116.5 To the right of these shops was Doherty’s bakery, which took up the remaining space on the ground floor of Block 2 and which was divided into two parts. The bakery itself occupied the space to the immediate east of the canopy. The serving area of the bakery (from where bread was sold to the public) was at the very eastern end of Block 2.¹

¹ [Day 174/28-29](#)

The gap between Blocks 1 and 2 of the Rossville Flats

116.6 The Rossville Street end of the pedestrianised area is shown in the photograph below, which again was not taken on Bloody Sunday.



116.7 In the top right-hand corner of the photograph is the walkway that linked Blocks 1 and 2 of the Rossville Flats. It was possible to walk underneath the walkway at ground level and reach the Rossville Flats car park. The car park, with Chamberlain Street in the background, can be seen through the gap between the two blocks. In front of the gap, and partially blocking it, was a brick service building. To the left of this building, and standing against the southern end of Block 1, was a telephone box. The canopy over the Rossville Street entrance into Block 1 can be seen on the left in the photograph. The brick structure in the foreground is one of the decorative Threepenny Bits described in more detail below.

116.8 Both the brick service building and telephone box appear in the photograph below. This image is a version, enhanced for this Inquiry, of a photograph taken on Bloody Sunday by Robert White, an amateur photographer. At the time, Robert White was standing on the other side of Rossville Street at the junction between the north-east side of the eastern block of Glenfada Park South and the pram-ramp, which allowed access to the upper levels of Glenfada Park South.¹ As discussed later in this part of the report, this photograph was taken before any shots were fired in Sector 5. It shows a group gathered around the body of Hugh Gilmour, who was shot and killed in Sector 3. The photograph

shows the boarded-up shop at the western end of the parade of shops. An unpaved section of the pedestrianised area lies just behind the telephone junction box visible in the centre of the photograph.

¹ [Day 137/83-84; AW11.5; AW11.30](#)



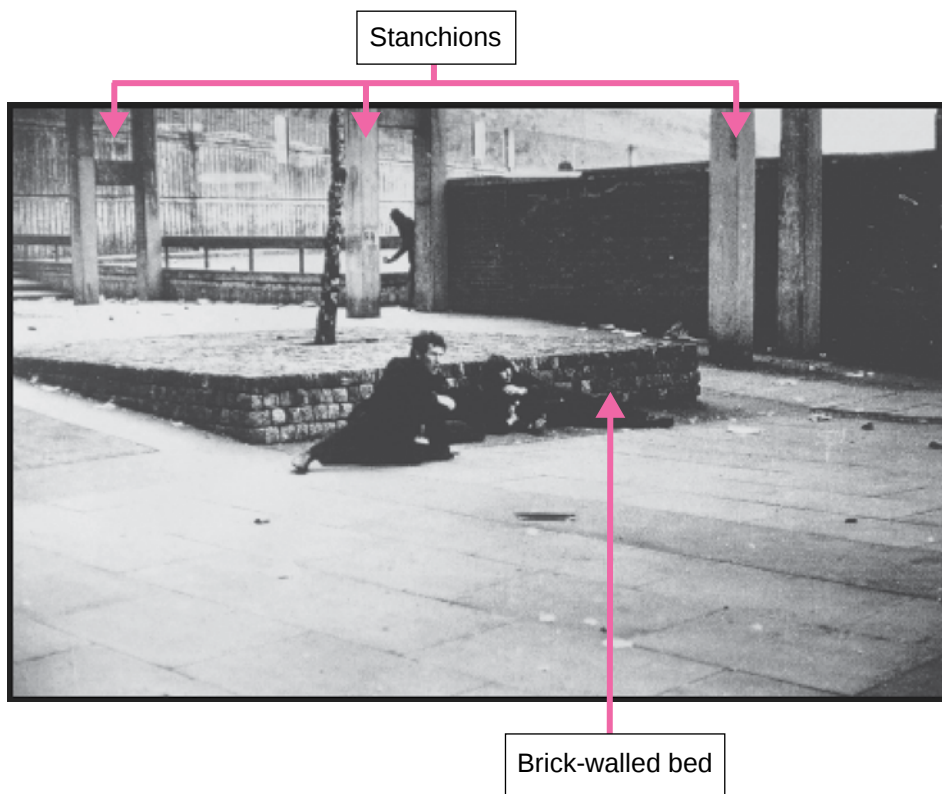
The pedestrianised area

- 116.9** The pedestrianised area lying to the south and south-west of Blocks 1 and 2 of the Rossville Flats stretched from Rossville Street on one side to the high retaining wall on the other. To the south of the area was Joseph Place. The ground level of the pedestrianised area rose slightly as it passed Joseph Place and approached the high retaining wall. The area was paved for the most part although, as noted above, a section to the south of Block 1 was unpaved at the time of Bloody Sunday.
- 116.10** Doherty's bakery (but not the serving area) is identified on the photograph below, which shows the pedestrianised area in more detail. The photograph was not taken on Bloody Sunday. Block 2 is on the right-hand side of the picture.

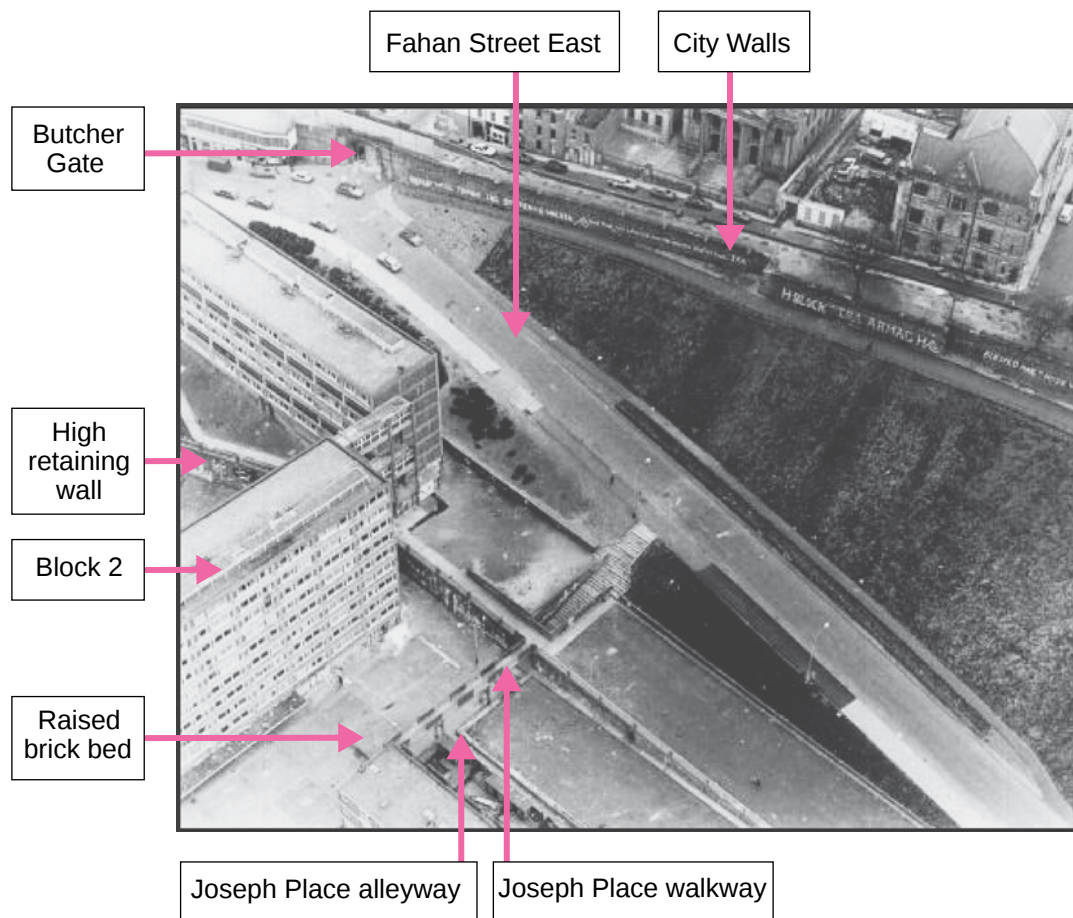


Doherty's
bakery

- 116.11** As can be seen, the paving used in the pedestrianised area was delineated into a series of large squares by the use of darker paving stones. Six brick-paved square beds ran the length of the pedestrianised area. Three of these can be seen in the photograph. At one time there was a tree in the centre of each bricked bed; by January 1972 some of the trees were no longer there.
- 116.12** The photograph below shows that one of these brick beds was raised at its western end to compensate for the slope in the ground. This photograph was taken on Bloody Sunday by Stanley Matchett, a photographer for the *Daily Mirror* newspaper.



- 116.13** The brick wall shown on the right of the photograph is the northern edge of one of the rear yards of Joseph Place. The three stanchions seen in the background support a walkway that led from the upper level of Joseph Place to Fahan Street East (the Joseph Place walkway). A man can be seen in the background of the picture, emerging from an alleyway that ran the length of the rear of Joseph Place (the Joseph Place alleyway). This alleyway is described in further detail below.
- 116.14** The relative position of the raised brick bed to the entrance to the Joseph Place alleyway is shown in the photograph below, which dates from 1982. Fahan Street East is also marked on this picture. It runs from Butcher Gate on the City Walls down to Rossville Street and St Columb's Wells.

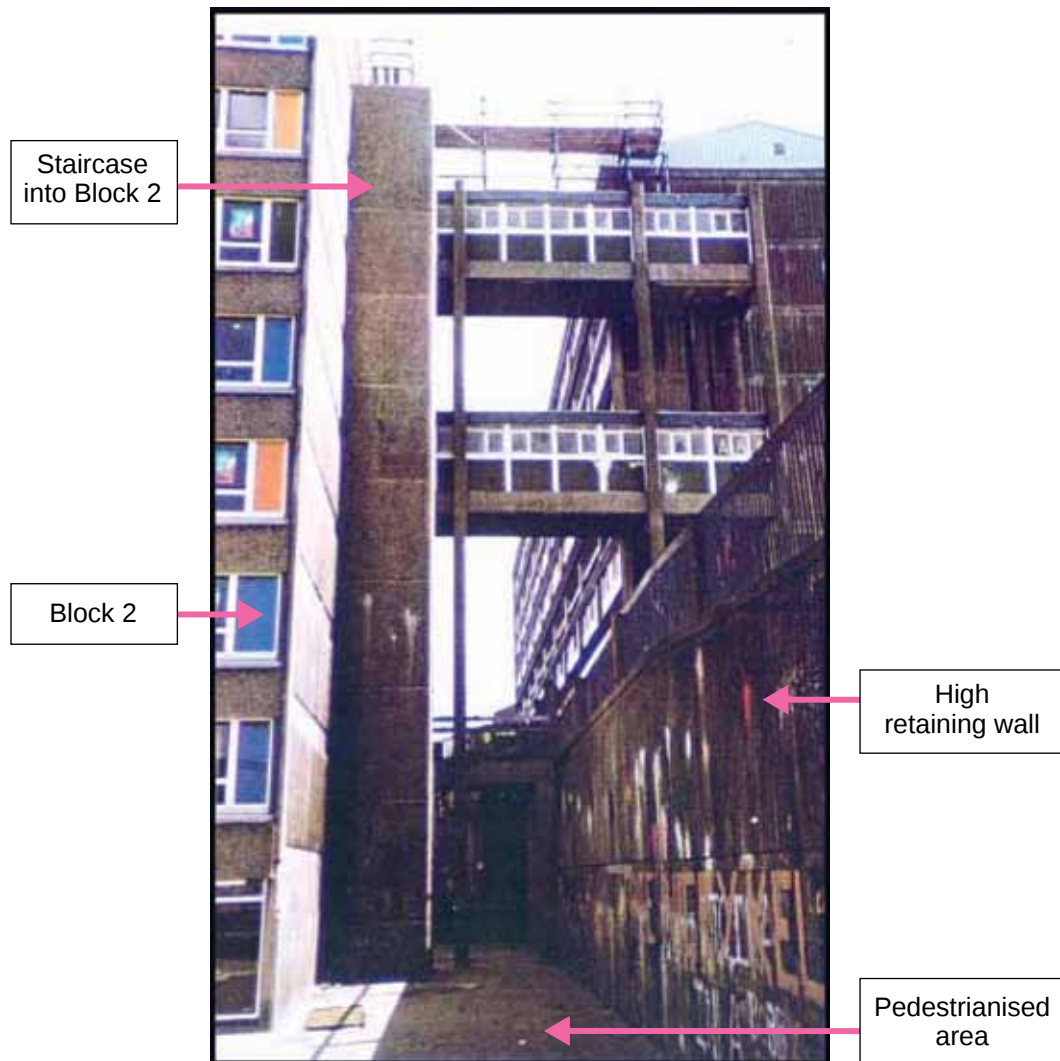


The gap between Blocks 2 and 3 of the Rossville Flats

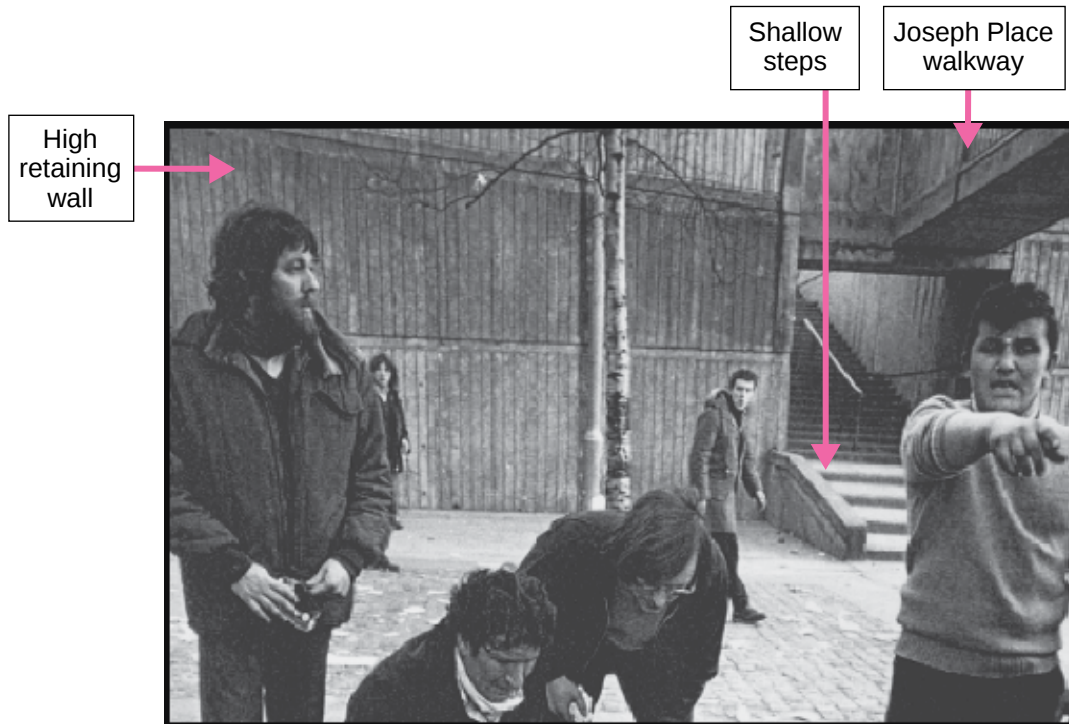
116.15 The high retaining wall is also marked on the photograph above. Its continuation beyond the gap between Blocks 2 and 3 formed the eastern boundary of the pedestrianised area. The photograph shows that the retaining wall was broken by a flight of steps leading up to Fahan Street East, after which it became the wall dividing the upper and lower car parks of Joseph Place. As will be seen in a subsequent photograph¹ this dividing wall diminished in height as it ran through these car parks.

¹ [Paragraph 116.19](#)

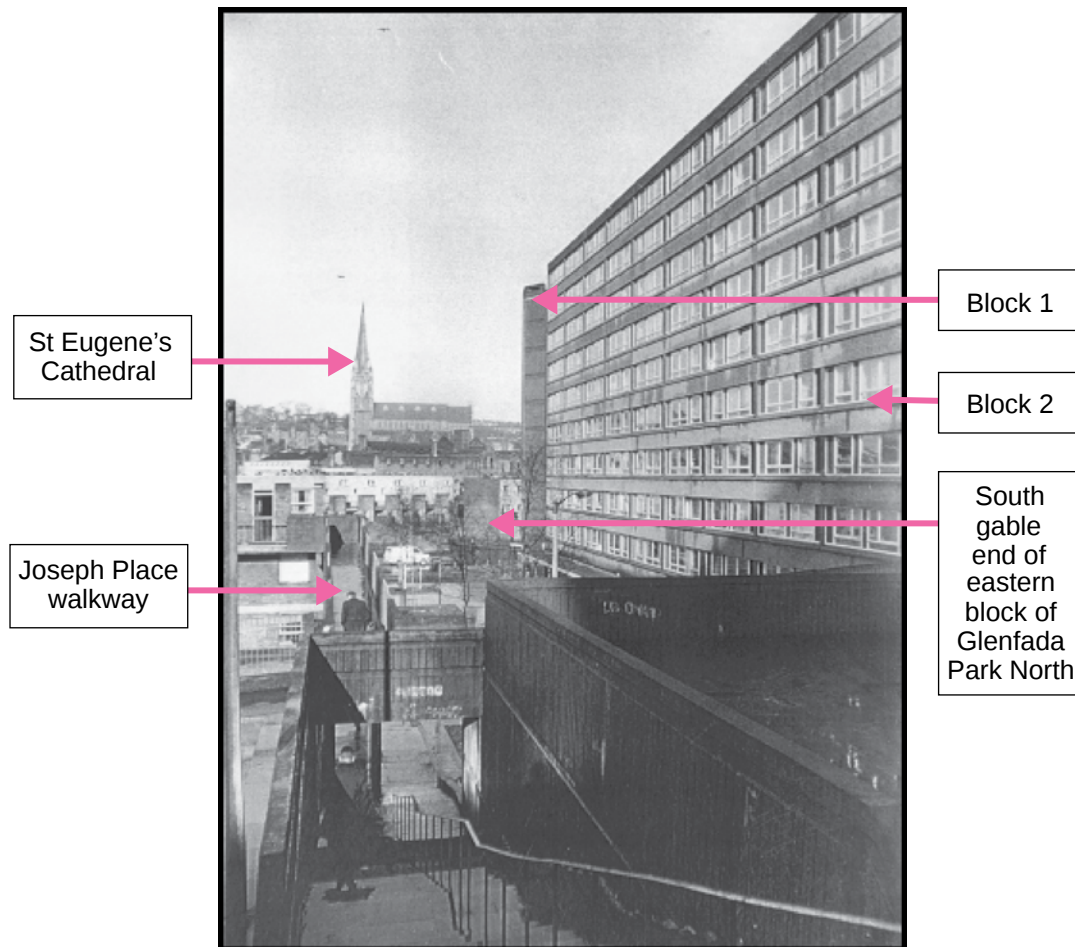
116.16 The photograph below was taken some time after Bloody Sunday. It shows the view from the pedestrianised area north-east through the gap between Blocks 2 and 3. Block 2 is on the left of the photograph. The high retaining wall is on the right of the photograph. Also visible is the exterior of a staircase, which allowed access from the gap between Blocks 2 and 3 into Block 2.



116.17 The flight of steps (the Fahan Street steps), which interrupted the high retaining wall, can be seen more clearly in the photograph below. This flight began with a set of shallow steps, marked on the photograph. Gilles Peress took this photograph on Bloody Sunday. The high retaining wall is seen in the background. Also visible is a tree centred in the most eastern of the brick beds in the pedestrianised area. Behind, and appearing adjacent to it in the photograph, is a lamp post.

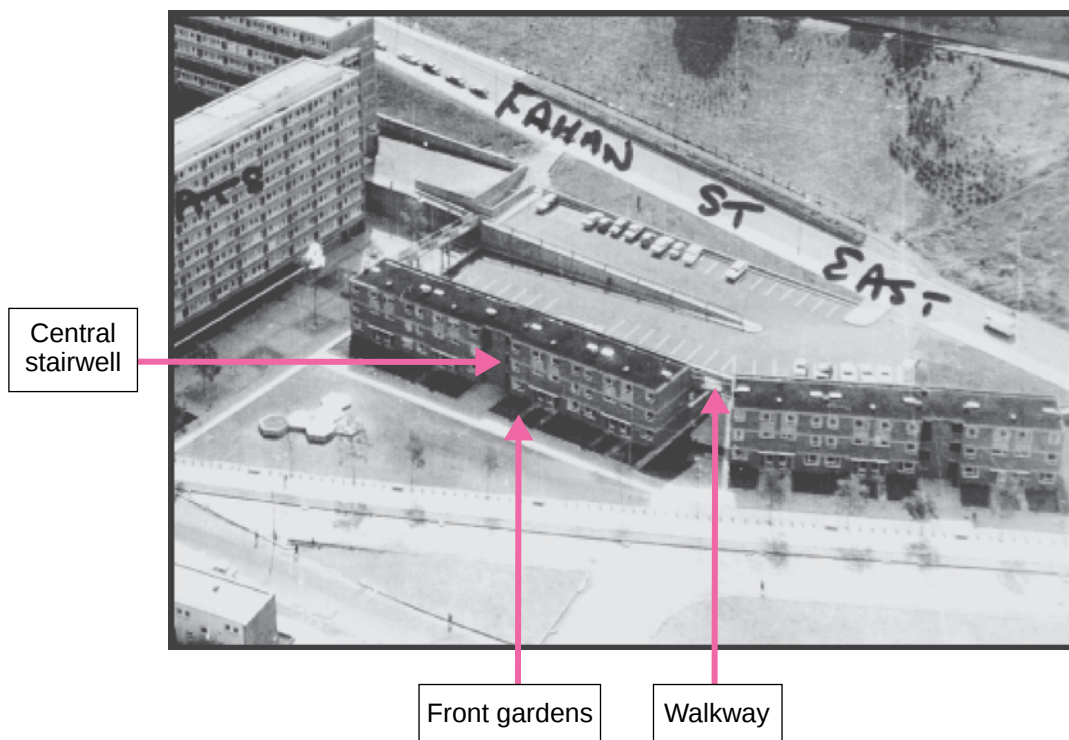


- 116.18** The view west from the top of the Fahan Street steps is shown in the photograph below. This photograph was not taken on Bloody Sunday. The photographer would have been standing on, or near to, the pavement of Fahan Street East and looking down into the Bogside. St Eugene's Cathedral is visible in the background of the picture. The south gable end of the eastern block of Glenfada Park North can also be identified on this photograph.



Joseph Place

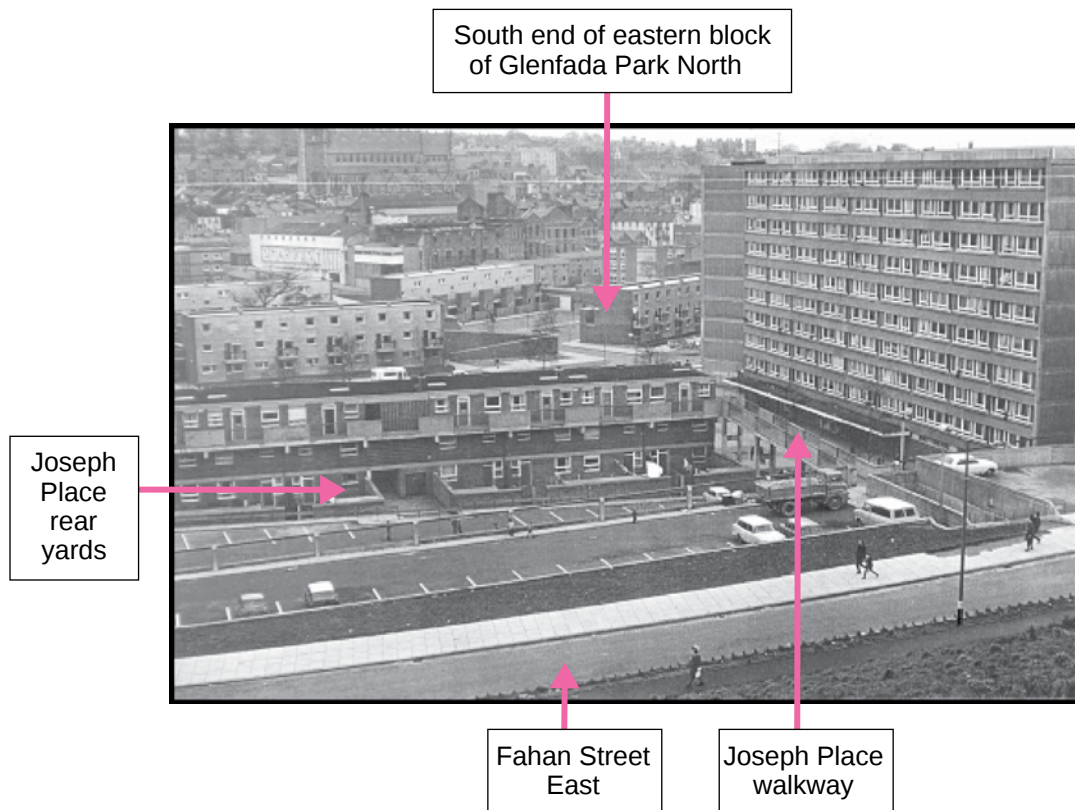
116.19 The two residential blocks of Joseph Place were each three storeys high. The block nearest to the Rossville Flats was set back some 40 yards from Rossville Street at its north-east end but ran towards the street in a south-westerly direction. The second block of Joseph Place ran parallel to the road and closer to it. Each block had a central stairwell. A walkway connected the two blocks. The walkway between the two blocks is seen on the photograph below, which also shows the front gardens of the two Joseph Place blocks.



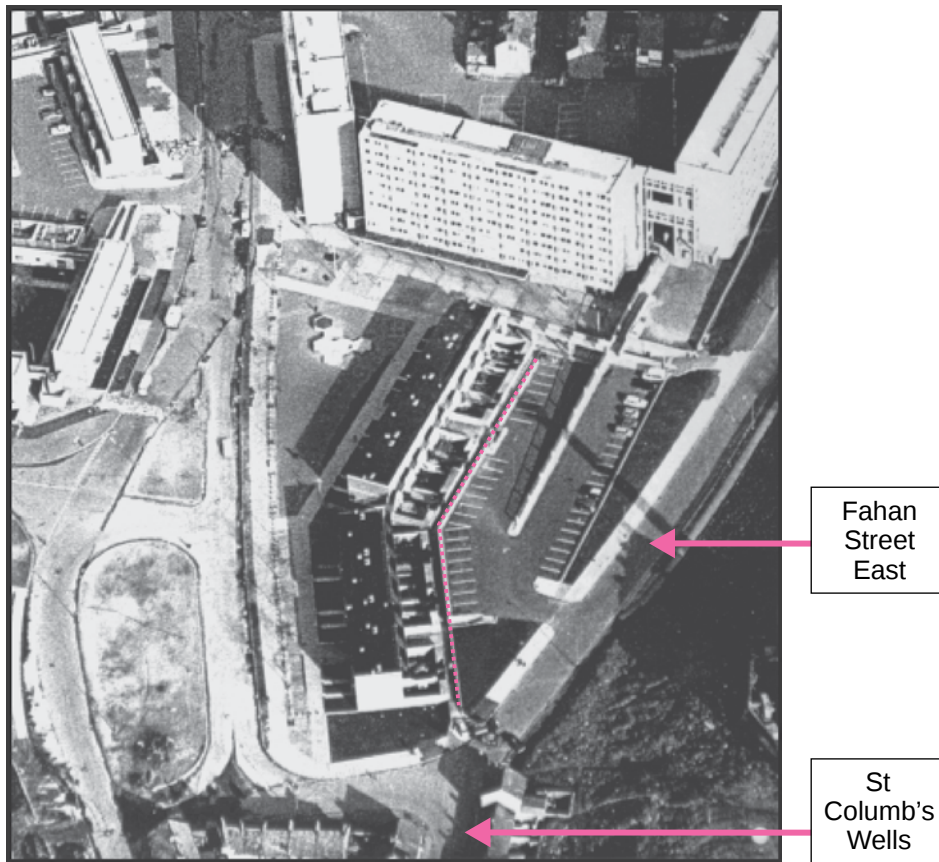
- 116.20** The next photograph was also taken by Stanley Matchett. It shows that low stone walls surrounded the front gardens of Joseph Place. The photograph was taken on Bloody Sunday and shows Alana Burke, who was injured by Sergeant O's Armoured Personnel Carrier (APC) in Sector 2 on that day, being carried to a waiting ambulance.



- 116.21** The photograph below, which was taken from the City Walls, shows the eastern side of the most northerly block of Joseph Place. The Joseph Place walkway, providing access from Fahan Street East to the upper level of Joseph Place, can be seen on the right-hand side. The upper and lower car parks of Joseph Place can also be seen, as can the south end of the eastern block of Glenfada Park North.



- 116.22** Some of the rear yards of the Joseph Place flats, surrounded by brick walls, are shown in this photograph. Access to and from these yards was via an alleyway (the Joseph Place alleyway), which ran the length of both blocks, starting at its northern end under the stanchions of the walkway and coming out at the end of the second block to give access to Fahan Street East. The route of the Joseph Place alleyway is marked with a dotted line on the photograph below. As the photograph shows it was a short distance from the southern end of the Joseph Place alleyway across Fahan Street East and into St Columb's Wells.



- 116.23** Although the Rossville Flats were demolished in the 1980s, Joseph Place still stood at the time of this Inquiry. As has been mentioned previously, three stanchions supported the walkway providing access from Fahan Street East to the upper level of Joseph Place. Two of these stanchions are shown in the following photograph, which was taken for the purpose of this Inquiry. The Fahan Street steps are seen in the background. The man shown standing next to what is the middle of the three stanchions is Daniel McGowan, who was shot and injured in Sector 5. Behind him is the entrance to the northern end of the Joseph Place alleyway.

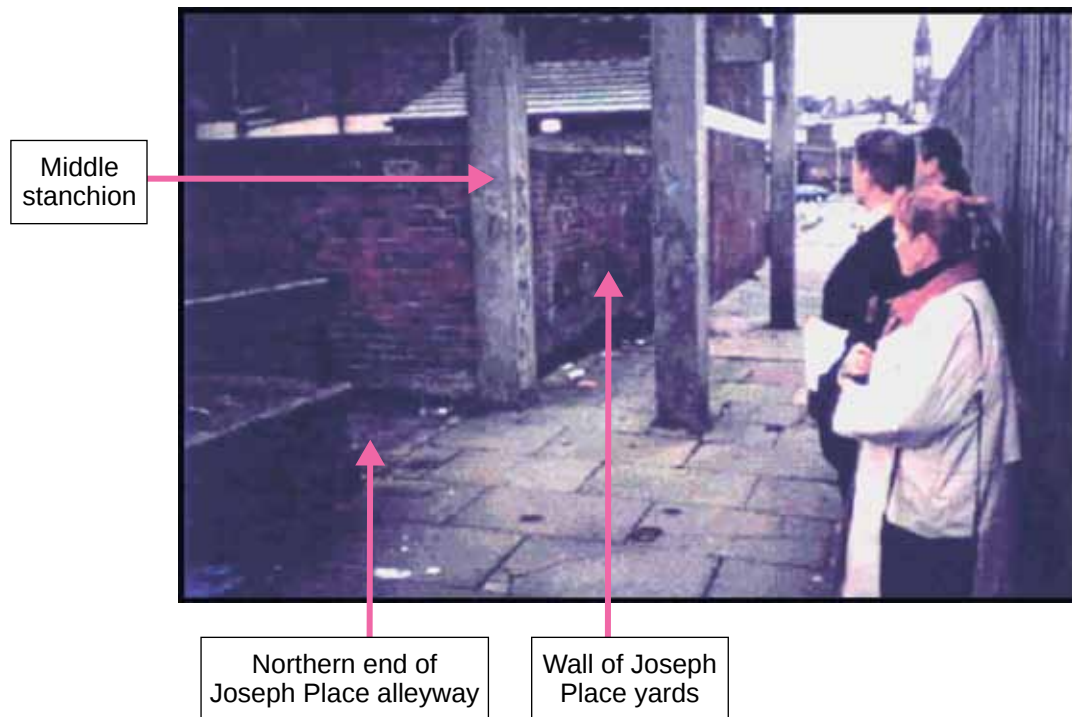


116.24 This middle stanchion abutted directly onto the edge of the Joseph Place alleyway, as shown on the two photographs below. As discussed later in this report the first of these two photographs was taken on Bloody Sunday. The photograph shows Patrick Walsh crawling towards the upturned body of Patrick Doherty. It was taken by Fulvio Grimaldi, a freelance journalist and photographer.

116.25 The second photograph is attached to the written statement to this Inquiry of Mary Bonner,¹ whose brother, Hugh Gilmour, was shot and killed on Bloody Sunday. She can be seen, wearing a light-coloured coat, on the far right of the picture.

¹ [AB38.1](#); [AB38.8](#)





The Threepenny Bits

116.26 Between Rossville Street and the northern block of Joseph Place was a triangular public area, decorated with six brick-built hexagons. These hexagons were known as the Threepenny Bits. They are seen in more detail on the photograph below, which was taken by Derrik Tucker Senior on Bloody Sunday, from the living room window of his home in Block 2 of the Rossville Flats.¹

¹ [WT7.8](#); [WT7.18](#)



Observation Posts on the City Walls

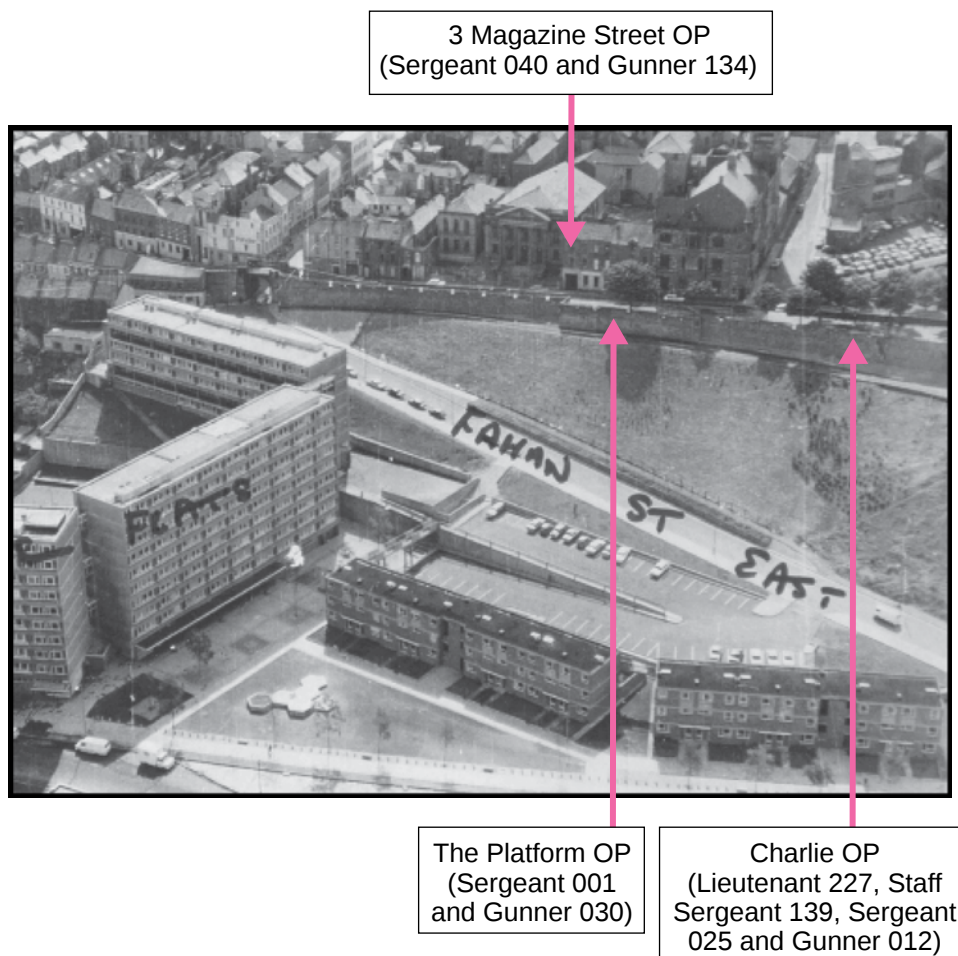
116.27 On Bloody Sunday there were a number of Army Observation Posts (OPs) on the City Walls, manned by members of 53 Battery, 22 Lt AD Regt. These provided a line of sight into Sector 5.

116.28 The soldiers on duty at these posts were:

- Sergeant 001 and Gunner 030 – positioned on what was called the Platform on the City Walls;
- Sergeant 040 and Gunner 134 – positioned in an attic room of a house at 3 Magazine Street located behind the Platform; and
- Lieutenant 227, Staff Sergeant 139, Sergeant 025 and Gunner 012 – positioned south of the Platform at what was called Charlie OP.

116.29 The locations of these OPs are marked on the photograph below.¹

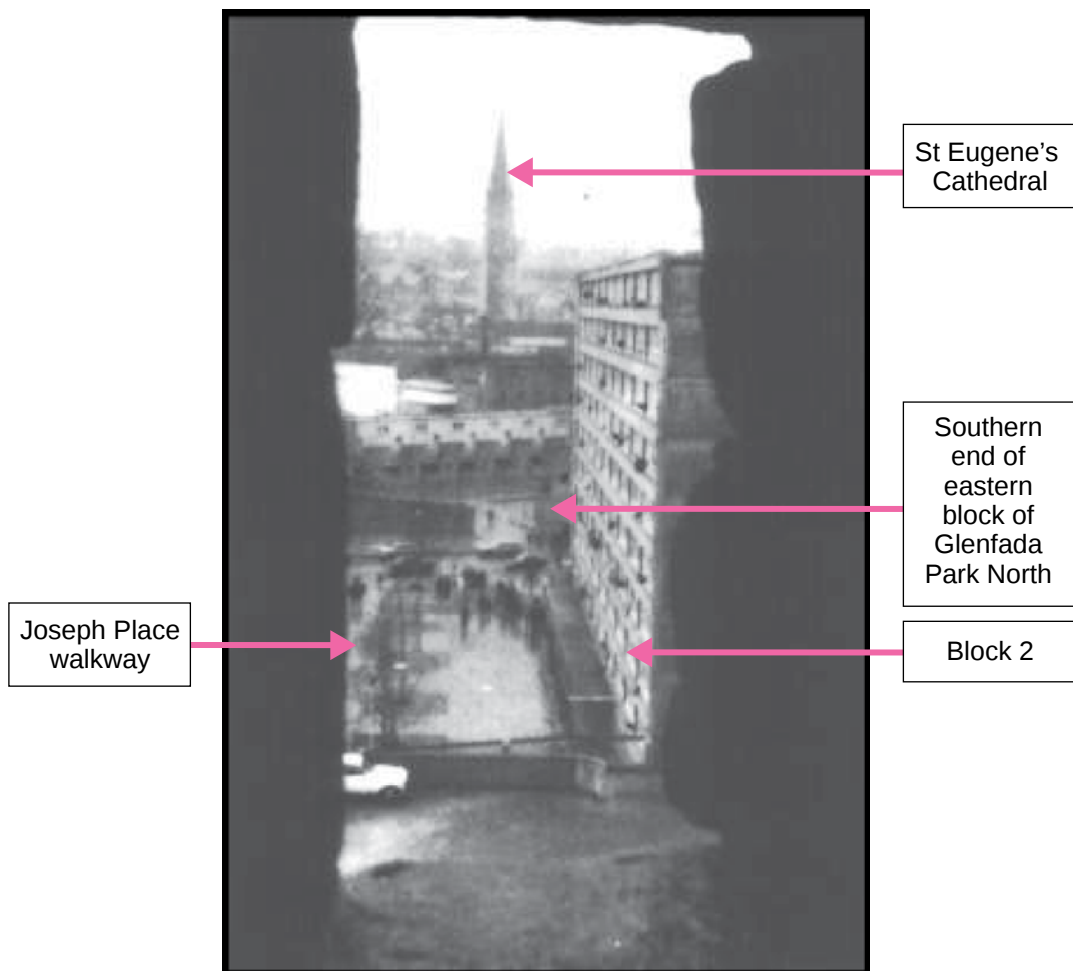
¹ [Day 263/23-24](#); [B1831.20](#)



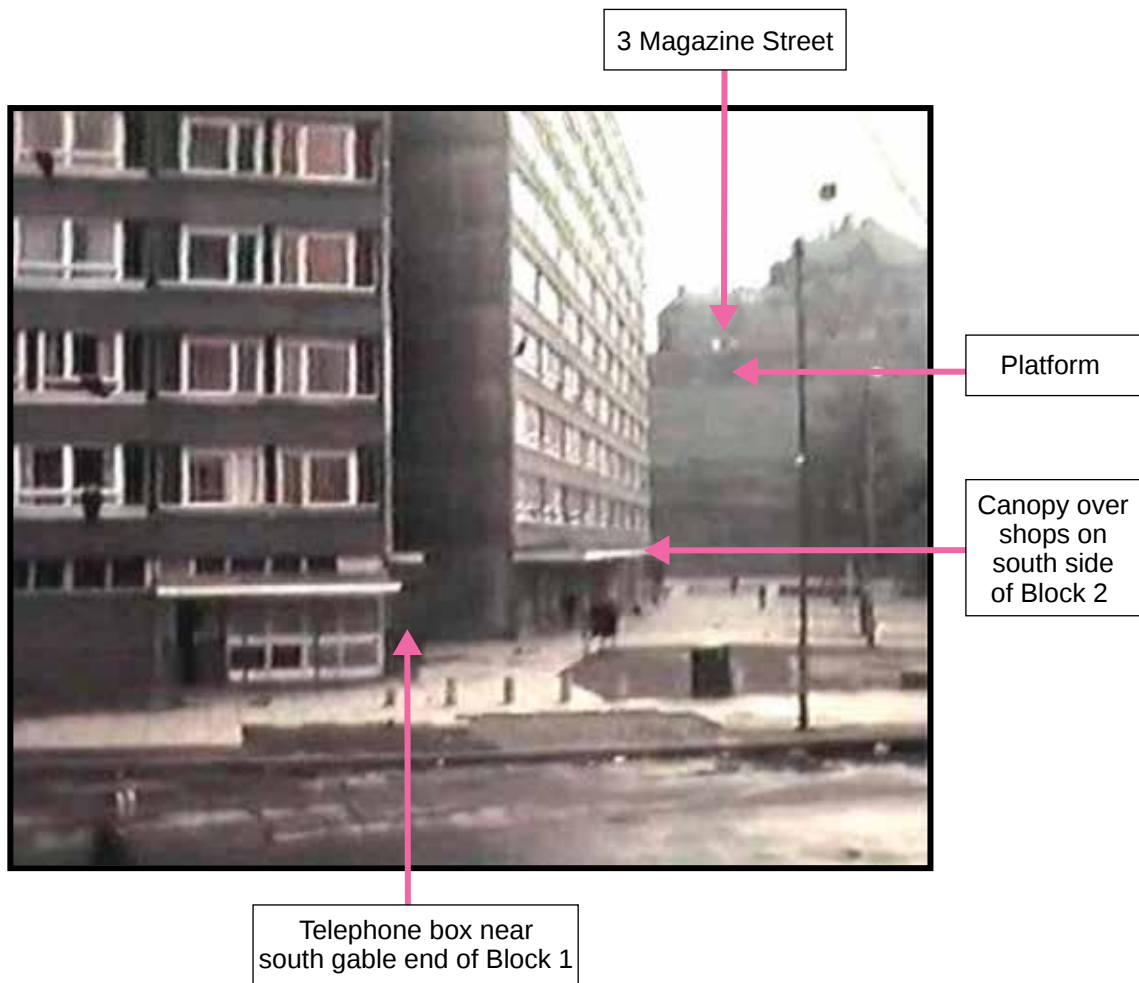
The view from the Platform and 3 Magazine Street

116.30 The picture below is a composite of a number of photographs taken from or near to the Platform. The composite was provided to the Inquiry by Colonel Roy Jackson, who in 1972 was the Commanding Officer of 1st Battalion, The Royal Anglian Regiment. While the images used in the composite were taken from slightly different angles, the composite gives a useful impression of the buildings and structures that would have been visible to the soldiers positioned on the Platform and at 3 Magazine Street on Bloody Sunday. These would have included the eastern side of the two Joseph Place blocks, the Joseph Place alleyway and the Joseph Place walkway. The south end of the eastern block of Glenfada Park North, the southern end of Block 1 of the Rossville Flats, and the south face of Block 2 would all have been in view. As we discuss in more detail below, a soldier positioned at the most northerly corner of the Platform would also have had a limited line of sight through the gap between Blocks 2 and 3 of the Rossville Flats and into the car park beyond.

116.32 The two photographs below illustrate the view into Sector 5 available to the soldiers positioned at the Platform and in 3 Magazine Street. The first gives a view through an aperture on the City Walls in the area of the Platform. It suggests that a soldier positioned at the most northerly corner of the Platform (and by extension one positioned in an attic room in 3 Magazine Street) would have had a line of sight west towards the southern end of the eastern block of Glenfada Park North. The view would have included the canopy on the south side of Block 2 of the Rossville Flats and some of the bricked paved beds, which, as we have already described, ran the length of the pedestrianised area. It also seems clear that the part of the pedestrianised area immediately beneath the high retaining wall, including the shallow set of steps, which formed the beginning of the Fahan Street steps, would have been out of sight for a soldier positioned on the Platform. This would also have been the case for a soldier positioned at the higher location (an attic) in 3 Magazine Street.



- 116.33** The second photograph is a still image taken from a video recording of footage filmed in the immediate aftermath of Bloody Sunday. Independent Television News supplied the recording to this Inquiry. The camera was positioned on the pram-ramp at the north-eastern end of Glenfada Park South and is looking east, along the pedestrianised area, towards the high retaining wall and, above it, the City Walls. The image gives an indication of the degree of elevation between ground level and the OPs on the Platform and in 3 Magazine Street.



- 116.34** As we have already noted, there is also a line of sight from the Platform into the car park of the Rossville Flats. The Platform is marked on the photograph below, which was taken a few years after Bloody Sunday. The image shows that a soldier positioned at the most northerly end of the Platform would have been able to see through the gap between Blocks 2 and 3 into the car park. However, it seems unlikely that the same soldier would have been able to see much, if anything, at ground level in the gap between Blocks 2 and 3 itself, or anything at ground level on the south side of the gap.



The view from Charlie Observation Post

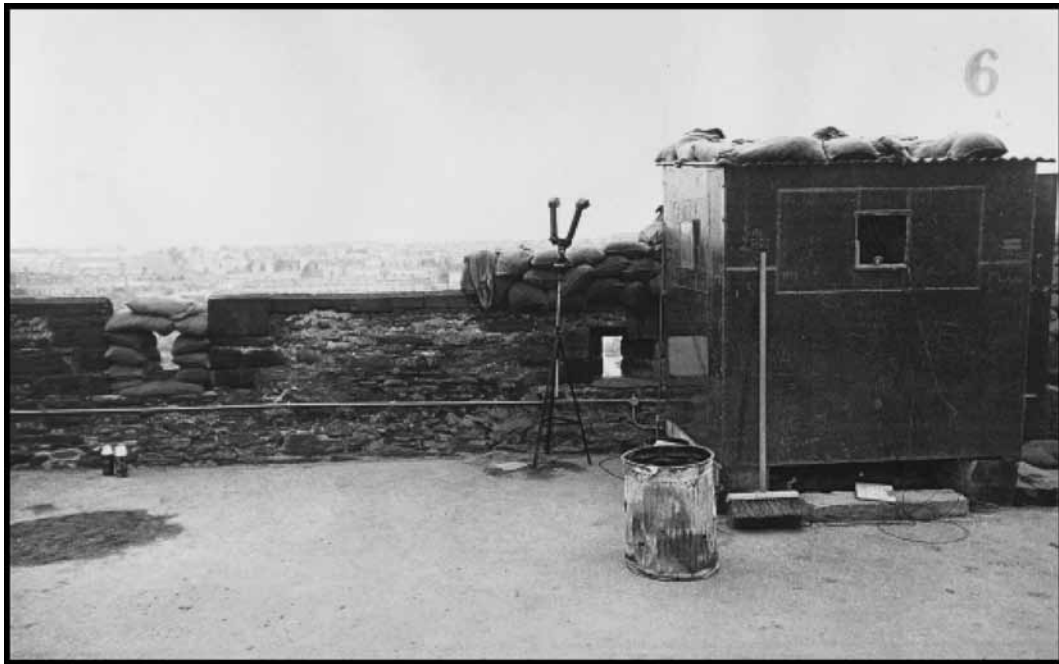
116.35 On 5th February 1972, Inspector Norman Nicholl of the Royal Ulster Constabulary took a set of five photographs, which were produced to the Widgery Inquiry.¹ The final photograph of this set has already been shown above² but it is helpful to show here, and in sequence, four of the photographs taken by Inspector Nicholl.

¹ [JN2.1](#)

² [Paragraph 116.21](#)

116.36 The first of these shows the two-man sangar (a temporary guard post) positioned at Charlie OP on Bloody Sunday. A pair of “donkey-ear” binoculars on a stand (providing a periscope view) can be seen to the left of the sangar and close to the wall. The soldiers positioned at Charlie OP on Bloody Sunday had access to a pair of these binoculars.²

¹ [B1539; Day 371/212](#)



- 116.37** The remaining three photographs show that a soldier positioned at Charlie OP would, like his colleagues on the Platform and in 3 Magazine Street, have been able to see a number of the buildings and structures that we have already identified above, including Free Derry Corner, Glenfada Park South and Glenfada Park North, the Joseph Place alleyway, the Joseph Place walkway and Block 2 of the Rossville Flats. In particular, an observer at Charlie OP would have had a line of sight to the southern end of the eastern block of Glenfada Park North, the southern end of Block 1 of the Rossville Flats, and the canopy running over the shops located on the south side of Block 2 of the Rossville Flats. It is clear from the last of these three photographs that there would not have been a view from Charlie OP into the area around the bottom of the Fahan Street steps or the gap at ground level between Blocks 2 and 3 of the Rossville Flats.





Chapter 117: The movement of people through the gap between Blocks 2 and 3 of the Rossville Flats

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Photographs taken by Gilles Peress in Sector 2

- 117.1

Earlier in this report¹ we considered what happened in Sector 2, the area of the Eden Place waste ground and the car park of the Rossville Flats, where there were casualties from Army gunfire. During the course of this gunfire, civilians moved from Sector 2 into Sector 5 through the gap between Blocks 2 and 3 of the Rossville Flats. They included Patrick Doherty, who we are sure was then shot and killed in Sector 5, and a number of others, some of whom gave important evidence about what happened in that sector.

¹ [Chapters 22–66](#)
- 117.2

In our consideration of the events of Sector 2, we referred to some of the evidence of Gilles Peress about the photographs that he took in that sector. As discussed more fully in that context, he had come along Chamberlain Street to the Rossville Flats end of that street and, having taken a photograph of the group surrounding Jackie Duddy, moved westwards behind the low wall running along the car park side of Block 2 of the Rossville Flats. However, by the time he got to about the western end of the wall, Jackie Duddy’s body had been removed; and Gilles Peress moved back towards the retaining wall beneath Block 3. As he did so, he took six photographs from positions along the low wall.

117.3 Two of these photographs we have reproduced in the course of considering the events of Sector 2¹ but it is convenient to show here all six in the order in which they were taken, numbering them from 1 to 6.²

¹ Paragraphs 55.293–295

² In his statement for the Widgery Inquiry, Gilles Peress identified these six photographs by reference to a contact sheet on which they were numbered from 4 to 9

(M65.2; M65.28). By the time he came to give oral evidence to the Widgery Inquiry, enlargements of the photographs were available. However, they were numbered differently: from 2 to 7 (WT6.64).

Photographs 1–3



Photographs 4–6



- 117.4 The evidence Gilles Peress gave to the Widgery Inquiry was that there was ongoing gunfire as he took these photographs, directed towards the group of men he was photographing. He identified the direction of this gunfire as being from his “*back left side*”

and its source as two soldiers: one positioned at the northern end of Block 1 of the Rossville Flats and the other at the rear of 36 Chamberlain Street.¹ This was still his recollection when he came to give evidence to this Inquiry.²

¹ M65.1.1; M65.2; M65.1.3; WT6.64-WT6.67

² M65.21; Day 213/14-20

117.5 Gilles Peress said that he had moved closer to the group when he took the third photograph and closer still when he took the last three.¹

¹ M65.1.1; M65.2; M65.1.3; WT6.64-67

117.6 For reasons given in the course of our consideration of the events of Sector 2, we are sure that the man lying flat on his stomach on the ground in the first two of these photographs was Patrick McDaid, one of those wounded in Sector 2; and that the balding man shown crouched above him was Patrick Walsh, whose evidence is of importance in the present context. The man with a white handkerchief over his face in the third, fifth and sixth photographs was Patrick Doherty. As we describe below, soon after taking these photographs Gilles Peress moved through the gap between Blocks 2 and 3 of the Rossville Flats, and then photographed Patrick Doherty as this casualty lay shot in Sector 5.¹

¹ Day 213/65

117.7 Joe Nicholas, whose evidence is also of importance in the present context, identified himself as the person whose outstretched left leg can be seen just in front of the feet of the prone Patrick McDaid, in the second of the photographs shown above. He thought he was also shown in the preceding photograph. In his evidence to this Inquiry he was able to identify Patrick Doherty as the man on the left in the third and sixth photographs shown above.¹

¹ AN17.6; AN17.9; Day 78/19; Day 78/77

117.8 Kevin McDaid (the brother of Michael McDaid, who was shot and killed at the rubble barricade in Sector 3) identified himself as the man shown in the middle looking towards the photographer in the third of these photographs and thought he might be the man crouching immediately behind Patrick Walsh in the middle of the first photograph, though he was not certain about this. He too identified Patrick Doherty in the third of these photographs.¹ He told us that some people around him made a break for the passageway. *“For some reason, probably panic, I did not run all the way through the gap but instead I ran into the stairwell at the south eastern corner of Block 2...”*²

¹ AM167.4; AM167.7; Day 100/94

² AM167.4

117.9 We have not been able to identify the other people in the first photograph. As to the man shown on the right in the third, fifth and sixth photographs, it was thought for a time that this might have been someone called Pat Friel, but we have found no evidence to support that possibility. He might have been someone called Barry Quigley, as this name was mentioned by Joe Nicholas to Philip Jacobson of the *Sunday Times* Insight Team,¹ but Joe Nicholas could not help us on this.² There is a Northern Ireland Civil Rights Association (NICRA) statement from John McGowan, who observed events from his flat on the seventh floor of Block 2 of the Rossville Flats. He recorded that he saw an injured person make his way from the car park to the back entrance of Joseph Place; and that having seen Fr Daly and others carry Jackie Duddy off, he then returned to the south side of his living room to call down to a man he named as Barry Quigley to assist that injured man.³ This evidence lends some support to the possibility that the person identified by Joe Nicholas was Barry Quigley, but we remain unsure about this identification.

¹ [AN17.19](#)

³ [Day 78/41-42; Day 78/81](#)

² [AM467.4](#)

117.10 The representatives of the majority of the represented soldiers submitted, in relation to these photographs:¹

“Furthermore, there is evidence of something suspicious, possibly a pistol, being moved surreptitiously towards the gap between Blocks 2 and 3...”

¹ [FS7.2221](#)

117.11 We see nothing in these photographs to support this submission. Gilles Peress said nothing about seeing the movement of a weapon and was not asked about it during the course of his oral evidence to this Inquiry.

Whether Patrick Doherty was injured before moving into Sector 5

117.12 It appears from the written statement he provided to the Widgery Inquiry that Gilles Peress thought, at the time, that between the taking of the third and fifth of the photographs shown above, Patrick Doherty had been hit by a ricocheting bullet. These two images were identified as photographs 6 and 8 respectively in Gilles Peress’s

statement to the Widgery Inquiry, namely the photographs numbered 3 and 5 above. In his evidence to the Widgery Inquiry, Gilles Peress recalled that, having taken the third photograph, he noticed that Patrick Doherty seemed to be having difficulty crawling.¹

¹ M65.2; WT6.66

117.13 In our view, Gilles Peress was mistaken in thinking at the time that Patrick Doherty had been hit in Sector 2, as he acknowledged in his evidence to us he could have been.¹ Joe Nicholas told Philip Jacobson that, just before he made a run for the gap between Blocks 2 and 3 of the Rossville Flats, he looked back, saw Patrick Doherty lying on his stomach, shouted, “*Are you o.k.?*” and “*doherty shouted ‘Yeah, I’m fine’ or summat similar*”. Philip Jacobson noted “*nicholas is positive he [Patrick Doherty] was neither shot nor hurt in any other way at that point*”.² Furthermore, as will be seen hereafter, the scientific evidence was to the effect that Patrick Doherty had not been hit by a ricochet.

¹ Day 213/20-21

² AN17.19

117.14 In his written statement to this Inquiry, Gilles Peress expressed the view that Patrick Doherty could not have been shot “*whilst he was crawling along the wall that runs parallel to Block 3 ... he must have been shot after he had rounded the south eastern corner of Block 2.*”¹ In his oral evidence he said “*to this day I do not know whether Patrick Doherty was wounded on this side of the alleyway [a reference to the gap], or indeed the other side of the alleyway. That said, given the gravity of the wounds, it seems more probable he would have been hit on the other side.*”²

¹ M65.21

² Day 213/20

117.15 Apart from Gilles Peress, Bernard Gilmour and Tony Morrison were the only other civilians, so far as we are aware, who said they thought Patrick Doherty had been shot in Sector 2. Bernard Gilmour’s brother, Hugh Gilmour, was shot and killed in Sector 3.

117.16 In his written statement to this Inquiry, Bernard Gilmour told us he recalled looking out from a bedroom window in his mother’s flat in Block 2, onto the car park of the Rossville Flats. He noticed a group of men crawling along the high retaining wall towards the gap between Blocks 2 and 3, one of whom, he later learned, was Patrick Doherty. As he watched the men, Bernard Gilmour saw the person he believed to be Patrick Doherty hit by a shot but continue to crawl towards and through the gap between Blocks 2 and 3.¹ However, in the course of his oral evidence to us, it emerged that a recollection of the manner in which this group of men had reacted to gunfire (by changing from crawling towards to running for the gap) had led Bernard Gilmour to assume that one of their number had been shot. Indeed, Bernard Gilmour could not say with certainty whether the

person he had assumed was shot had been Patrick Doherty, or that anyone in the group of men he had observed had, in fact, been shot.² In this context, it is relevant to point out that Bernard Gilmour did not make any reference to seeing a group of men moving along the high retaining wall in the joint statement he, together with two members of his family, gave to NICRA in 1972.³

¹ [Day 87/195](#); [AG38.5](#)

³ [AG38.9](#)

² [Day 88/24-26](#); [Day 88/32-33](#); [Day 88/46](#)

117.17 We have already considered the evidence of Tony Morrison in our discussion of the events in Sector 2. Both in his account to NICRA and in his written statement to this Inquiry, Tony Morrison described standing at the gable wall of 36 Chamberlain Street, from where he saw Michael Bridge shot and wounded in the car park of the Rossville Flats. In his written account to us, Tony Morrison went on to record his recollection of seeing Patrick Doherty shot while crawling past the gap between Blocks 2 and 3. There is no reference to this incident in Tony Morrison's NICRA statement.¹

¹ [AM439.1](#); [AM439.5](#); [AM439.6](#)

117.18 In our view, Tony Morrison was mistaken in his recollection of seeing Patrick Doherty shot. When he gave his oral evidence to this Inquiry, Tony Morrison explained that he did not know Patrick Doherty and that he had not actually seen him shot. Confusingly, Tony Morrison also gave an account of seeing Patrick Doherty's body in the gap between Blocks 2 and 3 and it then being moved to a point south of Block 2. His belief that he had seen someone shot near the gap between Blocks 2 and 3 seemed to be based on a recollection of seeing a man being dragged along by others. However, as Tony Morrison recognised, his description of that man's clothing did not accord with the available details for Patrick Doherty.¹

¹ [Day 184/122-143](#); [Day 184/153](#)

117.19 We are sure that Patrick Doherty was not shot in Sector 2. On the basis of what Joe Nicholas told Philip Jacobson and for the reasons we give later in this part of the report, we have no doubt that Patrick Doherty was shot and mortally wounded in Sector 5.

The movement of Gilles Peress into Sector 5

117.20 Having taken the photographs shown above, Gilles Peress moved into Sector 5.

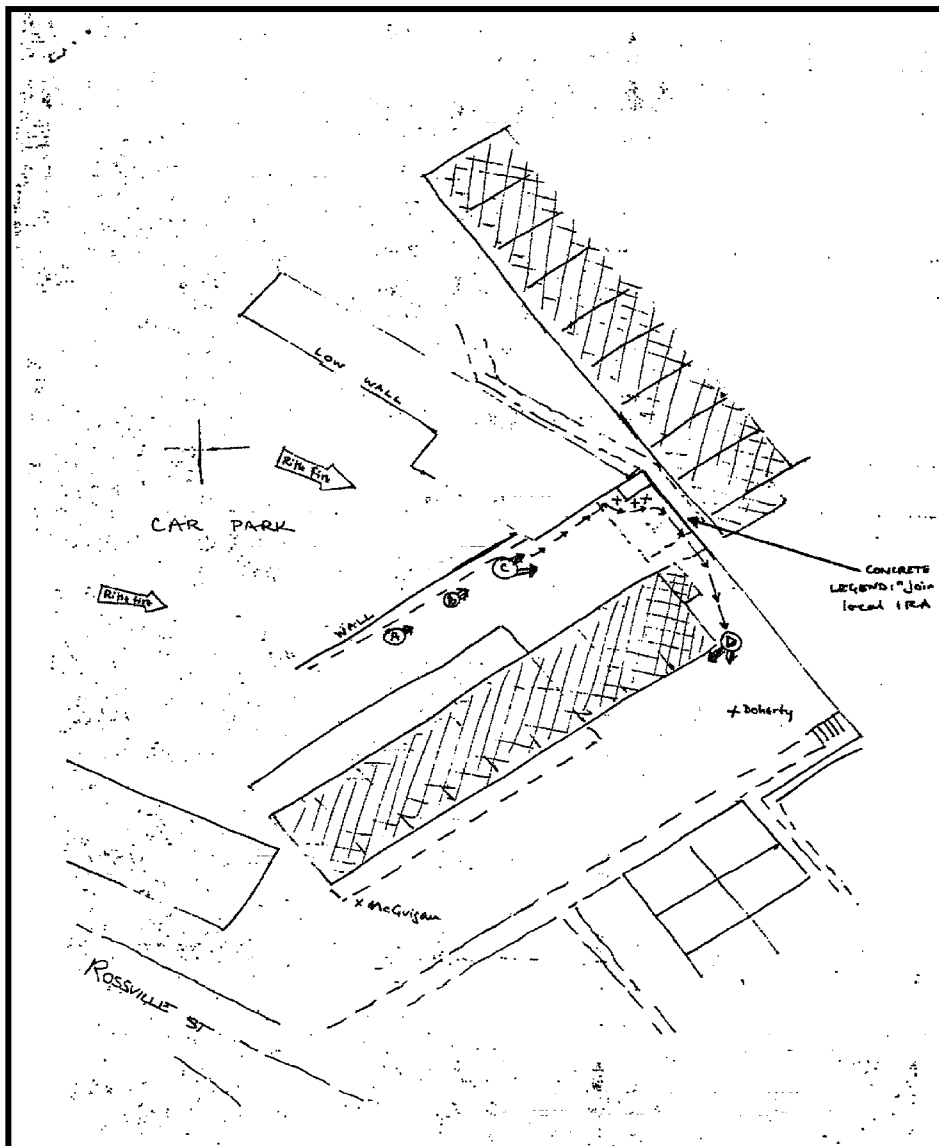
117.21 In his written statement for the Widgery Inquiry, Gilles Peress recorded that from the position where he had taken the last three of these photographs, "*I went to the wall and crawled along the same route as Doherty. I could not see him at this time.*" He continued:¹

“Shooting was still going on. I crawled under the colonnade and ran to the corner of the building, position ‘D’. There I took pictures 10 and 11 of Mr Doherty. Then I took picture 12, in another direction along the building on my right. Then I took 13 and 14 of Mr Doherty. His hands are moving in No. 11 and I think he died as I took 13 and 14.”

¹ M65.2

117.22 Position D is shown on a drawing that accompanied this statement and is at the south-eastern corner of Block 2 of the Rossville Flats. This drawing also shows the positions (“A”, “B” and “C”) from which Gilles Peress took the six photographs we have shown above.¹

¹ M65.1.3



117.23 We return below to the photographs that Gilles Peress took after he had gone through the gap between Blocks 2 and 3 and to his evidence of what he saw in Sector 5. Here, it should be noted that in his written statement to this Inquiry,¹ Gilles Peress told us that he estimated that less than one minute had elapsed between taking the last of the six photographs discussed above and taking his first photograph in Sector 5, which was of Patrick Doherty lying shot on the ground. However, in his oral evidence to this Inquiry, Gilles Peress explained that he could only say that the time gap between the taking of these two photographs could have been between one and three minutes.² He also told us that he took his first photograph of Patrick Doherty “seconds” after getting through the gap to the point on its south-east corner, but that he did not see Patrick Doherty going through the passageway or being shot.³

¹ M65.21

³ Day 213/36-37; Day 213/59-60

² Day 213/59-63; Day 213/27-28

117.24 We now turn to some of the evidence of two of those who also moved through the gap between Blocks 2 and 3 of the Rossville Flats.

The evidence of Joe Nicholas and Patrick Walsh

Joe Nicholas

117.25 In 1972 Philip Jacobson interviewed Joe Nicholas.¹ The undated note of that interview records that having crawled along the bottom of the high retaining wall as shown in the photographs taken by Gilles Peress, Joe Nicholas decided to “*make a run for the passageway*”, ie the gap between Blocks 2 and 3. As he did so “*he heard the crack of several shots very close to him. Those in the passageway told him the shots hit the wall immediately behind him.*” He told Philip Jacobson that he was “*a few minutes*” in the gap recovering his “*breath and nerves*” and that the next significant thing he recalled was seeing Patrick Doherty on the “*other side*”, which in context must be a reference to the south side of Block 2 of the Rossville Flats.² In his oral evidence to this Inquiry, Joe Nicholas agreed that he had gone before Patrick Doherty, who must have passed him at some stage, but said he had no memory of him doing so.³

¹ Day 78/40; Day 78/42

³ Day 78/83-84

² AN17.20

117.26 We return to Joe Nicholas’s evidence when considering the circumstances in which Patrick Doherty was shot, but we should note here that he recalled in his evidence to this Inquiry that after he had seen this casualty shot he went back through the gap between

Blocks 2 and 3 to where he had previously seen a photographer in the car park, and conveyed to him that he should come through the gap and photograph this casualty, which the photographer did.¹ Joe Nicholas told us that he recalled that when doing this “*I was not aware of firing at that particular point*”.² Joe Nicholas had in 1972 identified Gilles Peress as the photographer he had seen in Sector 2.³

¹ AN17.4; AN17.5; Day 78/30; Day 78/50

³ AN17.19

² Day 78/51

- 117.27** Gilles Peress at no stage suggested that he went through the gap at the insistence of anyone. He was not asked whether anyone had asked him to go and photograph a casualty in Sector 5, and in his written statement to this Inquiry he told us that having seen men making their way through the gap between Blocks 2 and 3 “*I thought that if they managed to get through then I should follow them*”, from which it would seem, on his evidence, that he decided to go through the gap on his own initiative.¹ To our minds, he did decide to move, as he put it, because “*the action ... had moved*” and, as a photographer, he had to “*go and check it out*”² and thus we consider that Joe Nicholas was probably mistaken in his recollection that he went back and fetched a photographer.

¹ M65.2; M65.21; Day 213/30-32

² Day 213/32-33

Patrick Walsh

- 117.28** Philip Jacobson interviewed Patrick Walsh in 1972.¹ His notes are dated 13th April 1972. Patrick Walsh also gave written and oral evidence to this Inquiry.² He died in June 2005.

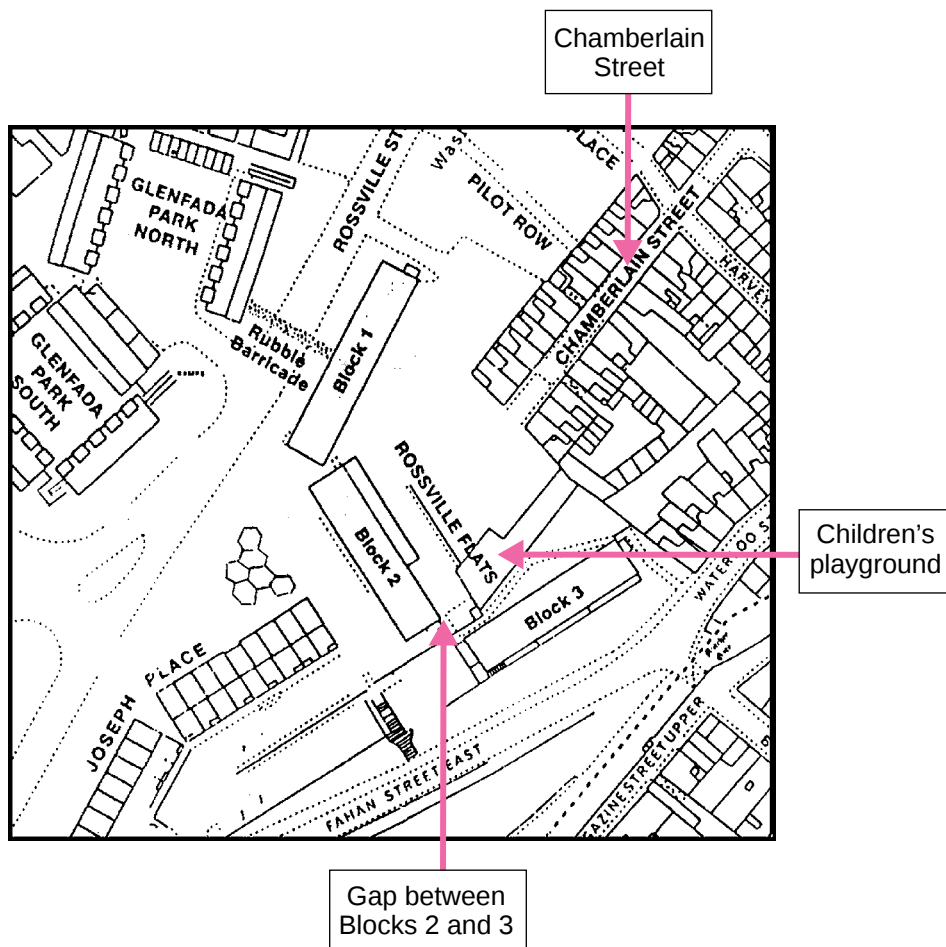
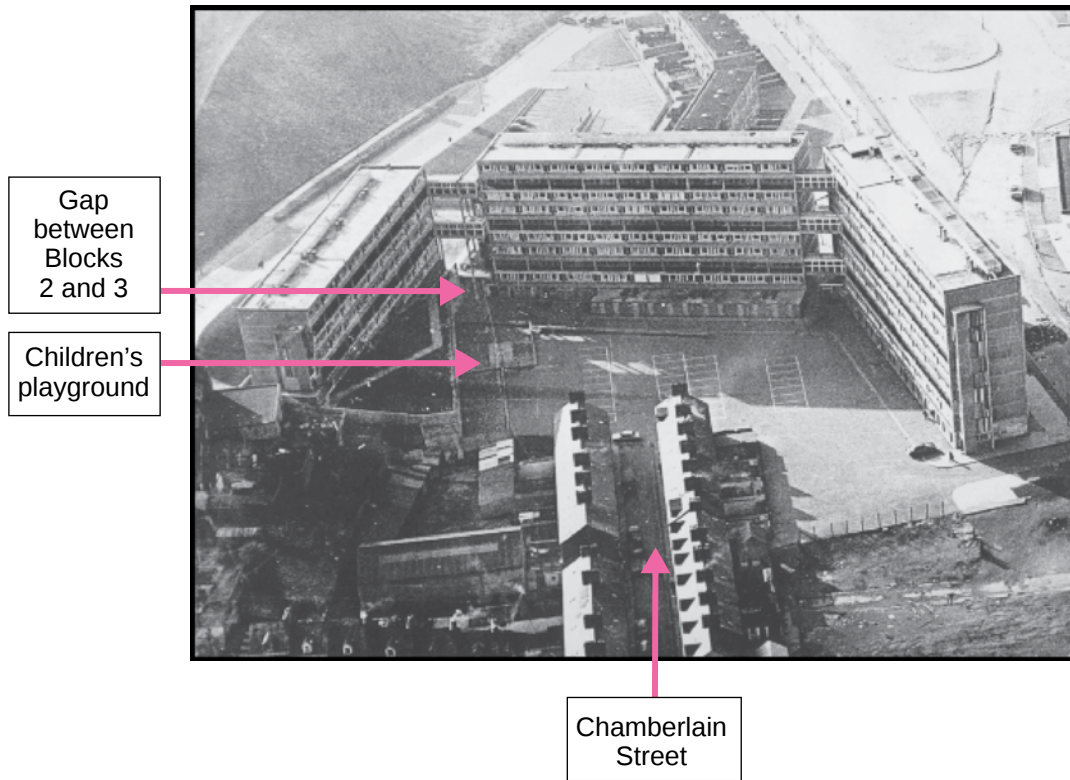
¹ AW5.32

² AW5.1-31; Day 171/1-64

- 117.29** According to the notes made by Philip Jacobson, Patrick Walsh had come along Chamberlain Street and sheltered with about 30 others “*against the wall by the playground*”.¹

¹ AW5.33

- 117.30** The playground appears to be the area we have described as a recreation ground in Sector 2. We set out below a photograph and a map on which we have indicated this area.



117.31 It is apparent that where Patrick Walsh sheltered with others was in the area of the eastern corner of the wall at the southern end of the houses on the eastern side of Chamberlain Street. In his notes of his interview with Joe Nicholas, Philip Jacobson put him and Patrick McDaid as sheltering in the same area as Patrick Walsh and Patrick Doherty,¹ while in his written statement to this Inquiry, Joe Nicholas put himself close to the people sheltering in that corner. It appears that Patrick McDaid was also in that corner.²

¹ AN17.9

² AM172.10; AM172.34; AM172.37

117.32 According to Philip Jacobson's note, from this position Patrick Walsh saw Fr Daly huddled by a body and described the Army fire getting heavier. He then described seeing the man with a handgun (often called "Fr Daly's gunman"), whom we have discussed in the context of Sector 2. Philip Jacobson's note continued:¹

"walsh then decided to make a break for it. he thinks two or three had already gone ahead of him (pj; uncertain; could be that doherty, nicholas and quigley had made it to the stairs shown in gilles pix) he crawled along the wall to the stairs, where there were two others crouching down out of the firing line. there were bullets still hitting the wall, but welch [sic] doesnt know if they were aimed at them.

walsh decided to run the next short bit from the stairs to the safety of the passage. at that point, he became aware of a girl's voice directing operations from the flats just above, he judged on the first floor. she was shouting down, 'stop, there's a soldier looking your way ... o.k., he's turned his head, run ... stop, he's turning back ... o.k., run like hell' etc etc. as she gave the go-ahead, walsh was just getting into his stride when a youth cannoned into him and they both fell. on the ground walsh was just going to ask the boy what had happened when he said 'mister, i'm shot, i'm shot by my head.' walsh started running his hands over the boy, looking for the wound. the head was o.k. then he felt his back and found the rent in the jacket (pj; this is shown in gilles first shot; walsh has his hand on mcdaid's back.) 'i lifted the lad's jacket and shirt and saw a terrible wound in his back, it looked just as if you'd taken a butterknife and scooped a big piece of flesh away, there was just a big lump of the flesh gone.' it wasn't bleeding much, oozing more. the boy was, reasonably, terrified and begged walsh not to leave him. walsh then decided to make a dash upright; the girl shouted it was o.k. and he simply picked mcdaid up and ran with him supported into the alleyway. 'he didn't seem to weight [sic] any more than my little girl' walsh recalls.

it was clear to him that mcdaid needed attention and from the alleyway he could see the back doors to joseph place were open and people were crouching there. with mcdaid on one arm, he waited until the girl upstairs shouted it was o.k. to move and they ran across to the alley behind joseph place. there another man helped him get the boy into the second house. (PJ; see mcdaid's own story)"

¹ [AW5.34-35](#)

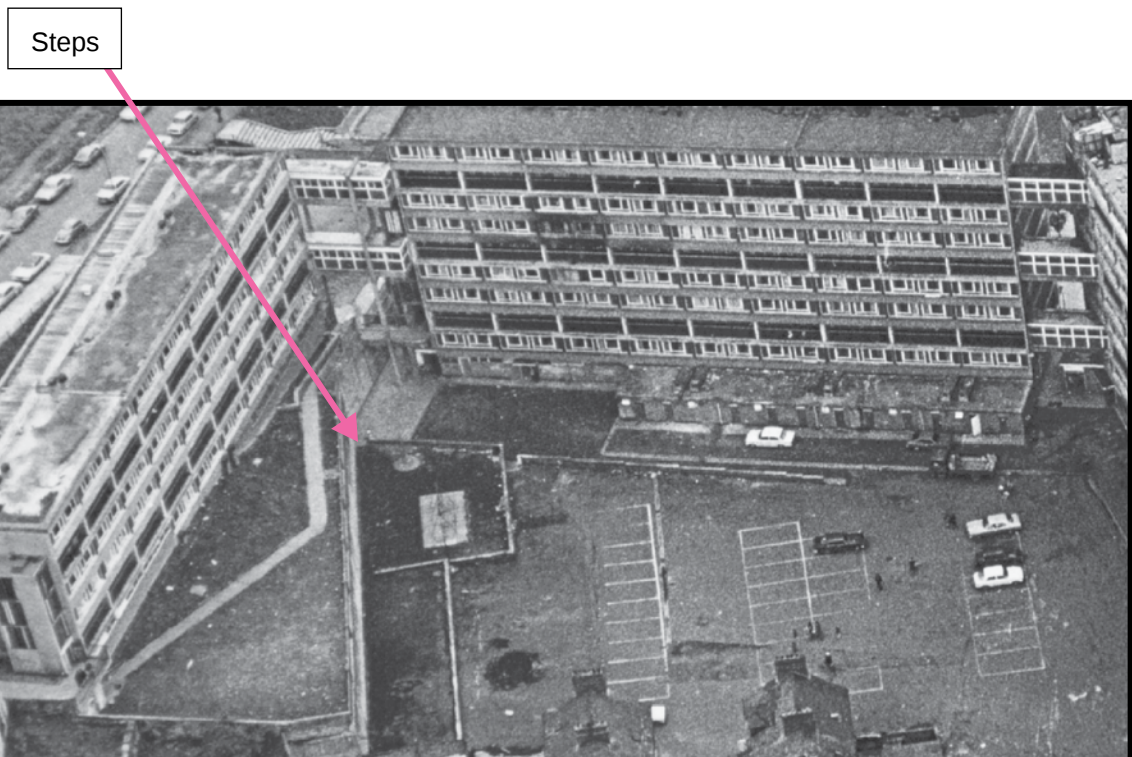
117.33 The injured man Patrick Walsh helped to safety was Patrick McDaid. We have dealt in the course of our consideration of the events of Sector 2¹ with the circumstances in which this casualty was wounded.

¹ [Paragraphs 55.262–310](#)

117.34 Philip Jacobson's note continued with Patrick Walsh describing how he had then come out of the house in Joseph Place and seen Patrick Campbell, whom he knew, staggering about and shouting that he had been hit.¹ We return to this aspect of Patrick Walsh's evidence when considering the circumstances in which Patrick Campbell came to be injured in Sector 5.

¹ [AW5.36](#)

117.35 In the course of recording what Patrick Walsh had told him, Philip Jacobson had put a note of his own in parentheses: "*pj; uncertain; could be that doherty, nicholas and quigley had made it to the stairs shown in gilles pix.*" It is not entirely clear whether this note meant that Philip Jacobson was uncertain whether Patrick Walsh was correct in thinking that two or three had gone ahead of him, or whether these were Patrick Doherty, Joe Nicholas and Barry Quigley. The reference to "*gilles pix*" can only be a reference to photographs taken by Gilles Peress. As to "*stairs*", this must be a reference to the shallow set of steps which allowed access to the children's playground from the gap between Blocks 2 and 3. The steps themselves are not in fact visible in Gilles Peress's photographs, but the leg of someone on the steps is visible in the first photograph and two figures on the steps in the second. The steps can just be seen in the following photograph, which was not taken on Bloody Sunday.



117.36 According to Philip Jacobson's note, Patrick Walsh decided to move to the most easterly set of steps, which led down to the gap between Blocks 2 and 3. Philip Jacobson's interview with Joe Nicholas places him in the same location as Patrick Walsh and suggests that Joe Nicholas ran to the same steps with Barry Quigley and Patrick Doherty.¹ However, Joe Nicholas's written statement to this Inquiry does not suggest he moved in a group: his recollection is that he walked along the wall while others crawled.² Philip Jacobson seems to suggest that Joe Nicholas's group was the one described by Patrick McDaid in his 1972 accounts.³ Patrick McDaid's written statement to this Inquiry contains a similar recollection.⁴

¹ [AN17.9](#)

² [AN17.4](#); [Day 78/17-18](#)

³ [AM172.10](#); [AM172.34](#)

⁴ [AM172.3](#); [Day 92/111-115](#)

The order in which people moved through the gap between Blocks 2 and 3 of the Rossville Flats

117.37 From Gilles Peress's six photographs it is possible to attempt to establish the order in which those we have been able to identify moved into the gap between Blocks 2 and 3 of the Rossville Flats.

- 117.38** Patrick Walsh and Patrick McDaid can be seen in the first and second photographs under the letters “IRA” painted on the high retaining wall, with the others behind and nearer to the steps. In the third photograph those words can also be seen, but instead of Patrick Walsh and Patrick McDaid, it is Patrick Doherty who is under these letters. To the right appear Kevin McDaid and the man we have been unable to identify. In the fifth and sixth photographs Patrick Doherty and the unidentified man again appear, having moved slightly further along, towards the passageway, but Kevin McDaid is no longer in sight.
- 117.39** Since there is nothing to suggest that Patrick Walsh and Patrick McDaid moved back (ie towards Chamberlain Street) between the taking of the second and third photographs, it seems likely that these two moved towards and went through the gap before Patrick Doherty. As noted above, it seems that Joe Nicholas also did so. Since Kevin McDaid appears in the third but not the fifth or sixth photograph, it appears that he too went before Patrick Doherty. We do not know what happened to the unidentified man, though if it was Barry Quigley he appears to have moved through the gap at some stage.
- 117.40** On this basis Patrick Doherty was the last or one of the last of those seen in the photographs crouched below the high retaining wall who sought to escape through the gap between Blocks 2 and 3 of the Rossville Flats.
- 117.41** This conclusion seems to us to be reinforced by the NICRA statement made by Hugh Sheerin and the notes of an interview conducted with Hugh Sheerin conducted by Philip Jacobson of the *Sunday Times* Insight Team.
- 117.42** In his NICRA statement, Hugh Sheerin described seeing, from the wall at the southern end of the eastern row of houses of Chamberlain Street, three men in the group with him who decided, when there was a lull in the firing, to make their way towards the gap between Blocks 2 and 3:¹

“I presumed these three to be safe as I saw them disappear down the alleyway. I took the same course of action and proceeded along the wall and into the alleyway. At the bottom of the alleyway, I noticed the last of these three men who had gone before me, lying shot on the ground. He was lying directly in front of the shopping area of the flats (Rossville).”

¹ [AS10.1-2](#)

117.43 Hugh Sheerin's NICRA statement does not identify by name any of the men he saw shot. However, according to Philip Jacobson's notes,¹ Hugh Sheerin did identify the person he saw lying shot on the south side of Block 2 as Patrick Doherty. The notes contain additional details, which it is relevant to mention here. They record that it was "*several minutes*" after seeing Michael Bridge shot and carried to 33 Chamberlain Street that Patrick Doherty and two others decided to try and crawl over to the gap between Blocks 2 and 3 of the Rossville Flats. The notes identify Patrick Walsh and Patrick Doherty as being two of the three men seen by Hugh Sheerin making their way towards the gap between Blocks 2 and 3. They also record that there was more shooting just before these men reached the gap.

¹ AS18.3-4

117.44 We have no doubt that the person Hugh Sheerin saw lying shot on the south side of Block 2 was Patrick Doherty.

117.45 By the time Patrick Doherty went through the gap between Blocks 2 and 3, Jackie Duddy had been taken from the car park, Margaret Deery and Michael Bridge had been taken to 33 Chamberlain Street, and Michael Bradley, Pius McCarron and Patrick McDaid had been assisted through the gap between Blocks 2 and 3 of the Rossville Flats.

117.46 We should note at this point that the journalist and photographer Fulvio Grimaldi and his companion Susan North also went through the gap between Blocks 2 and 3, probably shortly after Gilles Peress. As will be seen, Fulvio Grimaldi then took photographs in Sector 5.

The general situation in Sector 5 immediately before the firing into that sector

117.47 As we have already noted, three of those wounded in Sector 2, namely Michael Bradley, Pius McCarron and Patrick McDaid, were assisted through the passageway between Blocks 2 and 3 of the Rossville Flats and across to Joseph Place. None of those who assisted these casualties mentioned that they came under fire as they left the passageway and made their way to the Joseph Place maisonettes, as opposed to hearing firing while they were still in Sector 2. According to his NICRA statement,¹ Patrick Clarke came across Pius McCarron in the gap between Blocks 2 and 3 of the Rossville Flats and with another started to carry him to one of the nearby houses, "*and while doing*

so some shots were also fired at us, hitting the wall above our heads". In view of the absence of other evidence of firing in Sector 5 at this time, we consider that these shots were fired in Sector 2.

¹ [AC64.1](#)

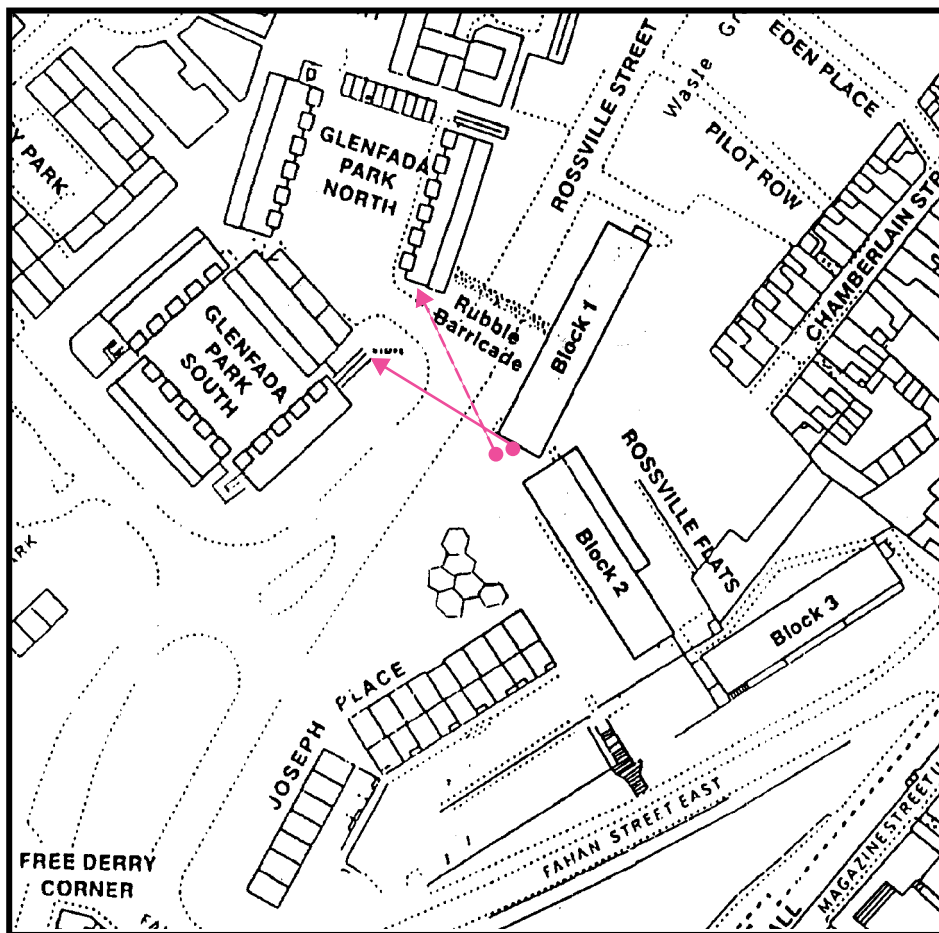
117.48 There were a number of people sheltering in the maisonettes of Joseph Place and in the Joseph Place alleyway. By this time there had been firing in the Rossville Flats car park, in Rossville Street and in Glenfada Park North, which is no doubt why people were sheltering where they were.

117.49 As we have described in the course of considering the events of Sector 3, at the other (western) end of Block 2 of the Rossville Flats, a group of people was sheltering behind the southern end of Block 1. In discussing the layout of Sector 5, we referred to a photograph taken by Robert White. It is useful to show the same photograph again, as it illustrates the scene at the southern end of Block 1 before any shooting began in Sector 5. Robert White took this photograph from the bottom of the pram-ramp at the north-eastern end of Glenfada Park South.¹

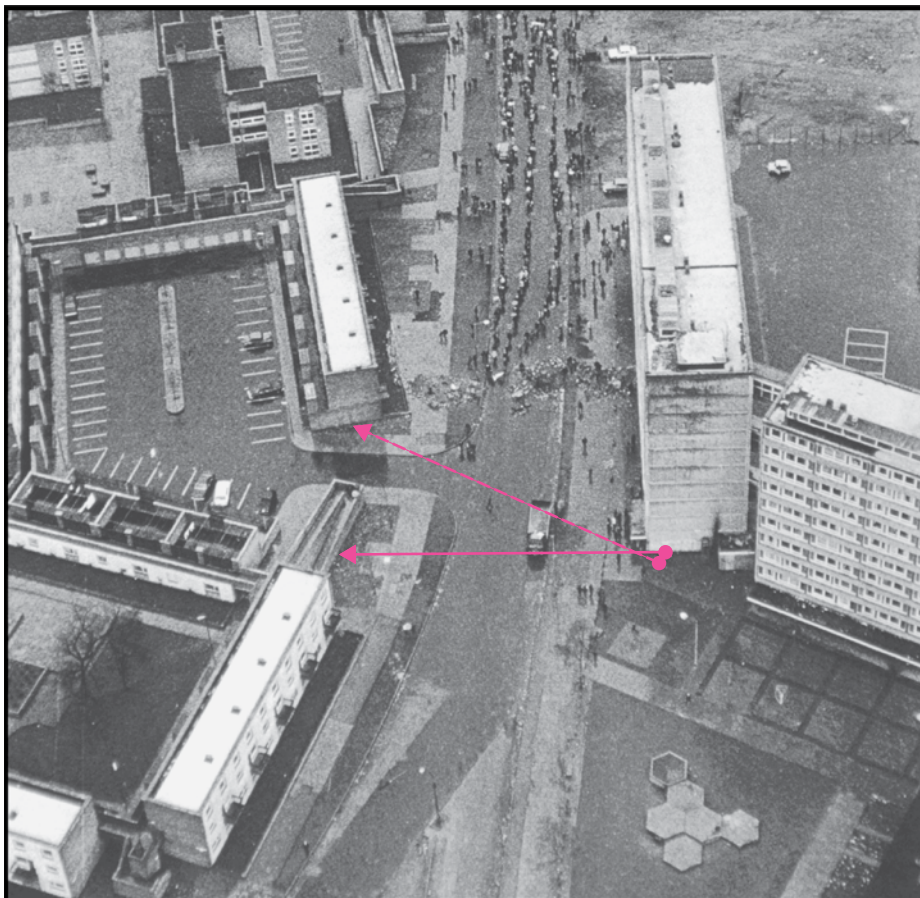
¹ [AW11.5](#)



- 117.50** On the ground to the left of this photograph and surrounded by people lay Hugh Gilmour, who, as we have described earlier, was mortally wounded in Sector 3. Bernard McGuigan, who was shot dead in Sector 5 not long after this photograph was taken, is the figure with his back to the camera immediately behind the third bollard from the left. It is possible, but far from certain, that Daniel McGowan, who was wounded in Sector 5, was among the people around Hugh Gilmour. Patrick Campbell, the other person to be wounded in Sector 5, was in the vicinity of the southern end of Block 1 at this time. There is no evidence to suggest that when this photograph was taken, any firing had broken out in Sector 5 or that any soldier or soldiers had appeared in the entrance to Glenfada Park North, on the other side of Rossville Street. Most of the people appear to be looking at where Hugh Gilmour was lying, while others are looking in various directions.
- 117.51** The position of those sheltering at the southern end of Block 1 would have affected their view across Rossville Street towards the entrance into Glenfada Park North. This can be demonstrated by means of the map and photograph below. As can be seen, the view of someone standing up against the wall of Block 1 would have been limited to the southern side of the entrance into Glenfada Park North. That person would have not been able to see the southern end of the eastern block of Glenfada Park North. To do so, they would have had to stand at, and look around, the south-western corner of Block 1 or move away from the wall of Block 1. The map and photograph both demonstrate that a person standing a few feet south-west of Block 1 would have had a view of the southern end of the eastern block of Glenfada Park North.



-  Sightline of person standing next to Block 1
-  Sightline of person standing a few feet south-west of the end of Block 1



-  Sightline of person standing next to Block 1
-  Sightline of person standing a few feet south-west of the end of Block 1

117.52 As we describe below, people were observing events in Sector 5 from Block 2 of the Rossville Flats, as well as from other locations.

117.53 As we have discussed in the context of considering the events of Sector 4, a number of people had also taken shelter at or in the area of the southern end of the eastern block of Glenfada Park North, on the other side of Rossville Street. At some stage after Robert White had taken the photograph shown above, of people at the south end of Block 1 of the Rossville Flats, soldiers from Anti-Tank Platoon of Support Company appeared at the entrance to Glenfada Park North. Most of the people sheltering at or in the area of the southern end of the eastern block of Glenfada Park North were then arrested. We have dealt with these arrests in the course of considering the events of Sector 4.¹

¹ [Chapter 113](#)

117.54 We have no doubt that it was at about this time that firing broke out in Sector 5.

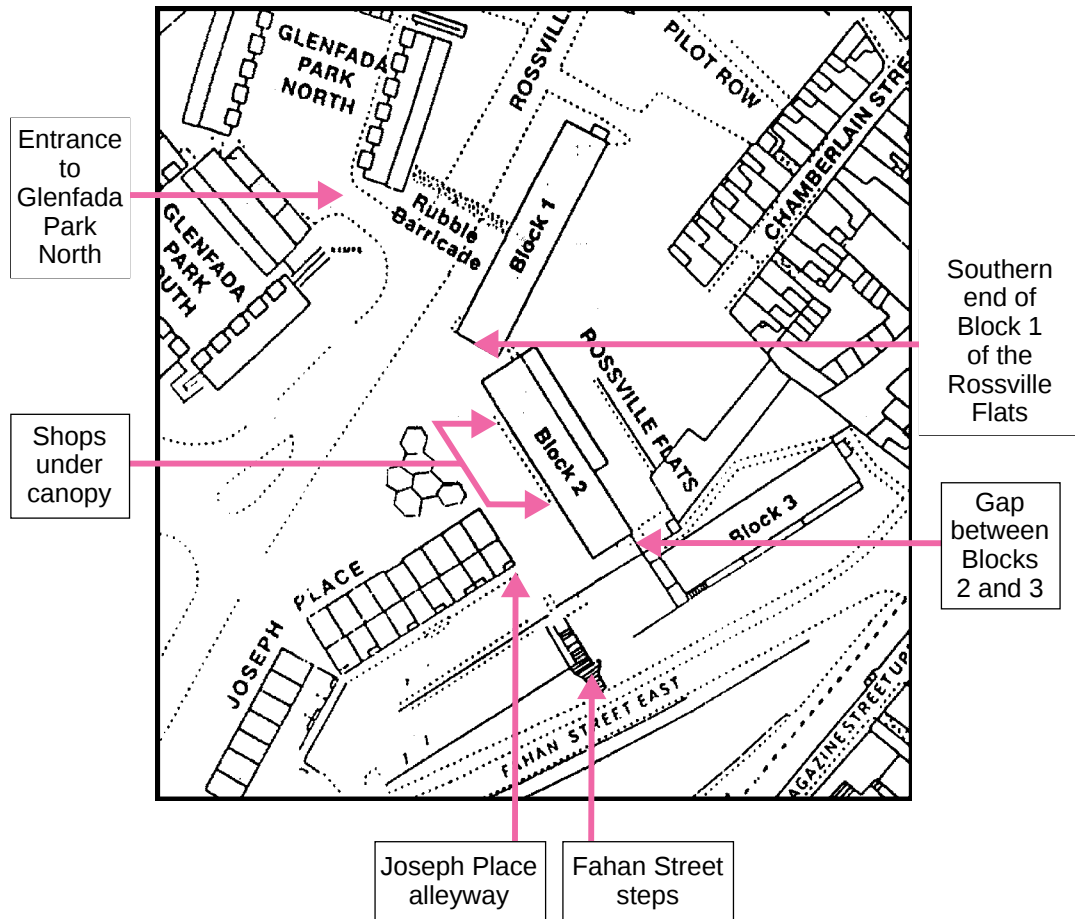
Chapter 118: The casualties in Sector 5

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- 118.1** We now turn to the casualties in Sector 5 and deal first with the wounding of Patrick Campbell and Daniel McGowan. It is useful at this point to set out a map on which we have marked the significant features of Sector 5.



Patrick Campbell

- 118.2** Patrick Campbell was shot and wounded in the back when he was in the area between the front (south) of Block 2 of the Rossville Flats and Joseph Place.

Biographical details

118.3 Patrick Campbell was 53 years old at the time of Bloody Sunday. He was employed as a casual docker by Pinkertons, a firm of shipping merchants. Patrick Campbell lived in Carrickreagh Gardens in the Creggan with his wife and nine children. He was unable to return to work after being wounded on Bloody Sunday. Patrick Campbell died in the mid-1980s.¹

¹ N8; Day 48/43-44; AC14.13; AC14.14; AC14.19

Prior movements

118.4 According to his own accounts in 1972,¹ Patrick Campbell had been on the civil rights march from its start. He made his way down William Street to its junction with Rossville Street. The presence of CS gas in that area led Patrick Campbell to move south along Rossville Street. He was already on the south side of the rubble barricade when the vehicles of Support Company entered the Bogside.

¹ ED27.7; AC19.1

Medical and scientific evidence

118.5 Shortly after he was wounded, Patrick Campbell was given first aid treatment by William (Owen) McGoldrick in a house in St Columb's Wells. In his Northern Ireland Civil Rights Association (NICRA) statement dated 2nd February 1972, William McGoldrick described Patrick Campbell as having a wound *"about 2½ inches on the left hand side of his back"*.^{1,2} In his written statement to this Inquiry, he recalled pulling up Patrick Campbell's shirt and seeing *"a hole near his left kidney, on the left hand side of his back about 2½ inches in from his side. It was a black hole, with a blue ring around it."*³

¹ AM252.4

³ AM252.2

² In his NICRA statement William McGoldrick stated that he did not get the patient's name, other than he was called Paddy. However, from this and the description of the wound we have no doubt it was Patrick Campbell.

118.6 Patrick Campbell underwent surgery at Altnagelvin Hospital on the evening of 30th January 1972.¹ The operation note recorded the measurements of the entry wound as 1x1½in.²

¹ D1011

² D1012

- 118.7 In a letter dated 7th February 1972 to Detective Sergeant Cudmore of the Royal Ulster Constabulary (RUC), Mr HM Bennett, the consultant surgeon who operated on Patrick Campbell, recorded:¹

"This patient was admitted about 4.45 pm on 30th January, 1972.

He had an entry wound in the left buttock and X-ray showed the bullet to be lying either in the abdominal wall or inside the abdomen.

He was passing blood in his urine and had some abdominal pain.

He was not severely shocked.

Later that evening I operated upon him performing a laparotomy i.e. opening the abdomen.

Free blood fluid was found in the peritoneal cavity and also free faecal material.

The sigmoid colon was found to be perforated at the antimesenteric border. This part of the bowel was mobilised and brought out in the left iliac fossa as a colostomy.

There was also a wound of the posterior intraperitoneal part of the bladder wall with free leakage of blood and urine.

I also found a wound of the left ureter though whether this was a product of the actual bullet or of the difficult surgery in mobilising the sigmoid colon, rectum and bladder, I am not quite certain.

The bladder wall was sutured (there was already a self-attaining catheter in position) and, when the wound in the left ureter was noted it proved impossible to repair. The ureter was therefore divided and the proximal part transplanted into the bladder wall through the above wound.

The actual bullet was not found despite a thorough search but may well be localised later.

This patient has sustained a serious injury and is likely to be in hospital for a considerable time. It is much too early to say whether or not he will have any permanent disability."

¹ [ED27.4](#)

118.8 As Mr Bennett's letter records, the bullet that struck Patrick Campbell was not found during the course of the operation. The medical records relating to Patrick Campbell obtained by this Inquiry included 49 X-rays. These were reviewed by Dr Richard Shepherd, an expert on pathology retained by this Inquiry. He reported:¹

"A slightly distorted but apparently intact bullet with appearances consistent with a 7.62 rifle bullet is seen in x rays of the pelvis from 30th January 1972 to 9th February 1972. x rays of the pelvis taken after 9th February 1972 do not show the bullet."

¹ [E18.2.2](#); [E18.1.45](#); [E18.1.24](#); [E10.11](#)

118.9 It will be noted that the bullet did not appear on later X-rays taken of Patrick Campbell. He did undergo a second operation on 6th March 1972. The relevant medical records do not suggest that the bullet was recovered during that second operation.¹ Indeed, it seems from the evidence of Patrick Campbell's son, John Campbell, that the bullet was never recovered.² However, the evidence of Dr Shepherd set out above suggests that the bullet that struck Patrick Campbell was fired from an Army rifle.

¹ [D1013](#)

² [AC14.12-13](#)

Accounts given by Patrick Campbell

118.10 Patrick Campbell did not give a statement or evidence to the Widgery Inquiry. This is likely to have been because of the serious nature of his injuries and the fact that he was not discharged from hospital until 18th March 1972, following his second operation.¹

¹ [D1013](#)

118.11 The two most detailed accounts he gave were to Detective Sergeant Cudmore of the RUC on 7th February 1972¹ and to the *Sunday Times* Insight Team on 1st March 1972.² Before going to the content of those interviews we note that there is available on film a short interview with a journalist from RTE. This probably took place on 1st February 1972, when a number of journalists attended Altnagelvin Hospital to interview some of the wounded. In that interview Patrick Campbell stated that he had been shot in the back as he was "*running away to get home after the shooting started*".³

¹ [ED27.7](#)

³ [X1.25.20](#)

² [AC19.1](#)

- 118.12** The statement taken by Detective Sergeant Cudmore recorded that Patrick Campbell had been on the march from its beginning. Having explained his decision to move south along Rossville Street to avoid the CS gas that had been used in the area of William Street and Rossville Street, Patrick Campbell described reaching the rubble barricade (identified as “*the wee barricade*”) in Rossville Street. The statement continued:¹

“I stood for some time beyond the wee barricade which is outside the Rossville High Flats looking down towards William Street, where they were throwing the gas. The Army tanks then came into Rossville Street and the soldiers jumped out and at this I turned and ran towards the gable end of the High Rossville Flats. I stood there for a few minutes and I then ran across the waste ground towards Free Derry Corner. I then felt like a thud in my lower back and fell onto my knees. I put my hand to my hip and I saw there was blood on it. I then put my hand up and called that I was shot. Some men then came and took me into a house near Free Derry Corner, and I was kept waiting there for a car to take me to Hospital.”

¹ [ED27.7](#)

- 118.13** Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team interviewed Patrick Campbell on 1st March 1972. The one-page note of that interview records that Patrick Campbell had been on the march “*from the creggan*” and had got “*a bad whiff of gas*” at the corner of William Street and Rossville Street. He had then moved south down Rossville Street to cross “*the barricade outside the flats and stood there*”. As he looked back along Rossville Street he saw the Army vehicles coming in. The note continued:¹

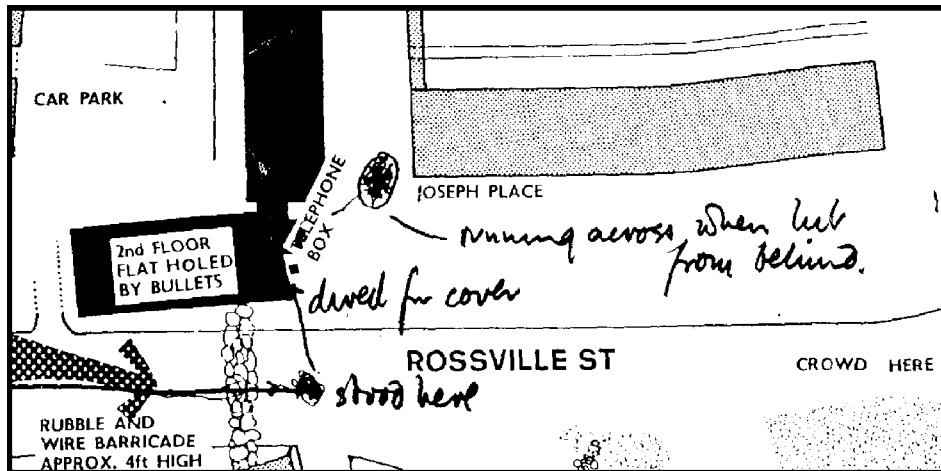
“I saw soldiers jumping out and when the shooting began i made a dive for cover behind a small gable near the telephone box. from there I could see soldiers milling about in glenfadda park. I then made a dash for joseph place and was shot in the back...”

¹ [AC19.1](#)

- 118.14** We set out below the relevant part of a map attached to the *Sunday Times* note showing the route taken by Patrick Campbell, and based, no doubt, on the information recorded in the note.¹ While we were impressed with the evidence of Peter Pringle and Philip Jacobson, it should be remembered that their maps did not purport to be precise and

were necessarily based on what their informant told them. In some cases journalists were dependent on additional sources of information, in particular statements given at the time or later.

¹ AC19.3



118.15 The reference in the note to “soldiers milling about in glenfadda park” indicates that Patrick Campbell made his “dash for joseph place” after seeing soldiers in Glenfada Park North. The note recorded nothing more about those soldiers.

118.16 From his position near the south end of Block 1 of the Rossville Flats, Patrick Campbell could see into some of the entrance and some of the southern part of Glenfada Park North. As we have described in our consideration of the events of Sector 4,¹ there was a stage when soldiers of Anti-Tank Platoon moved south in Glenfada Park North into the area of the entrance.

¹ Chapter 113

Where and when Patrick Campbell was shot

118.17 It is convenient to deal with the evidence, apart from his own account, of where and when Patrick Campbell was shot, together with the evidence relating to Daniel McGowan, as a number of witnesses gave accounts of seeing two men shot, without sometimes distinguishing between these two. Accordingly we return to these matters when dealing with the wounding of Daniel McGowan.

What Patrick Campbell was doing when he was shot

- 118.18** We have no reason to doubt Patrick Campbell's account that he was shot when running away. The medical and scientific evidence establishes that he was shot in the back. There is nothing to suggest, and no-one has suggested, that he was or had been doing anything that justified him being shot or which could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury.

Where Patrick Campbell was taken

- 118.19** There is some evidence that having been pulled into the Joseph Place alleyway, Patrick Campbell was then carried into the rear of one of the Joseph Place maisonettes. In April 1972, Patrick Walsh told Philip Jacobson of the *Sunday Times* Insight Team that he knew Patrick Campbell and saw him being "*taken into one of the houses*".¹ In his accounts to the Widgery Inquiry and the Londonderry Coroner, Derrik Tucker Senior recalled seeing two men, who appeared to be wounded, being carried from the Joseph Place alleyway into two different maisonettes. In our view it is likely that one of these men was Patrick Campbell.²

¹ [AW5.36](#)

² [AT16.17.1](#); [WT7.10](#); [AT16.20](#)

- 118.20** Jean Marie McGeehan made a NICRA statement dated 4th February 1972.¹ She lived at 36 Garvan Place in Block 2 of the Rossville Flats and was looking out of her window in the front room, which overlooked the alleyway. In her NICRA statement, Jean Marie McGeehan described the first man she saw fall at the head of the Joseph Place alleyway being dragged into the alleyway, and then into the back yard of either the first or the second maisonette in Joseph Place. We return to Jean Marie McGeehan's evidence later.

¹ [AM228.10](#)

- 118.21** William McDermott did not give oral evidence to this Inquiry. However, in his written statement, he recalled seeing a man he named as Patsy Campbell being carried by two men along the Joseph Place alleyway. At the time, William McDermott was sheltering in the gap between the two blocks of Joseph Place. He thought Patrick Campbell had been taken into the back entrance of one of the Joseph Place maisonettes.¹

¹ [AM189.5](#)

- 118.22** While there may be some uncertainty as to whether Patrick Campbell was first assisted into the rear yard of a Joseph Place maisonette, we are satisfied that he was carried to the southern end of the Joseph Place alleyway and then across into St Columb's Wells.

Anthony Harkin described in his evidence to this Inquiry how he helped people (including a number of injured individuals) across the space between the Joseph Place alleyway and St Columb's Wells. He recalled in particular "*an old man of between 40 to 45*" who may have been hit in the back or hip.¹ In the course of his oral evidence to this Inquiry Anthony Harkin told us, when shown a photograph, that Patrick Campbell resembled the man he had seen carried.² In our view that man was Patrick Campbell. Anthony Harkin also recalled somebody (in the group of wounded people he saw) being carried into a house in St Columb's Wells.³

¹ AH11.6

³ Day 177/38-42

² Day 177/41-42

118.23 Although Anthony Harkin did not refer to seeing a man who had been shot in the back or hip in his NICRA statement, it is notable that Kieran O'Connor told the *Sunday Times* of someone called Tony Harkin directing the "*transportation of bodies*" between the alleyway and St Columb's Wells.¹ One further feature of Anthony Harkin's evidence is that it indicates that Patrick Campbell was probably not carried from the Joseph Place alleyway into St Columb's Wells until events in Sector 5 had reached a late stage.

¹ AH11.19; AO75.2

118.24 We have evidence from Neil Campbell and Martin McShane which indicates that Patrick Campbell was placed on the ground on reaching St Columb's Wells.¹ That is at odds with the current recollection of William (Owen) McGoldrick who, as already mentioned, provided medical assistance to Patrick Campbell. William McGoldrick was standing near the mouth of St Columb's Wells when he saw a group carrying the injured Patrick Campbell. He followed the group into a house in St Columb's Wells where he tended to Patrick Campbell.² From there, Patrick Campbell was then transferred to the back seat of a waiting car. Noel Doherty recalled seeing someone, who seemed to be injured in the hip, being put into a car. In our view he saw Patrick Campbell.³ John Leppard seems to have been one of those who helped carry Patrick Campbell to the car.⁴

¹ AC16.3; Day 37/91-92; AM384.3; AM384.4

³ AD91.7

² AM252.2

⁴ AL9.3; Day 177/153-154

- 118.25** The owner of that car was Bernard (Barney) McMonagle. According to his written statement to this Inquiry, having finished his shift at the Du Pont Plant, he had driven his silver Mark II Ford Cortina to the Bogside with the intention of taking some photographs. He estimated that he reached St Columb's Wells at about 4.20pm, where he was flagged down.¹ He had given the following account to the RUC in 1972:²

"Today I was going up to my mothers house at [...] St. Columbs Walk. It would have been about 4.15 p.m. I parked the car at the top of St. Columbs Walk and I saw a crowd down along the Lecky Road. I walked down to St. Columbs Wells to see what was happening. I heard some of the crowd talking about people being shot. Several fellows approached me and two of them asked me if I had my car with me, they obviously knew I had a car. The fellows told me that a man had been shot and asked me to bring him to the Hospital. I went and got my car and made my way up Hollywell Street and eventually got to Foyle Road. Mrs. Doherty came in the back of the car with the injured man. I had passed a Military road check earlier at Fergusons Lane at about 4.10 p.m., when I was coming from my work. I went towards this check point and got out and approached the Officer in Charge. I told him what had happened, he then came to the car and saw the wounded man. He then brought me along to this centre."

¹ [AM366.1](#)

² [ED27.5](#)

- 118.26** As described by Bernard (Barney) McMonagle in his RUC statement, Kathleen Doherty, a neighbour of Patrick Campbell, accompanied him in the car.¹ The car was stopped at Barrier 24 (located at the junction of Ferguson Street and Foyle Road), which was manned by members of 11 Platoon, C Company, 1 R ANGLIAN. From there the car was escorted to the Regimental Aid Post at Craigavon Bridge.² The car arrived at the Regimental Aid Post at about 1630 hours. This was at the same time as the arrival of the cars containing Joe Friel and Gerald Donaghey, which (as described elsewhere in this report³) had been stopped at Barrier 20. Having been examined by Captain 138 (the Medical Officer of 1 R ANGLIAN), Patrick Campbell (along with Joe Friel) was taken to Altnagelvin Hospital in a military ambulance.⁴ Contemporary medical records show that he was admitted to the Accident and Emergency Department at Altnagelvin at about 4.45pm on 30th January 1972.⁵

¹ [ED27.6](#); [AM366.2](#)

⁴ [ED27.2](#); [JM41.6](#); [B1844](#)

² [G114C.743.8](#); [G114C.743.10](#); [G114C.743.11](#)

⁵ [D0999](#); [ED27.4](#)

³ [Chapter 130](#)

Daniel McGowan

118.27 Daniel McGowan was shot and wounded in the right leg when he was in the area between the front (south) of Block 2 of the Rossville Flats and Joseph Place.

Biographical details

118.28 Daniel McGowan was 37 years old in 1972. He died on 28th January 2004. A married man, Daniel McGowan lived with his wife Teresa and family in Lonemoor Gardens in the Creggan. At the time of Bloody Sunday, Teresa McGowan was expecting the couple's ninth child, born in June 1972. In January 1972, Daniel McGowan was employed at the Du Pont Plant as a maintenance serviceman. He had been with the company for 13 years.¹

¹ [AM255.1](#); [AM255.5](#); [AM255.23](#); [AM255.30-32](#)

118.29 Daniel McGowan was unable to return to his employment following Bloody Sunday. He was released by Du Pont in 1972. Left with discomfort in his shortened right leg, Daniel McGowan did not work again.¹ In his first written statement to this Inquiry, Daniel McGowan described the impact that Bloody Sunday had had on him:²

"My life fell apart after Bloody Sunday. I had worked throughout my adult life until Bloody Sunday ... My personality also changed as a result of the events of Bloody Sunday. I became very strict with my children, particularly my sons, and started drinking heavily. I was strict with my children simply because I feared for them; I did not want them to get into any sort of trouble ... Whilst I agree with the aims of the civil rights movement I do not condone paramilitary activity. I do not believe in violence and my being shot has not changed that."

¹ [AM255.14](#); [L232](#); [L263](#)

² [AM255.4](#)

Prior movements

118.30 As will be seen below, Daniel McGowan gave a number of inconsistent accounts of what he had been doing before he was shot.

Medical and scientific evidence

- 118.31** As stated above Daniel McGowan was shot in the right leg. According to a letter dated 7th February 1972 from Mr Fenton, an Orthopaedic Consultant at Altnagelvin Hospital, to Detective Sergeant Cudmore:¹

“Mr. McGowan had gun shot wound right leg. Wounds were small – entrance wound about $\frac{3}{4}$ " on front of shin. Exit wound on lateral on outer side of leg about $1\frac{1}{2}$ ". The tibia was fractured – comminuted fractures being present. No bullet or fragments of metal were found.”

¹ [ED29.3](#)

- 118.32** Daniel McGowan was discharged from hospital on 20th March 1972.¹ He continued to attend as an outpatient for some years after Bloody Sunday.² On 10th May 1972, he was seen by Mr Fenton in the Outpatient Fracture Clinic. The resulting entry in the hospital records provides a summary of the treatment given to Daniel McGowan in the immediate aftermath of Bloody Sunday:³

“This young man was admitted on the 31st January 1972 [this was an error for 30th January 1972⁴] with a gunshot wound to his right leg. There was a small entry wound about halfway down the medial side of the right calf, and there was an exit wound over the lateral side of the leg. The tibia was fractured at two levels with some comminution. The fibula was also fractured. The wounds were treated by surgical toilet and were left open. He was taken to theatre again two weeks later and had the wounds sutured. Traction was applied through a Steinman’s pin which was inserted through the lower part of his tibia. Traction was continued for six weeks. A new P.O.P was applied and he has been using crutches since. He was x-rayed out of plaster on the 26th April The position was good and the wounds were nicely healed. The plaster appears to be intact to-day. See in three weeks time and perhaps he should have the plaster removed then and the fracture tested.”

¹ [D0855](#)

² [D0848](#)

³ [D0847](#)

⁴ [D0845](#)

The accounts given by Daniel McGowan

118.33 While still in hospital Daniel McGowan was spoken to by the RUC and made a statement for the purposes of the Widgery Inquiry. During that time, and in the years after Bloody Sunday, he also gave interviews to a number of journalists. He made two written statements to this Inquiry, but ill health prevented him from giving oral evidence. The various accounts given by Daniel McGowan contain inconsistencies both as to his whereabouts on Bloody Sunday and the events he witnessed.

118.34 Detective Sergeant Cudmore of the RUC interviewed Daniel McGowan on 3rd February 1972. He was not then prepared to make a statement but did answer a number of questions put to him. The questions and answers were noted. They included the following:¹

“(1) Were you injured on Sunday, 30th January, 1972 by gunshot?”

(A) Yes.

(2) Where were you when this occurred?

(A) Next to Free Derry Corner at my brother-in-law's, Joseph McCollagan, [...] Londonderry.

(3) How did you receive your injuries?

(A) I don't know how, I was hit, I just fell, I didn't see what happened.

(4) What were you doing in the area at the time?

(A) I was just down at my brother-in-law's, I wasn't attending the meeting.

(5) Who was with you at the time?

(A) My brother-in-law, Joe and other fellows I know to see, but whose names I don't know.

(6) Do you wish to make a written statement, regarding the incident?

(A) I will make a statement later after I have got advice from my cousin in England.”

¹ [ED29.4](#)

- 118.35 In his report of this interview, Detective Sergeant Cudmore recorded that Daniel McGowan had “... *told the Ambulance Man that he received his injuries playing football*”.¹ The ambulance which conveyed Daniel McGowan to Altnagelvin Hospital was manned by Ronald Moore and John Rutherford. In statements in 1972 to the RUC both said that Daniel McGowan had told them that he had got his injury (recorded in the statements as a broken leg) while playing football.²

¹ ED29.2

² ED36.11; ED36.9

- 118.36 Daniel McGowan did make a written statement dated 28th February 1972, which was submitted to the Widgery Inquiry. In this statement he described leaving his brother-in-law's house at St Columb's Wells and walking down the rear of the Joseph Place houses towards the Rossville Flats. He then gave the following account:¹

“I had proceeded about 20 yards along the rear of these houses when I heard what I thought was either a rubber bullet or gas gun being fired. I proceeded on and was about 15 yards from the northern end of the houses at Joseph's Place when I heard a large volley of shots. I got to the end of the houses and went out into the forecourt facing the row of shops at Joseph Place. I looked down to my left in the direction of Rossville Street and I noticed a young man lying on the ground near the telephone kiosk at the gable wall of the flats on Rossville Street. I also noticed a young girl who was in a hysterical state just outside the chemist's shop at the western end of the row of shops. I also noticed two soldiers on their knees in firing positions at Glenfada Park. Then I noticed a man whom I now know as Patrick Campbell staggering in a drunken fashion about 20 yards from me just above the butcher's shop at Joseph Place. He shouted to me ‘I'm shot son, I'm shot’. I ran over and caught him by the arm and helped him along towards the rear of the houses on Joseph's Place. Just as I had pushed him round the corner of the rear of the houses my right leg folded underneath me and I realised then that I was shot. I went unconscious for a very short while. When I came to, I dragged myself round the corner of the houses and proceeded along for about 15 yards. While I was doing so I heard another burst of gunfire but I can't say where it came from. Two men came and dragged me along by the arms and put me into a car at St Columb's Wells. I was eventually taken home and subsequently taken to Altnagelvin [sic] Hospital in an ambulance. At no time during the period I have described was I not [sic] armed with a gun, a nail bomb, a stone or any other implement.”

¹ AM255.10

- 118.37** On the basis of this account it seems that Daniel McGowan had heard “*a large volley of shots*” as he was making his way north along the Joseph Place alleyway; and that on emerging from the alleyway he had seen the body of a young man on the ground near the telephone kiosk and a young girl just outside the chemist’s shop at the western end of the rows of shops, whom he described as in a hysterical state. In our view the young man was Hugh Gilmour and the young girl Geraldine Richmond, though whether Daniel McGowan saw them from the position he described is, as will be seen, in doubt.
- 118.38** In this account Daniel McGowan also described seeing two soldiers kneeling in “*firing positions at Glenfada Park*”. He did not say that he had seen or heard these soldiers fire any shots. He had then encountered an already wounded Patrick Campbell and helped him towards “*the rear of the houses on Joseph’s Place*”, which must be a reference to the Joseph Place alleyway. Just as he pushed Patrick Campbell into the alleyway, Daniel McGowan felt his right leg give way underneath him. He lost consciousness briefly but on recovering managed to drag himself into, and along, the Joseph Place alleyway.
- 118.39** Two days later Philip Jacobson of the *Sunday Times* Insight Team interviewed Daniel McGowan at Altnagelvin Hospital. The notes of that interview echo the written statement Daniel McGowan had made on 28th February 1972, in that they record Daniel McGowan as saying “*I was not on the march at all*”. Daniel McGowan went on to give Philip Jacobson a similar account to that contained in this statement. He told Philip Jacobson that he had been at the home of his brother-in-law, Joseph McColgan, which he identified as “*the first house to the left of free derry corner if you face the wall*”. It appears, according to Philip Jacobson’s notes, that he left that house at a time when the crowd had already begun to gather for the meeting at Free Derry Corner but before any shooting began. He then made his way north by walking along the Joseph Place alleyway. The notes continued:¹

“about half way along it i heard what i thought were either high velocity shots or rubber bullets, i don’t really know the difference. then i heard four or five single shots, sort of high pitched cracking noises, and a short burst of what sounded like automatic fire. i ran along to the end of the path and looking down to my left (map) i could see a few people standing near a body by the telephone box at the side of the big flats. there was a girl screaming hysterically, she just never stopped. i moved down to go and help her and about half way across (map) this chap who i now know to be patrick campbell came staggering towards me from the direction of the phone box. i thought he must be well drunk, he was all over the place and moaning. but he said to me ‘help son, i’m shot, i’m hit’ or something. i got hold of him from one side like, with my arm sort of round him: i was on his right hand side as we headed back towards the alley i had just come from. i was getting ready to go round to the other side, he was quite a weight you know and my arm was getting tired. just as i was about to change, my leg suddenly buckled under me and i fell. i recall pushing campbell away towards the alley and seeing him stagger towards it. i think i must have blacked out then for a few seconds.”

¹ [AM255.11](#)

- 118.40** According to this note, Daniel McGowan collapsed close to the Joseph Place alleyway. On recovering consciousness, he crawled towards the alleyway, where two men he identified as Willy Murray and Tom Hipsley came to his assistance.¹

¹ [AM255.12](#)

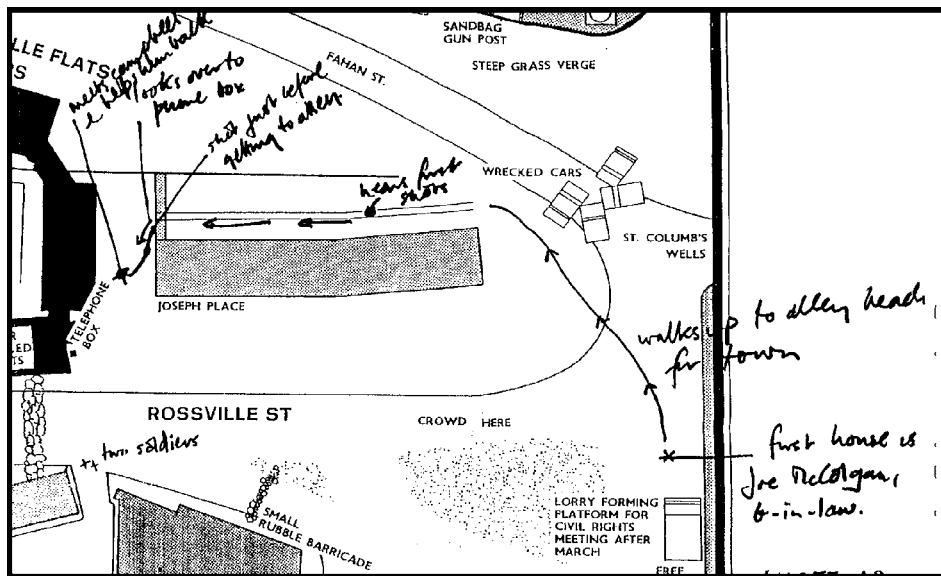
- 118.41** At the end of this note Philip Jacobson commented, it appears on the basis of what Daniel McGowan had told him about being shot when he was on the right-hand side of Patrick Campbell and heading towards the alleyway, that because the entry wound was on the inside of the right leg it was “*virtually impossible*” that he was shot from the entrance to Glenfada Park North, but that “*a strange ricochet*” from this direction might have wounded him.¹

¹ [AM255.12](#)

- 118.42** We set out below the relevant part of a map attached to the *Sunday Times* note, which was doubtless prepared from the account Daniel McGowan had given to Philip Jacobson, though it is possible that it was also based on what Philip Jacobson had been told by others.¹ If the position of the two soldiers was taken from information provided by Daniel McGowan, it would seem that they were present at the time Patrick Campbell was shot.²

¹ [AM255.13](#)

² [AM255.13](#)



- 118.43** While still in hospital Daniel McGowan was also interviewed by Fulvio Grimaldi and Susan North. According to the account of this interview, which appears in Fulvio Grimaldi's book *Blood in the Street*, published in February 1972, Daniel McGowan left his brother-in-law when he heard shooting in order to find his 14-year-old son:

"Ran down to see where he was and I seen people running all over the place. A man came by ... he was hit in the back. His name is Campbell. He's up in Ward 8 at the moment. And I tried to give help to Mr Campbell, to get him out of the road. And I was hit in the leg, I fell ... and two people dragged me away and took me in a taxi, or a car, I didn't know what it was."

- 118.44** According to this account Daniel McGowan was hit "three, four" minutes after the shooting began and thought he had been shot from the City Walls; and the two people who dragged him away said that the shots had come from there. He seems to have told Fulvio Grimaldi and Susan North that he had not been on the march.
- 118.45** The statement given by Daniel McGowan for the Widgery Inquiry and the interviews with Philip Jacobson and Fulvio Grimaldi are broadly consistent. They all describe Daniel McGowan as leaving his brother-in-law's house and moving along the back of Joseph Place (that is along the Joseph Place alleyway) to the area to the south of Block 2 of the Rossville Flats. There he encountered Patrick Campbell, who had already been shot, and helped him back to the Joseph Place alleyway. In the course of doing so, Daniel McGowan was shot himself.

- 118.46** The *Irish Times* newspaper of 30th January 1985 published an article by Martin Cowley entitled “Horror of ‘Bloody Sunday’ recalled”, and based on interviews with three of those who were wounded on Bloody Sunday: Michael Bradley, Damien Donaghey and Daniel McGowan. According to this article:¹

“Danny McGowan was making his way through the forecourt of the flats after hearing some shots. As he ran he heard another couple of shots. ‘Somebody said: ‘Jesus, there’s a young fellow shot.’ It was young Gilmour.’

The soldiers started firing indiscriminately through an opening between the blocks of flats. ‘In the panic I ran. Pat Campbell said ‘I’m shot’ and so I got a hold of him. Two young fellows caught a hold of him. As I turned around, somebody shouted my name. I don’t know who it was. That’s when I was hit.’

... Badly wounded he dragged himself over to the cover of a low wall. Two youths came and helped him into a car and he was eventually taken to hospital by ambulance.

On that day, he recalls, a body lying by a telephone box and at one stage a body on the ground beside him.”

¹ [L232](#)

- 118.47** It is not clear what was meant by “*the forecourt of the flats*”, which could perhaps be a reference to the area to the south of Block 2 of the Rossville Flats, though in the account given by Michael Bradley in the same article, the same description is given of what was undoubtedly the car park on the north side of the Rossville Flats.
- 118.48** In 1991 Daniel McGowan gave an interview to John Goddard of Praxis Films Ltd, who was collecting material for a television documentary. In the note of this interview, John Goddard (who now has no memory of conducting it¹) recorded that Daniel McGowan was: “*Confused on much of the detail of exactly where he was when, but clear on what he saw and the shootings. Very emotional about it all.*” The account Daniel McGowan gave was, according to the note:²

“Ran up Chamberlain Street and across to gap between blocks 3 and 2.

Goes through, shots raining through the flats doorway from Chamberlain street direction. Sees Bradley shot near him. Looks back as he is going through.

Sees gunman with revolver edging along gable end and loosing off ‘few shots’ around the gable end. ‘It slowed the paras advance, meant lots more people got to safety, probably saved even more deaths. The Paras were already shooting heavily by now.’

Edges down back of block 2 trying to get home, to gable end of block 1.

Gilmour is laid by phone box, says a prayer over him. Huddled in crowd by gable end of Block 1. McGuigan also been shot.

Shooting eases after good five minutes at least, He crawls up to top of area behind back of block 2 of Rossville street flats, near Block 3, and is bent over, pulling injured man (Patsy Campbell) to cover when Danny is shot from behind.

As falls sees soldier laid on wall by Glenfada Park top, and his impression as they locked eyes is that he is the one who had shot him.

Pulled behind Joseph Place wall by two men, saved my life. Bullets raining down on us.

He is laid off by Dupont while he is in hospital, never worked since. Walks with a stick. Thinks about it all the time. Family man, with kids (many with good jobs), grand-kids.”

¹ [Day 234/3](#)

² [AM255.14](#)

118.49 The *Derry Journal* published an interview with Daniel McGowan's wife on 28th January 1992. In this article Teresa McGowan, who did not give evidence to this Inquiry, is recorded as saying that her husband had decided to join the march at Southway in the Creggan on the spur of the moment, as he was on his way home. The article contains no further details of the route Daniel McGowan then took. Asked to recall her husband's memory of the day, Teresa McGowan is quoted as saying:¹

“He saw Paddy Campbell who was staggering around as if he didn't know where he was. He went to try and help him and as he was dragging him to safety, he looked over his shoulder and saw Paddy Doherty who was a good friend of his, crawling along the ground, having also been shot. Danny heard further shooting and then realised that he had been hit in the leg. He turned round again and saw Paddy Doherty lying dead.”

¹ [L263](#)

118.50 In his written statement to this Inquiry, dated 1st July 1998,¹ Daniel McGowan told us that he was visiting his brother-in-law, who lived in St Columb's Wells, but left to listen to the speeches at Free Derry Corner. He told us that he saw his son Danny in the area of Free Derry Corner and told him to go home; and that then having decided to visit a friend (Brendan Meenan) who lived in Chamberlain Street, he walked north. Having reached the southern end of Block 1 of the Rossville Flats he told us that he saw Hugh Gilmour fall close by.²

¹ [AM255.1](#)

² [AM255.1](#)

118.51 Daniel McGowan told us that he was one of the men shown bending over the body of Hugh Gilmour, in the photograph taken by Robert White of the group behind the southern end of Block 1 of the Rossville Flats, which we have shown above.¹ On an enlarged portion of Robert White's photograph we indicate below the figure Daniel McGowan identified as himself.

¹ [AM255.2](#); [AM255.6](#)



Daniel McGowan
identified this
person as himself

118.52 Daniel McGowan's recollection, as set out in his first written statement to this Inquiry, was that ongoing shooting caused people to scatter in various directions. He recalled that some ran towards Free Derry Corner. He remained with others "*pressed up*" against the wall of the southern end of Block 1. However, he then noticed Patrick Campbell who was walking "*like a man who had a few bottles in him*" in the direction of Joseph Place. Daniel McGowan placed Patrick Campbell when he first saw him towards the western end of Block 2. The manner in which Daniel McGowan described Patrick Campbell moving seems to us to suggest that the latter had already been wounded by this time. However, Daniel McGowan only realised that Patrick Campbell had been shot when the latter told him. His "*impression was that he [Patrick Campbell] had been shot in the Market [the Rossville Flats car park] before emerging through the gap between Blocks 1 and 2 of the Rossville Flats*".¹

¹ [AM255.2](#); [AM255.9](#)

118.53 According to this statement, Daniel McGowan then helped Patrick Campbell to the Joseph Place alleyway, which was crowded with people. There he handed him over to the care of others in the alleyway. Daniel McGowan then turned to make his way up the Fahan Street steps and was on the very first step when he was shot. He told us in his written statement:¹

"I believe I had turned slightly to my right, facing west, when the bullet struck my right leg and lifted me up in the air. The bullet entered from the outside of my right lower leg and exited on the inside of the leg, slightly further down my leg."

¹ [AM255.2](#)

118.54 It would seem therefore that, on this account, Daniel McGowan had just reached the set of shallow steps that form the beginning of the Fahan Street steps. His recollection was that there was a "*lot of shooting going on*" as he moved towards these steps. Indeed, he described feeling a bullet pass and strike a wall behind him. Daniel McGowan told us that after he was wounded he crawled towards the Joseph Place alleyway, assisted by two young men. His assumption was that the shot that struck him had been fired from the City Walls.¹

¹ [AM255.2](#); [AM255.3](#)

- 118.55 Attached to this statement were two photographs reproduced below. Daniel McGowan told us that the first shows approximately where he was standing when he was shot, while the second shows the hole left by the bullet Daniel McGowan told us he recalled passing him. He described the wall as being south of the houses in Joseph Place.¹

¹ AM255.7



- 118.56 The first photograph shows Daniel McGowan standing near to the bottom of the Fahan Street steps.

- 118.57** The photograph below shows more clearly the hole in the wall marked in the photograph shown above. The photograph shows Daniel McGowan (on the left) and Michael Bradley. The wall is that on the eastern side of the northernmost yard of the Joseph Place maisonettes.



- 118.58** In August 1998, shortly after giving his first written statement to this Inquiry, Don Mullan interviewed Daniel McGowan on tape. While we were not provided with a copy of the tape, a transcript of that interview was supplied to this Inquiry. He told Don Mullan that he was at the bottom of the steps leading up to Fahan Street when he was shot. The transcript then recorded the following exchange:¹

“Don: You were at the bottom of the steps and you told me before too, you were running up and you saw a soldier on the wall aiming down and that caused you to retreat – is that right?

Danny: Aye

Don: But it was when you got to the bottom of the steps then that you were hit – you were shot – is that correct?

Danny: That’s right.”

¹ [AM255.20](#)

118.59 It is not clear what Daniel McGowan meant by “*running up*”, but on this account it appears to have been before he was shot. This detail (of seeing a soldier on the City Walls) did not appear in his previous written statement to this Inquiry.

118.60 In the course of this interview, Daniel McGowan also told Don Mullan that the bullet, which hit him in the leg, also took off the top half of the small finger of his right hand. He recalled being treated for the wound to his hand while in hospital.¹ In fact there is no record of an injury to a finger in Daniel McGowan’s medical records.² In our view Daniel McGowan’s recollection on this point was mistaken.

¹ [AM255.18; AM255.19](#)

² [D0845-D0876](#)

118.61 In 1999, Daniel McGowan and his wife were interviewed together by Jimmy McGovern and Stephen Gargan.¹ The Inquiry was provided both with a tape recording and a transcript of this interview. The account in this interview of the circumstances in which Daniel McGowan came to be shot is generally consistent with what he told this Inquiry.²

¹ [M95.2](#)

² [AM255.23-28](#)

118.62 Daniel McGowan made a supplementary statement to this Inquiry dated 12th September 2000,¹ as the result of being asked about the interview he had given to John Goddard of Praxis Films Ltd. One of the questions he addressed was why in his first statement to this Inquiry, given over two years earlier, he had said nothing about seeing a gunman. His answer was that this was simply because he was not asked, when giving that first statement, whether he had seen a gunman. He also stated that some of the matters noted by John Goddard were inaccurate:

“(a) I did not run ‘up Chamberlain Street and across to the gap between blocks 2 & 3.’ As I said in my statement to Eversheds, I made my way [sic] from Free Derry Corner towards Blocks 1 & 2 of the Rossville Flats.

(b) It was through the gap between Blocks 1 & 2 that I saw a man with a handgun at the gable end of Chamberlain Street. I did not see the gunman fire any shots. I only saw him holding the gun.

(c) I have a vague memory of seeing who I now know to be Barney McGuigan lying in the same area as Hugh Gilmore at some stage before I was shot.

(d) The document is wrong about the position I was standing in when I was shot and I prefer to rely on my statement to this Inquiry in relation to this.”

¹ [AM255.16](#)

- 118.63** The reference to “*my statement to Eversheds*” is a reference to Daniel McGowan’s first written statement to this Inquiry, taken by the solicitors Eversheds.

Assessments of the accounts given by Daniel McGowan

- 118.64** As will have been observed, there are a number of inconsistencies in the accounts that Daniel McGowan gave over the years. His assertions to the RUC that he had been injured at his brother-in-law’s house and to the ambulance men that he had been injured playing football were undoubtedly false. In view of what he told his wife, it seems to us that he probably had taken part in the march, so that his denials that he had done so are equally false. However, it is understandable that in 1972 he should have tried to distance himself from the events of Bloody Sunday, as he ran the risk of six months’ mandatory imprisonment and the consequent loss of his job for taking part in the march.
- 118.65** As we have already noted, his 1972 statement for the Widgery Inquiry, and his interviews with the *Sunday Times* and Fulvio Grimaldi, are all to the same effect; namely that having left his brother-in-law’s house, he made his way along the Joseph Place alleyway and reached the area to the south of Block 2 of the Rossville Flats, where he saw and assisted Patrick Campbell towards the Joseph Place alleyway, when he was shot himself.
- 118.66** His later accounts, however, are markedly different. According to the article in the *Irish Times*, he was running in a panic when he encountered Patrick Campbell, though the article does not make clear from where he had come.
- 118.67** According to John Goddard’s note, Daniel McGowan came along Chamberlain Street and across to and through the gap between Blocks 2 and 3 of the Rossville Flats. He appears on this account to have then moved along Block 2 to the southern end of Block 1, where he saw Hugh Gilmour on the ground and said a prayer over him; and huddled in the crowd by the south gable end of Block 1. The note records “*McGuigan also been shot*”,¹ which could mean that Daniel McGowan had said that he had seen this casualty shot, or merely that Bernard McGuigan had been shot in the same area. The note records that Daniel McGowan then got to the area behind Block 2, near Block 3, and was bent over assisting Patrick Campbell when he was shot, his impression being that it was by a “*soldier laid on wall by Glenfada Park top*”.

¹ [AM255.14](#)

- 118.68** As noted above, in his supplementary statement to this Inquiry Daniel McGowan told us that John Goddard's note was inaccurate in recording him as saying that he had run through the gap between Blocks 2 and 3 and in describing the position in which he had been when shot, but we have no other grounds for supposing that John Goddard did not accurately record what Daniel McGowan had told him. In our view this was probably an accurate note of what Daniel McGowan told John Goddard. Whether Daniel McGowan's account was itself accurate is a different question.
- 118.69** In his first written statement to this Inquiry Daniel McGowan, so far as we are aware for the first time, gave an account of being at the southern end wall of Block 1. There he saw Hugh Gilmour fall. He then helped Patrick Campbell to the safety of the Joseph Place alleyway. Daniel McGowan was shot as he started making his way up the steps to Fahan Street East. He gave similar accounts later to Jimmy McGovern and Stephen Gargan.
- 118.70** Also in his first written statement to this Inquiry, Daniel McGowan described turning to face west immediately before he was shot; and that the bullet entered the outside of his right leg and exited on the inside. In fact, the bullet entered the inside of his right leg and exited on the outside, as can be seen from the medical and scientific evidence reviewed above.
- 118.71** We have already observed that Daniel McGowan was probably on the march, but given his varying accounts we remain uncertain as to how he reached the area immediately to the south of the Rossville Flats. One common feature of Daniel McGowan's 1972 accounts and his first statement to this Inquiry is the reference to visiting his brother-in-law's house on Bloody Sunday. Different addresses were recorded for this house in the various accounts, but in our view nothing turns on this, as it is clear that Daniel McGowan was referring to a house immediately adjacent to Free Derry Corner. However, we remain unpersuaded that Daniel McGowan did visit his brother-in-law's house on Bloody Sunday, since Bridget McColgan (the wife of Joseph McColgan, Daniel McGowan's brother-in-law) told Paul Mahon in 1998 that her husband had been out that day and made no mention of Daniel McGowan visiting the house.¹
- ¹ [X4.22.1-2](#)
- 118.72** We do not have evidence from any other witness identifying Daniel McGowan as one of those gathered at the southern end of Block 1 of the Rossville Flats and so his identification of himself in Robert White's photograph stands unsupported.

118.73 Although, as will be seen from the evidence of others whose accounts we consider below, there is no doubt that Daniel McGowan was shot in the area south of the eastern end of Block 2 of the Rossville Flats, we have come to the conclusion that it would be unwise to rely on any of the accounts Daniel McGowan himself gave either of how he got to that area or of the precise circumstances in which he was shot.

118.74 We should make clear, however, that in our view Daniel McGowan was in no way seeking to mislead this Inquiry in what he told us, but was recounting what he had come to believe had happened. This may have resulted in part from what he afterwards was told by others. He may have become confused by the fact that he had originally, for good reason, given accounts designed to distance himself from any involvement in the march or other events of Bloody Sunday. He had sustained a grievous injury, which adversely affected the whole of the rest of his life. We have no doubt that the memory of what had happened to him constantly preyed on his mind. As his wife put it, quoted in the *Derry Journal* in 1992, *“It changed him completely. It seemed to destroy him. He had a different personality and he’s had indifferent health ever since.”*¹

¹ L263

118.75 Daniel McGowan may have taken part in what he believed to be an illegal civil rights march. Apart from this there is nothing to suggest that he was engaged in any form of illegal activity at any stage. Nor have we found anything to suggest that when he was shot Daniel McGowan was doing anything that could have justified him being shot or which could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury.

Where Patrick Campbell and Daniel McGowan were shot

118.76 As we observed when considering the circumstances in which Patrick Campbell was shot, it is convenient to deal together with the other evidence that appears to relate to the shooting of Patrick Campbell and Daniel McGowan.

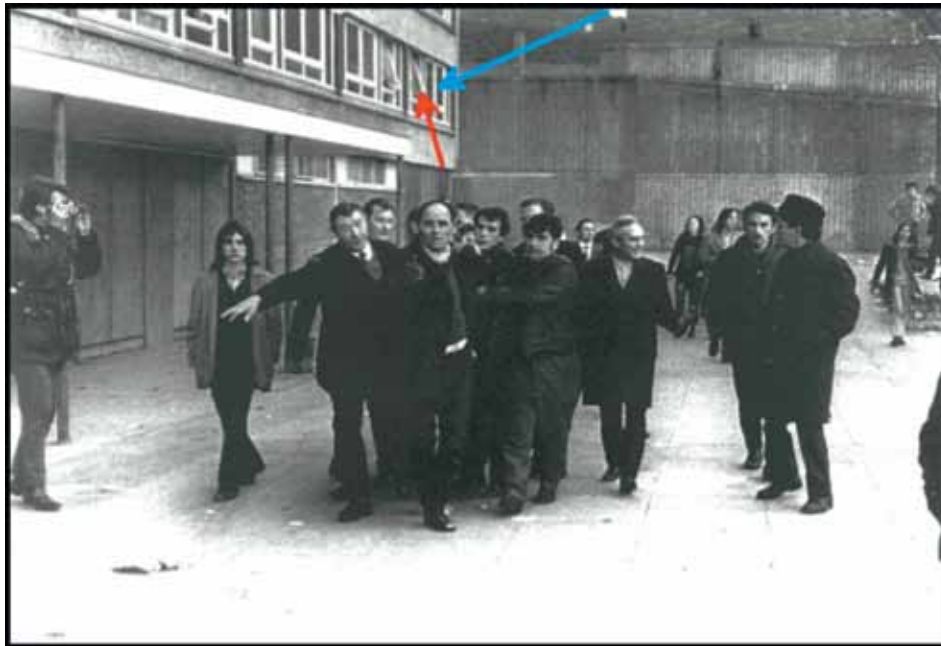
Jean Marie McGeehan

118.77 Earlier we referred to the evidence of Jean Marie McGeehan. We there mentioned the statement she made to NICRA. On 30th January 1972 Jean Marie McGeehan (whose maiden name was McGowan) was 12 years of age. She lived in the family home at

36 Garvan Place, which was on the first floor of Block 2 of the Rossville Flats and the nearest flat on that level to Block 3. In the course of her oral evidence¹ she identified the flat on the following photograph (which was taken on Bloody Sunday), the red arrow indicating the kitchen and the blue arrow the living room of the flat.²

¹ [Day 171/67](#)

² [AM228.13](#)

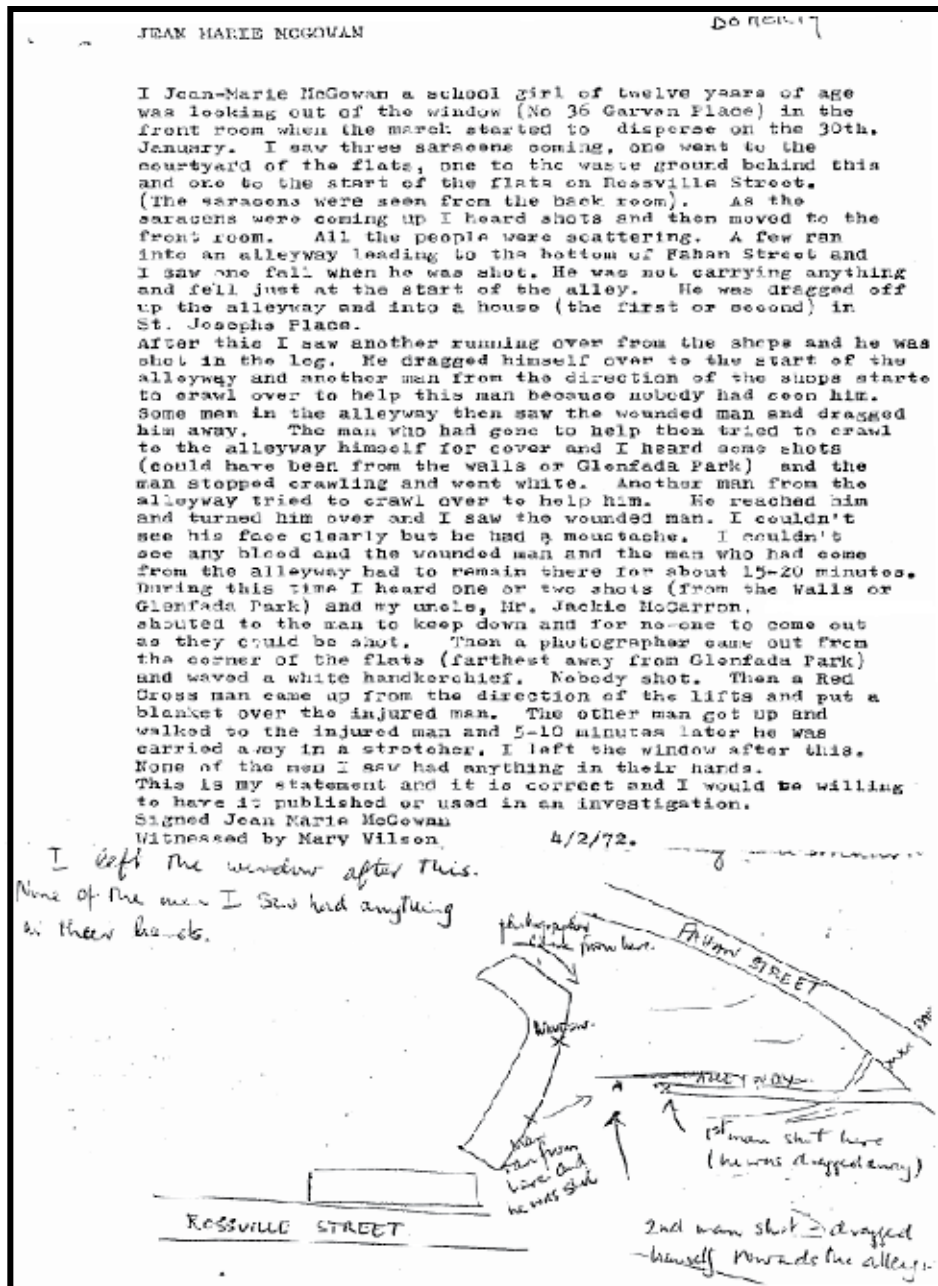


118.78 Jean Marie McGeehan made a NICRA statement dated 4th February 1972.¹ It was taken by her schoolteacher Mary Wilson, who was also probably responsible for the sketch that appeared on the handwritten version of the statement.² That sketch, together with its handwritten annotations, was reproduced on the typed version of the statement, which we set out below in its original typed form.³

¹ [AM228.11](#); [AM228.12](#)

³ [AM228.10](#)

² [Day 171/71](#); [Day 171/78](#)



118.79 According to this account, the first man Jean Marie McGeehan saw fell just at the opening of the Joseph Place alleyway, while the second man, running across from the shops (ie the shops running along the ground floor of Block 2) was shot in the leg and was dragged into the alleyway. The statement refers to a man who had started crawling to the aid of the second man, to which we return when considering the circumstances of the shooting of Patrick Doherty.

118.80 Jean Marie McGeehan gave written and oral evidence to this Inquiry.

- 118.81 In her written evidence to this Inquiry,¹ Jean Marie McGeehan, having described what she recalled seeing while looking from the bedroom of the flat, which was on the northern side of Block 2, told us that she moved to the living room which overlooked Joseph Place, where she saw a number of people hiding in the alleyway behind the Joseph Place houses. She then gave this account:²

“14. As I looked out of the living room window I could also see down to the paved area in between Block 2 of the Rossville Flats and Joseph Place (grid reference J18). Because of the angle I was looking down at, I could only see clearly about 5 feet out from the wall of Block 2. I remember three men in particular in that area.

15. The first man I saw was heading from Block 2 of the Rossville Flats towards the alleyway at the back of Joseph Place. The route he took is shown marked on the attached map. I saw him as I looked to the right towards Rossville Street. I saw him fall. I do not know whether he was shot or whether he just stumbled but he got up quickly and was helped to the alleyway by people who were taking cover there. This was a few minutes after I had arrived at the front of the flats. I cannot remember what he looked like at all and I do not know who he was. I cannot give any more details about the people that helped him to the alleyway.

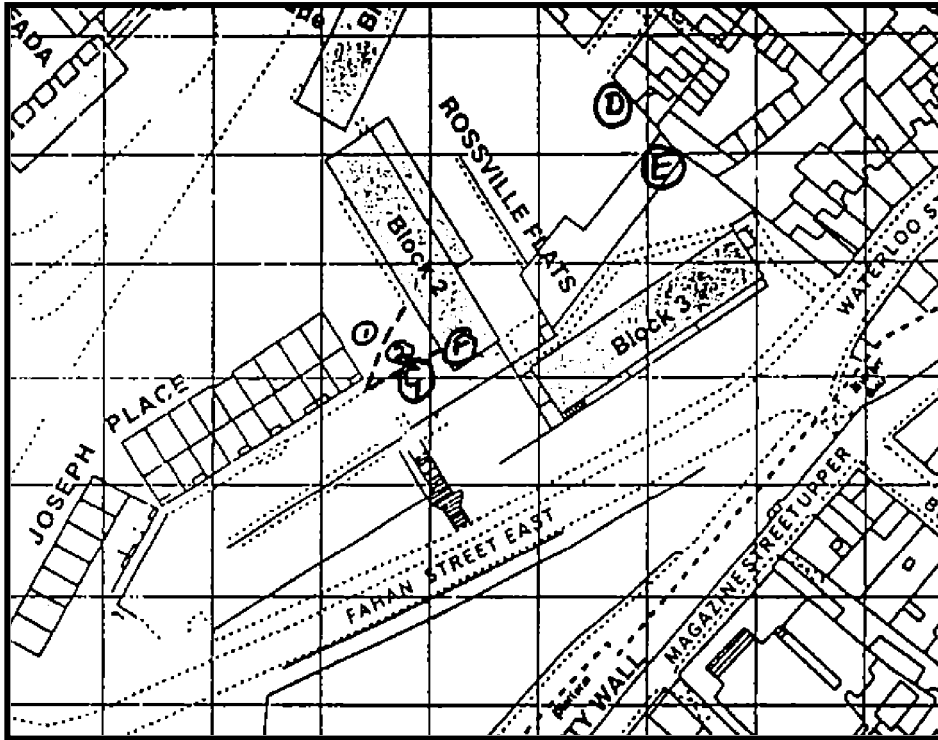
16. The second man I saw was running directly below the window I was looking out of towards the alleyway at the back of Joseph Place. The route he took is also shown marked on the attached map. He seemed to crumple and fall down on to the ground as though one of his legs had gone from under him. He got up by himself; there was no one around to help him. He continued towards the alleyway as quickly as he could. He was in a bent over position although he was not on his hands and knees. I got the impression from the way he was staggering that he was in pain. I assumed that he had been shot in the leg but I do not know which leg it was. Just as he got to the alleyway someone helped him to get behind Joseph Place. I cannot now recall any detail about the appearance of the man. At that time there was a lot going on in the flat: I was being told to keep away from the window and keep my head down. I kept looking out every now and again. I think I stayed in the living room and did not go back to the bedroom.”

¹ AM228.1

² AM228.3

118.82 On the map attached to this statement Jean Marie McGeehan marked two lines, one from the shops to her right as she looked out of the window; and one from immediately beneath her window, both leading to the alleyway behind Joseph Place.¹

¹ [AM228.9](#). On this map the letters D and E are where Jean Marie McGeehan told us she saw people sheltering; letter F showed the position of her flat; and the figures 1 and 2 the respective positions of the two men she described in her account quoted above. The letter G refers to a third man, to whom we refer below when considering the shooting of Patrick Doherty.



118.83 In her oral evidence to this Inquiry, Jean Marie McGeehan told us that her recollection of the first man that she saw was that it was a man rather than a young boy, who she thought stumbled and then *“maybe to his knees and back up again”*.¹ She could not remember how soon after seeing the first man she had seen the second, but so far as she recalled he too was a man rather than a boy and he was on his own, though there were still people in the Joseph Place alleyway. Jean Marie McGeehan told us that this man could have fallen a little further from the alleyway than the first man.²

¹ [Day 171/68-69](#)

² [Day 171/79](#)

Derrik Tucker Junior

118.84 Derrik Tucker Junior was also 12 years of age on Bloody Sunday. He lived at 31 Garvan Place in Block 2 of the Rossville Flats. It was from this flat that his father (Derrik Tucker Senior) took the photographs on the car park side of the Rossville Flats immediately before and as the soldiers came into the Bogside, which we have shown and considered earlier in this report.¹ The southern side of the flat was identified by Derrik Tucker Junior's brother Martin on the following photographs, the second showing with arrows the windows of the kitchen (on the left), and the living room.²

¹ Paragraphs 20.184–188; 24.28–29

² AT17.8; AT17.20





- 118.85** In his NICRA statement dated 1st February 1972,¹ Derrik Tucker Junior described seeing from the flat the Army vehicles come into the Bogside and much of what then occurred in Sector 2, including seeing Fr Daly walking with the group carrying Jackie Duddy. It seems that then he must have gone to the other side of the flat, for this statement continued:

“Meanwhile as this was going on the rest of the crowd had run round to the shops on the ground floor of the flats, within seconds they had to flee as more paratroopers appeared from Glenfada Park. Most of the youths ran behind the maisonettes through a small alleyway. Again they were fired upon by the troops in the Observation Post on the Derry Walls. As the last three youths entered the alleyway the first two fell with shots in the legs but crawled on in. The last one was crawling in and a shot rang out and he fell. He lay still but there was no sign of a wound. A man of between forty or fifty, slightly bald crawled out and asked for his hand. There was no response so he pulled him in by the head but he had to retreat into the alleyway as more shots rang out. Some other men came out to try and see where he was wounded but they too had to retreat. After the shooting ended the men carried him down to the ambulance. He was dead.

As men were being carted into the ambulance, soldiers fired even though the white handkerchief [sic] was being waved by Father Mulvey. This is my statement.”

¹ AT15.20

- 118.86** In his written statement to this Inquiry¹ Derrik Tucker Junior told us that he and other members of his family had indeed moved, “*as the courtyard cleared of people*”, from watching events in the car park to the other side of the flat. On being shown his NICRA statement, he told us that there were details in it that he no longer recalled, but that he believed it to be an accurate account of what he saw.

¹ AT15.4

- 118.87** In his oral evidence to this Inquiry Derrik Tucker Junior indicated that he now had no recollection of seeing the two men shot in the legs that he had described in his NICRA statement.¹ Much of his evidence was concerned with his recollection of the third man, who we are sure was Patrick Doherty and to whom we return below. However, he told us that he could not have actually seen soldiers arrive in Glenfada Park from his position but inferred that this had happened from the fact that people moved from the shops side of the Rossville Flats to the Joseph Place alleyway.² He then gave the following evidence:³

“Q. From your [NICRA] statement it would appear, as it says, if I could just read it out:

‘As the last three youths entered the alleyway, the first two fell with shots in the leg, but crawled on in. The last one was crawling in and a shot rang out and he fell.’

Would it be correct to say that when shots rang out a number of people behaved in different ways; some people would have thrown themselves to the ground without being shot?

A. Yes.

Q. Other people may have stood up in bewilderment and others carried on?

A. Yes.

Q. Would it therefore be correct to say again, when you say they fell with shots to the leg, that is not something you were actually able to see, but something you assumed?

A. Yes.

Q. We also have a description from a Mr Daniel McGowan, who had helped a man called Patrick Campbell across the area of open ground that you describe, and just as he was getting into the alleyway he himself was shot, that he pushed Mr Campbell into the alleyway and that he himself fell, went unconscious, but eventually dragged himself into the alleyway; would that be consistent with what you saw?

A. It sounds very much so.

Q. In fact, would it also be correct to say that at that time you had assumed that these individuals were being shot at from behind, in other words from behind them, from the direction of Rossville Street?

A. Yes.

Q. Certainly at that time you did not assume that the shooting was being fired at them from the walls?

A. No.

Q. If they had been being shot at from the walls, it would have been exceptionally foolish for them to make their way in that direction?

A. Yes.

Q. Also in relation to those people who you did see fall, did you see them carrying anything by way of weapons?

A. Absolutely not.

Q. Or did you see anything that they were doing which would have given rise to soldiers shooting at them?

A. Absolutely not.”

¹ Day 99/26

³ Day 99/34-36

² Day 99/33-34

- 118.88 As Derrik Tucker Junior himself accepted, it seems that he had little if any recollection of seeing the first two men fall.

Martin Tucker

- 118.89 Derrik Tucker Junior's brother Martin (17 years old at the time) also made a NICRA statement¹ in which, after describing what he had seen from the north side of 31 Garvan Place, he recorded that he went to the living room window (on the south side) where he saw people running in all directions looking for shelter. *"I saw a small group of men who tried to run to laneway behind maisonettes. As they were doing so I heard some shots and I saw one, maybe two fall. They were shot on the legs but were dragged to safety."* He then described someone trying to crawl *"across the same area"*, who had crawled a few yards when *"a few shots rang out, he groaned and his legs shot out"*. We have no doubt that this man was Patrick Doherty, to whom we return below.

¹ AT17.15

- 118.90 Martin Tucker gave written and oral evidence to this Inquiry. In his written account he told us:¹

"31. The kitchen window was open and I looked out. I could see that people were hiding in the alleyway which ran behind Joseph Place (on the south east side). I could see that some people were still running towards Free Derry Corner and some were also running west across the open area just north of Free Derry Corner. There were shots just everywhere at this stage.

32. I saw two men running close together along the front of Block 2 of the Rossville Flats, by the shops (from north west to south east). I thought they were running to the alleyway behind Joseph Place. I did not see them carrying anything. They were shot before they got there, at the point marked 'J' on the map. I thought they were only shot in the leg. It was so strange. It was almost like watching a movie. They managed to get to safety. I think they got into the alleyway behind Joseph Place or into a house. (I think a couple of people helped them). The men were in their thirties maybe. They were not old men but they were not teenagers. I do not remember anything about what they were wearing.

33. I could not see where the men were shot from, however, I remember commenting at the time that, from the sound of the shots, the soldiers must have been well down south on Rossville Street, maybe as far as Glenfada Park South. Soldiers had never come past the Rubble Barricade before. Since that day, I have heard talk about firing from the City Walls. That did not even occur to me at the time. I thought the shooting was coming from the direction of Rossville Street and Glenfada Park South.”

¹ [AT17.5](#)

118.91 The point marked “J” to which Martin Tucker referred was close to the garden wall of the northernmost of the Joseph Place maisonettes, a few feet to the west of the entrance to the Joseph Place alleyway.¹ However, in his oral evidence to this Inquiry, Martin Tucker said that he thought that the men were nearer Rossville Street, just before they reached Joseph Place.² He told us that when he first saw them, the two men were close together and already in the open. He agreed with the suggestion that one of the men may have been assisting the other,³ though the impression we formed was that he had not actually seen this, but only the two men very close together. Shown photographs taken of Patrick Campbell and Daniel McGowan at the time (the former being 50 and the latter 37), Martin Tucker told us that they were of the age of the men he had described.⁴ He was certain he had seen the two men heading towards the alleyway behind Joseph Place before he saw Patrick Doherty shot.⁵

¹ [AT17.16](#)

² [Day 98/108-109](#)

³ [Day 98/119-120](#)

⁴ [Day 98/121](#)

⁵ [Day 98/121-122](#). To have been dragged to safety suggests that the men Martin Tucker saw shot were close to the opening of the alleyway. This is consistent with the evidence of Edmund Melaugh ([AM398.19](#)) and Patrick Walsh ([AW5.36](#)).

Edmund Melaugh

118.92 Edmund Melaugh was 19 years old in 1972. He gave a Keville interview¹ and a NICRA statement.² In the former he described being in a little lane behind the small flats in Rossville Street (ie the alleyway behind Joseph Place) and seeing two men shot, “*one was shot in the ankle and the other was shot up in about the hip*”.³ His NICRA statement was in the following terms:

¹ [AM398.23](#)

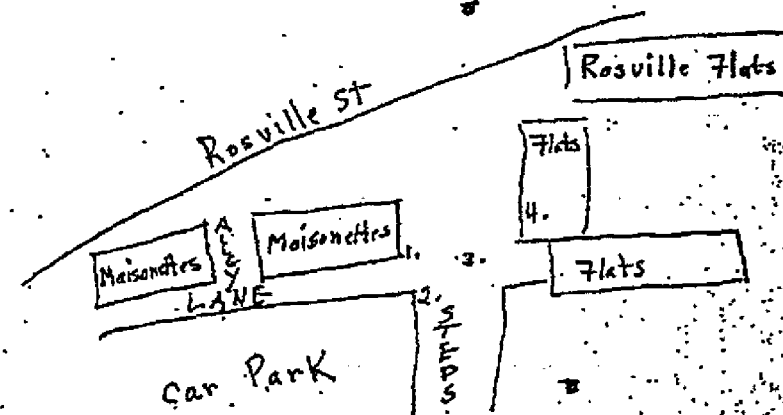
² [AM398.19](#)

³ There is a transcription error in the Inquiry Keville transcript: “in the arm” should read “in about the hip” ([Day 170/95](#)).

On the 30th of January I was in a lane at the back of the maisonettes beside Rosville Flats with another man who I don't know. We were crouched down letting all the people get away who came running through an alley from Rosville Street.

I was looking back when I heard more shooting and saw two men fall at the end of the lane. The other man and myself went back to help these men. One was wounded somewhere round the hip. This man I helped away as far as some other men at the entry. I then went back to help the other man who could not drag the other wounded man who was shot in the lower part of the leg. We were in front of the man dragging him when I saw another man crawling along the ground from the flats towards the lane. Then he shouted to us that he had been shot in the side. I called to him to lay where he was but he tried to crawl and then he lowered his head. All the time there was shooting going on. This man was in his late twenties, he had short black hair and a Mexican type moustache.

While this was happening there was a woman calling to us from one of the windows in the flats but we couldn't hear her.



- 1 & 2 : The men shot running into the lane
- 3 : The man shot while crawling for cover
- 4 : The woman who shouted from the flats

At no time were these men armed and during the trouble the only bangs I heard were those of rubber bullets and the crack of army rifles. I would recognise the man who was with me and the man who was shot crawling. The other two one in his mid-thirties and an elderly man in his fifties. I give permission for this statement to be used in an enquiry.

118.93 Edmund Melaugh gave written and oral evidence to this Inquiry.

118.94 In his written statement,¹ Edmund Melaugh told us that on seeing soldiers in Glenfada Park North (and one firing "towards the hexagonal flowerbed and south gable end of Block 1"), he ran from that gable end along the length of Block 2, keeping close to the shops. According to this statement, when he had almost reached the end of Block 2, he then crossed over into the Joseph Place alleyway. There were other people already sheltering in the alleyway. Edmund Melaugh stated that he also noticed people ahead of him running south along the alleyway. He moved some 20 yards south along the alleyway before stopping. His recollection was that he then heard someone call out that he was shot, turned round and saw two wounded people at the entrance to the alleyway. He told us that he and another man (whom he did not know) returned to the entrance to the

alleyway. Crouching down, they leant out and dragged the two men into the alleyway, one after the other. Edmund Melaugh's recollection was that one was in his 30s and one in his 50s; and that one was shot in the ankle. Although he assumed that these two men had been shot by the soldiers he had seen in Glenfada Park North, Edmund Melaugh confirmed that he had not actually seen either of them shot.²

¹ [AM398.8](#)

² [AM398.11](#); [AM398.12](#); [AM398.18](#)

118.95 In his oral evidence to this Inquiry, Edmund Melaugh told us that he recalled that the two men were very close to the entrance to the alleyway and very close together when he first saw them.¹ On being shown his NICRA statement he said that he now had no recollection of seeing either of the men fall.²

¹ [Day 170/121-122](#)

² [Day 170/123](#)

Edward Dillon

118.96 Edward Dillon made a NICRA statement¹ in which he described going to the steps that led into a passageway into Fahan Street:

"A man came behind me and cried out he had been shot. I went back to see how badly he was shot. He was shot in the right leg below the knee. The leg appeared broken to me and was bleeding badly.

From the wound and the position we were in the shooting might have come from Old City Walls.

Another young lad came and we dragged the wounded man along in the shelter of a low wall."

¹ [AD45.6](#)

118.97 It is likely that the reference to "steps" is to those leading into Fahan Street.

118.98 In his written statement to this Inquiry,¹ Edward Dillon told us that he did not know who the man was, but found out later that it was Daniel McGowan. We have no doubt that it was.

¹ [AD45.2](#)

118.99 It seems very likely that Edward Dillon was the man who helped Edmund Melaugh assist Daniel McGowan. Edward Dillon did not, either in his NICRA statement or in his written statement to this Inquiry, describe seeing another wounded man who might have been

Patrick Campbell. During the course of his oral evidence, he was referred to a passage in the statement made by Daniel McGowan to the Widgery Inquiry, where the latter described his assisting Patrick Campbell. That did not assist the recollection of Edward Dillon.¹ However, the possibility exists that Edward Dillon was at the Fahan Street steps and went back to the alleyway to assist Daniel McGowan, and thus did not see Patrick Campbell.²

¹ [Day 174/56-57](#)

² [AD46.6; Day 174/73-75; Day 174/56](#)

Patrick Walsh

118.100 We have already referred above to the account of Patrick Walsh as recorded by Philip Jacobson of the *Sunday Times* Insight Team. Patrick Walsh helped Patrick McDaid through the passageway between Blocks 2 and 3 of the Rossville Flats to the alleyway behind Joseph Place and then into a house in Joseph Place.¹ The notes made by Philip Jacobson go on to describe what Patrick Walsh witnessed when he left that house in Joseph Place and returned to the alleyway:²

“after this walsh came out again and the first thing he saw was paddy cambell staggering towards the entrancx [sic] of the alleyway groaning and cluthching [sic] his back. he knew campbell from work, and campbell shouted to him ‘paddy, i’m hit ... i’m hurt bad.’ campbell fell forward into the mouth of the alleyway and was taken into one of the houses (pj; see his rather disjointed story; we know that daniel mcgowan, q.v., had pushed campbell forward as he, mcgowan, was hit in the leg.) walsh then saw two men rush from the alleyway and pick up a man who was crawling towards it; they got one arm each and sort of dragged him along on his back. the man seemed to be hit in the leg, where walsh could see blood. this was mcgowan; see his story for names of his rescuers etc). see also [edmond melaugh](#)”

¹ [AW5.35](#)

² [AW5.36](#)

118.101 These notes then turn to Patrick Walsh seeing Patrick Doherty lying on his face; we return to this part of Patrick Walsh’s account below.

Assessment of the evidence of where Patrick Campbell and Daniel McGowan were shot

118.102 As is to be expected, the accounts of those witnessing fast-moving and horrific events differ in detail, but in our view it is likely that Patrick Campbell was shot before Daniel McGowan. In her 1972 account Jean Marie McGeehan described a man (in our view

Patrick Campbell) falling at the entrance to the Joseph Place alleyway, though this may not have been where he was shot, since Patrick Walsh described how Patrick Campbell had staggered towards him shouting that he had been hit before collapsing at the entrance to the alleyway.

- 118.103** We formed the view from Martin Tucker's evidence to this Inquiry that he now had no clear recollection of where the two men he told us he saw shot were when this happened. His 1972 account was to the effect that he saw "one, maybe two"¹ fall as they tried to run to the alleyway behind Joseph Place, but he did not record where they fell.

¹ AT17.15

- 118.104** That Patrick Campbell was shot before he got to the Joseph Place alleyway is consistent with the *Sunday Times* map attached to the note of his account to that newspaper, which shows Patrick Campbell shot as he came about level with Joseph Place, though in our view this does not establish that he was necessarily that far from the Joseph Place alleyway. In our view Patrick Campbell was shot as he ran for the Joseph Place alleyway and before he got there; though precisely how far he was from the alleyway we are unable to determine from the available evidence.

- 118.105** With his leg broken it seems to us that Daniel McGowan probably fell when and where he was shot. According to Patrick Walsh, Daniel McGowan started crawling towards the alleyway before being helped in. This is consistent with the account given by Jean Marie McGeehan in 1972, who described seeing a man running from the shops who was shot in the leg, but who then dragged himself over to the alleyway. She put the position where this man was shot roughly halfway between the south side of Block 2 and the alleyway entrance, a position that would be close to the Fahan Street steps, where Edmund Melaugh also put the man he described as shot in the lower part of the leg. It thus seems to us that Daniel McGowan was probably shot when he was close to the Fahan Street steps.

- 118.106** Although Daniel McGowan always asserted that he assisted the wounded Patrick Campbell, his accounts varied between him being shot himself as he was actually holding Patrick Campbell and shot after he had helped Patrick Campbell to the Joseph Place alleyway and then moved to the Fahan Street steps. Philip Jacobson's note to the effect that Daniel McGowan had pushed Patrick Campbell as the former was shot seems to be based on what he was told by Daniel McGowan. The only other 1972 evidence is that of Joe Nicholas, whose NICRA statement¹ refers to a man he thought was Michael Bridge, shot in the leg while trying to go to the aid of Patrick Doherty. This may have been Daniel

McGowan going to the aid of Patrick Campbell, as Philip Jacobson noted was the case in the course of his interview with Joe Nicholas, but it is not clear whether this was something that Joe Nicholas told Philip Jacobson, or what the latter inferred must have been the case.² However, Jean Marie McGeehan's account does not suggest that Daniel McGowan was or had been assisting Patrick Campbell. Neither Derrik Tucker Junior nor his brother Martin said anything at the time about this; and could only tell us, in effect, that Daniel McGowan may have assisted Patrick Campbell. We are thus left in doubt as to whether Daniel McGowan did assist Patrick Campbell, though if he did so, then in view of his injury, this must have been before he was himself shot.

¹ [AN17.1](#)

² [AN17.20](#)

When Patrick Campbell and Daniel McGowan were shot

118.107 As we have already noted, Patrick Campbell began to run from the southern end of Block 1 of the Rossville Flats after seeing soldiers in the area of Glenfada Park North; and he was shot before he had reached the Joseph Place alleyway. As to Daniel McGowan, the evidence as a whole leads us to conclude that he was shot very soon, probably only a matter of seconds, after Patrick Campbell.

The source of the shots that injured Patrick Campbell and Daniel McGowan

118.108 We have no doubt that an Army bullet hit Patrick Campbell. It was suggested on behalf of the family of Patrick Campbell that he might have been wounded by a shot fired by Private S in Sector 2, which passed through the gap between Blocks 1 and 2 of the Rossville Flats.¹

¹ [FS1.2682](#)

118.109 In our view this was not the case, even on the assumption that Private S fired in the direction of the gap between Blocks 1 and 2, a matter we consider in the context of Sector 2. Although there is a line of sight from the back wall at the southern end of Chamberlain Street through the gap between Blocks 1 and 2, that line would extend in a south-westerly direction and the gap is very small, as can be seen from the following photograph.



118.110 Patrick Campbell was running in a south-easterly, not a south-westerly direction. He was shot in the back. Furthermore, as we have described above, he was in our view well past the gap between Blocks 1 and 2 and not far from the Joseph Place alleyway when he was shot.

118.111 As we describe more fully later in this part of the report, there were soldiers present and firing from the area of the entrance to Glenfada Park North. Since Patrick Campbell was shot in the back while running to the south-east, he could not have been shot from the City Walls. We have no doubt that a soldier shot him from Glenfada Park North, the only other place where soldiers were in a position to shoot him. We consider below the question of the identity of that soldier.

118.112 As will have been noted, Daniel McGowan stated on a number of occasions that he had been shot from the City Walls, as did some of the witnesses to whom we have referred. In our view this was not the case. Elsewhere in this report¹ we consider the question of firing from the City Walls and for the reasons that we give conclude that there was no firing from there into any of the sectors, despite the evidence of a number of civilians who believed that there had been such firing. In these circumstances we are of the view that Daniel McGowan was mistaken in his evidence on this matter. He might have heard a bullet pass him, but not one that then hit the eastern wall of Joseph Place. If there was a bullet strike on the wall identified by Daniel McGowan, it was not in our view one from a bullet fired from the City Walls on Bloody Sunday.

¹ [Chapter 167](#)

118.113 We have no doubt that Daniel McGowan too was shot by a soldier firing from the area of the entrance to Glenfada Park North. No soldier in Sector 2 could have been in a position to shoot Daniel McGowan through the passageway between Blocks 2 and 3 of the Rossville Flats. The accounts of Jean Marie McGeehan, Derrik Tucker Junior, Martin Tucker, Edmund Melaugh and Joe Nicholas, to which we have referred above, all indicate to us that the shot was one of those that came from the direction of Glenfada Park North. We return later to the question of the identity of the soldier who wounded Daniel McGowan.

Where Daniel McGowan was taken

118.114 Although, as we have noted above, the 1972 accounts of Derrik Tucker Senior suggest that both Patrick Campbell and Daniel McGowan may have been carried into the rear of a Joseph Place maisonette,¹ the consistent evidence of Daniel McGowan himself was that he was carried from the Joseph Place alleyway to St Columb's Wells and there put immediately into a car.² Daniel McGowan and his wife told Jimmy McGovern and Stephen Gargan that he had been accompanied in the car by Billy Long and Jackie Morrison.³

¹ [AT16.17.1](#); [WT7.10](#); [AT16.20](#)

³ [AM255.25](#)

² [AM255.5](#); [AM255.12](#); [AM255.3](#); [AM255.5](#)

118.115 The intention had been to take Daniel McGowan to Altnagelvin Hospital, but the presence of an Army roadblock on Bishop Street resulted in him being taken to his home.¹ A neighbour, John Radcliffe, then called an ambulance.² The ambulance arrived at the McGowan home at 5.24pm and reached Altnagelvin at 5.40pm.³ Walter Duffy, a neighbour, and Daniel McGowan's brother accompanied him to Altnagelvin Hospital.⁴ Daniel McGowan was admitted to the Accident and Emergency Department at 5.45pm.⁵

¹ [AM255.5](#); [AM255.3](#)

⁴ [L263](#); [AM255.3](#)

² [AR1.8](#); [Day 220/68-70](#)

⁵ [D0845](#)

³ [ED29.6](#); [D500.26-27](#)

Patrick Doherty

118.116 Patrick Doherty was shot in the right buttock and mortally wounded when he was in the area between the front (south) of Block 2 of the Rossville Flats and Joseph Place.

Biographical details

118.117 Patrick Doherty was 32 years old. He lived in Hamilton Street in the Brandywell with his wife Eileen and six children. Patrick Doherty worked as a plumber's mate at the Du Pont Plant in Maydown, where he was known as "Skelper". In the six months before his death, Patrick Doherty had become increasingly involved in the civil rights campaign and had joined the local civil rights association. He had attended a number of protests against internment, including the demonstration at Magilligan Strand on 22nd January 1972.¹

¹ [AG49.12](#); [AG49.13](#); [AG49.37](#); [N10](#); [N12](#); [N14](#)

Prior movements

118.118 Patrick Doherty acted as a steward on the march on Bloody Sunday. He accompanied his wife to the assembly point at Bishop's Field and left her there with her sisters, with instructions to stay at the rear of the march.¹ In an interview with Joanne O'Brien,² Eileen Doherty (now Green) recalled that her husband had tied a white handkerchief around his arm, to identify himself as a steward.³

¹ [AG49.7](#); [N12](#); [N13](#)

³ [AG49.45](#)

² Joanne O'Brien is a photojournalist, and author of *A Matter of Minutes – The Enduring Legacy of Bloody Sunday*, Dublin: Wolfhound Press, 2002.

118.119 Willie Healey was on the march. In his evidence to this Inquiry he recalled meeting Patrick Doherty as the march progressed down William Street. He told us that by the time he reached Barrier 14, he had become separated from Patrick Doherty.¹ There are photographs that show that Patrick Doherty was at Barrier 14. He is identifiable by his moustache and open three-quarter length grey and black car coat. Patrick Doherty appears among the stewards who tried to keep a crowd from approaching the barrier. Other photographs indicate that he remained in the area of Barrier 14 as rioting broke out there and even after the water cannon was used. In one photograph (reproduced below), Patrick Doherty had placed his white handkerchief around his mouth.

¹ [Day 78/88](#)

Patrick Doherty



118.120 George McKinney, a brother of William McKinney who was killed on Bloody Sunday, worked at the Du Pont Plant and so knew Patrick Doherty by sight. He was one of a number of those watching events at Barrier 14. With others he retreated down Chamberlain Street after the water cannon was used. George McKinney told us that as he was retreating he saw Patrick Doherty pushed up against a wall near the junction of High Street and Chamberlain Street. At the time, Patrick Doherty's handkerchief was "*underneath his chin*".¹ Noel Breslin told us, in his written statement to this Inquiry, that as he was making his way down Chamberlain Street, he had seen Patrick Doherty and Bernard McGuigan outside the 720 Bar on the corner of Harvey Street and Chamberlain Street.²

¹ [AM301.2](#); [AM301.7](#); [Day 106/150-153](#)

² [AB116.6](#)

118.121 As we have discussed above,¹ Patrick Doherty appeared in three photographs, taken by Gilles Peress, of a group of men making their way along the high retaining wall towards the gap between Blocks 2 and 3. By this stage these men had reached the south-eastern corner of the car park of the Rossville Flats.

¹ [Paragraphs 117.2–11](#)

118.122 We have also referred earlier¹ to the accounts given by Hugh Sheerin in his NICRA statement and in his interview with Philip Jacobson of the *Sunday Times* Insight Team.² According to these, Hugh Sheerin took shelter behind the wall at the children's

playground, ie at the eastern end of the wall at the southern end of the eastern row of the Chamberlain Street houses. There were about 18 to 20 people sheltering there, including Patrick Walsh and Joe Nicholas.

¹ Paragraphs 117.42–43

² AS10.1; AS10.3–4

- 118.123** On the basis of the evidence to which we have referred above and when discussing the movement of people through the gap between Blocks 2 and 3 of the Rossville Flats, we are sure that Patrick Doherty had come south along Chamberlain Street, taken shelter as Hugh Sheerin described, and then, during a lull in the firing and after all the casualties in Sector 2 had been sustained, made his way towards the gap between Blocks 2 and 3 of the Rossville Flats.

Medical and scientific evidence

- 118.124** In their closing submissions, Counsel to the Inquiry prepared a summary of the medical and scientific evidence relating to Patrick Doherty.¹ We have considered this summary and found it to be an accurate account, and so it forms the basis of the following part of this report.

¹ CS7.58-CS7.62; CS7.67

- 118.125** Dr Derek Carson, then Deputy State Pathologist for Northern Ireland, carried out an autopsy on Patrick Doherty's body at Altnagelvin Hospital at 10.00pm on the evening of 31st January 1972.¹ In summary the autopsy report records that death was due to a single gunshot wound to the trunk. The bullet entered the right buttock and exited the body on the left side of the chest. The track of the bullet ran from back to front upwards at an angle of 45° to the horizontal plane and from left to right at an angle of about 33° to the coronal (central) plane.

¹ D0395

- 118.126** In his autopsy report Dr Carson recorded the internal damage caused by the bullet:¹

“The bullet had entered the right buttock and penetrated the right ilio-sacral joint, entering the abdominal cavity. It had then lacerated the aorta and the inferior vena cava, the two main blood vessels in the abdomen, and torn the colon and the bowel attachments. Then it had lacerated the diaphragm and entered the left chest cavity, lacerating the lower outer part of the left lung before fracturing the 8th and 9th left ribs and leaving the body through the left side of the chest, well below and somewhat in front of the armpit.”

¹ D400

118.127 The only other injury recorded by Dr Carson was a 1cm abrasion on the left side of the forehead.¹ There were autopsy photographs that we have decided not to show in this report and which provide no additional relevant information.

¹ [D0396](#); [D400](#); [E2.056](#)

118.128 Dr Carson expressed the following view in the autopsy report:¹

“It is virtually impossible for the deceased to have sustained the wound whilst standing erect at ground level. He must have either been standing at a height, when the bullet would have come from below, behind him and to his right, or bending forwards or lying at ground level, when the bullet would have come from behind and to his right on a more or less horizontal plane.”

¹ [D400](#)

118.129 Dr Carson told this Inquiry that in his view, of the three possibilities as to the position of Patrick Doherty when he was shot – bending forwards, standing upright, or lying at ground level – the first was the most likely.¹

¹ [Day 206/97-98](#)

118.130 The 1972 documentation contains a record of the clothing worn by Patrick Doherty on Bloody Sunday.¹ The clothing was preserved and there are photographs of it, taken in May 1999.² Among the items worn by Patrick Doherty were:

- a three-quarter length grey and black tweed car coat;
- a black leather jacket;
- a long-sleeved blue pullover, buttoned up to the neck;
- an orange short-sleeved T-shirt;
- a pair of brown trousers with a black leather belt; and
- a pair of white underpants.

¹ [D0396](#); [D0386](#)

² [F6.1-F6.31](#)

118.131 Mr Kevin O’Callaghan and Dr Shepherd, the experts retained by this Inquiry, considered all the available documents and examined Patrick Doherty’s clothing for their first report to the Inquiry.¹

¹ [E2.0056](#)

118.132 These experts noted a ragged but circular entry hole about 7mm in diameter in the rear of the waistband of the trousers directly above the right back pocket.¹ The bullet had clipped the leather belt leaving a clearly visible bullet wipe² around the lower part of the hole. The bullet then passed through the T-shirt and underpants. There were no entry holes in the car coat, the black leather jacket or the blue pullover worn by Patrick Doherty, but exit holes were identified in these three garments and the T-shirt.

¹ [E2.0056-E2.0057](#)

² Bullet wipe is the residue collected by the bullet as it passes through the barrel of the gun and wiped off as the bullet passes through the first object or surface it meets. ([ED18.1.46](#); [Day 230/13-14](#)).

118.133 The opinion of Mr O’Callaghan and Dr Shepherd was that “*the pattern of the damage to the clothing and the pattern of the injury to the body are all consistent with Patrick DOHERTY being shot from behind while bending forward on all fours*”.¹ Mr O’Callaghan and Dr Shepherd also ruled out the possibility that the injury to Patrick Doherty could have been the result of a ricochet.²

¹ [E2.0057](#)

² [E18.1.46](#)

118.134 Subsequently, Dr Shepherd refined his opinion in light of two reports, dated 8th December and 22nd December 2003 respectively, from Dr Vincent Di Maio, a forensic scientist instructed by those representing the majority of represented soldiers. These representatives had asked Dr Di Maio to give his opinion as to the possible position of the person who shot Patrick Doherty based on the pathological evidence and allowing for two assumptions, namely that Patrick Doherty had been on his hands and knees; and that he was shot by a weapon fired parallel to, or nearly parallel to, the horizontal plane.¹

¹ [E29.1-E29.9](#)

118.135 Dr Di Maio expressed the following view:¹

“The best that one can do is state that the shooter has to be behind and to the right of the victim and give a rough estimate of the angle based on ‘eyeballing’ the photos. Based on this, I would say that it is approximately between the 3 and 6 o’clock positions, or 45 degrees to the horizontal. This is in fact the number given in the autopsy.”

¹ [E29.8](#)

118.136 The Inquiry asked Dr Shepherd to consider the reports of Dr Di Maio. In an additional report dated 11th February 2004, Dr Shepherd commented that there was no significant difference between the opinion of Dr Di Maio and that expressed by himself and Mr O’Callaghan, ie that Patrick Doherty was “*shot from behind while bending forward or on all fours*”. He continued: “*Dr DiMaio has defined more closely the words ‘from behind’ and I would happily accept this refinement of our opinion and agree the shooter was most probably behind and within the 90° arc from 3 o’clock to 6 o’clock.*”¹

¹ [E29.11](#)

118.137 The bullet that struck Patrick Doherty was not recovered. In the autopsy report Dr Carson recorded:¹

“The features of the wound, and in particular the penetration of bone, indicated that the bullet must have been fired from a weapon of medium to high velocity. The missile had passed completely through the body so that it was not possible to determine its calibre. There was nothing to suggest that the weapon had been discharged at close range.”

¹ [D0400](#)

118.138 In his oral evidence to the Widgery Inquiry, Dr Carson agreed that the bullet that struck Patrick Doherty seemed to have been a high velocity round.¹

¹ [WT8.69](#)

118.139 Since the bullet was not recovered it is understandable that Mr O’Callaghan and Dr Shepherd were unable to determine the nature of the weapon that caused the injury to Patrick Doherty.¹ However, on the basis of the evidence that we consider below, we have no doubt that Patrick Doherty was mortally injured by a bullet fired by a soldier.

¹ E19.4; Day 230/52-54

118.140 The experts gave their views as to how long Patrick Doherty could have survived after being shot and whether he would have been capable of movement. The main reasons for exploring these matters were whether Patrick Doherty could have been capable of moving from Sector 2 to Sector 5, had he been shot in Sector 2, whether he could have moved a significant distance after he had been shot and before he was photographed by Gilles Peress, and whether the expert evidence supported the views of some civilian witnesses that Patrick Doherty did not die immediately after he was shot. Since from other evidence we are sure that Patrick Doherty was not shot in Sector 2, the question of whether he could have moved from Sector 2 to Sector 5 after being shot is in our view no longer of relevance.

118.141 Dr Shepherd commented:¹

“The assessment of survival times from the pathology alone is very difficult. The damage to the aorta and the IVC [inferior vena cava] present ... would normally be expected to result in such severe internal bleeding that death would follow extremely rapidly.

However, humans have a remarkable capacity for survival and if evidence of life was detected, especially by a medical practitioner, even 30 minutes after receipt of the injury it would not be surprising and while rapid cessation of movement would be expected it is possible that an individual may crawl some distance after receipt of an injury of this sort.”

¹ E2.0062

118.142 The evidence of Dr Carson was that “*Rapid inter-abdominal bleeding from the damaged aorta and inferior vena cava would have caused death very quickly*”.¹ He told the Widgery Inquiry that in his view death would have followed within two or three minutes.²

¹ D0400

² WT8.69

- 118.143** In the course of Dr Carson's evidence to the Widgery Inquiry there was the following exchange:¹

"Q. During the two or three minutes that you say Mr Doherty must have lived after being shot he presumably would have been able to move, would he?

A. Not necessarily through all of that two or three minutes. He might well have been able to move for the first 30 seconds to one minute perhaps.

Q. Do you think he might have been able to crawl a distance of perhaps 20 to 30 yards?

A. Twenty to thirty yards is rather far, but he might just have been able to manage that."

¹ [WT8.70-71](#)

- 118.144** It appears from this evidence that Dr Shepherd regarded Patrick Doherty as possibly living longer after being shot than the time estimated by Dr Carson. However, both expressed the view that it was possible that Patrick Doherty could have moved after being shot. For this reason we take the view that it would be wrong to assume that Patrick Doherty was necessarily shot at the place where he was photographed by Gilles Peress and Fulvio Grimaldi.

Where Patrick Doherty was shot

- 118.145** There is a substantial body of evidence that Patrick Doherty was shot after he had emerged from the gap between Blocks 2 and 3 of the Rossville Flats and as he was crawling towards the Joseph Place alleyway. We have no doubt that Patrick Doherty was shot at some point in the area between the south side of Block 2 of the Rossville Flats and Joseph Place, and as he was making for the Joseph Place alleyway, though there were differences in the evidence over exactly what route he followed after emerging from the gap; where precisely he was in relation to Block 2 and the Joseph Place alleyway when he was shot; and the orientation of his body when the bullet struck him. We consider these matters below.
- 118.146** We found of particular assistance the accounts of the following witnesses, given in 1972.

Joe Nicholas

118.147 In his NICRA statement,¹ Joe Nicholas described seeing Patrick Doherty shot as he “*was crawling across the courtyard in front of the flats towards the alleyway at Joseph Place. He was two thirds of the way across when he was shot on the right side of the chest.*” According to the note made by Philip Jacobson of the *Sunday Times* Insight Team:²

“in the passageway, nicholas recovered his breath and nerves for a few minutes. the next significant point he recalls is that he saw doherty on the other side, now crawling towards the alleyway behind joseph place. ‘I shouted to get up and run, there was no point crawling as he was right out on his own, I then heard a burst of three or four shots and saw them striking the wall directly behind the crawling man. Then, as i watched, one shot hit him; i saw his coat jump and sort of puff out; he jerked once and stopped dead; his head lifted a couple of times and then he seemed to stop moving. i knew he was badly hurt.’”

¹ AN17.1

² AN17.20

118.148 As we have described earlier, the passageway where Joe Nicholas was recovering his breath and nerves was the gap between Blocks 2 and 3 of the Rossville Flats. In his NICRA statement Joe Nicholas described the man he saw as shot in the chest. Patrick Doherty was not shot in the chest, but the bullet exited there and in our view Joe Nicholas understandably but mistakenly concluded (from seeing Patrick Doherty’s clothes move) that this was where the bullet had struck.

Jean Marie McGeehan

118.149 We have already referred to the evidence of Jean Marie McGeehan when considering where Patrick Campbell and Daniel McGowan were shot. In her NICRA statement (set out in full above),¹ she described seeing (from her home in Block 2 of the Rossville Flats) a man crawling from the direction of the shops (she thought to go to the aid of the man she described being shot in the leg) who then tried to crawl to the Joseph Place alleyway when she heard some shots and the man stopped crawling “*and went white*”. She then described another man who crawled out from the alleyway and turned over this man. From the description she then gave and from the fact, as appears below, that the man who came from the alleyway was Patrick Walsh, we have no doubt that the man who stopped crawling and went white was Patrick Doherty.

¹ Paragraph 118.78; AM228.10. Jean Marie McGeehan gave a similar account in her written evidence to this Inquiry (AM228.3-4).

Derrik Tucker Junior

118.150 We have set out above¹ the relevant part from the NICRA statement of Derrik Tucker Junior² in which he described seeing, from his home in Block 2 of the Rossville Flats, the last of three youths, who was crawling into the Joseph Place alleyway when:

“... a shot rang out and he fell. He lay still but there was no sign of a wound. A man of between forty or fifty, slightly bald crawled out and asked for his hand. There was no response so he pulled him in by the head but he had to retreat into the alleyway as more shots rang out. Some other men came out to try and see where he was wounded but they too had to retreat.”

¹ [Paragraph 118.85](#)

² [AT15.20](#)

118.151 Again as appears below, the slightly bald man was Patrick Walsh and the person he attempted to pull to cover was Patrick Doherty.

Martin Tucker

118.152 We have also set out above¹ some of the NICRA statement made by Martin Tucker, the older brother of Derrik Tucker Junior, who was watching from the same place.² It is convenient here to set out in full the relevant part of that statement:

“Now I went to the living room window. Outside I saw people running in all directions looking for shelter. I saw a small group of men who tried to run to laneway behind maisonettes. As they were doing so I heard some shots and I saw one, maybe two fall. They were shot on the legs but were dragged to safety. Then I saw a man trying to crawl across the same area. He was wearing a grey checked coat with fur collar, and had black hair and a moustache. He crawled a few yards when a few shots rang out, he groaned and his legs shot out. He lay still. Then a few men who had already got to the safety of the lane way attempted to come out and drag him to safety, as soon as they appeared the army fired at them. They tried a few times but without success.”

¹ [Paragraph 118.89](#)

² [AT17.15](#)

- 118.153** In view of the description he gave, we are sure that Martin Tucker witnessed the shooting of Patrick Doherty, as this casualty was trying to crawl across the area south of Block 2 of the Rossville Flats.

Derrik Tucker Senior

- 118.154** We have referred in the course of considering the events of Sector 2 to Martin Tucker's father, Derrik Tucker Senior, who also made a NICRA statement and gave evidence to the Widgery Inquiry. After describing what he had seen from the northern side of 31 Garvan Place in Block 2 of the Rossville Flats, he gave this account:¹

"I then proceeded into the living room of my home. From there, I could see into the Fahan St. Carpark, the maisonettes and Joseph Place. The first thing that struck me there was that everyone was lying down. I saw two men lying in the alleyway which connects the shops with the back of the maisonettes. These two men appeared to be shot in the leg. At this stage a man started to crawl from right beneath my window across to the alleyway [sic]. He reached halfway, when a shot rang out, and his right leg kicked out and he lay still. This man, I now know to be Patrick Doherty. From the alleyway another man crawled out to meet him. Another shot rang out, didn't seem to hit anyone and the second man stopped crawling and lay still. After about five minutes he started crawling again, reached the first man and tried to pull him into the alleyway. He then turned him over onto his back and appeared to try to revive him."

¹ [AT16.1-2](#)

- 118.155** In his oral evidence to the Widgery Inquiry, Derrik Tucker Senior explained that the maisonettes were those in Joseph Place. He told that Inquiry that after seeing the two men who appeared to be shot "*I then noticed a man directly beneath the window started to crawl out towards the alleyway itself when a further shot rang out. He gave a kick with his right leg, and then lay still.*" He said that he later learned that the man was Patrick Doherty.¹

¹ [WT7.10](#)

- 118.156** Lord Widgery asked Derrik Tucker Senior to show him on a photograph where Patrick Doherty lay when he fell. Derrik Tucker Senior did so, but the transcript only records him saying that it was “*there*”. However, Lord Widgery then summarised what this witness had shown him:¹

“The position that he describes is mid-way between the rear edge of Rossville Flats and the wall which runs from Joseph Place back towards the car park. There is an open area between Rossville Flats and Joseph Place. He puts Mr. Doherty central in that area as between the Flats and Joseph Place, but one-eighth of the way up from the eastern end of that open area.”

¹ [WT7.10-11](#)

- 118.157** We have earlier in this report identified on photographs Derrik Tucker Senior’s flat, but it is convenient to show these photographs again here.¹

¹ [AT17.8](#); [AT17.20](#)





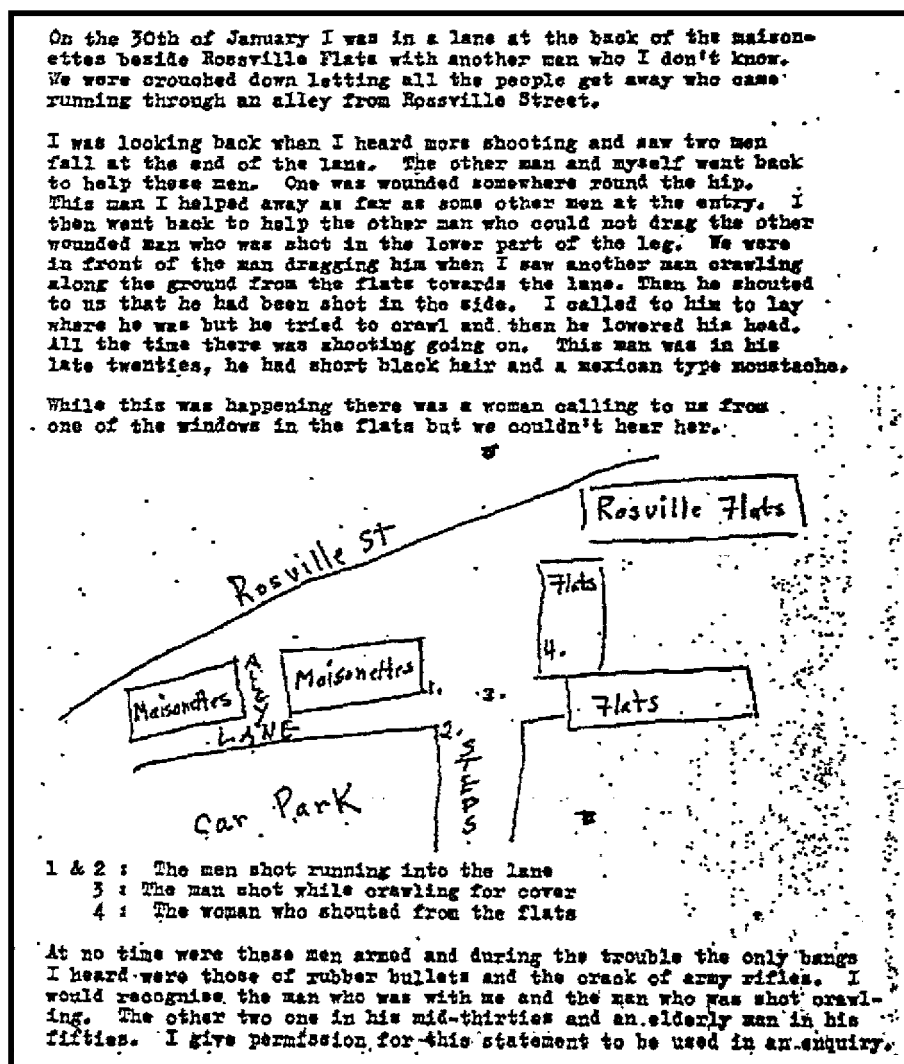
118.158 Derrik Tucker Senior sent by post a written statement to the Widgery Inquiry, which contains an account consistent with his oral evidence to that Inquiry.¹ He also made a deposition for the coroner's inquest in August 1973, in which he again gave consistent evidence. Derrik Tucker Senior is dead and gave no evidence to this Inquiry.

¹ [AT16.170-171](#)

Edmund Melaugh

- 118.159 We have already referred to Edmund Melaugh's NICRA statement when discussing where Patrick Campbell and Daniel McGowan were shot, but it is convenient to set this statement out again here in its original typed form.¹

¹ AM398.19



- 118.160 We have no doubt that the man "with short black hair and a mexican type moustache" was Patrick Doherty. As can be seen from the drawing in this statement, the "lane" is the Joseph Place alleyway. It will be noted that Edmund Melaugh marked on his drawing a position for Patrick Doherty, which appears to be very similar to that given by Derrik

Tucker Senior. In his Keville interview, Edmund Melaugh described the man as about ten yards out from his (Edmund Melaugh's) position, which it seems to us was at the northern end of the Joseph Place alleyway.¹

¹ [AM398.23](#)

Edward Dillon

118.161 We have already referred to Edward Dillon's NICRA statement when considering where Patrick Campbell and Daniel McGowan were shot.¹ In this statement Edward Dillon, after describing helping someone we have no doubt was Daniel McGowan, continued:

"Shooting was still going on. A man was lying sheltering at the square at the bottom of the steps. He offered to help. On crawling a yard or two he called out that he had been shot. He was shot on the left side of the body. I tried to get to him but the shooting was too heavy."

¹ [AD45.6](#)

118.162 In our view this man was Patrick Doherty.

Patrick Walsh

118.163 Patrick Walsh was the man described by some of the witnesses to whom we have referred, who went out to Patrick Doherty. We have already referred to the account he gave Philip Jacobson of the *Sunday Times*, of coming out of the Joseph Place alleyway to see Patrick Campbell and Daniel McGowan. The notes of this interview continue:¹

"then walsh saw the body of a man lying on his face just about halfway across the space between the passageway and where he was. he thought the man was still alive, there were slight movements and he was graoning [sic] from time to time. walsh shouted 'are you allright mate' but got no answer: he crawled out to him and turned the man onto his back. 'do you know, i just didnt recognise him as paddy doherty. i knew paddy well enough, i used to see him waiting for his lift to work and around town, you know, but i hadn't seen him for quite a long time, over a year or more i suppose, and he had grown his moustache you know. anyway, i just didnt know at the time that it was him.' at that point there was more shooting and bullets hit the wall by the steps. the girl shouted down to be careful and walsh crawled back to the alleyway.

walsh was sure that the man was still alive; he waited until the shooting stopped again and then crawled out again. 'i could see he was going, his face was a terrible colour, it was almost yellow, i've never seen a man die until then, but that was the colour of death.' doherty was still just alive, groaning softly; 'I started to say a rosary but i just couldnt finish, i had to turn away, it took me very bad'. he saw no wound on doherty, nor any blood; he began feeling for Doherty's heart under his clothing. 'I found it all right, it must have been hanging out of him with a whole lot more.' sickened and sad, walsh crawled back to his alleway [sic]. he recalls seeing other people opposite, in the passageway, waving and shouting, and he thinks one young man stepped out towards doherty but had to go to ground when shooting began again (this was probably when the ambulances arrived). the next thing he recalls is kneeling by the body and realising it was paddy doherty; 'i think somebody recognised him and said, 'god, thats paddy doherty from hamilton street, he's got five youngsters' and i knew it was him then.' Gilles later pix tell us that paddy was with doherty all the time until he went into the ambulance. he is in one of the shots by gilligan carrying doherty's body; he looks badly shocked."

¹ [AW5.36-37](#)

- 118.164** What is particularly important to note from this account is that Patrick Walsh, when he first approached Patrick Doherty, turned this casualty onto his back. We are sure that this is what Patrick Walsh did.

The evidence of Gilles Peress

- 118.165** We have earlier¹ considered the evidence of Gilles Peress, and photographs he took in Sector 2 of a group of men, including Patrick Doherty, moving along the bottom of the high retaining wall beneath Block 3 of the Rossville Flats.

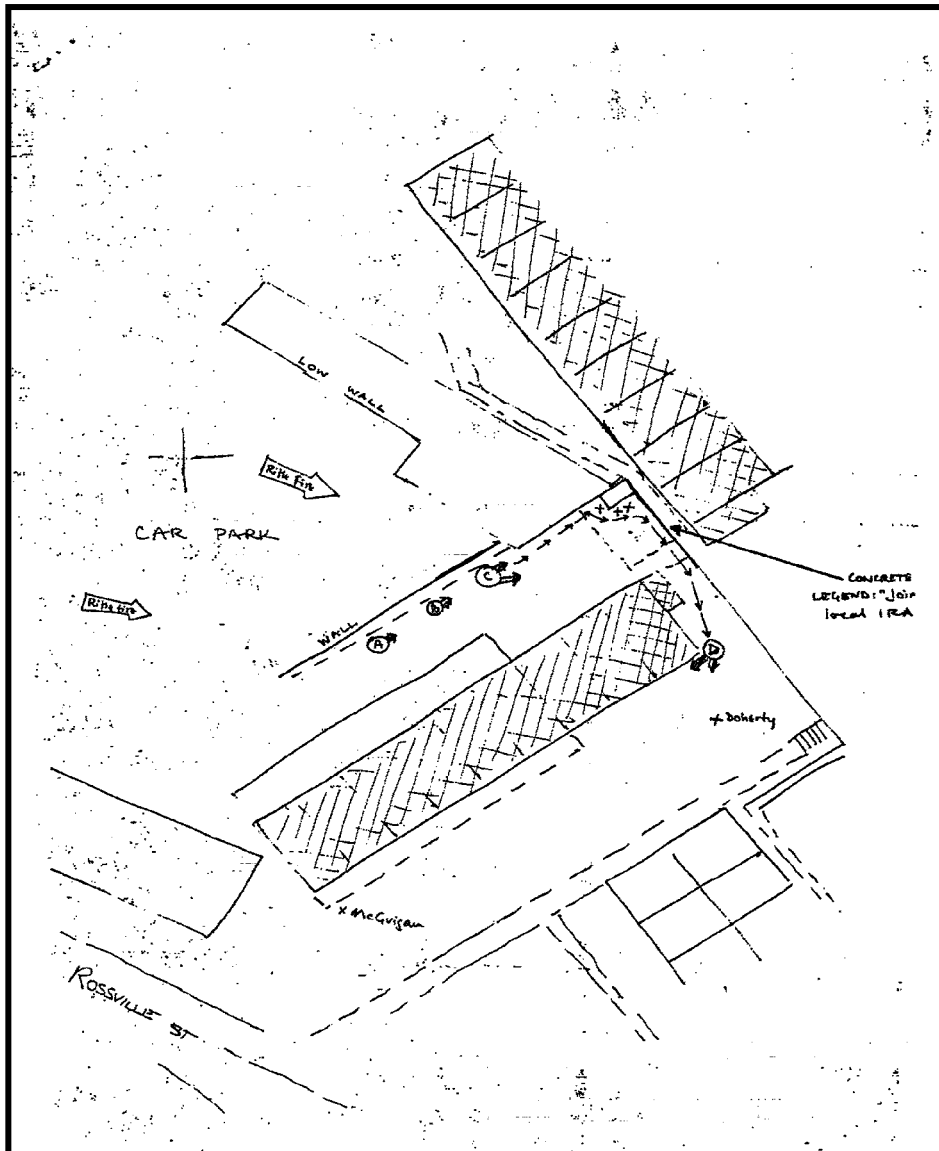
¹ [Paragraphs 117.2–14](#)

- 118.166** According to his account, after taking these photographs Gilles Peress moved south through the gap between Blocks 2 and 3 of the Rossville Flats, and "seconds"¹ after reaching the south-east corner of the gap between Blocks 2 and 3 took two photographs of Patrick Doherty.

¹ [Day 213/36-37](#)

118.167 We have already shown the drawing accompanying the written statement of Gilles Peress to the Widgery Inquiry, when considering the photographs he took in Sector 2, but it is convenient to show it again here, as it shows in graphic form both the place where Gilles Peress recalled he took two photographs of Patrick Doherty (the position marked “D”) and where he recalled Patrick Doherty was at the time.¹

¹ M65.1.3



118.168 The following are the first two photographs Gilles Peress took of Patrick Doherty in Sector 5.



118.169 These photographs show Patrick Doherty with Patrick Walsh close by him. Patrick Doherty is lying on his back, so these photographs must have been taken after Patrick Walsh had turned Patrick Doherty over.

118.170 In his written statement to the Widgery Inquiry,¹ Gilles Peress recorded that after he had taken these two photographs “*Then I took picture 12, in another direction along the building on my right. Then I took 13 and 14 of Mr Doherty. His hands are moving in No. 11 and I think he died as I took 13 and 14.*”

¹ [M65.2](#)

118.171 We set out below the three photographs Gilles Peress numbered 12, 13 and 14. The order in which he took these photographs is confirmed by his contact sheets.





- 118.172** The first of these three photographs shows a figure lying by a tree, to the west of where Patrick Doherty was lying. We do not know who this was. Gilles Peress may have taken the photograph thinking initially that this was or may have been another casualty, but we are sure that it was only someone uninjured and taking cover. Had this person been a casualty, we have no doubt that Gilles Peress would have taken further photographs and mentioned this person as a casualty in his evidence.
- 118.173** The last two of the photographs of Patrick Doherty show Patrick Walsh closer to him than he appears in the first two. Accordingly, and on the basis of Patrick Walsh's account to the *Sunday Times*, since in all four Patrick Doherty is on his back, it seems to us that they show Patrick Walsh coming out to Patrick Doherty for the second time.

Fulvio Grimaldi

- 118.174** Fulvio Grimaldi arrived at the south-eastern corner of Block 2 of the Rossville Flats shortly after Gilles Peress, having moved with a group of people who had been sheltering at the southern wall at the end of the eastern houses in Chamberlain Street, came through the gap between Blocks 2 and 3. From the south-eastern corner Fulvio Grimaldi took two photographs of Patrick Doherty.
- 118.175** A comparison between the photographs taken by Gilles Peress and those taken by Fulvio Grimaldi would seem to indicate that both sets were taken at about the same time. Unlike Gilles Peress, there are no contact sheets from Fulvio Grimaldi showing the order in

which the photographs were taken. However, comparing them with the order in which Gilles Peress took his photographs, it appears likely that Fulvio Grimaldi's photographs were taken in the following order.



Where and in what direction Patrick Doherty was lying when photographed

118.176 It is possible from an examination of the photographs shown above, together with two of the further photographs taken by Gilles Peress a little later, when people (including Patrick Walsh) were grouped round Patrick Doherty, to determine where and in what direction he was lying when he was photographed.

118.177 The two later photographs by Gilles Peress are shown below.





118.178 The stanchion shown on the extreme left on the first of the Grimaldi photographs abuts onto the Joseph Place alleyway, as can be seen from the description earlier in this report¹ of the layout of this part of the city. The same stanchion is partially visible in the first of the two later photographs taken by Gilles Peress. From this it appears that Patrick Doherty's

head is more or less in line with the Joseph Place alleyway. The second of the two later photographs taken by Gilles Peress shows that Patrick Doherty's head was in line with the last of the trees sited in a brick bed and the lamp post behind.

¹ [Paragraphs 116.23–24](#)

- 118.179** The photograph below was taken by Gilles Peress later still, after he had photographed Bernard McGuigan at the other end of Block 2 and after an Order of Malta Ambulance Corps volunteer had reached Patrick Doherty.



- 118.180** In this photograph the stanchion of the Joseph Place walkway closest to the alleyway can be seen in the background.

- 118.181** From these photographs it can be seen that Patrick Doherty's body lay with his feet pointing roughly towards the gap between Blocks 2 and 3 of the Rossville Flats; it further appears that the body had not been moved during the period in which all the photographs of Patrick Doherty on the ground were taken, and that he remained lying on the same paved square. On this basis it is possible to indicate on another photograph where Patrick Doherty lay in relation to the Joseph Place alleyway and Block 2 of the Rossville Flats.

Position of
Patrick Doherty
when
photographed by
Gilles Peress and
Fulvio Grimaldi



From where Patrick Doherty was shot

- 118.182** It is important to note that the analysis of the photographs shows the position of Patrick Doherty when he was photographed. By the stage the first of the photographs had been taken Patrick Walsh had turned Patrick Doherty on his back, had retreated to the Joseph Place alleyway and had come out again. Thus for this reason and because (as noted above) the medical evidence did not exclude the possibility that Patrick Doherty moved after he had been shot, the photographs do not necessarily show where Patrick Doherty was when he was shot or the orientation of his body at that time.

118.183 This led during this Inquiry to an extensive questioning of numerous civilian witnesses, in an attempt to determine these matters.

118.184 The representatives of the majority of represented soldiers submitted that an analysis of the evidence:¹

“... overwhelmingly suggests that when Mr. Doherty emerged from the gap between Blocks 2 and 3, he headed for the alleyway behind Joseph Place. He is most likely to have taken a direct route and would have been travelling due west. In other words, his buttocks would have been pointing east.

Apart from a few witnesses who suggested that Mr. Doherty began crawling towards the alleyway behind Joseph Place from a point nearer to Rossville Street, there is no evidence to suggest that Mr. Doherty’s buttocks were pointing towards Glenfada Park North at any stage.”

¹ [FS7.2349](#)

118.185 Those representing his family, on the other hand, submitted that Patrick Doherty, on emerging from the gap between Blocks 2 and 3 of the Rossville Flats, turned to his right and went some way along Block 2 in a westerly direction, before turning to crawl across to the Joseph Place alleyway. Thus he could have been shot in the buttock from Glenfada Park North.¹

¹ [FS6.9](#); [FS6.56](#); [FS6.68](#)

118.186 It will be borne in mind that the witnesses in question were being asked, decades after the event, to describe the movements of Patrick Doherty in the moments before he was shot, and the orientation of his body in relation to Block 2 of the Rossville Flats and the Joseph Place alleyway when the bullet hit him. In these circumstances we do not find it surprising that witnesses gave differing accounts of these matters. It also seems to us that it is necessary to use some caution before accepting as accurate their recollection of matters of such detail.

118.187 However, it seems to us that in the medical and scientific evidence relating to Patrick Doherty lies the key to determining this matter.

118.188 In their submissions the representatives of the majority of represented soldiers drew attention to Dr Di Maio's opinion that if Patrick Doherty was on his hands and knees at the time he was shot, then the source of the shot:¹

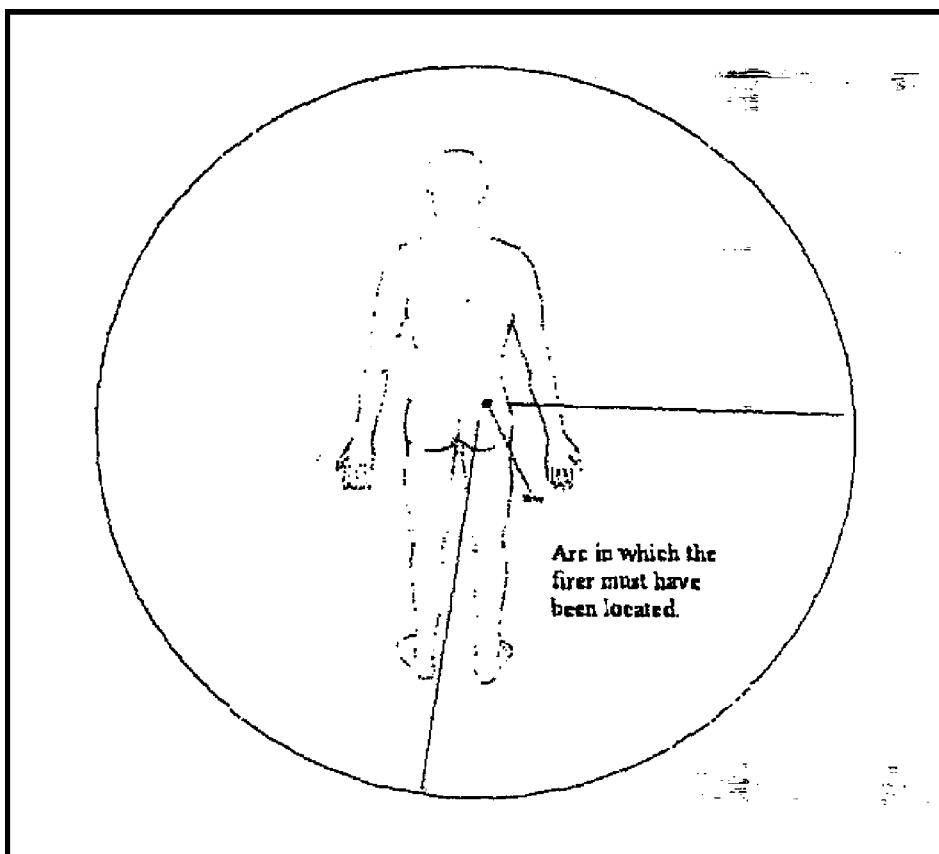
"(1) Had to be behind and to the right of Mr. Doherty in the 90° arc depicted in the diagram below; and,

(2) Was most probably at 45° to Mr. Doherty's spine."

¹ FS7.2347-8

118.189 The following is the diagram to which these representatives referred. This diagram was based on the diagrams attached to the first report of Dr Shepherd and Mr O'Callaghan, showing the entry and exit wounds of Patrick Doherty.¹

¹ E2.0081



118.190 Dr Shepherd agreed with this aspect of Dr Di Maio's opinion:¹

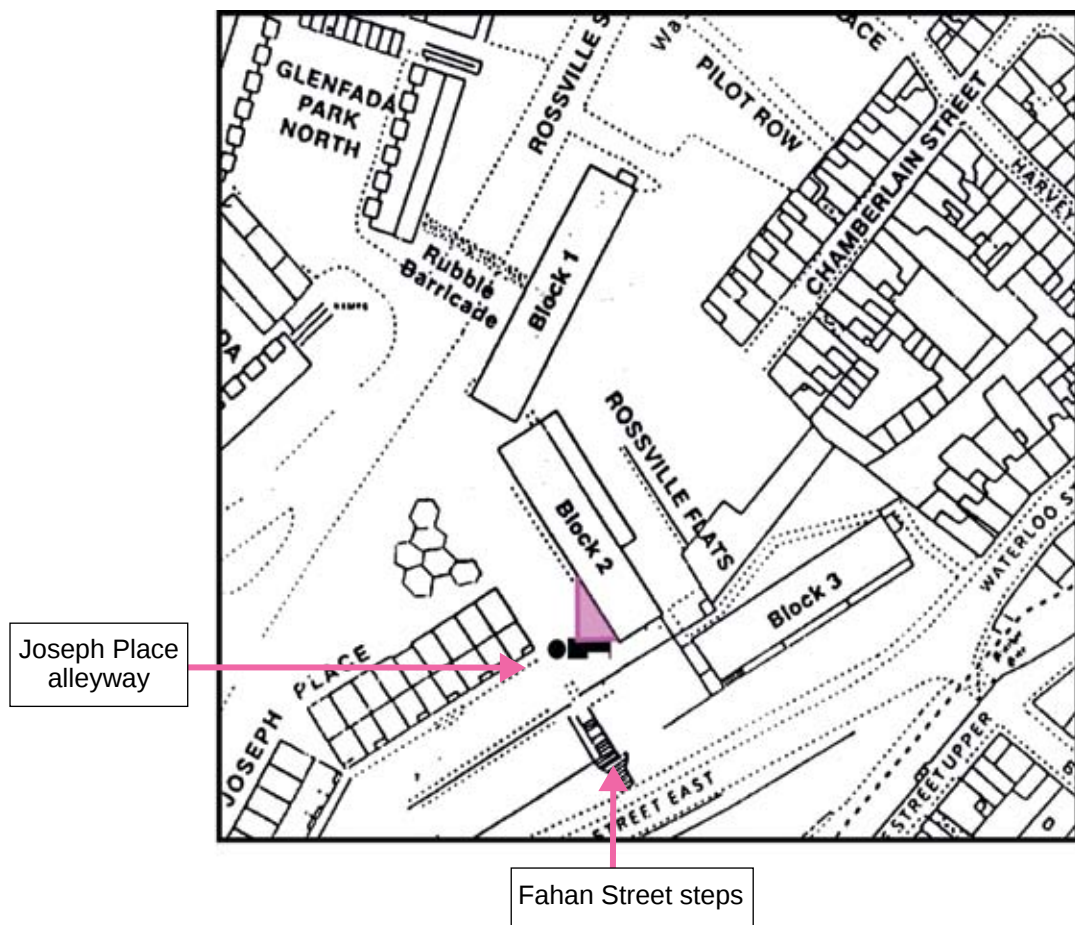
“There appears to be no significant difference between this opinion and the opinion we expressed in our report (E2.0057):

‘In our opinion the pattern of damage to the clothing and the pattern of the injury to the body are all consistent with Patrick DOHERTY being shot from behind while bending forward on all fours’

Dr DiMaio has defined more closely the words ‘from behind’ and I would happily accept this refinement of our opinion and agree the shooter was most probably behind and within the 90° arc from 3 o’clock to 6 o’clock.”

¹ [E29.11](#)

118.191 If, as the representatives of the majority of represented soldiers submitted, Patrick Doherty was moving from the gap between Blocks 2 and 3 of the Rossville Flats towards the Joseph Place alleyway when he was shot, with his buttocks facing due east, then the firer must have been somewhere along the south side of Block 2 of the Rossville Flats. This is on the basis that Patrick Doherty had gone some way across towards Joseph Place (which seems probable, in order to allow him to come into the view of those watching from Block 2), but even assuming Patrick Doherty had only started going towards Joseph Place, the firer must have been somewhere between the gap between Blocks 2 and 3 and along Block 2, as can be seen from the following drawing. To our minds the proposition that there was a firer in any such position is unsustainable: there is no evidence from any source that suggests that this could possibly have been the case. It is noteworthy that the representatives of the majority of represented soldiers, while submitting that Patrick Doherty could not have been shot from Glenfada Park North, do not make any suggestions as to where, on their analysis, the firer could or must have been.



118.192 Although Edward Dillon¹ and Muriel Barr² appeared to believe that Patrick Doherty had been shot from the City Walls, we have found no evidence that suggests to us that this was what happened or might have happened. As we discuss in more detail elsewhere in this report,³ many people believed that there was shooting from the Walls, but for the reasons that we give, we are satisfied that on Bloody Sunday there was no shooting from the Walls into the area of any of the sectors.

¹ AD45.2-3; Day 174/59-67

³ Chapter 167

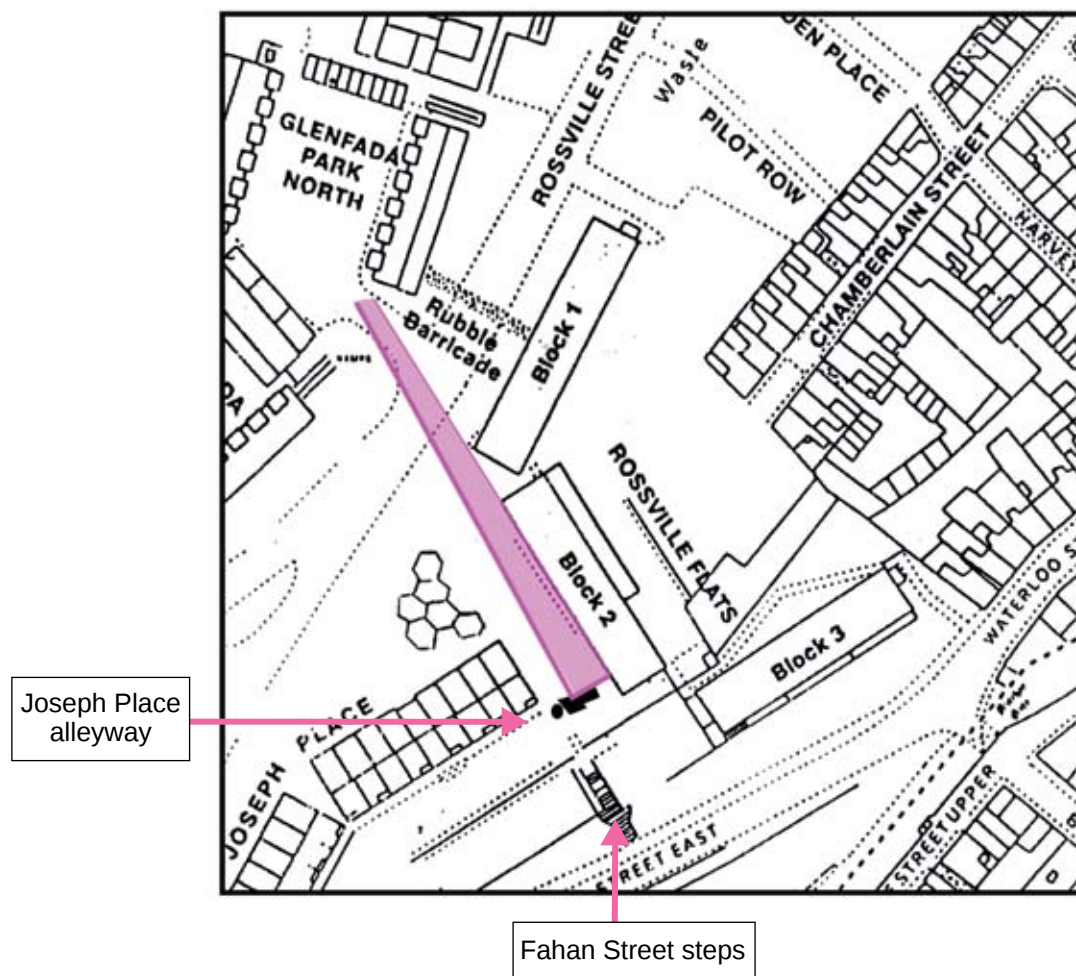
² AB18.12-3; Day 388/10-13; Day 388/16-20

118.193 We have no doubt that Patrick Doherty must have been shot from the only place from where it is known that there was firing into the area between Block 2 and Joseph Place, and the only place other than the City Walls where there were soldiers who were in a position to fire into this area, namely Glenfada Park North.

118.194 It is possible that Patrick Doherty was making his way in a more or less direct line from the passageway between Blocks 2 and 3 to the Joseph Place alleyway, as the representatives of the majority of represented soldiers submitted (though this was not the

view of many witnesses), but we consider that he must at some stage have turned towards the south, perhaps, as Jean Marie McGeehan suggested, to go to the aid of Daniel McGowan, who had been shot, in our view, somewhere near the Fahan Street steps. As will be seen from the drawing below, he would not have had to have turned far to his left for the arc of fire to extend beyond Block 2 to the entrance to Glenfada Park North.

- 118.195** The position in which he was photographed is explicable on the basis that he made a last attempt to reach the Joseph Place alleyway, or was moved when turned on his back by Patrick Walsh, or by a combination of both these things.



- 118.196** Before leaving the questions of where Patrick Doherty was shot, and from where he was shot, we should record that there is no doubt that Patrick Walsh exhibited great courage in going out to try to help him.
- 118.197** We consider below the question of the identity of the soldier who shot Patrick Doherty.

What Patrick Doherty was doing when he was shot

118.198 The evidence we have considered above shows in our view that Patrick Doherty was in a crawling posture when he was shot though we do not know whether or not he was moving at that moment. We have found nothing to suggest that he was doing anything that justified him being shot or which could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. We should note at this point that Dr John Martin, Principal Scientific Officer at the Department of Industrial and Forensic Science in Belfast, concluded that the absence of significant numbers of lead particles on Patrick Doherty's hand swabs and clothing indicated that he had not been using a firearm.

Where Patrick Doherty was taken

118.199 We have already shown above¹ three of the photographs taken by Gilles Peress of people (including Patrick Walsh) around Patrick Doherty after the firing in Sector 5 had finished. Gerry McBride identified himself as the man in the first of these photographs, saying the Act of Contrition in Patrick Doherty's ear.² Frank Duddy identified himself as the man with glasses leaning over Patrick Doherty in the second of these photographs.³ On the left of the third photograph can be seen an officer of the Order of Malta Ambulance Corps. He was Leo Day, who can be seen more clearly in a subsequent photograph taken by Gilles Peress, reproduced below.

¹ Paragraphs 118.177 and 118.179

³ AD144.7; Day 89/86

² AM46.11; Day 79/108-110



118.200 Fr Thomas O’Gara also attended Patrick Doherty, while he was still lying between Block 2 of the Rossville Flats and Joseph Place.¹

¹ [H19.6](#)

118.201 Patrick Doherty was carried from where he lay along the south side of Block 2 of the Rossville Flats, as shown in the following photograph.



118.202 He was put into an ambulance that had arrived in Rossville Street and stopped to the south of the rubble barricade at about 4.28pm, as shown in the following photographs.¹

¹ [ED33.7](#); [D500.26-27](#)





118.203 The same ambulance also took Michael Bradley and Patrick McDaid (Sector 2 casualties) as well as Alexander Nash and Hugh Gilmour (Sector 3 casualties). This ambulance arrived at Altnagelvin Hospital at about 4.45pm.¹

¹ [D500.27](#)

118.204 We return later, after considering the circumstances of the shooting of Bernard McGuigan, to the question of the number of shots fired in Sector 5, when considering which soldier or soldiers were responsible for the three casualties discussed above.

Bernard McGuigan

118.205 Bernard McGuigan was killed instantly by a rifle shot that hit the side of his head behind his left ear, when he was a few yards south of the south end of Block 1 of the Rossville Flats.

Biographical details

118.206 Bernard (known as Barney) McGuigan was 41 years old in 1972. Married with six children, he lived in Iniscarn Crescent in the Creggan. Bernard McGuigan was a painter and decorator by trade. His last employment had been as a maintenance foreman with Monarch Electrics until its factory was closed down. He had been unemployed for the two years before his death, but had undertaken painting and decorating work and become

more active in his local community. He was the treasurer of the Bligh's Lane Tenants Association. Interested in youth welfare, he was seeking to establish a community centre which would provide a focus for local children and so keep them out of trouble.¹

¹ [N45](#); [N46](#); [AM271.3](#); [AM271.1](#)

Prior movements

118.207 Bernard McGuigan took part in the civil rights march. In her written statement to this Inquiry, his widow, Bridget McGuigan, recalled that on Sunday 30th January, the family had attended Mass at the local church. Bernard McGuigan had then gone to the funeral of a family friend before returning home for Sunday lunch. He left the house at about 2.30pm to attend the march.¹

¹ [AM271.1](#)

118.208 In an interview with James (Jimmy) McGovern, Charles McGuigan, the oldest son of Bernard McGuigan, described Liam Lynch as his father's "*life time friend*".¹ Liam Lynch told this Inquiry that he had known, and been a close friend of, Bernard McGuigan since the age of 17. He described meeting Bernard McGuigan on the march at a time when it had reached Lone Moor Road. According to Liam Lynch, Bernard McGuigan had not attended a march before because he had a brother-in-law serving in the Royal Air Force and so "*did not want to get mixed up in such matters*".²

¹ [AM269.24](#)

² [AL26.1](#)

118.209 According to Liam Lynch, they were among the first half of the marchers and reached the junction of William Street and Chamberlain Street. From there, they could see, but did not participate in, the rioting which occurred at Barrier 14 and which is considered in detail elsewhere in this report.¹ Bernard McGuigan and Liam Lynch were still in the same location when the Army used the water cannon. On hearing someone shout out "*The troops are coming*", Liam Lynch ran down Chamberlain Street. It was at this point that he lost contact with Bernard McGuigan. Liam Lynch made his way into the Eden Place waste ground and hid behind the shops to the south of William Street.²

¹ [Chapter 15](#)

² [AL26.1-AL26.2](#); [AL26.4](#); [Day 145/2-4](#)

118.210 Liam Lynch told us that from that position he saw four or five Army vehicles arrive from the direction of William Street and stop in Eden Place. Feeling trapped he ran south towards Free Derry Corner, until he reached the rubble barricade across Rossville Street. While standing near the Rossville Street entrance to Glenfada Park North, Liam Lynch met Bernard McGuigan again. He also recalled seeing a man he later identified as Kevin

McElhinney, standing on the rubble barricade. Liam Lynch spoke to Bernard McGuigan for a few minutes. He recalled that at this stage *“things had gone quite quiet”*. He then saw a man he believed to be Michael McDaid being arrested by two soldiers. After that, Liam Lynch saw three or four soldiers positioned near Kells Walk and other soldiers in Eden Place. He heard the sound of live shots being fired and recalled then telling Bernard McGuigan, *“Let’s get out of here”*. Liam Lynch then took shelter behind a low wall in the area of the south gable end of the eastern Block of Glenfada Park North. He thought Bernard McGuigan had followed him but did not see the latter again.¹

¹ [AL26.2-AL26.4](#); [Day 145/5-6](#); [Day 145/11-12](#)

118.211 The account given by Liam Lynch and summarised above stands in contrast to the evidence given to this Inquiry by another witness. John Gabriel McGee recalled meeting Bernard McGuigan on the march as it reached Lone Moor Road and that they were together on the march for much of the time. However, neither Liam Lynch nor John Gabriel McGee made reference to each other in their respective statements to this Inquiry. Like Liam Lynch, John Gabriel McGee recalled moving down William Street towards Barrier 14 and stopping on the opposite side of William Street from its junction with Chamberlain Street. In his written statement to this Inquiry, John Gabriel McGee described seeing rioting at Barrier 14 and noticing a water cannon behind the barrier. His evidence was that he and Bernard McGuigan moved into Chamberlain Street before the water cannon was used.¹

¹ [AM224.1](#); [AM224.2](#); [AM224.6](#); [Day 156/101-103](#)

118.212 According to John Gabriel McGee, as Chamberlain Street was crowded with people, he suggested to Bernard McGuigan that they use High Street to leave the area. They then turned south into Waterloo Street walking towards Fahan Street East. They decided to access Block 3 of the Rossville Flats using a staircase at its northern end. Both men then walked along the first floor walkway of Block 3, crossed over into Block 2 and walked west inside Block 2 before finally emerging into the gap between Blocks 1 and 2 of the Rossville Flats. They stood together at the southern end wall of Block 1 for about five minutes before John Gabriel McGee decided to return north to the junction of William Street and Rossville Street (Aggro Corner). At this stage, according to the recollection of John Gabriel McGee, soldiers had yet to enter the Bogside.¹

¹ [AM224.2](#); [AM224.3](#); [AM224.6](#); [Day 156/102-103](#)

118.213 The evidence of John Gabriel McGee puts Bernard McGuigan as having reached the southern end of Block 1 at a much earlier stage than Liam Lynch recalled. Whichever is the more accurate recollection, there is no evidence to suggest that once he had reached that

area Bernard McGuigan did other than stay there up to the time when he was shot. We have in earlier parts of this report shown the photograph taken by Robert White of the group at the south end of Block 1, which he took after Hugh Gilmour had been shot, and shortly before soldiers had appeared in the south-eastern corner of Glenfada Park North. We show this photograph again, with an arrow pointing towards Bernard McGuigan.¹

¹ E4.008



Medical and scientific evidence

118.214 Dr Thomas Marshall, then the State Pathologist for Northern Ireland, conducted an autopsy of the body of Bernard McGuigan at Altnagelvin Hospital on 31st January 1972 at 8.45pm.¹ His opinion on the autopsy findings, recorded in an undated report, was in the following terms:²

“This man was healthy. There was no natural disease to accelerate death.

Death was due to a bullet wound of the head. The bullet had entered the left side of the head about three inches behind the left ear and had made its exit through the right orbit having produced extensive fractures of the skull and laceration of the lower parts of the brain. Death would have been immediate.

The character of the injuries indicates that the bullet was travelling with high velocity.

The report of the Forensic Science Laboratory shows that at the time of his death there was no alcohol in the body.”

¹ D0428-D0430

² D0431

- 118.215** The Inquiry's experts, Dr Shepherd and Mr O'Callaghan, in their report on the Pathology and Ballistic Evidence to which we have referred earlier, observed in relation to Bernard McGuigan:¹

"Assuming the Normal Anatomical Position the track is from behind and forward, from left to right. However, the greater mobility of the head means that these angles must be treated with greater care than normal as this mobility means that the head may not have been facing the same direction as the other parts of the body when he was shot. However, it is clear that Bernard McGUIGAN could not have been facing the rifle that fired the shot."

¹ [E2.0048](#)

- 118.216** The Normal Anatomical Position is a concept used by pathologists to describe wounds on the basis that the casualty was standing vertically with hands by the sides.¹

¹ [Day 229/103](#)

- 118.217** For the reasons that we give below, we are of the view that the bullet that struck Bernard McGuigan fragmented during its passage through the skull, leaving some 42 fragments within the cranial cavity.¹

¹ [E2.0046-47](#)

- 118.218** Dr Shepherd and Mr O'Callaghan had "*no doubt that these opacities are bullet fragments. Their radio-opacity is much greater than that of the bone and the bone fragments also present in the X-ray. The similarity to the dental fillings visible on the X-ray is striking.*"¹

¹ [E2.0047](#)

- 118.219** Although in his written evidence to this Inquiry Dr Marshall expressed the view that the fragments within the cranial cavity were most likely bone fragments,¹ in his oral evidence to this Inquiry he accepted that the white dots and specks shown on the X-rays could be metal fragments.² Dr Raymond McClean, who was one of a number of local doctors present at the post-mortems conducted at Altnagelvin Hospital, noted in a schedule to a report that he prepared in 1972 for Cardinal Conway, that the X-rays showed "*several fragmented pieces of metal (about forty in number) throughout the interior of the skull space*".³

¹ [D0545](#)

³ [AM105.104](#)

² [Day 207/90-95](#)

- 118.220** We accept the opinion of Dr Shepherd and Mr O'Callaghan that there were bullet fragments within the cranial cavity.

118.221 Dr Shepherd and Mr O'Callaghan concluded that the injury to Bernard McGuigan could not have been caused by a bullet that had remained intact and stable. Their further conclusion, having considered various possibilities as to the nature of the bullet, was: "*we will never be certain as to the nature of the bullet that struck and killed Mr. McGuigan*".¹

¹ E19.3; Day 229/50-57; Day 230/36-40; Day 230/56-58; Day 230/90-92

118.222 These experts offered four possibilities:¹

"1. The wound was caused by an L2A2 bullet which had been weakened by an impact with an intermediate target prior to striking the left side of Bernard McGuigan's head. However, the entry wound is typical of a 'clean' entry over the skull, there are no surrounding or adjacent injuries that that [sic] would indicate that the bullet was unstable or fragmenting prior to contact with Bernard McGUIGAN.

2. A stable but sub-standard L2A2 bullet which fragmented caused the wound.

3. A stable L2A2 bullet which had been deliberately weakened to enhance the potential for fragmentation caused the wound.

4. Some other type or calibre of ammunition caused the wound.

The failure to identify and recover the metal fragments from the head has precluded any realistic chance of determining the type of bullet used."

¹ E2.0047

118.223 The British Army self-loading rifle (SLR) was given the military designation L1A1.¹ The standard 7.62mm ammunition in use at the time of Bloody Sunday was given the military designation L2A2. The weapon carried by most 1 PARA soldiers on Bloody Sunday was the L1A1 rifle using the L2A2 round, in other words a 7.62mm SLR firing a high velocity bullet.²

¹ E13.024; F24.3

² E13.024

118.224 Dr Marshall considered that Bernard McGuigan had been hit by a high velocity bullet.¹ Those acting on behalf of Bernard McGuigan's family submit that he was killed by an L2A2 round.² The representatives of the majority of represented soldiers agree.³ There is no evidence to suggest that Bernard McGuigan was or might have been shot by anyone other than a soldier. In these circumstances, though the expert evidence does not establish the nature of the round, we are sure that it was an L2A2 bullet fired by an SLR that hit Bernard McGuigan, without first hitting some intermediate object.

¹ D0431; Day 207/125-128

³ FR7.852

² FS2.113

- 118.225 Dr Shepherd and Mr O'Callaghan answered the following questions (put to them in writing during the course of the Inquiry by the representatives of the majority of the represented soldiers) in the following way:¹

"1. If the bullet had been deliberately weakened to enhance the potential for fragmentation on impact, would its flight have not been destabilized such that the resulting entry wound would not have been the 'clean' wound described?

No. For instance filing away the 'point' of an L2A2 bullet to expose its lead core would increase the potential for fragmentation but would not *destabilize* the bullet so as to result in other than a 'clean' entry wound.

2. Would Dr Shepherd and Mr O'Callaghan accept that: The skull X-rays show that Bernard McGuigan had a relatively thick and dense cranial vault with almost no unossified diploic space in the region of the entry wound which lay close to the skull base where the cranial vault is buttressed by the petromastoid complex [report of Dr Nelson, 22nd November 2001]

We accept the description of the skull by Dr Nelson and that the entry wound is 'close to' but not actually in the skull base.

3. Would Dr Shepherd and Mr O'Callaghan accept that it is possible that the round could have fragmented on impact with the skull without any deliberate tampering?

Yes, depending on the type of bullet that struck Mr. McGuigan. We do not however, believe that this would be the case with an L2A2 bullet that was structurally sound and stable at the point of impact."

¹ [E19.1](#)

- 118.226 In the light of these views and our conclusion that Bernard McGuigan was killed by an L2A2 bullet, there are two possibilities, namely that the bullet was stable but substandard, or that it had been deliberately modified so as to increase the chances of fragmentation on impact. In our view the former of these possibilities is the more likely. Elsewhere in this report¹ we consider whether soldiers used such modified rounds on Bloody Sunday and for the reasons we give there conclude that this was not the case. We also bear in mind that the L2A2 bullet fired from an SLR was of a size and velocity to do immense damage to the human body without being tampered with in any way.²

¹ [Chapter 166](#)

² [B1377.009](#); [B1752.014](#)

Where Bernard McGuigan was shot

118.227 Dr Shepherd expressed the view that it was very likely “*that Bernard McGuigan fell where he received his injury or within a few paces of that site*”.¹ Since he was killed instantaneously by a shot to his head, we are sure that this was the case.

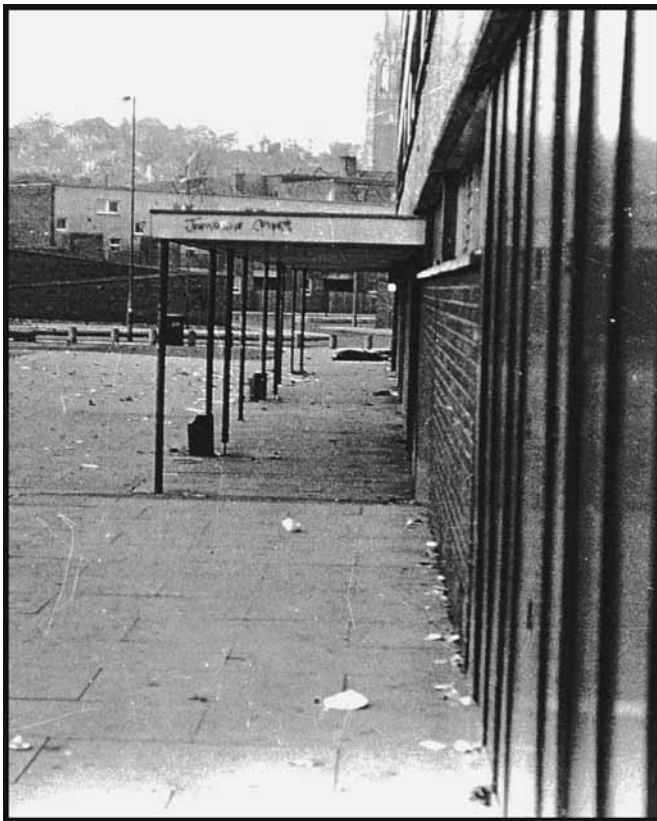
¹ E18.1.3

118.228 There is no doubt that Bernard McGuigan was shot as he moved away from the south gable end of Block 1 of the Rossville Flats. It is possible, since he must have fallen at or very close to where he was shot, to work out from the photographs taken of his body where it lay, and thus to establish to a reasonably accurate degree where he was when he was fatally injured.

118.229 The photograph below was taken by Gilles Peress and shows that Bernard McGuigan fell on the paving south of the southern end of Block 1 of the Rossville Flats. The upper half of his body was angled slightly to the south-east. The unpaved section of the pedestrianised area can be seen in the upper half of the picture.



- 118.230** The following two photographs taken of Bernard McGuigan's body show that he fell in line with the western edge of the canopy over the shops at the front of Block 2 of the Rossville Flats. The first photograph was taken by Fulvio Grimaldi at a time when he was positioned at the gap between Blocks 2 and 3 and looking westwards towards the entrance from Rossville Street into Glenfada Park North. The second photograph was taken by Stanley Matchett looking eastwards. The most northerly block of Joseph Place can be seen in the background. This latter photograph was taken at a time after the shooting in Sector 5; the body of Bernard McGuigan had been covered with a blanket and his shoes removed.

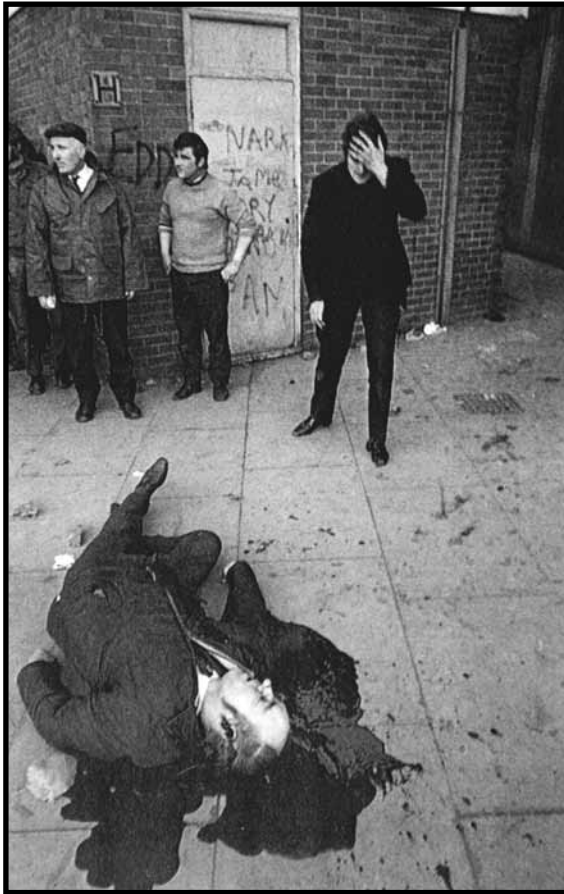




Body of
Bernard
McGuigan

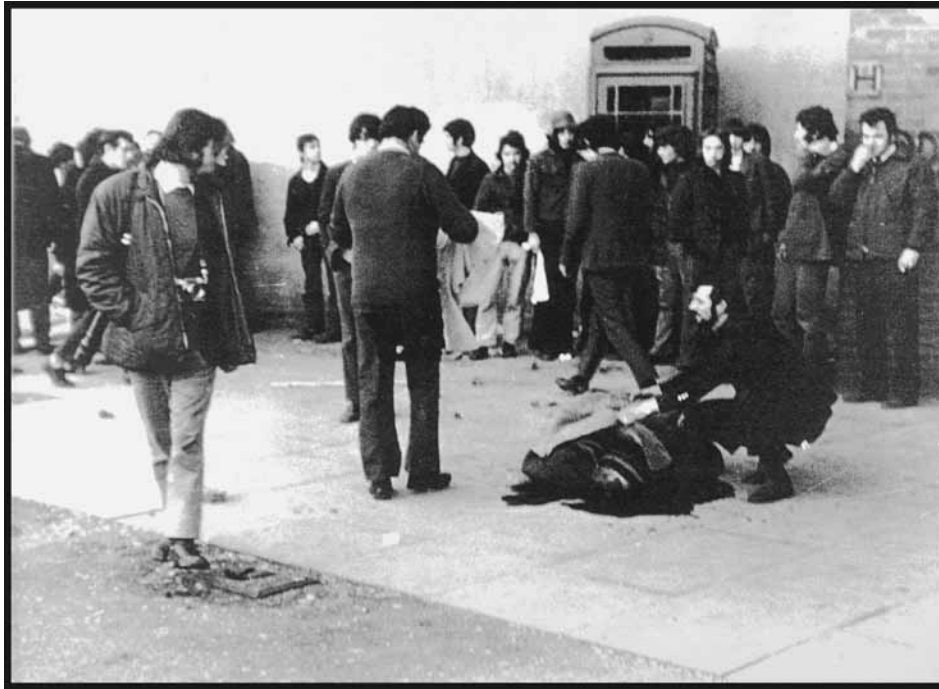
118.231 The four photographs that follow show that, when he was shot, Bernard McGuigan fell to the east of the south-eastern edge of the telephone box and to the west of the western edge of the brick service building. The first of these photographs was also taken by Gilles Peress. As in the photograph shown at paragraph 118.229 above, the right leg of Bernard McGuigan is at an angle indicating that he had not been moved. The person with his hand to his head is Fr Thomas O'Gara.¹

¹ [Day 153/7](#); [H19.6](#)



118.232 By the time Fulvio Grimaldi took the photograph reproduced below, Bernard McGuigan's face had been covered with a scarf and Patrick Clarke was using his own sheepskin coat to cover him.¹ The western edge of the brick service building and the telephone box are both visible in the background of this picture.

¹ [AC64.7](#); [AC64.15](#); [Day 74/116](#)



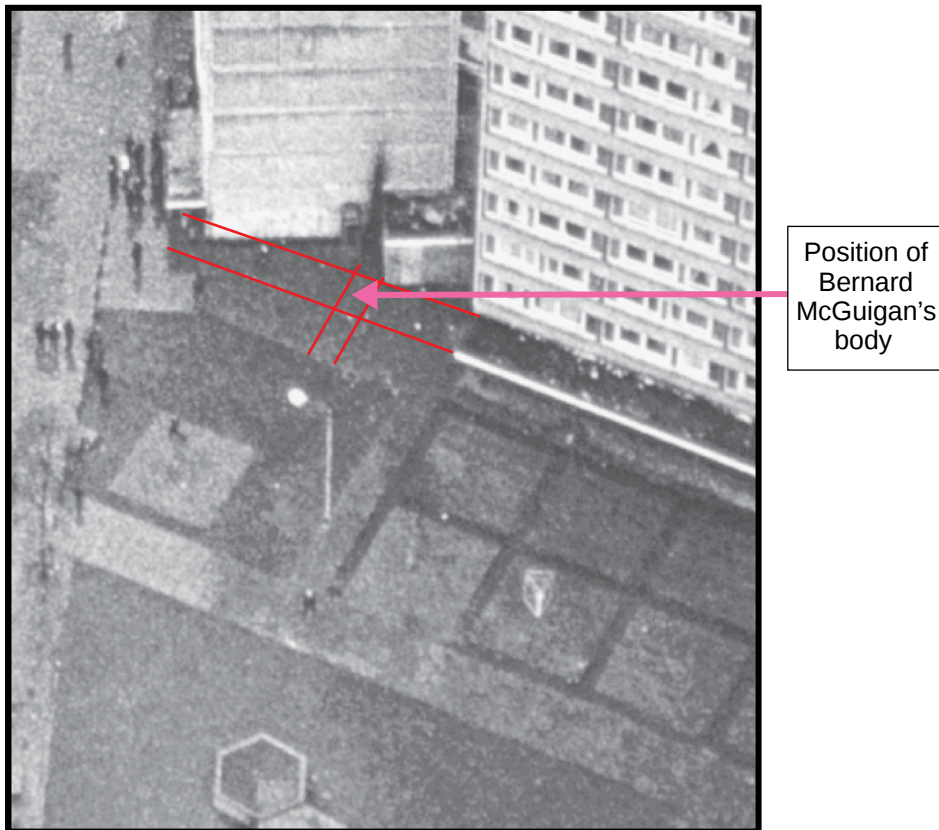
118.233 The man with a camera around his neck seen on the left-hand side of the photograph above is Eamon Melaugh. He then took the photograph reproduced below. Patrick Clarke can still be seen, kneeling on the right of Bernard McGuigan, who had, by now, been covered with the sheepskin coat. This photograph more clearly shows the position of Bernard McGuigan's legs relative to the western edge of the brick service building. It will be noted that, by this time, Bernard McGuigan's right leg had been straightened, presumably as a prelude to removing his shoes, which can still be seen. Apart from that, the position of Bernard McGuigan's body had not changed from that seen in the earlier photographs taken by Gilles Peress.



- 118.234** The final image to be considered here is taken from a contact print provided by Stanley Matchett. By the time this photograph was taken, the sheepskin jacket put over Bernard McGuigan had been removed and replaced with a blanket. Despite its poor quality, the image is useful in showing the position of Bernard McGuigan's body relative to the east side of the telephone box visible in the background; and the gap between Blocks 1 and 2 of the Rossville Flats.



118.235 On the basis of the foregoing material, we consider that the approximate position where Bernard McGuigan fell was in the area between the grid lines marked on the image below. This shows that Bernard McGuigan fell south of the southern end of Block 1 of the Rossville Flats and to the west of the gap between Blocks 1 and 2.



118.236 There was a suggestion that Bernard McGuigan might have been hit by a round fired through the gap between Blocks 1 and 2 of the Rossville Flats.¹ In our view the position where he fell in relation to the buildings and the fact that the bullet had not struck anything else before hitting Bernard McGuigan makes it very unlikely indeed that this could have been the case. We should note at this point that there was some evidence of bullet damage to a galvanised steel casing on the western end of Block 2 of the Rossville Flats, about 5 feet above ground level. It was suggested that the bullet had been fired from the Embassy Ballroom Observation Post (OP). In our view, for the reasons given elsewhere in this report,² there was no firing from that OP on Bloody Sunday. The shot damage and evidence of shots hitting the Threepenny Bits were in our view likely to be the result of firing in Sector 2.³

¹ Day 428/69; Day 39/8-9

² Paragraphs 151.48–56

³ AG51.3-4; AM461.1; Day 119/99; Day 119/106-107; Day 52/92-93; AD160.13; Day 80/143; AM39.3; Day 143/48; Day 143/107; Day 301/99

When Bernard McGuigan was shot

118.237 As we have already observed, it seems that the journalist and photographer Fulvio Grimaldi moved through the gap between Blocks 2 and 3 of the Rossville Flats into Sector 5 shortly after Gilles Peress had done so; and took two photographs of Patrick Doherty with Patrick Walsh at about the same time as the photographs of the same scene taken by Gilles Peress.

118.238 In his written statement for the Widgery Inquiry, Fulvio Grimaldi recorded going through the gap, which he described as “*the passageway towards Joseph Place*”:¹

“The other side of the building I saw a body I now know to be Doherty’s. Further down, in front of the telephone box, I saw out of the corner of my eye a man spin round and fall. I now know this was Barney McGuigan. I then took photographs. Doherty was dying. I saw no blood. I photographed McGuigan. I then saw a body (Hugh Gilmore) at the corner (photo).”

¹ [M34.2](#)

118.239 In his oral evidence to the Widgery Inquiry, Fulvio Grimaldi said that:¹

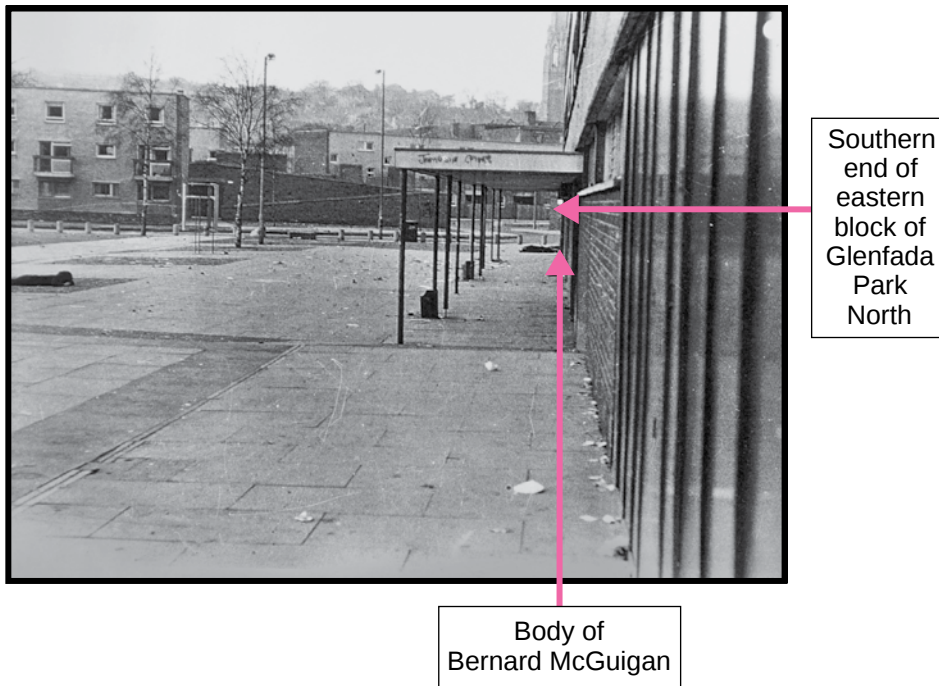
“I photographed Doherty as he was dying and I photographed McGuigan as I had seen him dying. At the moment I photographed McGuigan the first time there was no Saracen down in Rossville Street, there was no military presence to be seen. Later I photographed him again and then there were Saracens there. I went further down along the front of the shops and I photographed a young man called, I believe, Gilmour, who was dead. As I stood in this place for a couple of minutes a girl was going hysterical. I photographed her.”

¹ [WT7.59](#)

118.240 Later he said that the first thing that he saw when he got through the passageway “*was Doherty dying and then McGuigan standing and falling*”.¹

¹ [WT7.61](#)

118.241 In the course of considering the shooting of Patrick Doherty we showed above the photographs that Fulvio Grimaldi took of Patrick Doherty with Patrick Walsh. When considering where Bernard McGuigan fell, we have also shown the photograph that Fulvio Grimaldi took of Bernard McGuigan from what would appear to be the same or about the same position. It is helpful to show that last photograph again.



118.242 As we observed earlier, Bernard McGuigan is the figure lying on the ground beyond the far end of the canopy over the shops on the south side of Block 2 of the Rossville Flats. Further beyond Bernard McGuigan's body can be seen the entrance to Glenfada Park North and part of the south gable wall of its eastern block. The photograph shows no soldiers or civilians in that area.

118.243 It is not possible from his 1972 evidence or an analysis of the photographs¹ to tell with any certainty whether Fulvio Grimaldi took this photograph before, or after, or between the photographs he had taken of Patrick Doherty, though it could perhaps be inferred from his evidence quoted above that he had taken this photograph after taking those of Patrick Doherty.

¹ We do not have Fulvio Grimaldi's contact sheets.

118.244 Peter Pringle of the *Sunday Times* Insight Team interviewed Fulvio Grimaldi shortly after Bloody Sunday. He recorded him as saying: "*A crowd of us waving handkerchiefs then ran up the steps between the flats and out onto the Joseph Place side. I saw another six or seven bodies lying on the ground there, but it appeared that only three were dead.*" Peter Pringle added a note: "*Now known to be Doherty, McGuigan and Gilmour*".¹ There is nothing in what Peter Pringle recorded to suggest that Fulvio Grimaldi had actually seen Bernard McGuigan shot.

¹ M34.25

- 118.245** In his book *Blood in the Street*, co-written with Susan North and published in March 1972, Fulvio Grimaldi gave this account:

"It is silence again. Only bang-kchhhh, bang-kchhhh, somewhere, not too near. When I register the necessity to go, to see what has happened to that body, there aren't three bodies yet. Only one, near us. But before I can move, a man (1) emerges from the rows along the flats, tentatively, towards the same object. His head sticks out, eagerly, to find life, please, life, in the huddle of untidy clothes, in the widening puddle of blood. His hand waves, pleading for truce. Then his head swings to the side, like under a forceful fist blow. Swings back, but slacker, and the movement is picked up by the whole figure. A spin, arms flying wide out, a stop for balance, crumbling and gliding out, on the back. Parallel to the first body."

- 118.246** In the footnote to this passage Fulvio Grimaldi named Bernard McGuigan.

- 118.247** In his written evidence to this Inquiry, Fulvio Grimaldi told us that on reaching the south side of the gap between Blocks 2 and 3 he saw Patrick Doherty lying on his back on the ground. He then took two photographs of Patrick Walsh moving towards Patrick Doherty. It was after taking these photographs that he saw Bernard McGuigan. He gave this account:¹

"I then saw a man, to my right, moving towards the body. He moved out diagonally from the area of the shops at the bottom of Block 2 of the Rossville Flats. I think he took three to four steps diagonally towards Doherty. He was walking carefully and after a couple of steps I saw he was hesitant. His head jerked back, his face whipped round to the left, his body spun around and he collapsed. He was looking towards the body of Patrick Doherty when he was shot. The man fell in the position parallel to Patrick Doherty, also on his back. His right eye had been shot out and there was a hole where his eye should have been. I have since found out that the man's name was Barney McGuigan. I was not aware of hearing the actual shot that hit him. There was shooting generally going on in this area at the time."

¹ [M34.63](#)

- 118.248** In his oral evidence to this Inquiry, having been shown all three of his photographs and taken to the part of his written statement in which he described the shooting of Bernard McGuigan, Fulvio Grimaldi was asked to look again at his photograph showing Bernard McGuigan lying at the far end beyond the canopy over the shops. He then gave the following answers:¹

“Q. If we go back to EP26.18: is this a photograph taken after Barney McGuigan fell?

A. No, I would say not because I do not see Barney McGuigan here.

Q. There is what looks like a body lying on the ground where I have pointed the yellow arrow; do you think that is him?

A. I would not know, it could be Hugh Gilmore.

Q. It is not for me to give evidence, but I do not think so because Hugh Gilmore was at the corner of block 1, which is I think hidden from the line of sight as taken by this photograph?

A. In that case it probably is Barney McGuigan.

Q. Are you conscious of having taken a photograph of Barney McGuigan from this spot?

A. Yes, because it was more or less at the same – very few seconds after I noticed, coming round, Patrick Doherty on the ground, the man crawling towards him, pumping air into him and then I noticed this movement and the collapse and the fall of this man, Barney McGuigan.”

¹ Day 131/57-60

- 118.249** Fulvio Grimaldi agreed that he was not quite sure of the sequence as to when exactly Patrick Walsh got towards Patrick Doherty, whether it was before or after Bernard McGuigan was shot.¹ He was also unable to help on the order in which he took the photographs of Patrick Doherty and Bernard McGuigan,² though a little later in his evidence he recognised the possibility that, having seen Bernard McGuigan shot, he then photographed Patrick Doherty. This took “*two or three minutes*” after which he then took the photograph of Bernard McGuigan lying at the other end of the canopy of Block 2.³

¹ Day 131/62

³ Day 131/185-186

² Day 131/133-134

118.250 We consider that Fulvio Grimaldi did not actually see Bernard McGuigan shot.

118.251 We have no evidence from anyone else who was at the eastern end of Block 2 of the Rossville Flats, ie in the same area as Fulvio Grimaldi, or at the entrance to the Joseph Place alleyway, who recalled seeing Bernard McGuigan shot. Susan North was with Fulvio Grimaldi and told us that she was standing behind and to his right when he took the first of his photographs of Patrick Walsh and Patrick Doherty, but did not describe seeing Bernard McGuigan shot.¹ This of course does not demonstrate that Fulvio Grimaldi did not see Bernard McGuigan shot, but it does mean that there is no evidence from those in the same area to support his account.

¹ [M35.7](#)

118.252 We have already referred to the evidence given by Joe Nicholas concerning the shooting of Patrick Doherty. He said nothing in his NICRA statement¹ about seeing Bernard McGuigan, but this was probably because he did not see this casualty before he was shot. Earlier we set out some of the note of the interview conducted by Philip Jacobson of the *Sunday Times* Insight Team with Joe Nicholas. According to that note, Joe Nicholas told him that, after seeing Patrick Doherty hit and stop moving:²

“nicholas chanced a glance out shortly after walsh was hit; looking down to his right he saw the awful sight of mcguigan lying in a huge pool of blood. beyond him and in the centre of glenfadda nicholas saw two paras. one was kneeling, the other sort of squatting, both with rifles at their shoulders. both were aiming directly up the gap, making doherty right in their line of possible fire.”

¹ [AN17.1](#)

² [AN17.20](#)

118.253 It is clear from the context that the reference to Walsh must be an error for Doherty.

118.254 On the basis of this account, it would appear that it was soon after Joe Nicholas had seen Patrick Doherty being hit that he saw Bernard McGuigan lying on the ground. There is the further point that Joe Nicholas, in his account to the *Sunday Times*, said that he had seen two soldiers “*in the centre of glenfadda*” beyond the body of Bernard McGuigan. Fulvio Grimaldi did not suggest in any of his accounts that he had seen any soldiers in Glenfada Park North when he first saw Bernard McGuigan and indicated to us that he had not done so. His photograph of the body of Bernard McGuigan shows no soldiers.¹

¹ [Day 131/61](#)

- 118.255** Columba McLaughlin took shelter in a flat in the northernmost house of the eastern block of Glenfada Park South.¹ He made a NICRA statement dated 2nd February 1972, in which he gave the following account:²

"I moved in the direction of the first house in Glenfada Park, collected my wife on the way and went into the house of Mrs. Mackey, a friend of my wife and myself. My wife and I entered the front room which faces the multi-story flats' entrance. On looking out the window I saw a number of people, of some seven to ten, sheltering in the corner beside the telephone kiosk. There was a body lying on the ground with two people trying to attend to him. Two people were sheltering behind a tree and a lamppost. I ducked down beneath the window-sill, realising that the shooting was coming from the William St. end of Rossville Street. A few seconds later there was a lull in the shooting – I looked out of the window and saw three bodies. Two were in the vicinity of the telephone kiosk. One of these, the nearer of the two, was a young person hit in the region of the chest. The second person was an elderly man with receding hair lying on his back with his head facing towards Derry Walls. The third person was lying on his stomach opposite Harley's Fish and Chip Shop in the centre of an open space. ... None of these three people moved and I could see a would-be rescuer crawling towards the third body. When he reached the body, the person lying moved his head as if in response to some question. The rescuer then tried to drag the body away. During this period sporadic shooting was continuing. To me this was quite clearly high velocity gun fire. The injured man jerked and the rescuer retreated. I moved under cover again beneath the window-sill. I waited there till the shooting died down. When I next looked up, about 30 seconds later, people were starting to move towards the bodies, waving white handkerchiefs and holding their hands in the air."

¹ [AM324.4](#); [AM324.11](#)

² [AM324.1](#)

- 118.256** On this account, it would appear that Columba McLaughlin saw Bernard McGuigan lying on the ground at the same time as he saw Hugh Gilmour and Patrick Doherty; with Patrick Walsh going to Patrick Doherty while sporadic high velocity fire was continuing. However, Columba McLaughlin seems to have thought that Patrick Doherty was hit while Patrick Walsh was with him. This in our view did not happen. It is in conflict with Patrick

Walsh's 1972 accounts and the evidence of, among others, Derrik Tucker Junior,¹ Derrik Tucker Senior,² Patricia Tucker,³ Charles McLaughlin,⁴ Peter McLaughlin,⁵ William Harley⁶ and Patrick McCrudden.⁷

¹ AT15.20; AT15.10; Day 99/18-19

⁵ AM352.10; AM352.4; Day 174/22-24

² AT16.1-2

⁶ AH36.12-13; X4.12.55-58; AH36.4; Day 77/21-22

³ AJ2.2; AJ2.4-5

⁷ AM153.18-19

⁴ AM322.4; Day 90/115-116; Day 90/127

118.257 Again, according to Columba McLaughlin's account, Patrick Doherty was on his stomach when Columba McLaughlin saw Patrick Walsh approaching him. If this is correct, it would indicate that what Columba McLaughlin witnessed was Patrick Walsh going out to Patrick Doherty the first time, before he had turned Patrick Doherty on his back; and that Bernard McGuigan had been shot by then. On this basis, the "*sporadic shooting*" that Columba McLaughlin stated he then heard would seem to correspond with the gunfire that caused Patrick Walsh to retreat.

118.258 Columba McLaughlin made a written statement to this Inquiry,¹ but did not give oral evidence. In this statement he told us that he had seen Bernard McGuigan shot, but in view of his NICRA statement this was in our view a false memory. Had he actually witnessed this event, he would in our view have recorded this in his NICRA statement. We should note at this point that James Mackey was sheltering in the same flat, but his NICRA statements make no mention of seeing anyone shot, and we take the same view of his evidence to us that he saw Bernard McGuigan shot.²

¹ AM324.3

² AM11.1-2; AM11.4

118.259 As we have already observed in our consideration of the shooting of Patrick Doherty, Philip Jacobson of the *Sunday Times* Insight Team noted Patrick Walsh as saying that he had gone out and turned Patrick Doherty onto his back and then had gone back to the alleyway when more shooting broke out.¹ He then waited until the shooting had stopped, before crawling out again. He did not suggest that there was shooting while he went out the second time, or while he was at the body on this second occasion. The photographs taken by Gilles Peress and Fulvio Grimaldi are of the second time Patrick Walsh came out, as can be seen from the fact that Patrick Doherty is on his back. In our view Gilles Peress preceded Fulvio Grimaldi into Sector 5; the former took his photographs very soon after arriving at the south-east corner of the gap between Blocks 2 and 3 of the Rossville Flats; and Fulvio Grimaldi seems to have taken his photographs at about the same time. On the basis that Patrick Walsh would have told Philip Jacobson of the *Sunday Times*

had there been shooting when he came out the second time, it would again seem more likely that Bernard McGuigan was shot at an earlier stage, in other words before Gilles Peress or Fulvio Grimaldi had got to Sector 5.

¹ [AW5.36](#)

118.260 It is the case that Gilles Peress described to us hearing shots he thought were from Rossville Street (rather than from the Rossville Flats car park) when he was photographing Patrick Walsh and Patrick Doherty, and though he emphasised that it was difficult to tell in what direction the rounds were going, he got the impression they were coming in his general direction.¹ There is nothing in his 1972 accounts to that effect. He merely recorded that shooting was going on as he went through the gap between Blocks 2 and 3 and that the shooting had stopped “*one minute or two*” before he went west along Block 2 and photographed Bernard McGuigan, as will be seen hereafter.²

¹ [M65.21](#); [Day 213/30-40](#)

² [M65.2](#); [WT6.67](#)

Assessment of the evidence about when Bernard McGuigan was shot

118.261 In our view the evidence discussed above shows that Bernard McGuigan was shot at about the same time as Patrick Doherty; and not at the stage when Fulvio Grimaldi arrived on the scene. We have come to the conclusion, therefore, that Fulvio Grimaldi did not see Bernard McGuigan shot, and though he may, from talking to those who had witnessed this event, have come to believe that he had himself witnessed this incident, it is also possible that he pretended that he had in order to add dramatic detail to his account. As to Gilles Peress’s recollection of firing when he was photographing Patrick Doherty, it seems to us that this was probably a false memory.

What Bernard McGuigan was doing when he was shot

118.262 There is no doubt that Bernard McGuigan was shot as he moved out from the group of people who were sheltering behind the south gable wall of Block 1 of the Rossville Flats. It is also certain (and no-one has suggested otherwise) that he was doing nothing that could have justified him being shot, or which could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury.

118.263 A large number of witnesses described Bernard McGuigan waving or holding a handkerchief as he moved out (Hugh Barbour,¹ Eugene Bradley,² Sean Canney,³ Frank Carlin,⁴ Ivan Cooper,⁵ Gerard Deane,⁶ Thomas Doherty aka Daly,⁷ Malachy Duddy,⁸ Mickey English,⁹ James Flood,¹⁰ Anthony Harkin,¹¹ John Hutton,¹² Mike Lyons,¹³ Thomas McAdams,¹⁴ Geraldine McBride,¹⁵ Thomas McDaid,¹⁶ Michael McCloskey,¹⁷ Barney McFadden,¹⁸ James McGee,¹⁹ Patrick McGlinchey,²⁰ Frankie Mellon,²¹ Evelyn Morrison,²² Angela Quinn,²³ James Rowe²⁴ and Carol Anne Turner²⁵).

¹ [AB10.5](#); [AB10.12](#)

² [AB113.3](#); [Day 169/175](#)

³ [AC24.7](#)

⁴ [AC33.2-3](#); [AC33.7-8](#)

⁵ [KC12.23](#)

⁶ [AD17.3](#)

⁷ [AD183.1-2](#)

⁸ [AD151.3](#)

⁹ [AE5.7](#); [AE5.1](#)

¹⁰ [AF23.5](#)

¹¹ [AH11.5](#)

¹² [AH105.4](#); [AH105.9](#)

¹³ [AM476.27](#); [AM476.6](#)

¹⁴ [AM36.5](#)

¹⁵ [AM45.23](#); [AM45.28](#); [AM45.31](#); [AM45.43](#); [AM45.5](#); [AM45.60](#)

¹⁶ [Day 185/63](#); [AM176.1](#)

¹⁷ [AM118.1](#); [AM118.3](#)

¹⁸ [AM210.2](#)

¹⁹ [AM222.2](#)

²⁰ [AM247.7](#)

²¹ [AM399.11](#); [AM399.16](#); [AM399.18-19](#); [O10.6](#)

²² [AM476.36](#)

²³ [AM476.43](#)

²⁴ [AR29.3](#); [Day 91/153](#); [Day 91/168](#)

²⁵ [AM476.50](#)

118.264 Bridget McGuigan, Bernard McGuigan's widow, told the Widgery Inquiry that he had with him a piece of orange towelling she had soaked in vinegar and given to him before he left to join the march in case he was caught by CS gas.¹

¹ [AM271.3-4](#); [WT7.80](#)

118.265 From an enlarged section of the photograph¹ (reproduced below) taken by Robert White of the group at the south end of Block 1 of the Rossville Flats, which we have shown above, it can be seen that Bernard McGuigan had a piece of cloth in his left hand. In our view this was probably the cloth that his wife had given him.

¹ [E14.008](#)



118.266 In our view the same cloth can be seen on the left side of Bernard McGuigan's body in a number of photographs taken after he was shot. Extracts from three of these photographs are shown below. Geraldine McBride, one of those at the gable end, appears to have identified this piece of towelling as the handkerchief Bernard McGuigan was holding.¹ A "*folded piece of yellow towelling*" was recorded as accompanying Bernard McGuigan's body when it reached the mortuary at Altnagelvin Hospital.²

¹ [AM45.47](#); [AM45.49](#)

² [D0428](#)





118.267 Neither the autopsy report¹ nor the Department of Industrial and Forensic Science file² recorded the presence of a white handkerchief among Bernard McGuigan's effects.

¹ D0428

² D408; D410

118.268 Although several witnesses spoke of Bernard McGuigan waving a handkerchief, in some cases a white handkerchief, the likelihood is that what they saw was the piece of towelling. The fact that many (though not all) witnesses saw him waving something

suggests that he was trying to attract attention, possibly for personal safety reasons as he moved or, more generally, to alert soldiers to the presence of civilians at the gable end of Block 1 of the Rossville Flats.

118.269 Some witnesses thought that Bernard McGuigan moved out in order to go to the aid of those shot at the rubble barricade on Rossville Street; some that it was to go to the aid of an injured man lying to the south-east between Block 2 and Joseph Place; some that it was to try to stop the shooting; and some that he was simply trying to move to a place of greater safety.

118.270 We are sure that Bernard McGuigan was not trying to go to the rubble barricade. Some of those who thought he was (Frank Carlin,¹ James Flood,² Robert Gillespie,³ Mike Lyons,⁴ Evelyn Morrison,⁵ Tony Quigley,⁶ James Rowe⁷ and Carole Ann Turner⁸) gave estimates of how far he got before he was shot, which range from taking only a couple of steps and facing up Rossville Street (Frank Carlin),⁹ to walking about 20 paces to the barricade (Carole Ann Turner).¹⁰ Since in our view Bernard McGuigan was shot very close to where he was photographed on the ground, after moving southwards from the southern end of Block 1 of the Rossville Flats, we consider it unlikely that he could have been on his way to Rossville Street; and that the witnesses who thought otherwise were mistaken.

¹ AC33.2; AC33.7-8

² AF23.5; Day 172/115-117

³ AG35.4

⁴ AM476.27; AM476.5-7

⁵ AM476.36

⁶ AQ7.3; Day 185/114-118

⁷ AR29.2-3; Day 91/151-155; Day 91/163-164; Day 91/168-169

⁸ AM476.50-51

⁹ AC33.2; AC33.7-8

¹⁰ AM476.50-51

118.271 Paul McLaughlin, a volunteer in the Order of Malta Ambulance Corps, attended to Hugh Gilmour at the south gable end of Block 1 of the Rossville Flats. The gunfire “*became so intense that it was not possible to stay with him any longer*”.¹ He then sheltered by the telephone box. He said that he became aware of a wounded man lying somewhere to the south-east between the area of the shops at the bottom of Block 2 and Joseph Place;² and that “*from memory I think he would have been quite close to the gable end of Joseph Place*”.³ He later found out that the man was called Paddy Doherty, though he was out of his line of vision.⁴ Nevertheless he felt able to mark with the letter K the appropriate position of the man on the map attached to his written statement to this Inquiry (shown below).⁵

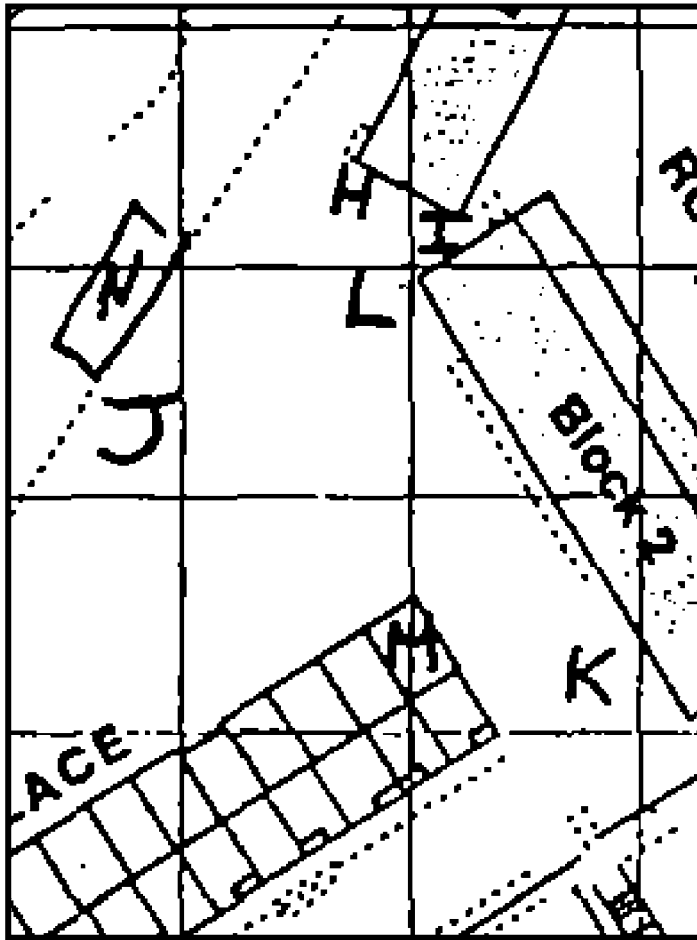
¹ Day 176/12

² AM350.15

³ Day 176/22; Day 176/19-20

⁴ AM350.15

⁵ AM350.10



118.272 Paul McLaughlin also recalled seeing Bernard McGuigan walk out from the southern end of Block 1. Although he did not hear anyone call for help, Paul McLaughlin assumed that Bernard McGuigan was going to help the wounded man, because he was moving in that direction. He had taken no more than five steps when he fell.¹ When questioned, Paul McLaughlin was sure that his assumption derived from Bernard McGuigan's movements, not from what he heard after Bloody Sunday.² At the same time, in his oral evidence he repeated a point he had made in his written statement to this Inquiry, namely that he was unsure of the order of the two events, that is becoming aware of a wounded man and seeing Bernard McGuigan walk out from the end of Block 1.³

¹ Day 176/21-22

³ AM350.15; Day 176/20

² Day 176/30-31

- 118.273** In her typed but undated NICRA statement,¹ Geraldine McBride (née Richmond) recorded that she helped to carry Hugh Gilmour, who had been shot, to the telephone box. She continued:

“The man McGuigan was there at this time. Another man was lying at Fahan Street steps. I could hear him squealing but nobody could get to him because of the shooting. Mr. McGuigan said he was going to try to reach him because he didn’t want him to die alone. He took two steps forward and was then shot in the head.”

¹ [AM45.23](#)

- 118.274** In her written statement to the Widgery Inquiry, Geraldine McBride gave this account:¹

“6. There were about half a dozen people beside the telephone box taking cover. A man took me from Mr Gilmore’s body along towards the box. At this time we could hear the cries of wounded at the other end of the shops (the centre block of Rossville flats). There was firing down Rossville Street and also between the two buildings from the waste ground in front of Chamberlain Street. This kept us pinned where we were.

7. A man was shouting out that he did not want to die. We wanted to go to him but could not because of the gunfire. Mr Barney McGuigan said ‘I’m not going to let him die by himself. If I take my white hankie they’ll not shoot me’. We tried to dissuade him but he took out his handkerchief and moved out from the wall a few paces waving it in front of him. We shouted to him to come back because the shooting did not stop. Then he was hit, just about 4 paces out from the wall. He fell and he was dead as he hit the ground. He was hit in the back of the head.”

¹ [AM45.24-25](#)

- 118.275** In her oral evidence to the Widgery Inquiry, Geraldine McBride said that she attended to Hugh Gilmour who had been shot, and that after it was apparent that he was dead, Bernard McGuigan took her to where the telephone box was. The shooting continued and she heard a man calling out “*I don’t want to die myself*”. She could not tell who or where he was. Bernard McGuigan then said “*I can’t stand this no longer*” and moved out from the telephone box waving a white handkerchief. He took about four paces and was shot.¹

¹ [WT6.51-52](#); [WT6.54-55](#); [WT6.61-62](#)

118.276 In her deposition to the Coroner dated 21st August 1973, Geraldine McBride's account of the death of Bernard McGuigan was consistent with her earlier statements and evidence, save that (unlike her NICRA statement) she did not mention seeing a man lying at the Fahan Street steps.¹

¹ [AM45.31](#)

118.277 In her written statement to this Inquiry, Geraldine McBride told us that while she was part of a crowd huddled together at the gable end of Block 1 she heard a man's voice calling "*I don't want to die alone – somebody help me*". She continued:¹

"I think the calling was coming from the Fahan Street East and Fahan steps area. I think from what I heard later that the man was Patrick Doherty."

¹ [AM45.5](#)

118.278 It will be noted that, apart from her NICRA statement, Geraldine McBride did not mention in her statements and evidence that she saw a man lying at the foot of the steps.

118.279 In our view Geraldine McBride was probably mistaken in thinking (from what she had heard later) that Bernard McGuigan was seeking to go to the aid of Patrick Doherty. With one exception, none of those who were much closer to Patrick Doherty gave an account in 1972 of him calling out in this way, though Charles McLaughlin,¹ Peter McLaughlin,² Edmund Melaugh³ and Edward Dillon⁴ did recall Patrick Doherty call out that he had been shot. The exception is Donna Harkin, who told us that, while she was in an hysterical state, she heard Patrick Doherty calling out that he did not want to be alone and that he needed help,⁵ but she made no mention of this in her NICRA statement.⁶ According to what Donna Harkin told us, Patrick Doherty was calling out at the same time Patrick Walsh was crawling out to him, but Patrick Walsh told us that he never heard Patrick Doherty say anything, nor is there anything to suggest the contrary in his 1972 account to the *Sunday Times*.⁷ In our view, had Donna Harkin heard Patrick Doherty calling out in such a piteous way, this would have been something that she would have been likely to have recorded in her NICRA statement.

¹ [AM322.12](#); [AM322.4](#); [Day 90/115](#)

⁵ [AH13.6](#)

² [AM352.9](#); [AM352.4](#)

⁶ [AH13.13](#)

³ [AM398.19](#); [AM398.22](#); [AM398.23](#); [AM398.12](#)

⁷ [Day 171/56](#); [AW5.36-37](#)

⁴ [AD45.6](#); [AD45.2](#)

118.280 In our view what Geraldine McBride probably heard was someone else calling out. There were a number of people in the area, who we have no doubt were terrified at what had been happening; so it is possible that Bernard McGuigan was seeking to go to the aid of someone other than Patrick Doherty.

118.281 Frankie Mellon, both in 1972 and in his written statement to this Inquiry, recorded that Bernard McGuigan was trying to tell the Army not to shoot.¹ In an interview with Praxis Films Ltd he recalled that Bernard McGuigan “*started screaming at the soldiers, don’t shoot, don’t shoot we’re unarmed*”.²

¹ [AM399.11](#); [AM399.16](#); [AM399.18](#)

² [O10.6](#)

118.282 In his oral evidence to this Inquiry, Frankie Mellon said that the soldiers at whom Bernard McGuigan was shouting were “*the soldiers on the Rossville Street side, this side towards the Free Derry Corner of the barricade, specifically that side ... he was directing his attention towards that group of soldiers and that is where he was directing his conversation*”.¹

¹ [Day 151/190-191](#)

118.283 Neither Frankie Mellon nor Bernard Gallagher (the latter who heard “*someone suggest going out with a white flag*”¹) suggested that Bernard McGuigan was moving in the direction of the soldiers.

¹ [AG3.4](#)

118.284 There is some evidence to the effect that Bernard McGuigan’s intention was to get away or seek better cover. For instance Sean McGee, in his Keville interview, recorded that Bernard McGuigan said he was going to “*make a run for it*” and “*he just got a couple of steps and they blew his head off*”.¹ John Davies, who was at the gable wall, told us he heard Bernard McGuigan say “*I’m getting out of here*” or words to that effect.²

¹ [AM226.1-3](#); [AM226.6](#)

² [AD8.2-3](#)

118.285 In these circumstances, though we are sure that Bernard McGuigan was not attempting to go towards or into Rossville Street, and was waving the piece of towelling in an attempt to demonstrate, as we are sure was the case, that he (and perhaps also those huddled at the south end of Block 1 of the Rossville Flats) was posing no risk to anyone, it is not entirely clear why he moved out from the south end of Block 1 of the Rossville Flats. On our assessment of the evidence, we are of the view that Bernard McGuigan was unlikely

to be simply trying to get away, and more likely to have been moving out in an attempt to go to the aid of someone, though probably not Patrick Doherty; or, or as well, to try and get soldiers to stop shooting.

From where Bernard McGuigan was shot

- 118.286** The civilian witnesses gave significantly varying and inconsistent accounts both of the direction Bernard McGuigan was facing when he was shot and of the position from which they believed or had the impression that the soldier who killed him had fired. Their accounts varied between those who thought he had been shot from the City Walls, from further north along Rossville Street, from the other side of the gap between Blocks 1 and 2 of the Rossville Flats and from the other side of Rossville Street.
- 118.287** These witnesses included Eugene Bradley,¹ Frank Carlin,² Ivan Cooper,³ Gerard Deane,⁴ Malachy Duddy,⁵ James Flood,⁶ Anthony Harkin,⁷ Barry Liddy,⁸ James Mackey,⁹ Daniel McBrearty,¹⁰ Thomas McDaid,¹¹ Sean McDaid,¹² Columba McLaughlin,¹³ Frankie Mellon,¹⁴ Hugh Barbour,¹⁵ Patrick McGlinchey,¹⁶ John Davies,¹⁷ Bernard Gallagher,¹⁸ Michael McCloskey,¹⁹ Patrick McCloskey,²⁰ John Anthony (Sean) McDermott,²¹ Sean McGee,²² Paul McLaughlin,²³ Noel Millar,²⁴ Joseph Moore,²⁵ Michael Rooney,²⁶ Patrick Boyle,²⁷ Kathleen Brown,²⁸ Joseph Doherty,²⁹ Susan Doherty,³⁰ Robert Gillespie,³¹ John Hutton³² and Noel McLoone.³³ We have referred above to the accounts of Geraldine McBride.³⁴

¹ AB113.3; Day 169/174-176

² AC33.2-3; AC33.7; AC33.8

³ KC12.22-KC12.23; Day 419/52-54; Day 419/62; KC12.41; KC12.49

⁴ AD17.20; AD17.3; AD17.8

⁵ AD151.3; Day 81/135-140; Day 81/145-150

⁶ AF23.5; Day 172/118-120

⁷ AH11.5; Day 177/31-36

⁸ AL13.8; AL13.4; X4.49.45-X4.45.54; X4.45.138-145

⁹ AM11.4

¹⁰ AM478.2

¹¹ AM176.1; Day 185/61-66

¹² AM174.3-AM174.4; Day 172/47-51; Day 174/59-61

¹³ AM324.4-AM324.5

¹⁴ AM399.11; O10.9; Day 156/158

¹⁵ AB10.4-AB10.5; Day 88/71-75; Day 88/85

¹⁶ Day 388/80-81; AM247.6-AM247.7

¹⁷ AD8.3; Day 172/27-31; Day 172/35-37; Day 172/42-43

¹⁸ AG3.4; AG3.10

¹⁹ AM118.1; AM118.2-AM118.3

²⁰ AM119.1

²¹ AM4.11; Day 144/78-79; AM4.4-AM4.5; Day 144/61-62

²² AM226.6-AM226.7; AM226.1-3

²³ AM350.15-AM350.16; Day 176/20-25

²⁴ AM477.1-AM477.2; Day 183/53-58; Day 183/60-63; Day 183/83-85

²⁵ AM413.14; AM413.10; AM413.15; AM413/4-AM413.5; Day 89/137-140

²⁶ AR28.3-AR28.4; Day 174/101-110

²⁷ AB52.1

²⁸ AB94.2-AB94.3; AB94.5; Day 144/97-111; AB94.10; Day 144/111-115

²⁹ AD76.7-AD76.8; AD76.10; WT8.11-WT8.14; AD76.23; AD76.2-AD76.4; Day 138/149-161; Day 138/162-170; Day 138/175-178

³⁰ AD105.3-AD105.4; AD105.8; Day 170/20-32

³¹ AG35.4; AG35.11

³² AH105.8-AH105.9; AH105.2-AH105.3; AH105.10; Day 185/29-44; Day 185/46-56

³³ AM359.3-AM359.4; Day 175/144-150; AM359.14; AM359.24; AM359.25

³⁴ AM45.23; AM45.24-AM45.25; WT6.51; WT6.57; WT6.62; X1.12.11; V12.025.12; AM45.28; AM45.31-AM45.32

118.288 As we have remarked elsewhere in this report, we do not find surprising the fact that these accounts are varying and inconsistent. It is often the case that people witnessing the same event (particularly one of a horrifying and fast-moving nature) give sharply differing versions of what happened. In some cases people come genuinely but mistakenly to believe that they had witnessed something, whereas in truth this belief has come from information provided by others. In other cases, witnesses have seen something and then have sought to work out for themselves what must have happened. For example, Paul McLaughlin, a volunteer in the Order of Malta Ambulance Corps, who was with the group at the south gable end of Block 1 of the Rossville Flats and who had been tending Hugh Gilmour, told us that:¹

“I had always assumed that Bernard McGuigan was shot in the front of the head. Because of the direction in which he was facing and walking, I had calculated that he must have been shot from the area of the City Walls, above the steps which lead onto the different levels at the back of Joseph Place. I have now been informed that he was shot in the back of the head and that the bullet exited through his eye. If this is the case, then I would guess that Bernard McGuigan was shot from the west side of Rossville Street, although it would be impossible to say exactly where from.”

¹ [AM350.16](#)

118.289 In our view, based on where Bernard McGuigan fell and the fact that in view of his injury he must have fallen very close to where he was hit, he could not have been shot from further north along Rossville Street, nor by someone firing through the gap between Blocks 1 and 2 of the Rossville Flats. Although people believed at the time that there had been firing from the City Walls into the area of Sector 5, we are of the view, for reasons we give elsewhere in this report,¹ that there was no such firing. Those who thought otherwise had either (like Paul McLaughlin) drawn this conclusion from erroneously believing that Bernard McGuigan had been shot in the front of his head as he was moving in the direction of the City Walls or, knowing that (as usual) there were soldiers on the City Walls but not appreciating their additional presence in the Bogside, had erroneously assumed that the firing must have come from the City Walls.

¹ [Chapter 167](#)

118.290 As we have described when considering the events of Sector 4, there were soldiers in Glenfada Park North. There is evidence, which we consider below, that there was firing by soldiers from the entrance to Glenfada Park North. There were no soldiers further south of this entrance. Since Bernard McGuigan fell close to where he had been shot,

we consider that the bullet that hit him must have come from the direction of the entrance into Glenfada Park North, in other words from the same direction as the shots that hit the other casualties in Sector 5.

Where Bernard McGuigan was taken

118.291 Earlier,¹ when discussing the position of Bernard McGuigan's body after he was shot, we referred to a photograph showing Bernard McGuigan, in which Fr Thomas O'Gara could also be identified. That photograph was taken by Gilles Peress who subsequently took further photographs of Fr O'Gara giving the last rites to Bernard McGuigan. In some of these images a man can be seen on the edge of the picture holding a sheepskin jacket. Although his face is not visible this person must be Patrick Clarke, to whose evidence we also referred when considering the final position of Bernard McGuigan. Patrick Clarke recalled straightening Bernard McGuigan's legs and removing his shoes. As we have already noted, Patrick Clarke then used his own sheepskin coat to cover the body of Bernard McGuigan. His recollection was of then speaking to a woman at a window in Block 2 of the Rossville Flats who offered to throw a blanket down to Patrick Clarke. While Patrick Clarke was having this conversation, someone covered Bernard McGuigan's face with a college scarf.² We have no evidence as to who was responsible for this, but as has already been seen that scarf is visible in a number of photographs taken of his body.

¹ Paragraph 118.231

² AC64.7; Day 74/115-117

118.292 In his NICRA statement,¹ Patrick Clarke went on to describe two ladies approaching him with blankets, which were used to cover Hugh Gilmour and Bernard McGuigan. When asked about this during his oral evidence to this Inquiry, Patrick Clarke explained that the blanket thrown down from Block 2 had become stuck on the canopy over the Block 2 shops. He suggested that that had caused the woman concerned to leave her flat with another blanket and "*possibly another lady as well joined her*".² In this recollection, Patrick Clarke may be in error as it is likely that the two women he mentioned in his NICRA statement were Ursula Clifford and her aunt Bridgid Sharkey who lived in a flat in Glenfada Park South.³ We have already shown above⁴ a photograph of the body of Bernard McGuigan covered with a blanket, which left only his shoeless feet visible.

¹ AC64.2

³ AC68.10; AC68.4-5; Day 165/82; Day 165/92-105

² Day 74/117-118

⁴ Paragraph 118.234

118.293 The ambulance which conveyed the body of Bernard McGuigan to Altnagelvin Hospital was driven by John Rafferty with Samuel Hughes as the ambulance attendant. In a statement given to the RUC, Samuel Hughes recorded that ambulance control received an emergency call at 4.39pm that “*an ambulance was required at Glenfada Park*”.¹ This is consistent with a manuscript entry on a log of ambulance emergency calls which shows that an ambulance registration number 7689 EZ was called at 4.38pm to deal with “*Riot injuries Glenfada Pk*”, left Altnagelvin Hospital at 4.39pm, reached the scene of the emergency at 4.51pm and arrived back at Altnagelvin Hospital at 5.15pm carrying “*2 DOA 2 injured*”.²

¹ [ED39.6](#)

² [D500.26-D500.27](#)

118.294 In his RUC statement, Samuel Hughes described how he and John Rafferty had driven to Rossville Street and stopped near the Rossville Street entrance into Block 1 of the Rossville Flats. He saw a body covered by a blanket and was told that this was Bernard McGuigan. Bystanders assisted Samuel Hughes in placing the body of Bernard McGuigan onto a stretcher and then into the ambulance. Samuel Hughes also told the RUC that an injured man, an injured woman and the body of a dead man were also placed in the ambulance. From the context, it is clear that this is a reference to Patrick Brolly, Alana Burke and Kevin McElhinney respectively.¹ It seems that two civilian helpers also travelled in the ambulance, one of whom may have been a man with red hair and the other a woman.² That the ambulance reached Altnagelvin Hospital at 5.15pm is supported by an entry in the Accident and Emergency notes relating to Alana Burke, which record that as her time of arrival.³ On arrival John Rafferty took the bodies of Bernard McGuigan and Kevin McElhinney to the mortuary.⁴

¹ [ED39.7](#)

³ [D0948](#)

² [ED39.8](#); [AB90.2](#); [AB101.2](#)

⁴ [ED39.9](#)

Chapter 119: The shooting from Glenfada Park North

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119.1 We now turn to consider evidence of shooting from Glenfada Park North, in order to see whether it is possible to identify who shot the casualties in Sector 5.

Joseph Doherty

119.2 Joseph Doherty gave a Northern Ireland Civil Rights Association (NICRA) statement.¹ He described helping Pius McCarron to a house, which, as we have described in our consideration of the events of Sector 2, was in Joseph Place. This account continued:

"I sat in the hall of this house and watched through the letterbox near the door. I saw 10 to 15 people huddled against the wall of the block of flats facing Rossville St. I looked down Rossville St. as far as I could see from the letter box and I saw soldiers at the first row of maisonettes in Rossville St. taking firing position at the low wall in front of the maisonettes. In the passageway which leads to the courtyard of maisonettes in Rossville St. about 4 men were sheltering, one young man came out to the rubble which used to be a barricade and bent down to pick up a stone. The soldiers I had watched shot him, he fell, a man ran out to drag him in and he also was shot and fell on top of the youth. The passageway cleared. I then saw two soldiers at the passageway. This brought them into sight of the people huddling at the High Flats. I saw one soldier taking aim at Barney McGuigan who was walking over to shelter at the flat gable, and firing, Barney fell. He was only about 6 feet from the people sheltering at the gable but they could not get out to pull him in. At the very edge of the gable a youth was lying stretched out. After about 10 minutes a Saracen came up Rossville St, passed the rubble, backed back, the doors were opened and the two bodies at the rubble were put inside. The Saracen turned round and went back down Rossville St. although they could see the two bodies lying at the flats and a photographer was then calling them over to the bodies. I also saw the soldier at the passageway firing two other shots in the direction of the forecourt and shops at the flats. Shortly after this I could see the soldiers pulling back and calling one another back. Then I opened the door and came out and went to Barney McGuigan, he was lying in a pool of blood..."

¹ [AD76.7](#)

- 119.3** This part of Joseph Doherty's NICRA statement indicates that he was able to see from his position the low wall at the southern end of Kells Walk (*"the low wall in front of the maisonettes"*), the entrance from Rossville Street into Glenfada Park North (*"the passageway which leads to the courtyard of maisonettes in Rossville St."*), and, from his references to Bernard McGuigan and the people sheltering at the gable, the south end of Block 1 of the Rossville Flats.
- 119.4** Joseph Doherty gave written and oral evidence to the Widgery Inquiry.

- 119.5** In his written statement for the Widgery Inquiry, Joseph Doherty described seeing two soldiers in an opening, which in our view was the opening from Rossville Street into Glenfada Park North:¹

“One moved out of sight, the other stayed by the gable wall at the opening.

6. Then I looked towards the phone box and saw about ten people huddled against the wall. One lad at the very edge by Rossville Street was lying on the ground. I saw a man walk from between Joseph Place and the Flats. He was holding nothing I could see. He was just walking normally. When he was about 6 feet away from the phone box I saw the soldier in the opening take aim and fire at him. The man fell. He lay still.

7. I do not know how long he lay but I watched all the time. The people at the gable wall did not move. They were taking cover. I saw the same soldier fire another 2 rounds past where the man was lying. I could not see what he was shooting at. After a time I saw the soldier leave his position with some other soldiers and go into Glenfada Park.”

¹ AD76.10

- 119.6** We have no doubt that the “*lad at the very edge by Rossville Street*” was Hugh Gilmour.

- 119.7** In his oral evidence Joseph Doherty told the Widgery Inquiry that the soldier who fired was in the alleyway, which in our view was the opening from Rossville Street into Glenfada Park North:¹

“Mr. HILL: Yes. (To the witness) When you saw the soldier at Glenfada Park shooting you are satisfied that it was as a result of that shot that Mr. McGuigan fell dead?

A. Yes, I am satisfied in my own mind.

Q. That soldier was firing from the alleyway near the gable of Glenfada Park?

A. That is correct.

Q. Did he stay there?

A. He did, yes, for a time.

Q. Did he subsequently fire another two rounds roughly in the direction of Mr. McGuigan?

A. Yes.

Q. Could you see what he was firing at at that time?

A. No, I could not.

Q. Could you see whether those were live shots?

A. They were.

Q. Could you hear any noise or see anything which would have justified those other two shots?

A. No, I could not see anything at all.

Q. When you saw Mr. McGuigan fall was he on his own?

A. He was, yes."

¹ [AD76.14-15](#)

119.8 Mr Hill, the questioner, was junior counsel for the next of kin of 12 of the deceased and for the injured.

119.9 On the basis of these 1972 accounts, therefore, Joseph Doherty saw a soldier at the entrance to Glenfada Park North fire three shots, the first of which hit Bernard McGuigan, while the second two were fired in roughly the same direction, which would mean, as Joseph Doherty agreed in the course of his evidence to us, that these two shots were fired in the direction of the area in which he afterwards saw Patrick Doherty's body.¹

¹ [Day 138/178](#)

119.10 The address of the maisonette in Joseph Place where Joseph Doherty sheltered is not given in any of the accounts he gave in 1972 and 1973. During his oral evidence to the Widgery Inquiry he was asked to indicate his location, very likely by using the model available to that inquiry. However, the transcript only records that it was "*Either the last or the second-to-the-last house*", without making clear to which of the two blocks of Joseph Place Joseph Doherty was referring.¹ In his evidence to this Inquiry, Joseph Doherty told us that he had been looking from one of the last two most southerly houses in the northern block of Joseph Place.²

¹ [WT8.11](#)

² [Day 138/144-145; Day 138/172-173](#)

119.11 Joseph Doherty also told us that the soldier he saw fire was situated at the corner of the south gable wall of the eastern block of Glenfada Park South.¹ He said that this soldier was in company with another soldier who moved back into Glenfada Park South. The remaining soldier dropped to one knee, took aim, and fired one shot at Bernard

McGuigan, who fell to the ground. The soldier then fired “*at least 2 other shots, possibly more, in the same direction*”. These shots were also aimed shots. The second soldier then came “*back up to*” the firing soldier and “*called him back*”. They both moved out of Joseph Doherty’s sight.²

¹ AD76.4; Day 138/161-162; Day 138/170

² AD76.4; AD76.6; Day 138/151-160; Day 138/161-162; Day 138/177

119.12 Although Joseph Doherty expressed himself as certain that his current recollection of the position of the firing soldier was to be preferred over the account he had given in 1972,¹ he did concede that his recollection might be wrong.²

¹ Day 138/170

² Day 138/177

119.13 In our view Joseph Doherty’s memory was playing tricks on him; and his 1972 accounts of where the firing soldier was are to be preferred to the evidence he gave to this Inquiry. We are sure, from the evidence as a whole, that there were no soldiers at the southern end of Glenfada Park South at any stage. In this connection we should note that we do not accept the evidence of Simon Winchester, the *Guardian* newspaper journalist, who said that he saw, from the top of the Fahan Street steps, an Army marksman on the corner of Rossville Street and Fahan Street fire two shots in his direction.¹ In our view, while Simon Winchester may have seen a soldier fire two shots, he too placed him in the wrong position.

¹ M83.19-20; WT3.16; WT3.24; WT3.27-28; L45; M83.45; M83.5-6; Day 116/55-60

119.14 Apart from where he thought the firing soldier was, Joseph Doherty’s evidence to us was impressive and consistent with his 1972 accounts.

People at the southern end of the eastern block of Glenfada Park North

119.15 Earlier in this report¹ we have described how a number of people took refuge behind the wall (often called the gable end) at the southern end of the eastern block of Glenfada Park North and were arrested there by soldiers coming through Glenfada Park North, who then escorted them northwards along the western side of that courtyard.

¹ Chapter 113

- 119.16 Although some two dozen people were arrested at this wall or in its immediate area, only four have given an account of witnessing firing from the entrance to Glenfada Park North. In our view this must have been because most of these people had been moved away by soldiers into the western side of Glenfada Park North before this firing occurred.

Fr Denis Bradley

- 119.17 We have already referred in this report to some of the evidence given by Denis Bradley, who was formerly a priest. He attended Michael Kelly and administered the last rites to him after this casualty had been carried from the rubble barricade to near the wall at the southern end of the eastern block of Glenfada Park North; and saw him being lifted in order to be carried across Glenfada Park North. He made attempts to go to the bodies he saw on the rubble barricade, but could not do so because of the gunfire. He then sheltered at the wall. In his written statement for the Widgery Inquiry¹ he gave this account:²

“About fifteen people had taken shelter along with myself at this gable end of Glenfada Park. One of these people, a young man, became almost hysterical and I went to comfort him. While I was with him I became aware that gun fire was now coming from two directions. It continued to come from the direction of Rossville Street and also from the lower end of Glenfada Park, which is beside Colmcille [sic] Court. A few minutes later a British soldier arrived at the corner of the gable nearest the parking area in Glenfada Park. He was followed by four or five other British soldiers. One of the soldiers ordered myself and the other people who were against the gable to move in the direction of William Street, along Glenfada Park, with our hands on our heads. Before I could do as this soldier had told me another soldier grabbed me and pushed me off the pavement along the perimeter of Glenfada Park. When I recovered my balance I found myself beside another soldier who fired between four and seven shots from his rifle, which he was holding at hip level. The gun was aimed slightly above the horizontal in the direction of Free Derry Corner. I grabbed his arm and asked him to stop firing, but he shrugged me off. It was then I noticed three people lying face downwards at the south west end of parking area of Glenfada Park. I made to go towards these people, but was grabbed by a soldier and pushed in the direction of William Street.”

¹ [H1.40](#)

² [H1.42](#)

119.18 Fr Bradley gave oral evidence to the Widgery Inquiry. In the course of this evidence, after again describing how he had tried to comfort an hysterical young boy at the wall, he gave the following answers:¹

“Q. Having done that, was there any shooting?

A. I then became aware that shooting was coming from the direction of William Street, except this time as well as coming from along the direction of Rossville Street it was also coming up along Glenfada Park.

Q. Did anyone else arrive at the scene?

A. I am sure it was no more than a minute after I became aware of this fact that shooting was coming from this other side a soldier arrived at the corner. When he arrived I think he was quite surprised, by the look of his face, to see that we were there at all. He turned his gun and said something – I do not remember the words but something about ‘Get your hands in the air’ and he ordered us with a gun to get out of that area and to head towards William Street. As the first people began to go into the Glenfada Park area and head towards William Street a few other soldiers came up at this stage. One of them grabbed me by the arm or by the collar and kind of pulled me and tugged me and I lost my balance and fell and stumbled off the footpath, the footpath which runs round the perimeter of the parking area. When I kind of regained my balance I was standing beside another soldier and he had a gun which was about hip level or slightly above hip level. He fired something between four and eight shots.

Q. Just before you go any further, once again can you point out exactly where the soldier was?

A. In the parking area there is a footpath runs right around down along there and there is also a footpath comes right out on to Rossville Street. He stood at the end of that footpath more or less facing across that ramp.

Q. Facing in what direction?

A. Derry Free Corner generally.

Q. In what direction were you facing at that time?

A. I was also facing towards Derry Free Corner.”

¹ [WT4.37](#)

119.19 A little later he gave this evidence:¹

“Q. When the soldier fired four to eight shots in the direction of Free Derry Corner (or Derry Free Corner) you are not able to tell me whether there was still a crowd of people down at the corner or not?

A. No.

Mr. MOONEY: How was he holding his rifle when he fired these shots?

A. He was holding it about hip high or slightly above hip high.

Q. Did you form the impression that he was firing at anyone in particular?

A. No.

Q. Did you say anything to him?

A. I asked him to stop firing.

Q. What reaction did that produce?

A. He just shrugged me off.”

¹ [WT4.38](#)

119.20 Mr Mooney appeared on behalf of the priests who gave evidence to the Widgery Inquiry.

119.21 Fr Bradley also told the Widgery Inquiry that at that point he became aware of three people lying face down in Glenfada Park North and made to go towards them, but was stopped by a soldier who pulled him along Glenfada Park in the direction of William Street.¹

¹ [WT4.39](#)

119.22 Fr Bradley told the Widgery Inquiry that the soldier was pointing the gun slightly above the horizontal.¹

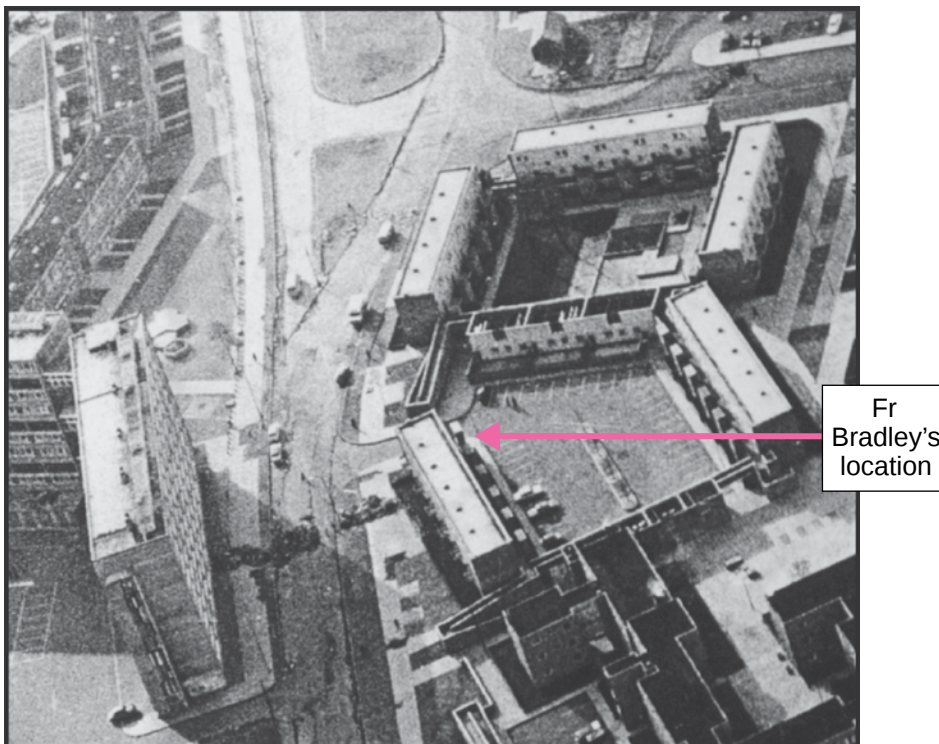
¹ [WT4.41](#)

119.23 During the course of his evidence, Fr Bradley was asked again about the position of the soldier he said had been firing. This was in the context of counsel for the Ministry of Defence seeking to demonstrate that the soldier Fr Bradley had described could not have been firing at Free Derry Corner, as this was obstructed by buildings. Fr Bradley had in

fact never suggested that the soldier had fired at Free Derry Corner, but only in that direction. He explained, with reference to a photograph, that the soldier was standing at *“the extreme end of the footpath which also goes round that corner”* and on that corner.¹

¹ WT4.45

- 119.24** The relevant portion of the photograph to which Fr Bradley was referred is set out below in an expanded form. Since Fr Bradley was being moved from the southern end of the east block of Glenfada Park North to the western side of that block, and was close to the soldier who fired, it seems on his account that he and the soldier must have been in or near to the position marked with an arrow below, namely where the pavement on the west side of the east block starts to turn eastwards.



- 119.25 Fr Bradley gave a long taped interview to Peter Pringle of the *Sunday Times* Insight Team.¹ He said this about the incident under discussion:²

“As I said the shooting had all been coming from this direction here. At some stage those of us who were against this gable wall became aware that there was also shooting coming in this direction. And slightly, I would say no more than a minute after we became aware of that a soldier stepped round this corner here. He came to the end of the corner. He saw us was obviously surprised by our presence there. I would think that it is hard to know the exact number of people who were present against that gable end but I think it would be in the region of 20 may be a few less. He was, as I said, obviously surprised by our presence there, pointed a gun at us and told us, I don’t exactly remember his words, but it was something about get your hands above your head and stay still, you know. After him came two or three other soldiers and one of them – the people began to leave this gable end and head down. They were ordered down the footpath down through [Glenfada] Park towards William Street towards the direction of William Street. Before I moved very much one of the other soldiers who had arrived, grabbed me by the shoulder. Kind of pulled me out and pushed me slightly until I kind of just fell off the footpath here. And at that stage I found myself standing beside another soldier who had just moved up and he fired about six – can’t be precise about the number of shots – but I could put it down to between 4 and 8 shots in the direction of Derry free corner rough[ly]. In that direction. I do remember ... I have a mental picture of a few people beyond a ramp which comes down about 10 yards beyond that gable. I have a mental picture of two or three people running towards safety up this direction some place. But I have also a mental picture that the gun was aimed in such a way that he was almost firing from the side from the hip or whatever you call it. But the gun was aimed in such a way that it seemed just to be above head level. I didn’t see anyone fall from those shots. I don’t think he took particular aim, I think he fired them one after the other but I don’t think he actually fired in such a way that he hit anyone. I remember grabbing his arm and asking him to stop shooting, or saying something to that effect to him. I don’t remember exactly the words. But he kind of shrugged me off with his arm. Then it was at that stage that I noticed there were three people lying in [Glenfada] Park.”

¹ H1.25

² H1.32

- 119.26 Fr Bradley gave interviews to Peter Taylor, Praxis Films Ltd and Jimmy McGovern¹ but added nothing in these interviews to his previous evidence on the incident in question.

¹ H1.66; H1.65; H1.74; H1.80

119.27 In his written evidence to this Inquiry, Fr Bradley gave the following account of what happened when soldiers came round to the southern end of the eastern block of Glenfada Park North where he and others were sheltering:¹

“30. The next memory I have is of soldiers, Paratroopers, coming round to the gable end wall at the corner of Glenfada Park North from a northerly direction. They came round the gable end at I14. The first soldier round was surprised to see us, or that was my first impression. He raised his gun, pointed it at me and shouted to us to move on into the car park of Glenfada Park North. I didn’t think I was going to be shot. He said something like ‘get your hands up’ or ‘get your hands in the air’. A couple of other soldiers came into view then. I was shocked to see the soldier. I have no recollection of having heard or identified shots specifically in Glenfada Park North at that point. I went towards the soldier to speak to him. He said to me ‘hands up’. My next memory is of people being moved up into Glenfada Park North and I was still trying to speak to the soldier. One of them said ‘get your fucking hands up’. I hadn’t seen Paratroopers before. They were different looking, bigger, tougher and taller, more physical and aggressive. They didn’t talk to you like other soldiers. Their blackened faces struck me as odd as it was daytime. I had seen soldiers with blackened faces but only during night operations. I wouldn’t use the words ‘out of control’ but I realised then that I was in the middle of a war for the first time despite being used to the presence of soldiers before.

31. I remember at around this point another soldier starting firing from the hip or waist in a southerly direction from the entrance to the Glenfada Park North car park at the east. I remember being horrified. He was certainly not kneeling or with his gun up to his eye line and seemed to be firing from the side, probably two handed, but I am not sure about that. I remember grabbing on to him, he pushed me and I slipped off the pavement and fell or stumbled to the ground. I was to his right as he shot. I told him to stop shooting. I remember a pram ramp south of where I was standing at the gable wall which led down from Glenfada Park South onto the street and that there were people there over towards that ramp. I didn’t think he was firing at them specifically but I remember thinking I wouldn’t have wanted to be there.

32. My impression is that Lord Widgery interpreted what I said about this soldier to mean that he was firing at Free Derry Corner. He was certainly firing in a southerly direction and that is what I meant. I don't think he was firing at Free Derry Corner, but generally in a southerly direction. My memory is not of him shooting across the road to the front of the Rossville Flats (in the direction of the television [sic] kiosk), but to the south. He might have shot across the road to the front of the flats but I don't think he did. Again the Widgery Inquiry seemed to be leading me to say that this soldier's shots, which were between 6 and 8 in number, might have been those that killed, for example, Barney McGuigan. Whilst not impossible, my impression of the manner of firing is that that is highly unlikely. The soldier was moving around and swaggering, but the general body position was not in that direction. My fear was for the people I could see either on the ramp or through the ramp. The soldier was just shooting, not particularly at anyone. The angle of fire seemed to me slightly over people's heads. I didn't think the soldier had lost his head. I didn't think he was going to shoot me. He didn't say anything to me. One of the other soldiers told me to 'get along'."

¹ [H1.12](#)

119.28 In his oral evidence to this Inquiry, Fr Bradley, having described where the soldiers had come from, gave this account:¹

"Q. From the north, coming south –

A. Coming southwards and when the first two, perhaps three soldiers got there, they discovered – it seemed to me they were surprised that they were there, but that was only a very quick, instinctual reaction on my behalf.

They turned their guns on us, again instinctively, and I remember – I do have very clear memories of this, this is the part of that day that sticks most vividly in my memory, that I did not feel that I was going to be shot by those particular soldiers even though there were dead bodies around me because I think that they were surprised that we were standing there and were taking refuge or cover in that particular spot.

But as I began to move with, remember, two to three – sorry, 20 people or 15 people out in this direction here to be led down back where the soldiers had come, I became aware of a soldier who had moved slightly forward by two or three feet or four feet on to the – towards the end of this particular pavement and that particular soldier was firing from the hip in a southerly, as I would describe it towards – in the Free Derry Corner direction, but not necessarily at Free Derry."

¹ [Day 140/136-137](#)

119.29 Fr Bradley was asked to mark, on a saved view taken from the virtual reality model used in this Inquiry, the position of the soldier he had seen fire.¹

¹ [Day 140/133-138; H1.78](#)



119.30 Counsel to the Inquiry summarised the significance of the arrows as follows:^{1,2}

“Q. The arrows show – the mauve arrow is where the people have been, the turquoise arrow is the route the soldiers came down, the green arrow is where the people were being taken by the soldiers back up into Glenfada Park North, the light blue arrow is approximately where the soldier was and the dark blue arrow is the direction into which he moved; is that right?”

¹ [Day 140/137](#)

² The representatives of the majority of represented soldiers submitted that this evidence was confusing, ([FS7.2242.29-32](#)) but we do not find it so. The confusion seems to have arisen because the electronic version these representatives were examining did not display the various colours properly.

119.31 Fr Bradley answered:¹

“A. That is roughly correct. There is an assumption, by the way, because I could not have seen and did not see where the soldiers came from, but they came from that direction. I am not saying they came up that particular street.”

¹ [Day 140/138](#)

- 119.32** As to the direction in which the soldier fired, Fr Bradley recalled that it was in the general direction of the pram-ramp at the north-eastern end of Glenfada Park South,¹ behind or within which people had taken cover, but he added this:

“A. I mean within the walk itself. It was in that direction that the soldier was firing, but he was – remember this – he was spraying bullets, he was not particularly aiming bullets. So the range of spray could have been quite wide.

I did not actually think he was firing at the people in that walk, in that pram walk, but that was roughly the direction, but it could have been also in the spray further to the left as well, in other words, if my memory is any good at this stage, it could have been starting there and spraying right round to there (marked with a blue arrow).

Q. It appeared to you to be in the direction of the pram ramp or slightly to the east of the pram ramp?

A. Yes, and my fear might have been, although I do not think my memory is that these people were being fired at by this particular soldier. I think that it was much more indiscriminate than that.”

¹ [Day 140/140-141](#)

- 119.33** The blue arrow to which Fr Bradley referred was preserved on the following view, again taken from the virtual reality model, which shows the north face of the Glenfada Park South pram-ramp.¹

¹ [H1.79](#)



Summary of Fr Bradley's evidence

119.34 As will have been seen, Fr Bradley's accounts of being close to a soldier who fired from the south-western corner of the east block of Glenfada Park North have remained consistent throughout. It would appear from his evidence that this soldier was probably not the first to arrive at the gable end. It also appears that this soldier fired between four and eight shots in a southerly or south-easterly direction; these were not aimed shots fired from the shoulder but indiscriminately from about the hip and at a slight elevation. Fr Bradley was in our view an impressive witness. It is for this reason that we have set out considerable portions of his accounts. On the basis of those accounts, the shots that he saw this soldier fire did not cause any of the casualties in Sector 5. Fr Bradley did not in our view witness any of the firing into Sector 5. To our minds this must have been because that firing occurred after he was moved away by the soldiers arresting the group at the gable end. Had there been firing into Sector 5 from the entrance to Glenfada Park North before Fr Bradley was moved away, Fr Bradley could not have failed to notice this, since he would have been only a few feet from the firer.

- 119.35** We return later in this report to the question of the identity of the soldier Fr Bradley saw firing. Although these shots did not result, so far as we know, in any casualties, they were in our view fired in contravention of the provisions of the Yellow Card, and with complete disregard of the risk of causing death or injury.

George Irwin

- 119.36** George Irwin made a NICRA statement,¹ but died before this Inquiry was established. He described being behind the gable wall with Fr Bradley and then gave this account:

“The Army then came round our wall, at our backs, from the Glenfada Car Park. Three soldiers told us to move into the car park where we saw [?] another five or so soldiers. I and Fr. Bradley were possibly the last of the line and as I moved into the car park past the first soldier who came from the car park, a tall soldier her[e] fired at least three shots from the hip. From the direction that the gun was pointing, I think he had three possible targets – the fallen man behind the small barricade, the fallen youth by the Flats or the door of the Flats. At no time did I see or hear nail or petrol bombs being thrown.”

¹ AI4.1

- 119.37** Although George Irwin referred to targets at “*the small barricade*” and at or near Block 1 of the Rossville Flats, we consider that he was probably referring to the same soldier as Fr Bradley. It will be noted that, like Fr Bradley, the soldier he saw firing was not the first soldier to arrive where the people were sheltering at the gable end. In view of the evidence of Fr Bradley, if George Irwin was referring to the same soldier, as in our view he was, he was either mistaken in thinking that this soldier was firing at the targets he suggested or he witnessed shots that Fr Bradley did not see. In view of Fr Bradley’s detailed and convincing evidence and the fact that both of them were together, it seems to us that the former is likely to be the case.

Barry Liddy

- 119.38** Barry Liddy was also arrested at the south end of the eastern block of Glenfada Park North. He died in 1998 before he could give any evidence to this Inquiry. In the early hours of 31st January 1972, following his release from Fort George, Barry Liddy gave a Keville interview, which was terminated to allow him to be taken to hospital.¹ An unsigned and undated NICRA statement was prepared from that recorded interview.² In that

account, Barry Liddy described being arrested at the gable end and referred to trying “to protect Fr Bradley” as the arrestees were conveyed away. He made no mention, however, of seeing any soldier fire at or near the gable end.

¹ X2.32.33-35; D1105

² AL13.1

119.39 In a signed handwritten statement,¹ the date of which is uncertain but which was probably some time in early 1972 and after the Keville interview, Barry Liddy recorded that:²

“A Paratrooper then came round the corner of Glenfada Park firing his rifle as he came holding it under his arm. It was at this time that a man came out from the corner of the High Flats with his arms raised and he was shot down. This man was the late Mr B McGuigan.”

¹ AL13.3

² AL13.4; AL13.8

119.40 It is not clear from this account whether Barry Liddy was saying that it was this soldier who shot Bernard McGuigan. In a videotaped interview conducted in April 1998, Barry Liddy told Paul Mahon that he had seen Bernard McGuigan shot. He appeared to suggest that this occurred just before a paratrooper (a Sergeant carrying a weapon similar to a sten gun) arrived at the gable end.¹ It was Barry Liddy’s belief that Bernard McGuigan was shot from the City Walls.² However, he told Paul Mahon that he did not see any of the soldiers who arrived at the gable end fire shots across Rossville Street, or indeed anywhere else.³ We take the view that it would be unwise to rely on Barry Liddy’s account of seeing Bernard McGuigan shot. No-one else at the southern end of the east block of Glenfada Park North described seeing this incident. As will have been noted, elsewhere in this report we have found some of the accounts given by Barry Liddy to be unreliable.

¹ X4.49.45-54; X4.49.138-145

³ X4.49.65; X4.49.141

² X4.49.48

Seamus (James) Liddy

119.41 Seamus Liddy was Barry Liddy’s brother. He too is dead and gave no evidence to this Inquiry. As we have described in the course of dealing with the events of Sector 4,¹ he was arrested at the gable end. According to a note made by Peter Pringle of the *Sunday Times* Insight Team, Seamus Liddy told him that “a soldier came round the corner with a sten gun, which he was firing”. Peter Pringle put a question mark against this and noted that, “He says this man was a corporal and he knows his name because it was the same soldier who arrested him and accused him of stone throwing”.² In our view, for the

reasons given when describing in the context of Sector 4 the arrests at the gable end, this soldier was Corporal E. However, neither Corporal E nor any other soldier in Glenfada Park North was armed with and fired a Sten gun.

¹ [Chapter 113](#)

² [AL12.5-6](#)

- 119.42** As will have been noted, both Barry Liddy and his brother Seamus have stated that they saw a soldier (respectively a Sergeant and a Corporal) at the gable end. However, Barry Liddy had recorded in his handwritten statement that a soldier had come round the corner firing a rifle, but later said that while he saw a Sergeant with a Sten gun, he did not see any soldier firing; while his brother Seamus told the *Sunday Times* that he had seen a Corporal coming round the corner firing a Sten gun.
- 119.43** The evidence of the Liddy brothers is in our view also inconsistent with that of Fr Bradley and George Irwin. According to Fr Bradley's accounts, he witnessed a single soldier firing after other soldiers had arrested those sheltering at the gable end and began to move them through Glenfada Park North and into Columbcille Court. George Irwin recorded that he and Fr Bradley were possibly the last of those being moved from the gable end. It may be that the Liddy brothers heard a soldier firing his rifle repeatedly and indiscriminately (as Fr Bradley described) and came to believe that they had seen a soldier firing an automatic weapon, but to our minds they were likely to have been mistaken in that belief, as they were probably in Glenfada Park North on their way to Columbcille Court when the firing took place and not in a position to see a firing soldier come "*round the corner*".

Simon Winchester

- 119.44** In our view Simon Winchester probably saw the soldier that Fr Bradley described firing. He told the Widgery Inquiry that he saw, from the Fahan Street steps, a soldier, positioned just in front of Glenfada Park:¹

"A. And he fired a number of shots in the direction generally of Joseph Place Flats. I would say he fired 4, 5 or 6 shots.

Q. How could you tell he was actually firing?

A. I could see his arm jerking and I heard the bangs which were more or less coincident with his arm jerking.

Q. Did you see where those shots struck?

A. No, I didn't. But at this point I did see two people fall to the ground and not move.

Q. Did they fall whilst those shots were being fired by that soldier, or before or afterwards?

A. It was about the same time. There was other shooting going on at the same time, but I do not believe that soldier could have shot those two people.

Q. Why did you not believe that?

A. He was firing in a different direction.

Q. He appeared to be firing in a different direction when these two people fell?

A. Yes.

Q. You indicated towards the gap between the two Joseph Place blocks?

A. Yes.

Q. Whereas the two men fell in the courtyard in front of the south block of Rossville flats and between the north wall of Joseph Place?

A. Yes.

Q. Men or women?

A. They were both men as far as I could see. The one that was nearest me was definitely a man, and I thought the further one was a man.

Q. Can you give any information as to how old they were?

A. Certainly the one nearest me was about 18, dressed in blue denim top and blue jeans. The other one I couldn't say, certainly he was dressed in some sort of brown overcoat. He might have been older, I can't say for certain.

Q. Did they move after they fell? A. No. I saw them later on and they were still there.

Q. When you saw them fall were they carrying any objects?

A. I couldn't see any objects.

Q. Was there any object lying beside them? I mean something in the sense of a weapon or nail bomb?

A. No. I had a fairly good look at the one nearest me and he appeared to have nothing on his person, and there were no people around him.

Q. You were situated on Fahan Street somewhere at the top of the steps when this took place?

A. Yes.”

¹ WT3.15

Agnes Doherty

119.45 Agnes Doherty, then aged 62, made a NICRA statement,¹ in which she recorded watching from a window of 26 Joseph Place. This was on the upper level of the most northerly block of Joseph Place, and the third maisonette along from the northern end of that block.² According to her account, “*One soldier at the corner at the corner of Glenfada was firing for all he was worth*”. This may have been the soldier that Fr Bradley saw firing, though since, as will be seen below, we are sure that another soldier fired from the same area, this is not certain.

¹ AD49.1

² F8.1

Corporal INQ 1826

119.46 Earlier in this report¹ we set out the order in which the vehicles carrying members of Support Company travelled into the Bogside. One of these vehicles was a Ferret scout car commanded by Corporal INQ 1826. In his written statement to this Inquiry, Corporal INQ 1826 described hearing a burst of between five to eight single shots after members of Support Company had deployed from the vehicles. He marked the position from which these shots were fired on the map attached to his statement, placing it in the south-west corner of the eastern block of Glenfada Park North. Corporal INQ 1826 recorded in his written statement that “*The position marked ... on the map could be correct, but I cannot be positive after all this time*”. He told us that he assumed that a civilian gunman fired the shots, because he believed members of Support Company had moved no further south down Rossville Street than the northern end of the eastern block of Glenfada Park North. The statement continued: “*The weapon had not been prepared for firing as there was a lot of smoke. I could not see a person, but could see puffs of smoke coming from an*

alleyway. They created a long blue haze which gave me the impression that the shots were being fired in a southerly direction..." This direction was marked on the map attached to the written statement as being slightly south of the pedestrianised area between Block 2 of the Rossville Flats and Joseph Place, though in his written statement Corporal INQ 1826 suggested that these shots had been fired towards Free Derry Corner.²

¹ [Chapters 24 and 69](#)

² [C1826.5; C1826.14](#)

119.47 When Corporal INQ 1826 gave oral evidence to this Inquiry he seemed to resile somewhat from the details he gave in his written statement about this incident of firing. Counsel to the Inquiry referred Corporal INQ 1826 to that part of his statement where he described the position from which these shots had been fired. When Counsel then indicated the same position on an aerial photograph of Glenfada Park North, Corporal INQ 1826 said, "*The area is in an incorrect position*".¹ He revealed that subsequent to his providing a written statement, he had been told that there were soldiers who were further south than those he recalled seeing. His recollection was that these shots were being fired from an alleyway located to his front right and diagonally. In answer to further questions, Corporal INQ 1826 stated that he could not be certain that the five to eight shots he heard were fired from the same position. He told this Inquiry that the shots he had heard were high velocity.²

¹ [Day 341/138](#)

² [Day 341/137-142; Day 341/151-152](#)

119.48 In his written statement to this Inquiry, Corporal INQ 1826 had told this Inquiry that he witnessed this shooting from the Ferret scout car, after this vehicle had been brought up to the northern end of Block 1 of the Rossville Flats.¹ However, during his oral evidence, he said that the Ferret scout car may have still been parked on Rossville Street when he heard the shots.²

¹ [C1826.4; C1826.14](#)

² [Day 341/137-139](#)

119.49 In our view, it is possible that Corporal INQ 1826 did hear the shots described by Fr Bradley, on the basis of his impression that the shots had been fired in a southerly direction. However, it is equally possible that he heard other shots that were fired into Sector 5. In view of his differing accounts, the fact that he did not see the firer and his inability to remember clearly where he was when he observed the incident, it is difficult to draw any firm conclusions from his evidence, save that in our view the firing that he told us he witnessed was military and not paramilitary. We have found no other evidence that suggests to us that a paramilitary fired as Corporal INQ 1826 described.

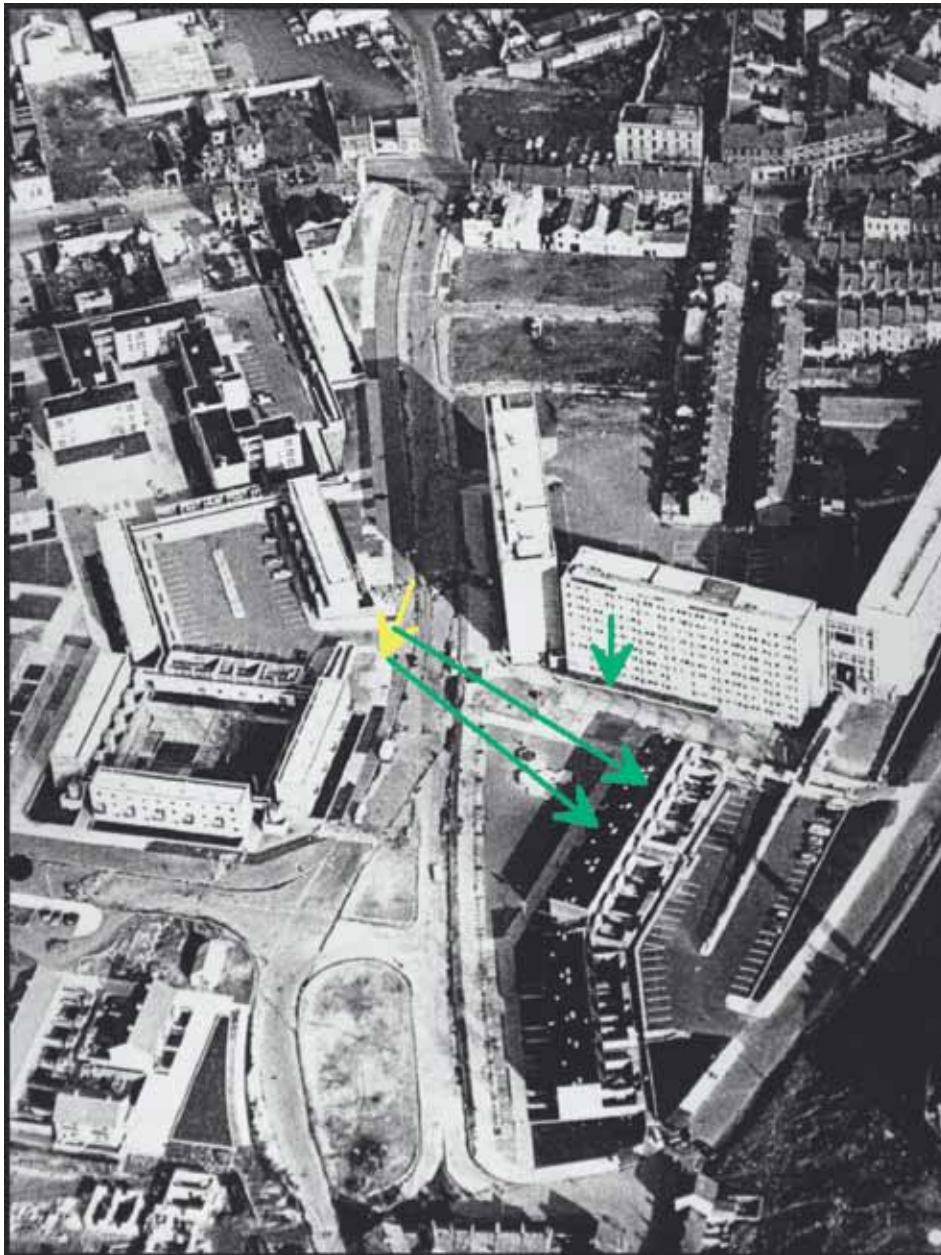
RM 2

119.50 This witness told us that he was sitting on the Threepenny Bits when he heard a warning that the Army was coming into the Bogside. According to his evidence he saw a crowd running south down Rossville Street and then heard a number of high velocity shots; and he then moved to a position near the telephone box at the southern end of Block 1 of the Rossville Flats. While in that area he heard further shots and saw a group of people gathered around the body of Hugh Gilmour. RM 2 then saw three bodies on the rubble barricade. It was after seeing Hugh Gilmour and the bodies on the rubble barricade that he looked across Rossville Street, heard between six and eight shots fired in rapid succession and saw the strike of bullets on the tarmac of the car park in Glenfada Park North. His impression, of which at one stage he said he was “90 per cent sure”, was that these shots had been fired from a machine gun.¹

¹ [AK42.3-6](#); [AK42.16](#); [AK42.17](#); [Day 424/31-33](#); [Day 424/42-44](#); [Day 424/60-62](#)

119.51 RM 2 told us that he then decided to move away from those gathered in the area of the telephone box. With another person, who he did not know, he moved eastwards along the shops at the front of Block 2 of the Rossville Flats. When they had reached about “a quarter of the way along the block” RM 2 looked back and saw a paratrooper, armed with a rifle, standing near the entrance to Glenfada Park North. He described that soldier as tall, wearing a red beret and without any camouflage on his face. The soldier lowered the rifle to his hip “and casually fired two shots in our general direction”. In his oral evidence, RM 2 said that the soldier’s rifle was held in an elevated position and that the two shots did not appear to be aimed. He told this Inquiry that the shots would have been fired in the direction of Free Derry Corner. Asked if his recollection was therefore that the soldier had fired the two shots much further south, RM 2 explained, “Well, what I mean, in our general direction, is he put a rifle and turned it to the left-hand side. There was numerous people there and an arc range between the Rossville Flats to Joseph’s Place, I would have said that the bullets could have went anywhere in that general direction.” RM 2 then marked on a photograph, reproduced below, his position (the short green arrow), the position of the soldier at the time he fired (the yellow arrow), and with two longer green arrows, the arc of fire of the soldier.¹

¹ [AK42.6](#); [AK42.17](#); [Day 424/51-52](#); [AK42.21](#)



- 119.52** RM 2 told us that he thought the soldier might have come south down Rossville Street. He could not say where this soldier had actually come from, but did say that he saw him walk northwards up Rossville Street after firing the two shots. RM 2 then made his way to the Joseph Place alleyway, which he recalled was full of people and where he remained for some 20 minutes. Other than Hugh Gilmour, and the people who were lying at the rubble barricade, RM 2 said that while he was in the area of the telephone box or the

shops he did not see anyone else who appeared to have been killed or injured. Nor did he record in his evidence seeing or learning about, while sheltering in the Joseph Place alleyway, anyone who appeared to be injured.¹

¹ AK42.6; Day 424/47-48; Day 424/52; Day 424/66

119.53 In view of the other evidence of events in Sector 5, on the basis of his account RM 2 must have moved not only from the south end of Block 1 of the Rossville Flats, from the shops on the front of Block 2 of the Rossville Flats and to and away from the northern end of the Joseph Place alleyway, before any of the casualties in Sector 5 had been sustained, as in our view he would otherwise have seen or learned of at least some of those casualties. The two shots that RM 2 said he witnessed must therefore, on his account, have been fired some appreciable time before those casualties were shot. As we have already noted, Patrick Campbell was shot after he moved from the south end of Block 1 of the Rossville Flats, on seeing soldiers in Glenfada Park North. To our minds, in the light of Fr Bradley's evidence, this was after the firing Fr Bradley witnessed. We have considered whether RM 2 saw a different soldier firing than the soldier seen firing by Fr Bradley, but in our view that is unlikely. We have no other evidence that suggests to us that some time before any of the Sector 5 casualties were shot, a soldier other than that seen by Fr Bradley fired as RM 2 described. In addition, apart from RM 2, we have found no evidence that suggests to us that a soldier may have walked down Rossville Street to the entrance of Glenfada Park North, or walked back up Rossville Street from that position; and we consider that a soldier in the position identified by RM 2 would have been noticed by Fr Bradley.

119.54 Margaret McCready told us, in her written statement to this Inquiry,¹ that after the shooting she went up the steps in Westland Street (south of Free Derry Corner) where she met RM 2, who told her that Michael Kelly had been shot, but that he did not know how badly he had been wounded. *"He told me that he had been kneeling praying behind the Rossville Flats as everyone thought they would be killed."* In his evidence to this Inquiry, RM 2 said that he had learned about Michael Kelly when in Westland Street and remembered meeting Margaret McCready; and when asked why he had only told her about Michael Kelly, said that he told her of the one person who he knew that she knew and was sure that that was the person that she would have been most interested in.² *"I did not tell her there was only one person shot."* However, had he seen bodies on the rubble barricade and the wounded Hugh Gilmour at the south end of Block 1 of the Rossville Flats, as he described, it is rather difficult to accept that he would have failed to mention the other casualties that he told us he had seen.

¹ AM150.4

² Day 424/55-56; Day 424/63-64

119.55 As we have already noted, RM 2 described witnessing what he said he was 90 per cent confident was machine gun fire, which hit the tarmac on the south side of Glenfada Park North, though elsewhere in his oral evidence he expressed himself only as “*fairly certain*” that it was machine gun fire and that he could have been confused by hearing a number of rifles fired at the same time.¹ We are sure that none of the soldiers fired a machine gun on Bloody Sunday, and none of the soldiers in Glenfada Park North reported hearing machine gun fire. In our view RM 2 is likely to have confused some of the firing by soldiers in Sector 4 for machine gun fire, as he acknowledged that this firing could have been from a number of soldiers firing at the same time. It is also possible that he heard the repeated firing by a soldier described by Fr Bradley.

¹ [Day 424/43](#)

119.56 In these circumstances we are of the view that while RM 2 may have witnessed two of the shots described by Fr Bradley and George Irwin, this is only a possibility. The shots RM 2 told us he recalled were not shots that hit anyone in Sector 5. In view of the matters discussed above, we take the view that the accuracy of what RM 2 told us he recalled remains in doubt. In our view he may have come to believe that he had witnessed events (including the soldier he said he saw firing) which in fact he had not seen but had been told about by others, or had over the course of time muddled the sequence of events and what he saw. He gave no account in 1972.

Soldiers on the City Walls

Lieutenant 227

119.57 Lieutenant 227, a member of 22 Lt AD Regt, made two Royal Military Police (RMP) statements, one timed at 1215 hours on 1st February 1972¹ and a second timed at 0940 hours on 2nd February 1972.² The statements were taken by two different statement takers, Corporal INQ 1828 and Corporal INQ 2596, but we do not know why Lieutenant 227 made two statements. He told us that he had no recollection of making more than one RMP statement.³

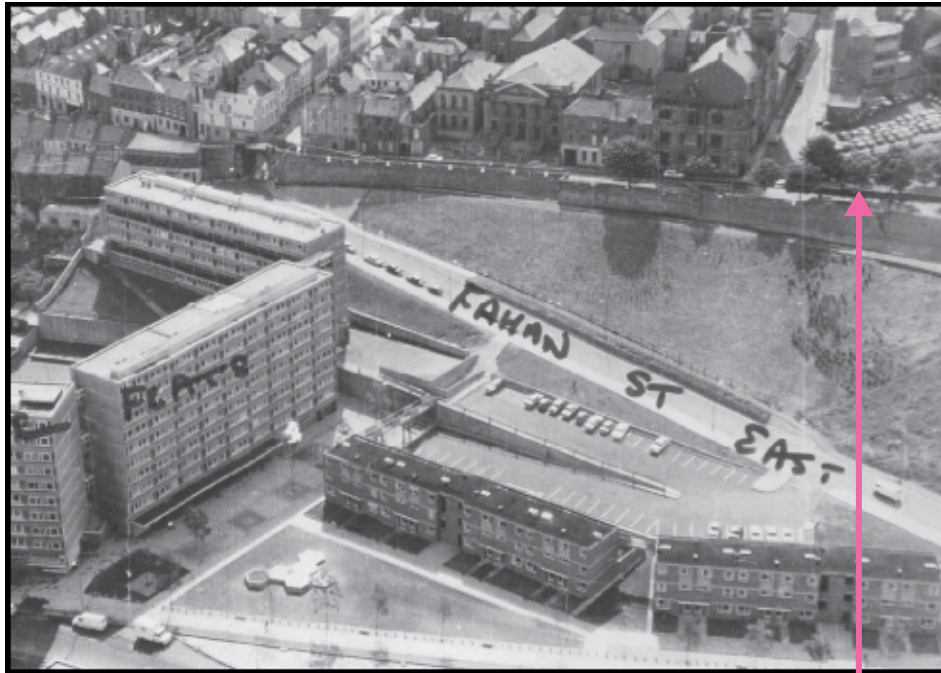
¹ [B2186.1](#)

² [B2184](#)

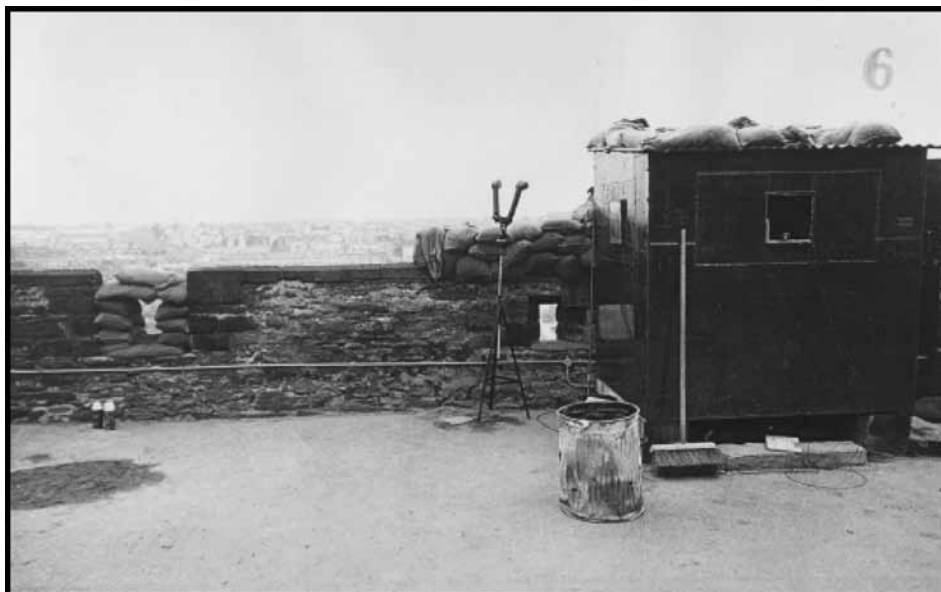
³ [Day 371/167](#)

- 119.58** In both RMP statements Lieutenant 227 recorded that he was on duty at Charlie Observation Post (OP) on 30th January 1972. Earlier in this report¹ we described the Army Observation Posts on the City Walls, one of which was Charlie OP. It is convenient at this stage to show again the position of Charlie OP and the sangar (a small hut) there, as well as part of the view from this OP.

¹ Paragraphs 116.27–37



Charlie OP





119.59 As we have described earlier in this report,¹ from Charlie OP could also be seen the eastern side and south gable wall of Block 3 of the Rossville Flats, ie to the right of the photograph shown above.

¹ [Paragraphs 116.27–37](#)

119.60 Lieutenant 227's first RMP statement¹ was in the following terms:

"I am an officer at present serving with 22 Lt AD Regt RA in LONDONDERRY, Northern Ireland.

About 1230 hrs on the 30th January 1972 I commenced duty at 'Charlie OP' which is on the city wall, and looks over the Rossville flats area.

About 1610 hrs between the gap of blocks 2 and 3 of Rossville flats I saw two armoured 'pigs' travelling along Rossville st and they stopped out of my sight behind the flats.

The crowd around Rossville flats which numbered about 200 began to panic and disperse in all directions, at this time a number of baton rounds were being fired by the troops who were moving in and a number of arrests were being made.

Shortly after this I heard two bursts of of automatic fire which in my opinion were from a Thompson machine gun. The shots appeared to come from the Glenfada park area. Immediately after the shots I heard the sound of a nail bomb followed by three shots which sounded like SLR shots.

As the shooting was taking place a large crowd which were around the barricade on Rossville st split up leaving two bodies on the barricade. A group of about 15 people went to the rear of a block of flats in Glenfada park.

I then saw three soldiers appear from the rear of the flats in Glenfada park and one of them knelt on the corner facing towards Rossville flats. The other two soldiers were making arrests. At this point I heard two or three pistol shots being fired from the area of Rossville flats. The soldier in Glenfada park then fired two rounds towards Rossville flats and I saw a man fall at the corner of Block 1 of the flats.

My attention was then attracted to a man lying on the ground in front of St JOSEPHS place who had been hit in the lower part of the body. I kept observation on this man and while doing so heard a number of SLR shots and other high velocity shots but from what area I do not know.

I can definitely say that the first shots fired were not from an SLR.”

¹ B2186.1

119.61 Lieutenant 227's second RMP statement¹ was longer and in the following terms:

“On 30th January 1972, about 1230 hrs, I commenced duty at ‘Charlie OP’ which is situated on the city wall between the Royal Bastion and the Platform, and gives a clear view of the Rossville Flats area in respect of back of Block 2 with a sight of the southern end of Block 1, and the southern and eastern ends of Block 3.

About 1610 hrs, between the gap of Blocks 2 and 3 of Rossville Flats, I saw two Armoured Personnel Carriers travelling along Rossville St in the direction of the Flats, and they stopped out of my sight behind the Flats. The crowd around Rossville Flats, around 200, began to panic and disperse in all directions. At this time, a number of baton rounds were being fired by the troops from Rossville St into the waste ground by Rossville Flats.

I observed a number of arrests being made and personnel being removed. Shortly after the arrests started, I heard two distinct bursts of automatic fire which in my opinion came from a Thompson Sub Machine Gun. The bursts were first of approximately four rounds and the second of approximately 5–6 rounds. The shots appeared to come from the Glenfada Park area. Immediately after the shots I heard the sound of a nail bomb exploding, followed by what sounded like three aimed shots from an SLR. As the shooting was taking place, the large crowd around the barricade on Rossville St split up, leaving two bodies on the barricade.

[A] group of about 15 people from the original crowd went to the rear of a block of flats in Glenfada Park (the first block on the right going down Rossville St). I then saw three soldiers appear from the rear of the flats in Glenfada Park; one of them knelt at the corner of the building facing towards the Rossville Flats. The other two soldiers were making arrests on the corner of Block 1 Glenfada Park. At this time, I heard two or three pistol shots being fired from the area of Rossville Flats. The shots were fired in rapid succession. The soldier kneeling at the corner of Block 1 Glenfada Park then fired two aimed shots towards Rossville Flats. I saw him do this and I also saw a man at the corner of Block 1 Rossville Flats fall to the ground. I dropped my line of sight on a straight line and saw a second person about 50 metres closer to me, a distance of about 150 metres, who had apparently been shot in the lower part of the body as he was dragging himself along by his arms. This person's lower body was partially concealed from me by a low wall. I did not see any firearms with or near either man. The wounded man was on the ground in front of St Joseph's Place. I watched this man for a period of 3–4 minutes until he was assisted by two other civilians who helped him along the wall in the direction of 'Free Derry Corner' until he was lost to my vision. I then redirected my observations to the area of the Rossville Flats and to the location of the first man that I had seen shot, and observed a second body lying close to him. There was, at this time, a small crowd of about 30 people milling about mainly in front of the shops at Block 2 Rossville Flats. At this time, the soldiers started to withdraw from the area and about 10–15 members of the crowd went to the area of both bodies but showed more interest in the one that I had observed being shot. A small group from the people round the body produced a white Civil Rights Banner and draped it across the body of the man I had seen shot. I continued my observations as the people started to allow ambulances in and First Aid was being administered. I saw the two bodies taken away on stretchers, but did not see them put into ambulances. There was a small amount of Press Photographers on the fringe of the crowd taking pictures of the bodies being removed and slightly later took many pictures of the Civil Rights Banner that had covered the body, both on the ground and later as it was held up by members of the crowd. The Banner was fairly heavily bloodstained in the middle. From this point, things calmed down and the crowd dispersed. I remained at my location keeping observations until I was recalled about 1730 hrs. I can definitely state that the first shots fired were not from an SLR.

The weather at the time was clear and I had a clear and unobstructed view of all the incidents recorded here.”

- 119.62 By the “*back of*” Block 2 of the Rossville Flats Lieutenant 227 was clearly describing the south side of Block 2, which was in fact the front of that building.
- 119.63 It is noteworthy that in the second RMP statement, though it is in many respects similar to the first RMP statement, there is no mention of Lieutenant 227 hearing a number of self-loading rifle (SLR) and other high velocity shots while keeping observation on the person he had described in both statements as lying on the ground “*in front of St Joseph’s Place*”.
- 119.64 Lieutenant 227 made a written statement for the Widgery Inquiry and also gave oral evidence to that Inquiry.
- 119.65 In this written statement Lieutenant 227, having described in similar terms what he had seen and heard when the soldiers came into the Bogside, gave this account:¹

“6. I saw a small group of 15 or so people move from the barricade behind the gable wall of the nearest Glenfada building. In the courtyard beyond I saw some people moving but no clear groupings. I did not identify any weapons amongst them. I did not hear the sound of firing from this courtyard at this time or later.

7. I saw two paratroops arresting the people at the gable end. I saw a third kneeling beside them facing the Rossville Flats.

8. I then heard two or three rapid pistol shots from the area of Rossville Flats. The kneeling soldier fired two deliberate shots towards my right and downwards, aimed I believe in the direction at the near end of block 1. As he did this I saw a man falling. He was a few paces out from the end of block 1 where a small group of people were gathered. I have seen photographs EP25/17 and EP25/18 and identify the foreground figure as the man I saw fall. I should add that the pig appearing in the photographs was not there when the paratroop fired. I saw nothing in the hands of the man who fell.

9. I have seen photograph EP25/15. I did not see the men shown in that photograph. I have been told their position and confirm that from my OP they were in dead ground.

10. I did however see a man, apparently shot in the lower part of his body, dragging himself along by his arms in the direction of Rossville Flats by the low wall between Joseph Place and the car park on the side of my OP. I looked at this man through a telescopic rifle sight but could see no firearms.

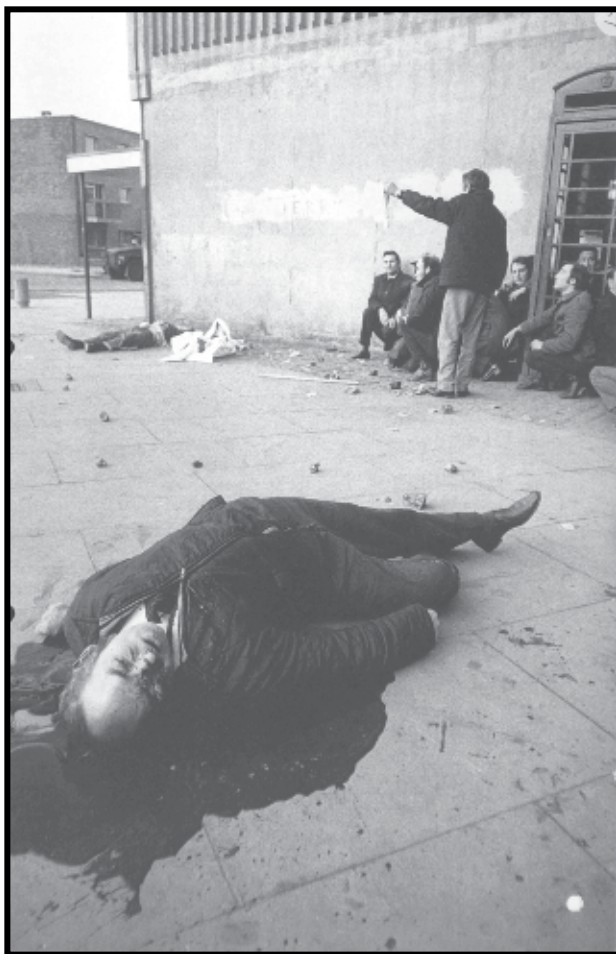
11. I kept continuing observation on this man through the telescope.

12. I saw the wounded man taken by two civilians back along the wall to a car and driven away. I then looked back to the first body and saw another body lying near it at the end of the gable wall of block 1 as shown in photograph EP25/18. I had not seen him before but think he was earlier obscured by a group of people.

13. I saw the body of the first man to fall covered by a Civil Rights banner. I later saw the bodies taken away by ambulance.”

¹ B2189

119.66 Of the photographs mentioned in this statement, the first two were two of the photographs taken by Gilles Peress of the body of Bernard McGuigan, which also show the body of Hugh Gilmour in the background; and the third was one of the photographs taken by the same photographer of Patrick Doherty and Patrick Walsh.





119.67 In his oral evidence to the Widgery Inquiry, Lieutenant 227 said that he was on duty at Charlie OP with two men who were observing, one on the radio and two doing sniper duty.¹ In fact, the two soldiers on sniper duty were positioned at 3 Magazine Street.

¹ [WT16.41](#)

119.68 Lieutenant 227 gave the following answers when asked by counsel for the Ministry of Defence about the crowd that had moved from the rubble barricade:¹

“Q. What next did you hear that you remarked on?

A. The crowd then moved to Glenfada and the arrest was being made in that area. I then heard three or four pistol shots.

Q. The crowd moved to Glenfada?

A. Yes.

Q. Did you see paratroops come in to make arrests?

A. Yes.

Q. Which way did you [sic] come in?

A. Through Glenfada Park.

Q. When end? [sic]

A. In between – round in this way.

Q. They came in from north to south?

A. Yes.

Q. You put your finger, I think, at the south-east corner of Glenfada Park. Is that where the crowd stayed or the soldiers went or what happened?

A. The crowd stayed there until they were arrested by the paratroops.

Q. You heard pistol shots?

A. Yes.

...

Mr. GIBBENS: The last thing you were dealing with was that the parachute troops came to Glenfada Park?

A. Yes.

Q. Did you hear any sound then?

A. I heard three rapid pistol shots.

Q. Could you see or judge where they came from?

A. I judged the area of Rossville Flats.

Q. Did you see anyone firing?

A. I did not, sir.

Q. Did you see some people moving from the barricade by Rossville Street flats?

A. By the actual flats themselves.

Q. You know where the barricade is down there?

A. Yes.

Q. Had you seen that barricade?

A. Yes, sir, I had.

Q. How many people were there at the time you are talking of now?

A. The people had moved from the barricade to the end of the flats.

Q. About how many people?

A. 15 to 20 people.

Q. Did you see what happened to them?

A. They were arrested by the troops that came in.

Q. And taken away?

A. Yes.

Q. Did you observe any weapons among those people?

A. Yes, sir, I did.

Q. Did you hear any sound of firing from the Glenfada Park courtyard at that time or any time?

A. At that particular time, no.

Q. Or any time later?

A. Just the rounds that had been fired by the troops in the area.

Q. When you heard the pistol shots from Rossville Flats did you see any counter-action taken?

A. Yes, I did.

Q. What was that?

A. A soldier kneeling on the corner at Glenfada Park fired two definite shots.

Q. Where about was the soldier kneeling so far as you observed?

A. He was kneeling by the lamp post by the rear of the first block.

Q. Point it out with the stick. He was by the door of that court?

A. Yes.

Q. In which direction did he fire?

A. Down to my low and right.

Q. Parallel with the coloured block of Rossville Flats?

A. Yes.

Q. Did you see what he was firing at?

A. No, sir, I did not.

Q. How many shots did he fire?

A. Two, sir.

Q. Were they properly aimed shots or not?

A. They were deliberate shots, yes, sir.

Q. Where had he got his gun?

A. In the shoulder.

Q. Have you ever seen people firing from the hip?

A. No, sir.

Q. When he fired did you say how many shots he fired?

A. Two shots, sir.

Q. When he fired those two shots did you see any man who may have been his target?

A. Yes, sir, I did.

Q. Where was that man?

A. By the bottom end of Block 1.

Q. Was that near the telephone kiosk?

A. Yes.

Q. What did you see?

A. I saw a man fall, sir.

Q. Did a small group of people gather?

A. They stood away there as soon as he was hit.”

¹ [WT16.42-44](#)

119.69 As will be noted, the transcript recorded Lieutenant 227 saying that he noticed that there were weapons among the people who had been arrested. In our view this was a mistake in the transcript, as indeed Lieutenant 227 told us.¹ There is no evidence from any other source to suggest that any of these people was armed.

¹ [B2204.010](#)

119.70 Lieutenant 227 told the Widgery Inquiry that he could not see whether the man he had stated he had seen crawling along between Joseph Place and the low wall on his side of the block was wounded, but saw no firearms on him.¹

¹ [WT16.44-45](#)

119.71 In the course of his oral evidence to the Widgery Inquiry, Lieutenant 227 said that he had heard two or three SLR shots, which caused the people at the rubble barricade to scatter and run into Glenfada Park. By “*Glenfada Park*”, Lieutenant 227 clearly meant, throughout his evidence, Glenfada Park North. He said that the next SLR firing he heard came from the corner of Glenfada Park.¹ He told the Widgery Inquiry that he got the impression that the soldier positioned at that corner was firing at a man who had come out from the group in the vicinity of the telephone box and whom he had earlier identified from Gilles Peress’s photographs as Bernard McGuigan. He also told the Widgery Inquiry that he did not notice any firing from a position that was out of his sight, “*down by this*

wall". From the context this was a position near the high retaining wall at the south-eastern end of the pedestrianised area between Block 2 of the Rossville Flats and Joseph Place.²

¹ WT16.48

² WT16.49

119.72 According to the transcript, Lieutenant 227 told the Widgery Inquiry that the firing from Glenfada Park was "*at the man with the rifle to my low and to the right*".¹ Lieutenant 227 told us that this must have been a mistake in the transcript, because he had never seen a man with a weapon. He rejected the suggestion that "*rifle*" was a mistake for "*pistol*" for the same reason.² We are sure that Lieutenant 227 is right about this. Had he said to the Widgery Inquiry that he had seen a man with a weapon, we are sure that he would have been questioned about it. As it is, his evidence has consistently been that although he heard shots, he did not see anyone (apart from the soldier) with a weapon.

¹ WT16.48

² Day 371/173-174

119.73 Lieutenant 227 gave written and oral evidence to this Inquiry.

119.74 Though in his written statement to this Inquiry¹ Lieutenant 227 told us that his memory of the order of events was no longer clear,² he stated that he did recall a number of the events surrounding the shooting of Bernard McGuigan. Lieutenant 227 confirmed that he had been on duty in Charlie OP on Bloody Sunday and that he used a rifle equipped with a telescopic sight on that day. He explained that his view from Charlie OP would have included the south gable of the eastern block of Glenfada Park North.³ Lieutenant 227 told this Inquiry that he had a recollection of civilians moving from the rubble barricade to Glenfada Park North. This occurred before he saw three paratroopers appear at that south gable of the eastern block of Glenfada Park North. Two of them proceeded to arrest a number of civilians sheltering there. The third knelt down beside them facing in the direction of Block 2 of the Rossville Flats. Lieutenant 227 could give no description of this third paratrooper save to say that he was right-handed and "*blacked up*". He told this Inquiry that he had a "*very clear memory*" of this paratrooper kneeling on the left-hand side of a lamp post located on the pavement running around the south-eastern corner of the eastern block of Glenfada Park North. At this time Lieutenant 227 was not using the telescopic sight to observe events. He saw the kneeling soldier raise his rifle to the shoulder and fire two aimed and "*deliberate*" shots. Lieutenant 227 described the soldier's rifle as "*aimed parallel with Block 2 of the Rossville Flats towards the walls*" and that the time that elapsed between the two shots was "*anywhere between one and two seconds*".

While Lieutenant 227 had a distinct recollection of seeing a paratrooper fire two shots, he told us that he no longer had an independent recollection of seeing a man fall, but that on this matter he wished to stand by his 1972 account to the RMP.⁴

¹ B2204.001

³ B2204.002; Day 371/114-120

² B2204.003

⁴ B2204.005; B2204.032; B2204.034; Day 371/111-112; Day 371/150-152

119.75 Lieutenant 227 told this Inquiry that he had a recollection of hearing the “*very distinctive sound*” of a Thompson sub-machine gun¹ and also of hearing pistol shots. As to the latter his recollection was that he heard pistol shots fired from “*my front right in the area of the Rossville Flats*” before he saw any paratroopers in Glenfada Park North. He could no longer be certain in his mind that his hearing pistol shots and seeing a paratrooper fire were linked, as would appear from the accounts he gave in 1972 which we have set out above. On two occasions during his oral evidence, Lieutenant 227 accepted that when giving his statements in 1972 he would have aimed to give an accurate account and to set matters out in the sequence in which they occurred.²

¹ B2204.003

² B2204.004; B2204.010; Day 371/143-144; Day 371/168

119.76 Lieutenant 227 told us that he also retained a recollection of seeing a man “*dragging himself along by his arms on the east side of Joseph Place*”. The lower half of this man’s body was obscured by a wall. Lieutenant 227 observed this man through a telescopic sight. He could not see any weapons on this man but conceded in his written statement to this Inquiry that he “*would not necessarily have been able to see a handgun*”. The man seemed to be making his way towards the northern end of Joseph Place. Before he had reached there a group of people assisted the man south towards St Columb’s Wells. Lieutenant 227 said that he no longer had a recollection of the man being put into a car, as recorded in his first RMP statement.¹

¹ B2204.006; Day 371/153-155

119.77 On the basis of his 1972 evidence we are of the view that Lieutenant 227 was a witness to the shooting of Bernard McGuigan by a kneeling soldier near the lamp post at the entrance to Glenfada Park North. However, it is noteworthy that Lieutenant 227 only recorded witnessing the firing by a soldier of two shots, though in his first RMP statement only, he also recorded hearing afterwards a number of “*SLR ... and other high velocity*” shots. There is, for reasons we have given earlier, no doubt that Patrick Campbell, Daniel McGowan and Patrick Doherty, as well as Bernard McGuigan, were hit by Army fire in Sector 5, in circumstances that in our view show that they were shot from Glenfada Park North. Thus more than two shots must have been fired from Glenfada Park North into

Sector 5 and it could be that these were the further shots recorded by Lieutenant 227 in his first RMP statement. On this basis, since Patrick Campbell appears to have moved from the south end of Block 1 of the Rossville Flats before Bernard McGuigan was shot, he (Patrick Campbell) would have been shot after Bernard McGuigan.

119.78 Lieutenant 227 does not appear to have seen the firing from the entrance to Glenfada Park North witnessed by Fr Bradley. In our view this firing must have preceded the firing that resulted in the casualties in Sector 5, since Fr Bradley at the south gable end of the eastern block of Glenfada Park North would have been able to see a soldier firing into Sector 5 from the position identified by Lieutenant 227. We repeat our view that Fr Bradley had been moved away from the entrance to Glenfada Park North before the Sector 5 firing occurred. He told us that he did not see a soldier fire in the manner described by Lieutenant 227.¹

¹ [Day 140/237-238](#)

119.79 Indeed, as was pointed out to Lieutenant 227 during the course of his oral evidence, on the basis of his accounts he had heard very little indeed of the substantial amount of SLR fire that had occurred in Sectors 2, 3 and 4, before he saw a soldier fire two shots from the entrance to Glenfada Park North.¹ It might be, as Lieutenant 227 suggested, that he did not notice this other shooting because he was concentrating on what he could see through the telescopic sight, or because buildings blocked the sound. His recollection was, however, that when he saw the soldier fire two shots, he was not using his telescopic sight.² Furthermore the Rossville Flats could hardly block out any sound reaching him from the area where that soldier was, though the echoing effect such a building might have made it appear that the sound had come from elsewhere.³

¹ [Day 371/180-183](#)

³ [Day 281/67](#); [Day 287/8](#)

² [B2204.005](#)

119.80 Although the matter is not entirely clear, in our view what probably happened was that Lieutenant 227 was not looking at the entrance to Glenfada Park North when the soldier witnessed by Fr Bradley was firing and when the casualties in Sector 5 (apart from Bernard McGuigan) were sustained. It may also be the case that for part of the time at least, Lieutenant 227 was keeping his head down, to minimise the risk of becoming a target for snipers. In our view, however, it is clear that Lieutenant 227 only saw some of the firing into Sector 5. We consider it unlikely that the soldier Fr Bradley saw would have been out of the sight of Lieutenant 227, as Fr Bradley put the position of the soldier close to the lamp post at the south-eastern corner of Glenfada Park North, which was where Lieutenant 227 stated that he saw a soldier fire two shots into Sector 5.

119.81 We consider elsewhere in this report¹ the accounts that Lieutenant 227 gave of hearing Thompson sub-machine gun fire. For the reasons that we give there, we are of the view that Lieutenant 227 was probably mistaken about this.

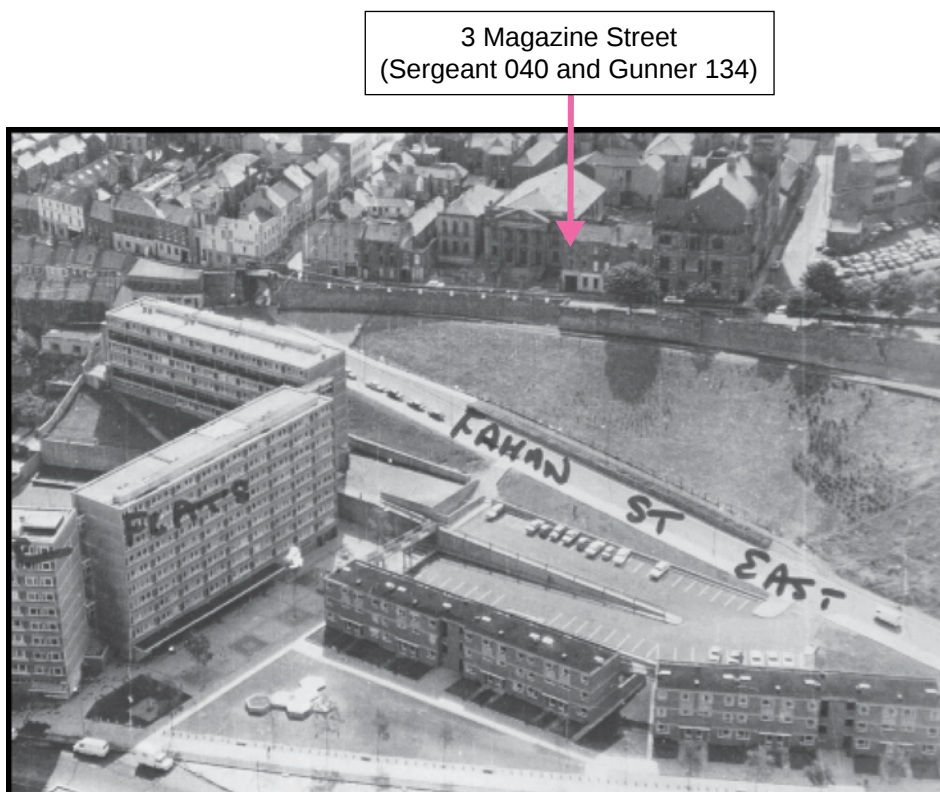
¹ [Paragraphs 153.43–50](#)

119.82 It is important to note in the present context that Lieutenant 227 told the Widgery Inquiry that he did not hear any firing from near the wall at the south-eastern end of the area between Block 2 of the Rossville Flats and Joseph Place.¹

¹ [WT16.49](#)

Sergeant 040

119.83 Sergeant 040, of 22 Lt AD Regt, was in the OP at 3 Magazine Street.



119.84 Sergeant 040 gave a statement to the RMP dated 2nd February 1972. Subsequently on 16th February 1972 he gave a statement to Colonel Overbury (a member of the Army Tribunal Team at the Widgery Inquiry), which was taken on an RMP statement form. Sergeant 040 was one of six soldiers from whom Colonel Overbury took statements. For

convenience we refer here to the statement given by Sergeant 040 to Colonel Overbury as the latter's second RMP statement. Sergeant 040 also gave a written statement for the Widgery Inquiry, though he did not give oral evidence to that Inquiry.

- 119.85** In his first RMP statement timed at 2010 hours on 2nd February 1972,¹ Sergeant 040 described seeing a group of people standing near "*the end wall of Columcille Court*". In his second RMP statement he corrected this to "*the southern end of the Glenfada Park Flats by Rossville St*".² By this he meant in our view the southern end of Glenfada Park North.

¹ B1652

² B1656

- 119.86** In his first RMP statement¹ Sergeant 040, after describing seeing three members of the Parachute Regiment come round the corner of the building (by which in our view he meant the south-eastern corner of Glenfada Park North) and the people being marched away, gave the following account:

"The other members of the Parachute Regiment took up positions on the corner where the arrests had taken place and one of them, who adopted a kneeling position, fired a shot from his SLR along the front of No 2 Rossville Flats in my direction. I saw a man, who was standing with his back to me waving his arms suddenly leap in the air and land on his back about 3 to 6 feet away from where he had been standing, in my direction. About 2 minutes later a priest approached him and administered the last rites. I did not see anyone place a flag over the body which remained where it had fallen for about 30 minutes when he was taken away on a trolley.

At almost the same time that the man was shot, I saw two other men fall to the ground. These men were situated in front of No 2 Rossville flats but about 50 yards nearer to Rossville Street. At this time there was a lot of shooting going on and I do not know who was responsible for shooting these two men or the circumstances as at this time people were running in all directions. At the time I thought that the two men had been struck by rubber bullets because one of them got to his feet. However he fell to the ground again and was helped to a position under the veranda at the front of No 2 Rossville Flats. I then concentrated on other peoples movements and the movement of vehicles and I am unable to provide any further evidence regarding shooting but I did see the three bodies being taken away and a further four casualties who were removed from somewhere in the front of St. Joseph's Place which was outside of my field of vision."

¹ B1652

119.87 The second RMP statement¹ contains the following account:

"The 20 people I saw arrested were in fact standing at the southern end of Glenfada Park flats by Rossville St and not by Columbcille Court. It was at this point, just after the 20 people were taken away that I heard what I thought to be automatic fire coming from the area of Glenfada Park. Looking in that direction I saw a paratrooper in the area of Glenfada Park. Looking at the photograph I would say he was at the corner as I described before. He was kneeling and held his rifle in the aim position.

He was pointing his rifle in my direction. I glanced down below along the line of the paratrooper's sight and saw a man who was facing the rifleman and holding his arms above his shoulders with his fists clenched. I could not say whether he was holding anything. I heard the paratrooper fire his rifle and I saw the man fall backwards. He fell by the trees between the end of Joseph Place and the end of Rossville flats nearest to me.

Almost immediately a priest came to him, and a crowd gathered. Two men then suddenly ran from the crowd, running as fast as they could. One was in a crouching position and held his right arm under his left armpit. The other man had his arm round the first man's shoulder. They ran extremely fast into the ground floor flat, second from the right, of the Joseph Place flats. They burst through the door.

When the ambulances came up to half an hour later, I saw at least four people carried on trollies from the Joseph Place flats and put into the ambulances.

Just after the first man was shot I saw another man lying on the ground in the area between blocks 1 and 2 of the Rossville Flats.

The paratrooper was still where I saw him fire, but I cannot say if he had fired again.

Almost immediately I saw another man fall a few yards to the left. He started to get up but fell again. I do not know from which direction he was shot, but he was facing up Rossville Street towards William Street."

¹ B1656

119.88 We do not know to which photograph Sergeant 040 was referring in this statement.

119.89 In his written statement for the Widgery Inquiry,¹ Sergeant 040 recorded that he saw two or three paratroopers appear on the corner in front of Glenfada Park "*and they arrested people standing there and took them away. I heard automatic fire from the direction of*

Glenfada Park and then I saw a paratrooper on the south west corner of Glenfada Park.”

The reference to the south-west corner was in our view a mistake for the south-east corner. This statement continued:

“The paratrooper knelt and had his rifle in the aimed position. He was pointing his rifle in my general direction. I glanced down below along the line of the paratrooper’s sight and saw a man who was facing the paratrooper and appeared to be holding his arms above his shoulders. I could not see if he was holding anything. I heard the paratrooper fire his rifle and I saw the man fall backwards but I could not see him all that clearly because the city wall was in my line of view. I could not describe the man whom I had seen shot. Immediately after this a priest appeared and a crowd gathered round.”

¹ B1659

119.90 As to the other people he had previously stated he had seen fall Sergeant 040, in his written statement for the Widgery Inquiry, gave this account:¹

“Just after I saw the first man shot I saw another man lying on the ground in the area between blocks 1 and 2 of Rossville Flats. I had seen this man fall to the ground but I did not hear a shot and I could not remember whether the paratrooper was still in the position where I had seen him or if he had fired again. At almost the same time I saw another man fall on the corner of the south end of block 1 of Rossville Flats. I do not know the direction from where he was shot but he was one of two men who had been facing up Rossville Street towards William Street. I cannot say if any of the last three men I have described were carrying arms.”

¹ B1660

119.91 Although Sergeant 040 gave a written statement to this Inquiry¹ there is nothing in it that adds to the accounts that he gave in 1972. Sergeant 040 did not give oral evidence to this Inquiry.

¹ B1661.001

119.92 Sergeant 040’s description of the first man he said he saw fall does not fit any of the known casualties in Sector 5, since from their injuries it is clear that neither Bernard McGuigan nor Patrick Campbell was facing the firer when hit. Patrick Doherty was shot while crawling and was not carried away on a trolley. Daniel McGowan was helped into the Joseph Place alleyway and so could not have been the man Sergeant 040 described being tended by a priest. The accounts Sergeant 040 gave of seeing two others fall put

them closer to Rossville Street than the first man, but apart from the possibility that one of them may have been Bernard McGuigan, the other does not correspond with the position of any of the Sector 5 casualties. It is possible that Sergeant 040 was describing Hugh Gilmour, but he had been shot before any soldiers appeared at the entrance to Glenfada Park North.

119.93 We should say at this point that we have found no evidence that suggests to us that there were additional unknown casualties in Sector 5. The suggestion that there were implies either that none of the civilian witnesses to whom we have referred saw any of these casualties, which to our minds seems unlikely in the extreme, given the small area of Sector 5; or that they concealed the fact that people other than the identified casualties had been wounded or killed. The latter involves the proposition that these people, more or less from the outset, somehow knew, or were instructed, only to mention some but not others of the casualties that they had seen. We accept the submissions made on behalf of the family of Bernard McGuigan, and on behalf of the majority of the other families, with regard in the main to the suggestion that other civilians had been killed.¹

“[The proposition] hinges upon the chimera of hidden casualties for which there is no evidence and which is highly unlikely in the application of common sense as to how this might be organised impromptu, with the logistical difficulties apparent in terms of treatment. With regards to a fatality, the evidence of witnesses such as Bishop Daly support the view of a cultural anathema preventing the hiding of a fatality in any circumstances. This alleged removal of a casualty would have had to form part of a very well organised triage system to weed out the suspicious from the entirely innocent, on the spot, in unplanned and in entirely unforeseen circumstances.”

“It is implausible to contend that the IRA and its sympathisers managed, in the midst of what was a life-threatening and traumatic situation, to spirit away *all* of the soldiers’ ‘real’ targets on Bloody Sunday, bringing to hospital only those killed by ricochet/ mistake. For this to have occurred necessitated a conspiracy involving the randomly selected witnesses to the shooting, the civilians, photographers, journalists and priests, unknown to each other prior to this incident. The conspiracy involving this disparate group was set in motion within minutes of the deaths of these ‘missing casualties’ and has gone uncovered for 32 years.”

¹ [FR2.31-32](#); [FS1.2762](#)

- 119.94** In our view these considerations apply equally to the suggestion that there were additional wounded casualties of Army gunfire. For these reasons we are of the view that the person Lieutenant 227 described as dragging himself along the east side of Joseph Place was not an unknown casualty of Army gunfire.
- 119.95** In our view it is likely that Sergeant 040 did see some of the casualties in Sector 5, though we consider that he was confused about where these fell and possibly the order in which they fell. He was also in our view wrong in describing one of them facing the soldier who shot him. The only possible casualty who might have been more or less facing the soldier who shot him was Daniel McGowan, but in view of his injury (to the inside of his right leg) this too seems most unlikely. It also seems unlikely that Sergeant 040 saw this casualty, if we are correct in concluding that Daniel McGowan was probably shot near the Fahan Street steps, as he was likely to have been out of view.
- 119.96** As to Sergeant 040's evidence of hearing what he thought was automatic firing coming from Glenfada Park, in our view this was the repeated firing by the soldier witnessed by Fr Bradley. In his second RMP statement he recorded that it was just after the people had been taken away that he heard what he thought to be automatic fire coming from the area of Glenfada Park. We are sure that there was no paramilitary firing from this area at this time, for otherwise the soldiers who were in Glenfada Park North would have heard it and would have been bound to have reported it, as it would have been in their interests to do so. This part of Sergeant 040's account is in our view supported by the fact that most of the people who had been sheltering at the southern end of the eastern block of Glenfada Park North must have been moved away by soldiers into Glenfada Park North before the soldier started firing as Fr Bradley described.

Gunner 134

- 119.97** On 30th January 1972 Gunner 134 was under the command of Sergeant 040 and stationed at 3 Magazine Street. He too made two RMP statements, the second of which was also given to Colonel Overbury. Gunner 134 also gave a statement to the Widgery Inquiry but was not called to give oral evidence by that Inquiry.
- 119.98** In his first RMP statement timed at 2210 hours on 3rd February 1972,¹ Gunner 134 described watching speakers on the lorry at Free Derry Corner. He stated that "*As this was going on I saw about five civilians with their hands held high going into COLUMBUSCILLE [sic] COURT being followed by a Paratrooper with his rifle pointing*

towards them, it was then that I heard several more shots this time from a low velocity weapon, probably a pistol also situated in the WILLIAM STREET area.” His statement continued:

“The people at FOXES CORNER IMMEDIATELY dispersed as well as those in ROSSVILLE STREET, they ran in between the flats and the small holding to my left. I then saw a male civilian come trotting across GLENFADA PARK towards the flats and a Paratrooper behind him, The paratrooper then knelt down behind a lampost and fired one round from his SLR at the man, who then fell to the ground. About two or three minutes later I heard about five or six more shots from SLR’s, these coming from LECKY STREET/WILLIAMS STREET area. After these shots were fired I saw three civilians fall to the floor in the same area as the previous shooting. I presumed these three people had been shot. Most of the people dispersed leaving only about two hundred people in cover round the flats. I then saw two civilian ambulances arrive, the bodys then being put inside. I again heard another SLR round being fired from the area of WILLIAM STREET, the people round the ambulance immediately taking cover. By this time it began to get dark making my view of the flats difficult.”

¹ B1822

119.99 “*Foxes Corner*” (or, correctly, Fox’s Corner) was another name for Free Derry Corner.

119.100 It is clear from this statement that Gunner 134 was from the outset confused about at least some of the chronology of events, if not other matters. For example, he may well have seen arrestees, but this was long after the crowd had dispersed at Free Derry Corner and indeed from Rossville Street.

119.101 In his second RMP statement (given to Colonel Overbury on 16th February 1972), he gave the following account of the shooting that he said that he had seen:¹

“When I first saw the man in Glenfada Park, not Columbcille Court as I said earlier, he was not running fast, he was trotting. I did not at that time see anyone behind him. I saw him cross Rossville Street. I then looked back to Glenfada Park and saw a paratrooper come into sight from behind the Glenfada Park flats. I then glanced towards Rossville St and when I looked back the paratrooper was kneeling in the aim position pointing his rifle in my direction. I then looked down as I heard the sound of his rifle firing a single shot and saw a man sprawled on the ground between 2 trees between Rossville flats and Joseph Place. I did not see the man fall, but he appeared to be the same man that I saw trotting across Rossville Street.

I then saw a priest come to the man and a crowd gather. I then noticed 2 men running together one with his arm round the other, going pretty fast. One was holding his hand under his jacket. They ran into one of the Joseph Place flats. I think it was the second ground floor flat.

About this time I also saw 2 men, not three as I said earlier at the corner of blocks 1 and 2 of the Rossville flats. I saw one fall and as I looked to see where the shot came from I saw another man near him on the ground. I did not see where the shots came from.”

¹ B1826

119.102 In his written statement for the Widgery Inquiry,¹ Gunner 134 gave this account:

“4. I saw a party of people arrested in Glenfada Park and taken down the back of the main building out of my sight.

5. Then I noticed a man wearing a long dark coat come round the corner of the main Glenfada Park building and cross the road towards me at a jog trot. He was not, so far as I could see, carrying a weapon or a nail bomb. At a distance of 100 metres or more it was not possible to say if he had anything small in his hands. I did not see him (while I had him under observation) turn or make any movement as if to use a weapon or throw a missile.

6. There was about a hundred people in the area I could observe, some moving as if to go away from Free Derry Corner (I assumed to throw stones) and others lying down as if to take cover.

7. When the man had got to block 2, I saw a paratroop (whom I recognised as such by the shape of his helmet) come round the corner of Glenfada Park. I looked away for a moment and when I looked back the paratroop was kneeling by a lamppost in the aim position, pointing his rifle in my direction. I heard a shot fired, and looked down to see what he was firing at. I saw the man in the long dark coat lying sprawled on the ground between 2 trees in the area between Rossville Flats and Joseph Place.

8. In my statement of 3 February I said I saw the paratroop fire one round at the man, who fell. After making this statement I spoke to [Sergeant] 040, and realized that if as 040 said the man had turned back with his hands up, I could not have seen him immediately before he fell. This is the reason for the correction I made in my statement of 16 February.

9. I saw a priest come to the man, and ten or twelve others gathered round the body. A couple of minutes later I noticed two men, one with his arm round the other, and the other with his left hand under his jacket, run into the back of the second house along Joseph Place. There was no reason to connect them with the body I had seen. I had forgotten them when I made my first statement on 30 February [sic] and remembered them when 040 reminded me of them later.

10. I believe the body lay where it was for half an hour or so, and was then taken away in an ambulance. I have seen photographs EP 25/11 to 16, and do not see in them the man I saw fall.

11. After this I saw a man at the far corner of block 2 fall to the ground. I saw no-one shoot at him. I also saw another body of a man lying on the ground in this area, but had not seen him fall. When I said in my first statement that I had seen three civilians shot, I was including the first man I saw. I do not recognise as the bodies I saw those in photographs EP 25/17 and /18.

12. I later saw the bodies taken away in civilian ambulances.”

¹ B1829

- 119.103** The photographs to which Gunner 134 referred in this statement were those taken by Gilles Peress, which we have considered earlier in this report, showing people below the high concrete wall on the east side of the Rossville Flats car park and Patrick Walsh going to the aid of Patrick Doherty.
- 119.104** As appears from his statement to the Widgery Inquiry, by the time Gunner 134 had come to make this statement he had spoken to Sergeant 040.
- 119.105** Gunner 134 gave written and oral evidence to this Inquiry.
- 119.106** Gunner 134's evidence to this Inquiry in respect of the person he described as the first he had seen shot is broadly consistent with his statement to the Widgery Inquiry.¹ He told us he recalled seeing a civilian who was wearing a knee-length dark coat. This coat was flapping as the man jogged along. The man had been on the east side of Rossville Street when Gunner 134 had first seen him. He marked the position of the man when he saw him as a few yards south of the south-west corner of Block 1 of the Rossville Flats.² Gunner 134 told us that he had no present recollection of seeing the man crossing Rossville Street.³ He told us that the paratrooper who fired had been standing but adopted a kneeling position before firing.⁴ He said that this paratrooper was alone when

he saw him. Gunner 134 placed that paratrooper as kneeling by a lamp post on the south side of the entrance to Glenfada Park North. As can be seen on the following photograph there is no lamp post in that area, but Gunner 134 accepted that it was possible that the paratrooper may have been positioned by the lamp post visible at the corner of the entrance to Glenfada Park North.⁵

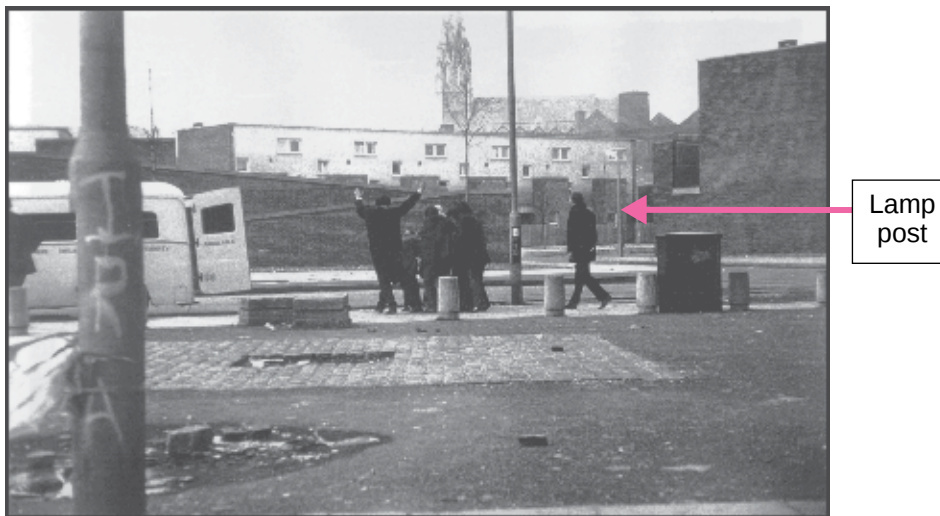
¹ B1831.003

⁴ Day 363/39

² B1831.003; B1831.014; Day 363/36-38

⁵ Day 363/38-42; Day 363/100-101

³ Day 363/44-47



119.107 Gunner 134 described the paratrooper as aiming his rifle “*down the side of Block 2 Rossville Flats*”. He could only recall the paratrooper firing one shot and did not see what happened to him after that, as he was not keeping his eye on the paratrooper but on the area in front of him. Gunner 134 accepted the possibility that the man he had described in 1972 as crossing Rossville Street may have been a different person from the one he described as being shot by the paratrooper.¹ Gunner 134 could not identify that individual from photographs.²

¹ Day 363/43-48; Day 363/77-78

² B1830-1831; Day 363/48-49

119.108 Gunner 134 told us that when he looked back at the man wearing the black coat, the man had fallen down face down and facing him, about two-thirds of the way along Block 2 of the Rossville Flats, in a position he marked on a map as close to the flats and just past the canopy over the shops.¹

¹ B1831.004; B1831.014

119.109 Gunner 134's evidence to this Inquiry was that he then heard "*a few more shots*" and saw a second man fall. He marked on the map the position of this man, as also lying close to Block 2, but near the western end of the canopy over the shops.¹ He told us that he had no recollection of how many shots were fired at this point or of where these shots were coming from, but when he was referred to his description in his first RMP statement of hearing them coming from the Lecky Street/William Street area, he said that he must have believed at the time that they had come from his right, as he thought Lecky Street was in the William Street area. He could not say where the paratrooper he had seen was at this time. He recalled seeing a third person on the ground in the same area as the other two men, but told us that he had not seen him fall. He could not assist with a description of these two men, but assumed that both had been shot.² He confirmed that these two men were the same two mentioned in his second RMP statement.³ In that second RMP statement, he had placed the two men at the corner of Blocks 1 and 2. In his written statement to the Widgery Inquiry he had described them as being at or in the area of the "*far corner*" of Block 2, which from where he was looking would indicate much the same area.⁴ In our view Gunner 134's 1972 evidence as to the position of the men is likely to be more accurate than his recollection in his evidence to this Inquiry.

¹ B1831.004; B1831.014

³ B1827; Day 363/54

² B1831.004; Day 363/49-52

⁴ B1830

119.110 In the course of his oral evidence to this Inquiry, he gave these answers:¹

"Q.... Just to put it in context: you have been asked a number of questions about your first statement where you describe the man jogging across the road, all right?

A. Mmm.

Q. In that first statement you describe that man being shot. You then say to this Inquiry that the reason that there was a change that you thought you had made a mistake because you had spoken to [Sergeant] 040 and that statement has been put to you, all right?

A. Yes, sir.

Q. And that it was something that he said that caused you to amend your memory and then you were asked this just before lunch about why you thought that the person you had seen was in fact the same as the one being described by 040; are you following?

A. I am, sir, yes.

Q. What you said was, these words:

‘We actually identified the person on the floor.’

I just want to follow that through: how were you able, with 040, to establish that you were both talking about the same person? Because he certainly does not describe anybody jogging over the road, let alone turning round; do you follow?

A. I do, sir, yes.

Q. What do you mean by that?

A. I think it was the location in which the person lay.

Q. The reason you came to the same conclusion, the two of you, was because it was between the trees at the nearer end of Block 2 of Rossville Flats as you looked from your position?

A. That is correct, sir, yes.”

¹ [Day 363/96-97](#)

119.111 It is clear, as Gunner 134 acknowledged, that he changed his account of seeing the first man fall as a result of a discussion with Sergeant 040. It must be borne in mind that Gunner 134 was a trooper who had only been in the Army for about 14 months.¹ He was just over 18 at the time. Sergeant 040 was, in Gunner 134’s words, “*ancient ... I think he was about 36, 35, 36*”.² We accept the submission made on his behalf that as a very young gunner, he can hardly be blamed for questioning his own recollection of an event that would have occurred in but a few seconds, having discussed the incident with the Sergeant who had been alongside him at the time, and who was older and far more experienced than he was.³

¹ [Day 363/44](#)

³ [FR8.102-103](#)

² [Day 363/99](#)

119.112 For this reason we reject any suggestion that Gunner 134 somehow dishonestly tailored his evidence in his later accounts. However, the fact remains that he altered his original account and came to believe that he had not seen the first man fall because he had been told by Sergeant 040 that the man he originally stated he had seen fall had turned to face the paratrooper. As we have already pointed out, Sergeant 040 was in our view himself muddled and confused and almost certainly wrong about describing one of the casualties facing the firer. Gunner 134 therefore seems to us to have altered his account on the basis of inaccurate information from Sergeant 040.

119.113 On the basis of the first account given by Gunner 134, he saw four people fall, the first shot as he was “*trotting*” away from the paratrooper who fired. In his statement for the Widgery Inquiry he described this man as wearing a “*long dark coat*”. As can be seen from the photographs shown above, this description does not fit Bernard McGuigan; and Daniel McGowan told the *Sunday Times* that being dragged along by rescuers after he had been shot had ruined his “*good jacket*”,¹ which would seem to indicate that he had not been wearing a coat. According to the transcript of the interview with Jimmy McGovern, he had been wearing a brown suit.²

¹ [AM255.12](#)

² [AM255.28](#)

119.114 As we have already noted,¹ there is a record of the clothing worn by Patrick Doherty on Bloody Sunday. This included what was described as a three-quarter length grey and black tweed car coat.² It can be seen in some of the photographs taken of this casualty which we have shown earlier in this report. However, we are sure that Patrick Doherty was not shot as he was “*trotting*” away, but as he was crawling along the ground, so he cannot have been the person Gunner 134 saw. As will be seen from his written statement for the Widgery Inquiry, Gunner 134 did not recognise the person he said he saw from photographs taken by Gilles Peress of Patrick Doherty.

¹ [Paragraph 118.130](#)

² [F6.6](#)

119.115 However, William McDermott told us that he remembered seeing the wounded Patrick Campbell in the Joseph Place alleyway and that he was wearing “*a gaberdine dark beige raincoat*”.¹ John Leppard described helping a casualty (who in our view must have been Patrick Campbell) into a car and told us that he recalled this person wearing a three-quarter length coat.² Captain 138, the Medical Officer who examined Patrick Campbell at the Regimental Aid Post at the Craigavon Bridge, recalled that he had a coat on.³

¹ [AM189.5](#)

³ [B1859.003](#)

² [AL9.3](#)

119.116 Patrick Campbell had been moving away from the gable end of Block 1 of the Rossville Flats when he was shot. He described falling to his knees when hit but we do not know how long it took him to regain his feet.

119.117 In his first RMP statement Gunner 134 also described seeing another three men fall “*in the same area*” as the first man. In his later statements he sought to correct this to two men at the corner of Blocks 1 and 2 of the Rossville Flats, only one of which he saw fall.

119.118 Gunner 134's description of what he saw in his first RMP statement is not consistent with any of the Sector 5 casualties. We have no evidence from any other source that a man trotted across Rossville Street and was then shot. If, however, Gunner 134 was mistaken about where the man had come from, as he acknowledged to us might have been the case, his description of the man seems to fit only Patrick Campbell, though this casualty was helped to safety and did not remain where he was shot. As to the other people Gunner 134 initially said he had seen fall, Patrick Doherty could not have been one of them, as he was crawling and did not fall. It is unlikely that he saw Daniel McGowan fall, as this casualty was probably out of his sight, close to the Fahan Street steps. He may, though, have seen Bernard McGuigan fall; and on the basis of his later accounts, also have seen the body of Hugh Gilmour on the corner of the south end of Block 1 of the Rossville Flats. It is possible that he saw someone who had not been shot but who had taken cover by lying on the ground. It will have been observed that one of the photographs taken by Gilles Peress shows such a person lying by a tree in the area between Block 2 of the Rossville Flats and Joseph Place.



119.119 In his first RMP statement, Gunner 134 had described hearing five or six shots from SLRs about two or three minutes after seeing a paratrooper shoot at the “trotting” man. He stated that these came from the Lecky Street/William Street area. There is no Lecky Street but there is a Lecky Road, which runs south from Free Derry Corner. If Gunner 134 meant Lecky Road he was in effect describing the shots coming from somewhere in a wide arc in front of him, and though he told us that he thought Lecky Street was in the William Street area it must be remembered, as we have pointed out elsewhere in this report, that in a built-up area it is difficult, if not impossible, to tell from where shots have

been fired. As to the two or three minutes, Gunner 134, in his evidence to us, agreed that this was just an approximation, but said that there was a distinct gap between seeing the first man on the ground and the further shots.¹

¹ [Day 363/79-80](#)

119.120 According to his first RMP statement, it was after hearing these shots that Gunner 134 saw another three people fall and after that incident that ambulances arrived and he heard a further shot. If this order of events is correct, it is unlikely that the shots he recorded hearing before the ambulances arrived were those fired at 12 Garvan Place in Block 1 of the Rossville Flats, as we have described when considering the later events in Sector 3,¹ since this firing took place after the first ambulance arrived. It is possible therefore that what Gunner 134 heard were further shots from the entrance to Glenfada Park North, as undoubtedly more than one shot must have been fired from there, in order, apart from anything else, to account for the four casualties in Sector 5.

¹ [Chapters 121–124](#)

119.121 As to Gunner 134's evidence of hearing low velocity fire, "*probably a pistol*", it seems from his accounts to be unconnected with the events of Sector 5. Whether he had in fact heard a pistol remains in some doubt, bearing in mind the difficulty in a built-up area of distinguishing between various types of weapon, as we have observed more than once in the course of this report.

119.122 In these circumstances, though Gunner 134 probably saw some of the casualties in Sector 5, we cannot place much reliance on his evidence, since his accounts are difficult to reconcile with what we know about the casualties in Sector 5. However, his account of seeing a soldier fire from a kneeling position in the area of the entrance to Glenfada Park North is supported by other evidence.

Sergeant 001

119.123 Sergeant 001 of 22 Lt AD Regt was with Gunner 030 on the Platform OP, which was on the City Walls.

119.124 In his RMP statement timed at 2130 hours on 2nd February 1972,¹ Sergeant 001 described his and Gunner 030's task on Bloody Sunday as being "*to observe the Rossville Flats area*". He gave the following account:

“About 1500 hrs a crowd started to filter into Rossville St from the area of William St. In amongst the crowd was a flat top lorry with a number of people on. One person on the lorry had a loud hailer and was hailing the crowd to go to Free Derry Corner. As the crowd built up I heard the sounds of Baton Rounds and Gas Cartridges being fired in the area of Rossville St/William St. By about 1620 hrs the crowd had built up to about 2–300 people.

Suddenly as the noise from the baton guns came nearer to me, I heard two (2) single shots of a low-velocity. These shots seemed to come from the area of the Rossville Flats complex. This was followed by a long burst of slow automatic fire of a low-velocity. In my opinion this was from a Thompson Sub Machine Gun. I then directed my observations towards the Glenfada Park area, I told Soldier 030 to do the same. Shortly after the first burst, I heard another burst of automatic fire sounding like the first. This time I saw gun flashes at left corner of a 5' high wooden fence outside the far left hand flat. I saw the head of a youth looking over the fence. This youth had long hair. 1 lot of the rounds fired landed a few feet in front of the fence. This automatic fire seemed to be directed towards the William St area.

Just after the gunman ceased fire, I saw a soldier in combat kit running from my right towards the gunman. The soldier stopped about 4 doors to the right of the gunman (about 30 yds) and knelt down on the footpath. I then saw the soldier fire three (3) single rounds from his SLR, in the direction of the gunman. The gunman then disappeared and automatic fire ceased from that location. The soldier then moved to the corner of the street opposite where the gunman had been. There was about 15–20 people on the corner, which he seemed to arrest and take back the way he had come.

Whilst the gunman was firing there was a smartly dressed youth in an overcoat walking backwards and forwards along the corridor above the gunman. Once the soldier fired he disappeared to my right and I didn't see him again.

After this incident the crowd in the Rossville Flats area seemed to panic and dispersed.

Once the crowd dispersed I saw two bodies lying on the ground at the far end of block No 2 Rossville Flats.”

¹ B1347.007

119.125 Sergeant 001 gave a similar account in his written statement for the Widgery Inquiry,¹ but did not give a further statement to Colonel Overbury or oral evidence to that Inquiry. He gave this Inquiry a written statement,² in which he identified the approximate position of the gunman he had seen as the south-western corner of Glenfada Park North; and of the soldier who had apparently fired in response to that gunman about halfway down the eastern side of the western block of Glenfada Park North.³ Sergeant 001 did not give oral evidence to this Inquiry.

¹ B1347.010

³ B1347.002; B1347.005

² B1347.001

119.126 We cannot accept Sergeant 001's account of automatic fire from the far corner of Glenfada Park North and of a soldier apparently replying to it. Had there been such fire and such a response, it seems to us that one or more of the soldiers who were in Glenfada Park North would have witnessed such an incident, and mentioned it in their accounts, since it would have been in the interests of all of them to do so. As will have been seen from our consideration of the events of Sector 4, there is no evidence from either soldiers or civilians in Glenfada Park North of any automatic gunfire in that area at any time. Sergeant 001 may have seen one of the paratroopers in Glenfada Park North fire three rounds, but if so these would not have been at the target he suggested.

119.127 According to Sergeant 001, it was the soldier who fired who then arrested people on the corner. This would seem to be a reference to the people sheltering behind the southern wall of the eastern block of Glenfada Park North. It will be noted that he made no reference to seeing anyone firing from the area of that corner, though this undoubtedly took place. He also made no mention of hearing other Army firing, though by the stage he saw people being arrested there had been on any view a large volume of SLR fire in Sectors 2, 3 and 4.

Gunner 030

119.128 Gunner 030 made two RMP statements. In the first, timed at 2343 hours on 2nd February 1972,¹ he gave this account:

“About 1500 hrs a crowd started to filter into Rossville St from William St. In amongst the crowd was a flat top lorry. On the top of the lorry was two (2) men and a girl. The girl I recognised as Miss Bernadette Devlin MP. One of the men had a loud hailer and was urging the crowd to go to Free Derry Corner. As the crowd built up I heard the sounds of baton rounds and gas cartridges being fired. It seemed to be coming from the area of Rossville St/William St. By about 1620 hrs the crowd had built up to about 2–300 people situated around Rossville Flats. At this time the sound of baton guns being fired grew closer.

Suddenly I heard one (1) low-velocity shot. I then heard a number of low-velocity shots. It was then I saw a youth standing firing a pistol. He was in between Blocks Nos 1 & 2 Rossville Flats. Taking cover slightly between Block No 2. There were about 10–15 people crowding around him, therefore I did not shoot for fear of hitting a member of the crowd. The gunman was wearing a brown jacket, faded blue jeans and he had long dark well kept hair.

At this time I saw a body lying on the floor by the telephone box, at the far end to the right of No 2 Block. I had heard no high velocity fire at this time.

I then heard a burst of slow automatic fire of a low velocity which in my opinion came from a Thompson Sub Machine Gun. [Sergeant] 001 directed my attention to a 5' high wooden fence on the left hand corner and the far block in Glenfada Park. I then heard another burst of slow automatic fire and saw muzzle flashes on the top of the fence. I then started to aim my SLR at the gunman.

Suddenly a soldier in combat kit appeared running in from between the two blocks of Glenfada Park from the right. He stopped and knelt down about 4 doors (30 yards) to the right of the gunman, on the same side of the road. He aimed his SLR in the direction of the gunman and fired three rounds. The gunman disappeared and automatic fire from that position ceased.

The soldier then turned and aimed his SLR in my direction. I then heard a number of single low velocity shots from below me. This was followed by one shot from the soldier in Glenfada Park. I then glanced down and saw a body below me. It was surrounded by about 20 people who were shouting for a priest. I then saw a priest run towards the body. I could not see any soldiers about.

Just after the shooting started, crowds in the Rossville Flats area seemed to panic and disperse everywhere.

Once the shooting had stopped I noticed four (4) bodies. One was below me. One was by the telephone box next to Block No 2 Rossville Flats. The other two were around Rossville Flats but I cannot remember the locations.”

¹ B1590

119.129 Gunner 030 made a second RMP statement,¹ this time to Colonel Overbury on 16th February 1972, the same date as the other statements taken by Colonel Overbury from Sergeant 040 and Gunner 134.

¹ B1597

119.130 In this statement Gunner 030 gave this account:

“Further to my statement on 2 Feb 72.

When I first heard shooting the crowd at Free Derry Corner was quite separate from the crowd at Rossville flats and Glenfada Park. When I saw the soldier kneel and fire in the direction of the machine gun fire, he was in the open space somewhat to the right of the last tree in the centre on the southern end. He then swung round and aimed his rifle in my direction towards the area between Joseph Place and the Rossville flats. I heard a volley of low velocity single shots coming from below me. I then saw the paratrooper fire one shot in the direction from which the shots had come. When I looked over the wall I saw a man lying on the ground.

A crowd gathered round him and some kneeled down. I heard them shouting for a priest who came. The man was lying by the trees and was in the position from which I heard the low velocity shots.

My position was at the wall. [Gunner] 134 and [Sergeant] 040 were right behind on the top floor of a building on the other side of the street.”

119.131 In his written statement for the Widgery Inquiry,¹ Gunner 030 described seeing a lorry driving up and down Rossville Street with Bernadette Devlin and two men on it. “*I could hear the sound of baton rounds and CS Gas cartridges being fired from William Street.*”

¹ B1599

119.132 His account continued:¹

¹ We have left this statement in its original typed form because it is not clear who made the handwritten alterations to the typescript.

3. Suddenly I heard one low velocity shot. I said to soldier 001 that this was not a baton round but a low velocity shot. Then I heard a number of low velocity shots and I could see a youth who was holding what I could clearly see was a pistol from which I could see puffs of smoke coming in the gaps between blocks 2 and 3 of Rossville Flats. I could not shoot him as there was a crowd of about 10 to 15 people gathered round him. I could see quite clearly that he was wearing a brown jacket, faded blue jeans and he had long dark hair well kept hair, he was about 75 yards from me and I had a good view of him from the platform. *(Saw a body lying below me went)*

4. Then I saw a body lying on the pavement by a telephone box between block 1 and 2 Rossville Flats, there was a big ~~large~~ pool of blood round him. At this time I had heard no high velocity fire at all. I then heard a burst of low velocity automatic fire which to my mind came from a Thompson SMG, and 001 pointed out the direction of fire which was a high wooden fence on the left hand corner of Glenfada Park in the block nearest Columbcille Court which has trees in the centre of a carpark. *02* I heard more automatic fire from this direction and saw muzzle flashes coming from the top of the fence. I started to aim my SLR at this position. Just at that moment a soldier came into my view, he stopped and knelt down to take aim at a position just by the last tree in the centre of the carpark at the south end. He aimed his SLR in the direction where I had seen the muzzle flashes from the top of the fence and fired 3 rounds. I could not see behind the fence to tell whether anyone had been hit.

5. The soldier then turned and aimed his SLR in my direction, immediately after this I heard single low velocity shots from below me but I could not see who was firing since my view was obstructed by the City Wall. However I looked down and could see a body lying below me opposite the gap between blocks 2 and 3 of Rossville Flats. People had gathered round the man lying on the ground and I could not see him clearly. I heard the crowd shouting for a priest and I then saw a priest running up who gave the man the last ~~rights~~ *rights*.

6. After the shooting had stopped I could see 4 bodies, the first was the one below me I have just described. the second was the one by the telephone box in the gap between blocks 1 and 2 of Rossville Flats and *one was in the carpark. I can't remember the other 2 were in the forecourt* of the flats but I can't remember exactly where.

119.133 In his oral evidence to the Widgery Inquiry, Gunner 030 said that the gunman he first saw was kneeling behind a low wall. The description he gave was of a low wall on the northern side of the Rossville Flats and that this gunman fired five or six rounds. He could not fire at the gunman because of the crowd around him.¹

¹ [WT16.25-26](#)

119.134 Gunner 030 also told the Widgery Inquiry that he had seen the man with a machine gun in the south-western corner of Glenfada Park North. He could see the weapon, which looked like a Thompson sub-machine gun.¹ He also told the Widgery Inquiry that after seeing the soldier fire three shots at this man, he heard single shots from below his position, whereupon the soldier turned and without moving towards him fired one shot in his direction but lower. Asked if he tried to see who had fired the single shots Gunner 030 replied, *"No, because if I had put my head up more I would have been an open target"*. He did say, however, that he afterwards saw a body *"by the first tree in No. 2 of the Rossville Flats"*. Counsel for the Ministry of Defence then remarked that this was where another witness had indicated Patrick Doherty.²

¹ [WT16.27](#)

² [WT16.28](#)

119.135 When questioned by counsel for the families, Gunner 030 said that he did not report to anyone either of the gunmen that he said he had seen until the ambulances had arrived, when he told his officer. Asked why he had not made a report at the time Gunner 030 said, *"Because we were too busy looking at other places"*. He also said that as far as he knew, his Sergeant (Sergeant 001) had made no report either.¹

¹ [WT16.31](#)

119.136 Gunner 030 said that he had not seen any paratrooper firing from the south-east corner of Glenfada Park North; and that the only paratrooper he saw was the one he said had fired from the middle of Glenfada Park North.¹

¹ [WT16.32](#)

119.137 Gunner 030 gave written and oral evidence to this Inquiry. In his written evidence¹ he stated that he now had only a very vague memory of the events of Bloody Sunday. The account he then gave differed in material respects from his 1972 accounts, including, for example, that he had relayed to his command post that he had seen a man with a pistol firing through the gap between Blocks 2 and 3 of the Rossville Flats. He also stated that he had not seen a paratrooper fire as he had said at the time; and that the RMP must have misinterpreted what he told them, as he had no recollection at all of such an incident.

¹ [B1612.001-008](#)

119.138 In his oral evidence to this Inquiry, Gunner 030 told us that when he had made his written statement to us he had got things mixed up with other things that had happened in Northern Ireland at the time; but that he did stand by the accounts that he had given in 1972.¹ In our view, when he gave evidence to this Inquiry, he had no real recollection of the matters he had recorded in his 1972 statements.

¹ Day 366/81-82

119.139 As with Sergeant 001, and for the same reasons, we cannot accept Gunner 030's account of automatic fire from the south-western corner of Glenfada Park North. In Gunner 030's case, it was only when he gave oral evidence to the Widgery Inquiry that he gave an account of actually seeing a man with a Thompson sub-machine gun. As for his account of seeing earlier a man with a pistol, Gunner 030 described the man standing in his first RMP statement, while he told the Widgery Inquiry that the man was kneeling.

Assessment of the evidence of Sergeant 001 and Gunner 030

119.140 In our view it would be unwise to place any reliance on the accuracy of the evidence given by either of these soldiers. They both gave an account of automatic firing in Glenfada Park North that cannot be correct. They made no mention of the Army firing that took place from the south-east corner of Glenfada Park North, which from their position they must have heard and could have seen. Gunner 030's accounts of seeing a man with a pistol varied between his 1972 accounts. Sergeant 001 made no mention of this "pistol man" in his accounts. There is no evidence (apart from theirs) to suggest that either of these soldiers reported what they said they had seen, until they gave RMP statements three days later. Earlier in this report (when considering the events of Sector 2) we referred to Sergeant O's and Private R's accounts of seeing and firing at a man with a pistol in the south-east corner of the car park of the Rossville Flats, but neither made any mention of this gunman being surrounded by a crowd of people, nor of the gunman being behind a low wall. Thus to our minds neither these soldiers' accounts nor Gunner 030's accounts are supportive of each other. In the end it seems to us either that Sergeant 001 and Gunner 030 were keeping their heads down most of the time, but were loath to admit that this was what they had done; or, or as well, that they were simply wholly muddled and confused about what they saw and heard.

119.141 In our view what Sergeant 001 and Gunner 030 described as Thompson sub-machine gun fire were the shots witnessed by Fr Bradley, being fired repeatedly by a soldier from the entrance to Glenfada Park North. They both described what they heard as "slow"

automatic fire. To our minds it is understandable that soldiers on the City Walls hearing shots fired repeatedly could form the view that this must have been paramilitary automatic fire, as they are unlikely to have expected a soldier to fire repeatedly in the way that that soldier did. We can think of no other plausible explanation. In our view, what Sergeant 001 and Gunner 030 thought they heard provides a striking example of soldiers mistaking Army fire for Thompson sub-machine gun or other automatic fire.

Civilians in Abbey Park

119.142 Only one civilian in Abbey Park gave evidence of firing into Sector 5. This was John Porter.

John Porter

119.143 We have considered the 1972 accounts given by John Porter earlier in this report, when discussing the events of Sector 4. As we observed there, John Porter's accounts were chronologically confused. John Porter is dead and gave no evidence to this Inquiry.

119.144 It appears that John Porter was observing events from a house in Abbey Park. In his Keville interview¹ he described seeing two paratroopers. The first paratrooper fired two shots towards "*the corner of Rossville Street Flats and the Free Derry Corner*". A second paratrooper fired one shot. John Porter did not say in which direction that soldier fired. The paratroopers then moved forward and arrested a number of civilians including a woman in a green coat who argued with them and was kicked. The arrestees were then moved off.² The two paratroopers then edged over to the right. John Porter then said that he went out to a man lying on the ground but there was a volley of shots and he went back, this time to No 7 Abbey Park. This account continued:

"Er – I knew there were two paratroopers crossed over to the right. I saw one of these Paratroopers where he crossed over firing four shots from the hip and er – there's four bullet marks along the walls. One hit the corner of a red brick another hit a car one went through the window of a flat and a third one embedded further on down. The next Paratrooper fired two shots not even aiming with the rifle under his arm – under his uxters.³ Er – I knew the two paratroopers were on the right hand side I did – didn't want to go out again to try and get the man in."

¹ AP11.26

² AP11.26

³ ie armpits.

- 119.145** In his NICRA statement dated 1st February 1972,¹ John Porter put seeing paratroopers after he had gone back to 7 Abbey Park. He gave this account:

"I ran back to No. 7 and closed the door. I then went to the window and looked out to my left and saw an elderly man lying face up on the ground. He was not moving. I returned to the door and heard someone shout 'Get a first aid man, this man has had a heart attack or something.' I then saw a young man run from the right towards the man waving a white handkerchief. He stopped between the corner and the man and shouted 'Don't shoot, don't shoot!' The next I saw he was knocked off his feet onto the ground. I then saw a girl run from the same place. She was wearing a white coat with a red cross on it. When she arrived at the corner she stumbled and fell. A crowd of approx 15 people came forward with their hands raised. Some were waving white handkerchiefs. When the group arrived at the corner a number of shots rang out and some squatted down and some lay down. They immediately scattered again. Then I looked back towards the first man who had fallen. I saw a paratrooper appear followed by a second. They took up aimed positions. The first fired two shots and the second one shot. These shots were aimed and elevated. They then moved forward a few yards and noticed a group of people shepharding together. The paratroopers then pointed their rifles in their direction and signaled for the people to move off. I then saw a paratrooper kick on[e] of the people. When the group moved off a woman wearing a green coat remained. She seemed to protest and was perturbed. She moved and the paratrooper stepped to her right rear. I then saw the paratrooper kick the woman. Two more paras arrived followed by a third. This para. turned and followed the group. I then saw the first para. of the second group fire four shots from the hip position and fanned [sic] the rifle as he did so. The second para, almost at the same time fired two shots from chest height. They then moved out of my range of view."

¹ [AP11.1-3](#)

- 119.146** The "*elderly man*" was in our view Gerard McKinney, who as we have described earlier in this report¹ was shot and mortally wounded on the Abbey Park steps.

¹ [Chapter 107](#)

- 119.147** In his written statement for the Widgery Inquiry,¹ John Porter again recorded seeing paratroopers after going into No 7 Abbey Park:

“I then saw two paratroopers come to the south west corner of Glenfada Park. They were standing and one fired two aimed shots in the direction of Joseph Place. The other fired one aimed shot in [the] same direction. I then saw them threatening a group of people by putting their rifles into the firing position. I saw one kick a young man and also a woman in a green coat. I then saw another paratrooper come up to the same position and fire four shots from the hip towards the north east corner of Glenfada Park. Another one fired two shots at Joseph Place with rifle under his arm. A third one came up and also fired a quick aimed shot towards Joseph Place from his shoulder and then turned towards the direction of the group of people I mentioned who were under arrest.”

¹ [AP11.17](#)

- 119.148** The words “*towards Joseph Place*” in this statement were added in manuscript to the statement, possibly as the result of what John Porter had said in his oral evidence to the Widgery Inquiry.
- 119.149** Much of John Porter’s oral evidence to the Widgery Inquiry was concerned with other matters, in particular the circumstances surrounding the shooting of Jim Wray, Gerard McKinney and Gerald Donaghey, which we have considered in the context of the events of Sector 4. However, he did give this account:¹

“Q. The crowd that followed the Knights of Malta?

A. Yes.

Q. Subsequently to that did you see paratroopers?

A. Yes.

Q. How many?

A. From the window where I was standing through the slipway on to Glenfada Park, I saw two paratroopers up here. They halted. The first one brought a rifle up to the aiming position, followed by the second paratrooper, and the first paratrooper fired two shots from the aiming position. He aimed standing.

Q. In what direction were these shots fired?

A. He fired them towards Joseph Place.

Q. And was he facing towards Joseph Place?

A. Yes.

Q. Did the other soldier fire?

A. Yes, one shot.

Q. In the same direction?

A. Yes.

Q. Were those shots fired at the same level or different heights, can you remember?

A. The shots were aimed shots, but it appeared to me that the muzzle of the rifle was slightly elevated.

Q. Was that the muzzle of the first soldier's rifle or the second one?

A. The first soldier.

Q. Was the second soldier's rifle raised or level?

A. The muzzle was slightly elevated too.

Q. Did you then see some people at a corner where there were some wooden barriers or something of that nature?

A. Yes.

Q. How many people were there there?

A. Between 12 and 15 people.

Q. Did you see any of them being shot at?

A. No.

Q. Did you see any of them being arrested?

A. I saw the paratrooper who fired a single shot, and he threatened the people with his rifle. I saw the people move off, and the first person who moved off got a kick from the paratrooper.

Q. Was that a man or a woman?

A. A man.

Q. Did you see a woman also?

A. When the main body of the crowd moved off, I saw a woman in a green coat protesting to the second paratrooper, she seemed to be annoyed about the arrest, and the paratrooper gave her a couple of kicks, as well, and she moved off.

Q. Were those all the paratroopers you saw?

A. No. Just as the woman was getting carried off I saw a paratrooper rush in with a rifle and he fired four shots from the hip position.

Q. When he fired those shots where was he standing?

A. He was standing in a similar position to where the other paratrooper was standing.

Q. Is that the paratrooper who had previously fired towards Joseph Place?

A. Yes.

Q. Only this time he was facing inwards?

A. He was firing in the same line of fire, he was firing into the corner, more to the left, up to the top of the Flats.

Q. To the centre of the flats?

A. No.

Q. Into part of the inner square?

A. No, more towards the Rossville Flats area.

Q. How many shots did he fire?

A. Four.

Q. Was he accompanied by any other soldiers?

A. There was a second soldier behind him, to his left, and this soldier fired two shots at the same time from underneath his arm, like that.

Q. Was that in the same direction as the other soldier?

A. No, to the left.

Q. Where had those two soldiers come from?

A. They come up from left to right of Glenfada Park, as far as I could see.

Q. Did those paratroopers stay in the vicinity?

A. Just as they were finishing up their shots a third paratrooper aimed one quick aimed shot and turned back after the people who were marching off.

Q. Where did he aim the shot at?

A. Joseph Place.

Q. And then did he go following the arrested people?

A. Yes.

Q. Was that towards Rossville Street or behind Glenfada Park buildings?

A. Behind the Glenfada Park buildings.

Q. Did these paratroopers stay in the vicinity but out of your vision?

A. The third and fourth paratrooper crossed over out of my vision to my right, I knew they had gone to the right but I didn't see what they were doing.

Q. Slightly in the Free Derry Corner direction?

A. Yes.

Q. But out of your vision?

A. Yes."

¹ [WT8.50-51](#)

119.150 A little later in his oral evidence John Porter agreed, apparently by reference to the first two soldiers that he said that he had seen, that they fired in an elevated position and not, so far as he could see, at anyone on the ground.¹

¹ [WT8.54](#)

119.151 According to these accounts, therefore, John Porter witnessed firing by soldiers in two separate incidents.

- 119.152** The first of these was before the soldiers discovered the people sheltering behind the gable end of the eastern block of Glenfada Park North. According to John Porter he saw two paratroopers appear. The first fired two shots and the second one, both soldiers firing aimed and elevated shots; and according to his evidence to the Widgery Inquiry these were aimed in the direction of Joseph Place but not at anyone at ground level. In his written statement for the Widgery Inquiry he is recorded as stating that these two soldiers appeared at the south-west corner of Glenfada Park. This appears to be an error for the south-east corner, since in his NICRA statement John Porter had described these soldiers moving forward and discovering the people sheltering at the gable end; from the south-west corner these people would have already been visible to the soldiers in Glenfada Park North.
- 119.153** According to John Porter, the second incident occurred after soldiers had discovered people sheltering behind the gable end and these people had moved off. On this occasion one paratrooper arrived and fired four shots from his hip, fanning his rifle as he did so; another behind this soldier and to his left "*at the same time*" fired two shots from under his arm at Joseph Place. In his written statement for the Widgery Inquiry, John Porter is recorded as stating that the soldier firing four shots did so towards the north-east corner of Glenfada Park, and in his oral evidence, up to the top of the Rossville Flats. Counsel asking the questions would seem to have had John Porter's written statement before him, as he asked whether the shots had been fired into the "*inner square*", but John Porter repeated that these shots had been fired "*more towards the Rossville Flats area*". It seems to us that the person recording John Porter's written statement used the words "*north east corner of Glenfada Park*" meaning the north-east corner of Glenfada Park South, not Glenfada Park North; but that counsel thought it meant the latter. It should also be noted that although in his written statement for the Widgery Inquiry John Porter had stated that the second soldier had fired towards Joseph Place, in his oral evidence to the Widgery Inquiry he said that this soldier had fired to the left of the first soldier.
- 119.154** It was only in his evidence to the Widgery Inquiry that John Porter described a third paratrooper who arrived just as the two soldiers "*were finishing up their shots*" and fired one aimed shot at Joseph Place.
- 119.155** In our view the soldier John Porter said that he saw firing four shots, according to his NICRA statement fanning his rifle as he did so, is likely to have been the soldier that Fr Bradley saw. The soldiers that John Porter said that he first saw were likely to have

been out of Fr Bradley's sight as he sheltered behind the gable end, as (according to John Porter) it was after this first incident that they moved forward and saw the group at the gable end.

- 119.156** As will have been observed, Fr Bradley only witnessed one soldier firing from the entrance to Glenfada Park North. John Porter, in his Keville and NICRA accounts, described seeing two; and in his evidence to the Widgery Inquiry three.
- 119.157** We have considered at length John Porter's evidence relating to what he said he saw in Glenfada Park North and Abbey Park, when considering the events of Sector 4. As we have noted, he was chronologically confused about some matters. His primary attention was directed to the casualties in Sector 4. Although he appears likely to have seen the firing witnessed by Fr Bradley, and may have seen other firing from the entrance to Glenfada Park North, we take the view that it would be unwise to rely on what he said about other soldiers firing, in the absence of supporting evidence. He was, after all, observing from a window in Abbey Park through the alleyway leading into Glenfada Park North what was happening some 70 yards away at the entrance to Glenfada Park North and thus with a very narrow field of view. It will be noted that in none of his accounts did he describe seeing a soldier fire from a kneeling position at the entrance to Glenfada Park North, in contrast to the evidence of Sergeant 040 and Gunner 134 observing from Magazine Street and Lieutenant 227 observing from Charlie OP on the City Walls. There is evidence, which we discuss below, that as well as the soldier witnessed by Fr Bradley, at least one other soldier fired from the entrance to Glenfada Park North, but John Porter's account is the only one to the effect that two soldiers fired from the entrance at the same time.

Soldiers in Glenfada Park North

- 119.158** Apart from Lance Corporal F and his "pair" Private G, whose evidence we consider below, none of the soldiers in Glenfada Park North, whose activities we have considered in the context of Sector 4, gave any evidence about seeing or hearing a soldier or soldiers fire from the entrance to Glenfada Park North.
- 119.159** Earlier in this report we drew attention to the account given by Lieutenant 119, the Commander of Anti-Tank Platoon, of seeing, as he went into Glenfada Park North, Lance Corporal F "*fire 2 x 7.62 rounds at a target which I could not see from GR 43231687*". The grid reference is to one of the alleyways leading into the north-eastern corner of Glenfada Park North and thus seems to refer to the position of Lieutenant 119, not that of

Lance Corporal F. This account appeared in Lieutenant 119's second RMP statement dated 4th February 1972.¹ He made no mention of seeing this firing in his first RMP statement.²

¹ B1752.036

² B1752.041

119.160 In his written statement for the Widgery Inquiry,¹ Lieutenant 119 described seeing, as he came through the archway into Glenfada Park North, Lance Corporal F *"who was standing on the eastern side of the courtyard, fire two shots. I looked quickly but could not identify his target."*

¹ B1752.043

119.161 In the course of his oral evidence to the Widgery Inquiry, there was this exchange with Lieutenant 119:¹

"Q. What did you see happening when you got into the courtyard?

A. As I came in I saw Soldier F fire two rounds. I did not see who he fired at because of my position. Once I got in there I saw three civilians lying here.

Q. That is the south-west corner?

A. Yes.

Q. Was he firing in their direction or which direction?

A. No, I think he fired down in this direction, here. It would be difficult to say from where I was standing, but that is the direction it appeared to me.

Q. More or less straight down the east side?

A. Yes.

Q. You did not see what he was firing at?

A. No.

Q. Did you ask him?

A. Not at that time because he had stopped firing, and I was more concerned with the bodies that were lying on the road."

¹ WT14.14

119.162 Elsewhere in this report¹ we drew attention to this evidence of Lieutenant 119 and concluded that it was likely that he was mistaken in his identification of Lance Corporal F; and that he had probably confused this soldier with Corporal E, who in our view did fire down the eastern side of Glenfada Park North.

¹ Paragraphs 96.5 and 100.19

119.163 Lieutenant 119 said nothing in any of his accounts about the firing witnessed by Fr Bradley or any firing from the entrance to Glenfada Park North.

Lance Corporal F

119.164 We have already referred to the accounts given by Lance Corporal F. For the reasons we have given and which we give later, we regard Lance Corporal F as an unreliable and untruthful witness. He is, however, the only soldier to have said that he fired into Sector 5 from the entrance to Glenfada Park North, though he only admitted this in the written statement taken by Colonel Overbury and dated 19th February 1972,¹ having in his three previous RMP statements recorded nothing about firing from there,² but instead invented (as we describe in detail elsewhere in this report³) an account of firing more shots at Block 1 of the Rossville Flats than he had in fact done.

¹ B135

³ Paragraphs 123.112–145

² Nor, as will have been seen, about firing at the rubble barricade in Rossville Street, a shot that killed Michael Kelly.

119.165 We have earlier in this report¹ set out in full the statement Colonel Overbury took from Lance Corporal F and dated 19th February 1972, but for convenience we again set out here the part relevant to Sector 5:²

“When I moved with [Private] G into Glenfada Park I fired 2 rounds as I said earlier at another man who was about to throw a bomb. The object in his hand was definitely a bomb because it was fizzing. Immediately after this I ran along the Eastern wall of Glenfada Park to the corner. As I did so I heard pistol shots coming from the area of the wall at the far end of the Rossville Flats. I shouted ‘there’s a gunman’ and I dropped to one knee and took an aim position. I saw a man near the wall facing in my direction who turned as if to run. I saw he had an object in his hand. He was the only person in the area from which the gunfire had come. The object in his hand was large and black like an automatic pistol. I fired 2 rounds at this man and he fell to the ground. I then saw 20 people, 19 men and one woman standing near me huddled together at the end of the flats in Glenfada Park. I arrested these people with others including G who came up.”

¹ Paragraph 81.11

² B135

- 119.166** In his written statement for the Widgery Inquiry, Lance Corporal F gave this account of his firing into Sector 5, after describing shooting inside Glenfada Park North which we have considered in the context of Sector 4:¹

“6. I then asked [Private] ‘G’ to cover me as I heard pistol shots in the direction of Rossville Flats. I approached the south-east corner of Glenfada Park. I got down on one knee. I observed a man with a pistol at the far end of Rossville Flats. I think he was wearing darkish clothes. He had a black object which looked like a pistol in his hand. I then shouted to ‘G’ ‘There’s a gunman down here’ and then took two aimed shots and he fell to the ground. He was in a half crouching position moving to his right as I shot him.

7. I then observed in the position where I was about twenty people (19 men and one woman) huddled against the side of a wall at the south end of the western block of Glenfada Park. I shouted to ‘G’ to assist me in arresting these people. We then ushered them back through the rear of Glenfada Park into Columbcille Court and I saw soldiers taking them off.”

¹ B138

- 119.167** When he gave oral evidence to the Widgery Inquiry, Lance Corporal F was taken first through his account by leading counsel for the Ministry of Defence:¹

“Q. What happened next?

A. Next thing happened I heard pistol shots from the direction of Rossville flats. I told [Private] G to cover me while I went up to investigate.

Q. Where did you go?

A. Went up to this corner.

Q. You went to the south-east corner?

A. Yes.

LORD WIDGERY: Before we leave there, your Corporal (who we call E) has told me that he was also in the Glenfada Park compound or courtyard. You did not see him at all?

A. No.

Mr. GIBBENS: You went to the south-east corner and what happened there?

A. On reaching the south-east corner I got down on one knee and I observed in the direction where the pistol shots were coming from. I saw a man with a pistol firing on the wall here.

Q. The far end at the back of the Rossville flats southern block by the wall there?

A. Yes.

Q. How was he dressed?

A. He was wearing darkish clothing.

Q. What was he doing?

A. He had a pistol in his hand and as he saw me he attempted to turn. I then fired two aimed shots and the man then fell to the ground.

LORD WIDGERY: You are going too fast: I have him with a pistol in his hand and you observe him. What does he do?

A. He about turns as though to move to the right. As he did so I shouted to G 'There's a gunman down here'. I then took two aimed shots and the man fell to the ground.

Mr. GIBBENS: When you say he turned as if to move to the right, which way was he facing in the first place?

A. In the first place he was facing the front and looking at me.

Q. So he would have turned to go back into the Rossville flats complex?

A. He was turning as if to come in this direction.

Q. To his left but to your right?

A. To my right.

Q. Down past Joseph Place. When you aimed at him what was his position?

A. A half turn to the right, a crouching position.

Q. A half turn to your right?

A. Yes, in a crouching position.

Q. When you fired did you hit him?

A. Yes.

Q. What did he do?

A. Fell to the ground.

Q. Then did you notice anything?

A. After I had fired at the man, in the position where I was there was a group of about 20 people, 19 men and one woman, huddled together at the side of the wall.

Q. You had fired past them, had you?

A. Yes.

Q. And what happened about them?

A. I then shouted to G 'There are some rioters here' and asked him to assist me in arresting these people."

¹ WT14.48

119.168 It will be noted that in his oral evidence to the Widgery Inquiry, Lance Corporal F said that the man with the pistol was firing, something that did not appear in either his written statement to Colonel Overbury or his written statement for the Widgery Inquiry.

119.169 Subsequently Lance Corporal F answered a number of additional questions put by counsel for the Ministry of Defence, including the following:¹

"Q. Did you say anything to the Police, the SIB [Special Investigation Branch], about the shot that you have told the Court you fired from the southern end of Glenfada Park along behind the Rossville Flats? Do you know where I mean?

A. Yes sir.

Q. Where you shot a man who had a pistol and turned away to your right, his left, when you hit him?

A. No sir.

Q. Did you mention that at all?

A. No sir.

Q. Why did you not tell the SIB about that?

A. At the present time, sir, it slipped my mind what with the other events that happened.

Q. What with the other events?

A. Shooting the other two bombers.”

¹ [WT14.60](#)

119.170 Later in his oral evidence, Lance Corporal F said that it was not until he made his statement to Colonel Overbury that he was shown aerial photographs of the immediate area and then realised that he had shot a man.¹

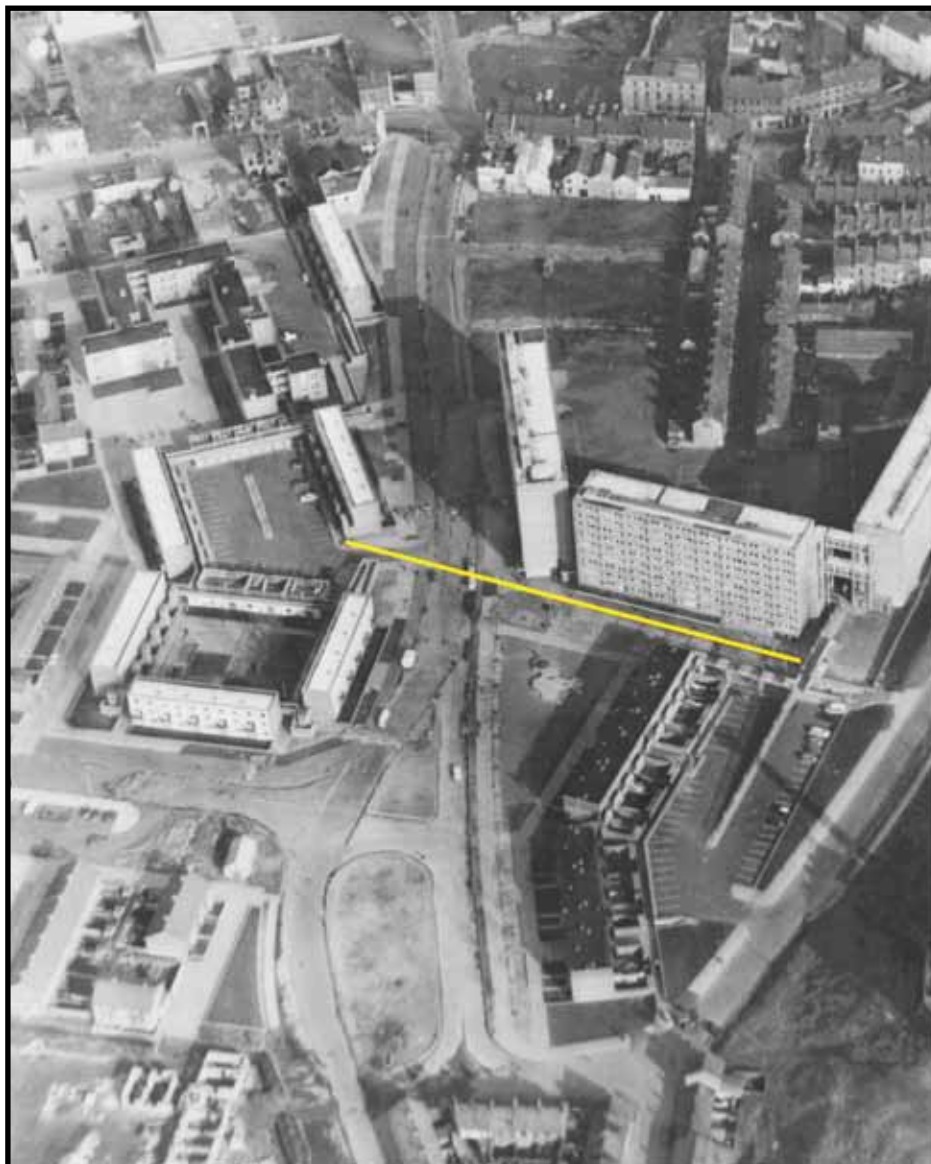
¹ [WT14.75](#)

119.171 Since it was only at a late stage that Lance Corporal F admitted firing into Sector 5, it is not surprising that there is no mention of these shots in Major Loden’s List of Engagements.¹ In fact there is nothing in Major Loden’s List of Engagements that relates to any firing by any soldier from the area of the entrance into Glenfada Park North, either into the area of Sector 5, or indeed anywhere else.

¹ [Chapter 165](#)

119.172 In the course of our consideration of the later events of Sector 3,¹ we draw attention to a trajectory photograph of the shots that Lance Corporal F said that he had fired at the Rossville Flats. There is another trajectory photograph of the shots that Lance Corporal F said he had fired into Sector 5. According to this latter trajectory photograph, Lance Corporal F was positioned near to the south-western corner of the eastern block of Glenfada Park North. His target was at the south-easterly end of Block 2 of the Rossville Flats, close to the high retaining wall and between these flats and Joseph Place.

¹ [Chapter 123](#)



119.173 It will have been noted that Lance Corporal F, in his later 1972 accounts, had stated that it was after he had fired at what he described as a man with a pistol that he noticed the people huddling at "*the wall*", which must be a reference to the south end of the eastern block of Glenfada Park North; and that he had fired past them. In our view this was not so. Both Fr Bradley and George Irwin were among this group, but only describe firing after they had been arrested and as people were being taken away. Had a soldier fired within what would have been feet of people at the wall and before they were arrested, one or more would in our view have been bound to have described this happening.

- 119.174** It will also have been noted that Lance Corporal F said nothing at any stage about the firing that Fr Bradley witnessed, which, for reasons we give below, we consider was firing by another soldier.
- 119.175** Lance Corporal F gave written and oral evidence to this Inquiry. We have already explained that we did not believe him when he said that he had practically no recollection of what he did on Bloody Sunday.

Other soldiers in Glenfada Park North

- 119.176** The only other soldier in Glenfada Park North who gave evidence about Lance Corporal F firing from the entrance was Private G.
- 119.177** This soldier made no mention of this firing in his RMP statements. The first time he did so was in his written statement for the Widgery Inquiry. In this statement, having described firing at targets in Glenfada Park North, Private G gave the following account:¹

“7. There were a fair number of people on the opposite side of the courtyard. When the men fell a small crowd gathered round quickly. I could not actually see anyone pick up a weapon because there were too many people in front. I did not fire at them. The crowd ran off quickly up a little alleyway only a couple of yards behind them. [Lance Corporal] F moved down the wall of the eastern building to the big opening by the barricade and I worked round the other two walls. We could not run straight across the courtyard because it is open on a number of sides and we could have been fired on. By the time I reached the far corner the crowd had completely vanished. There was nobody there at all, just the two bodies and another body a few yards further down towards the opening.

8. Our Platoon Commander then recalled us. I heard F shout ‘There’s a gunman’ or something like that. I saw him down on one knee at the south east corner of Glenfada Park aiming in an easterly direction. I saw him fire one or two shots in a direction out of my sight.

9. At this point a party of about 20 people where F was were ferried back by F and some others. I went quickly across the courtyard to join them.”

¹ B187

119.178 In his oral evidence to the Widgery Inquiry, Private G was asked about this matter:¹

“Q. Then you say you got a recall?

A. Yes.

Q. Did you go back, or what happened next?

A. At this recall I heard [Lance Corporal] F shout. He shouted that there was a gunman. At this time I seen him in the kneeling position.

Q. Where?

A. Over here. He was on the corner here and he fired one or two shots.

Q. In which direction?

A. He was firing over this way somewhere.

Q. Behind the block of flats?

A. Yes.

Q. How did he fire? Was he standing, or what?

A. Kneeling.

Q. In a kneeling position. Did you see his target at all?

A. No, sir.

Q. At that corner were there some civilians who had been arrested?

A. Yes, they were huddled against the wall there – this wall.

Q. Were they brought back by [Lance Corporal] F and yourself and others?

A. Yes, there was a few of our platoon there then. They were ferried back along this wall, through here, and over to somewhere over here.”

¹ [WT14.81](#)

119.179 As we have already pointed out in our consideration of the events of Sector 4, Private G told the Widgery Inquiry that he had not told the RMP about this firing by Lance Corporal F because “*I was making a statement of what I had done*”.¹ This explanation for the

omission is, as we have already observed when considering the events of Sector 4, quite unconvincing and we do not believe it, since Private G had in fact described in his first RMP statement earlier shooting by Lance Corporal F.

¹ [WT14.83](#)

119.180 In our view there are only two possible reasons for this omission. The first is that Private G had seen nothing of this firing by Lance Corporal F, but then untruthfully said that he had, in order to support the belated account given by his “*pair*”¹ Lance Corporal F, of shooting into Sector 5. The second is that Private G had seen at least something of this incident, but had kept quiet about it until a late stage, because his “*pair*” had, until the interview with Colonel Overbury on 19th February 1972, concealed that he had fired into Sector 5.

¹ [WT14.14](#)

119.181 If the first is the correct reason, then it follows that Private G’s evidence does no more than demonstrate that he was prepared to lie to support Lance Corporal F. If the second is the correct reason, it does not follow that what Private G said he saw was the truth. In this regard it is noteworthy that Private G seemed to be saying that there were some civilians huddled against the wall when Lance Corporal F fired. Later in his oral evidence to the Widgery Inquiry, he gave the following answers:¹

“Q. In Glenfada Park did some soldiers take away some prisoners?

A. Yes sir.

Q. When those soldiers left with those prisoners how many soldiers were then remaining in Glenfada Park?

A. None, sir.

Q. Did they all leave with the prisoners?

A. Yes sir.

Q. You did not take the prisoners away before [Lance Corporal] F shot across the front of Rossville Flats at the pistol man?

A. No sir.”

¹ [WT14.87](#)

- 119.182** As we have already stated, in our view the civilians at the gable end had been arrested and moved away from the gable end northwards in Glenfada Park North before Lance Corporal F had fired into Sector 5, for otherwise one or more of them would have been bound to have noticed this firing. On this point, therefore, it seems to us that Private G was giving the same untruthful account as Lance Corporal F. It should also be noted that like Lance Corporal F, Private G said nothing about the firing witnessed by Fr Bradley.
- 119.183** We have already expressed the view that in many respects Private G lied about what he had seen and done on Bloody Sunday. In our view we cannot place any reliance on the account that he gave of the firing by Lance Corporal F into Sector 5. At the same time, there is no doubt that he and Lance Corporal F were a “*pair*” and would normally work together covering each other.¹ Thus to our minds it is likely that they would, so far as was possible, watch each other’s movements and seek to be close to each other. Thus it seems to us that Private G could have seen at least something of what Lance Corporal F was doing and may have been much closer to the events in Sector 5 than he was prepared to admit. On this basis it follows that these two soldiers must have agreed to say nothing about this incident to the RMP; and to our minds this can only be because something had happened that they wished to conceal.

¹ B186; WT14.83; WT14.14

Lance Corporal F’s alleged admissions to this Inquiry

- 119.184** Those acting on behalf of the family of Bernard McGuigan submitted that during the course of his oral evidence to this Inquiry, Lance Corporal F admitted that he had shot this casualty.¹ We have looked at the passages in question² but we are not persuaded that Lance Corporal F did in fact make a clear-cut admission. He insisted that in Sector 5 he had only shot at a man with a pistol, and it was only on the basis of being asked to make a number of assumptions, in effect that he had been identified as the soldier who had shot Bernard McGuigan from the corner of Glenfada Park North, that he said anything that could be regarded as accepting that he was responsible for the death of this casualty. Accordingly in our view it would be wrong to treat what Lance Corporal F said to us as evidence that he shot Bernard McGuigan. We take the same view of the submission that in his oral evidence to this Inquiry he admitted shooting Patrick Doherty.³

¹ FS2.117; FR2.25

² Day 376/114-132

³ FS6.201-202; FR7.909-FR7.911; Day 375/120-122; Day 376/93-111; Day 376/175-176

The number of shots fired into Sector 5

119.185 For reasons we give when considering the firing in Sector 3¹ at a window on the west side of Block 1 of the Rossville Flats, we are of the view that even with his belated admission of firing two shots into Sector 5, Lance Corporal F continued to fail to account truthfully for six of the 13 rounds that he said that he had fired on Bloody Sunday, since we reject his account that he fired eight shots at the Rossville Flats and conclude that he fired only two.

¹ [Chapter 123](#)

119.186 It is possible (though in our view unlikely) that Lance Corporal F fired more shots than he admitted in Sectors 3 or 4. In Sector 5, however, there were four casualties. The circumstances in which they were shot, which we have described earlier in this report, show to our minds that they must have been hit by four separate shots coming from Glenfada Park North. As we discuss further below, there is evidence that in addition to the shots that hit the casualties, other shots were fired into Sector 5. Lance Corporal F is the only soldier to have admitted firing into Sector 5. Although we are sure that the soldier Fr Bradley saw fired from the entrance to Glenfada Park North, we are equally sure that the shots he saw this soldier fire were all to the south of Sector 5 and did not cause any of the Sector 5 casualties.

119.187 It is possible that after Fr Bradley had been moved away, this soldier fired further shots, this time into Sector 5. As we have already noted, George Irwin in his NICRA statement described seeing a tall soldier firing at least three shots from the hip in a direction that would correspond with the area of Sector 5. However, for reasons given earlier, we consider this to be unlikely.

119.188 Those acting for Lance Corporal F submitted that the soldier witnessed by Fr Bradley and others was not Lance Corporal F.¹ We accept this submission. George Irwin described this soldier in his NICRA statement² as tall. RM 2 gave the same description. Lance Corporal F could not, in our view, be described as tall. His height was 5 feet 6 inches as is apparent from one of the photographs taken at Fort George of him with one of the arrestees, which has a scale on the wall behind Lance Corporal F.³

¹ [FS7.2241-2251](#)

³ [FS7.2248](#); [Day 376/159](#)

² [AI4.2](#)

119.189 We consider below whether it is possible to identify the soldier seen by Fr Bradley, but it follows from the fact that in our view this was not Lance Corporal F, that none of this soldier's shots witnessed by Fr Bradley, or in our view George Irwin, can be attributed to Lance Corporal F.

- 119.190** Leaving aside the shots that were fired further south, there are differing accounts of the number of shots witnesses saw fired by a soldier into Sector 5.
- 119.191** Joseph Doherty described in his 1972 accounts seeing a soldier firing three shots, the first of which hit Bernard McGuigan and the other two being fired in the direction of the shops and forecourt of the Rossville Flats, though he told this Inquiry that possibly the soldier had fired more. Lieutenant 227 described seeing a soldier firing two shots, one of which hit a person he identified as Bernard McGuigan. In his first RMP statement Lieutenant 227 also referred to hearing afterwards a number of other “*S.L.R shots and other high velocity shots but from what area I do not know*”.¹ The accounts of Sergeant 040 and Gunner 134 were to the effect that they saw a soldier fire one shot.

¹ B2186.3

- 119.192** The evidence of these witnesses is that they saw a soldier fire between one and three shots into Sector 5. We should note here that we have also considered the evidence of Susan Doherty,¹ Mary Quigley,² and Kathleen Brown,³ but we found nothing more in this evidence that we considered of assistance in the present context.

¹ AD105.3; Day 170/20-32

³ AB94.2-3; Day 144/99-107; Day 144/134

² AQ6.1

- 119.193** Peter McLaughlin gave a NICRA statement¹ in which he described looking out from 27 Garvan Place, a two-storey maisonette on the third and fourth floors of Block 2 of the Rossville Flats,² hearing gunfire and then seeing someone apparently shot in the leg, after which he recorded that two shots were fired at Patrick Doherty, one of which hit him, and four towards Patrick Walsh when he had gone to Patrick Doherty and turned him over. He gave this account:

“I was in a flat on the second floor overlooking St. Joseph’s St., Flats, when I heard gunfire. I looked out of the window and saw a group of four people one apparently shot in the leg, trying to make for cover behind St. Josephs flats.

An injured person I seen a few minutes later, crawl towards St. Josephs Flats from somewhere around the fish shop. He was approx. half way from the ‘Flats’ to St. Josephs Flats when shots (two) were fired by a marksman (Army) who was beside a Saracen in the entrance to the car park opposite the main entrance to Rossville Flats.

The first shot missed and hit a wall behind the injured man; the second shot hit him in the side.

I seen his clothes burst open and a small amount of blood burst out; this was the only apparent shed of blood. The shot man lifted his head and shouted

‘Ah! Christ, they shot me again!’

He draged himself forward a small distance and droped his head then lay motionless.

One of his friends crawled out from behind St. Josephs St. Flats waving a handkerchief. He tried to pull the shot man by the arm and found that he couldn’t pull him that way. He then turned him over and tried to pull him by the collar of his coat, the soldiers fired four shots at the person trying to help but missed. He crawled back undercover to St. Josephs Flats.”

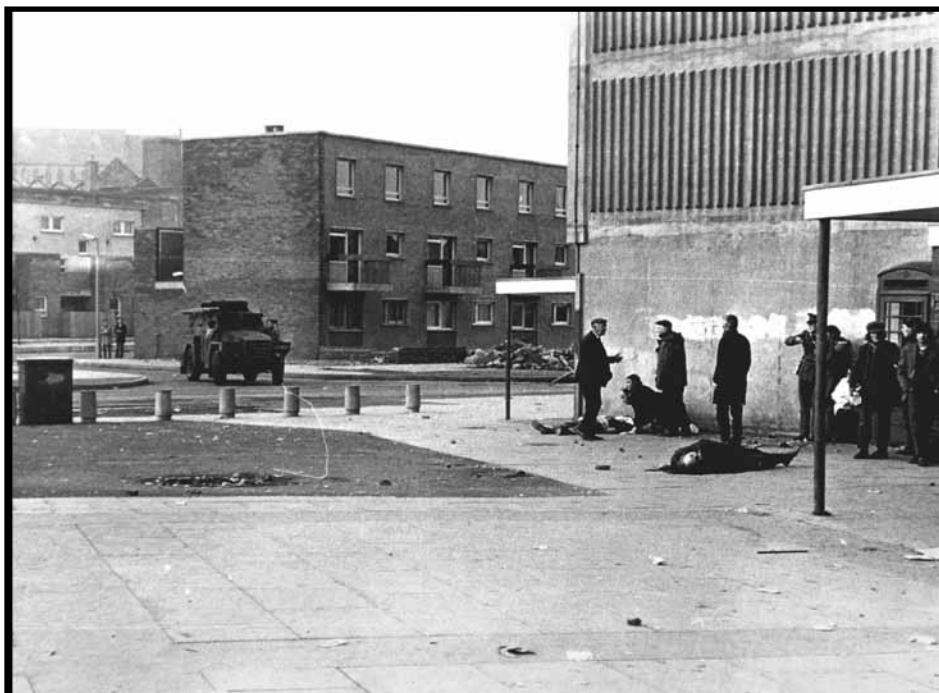
¹ [AM352.9](#)

² [AM352.1](#)

119.194 In our view Peter McLaughlin was mistaken in thinking that the soldier who fired was beside a “*Saracen*”. At a later stage, as we have described elsewhere in this report,¹ an Armoured Personnel Carrier (APC) did go into the entrance of Glenfada Park North in the course of collecting the bodies at the rubble barricade. It can be seen in the background behind the body of Bernard McGuigan in one of the photographs taken by Gilles Peress when the APC had got to the southern end of Block 1 of the Rossville Flats, which we have shown earlier in this report;² and also in a photograph taken by Fulvio Grimaldi of the same scene, shown below.

¹ [Chapter 122](#)

² [Paragraph 119.66](#)



- 119.195** As we have described earlier, by the time these photographs were taken, all the casualties in Sector 5 had been sustained and there was no more shooting in Sector 5.
- 119.196** On the basis of Peter McLaughlin's 1972 account, after the gunfire he first heard, he witnessed a shot that missed Patrick Doherty and then four towards Patrick Walsh, which also hit no-one. Since in our view Patrick Campbell and Daniel McGowan were shot before Patrick Doherty, it seems that the firing that Peter McLaughlin first heard resulted in these casualties and may have also included the shot that hit Bernard McGuigan.
- 119.197** Derrik Tucker Senior, in his NICRA statement,¹ described only one shot at the stage when Patrick Walsh was crawling out.
- ¹ [AT16.2](#)
- 119.198** Charles McLaughlin in his NICRA statement¹ gave an account of seeing two shots fired towards Patrick Doherty, the second of which hit him. Muriel Barr also described two shots, the second hitting Patrick Doherty.²
- ¹ [AM322.12](#) ² [AB18.1](#)
- 119.199** As we have already noted, Patrick Walsh described firing in his direction when he first got to Patrick Doherty, and bullets hitting the wall by the Fahan Street steps, which forced him to retreat. These could not have been either the round that hit Bernard McGuigan (since the bullet that hit him broke up) or those that hit Patrick Campbell or Daniel McGowan, since in our view they had already been wounded.
- 119.200** On the basis of this evidence, we have concluded that there were likely to have been a number of shots fired into Sector 5, in addition to the four that hit the Sector 5 casualties, though it is not possible to be sure how many shots were fired in all into Sector 5. We consider this point further below.

The number of soldiers firing into Sector 5

- 119.201** As we have already stated, in our view Lance Corporal F failed to account truthfully for six of the shots that he fired on Bloody Sunday. Neither Lance Corporal F, nor any other soldier of Support Company, ever suggested that anyone apart from Lance Corporal F fired into Sector 5.

119.202 Furthermore, no soldier has ever admitted to firing from the entrance to Glenfada Park North the shots that Fr Bradley witnessed. It follows, since in our view these shots were not fired by Lance Corporal F, that another soldier chose to conceal that he had fired from the entrance to Glenfada Park North.

119.203 PIRA 25 told us that he saw three soldiers kneeling at the entrance to Glenfada Park North, but did not suggest that he had observed any of these firing.¹ PIRA 25 gave no account in 1972.

¹ [AG17.2-17.3; Day 424/121-122](#)

119.204 According to the account he gave in 1972 to the *Sunday Times* Insight Team, Joe Nicholas looked to his right after witnessing the shooting of Patrick Doherty, and saw the body of Bernard McGuigan. Behind him Joe Nicholas saw two soldiers. One was kneeling and the other “*sort of squatting*”. Both had rifles at their shoulders aimed in the direction of Patrick Doherty.¹ Joe Nicholas did not suggest to the *Sunday Times* that he had seen either soldier fire, and though in his NICRA statement² he referred to firing “*from the two soldiers at the entrance to Glenfada Park*”, we are of the view that (as he told this Inquiry³) he did not see either of these soldiers firing any shots.

¹ [AN17.20](#)

³ [AN17.5](#)

² [AN17.17](#)

119.205 John Hutton, in a handwritten statement dated 25th February 1972,¹ described sheltering in the “*first house in Joseph’s Place*”. From there he saw three soldiers apparently arrest a group of about 30 people sheltering at a gable end in Glenfada Park and march them away. Two soldiers then came and “*took up position at the car-park end of the gable wall*”. According to this account, one of these soldiers then knelt down, brought his rifle “*to the aiming position at his shoulder*” and fired at a young man wearing blue denim jeans and jacket, who had come out from near the telephone kiosk near the south gable of Block 1 of the Rossville Flats waving a handkerchief, and was going towards Glenfada Park North. John Hutton then described the same soldier shooting Bernard McGuigan, who he recorded was walking towards the young man.

¹ [AH105.8-9](#)

119.206 John Hutton was in our view muddled about the first incident of firing, since there is nothing else to suggest that a young man was shot as he went towards Glenfada Park North. He may have mistakenly concluded that Hugh Gilmour had been shot from

Glenfada Park North. Nevertheless, his account indicates that he saw only the kneeling soldier fire. In his oral evidence to this Inquiry, he described the soldier that he had seen firing as “*small*”.¹

¹ [Day 185/35](#)

119.207 In his written statement for the Widgery Inquiry, Daniel McGowan described seeing two soldiers “*on their knees*” in firing positions at Glenfada Park before he was shot. He did not suggest seeing either of these soldiers fire.¹ However, we have already expressed the view that it would be unwise to rely upon the accounts Daniel McGowan gave of the precise circumstances in which he was shot.

¹ [AM255.5](#)

119.208 There is thus some evidence that there were at some stage two soldiers present and looking into Sector 5 but, apart perhaps from John Porter, no eyewitness account of seeing more than one firing into that sector; and as will have been seen, some witnesses described seeing only one soldier.

119.209 Although Lance Corporal F was, for the reasons that we have given, an unreliable and untruthful witness, it seems to us highly unlikely that he would have admitted to firing at and hitting a man in Sector 5 if he had not done so, though his description of his target and the number of shots he fired into Sector 5 are another matter altogether. He said that he had fired from a kneeling position. We are sure that the kneeling soldier described by several witnesses was Lance Corporal F.

119.210 We now turn to consider the identity of the soldier Fr Bradley witnessed firing, whether this or another soldier was the other soldier some witnesses described, and whether this other soldier himself fired into Sector 5.

The firing soldier witnessed by Fr Bradley

119.211 According to George Irwin and RM 2, the soldier they observed firing from the hip from the entrance to Glenfada Park North was tall. Private H was about 6 feet tall.¹ As we have noted earlier in this report, when considering the events of Sector 4, Private H, who we are sure went into Glenfada Park North with Corporal E, Lance Corporal F and Private G, gave a false account of firing 19 shots into a window on the south side of Glenfada Park North. The evidence established to our satisfaction that no window on this side of Glenfada Park North was hit by more than one shot. In Private H's evidence to us he appeared to accept that he could have been wrong about this and that perhaps this

incident happened in the area of Sector 2. Corporal 444, as we have described earlier, gave evidence of a soldier firing upwards from about the hip at a late stage in Sector 2. This may have been Private H. However, even if it was, he could still have fired the shots witnessed by Fr Bradley and George Irwin, though he denied doing so.² Furthermore, had Private H fired 19 shots all from the same position and in the same direction, it is unlikely in the extreme that no civilian would have noticed such extraordinary behaviour. We cannot be sure, but given his height, the falsity of his evidence as to where he had fired 19 shots and the fact that he was in Glenfada Park North, it seems to us probable that the firing soldier witnessed by Fr Bradley was Private H.

¹ [Day 378/67](#)

² [Day 378/130-131](#); [Day 378/135-138](#)

119.212 We should note that the soldier witnessed by Fr Bradley and George Irwin is unlikely to have been Private G, as he was only about the same height as Lance Corporal F, namely about 5 feet 6 inches. Private David Longstaff was about 6 feet tall, as shown in photographs taken at Fort George, but in our view, for reasons given later in this report,¹ he did not fire a shot on Bloody Sunday. Corporal E was about 5 feet 9 inches tall, as also shown in Fort George photographs, so again is unlikely to have been the soldier seen by George Irwin and Fr Bradley. Lance Corporal J was about 6 feet 2 inches tall,² but unless he had or acquired a large quantity of spare rounds, which seems to us unlikely, he could not have fired the number of shots witnessed by George Irwin and Fr Bradley.

¹ [Paragraphs 123.104–117](#)

² [ARR10.1](#); [ARR23.1](#)

The soldier seen with Lance Corporal F

119.213 The soldier seen with Lance Corporal F might have been the one Fr Bradley had earlier witnessed firing (probably Private H), but in our view it might equally have been Private G. As Lance Corporal F's "*pair*",¹ Private G could be expected to stay close to him, in order that the two could cover each other. As will have been seen, this soldier gave untruthful evidence about his own shooting and an untruthful account of seeing Lance Corporal F shoot into Sector 5 before the civilians had been marched away from the gable wall. He also failed to say anything about Lance Corporal F's shooting into Sector 5 in his RMP statements. We have already expressed the view that Private G might have seen more of what Lance Corporal F did than he was prepared to admit.

¹ [WT14.14](#)

- 119.214** We have found nothing to indicate that the soldier seen with Lance Corporal F could have been someone other than Private H or Private G. The evidence of John Porter, which we return to consider again below, suggests that the soldier could have been Private H, but to our minds this evidence raises no more than that this is a possibility.

Whether a soldier with Lance Corporal F fired into Sector 5

- 119.215** As we have noted above, there is only the evidence of John Porter that three soldiers fired after the civilians had been moved from the gable end. One seems to have been the soldier witnessed by Fr Bradley, firing shots from the hip in a southerly direction. One John Porter described as firing two shots from chest high, “*underneath his arm*” towards Joseph Place.¹ The third he described as firing one quick aimed shot at Joseph Place and then turning back after the people who were being marched off. He did not describe seeing a kneeling soldier shoot, but did tell the Widgery Inquiry that “*the third and fourth*” paratroopers moved out of his sight to the right. By “*third and fourth*” John Porter seems to have been referring not to the soldier he said he saw firing one quick aimed shot, as he had previously described this soldier moving after the civilians, ie to his left, but to the soldiers respectively firing from the hip and at chest height. However, John Porter was looking with a restricted view from Abbey Park and we have already expressed the view that it would be unwise to rely on his accounts of what he saw at the entrance to Glenfada Park North, unless supported by other evidence.

¹ [WT8.51](#)

- 119.216** Apart from John Porter, there is no evidence from any source that more than one soldier fired into Sector 5 at about the same time. However, as we have pointed out, the witnesses who did say that they saw a soldier shooting only described seeing him fire one, two or three shots. Since there is no doubt that more than three shots were fired into Sector 5 from Glenfada Park North, it follows that their accounts do not necessarily show that only one soldier fired.
- 119.217** We have no evidence to suggest that in Sector 4 Lance Corporal F fired more than the shots he claimed. It is possible that (apart from the two shots that he fired at Block 1 of the Rossville Flats after the events of Sector 5) Lance Corporal F might have fired more than the single shot that he belatedly admitted he had fired in Sector 3 and which killed Michael Kelly at the rubble barricade, though we have found no evidence that suggests to us that this was likely to be so.

- 119.218** We have concluded that it is highly probable that Lance Corporal F fired all the six shots in respect of which he gave a false account into Sector 5, in addition to the two he finally admitted firing into that sector.
- 119.219** We have considered whether we can tell from the accounts that many witnesses gave of hearing firing or seeing the strike of bullets into the area of Sector 5, how many shots were fired into that sector. However, their accounts differed significantly; and it must be borne in mind that there was not only shooting into Sector 5, but also the shots witnessed by Fr Bradley, which witnesses may have believed were being fired in the direction of Sector 5. In the end we concluded that while it was not possible from this evidence to form any sort of reliable estimate of the number of shots fired into this sector, the evidence did not rule out that they could all be accounted for by the eight shots fired by Lance Corporal F.
- 119.220** In these circumstances and on our assessment of the evidence to which we have referred in the course of this part of the report, we have also concluded that it is highly probable that Lance Corporal F was the only soldier who fired into Sector 5, though there was likely to have been another soldier present when he fired at least some, if not all, of these shots.

Pistol shots

- 119.221** We now turn to consider whether, as he claimed, Lance Corporal F heard pistol shots from the south-eastern end of Block 2 of the Rossville Flats and then fired twice at and hit a man with a pistol in that area.
- 119.222** As we have already noted, in the statement he gave Colonel Overbury,¹ Lance Corporal F described hearing pistol shots as he ran along the “*Eastern wall of Glenfada Park to the corner*”, which came from “*the area of the wall at the far end of the Rossville Flats*”. From the context it is clear that Lance Corporal F was telling Colonel Overbury that he was running down the eastern side of Glenfada Park North.
- ¹ [B135](#)
- 119.223** How Lance Corporal F was able to tell that the pistol shots were coming from the area of the wall at the far end of the Rossville Flats when this area would have been out of his sight is difficult to understand. It may be that this explains why in his evidence to the Widgery Inquiry, he referred only to hearing shots from the direction of the Rossville Flats.

119.224 It was submitted on behalf of Lance Corporal F that there was reliable evidence to corroborate his 1972 accounts of firing at a “*pistol man*” in Sector 5.¹ We now turn to examine the evidence upon which his representatives relied and on other evidence. In doing so it is important to distinguish between two matters, namely, whether there is evidence of low velocity shots at about the time Lance Corporal F fired and if so whether there is (apart from Lance Corporal F’s own unreliable evidence) anything that connects those shots with the target at which Lance Corporal F said that he had fired.

¹ [FS7.2208](#)

Lieutenant 227

119.225 We have considered the evidence of Lieutenant 227 earlier in this part of the report.¹ As will have been seen, Lieutenant 227 gave evidence of seeing a soldier kneel near a lamp post at the entrance to Glenfada Park North and fire two aimed shots. Those acting on behalf of Lance Corporal F submitted that the soldier that Lieutenant 227 saw was likely to be Lance Corporal F.² We are sure that this was so.

¹ [Paragraphs 119.57–82](#)

² [FS7.2209](#)

119.226 Lance Corporal F’s representatives also submitted that Lieutenant 227’s evidence also supported Lance Corporal F’s account of hearing pistol shots.

119.227 As we have already noted, in his first RMP statement¹ Lieutenant 227 recorded that after he had seen from Charlie OP three soldiers appear “*from the rear of the flats in Glenfada park*” two of whom then made arrests and the third of whom knelt down on the corner facing the Rossville Flats. “*At this point I heard two or three pistol shots being fired from the area of Rossville flats. The soldier in Glenfada park then fired two rounds towards Rossville flats and I saw a man fall at the corner of Block 1 of the flats.*”

¹ [B2186.2-3](#)

119.228 Lieutenant 227 gave a similar account in his second RMP statement,¹ and in his written statement for the Widgery Inquiry identified from photographs the person he had seen fall as Bernard McGuigan.² In his oral evidence to the Widgery Inquiry, Lieutenant 227 again described hearing pistol shots from what he judged was “*the area of Rossville Flats*”, and asked if he had seen any counteraction taken said that he had seen the kneeling soldier fire “*two definite shots*”.³ We have already noted that we accept Lieutenant 227’s evidence to us that the transcript mistakenly recorded him saying that the kneeling soldier

fired at a man with a rifle to *“my low and to the right”*. He has throughout maintained that he saw no civilian with a weapon and did not see who fired the pistol shots that he said he had heard.⁴

¹ B2184

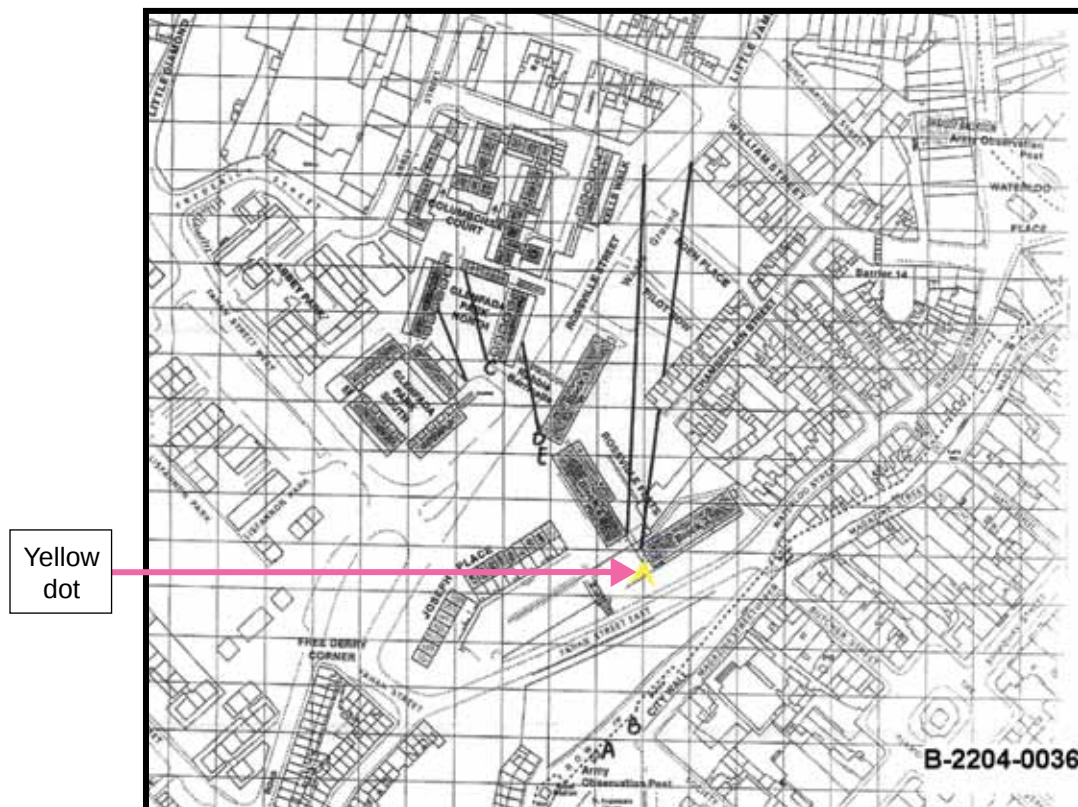
³ WT16.42-43

² B2189

⁴ WT16.43; WT16.48; B2200-2201; Day 371/168-170; Day 371/173-175; Day 371/204-207

119.229 In his oral evidence to this Inquiry, Lieutenant 227, having told us that he did not see a civilian with a weapon (either a rifle or a pistol), was asked to describe what he might have meant by the phrase *“low, and to the right”*. He then marked a map (shown below) with a yellow dot what he described as *“that type of area”*.¹

¹ Day 371/174-175



119.230 In view of his evidence, Lieutenant 227 was not marking where he had seen a man with a weapon, but what he thought was the area he had described in his oral evidence in 1972, transcribed (in our view mistakenly) as firing directed *“at the man with the rifle to my low and to the right”*. However, we are more than doubtful that Lieutenant 227 was correct in marking this position. The passage in question in the transcript is followed by Lieutenant 227 telling the Widgery Inquiry that his impression was that the soldier he saw firing was shooting at a man in the area of the telephone box,¹ ie as he had said earlier in his

evidence “*By the bottom end of Block 1*”.² In context therefore, it seems to us that by “*low and to the right*” he meant this position. This conclusion is reinforced by the fact that earlier in his oral evidence to the Widgery Inquiry, in the passage we have set out earlier in this report, Lieutenant 227 had used a similar expression, “*Down to my low and right*”, before telling the Widgery Inquiry that he saw a man who (as counsel for the Ministry of Defence put it) “*may*” have been the soldier’s target falling near the telephone kiosk at the bottom end of Block 1.³

¹ WT16.49

³ WT16.43-44

² WT16.44

119.231 Although Lieutenant 227 told us that he was no longer certain that the pistol shots and the firing by the kneeling soldier were linked,¹ his oral evidence to the Widgery Inquiry is that this was the case. However, his 1972 account only fits with Lance Corporal F’s oral evidence to the Widgery Inquiry that he saw a man firing a pistol, something of which Lance Corporal F had made no mention in either his statement to Colonel Overbury or his written statement to the Widgery Inquiry. In those accounts² Lance Corporal F had recorded that the pistol shots that he had heard were before he had got to the south-east corner of Glenfada Park; and that he saw only a man with what appeared to be a pistol in a half crouching position at “*the far end of Rossville Flats*”.

¹ B2204.010

² B135; B137-B138

119.232 In these circumstances, although we accept that Lieutenant 227 heard what he described as pistol shots, we do not accept the submission by the representatives of Lance Corporal F that he had “*pinpointed*” the same position as Lance Corporal F.¹ In the course of his evidence to the Widgery Inquiry, Lieutenant 227 gave the following answers:²

“Q. You see, a soldier has told us about coming to this position here and firing at a man with a pistol away down by this wall. You did not see anyone down there?

A. That particular part isn’t in my view.

Q. You did not notice any shots coming from that position before this firing had occurred?

A. No sir.”

¹ FS7.2214

² WT16.49

119.233 It was suggested that counsel was referring to the position of Bernard McGuigan in the second question in this exchange.¹ We disagree. Bernard McGuigan was in Lieutenant 227's field of view. The reference in the second question to "*position*" can in our view only refer to a position at the wall at the south-eastern end of Block 2 of the Rossville Flats, ie to the position identified by Lance Corporal F.

¹ [FR7.823-824](#)

119.234 In conclusion, therefore, we have found nothing in Lieutenant 227's evidence that supports Lance Corporal F's account of seeing and shooting a man with a pistol at the south-eastern end of Block 2 of the Rossville Flats. At best his evidence amounts to hearing pistol shots from somewhere in the Rossville Flats area and (though he now doubted this) linking those with a paratrooper he saw shoot Bernard McGuigan, a substantial distance (some dozens of yards away) from the target indicated by Lance Corporal F. We have found no evidence to suggest that Bernard McGuigan, or anyone near him at the southern end of Block 1 of the Rossville Flats, was armed with a pistol or with anything that could on any view have been taken to be a pistol.

Sergeant 040 and Gunner 134

119.235 We have already considered the evidence of these soldiers, who were in the Magazine Street OP, earlier in this report. Gunner 134 did record hearing low velocity shots that he believed were coming from the William Street area, but at no stage linked these with the actions of the paratrooper he saw shoot from the entrance to Glenfada Park North. Sergeant 040 also gave an account of seeing a paratrooper fire from the same position, but made no mention of hearing low velocity fire at any time.¹

¹ [B1659](#); [B1661.003](#)

Kevin Martin

119.236 Kevin Martin, who in 1972 gave his age as 18, made a NICRA statement dated 31st January 1972.¹ He had written the manuscript original of that statement himself.² The statement was in the following terms:

“Yesterday. I was in the march and was caught in the ensuing violence. When the army charged I ran down Chamberlain Street, along with several hundred others. I seen a Saracen and doubled my efforts to get out, I made it. I then ran down beside the shop side of the flats. It was then that I heard the shots. I think I know gunfire well enough to recognise S.L.Rs. I I [sic] seen one I.R.A. man with a pistol, he opened fire. I must stress that this was after the army opened fire. There were no nail bombs, or petrol bombs being thrown at that time or any other time before the incident that day. I ran across Rossville St to a gap in the Glenfada complex. We, i.e. about 30 youths, then re-organised and tried to make a charge, we ran into the open when about 5 successive shots rang out. A young boy, who was beside me fell, blood streaming from his side. He only had a stone in his hand like the rest of us. More shots rang out but I was eating dirt, I could not tell if any more were hit. I helped some men drag the boy in the [Wrangler] jeans and jacket, who fell beside me, around the corner. Somebody took him into a house. I tried to get out of the way, shots were ringing out every where, I was sort of dazed then half stumbling I made my way to the comparative safety of The New Road. I then saw some more casualties being brought up. One man aged about 17 was hit and blood was streaming from his jaw. It was half shot off. He was carrying no weapon either. I saw a girl who was hit on the leg. I was very lucky and then went home. I knew further fighting was useless.”

¹ AM25.1

² AM25.9; Day 420/158

119.237 Kevin Martin gave written and oral evidence to this Inquiry. In his written statement¹ he told us that he had not actually seen a gunman himself, but some of his friends had said that they had “*so I did as well*”. In his oral evidence he maintained that this was the case and said that the greater part of his NICRA statement was “*embellishment*” or “*total fabrication*”,² though in later questioning he agreed that by these expressions he meant that he had recorded something that he had not seen, but which he believed to be true.³

¹ AM25.6

³ Day 420/199-200

² Day 420/159-160; Day 420/163-165; Day 420/166-168; Day 420/185-186; Day 420/199

119.238 We were not persuaded by Kevin Martin’s evidence to us that he had not himself seen an IRA man with a pistol. He had written out his own NICRA statement in which he had given a reasonably coherent account, though it is not entirely clear where he had seen the gunman fire. If it was by the shops on the south side of Block 2 of the Rossville Flats, it is difficult to understand what the gunman could have been firing at, for there would have been no soldiers to target in this area at this time, which on the basis of Kevin Martin’s

account was before there was even any firing at the rubble barricade. In our view it is more likely that Kevin Martin saw in Sector 2 the man we have described in our consideration of the events of that sector as “Fr Daly’s gunman”.

The *Sunday Times* Insight Team

119.239 Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team made a typed record of information given in an interview with Reg Tester, the Command Staff Quartermaster of the Official IRA in the city.¹ At the end of this record, they added three points, under the following heading:²

“The following incidents are hard to place timewise but are authenticated by staff officers.”

¹ S34

² S37

119.240 The second of these points was that:¹

“An Official fired two .32 pistol shots from the lane behind Joseph Place up at the Walker O.P [Observation Post]. It was hopelessly out of range but the man was infuriated and frustrated; it was also risky, since he was in full view of the walls, and the lane was crowded with panicky people.”

¹ S37

119.241 As we have pointed out earlier in this report,¹ on Bloody Sunday members of 22 Lt AD Regt manned three Observation Posts on the City Walls. None of these was at the Walker Monument. Charlie OP was the nearest of the three OPs to the monument. One member of 22 Lt AD Regt was positioned at the Walker Monument.² This was Gunner 101 from whom this Inquiry has only a short RMP statement dated 1st February 1972.³ That statement contains no reference to shots, be they from a pistol or other weapon, fired at the Walker Monument at any time on Bloody Sunday, though of course since Gunner 101 might not have noticed pistol shots fired in his direction, it does not follow that no such shots were fired.

¹ Paragraphs 116.27–37

³ B1670

² B1951

119.242 Philip Jacobson thought that the information about firing in the direction of the Walker Monument had come from Reg Tester.¹ Reg Tester himself could not help about this.² In our view it is unlikely he was the source, for had he been, the heading under which this point was listed would hardly have referred to staff officers, but merely continued noting what they had recorded Reg Tester saying in the interview.

¹ [Day 191/200](#)

² [Day 414/64](#)

119.243 We do not know who the source was. Johnny White (OIRA 3)¹ told us:²

“I have no knowledge of any member shooting from the back of Joseph Place up at the Walker OP. Because of what I have said previously about shortages of ammunition and guns, I would know exactly what weaponry everyone had and what was in their magazine. I would check the ammunition when the weapon came back, so not only would the volunteer tell me if they had fired when they returned from active duty, but I would know by checking their ammunition as well. If I was not available the quartermaster would have checked anyway as he was responsible for making sure we controlled our weapons.”

¹ Johnny White told us that on Bloody Sunday he was the Officer Commanding for the Command Staff of the Official IRA in the north-west ([AOIRA3.2](#)).

² [AOIRA3.32](#)

119.244 The representatives of Lance Corporal F appear to suggest that the firer could have been OIRA 4, Fr Daly's gunman, on the grounds that in his evidence to us, he had admitted that he had been carrying a .32 calibre pistol, that he had left Sector 2 through the gap between Blocks 2 and 3 of the Rossville Flats and that he had made his way southwards through the car park at the back of Joseph Place.¹

¹ [FS7.2222](#); [AOIRA 4.5](#); [AOIRA 4.19](#)

119.245 OIRA 4 told us that he did not take his weapon out of his pocket after leaving Sector 2.¹ Furthermore, on the basis of his account, he was with Fulvio Grimaldi and Susan North when they went through the gap between Blocks 2 and 3 of the Rossville Flats, ie after the casualties had been sustained in Sector 5. This account is supported by the evidence of Susan North.² Thus even if, contrary to his evidence, OIRA 4 had fired two shots up at the Walker Monument from the Joseph Place alleyway, we consider that this would not have been the firing heard at an earlier stage by Lieutenant 227, unless this soldier was mistaken in his recollection as to when he had heard this firing.

¹ [AOIRA4.19](#)

² [M35.6](#); [Day 130/35-37](#); [Day 131/123-135](#)

119.246 If someone other than OIRA 4 had fired a pistol from the Joseph Place alleyway, there is no further evidence to indicate when this happened, save that according to Peter Pringle's and Philip Jacobson's note, the Joseph Place alleyway was full of panicky people. In our view it is unlikely that these were the shots heard by Lieutenant 227, since he told the Widgery Inquiry that while he had heard shots from the area of the Rossville Flats, he had not noticed any from the area of the wall at the south-eastern end of Block 2, which was closer to the Joseph Place alleyway.

Other matters relied upon by the representatives of Lance Corporal F

119.247 We now turn to consider some other matters upon which the representatives of Lance Corporal F relied.

PIRA 25

119.248 According to the evidence that PIRA 25 gave to this Inquiry, when he was at the back of the shops, ie on the south side of Block 2 of the Rossville Flats, and after the shooting had seemed to die down, he saw a group of people with their hands on their heads come through the gap between Blocks 2 and 3 of the Rossville Flats heading for Joseph Place. He told us he saw the muzzle of a rifle appear briefly and heard an English voice ordering the people to go away. *"I merely heard the voice saying that the people should move on and I went with them behind the Joseph Place flats."*¹

¹ AG17.3; AG17.19

119.249 In his oral evidence to this Inquiry, PIRA 25 said that although he assumed that the person with a rifle was a soldier, he did not actually see who was telling the people to go away or move on, but only the rifle sticking out of the corner. He was sure that he had not confused this event with the arrest of civilians in Glenfada Park North.¹

¹ Day 424/125-127; Day 424/141-142

119.250 It is not clear from his evidence whether PIRA 25 was saying that he saw the muzzle of the rifle at the north side of the gap between Blocks 2 and 3 of the Rossville Flats, or at the south-east corner of that gap.¹ However, whichever it was, there is no evidence to suggest that at any stage on Bloody Sunday there was a soldier in that gap or at either end of it.

¹ Day 424/126-127

119.251 For this reason and because there is no civilian evidence of a soldier ordering people through the gap between Blocks 2 and 3 of the Rossville Flats, it was submitted on behalf of the soldiers that the person holding the rifle was likely to be or possibly was a civilian gunman.¹

¹ [FS8.1147](#); [FS7.2228](#)

119.252 There is no evidence from any other source of a man with a rifle in the position described by PIRA 25. There is, however, evidence from a number of civilians moving through the gap between Blocks 2 and 3 of the Rossville Flats of holding or being told by other civilians to keep their hands in the air; and seeing a soldier at the south end of Chamberlain Street. This evidence was accurately summarised by Counsel to this Inquiry and we have adopted it with some minor changes in the following paragraphs.

119.253 James McMenamin was in the car park with John Finbar (Barry) O'Loughlin and Patrick Deeney.¹ He sheltered in the north-east corner of the car park.² James McMenamin moved as part of a group through the gap between Blocks 2 and 3. He recalled people telling them to keep their hands in the air. The only bodies James McMenamin could recall seeing on emerging from the gap on the south side of Block 2 would appear to be those of Bernard McGuigan and Hugh Gilmour.³

¹ [Day 102/81](#)

³ [AM362.4-5](#); [Day 102/68-69](#)

² [Day 102/56-58](#); [AM362.4](#)

119.254 John O'Loughlin was in the Rossville Flats car park at the time Michael Bridge was shot.¹ According to John O'Loughlin, during a lull in the shooting, he and the group he was with walked across the car park towards the gap between Blocks 2 and 3. This was in the same direction as previously taken by a man he identified as Patrick Doherty. When they crossed the car park, John O'Loughlin and his group all had their hands in the air. When they emerged on the south side of Block 2, he saw the body of Patrick Doherty.² He could not recall whether Patrick Doherty was lying on his back or not, but Patrick Doherty was completely alone at the time and he was not conscious of any shooting.³

¹ [AO55.1](#)

³ [Day 101/125-126](#)

² [AO55.2](#)

119.255 John Campbell told us that he remained sheltering in the north-east corner of the Rossville Flats car park with about eight others until the shooting he could hear had "*practically stopped*". He then saw a soldier appear at the entrance to Chamberlain

Street. His group then walked across the car park to the gap between Blocks 2 and 3 “*in single file with our hands on our heads*”. They reached the south side of the gap, but on hearing more shooting, did not continue further.¹

¹ AC14.3-4

119.256 John Friel told us that he emerged from the gap between Blocks 2 and 3 at a time when there were already people around the body of Patrick Doherty. Like John Campbell, John Friel had been sheltering in the north-eastern corner of the car park before making his way along the eastern side of the car park towards the gap between Blocks 2 and 3. The group of which he was a part also crossed the car park with their hands on their heads.¹ One of those John Friel recalled sheltering with him was Molly Barr, the owner of the tobacco and confectionery shop situated on the south side of Block 2 of the Rossville Flats.

¹ AF33.3-4; Day 76/17-26

119.257 Sean McCarron also recalled being part of a group of about 20 people sheltering in the car park in the area of the east gable wall of the Chamberlain Street houses. On the suggestion of Molly Barr, members of the group waved white handkerchiefs and crossed the car park into the gap between Blocks 2 and 3. Having reached the south side of Block 2, Sean McCarron saw the body of Patrick Doherty, which had already been turned over.¹

¹ AM85.5

119.258 Patrick Gerard Doherty appeared to have remained in the car park of the Rossville Flats until the shooting had ended. His recollection was of then hearing the voice of Molly Barr who joined him and a foreign photographer. This was almost certainly Fulvio Grimaldi. Both Molly Barr and the photographer were waving handkerchiefs. They all went through the gap between Blocks 2 and 3 of the Rossville Flats.¹ The only soldier Patrick Gerard Doherty was aware of at about this time was positioned at the south-west corner of the west gable wall of the Chamberlain Street houses.²

¹ AD96.4

² Day 85/19-20

119.259 It appears to be suggested that these civilians, and others who made their way through the gap between Blocks 2 and 3 of the Rossville Flats, through “*reticence*” failed to say anything about seeing a gunman.¹ By this we understand that it is suggested that these civilians, or some of them, deliberately concealed this fact from this Inquiry.

¹ FS7.2229

- 119.260 We do not accept this submission. It proceeds upon the assumption that PIRA 25 saw a civilian gunman and we do not accept the assumption. In our view it is much more likely that PIRA 25 was mistaken in believing that he had seen a rifle. To our minds, no civilian gunman would be foolish enough to carry a rifle openly when soldiers were close by in Chamberlain Street and elsewhere in the area to the north of the Rossville Flats.
- 119.261 It will also be noted that PIRA 25's evidence refers to seeing a rifle muzzle (not a pistol) at a time when the shooting in Sector 5 was over. In any event, therefore, it provides no support for the suggestion that there were pistol shots at an earlier stage.

The photograph

- 119.262 The representatives of the majority of represented soldiers (including Lance Corporal F) submitted that the following photograph "*can only show a man who is in the act of throwing what was very probably a nail bomb at a time that is not precisely known*"¹ and that "*nobody admits to knowing anything about the figure in the background*".²

¹ FS7.1619

² FS7.2225



- 119.263 The photograph in question was taken by Stanley Matchett, a *Daily Mirror* photographer, and appears on his contact sheets. In the immediately preceding contact prints can be seen photographs of the covered body of Bernard McGuigan and of Kevin McElhinney being carried from Block 1 of the Rossville Flats. Thus the photograph was taken after the shooting in Sector 5, as the representatives of the majority of represented soldiers must or should have known.

- 119.264** In these circumstances it seems to us unlikely in the extreme that the figure in the background was about to throw a nail bomb, since there was no military presence in the area to provide a target (nor indeed had there ever been). In addition, the quality of the photograph is such that it is not possible to tell what (if indeed anything) the figure has in his or her hand.
- 119.265** In our view, therefore, the photograph does not demonstrate that there was a man with a nail bomb. It obviously provides no support for the suggestion that there were pistol shots at an earlier stage.

The scarf

- 119.266** The following two photographs were taken by Eamon Melaugh and show that a scarf (seemingly a college or university scarf) had been placed over the head of Bernard McGuigan as he lay on the ground. We do not know who placed the scarf or (save that it was not Bernard McGuigan's¹) whose scarf it was.

¹ [AM271.1](#)





119.267 When Dr John Lloyd (one of the experts retained by this Inquiry) was giving oral evidence, he was asked about this scarf and the fact that at the time Dr John Martin (in January 1972 Principal Scientific Officer at the Department of Industrial and Forensic Science in Belfast) found a quantity of specks of lead on it:¹

“Q. ... You then deal with the bloodstained scarf which accompanied Mr McGuigan to the mortuary, and said the contact between particles on the scarf or between Mr McGuigan and the scarf could have resulted in:

‘Contact between [Mr McGuigan’s clothing] and the scarf, or between [him] and the scarf could have resulted in a transfer of particles from the scarf.’

Could we have on the screen D420. These are the results as set out in the laboratory notes of the contamination on the scarf itself, which we looked at yesterday. Dr Martin said that he carried out an experiment which suggested that this quantity of specks of lead on the scarf showed that it could well have been contaminated because the scarf had been used to wrap a firearm.

Would you agree that that disposition is consistent with that?

A. I would agree it is a possibility, yes.

Q. Given this degree of contamination of a scarf, what other possibilities might there be, if any?

A. The scarf could have come into contact with an area that had been – a floor area that had been contaminated by fragmentation products.”

¹ [Day 227/47-48](#)

119.268 The representatives of the majority of represented soldiers (including Lance Corporal F) submitted that since no-one “*owned up*” to laying the “*lead-soiled*” scarf over the body of Bernard McGuigan and since the quantity of lead on the scarf is consistent with it having been used to wrap up a recently fired pistol, these matters amount to one of the “*other suspicious facts in Sector 5 which have been met by similar silence*”.¹

¹ [FS7.2225](#)

119.269 We do not find anything suspicious in the fact that no-one claimed the scarf and that lead particles were found on it. As Dr Lloyd pointed out, the scarf could have become contaminated with lead from the ground. There are any number of possible reasons why it was not reclaimed, including the fact that it was bloodstained and that it was taken from the area when Bernard McGuigan’s body was taken to an ambulance and then to Altnagelvin Hospital. The suggestion that the scarf had been used to wrap a recently fired pistol left unanswered the question as to why the postulated gunman had no further need to continue to conceal his weapon, in circumstances where soldiers continued to be close by.

The group in front of the ambulance

119.270 Another so-called “*suspicious fact*” suggested by the same representatives arises from BBC film footage showing a group in front of an ambulance “*passing [something] surreptitiously between each other*”.¹ Fr Mulvey, Fr Bradley and Patrick Clarke have been identified as among the group. In the absence of any other evidence of suspicious activity (and there was none) what the footage shows is a matter of interpretation. We have considered the footage. In our view there is no reason to conclude that anything was being surreptitiously passed around, nor do we find anything “*suspicious*” going on. The film was taken after all the firing in Sector 5 was over.

¹ [FS7.2225](#); [Vid 1 07.30](#)

Soldiers in Glenfada Park North

119.271 With the exception of Lance Corporal F, none of the soldiers in Glenfada Park North, whose activities there and in Abbey Park we have discussed in the context of Sector 4, gave evidence of hearing pistol shots.

Alphonsus Cunningham

119.272 We have earlier referred to the fact that Alphonsus Cunningham told us that he remembered hearing two or three low velocity gunshots coming from the direction of the Rossville Flats, while he was hiding in a house on the east side of Glenfada Park North, and thought that “*some maniac*” had decided to take on the Army with a pistol.¹ Bearing in mind the difficulty of distinguishing between the sound of different weapons, it is nevertheless possible that Alphonsus Cunningham heard pistol shots and that these were the shots that Lance Corporal F described hearing; and may have been those we have elsewhere in this report² described as having been fired from the entrance to Block 1 of the Rossville Flats.

¹ AC125.3; Day 150/19-22

² Paragraphs 86.561–607

The order in which the casualties were shot

119.273 For reasons given earlier in this part of the report, we are of the view that Patrick Campbell, Daniel McGowan and Patrick Doherty were shot in that order within a short time of each other. We have also given our reasons for concluding that Bernard McGuigan was not shot after Gilles Peress and Fulvio Grimaldi had come into Sector 5, but probably at about the same time as Patrick Doherty. It seems unlikely that Bernard McGuigan was shot before Patrick Campbell had started moving from the south end of Block 1 of the Rossville Flats, as Patrick Campbell would otherwise have seen this and doubtless said something about this event. We are unable to determine whether Bernard McGuigan was shot before or after the other casualties, but in view of the evidence we have considered earlier, it seems to us that this must have happened at about same time.

Chapter 120: Conclusions on the shooting of the casualties in Sector 5

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Lance Corporal F

120.1 On the basis of Lieutenant 227's account, there may have been low velocity gunfire at or about the time that Lance Corporal F fired. It is possible that this was the firing from the Joseph Place alleyway up at the Walker Monument that Peter Pringle and Philip Jacobson were told about, though it seems unlikely that this was by PIRA 4. It is also possible that it was the firing from the entrance to Block 1 of the Rossville Flats to which Private U and others referred, which we have considered in the context of Sector 3.¹

¹ [Paragraphs 86.561–607](#)

120.2 Lance Corporal F may have heard the firing of pistol shots. What is missing, however, is any evidence at all (apart from his unreliable account) that Lance Corporal F fired at a man who had a pistol or anything that could be described as a pistol. In our view Lance Corporal F did not fire at such a man.

120.3 On behalf of Lance Corporal F, it was submitted that Lance Corporal F:¹

“... may have missed the gunman he fired at. His contemporary evidence is that he saw the pistol man fall, but this does not necessarily mean that he had been hit by a bullet; it is common for people to ‘hit the deck’ when they are being shot at.”

¹ [FS7.2224](#)

120.4 This submission proceeds upon the assumption that Lance Corporal F fired at a man who had a pistol or, according to his oral evidence to the Widgery Inquiry, had fired a pistol. We have only his unreliable evidence that this was the case. We are sure that the casualties in Sector 5 were neither armed nor carrying anything that could have led Lance Corporal F to believe, albeit mistakenly, that they were armed. Had Lance Corporal F fired at a man with a pistol, or what he believed was a pistol, there was no reason for him to conceal this from the Royal Military Police, whereas if he had knowingly fired at targets that were not posing a threat of causing death or serious injury, there was every reason for him to conceal this and to make up false accounts of firing elsewhere. We reject as knowingly untrue his proffered explanation to the Widgery Inquiry that his shooting of a man in Sector 5 had “*slipped my mind*”.¹

¹ [WT14.60](#)

120.5 We thus reject this submission. We have also rejected the suggestion that there was an additional but unidentified casualty with a pistol whom Lance Corporal F shot.

120.6 In our view Lance Corporal F undoubtedly fired into Sector 5 and was probably the only soldier who did so. It follows in our view that he was probably responsible for all the casualties in that sector.

Bernard McGuigan

120.7 Whether or not Lance Corporal F was the only soldier to fire into Sector 5, we are sure that he shot Bernard McGuigan.

120.8 There is evidence from Lieutenant 227 that a kneeling soldier fired two aimed shots from the entrance to Glenfada Park North and hit Bernard McGuigan. There is no evidence from any source of more than one soldier firing from a kneeling position into Sector 5.

120.9 Joseph Doherty also described seeing a soldier fire a shot that hit Bernard McGuigan and though he did not say in 1972 whether or not the soldier was standing or kneeling, he told this Inquiry that this soldier dropped to his knee, aimed and fired.¹ We have also referred above to the evidence of Sergeant 040, Gunner 134 and John Hutton of seeing a single soldier firing from a kneeling position.

¹ [AD76.4](#)

120.10 Lance Corporal F said that he fired aimed shots from a kneeling position.

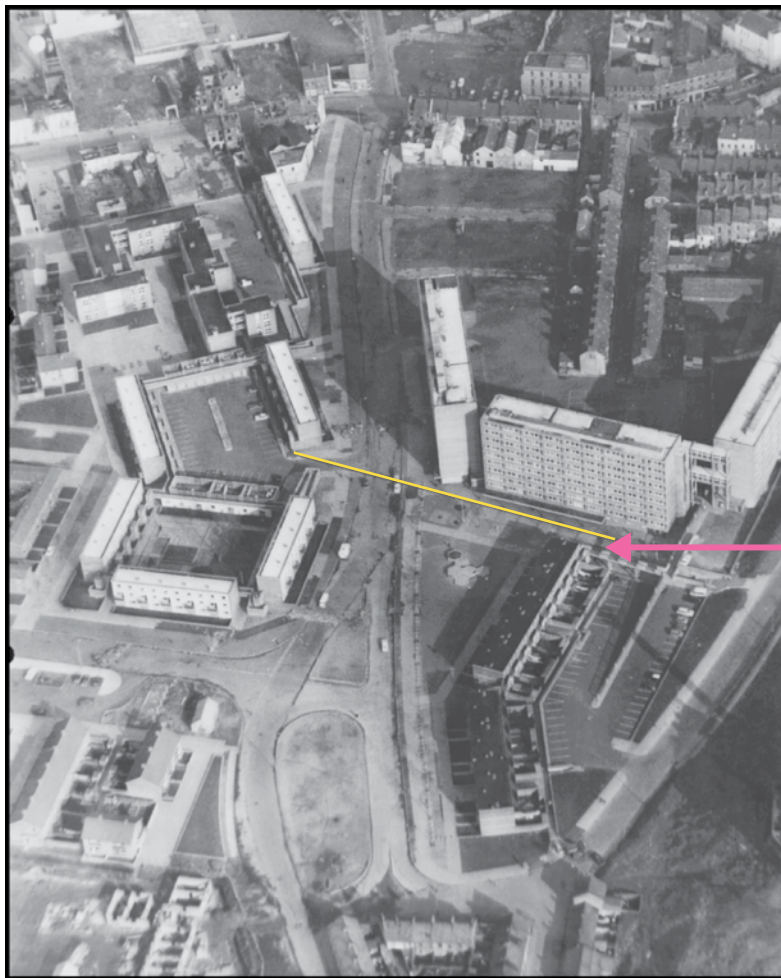
- 120.11** There is in our view no other place from which Bernard McGuigan could have been shot, nor anything that suggests to us that anyone other than a kneeling soldier at the entrance to Glenfada Park North shot him.
- 120.12** We are sure that Lance Corporal F was the kneeling soldier.
- 120.13** Lance Corporal F's account was that he had fired two shots at a man holding a pistol at the far (eastern) end of Block 2; his trajectory photograph that we have shown above¹ is to the same effect. This is not a description that could on any view relate to Bernard McGuigan, either in relation to the object that Lance Corporal F said was in the man's hand, or in relation to where Bernard McGuigan was shot. In our view Lance Corporal F must have realised that he had shot Bernard McGuigan, who was only some 60 yards away from him. He did not suggest at any stage that one of his shots had or may have hit this casualty by mistake, nor have we found any other evidence to support that possibility.
- ¹ [Paragraph 119.172](#)
- 120.14** There is convincing evidence that Bernard McGuigan was doing nothing that could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. We are sure that he was doing no more than moving out from the south end of Block 1 of the Rossville Flats, probably waving a piece of cloth.

Patrick Campbell

- 120.15** Patrick Campbell was moving away to get to cover. In our view it is highly probable that Lance Corporal F was responsible for this casualty. In particular this conclusion is supported to our minds by the evidence of Gunner 134 discussed above, of a kneeling soldier firing at a man jogging away. As with Bernard McGuigan, there is convincing evidence that Patrick Campbell was doing nothing that could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. We are sure that he was running away when he was shot.

Patrick Doherty

- 120.16** We have marked on Lance Corporal F's trajectory photograph of his shooting into Sector 5 where it appears to us, from the evidence considered earlier in this part of the report, that Patrick Doherty was shot.



Location
of Patrick
Doherty
when he
was shot

120.17 As will be seen, the line of the shot, as depicted by Lance Corporal F on his trajectory photograph, passes close to where we are sure that Patrick Doherty was shot. In view of the particularly unreliable nature of Lance Corporal F's evidence, it is necessary to treat this trajectory photograph with particular caution. We have considered whether Lance Corporal F might have invented firing at a target at the far end of Block 2 of the Rossville Flats in order to try to distance himself from the shooting of Bernard McGuigan (or possibly Patrick Campbell), but to our minds this is unlikely. He put his target relatively close to where Patrick Doherty was shot. He did not suggest that anyone else was firing when he undoubtedly shot into Sector 5. He admitted (eventually) firing two shots at this target, though he concealed other shots that we believe he fired into Sector 5. In the end, in the light of the evidence we have considered, we are sure, whether or not another soldier did fire into Sector 5, that Lance Corporal F shot Patrick Doherty.

- 120.18** Patrick Doherty was crawling away. We are sure that he did not have a pistol or anything that could have led Lance Corporal F to believe, albeit mistakenly, that he was or might be armed, let alone that he had fired; or that he was posing any other threat of causing death or serious injury.

Daniel McGowan

- 120.19** If (contrary to our view) another soldier as well as Lance Corporal F fired into Sector 5, then it is possible that that soldier shot Daniel McGowan. Unlike the other casualties, who were hit with lethal or (in the case of Patrick Campbell) potentially lethal shots, Daniel McGowan was hit in the leg. This could indicate that the firer was attempting to wound and not kill, or that the firer was not firing aimed shots. However, this is only a possibility. In view of the absence of evidence that persuades us that it is likely that any other soldier fired into Sector 5, we consider it highly probable that Lance Corporal F was also responsible for shooting Daniel McGowan. Again we have found no evidence to suggest that Daniel McGowan was doing anything that could have led a soldier to believe, albeit mistakenly, that he was posing a threat of causing death or serious injury. Indeed we are sure that he was not.

Lance Corporal F's state of mind

- 120.20** Our assessment of the evidence leaves us sure that Lance Corporal F did not fire into Sector 5 in a state of fear or panic. We are sure that he fired either in the belief that no-one in the area into which he fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. He initially concealed any firing into Sector 5 at all, then made up a false account of firing at a man armed with (or armed and firing) a pistol, and continued to conceal that he had fired more than two rounds into Sector 5.

Later Events in Sector 3

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Chapter 121: Introduction

121.1 After the events of Sectors 2, 3, 4 and 5, which we have considered earlier in this report, soldiers collected the bodies of Michael McDaid, John Young and William Nash from the rubble barricade and put them into an Armoured Personnel Carrier, which had come from the area at the north of Block 1 of the Rossville Flats, and which returned there with the bodies before taking them to Altnagelvin Hospital. After these bodies had been collected and taken to the north end of Block 1, there was further firing by soldiers in Sector 3, though this did not result in any gunfire casualties. We now turn to consider these two events, starting with the collection and handling of the bodies at the rubble barricade.

Chapter 122: The bodies of Michael McDaid, John Young and William Nash

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Collection of the bodies from the rubble barricade: the evidence of military witnesses

Lieutenant N

122.1 In his second Royal Military Police (RMP) statement,¹ Lieutenant N recorded that at about 1640 hours he was in command of an Armoured Personnel Carrier (APC) in Rossville Street. According to this statement he was instructed by Major Loden to “*investigate a body*” reported to be lying at the rubble barricade. He drove through the barricade in his APC with five members of Mortar Platoon. He caused the vehicle to be stopped and reversed towards the bodies of three young men lying “*huddled together*” on the south side of the barricade. Lieutenant N disembarked and looked at the bodies. They gave no signs of life. There was a man nearby, aged about 60 years, who “*mumbled about his shoulder being hurt*”. Lieutenant N directed this man to a first aid man for help. Lieutenant N supervised the loading by his men of the three bodies into his vehicle and then caused the vehicle to return to the north end of Block 1 of the Rossville Flats.

¹ [B384-B385](#)

122.2 According to Lieutenant N’s fourth RMP statement,¹ Major Loden had instructed him to recover any bodies that were still at the barricade. Lieutenant N could not remember when this order was given. Lieutenant N stated that he briefly examined the older man who complained of a shoulder injury, but found no external sign of injury. The three bodies at the barricade were “*heaped one upon the other in an unnatural position*”. Each was lifted into the vehicle by three or four soldiers. They were not piled on top of one another in the vehicle but there was “*some overlapping because of lack of space*”. Lieutenant N did not make any physical examination of the bodies at the barricade but formed the opinion that they were dead from the colour of their faces.

¹ [B394](#)

122.3 In his written statement for the Widgery Inquiry,¹ Lieutenant N recorded that he received the order from Major Loden to collect the body or bodies from the barricade about two minutes after he had called his platoon back to their vehicles at the north end of Block 1.

¹ [B400](#)

122.4 In his oral evidence to the Widgery Inquiry,¹ Lieutenant N was asked whether the bodies had been put into the vehicle in a deliberate way or quickly. He replied that the soldiers had loaded the bodies “*quite deliberately*”. He thought that three men had lifted each

body and “eased” it into the vehicle. Lieutenant N said that he was sure that the bodies had not been piled on top of one another.² They were not in such a position that any of them would have suffocated if he had not been dead. Lieutenant N did however think that one of the bodies had been lying face down. Lieutenant N was standing in the back of the APC when the bodies were loaded into it.

¹ [WT12.70-WT12.71](#)

² [WT12.80-WT12.81](#)

122.5 In his written statement to this Inquiry,¹ Lieutenant N told us that he remembered giving cover to the soldiers who put the bodies into the vehicle, but could not now remember how they had moved the bodies. Firing had still been taking place at the time. He had been concerned for his own and his men’s safety, as they had been in an exposed position.

¹ [B438.012-B438.013](#)

122.6 In his oral evidence to this Inquiry,¹ Lieutenant N said that he was not sure whether all the soldiers who came to collect the bodies had gone forward in the vehicle or whether some had walked alongside it, but he thought that he had been in it. He said that he did not remember who had been driving the vehicle, although it should have been the same soldier as had driven it earlier on.² Lieutenant N thought that three or four soldiers had come with him. He said that he had a recollection of seeing one of the bodies being put into the vehicle, but that he had not been watching the loading of the bodies closely because he had been more concerned with “*keeping watch out to the front*”.³ He said that the bodies were lifted into the vehicle. He rejected the suggestion that they were “*just taken by the hand and legs and shoved in*”. Once inside the vehicle, the bodies were not stacked vertically on top of one another but were “*sort of lying over each other*”. Lieutenant N said that when he and his men collected the bodies there was no firing near to them, but that there “*could have been firing elsewhere*”.⁴ While not in immediate danger, they felt that they were in a very exposed position. Lieutenant N said that the bodies were treated with respect and were not tossed into the vehicle like sacks of potatoes.

¹ [Day 323/87-88](#); [Day 323/123](#)

² [Day 322/104-105](#)

³ [Day 322/112-113](#)

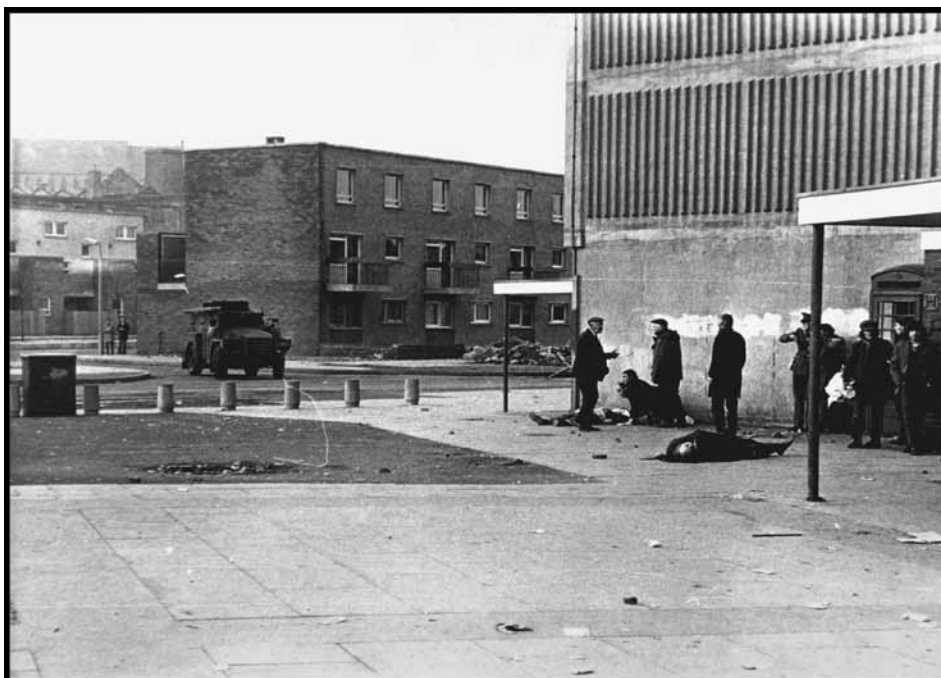
⁴ [Day 323/34-40](#)

122.7 Lieutenant N said that a photograph taken by Gilles Peress probably showed the vehicle stationary at the time when the bodies were being loaded into it.¹ He had been standing by the nearside front door of the vehicle at that stage, and hence was not the soldier shown in the photograph crouching by the offside wing. It seems to us likely that two photographs taken by Fulvio Grimaldi show the vehicle after it had been reversed into the entrance to Glenfada Park North before being driven back up Rossville Street. We reproduce the relevant part of Gilles Peress's photograph below,² followed by those taken by Fulvio Grimaldi.

¹ [Day 323/90-92](#); [Day 323/125](#)

² We have not reproduced below the foreground of this photograph, which shows close up the body of Bernard McGuigan, who had been shot in Sector 5, as we have described earlier in this report. The body by the corner of Block 1 of the Rossville Flats is that of Hugh Gilmour, previously shot in Sector 3. The body of Bernard McGuigan can be seen in Fulvio Grimaldi's photographs.





- 122.8** In his oral evidence to this Inquiry,¹ Fulvio Grimaldi said that he could not remember what the Army vehicle shown in the third of these photographs had been doing when he took the photograph.

¹ [Day 131/70](#)

Sergeant O

- 122.9** In his written statement for the Widgery Inquiry,¹ Sergeant O recorded that he gave cover while the bodies were collected from the rubble barricade.

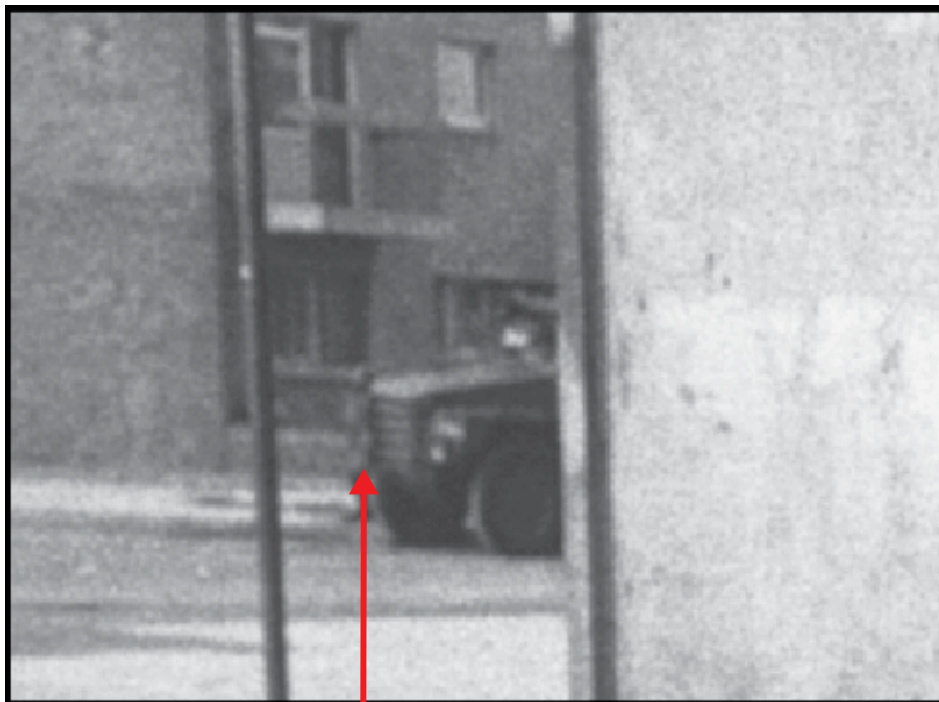
¹ [B469](#)

- 122.10** In his written statement to this Inquiry,¹ Sergeant O told us that he walked beside Lieutenant N's vehicle as it was driven to the barricade and watched as soldiers picked up the three bodies. The bodies were lying on the south side of the barricade in a pile with their heads facing north. It looked to Sergeant O as though they had been moved after they had been killed. He did not know which soldiers lifted the bodies and he had no clear recollection of how they were picked up. Later on, the bodies were removed from the vehicle at the mortuary at Altnagelvin Hospital head first. Sergeant O told us that he therefore assumed that they had been put into the vehicle feet first.

¹ [B575.119-B575.120](#)

- 122.11** In his oral evidence to this Inquiry,¹ Sergeant O said that he could not remember who had driven the vehicle to the barricade. He thought that some other soldiers had walked with him beside the vehicle but could not remember who they had been. Sergeant O could not say whether he was the soldier shown crouching by the offside wing of the vehicle in Gilles Peress's photograph. This soldier can be seen in an enlarged portion of the photograph, as shown below.

¹ [Day 335/98-104](#)



Soldier

122.12 Sergeant O told us that he and other soldiers again walked beside the vehicle when it returned to the north end of Block 1 of the Rossville Flats. Sergeant O said that at this stage he walked backwards most of the way and was not aware of any firing during the operation to recover the bodies. Sergeant O said that he did not see the bodies being loaded into the vehicle.¹

¹ [Day 336/80-81](#)

Corporal P

122.13 In his written statement to this Inquiry,¹ Corporal P told us that he did not put the bodies into the vehicle.

¹ [B623.002](#)

122.14 In his oral evidence to this Inquiry,¹ Corporal P said that he did not recall that he had taken any part in the operation to recover the bodies.

¹ [Day 353/5](#)

Private Q

122.15 In his written statement to this Inquiry,¹ Private Q told us that he did not put the bodies into the vehicle.

¹ B657.6

Lance Corporal V, Private R, Private S and Private T

122.16 None of these soldiers referred in their evidence to the collection of bodies from the rubble barricade.

Private U

122.17 In his second RMP statement,¹ Private U recorded that an Army vehicle went forward to the rubble barricade and that three bodies were recovered from it. He did not say that he took any part in this operation.

¹ B760

122.18 In his written statement for the Widgery Inquiry¹ and in his oral evidence to the Widgery Inquiry,² Private U said that he remained in his position at the north end of Block 1 of the Rossville Flats while the bodies were recovered. He said that he saw the bodies being removed from the barricade.³

¹ B768-B769

³ WT14.8

² WT13.100

122.19 In his written statement to this Inquiry,¹ Private U told us that the vehicle stopped at about the point marked F on the plan attached to his statement² (in Rossville Street north of the barricade) with its rear facing the barricade. Soldiers picked up three bodies. Some civilians were shouting at the soldiers, telling them “*not to be disrespectful about the bodies*”, and trying to grab the soldiers. According to this account Private U stepped forward and interposed himself between the civilians and the soldiers carrying the bodies. He held out his arm to keep the civilians back. He told us that one of the bodies was carried face down. Two soldiers were holding the body beneath the arms and a third soldier was holding the thighs. Private U had a vivid picture in his mind of one of the bodies that was carried past him. This was the body of a young man who had been shot in the head. His lips were curled back, his teeth were showing and he seemed to have

bitten through his tongue. Private U thought that a priest had been walking alongside the soldiers who were carrying the bodies.

¹ B787.007

² B787.038

122.20 In his oral evidence to this Inquiry,¹ Private U said that he did not see the bodies handled in a way that could have given onlookers the impression that they were being treated disrespectfully. His current recollection was that when he intervened between the civilians and the soldiers carrying the bodies he was still very close to the north end of Block 1. It was put to Private U that the body of which he had a vivid mental picture was that of John Young, and that in order to have seen John Young's face Private U must either have assisted in putting his body into the vehicle, or been very close to the body when it was loaded into the vehicle, or entered the vehicle after the bodies had been loaded.² However, Private U said that none of these suggestions was correct.

¹ Day 369/101-102

² Day 369/124-126

Private 006

122.21 In his RMP statement,¹ Private 006 recorded that he was one of the soldiers who was ordered by Lieutenant N to collect three bodies from the rubble barricade. Lieutenant N went with them and they placed the bodies into the APC.

¹ B1376

122.22 In his written statement to this Inquiry,¹ Private 006 told us that either Sergeant O or Lieutenant N ordered him to get into a vehicle. He told us he thought that Private S had been the driver of the vehicle. According to his account Private 112 and possibly Private 013 and Private 017 were in the back; and the vehicle was driven through the gap in the barricade and then reversed up to the barricade, where the soldiers found three bodies and a man who had been wounded in the arm. After this man had said that one of the bodies was that of his son, one of the soldiers advised him to leave the barricade as otherwise he might "*finish up like him*". This was not a threat but a warning. The soldiers put the three bodies into the vehicle without searching them. Private 006 definitely picked up one or two of the bodies. He grabbed them by the ankles while another soldier grabbed them under their armpits. Private 006 told us he was not sure whether there was another soldier inside the vehicle who helped to pull them in. The bodies were placed one on top of another but Private 006 told us he could not recall exactly how. There was not enough room to lay them side by side. No shooting was taking place at the time, but Private 006 thought that the soldiers would be fired upon. He wanted to leave the

barricade as soon as possible. When they returned to the waste ground, the soldiers had to sit with their feet on top of the bodies because of the lack of space in the back of the vehicle.

¹ [B1377.006-B1377.007](#)

122.23 In his oral evidence to this Inquiry,¹ Private 006 said that the bodies were not put into the vehicle in a way that could have given onlookers the impression that they were being treated disrespectfully. The soldiers “*just picked ’em up and pulled ’em in*”. The soldiers had thought that they might be fired upon while they were at the barricade. Private 006 said that he thought that four or five other soldiers might have been involved in lifting the bodies.² He denied that the bodies had been thrown into the vehicle.

¹ [Day 334/32](#)

² [Day 334/65-68](#)

Private 013

122.24 In his written statement to this Inquiry,¹ Private 013 told us that he went forward to the barricade in a vehicle with Lieutenant N, the driver and another soldier, in order to collect the bodies. When he disembarked from the vehicle, Private 013 was certain that the soldiers would come under fire. He therefore held his rifle in one hand, intending to move the bodies with the other. When he found that he needed both hands to lift the bodies, he put his rifle on his back. No fire was in fact directed at the soldiers. Private 013 and one of the other soldiers, whose name Private 013 did not wish to give, lifted the bodies by their hands or wrists and put them into the vehicle. Alexander Nash was at the barricade and spoke to the soldiers, but Private 013 did not wish to say what Alexander Nash said. The first body lifted by Private 013 was that of William Nash. While the soldiers were moving the bodies, a crowd that had formed 50 to 100 yards away to the south jeered at them. Private 013 pointed his rifle at the crowd and told them to “*fuck off*”. The crowd dispersed. The soldiers then returned to the north end of Block 1 of the Rossville Flats in the vehicle with the bodies.

¹ [B1408.004-B1408.005](#)

122.25 Private 013 did not give oral evidence to this Inquiry.

Private 017

122.26 In his written statement to this Inquiry,¹ Private 017 told us that he did not know who had given the order for casualties to be recovered in a vehicle. He saw a soldier recovering a body at the rubble barricade, but he did not remember actually seeing the casualties and

he did not see them being put into the vehicle. He thought that there had been civilians at the barricade when this happened. He did not remember any shooting at this stage. He was just observing. Later on he saw blood on the floor of the vehicle.

¹ [B1484.005](#)

- 122.27** In his supplementary written statement to this Inquiry,¹ Private 017 told us that he was one of a number of soldiers interviewed by the author Max Arthur, but he denied that he was the private of 1 PARA who had been quoted in Max Arthur's book *Northern Ireland: Soldiers Talking* (London: Sidgwick and Jackson, 1987)² as having said that he was one of those who loaded the bodies into the vehicle.

¹ [B1484.023-B1484.024](#)

² [B1484.027](#)

- 122.28** In his oral evidence to this Inquiry,¹ Private 017 said that he took no part in the recovery of the bodies from the barricade.

¹ [Day 358/85](#)

Private 019

- 122.29** In his written statement to this Inquiry,¹ Private 019 told us that he saw the three bodies after they had been put into the vehicle. Two were lying side by side with the third on top of them. Their heads were towards the front of the vehicle and their feet towards the rear.

¹ [B1494.004](#)

- 122.30** In his oral evidence to this Inquiry,¹ Private 019 said that he was not involved in the collection of the bodies from the rubble barricade.

¹ [Day 343/123-124](#)

Captain 021

- 122.31** In his RMP statement,¹ Captain 021 recorded that from his position on the roof of the Embassy Ballroom he saw soldiers remove three bodies from the rubble barricade in an APC and return to Eden Place.

¹ [B1504](#)

- 122.32** In his written statement for the Widgery Inquiry,¹ Captain 021 recorded that the soldiers lifted the bodies into the back of the vehicle, which was then driven further down Rossville Street, reversed and driven back to Eden Place.

¹ [B1508](#)

122.33 In his written statement to this Inquiry,¹ Captain 021 told us that he remembered seeing three bodies being put into an APC, but did not recall from where the vehicle had come or where it went, or any details of the bodies or the soldiers who handled them.

¹ [B1509.007](#)

122.34 In his oral evidence to this Inquiry,¹ Captain 021 said that he did not see the bodies being treated in a disrespectful manner as they were loaded into the APC. He said that he recalled nothing about the way in which the bodies were loaded.

¹ [Day 317/135-137](#)

Captain 028

122.35 In his RMP statement,¹ Captain 028 (the press officer of 22 Lt AD Regt) recorded that he saw four bodies lying behind the rubble barricade. An Army vehicle was driven to the barricade. Three of the bodies were loaded into the vehicle. Captain 028 stated that he did not see what happened to the fourth body. The vehicle was then driven away.

¹ [B1567](#)

122.36 In his written statement for the Widgery Inquiry,¹ Captain 028 recorded that a lot of firing was going on at this stage, and so the bodies were thrown into the back of the vehicle. In view of the situation the soldiers had to act quickly.

¹ [B1569.002](#)

122.37 In his oral evidence to the Widgery Inquiry,¹ Captain 028 again said that firing was taking place when the vehicle pulled up at the barricade. The soldiers picked up the three bodies and put them into the vehicle.

¹ [WT17.57](#)

122.38 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Captain 028 said that he did not see the bodies being put into the vehicle, but saw them inside the vehicle at a later stage and formed the impression from their disordered state that they must have been thrown into the vehicle very hurriedly while the soldiers were under fire.

¹ [B1582.4](#); [B1582.6-B1582.7](#)

² [Day 356/104-108](#)

122.39 We have expressed the view elsewhere in this report¹ that it would be unwise to rely on the accounts given by Captain 028, though in the present context he was in our view describing how the bodies lay after Fr Irwin and Fr Mulvey had had to disturb them in order to anoint them, as we describe below.²

¹ [Paragraphs 85.78–82](#)

² [Paragraphs 122.129–141](#)

Private 112

122.40 In his written statement to this Inquiry,¹ Private 112 (a member of Mortar Platoon) told us that he was deployed in a vehicle to pick up some bodies. His recollection was that one body was collected from the rubble barricade and two from somewhere else, although he could not remember where. In each case, other soldiers carried the body to the vehicle while Private 112 and another soldier, whose name he could not recall, remained inside the vehicle. As Private 112 told us he remembered it, the bodies were not thrown into the vehicle but were loaded head first, and he took hold of each body under the arms and pulled it in. A priest nearby was shouting and complaining that the bodies were being manhandled. Private 112 now thought that this priest was Fr Daly but he did not know this at the time. The first two bodies were placed next to each other on the floor of the vehicle. The third body was placed on top of the first two because of lack of space.

¹ [B1732.006](#)

122.41 In his oral evidence to this Inquiry,¹ Private 112 said that his memory of this incident was not very clear and that it was possible that all three bodies had been picked up from the barricade. He could not remember whether any shooting was taking place while the bodies were being loaded. He had no particular reason for his belief that the priest who had been complaining about the treatment of the bodies was Fr Daly. He told us that he saw nothing happen that could have caused onlookers to think that the bodies were not being treated with a proper degree of respect. Private 112 said that he had no recollection of feeling under threat as the bodies were collected.² He said that he saw how the bodies were lifted and placed into the vehicle. He denied that the bodies were lifted by the wrists and ankles or that they were thrown into the vehicle. He said that he could not remember where in the vehicle the body of William Nash had been placed.³ Private 112 said that the other soldier who was in the vehicle with him, and who helped to pull the bodies in, might have been Private INQ 1918.⁴

¹ [Day 320/117-119](#)

² [Day 320/146-148](#)

³ [Day 320/156-157](#)

⁴ [Day 320/162](#)

Lance Bombardier 118

122.42 In his RMP statement,¹ Lance Bombardier 118 recorded that, observing from his position on the roof of the Embassy Ballroom, he had seen paratroopers go forward to the rubble barricade in an APC, collect three bodies, and return to a position beside the Rossville Flats.

¹ [B1751](#)

122.43 In his written statement to this Inquiry,¹ Lance Bombardier 118 told us that he believed that he had seen three or four paratroopers removing three or four bodies. He thought that the soldiers had carried the bodies from the barricade to three-ton lorries parked around Eden Place and Pilot Row, although he was not sure about this. The bodies were carried to the vehicles by two soldiers, one holding the legs and one the arms. They were then placed into the vehicles by two soldiers, each holding one arm and one leg. The soldiers were “*throwing the bodies in like bits of wood*” and it “*looked pretty callous*”.

¹ [B1752.004-B1752.005](#)

122.44 In his oral evidence to this Inquiry,¹ Lance Bombardier 118 said that he had no recollection of seeing an APC being driven to the barricade to collect the bodies, but that it was possible that this was what had happened. He then said that bodies may have been thrown both into an APC at the barricade and into the three-ton lorries.²

¹ [Day 359/181-182](#)

² [Day 359/200-203](#)

Corporal 162

122.45 In his written statement to this Inquiry,¹ Corporal 162 told us that he went on foot towards the rubble barricade with some other soldiers who may have included UNK 117 (Private INQ 768). Their task was to give cover to those who were moving the three bodies. According to his account, Corporal 162 would probably have been kneeling somewhere near the point marked B on the plan attached to his statement² (the north side of the eastern part of the barricade). Before the bodies were lifted, they were lying side by side on their backs with their hands on their chests. They had definitely not fallen in that position. An APC was driven to the barricade. Corporal 162 thought that the vehicle had remained on the north side of the barricade. Corporal 162 could not recall how, or by which or how many soldiers, the bodies were put into the vehicle. After the bodies had been loaded, the vehicle was driven back to the area of the waste ground.

¹ [B1962.004](#)

² [B1962.009](#)

122.46 In his oral evidence to this Inquiry,¹ Corporal 162 said that the way in which the bodies had lain before they were picked up by the soldiers suggested to him that someone had arranged them into a decent position. Corporal 162 said that he could not recall whether he had himself handled any of the bodies but that he thought that this was unlikely.²

¹ [Day 323/197-198](#)

² [Day 323/223-224](#)

Major Loden

122.47 In his statement made on 17th February 1972¹ and in his oral evidence to the Widgery Inquiry,² Major Loden said that before 1635 hours, when (according to him) he gave the order to cease firing, he ordered Lieutenant N to go forward with a vehicle to recover the bodies from the rubble barricade, and Lieutenant N did so.

¹ [B2222](#)

² [WT12.13](#)

122.48 In his written statement to this Inquiry,¹ Major Loden told us that he now had only a very vague recollection that some paratroopers recovered bodies from the barricade.

¹ [B2283.009](#)

122.49 In his oral evidence to this Inquiry,¹ Major Loden said that he thought that Colonel Wilford had given him an order that the bodies were to be collected from the barricade. Major Loden could not say why the ambulance APC was not used for this operation. He said that he could not remember whether he had called for the ambulance APC by radio, nor did he have any recollection of its movements in Rossville Street.²

¹ [Day 347/21-23](#)

² [Day 348/80-84](#)

Lieutenant Colonel Wilford

122.50 In his undated 1972 statement¹ and in his oral evidence to the Widgery Inquiry,² Colonel Wilford said that he had told Major Loden to send a vehicle forward to pick up bodies from the rubble barricade, but that Major Loden had already put this in hand.

¹ [B951](#)

² [WT11.45](#)

122.51 In his written statement to this Inquiry,¹ Colonel Wilford told us that there were still incoming shots at the time when the soldiers went forward to collect the bodies, and that they did so at some risk. However, in his oral evidence to this Inquiry,² Colonel Wilford said that he thought that this was “*a misunderstanding*” and that there had been no

incoming fire at that time. He had a vague picture in his mind of the soldiers loading the bodies into the vehicle, but he could not be sure whether he had seen this happen.

¹ [B1110.035](#)

² [Day 313/70-71](#)

Private INQ 768

122.52 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Private INQ 768 said that he could not remember how the bodies were loaded into the vehicle or whether he was involved. He did not remember going to a rubble barricade.

¹ [C768.5](#)

² [Day 323/150-151](#); [Day 323/165-167](#)

Private INQ 1579

122.53 In his written statement to this Inquiry,¹ Private INQ 1579 told us that he saw soldiers lifting bodies from the rubble barricade. According to his account he could not remember where he was when he saw this but he was about 20m to 30m away. He thought that he had seen two bodies being lifted. The bodies appeared to be dead. He did not know which soldiers had lifted them. The soldiers put the bodies into the back of a vehicle. Private INQ 1579 could not recall how the soldiers had lifted the bodies, but assumed that two soldiers had lifted each body, holding it by the arms and legs. The bodies were not manhandled. Private INQ 1579 did not see the inside of the vehicle into which they were placed.

¹ [C1579.5](#)

122.54 In his oral evidence to this Inquiry,¹ Private INQ 1579 said that he was not tasked to drive the vehicle to the barricade.

¹ [Day 336/170-171](#)

Private INQ 1918

122.55 In his written statement to this Inquiry,¹ Private INQ 1918 told us that neither he nor Private 112 put the bodies into the vehicle.

¹ [C1918.3](#)

122.56 In his oral evidence to this Inquiry,¹ Private INQ 1918 said that he did not recall seeing bodies thrown into the back of the vehicle like sacks of potatoes. He said that he had no recollection of going to the rubble barricade or picking up the bodies.²

¹ [Day 342/124](#)

² [Day 342/133-135](#)

Collection of the bodies from the rubble barricade: the evidence of civilian witnesses

Deirdre Barr

122.57 In her written statement to this Inquiry,¹ Deirdre Barr told us that she was watching from her parents' flat in Block 3 of the Rossville Flats with her sister Dolores MacFarland and others. She had a vague memory of seeing soldiers throwing what appeared to be a dead body or bodies head first into the back of an Army vehicle. One soldier held the body on each side by an arm and a leg. The vehicle was somewhere on the waste ground. The rear of the vehicle was facing towards Deirdre Barr.

¹ [AB13.1](#); [AB13.6](#)

122.58 Deirdre Barr did not give oral evidence to this Inquiry. She would not have been in a position to have seen bodies loaded into an APC at the rubble barricade.

John (Christopher) Barrett

122.59 In his interview with Kathleen Keville,¹ John Barrett said that he saw soldiers drag three bodies away from the rubble barricade. They dragged one by the hair and two by the feet and threw them in the back of a truck.

¹ [AB21.3](#)

122.60 John Barrett did not refer to the collection of the bodies in his written statement to this Inquiry.¹

¹ [AB23.1-4](#)

122.61 In his oral evidence to this Inquiry,¹ John Barrett said that he remembered that at least one vehicle had approached the barricade and that the bodies had been lifted, but he did not recall any further details.

¹ [Day 141/14-16](#)

Marie Bradley

122.62 In her Northern Ireland Civil Rights Association (NICRA) statement,¹ Marie Bradley recorded that she and three other girls had gone into a flat in the Rossville Flats. She saw four soldiers disembark from the back of an Army vehicle and drag three dead

bodies from the rubble barricade into the back of the vehicle. The soldiers got in beside the bodies and the vehicle was driven away.

¹ [AK39.5](#)

122.63 In her written statement to this Inquiry,¹ Marie Bradley, now Marie Kopiak, told us that she and her friends (Kathleen) Marie Doherty and Sheila Harrigan had run into a flat through a door about halfway along the lowest balcony in Block 1 of the Rossville Flats. According to her account she saw an Army vehicle come south down Rossville Street and stop, facing south with its rear doors open. She could see inside the vehicle. Two soldiers lifted the three bodies into the vehicle in an “*up and in*” movement. Each soldier took one hand and one foot of each body. Others in the flat commented that the soldiers were throwing the bodies in “*like cattle*”. At the time, Marie Bradley did not know whether the bodies were dead or not. She could not picture the inside of the vehicle but did not think that the bodies had been put in one on top of another. The soldiers jumped into the back of the vehicle, which was then reversed into Glenfada Park North, turned and driven back up Rossville Street.

¹ [AK39.1-AK39.3](#)

122.64 Marie Bradley did not give oral evidence to this Inquiry.

William Bridge

122.65 In his NICRA statement,¹ William Bridge recorded that he saw three lifeless bodies at the rubble barricade. An Army vehicle approached. Soldiers disembarked from the vehicle and tossed the bodies into the back like coal into a bunker. They showed no respect and smiled over their dead.

¹ [AB85.1](#)

122.66 William Bridge did not give oral evidence to this Inquiry.

Kathleen Marie Doherty

122.67 In her written statement to this Inquiry,¹ Kathleen Marie Doherty told us that she was watching from a flat in Block 1 of the Rossville Flats with her friends Marie Bradley, Sheila Harrigan and Nola McSwine. She saw soldiers drive an Army vehicle towards the rubble barricade. They grabbed two or three dead bodies from the barricade and threw them into

the back of the vehicle. Kathleen Marie Doherty thought that the soldiers had done this in a callous way. She did not know where the bodies were taken.

¹ [AD77.1](#)

122.68 Kathleen Marie Doherty did not give oral evidence to this Inquiry.

Letty Donnelly

122.69 In her NICRA statement,¹ Letty Donnelly recorded that she was in 6 Garvan Place. This was the third flat from the north end on the first floor of Block 1 of the Rossville Flats.² Letty Donnelly stated that some time after she had seen the shooting of a boy, an Army vehicle came up to where the boy was lying. A man was shouting that the boy was his son. She saw a soldier drag the boy by the hair and fling him into the back of a vehicle. She saw two more boys being thrown into the back of the same vehicle, which then moved back along Rossville Street. She was certain that all three boys were dead.

¹ [AD125.14](#)

² [GEN3.12](#)

122.70 In her written statement to this Inquiry,¹ Letty Donnelly told us that she learned later that the boy whose shooting she had seen was William Nash and that the man who had been shouting was Alexander Nash. According to her account, two soldiers picked up the body of William Nash, one by the hair and one by the feet, and threw it into the vehicle. While they were doing this, she was still able to hear Alexander Nash shouting that his son had been shot. The other two bodies were lying face down on top of one another, more or less on top of the rubble barricade. They were thrown into the vehicle in the same way, but Letty Donnelly was not sure whether the same soldiers had handled all three bodies.

¹ [AD125.2](#)

122.71 In her oral evidence to this Inquiry,¹ Letty Donnelly said that when the man was shouting that his son had been shot, he was pointing to the body of the boy whose shooting she had witnessed. The other bodies were not literally lying on top of one another, but were very close together. She said that the manner in which the soldiers handled the bodies was what had convinced her that all three must have been dead.² She said that the bodies were flung into the vehicle like pieces of meat.³

¹ [Day 124/116-123](#)

³ [Day 124/137-138](#)

² [Day 124/125-126](#)

Albert Faulkner

122.72 In his NICRA statement,¹ Albert Faulkner recorded that he saw three dead bodies being thrown into an Army vehicle beside the rubble barricade as if they were sacks of potatoes.

¹ [AF4.7](#)

122.73 In his written statement to this Inquiry,¹ Albert Faulkner told us that he saw the vehicle coming down Rossville Street. According to his account it stopped on the west side of the street just north of the barricade. No soldiers jumped out but about four soldiers had followed the vehicle on foot. These soldiers grabbed the three bodies and threw them into the vehicle as if they were sacks of potatoes. Two soldiers lifted each body, each holding it by one leg and one arm. Albert Faulkner thought that each body had been carried face down, and hence must have been thrown into the vehicle face down. It seemed that the soldiers wanted to get the bodies and themselves away from the area as soon as possible. The soldiers closed the doors of the vehicle, which was then reversed up Rossville Street. The soldiers returned on foot towards Kells Walk.

¹ [AF4.3](#)

122.74 Albert Faulkner did not give oral evidence to this Inquiry, having died after making his written statement.

Bernard Feeney

122.75 In his interview with Kathleen Keville,¹ the Order of Malta Ambulance Corps volunteer Bernard Feeney said that he treated a woman for shock after she had seen the three bodies being dragged to the Army vehicle. Bernard Feeney understood that the soldiers had treated the bodies “*like pigs*” but he did not see this himself.

¹ [AF8.35](#)

122.76 In his NICRA statement,¹ Bernard Feeney recorded that he and Fr Irwin went to see a woman in the Rossville Flats who was hysterical because she had seen three bodies being roughly handled and thrown into the back of an Army vehicle.

¹ [AF8.10](#)

122.77 In his written statement to this Inquiry,¹ Bernard Feeney said that the woman was screaming that she had seen three bodies thrown into the back of an Army vehicle.

¹ [AF8.5](#)

122.78 In his interview with Stephen Gargan,¹ Bernard Feeney said that the woman claimed to have seen three bodies being manhandled into the vehicle.

¹ [AF8.24](#)

Ann Gallagher

122.79 In her interview with Kathleen Keville,¹ Ann Gallagher said that there were three bodies lying behind the rubble barricade. She thought that they were all dead. Soldiers put them into an Army vehicle.

¹ [AG1.8](#)

122.80 In her written statement to this Inquiry,¹ Ann Gallagher told us that she saw three men thrown by soldiers into an Army vehicle at about the point marked E on the plan attached to the statement² (the east side of Rossville Street near the north-west corner of Block 1 of the Rossville Flats). There were perhaps half a dozen soldiers standing by the open doors of the vehicle. Ann Gallagher had no recollection of seeing anyone being carried from the barricade and did not know whether these three men had been shot by the barricade. They were thrown into the vehicle “*like cattle*” but at the time she had thought that they were injured rather than dead. Two or three soldiers carried each man by the arms and legs. As they were carried, their upper bodies sagged close to the ground. Ann Gallagher could not recall whether the same soldiers had carried all three men. The men were thrown into the vehicle head first. The first man was thrown in face up and the second and third face down. Ann Gallagher knew from the way in which they were thrown into the vehicle that the men would be lying on top of one another.

¹ [AG1.3](#)

² [AG1.7](#)

122.81 In her oral evidence to this Inquiry,¹ Ann Gallagher was unable to say why she now thought she had believed at the time that the men were injured rather than dead.

¹ [Day 401/24-26](#)

Annie Gallagher and Elizabeth Fleming

122.82 In their joint NICRA statement,¹ Annie Gallagher and Elizabeth Fleming recorded that they saw soldiers lifting two bodies from the rubble barricade by the legs. The soldiers dragged the bodies to an Army vehicle and threw them in.

¹ [AG2.1](#)

122.83 Annie Gallagher is dead and did not give evidence to this Inquiry.

- 122.84** In her written statement to this Inquiry,¹ Elizabeth Fleming told us that she saw perhaps a couple of soldiers disembark from the vehicle. They lifted three bodies from the barricade and threw them into the vehicle as if they were bags of potatoes. Elizabeth Fleming said that their joint NICRA statement contained Annie Gallagher's account of what they saw rather than her own.

¹ [AF21.3-AF21.4](#)

- 122.85** Elizabeth Fleming did not give oral evidence to this Inquiry.

Eileen Gallagher

- 122.86** In her NICRA statement,¹ Eileen Gallagher recorded that from her flat at 8 Garvan Place in Block 1 of the Rossville Flats she saw an Army vehicle approach the rubble barricade. Three bodies were taken from the barricade and thrown into the vehicle "*like dogs*". One of the bodies, which was dressed in blue, was dragged by the feet face downwards and thrown into the vehicle. Another was dragged by the back of the neck, and the third was "*lifted + dumped in*".

¹ [AG10.1-AG10.2](#)

- 122.87** Eileen Gallagher is dead and did not give evidence to this Inquiry.

Margo Harkin

- 122.88** In her written statement to this Inquiry,¹ Margo Harkin told us that an Army vehicle stopped at the point marked N on the plan attached to the statement² (on the pavement on the west side of Rossville Street south of the south-east entrance to Glenfada Park North). According to her account there were two soldiers near the vehicle, who picked up three bodies from around the rubble barricade. Margo Harkin thought that both soldiers had lifted each body, perhaps by taking an arm and a leg each. The soldiers lifted the bodies as if they were carcasses or sacks of potatoes, and flung them casually into the vehicle. Margo Harkin believed at the time that one of the casualties was still alive when he was thrown into the vehicle. She thought that she may have believed this because the body was not limp like the others. There may have been a movement of the head or arm or something of the kind. This casualty was either the first or the second to be thrown into the vehicle. Margo Harkin remembered that a dead body was thrown on top of him. She was aghast because she thought that the soldiers should be trying to save his life and take him to the hospital. The vehicle was driven away but she did not know in which direction.

¹ [AH23.18](#)

² [AH23.22](#)

122.89 In her oral evidence to this Inquiry,¹ Margo Harkin said that she thought that the man who she had believed was alive was the second to be thrown into the vehicle.

¹ [Day 416/35-36](#)

Patricia Harkin

122.90 In her NICRA statement,¹ Patricia Harkin said that she saw two men lying face down at the rubble barricade and a third man between them lying on his back. An Army vehicle pulled up beside them. Three or four soldiers picked the bodies up by the arms and legs and tossed them into the vehicle.

¹ [AC26.13](#)

122.91 In her written statement to this Inquiry,¹ Patricia Harkin, now Patricia Canning, told us that there were three soldiers around the vehicle, one of whom ordered the other two to put the bodies into the vehicle. The soldiers picked the bodies up like sacks. She seemed to recall that a fourth body was thrown into the vehicle but recalled no further details of this.

¹ [AC26.4](#)

122.92 In her oral evidence to this Inquiry,¹ Patricia Harkin confirmed this account and said that she saw no attempt by the soldiers to give first aid to the casualties.

¹ [Day 121/177-178](#); [Day 121/186-187](#)

Sheila Harrigan

122.93 In her NICRA statement,¹ Sheila Harrigan did not describe the collection of the bodies from the rubble barricade.

¹ [AF41.3](#)

122.94 In her written statement to this Inquiry,¹ Sheila Harrigan, now Sheila Fullerton, told us that she was in a flat in Block 1 of the Rossville Flats with her friends Marie Bradley, Kathleen Marie Doherty and Nola McSwine. According to her account, she saw soldiers throwing three bodies from the barricade one by one into the back of an Army vehicle. She recalled thinking that the bodies were not really dead. Fr Mulvey was waving at the soldiers but they did not respond. She was “*squealing*” that the men might not be dead and that they would not be able to breathe. The soldiers showed them no mercy.

¹ [AF41.1-AF41.2](#)

122.95 Sheila Harrigan did not give oral evidence to this Inquiry.

Monica Hegarty

122.96 In her NICRA statement,¹ Monica Hegarty recorded that she saw three boys, one lying on his back and two on their faces. A priest was kneeling beside them, attending to them. She did not know that they were dead. An Army vehicle came forward and over the rubble barricade. Two soldiers disembarked quickly, grabbed the boys by the arms and legs and threw them into the vehicle.

¹ [AH63.7](#)

122.97 In her written statement to this Inquiry,¹ Monica Hegarty told us that she vaguely recalled this incident. She thought that the soldiers had grabbed the men by the arms but was not sure about this.

¹ [AH63.3](#)

122.98 In her oral evidence to this Inquiry,¹ Monica Hegarty, now Monica Whoriskey, said that she could not now recollect the incident.

¹ [Day 99/143](#)

Frank Lawton

122.99 In his NICRA statement,¹ Frank Lawton recorded that an Army vehicle came forward and removed three men, who appeared to be dead, from the rubble barricade. The vehicle returned to its position. Nothing was picked up from beside the bodies. A shoe belonging to one of the men was left behind.

¹ [AL6.20](#)

122.100 In his written statement for the Widgery Inquiry,¹ Frank Lawton recorded that two soldiers lifted the bodies, each using one hand for this purpose and the other to hold his rifle. They tossed the bodies into the back of the vehicle. One of the soldiers waved Alexander Nash away.

¹ [AL6.22](#)

122.101 In his oral evidence to the Widgery Inquiry,¹ Frank Lawton said that before the vehicle arrived Alexander Nash had been pulling at the three bodies to “*get them tighter in*”. Alexander Nash beckoned to the vehicle to come down and it did so. It rammed the wooden barrier that blocked the gap in the barricade. The paratroopers lifted the three

bodies. Frank Lawton did not hear the conversation between Alexander Nash and one of the soldiers but his general impression was that the soldier was waving him away.

¹ [WT6.79](#)

122.102 In John Goddard's interview notes,¹ Frank Lawton is recorded as having said that four or five soldiers threw the bodies into the vehicle, each holding a wrist and a leg. The bodies were thrown in "*LIKE PIECES OF MEAT*".

¹ [O8.13](#)

122.103 In his interview with Tony Stark,¹ Frank Lawton said that so far as he could remember the soldiers took hold of the bodies "*by an arm and a leg*", while still holding their rifles, and manhandled the bodies into the vehicle, which had reversed towards the barricade and still had its engine running. The soldiers might have held the bodies by the hands, wrists, elbows or arms.

¹ [O8.7-O8.9](#)

122.104 In his written statement to this Inquiry,¹ Frank Lawton told us that about three or four soldiers disembarked from the back of the vehicle. Two of them threw the three bodies unceremoniously head first into the vehicle, lifting them by one leg and either the armpit, the scruff of the neck or the clothing on the upper part of the body. Each soldier used only one arm to lift the bodies and held his rifle in the other arm. Frank Lawton did not see any of the bodies being lifted by the hands or hair. He saw no sign of life in any of the bodies.

¹ [AL6.5](#)

122.105 In his oral evidence to this Inquiry,¹ Frank Lawton said that it was clear to him that the three men were dead when their bodies were picked up.

¹ [Day 389/129-130](#)

Dolores MacFarland

122.106 Dolores MacFarland did not refer to the collection of the bodies in her NICRA statement.

122.107 In her written statement to this Inquiry,¹ Dolores MacFarland told us that she was watching from her mother's flat in Block 3 of the Rossville Flats with her sister Deirdre Barr and others. She saw an Army vehicle parked at the north end of Block 1. She thought that there had been two soldiers with the vehicle. They were throwing bodies into the back of it. One soldier took each body by the arms and the other took hold of the legs. They made a "*one, two, three, heave swinging motion*" and threw the bodies in "*as if*

they were pigs". Dolores MacFarland could not remember how many bodies there had been. They all appeared to be male. They were thrown into the vehicle facing upwards. Dolores MacFarland assumed that they were all dead.

¹ [AM8.1](#); [AM8.4](#)

122.108 In her oral evidence to this Inquiry,¹ Dolores MacFarland said that the bodies were thrown into the vehicle head first. She said that she had seen this incident herself. It was suggested to her that she might have been told about it by someone else, but she said that she did not remember that happening. She said that she had probably forgotten to mention the incident when she made her NICRA statement. From her position in Block 3 of the Rossville Flats, Dolores MacFarland could not have seen the collection of the bodies from the rubble barricade.

¹ [Day 83/97-100](#)

William McDonagh

122.109 In his NICRA statement,¹ William McDonagh recorded that he saw three youths at the rubble barricade. One of them was obviously dead. He was not sure about the second. The third was wounded and was waving a white handkerchief. An Army vehicle approached the barricade with two or three soldiers walking behind it. Two of the soldiers were laughing at the bodies at the barricade. The soldiers had no respect for the dead. One of the soldiers grabbed one of the bodies by the collar and the other by the belt. The bodies were then thrown into the vehicle.

¹ [AM192.7](#)

122.110 In his written statement to this Inquiry,¹ William McDonagh told us that he was watching from his girlfriend's flat in Block 1 of the Rossville Flats. According to his account, he saw an Army vehicle move south down Rossville Street and stop at about the point marked M on the plan attached to the statement² (the west kerb of Rossville Street north of the barricade). He also saw two soldiers carrying a body. He thought that the soldiers had come from the vehicle. They were laughing. One of them was holding the body "*by the front or stomach region*". They threw the body into the back of the vehicle, feet first. William McDonagh had earlier seen two men at the barricade who appeared to have been shot and a third man who seemed to be waving a handkerchief, but he did not know whether the body carried to the vehicle was that of any of these men. William McDonagh could hear the sound of at least two people crying or groaning, as if seriously

hurt. It sounded as though those crying were male. William McDonagh had the impression that the cries were coming from the Army vehicle.

¹ [AM192.4-AM192.5](#)

² [AM192.8](#)

122.111 In his oral evidence to this Inquiry,¹ William McDonagh said that although he did not see the soldiers pick up the body he was almost sure that it had come from the barricade. One of the soldiers held the body by the collar and the other held it by the belt. He only saw one body being moved, and not two as suggested in his NICRA statement. He could not give a description of the body. He could not say definitely whether the body was dead or alive, although it had been his impression that it was dead. However, he knew that he had heard groans and cries from the vehicle after the body had been thrown into it. He said that there were *“people in that Saracen that were not dead”*.

¹ [Day 119/44-47](#); [Day 119/69-73](#)

George McGinley

122.112 In his written statement to this Inquiry,¹ George McGinley told us that he saw two Army vehicles being reversed down Rossville Street towards the rubble barricade. According to his account the vehicles stopped on the north side of the barricade. Two or three soldiers appeared at the rear doors of the vehicle that had stopped closer to Block 1 of the Rossville Flats. George McGinley was not sure whether they had disembarked from the cab or from the rear of the vehicle. He did not think that the soldiers had been carrying rifles but he was not sure about this. George McGinley then noticed two or possibly three people lying on the ground on the south side of the barricade. One of the soldiers tried to drag one of the bodies over the barricade towards the vehicle that had stopped closer to Block 1. George McGinley thought that the soldier had tried to lift the body by holding it beneath the arms, but it must have been too heavy for him, as another soldier had to help him. The two soldiers each took one arm and one leg, and threw the body into the back of the vehicle like a sack of coal. The two soldiers then repeated the process with the remaining body or bodies. They then climbed back into the vehicle, which was driven away to the north. George McGinley thought that its rear doors had still been open as it was driven away. The other vehicle remained where it was. The whole incident lasted only a minute or two.

¹ [AM238.4](#)

122.113 In his oral evidence to this Inquiry,¹ George McGinley said that he was not absolutely sure that there had been two vehicles, and that it was possible that the vehicle had come through the barricade and reversed up to its south side.

¹ [Day 134/29-30](#)

Kevin McGonagle

122.114 In a written statement submitted to the Widgery Inquiry,¹ Kevin McGonagle recorded that as he watched from a house in Joseph Place he saw an Army vehicle approach the rubble barricade. Soldiers lifted the apparently lifeless bodies of two youths from the south side of the barricade into the vehicle.

¹ [AM254.20](#)

122.115 In his interview with John Barry,¹ Kevin McGonagle said that the soldiers lifted the two bodies “*really casually*” and dumped them in the vehicle.

¹ [AM254.22.3](#)

122.116 In his written statement to this Inquiry,¹ Kevin McGonagle told us that two or three soldiers lifted the bodies and threw them into the vehicle. They did not treat the bodies with respect. They lifted them “*by an arm and leg*”. Kevin McGonagle thought that he had seen one of the soldiers lift one of the bodies by himself. The soldiers did not check the bodies but just put them quickly into the vehicle. Kevin McGonagle did not know whether any of the casualties had been alive. He could not remember how many bodies he had seen thrown into the vehicle.

¹ [AM254.11](#)

122.117 In his oral evidence to this Inquiry,¹ Kevin McGonagle said that the vehicle moved south of the barricade. At first he said that the rear doors were facing the position where the bodies were lying, but then he said that he thought that the rear of the vehicle had been facing towards Free Derry Corner. Kevin McGonagle believed that he had seen two bodies being thrown into the vehicle. He thought that one soldier had picked up one of the bodies on his own, lifting it by an arm and a leg, and that the other body had been handled in much the same way but by two soldiers.

¹ [Day 128/197-201](#)

Nola McSwine

122.118 In her NICRA statement,¹ Nola McSwine, now Nola McCullagh, recorded that the soldiers picked up the dead bodies of three boys from the rubble barricade and threw them into an Army vehicle “*like raw meat*”.

¹ [AM157.9](#)

122.119 In her interview with Paul Mahon,¹ Nola McSwine said that she did not know whether the casualties had been dead or alive. According to this account, two soldiers lifted the body lying furthest to the west, each taking one arm, and dragged it over to the vehicle. They then grasped the legs and threw the body into the vehicle head first and face down. Nola McSwine said to her friend Sheila Harrigan that the soldiers were going to hurt the casualties if they were still alive. The two soldiers then lifted the body that had been lying in the middle of the three, and put it into the vehicle head first and face up. The same two soldiers then dragged the last body by the arms and put it into the vehicle. Nola McSwine thought that this body had been dragged face down but she was not sure about this. The soldiers then went into the back of the vehicle with the bodies and closed the doors. The vehicle was then turned and driven back towards William Street.

¹ [X4.23.49-X4.23.55](#)

122.120 In her written statement to this Inquiry,¹ Nola McSwine told us that she was in a flat in Block 1 of the Rossville Flats with her friends Marie Bradley, Kathleen (Marie) Doherty and Sheila Harrigan. She saw an Army vehicle driven through the barricade and parked parallel to the barricade facing Block 1. She thought that six soldiers had disembarked from the vehicle. The driver appeared to stay in his seat. Two soldiers took hold of each of the three bodies. She thought that each soldier had taken a hand or wrist and a foot or ankle. The soldiers threw or heaved the bodies into the vehicle. Nola McSwine could not believe that the soldiers were treating the dead so disrespectfully. The vehicle was then reversed and turned, and driven back up Rossville Street.

¹ [AM157.1-AM157.6](#)

122.121 In her oral evidence to this Inquiry,¹ Nola McSwine said that none of the soldiers attempted to examine any of the three bodies to see whether they were still alive.

¹ [Day 136/134-135](#)

Olive Mottram

122.122 In her NICRA statement,¹ Olive Mottram recorded that she saw an Army vehicle pass through the rubble barricade and pull up. A soldier disembarked, grabbed the arm of one of the bodies lying behind the barricade, dragged the body across to the vehicle, and threw it in “*just like a sack of meat*”. The soldier did the same with the other two bodies.

¹ [AM441.13](#)

122.123 In her written statement to this Inquiry,¹ Olive Mottram told us that she could not recall seeing the vehicle approaching. According to her account, the vehicle was parked on the kerb near the south-east corner of Glenfada Park North. The soldier was blond and was not wearing a helmet. He leaned his rifle against the back of the vehicle. There were three bodies on the north side of the barricade. The soldier dragged one of the bodies across the barricade to the vehicle, lifting it by the arm and leg, and threw it into the vehicle. Olive Mottram heard the thud as it hit one of the sides of the vehicle. The soldier did this by himself. He then did the same with the other two bodies, treating all of them with complete contempt. He might as well have been picking rubble from the barricade and throwing it into the back of the vehicle.

¹ [AM441.6](#)

122.124 In her oral evidence to this Inquiry,¹ Olive Mottram said that she could not remember whether the soldier who collected the bodies had been accompanied by any others.

¹ [Day 136/88-90](#)

Alexander Nash

122.125 In a statement dated 7th February 1972 found in the collection made by the Irish Government,¹ Alexander Nash (who was wounded at the rubble barricade, as we have described earlier in this report²) recorded that while he was at the rubble barricade an Army vehicle arrived, two big soldiers disembarked from it, and one of them said “*‘3 more dead bodies’*”. They lifted the three bodies one by one, pulled them to the vehicle, placed them on top of one another and locked the door. The vehicle was then driven away.

¹ [AN1.14-AN1.15](#)

² [Paragraphs 86.470–607](#)

122.126 In his written statement for the Widgery Inquiry,¹ Alexander Nash recorded that the soldiers threw the bodies into the vehicle.

¹ [AN1.10](#)

122.127 In his oral evidence to the Widgery Inquiry,¹ Alexander Nash said that the soldiers dragged the bodies to the vehicle and threw them in one on top of another. They did not examine them to check whether they were dead. Alexander Nash said that the soldier in charge did not examine him or ask whether he was all right.²

¹ WT8.5

² WT8.9

122.128 In his deposition for the coroner's inquest into the death of William Nash,¹ Alexander Nash said that he saw the soldiers put the three bodies into the vehicle.

¹ AN1.12

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of priests

Fr John Irwin

122.129 In his written statement for the Widgery Inquiry,¹ Fr Irwin recorded that he was on the balcony on the second floor of Block 1 of the Rossville Flats when a woman in a distraught state told him that she had seen three bodies being thrown into an Army vehicle. He rushed down the back stairs of the flats into Rossville Street, accompanied by an Order of Malta Ambulance Corps volunteer. A soldier was standing at the entrance to the back stairs. Fr Irwin asked him whether there were three bodies in one of the vehicles. The soldier said that he did not know. Fr Irwin asked him who was in charge. He nodded towards a group of soldiers a few feet away. Fr Irwin shouted to that group, asking who was in charge. One came forward who was wearing a red beret and was presumably an officer. Fr Irwin asked him whether he had any dead or injured in a vehicle. The officer replied that none of his soldiers had been injured. Fr Irwin said *"I didn't ask you about your soldiers. I'm asking you if you have any dead or injured bodies in one of the saracens as I wish to anoint them."* The officer said *"No we haven't"*.

¹ H9.5-6

122.130 According to this account, Fr Irwin and the Order of Malta Ambulance Corps volunteer returned upstairs and met the woman who had told them about the bodies. When Fr Irwin told her that the officer had denied that there were any bodies in a vehicle, she took him to the window of a flat overlooking Rossville Street and pointed out the vehicle. Fr Irwin and the Order of Malta Ambulance Corps volunteer rushed downstairs again. Fr Irwin shouted to the officer that there were three bodies in a vehicle. Fr Irwin saw Fr Mulvey a

short distance beyond the officer and told him about the bodies. The two priests and the Order of Malta Ambulance Corps volunteer ran towards the vehicle. The officer followed them and opened the door of the vehicle, revealing three bodies piled one on top of another. Fr Irwin climbed into the vehicle and anointed the body of William Nash, which was lying on top of the other two bodies, and the body of Michael McDaid which was lying “face outwards” in the middle. Fr Irwin then held up those two bodies to enable Fr Mulvey to anoint the body of John Young, which was lying beneath the other two in a pool of blood. John Young would have been smothered if he had been alive. It was obvious from the way in which the bodies were lying that they had been flung into the vehicle like bags of potatoes. When Fr Irwin climbed out of the vehicle he accused the officer of lying to him. The officer shrugged his shoulders and smirked. As the two priests and the Order of Malta Ambulance Corps volunteer were leaving the vehicle, a senior Order of Malta Ambulance Corps officer ran up to see whether any of the three casualties was still alive, but the door of the vehicle was slammed shut and the Army officer told him that he could not go into it.

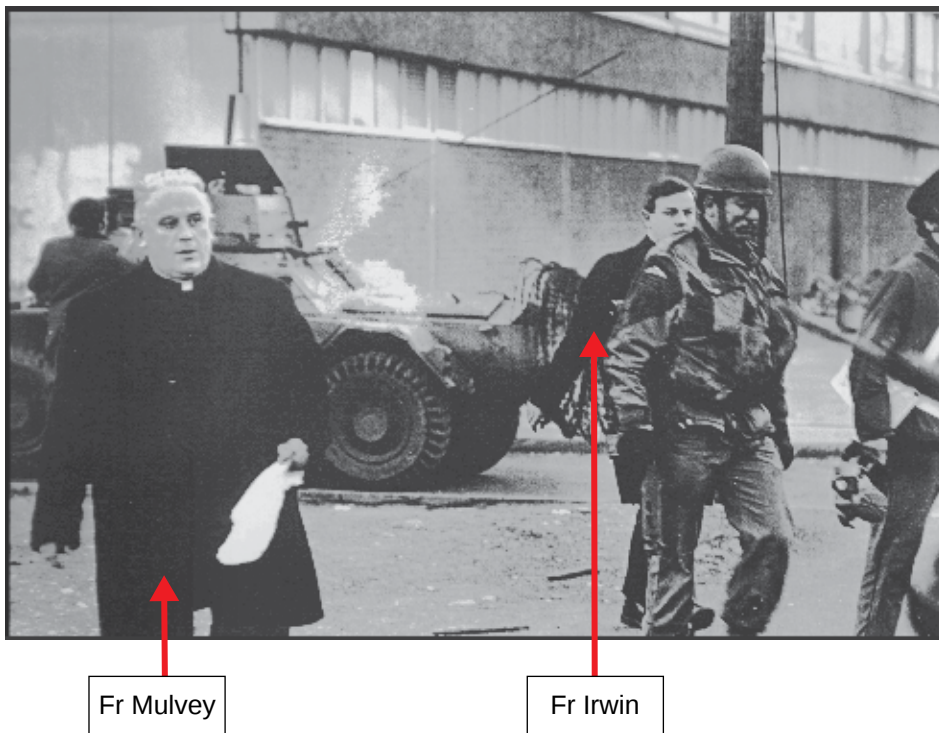
- 122.131** In an article published in the *Sunday Press* on 6th February 1972,¹ Fr Irwin was quoted as saying that the soldier whom he accused of lying about the bodies had been a Sergeant. Fr Irwin said that the woman pointed out the vehicle in Rossville Street when he came back upstairs after making his initial inquiries of the soldiers. According to the article, Fr Irwin said that the lowest body was the body of William Nash and that the body of Michael McDaid was lying on top of the other two.

¹ [L176](#)

- 122.132** In his written statement to this Inquiry,¹ Fr Irwin told us that he now knew that the Order of Malta Ambulance Corps volunteer had been Bernard Feeney. According to this account, he thought that the woman had taken him into the flat and directed his attention to the vehicle in Rossville Street before he went downstairs for the first time. He then went downstairs to the vehicle. A soldier was standing guard at the rear door of the vehicle. This soldier was quite tall, not more than 25 years old, and was wearing a red beret. He appeared extremely frightened. Fr Irwin said that he believed that there were three bodies in the vehicle. The soldier said “no”. Fr Irwin thought that it was at this stage that he had asked who was in charge. The soldier who Fr Irwin assumed was an officer stepped forward.

¹ [H9.12-H9.16](#)

- 122.133** When Fr Irwin asked whether there were bodies in the vehicle, the officer said that there were not. Fr Irwin went back upstairs, spoke again to the woman, and returned to the vehicle. He repeated to the soldier guarding the door that he believed that there were bodies in the vehicle. The soldier did not reply. Fr Irwin told the soldier that he was going to open the door. Another soldier, probably the officer, told Fr Irwin that if he did this he would be shot. There were several soldiers around when this happened. Fr Irwin was aware of a television camera which he thought was recording the altercation. He then saw Fr Mulvey and shouted to him that there were three bodies in the vehicle, that he was going to open the door and that the soldiers had said that they would shoot him if he did. Fr Irwin recalled that Fr Mulvey had replied that in that case the soldiers would have to shoot them both.
- 122.134** The soldier guarding the vehicle then moved aside and the back door was opened. A photograph taken by Constable A Brown of the Royal Ulster Constabulary (RUC) shows the two priests at about the time when this happened.



- 122.135** Fr Irwin told us that John Young's body was lying face down with the head towards the front of the vehicle, beneath the other two bodies. The body of Michael McDaid was lying in the middle, with the head towards the rear of the vehicle, so that his face was visible when the door was opened. The third body was lying on top of the other two. All three were dead. Fr Irwin's current recollection was that he had anointed the bodies, starting

with that of John Young. It had been necessary for him to step on and over the bodies to reach John Young, and for him and Fr Mulvey to “*man handle the boys a lot to be able to do our work*”. When Fr Irwin climbed out of the vehicle, he told the soldier who had threatened to shoot him that he had lied to him about there being no bodies in the vehicle. The soldier smirked at him. Fr Irwin was unaware of any incident in which a soldier fired a weapon into the vehicle containing the bodies.

- 122.136** In his oral evidence to this Inquiry,¹ Fr Irwin said that the soldier by the door of the vehicle had appeared more confused than frightened. Fr Irwin no longer recalled the arrival of a senior Order of Malta Ambulance Corps officer who was told by the Army officer that he could not enter the vehicle. Fr Irwin could not say whether the photograph shown above had been taken before or after he and Fr Mulvey had been to the vehicle, although later in his evidence he agreed that it was probably taken when they were approaching the vehicle with Bernard Feeney.² Fr Irwin said that he could not say whether the soldier shown on the right in the photograph was the officer who had initially denied that there were bodies in the vehicle.³

¹ [Day 153/8-18](#)

³ [Day 153/41-42](#)

² [Day 153/32-37](#)

- 122.137** Asked to comment on the account attributed to him in the *Sunday Press* article, Fr Irwin said¹ that he knew the location of the vehicle containing the bodies when he went downstairs for the first time. He had no means of knowing whether the soldier who appeared to be in charge was a Sergeant. The body of John Young had been lying lowest in the vehicle, the body of Michael McDaid in the middle, and the third body on top.

¹ [Day 153/44-45](#)

Fr Vincent Anthony Mulvey

- 122.138** In his filmed interview with Gerald Seymour,¹ Fr Mulvey was asked how many dead he had seen in the Bogside. He replied that he did not know whether the three bodies in the Army vehicle were alive or dead, but that they “*seemed to be very dead*” and that there were probably about four others who were dead. The bodies had been thrown into the vehicle as if they were dead meat.

¹ [Vid 3 06.12](#)

- 122.139** In his written statement for the Widgery Inquiry,¹ Fr Mulvey recorded that someone told him that soldiers had thrown three bodies into an Army vehicle. He went to the north end of Block 1 of the Rossville Flats where he found three or four vehicles and a group of

12 to 15 soldiers, including one wearing a red beret. Gerald Seymour and his camera crew were also present. Fr Mulvey demanded to know where the bodies were and by what right the soldiers had taken them. No-one answered. Fr Mulvey asked who was in charge. A soldier wearing a helmet said that he was. Fr Mulvey again asked where the bodies were but received no reply. He then heard Fr Irwin calling out that they were in the vehicle furthest away from Fr Mulvey. The two priests ran to the vehicle. The soldier at the door opened it and the priests saw three bodies lying on top of one another between the seats. The youth on top was lying face up with his head towards the door. He was unconscious and possibly dead.

¹ [H15.12-H15.13](#)

122.140 According to this account, Fr Irwin attended to the upper two bodies while Fr Mulvey tried to reach the lowest body. It was necessary to lift the upper two bodies in order to locate the head and face of the body beneath them, which was lying face down in a pool of blood. Fr Mulvey had to grope to find his face. Fr Mulvey thought that this man might have suffocated if he were not already dead. Fr Mulvey returned to the soldiers to protest about the condition of the three men who were not necessarily dead. Gerald Seymour then interviewed Fr Mulvey on camera about the number of people who had been killed. The Order of Malta Ambulance Corps officer Leo Day then arrived. Fr Mulvey called to him to look at the bodies and went with him to the vehicle. The soldier by the vehicle would have opened it but the officer or non-commissioned officer wearing a helmet called to the soldier to close the door immediately and not to open it again. The entire incident occupied about five minutes.

122.141 In his oral evidence to the Widgery Inquiry,¹ Fr Mulvey said that he had been told that the body lying on top of the other two was the body of Michael McDaid. Fr Mulvey had not known whether any of the bodies was dead, although they all appeared to be unconscious and probably dead. Fr Mulvey said that when he left the vehicle he made a remark about the fact that he had not been told that there were bodies there. He also asked the soldier who had opened the door where the weapons were with which the casualties had supposedly been armed, but he received no reply.

¹ [WT4.28-WT4.29](#)

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of Order of Malta Ambulance Corps witnesses

Leo Day

122.142 In his notes of his interview of the Order of Malta Ambulance Corps officer Leo Day,¹ Philip Jacobson of the *Sunday Times* Insight Team recorded him as saying that his colleague Alice Long came up to him in a very distressed state when he was near the telephone kiosk at the south end of Block 1 of the Rossville Flats. She said that she had asked the paratroopers to let ambulances through but that they had laughed and refused. Leo Day and Alice Long then crossed the rubble barricade and spoke to an officer of the Parachute Regiment. Leo Day thought that this officer had been a Major. The officer ordered that an ambulance should be allowed through. A woman then approached Leo Day and told him that there were three bodies in the back of an APC and that one of them might still be alive. Leo Day went back to the same officer and asked whether he and Alice Long might check to see whether anyone was still breathing. The officer agreed. Leo Day and Alice Long went to the vehicle. A Sergeant opened the door. All that Leo Day could see was a tangle of bodies lying on each other with blood all over the floor. He tried to get into the vehicle, putting one foot onto the step, but the Sergeant said that no-one was allowed inside the vehicle, and pushed the door shut again. The plan accompanying the interview notes² indicates that when this happened the vehicle was in the middle of Rossville Street near the turning leading to the car park of the Rossville Flats.

¹ AD13.3

² AD13.5

122.143 Leo Day is dead and did not give evidence to this Inquiry.

Alice Long

122.144 In a statement dated 4th February 1972 found in the collection made by the Irish Government,¹ Alice Long recorded that a man standing in a passage near Glenfada Park told Leo Day that there were civilians in an APC. He gave the impression that they were hurt. Leo Day said that as Alice Long was wearing a white coat she should go with him to see what could be done for the civilians. She accompanied Leo Day into Rossville Street and with their hands in the air they approached some soldiers at the end of the passage. Alice Long and Leo Day asked whether there was anything that they could do to help the

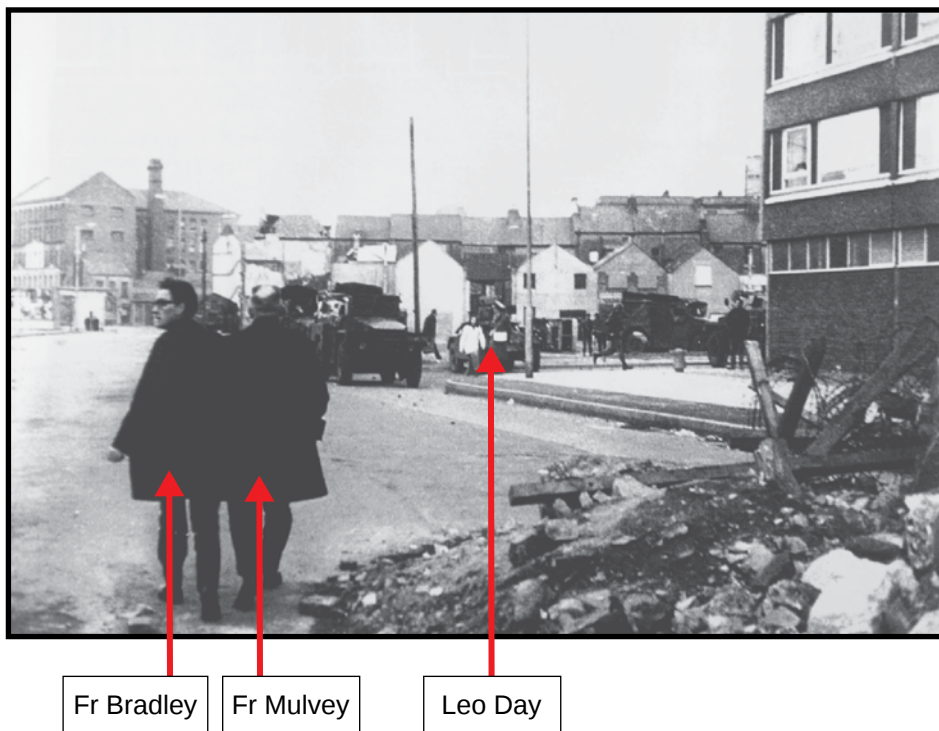
soldiers or the civilians. When the soldiers said that there was not, they went across the rubble barricade to the south side of the Rossville Flats. Some time later, Leo Day was standing at the rubble barricade and called to Alice Long to come with him to try to get help from the Army.

¹ [AL37.12-AL37.15](#)

122.145 According to this account, Alice Long and Leo Day went to the soldiers on the waste ground. Leo Day asked to see an officer. There was no reply from the soldiers. A photographer had approached Leo Day and asked whether he needed any help. Leo Day said that stretchers were needed and explained that there were casualties requiring transport. At this point Leo Day noticed three soldiers guarding an APC. He asked to see who was inside it. A soldier opened the door. An officer appeared and shouted not to let anyone come near the APC. The soldier closed the door again. Alice Long caught a glimpse of three bodies lying in a heap inside the vehicle. The body on top was that of a person wearing a "*light coloured coat*" who appeared to have been wounded in the face. The lowest body was that of a man whose head was thrown back with the mouth open. Blood seemed to be pouring from the back of his head or neck. Alice Long and Leo Day turned away. Fr Mulvey and Fr Bradley had arrived and also wanted to reach the civilians in the APC. Leo Day made some more inquiries about assistance. Alice Long picked up three empty cartridge cases from the ground. A soldier approached and made her hand them over. Alice Long and Leo Day then left.

122.146 Fr Denis Bradley did not in any of his evidence say that he had attempted to reach the bodies in the vehicle with Fr Mulvey. However, in his oral evidence to this Inquiry,¹ Bernard Feeney identified the two priests shown walking north through the barricade in Sam Gillespie's photograph (shown below) as Fr Bradley and Fr Mulvey. Bernard Feeney also identified the man shown in the same photograph standing near the Ferret scout car and holding a white bag as Leo Day.

¹ [Day 141/60-61](#)



122.147 In her undated report to the Order of Malta Ambulance Corps,¹ Alice Long described the first visit that she and Leo Day made to the soldiers but did not say that at that stage they had been told that there were civilians in an APC. She said that later on Leo Day called to her to come with him to see whether they could get help from the Army. Leo Day asked the soldiers for help but received no answer. He then saw an APC with soldiers standing outside it. Leo Day asked whether there was anyone in the vehicle whom they could help. A soldier opened the door. Alice Long and Leo Day caught a glimpse of three bodies inside the vehicle but the soldier closed the door again after a short time.

¹ [AD50.32-AD50.35](#)

122.148 Philip Jacobson's notes of his interview of Alice Long¹ do not mention an initial visit to the soldiers in Rossville Street by her and Leo Day, nor is such a visit indicated on the accompanying plan.² However, the notes record Alice Long as having said that Leo Day called her to go with him to two bodies "*outside abbey park*". Later on, according to the notes, a woman told Alice Long that there were three bodies in an APC standing about 15 yards north of the rubble barricade. Leo Day had also heard about this. Together they approached an officer and asked whether they could see whether anyone was alive. The officer agreed and shouted to a Sergeant to open the doors. The Sergeant did so but then slammed them shut again, saying that no-one was to see the bodies. Alice Long had a

clear glimpse of the inside of the vehicle. The uppermost body was that of a young man with quite short sandy hair. He was wearing a “*light coloured jacket*” and had a wound in the left cheek. There were pools of blood on the floor of the vehicle. Alice Long could see no sign of movement in any of the bodies, which were “*just jumbled in like lumps of meat*”. As she was walking back towards the entrance to the Rossville Flats, she picked up two spent cartridges but a soldier saw her and told her to give them to him.

¹ [AL37.7-AL37.9](#)

² [AL37.10](#)

122.149 In her written statement to this Inquiry,¹ Alice Long, now Alice Doherty, told us that she met Leo Day at the point marked D on the plan attached to her statement² (in Rossville Street at the north-east entrance to Glenfada Park North). A male bystander told them that there were three casualties inside an APC parked half on and half off the road at the point marked E (on the south side of the turning leading to the car park of the Rossville Flats. At this point Alice Long heard high-pitched shots being fired. She saw several soldiers kneeling on the waste ground and at Kells Walk aiming their rifles towards the barricade. She and Leo Day went across to the APC with their hands in the air. Leo Day told her to walk in front because she was wearing a white coat. Fr Mulvey joined them. Alice Long thought that he had been standing at the corner of Glenfada Park North. Another priest was also there, but remained further behind. Alice Long told us she thought that this was Fr Irwin.

¹ [AD50.2-AD50.4](#)

² [AD50.29](#)

122.150 A very small and quite stout soldier was standing by the rear doors of the APC. He was perhaps 5ft 4in tall. He was shorter than Alice Long. Unlike about seven other soldiers standing nearby, this soldier did not have Parachute Regiment insignia on his uniform. His face was partly blackened and he had a scar high on his cheek. Alice Long did not think that the soldier had had a moustache. He was wearing a bulletproof jacket. Alice Long thought that he was wearing a helmet with a visor attached to it, and that he was armed with a rifle and a baton gun. Leo Day asked the small soldier whether there was anything that he and Alice Long could do to help. The soldier replied in an English accent that there was not. The door of the APC was partly open. Leo Day and Alice Long glimpsed three bodies inside, piled on top of one another like meat. The body on top was that of a boy with sandy hair, wearing a check sports jacket and grey trousers. She could not see the middle body. The lowest body was that of a boy whose jacket appeared to have been pulled over his head, as though he had been shot in the head. Alice Long thought that the jacket was black. She could not see his face. This body seemed to have been pushed further back into the APC than the others.

- 122.151 Alice Long stated that all three bodies were lying with their feet towards the rear doors of the vehicle. There was a strong smell of CS gas inside the vehicle. Alice Long did not know whether by this stage Fr Mulvey had already tried to gain access to the vehicle, but she thought that Fr Mulvey had asked to be allowed to give the last rites to the young men in the APC, and that the small soldier had replied that this was unnecessary. According to this account Alice Long then heard a moaning sound from inside the vehicle. She reached forward and pulled the door open. The small soldier immediately kicked it shut. Alice Long thought that he might have done this on the order of an officer nearby, but could not be sure. She immediately opened the door of the vehicle again, and saw one of the feet of the lowest boy twitch slightly. Leo Day also saw this, and he or Alice Long or both of them said words to the effect that the boy was still alive.
- 122.152 The small soldier then kicked the door shut again and told Alice Long and Leo Day that they were not allowed to look inside. Then he lifted his rifle, poked the barrel through an open flap on the offside of the vehicle, which Alice Long thought was the rearmost flap on that side, and fired three shots into the vehicle. He had to hold the rifle high so that he could aim it downwards. He then said *“something like ‘They’re dead now’ or ‘They’ll not make any more noise now’. He seemed very pleased with himself and said triumphantly, ‘That’s the end of the Fenian bastards’.”* Alice Long then picked up two *“bullet cases”* on the ground. They were *“split wide open like flowers”* and she thought that they were *“dum dum bullets”*. The small soldier cocked his rifle and told her to give them to him, saying something like *“You’ll be the next casualty if you don’t give them back”*. Leo Day told her to return them and so she did. As she and Leo Day were about to leave, the small soldier shouted something like *“We’re not finished with the Fenian bastards”*. Alice Long did not see any photographers near the vehicle, nor did she see her colleague Bernard Feeney. Alice Long said that she only visited the APC on one occasion.¹

¹ AD50.9

- 122.153 Alice Long also told us that at an Order of Malta Ambulance Corps meeting on 7th February 1972, Leo Day asked all those attending to make written statements to record what they had seen.¹ He then took Alice Long aside and asked her to omit any reference to the small soldier shooting into the APC or to the possibility that one of the men inside the vehicle might still have been alive. Leo Day told her that the moan and the movement of the foot could have been a post-mortem reflex and that even if the boy had been alive, there was nothing that he and Alice Long could have done to help. Leo Day told her that the families had suffered enough pain already and that it would serve no good purpose to disclose this evidence. Alice Long agreed and tried to wipe the incident

from her mind. She never discussed it again with Leo Day, nor did she ever discuss it with any of her other colleagues in the Order of Malta Ambulance Corps, or with Fr Mulvey.

¹ [AD50.3](#); [AD50.8-AD50.9](#)

122.154 In her oral evidence to this Inquiry,¹ Alice Long said that she did not locate the source of the high-pitched shots that she heard, and did not make any connection between those shots and the soldiers she saw in the waste ground and at Kells Walk. On being shown one of Robert White's photographs of the group around the body of Michael Kelly at the barricade (which we have shown when discussing the shooting of Michael Kelly earlier in this report²), she said that the boy at the back of the photograph in a tweed coat (Michael McDaid) definitely looked like one of the casualties she had seen in the vehicle. Asked why she thought that an officer might have given an order for the small soldier to shut the doors of the vehicle, Alice Long said some sort of an order was given but there was so much shouting and roaring going on at the time that it had been difficult to understand. The soldiers themselves seemed to be confused about what they wanted to be done. Some wanted to get the vehicle away and others were "*just holding on*".

¹ [Day 135/164-179](#)

² [Paragraph 86.4](#)

122.155 Alice Long said that Fr Mulvey and Fr Irwin had both heard the moaning and had both maintained that there was "*movement in one of the bodies*". She said that the body "*in the middle*" appeared to have "*some sort of a cut on his face*", but that this was not necessarily a gunshot wound and she did not see any other wounds. She no longer remembered seeing any blood but said that she must have seen it, as it was described in her statement dated 4th February 1972, which was to be taken as more reliable on matters of detail than her statement to this Inquiry. There was an element of doubt in her mind about whether the weapon fired into the vehicle might have been a baton gun, but it was still her belief that it had been a rifle. She said that it was fired from the shoulder. It was suggested to her that the flaps on the side of the APC would have been too high for a short soldier to point a gun downwards through one of the flaps while holding the gun to his shoulder, but she said that this had been possible because the soldier was standing on the pavement, while the vehicle was on the road.

122.156 We return below¹ to Alice Long's account of a soldier firing into the vehicle holding the bodies.

¹ [Paragraphs 122.166–169](#)

- 122.157** Alice Long also said that she had no knowledge of bullets, but had thought that the objects that she picked up must have been dum-dum bullets because they were spread open like flowers and some young men had told her to collect any bullets that were spread wide open. She said that she did not think that she had told anyone else about the soldier firing into the APC before the meeting on 7th February 1972 at which Leo Day told her not to mention it. She agreed that this incident was not described in her statement dated 4th February 1972, which she said had been made at a time when everyone was in shock. She said that people were liable to forget things when events happened so quickly.
- 122.158** Alice Long was asked¹ whether the account given in her statement dated 4th February 1972 of an initial approach being made by her and Leo Day to the soldiers in Rossville Street, followed some time later by another visit in which she and Leo Day saw the bodies in the APC, might accurately have stated the sequence of events, but she said that she could not remember. It was then suggested to her² that she and Leo Day had not made an initial approach to the soldiers in Rossville Street, and that her recollection of him asking her to accompany him because she was wearing a white coat related to an episode in which they had gone from Abbey Park into Glenfada Park North, following the route indicated on the plan accompanying Philip Jacobson's notes;³ but Alice Long rejected this suggestion. Alice Long agreed that when she reached the APC containing the bodies, Fr Mulvey and Fr Irwin were already there.⁴ Fr Mulvey told them that he and Fr Irwin had already tried without success to gain access to the vehicle to give the last rites to the casualties. She said that she had picked up one of the two cartridge cases from the ground by where she was standing at the back of the APC and the other from the pavement by the feet of the small soldier. She conceded that it had been irresponsible for her to accuse the soldiers of using dum-dum bullets when she did not know what dum-dum bullets were. She said that she did not speak to Fr Mulvey or Fr Irwin about the soldier firing into the vehicle.

¹ [Day 135/190-192](#)

² [Day 135/210-217](#)

³ [AL37.10](#)

⁴ [Day 135/217-223](#)

Bernard Feeney

- 122.159** In his interview with Kathleen Keville,¹ Bernard Feeney said that a woman who had seen the bodies being dragged to the vehicle wanted him and Fr Irwin to go to see them. Bernard Feeney and Fr Irwin approached an officer, who told them that the soldiers had not shot anyone and that no-one had been put into an Army vehicle. They returned to the woman, who was distressed and wanted them to go back to the officer. When they did so,

the officer said that he had still not seen any casualties and that there was no-one in the vehicle, but that Bernard Feeney and Fr Irwin were free to look into it. They went over to the vehicle and the officer opened the doors, revealing a few men who had been shot and were lying on top of one another.

¹ AF8.35

122.160 In his NICRA statement,¹ Bernard Feeney recorded that he and Fr Irwin saw a woman in the Rossville Flats who was hysterical because she had seen the bodies being thrown into the vehicle. They went to the vehicle and met a Regimental Sergeant Major of the Parachute Regiment. He had stripes, a crown and wings on his uniform and was wearing a red beret. When Fr Irwin asked to see the bodies he was told that there were none in the vehicles. An officer with three pips on his shoulder supported this story. Bernard Feeney and Fr Irwin returned to the woman, who became more hysterical and pointed out from a window the vehicle containing the bodies. Bernard Feeney and Fr Irwin went back to the officer. Fr Irwin called to Fr Mulvey. The two priests and Bernard Feeney went with the officer to the vehicle. The officer opened the door and they saw three bodies lying inside. Fr Irwin and Fr Mulvey entered the vehicle in order to give the last rites. A soldier told Bernard Feeney to go into the vehicle as well but he refused. Photographers gathered and started to take photographs of the bodies. Fr Irwin and Bernard Feeney then went to find the “*sergeant*”. When they found him, they asked him why he had not shown them the bodies when they had asked him. He just laughed at them.

¹ AF8.10-11

122.161 In his written statement to this Inquiry,¹ Bernard Feeney told us that he and Fr Irwin initially spoke to a soldier who “*appeared to be a sergeant with three stripes and a crown*” on his arm. According to this account, the Sergeant was one of a group of soldiers standing around a vehicle at the point marked C on the plan attached to the statement² (on the east side of Rossville Street north of the rubble barricade). When Bernard Feeney and Fr Irwin asked him whether there were bodies in the vehicle, the Sergeant said: “*There is no fucking way there are any bodies*”. When they asked whether he was sure, the Sergeant repeated his comment. Bernard Feeney and Fr Irwin returned to the woman in Block 1 of the Rossville Flats, who confirmed that the bodies were in the vehicle at point C. Bernard Feeney and Fr Irwin went back to the vehicle.

¹ AF8.5-AF8.6

² AF8.9

- 122.162 Again according to this account, Fr Irwin called Fr Mulvey to assist. The three of them met the officer with three pips on his shoulder. Fr Mulvey demanded that the officer open the doors of the vehicle but at first he refused. There followed an aggressive verbal confrontation between Fr Mulvey and the officer, who eventually ordered that the doors should be opened. Inside the vehicle Bernard Feeney saw three bodies lying on top of one another, looking as if they had been stacked. The highest and lowest bodies were positioned with their heads towards the rear of the vehicle. Bernard Feeney immediately recognised the highest as William Nash and the lowest as John Young.
- 122.163 He told us that the middle body was lying with the head towards the front of the vehicle and he felt the body of John Young for a pulse but found none. John Young was clearly dead, as was William Nash. Bernard Feeney then knelt on the floor of the vehicle, felt the ankle of the middle body for a pulse, and established that this body too was dead. By this stage the two priests were inside the vehicle administering the last rites. A soldier ordered Bernard Feeney to get into the vehicle but he did not want to do so. There was no partition between the front and the rear of the vehicle. A soldier was sitting sideways on the front passenger seat with his back to the nearside door and his legs stretched out casually into the rear of the vehicle, close to the head of the middle body. As the priests finished giving the last rites and climbed out of the vehicle, a group of photographers began to arrive. As they did so, the soldiers slammed the doors shut. Fr Mulvey went to look for the Sergeant who had told Bernard Feeney and Fr Irwin that there were no bodies in the vehicle, in order to ask him why he had lied. The Sergeant just laughed and said *"I told you there were no bodies there"*. The officer who had ordered the doors to be opened was smirking and joining in the joke.
- 122.164 In his oral evidence to this Inquiry,¹ Bernard Feeney said that neither Alice Long nor Leo Day was present when he and the two priests went to the APC. He did not at any stage see a soldier fire a weapon into the vehicle.
- ¹ [Day 141/59-62](#); [Day 141/68-69](#)
- 122.165 In his interview with Stephen Gargan,¹ Bernard Feeney said that when he went to the vehicle for the second time with the priests, the soldiers initially refused to open the doors, but after a heated exchange with Fr Mulvey the officer with three pips ordered the Sergeant with the three stripes and crown to open them. As the Sergeant did so, the officer said *"We told you we had no fuckin' bodies"*. The officer laughed and the other soldiers laughed with him. The officer was wearing a helmet and spoke with an English accent. Bernard Feeney said that the highest and lowest of the three bodies were positioned with their heads towards the front of the vehicle. The middle body was lying

with the head towards the rear. This was the body of John Young. The soldiers were making derogatory remarks. Bernard Feeney wanted to have a go at the soldier who told him to get into the vehicle, but was restrained by Fr Irwin. The soldier inside the vehicle said nothing at any stage.

¹ [AF8.19-AF8.20; AF8.24-AF8.30](#)

Alice Long's account of the firing of a rifle into the vehicle containing the bodies: medical and scientific evidence

Dr John Lloyd

122.166 Dr Lloyd, the independent scientific expert engaged by this Inquiry, said in his report¹ that there was nothing in the results of the tests conducted by the Department of Industrial and Forensic Science by means of which Alice Long's account of a rifle being fired into the vehicle containing the bodies might be verified. If a bullet had disintegrated within the vehicle while the bodies were present, or if muzzle residue had been captured by the interior of the vehicle, then some of this material could have contaminated the bodies heavily. However, the bodies of Michael McDaid, William Nash and John Young were not significantly more contaminated than the bodies of other casualties.

¹ [E1.50](#)

122.167 In his oral evidence to this Inquiry,¹ Dr Lloyd said that it was very difficult to draw a conclusion either way on this issue, but when invited to agree that the results of the tests for lead particles on the three bodies collected from the rubble barricade were not consistent with Alice Long's account, Dr Lloyd said that one "*could put it in those terms*".

¹ [Day 227/74-75](#)

Dr Richard Shepherd and Mr Kevin O'Callaghan

122.168 Dr Shepherd and Mr O'Callaghan, who were engaged by this Inquiry as independent experts on pathology and ballistics respectively, said in their report¹ that they could not exclude the possibility that a rifle had been fired into the vehicle containing the bodies as alleged by Alice Long. However, there was evidence of only one gunshot injury to each of the three casualties, and there were no other injuries that would confirm that a rifle had been fired into the vehicle.

¹ [E2.63](#)

Conclusions

122.169 In our view, Alice Long's account of a soldier firing into the vehicle containing the bodies is based on a false memory and there was no such incident. There is no other evidence to support it, despite the undoubted presence nearby of priests and civilians, let alone senior soldiers. As we have earlier pointed out,¹ Leo Day expressed the view that Alice Long was in a very distressed state; and we have concluded that it is likely that her experiences on Bloody Sunday led her to come to believe things that did not happen. In this connection it is possible that she witnessed or was told about the firing of a baton gun into Lieutenant N's vehicle at an earlier stage (which we have considered earlier in this report²) and came mistakenly to believe that she had seen a soldier firing a rifle into the vehicle when it was carrying the bodies.

¹ [Paragraph 122.142](#)

² [Paragraphs 43.16–23](#)

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of other civilian witnesses

Letty Donnelly

122.170 In her NICRA statement,¹ Letty Donnelly recorded that after the bodies of the three boys had been collected, the Army vehicle moved back along Rossville Street and remained there for about 30 minutes. A priest then approached the vehicle and asked the soldiers to take the casualties to the hospital. The vehicle then moved off.

¹ [AD125.14](#)

122.171 In her written statement to this Inquiry,¹ Letty Donnelly told us that the priest approached the vehicle about 30 minutes after it had returned up Rossville Street. She saw the priest talking to soldiers in the front cabin of the vehicle. She could not hear what was being said, but her impression from his body language was that the priest was asking about the whereabouts and welfare of the boys who had been picked up from the rubble barricade.

¹ [AD125.3](#)

122.172 In her oral evidence to this Inquiry,¹ Letty Donnelly said that it had seemed as though a very long time had passed before the priest approached the vehicle, but she agreed that it might have been very difficult to judge the length of time.

¹ [Day 124/123-124](#)

Ann Gallagher

122.173 In her interview with Kathleen Keville,¹ Ann Gallagher said that she was in her aunt's flat, which was in Rossville Street, facing Abbey Park. Soldiers had collected three bodies in an Army vehicle and left it in Rossville Street. Fr Irwin went to the vehicle and was told that there was no-one in it. Fr Irwin came back up to Ann Gallagher's aunt's flat. Those in the flat told him that the bodies were definitely in the vehicle. When Fr Irwin went down again the soldiers "*let him in*". He came back with "*a Knights of er – an ambulance*" and the soldiers would not let them in.

¹ AG1.8

122.174 In her written statement to this Inquiry,¹ Ann Gallagher told us that her current recollection was that the three men had been injured and not dead. When they were thrown into the vehicle, her aunt had run out of her flat onto the balcony of Garvan Place, where she met a priest. Ann Gallagher could no longer remember the name of the priest. Her aunt told the priest what she had seen. The priest went down to Rossville Street and approached the soldiers by the vehicle. Ann Gallagher watched from inside her aunt's flat. The door of the vehicle was closed. The priest spoke to the soldiers for a few minutes. Ann Gallagher could tell that he was asking to see the men in the vehicle. The soldiers shook their heads and did not open the door. The priest returned to the balcony and told those in Ann Gallagher's aunt's flat that the soldiers had told him that there was no-one in the vehicle. They all screamed that they had seen the men thrown into it. The priest went back to the soldiers with an Order of Malta volunteer. He must have met the Order of Malta volunteer on his way to the vehicle. Both of them spoke to the soldiers, who still would not open the vehicle. Ann Gallagher could not remember what the priest did next. So far as she could recall, the vehicle remained where it was.

¹ AG1.3-AG1.4

122.175 In her oral evidence to this Inquiry,¹ Ann Gallagher said that her aunt was Eileen Gallagher, who lived at 8 Garvan Place in Block 1 of the Rossville Flats.

¹ Day 401/4

Eileen Gallagher

122.176 In her NICRA statement,¹ Eileen Gallagher recorded that after the bodies had been collected the soldiers kept opening and closing the door of the vehicle in order to look in. She went out from her flat at 8 Garvan Place onto the balcony of Block 1 of the Rossville Flats to see whether she could find someone to give aid to the casualties. She met

Fr Irwin and a male Order of Malta volunteer and told them what she had seen. The three of them went downstairs but Fr Irwin would not let Eileen Gallagher go out onto the street, and so she returned to her flat and watched from her window. It seemed that Fr Irwin received no satisfaction from the soldiers, and he came back upstairs.

¹ [AG10.2-AG10.4](#)

122.177 According to this statement, Eileen Gallagher ran out to meet Fr Irwin. He said that the soldiers had told him that there was no-one in the vehicle, but Eileen Gallagher insisted that it contained three bodies. Fr Irwin came into her flat so that Eileen Gallagher could point out the vehicle to him. He then went back downstairs. At this stage Eileen Gallagher saw Fr Mulvey join Fr Irwin. Then Fr Irwin approached one of the soldiers. Eventually the soldiers opened the door and the two priests entered the vehicle. The Order of Malta volunteer tried to enter the vehicle after the two priests had disembarked, but the soldiers pulled him out again. There were four bodies (sic) in the vehicle. The Order of Malta volunteer told Eileen Gallagher that it appeared that the casualty lying lowest in the vehicle had died of suffocation. The uppermost of the bodies was that of a boy named McDaid.

122.178 Eileen Gallagher is dead and did not give evidence to this Inquiry.

Willie Healey

122.179 In his written statement to this Inquiry,¹ Willie Healey told us that Fr Mulvey walked north up Rossville Street towards an Army vehicle parked on the north side of the rubble barricade with its front facing to the north-west. According to this account Fr Mulvey asked the paratroopers to open the doors of the vehicle but they refused. Fr Mulvey became very angry and forced the doors open himself. Willie Healey did not see inside the vehicle but heard people say that it contained three bodies. Fr Mulvey seemed to be shocked by what he saw in the vehicle. Willie Healey caught a strong smell of CS gas after the doors of the vehicle were opened. Many paratroopers and reporters near the vehicle were laughing. Willie Healey was shocked and dismayed by this and so he hurled abuse at them.

¹ [AH48.3](#)

122.180 In his oral evidence to this Inquiry,¹ Willie Healey said that he had followed Fr Mulvey towards the vehicle. He did not think that there had been anyone else with Fr Mulvey.

¹ [Day 78/117-119](#); [Day 78/147-148](#)

Frank Lawton

122.181 In his NICRA statement,¹ Frank Lawton recorded that Fr Edward Daly entered the vehicle containing the three bodies, and spent a few moments inside it.

¹ [AL6.20](#)

122.182 In his written statement for the Widgery Inquiry,¹ Frank Lawton recorded that the priest who entered the vehicle was Fr Mulvey.

¹ [AL6.22](#)

122.183 In his written statement to this Inquiry,¹ Frank Lawton told us that Fr Mulvey approached the soldiers, waving a white handkerchief, while the bodies were being collected from the rubble barricade. According to this account, Fr Mulvey appeared to argue with the soldiers, seeking to be allowed to administer the last rites. They refused to allow him to do this. When the bodies had been loaded into the vehicle, it was driven further down Rossville Street and parked at about the point marked M on the plan attached to the statement² (near the north end of Joseph Place). While it was parked there, Fr Mulvey and Fr Daly were allowed into the vehicle. Frank Lawton presumed that they had then given the last rites to the casualties. The vehicle was driven back up Rossville Street to the north.

¹ [AL6.5](#)

² [AL6.26](#)

122.184 In his oral evidence to this Inquiry,¹ Frank Lawton said that it was quite possible that the priest who entered the vehicle with Fr Mulvey had been Fr Irwin and not Fr Daly.

¹ [Day 389/130-131](#)

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of police officers

Constable A Brown

122.185 In his 1972 statement,¹ Constable Brown recorded that he took cover behind one of the Army vehicles parked by the Rossville Flats. He saw Fr Mulvey come towards the vehicle. Fr Mulvey was allowed into the back of the vehicle with another younger priest. When he left the vehicle, Fr Mulvey appeared very agitated and shouted at the paratroopers: “*You bastards, I hope you got the guns they were shooting at you with’.*”

¹ [JB13.1-JB13.2](#)

122.186 Constable Brown did not give evidence to the Widgery Inquiry or to this Inquiry.

Sergeant S Penney

122.187 In his written statement for the Widgery Inquiry,¹ Sergeant Penney of the RUC recorded that he met a member of the Order of Malta Ambulance Corps on the west side of Rossville Street, who told him that the Army had killed three men and injured five. Sergeant Penney crossed Rossville Street towards a line of Army vehicles. He saw Fr Mulvey running towards the rear of one of the vehicles, waving a white handkerchief and followed by a younger priest. Sergeant Penney was at the rear of the vehicle when Fr Mulvey reached it. A soldier standing by the vehicle opened the doors. The two priests climbed into the vehicle. There were three bodies inside the vehicle. Sergeant Penney saw the priests examining the bodies. After about 30 seconds, the two priests emerged from the vehicle. Fr Mulvey said to the soldier “*Where is that Officer who told me there was nobody dead. I hope you got the guns that they were shooting you with.*” The two priests then departed. At no time did the soldier at the rear of the vehicle speak to the priests.

¹ [JP7.2](#)

122.188 In his written statement to this Inquiry,¹ Sergeant Penney gave a similar account. He told us that he was wearing civilian clothes; and that the member of the Order of Malta Ambulance Corps must have thought that he was a pressman because he was carrying a camera. Sergeant Penney said that he could not remember whether the three bodies had been lying side by side or on top of one another, but their feet were pointing towards the rear of the vehicle.

¹ [JP7.5-JP7.6](#)

122.189 In his oral evidence to this Inquiry,¹ Sergeant Penney said that he did not know the rank of the soldier who had been at the rear of the vehicle. He was shown Constable Brown’s photograph and Sam Gillespie’s photograph (both of which we have reproduced above²) but was unable to say which, if either, of them showed the younger priest who came to the vehicle with Fr Mulvey.

¹ [Day 219/72-75; Day 219/100-103](#)

² [Paragraphs 122.134 and 122.146](#)

Constable Robert S Simpson

122.190 In his 1972 statement,¹ Constable Simpson recorded that he overheard a man telling Sergeant Penney that the paratroopers had killed three men and wounded five. He crossed Rossville Street to a line of Army vehicles. He stood close to the rear of one of these vehicles. A soldier was standing at the rear door. Fr Mulvey and another priest arrived. Fr Mulvey asked the soldier where the bodies were. The soldier opened the rear doors of the vehicle. Constable Simpson saw three bodies lying on the floor of the vehicle. Fr Mulvey exclaimed “*O God! what a way to treat bodies*”. He appeared very agitated. Both priests climbed into the vehicle. The soldier closed the door. Very shortly afterwards the priests emerged. Fr Mulvey was now very very angry and said to the soldier “*Where is that Officer who told me there was nobody dead. I hope you got the guns that they were shooting with’.*” The two priests then left.

¹ JS10.1

122.191 In his written statement to this Inquiry,¹ Constable Simpson told us that some soldiers had “*apparently been picking up bodies and throwing them into the back of an army vehicle*”. He was about 20 feet away from the vehicle. He could not see very well, but thought that there had been three or four bodies in the vehicle. He did not know from where the bodies had been collected. He thought that there had been four soldiers and an officer at the back of the vehicle. A local parish priest was there. He was extremely angry and agitated about the way in which the Army had handled the bodies. Constable Simpson thought that the soldiers had felt vulnerable and had been trying to get away from the area as quickly as possible. In the original draft of his 1972 statement, Constable Simpson had recorded the exact words used by the priest, which included “*fucking*” and “*bastards*”, but he had removed these words at the request of a superior officer, who said that they would not help the situation.

¹ JS10.13-JS10.14

122.192 Constable Simpson did not give oral evidence to this Inquiry.

Attempts to see the bodies before they were driven to Altnagelvin Hospital: the evidence of military witnesses

Lieutenant N

122.193 In his fourth RMP statement,¹ Lieutenant N recorded that after the bodies had been brought to the north end of Block 1 of the Rossville Flats, two priests appeared and asked to be allowed to see them. One of the priests entered the APC. When the priest emerged, he made no complaint about the way in which “*the body*” had been laid in the vehicle.

¹ [B395](#)

122.194 In his written statement for the Widgery Inquiry,¹ Lieutenant N recorded that a priest came up to him in a somewhat agitated state and asked him where the bodies were; and that he pointed to his vehicle. The priest said that he had already asked whether there were any more bodies and had been told that there were not. A member of Lieutenant N's platoon told Lieutenant N that he thought that he was the soldier who had answered the priest's original question, and that at the time he had not known where the bodies were. The priest, or another priest who was with him, climbed into the vehicle, shut the door, and stayed there for a little while.

¹ [B400](#)

122.195 In his oral evidence to the Widgery Inquiry,¹ Lieutenant N said that he was unaware that the priest who attended the bodies had had difficulty in administering the last rites because of the way in which the bodies were positioned.

¹ [WT12.80](#)

122.196 Lieutenant N did not refer to Fr Mulvey and Fr Irwin's visit to the bodies in his written statement to this Inquiry.

122.197 In his oral evidence to this Inquiry,¹ Lieutenant N said that he was the paratrooper shown with the two priests in Constable Brown's photograph.

¹ [Day 323/92-93](#); [Day 323/113](#)



122.198 Lieutenant N said that he could recall directing a priest to the back of the vehicle but could not remember what the priest looked like.¹ He said that he did not recall the identity of the member of his platoon mentioned in his written statement for the Widgery Inquiry, who had told him that he thought that he was the soldier who had answered the priest's question about the bodies.² Lieutenant N denied that he had initially told Fr Irwin that there were no bodies in the vehicle, or that he had smirked at the priests when he subsequently admitted that the bodies were there, or that he had told Fr Irwin, or heard anyone else tell Fr Irwin, that he would be shot if he opened the door of the vehicle.³ It was suggested to Lieutenant N that the reference in his fourth RMP statement to the priest having made no complaint when he emerged from the vehicle showed that Lieutenant N must have made that statement in response to a complaint that had by then been made.⁴ Lieutenant N said that he "*was probably asked that question*" but did not recall what the complaint was.

¹ [Day 323/113](#)

² [Day 322/113](#)

³ [Day 323/40](#); [Day 323/93-94](#); [Day 323/124](#)

⁴ [Day 323/94-97](#)

Sergeant O

122.199 In his oral evidence to this Inquiry,¹ Sergeant O said that he did not witness the episode involving the two priests and did not know who had been guarding the vehicle at that stage. He had no recollection of an Order of Malta Ambulance Corps volunteer being prevented from entering the vehicle to see whether he could give assistance.

¹ [Day 335/104-109](#)

Private Q

122.200 In his written statement to this Inquiry,¹ Private Q told us that he saw the bodies in the vehicle but could not recall how they were lying. Private 112 was with the bodies, either inside or at the back of the vehicle.

¹ [B657.5-B657.6](#)

122.201 In his oral evidence to this Inquiry,¹ Private Q said that he did not see any civilians or Order of Malta Ambulance Corps volunteers approach the vehicle containing the bodies, and that he neither witnessed nor heard about an incident in which a priest approached the vehicle and was initially told that there were no bodies in it. Private Q confirmed that he could not recall how the bodies were lying when he saw them.²

¹ [Day 339/60-61](#)

² [Day 339/90-91](#)

Private U

122.202 In his oral evidence to this Inquiry,¹ Private U said that he had no recollection of a confrontation between a priest and soldiers guarding the bodies in the vehicle.

¹ [Day 369/102](#); [Day 369/166-167](#)

Private 006

122.203 In his written statement to this Inquiry,¹ Private 006 told us that a priest approached him and other soldiers while they were standing at the north end of Block 1 of the Rossville Flats. According to this account, the priest was wandering around asking where the bodies were. The soldiers sent him from vehicle to vehicle but the priest could not find the bodies. Private 006 thought that the bodies might already have been taken away to the hospital at this stage.

¹ [B1377.007](#)

122.204 In his oral evidence to this Inquiry,¹ Private 006 was asked why the soldiers had sent the priest from vehicle to vehicle. He said that they had sent the priest to one of the vehicles, and told him that the bodies were probably in that vehicle, although Private 006 thought at the time that the bodies might already have been taken to the hospital. Private 006 denied that the soldiers had been giving the priest the run-around. He said that he had no recollection either of a soldier telling a priest that he would be shot if he opened the doors of a vehicle, or of a soldier smirking at a priest.

¹ [Day 334/68-70](#)

Private 013

122.205 In his written statement to this Inquiry,¹ Private 013 told us that a priest approached the vehicle containing the bodies when it was near the north end of Block 1 of the Rossville Flats. According to this account, Private 013 thought that the priest was being troublesome and was afraid that he was *“going to pull out a pistol and shoot at us”*. His instinct was to keep the priest away from the vehicle. However, Private 013 soon realised that he was not being troublesome and that he wanted to give the last rites to the casualties.

¹ [B1408.005](#)

122.206 Private 013 did not give oral evidence to this Inquiry.

Captain 028

122.207 In his written statement to this Inquiry,¹ Captain 028 told us that he saw an Army vehicle parked somewhere in Rossville Street with its rear doors wide open. According to this account, a priest was standing next to the vehicle, trying to attract the attention of local pressmen in order that they might take photographs of what was inside the vehicle. Captain 028 went over and looked into the vehicle. He saw a horrific scene of bodies piled on top of one another, with their heads and limbs at strange angles and blood all over the bodies and the interior of the vehicle. He could not recall how many bodies there were but thought that there had probably been four or five. Captain 028 knew that if photographs of this scene appeared in the newspapers it would look terrible. He therefore pushed the priest to one side and slammed the doors of the vehicle shut, saying that no-one was allowed to take photographs. Captain 028 thought that he might also have told the driver of the vehicle to move it away, but he was not sure about this. Captain 028 did not know the identity of the priest and did not recognise him in Constable Brown’s photograph that we have shown above.² Captain 028 felt particularly unsympathetic to

the priest and thought that he was “*helping to grind the axe for the IRA*”. We observed earlier in this report that in our view it would be unwise to rely on the accounts given by Captain 028.³

¹ B1582.4

³ Paragraphs 85.78–82

² Paragraphs 122.134 and 122.197

122.208 In his oral evidence to this Inquiry,¹ Captain 028 said that he had no recollection of an incident in which Fr Irwin and Fr Mulvey were eventually given access to the bodies after Fr Irwin had initially been wrongly told that there were no bodies in the vehicle.

¹ Day 356/48-51

Warrant Officer Class II Lewis

122.209 In his written statement to this Inquiry,¹ Warrant Officer Class II Lewis told us that at a time before he knew that people had been shot, a “*bald headed padre*” approached him from around the corner of Block 1 of the Rossville Flats. According to this account, Warrant Officer Class II Lewis naturally barred his way. The priest said something like “*Do you not know that there are people dead round the corner? Who’s in charge here?*” Warrant Officer Class II Lewis took him to Major Loden. An intense discussion followed between Major Loden and the priest but Warrant Officer Class II Lewis did not hear what was said. Major Loden then called for ambulances. At about this time Sergeant O reported that he had wounded people in the back of his vehicle. He did not say that they were dead. Major Loden was concerned that these casualties should be taken to hospital. Warrant Officer Class II Lewis had always thought that the priest was Fr Daly, but had now seen television footage that suggested that he might have been another priest.

¹ B2111.018

122.210 In his second supplementary written statement to this Inquiry,¹ Warrant Officer Class II Lewis told us that he thought that the priest who had approached him had been the white-haired man shown holding a handkerchief in Constable Brown’s photograph, which we have shown above.²

¹ B2111.45

² Paragraphs 122.134 and 122.197

122.211 In his oral evidence to this Inquiry,¹ Warrant Officer Class II Lewis said that the priest had told him that there were two dead bodies lying “*round the corner at the entrance to Rossville Flats, at the foot of the stairs of Rossville Flats*”. He had no recollection of the

priest ever asking to see bodies in the back of any of the Army vehicles, or protesting about the lack of medical attention for casualties in any such vehicle.

¹ [Day 373/71-73](#)

Major Loden

122.212 In his oral evidence to this Inquiry,¹ Major Loden said that he did not see the bodies when they were in the vehicle. He did not recall having any discussion with a priest about the bodies, and did not believe that he had told Fr Irwin that there were no bodies in the vehicle. He did not see Fr Irwin and Fr Mulvey demanding access to the bodies, nor did he witness exchanges between Fr Irwin and the soldiers near the vehicle.

¹ [Day 343/54-60](#); [Day 347/23](#)

Private 221's examination of the bodies

Lieutenant N

122.213 In his fourth RMP statement,¹ Lieutenant N recorded that shortly after the bodies were brought back to the north end of Block 1, Private 221 of the Royal Army Medical Corps (RAMC) examined them and pronounced them dead.

¹ [B394](#)

Private 221

122.214 In his RMP statement,¹ Private 221 (a medical assistant of the RAMC attached to 1 PARA) recorded that he was informed by Lieutenant N that there were three bodies in an APC. He went to the vehicle, which was parked in Rossville Street near the north end of Block 1 of the Rossville Flats, and looked inside. He saw three bodies lying on the floor. One was lying on its stomach with the head towards the front of the vehicle. A second was lying on its back with the head towards the rear of the vehicle. The third was lying between the other two in the coma position with the head towards the front of the vehicle. The three bodies were positioned in such a way that had they been alive they would have been able to breathe freely. Private 221 examined the three bodies, formed the opinion that they were dead, and so informed Lieutenant N. At this time sporadic firing was taking place in the area of the Rossville Flats.

¹ [B2163-B2164](#)

122.215 In his written statement to this Inquiry,¹ Private 221 told us that he was asked to examine the bodies by a non-commissioned officer whose name he could not remember. His current recollection was that each of the three bodies was lying on its side, but “*three quarters on his front*” with the chin up, and he did not now recall hearing firing while he was examining the bodies. However, he believed that the account that he gave in his RMP statement when events were fresher in his mind must have been correct. After his examination of the bodies, he reported back to the non-commissioned officer.

¹ [B2165.004-B2165.007](#)

122.216 In his oral evidence to this Inquiry,¹ Private 221 said that he did not now remember that Lieutenant N had asked him to look at the bodies. When he saw the bodies they were not in the positions as described by Fr Irwin. Private 221 said that he had no recollection of seeing any priests or paramedics in the area, or of anyone else trying to gain access to the vehicle to examine the bodies.

¹ [Day 361/128-139](#)

Movement of the bodies to Altnagelvin Hospital and their handling at the hospital: the evidence of military witnesses

Lieutenant N

122.217 In his second RMP statement,¹ Lieutenant N recorded that about 15 minutes after the vehicle containing the bodies had reached the north end of Block 1 of the Rossville Flats, he handed it over to Sergeant O and five members of Sergeant O’s section. Sergeant O was instructed to deliver the bodies to Altnagelvin Hospital.

¹ [B385](#)

122.218 In his written statement for the Widgery Inquiry,¹ Lieutenant N recorded that he had given this order on the instructions of Major Loden.

¹ [B401](#)

122.219 Lieutenant N did not refer to the movement of the bodies to Altnagelvin Hospital in his written or oral evidence to this Inquiry.

Sergeant O

122.220 In his first RMP statement¹ and in his written statement for the Widgery Inquiry,² Sergeant O recorded that at about 1645 hours Lieutenant N instructed him to take Lieutenant N's vehicle, containing the three bodies collected from the rubble barricade, to Altnagelvin Hospital. He took the bodies to the hospital where they were handed to the mortuary attendant.

¹ B442

² B469

122.221 In his written statement to this Inquiry,¹ Sergeant O told us that he thought that six soldiers had been in the vehicle when the bodies were taken to the hospital. According to this account, Sergeant O sat in the front beside Private INQ 768 who drove the vehicle. They did not know the way to the hospital and had to ask for directions from soldiers of the Royal Anglian Regiment at the Regimental Aid Post at Craigavon Bridge. When they arrived at the hospital, Sergeant O went in and found a doctor. He asked the doctor to come out to the vehicle to confirm that the bodies were dead. There was "*mayhem*" in the hospital. The doctor wanted the soldiers to wait for an hour or so but Sergeant O told him that he had to come out and look at the bodies. The doctor then did so and confirmed that they were all dead. Sergeant O was told to take the bodies to the mortuary. When he reached the mortuary he was told that it was full, and was asked to keep the bodies in the vehicle for a while. He agreed to do this and parked the vehicle on a road next to the hospital. RUC officers at the mortuary told Sergeant O that they were worried that the IRA might mount a rescue operation to recover the bodies of some of the casualties. They asked him to provide three or four soldiers to act as sentries until police reinforcements arrived. Sergeant O agreed to this. Eventually, Sergeant O and his men reversed the vehicle to the door of the mortuary. The three bodies were carried out and laid on the floor of the mortuary. Blankets were put over them. The soldiers went back to the vehicle and received orders to return to their base at Drumahoe.

¹ B575.119-B575.120

122.222 In his oral evidence to this Inquiry,¹ Sergeant O said that he did not recall the time at which he left the Bogside in the vehicle carrying the bodies, or the time at which he arrived either at the casualty department at Altnagelvin Hospital or at the mortuary. Apart from Private INQ 768 and himself, Sergeant O could not remember which soldiers had been in the vehicle when the bodies were taken to the hospital. Sergeant O said that no stretchers were available at the mortuary, and so the soldiers took hold of the bodies by the wrists, but he denied that the bodies had been handled like "*stuck pigs*".² He also

denied that he and his men had been laughing and joking as the bodies were carried into the mortuary. He said that the bodies were carried carefully into the mortuary and that there was no disrespectful behaviour.³

¹ [Day 335/109-112; Day 336/140-141](#)

³ [Day 336/119-121](#)

² [Day 336/81-83](#)

Corporal P

122.223 In his written statement for the Widgery Inquiry¹ and in his oral evidence to the Widgery Inquiry,² Corporal P said that he accompanied the bodies to Altnagelvin Hospital in Lieutenant N's vehicle, having been ordered to act as escort.

¹ [B593](#)

² [WT13.52](#)

122.224 In his written statement to this Inquiry,¹ Corporal P told us that he travelled in the front of the vehicle but was not the driver. He did not recall how many other soldiers had been with him or who they were. He was not involved in taking the bodies out of the vehicle. He thought that this might have been done by hospital staff. The soldiers were not at the hospital for long. When they left, it was "*getting darker*".

¹ [B623.002-B623.003](#)

122.225 In his oral evidence to this Inquiry,¹ Corporal P said that he did not recall going to the hospital mortuary.

¹ [Day 353/124](#)

Private Q

122.226 In his written statement for the Widgery Inquiry¹ and in his oral evidence to the Widgery Inquiry,² Private Q said that he saw the three bodies in the APC but that he left in a different vehicle.

¹ [B637](#)

² [WT12.90](#)

Private U

122.227 In his oral evidence to this Inquiry,¹ Private U told us that he did not go to Altnagelvin Hospital with the bodies.

¹ [Day 369/182](#)

Private 006

122.228 In his RMP statement,¹ Private 006 recorded that he did not go to Altnagelvin Hospital with the bodies.

¹ [B1376](#)

Private 013

122.229 In his written statement to this Inquiry,¹ Private 013 told us that he was one of the soldiers who had taken the bodies in the vehicle away from the Rossville Flats. He thought that they had gone to a mortuary but he could not say where it had been. Private 013 and another soldier whose identity he could not recall carried the body of William Nash out of the vehicle and laid it down in a “*makeshift building*”. Private 013 held the body by one of the legs and one of the arms.

¹ [B1408.005](#)

122.230 Private 013 did not give oral evidence to this Inquiry.

Private 017

122.231 In his supplementary written statement to this Inquiry,¹ Private 017 told us that he was one of a number of soldiers interviewed by the author Max Arthur, but he denied that he was the private of 1 PARA who had been quoted in Max Arthur’s book *Northern Ireland: Soldiers Talking* (London: Sidgwick and Jackson, 1987)² as having said that he was one of those who had taken the bodies to the hospital, carried them in and laid them in a hallway.

¹ [B1484.023-B1484.024](#)

² [B1484.027](#)

122.232 In his oral evidence to this Inquiry,¹ Private 017 said that he took no part in the movement of the bodies to the hospital.

¹ [Day 358/85](#)

Private 112

122.233 In his written statement to this Inquiry,¹ Private 112 told us that he accompanied the bodies to the local hospital. According to this account, when they arrived, two of the soldiers took one of the bodies into the hospital but had to bring it back to the vehicle because the mortuary was full. Private 112 thought that these two soldiers had been

Corporal P and Private INQ 768 but he was not sure about this. Private 112 thought that the bodies were eventually allowed to be taken into the mortuary but he could no longer remember which soldiers took them there.

¹ [B1732.007](#)

122.234 In his oral evidence to this Inquiry,¹ Private 112 said that he did not know when the vehicle containing the bodies had left for the hospital. His recollection was that after the bodies had been picked up there had been a “*small wait*” somewhere before they were taken to the hospital. It was suggested to him that the bodies did not arrive at the hospital until about 1730 hours. He could not remember what had happened in the preceding 45 minutes, but he said that the driver did not know the location of the hospital, and that this might account for the delay. He said that he did not see how the bodies were moved into the hospital once they had arrived there.²

¹ [Day 320/148-149](#); [Day 320/155-156](#)

² [Day 320/120](#)

Corporal 162

122.235 In his written statement to this Inquiry,¹ Corporal 162 told us that he did not accompany the bodies to the hospital.

¹ [B1962.004](#)

Private 221

122.236 In his RMP statement,¹ Private 221 recorded that he saw the vehicle containing the bodies being driven away from Rossville Street about two or three minutes after he had examined the bodies.

¹ [B2164](#)

122.237 In his oral evidence to this Inquiry,¹ Private 221 said that what he said about this matter in his RMP statement must have been correct. He said that he did not know what time it had been when he was asked to examine the bodies, nor was he told for how long the bodies had been in the vehicle when he saw them.²

¹ [Day 361/133-134](#)

² [Day 361/137-138](#)

Major Loden

122.238 In his statement made on 17th February 1972,¹ Major Loden recorded that before 1815 hours, when he received an order to withdraw Support Company to William Street, members of Mortar Platoon had removed three bodies from the scene in the back of one of their vehicles.

¹ B2222

Private INQ 768

122.239 In his written statement to this Inquiry,¹ Private INQ 768 told us that he received an order to drive an APC containing bodies to a mortuary. According to this account, he could not remember who had given him this order, nor could he remember where the mortuary had been. It might have been attached to a hospital. He could not remember who had been in the vehicle with him, but there was at least one other soldier. Private INQ 768 recalled that there was a reception area, which he thought belonged to the mortuary. There were lots of people in the reception area. He assumed that they were there to identify casualties. The soldiers had to wait for these people to go before they unloaded the bodies.

¹ C768.3-C768.4

122.240 According to this account, when a suitable opportunity arose, Private INQ 768 went to the back of the vehicle and opened the doors. There was a body in the vehicle with its head towards the doors. Private INQ 768 grasped the body under the arms in order to slide it out. As he did so, a soldier told him that someone was coming, and so he pushed the body back into the vehicle in order not to upset anyone, and shut the doors. When he did this, he heard the head hit the inside of the doors. He later saw blood at the base of the doors of the vehicle. He thought that this was the result of the head hitting the doors. The soldiers waited and when no-one was around they took the bodies out. Private INQ 768 could not recall whether he had carried any of the bodies. Some people in the immediate vicinity were swearing and shouting at the soldiers. Private INQ 768 could not recall for how long the soldiers were at the mortuary.

122.241 In his oral evidence to this Inquiry,¹ Private INQ 768 said that his most vivid recollection of the day was of driving the bodies to the mortuary. He had no idea of the reason for any delay that there may have been in bringing the bodies to the hospital. He said that he was

not laughing or joking when the bodies were removed at the mortuary, and that he did not remember other soldiers doing so, nor did he recall soldiers acting in a jubilant manner.

¹ [Day 323/129](#); [Day 323/165-169](#)

Private INQ 1918

122.242 In his written statement to this Inquiry,¹ Private INQ 1918 told us that he and another soldier went to Altnagelvin Hospital in the back of the vehicle carrying the bodies. According to this account, he thought that the other soldier had been Private 112. He could not remember who had ordered them to go with the bodies or who was driving the vehicle. He thought that there had been two or three bodies. They were piled up on the floor of the vehicle. There was a lot of blood. He could not give any further details of the position of the bodies except to say that they did not come above the height of his shoulders as he sat on the bench seat in the back of the vehicle. He pushed the bodies aside with his foot when he entered the vehicle and thought that Private 112 would have had to do the same, although he did not see him do so. He told us that he, Private INQ 1918, did not otherwise touch the bodies. When they arrived at the hospital, he and Private 112 opened the rear doors of the vehicle. A nurse was present. Private 112 and Private INQ 1918 disembarked and walked to the front of the vehicle. Private INQ 1918 did not see what then happened to the bodies but assumed that hospital staff had taken them out of the vehicle. He did not handle the bodies and he did not think that Private 112 had handled them.

¹ [C1918.3](#)

122.243 In his oral evidence to this Inquiry,¹ Private INQ 1918 said that in the three years since he had made his written statement he had forgotten most of what he had then remembered about the movement of the bodies and could now recall only “*fractional parts of it*”. He could not remember when the bodies were taken to the hospital, or how long it took to reach the hospital, or how long he was at the hospital. He did not recall seeing or speaking to a priest at any stage.

¹ [Day 342/121-125](#)

Handling of the bodies at Altnagelvin Hospital: the evidence of other witnesses

Fr John Irwin

122.244 In his oral evidence to the Widgery Inquiry,¹ Fr Irwin said that he was at the mortuary at Altnagelvin Hospital when the bodies were delivered. The time was exactly 6.15pm. He saw the paratroopers take the bodies out of the Army vehicle.

¹ [WT5.37](#)

122.245 In his depositions for the coroner's inquests into the deaths of Michael McDaid,¹ William Nash² and John Young,³ Fr Irwin confirmed that the bodies were delivered to the mortuary at 6.15pm.

¹ [H9.8](#)

³ [H9.7](#)

² [H9.9](#)

122.246 In his written statement to this Inquiry,¹ Fr Irwin told us that he was at the mortuary when the vehicle arrived. Two soldiers carried each body out of the vehicle, one holding the head and shoulders and the other the feet. Fr Irwin could not say whether the same two soldiers carried each body. The bodies were not carried disrespectfully.

¹ [H9.14-H9.16](#)

122.247 In his oral evidence to this Inquiry,¹ Fr Irwin said that he had noted the time at which the bodies arrived at the mortuary because it seemed to have taken a long time for them to be brought there from Rossville Street. He confirmed that the soldiers carried the bodies carefully into the mortuary.²

¹ [Day 153/26-27](#)

² [Day 153/37-38](#)

Dr Thomas McCabe

122.248 In his written statement for the Widgery Inquiry,¹ Dr McCabe recorded that when he arrived at Altnagelvin Hospital he was told by one of his patients that Gerard McKinney was lying dead somewhere in the hospital. Dr McCabe went with Fr Irwin to the mortuary, where he saw eight bodies. An Army vehicle, which had previously been parked outside the casualty department, was reversed up to the door of the mortuary. Fr Irwin asked Dr McCabe to stand beside him to see the vehicle opened. Three men were lying inside the vehicle, more or less on top of one another. Blood was spilling over the rear edge of the vehicle. It was very dark inside the vehicle. Three paratroopers nonchalantly removed

the bodies. Dr McCabe asked each paratrooper in turn whether a doctor had seen the casualty, and if so when, and whether a doctor had certified the casualty dead. The paratroopers replied “*Don’t know mate. I couldn’t tell you mate. I can’t tell you anything mate.*” Their attitude was so unhelpful that Dr McCabe considered that there was no point in asking to see an officer. Dr Ian Gordon arrived at the mortuary and said that he had entered the vehicle while it was outside the casualty department, but that the light had been so bad that he had come back in order to “*identify*” the deceased.

¹ AM51.3-AM51.5

122.249 Dr McCabe pointed out to Dr Gordon that Fr Irwin had said that the position of the bodies had not materially changed since Fr Irwin saw them in Rossville Street, but Dr Gordon said that he had satisfied himself that they were dead when the vehicle was outside the casualty department. Mr Harvey, chairman of the consultant medical staff, arrived and compared notes with Fr Irwin and the police to make a list of the dead. Dr McCabe told Mr Harvey that he was sure that Gerard McKinney was not among the eleven bodies in the mortuary. Mr Harvey then recalled that a casualty had been taken to Ward 1 as a case of cardiac arrest.¹ Mr Harvey and Dr McCabe went to Ward 1 where Dr McCabe identified Gerard McKinney, who was dead. Mr Harvey and Dr McCabe agreed the death count as 12. Mr Harvey assured Dr McCabe that no more of the injured would die. Fr Irwin and Dr McCabe left at about 7.20pm. The mortuary and casualty department were by that stage surrounded by more armed paratroopers and policemen.

¹ This was Gerard McKinney, shot in Abbey Park.

122.250 In a supplementary written statement for the Widgery Inquiry,¹ Dr McCabe recorded that he heard no instructions given by hospital staff, police officers or paratroopers about how the bodies should be handled. One paratrooper had stood astride the bodies inside the vehicle. Each body had been passed between his legs to the other soldiers, and then onto a trolley.

¹ AM51.9

122.251 According to Tony Stark’s interview notes,¹ Dr McCabe told him that he saw seven bodies in the mortuary and then saw soldiers unloading six more bodies from a vehicle. The soldiers were holding the bodies by the feet and arms. Dr McCabe could not remember whether the soldiers had held the bodies by their hands.

¹ AM51.10

122.252 In his written statement to this Inquiry,¹ Dr McCabe told us that the bodies were taken from the vehicle onto “*separate trolleys or tables*”. He had been appalled by what he had seen in the vehicle, and his conversation with Dr Gordon had reflected his anxiety to ensure that everything was done according to the book, but evidently it had been.

¹ [AM51.12-AM51.13](#)

122.253 In his oral evidence to this Inquiry,¹ Dr McCabe said that he never discovered why the bodies had been left in the vehicle outside the casualty department instead of being taken directly to the mortuary.

¹ [Day 182/49-51](#)

Dr Ian Gordon

122.254 In his written statement to this Inquiry,¹ Dr Gordon told us that although he certified a number of bodies dead at the mortuary, he did not recall seeing any Army vehicles, nor did he recall seeing any of the fatalities at the casualty department. He did not see any of the bodies being taken into the mortuary.

¹ [AG69.1-AG69.2](#)

122.255 Dr Gordon did not give oral evidence to this Inquiry.

Detective Constable Colin Ferguson

122.256 In his report dated 3rd February 1972,¹ Detective Constable Ferguson recorded that an Army vehicle brought three bodies to the mortuary at Altnagelvin Hospital at 1815 hours. He gave no further details.

¹ [JF3.1](#)

122.257 Detective Constable Ferguson did not give evidence to this Inquiry.

Constable Hugh McCormac

122.258 In an undated statement relating to Michael McDaid,¹ Constable McCormac recorded that he was at Altnagelvin Hospital at about 5.30pm. He saw an APC outside the casualty department with three dead bodies in it. He later saw paratroopers and mortuary attendants take the bodies into the mortuary, where they were subsequently identified as the bodies of Michael McDaid, William Nash and John Young.

¹ [ED40.6](#)

122.259 In an undated statement relating to William Nash,¹ Constable McCormac gave a similar account.

¹ [ED42.7](#)

122.260 In an undated statement relating to John Young,¹ Constable McCormac recorded that he saw the vehicle arrive at the casualty department at about 5.30pm. It was when the vehicle was at the mortuary that he saw that it contained three dead bodies.

¹ [ED41.7](#)

122.261 Constable McCormac did not refer to the handling of the bodies at Altnagelvin Hospital in his oral evidence to the Widgery Inquiry. He died before this Inquiry was established.

Ivan Cooper

122.262 According to John Barry's interview notes,¹ Ivan Cooper told him that he had driven to Altnagelvin Hospital with John Hume. There were paratroopers "*virtually all round*" the hospital. Ivan Cooper and John Hume ran in and met Mr Harvey. Ivan Cooper spent some time at the hospital trying to find out the names of the deceased and informing priests and relatives. At some stage Mr Harvey came up to him and said "*There's three more outside in an Army vehicle*". Ivan Cooper and John Hume left the hospital between 7.45pm and 8.00pm, having been informed by the hospital administrator, Lance Thompson, of the names of 12 deceased casualties. At 9.50pm Lance Thompson telephoned Ivan Cooper to say that a 13th body had been brought in. This was the body of Michael McDaid. Ivan Cooper, according to John Barry's notes, said that Dr McCabe would vouch for the fact that there had previously been only 12 bodies in the mortuary.

¹ [KC12.71-KC12.72](#)

122.263 Ivan Cooper told us in his written statement to this Inquiry¹ that John Barry's interview notes were not a record of what he had said and were largely incorrect. He rejected the notes in their entirety and declined to comment on them in detail. In his second supplementary written statement to this Inquiry,² Ivan Cooper again dismissed the notes outright. In his oral evidence to this Inquiry,³ Ivan Cooper said that he did not give an interview to John Barry and that the notes were a total fabrication. Elsewhere in this report⁴ we have concluded that John Barry did interview Ivan Cooper and made an accurate record of what he said. We have also concluded that it would be unwise to rely

upon any of the accounts given by Ivan Cooper, save in so far as they were supported by other evidence.

¹ [KC12.30](#)

³ [Day 419/77-78; Day 420/77; Day 419/142-143](#)

² [KC12.99](#)

⁴ [Paragraphs 147.81–88](#)

122.264 In his interview with Tony Stark,¹ Ivan Cooper said that after he had been at the hospital for about 15 minutes, or perhaps a shorter time, someone came up and told him that an Army vehicle carrying dead bodies had arrived at the back of the hospital. Ivan Cooper went to the back of the hospital and saw two or perhaps three vehicles. The doors of one of the vehicles were open. He saw the bodies of young men lying inside. The soldiers proceeded to manhandle the bodies and carry them by the arms or hands and by the legs into the hospital, where they were put on stretchers. The soldiers had obviously been involved in what had occurred because they were talking about how many people had been shot, and by whom. They were “*exchanging scores with each other*”. Ivan Cooper presumed that the bodies were examined inside the hospital to check that they were dead. The bodies were then carried back out, placed into the vehicles and taken to the mortuary. Ivan Cooper protested about the way in which the bodies were being manhandled.

¹ [KC12.57-KC12.63](#)

122.265 Ivan Cooper told us in his written statement to this Inquiry¹ that this part of the transcript of his interview with Tony Stark was accurate.

¹ [KC12.29](#)

122.266 In his written statement to this Inquiry,¹ Ivan Cooper told us that after his arrival at the hospital he saw soldiers arriving and pushing past people, using their rifles. His account was that he assumed that the soldiers were bringing in some of the injured. Abuse was shouted at the soldiers but they seemed oblivious of it. There were perhaps five or six paratroopers there, wearing red berets, including a young, tall, blond, blue-eyed soldier and a gum-chewing sergeant with hard features. At some stage a man approached Ivan Cooper to say that an Army vehicle was outside the hospital carrying dead bodies. He motioned Ivan Cooper towards the back of the hospital. Ivan Cooper thought that this was where the entrance to the casualty department had been located.

¹ [KC12.25-KC12.28](#)

122.267 Ivan Cooper told us that he went to the back of the hospital and found paratroopers unloading dead bodies from a vehicle. He was fairly sure that three bodies had been unloaded, but there might have been only two. They seemed to be the bodies of young

men. There was blood everywhere. Five or six soldiers were moving the bodies. These were not the same soldiers as had been inside the hospital. Each body was lifted by two soldiers, one holding the hands or wrists and another holding the ankles, with the body sagging in between. No stretcher was used. The bodies were all handled as if they were stuck pigs. Ivan Cooper watched without saying a word. The soldiers were carrying rifles but those lifting the bodies handed their rifles to others while they did so. Ivan Cooper thought that one of them had been wearing a beret and the others helmets. As they moved the bodies, the soldiers were joking and laughing and talking about the events of the day. They were jubilant and gave the impression they thought they had “*busted an IRA unit in the Bogside*”. Some of the soldiers were talking about how they had shot people and were saying that people had been carrying nail bombs.

122.268 Ivan Cooper also told us that the bodies were taken into the hospital and then quickly brought back out again and thrown into the vehicle. The whole operation was conducted in “*a very matter of fact way*”. The soldiers then drove the vehicle away, presumably to the mortuary. Lance Thompson was being placed under immense pressure to produce information about the casualties. He gave Ivan Cooper lists of two or three names at a time. Ivan Cooper remained at the hospital until it was confirmed to him that the names of all the dead had been provided. At about 8.00pm he received a message asking him to return to John Hume’s house in order to speak to the Taoiseach on the telephone. After he had returned and spoken to the Taoiseach, he received a call from Lance Thompson to say that another body had been identified.

122.269 In his interview with Jimmy McGovern,¹ Ivan Cooper said that he saw soldiers manhandling the bodies out of the vehicle at the side of the hospital. They carried the bodies by the arms and legs. They showed no respect and were bantering as they moved the bodies. Ivan Cooper again said that Lance Thompson telephoned him after his return to the Bogside to inform him that there was a 13th body, but in this account Ivan Cooper said that the 13th body was that of Jackie Duddy.

¹ [KC12.132-KC12.134](#)

122.270 In his oral evidence to this Inquiry,¹ Ivan Cooper said that contrary to what was recorded in John Barry’s notes he did not meet Mr Harvey at the hospital.

¹ [Day 419/135-137](#); [Day 420/92-93](#)

John Hume

122.271 In his interview with John Barry,¹ John Hume said that he drove to Altnagelvin Hospital with Ivan Cooper. The soldiers had “*moved right up to*” the hospital. John Hume went straight to “*Dr Harvey, who was in charge of casualty*”, who gave him a list of names of people who had been killed. There were 12 names on the list, including “*Gillespie*” but omitting one of the McKinnys. Mr Harvey told John Hume that the name of one man was missing from the list because he had not yet been identified. John Hume returned home. Shortly after his return, he received a telephone call from Mr Harvey to say that the 13th body had been identified as the body of Michael McDaid.

¹ [KH8.1](#)

122.272 In his written statement to this Inquiry,¹ John Hume told us that he was given lists of the dead at the hospital. Michael McDaid’s name was not listed but later that evening John Hume received a call from the hospital authorities to say that they had made a mistake and that Michael McDaid’s name had to be added to the list.

¹ [KH8.3](#)

122.273 In his oral evidence to this Inquiry,¹ John Hume gave a similar account.

¹ [Day 180/15-16](#)

122.274 John Hume did not in any of his evidence say that he had seen bodies being handled by soldiers at the hospital.

George Downey

122.275 In his written statement to this Inquiry,¹ George Downey told us that at about 6.30pm he and his wife were sitting in Willie Carlin’s taxi at Altnagelvin Hospital, waiting for the body of his brother-in-law Michael Kelly to be formally identified. According to this account, an Army vehicle pulled up by the doors of the casualty department. Soldiers leapt from the front and rear doors of the vehicle. Two of them proceeded to pull three bodies out of the back of the vehicle. The bodies were thrown onto the ground and then onto trolleys, and were wheeled into the casualty department. George Downey did not see what subsequently happened to them.

¹ [AD134.24](#)

122.276 George Downey did not give any further details of the handling of the bodies in his oral evidence to this Inquiry.

John Kelly

122.277 In his written statement to this Inquiry,¹ John Kelly told us that at about 5.50pm he was sitting in Willie Carlin's car at the side of the "*emergency entrance*" to Altnagelvin Hospital, possibly waiting for his father to come out of the hospital, when an Army vehicle arrived. According to this account, some paratroopers dragged three bodies into the hospital, presumably to have them pronounced dead. After a few minutes, the paratroopers brought the bodies back out and took them to the mortuary. The paratroopers were laughing and joking.

¹ [AK13.3](#)

122.278 In his oral evidence to this Inquiry,¹ John Kelly said that the soldiers dragged the bodies along the ground into the casualty department as if they were dead animals. They showed the bodies no respect whatever. It was an extremely distressing scene to witness. As far as he could recall, the soldiers held the bodies by the arms and legs. The soldiers brought the bodies out of the casualty department in much the same manner and threw them back into the vehicle. John Kelly said that 5.50pm was his estimate of the time at which the soldiers arrived, but he could not be sure that it was exactly correct.

¹ [Day 167/87-90](#)

William McDermott

122.279 In his written statement to this Inquiry,¹ William McDermott told us that after accompanying Patrick O'Donnell to Altnagelvin Hospital he met Bill Carlin² in the car park. According to this account, Fr Irwin asked William McDermott and Bill Carlin to go to the mortuary to identify bodies. As they approached the mortuary, William McDermott saw that an Army vehicle had been reversed up to the door. A policeman asked what they were doing and they explained. The policeman seemed to be disgusted by what had happened. The time was about 6.00pm. William McDermott saw the bodies of two men being pulled out of the APC on stretchers. The first to be pulled out was the body of a young man with fair hair. Bill Carlin told William McDermott that the second body was that of William Nash. William McDermott saw a tall paratrooper, wearing a red beret, resting his foot on the footplate of the vehicle. The paratrooper had an arrogant expression. William McDermott then saw blood dripping from the back of the vehicle onto the ground. A third body, which was lying face down, was pulled out of the vehicle by the heels, as if it was a sack of coal. This body was caught by the shoulders, laid on a stretcher and taken into the mortuary. None of the bodies was handled with any degree of respect.

¹ [AM189.6-AM189.7](#)

² Although we are not certain, it seems likely that Willie Carlin and Bill Carlin were the same person.

- 122.280** According to this account, William McDermott then went into the mortuary. He saw doctors cleaning up the body of William Nash. The third body to be removed from the vehicle was lying face down on the floor of the mortuary. William McDermott turned this body onto its back. The tongue was protruding from the mouth and was swollen and blue. The man appeared to have been shot in the eye. His pockets were searched and contained a payslip showing that his name was Young. Fr Irwin and Fr O’Gara were present at this stage.
- 122.281** William McDermott did not give oral evidence to this Inquiry, having died since making his written statement.

Consideration of the foregoing evidence

The collection of the bodies

- 122.282** There is no doubt that Lieutenant N’s APC was used to collect the bodies of Michael McDaid, William Nash and John Young from the rubble barricade. We also have no doubt, from the medical and scientific evidence relating to their injuries, that these three casualties had died soon after being shot and before they were collected from the rubble barricade a few minutes later. The witnesses who suggested the contrary were in our view mistaken.
- 122.283** We do not know the exact time at which the APC went forward and the bodies were collected. However, this happened after all the casualties in all the sectors had been sustained and, as can be seen from Gilles Peress’s photograph (shown earlier in this chapter¹), at a stage when he and Fulvio Grimaldi had come forward from the eastern end of the southern side of Block 2 of the Rossville Flats to take photographs of the scene to the south of the southern end of Block 1 of the Rossville Flats. It also happened before the arrival of civilian ambulances in Rossville Street. Later in this part of the report² we consider in detail the timing of that arrival. For reasons that we give there³ we are sure that the first ambulance arrived at or about 4.28pm. In these circumstances we have concluded that the APC went to collect the bodies at some stage before then and after about 4.20pm.

¹ [Paragraph 122.7](#)

² [Paragraphs 124.2–20](#)

³ [Paragraph 124.21](#)

122.284 The order for the APC to go forward to collect the bodies appears to have been given by Major Loden. What seems to have happened is that there was a call for a military ambulance; but that it did not arrive, as Fr Mulvey told the Widgery Inquiry and as the evidence of those who manned the military ambulance indicates, until after the bodies had been collected from the rubble barricade and Fr Mulvey had seen them in the APC. It appears that this delay occurred because the crew of the military ambulance lost their way.^{1,2} Thus it seems that Major Loden ordered Lieutenant N to pick up the bodies because of a delay in the arrival of the military ambulance.

¹ WT4.34; C290.1-2; C2121.2; Day369/211-215; Day369/250-253; B2160; B2162.003-004

² There may also have been a delay because the Medical Officer was attending to Private INQ 455, the soldier who fell and injured himself in the derelict building in William Street (Abbey Taxis), in circumstances that we have considered in the context of the events of Sector 1.

122.285 The evidence discussed above shows that Lieutenant N travelled in the APC. We accept his evidence that Gilles Peress's photograph probably shows the vehicle at the time when the bodies were being put into it. It also seems to us that the vehicle drove through the rubble barricade, reversed closer to it on its southern side and, when the bodies had been collected, drove further south along Rossville Street before reversing into the entrance to Glenfada Park North and then driving north through the rubble barricade back to a position on Rossville Street to the north of Block 1 of the Rossville Flats. Some evidence is to the effect that the vehicle moved in a different way, but we are not persuaded that this was the case.

122.286 We are sure that Sergeant O accompanied the vehicle and witnessed the collection of the bodies. He was probably correct in recalling that the bodies had been moved on the rubble barricade after they had been shot. As Frank Lawton told us, it appears that Alexander Nash did this.

122.287 Although it is not entirely clear, it seems to us that Private S was at this stage probably the driver of the APC.

122.288 We are sure that Private 006 was one of the soldiers who put the bodies into the APC and we accept his evidence that no attempt was made at this stage to search them. We are equally sure that Private 013 was another soldier engaged in this task. Private 017 may also have taken part, in view of what appears (despite his denial to us) to have been an admission to Max Arthur that he did so, though we cannot be sure of this since (as will have been observed) there is some evidence that only two soldiers put the bodies into the vehicle.

- 122.289** From his evidence to us it appears that Private 112 was in the vehicle and pulled the bodies in as they were carried to the back of the APC.
- 122.290** We are of the view that the soldiers did not come under fire as they collected the bodies and put them in the vehicle. However, we consider that they probably felt exposed and at risk of paramilitary fire. They lifted the bodies and put them into the vehicle in some haste and with what in our view could not on any account be described as paying the bodies any respect at all. We accept that what civilian onlookers witnessed appeared to them to be soldiers treating the bodies with contempt, as if they were “*pieces of meat*”, “*sacks of potatoes*”, “*pigs*”, “*dogs*” or “*sack[s] of coal*” and that, as Albert Faulkner told us, it seemed that the soldiers wanted to get the bodies and themselves away from the area as soon as possible.
- 122.291** The weight of the evidence persuades us that the bodies were probably lifted by the shoulders and legs and by that means in effect slung into the vehicle. We are not persuaded that any of the casualties was dragged by the hair, though this is possible. It is also possible that they may have been dragged along the ground by other means before being lifted up.
- 122.292** Although they may have believed it to be the case, the soldiers handling the bodies could not have known that they were dead. Nor could Major Loden, who ordered the collection of the bodies. No-one saw a soldier examine any of the bodies at this stage to see whether or not they were alive, nor did any soldier suggest that he had done so.
- 122.293** In our view the soldiers’ behaviour when collecting the bodies was unjustifiable. They might well have felt themselves at risk, but in our view this does not excuse them, or Lieutenant N who was in charge, making no attempt either to check whether the bodies were dead or alive, or (even if they believed that they were dealing with corpses) to treat them with a modicum of respect or decorum. It seems that it did not occur to any of them to do these things. In our view the description given by the civilian witnesses of the way the bodies were put into the vehicle is a generally accurate description of what happened.

The attempts to see and tend to the bodies

- 122.294** The evidence we have considered above persuades us that Fr Irwin made two attempts to see the bodies in the vehicle after it had returned to the north of the rubble barricade.

- 122.295** There is differing evidence about the position of the bodies in the APC, in that it is not entirely clear in which direction they were lying. We have no doubt that they were piled in very close together with one body on top of the other two. According to Fr Irwin, the body of William Nash was on top, while John Young's body was lying face down beneath the others. Fr Irwin had to move two of the bodies in order to enable Fr Mulvey to anoint the one underneath. Bernard Feeney gave a different account, but this might have been based on what he saw after Fr Irwin had moved the bodies.
- 122.296** According to Fr Irwin, soldiers initially denied that there were any bodies in an APC and refused to let him look, before Fr Mulvey arrived and they were eventually allowed to do so.
- 122.297** It was suggested by some of the soldiers that initially the soldiers concerned were not aware that there were bodies in the APC and reacted accordingly. This is possible, though in the light of the accounts given by Fr Irwin and Fr Mulvey in 1972, which we consider were a substantially accurate account of events, we are far from convinced of it, at least with regard to some of the soldiers concerned. It seems to us that some soldiers were reluctant for some reason to allow Fr Irwin to look into the APC, despite knowing that there were bodies in it. It is possible that Captain 028 was one of those soldiers.
- 122.298** In our view it was probably Lieutenant N who finally let Fr Irwin and Fr Mulvey look into the vehicle. Whether he was the soldier or one of the soldiers who had previously refused to do so, we do not know.
- 122.299** In our view the initial refusal to let Fr Irwin see the bodies was inexcusable. Even if, as may have been the case, some soldiers suspected his motives, this in our view could not have justified a refusal. The vehicle was in an area where there were numerous soldiers. Thus, for example, if it was suspected that Fr Irwin was attempting to recover weapons that might have been on the bodies, the soldiers cannot seriously have thought that he could have succeeded in doing so undetected.
- 122.300** Although it is difficult to place reliance on the accounts given by Captain 028, we are of the view that it is likely that photographers were prevented from taking photographs of the bodies in the APC.

The movement of the bodies to Altnagelvin Hospital and their handling there

122.301 The evidence we have considered above shows in our view that Private INQ 768 drove the APC with the bodies to Altnagelvin Hospital, accompanied by Sergeant O, Corporal P, Private 013, Private 112, Private INQ 1918 and possibly Private 017.

122.302 It is not entirely clear when the APC left to go to Altnagelvin Hospital. According to Private 221, the APC was driven away two or three minutes after he had examined the bodies and formed the opinion that they were dead. He recorded in his RMP statement¹ that at about this time there was sporadic fire taking place in the area of the Rossville Flats. As we discuss later in this part of the report,² soldiers fired a number of shots at a flat in Block 1 of the Rossville Flats at about 4.40pm. This may have been the firing that Private 221 heard, but since this firing was more or less continuous rather than sporadic and close to where Private 221 was, it seems to us more likely that he was hearing the further firing that took place after the arrival of the second ambulance, ie after about 4.50pm. This latter firing, which we discuss later in this report,³ could in our view properly have been described as sporadic. On this basis it seems to us that the APC left for the hospital at some stage after 4.50pm.

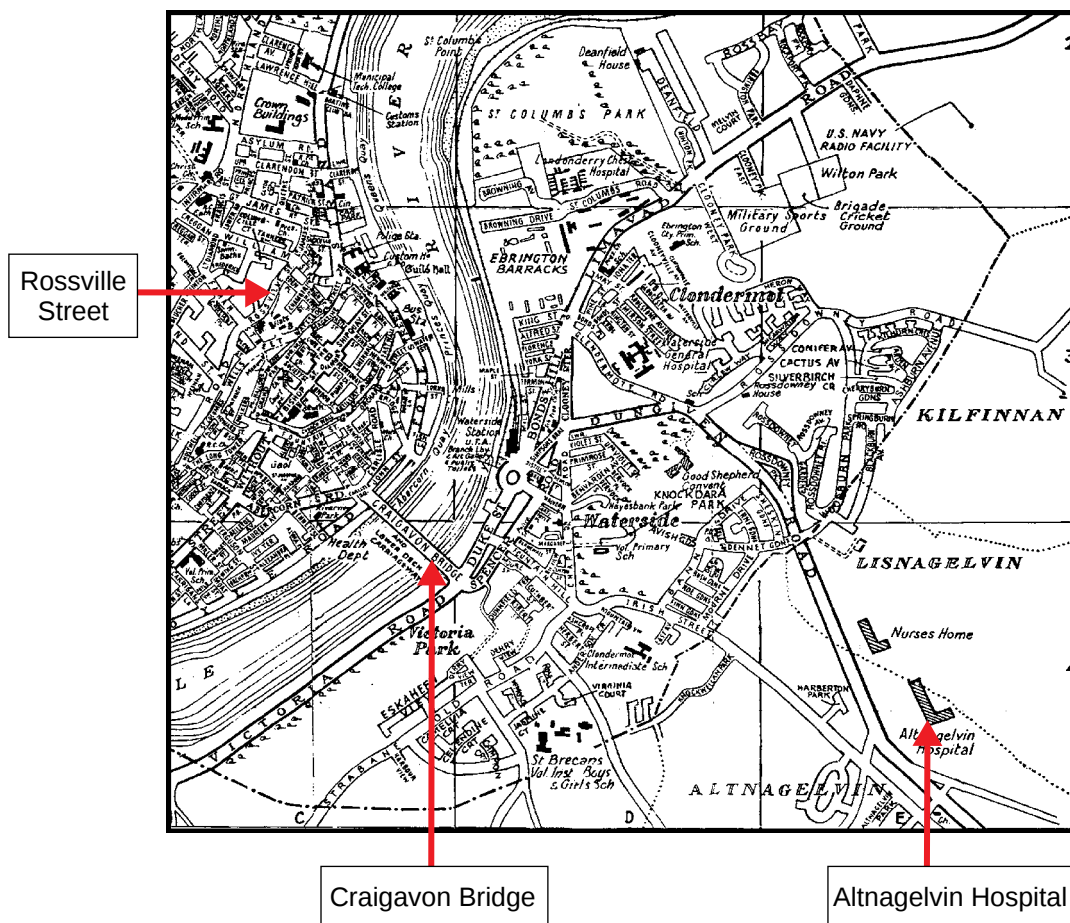
¹ [B2163-2164](#)

³ [Chapter 124](#)

² [Chapter 123](#)

122.303 According to Sergeant O, those in the APC had to ask for directions to the hospital from soldiers at Craigavon Bridge.

122.304 We set out below a map showing Rossville Street, Craigavon Bridge and Altnagelvin Hospital.



- 122.305** On the basis of the evidence considered above, we consider that the APC carrying the bodies arrived at the casualty department of Altnagelvin Hospital at about 5.30pm. Since we do not know exactly when the APC left the area of Rossville Street, we do not know how long the journey took. There is nothing to suggest that anything untoward occurred on that journey.
- 122.306** What seems to have happened then is that soldiers carried the bodies into the casualty department but then returned them to the vehicle, after which there was a delay and the vehicle had to wait for some 45 minutes before it went to the mortuary behind the hospital, arriving there at about 6.15pm.
- 122.307** Although some evidence suggests the contrary, we are of the view that on this occasion the soldiers, when moving the bodies, did so with as much respect and decorum as was possible in the circumstances. We are not persuaded that they were boasting among themselves or behaving inappropriately at this stage.

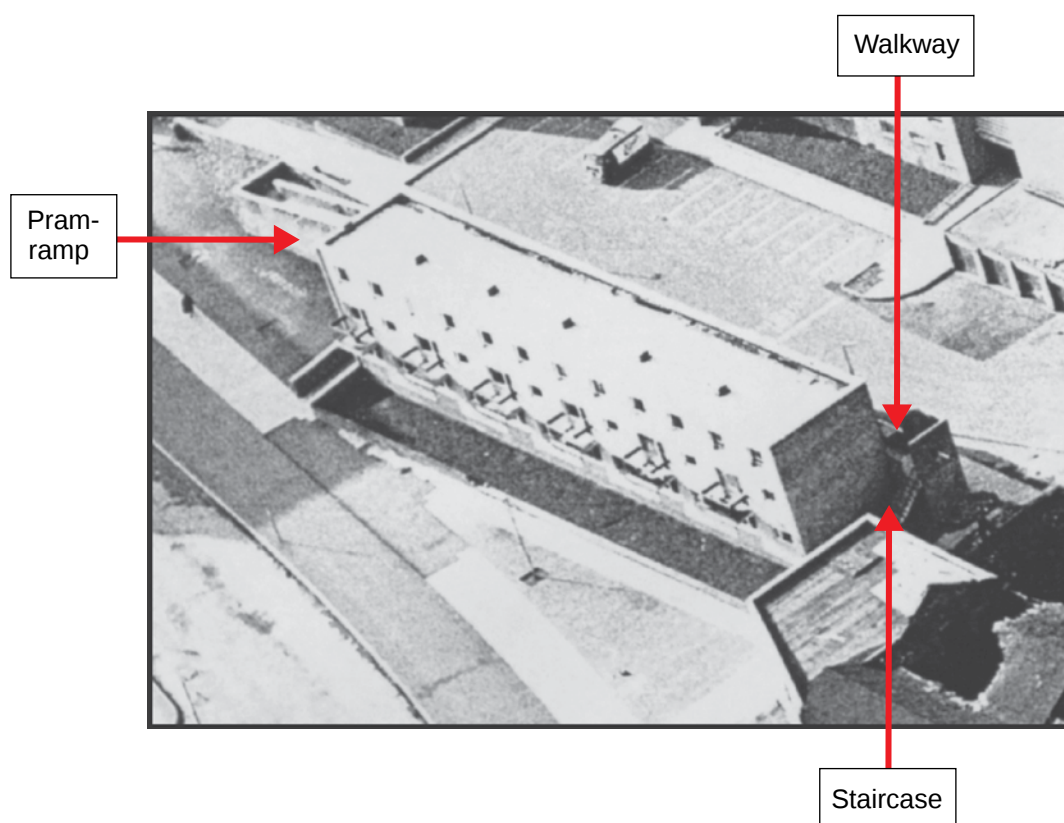
Chapter 123: Further firing in Sector 3

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Firing from the walkway of Kells Walk at Block 1 of the Rossville Flats

123.1 There was firing by soldiers from the walkway of Kells Walk at Block 1 of the Rossville Flats. This walkway (sometimes called a verandah) ran at first floor level along the west side of Kells Walk. Access was by stairs at the northern end and a pram-ramp at the southern end, as seen in the photograph below.



123.2 The list of firing soldiers from Composite Platoon compiled by Captain 200,¹ to which we have referred earlier in this report,² includes the following two entries:

“Soldier ‘D’: 2 x 7.62 from GR 43261691 to gunman at window of Rossville Flats 43261684 – possible hit.

Soldier ‘C’: 3 x 7.62 from 43261691 to gunman at window of Rossville Flats 43261684 and 2 x 7.62 from same position at gunman at corner of Rossville Flats 43231680 – both possible hits.”

¹ B1982-83

² Paragraphs 84.1–6

- 123.3** The grid references for Lance Corporal D and Private C are the same and give a position at the south end of Kells Walk. We consider first Lance Corporal D.

Lance Corporal D

- 123.4** When discussing the evidence relating to the arrest of Joseph Lynn in the derelict building on Rossville Street,¹ we drew attention to the fact that in his Royal Military Police (RMP) statement² Lance Corporal D recorded that after disembarking from his vehicle he was given an arrested youth to look after, who told him that his name was Finn. As we observed, the description given by Lance Corporal D suggests that this was in fact Joseph Lynn.

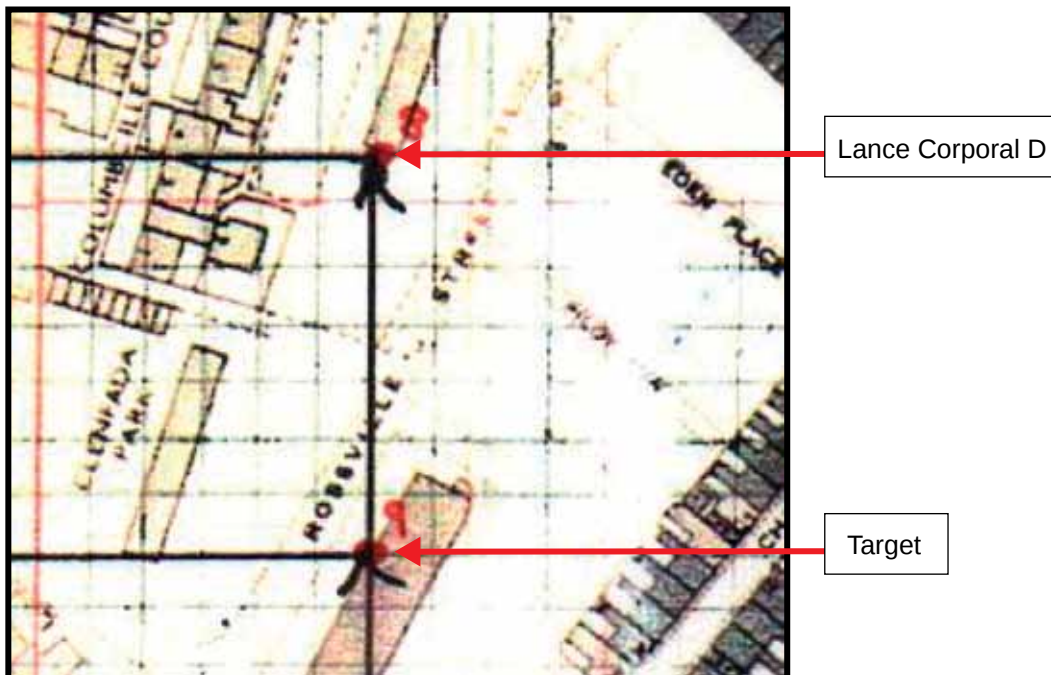
¹ Chapter 79

² B69

- 123.5** As we have set out above, the entry for Lance Corporal D in Captain 200's list of soldiers of his platoon who fired¹ was "2 x 7.62 from GR43261691 to gunman at window of Rossville Flats 43261684". As is illustrated on the following map,² which was prepared for the purposes of this Inquiry by the legal representatives of one of the families, this entry positioned Lance Corporal D at the south end of Kells Walk and his target near the north end of the western side of Block 1 of the Rossville Flats.

¹ B1892-1983

² OS2.109 (extract)



- 123.6 Lance Corporal D's RMP statement was timed at 0200 hours on 31st January 1972.¹ After describing handing the youth over to the battalion provost staff and rejoining his section "*at the maisonettes of Columbcille Court*", Lance Corporal D continued:

"Whilst rejoining my section I heard the sound of shooting. At the sections location cover was not readily available so I went on to the verandah of the maisonettes at GR 43261695.

From this verandah I was observing the Columbcille court area when C of my unit passed me and located himself at the end of the verandah at GR 43251691.

Whilst observing the Court area, I heard the sound of pistol shots. I joined C and he informed me that shots had been fired from a window on a right side of the third storey of No 1 Block Rossville Flats at GR 43261684.

I kept observations on this area. I saw the window open and a hand clutching a pistol appear out of it. The pistol fired. I was armed with an SLR which had a magazine of 20 rds affixed. I cocked my weapon and fired 1 x 7.62 rd aimed shot at the pistol. I saw the round strike the framework of the window above the pistol.

The hand with the pistol withdrew. A couple of minutes later I saw a male person appear at the window. I saw him holding a pistol in a hand. I saw him fire the pistol towards troops in Rossville St, Londonderry.

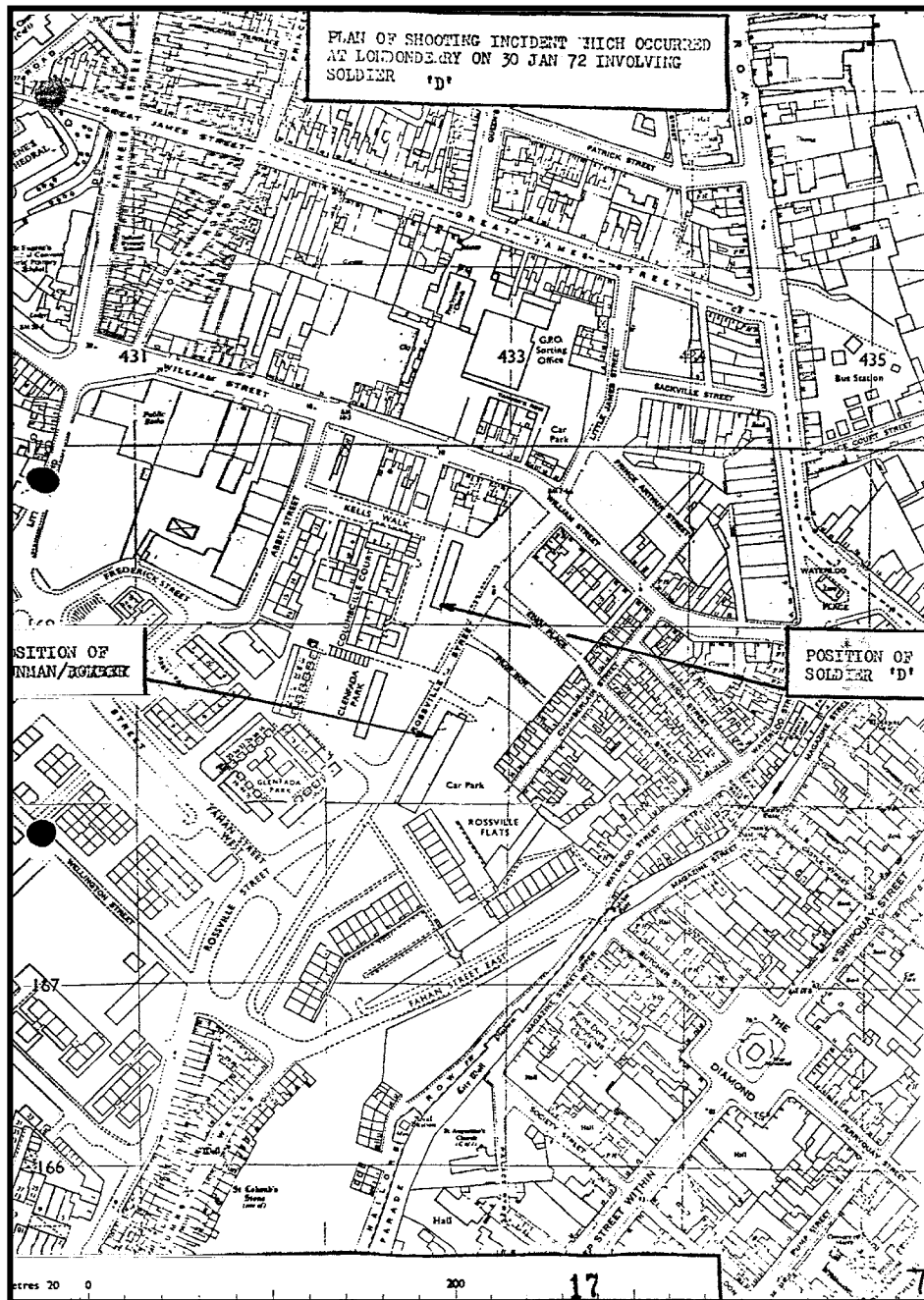
I fired 1 x 7.62 rds at the gunman at the same time that C fired. The man appeared to be thrown backwards. He disappeared out of sight. The window closed. I didn't see this gunman again. I didn't fire any further.

The gunman was dressed in a dark jumper. He had fairly long hair. I can't describe him any further. I only saw him for a moment when I fired."

¹ B69-70

- 123.7 The RMP map that accompanied this statement,¹ which is reproduced below, shows the position of Lance Corporal D at the southern end of Kells Walk and his target about a third of the way from the northern end of Block 1 of the Rossville Flats.

¹ B71



- 123.8** In his written statement for the Widgery Inquiry, Lance Corporal D described being involved for some minutes with the arrested youth before being ordered to rejoin his party:¹

“5. Just after we had debussed, one of the troops (in a gas mask) came up to me with a prisoner and handed him to me. It was not my task to act as prisoner escort but as I had one I escorted him over to the buildings on the opposite side of Rossville Street.

I was then told to take him round the corner just into William Street and we waited there for a short time. There were another 3 prisoners there with 2 troops as escorts. After about 5 minutes there a larger party of about 15 prisoners brought up and taken past our building over the crossroads and up Little James Street. We were told to take our prisoners with them and I escorted mine up Little James Street where I handed him over to our Regimental Police escort. While waiting in William Street I had lifted my respirator and at this point I took it off and slung it on my arm. I was ordered to re-join my party then. I moved across the road junction and moved down the wall of the building on my right hand side of Rossville Street. When I got to the end of this wall I could see my party at the near end of the building at the front of Columbcille Court, and went over to join them. At this time I could hear the sound of firing from the flats area, some SLR and some low velocity weapons. Apart from the riot guns I did not distinguish the sound of any other explosions though I was not really listening for them.”

¹ B75-6

123.9 Lance Corporal D's statement continues:

“6. I was ordered to take up a covering position. I therefore went up to the continuous balcony or veranda which runs the whole length of this building on the side facing Columbcille Court. I moved along the balcony keeping an eye on the courtyard and the other buildings around. I stayed in the middle and C passed me and went along to the far end. I heard the sound of pistol shots and I heard C fire a round. I went along to the end where he was.

7. C pointed out a window in block 1 indicated on my photograph at X. I was positioned at the other end of the line marked 2. As I watched I saw the window open a little from the bottom and a hand with a pistol come out. I saw the kick of the pistol firing and heard the sound but could not distinguish a muzzle flash. It was not aimed at us, but was aimed at the ground below. I cocked my weapon and fired one round which struck the framework or wall near the pistol to one side of the window.

8. The pistol withdrew but a couple of minutes later at the same window I saw a man through the glass holding a pistol in his hand. I cannot remember if it was his left or his right hand. I saw him raise the pistol again and heard him fire. C and I fired one round each almost at the same time. The man appeared to be thrown backwards and vanished from sight. I saw the glass of the window had been broken and think our rounds went through it and hit him.

9. The gunman had fairly long hair and a dark jumper. I am quite sure this man was holding a pistol and not a camera.”

- 123.10** The reference to a photograph is to Lance Corporal D’s trajectory photograph, reproduced below, on which the position of Lance Corporal D is marked as being at the top of the ramp at the southern end of the walkway running along the western side of Kells Walk.



- 123.11** In his oral evidence to the Widgery Inquiry, Lance Corporal D described taking off his respirator as he was taking his prisoner to Little James Street.¹ He said that when he rejoined his section (members of Call Sign 71A) they were at the ruins on the left-hand

side of Rossville Street. Although Lance Corporal D said that he found his section on the left-hand side of Rossville Street it is not clear whether he meant the eastern or western side. Since there was a derelict building on the western side, it is in our view more likely that this is where he meant, which is supported by the fact that he later told the Widgery Inquiry that when he arrived there and was told to take cover he went up the stairs at the north end of Kells Walk to reach the walkway.² Those stairs were immediately south of the derelict building. Asked whether there was any firing when he joined his party he replied "*I am not sure*".³

¹ WT15.74

³ WT15.75

² WT15.77

- 123.12** Lance Corporal D told the Widgery Inquiry that he was about halfway along the walkway when Private C passed him and went to what from the context must have been the southern end. He said that he heard a low velocity shot and after that heard a shot fired by Private C, and so he went along to see what Private C was doing:¹

"Q. Where was he when you got to him?

A. On the corner.

Q. Did he indicate something to you?

A. Yes, he told me that the fire was coming from one of the flats across the road.

Q. Did he point out a particular flat?

A. Yes, he pointed out a particular flat.

Q. Show us roughly where it was on the face of the building.

A. There.

Q. As you watched where he had indicated did you see anything?

A. Yes, I saw the window open and an arm with a pistol came out.

Q. What part of the window did the pistol come out from – the side, bottom or what?

A. The side.

Q. Could you see anything about the person who was holding the pistol, which arm it was?

A. Not the first time it came out.

Q. The first time you saw it come out, an arm with a pistol.

A. Yes.

Q. Did the pistol fire?

A. I heard it fire and the pistol moved.

Q. Did you see any muzzle flash?

A. No.

Q. Before we go on I will ask you this: it may be suggested it was really a camera, not a pistol at all. What do you say about that?

A. Definitely a pistol.

Q. Was it aiming at your position?

A. No.

Q. Where was it aiming as far as you could tell?

A. On to the ground.

Q. Directly underneath it?

A. It was pointing towards the troops down below.

Q. Was your weapon cocked at that stage?

A. No.

Q. What did you do?

A. As soon as I saw the pistol fire I cocked.

Q. What did you do?

A. I aimed at the arm, because I could not see the person who was firing.

Q. And what did you do?

A. I hit the wall.

Q. You fired and hit the wall: where did you hit the wall?

A. Just above the arm that was holding the pistol.

Q. Did the arm and the pistol stay there out of the window?

A. No, they went back in.

Q. Did you continue to observe the window?

A. Yes.

Q. Then did you see something else?

A. Yes, the gun came to the window again.

Q. This time did you see any more of the owner of the arm?

A. Yes, I saw the person.

Q. How much of that person could you see?

A. I just saw the whole person.

Q. Was it a man or a lady?

A. A man.

Q. Can you remember which hand he had the pistol in?

A. No.

Q. What did he do when you saw him again?

A. The pistol fired again.

Q. Was it the same sort of aim as before?

A. Yes.

Q. What did you do?

A. I fired at the person this time.

Q. That is the second shot you had fired?

A. Yes.

Q. Had anybody else fired at the same time or about the same time?

A. Soldier C.

Q. Were your two shots separate?

A. Soldier C fired just a split second before me.

Q. What happened to the man?

A. He appeared to be thrown back from the window, as far as I could see.

Q. Was the glass of the window broken?

A. Just where the hole had pierced it.

Q. Can you describe that man at all: first of all, what about his hair?

A. It was fairly long.

Q. Dark or light?

A. It looked dark from where I was.

Q. Can you remember what he was wearing at all?

A. A dark pullover.

Q. After firing those two shots you have described to my Lord you subsequently withdrew with Soldier C, did you?

A. Yes.

Q. Did you fire any more rounds apart from that?

A. No.

Q. Now would you be good enough to look at this photograph: does the line on that photograph describe the line of the two shots that you say you fired?

A. Yes.”

¹ [WT15.75-77](#)

123.13 It seems clear that the reference to a photograph was a reference to Lance Corporal D's trajectory photograph that we have shown above.¹

¹ [Paragraph 123.10](#)

123.14 In the course of his oral evidence to the Widgery Inquiry, Lance Corporal D said that when he reached the corner of the walkway he saw a group of rioters numbering “*About 150 to 200 perhaps*” on the William Street side of the rubble barricade.¹

¹ [WT15.78](#)

- 123.15 It was suggested to Lance Corporal D that “*you never saw any firing coming from that window and that what you saw was a camera*”. His answer was “*I never did. It was a pistol that I saw.*”¹

¹ [WT15.79](#)

- 123.16 The 12th entry in Major Loden's List of Engagements¹ is in the following terms:

“12. 1 gunman with pistol at GR 43261684 (3rd floor of Rossville Flats) shot at from GR 43261692. Possibly hit.”

¹ [ED49.12](#)

- 123.17 The grid references given in this entry are marked on the following map, prepared for the purposes of this Inquiry by the legal representatives of one of the families, with the red mark indicating the target and the blue mark indicating the position of the firer.¹

¹ [OS2.69-70](#) (extract)



123.18 The positions correspond closely with those described by Lance Corporal D (and Private C, as will be seen below).¹ In our view Major Loden gained the information for this entry from one or both of these soldiers. The fact that the grid reference for the firer puts his position further north along the walkway than Lance Corporal D's RMP map and trajectory photograph (and his account) seems to us to be a minor and irrelevant discrepancy, probably caused by the less than ideal circumstances in which Major Loden compiled his list.

¹ [Paragraphs 123.28–50](#)

123.19 Lance Corporal D gave written and oral evidence to this Inquiry.

123.20 In his written evidence to this Inquiry, Lance Corporal D gave a broadly similar account to that which he had given in 1972. He told us that he had a memory of both himself and Private C kneeling at the end of the walkway.¹

¹ [B85.008](#)

123.21 In his oral evidence to this Inquiry, Lance Corporal D repeatedly told us that he had little or no memory of the matters he had dealt with in his 1972 accounts, or indeed of some of those he had told us he recalled when giving his written statement. However he did tell us that he was “*fairly positive*” that both he and Private C were kneeling when they were at the southern end of the walkway. He also told us that he recalled being the first to fire when he was with Private C. He said he was sure that two shots were fired from the pistol held by the man at the window.¹

¹ [Day 355/25-29](#)

123.22 Lance Corporal D's attention was drawn to the fact that, according to his 1972 accounts, some minutes passed before he returned to Rossville Street from taking his prisoner back and handing him over in Little James Street. His evidence continued as follows:¹

“If we could look at the position where you have been ordered to rejoin your party, it is the third line down:

‘I moved across the road junction and moved down the wall of the building on my right-hand side of Rossville Street. When I got to the end of this wall I could see my party at the near end of the building at the front of Columbcille Court and went over to join them. At this time I could hear the sound of firing from the flats area, some SLR and some low velocity weapons. Apart from the riot guns I did not distinguish the sound of any other explosions though I was not really listening for them.’

The problem I have with that – perhaps you would assist me with it – is that at this stage the vast bulk of all of the firing from SLRs was over; there is not one suggestion from any soldier at this stage of firing a rubber bullet gun or a riot gun and the riot, if there ever was one, was at a low barricade which had occurred, not at the time when you were on the veranda, but at least 10 minutes before. Can you help me with the difficulties I have with that in explaining it to me?

A. I just put down in the report what I saw, what I heard and that is the truth –

Q. No, but if you saw 150 people when you went up on to the veranda or 200 milling around on the William Street side of that barrier, and not one other soldier who is at ground level saw such a thing at that time, not one cameraman and not one journalist, not one priest and not one civilian saw that, how did you see it?

A. I saw it because I saw it and my recollection is what I saw on that night. I do not care what other people saw, that is what I saw.

Q. That is in fact what you told Lord Widgery in 1972: that at the time you fired your shot or shots into the window of Rossville Flats, there was a riotous crowd below?

A. If I said that then it was the truth then.”

¹ [Day 355/46-48](#)

Summary of Lance Corporal D’s accounts of firing

123.23 On the basis of his accounts, Lance Corporal D fired two shots, when kneeling, from the southern end of the Kells Walk walkway at a man with a pistol at a window towards the northern end of Block 1 of the Rossville Flats, and thought that either he with his second shot, or Private C who fired from the same position at virtually the same time as this shot, had hit this man.

123.24 We return to consider Lance Corporal D’s evidence later in this chapter.¹ However, we regard it as clear from his 1972 accounts of his initial movements after disembarking from his vehicle, when he took his prisoner back to Little James Street, that he did not return to Kells Walk and go onto the walkway until a late stage. As will be seen from our consideration of the events of Sector 4,² after the shooting in that sector a number of prisoners were brought north from the area of the wall at the southern end of the eastern

block of Glenfada Park North to the fence of the GPO sorting office on the north-west side of the junction between Rossville Street and William Street. We are sure that this was the group of prisoners seen by Lance Corporal D when he was in that area.

¹ Paragraphs 123.51–56, 123.251–263 and 123.269–278 ² Chapter 113

- 123.25** Lance Corporal D's account of seeing a large crowd of rioters on the William Street side of the rubble barricade when he was on the Kells Walk walkway cannot be correct. There is abundant and convincing evidence, from soldiers and others, that by the time he arrived there the firing at ground level had ceased and Army vehicles had moved to the area at the north end of Block 1 of the Rossville Flats.
- 123.26** Finally, according to the grid references on Captain 200's list, to Lance Corporal D's RMP map and to his trajectory photograph, the flat he identified (and which, as will be seen, Private C also identified) was situated towards the north end of Block 1 of the Rossville Flats. On the basis of the trajectory photograph, this appears to have been the flat occupied by Eileen Gallagher, 8 Garvan Place. This lady is dead and gave no evidence to this Inquiry, but she made a statement in 1972,¹ in which she described watching from her flat with visitors events both in the Rossville Flats car park and in Rossville Street itself. She said nothing about any shot being fired at her window, or glass breaking, or anyone in the flat being wounded. Had this occurred we have no reason to suppose that Eileen Gallagher would have failed to mention what would have been a terrifying event.
- ¹ AG10.1
- 123.27** As will be seen later in this chapter,¹ there is evidence, including photographic evidence, of bullet damage to the window of a flat situated towards the south end of Block 1 of the Rossville Flats. Whether this was the flat at which Lance Corporal D (and Private C) fired is a matter to which we return after considering all the evidence of firing by soldiers into this side of Block 1.²

¹ Paragraphs 123.212–250

² Paragraphs 123.251–263

Private C

123.28 Private C was a member of Composite Platoon who disembarked from the first of the two lorries of that platoon.

123.29 As we have observed above,¹ the position given in Captain 200's list² for the firing by Private C at a gunman in a window is the same as that given for Lance Corporal D. According to that list, Private C was at the same position when he fired two other shots at what he said was a gunman at the corner of the Rossville Flats. Captain 200 recorded both these sets of shots as "*possible hits*".

¹ Paragraphs 123.2–3

² B1982–83

123.30 Private C's RMP statement¹ is timed at 0130 hours on 31st January 1972, half an hour before the time recorded for Lance Corporal D's RMP statement.

¹ B44

123.31 In this statement Private C gave the following account:

"We advanced across William St and into Rossville St. We were mounted in a 4 ton vehicle and I was armed with an SLR which had a magazine of 20 rds affixed to it.

At GR 43281689 we dismounted. The rioters had been forced by our advance to withdraw into the Flats car park.

Together with my section I made my way across the rubble that used to be the houses of Eden Place. We got to a wall that joins the rear of the houses on Chamberlain St. We moved towards the flats area by the wall.

We came level with No 1 Block Rossville Flats and crossed the car park to it. We then moved to Columbcille Court and located ourselves at the side of a block of maisonettes at GR 43261695. There I observed the flats area.

I moved onto the veranda of the maisonettes and located myself at GR 43251691 and continued my observations. I saw at an end flat of Rossville Flats on the ground floor, and in an opening, a male person wearing a dark coat. He was observing the troops in Rossville St. I then heard the sound of a shot. The man disappeared. The shot came from his location. I saw him with a long stick like object which he put into the aim position. I cocked my weapon.

The man reappeared. I fired 2 x 7.62 rds aimed shots at this gunman. The gunman disappeared from sight. I think that I may have hit him with my second shot. His position was GR 43241680.

I continued observations and saw on the third storey at the 4th window to the right where I stood and at GR 43261684 a window being opened, this caught my attention.

I then heard a shot fired. I saw the flash of a weapon being fired from inside the room. I saw a male person holding a pistol in his left hand. I believe that he fired it at the troops in Rossville St.

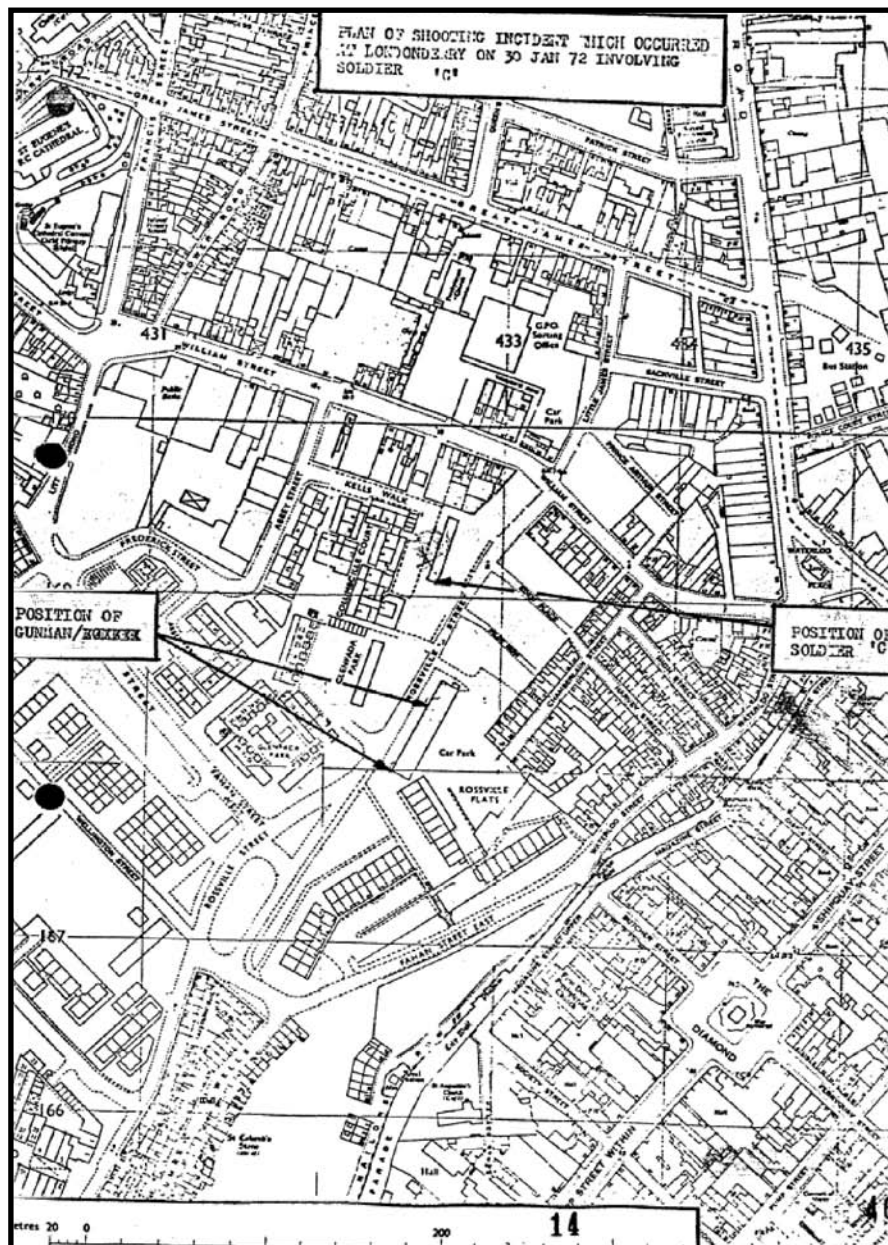
I fired 1 x 7.62 rd aimed shot at the gunman. This round missed. I saw it strike the wall outside.

I was joined by D of my unit. I informed him of where I had fired. We kept observations together on the window.

I saw the gunman reappear he fired 2 shots at the troops in Rossville St. I fired 2 x 7.62 rds aimed shots at this gunman. He appeared to be thrown backwards and disappeared out of sight. When I fired D also fired 1 x 7.62 rd at the gunman. I didn't see the gunman again. He was dressed in a blue jumper with fairly long dark hair. I think I hit him in the chest or arm."

- 123.32** The RMP map that accompanied this statement, which is reproduced below, shows the position of Private C at the southern end of Kells Walk and his targets at, respectively, the south end of Block 1 of the Rossville Flats and about one-third of the way from the north end of that block.¹

¹ B46



- 123.33 In his written statement for the Widgery Inquiry,¹ Private C gave a similar description of making his way round the Eden Place waste ground, along the Chamberlain Street houses and then across to the end of Block 1 of the Rossville Flats. He continued:

“8. There one of the sergeants sent the whole force to the William Street end of the front building of Columbcille court. From there half a dozen of us took a party of about 20 prisoners back to a collection point. I then returned to the Columbcille court building. There I was ordered to take up a covering position and went up to the 1st floor balcony at the end of the building nearest Glenfada park on the side facing Columbcille Court. This is the position marked on my photograph. The position marked on the map is not quite accurate.

9. As I watched the Rossville building I saw a man. What caught my attention was the sound of a shot. The man was at the far end of block 1 and I think he had come out of an opening at the end of the building or round the corner. He was in the aim position and I could see what looked like a weapon in his hands. I could distinguish the shape of the magazine and think it was a klesnicov or a weapon of that kind. My weapon was already cocked and I came into the aim. Before I could get a shot at him he went back. Then he came out a second time. I took aim at him but did not immediately fire. Then he fired 2 shots, and I fired two rounds at him. The man jerked backwards and his weapon went into the air as he did so. I saw him clearly at that moment. The position of this gunman is marked 2 on my photograph, but the marking is not perfectly exact because I am not sure whether he came into sight round the corner or out of the door way.

10. As I continued observation I saw the flash of a window being opened in block 1 in the position shown approximately on the photograph and marked 3. The window was pivoted upwards as it opened. I saw a man holding the window open with his right hand. He placed his left fore arm across his right arm and appeared to me to be aiming a pistol held in his left hand. I heard a shot being fired and corresponding with that shot I saw his hand kick as if he had just fired. I could not at that range distinguish

the weapon very clearly, and I did not see a muzzle flash. I am however quite certain that he was not holding a camera, not even the kind of camera that has a pistol grip. I fired one round at the man with the pistol. This shot hit the wall just above the top right hand corner of the window, I remember seeing a puff of dust from the masonry. After I had fired the gunman vanished from sight and I think the window closed some way but not completely.

11. Co[r]poral D came up to me and I told him what I had been firing at. He watched the window with me. I saw the window move again. I'm sure it was the same window. The window opened and I saw the gunman again. I immediately aimed and fired at him and as I did so he fired 2 quick shots himself. My first round went through the window missing the gunman. I fired again and this time I think I hit him in the chest or arm. The gunman was standing partly behind the half open pivot window, and his left side was behind the glass. I saw a hole in the glass in the area behind which his left arm or chest would have been and I think my bullet went through the glass and hit him in this area.

12. I had a fairly clear sight of the gunman the first time he fired and I think he had long dark hair and a navy blue pullover.

13. As I fired at the gunman on the second occasion I heard D beside me fire a shot as well."

¹ [B51-54](#)

123.34 It seems clear that the reference to a photograph is to Private C's trajectory photograph, which is reproduced below.



123.35 In his oral evidence to the Widgery Inquiry, Private C said that “*somebody*” (he later said a Lance Corporal) had told him to take up position on what he described as the balcony of Kells Walk, which we have described as the walkway.¹ He then gave a similar description of seeing and firing at the man at the southern end of Block 1 of the Rossville Flats. Asked whether he was “*standing or kneeling or what?*”, Private C replied “*I was laying*”,² and he repeated this later in his evidence, saying that he was lying on the flat deck just before the ramp.³

¹ WT15.65; WT15.71

² WT15.66

³ WT15.68-69

123.36 Private C gave the Widgery Inquiry a similar account to that which he had given in his written statement of firing at a man with a rifle at the southern end of the Rossville Flats and of firing at a man with a pistol at a window on the third storey of Block 1 of the Rossville Flats.¹

¹ [WT15.65-68](#)

123.37 It was suggested to Private C that if he had been lying down as he said he was, then the walls of the ramp would have meant that he could see little or nothing. Private C denied that this was so:¹

“LORD WIDGERY: On the face of it, if you are surrounded by a 3-foot wall and you are lying down, you cannot see or shoot over the wall?

A. Yes, but I was lying on this side of the balcony which is in, say, this side. The wall comes down and it gives me a clear view across to the flats.

Q. You are saying that you are lying here on the level, you have got a 3-foot wall on either side of you, but the wall goes down with the ramp, so that you can fire across it like that? Is that it?

A. Yes.”

¹ [WT15.70-71](#)

123.38 We have already referred¹ to the 12th entry in Major Loden’s List of Engagements when considering the evidence of Lance Corporal D, and have expressed the view that the information in this entry came from Lance Corporal D or Private C or both. The grid references in their RMP statements and in Captain 200’s list of soldiers who fired are identical both for their position and for that of their target.

¹ [Paragraphs 123.16–18](#)

123.39 Private C gave written and oral evidence to this Inquiry.

123.40 In his written statement to this Inquiry¹ Private C told us that he recalled hearing automatic fire when he was somewhere between the top of the Kells Walk stairs and the southern end of the walkway. He stated that when he reached the southern end of the walkway at the top of the ramp, he could see a group of rioters at what he now understood was the rubble barricade, who “*were throwing objects towards us including bricks and petrol bombs and were gradually moving north towards us*”.²

¹ [B68.001](#)

² [B68.002](#)

- 123.41** Private C told us that he only vaguely recalled seeing a person in a long coat appearing either from a corner of a building or a door, holding what he thought was a Kalashnikov rifle. He stated that he could not remember whether he actually fired and if so whether he hit this gunman, but at the time *“Petrol bombs and stones were being thrown”*. He told us that he could hear the continuous low-sounding cracks of automatic small arms fire, *“definitely not a .303 weapon or an SLR being fired”*.¹

¹ B68.003

- 123.42** Private C told us that his recollection of what he described as the second incident of gunfire was clearer. He gave this account:¹

“I can recall the second incident of gunfire more clearly than I can the first incident I have described above. I recall being under cover of a wall at point B. I recall something catching my attention; it was either the glint of a window opening in the sunlight or the flash of a gun. I looked at the area that had caught my attention and saw a long haired person holding a pistol in his or her left hand at a window. I cannot say for definite whether it was a man or a woman. I couldn’t see the gunman very clearly, only his or her profile.

I now know that the window was situated in Block 1 of the Rossville Flats approximately at point E on the attached map (grid reference K15). I could see the person’s wrist jerking as the pistol recoiled. The shooter was probably holding either a 9mm or a luger pistol and seemed to be firing indiscriminately with his left hand. He must have emptied his magazine and fired about 9 to 12 shots although I cannot recall the actual number of rounds he fired. He seemed to be firing towards other soldiers positioned at the northern end of Rossville Street. I can’t recall receiving any direct fire at point B in that position or any other shots hitting nearby. He seemed to be in an awkward position because he had to keep the window open and fire at the same time. There were soldiers below my position. I do not know which platoon they were from or if they were under fire.

I then fired a shot at the gunman. I can remember that my first shot hit the wall near the window and I saw dust shooting up as I hit it. I then fired another two rounds. I know these had the effect of stopping the gunman firing shots. I then saw movement in the window next door to the flat; possibly the gunman ran to the adjacent room. I was still vigilant for trouble and was still looking for snipers. Because I had fired my weapon, I had revealed my position and I thought that gunmen in the flats could be targeting me.

I cannot recall now whether I was kneeling or lying down at the time. I probably crouched down to take cover when I was in danger and then stood up to fire towards the window.

I have a vague recollection of a radio operator being at the top of the steps. Possibly I asked him to relay a message relating to the shots that had been fired. I cannot recall what radio net he was on. I then recall him being sent back down the steps. This possibly occurred between the various shots I fired at the gunman in the window.

I have been asked whether I recall Soldier D coming up to my position while I was at point B. However, I cannot now recall a soldier with Soldier D's name or anyone else approaching me at the time.

I have been asked whether the person at the window could have been holding a camera rather than a gun. I definitely saw a gun being fired; I could tell the difference by the way the wrist recoiled as the weapon was fired. I cannot now recall seeing anyone else with a weapon at the time within the flats."

¹ [B68.003](#)

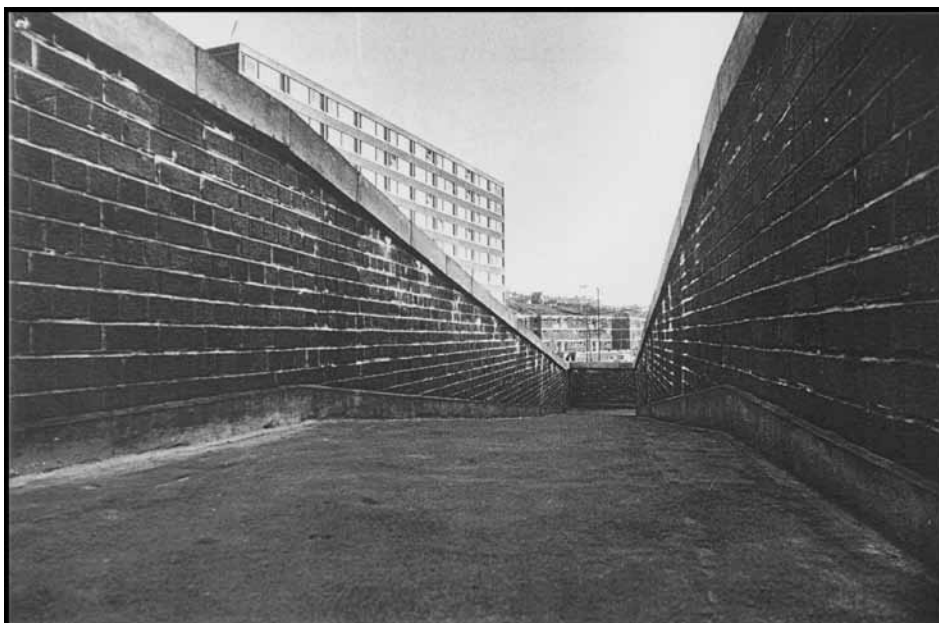
123.43 Private C marked Point B at the top of the Kells Walk ramp and Point E nearly halfway along the western side of Block 1 of the Rossville Flats.

123.44 In the course of his oral evidence to this Inquiry, it became apparent to us that Private C had no clear recollection of the detail of events. On a number of occasions his attention was drawn to the fact that what he had said to us in his written statement was different from or did not appear in his 1972 accounts. Private C appeared to agree that his present recollections could have become "*distorted*".¹

¹ [Day 354/26-28](#); [Day 354/56](#)

123.45 As noted above,¹ it was suggested to Private C during the course of his oral evidence to the Widgery Inquiry that if he had been lying down as he said he was then the walls of the ramp would have obscured his view. Private C was shown the following photograph.

¹ [Paragraph 123.37](#)



123.46 It can be seen from this photograph that someone lying on the ground a few feet from where the ramp started downwards would not have been able to see the corner of Block 1 of the Rossville Flats at ground level, nor much of the block itself. From this position neither of the target positions shown on Private C's trajectory photograph would have been visible. This was drawn to Private C's attention, and he was asked whether he could now remember how much he could see of the area around Block 1 of the Rossville Flats and Joseph Place when he fired his shots, but Private C was unable to tell us.¹ He did tell us, however, in relation to the shots that he said he fired at the gunman at ground level, that "*I do not think we are getting the full, true picture out of that photo*",² although he appeared to agree that he could not have seen a gunman at the window he had identified unless he had been kneeling or standing.³

¹ [Day 354/48-49](#)

³ [Day 354/51](#)

² [Day 354/48](#)

123.47 Private C gave oral evidence to the Widgery Inquiry on 10th March 1972. On 13th March 1972, counsel for the next of kin of the deceased and for the injured told Lord Widgery¹ that "*we have now had photographs taken*" which he submitted would definitely show that Private C could not have seen his first gunman and probably show that he could not have seen the window from which he claimed that his second gunman was firing. These photographs were handed to Lord Widgery.

¹ [WT16.51](#)

123.48 The *Derry Journal* photographer Larry Doherty took a series of photographs of the ramp at the south end of Kells Walk, which bear annotations on the reverse showing that they were taken between 4.00pm and 5.00pm on 12th March 1972. The annotations draw attention to a 3ft joiner's rule shown standing against the wall in five of these photographs, and record that the photograph reproduced above¹ was taken from 10in above ground level on the flat part at the top of the ramp. The annotations also record that another of these photographs was also taken from 10in above ground level where the ramp started to descend. We set out below the latter photograph, which, while it can be seen to show a little more of Block 1 of the Rossville Flats, again does not show either of the target positions shown on Private C's trajectory photograph.

¹ [Paragraph 123.45](#)



123.49 In view of the date on which these photographs were taken, and the fact that they were clearly taken for the purpose of illustrating the height of the wall of the ramp and the view from positions close to the floor of the ramp, we are sure that these are the photographs handed to Lord Widgery after Private C had given evidence to that Inquiry. However, as Counsel to the present Inquiry pointed out in the course of the opening statement, “... *it is not clear, at least to the untutored eye, to what extent a minor alteration in his position further south or west or further above the ground would make a crucial difference*”.¹

¹ [Day 23/45](#)

Summary of Private C's accounts of firing

123.50 According to his accounts, Private C fired five shots from the south end of the Kells Walk walkway, two at a gunman he saw at ground level at the south end of Block 1 of the Rossville Flats and three at a man with a pistol at a window towards the north end of that block. He said that the first of these three shots missed and hit the wall. Lance Corporal D then joined him and when the gunman at the window reappeared he fired two more shots while Lance Corporal D fired one. Private C thought that he had hit this gunman.

Consideration of the evidence of Lance Corporal D and Private C

123.51 As will have been observed, these two soldiers each gave an account of moving onto the Kells Walk walkway after being involved with taking arrestees back to a collection point. We have no doubt that these arrestees included the civilians arrested in the area of the southern end of the eastern block of Glenfada Park North, which we describe in more detail when considering the events of Sector 4.¹ By the time these people had been brought back to the area of Rossville Street we are sure that all the identified casualties had been shot in Sectors 2 to 5, and Army vehicles had been brought from their initial positions and were parked close to the north end of Block 1 of the Rossville Flats. While we have no reason to doubt that these soldiers fired from the walkway, we have found no evidence, apart from their accounts, to suggest that either Lance Corporal D or Private C hit anyone with the shots that they said they fired from there. In our view they did not.

¹ [Chapter 113](#)

123.52 Although both Lance Corporal D and Private C put their shooting from the walkway of Kells Walk at this late stage and, in the case of the shots that they said that they fired at the window in Block 1 of the Rossville Flats, gave throughout the same position for their target, it will have been observed that there are significant inconsistencies in their respective accounts.

123.53 Lance Corporal D's account is that he was the first to reach the walkway, was then overtaken by Private C, and after hearing a shot fired by that soldier went to the end of the walkway where Private C told him that fire was coming from one of the flats. Lance Corporal D then fired a shot that hit the wall, the gunman disappeared, and when he reappeared he and Private C each fired another shot and the man appeared to be thrown backwards. On this account the gunman appeared twice when Lance Corporal D was with Private C.

- 123.54** Private C's account is that he was the first to reach the walkway and fired three shots from the south end, two at a gunman at ground level and one at a gunman at a window of Block 1 of the Rossville Flats, hitting the wall with this third shot. The gunman at the window vanished from sight. Lance Corporal D appeared, and Private C told him what he had been firing at. The gunman then reappeared, after which Private C fired a further shot and Lance Corporal D fired two further shots. On this account the gunman only appeared once after Lance Corporal D joined Private C.
- 123.55** To our minds these accounts cannot be reconciled. There is the further difficulty in the case of Private C that if, as he told the Widgery Inquiry, he was lying down when he fired, he might not have been able to see either of the positions where he placed his target; and in the case of both there is no evidence from the occupants of the flat the soldiers identified that any shots hit that window.
- 123.56** We return later in this chapter to the evidence of Lance Corporal D and Private C and consider what reliance we can place on their accounts of their target, after discussing the evidence that other soldiers gave of firing at the west side of Block 1 of the Rossville Flats.¹ However, we have no reason to doubt that they both fired from the Kells Walk walkway towards Block 1 of the Rossville Flats. We also discuss below whether in addition Private INQ 449 fired a shot at Block 1 of the Rossville Flats from the walkway of Kells Walk.²
- ¹ Paragraphs 123.251–263 and 123.269–272 ² Paragraphs 123.69–96
- 123.57** Although Private C gave Captain 200 an account of firing his first two shots from the walkway at a man at ground level in Rossville Street, we are unable to accept this account. At the stage when he was on the walkway firing had stopped, and soldiers and vehicles had moved south along Rossville Street. In our view there was no gunman in the position identified by Private C. Any person in this position would have been only a few yards from Army vehicles and soldiers in Rossville Street. To our minds it is inconceivable that a gunman would have shown himself, let alone fired a weapon, in such circumstances. Added to this there is nothing to suggest that Private C said anything to Lance Corporal D about firing at this target, as opposed to firing at the window; and there is the possible difficulty about whether from the position he said he occupied, Private C could even have seen the place where he said he saw and fired at a gunman. It is noteworthy that in his evidence to this Inquiry, Private C told us that he could not remember whether he actually fired at, and if so whether he hit, this gunman.

123.58 In these circumstances, two of the shots that in his 1972 accounts Private C said that he fired from the walkway lack a convincing explanation from him. Where he fired these shots accordingly remains uncertain. We are sure that there was no man with a rifle in Rossville Street in the position described by Private C, for which there is no evidence at all apart from that of Private C. We have considered the possibility that his first two shots were fired at Alexander Nash, and that Private C sought to conceal this by inventing an account of a man with a rifle. The line of his shot, according to his trajectory photograph, passed close to where (as we have described earlier¹) Alexander Nash was tending his son William at the rubble barricade. However, we regard this as a remote possibility, since in our view Alexander Nash was probably hit before Private C reached the walkway.

¹ Paragraphs 86.482–558

123.59 We have found no evidence that suggests to us either that Private C had any justification for firing these shots or that he believed or might have believed that he had.

123.60 We now turn to consider accounts that other soldiers have given of firing at the Rossville Flats.

Accounts of other soldiers of firing at the Rossville Flats

Private L

123.61 Earlier in this report¹ we drew attention to the fact that in Captain 200's list of soldiers who fired,² Private L was recorded as having fired one shot into the rafters of a ruin, and then two shots from a wall "*at barricade 43231683 and 1 x 7.62 at same gunman as 'C' and 'D'*".

¹ Paragraph 84.4

² B1983

123.62 We have discussed all except the last of these recorded shots earlier in this report,¹ and have pointed out that in his later accounts Private L said nothing about either his shot in the derelict building on Rossville Street or a shot at the Rossville Flats, but instead told the RMP and the Widgery Inquiry that he fired two shots at a gunman in another derelict building on the corner of the Kells Walk road and Abbey Street. His RMP map,² which we have shown earlier in this report,³ does not show any shot in this direction, but his trajectory photograph, reproduced below, does.

¹ Chapter 79; paragraphs 84.41–77

³ Paragraph 84.47

² B315



123.63 Captain 200 did not have any specific recollection about the shots he had recorded as fired by Private L. He said that the list was based on the information given to him by the soldiers who had fired. They might have pointed to a map to show their locations and those of their targets, and he would then have worked out the grid reference from the points that they had indicated. He had no recollection of this having occurred but it was his best guess.¹ In respect of Private L's shooting, Captain 200 was asked "... are we right to infer that what you wrote down in your statement a few days after Bloody Sunday as to L's description of the firing that he had made on that day, was precisely as described in the statement?", and replied "Yes, sir".² He said that he had written down what he was told.³

¹ Day 367/147; Day 367/155; Day 368/4-5; Day 368/70-71;
Day 368/74-75; Day 368/125

² Day 367/158

³ Day 368/64

123.64 On the assumption that Captain 200 compiled this entry from information provided by Private L, it seems unlikely that Private L told him in so many words that he had fired at the same target as Lance Corporal D and Private C, since it is difficult to see how he could have known this; it seems more probable that Captain 200 understood or inferred from what he was told that this was, or was likely to be, the case.

123.65 However, it is possible that Captain 200 misunderstood what he had been told. As we discuss below,¹ it is also possible that Captain 200 by mistake attributed this shot or the description he applied to it to Private L, when in fact Private INQ 449 had reported it to him. As we also discuss below,² the manuscript copy of Captain 200's list originally had three shots fired by Private L at the rubble barricade, but this number was crossed out and two put in its place. If Private L had reported three shots at the rubble barricade (as Private L told us was now his recollection³) and one in the derelict building (which he denied to us), then he would have given an account to Captain 200 of firing four, though none of them at a building in Abbey Street.

¹ Paragraphs 123.81–89

³ B346.10

² Paragraph 123.87

123.66 There is some evidence, to which we refer later in this report,¹ that there was a man with a rifle in a building in Abbey Street, but we have found no other evidence to support Private L's account either of being warned by a soldier that there was firing down the Kells Walk road or of firing at a building in Abbey Street.

¹ Paragraphs 151.165–192

123.67 There is nothing to suggest that Private L fired more than four shots. His accounts to the RMP and the Widgery Inquiry of firing two shots at the man in Abbey Street were in our view clearly false, at least as to the number of rounds. Private L, in these accounts, but not to Captain 200, concealed the fact that he had first fired a shot in the derelict building on Rossville Street and thus (to explain the four he had fired) had to provide an account of firing two shots in addition to those he said he had fired at the rubble barricade. At the same time, why Private L should tell Captain 200 (if he did) that he had shot at the Rossville Flats, and then change this account to one of firing at a building in Abbey Street, is not on the face of it easy to explain.

123.68 We return below, after considering the evidence of Private INQ 449,¹ to the question whether Private L fired at the same target as Private C and Lance Corporal D (ie a window on the west side of Block 1 of the Rossville Flats) or at a building in Abbey Street. We note here, however, that we have considered the possibility that, contrary to the view we expressed earlier in this report,² Private L fired two shots in the derelict building in Rossville Street, told Captain 200 of only one of them, and then (to explain the four shots

that he had fired) made up an account of firing an additional one; but to our minds (for the reasons given when discussing the firing in the derelict building³) this was not the case and Private L fired only one shot in this building.

¹ Paragraphs 123.90–96

³ Chapter 79

² Chapter 79

Private INQ 449

123.69 Private INQ 449 was a member of Composite Platoon who had travelled into the Bogside in the second of the lorries of that platoon. We have no 1972 statement made by this soldier but he did give written and oral evidence to this Inquiry.

123.70 In his written evidence to this Inquiry, Private INQ 449 gave a long account of what he told us he recalled seeing and doing when he disembarked from his vehicle.¹ In particular he told us that he went up the steps at the north end of Kells Walk and from about halfway along the balcony heard shots, saw a window opposite him in Columbcille Court “flash open” and an arm with a pistol appear and fire two shots towards the north end of Kells Walk. He stated: “*It was difficult to see through the window because the sunlight was reflecting on the glass, but I saw an arm stretch out of the window.*” He then described UNK 541 firing a shot at the window but missing and hitting the windowsill; and stated that when the window opened again and two further shots were fired from the pistol he fired one shot himself, shattering the window. He was not sure whether he had hit his target.

¹ C449.3-8

123.71 We are satisfied from the name that Private INQ 449 supplied to the Inquiry that UNK 541 was Private C.¹

¹ Day 357/9-10; Day 357/95

123.72 In his oral evidence Private INQ 449 said that the only other soldier with him on the balcony when he heard low velocity shots was UNK 541 (Private C).¹ He said that he was as sure as he could be after 30 years that neither of them moved as far south as the end of the walkway. He told us he was sure that the man at the window had had a pistol and had fired, and that he had fired a shot (the only shot other than in training that he had fired in Northern Ireland) at this man.²

¹ Day 357/22

² Day 357/25-28

123.73 When told of Private C's evidence of firing from the end of the walkway, from a position at the top of the ramp, at a window in the Rossville Flats and asked whether Private C could be right about this, Private INQ 449 said: "*He could be as right as I am.*" He also told the Inquiry that his recollection was that the distance from his position to that of the window was 50m to 70m. As the Chairman then pointed out, the distance from the walkway to Columbcille Court was only about 15 yards, and Private INQ 449 agreed that his recollection was that the window was substantially further away than that.¹

¹ Day 357/29-31

123.74 In the end Private INQ 449 agreed that the gunman he said that he had seen and fired at was more likely to have been in Block 1 of the Rossville Flats.¹

¹ Day 357/34

123.75 When his attention was drawn to the fact that Private C had told us that he had no recollection of being with him at any time during the day,¹ Private INQ 449 said that his recollection was that they had been together for most or all of the operation.²

¹ Day 354/70-82

² Day 357/47

123.76 Private INQ 449 was also shown the RMP statement¹ of Captain 200, the commander of his platoon. He agreed that the debriefing Captain 200 described seemed very similar to what had normally happened and that he would have said that he had fired a shot, but could give no reason why his name did not appear on Captain 200's list.² He also told us that he told the Special Investigation Branch (SIB) of the RMP that he had fired a shot, but apart from recalling that they took notes, and saying that he vaguely remembered Private C being there, he said that he was sure that he had never made a formal written statement or signed anything.³

¹ B1982-1983

³ Day 357/50-51

² Day 357/49-50

123.77 It was clear from both his written and oral evidence to this Inquiry that after so long Private INQ 449 had a confused recollection of events, as he himself readily admitted. However, despite originally describing his and Private C's firing as being at a window in Columbcille Court, he also described that window as being much further away than the distance between the Kells Walk walkway and Columbcille Court, and estimated a distance which is much closer to that between the walkway and Block 1 of the Rossville Flats. Furthermore, Private INQ 449 said that he recalled sunlight reflected on the glass of the window. The part of Columbcille Court opposite the Kells Walk walkway faced east, and so would not have been in sunlight in the late afternoon, unlike the western side of

Block 1 of the Rossville Flats. It seems therefore that what Private INQ 449 was telling us was that he recollected firing at the same window in Block 1 of the Rossville Flats as Private C.

123.78 No other soldier has given evidence of Private INQ 449 firing. We have no reason to doubt that Private C (and Lance Corporal D) fired from the Kells Walk walkway, but at no stage did either of them refer to Private INQ 449 being there. Private INQ 449 was not named in Captain 200's list. It seems unlikely that the RMP, if told by Private INQ 449 that he had fired, would have failed to take a statement from him.

123.79 There is another factor. According to Captain 200's RMP statement, Composite Platoon expended 14 rounds, and Captain 200 supplied the names of the firers to Major Loden.¹ According to Warrant Officer Class II Lewis's RMP statement dated 14th February 1972,² his Platoon Sergeants carried out an ammunition check at about 1700 hours on 30th January 1972 and reported the expenditure of 94 rounds. There is an entry in the 1 PARA log timed at 1810 hours on 30th January 1972³ that records the expenditure of 108 rounds. We consider later in this report⁴ the ammunition counts that were made by 1 PARA and the suggestions that these may have been incomplete or otherwise unreliable, but on the face of it the figure of 108 rounds recorded at 1810 hours was made up of the 94 expended by Support Company and the 14 by Composite Platoon as reported by Captain 200. Evidence of later counts, together with the evidence of the soldiers who said at the time that they had fired, also produces the figure of 108 rounds.⁵

¹ B1998

² B2030

³ W91

⁴ Paragraphs 166.1–87

⁵ Sergeant O in his first RMP statement (B439-442) recorded that he had fired seven shots, but he corrected this to eight in his second RMP statement (B461). Corporal P in his first RMP statement (B576-578) recorded that he had fired eleven shots, but he corrected this to nine in his second RMP statement (B588). As we have stated elsewhere in this report, we take the view that these were genuine corrections.

123.80 On this basis Captain 200 had reported by 1810 hours on 30th January 1972 that his platoon had fired 14 shots. The number of shots fired according to the list of firers in his RMP statement, which he told us he compiled some days later from notes made at the time, also adds up to 14. If this list is accurate as to the names of the firers and the number of rounds fired, it follows that if Private INQ 449 fired a shot this was not reported to Captain 200.

123.81 The question remains, however, whether Captain 200's list is accurate.

123.82 As recorded, the fourth shot fired by Private L was “1 x 7.62 at same gunman as ‘C’ and ‘D’”.¹ This entry tallies to a degree with the account Private INQ 449 gave us (though he had no recollection of Lance Corporal D being there). It does not tally at all with the accounts Private L later gave to the RMP and the Widgery Inquiry of firing at a target in Abbey Street. However, if Private L gave Captain 200 an account that did not clearly identify the window at which he had fired a fourth shot, or which Captain 200 had misunderstood, that could have led to Captain 200 erroneously recording that the shot was fired at the same target as Private C and Lance Corporal D fired at. In his written statement for the Widgery Inquiry, Private L described seeing a gunman at a window on the western side of Block 1 of the Rossville Flats, possibly at “*the third window*” on the sixth floor. The typed statement refers to a man with a rifle in this position. The word “*rifle*” has been crossed out and the word “*pistol*” substituted in manuscript.² Private L was not asked about this in his oral evidence to the Widgery Inquiry. In his oral evidence to this Inquiry,³ Private L seemed to be saying that he had seen a man with a pistol at a window in Block 1 but never fired up there. It is possible that when Private L gave an account to Captain 200, he told Captain 200 that he had seen this gunman and the latter somehow came to believe that this was Private L’s target.

¹ B1983

³ Day 381/120

² B321

123.83 On the basis that Captain 200 was correct in recording that 14 shots had been fired by his platoon, but wrong in his attribution of this shot to Private L rather than to Private INQ 449, it would follow that Private L’s alleged fourth shot had not been reported to him. On the other hand, if Captain 200 did not misattribute this shot, it would follow instead that if Private INQ 449 did fire a shot, it was not reported to Captain 200, for had that happened the total number of shots recorded would have been 15.

123.84 The further possibility arises that when, as Captain 200 recorded in his written statement for the Widgery Inquiry,¹ he was given a list from his Colour Sergeants of the soldiers who had fired, somehow Private INQ 449 was omitted; and so neither he nor his shot were recorded by Captain 200.

¹ B1987

123.85 The foregoing discussion and the possibilities to which it gives rise are based on the premise that Captain 200 correctly recorded that his platoon had fired 14 shots in total. It is possible that he was told of 15 shots, including one by Private INQ 449 as well as the fourth shot by Private L, but that when reporting to his Company Commander he

mistakenly omitted the shot fired by Private INQ 449 and that when later drawing up his list, still labouring under this mistake, he gave a description of where Private L had fired his fourth shot from information that had in fact come from Private INQ 449.

123.86 If Captain 200 did make this mistake then this could possibly explain why there is no RMP statement for Private INQ 449. What may possibly have happened is that when the firers were told to report to the RMP, Private INQ 449 went with them, but was not interviewed for a statement because the RMP, through the mistake made by Captain 200, had not been told that he was one of the firing soldiers.

123.87 There is yet another possibility if Captain 200 had mistakenly omitted one shot from his list. Captain 200's manuscript list originally included "3" shots by Private L at the rubble barricade.¹ As noted above,² this figure was crossed out and the figure "2" put in its place. It is possible that three shots at the rubble barricade was what Private L had in fact reported to him, and that Captain 200 mistakenly changed this to two, still labouring under the belief that only 14 shots had been reported to him. We regard this possibility as remote, however, since Private L's subsequent 1972 accounts were consistently of firing only two shots at the rubble barricade and it is difficult to see why, had he fired three shots in that direction, he would later have admitted two but concealed one of them.

¹ B2022.047

² Paragraph 123.65

123.88 It is difficult to think of a reason why Private INQ 449 should have told this Inquiry that he fired a shot if he did not, unless over the years he had mistakenly come to believe that he had fired one. It seems to us unlikely that he would consciously have invented for this Inquiry an account of firing, as there would seem to have been no motive for him to do so. At the same time, if he did fire then there is nothing to suggest that he had any particular reason for not reporting at the time that he had done so.

123.89 In the light of and balancing the matters we have discussed, it seems to us that there are really only the following viable possibilities:

- a) Private INQ 449 fired no shot but has somehow come to believe that he did.
- b) Private INQ 449 fired a shot that for some reason he failed to report.
- c) Private INQ 449 fired a shot that he did report, but for some reason this was either not counted, or misattributed to Private L.

Conclusions on Private INQ 449, Private L and Captain 200's list of firers

123.90 It is difficult to choose between the above three possibilities. Each gives rise to problems.

123.91 As to the first, though somehow Private INQ 449 may have come mistakenly to believe that he fired, this seems to us, without more, to be a somewhat unlikely thing to have happened.

123.92 As to the second, as we have observed, we can think of no particular reason for Private INQ 449 to have failed to report his shot. Furthermore, if he had fired a shot, then in our view it must have occurred to him that even if he did not report this shot soon after the event, at some later stage when he returned his ammunition he would be one round short. We set out later in this report¹ details of the ammunition checks, including those said to have been conducted when soldiers returned their ammunition. The only way in which Private INQ 449 could have avoided the risk of being found to be one round short is by having had or obtained a spare round in addition to those with which he was issued. We discuss elsewhere² whether any soldiers on Bloody Sunday may have had unauthorised (often called "buckshee") rounds. For the reasons that we give, this seems to be a possibility, though there is no evidence to suggest that Private INQ 449 himself had or was able to obtain a spare round. As noted above, Private INQ 449's evidence anyway was that he would have reported his shot, though to our minds it seems unlikely that he informed the RMP that he had fired.

¹ Paragraphs 166.1–87

² Paragraphs 166.88–123

123.93 As to the third of these possibilities, if a shot by Private INQ 449 was reported to Captain 200 and counted but misattributed to Private L, then it follows that for some reason a shot fired by Private L was either not reported or not counted, for otherwise the total number of shots recorded would have been 15 and not 14. This seems unlikely, since Private L clearly did report some shots to Captain 200, including one that he later chose to conceal.

123.94 Private INQ 449 might have reported his shot to one of the Sergeants (it seems unlikely that he would have reported it to both) who might then have failed to give this information to Captain 200, which would account for the absence of his name on Captain 200's list and the total count of 14 rather than 15 shots fired. However, this would give rise to another difficulty. Private INQ 449 would probably have had to account for the expended round when he returned his ammunition, unless he had, after initially reporting his shot, decided to use a "buckshee" round in order to return the same number of bullets as had

been issued to him. This would have been a dangerous thing to do, for his Sergeant might at any stage have realised that he had failed to report Private INQ 449's shot and rectified this error, which would have left Private INQ 449 to explain how he had returned the same number of rounds as had been issued to him. Possession of unauthorised rounds was a serious military offence.

123.95 In the light of the problems attached to each of what we regard as the only three viable possibilities listed above, we have found it, as we have said, difficult to choose between them. Though we remain uncertain, on balance we consider that Private INQ 449 did not fire a shot on Bloody Sunday, but has somehow come mistakenly to believe that he did. The absence of any record by Captain 200, the absence of any statement given to the RMP, the absence of any supporting evidence from Private C (or Lance Corporal D), and the absence of any record from the ammunition counts, though each is possibly explicable on other grounds, viewed together lead us to this conclusion. However, we cannot exclude the possibility that we are mistaken and that Private INQ 449 did fire a shot from the walkway of Kells Walk at the same window as Private C (and Lance Corporal D), and that somehow this shot was never recorded or counted.

123.96 We also consider that Private L did report a fourth shot to Captain 200. He admitted to Captain 200 that he had earlier fired at a man in a derelict building, something that afterwards he was at pains to conceal, and though we cannot be sure, it seems to us, weighing the possibilities we have discussed above, that it is more likely than not that Captain 200 did not misunderstand what Private L had told him and correctly recorded that Private L had fired at the same window as Private C and Lance Corporal D. As to Private L, it is the case that, at least with regard to the number of shots he said he had fired at a building in Abbey Street, his account is clearly wrong and that he exaggerated the number of shots that he had fired in order to conceal his earlier unjustified firing of a shot inside the derelict building. In view of what we believe that he told Captain 200, it seems to us that his account to that officer is to be preferred to his later account of firing at a gunman in a building in Abbey Street.

Private 024

123.97 Private 024 gave this Inquiry a written statement, but was not called to give oral evidence.¹ In effect in this statement Private 024 told us, which we have no reason to doubt, that he had no memories at all of the day.

¹ B1532

123.98 There appear to be two RMP statements made by Private 024. The manuscript original of one¹ was signed by Private 024 and witnessed by the RMP investigator at 1500 hours on 4th February 1972. The other² appears incomplete in both its typed and manuscript forms and it is not possible to tell its date. The manuscript version is in a different handwriting from the manuscript version of the statement dated 4th February 1972.

¹ B1526-27

² B1529-30

123.99 In both these statements Private 024 described going onto the Kells Walk walkway and seeing Private C engage a man with a pistol who was in a third floor flat in the Rossville Flats. In the dated statement he described the man as “*hanging out of the window*”, Private C firing two shots at him, and the man being “*thrown back*” into the flat.¹ In the other statement he described Private C engaging the gunman, who was hit.²

¹ B1527

² B1529

123.100 It is noteworthy that in the signed and dated statement, Private 024 described assisting with a group of prisoners before going onto the walkway. On the basis of this account, therefore, he went onto the walkway at the same time as Private C. However, this statement also contains an account of looking down towards the barricade on Rossville Street and seeing a man with a nail bomb. Private 024 said: “*I took aim at him with my SLR but did not fire as his bomb was not lit.*”

123.101 As we have already observed,¹ by the time the arrestees were brought up from the south end of the eastern block of Glenfada Park North and Lance Corporal D and Private C went onto the walkway, Support Company vehicles had been brought forward to the north end of Block 1 of the Rossville Flats. In our view there could have been no possibility of anyone with a nail bomb (lit or unlit) being in the area described by Private 024.

¹ Paragraphs 123.25 and 123.51

123.102 Neither Lance Corporal D nor Private C gave any evidence that Private 024 was on the walkway. It is possible, of course, that Private 024 did go there, but was further north along the walkway and thus not seen by these two soldiers. However, if he was further back, his view of the Rossville Flats and of the rubble barricade would have been limited or non-existent.

- 123.103** Though it is possible that Private 024 was on the Kells Walk walkway and saw or heard Private C fire, we reject his account of seeing a nail bomber at this time. In addition his description of seeing a man with a gun hanging out of the window, who was then shot by Private C, is hardly consistent with the accounts given by Private C himself. In these circumstances we have concluded that it would be unwise to rely on the accounts given by Private 024.

Private David Longstaff

- 123.104** Private Longstaff was a member of Anti-Tank Platoon and appears to have travelled into the Bogside in the second Armoured Personnel Carrier (APC) of this platoon.¹

¹ [Day 374/65](#)

- 123.105** Private Longstaff appears to have made no statement in 1972. He did, however, give written and oral evidence to this Inquiry.

- 123.106** In his written evidence to this Inquiry,¹ Private Longstaff told us that in 1994 he took part in a television programme called *A Tour of Duty*,² in which he used his name. For this reason he did not seek anonymity when giving evidence to this Inquiry. This programme was made by the Counterpoint team for Ulster Television.

¹ [C23.1](#)

² [X1.22.2](#)

- 123.107** We considered the account given by Private Longstaff of following Lance Corporal F, Lance Corporal J and Private G into Glenfada Park North in the context of our discussion of the events of Sector 4.¹ In the present context we refer to the evidence he gave of firing a shot at the Rossville Flats.

¹ [Paragraph 113.40](#)

123.108 In his written statement to this Inquiry Private Longstaff gave this account:¹

"My Shot

42. I remember that I was on Pig sentry duty. I remember I was near to the high flats somewhere on the west side of Rossville Street. I cannot say exactly where I was but I think I was north of the high flats. I remember shots being fired and certainly one round was fired at me, or in my general direction. The fire seemed to be coming from Block 1 of the flats on the map. I could not tell what weapon was being used and I could not see the person who fired it. However I had an idea where it had come from. It was a natural reaction to shoot back in a quick snap. I aimed up at the roof because basically my perception was that the threat was on the roof. I fired one aimed shot back, towards the roof, at the approximate point marked B on the map (grid reference K14). I think someone else who was standing by another Pig also fired but I cannot remember who that was. In the film 'A Tour of Duty' I refer to shooting at a window but I think I must have been confused then; my recollection now is that I actually shot at the parapet at the top of Block 1 of the flats. I think I probably hit concrete. The person who fired the shot at me probably ducked. I did not see the actual shot which was fired at me, I just heard the bang. I am definite that a shot was fired at me.

43. It is an instantaneous reaction to fire back. If your life is threatened you shoot, preferably one round, one kill. You always aim for the centre of the target. I thought I was fully justified in what I was doing. There were no bystanders who could have been hurt. I was being sniped at. I fired back to warn the person firing and would like to think that I hit him. I could not see where my shot hit. I think that the distance I fired was 200 – 250 yards if that, but I could be wrong.

44. I cannot remember if this was before or after I was with the prisoners. I remember it was pretty quiet all around me at the time.

45. I remember that I had to declare that I fired a shot and I duly did so. No one ever asked me again. I never made a statement; no one seemed to be interested. When it came to giving evidence at Widgery and others were going to give evidence, I was not going to volunteer. I cannot recall who fired or how many rounds they fired."

¹ C23.7-8

123.109 The “*approximate point marked B on the map*” is a point near to the north end of Block 1 of the Rossville Flats.¹

¹ [C23.15](#)

123.110 In his oral evidence to this Inquiry, Private Longstaff told us that he would always have been within talking or shouting distance of Private G, Lance Corporal F and Lance Corporal J,¹ but he also told us that though he heard shots he did not see what these soldiers did or see any of them firing.²

¹ [Day 374/87](#)

² [Day 374/154-155](#)

123.111 Private Longstaff told us that when he fired his shot he had not actually seen the person he said had fired a shot at him nor had he had a target to identify, but he said that he was “*pretty positive*” where the shot had come from. He said that he was at the front of the APC.¹ He also said that he could not recall whether Lance Corporal F or Private G were in the area.²

¹ [Day 374/126-127](#)

² [Day 374/128](#)

123.112 Private Longstaff said that he later reported his shot to his Platoon Sergeant, Sergeant INQ 1694. This Sergeant is dead and gave no evidence in 1972 or to this Inquiry.¹

¹ [Day 374/137](#)

123.113 Although Private Longstaff said that it did not cross his mind at the time that it was important to come forward and say that he had been fired at and had returned fire, he expressed himself as sure that he had fired a shot on Bloody Sunday, the first and only shot he fired in Northern Ireland.¹ He told us that it was in the television programme *A Tour of Duty* that he first recorded that he had fired a shot.²

¹ [Day 374/141-142](#); [Day 374/145-146](#)

² [Day 374/144](#)

- 123.114** When asked why he had said in the television programme *A Tour of Duty* that he had fired at a window, he gave the following answers:¹

“Q. The question by the interviewer: ‘Question: Did you fire any shots yourself in ...’
Is that a clear and straightforward question?

A. Yes, sir.

Q. Your answer: ‘Answer: I fired one round at the, er, window. Like everybody else we had been shot at from the flats by the windows and we fired back ...’ Why did you say you fired at the windows in this television broadcast?

A. I was confused, sir, I made an error of judgment on that.

Q. Confused with what or confusing what with what?

A. Confusing what has been in my mind, what has been impregnated by the press, and what people have said, sir.

Q. You have things in your mind impregnated by the press and a memory, do you, that you fired at a window?

A. I did not fire at a window, sir.

Q. Why did you say it in the television interview?

A. I got it wrong, sir.

Q. How did you manage to get it wrong?

A. It was pretty straightforward, I was asked a question and that is the answer I gave at the time, sir, I made a mistake.

Q. We understand that. It does not answer my question.

A. I made a mistake, sir.

Q. You only ever fired one round in Ireland, you say?

A. Yes, sir.

Q. You did not fire it at a window, you fired it at a parapet of the roof?

A. At the top of a roof, sir.

Q. Why did you tell the interviewer that you fired at a window?

A. I made a mistake, sir.”

¹ [Day 374/147-148](#)

123.115 No other soldier has given evidence of Private Longstaff firing. It is difficult to see how Private Longstaff could have come to make a “*mistake*”, as he put it, in saying in the television programme that he had fired at a window. It is also noteworthy that in his written evidence he put the distance from his target as “*200 – 250 yards, if that, but I could be wrong*”, whereas from an APC in Rossville Street the distance would have been more like 25 yards. In his oral evidence, when this was pointed out to him, he said “*I cannot really recollect the whole day event that happened there*”.¹

¹ [Day 374/150-151](#)

123.116 Having listened to Private Longstaff giving oral evidence, we concluded that we could not accept his account that he had seen nothing of what his colleagues Lance Corporal F, Lance Corporal J and Private G did on Bloody Sunday, which to our minds casts doubt on his evidence as a whole.

123.117 As to his assertion that he fired a shot, his case differs from that of Private INQ 449, in that he first made this claim in a television programme in 1994, long before the present Inquiry was established. Had he, as he told us, reported this shot then it seems unlikely that this would not have been followed up. In our view it is much more likely that either he came somehow to believe that he had fired or, in the course of appearing in a television programme, out of bravado or a misplaced desire to support his colleagues, made up an account of firing. If we are wrong and Private Longstaff did fire, we do not know why, where or when he did so.

Lance Corporal F

123.118 Earlier in this report,¹ when considering the initial shooting in Sector 3 and the events of Sectors 4 and 5, we referred to the accounts given by Lance Corporal F.

¹ [Paragraphs 81.2–20, 97.13–26 and 119.164–175](#)

- 123.119** As already noted,¹ in his first RMP statement² Lance Corporal F made no mention of firing at the rubble barricade. After describing seeing “*at least two*” nail bombs exploding as he advanced, he continued:

“We took up position behind a wall on the right hand side of Rossville St about 40 yards short of the Rossville Flats. We again came under sniper fire from the flats. I estimated that this gunfire was coming from the second floor of the flats and the third window along. I fired 3 aimed shots at this window and I saw all three shots strike the windows. After these shots the sniper fire stopped and I saw about 30–40 rioters leave the barricade and go to the right behind a block of flats out of our sight.”

¹ Paragraphs 81.3–8

² B121-22

- 123.120** Lance Corporal F then gave an account of going into Glenfada Park North, firing two shots at a nail bomber and hitting him twice, then arresting about 20 people, escorting them back towards Rossville Street, handing them over to the military police and rejoining his vehicle which was now near the Rossville Flats. We have dealt when considering the events of Sectors 4 and 5 with what Lance Corporal F did in Glenfada Park North and after the casualties had been sustained there, but here draw attention to what he recorded in his first RMP statement about firing when he had returned to his vehicle:¹

“We got into our vehicles and stayed in position for a couple of minutes when our Radio Operator said, ‘There’s a sniper up in the flats.’ I jumped out of the vehicle and took up a firing position beside the vehicle. The Radio Operator told me where he had seen the gunman and I saw something move in the window. I fired approximately 4 aimed shots at this window and I saw all four shots strike in the area of the window.

I changed position to near the vehicle parked in front of ours. At this time a man appeared in a window in the second from the top floor of the flats. He had a rifle and fired two shots at our position.

I then fired 4 aimed shots at this man and I saw the 4 shots strike the area of the window. I do not know if I hit the gunman or not.

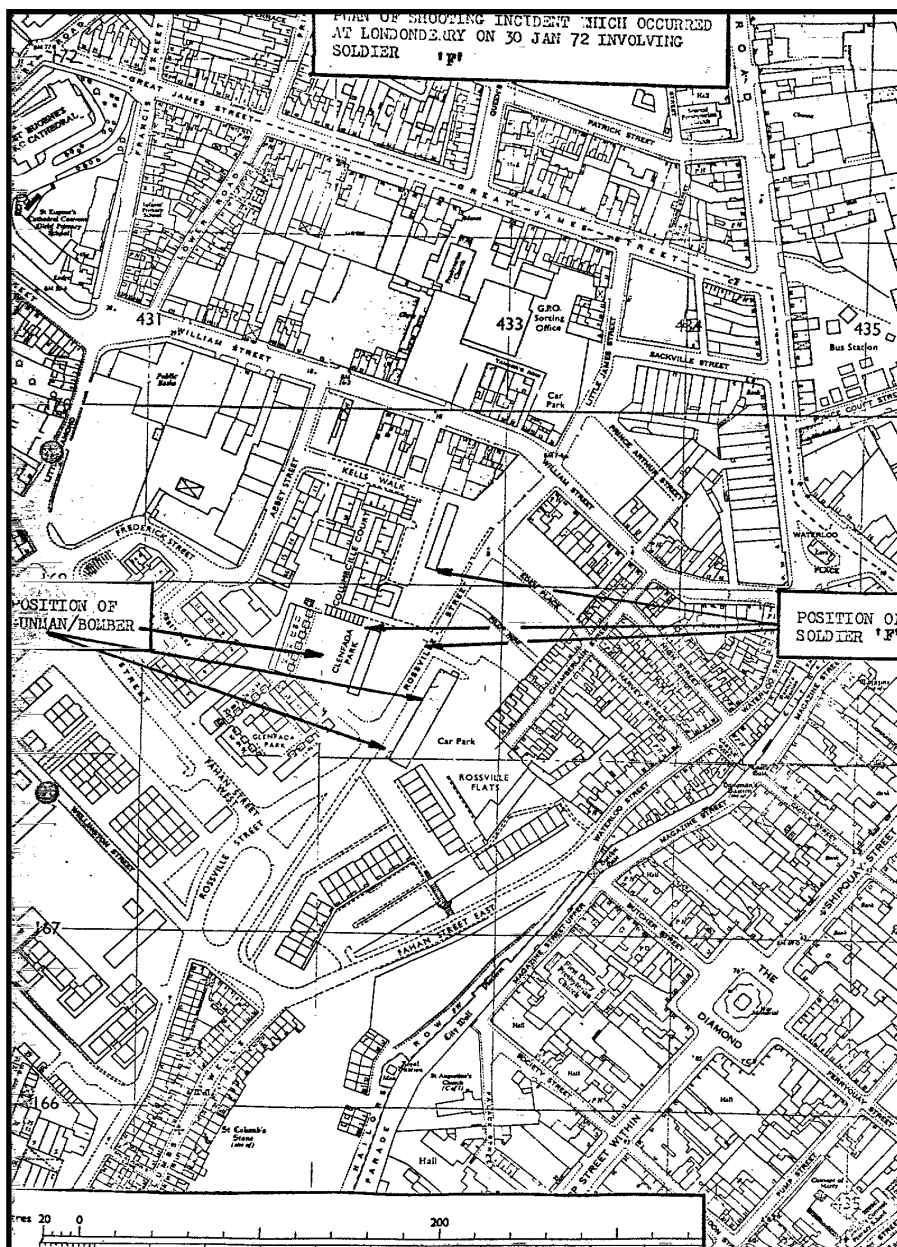
About 10 minutes after this we withdrew from the area.”

¹ B122-123

- 123.121** We have set out Lance Corporal F’s RMP map earlier in this report. As already noted, it does not indicate any shot at the barricade, but does indicate three positions for Lance Corporal F, one at the south end of Kells Walk, one in Rossville Street and one in

Glenfada Park North. It also indicates three targets, one at a point in the Rossville Flats about a third of the way from the north end of Block 1, another at the south end of that block and a third in Glenfada Park North. For convenience, we set out this map again.¹

¹ B124



123.122 In his first RMP statement,¹ Lance Corporal F described firing three shots at a window on the second floor of the Rossville Flats, "*the third window along*", when he was at the south end of Kells Walk. He then described, after coming back from Glenfada Park North,

firing “*approximately*” four shots at a window in the flats (although he gave no description of where this was) and, following this, when he had moved to the vehicle in front of his vehicle, firing four shots at a window “*in the second from top floor of the flats*”.

¹ B121-123

123.123 On the basis of this account, and leaving aside the shots that Lance Corporal F stated that he fired in Glenfada Park North, the RMP map should identify three other targets in Block 1 of the Rossville Flats, but it only identifies two. It is possible that the compiler of the map understood that the second and third sets of shots that Lance Corporal F stated that he had fired were aimed at the same or a similar point and so only marked one position for both. On this basis, since the descriptions that Lance Corporal F gave of his first and third target positions differed, it might be that the target position shown about a third of the way from the north end of Block 1 of the Rossville Flats was intended to represent Lance Corporal F’s first set of shots and the arrow pointing towards the south end of that block his second and third sets, but this is far from certain.

123.124 In his third RMP statement timed at 2030 hours on 4th February 1972,¹ Lance Corporal F gave a further account. Some of this was concerned with events in Glenfada Park North, which we consider in the context of Sector 4. This statement was in the following terms:²

“About 1610 hrs I was positioned near the junction of Rossville Street and William Street, where we had debussed.

We deployed to the West of Rossville Street and moved southwards on some waste ground. We came under fire from a gunman who was south of my position but I was unable to locate him. I saw three men move from the barricade north west into the area of Glenfada Park flats. One of the men was carrying what looked like a rifle.

Myself and ‘G’ of my Company ran down an alleyway and came into a square formed by the three blocks of flats and a block of garages. We were positioned at end of the garages about fifty metres west of the north west corner of Block 1, Rossville Flats. I saw the three men on the other side of the square about thirty metres away near to 24 Glenfada Park, south west of our position.

I shot and hit one man as he attempted to throw an object which looked like a nailbomb. I saw ‘G’ fire and hit another of the men who was carrying what appeared to be a rifle.

The third man ran off but I believe he was engaged by another soldier. I did not see this.

We were ordered to remount our vehicles and withdraw. The vehicles were positioned level with the north east wall of Block 1, Rossville Flats, facing south down Rossville Street. As we entered the vehicles three shots were fired at us from a window on the second floor of Block 1. The window was about the fifth from the southern end of the flats. The shots passed high over the vehicles. I returned two rounds at the gunman and I saw 'G' return one shot. I saw all three bullets strike the windows. I cannot say if the gunman was hit."

¹ B129-130

² The typed version of Lance Corporal F's third RMP statement records that he saw all three bullets strike "*the windows*". This seems to be a typographical error, as the original handwritten version records him as saying that all three bullets hit "*the window*".

123.125 It will be seen that Lance Corporal F made no mention in this RMP statement of what he had previously described as his shots, before he went into Glenfada Park North, at a window, "*the third window along*" on the second floor of the Rossville Flats, nor of his later shots at what he had described as a window in the second from the top floor of these flats. His description in this statement of firing at a window might refer to the second of the three sets of shots that he had previously stated he fired in Rossville Street, though in his first RMP statement he had stated that he had then fired "*approximately*" four shots after he had been in the vehicle about two minutes, while in this third statement he described firing two, "*as we entered*" the vehicles, with Private G firing one.

123.126 Earlier in this report, when considering the accounts given by Lance Corporal F, we remarked on the fact that it was not until he made a further statement to Lieutenant Colonel Colin Overbury (an Assistant Director of Army Legal Services) on 19th February 1972¹ that Lance Corporal F first gave an account of firing at a man behind the rubble barricade and at another man on the south side of the Rossville Flats. For this reason we there set out that statement in full.²

¹ B135

² Paragraph 81.11

123.127 In that statement Lance Corporal F is recorded as stating that he had not in fact fired at a window in the Rossville Flats after he had disembarked: "*I fired these shots later.*" After describing firing one shot at a man at the rubble barricade, two shots at a man in Glenfada Park North and two shots at a man near a wall at the far end of the Rossville Flats, Lance Corporal F stated that it was after he had returned to his vehicle that he fired the three shots at a second floor window of the Rossville Flats that he had previously described firing before he went into Glenfada Park North. He added that he also fired a

further five rounds, "on 2 separate occasions at different windows of the Rossville Flats. On each occasion I saw a man with a rifle who had on each occasion fired in our direction."

- 123.128** On the basis of this account, Lance Corporal F fired eight shots at three different windows of the Rossville Flats, at a stage when he had returned to his vehicle in Rossville Street.
- 123.129** In his written statement for the Widgery Inquiry,¹ Lance Corporal F, after describing what he said he had seen and done in Glenfada Park North and then what he described as ushering prisoners through Glenfada Park North into Columbcille Court, gave this account of firing at the Rossville Flats.

¹ B138

I saw soldiers taking them off.

8. We were then ordered to withdraw back to the vehicles and we went back to the vehicles in Rossville Street. Our vehicles had moved to Rossville Street level to the end of Rossville Flats on the west side of the street. We got into the vehicles. We were checking that nobody was missing and then awaited further orders. By this time the radio operator was observing the Rossville Flats out of one of the windows of the vehicle and observed a gunman in the flats.

9. I jumped out of the vehicle and ran to the front of the vehicle and asked the radio operator where the gunman was. He indicated where the gunman was and I fired three rounds in the direction of the window he pointed out where I saw a movement. I saw all of my shots strike a window. It was a second floor window. *3rd floor window from front.*

10. I then moved forward to the front vehicle and observed the flats. I spotted a man *Seen* with a rifle at a third floor window *but not seen when* and I fired three rounds at this window.

11. I then saw a gunman appearing on the top floor of Rossville Flats. He had a rifle. I saw his rifle fire. I then fired two rounds at the window. I could not see whether I had hit him or not.

12. After this time everything went quiet and we moved round the side of Rossville Flats. I then checked my magazine, and found I had seven rounds left. My platoon waited around for ten minutes for further orders and then we were ordered to move back to the waste ground between William Street and Prince Arthur Street which we did. We then left the area.

- 123.130** It is not clear who made the handwritten additions and alterations to this statement, but it was probably counsel at the Widgery Inquiry.

123.131 It will be noted that in this statement Lance Corporal F described his first set of three shots as fired at a window pointed out to him by a radio operator. On the basis of his first RMP statement, it was his second set of “*approximately*” four shots that he fired at a target identified by a radio operator. It will also be noted that in his written statement for the Widgery Inquiry Lance Corporal F described his last two shots as fired at a window at the top floor of the Rossville Flats, a position that he had not previously identified. In this statement Lance Corporal F described only the last of his targets as having fired.

123.132 In his oral evidence to the Widgery Inquiry Lance Corporal F gave this account:¹

“Q. Did you hand over those arrested persons to other soldiers and go back to the armoured vehicle in Rossville Street?

A. Yes.

Q. Did you get inside when you got there?

A. Yes, on arriving at the vehicles we all got in the back of the vehicle and we had only been in the vehicle about two seconds and the radio operator was observing out of one of the windows of the vehicle in the direction of Rossville flats and observed a gunman in the flats.

Q. How do you know he observed a gunman?

A. He said so himself.

Q. He said he could see a gunman in the flats. What did you do when he said that?

A. I then got out of the back of the vehicle and went forward to the front of the vehicle and then asked the radio operator where the gunman was.

Q. Did he give you some indication?

A. He indicated where the gunman was. I then fired three rounds in the direction of the gunman.

Q. Where did he indicate the gunman was?

A. Second floor window.

Q. How far along?

A. Third window along.

Q. Just try and indicate it on this model. You are pointing at the far end of No. 1 Block, third window from the end?

A. That is right.

LORD WIDGERY: I am not quite clear. Did you take the radio operator's word for where the gunman was or did you in some way check it yourself?

A. I took his word as well as checking it myself.

Q. He said 'Third window' (whatever it was), you looked up, and what happened then?

A. I saw a movement.

Mr. GIBBENS: What sort of movement, what actually did you see?

A. A sort of movement as though someone was pulling a rifle out of a window.

Q. Pulling something back from the window?

A. Yes.

Q. It looked like a rifle?

A. Yes.

Q. And you fired how many rounds?

A. Three rounds.

LORD WIDGERY: What determined you to fire three rounds as opposed to one, two or four?

A. The area of the window was quite large, so if I missed with one I would obviously get him with the second or third ones.

Mr. GIBBENS: Could you see him in the window – the face itself?

A. I saw the movement of a person.

Q. But when you were firing?

A. As I fired he moved back.

Q. So you were firing at the window?

A. Yes.

Q. Did he come to the window again?

A. Not at that particular floor.

Q. What happened after that?

A. I then moved forward to the front vehicle to take up an open fire position and this time I saw –

Q. You were a member of the last vehicle, were you, the second of your vehicles?

A. Yes.

Q. You went to the front one?

A. I moved front to take up an open fire position and I saw a gunman at another floor window with a rifle aiming in my direction.

Q. This time you saw the man and the rifle and did not have to be told?

A. No.

Q. Which floor was he at then?

A. The same floor there, the fourth window along.

Q. The next window?

A. Yes.

Q. Had he got his rifle out of the window or merely could you see it inside?

A. Out of the window, sir.

Q. So the window was open, was it?

A. Yes.

Q. Was he doing anything with it at that time?

A. At that time it was pointing in my direction.

Q. Apart from pointing was he making any effort to aim it at anyone, or was he not trying to aim it?

A. I was not sure of that, sir.

Q. He had not his cheek to the butt or anything?

A. No, sir.

Q. You fired three rounds in succession, did you?

A. I fired three rounds in succession.

LORD WIDGERY: May I be quite clear about this. It is the fourth window, the next window to the one at which you had previously fired?

A. Yes.

Q. And this time you say you saw a gunman. What did you see? Describe to me what you saw.

A. I saw a figure with a rifle sticking out of the window in my general direction.

Q. But not in any aimed position?

A. No.

Q. But you recognised it as a rifle?

A. Yes, sir.

Q. And you fired three rounds again?

A. Yes, sir.

Mr. GIBBENS: Do you know whether the rounds entered the window?

A. I saw my rounds strike the window, sir.

Q. Did you see whether they struck the man with the rifle?

A. No, sir.

Q. What happened to the man with the rifle?

A. The man then moved back, sir, from the window.

Q. After you had fired, had he then gone or did you see him moving back?

A. After I had fired, sir, he had just completely gone.

Q. He had gone?

A. Yes, sir.

Q. Was anyone else from your platoon firing at that time, that you could see?

A. G, sir.

Q. Did you see where he was firing at?

A. No, sir.

Q. Or what his target was?

A. No.

Q. Did you know how many shots he fired?

A. One round, sir.

Q. From where about?

A. He was by the side of the second vehicle, sir.

Q. That is the one at the back?

A. Yes.

Q. So he had not moved forward with you at all?

A. No, sir.

Q. Now having engaged those two targets, what did you do next?

A. There was a pause then, and then I noticed a gunman firing a weapon out of the top floor window. I then fired two rounds in the direction of this gunman.

Q. The top floor?

LORD WIDGERY: You speak of a gunman. Tell me what you saw. Try and let my eye see what you saw.

A. I saw a person with a rifle fire out of the top floor window.

Q. He was firing, was he?

A. Yes.

Mr. GIBBENS: Could you tell from either the sound or the look of the weapon what sort of weapon it was?

A. No. From the sound I would say it was a single barrelled weapon.

Q. A single barrelled weapon?

A. Yes.

Q. Do you know the difference between the different types of rifles and carbines?

A. Yes.

Q. Could you identify it more – what sort of weapon it was?

A. No, sir.

LORD WIDGERY: At this time you fired two rounds. Is that it?

A. Yes.

Mr. GIBBENS: Where was he aiming at when he fired?

A. He was aiming to my left, sir.

Q. To your left. That is more up Rossville Street?

A. Yes.

Q. Were there any troops where he was aiming?

A. Yes.

Q. He was not aiming at you?

A. No. sir.

Q. Where were the troops he might have been aiming at?

A. They would be more or less at the junction of William Street and Rossville Street.

Q. Further back?

A. Yes.

Q. How many rounds did he fire before you responded?

A. I do not know, sir.

Q. You saw him fire. What did you do? Did you fire from a standing position or get down on your knee?

A. I was behind the vehicle, sir, in a standing position.

LORD WIDGERY: Did you see him fire at all, this last man?

A. He fired as I fired, sir.

Mr. GIBBENS: What was it made you realise he had fired? Was it sight or sound?

A. I saw the muzzle flash from the window.

Q. And you only saw one?

A. Pardon, sir?

Q. You only saw one?

A. Yes, sir."

¹ WT14.49-52

- 123.133** A little later in his oral evidence to the Widgery Inquiry, Lance Corporal F agreed that whereas he had stated in his previous RMP statements that he had fired four shots at a window, he had in fact only fired two, because it had slipped his mind that he had fired two shots and hit a man at the far end of the southern block (Block 2) of the Rossville Flats.¹ In his first RMP statement, as will have been noted, Lance Corporal F had stated that he had fired three shots first; then "*approximately*" four shots at a window identified by a radio operator; and finally four shots, apparently at another window. In his third RMP statement Lance Corporal F described firing two shots at a window, with Private G firing one shot at the same window. It is not clear whether Lance Corporal F was referring in his oral evidence to the second or third set of shots he had previously stated that he had fired at windows.

¹ WT14.61-63

- 123.134** Lance Corporal F said to the Widgery Inquiry that the first time he fired at the windows he had not seen anyone fire but had seen a weapon, or "*possibly*" a weapon, though he saw nothing protruding from the window. It appears from this account that this was the target he said had been identified by the radio operator.¹

¹ WT14.64-65

- 123.135** Lance Corporal F was asked at the Widgery Inquiry¹ about the written statement he had made for that Inquiry:²

"Q. Now the shooting at the Rossville flats: do you remember that you told my Lord in evidence this morning that the second time that you fired at a window at the Rossville flats it was one window along from the first window at which you fired?

A. Yes.

Q. That is not, you remember, what you told the Treasury Solicitor when you made a written statement to him.

A. I may have got the windows confused.

Q. May I refresh your memory. Did you say this in the written statement you made to the Treasury Solicitor (paragraph 9): 'I jumped out of the vehicle and ran to the front of the vehicle and asked the radio operator where the gunman was. He indicated where the gunman was and I fired three rounds in the direction of the window he pointed out where I saw a movement. I saw all of my shots strike the window. It was a second floor window'. Do you remember saying that to the Treasury Solicitor?

A. Yes.

Q. Then you go on: 'I then moved forward to the front vehicle and observed the flats. I spotted a man with a rifle at a third floor window and I fired three rounds at this window'. Do you remember saying that?

A. Yes.

Q. Now that you have refreshed your memory, which is it? Is it one window along or is it the floor below or indeed the floor above?

A. With the number of windows I was confused.

Q. Are you confused now; have you any clear recollection of which windows you shot at?

A. It was the second floor window.

Q. It was the same floor?

A. The same floor the third window along.

Q. It was the same floor on both occasions but not the same window?

A. Yes.

Q. Then do you remember in your statement to the Treasury Solicitor you went on to the third occasion when you fired at the window: 'I then saw a gunman appearing on the top floor of Rossville flats. He had a rifle'. That was clearly, according to your evidence, a very different window altogether?

A. Yes."

¹ WT14.74

² B137

123.136 We have set out in some detail the accounts that Lance Corporal F gave of firing at windows of Block 1 of the Rossville Flats. It will have been noted that these are materially inconsistent. We have already pointed out some of those inconsistencies. In summary his accounts are as follows:

1. First RMP statement

- a) Three aimed shots, after disembarking, from what appear to have been the low walls of the Kells Walk ramp at what he said was a sniper firing at him from the third window along on the second floor of the flats.
- b) After returning from Glenfada Park North and after getting back into his vehicle and then disembarking again, approximately four aimed shots at a sniper at a window identified by a radio operator, although the statement does not describe the position of the target.
- c) After changing his position to near the vehicle in front of the one he had previously been in, four aimed shots at a man in a window on the second from top floor of the flats who had fired two rifle shots at his position.

On the basis of this account, Lance Corporal F fired 11 shots at windows in the Rossville Flats in three sets, the second set at a target identified by a radio operator.

2. Third RMP statement

- a) Two shots at what he described as about the fifth window from the southern end of Block 1 of the flats on the second floor, from which three shots had been fired in his direction as he entered the vehicle in Rossville Street; with Private G firing one shot at the same window.

In this statement, Lance Corporal F described only one incident in which he fired two shots.

3. Statement to Colonel Overbury

- a) Three aimed shots at a second floor window after he had returned from Glenfada Park North, these being the shots that he had previously described firing before he went into Glenfada Park North.

- b) Five aimed shots on two separate occasions at different windows, in each case at a man with a rifle who had fired in his direction.

On the basis of this account, Lance Corporal F fired eight shots, on each occasion at someone who had previously fired in his direction.

4. **Written statement for the Widgery Inquiry**

- a) Three shots at a window on the second floor identified by a radio operator, and at which he saw a movement.
- b) After changing his position to the vehicle in front of the one he had previously been in, three shots at a window on the third floor where he had seen a man with a rifle.
- c) Two shots at a window on the top floor where he had seen a man fire a rifle.

According to this statement, Lance Corporal F fired a total of eight shots at three windows. He claimed to have seen a movement at one of the windows where the radio operator had told him there was a gunman, and to have seen a man holding a rifle at the second window and a man firing a rifle at the third.

5. **Oral evidence to the Widgery Inquiry**

- a) Three shots at the third window from the south end of Block 1 of the Rossville Flats on the second floor, where a radio operator had identified a gunman and at which he had seen a movement of someone pulling something back from an open window which looked like a rifle and was possibly a weapon, though he saw nothing protruding from the window.
- b) After changing his position to the vehicle in front, three shots at the next (fourth) window along on the same floor, which was open and where there was a man pointing but not aiming a rifle out of the window in his general direction.
- c) After a pause, two shots at a gunman who had fired to Lance Corporal F's left up Rossville Street from a top floor window.
- d) One shot fired by Private G from the side of the vehicle behind, although Lance Corporal F did not see where Private G was firing. It is not clear at what stage Lance Corporal F meant to say that Private G had fired.

In this evidence, Lance Corporal F again said that he had fired a total of eight shots at three windows. He claimed to have seen the movement of something that may have been a weapon at one of the windows, where the radio operator had told him there was a gunman, and to have seen a man holding a rifle at the second window and a man firing a rifle at the third. He also described the firing of a shot by Private G.

- 123.137** One of Lance Corporal F's trajectory photographs, which was seemingly intended to show the shots that he said that he fired at the Rossville Flats, indicates lines of fire from two positions on Rossville Street to three different places on the west side of Block 1 of the Rossville Flats. The position of the targets shown on this trajectory photograph is not consistent with any of the accounts given by Lance Corporal F.



- 123.138** We have already referred to the 12th entry in Major Loden's List of Engagements when considering the accounts given by Lance Corporal D and Private C. This entry is in the following terms:¹

"12. 1 gunman with pistol at GR 43261684 (3rd floor of Rossville Flats) shot at from GR 43261692. Possibly hit."

¹ [ED49.2](#)

- 123.139** As we have observed, the grid reference for the firer or firers indicates a location close to the position described by Lance Corporal D and Private C. In none of his accounts did Lance Corporal F describe firing at a man who had a pistol. Unlike the shot that Lance Corporal F undoubtedly fired over the rubble barricade, which hit and killed Michael Kelly, it seems that Lance Corporal F probably did give Major Loden an account of shooting in Glenfada Park North. If this is so, then it follows that while Lance Corporal F told Major Loden of some of his shooting, he failed to inform him not only of his shot at the rubble barricade, but also of any of the shots that he later said that he had fired at windows in Block 1 of the Rossville Flats and (as we discuss in the context of Sector 5) any of the shots that he later said that he had fired along the south side of Block 1 of the Rossville Flats. If, on the other hand, Lance Corporal F did not report to Major Loden at all, there is nothing to indicate why he failed to report any of his shots. As will have been seen from our consideration of the events of Sector 5, there is nothing in Major Loden's List of Engagements that corresponds with the shots that Lance Corporal F stated he had fired on the south side of the Rossville Flats.

- 123.140** Lance Corporal F gave written and oral evidence to this Inquiry. He told us that his "*mate*" was Private G and that the two of them worked as a pair on the day. He also told us that he remembered firing his weapon, "*but I do not know when, where or why I fired it*";¹ and that he had no recollection either of the radio operator saying that there was a sniper up in the flats or of firing at any gunmen in the flats.²

¹ [B167.004](#)

² [B167.004](#)

- 123.141** In his oral evidence to this Inquiry, Lance Corporal F maintained that he had no memory of his shots. We have referred above¹ to what he said when asked why there was no mention in his first RMP statement either of firing a shot at the rubble barricade before going into Glenfada Park North or of his Sector 5 shots on the south side of the Rossville Flats. He was also asked why there was no mention in his third RMP statement of this firing:²

“Going over the page, you went on to say:

‘We were ordered to remount our vehicles and withdraw. The vehicles were positioned level with the north east wall of Block 1 ... As we entered the vehicles, three shots were fired at us from a window.’

Then you went on to say:

‘I returned two rounds at the gunman and I saw ‘G’ return one shot. I saw all three bullets strike the windows.’

So on this occasion, you are giving a further account of your firing. How does it come about that by now – we do not know precisely when it was, but it must be some days after your original statement – it still had not occurred to you to mention either firing at the barricade or firing from Glenfada Park towards the Rossville Flats?

A. All I can say is that it must have been an error at the time and I must have forgot and then later on, when more statements was required, obviously it was to come to light. I have no explanation for it.

Q. Is the reason why there is no explanation for it that in these statements you were telling lies in order to conceal the truth and, therefore, got in trouble with the details of what had happened?

A. That is not correct.”

¹ [Paragraph 81.18](#)

² [Day 375/144-145](#)

123.142 Lance Corporal F was unable to provide any explanation as to why his accounts of firing at the Rossville Flats contained inconsistencies.¹ He rejected the suggestion that these arose because he was making up his accounts as he went along and said that it was a “*possibility*” that he was simply confused.²

¹ [Day 375/171-172](#)

² [Day 375/173](#)

Consideration of the evidence of Lance Corporal F

123.143 We have examined in considerable detail the accounts Lance Corporal F gave in 1972. We have also considered his repeated assertion before us that he had little or no memory of events and no memory at all of the circumstances in which he fired his rifle.

- 123.144** His accounts of firing at the Rossville Flats contain, as pointed out earlier, numerous inconsistencies. The only common thread running through his accounts is that in the course of the day he fired in all 13 rounds. We have no evidence that suggests that he fired more rounds than this on Bloody Sunday. Initially he stated that 11 of these shots were at Block 1 of the Rossville Flats and two in Glenfada Park North. Eventually he told Colonel Overbury that on looking at maps and photographs of the area he realised “*that I have mistaken the sequence of events*”.¹ In fact the account he then gave did not merely change the timing of the first group of shots that he had said he fired at the Rossville Flats from before he went into Glenfada Park North to after he had come back, but also gave details for the first time of his firing both at the rubble barricade and at the end of the southern side of the Rossville Flats, in which he stated that he hit someone on both occasions; as well as adjusting the number of shots he had said he fired at the Rossville Flats, so as to keep the total to 13. Again, his later accounts to the Widgery Inquiry contain inconsistencies with all his former accounts, including that given to Colonel Overbury.
- ¹ B135
- 123.145** We find it unbelievable that Lance Corporal F could have forgotten firing what he later told the Widgery Inquiry was one aimed shot a man at the rubble barricade who fell, as well as two aimed shots at a man at the south of the Rossville Flats whom he also hit; and that because of his forgetfulness he told the RMP only that he had fired at the Rossville Flats and in Glenfada Park North. We also find unbelievable that it was through confusion that he proceeded to give a number of inconsistent accounts of his firing at the Rossville Flats. In our view Lance Corporal F lied to the RMP and lied in his later accounts; and did so because for a significant time he did not wish to admit to any firing other than in Rossville Street and Glenfada Park North, and thus invented an account of firing 11 shots at Block 1 of the Rossville Flats. Whether he fired any shots (and if so how many) at the Rossville Flats and what his targets in truth were are matters we consider later in this part of the report.
- 123.146** We find it equally unbelievable that by the time he came to give evidence to us, Lance Corporal F had forgotten about the shooting of two people he had described to Colonel Overbury and to the Widgery Inquiry. We have already expressed the view that Lance Corporal F lied to us when asserting that this was the case and we accordingly reject as untruthful his professed almost total loss of memory.
- 123.147** It was submitted on his behalf that since a substantial number of other witnesses had no recollections of the day, we should not reach this conclusion. It is true that many witnesses had no or only very slight independent recollections of the day, in some cases

notwithstanding their accounts in 1972. But in Lance Corporal F's case, it seems to us that his 1972 accounts demonstrate that he gave untruthful evidence then; and furthermore that, unlike the witnesses upon whom his representatives relied, he was on his own accounts responsible for the shooting of a number of people. It was not suggested that he suffered from any medical condition that could have caused him to forget such truly memorable conduct on his part.

- 123.148** In the present context these matters lead to the conclusion that in the absence of supporting evidence, we can place no reliance on the accounts Lance Corporal F gave of firing at Block 1 of the Rossville Flats. There is, however, other evidence that he did so.

Other evidence of Lance Corporal F firing at Block 1 of the Rossville Flats

- 123.149** We now turn to consider evidence, apart from that of Lance Corporal F himself, that he did fire at Block 1 of the Rossville Flats from Rossville Street when he was near Army vehicles that had been brought up to the north end of that block. It will be noted that in some of this evidence reference is made to Private G, who claimed to have fired one shot at a window in Block 1 of the Rossville Flats. We consider the evidence given by Private G on this matter later in this part of the report.

Private 147

- 123.150** In his RMP statement¹ Private 147, who was a radio operator in the second of the Anti-Tank Platoon vehicles, gave this account:

"We stopped the APC on a pavement at the North end of Rossville Flats, on the right of the street at MR 43251686 I heard the sound of shooting in the general area and on looking up at the flats I saw a window open. This window was on the second floor about five or six windows along from the southern end. I saw the outline of a man in the window. Simu[l]taneously I saw the muzzle flash of a weapon and heard the report. The round passed very close over the roof of our vehicle. The gunman was only about 30–40 yds away from me. I saw the window move downwards shortly after the shot. My impression was that it was a .22 calibre weapon. I did not actually see the weapon.

Within seconds of the first shot I saw the window move again. A second shot was fired from the same window and I again heard the round pass near us and hit the ground near the front of the vehicle. I did not see either the gunman or the weapon.

I shouted a warning to other members of my unit and pointed to the window showing 'F' where it was. I did not see any return fire.

A few minutes later I saw an apparently lifeless body being carried from this block of flats and placed in an ambulance by a group of civilians.

I estimate the position of this gunman to be 43251685, and in the location which I have described."

¹ B1886

123.151 The map reference MR 43251686 refers to a position on the west side of Rossville Street approximately opposite the north end of Block 1 of the Rossville Flats. The mention of a body being carried from Block 1 of the Rossville Flats to an ambulance is undoubtedly a reference to Kevin McElhinney, one of the casualties in Sector 3. We describe later in this part of the report how he was taken from Block 1 of the Rossville Flats to an ambulance.

123.152 Private 147 said in his written statement for the Widgery Inquiry¹:

"2. Sometime afterwards I received an order that the vehicles should be moved further up Rossville Street and I conveyed this order to the driver. This was done and from where I was I had a clear view of Rossville Flats. Eventually my platoon returned and some of them got into my vehicle. One of these was soldier 'F'. The soldiers were sitting behind me in the armoured vehicle and I was placed just behind the front seat. There was nobody sitting in the front seat and I could see Rossville Flats, at least that part of Block 1 which faces on to Rossville Street. I suddenly saw a second storey window in the flats open, the window had no curtains and I saw the shape of a man at the window. All of a sudden a shot passed very close over the armoured vehicle, then the window seemed to shut by itself. Within seconds of the first shot I saw the window move again and the shape of a man in the window, a second shot was fired from the same window and this shot hit the ground to the front and slightly to the left of my vehicle. I shouted a warning to other members of my unit and pointed out to 'F' where the shots had come from. He got out of the vehicle. In fact I think a couple of soldiers jumped out of the vehicle but I cannot be sure. I heard a couple of shots but I can't be sure who fired them. I cannot remember when 'F' returned to the vehicle or whether I discussed the matter with him afterwards. A few minutes later I saw an apparently lifeless body being carried from the front entrance of Block 1 Rossville Flats and placed in an ambulance by a group of civilians."

¹ B1889

123.153 In his written statement to this Inquiry,¹ Private 147 told us that having re-read his RMP statement he remembered that someone fired from the window, but he did not remember speaking to Lance Corporal F about it, and was surprised that he had done so because he and Lance Corporal F disliked each other. In his oral evidence to this Inquiry,² he said that he did not remember shouting a warning about anyone at a window to any members of his platoon. He denied that he had given a false account to support Lance Corporal F's evidence,³ and said that he would not have gone out of his way to make any statement, true or false, to assist Lance Corporal F because there was personal animosity between them.⁴

¹ [B1891.005-6](#)

³ [Day 359/29](#)

² [Day 359/23](#)

⁴ [Day 359/76-77](#)

123.154 Although the 1972 accounts of Private 147 to a degree support Lance Corporal F's account of being in the APC and hearing a warning shouted by the radio operator, they leave unanswered the question whether Lance Corporal F fired at this time. It is noteworthy that Private 147 recorded hearing only "*a couple of shots*" after what he thought were two soldiers jumped out of his vehicle.

Private H

123.155 In his RMP statement taken by Warrant Officer Class II INQ 1835,¹ Private H recorded that some 15 minutes after the incidents in which he opened fire in Glenfada Park North he returned with other soldiers to his vehicle in Rossville Street. When they were inside the vehicle they came under fire. The sentries outside the vehicle, Lance Corporal F and Private G, returned fire immediately. Private H did not know how many shots had been fired at the soldiers, nor did he know how many shots Lance Corporal F and Private G had fired or with what result. He understood from what was said at the time that fire was being directed at the soldiers from Block 1 of the Rossville Flats.

¹ [B226](#)

123.156 In his written statement for the Widgery Inquiry,¹ Private H recorded that while sitting in the back of the forward Anti-Tank Platoon vehicle in Rossville Street he heard firing and saw Lance Corporal F engaging a target out of his sight. He did not refer to firing by Private G.

¹ [B235](#)

123.157 In his oral evidence to the Widgery Inquiry,¹ Private H said that when he was in Rossville Street, back inside the vehicle in which he had entered the Bogside, he heard firing and saw a member of his platoon returning fire. He could not see the target of the soldier's firing. He said that he was unable to remember the cipher of this soldier. Private H said that another soldier, the guard of the vehicle, was also firing at this stage.

¹ [WT14.101](#)

123.158 In his written statement to this Inquiry,¹ Private H told us that Lance Corporal F and Private G were standing sentry behind the rear mudguards of his vehicle, one on each side. Private H heard one or other or both of them fire some shots, but from his position inside the vehicle Private H could not see them firing, nor could he see their targets. He could not remember how many shots he had heard them fire. In his supplementary statement to this Inquiry,² Private H told us that he believed that the vehicle in which he was sitting was Sergeant INQ 1694's vehicle, but that he was not absolutely sure about this.

¹ [B264.003](#); [B264.008](#)

² [B264.053](#)

123.159 In his oral evidence to this Inquiry,¹ Private H denied that he had been asked to give an account of this incident in his RMP statement taken by Warrant Officer Class II INQ 1835, in order to corroborate the evidence of Lance Corporal F and Private G.

¹ [Day 378/35-39](#)

123.160 Although there are doubts about much of Private H's evidence, as we discuss elsewhere in this report, it seems to us that these parts of his accounts provide some support for Lance Corporal F's account of firing from near the Army vehicles in Rossville Street at a late stage, though none for the targets that Lance Corporal F said that he engaged or for the number of shots that he said that he fired. It will be noted that Private H's evidence was to the effect that Lance Corporal F and Private G fired at about the same time.

Lance Corporal J

123.161 In his second RMP statement,¹ Lance Corporal J recorded that two sentries were posted "*alongside both vehicles*" of his platoon on Rossville Street. He did not say who the sentries were. He stated that when he was inside one of the vehicles, he heard two to three low velocity shots fired from the north end of the second floor of the Rossville Flats. Lance Corporal J did not see the gunman but Lance Corporal F and Private G located him and returned fire.

¹ [B270](#)

123.162 In his written statement for the Widgery Inquiry,¹ Lance Corporal J recorded that there were two sentries posted outside the vehicles of his platoon on Rossville Street. When he was inside one the vehicles, shots came from the direction of the Rossville Flats. One of the soldiers who was sitting forward in the vehicle located the gunman. Fire was returned. Then another gunman, or perhaps the same gunman, fired from the Rossville Flats, and again fire was returned. Lance Corporal J did not in this statement identify either the sentries or the soldier or soldiers who returned fire.

¹ [B273-B274](#)

123.163 In his oral evidence to the Widgery Inquiry,¹ Lance Corporal J said that he was inside the rear vehicle of his platoon in Rossville Street. There were some sentries posted outside. He heard shooting from the Rossville Flats. A soldier who was sitting forward in the vehicle pointed out the source of the shots to the sentry. Lance Corporal J thought that the soldier who had indicated the source of the shots was the radio operator (Private 147). The sentry was out of sight of Lance Corporal J. Then Lance Corporal J heard someone fire. This might have been either of the sentries. Shortly after this another couple of shots were fired from what was pointed out as a different window. Lance Corporal J did not see the window but heard shots being returned.

¹ [WT15.33](#)

123.164 In his written statement to this Inquiry,¹ Lance Corporal J recorded that he did not now recall being in one of the vehicles of his platoon after they had moved down Rossville Street, nor did he recall any firing at or from the vehicles.

¹ [B289.005](#)

123.165 In his oral evidence to this Inquiry,¹ Lance Corporal J said that he could not really recall this incident.

¹ [Day 370/77-78](#)

123.166 Like that of Private H, the evidence of Lance Corporal J on the point under discussion lends support to Lance Corporal F's account of firing from near the Army vehicles in Rossville Street at a late stage, though again it provides none for the targets that he said that he engaged or for the number of shots that he said that he fired.

Lance Corporal 018

123.167 In his RMP statement,¹ Lance Corporal 018 recorded that while inside the forward vehicle of two that were positioned on Rossville Street facing south, level with the north-east wall of Block 1 of the Rossville Flats, he saw Lance Corporal F and Private G engage a gunman at the fifth window from the south end of Block 1 on the second floor. The gunman fired three shots, all of which passed high over the vehicles. Lance Corporal 018 saw three rounds fired by Lance Corporal F and Private G strike and pass through the window. He could not say whether they hit the gunman.

¹ [B1487](#)

123.168 In his written statement to this Inquiry,¹ Lance Corporal 018 told us that his current recollection was that he was sitting in the back of a vehicle, immediately behind the front passenger seat. The vehicle was parked at the junction of William Street and Rossville Street, and he was looking north out of the open rear doors. Lance Corporal F and Private G were a short distance behind the vehicle. Lance Corporal 018 heard two or three high velocity shots but could not locate their source. He then saw Lance Corporal F and Private G fire in the general direction of the Rossville Flats, with their rifles slightly elevated. He did not recall how many shots they had fired, but each fired at least once. Lance Corporal 018 was not in a position to see whether there was a gunman in the Rossville Flats when the shots were fired, nor could he see that the shots passed through a window. He told us that the RMP investigator told him that this information needed to be included in his statement in order to substantiate the accounts of Lance Corporal F and Private G and show that their shots did not hit anyone; and that he was led to believe that the details about the location of the gunman and the area to which fire was returned were true, and agreed to put them into his statement.

¹ [B1491.003](#)

123.169 This evidence in our view also supports the account of Lance Corporal F that he fired from near the Army vehicles at a window in Block 1 of the Rossville Flats. However, this witness in his 1972 account referred to Lance Corporal F and Private G firing three shots between them. Since, for reasons given later in this chapter when discussing the evidence of Private G, we are satisfied that Private G fired only one shot at this time, it follows that Lance Corporal 018's 1972 account indicates that Lance Corporal F fired two shots.

Lance Corporal 036

123.170 In his RMP statement,¹ Lance Corporal 036 recorded that, accompanied by another soldier, he drove his vehicle to grid reference 43251686 (the west side of Rossville Street approximately opposite the north end of Block 1 of the Rossville Flats) and parked it on the pavement. As he parked the vehicle, he and his companion came under fire. Lance Corporal 036 saw a window being moved upwards at the south end of the second floor of Block 1, about 35 to 40 yards away from him. He then heard a high velocity shot, which passed over his vehicle very close to its roof, and the window was immediately closed. He did not see a muzzle flash. Very shortly after this, he heard another high velocity shot. He looked up at the window and again saw it move. He did not see a weapon on either occasion. According to this account, Lance Corporal F and Private G also saw the movement of the window. Lance Corporal F fired two shots at the target and Private G fired one. Lance Corporal 036 saw all three rounds hit the window but did not see anyone hit.

¹ [B1629-1630](#)

123.171 In the unredacted version of his RMP statement, Lance Corporal 036 referred to his companion in the vehicle as a private soldier and gave his surname. In the redacted version, the cipher of Private U was inserted in place of the surname. Private U was not a member of Anti-Tank Platoon but shared a surname with Private 147 who was. In his oral evidence taken on behalf of this Inquiry in a foreign jurisdiction,¹ Lance Corporal 036 said that he believed that a mistake had been made in the redaction of his RMP statement and that Private 147 was more likely than Private U to have been his companion. It seems to us that this was indeed the case.

¹ [B1631.16](#)

123.172 In his oral evidence taken on behalf of this Inquiry,¹ Lance Corporal 036 said that he remembered the movement of a window described in his RMP statement, but did not remember hearing a high velocity shot. At first he said that he did not think that members of his platoon had fired at the Rossville Flats, but then he said that he thought that “*people did fire back*” but that he could not remember which soldiers had done so, or how many rounds they had fired. He said that, from his knowledge of Lance Corporal F and Private G, he thought that they “*would have fired if they had seen something*”. He did not see any movement at any other window, nor² did he see any gunmen.

¹ [B1631.18-B1631.19](#)

² [B1631.22](#)

- 123.173** On the basis of his 1972 evidence, Lance Corporal 036's account is accordingly similar to that of Lance Corporal 018, namely of seeing Lance Corporal F fire two shots and Private G one, at the same window in Block 1 of the Rossville Flats.

Lieutenant 119

- 123.174** Lieutenant 119 was the commander of Anti-Tank Platoon. He did not refer to firing by Lance Corporal F or Private G at Block 1 of the Rossville Flats in his first RMP statement,¹ in his second RMP statement,² in his written statement for the Widgery Inquiry³ or in his written statement to this Inquiry.⁴

¹ [B1752.041](#)

³ [B1752.043](#)

² [B1752.039](#)

⁴ [B1752.009](#)

- 123.175** In his oral evidence to the Widgery Inquiry,¹ Lieutenant 119 said that after he had handed over the group of civilians arrested in Glenfada Park North to members of the Composite Platoon, he returned to his vehicle in Rossville Street. The radio operator said that shots were being fired from Block 1. Lance Corporal F and Private G disembarked. Lance Corporal F went to the offside front wing of the vehicle for observation. Lieutenant 119 thought that Private G had gone to the nearside of the vehicle. Lieutenant 119 heard firing from the direction of Block 1 and saw Lance Corporal F fire two rounds in return. These were the last shots fired by a member of Anti-Tank Platoon. Lieutenant 119 did not say whether or not Private G also opened fire.

¹ [WT14.15-WT14.16](#)

- 123.176** In his oral evidence to this Inquiry,¹ Lieutenant 119 said that he no longer recalled this incident.

¹ [Day 363/177-178](#)

- 123.177** The 1972 evidence of Lieutenant 119 was, therefore, that he saw Lance Corporal F fire two rounds at Block 1 of the Rossville Flats.

Conclusions on the evidence of firing at Block 1 of the Rossville Flats by Lance Corporal F

- 123.178** In our view the evidence discussed above shows that at a late stage Lance Corporal F fired at Block 1 of the Rossville Flats. This evidence is to the effect that he fired two shots, while Private G fired one.
- 123.179** It is noteworthy that this evidence supports the account given by Lance Corporal F in his third RMP statement, that he fired two shots and Private G one shot, at the same window. This evidence is, however, inconsistent with any of the other accounts Lance Corporal F gave.
- 123.180** Later in this part of the report we consider whether there was incoming fire that caused Lance Corporal F and Private G to fire at Block 1 of the Rossville Flats and at what window they fired. We also consider later whether Lance Corporal F fired other shots at other windows in Block 1 of the Rossville Flats.

Private G

- 123.181** Private G was a member of Anti-Tank Platoon who appears to have travelled into the Bogside in the second of the APCs of this platoon.¹ We have already referred to his accounts when considering the events of Sector 4.
- ¹ B185
- 123.182** As we have already noted, in his first RMP statement timed at 0215 hours on 31st January 1972¹ Private G described coming under fire after he had debussed, from a gunman positioned in Block 1 of the Rossville Flats: “[A]bout three shots were fired at us.” He continued by describing further fire from the same location and “about six of us” taking cover behind a low wall: “Fire was returned by some of the men when the gunman was located.”
- ¹ B168
- 123.183** Private G then described moving forward from the low wall, firing two rounds at a gunman in an alleyway and then going into Glenfada Park North, where he said he fired another three rounds. We have dealt with this part of his account and what he stated happened in Glenfada Park North when discussing the events of Sector 4.

- 123.184** Having described what he saw and did in Glenfada Park North, Private G stated that he and others were recalled to Rossville Street, to which he then returned. His account continues:¹

“Our vehicles had been moved up Rossville St and were positioned on the street opposite the east corner of Block 1 of the flats. We all mounted the vehicles, I myself was in the rear of the rear vehicle. We were there about two minutes when we were fired on by a gunman from a window on the second storey of Block 1 of the flats, about 3 windows from the Western corner.

I got out of the vehicle and took up a position behind the front right wheel and faced the flats. I located the gunman and saw a muzzle flash coming from his position. I fired one aimed shot at the gunman but I cannot say that I definitely hit him. The gunman fired approximately 5 rounds at us. All his shots went high over the vehicle.

I fired a total of six rounds 7.62 mm during the action.”

¹ B169-B170

- 123.185** Private G made further RMP statements to which we have referred when considering the events of Sector 4. He also made a written statement for and gave oral evidence to the Widgery Inquiry.
- 123.186** In his written statement for the Widgery Inquiry, Private G said that after he had accompanied the party escorting arrested civilians from Glenfada Park North to Columbcille Court “*we moved to our vehicles, which had come up Rossville Street*”. He continued:¹

“10. The vehicles were then in the area of the Glenfada Park east building in the position shown at the end of line No 1 on the second photograph. I got in the back and while I was in there we came under fire again. I got out and ran round the vehicle to the right of the driver. I said to the driver, ‘Where from?’ and he indicated an open window – I think it was on the second floor about three windows in from the southern end. I heard more shots fired and saw the window move. I made out someone standing slightly back from the window which had been pointed out to me and fired one round at him. I cannot recall any further firing and I fired no more rounds. I had fired a total of six rounds during the afternoon.”

¹ B187

- 123.187 The reference to a photograph in this statement appears to be to one of Private G's trajectory photographs, which is reproduced below.



- 123.188 In his oral evidence to the Widgery Inquiry, Private G confirmed that his partner (his “*pair*”) was Lance Corporal F.¹

¹ [WT14.75](#)

123.189 After he had told that Inquiry what he then saw and did and what he said had happened when he and others (including Lance Corporal F) went into Glenfada Park North (which we consider in the context of the events of Sector 4), he gave the following answers:¹

“Q. When you got back to your own vehicle did anything else unusual happen?

A. We had been in the vehicles for a minute or so and we were fired on again from the flats.

Q. How did you know that?

A. The driver had actually seen where the shots had come from. I jumped out of the vehicle and ran round the front right hand. We said to the driver ‘Where?’ and he indicated an open window. I believe it was on the second floor about three windows in from the right hand end – somewhere about this side.

Q. Did you know what F was doing at that moment?

A. I think he was in front of the vehicle. F went in front of the other vehicle.

Q. Did you know whether he was firing or not?

A. I did not take note.

Q. Or what he was firing at?

A. No, I did not take no notice.

Q. What did you do?

A. I took up a position. The driver had told me where the fire was coming from because he had seen it, so I watched this window. The window was open. It was one of the windows that opens that way.

LORD WIDGERY: A sash window?

A. No.

LORD WIDGERY: Which swivels.

Mr. GIBBENS: I do not know what you call them.

LORD WIDGERY: What did you do?

A. I saw the window move again and we were fired on again from there. Somebody stood back from the window, seeing it was tilted inside, and we were fired on again from this position.

Q. Not too fast. You were fired on again?

A. We were fired on again from this position. I could make out somebody stood back, so I fired just one aimed shot at this position.

Q. I want to know how positive you are that you were fired on from the window. What did you see which gave you reason to think that was the truth?

A. When I saw the window move I could tell where the shot was coming from because I was watching it. I was actually watching where it came from.

Mr. GIBBENS: Did you see any weapon protruding from the window or was it someone standing back?

A. It was somebody stood back from the window.

Q. You fired one aimed round?

A. Yes.

Q. What happened to that round?

A. I did not see nothing else, sir.

Q. Did it go through the window, or what happened to it?

A. I believe it struck just slightly above the window.

Q. You do not think it went in?

A. I do not think it did. I could not be sure of that, but that is what I thought on my own."

¹ [WT14.81-82](#)

123.190 Later in his oral evidence to the Widgery Inquiry,¹ Private G said that he did not see any strikes on the window. In contrast to his earlier oral evidence, he said that he did not know where Lance Corporal F had been at the time and "*couldn't be sure*" whether Lance Corporal F had fired at this time.

¹ [WT14.89](#)

123.191 Private G was shown photographs of a window in an attempt to see whether he could recognise it as the kind of window at which he said he had fired. It is not entirely clear what photographs he was shown, but in the transcript one is described as taken from the inside, and Private G said he thought that it could be a similar window.¹

¹ [WT14.89-90](#)

123.192 The photographs that were used during the Widgery Inquiry included the following two taken by Larry Doherty of the *Derry Journal*, the second of which was taken from the inside of the flat at which firing had been directed.¹

¹ [Day 27/68](#)



123.193 The transcript appears to indicate that Private G was shown more than two photographs, but though it seems likely that the two shown above were among these, we do not know what other photographs were shown to him. We return to reconsider these and other photographs below,¹ in the light of the evidence of people who were in this flat on Bloody Sunday.

¹ [Paragraphs 123.212–263](#)

123.194 So far as Major Loden's List of Engagements¹ is concerned, we have already considered the 12th entry, "*1 gunman with pistol at GR 43261684 (3rd floor of Rossville Flats) shot at from GR 43261692. Possibly hit.*"

¹ [ED49.12](#)

123.195 As already observed, the grid reference for the firer or firers in this engagement indicates a location close to the position described by Lance Corporal D and Private C, ie the Kells Walk walkway. It does not correspond with the position in Rossville Street where Private G said that he was when he shot at a window. Furthermore, nowhere in his evidence did Private G describe firing at a man with a pistol. It seems, however, as we discuss elsewhere in this report, that it is possible that he did give a description of what he said he did in Glenfada Park North to Major Loden. It thus appears that while Private G may have given an account of some of his firing to Major Loden, he said nothing about firing at a window in the Rossville Flats. In addition, as will have been seen during our consideration of the events of Sector 4, there is nothing to suggest that Private G told Major Loden of the two shots that he said that he had fired into an alleyway at a gunman as he moved forward on his way to Glenfada Park North, or of the two shots that, for reasons we have given earlier in this report,¹ we are sure he fired in Abbey Park.

¹ [Chapter 107](#)

123.196 Private G is dead and gave no evidence to this Inquiry.

Summary of Private G's accounts of firing at a window in Block 1 of the Rossville Flats

123.197 On the basis of the accounts given by Private G, he fired one shot at a window on what he described as the second storey of Block 1 of the Rossville Flats, near the southern end of that block. He originally stated that he located a gunman, saw a muzzle flash and fired one aimed shot, but could not say that he had definitely hit the gunman; and described the gunman as firing approximately five shots, all of which went high over the vehicle. In his written statement for the Widgery Inquiry, Private G stated that he was in

the vehicle, came under fire, got out and was told by the driver from where the fire was coming, heard more shots, saw the window move and fired at someone standing slightly back from the window, but believed that his shot had struck just above the window. He eventually told the Widgery Inquiry that he did not know where his “*pair*” Lance Corporal F was at the time and could not be sure whether Lance Corporal F had fired at this time.

Consideration of this evidence of Private G

- 123.198** For reasons we gave when considering the events of Sector 4, we take the view that Private G consistently lied in his 1972 accounts: in his description of what happened in that sector, in his description of the circumstances in which he fired in Glenfada Park (where people were killed and injured) and in his denial of shooting in Abbey Park, where we are sure he killed two people. In those circumstances, we take the view that in the absence of supporting evidence we cannot place reliance on what he said about firing at a window in Block 1 of the Rossville Flats. Since we have taken the same view of the evidence of Lance Corporal F, we do not regard this soldier’s evidence of observing Private G firing in Rossville Street as providing support for Private G’s account. The two were colleagues and worked as a “*pair*”, and (again for reasons that we have given) we are of the view that they lied in an attempt to support each other’s accounts of what happened in Sector 4, while in addition Private G lied in support of Lance Corporal F’s account of why the latter fired in Sector 5.
- 123.199** However, there is other evidence that Private G did fire a shot in Rossville Street at a late stage, when vehicles of Support Company had moved southwards down Rossville Street.
- 123.200** We have already referred in this chapter to some of this evidence when considering Lance Corporal F’s account of firing at the same time as Private G. In particular the 1972 account of Lance Corporal 036 was that he saw Private G fire one shot and Lance Corporal F fire two at the same window in Block 1 of the Rossville Flats, while Private H described these two soldiers firing three shots between them.
- 123.201** We should also note the evidence of Private 027, while bearing in mind (as we have pointed out elsewhere in this report¹) that there are difficulties in accepting much of what he has said over the years.

¹ [Chapter 179](#)

123.202 Private 027 did not refer to firing by Lance Corporal F or Private G at Block 1 of the Rossville Flats in his RMP statement,¹ in his supplementary written statement taken by John Heritage on 8th March 1972,² or in his written statement for the Widgery Inquiry.³

¹ [B1546](#)

³ [B1551](#)

² [B1565.114](#)

123.203 In his account written in or about 1975,¹ Private 027 recorded that after his platoon had withdrawn from Glenfada Park North, soldiers fired one or two more shots from the street at the Rossville Flats, but he gave no further details.

¹ [B1565.008](#)

123.204 In his draft for a proposed book written in or about 1999,¹ Private 027 wrote that he was standing among a group of vehicles that had moved forward and were stationary in the road. Various officers were present, including Colonel Wilford and Warrant Officer Class II Lewis. A soldier leaned across the bonnet of a vehicle and fired at a high angle up into the Rossville Flats. In an exasperated tone, Warrant Officer Class II Lewis shouted at the soldier "*That's enough*". This was the last shot that Private 027 stated that he recalled being fired.

¹ [B1565.313](#)

123.205 In his written statement to this Inquiry,¹ Private 027 told us that he recalled standing near Major Loden beside the latter's vehicle, which had been moved to about the point marked K on the plan attached to his statement² (the west side of Rossville Street opposite the northern part of Block 1 of the Rossville Flats). Private 027 saw Private G leaning over the bonnet of the vehicle. Private G fired a shot into Block 1. From the angle at which Private G was holding his rifle, Private 027 believed that Private G had fired "*4 or 5 storeys up into the block*". Colonel Wilford and Warrant Officer Class II Lewis were nearby. When Private G fired, Warrant Officer Class II Lewis turned to him and said in an agitated tone "*that's enough*". There was no incoming fire at this stage. Private 027 told us that Private G's shot was the last that he recalled being fired.

¹ [B1565.046](#)

² [B1565.095](#)

123.206 In his oral evidence to this Inquiry,¹ Private 027 said that while other soldiers may have fired at the same time, the only shot that he could specifically recall being fired at this stage was the shot fired by Private G, who had been leaning over the bonnet either of Major Loden's vehicle or of "*the next one in line*".

¹ [Day 246/105-107](#)

123.207 In his oral evidence to this Inquiry,¹ Colonel Wilford said that he had no recollection of this incident and that he had not heard Warrant Officer Class II Lewis speak to a soldier in the manner described by Private 027.

¹ [Day 314/11-12](#)

123.208 In his written statement to this Inquiry,¹ Warrant Officer Class II Lewis said that he had no recollection of Private G firing into Block 1 of the Rossville Flats at a late stage of the operation.

¹ [B2111.019](#)

123.209 Despite the difficulties about accepting much of what Private 027 has written and said over the years, his account of Private G firing a single shot up at Block 1 of the Rossville Flats bears similarities to the evidence of the other soldiers to whom we have referred above.

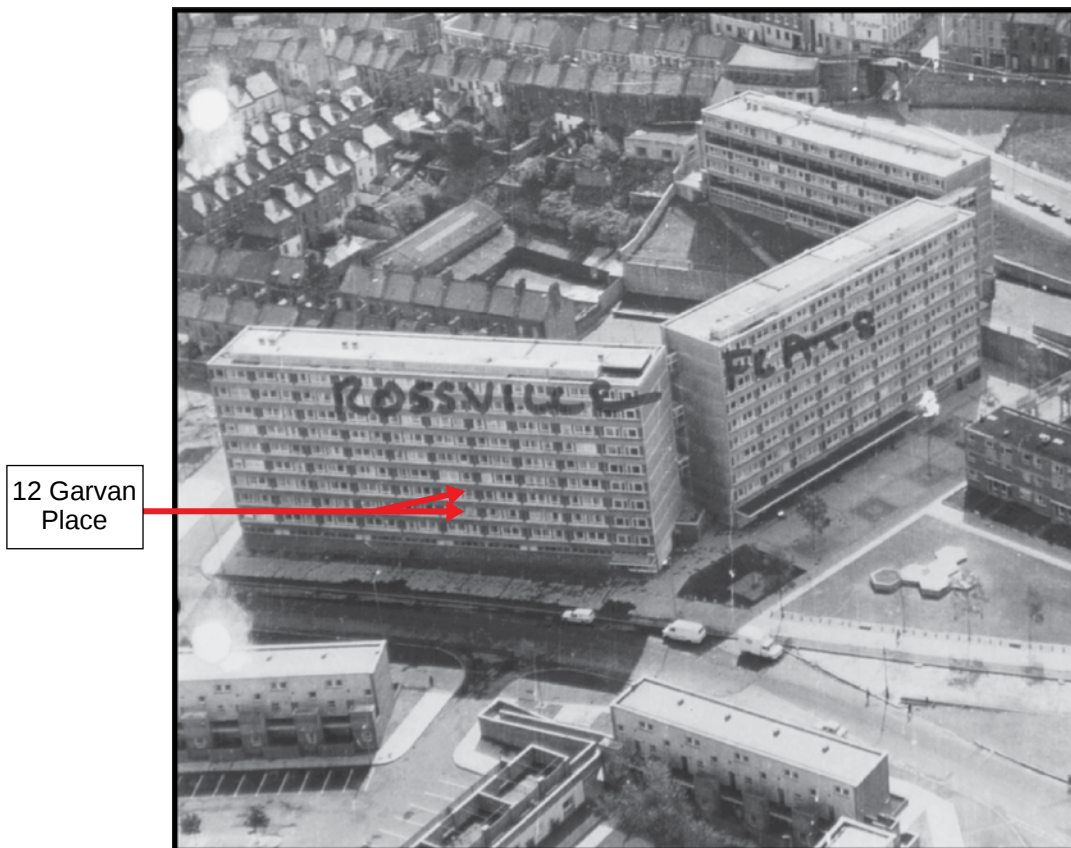
123.210 On the basis of the evidence we have examined, we are sure that Private G fired a shot at a window in Block 1 of the Rossville Flats at about the same time that Lance Corporal F fired two shots at the same target.

123.211 Later in this part of the report we consider two further questions, namely whether there was paramilitary shooting or activity that caused Private G and Lance Corporal F to fire, and the target or targets at which they fired. We start with the firing at 12 Garvan Place in Block 1 of the Rossville Flats.

12 Garvan Place

123.212 12 Garvan Place was a maisonette on the second and third floors of Block 1 of the Rossville Flats,¹ which at the time of Bloody Sunday was occupied by the McCrudden family. It is marked on the following photograph.

¹ [GEN3.12](#)



123.213 The photographs taken by Larry Doherty that we have reproduced above¹ when considering the evidence of Private G are of the more southerly window on the lower floor of this maisonette. Another photograph of this window was taken by Fulvio Grimaldi, to whose evidence we refer below.

¹ [Paragraph 123.191](#)



- 123.214** As can be seen from these photographs, there are what appear to be six bullet holes in the glass of this window. As can be seen rather more clearly from the first of Larry Doherty's photographs, there also appears to be damage both to the masonry immediately above the window and to the sill below, which in our view could have been caused by the impact of bullets.
- 123.215** In addition to these photographs there is a section of news footage taken for Independent Television News (ITN) shortly after Bloody Sunday¹ that gives a wider view of the damaged window and of the mullion to the right (ie to the southern side of the window), and shows that there were two further marks of damage on this mullion, one of which is out of view in Larry Doherty's photograph. The following photograph is a still taken from this footage.

¹ [Vid 4 08.48](#)



123.216 It seems to us from these photographs that at least six, and probably a further four, shots had been directed at this window.

123.217 John McCrudden, then 12 years old,¹ made a NICRA statement in which he described looking out of 12 Garvan Place.² He gave an account of seeing the APCs come into the Bogside, going to the back window and witnessing events in the car park; then returning to the front windows, witnessing events in Glenfada Park North and seeing an APC come up to the rubble barricade, about six soldiers collecting three bodies lying there and putting them into the APC, and then the APC returning along Rossville Street.

¹ His NICRA statement described him as 14, but John McCrudden told us that this was wrong and that he was 12 at the time ([AM152.1](#); [Day 95/91](#)).

² [AM152.10](#)

123.218 After giving this account and describing what he then saw in Glenfada Park North, John McCrudden continued:

“An Italian cameraman and girl from Wales was taking photographs from our house. They were taking photos of the Saracens. One bullet came up Rossville into our window. It hit the frame. The cameraman moved back and then 6 more came up one after another. They came through the window and hit the wall.”

123.219 In his written statement to this Inquiry,¹ John McCrudden confirmed that the window through which the bullets passed was on the lower floor of the maisonette (ie the second floor of the block). In his oral evidence to this Inquiry,² John McCrudden said that the photograph taken by Fulvio Grimaldi and reproduced above³ showed the window in question with six bullet holes.

¹ AM152.1; AM152.5

³ Paragraph 123.213

² Day 95/119-120

123.220 In his oral evidence to this Inquiry,¹ John McCrudden said that Fulvio Grimaldi was actually taking photographs at the time when the first shot was fired.

¹ Day 95/117-124; Day 95/154-161; Day 95/170-171

123.221 John McCrudden also told us that he remembered his mother, who was in the flat, “*shouting furiously at the journalist because she felt it was his fault that the shots had been fired*”.¹

¹ AM152.5

123.222 We have no doubt that the Italian cameraman was Fulvio Grimaldi and the girl from Wales Susan North, to some of whose evidence we have already referred. In his written statement for the Widgery Inquiry,¹ Fulvio Grimaldi described how he went from the Rossville Flats car park through the gap between Blocks 2 and 3 to the front (ie the south) of the Rossville Flats. He described seeing there the bodies of Patrick Doherty and Bernard McGuigan, the two people killed in Sector 5. We consider his accounts of what he saw in this area when discussing the events of Sector 5. Fulvio Grimaldi said in his written statement for the Widgery Inquiry that he knew that there was a telephone in a flat on the second floor. He stated that when he and Susan North entered Block 1 of the Rossville Flats they saw a body on the landing covered with a yellow blanket, and were told that this was the body of a dead man:²

“9. We went to the flat on the 2nd floor and booked a phone call. I then took a few pictures from the window overlooking Rossville Street. I then moved a couple of yards into the room and turned to talk to Susan. Then a shot came through the window. We all went down and a woman with us shouted. Then more shots – 5 or 6 – came through the window. We crawled out of the room, shouting at everyone to take cover. I crawled back and took my booked phone call, which came through (it was to a paper in Rome).”

¹ M34.2

² This was the body of Kevin McElhinney.

- 123.223 According to notes made by Peter Pringle of the *Sunday Times* Insight Team,¹ Fulvio Grimaldi told him the following:

“At this time I decided to make a telephone to Italy using the phone of a woman I knew was living on the second floor (see diagram) of the block of flats facing onto Rossville Road. When I was on the phone shooting broke out opposite and I went to the window and started taking some pix. Almost immediately a shot hit the window above my head. My wife and I and the woman in the flat threw ourselves to the floor and in quick succession five more shots were pumped through the window (PP: There six neat bullet holes in this window. The woman living in the flat is still under sedation and was not interviewed).”

¹ M34.11

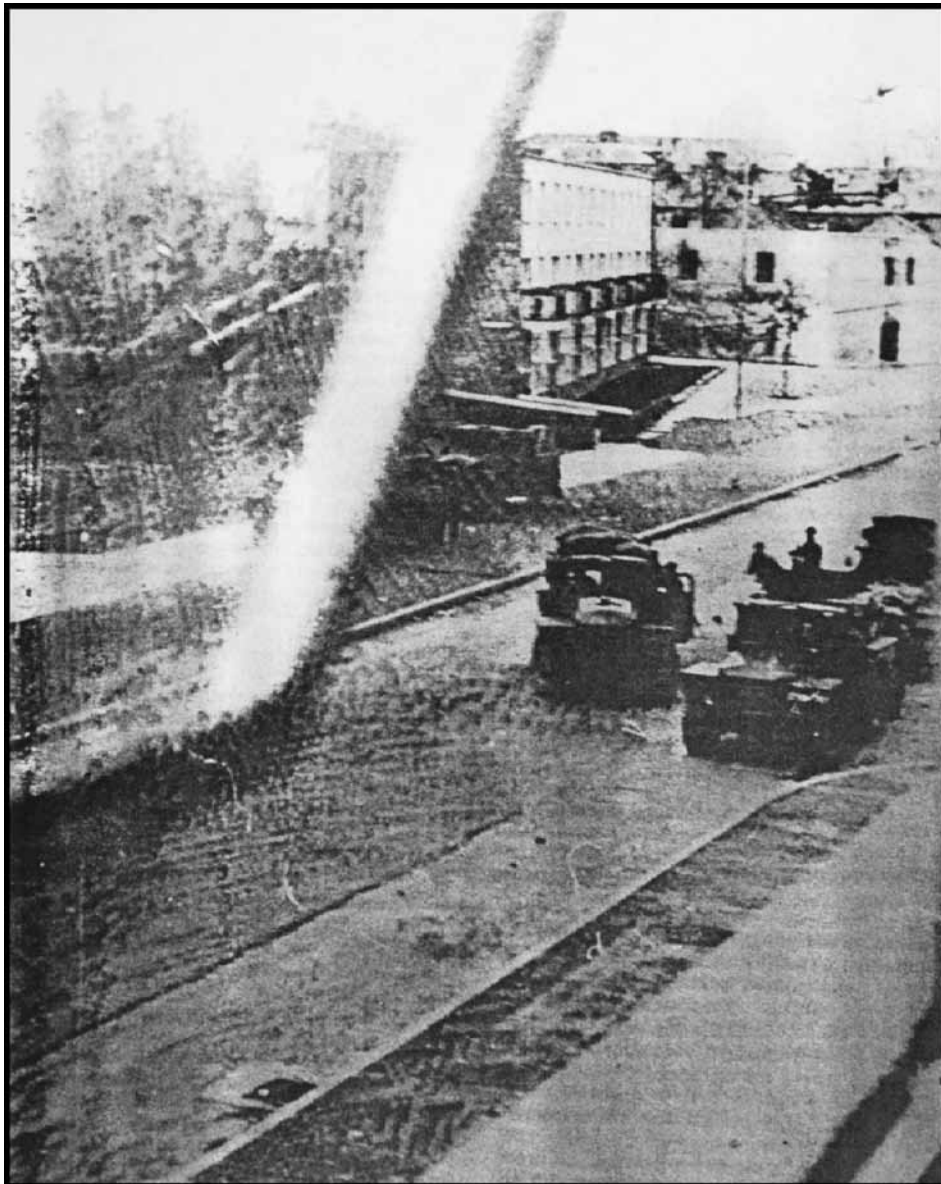
- 123.224 Fulvio Grimaldi gave oral evidence to the Widgery Inquiry. He first told that Inquiry that he had “*slightly opened the window, enough to put my camera through*”, and then, having taken three photographs, turned back inside the flat, when a shot came through the window, followed by another. Everyone got down on the floor, including his “*wife*”, and “*as we were crawling through the bedroom into the hall at the back, four more shots crashed through the window and hit the wall to the left of the window facing the street, which means that they were shot from the right hand side looking out from the window – from the area where I had photographed the Saracens.*”¹

¹ WT7.60

- 123.225 In his written statement for the Widgery Inquiry, Fulvio Grimaldi recorded that he took “*a few*” photographs from the window.¹ He told the *Sunday Times* that he took some pictures.² One of these photographs, reproduced below, was of an Army ambulance in Rossville Street. This Inquiry did not have copies of any other photographs taken by Fulvio Grimaldi from the flat before shots were fired through the window.

¹ M34.2

² M34.7; M34.11



123.226 Later in Fulvio Grimaldi's oral evidence to the Widgery Inquiry he gave the following answers:¹

"Q. We have had photographs taken of a window at these flats. Perhaps you would be good enough to identify whether or not this photograph refers to the flat in question. Look at that one.

A. Yes; it is my photograph in fact.

Q. Would you look at that close-up of the bullet hole and this close-up. That is three photographs altogether showing bullet holes in a window. Would you hand those in to my Lord.

A. I certainly identify this one. These are details, it could be any window; but this is the window where I was standing behind.

Q. You told my Lord that there were six bullets altogether – one shot, then a second shot and four more shots you described.

A. Yes.

Q. Are those the six shots in that window?

A. Yes.

Q. From your investigation of the line of fire would it appear that those bullets were fired from Rossville Street?

A. Yes, quite clearly; it faces Rossville Street and it hit the wall to the left of this window. That means an inclined direction from the William Street end.

Q. Fired from somewhere on your right as you would look out of the window?

A. Yes.

Q. Did you open the window and actually put your head out of the window?

A. I opened the window, I put my head and the camera out of the window. I peacefully terminated my photographing, I turned back inside the room, when the shots rang out.

Q. How many seconds elapsed between your bringing your head in and the first of these bullets striking the window?

A. 15 to 20.

Q. And how long after the first shot was it that the second shot was fired?

A. Four seconds.

Q. Was there any gap between the second shot and the other four shots which you mentioned?

A. Yes, there was another gap of about 10 seconds.

Q. Then the final four shots came altogether?

A. Yes, almost together; they were single shots but they came very close one to the other."

¹ WT7.63

123.227 In his and Susan North's interview with Paul Mahon,¹ Fulvio Grimaldi said that Susan North, who was working as his assistant, switched on her tape recorder after the first couple of shots were fired.

¹ X4.48.67-77

123.228 In his written statement to this Inquiry,¹ Fulvio Grimaldi told us that when the first bullet came through the window, the woman who lived in the flat started yelling, as could be heard on Susan North's tape recording. Susan North shouted to the woman's young children to get down. About 10 seconds later, a second bullet came through the window. Susan North said something about being hit, but found that she had been hit by a splinter of glass. About 20 seconds later, four more shots were fired in rapid succession. Susan North yelled to the woman and her children to go into the bathroom. The woman started repeatedly yelling such things as "*this is at you for taking those photos*" and "*you must tell them that you are a photographer*", as recorded on the tape. Then an Army recruitment broadcast was shown on the television, again as recorded on the tape. According to Fulvio Grimaldi, some time later, Susan North left the flat to find a photographer with another film. While she was doing this, Fulvio Grimaldi made his telephone call. When Susan North returned, she said that the body on the stairs had gone. They then both left the flat. Fulvio Grimaldi told us² that he did not remember that he had gone to the window of the flat because he had heard shooting break out, as suggested in Peter Pringle's interview note. He told us he went to the window in order to see what was happening.

¹ M34.64-M34.66; M34.72

² M34.75

123.229 In his oral evidence to this Inquiry,¹ Fulvio Grimaldi said that he thought that he had put his head out of the window to take photographs for not more than 20 to 30 seconds.

¹ [Day 131/71-76](#); [Day 131/152-155](#); [Day 131/165-173](#)

123.230 Susan North was at the time Fulvio Grimaldi's partner, not his wife, though they subsequently married. At the time she was also working as Fulvio Grimaldi's assistant.¹

¹ [M35.2](#)

123.231 Susan North made a written statement for the Widgery Inquiry,¹ though she did not give oral evidence. In the written statement she said that she had seen and heard some events as Fulvio Grimaldi had described in his written statement, including what happened in the flat. She stated that while Fulvio Grimaldi was waiting for his telephone call, she went downstairs to find more film. This was before the shooting at the window occurred. As she passed the first landing, the body that had been there was being moved. She believed that those moving the body were ambulance men. She also told the Widgery Inquiry that she had a tape recorder with her and recorded, among other things, "*Shooting at the flat window, and the army advertisement on TV*".

¹ [M35.1](#)

123.232 Peter Pringle of the *Sunday Times* made a note that:¹

"Susan Grimaldi remembers that while they were in the Rossville flat the TV was on and there was an ad for joining the army. 'Good pay and good prospects.' Apart from obvious irony it can also be used to confirm the exact time they were there."

¹ [M35.76](#)

123.233 There are a number of transcriptions of Susan North's tape, with some differences between them,¹ but at least as far as that part of the tape recording what happened in 12 Garvan Place is concerned, we prefer as the most accurate (having listened to the recording) the most recent version of the one produced by experts retained by this Inquiry, Network Forensics.²

¹ [Day 130/1-4](#)

² [E11.102-106](#)

123.234 In her written statement to this Inquiry,¹ Susan North again said that she left the flat to find film, saw the body on the landing being moved, and saw Fr Daly giving a television interview before the incident in which shots were fired into the flat.² She thought that when she returned to the flat Fulvio Grimaldi had made his telephone call. He went to the window to take some photographs. He drew back from the window. Very soon after that,

a bullet came through the window. Fulvio Grimaldi immediately moved away from the window. The woman of the flat became very upset and kept repeating “*That’s at you for taking the photos*”. Susan North switched on the tape recorder. A second shot came through the window, as can be heard on the tape. Susan North initially thought that she had been hit in the left arm by this shot, but it turned out that she had been hit by a splinter of glass. The television in the flat was on and an Army recruitment broadcast was being shown. Two more shots came through the window. These were not recorded. Then two further shots were fired. Susan North had the impression that in total seven bullets had been fired, one of which had hit the window frame. When she and Fulvio Grimaldi left the flat, someone told them that they had heard or intercepted “*messages of soldiers who were going to be taking photographic equipment as they would not want film to get out of Derry of what had happened that day*”. Neither the Army radio logs nor the Porter tapes contain any such message. In our view no such message was sent.

¹ [M35.8-M35.10](#)

² For reasons given later in this report, we consider that Susan North was mistaken in believing that she had left the flat before the shots were fired.

123.235 In her oral evidence to this Inquiry,¹ Susan North said that quite a few seconds passed after Fulvio Grimaldi had drawn back from the window before the first shot was fired. She confirmed that the first shot was not recorded because the tape recorder was switched off.

¹ [Day 130/42-48](#); [Day 130/72-77](#); [Day 130/102-104](#); [Day 130/125-133](#)

123.236 In her undated statement given to Jane Winter of British Irish Rights Watch,¹ John McCrudden’s sister Margaret McCrudden, now Margaret Fetherston, who was 15 years old at the time, said that a reporter was taking photographs from the window. She did not know his identity at the time but now believed that he was Fulvio Grimaldi. She heard a single shot, which she thought had hit the metal frame of the window. She went down onto the floor. Six more shots then came through the windowpane. The only person injured was her mother, who was hit on the nose by a piece of shrapnel.

¹ [AF5.13-AF5.14](#)

- 123.237** In her written statement to this Inquiry,¹ Margaret McCrudden gave a similar account. She said that the six shots that came through the window were fired in quick succession:

“Things also happened inside the flat. I remember a photographer came in. We were in my mother’s bedroom which overlooked Rossville Street. I remember being at the foot of the bed and I have a sense of my mum being nearer or sitting on the bed somewhere to my left. The phone is the centre piece of my memory because the photographer had come in to use it. He had spoken to someone and was waiting for someone to call him back; his paper or something. I have the sense that he was on the left-hand side of the window and there was a dresser in front of the window. While he was waiting for his phone call, he started to take some photographs through the window. He didn’t have a pistol, just a camera, and I was not conscious of anything else happening in the block such as a weapon being fired from another window.

I heard a single shot which sounded as if it had hit the metal frame of the window. We all hit the deck; there was a split second which gave us the opportunity to all get down on the floor. There were then six other shots in quick succession. I remember the number specifically. The bullets came straight through the window and hit the wall above the head of the bed. I remember there were neat holes in the glass of the window and splinters of metal all over the room. One splinter hit my mum in the nose and I remember her nose bled.”

¹ [AF5.4-AF5.5](#)

- 123.238** On the tape can be heard the sound of the advertisement for the Army to which Fulvio Grimaldi and Susan North referred.¹

¹ [E11.106](#)

- 123.239** According to a note made by the *Sunday Times* Insight Team, the Army recruitment broadcast was shown at 4.44pm.¹ We have no reason to doubt that information. Because of the breaks in the recording, it is impossible to be sure how much time elapsed after the firing of the earliest shot recorded on the relevant part of the tape before the Army broadcast was picked up in the background, but it cannot have been less than the period for which the tape recorder was switched on, which was just under three-and-a-half minutes. Thus the first shot into the window must have been fired before 4.41pm.

¹ [Day 130/75](#)

123.240 The relevant part of Susan North's tape records¹ the sound of one shot just after a break in the recording, which then continues for approximately 29 seconds before another apparent break. During that period, Mrs McCrudden can be heard repeating "*That's at you for taking the photos*", but no further shots are recorded. We set out below part of the transcript including this passage. As noted above, on Susan North's evidence to this Inquiry, the tape recorder was not switched on when the first shot was fired through the window, so that the first recorded shot was the second to be fired.

¹ [Aud 9 40.39](#)

123.241 When the tape recorder was switched on again,¹ Susan North can be heard, as she confirmed in her oral evidence to this Inquiry,² referring to the shot that she initially thought had hit her, until she realised that she had been hit by a splinter of glass. This may be an indication that a shot was fired into the flat during the break in the recording. After approximately seven seconds, it appears that two further shots are fired in quick succession, followed by approximately 41 seconds of dialogue before the tape recorder is switched off, during which no more shots are fired but voices are heard saying that there is firing at the windows, Mrs McCrudden says that she has been hit on the head, and Fulvio Grimaldi says that Mrs McCrudden has been hit by glass.

¹ [Aud 9 41.08](#)

² [Day 130/77](#)

123.242 When the recording begins again,¹ Fulvio Grimaldi is heard to ask whether those firing are out of their minds. In her written statement to this Inquiry,² Susan North told us that during the break in the recording prior to this remark, a further shot had been fired into the flat even though she had thought that the action was over. The recording then continues for approximately 125 seconds, with no more shots audible, until the tape recorder is switched off and on again. The Army recruitment broadcast can then be heard playing in the background.³

¹ [Aud 9 41.57](#)

³ [Aud 9 44.03](#)

² [M35.13](#); [M35.63](#)

123.243 John McCrudden's recollection of his mother shouting furiously at someone who must have been Fulvio Grimaldi is borne out by the tape recording.¹ A female voice that (as will be seen) John McCrudden identified as that of his mother can be heard blaming Fulvio Grimaldi, in a highly agitated way, immediately after the sound of gunshots. This part of the transcript reads as follows:²

"[Sound of gun shots]

[Sound of TV in background]

FG Here

F That's at you for taking the photos ... that's at you [for] taking the photos ... that's at [you] for taking the photos ...

FG Yes I know I know

[Pause]

F That's at you for taking the photos that's what that is ... that was at you

FG We won't take any photos any more"

¹ [Aud 9 40.39](#)

² [E11.103](#)

123.244 Later the same voice can be heard saying "*Don't you go out with that camera near our windows again please*".¹

¹ [E11.106](#)

123.245 John McCrudden listened to the tape in the course of giving his written statement to this Inquiry. He told us:¹

"I have been played an excerpt of a tape recording that was made on the day by Susan North. I did not realise a tape was being made and had not heard the tape before coming in to make this statement. The relevant part of the transcript is pages 32–35. I can identify my mother's voice on the tape. First she is shouting at the journalist because he caused the shots to be fired at the window and then she asks him to make a call to explain that he was taking photographs, so that no one would think that there was firing from our flat. I can also identify my sister Adeline's voice commenting that my other sister, Louise, was scared."

¹ [AM152.5](#)

123.246 Susan North told us¹ that she did not record the first shot that came through the window. She also told us that Fulvio Grimaldi had moved away from the window when the first shot came through.²

¹ [Day 130/76](#)

² [Day 130/128](#)

- 123.247** On the basis of this evidence, it appears that John McCrudden, his mother and three sisters were in the flat, together with Fulvio Grimaldi and Susan North. There may have been others there as well, though Susan North's recollection was that there were not.¹
- ¹ [Day 130/125-126](#)
- 123.248** Although Fulvio Grimaldi and Susan North said that the former had moved back before any shots came through the window, this may not have been so, since John McCrudden's 1972 account and his evidence to us is that Fulvio Grimaldi was taking photographs at the time of the first shot; and since the account Fulvio Grimaldi gave to the *Sunday Times* seems to be to similar effect.
- 123.249** As we have noted above, Susan North told us that it was after the Army recruitment broadcast that four of the shots were fired. In our view this is likely to be a false memory. We accept that the first of the shots was fired before the tape was switched on. For the reasons we gave above, it must have been fired before 4.41pm. The Army recruitment broadcast was at 4.44pm. The impression we gain from the evidence as a whole from those in the flat is that the firing at the flat is unlikely to have lasted more than three or four minutes.
- 123.250** In view of the fact that there were four young children in the flat and in the light of the evidence to which we have referred, we reject any suggestion that a gunman fired from this flat and that Army gunfire was in consequence returned. Whether soldiers mistakenly thought that Fulvio Grimaldi was a gunman and fired at the window in that mistaken belief is a matter that we consider later in this part of the report.

Consideration of the evidence about firing at the west side of Block 1 of the Rossville Flats

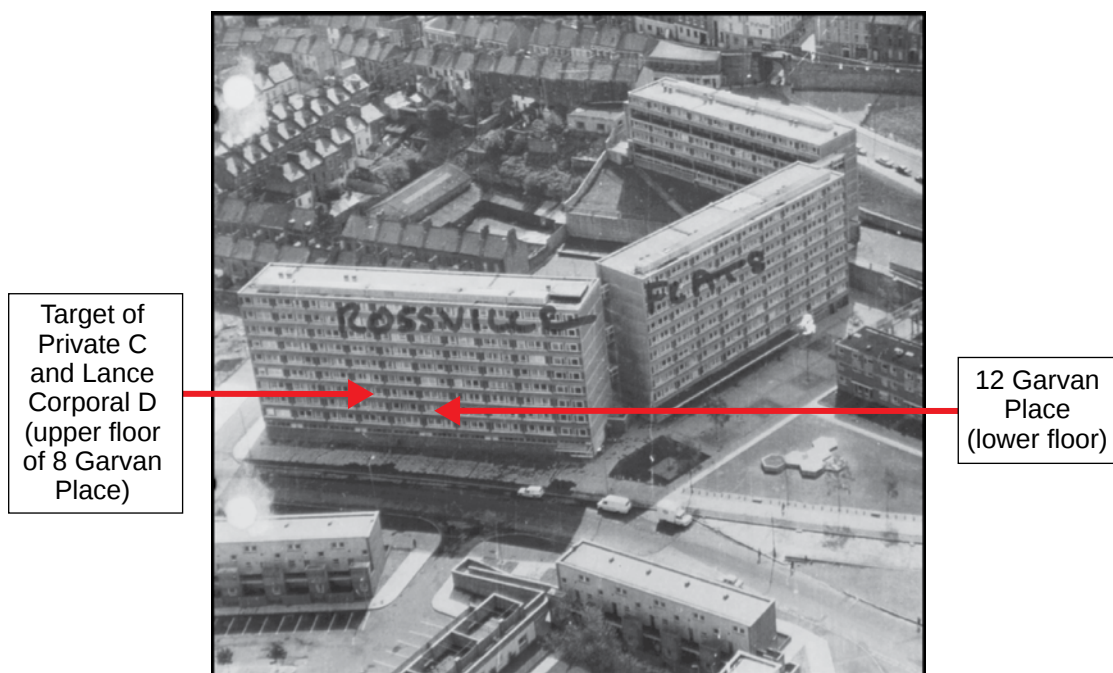
- 123.251** With the exception of the shot that Corporal E told the Widgery Inquiry that he fired at an early stage from the Kells Walk ramp at a window on the next-to-top floor of Block 1 of the Rossville Flats, all the shots described by soldiers who said that they fired at windows in that block were fired at a late stage, after the other firing in all the sectors and after the Army vehicles had moved forward (southwards) from their original positions.¹ Firing at this stage is supported by the evidence we have discussed in relation to 12 Garvan Place. In particular, according to John McCrudden, shots came through the window after an APC had gone forward to the rubble barricade and soldiers had collected and put in

the APC three bodies that were lying there. There is a considerable body of other evidence, to which we refer below, of firing at this stage, as well as of further firing some minutes later.

¹ As will have been seen, Lance Corporal F resiled from his original account of firing at Block 1 at an early stage. Private L told Captain 200 that he fired at the same target as Private C and Lance Corporal D, who fired at a late stage.

- 123.252** Apart from the window damage to 12 Garvan Place, we have found no evidence that any window on the west side of Block 1 of the Rossville Flats was damaged by gunfire on Bloody Sunday. As already noted, the window identified by Lance Corporal D and Private C was in 8 Garvan Place, but the occupant of that flat (Eileen Gallagher) made no mention of any of her windows being damaged on the day.
- 123.253** We are sure from the photographic and other evidence we have set out above that six shots were fired through the southern window of 12 Garvan Place. As already noted, there was damage to the masonry immediately above the window, to the sill below and to the mullion to the side, which to us would appear to have been bullet strikes. As we have also noted, three soldiers (Private C, Lance Corporal D and Private G) each gave evidence that one of their shots missed a window but hit close by.
- 123.254** Again leaving aside the shot that Corporal E claimed he fired at a higher window at an early stage, there are, as will have been observed, a number of soldiers who gave accounts of firing at a late stage at this side of Block 1 of the Rossville Flats.
- 123.255** As to the soldiers who gave accounts of firing at the west side of Block 1 of the Rossville Flats, it seems to us for reasons given earlier in this report that Private C fired three shots from the Kells Walk walkway at a window, one of which, according to him, hit the wall above the top right-hand corner of the window; that Lance Corporal D fired two shots from the same place at the same window, one of which, according to him, hit the wall to one side of the window; and that Private L probably fired one shot at the same window. Private G fired one shot from near the Army vehicles in Rossville Street at a window identified by an Army driver, but according to the former hit above the window. Despite his other accounts of firing more shots, the evidence we have examined leads us to conclude that Lance Corporal F fired only two shots at the same window as Private G, as indeed he recorded in his third RMP statement.
- 123.256** On this basis, nine shots were fired at a window or windows on the west side of Block 1 of the Rossville Flats.

- 123.257** On the basis of the evidence that we have considered, we have concluded that it is probable that six shots entered the window, one hit the masonry above the window, another the sill beneath the window and one to the side of the window. The photographs support this, though one of them seems to show that another shot may also have hit to the side of the window. There is nothing to suggest that more than ten shots at most were directed at this window.
- 123.258** As we have observed, we have found no evidence that any other window was damaged by gunfire. The window identified by Private C and Lance Corporal D does not appear to have been damaged. In our view they were mistaken in identifying this window as the one they had fired at and in fact they had fired at 12 Garvan Place. We set out below a photograph that shows the target identified by Private C and Lance Corporal D and the position of the window of 12 Garvan Place.



- 123.259** As can be seen, although these soldiers identified a different window from that of 12 Garvan Place that was fired at, the two positions are not far apart and in our view it would not be surprising, by reason of the large array of identical windows, if they had made a mistake when later giving an account of where they had fired.

123.260 Private G's trajectory photograph¹ shows a target close to 12 Garvan Place. Private G stated that he hit above the window with his shot. In our view the shot he fired was directed at the lower floor window of 12 Garvan Place, as were the shots fired by Lance Corporal F.

¹ [Paragraph 123.187](#)

123.261 In our view therefore, Private C, Lance Corporal D, Private L, Private G and Lance Corporal F all fired at 12 Garvan Place. The first two of these each described one of their shots missing the window but hitting close by, as did Private G in respect of the one shot he fired.

123.262 Private C, Lance Corporal D, Private L, Private G and Lance Corporal F in our view account for nine of the shots fired at 12 Garvan Place.

123.263 If all the marks shown in the photographs above and below the window and on the mullion to the side of the window represent bullet damage, this analysis fails to account for one shot. It is possible that one of the marks is not that of a bullet strike. It is also possible, though contrary to the view we have expressed earlier in this report, that Private Longstaff fired a shot at this window, which at the time he failed to acknowledge, or that Private INQ 449 did so. As we have pointed out earlier, Lance Corporal F claimed to have fired three shots at the same window as Private G, but the evidence of others of Lance Corporal F's firing makes us sure that he only fired two.

Lance Corporal F and firing at other windows

123.264 As to Lance Corporal F, we have already pointed out that he gave a number of inconsistent accounts of firing at the Rossville Flats and that, for the reasons we gave, we consider that no reliance can be placed on his accounts in the absence of supporting evidence.

Firing at another window on the second or third floor of Block 1

123.265 We have found no evidence at all from any source to support Lance Corporal F's account that he fired three further shots at another window, which in his various accounts he put on either the second or the third floor of Block 1, and in his evidence to the Widgery Inquiry stated to be next to the window at which he had fired shortly before. On the contrary, in our view the evidence we have considered above shows that he fired only two shots, both at 12 Garvan Place, the same window as Private G.

Firing at a window on the top or second-from-top floor of Block 1

123.266 Again we have found no evidence at all from any source that persuades us that Lance Corporal F fired, or even might have fired, further shots (either two or four, depending on which of his accounts is examined) at a further window, which in his various accounts he put either on the top or the second-from-top floor of Block 1. No soldier gave evidence of witnessing either Lance Corporal F's alleged target, the shots allegedly fired by Lance Corporal F at this target, or the shot or shots allegedly fired by this target; and to our minds the evidence we have considered from other soldiers satisfies us that Lance Corporal F fired only two shots, both at 12 Garvan Place.

Conclusions on the firing by Lance Corporal F at Block 1 of the Rossville Flats

123.267 Lance Corporal F's original assertion that he fired 11 shots at Block 1 of the Rossville Flats was untrue. He abandoned this claim when interviewed by Colonel Overbury and said then that he fired only eight shots, having fired one shot at the rubble barricade, hitting a nail bomber, and two shots on the south side of Block 2 of the Rossville Flats, hitting a man with a pistol. We express elsewhere in this report our view that his shot at the rubble barricade, which killed Michael Kelly, was unjustified. We also consider in the context of Sector 4 the shots that Lance Corporal F said he fired in Glenfada Park North, and in our consideration of the events of Sector 5 his shooting on the south side of Block 2 of the Rossville Flats, and we express our view that all those shots were unjustified.

123.268 Despite Lance Corporal F abandoning what in our view was his initial attempt to conceal the fact that he had shot people elsewhere, we consider that he continued to lie about the number of shots that he had fired at Block 1 of the Rossville Flats. In our view he exaggerated the number of shots that he had fired by six (to eight in all) in order to conceal the fact that he had fired six shots elsewhere on Bloody Sunday. We have in the context of our consideration of the events of Sector 5 concluded that it was in this sector that he fired those shots.

The reason soldiers fired at 12 Garvan Place

- 123.269** Private C, Lance Corporal D and Private INQ 449 stated that they fired at a man with a pistol who had fired at the soldiers in Rossville Street. Private G originally stated that he located a gunman and saw a muzzle flash, and then fired one aimed shot; but he could not say that he had definitely hit the gunman, whom he described as firing approximately five shots, all of which went high over the vehicle. In his written statement for the Widgery Inquiry he recorded that he was in the vehicle, came under fire, got out and was told by the driver from where the fire was coming, heard more shots, saw the window of the flat move and fired at someone standing slightly back from it, but believed his shot had struck just above the window. Lance Corporal F stated that he saw something that looked like a rifle being pulled back from the window identified to him by a radio operator. However, we have rejected his account of firing at riflemen at other windows in Block 1 of the Rossville Flats.
- 123.270** In our view Private C, Lance Corporal D, Private L, Private G and Lance Corporal F fired at the 12 Garvan Place window. In our view they were unjustified in doing so, since we are equally sure that the only movement at that window was that of Fulvio Grimaldi taking photographs. We thus reject their accounts of seeing a man firing a pistol before they fired, as well as Private G's original account of locating a gunman and seeing a muzzle flash and Lance Corporal F's account of seeing something that looked like a rifle. We also reject for the same reason the radio operator Private 147's account of seeing a muzzle flash and shots from the window that he said he then pointed out to Lance Corporal F.
- 123.271** The question remains whether, albeit mistakenly, any of the firing soldiers was satisfied at the time that he was justified in firing, and later embellished his accounts with false details in order to strengthen his evidence.
- 123.272** We are not persuaded that this was the case with those firing from the Kells Walk walkway. They, or one or more of them, may well have seen a flash from sunlight reflecting from the window as Fulvio Grimaldi opened it and may also have seen his camera, but to our minds this could not have made them satisfied that this was a gunman at whom they were justified in shooting. It is possible that one or more of them thought that there might be a gunman; but in our view, since we consider that they could not have been satisfied of this, such a suspicion cannot justify what they did. As to Private G and Lance Corporal F, it seems to us that they probably fired simply on the say-so of another soldier, without bothering to satisfy themselves that they had found a legitimate target.

- 123.273** That other soldier may have been Private 147. As stated, we have rejected his account of observing firing from the window. In his case, however, there is the possibility that what he saw was the flash of the window opening and what he heard were two of the shots fired by soldiers from the Kells Walk walkway, which would have passed overhead quite close to him, a fact which may have led him to believe that they were hostile shots. As we have described when considering the events of Sector 2, those in the military ambulance that arrived in Rossville Street at this stage also mistakenly thought that they had come under paramilitary fire.
- 123.274** We now turn to consider other evidence of the situation in Sector 3 after all the casualties in that sector (and indeed in all the other sectors) had been sustained, and of the events that then occurred.
- 123.275** Before we do so, however, it is important to record that there are three significant reasons why we have considered at length the firing in Rossville Street at 12 Garvan Place in Block 1 of the Rossville Flats, despite the fact that this resulted only in minor injuries to two of the people in that flat.
- 123.276** The first is that this was firing by soldiers who mistakenly and unjustifiably engaged a target who was posing no threat of any kind to them or their colleagues.
- 123.277** The second is that Lance Corporal F gave a knowingly false account of where he had fired six (and originally nine) of his shots, something that we have taken into account when considering what he did in Sector 5.
- 123.278** The third is that the firing at 12 Garvan Place demonstrates how Army fire can be (and was) mistaken by other soldiers for fire by paramilitaries.

Chapter 124: The arrival of the ambulances and other firing

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- 124.1** There is further evidence of the situation in Rossville Street, which, as will be seen, helps to establish the timing of events and shows that several minutes after the firing at 12 Garvan Place those in the area heard more firing. We start with evidence relating to three ambulances that arrived to collect casualties.

The ambulances

- 124.2** As will be seen, the evidence relating to the two ambulances that stopped in Rossville Street to take casualties to Altnagelvin Hospital provides assistance on the timing of the later events in Sector 3. There was a third ambulance, but although this ambulance came down Rossville Street, it went into Glenfada Park North and did not collect any casualties in Rossville Street.
- 124.3** The *Irish Press* staff photographer Colman Doyle's photograph (reproduced below) shows the ambulance with registration number 5986 UZ and the number 352 on the nearside rear door passing through the gap in the rubble barricade on its way south down Rossville Street. In his written statement for the Widgery Inquiry,¹ Colman Doyle identified the cameraman shown in this photograph standing near the entrance to Block 1 of the Rossville Flats as Fulvio Grimaldi.

¹ [M23.2](#)

Fulvio
Grimaldi



- 124.4 An enlargement of part of this photograph shows the registration number of this ambulance.



124.5 Two series of images, on contact sheets of photographs taken by Colman Doyle and John Walters (of the *Daily Mail*), show the body of Hugh Gilmour and the wounded Michael Bradley being wheeled to this ambulance, while it was parked in Rossville Street near the south end of Block 1 of the Rossville Flats, and Patrick McDaid walking to it. Patrick McDaid's arrival at the ambulance can also be seen in the BBC footage.¹ The Independent Television News (ITN) footage² shows Hugh Gilmour's body being brought to the ambulance.

¹ [Vid 1 06.50](#)

² [Vid 3 06.58](#)

124.6 The third entry in the emergency calls log¹ records that this ambulance was called at 4.25pm to deal with "*Riot injuries at Glenfadda [sic] Pk*", reached the scene of the emergency at 4.28pm and arrived at Altnagelvin Hospital at 4.45pm carrying "*2 DOA 3 injured*". The two fatalities were Hugh Gilmour and Patrick Doherty, and the three wounded Michael Bradley, Patrick McDaid and Alexander Nash.

¹ [D500.26-D500.27](#)

124.7 The ambulance attendant John Gilchrist recorded in a statement made to the Royal Ulster Constabulary (RUC)¹ that he and the driver Harry Wray were at Gransha Hospital at about 4.20pm when they received a call to return to Altnagelvin Hospital. When they reached Limavady Road they received a message to go to Fahan Street where someone had been shot. At Castle Gate a policeman told them that the casualty in Fahan Street had been lifted. Their controller told them to proceed to Chamberlain Street, where they were again redirected to Rossville Street. Harry Wray stopped the ambulance at the main entrance to the Rossville Flats, ie the entrance to Block 1 on Rossville Street. In due course they conveyed two dead men, including a man with a droopy moustache, and three injured men to Altnagelvin Hospital. The man with the moustache was Patrick Doherty, who was shot and mortally wounded in Sector 5, as we have described earlier in this report.

¹ [ED33.7](#)

124.8 It is clear that this evidence relates to the call recorded in the third entry in the log, despite the reference in that entry to "*Riot injuries at Glenfadda Pk*", since neither the log nor the evidence of any of the ambulance drivers or attendants refers to any other call in which as many as five casualties were carried to the hospital. In his written statement to this Inquiry,¹ John Gilchrist told us that he thought that the photograph attached to his statement² (the Colman Doyle photograph shown above) showed his ambulance. He

stated³ that he thought that the journey to Altnagelvin Hospital had taken about five to six minutes. If so, and if the arrival time recorded in the log is accurate, the ambulance would have left Rossville Street at about 4.39pm or 4.40pm.

¹ AG65.6

³ AG65.7

² AG65.10

124.9 We refer hereafter to this ambulance as the first ambulance.

124.10 Captain INQ 2054 reported from his helicopter on the Brigade net at 1635 or 1636 hours¹ that a large crowd was circling what was presumably a body at grid reference 43141684 (between Abbey Park and Glenfada Park South); at 1639 hours² that an ambulance was stationary in Rossville Street near the Rossville Flats while another ambulance was dealing with the body previously mentioned; and at 1645 hours³ that both ambulances had left the area of the Rossville Flats and were proceeding along Great James Street. The BBC footage⁴ shows these two ambulances leaving almost simultaneously, one from Glenfada Park North and the other from Rossville Street. It also seems likely that they are the two ambulances shown moving north up Rossville Street in the ITN footage.⁵ If the times of the radio messages are accurately recorded in the Brigade log, Harry Wray and John Gilchrist may have left Rossville Street slightly later than 4.40pm.

¹ W49 serial 188; W135 serial 484

⁴ Vid 1 06.59

² W49 serial 191; W136 serial 502

⁵ Vid 3 07.15

³ W49 serial 197; W137 serial 516

124.11 The ambulance that preceded them up Rossville Street is likely to have been the ambulance with registration number 7449 WZ, which according to the fourth entry in the emergency calls log¹ was called at 4.30pm to deal with two injured people in Rossville Street, reached the scene of the emergency at 4.37pm and arrived at Altnagelvin Hospital at 5.00pm carrying casualties named McKinney, Kelly and Devenney. This is consistent with the evidence of the ambulance driver Ronald Moore, who recorded in a statement made to the RUC² that a call was received at 4.30pm to the effect that an ambulance was required in the Rossville Street area. When he reached Rossville Street, a crowd waved him into Glenfada Park, from where he drove three casualties to the hospital. He was told that one of them was Gerald (sic) McKinney and another was named Kelly. The ambulance attendant John Rutherford said in a statement made to the RUC³ that he was told that the third casualty was thought to be called Devenney, but he said that this may not have been accurate. In fact the casualties in this ambulance were Michael Kelly and Gerard McKinney, who had been killed, and Joe Mahon,⁴ who had been wounded.

¹ D500.26-D500.27

³ ED36.8-ED36.9

² ED29.5-ED29.6

⁴ AC68.6; AM18.14-16

124.12 We refer hereafter to the ambulance that went to Glenfada Park North as the third ambulance.

124.13 The ambulance attendant Samuel Hughes recorded in a statement made to the RUC¹ that following a call received at 4.39pm for an ambulance in Glenfada Park, he and the driver John Rafferty proceeded to Rossville Street and stopped outside the main entrance to the Rossville Flats. He saw a body lying covered by a blanket about eight to ten yards from the entrance. Someone told him that there was another body in Glenfada Park. He called another ambulance to deal with that casualty. Some bystanders told him that the name of the man whose body was covered by a blanket was McGuigan. He and Samuel Hughes then conveyed two dead men, including Bernard McGuigan, and an injured man and an injured woman from the area of the Rossville Flats to Altnagelvin Hospital.

¹ ED39.6-7

124.14 This is consistent with the fifth entry in the emergency calls log, which records that the ambulance with registration number 7689 EZ was called at 4.38pm to deal with "*Riot injuries Glenfadda Pk*", left at 4.39pm, reached the scene of the emergency at 4.51pm and arrived at Altnagelvin Hospital at 5.15pm carrying "*2 DOA 2 injured*". This in turn is consistent with a report from Captain INQ 2054 at 1652 hours¹ that another ambulance had arrived outside the Rossville Flats. Captain INQ 2054 reported at 1705 hours² that an ambulance was just leaving and proceeding north up Rossville Street. It seems likely that this report refers to the same ambulance.

¹ W49 serial 202; W138 serial 533

² W50 serial 212; W140 serial 565

124.15 We refer hereafter to this ambulance as the second ambulance.

124.16 Colman Doyle recorded in his written statement for the Widgery Inquiry¹ that after taking the photograph shown above of the first ambulance he went around the south corner of Block 1 of the Rossville Flats and photographed the body of Bernard McGuigan (photograph reproduced below). After that he heard six to eight rifle shots being fired but was uncertain of the source or direction of the fire. He said that his next photograph (also reproduced below) showed people taking cover behind "*the ambulance*" after this firing broke out. The context suggests that he believed that this next photograph showed the same ambulance as the one he had photographed passing through the gap in the rubble barricade on its way south down Rossville Street, ie the one in the photograph shown above.

¹ M23.2



- 124.17** However, in our view Colman Doyle was wrong in thinking that this was the same ambulance. A series of images on one of his contact sheets¹ (frames 6–14) shows an ambulance parked in Rossville Street near the north end of Joseph Place, facing south. The enlargements of frames 7 and 10 show that this ambulance had the number 231 on the rear door, and hence that it was not the ambulance shown passing through the gap in the rubble barricade in the photograph reproduced above in paragraph 124.3. In our view

it must have been the second ambulance to arrive in this area, which, as noted above, had the registration number 7689 EZ and was manned by John Rafferty and Samuel Hughes. The second of the two photographs shown above² is an enlargement of the first of frames 31A–32A, which appear from the numbering to have been taken on a different film. Although the number on the rear door is not legible, these frames show an ambulance in exactly the same position near the north end of Joseph Place, which indicates that this is also the second ambulance. This is supported by consideration of the preceding frame, frame 30A, which shows the same group as is seen in a photograph taken by James Dakin of the *Daily Express*. Frame 30A is shown below, followed by James Dakin's photograph.

¹ [P233.11](#)

² [Paragraph 124.16](#)





124.18 The Order of Malta Ambulance Corps volunteer James Norris attached a copy of James Dakin's photograph to his written statement to this Inquiry and told us¹ that it showed him helping to carry the body of Kevin McElhinney from Block 1 of the Rossville Flats. In his statement made to the RUC,² John Rafferty recorded that he helped to put into his ambulance a man aged between 16 and 20 years who was brought, covered in a blanket, by a group of about six men from the direction of "*the entrance between the two blocks of flats*". After the ambulance reached Altnagelvin Hospital, John Rafferty was instructed to take this man to the mortuary. This man must have been Kevin McElhinney. It follows that the photograph shown above,³ of the ambulance that Colman Doyle thought was the same as the first he had photographed, was taken after Kevin McElhinney was brought out of Block 1 and in fact shows the second ambulance, with the registration number 7689 EZ.

¹ [AN20.5](#)

³ [Paragraph 124.16](#)

² [ED39.8-ED39.9](#)

124.19 The BBC footage shows the bodies of Kevin McElhinney¹ and Bernard McGuigan² being brought to the second ambulance.

¹ [Vid 1 07.12](#)

² [Vid 1 07.52](#)

124.20 In addition to Kevin McElhinney and Bernard McGuigan, who had been killed, Alana Burke, who had been injured, was taken to hospital in this ambulance.¹

¹ [ED39.6-7](#); [ED39.8-9](#); [AB101.2](#); [GEN3.10-11](#)

The timing of the arrival and departure of the first and second ambulances

- 124.21** On the evidence considered above, it appears that the first ambulance, manned by Harry Wray and John Gilchrist, was parked near the entrance to Block 1 of the Rossville Flats from 4.28pm until somewhere between 4.39pm and 4.45pm, and that the second ambulance, manned by John Rafferty and Samuel Hughes, was parked near the north end of Joseph Place from 4.51pm until, probably, about 5.05pm. Colman Doyle's photograph of this ambulance shows, as noted above, people taking cover in front of this second ambulance after shooting had broken out.
- 124.22** A photograph taken by Constable A Brown of the RUC (reproduced below) shows Michael Bradley being put into the first ambulance; while another photograph taken by Constable Brown (also reproduced below) shows Fr Mulvey and Fr Irwin near the north end of Block 1 of the Rossville Flats at the time when they were seeking access to the bodies in Lieutenant N's Armoured Personnel Carrier (APC), in circumstances we have considered earlier in this part of the report.





124.23 In his undated statement,¹ Constable Brown recorded that he saw Fr Mulvey approaching, and being allowed with another priest into the back of an APC, after he had seen a man being put into an ambulance. This tends to confirm that the two photographs he took were taken in the order shown above,² and hence that Fr Mulvey went to see the bodies in the APC after Hugh Gilmour and Michael Bradley had been put into the first ambulance.

¹ [JB13.1-JB13.2](#)

² Constable Brown's contact sheet at first appears to indicate that the photographs were taken in the opposite order. However, consideration of the sequence of photographs on his other contact sheet suggests that his film was wound from back to front, so that the numbering of the negatives is misleading.

Evidence relating to the situation while ambulances were in Rossville Street

Fr Vincent Anthony Mulvey

124.24 In his written statement for the Widgery Inquiry,¹ Fr Mulvey recorded that an ambulance had pulled up at the rubble barricade before he went to see the bodies in the APC. Having seen these bodies, he was filmed by Gerald Seymour of ITN and protested about how these casualties had been treated. He said in his statement that after he had seen the bodies, spoken to Gerald Seymour and made an unsuccessful attempt to go to the bodies again, he left the scene at about 4.30pm and returned to the rubble barricade,

where another ambulance had pulled up. He then went to look at the bodies lying on the pavement in front of Block 2 of the Rossville Flats and spoke to several people. While he was there, he heard about four or five reasonably close shots but he did not know from which direction they had come.

¹ [H15.13-14](#)

124.25 Fr Mulvey said in his written statement for the Widgery Inquiry that he then went over to 7 Abbey Park, where he found William McKinney (one of the casualties in Sector 4) still alive but unconscious. He then returned to Rossville Street where an ambulance had pulled up next to Joseph Place. The ambulancemen were lifting one of the casualties near the shops when further shooting started. At least six shots were fired. With others, Fr Mulvey took cover at the front of the ambulance. Although he did not see the shots being fired he formed the firm impression that they had been fired by soldiers at the north end of Block 1 of the Rossville Flats. The sound came from that direction and was very close. In order to allow the ambulancemen to bring the casualty to the ambulance, Fr Mulvey rose from the front of the ambulance and waved a white handkerchief. There was no more firing. He thought that these had been the last shots fired in Rossville Street. The time was about 4.45pm or maybe a little later. Fr Mulvey gave a similar account in his oral evidence to the Widgery Inquiry.¹

¹ [WT4.30](#)

124.26 The ambulance that Fr Mulvey saw before he approached the soldiers was in our view the first ambulance as it reached the rubble barricade, since this ambulance was logged as arriving at 4.28pm. It is not entirely clear how he can have seen another ambulance on his return from the soldiers at about 4.30pm. This may have been the same ambulance as he had seen earlier, but it may instead have been the third ambulance that did not collect casualties in Rossville Street but went into Glenfada Park North. Since the second ambulance was logged as arriving at 4.51pm, it cannot have been that ambulance that he saw at this time. This ambulance subsequently arrived outside Joseph Place while Fr Mulvey was in Abbey Park. It was in front of this ambulance that Fr Mulvey, having returned from Abbey Park, took cover when shots were fired. His estimated timing of the shots at 4.45pm, or perhaps a little later, is close to the arrival time of 4.51pm recorded in the emergency calls log.

124.27 Fr Mulvey is shown at the front of the second ambulance, and moving alongside and behind it waving his handkerchief, in several photographs (reproduced below) and in the BBC footage.¹

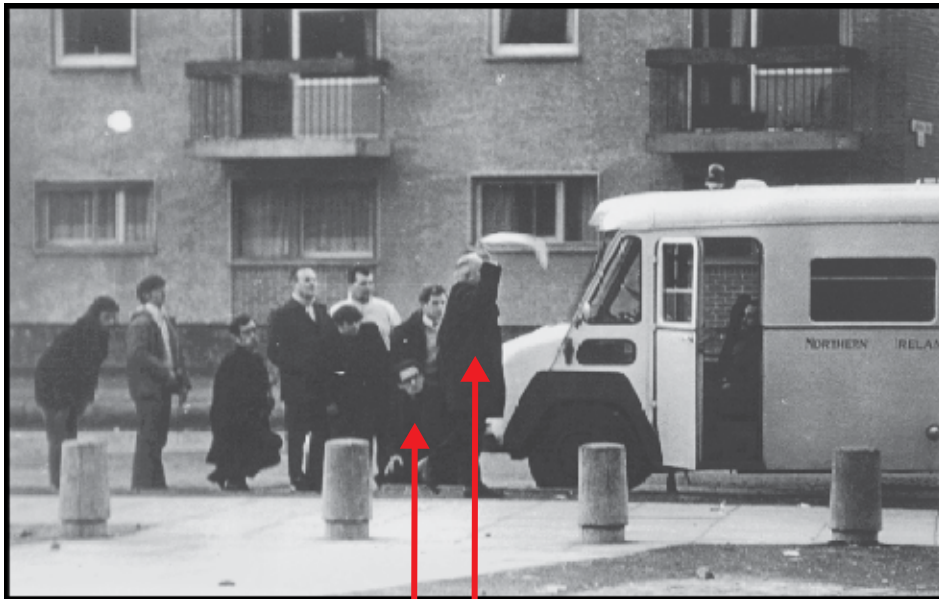
¹ [Vid 1 07.30](#)



Fr Mulvey



Fr Mulvey



Fr Bradley

Fr Mulvey



Fr Mulvey



Fr Bradley

Fr Mulvey

Fr Denis Bradley

124.28 Fr Bradley said in his written statement for and oral evidence to the Widgery Inquiry¹ that he accompanied Fr Mulvey back to Rossville Street from Abbey Park. When they arrived, Patrick Doherty's body was still lying on the ground and the first ambulance had not yet left. After the departure of the first ambulance, an injured man was taken from the main entrance of the Rossville Flats to the second ambulance. As Fr Bradley entered the ambulance with the casualty, more gunfire rang out. Fr Bradley went to the front of the ambulance to take cover, as he had the impression that the shooting was coming from the north end of Rossville Street.

¹ [H1.43-H1.44](#); [WT4.54](#)

124.29 In his interview with Peter Taylor,¹ Fr Bradley said that shooting had broken out while he and Fr Mulvey were standing by an ambulance at a late stage of the afternoon. He said that he was told in the week after Bloody Sunday that "*what had happened was that the Provisional IRA had come back with guns*".

¹ [I21](#)

- 124.30** In his interview with Paul Mahon,¹ Fr Bradley said that the incident occurred a considerable time, perhaps 45 minutes, after the main shooting was over, and perhaps 15 to 20 minutes after the Army had been pulled back towards William Street. He and another priest were helping an injured man into an ambulance when a shot was fired. They knew that the shot had not come from the Army. They took cover behind the ambulance. He thought that at this stage all the dead had been taken away.
- ¹ [X4.1.36-X1.4.38](#)
- 124.31** In his written statement to this Inquiry,¹ Fr Bradley told us that he remembered being next to Fr Mulvey on the east side of Rossville Street in front of Block 2 of the Rossville Flats. He appeared not to recall having entered one of the ambulances, but stated that someone had told him afterwards that he had done so. He recalled that Fr Mulvey had a handkerchief but was not sure whether this was something that he had seen on television. He remembered that he and Fr Mulvey took cover when shots were fired from Free Derry Corner. He thought that the Provisional IRA had arrived. There were probably five to seven shots fired over a period of 30 to 40 seconds. No fire was returned. The Army had pulled out by this stage.
- ¹ [H1.16-H1.17](#)
- 124.32** Fr Bradley gave a similar account in his interview with Jimmy McGovern.¹
- ¹ [H1.88-H1.89](#)
- 124.33** In his oral evidence to this Inquiry,¹ Fr Bradley said that he and Fr Mulvey had taken cover first at one end of the ambulance and then at the other. They moved round to the north side of the ambulance because they thought that the shots were coming from a different direction from before. They thought that between four and seven shots had been fired from the direction of Free Derry Corner and Westland Street. Fr Bradley was surprised that he had said in his statement for the Widgery Inquiry that the shots were coming from the north. If shots were fired from both directions, it was not necessarily in the course of the same incident. He believed that he had been in shock at this stage of events. He was shown² the BBC footage³ of him, Fr Mulvey and others taking cover at the front of the second ambulance, and it was suggested to him that the shots that he attributed to the Provisional IRA might have been fired in a later incident. He said that he thought that there had been two incidents. Later in his evidence,⁴ he said that it was now reasonably clear to him that when he and Fr Mulvey had taken cover at the front of the ambulance, as shown in the BBC footage, Fr Mulvey had been waving his handkerchief

at the soldiers to tell them to stop firing or that a body was being brought out. There was a separate incident at a later time when shots were fired from Free Derry Corner and he took cover at the back of the ambulance.

¹ [Day 140/154-158](#)

³ [Vid 1 07.30](#)

² [Day 140/177-179](#)

⁴ [Day 140/239-240](#)

- 124.34** Fr Bradley is shown taking cover in front of the second ambulance in photographs that we have shown above and in the BBC footage.

John Rafferty

- 124.35** John Rafferty, the driver of the second ambulance, recorded in his statement made to the RUC¹ that after he had helped to put the young man covered in a blanket into the ambulance, he went into the Rossville Flats to find a stretcher that two Order of Malta Ambulance Corps volunteers had taken in order to assist a girl with leg and spinal injuries. When he was inside the Rossville Flats and about to lift the stretcher, he heard about six single shots.

¹ [ED39.8](#)

Samuel Hughes

- 124.36** Samuel Hughes, the attendant in the second ambulance, recorded in his statement made to the RUC¹ that he heard about six single shots while he was waiting with the ambulance for the casualty to be brought out of the Rossville Flats on the stretcher. Most of the people around him took cover.

¹ [ED39.6](#)

The BBC television crew

- 124.37** In his written statement for the Widgery Inquiry,¹ the reporter John Bierman recorded that he was behind the rubble barricade and saw a body being put into an ambulance near the Rossville Flats. He went over to the area and was shown another body, that of a man under a blanket without shoes on his feet. This was recorded on his crew's film.² Firing broke out again and the crowd scattered, as shown on the film.³ A group of people including a priest stood behind the ambulance taking shelter. They clearly thought that the shooting was coming from the direction of the soldiers, as did John Bierman, judging

by the sounds that he heard. He did not hear any return fire. It was a “*burst of intermittent firing*”. This and a later burst of firing interrupted his first two attempts to interview Fr Edward Daly.

¹ M6.6

³ Vid 1 07.29

² Vid 1 07.24

124.38 In his oral evidence to the Widgery Inquiry,¹ John Bierman said that the firing seemed to be coming from the direction of Eden Place and Pilot Row. It consisted of a few single shots.

¹ WT1.45-46

124.39 In his written statement to this Inquiry,¹ John Bierman told us that he saw the body of the man without shoes and the body of another dead man. As his cameraman was filming the scene, he could still hear occasional shots being fired. There was another volley of probably half a dozen shots as he started to interview Fr Daly. His impression was that the shots had been coming south down Rossville Street, but it was impossible to be precise.

¹ M6.30

124.40 In his oral evidence to this Inquiry,¹ John Bierman said that he was pretty sure that the shooting heard on the soundtrack of the film where the camera shows the body of Bernard McGuigan (shot dead in Sector 5)² had been live fire. He confirmed³ that he heard two volleys of shots, one while the body of Bernard McGuigan was being filmed and one while he was trying to interview Fr Daly.

¹ Day 111/29-30

³ Day 111/67-68

² Vid 1 07.29

124.41 In his written statement for the Widgery Inquiry,¹ the cameraman Cyril Cave recorded that quite a few shots rang out after he had been filming the body of the man without shoes for three or four seconds. He kept the camera running until the crowd had all taken cover. He then filmed the ambulance, the crew of which were sheltering with a priest below its bonnet.² The priest waved a white handkerchief but firing continued. When the shooting stopped, the priest ran in a crouching position to the back of the ambulance, waving his handkerchief. The body was then lifted and carried to the ambulance. More firing broke out as John Bierman was about to start an interview of Fr Daly. A second attempt to

interview Fr Daly was also interrupted by firing. Cyril Cave could hear the whine and whistle of the bullets and thought that they were passing close to him. We have no doubt that the man without shoes was Bernard McGuigan.

¹ [M13.7](#)

² [Vid 1 07.30](#)

124.42 In his oral evidence to the Widgery Inquiry,¹ Cyril Cave said that he believed that the shots had come from the north end of Rossville Street. The first attempt to interview Fr Daly was not recorded on the film. The film showed the second attempt,² which was interrupted, and the third attempt, which succeeded.³

¹ [WT1.55](#)

³ [Vid 1 08.24](#)

² [Vid 1 08.17](#)

124.43 In his written statement to this Inquiry,¹ Cyril Cave told us that a priest appeared from behind an ambulance with a piece of white cloth attached to a stick. Cyril Cave stopped by the body of the man without shoes. Firing started as the priest came out. People ran for cover except for one man who crouched over the body with outstretched arms. The priest came out again and the firing stopped. Two or three people lifted another body into the ambulance. This ambulance drove off and was replaced by a second ambulance. Firing then started from the area of Glenfada Park North. Cyril Cave thought that this firing was aimed at the crowd on the south side of Block 2 of the Rossville Flats. The priest appeared again and the firing stopped. The body of the man without shoes was loaded into the second ambulance. Firing then broke out again on three separate occasions as John Bierman tried to begin an interview of Fr Daly. This firing was “*from a high powered gun*” and was coming from the direction of the City Walls. It could not have come from the area of Kells Walk. Cyril Cave had the impression that it was intended to disrupt the crowd rather than to hit anyone.

¹ [M13.27](#)

124.44 In his oral evidence to this Inquiry,¹ Cyril Cave said that there were two occasions on which the priest came out and the shooting stopped. He thought that he had been mistaken when he said in his oral evidence to the Widgery Inquiry that the shots fired while John Bierman was attempting to interview Fr Daly had come from the north. He now believed that the shots had come from behind him and that they must therefore have come from the City Walls. He agreed² that the soundtrack of the film had picked up a voice saying “*Take cover, they’re shooting from the walls*” while the camera showed the body of the man without shoes³ and another voice saying “*Get in from the wall*” just before the beginning of the (successful) interview of Fr Daly.⁴ He could not tell from where the shots were being fired while he filmed the body, but again said that he believed

that the shots immediately prior to the interview had come from the City Walls. As the soundtrack showed, people around him at the time had believed that there was shooting from the City Walls.

¹ [Day 141/98-110](#)

³ [Vid 1 07.29](#)

² [Day 141/121-123](#)

⁴ [Vid 1 08.24](#)

124.45 We formed the view that Cyril Cave was muddled in the accounts that he later gave – not surprisingly, since at the time he was doubtless concentrating on filming.

124.46 In his written statement for the Widgery Inquiry,¹ the sound recordist Jim Deeney stated that he heard single rifle shots as his colleague was filming the body of a dead man covered with a blanket. He could not say how many shots were fired, but they were fired towards Free Derry Corner from the direction of the Army vehicles in Rossville Street and from somewhere around Kells Walk. People crouched around the ambulance. John Bierman made three abortive attempts to interview Fr Daly and on each occasion was interrupted when shots were fired. These shots seemed to have been fired from the same area and in the same direction as the earlier shots.

¹ [M20.3-M20.4](#)

124.47 Jim Deeney did not refer to this shooting in his written statement to this Inquiry.¹

¹ [M20.5](#)

Fr Edward Daly

124.48 Fr Daly recorded in his written statement for the Widgery Inquiry¹ that one or two ambulances arrived when he was in the area of Joseph Place. With Fr Mulvey and others he helped to bring casualties to the ambulances. On several occasions during this operation he heard gunfire. He felt that it was coming along Rossville Street from the direction of the Army positions. A shot rang out just as he was about to begin an interview with John Bierman. In his oral evidence to the Widgery Inquiry,² he said that there was gunfire at the time when Fr Mulvey waved his handkerchief from the corner of one of the ambulances. Although not sure, he thought that the start of his interview with John Bierman had been interrupted twice by the firing of a shot.

¹ [H5.20](#)

² [WT4.13](#)

- 124.49** In his *Sunday Times* interview,¹ Fr Daly said that gunfire seemed to come from the area where the soldiers were posted towards the parked ambulance. He referred to one shot at the beginning of his interview with John Bierman.
- ¹ [H5.62](#)
- 124.50** In his interview with Peter Taylor,¹ Fr Daly said that he thought that his interview with John Bierman had been interrupted a couple of times by gunfire.
- ¹ [I72](#)
- 124.51** In his written statement to this Inquiry,¹ Fr Daly told us that there was firing from “*further over Rossville Street*” when bodies were being taken to the ambulance, and a single shot at the beginning of his interview with John Bierman.
- ¹ [H5.6-H5.7](#)
- 124.52** In his interview with Jimmy McGovern,¹ Fr Daly said that the shot fired at the beginning of his interview with John Bierman was a high velocity shot. He thought that it had come from the City Walls but he was not sure.
- ¹ [H5.87](#)
- 124.53** In his oral evidence to this Inquiry,¹ Fr Daly again referred to one shot being fired at the beginning of his filmed interview.
- ¹ [Day 75/77](#)

Colman Doyle

- 124.54** We have referred above to Colman Doyle’s evidence in his written statement for the Widgery Inquiry. In his oral evidence to the Widgery Inquiry,¹ he said that shots were being fired when he took the photograph shown above, which for convenience we show again here.
- ¹ [WT7.54](#)



124.55 For reasons we have given earlier in this chapter, we are of the view that this photograph was of the second ambulance, which according to its log entry arrived in Rossville Street at 4.51pm.

124.56 In his written statement to this Inquiry,¹ Colman Doyle told us that he heard about three single rifle shots just after an ambulance had pulled up on Rossville Street near Joseph Place. He threw himself to the ground when he heard the first shot. He took the photograph shown above² while he was on the ground. He did not know from where the shots had been fired. He looked towards the ambulance and saw a priest waving a white handkerchief. In his oral evidence to this Inquiry,³ Colman Doyle said that at first he had thought that about eight shots were fired, but that he now thought that he could have been misled by echoes and that there might have been only four. He could not tell whether or not they were all coming from the same direction.

¹ [M23.21](#)

³ [Day 72/102-108](#)

² [M23.33](#)

Jeffrey Morris

124.57 Jeffrey Morris, a *Daily Mail* staff photographer, recorded in his written statement for the Widgery Inquiry¹ that firing broke out as the second ambulance was being loaded. He attributed this to “a sniper in the direction of Free Derry Corner”. The soldiers started

firing again. People panicked. He threw himself down. The shooting lasted for half a minute. While it was going on, he took the following two photographs. The first of these we have shown above, but for convenience we show it again here.

¹ [M57.3-M57.4](#)



- 124.58** According to Jeffrey Morris a priest holding a white handkerchief was by the ambulance facing the soldiers. When the firing stopped, the priest moved towards the back of the ambulance, as can be seen in the following photograph, shown again here for convenience.



- 124.59** In his oral evidence to the Widgery Inquiry,¹ Jeffrey Morris said that there seemed to be shooting from both the south and the north, but he could not say which came first. The shooting definitely lasted for no more than one minute. He identified the priest as Fr Mulvey. He said² that shooting was still going on when he took this photograph, showing Fr Mulvey moving up the side of the ambulance towards the soldiers waving his handkerchief.

¹ [WT2.54-WT2.56](#)

² [WT2.60-WT2.62](#)

John Walters

- 124.60** John Walters, Jeffrey Morris's colleague on the *Daily Mail*, gave a similar account in his written statement for the Widgery Inquiry.¹ He did not know from where or from whom the shooting had come, although when people waved handkerchiefs they all waved them towards the soldiers.

¹ [M80.2-M80.3](#)

William Rukeyser

- 124.61** The freelance photographer William Rukeyser took two photographs (reproduced below), which show the second ambulance parked near the north end of Joseph Place. The first of these we have shown above but show again here for convenience.



- 124.62** As already noted, Fr Mulvey can be seen in the first of these photographs. William Rukeyser told us in one of his written statements to this Inquiry¹ that he took these photographs in fading light.² He told us that while he was taking photographs in this area,

after he had seen the body of Bernard McGuigan, he heard a burst of intense shooting from the direction of the soldiers.³ The fire sounded as though it all came from the same type of weapon and the same direction.

¹ [M70.8](#)

³ [M70.2](#); [M70.7-M70.8](#)

² Sunset on Bloody Sunday was at 5.00pm ([E26.1](#)).

Eugene Lafferty

124.63 Eugene Lafferty told us in his written statement to this Inquiry¹ that he helped to carry the body of Bernard McGuigan to the ambulance. Fr Mulvey was on the north side of the ambulance waving a white handkerchief. Odd shots were being fired at this stage but they were “*not near us*”. He attached to his statement² a copy of a photograph showing this scene, taken by James Dakin of the *Daily Express* (reproduced below).

¹ [AL1.11](#)

² [AL1.14](#)



124.64 In his oral evidence to this Inquiry,¹ Eugene Lafferty said that he could not recall from where the shots had come, or whether they had come from more than one direction.

¹ [Day 64/98-99](#)

Hugh Logue

124.65 Hugh Logue told us in his written statement to this Inquiry¹ that he helped to carry two dead bodies into an ambulance. He believed that these had been the bodies of Kevin McElhinney and Bernard McGuigan. After he had done this, shooting started again. He thought that one shot had come “*from the Free Derry Corner side and one from the City or William Street side*”. One of these shots made a sharper sound than the other. Although he was not certain, he thought that he was shown sitting in the passenger seat of the ambulance in the photograph taken by Jeffrey Morris, shown above.² In his oral evidence to this Inquiry,³ he said that he thought that this photograph had been taken before the shooting broke out, because when the shooting started he knelt and put his head under the seat. He was not aware of Fr Mulvey’s presence. He could not be sure from which direction the duller sounding shot had come, but suspected that it had come from the south. He said⁴ that he thought that it had come from Free Derry Corner or beyond, and that he assumed that the sharper shot had been closer.

¹ [KL2.14-KL2.15](#)

³ [Day 126/72-73](#)

² [Paragraph 124.58](#)

James Norris

124.66 James Norris (a volunteer in the Order of Malta Ambulance Corps) recorded in his report to that organisation¹ that he and a cameraman had carried the body of Kevin McElhinney to the ambulance. As they were returning from the ambulance, paratroopers suddenly fired at them. They dropped to the ground. Thanks to Fr Mulvey and a few men waving white handkerchiefs, the shooting stopped. In his written statement to this Inquiry,² James Norris told us that a single high velocity shot was fired after he and others had carried Kevin McElhinney out of the Rossville Flats. He believed that it had come from an Army rifle, perhaps from the direction of William Street. He heard the bullet hit metal. He thought that it had hit a lamp post. Just after the shot was fired, he saw Fr Mulvey waving his handkerchief. In his oral evidence to this Inquiry,³ he said that the shot was fired just after he had put Kevin McElhinney’s body into the ambulance. He said⁴ that he thought that the cameraman mentioned in his report to the Order of Malta Ambulance Corps was Liam Mailey.

¹ [AN20.22](#)

³ [Day 147/119-120](#)

² [AN20.5](#)

⁴ [Day 147/95](#)

Paddy Morrow

124.67 Paddy Morrow told us in his written statement to this Inquiry¹ that he and others took a stretcher from an ambulance man and used it to carry a male casualty to an ambulance. As they were carrying the stretcher he heard shots. Fr Mulvey walked in front of them waving a handkerchief as they carried the casualty. He identified himself as being on the far right of the group carrying the stretcher in the photograph² taken by James Dakin of the *Daily Express*. We have shown this photograph above.³

¹ AM485.4-AM485.5

³ Paragraph 124.63

² AM485.9

124.68 In his oral evidence to this Inquiry,¹ Paddy Morrow said that the shots were not close to him. He had no idea from which direction they had come.

¹ Day 122/19-20

Firing recorded on the BBC footage

124.69 The BBC footage records¹ the sound of one shot fired while a group of people is gathered around the body of Bernard McGuigan.

¹ Vid 1 07.29

124.70 No shooting is heard as the body is moved to the ambulance and Fr Mulvey walks to the back of the ambulance waving his handkerchief.¹

¹ Vid 1 07.52

124.71 A further shot is heard¹ during what on Cyril Cave's evidence would appear to be the second attempt to interview Fr Daly.

¹ Vid 1 08.17

The ITN television crew's evidence of firing while they were at the north end of Block 1 of the Rossville Flats

124.72 In his written statement for the Widgery Inquiry,¹ the ITN reporter Gerald Seymour recorded that after the filming of his interview with Fr Mulvey, in which Fr Mulvey made an allegation about the way in which the paratroopers had handled the bodies in the APC, he made a report on camera. While he was making this report, shots were fired and an officer shouted "*Hold your fire*". Gerald Seymour did not know whether any soldiers had been firing "*immediately beforehand*". Then three more shots were fired, one of which he thought hit the wall above his head at the north end of Block 1 of the Rossville Flats.

The same officer then shouted that the soldiers were only to fire at identifiable targets. The time was now about 4.30pm. Gerald Seymour then returned to William Street and interviewed Colonel Wilford in failing light at about 4.45pm.

¹ [M72.3](#)

- 124.73** In his oral evidence to the Widgery Inquiry,¹ Gerald Seymour said that there were “a *couple of shots*” before the officer shouted his first order. He could not identify the source of these shots. Within a minute or so, he heard three more shots fired before the officer shouted his second order. When the first of those shots was fired, he heard a noise that he took to be the sound of the bullet hitting masonry above him.

¹ [WT2.29](#)

- 124.74** In his written statement to this Inquiry,¹ Gerald Seymour said that he was unable to remember specific details of events. He did not give oral evidence to this Inquiry.

¹ [M72.11](#)

- 124.75** In his written statement for the Widgery Inquiry,¹ the ITN cameraman Peter Wilkinson said that after he had crossed Rossville Street to “a *block of flats in front of a Car Park*” he had started filming paratroopers taking up firing positions when he heard four high velocity shots from the direction of Free Derry Corner. The paratroopers ducked and the officer in command ordered them to hold their fire until a specific target was seen. The firing then stopped. During a lull, a priest arrived and saw the bodies in the APC. Peter Wilkinson filmed Gerald Seymour’s interview of the priest. During the interview, he heard the sound of firing, but he was not sure whether this had been live firing or baton gun fire, or even the firing of CS gas. He then returned to William Street where Gerald Seymour interviewed Colonel Wilford. He thought that by the time that interview was over it was “*getting on for six o’clock*”.

¹ [M82.2-M82.3](#)

- 124.76** In his oral evidence to the Widgery Inquiry,¹ Peter Wilkinson said that the number of high velocity shots that he heard from the direction of Free Derry Corner was two.

¹ [WT2.30-32](#)

- 124.77** In his written statement to this Inquiry,¹ Peter Wilkinson told us that he was unable to add to the evidence that he had given to the Widgery Inquiry. He did not give oral evidence to this Inquiry.

¹ [M82.9-M82.11](#)

124.78 In his written statement for the Widgery Inquiry,¹ the ITN sound recordist Robert Hammond told that Inquiry that he was not sure whether there had been firing as he crossed Rossville Street to the Rossville Flats. He and his colleagues spent five to ten minutes at the north end of Block 1. He stated that during this time he saw several single shots being fired from a machine gun mounted on an Army vehicle, apparently in the direction of the area of Glenfada Park and Columbcille Court. While this was taking place, he heard a single shot with a duller sound. This shot did not seem to be very far away, but he could not say from where it had been fired. He also saw the legs of a dead man sticking out of the rear of an APC. He saw a male casualty being placed into a Volkswagen car just south of the rubble barricade. An ambulance pulled up in roughly the same position. Robert Hammond thought that two injured or dead men were loaded into the ambulance. A priest approached the APC from the barricade, waving a handkerchief, and was filmed speaking to the soldiers. The priest was then interviewed by Gerald Seymour. This interview was filmed. The crew then returned to William Street and interviewed Colonel Wilford.

¹ [M37.2-M37.3](#)

124.79 In his oral evidence to the Widgery Inquiry,¹ Robert Hammond said that firing occurred while Gerald Seymour was giving his report on camera. Robert Hammond thought that he had seen shots fired from a Browning machine gun on an Army vehicle towards Glenfada Park. He believed that he had seen puffs of smoke in front of the gun. At first he said that he thought that two or three shots had been fired. In later answers he referred to "*one or two single shots*" and "*A couple of shots*". He could not say whether he had seen the machine gun recoiling. During the firing, an officer nearby said "*Cease fire*". Robert Hammond said that, before the machine gun appeared to be fired, he thought that he had heard some shots, but did not know from where they had come. The soldiers were all looking in the direction of Glenfada Park. The fact that the machine gun was pointing in the same direction was one of the reasons why he thought that it had been fired.

¹ [WT2.37-WT2.46](#)

124.80 In his written statement to this Inquiry,¹ Robert Hammond told us that while he was at the north end of Block 1 of the Rossville Flats he occasionally heard noises that he thought were the sounds of baton rounds being fired. He thought that his statement for and evidence to the Widgery Inquiry about the firing of a Browning machine gun might have been based on a mistaken interpretation of these sounds. He no longer recalled hearing

the shot with a duller sound described in his written statement for the Widgery Inquiry, but had no reason to believe that his earlier evidence about it was inaccurate. He no longer recalled Gerald Seymour giving his report on camera or interviewing the priest.

¹ [M37.16-M37.18](#)

124.81 In his oral evidence to this Inquiry, Robert Hammond again said¹ that he thought it possible that he had mistaken the sound of baton rounds being fired for the sound of the firing of the machine gun mounted on an Army vehicle, but he also said² that he could not be sure about this. He said³ that he no longer remembered seeing a casualty being loaded into a Volkswagen in Rossville Street.

¹ [Day 154/17-19; Day 154/41-42](#)

³ [Day 154/19-21](#)

² [Day 154/37-38](#)

124.82 It appears possible that Robert Hammond could have heard the firing of a baton round into an APC, which was described by Captain 200 in his 1972 statement,¹ in his written statement to this Inquiry² and in his oral evidence to this Inquiry.³ We have referred to this incident earlier in this report.⁴ It is not clear what, if any, other baton rounds Robert Hammond could have heard being fired at this stage.

¹ [B1980-B1981](#)

³ [Day 367/108-111](#)

² [B2022.007](#)

⁴ [Paragraphs 43.16–23](#)

124.83 We have concluded that Robert Hammond was indeed mistaken in thinking that the Browning machine gun was fired. In our view he is likely to have heard some of the firing described by his colleagues. We accept the evidence of Corporal INQ 1826, the commander of the Ferret scout car carrying this gun, that it was not fired on Bloody Sunday. We return below to the evidence given by Corporal INQ 1826.

124.84 In his written statement for the Widgery Inquiry,¹ the ITN producer David Phillips recorded that he ran towards the Rossville Flats with the camera crew. As he arrived at the corner of the flats, he heard a loud single rifle shot above his head. A paratrooper ordered him to get down in a corner. The shot had certainly been coming towards him but he did not know from which direction. A priest then approached one of two APCs in Rossville Street and spoke to a soldier. David Phillips heard the priest tell Gerald Seymour that there were three bodies in the second APC and others elsewhere. Peter Wilkinson looked into the second APC and confirmed that what the priest had said was true. After the priest had left, another single rifle shot passed overhead, which was louder than the first shot. Again the shot certainly came towards David Phillips, but he did not know from which direction. It was answered by two single shots fired by two paratroopers crouching by the first APC. They were immediately told to cease fire by an officer who added a further order to fire

only on order or at identifiable targets. Shortly after this, the soldiers withdrew. David Phillips and the camera crew ran back with them to William Street, where Gerald Seymour interviewed their commanding officer.

¹ [M66.3-M66.4](#)

124.85 In his oral evidence to the Widgery Inquiry,¹ David Phillips said that a burly paratrooper ordered him to get down when the first incoming shot was fired. The second incoming shot seemed to come towards the north-west corner of Block 1 of the Rossville Flats. The two soldiers who fired their rifles were crouching by the leading vehicle of those by the Rossville Flats.

¹ [WT2.15-WT2.18](#); [WT2.22-23](#)

124.86 In his written statement to this Inquiry,¹ David Phillips said generally that he could add nothing to the evidence that he gave to the Widgery Inquiry. He recalled hearing two rifle shots. He did not know from which direction the first had come, but knew that the second had come in his direction. He remembered being ordered to get down by a burly paratrooper.

¹ [M66.19-M66.20](#)

124.87 In his oral evidence to this Inquiry,¹ David Phillips said that he thought that the second incoming shot had occurred within three minutes of the first. He thought that the whole episode was over by 4.40pm or 4.45pm. He said that he had no recollection of seeing a machine gun fired from the turret of an Army vehicle in the direction of Glenfada Park or Columbcille Court.² When the relevant section of the ITN footage³ was played to David Phillips,⁴ he acknowledged that the film recorded two shots followed by the order “Cease firing” and then three shots followed by an order like “*Do not fire unless you can identify a target*”, but he said that his recollection of the number of shots that he had heard remained as described in his evidence to the Widgery Inquiry.⁵ The shot that he could definitely say had passed over his head from in front of him was the shot that led the burly paratrooper to tell him to get down. He said that the burly paratrooper had clearly interpreted the shot in the same way.⁶ He said that the vehicle from beside which the soldiers fired was somewhere on the east side of Rossville Street near the corner of

Block 1 of the Rossville Flats.⁷ He rejected the suggestion that all the shots that he heard were fired by soldiers. He said that he thought that the vehicle from beside which the soldiers fired would have been one of those shown in the ITN footage.⁸

¹ [Day 139/20-23](#)

² [Day 139/28-29](#)

³ [Vid 3 05.55](#)

⁴ [Day 139/34-35](#)

⁵ [Day 139/75-87](#)

⁶ [Day 139/201-202](#)

⁷ [Day 139/168-174](#)

⁸ [Day 139/197](#)

Firing recorded on the ITN footage

124.88 No firing is heard on the ITN footage during Gerald Seymour's interview of Fr Mulvey.¹

¹ [Vid 3 06.12](#)

124.89 The ITN footage records¹ the sound of two shots in quick succession, followed immediately by the order "*Cease firing*", while Gerald Seymour gives his report on camera. Approximately 14 seconds then elapse before the end of the report, during which no shooting is heard. In their oral evidence to this Inquiry, David Phillips² and Robert Hammond³ confirmed that there was a cut, and hence an interval of time, between this clip and the next.

¹ [Vid 3 05.38](#)

² [Day 139/76-79](#)

³ [Day 154/31-32](#)

124.90 The next clip records within its first four seconds the sound of three shots, followed quickly by the order "*Do not fire back for the moment unless you identify a positive target*".

124.91 Gerald Seymour interviewed Colonel Wilford after he had interviewed Fr Mulvey and after the report he broadcast during which shots can be heard. Fr Mulvey had given his interview after going to the APC containing casualties. Those casualties had been picked up from the rubble barricade after the shooting in Sector 5 had finished, as we have described earlier in this part of the report. Fr Mulvey returned to the south of Block 2 to see casualties there after talking to Gerald Seymour, and at that stage he heard four or five shots. In our view these were some of the shots fired at 12 Garvan Place; as were the shots that can be heard on the ITN footage while Gerald Seymour was reporting after he had spoken to Fr Mulvey.

The evidence of Major Loden about the orders recorded on the ITN footage

124.92 In his statement dated 17th February 1972,¹ Major Loden recorded that by 1635 hours the situation had stabilised and that, although several more high velocity shots were fired up Rossville Street at his company, he gave orders to cease firing because the rate of incoming fire had diminished and the gunmen had generally withdrawn. In his supplementary written statement for the Widgery Inquiry,² Major Loden recorded that there was further incoming fire over a period of five to ten minutes after his soldiers had ceased firing on his orders.

¹ [B2222](#)

² [B2242](#)

124.93 In his oral evidence to the Widgery Inquiry,¹ Major Loden said that he gave the order not to fire back for the moment unless a positive target had been identified, as recorded on the television footage. He could not recall whether he had given the other recorded order to cease firing. He thought that the soldiers to whom his order had been addressed had been firing towards the south end of Block 1 of the Rossville Flats. He did not say where these soldiers were. He was asked whether they had been firing “*down the pavement direction*” and said that they had. He was not able to see their targets. At the time when the order was given, there was only very light incoming fire, consisting of one or two shots coming up Rossville Street. He said that he gave an order to cease fire at 1635 hours, but it was not clear whether he meant that this was a different order from either of those recorded on the television footage.

¹ [WT12.14-WT12.16](#); [WT12.30-WT12.31](#)

124.94 In his written statement to this Inquiry,¹ Major Loden confirmed that he gave the order that the soldiers should not fire back “*for the moment*”, with the caveat “*unless you identify a positive target*”. However, he did not say when the order was given or where the soldiers were to whom it was addressed.

¹ [B2283.008](#)

124.95 In his oral evidence to this Inquiry,¹ Major Loden said that he did not now recall that soldiers had been firing towards the south end of Block 1 of the Rossville Flats before he gave his order. He said that he thought that the order to cease fire given at 1635 hours was the order not to fire back unless there was a positive target identified, since he did not recall giving any other order. Major Loden was also asked about the other order

recorded on the television footage, “*Cease firing*”.² Although he thought that he had not heard that clip before, he said that it was probably his voice giving the order. Major Loden said that he had no recollection of soldiers on his right discharging shots up into Block 1.³

¹ Day 343/60-65

³ Day 346/67-71

² Day 346/54-65

Other evidence of firing at or about the time of the orders recorded on the ITN footage

124.96 We summarise below the evidence of Corporal INQ 1826 and Private INQ 993. Much of it was concerned with earlier matters, but what they told us about the period under consideration should be read in the context of their evidence as a whole.

124.97 Corporal INQ 1826 told us in his written statement to this Inquiry¹ that he was in command of the Ferret scout car. When the vehicle was at the north-west corner of Block 1 of the Rossville Flats, he saw a group of eight or nine soldiers lying prone behind a wall at about the point marked C on the plan attached to his statement² (on Rossville Street in front of the north end of the eastern block of Glenfada Park North). The wall was only about 18–24in high. He attached to his statement a photograph of the low wall at the south end of Kells Walk³ but stated that he did not believe that the soldiers had been behind this wall. The soldiers had their rifles in their shoulders and were firing towards Free Derry Corner. Corporal INQ 1826 thought that more than ten and fewer than 25 rounds were fired.

¹ C1826.1-C1826.7

³ C1826.12

² C1826.14

124.98 According to this account, when the soldiers began firing, most of the civilians in Rossville Street ran away and others dropped to the ground. Corporal INQ 1826 assumed that the soldiers had identified a target although he could not see any civilian with a weapon. While this was happening, he heard the sound of between five and eight single shots and saw puffs of smoke coming from an alleyway to the south of the soldiers behind the wall. He assumed at the time that a paramilitary gunman was firing from that position, but it had since occurred to him that if these shots had been fired at the soldiers he would have been able to see the gunman. Hence he believed that these shots had been fired towards the south. He sighted and cocked the Browning machine gun mounted on the Ferret car, but Major Loden then shouted to him “*Don’t you dare fire that fucking thing!*”, having presumably seen the turret of the Ferret car moving. Corporal INQ 1826 then disarmed the Browning machine gun. He then saw three casualties lying at about the point marked

E on the plan¹ (south of the rubble barricade). After this, a priest appeared, as shown in another photograph attached to the statement, which is one we have shown above, but show again here.²

¹ [C1826.14](#)

² [C1826.11](#)



124.99 Corporal INQ 1826 told us that he saw the priest flinch when high velocity shots were fired. There were no more than two of these shots. Corporal INQ 1826 assumed that they had been fired by the soldiers he had seen on the west side of Rossville Street, but he could not be certain of this. The priest went over to the three casualties and shouted for help. Three or four civilians picked up one of the casualties. The priest led them north up Rossville Street. A soldier tried to stop the priest, but Corporal INQ 1826 thought that the priest had continued to lead the group away to the north.

124.100 Corporal INQ 1826 gave a similar account in his oral evidence to this Inquiry,¹ in which he said that the shots that were fired when he saw the puffs of smoke were high velocity rounds. He also said that he had no idea at all of the timescale within which the events described in his statement had occurred.

¹ [Day 341/127-152](#)

124.101 We took the view that Corporal INQ 1826 had a muddled recollection of events. We accept that he did not fire the Browning machine gun, but otherwise take the view that it would be unwise to rely on his account of what happened at the stage under

consideration. For example, we are sure, from the other evidence we have discussed above, that no priest led people carrying a casualty north up Rossville Street as Corporal INQ 1826 described.

124.102 Private INQ 993 told us in his written statement to this Inquiry¹ that he was the driver of the Ferret scout car. The Browning machine gun was not fired. However, he recalled that while the Ferret car was in Rossville Street he saw rioters behind the rubble barricade. He drew the attention of Corporal INQ 1826 to a gunman who walked out to the area of the rubble barricade and fired at least a couple of shots towards the soldiers with a rifle. Fire was returned at the gunman but Private INQ 993 did not know from where this fire came. The gunman “*absolutely disintegrated*”. Private INQ 993 said that “*either the Company Commander or the Sergeant Major*” had shouted the order “*Do not fire your weapon*”. He thought that this order might have been given because Corporal INQ 1826 had trained the Browning towards the gunman’s position.

¹ [C993.1-C993.4](#)

124.103 Private INQ 993 gave a similar account in his oral evidence to this Inquiry,¹ in which he said that he could not recall the relationship in time between the sighting of the gunman and the order that he believed had been given to Corporal INQ 1826. He had heard what he thought was gunfire before the order was given.

¹ [Day 340/7-32; Day 340/37-69](#)

124.104 In his oral evidence to this Inquiry,¹ Corporal INQ 1826 said that he had no recollection of seeing the gunman described by Private INQ 993.

¹ [Day 341/134-135](#)

124.105 In our view Private INQ 993 was also muddled in his recollection and it would be unwise to rely upon his evidence.

124.106 In his written statement to this Inquiry,¹ Warrant Officer Class II Lewis said that at one point Corporal INQ 1826 put his Sterling sub-machine gun through an aperture of the Ferret car, but did not fire it. Warrant Officer Class II Lewis identified himself as the soldier shown in the ITN footage walking across the picture from left to right as the ceasefire order was given.² He said that two or three incoming high velocity rounds were fired after that order was given. They passed close to Warrant Officer Class II Lewis, but he did not know from where they had come. Corporal INQ 1826, who according to Warrant Officer Class II Lewis’s recollection was the driver of the Ferret car, said

something like: *“I think those shots were aimed at me sir.”* Major Loden gave an order not to fire back, which Warrant Officer Class II Lewis may have repeated. Warrant Officer Class II Lewis told us that he did not recall the firing of any further shots after this.

¹ [B2111.013](#)

² [B2111.019](#)

124.107 In his oral evidence to this Inquiry,¹ Warrant Officer Class II Lewis said that he thought that Corporal INQ 1826 had put his Sterling sub-machine gun through the flap at the front of the Ferret car. This occurred when the vehicle was at the north end of Block 1 of the Rossville Flats, as part of the sequence of events in which Major Loden gave an order not to fire back. Warrant Officer Class II Lewis thought that Corporal INQ 1826’s account of sighting the Browning machine gun referred to a separate incident, and did not recall Major Loden shouting *“Don’t you dare fire that fucking thing!”*. Warrant Officer Class II Lewis said that the ceasefire order was given *“simply to get the ... soldiers to stop shooting”*.² It was *“within five, ten, 15 minutes”* of that order that there was more incoming fire and Major Loden gave the order not to fire back, which was not addressed solely to Corporal INQ 1826.

¹ [Day 373/32-37](#)

² [Day 373/80-83](#)

124.108 In his oral evidence to this Inquiry,¹ Private INQ 993 said that he did not think that either his or Corporal INQ 1826’s Sterling sub-machine gun would have been visible at any stage to those outside the Ferret car.

¹ [Day 340/30-31](#)

124.109 Earlier in this part of the report¹ we have considered the evidence given by those who were in 12 Garvan Place in Block 1 of the Rossville Flats when shots were fired through a window in that flat.

¹ [Paragraphs 123.212–250](#)

124.110 On the evidence of the BBC television crew, John Bierman’s interview of Fr Daly took place after the episode in which shots were fired while Fr Mulvey was by the second ambulance parked in Rossville Street. According to the emergency calls log, that ambulance arrived at 4.51pm. Hence Susan North’s evidence that she saw Fr Daly giving his television interview when she went downstairs to find film, and that this took place before the shots were fired up at 12 Garvan Place, suggests that these shots were fired some time after 4.51pm, which is inconsistent with the evidence as to the timing of the shots in relation to the Army recruitment television broadcast. On the other hand, Fulvio Grimaldi’s evidence was that Susan North went downstairs after the shots had been fired at the window. In that case, the shots would have been fired into 12 Garvan Place some

time before Fr Daly gave his television interview. In our view, on the basis of the timing of the television broadcast and that of the arrival of the second ambulance, Susan North was mistaken in her recollection that she went downstairs for film before these shots were fired and must have done so afterwards.

The evidence of the firing soldiers about the presence of ambulances

124.111 Private C told us in his written statement to this Inquiry¹ that he did not see, or did not remember seeing, any ambulances.

¹ B68.004

124.112 Lance Corporal D told us in his written statement to this Inquiry¹ that he saw an ambulance outside the entrance to the Rossville Flats, and² that it was in roughly the same position as the ambulance shown in a photograph attached to his statement (reproduced below),³ and may in fact have been that ambulance.

¹ B85.006

³ B85.018

² B85.008



124.113 In his oral evidence to this Inquiry,¹ Private D said that the ambulance did not arrive until after he had fired his shots. He said that he had no idea of how much time had passed between the firing of the shots and the arrival of the ambulance.² He was asked whether

he remembered any shooting “*associated with ... the ambulance*”.³ He said that he did not, and rejected a suggestion that he had fired his shots at a time when ambulance staff and others were attending to casualties.

¹ Day 355/34

³ Day 355/55-57

² Day 355/36

124.114 Corporal E recorded in his written statement for the Widgery Inquiry¹ that while he was inside his vehicle in Rossville Street he saw Private G fire his rifle. He also saw ambulances coming and going while he was inside the vehicle.

¹ B95

124.115 Neither Lance Corporal F nor Private G said whether they saw any ambulances.

124.116 Private INQ 449 told us in his written statement to this Inquiry¹ that before the incident in which he said that he fired a shot, he saw an ambulance driven from Abbey Street along the north side of Columbcille Court and parked at about the point marked E on the plan attached to his statement² (towards the north-east corner of Columbcille Court). As he saw the ambulance, he heard two shots that seemed to have been fired from north of Columbcille Court. After the incident in which he said he opened fire, Private INQ 449 saw two ambulancemen carrying a body covered in a dark blanket into the ambulance. Private INQ 449 had not seen the body before but it might have been there when he arrived in the area. There were a couple of civilians beside the ambulance and possibly a priest as well. He did not see the ambulance leave. In his oral evidence to this Inquiry³ he said that although he was not absolutely sure he thought that it had been a white civilian ambulance. The two shots that he heard were low velocity shots. He said that he was not sure whether the sequence of these events had been correctly described in his written statement to this Inquiry.⁴

¹ C449.5-C449.6

³ Day 357/22-23

² C449.9

⁴ Day 357/36

124.117 We have considered the evidence of Private INQ 449 earlier in this part of the report.¹ For reasons given there, we are of the view that Private INQ 449 was probably mistaken in his evidence that he had fired on Bloody Sunday. Thus, although he may be correct in recalling that he saw an ambulance, it is not clear which this ambulance was and when he saw it.

¹ Paragraphs 123.69–95

Radio communications and the evidence of Lieutenant Colonel Wilford

124.118 We now turn to consider an entry in the 1 PARA log timed at 1645 hours,¹ recording that Support Company had reported “*Sniper Flats Kells [W]alk – no cas*”. In his written statement to this Inquiry,² the battalion Signals Officer Captain INQ 2033 said that this entry was probably heavily abbreviated. Lance Corporal 033, who was Major Loden’s signaller on the battalion net, confirmed in his oral evidence to this Inquiry³ that the report would have been made from the Support Company command vehicle (which was in Rossville Street), but did not think that he had made it himself.

¹ [W90](#) serial 40

³ [Day 324/89](#)

² [C2033.7](#)

124.119 The obviously abbreviated message could possibly be read as referring to fire directed towards Kells Walk from the “*Flats*”, meaning the Rossville Flats, but in our view this was not what it meant. Colonel Wilford, according to his oral evidence to the Widgery Inquiry, understood the radio message from Support Company (Bravo 5) as reporting fire from Kells Walk:¹

“Q. Then at 1645 Bravo 5 reports ‘Sniper in flats, Kells Walk. No casualties’?

A. Yes.

Q. Again, as regards timing, is that about right?

A. Yes, it would be about right. In fact, that particular one I recall quite well, because I was back at around about that time, having spoken to the General and the Press; and just after that Bravo 5 came up on the air and said ‘You are still under sniper fire from Kells Walk.’ I said ‘O.K. Make sure you identify the targets.’ I can remember saying that, and I believe in fact it appeared on television.”

¹ [WT11.49](#); [W90](#) serial 40

124.120 To our minds it is unlikely in the extreme that there could have been paramilitary sniper fire from Kells Walk at this time, since there were soldiers on the walkway and indeed close by in Rossville Street. The soldiers on the walkway reported no such fire and in our view there was none from Kells Walk.

124.121 There is no evidence to suggest that the soldiers further south in Rossville Street would have known that there were other soldiers who had fired from the walkway. If, as we consider to be the case, the radio message was referring to the shooting from the

walkway, then in our view what happened was that soldiers further south mistakenly assumed and reported that what was in fact (as we have described earlier¹) Army gunfire from the Kells Walk walkway was paramilitary sniper fire.

¹ [Chapter 123](#)

124.122 A little later in Colonel Wilford's oral evidence he gave the following answers:¹

“Q. After 4.35 did you hear shooting?

A. At about that time, I cannot recall the time exactly, but I had just spoken to General Ford and I had just spoken to the television who had hounded me to give a quick sitrep, I am sorry, situation report, of what was going on, and just at that moment call sign 5 came up again and said they were still under fire, that two shots had been fired. At this stage I said okay, because you remember at this stage I had already told them to reorganize and to sit tight, that they were to identify their targets and to continue watching.

Q. But you did not go back down yourself?

A. No, I didn't.

Q. So you were the Commanding Officer and it had been reported to you that some of your units were under fire?

A. Yes, right.

Q. Did you hear that fire?

A. Yes, I did.

Q. How many shots did you hear?

A. Two.

Q. Was that all you heard after 4.35?

A. Yes.

Q. Where did you go then from that point we have been discussing?

A. I went back down into the William Street area. I saw the RSM, the second-in-command. I discussed the redeployment, moving back to the Foyle car park.

Q. You did not hear any shooting when you were there?

A. Not that I can recall.

Q. Is it the position, then, that so far as you were concerned you did not hear any shooting except the two shots you have mentioned after 4.35?

A. I cannot swear to 4.35.

Q. We will give or take a few minutes, about that time. You did not hear any shooting whatsoever?

A. As far as I can remember, no.”

¹ [WT11.71-72](#)

124.123 Although in this passage Colonel Wilford referred to Support Company coming up “*again*” and saying that two shots had been fired, we are of the view that he was still referring to the radio message he had discussed earlier, as in both cases he described receiving this message just after he had spoken to General Ford and as or just after he had spoken to a television crew. Whether he was correct in his recollection that it was the message logged by 1 PARA at 1645 hours is a matter that we consider below.

124.124 As we have noted above,¹ the ITN producer David Phillips told the Widgery Inquiry that he heard a rifle shot coming over his head as he arrived at the corner of the Rossville Flats and another after Fr Mulvey had left Gerald Seymour. According to David Phillips’s account, this second shot was answered by two single shots fired by two paratroopers crouching by an APC.² It was after this that the soldiers withdrew and he and the camera crew went back with them to William Street, where Gerald Seymour interviewed Colonel Wilford on television.

¹ [Paragraph 124.84](#)

² [M66.3-M66.4](#)

124.125 For reasons that we give below, we are of the view that the shots that David Phillips recalled passing above him were two of the Army shots fired from Kells Walk, and that the two shots fired by two soldiers crouching by an APC were two of those fired from Rossville Street, in both cases at 12 Garvan Place.

124.126 According to Colonel Wilford, the radio message referred to above was received after he had spoken to television reporters and after he had heard the two shots to which the message referred. It is not clear from his evidence when he heard these shots, though on his account this must have been before he received the radio message.

124.127 The entry in the 1 PARA log contains nothing about the number of shots fired, though the way it was recorded shows that it was referring to paramilitary fire. However, since (as Captain INQ 2033 told us and as appears to be the case) the log entry was clearly

abbreviated, the radio message recorded in this log may have included information about two shots, as indeed Colonel Wilford recalled. The radio message itself must, of course, have been sent after the incident to which it referred, though it is not clear how long after. As we have already noted, most of the entries in the 1 PARA log were timed to the nearest five minutes.

- 124.128** 1 PARA reported on the Brigade net, in a message timed at 1654 hours,¹ that two shots had been fired at Support Company from the area of “*Rossville*”. The initial report was that no fire had been returned. Brigade then asked 1 PARA for the location of Support Company and was told that this company was “*at William Street/Kells Walk*”.² 1 PARA then informed Brigade that “*Reference shots in area of Rossville Flats, our call sign Bravo 5 [Support Company] returned 2 rounds. No casualties, ah, so far.*”³ In his written statement to this Inquiry,⁴ Captain INQ 2033 told us, having listened to James Porter’s tape recording, that he gave the confirmation that two shots had been returned,⁵ but said that he did not recognise the voice of the person who had made the initial report⁶ or of the person who had confirmed the location of Support Company.⁷ Captain INQ 2033 commented⁸ that these messages appeared to relate to the same incident and in our view this is likely to be the case.

¹ [W50](#) serial 205; [W138](#) serial 540

⁵ [W139](#) serial 546

² [W138-139](#) serials 543-544

⁶ [W138](#) serial 540

³ [W139](#) serial 546

⁷ [W139](#) serial 548

⁴ [C2033.8-C2033.10](#)

⁸ [C2033.8](#)

- 124.129** There is nothing in the 1 PARA log, apart from the entry timed at 1645 hours, recording any previous or subsequent message from Support Company (or indeed anybody else) about incoming or return fire, or recording any message to Brigade about incoming or return fire.
- 124.130** In short, therefore, according to Colonel Wilford the information he received from Support Company was of sniper fire from Kells Walk, which he had heard himself. The later messages from 1 PARA to Brigade appear to relate to shots fired at members of Support Company in the area of “*William Street/Kells Walk*” from “*Rossville*” which might have meant the Rossville Flats, and describe not only two incoming rounds but, in a separate later message, two rounds returned.
- 124.131** In these circumstances it appears that the messages from 1 PARA to Brigade must have been based, to a degree at least, on further or other information supplied by Support Company to 1 PARA but not recorded in the 1 PARA log. That the 1 PARA log was not

a complete record of messages is apparent from the fact that neither the initial report to Brigade of two incoming shots nor the later report to Brigade of return fire appear in that log.

- 124.132** In our view the message from Support Company to 1 PARA timed at 1645 hours must have referred to the firing at 12 Garvan Place and not to the later firing after the second ambulance had arrived, since that ambulance did not arrive until 1651 hours.
- 124.133** We have no reason to doubt that Colonel Wilford heard this message. We do, however, doubt his recollection that it was this message that he received after talking to General Ford and Gerald Seymour. We also doubt that this message included the information that two shots had been returned.
- 124.134** In his undated 1972 statement,¹ Colonel Wilford recorded that after he had given a hurried report to General Ford in William Street, in which he told him that he was preparing to withdraw his battalion, Support Company reported that they were still coming under fire. This fire stopped soon afterwards. As we have noted above, Colonel Wilford told the Widgery Inquiry that the message he received was to the effect that Support Company were still under fire, and that he heard no further shots after the two to which he referred.
- ¹ [B952](#)
- 124.135** As we have described earlier in this part of the report,¹ the firing at 12 Garvan Place took place over a short period, starting before 1641 hours and ceasing before the Army recruitment broadcast at 1644 hours. We consider that in these circumstances the message from Support Company, logged at 1645 hours as “*Sniper Flats Kells [W]alk – no cas*”², is unlikely to have referred to Support Company as being still under fire.
- ¹ [Paragraphs 123.212–249](#) ² [W90](#) serial 40
- 124.136** The firing heard by David Phillips after Fr Mulvey had spoken to Gerald Seymour was in our view some of the firing at 12 Garvan Place from the Kells Walk walkway and from Private G and Lance Corporal F at ground level in Rossville Street. It was after this that David Phillips went with Gerald Seymour to interview Colonel Wilford. This interview¹ lasted for at least 90 seconds. We consider it most unlikely that these two could have reached Colonel Wilford and finished interviewing him before Support Company sent the message logged at 1645 hours.

¹ [Vid 3 07.36](#)

- 124.137** We have already expressed our view that there must have been further messages from Support Company to 1 PARA on the basis of which the latter reported to Brigade.
- 124.138** The subsequent firing took place after the arrival of the second ambulance, ie after 1651 hours.
- 124.139** In our view everything points to the conclusion that Colonel Wilford, although he no doubt received the Support Company message logged as “*Sniper Flats Kells [W]alk – no cas*”, heard a later message from Support Company reporting that it was still under fire; and that this message was reporting the subsequent firing that broke out after 1651 hours. Whether Colonel Wilford heard two of the shots at 12 Garvan Place or two shots fired after 1651 hours is less certain, though since the former were fired some minutes before Gerald Seymour interviewed him, we are of the view that it is more likely that the latter was the case.
- 124.140** In his oral evidence to this Inquiry,¹ Colonel Wilford said that he did not now recall this incident.

¹ [Day 314/13-16](#)

The firing in Rossville Street while the first ambulance was present

- 124.141** As discussed above,¹ on the basis that the *Sunday Times* Insight Team was correctly informed about the transmission time of the Army recruitment broadcast (4.44pm), Susan North’s tape recording shows that the first shot was fired into 12 Garvan Place before 4.41pm. The tape appears to record the sound of three shots fired towards 12 Garvan Place before the Army broadcast was transmitted and, in conjunction with Susan North’s evidence, to suggest that at least another three shots were fired before that transmission in periods when her tape recorder was switched off. As we have previously observed, we consider that Susan North was mistaken in recollecting that there were more shots at 12 Garvan Place after the Army broadcast. In our view all the firing at 12 Garvan Place occurred before the Army broadcast.

¹ [Paragraph 123.239](#)

- 124.142** On the evidence as to the timings of the movements of ambulances and the other evidence considered above, we are of the view that the shots heard while the first ambulance was parked near the entrance to Block 1 of the Rossville Flats were the shots fired by soldiers into 12 Garvan Place.

- 124.143** According to Major Loden, it was at 4.35pm that he gave the order not to fire back unless there was a positive target identified, though this timing may well not be exact. As will have been seen from our consideration of the evidence from those in 12 Garvan Place and the timing of the Army recruitment broadcast, the first shot at 12 Garvan Place must have been fired before 4.41pm. In view of the evidence we have considered we are of the view that the shooting into 12 Garvan Place accounts for the five shots recorded on the ITN footage immediately prior to Major Loden's orders to cease firing and not to fire back unless there was a positive target identified.
- 124.144** This conclusion is to our minds supported by the ITN producer David Phillips's evidence that he saw two soldiers each fire one shot from beside a vehicle in Rossville Street just before the order to cease firing was given.

The firing while the second ambulance was present

- 124.145** The BBC footage records the firing of a shot while a group of people was gathered around the body of Bernard McGuigan, shortly before he was carried to the second ambulance, which had arrived and parked near the north end of Joseph Place. As the body was carried to the ambulance, Fr Mulvey emerged from a position of cover in front of the ambulance and moved towards the soldiers near the north end of Block 1 of the Rossville Flats, waving his handkerchief. The evidence of a large number of witnesses, including priests, ambulancemen, members of the BBC television crew, photographers and civilians, suggests that several shots were fired while this second ambulance was parked in Rossville Street. The BBC footage records the firing of one more shot as John Bierman attempted to interview Fr Daly.
- 124.146** The second ambulance was logged as arriving on the scene at 4.51pm. We have no reason to suppose that this timing is incorrect. The shooting that took place while this ambulance was parked in Rossville Street must therefore have occurred no earlier than that time.
- 124.147** It follows that the firing that occurred while the second ambulance was present was not the firing at 12 Garvan Place, which had taken place some minutes before.

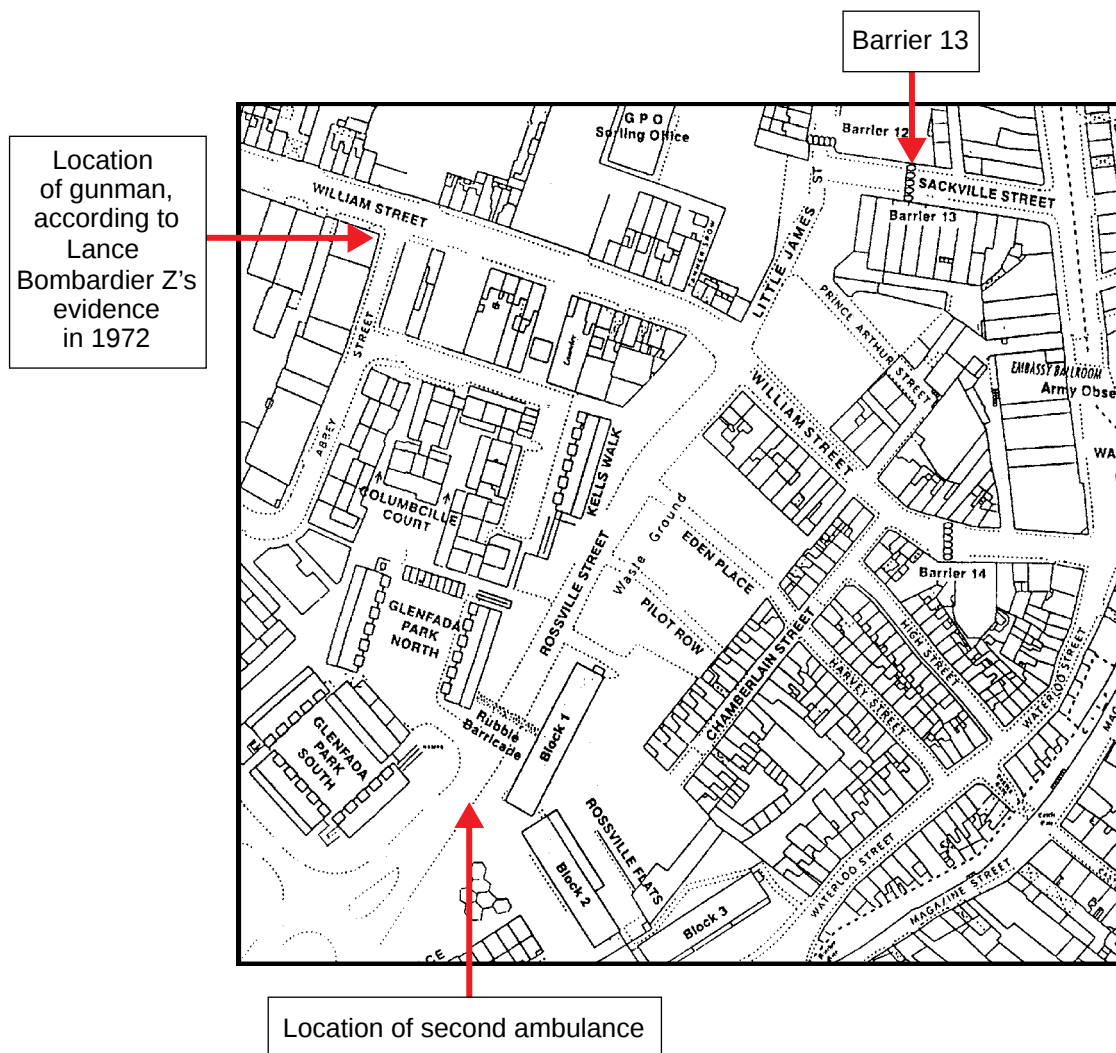
- 124.148** While the actions of Fr Mulvey and those who took cover with him by the bonnet of the second ambulance suggest that they believed themselves to be under fire from the north, the evidence of Fr Bradley, Cyril Cave, Jeffrey Morris and Hugh Logue must be taken into account, in so far as it suggests that shots may also have been fired from other directions at this stage.
- 124.149** We now turn to consider the source of this firing.
- 124.150** There was firing from the area to the north, and possibly from the area to the south, of the second ambulance while it was parked on Rossville Street.

Firing from the north

Lance Bombardier Z

- 124.151** As we describe in more detail later in this report,¹ one shot was fired from the area of Abbey Street, which hit a wall near Barrier 13, which was in Sackville Street, to the north of William Street, as shown on the following map; and Lance Bombardier Z fired one shot in return, from a position near the corner of the buildings on the south side of Sackville Street, to the west of Barrier 13.

¹ [Paragraphs 151.165–192](#)



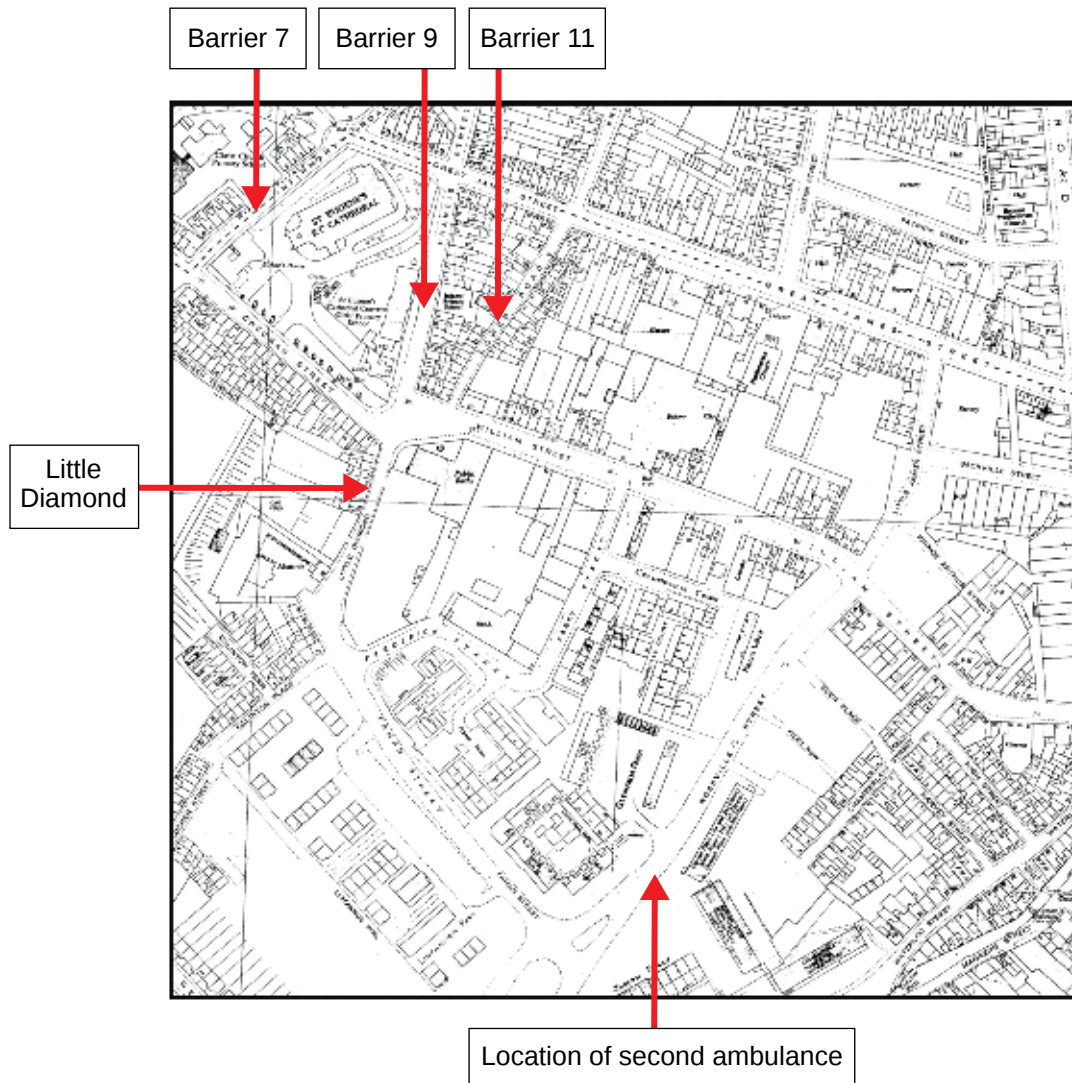
124.152 From the radio logs and other evidence (discussed elsewhere in this report¹), we are satisfied that this exchange of shots occurred shortly after the arrival of the second ambulance.

¹ Paragraphs 151.165–192

1st Battalion, The Coldstream Guards

124.153 In the Brigade Log there is a record of two messages timed respectively at 1653 and 1655 hours¹ from 1st Battalion, The Coldstream Guards, whose soldiers were manning Barriers 7, 9 and 11 in the vicinity of St Eugene's Cathedral. These messages described hearing in total four to six shots from the area of the Little Diamond. The positions of the barriers and the Little Diamond are shown on the following map.

¹ W50 serial 203; W50 serial 206



124.154 We have no further information about these shots. They may have been, in part at least, those fired in the incident concerning Lance Bombardier Z.

Stephen Peak

124.155 Elsewhere in this report¹ we consider the evidence of Stephen Peak of witnessing a shot from the Abbey Street area at about the time under consideration. For the reasons we give, we are not persuaded by his account, though he may well have heard one of the other shots fired at this time.

¹ Paragraphs 151.193–197

Johnny White

- 124.156** The *Observer* newspaper galley proofs contain the following passage, which was attributed, in our view correctly, to Johnny White, the Officer Commanding the Official IRA in the city:¹

“On Sunday, most of our members were taking part in the march and were unarmed. We had two marksmen on duty, but with strict instructions not to use their weapons until the area was clear of civilians. One was covering Rossville Street from the corner of William Street and Rossville Street. Another was in the Little Diamond covering William Street.

‘Apart from that, we had three sections on duty, marksmen stationed in the usual places well outside the area covering Bishops Street, Blighs Lane, and other volunteers on duty in cars. The marksmen were armed with rifles, and there were sub-machine-guns in the cars. These were the only weapons. There were no nail bombs, as the Army has claimed.

‘We fired only one shot in the area, and that was after the Army had finished shooting. A soldier went into the street by himself and our man covering Rossville Street thought he could get him.

‘He fired one shot and then realised it would be dangerous to go on because, although the immediate street was clear, people were huddled in doorways and running to safety whenever the firing stopped.’”

¹ [ED24.9](#)

- 124.157** It is possible that this was a shot fired near the junction of Rossville Street and William Street. However, the reference to a gunman “*covering Rossville Street*” and firing a shot at a soldier on the street would seem to be more likely to be a reference to an incident concerning Reg Tester in the area of Free Derry Corner, which we consider elsewhere in this report.¹

¹ [Paragraphs 148.139–149](#)

Consideration of the firing from the north

124.158 The shooting from the Abbey Street area and by Lance Bombardier Z described above would in our view have been audible from positions near the south end of Block 1 of the Rossville Flats. The same may be true of the shots, or some of them, reported by 1 CG, though if these shots were fired in the Little Diamond area, they would have been further away.

124.159 It should be borne in mind at this point that in a built-up area it is very difficult to tell from where fire is coming. As Colonel James Ferguson told us:¹

“I think I must make a general point ... that in a built-up area like Derry, it was almost impossible at any stage to – from sound – to know where the firing was coming from and I remember on one classic occasion ducking and sort of hiding behind something here when in fact I was totally – I was exposing myself rather than protecting myself. So it is extremely difficult to know in these circumstances from where fire is coming, purely from sound.”

¹ [Day 281/67](#)

124.160 In such circumstances it is not in our view surprising that some witnesses thought that soldiers in Rossville Street had fired again. Apart from Private L, whose account of firing at a building in Abbey Street we have rejected, we have no evidence to suggest that any soldier fired in Rossville Street at this stage. No witness described seeing this happen. In our view what the witnesses recalled as firing from the north was some at least of the firing that we have described above.

Firing from the south

124.161 Elsewhere in this report¹ we consider the firing by Sergeant AA and Private AB in the Barrack Street area. It is possible that some of this firing occurred shortly after the second ambulance had arrived in Rossville Street. If this was the case, then to our minds it seems that this was some at least of the firing that some of the witnesses recalled coming from the south.

¹ [Paragraphs 151.102–164](#)

Summary of conclusions concerning the firing while ambulances were in Rossville Street

- 124.162** On the basis of our analysis of firing during this period and the evidence relating to the firing at 12 Garvan Place, we have concluded that there was no paramilitary fire directed at the soldiers in Rossville Street that caused soldiers to fire into 12 Garvan Place.
- 124.163** This firing into 12 Garvan Place occurred before the arrival of the second ambulance. The firing that then took place could have come from a variety of sources. It is possible that it was or included paramilitary firing, though it seems to us that most if not all of it was firing by soldiers from various locations. Again it must be borne in mind, as Colonel Roy Jackson, Commanding Officer of 1 R ANGLIAN, told us, that *“it was very difficult in Derry because of topography and geography to isolate shooting points, or points of explosions, unless you either saw the flash or the smoke. And Derry had this unfortunate echo principle between the castle walls and the Bogside and the Creggan and so on.”*¹ We have referred above to a similar remark by Colonel Ferguson.² Thus while there was undoubtedly firing after the arrival of the second ambulance, it would be unwise to accept at face value the evidence of where that firing was coming from, or indeed of the number of shots fired.

¹ [Day 287/8](#)

² [Day 281/67](#)

Gerald Donaghey and the Nail Bombs

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Chapter 125: Introduction

125.1 As described earlier in this report,¹ Gerald Donaghey was shot near the northernmost set of steps in Abbey Park. We begin this chapter by describing in outline what then happened, before looking in detail at the evidence.

¹ [Chapter 107](#)

125.2 After he had been shot, Gerald Donaghey was carried by civilians into 10 Abbey Park, the house of Raymond Rogan, where he was placed on his back on the floor of the living room, which was to the left of the front door.¹ There Dr Kevin Swords examined him, in the presence of a number of other civilians. Dr Swords recommended that Gerald Donaghey be taken to hospital without delay.² Raymond Rogan reversed his car, a white Ford Cortina, registration number 3955 PZ, from the yard behind the house, and Gerald Donaghey, still alive but unconscious, was carried from the back door of the house and put onto the back seat of the car.³ By this stage someone had brought a blanket or counterpane to cover Gerald Donaghey's body, and this too was carried into the car.⁴ Hugh Leo Young sat with Gerald Donaghey in the back of the car, which Raymond Rogan drove, setting off for Altnagelvin Hospital.⁵

¹ [Day 388/56](#); [AS42.3](#)

⁴ [WT6.15-16](#); [B1833](#)

² [AS42.9](#); [AS42.3](#)

⁵ [AY1.9](#); [WT6.13](#); [WT6.16](#); [AY1.4](#); [WT5.57](#); [WT6.3](#);

³ [WT5.60](#); [AS42.9](#); [WT6.30](#); [AS42.3](#)

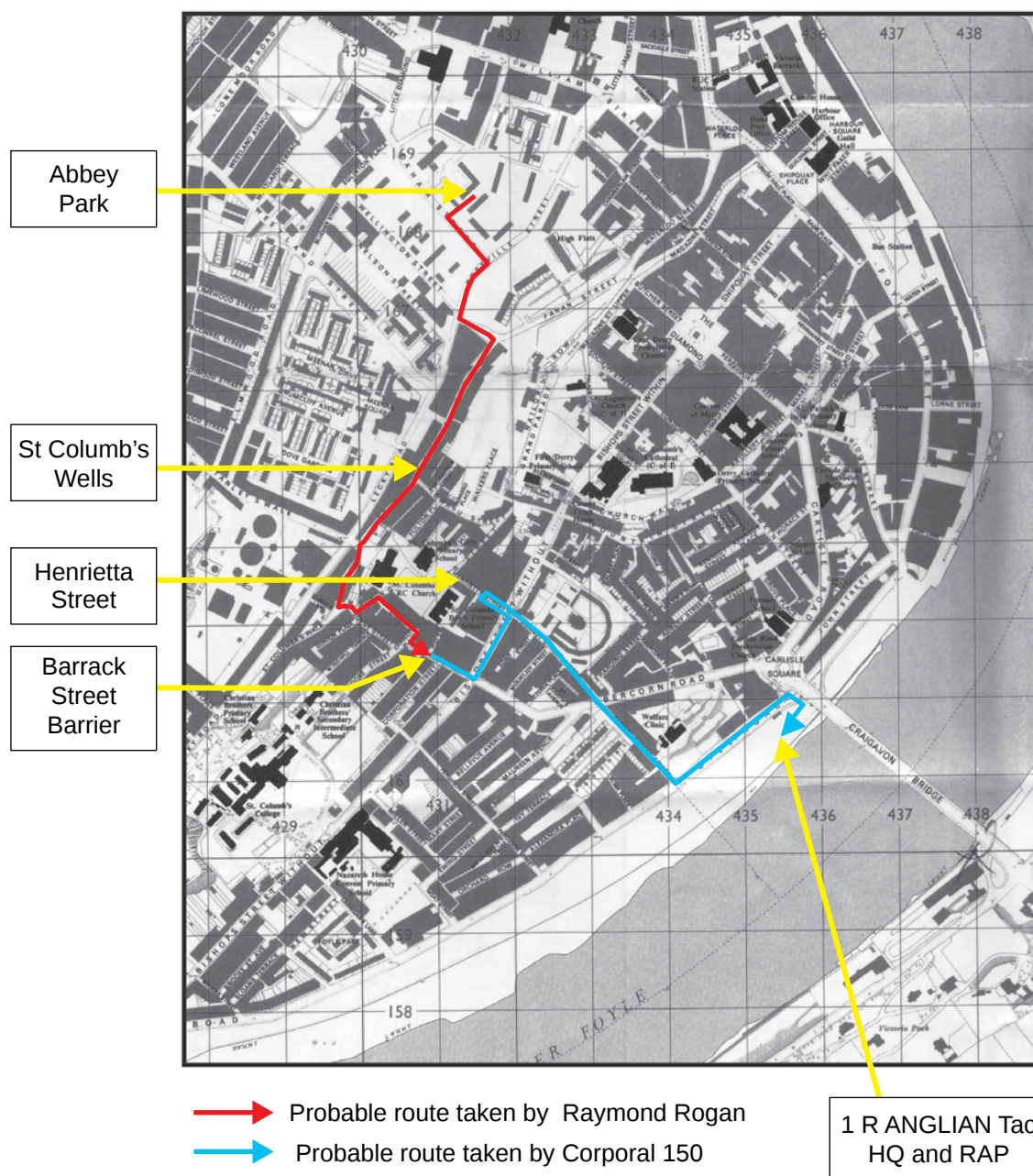
[AR24.29](#); [AR24.11](#); [AR24.3](#)

125.3 The car was stopped in Barrack Street at Barrier 20, which was manned by soldiers of 1 R ANGLIAN. The soldiers present made Raymond Rogan and Hugh Leo Young get out of the car and arrested them. Corporal 150 then drove the car, with Gerald Donaghey still in the back, first to the Company Headquarters at Henrietta Street, and then to the Regimental Aid Post (RAP) of 1 R ANGLIAN. The RAP was a temporary post manned by the battalion Medical Officer. It was set up in order to deal with minor injuries that might be sustained by soldiers.¹ The RAP was situated within the Tactical Headquarters (Tac HQ) of 1 R ANGLIAN, which on Bloody Sunday was positioned on a site at the south side of the western end of Craigavon Bridge. This site is often described as the "Bridge Location" or the "Bridge Camp". In addition to the soldiers at the Bridge Camp, the Royal Ulster Constabulary (RUC) were manning a temporary Detention Centre there for the purpose of dealing with people who had been arrested. This is sometimes described as the "Foyle Road Detention Centre".² Following their arrest, Raymond Rogan and Hugh Leo Young were taken to this centre in an Army vehicle.

¹ [B1859.001](#)

² [JD3.1](#); [JD3.3](#); [JD3.5](#); [JH3.2](#); [JH9.4](#); [JM41.1](#)

- 125.4** The probable route taken by the vehicle carrying Gerald Donaghey from Abbey Park to the RAP is depicted on the following map.



- 125.5** At the RAP, the Medical Officer of 1 R ANGLIAN, Captain 138, examined Gerald Donaghey and found him to be dead.¹

¹ B1844; B1847; WT15.20-21; B1859.002

- 125.6** At this location a nail bomb was found on Gerald Donaghey, in one of the pockets of his jeans. 1 R ANGLIAN radioed for an Ammunition Technical Officer (ATO), in other words a bomb disposal expert. The ATO, Captain 127, arrived from Victoria Barracks at about 1710–1715 hours. He moved the car from the Bridge Camp to a car park on the north side of the bridge. There he removed the nail bomb and three others that he found, of which one was in the other pocket of the jeans and one was in each of the side pockets of the denim jacket. Captain 127 then defused and dismantled the bombs.
- 125.7** The four bombs were improvised hand grenades, each of which consisted of nails strapped with adhesive tape around a core of high explosive, with a detonator and fuse in the centre.
- 125.8** The autopsy report on Gerald Donaghey records his clothing as including a jacket and trousers of blue denim.¹ The laboratory notes² confirm this and indicate that the trousers were Wrangler jeans but that the jacket was labelled “Malport”. Ann Priston of the Forensic Science Service informed us³ that this was a trading name of Mallett, Porter and Dowd Ltd. Gerald Donaghey’s sister told us that Gerald Donaghey was wearing a Wrangler jacket and jeans.⁴ Her recollection therefore is correct save that the denim jacket was of a different make. What Gerald Donaghey was wearing can be seen from three of the photographs that we show below.
- ¹ [D369](#) ³ [E18.7.1](#)
² [D358-360](#) ⁴ [AD86.2](#)
- 125.9** Constable Robert S Simpson, an RUC photographer, took the following five photographs after Captain 127 had moved the car to the car park on the north side of Craigavon Bridge. These photographs were given, in the order in which we show them, the respective references EP5.25, 26, 27, 28 and 29. As will be seen, these references appear in the evidence of a number of witnesses, which we consider below.

- 125.10 The first photograph was taken from outside the rear door on the nearside of the vehicle, and shows Gerald Donaghey lying along the back seat. His belt and trousers are undone, his jacket is open and folded back on itself, and a blanket or counterpane is visible on the floor beside him.



- 125.11** The second and third photographs are close-ups of an object, later identified as a nail bomb, in the right pocket of Gerald Donaghey's jeans. Both photographs were taken from inside the car, with the photographer looking over the driver's seat.



- 125.12** The fourth photograph was taken after the four nail bombs had been removed from Gerald Donaghey's pockets and dismantled. The photograph shows the components of the bombs – the explosives, the detonators, and the nails and tape – separated into four clear plastic evidence bags which have been placed on the ground in the car park.



- 125.13** The last photograph shows Raymond Rogan's Ford Cortina. The car is parked with its doors closed, and is apparently empty.



125.14 According to the evidence that Captain 127 gave to the Widgery Inquiry,¹ the bombs were *“the size of a small cocoa tin – four or five inches long and two inches in diameter”*.

¹ [WT9.57](#)

125.15 Captain 127 removed the explosive cores of the nail bombs when he dismantled them in the car park. The nails and tape from each bomb were sent to the Department of Industrial and Forensic Science (DIFS) in Belfast. According to a DIFS report dated 15th February 1972,¹ the nail bomb in the left trouser pocket contained 1lb of 4-inch round wire nails, that in the right trouser pocket $\frac{3}{4}$ lb of the same kind of nails, that in the right jacket pocket being similar to that in the left trouser pocket and that in the left jacket pocket containing nearly 2lb of the same kind of nails. From Captain 127’s Royal Military Police (RMP) statement² it would appear that the explosive in the nail bombs would have made each about 4oz heavier.

¹ [D336-337](#)

² [B1783](#)

125.16 It can be seen from Constable Simpson’s photograph of the components¹ that the explosive used in one of the bombs was Gelamex. It is known from an 8th Infantry Brigade intelligence summary dated 2nd February 1972² that the other three bombs contained Quarrex. Dr John Lloyd, the scientific expert engaged by this Inquiry, informed us³ that Gelamex and Quarrex were trade names for explosives commercially available for quarrying and similar purposes.

¹ [Paragraph 125.12](#)

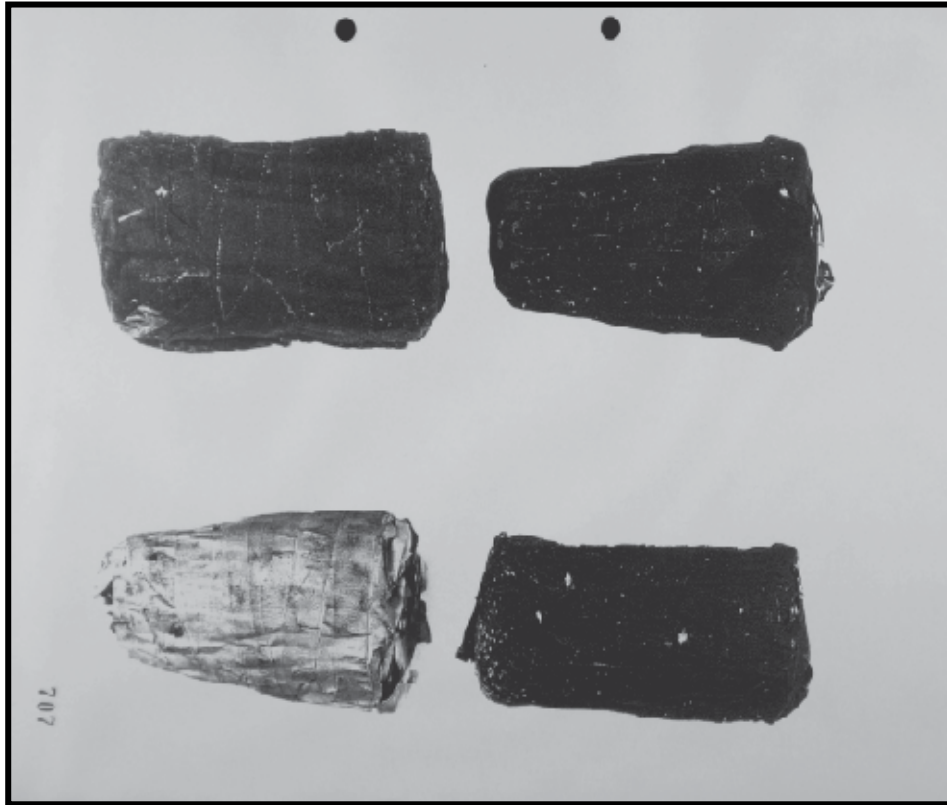
³ [E18.5.1-18.5.2](#)

² [G108.654](#)

125.17 We give further details of the nail bombs found on Gerald Donaghey later in this report.¹ We show here a photograph of them, apparently reconstituted without their explosive cores, taken by a photographer at the Department of Industrial and Forensic Science (DIFS).²

¹ [Chapters 138, 139 and 140](#)

² [Day 224/141](#)



- 125.18** There has been controversy since Bloody Sunday over the question of whether the nail bombs were in the possession of Gerald Donaghey when he was shot or whether the security forces or someone else planted them on him at some stage after the car was stopped at Barrier 20 in Barrack Street. No-one has ever suggested that a civilian might have planted them on him after he was shot but before the car reached Barrier 20: a suggestion that finds no support in the evidence.

Chapter 126: Gerald Donaghey's background

126.1 Gerald Donaghey was just short of his 18th birthday when he was shot.¹

¹ [D329; D368](#)

126.2 A short biography of Gerald Donaghey appears in the Provisional Republican publication *Tírghrá*, which commemorates the lives of those members of the Provisional Republican movement who died between August 1969 and February 1999 and who were included on the roll of honour.

126.3 The entry in *Tírghrá* contains the following passages:

“He [Gerald Donaghey] joined the Na Fianna Éireann early in 1971 and in April of that year he was arrested and charged with riotous behaviour, which then carried a mandatory sentence of six months in prison. He had not been involved in rioting and this trumped-up arrest was enough to convince Gerard to go full-time with Republicanism. He went on the run, spending a lot of time in the South, where he attended training camps and did fund-raising work for the nationalist community in the North ... Following Internment and the shooting dead of Volunteer Eamonn Lafferty in Derry, Gerard travelled back to Derry. He ended up in prison in October of that year and spent some months in Crumlin Road Gaol. He was released in December 1971.”

126.4 We discuss elsewhere in this report¹ the organisation and role of the Fianna. At the time of Bloody Sunday it was deemed to be an unlawful association under Regulation 24A in the Schedule to the Civil Authorities (Special Powers) Act (Northern Ireland) 1922.²

¹ [Chapter 149](#)

² [LAW2.17-2.18](#)

126.5 Mary Doherty, the sister of Gerald Donaghey, told us that she had no direct knowledge of her brother's Fianna membership and was not in a position to dispute that he was a member at the time of Bloody Sunday.

126.6 Gerald Donaghey was convicted of the offence of disorderly behaviour (not “*riotous behaviour*”) on 24th May 1971 and sentenced to six months' imprisonment.¹ According to his sister, he was convicted in his absence and imprisoned when he gave himself up in August 1971; and was released from prison on 31st December 1971.

¹ [ED47.33](#)

126.7 We are satisfied that after Gerald Donaghey had come out of prison he associated with a group who had defected from the Official Fianna to join the Provisional Fianna.¹ Though there is some material from security sources to the effect that Gerald Donaghey was an active member of the Official Fianna in early 1972, it seems to us that by Bloody Sunday his involvement was with, or principally with, the Provisional Fianna, of which he was by then a member.

¹ [AO79.13](#); [Day 406/108](#)

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Patrick Ward

127.1 According to Patrick Ward, who claimed, controversially, to have been the officer commanding the Provisional Fianna on Bloody Sunday, Gerald Donaghey was one of a group of Fianna members who were armed with nail bombs on Bloody Sunday and who intended to use them to attack buildings in the area of the Guildhall Square (Shipquay Place). However, for reasons that we have given elsewhere,¹ we place no reliance on this part of Patrick Ward's evidence. In the present context it is to be noted that Patrick Ward told us that he was sure that Gerald Donaghey was wearing a parka on Bloody Sunday.² In our view this was not the case, since the evidence to which we have referred above establishes that he was wearing a denim jacket and jeans and there is no other evidence to suggest that at any stage he was wearing a parka.

¹ [Chapter 149](#)

² [AW8.18](#)

- 127.2 A number of witnesses have told us that they were with Gerald Donaghey on Bloody Sunday before he was shot.

Gearóid Ó hEára

- 127.3 Gearóid Ó hEára told us that he went to Central Drive to join the march and there fell in with a number of people, including Gerald Donaghey, Hugh Patrick O'Donnell, Ciarán Mac Lochlainn, Frank McCarron and Donncha MacFicheallaigh. He said he was later with Gerald Donaghey on the corner of Chamberlain Street and High Street while there was rioting at Barrier 14 but fled south as the soldiers came into the Bogside.¹ While this witness did not say when he lost touch with Gerald Donaghey, he did not describe being with him after they were both in Chamberlain Street, and so it is likely (on the basis of this account) that they separated at about the time when the soldiers entered the Bogside.

¹ [AO79.3](#)

- 127.4 In a supplementary statement to this Inquiry dated 17th October 2003, Gearóid Ó hEára acknowledged that he was a member of the Provisional Fianna at the time of Bloody Sunday.¹ In that statement, he said that he had not referred to this fact in his first statement to the Inquiry because he had then thought that it was not relevant.

¹ [AO79.9](#)

- 127.5 Elsewhere in this report¹ we consider the evidence of Gearóid Ó hEára in detail. He told us that in October or November 1971 he became leader of the Provisional Fianna. He also told us that neither Gerald Donaghey nor any other member of the Provisional Fianna had access to explosives. In his oral evidence to this Inquiry,² Gearóid Ó hEára said that he would probably have known if Gerald Donaghey had been carrying nail bombs because Gerald Donaghey would have told him and also because of the tightness of the clothing.

¹ [Chapter 149](#)

² [Day 406/132](#)

Donncha MacFicheallaigh (formerly known as Denis McFeely)

- 127.6 Donncha MacFicheallaigh, who at the time of Bloody Sunday was known as Denis McFeely,¹ told this Inquiry that Gerald Donaghey had called at his home that day, possibly at some time between 1.30 and 2.00pm.² In his oral evidence to us, he said that he and his brother Conal went on the march with Gerald Donaghey, James Begley and

Frank McCarron, and that he thought that during the course of the march he had met up with Hugh Patrick O'Donnell, Ciarán Mac Lochlainn and Patrick "Pudger" O'Hagan.³ He said that he had gone with Gerald Donaghey along William Street towards Barrier 14 to find out what was happening. Having heard that someone had been shot, he retraced his steps and returned to the junction of William Street and Rossville Street. It was at this stage that he became separated from Gerald Donaghey.⁴ Later in his account he told us of discovering Gerald Donaghey lying shot in Abbey Park, an account we consider elsewhere in this report.⁵

¹ [AM7.12](#)

⁴ [AM7.8](#)

² [AM7.87](#)

⁵ [Chapter 107](#)

³ [Day 409/90-91](#)

127.7

Donncha MacFicheallaigh told us that he also thought it possible that when he was in Glenfada Park North he had seen Gerald Donaghey among a group of people who ran from the north-east corner to the north-west corner and left through the exit that led to Columbcille Court. He said he saw this before any soldiers came into Glenfada Park North. He was not sure that the man whom he had seen was Gerald Donaghey; he had seen someone with fairly long hair, wearing blue denim.¹ In an interview with Jimmy McGovern² and in his oral evidence to this Inquiry,³ Donncha MacFicheallaigh pointed out that he was used to seeing Gerald Donaghey with long hair but that in January 1972 Gerald Donaghey, recently released from prison, had short hair.

¹ [Day 409/103](#)

³ [Day 409/160-161](#)

² [AM7.71](#)

127.8

During the course of his oral evidence to us, Donncha MacFicheallaigh said that he thought that Ciarán Mac Lochlainn and Patrick "Pudger" O'Hagan were in the area at about the time when Gerald Donaghey was in 10 Abbey Park after he had been shot.¹

¹ [Day 409/132-133](#)

127.9

Donncha MacFicheallaigh told us in his written statement to this Inquiry¹ that he was sure that Gerald Donaghey would have confided in him if he had been carrying nail bombs while they were together. He was also sure that he would have seen the nail bombs because of the tightness of Gerald Donaghey's jeans. He added that Gerald Donaghey would not have been able to run properly with nail bombs in his pockets.

¹ [AM7.6](#)

Conal McFeely

127.10 Conal McFeely, the older brother of Donncha MacFicheallaigh, confirmed that his brother was a close friend of Gerald Donaghey. His recollection was that Gerald Donaghey had called at the McFeelys' home between 11.00am and midday to ask whether the McFeelys would be going on the march and, on learning that they would, returned at about 1.45–2.00pm in order to accompany them.¹ Conal McFeely recalled being on the march with his brother Denis (Donncha), Gerald Donaghey, Frank McCarron and James Begley.² He thought that he had seen Hugh Patrick O'Donnell at Bishop's Field.³ He did not recall seeing Ciarán Mac Lochlainn or Patrick "Pudger" O'Hagan but said that he would not have been surprised to see them there.⁴

¹ [Day 407/64](#)

³ [Day 407/65](#)

² [AM216.6](#)

⁴ [Day 407/65-66](#)

127.11 Conal McFeely told Peter Taylor that he went on the march with his brother Denis (Donncha), Gerald Donaghey and Frank McCarron and that they met Patrick "Pudger" O'Hagan, James Begley and Hugh Patrick O'Donnell.¹

¹ [I210-211](#)

127.12 Conal McFeely's evidence was that he wanted from the outset to go to the front of the march and participate in any confrontation with the security forces should the route of the march be blocked. He said that there was no organised plan for rioters to break through a barricade in order to reach the Guildhall Square (Shipquay Place) but that he, and others, felt that no-one had the right to prevent them from marching in their own city centre.¹ He admitted to Peter Taylor that he had thrown stones on Bloody Sunday in an attempt to break through Barrier 14.² He also told Peter Taylor that he assumed, knowing the other members of his group as he did, that they had also thrown stones.³ In evidence to this Inquiry, he said that he did not see Gerald Donaghey throwing stones on the day.⁴ Conal McFeely said that he made his way to the front of the march and confronted the soldiers at Barrier 14. By this time, he had lost contact with his companions, including Gerald Donaghey.⁵

¹ [AM216.6; Day 407/83](#)

⁴ [Day 407/87](#)

² [I214](#)

⁵ [AM216.2](#)

³ [I214-215](#)

- 127.13** Conal McFeely said in his oral evidence to this Inquiry¹ that he would have seen nail bombs if Gerald Donaghey had been carrying them because they could not have been concealed in his tight trousers.

¹ [Day 407/66](#)

Ciarán Mac Lochlainn

- 127.14** Ciarán Mac Lochlainn said in his first written statement to this Inquiry that he recalled going on the march with a group that included Gerald Donaghey, Denis McFeely (Donncha MacFicheallaigh) and Patrick “Pudger” O’Hagan.¹ He said that he had met Gerald Donaghey at Central Drive as the marchers assembled and did not know how Gerald Donaghey had spent the day before joining the march.²

¹ [AM12.1](#)

² [Day 415/99](#)

- 127.15** Ciarán Mac Lochlainn described the route that he and his friends, including Gerald Donaghey, took.¹ They met at Central Drive and followed the march to William Street. On reaching the junction of William Street and Rossville Street, they paused, seeing the barrier across Little James Street, people gathering further east down William Street and stewards encouraging marchers to move down to Free Derry Corner:

“I was still with Gerard Donaghy and Dennis [Donncha MacFicheallaigh] and Pudger [Patrick O’Hagan] at this time. We were all feeling the same fears and tensions about the riot situation and we decided between ourselves that we did not want to get involved in any rioting and so we would go and hear the speeches at Free Derry Corner. As young men, we were all used to rioting in Derry at that time ... However, on that day we wanted to go to the rally because so many leading Nationalists were going to speak and it was important that we heard what they had to say.

I think Gerard Donaghy had previously been arrested for rioting and as we had seen it all before we just did not want to know on that particular day. In fact we were definitely more interested in hearing the speeches.”

¹ [AM12.1-3](#)

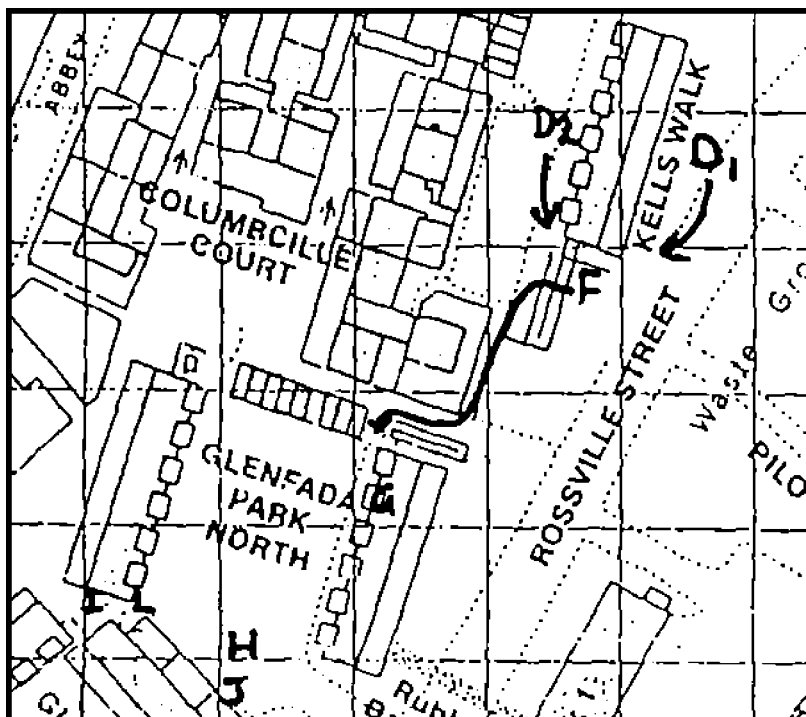
- 127.16** In his first written statement to this Inquiry, Ciarán Mac Lochlainn recalled that as he reached the south end of Kells Walk he heard that Margaret Deery and two others had been shot.¹ However, in his oral evidence he agreed that it was possible that he learned then only that two men had been shot (presumably John Johnston and Damien Donaghey). He thought that Gerald Donaghey and Donncha MacFicheallaigh were still

with him at that time.² He told us that he then heard the sound of Army vehicles coming from the north and heard rifle fire. He and Gerald Donaghey ran into Glenfada Park North, taking the route marked from point F on the map below and ending up sheltering behind a garden fence at point G.³

¹ AM12.3

³ AM12.4; AM12.10; Day 415/106-107

² Day 415/103



- 127.17** Ciarán Mac Lochlainn's evidence was that as he and others crouched at point G he saw a man (Michael Kelly) at about point H being carried by a group of men across the south side of Glenfada Park North from the direction of Rossville Street towards Abbey Park. He said that he could not see any soldiers but could hear shooting which appeared to be very close. He told us that he ran towards the Abbey Park entrance at the south-west corner of Glenfada Park North and that as he ran he heard the sound of SLRs (self-loading rifles) being fired. He said that although he did not see any soldiers, he felt that there were soldiers behind him.¹ He reached point I on the map but Gerald Donaghey did not join him there. He thought, but was not sure, that Gerald Donaghey had run to the north-west corner of Glenfada Park North.²

¹ AM12.5

² AM12.6

- 127.18** Ciarán Mac Lochlainn told us in his written statement to this Inquiry¹ that he was sure that Gerald Donaghey would have told him if he had been carrying nail bombs (although in his oral evidence² he said that Gerald Donaghey had never told him that he was a member of

the Fianna). Ciarán Mac Lochlainn also said³ that he would have seen that Gerald Donaghey was carrying nail bombs if that had been the case, but that there were no bulges in his pockets.

¹ [AM12.8](#)

³ [AM12.9](#)

² [Day 415/119](#)

Hugh Patrick O'Donnell

127.19 Hugh Patrick O'Donnell said in an interview with Kathleen Keville that he threw stones at the soldiers in Sackville Street shortly before Support Company entered the Bogside.¹ He ran south when they did so, but he told this Inquiry that he and others, including James Begley, subsequently threw more stones while advancing towards the troops on Rossville Street from the rubble barricade.² Hugh Patrick O'Donnell told us that he recalled going on the march with James Begley but had no specific recollection of seeing Gerald Donaghey at any point on Bloody Sunday.³

¹ [AO32.18](#)

³ [Day 405/33-34](#)

² [AO32.11](#); [Day 405/32](#); [Day 405/47-48](#)

Patrick “Pudger” O'Hagan and James Begley

127.20 Both Patrick “Pudger” O'Hagan and James Begley are dead and gave no evidence to this Inquiry.

Frank McCarron

127.21 Frank McCarron told us that he thought he had been alone on the march on Bloody Sunday, though he considered it possible that he had met one or two of those who thought they had been with him during the march. He was accordingly unable to help on the movements of Gerald Donaghey.¹ He said that he did not know whether or not Gerald Donaghey was carrying nail bombs.²

¹ [AM82.1](#); [Day 389/173](#); [Day 389/184](#)

² [Day 389/175](#)

Kathryn Johnston and Liam Clarke

127.22 In a revised edition, published in 2003, of the book *Martin McGuinness: From Guns to Government*,¹ the authors Kathryn Johnston and Liam Clarke refer to a witness who was reported to have said that he had seen Gerald Donaghey with nail bombs outside a bookmaker's. The notes made by Kathryn Johnston² from which this reference seems to have been drawn³ were in the following terms:

"High St full of people

Gerard Donaghy had several nail bombs, S McCallion wanted them.

Throw nail bombs over roof.

Knows nothing about bomb."

¹ T477; paragraphs 147.276–288

³ Day 387/131-133

² M112.50

127.23 Kathryn Johnston dated her handwritten notes to about February 2002.¹ She said that she knew the source or sources from whom she had obtained the information recorded in the notes, but that she was not prepared to reveal who they were.² We concluded that the prospects of discovering the sources by ordering Kathryn Johnston to disclose them and if necessary certifying, as a contempt of the Tribunal, her refusal under section 1(2) of the Tribunals of Inquiry (Evidence) Act 1921 were so slight that it was not worth taking this course of action. The Inquiry was unable to establish reliably the identity of the "S McCallion" named in the extract above.

¹ Day 387/43-48

² Day 387/43-48; Day 387/130-140

Assessment of the foregoing evidence

127.24 There are some inconsistencies in the accounts of those who say that they were with Gerald Donaghey on Bloody Sunday. However, there is no evidence (apart from the unreliable account of Patrick Ward) that indicates that any of them engaged in any form of paramilitary activity during the day. Those acting on behalf of the majority of represented soldiers drew our attention to the fact that, on their own accounts, several of those who were with Gerald Donaghey ended up in areas where paramilitary activity is said to have taken place or in close proximity to known casualties when they were shot.¹ It is also the case that Donncha MacFicheallaigh,² Ciarán Mac Lochlainn,³ Frank McCarron,⁴ Hugh Patrick O'Donnell⁵ and Patrick "Pudger" O'Hagan⁶ were all later convicted of offences

relating to paramilitary activity that took place after Bloody Sunday; and that there is little doubt that Patrick "Pudger" O'Hagan was a member of the Fianna or the Provisional IRA at the time of Bloody Sunday.⁷

¹ FS7.2090

² Day 409/134-136

³ Day 415/120-122

⁴ Day 389/169-170

⁵ Day 405/34-35

⁶ Patrick "Pudger" O'Hagan did not give evidence to this Inquiry, but his criminal record is referred to at CS6.754.

⁷ I253; T471.1

127.25 We have borne these matters in mind, but they fail to persuade us that these individuals, including Gerald Donaghey, were engaged in any form of offensive paramilitary activity during the day, let alone provide us with any indication that Gerald Donaghey was in possession of nail bombs when he was shot. As to Kathryn Johnston's notes, since we have no means of checking this author's source, we are unable to assess the accuracy of what she was told; and accordingly we take the view that we should not place any reliance on what she wrote.

Chapter 128: The sighting of nail bombs

128.1 In the course of considering the question of paramilitary activity in Glenfada Park North elsewhere in this report,¹ we referred to evidence about the sighting of nail bombs. Of that evidence it seems to us that the accounts given by Michael Quinn (one of those wounded in Glenfada Park North) are of particular relevance in the present context.

¹ [Chapter 111](#)

128.2 In the *Sunday Times* notes of an interview with Michael Quinn, to which we have already referred when discussing how he came to be wounded in Sector 4, the following passage appears:¹

“NOTE: Under guaranty of total anonymity, quinn told us the following;

1. there were two ‘IRA cars’ parked in glenfadda [sic] park. he knows they were IRA men, known in the district. two were in one, unknown in the other. he saw no guns.

2. while standing between the fences on the south side of glenfadda he saw two youths carrying nail bombs in their hands. one had long fair hair and was wearing a blue denim jacket; the other had very black hair, shortish, and was wearing a fawn jacket. the boms [sic] were cyclindrical [sic] shape with a black fuse projecting from the top; they were about 6 ins long he estimates. at no time did he see the bombs lit but he is adamant that he saw them. one description fits gerard donaghy perfectly.

3. he says that he heard from close source that a senior Official IRA man arrived on the scene and told the nail bombers to take them away as there was too much danger to other civilians.”

¹ [AQ11.12](#)

128.3 Although Philip Jacobson and Peter Pringle, the *Sunday Times* journalists who compiled this note, recorded that the description of one of the men “*fits gerard donaghy perfectly*”, Peter Pringle, in his evidence to this Inquiry, accepted that the description did not fit Gerald Donaghey since, as they later learned, “*he does not have long fair hair*”.¹ We have examined the morgue photographs (which we have decided not to exhibit in this report), which in our view show that Gerald Donaghey’s hair was dark brown and that on Bloody Sunday it was fairly short.

¹ [Day 190/61](#)

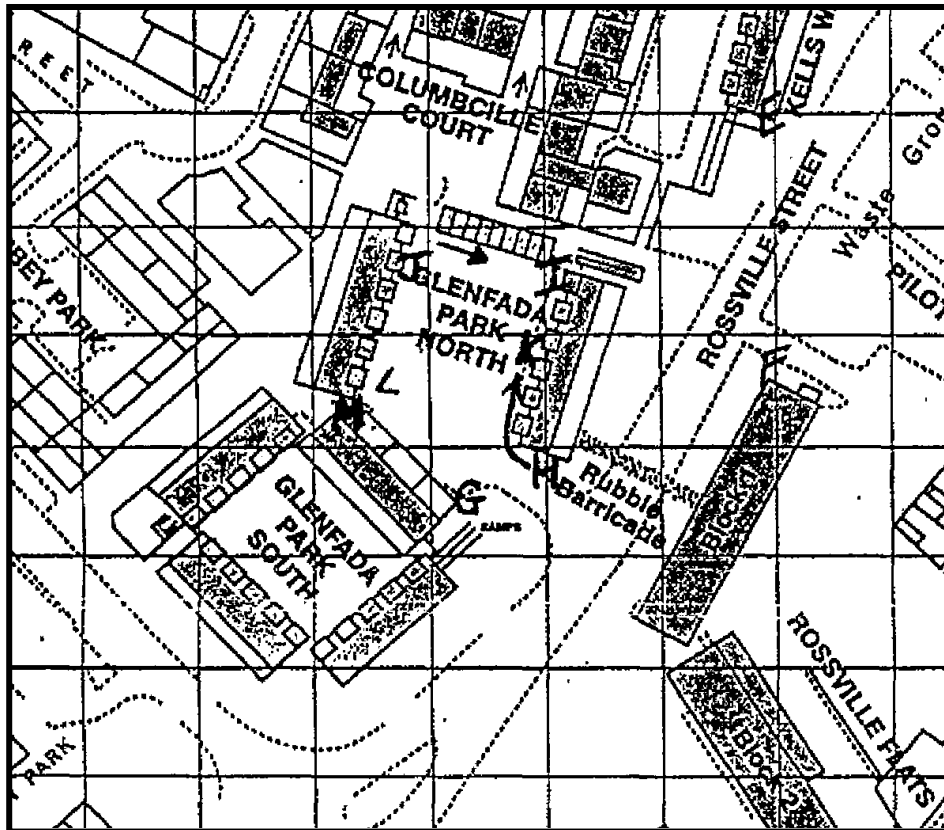
128.4 In his written evidence to this Inquiry, Michael Quinn stated that after soldiers had come into Rossville Street he decided to take cover in Glenfada Park North. He continued:¹

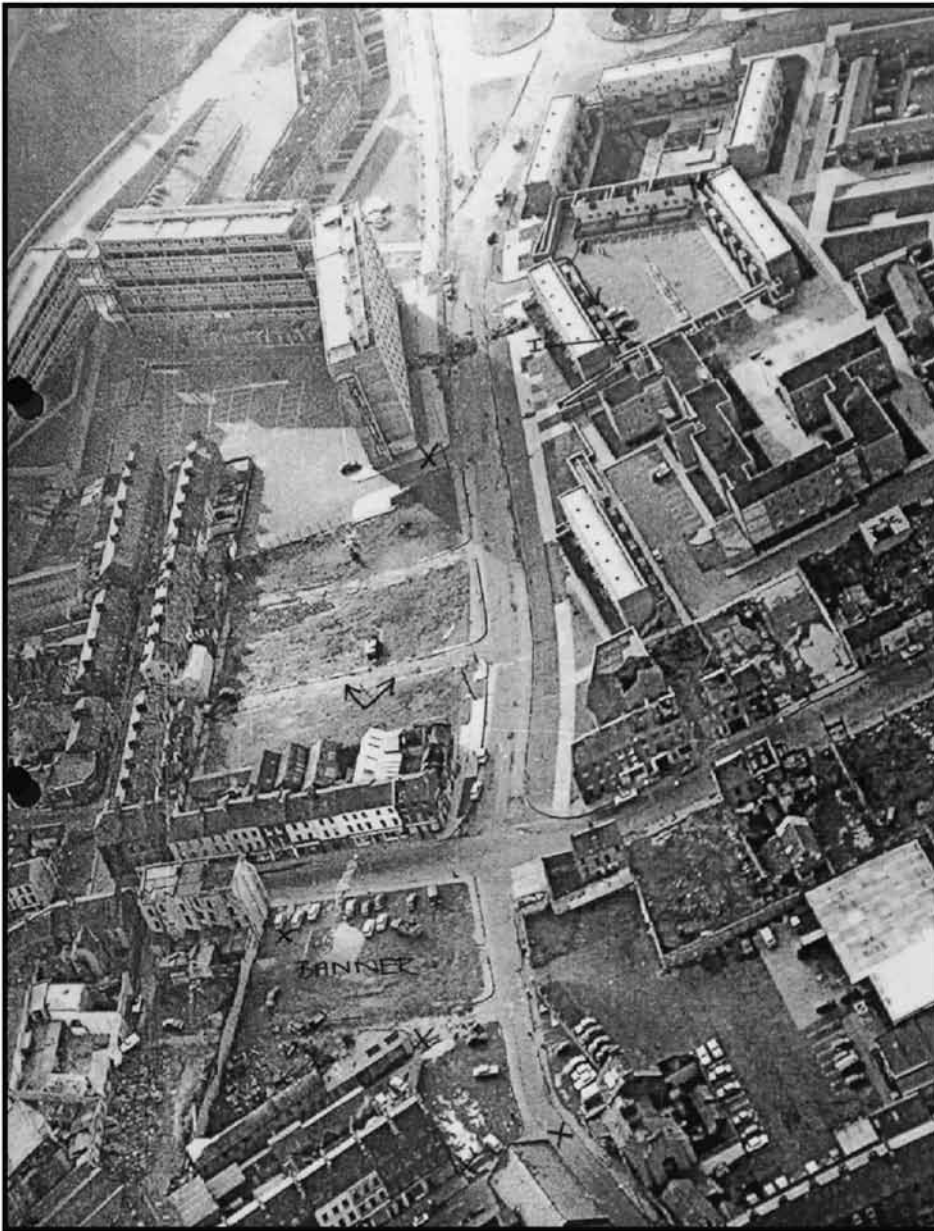
“I do not know how long I was in Glenfada Park North, but I remember after some time seeing two young fellows in the northeast corner at the point marked I in grid reference J13 (and on photograph MQ1) who were looking round the corner of the flats into Rossville Street. They were only young, about my age or a little bit older, and I did not know them. I was concerned in case they did anything. They were clearly nervous too, looking out and back again. I recall one of them having a denim jacket and dark hair and one with fair hair and a quilted anorak. The boy with the fair hair and quilted anorak had something which might have been a nail bomb in his left side pocket. I had not seen one before and didn't know what it looked like but I remember something like a Coke tin with grey tape and a piece of material coming out of the top. Coupled with the fact that they were peering out towards the army and seemed very nervous and were keeping a look out I was very frightened by what I saw. It was then I saw a man coming from the northwest corner of Glenfada Park North walking in the direction of the arrow I have marked on the map into Glenfada Park North at grid reference I13 towards these two boys. I remember hearing him say words to the effect of 'Put those away, you will only get people killed'. My only recollection is of seeing what I took to be a nail bomb in a pocket, but my memory of these words suggests to me that the boys may have had something in their hands which I saw, but cannot now remember seeing. The shooting in Rossville Street was going on at this time and was reasonably intense and the boys did as they were told and left by the northwest corner of Glenfada Park with this man back the way he had come. I did not recognise the man, or know whether he was an IRA man but concluded later that the man probably was a member of the IRA – by virtue of the way the boys unquestioningly did what he told them. The man was older than we were and was wearing a long coat. I would say he was in his mid twenties but I had never seen him before or since.”

¹ [AQ11.22](#)

128.5 We reproduce below the map and photograph to which Michael Quinn was referring in this passage.¹

¹ [AQ11.29](#); [AQ11.31](#)





128.6 It will be noted that in his account to this Inquiry, Michael Quinn described the youth in a denim jacket as having dark hair.

128.7 In his oral evidence to this Inquiry, Michael Quinn said that what the *Sunday Times* journalists had noted about the hair colour of the youth in the denim jacket might have been wrong and that his memory now was that set out in his written statement.¹ He also told us that, though he did not know Gerald Donaghey, on the day after Bloody Sunday

he was given a newspaper containing photographs of people shot on Bloody Sunday, and *"I did not recognise Gerard Donaghy as anyone who was in Glenfada Park or was one of the two that I considered might be carrying nail bombs"*.²

¹ [Day 169/71-72](#)

² [Day 169/122-123](#)

128.8 On the basis of the account Michael Quinn gave to the *Sunday Times*, it seems to us probable that he did see two youths with nail bombs in Glenfada Park North. His evidence to this Inquiry is to the effect that he saw these youths after shooting had broken out in Rossville Street; and that before soldiers had come into Glenfada Park North the youths had left by the north-western entrance on the instructions of an older man. From this entrance it is possible to get into Abbey Park on its northern side.

128.9 Although Michael Quinn told us that he did not recognise Gerald Donaghey as one of the two youths, it seems to us to be possible, though far from certain, that the youth wearing the denim jacket was Gerald Donaghey. There is accordingly some support, albeit in our view slight, for the view that shortly before he was shot Gerald Donaghey was seen in possession of nail bombs in Glenfada Park North; and that he then went in a direction that would have enabled him to reach Abbey Park, where he was shot in circumstances that we have described elsewhere in this report.¹

¹ [Chapter 107](#)

128.10 In our analysis of the events of Sector 4 we also considered the evidence of Danny Craig, Charles McGill and Benn Keaveney.

128.11 Danny Craig told us that while he was in Glenfada Park North he saw a *"kid of about 10"* carrying a tray made of a biscuit tin lid which looked to be full of petrol or nail bombs. Danny Craig said that he knocked the tray out of the boy's hands and told him to get out.¹ Charles McGill told us that, long after the shooting was over, he saw three young men in the Abbey Park area, who had a tray holding about ten nail bombs.² Benn Keaveney spoke of seeing two to four nail bombs in a box, not a tray.³

¹ [AC111.3](#); [Day 135/71](#)

³ [AK2.21-22](#); [AK2.12](#); [Day 160/45-55](#); [Day 160/107-109](#)

² [Day 69/116](#); [Day 69/156-164](#)

128.12 It seems to us that although none of these witnesses said anything that suggests that Gerald Donaghey was seen with nail bombs, and thus that their evidence does not link Gerald Donaghey with the possession of nail bombs, the fact that civilians were seen in the area with such devices forms part of the general background against which to assess the likelihood that Gerald Donaghey had nail bombs in his pockets.

- 128.13** We now turn to discuss the evidence of witnesses who saw Gerald Donaghey in the immediate aftermath of his shooting, and of those who were involved in moving him from the Bogside to the RAP at Craigavon Bridge.

Chapter 129: Civilian evidence about the aftermath of the shooting of Gerald Donaghey

Contents

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Gerald McCauley	129.17
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Ursula Clifford	129.31
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129.1 Gerald Donaghey fell on the shallow steps in Abbey Park after being shot. From there, he was carried into Raymond Rogan’s house, where, as a number of other civilians looked on, he was attended by Dr Kevin Swords, a medical practitioner who happened to be in the area after having taken part in the civil rights march. Dr Swords recommended that Gerald Donaghey be taken to hospital, and Raymond Rogan and Hugh Leo Young subsequently drove him from Abbey Park to Barrier 20. There Raymond Rogan and Hugh Leo Young were arrested. In the following paragraphs we consider those witnesses who have given evidence of being with or near Gerald Donaghey in this period. They include Dr Swords, who examined Gerald Donaghey; Hugh Leo Young, who searched some of his pockets in the hope of identifying him; Raymond Rogan and others who touched or carried Gerald Donaghey; and a number of bystanders who were present in the house or nearby at the relevant time.

Raymond Rogan

129.2 There are *Sunday Times* notes, which may be a transcription of a tape recording, of what we are satisfied was an interview with Raymond Rogan.¹ According to these notes he told the journalists that after he had been arrested and taken to the Foyle Road Detention Centre an RUC detective had told him that the injured person in his car had a nail bomb in his pocket. The notes continued:²

“I was very surprised at this because there was no evidence at all of the young boy having had anything in his pockets mainly because he was dressed in such a manner that it would have been immediately noticeable. He had a short denham jacket on and denham jeans and I think that anything such as a nail bomb would have been immediately noticeable. When the youth was carried into my house, this doctor who was there told us to stretch him out flat. We placed a stool under his fee [sic] to raise him up. The doctor then looked at the wound, which was in the lower left side and very serious ... Although we did not search the youth when we dragged him in the nature of his clothing would indicate that it was not apparent that he had anything in his pocket.”

¹ [AR24.41-46](#)

² [AR24.43-44](#)

129.3 In his evidence to the Widgery Inquiry, Raymond Rogan said that Dr Swords had searched Gerald Donaghey for identification. He also said that it would have been impossible for Gerald Donaghey to have been carrying four nail bombs without him noticing, though this was said in the context of also saying that Dr Swords had searched the body for identification.¹ He also told the Widgery Inquiry that he had never seen nail bombs and did not know what they looked like.²

¹ [WT5.59](#)

² [WT6.3](#)

129.4 In his written statement to this Inquiry,¹ Raymond Rogan told us that after Gerald Donaghey was brought into his house a doctor had searched him for identification and that Raymond Rogan and his wife also searched Gerald Donaghey. He only patted the pockets of the trousers but the doctor and Raymond Rogan's wife put their hands into the pockets. Raymond Rogan thought that they had found a religious medal in one of the pockets, but nothing else. Raymond Rogan gave oral evidence to this Inquiry to the same effect except to say that it was his recollection that the religious medal had been found around Gerald Donaghey's neck.²

¹ [AR24.3](#)

² [Day 184/18-19](#); [Day 184/47-58](#)

129.5 Raymond Rogan stated to the Widgery Inquiry and to the present Inquiry that he would not have allowed Gerald Donaghey to be placed in his house or in his car if he had been in possession of nail bombs.¹

¹ [WT5.60](#); [AR24.5](#); [WT6.5](#)

Dr Kevin Swords

129.6 In his written statement for the Widgery Inquiry,¹ Dr Swords said that he felt over the whole of Gerald Donaghey's body to check for other gross injuries: *"If he had any bulky object in his pockets I could not have missed it. I am sure there were none."* He also said that he had been shown photographs "26 and 27", which seem to correspond with two of Constable Simpson's photographs. He was sure that the bombs appearing in those photographs were not there when he examined Gerald Donaghey. He added that there was a fire burning in the room, people were smoking and that *"If there had been bombs in Donaghey's pocket I would have wanted them removed because I would have thought them dangerous"*.²

¹ [AS42.9](#)

² [AS42.9](#)

129.7 In his oral evidence to the Widgery Inquiry, Dr Swords said that he had not searched Gerald Donaghey for identification, but somebody had gone through his pockets for this purpose.¹

¹ [WT6.29](#)

129.8 Dr Swords repeated that Gerald Donaghey did not have nail bombs on him when he examined him and, after being shown photograph 26 (probably the second of the photographs shown above¹), that he could not have failed to notice the bomb shown in that photograph.² He also said that he could not have failed to notice 4¾lb of nails and some explosives in Gerald Donaghey's pockets.³

¹ [Paragraph 125.11](#)

³ [WT6.29](#)

² [WT6.27](#)

129.9 In reply to questions from counsel for the Ministry of Defence, Dr Swords agreed that the first thing he did was to open the belt of Gerald Donaghey's trousers and pull up the bottom of his shirt and that he could see at once that he was very seriously injured. He said that he had felt Gerald Donaghey all over to see if he had any other wounds, though it was too dangerous to roll him over on his face; and that in doing so he had touched his clothing. He said: *"I frisked his whole body to see if there was the possibility of any other injury."* A little later he said that he had done this before the body had been

brought into the house, although it seems from his evidence as a whole that Dr Swords made a further examination of the whole body after Gerald Donaghey had been brought in.¹

¹ AS42.9; WT6.29-33

129.10 Dr Swords gave a written statement to this Inquiry,¹ but declined to come from the Republic of Ireland to give oral evidence. We had no means of securing his attendance.

¹ AS42.1

Hugh Leo Young

129.11 In his written and oral evidence to the Widgery Inquiry,¹ Hugh Leo Young, who said he had helped to carry Gerald Donaghey into 10 Abbey Park, also said that he tried to identify him by searching the two top pockets of his blue denim jacket, but found nothing. These top two pockets were not the ones in which the nail bombs were later found.

¹ AY1.9; WT6.12

129.12 In his oral evidence to the Widgery Inquiry, Hugh Leo Young said that there was nothing in any of Gerald Donaghey's pockets, though he agreed that he had only looked in the top two pockets.¹ He said that after he had pulled Gerald Donaghey towards him along the back seat of the car he was almost sitting on Gerald Donaghey's right hip and he could not possibly have missed a package containing $\frac{3}{4}$ lb of 4-inch wire nails.² He also said that if there had been anything in the left trouser pocket "*I would most certainly have noticed it*". Later in his evidence he said that "*If he were carrying as much explosive as they say I am afraid I would not have dragged him on the ground, dragged him in the back door, dragged him in the car or sat along with him in the car*" and that "*I only examined his top two pockets, but if there had been anything else protruding out of his pockets I am certain I would have noticed it*".³ In his oral evidence to this Inquiry, Hugh Leo Young said that he did not drag Gerald Donaghey into the house but that he and others lifted and carried him.⁴

¹ WT6.12

² WT6.17

³ WT6.19

⁴ Day 388/57-58

129.13 Hugh Leo Young also told the Widgery Inquiry that he had never seen a nail bomb in his life and would not have recognised one on sight.¹

¹ WT6.19

- 129.14** In his written evidence to this Inquiry, Hugh Leo Young stated that there was no way he could have missed seeing nail bombs on Gerald Donaghey.¹ A note of Hugh Leo Young's Praxis interview given in 1991² records: "*Donaghy had no nail bombs. Nowhere to put them, and he would not have got in car with them if had had – be suicide.*"

¹ [AY1.6](#)

² [AY1.30](#)

- 129.15** After he had been arrested at Barrier 20 in Barrack Street, Hugh Leo Young was taken to the Bridge Camp, from there to Victoria Barracks and then to the Police Holding Centre at Ballykelly. There he had a "*casual conversation*" with a police officer, Detective Constable McNulty.¹ Detective Constable McNulty subsequently recorded in a report that Hugh Leo Young had told him:²

"that the wounded youth had a nail bomb in his pocket but he did not know this until after he had been put into the car. The car and all the occupants were taken to the holding centre at the bottom deck of Craigavon Bridge."

¹ [Day 388/42](#)

² [JM40.1](#)

- 129.16** Hugh Leo Young explained to this Inquiry, and we accept, that he was passing on information that had been given to him by Detective Sergeant Eugene McTeggart during the course of an interview held at the Foyle Road Detention Centre.¹ We also accept that Hugh Leo Young had not himself seen any nail bomb, and never believed that any had been on Gerald Donaghey when the latter was in Abbey Park or in the car.²

¹ [Day 388/62-64](#); [AY1.5](#); [AY1.7](#)

² [Day 388/37-46](#)

Gerald McCauley

- 129.17** Gerald McCauley said in his written statement for the Widgery Inquiry dated 23rd February 1972¹ and in his oral evidence to the Widgery Inquiry² that he and a man in a blue anorak, but no-one else, had helped to carry Gerald Donaghey into 10 Abbey Park. From Gerald McCauley's written statement it seems that the man in the blue anorak was Dr Swords. Gerald McCauley said nothing in the evidence that he gave in 1972 about anyone searching Gerald Donaghey to try to identify him, and he was not asked about this when he gave oral evidence to the Widgery Inquiry. In his evidence to this Inquiry he said that the doctor was the only person to touch Gerald Donaghey when he was in the

house and he did not recall anyone looking through his pockets.³ However, in his written statement for the Widgery Inquiry, he had said that the “*woman of the house*” had put rosary beads in Gerald Donaghey’s hand.

¹ AM95.8

³ Day 173/127

² WT6.24-25

129.18 In that statement,¹ Gerald McCauley described Gerald Donaghey as wearing a very close-fitting denim jacket and jeans. He added: “*I would have noticed if he had anything in his pockets of either trousers or jacket. They were perfectly flat and I know I would have felt them when I carried him into the house.*”

¹ AM95.8

129.19 In his oral evidence to the Widgery Inquiry,¹ Gerald McCauley said that Gerald Donaghey had nothing protruding from his pockets and that he was confident that if there had been “*a pound of nails in the right pocket of the jacket and two pounds of nails in the left pocket of the jacket*” he would have noticed as he carried him into the house.

¹ WT6.24-25

129.20 In his evidence to the present Inquiry, Gerald McCauley maintained that if there had been anything in Gerald Donaghey’s pockets he would have noticed it.¹

¹ AM95.3; Day 173/130

John Stevenson

129.21 In his written statement for the Widgery Inquiry dated 23rd February 1972,¹ John Stevenson recorded that he was in Raymond Rogan’s house and that while Gerald Donaghey was lying in the house “*he was searched for identification ... The doctor and one other person searched him. There were no means of identification and there was no sign of any nail bombs or weapons on him*”.

¹ AS33.5

129.22 John Stevenson repeated this when he gave oral evidence to the Widgery Inquiry. He said he did not know the other person who had searched the body.¹ In addition, he said that he was sure that he would have noticed if Gerald Donaghey had had anything on him like nail bombs or weapons, “*owing to his tight fitting clothes*”. “*... there was nothing in his pockets at all.*”²

¹ WT6.9-6.10

² AS33.5; WT6.9-6.10

- 129.23** John Stevenson gave written and oral evidence to this Inquiry in which he said he recalled Dr Swords searching Gerald Donaghey for identification.¹ He said that no-one undid Gerald Donaghey's trousers and belt while he was present, although he accepted that they could have done "*after I turned away*".² We formed the impression that John Stevenson had now no clear recollection of events.

¹ AS33.2; Day 166/7

² AS33.2; Day 166/9-10; Day 166/25-26

Charles Haslett

- 129.24** Charles Haslett was a reporter on the staff of the Londonderry office of the *Belfast Telegraph*. In his oral evidence to the Widgery Inquiry¹ he said that he was in the house when Dr Swords examined a young man. This was undoubtedly Gerald Donaghey. He was asked "*Did you see any nail bombs or anything in his pocket when in the house?*" to which his answer was "*I do not think anybody examined his clothing to that extent, but I certainly did not see anything*". He was then asked: "*But did you see anything projecting from his pocket?*" He answered: "*I did not see anything projecting from his clothing.*"²

¹ WT3.76

² WT3.80

- 129.25** Charles Haslett gave written and oral evidence to this Inquiry,¹ but we formed the impression that the accounts that he gave at the time were likely to be more accurate than some of his present recollections after so long, and it seems that he shared this view.²

¹ M38.4-8; M38.19; Day 166/85-114

² Day 166/98-99

Donncha MacFicheallaigh (formerly known as Denis McFeely)

- 129.26** Donncha MacFicheallaigh, who was then 17 years old, gave a Keville interview¹ in which he described a few men bringing "*the young fella into the house who was shot through the stomach*". He did not identify this person in this interview.

¹ AM7.100-101

- 129.27** The transcription of this Keville interview incorrectly ascribed it to "*Desmond Feeley*" and it was not until after Donncha MacFicheallaigh had given evidence to this Inquiry that it was appreciated that it was probably he who had given this interview. The Inquiry accordingly contacted Donncha MacFicheallaigh, who confirmed in a further written statement¹ that he had given this interview. He also told us that the person he had

described in his Keville interview as shot through the stomach was Gerald Donaghey.² His explanation for not identifying this casualty in his Keville interview was that he had already told Kathleen Keville (apparently before his account was recorded) that one of the people shot was Gerald Donaghey and that although he had not witnessed this shooting he had later come across him with a stomach wound. “*Any omission of detail was not deliberately intended.*”³

¹ AM7.102

³ AM7.106

² AM7.104

129.28 According to a number of accounts he has given in recent years, Donncha MacFicheallaigh did at the time recognise the casualty as his friend Gerald Donaghey, who he said had been with him earlier that afternoon.¹ In his written statement to this Inquiry he described seeing Gerald Donaghey lying “*only a couple of yards away from the top of the shallow steps*”.² He said he followed those carrying him into a house³ and watched someone who was, or claimed to be, a doctor examining Gerald Donaghey.⁴ He also said he saw a woman placing rosary beads in Gerald Donaghey’s hand.⁵ In his oral evidence to us he said he recalled someone asking who the casualty was, though he did not suggest that he then told the people there that it was Gerald Donaghey. In his further written statement⁶ he told us that he was in a very emotional state and that what was in his mind was that he had first to tell Gerald Donaghey’s sister Mary what had happened and that to that end he went out of the house without telling the people there that he knew the casualty.

¹ AM7.28.1; AM7.28.3; AM7.29-30; AM7.38; AM7.44-45; AM7.47-48; AM7.7; AM7.11; Day 409/90-91; Day 409/129-132; Day 401/151-156

⁴ AM7.11; AM7.28.3; AM7.23; Day 409/130-132

⁵ AM7.11; AM7.28.3; AM7.23; AM7.47; Day 409/131

⁶ AM7.106

² AM7.11

³ AM7.11; AM7.28.3; AM7.23; AM 7.47; Day 409/130-131

129.29 Donncha MacFicheallaigh told this Inquiry that he knew what nail bombs looked like and that if he had seen any on Gerald Donaghey’s person as he lay in Abbey Park, he would have removed them himself.¹ He said something similar when being filmed for Peter Taylor’s documentary *Remember Bloody Sunday*² and in his interview with Jimmy McGovern and Stephen Gargan.³

¹ AM7.12

³ AM7.50

² AM7.24

Patrick (Patsy) Bradley

129.30 In his written statement to this Inquiry,¹ Patrick (Patsy) Bradley told us that he saw a young man being carried out of the front door of a house in Abbey Park and put onto the back seat of a white Cortina. The young man was wearing a denim jacket and very tight jeans. Patrick (Patsy) Bradley did not see anything in the pockets of his jacket or jeans. He later found out that the young man was Gerald Donaghey. In his oral evidence to this Inquiry,² Patrick (Patsy) Bradley said that he saw Gerald Donaghey from a distance of less than four feet and thought that he had had a good view. He believed that he was in a position to say not merely that he saw nothing in Gerald Donaghey's pockets but that there was nothing in Gerald Donaghey's pockets.

¹ [AB68.4](#)

² [Day 153/138-139](#)

Ursula Clifford

129.31 At the time of Bloody Sunday, Ursula Clifford was 30 years old and a theatre sister at Altnagelvin Hospital. In her Northern Ireland Civil Rights Association (NICRA) statement dated 4th February 1972,¹ she described being at Free Derry Corner to hear the speeches when shooting broke out. Her statement continued:

“D) I made my way in stages between volleys of shots back to Glenfada Park which took approximately five minutes. On entering Glenfada Park I saw a man who was being given artificial respiration. I went forward, looked at his colour, took his pulse, noticed his lack of respiration and decided that he was dying. As he was already being treated I then made my way into my aunt's flat which overlooks Rossville Street. On looking out the window I saw two bodies lying beside the gable wall of the multi-story flats – the Lecky Road side.

My aunt and I took blankets and went across Rossville Street. The first casualty we encountered was a youth named Hugh² Gilmore who had a bullet wound through the left side of his chest. On further observation I concluded that he was dying. I covered him with a blanket.

There was another casualty lying at an angle to him. I observed that he had been shot on the side of the head, with approximately three pints of blood lying around the head area. He was definitely dead. A man had a coat over this corpse. I replaced it by a blanket. I heard a shout³ from Glenfada and observed Lawrence Doherty(?) who enquired if a priest was required. I ran across the street and observed Father A. Mulvey and replied that a priest was urgently required. Father Mulvey placed his hands on his head and crossed the street.

Shortly later two ambulances arrived. One was directed into the courtyard of Glenfada and the other pulled up at the corner of the flats. I called to the ambulance man to bring a 'minute man' and they followed us to the patient lying in Glenfada Park. I helped to carry him to the ambulance and at this stage I was accompanied by Dr. Kevin Swords. There was a patient already in the ambulance. Someone shouted that there were some in a house behind us but on the way to the house we encountered a youth who was shot in the legs so we had him placed on the floor of the ambulance. The ambulance then went off.

We entered a house and there was a youth lying face down on the floor. He had been shot through the scapula. He also appeared to be dying. Dr. Swords then remained and I went back to my aunt's house. Shortly afterwards we observed another ambulance pulling up at the flats and it was driven by the ambulance controller.

They started bringing out patients from the maisonettes adjacent to Joseph's Place. While they were putting the patients in the ambulance, accompanied by Father Mulvey, shots were fired from the direction of the army, and they had to dive for cover in front of the ambulance which was facing Lecky Road.

My overall comment was that the army obviously knew that people were injured due to the fact that they saw me with the blankets, first aid people clearly marked and clergymen going back and forth, and they offered no assistance whatsoever and then they callously stood by and watched us in our distress. Some of these people needed blood transfusions and drugs (e.g. morphine) which we had not got and which the army could have got in record time."

¹ AC68.10-11; AC68.18.1

² Although the typed version of the statement AC68.10 refers to "*Philip Gilmore*", we believe that this was a transcription error, as the manuscript version AC68.19 appears to read "*Hugh Gilmore*".

³ Although the typed version of the statement AC68.10 refers to a "*shot*", we believe, having considered Ursula Clifford's written evidence to this Inquiry AC68.5, that this is a transcription error and that the word in the manuscript version AC68.19 should be read as "*shout*".

129.32 There is nothing in this long and detailed statement that appears to refer to Gerald Donaghey. In her written evidence to this Inquiry, Ursula Clifford acknowledged this¹ but said *“I am sure I referred to him when I gave my previous statement although I have no idea why it does [not] appear in that earlier statement”*. She also said that she must have returned to her aunt’s house for the second time after the boy with tight jeans had been taken away, rather than doing so after she had seen the other boy lying in the hall with a shot through the scapula.²

¹ AC68.7

² AC68.8

129.33 Ursula Clifford told us that her aunt’s flat was on the eastern side of Glenfada Park South.¹ She described approaching a group of people around a body and, after being told that the man had had a heart attack and concluding that there was nothing she could do to help, going to her aunt’s flat.² There she saw from the window two bodies lying close to the southern end of Block 1 of the Rossville Flats. She continued by giving a very similar account to her NICRA statement of what she then saw and did, including going to a house where she saw a youth lying face down in the hall with half his body in a doorway. Ursula Clifford then told us this:

“Someone then asked us to take a look at another person. We were taken to a sitting room which may have been in this house or possibly a different house. I simply do not remember. I saw a youth lying on his back on a couch, who seemed the youngest of all the casualties I saw that day. He looked about thirteen or fourteen. The boy was wearing very tight blue jeans. I remember seeing the zip of the jeans being fully opened, so that it formed a v-shape. I have no memory of seeing the boy’s underpants and I don’t recall whether he had a belt around his trousers. Dr Swords may have pulled the boy’s jeans down. As I looked at the boy, all I can remember is focusing on his abdomen, which was where he was wounded. Dr Swords checked his vital signs. He palpated the boy’s abdomen, which meant he felt around the area of the wound to see if he could feel the boy’s organs and used the timpani method to check abdominal signs. I think that the wound to the abdomen was the entry wound as it was a fairly clean wound. There was not a lot of bleeding around the wound, although this may have been because of the way the boy was lying. He was on his back, but was not totally stretched out because of the length of the couch.

I have no memory of what the boy was wearing on his upper body. Other people may have examined him earlier but no-one knew who he was and I do not recall seeing anyone going through his pockets trying to find some identification. I saw nothing bulky in his pockets. His jeans were so tight that I do not know how I could have failed to notice any bulky items in his pockets. They were that tight.

I refer to photographs numbered 3 and 4 attached to this statement. I believe that these are photographs of the boy I have been describing though my recollection is that the boy I saw had jeans that were tighter than this. These photographs appear to show objects in his trouser pockets, although at the time I saw him I do not remember seeing anything in his pockets. As I have said, although I was concentrating on the boy's abdomen at the time, I don't see how I could have missed seeing objects in his pockets. I refer to the photograph numbered 5 attached to this statement.

After Dr Swords had carried out his examination of the boy, he said 'Ursula, I think this boy has a chance if we could get him to hospital'. Someone volunteered to take the boy by car to hospital. I recall people carrying the boy out of the house, and again I was shepherding the body. As the boy was carried out of the house, I remember seeing a car arrive which backed towards us. The boy's body was placed in the car. Everyone with us realised that the boy was badly injured and he was gently placed in the car. There may even have been too many people trying to help carry him, but I didn't say anything because I knew I wouldn't be listened to. The people placed the boy in the back seat of the car, although the seat wasn't long enough to allow him to lie out completely out flat. I cannot remember the make of car or the colour of it. I saw the car drive away but I don't know in which direction it went."

¹ AC68.2

² AC68.3-7

129.34 In her oral evidence to this Inquiry¹ Ursula Clifford gave a similar account. She said that the boy with the abdominal wound was "*lying awkwardly on the sofa, probably because it was not long enough maybe and he was, he was not – you know, his head would have been at the area where you sit rather than up on the arm, so that left that there was not room for him to be spread out lengthwise*".² Her recollection was that the boy's jeans were unzipped when she first saw him.³ She also said that she would "*rather doubt*" that she might have missed an object in the front pocket of his jeans and that if she had noticed something that looked like what has been described as a nail bomb, she would have asked for it be removed for the safety of everyone in the room. She told us that she had seen nail bombs in pictures.⁴ She added that if she had noticed any kind of bulky

object she would have removed it herself or asked for it to be removed.⁵ She agreed that the photographs showing Gerald Donaghey in the car showed the jeans as looser than she remembered them.⁶

¹ Day 165/79-136

⁴ Day 165/119

² Day 165/117

⁵ Day 165/20

³ Day 165/134-35

⁶ AC68.7; Day 165/135

129.35 We have no doubt that Ursula Clifford was doing her best to assist this Inquiry. It is a matter of regret that there is no reference in her NICRA statement to seeing Gerald Donaghey. The omission may be due to the fact, as Ursula Clifford told us, that she gave this statement at a time when she had been working very hard at the hospital and “*if you look at the post traumatic stress thing, the immediate amnesia does occur*”.¹ Be that as it may, her present account is one given decades after the event and, as she herself acknowledged, memory can play tricks.²

¹ Day 165/128

² Day 165/131

129.36 Notwithstanding this, having listened to her current recollections, we are of the view that it is unlikely that Ursula Clifford’s memory has played such tricks that she is wrong to believe that she was ever in 10 Abbey Park or that she saw Gerald Donaghey there. In a number of respects her account corresponds with what others have said. However, in a number of other respects her evidence differs from that of those who gave accounts at the time.

129.37 We put on one side the fact that her recollection of the sequence of events would seem to put her in 10 Abbey Park after Gerard McKinney had been taken to an ambulance, which is at odds with much of the evidence of the events in Abbey Park that we have discussed earlier in this report.¹ As we have observed elsewhere, we are not surprised that people had difficulty in recalling the precise order of events. However, her recollection of going with Dr Swords to another body which had already been brought into a house, and of seeing that body lying awkwardly on a sofa with the jeans already undone, is in sharp conflict both with what Dr Swords said at the time and to us and with Gerald McCauley’s evidence that he helped Dr Swords carry Gerald Donaghey into 10 Abbey Park. There is also the fact that at no time has Dr Swords suggested that he saw Ursula Clifford in 10 Abbey Park, though, in her recollection, he knew her well.²

¹ Chapters 106–108

² AC68.5

129.38 These matters are not, in our view, sufficient to reject Ursula Clifford’s evidence as a whole. However, they are such that we have concluded that it would be wrong to place much weight on her recollections so long after the event.

Assessment of the foregoing evidence

129.39 We accept Hugh Leo Young's evidence that he searched the two top pockets of Gerald Donaghey's jacket for identification. In the light of the evidence considered above, we are not persuaded by either the accounts given at the time or the evidence given to us that others searched the body for this purpose. Those who suggested that Dr Swords did so were in our view in error, as we accept the evidence given by Dr Swords in 1972 that he did not conduct a search. It seems to us likely that these witnesses confused Dr Swords' examination of the body with a search for identification. Although in his written statement for the Widgery Inquiry Dr Swords had recorded that "*people*" had gone through Gerald Donaghey's pockets for identification, in his oral evidence he said that "*somebody*" had done so.¹ In our view that person was Hugh Leo Young.

¹ [AS42.9](#); [WT6.29](#)

129.40 However, all these witnesses have given accounts rejecting the suggestion that there were nail bombs on Gerald Donaghey at this time.

129.41 As will have been seen, although we have reservations over Ursula Clifford's evidence, there is a substantial body of evidence, including accounts given in 1972 and accounts given in the course of this Inquiry, which can be said to indicate that Gerald Donaghey did not have nail bombs on him when he was carried into 10 Abbey Park.

129.42 If a nail bomb had been visible as shown in the second and third of the photographs taken by Constable Simpson, we are sure that those carrying Gerald Donaghey into 10 Abbey Park or in the room where he was taken would have realised or suspected what it was. We are equally sure that all the nail bombs would then have been discovered and removed without delay. However, it must be borne in mind that these photographs were taken after the nail bomb shown in them had been discovered; and since the very process of discovery might have made the bomb visible, it cannot be assumed that at any earlier stage this bomb or any of the others was clearly visible.

129.43 Since this assumption cannot be made, it seems to us that the true question is not whether people saw or suspected nail bombs when Gerald Donaghey was carried into 10 Abbey Park, while he was in that house, or while he was being driven to Barrier 20, but whether they could have failed to notice heavy and bulky objects in Gerald Donaghey's pockets if the nail bombs had been there. There is, of course, the evidence we have set out above that witnesses would have noticed such objects. At the same time, it must be borne in mind that those who carried him into and out of the house, many of

those who were in the house and Hugh Leo Young when he was in the car, were primarily engaged in seeking to help a person obviously very seriously injured. In the house there was, as Hugh Leo Young described, “*panic, squealing and roaring*”¹ in a small and crowded room.² To our minds, in such circumstances the attention of witnesses, if they were able to see Gerald Donaghey at all, would have been more likely to be directed at his wound and how to help him than to what was, *at the time*, the hardly relevant matter of what was in his pockets. Thus while we have no doubt that the witnesses believed that they would have noticed such objects, we cannot eliminate the possibility that they did not.

¹ AY1.4; Day 388/58

² Day 388/67

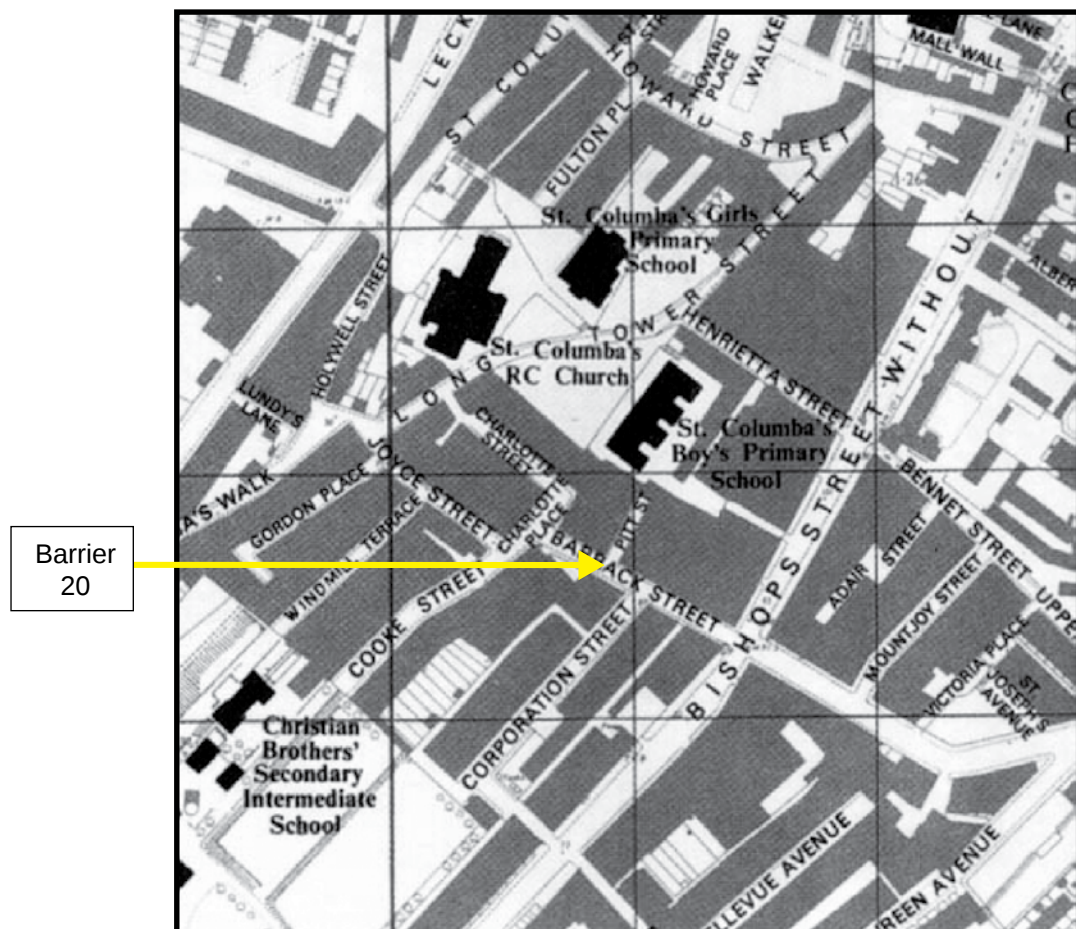
129.44 We now turn to consider whether it is possible that the nail bombs were planted later on Gerald Donaghey.

Chapter 130: Barrier 20 in Barrack Street

Contents

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130.1 The following map shows the approximate position of Barrier 20 in Barrack Street. It also shows Pitt Street and Henrietta Street.



130.2 As we have already mentioned, Raymond Rogan drove the car containing Gerald Donaghey and Hugh Leo Young to Barrack Street, where he stopped at Barrier 20, an Army barrier manned by soldiers of 7 Platoon, B Company, 1 R ANGLIAN. Two other vehicles arrived at this barrier at about the same time. On the south side of the road, on the left of the carriageway as seen from the position of the soldiers behind Barrier 20, was another Cortina, registration number HGB 992D, which was driven by CIV 1 and carried the injured Joe Friel, as well as Manus Morrison and Eugene O'Donnell. On the nearside of this vehicle, further to the north (the soldiers' right), was a Hillman. This car, which contained an older couple whom the Inquiry has been unable to identify, was reversed and driven back into the Bogside soon after arriving in Barrack Street. Raymond Rogan's Cortina was on the nearside of the Hillman (thus further to the north, and to the soldiers' right), and was probably slightly behind the other two vehicles.¹

¹ B1586-1587; B1665-1666; B1832-1833; B1876; B1898; B1909; WT6.13; AY1.4; WT6.3-4; AR24.3-4; Day 184/22-23; Day 184/41-44

130.3 We have set out in some detail in our consideration of the events of Sector 4 what happened when the vehicles reached Barrier 20. As we there stated, shortly before the vehicles arrived a crowd of about 20 to 40 civilians had approached Barrier 20 and asked to be let through. Initially the soldiers refused to lift the barrier, but after about five minutes they agreed to do so. It seems that the vehicles arrived just as the barrier was about to be moved and that a number of civilians remained in the area.¹

¹ B895; B1586; B1665; B1680; B1690; B1832; B1876; B1898; B1909; WT16.52; B1918.002; AO63.1; AO63.6; Day 184/42

130.4 Soldiers initially approached the car driven by CIV 1. In a brief and disputed incident one of the passengers, Manus Morrison, fled from the car, and a baton round was fired by Private 135. CIV 1 and Eugene O'Donnell were detained and led away and the car, which briefly began to roll backwards when CIV 1 alighted, was driven through the barrier by Lance Corporal 104. Several soldiers then moved to the car driven by Raymond Rogan, which contained Gerald Donaghey. Their evidence is considered below.

Private 135

130.5 Private 135 was one of the first to reach this car.¹ He described the subsequent events in his RMP statement:²

“... I told the driver to turn the engine off and put the handbrake on. He refused and stated that he had no handbrake. I could see a front seat passenger and something on the back seat covered by a blanket. The driver told me, ‘I’ve got a dead man in the back’. At this I opened the back door behind the driver and saw a body on the back seat. The body was that of a youth of about 15–17 yrs, he was covered up to the neck by a dark blanket, his head being behind the driver. I did not touch the body. I noticed the eyes were almost shut, and the face was white. I shut the door, went to the front and told the driver and passenger to get out of the car. This they did and I was left at the car, holding the wing mirror to prevent it from rolling back down Barrack St. The driver and passenger were taken away to Pitt St and I shouted to 150 to assist me. He came down, got into the car and drove it up through the barrier ...”

¹ B1832; B1835.001

² B1833-1834

130.6 Private 135 gave written and oral evidence to this Inquiry.¹ We formed the view that the evidence that he gave in 1972 was generally to be preferred to his present recollection. When he gave evidence to this Inquiry, he could only remember one car coming to the barrier and he described firing a baton round into the vehicle carrying Gerald Donaghey, something which neither Raymond Rogan nor Hugh Leo Young has ever suggested happened and which we are satisfied did not. However, we should note that Private 135 was sure that he moved the blanket and saw the wound on Gerald Donaghey’s stomach, though he said nothing about this in the statement that he made at the time.² In view of the evidence of Corporal 150, which we consider below, Private 135’s recollection on this point was probably correct.

¹ B1835.004; Day 379/132-182

² B1835.007; Day 379/144

130.7 Raymond Rogan and Hugh Leo Young were taken to a wall in nearby Pitt Street and there held with CIV 1 and Eugene O’Donnell, (the two men who had been removed from the car carrying Joe Friel). They were then taken to the RAP at Craigavon Bridge and from there to the RUC station at Victoria Barracks.

Corporal 150

- 130.8** Corporal 150 (a member of 7 Platoon, B Company, 1 R ANGLIAN) gave two RMP statements. In the first of these,¹ he described arresting two men from the first vehicle to which he went (clearly that containing Joe Friel) and taking them to Pitt Street. He stated that he returned to the barrier, which by then was open, and saw the same car being driven through by Lance Corporal 104:

“Looking beyond him, I saw 135 holding on to the wing mirror of the second car. He shouted to me that the car had no brakes and that there was a dead body in the back. I went over to him and glanced into the back seat. I saw an apparently lifeless body of a young male lying on the back seat. He appeared to have sustained a gunshot wound in the lower abdomen.

I got into the driver’s seat and drove the car forward through the barrier. I then reported to my platoon commander who told me to take the car and body to Coy HQ location at Henrietta Street. Both cars then drove to Coy HQ ... Here, I was directed to go to Bn HQ at ‘The Bridge’ [Craigavon Bridge].”

¹ [B1899-1900](#)

- 130.9** In his second RMP statement,¹ Corporal 150 explained that the two arrested civilians from the second car (the one he drove) were not arrested by him but by other members of his platoon. However, the arrest papers relating to Raymond Rogan and Hugh Leo Young include statements signed by Corporal 150, which record that Corporal 150 was the arresting soldier. In his written statement for the Widgery Inquiry, Raymond Rogan recorded that while he was at the Bridge Camp he was photographed with Corporal 150, who was wrongly “*put down as the arresting soldier*”; and that when he queried this, Corporal 150 “*just said that he was there*”.² Corporal 150 was not asked about this when he gave evidence to this Inquiry. What seems to us might well have happened is that Corporal 150 was put down as the arresting soldier simply on the basis that he had participated in the detention; but later made clear in his second RMP statement that he was not among the soldiers who initially detained Raymond Rogan and Hugh Leo Young.³

¹ [B1902](#)

² [AR24.29](#)

³ In his RMP statement B1834, Private 135 said that he ordered the driver and passenger to get out of the car; they were then taken (by implication, by others) to Pitt Street.

Later he went to Pitt Street to guard those detained there. It seems to us likely that Private 135 was the arresting soldier. However, in his statement to this Inquiry he made no reference to arresting anyone and said that he could not recall going to Pitt Street ([B1835.008-009](#)).

130.10 Corporal 150 gave a further account in his written and oral evidence to the Widgery Inquiry, in the course of which he said that his Platoon Commander had ordered him to drive the car to the Company Headquarters in Henrietta Street, “*a matter of about two or three hundred yards ... round the corner*”. He said that he followed the other car to the headquarters and that when he got there he believed that it was the second-in-command of the company who instructed the drivers of both cars to go on to the RAP. He also said it took him about five minutes to get to the bridge.¹

¹ B1909; WT16.53-54

130.11 Corporal 150 also gave written and oral evidence to this Inquiry.¹ In his written statement, he described having difficulty getting into the car because of all the gear he was wearing, and said that he had to remove his helmet, after which he turned to look at the body in the back. He stated:

“A crowd was gathering and I felt the pressure on me. I tried to get the car started but, with all the equipment I was wearing and being in an unfamiliar car, I stalled the car three times before I finally got it started. The car kept slipping back. Once I managed to get it started, I drove it through the barrier. I seemed to recall I clipped the barrier as I drove the car through; I was in a hurry.”

¹ B1918.002; Day 380/6-86

130.12 In his oral evidence to this Inquiry, Corporal 150 gave a similar account. He told us that after he had taken the two men (CIV 1 and Eugene O'Donnell) to Pitt Street and handed them over to other soldiers, it was only seconds before he returned to the vehicles.¹

¹ Day 380/83

130.13 We return to the accounts given by this soldier a little later in this part of the report, when we consider his evidence about what happened when he reached the Bridge Camp. However, it is convenient to record here that we formed the view that we could place substantial reliance both on the evidence that Corporal 150 gave in 1972 and on his evidence to this Inquiry. We accept what he said about the circumstances surrounding the arrival of the car carrying Gerald Donaghey, and what he then saw and did. His accounts relating to Gerald Donaghey have been consistent throughout and are supported not only by Private 135's RMP statement but also by the written statements made in 1972 by Lieutenant 145, the Platoon Commander at Barrier 20.¹ Lieutenant 145 is deceased, and he gave no evidence to this Inquiry. In view of Corporal 150's evidence

about seeing the wound, it seems that Private 135's present memory of pulling the blanket off Gerald Donaghey is probably correct, though, as we have said, in other respects his current recollections are unreliable.

¹ [B1876-1881](#)

130.14 Corporal 150 has maintained throughout that he did not see any nail bombs on Gerald Donaghey.¹

¹ [WT16.57](#); [B1918.003-1918.005](#); [Day 380/47-48](#); [Day 380/59-61](#)

Lance Corporal 104

130.15 It is convenient to deal at this point with the evidence about a nail bomb given by Lance Corporal 104. It was he who drove the car containing the injured Joe Friel from Barrack Street to the RAP.

130.16 As we have said earlier in this report,¹ we do not accept the evidence given by this soldier about a confession, allegedly made by Joe Friel while he was being driven to the RAP, that he had been armed with a gun. At the end of the RMP statement in which he gave that account,² Lance Corporal 104 stated:

“The only other thing I can add is that the youth who was lying on the seat of the second car which was eventually driven to the bridge location by 150 of my unit appeared to be dead and, when I looked into the car, immediately after it had stopped at the Barrack Street road block, I saw that there was a nail bomb in the front pocket of his trousers.”

¹ [Paragraphs 104.123–137](#)

² [B1681-1682](#)

130.17 In his written statement for the Widgery Inquiry, Lance Corporal 104 said nothing about seeing a nail bomb when the car was in Barrack Street. Instead he recorded that he saw something in the pocket of the man, meaning Gerald Donaghey, when the vehicle was at the Bridge Camp and realised from the talk of those round the car at that stage that it “*must have been a nail bomb*”.¹ In his oral evidence he told the Widgery Inquiry that what he had said about seeing a nail bomb in Barrack Street was a mistake and that he had not seen the man in the second car (Gerald Donaghey) until he reached the Bridge Camp.²

¹ [B1691](#)

² [WT17.49](#)

130.18 We have noted in the course of our earlier discussion¹ of Lance Corporal 104's evidence about Joe Friel confessing to having been in possession of a gun that, while he had given a written statement to this Inquiry,² we also wished to hear his oral evidence. However, he stopped communicating with his legal representatives, went abroad, did not respond to letters from the Inquiry, and could not be traced.³

¹ Paragraphs 104.123–137

³ Day 380/1-6; Day 382/131

² B1705.1

130.19 In his written statement to this Inquiry, Lance Corporal 104 sought to explain why his evidence as to where he saw Gerald Donaghey and the nail bomb changed between his RMP interview and his Widgery Inquiry statement. He stated that he changed his account because the solicitor taking his Widgery Inquiry statement told him that all the other soldiers were saying that they did not see the nail bomb until the car reached Craigavon Bridge, and so he decided to say the same on the basis that he must have made a mistake in his RMP interview.¹

¹ B1705.5

130.20 We reject Lance Corporal 104's evidence that he saw a nail bomb in Gerald Donaghey's pocket when the car was at Barrack Street. Had he done so, he would hardly have kept the fact to himself or let one of his colleagues drive a car containing a potentially lethal device, but would in our view at once have told his Platoon Commander or his colleagues what he had seen. As it is, no other soldier who was at Barrier 20 has said that he saw or was told by Lance Corporal 104 that there was a nail bomb. On the contrary, in his written statement for the Widgery Inquiry,¹ the Platoon Commander, Lieutenant 145, said: *"We made no search of the people in the vehicles at all, and no-one said anything to me about there being a nail bomb on the persons of either of them. 104 told me when he came back that a nail bomb had been found in the dead man's pocket."*

¹ B1881

130.21 In addition to the foregoing, we accept the evidence of Basil Hall, who took Lance Corporal 104's Widgery Inquiry statement, that he would not have told Lance Corporal 104 that other soldiers were saying something different about the discovery of a nail bomb.¹

¹ Day 250/7-13

- 130.22 We are satisfied that no soldier saw a nail bomb or bombs in any of Gerald Donaghey's pockets when he was at Barrier 20. However, no-one at that barrier seems to have looked more than quickly at Gerald Donaghey or searched him. So the evidence of the soldiers does not necessarily show that the bombs must have been planted on him later.

Police officers

- 130.23 We should note at this point that there is no evidence dating from 1972 to suggest that there were any police officers close to Barrier 20 or either of the cars while they were there, though there were six RUC officers from County Fermanagh stationed at the corner of Barrack Street and Bishop Street about 40 yards from Barrier 20 when the cars arrived there.¹

¹ The six RUC officers were Sergeant HF Keys (JK5.1), Constable Robert Carson (JC5.1), Constable WJ Gawley (JG3.1), Constable Alexander Malone (JM5.9), Constable DC McVeigh (JM42.1) and Constable Frederick Scott (JS2.1).

- 130.24 In written evidence to this Inquiry¹ Constable Scott stated that he moved to the cars before they went through the barrier, but this is inconsistent with the accounts given by the police officers at the time, and since this witness also said that one of the cars was driven through the barrier by the civilian driver and that "*no-one from the army or police went with the car*"² his present recollections are clearly faulty and we place no reliance on them. Nothing in the evidence of these police officers assists on the question as to whether Gerald Donaghey had nail bombs in his possession or had them planted on him at this stage.

¹ JS2.1

² JS2.3

The time spent at Barrack Street

- 130.25 The 1 R ANGLIAN radio log records the following messages:¹

Serial 82 timed at 1631 hours from B Company (at Henrietta Street) to Battalion Tactical Headquarters (at the Bridge Camp):

"Car at Blk 20 containing 1 dead 1 serious wounded sending to Bridge loc."

Serial 83 timed at 1635 hours from Battalion Tactical Headquarters to B Company:

"Check car for weapon."

Serial 84 timed at 1636 hours from the second-in-command of 1 R ANGLIAN to Battalion Tactical Headquarters:

“Car as in 82 now escorted by 29A to your loc.”

¹ [W103](#); [W106.7](#)

130.26 “29A” in the last of these messages was the call sign of the second-in-command of B Company in a roving unit.¹ An incident report submitted by 1 R ANGLIAN to Brigade Headquarters on 4th February 1972 recorded that the two cars were driven to Craigavon Bridge escorted by B Company’s second-in-command;² Captain INQ 1343 (the Company Commander of B Company) also gave evidence to this effect.³ It seems that the two cars were escorted to Craigavon Bridge by the second-in-command of B Company in a separate vehicle: there is no suggestion from either Lance Corporal 104 or Corporal 150 that the second-in-command travelled in the same car as either of them.

¹ [W345](#)

³ [C1343.2](#)

² [G114C.743.9](#)

130.27 Serial 471 in the Porter tape of radio communications on the Brigade net¹ recorded the following message from 1 R ANGLIAN (at the Bridge Camp) to Brigade Headquarters:

“Ah, 54 Alpha. A car has just pulled up to block figure 20. Ah, in the car was one dead man and one wounded man. He is being sent now to this location so that Starlight can have a look at him before transferring on to Altnagelvin Hospital.”

¹ [W134](#)

130.28 The Brigade log recorded the time of this message as 1630 hours.¹ “*Starlight*” was a reference to the Medical Officer of 1 R ANGLIAN.²

¹ [W48](#) serial 181

² [W344](#); [B2162.003](#)

130.29 The 1 R ANGLIAN incident report records that the two cars approached Barrier 20 at “1625 approx” and that they were driven away to Craigavon Bridge at 1636 hours.¹ The schedules of baton rounds fired and arrests made that accompanied this report indicate that Private 135 fired his baton gun at 1624 hours and that the cars had arrived at Barrier 20 by 1623 hours.²

¹ [G114C.743.9](#)

² [G114C.743.13](#); [G114C.743.14](#)

130.30 It was submitted on behalf of the police officers, on the basis of the 1 R ANGLIAN incident report, that the cars were at Barrack Street for some 11 minutes.¹ Though (as we explain below) this period is probably approximately correct, the submission assumes, in our view incorrectly, that the last of the messages (at 1636 hours) was sent when the cars left Barrier 20 rather than when they left Henrietta Street.

¹ FS16.13

130.31 The first of the messages discussed above was timed at 1631 hours. This report to Battalion Tactical Headquarters must have preceded the report conveying the same information to Brigade Headquarters. The report to Brigade Headquarters was timed at 1630 hours. One or other of these timings cannot therefore be accurate. Since the report to Battalion Tactical Headquarters came from Company Headquarters in Henrietta Street it is reasonable to infer that those manning Barrier 20 had informed them shortly before of the casualties. Battalion Tactical Headquarters then informed Brigade Headquarters.¹

¹ W48 serial 181

130.32 The message informing Battalion Tactical Headquarters that the casualties were on their way to the Bridge Camp was timed at 1636 hours. This came from the second-in-command of 1 R ANGLIAN and referred to the second-in-command of B Company, the officer Corporal 150 believed was at Company Headquarters in Henrietta Street when he arrived there.¹ We have not been able to identify or obtain evidence from this officer, who does not appear to have made any statement at the time. Corporal 150 gave evidence in 1972 that he believed that it was this officer who instructed him at Henrietta Street to go to the RAP,² though it seems that it might in fact have been the Company Commander.³ On this basis the message at 1636 hours was sent after the car had reached Henrietta Street and was being escorted from there. According to the written statement for the Widgery Inquiry⁴ of Lieutenant 145, the Platoon Commander, it was about a minute and a half after he had ordered the cars to be driven to Henrietta Street that he saw them “*come back and turn at the crossroads down Abercorn Road – obviously going to battalion headquarters*”.

¹ WT16.54

³ C1343.2

² B1909; WT16.54

⁴ B1881

130.33 In the light of this evidence it seems to us that the cars might have arrived as early as 1623 hours but left a minute or so before 1636 hours.

Conclusions on Barrack Street and Henrietta Street

130.34 Corporal 150 stated in his written evidence for the Widgery Inquiry that he did not “*put a nail bomb or any similar object in his [Gerald Donaghey’s] pocket, and no-one else had an opportunity to do so*”.¹ He gave similar oral evidence to the Widgery Inquiry.² He told this Inquiry that he had “*no idea*” how the nail bombs got into Gerald Donaghey’s pockets.³

¹ B1910

³ B1918.004

² WT16.56

130.35 We are convinced that nail bombs could not have been planted on Gerald Donaghey when he was at Barrier 20. We do not see how, at this temporary location, any soldier could have been in possession of nail bombs, or how any of them could have had the opportunity to place four of them in Gerald Donaghey’s pockets without others, including the civilians still in the area and close to the cars, being likely to observe what was happening. Furthermore, any soldier or soldiers planting nail bombs on Gerald Donaghey would have to have been content to see a colleague then drive the car with these devices on board. We accordingly reject the submission made on behalf of a number of former and serving police officers that the planting of nail bombs by soldiers at Barrack Street was “*a credible possibility that cannot be dismissed*”.¹

¹ FS16.13

130.36 We are sure that nail bombs were not planted on Gerald Donaghey when the car carrying him was in Henrietta Street. This could only have been done by or with the connivance of Corporal 150 and we accept his evidence that from the time he got into the car at Barrack Street until he left the car at Craigavon Bridge no-one touched the body or could have done so without him knowing; and that he put nothing into the pockets.¹ He told us that he did not get out of the car in Henrietta Street and was there for a very short time.² As mentioned above, Lieutenant 145 also indicated in his written statement for the Widgery Inquiry that the car was only in Henrietta Street for less than a minute and a half.

¹ B1909-1910; WT16.55; WT16.56; B1918.5

² Day 380/69

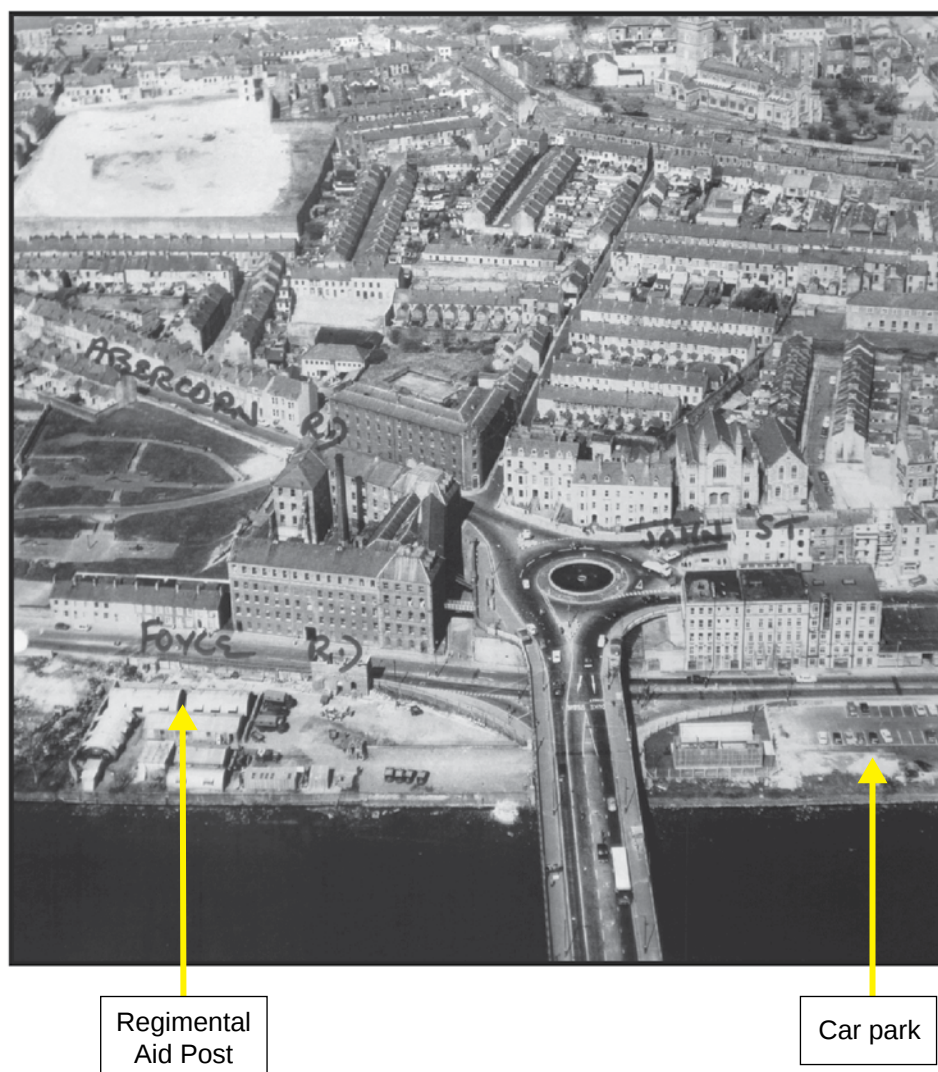
130.37 In view of Corporal 150’s evidence, and the fact that at best they had only a very short time close to the car as it was driven from Barrier 20, there can be no question of the police at the junction of Bishop Street and Barrack Street having planted the nail bombs. Furthermore, as already noted, the officers there were from County Fermanagh, and so any suggestion to the contrary involves the highly implausible, and to our minds unacceptable, proposition that one or some of them either brought the bombs or their components from there or somehow obtained them when they arrived.

Chapter 131: The Regimental Aid Post at Craigavon Bridge

131.1 The site known as the “Bridge Camp”, in which the Regimental Aid Post (RAP) of 1 R ANGLIAN was situated, is shown in the photograph below. It was located immediately to the south of Craigavon Bridge, just off Foyle Road.¹ The Bridge Camp consisted of a number of buildings, many of which were huts or temporary cabins.² To the north of the bridge and across the road from the Bridge Camp was a car park, which is also visible in the photograph.

¹ B1859.001; Day 383/14-15; C1924.4; Day 380/120

² B1859.001; JD3.5; JH3.2; Day 212/2-4; JT7.3; JH9.4; Day 213/134-136



131.2 The Tactical Headquarters of 1 R ANGLIAN was positioned at the Bridge Camp on Bloody Sunday. The battalion command vehicle was parked there.¹ The RAP was manned by the battalion Medical Officer, Captain 138.²

¹ [C1924.4](#)

² [B1844](#); [B1847](#); [B1859.001](#)

131.3 Part of the Bridge Camp was also used that day as the Foyle Road Detention Centre, where those who had been arrested were processed by members of the RUC before being moved on to Victoria Barracks in Strand Road.¹ For this reason, although the Bridge Camp was an Army post, a number of police officers were on duty there, under the command of Inspector Harry Dickson.²

¹ [JD3.1](#); [JD3.3](#); [JD3.5](#); [JH3.2](#); [JM41.1](#); [JH9.4](#)

² [JD3.1](#); [JD3.3](#); [JD3.5](#)

Chapter 132: The arrival of Corporal 150 and Gerald Donaghey at the Regimental Aid Post

132.1 As we have already noted, according to Corporal 150 it took about five minutes to drive from Henrietta Street to the RAP. According to Inspector Harry Dickson, whose evidence we consider below, it would have taken about two to three minutes.¹

¹ [Day 212/119](#)

132.2 In his first RMP statement,¹ Corporal 150 said that he arrived at the RAP at about 1615 hours, but, in view of the radio messages considered above, this estimated time cannot be right. It seems to us that the car must have arrived around 1640 hours. This is supported by an entry in the RUC Incident Book, timed at 1644 hours:² *“Army has one dead man and two injured at underdeck of Bridge.”* The entry records that this information was supplied by Sergeant Vernon Carson, a police officer who was present at the Bridge Camp, to the RUC Communications Centre at Victoria Barracks. We have no reason to doubt the accuracy of the timings in the RUC Incident Book. The Porter tape of the RUC radio communications does not record a message corresponding to this entry, which means that the communication was probably made by telephone. We return to the significance of this message later in this part of the report.

¹ [B1900](#)

² [W161](#)

132.3 The Brigade log recorded a message from 1 R ANGLIAN at Craigavon Bridge to Brigade Headquarters timed at 1650 hours.¹ The Porter transcript of this message² is: *“Hello, Zero, this is 54 Alpha. Ah, one dead person who was returned to this location has a nail bomb in his pocket. We request Felix to come down and sort it out.”* There was then a radio message from Brigade Headquarters to 22 Lt AD Regt instructing them to send “Felix” to 1 R ANGLIAN.³

¹ [W49](#)

³ [W138](#) serial 531

² [W138](#) serial 527

132.4 “Felix” was the Ammunition Technical Officer, Captain 127, who, as we have already mentioned, was a bomb disposal expert.

132.5 There was also a radio message to the Communications Centre at Victoria Barracks timed at 1652 hours:¹ *“Delta 7 to November. Send an experienced police officer to the bridge. There’s a body there with a nail bomb in its pocket. We want the continuity of rules of evidence maintained.”* The response was to suggest that Inspector Bell, who *“is on the bridge”*, could deal with this.²

¹ W161; W209 serial 632

² W161; W209 serial 633

132.6 This message was from *“Delta 7”*. This was Superintendent J Johnston, who told us that his personal call sign was *“November Delta 7”* and that he was *“acting as Liaison Officer between Brigade Headquarters and Communications Centre, R.U.C. Londonderry”*.¹ From the radio transcripts we consider that what probably happened was that the Army called for an experienced police officer to attend and this request was relayed by Superintendent Johnston to the RUC Communications Centre, who suggested Inspector Bell. This suggestion might have been made because it was thought that the body was on Craigavon Bridge itself rather than at the Bridge Camp. What then happened is made reasonably clear by the messages recorded on the Porter tape.² Inspector Bell was initially told to contact the Army about an *“ambulance”* carrying a dead person with a nail bomb. He went down to the lower deck of Craigavon Bridge to find the ambulance. *“I23”* (likely to be Inspector Dickson) then reported that there was a dead man at his location in a *“car”* with a bomb in his pocket and that there might have been a *“mix-up”*. Superintendent Johnston and the Communications Centre confirmed that this was the vehicle with which they were concerned. Inspector Bell was told that he did not now need to go to the lower deck, but replied that he was on the lower deck with a military ambulance. He was then told: *“You can cancel that. It’s already been dealt with.”*

¹ JJ3.1

² W211 serials 633 to 672

132.7 On the basis of these messages it would seem that the car carrying Gerald Donaghey was at the Bridge Camp for something of the order of ten minutes before the nail bombs were reported by the Army and the RUC.

132.8 Two other vehicles arrived at the Bridge Camp at approximately this time. One was the light-coloured Cortina, containing Joe Friel, which had been driven by Lance Corporal 104 from Barrier 20. The other was a silver Cortina with the registration number NSC 149G. This car was driven by Bernard McMonagle, and carried two passengers, Kathleen Doherty and the injured Patrick Campbell. It is not entirely clear in which order the three Cortinas arrived at the Bridge Camp, but the car transporting Gerald Donaghey probably arrived shortly before the other two.¹

¹ JN1.1; B1844; B1847; WT15.25; B1909; B1900; B1918.3; B1690; WT17.43; B1705.3; JH3.2; AM366.2-3

Chapter 133: Events after the arrival of Corporal 150 and Gerald Donaghey at the Regimental Aid Post

Contents

	Paragraph
Corporal 150	133.1
Captain 138	133.11

Corporal 150

- 133.1

According to Corporal 150’s first RMP statement,¹ once he had arrived at the Bridge Camp “the MO [Medical Officer] examined the dead man. The MO pronounced the man dead and I drove the car to one side whilst the injured person in 104 car was re-examined. I then returned to the barrier in Barrack Street ...”
- 1

[B1900](#)
- 133.2

In his written statement for the Widgery Inquiry,¹ Corporal 150 recorded that it was the Medical Officer who told him to move the car out of the way “to make room for another car that was coming in”. In this statement he added that when he had reached the Bridge Camp and was waiting for the Medical Officer to come, no-one touched the body except that “I tried to feel the man’s pulse but could feel nothing”. He had been shown Constable Simpson’s photograph of Raymond Rogan’s car and said that this car looked very like the one he had driven. He had also been shown Constable Simpson’s photograph of Gerald Donaghey’s body, and said that it was:

“... almost certainly a photograph of the body which was in the car I drove. The arms are in the same position as I remember his to have been. I looked at him, however, from a different angle, from the off side of the car. My recollection is that the zip of his trousers was slightly open as is shown in the picture and his clothes were disarranged in that area where there seemed to me to be blood so that I supposed that he had been shot in that area.”

¹ [B1909-1910](#)

133.3 He continued: *"I have also been shown photograph EP5A/26. I cannot remember seeing any object sticking out of his pocket, but looking at photograph 25 I suppose that it is possible that his hand is concealing it."*

133.4 In his oral evidence to the Widgery Inquiry, Corporal 150 said that he was not sure which wrist he felt for a pulse but thought it was the right hand, that he was at the Bridge Camp for two minutes before the Medical Officer arrived, and that he distinctly remembered seeing the top part of the zip of Gerald Donaghey's trousers undone and that part of the clothes were disarranged when he first saw the body.¹ We should note at this point that Corporal 150's apparently affirmative answer to the question as to whether he saw the nail bombs when he got into the car to drive² was clearly either not responsive to this question or a transcription error, since a few answers later he replied *"That is correct, sir"* to the question *"You did not notice any bomb on the body at any time?"*³

¹ WT16.54-58

³ WT16.57

² WT16.56

133.5 Corporal 150 also told the Widgery Inquiry that after the Medical Officer had pronounced Gerald Donaghey dead and he had moved the car as requested, he had nothing to do with the car or the body, and did not speak to any police officer.¹ We have no doubt that, as Corporal 150 recorded in his RMP statements, he then returned to Barrier 20 and escorted the four men who had been arrested there, namely CIV 1 and Eugene O'Donnell from the car carrying Joe Friel, and Raymond Rogan and Hugh Leo Young from the car carrying Gerald Donaghey, to the RMP control point for identification.²

¹ WT16.56-57

² B1900; B1902

133.6 Corporal 150's written and oral evidence to this Inquiry was consistent with his previous accounts.¹ As already observed, we were impressed by this witness, who we are sure was doing his best to give us an accurate account of what he saw and did that day. Understandably, there were some details in his previous accounts that he said that he could no longer recall, but his evidence was convincing. In the course of it he told us that after he moved the car at the Bridge Camp he was still in sight of the second car, to which the Medical Officer had gone.² He explained to us that he believed that the Medical Officer had later conducted a second examination of the body, but that this was on the basis of the Medical Officer telling him that he would go and check the other casualty and then come back; and that he was not present at any second examination.³ He also said that while he was with the car, he was not aware of other soldiers gathering round and that his recollection was that he and the Medical Officer were alone.⁴ He said that he

“must” have notified somebody when he arrived that there was a dead body in the car, but had no memory of doing so and no recollection of speaking to any police officer on his arrival.⁵

¹ B1918.001; Day 380/6-85

⁴ Day 380/33

² Day 380/28-29

⁵ Day 380/34-37

³ Day 380/32-33

133.7 Corporal 150 was asked about some of the evidence that Sergeant Vernon Carson, one of the police officers on duty at the Bridge Camp, had given to the Widgery Inquiry, namely that when this officer searched the body he found a nail bomb which he then showed to the soldier who had driven the car to the Bridge Camp, which caused the latter to say “F--- me”. When asked whether anything like that had occurred, Corporal 150 replied “No”.¹ He also said that while he was in control of the car, there was no incident such as that described by Woman Constable Clara Hamilton, another police officer on duty at the Bridge Camp, of the discovery of a nail bomb and of a soldier identifying it as such with a shout, “Get out, it is a bomb”.² We consider the evidence of these and other police officers below.

¹ Day 380/40-41

² Day 380/43-44

133.8 Corporal 150 also told us that he did not recall seeing anything in Gerald Donaghey’s pockets¹ and that he had only learned that there had been nail bombs in Gerald Donaghey’s pockets when he was “at the Widgery Tribunal”.² He also said³ that he was certain that he had not seen the object shown in Gerald Donaghey’s pocket in the second of Constable Simpson’s photographs. He confirmed that it was his evidence, as he had simply expressed it in his written statement,⁴ that the nail bombs were not there.

¹ Day 380/47

³ Day 380/60-61

² Day 380/48

⁴ B1918.005

133.9 As we have already indicated, we are sure that Corporal 150 did not plant nail bombs on Gerald Donaghey. We are also sure that Corporal 150 did not know until much later that a nail bomb or bombs had been discovered.

133.10 As with the civilians at 10 Abbey Park, we are sure that if a nail bomb had been visible in one of Gerald Donaghey’s pockets as shown in the photographs taken by Constable Simpson in the car park on the north side of Craigavon Bridge, Corporal 150 would have noticed it. Again, as with the civilians, the true question is not whether Corporal 150 saw a nail bomb or bombs in Gerald Donaghey’s pockets, but whether he could have failed to notice heavy and bulky objects if they had been there. Since Corporal 150 only had a

quick glance at the body before he left Barrier 20,¹ only touched the body to take the pulse, and did not move the body² it is unlikely that he would have noticed such objects had they been there but out of sight in the pockets.

¹ B1899

² WT16.54-58

Captain 138

133.11 According to his RMP statement dated 2nd February 1972, the Medical Officer of 1 R ANGLIAN (Captain 138) was at the RAP when three civilian cars arrived almost simultaneously:¹

“The first car I looked at was a white Mk 1 Cortina GT with a red stripe on the side. Lying on the back seat of the car with his left side against the back of the seat was a youth of approximately 15 or 16 years of age, I do not remember how he was dressed. I examined him and he was dead. There was no obvious cause of death on a very quick examination, so rather than waste time I proceeded to treat the other two injured persons who had arrived at the same time.

After transferring the two injured persons to hospital, I returned to the dead body to try and determine cause of death. It was then that I heard that there was some sort of explosive device on the body, so I decided not to move the body for closer examination until it had been cleared by the ATO [Ammunition Technical Officer]. After the ATO had examined the explosive devices which turned out to be four nail bombs, the body was transported direct to the Mortuary at the ALTNAGELVIN HOSPITAL by Army transport, before further examination by myself.”

¹ B1844

133.12 In his written statement for the Widgery Inquiry dated 8th March 1972,¹ Captain 138 said that he had examined the body for colour, pupils, breathing and pulse.

“I made no further examination. I did not at that stage see a nail bomb on his person. I have never seen a nail bomb so that I would not have known one if I had seen it. I have, however, been shown a photograph EP5A/26. I did not notice any such object as is shown in that picture, but I cannot say that I wouldn't have noticed this if it had been there. I cannot recall that he had any bulky articles in his coat, but the nature of my preliminary examination was such that I would not necessarily have felt them had they been there.”

¹ B1847-1848

133.13 It seems to us that what Captain 138 meant to record in this passage was “*I cannot say that I would have noticed this if it had been there*”. That would be more consistent with his comment about the second examination¹ (“*Again, in making this second examination I did not notice any bulky objects ... but from the nature of the examination there was no reason why I should*”) and with his oral evidence to the Widgery Inquiry,² in which he said that if there had been a bomb in one of Gerald Donaghey’s pockets when he made his first examination he did not think that he would have seen it.

¹ B1848

² WT15.21

133.14 Later in this statement Captain 138 told the Widgery Inquiry that he had made a further examination of the body after he had tended to the two casualties who had arrived in the other cars. He stated that he had conducted this examination through “*the right-hand door*”¹ and that the examination did not reveal the cause of death.

¹ B1848

133.15 Captain 138 then stated that about five minutes after he had finished his second examination he heard someone say that a nail bomb had been found “*either on the man’s person or in the car, I cannot remember which. As a result there was a delay in the time before the body left for the Mortuary, because a bomb disposal officer was sent for.*”¹

¹ B1848

133.16 In his oral evidence to the Widgery Inquiry, Captain 138 said that he was notified over the radio that casualties were coming in, so that he was “*virtually*” at the doorway of the RAP when they arrived, and first saw the Cortina with the body when he was 25 paces away.¹

¹ WT15.22

133.17 Captain 138 told the Widgery Inquiry that he opened the rear door of the car so that he could see the face of the casualty immediately beside him.¹ He repeated his description of the steps he took to ascertain whether the casualty was dead.² He said that having regard to the nature of his examination he would not have seen a nail bomb in the casualty’s pocket if one had been there.³

¹ WT15.20

³ WT15.21

² WT15.20-21; WT15.22-26

133.18 Captain 138 also told the Widgery Inquiry that it was difficult to say how long he spent with the other casualties before he returned to the dead person, but estimated that he had spent “*say 6 minutes for each of them*”.¹ He said his second examination took about eight to ten minutes, but that he was unable to determine the cause of death. He said he did

not see a wound on the left side of the body because in order to examine the left side he would have had to shift the body and he did not think that it was worth moving the body at this stage. He said that he did not notice anything in the pockets. *“I was not looking in his pockets. I was trying to determine the cause of death.”*²

¹ WT15.25

² WT15.21

133.19 Captain 138 was asked about the fact that the trousers are shown unzipped in the first photograph¹. He said that the trousers were originally zipped up and that he unzipped them.² Captain 138 may have been wrong about this, as Dr Swords told the Widgery Inquiry that he had undone the trousers.³

¹ It seems clear that this was Constable Simpson's first photograph, which we have reproduced in paragraph 125.10.

² WT15.21

³ AS42.14; AS42.3; AS42.5

133.20 Captain 138 gave written and oral evidence to this Inquiry.¹ We formed the view that Captain 138 no longer had a clear recollection of events. He was asked about the fact that it appeared from his RMP statement that he had been told of explosive devices on the body when he returned after going to the two injured men,² whereas in his evidence to the Widgery Inquiry, he said that he learned of this after he had conducted a second examination of the body. Captain 138 was unable to explain this discrepancy.³ He told us that he still had a vague memory of conducting a second examination but agreed that it was possible that this could have been a cursory one.⁴

¹ B1859.002-008; Day 383/12-86

³ Day 383/47

² B1844; Day 383/33

⁴ Day 383/33-34; Day 383/51

133.21 Captain 138 was also asked about the fact that in his written evidence to us¹ he stated that he would have noticed at least one of the four bombs had they been there, whereas he told the Widgery Inquiry that there was no reason why he should have noticed bulky objects in the pockets. Again Captain 138 was unable to provide an explanation.² He accepted that it was possible that he had conducted a second examination of the body after Captain 127, the ATO, had removed the bombs, since he did not (despite what he said in his RMP statement³) conduct any examination at the hospital. In this regard he agreed that it was possible that the phrase *“before further examination by myself”* in that statement should have read *“after further examination by myself”*.⁴

¹ B1859.006

³ B1844

² Day 383/48-49

⁴ Day 383/52-53

133.22 Captain 138 also told us that his memory now was that he had stopped the second examination because someone had told him that there was possibly a nail bomb on the man, but could not explain why he had told the Widgery Inquiry that he learned this some minutes after he had completed his second examination.¹

¹ [B1859.007](#); [Day 383/84-85](#)

133.23 In his written statement to this Inquiry, Captain 138 told us that the time taken to treat the two living casualties might have been only six to ten minutes in total, rather than six minutes each as he had told the Widgery Inquiry; and that his second examination of Gerald Donaghey might have taken only five to eight minutes, rather than eight to ten minutes as he had told that Inquiry.¹ In his oral evidence to the present Inquiry, Captain 138 accepted that the times could have been shorter still.²

¹ [B1859.003](#); [B1859.007-008](#)

² [Day 383/42](#)

133.24 We have no doubt that Captain 138 made an initial examination of Gerald Donaghey in order to check whether he was dead, and did not notice any nail bomb or bombs in his pockets. His evidence in this regard is supported by that of Corporal 150. In our view, however, this evidence does not establish the absence of nail bombs on Gerald Donaghey at this time. If they were there, but at this stage they were out of sight in Gerald Donaghey's pockets, it seems to us that Captain 138's "*very quick*" examination for signs of life might well not have revealed their presence. The same, however, could not be said if one of the nail bombs was visible as shown in the photographs¹ though it must again be kept in mind that these photographs were taken after a nail bomb had been discovered in this pocket and so do not necessarily represent the scene at an earlier stage. Thus the evidence of Captain 138 about his initial examination does not establish whether or not Gerald Donaghey then had nail bombs in his pockets.

¹ [Paragraph 125.11](#)

133.25 It is far from clear from Captain 138's evidence as a whole whether he did in fact conduct any sort of a second examination in order to ascertain the cause of death. It seems to us very unlikely that it could have been after the nail bombs had been discovered and Captain 127 had removed them, since the latter, as will be seen from his evidence (considered below), saw the wound on Gerald Donaghey's abdomen¹ and it is difficult to see how a trained doctor could then have failed to do so.

¹ [B1783](#)

133.26 Captain 138 has throughout maintained that he did not discover any wound on Gerald Donaghey's body. His original explanation for this was that the body was on its left side, so concealing the wound on the left side of the abdomen, and that he chose not to move the body.¹ It might be, as Captain 138 now says he seems to recall, that he embarked or was about to embark on a second examination but stopped before discovering the wound when told that there might be a bomb.

¹ [B1848](#); [WT15.21](#)

133.27 Such a possibility is consistent with Captain 138's RMP statement¹ and with an entry in the incident report dated 4th February 1972 prepared by 1 R ANGLIAN subtitled "3 Cars Containing Dead/Wounded Men at Br Location (Extract from MOs Notes)",² which recorded, so far as Gerald Donaghey was concerned:

"White Cortina GT Mk 1 with Red Flash (now known to be 3933 PZ Owned/Driven by Raymond Rogan, 10 Abbey Pk). Youth inside aged 16 yrs approx. Dead on examination. Exact location of wound not visible from front and MO did not turn over the body because of nail bomb in pocket."

¹ [B1844](#)

² [G114C.743.11](#)

133.28 Captain 138 told this Inquiry that he would normally have made notes of an examination of the type he conducted, but he did not recall supplying any such notes to anyone compiling an incident report and could not help in interpreting the entry in this report.¹

¹ [Day 383/86](#); [Day 383/36-37](#)

133.29 The difficulty with the possibility that Captain 138 did not carry out a second examination or only started to do so is that it is inconsistent with his evidence to the Widgery Inquiry that he spent some eight minutes doing so, though this evidence in turn is hard to reconcile with his RMP statement. In our assessment, Captain 138 was a confused witness whose recollections lacked clarity, leading to the discrepancies and inconsistencies in his evidence that he was unable to explain. Despite his evidence to the Widgery Inquiry, it seems to us on the whole that Captain 138 did not conduct a second examination or had only started to do so when informed of the discovery of a nail bomb.

133.30 In this regard, we accept the evidence of Inspector Dickson, which we consider below, that if a nail bomb had been discovered a Medical Officer would not have been allowed to carry out an examination of the body except possibly to confirm that the person was dead.¹ In view of the timings in the logs of the arrival of the car bearing Gerald Donaghey

and the report of a nail bomb, together with the time Captain 138 said that he spent examining the two injured, Captain 138 could hardly have done much more than return to the car, which once again is consistent with his RMP statement.

¹ [Day 212/102-103](#)

133.31 In these circumstances and in view of the discrepancies and inconsistencies in his evidence, we have concluded that it would be unwise to rely on Captain 138's evidence to draw any conclusions about what he did or did not see when he returned to the body of Gerald Donaghey.

Chapter 134: Evidence from Royal Ulster Constabulary officers

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- 134.1** For the sake of clarity and consistency, the police officers are referred to by the rank they held on 30th January 1972.

Sergeant Vernon Carson

- 134.2** Sergeant Vernon Carson was the only police officer on duty at the Bridge Camp when the cars arrived who gave both written and oral evidence to the Widgery Inquiry about the discovery of nail bombs on Gerald Donaghey.¹ He later made a deposition for the coroner's inquest into the death of Gerald Donaghey.² He also gave a written statement to this Inquiry,³ but died before he had signed it.

¹ JC6.2-3; WT16.58-64

³ JC6.12-19

² JC6.11

- 134.3** Before giving evidence to the Widgery Inquiry, Sergeant Carson wrote a report to the Station Sergeant at Victoria Barracks dated 7th February 1972.¹ In this report Sergeant Carson recorded that he was on duty in the Detention Centre at the Army post, Foyle Road (ie the Bridge Camp) and that it was about 3.55pm² when a soldier came into the building and said that there were two injured men outside in cars. He stated that he went outside with Inspector Harry Dickson and saw:

“... an Army Medical Team rendering First Aid on placing the two men into a Military Ambulance. Then an Army Officer pointed to a Ford Cortina G.T. car Reg. No. 3955 PZ and said there is a dead man in the back seat. I went over to the car and saw a youth lying face up on the rear seat. He appeared to be dead. He was wearing Blue Denim Jeans and Blue Denim Jacket. He had a white handkerchief tied round his neck. I started to search his clothes for identification and when I looked into his left hand trouser pocket I found what I thought to be a Nail Bomb. I informed an Army Sergeant and requested him to send for the A.T.O. [Ammunition Technical Officer]”

¹ JC6.1

² This timing cannot be correct and in our view was probably an error of recollection.

- 134.4** For reasons given below, it is possible that the “*Army Officer*” to whom Sergeant Carson referred in this passage was Lance Corporal 104.
- 134.5** Sergeant Carson then stated that he remained with the car until Captain 127 arrived at approximately 5.15pm and moved the car to the car park in Foyle Road. He described how Captain 127 examined the car for explosives, including by blowing open the boot, and then examined the body and found four nail bombs, “*one in each trouser pocket and one in each Jacket pocket*”. Sergeant Carson continued by stating that Captain 127 removed the detonator and explosives from the nail bombs and handed him the remains of the nail bombs, which at approximately 6.45pm he took back to the Bridge Camp and handed over to Detective Sergeant Eugene McTeggart. In the statement this name is added in manuscript over a crossing out of the name “*D/Const. Neilly*”. We do not know why this was done, but it seems reasonable to conclude that it was to correct an error.
- 134.6** In his written statement for the Widgery Inquiry,¹ Sergeant Carson stated that he was normally employed as an explosives inspector but on 30th January 1972 was on ordinary duty at the Foyle Road Detention Centre. In this statement he said that he was “*out in the yard*” when two cars were brought in and a soldier told him that there was a dead person in one of the cars. He gave a similar account of seeing the body and discovering a nail bomb. He added in this statement that he had opened the rear offside door of the car and removed a blanket that was covering the top half of the body, including the head. Sergeant Carson then continued:

"I began to search the body looking for identification starting with his left hand trouser pocket. As soon as I opened the pocket I saw the fuse of the nail bomb. As soon as I saw it I stopped searching the body. I said to the soldier who had brought the car in 'Do you see what you have been driving?' He replied 'F--- me'. There were a number of other soldiers watching and I recall seeing woman Constable H there. I asked a soldier who was standing nearby to contact the ATO (Army [sic] Technical Officer). I also informed the officer in charge of the police at the detention centre who was in the yard at the time."

¹ JC6.2

134.7 "*Woman Constable H*" was a reference to Woman Constable Clara Hamilton, whose evidence we consider below.

134.8 Sergeant Carson stated that he kept the car in sight until Captain 127 arrived and that "*I don't remember seeing PN48 approach it*".¹ "*PN 48*" was the Widgery Inquiry cipher for Detective Sergeant McTeggart. Having described following Captain 127 to the car park, Sergeant Carson stated that Captain 127:²

"... examined the car, undoing the bonnet and opening the boot with a small explosive charge. He then started to examine the body in the car. He removed a nail bomb from each of his four pockets – one in each of his jacket breast pockets and one in each of his trouser pockets. He then removed the detinators, fuses and explosives. He handed the remains to me and I took the car and the remains of the bombs back to the army post, where I handed the remains of the nail bombs over to PN 48 – each nail bomb being in a separate polythene bag."

¹ JC6.2

² JC6.3

134.9 Sergeant Carson added that he thought that the position of the body had been slightly changed by the time the first of the photographs shown above¹ was taken, and that the body had been more on its side when he first saw it. By this he appears to have meant that the body was more on its right side, since he had stated earlier² that the body had originally been lying "*half on his back and half on his right side*". He repeated³ that he thought that the bomb he saw when he searched the body had been in the left pocket. He then stated that the fourth of the photographs shown above⁴ "*shows what appear to be the bags in which I packed the remains of the bombs after the ATO had removed the explosives, detinators and fuses*".

¹ Paragraph 125.10

³ JC6.3

² JC6.2

⁴ Paragraph 125.12

134.10 In his oral evidence to the Widgery Inquiry,¹ Sergeant Carson again said that he was in the yard when two cars were brought in. He said that he could not say for sure whether the Medical Officer had examined the body before he started to search, but thought that he had.² He said later that he had never seen the Medical Officer and that *“If the MO was there he must have gone to the vehicle immediately, because I was there in half a minute”*.³ He also said that he could not see the nail bomb he discovered until he searched the pocket.⁴

¹ WT16.58-64

³ WT16.61

² WT16.58

⁴ WT16.59

134.11 Sergeant Carson told the Widgery Inquiry that although there were quite a few soldiers round the car nobody else got into the car until Captain 127 arrived, that the car *“was brought in to the yard at Foyle Road and it was not moved until the ATO moved it”* and that nobody could have planted nail bombs on the body without his knowledge.¹

¹ WT16.59; WT16.64

134.12 When questioned about what he saw Captain 127 doing after the car had been moved, Sergeant Carson said that he saw him go into the car and take a nail bomb from each of the trouser pockets and one from each of the breast pockets of the denim jacket. He repeated that it was the breast pockets when Lord Widgery queried this answer, but added that Captain 127 had to cut at least one of the pockets to get the nail bombs out.¹ He also said to the Widgery Inquiry that Captain 127 then *“removed the explosive and detonator and fuse from each of the four nail bombs and put the remainder of the nail bombs in polythene bags”*.²

¹ WT16.60

² WT16.61

134.13 In the course of his oral evidence to the Widgery Inquiry, Sergeant Carson said that *“The driver of the car was there when I was there”* and that *“He told me he had driven the car and I showed him the nail bomb I saw in the pocket”*. When it was pointed out to him that the soldier who had driven the car had given evidence that he did not see a bomb, so that *“it must not have been the driver of the car”*, Sergeant Carson replied *“That would appear to be so”*. Later he said that *“He [the soldier to whom he spoke after discovering the nail bomb] was with the car. I may have assumed he was the driver quite wrongly.”*¹

¹ WT16.61; WT16.64

134.14 Sergeant Carson also told the Widgery Inquiry that he was not an explosives expert and that his role was “*checking with quarries, etc., people using explosives for legitimate purposes*”, and though he agreed that he had access to explosives and had gelignite at times, he did not have any on the day.¹

¹ WT16.62

134.15 Sergeant Carson’s deposition for the coroner’s inquest into the death of Gerald Donaghey¹ added nothing to his previous evidence.

¹ JC6.11

134.16 In his unsigned statement for this Inquiry,¹ Sergeant Carson gave an account that differed in a number of respects from his previous evidence. He recalled that he first became aware of the nail bombs when he saw round objects in Gerald Donaghey’s breast pockets, and he no longer recalled seeing a blanket covering the body. He also stated that until he was shown the statements that he had made at the time he had believed that the nail bombs were pointed out to him by a soldier.² Sergeant Carson denied that he planted the nail bombs on Gerald Donaghey, and commented that if they were planted on him, then this must have happened before he went to the vehicle at the Bridge Camp.³ In our view, without the opportunity to question Sergeant Carson further, this statement made a long time after the event provides us with little assistance. However, he did give us this account of his role as explosives officer:⁴

“... I was given the role of explosives officer. This was basically an administrative job. I carried out this duty in addition to my other duties. I applied for the permits which authorised people to handle explosives and blast a quarry. My job was to then go to the quarry to ensure that everything was done in a proper manner. The police and military would escort the explosives to the quarry. If there was a large amount of explosives left over, these would be given to the army for disposal. If it was only a matter of a few pounds of explosives being left over, then these would be exploded at the quarry.

In the quarries at that time was ordinary gelignite. I did not deal with explosives myself and I never handled them. I never encountered stolen explosives. The quarries were leak proof. A person would have needed the collusion at the different levels of police officer, army officer and the quarry owner in order to obtain stolen explosives.”

¹ JC6.15

² JC6.18

³ JC6.19

⁴ JC6.14

134.17 Sergeant Carson also told us:¹ *"I was ... asked about access to explosives. I could not have got explosives from a cupboard, so to speak, but I did have access to quarries. I could have handled and lifted explosives, but I would not have been able to take them away."* He stated:² *"I cannot see any way in the world that the army and the police could have got access to explosives."*

¹ JC6.18-19

² JC6.19

134.18 There are some difficulties with the accounts that Sergeant Carson gave at the time, quite apart from the fact that his evidence about discovering a nail bomb differs from that of other police officers, which we consider below.

134.19 In the first place, according to Sergeant Carson's report to the Station Sergeant¹ he was inside the Detention Centre. While there, he was told that there were two injured men outside in cars, and when he went outside he saw two injured men being put into an ambulance and was told of a dead man in a car. He told the Widgery Inquiry that he was outside in the yard when the cars arrived. He also told the Widgery Inquiry that he reached the car with the body very shortly ("*half a minute*") after the car had arrived and that it was not moved until Captain 127 arrived. On the face of it, there is an inconsistency between his report and his Widgery Inquiry evidence as to where he was when the cars arrived. More importantly, his evidence that the car was not moved is inconsistent with the evidence of Corporal 150 (which we accept) that the car was moved after Captain 138 had ascertained that Gerald Donaghey was dead.² However, this inconsistency could be resolved if Sergeant Carson first saw the car after Corporal 150 had moved it, which would also be consistent with him having by that time already seen the injured men being put into an ambulance.

¹ JC6.1

² B1909; WT16.54; B1918.005; Day 380/31-32

134.20 In the second place, Sergeant Carson told the Widgery Inquiry that the soldier he spoke to had told him that he had driven the car.¹ We are satisfied that Sergeant Carson did not speak to the driver, Corporal 150. Although Sergeant Carson, in his later evidence to the Widgery Inquiry, accepted that he might have been mistaken about the soldier he spoke to being the driver, this would not explain how, when asked how he identified the soldier as the driver, he came to tell the Widgery Inquiry that the soldier had told him that he had driven the car. However, it seems to us that what might well have happened is that Sergeant Carson spoke not to Corporal 150, but to Lance Corporal 104, the driver of the other car that had carried Joe Friel, but then or thereafter misunderstood which car Lance Corporal 104 had been driving. As we have noted above, Lance Corporal 104 told the Widgery Inquiry that he had seen a nail bomb in the pocket of a dead man at the Bridge

Camp.² He also told the Widgery Inquiry that someone had been in the back of the car, apparently before he went over and saw the body, and that he thought that this had been a female police officer.³ This evidence leads us to believe that it is possible that Lance Corporal 104 was the “*Army Officer*” who, according to Sergeant Carson’s report to the Station Sergeant,⁴ pointed out to Sergeant Carson the car containing the dead body.

¹ WT16.61

³ WT17.44

² B1691; WT17.44-45

⁴ JC6.1

134.21 Inspector Dickson, whose evidence we consider below, also told us that he was under the impression that a soldier present when he saw the nail bomb was the soldier who had driven the car and he might therefore also have mistakenly assumed that Lance Corporal 104 had driven the car containing Gerald Donaghey.¹

¹ JD3.11

134.22 In the third place, Sergeant Carson’s evidence to the Widgery Inquiry was that when he saw the body it was covered with a blanket. This is in contrast to the evidence of Corporal 150, who told the RMP that when he looked into the car at Barrier 20 he saw an apparently lifeless body with a gunshot wound in the lower abdomen.¹ Corporal 150 confirmed this account in his evidence to the Widgery Inquiry² and in his written statement to this Inquiry;³ and said in his oral evidence to this Inquiry⁴ that the body had not been covered. However, it is possible that the blanket was put over the body after Captain 138 had completed his first examination and determined that Gerald Donaghey was dead; and that Corporal 150 either did not notice or did not remember that this had been done.

¹ B1899-1900

³ B1918.002

² B1909; WT16.53

⁴ Day 380/137-138

134.23 In the fourth place, as already noted, the RUC Incident Book recorded a message from Sergeant Carson at 1644 hours that “*Army has one dead man and two injured at underdeck of Bridge*”. Unfortunately Sergeant Carson was not asked about this message when he gave evidence to the Widgery Inquiry. According to Inspector Dickson, whose evidence we consider below, Sergeant Carson was probably carrying the only Pocketfone radio at the Detention Centre.¹ However, the Porter tapes record the Pocketfone radio transmissions, but did not record this message, so that it seems to us that Sergeant Carson must have communicated this message by ordinary telephone. Inspector Dickson’s evidence suggests that no other radio would have been available to Sergeant Carson.² On this basis, Sergeant Carson must have made this telephone call either before he went outside the Detention Centre, or must have returned there to make it.

¹ Day 212/6

² Day 212/5-6

134.24 What is important about this message is that it makes no mention of the discovery of a nail bomb. According to Sergeant Carson's evidence, it was a very short time indeed after the car had arrived and he was told there was a dead man in it that he went to the car and then discovered a nail bomb. It is possible that he made the telephone call before he went to the car, but if indeed he did discover a nail bomb it is reasonable to conclude that he could not have made the call afterwards, since it seems to us that he could not have failed to mention what he had found.

134.25 What Sergeant Carson did tell the Widgery Inquiry was that after he had found the nail bomb he asked a soldier to call the ATO and also informed the officer in charge of the police at the Detention Centre, "*who was in the yard at the time*".¹ The officer in charge was Inspector Dickson. According to the RUC Incident Book, the discovery of the nail bomb was reported to the RUC Communications Centre at Victoria Barracks at 1652 hours.² According to the Brigade log, the message from 1 R ANGLIAN to Brigade Headquarters reporting the discovery of a nail bomb was timed at 1650 hours.³

¹ JC6.2

³ W49; W138 serial 527

² W161; W209 serial 632

134.26 On the assumption that Sergeant Carson discovered the nail bomb immediately after making a report by telephone of the dead man in the car, and immediately after that told a soldier and Inspector Dickson of his discovery, there would have been a delay of some minutes before this information was passed on to Brigade Headquarters and the RUC Communications Centre. On the same assumption, it is possible that there might have been a similar delay before 1 R ANGLIAN at the Bridge Camp requested the ATO. However, whether there was such a delay depends upon whether these assumptions are correct. It is equally possible that having made the telephone call at 1644 hours Sergeant Carson went outside and saw the two injured men being put into an ambulance a minute later, reached the car containing Gerald Donaghey a minute after that, started searching at about 1647 hours, found the nail bomb at about 1648 hours, when he told the soldier to call the ATO, and about a minute later informed Inspector Dickson of his discovery. The discovery was then reported at 1650 hours.

134.27 In the fifth place, Sergeant Carson told the Widgery Inquiry that he saw Captain 127 remove bombs from the breast pockets of Gerald Donaghey's denim jacket. It might well be that Sergeant Carson was simply mistaken about this, since there is no doubt from other evidence that the bombs were in the side pockets of that jacket. However, as will be seen from the evidence considered below, Sergeant Carson's account of being handed the remains of the nail bombs by Captain 127 in the car park, and then taking them to

the Bridge Camp and handing them to Detective Sergeant McTeggart, is on the face of it inconsistent with the accounts of both Captain 127 and Detective Sergeant McTeggart, which do not mention the presence or involvement of Sergeant Carson. Their evidence is to the effect that Captain 127 handed the remains of the nail bombs to Detective Sergeant McTeggart. However, Detective Sergeant McTeggart told us that Captain 127 passed the items to him at the Bridge Camp whereas Captain 127 never said that he returned to the Bridge Camp and his RMP statement implies that he did not.¹ It is possible, therefore, that Sergeant Carson took the items from Captain 127 to Detective Sergeant McTeggart, each of whom in effect regarded Sergeant Carson as the agent of the other.

¹ JM41.3; Day 223/103; B1783

134.28 In the sixth place, there is an inconsistency between Sergeant Carson's written statement for the Widgery Inquiry¹ and his oral evidence to that Inquiry.² In the former he stated that he packed the remains of the nail bombs in bags, while in the latter he said that this was done by Captain 127. We are satisfied from the evidence of Captain 127, which we consider below, that the latter was the case.

¹ JC6.3

² WT16.61

134.29 In the seventh place, Sergeant Carson said that he found the nail bomb in the left pocket of Gerald Donaghey's jeans. In the photographs taken by Constable Simpson in the car park on the north side of Craigavon Bridge, a nail bomb is visible in the right pocket.¹ In his written statement for the Widgery Inquiry, Sergeant Carson described the body as lying half on its back and half on its right side.² In our view the photographs show Gerald Donaghey lying on his back.³ The ATO, Captain 127, told the Widgery Inquiry that he did not disturb the body before the photographs were taken.⁴ However, it is possible the body moved as the car was driven to the car park on the other side of Craigavon Bridge before the photographs were taken and Sergeant Carson might simply have confused right with left.

¹ Paragraph 125.11

³ Paragraphs 125.10–11

² JC6.2

⁴ WT9.55

Woman Constable Clara Hamilton

134.30 This police officer wrote a report to the Woman Inspector dated 5th February 1972.¹

¹ JH3.1

134.31 In this report Woman Constable Hamilton recorded that she was on duty at the Foyle Road Detention Centre, where Inspector Dickson was in charge, when two cars came into the centre:

“One contained a young man who was shot in the left shoulder – he was taken to Altnagelvin Hospital by Army Ambulance. The other car contained the corpse of a young man, lying in the back seat. I looked into this car and saw an object protruding from his right hip pocket with what looked like a fuse sticking out of it. I informed Inspector Dickson of my observation and in due course the Army [sic] Technical Officer arrived at the scene and removed the car with the body still inside.”

134.32 Woman Constable Hamilton also made a statement for the Widgery Inquiry dated 9th March 1972 though she was not called to give oral evidence.¹

¹ JH3.2

134.33 In this she stated that she went over to the car containing the body, accompanied by the officer in charge of the police detachment. “*He said that we would have to find out if there was any identification on the dead body.*”

134.34 This statement then continued:¹

“I first went to the offside rear door and opened it. There was a body on the back seat with his head towards me. The head and shoulders were covered over with a light coloured blanket. I pulled down the blanket. The body was of a young man who appeared to be dead – his face was quite green. I replaced the blanket, closed the door and went round to the other side. I opened the near-side rear door; the lower part of his body was covered by a green candlewick bedspread. I pulled this off so that I could see down as far as his waist. His left hand had congealed blood on it. A soldier on the other side of the car looking through the offside windows said ‘There is something in his pocket’. I could see that there was a bulge in the right pocket of his denim jeans. I leaned over him and felt with my left hand what was in the pocket.

I tried to pull it out but it was difficult. I could feel that it was a round object covered with insulating tape. I leaned further over to see what it was and could see that it was an object covered with what appeared to be cream coloured insulating tape. I could see one width of insulating tape round it – about ½” in depth. From the centre I could see something sticking out like a thin piece of black licorice. The soldier then shouted ‘Get out, its a bomb’. I covered the man again and closed the door gently. The officer in charge of the police detachment said something to the effect that I was to leave it to him and that he would see to it. I understood that he was sending for the ATO. I took a note of the numbers of the first and second Cortinas and went back into the Detention Centre to see if the owners could be traced. I told the RUC and RMP there what had happened – I believe that Sgt. Carson was there at the time.

I did not go near the car after that. I have been shown photograph EP5A/29, and it is the car I examined – I noticed the registration number. I believe photograph EP5A/25 is a photograph of the man I saw. He seems to me to be in exactly the same position as when I saw him. The covers have been removed. I could not see as much of the bomb as is shown in No 26 but the angle from which it is taken is different.

I remember seeing Sergeant McTeggart in the park but I did not see him examine the car.”

¹ JH3.2-3

134.35 Woman Constable Hamilton gave written and oral evidence to this Inquiry.¹ In her written statement she made clear that she was prepared to stick by her previous statements “as *being more accurate now that I have looked at them than my present memory*”.² In her oral evidence she described her present memory as “*quite cloudy, actually, it is not that good*”.³ We formed the view that Woman Constable Hamilton was an honest witness trying to do her best to help us, but that understandably she had now little or no independent recollection of the matters under consideration.

¹ JH3.4; Day 212/122-169

³ Day 212/124

² JH3.6

134.36 In the course of her oral evidence Woman Constable Hamilton accepted that there were differences between her original report and her Widgery statement which she could not explain, in particular that the former recorded that she saw an object protruding from the right hip pocket when she looked into the car and made no mention of a soldier saying anything, while in the latter she stated that a soldier had said that there was something in the pocket which she then tried to pull out, after which the soldier had shouted that it was a bomb.¹

¹ Day 212/144-147

134.37 It seemed to be suggested during the course of the questioning on this topic that Woman Constable Hamilton had for some illegitimate reason chosen to alter her account. We are not persuaded that this was so. As she herself observed,¹ her report was a summary of events, while it is clear that her statement for the Widgery Inquiry was a much more detailed account.

¹ Day 212/146

134.38 Woman Constable Hamilton told us that she would have told someone higher in authority “*which would obviously be a sergeant*” of her discovery but could not remember who it was.¹

¹ [Day 212/137-139](#)

134.39 Woman Constable Hamilton was unable to offer any explanation as to why her accounts differed from those given by Sergeant Carson.¹ However, it seems to us that this apparent conflict could be resolved if Woman Constable Hamilton had, unknown to Sergeant Carson, been the first to discover a nail bomb, and if Sergeant Carson arrived on the scene after Woman Constable Hamilton had gone off to report what she had found. To our minds, the evidence of Lance Corporal 104 to which we have already referred, that he saw what he thought to be a female police officer in the back of the car, apparently before he went over and saw the body, strengthens the possibility that this is what happened, and that he and Sergeant Carson reached the car after Woman Constable Hamilton had been there.

¹ [Day 212/166](#)

Constable Douglas Hogg

134.40 Constable Douglas Hogg made a statement in 1972.¹ It is undated and unsigned but bears a PN reference that indicates that at least a copy of this statement was supplied to the Widgery Inquiry. This officer gave written and oral evidence to this Inquiry.² He told us that he believed that he would have compiled his statement within three weeks of Bloody Sunday.³

¹ [JH9.1](#)

³ [Day 213/169-172](#)

² [JH9.2; Day 213/132-176](#)

134.41 In this statement Constable Hogg recorded that in one of the cars brought into the Detention Centre that afternoon “*there was a body lying in the back seat, this person, a male, was looked at by W/Const. Hamilton who noticed that there was a nail bomb hanging out of his pocket*”.¹

¹ [JH 9.1](#)

134.42 This statement does not indicate whether Constable Hogg actually saw Woman Constable Hamilton notice the nail bomb, though in his written evidence to this Inquiry he stated that he did approach the car, and that there were “*a number of us*” standing around the car, though he now only remembered Woman Constable Hamilton. He stated that but for seeing the statement that he had made at the time, he would have said that

the body had been in the boot. He then stated that Woman Constable Hamilton took it upon herself to search the body and in doing so “*discovered what I believe was a nail bomb in one of the front trouser pockets. I recall that having found it, she pulled it out of the pocket, but only far enough so that I was able to confirm that it was a nail bomb. She then pushed it back into the pocket.*”¹

¹ JH9.5-6

134.43 In his oral evidence to this Inquiry,¹ Constable Hogg said that Woman Constable Hamilton had opened the offside rear door of the car in order to search the body. As we have explained above, Woman Constable Hamilton recorded in her written statement for the Widgery Inquiry² that she first opened the offside rear door and pulled down the blanket from Gerald Donaghey’s face, but that she then replaced the blanket, closed the offside door, walked around the car and opened the nearside rear door, and that she was searching the body from that side of the car when she discovered the nail bomb. It was put to Constable Hogg that Woman Constable Hamilton had recalled that “*although she had been on the driver’s side of the car, when she searched the body she actually did it from the opposite side*” but Constable Hogg said that Woman Constable Hamilton had searched the body from the driver’s side.

¹ Day 213/143-144

² JH3.2

134.44 Constable Hogg told us that his recollections of what happened after that were very vague.¹ He also said that he could not remember whether there was anyone else around when he reached the car.²

¹ Day 213/146

² Day 213/147

134.45 Though we have no doubt that Constable Hogg was doing his best to assist us, we concluded that it would be unwise to place much reliance on the evidence he gave to us about the discovery of the nail bomb. He may well have observed Woman Constable Hamilton going to look at the body and discovering a nail bomb, but it is equally possible that in the account he gave at the time he was reporting what he had been told, or partly what he had seen and partly what he had been told, though this account (even if it or some of it was second-hand) does provide some support for Woman Constable Hamilton’s account of being the one who discovered the nail bomb. It is noteworthy that Inspector Dickson, whose evidence we consider below, had no recollection of seeing Constable Hogg in the vicinity.¹

¹ Day 212/135

Inspector Harry Dickson

134.46 Inspector Harry Dickson wrote a report to the Superintendent at Victoria Barracks dated 14th February 1972.¹ He also gave a written statement (but no oral evidence) to the Widgery Inquiry.² This statement was undated but seems to have been made on or about 10th March 1972. This is because it bears the reference SP39, while that of Chief Superintendent Frank Lagan bears the reference SP38 and was dated 10th March 1972. Sergeant Carson's, Detective Sergeant McTeggart's and Woman Constable Hamilton's statements bear the respective references SP35, SP36 and SP37 and were all dated 9th March 1972.

¹ JD3.1

² JD3.3

134.47 In his report to the Superintendent, Inspector Dickson recorded that he was the officer in charge of the Detention Centre on 30th January 1972. After providing some details irrelevant to the present Inquiry, Inspector Dickson continued:¹

"At about 4:30.pm I was informed by D/Sergt. McTeggart that three cars had been brought to the Army Command Post at my location. The D/Sergt. further informed me that one of the cars contained a dead body and each of the others a wounded man.

On emerging from the Detention Centre I was in time to see one of the wounded men being placed in an Army Ambulance. The Ambulance left almost immediately for Altnagelvin Hospital with the two wounded on board.

On making enquiries I established that a silver coloured cortina, reg. No. N.S.C. 149.G. had been used to convey one of the wounded. The owner of this car, Bernard McMonagle ... was with his vehicle. There was also a Mrs. Kathleen Doherty ... present, Mrs. Doherty had been a passenger in the car. Both were subsequently interviewed by D/Sergt. McTeggart.

Another car, a light blue cortina, reg. No. H.G.B. 992.D. had been used to convey the second wounded man. At this stage I was not aware of the identity of the driver or occupants of this vehicle.

D/Sergt. McTeggart told me that the body, in the rear seat of a white Ford cortina car, Reg. No. 3955.P.Z., had an object protruding from the trouser pocket which he took to be a 'Nail Bomb'.

On examination of this car I found the body of a youth lying across the rear seat of the car. The head was resting against the rear door behind the drivers seat. The feet were on the floor to the rear of the front passenger seat. The body was covered with a rug.

On pulling back the rug I was satisfied that the object protruding from the right trouser pocket of the deceased was in fact a 'Nail Bomb'.

I established that an Army Medical Officer, Capt. [138], had examined the body and had pronounced life extinct. On learning this, I immediately requested the presence of the A.T.O.

Capt. [127], A.T.O arrived and proceeded to examine the vehicle and defuse four 'Nail Bombs' found on the body. This was carried out at the car park on the city side of Craigavon Bridge.

The body was subsequently conveyed to the Mortuary, Altnagelvin."

¹ JD3.1-3.2

- 134.48** In his written statement for the Widgery Inquiry,¹ Inspector Dickson stated that at about 4.40pm Sergeant Carson told him that there was a dead man outside, and that they all went out. He then described seeing a blue Cortina on the right and a grey Cortina on the left. *"An injured man was being placed into an ambulance. There were a man and a woman near the blue Cortina. I told Sergeant [...] CID to take them into the Centre and interview them. There was no one with the second vehicle and I was told that the military had driven it there. The military were searching both vehicles."* We have no doubt that, as Inspector Dickson confirmed,² the "Sergeant [...] CID" referred to in this statement was Detective Sergeant McTeggart, whose cipher has been inserted in place of the name in one of the copies of the statement obtained by the Inquiry. The statement then continued:³

"I then saw another Cortina about 30 paces from me down a slope with half a dozen soldiers round it looking into the back. I walked down to it. There was a body inside on the back seat completely covered with a blanket. I could only see the top of his head which was on the offside. I tried to open the offside rear door but could not. I inquired whether a doctor had seen him and was told by an Army Officer there that an army medical officer had seen him and had pronounced him dead. I recall telling a police constable (I think Constable Trotter) 'There is a body in that car. Keep an eye on it until we make arrangements to have it taken to the morgue.' I went back to where the other two vehicles were and about five minutes later Sergeant [Carson]⁴ came to me and told me that the dead man had a nail bomb in his pocket. As soon as I heard that I went back to the car with Carson. I again tried the rear offside door but it was still locked. Then Carson said that the rear nearside door was open and went round to that side. I followed him. He opened the door, reached in and pulled back the blanket, and indicated to me the right trouser pocket. I could see that there was something in the pocket from the bulge but could not see what it was until I lent right over the body. I could only see the top but it appeared to me from the wrapper to be gelignite. I made no attempt to get the object out of his pocket. Quite apart from the danger it would have been difficult to extract it. The way in which he was lying meant that it was very tightly gripped in the pocket. I cannot remember seeing any fuse.

I asked if the army technical officer had been called. I was told by a soldier that he had. He arrived very shortly after. He asked me where the owner of the vehicle was. I couldn't tell him. I made inquiries but no-one could give me information. He asked me then about a safe place to take it to and I suggested the car park on Foyle Road, about 100–150 yards away. He drove it there, and I followed on foot with Sergeant Carson. I had previously sent for photographers and the police photographers arrived while we were in the car park. I made arrangements to keep Foyle Road clear of pedestrians and vehicular [sic] traffic while the ATO made his examination. He could not open the boot so he blew it open with a controlled charge. I then got a message saying that other persons had been brought to the Detention Centre, and I left leaving Sergeant Carson there.

About 1 hour later I was shown four packages which I was told contained nails and tape which I was told had made up four nail bombs found on the dead body. I did not see Sergeant McTeggart CID or woman Constable [Hamilton]⁵ make a search of the car.

I have been shown photograph EP5A/29 which appears to be a photograph of the car which contained the body. EP5A/25 may be a picture of the man but the offside door has been opened and his head allowed to fall down. EP5A/26 and 27 show the object which I saw. It has been pulled more out of the pocket and seems to me to be of a slightly different angle. The black object at the top I saw but at the time I did not think it was a fuse but a projecting nail.”

¹ JD3.3

² Day 212/11

³ JD3.3-3.4

⁴ We are satisfied that Sergeant Carson's name should appear here, since his cipher was inserted at this point in another copy of this statement.

⁵ There is neither a name nor a cipher in the copies we have of this statement, but we are satisfied that Woman Constable Hamilton's name should appear here as she was the only Woman Constable on duty at the Detention Centre (Day 212/138).

134.49 Inspector Dickson gave written and oral evidence to this Inquiry.¹ In his written evidence, he stated that at about 4.30pm Sergeant Carson came into the hut where he was and told him that a dead body and two wounded persons had been brought into the Detention Centre. Inspector Dickson recalled that on going out he saw an ambulance, with one injured person already on board and another being helped in.

¹ JD3.10-13; Day 212/1-122

134.50 As to the car containing Gerald Donaghey, Inspector Dickson said that he recalled a soldier standing near it, who he believed was the driver. Inspector Dickson then stated that he walked round the front of the vehicle. *“I cannot remember what Sergeant Carson was doing at this time but I remember that Detective Sergeant McTeggart was there. I do not remember where he came from or whether he was already at the car when I arrived at it or whether he arrived after me.”*¹

¹ JD3.11

134.51 Inspector Dickson then described looking into the car from the outside and seeing a body covered with a rug from the knees to the upper chest. He continued:¹

“As I was looking into the car, Detective Sergeant McTaggart [sic] lifted the blanket or rug. I had the impression he was showing me something which he had already seen. I saw that the young man was wearing blue denim jeans and a blue denim top ... I saw an object protruding slightly from the right-hand trouser pocket at the front of his jeans. I took this to be a nail bomb. I could not see any nails, but I could see the end of the gelignite which looks like marzipan. I could not see any masking tape but I could see a blue-coloured safety fuse protruding from the gelignite. I remember the fuse was bent. I could also see a bulge underneath the fabric in the pocket area. I could only see the right-hand side of the body. The right arm was lying parallel to the body on the car seat. I could not see any wounds or blood ...”

¹ JD3.12

- 134.52** Inspector Dickson also stated that he believed that the soldier whom he had seen told him that a military medical officer had pronounced the man dead. He stated that he thought he asked the soldier to drive the car out of the Detention Centre, but he is clearly wrong about this, as we have no doubt that the car was eventually moved by Captain 127, as indeed Inspector Dickson had recorded in his Widgery Inquiry statement.¹ He later acknowledged that this part of his statement to us was incorrect.²

¹ JD3.4

² Day 212/36

- 134.53** Inspector Dickson's written evidence to this Inquiry did not deal with the written statement he had given to the Widgery Inquiry, which apparently was not available at the time.¹ As to his report to the Superintendent, he said that this would have been based on notes made contemporaneously in his pocket book.² Inspector Dickson told us that those notes had not survived.³

¹ Day 212/58-59

³ Day 212/59

² JD3.13

- 139.54** In his oral evidence to this Inquiry, Inspector Dickson said that when Sergeant Carson had come into the hut to tell him of the casualties, he did not say anything about a nail bomb.¹ He was then asked to look at his report to the Superintendent, in which he had stated that it was Detective Sergeant McTeggart who had informed him at about 4.30pm that casualties had arrived,² and to compare it with his statement to the Widgery Inquiry, in which he said that Sergeant Carson had told him at about 4.40pm that there was a dead man outside, and that he thought but was not sure that this officer had told him that there were also some injured persons.³

¹ Day 212/7

³ JD3.3

² JD3.1

134.55 Inspector Dickson said that he thought his report to the Superintendent was probably the more reliable recollection, *“but what I am really saying there is that Sergeant Carson told me that we had a dead body and we had injured. When I came out of the complex then I had discussions with Sergeant McTeggart and he would have filled me in on the cars, et cetera.”*¹

¹ [Day 212/8-9](#)

134.56 Inspector Dickson then gave some evidence about the position of the cars, but in our view his recollections on this are not sufficiently clear for us to rely upon them.

134.57 Inspector Dickson was asked about the fact that in his written statement for the Widgery Inquiry¹ he described going twice to the car containing the body, the second time after he had been told that there was a bomb.²

¹ [JD3.3](#)

² [Day 212/25-27](#)

134.58 He told us that he first wanted to correct a mistake in this statement, namely references to the offside door should have been to the nearside door, and vice versa. Subject to that correction, he accepted that the sequence of events described in this account might be broadly correct, but said that it would not have been more than five minutes between his first and second visits to the car.

134.59 Inspector Dickson said¹ that he had absolutely no recollection of going over to the car with Woman Constable Hamilton, who had, as noted above, said that she had gone to the car with the officer in charge of the police detachment; nor of what she had said² about the discovery of a nail bomb.

¹ [Day 212/27-28](#)

² [JH3.2](#)

134.60 Inspector Dickson was unable to identify the person who radioed for an experienced officer to be sent to Craigavon Bridge, as there was a body there with a nail bomb in its pocket. This, as already noted, was the message recorded in the RUC Incident Book and timed at 1652 hours.¹

¹ [W161](#); [W209](#) serial 632

134.61 Inspector Dickson agreed that it would be standard practice on the discovery of nail bombs on a person to isolate the area and call the ATO.¹ He also agreed that upon the discovery of a nail bomb a medical officer would definitely not have been allowed to examine the body except possibly to confirm that the person was dead.²

¹ [Day 212/60](#)

² [Day 212/102-103](#)

- 134.62 Inspector Dickson was asked in some detail about the differences between his report to the Superintendent and his written statement for the Widgery Inquiry.
- 134.63 We see no significance in the fact that in his statement for the Widgery Inquiry he recorded that he had made two visits to the car with the body, whereas in his report to the Superintendent he referred only to going to examine the car when told of the discovery of a nail bomb; nor that from the report it might appear that he had no difficulty in identifying a nail bomb protruding from the pocket, whereas in his statement for the Widgery Inquiry he said that he could not see the bomb until he leaned right over the body.¹ We accept Inspector Dickson's explanation that in his statement for the Widgery Inquiry he was going into greater detail than he had in his report.²
- ¹ [Day 212/ 90-95](#) ² [Day 212/94-95](#)
- 134.64 Inspector Dickson was asked about some paragraphs in his signed statement to us that he later decided to omit. We accept that his reason for doing so was that on reflection he was not certain about what he had stated, and we draw no adverse inferences from these omissions.¹
- ¹ [Day 212/69-82](#)
- 134.65 Inspector Dickson told us that he regarded his report to the Superintendent as probably more reliable than his written statement for the Widgery Inquiry in indicating that Detective Sergeant McTeggart rather than Sergeant Carson had informed him that three cars had arrived, one containing a dead body, though he qualified that comment by agreeing that they might both have told him, one shortly after the other.¹ However, Inspector Dickson was not able to provide an explanation as to why he had stated in his report to the Superintendent that it was Detective Sergeant McTeggart who had told him of the nail bomb, whereas in his Widgery Inquiry statement he had identified Sergeant Carson as his informant. Inspector Dickson agreed that "*in terms of the personalities involved, these two statements are quite different*".² It is also the case that in his report to the Superintendent, Inspector Dickson did not mention that Sergeant Carson was with him when he examined the car and saw the nail bomb. How Inspector Dickson came to identify Detective Sergeant McTeggart in one account and Sergeant Carson in another remains uncertain. However, a possible explanation is that Woman Constable Hamilton found the nail bomb, went inside and reported the discovery to Detective Sergeant McTeggart; that while she was inside, Sergeant Carson found the nail bomb; Detective Sergeant McTeggart (whose evidence we discuss below) came out to the car as soon as he was told about the bomb;³ meanwhile Sergeant Carson had gone over to Inspector Dickson to report the discovery;⁴ Inspector Dickson then went to the car with Sergeant

Carson;⁵ and when they arrived Detective Sergeant McTeggart told Inspector Dickson what he had seen.⁶ This could explain why Inspector Dickson stated in his report that Detective Sergeant McTeggart had told him about the nail bomb but said in his written statement for the Widgery Inquiry that Sergeant Carson had told him about it.

¹ Day 212/8-9

⁴ JC6.2

² Day 212/89-90

⁵ JD3.3

³ JM41.10

⁶ JM41.10

134.66 We should note that in his written evidence to this Inquiry, Inspector Dickson said nothing about being told of the discovery of a nail bomb, but only stated that he went to the car and that Detective Sergeant McTeggart was there, and that he could not remember what Sergeant Carson was doing. He then gave the evidence that we have quoted above.¹

¹ JD3.11-12

134.67 When Inspector Dickson suggested that it could have been Detective Sergeant McTeggart who told him of the nail bomb,¹ he was reminded that according to his statement for the Widgery Inquiry he had already told this officer to take a man and woman near the blue Cortina into the Detention Centre and interview them.² Inspector Dickson replied that this did not mean that Detective Sergeant McTeggart left immediately to carry out this task. However, Detective Sergeant McTeggart told the Widgery Inquiry in his written statement that he was in the course of taking a written statement from one of the civilians (Bernard McMonagle) when Woman Constable Hamilton interrupted the interview to report her discovery of a nail bomb,³ which suggests that Detective Sergeant McTeggart began the interview promptly and before he knew about the nail bomb. Detective Sergeant McTeggart (whose evidence we discuss below) told us that he knew about the discovery of the nail bomb by the time he interviewed Raymond Rogan and Hugh Leo Young.⁴ However, these interviews were at a much later stage, since these two civilians did not arrive at the Bridge Camp until about 1725 hours.⁵ It seems at least possible that Detective Sergeant McTeggart did tell Inspector Dickson about the nail bomb, after Woman Constable Hamilton had found it and had interrupted the interview of Bernard McMonagle to tell Detective Sergeant McTeggart.

¹ Day 212/89

⁴ Day 223/131-132

² JD3.3

⁵ G114C.743.9

³ JM41.10

134.68 At the end of his oral evidence Inspector Dickson said this:¹

“I would say to this Tribunal that if anyone had planted bombs on that body at the reception centre, they were taking an awful chance that they would not be spotted by either Army or police at that time. It would have been, it would have been a foolhardy thing to attempt, in my view, the activity that was taking place there at that particular time.”

¹ Day 212/121-122

Detective Sergeant Eugene McTeggart

134.69 Detective Sergeant McTeggart wrote two reports to the Detective Inspector, CID, at Victoria Barracks dated respectively 1st and 3rd February 1972.¹ He also gave a written statement dated 9th March 1972 (but no oral evidence) to the Widgery Inquiry.² He gave written and oral evidence to this Inquiry.³ He also made a deposition for the coroner’s inquest into the death of Gerald Donaghey⁴ that contains only a summary of what he had said in his previous statements.

¹ ED47.3; JM41.6-8

³ JM41.1; Day 223/84-147

² JM41.10

⁴ JM41.12; Day 223/118

134.70 Detective Sergeant McTeggart’s first report to the Detective Inspector contains some information about the nail bomb on Gerald Donaghey’s body in similar terms to his second report, but was principally concerned with what he had been told by Hugh Leo Young and Raymond Rogan when he interviewed them and with other matters.

134.71 In his second report to the Detective Inspector, Detective Sergeant McTeggart described the three cars that had arrived at the Detention Centre. So far as the car containing the body of Gerald Donaghey is concerned, he reported:¹

“Vehicle No. 1 Car No. (1), a white Cortina with red flash down each side, Reg. No. 3955 PZ (rear number plate missing) was owned and driven by Mr. Raymond Manasus Rogan ... The passenger in this car was Mr. Hugh Leo Young ... On the back seat of this car was the body of a young man, whom I now know to be Gerald Donaghey, 17 years, Unemployed Labourer of 27(a) Meenan Square, Londonderry. Captain [138], an Army Medical Officer had examined the body and pronounced life extinct. The body was lying across the back seat of the car, the head was against the rear passenger’s door behind the driver’s seat and his feet were on the floor of the car behind the passenger’s seat. I saw a cream coloured object sticking from the right hand trousers pocket of deceased’s clothing. On further examination I saw that it had the appearance

of a nail bomb enclosed in masking tape. I informed Inspector Harold Dickson, who was Duty Inspector at the Detention Centre and arrangements were made to have Captain [127], the Army Technical Officer examine the object. Captain [127] found a total of four nail bombs in the deceased's pockets, these were defused and I retained the remainder of each bomb and later handed them to Constable J. Montgomery, Scenes of Crime Officer. The body was removed to the Mortuary at Altnagelvin.

I interviewed both Mr. Rogan and Mr. Young and obtained written statements from each of them. (Copies attached). They were both examined by the Army 'Sniffer' device for traces of explosives with negative result. Both men were then conveyed to Victoria R.U.C. Station on the instructions of Detective Constable McNulty, Special Branch. The car was brought to Victoria R.U.C. Station and examined by Constables Montgomery and McCormac, Scenes of Crime Officers. At approximately 10.30 p.m. both vehicles were released to their respective drivers.

I remained on duty at the C.I.D. Office Victoria until 11.45 p.m."

¹ JM41.7-8

134.72 Detective Sergeant McTeggart's written statement for the Widgery Inquiry was in the following terms:¹

"1. I am an officer of the Royal Ulster Constabulary. On 30 January I was on duty at the detention centre at Craigavon Bridge. I, with a Police Constable, was given the duty of dealing with any case in which army or police personnel made an arrest in connection with firearms or explosive cases.

2. Three Cortinas were brought into the army post at Craigavon Bridge. Since I was not at the moment engaged in dealing with any weapon or explosives case I took a statement from the occupant of the first car and while I was doing so woman Constable [Hamilton]² came in and said that the lad in the white Cortina was dead and that he had a nail bomb in his pocket. I at once went out to the car. I looked in from the near side and saw the body of a man lying across the back seat. His head was against the rear door, his body on the seat and the lower part of his leg hanging down so that his feet were on the floor behind the front passenger seat. The face and upper portion of the body was covered I think by a light covered [sic] bedcover. I opened the rear nearside door and bent in across the body. I removed the cover and looked at the face and upper portion of the body. It did seem to me that the man was dead. In the right hand trouser pocket I saw a cream coloured object sticking slightly from the pocket. I examined the

object further by touching it. It was covered by cream coloured masking tape which by the feel appeared to cover objects like nails. I have seen a good many types of nail bomb before and I have seen several made with adhesive tape. The only difference was that this object was covered with masking tape of the kind used when one sprays a vehicle. I thought it was a nail bomb and would not touch it any further.

3. I reported the matter to the Police Officer in charge of police personnel at the detention centre.

4. When I was examining the body there were a number of army and police personnel around the car and I recall someone saying that the army technical officer had been sent for, but I cannot recall who it was.

5. I did not examine the body to see if there were any other bombs. Once an explosive device has been found the normal procedure is to send for the army technical officer and to leave him to make further searches. I have seen photograph EP5A I believe this to a photograph of the car with the body in.

6. I have also photograph EP5A/25 which appears to show the body I saw. EP5A/26 shows the bomb sticking out of the pocket. My recollection is that the bomb when I saw it was protruding to about the extent as is shown on the photograph. After I had reported to the office [sic] in charge I finished taking the statement I was engaged on, and then took statements from Mr Rogan and Mr Young, the occupants of another car. I did not see the body again.”

¹ JM41.10

² We are satisfied that Woman Constable Hamilton's name should appear here, as she was the only woman Police Constable on duty at the Detention Centre (Day 212/138).

134.73 In his oral evidence to this Inquiry, Detective Sergeant McTeggart recalled that he was only informed about the arrival of the cars at the Detention Centre after the injured people had been taken to hospital.¹ He explained that the reason he had gone out to look at the body after being told of a nail bomb, rather than speak to Inspector Dickson or call for an ATO, was that because there was a death he was going to have to appear at a coroner's court or possibly a higher court *“and when I would go there, I would be asked certain questions which I would have to answer and answer truthfully. That is why I examined the body and I examined the pocket.”*²

¹ Day 223/88-89

² Day 223/95-96

134.74 Detective Sergeant McTeggart told us that when he first spotted the bomb, he was being watched by Raymond Rogan and Hugh Leo Young.¹ This must be a faulty recollection, as these two had been taken from the car at Barrier 20 where they had been arrested and did not arrive at the Detention Centre for questioning until about 1725 hours.²

¹ Day 223/98

² G114C.743.9; Day 223/145

134.75 Detective Sergeant McTeggart interviewed Raymond Rogan and Hugh Leo Young when they were brought to the Detention Centre.¹ He agreed that the interviews took place after the “*nail bombs*” had been discovered.² However, given the timing of the discovery of all the nail bombs by Captain 127,³ the fact that Detective Sergeant McTeggart told us that he was not present when Captain 127 discovered the additional bombs, and the fact that he also told us that he was not handed the components of the bombs until after he had finished interviewing Raymond Rogan and Hugh Leo Young,⁴ we are of the view that it is much more likely that at the time he was conducting these interviews, Detective Sergeant McTeggart knew only that one bomb had been discovered.

¹ JM41.8; ED47.3; ED47.6; ED47.7; AY1.5; AY1.9

³ G114C.743.9; W103-104 serials 106-109

² Day 223/131-132

⁴ Day 223/102-103

134.76 He also agreed that he had asked neither Raymond Rogan nor Hugh Leo Young about this discovery.¹ His explanation for not doing so was that he was satisfied that neither of them had anything to do with nail bombs, and that they had been acting as “Good Samaritans” in seeking to take Gerald Donaghey to hospital. When it was put to him that Inspector Dickson had told the Inquiry² that it was inconceivable that senior police officers would not have made enquiries about that from the driver of the car and from the passenger who had travelled with the body, he answered as follows:³

“A. But, sir, when you interview somebody and you are very happy with what they tell you, you agree to make a statement and you agree to take a statement from them, and you are happy they are not in any way involved with explosives or firearms –

Q. How could you be happy unless you had asked them questions about it?

A. Because when they told me their story, what they were doing that day and what they did do and what they did not do, I was very happy that they were not involved.

Q. Could it be that those who were there present at the time knew perfectly well that there was not much point asking these two individuals about the nail bombs on the body because it was apparent to those who were there that they had been planted and that that is the reason for the absence of any questioning?

A. No, sir, that is totally incorrect. Mr Rogan and Mr Young gave me very, very truthful and accurate statements. I had no reason to question them about explosives."

¹ Day 223/131-132

³ Day 223/134-135

² Day 212/67

134.77 A little later it was pointed out to Detective Sergeant McTeggart that in his first report to the Detective Inspector¹ he said, with regard to the statements he had taken: "*It will be noticed that there are some slight discrepancies between the stories of both witnesses, this could be as the result of the excited state of the witnesses at the time or that they were both only prepared to state what suited them.*" It was suggested to Detective Sergeant McTeggart that this showed a quite different picture of his view of Raymond Rogan and Hugh Leo Young from the one he was giving in his oral evidence. Detective Sergeant McTeggart replied that "*The one I am giving to the Tribunal today is 100 per cent and if anyone reads the statements you will see that they were trying to be helpful*".²

¹ ED47.3

² Day 223/137-138

134.78 We reject the suggestion that the reason Detective Sergeant McTeggart asked neither Raymond Rogan nor Hugh Leo Young about the nail bombs was that he knew or suspected that they had been planted on Gerald Donaghey, since in our view he neither knew nor suspected that this was the case. In the end it seems to us that, despite his comment about these witnesses only being prepared to state what suited them, he did not believe that either could have known about a nail bomb in Gerald Donaghey's pocket and for that reason (albeit a not very satisfactory one) did not question them about the discovery.

134.79 We accept Detective Sergeant McTeggart's explanation of the fact that he made no mention of Woman Constable Hamilton or of the cover over Gerald Donaghey's body in his two reports to the Detective Inspector, namely that these were reports of his duty on the day, whereas his statement for the Widgery Inquiry was a statement of evidence "*which would need to be more detailed than the original police report*".¹ That statement supports Woman Constable Hamilton's account of discovering and reporting the nail bomb. It is also in line with Inspector Dickson's report to the Superintendent.² As to the fact that in his written statement to the Widgery Inquiry,³ Inspector Dickson recorded that

it was Sergeant Carson (not Detective Sergeant McTeggart) who reported to him the discovery of the nail bomb, we have already observed that this may be explicable on the basis that Sergeant Carson did tell Inspector Dickson about the nail bomb, before Inspector Dickson went to the car and was told by Detective Sergeant McTeggart what he had seen.

¹ Day 223/136-137

³ JD3.3

² JD3.1

Constable Sampson Trotter

134.80 This RUC officer wrote a short report to the Station Sergeant at Victoria Barracks that bears a stamped receipt date of 6th February 1972.¹ In it Constable Trotter recorded that he had been detailed for duty at the Detention Centre under the command of Inspector Dickson. His report was: *“During my turn of duty there several persons were brought in by army personnel and were processed by other police. I did not hear any shooting or witness any incidents. I heard an explosion around 5 p.m. and I later heard that the army had blown a boot lid open.”*

¹ JT7.1

134.81 Constable Trotter made a written statement and gave oral evidence to this Inquiry.¹ In this evidence he said that he was ordered (probably by Sergeant McGoldrick) to go and try to identify the body in a car that had been brought into the Detention Centre. He said that he did so with a Woman Constable. His account continued by describing going to a car and seeing a bulge in the right trouser pocket of the body in the back of the car:²

“I therefore leaned in and pulled his right-hand trouser pocket to one side. In doing this and stretching the entrance to the pocket, I could see quite clearly that there was a bunch of nails with black tape around them. The nails were not long six inch nails nor short half an inch nails – I would say that they were somewhere in between. Whilst I suspected that this might be a nail bomb, I wasn’t sure what it was. All I could see were the nails and the black tape.”

¹ JT7.2; Day 231/54-96

² JT7.4

134.82 Constable Trotter told us that he did not recognise what he had seen in any of Constable Simpson’s photographs. In his oral evidence to this Inquiry, Constable Trotter said that when he looked into the right trouser pocket he saw the centre but not the ends of the nails, which were lying horizontally in the pocket, wrapped in a single piece of black tape.¹

¹ JT7.5; Day 231/60-65; Day 231/92-95

134.83 During the course of his oral evidence Constable Trotter suggested that it might have been the Woman Constable rather than he who had pulled back the pocket, though later in his evidence he said that he was convinced that it was he that had done so.¹ He also said that he did not recollect being instructed by Inspector Dickson or anyone else to keep an eye on the car after the nail bomb had been discovered.²

¹ [Day 231/69](#); [Day 231/85](#)

² [Day 231/77](#)

134.84 Constable Trotter could not explain why his report to the Station Sergeant made no mention of the discovery of a nail bomb.¹ It seems to us that it might well be the case that he went with Woman Constable Hamilton (the only Woman Constable at the Detention Centre that day) and saw what she has told us she discovered. His evidence of seeing nails with a single piece of black tape around them does not (as he himself has said) correspond with the photographs taken by Constable Simpson² of a bomb wrapped in white tape in Gerald Donaghey's right trouser pocket. Nor does it correspond with the appearance of the other three bombs as they are shown, apparently reconstituted without their explosive cores, in the photograph that we have reproduced above taken at the DIFS,³ which shows black tape covering the whole of each bomb. In our view, though we have no doubt that Constable Trotter believed what he told us, his memory has played tricks over the years and it would be wrong to rely on his evidence.

¹ [Day 231/71-72](#)

³ [Paragraph 125.17](#)

² [Paragraph 125.11](#)

Chapter 135: The Ammunition Technical Officer, Captain 127

135.1 Captain 127 was the Ammunition Technical Officer (ATO), referred to as “Felix” in radio messages. He gave an RMP statement¹ and oral evidence to the Widgery Inquiry² though there is no record that he gave a written statement to that Inquiry. He also made a further RMP statement on 30th August 1972, in which he recorded that he had compiled an Explosive Ordnance Disposal (EOD) report immediately after completing the task of removing and defusing the four nail bombs, and that he had sent that report to Headquarters Northern Ireland (HQNI). We do not have a copy of that report but we do have a copy of an EOD report of the incident issued by the Senior ATO at HQNI.³ It seems to us that in all probability this was based on the report submitted by Captain 127.

¹ B1783

³ B1798.026

² WT9.54-65

135.2 Captain 127 gave written and oral evidence to this Inquiry.¹

¹ B1798.001-006; Day 380/135-199

135.3 In his first RMP statement, Captain 127 recorded that he was called to the Bridge Camp at 1705 hours. He then gave a short description of searching the car and then the body, and finding four nail bombs, one of which was clearly visible sticking out of the right trouser pocket.¹ Captain 127 also recorded seeing a wound on the left side of the body. He stated that he removed the explosive components of the bombs and handed the remaining components to Detective Sergeant McTeggart.²

¹ B1783

² B1783

135.4 Captain 127 gave a much more detailed account in his oral evidence to the Widgery Inquiry.¹ He said that he was at the RUC station at Victoria Barracks when he was told to go to the Bridge Camp.² When he reached the Bridge Camp he saw what appeared to be a dead body in the back of a Cortina and, since he considered it not to be a safe position in which to search the car, he drove the car across to a car park. He said that, having checked that the car was not booby-trapped, he searched the body. He told the Widgery Inquiry that photographs “No. 1” and “No. 2”³ taken by the RUC showed the body before he had moved it during his search. He said that when he searched the body he found the nail bomb shown in photograph 26 (the second of the photographs shown above⁴). He commented: “*It is also in white tape, which is unusual for us.*”⁵ A little later he said that he had not come across one with white tape before and that he had been in the area for 18 weeks. Asked to describe the tightness of the denim clothing, he replied: “*I think it was probably tight because the body was slumping. Had he been standing it probably would not have been very tight.*”⁶

¹ WT9.54

⁴ Paragraph 125.11

² WT9.58

⁵ WT9.55

³ Paragraphs 125.10–11

⁶ WT9.56

135.5 Captain 127 described how he eased out the nail bomb that was sticking out of the right trouser pocket, and then felt a lump in the right jacket pocket. He could not ease this out and so cut the pocket.¹ He then checked the other pockets and found two more nail bombs, one in the jacket and one in the trousers.² He then identified photograph 28 (the fourth of the photographs shown above³) as showing the various parts of the nail bombs that he had removed and put into plastic bags.⁴

¹ WT9.56

³ Paragraph 125.12

² WT9.58

⁴ WT9.58

135.6 In reply to questions from Mr McSparran QC, counsel for the families and the injured, Captain 127 said that when he reached the Bridge Camp a person introduced himself as a member of the Special Investigation Branch and told him that there was a car with a body in it and that “*they thought there was a nail bomb sticking out of one of the chap’s pockets*”.¹

¹ WT9.59

135.7 Captain 127 told the Widgery Inquiry that when he looked at the car he looked first of all through the window and saw a nail bomb sticking out of the right trouser pocket. It was covered in white tape and was clear and plain to be seen: *“Anyone with normal eyesight would not have missed it.”*¹

1 WT9.59

135.8 Captain 127 said that the doors of the car were not locked.¹

1 WT9.61

135.9 When it was suggested to him that it was very dangerous to carry a nail bomb in one's pocket, Captain 127 disagreed. He also said that it was extremely unlikely that the bomb would explode if hit by a bullet, unless the detonator, "*a very small item*", was hit.¹

1 WT9.64

135.10 According to the EOD report from HQNI,¹ in the course of checking the car Captain 127 had opened the boot by using explosive. Raymond Rogan confirmed this in his evidence.² It appears that a number of soldiers and civilians heard this explosion, which was recorded in the 1 R ANGLIAN log at 1733 hours.³ As is apparent from the entries in the log and from the evidence of CIV 1,⁴ some at least of those who heard the noise mistakenly assumed or were told that the explosion was the destruction of the nail bombs.

1 B1798.026

³ W103-104 serials 106-109; W106.8-9

2 AR24.5; AR24.29

4 AD23.2

135.11 The EOD report also records Captain 127's "time out" as 1705 hours, his "time in" as 1900 hours and his mileage as four. Captain 127 told us that these times were from when he was tasked at Victoria Barracks to when he returned there. He also recalled that he travelled in a Land Rover, driven by his assistant.¹

1 Day 380/184

135.12 We should note that in one answer to Lord Widgery, Captain 127 appeared to agree that he found a nail bomb in each of the “*breast pockets*” of the denim jacket.¹ In fact there is no doubt that the bombs were in the two side pockets, since these were the pockets that were cut open.² Later in his oral evidence Captain 127 agreed that the pockets in question were the lower pockets of the jacket.³

1 WT9.56

3 WT9.62

2 D358

135.13 Captain 127 gave written and oral evidence to this Inquiry.¹ He told us that in the event of any conflict he would prefer the accounts that he gave in 1972.² He said he no longer had an independent recollection as to whether he had noticed the nail bomb in the right trouser pocket before or after he moved the car,³ though he said that his evidence to the Widgery Inquiry, which indicated that he had seen the bomb before he moved the car, would have been true.⁴

¹ B1798.001; Day 380/135-199

³ Day 380/151-153; Day 380/197-198

² Day 380/159; Day 380/179

⁴ Day 380/188-190

135.14 Captain 127 told us that he would only test any explosive retrieved from a nail bomb if it was not recognised or there was no technical literature on it, but that Gelamex was very commonly used.¹ He also said that if the RUC or the Army came into possession of nail bombs they would in the ordinary course ask for the ATO of the nearest military unit.² He told us that the normal routine for an ATO would be to keep the explosive components of a nail bomb (and eventually burn or detonate them) and hand over the non-explosive components, unless there was a scenes of crime officer present when he might supply that officer with a small sample of the explosive.³

¹ Day 380/169

³ Day 380/171-172; Day 380/194

² Day 380/171-172

135.15 Captain 127 was shown a report by Dr John Martin of the Department of Industrial and Forensic Science dated 21st February 1972¹ and the relevant part of the notes of the examination of Gerald Donaghey's clothing in that department,² which gave details of a bullet hole found in one of the pockets from which Captain 127 had removed a bomb. He said he could not recall any damage to any of the nail bombs he had removed.³ He disagreed with the view of Dr John Lloyd, the scientific expert engaged by the Inquiry, whose evidence we consider below, that there was a significant chance that a bullet could have exploded a nail bomb had it been in the pocket.⁴

¹ D354

³ Day 380/174

² D358

⁴ Day 380/175-178

135.16 Captain 127 refused to accept that the bomb with white tape was "*unique*" because he did not know what other ATOs had recovered, but agreed that it was the first he had come across.¹ He agreed that Quarrex was a quarrying explosive but disagreed with the suggestion that it was not commonly used for nail bombs at the time.²

¹ Day 380/181

² Day 380/182-183

135.17 Asked about the fact that it appeared from his evidence that a large number of photographs was taken at the time but only five made available to the Widgery Inquiry, Captain 127 commented that his assistant would also have taken photographs as standard procedure but then discarded those that were of no use.¹ No photographs taken by Captain 127's assistant appear to have been supplied to the Widgery Inquiry and we have been unable to trace any. It appears likely that if the assistant took any photographs they were later discarded as being of no use. We reject the suggestion, which has no evidential basis, that the non-appearance of these photographs had a sinister connotation.

¹ [Day 380/186-187](#)

Chapter 136: Royal Ulster Constabulary and Royal Military Police photographers

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136.1 In the RUC Incident Book¹ there is an entry timed at 1702 hours from India 23 (probably the call sign for the RUC at the Foyle Road Detention Centre) to the RUC Communications Centre at Victoria Barracks.² The Porter transcript of this message³ reads: “*Could you get as soon as possible a police photographer down here to photograph this chap in this car with the bomb?*” In the same transcript there is a later message that indicates that it took a little time to locate a photographer,⁴ though a comparison of the messages in the Porter transcript with the times recorded in the Incident Book shows that there was only a slight delay.⁵

¹ [W162](#) ⁴ [W217](#) serial 714
² [Day 212/46](#) ⁵ [W217](#); [W162](#)
³ [W215](#) serial 700

Sergeant SR Penney

136.2 Sergeant Penney, who at the time of Bloody Sunday was a member of the Photography Branch at RUC Headquarters in Belfast, made a written statement for the Widgery Inquiry dated 16th February 1972.¹ After giving an account of what he had observed during the course of the afternoon, Sergeant Penney stated that when he returned to Victoria RUC Station he was told that a photographer was required at the Detention Centre at Craigavon Bridge. His account continued:²

“Warrant Officer Wood, S.I.B [Special Investigation Branch], was at the car park close to the bridge and he pointed out to me a white Cortina car. This car was first examined by Captain 127, A.T.O. [Ammunition Technical Officer], and when it was safe to approach it I saw the body of a young man lying in the back seat. There was a nail bomb clearly visible in the deceased’s right trouser pocket. I instructed Constable Simpson to take the necessary photographs and I watched while Captain 127 searched the body. He found a further 3 nail bombs concealed about the clothing. All four nail bombs were de-fused and Constable Simpson photographed them. On completion of the photographic assignment at the car park, Constables Simpson, Brown and myself returned to Belfast.”

¹ JP7.11

² JP7.12-13

136.3 Sergeant Penney did not give oral evidence to the Widgery Inquiry, but he did give written and oral evidence to this Inquiry.¹

¹ JP7.4; Day 219/62-114

136.4 In his evidence to us Sergeant Penney said that he had a clear recollection of Constable Simpson taking a photograph of all four nail bombs while they were still on the body.¹ However, in our view Sergeant Penney did not have a reliable recollection of events and his evidence about this is inconsistent with that of Constable Simpson, which we consider below. For example, he wrongly believed that he had given oral evidence to the Widgery Inquiry.² Sergeant Penney himself agreed that the statement he made at the time was likely to be very much more reliable on points of detail than his statement made 30 years later.³ However, we accept his evidence that he did not himself touch the body.⁴

¹ Day 219/80-83

³ Day 219/89

² Day 219/86-87

⁴ JP7.8

Constable Robert S Simpson

136.5 Constable Simpson, who was also from Belfast,¹ made a short statement dated 9th February 1972² in which he described taking five photographs in a car park in the Foyle Road, “*one of the body, close-ups of a nail bomb in deceased’s pocket, four nail bombs removed from deceased and a photograph of the Car*”. These are the photographs we have shown above.³

¹ JS10.10

³ Paragraphs 125.9–13

² JS10.15

136.6 In a written statement for the Widgery Inquiry,¹ Constable Simpson recorded that, at Sergeant Penney's request, *"I took photographs of the body of a youth who had a nail bomb protruding from his trouser's pocket, another photograph of three further nail bombs which the deceased had in his possession"*.

¹ JS10.16

136.7 In his oral evidence to the Widgery Inquiry, Constable Simpson said that he had taken five photographs, giving the same description as that in his short statement.¹ He told Lord Widgery that those photographs were the five put before that Inquiry.² He also told Lord Widgery that he did not touch the body.³

¹ WT8.80

³ WT8.81

² WT8.81

136.8 Constable Simpson gave written evidence to this Inquiry¹ but his statement added nothing material to the evidence that he gave at the time. He denied that he knew about, or had played any part in, planting nail bombs on Gerald Donaghey.²

¹ JS10.10

² JS10.13

136.9 We should note at this point that it was submitted that the fact that Constable Simpson only took a photograph of one nail bomb on Gerald Donaghey's body amounted to a piece of powerful circumstantial evidence in support of the proposition that the nail bombs were planted.¹

¹ FS1.2532-3

136.10 We are not persuaded by this submission. It necessarily assumes that the other nail bombs were visible and could have been photographed; and that the photographs would or might have revealed that the bombs had been planted. As to the first assumption, the other bombs were not visible until after they were discovered by Captain 127, whereas the photograph Constable Simpson took was of the bomb as it was before it was moved by Captain 127. It is not clear what purpose would have been served by photographing the other bombs on the body after they had been moved and made visible by Captain 127 but before they were taken from the body. As to the second assumption, this necessarily implies that Constable Simpson refrained from taking further photographs for some sinister reason. We have found no evidence to suggest that this was the case, nor was it suggested to Captain 127 that he saw anything when he discovered and moved the bombs to suggest that they had been planted.

Warrant Officer Class I Wood

136.11 Warrant Officer Class I Wood gave written and oral evidence to this Inquiry.¹ He told us that at the time of Bloody Sunday he was the Regimental Sergeant Major of 178 Provost Company, whose members belonged to the Special Investigation Branch (SIB) of the Royal Military Police (RMP). He recalled learning that there was a dead body with nail bombs in its pockets at the Bridge Camp, and going to that location.² The ATO arrived at about the same time. Warrant Officer Class I Wood agreed that he might well have seen a nail bomb sticking out of a pocket of the body and told the ATO this when the latter arrived.³ He also told us that as soon as the ATO arrived, he left him to do the necessary checks, as it was the ATO's responsibility.⁴

¹ CW1.1; Day 383/86-188

³ Day 383/104-105

² CW1.6

⁴ Day 383/103

136.12 Warrant Officer Class I Wood had no recollection of the ATO moving the car with the body in it.¹ He agreed that his recollection of the ATO blowing open the car doors with explosive could be a memory from another occasion, as it clearly was.² He also had no memory of a police photographer taking photographs.³ In his written evidence to this Inquiry, Warrant Officer Class I Wood told us that he had taken Polaroid photographs *"when the bombs were in the top pockets of his jacket. I do not think that I took any photos of the bombs in the bottom pockets as there was nothing to see."*⁴ However, in his oral evidence Warrant Officer Class I Wood said that he recalled that he took some Polaroid photographs of *"the exit bits,"*⁵ yes, *not of the body or the car"*⁶ and that he photographed the nail bombs after putting them on the bonnet of the car.⁷ He said that he had given these photographs to the ATO.⁸

¹ Day 383/108

⁵ This must be an error for "exhibits".

² Day 383/109

⁶ Day 383/110

³ Day 383/110

⁷ Day 383/119

⁴ CW1.7

⁸ Day 383/119-120

136.13 We are sure that there were no nail bombs in the top pockets of Gerald Donaghey's jacket, as Warrant Officer Class I Wood originally recalled. Warrant Officer Class I Wood acknowledged in his written statement¹ that his ability to remember details had declined due to the passage of time and he readily agreed in his oral evidence that with the passage of time he could be wrong about the position of the nail bombs.² In the circumstances it is difficult to place much reliance on Warrant Officer Class I Wood's recollections of what he saw and did when he went to the Bridge Camp.

¹ CW1.10

² Day 383/118

136.14 It is possible that Warrant Officer Class I Wood did take some photographs, as Captain 127, in his first RMP statement,¹ recorded that “*All stages of the operation were photographed by SIB and RUC photographers*”. If Warrant Officer Class I Wood did take photographs we do not know what became of them. It seems to us that the most likely explanation is that any photographs taken by Warrant Officer Class I Wood were discarded as being of no use. It is not clear whether it is suggested that there was any sinister reason for the non-production of these photographs.² No such suggestion was made either to Warrant Officer Class I Wood or to Captain 127, and we have found no evidence to support it.

¹ [B1783](#)

² [FS1.2574](#)

Chapter 137: Other witnesses

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John Chartres

137.1 John Chartres, a staff reporter of the *Times*, gave written and oral evidence to the Widgery Inquiry.¹ He said that he met Captain Conder, the public relations officer of 1 R ANGLIAN, at the Bridge Camp, who told him that there was a body in a car and invited him to look at it as an independent eyewitness.² He examined the body and saw a nail bomb projecting from the jacket pocket of the corpse, after which he saw the car being driven away by a bomb disposal officer.³

¹ [M14.1](#); [WT3.70-76](#)

³ [M14.2](#); [WT3.72](#)

² [WT3.73](#)

137.2 In view of the evidence that we have discussed above, it seems to us that John Chartres’s evidence of seeing a nail bomb in the jacket pocket was in error and that the bomb that he saw was in the right trouser pocket. John Chartres is dead and gave no evidence to this Inquiry.

Captain Conder

137.3 Captain Conder gave no evidence in 1972 but did give written and oral evidence to this Inquiry.¹ In this evidence he told us that he had a recollection of a car coming to a halt at a roadblock on Craigavon Bridge, of the driver running away, and of seeing a man slumped on the back seat of the car, with his feet in the footwell behind the driver’s seat,

wearing a dark suit with two nail bombs in the lower jacket pockets.² In our view his recollections are clearly faulty and, apart from the fact that he did remember inviting John Chartres to see the body with the nail bombs as “*an independent witness*”,³ we found his evidence to be of no assistance.

¹ CC1.1-19; Day 313/84-162

³ CC1.5

² CC1.3-5; Day 313/99-120

Captain INQ 1924

137.4 Captain INQ 1924 gave written and oral evidence to this Inquiry.¹ He told us that on Bloody Sunday he was the Adjutant and Operations Officer of 1 R ANGLIAN stationed at the Bridge Camp in the battalion command vehicle. He recalled seeing vehicles with bodies in the back about 25 yards away from him.² “*There were a number of vehicles and one of the cars was side on to me at an oblique angle, almost parallel to my vehicle. The doors were open and I could see a teenage boy lying on his left side, with his head behind the passenger seat and his arms outstretched. He did not move so I assumed he was dead. I recall nothing in particular about him other than he was young. I believe he was wearing jeans, but what I remember best is that he had a small light coloured object sticking out of his right trouser pocket.*”³ He said that it was quite likely that the cars had been at the Bridge Camp for a few minutes before he noticed them.⁴

¹ C1924.1; Day 380/118-135

³ C1924.5

² C1924.4-5; Day 380/121-124

⁴ Day 380/123

137.5 Captain INQ 1924 told us that he recalled a woman police officer going up to the car and standing near it, obscuring his view of the body. He said that when she left and he could see the body again, the nail bomb had gone and he assumed that she had removed it.¹ He also said that he recalled that while he was in the command vehicle the Medical Officer asked him what he should do, and that he told him to go and see whether he could provide medical assistance to the bodies he had seen in the cars.²

¹ Day 380/127

² C1924.5; Day 380/130

137.6 We have no reason to doubt that Captain INQ 1924 was at the Bridge Camp that afternoon, but in our view it would be unwise to rely upon his recollections so long after the event, unsupported as they are by any statements or notes made at the time. For example, his recollection of a body with the head on the passenger side of the vehicle is to our minds clearly a false memory.

Lieutenant INQ 2107

137.7 Lieutenant INQ 2107, an officer of 22 Lt AD Regt who was stationed on Craigavon Bridge, stated to this Inquiry that he became aware that a dead body had been driven to the Bridge Camp and that, out of curiosity, he went there to look. As he walked across the car park he saw two male RUC officers, one of whom asked him whether he could recognise nail bombs. Lieutenant INQ 2107 replied that he could, and he and the RUC officers went to a parked car.¹ There were no other people around the car, and Lieutenant INQ 2107 looked into the vehicle and saw a body lying on the back seat. The body was wearing a casual jacket that did not match the trousers and Lieutenant INQ 2107 recalled seeing a cylindrical object in one of his jacket pockets, which had tape (possibly black) wrapped around it. Lieutenant INQ 2107 recognised this object as a nail bomb, and informed the RUC officer accordingly. He was thanked, and he then returned to the bridge. He did not call an ATO as he had the impression that the matter was already being dealt with.² Lieutenant INQ 2107 believed that the RUC officers knew about the presence of this object before they went to the car, and were looking for confirmation of their suspicions that the device was a nail bomb.³ Lieutenant INQ 2107 kept a diary in which he recorded that after he had been told about the dead body, he:⁴

“... went down to see, there was the car, complete with blanket-covered corpse on the back seat. It still had a nail bomb in its pocket, which the A.T.O. later removed and blew up, startling us all ...”

¹ C2107.4-5; Day 371/27-29

³ Day 371/29-31

² C2107.5; Day 371/29

⁴ C2107.13

137.8 When asked why this entry contained no details about being asked to identify the nail bomb, Lieutenant INQ 2107 surmised that he was trying to record the events of the day as briefly as possible at the end of a long, tiring day.¹ Lieutenant INQ 2107 told this Inquiry that he no longer recalled that the corpse was covered in a blanket.²

¹ Day 371/32

² C2107.5

137.9 In view of his diary entry it is likely that Lieutenant INQ 2107 did see the body of Gerald Donaghey in the back of the car. It is possible that he did confirm to RUC officers that there was a nail bomb, though his descriptions of the clothes and of seeing a nail bomb in one of the jacket pockets are in our view false memories.

Chief Superintendent Frank Lagan

137.10 Chief Superintendent Frank Lagan told this Inquiry in his written statement that he remembered somebody from the RUC telling him on the evening of Bloody Sunday that there was a rumour going round that nail bombs had been planted on Gerald Donaghey,¹ but the other police officers do not mention the existence of such a rumour. Clearly, by the time of the Widgery Inquiry the question as to whether the nail bombs had been planted was a live issue, but to our minds even if a rumour to this effect had started as early as the evening of Bloody Sunday, it does not assist us in determining whether or not the nail bombs were planted.

¹ [JL1.19-20](#)

David Mills

137.11 The former BBC television producer David Mills told us that he gained the impression from conversations that took place in 1972 with Colonel Overbury and Colin Wallace¹ that these two believed that the nail bombs had been planted, though neither had ever said so in terms.² However, both Colonel Overbury and Colin Wallace denied that they had ever either explicitly or tacitly accepted that the bombs had been planted.³ We accept their evidence on this point.

¹ Colonel Overbury held the post of Assistant Director Army Legal Services at the Ministry of Defence and was a member of the Army Tribunal Team during the Widgery Inquiry ([CO1.1](#)). Colin Wallace was a member of the public relations and information policy units at Headquarters Northern Ireland who was seconded to the Army Tribunal

Team during the Widgery Inquiry ([KW2.1-2.2](#); [Day 235/136-139](#)).

² [Day 235/26-95](#)

³ [Day 243/64](#); [Day 236/128-129](#)

Chapter 138: Scientific evidence

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Constable John Montgomery	138.18

Examination of the bombs and Gerald Donaghey's clothing

138.1 Gerald Donaghey's clothing was sent to the Department of Industrial and Forensic Science (DIFS) for examination on 2nd February 1972.¹ DIFS also received some of the components of the four nail bombs; as is discussed below, the explosive cores and detonators had been removed and were not sent for testing with the rest of the material. Alan Hall, who was in 1972 a Senior Scientific Officer at DIFS, gave a physical description of the parts of the bombs that he saw in a report that was primarily concerned with the presence of explosive residues on Gerald Donaghey's clothing.² The Inquiry also has a more detailed description from handwritten notes that were probably made by one of Alan Hall's assistants.³ These sources provide the following information.

¹ [D336](#)

³ [D350-351](#); [D624](#); [Day 224/104-105](#)

² [D336-337](#)

138.2 The nail bomb from the left trouser pocket consisted of black adhesive tape wrapped around 37 4-inch round wire nails, which weighed 1lb 1oz. The nails had two different headstamps. The bomb measured about 4½ inches with a diameter of 2 inches. On the inside of the tape there were a few small pieces of explosive residue. Alan Hall's assistant noted that the bomb seemed to have been "*made and left lying around for a few weeks because the nails are corroded and this has stuck to the inside of the tape*".¹

¹ [D350](#); [D336](#)

138.3 The nail bomb from the right trouser pocket contained 30 4-inch round wire nails, which weighed about 14oz. They all had the same headstamp and were similar, but not identical, to the ones used in the other bomb taken from the trousers. The nails were wrapped in black adhesive cloth tape, which again had a few small pieces of explosive

stuck on the inside surface. The outer casing of the bomb consisted of white or cream masking tape, wrapped several layers thick, which was heavily soiled on the outside. The bomb measured about 4½ inches, and had a diameter of 1¾ inches.¹

¹ D350; D336-337

- 138.4** The nail bomb from the right jacket pocket was similar to that taken from the left trouser pocket. It contained 47 4-inch round wire nails weighing 1lb 5oz; from the headstamps it appeared that the nails came from the same batch as those in the device taken from the right trouser pocket. Black adhesive tape was wrapped around the nails, and the bomb was 4½ inches long with a diameter of 2 inches. Some tobacco particles, apparently picked up from the pocket, were found on the outside surface of the tape.¹

¹ D351; D336-337

- 138.5** The nail bomb from the left jacket pocket consisted of 64 4-inch round wire nails, and weighed 1lb 14oz. The headstamps of the nails were the same, but did not match those of the other bombs. Black adhesive tape and two small pieces of clear Sellotape were wrapped around the nails, and the device measured 4½ inches with a diameter of 2 inches. Particles of tobacco, apparently picked up from the pocket, were again found on the outside of the tape.¹

¹ D351; D336-337

- 138.6** In his RMP statement, Captain 127 recorded that each nail bomb had contained approximately ¼lb of explosive.¹ It follows that before they were dismantled, the nail bombs would have weighed about 1lb 2oz (in the case of the cream-coloured device from the right trouser pocket), about 1lb 5oz (left trouser pocket), about 1lb 8oz (right jacket pocket) and about 2lb 2oz (left jacket pocket).

¹ B1783

- 138.7** Alan Hall tested Gerald Donaghey's clothing for the presence of explosive residues; his report noted that DIFS had not received any hand swabs.¹ He found that only one of Gerald Donaghey's pockets (the right side pocket of the jacket) contained traces of explosive residues, of "*a nitrate ester consistent with nitroglycerine*".² He described the parts of the nail bombs that he had received as "*consistent with the frequently encountered 'nail bombs'*".³

¹ D337

³ D336-337

² D336

138.8 Gerald Donaghey's clothing and the nails and tape from the four bombs found in his pockets were received at DIFS on 2nd February 1972.¹ Alan Hall told this Inquiry that it might have taken three or four days or longer to examine all the items of clothing that related to the casualties on Bloody Sunday that had been sent to his department.²

¹ [D336](#)

² [Day 224/99](#)

138.9 In a "Continuation" report dated 9th March 1972¹ Alan Hall observed that:

"Since the 'nail bombs' items 12, 13, 14 and 15 were totally enclosed by tape the detection of explosive residues in the pockets from which they were taken depends on the evaporation of the more volatile constituents of the explosive charge and their absorption by the surface of the pocket. Such residues are small in quantity and are not normally detectable after a period of two days has elapsed since contact.

In my view the absence of explosive residues in the pockets of the clothing of this deceased is not inconsistent with the pockets having contained the bombs since a period of three days had elapsed before the clothing was submitted for examination. The pocket of the jacket item 1 which bore traces of explosive residue had in my opinion sustained a slight spillage of explosive resulting in a more persistent residue."

¹ [D338](#)

138.10 In his evidence to this Inquiry, Alan Hall accepted that there was a direct correlation between the length of time that a nail bomb was left in a pocket and the probability that the nail bomb would lead to contamination of the pocket by explosive residues. However, given that he might not have tested Gerald Donaghey's clothes until "*two or three days*" after 2nd February 1972, he did not think that anything could be deduced about the length of time that a nail bomb might have been in Gerald Donaghey's pockets.¹

¹ [Day 224/102-103](#)

138.11 Dr John Lloyd, one of the experts retained by this Inquiry, told us that Quarrex was less likely to transfer traces of nitro-glycerine to clothing than Gelamex because of its lower nitro-glycerine content.¹

¹ [E18.5.3](#)

138.12 In his report on Gerald Donaghey,¹ Alan Hall recorded 15 items, consisting of various pieces of clothing and the nails and tape from the four nail bombs that he had received from a scenes of crime officer, Constable Hugh McCormac. This officer had recorded, in a statement made at the time, that he had received these items from Constable John Montgomery, whose evidence we consider below.²

¹ [D336](#)

² [D714](#)

138.13 There is no reference in this list to the explosive cores of the nail bombs or any samples of that explosive. Alan Hall, in his written statement to this Inquiry, commented that in normal circumstances he would have expected samples of the explosive cores of the nail bombs to be sent to DIFS, for the purpose of trying to identify its source or origin; and he did not know why this had not been done on this occasion.¹ In his oral evidence to this Inquiry, Alan Hall appeared to agree that it was very unusual not to receive explosive samples.²

¹ [D624](#)

² [Day 224/125](#)

138.14 As noted above, in his report dated 3rd February 1972 Detective Sergeant Eugene McTeggart recorded that Captain 127 “*found a total of four nail bombs in the deceased’s pockets, these were defused and I retained the remainder of each bomb and later handed them to Constable J. Montgomery, Scenes of Crime Officer*”.¹

¹ [JM41.7-8](#)

138.15 In his evidence to this Inquiry, Detective Sergeant McTeggart recalled that the ATO (Captain 127) had defused the nail bombs and removed the explosives, and then handed him the masking tape and nails in separate, clear plastic bags. Detective Sergeant McTeggart said that he then passed these on to Constable Montgomery. He also told us that he was never in possession of any part of the explosives or the detonators.¹ He also said that he was not sure whether the explosive would normally go to “forensics” for testing,² but later agreed that it would be good practice for detonators and explosives to be forensically tested “*as everything like that is of evidential value*”.³

¹ [Day 223/104-105](#); [Day 223/128](#); [Day 223/147](#)

³ [Day 223/129](#)

² [Day 223/107](#)

138.16 Detective Sergeant McTeggart said that he did not know why the ATO did not give the items directly to Constable Montgomery¹ though it seems to us that this might well be because the latter only arrived after the ATO had left. Captain 127 told us that he was used to working with Constable Montgomery but had no recollection of seeing him on Bloody Sunday.²

¹ JM41.3; Day 223/103-106

² B1798.004; Day 380/192-194

138.17 Detective Sergeant McTeggart's evidence is consistent with the evidence of the ATO, Captain 127, who had had recorded in his RMP statement¹ that he removed the explosive components and handed over the remaining items to Detective Sergeant "*McTaggart*", which in our view was a reference to Detective Sergeant McTeggart.

¹ B1783

Constable John Montgomery

138.18 Constable Montgomery was a scenes of crime officer attached to Victoria RUC Station in Londonderry. He made a statement at the time¹ which is undated but which he probably prepared in early February 1972.²

¹ D713

² Day 225/14-15

138.19 In this statement Constable Montgomery described being detailed to go to the Foyle Road command post at the underdeck of Craigavon Bridge at approximately 6.30pm on 30th January 1972. He described seeing the body of a youth in the rear seat of a Ford Cortina car. He also stated that Detective Sergeant McTeggart told him that four nail bombs had been removed from the clothing of Gerald Donaghey and that "*he handed these to me*". In this statement Constable Montgomery identified these as exhibits 12–15. Constable Montgomery continued by describing how he had accompanied the body to Altnagelvin Hospital in an ambulance and how on the following day he was handed other items from the body of Gerald Donaghey, which he listed as exhibits 1–11. Constable Montgomery stated that all the exhibits were labelled and packeted and handed to Constable McCormac to be forwarded to the DIFS laboratory.

138.20 Although in this statement Constable Montgomery referred to receiving "*nail bombs*", items 12–15 of the list of exhibits contained in a DIFS form signed by Constable McCormac¹ referred in each case only to "*nails of bomb*", identifying the pockets from which they came. It is clear from this list, and indeed from the evidence of Alan Hall, Captain 127 and Detective Sergeant McTeggart, that only the nails and the tape used to make the bombs were handed to the RUC and sent to DIFS. We are satisfied that

Captain 127 retained all the explosive elements. Under the heading “*Forensic Evidence*” in the EOD report to which we have referred above, it was recorded “*Available if required*”² which indicates to us that, for a time at least, these items were retained. In his written evidence to this Inquiry, Captain 127 recalled that explosives would be taken back to a store and later burned or detonated if not required.³

¹ D330

³ B1798.4

² B1798.026

138.21 In his written statement to this Inquiry,¹ Constable Montgomery told us that he recalled being given a piece of the explosive in a plastic bag, “*presumably for tests*”. However, in his oral evidence to this Inquiry he said that he was not sure about this, and that had he been given a piece of the explosive, he would have put it in a plastic bag, labelled it as to its origin and taken it to the forensic science laboratory for tests.² We formed the strong impression that Constable Montgomery now had little clear recollection of events; and we are satisfied from the evidence dating from 1972 to which we have referred that this officer was not given any of the explosive, but instead only the nails and tape which Alan Hall then examined at DIFS. It should be noted, however, that in his oral evidence Constable Montgomery said that normally he would have been given samples of the explosives.³

¹ D721

³ Day 225/8-9

² Day 225/8-9

Chapter 139: The explosives

139.1 It was submitted to us by those acting on behalf of the family of Gerald Donaghey that “*The fact that no explosive sample was forwarded to the Northern Ireland Forensic Science Department to enable the source of the explosives to be determined*” was one piece of “*powerful circumstantial evidence*” that the nail bombs had been planted on Gerald Donaghey.¹

¹ [FS1.2532-2533](#)

139.2 We do not accept this submission for a number of reasons.

139.3 In the first place, Captain 127 told us, and we accept, that he was not surprised that no explosive sample had reached DIFS, “*because if I had not been asked to provide some of that explosive, I would not have done so*”.¹ Captain 127 also told us that he would normally have handed over a “*minute amount*” of the explosive core to the scenes of crime officers (SOCOs) had they been present.² We are satisfied that there was no SOCO present when Captain 127 dismantled the bombs. It seems likely from the Explosive Ordnance Disposal (EOD) report of HQNI that the explosive elements were kept available for scientific testing, at least for a time.³

¹ [Day 380/194](#)

³ [B1798.026](#)

² [Day 380/192-194](#)

139.4 In the second place, we accept the evidence of Peter Gurney, an expert on nail bombs engaged by the Inquiry, that, contrary to the view expressed by Alan Hall who in 1972 was a Senior Scientific Officer at DIFS, it was not normal practice to submit explosive samples from every recovered explosive device: “*... in my view, it was by no means exceptional not to forward explosive for forensic analysis*.”¹ Peter Gurney’s views were based on his own Army experience of procedures in Northern Ireland in the early 1970s and on an examination of EOD reports on 101 unexploded nail bombs dealt with in Northern Ireland between 28th September 1971 and 7th April 1972. His job as an Ammunition Technician involved, among other things, bomb disposal in Northern Ireland, for which he was awarded the George Medal.

¹ [E18.8.1-22](#)

- 139.5 In the third place, the submission under consideration assumes that it would have been possible from an examination of the explosives to discover whether they had come from paramilitary or security force sources, or at least that one or more of those whose job it was to decide whether the explosives should be examined resolved that they should not do so because they thought that the source might thereby be traced to the security forces. There was no evidence to support either of these assumptions.
- 139.6 In the fourth place, an 8th Infantry Brigade intelligence summary dated 2nd February 1972 noted the lack of explosive attacks in the preceding week, and drew the following conclusion:¹

“Comment. Lack of such attacks by the IRA Brady may be due to a shortage of explosives and/or detonators. This is supported by the fact that three of the four nail bombs, found on a dead body after shooting on 30 Jan, were made with quarex [sic], which is not common here and not an efficient type of explosive for such a purpose.”

¹ [G108.654](#)

- 139.7 “*IRA Brady*” was a reference to the Provisional IRA.
- 139.8 We have no reason to doubt the accuracy of the intelligence summary in identifying three of the four nail bombs as containing an explosive called Quarrex, though we have no specific evidence to indicate how this information reached those who compiled this report. The explosive used in the other bomb was called Gelamex, as can be seen from the wrapping shown in one of the photographs.



139.9 The intelligence summary described Quarrex as “*not common here*” and not an efficient type of explosive for nail bombs. Dr John Lloyd (one of the experts retained by this Inquiry) and Peter Gurney agreed that Gelamex would have been more effective.¹ Alan Hall told us that in the early 1970s Gelamex was the explosive “*most commonly*” used in such devices and that Quarrex was “*not the common terrorist explosive of the time*”, although it was used “*from time to time*”.²

2 Day 224/114; Day 224/127

139.10 Peter Gurney's analysis of EOD reports between September 1971 and April 1972 shows that the reports covered 101 nail bombs made safe during the period, of which five were specifically described as having contained Gelamex, two Quarrex and one both Gelamex and Quarrex. The descriptions of 24 bombs were non-specific or referred to other explosive, and the explosive fillings of 69 bombs were not described. Peter Gurney expressed the view that it appeared from the EOD reports that the type of explosive used was not crucial and that bomb-makers used whatever explosive was available. He pointed out that the EOD reports dealt mainly with bombs that did not explode and so only covered a small percentage of all the bombs that were thrown in the 8th Infantry Brigade area during the period.¹

1 E18.8.6

139.11 Both Gelamex and Quarrex were manufactured by two companies, Explosives & Chemical Products Ltd and Irish Industrial Explosives Ltd. Both explosives were used in quarrying and similar work.¹ The fact that the explosives were identified as Gelamex and Quarrex in our view probably provides the explanation for why they were not examined.

1 E18.5.1-15

139.12 In his written evidence to this Inquiry, PIRA 24 (the Officer Commanding the Derry Brigade of the Provisional IRA on Bloody Sunday) said that he did not recognise the brand name Gelamex and could not remember the name of the commercial explosive that the Provisional IRA used in nail bombs in 1972.¹ In his oral evidence to this Inquiry he said that he thought that the last time the Provisional IRA had used Quarrex was about a month after internment, in other words in about September 1971, and that “*We could not have kept it good or in a safe condition until Bloody Sunday*”.² We formed the view that PIRA 24 did not really have any clear recollection of the type of explosive used by the Provisional IRA at the time in question.

2 Day 427/109-110

- 139.13** In the light of the evidence we have set out above, we are of the view that the fact that three of the nail bombs contained Quarrex and only one Gelamex does not throw any light on the question as to whether the nail bombs were planted on Gerald Donaghey. We are also of the view that, since the explosives had been identified at an early stage as Quarrex and Gelamex, there was little, if any, point in submitting them to DIFS for further analysis.

Chapter 140: The features of the nail bombs

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140.1 Apart from considering the explosive cores of the nail bombs, we looked at whether the way they had been constructed helped in forming an opinion on whether or not they had been planted.

Sean Keenan Junior

140.2 Sean Keenan Junior told us in his written statement that he was the Explosives Officer for the Derry Brigade of the Provisional IRA at the time of Bloody Sunday.¹ He was too unwell to give oral evidence. He gave a description of how nail bombs were made:²

“You make a nail bomb by using either full or half sticks of gelignite depending on how powerful you want it to be. You tape the sticks together and then tape nails onto the sticks of gelignite. Alternatively you wrap the gelignite in rough cardboard and tape the nails to that. Then you use a pencil to push a hole into the gelignite into which you put the detonator and the fuse ... I did not use a can to hold the bomb together. I used tape to bind it all together. Sometimes matches were taped to the fuse ...”

¹ [AK46.1-17](#)

² [AK46.7](#)

140.3 This description is similar to what Peter Gurney described as the Pattern 2 type of nail bomb, while Pattern 1 utilised a food or drink can into which the explosive and nails would be packed. For a Pattern 1 bomb it was necessary for the nails to be packed nose to tail into the channels of strips of corrugated paper, which would then be wrapped around the explosive charge before the whole assembly was inserted into the food or drink can. Peter Gurney told us that Pattern 2 superseded Pattern 1 and, though both types were still used in 1972, the majority of nail bombs encountered in 1972 were of Pattern 2.¹

¹ [E18.8.4-5](#)

140.4 Sean Keenan Junior’s description appears to correspond to the nail bombs found on Gerald Donaghey, which were of the Pattern 2 kind.

140.5 However, Sean Keenan Junior commented that the nail bomb shown in one of Constable Simpson’s photographs of the object in Gerald Donaghey’s right trouser pocket was “*much bulkier than a normal nail bomb*” and, as to the white tape, that the Provisional IRA “*always used black tape*”. He did not recall the brand name Gelamex.¹

¹ [AK46.8](#)

Michael Clarke

140.6 Michael Clarke told this Inquiry that at the time of Bloody Sunday he was effectively the Explosives Officer of the Provisional IRA’s Creggan Company.¹ In response to being shown one of Constable Simpson’s photographs of the nail bomb in Gerald Donaghey’s right trouser pocket, Michael Clarke stated that he would use corrugated paper wrapped around a gelignite core when constructing nail bombs.² He stated that the fuse on the device looked too short, and that he would not have used so much tape to make a nail bomb.³

¹ [Day 402/3-9](#)

³ [AC157.9](#); [Day 402/28](#)

² [AC157.7](#); [AC157.9](#)

140.7 When shown the second of Constable Simpson's photographs of the nail bomb, Michael Clarke commented that it did not look to him as if the match head was touching the fuse, and hence it would not have assisted in igniting it. He would have used two matches, not one, and would have taped them to the fuse at an angle of 45°. ¹ However, we are not sure that the photographs do show a match. Captain 127 did not record in the accounts that he gave in 1972 that he had found any matches, and in his evidence to us stated that he was not sure that there were any. ²

¹ AC157.9; Day 402/29

² B1798.004

140.8 When shown Constable Simpson's photograph of the bag containing the four explosive cores removed from the nail bombs, Michael Clarke stated that in his own nail bombs he would have used half the amount of charge. He also stated that he did not recognise the brand name Gelamex. ¹

¹ Day 402/29-30; AC157.9

PIRA 24

140.9 PIRA 24 stated that the nail bombs shown in Constable Simpson's photographs were not typical of the Provisional IRA's design. He stated that Provisional IRA nail bombs were constructed hastily immediately before they were used and he commented that the nail bombs shown in the photographs looked *"too well prepared"*. He also stated that the Provisional IRA *"code of practice was to put one piece of tape round the nails, and that was it"*. ¹

¹ APIRA24.6

140.10 In his oral evidence PIRA 24 added that the *"whole structure of the thing does not seem right"*. ¹ When asked to expand upon this he explained that the explosive cores shown in Constable Simpson's photograph of the components of the bombs were twice as large as would have been used in Provisional IRA nail bombs. ²

¹ Day 426/60

² Day 426/64

140.11 PIRA 24 also thought that the match inserted in the top of the nail bomb would have burned down without touching the fuse. His evidence appeared to suggest that he did not believe that matches were usually taped to nail bombs to assist ignition. ¹ As we have noted above, we are not sure whether the photographs do show a match.

¹ Day 426/69-70

PIRA 17

- 140.12** PIRA 17, who told us that he was the Quartermaster of the Derry Brigade of the Provisional IRA at the time of Bloody Sunday,¹ stated to this Inquiry that the bombs in Constable Simpson's photographs looked "*completely and utterly different to what I have seen in the past*".² He commented that, in his experience, only black tape was used to make bombs.³ However, during his oral evidence he told the Tribunal that at the time of Bloody Sunday he was not involved in constructing nail bombs.⁴

¹ [APIRA17.1](#)

³ [APIRA17.11](#)

² [APIRA17.11](#)

⁴ [Day 404/41-43](#)

Martin McGuinness

- 140.13** Martin McGuinness, the Adjutant of the Derry Brigade of the Provisional IRA at the time of Bloody Sunday, was not asked many questions about the construction of nail bombs. However, he did state that it was most "*effective*" to "*cover the gelignite with six-inch nails and not with a can*".¹ His opinion in this regard was supported by the former Provisional IRA volunteers Eddie Dobbins,² PIRA 19³ and PIRA 24; the last told this Inquiry that he believed that the use of cans as containers for nail bombs had been abandoned by January 1972.⁴

¹ [Day 391/53-54](#)

³ [Day 416/161](#)

² [AD195.8](#)

⁴ [Day 426/68-69](#)

Gerard Doherty

- 140.14** The former Provisional IRA volunteer Gerard Doherty stated that, in his experience, cans were never used by the Provisional IRA to make nail bombs. Instead, a gelignite core was surrounded by corrugated cardboard and nails, which were then taped in place. However, Gerard Doherty added: "*Different people used to make nail bombs in different ways. In the end, it came down to the engineer.*"¹

¹ [AD65.23-65.24](#)

OIRA 7

140.15 So far as the Official IRA is concerned, OIRA 7 gave this account of the construction of nail bombs:¹

“I have been asked about explosives. I only ever saw one real grenade way back in 1970. Nail bombs were made using gelignite sticks, these contained nitro-glycerine which was an unstable substance, with most of these explosives would I suppose have been stolen from quarries. I remember four inch sticks of commercial gelignite. A nail bomb was a simple affair with nails and gelignite taped together put into lemonade or other cans, even glass jars. It was not a commodity however that you could leave lying around in a prepared state. The stuff wept all over the floor. I don’t remember anybody making up nail bombs in the days before Bloody Sunday. The nitro-glycerine is a very volatile substance and you would want to make these up outside. I have no memory of raw gelignite. I do remember some of it had to be burnt to get rid of it because it was so volatile.”

¹ [AOIRA7.19](#)

Captain 127

140.16 As noted above, Captain 127, the ATO, told the Widgery Inquiry that the use of white tape to bind one of the nail bombs was unusual and that he had not come across this before in the 18 weeks that he had been in the area.¹ However, as also noted above, in his evidence to us he refused to accept that this made that bomb unique, because he did not know what other ATOs had recovered.²

¹ [WT9.55-56](#)

² [Day 380/181](#)

Captain INQ 2584

140.17 Captain INQ 2584, who was Captain 127’s reserve ATO,¹ stated to this Inquiry that Constable Simpson’s photographs of the nail bomb in Gerald Donaghey’s right trouser pocket showed what he thought was a “*dangerous situation*”. In his opinion the fuse of the nail bomb was too short, and Gerald Donaghey’s belt buckle could have caused enough friction to ignite the match.² Captain INQ 2584 based his comment solely on the photographs that he was shown when preparing his written statement. He was not present at the Bridge Camp or the car park on the northern side of the Craigavon Bridge, and he did not recall Captain 127 commenting on the size of the fuse.³ It is worth noting,

however, that this ATO stated that nail bombs were easy to make; could be made in a few minutes; and could quite safely be put into a pocket, though he did not “*professionally consider this to be a safe practice*”.⁴

¹ C2584.4

³ C2584.5

² C2584.7

⁴ C2584.3

Inspector Harry Dickson

140.18 Inspector Dickson initially stated when preparing his written statement to this Inquiry that when he was shown the nail bombs by the ATO he was struck by how well made they were.¹ The Inspector subsequently expressed his unhappiness with the evidence that he had recorded in this paragraph, and he expressed doubt as to whether or not he actually saw the nail bombs before they were dismantled.² During further questioning, Inspector Dickson accepted that his recollection at the time that he gave his statement was that the bombs were more neatly put together than any others that he had seen.³ However, he qualified this statement by pointing out that most of the nail bombs of which he had experience “*would have been thrown over the wall in the police station, or they would have been found on the streets after riots, they would have been maybe walked on or bruised*”.⁴ As we have previously recorded, we accept that the reason Inspector Dickson removed the paragraphs in question was that, on reflection, he was not certain about what he had stated.⁵

¹ JD3.8

⁴ Day 212/79

² Day 212/47-49

⁵ Day 212/69-82

³ Day 212/77-78

Detective Sergeant Eugene McTeggart

140.19 Detective Sergeant McTeggart, in his written statement for the Widgery Inquiry, made this comment about the one nail bomb that he had seen on Gerald Donaghey:¹

“I have seen a good many types of nail bomb before and I have seen several made with adhesive tape. The only difference was that this object was covered with masking tape of the kind used when one sprays a vehicle.”

¹ JM41.10

140.20 We are not persuaded that this observation assists in deciding whether or not the nail bombs were planted.

The size of the nail bombs

140.21 As to the size of the bombs, Peter Gurney pointed out in his report:¹

“The size of nail bombs used in the early 1970’s varied but the first bombs to be seen were, generally, cylindrical in shape, approximately 150mm in length and approximately 70mm in diameter. Later bombs tended to be smaller and the most commonly seen were approximately 110mm in length and 50mm to 70mm in diameter.”

¹ [E18.8.2](#)

140.22 The only photographs showing any of the four bombs found in Gerald Donaghey’s pockets in an intact state are those showing the top of one of the bombs protruding from his right trouser pocket, from which it is difficult to gauge the dimensions and other details of its construction. As already noted, Captain 127 told the Widgery Inquiry that the bombs were the size of a small cocoa tin, four or five inches long and two inches in diameter, which is broadly consistent with the size of the bombs as reconstituted by DIFS. They would accordingly have been of approximately the size described by Peter Gurney; although perhaps smaller than the Pattern 1 nail bombs put into a food or drink can, as also described by Peter Gurney and OIRA 7.¹

¹ [E18.8.4-5](#); [AOIRA7.19](#)

The amount of explosive in the nail bombs

140.23 Captain 127 estimated the amount of explosive in each bomb as approximately a quarter of a pound.¹ Peter Gurney told us that the amount normally used was between four and eight ounces.²

¹ [B1783](#)

² [E18.8.4](#)

Conclusions on the evidence relating to the features of the nail bombs

140.24 The use of white masking tape does seem to be an unusual feature of one of the bombs, but we are not persuaded that this demonstrates, or even indicates, that it could not have come from paramilitary sources. As we have already noted, Gerard Doherty told us that *“Different people used to make nail bombs in different ways. In the end it came down to the engineer.”*¹

¹ [AD65.23-24](#)

140.25 We take the same view of the other features of the nail bombs and of the evidence about the use of corrugated paper, the length of the fuse, the method of attaching the match head (if any), the type and amount of explosive and tape used, the size of the bombs, the fact that the nail bombs appeared well made, and that one appeared to have been a few weeks old. As Peter Gurney pointed out, the design of nail bombs was evolving over the period in question.¹ We were not persuaded that the witnesses who sought to suggest that one or more of the bombs could not have come from paramilitary sources had a clear enough recollection to be able to remember the precise methods of construction of nail bombs that were in use in early 1972.

¹ [E18.8.4-5](#)

Chapter 141: The bullet hole in Gerald Donaghey's left jacket pocket

141.1 Dr John Martin, the Principal Scientific Officer at the Department of Industrial and Forensic Science (DIFS) who tested the clothing of Gerald Donaghey and the other deceased for firearm discharge residue, noted during his examination of Gerald Donaghey's clothing that the bullet that fatally wounded him had passed through his lower left jacket pocket.¹ As we have already mentioned, one of the nail bombs removed by Captain 127 came from this pocket.²

¹ [D358](#)

² [D358](#); [WT9.56](#); [WT9.58](#); [WT9.62](#)

141.2 Alan Hall, Senior Scientific Officer at DIFS, told us that he could not recall seeing any damage to the parts of any of the four nail bombs that he examined that would have led him to conclude that it had been struck by a bullet; and that, as a matter of his general practice, he was "*absolutely confident*" that if a bomb had been struck he would have mentioned that fact.¹ Captain 127 told us that he could not recollect any damage to any of the nail bombs that he extracted from Gerald Donaghey's clothing.²

¹ [Day 224/108-109](#)

² [Day 380/174](#)

141.3 On the basis of this evidence, it seems reasonably certain that the bomb found in the left jacket pocket was not damaged by the bullet that passed through that pocket. The question therefore is whether this means that the bomb could not have been in the pocket when Gerald Donaghey was shot and thus must have been planted on him at a later stage. If that were the case, then although theoretically the other three bombs could have been on him when he was shot, this possibility is so remote that we consider it can safely be put on one side.

141.4 In his written evidence to this Inquiry, Alan Hall stated:¹

"47. I have been referred to the handwritten notes of Dr Martin and in particular a sketch of the blue denim jacket of G Donaghy. The notes appear to indicate that Donaghy was struck by a bullet which passed through the lower left pocket of the denim jacket. I knew at the time that this was one of the pockets from which a nail bomb was retrieved. I have been asked how it was possible for a bullet to pass through the clothing of G Donaghy in the way described in the notes of Dr Martin if a nail bomb was placed in that pocket.

48. To establish whether or not this was possible, I recall placing item 12, the nail bomb taken from the left hand jacket pocket of G Donaghy into that pocket to test whether or not a bullet could have passed by without striking the nail bomb. I concluded that this was possible, although this was not necessarily easy to do. I think I concluded that it could only have occurred if the nail bomb was placed deep into the pocket, but was not possible if the nail bomb was half out of the pocket. I think I also discussed this issue with Dr Martin at the time, although I do not remember what Dr Martin's view was at the time on this issue.

49. I was also concerned to establish that the nail bombs that were said to be in the jeans of Donaghy could in fact fit into the jeans. I therefore placed relevant nail bombs into the jeans. Once I had done this I was satisfied that the nail bombs could fit into the jeans."

¹ [D625](#)

141.5 There are difficulties with this part of Alan Hall's evidence.

141.6 In the first place, as already observed, he did not receive complete nail bombs, for the explosive cores and detonators had been removed, as his own report dated 15th February 1972 shows.¹ Alan Hall told this Inquiry that he "*suspected*" that he had used something to make up the missing bulk, but he could not specifically recall doing so.² It is possible that he did use a roll of paper, since when Captain 127 was showing the bombs to Lord Widgery, he commented that although the explosive had been removed, someone had put in a roll of paper in its place. Even so, with the detonator and safety fuse in place, Captain 127 estimated that the bombs would be about ¼ inch fatter.³

¹ [D336](#)

³ [WT9.60](#)

² [Day 224/117](#)

141.7 In the second place, in his written statement to this Inquiry, Alan Hall referred to placing "*item 12, the nail bomb taken from the left hand jacket pocket*" into that pocket. In fact, item 12 of the items sent to Alan Hall described the remains of the bomb found in Gerald Donaghey's left trouser pocket. The remains of the bomb removed from his left jacket pocket were the subject of item 15; and this bomb contained 1lb 14oz of nails, while the bomb in the left trouser pocket contained only 1lb 1oz of nails.¹ Alan Hall told this Inquiry that he was not sure how he came to identify item 12 as the bomb he used, but seemed sure that he had used the bomb that had been in the left jacket pocket.²

¹ [D350-351](#)

² [Day 224/116](#)

141.8 In the third place, Alan Hall's report dated 15th February 1972 suggests that Captain 127 had cut open the jacket pockets in order to remove the nail bombs,¹ though it should be noted that Captain 127, in his evidence to the Widgery Inquiry, only said that he had cut open the right jacket pocket and was not asked whether he had done the same with the left jacket pocket.² In his evidence to us, Alan Hall said that he also tried to see whether the bombs would fit into the jeans pockets, one of which had also been cut open, and that he would have satisfied himself that the cut would not have interfered with his assessment.³ Whether or not he did the same with the jacket pockets, the fact is that the left jacket pocket was not in the same state as it was when Captain 127 discovered the nail bomb. However, as appears below, it seems that some attempt had been made to repair the left jacket pocket by the time Captain 127 gave oral evidence to the Widgery Inquiry, and this might have been done for the purpose of Alan Hall's experiment.

¹ D336

³ Day 224/136-137

² WT9.56-58; WT9.64

141.9 There are no notes made at the time either of the test that Alan Hall said he made with the nail bomb in the left jacket pocket, or indeed of the test that he said he made to see whether the nail bombs would fit into the jeans pockets. He told this Inquiry that the tests that he conducted were neither a necessary nor a "*formal*" part of his examination of the items supplied to DIFS, since he had been told that the bombs had been found in the pockets. He said that he merely wished to "*find out for my own purposes*", and in case this was something that might be asked of him, whether the damage to the jacket and the presence of the bomb could be reconciled.¹

¹ Day 224/131-135

141.10 Dr Martin said that he had had a conversation with Alan Hall about the question of whether the bullet could have passed through the left jacket pocket without striking the nail bomb, but could remember nothing about it save a remark that it was "*a bit odd*".¹

¹ Day 224/111

141.11 We have no reason to doubt that Alan Hall did try to see whether a nail bomb could fit into the left jacket pocket and escape damage from the bullet passing through that pocket, but, bearing in mind the difficulties that we have mentioned, we cannot accept that his evidence demonstrates that the bomb would have, or even was likely to have, escaped damage. As Dr John Lloyd pointed out, “*the precise position of the bomb in the pocket would, relative to the bullet hole, be an important point. We do not know precisely [what] the position of the bomb was.*”¹ In his report² Dr Lloyd had expressed the view that “*The bomb could have been at least damaged if not exploded by the bullet, if the bomb was present in the pocket at the time. On the evidence available, the bomb was undamaged.*” This cautiously expressed view equally does not demonstrate that the bomb would have been, or even was likely to have been, damaged by the bullet.

¹ [Day 227/52](#)

² [E1.59](#)

141.12 Captain 127 demonstrated to Lord Widgery¹ the insertion of the reconstituted nail bomb into the left jacket pocket, while acknowledging that the bomb in its original state would have been ¼ to ½ inch fatter. In order for this demonstration to have been meaningful, or even possible, it seems to us that the cut in the pocket that Captain 127 had made when he removed the bomb, which, as shown below, is illustrated in the DIFS notes,² must have been repaired, and indeed Captain 127 confirmed in relation to the other jacket pocket that there was “*white stitching*” where he had cut the pocket.

¹ [WT9.62-64](#)

² [D358](#)

04

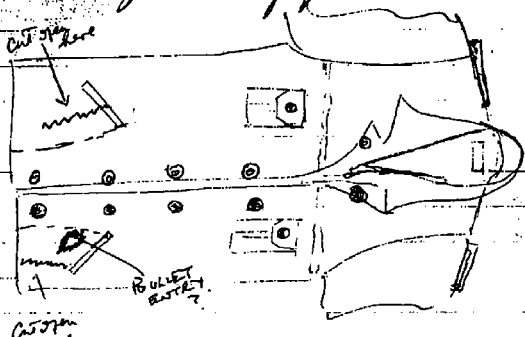
4/9/72 Shooting Incident Bogarde
 I.P. Gerald Donaghey 17yo. 27 Meina St, J.D.
 Place Bogarde
 In Charge: D/Sgt M. Teggam.
 Exhibits 1-15 rec'd 2-2-72

Examination
 1 Blue Denim jacket.

M.A.L. PORT.

under back of neck.

Stud fasteners on front, cuffs and on
 top two pockets. Lower pockets
 at 45° angle - no flaps. Handheld Tape.



Bullet Hole in front lower left pocket
 gives Pb +ve.
 Right Cuff Pb +ve 22 specks.
 Top of right sleeve just above cuff Pb +ve heavily
 contaminated 25+ specks.
 Top of lt sleeve 8" above cuff Pb +ve 10 specks.
 Lt. side frontal area outside of lower pocket Pb -ve
 Lt. side underneath arm pit off pocket Pb +ve 12 specks

D 0358

141.13 When Captain 127 inserted the bomb in the course of his demonstration to Lord Widgery, it appears that it fitted into the pocket, but in such a way that the pocket was pulled open at the top. Captain 127 agreed that with the bomb in that position the fuse would have reached up to, or beyond, what James McSparran QC (counsel for the families) called the lapel of the pocket, although in fact these pockets had no lapels.¹ That description is not specific enough in itself to assist us in determining whether a bullet that entered the pocket in the position illustrated in the DIFS notes² would necessarily have hit a nail bomb if one had been there. However, if the position of the nail bomb, as demonstrated by Captain 127 to Lord Widgery, had been such as to align it directly with the bullet hole that must still have been evident on the jacket, we would have expected James McSparran QC to have picked up such an obvious and important point.

¹ [D358](#)

² [D358](#)

141.14 In these circumstances, the fact that the bomb in the left jacket pocket was not damaged by the bullet passing through that pocket does not assist us in determining whether or not the bomb was there when Gerald Donaghey was shot.

Chapter 142: Means of igniting the nail bombs

142.1 Dr John Lloyd commented that the list of personal possessions of Gerald Donaghey given by Detective Sergeant Eugene McTeggart in his report dated 1st February 1972¹ did not include any matches, lighter or other means of ignition and that such a source of ignition would have been necessary for the use of the bombs unless some form of igniter had been fitted to the bombs, of which there was no evidence.² Peter Gurney told us in his report³ that the bomb-maker would often tape red-topped (non-safety) matches to the exposed end of the fuse so that to ignite the fuse “*the bomber would simply strike the match heads on any rough, dry surface*”. As we have observed, we are not sure that the photographs show that a match was attached to the bomb in the left trouser pocket. We do not know whether the other three bombs had matches attached to them, but, in any event, since Gerald Donaghey might simply have been carrying the nail bombs without any immediate intent to deploy them himself, the absence of matches or a lighter does not to our minds provide any indication that he could not have had them in his possession when he was shot.

¹ [ED47.3-5](#)

³ [E18.8.3](#)

² [E1.58](#)

Chapter 143: The stocking hose in Gerald Donaghey's jeans pocket

143.1 The handwritten notes of Alan Hall, Senior Scientific Officer at the Department of Industrial and Forensic Science (DIFS), of his examination of the exhibits sent to DIFS also record that “*blue stocking hose*” was found in the right-hand pocket of Gerald Donaghey's jeans.¹ No further details are recorded, and there is no mention of this in his reports.²

¹ [D349](#)

² [D336-347](#)

143.2 In his report to this Inquiry, Dr John Lloyd commented: “*No description of the hose was given, e.g. of whether it could be used as a face mask. In the absence of any further detail it is not possible to comment on the significance of the finding.*”¹

¹ [E1.58](#)

143.3 It was submitted by those acting for the RUC officers that the stocking hose was “*a most unusual thing to have found in the trouser pocket of a young man. The possibility exists that Donaghy may have had this in his pocket to use as a face mask, and if so that he may have been intent on criminal activity of some kind.*”¹

¹ [FS16.15](#)

143.4 The submission does not attempt to identify what criminal activity Gerald Donaghey might have had in mind. On the assumption that he carried the hose in order to use it as a mask, it is entirely possible that this was only to avoid him being identified if he joined in a riot; an understandable precaution in view of the fact that he had only recently come out of prison following his conviction for disorderly behaviour.¹ To our minds the possession of a face mask (if such was the purpose of the stocking hose) provides no assistance on the question of whether he had nail bombs in his pockets when he was shot.

¹ [ED47.33](#)

Chapter 144: Other alleged indications that the nail bombs had been planted

- 144.1** In their submissions, the legal representatives of Gerald Donaghey's family list eight pieces of what they describe as powerful circumstantial evidence in support of the proposition that the nail bombs were planted.¹
- ¹ [FS1.2532](#)
- 144.2** Among these were the composition and construction of the nail bombs, the failure to send samples of the explosives to DIFS, the failure to question Raymond Rogan and Hugh Leo Young about nail bombs and the failure to photograph more than one nail bomb on Gerald Donaghey's body. We have already considered these points and, for the reasons that we have given, are not persuaded that they provide evidence that the nail bombs were planted. As to the remainder, our views are as follows.
- 144.3** In the first place, it was suggested that the evidence regarding the "*discovery*" of a nail bomb was bizarre, contradictory and unreliable.¹
- ¹ [FS1.2532](#)
- 144.4** We have set out and considered this evidence earlier in this part of the report. We would not ourselves describe the evidence as "*bizarre*" and to categorise it as unreliable comes close to assuming what is sought to be proved. However, as will have been observed, there are undoubtedly inconsistencies and contradictions.
- 144.5** If there had been a conspiracy between a number of police officers to plant nail bombs on Gerald Donaghey, it might be expected that they would have made better efforts to ensure that their accounts tallied. However, it is not always the case that conspirators intend to produce consistent accounts or succeed in doing so.
- 144.6** If a lone individual planted the bombs, then it could be said that inconsistencies and contradictions in the evidence of others are neither here nor there. However, this takes no account of the possibility that one or more of those not directly involved learned or suspected that one of their colleagues had planted the nail bombs and that the inconsistencies and contradictions in their evidence were the product of attempts to cover up what they knew or suspected. In addition, such an argument assumes that the only suspect has been identified, for otherwise the inconsistencies or contradictions might assist in identifying the culprit.

144.7 In our view the question is whether the nature of the inconsistencies and contradictions is such as to indicate that the witnesses concerned either took part in the bomb planting, or knew or suspected from an early stage that one or more of their colleagues had done so.

144.8 We are not persuaded that this is the case. As we have pointed out when considering the evidence, some at least of the apparent inconsistencies and contradictions might well have a simple and innocent explanation, while to our minds the others are, at worst, no more likely to be evidence of a conspiracy or cover-up than a failure properly to recall events. We return to this point below.

144.9 In the second place, reliance was placed on “*The fact that the police and/or army had motive, opportunity and access to the relevant materials to enable them to plant nail bombs*”.¹

¹ [FS1.2532](#)

144.10 So far as motive is concerned, the submission was:¹

“There can be no doubt that the security forces had a powerful motivation for planting nail bombs on the body of Gerard Donaghey who had been murdered by the army. We know that the army case at the time was that all those who were shot and wounded were either gunmen or bombers and being able to point to at least one of the deceased being in possession of a nail bomb would help to support their false case. At the very least it would provide convenient propaganda – see, for example, statement of the Irish Government at [U325 paragraph 260 to 261](#) and Inspector Dickson at [Day 212/75/11 to Day 212/76/2](#).”

¹ [FS1.2608](#)

144.11 To our minds there is a fundamental objection to this submission, which is that it assumes that those at the Bridge Camp knew (or at least suspected) that Gerald Donaghey had been murdered by the Army, that “*the army case at the time*” was that all those who were shot and wounded were either gunmen or bombers and that accordingly it would assist that false case to plant nail bombs on Gerald Donaghey.

144.12 For the reasons that we have given, we are sure that any planting of nail bombs could only have taken place at the Bridge Camp and that the first nail bomb must have been discovered no later than about 1650 hours. Those at the Bridge Camp might have learned from earlier RUC or Army transmissions that soldiers had fired shots in the Bogside and that a number of civilians had been injured or killed; and might well have

assumed or suspected that Gerald Donaghey had been shot by the Army. But those at the Bridge Camp could have had no more reason to suppose that Gerald Donaghey had been shot without justification than that his shooting was justified, nor could they have had any idea of what had actually happened in the Bogside, let alone have known or suspected that the soldiers were going to contend that Gerald Donaghey was shot because he had nail bombs.

- 144.13** As to the suggestion that the planting of nail bombs would provide “*convenient propaganda*”, it seems to us that the same objections apply, since the “*propaganda*” would only be “*convenient*” on the assumption that it was known or suspected that the soldiers had fired without justification. There had been frequent nail bomb attacks in the city in the recent past, so that there was no other need for such propaganda.
- 144.14** There is a further consideration. If the nail bombs were planted at the Bridge Camp, they must have been obtained or prepared beforehand and brought to the Bridge Camp with some object in mind, which would have required some degree of pre-planning and which would push the time for motivation back even further. We return to this point below.
- 144.15** As to opportunity, Detective Sergeant Eugene McTeggart agreed that the security forces would have had the opportunity to plant nail bombs on Gerald Donaghey.¹ However, this really only states the obvious. Clearly the security forces had such an opportunity, in the sense that the car carrying Gerald Donaghey was brought to the Bridge Camp, which was manned by soldiers and the RUC. The real question is whether such an opportunity was taken.
- ¹ [Day 223/124-125](#)
- 144.16** As to access, tape and nails were of course readily available. Sergeant Vernon Carson told the Widgery Inquiry that he had access to explosives but denied having any on the day.¹ Captain 127 would also have had access to explosives, if not complete nail bombs, but since he did not reach the Bridge Camp until after a nail bomb was discovered, and since there was nothing whatever to suggest that he (or indeed his assistant) was in any way complicit with the bomb planter, if such there was, his access to explosives can be disregarded. We should add at this point that we found nothing to suggest that Captain 127 at any stage knew or suspected that the nail bombs had been planted.

¹ [WT6.62](#)

- 144.17 We return to consider Sergeant Carson below.
- 144.18 In the third place, reliance was placed on what was described as “*The fact that there was no attempt or no adequate attempt to preserve the ‘crime-scene’*” and that there was no fingerprint examination.¹
- ¹ [FS1.2533](#)
- 144.19 We have dealt at some length with what was done after the discovery of the nail bomb in Gerald Donaghey’s right trouser pocket. This submission seems to us to assume that it was then or very soon after known or suspected by those who might have been responsible for preserving the scene of a crime that someone had planted a nail bomb on Gerald Donaghey at the Bridge Camp, for otherwise there would be no “*crime-scene*”. We have found no evidence that persuades us that there was such knowledge or suspicion on the part of the responsible officers, including in particular Inspector Harry Dickson and the Scenes of Crime Officers, Constable Hugh McCormac and Constable John Montgomery.
- 144.20 What could be said, however, is that one would expect that police officers presented with the corpse of a young man with a bomb in his pocket would recognise that it was highly likely that one or more serious crimes had been committed by someone, crimes that on the face of it were likely to include the unlawful possession of explosives by the deceased, as well as conspiracy to cause explosions on the part of the deceased and others, quite apart from the possibility that the deceased had been unlawfully killed.
- 144.21 On this basis it could further be said that the police should have made greater efforts to examine and preserve the available evidence. We do not criticise them for doing nothing at first apart from calling for the ATO, nor do we criticise the ATO for moving the vehicle to the car park, making sure the vehicle was safe, and then removing and dismantling the nail bombs. These in our view were reasonable and prudent first steps to take. However, it seems to us, at least on the basis of modern standards,¹ that, for example, the car should have been kept for further forensic examination, that at least attempts should have been made to take fingerprints from the car and any other relevant surfaces that might have had fingerprints on them, and that the other occupants of the car should have been questioned about the presence of nail bombs.

¹ Warrant Officer Class I Wood pointed out that there were not then the same “*crime scene*” procedures “*as we have nowadays*” ([CW1.7](#)).

- 144.22** It can thus be said that there might have been things that the police should have done but failed to do. In our view, however, any such shortcomings are, at worst, no more likely to be evidence of knowledge or suspicion that nail bombs had been planted than an innocent failure to conduct the sort of comprehensive investigation required nowadays.

Chapter 145: Conclusions

- 145.1** The evidence of those who said that they were with Gerald Donaghey on Bloody Sunday before he was shot was to the effect that he was not carrying nail bombs while they were with him. It is possible that these witnesses simply did not notice that Gerald Donaghey had heavy and bulky objects in his pockets. However, on balance (and making the assumption that these witnesses were telling us the truth), we consider that if Gerald Donaghey was in possession of the nail bombs when he was shot in Abbey Park, then he probably acquired them after he had been separated from the last of his companions in Glenfada Park North and shortly before he was shot. If the bombs were planted on him, we are sure that this could only have happened at the Bridge Camp after Corporal 150 had seen the Medical Officer (Captain 138) examine Gerald Donaghey, had moved the car and had left the scene; and before the report of the discovery of a nail bomb was radioed to Brigade Headquarters at 1650 hours and to the RUC Communications Centre at Victoria Barracks shortly thereafter.
- 145.2** We have already expressed the view that no nail bombs were visible or identifiable when Gerald Donaghey was carried into 10 Abbey Park, tended there, or carried to the car and driven to Barrier 20 in Barrack Street, for had this been the case, one at least of the civilians there would have noticed and the nail bombs would have been removed. However, we are far from certain whether at these stages any of the nail bombs later found in Gerald Donaghey's pockets would have been visible or identifiable had they been on him all along. Thus we cannot conclude on this basis and without more that they must have been planted on him.
- 145.3** There is evidence, to which we have referred above, that one or more of these civilians would have been bound to have noticed heavy and bulky objects in Gerald Donaghey's pockets had such objects been there, but that they did not do so. Again, however, for the reasons we have given, we remain unsure about this.
- 145.4** In these circumstances we cannot exclude the possibility that there were nail bombs out of sight in Gerald Donaghey's pockets, and that these objects, heavy and bulky as they were, were not noticed by witnesses who were faced with an emergency and whose overriding concern was not to note or examine the contents of Gerald Donaghey's pockets but to try to save his life.

- 145.5** So far as the position at the Bridge Camp is concerned, there is no evidence of any kind that indicates that any soldier or soldiers present there could have planted the nail bombs and, in our view, any suggestion to the contrary is unsustainable.
- 145.6** There remain therefore the police officers at the Bridge Camp.
- 145.7** The proposition that one or more of the police officers planted the bombs on Gerald Donaghey runs into a number of difficulties.
- 145.8** In the first place, as we have already observed, it would seem that any plan to plant bombs would have had to have been hatched, at least in outline, well before Gerald Donaghey arrived at the Bridge Camp, and probably before Bloody Sunday. One or more of the officers would have had to have prepared or obtained the nail bombs (one of which appeared to be some weeks old) and brought them to the Detention Centre, which was a temporary facility. Both Sergeant Vernon Carson's report to the Station Sergeant and Inspector Harry Dickson's report to the Superintendent suggest that they were only detailed for duty at the Detention Centre on the morning of Bloody Sunday; and to our minds this was probably the case with the other police officers.¹ It seems an unlikely coincidence that all the police officers detailed for duty there on the day would have been part of a pre-existing conspiracy to plant bombs, which means that the bombs would have had to be hidden from the view of those not in the plot. It also seems to us unlikely that a plan to plant nail bombs was first conceived on the morning of Bloody Sunday, for this would have involved obtaining or preparing nail bombs at very short notice. Thus, we consider that if there was a plan it could only have been to obtain or prepare nail bombs in advance so that they could be planted when an opportunity arose; and that such an opportunity was thought to have arisen when one or more of the parties to the plan was detailed for duty at the Detention Centre. What motive could have existed for making such a plan is to our minds a matter of mere speculation.
- ¹ [JC6.1](#); [JD3.1](#)
- 145.9** In the second place, we find it hard to imagine what the details of the plan could have been. The police had no reason to suppose or expect that a dead civilian would be brought to the Bridge Camp in circumstances that would allow a bomb or bombs to be planted without detection, and so could hardly have planned in advance to plant bombs on a corpse. If the plan was to plant nail bombs on a live person or persons, this must have been changed or abandoned for some reason, since other civilians were brought to the Bridge Camp that afternoon. Furthermore, while it might have been physically

possible to plant nail bombs on one or more civilians during an interview or interviews, it is difficult to see how the police officer or officers doing this could have planned or expected to get away with such conduct without at least raising suspicions.

- 145.10** In the third place, as we have already observed, the suggested motives for planting the nail bombs are to our minds unsustainable.
- 145.11** In the fourth place, to place one or more nail bombs on a body in a car at the Bridge Camp, with soldiers as well as police around, would in our view run a serious risk of being discovered.
- 145.12** In the fifth place, if the intention was to plant incriminating evidence on a civilian, one bomb would have sufficed. The placing of four bombs into pockets that on any view were far from voluminous would necessarily have taken substantially longer than placing one and would thus have added unnecessarily to the already serious risk of being discovered.
- 145.13** We have found nothing that suggests to us that there was a bomb-planting conspiracy involving two or more police officers, or that there was any attempt by police officers to cover up what they believed or suspected had been done.
- 145.14** No attempt was made by those submitting that the nail bombs were planted to identify the particular individual or individuals alleged to be responsible.
- 145.15** We have found nothing that suggests to us that Woman Constable Clara Hamilton might have planted the nail bombs and it was not suggested to her that she had done so. As to Sergeant Carson, it could be suggested that the accounts that he gave differ significantly from almost all the other available evidence, since he claimed responsibility for the discovery of a nail bomb; since he said that the driver of the car had identified himself and had been shown the bomb; and since (in his written statement for the Widgery Inquiry) he recorded that he had been handed the remains of the nail bombs when they had been dismantled by Captain 127 and had himself packaged them. In addition, Sergeant Carson had, as he told the Widgery Inquiry, access to explosives.
- 145.16** In our view, however, these matters neither indicate that Sergeant Carson gave knowingly untruthful accounts nor provide any sound basis for suggesting that he planted the nail bombs.

- 145.17** None of the other witnesses denied, or was in a position to deny, that Sergeant Carson went to the car, looked at the body and saw a nail bomb. It seems to us that the most likely explanation of what happened is that Woman Constable Hamilton went to the car, found the nail bomb and went to report her discovery, without Sergeant Carson being aware of what she had done and found. On this basis there is nothing sinister in Sergeant Carson's accounts of discovering the nail bomb.
- 145.18** We have already pointed out the possibility that Sergeant Carson had mistakenly assumed that Lance Corporal 104 (who drove Joe Friel to the Bridge Camp) was the driver of the car containing Gerald Donaghey. In any event, it is difficult to see what purpose would have been served by Sergeant Carson dishonestly, as opposed to mistakenly, identifying the soldier as the one who had driven Gerald Donaghey. To tell such a lie would tend to attract suspicion rather than help to cover up what he had done.
- 145.19** As we have also pointed out, it is possible that Captain 127 did hand the remains of the nail bombs to Sergeant Carson in the car park for delivery to Detective Sergeant Eugene McTeggart at the Bridge Camp, with each treating Sergeant Carson as the agent of the other. As to Sergeant Carson's original statement that he wrapped the remains of the nail bombs, this was something he corrected in his evidence to the Widgery Inquiry.
- 145.20** Sergeant Carson did indeed tell that Inquiry that he had access to explosives, though he said that he was not an explosives expert and, to us, that he would not have been allowed to take explosives away from the quarries where he was carrying out what he described as his administrative duties.
- 145.21** In these circumstances we are not persuaded that there is anything in the accounts of Sergeant Carson, or indeed of the others at the Bridge Camp, that indicates that he was responsible for planting the nail bombs. Owing to his death, it was not possible to question Sergeant Carson about these matters. He therefore had no opportunity to deal with them in detail by giving oral evidence; and we had no opportunity to see him and assess his credibility.
- 145.22** As to the other police officers, we have found nothing that to our minds indicates that any of them might have been responsible for planting the bombs.
- 145.23** On the available evidence as a whole, we have concluded that the following is the sequence of events most likely to have occurred after Corporal 150 arrived at the Bridge Camp with the body of Gerald Donaghey in the back of the car. Shortly after the car arrived, the Medical Officer (Captain 138) examined Gerald Donaghey and concluded

that he was dead. Captain 138 covered the body with the blanket and then went to examine the other casualties, while Corporal 150 moved the car. At this stage Woman Constable Hamilton went to the car, discovered what she thought was a nail bomb in Gerald Donaghey's pocket and went to report to Detective Sergeant McTeggart what she had found. Not knowing of this discovery Sergeant Carson then went to the car and himself discovered the nail bomb, with Lance Corporal 104 nearby. Shortly afterwards the discovery of the nail bomb was reported and the ATO called.

- 145.24** Despite the foregoing, we cannot wholly eliminate the possibility that the nail bombs were planted at the Bridge Camp. Thus this possibility falls to be weighed against what we regard as the only other possibility, namely that despite the accounts of those who tended to Gerald Donaghey after he had been shot and of the others who were there and who accompanied him in the car, the nail bombs were in Gerald Donaghey's pockets when he was shot, but were out of view; and that no-one noticed then or thereafter that there were heavy and bulky objects in his pockets, being concerned instead with the grave injury that Gerald Donaghey had sustained and the need to get him to hospital without delay.
- 145.25** In the end, we have concluded that the difficulties with the possibility that the nail bombs were planted at the Bridge Camp outweigh the difficulties with the possibility that they were in Gerald Donaghey's pockets when he was shot. Since to our minds these are on the evidence the only two viable possibilities, it follows on this basis that in our view Gerald Donaghey was probably in possession of the nail bombs when he was shot.
- 145.26** It remains to say, for reasons given elsewhere in this report,¹ that Gerald Donaghey was not shot because of his possession of nail bombs; nor did anyone at any stage suggest otherwise. He was, in our view and again for the reasons that we have given, shot by Private G who neither had, nor believed that he had, any justification for firing the shot that mortally wounded Gerald Donaghey. It is likely that Gerald Donaghey was trying to escape from the soldiers when he was shot.

¹ [Paragraph 112.61](#)

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

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146.1 As we have noted earlier in this report,¹ both the Official and the Provisional IRA had, in the period before and up to Bloody Sunday, engaged in paramilitary activity in Londonderry, as well as elsewhere in Northern Ireland, during which time they had used nail, petrol and blast bombs as well as firearms in pursuance of their aim to bring an end to partition through a campaign of violence. In the course of that campaign, and as we have also described earlier in this report,² members of the security forces had been killed and injured in Londonderry, the last only three days before Bloody Sunday.

¹ [Chapters 7, 8 and 9](#)

² [Chapters 7, 8 and 9](#)

146.2 In general terms, the evidence of soldiers was that on Bloody Sunday, before Support Company had gone into the Bogside, someone fired a shot at soldiers by the Presbyterian church and at about the same time someone prepared to throw a nail bomb across William Street at troops in a derelict building. Then, as or immediately after soldiers of Support Company entered the Bogside, they came under threatened and actual firearm and bomb attacks from paramilitaries operating from the Rossville Flats and the car park behind those flats; from the rubble barricade in Rossville Street and its

immediate area; from Glenfada Park North; and from other areas. It is, again in general terms, the case advanced on behalf of the represented soldiers that they responded legitimately by opening fire.

- 146.3** According to the soldiers, it was in the course of these encounters that civilians were killed and wounded.
- 146.4** Those acting on behalf of soldiers submitted that the evidence of paramilitary presence and activities on Bloody Sunday was of fundamental importance in assessing the credibility of the accounts of the soldiers, particularly those who fired on Bloody Sunday. As will have been seen, in the course of discussing the events of the five sectors we have looked in detail at those accounts. With two exceptions (namely Lieutenant N and Corporal P, who said that they fired some of their shots over the heads of a crowd), the soldiers who fired on Bloody Sunday claimed that they had aimed and shot at people armed with lethal weapons, namely firearms or bombs.
- 146.5** There are two important matters that in our view have to be borne in mind when considering, for the purposes of this report, the evidence we obtained of paramilitary organisations and activities on Bloody Sunday.
- 146.6** In the first place, for the reasons that we have set out when considering the events of the five sectors, we have concluded that with the exception of Gerald Donaghey, none of those killed or injured belonged to the Official or Provisional IRA, was armed with or in possession of firearms or bombs, or was posing a threat of causing death or serious injury. Indeed, those acting on behalf of soldiers did not suggest otherwise. In our view Gerald Donaghey (who was a member of the Fianna¹ associated with the Provisional IRA) was probably in possession of nail bombs when he was shot in Abbey Park, but the bombs were in his pockets; and he was shot not because of his possession of such devices, but by a bullet that had been fired at Gerard McKinney and which went on to hit him.²
- ¹ [Chapter 149](#)
- ² [Chapters 125–145](#)
- 146.7** In the second place, again for the reasons that we have set out in the course of this report, we have concluded that there were no unidentified casualties of Army gunfire in any of the five sectors.
- 146.8** We took into account the evidence we obtained on paramilitary organisations and activities in reaching these conclusions.

- 146.9** We have no doubt that on Bloody Sunday there were in the city people armed with guns and in possession of, or with ready access to, bombs. Thus the soldiers' claims that they came under or were about to come under attack from armed people posing a risk of causing death or serious injury cannot be rejected out of hand on the basis that there were no gunmen and no nail bombs, and therefore no possibility that the soldiers could have come under attack from gunmen or bombers. We have not suggested that the soldiers' evidence could or should be rejected on such a basis.
- 146.10** It follows from the two conclusions that we have described above that on Bloody Sunday, contrary to the evidence that they gave, soldiers did not shoot people who were posing a threat of causing death or serious injury, but did shoot people who were not posing any such threat. The question is why this happened.
- 146.11** We do not accept that all the casualties could have been shot by mistake, in the sense that the soldier responsible was firing at someone armed with a lethal weapon and posing a threat of causing death or serious injury, but unfortunately in every case missed his target and hit someone else instead. Such an explanation for all the casualties is to our minds so unlikely that it has to be rejected, quite apart from the fact that none of the soldiers who in our view were responsible for the casualties suggested or admitted that he had missed his target and hit someone by mistake. As we explain during the course of this report, Margaret Deery, Joe Mahon and Gerald Donaghey were or were probably hit by shots fired at others, but for the reasons we give, we consider that the soldiers' targets in those cases were not posing a threat of causing death or serious injury.
- 146.12** An alternative suggestion is that if not in all cases, in some at least the casualties were mistakenly hit by shots fired at someone armed and posing a threat of causing death or serious injury. Again this suggestion involves rejecting the evidence of those soldiers who in our view were responsible for the casualties, that they hit their intended targets.
- 146.13** For the reasons we have given, we have concluded that there were no unidentified casualties. Thus any suggestion that one, some or all of the casualties were hit by mistake, with the soldier aiming at someone posing a threat of causing death or serious injury, has in our view to proceed on the basis that the alleged target survived uninjured. If the soldier shot at someone about to throw a nail bomb, or about to use a firearm, but missed and hit one of the casualties, did the nail bomber then throw the bomb or the gunman then fire his weapon? Or did the nail bomber put out the fuse or the gunman put away his gun? Or did they take some other action and if so what? Those acting on behalf of soldiers did not address this point.

- 146.14** Having examined in detail the evidence of the soldiers and others, we have concluded for the reasons that we have given, that apart from Margaret Deery, Joe Mahon and Gerald Donaghey, the casualties on Bloody Sunday were either the intended targets of the soldiers who shot them and were not hit by mistake, or were the victims of soldiers firing indiscriminately at people without identifying any legitimate target.
- 146.15** On the basis of the conclusions that we have reached, the question thus remains as to the state of mind when they fired of the soldiers who in our view were responsible for the casualties. In the course of this report we examine the evidence relating to each casualty and express our view on whether or not the soldier concerned believed, albeit mistakenly, that he had identified a target who was or might be armed with a lethal weapon and was posing a threat of causing death or serious injury.
- 146.16** In the course of considering that question we have proceeded on the basis that most if not all the soldiers concerned believed that they had or might at any time come under lethal attacks from paramilitaries; and were accordingly very much on their guard against such attacks and ready to respond without delay if they identified someone attacking or about to attack them with lethal weapons. We also appreciated that soldiers facing a situation in which they or their colleagues believe that they have or might at any moment come under lethal attack have little time to decide whether they have identified a person posing a threat of causing death or serious injury; and may have to make that decision in a state of tension or fear. It is a well-known phenomenon that, particularly when under stress or when events are moving fast, people often erroneously come to believe that they are or might be hearing or seeing what they were expecting to hear or see. We have borne this in mind when assessing the credibility of the evidence given by the soldiers who we consider were responsible for shooting the casualties and their state of mind when they fired.
- 146.17** When dealing with the events of the five sectors in which people were killed or injured, we examined and drew conclusions from the evidence of paramilitary activity in those sectors. We also considered the evidence contained in the present part of the report, to see whether it added to our knowledge of the circumstances in which the casualties were shot. As we have stated above, we found nothing in this evidence that qualified or undermined our conclusions that none of the casualties was posing a threat of causing death or serious injury and that no-one apart from those casualties was killed or wounded by Army gunfire in any of the sectors. We also found nothing that suggested to us that in the five sectors paramilitaries threw nail or petrol bombs or fired at or towards the soldiers who went into the Bogside, over and above that firing to which we made reference when

considering the events of the five sectors. However, in view of the submissions of those representing soldiers, it is right that we should set out the evidence we have obtained concerning the organisation and activities of paramilitaries on Bloody Sunday; and give our views on that evidence.

146.18 This part of the report draws in a number of respects on the closing submissions of Counsel to the Inquiry, insofar as they relate to the organisation of the Official and Provisional IRA (and of the Fianna) and the steps taken to obtain evidence from those who were in 1972 members of one or other of these organisations, or who otherwise were people we wished to interview. We are satisfied, on examining the underlying evidence and other materials, that in these respects the submissions provide a balanced and comprehensive account of these matters.¹

¹ [CS8.1-347](#)

146.19 We deal first with the question of the degree of co-operation we received from former members of these organisations. As will be seen, many of these were granted anonymity and given ciphers by the Inquiry, in the cases where we considered that they were entitled to anonymity, on the basis of the principles laid down by the Court of Appeal. Those given the cipher OIRA were former members of the Official IRA; those given the cipher PIRA, former members of the Provisional IRA. Elsewhere in this report¹ we have given an account of the splitting of the IRA into two organisations, the Official IRA and the Provisional IRA. These two factions existed in January 1972. We granted others anonymity, again on the basis of the principles in the judgment of the Court of Appeal.

¹ [Chapter 7](#)

Co-operation of witnesses with the Inquiry

146.20 From 1999 onwards, the Inquiry attempted to trace and contact a number of individuals believed to have been members of the Provisional or Official IRA in January 1972. Among those who responded were William Anderson, Eddie Dobbins, Martin McGuinness (after some delay), Reg Tester, Witness X, OIRA 9 and PIRA 23. In early 2001, an approach was made to the Inquiry on behalf of OIRA 1, OIRA 2, Johnny White (OIRA 3), OIRA 4 and OIRA 5.

146.21 In our ruling dated 1st June 2001, we set out the way in which the Inquiry would deal with intelligence material held by a number of government security agencies, including, in particular, information about witnesses who had given or who were likely to give evidence to the Inquiry.¹ We decided not to make any further approaches to potential paramilitary

witnesses until we had completed the exercise (which became known as the antecedents exercise) of considering the material held by the security services as required by the ruling. In fact, a tracing agent employed by the Inquiry did send a few further letters, apparently unaware of the Inquiry's decision.

¹ [A2.17](#)

- 146.22** On completion of the antecedents exercise in the summer of 2003, the Inquiry identified 82 individuals who were believed to have been members of the Provisional IRA, Official IRA or Fianna in January 1972 and from whom the Inquiry wanted to obtain statements or who had already made statements.
- 146.23** Of those identified, 51 co-operated with the Inquiry to the extent that they were asked to do so, though PIRA 24 required to be subpoenaed to give oral evidence. Edward McLaughlin failed to sign a statement that he had approved in draft and Liam O'Comain and Stephen Mellon declined to be interviewed by solicitors acting for the Inquiry. The latter two were each served with a witness summons and gave oral evidence. In some cases, after initial contact with a witness, we decided that it was not necessary to proceed with an interview and the taking of a witness statement. Fourteen of those identified could not be found, seven were unable to assist for medical reasons, one of whom ("Red" Mickey Doherty) later died; one had already died; one failed to co-operate but this appeared to be because of his personal circumstances, which themselves led us to conclude that there was no useful purpose to be served by taking any further steps to obtain his evidence. One was Witness X.
- 146.24** The remaining seven of the 82 refused to co-operate. One was Martin Doherty (originally given the cipher PIRA 9). On 27th July 2004 the Tribunal certified him to the High Court in Belfast for his contempt in failing to obey a witness summons. The Court subsequently sentenced him to three months' imprisonment for contempt of the Tribunal. Two of the seven were resident outside the jurisdiction. The other four were considered insufficiently important to justify the issue of a witness summons.

Status of the witnesses who provided evidence to the Inquiry

146.25 The table below sets out the name or cipher of each witness who admitted to the Inquiry that he was a member of the Provisional or Official IRA or Fianna at the time of Bloody Sunday. The table also gives the rank that each claimed to have held within his organisation.

Provisional IRA

Name or cipher	Reference	Claimed rank
PIRA 24	APIRA24	Officer Commanding (OC) of the Derry Brigade
Martin McGuinness	KM3	Adjutant of the Derry Brigade
PIRA 17	APIRA17	Quartermaster of the Derry Brigade
PIRA 8	APIRA8	Section Leader of the Bogside on Bloody Sunday (described by PIRA 24 as having the role of Brigade Intelligence Officer on 30th January)
Sean Keenan Junior	AK46	Explosives Officer for Derry Brigade and volunteer, Bogside Unit
Gerard “Mad Dog” Doherty	AD65	Volunteer, Bogside Unit
Kevin Daly	AD196	Volunteer (probably in Bogside Unit)
PIRA 25	AG17	Volunteer, Brandywell Unit
PIRA 26	APIRA26	Volunteer, Brandywell Unit
PIRA 23	APIRA23	OC of the Creggan Company
Michael Clarke	AC157	Explosives Officer, Creggan Company
Eddie Dobbins	AD195	Volunteer, Creggan Company
Stephen Mellon	No reference	Volunteer, Creggan Company, but not present on Bloody Sunday
PIRA 1	AM508	Volunteer (probably in Creggan Company)
William Anderson (PIRA 18)	APIRA18	Volunteer in Creggan Company but suspended at the time of Bloody Sunday
PIRA 12	AM248	Head of a unit in County Derry
PIRA 14	APIRA14	Senior member of Provisional IRA in Republic of Ireland

Official IRA

Johnny White (OIRA 3)	AOIRA3	OC of Command Staff in North West
OIRA 4	AOIRA4	Command Staff Adjutant and Finance Officer
Reg Tester	AT6	Derry Command Staff Quartermaster
OIRA 1	AOIRA1	Member of Derry Command Staff and volunteer in Bogside Unit
OIRA 2	AOIRA2	Member of Derry Command Staff and volunteer in Bogside Unit
OIRA 5	AOIRA5	Member of Derry Command Staff
OIRA 9	AOIRA9	OC of Command Staff until late January 1972
OIRA 6	AOIRA6	Volunteer, Creggan Unit
OIRA 7	AOIRA7	Volunteer, Creggan Unit
OIRA 8	AW14	Volunteer, Creggan Unit
OIRA 11	AOIRA11	Volunteer, Creggan Unit

Fianna

Gearóid Ó hEára	AO79	Leader of Derry Provisional Fianna
Dermot Liddy	AL11	OC of the (Official) Fianna
PIRA 19	APIRA19	Member of younger element on fringes of Provisional IRA who did not regard himself as a Fianna member but who said that Gearóid Ó hEára was in charge of group to which he belonged. He was sworn into the Provisional IRA shortly before Bloody Sunday
Edward McLaughlin	AM512	Member of Fianna
Michael McLaughlin	AM513	Member of Fianna
Patrick Ward	AW8	OC of Derry Fianna

146.26 The following individuals, who had or are alleged at some time to have had links to the republican movement or to paramilitary organisations, also gave written statements and in some cases oral evidence to this Inquiry:

James Ferry	AF13	Member of Provisional Sinn Féin at the time of Bloody Sunday. Recipient of the IRA bug tape
John Carlin	AC34	Member of Patrick Pearse Republican Club
Aidan Hegarty	AH59	Senior member of Official Republican Movement in South Derry (not City of Derry) in January 1972
Raymond McCartney	AM91	Senior member of Provisional IRA after Bloody Sunday. Alleged to have been involved in attempts to intimidate witnesses to this Inquiry
Donncha MacFicheallaigh (Denis McFeely)	AM7	Associated with Fianna members at the time of Bloody Sunday. Joined Provisional IRA in about August 1972
Thomas McGlinchey	AM249	Provisional IRA volunteer in the Waterside and worker for Prisoners' Dependants' Fund
Patsy Moore	AM505	Fianna scoutmaster until 1971
Liam O'Comain	AO82	"On the fringes" of Official IRA in January 1972
Hugh O'Donnell	AO32	Convicted in 1973 of causing an explosion. Denied membership of Provisional IRA in January 1972. Named by Patrick Ward in intelligence material as the man who had asked Ward to join Provisional IRA
OIRA 10	OIRA10	Member of Official IRA in Belfast in January 1972. Had dealings with Paul Mahon
PIRA 11	APIRA11	Declined to comment on Special Branch material that indicated that he was a member of Provisional IRA. Denied any involvement in the organisation of Provisional IRA in Derry in 1972. Named in <i>Sunday Times</i> material
RM 1	ARM1	Member of the Official Republican Movement and in charge of Prisoners' Dependants' Fund which benefited families of those interned

RM 2	AK42	Fianna member until 1970. Provisional IRA member from May or June 1972
Witness X	AX1	According to the RUC's records, a member of Provisional IRA at the time of Bloody Sunday, something denied by Witness X

146.27 The tables exclude those witnesses who have convictions in respect of paramilitary activity that occurred after January 1972, who are not alleged to have had any paramilitary involvement at the time of Bloody Sunday and whose paramilitary connections did not in our view have any direct relevance to the matters being investigated by this Inquiry. Witnesses such as Joseph McColgan,¹ Gerard McGillan² and Terry Crossan³ fall into this category.

¹ [AM123.1](#)

³ [AC158.1](#)

² [AM234.1](#)

Submissions on behalf of the majority of represented soldiers

Late and limited co-operation

146.28 The representatives of the majority of represented soldiers submitted that members of both the Official and Provisional IRA co-operated with the Inquiry only at a late stage and then to a limited extent. Their submission was that their conduct revealed an intention to orchestrate the evidence of former members of these paramilitary organisations and to prevent the Inquiry from discovering the truth about paramilitary activities on Bloody Sunday.¹

¹ [FS7.397](#); [FS7.406](#); [FR7.53](#)

146.29 The antecedents exercise, which involved the examination of thousands of documents dealing with paramilitary activity, was completed in August 2003. Only after that exercise was completed did the Inquiry approach paramilitary witnesses who were thought likely to be able to give relevant evidence. Several witnesses had approached the Inquiry before August 2003. However, the Inquiry decided to delay the taking of statements from these witnesses until completion of the antecedents exercise, so that the witnesses could be shown at the statement-taking stage any material relevant to them.

146.30 These representatives of soldiers set out in tabular form the dates on which the statements of 23 republican witnesses were signed and distributed to the interested parties.¹ Of those, only two (Sean Keenan Junior and Gearóid Ó hEára) came forward at a time of their choosing, without an approach from the Inquiry. Seven had been in contact with the Inquiry for a substantial period before a statement was taken, while the Inquiry was awaiting the completion of the antecedents exercise. The others (with the exception of Martin McGuinness, who failed for some time to respond to requests to be interviewed by the Inquiry) were contacted at a time selected by the Inquiry, following completion of the antecedents exercise.

¹ [FS7.410](#)

146.31 This table also includes the civilian witnesses Daniel and Vera McGilloway, who came forward of their own accord in order to deal with the allegation made by their former son-in-law, Patrick Ward, that he had fired at a helicopter from their back garden on Bloody Sunday. The timing of their evidence, and the allegation that witnesses orchestrated their evidence in order to discredit Patrick Ward,¹ is considered later in this part of the report.

¹ [FS7.411](#)

146.32 The fact that many paramilitary witnesses did not volunteer to give evidence at an early stage did not in our view necessarily entail that they had something to hide about their activities on Bloody Sunday. Their reluctance to come forward could equally have reflected the fact that their republican beliefs made them unwilling to co-operate with a Tribunal established by the United Kingdom Government and perceived to be British, despite its international membership. This is the explanation given by PIRA 24 for his failure to co-operate until the last moment and until the service of a subpoena.¹

¹ [APIRA24.1](#); [Day 426/39](#)

146.33 Martin McGuinness gave the following reasons for not coming forward at an early stage:¹

“Q. ... It is right, is it not, that you were asked on four separate occasions during the course of 1999 to provide evidence to this Tribunal and to help in identifying others who might be able to assist the Inquiry and failed to reply?

A. Yes, that is correct.

Q. Why was that?

A. Well, for a variety of reasons. I recognised that that would have serious implications for me. It would have been a huge decision to take. I decided that I had to give it careful – very careful consideration.

I also believed that it had implications for my political party, but maybe more importantly, could have huge implications for the peace process, for the crucially important ingredient in the peace process, and that is, that progressive section of the Unionist community who, like the Good Friday Agreement, are prepared to go ahead with the Good Friday Agreement, who wish the peace process to succeed and any statement from me as someone who is, for example, a minister of education in a power-sharing executive would be a bit of a thunder bolt, albeit that people would have their own views of my past republican history, but it would have been such a huge story, as it obviously did transpire to be whenever I made the announcement that I would go forward.

So, quite a number of issues in the legal field, in the political field and in the peace process field had to be considered and, you know, I – in all probability I should have responded, that would have been the courteous thing to do to the letters that came, but I did not and I apologise for that, but these are huge decisions.

We are not just talking about the need to ensure the proper conduct of this Tribunal, which I certainly want to see; there is a bigger picture and that bigger picture is around the whole issue of the peace process and the need for us within that process to try and manage that process conducive to making it more solid, making it stronger and making it capable of attack from whatever quarter.

Of course, there are people out there within the political scheme of things who are totally opposed to that process and who seize on every announcement to try and undermine it.”

¹ [Day 390/129-131](#)

146.34 Despite the criticism of these reasons made by the representatives of the majority of represented soldiers,¹ we have no reason to doubt the explanation put forward by Martin McGuinness. Although many knew or suspected that Martin McGuinness had been a senior member of the Provisional IRA in Londonderry on Bloody Sunday, a public announcement by him of that fact was a large step for him to take. He had campaigned for an inquiry into Bloody Sunday, but that to our minds is a different matter from coming forward himself to give evidence. He had, for example, to consider the effect that coming forward to give evidence might have on those espousing the republican cause.

¹ [FR7.48](#)

146.35 The representatives of the majority of represented soldiers made particular criticism of Martin McGuinness's attitude towards the Inquiry. Their submission was that Martin McGuinness deliberately refrained from providing evidence until a late stage in order, with others, to earn for themselves the inestimable advantage of being able to tailor their evidence to accord with the factual situation as it emerged from the other evidence.¹ We remain unconvinced by this general submission, which is unaccompanied by any details of the tailoring that is said to have occurred. While we have found no evidence of any such tailoring, we were disappointed with Martin McGuinness's failure to respond at all to our requests for a considerable time.

¹ [FS7.407-409](#)

146.36 There are other former members of the Official or Provisional IRA whose involvement was not as well known as that of Martin McGuinness. Their reluctance publicly to admit to membership of a paramilitary organisation and paramilitary activities in our view stemmed, at least in part, from fear of prosecution (notwithstanding the Attorney General's undertaking), the risk of reprisals from loyalist paramilitaries or others, or generally from the impact that such public admission might have on their livelihood, friends and family; as well as their attitude (which we have mentioned above) to what they regarded as a British inquiry. We were made aware of the personal circumstances of some of these witnesses, having been given such information privately by many of those who sought anonymity.

Refusal of republicans to provide information

146.37 The same representatives criticised the Provisional IRA witnesses who refused to name other members of the Provisional IRA or to give the precise location of weapons dumps or meeting places.¹ They made similar criticisms of members of the Official IRA.²

¹ [FS7.398](#); [FR7.51](#)

² [FS7.507](#)

146.38 It is the case that these witnesses refused to provide this information. However, in our view this did not in the end materially impede our work. In a number of cases, some of the information that witnesses refused to provide was at best of peripheral importance, such as the precise location of the Provisional IRA meeting places within Stanley's Walk. More importantly, during the course of the antecedents exercise, we obtained access to thousands of documents, created principally by the Royal Ulster Constabulary (RUC), which enabled us to build up a reasonably detailed picture of the membership and activities of both the Official and the Provisional IRA in January 1972. The Inquiry has disclosed in redacted form several hundred of these documents. Although our duty under

the Human Rights Act 1998 meant that we could not make some details available to the parties, we were persuaded by this evidence that the refusal of various witnesses to provide information and the non-co-operation of the seven witnesses (whose identities we know) did not to a significant degree adversely affect our search for the truth about Bloody Sunday.

- 146.39** We formed the same view of the refusal of other witnesses, including particular civilians and journalists, to provide the names of various paramilitaries.

The Green Book

- 146.40** The representatives of the majority of represented soldiers drew our attention to what was known as the “*Green Book*”, which appears to be an instruction manual for Provisional IRA members, and submitted that what they described as the cynical “*stage management*” of the evidence given by those who were members of the Provisional IRA at the time was in accordance with the orders contained in this book.¹ Representatives of the majority of represented soldiers on occasions asked Provisional IRA witnesses whether they knew of the Green Book. The Inquiry has no evidence to indicate whether the Green Book, or its equivalent, existed at the time of Bloody Sunday or this Inquiry, or whether, if it did, its rules continued to bind former members of the Provisional IRA. We do not know when the copy of the Green Book that the Inquiry obtained originally came into existence.

¹ FS7.258; FS7.406

- 146.41** The passage in the Green Book to which these representatives referred was to “*EXPLOIT A SITUATION OR CREATE A SITUATION AND THEN EXPLOIT IT. Exploiting a situation simply means taking advantage of our enemy’s political or military mistakes.*”¹ It is difficult to follow how the alleged “*stage management*” can be said to be in accordance with this very general order or exhortation. Furthermore, as noted above, we do not know whether there was a current Green Book when this Inquiry got under way, what its terms were, or whether those who had put their paramilitary past behind them were aware of its existence, or if they were, still felt bound by its provisions. We found nothing to support the proposition that the evidence of former members of the Provisional IRA was stage managed as suggested by these representatives.

¹ FS7.406

The need for witnesses to obtain clearance to give evidence

146.42 In a report in the *Irish News* newspaper dated 8th September 2003¹ it was alleged that the Provisional Republican leadership had given clearance to former Provisional IRA members to co-operate with the Inquiry. Martin McGuinness, when asked about this, said only that he had not sought approval to come forward and did not know whether anyone else had done so.² He told us that he did not know the identity of the senior republicans alleged to have visited a number of former Provisional IRA members, urging them to give evidence.³

¹ [KM3.135-136](#)

³ [KM3.136](#)

² [Day 390/129](#)

146.43 No Provisional IRA witness admitted having received approval to give evidence. PIRA 24 said in February 2004 that Martin McGuinness had encouraged him to come forward a year earlier.¹ Michael Clarke (who came forward in August 2002) said that he had not been approached.² Eddie Dobbins came forward in 1999 and, although no Inquiry statement was taken from him at the time, said in his evidence that he at that stage gave to his then solicitors a similar account to that which he later gave to the Inquiry.³ We do not know whether senior republicans did in the autumn of 2003 give approval to witnesses to come forward. It is in our view likely that there was some discussion about the question as to whether Provisional IRA members should give evidence to what many regarded as a British inquiry, which consequently, at least initially, was treated with some suspicion. It may have been the case that some at least of those who eventually came forward considered that they should obtain guidance from senior republicans on whether they should co-operate with the Inquiry. We have found nothing that suggests to us that there was some concerted plan not to assist the Inquiry; or to stay away from the Inquiry until a late stage, and then to come forward with carefully prepared false or distorted evidence.

¹ [Day 427/64](#)

³ [Day 400/2](#)

² [Day 402/108](#)

Allegations of intimidation

146.44 There were allegations that republicans were intimidated in an attempt to prevent them from giving evidence. Liam Clarke (one of the co-authors of the book *Martin McGuinness: From Guns to Government*) said he had been told that William McGuinness and

Raymond McCartney were visiting others and instructing them not to give evidence.¹ Raymond McCartney was not asked in specific terms whether he had given such instructions but he denied any knowledge of intimidation of witnesses.²

¹ Day 387/170

² Day 228/25

146.45 Liam Clarke said that he understood that the purpose of the visits was:¹

“to ensure that the clear message, a clear and unified message went out from the Provisional IRA and there were not too many voices with differing accounts or differing recollections.”

¹ Day 387/171

146.46 He said to us that he had not been told whether the Provisional IRA were discouraging witnesses from coming forward in a deliberate attempt to suppress truthful evidence or whether the Provisional IRA just wanted a clear case put forward by Martin McGuinness and did not wish that case to be damaged by inaccurate accounts from those whose memories might have changed.¹

¹ Day 387/171

146.47 Witness 1 was the legal process server who told us that PIRA 24 had told him in September 2003 that he had been ordered not to co-operate.¹ PIRA 24 denied that he had been intimidated by anyone although he admitted telling Witness 1 that he had been put under pressure not to give evidence. His explanation for saying this was that he had been trying to gain the process server’s confidence in order to try to discover from him the names of others whom the Inquiry was trying to approach.²

¹ AWT1.1

² Day 427/63-64; Day 427/116-117

146.48 We find implausible the explanation given by PIRA 24 for telling Witness 1 that he had been put under pressure not to give evidence. We do not know whether he had in fact been put under pressure, or (as Witness 1 told us he said) that he had been ordered not to give evidence, since it is equally possible that neither of these things had happened but that PIRA 24 said what he did in an attempt to provide an excuse for not giving evidence.

Alleged orchestration of evidence by Provisional IRA witnesses

146.49 The representatives of the majority of represented soldiers made a general submission that Provisional IRA witnesses orchestrated their evidence, and singled out PIRA 24 for particular criticism, alleging that he delayed making a statement with the result that he

*“did not have to commit himself to any line of evidence until he had heard what all other relevant witnesses had said”.*¹ However, as these representatives themselves pointed out later in their submissions,² the evidence of PIRA 24, both on the question of assurances given to the march organisers and on the crucial question of the location of IRA weapons on Bloody Sunday was inconsistent with the evidence of other Provisional IRA witnesses, including that of Martin McGuinness and PIRA 17. Martin McGuinness gave oral evidence three months before PIRA 24 made a written statement to this Inquiry. In such circumstances we find it difficult to follow the submission that PIRA 24 tailored his evidence.

¹ FS7.406

² FS7.439; FS7.450

Official IRA co-operation

146.50 The representatives of the majority of represented soldiers advanced somewhat similar submissions in relation to alleged failures to co-operate by former members of the Official IRA. Those submissions were answered by those acting on behalf of former members of the Official IRA in the following terms:¹

“(3) The alleged lack of cooperation by the OIRA witnesses

(a) It is suggested by the military teams that the OIRA witnesses have adopted an uncooperative attitude towards the Tribunal in order to contribute their evidence at a time judged by them to be most opportune. The suggestion is that the value of their evidence is thereby undermined.

(b) That analysis of the actions of the OIRA witnesses is rejected.

(c) The Tribunal is referred to **CHAPTER 1 – PRELIMINARY MATTERS** **PARAGRAPH 1 GENERAL OBSERVATIONS (4)** of the clients’ submissions. It is repeated that the OIRA witnesses ought to receive particular credit for breaking with Republican tradition and coming forward to participate in the British legal system.

(d) It is contended that the factual background to the coming forward of the OIRA witnesses is significant in that it indicates a longstanding engagement with the Tribunal. OIRA 1 consulted his solicitors, Jones and Co., on 21st February 2000. Initial representation rights were granted to OIRA 1 on 3rd March 2000. Reg Tester made a witness statement on 26th March 2000. An application for anonymity was made by OIRA 1 in May 2000. That application was unsuccessful. In May 2000 other OIRA witnesses contacted Jones and Co. and although they wished to cooperate with the Tribunal they were concerned about the question of anonymity. In June 2000 an application for judicial review was made by OIRA 1. That application concerned anonymity. It did not proceed to a full hearing. OIRA 1 was granted anonymity in 2001. Thereafter, other OIRA witnesses became involved in the Tribunal process. Once anonymity and representation issues were resolved the clients participated in the standard statement taking processes.

Thus, there has been a longstanding engagement with the Tribunal and it is without merit to suggest that the time taken evidences any opportunistic motive. The view taken by the Army Teams perhaps evidences a failure to seek the true position from those who were aware of it.

(e) The OIRA commenced a ceasefire in 1972. Subsequently, the clients have not sought elected office. Thus, there is no political grouping which may benefit from the opportunistic activities alleged against the clients.”

¹ FR13.6-8

146.51 We are not persuaded by the submissions that former Official IRA members failed to co-operate with the Inquiry. We should note, however, that “Red” Mickey Doherty, one of those the Inquiry wished to interview, did not come forward. In October 2002 we were informed that he was unwell and unlikely to be able to provide coherent evidence; and in November 2002 that he was very ill and in Altnagelvin Hospital. “Red” Mickey Doherty died on 12th May 2003.

Late identification of paramilitary witnesses

146.52 The representatives of the majority of represented soldiers submitted that a difficulty arose from the late identification of paramilitary witnesses.¹

“When ciphers were allocated to these individuals, it was not possible to employ the same ciphers to link the individuals with other material before the Inquiry, which had been disclosed to the interested parties and the public, in which they had been identified by name. As a result there has been not only a loss of transparency in the Inquiry’s proceedings but a loss of information to the interested parties which could have been avoided.”

¹ [FS7.261](#); [FS7.75](#)

146.53 The granting of anonymity necessarily resulted in some loss of transparency and carried the risk of loss of information, so far as interested parties and the public at large were concerned. We did our best to keep such loss to a minimum. In many cases we granted limited anonymity to those paramilitary witnesses who were identified at a late stage and whose names had already been made public in oral evidence or in relevant documents disclosed by the Inquiry. When limited anonymity was granted to a witness, the parties were made aware of the true name of the witness and were able to link him with documents or other evidence in which his name appeared.

146.54 Loss of public transparency was also kept to a minimum. In many cases redacted documents were used on the public screens and the watching public learned through the questioning of the witness the link between that witness and documents in which his name appeared. In order to protect human rights, however, which it was the statutory duty of the Inquiry to do, it was necessary for some names to be replaced with blanks in documents placed on the Inquiry’s website.

146.55 In our view, however, these matters did not in any event to any significant degree impede our search for the truth. We knew the names of all the paramilitary witnesses concerned and thus were ourselves able to make the links between them and other materials.

PIRA 23

146.56 PIRA 23 was convicted in 1977 of four firearms offences. The certificate of conviction reveals that he was convicted of possessing two .303 rifles and a quantity of ammunition on a date unknown between 31st December 1971 and 1st February 1972. The Inquiry,

although informed of PIRA 23's convictions in 2002, in error overlooked them when he was called to give evidence. The error was subsequently identified and the parties informed.

146.57 Following the conclusion of the evidence and at the request of the representatives of the majority of represented soldiers, the Inquiry obtained from the Northern Ireland Court Service and Director of Public Prosecutions documents relating to these convictions, which in redacted form we supplied to the interested parties.

146.58 The representatives of the majority of represented soldiers submitted that the Inquiry should have taken further steps to investigate the circumstances in which PIRA 23 came to possess these arms and ammunition and should have obtained the material relating to these convictions at an earlier stage. They further submitted that "*most if not all*" of the Provisional IRA witnesses ought to have been required to give evidence about the matters raised in this material.¹

¹ [FR7.920](#); [FR7.941-942](#)

146.59 Among the papers supplied to the interested parties was a statement that PIRA 23 made to the RUC under caution on 14th December 1976.¹ The relevant part of the statement was that:

"After I joined the Provos my first job was patrolling the Creggan in a car with another man. I was armed was [sic] a .303 rifle and the other man had a .303 rifle. He was driving. One day in January 1972 about five or six o'clock in the evening I was at Kildrum Gardens with this other man in a car. The both of us got out of the car and fired a shot each at the Mex Army Post..."

¹ [FR7.940](#)

146.60 In our view these admissions are likely to have formed the basis of the two counts on the indictment that related to the possession of arms and ammunition in January 1972.

146.61 The representatives of the majority of represented soldiers described the late arrival of this material as an example of the way in which the Inquiry had been deprived of "*potentially critical evidence*".¹

¹ [FR7.920](#)

146.62 We do not accept that the material relating to PIRA 23's convictions had the significance that the representatives of the majority of represented soldiers appeared to attach to it. PIRA 23, in his evidence to the Inquiry, told us he was the Officer Commanding (OC) of

the Creggan Company of the Provisional IRA in Derry at the time of Bloody Sunday.¹ This was the largest Provisional IRA company in the city. As the commander it is likely that PIRA 23 would have been in possession of weapons in the month before 30th January 1972.

¹ [APIRA23.1](#)

146.63 The representatives of the majority of represented soldiers suggested that PIRA 23 might not have been OC of the Creggan Company in January 1972.¹ They made this suggestion having seen another statement made by PIRA 23 to the RUC on 14th December 1976 in which he is recorded as having said that he had joined the Provisional IRA in January 1972 and, having joined, had undergone two weeks of training.

¹ [FR7.942](#)

146.64 We have examined intelligence material that shows to our satisfaction that PIRA 23 was, as he claimed, OC of the Creggan Company at the time of Bloody Sunday. That information was available to the Inquiry at the time that PIRA 23 made his written statement to us. We cannot put that material in the public domain.

146.65 We do not accept that the material later obtained by the Inquiry should have been put to “*most if not all*” of the former Provisional IRA witnesses. We do not see what difference the putting of such material would have made to the evidence that they gave. There is no evidence to suggest that PIRA 23’s convictions related to any of the events in the five sectors on Bloody Sunday; nor that he was responsible for any of the shots fired at the Army position at the Mex Garage on that day. We discuss this latter firing later in this report.¹

¹ [Paragraphs 151.1–31](#)

Conclusions on the soldiers’ submissions

146.66 We are not persuaded that there was some concerted action on behalf of witnesses either deliberately to delay coming forward to give evidence to this Inquiry, or to conspire together to concoct false accounts of what they did on Bloody Sunday, or to dissuade witnesses from giving evidence in order to present through others a consistent account. For many former republican paramilitaries, the step of coming forward and co-operating with what they regarded as a British Inquiry, and thus suspect for that very reason, was a very difficult one to take. Some may, or may initially, have decided that they should not take this step, and may have sought to persuade others to the same view.

- 146.67 These matters do not mean that we therefore accepted the truth or accuracy of the evidence that former republican paramilitaries did give to this Inquiry. Whether or not we accept that evidence depends upon our assessment of the credibility of the witnesses concerned, an assessment that we made on the basis of the whole of the relevant evidence that we have collected on the events of Bloody Sunday.

Chapter 147: The Provisional IRA

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Membership of the Provisional IRA at the time of Bloody Sunday

147.1 It was submitted by the representatives of the majority of represented soldiers that the use by Provisional IRA witnesses of differing terminology (for example, the description by some witnesses of a Provisional IRA unit as a "*section*" and the description by others of the same unit as a "*company*") and the provision by various paramilitary witnesses of different figures, when asked the number of members of the Provisional IRA in Derry, is indicative of a desire to mislead.¹

¹ FS7.412

147.2 This submission appears to imply that the various Provisional IRA witnesses conspired to give differing accounts. We do not accept this submission. There is nothing that suggests to us that any differences or inconsistencies in the evidence arose from some plot (the reason for which is not explained) to mislead us; to our minds such differences are far more likely to arise from understandable difficulties in trying to recollect what the position was at a particular time decades ago.

147.3 Various Provisional IRA witnesses gave figures for overall membership of the Provisional IRA in Derry that varied between 20 and 60. PIRA 24 and Martin McGuinness, who as respectively Officer Commanding (OC) and Adjutant of the Brigade might be expected

to have a greater overall knowledge of the membership than would ordinary volunteers, gave figures that were at the higher end of the scale and which were consistent with each other.¹

¹ [APIRA24.2](#); [KM3.22](#)

147.4 All of those who gave membership figures were aware of the existence of Provisional IRA companies in the Creggan, Bogside and Brandywell. Most recalled that the Bogside and Brandywell operated as one combined company. However, those Provisional IRA members who gave the highest figures were, generally, those who were also aware of the existence of companies in Shantallow and the Waterside. The obvious exception is PIRA 17, who was aware of the Shantallow and Waterside companies but told us in his written and oral evidence to this Inquiry that his “*best estimate*” was that there were no more than 30 volunteers in total.¹

¹ [APIRA17.8](#); [Day 404/10](#)

147.5 The table below summarises the evidence given on this point.

Membership of the Provisional IRA in Londonderry on 30th January 1972

Witness	Status	Figure given	Evidence of companies in Shantallow and Waterside	Reference/Notes
PIRA 24	Command Staff	40–60 (about 40 active)	Yes	APIRA24.2 paragraph 5; Day 426/43-44
Martin McGuinness	Command Staff	40–50	Yes	KM3.22 paragraph 83.4
PIRA 17	Command Staff	30	Yes	APIRA17.8 ; Day 404/10 . PIRA 17 was unsure of the figure
Eddie Dobbins	Volunteer	40–50	Yes	Day 399/81-82 . This figure was at the “ <i>top end</i> ”

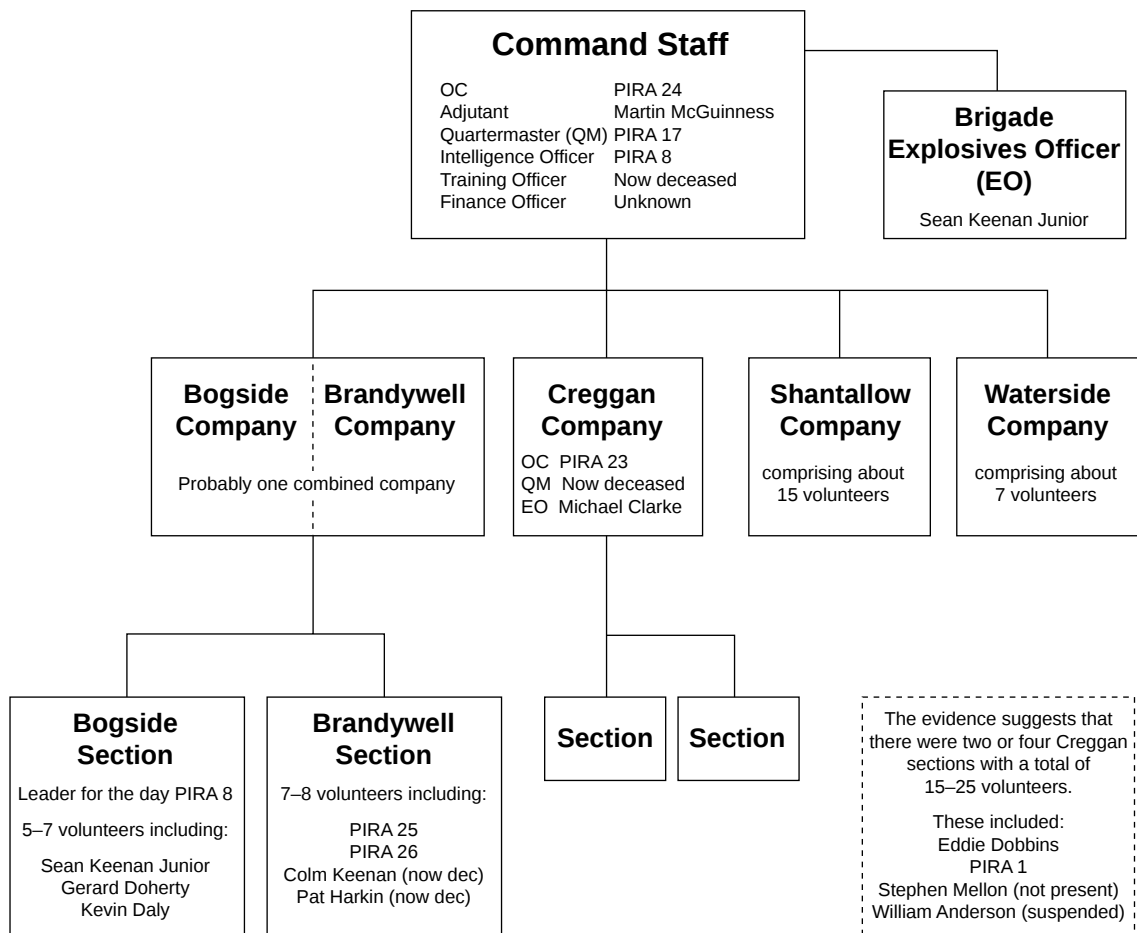
Witness	Status	Figure given	Evidence of companies in Shantallow and Waterside	Reference/Notes
Gerard “Mad Dog” Doherty	Volunteer	40 (20–25 active)	No	Day 400/25, 29; AD65.22 paragraph 20; Day 400/24; AD65.19 paragraph 4
William Anderson	Volunteer	30–40	No	APIRA18.6 paragraph 25; Day 408/2-3
Sean Keenan Junior	Volunteer	25–30 (and a “handful” of inactive members)	No	AK46.5 paragraph 25
PIRA 1	Volunteer	20–30	No	AM508.5 paragraph 31; AM508.8 paragraph 50; Day 409/52
PIRA 26	Volunteer	20–25	No	APIRA 26.1 paragraph 5
PIRA 19	Probably Fianna	30 IRA volunteers and 20 youngsters (probably Fianna)	Yes, but sworn in only days before Bloody Sunday	APIRA19.2 paragraphs 9–10

147.6 As we have observed above, the witnesses were being asked to recall the composition of the Provisional IRA on a specific date decades ago. The membership numbers at about that time would undoubtedly have fluctuated, partly because of the effects of arrest and internment of members and also because of the release of a soldier, Private INQ 2245, who had been abducted by the Official IRA in January 1972. Many Official IRA members took the view that this soldier should not have been released and in consequence left to join the Provisional IRA. Bloody Sunday itself had a significant effect on increasing recruitment after the day. Further, many Provisional IRA witnesses testified that they simply did not know the details of Provisional IRA membership in areas of the city other than their own. PIRA 24, for example, said that volunteers would often not know volunteers in other companies or even in other sections within the same company.¹

¹ [Day 426/42; APIRA24.2](#)

- 147.7** We have found nothing sinister in the differing accounts of the numbers of volunteers on Bloody Sunday. As we have noted, it was senior members of the Provisional IRA, such as PIRA 24 and Martin McGuinness, who it might be suggested had the most to gain from downplaying the scale of Provisional IRA membership, who gave the highest figures. In our view those figures are likely to be reasonably accurate.

Structure of the Provisional IRA in Londonderry on 30th January 1972



- 147.8** The diagram, prepared by Counsel to the Inquiry, represents what Counsel described and we agree is a “*best fit*” picture put together from the evidence of all Provisional IRA witnesses. It shows a brigade divided into companies and sections. There is no battalion level. This seems to represent the understanding of the majority of the witnesses. However, the evidence is complicated by the fact that the witnesses used varying terms;

some, for example, referred to a “*battalion*” while others referred to the same level of division as a “*company*”. PIRA 17 suggested that the Inquiry should not take much notice of the difference in the terms used by various witnesses and we accept that suggestion.¹

¹ [Day 404/4](#)

147.9 In our view Martin McGuinness’s evidence on this topic helps to explain why there are discrepancies in the terms used by the witnesses:¹

“Q. Can you help us as to the organisation of the Derry brigade. That was, was it, divided into subsidiary units?

A. Well, at that time we considered ourselves to be the Derry command of the IRA. Others called it the Derry brigade of the IRA and the city was effectively divided into four battalions: the Creggan, the Bogside and Brandywell, the Shantallow area and the Waterside, but in reality they were not battalions at all, we are talking about very small numbers of people who would not have constituted, in my view, anything close to a battalion.

Q. Were they called battalions, did you use the expression, ‘the Creggan battalion’?

A. That grew up over the years, yes.

Q. What you are saying, as I understand it, is that that may have been rather grand phraseology for rather a few number of people?

A. It was rather grand phraseology, yes.”

¹ [Day 390/8](#)

147.10 It is also possible that the title given to the organisation in Londonderry changed shortly after Bloody Sunday and that it was not in fact a brigade on 30th January 1972. Michael Clarke told us that in January 1972 the Provisional IRA in Derry consisted of a single battalion divided into two companies, one in the Creggan and one in the Bogside and Brandywell. Afterwards, following an influx of members, the Derry battalion was promoted to brigade status.¹

¹ [Day 402/8](#)

Youthful members of the Provisional IRA

147.11 The representatives of the majority of represented soldiers submitted that it is clear that some Provisional IRA volunteers were very young indeed.¹

¹ [FS7.416](#)

147.12 They relied in support of this submission on the evidence of PIRA 19, who told us that he was one of a group of 20 youngsters on the fringe of the Provisional IRA and that he was formally sworn into the Provisional IRA, aged 17, shortly before Bloody Sunday. The representatives of the majority of represented soldiers deduced from this evidence that all 20 of the youngsters to whom PIRA 19 referred were members of the Provisional IRA. We are not persuaded that this was so. PIRA 19 said that Gearóid Ó hEára (who told us that he was the leader of the Provisional Fianna in Derry at the time of Bloody Sunday¹) was in charge of the group of youngsters and also accepted that, with hindsight, the group would probably have been regarded as a Fianna group.² The group members did not, he said, have access to weapons. PIRA 19 told us he saw weapons training being given only to older, fully fledged Provisional IRA volunteers. His evidence was that the youngsters were “*on the fringes of the IRA ... [and] keen to be involved in the excitement of it all and ... wanted to be closer to the movement*”. He told us that the youngsters acted as look-outs, monitored troops and generally helped out.³

¹ AO79.9

³ APIRA19.1

² Day 416/151

147.13 While PIRA 19 may well have been sworn into the Provisional IRA at the age of 17, his evidence does not suggest that the other 19 or so youngsters became members of the Provisional IRA with him or were already members. He said that he was sworn in with others after a meeting of the youngsters. His evidence was that some youngsters then left and others were sworn in. He thought that about 15 volunteers were sworn in but it was unclear from his evidence how many of these were youngsters.¹ He agreed with the proposition that he was sworn in with 15 other “*young*” volunteers but it is not at all clear from his answer that he was directing his mind to the question of the age of the volunteers or intended to convey that the new recruits were all from the pool of youngsters to which he had formerly belonged.²

¹ APIRA19.2; Day 416/148

² Day 416/164

147.14 PIRA 19 accepted that he might have been sworn into the IRA after Bloody Sunday¹ but, questioned by counsel for the majority of represented soldiers, reverted to his original account that he was sworn in before Bloody Sunday and shortly after the shooting of the two police officers from Rosemount. That shooting had taken place on 27th January 1972.²

¹ Day 416/155

² Day 416/163-164

147.15 The evidence of PIRA 19 and others does indicate, as the representatives of the majority of represented soldiers submitted, that it was possible for volunteers below the age of 18 to be sworn into the Provisional IRA. These representatives did not invite us to attach any particular significance to this fact beyond submitting that an organisation which included a “significant proportion ... of very young personnel”¹ needed experienced leadership, which they aver was not available because so many senior Provisional IRA men had been interned. While we accept that there probably were some very young members of the Provisional IRA at the time of Bloody Sunday, we have found no evidence that suggests to us either that they formed a significant proportion of the membership, or that the presence of young members gave rise to any problems of discipline within the Provisional IRA.

¹ FS7.420

Members newly recruited from the Official IRA

147.16 The representatives of the majority of represented soldiers submitted that most members of the Provisional IRA would “apparently” have shared the low regard for the Official IRA held by Fr Denis Bradley.¹ Fr Bradley described the Official IRA as a “different and disparate” group compared with the Provisional IRA. “It was an old Catholic thing. They were seen as Marxist left wing and were not particular about who joined them. They were inclined to be considered ‘gangsterish’. There were some very irresponsible people in their organisation.”²

¹ FS7.418

² H1.7

147.17 These representatives did not identify the evidence on which they relied in support of their proposition. It is clear that at the time of Bloody Sunday there was hostility between the two groups in the city. However, the representatives of the majority of represented soldiers went on to rely on the unchallenged evidence of PIRA 24 that about one-third of those who were members of the Official IRA defected and joined the Provisional IRA in the wake of the abduction and release by the former of Private INQ 2245 in mid-January 1972¹ to which we have already referred. We see force in our Counsel’s comment that it seems unlikely, as a matter of common sense, that the Provisional IRA would have accepted as members individuals whom they despised as roundly as the representatives of the majority of represented soldiers suggested.

¹ FS7.418

147.18 These representatives also referred to the evidence of PIRA 24 to the effect that the Official IRA was undisciplined and submitted that it “*may be of some concern*” that such undisciplined men joined the Provisional IRA, observing that there was no time for them to undergo re-training by the Provisional IRA before 30th January 1972. It seems unlikely that members of the Official IRA who joined the Provisional IRA remained undisciplined. As Fr Bradley himself said, “*The Provisionals were much more careful [than the Official IRA] about who was allowed in and were more disciplined*”.¹ We consider it unlikely that the Provisional IRA would have accepted individuals who presented a risk to the discipline of their organisation. Further, as the representatives of the majority of represented soldiers fairly pointed out, PIRA 24 told us that these new recruits were spread out among Provisional IRA units so that they could be “looked after” by existing volunteers.² We have found no evidence, nor was any suggested to us, that former members of the Official IRA disobeyed orders on Bloody Sunday.

¹ H1.7

² FS7.419

Lack of discipline within the Provisional IRA

147.19 The representatives of the majority of represented soldiers submitted that “*We are not in a position to suggest precisely why PIRA 24 ceased to be Derry OC. We suggest, however, that the timing of his removal from office, two weeks after Bloody Sunday, is suspicious.*”¹

¹ FS7.422

147.20 These representatives did not suggest the nature of the suspicion that they submitted should be aroused from this event.

147.21 They also submitted that “*The command structure, which should have exerted a degree of control on its membership, had been more than decimated by internment, leaving PIRA 24 in charge. These were not the circumstances in which one would expect a disciplined regime to exist. It plainly did not.*”¹

¹ FS7.422

147.22 These representatives drew to our attention evidence on which they relied to show that discipline was a problem.¹ Martin McGuinness’s account to Praxis Films Ltd² that weapons were removed on Bloody Sunday to prevent ill-disciplined use does not necessarily show that discipline was a problem; it could equally show, as Martin McGuinness suggested in the interview, that the risk of indiscipline was being avoided. William Anderson’s suspension for burning a vehicle³ evidences criminal behaviour on his

part (not necessarily disobedience of an order) and also shows the firm action taken by the Provisional IRA to deal with such conduct. The representatives of the majority of represented soldiers referred to the evidence of Charles Coyle,⁴ the manager of the Pop Inn, about “*hotheads*” but fairly acknowledged that Charles Coyle did not say whether he was referring to members of the Official or Provisional IRA.

¹ FS7.422

³ APIRA8.1

² KM3.64

⁴ AC88.1

147.23 The same representatives also referred to Eddie Dobbins’ actions in leaving the Creggan on the afternoon of Bloody Sunday as a potential example of “*the breach of the most basic of orders*”.¹ Eddie Dobbins accepted that he had been ordered to stay within the Creggan. What he did could correctly be described as a breach of his orders. However, in the unique circumstances of receiving reports of fatal shootings in the Bogside, his decision to investigate does not in our view evidence a general lack of discipline among members of the Provisional IRA.

¹ FS7.424-425

147.24 In the *Observer* newspaper galley proofs of an article to be published in February 1972, which in the event was not published because of concern that it might amount to a contempt of the Widgery Inquiry, a section leader of the Provisional IRA covering the Bogside is reported to have spoken in the following terms:¹

“Some members came down with guns in a car and it was difficult to restrain them. We got their weapons away and took them out of the area. Three shots from a sub-machine-gun were fired by one volunteer in the Bogside Inn (Meenan Park) area. These were the only shots fired. There were no nail bombs.”

¹ ED24.10

147.25 The section leader of the Provisional IRA Bogside Section was PIRA 8.¹ To our minds this account, assuming its accuracy, tends to show that discipline was maintained, since it is to the effect that those arriving were restrained and that the arms were removed. In the course of this report we discuss the evidence of firing by paramilitaries on Bloody Sunday, but there is nothing that suggests to us that this resulted from a lack or loss of discipline among members of the Provisional IRA.

¹ APIRA8.1

147.26 We now turn to the question of the weapons at the disposal of the Provisional IRA and whether these were used on Bloody Sunday.

Weapons and explosives available to the Provisional IRA

Weapons

147.27 PIRA 17, the Command Staff Quartermaster, told us that the Provisional IRA had 21 or 22 weapons at the time of Bloody Sunday. These were two M1 carbines, two Thompson sub-machine guns, 11 Lee-Enfield .303s and six handguns. Of these, eight weapons were issued on Bloody Sunday, four to each Active Service Unit (ASU).¹ His evidence was that the ASUs did not have explosives in their cars.²

¹ [APIRA17.8](#)

² [APIRA17.13](#)

147.28 The figure given by PIRA 17 was roughly consistent with the figures given by other senior Provisional IRA witnesses. Martin McGuinness estimated that the Provisional IRA possessed 18–19 weapons,¹ PIRA 24 said that there were 21² and Gerard “Mad Dog” Doherty said he thought that there were 15–20.³

¹ [KM3.21](#)

³ [AD65.20](#); [Day 400/27](#)

² [APIRA24.8](#)

147.29 The evidence of the Provisional IRA witnesses suggested that the Provisional IRA held two Thompson sub-machine guns at the time of Bloody Sunday. Michael Clarke told us that it was hard to get ammunition for the Thompson sub-machine guns and PIRA 24 that the Provisional IRA in Derry had very little ammunition for the machine guns and none on Bloody Sunday.¹ PIRA 8 told us that the claim that two rounds of sub-machine gun fire were fired up at the City Walls was incorrect. “*This did not happen.*”² However, Martin McGuinness told Philip Jacobson of the *Sunday Times* that two rounds of sub-machine gun fire “*were fired by a provisional between 5.30 and 6 pm, that is, after the army had stopped firing and carried away most of the dead*”.³ We return to consider this firing (the so-called “*symbolic*” firing) later in this part of the report. As we have already noted, the Quartermaster of the Provisional IRA in Londonderry told us that each of the ASUs was equipped with, among other armaments, a Thompson sub-machine gun. Furthermore, we are of the view that PIRA 8 did give the account contained in the *Observer* galley proofs. In these circumstances we have concluded that it is probable that a member of the

Provisional IRA did fire two or three rounds from a Thompson sub-machine gun on Bloody Sunday, though there is nothing in the evidence under consideration that suggests to us that the shots were fired in or into any of the five sectors.

¹ [AC157.12; Day 426/146-147](#)

³ [KM3.51](#)

² [APIRA8.7](#)

- 147.30** PIRA 24 also said that he had a private, reserve weapons dump of which the other Provisional IRA members knew nothing. He told us that the dump was in Donegal. Within that dump were five M1 carbines, one Lee-Enfield, two pistols, two Garands, four shotguns, two .22 rifles, two “*Henry Martinis*” (ie Martini-Henry rifles) and a Bren gun (which fired only single shots). He told us that these weapons were not in circulation and were not used on Bloody Sunday.¹

¹ [APIRA24.8](#)

- 147.31** We have no doubt that weapons were in short supply and that there were definitely more volunteers than weapons.¹

¹ [APIRA26.2; Day 402/11](#)

Explosives

- 147.32** PIRA 24 said that explosives were kept only in the Bogside, Brandywell and Creggan and that there were two Explosives Officers who covered these three areas between them. He told us that Sean Keenan Junior and Michael Clarke were the two Explosives Officers and added that Colm Keenan (to whom we refer later in this part of the report) was not an Explosives Officer and would not have had access to detonators, which were under the control of the Command Staff Quartermaster. PIRA 24 told us that he had good contacts, who were able to provide commercial explosives when he wanted them, but that he did not want to keep large quantities in the dumps. He thought that there might have been about 50lb of explosives in total within the three areas at any given time in January 1972.¹ He said that he and the Quartermasters would have known the location of the explosives dumps but that as far as he was aware no use was made of any of the explosives from the dumps on Bloody Sunday.²

¹ [APIRA24.5](#)

² [Day 426/60](#)

- 147.33** Martin McGuinness said that he thought that the Provisional IRA had only small amounts of commercial gelignite. By “*small amounts*” he said that he meant that people would have been lucky to have more than 25–30lb.¹ Most nail bombs were made with gelignite.

He added that the Provisional IRA made its own explosives other than gelignite for purposes other than making blast bombs and nail bombs. He also said that many explosions were carried out with small quantities, sometimes ounces, of explosive.²

¹ [Day 391/28](#)

² [Day 391/29](#); [Day 329/51](#)

147.34 Sean Keenan Junior, who was too ill to give oral evidence, told us in his written statement to this Inquiry that he was the Explosives Officer of the Provisional IRA in Derry. He said that the Provisional IRA never had much explosive. It was difficult to obtain military explosives and the Provisional IRA had only gelignite. The explosives dump was separate from the weapons dumps. He and one other volunteer, whom he would not name, knew the location of the dump. He stated that there were no explosives in use on Bloody Sunday; and that he did not make any nail bombs or other bombs or give any bombs to anyone.¹

¹ [AK46.5-6](#)

147.35 PIRA 17 told us that gelignite was not in plentiful supply. He thought that on Bloody Sunday itself the Provisional IRA had no more than 10–15lb of explosives suitable for making nail bombs.¹ He also told us that access to the explosives dump was available to two people only and said that he was one and the Explosives Officer the other.²

¹ [APIRA17.10](#); [Day 404/40](#)

² [APIRA17.11](#)

147.36 PIRA 17 also said that members of the Provisional IRA had no nail bombs available to them that day. He told us that no nail bombs had been prepared and that for safety reasons, nail bombs were not prepared and kept in dumps.¹

¹ [Day 404/24-25](#)

147.37 According to PIRA 17, each company had its own weapons dump and separate explosives dump. On the night before Bloody Sunday all weapons were brought to a central location. The companies retained very small amounts of explosives. The explosives were not brought to a central location but the order was that they were to be “*neutralised*” and the dumps sealed.¹

¹ [Day 404/79](#)

147.38 Gerard “Mad Dog” Doherty told us that the Provisional IRA had only a very limited supply of explosives. Gelignite was the only explosive substance available and this was kept under the strict control of the engineers.¹

¹ [AD65.20](#)

147.39 We have no grounds for doubting that at the time of Bloody Sunday explosives for making bombs were in short supply, as described by these witnesses. At the same time, bearing in mind the use of nail bombs in the weeks and months preceding Bloody Sunday, there is no doubt that there was sufficient explosive available for the manufacture of numbers of nail bombs. Each nail bomb only required some four ounces of explosive.

147.40 Michael Clarke's evidence was that the Quartermaster supplied him with explosives when he needed them.¹ He stated that he was positive that no Provisional IRA nail bombs were used on Bloody Sunday.²

¹ [AC157.7](#)

² [AC157.8](#)

147.41 For the reasons we give elsewhere in this report,¹ we have concluded that it is probable that Gerald Donaghey (a member of Provisional Fianna) had nail bombs in his possession when he was shot. In these circumstances we cannot accept any of the evidence that suggests that there were no nail bombs available for use by Provisional paramilitaries in the Bogside on Bloody Sunday. However, again for the reasons that we have set out in the course of this report, we have concluded that no-one threw or attempted to throw a nail bomb in any of the five sectors.

¹ [Chapters 125–145](#)

147.42 We should note that in his first written statement to this Inquiry, Donal Deeney said that it was easy for a rioter to obtain nail bombs or petrol bombs. These were kept in stashes and were available to those who were not members of the IRA.¹ However, in his oral evidence to this Inquiry he said that he did not know whether there were recognised places from which one could obtain a nail bomb or petrol bomb and said that he had never obtained one.² We were not persuaded that bombs (particularly nail bombs) were as readily available as this witness suggested.

¹ [AD26.1](#)

² [Day 86/5](#)

147.43 We should also note that Patrick Ward's evidence was that Provisional Fianna members made nail bombs for use on Bloody Sunday. All relevant Provisional IRA and Fianna witnesses rejected this evidence. We consider it in more detail when examining the evidence given by Patrick Ward later in this part of the report.

147.44 Although we are sure that no-one threw or attempted to throw nail bombs in any of the five sectors, we should draw attention to the evidence of Captain 021 and Captain 028. The first of these gave a Royal Military Police (RMP) statement dated 3rd February 1972,¹ in which he stated that he had been on the City Walls by Echo Observation Post

during what appears to be the early afternoon of 30th January 1972, when his attention was drawn by Captain INQ 2225, an Intelligence Officer, to three garages located “*near the Bogside*”. This account continued, “*There were three cars at this location and a number of men and youths. Although INQ 2225 told me that he had seen some of the men make nail bombs, I myself did not witness this.*” Captain 028, in his RMP statement also dated 3rd February 1972,² gave an account of going onto the City Walls and at about 1430 hours meeting Captain INQ 2225, “*who informed me that there were two cars situated below his posit[i]on in LECKY STREET and the occupants were handing out, what he thought were nail bombs. I saw the two cars and the men who were distributing something but I was unable to see what it was.*”

¹ B1501

² B1566

147.45 Captain INQ 2225 gave evidence to this Inquiry, in the course of which he told us:¹

“I have been referred to the statement of Soldier 021 and his subsequent evidence. I remember this soldier and note that he says he was on the Walls when I was, at around the lunchtime period. I have no present recollection of this. I have been referred specifically to page 1501 which is the Royal Military Police statement that this soldier appears to have given in 1972. In this document, there is reference to him having met me, and to my having drawn his attention to three garages located near the Bogside Inn where there were three cars with a number of men and youths. It is reported that I told Soldier 021 that I had seen men make nail bombs.

I have also been referred to the Royal Military Police statement of Soldier 028 where he states in his statement that he was informed by me that there were two cars in Lecky Street and that the occupants were handing out nail bombs.

It was known that the garages around the Bogside Inn were used by the paramilitaries. From the Walls, you could not see into the garages and one would simply see people and cars in that area. I remember once seeing Martin McGuinness put up a sign on the wall of the Bogside Inn on which was written – ‘Join the IRA!’. The lock ups were once raided by the Royal Green Jackets after 30 January 1972.

I think I would remember if I had seen anyone manufacturing or handing out nail bombs on Bloody Sunday. On the day, I was not using any optical instruments such as binoculars. I now have no recollection of seeing anything as is described by Soldiers 021 and 028 in their statements. I do not now remember but I may have said that the general area of the garages was an area used by paramilitaries for the storage and distribution of explosives. I may well have pointed out people in that locality. Eversheds have made me aware of the evidence given to this Inquiry by Paddy Ward of the distribution of nail bombs in this area on Bloody Sunday. I have no recollection of drawing anyone's specific attention to the area of the garages on the day, although I accept that I may well have done so."

¹ [C2225.7](#)

- 147.46** We accept this evidence of Captain INQ 2225. There is no record of the reporting of men making or handing out nail bombs, a matter which we consider would be very likely to have been reported had it been seen, because of its self-evident importance. Furthermore, it seems to us unlikely in the extreme that paramilitaries would engage in the manufacture or distribution of nail bombs in full view of what they must have known was constant observation by soldiers on the City Walls.

Control of weapons

- 147.47** The representatives of the majority of represented soldiers submitted that the Provisional IRA witnesses "*unhelpfully*" refused to disclose the precise locations of weapons dumps in Londonderry.¹ Knowing where these dumps were would have added to our knowledge of the situation in Londonderry in January 1972, but on considering the whole of the evidence we have concluded in the end that the exact places where weapons were kept were of little significance. PIRA 24 told us that, so far as the Bogside was concerned, they were near Rossville Street and on the boundary of the Bogside and the Brandywell.² Martin McGuinness told us that the closed dump to which weapons were moved for 30th January 1972 was a building in the Bogside area in the vicinity of a safe house, which was itself about 200 yards from the Bogside Inn.³

¹ [FS7.427](#)

³ [Day 390/46](#)

² [APIRA24.8](#); [Day 426/93](#)

147.48 William Anderson told us that at about the time of Bloody Sunday access to weapons was strictly controlled. In order to obtain a weapon a volunteer would have to ask his Section Leader who would then ask the Quartermaster. Weapons and explosives needed for a job were taken to a pick-up point. Volunteers never went to a dump.¹

¹ [APIRA18.7](#)

147.49 PIRA 8 gave a similar account. He said that no member of his section knew where the Provisional IRA's weapons were kept and that his section did not have its own weapons. On his account, if he had wanted a weapon at short notice, he would have asked his Section Leader, who would have asked the OC of the Bogside who would then have approached the Derry Quartermaster.¹ He did say that it was possible for a section to keep weapons for a short time in its own dump.²

¹ [Day 418/17-18](#)

² [Day 418/19](#)

147.50 PIRA 24 told us that no individual held a personal or private weapon.¹

¹ [APIRA24.12](#)

147.51 PIRA 23 told us that the Command Staff Quartermaster controlled access to weapons. Within the Creggan Company, only he and the Creggan Company Quartermaster could gain access to weapons. *"There was no such thing as a personal weapon. All weapons were strictly accounted for. The chances of volunteers obtaining personal weapons were nil."*¹

¹ [APIRA23.2](#)

147.52 Charles Coyle, the manager of the Pop Inn, gave evidence of efforts made by IRA members before the march to contact "*hotheads*" who were in possession of weapons.¹ It is not apparent from his evidence whether these "*hotheads*" were members of the Official or Provisional IRA.

¹ [AC88.1](#)

147.53 Our assessment of the evidence is that efforts were made to guard weapons and to control who had them.

Weapons available to members of the Provisional IRA on Bloody Sunday

Evidence given to this Inquiry

- 147.54** According to the evidence given to this Inquiry by Provisional IRA members, certain weapons were under the control of the ASUs, of which PIRA 8 and Eddie Dobbins were members. These weapons were not brought into the Bogside until after the soldiers had shot all the casualties. All other weapons were under the control of the Command Staff Quartermaster, PIRA 17, and were not deployed on Bloody Sunday.
- 147.55** In essence, the account given by the Provisional IRA witnesses to this Inquiry was that all weapons other than those in the possession of the ASUs were placed in a dump on the edge of the Bogside.
- 147.56** PIRA 17 told us that all Provisional IRA weapons, other than those to be used by the two ASUs on duty in the Creggan and Brandywell, were taken to a central location and placed in a dump under his control in the early hours of the night of 29/30th January.¹ The dump was in the Bogside and, he thought, its location was known only to him and to the Adjutant.² Some weapons were already there. Others had been in the possession of two of the companies.³ PIRA 17 was adamant that no weapons left that dump on Bloody Sunday:⁴

“I wish to state to this Tribunal that I, as command quartermaster, and I also stated [this is clearly a typographical error for ‘state it’] to the people sitting in the gallery at the back, the relatives, the friends of the people murdered on Bloody Sunday, in particular to them: I bear full and absolute responsibility for the weapons that were in the central dump; I bear full and absolute responsibility for putting them in the central dump; I bear full and absolute responsibility for telling this Tribunal, and you, the relatives of the people murdered, that that dump remained intact.”

¹ [APIRA17.1](#)

³ [Day 404/15](#)

² [Day 404/16-18](#)

⁴ [Day 404/17](#)

- 147.57** He declined to say where the dump was but did say that it was in the Bogside.¹

¹ [APIRA17.9](#)

147.58 PIRA 23 told us that his Company Quartermaster informed him early on the morning of 30th January that the Command OC had ordered that all weapons other than those used by the patrols were to be placed in a dump under the control of the Command Quartermaster.¹ He was aware of a general order, as far as the Creggan Company was concerned, that there were to be no weapons in the Bogside.²

¹ [Day 422/7](#)

² [APIRA23.1](#)

147.59 PIRA 24's account differed from that of PIRA 17, PIRA 23 and Martin McGuinness, whose evidence is considered below. However, since PIRA 24 was one of the last witnesses to provide a statement, it was not possible to put his account to these other witnesses. PIRA 24 said that he gave instructions that weapons should be removed from the Bogside and taken to the Creggan. Martin McGuinness and PIRA 17 took the weapons to the Creggan on Saturday night, only to discover that the OC of the Creggan did not want his closed dump to be opened. The weapons were instead transported to a dump on the perimeter of the Brandywell and the Bogside. On that Saturday night, the OC of the Creggan told PIRA 24 what had happened. PIRA 24 said that he was content with the altered arrangements because the weapons were in a closed dump, the location of which was known only to him, the Adjutant and the Quartermaster.¹

¹ [APIRA 24.8; Day 426/72](#)

147.60 Martin McGuinness said that all Provisional IRA weapons other than those in the possession of those patrolling the Creggan and the Brandywell were placed in a closed dump for the duration of the march.¹ He said that the dump was a building in the vicinity of a safe house which was itself about 200 yards from the Bogside Inn and that he, with assistance, placed the weapons there. He would not identify with precision the location of the dump.²

¹ [KM3.2](#)

² [Day 390/46-47](#)

147.61 Frankie Boyle told us in his written statement to this Inquiry that at about 2.00am on the morning of 30th January 1972 he saw about six vehicles carrying weapons and people from the Bogside to the Creggan.¹ Martin McGuinness said that he knew nothing of this. Frankie Boyle has indicated to the Inquiry, through his solicitor, that he now believes that the incident to which he referred may have occurred on a day other than Bloody Sunday. The solicitor has informed this Inquiry that Frankie Boyle's recollection of events has become very confused. Frankie Boyle has been unable, for health reasons, to provide a

further statement to this Inquiry. Other information in the possession of the Inquiry, which in performance of our duty under the Human Rights Act 1998 we cannot make public, also indicates that his initial account to the Inquiry is very likely to have been incorrect.

¹ [AB48.1](#)

Other accounts

- 147.62** The *Observer* newspaper galley proofs¹ contain the following account, attributed to the Section Leader of the Provisional IRA covering the Bogside, who was PIRA 8:

“Our volunteers were under the strictest orders not to take any weapons into the area. It could have been far too dangerous for the community. We took all our weapons out to the Creggan estate where members of the Provisionals guarded them.”

¹ [ED24.9](#)

- 147.63** Martin McGuinness said it was possible for volunteers to have taken weapons to the Creggan, not knowing that the weapons were going to be moved on to the closed dump in the Bogside. Great care was taken to limit the numbers of people who knew that weapons were in a closed dump.¹ His evidence was that only two members of the Provisional IRA, of whom he was one, knew the location of the dump.²

¹ [Day 390/56-57](#)

² [Day 390/63](#)

- 147.64** Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team made the following note of an interview that took place on or about 3rd February 1972:¹

“We spoke to a senior member of the provisionals in a sprawling house in the heart of the Bogside: just over 20, he said the average age of his command was no more than 23. He told us that on the Saturday evening before the march, the provisional command staff sent out firm verbal orders forbidding members to carry arms on the march. Many provisionals did attend the march, some, we believe, as stewards. Arms were not withdrawn, but this senior provisional officer told us he had been present all the time and was confident that none of his men had defied the ban.”

¹ [KM3.51](#)

- 147.65** Their evidence was that Martin McGuinness was the interviewee. He said that he did not recall the interview, but we are sure that he was the person these journalists interviewed.

147.66 In an interview for Praxis, Martin McGuinness said that there probably were guns in close vicinity to the march but that they were “*in houses, a few like dumps and things like that there*”.¹ In his oral evidence to this Inquiry he said that he had been as meticulous and accurate as he could in giving an account to the Inquiry and implied that he had taken more care in giving it than he took when speaking to journalists. He said that his account to the Inquiry was the accurate one.² However, in our view Martin McGuinness would not have made this remark to Praxis if he had not believed it to be accurate.

¹ KM3.67

² Day 390/60-61

147.67 The OC of the Provisional IRA (PIRA 24) told Peter Taylor in 1972 that weapons had been taken out of the Bogside.¹ Martin McGuinness said he thought that the OC, in referring to the Bogside, might have been thinking of a smaller geographical area than the area now considered to be the Bogside. He said that now the Bogside is regarded as extending to the area of Stanley’s Walk. In 1972 many regarded it as extending southwards only as far as the Old Bog Road (Fahan Street West).²

¹ X1.74.1

² Day 390/58-59

147.68 A draft of what became the final *Sunday Times* Insight article included the words “... *the Derry Provisional Cmd staff issued orders forbidding members to carry arms on the march. Many provisionals did march, some as stewards; their arms were not withdrawn.*”¹ The relevant part of the final version of the article² was in the following terms:

“The Provisionals’ orders were more simple. As a result of an appeal by local MPs, all their arms were withdrawn from the Bogside – except for those acting as stewards on the march.”

¹ S44

² L211

147.69 It would appear that those preparing the draft and the final Insight article understood the note prepared by Peter Pringle and Philip Jacobson¹ as meaning that stewards retained their weapons. In our view, it is unlikely that this was what the note meant, as it is difficult to see why stewards should be armed. The note itself records an unambiguous statement that there were verbal orders forbidding members to carry arms on the march. The next sentence records that many members of the Provisional IRA did attend the march, some as stewards. After the words “*arms were not withdrawn*” the note continued with recording that the same Provisional officer who had told the journalists about the verbal orders was confident that none of his men had defied the ban. The reference to the ban could in its context only refer to what had gone before, namely the prohibition on carrying arms on

the march. To our minds it follows that the words “*arms were not withdrawn*” cannot mean that members of the Provisional IRA on the march who were acting as stewards were carrying arms. What the words in our view probably did mean was that arms were not removed from where they were normally kept, which would be consistent with what Martin McGuinness later told Praxis.

¹ [KM3.51](#)

- 147.70** The representatives of the majority of represented soldiers drew our attention to what they described as a variety of conflicting claims that had been made about the removal and storage of Provisional IRA weapons in preparation for the march. They submitted that over the years each of the following suggestions had been put forward:¹

“(1) ‘Arms were not withdrawn’;
 (2) ‘We took all our weapons out to the Creggan Estate’;
 (3) ‘They were brought to a central location ... Creggan was too vulnerable’; and
 (4) Weapons were rejected at Creggan and so were returned to Bogside.”

¹ [FS7.444-452](#)

- 147.71** The first of this list was based on the note made by Peter Pringle and Philip Jacobson, which we have discussed above. These representatives submitted that Martin McGuinness’s accounts to the *Sunday Times* and to Praxis¹ made it clear that weapons were not withdrawn to a single, closed dump.²

¹ [FS7.445](#)

² [FS7.452](#)

- 147.72** As to the remaining points, it is the case, as can be seen from what we have described above, that various and differing accounts were given by the witnesses of what was done with weapons.

- 147.73** The same representatives submitted, on the basis of these discrepant accounts, that “*The Tribunal may wonder why senior PIRA witnesses have felt it necessary to invent such a web of lies, unless they have important issues to conceal*”.¹

¹ [FS7.452](#)

- 147.74** We find difficulty in following this submission, which appears to imply that the witnesses have conspired together to put forward differing false evidence in order to conceal something (we are not told what) from this Inquiry.

147.75 Had there been such a conspiracy, then, as these representatives have pointed out elsewhere (and as we have noted above), the Provisional IRA witnesses had plenty of time to concoct a coherent story and give consistent accounts. They did not do so. It seems to us that it is equally possible that the discrepancies are explicable on the basis of genuine differences of recollection; and do not necessarily evidence any plot to keep matters from or to mislead this Inquiry.

147.76 The representatives of the majority of represented soldiers submitted that we should reject the evidence that weapons were dumped in the Bogside, submitting that this was unlikely, because it was where marchers would gather to make their protest, where the Army would be present on the periphery, and that “*all weapons, save for those with the patrol cars, would be lost if the dump were compromised*”.¹ We are not persuaded by this submission. There was evidence to suggest that apart from the dump near Rossville Street, there was a dump in the area of Stanley’s Walk, on the border between the Bogside and the Brandywell,² which to our minds would be no more safe or unsafe than on any other day.

¹ FS7.452

² APIRA24.8

147.77 In the end, in view of the conflicting accounts, it is difficult to be sure whether arms were removed to one dump, or were left in their usual places. On the whole, however, we consider that the latter is the more likely to be the case. We accept that there probably was an instruction for Provisional IRA members going on the march to do so without firearms.

The question of assurances sought from and provided by the Provisional IRA

147.78 Ivan Cooper told us that he had had no previous experience of either wing of the IRA using a civil rights march to attack the security forces. He said that some months had elapsed between the last marches and the march on 30th January 1972; and that the IRA had become increasingly active in those months and so, although he had no reason to believe that the IRA would attack the security forces during the march, he wanted to be sure that they would not do so.¹

¹ Day 419/11

147.79 Ivan Cooper said that a few days before the march he arranged through Paddy Devlin MP to meet a representative of the Provisional IRA. He met four members, the OC (PIRA 24), PIRA 17 and two others.¹ On the Thursday before the march, he said he received in a telephone call confirmation from PIRA 24 that the Provisional IRA would confine itself to the Creggan estate while the march proceeded.²

¹ Day 419/13

² Day 419/14-15; Day 420/35

147.80 According to Ivan Cooper, Brigid Bond told him that she had made representations to the Provisional IRA. He said Fr O'Neill told him that members of the clergy had done the same. Ivan Cooper told us he recalled speaking to Fr O'Neill, Fr Vincent Anthony Mulvey and another priest who told him that they had had discussions with the Provisional IRA who were not going to seek any type of confrontation. Ivan Cooper said that he received similar information from a businessman, whom he did not wish to name.¹ He said that his understanding from "*the feedback which we were getting*" was that the Provisional IRA had issued a direction that there were to be no arms in the Bogside on the day of the march.²

¹ Day 420/33-34

² Day 419/17-18

147.81 For the following reasons we have taken the view that it would be unwise to rely upon the accounts given by Ivan Cooper, save where other evidence supports them. According to John Barry, one of the journalists on the *Sunday Times* Insight Team, in 1972, after the publication of the *Sunday Times* Insight article on Bloody Sunday in April of that year, he conducted a long interview with Ivan Cooper and made notes of that interview. As John Barry told us:¹

"The problem is that I interviewed Cooper after we had finished writing the story. I went back to – we had some ambitions, as I think I mentioned in my statement, to write a book about it and I went back to Derry, also I think to Belfast, to see if I thought it was possible to get any more information.

My thinking was partly that – I knew that the story had been much read, obviously, in the community and I hoped that what people would say was 'good piece' or 'bad ghost, but of course what you did not know was this'; in other words, the impulse to boast, I hoped, would lead us to more information and it was in the course of that round of interviews that I finally managed to get hold of Ivan Cooper.

I do not know why I had not managed to before, perhaps he had been in Dublin or somewhere, but it was only afterwards – after we had written this that I heard the story that he recounts.

Q. Is that after you had published that, the Sunday Times article?

A. Yes.”

¹ [Day 193/105](#)

147.82 John Barry told us that these notes,¹ in typescript with his handwritten notes at the side, were a summary with, on occasion, verbatim quotes of a taped interview with Ivan Cooper.²

¹ [KC12.65-72](#)

² [Day 193/120-136](#)

147.83 Ivan Cooper gave written and oral evidence to this Inquiry. In the first of his four written statements he made the following observations on the notes made by John Barry:¹

“I have read some typewritten notes which I am informed were prepared by the Sunday Times Insight team. I have never seen them before making this statement. I find this account poisonous and disturbing and I reject it in its entirety. The manner in which it is written smacks of British security intelligence operating; it is for the most part, factually incorrect. There are many examples of factual inaccuracies in the article. I therefore wish to reject this document in its entirety and will not even begin to give it credibility by addressing it in more detail.”

¹ [KC12.30](#)

147.84 John Barry was asked whether British security intelligence or any British authority had anything to do with his notes. He denied that this was the case.¹

¹ [Day 193/121-122](#)

147.85 In view of what Ivan Cooper had stated in writing to this Inquiry, it was necessary in our view to take him through the notes in detail when he gave oral evidence. When this had been done, there was the following exchange with Counsel to the Inquiry:¹

“Q. I have now gone at great length through each page of this document. Can you think how on earth a document in this length and detail came to be prepared if it does not in fact reflect a conversation with you?

A. I have never been interviewed by the Sunday Times Insight team or by anyone other than David Holden who I believe interviewed me prior to Bloody Sunday; the entire document is a fabrication.

Now, there are things that puzzle me about it.

First of all, why were these notes not taken at the time that they were here, the Sunday Times Insight team was here in Derry conducting, conducting a series of interviews; they made no attempt to contact me, and what I understand that Mr Barry said to this Tribunal was that he had undertaken this exercise some months later.

I had a full-time office. I was easily contactable, but I can tell you one thing, why would I give this sort of story to the Sunday Times? I represented a small rural constituency in the Sperrin mountains. There would not have been any more than three or four Sunday Times sold in it. It was not any good to me; that is the first thing. The second thing is, do you think that I have harboured this all of these years and spoken as often as I have spoken about Bloody Sunday, in the full knowledge that I had knowledge of bombs and guns?

Q. Could we have on the screen KC12.94. This is an article written by Don Mullan that appeared in Ireland on Sunday in June 2001. It contains in it a passage which may or may not be right, but which I want to ask you about.

Which reads as follows:

‘According to Ivan Cooper, highly-placed and credible sources have told him that journalists working for the Sunday Times Insight team in 1972 are not going to stand over the above notes and other material attributed to them.’

Is that what you told Mr Mullan?

A. Yes.

Q. Who was the ‘highly-placed and credible source’ who gave you the information which is there recorded?

A. A number of journalists have very strong opinions as to how these eight pages have emerged. A number of journalists have got opinions as to how these eight pages emerged. I am certain of one thing: John Barry did not interview me. So these pages must have been constructed in some way, I do not know who was part of the construction, but I know I contributed nothing towards it.

Q. But were there highly-placed and credible sources who told you – erroneously as it turned out – that the journalists were not going to stand over the notes, people who were on the Sunday Times or had any knowledge of what they were talking about?

A. They were people who were associated with the Bloody Sunday film.

Q. With the Bloody Sunday?

A. Film.”

¹ [Day 419/142](#)

- 147.86** As the result of the exercise of going through the notes with Ivan Cooper, we became more and more convinced that, contrary to what he insisted was the case, he had given the interview to John Barry. We are also sure that the notes represent an accurate account of what he told John Barry, who in our view was a reliable and impressive witness. We accept John Barry’s denial of the suggestion that British security services or any British authority had anything to do with his notes, a suggestion that we regard as without substance and for which in our view the notes provide no support at all. The length, detail, form and content of the notes all point to their being what John Barry said they were. We can see no basis for supposing that John Barry, or anybody else, should set about creating, by way of complete invention, a coherent if sometimes meandering account, interspersed with journalistic asides and comments, including outright scepticism.
- 147.87** In these circumstances we reject as untrue Ivan Cooper’s insistence that John Barry did not interview him. To our minds this throws serious doubt on his evidence to us, save where, as we have said, there is other evidence to support what he said.
- 147.88** While we have no doubt that in 1972 Ivan Cooper did tell John Barry what the latter recorded in his notes, we also take the view that it would be unwise to rely on what Ivan Cooper said then, unless again it is supported by other evidence. Although some of this interview does contain matters for which there is such support, other parts conflict with evidence that we regard as much more reliable. We prefer to rely upon the latter.

147.89 However, on the question as to whether Fr O'Neill, Fr Mulvey and another priest told Ivan Cooper that they had had discussions with the Provisional IRA and that they were not going to seek any type of confrontation, there is support for what Ivan Cooper said. Fr Michael McIvor told this Inquiry that the Derry priests decided that they would “*go and see if we could come up with any news*” about whether there would be paramilitary “*trouble*” on the march. He also said that Fr Thomas O’Gara (now deceased) had obtained assurances that neither the Provisional nor Official IRA would be involved in the march.¹

¹ [Day 55/39-44](#)

147.90 The businessman to whom Ivan Cooper referred may have been Brendan Duddy. As we have described elsewhere in this report,¹ Brendan Duddy made a written statement to this Inquiry and gave oral evidence after the parties had delivered to the Inquiry their Final Submissions and Replies and made their oral submissions. His evidence was that he was at the time of Bloody Sunday a businessman with a keen interest in local politics and a member of the Derry City Centre Police Liaison Committee. He said that about ten days before the march, Chief Superintendent Frank Lagan had asked him to seek assurances from both wings of the IRA that individual IRA members would be told not to march and that all weapons would be removed from the vicinity of the march. Brendan Duddy said that he had approached Ruairí Ó Brádaigh, then the leader of Provisional Sinn Féin, seeking an assurance that members of the Provisional IRA would not march and that all weapons would be removed from the vicinity of the march. According to Brendan Duddy, Ruairí Ó Brádaigh regarded the request for an assurance about the absence of weapons as unnecessary because it was well known that the policy of the Provisional IRA was not to engage the armed forces during marches. Nevertheless on 27th January 1972 he contacted Brendan Duddy (possibly through a third party), saying that there would be no weapons on the march. Brendan Duddy told us he passed the message on to Chief Superintendent Lagan.²

¹ [Paragraphs 9.519–529](#)

² [AD199.5](#)

147.91 Earlier in this report¹ we accepted the evidence of Brendan Duddy on this matter and explained the apparent conflict with accounts given by Chief Superintendent Lagan. As we also observed, assuming Chief Superintendent Lagan passed on any such assurances to the Army, this would only have reinforced the view held by the security forces that it was not so much the march, but the rioting that was very likely to take place, when there might be armed IRA activity.

¹ [Paragraphs 9.519–529](#)

147.92 After Brendan Duddy had given evidence, the Inquiry attempted to obtain a statement from Ruairí Ó Brádaigh, who we believed lived outside the jurisdiction, but he did not respond to our enquiries. He was, however, asked by a journalist to comment on the statement of Brendan Duddy. Ruairí Ó Brádaigh was quoted in the *Irish News* of 16th June 2004 as saying:¹

“The period in question was a very hectic time. I had many contacts some very casual.

I have known Brendan Duddy for over 30 years. I have no clear recollection of such an event taking place. It was standard practice at the time that such marches were not used to carry out armed actions.

If asked I would certainly have given such an opinion.”

¹ [L312](#)

147.93 The evidence of Martin McGuinness was that another Provisional IRA volunteer told him on 27th January 1972 that people representing the civil rights movement had approached the OC (PIRA 24), asking that the day of the march be peaceful. Martin McGuinness told us that on the following day he discussed this request with the OC. Martin McGuinness told us that he had readily agreed to the suggestion that the march should be quiet.¹ He said that he did not know who on behalf of the civil rights movement had approached the OC.²

¹ [KM3.14](#)

² [Day 390/29](#)

147.94 PIRA 8 said that a member of the Provisional IRA Command Staff told him that the Provisional IRA had given an assurance to the Northern Ireland Civil Rights Association (NICRA) that there would be “*no [paramilitary] activity in the area of the march*”.¹

¹ [APIRA8.2; Day 418/10](#)

147.95 PIRA 24 told us that he could not recall anyone asking him to give an assurance on behalf of the Provisional IRA and did not think that any approach had been made to him.¹

“I have been referred to the evidence given to this Inquiry by Ivan Cooper in relation to assurances which he says were given by the Provisional IRA to the organisers of the march. To be frank, this did not happen. There were other people such as Hugh Logue who would have been the sort of person I would have expected to have approached me in relation to the march if any such approach were to be made, or Brigid Bond who might have asked for some sort of assurance. However, I cannot remember any time that anyone came and asked me about assurances. Neither did anybody else.”

¹ [APIRA24.10](#)

147.96 However, PIRA 24 told us that he gave orders that the volunteers were not to take action and were to be unarmed and, once that order had been given, word would have spread easily within Derry. Anyone could have approached a known volunteer and discovered the Provisional IRA's plans for the day.¹ He said, and we accept, that he did not attend a meeting with Ivan Cooper.² As to possible assurances sought by others, it is possible that PIRA 24 was not approached, or that he had forgotten that others had come to him.

¹ [APIRA24.11](#)

² [Day 426/84](#)

147.97 According to Brendan Duddy, Ruairí Ó Brádaigh regarded Chief Superintendent Lagan's request for assurances as unnecessary. Brendan Duddy took the same view. His evidence was that at the time both the Provisional and the Official IRA would have had regard to the views of the community and that it would have been totally unacceptable for the IRA to shoot during a march, endangering civilian lives.¹

¹ [AD199.3](#)

147.98 PIRA 23 (the commander of the Creggan Company, but not a member of the Command Staff) told us that he was unaware that any assurances had been given, and also queried the need for such assurances.¹

¹ [APIRA23.2](#)

147.99 Martin McGuinness's evidence was that the request for an assurance was “*no big deal*” because the Provisional IRA would not in any event have thought of using the march to try to shoot at soldiers. “*I can never recall a civil rights march where the IRA had taken advantage of people on the street to attack the British Army. It was unthinkable.*”¹

¹ [KM3.14](#)

- 147.100** PIRA 17 gave us the following explanation for why a march would not be used as a cover for paramilitary activity:¹

“We could not have established Free Derry without massive popular support. We had that massive support but we did not have many weapons and indeed did not have enough to go round the volunteers we had. I was proud that after the Battle of the Bogside the people of Derry got off their knees and said ‘enough was enough and no further.’ The massive public support which we had meant that I was confident that people would not seek to interfere with the dumps or the orders which had been given by the Adjutant or the OC. Neither would we put this support at risk by taking any military operations during the march – hence the orders.”

¹ [APIRA17.9](#)

- 147.101** PIRA 24 also gave evidence of the need not to alienate local support:¹

“I have explained above that the Provisionals had to be careful that they did nothing wrong and thereby alienate our support in the community. For example, we were careful not to steal a car which someone desperately needed for their work. We were very keen not to mount operations which exposed civilians to danger. I have been asked about whether marches or riots were used by the Provisional IRA as shooting opportunities. Marches were never used by us for those sorts of purposes, although it is possible that riots or their aftermath might be so used. What we used to do was to send a well known volunteer down to a riot in order to clear the rioters from the street. There were a couple of our volunteers who were so well known so that you only had to see them on the streets for people to get off sides so an operation could commence. I have been asked whether we would use women, children or youngsters for cover, for example, but this never happened.”

¹ [APIRA24.3](#)

- 147.102** Sean Keenan Junior emphasised the importance to the Provisional IRA of public support:¹

“At that time the Provisional IRA was trying hard to gain public support. Any military action on the day would have been pointless. With tens of thousands of people cramming into the streets on a peaceful march, people would not have tolerated any IRA action. We knew this and had no intention of alienating support. The march was being held to gain the basic rights which everybody else took for granted.”

¹ [AK46.2](#)

- 147.103** The following exchange took place between Michael Clarke, the Provisional IRA Explosives Officer in the Creggan, and counsel for the majority of represented soldiers:¹

“Q. Over the page 12, AC157.16, please, paragraphs 63 and 64. You say in your conclusion to paragraph 63, what has been written down is: ‘The IRA was still in its infancy and we would have been in deep trouble if we had put the lives of local people at risk.’

A. I think I already explained that.

Q. Did you mean by that that if the IRA had fired at or towards the Army on Bloody Sunday, that would have put civilians at risk?

A. What I mean by that is, that we would not have used the march to open fire on the British soldiers, that if we had put people, no matter whether it was Bloody Sunday or any other march, at risk, we would have put ourselves out of business. We were not in the business of using people for cover; this is our community we are talking about.

Q. That does mean that if the IRA had fired at or towards the Army on Bloody Sunday, you would have regarded that as putting local lives at risk?

A. During the march, yes.

Q. Are you saying that it is within your knowledge that no IRA activity ever took place during marches?

A. Yes.”

¹ [Day 402/113](#)

- 147.104** We have found no evidence of any occasion before Bloody Sunday in which either the Provisional or the Official IRA used civilian marchers as cover from which to attack the security forces. We are of the view that both priests and Brendan Duddy were assured that, in effect, the Provisional IRA would not use the march as a means of launching any form of armed operation against the security forces. So far as the Provisional IRA is concerned, we are also of the view that this assurance was given in good faith.
- 147.105** It is very important, however, to distinguish between using the march for the purpose of attacking the security forces and the use of rioting crowds. It should be noted that in his oral evidence Brendan Duddy told us that there was no discussion at all on what might happen after the march had finished.¹ It was accepted by several witnesses (for example,

PIRA 8,² PIRA 19³ and PIRA 24⁴) that riots were regular occurrences and were used to provide cover for civilian snipers. Earlier in this report⁵ we gave details of soldiers who had been shot in such circumstances.

¹ [Day 432/82](#)

⁴ [APIRA 24.3](#)

² [Day 418/7](#)

⁵ [Chapters 8 and 9](#)

³ [Day 416/140](#)

147.106 As we have discussed elsewhere in this report,¹ it was likely that riots would occur on the day of the march. Thus while we are sure that there were no plans to use the march itself in order to mount an attack on the security forces, this left entirely open what might happen after the march was over, and particularly what might happen when rioting broke out in the city.

¹ [Chapter 9](#)

147.107 We should note at this point that the representatives of the majority of represented soldiers referred us to the activities of a man with the nickname of “Scatter”,¹ to whom PIRA 19 referred in his evidence. PIRA 19 told us that, as far as he was aware, “Scatter” would turn up at riots with a Thompson sub-machine gun; and that it was his understanding that a Thompson was used at riots.² However, we know that “Scatter” had been interned for many months by the time of Bloody Sunday.

¹ [FS7.432-434](#)

² [Day 416/167](#)

The question of orders given by the Provisional IRA for the day

Provisional IRA evidence

147.108 PIRA 24’s evidence was that the Command Staff met on the Thursday and Friday before Bloody Sunday and decided that the Provisional IRA would do nothing during the march. Both meetings took place at a disused house in Stanley’s Walk that was often used as a meeting place. The Command Staff members who attended the meeting were Martin McGuinness, PIRA 17, the Training Officer (now deceased) and PIRA 8, who was shortly to be appointed to the Command Staff as its Intelligence Officer. The Command Staff left PIRA 24 to make the ultimate decision and on Friday night PIRA 24 decided that the Provisional IRA would not take any action on Sunday, that arms would be taken out of the Bogside and dumped in the Creggan and that there would be a car on normal patrol duty

in each of the Creggan and the Brandywell.¹ He said that the reason for removing the guns from the Bogside was that there was a risk that the Paras might come into the Bogside and find any weapons that were there.²

¹ [APIRA24.11](#)

² [Day 426/88](#)

147.109 PIRA 24 told us that it was the responsibility of the others present at the meeting to inform the volunteers of the order. According to his account PIRA 17 was responsible for telling those in the Creggan and Martin McGuinness was responsible for telling those in the Brandywell. However, as no volunteer was to have access to weapons or to take action, it was not necessary to pass the word to every volunteer.¹

¹ [APIRA24.11](#)

147.110 The representatives of the majority of represented soldiers drew our attention to the following exchange in the course of the oral evidence of PIRA 24:¹

“Q. Why was it necessary to give people an order, effectively to do nothing?

A. (Pause). The people that was, that was doing nothing was not given an order to do nothing. The people that was doing something was given an order to do nothing.

Q. But you say you went to the lengths of ensuring that all volunteers knew that nothing was to be done, save those who were given specific instructions, as to which we will come back later. In addition to that, you even stopped people in the street and told them. What I am asking you is, if people were effectively being told to do nothing, what was the point of telling people that they were to do nothing?

A. It sounded a good idea at the time.

Q. It sounded a good idea at the time?

A. Yes.”

¹ [Day 427/12](#)

147.111 It is not clear from the written and oral evidence of PIRA 24 whether he was telling us that all volunteers were told to do nothing; or was excluding those who had not been given anything to do. The representatives of the majority of represented soldiers submitted that giving orders to refrain from any action “*raises the question why it was necessary to give such orders to a force of supposedly disciplined and restrained men, who would not be inclined to take action against the Security Forces during a march and would in any event not do so without specific orders*”.¹ As we understand it, the point is that if such orders were given, this evidences the lack of discipline among members of the Provisional IRA.

We do not accept the validity of this point. The fact that commanders give instructions to do nothing does not necessarily entail that without such orders something was likely to be done.

¹ [FS7.439](#)

- 147.112** Martin McGuinness told us that on the morning of Saturday 29th January he met PIRA 24 and was instructed to issue orders to all volunteers that the IRA would not engage militarily with British forces in order to ensure that the march passed off peacefully.¹ Martin McGuinness said that he was unsure whether orders were given to the units about their conduct after the march had dispersed. His own view was that after the parade had passed off peacefully, Provisional IRA patrolling would have recommenced and they would have been free to resume the struggle against British occupying forces.²

¹ [KM3.1](#)

² [Day 390/30-31](#)

- 147.113** Martin McGuinness told us that he passed on the orders to the Command Staff and all active service volunteers. Two Provisional IRA units, each consisting of four men, remained armed. One was to patrol the Creggan and the other the Brandywell.¹

¹ [KM3.2](#)

- 147.114** According to Martin McGuinness, the orders given to Provisional IRA members were that no offensive action should be taken against the British military or Royal Ulster Constabulary (RUC) during the course of the march; and that the only people who could use weapons were the volunteers in the cars in the Creggan and the Brandywell and they could use them only if the Army made incursions into the Creggan or Brandywell areas. He told us that no orders were given to the volunteers about firing back at the British Army in the event of attack, because no-one contemplated that people would be targets for the British Army.¹

¹ [KM3.16](#)

- 147.115** PIRA 17 told us that Martin McGuinness told him of the orders for the day on the Saturday preceding Bloody Sunday. The orders were that no weapons were to be carried and that all weapons were to be dumped with the exception of weapons to be carried by two ASUs in two cars, one in the Creggan and one in the Brandywell.¹ At a Command Staff meeting later on the Saturday, the orders were confirmed. The OC, the Adjutant, PIRA 17, the Training Officer and the Finance Officer attended the staff meeting. The sixth member of the Command Staff, the Intelligence Officer, was not present.²

¹ [APIRA17.1; Day 404/11](#)

² [Day 404/13-14](#)

147.116 PIRA 23 was OC of Creggan Company. He said that on the day before the march the Command Staff OC told him that he was to stay in the Creggan during the march. He was not given a specific reason for the order. He said that the company patrolled the Creggan daily and the order was no different from the orders given on other, normal days.¹ He passed the order to the section leaders whose responsibility it was to inform the Creggan volunteers.²

¹ [APIRA23.1](#); [Day 422/4](#)

² [APIRA23.1](#)

147.117 PIRA 23 told us that he understood that there was a general order that there would be no weapons on the march.¹

¹ [APIRA23.1](#)

147.118 Eddie Dobbins was a member of the Creggan Company. He said that the orders were that there was to be no military activity during the march but that IRA members would be free to take action against the Army as soon as the march was over and the crowd had dispersed. He received his orders from the OC of the Creggan Company.¹ He said that after the march he would have reported, as usual, to the headquarters in the Creggan to see whether there were any orders.² He told us that there were no plans made in advance for an attack on the British Army after the march was over.³

¹ [Day 399/91-92](#)

³ [Day 399/94](#)

² [Day 399/93](#)

147.119 Eddie Dobbins said that he was told on the morning of 30th January or on the preceding day by the OC of the Creggan Company or by his section leader that he could not attend the march because he would be needed on active service that afternoon. He was told to meet his colleagues behind the Creggan shops at 1.00pm in order to receive his orders. On arriving there he was told by the Company OC that he and three other volunteers were to patrol the Creggan in a car during the march. He told us that the volunteers were provided with a car, an M1 carbine, three rifles and ammunition.¹

¹ [AD195.1](#); [Day 399/154](#)

147.120 Sean Keenan Junior said that he was told on the Saturday afternoon or evening by a member of the Command Staff, who was a friend of his, that there would be no military action on the Sunday; and that later that day his section leader repeated that order to him.¹ Sean Keenan told us that his section, which was the Bogside section, therefore had the day off. The section members agreed to report back, as they normally did, at about 5.00pm or 6.00pm on Sunday and then decide what action needed to be taken.²

¹ [AK46.1](#)

² [AK46.1](#)

147.121 Gerard “Mad Dog” Doherty told us that he was a volunteer in the Bogside section on Bloody Sunday. His orders were that his section was to do nothing on the day. His section leader gave the orders to him. He did not know at the time the orders that were given to other sections.¹

¹ [AD65.19](#)

147.122 PIRA 26 was a member of the Brandywell section. He said that at a meeting in the Brandywell, attended by all of his section, the OC or the Adjutant of the Brandywell Company said that there was to be no operational activity on Sunday 30th January, although volunteers could attend the march if they wished. He thought that this meeting took place on the Saturday before Bloody Sunday.¹

¹ [Day 425/52-53](#)

147.123 We are of the view on the evidence that it is likely that members of the Provisional IRA were instructed to take no paramilitary action against the security forces during the march; but we do not accept that there was some more general decision to take no such action at all at any stage during 30th January 1972.

Other evidence

147.124 Donal Deeney told us in the second of his written statements to this Inquiry that it had been made clear to the rioters that they were not even to think about making trouble until after 5 o'clock when the marches and speeches were over.¹ In his oral evidence to this Inquiry he said that he had heard this as gossip and did not know the source of the instructions.² He said that he thought that after 5 o'clock the local IRA would have decided whether weapons such as nail bombs, petrol bombs or perhaps guns should be used by the rioters.³

¹ [AD26.10](#)

³ [Day 86/10](#)

² [Day 86/9](#)

147.125 We do not accept that any such general instructions were given, though as appears below, there is some evidence that a group of youths were told not to make trouble. Donal Deeney admitted that he was relying on gossip. In any event rioting broke out long before 5.00pm, when the march reached the junction of William Street and Rossville Street, as we have described earlier in this report.¹

¹ [Chapters 13, 14 and 15](#)

- 147.126 Donncha MacFicheallaigh, in an interview with Jimmy McGovern, gave the following account:¹

“... but I mind when we got round the bottom of the Cathedral ... naw [sic] there was another we [sic] incident, I always think it very important ... there was a fella, he ended up interned himself Jim Wilde ... we were going up Westland Street he was saying out ‘no rioting’ you know, all this type of stuff. He would a been sort of republican persuasion background, you know. I would have known him to see and talk to and he was just a certain young fella, they were busying themselves somewhere all in groups, you know, ready for action so to speak. He was saying ‘now this will be a peaceful march, the Brits are up to something the day right’ I mind him saying ‘the Brits are up to something, they’re all down William Street and there in’ you know, and ‘don’t be getting engaged’ something like that you know. He says something about ‘the boys are away to Creggan’ you know, meaning the IRA ‘like the boys are away up the Creggan, they think the army is going to come in the back of Creggan’. Most of the population is down the Bog, they’re going to take the high ground something like that you know, and he was indicating more or less the [I]RA’s going to Creggan and the Brits are up to something, they think they have a big operation on the day and it might be to take the Creggan. And then consolidate there you know. So that ... it was something like that there, I remember, I always remember that ... and it sort a put me you know, alert to sort of your saying about the Brits being in all down William Street and ... you know, the back, I think he actually says the back of the Baths.”

¹ [AM7.39](#)

- 147.127 In his second written statement to this Inquiry, Donncha MacFicheallaigh explained that the reference to Jim Wilde should have been to Jim Moyne, whom he described as a respected republican and whose death in January 1975 while interned is reported in *Tírghrá*. He is described in *Tírghrá* as a Provisional IRA volunteer. According to Donncha MacFicheallaigh, Jim Moyne was giving a warning to a group of young people who, Jim Moyne thought, might become involved in rioting later in the day.¹

¹ [AM7.88](#)

- 147.128** Eamon Melaugh claimed that he approached members of both the Official IRA and the Provisional IRA and advised them not to bring weapons on 30th January 1972. His evidence was that he understood that there would be no weapons on the march:¹

“A. ... I had advised both sets of paramilitary organisations not to bring weapons into the area on that particular day, not to be provoked into firing shots so that the army would have an excuse to do what they did; I warned repeatedly over a period of days: no arms near the march.

Q. How did you deliver that advice?

A. Verbally, to individuals I knew who were members of both organisations.

Q. Did you get any response when you said that?

A. Yeah, the consensus of opinion was that there would be no weapons in the area.

Q. Can you tell us who it was you advised in those terms on each side of the paramilitary divide?

A. Well, I, I gave everybody I knew to be members or thought to be members the same advice, I rammed it home at every conceivable opportunity. So you can say that I spoke to the leadership of the Provisionals, or some of them and the Officials before the Bloody Sunday march.”

¹ [Day 143/66](#)

- 147.129** It was submitted by the representatives of the majority of represented soldiers that the Provisional IRA Command appreciated that there was a risk that some of its members might take it on themselves to disobey orders and attack the security forces; and that there were many in the city who had “*real misgivings*” about the Provisional IRA’s “*powers of self-restraint*” during the march.¹ We do not accept this submission. In this regard we accept the view expressed by Fr Bradley in his written evidence to this Inquiry,² who in the context of considering the shot fired by members of the Official IRA at a soldier on the side of the Presbyterian church (discussed elsewhere in this report³) was comparing the two organisations:

"I had held a fear about the Official IRA's activities that day. I had gone on the march aware that the Provisionals, were not going to be there. I knew this because I was aware of who they were. I knew how they reacted. I lived among them. My parish was densely populated with the Provisionals. Members of the youth club I ran were members of the Provisionals I would have said to them that they had better not be on the march. They had assured me that they would not be. I was not sure however of the Official IRA. Generally the Provisionals were conscious that there was a mass of 'their people' on this march who didn't want them there. If there were any Provisionals on the march, I feel sure they would not have been armed.

The Official IRA however was a different and disparate group. They were mainly disliked in the city. It was an old Catholic thing. They were seen as Marxist left wing and were not particular about who joined them. They were inclined to be considered 'gangsterish'. There were some very irresponsible people in their organisation. The Provisionals were much more careful about who was allowed in and were more disciplined. When I was therefore told that an Official IRA gun man had fired a shot but the Provisionals had taken him away or disarmed him, I believed what I was told."

¹ [FS7.444](#)

³ [Chapter 19](#)

² [H1.7](#)

Scouting on the morning of Bloody Sunday

147.130 PIRA 26, who was a junior Provisional IRA volunteer in January 1972, told us he recalled going on a scouting mission on the morning of 30th January to see where the soldiers had built their barricades. He said that he went on the mission with Colm Keenan and one other person whose name he could not remember and who may not have been a volunteer. He did not recall receiving an order to carry out this scouting nor could he remember passing the information obtained to anyone else. He thought that Colm Keenan might have received the order and relayed the information.¹ We have no reason to doubt that some such scouting did take place.

¹ [APIRA26.2](#); [Day 425/49-50](#)

Provisional IRA activities on the afternoon of Bloody Sunday

The Active Service Units in the Creggan and the Brandywell, and the risk of military incursion

147.131 The representatives of the majority of represented soldiers submitted that *“the risk of a military incursion [into the Creggan or the Brandywell] has now been shown to be a myth”*¹ and that *“The claims made by Martin McGuinness and others that there was a need to patrol the Creggan and the Brandywell to protect those areas from invasion by the Army have ... been exposed as false”*.²

¹ FS7.453

² FS7.457

147.132 The basis for these submissions is the unequivocal reliance by the representatives of the majority of represented soldiers on the evidence on this topic given by PIRA 24, a witness whose evidence in other respects they rejected with vigour. For example, they submitted that *“PIRA 24’s explanation is inherently improbable”*,¹ that *“By refusing his limited co-operation until the very last possible moment, PIRA 24 did not have to commit himself to any line of evidence until he had heard what all other relevant witnesses had said”*,² that *“PIRA 24’s claim ... does not ring true”*³ and that *“So unlikely is [PIRA 24’s] explanation that we suggest it is a lie”*.⁴ These representatives offer no reason why we should accept this part of PIRA 24’s evidence while rejecting much of the rest.

¹ FS7.405

³ FS7.421

² FS7.406

⁴ FS7.470

147.133 These representatives referred to the evidence of Martin McGuinness, Eddie Dobbins, Michael Clarke and PIRA 8 to the effect that an Army incursion was considered a possibility. However, they invited us to prefer the account of PIRA 24 who accepted, when questioned during his oral evidence, that the story of the need to defend the Creggan was a *“black propaganda myth put out by the British authorities”*. They also rely on the evidence of PIRA 23 who said that, having spoken to PIRA 24, he did not expect an incursion and thought that the Provisional IRA would have obtained intelligence warning of such an incursion had one been planned. The representatives of the majority of represented soldiers do not, however, refer to PIRA 23’s evidence that he did not know the source or sources of intelligence available to the Command Staff.¹

¹ Day 422/8-13

- 147.134** There is on the face of it some conflict between the evidence of PIRA 23 and PIRA 24 and that of the other Provisional IRA witnesses. In our view, however, this falls short of demonstrating that the accounts given by Martin McGuinness and others of fearing the possibility of an incursion were false. In our view those accounts are likely to be accurate.
- 147.135** Colin Wallace told us that a rumour was put around of a possible Army invasion.¹ Such a rumour might have been untrue propaganda but, as our Counsel pointed out, the question was not whether the risk was a real one, but whether the Provisional IRA thought at the time that it was. We do not accept Ivan Cooper's claim, made to John Barry, that he gave a false warning to PIRA 24.²
- ¹ [KW2.12](#) ² [KC12.68](#)
- 147.136** PIRA 24's evidence was that he did not expect an invasion by the Army. However, some of his evidence at least appears to us to be directed to the inability of Provisional IRA patrols to take on the Army.
- 147.137** PIRA 24 and PIRA 23 both told us that the patrols were routine ones of the sort carried out every day.¹ The representatives of the majority of represented soldiers do not dispute that the patrols were there.²
- ¹ [APIRA23.1; Day 422/4](#) ² [FS7.452](#)
- 147.138** PIRA 17 gave the following account of the role of the ASUs in the Creggan and the Brandywell:¹

"The active service units which had weapons on the day were well away from the area of the march. They were on the periphery in Creggan and Brandywell and the units were there not so much because they would have been able to defend the area had the army decided to come in, but as a token gesture and so that we would know what was going on. I was realistic. I knew that if the army had decided to come in, and seek to re-take the no-go areas, we did not have the manpower or weapons to stop them.

...

I have been asked to clarify the position of the active service units present in the Creggan and Brandywell. They were there to stall the army if they came in. As I have said, we were not so stupid as to assume that we could take on and defeat the second largest army in the world but I believed that we could present Free Derry as a place where the Queen's Writ did not apply and therefore hold up Free Derry to the world as an example of a place where all was not well, but people were trying to

control their own destiny. I am not aware of the specific orders which were given to the active service units as that would have been the responsibility of the Adjutant not me. I looked after my own business. All I will say is that it was never our intention or belief that we could hold the army at bay forever or that we could take on the army in a conventional way and win. What people assumed about the IRA was different from the cold facts. They had a perception about what the IRA was capable of but it was not necessarily the right perception although it was in our interest to perpetuate that perception.”

¹ [APIRA17.2](#); [APIRA17.8](#)

147.139 PIRA 24 gave a slightly different account, but one that again recognised the limits of the ability of the Provisional IRA to take on the British Army:¹

“If we had thought the Army was coming into the Creggan, the patrols would not have had any weapons. Only a madman would try and stop the British Army coming into the Creggan if they really wanted to do so. If they wanted to come in, my philosophy was to let them. That is what happened at Motorman.² The patrols were largely for publicity purposes and could be regarded, in reality, as cosmetic. There was no point in patrols having weapons if the Army were going to come in in force because all it meant was that we would lose the weapons.”

¹ [APIRA24.10](#)

² Motorman was the Army operation conducted in July 1972, in order to remove the barricades and regain control of the no-go areas of the city.

147.140 As the representatives of the majority of represented soldiers observed,¹ there was a dispute among those whose evidence was that an Army incursion was anticipated as to whether the role of the Provisional IRA was to take on the Army or to buy time so that the local people could take to the streets and repel the Army by rioting. However, the conflict was limited. The Provisional IRA members acknowledged that the British Army had overwhelming power. The evidence of some Provisional IRA witnesses was that the Provisional IRA could tackle small Army raiding parties. Others thought that the Provisional IRA could do no more than delay the Army. No Provisional IRA witness indicated that the purpose of the patrols was to do anything more than defend where possible against a small incursion, or seek to delay an Army incursion, or at least to give warning if the Army came into the Creggan or the Brandywell.

¹ [FS7.454](#)

147.141 Our assessment of the evidence as a whole is that there were no patrols in the Creggan for the purpose of beating off any incursion by the Army. As PIRA 24 put it, “*they would not have been so foolish as to take on the British Army in a confrontation with a couple of old guns in a car*”.¹ To our minds, the possibility of an Army incursion into the Creggan was one that was a view held by some, if not all of the Provisional IRA Command. Although there was no prospect of beating off an incursion, there was value in having patrols there that would at least show local people that the Provisional IRA was resisting the Army, albeit in a token way, and which might at least temporarily delay or hold up any incursion.

¹ [Day 427/16](#)

The patrol in the Creggan

147.142 The representatives of the majority of represented soldiers made submissions about the size of this patrol.¹ They alleged that the patrol was far larger than PIRA 24 and Martin McGuinness led the Inquiry to believe.

¹ [FS7.457-458](#)

147.143 It is the case that the evidence of PIRA 23 and Michael Clarke suggested that there was more than one car in use and also that there were four volunteers on foot patrol. However, the evidence, which we accept, is that the ASU was given either three or four weapons and the evidence of all relevant witnesses (other than that of Michael Clarke) is that these were placed in one car. Whether there were weapons in one car or two, the accounts of the witnesses indicate that only a maximum of four volunteers could have been armed.

147.144 These representatives suggested that the claim that only a limited number of volunteers were on duty, “*safely away from the Bogside*”, was “*a ruse to hide [the] fact*” that “*members of the Provisional IRA were involved in a number of exchanges with the military that afternoon*”.¹ We do not follow the logic of this submission. The more volunteers patrolling the Creggan, the fewer would have been available in the five sectors, quite apart from the fact that only three or four guns were available to the volunteers.

¹ [FS7.458](#)

147.145 PIRA 17 told us that each of the ASUs was given one .303, one M1 carbine, one Thompson sub-machine gun and one handgun.¹ PIRA 24 said he thought that these weapons were already in the cars in the Brandywell and the Creggan for use in routine

patrols and were left there when all other weapons were placed in the central dump. However, he was not involved in the alleged collection of the weapons for removal to the dump.²

¹ Day 404/71

² Day 426/92-95

147.146 PIRA 23 said that there were three cars on patrol in the Creggan. Only one carried weapons. There were four volunteers in this car and they were armed, to the best of PIRA 23's recollection, with a carbine, a .303 and a short arm. The second car was the Quartermaster's car in which the Quartermaster and PIRA 23 travelled. The third car was parked as a stand-by car and had no volunteers in it. In addition, four members of the Creggan Company patrolled on foot.¹

¹ Day 422/5-7

147.147 According to PIRA 23, nothing occurred in the Creggan that afternoon. He first learned of the shooting in the Bogside when two men returning from the Bogside in a car stopped and told him. The men drove PIRA 23 in their car to Stanley's Walk. This was at about 4.50pm. In Stanley's Walk PIRA 23 met the Command Staff OC. They went to the old house used as a Provisional IRA meeting place where they were joined by the OC of the Bogside/Brandywell Company. After a short meeting PIRA 23 was instructed to return to the Creggan and await further orders. He was driven back to the Creggan by a volunteer and went to the meeting place behind the Creggan shops to which he knew that all Creggan volunteers would go. The volunteers, who included both those who had been on duty and those who had not, all waited there until about 5.30pm. At that time the Command Staff OC arrived, said that the British Army had withdrawn from the Bogside and ordered the volunteers to stand down. The Command Staff Quartermaster took the weapons from the patrol vehicle in order to place them in a dump.¹ *"People were shocked and frightened and it was felt that the sight of guns on the streets would only make matters worse."*²

¹ APIRA23.1

² APIRA23.2

147.148 PIRA 23 said that at about 6.00pm the volunteers who had been in the Creggan car told him that they had gone down to Lecky Road to find out what was going on but, mindful of their orders not to leave the Creggan, had returned to the Creggan. He said that the volunteers did not tell him whether or not any of the weapons had been removed from the car while they were in the Lecky Road area.¹

¹ Day 422/15-16

147.149 Michael Clarke said that he was the Explosives Officer of the Creggan Company. His evidence was that he had one of his regular meetings with the Company OC on the Friday or Saturday before the march. He was told that it was thought that the Army was planning an incursion on the day of the march. The decision had therefore been taken to suspend operations for the day of the march. Michael Clarke, though, was told that he was to remain in the Creggan as a member of an ASU in order to patrol and look out for and report upon Army activities. He said that it was not the intention of the Provisional IRA to take on the Army if it came into the Creggan. The Provisional IRA did not have sufficient resources to do so. Had the Army come in, a warning would have been given, bin lids would have been rattled and ordinary people would have come out onto the street to drive the Army out.¹ Michael Clarke said that the reason for the suspension of operations was not that the Army was expected to come into the Creggan but because the Provisional IRA would never have mounted an operation during a peaceful protest.²

¹ [AC157.13](#); [Day 402/35-36](#)

² [Day 402/100](#)

147.150 Michael Clarke told us that he believed that the ASU consisted of 6–7 volunteers who used two or three cars. He thought that there were weapons in two of the cars. Michael Clarke's recollection was that the Company Quartermaster was in charge. According to his evidence, the Quartermaster remained at the control centre all day and did not go out in a car.¹

¹ [AC157.13](#); [Day 402/35](#)

147.151 He also told us that he might have travelled around the Creggan in one of the cars, but that if he did, it would have been a car without weapons in it.¹ His evidence was that he heard no shooting at all that day. However, as people started to come back with news of others having been killed, he jumped into one of the patrol cars and drove to Frederick Street. There were weapons in the car. He said he got out and walked to Little Diamond. He was looking for a sniping position although he was unarmed.² He also said that the Company OC came down in the car with him but stayed in it while he walked into the Bogside.³ This evidence is somewhat inconsistent with the account of PIRA 23 but once again it should be borne in mind that these witnesses were trying to recall events from long ago and we take the view that there is nothing necessarily sinister in this difference of recollection.

¹ [Day 402/67](#)

³ [Day 402/39-41](#); [Day 402/74](#)

² [AC157.14](#)

147.152 Michael Clarke stated that as he made his way back to his car he was stopped by an IRA Command Staff officer, whom he later named as Martin McGuinness, who told him that a ceasefire had been ordered and that he should return to the Creggan, which he did.¹

¹ [AC157.14](#)

147.153 Eddie Dobbins told us that he was one of four Creggan volunteers who patrolled the Creggan in a car throughout the march. On being told by people returning to the Creggan that paratroopers were killing people in the Bogside, the members of the patrol decided to go and find out what was going on.¹ He was asked during his oral evidence about the motives of the group in going to the Bogside:²

“Q. Did you also, having heard that soldiers had killed people, want to take the British Army on?

A. Oh, yes.

Q. Is that why you went?

A. To find out – to see what was happening and then take it from there.”

¹ [AD195.2](#)

² [Day 399/106](#)

147.154 Eddie Dobbins said that he and his colleagues did not travel down Westland Street, which could be seen by soldiers on the City Walls, but took a longer route along Southway and drove up Lecky Road, stopping near the Bogside Inn. The section leader got out of the car and walked up Lecky Road towards Free Derry Corner, speaking to people on the street as he went. He had an M1 carbine concealed under his coat. He was away from the car for less than five minutes and remained within the sight of the others in the car. On his return, the section leader said that there was not a soldier to be seen and that there were reports of people having been murdered. He decided that the group should return to the Creggan.¹ Eddie Dobbins told us that he saw no-one whom he recognised as a member of the Provisional or Official IRA in the area as he waited in the car.² He said that the section leader did not fire any shots; and that he heard no shots and saw no-one firing while he was waiting in the car, saw no-one who appeared to be injured or dead and saw no ambulances.³ Eddie Dobbins said that he thought that the group was in the Bogside for about five minutes but could not say at what time in the afternoon the group was there.⁴ According to his account, the group then returned to the Creggan shops where they met the Creggan Battalion OC. The OC went away to take instructions from the Brigade Staff. On his return, the Battalion OC said that all operations were off

and that there were to be no military operations until after the funerals. Eddie Dobbins said that he and the other members of the patrol then returned the car and the weapons to the OC.⁵

¹ AD195.2; Day 399/110

⁴ Day 399/113-116

² Day 399/112

⁵ AD195.3

³ Day 399/117

147.155 We have found no evidence that suggests to us that those patrolling the Creggan were or might have been involved in any of the events in the five sectors, during the period when people were killed or injured by Army gunfire.

The patrol in the Brandywell

147.156 The representatives of the majority of represented soldiers suggested that the Brandywell patrol was larger than a single car.¹ However, the evidence on which they rely indicates that there was one car containing weapons and one or two other cars. There is no evidence that the latter car or cars contained weapons. Unarmed volunteers in such vehicles cannot have posed a lethal threat to the soldiers.

¹ FS7.458

147.157 PIRA 8 told us that he was told about two days before Bloody Sunday that he was to patrol the Brandywell in case the British Army sent a raiding party into the Brandywell while the march was going on. Although not the regular leader of his section, he was appointed section leader of the Bogside for the day and was told to find three volunteers to patrol with him.¹ He said that he was given his orders by Martin McGuinness² and that Martin McGuinness also told him that “*nothing was happening on Sunday*”.³

¹ APIRA 8.1

³ APIRA8.1

² Day 418/10; Day 418/87

147.158 PIRA 8 said that at about lunchtime he met the other three volunteers in a derelict house in Stanley’s Walk. He had a car, which was either a blue Avenger or a tan Cortina. PIRA 17 arrived, took the car away and returned it to the volunteers shortly afterwards, having placed weapons in the boot. There were four rifles and a pistol in the car.¹ PIRA 8 checked the weapons and, having done so, closed the boot. His evidence was that none of the volunteers in his section took the rifles out of the boot again that day. He said he retained the pistol and carried it throughout the day.²

¹ Day 418/22

² APIRA8.3; Day 418/24

147.159 PIRA 17's account was that he allocated the weapons for use by the ASUs but was not present when the weapons were put in the cars.¹

¹ [Day 404/87-88](#)

147.160 At some time between 3.00pm and 4.00pm, according to PIRA 8, the Brandywell patrol parked the car on Lecky Road and went to see what was going on at the old City Dairy at the end of the road. The volunteers had no weapons other than PIRA 8's pistol.¹ They spent 30–45 minutes there and saw no sign of the march. The march had passed them when they were in Stanley's Walk.² They saw no activity in the area of the dairy and so went on to Southway, where they spent at least 30–45 minutes. While they were there they heard bangs, which PIRA 8 took to be the noise of a riot, coming from the area of the Bogside.³ While the patrol was in the Southway area, civilians driving away from the Bogside brought the news that people had been shot. PIRA 8 said that he then decided to go down to the Bogside and see what was happening.

¹ [Day 418/25](#)

³ [Day 418/27](#)

² [Day 418/26](#)

147.161 We deal elsewhere in this report¹ with the shots that were fired at an Army position at the Mex Garage and the suggestion that PIRA 8 or members of his patrol were responsible for these shots.

¹ [Paragraphs 151.1–31](#)

147.162 PIRA 8 described parking the car in Elmwood Road and walking with two of the volunteers towards the Bogside. The third stayed with the car. On the corner of Westland Street and Blucher Street, the Provisional IRA volunteers met four men whom PIRA 8 knew to be members of the Official IRA. PIRA 8, remembering that the Official IRA had days earlier captured and then released a soldier (Private INQ 2245) and thinking that that soldier might have been in the Bogside that afternoon, killing innocent people, became involved in an argument with the Official IRA men and hit one of them. PIRA 8 said that he did not believe that any of the Official IRA men were armed but said that he had later been told by one of his volunteers that one of them had had a weapon.¹ He said to us that neither OIRA 1 nor OIRA 4 was among the four Official IRA men whom he confronted.²

¹ [Day 418/77; APIRA8.5](#)

² [Day 418/32-35](#)

147.163 PIRA 8's evidence in this respect is consistent with an account given to Peter Pringle and Philip Jacobson in or around March 1972:¹

“3. Towards the end of the action, about when our M1 man [the Provisional IRA man with an M1 carbine] was heading home, an Official who had taken no part in the action and was not, therefore, carrying was attacked by three or four Provos walking down Westland St. towards the Bogside Inn. The Provos threw him to the ground and said ‘You’re the bastard that let the soldier go.’ This referred to an incident some days earlier when the Officials had captured a British soldier stupid enough to be visiting his Creggan fiancée. After interrogation, the soldier was allowed to go free, a decision which infuriated the Provos, and some of the Officials too we understand.”

¹ [S37](#)

147.164 The journalists recorded their report of this incident as having been “*authenticated by staff officers*”. Their principal source was Reg Tester but his evidence was that he knew nothing of this incident.¹

¹ [Day 414/64-65](#)

147.165 PIRA 8 said that he and the other two volunteers separated and went into the Bogside to try to discover what had happened. They returned to the car, having been given confused accounts. They drove to Stanley’s Walk, hoping to obtain a clearer picture at the derelict house at which they knew Provisional IRA members would congregate.¹ After PIRA 8 had been at the house with other volunteers for about an hour, Martin McGuinness arrived and gave the instruction that “*nothing was to happen*” and said that the volunteers would be contacted in due course.² PIRA 17 drove the car away and returned it, having removed the weapons. As far as PIRA 8 was aware, no-one took any weapons out of the car while it was standing in Stanley’s Walk.³

¹ [Day 418/44](#)

³ [Day 418/47](#)

² [Day 418/45-46](#)

147.166 We have found no evidence that suggests to us that those patrolling the Brandywell were or might have been involved in any of the events in the five sectors, during the period when people were killed or injured by Army gunfire.

The movement of the Creggan and Brandywell vehicles into the Bogside

147.167 The representatives of the majority of represented soldiers submitted that the members of these patrols were either acting in breach of orders, if they had not been permitted to go into the Bogside, or must have been free to enter the Bogside during the afternoon; and that if it was the latter, these “*heavily armed PIRA volunteers*” were in the Bogside “*in addition to the gunmen already there*”.¹

¹ [FS7.459-460](#)

147.168 In our view the volunteers in question did not go into the Bogside until after all, or virtually all, the firing had taken place in the five sectors; and until after all the casualties had been sustained. Their presence in the Bogside therefore has no relevance to the circumstances in which people were killed or wounded in those sectors.

147.169 As to the “*gunmen already there*”, the representatives of the majority of represented soldiers did not seek to identify who these were or point to any evidence that suggested that armed members of the Provisional (as opposed to the Official) IRA were present in the Bogside during the period when the casualties were sustained. We deal below with the submission that Martin McGuinness was present in the Bogside and fired a Thompson sub-machine gun; and with the shots fired from the area of the Bogside Inn at soldiers on the City Walls.

Other Provisional IRA activity

The meeting at Stanley’s Walk

147.170 PIRA 17’s evidence to this Inquiry was that he was on the march and heard shooting but saw no-one shot. He told us that he lay in the Rossville Flats car park during the shooting and, during a lull, ran towards Joseph Place and then to the Provisional IRA meeting place in the heart of the Bogside. In his oral evidence he said that he met the OC and Adjutant on the street and then went with them to a Provisional IRA safe house. He would not reveal its location.¹ He said that he, the OC and the Adjutant decided that the British Army was trying to lure the IRA into a firefight and that the IRA would not respond.² According to this witness the OC or Adjutant asked him to go back to Rossville Street and try to find out what had happened. He did so but could not establish an accurate account of what had occurred.³

¹ [APIRA17.6; Day 404/33](#)

² [Day 404/34](#)

³ [APIRA17.7](#)

147.171 PIRA 24 said that, after the shooting was over, he made his way towards Blucher Street and was confronted by people who shouted “*Give us weapons, give us guns*”. He told us that he explained to them that the weapons had been dumped; and said that he thought that PIRA 17 was with him at the time. He also told us that a few volunteers came along and asked what action should be taken. PIRA 24 stated that he decided to make his way towards the house at Stanley’s Walk and that he met Martin McGuinness on the way. On arrival at the house, he told everyone there to put the word out to volunteers to stand by. He sent PIRA 17 into the Bogside to try to find out what had happened. He also sent a couple of runners up to the Creggan. He thought that at some stage the Brandywell car arrived in Stanley’s Walk. In the end, PIRA 24 decided to stand everyone down and ordered that the weapons from the two cars be taken off the streets. Everyone agreed with this course of action. There was to be no action taken until after the funerals. Volunteers were sent out to pass on the orders. PIRA 24 told us he believed that the Creggan car’s weapons were dumped in the Creggan and that PIRA 17 took the weapons from the Brandywell car away after a short time.¹

¹ [APIRA24.14](#)

147.172 PIRA 24 told us that people were asking for guns in order to retaliate. He thought that it would calm people if they heard gunfire; they would believe that the IRA was present and operational. He and Martin McGuinness therefore decided that a few shots should be fired at the City Walls. According to his evidence the gun used was one from one of the patrol cars and was not a machine gun. He stated that he did not know who had fired the shots.¹ We return later in this part of the report to the evidence relating to this firing.

¹ [APIRA24.15](#)

147.173 Although we have elsewhere identified particular aspects of the evidence of PIRA 24 that we do not accept, we have found no evidence that suggests to us that PIRA 24 was or might have been involved in any of the events in the five sectors, during the period when people were killed or injured by Army gunfire.

The arrival of armed volunteers by car

147.174 Ivan Cooper is recorded by John Barry as having said that, after the shooting had taken place, he saw George McEvoy in the Meenan Square area in a car in the back of which were six gelignite bombs, two revolvers and at least one Thompson sub-machine gun.¹ According to John Barry, Ivan Cooper said that three cars containing members of the Provisional IRA then arrived in Westland Street.² In his oral evidence to this Inquiry, PIRA 17 denied that there had been any cars containing weapons in the Meenan Square

area and said that he knew nothing of any Provisional cars coming down to Westland Street.³ Martin McGuinness also said that the account of a car with weapons in the back and of cars containing Provisional IRA men coming down from the Creggan was “*totally and absolutely wrong*”.⁴

¹ [KC12.70](#)

³ [Day 404/53-54](#)

² [KC12.71](#)

⁴ [Day 390/153](#)

147.175 Philip Jacobson of the *Sunday Times* Insight Team made the following note of an interview with Martin McGuinness:¹

“At the height of the army shooting when civilian casualties were mounting, some provisionals sent for a car full of guns – pistols and .303s – which arrived in the area of Free Derry Corner. But then, it is claimed, the commanding officer of the Derry provisionals, decided that it was still too risky in terms of potential civilian casualties to launch any major counter attack on the army. The arms were allegedly driven back into the Bogside. A few hours after the shootings, most of the provisional staff command met in a street in the Bogside. Still very shaken, they too decided to suspend operations, at least until the funerals were over. Later that night, they sent a car to Dublin with a full report for provisional HQ. The provisionals are adamant that none of the dead or wounded are or were members of their organisation.”

¹ [KM3.52](#)

147.176 These accounts are consistent with a report that appears in the *Observer* newspaper galley proofs, in which PIRA 8 was quoted as saying:¹

“After the shooting some of our members went off to Creggan to get weapons. Feelings were running very high – known Provisional marksmen were attacked by women in the streets after the shooting, hysterically asking where the IRA was and why we weren’t defending them.

Some members came down with guns in a car and it was difficult to restrain them. We got their weapons away and took them out of the area. Three shots from a sub-machine-gun were fired by one volunteer in the Bogside Inn (Meenan Park) area. These were the only shots fired. There were no nail bombs.”

¹ [ED24.9-10](#)

147.177 PIRA 24 told us that he had no recollection of IRA volunteers obtaining weapons and bringing them down to the Bogside.¹

¹ [Day 426/136-139](#)

147.178 Martin McGuinness said that he did not recollect the interview with Philip Jacobson and said that the incident involving volunteers in a car and described in the notes did not occur.¹ He said that he did not accept the story in the galley proofs.²

¹ [Day 390/118](#)

² [Day 390/151](#)

147.179 PIRA 8 said that his car, in which he had been patrolling the Brandywell and which contained weapons, was driven to Stanley's Walk after the soldiers had fired.¹ Eddie Dobbins, who was in the Creggan car, said that his car was driven to the Bogside Inn.²

¹ [APIRA 8.5; Day 418/45](#)

² [AD195.2; Day 399/106-108](#)

147.180 In our view, contrary to Martin McGuinness's recollection, one or other of the patrolling cars did come down as recorded in Philip Jacobson's note. This was probably the Creggan car. We accept that this happened as a response to Army firing.

147.181 William Breslin gave the following account to Praxis:¹

" – M. McGuinness [sic] story. That group of men wanting to go down into the bogside and do something when the shooting had stopped, as Breslin was up by Free Derry corner. McG argued against that, and in any event they had no weapons to hand there, all in Creggan. McG nonplussed, lost, been outwitted type of feeling to him then."

¹ [AB112.1](#)

147.182 This account appears to refer to an incident where guns were not available, though it does indicate that, according to William Breslin, Martin McGuinness was not in favour of armed retaliation.

Other evidence of Provisional IRA activity

147.183 Ivan Cooper told this Inquiry that at some time after the shooting of Bernard McGuigan, he took a telephone call in a flat in Glenfada Park from PIRA 24, who asked whether people had been killed and, on being told that they had, replied, "*The deal is off, we are coming in*".¹ In an interview with Dr Niall Ó Dochartaigh, Ivan Cooper gave a similar account.² Ivan Cooper said to us that he did not know what had been done after the deal had been called off.³

¹ [KC12.8](#)

³ [Day 419/66](#)

² [KC12.121; Day 419/63-64](#)

147.184 Ivan Cooper also told us that after he had spoken to PIRA 24 on the telephone, he made his way to John Hume’s house in Westland Street. As he did so, he was conscious that there was a different type of shooting from the shooting that he had heard before he had received the telephone call. The sound was softer. In his oral evidence to this Inquiry, Ivan Cooper said that he could not identify the type of weapon being fired.¹ In his written evidence to this Inquiry, he stated that he knew at the time of making his statement but not when he heard the shots that the weapon was probably a short arm. He was certain that he heard no fire other than high velocity fire up to the time at which he received a telephone call from PIRA 24.²

¹ Day 419/74

² KC12.12

147.185 For reasons given earlier in this chapter, we take the view that it would be unwise to rely upon the evidence of Ivan Cooper, unless supported by other material. We have found nothing to support this part of his account.

The firing of “symbolic” shots

147.186 In his written statement to this Inquiry, Martin McGuinness told us that:¹

“Much later in the evening I was party to a decision made by the IRA to fire a number of shots, symbolically, at the British Army observation post on Derry walls. This decision was not taken until at least one and a half hours after the British army shooting had ended. Following this decision, shots were fired from the vicinity of the Bogside Inn by an IRA volunteer. I was not however present when this incident occurred.”

¹ KM3.18

147.187 PIRA 8 told us that he was aware of these “symbolic” shots, but that he did not fire them himself and was not present when they were fired.¹

¹ APIRA 8.7; Day 418/49

147.188 The representatives of the majority of represented soldiers submitted that shots were fired from the area of the Bogside Inn much earlier in the afternoon.¹ This was the incident described by Private AD and others, which we consider later in this part of the report.² What is not clear is whether these representatives were submitting that there were no later “symbolic” shots or that there were two separate shooting incidents.

¹ FS7.468-473

² Paragraphs 151.57–79

147.189 In our view there were probably two separate shooting incidents. We have referred above to the note made by Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team of what we are satisfied was an interview with Martin McGuinness.¹ After the passage quoted above, and as we have already noted above, the journalists continued:

“He did admit however that two rounds of submachine gun fire were fired by a provisional between 5.30 and 6 pm, that is, after the army had stopped firing and carried away most of the dead. The IRA man fired from a position near Free Derry Corner at troops in the Rossville Street area.”

¹ [KM3.51](#)

147.190 According to this note, shots were fired at troops in the Rossville Street area. According to the account Martin McGuinness gave us, the “*symbolic*” shots were fired at an Army Observation Post on the City Walls. According to PIRA 24, he and Martin McGuinness decided at a late stage that a few shots should be fired at the City Walls.¹

¹ [APIRA24.15](#)

147.191 There is no entry in any Army log that records these shots. This, however, does not amount to proof that shots were not fired. As we discuss when dealing with the events of the five sectors, there were instances when shots were undoubtedly fired but not recorded in Army logs. Furthermore, we find it difficult to see what purpose would be achieved by claiming falsely that shots had been fired at a late stage; for this could hardly be expected to conceal the firing of earlier shots. Thus we accept that there was some late firing by the Provisional IRA. In our view shots were fired up at the City Walls. It is unlikely that at the late stage under consideration shots were fired at troops in the Rossville Street area, since by that stage the soldiers had withdrawn and it would have been dark.¹

¹ [B2213](#); [B222](#)

147.192 At this point it is convenient to note the evidence given by Deidre McNamara, a daughter of a former Vice President of Sinn Féin, Derry Kelleher. In her written statement to this Inquiry, she told us:¹

“I clearly recall my father saying to me that ‘the Provos’ had ‘set up’ the civil rights march which had taken place. By the use of the words ‘set up’ he was not implying organisation he was giving me a very clear message of having subverted the civil rights march which had taken place. He said that the ‘Provos’ used the march as a means of moving the focus of the civil rights movement, which had previously espoused non-violent means, into something which was different in character, namely something prepared to embrace and use violence. He was explicit in his description saying that the ‘Provos’ strategy was to use the march to provoke the British Military Forces into firing their weapons and thereby create the appearance that the violence and mayhem which would follow had been caused by the British Military Forces acting in a seemingly unprovoked way.”

¹ [AM511.2](#)

147.193 We have found no evidence to support this account. As will have been seen, the march itself did not provoke the soldiers to open fire. The march was more or less over by the time the first shooting occurred. The major incidents that then occurred and resulted in the deaths and injuries followed the launch of the arrest operation.

Other evidence of the presence and activities of Provisional IRA members

147.194 Pat Harkin, then a member of the Brandywell section of the Provisional IRA and now deceased, was photographed at Barrier 14 at an early stage of the afternoon. Barney McFadden, a veteran republican, and PIRA 25 appear in the same photograph, trying to restrain the crowd. PIRA 25 said that he was asked by one of the stewards at Barrier 14 to lend a hand.¹ PIRA 17 also said that he, at various points, assisted the stewards in keeping angry marchers on the move.²

¹ [Day 424/109](#)

² [APIRA17.3](#)

147.195 PIRA 1 was photographed sheltering at the south gable end of the eastern block of Glenfada Park North.

147.196 He and OIRA 8 were arrested on the day. Neither was found to be in possession of a weapon.

- 147.197** Notes made by Kathryn Johnston (one of the authors of the book *Martin McGuinness: From Guns to Government*) entitled “KATHRYN JOHNSTON TYPED UP NOTES FOR PREFACE 2” included the following:¹

“Guns on the day

1 Man who joined McG in High St had a Spanish Star pistol.

2 McG took guns from the car.

3 A Volunteer arrested by the Paras in Glenfada Park had a shortarm. When he saw the Paras coming, he stuck it in the hedge. When he went back to get it a few days later it was still there.”

¹ [M112.48](#)

- 147.198** PIRA 1 and OIRA 8 were both interned after arrest. Neither can have retrieved any weapon a few days after Bloody Sunday. In his oral evidence to this Inquiry, PIRA 1 said that he was not aware of any other volunteer being arrested at Glenfada Park with him. He also said that he did not know of any Provisional volunteer carrying a short arm in Glenfada Park.¹

¹ [Day 409/85](#)

- 147.199** PIRA 1 gave evidence of having helped to pull George Roberts and Denis Patrick McLaughlin to the safety of the gable end from the area of the rubble barricade.¹ This evidence is supported by George Roberts, who told us he knew PIRA 1, and by Denis Patrick McLaughlin, who said he knew PIRA 1 by his nickname only.²

¹ [AM508.3](#)

² [Day 151/77](#); [Day 159/36](#)

- 147.200** As we have described when considering the events of Sector 3, Robert White took a photograph of Hugh Gilmour running close to the entrance to Block 1 of the Rossville Flats after he had been shot. PIRA 14's and PIRA 26's evidence was that they and Colm Keenan were in the area at the time. PIRA 26 identified himself and Colm Keenan as being shown in the photograph.¹ Neither of these Provisional IRA members appears to us to have a visible weapon or to be taking, or preparing to take, any offensive action.

¹ [APIRA26.8](#)

147.201 There is a photograph that shows two men supporting a third. The man in the middle of the photograph is Pat Harkin. One of the men supporting the third is PIRA 26.¹ PIRA 26's evidence was that he was trying to comfort Pat Harkin, who was very distressed, having learned of the death of Patrick Doherty, a close friend.² This photograph was taken after all the casualties had been sustained.

¹ [Day 425/78](#)

² [APIRA26.5](#)

147.202 Eugene McGillan, also a member of the Provisional IRA, gave a NICRA statement in which he claimed to have helped to carry away a body from Glenfada Park.¹ We agree with our Counsel's comment that if this statement were untrue and he had in fact been engaged in paramilitary activity, it would seem odd for him to have volunteered the statement.

¹ [AM233.1](#)

147.203 The representatives of the majority of represented soldiers submitted that there was something surprising about the concentration of members of the Provisional IRA in the area of the rubble barricade.¹

¹ [FS7.495](#)

147.204 We do not find their presence at the rubble barricade in itself surprising or sinister. Members of the Provisional IRA were likely to have been among those civilians who resented most fiercely the presence of the Army in the city and who therefore were likely to be among those shouting defiance and throwing missiles, whether at the Army barriers or from the rubble barricade. The fact that members of the Provisional IRA were present does not of itself indicate to us that they were armed, let alone that they engaged or were preparing to engage the soldiers with lethal weapons.

Assessment of the Provisional IRA evidence

147.205 There was paramilitary activity in the five sectors, as we have described when dealing with the events of those sectors. As we have observed above, we do not accept the evidence that suggested that the Provisional IRA had no nail bombs available for use on Bloody Sunday. However, our examination of the evidence relating to the events of the five sectors has led us, for the reasons that we have given, to conclude that no-one threw or attempted to throw a nail bomb on the day in any of the sectors. The fact that the Provisional IRA may have had nail bombs available only advances the case of those soldiers who claimed to have seen or fired at nail bombers to the extent, as we have

earlier noted, that their accounts cannot be rejected out of hand on the basis that because there were no nail bombs available, there was no possibility that any nail bombers could have been seen.

147.206 Leaving aside allegations against Martin McGuinness and PIRA 17, which we consider below, so far as firearms are concerned our examination of the evidence in this part of the report has revealed nothing that suggests to us that those openly carrying firearms or firing in or into any of the sectors before or during the period when people were killed and injured in those sectors were members of the Provisional as opposed to the Official IRA. If, notwithstanding the Provisional IRA evidence, any members of that organisation were carrying concealed weapons, this again in our view does no more than establish that the accounts of those soldiers who said that they saw men with guns and responded by firing cannot be rejected out of hand on the basis that because there were no firearms available, there was no possibility that any firearms could have been seen or used.

Martin McGuinness

147.207 At the time of Bloody Sunday, Martin McGuinness was Adjutant of the Derry Brigade of the Provisional IRA. There are allegations that he was involved in plots to plant and use bombs, that he was armed on the day, and that he fired a shot. Martin McGuinness's account was that he went on the march as a civilian, having given orders to the Provisional IRA that they were to take no paramilitary action during the march; and that it was only in the evening of the day that he authorised the firing of "symbolic" shots, as we have described earlier in this chapter.

147.208 The evidence relied upon in support of the allegation that, contrary to Martin McGuinness's account, he did engage in paramilitary activity comes from the following sources:

1. the Security Service agent "Infliction" who claimed that Martin McGuinness admitted to him having fired a machine gun on the day from the Rossville Flats;
2. various unknown individuals who told Liam Clarke and Kathryn Johnston that Martin McGuinness was involved in a plot to plant a bomb in Duffy's bookmakers in William Street and that he fired one shot there from a machine gun;

3. John Barry, editor of the *Sunday Times* Insight Team, whose notes record that Ivan Cooper in 1972 alleged that Martin McGuinness had been involved in paramilitary activity;
4. Patrick Ward, who claimed that Martin McGuinness was involved in a plan to use members of the Fianna to throw nail bombs at buildings; and
5. a record of an interview conducted by the RUC in the early 1970s with a person who alleged that he saw Martin McGuinness on Bloody Sunday carrying a Thompson sub-machine gun.

The evidence of Martin McGuinness

147.209 In his first written statement to this Inquiry, Martin McGuinness told us that he followed the route of the march until it reached the junction of William Street and Rossville Street. He stated that he was some distance from the front of the march. There is a photograph that shows him a short distance behind the lorry, which we reproduce below together with an enlarged portion of the relevant part of this photograph. The photograph was taken in Brandywell Road. There is no evidence to indicate whether or not he was still this close to the lorry when he reached William Street.



Martin
McGuinness



147.210 According to Martin McGuinness:¹

“When we reached the junction of Rossville Street and William Street I could see that the main body of the march had turned right towards Free Derry Corner and that a large group numbering several hundred had proceeded on down William Street towards the City Centre. I walked on towards William Street and stood with the crowd in front of the British Army’s blockade at William Street ... It was clear to me that a riot would soon begin. Shortly after this the protesters began throwing stones and bottles at the British Army who were blocking William Street.”

¹ [KM3.3](#)

147.211 In the course of his oral evidence to this Inquiry, Martin McGuinness was asked whether he had arrived just before the stone-throwing began. He replied:¹

“Well, we all arrived together, the several hundred people who marched on towards William Street, and it was soon after that that angry words were exchanged and stones and bottles were thrown.”

¹ [Day 390/74](#)

147.212 Martin McGuinness said that he was at the barrier for about five minutes before leaving, fearing that he might be caught by a snatch squad and interned. He said that he had not stayed for a long period, knowing that there was a prospect of snatch squads being used.¹ He also said that he had probably moved off before the water cannon was used.²

¹ [Day 390/75](#)

² [Day 391/34](#)

147.213 He told us that he walked down Chamberlain Street and that, as he did so, he heard people running behind him and so assumed that the Army had sent in a snatch squad. However, he said that he did not see any soldiers and so continued to walk down Chamberlain Street; and that others, believing that the Army was coming in, ran past him.¹ He said that he crossed the Rossville Flats car park and, as he did so, saw a woman being carried away. He told us that at this stage he had not heard a shot or seen either a soldier or an Army vehicle in the Bogside.² Martin McGuinness said that he walked through the gap between Blocks 1 and 2 of the Rossville Flats and, as he approached the Free Derry wall and was near Joseph Place, he heard self-loading rifle (SLR) shots for the first time. He also told us that at this time he heard the noise of Armoured Personnel Carriers coming down Rossville Street.³ He said that he thought that it had taken him a couple of minutes to reach that area from the top of Chamberlain Street.⁴

¹ [Day 390/76-78](#)

³ [KM3.9](#)

² [Day 390/79](#)

⁴ [Day 390/83](#)

147.214 Martin McGuinness gave evidence that as the shooting continued, he moved back to the Free Derry wall and across to Lisfannon Park and then Abbey Park.¹ He said he assumed that the firing was coming from William Street because he knew that there were soldiers there. He thought it possible that a group of soldiers had been attacked by rioters, having become separated from the other troops.²

¹ [Day 390/89](#)

² [Day 390/88-89; KM3.10](#)

147.215 Martin McGuinness told us that in Abbey Park he met people who told him that others had been shot. The shooting was still continuing. He moved back to the Westland Street area near the Bogside Inn and there met other Provisional IRA volunteers.¹ One told him

that people had been shot at the Rossville Flats. Martin McGuinness told the Inquiry that he realised that the situation was becoming increasingly serious. He said that he suggested that the volunteers should gather and arm themselves. They went to the safe house close to the arms dump and there met other volunteers, sympathisers and the OC.²

¹ [KM3.11](#)

² [KM3.5](#)

147.216 According to Martin McGuinness, volunteers were then sent on a number of occasions to the Creggan and the Brandywell to check on the situation there. They returned, reporting that all was quiet.¹

¹ [Day 390/101](#)

147.217 Martin McGuinness said that he, the OC and a small number of volunteers then made the decision that the Provisional IRA should not go into the Bogside with weapons, giving the British Army an excuse to fire. They thought it better to let the journalists present report that which the Provisional IRA knew to be the truth, that the British Army had opened fire on innocent civil rights marchers.¹ The word was passed to volunteers that there was to be no retaliation. Martin McGuinness said that he was certain that the order was obeyed. He told us that in any event, no-one other than the men in the two cars patrolling the Brandywell and the Creggan had access to a weapon.²

¹ [Day 390/101-102](#)

² [KM3.12](#)

147.218 As we have described elsewhere in this report,¹ the water cannon was first deployed at Barrier 14 at about 1545 hours. On the basis of his account, therefore, Martin McGuinness had probably moved away from the vicinity of that barrier by that time. According to this account, he reached the southern end of Chamberlain Street, crossed the Rossville Flats car park and went through the gap between Blocks 1 and 2 of the Rossville Flats without seeing any soldiers or any Army vehicles. He said that it was only when he was approaching Free Derry Corner, about two minutes after he had set out, that he heard Army fire.

¹ [Chapter 15](#)

147.219 As we have also described elsewhere in this report,¹ Army vehicles went into the Bogside just before 1610 hours and firing broke out soon afterwards.

¹ [Chapter 24](#)

147.220 There is on the face of it, therefore, a difficulty in the account Martin McGuinness gave. If he left the area of Barrier 14 after a short while and before or about the time that the water cannon was used, ie at or about 1545 hours, and if he got to near Free Derry Corner before he heard Army gunfire and Army vehicles he cannot have spent only about two minutes on that journey, since some 25 to 30 minutes elapsed between the use of the water cannon and firing by soldiers who had come into the Bogside in vehicles. It was submitted on behalf of the majority of the represented soldiers that during this unexplained period Martin McGuinness was involved in paramilitary activities. We return to consider this submission later in this chapter.

Evidence of those on the march

147.221 Martin McGuinness said that he went to Bishop's Field with his friend Colm Keenan at about 2.30pm, but that he and Colm Keenan lost each other in the crowd while they were still at Bishop's Field.¹ PIRA 26 also claimed to have gone to the march with Colm Keenan, saying that at about 3.00pm he and Colm Keenan left the house at which they were staying and joined the march at Southway. He told us he lost contact with Colm Keenan shortly afterwards. We do not regard this apparent conflict as of any materiality, since it is possible that both Martin McGuinness and PIRA 26 were in the company of Colm Keenan at an early stage of the march.

¹ [KM3.3; Day 390/67](#)

147.222 PIRA 26 told us that he saw Colm Keenan again in William Street. According to his account the two of them followed the marchers who had gone down William Street towards Barrier 14. His account was that while they were in the area of the junction between William Street and Chamberlain Street, he saw his brother (PIRA 14) speaking to Martin McGuinness. He told us that he and Colm Keenan joined the other two and that he, PIRA 14 and Colm Keenan left the area before the water cannon was deployed and walked southwards down Chamberlain Street, crossed the Rossville Flats car park, went through the gap between Blocks 1 and 2 of the Rossville Flats and walked along Rossville Street to Free Derry Corner.¹

¹ [APIRA26.3](#)

147.223 In his written statement to this Inquiry, PIRA 14 told us that he went on the march and, by the time he reached the bottom of William Street, was with his younger brother (PIRA 26) and Colm Keenan. He stated that in the area of Chamberlain Street, Eden Place or High Street they bumped into Sean Keenan Junior (Colm Keenan's brother) and Martin McGuinness. After some conversation, they all agreed that it would be best to move away

from the area. PIRA 14, his brother and Colm Keenan moved down Chamberlain Street. PIRA 14 said that he did not know where Martin McGuinness and Sean Keenan went.¹ In his oral evidence to this Inquiry, PIRA 14 said that he knew that he had met Sean Keenan somewhere on the day, but was no longer sure that it was in that area.² He agreed that he might have seen Sean Keenan on Rossville Street (which would be consistent with Sean Keenan's evidence). So, while the recollections of the two brothers are slightly inconsistent as to which one of them was accompanying Colm Keenan, they give consistent evidence about the presence of Martin McGuinness in the Chamberlain Street area. We should note at this point that PIRA 14 told us that he was certain that Martin McGuinness was not carrying a gun. He accepted that he might not have seen a handgun had Martin McGuinness had one, but believed that Martin McGuinness had no weapon at all since the orders for the day were that no-one was to carry a gun.³

¹ [APIRA14.2](#)

³ [APIRA14.2-3](#)

² [Day 421/28](#)

147.224 Noel Breslin said that he spoke to Martin McGuinness, whom he knew, when the latter was at the bottom of High Street, about 12 feet from an entrance to Duffy's bookmakers. This was before the soldiers had come into the Bogside.¹ Martin McGuinness, when this was put to him, said that this evidence placed him at the Chamberlain Street end of High Street and that he, Martin McGuinness, had been in Chamberlain Street. He denied ever having been in High Street.²

¹ [Day 184/165](#)

² [Day 391/213](#)

147.225 The evidence of Noel Breslin, PIRA 26 and PIRA 14, if correct, suggests that Martin McGuinness spent some of what appears to be the unexplained period to which we have referred speaking to friends in the Chamberlain Street area. The representatives of the majority of represented soldiers submitted that it was inconceivable that Martin McGuinness would not have been spotted by a single soldier if he spent 20 minutes in the area of Barrier 14 and walking around.¹ However, Martin McGuinness's evidence was that he spent only a few minutes at Barrier 14. It is unlikely that he would have been in sight of any soldiers while he was in Chamberlain Street.

¹ [FR7.45](#)

147.226 In our view it is probable that Martin McGuinness did spend some time in the area near the bottom of High Street, though there is nothing to indicate how long he was there.

147.227 We now turn to consider the evidence of paramilitary activity on the part of Martin McGuinness.

The allegation of a shot by Martin McGuinness from the Rossville Flats

“Infliction”

147.228 “Infliction” is the code name given by the Security Service to an agent who in 1984 provided information to the Security Service concerning Martin McGuinness’s alleged activities on Bloody Sunday. The information that he provided in April 1984 to an officer known as Officer A is summarised in a document provided by the Security Service:¹

“Martin MCGUINNESS

Martin MCGUINNESS had admitted to INFLICTION that he had personally fired the shot (from a Thompson machine gun on ‘single shot’) from the Rossvill [sic] flats in Bogside that had precipitated the ‘Bloody Sunday’ episode.”

¹ [KA2.6](#)

147.229 In November 1984 Infliction repeated the allegation to a different Security Service officer, Officer B. The conversation between the two of them was taped. The Security Service provided the Inquiry with a redacted transcript, part of which contained the following:¹

“INFLICTION: (Comment: makes noises indicating hesitation). Well (Comment: pause) you know, MCGUINNESS found himself in a certain position. Er, (Comment: pause) really didn’t manipulate it. Er, he found himself as (Comment: pause) overseeing Derry and first spokesman [...] and, er, I think the one thing that bothers MCGUINNESS is, er the Bloody Sunday thing, that he fired the first shot, which no one knows. And then the (Comment: unfinished as Officer B interrupts).

OFFICER B: You mean that’s on his conscience? (??? find) (Comment: unfinished as INFLICTION interrupts).

INFLICTION: Yeah, because, you know, he talked to me a few times about it, and er (Comment: unfinished as Officer B interrupts).”

¹ [KB3.3-3.5](#)

147.230 According to Officer A, Infliction told him that the conversation with Martin McGuinness had taken place fairly shortly after Bloody Sunday.¹ Infliction told Officer B that Martin McGuinness had spoken to him “*a few times*” about having fired the first shot. We have been provided with additional information concerning the reported conversation between

Martin McGuinness and Infliction and also about Infliction's reliability as a whole. We cannot make these details public because disclosure of them might endanger the life of Infliction.

¹ [KA2.2](#)

147.231 The representatives of Martin McGuinness at one stage appeared to submit that it was possible that Infliction did not in fact provide the information attributed to him by Officer A.¹ It was not suggested by anyone to Officers A or B that either was giving anything other than truthful evidence of the accounts given to them by Infliction. We were later informed that the submission was not intended to make this point; but instead to suggest that Infliction might well have invented the allegation in order to make himself more attractive to his handlers as a high-ranking IRA insider.

¹ [FS12.3](#)

Evidence relating to the reliability of Infliction

Officer A

147.232 Officer A was, at the time that he gave evidence to the Inquiry, a senior member of the Security Service. For six to seven months in 1984 he was the handler of Infliction. He told us:¹

“... for the most part, Infliction's reporting was reliable and, in [the Security Service's] view, honest. However, there were some areas where he was not prepared to provide information and there were a small number of occasions on which, we believe, that he did not tell the truth.”

¹ [Day 326/83](#)

147.233 His evidence was that Infliction gave no information relating to Martin McGuinness that the Security Service ever came to regard as dishonest.¹ On occasions Infliction, when refusing to give information, provided reasons for his refusal that the Security Service regarded as dishonest. None of those occasions was one on which the information sought related to Martin McGuinness.² On the occasions on which Infliction did lie, he did so in order to protect his security.³

¹ [Day 326/84](#)

³ [Day 326/94](#); [Day 326/101](#)

² [Day 326/95](#)

147.234 Officer A also told us:¹

“Infliction produced an enormous amount of information on which he had direct knowledge, either by talking directly to people or by seeing an event or whatever. Now, with that information – on those areas he was very rarely, if ever, mistaken and most of that material, we are confident, was truthful and subsequently much of it was corroborated.”

¹ Day 326/96-97

147.235 Officer A contrasted this type of information with that provided by Infliction in circumstances in which Infliction was less certain of the origin of the material. In the latter instances, the information could be inaccurate. Although in these cases Infliction might have appeared untruthful, for the most part the inaccuracies were simply mistakes.¹

¹ Day 326/97

147.236 Officer A said that there were very few instances in which the Security Service considered that Infliction was embellishing his reporting or seeking to bluff. Officer A could not recall any particular instance in which this had occurred.¹

¹ Day 326/98-99

147.237 According to Officer A, Infliction was paid between £15,000 and £25,000 a year for his work for the Security Service. These sums were at the top end of amounts paid at the time to agents. He was not given payment in return for specific pieces of information but received bonuses when he had worked particularly hard to obtain information in a difficult subject area and when his information over a period had been extremely good. His payment was at the top end of the scale to reflect his level of access to the IRA, the potential of the information and the risks that he ran to obtain information.¹

¹ Day 326/85-87

147.238 Officer A told us that in April 1984 he had been Infliction’s handler for about two months but Infliction had been a Security Service agent for a number of years.¹ Officer A said he was confident that he had had more contact with Infliction than any of his other handlers. He also said that he had shown his written statements to this Inquiry to Infliction’s other case officers and that they did not disagree with any of the contents of those statements.²

¹ Day 326/87-88

² Day 326/89

147.239 According to Officer A, Infliction knew Martin McGuinness quite well and was friendly with him. The Security Service had other information that corroborated Infliction's account of the relationship between the two.¹

¹ Day 326/139

147.240 Officer A said that he could not think of any credible reason for Infliction to lie to him when providing the information about Bloody Sunday. Infliction did not seek and was not given any additional payment for the information. Infliction, as far as Officer A was aware, did not dislike or resent Martin McGuinness. When providing the information, Infliction did not appear uncertain and gave no indication that he might be mistaken about it. Officer A did not know of any reason for which Infliction might bear a grudge against Martin McGuinness.¹

¹ Day 326/137-138; Day 326/140

147.241 The information noted by Officer A was recorded by another officer in an internal Security Service document.¹ That officer, who had detailed knowledge of the case, added an assessment of Infliction's reliability.² Officer A told us that he recalled that he was not available at the time that the report was issued and therefore could not provide the assessment. The assessment appeared in code in the unredacted version of the document. According to Officer A the assessment, decoded, read "*Reliability not fully established*" or "*[reliability] not fully tested*".³ The information in the internal document, slightly amended, was then set out in a Northern Ireland Intelligence Report (NIIR), a document created by the Security Service and sent to, among others, the RUC and Army Headquarters Northern Ireland. In the NIIR, an assessment of Infliction's reliability appeared in plain text as "*reliability not fully assessed*". A desk officer's comment was also added, to the effect that at the time of Bloody Sunday, Martin McGuinness was a senior figure, "*IF NOT OC, OF LONDONDERRY PIRA*", and while there was no "*COLLATERAL*" for the account of what Martin McGuinness had done on Bloody Sunday, there was intelligence that he was actively involved in Provisional IRA attacks shortly after that day.⁴

¹ G109.668

³ Day 327/14

² Day 326/129; Day 327/14

⁴ G109.670-671

147.242 Officer A told us that he thought that the reason that Infliction's reliability was not fully assessed in April 1984, although he had been an agent for a considerable time, was that it had until then proved difficult for the Security Service to obtain corroboration of Infliction's reporting.

147.243 Officer A accepted that there were people within the Security Service who viewed Infliction's reporting with scepticism. He pointed out that very few within the Security Service would have had information about Infliction's identity and the full range of his reporting and been in a position to hold an authoritative view. Others, who did not know Infliction's identity and who might only have received individual reports about particular issues based on information provided by Infliction, might, in the absence of any corroborative intelligence, have regarded him as a "*bullshitter*".¹

¹ Day 326/101-103

Officer B

147.244 Officer B was formerly a senior Security Service officer within the Irish Joint Section (IJS), a unit set up by the Security Service and Secret Intelligence Service to deal with matters relating to terrorism in Northern Ireland. He said that in the latter stages of his IJS work, he came into frequent contact with Infliction. At the time of his debriefing of Infliction in November 1984, he had had contact with Infliction for a matter of months.¹ He told us that his role did not include the assessment of Infliction's reliability or credibility.²

¹ Day 327/20-21

² KB3.2

147.245 Officer B filed a report of his debriefing. In code, he wrote that Infliction's reliability was not fully assessed.¹ This entry has been redacted from the version of the document made available to the parties but Officer B gave evidence of it.² He said that the assessment was made and agreed by a number of people including senior managers and case officers of the IJS and some recipients of the intelligence.³

¹ KA2.15

³ Day 327/34

² Day 327/33-34

147.246 Counsel for some of the families suggested to Officer B that, if Infliction's account were true, then Infliction must have been one of very few people to whom Martin McGuinness had confessed his role on Bloody Sunday. If that were right, then public disclosure of the information might well enable Martin McGuinness to identify Infliction. Counsel suggested that the Security Service published the information because it did not believe the account to be true and therefore did not believe that dissemination would create a risk to Infliction.

147.247 Officer B could not assist, saying that it had not been for him to assess Infliction's reliability and that he had not been involved in the decision to disclose the information to the Inquiry. Subsequently, solicitors for the majority of the families, in a letter to the Inquiry dated 1st May 2003, set out four questions that they wished to have answered in a statement to be provided by a member of the Security Service. The questions were:

"(a) In view of the evidence of Officer B to the effect that the likelihood was that Martin McGuinness had made such an admission either to Infliction only or to a very small number of others (Day 327 page 37 line 5 to page 38 line 2) and the evidence of David Shayler (see Day 327 page 80 lines 6–10) it would seem to follow that the decision to release the documentation which we have would allow Martin McGuinness to identify Infliction with some ease and that the release of the material by the Security Service in fact identified Infliction to Martin McGuinness if such a conversation had taken place?

(b) Is it correct therefore that the Security Service released this material knowing they were identifying Infliction and thereby endangering him?

(c) In the alternative, did the Security Service believe that Martin McGuinness made no such admission at all and therefore the release of the material would not therefore allow Martin McGuinness to identify Infliction?

(d) Was the Security Service's purpose in releasing this material to use the Inquiry to prejudice Martin McGuinness or in the alternative to prejudice the case made by the families by releasing information about events on Bloody Sunday the Security Services [sic] knew to be false?"

147.248 The Inquiry passed the letter to the Security Service, which replied by letter dated 22nd October 2003. This exchange of correspondence was copied to all interested parties on 4th November 2003. The relevant parts of the reply were in the following terms:

“In answer to questions (a) and (b) the Security Service can say:

2. The Security Service does not know how many people would, if the information was true, know that Martin McGuinness fired the first shot that precipitated Bloody Sunday. However, in deciding to allow public release of the redacted INFLICTION documents the Service took into account the likelihood that, if true, Martin McGuinness might well have told others the same information as he told INFLICTION. INFLICTION did not have a uniquely close relationship with Martin McGuinness. The Service considered and considers that it is unlikely that, if INFLICTION's report is true, INFLICTION would have been the only person to whom Martin McGuinness spoke about this matter in the years following Bloody Sunday. Further, if it is true, it is likely that others who were present on the day of Bloody Sunday itself would also be aware of Martin McGuinness' role. For these reasons the Service assesses that, if the report is true, a number of people are likely to know this information, and that with the passage of time Martin McGuinness may not remember exactly who he has told or who he believes might be aware of what he did.

3. The Service does not accept the suggestion in question (b) that, by releasing the INFLICTION material, it was putting INFLICTION at risk for the reasons set out above. The Service had (and still has) an obligation to ensure that INFLICTION's right to life is protected, and would not knowingly have released material publicly that it assessed would place INFLICTION's life at risk. In addition, before deciding to release the material the Service was very conscious of its obligation to provide all relevant information to the Inquiry in as open form as possible and to ensure that material was withheld from public view only when its disclosure would cause 'real damage' to national security or a real risk to life. The Service's understanding of its obligation to provide information to the Inquiry, to do so as openly as possibly, but at the same time protect national security and the right to life of agents was and is as set out in its skeleton argument of November 2000. Put shortly, the Service has treated its obligation to make open disclosure of its material to the Inquiry as analogous to an obligation to make open disclosure to a court of justice. The question for the Service at the outset was whether there was such a risk to INFLICTION's life in disclosing the material openly to the Inquiry as to outweigh that obligation. The Service's assessment was that there was not.

4. Further details of INFLICTION's relationship with Martin McGuinness and the circumstances in which he received this information, and other information relevant to the above questions have been made available to the Tribunal in the Security Service's PII [Public Interest Immunity] applications.

In answer to questions (c) and (d) the Security Service can say:

5. The Tribunal has been provided with a detailed account of the circumstances in which INFLICTION provided reporting on this matter, the arrangements which were made by the Service for recording and storing it, and the Service's view of the reliability of INFLICTION as an agent. The Tribunal is therefore in possession of all relevant material to enable it to make a judgment about the questions raised by Mr. McDonald."

147.249 Having considered the information provided to us, we are satisfied that there is no substance in the allegation that the Security Service provided the information about what Infliction had said, knowing it to be untrue.

David Shayler

147.250 David Shayler is a former employee of the Security Service. He told us that from August 1992 until October 1994 he worked in a branch of the Security Service dealing with threats from Irish terrorists on the mainland.¹

¹ [KS2.1](#)

147.251 David Shayler said that he did not know the identity of Infliction. He never saw Infliction's file and never saw any documents recording any views on the reliability of Infliction.¹

¹ [KS2.4](#); [Day 327/59](#)

147.252 David Shayler told us that his work did not usually bring him into contact with Infliction's reporting.¹ However, he told us that on one occasion in about 1993 he had needed to seek an assessment of the reliability of a piece of intelligence for which Infliction was the source. He could not recall whether this piece of intelligence itself bore a grading for reliability.² He approached a member of T8, the agent-running section, who told him that Infliction was a "*bullshitter*". The member of T8 had gone on to say that Infliction had once been totally believed and regarded as reliable but that on one occasion Infliction's information was contradicted by other intelligence and proved to be inaccurate. David Shayler stated that he could not recall the name of the person in T8 to whom he had spoken.³ He said he did not know whether that person had ever himself run Infliction as

an agent.⁴ He also said that he did not know anything about the information provided by Infliction that later proved inaccurate and, in particular, whether it was information of which Infliction claimed to have had first-hand knowledge.⁵

¹ KS2.2

⁴ Day 327/63; Day 327/67-68

² Day 327/65

⁵ Day 327/63

³ KS2.1

147.253 David Shayler also told us that, after speaking to the T8 officer, he noted in his report that Infliction was being re-assessed.¹ He said that he spoke informally to other colleagues who also gave the opinion that Infliction was a “*bullshitter*”.² He said that he could not remember the names of those to whom he had spoken about Infliction but provided a list of the names of colleagues to whom he spoke most frequently on Irish republican matters. Statements were obtained by the Inquiry from all of these officers, who were given the Inquiry ciphers Officers F–K. None of them could recall describing Infliction as a “*bullshitter*”. David Shayler said that he might not have discussed Infliction with any of these officers, or with Officer E, who was his line manager within the Irish section within which he worked. David Shayler said that any conversation that he had had about Infliction was very limited.³

¹ KS2.2

³ Day 327/70

² Day 327/67

147.254 David Shayler told us that he did not believe that Infliction was a Security Service agent, because the Security Service did not usually use a single-name codeword to describe their agents. We accept the evidence of Officer A that Infliction was indeed a Security Service agent.

Annie Machon

147.255 Annie Machon, who had a relationship with David Shayler, told us that she had heard of Infliction in August 1993 during her induction into a new job within the Security Service. In this job, she dealt with Irish terrorism in all parts of the world other than the United Kingdom. Her predecessor, known as Officer N, showed her a number of reports which were based on information provided by Infliction and which were headed, “*the reliability of this agent is being assessed*”. According to Annie Machon, Officer N said that he thought that everyone in T branch knew that Infliction was a “*bullshitter*”. Annie Machon stated that Officer N also told her that T8 officers were at that time reappraising Infliction’s files to see whether they could reach an assessment of his reliability.¹

¹ KM12.1

147.256 Annie Machon's evidence was that it was unusual for the comment "*the reliability of this agent is being assessed*" to be made in respect of an established agent rather than a new source.¹ She said that her understanding was that this comment had been added in or about 1993 to reports that were substantially older. She said she believed that the comments related to the reappraisal that she understood to be going on at the time.²

¹ KM12.2; Day 327/85

² Day 327/87-88

147.257 Annie Machon told us that she had no personal knowledge of Infliction.¹ She said, though, that Infliction was notorious for his unreliability and for the fact that he was being reassessed.² She said that she never learned the result of any reappraisal of Infliction's reliability.³

¹ KM12.2

³ Day 327/88

² Day 327/92

147.258 Officer N made a written statement to this Inquiry but did not give oral evidence. In his written statement he told us that he did not recall either describing Infliction as a "*bullshitter*" or regarding him as such.¹ He stated that he did not recall having any view of Infliction's reliability. His evidence was that there would have been no point in having the type of reappraisal described by Annie Machon. He was aware, though, that Infliction's reporting was being reviewed in order that it could be checked for leads that might have been missed in the past.

¹ KN1.1

147.259 Officer A was asked whether Annie Machon would have been in a position, in 1993, to form an informed view of the reliability of Infliction. He said that he could not recall whether he had been a member of T branch at that time. He thought it possible that Annie Machon would have had access to some of Infliction's reporting but doubted that she would have known enough to enable her to reach any informed opinion.¹

¹ Day 326/106-107

147.260 Officer A told us that he recalled that there were three categories of annotation that could appear on a report: the first was "*reliable*", the second "*reliability not fully established*" (or "*fully tested*") and the third "*reliability not yet established*" (or "*untested*"). He thought that any report seen by Annie Machon in 1993 would in fact date from a much earlier time. Infliction's reporting was reassessed in the early 1990s in order that the Security Service could check whether there was information of value that had not been fully exploited and on which further work could be done. No new reports based on Infliction's reporting were generated in the 1990s.¹ He said that on completion of the review, anyone

who knew anything about that review and about Infliction would have come to the conclusion that he was, for the most part, a very reliable agent.² In the course of his oral evidence he said this:³

“... the people who were in the service who were knowledgeable about the entirety of Infliction’s reporting and were up-to-date with the review that I have strived to mention yesterday, would have come to the view that Infliction’s reporting was, with the benefit of hindsight, reliable. There were still, I accept, a number of people in the service who either, because they had not been involved in the Infliction case for some time, or who only knew a little about the Infliction case, might have still considered or might have considered that his information was unreliable; I accept that.”

¹ Day 326/107-109

³ Day 327/5

² Day 326/112

Officers E–K

147.261 Officers E, F and G gave oral evidence. Officer E was David Shayler’s line manager while he was working in T2, the Security Service section dealing with Irish terrorism on the mainland. She worked in T2 from about April 1992 to October or November 1994.¹ She told us she recalled hearing comments made by others that Infliction’s reporting was considered to be of mixed reliability. She was never herself in a position to assess the reliability of Infliction’s reporting.² She did not regard Infliction as being generally notorious within T branch for his unreliability and recalled him being mentioned on very few occasions.³

¹ Day 328/3-4

³ Day 328/23-24

² Day 328/5

147.262 Officer F told us he recalled seeing one or two reports that were based on information supplied by Infliction. He thought that the information appeared consistent with information provided by other sources. He did not himself assess any intelligence provided by Infliction and was not in a position to have a view on Infliction’s reliability.¹ He did not recall Infliction being notorious within T branch for his unreliability and did not recall hearing anyone express a view on Infliction’s reliability.²

¹ Day 328/38-41

² Day 328/42

147.263 Officer G worked in T branch from 1990 to 1997 or 1998. He said that in the course of his work he saw fewer than ten intelligence reports based on information supplied by Infliction. He recalled seeing one report from Infliction, the accuracy of which was

subsequently verified.¹ Officer G did not recall Infliction being notoriously unreliable and thought that he would have known about such notoriety, had it existed.² He did not himself ever assess Infliction's reliability and was unsure, when attempting to recall details of Infliction's reported reliability, whether he was thinking of Infliction or of another agent.³

¹ Day 328/54-55; KG1.2

³ KG1.2; Day 328/66-67

² Day 328/60

147.264 Officers H, I, J and K gave written statements to this Inquiry. They told us that they could not express any opinion on the accuracy of Infliction's reporting and could not recall discussing Infliction with David Shayler.¹

¹ KH1.1; KI1.1; KJ1.1; KK1.1

147.265 Our assessment of the evidence of David Shayler and Annie Machon is that in truth they knew little about Infliction and the information that he had supplied. We consider that their evidence does not undermine that of the officers to whom we have referred. We accept the evidence of the latter, which is to the effect that Infliction was regarded as generally reliable both at the time when he gave the information relating to Martin McGuinness under discussion, and at the later stage when Infliction's information generally was being reviewed; though there were some, who had less complete knowledge about Infliction's reporting, who took a different view.

Martin Ingram

147.266 Martin Ingram was a former member of the Army Intelligence Corps who worked in Northern Ireland in the 1980s. The representatives of Martin McGuinness made the following submission in reliance on the evidence that Martin Ingram gave to this Inquiry:¹

"2.19 ... [Martin Ingram] saw no Intelligence report which suggested Martin McGuinness was doing anything on Bloody Sunday which was in any way inconsistent with his evidence to this Inquiry. Indeed, Mr Ingram goes further than that as the material to which he had access disclosed that Martin McGuinness was being closely observed on Bloody Sunday,² yet no such material has been forthcoming to the Inquiry."

¹ FS12.5-6

² KI2.41 paragraph 7

147.267 Martin Ingram's evidence was that he saw surveillance reports that indicated the whereabouts of Martin McGuinness from time to time on Bloody Sunday. However, Martin Ingram said that he could not remember the locations at which the reports placed Martin McGuinness.¹ In his first written statement to this Inquiry,² he told us that he saw these reports while working for the Force Research Unit (FRU), which was a military intelligence unit working in Northern Ireland. In his oral evidence he said that he saw them during his first posting at Headquarters Northern Ireland (HQNI).³ He then went on to say that he saw sighting reports from specialist surveillance units while he was at HQNI and from regular Army units while he was at FRU.⁴ The latter explanation was not consistent with the evidence that he had given in his third written statement to the Inquiry.⁵ Martin Ingram blamed confusion in the statement-taking process for the inconsistency.⁶ Later he said that he did not know whether there was a specialist surveillance unit present on Bloody Sunday but that he had assumed so having seen documents relating to surveillance.⁷ He also said that he did not know whether the local regular Army units had been responsible for surveillance but had assumed that this was so.⁸

¹ Day 329/35-36

² KI2.4

³ Day 329/78

⁴ Day 329/79

⁵ KI2.41

⁶ Day 329/82

⁷ Day 329/127

⁸ Day 329/145

147.268 We do not accept Martin Ingram's evidence of surveillance reports on Martin McGuinness's whereabouts on Bloody Sunday. Had there been such reports, we consider that we would have found them during the antecedents exercise, but we did not do so.

147.269 The representatives of Martin McGuinness also made the following submission:¹

"2.20 Insofar as the 'Infliction' material is concerned, Mr Ingram knew nothing of it until it came to public attention during the course of this Inquiry. In fact, he did not know of the existence of 'Infliction' at all despite the fact that he did two tours of duty in Northern Ireland between 1981–1984 and again, in Enniskillen between 1987 and 1990.² According to Officer A however the 'Infliction' reference to Martin McGuinness was disseminated throughout the security services, including the RUC by May of 1984,³ several months before Martin Ingram left the Derry Republican desk.⁴

2.21 One would have thought that intelligence of this nature on a very significant Republican figure would have attracted much more attention, if believed. The fact that an Intelligence Officer working specifically on Derry Republicanism with such high level access to all available material could find not a single reference implicating Martin McGuinness in respect of Bloody Sunday must weigh heavily with this Tribunal when assessing the weight to be attached to the ‘Infliction’ material, such as it is.”

¹ FS12.6

³ KA 2.2 paragraph 14

² KI 2.6 paragraph 12

⁴ KI 2.6 paragraph 12

147.270 It is the case that Martin Ingram claimed that he had access to all documents while he was working at HQNI.¹ However, he was at that time only a Lance Corporal.² The evidence of Officer A, which we accept, was that circulation within the Army of the NIIR relating to Infliction would have been restricted to a very small number of officers responsible for Army intelligence.³ We are of the view that Martin Ingram to a substantial degree exaggerated the importance of his role at HQNI and his level of knowledge and access to intelligence. We consider that his evidence does not undermine that of Officer A. Martin Ingram was too junior to be entrusted with the information.

¹ Day 329/11-12

³ Day 326/132

² KI2.43

147.271 The same representatives submitted that “*the evidence would suggest [that the allegation made by Infliction] was viewed with scepticism at the time*”.¹ The bases for this submission appear to be that Officers A and B did not press Infliction for further information on the topic, that the RUC seems to have taken no action on receipt of the intelligence and that the information provided by Infliction was not disseminated to Army intelligence soldiers at Martin Ingram’s level. However, Officers A and B did not suggest in their evidence that they had treated the information with scepticism. Officer A, when asked whether he had thought when given the information that it was nonsense, replied, “*I did not dismiss it as nonsense at all*”.² Officer B said that it would have been inappropriate for him, as a case officer, to make judgements about the information that he was given; his task was simply to record and disseminate it.³ The Inquiry has no evidence at all from the RUC as to the action, if any, that its officers took on receipt of the information; nor was any suggestion made as to what action the RUC might have taken.

¹ FS12.6

³ Day 327/55

² Day 326/146

147.272 These representatives at one stage also submitted that the Security Service made a successful application to prevent disclosure of the grading of the Infliction material and that the withholding of the grading has handicapped those trying to assess the value of the material.¹ This submission is factually inaccurate and based on an incorrect assertion made by Officer A in his third written statement to the Inquiry to the effect that the grading had been redacted.² Although the Security Service did initially apply for the grading to be redacted, the grading was later unredacted by consent. The grading is in the form of the words “*RELIABILITY NOT FULLY ASSESSED*”.³ Officer A explained in his second written statement that at the time of the creation of the Infliction report, agent handlers were required to provide an assessment of the source’s reliability and access. Desk officers were not required to grade reports but were encouraged to add comments to them.⁴ As noted above, Officer A gave details of the categories of reliability that could be noted on a report at that time.⁵ The submission was in the end abandoned.

¹ FS12.6

⁴ KA2.22

² KA2.25

⁵ Day 326/108; Day 326/115

³ KA2.12

147.273 We are sure that Infliction did tell Officer A that Martin McGuinness had told him that he had fired a shot from a Thompson sub-machine gun on single shot from the Rossville Flats which had precipitated the Bloody Sunday “*episode*”, and that he repeated much of this information to Officer B.

147.274 There is evidence, which we consider below, that Martin McGuinness was in possession of and fired a Thompson sub-machine gun on Bloody Sunday. Apart from Infliction, we have found no other evidence positively identifying Martin McGuinness as someone who fired from the Rossville Flats (or indeed its immediate area) at any stage during that day.

147.275 We return below to consider what weight we should give to the information provided by Infliction.

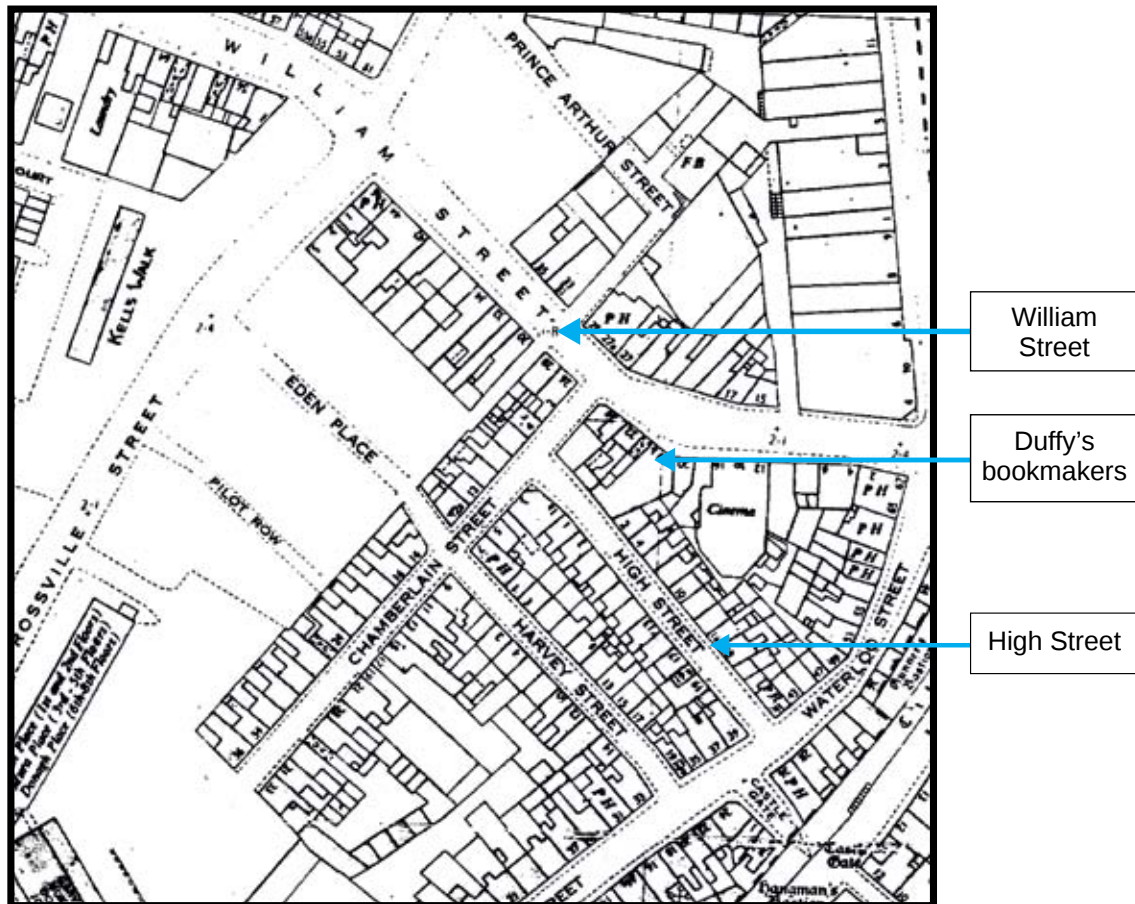
Martin McGuinness and Duffy's bookmakers

147.276 Duffy's bookmakers was a betting shop on the southern side of William Street and close to the position of Barrier 14, as can be seen in the following photograph.



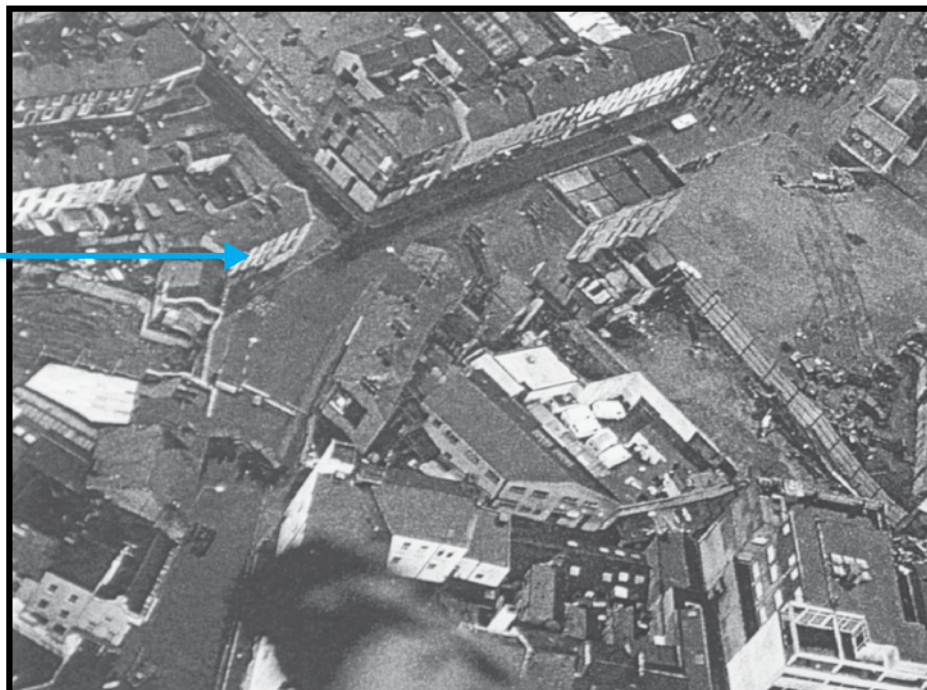
147.277 As can be seen from the photograph the upper floors of the building were boarded up.

147.278 There was an entrance through which Duffy's bookmakers could be accessed on High Street, which ran roughly parallel with William Street as shown on the following map.



- 147.279** The betting shop itself does not seem to have extended from William Street to High Street. An aerial photograph (shown below) indicates that there was some kind of covering in this area, but the exact nature of this structure is not obvious. Similarly the exact position of the High Street entrance is not apparent from any maps or photographs available to the Inquiry.

Duffy's
bookmakers



147.280 The first edition of Liam Clarke's and Kathryn Johnston's book *Martin McGuinness: From Guns to Government* contains the allegation that Martin McGuinness and others broke into Duffy's bookmakers with the intention of planting a bomb that would, when detonated, kill or maim soldiers manning Barrier 14. This book contains the further allegation that Martin McGuinness, when fleeing without planting the bomb, fired one shot from a Thompson sub-machine gun into a door of the bookmakers' shop:

"Around 3.45pm, Daly warned Patrick 'Barman' Duffy, one of the civil rights stewards, that he had seen some young people behaving suspiciously at the back of some nearby shops. One of them was Martin McGuinness.

McGuinness and his fellow IRA men looked like all the other young rioters as they mingled with the crowd on Chamberlain Street. As the firing intensified, they began to kick in the door of Duffy's Bookmakers. One of the youths who helped McGuinness was Des Clinton, an IRA sympathiser although never a member. 'The army barrier was across the road, just where the old picture house used to be, and the crowd was not that many yards away. I went round the back of the bookies, the High Street entrance, and I put the back door in, me and another fella. Then McGuinness and the rest of us went into the bookies.' Clinton had been on the civil rights march since the start, where he had met up with another friend who was in the IRA, who told him that weapons were on their way down to the city centre. As he looked around the bookies, Clinton believes he knew what McGuinness planned to do. 'It was an ideal place for a bomb.

The window upstairs looked on to William Street and we were actually looking down on the soldiers, they were only a few yards from us. You could do a lot of damage to the troops, but the crowd would have been safe because there was a gap between them and the soldiers. You could have blown every one of them up and still have got away. Then McGuinness got word that the army was coming in – I think from a walkie-talkie – and there was no time to put a bomb there. We all ran out the back.’ Just before McGuinness and the others escaped from the back of the bookies, a shot was heard. One person who was there alleges that, just before McGuinness left, and as he heard that the soldiers were coming, McGuinness had fired a shot from the Thompson at the door.”

- 147.281** In the preface to the paperback edition of the book, the authors claimed to have received, following publication of the first edition, further (second- and third-hand) information about the incident:

“In a new account we have been given, it is alleged that McGuinness left explosives in the bookies the night before Bloody Sunday. The sources of this information go on to say that McGuinness actually had a key to the bookies, and that the door was only kicked down on the afternoon of Bloody Sunday to disguise this fact.

Another account says that, after fleeing from the bookies, McGuinness was briefly trapped in a house in High Street, until a car arrived to take him back to the Bogside Inn, where he changed his clothes before meeting with other IRA volunteers in the safe house.

Another eyewitness claims that he saw Gerard Donaghy outside the bookies, where rioters wanted to throw nail bombs over the roof onto the army barricade. Because of the shortage of nail bombs after McGuinness had issued orders for their recall, at least one person argued with Donaghy, trying to get the nail bombs off him to throw himself.”

- 147.282** The sources for the information contained in the first of these two passages quoted above appear to be Des Clinton, the pseudonym of an IRA sympathiser who spoke to the authors, and another person who was present in the bookmakers, though it is not clear whether this latter individual actually spoke to the authors.

147.283 As to the information in the preface to the paperback edition, we do not know the sources to whom the authors refer. The authors do not make clear in the book the sources for some of the information that is not expressly attributed to any of the above sources. The evidence of Kathryn Johnston made it apparent to us that much of the information in the book should be interpreted and regarded with caution.

147.284 As to the passage about Daly (meaning Fr Edward Daly) warning Patrick “Barman” Duffy that youths (including Martin McGuinness) were behaving suspiciously at the back of shops, Kathryn Johnston accepted in her oral evidence to this Inquiry that she had not asked Fr Daly whether he had seen Martin McGuinness.¹ In his written statement to this Inquiry, Fr Daly told us that while he was in Rossville Street, between its junctions with Eden Place and Pilot Row, he saw some young people behaving rather suspiciously “*at the rear of some shops in William Street adjacent to the waste ground*”.² He gave a similar account to the *Sunday Times*³ and told the Widgery Inquiry that he was in the Kells Walk area when he saw the youths.⁴

¹ [Day 387/104](#)

³ [H5.9](#)

² [H5.2](#)

⁴ [H5.27](#)

147.285 This evidence to our minds is to the effect that the youths whom Fr Daly saw were on the Eden Place waste ground, not in High Street. He did not mention having seen Martin McGuinness among the youths.

147.286 As to the passage about a shot as Martin McGuinness and others escaped from the back of the bookies, Kathryn Johnston told us that she had taken the information of a shot being fired from newspaper reports or books about Bloody Sunday. She would not identify the person who had told her about Martin McGuinness firing. She added that, after publication, a new source had told her that Martin McGuinness had fired this shot into a steel door, believing that soldiers were trying to enter through the door.¹

¹ [Day 387/29-30](#)

147.287 Liam Clarke and Kathryn Johnston supplied to the Inquiry two pages of typed-up notes of an interview with Des Clinton.¹ The text of the typed-up notes, parts of which were redacted, is set out below:

“DES CLINTON

[...]

The bookies shop was shut.

[...]

Where the army checkpoint was, the Paras had a checkpoint there in William Street, there used to be an old cinema there and there was a bookies shop. There was two entrances to it, you could come in from the top part of High Street and you could come in from William Street.

That was in Chamberlain Street.

There was two entrances in, there was one from the back and one from the front, where the Paras had their check point, they put barbed wire across.

The minute we came out of the back of the bookies, Paddy Doherty was shot.

We were coming out of the back part because Martin got word, he must have had a walkie talkie, because he said the army's going to come in. We came out the back part of the bookies. Paddy Doherty was shot dead. He said to me, [...] watch yourself because you were nearly shot in [...] the other night [...]. His last words to me were watch yourself, [...], and then he was one of the first people shot.

The army had a place out the old city Derry [sic]² [...]. There was a lot of people there, things were serious then, there were thousands there. At the finish there were bombs thrown, we had been caught in a riot, I was crawling along the middle of the road. The army were returning fire and I had this fear that I was going to get shot in the soles of my feet.

[...]

Martin McGuinness was a goalkeeper, he played in nets at that time. He wasn't a bad keeper.

I saw a man with a rifle at the back of the Bogside Inn.

I was running beside young Duddy when he got shot, shot at the back of the flats. I just kept on running and when I looked up from behind the wee wall, the bullets were still flying around. It happened in minutes. Where Martin McGuinness went I don't know.

[...]

Then me and another friend, who was in the IRA, went down and we ended up outside the Bogside Inn. There was a boy there with a rifle, I think it was an old 303. The fella who was in the IRA, Pat Harkin, he died suddenly, started shouting at him, 'what the fuck are you doing with that'. I don't think the 303 had been fired. This was after the Para shooting.

[...]

The army barrier was across the road, just where the old picture house used to be, the thingummy there across the road and the crowd was not that many yards away from there. I went round the back of the bookies and I put the back door in, me and another fella. Then [...] and McGuinness went in to the bookies. What was going to happen was that they were going to put a bomb in the bookies, because it would have fucking blew every one of those soldiers up. You could actually see them from the bookies. It was only from here to that fence. It was an ideal place for a bomb. The window upstairs looked on to William Street and we were actually looking down on the soldiers, they were only a few yards from us. You could [do] a lot of damage to the troops, but the crowd would have been safe because there was a gap between them and the soldiers. You could have blown every one of them up and still got away. [...] That's just the way things happened that day.

Then McGuinness got word that the army was coming in and there was no time to put a bomb there.

Then I think he must have had a walkie talkie. He said the army's going to come in. [...] then Paddy Doherty was shot and then he said [...]. We all ran out the back ... We ran over to the ?, started to run over to Rossville Street, to the back of the flats, and then young Duddy was shot beside me, I jumped behind the wall and then they shot Michael Bridge. That all happened within minutes. Where Martin McGuinness went, I don't know, because he couldn't have went anywhere. If they had wanted to shoot him, they could have shot him, because he must have been visible, same as me."

¹ [M112.20-21](#)

² This may be a mistake for "Dairy", more commonly known as the Mex Garage, where there was an Army post. We discuss the firing at this Army post in [Chapter 151](#).

147.288 Taking the note as a true record of what Des Clinton told the authors, it contains obvious and significant inaccuracies. Paddy (Patrick) Doherty was shot in Sector 5. He was killed on the southern side of the Rossville Flats, one of the last of the casualties on the day, as we describe in detail elsewhere in this report.¹ This occurred some minutes after paratroopers had come into the Bogside and after Jackie Duddy (the first casualty) had been shot in the car park on the northern side of the Rossville Flats. Thus Patrick Doherty could not have been shot before or as Des Clinton came out of Duffy's bookmakers, if he and the others left because word had reached them that the Army was coming in; or indeed anywhere in that area. Nor was Jackie Duddy shot after Patrick Doherty. Furthermore, as will be seen from our consideration of the situation at Barrier 14 before the soldiers went in, the crowd was for most of the time close up against the barrier; and until just before the soldiers went in people were within stone-throwing range, so any bomb in Duffy's bookmakers would have been very likely to have injured civilians.

¹ [Paragraphs 118.116–204](#)

Other evidence relating to Duffy's bookmakers

147.289 Anthony Fry, a BBC radio journalist, was in the city on Bloody Sunday. He made a written statement for the Widgery Inquiry in which he recorded that he had run into Chamberlain Street after the water cannon had been deployed at Barrier 14. He told the Widgery Inquiry that while in Chamberlain Street he had seen a group of youths breaking down the door of a building in High Street. According to him, this incident had occurred before the soldiers came into the Bogside.¹

¹ [M27.1](#)

147.290 John Carlin told us that he saw five or six young men trying to break down the door of a property on the corner of Chamberlain Street and High Street while others tried to stop them. The door led to the back of the bookmakers in William Street. He said he did not recognise the men trying to break in nor the others who were arguing with them.¹

¹ [Day 91/174; AC35.2](#)

147.291 Two witnesses who gave evidence to this Inquiry, Donal Deeney and Francis Duddy, claimed to have broken into the back of the bookmakers.

147.292 Donal Deeney said that he was on the march with a friend, Sean McCallion. He did not refer to Sean McCallion having been with him at the bookmakers but did say that he was with him both before and after the incident. Sean McCallion told us that he did not break into any premises that day.¹

¹ [Day 147/171-172](#)

147.293 In his first written statement to this Inquiry, Donal Deeney told us that he and another man had broken into the bookmakers and gone to the first or second floor overlooking William Street, intending to “*suss out the place for future reference*”. He stated that he and his companion were not going to do anything because they were “*not tooled up*”. His evidence was that after spending a minute or two in the bookmakers he then rejoined the rioters in William Street and remained there for about five minutes before hearing shouts that the Army were going to come in.¹

¹ [AD26.2](#)

147.294 In his second written statement to this Inquiry, Donal Deeney told us that he recalled that he and several others had broken into the bookmakers.¹ In his oral evidence he said that he had joined a group of those who were already breaking down the door of the bookmakers.² He said that he did not remember seeing Francis Duddy there;³ and that he had been in the bookmakers for only about five minutes before the Army moved into the Bogside.⁴ Donal Deeney said that he was “*Positive*” that no-one present had had a weapon, adding that it would not have been advisable for anyone to do anything in the bookmakers.⁵

¹ [AD26.10](#)

⁴ [Day 86/163](#)

² [Day 86/12](#)

⁵ [Day 86/135](#)

³ [Day 86/18](#)

147.295 Francis Duddy said to this Inquiry that he had been a hard-line rioter and one of a group of three to five youths who decided to try to get behind the soldiers in William Street and throw missiles at them.¹ He told us that the group went in through the back entrance of Duffy’s bookmakers in High Street and reached a first floor room overlooking William Street. The windows were boarded up but they could look through slits into the street.²

¹ [Day 89/36-38](#)

² [AD144.2](#)

147.296 In his oral evidence to this Inquiry, Francis Duddy said that his recollection was that the group did not break in but entered through an open door. According to him, he and his companions had only been in the building for one or two minutes when they saw the

barrier being moved and “*Saracens*” going through it. They then decided to get out of the building. His said that his recollection was that the soldiers had reached Chamberlain Street by the time he had left the building.¹

¹ [Day 89/53](#)

147.297 In his written statement to this Inquiry, Francis Duddy named four people who, he told us, were with him when he went into the bookmakers. When he gave oral evidence he said that he could no longer recall the names of those present. He did say that Martin McGuinness was definitely not among the group and that he did not see Martin McGuinness in the area.¹ He said he thought, but was not sure, that Donal Deeney had been among the group.²

¹ [Day 89/105](#)

² [Day 89/107](#)

147.298 Francis Duddy’s recollection of the events of the day appeared confused. His oral evidence was inconsistent in several respects with that contained in his written statement. However, he was firm in his denial that Martin McGuinness was present in the bookmakers. If he is correct in this and in saying that he left the bookmakers as the soldiers went through Barrier 14, then it seems unlikely that Martin McGuinness could have been in the bookmakers at the time and in the circumstances alleged by the authors of *Martin McGuinness: From Guns to Government*.

147.299 Martin McGuinness described the allegation that he was involved in any incident in Duffy’s bookmakers on Bloody Sunday as entirely untrue.¹

¹ [Day 390/138](#)

The *Sunday Times* material

147.300 We have referred earlier in this chapter to the note made by John Barry of the *Sunday Times* Insight Team of an interview he conducted with Ivan Cooper after the publication of the Insight article in the *Sunday Times* in April 1972.¹ According to the note, Ivan Cooper told John Barry that on Bloody Sunday Martin McGuinness, George McEvoy and PIRA 17 were in a house in William Street, near Chamberlain Street, and were planning to fire through the doorway at the soldiers who were occupying some of the houses on the other side of William Street. The soldiers moved in and the three, on George McEvoy’s instructions, dismantled their Thompson sub-machine guns, put them up their jerseys and ran out. George McEvoy was also armed with a pistol.

¹ [KC12.68](#)

147.301 Although John Barry did not recall the interview, he said that he had a vivid recollection of the story about the planned ambush in William Street.¹

¹ [Day 193/105-106](#)

147.302 When typing up these notes, he added a comment, “*I’m highly dubious of that whole story. It reeks of ‘minimum approach’ to me.*” Unfortunately, when he gave evidence he could no longer recall why he was dubious about the story or the meaning of the words “*minimum approach*”.¹

¹ [Day 193/126](#)

147.303 Ivan Cooper is recorded later in the note as having said that he was approached after the shooting had started by a hysterical man who told him that four Provos were trapped in High Street.¹ The notes also indicate that it was George McEvoy who told Ivan Cooper of the incident in William Street.² Ivan Cooper is recorded as having said that George McEvoy was the Intelligence Officer of the Provisional IRA.³

¹ [KC12.70](#)

³ [KC12.68](#)

² [KC12.70](#)

147.304 As we have noted earlier in this chapter, we do not accept Ivan Cooper’s denial that he provided the information in the notes and that he had never been interviewed by the Insight Team.¹ We have also rejected his suggestion that British intelligence agencies had had a role in the creation of the notes.² He described the account of the incident in the house in William Street as a “*total and utter fabrication*”.³

¹ [Day 419/76-77](#)

³ [Day 419/110](#)

² [KC12.30](#)

147.305 We have concluded earlier in this chapter that it would be unwise to place any reliance on what Ivan Cooper told us, in the absence of supporting evidence. We take the same view of what he told John Barry, though with regard to Martin McGuinness there is some other evidence that Martin McGuinness was in the area described and in possession of a Thompson sub-machine gun.

Evidence of others concerning the *Sunday Times* material

147.306 In his written statement to this Inquiry, George McEvoy denied any involvement in the Provisional IRA or in any incident in William Street. He told us that Ivan Cooper was a “*fantastic liar*” who had fabricated the account given to the *Sunday Times*.¹ He stated that he had had business dealings with Ivan Cooper up to February 1971, but denied having any such links with him or being a close friend of his at the time of Bloody Sunday.²

¹ [AM208.1; AM208.5](#)

² [AM208.2](#)

147.307 We were unable to call George McEvoy to give oral evidence.

147.308 There is, however, other evidence of a link between George McEvoy and Ivan Cooper. In a redacted version of an RUC document, dated 21st June 1972, it is recorded that the two were at some time partners in a quarry business. In his oral evidence to this Inquiry, Ivan Cooper denied this.¹ However, in his third written statement to this Inquiry, he told us that he and George McEvoy knew each other well and had a much closer relationship in the early 1970s than that described by the latter.² In these circumstances we are doubtful of the reliability of George McEvoy’s evidence.

¹ [Day 419/153](#)

² [KC12.98](#)

147.309 PIRA 17 denied that he had been in a house in William Street with Martin McGuinness. He also said that George McEvoy was not a member of the Provisional IRA.¹ PIRA 17’s evidence was that neither he nor Martin McGuinness nor any other member of the Command Staff was armed on Bloody Sunday; and that it would not have been possible for Martin McGuinness to obtain a weapon or explosives without his knowledge.²

¹ [Day 404/49-52](#)

² [APIRA17.11](#)

147.310 Counsel acting for the majority of represented soldiers suggested to PIRA 17 that he, like Martin McGuinness, could not account for the time between when he was present during the rioting and when he was running down Chamberlain Street after it had become obvious that something serious had happened.¹

¹ [Day 404/113](#)

147.311 If that suggestion were correct, then it might lend support to the allegation that Martin McGuinness and PIRA 17 were in the bookmakers or another building in William Street during the “missing” time. However, PIRA 17’s account does not provide clear evidence of any such “missing” time. According to PIRA 17, he arrived at Barrier 14 at a time when there was a sizeable crowd present. He said that he moved back towards the Rossville

Street junction and, while he was in this area, heard a rumour that two people had been shot. He walked back along William Street towards Chamberlain Street. He could not recall the water cannon being used, “*although I was aware that it was there*”. He said that he left the riot when it appeared to be scaling down and encouraged others to head towards Free Derry Corner. He walked down Chamberlain Street and, as he did so, someone ran past saying that “*they*” were coming in. As he ran down Chamberlain Street, he heard SLR fire. He could not give estimates for the length of time for which he had been at Barrier 14.¹ In our view this evidence does not reveal any missing period for which PIRA 17 failed to account.

¹ [APIRA17.4](#); [Day 404/27](#); [Day 404/112-113](#)

Intelligence material

- 147.312** There is a record of an interview conducted by the RUC in the early 1970s. The name of the interviewee, the date of the interview and some names have been redacted from the version made available to the parties but we have seen the unredacted document. The redacted part included the following:

“I was at the March on Bloody Sunday. I was in Chamberlain St just before the shooting started I saw PIRA 8 [...] Mad Dog Doherty [...] in Chamberlain Street near the junction with William St.

I saw Martin McGuinness had a Thompson S.M.G. under his coat. I don’t know if any of the others were armed or not as I didn’t notice any guns. Neither do I know if McGuinness fired the Thompson or not. I didn’t see him firing.”

- 147.313** It is not entirely clear from this record whether the interviewee was suggesting that he had seen Gerard “Mad Dog” Doherty and PIRA 8 in the company of Martin McGuinness or separately, though read as a whole the record seems to us to indicate that the interviewee was saying that he saw Martin McGuinness in Chamberlain Street before the Army started shooting.
- 147.314** Gerard “Mad Dog” Doherty admitted to this Inquiry being in this area but said that he did not see Martin McGuinness while he was there, or at all during the course of the day.¹

¹ [Day 400/87](#)

147.315 PIRA 8 denied being in Chamberlain Street at any time on Bloody Sunday and told us he thought that he had not seen Gerard “Mad Dog” Doherty that afternoon.¹ He said he did not recall seeing Martin McGuinness that day other than at the end of the afternoon in Stanley’s Walk.²

¹ [Day 418/54](#)

² [Day 418/55](#)

Other evidence

147.316 Kathryn Johnston said that another source, given the pseudonym Peter Doherty (who was not present on Bloody Sunday), had said that Martin McGuinness had secretly planned to attack the Army. Peter Doherty did not, when speaking to the authors, refer to the nail bomb attack that Patrick Ward said was planned.¹ We deal elsewhere in this report with Patrick Ward’s evidence about a planned nail bomb attack and other matters.

¹ [Day 387/78](#)

147.317 William Breslin, when interviewed by Liam Clarke, said that Martin McGuinness was at the front of the crowd at Free Derry Corner when the shooting began.¹

¹ [M112.78](#)

147.318 William Breslin told this Inquiry that he saw Martin McGuinness between Joseph Place and Rossville Street about half an hour before the Army came in. Martin McGuinness said to this Inquiry that he had no recollection of seeing William Breslin.¹

¹ [Day 390/99](#)

147.319 William Breslin also said that Martin McGuinness called on him to come and confirm that there were no guns in Martin McGuinness’s car. He told us that they and others went to a car park behind the Bogside Inn where Martin McGuinness let him see that there were no guns in his car.¹ Martin McGuinness said that William Breslin’s recollection was “*mistaken*”.²

¹ [AB112.11](#)

² [Day 390/98](#)

147.320 Nell McCafferty gave evidence to this Inquiry of Martin McGuinness being called to rebuke some boys who were carrying guns. Martin McGuinness said that this was an example of a witness making a genuine mistake.¹

¹ [Day 390/100](#)

- 147.321** In her written statement to this Inquiry,¹ Sheila McLoughlin told us that she was at Free Derry Corner when the shooting started and made her way down Lecky Road, which runs southwards from Free Derry Corner. She told us she sheltered there until, she thought, the shooting had subsided. Her statement continued:

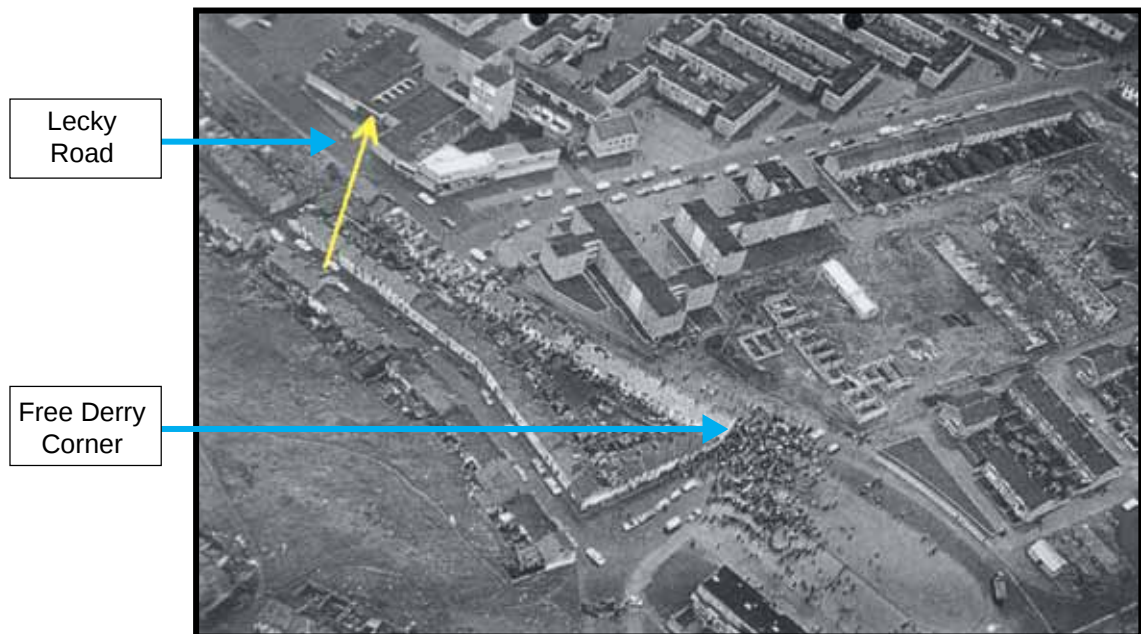
“The next thing I remember as we made our way down the Lecky Road is seeing Martin McGuinness and a couple of other men I did not know coming towards us from a little walkway which ran between the shopping precinct in Meenan Park and the Lecky Road. I do not think they were running, but they were certainly walking quite quickly and they were moving towards where we had come from. It was apparent from their faces that they [were] wondering what on earth was happening and I think one of them must have shouted ‘what’s happening?’ I distinctly remember shouting ‘so much for your protection then, they are killing people down there’. I knew by that time that the army was killing people – you didn’t need to see it to know what was happening. I have always assumed since that moment that Martin McGuinness and his friends must not have been on the march that day.”

¹ [AI.1.10](#)

- 147.322** In her oral evidence to this Inquiry, Sheila McLoughlin (now Sheila Ingram) said that she was still aware of gunfire when she saw Martin McGuinness.¹ She told us that she was not aware of Martin McGuinness or the men with him carrying weapons. In the course of her oral evidence Sheila McLoughlin marked a photograph with a yellow arrow (shown below) to indicate from where Martin McGuinness had come.²

¹ [Day 417/78](#)

² [Day 417/86](#); [AI1.12](#)



147.323 For clarification we have added an arrow to show Lecky Road and Free Derry Corner.

147.324 The representatives of the majority of represented soldiers submitted that Sheila McLoughlin's evidence of seeing Martin McGuinness in the area of Meenan Park while the shooting was continuing is inconsistent with Martin McGuinness's own account of his movements.

147.325 Martin McGuinness said that as the shooting continued, he moved back to the Free Derry wall and across to Lisfannon Park and then Abbey Park.¹ He said he assumed that the firing was coming from William Street because he knew that there were soldiers there. He told us he thought it possible that a group of soldiers had been attacked by rioters, having become separated from the other troops.²

¹ Day 390/89

² Day 390/88-89; KM3.10

147.326 Martin McGuinness gave the following account of his movements:¹

"Q. Presumably when it was apparent that the shooting was continuing, you moved away from where you were at Joseph Place; is that right?

A. I moved back to Free Derry wall and across the street to Lisfannon Park and across then to I think it was Abbey Park.

Q. Am I right in thinking that as you did that, as you moved across in a westerly direction from Joseph Place to the opposite side of Rossville Street, that you would have caught no more than a glance of whatever it was that was happening up at the other end of Rossville Street?

A. Well, at that stage there was just total and absolute confusion, I did not know what was happening, like many of the people around me.”

¹ [Day 390/89](#)

147.327 Martin McGuinness’s evidence as to confusion is consistent with Sheila McLoughlin’s account that the faces of Martin McGuinness and his companions showed that they did not know what was happening.¹ Martin McGuinness, when he gave evidence, did not mention being with companions.

¹ [AI1.10](#)

147.328 The representatives of the majority of represented soldiers submitted that, on Sheila McLoughlin’s evidence, Martin McGuinness was moving away from Stanley’s Walk.¹ Sheila McLoughlin’s account was that Martin McGuinness came out of a walkway in Meenan Park, which is immediately south of Lisfannon Park and north of Stanley’s Walk. In our view it is not possible to say, on the basis of that evidence, that Martin McGuinness was moving “*away from Stanley’s Walk*”. Further, when Sheila McLoughlin gave oral evidence, this exchange took place:²

“Q. Did you see where Mr McGuinness went after you had shouted at him or is it just that he was going in the opposite direction to you?

A. He was certainly going towards what I – I think he was going towards Free Derry Corner, but we were so intent on getting further up the Lecky Road and towards what we would have considered a safer area, I, I did not look to see where he was going.”

¹ [FR7.35](#)

² [Day 417/81](#)

Consideration of the evidence relating to Martin McGuinness

Martin McGuinness's movements near Free Derry Corner

147.329 We are not sure of the accuracy of William Breslin's recollection of when he saw Martin McGuinness, or that of Nell McCafferty. As to Sheila McLoughlin, we consider that we can place some reliance on her evidence that at some stage, while firing was continuing or when it had died down, Martin McGuinness came out of the walkway that she identified. We do not accept, as the representatives of the majority of represented soldiers submitted, that Martin McGuinness was attempting to conceal the fact that he had moved further south than Free Derry Corner. He was trying to recall his precise movements decades earlier and might well have forgotten some of the route he took.

The "missing minutes" and other matters

147.330 It is possible that failures of recollection explain the apparent difficulty in Martin McGuinness's account of leaving the area of Barrier 14 soon after the stoning began (and probably before the water cannon was used at about 1545 hours) and getting to near Free Derry Corner some two minutes later, when he heard Army gunfire and the Army vehicles coming in. In this connection there was the following exchange in the course of Martin McGuinness's oral evidence:¹

"Q. The reason that I ask you for these approximate times is that a question arises in relation to the timing that you have described. You told me before we broke that you were at the top of Chamberlain Street or that area for a short time, about five minutes or so and that as you say it cannot have taken you very long to get down from the top of Chamberlain Street to Joseph Place.

Your evidence is that you were up at the top of Chamberlain Street shortly before the stoning began and it is possible with some degree of precision to time when the stoning began. I can show you how if you like, but it appears to have begun at just before 3.40 and we know that the Army came into the Bogside at approximately 4.10; we know that because there is a picture which shows the Guildhall clock at 4.10 as the Army vehicles came in. They must have come in either at the time or very shortly after you had reached Joseph Place because you heard firing from that position.

The problem that I am suggesting to you is that there appears to be something like a half hour gap between the stoning starting and the Army coming in and the firing, therefore, beginning. There is a half-hour gap but your account of your movements only deals with, at best, something like ten minutes of that period. Do you follow the point I am making?

A. I do, indeed, but I did say that those were approximate times, that does not necessarily mean it was five minutes, it could have been much longer.

Q. What, as much as half an hour?

A. Well accumulated, yes, absolutely, but I mean, I cannot be certain.

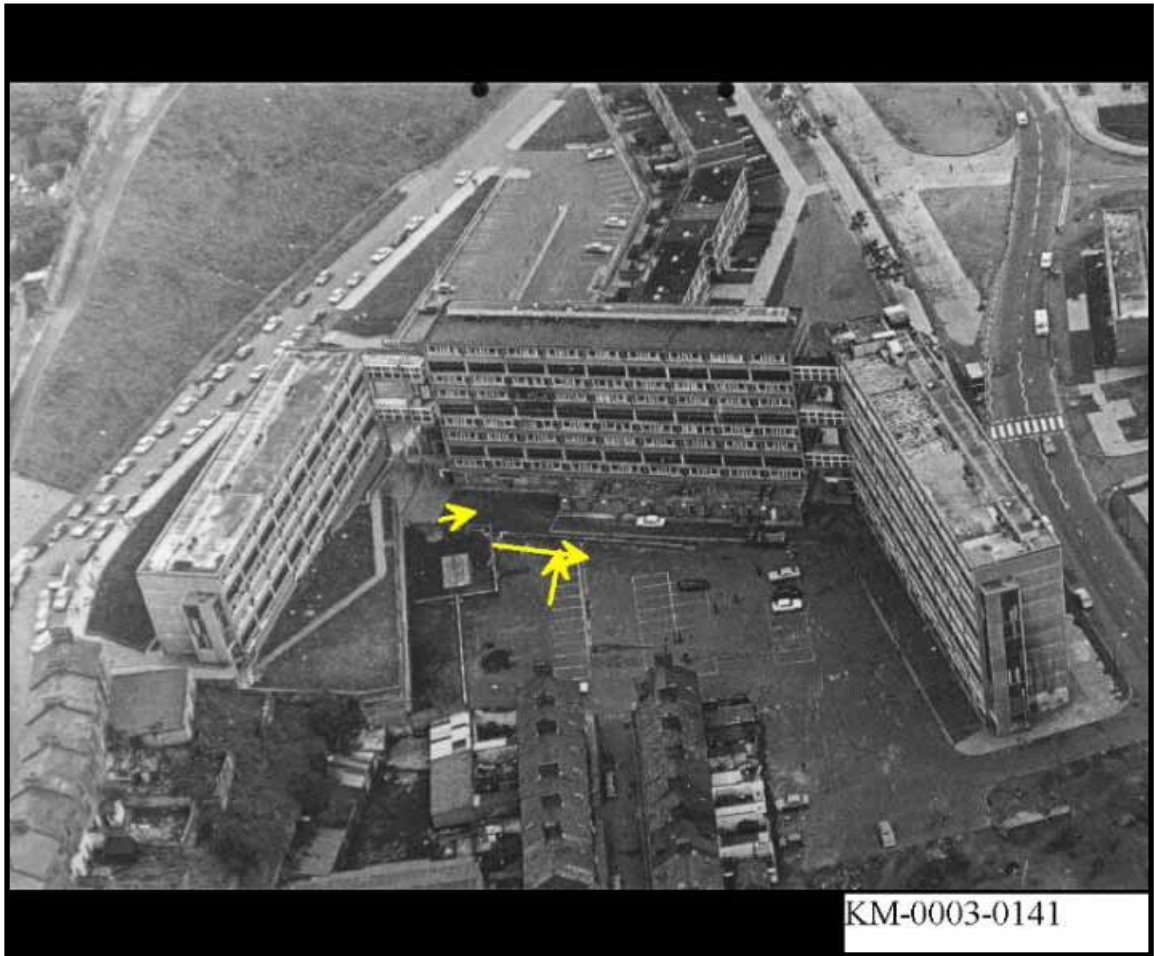
Q. What were you doing for half an hour between the time when you got to the barrier and the time when you ended up at Joseph Place, if it was half an hour?

A. I did say that I was part of the several hundred people who marched on to William Street. I have given approximate times; those times could be wrong, but it is 30 years later and it is very hard to be accurate in all of this.”

¹ [Day 390/83-84](#)

147.331 There is, however, another factor to be borne in mind. As we have noted above, Martin McGuinness told us that as he was crossing the Rossville Flats car park he saw a woman being carried away. His evidence was that he saw the woman being carried as he walked from Chamberlain Street to the gap between Blocks 1 and 2 of the Rossville Flats, and that the woman was on his left. Though he was uncertain of her location, Martin McGuinness marked a photograph (reproduced below) that he was shown during the course of his oral evidence with arrows showing the general area from which he said that she had come.¹

¹ [Day 390/80](#); [KM3.141](#)



147.332 Martin McGuinness said that he had later learned that the woman was Peggy (Margaret) Deery.¹

“Q. Could we have on the screen, please, KM3.9. Can we have a look at paragraph 7, this comes from your Eversheds statement. You say that you have a recollection of seeing a woman being carried and you say your best recollection is that it was before you reached the alleyway between blocks 1 and 2 and to the left of you as you made your way. You record that at this time you had not heard any shots and you did not see her get shot and your impression is that she was being carried towards Chamberlain Street, though you accept that wherever she was, she may just have fallen off a wall and injured herself.

Am I right in thinking, is this a fair way of summarising it, that you are not at all certain that the person whom you describe was in fact Peggy Deery, who we know was shot in the leg on the day?

A. Well, at the time I did not know whoever she was, but since that I have learned that it was Peggy Deery.

Q. I wonder. You recollect a woman being carried and you say that you have some visual sense of blood coming out of her leg, but it is right, is it not, that at this stage you had heard no shot fired; is that right?

A. That has always mystified me, yes.

Q. And you had not seen either a soldier or an Army vehicle in the Bogside?

A. No, not at that stage.

Q. You were not in a position to recognise Peggy Deery?

A. No.

Q. Did you recognise who was carrying her?

A. No.

Q. In those circumstances, when you had not seen a soldier or a vehicle and had not heard a shot, would you accept that it may not in fact have been Peggy Deery that you saw being carried?

A. Well, I suppose that is a possibility. This is an area where I am not speaking with 100 per cent certainty.”

¹ Day 390/79

147.333 In his Praxis interview Martin McGuinness had given a rather more certain account of this incident:¹

“... And a lot of people, hundreds of people went down to where the British army was, and there was a state of if you like confrontation, you know verbal abuse and things like that going on. And I would have been there with that group, but I mean it quickly became clear to people that nobody was gonna get through. The snatch squad started to come out of the lower end of William Street and I ended up in Chamberlain Street over here, right, and this is where Peggy, right just here where Peggie Dearie [sic] was shot.

You ran down there, all the way down.

We didnt run we walked originally because the soldiers were coming so far.

Somebody had shouted they're coming out.

There was all sorts of shouting, state of confusion at that stage.

Did you see Dearie shot?

I didnt see her being shot but I seen her shortly after she was shot.

As she was being carried into the house.

She was bleeding profusely from a thig[h] wound.

And there were some people carrying her.

She was carried, there were all sorts of people around her.

And then where did you go then?

I ended up over here towards the front of the flats where, it was just a state of chaos at this stage because they were firing right left and centre and it was a matter of people surviving. Feeling that they were gonna be shot because this woman had been shot. And there was reports from all round this immediate area and this area here that the people were shot and were seriously wounded. Nobody at that stage knew that anybody was dead and at that stage it was just a mass of confusion. We ended up walking aimlessly round the place lifting people who'd been wounded and getting people out of the road who were frightened and scared. There was women crying and old men.

Any shots over your head when you were running down?

No I dont remember shots over my head no."

¹ [KM3.75](#)

147.334 The description Martin McGuinness gave to Praxis (and indeed to us) of the injured woman and what happened to her bears a close resemblance to the circumstances in which Margaret Deery was injured. As we have described elsewhere in this report,¹ Margaret Deery was shot in the thigh when she was near the southern end of the wall running along the western side of the western houses of Chamberlain Street and was then carried round the corner to the end house on the eastern side of Chamberlain Street. She was in our view the second person to be shot in the area of the car park of the Rossville Flats (Jackie Duddy was the first) and was followed by the shooting of Michael Bridge and Michael Bradley. There was thus shooting by soldiers in this area (Sector 2) both immediately before and after Margaret Deery was injured.

¹ [Paragraphs 51.81–140](#)

- 147.335** We have no evidence to suggest that another woman was injured in the thigh and carried away before Margaret Deery was shot, and though of course it remains possible that another woman was injured and carried away in the same area earlier, in circumstances that had nothing to do with the events that we are considering, and thus was not commented on by anyone giving an account of Bloody Sunday, this strikes us as being an unlikely coincidence. It is also possible that Martin McGuinness was mistaken in his recollection that he saw an injured woman being carried near the end of Chamberlain Street and (according to what he told Praxis, bleeding profusely from a thigh wound) though in our view it is difficult to understand how he could come mistakenly to believe that he had witnessed this.
- 147.336** If the woman that Martin McGuinness said that he saw was Margaret Deery, it would follow that (assuming he set off from the area of Barrier 14) he could not have got as far as the other side of the Rossville Flats before the Army vehicles came into the Bogside and soldiers opened fire. Furthermore, in view of the firing in the car park of the Rossville Flats that took place before and very soon after Margaret Deery had been shot and injured, it is unlikely in the extreme that Martin McGuinness would have been so foolish as at that time to have walked across that car park to the gap between Blocks 1 and 2 of the Rossville Flats.
- 147.337** Margaret Deery was shot only a short time after soldiers had come into the Bogside and opened fire, which was around 1610 hours. If Martin McGuinness left the area of Barrier 14 when he said he did (by about 1545 hours) and then saw Margaret Deery soon after she had been shot, there is a period of some 20–25 minutes which his account leaves unexplained.
- 147.338** On the basis that Martin McGuinness did see Margaret Deery after she had been injured, his account of his movements must accordingly be significantly inaccurate; he must have been in or near the area where Margaret Deery was being carried at a time when soldiers were firing in Sector 2.
- 147.339** The “missing” period of about 20 minutes might remain even if Martin McGuinness did not see Margaret Deery, if his account is correct of leaving Barrier 14 soon after the rioting began and probably before the water cannon was used (ie at or about 3.45pm) and getting to the area of the Rossville Flats about two minutes later and before the Army vehicles came into the Bogside and soldiers started firing. However, if he had spent longer in Chamberlain Street than he recalled, then the “missing period” could be explicable on this basis.

- 147.340** We have borne in mind that Martin McGuinness was seeking to recall to this Inquiry his precise movements decades after the event. Thus in our view on its own the so-called period of “missing” minutes may, by itself, be explicable on the basis of Martin McGuinness’s memory playing him tricks. However, we have come to the conclusion that it is probable that Martin McGuinness did see Margaret Deery shortly after she was shot. Whether or not he left the area of Barrier 14 when he said he did, this means that in our view he was probably somewhere near the southern end of Chamberlain Street at a time when the soldiers came into the Bogside and opened fire in Sector 2, and was not further south beyond the Rossville Flats; and that it was after he had seen Margaret Deery that he made his way to where he was seen by Sheila McLoughlin.
- 147.341** The question remains as to what Martin McGuinness was doing.
- 147.342** According to Infliction’s account, Martin McGuinness was in the Rossville Flats and fired a shot from a Thompson sub-machine gun on “*single shot*”.
- 147.343** According to the second- and third-hand material in the book *Martin McGuinness: From Guns to Government*, Martin McGuinness was in Duffy’s bookmakers, planning to set off a bomb, and fired a shot from a Thompson sub-machine gun at the door as he left.
- 147.344** According to Ivan Cooper, Martin McGuinness was in a house in William Street, near Chamberlain Street, planning to fire through the doorway at soldiers in houses on the other side of William Street, but when the soldiers moved in, he and others with him dismantled their Thompson sub-machine guns, put them up their jerseys and ran out.
- 147.345** According to the RUC interviewee, Martin McGuinness was in Chamberlain Street armed with a Thompson sub-machine gun before the Army started firing; but the interviewee did not see Martin McGuinness firing this weapon.
- 147.346** Martin McGuinness categorically denied each of these allegations and insisted that he was unarmed on Bloody Sunday.¹ He correctly pointed out the difficulties that he faced in dealing with allegations made by accusers whose identity he was not permitted to know and whom, particularly as regards Infliction, he was unable to question. He also said that in a small community like Derry, it would have been the talk of the town for the last 30 years had he been seen with a Thompson sub-machine gun on the day.²

¹ Day 390/138; Day 390/145; Day 390/141

² Day 390/135; Day 390/142

- 147.347** There is a common element in the allegations of paramilitary activity on the part of Martin McGuinness, namely that on Bloody Sunday he was at some stage before the soldiers went into the Bogside armed with a Thompson sub-machine gun; though much of the evidence about the incident in William Street or Duffy's bookmakers contains inconsistencies and in some cases (for example, the shooting of Patrick Doherty) is plainly wrong; and we are far from persuaded that Martin McGuinness was there with any plan to throw bombs or fire at the soldiers. With the exception of Infliction, who puts Martin McGuinness in the Rossville Flats, the other evidence puts him armed with a Thompson sub-machine gun in the area of Chamberlain Street and William Street. There is, however, no necessary inconsistency in this, as Martin McGuinness could have been in both places at different times.
- 147.348** We have considered the evidence that Martin McGuinness fired a shot with a Thompson sub-machine gun at or near Duffy's bookmakers. However, we have concluded that this is a very unlikely thing to have happened.
- 147.349** We were unable to obtain a written statement from Infliction, or call him to give oral evidence. Nor was Martin McGuinness able to question him or even be told who he was. The same applies to the account given by the RUC interviewee. Were we conducting a criminal trial there would in our view be substantial grounds for the submission that it would be unfair to admit this material or to place any reliance upon it. However, we are not conducting a trial but a public inquiry and we are not bound by the rules of evidence. We have to consider what weight, if any, we should give to this material, in circumstances where it has not been possible to question Infliction about his account. We also have to consider whether in the circumstances it would be so unfair, in the context of a public inquiry, to make any findings based on it, that we should refrain from doing so.
- 147.350** We have already expressed the view that Infliction was generally reliable and did give the information in question to the Security Service. Officer A told us that he had no grounds for believing that what Infliction had told him was the result of holding a grudge against Martin McGuinness. Furthermore, it should be noted that he said to Officer B during his debriefing that "*the Brits murdered thirteen people*" on Bloody Sunday,¹ so it would not appear that he was inventing what he told Officer B (or Officer A) about Martin McGuinness in an attempt to provide the soldiers with a reason for opening fire. If Martin McGuinness did tell Infliction that he had fired a Thompson sub-machine gun from the Rossville Flats on Bloody Sunday, it is in our view likely that this is what Martin McGuinness did.

¹ KB3.4

- 147.351** Nevertheless, our inability and that of those representing Martin McGuinness to question Infliction on such matters as his relationship with Martin McGuinness and the circumstances in which Martin McGuinness is said to have made the remarks in question, and otherwise to test the truth of Infliction's account and the accuracy of his recollection, have led us to conclude that it would be unwise (and indeed unfair) to place much weight on that account. On this basis we consider that this account by itself does no more than raise the possibility that, notwithstanding his denial, Martin McGuinness did fire a Thompson sub-machine gun on "single" shot from the Rossville Flats on Bloody Sunday.
- 147.352** We bear in mind two further factors.
- 147.353** Firstly, there is the evidence, apart from that of Infliction, to the effect that on Bloody Sunday Martin McGuinness was in possession of a Thompson sub-machine gun in the area of Chamberlain Street and William Street. We have concluded that on balance, though far from certainly, this was the case. In reaching this conclusion we have taken into account that Martin McGuinness had no opportunity to question the RUC interviewee who said that he had seen Martin McGuinness with such a weapon. We are, however, unpersuaded that Martin McGuinness was in Duffy's bookmakers at any stage.
- 147.354** Secondly, we have concluded that Martin McGuinness probably did see Margaret Deery being carried after she was wounded, which means that he was probably not (as he told us) to the south of the Rossville Flats when the soldiers came in and started firing, but still somewhere from where he could see Margaret Deery being carried, ie somewhere on the car park side of the Rossville Flats.
- 147.355** We should note at this point that in the course of considering the events of Sector 2, we have concluded that someone probably did fire a number of shots at the soldiers from the south-west end of the lower balcony of Block 3 of the Rossville Flats, close to one of the walkways joining Block 3 to Block 2 of the Rossville Flats, probably at a stage after soldiers had opened fire in that sector. From that position Margaret Deery could have been seen being carried to a house in Chamberlain Street after she had been wounded in the thigh. The evidence that we have on these shots suggests that they were fired from a carbine, but in our view this does not necessarily establish that it could not have been a Thompson sub-machine gun. Unless the weapon can be clearly seen and identified, for reasons given elsewhere in this report¹ a Thompson sub-machine gun fired on "single" shot (ie not repeatedly on automatic) could be mistaken for some other type of weapon being fired more than once. After firing there would have been an escape route away from the soldiers and out of their sight by the stairs that led down to ground level in the

gap between Blocks 2 and 3 of the Rossville Flats. However, Infliction's account is to the effect that Martin McGuinness told him that he had fired the first shot, not a number of shots, so that there is little to connect this account with the firing from the south-west end of the lower balcony of Block 3 of the Rossville Flats.

¹ [Paragraphs 65.182–202](#)

- 147.356** We have found that Martin McGuinness was more likely than not to have been in possession of a Thompson sub-machine gun in the area of Chamberlain Street and William Street, and that he probably had not reached the area south of the Rossville Flats when the soldiers came into the Bogside and opened fire. We cannot conclude, however, that he fired a Thompson sub-machine gun from the Rossville Flats. The Infliction material raises the possibility that he did. We have set out above our reasons for not giving much weight to this material. Accordingly, we can in this report make no finding on the point.
- 147.357** On one matter, however, we have no doubt. If Martin McGuinness did fire from the Rossville Flats he could have come to believe, as Infliction reported he had said, that his firing had precipitated what happened on Bloody Sunday, by which we would understand that he believed that what he had done had led to a response from soldiers that resulted in the numerous casualties of Bloody Sunday. In fact, as appears from our consideration of the events of Sector 2, he would have been mistaken in this belief, since none of the soldiers who in our view shot Jackie Duddy, Margaret Deery, Michael Bridge or Michael Bradley in that sector suggested at any stage that they had fired at people in response to fire from the Rossville Flats; they all claimed to have targeted people with bombs at ground level. Nor have we found any evidence to suggest that the casualties in any of the other sectors were targeted by soldiers because of fire from the Rossville Flats.

Conclusions on the activities of the Provisional IRA

- 147.358** Later in this report,¹ we discuss other incidents of firing on Bloody Sunday that occurred before the firing of the “symbolic” shots at the end of the day, to which we have referred earlier in this chapter. We should note at this point that we consider it probable that before these “symbolic” shots were fired, a Provisional IRA member fired at soldiers on the City Walls, as described by Reg Tester, whose account we discuss in the course of considering below the organisation and activities of the Official IRA on Bloody Sunday.

So far as other incidents are concerned, we express below our views on whether it is possible to tell whether it was members of the Provisional or the Official IRA who were responsible for this firing.

¹ [Chapter 151](#)

147.359 What we have concluded, however, is that there is no evidence that suggests to us that any member of the Provisional IRA used or intended to use the march itself for the purpose of engaging the security forces with guns or bombs. Nevertheless, we consider it likely that Martin McGuinness was armed with a Thompson sub-machine gun on Bloody Sunday and we cannot eliminate the possibility that he fired this weapon after the soldiers had come into the Bogside. Furthermore, we are unable, notwithstanding their evidence, to exclude the possibility that other members of the Provisional IRA may also have carried arms. As we have already pointed out, we do not accept the evidence that suggested that the Provisional IRA had no nail bombs available for use on Bloody Sunday. However, in our view no-one threw or attempted to throw a nail bomb on Bloody Sunday in any of the sectors.

147.360 The central question in the present context is whether Provisional IRA activity during Bloody Sunday supported the soldiers' claims that they legitimately responded to paramilitary activity by opening fire at what they claimed were people armed with firearms and bombs. Our answer to this question is that it did not, save in the limited respect to which we have referred earlier.¹

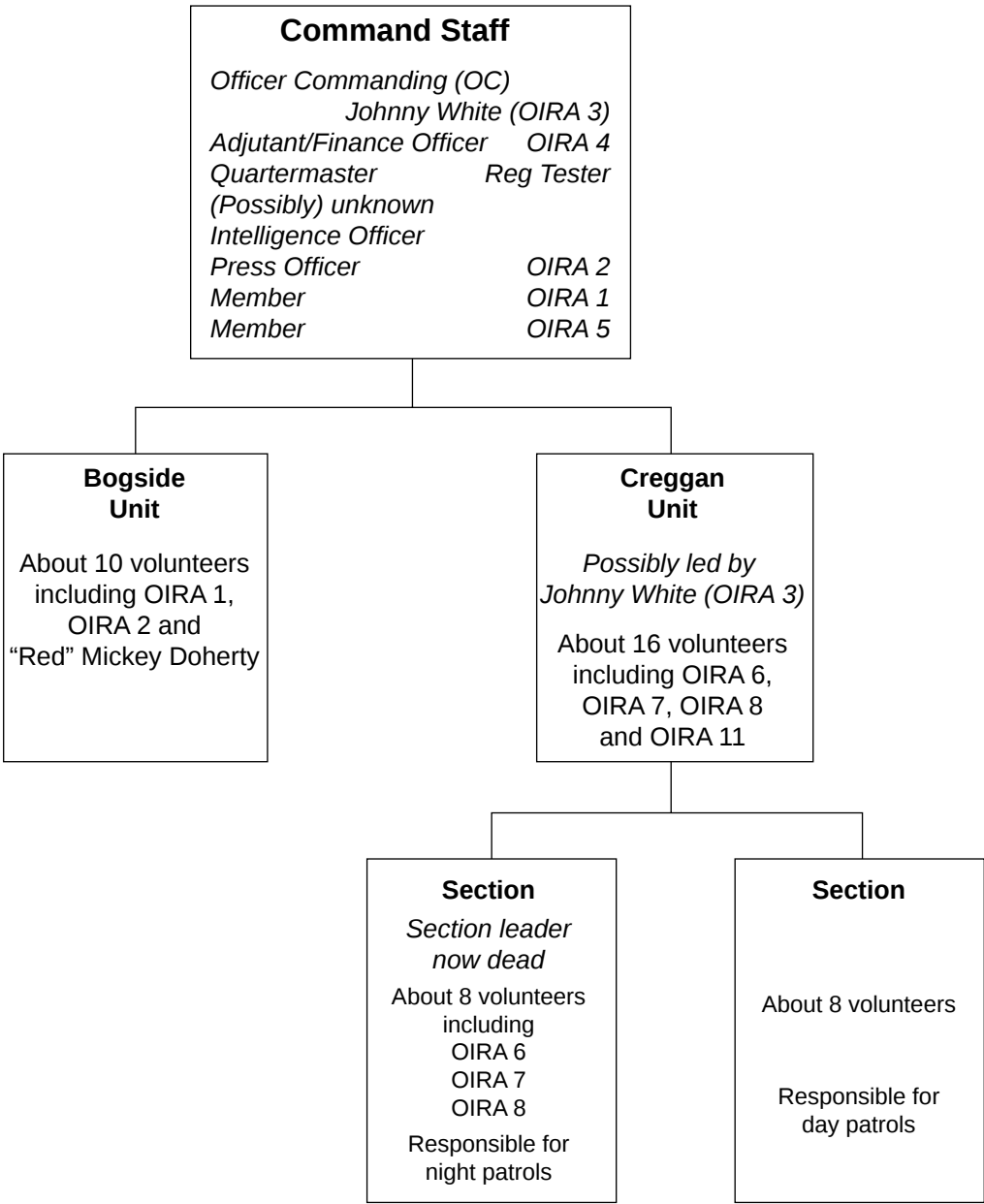
¹ [Paragraph 146.9](#)

Chapter 148: The Official IRA

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148.1 We set out below an organisation chart showing a “*best fit*” picture derived from the available material. The evidence of the Official IRA witnesses suggested that there were between 20 and 30 members of the Official IRA in the city in January 1972. Reg Tester, who told us he was the Quartermaster, recorded in his first written statement to this Inquiry that he thought that there were 30–40 members. He later revised that to 20–30. PIRA 24 said that one-third of the members of the Official IRA defected to the Provisional IRA shortly before Bloody Sunday. The chart assumes that the Official IRA had about 30 members following any such defection.



148.2 Johnny White’s anonymity was withdrawn. However, much of the evidence refers to him by the cipher OIRA 3 so, where appropriate, we add this cipher after his name.

148.3 It seems likely that there were about 16 members of the Creggan Unit. OIRA 6¹ and OIRA 7² gave evidence to this effect. Both OIRA 8 and OIRA 11 gave lower figures.³ However, these figures seem to us likely to be inaccurate and perhaps reflect a lack of knowledge of the organisation on the part of junior members.

¹ Day 413/145-146
² Day 399/76
³ AW14.13; AOIRA11.2

- 148.4** If there were about 16 members of the Creggan Unit and a total membership of about 30, then there must have been about 14 volunteers in the Command Staff and the Bogside Unit. The evidence indicates that, of the six Command Staff members, OIRA 1 and OIRA 2 were volunteers in the Bogside Unit and Johnny White (OIRA 3) may have been OC of the Creggan Unit. If the other Command Staff members did not belong to the Bogside Unit, then the Bogside Unit must have had a total of about ten members.
- 148.5** Reg Tester was the only witness who referred to an intelligence officer. He suggested that such an officer was a member of the Command Staff but in fact worked largely alone.¹ OIRA 7 and Reg Tester said that Johnny White (OIRA 3) was OC of the Creggan Unit.² OIRA 6 told us that his section leader of the Creggan Unit was dead.³
- ¹ [AT6.6](#) ³ [AOIRA6.2](#)
² [Day 398/133](#); [Day 414/9](#)
- 148.6** We have placed “Red” Mickey Doherty as a member of the Bogside Unit because intelligence material indicates that he was at some time the section leader of that unit.

Weapons available to the Official IRA

- 148.7** Reg Tester, the Command Staff Quartermaster, said that weapons and ammunition were in short supply. His evidence was that the Official IRA at the time of Bloody Sunday possessed 20–30 weapons, including some old Lee-Enfield .303s, some .22s, some shotguns, a .306 rifle, a Sterling sub-machine gun, an antique Sten gun which was never used, a Thompson sub-machine gun, a new M1 carbine, a Garand and a selection of pistols and revolvers. Most were in good working order. The Official IRA possessed ammunition for some but not all these weapons. Reg Tester said that the Thompson sub-machine gun was rarely used because the Official IRA could not obtain ammunition for it.¹
- ¹ [AT6.2](#); [AT6.9](#); [Day 414/11](#); [Day 414/88](#); [Day 414/114-115](#)
- 148.8** The evidence of other Official IRA witnesses was that the Official IRA in Londonderry had a substantially smaller number of weapons. OIRA 1, OIRA 2 and OIRA 7 gave accounts which suggested that the Official IRA possessed 12–15 weapons of various sorts.¹
- ¹ [Day 395/38](#); [Day 393/17](#); [AOIRA7.18](#)
- 148.9** OIRA 2, OIRA 4, OIRA 7, OIRA 8 and OIRA 9 all accepted that the Official IRA possessed at least one Thompson sub-machine gun at the time of Bloody Sunday.¹
- ¹ [Day 393/107](#); [Day 394/5](#); [AOIRA7.18](#); [AW14.15](#); [AOIRA9.3](#)

148.10 Other Official IRA witnesses did not support Reg Tester's evidence that the weapons were generally in good working order. OIRA 6 told us that there were weapons that were carried "*for show*" but which did not work.¹

¹ [AOIRA6.1](#)

148.11 Johnny White (OIRA 3) gave the following account in his second written statement to this Inquiry:¹

"There were very few weapons available to OIRA at that time and, although I can't now remember exactly the number I recall that there were limited numbers with some old rifles, some handguns and at various times some automatic weapons. The majority of the weapons were in a poor state and a significant number did not work, I know there were always more volunteers than there were weapons. It was never the case that everyone was armed at the same time. Also, many of the weapons that we had were antiquated, by which I mean not working, and a number were real antiques. We were further hampered by the lack of ammunition available and we had to co-ordinate operations to make sure that the right weapons had the right ammunition for any operation. It is for this reason that I regard it as a joke for the army to say that they came under heavy fire that day. Apart from the fact that no-one went on the march with the intention of causing trouble, and we had not prepared for trouble in the Bogside, we simply didn't have the weaponry to even think of taking on the British army in any form of large scale attack."

¹ [AOIRA3.17](#)

148.12 Other Official IRA witnesses also told us that ammunition was in short supply and that there were more volunteers than weapons.¹

¹ [AOIRA7.18](#); [AOIRA4.15](#)

148.13 It is difficult to determine from this evidence the precise, or indeed approximate, number of weapons available to the Official IRA in the city in January 1972. It seems to us on the whole that there were probably rather fewer than Reg Tester recalled. We are of the view that the weaponry included at least one Thompson sub-machine gun.

148.14 We accept that weapons and ammunition were probably in short supply and it is likely that some weapons were not in working order.

Explosives available to the Official IRA

148.15 Reg Tester told us that he was solely responsible for the Official IRA's stock of Gelamex. He said that the Official IRA obtained gelignite "*once in a blue moon*". Explosives were kept in various places including the Official IRA's headquarters in the Creggan, which was a vacant dentist's shop next door to Otto Schlindwein's pharmacy.¹

¹ [AT6.1](#); [AT6.7](#); [AT6.8](#); [Day 414/17](#)

148.16 Reg Tester's evidence was that the Official IRA had no explosives on Bloody Sunday and did not make up any nail bombs.¹ In our detailed examination of the five sectors into which we divided the events of Bloody Sunday, we concluded that nail bombs were seen in and close by Glenfada Park North. We do not know whether these were Official or Provisional IRA nail bombs. We have concluded elsewhere in this report² that Gerald Donaghey was probably in possession of four nail bombs when he was shot. His association with the Provisional Fianna suggests that the bombs may have come from Provisional IRA sources, but we are far from certain about this. In these circumstances, although we are sure that no-one threw or attempted to throw a nail bomb on Bloody Sunday, we do not accept the evidence from either Official or Provisional IRA sources that there were no nail bombs available for use in the Bogside on Bloody Sunday.

¹ [Day 414/18](#)

² [Paragraph 145.25](#)

The disposition of Official IRA weapons on Bloody Sunday

148.17 The representatives of the majority of represented soldiers pointed out that many of the Official IRA Command Staff witnesses initially told this Inquiry that it was agreed that all weapons were to go to the Creggan and the Brandywell, but then changed their evidence and said that the weapons were to go to the Creggan. The evidence of Johnny White (OIRA 3) remained consistent in his two written statements to this Inquiry. In both he said that the weapons were to go – and did go – to the Creggan and the Brandywell. Johnny White was too ill to give oral evidence to this Inquiry.

148.18 Reg Tester told us that he was ordered to ensure that all weapons were removed from the Bogside and taken to the Creggan; and that the weapons were placed in cars that drove around the Creggan during the day.¹ In his oral evidence to this Inquiry, Reg Tester said that the weapons were taken to the Official IRA's headquarters, a former dentist's shop in the Creggan. According to him, they were then placed in cars.²

¹ AT6.2; AT6.7

² Day 414/27; Day 414/31

148.19 Johnny White (OIRA 3) told us that he inspected the two cars on the morning of Bloody Sunday and that one was in Central Drive in the Creggan and one in Lone Moor Road.¹ Lone Moor Road runs along the boundary between the Creggan and the Brandywell.

¹ AOIRA3.18

148.20 According to the Official IRA witnesses, the weapons were withdrawn either so that they could be used to defend the Brandywell and the Creggan or to prevent them from being found by soldiers should the Army come into the Bogside. OIRA 2 agreed at one point in his oral evidence that one possible additional reason was to prevent the use of the weapons. Later he rejected that possibility.

148.21 In our view the essential questions are not so much concerned with the reasons put forward to explain why, according to the Official IRA witnesses, weapons were removed, but whether they were in fact removed as alleged, or were used on Bloody Sunday.

148.22 In support of their submission that the weapons were not removed, the representatives of the majority of represented soldiers referred to the evidence of OIRA 1 to the effect that he was not surprised to learn during the course of Bloody Sunday that soldiers had opened fire on marchers. These representatives invited us to conclude from that evidence that the Official IRA believed that the security forces were "*all too likely*" to fire on the marchers, and that in those circumstances the Official IRA would never have removed its weapons from the Bogside, leaving the people undefended.¹

¹ FS7.562

148.23 OIRA 1 said that in the past, it was not unusual for the Army to fire at unarmed civilians. In the course of his oral evidence to this Inquiry there was this exchange:¹

“Q. Is it true you were not particularly surprised by the shooting by the soldiers?

A. That is correct, yes.

Q. That is correct. Thank you.

Is it also correct that it was not out of the ordinary for people, according to you, for people to be shot by the Army at such demonstrations as this?

A. Well, I think that what I said – I am not sure exactly the words in my statement, but what I was inferring was that it was not unusual for the Army to shoot unarmed civilians in different circumstances.

Q. In the course of a demonstration?

A. Possibly in the course of a demonstration, possibly in the course of a confrontation, possibly in the course of when nothing was happening.

Q. Is it true that it was not out of the ordinary for shots to be fired by the Army at these types of demonstrations for no good reason?

A. Yes, it would not be true to say that the Army opened fire in the manner they did on Bloody Sunday on a regular basis on demonstrations. It would be true to say that the Army, on various occasions, had opened fire on innocent civilians in a number of different situations and, therefore, the fact that they had opened fire on Bloody Sunday before the full scale of the event became apparent, it was not such a shock to anyone that somebody innocent had been shot by the Army for no reason.

Q. Was it not out of the ordinary, in your experience, for soldiers to shoot civilians who were taking part in these type of demonstrations, such as the Bloody Sunday march?

A. I did not give it actually much thought at that particular point, whether it was out of the ordinary.”

¹ [Day 395/190-191](#)

- 148.24** We are not aware of any previous occasion on which soldiers had shot civilians engaged in marching or demonstrating. Our understanding of OIRA 1's evidence is that he was unable to point to any such occasion, but was speaking in generalities; and that his remark was really intended only to mean that, according to him, after the event he was not surprised that the Army had fired. The submission appears to depend on the proposition that in the belief that the Army had previously fired on civilians, the Official IRA would have made arrangements to defend the people in an attempt to prevent this happening again; and so would not have removed all its weapons from the Bogside.
- 148.25** In our view some weapons may have been moved from the Bogside in order to help protect the Brandywell and the Creggan. However, we do not accept the suggestion that weapons were moved to prevent them from being found by soldiers should the Army come into the Bogside. We have found no evidence that suggests to us that it was thought that soldiers were likely to come into the Bogside on Bloody Sunday. As we have described earlier in this report,¹ Colonel Derek Wilford (the Commanding Officer of 1 PARA) himself decided to send Support Company of 1 PARA into the Bogside only a few minutes before that happened.
- ¹ [Chapter 20](#)
- 148.26** In these circumstances we accept that it was unlikely that the Official IRA would have planned to move all its weapons from the Bogside on Bloody Sunday.

Evidence of specific weapons

- 148.27** As we describe below, Reg Tester told us he thought that the pistol missing from his stores was the personal protection weapon of Johnny White (OIRA 3).¹ OIRA 4's evidence was that the pistol in his possession was one that he habitually carried.² Johnny White's evidence was that each member of the Command Staff was permitted to carry a personal protection weapon, subject to such a weapon being available. He told us that there were not enough handguns for each member of the Command Staff to carry one. Johnny White told us that he was certain that only OIRA 4 was carrying such a weapon on Bloody Sunday.³

¹ [AT6.7](#); [AT6.13](#)

² [AOIRA4.15](#)

³ [AOIRA3.24](#)

148.28 In the course of considering the events of the five sectors, we have drawn attention to the fact that there was an Official IRA vehicle in Glenfada Park North with weapons in the boot, that OIRA 1 fired a rifle at soldiers from a position in Columbcille Court, and that OIRA 4 fired a pistol.

148.29 The representatives of the majority of represented soldiers, when dealing with the question of whether the pistol in the possession of OIRA 4 was or was not the pistol allocated to Johnny White (OIRA 3), observed that Johnny White had had only three days to establish a habit of “*always*” holding a pistol, since he had been OC for only three days.¹ However, Reg Tester, who gave evidence of the OC “*always*” holding a pistol, did not say whether he was referring to the person who at any one time held the office of OC or to Johnny White, who was the OC on the day. Since his release from detention in August 1971 (only a short time after being detained), Johnny White had been the Adjutant and was, according to OIRA 9, the true leader of the Official IRA, having been their leader before his arrest. Since Johnny White did not give oral evidence to this Inquiry, it was impossible to ask him; it might be, though, that it was his practice, both as Adjutant and OC, to carry a weapon. OIRA 9 had taken over command when Johnny White was interned; he retained the title of OC when Johnny White was released, but, according to him, “*worked under*” Johnny White. OIRA 9 was arrested two days before Bloody Sunday.²

¹ [FS7.582](#)

² [AOIRA9.1](#)

148.30 The representatives of the majority of represented soldiers referred to the evidence of OIRA 2, who said he was aware that another member of the Command Staff was carrying a personal protection weapon.¹ OIRA 2 thought that Reg Tester might have had such a weapon.² Reg Tester’s account was that he was in the Creggan with a large quantity of firearms.

¹ [FS7.578](#)

² [Day 393/23](#)

148.31 The representatives of the majority of represented soldiers refer to the report of Vincent Browne that “*a number of other volunteers in the parade were armed for their personal protection*”.¹ In our view this is likely to have been the case.

¹ [FS7.579](#)

148.32 The representatives of the majority of represented soldiers criticise the failure of the Official IRA witnesses, and Johnny White (OIRA 3) in particular, to admit from the outset the activities of “Red” Mickey Doherty who, away from the five sectors and as we describe elsewhere in this report,¹ fired a shot that hit a soldier in his flak jacket, but did

not injure him.² Since Johnny White did not give oral evidence to this Inquiry, it was not possible to ask him the reason why he failed to mention “Red” Mickey Doherty in his first written statement to this Inquiry. However, we are not sure whether Johnny White was trying to conceal “Red” Mickey Doherty’s actions. The latter’s engagement with the Army (in which he was injured by Army gunfire returning his shot) was acknowledged immediately after Bloody Sunday. On the evening of Bloody Sunday, Johnny White gave an interview in which he admitted that a volunteer had been wounded.³ In a press statement issued on 31st January 1972, an officer of the Official IRA said:⁴

“there had been certain ‘Military activity’ on the part of the Officials outside the immediate district and during an exchange with troops the volunteer received leg and neck injuries.”

¹ Paragraphs 151.102–164

³ X1.25.14

² FS7.574-575

⁴ ED12.5

- 148.33** By the time that the Official IRA witnesses came to make statements, the Inquiry had received evidence from Dr Domhnall MacDermott who treated “Red” Mickey Doherty on the day. It may be that the Official IRA witnesses considered “Red” Mickey Doherty’s actions irrelevant, in that they took place outside the area in which the paratroopers fired and also took place late in the day, since they can hardly realistically have hoped to conceal from the Inquiry the fact that “Red” Mickey Doherty had fired a shot on Bloody Sunday.

Weapons under the control of Reg Tester

- 148.34** The initial impression created by the Official IRA Command Staff witnesses was that virtually all weapons were removed from the Bogside and placed under the control of the Quartermaster, Reg Tester.¹ However, the evidence seems in most cases to reflect the understanding of the witnesses as to the orders given. The members of the Command Staff, other than Reg Tester and Johnny White (OIRA 3), did not give evidence of the implementation of the orders.

¹ AOIRA1.4; AOIRA2.2; AOIRA4.2; AOIRA5.2; AOIRA3.2; AOIRA3.8

- 148.35** Johnny White (OIRA 3), in his first written statement to this Inquiry, told us that all weapons had been recovered from the Bogside and taken to the Creggan and the Brandywell areas, with the exception of the .303 rifle in Columbcille Court and the

handgun in the possession of a Command Staff member.¹ He identified that Command Staff member as the person who had fired two shots at what he described as the British Army Saracens in the Rossville Flats area.

¹ AOIRA3.8

148.36 In his second written statement to this Inquiry, Johnny White (OIRA 3) told us that the weapons were removed from the Bogside, where he did not expect them to be needed, and taken to the Creggan and the Brandywell, which were areas that he thought might have to be defended against Army incursion.¹ He stated that all the weapons were placed in two cars. One of these cars was parked in Central Drive and the other in Lone Moor Road. On the morning of the march, he gave a cursory check to each car to see what was in it.² Johnny White also told us that the weapons in the cars and in the possession of the volunteer in Barrack Street were the totality of the Official IRA's working weapons.³

¹ AOIRA3.17

³ AOIRA3.18

² AOIRA3.17

148.37 However, evidence emerged which indicated that all the weapons were not in fact taken to the Creggan headquarters and put into cars. In his first written statement to this Inquiry, Reg Tester told us that before Bloody Sunday the OC had ordered him to ensure that all weapons were collected from the Bogside and taken to the Creggan. He stated that he obeyed this order but said that two weapons were missing: a .303 rifle and *"the pistol which was carried by the OC at all times"*.¹

¹ AT6.2

148.38 In his second written statement to this Inquiry, Reg Tester told us that all weapons belonging to the Official IRA were placed in two cars and driven around the Creggan during the afternoon of Bloody Sunday, with the exception of one missing rifle, one pistol and a rifle allocated to a volunteer. It appears that the volunteer was "Red" Mickey Doherty.¹

¹ AT6.7

148.39 In his oral evidence to this Inquiry, Reg Tester gave a different account, saying that those weapons that were already in safe dumps in the Creggan and the Bogside were left where they were. His evidence was that he needed to know where all the weapons were and to be sure that no volunteer had one in his possession.¹ However, he also said that there were weapons that were not under his control; these were ones that had been issued to the Bogside Unit.²

¹ Day 414/30

² Day 414/13

- 148.40** The solicitors acting for former members of the Official IRA submitted that the Inquiry should prefer the evidence of the other Command Staff members on this issue to that of Reg Tester.¹ We do not accept that submission. Reg Tester, as Quartermaster, was better placed than other members of the Command Staff to know the location of the Official IRA's weapons on the day. Johnny White (OIRA 3), if he inspected the cars as he said he did, could in our view not have failed to notice that weapons were missing. We consider below other evidence that to our minds supports Reg Tester's account.
- ¹ [FS13.34](#)
- 148.41** The representatives of the majority of represented soldiers submitted that the Inquiry should not accept that Reg Tester was wholly in control of the weapons in the Creggan, because he was unaware that "*a member of [the Creggan] section, OIRA 4, was armed on the day*".¹
- ¹ [FS7.597](#)
- 148.42** The representatives of the majority of represented soldiers did not identify the evidence on which they relied to support their allegation that OIRA 4 was a member of the Creggan Unit. We do not know whether or not he was. In any event, the evidence suggests to us that the pistol in the possession of OIRA 4 was one that Reg Tester knew to have been taken from his stores. Reg Tester said he thought that the pistol was in the possession of Johnny White (OIRA 3). He may have been wrong about this and the pistol may have been in the hands of another member of the Command Staff, OIRA 4. However, to our minds that would not necessarily lead to the conclusion that Reg Tester did not have control over the weapons for which he was responsible.
- 148.43** According to the oral evidence of Reg Tester,¹ a .303 rifle, a pistol in the possession of Johnny White (OIRA 3) or OIRA 4, the M1 carbine allocated to "Red" Mickey Doherty, weapons in one or more dumps in the Creggan, and weapons in one or more dumps in the Bogside were not under his control on Bloody Sunday. In our view this account is more likely to be accurate than that which he gave in his written evidence to this Inquiry.
- ¹ [Day 414/13](#); [Day 414/30-32](#); [Day 414/37-40](#); [Day 414/41-46](#); [Day 414/110-111](#)
- 148.44** Reg Tester said that "Red" Mickey Doherty did not obtain a weapon from him. His evidence was that any arms in the possession of Official IRA volunteers, other than one personal protection weapon and the .303 rifle, must have come from the arsenal kept by the Bogside Unit of the Official IRA, which was not under his control.¹ In our view he was probably right about this.

¹ [Day 414/153](#)

- 148.45** Some support for Reg Tester's evidence to this Inquiry about the Bogside dumps comes from the account that he gave to Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team in March 1972:¹

"the Officials orders of the day for Sunday, drawn up the previous day, were as follows:

1. There were to be no weapons in the bogside except for those held by the Bogside Official unit, and those were to be kept in several safe dumps. All other Official weapons were to be kept in two cars which would be on hand in the Creggan."

¹ [S34](#)

- 148.46** A further account of weapons having been available in the Bogside appears in the note John Barry of the *Sunday Times* Insight Team made of an account given to him by OIRA 1:¹

"The Bogside section was under his charge. He had the available arms stored in the boot of a car in Glenfada. (I think he said it was a green Avenger, but my notes don't record that).

...

[OIRA 1] was appalled. Someone shouted to him, and he went round the gable to see. Behold, the Saracens approaching. He sped back into Glenfada, and shouted to them to get the car out. He thought one of the Saracens would come into Glenfada and catch them red-handed. There were five or six Stickies [Official IRA] around the car, and they couldn't get the thing out in time. [OIRA 1] said to abandon it, and get the arms out of the boot. They did: the arms consisted of a Sten, a carbine, two 303s and a .22 automatic."

¹ [AOIRA1.1](#)

- 148.47** OIRA 7, who claimed to have accompanied OIRA 1 to the car in Glenfada Park in order to place in the boot the .303 rifle recently fired by OIRA 1, said that there were no other weapons in the boot.¹ We have considered these accounts in detail elsewhere in this report, in the context of the events of Sectors 1 and 4. In our view there were other weapons in the boot.

¹ [AOIRA7.9; Day 398/51](#)

148.48 There is no evidence as to whether the dumps to which Reg Tester referred were being guarded or as to the number of people who knew of their location. OIRA 7, who was not a member of the Command Staff, gave evidence that the Official IRA's main arms dump was at the shops in the Creggan.¹ OIRA 1, OIRA 2 and Johnny White (OIRA 3) all knew the location of the Columbcille Court dump, as did the volunteer who had placed the weapon there and the supporter who, according to Johnny White, managed the dump.² It should be noted by way of contrast that the evidence of Provisional IRA witnesses was that the locations of Provisional IRA arms dumps were a closely guarded secret. Although there is no direct evidence concerning knowledge of the Official IRA Creggan and Bogside dumps (other than the one in Columbcille Court), we got the impression that these were likely to be known to a wider extent.

¹ [AOIRA7.18](#)

² [AOIRA3.24](#)

148.49 We have concluded elsewhere in this report¹ that there were weapons in a car in Glenfada Park North that were accessible to members of the Official IRA.

¹ [Chapter 111](#)

The extent of the Command Staff's control over weapons and ammunition

148.50 In his first written statement to this Inquiry, Reg Tester told us:¹

"I was in charge of hardware i.e. weapons, ammunition and explosives. My role was to obtain and distribute arms. Each volunteer had to account for each round of ammunition issued to him and god help him if he couldn't account for it."

¹ [AT6.1](#)

148.51 Johnny White (OIRA 3) also told us that he would check the ammunition when a weapon was returned and so would know whether a volunteer had fired; and that if he were not available, the Quartermaster would check.¹

¹ [AOIRA3.32](#)

148.52 In his oral evidence to this Inquiry,¹ Reg Tester said that he did not know immediately after Bloody Sunday or for many years that "Red" Mickey Doherty had fired in Barrack Street or that OIRA 4 had fired from the Rossville Flats car park. He said he knew of the Columbcille Court shot fired at soldiers on the other side of William Street, but had believed that this had been fired by "Red" Mickey Doherty.

¹ [Day 414/45-46](#)

- 148.53** The evidence of Johnny White (OIRA 3) was that he did learn at the Command Staff meeting on the evening of Bloody Sunday about these shots.
- 148.54** The representatives of the majority of represented soldiers submitted that Reg Tester had no knowledge of or control over the weapons that were fired, because he had no control at all over weapons in the possession of the Bogside Unit.¹ However, somewhat inconsistently, these representatives also invited us to disbelieve Reg Tester's claimed ignorance of the firing that took place.² We ourselves do accept Reg Tester's evidence that he did not control the weapons in the possession of the Bogside Unit. It is difficult to accept, however, that Reg Tester did not know until long afterwards of the firing by "Red" Mickey Doherty in Barrack Street or that OIRA 4 had fired from the car park of the Rossville Flats.

¹ FS7.565

² FS7.598

The purpose for which weapons were held

- 148.55** The representatives of the majority of represented soldiers queried whether OIRA 4 would have been allowed to carry a personal protection weapon when arms were in such short supply.¹ The evidence of Johnny White (OIRA 3) was that on Bloody Sunday there were 12–15 men on patrol, 8–10 of them in cars containing arms.² The representatives of the majority of represented soldiers pointed to the evidence of Official IRA witnesses that there were in general terms more volunteers than weapons; however, if only a few volunteers were on duty, there would be likely to have been more weapons than volunteers.

¹ FS7.579

² AOIRA3.18

Assurances sought from and given by the Official IRA

- 148.56** We have concluded elsewhere in this report¹ that Brendan Duddy (at the time a businessman in Londonderry and a member of the Derry City Centre Police Liaison Committee) did seek and obtain an assurance from the Official IRA. His evidence to this Inquiry, which we accept, was that Chief Superintendent Frank Lagan had requested him to seek assurances from paramilitary groups to the effect that individual members would be told not to march and that they would make sure that all weapons were removed from the vicinity of the march. He told us that a few days later he met Malachy McGurran, whom he regarded as a leading Official Republican in Derry, and told him what Chief

Superintendent Lagan had requested. According to Brendan Duddy's recollection, Malachy McGurran's immediate response was that the request for these assurances was unnecessary and superfluous, because he felt confident that there would be no shooting and that if people wanted to march they should be allowed to do so. However, he did give an assurance that all guns would be removed.² In his oral evidence Brendan Duddy told us that there was no discussion at all on what might happen after the march had finished.³ He also said that he might have spoken to Malachy McGurran on or about 22nd, 23rd or 24th January and would have reported his conversation to Chief Superintendent Lagan shortly afterwards, perhaps on the following day.⁴

¹ Chapter 147

³ Day 432/82

² AD199.4

⁴ Day 432/84

148.57 As we have noted above, OIRA 9 was OC of the Official IRA in Londonderry until his arrest on 28th January 1972. He made a written statement to this Inquiry but was too ill to give oral evidence. His evidence was that he and Malachy McGurran met Brigid Bond (one of the march organisers) in the week before Bloody Sunday. They gave Brigid Bond an assurance that the Official IRA would support the march and would not interfere with it and that there would be no paramilitary activity on the day. There was no need for the Official IRA Command Staff to meet before such an assurance was given because "*what Malachy said, or decided, went*".¹

¹ AOIRA9.1

148.58 Malachy McGurran and Brigid Bond both died before this Inquiry was established. OIRA 2 said in oral evidence to this Inquiry that Malachy McGurran would have known the plans of the Official IRA Command Staff.¹ Johnny White (OIRA 3), who had become OC of the Derry Official IRA by the time of the march, was also too unwell to give oral evidence. He told us in his first written statement to this Inquiry that he was not aware of any assurance having been given:²

"I am also asked about assurances reportedly given to N.I.C.R.A. [Northern Ireland Civil Rights Association] by both wings of the I.R.A. prior to the march that there would be no weapons carried. In any event I can not give any information as to what assurance may have been given by the Provisional I.R.A. As far as I am aware there were no formal or informal approaches to the Official IRA about assurances over weapons or operations. No such approaches were made to me. No assurances were given. The nature of the march and the presence of our friends and families would in themselves have been an assurance to the organizers. It may well have been noticed

in the community that weapons were being moved out of the Bogside and this information may have filtered back to the organizers. It would have been obvious that if we allowed our friends and families to attend the march we did not intend staging any form of attack under cover of the march.”

¹ Day 392/24

² AOIRA3.12

148.59 Johnny White (OIRA 3) also told us that there were no lines of communication between the Official IRA and the Army or the Royal Ulster Constabulary (RUC) through which any assurance could have been given.¹ He may well not have been aware of the role played by Brendan Duddy.

¹ AOIRA3.13

148.60 In his written statement to this Inquiry, John Goddard of Praxis Films Ltd told us that he and Tony Stark had interviewed two senior Official IRA men and that he alone had then interviewed the man who had been OC of the Official IRA at the time of Bloody Sunday. He told us that he no longer recollected the names of these men.¹

¹ M86.16

148.61 Johnny White (OIRA 3) accepted that he had had an informal meeting with a member of the Praxis team but said he had no recollection of its content.¹ We set out below John Goddard’s note of his meeting with Johnny White, which in our view was an accurate account of what he was told:²

“O/c of OIRA at time

Officials did give undertaking not to be there with arms, and stuck to it. Given both to organisers (Bonds) and to priests.

Not break it – because community would disown them.

Would have claimed any of dead – always did and have.

No Officials killed or wounded.

Not know of any official there with weapons who fired, because would have claimed him – been a propaganda coup to have one of your members take retaliatory or defensive action at time.

If get pic of the man to him he will identify it if he knows him.

(NB Hoping to see the man this week, and have got second hand account.)”

¹ AOIRA3.30

² O17A.2

148.62 Bearing in mind that an Official IRA member (“Red” Mickey Doherty) had been wounded on Bloody Sunday and that there had unquestionably been other firing by members of the Official IRA, in these respects at least what Johnny White (OIRA 3) told John Goddard was clearly untrue. This casts doubt on the reliability of his account that an undertaking had been given. Whether Johnny White was telling John Goddard the truth about an undertaking having been given, in contrast to his evidence to us that there had been no assurance, remains in doubt.

148.63 The Inquiry also has Tony Stark’s and John Goddard’s notes of their interview with the unidentified Official IRA volunteers. These included the following:¹

“Q: SO YOU MADE AN AGREEMENT WITH THE CIVIL RIGHTS ORGANISERS NOT TO USE THE MARCH AS AN EXCUSE TO LAUNCH AN ATTACK ON THE ARMY?

A: WELL – IT WASN’T ANYTHING LIKE AS FORMAL AS THAT. LOOKE – EVERYBODY HERE KNEW EVERYBODY ELSE. THE CIVIL RIGHTS ORGANISERS KNEW THE IRA PEOPLE AND THEY MET AND TALKED AND INFORMALLY THEY WOULD HAVE UNDERSTOOD THAT THERE WAS GOING TO BE NO MILITARY ACTION THAT DAY. THE CIVIL RIGHTS PEOPLE WANTED IT TO BE A NON-POLITICAL MARCH AND THE IRA SUPPORTED THAT WISH. SO WE TOLD ALL OUR ARMED VEHICLE PATROLS TO STAY OUT OF THE BOGSIDE. THE CARS AND WEAPONS WERE LEFT IN THE CREGGAN. ANYWAY, IT WOULD HAVE BEEN ILLOGICAL TO HAVE HAD OUR CARS IN THE MIDDLE OF THE MARCH. HOW WOULD WE HAVE USED THEM? THEY WOULD HAVE BEEN STUCK IN THE MIDDLE OF THE CROWD. IF THE BRITS HAD HAD ANY INTELLIGENCE AT ALL THEY WOULD HAVE REALISED THAT THE IRA WOULDN’T HAVE BEEN OUT THAT DAY.”

¹ O17A.1

148.64 In the course of the same interview, the interviewees also gave information that we now know to be false, in that they denied that “Fr Daly’s gunman” was a member of the Official IRA. Since the identities of the interviewees are not known to this Inquiry, it is not possible to say whether they made an honest mistake in speaking to the journalists or were deliberately lying. Despite this, it seems to us that this account indicates that some assurance (albeit informal) was provided by the Official IRA.

- 148.65 OIRA 1, a member of the Official IRA Command Staff in Londonderry, told us that he was unaware of any assurance having been given.¹

¹ AOIRA1.19

- 148.66 The representatives of the majority of represented soldiers quoted part of OIRA 2's written evidence on the question of assurances: "*I gave no assurances and I think it unlikely that the other members gave assurances.*"¹ The full text of this evidence was:

"As far as I recall I gave no assurances and I think it unlikely that the other members gave assurances. Local people may have been aware that we were not preparing to take action but I cannot say for sure."

¹ FS7.551; AOIRA2.13

- 148.67 In the course of his oral evidence to this Inquiry, there was the following exchange in relation to this part of OIRA 2's written evidence to this Inquiry:¹

"A. I would imagine the substance of that is correct because, as I have already replied to you, there was no formal link between the Official IRA and NICRA, so that the orders of the day, which as you say you will come to shortly, could possibly have been verbally given to a member of the – one of the organisers of the civil rights march on the day. Um, and really, as to the assurances, I mean, I personally gave no assurances to the Northern Ireland Civil Rights Association because I did not have any discussions or any contact with any member of NICRA in the run-up to Bloody Sunday, so that is just my personal opinion, and I have stated in my statement that I personally gave no assurances. That does not rule out that somebody else on the command staff could have passed on information to NICRA that there would be no activity – there would be no OIRA activity on the particular day.

Q. Do you remember it being decided at the command staff that NICRA should be informed of the command staff's plans?

A. No."

¹ Day 392/22-23

- 148.68 In our view OIRA 2 was not ruling out the possibility that an assurance had been given by someone else. As the representatives of the majority of represented soldiers acknowledged,¹ OIRA 2 said that he had heard something of Malachy McGurran having given an assurance.

¹ FS7.550

148.69 The representatives of the majority of represented soldiers, in relation to OIRA 9's evidence that an assurance was given, queried why, if that were the case, the other Command Staff members were not aware of the assurance. The representatives submitted that *"how effective such an assurance could be if OIRA 3 himself, the OC on the day of the march, was ignorant of it is not at all clear"*.¹

¹ FS7.552

148.70 As we have pointed out, we are in doubt as to whether, as he told us, Johnny White (OIRA 3) was unaware that assurances had been sought and given. As to OIRA 1, it is possible that he might not have been aware that assurances had been given, but we place little reliance on his evidence, since in many respects, as we have pointed out elsewhere in this report,¹ we consider that he has not told the truth to this Inquiry.

¹ Chapter 19

148.71 Anthony Martin told us that he had received assurances from Malachy McGurran and Reg Tester that the Official IRA would not take action during the march. According to Anthony Martin, Malachy McGurran had said that he had given a similar assurance to Brigid Bond.¹ Further, Anthony Martin told us that while he accepted assurances that the Official IRA would take no action on the march, he recognised that personal protection weapons might still be carried.²

¹ Day 176/40-44

² Day 176/46

148.72 Michael Havord said that he had received an assurance from Malachy McGurran that the Official IRA would not abuse the march.¹

¹ Day 125/17

148.73 Eamonn McCann's evidence was that he was aware of assurances having been given. In his written statement to this Inquiry he told us:¹

"Although I was not involved in the organisation of the march, I was in touch with the leaders of the Official IRA and I knew from them that the orders of the day on 30 January 1972 was that its members would not be present carrying guns. A number of people would have been aware of these orders. I am talking about hundreds rather than thousands."

¹ AM77.2

148.74 We should note at this point that we have considered the evidence given by Ivan Cooper on the question of assurances by the Official IRA.¹ While he did not suggest that he had himself received assurances, he appeared to be saying that he was aware that assurances had been given. However, for reasons given in the previous chapter, we treat Ivan Cooper's evidence to this Inquiry with great caution.

¹ [Day 420/36](#)

148.75 Although the matter is far from clear, we have concluded that it is likely that some members of the Official IRA did give some form of formal or informal assurance that it would not use the march for the purpose of mounting attacks on the security forces. Such assurances may well have been given in good faith, though in view of OIRA 1's shot from Columbcille Court over the heads of the marchers at the tail end of the march, in one instance at least the assurance was not kept. If an assurance was given that Official IRA members would not carry arms, as opposed to promising not to use the march to attack the security forces, we do not accept that such an assurance was given in good faith.

The need for assurances

148.76 Brendan Duddy told us that it was his own opinion, as well as that of Malachy McGurran, that it was unnecessary for such assurances to be sought, since neither the Official nor the Provisional IRA used weapons on marches.¹

¹ [AD199.3](#)

148.77 The Official IRA men interviewed by the Praxis journalists also indicated that a march would not have been used by the Official IRA to attack the security forces:¹

"A: 'YOU HAVE TO UNDERSTAND WHAT IT WAS LIKE AT THE TIME. THE WHOLE OF THIS DISTRICT WAS A NO GO AREA. THERE WERE CONTINUAL PATROLS OF ARMED MEN IN CARS – THEY DROVE AROUND AT WILL. IT WAS VERY CASUAL. SO CASUAL THEY WOULD OFTEN LEAVE THEIR CARS – WEAPONS IN THEM – WHILE THEY WENT IN SOMEONE'S HOUSE FOR A CUP OF TEA OR DOWN TO THE PUB FOR A DRINK. BUT WHEN IT CAME TO MARCHES OR PROSECCIONS [SIC] – IT WAS UNDERSTOOD THAT MILITARY ORGANISATIONS KEPT CLEAR.

Q: WHY WAS THAT?

A: 'LOOK – EVERYONE KNOWS EVERYONE ELSE HERE AND WHILE WE DID HAVE A CERTAIN AMOUNT OF CONTROL, WE ALWAYS WORKED UNDER THE IMPRESSION THAT IF WE WENT TOO FAR WE'D BE OUT. YOUR BROTHERS OR MOTHERS OR SISTERS WOULD BE INVOLVED IN MARCHES AND NOONE WANTED TO CAUSE THEIR DEATHS. THE RISK WAS JUST TOO DANGEROUS. SO YOUR NEXT DOOR NEIGHBOURS HAD A SORT OF VETO ON WHAT YOU DID BECAUSE, AFTER ALL, WE LIVED IN THE AREA AS WELL.

Q: BUT YOU DID OFTEN USE RIOTS AS A COVER FOR ATTACKS?

A: 'WE DID TAKE ADVANTAGE OF RIOTS – BUT ITS NOT THE WAY THE BRITISH MEDIA PORTRAY IT. WE DIDN'T ORCHESTRATE THEM. SURE, IF SOME KIDS WERE RIOTING IN AN AREA IN WHICH HE HAD ALREADY PLANNED AN ATTACK, WE MIGHT ASK THEM TO LEAVE BUT WE DIDN'T SET UP RIOTS."

¹ [O17A.1](#)

148.78 OIRA 5 told us that marchers would not be used as cover for Official IRA men to shoot.¹ He did not accept that riots were used as cover for Official IRA snipers.² OIRA 7 said that riots might be used but only after people had gone home, enabling the snipers to shoot; there was no strategy to use rioters as cover.

¹ [AOIRA7.20](#)

² [AOIRA5.22](#)

148.79 We have no doubt, from a substantial body of evidence – including that from civilians, paramilitaries and soldiers – that paramilitaries had before Bloody Sunday used riots as cover from which to attack the security forces. We have found no evidence that suggests to us that marches, as opposed to riots, had been used in this way.

Martin Ingram's evidence of the IRA's plans for the day

148.80 Martin Ingram told us that while he was working in the Army's Force Research Unit in the early 1980s he saw documents relating to the IRA's plans for the day:¹

"I can recall that there was information of intelligence value received prior to the march from both Official and Provisional IRA agents that there was no intent to undertake military activity during the march."

¹ [KI2.4](#)

148.81 Martin Ingram gave confused accounts in the course of his evidence about the intelligence that he said he saw. In his third written statement to this Inquiry he told us that “*The reference to no IRA activity on Bloody Sunday came from a MISR [Military Information Source Report] document*” and that he had spoken to an Army agent, Frank Hegarty, who was an Official IRA member on Bloody Sunday and who had been emphatic when telling him that “*the stickies*” had planned no activity on Bloody Sunday.¹

¹ [KI2.40](#)

148.82 In his oral evidence to this Inquiry, Martin Ingram initially said that he had seen this information in contact forms recording discussions between agents and handlers, and perhaps also in source reports supplied by the RUC (SB50s).¹ Later in his oral evidence he told us that the information in this MISR had come from Frank Hegarty, and that he had seen more than one Army contact form setting out the information provided by Frank Hegarty.²

¹ [Day 329/83](#)

² [Day 329/112](#)

148.83 It was not clear from Martin Ingram’s evidence whether he was intending to say that the documents based on Frank Hegarty’s reporting were the only documents he saw that dealt with IRA plans for the day or whether there was other material as well. He did say that there had been one other Provisional IRA agent at the time but did not say what, if any, information was provided by that agent.¹

¹ [Day 329/120](#)

148.84 We formed the view that Martin Ingram had, at best, an imperfect recollection of events and that it would be unwise to rely upon his evidence.

The Official IRA’s standing orders

148.85 Johnny White’s (OIRA 3’s) evidence was that the Official IRA’s general standing orders were well known to the volunteers. These orders applied to everyone in the Official IRA, not just those in Londonderry. The orders were that no action against the Army or the RUC was to be initiated but that defensive or retaliatory action was permitted if the Army or the RUC initiated action themselves. According to Johnny White, everyone who joined the Official IRA at that time was aware of this policy.¹

¹ [AOIRA3.18](#)

- 148.86** It is probable that there were standing orders relating to “defence and retaliation”, which seem to have been interpreted differently by various members of the Official IRA. The majority of the witnesses appear to have interpreted such orders as permitting the shooting of a soldier on the street in “retaliation” for his very presence as a member of the occupying forces.
- 148.87** OIRA 2 told us that the policy of acting only in “defence and retaliation” was one that had applied to all Official IRA members in Northern Ireland for some time. He stated that he thought that it had been the policy since the introduction of internment in August 1971. In his oral evidence to this Inquiry his initial interpretation of the policy was that it permitted Official IRA members to fire live rounds only if the British Army had first fired live rounds.¹ He then said that retaliation in the form of the use of live fire did not have to take place immediately or while the Army was still posing a threat.² If the Army came in to try to arrest someone and did not fire live rounds, then the Official IRA would use a form of resistance such as rioting that did not involve the use of live fire.³ However, later in his evidence OIRA 2 said that “*attacks on members of the British Armed Forces could be clearly seen as part of a defence and retaliation strategy just because of the very fact that they happened to be present*”.⁴ He sought then to draw a distinction between the general policy and the policy applicable to Bloody Sunday, which, he implied, required the Army to shoot first before shooting by the Official IRA became permissible.⁵

¹ Day 392/29-20

⁴ Day 393/11

² Day 392/33

⁵ Day 393/12

³ Day 392/32

- 148.88** OIRA 2 said that the Command Staff reinforced these standing orders to Official IRA members before the march so that everybody clearly understood that there was to be no engagement with the Army on the day.¹ He said that the Command Staff did not expect any situation to arise that would cause volunteers to wish to fire in defence or retaliation.² He agreed³ that the following account, given after the day by Reg Tester to Philip Jacobson of the *Sunday Times* Insight Team, accurately reflected the position:⁴

“... staff officers decided to re-emphasise the existing orders that officials should only open fire on the army if they were shot at first, if the army had shot at other civilians and in any case never to open fire in a crowd situation.”

¹ Day 392/38

³ Day 392/40-42

² Day 392/39

⁴ ED20.30

148.89 OIRA 5 agreed that the “defence and retaliation” policy would have permitted an Official IRA member to shoot dead a British soldier, simply because he was on the streets of Derry.¹ OIRA 1 agreed with this interpretation of the policy.²

¹ [Day 393/180](#)

² [Day 395/176](#)

148.90 OIRA 1 said that the standing orders of taking action only in defence or retaliation emanated from Dublin and that the Derry Command Staff had no discretion to override these orders. Action in defence was justified when there had been an “*onslaught of one form or another [by the security forces]*”.¹ However, the Official IRA would be entitled to shoot a soldier simply because he was a member of the occupying force. Retaliation for Army action days or weeks earlier was permissible under the standing orders. The Official IRA, he said, did not initiate action by going to areas where the Army was, by attempting to engage the Army or by attempting to encourage the Army to initiate shooting.²

¹ [Day 395/24](#)

² [Day 395/25](#)

148.91 OIRA 4’s evidence was that the standing orders were that the Official IRA was to maintain a defensive stance. OIRA 4 interpreted the standing orders to permit the shooting of soldiers who entered the no-go areas.¹

¹ [Day 394/9](#)

148.92 OIRA 7 said that the standing orders would have entitled the Official IRA to shoot at a member of the security forces who came into the Bogside or the Creggan.¹

¹ [Day 398/7](#)

148.93 Our assessment of the so-called “defence and retaliation” policy (or standing orders) is that in practical terms it was not understood as limiting the circumstances in which members of the Official IRA could use lethal force against soldiers in Londonderry, but in effect sanctioned the use of such force whenever circumstances permitted. We do not accept OIRA 1’s evidence that the Official IRA would not initiate action. Nor do we accept that the general policy was specially modified as suggested for 30th January 1972.

The suggested need for the Official IRA to show that it could take aggressive action

148.94 The representatives of the majority of represented soldiers submitted that the Official IRA was held in low regard within the city and that its members felt a need to restore their prestige following criticism of their decision to release, unharmed, Private INQ 2245, a soldier kidnapped by the Official IRA on 17th January 1972.¹

¹ [FS7.529](#)

148.95 In support of their submissions, these representatives relied on the evidence of Liam O Comain.¹ Liam O Comain gave the following account to Liam Clarke and Kathryn Johnston, the journalists and authors of *Martin McGuinness: From Guns to Government*:²

“There’s an interesting twist to Bloody Sunday. There was an element within the Officials that definitely made a decision to open up on Bloody Sunday, and they did. It was nothing to do with Bishop Daly’s gunman. I was on the fringes then, but I tell you this, there was an element there and the thought at the time was that if we can have some form of death on Bloody Sunday, it might pull the Officials back in line again. They might be forced into a situation to place a bit more hope in.”

¹ [FS7.538](#)

² [AO82.5](#)

148.96 In a written statement to this Inquiry, Liam O Comain asserted that this account was untrue and that he had deliberately told more lies than truth to the journalists.¹ In his oral evidence to this Inquiry he said that the information that he had given about Bloody Sunday was based on a rumour that had gone around some weeks after the day. He added that it was a lie but did not, when asked, concede that the rumour was a false one.² He agreed that the vast majority of the information recorded by the journalists, in a note seven pages long, was true. He suggested that he had told them lots of other lies but that they had failed to record them.³

¹ [AO82.8](#)

³ [Day 417/52](#)

² [Day 417/32](#); [Day 417/68](#)

- 148.97** The representatives of the majority of represented soldiers described Liam O Comain as a “*member of the Official IRA on Bloody Sunday*” and provided the transcript reference in which he admitted his membership. However, they do not quote the answers that Liam O Comain gave immediately after making that admission:¹

“Q. Were you a member of the Official IRA on Bloody Sunday?

A. I was a member of the Official IRA on Bloody Sunday. I took an oath, the Republic, in 1955. I have stood by that oath since and I consider myself a member of the Irish Republican Army at this present moment in time.

Q. If you were a member of the, as you say, the Official IRA on Bloody Sunday, did you receive any instructions or orders from them?

A. I have stated clearly in the first paragraph, sir, that I was on the fringes of the movement at that time, and I gave the reasons for being on the fringes of the movement. I was not actively involved.

Q. Is the answer to my question that, for that reason, you did not receive any orders?

A. I did not receive any orders.

Q. Were you told anything about the Officials’ plans?

A. No, I was not, as stated in that first paragraph. I was not privy to anything of the Officials; what was going on or anything prior to or the events of Bloody Sunday.”

¹ [Day 417/15](#)

- 148.98** When assessing the reliability of Liam O Comain’s evidence on this issue, we had in mind the evidence that he gave concerning his relationship with “Red” Mickey Doherty. Liam O Comain claimed to have known “Red” Mickey Doherty well.¹ However, on the website² on which he published a verse about “Red” Mickey Doherty, he placed above the verse a picture of an entirely different individual, the Irish National Liberation Army hunger striker Mickey Devine.³

¹ [Day 417/56](#)

² The web address was <http://irelandsown.net/redmickey1.html>. This site no longer appears to exist.

³ There is a reference to Mickey Devine in *Tírghrá* at page 244.

- 148.99** We are not persuaded that Liam O Comain had at the time of Bloody Sunday sufficiently close involvement with the Official IRA to have real knowledge of its plans or activities.

Orders given to Official IRA volunteers

148.100 Johnny White (OIRA 3), the OC, gave the following account in his first written statement to this Inquiry:¹

“I can confirm that the orders given on the days leading up to Bloody Sunday and confirmed on the morning of Bloody Sunday were that there should be a defensive mode only. No units or volunteers were to incite any confrontation with the British Forces, nor was anyone to commence any offensive action against the security forces. This was a march for a political purpose against the sectarian internment policy which was being imposed. This was a cause for which the movement had great support and we would do nothing to risk bad publicity for the march or its purpose. This was a matter which was of importance and meant a great deal to Nationalists in Northern Ireland. I personally had been interned and released and felt particularly strongly about the events.”

¹ [AOIRA3.2](#)

148.101 In the same statement he told us:¹

“I can confirm that there were no units on active duty during the day on Bloody Sunday. In particular there were no units or volunteers ordered to be in the Bogside for any operational reasons.

...

Some volunteers were based and ordered to remain in Creggan and the Brandywell areas to await any trouble which could occur. We did feel that there may be an attempt to get British Forces into the Creggan and Brandywell areas whilst many people were on the march.”

¹ [AOIRA3.2](#)

148.102 Johnny White also told us that on the morning of the march he met with some of the volunteer units to confirm their orders and to make sure that everything was in place.¹ Later in his first written statement he told us that the orders included an order that all weapons were to be removed from the Bogside to the Creggan and the Brandywell.²

¹ [AOIRA3.3](#)

² [AOIRA3.12](#)

148.103 In his second written statement to this Inquiry, Johnny White told us that there were three Official IRA units on active duty on 30th January: one unit in cars in each of the Creggan and the Brandywell and one single volunteer who was posted in the Barrack Street area with a rifle. He said that on the morning of the march he reminded the volunteers of his suspicions about a possible Army incursion, speaking to each unit in the Creggan and the Brandywell. The Creggan and the Brandywell patrols each consisted of a car containing weapons and 4–5 men as well as at least one other car containing 4–5 people who provided back-up services.¹ Johnny White stated that he was sure that his orders were communicated to everyone and that he had “*absolute confidence*” that everybody was reminded of the standing orders on the morning of the march.²

¹ AOIRA3.18

² AOIRA3.18

148.104 As we have noted above, Reg Tester, the Quartermaster of the Official IRA Command Staff, said that he was ordered to ensure that all weapons were removed from the Bogside and taken to the Creggan. However, some that were in safe dumps in the Creggan and the Bogside were left where they were. With the exception of the weapons in these dumps, the rifle in the possession of “Red” Mickey Doherty, the rifle fired by OIRA 1 and one pistol, the remainder of the Official IRA’s arms were, he said, placed in two cars which were then driven around the Creggan.¹ Reg Tester gave an essentially similar account to Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team in March 1972.²

¹ AT6.2; AT6.10; Day 414/30

² S34

148.105 OIRA 2 said that the Command Staff, led by Johnny White (OIRA 3), met on Saturday 29th January and on the morning of 30th January and decided that the Official IRA would not precipitate a situation that would cause the Army to react. Official IRA members, he said, were to be permitted only to act in “*defence and retaliation*”.¹ We have expressed above our view of what this phrase was understood to mean.

¹ Day 392/28-29; Day 392/43; AOIRA2.13

148.106 OIRA 5 said that the orders were that there were to be no weapons in the Bogside and that no volunteers were to carry weapons on the march. No-one was to initiate any action with the security forces, and the defensive standing orders were to be maintained. His recollection was that no specific instructions came to the Derry Brigade of the Official

IRA from the Dublin headquarters staff. Had such instructions been given, he would have known of them.¹ He said he understood that the weapons in the cars in the Creggan were to be used if an Army incursion into the Creggan took place.²

¹ AOIRA5.2; Day 393/147

² Day 393/203

148.107 OIRA 1 said that the small number of volunteers in the Creggan could not hope to repel a large-scale assault by the Army but might hope to delay an Army invasion and give people time to organise themselves and come out of their homes.¹ He said that the Official IRA's weapons were usually kept in two cars.² The OC ordered that the cars, one or both of which might otherwise have been in the Bogside, should be removed to the Creggan during the march;³ and that the weapons in the cars could then be used to try to prevent any Army incursion into the Creggan.⁴

¹ Day 395/180

³ Day 395/22; Day 395/29-30

² Day 395/20

⁴ Day 395/32

Other accounts of the orders

148.108 The *Observer* galley proofs contain an account which is attributed to the “acting” OC of the Official IRA in the city, who was Johnny White (OIRA 3):¹

“On Sunday, most of our members were taking part in the march and were unarmed. We had two marksmen on duty, but with strict instructions not to use their weapons until the area was clear of civilians. One was covering Rossville Street from the corner of William Street and Rossville Street. Another was in the Little Diamond covering William Street.

‘Apart from that, we had three sections on duty, marksmen stationed in the usual places well outside the area covering Bishops Street, Blighs Lane, and other volunteers on duty in cars. The marksmen were armed with rifles, and there were sub-machine-guns in the cars. These were the only weapons. There were no nail bombs, as the Army has claimed.’”

¹ ED24.9

148.109 In his second written statement to this Inquiry, Johnny White (OIRA 3) told us that he had no recollection of speaking to anyone from the *Observer* and added, “*I have already dealt with the volunteers and the weapons available*”.¹ We are sure that he did give the account found in the *Observer* galley proofs.

¹ AOIRA3.30

- 148.110** Apart from the reference to the marksman covering Bishop Street, who was clearly “Red” Mickey Doherty (whose shooting we consider in Chapter 151), the *Observer* account given is inconsistent with the evidence given by Johnny White and other members of the Official IRA Command Staff to this Inquiry, and casts doubt on the reliability of that evidence; as does the fact that there was an Official IRA car with weapons in Glenfada Park North; and the firing by OIRA 1 from Columbcille Court at soldiers next to the Presbyterian church.

Official IRA patrols on Bloody Sunday

- 148.111** Reg Tester said that on Bloody Sunday he placed the majority of the Official IRA’s weapons in the boots of two cars. He and five or six other volunteers spent the afternoon of the march driving around the Creggan in these cars. He said that there was no back-up car as described by Johnny White.¹

¹ [Day 414/47-49](#)

- 148.112** The representatives of the majority of represented soldiers referred to the 11 Official IRA witnesses who gave evidence to this Inquiry. They submitted that seven of these witnesses were members of the Creggan Unit but that only one of those seven, Reg Tester, admitted to having taken part in the Creggan patrol on Bloody Sunday. They asked us to consider whether the remaining six would, if there were truly a plan to defend the Creggan, have been left out of the operation.¹

¹ [FS7.564](#)

- 148.113** Of the Official IRA witnesses, only ten were members of the Official IRA in the city on the day. The eleventh, OIRA 9, had been detained. Of the seven witnesses identified by the representatives of the majority of represented soldiers, it seems to us that only five were admitted members of the Creggan Unit. Two of these (OIRA 7 and OIRA 8) said that they were on duty on the previous night and so were not on duty during the day. OIRA 6 said that he had been on duty the previous day but then agreed that he was in the same section as OIRA 8. Reg Tester, who admitted taking part in the Creggan patrol, did not say that he was a member of the Creggan Unit. We consider that the Official IRA assigned members to the Creggan or Brandywell patrols without regard to the unit to which the members belonged. If that is correct, then the absence from the patrols of a number of members of the Creggan Unit would not be surprising. The Creggan Unit appears to have had two sections, each with about eight members, one responsible for night patrols and one for days. If Johnny White (OIRA 3) is correct in his recollection that

there were 12–15 men in the patrols, then the Official IRA would either have had to call on Creggan men who had been up all night or would have had to use men from the Bogside Unit and Command Staff. It was not suggested to Reg Tester when he gave evidence that men had not in fact been deployed to defend the Creggan.

The purpose of the patrols

148.114 OIRA 6 was a member of the Official IRA's Creggan Unit. He gave the following account of the purpose of the patrols:¹

"We generally did patrol in cars in day shifts and in night shifts. We would have had our three working weapons to be shared by four of us in the car and we just used to drive around and protect the area against incursion by the British Army. It was nothing exciting. I am asked to deal with an issue raised from time to time by the barristers acting for the MOD [Ministry of Defence]. Did we think we could stop the army invading the area with a few men and fewer working weapons? The answer is that we did not really believe we could withstand an out and out assault. But I believed then and still believe that the picture we painted of an armed resistance gave a stronger view of our position and did for some time, until Motorman,² keep the Army out."

¹ AOIRA6.2

² Operation Motorman was an Army operation carried out in July 1972.

148.115 His evidence was that he was not on patrol during the day of Bloody Sunday but had expected that the routine patrols of the Creggan would continue as usual that day.¹

¹ AOIRA6.3

148.116 Reg Tester gave the following account, when speaking in general terms of the actions that the Official IRA might have taken in the event of an incursion by the Army:¹

"Q. 'If anyone had tried to come into the no-go area in a serious way, then we would have done our best.' What does that mean?

A. Precisely what it says. We would have done our best to put them [the Army] out.

Q. If they had invaded the Creggan?

A. Well, if they had invaded there would not have been much we could do, we did not have the manpower or the weapon-power to do anything about that. But a small incursion, if – let us put it this way, if they were threatening, if they came into the area,

they threatened people in the area, we would have opened up on them if it was practical to do so. It is, it is not an easy situation. You are surrounded by civilians in civilian homes, you do not want to provoke a lot of fire-power and possibly have civilians killed. Quite apart from the fact that it would be a terrible thing to happen, it would not do your reputation any good either, the population would soon say 'Hey, out, we do not want you'."

¹ [Day 414/132](#)

148.117 However, Reg Tester also said that he had a technical role within the Command Staff, did not attend all staff meetings at which policy was discussed and worked alone on his duties as Quartermaster.¹

¹ [Day 414/135](#)

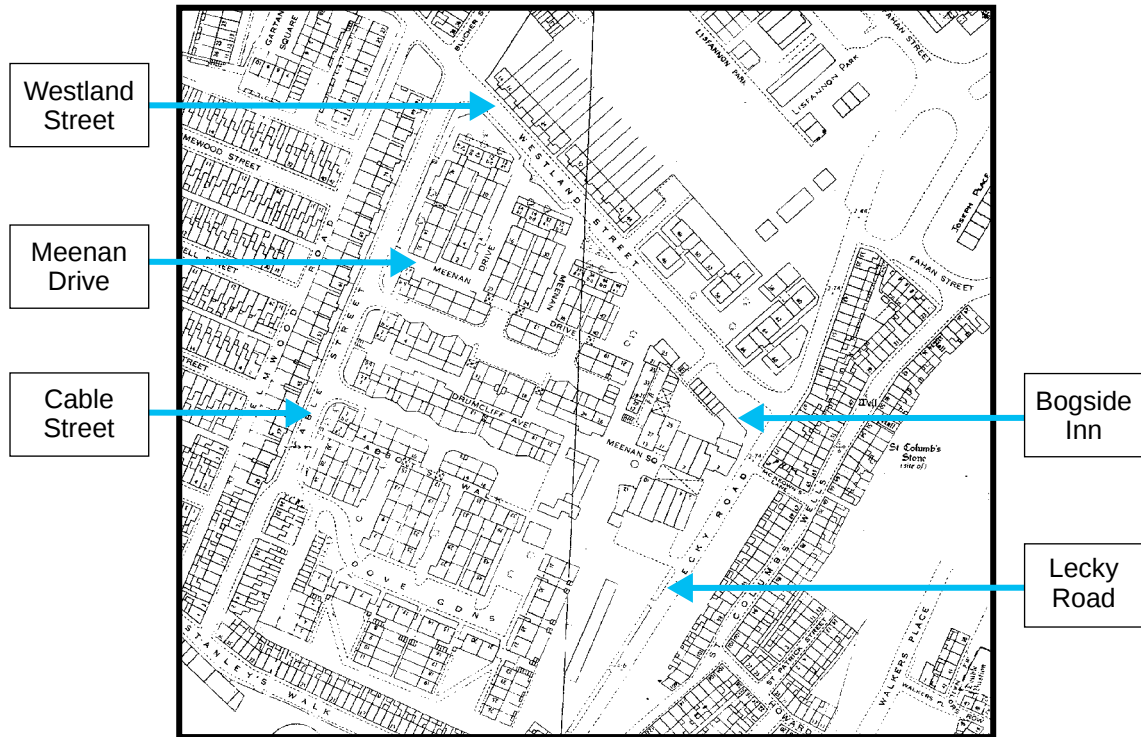
148.118 In our consideration of the events of the five sectors, we have discussed the evidence of paramilitary activity in those sectors. Here we turn to consider Official IRA activity outside those sectors.

The arrival of Official IRA cars in the Bogside and paramilitary activity in the area of the Bogside Inn

148.119 PIRA 24 told us that at about 4.00pm, while he was at home in Meenan Drive, he heard high velocity shooting. According to his account, he went out and met PIRA 17 in Cable Street. He said that together they walked northwards and, while they were in Westland Street near its corner with Cable Street, he noticed shots being fired from the City Walls. He also said that he saw two cars coming down Westland Street towards Lecky Road and recognised them as Stickie (Official IRA) cars, the second of which was a red Cortina. One car stopped about 15 yards from PIRA 24. People got out of the car and took rifles out of its boot. PIRA 24 told the Official IRA men that they should not stop there. They got back into the car and followed the other car, which had not stopped, down into the Bogside. PIRA 24 said he saw both cars stop in the area of the Bogside Inn, but did not see anyone get out of the cars, though he was not looking at them all the time. He told us that by this time the shooting was dying down; and that a few minutes after he had first seen them, the cars passed him again, heading up Westland Street (towards the Creggan).¹

¹ [APIRA24.14](#); [Day 426/109-111](#)

148.120 The map below shows Meenan Drive, Cable Street, Westland Street, Lecky Road and the Bogside Inn.



148.121 Johnny White (OIRA 3) gave the following account in his first written statement to this Inquiry:¹

“Later in the afternoon I know that a number of volunteers drove their cars into the Bogside and that at least one fired or attempted to fire a weapon which had been brought down from the Creggan. It is my belief that cars which arrived later in the afternoon, although not significantly later, have been mixed up with other vehicles which may have already been present.”

¹ AOIRA3.8

148.122 In his second written statement to this Inquiry, Johnny White (OIRA 3) told us that two cars containing weapons came down to the Bogside Inn and that other cars containing unarmed volunteers and supporters came into the area.¹

¹ AOIRA3.26

Leslie Bedell

148.123 Leslie Bedell, who was visiting from England, gave both a written statement for and oral evidence to the Widgery Inquiry. In his written statement¹ he described being near the lorry at Free Derry Corner when the speeches began, seeing an armoured vehicle coming along Rossville Street and hearing the firing start. Although he started to approach the armoured vehicle, he said that when he saw people apparently shot *“I turned and ran (or half ran, half crawled) until I got round Free Derry Corner and into the area of the low flats in the square on the map with the reference figure 167 above it. There were a few people milling round there. I asked one the time. It was just after 4 o’clock.”*

¹ [AB28](#)

148.124 The *“square on the map with the reference figure 167 above it”* was a reference to an Ordnance Survey map. The flats to which Leslie Bedell referred were, as he explained in his oral evidence to the Widgery Inquiry, a block of low flats opposite Westland Street.¹ The map above shows the relevant area.

¹ [AB28.11-12](#)

148.125 Leslie Bedell’s written statement continued:¹

“13. From the flats I went into Westland Street (I saw the street name up). I saw some old cars – saloons like beat up Ford Zephyrs, and an old Humber – coming down from the direction of the Creggan estate. About 2 dozen men piled out of the cars. These were the only civilian cars I had seen moving that afternoon. The men were wearing a sort of uniform like battledress, one or two had dark berets. They all had a weapon of some kind, rifles mostly. Some had automatic rifles with big magazines, but most had rifles with small magazines.

14. These men dispersed into the flats. I could see them take up positions and start firing at the troops. There were still a lot of people standing around. I just stood with them and watched. If there had been no one else there I would have taken cover. We were protected by the flats and anyway we were not in much danger. I could not hear bullets coming over. There was some firing a long way off, but apart from this the only firing was by the men dispersed in the flats.

15. After about 15 minutes I saw a big stocky looking chap who shouted at the firers to pull back. He was obviously in charge, and was wearing sort of battledress. They all came out in ones and twos and went into a hall on my side of Westland Street. They went upstairs outside the building to get into the hall. One young chap – only 15 or 16 – with a rifle got left near the flats, in the courtyard. A helicopter came up overhead and the troops in the Rossville area or in observation posts might have been able to pick him off crossing the road. Then about 50 or 60 people from the bystanders ran over the road, surrounded him and brought him over in their midst.

16. I saw somone come out of the hall. He was a tall thin chap and when he spoke he had an English North-country accent. He stood at the foot of the stairs as if on guard. Everyone began asking him questions and he said that reports were coming in that a lot of people had been shot. Then he said they had decided their actions had not much effect, and anyway they were being hampered by so many people in the area, so their intention was to pull out and come back that night when the area was clear. He said they had decided to shoot 2 soldiers for every civilian killed. I saw them come out then – about 5 o'clock – and drive off in their cars. There was no firing going on at this time."

¹ AB28.4-5

148.126 Leslie Bedell gave a similar account in his oral evidence to the Widgery Inquiry.¹ He told the Widgery Inquiry that it was at least 15 minutes between the Army starting to fire and the arrival of the cars from the direction of the Creggan.²

¹ AB28.7-22

² AB28.16-17

148.127 Philip Jacobson of the *Sunday Times* Insight Team interviewed Leslie Bedell. According to the notes of this interview, Leslie Bedell gave the following account of what he witnessed after observing the first Army shooting:¹

"When i saw the shootings i thought it was time to get away from the area and i turned and ran back in the direction that my two companions had taken (i.e. towards the small flats at the foot of westland st.) i went through a small passageway and found myself in westland street – i looked up and the name was high on the wall of the small flats (pj; it is). I asked somebody the time and it was just after 4.00. Coming out onto westland street, there were quite a few people milling around and asking eachother what had happened. i was a bit worried as the three blokes i came with had warned me not to speak if possible as my london accent might not go down toowell. Shortly after i got to

westland st., two cars came roaring down the hill from the direction of the creggan. they were noticeable as they were revving very hard and squealed to a stop as they turned at the bottom. One was a beat-up Ford Zephyr and the other was, I am pretty sure, an old Humber. i cant recall the colours (NB: the Officials used a blue Avenger, unlike either of these cars). They were the onl[y] cars moving about at that stage.

I would say that about ten to a dozen men jumped from the cars as they drew up. They were dressed in a sort of uniform, i mean that most of them had greenish combat jackets and jeans on and the majority were wearing black berets. Not all of them were carrying guns openly; those that were had rifles like the ones i used in cadet corps (pj: almost certainly .303s) and three or four others had some more modern kind with a long thin magazine underneath[h]. When the gunmen appeared, people in the crowd started saying 'the Provos are here' and 'Where have they been all this time' and so on. I have no doubt that they were Provisionals; people standing around knew some of them by name and I heard the word Provos several times. Ivan Cooper was standing there at this time and he must have seen them arrive.

NB; according to bedell's placing, the provos debussed in full view of the Walker gun post; a chopper was also circling the area, though fairly high. he remembers thinking they were sitting ducks for troops on the walls, having looked up and seen soldiers moving around in the post near the tall monument (Gov Walker)

'The gunmen, all but two or three, went over into the low flats, using both entrances and spread out going up different flights of stairs. i could see a young chap, estimated 16/17, with what looked like a .22 rifle, he was very close to where I had moved back towards the flats.

After they dispersed, the cars roared back up the hill. they came back at least once I am sure, and there were certainly more men who seemed to be Provos appearing after this. Only one had a rifle with him as far as I saw. (PJ: this explains bedells statement that perhaps two dozen IRA piled out of the cars; he didn't make it clear to the tribunal that the cars came back again.)

The men around the flats started firing as soon as they were in position; i reckon they fired about 50 shots at the most. Some sounded like automatic they were so closely grouped, three or four very close together (pj: could be semi-automatic). I would put the time they arrived at just after 4.00 and they stopped shooting about 15 minutes later, say 4.15 to 4.30.

Then one of the first carload, a big burly chap about mid-forties, balding a bit, came over from the other side of westland street where there is a sort of community hall. he must have told his men to withdraw becoz they started running back crouched over and went into the hall. they all got across except for the young lad i had seen with the .22. he got into a sweat becoz the helicopyer was quite low then. he started dodging and hesitating and the crowd was all shouting for him to make a dash for it. I saw a chap come to his front door on the first floor of the flats, he was in his carpet slippers, and he beckoned the lad to go into his house but then about 40 of the crowd ran over and gathered round the boy and sort of shielded him across the road into the hall.

when they went in, i started to wander around and i found myself in a little alley with a row of shops. there was one serving tea and several of the civil rights people i recognised by sight were in there. Cooper and Devlin were certainly there, i can swear to that. when i wandered out and back into westland street again, there was one of the chaps from the first IRA cars standing outside the hall, on guard i suppose and he was carrying a rifle. he was a tall, thin geezer and he was definitely english; i was close to him and heard him speak in what i think was a yorkshire accent, certainly North Country. he had a droopy moustache like yours (pj!). some lo[ca]ls were chatting to him; he said they werent sure what had happened but there had been a massacre and they had got their guns and come down in the hope of drawing army fire away from the civilians. he said they had been unable to draw any return fire and that it was suicide to go anywhere near the flats with a gun, so they were pulling out and would be back later in the evening when the area had been cleared of so many civilians. he said 'then we'll kill two fucking soldiers for every dead civilian.'

The rest of the IRA men came out of the hall and got into the same two cars and drove away up the hill. i asked the time again about then and it was just on 5.00. All shooting had stopped before they left.

after that i decided to get away as people were sort of asking me directions and things and i was very worried about my english accent. i met two of my friends at the top of westland street and after waiting until about 6.00 we made our way back to the car."

¹ [AB28.25-28](#)

148.128 At the end of these notes Philip Jacobson added the following comments:¹

"NB

1. Bedell could not be budged on claim that it was at least 15 minutes after hearing the first shots and seeing the barricade deaths that the IRA men arrived
2. he stuck to his story about hearing the IRA officer talk about trying without success to draw army fire.
3. he says the majority of the IRA men were late teens/early twenties. the stock[y], big chap he thought was in command was 40ish, maybe a bit older. there were half a dozen men of this age, including the Northern accent man he took to be second in command because he was giving orders but taking them from the stocky man.
4. he says the while the IRA men were firing, people were standing around in full, view of the walls and he noticed through one open door in the low flats that a group [were] placidly watching the Sunday afternoon film (what was it that day???)."

¹ AB28.28

148.129 Leslie Bedell was not called to give evidence to this Inquiry. His 1972 accounts of a substantial amount of firing by numbers of paramilitaries from near the Bogside Inn towards the soldiers who had come into the Bogside are unsupported by evidence from any other source, civilian or military; and in our view it would be unwise to rely on them though, as will be seen, there is other evidence that a few shots were fired from this area. However, as will also be seen, there is evidence that, to a degree at least, supports his account of seeing armed men arriving in cars some considerable time after soldiers had gone into the Bogside and opened fire. Although he told Philip Jacobson that he was sure that the armed men that he saw were members of the Provisional IRA, he also told Philip Jacobson that one of the men who had got out of the first of the cars to arrive was "*definitely English*" and spoke in what he thought was a northern accent. This is a description that could fit Reg Tester, the Quartermaster of the Official IRA in Londonderry, who came from Nottinghamshire.¹ Martin McGuinness told us that he was 100 per cent certain that members of the Provisional IRA had not been involved in any such incident as that described by Leslie Bedell.² However, as we have previously described, we are of the view that one of the Provisional IRA cars patrolling the Creggan did come down to the area of the Bogside Inn after the soldiers had come into the Bogside. It is possible, therefore, that Leslie Bedell saw both Official and Provisional IRA members arriving in this area.

¹ AT6.1

² Day 390/149-152

148.130 In his first written statement to this Inquiry¹ Reg Tester told us that at some time during the afternoon of Bloody Sunday he was with at least two others in one of two cars controlled by the Official IRA which had been driving around the centre of the Creggan and had stopped on New Road, when “*word reached us that something had happened in the Bogside*”.² He told us that he drove his car slowly down Westland Street. His account continued:

“I got out of the car and took up a position on the balcony of a flat at the junction of Westland Street and Lecky Road at the point marked A on the attached map (grid reference D24). I knew that there was a clear view of Rossville Street from that position.

I took a new M1 Carbine from the car and tried to fire it from the balcony. I had taken a new weapon that I was unfamiliar with rather than an old one because the M1 had a higher rate of fire. However, the gun jammed and because I was unfamiliar with such a new weapon, I was unable to unjam it so I returned to the car. I was also concerned because I could see civilians and I did not want to endanger them.

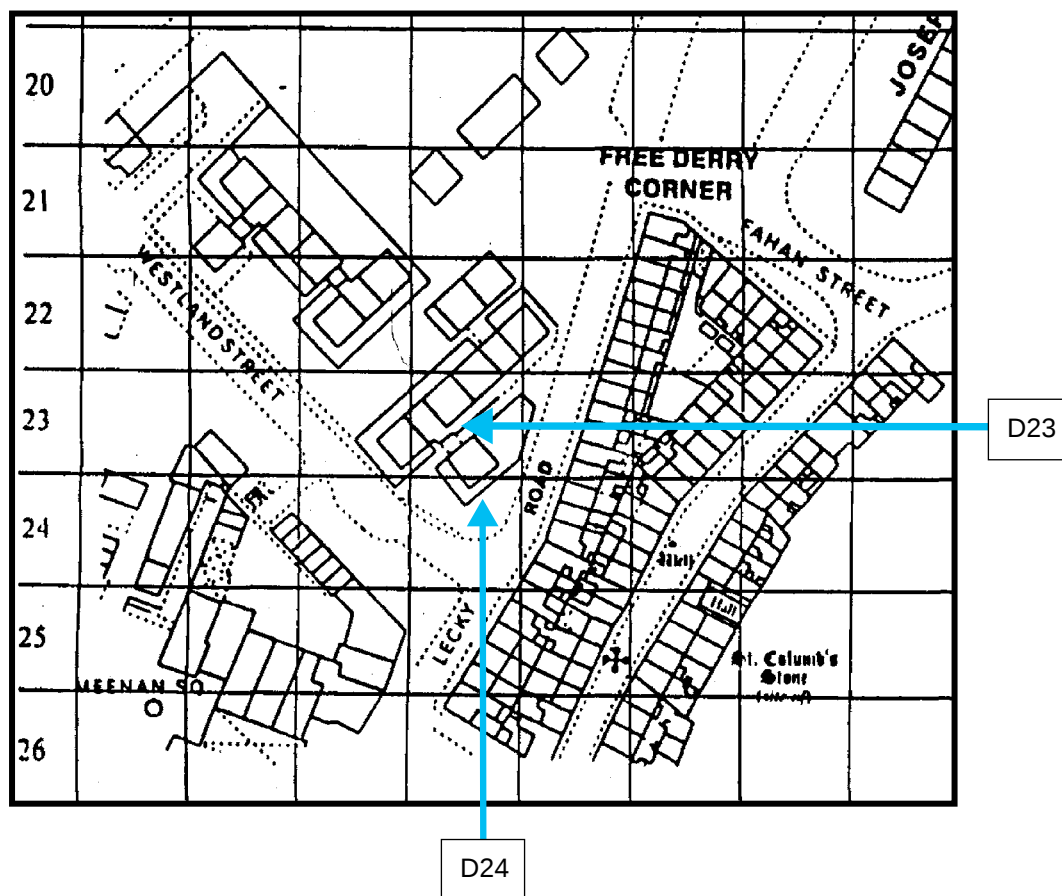
I cannot now recall what I did after firing from the balcony. I did not use any other guns because I did not want to hang around and for the army to get their hands on the weapons I had in the car; I knew that the paras weren’t the type to mess around.”

¹ AT6.1

² AT6.2

148.131 The point marked “A” to which Reg Tester referred was at the north-east corner of the junction of Westland Street and Lecky Road.¹ We also mark on this map square D23, to which Reg Tester referred in his supplementary statement to this Inquiry, to which we now turn.

¹ AT6.5



148.132 In his supplementary written statement to this Inquiry, Reg Tester gave another account of driving down to the Bogside:¹

"I can remember that when we were driving around, we did stop for a period at the top of the New Road with the engine off. Even there, we did not hear anything going on in the Bogside. It was when we were in this area that people who were coming up the New Road came and told us what was going on in the Bogside and that the soldiers were shooting innocent people dead.

I got very het up and I was not thinking clearly. I mention at paragraph 12 of my statement that I drove my car down Westland Street. The people who were approaching us in the car would have known our faces or would have recognised the car as an IRA car and would have come up to tell us that people were being killed in the Bogside. I certainly knew that there were people being shot dead – more than one or two. I cannot recall who actually approached the car or the exact words that were said. In driving down Westland Street, this was a main road. The army had access from Bligh's Lane and I was also aware that there was an army observation post on

the Walls that could see into Westland Street. If our two cars had got stopped, we could have got into terrible trouble with all our weaponry in the cars. However, the mood that I was in was that I wanted to hit back. It was the only time that I can remember that I had lost my cool. We drove down and pulled up at the bottom of Westland Street.

I took a gun out of the car and put it down my left side and walked over to the block of flats that was at the corner. I did not know what was happening down Rossville Street. I do remember that when I took the weapon out of the boot of the car (the boot was not facing up at the Walls), there were civilians around me. They did cheer – I think that this was the only time I ever got cheered. I remember it being an encouraging feeling and I clearly remember the thought that I must be doing something right.

I made my way up to the balcony of a flat at the junction of Westland Street and Lecky Road; I have marked this as point 'A' on the map attached to my first statement, though, on reflection, I am not sure that it is quite in the right location. I think it is more in square D23 at the other side of the building.

From the balcony, I looked down Rossville Street and I could see that there was a vehicle that had pulled up outside the Rossville Flats by the area with access to the lifts. Rossville Street was not as busy as I had expected, though I could see figures still moving around. People were still milling around but I could vaguely make out the soldiers around the vehicle. I cannot be sure of the actual time of day but it was getting towards dusk. We did not have any night sights at that time, nor indeed did we have telescopic sights.

I then aimed my M1 Carbine at a soldier and tried to fire it but the weapon jammed. I was glad that it had actually jammed because I then calmed down and I realised better what I was doing. I cooled down and started to think that what I was doing wasn't the best idea. I am asked whether I thought of the terms of our orders at this stage. The truth is that having heard what I had heard, that people were being shot by the army, my simple reaction was wanting to hit back. I didn't analyse what the orders were to see whether this would have been stretching them or breaching them, but having tried to fire the M1 Carbine and having failed, I calmed down and was thinking more rationally.

I think that my weapon had been on single shot; I do not think I would have put it on automatic or semi-automatic when I was up on the balcony. Even in my rage, I still had enough sense for that.

Nothing had therefore been expelled from the barrel of my weapon. I think I stayed up on the balcony for a few minutes to see what was going on, and tried unjamming the weapon. Whereas I could strip and reassemble all the weapons in our arsenal, I couldn't do so with this one, which was a new weapon that had been untried and untested.

There were still some civilians in Rossville Street but I do not know if any bodies of those who had been shot had been moved. I couldn't see any bodies with the naked eye. There were, however, lots of people still around the area of Westland Street and they were angry. When I arrived in the area of Westland Street, I am sure that there were a couple of hundred people already there. My memory of Westland Street at around the time of my arriving and leaving with my M1 Carbine is one of impression rather than clinical observation. I was not too conscious of what was going on around me in that area and I cannot remember who I might have seen. I cannot, for example, remember, in response to a question from Eversheds, whether I saw Eamon McCann in the area.

In the five or six minutes that I would have been up on the balcony all told, I could hear no shooting. I think that by the time I got down to the Westland Street area, all the shooting was over. It was only later on that I realised the extent of what had happened. It took some time to sink in. Irish people might have seen this sort of thing before, but I was English, and to me I could not believe what had happened. It was my fellow countrymen who had shot innocent people and I felt ashamed of my nationality, which is something that I don't think any person should ever feel. I still get emotional when I think about it, though I am not generally a violent person or an emotional person by nature.

No one saw me trying to fire my M1 Carbine from the balcony area as far as I am aware. The other two volunteers who had been in my car stayed with the car. After all, it had a boot load of weapons. There was no plan here, and we were simply reacting to a situation. I probably said to them – 'You stay here and I'll go and see what I can see.' I think that the other Official IRA car that was loaded with weapons had stayed up in the Creggan.

I am asked if I became aware of any other cars with weapons in the area. I am not aware of seeing any other such cars. I am asked whether I saw any Provisional IRA men in the area. I have a vague recollection that there were some Provos around but they didn't come near us. I couldn't identify any of t[h]em now even if i wanted to. I think that they were in the general area of the Bogside Inn. I had parked in the area

of a pedestrian crossing. I think that they were the other side of the road to us – nobody came to approach us.

Having returned from the balcony, I went back to the car. The people who had seen me arrive in this area had probably moved on. I have a vague recollection that there were less people around by the time I came back from the balcony. Those who were around probably did not know why I have been in the area of the balcony. The two lads who were in the car with me might have asked what had happened. I probably told them. I don't remember anyone giving me a hard time or booing me or the other volunteers because we had not fired back at the security forces.

My attempted shot at the army is the only shot that I knew of against the security forces at that stage. I am asked whether I became aware of any shooting from the area in which I found myself up at the City Walls, or at the army checkpoint. There was certainly lots of confusion in the area as to what was going on, but I know nothing of shooting to or from the Walls. During this time I was at the Bogside Inn area. It is hard to estimate how long I was there but it was probably 10 – 15 minutes after the attempted shot.”

¹ [AT6.10-12](#)

148.133 Square D23, indicated by Reg Tester in this statement, was a reference to the square shown on the map reproduced above, directly above the square he had previously marked with an “A”.

148.134 Peter Pringle and Philip Jacobson of the *Sunday Times* Insight Team interviewed Reg Tester, whom they did not name but whom they described in their notes as an Official IRA staff officer.¹

¹ [S34](#); [Day 190/17](#); [Day 190/93](#); [Day 191/81](#); [Day 191/111-112](#)

148.135 According to these notes, Reg Tester gave an account of the shot fired by OIRA 1 from Columbcille Court at a soldier on the Presbyterian church in William Street. We have considered this shot in detail earlier in this report.¹ The journalists’ notes continued:²

“Around that time, five Officials from the Creggan unit were sitting in a dark blue Avenger – one of their fleet of ‘liberated’ cars – at the roundabout outside the church at the top of the New Rd. Crowds returning from the march were spreading rumours of something very nasty down in the Bogside; the Officials discounted the wildest rumours but still felt it was necessary to go and investigate. They drove off smartly down New Rd and into Westland St. Towards the bottom of Westland St progress got

slower as heavy crowds were moving away from the main firing area. The car turned right at the bottom of Westland St into Lecky Rd., then turned right again immediately, into a small car park behind the block of shops.

Three of the men jumped from the car: one was carrying an M.1 carbine with two 'banana' clips with about 25 rounds in each and a box magazine with 10 rounds. All these mags were not fully loaded as the gun was new and the spring was so strong that it was jamming rounds into the breech too hard, risking malfunction. The mags were underloaded to reduce the pressure. The other two both carried .303 Lee Enfield Number 4 rifles. There may have been a Winchester rifle in the car as well, but it was certainly not taken out.

One of the three men went round the back of the Bogside Inn block – taking the chance of being spotted from the Walls, although the M1 carbine can be easily concealed beneath a coat – and crossed Westland Rd into block of modern maisonettes directly opposite. He went straight up to the first floor balcony that looked directly out towards the barricade and Rossville street with a clear field of fire.

When the men dismounted from their car, there were plenty of people around; most cheered or encouraged them, and the old ladies were shouting 'be careful' etc. When the M1 man arrived on the balcony, people were looking out of their front doors which are not in the line of return fire. The Official fired one shot at a para standing beside the lead pig that had drawn up a little way beyond the barricade outside the Rossville Flats entrance. He doesn't think he hit the man, who didn't react at all; the M1 then jammed. Later he realised it was probably because he had not let the bolt slam back strongly enough when cocking the gun as is necessary to get the first round into the breech. This meant that gas escaped after the first shot was fired, and the loss of some of the gas pressure meant that the bolt was not forced back far enough.

The Official wrestled with his gun for a few minutes then decided to retire. He moved back in the same direction as he had taken before and the crowd came forward to cover him in the open stretch of Westland Street. He moved behind the Bogside Inn, to the area of the shops, still carrying his weapon; he then discovered, to his anger, that the Avenger had driven off. He doesn't know if the other two Officials went with it, he thinks not.

Near the barbers shop, he saw three or four Provos he knew by sight. One, he thinks, was carrying a carbine. He then moved into the car park behind the bogside inn and met another Provo he knew. This man had a .303 and a minute or so later, he fired a single shot towards troops who could be seen moving on the Walls in the vicinity of Roaring Meg, a famous cannon mounted there. The fire was returned immediately, three or four rounds of SLR [self-loading rifle] on semi-automatic, but the bullets didn't come near the area of the incident. A different car then returned to collect this Official and drove him back to the Creggan."

¹ Chapter 19

² S35-37

148.136 In his supplementary written statement to this Inquiry, Reg Tester made the following comments about these notes:¹

"Sunday Times Working Papers – S35 onwards

I note that Peter Pringle says that the Staff Officer he interviewed is me. I became friendly with Peter Pringle. He came to dinner with me quite recently when he was in Northern Ireland to give evidence to this Inquiry. When he came to my house he brought with him a bundle of notes of interviews he had with me although I do not remember any of these interviews.

The difficulty with the description given here is that part of it is right, and part of it is not. For example, the description of the route the car took, turning right immediately it got to Lecky Road, is wrong. As I have said previously, I parked at the foot of Westland Street and the car remained where it was until I came back from trying to fire the M1 Carbine. Also, where it says 'three of the men jumped from the car', this is incorrect. I was the only one who got out. I was carrying an M1 Carbine but I did not have two banana clips with the rounds specified, or a box magazine. I would not have been able to carry them. Comments about the magazines 'not being fully loaded because the spring was so strong as it was new' sounds right to me in general terms, but this cannot be a description of the ammunition which I carried. We did not have a Winchester rifle in the car. Further, where it says that the Official fired one shot at the Para standing beside the lead pig, this is incorrect. I aimed a shot but was unable to pull the trigger as previously indicated. Clearly I did not hit the man because I did not fire. A description of moving back in the same direction and moving behind the Bogside Inn into the area of the shops, carrying a weapon, is partly correct; I in fact

just got back into the car and we drove back up to the Creggan. The car was parked outside the flats in any event. There is no question that it had driven off as is suggested in this report. The report then says that ‘three or four Provos were sighted near the barber shop – one carrying a Carbine.’ I did not see that and I have no memory of it.”

¹ AT6.17

- 148.137** In his oral evidence to this Inquiry, Reg Tester accepted that it was not correct to say that all of the Official IRA's weapons, with two (his first statement) or three (his supplementary statement) exceptions, were in the two cars, since there were other weapons in a safe dump in the Bogside and perhaps one or two in a safe dump in the Creggan.¹ He also told us that, to the best of his recollection, when he had driven down from the Creggan, the other car had stayed there.²

¹ Day 414/30-32

² Day 414/51

- 148.138** Reg Tester marked on the following photograph the balcony to which he said he had gone with the M1 carbine.¹

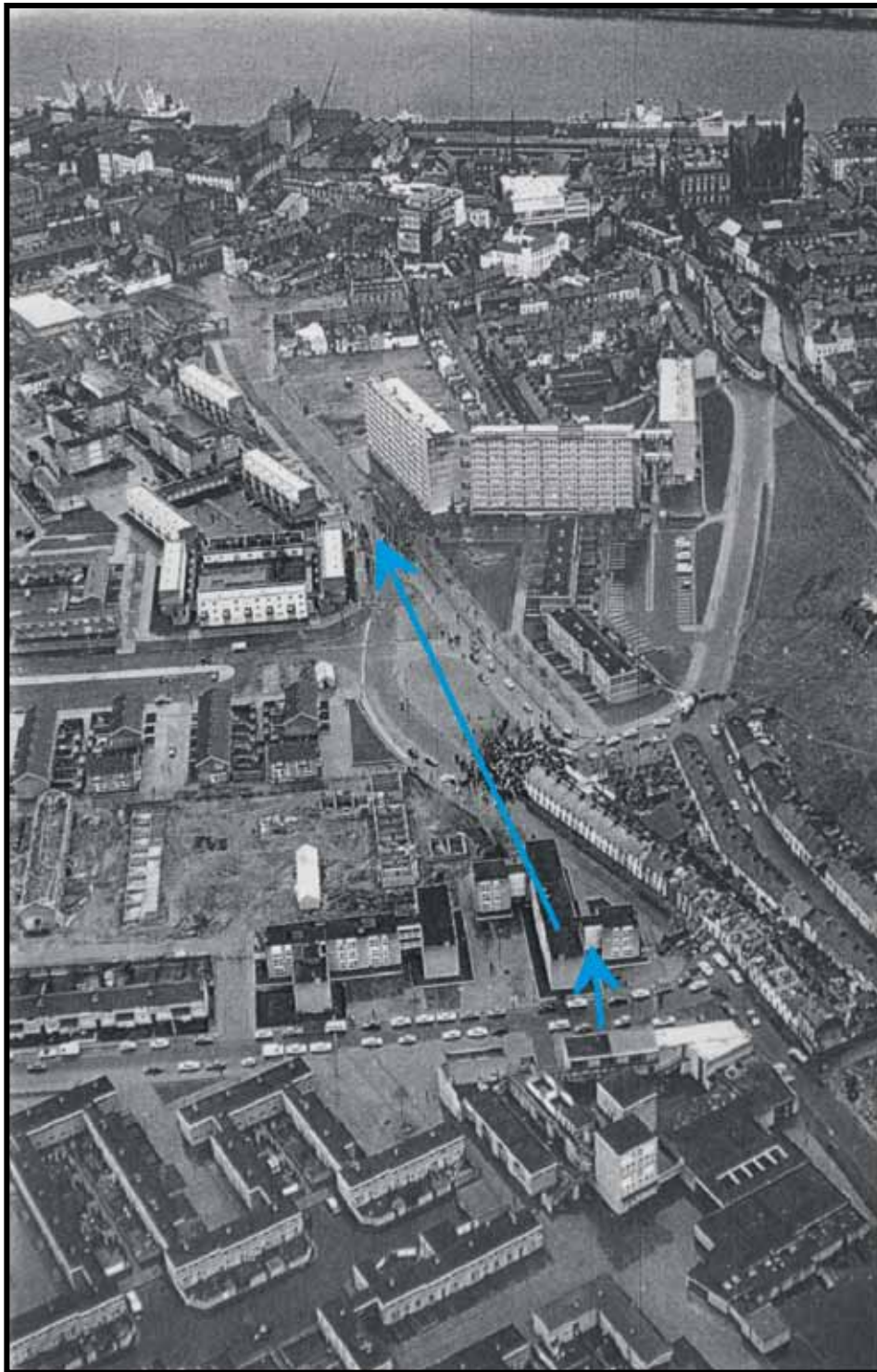
¹ AT6.19



- 148.139** Reg Tester initially told us that he had not fired his weapon and that the others with him had stayed with the car.¹ On a further photograph Reg Tester marked with a long blue arrow where he said he had aimed his weapon. The short blue arrow marked where he said he was.²

¹ Day 414/52

² AT6.20; Day 414/53



148.140 There was then this exchange:¹

“Q. Could we preserve that image as AT6.20. Were you aiming at an individual soldier?

A. Yes, only he moved, apart from anything else.

Q. Was there an Army vehicle nearby?

A. Yes, there was an Army Pig sitting just where the end of that arrow is.

Q. Could you see what the soldiers were doing?

A. No, I could not.

Q. Were there any ambulances around at that stage?

A. No.

Q. Or civilians?

A. Well, that is what I realised, after I had failed to get a shot off.

Q. Where did you realise there were civilians?

A. I could see them moving around and it suddenly dawned on me, bearing in mind that I was extremely angry and upset, like anybody else in my position, I wanted to strike back, but I realised after a minute that, thank God, that my rifle had jammed, because I could not see the soldier really clearly enough and there was still civilians wandering around.

Q. Whereabouts were the civilians wandering around?

A. Somewhere around the, where the end of the front block of flats is, there.

Q. Block 1, we call that Block 1.

A. Yes.

Q. You tell us that you were on this balcony for about five or six minutes; is that right?

A. Um, probably, yes.

Q. You say that you cannot really recall what you did after you had endeavoured to fire; is that right?

A. I can remember leaving the balcony.

Q. Yes?

A. I can remember returning the rifle to the car. What we did immediately after that, I cannot remember. I know that it would not have been very long. I would not have hung around there for very long, I would have gone back up to the Creggan.”

¹ Day 414/53-54

148.141 Reg Tester told us that he had no recollection of seeing cars (apart from his own) in or around Westland Street, the Bogside Inn or Meenan Square that had people with weapons in them, though he agreed that it was possible that he had seen people with weapons, including members of the Official IRA, but that this had faded from his memory.¹

¹ Day 414/56-57

148.142 A little later during the course of his oral evidence Reg Tester was shown the passage in Peter Pringle’s and Philip Jacobson’s notes where it described the Official IRA man firing one shot from the balcony.¹ He said that his recollection was that he had not fired, but at this stage agreed that it was possible that his recollection was faulty.² He was then asked:

“Q. Putting it broadly, is it possible that, understandably, your memory has played you false and that this account, which must have come from you, because you are the only man with an M1 carbine in this location at this stage, is it possible that this account, written down within about six weeks of the events, is accurate?”

¹ S36

² Day 414/61-62

148.143 His answer was “*It is possible. That is the best I can do.*”

148.144 In the following exchange, Reg Tester was asked about the policy adopted by the Official IRA regarding firing by its members on Bloody Sunday:¹

“MR CLARKE: Could we have on the screen, please, AT6.3, paragraph 16 on one side and could we have on the other side of the screen AT6.13, paragraph 45. In paragraph 45 you candidly admit in the second sentence that:

‘It is also the case that the Official IRA has been economical with the truth in relation to the firing of this shot.’

That is the shot across William Street. You say in the next sentence but one:

'The reason that we have been economical with the truth is that the Army Council decided at the time that there were to be no admissions that any shots had been fired. Indeed, that official line was never changed.'

Then you point out that the families have approached you and want you to come forward and tell the truth. Was the official line, in both senses, that is to say the line that was to be put forward by the Officials, that the Officials had never fired or that there were no volunteers who could have been carrying a weapon?

A. Um, I would say basically because, um, to have admitted any shots had been fired, um, would of course open the floodgates for the opposition to start handing out the accusations, trying to justify why they had massacred 13 people.

Q. I do not think I have made my question plain: what you say in paragraph 45 is that:

'The Army Council decided at the time that there were to be no admissions that any shots had been fired.'

If we could bring up on the right-hand side of the screen in place of paragraph 45, paragraph 56. At AT6.14 you use the expression there:

'I have stated above that the official line was that we had no volunteers who could have been carrying a weapon.'

Now, there is a difference between taking the line that nobody had fired and taking the line that no volunteers were carrying a weapon. Is it right that the official line was that no volunteers were even carrying a weapon?

A. I would imagine that would have been part of it.

Q. Could we come back, please, to paragraph 45 at AT6.13 on the right-hand side. You say that you had been economical with the truth. In paragraph 46, if we go down the page, you say:

'I do accept, however, that the wording of paragraph 16 of my first statement was deliberately vague because I did not want to openly concede something that went contrary to the Official IRA line.'

Could you identify for us what it was in paragraph 16 of your statement, which is on the left-hand side of the page, that was deliberately vague?

A. (Pause). To be quite honest, I am not too sure. There is nothing specifically vague about that paragraph.

Q. Were you thinking –

A. Not that I can see.

Q. Were you thinking of something else when you were saying that you had been deliberately vague in your second statement by reference to your first statement?

A. Quite possibly.

Q. One view that the Tribunal might be invited to take, which I would like to raise for your comment, is that the Official IRA could not realistically have maintained a fiction that no shots had been fired because the shot across William Street, the shot seen by Father Daly and Mickey Doherty's shot or shots at a soldier in Barrack Street were not realistically deniable and that it has therefore adopted plan B, which is to be economical with the truth about the circumstances in which the undeniable shots were fired and about other shooting which is deniable because it cannot be clearly laid at the door of the Official IRA; if that suggestion were to be made, is there any truth in it?

A. Um, for us to have, at those early stages, admitted quite openly that we had fired, whether it was one shot or two shots or three shots even, would have simply been to give the authorities all the scope they needed to excuse what they did.

Therefore, certainly for a long time, the fact that we had actually fired shots – and bear in mind that not everybody knew that those shots had been fired by any of their colleagues – um, it was simply played down, hushed up, if you like, but it does not really give any reason or excuse for what subsequently happened.

LORD SAVILLE: Mr Clarke, there are really two parts to your question, I think Mr Tester may have dealt with one, but it might be helpful to deal with the other.

MR CLARKE: Mr Tester, I quite follow what you say: that to accept in 1972 that the Official IRA had fired at all was thought to distract attention from what is said really to have happened, that the soldiers had killed and wounded a number of civilians without justification, but you would I am sure accept that in fact it is quite undeniable but that a number of shots were fired on the day by members of the IRA.

A. Well, you cannot deny it, no.

Q. Quite. There would, therefore, be no point in continuing to deny it in 2001, 2002 and 2003 because that would be ludicrous?

A. It would, which is why they have now been admitted.

Q. The suggestion that may, however, be made is that what has been admitted is that which cannot sensibly be denied but that there are other matters that have been denied or given a gloss because the evidence is not wholly plain as to what occurred; do you see what I am suggesting?

A. Yes.

Q. And amongst the members of the Official IRA has there been an attempt to play down, so far as possible, any evidence that might reflect badly on the Officials?

A. I do not think so.

Q. Do you know one way or the other?

A. No.”

¹ [Day 414/73-77](#)

148.145 In our view there is little doubt that, contrary to his stated recollection, Reg Tester did fire a shot from the balcony he described.

148.146 According to his supplementary written statement to this Inquiry, Reg Tester aimed but did not attempt to fire his rifle until after he had learned that people had been shot and he had seen an Army vehicle in the area of the entrance to the Rossville Flats, which must be a reference to the entrance to Block 1 of those flats. As we describe elsewhere in this report,¹ after the casualties had been sustained in the five sectors, but before some late shooting by soldiers directed at a flat in Block 1 of the Rossville Flats, an Armoured Personnel Carrier (APC) moved to the southern side of the rubble barricade to collect the three bodies lying at that barricade. In our view it was probably this APC that Reg Tester saw. In his oral evidence to this Inquiry he said that he had not seen any ambulances. Between about 4.30pm and 5.00pm there were, save for a short interval after about 4.45pm, one or more ambulances in Rossville Street.² The ambulances did not arrive until after the APC had gone forward to collect the bodies at the rubble barricade and had returned to the northern side of the rubble barricade.

¹ [Chapter 122](#)

² Elsewhere in this report ([Chapter 124](#)) we discuss in detail the arrival and departure times of these ambulances.

148.147 There is, however, evidence from soldiers, supported by radio logs, that at about 1610 hours a shot was fired over the Embassy Ballroom Observation Post (OP) from roughly this area; and that a few minutes later (about 1620 hours) a shot was fired from near the Bogside Inn at soldiers near Roaring Meg on the City Walls, in respect of which a soldier (Private AD) fired two shots in return. Later in this report¹ we examine the evidence relating to this firing, which we are sure took place.

¹ Paragraphs 151.32–47 and 151.57–79

148.148 According to the account he gave Peter Pringle and Philip Jacobson, soon after firing his shot Reg Tester went to the area of the Bogside Inn, where he saw three or four members of the Provisional IRA, one of whom he thought was carrying a carbine. He then moved into the car park behind the Bogside Inn and met another Provisional IRA man whom he knew. After a minute or so, this paramilitary fired a single shot towards troops who could be seen moving on the City Walls. The fire was returned immediately, three or four rounds of SLR on semi-automatic, but “*the bullets didn’t come near the area of the incident*”.¹

¹ S36

148.149 In our view this shot and the return fire was that which was recorded in Army radio logs as fired at about 1620 hours and which we discuss in detail later in this report.¹ It follows, on the basis of Reg Tester’s account to the *Sunday Times* Insight Team, that he fired his shot before this exchange of fire.

¹ Paragraphs 151.57–79

148.150 If this was the case, then Reg Tester must have fired at some stage before 4.20pm. It is not clear when the APC went forward to collect the bodies from the rubble barricade, though this was after all the casualties had been sustained and before the ambulances arrived. It is possible that Reg Tester might have muddled the order of events when giving his account to the *Sunday Times* Insight Team; and fired his shot after and not before he had witnessed the exchange of fire. In the end we have concluded that Reg Tester probably fired his shot at some stage between about 4.20pm and 4.30pm, namely after the APC had come forward to collect bodies from the rubble barricade and before the ambulances arrived in Rossville Street. This would fit with his description of what he saw when he went on the balcony. We should note at this point that in his evidence to us Reg Tester said that he did not see any members of the Provisional IRA or any

Provisional IRA activity when he arrived in the Bogside; but in our view this is another instance where his memory has proved fallible, in view of what he told the *Sunday Times* Insight Team about witnessing the exchange of fire.¹

¹ [AT6.12](#); [AT6.18](#)

148.151 The account of Reg Tester as recorded by the *Sunday Times* Insight Team is the only evidence we have that a member of the Provisional IRA fired a shot at soldiers near Roaring Meg on the City Walls. The evidence from the members of the Provisional IRA is to the effect that they fired neither this shot, nor any others, on Bloody Sunday, but only “symbolic” shots at a much later stage. In our view Reg Tester probably did witness a Provisional IRA member firing an earlier shot in the direction of the City Walls, though we cannot eliminate the possibility that this shot was fired by a member of the Official IRA.

148.152 On the basis of his evidence to us, Reg Tester could not have been responsible for the shot over the Embassy Ballroom OP, which we describe later in this part of the report,¹ and which occurred soon after soldiers had gone into the Bogside and before an APC had got to the position that he described. We have no evidence to indicate who fired this shot, since no-one has admitted to it and the paramilitary witnesses have, in effect, denied that there was any firing by them from this area at this early stage.

¹ [Paragraphs 151.32–47](#)

148.153 We now turn to consider other evidence that, in some respects, is inconsistent with some of the evidence given to us by Reg Tester.

Seamus Duffy

148.154 Seamus Duffy told us that in the courtyard near the Bogside Inn he saw Reg Tester and two other men, one of whom was armed, being told by someone to go away.¹ He marked the location with an arrow on the following photograph.²

¹ [AD190.3](#)

² [AD190.9](#)



148.155 Reg Tester disputed ever having been in that area,¹ but in view of Seamus Duffy's evidence, we consider that Reg Tester was probably wrong about this.

¹ [Day 414/163](#)

PIRA 14

148.156 PIRA 14's evidence was that he was among those confronting the troops at the rubble barricade, witnessed the shooting of Hugh Gilmour and, after the shooting, went to the Bogside Inn in the hope of meeting other members of the Provisional IRA. While there, he received an order that Provisional IRA members were to take no action. He saw five or six members of the Official IRA, each armed with a rifle, arrive and deploy in the Westland Street flats but said that he did not think that they fired.¹

¹ [APIRA14.3-5](#); [Day 421/101-102](#)

Maureen Fitzgerald

148.157 Maureen Fitzgerald was a Belfast resident who attended the march. She spoke to the *Sunday Times* Insight Team, who assessed her as "*a good witness, honest where she cant remember things*". It was also noted that her brother was a member of the Provisional IRA.¹

She gave the following account in 1972 to the *Sunday Times* Insight Team of events after the Army had opened fire and after she had seen two men, whom someone else told her were dead, lying behind a barricade (the location of which is uncertain):²

"after that i went back along towards the bogside inn and found myself in a little cul-de-sac parking area behind the flats. two cars drove into this area and the people around seemed to get rather angry, i suppose because they thought here was somebody who had just been driving around while the march was on. but the first car, i think it was two-tone, grey top and darker body, not very modern, stopped and the driver threw the door open and held up his hand with a rifle in it. he was about 28 or 30, dressed in a jacket and trousers, not in the green combat jacket thing and i am quite positive that none of the other men from the two cars – there were 6 in all, four in the first car and two in the second – were wearing combat jackets or berets, they were just ordinarily dressed.

I should have mentioned that about 15 minutes earlier, while i was sitting on a wall near the flats having a smoke, there were a group of about eight young men, i would say between 17 and 20, and they were dressed in green combat jackets but not wearing black berets. they were talking among themselves but quite openly. one said 'if the paras do come in this way, it will be a massacre, we haven't got any gear with us, it was all withdrawn because they said it was too risk[y] with the big crowd.' another one said 'ok. but they never reckoned on the fucking paras coming in like this.' other people, not IRA by the look of them, were saying 'where are the guns, we need some guns to defend us.'

anyway, when the two cars arrived, there were the six men and eye think four had rifles, one of which looked like a sort of machine-gun (pj; probably a thompson, we think there was one around there). two men had pistols, i am quite sure about that. the boot of the second car was opened up and they handed out some more rifles to the young men whom i had previo[us]ly seen talking, the ones with combat jackets on. they all moved off together in the direction of free derry corner, i imagine to take up firing positions, but i didnt hear any immediate firing from our area."

¹ AF20.4

² AF20.3

Johnny White (OIRA 3)

148.158 Johnny White (OIRA 3) told us that he attended the march, although he did not join at the beginning, and that he was initially in the company of two other volunteers, one of whom was OIRA 4.¹ According to his account, he was in Chamberlain Street or the area of the Rossville Flats when he heard high velocity fire; and at this point he lost contact with the other two volunteers.²

¹ [AOIRA3.4](#); [AOIRA3.7](#)

² [AOIRA3.5](#); [AOIRA3.7](#); [AOIRA3.19](#)

148.159 Johnny White also told us that on realising that the soldiers were shooting at unarmed civilians, he wanted the Official IRA to be able to retaliate, but they could not do so because there were no weapons in the Bogside. “*My best hope was that the boys on active duty in the Brandywell and Creggan would hear the shooting and come down with our weapons.*”¹ On his account, he said that he made his way to the area of Westland Street around the back of the Bogside Inn, which was the meeting place at which he knew volunteers would assemble, that he found angry but unarmed volunteers and civilians there, some wanting to take action and others saying that members of the Official IRA should not shoot because there were too many people in the area; and that the cars had not arrived and so no shooting was possible in any event.²

¹ [AOIRA3.21](#)

² [AOIRA3.21](#)

148.160 His evidence was that a handful of members of the Official IRA ended up around the Bogside Inn shortly afterwards when the two cars containing weapons arrived. It is unclear whether his reference to a “*handful*” included or excluded those who arrived by car.¹ He told us that there were still many civilians in the area so the members of the Official IRA decided to take no retaliatory action but to meet later that night to make a full report.

¹ [AOIRA3.22](#)

148.161 This evidence is consistent with John Barry’s note of his interview with OIRA 1:¹

“Went into Cable Street. Met [OIRA 3]. Who said ‘Where’s the weapons?’ [OIRA 1] said they were safe in the Bog. [OIRA 1] indicated that [OIRA 3] wanted to have a go, or at least was surrounded by people who wanted to have a go. But he was dissuaded.”

¹ [AOIRA1.2](#)

148.162 As we have observed elsewhere in this report,¹ there are doubts about many parts of the accounts given by OIRA 1.

¹ [Chapter 19](#)

148.163 The *Observer* galley proofs included the following account which is attributed to the “acting” OC of the Official IRA in Londonderry, Johnny White (OIRA 3):¹

“We fired only one shot in the area, and that was after the Army had finished shooting. A soldier went into the street by himself and our man covering Rossville Street thought he could get him.

‘He fired one shot and then realised it would be dangerous to go on because, although the immediate street was clear, people were huddled in doorways and running to safety whenever the firing stopped.

‘Two shots were fired by our volunteer covering Bishops Street. Those were the only shots we fired.’”

¹ [ED24.9](#)

148.164 It is possible that the reference to the shot fired by the man covering Rossville Street is a reference to the firing by Reg Tester. However, we are not sure about this, since according to the *Observer* galley proofs it would not fit with the account attributed to Johnny White (OIRA 3); the man covering Rossville Street was stated in the galley proofs to have been a marksman on duty covering Rossville Street from the corner of William Street and Rossville Street.

148.165 In his second written statement to this Inquiry, Johnny White dealt only very briefly with the *Observer* galley proofs, commenting that he had no recollection of meeting anyone from the *Observer* and denying that the Official IRA had posted a marksman (as the *Observer* report also recorded) in the Little Diamond.¹

¹ [AOIRA3.33](#)

148.166 We have noted earlier in this report that, in significant respects, the evidence given by Johnny White (OIRA 3) to this Inquiry is inconsistent with other evidence.

148.167 There is other evidence about the presence of paramilitaries with weapons in the area of the Bogside Inn.

Kevin Clifford

- 148.168** Kevin Clifford told us that he recalled seeing a man with a gun, he thought near the Bogside Inn, around the junction of Westland Street and Lecky Road, who was moving northwards from between Free Derry Corner and the Bogside Inn:¹

“The man was hiding the gun on his right hand side under his coat or jacket as if he was trying to disguise it. I don’t know what sort of gun it was, but it was not big enough to be a rifle. There were a lot of people about and someone said something like ‘It’s a stickie’.”

¹ [AC67.2](#)

Bernard Heaney

- 148.169** Bernard Heaney told us that after everything had gone quiet and he was walking up Westland Street, a couple of cars “*came flying down*” but stopped before they got to Lecky Road. He recalled seeing six or eight men getting out of the cars, some carrying weapons, and his impression was that there were two or three rifles. He told us he believed that the men ran in a north-easterly direction through the houses up towards Free Derry Corner, but he did not actually see where they went, as he decided to get away.¹

¹ [AH52.4; Day 107/193-196](#)

Donal Deeney

- 148.170** Donal Deeney gave us the following account of seeing members of the Official IRA in the area around Meenan Square about half an hour after the shooting had ended:¹

“Nearby I saw a few stickies (by which I mean members of the Official IRA). They were coming out of a house with a rifle but I cannot remember where the house was. One guy looked particularly tense and said that he was going to take up a position in the Bogside. I only recall seeing one rifle, which the man seemed to be hiding under his coat. All the Provos were guarding the Creggan.”

¹ [AD26.7](#)

- 148.171** In his oral evidence he said that there were two or three Stickies (members of the Official IRA).¹ He did not know them but, from their faces and the fact that they had only one gun among three men, he believed that they were Stickies.² He said that he knew through gossip that the Provisional IRA was guarding the Creggan.³

¹ [Day 86/65](#)

³ [Day 86/66](#)

² [Day 86/66](#)

Noriyuki Kunioka

- 148.172** Noriyuki Kunioka was a student and a freelance reporter for Japanese publications. He told the Widgery Inquiry that after he had seen a wounded person put into a car near St Columb's, he saw a man in Westland Street with a weapon that he thought was a rifle. The man was escorted by two other young people, and disappeared behind a building in the direction of Free Derry Corner.¹

¹ [M48.2](#); [M48.5](#)

Michael Harkin

- 148.173** Michael Harkin was a Private in the Irish Army. A senior officer made a record of what Michael Harkin had told him. Part of this record was in the following terms:¹

“1. A short time after the shooting had occurred a car containing 3 masked men arrived in the area & enquired what was going on as they had heard shooting. Some of the people said to them ‘Where were you fellows the British tps are shooting the people’. One of the men said ‘Is that right’ or words to that effect. He had a revolver. He got out of the car and the car then reversed and went away but the man with the revolver went in the direction of the British troops. Within a few minutes the car arrived back with another car. There were about 6 or 7 men in the cars & they were all armed – Thompsons – Revs. – and a Rifle. One of the men said ‘We will give covering fire to the people in order to let them get out’. They went off in the direction of the Brit tps. [Michael Harkin] heard more shooting after this but is NOT sure who fired them and at this stage people were dispersing & he went home. I questioned him as to why the armed men were NOT on the March and [Michael Harkin] thinks that they were left behind to protect the vacated houses in the Creggan and Brandywell and also to protect the marchers from the rear from British tps who might attack them from that direction.”

¹ [AH25.3](#)

Tony Quigley

148.174 Tony Quigley told us that after he had seen Bernard McGuigan shot, he crawled to the area of the Bogside Inn. His account continued:¹

“When I reached the Bogside Inn, I saw about three hundred people standing around. These people were talking about what had just happened and were fearful that the army were going to come further into the Bogside. I also remember seeing a man walking south down Westland Street towards the Bogside Inn. This man was carrying a rifle. I gained the impression that that man had just driven down Westland Street and parked his car a few yards to the north of the Bogside Inn although I don’t remember him getting out of the car. The man said that he was going to take on the British army. The man was tall, fairly muscular with fair hair. He was aged between 25 to 30 and dressed in ordinary clothes although I cannot remember any details about what he was wearing. The people standing near the Bogside Inn protested and told him to go. I remember them telling the man with the rifle that he would make matters worse if he fired at the army and that this was exactly what the army wanted him to do. Eventually the man melted away into the crowd and I didn’t see him again.”

¹ [AQ7.4](#)

Sunday Times

148.175 The draft report that Murray Sayle and Derek Humphry wrote for the *Sunday Times* a few days after Bloody Sunday contained the following passage:¹

“The IRA did, however enter the picture after the Army shooting ceased. IRA Men on the march included the head of the Bogside provisional organisation, name to come, who was seen by a number of witnesses early on the march. The IRA provisional group had a hasty conference when the shooting began and according to a young woman who was present decided to do nothing. The official group at the march however sent an urgent call for gunmen and one ‘active service unit’ arrived some minutes after the last army shots were fired. This consisted like all IRA active service units of four men armed with two .38 pistols, a .303 Army rifle and a .22 hunting rifle with a telescopic sight.

One of those men fired one pistol shot at long range towards the Army but does not claim he hit any soldier. This shot was the last one fired in the engagement and we believe the only one fired at the Army – we can find no witness among dozens who

heard or saw any other. Every Catholic present at the demonstration to whom we have talked, and they include priests and doctors, supporters of both wings of the IRA, and people opposed in varying degrees of vehemence to the IRA, are unanimous that the IRA played no part whatever in provoking the Army operation or fighting back, other than the shot mentioned above. In the atmosphere of shock grief and horror which has followed the shootings (see Sayle story) it is inconceivable that the tightly-knit Bogside community would not lay at least some part of the blame on the IRA if in this case they deserved any.”

¹ [M71.29](#)

- 148.176** This draft report made no mention of the firing by OIRA 1 from Columbcille Court or of the firing by OIRA 4 in the car park of the Rossville Flats, or of that witnessed by Fr Thomas O’Gara and others, or of other incidents of firing, all of which undoubtedly occurred during the shooting incidents in the five sectors and which we have discussed in the course of our consideration of the events of those sectors. It is possible that the reference to a man firing a long-distance shot with a pistol might have been a reference to Reg Tester, though his account is that he had a rifle. If it was not Reg Tester, we have no evidence to indicate who it might have been.
- 148.177** We now turn to consider the evidence of a meeting of the Command Staff of the Londonderry Official IRA on the evening of Bloody Sunday, before setting out our general conclusions on the activities of the Official IRA in Londonderry on that day.

The meeting of the Official IRA Command Staff

- 148.178** There was evidence that the Command Staff of the Londonderry Official IRA met on the evening of Bloody Sunday. Johnny White (OIRA 3) told us that he was informed at that meeting that two volunteers had fired a shot towards the GPO or the Presbyterian church, and that he took the view that this was a defensive shot and one permitted by the standing orders.¹ He also told us that he learned that another member of the Command Staff, who had been carrying a handgun for personal protection, had fired two shots at the Saracens (APCs) in the area of the Rossville Flats. According to Johnny White, he was aware that the shots were fired defensively; and that the man who had fired said that nobody appeared to have noticed his shots and that the Army did not return fire.² He stated that he learned at that meeting of the volunteer in Barrack Street having been shot.³

¹ [AOIRA3.5-6](#)

³ [AOIRA3.22](#)

² [AOIRA3.6](#)

148.183 It seems to us that the firing by Reg Tester (which we have discussed above) might well be one of these incidents. Others might include the firing reported by Private AC or that at the Mex Garage, which we consider below,¹ but there is nothing to suggest that Johnny White was referring to incidents occurring before or during the shooting of the casualties in the five sectors.

¹ [Chapter 151](#)

General conclusions on the activities of the Official IRA

148.184 We have no doubt that there was significant Official IRA activity in the five sectors during Bloody Sunday, though in our view this did not provide an explanation for why soldiers targeted and hit people who were not posing a threat of causing death or serious injury. We formed the impression that a number of former Official IRA members were at pains at this Inquiry to try to disown or distance themselves from this activity.

148.185 As with the Provisional IRA, we have concluded that, with the exception of the shot fired by OIRA 1 at a soldier near the Presbyterian church (which we have discussed in the context of our consideration of the events of Sector 1¹), there is no evidence that suggests to us that other members of the Official IRA used the march for the purpose of engaging the security forces with guns or bombs.

¹ [Chapter 19](#)

148.186 As we have already observed when considering the organisation and activities of the Provisional IRA, Fr Denis Bradley described the Official IRA as a “*different and disparate*” group compared with the Provisional IRA. “*It was an old Catholic thing. They were seen as Marxist left wing and were not particular about who joined them. They were inclined to be considered ‘gangsterish’. There were some very irresponsible people in their organisation.*”¹ We accept this view. Thus we regard with some scepticism the evidence of former members of the Official IRA that they were well organised and disciplined and kept tight control of their weapons. Although we cannot be certain, we are of the view that it is likely that much if not all of the paramilitary activity in the five sectors, to which we have referred in our consideration of the events of those sectors, was that of members of the Official IRA, though we cannot exclude the possibility that there was some Provisional IRA activity as well.

¹ [H1.7](#)

148.187 Our assessment of the evidence considered in this part of the report is that Official IRA members in vehicles, two of the vehicles carrying weapons, arrived in the area of the Bogside Inn after all the casualties had been sustained in the five sectors and all or virtually all the firing by soldiers who had gone into the Bogside had ended; and that Reg Tester then fired one shot towards the soldiers who had come into the Bogside. We are not persuaded that other shots were fired at this stage at those soldiers. We examine in more detail later in this report¹ the shot fired at the Embassy Ballroom OP and that (attributed by Reg Tester to the Provisional IRA) fired at soldiers near the antique cannon Roaring Meg.

¹ [Chapter 151](#)

148.188 Our examination of the evidence considered in this part of the report has revealed nothing that suggests to us that the activities of the Official IRA in the area of the Bogside Inn led to any of the shooting in the five sectors that resulted in the casualties in any of those sectors.

148.189 In the course of considering the events of Sectors 1 to 5, in which civilians were killed or wounded by Army gunfire, we drew attention to evidence of paramilitary firing in those sectors and expressed our conclusions on that firing. After discussing below the evidence relating to the Fianna, we turn to consider other incidents of paramilitary firing outside the five sectors (apart from that by Reg Tester) and there consider whether it is possible to identify whether the Official or the Provisional IRA was responsible for that firing.

Chapter 149: The Fianna

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- 149.5** The evidence of Patsy Moore was that he had had a scoutmaster role in the Fianna in Derry until the end of 1970.¹ He was shown Royal Ulster Constabulary (RUC) intelligence material that suggested that he was in charge of the Fianna in January 1972 but denied that this was accurate.² He accepted that the Fianna was a republican youth movement but denied that it was affiliated to any other republican group.³

¹ AM505.1-2; Day 403/5-7

³ Day 403/10-11

² Day 403/9-10

- 149.6** Patsy Moore said that he ceased to be involved following the split in the republican movement. He thought that some boys left the Fianna at that stage but did not know whether they went on to form another Fianna.¹

¹ Day 403/18-19

- 149.7** OIRA 9, OC of the Official IRA in Londonderry until interned in late January 1972, told us in his written statement to this Inquiry that an Official Fianna and a Provisional Fianna formed after the split in the republican movement.¹

¹ AOIRA9.5

- 149.8** Patrick Ward, whose evidence we consider below, said that there was a Fianna before the IRA split into the Official and Provisional IRA. After the split, there was no Official Fianna but only a Fianna attached to the Provisional IRA.¹

¹ Day 385/13

The existence of an Official and a Provisional Fianna in January 1972

- 149.9** In our view the Fianna probably did split into an Official and a Provisional Fianna. There is a conflict over whether this happened shortly after the split in the principal movement or whether, as Gearóid Ó hEára and PIRA 24 suggested, the Fianna allied itself with the Official IRA immediately after the split. According to these witnesses, members of the Official Fianna then broke away to form a Provisional Fianna in the weeks before Bloody Sunday.

- 149.10** PIRA 24, OC of the Provisional IRA Derry Brigade, told us that members of the Official Fianna joined the Provisional Fianna after the Official IRA had released a British soldier, Private INQ 2245, whom the Official IRA had kidnapped.¹ This kidnapping occurred on 17th–18th January 1972.²

¹ APIRA24.3

² C2245.4

149.11 The account given by Gearóid Ó hEára, to the effect that a split occurred in October or November 1971, is corroborated to an extent by information contained in the record of an RUC interview in the early 1970s with an individual whose name has been redacted but whose identity is known to us. The interviewee is recorded as saying that he had been urged to join the Official Fianna by Gerald Donaghey who had, at that time, returned from Limerick. As appears elsewhere in this report,¹ Gerald Donaghey was convicted of disorderly behaviour in May 1971 and sentenced to six months' imprisonment. The evidence is that he fled to the Republic of Ireland and was convicted in his absence, but gave himself up in August 1971. He was then imprisoned, and was released from prison on 31st December 1971. The interviewee would appear to have been in contact with Gerald Donaghey on the latter's return from the Republic. The interviewee went on to say that he became fed up with the Official Fianna's policy and was urged by Martin McGuinness to join the Provisional Fianna:

"I got fed up with the Officials' policy. When we were out at night Martin MCGUINNESS would come around in a car and talk to us. He asked us to join the Provo organisation. (Pudger) Paddy O'HAGAN was with the Officials at that time and he also left and many others also. Paddy O'HAGAN then started the Fianna Eireann [...]. [...] joined [...]. We met at an old shop in Meenans Pk. [...] was our training officer. We were trained in the use of Thompson SMG, M1 carbine, .303 rifle and Sterlings also shortarms. Mad Dog DOHERTY also gave us some instructions on arms. We were then told to do intelligence work and watch out for a build up of troops, etc, so as it would be known when a raid was to take place. Two places they formed up was on the quay or the back road into Creggan. All information at that time was left in [...] of Stanleys Walk. We were told that we were in the Fianna not in the 'Army'. We also had to watch the RUC station and take the number of private cars. We fired the .22 rifle [...]. Also the .45 automatic which [...] gave us."

¹ Paragraphs 126.3–6

149.12 As we have noted above, Gearóid Ó hEára's evidence was that he was in January 1972 the leader of the Provisional Fianna. For reasons given below, we are of the view that this was the case. Accordingly we consider that Gearóid Ó hEára was the witness best placed to provide an account of the existence and state of the Provisional Fianna at the time of Bloody Sunday.

- 149.13** The evidence of Martin McGuinness was that there were two Fianna groups at the time of Bloody Sunday, one supporting the Provisional IRA and the other the Official IRA. He denied having sought to persuade people to join the Provisional Fianna.¹ However, we consider that Martin McGuinness probably did make efforts to recruit people to the Provisional Fianna.

¹ [KM3.87](#); [Day 390/27](#)

The activities of the Official Fianna

- 149.14** On the basis of Gearóid Ó hEáira's evidence, the Official Fianna had very few members at the time of Bloody Sunday.¹ By that stage it may more or less have ceased to exist or to carry on any significant activities. The evidence suggests, and in our view it was probably the case, that the Provisional Fianna in January 1972 consisted largely of former members of the Official Fianna. Further, these members appear to have transferred allegiance because the Provisional IRA offered more exciting opportunities than those offered by the Official IRA.

¹ [Day 406/118](#)

- 149.15** Patsy Moore was adamant that the Fianna, when under his charge, had no involvement in arms training or in any military activities other than marching.¹ He said that while boys would pass the word around if they saw Army or police patrols, this was something that everyone did.²

¹ [Day 403/20-33](#); [AM505.1](#)

² [Day 403/37-39](#)

- 149.16** According to Dermot Liddy, Fianna members ranged in age from eight to 18. There were about 20 of them at any one time. His evidence was that although they learned to drill and took part in republican commemoration ceremonies, the Fianna did not have access to weapons or explosives. Dermot Liddy said that he would not have permitted the Provisional or Official IRA to involve his boys in paramilitary activity.¹

¹ [Day 408/65-66](#)

- 149.17** Dermot Liddy was shown RUC documents in which interviewees are recorded as having said that Fianna members underwent weapons training and undertook intelligence-gathering tasks. He said that he had no knowledge of Fianna members being involved in these activities.¹

¹ [Day 408/70-79](#)

149.18 Gearóid Ó hEára said that from August 1971 he was one of the leaders of the Official Fianna. He told us that ties with the Official IRA were loose; there was no Official IRA liaison officer with whom the Fianna dealt.¹ He said that Fianna members aspired to join the Official IRA and hung around the fringes of the Official IRA, undertaking low-level tasks such as selling papers or making door-to-door collections. They did some drilling but had no access to weapons or explosives, underwent no weapons training and did not assist in the transport of arms or explosives.²

¹ Day 406/90

² Day 406/91-92

149.19 OIRA 9's evidence was that the Fianna did not have access to weapons or explosives.¹

¹ AOIRA9.5

149.20 There is within the intelligence documents material that suggests that the Official Fianna was involved in paramilitary activity. The following text comes from the first page of an interview conducted by RUC officers in the early 1970s. We have seen the unredacted version, which provides the name of the interviewee and the date of the interview. The interviewee is reported to have given details of Fianna activities in which Gerald Donaghey was involved:

"This was how one could join the Fianna Scouts. (Official). I went and seen Patsy MOORE at his house. He said I could join. [...] I returned a second time to his house along with about 7 or 8 others, their names I don't remember. He started talking about politics, Wolf Tome and such things. I left when he started talking politics and a few months later I was told by Gerald Donaghey (shot on Bloody Sunday) that there was a camp coming up. [...] I lost contact with the scouts for a while then and [...]. I was contacted by Gerald Donaghey who asked me to go back again. DONAGHY told me that they had been trained in the use of arms when they were away at the camps which were in the Limerick area. [...] told me to come back. DONAGHY and I went up to an old house near Creggan shops. There was a big man there and he said he was a TO (was or is interned). There was about 5–6 others there. We were instructed on the use of a Thompson SMG and a Sterling SMG. We also done some drill. Another boy gave a talk on politics. We understood [redacted] was the OC. We were not allowed to have any arms and we were told do intelligence work. [...] stayed out most Saturday nights – lookout for army patrols."

- 149.21 Gearóid Ó hEára said he was in the Limerick area with Gerald Donaghey in 1971. He told us that he was certain that Gerald Donaghey had not undergone arms training while the two of them were in Limerick. They attended drill camps once or twice and undertook outdoor pursuits at these camps but did not receive weapons training.¹ Gearóid Ó hEára agreed that the Official Fianna undertook intelligence work.

¹ Day 406/94-95

- 149.22 Gearóid Ó hEára was also asked to comment on other intelligence documents that contained assertions about the activity of the Official Fianna. One was the following:

“About [...] 1971 I joined Fianna Na H'Eireann. [...] asked me to join. He was then Recruiting Officer. Dermot LIDDY... was OC/..O. Patsy MOORE... Adj, Denis McFEELY [Donncha MacFicheallaigh], [...] IO.

Members were: Subject, [...], SL [...]

I attended meetings at Dermot LIDDY'S house in We discussed Republicanism/ Revolution. We met every third Tuesday. Gerry O'HARA [Gearóid Ó hEára] used to find out information about the Army and Police and he would also give us lectures. He was trying to get information about Special Branch men and their cars. He had about 7 Special Branch mens cars numbers, they nearly all had 'COL' or 'ROI' in the registration. O'HARA [Ó hEára] used to get his information from his girl [...], who was also going with a soldier. They had information about George R...and LIDDY said he had seen higher authority about him and that something was going to be done. R... was supposed to be watching our movements from the banking at the Essex Factory. O'HARA [Ó hEára] also got information about how to make the brakes fail on Army lorries. McFEELY reported about watching a Police jeep from Fairview and he wanted Dermot LIDDY to get higher authority from the IRA to blow it up.

I attended two long weekend training sessions at Fahan, Co Donegal. We travelled down in a mini-bus, which was always driven by Patsy MOORE. All the boys I have mentioned attended. We trained in the use of M.1. Carbine, SLR [self-loading rifle], Garrand and 2 Winchester Sports .303 rifle, Thompson SMG [sub-machine gun] & .22 rifle. Patsy MOORE showed us how to strip and assemble the guns. We done marching and climbing the mountains with the guns. There was ammunition but we never got firing any. The guns were kept in the IRA house at Fahan. [...] also gave us training. This all took place in 1971. About six years after I joined Fianna I was asked to join the IRA by Patsy MOORE. I didn't join.”

149.23 Gearóid Ó hEára said that he did not recall Patsy Moore having the role of adjutant or the Fianna being sufficiently formal and organised to meet on a regular basis or to discuss political issues. However, he accepted that he used to try to find out information about the Army and police, including details of police cars, and would pass the information on to those who manned the barricades, who were sometimes members of the Official IRA. He would also give this sort of information to the Catholic Ex-Servicemen's Association.¹ He did not accept that all the information concerning his activities in the documents cited above was accurate and said that to the best of his knowledge there were never Fianna camps at which arms training was given.²

¹ Day 406/100-102

² Day 406/104

149.24 There is another note of an interview conducted by the RUC in the early 1970s. We have seen the unredacted version that provides the date of the interview and the name of the interviewee. In this document, the interviewee is recorded as having said that in about August 1971 "*Gerry O'Hara*" (Gearóid Ó hEára – the English spelling is used) took away from the scene of a shooting a .303 rifle that had been used by "*Denis McFeely*" (Donncha MacFicheallaigh) in an attempt to shoot a soldier. The same interviewee is also reported to have said that Gearóid Ó hEára took part in a burglary in Londonderry in mid-July 1971. Gearóid Ó hEára, in his oral evidence, denied any knowledge of the shooting incident and said that he was in the Republic of Ireland until about 20th August 1971. He suggested that the interviewee might have felt under pressure to name people involved in paramilitary activity and so had named someone whom he (the interviewee) knew to have been out of the country at the relevant time.¹

¹ Day 406/106

149.25 Donncha MacFicheallaigh's evidence to this Inquiry was also that he was not a member of any republican organisation in August 1971 and at that time had no access to weapons.¹ He told Peter Taylor that his recollection of the Fianna was that it was not a military organisation and although its members may have rioted they were not involved with bombs or guns.² He told Peter Taylor that he was not an IRA or Fianna member before Bloody Sunday and that the death of Gerald Donaghey was one factor that led him to join the Provisional IRA.³

¹ AM7.84

³ I109-116

² I109

149.26 The representatives of the majority of represented soldiers suggested that the intelligence material available to the Inquiry "*clearly suggests*" that the Official Fianna existed in January 1972.¹ These representatives further suggested that those Official IRA members

who did not recall the existence of an Official Fianna must have been lying.² As to these suggestions, we have already expressed the view that by the time of Bloody Sunday the Official Fianna was either non-existent or, because it had so few remaining members, more or less inactive. We can see no purpose that could have been served by witnesses falsely denying to this Inquiry the existence of the Official Fianna in the early part of 1972.

¹ FS7.514

² FS7.518

149.27 The representatives of the majority of represented soldiers refer to Gerald Donaghey and Donncha MacFicheallaigh as “*alleged*” members of the Official Fianna at the time of Bloody Sunday.¹ However, this seems to ignore the evidence of Gearóid Ó hEára to the effect that Gerald Donaghey was a member of the Provisional Fianna on 30th January 1972, which we discuss below; the record of the death of Gerald Donaghey in *Tírghrá*, which commemorates the lives of members of the Provisional Republican Movement; the denial of Donncha MacFicheallaigh that he was a member of the Fianna in January 1972; and the evidence of Gearóid Ó hEára that the interview note which named him and Donncha MacFicheallaigh as members of the Fianna contained factual inaccuracies and accused him of activities in Londonderry at a time at which he, Gearóid Ó hEára, was in Limerick.

¹ FS7.518

149.28 Our assessment of the evidence is that Gerald Donaghey is likely to have been a member of the Official Fianna before switching allegiance to the Provisional Fianna. We also consider it likely that Official Fianna members were given some arms training, but of a kind that probably did not involve the firing of weapons.

The activities of the Provisional Fianna

149.29 In his oral evidence to this Inquiry, Gearóid Ó hEára said that he and others switched allegiance to the Provisional Fianna because the Provisional Fianna seemed a more energetic, exciting and dynamic group than the Official Fianna. He denied that the attraction was that the Provisionals could provide weapons training. He agreed that the

Provisionals were attractive because they appeared to be doing more than the Officials to challenge British occupation, but maintained that the role of Provisional Fianna members in challenging that occupation was non-military:¹

“... the rules were quite clear – Fianna members were engaged in street activity, in rioting activity and the bulk of the resistance to the British incursions was in the form of mass riots where hundreds of people drove them out. So Fianna members were involved. If they wanted to become involved in military activity against the British, then they knew the route to go, which was to apply to join the Provisional IRA.”

¹ Day 406/107-108

149.30 In his second written statement to this Inquiry, Gearóid Ó hEára told us:¹

“The role [of the Fianna] was within the no go area with its barricades to provide a 24 hour surveillance and warning system. The role was to watch for strange cars and movements of the British army and to report on developments in riots. The Fianna acted as eyes and ears of the no go areas, but members were not involved in military activity. I know this from personal experience, because all activities were channelled back to me and I passed it on to the liaison officer. It is nonsense to suggest that the Fianna would have been told about any military operation planned by the Provisional IRA. We were literally a scout organisation which was linked to a military organisation. However people in the military side respected the integrity of the Fianna. There was a clear demarcation line and the Fianna did not even get involved in scouting for military operations. Young people were not put at risk in that way.”

¹ AO79.10

149.31 Gearóid Ó hEára said that Fianna members were not involved in the movement of explosives.¹ Individuals might have provided premises for use as dumps but would not have done so in their capacity as Fianna members.²

¹ Day 406/193

² Day 406/194

149.32 Gearóid Ó hEára's evidence was that the throwing of nail bombs was not part of the role of the Fianna. He said that he was not aware of any Fianna member between August 1971 and 30th January 1972 being in possession of a nail bomb.¹

¹ Day 406/130-133

149.33 PIRA 19 said that in 1972 he considered himself one of a group of youngsters on the fringes of the Provisional IRA but, with hindsight, thought that he would probably have been classed as a Fianna member. His evidence was that the youngsters were not involved in finding dumps for IRA weapons.¹ He said that he belonged to a group who met regularly in derelict shops on Lecky Road opposite the Bogside Inn, acted as lookouts for IRA robberies and kept an eye on troop movements. The leader of the group was Gerry O'Hara (Gearóid Ó hEára).² PIRA 19 said that he was sworn in shortly before Bloody Sunday and assigned to the Waterside "section".³ He told us that before Bloody Sunday he had no access to weapons or explosives;⁴ and that before Bloody Sunday field training in Donegal was not offered to the group of youngsters.⁵ It was not clear from PIRA 19's evidence whether he was sworn in shortly before Bloody Sunday to the Provisional IRA or to the Fianna. In our view it is more likely that it was to the Provisional IRA.

¹ [Day 416/151](#); [Day 416/159](#)

⁴ [Day 416/150](#)

² [APIRA19.1-2](#); [Day 416/144](#)

⁵ [Day 416/160](#)

³ [Day 416/149](#)

149.34 Gerard "Mad Dog" Doherty said that he had never been a member of the Fianna and could not comment on its activities. However, as a member of the Bogside section of the Provisional IRA at the time of Bloody Sunday, he told us he could say that Fianna members were never involved in IRA operations. Fianna members were not attached to his IRA section. He said that he knew Gerald Donaghey by sight but did not know him to be a member of the Fianna.¹

¹ [Day 400/28](#)

149.35 Gerard "Mad Dog" Doherty was shown an RUC document in which an interviewee is reported to have said that Gerard "Mad Dog" Doherty gave arms training to Fianna members. Gerard "Mad Dog" Doherty said that he did so, but only after Bloody Sunday.¹ The same interviewee is reported as having said that the Fianna was disbanded after Bloody Sunday. Gearóid Ó hEára said that it was his understanding that the Fianna had continued for many years after Bloody Sunday.² We do not know whether the Fianna was disbanded soon after Bloody Sunday or continued to exist.

¹ [Day 400/29](#)

² [Day 406/117](#)

149.36 PIRA 24, OC of the Provisional IRA in Londonderry in January 1972, also gave an account of the role of the Fianna. In the following passage he was referring to the situation in mid-January 1972:¹

“At that time, we had no Fianna because we didn’t want young lads of that sort of age around. However, a number of Fianna members came over to join us together with 6 or 8 senior members of the Official movement. The Fianna, at that stage, was affiliated to the Officials, not us. I gave orders that a proper eye should be kept on these young Fianna members. Someone from our headquarters was appointed to keep an eye on them and to act as a Liaison Officer. This was just a volunteer and not a Command Staff member, but he was to make sure that the youngsters stayed out of trouble and to stop them from rioting. Of course, they used to hang around on the fringes, but we never formalised this grouping into an established Fianna. We didn’t ignore them. The volunteers would know who the young lads were and would speak to them. Some of the lads had been schooled by the Officials in their Fianna before coming over, but I don’t think even the Officials gave them weapons or weapons training. We certainly didn’t after they had moved over to us. I knew Patsy Moore as someone who came out of the British Army and was in the Territorial Army. There is no way the young lads were used by the Provisionals for nail bombing or on operations. All we did with these keen lads who hung around was keep an eye on them to see that they were loyal and behaved themselves.

I felt a certain responsibility for wee’uns like that. They had no real role. Maybe they brought us information from time to time and we let them do that because it made them feel good. They would feel two feet taller if we spoke to them, and it helped them with the girls. They were proud to be able to say that they knew so and so in the Provisional movement. We did not use them to scout out military operations or to keep an eye on the movements of the security forces or the places like the police station or Army barracks. They enjoyed themselves and ran about in a few cars. They were not seen, at that stage, as a pool of recruits. A number of names of ex-Fianna people have been put to me, but I would not necessarily know who they all were and, for example, I did not know Gerry O’Heara [Gearóid Ó hEára], although I understand that he has said to the Inquiry that he was one of the leaders of these young fellows, and whose job it was to deal with our Liaison Officer. That may be so, but I do not remember it now.”

¹ [APIRA24.4](#)

149.37 He also told us:¹

“I have been asked about whether we used to use the Fianna or younger volunteers for operations. Frankly, we had volunteers enough that we didn’t need to use the young fellows. If I had used any of the younger fellows, I would have had a mutiny on my hands. If a young fellow had thrown a nail bomb, questions would have been asked about why the young fellow got the nail bomb and not one of the volunteers. The same goes for use of weapons. It simply didn’t happen.”

¹ [APIRA24.7](#)

149.38 Martin McGuinness’s evidence was that the Fianna was basically a scouting organisation. He said that he believed that the members had thought of the Fianna as providing a training ground for later membership of the Provisional IRA. He had no doubt that they had taken part in drilling and training but said that they had no access to explosives or weapons of any description.¹

¹ [Day 390/24](#)

149.39 Martin McGuinness said that no-one associated with the Provisional IRA was involved in training members of the Fianna, although a lot of members, on leaving the Fianna, went through the IRA’s recruitment procedure.¹ He said that he would not have regarded the Fianna associated with the Provisional IRA as a Catholic boy scouts’ organisation but neither would he have regarded it as an organisation involved in military preparations or military attacks on the British Army. He thought that the members had been engaged in drilling and non-military activities such as preparing for attack. He told us that he did not believe that they had been trained in the use of guns or explosives.² He also said that members of the Fianna would not have been allowed to have access to weapons and explosives. He regarded a person of 16 as a child and held the strong view that nobody of that age should be involved in any military activity. However, he said that it was possible that 16-year-olds, who had not told the truth about their ages, had been members of the Provisional IRA.³

¹ [Day 390/37](#)

³ [Day 391/43](#)

² [Day 391/38-41](#)

149.40 Martin McGuinness told us that he did not believe that members of the Fianna could have gained access to weapons or explosives without his knowledge.¹

¹ [Day 391/58-60](#)

149.41 PIRA 17, the Quartermaster of the Provisional IRA Derry Brigade, told us that at no time were arms or explosives available to the Fianna.¹ According to his evidence, the Fianna never moved or stored weapons and never trained with weapons.² He stated that he did not know the identity of the OC of the Fianna and had no dealings with the Fianna.³ He went on to give a more detailed explanation of the reasons for which Fianna members were not given weapons:⁴

“I have said that we needed to keep a very tight control on the weapons and explosives which we had. Possession of a weapon gave someone a power they would not otherwise have. It was therefore essential that they were tightly controlled. I was very conscious of that. I wanted to ensure that nothing untoward happened by way of a knee jerk reaction to anything that happened in Derry or Belfast or anywhere else. For that said reason, I needed control of the weapons in our possession. That was my job as Quartermaster and I did it to the best of my ability on 30th January 1972. We were very aware of the danger of having anything loose. Therefore, the idea of giving 15 and 16 year olds weapons with which to run around Derry and risk our support is ludicrous. If anything had gone wrong we would have borne some responsibility for this. There just was no room for mavericks and they were not tolerated.”

¹ [APIRA17.9](#)

³ [APIRA17.9](#)

² [APIRA17.9](#)

⁴ [APIRA17.10](#)

149.42 William Anderson, a member of the Creggan Company (who was suspended from the movement at the time of Bloody Sunday), told us in his written statement to this Inquiry:¹

“From my recollection, the Fianna would have been used as lookouts if at all on operations if anybody was having a crack at the army. They were only young boys of about 15. They did not have access to weapons or explosives. I would not think that they would have been trained in weapons as they were too young.”

¹ [APIRA18.8](#)

149.43 In his oral evidence to this Inquiry, William Anderson said that he had never had any contact with the Fianna.¹

¹ [Day 408/3](#)

149.44 Eddie Dobbins said that he was a member of the Creggan Battalion of the Provisional IRA in the city in January 1972. His recollection was that there was a Provisional Fianna and that members of it were linked to the Provisional IRA battalion in the area in which

they lived. He thought that at most six Fianna members had been associated with the Creggan Battalion. He recalled that they received lessons from Battalion members in Irish history and were inducted into the republican movement but were not, to his knowledge, given arms training.¹ He said that Fianna members would be used to scout an area before an operation and when explosives or weapons were being transported. They would not have handled weapons or explosives, including nail bombs.² A Fianna member who had obtained a dump for the IRA might, however, have taken explosives or arms out of that dump and handed them to members of the IRA who would then transport them.³ He said that he was not aware of any orders being given to the Fianna about their conduct on Bloody Sunday, but that the OC of the Creggan Battalion was responsible for the Fianna members and might have given any orders.⁴ The OC of the Creggan Battalion (Company) was PIRA 23.

¹ Day 399/86

³ Day 399/142

² Day 399/87-88

⁴ Day 399/90

149.45 PIRA 23's evidence was that "*I had very little to do with the Fianna. If I recall correctly, they were a group of boy scouts. They would not have had access to weapons.*"¹

¹ APIRA23.4

149.46 Gearóid Ó hEára said that Eddie Dobbins was mistaken in his belief that at the time of Bloody Sunday a Fianna section was attached to each battalion of the Provisional IRA. Gearóid Ó hEára said that this might have been the position at a later stage.¹

¹ Day 406/122

149.47 The representatives of the majority of represented soldiers relied on the evidence of Eddie Dobbins in submitting:¹

"It would seem, therefore, that the Fianna had a more involved role than some suggest. The very existence of the Fianna signified the involvement of a group of young people in the activities of the Provisional IRA in Derry."

¹ FS7.416

149.48 However, in the extracts from the oral evidence of Eddie Dobbins on which these representatives relied,¹ the following passage appears, after the answer "*Yes, they had took them from the house and given them to us, that was it*" is omitted (though replaced with dots to show the omission):²

“Q. They were involved –

A. You are trying to say that they [the Fianna] were using explosives and using weapons, they were not and they never did.

Q. They did not and never did, according to you, Mr Dobbins –

A. Yes.

Q. – because they had no access to them, they did not even know where the dumps were?

A. If a member of the Fianna got a dump he would [have] known where it was because he had got the dump.”

¹ FS7.415

² Day 399/143

149.49 In our view Eddie Dobbins’ evidence was that a Fianna member would only have had involvement in handling weapons or explosives if these were being taken from a dump that the Fianna member had himself provided. Eddie Dobbins was the only Provisional IRA member (other than Patrick Ward, whose evidence we consider below) to suggest that the Fianna had access of any sort to arms or explosives. The representatives of the majority of represented soldiers did not refer to Gearóid Ó hEára’s evidence: (a) that Eddie Dobbins may have been referring to the situation that existed during a period after Bloody Sunday; and (b) that individuals may have provided dumps but would not have done so in their capacity as Fianna members.

149.50 In our view, at the time of Bloody Sunday, there was in the city a Provisional Fianna, with something of the order of 15 to 20 members.¹

¹ Day 390/23; Day 406/165

149.51 We do not accept the submission of the representatives of the majority of represented soldiers that “*The very existence of the Fianna signified the involvement of a group of young people in the activities of the Provisional IRA in Derry*”,¹ if this submission is intended to suggest that members of the Fianna handled arms or explosives on a regular basis. We have concluded that in January 1972 the Provisional IRA did involve at least some Fianna members in its activities, using them as lookouts and the like, but before Bloody Sunday did not issue them with firearms or bombs for use by them against the security forces, though they may have received some arms training. Fianna members may also have handled weapons or explosives in the course of moving them from a dump

they had themselves provided. We return below to the question of whether on Bloody Sunday the Provisional IRA used members of the Provisional Fianna in a different capacity.

¹ [FS7.416](#)

149.52 Elsewhere in this report¹ we have expressed the view that by Bloody Sunday Gerald Donaghey's involvement with the Fianna was with or principally with the Provisional Fianna. We have concluded that it is probable that he was in possession of four nail bombs when he was shot in Abbey Park on Bloody Sunday. We return below to the question of how he came into possession of these nail bombs.

¹ [Chapters 125–145](#)

The identity of the leader of the Provisional Fianna

149.53 As noted above, Gearóid Ó hEára told us that he became leader of the Provisional Fianna in October or November 1971. His told us his role was a nominal one; he was the leader of a group of leaders and was recognised as such largely because it was he who dealt as Fianna representative with the Provisional IRA's Liaison Officer.¹

¹ [AO79.9](#)

149.54 Eddie Dobbins said that he knew the identity of the Fianna OC but was not prepared to name him. When it was put to him that Gearóid Ó hEára claimed to have been the OC at the time, he replied "*I have no reason to disbelieve him*".¹

¹ [Day 399/137](#)

149.55 PIRA 19 described himself as having been a member of the younger element on the fringes of the Provisional IRA. He told us that he did not regard himself at the time as being a member of the Fianna, but he did confirm that Gearóid Ó hEára was in charge of the group of youngsters to which he belonged.¹

¹ [APIRA19.1-2](#)

149.56 Patrick Ward also claimed to be the leader of the Provisional Fianna in 1972. His claim was not supported by the evidence of any other witness. Gearóid Ó hEára told us that he had a vague recollection of Patrick Ward being on the periphery of the Fianna but thought that this might have been at a time after Bloody Sunday.¹

¹ [AO79.10](#)

149.57 There are intelligence documents that identify Gearóid Ó hEára as a member of the Official and Provisional Fianna. Three documents contain unredacted references to Patrick Ward. The first two documents are notes of two interviews with him conducted by the RUC in January 1974. In these interviews Patrick Ward is recorded as having said that he classed himself as a member of the Provisional IRA. He did not refer to any Fianna activity. The third document, which is part of an interview of someone else, identifies Patrick Ward as a member of the Provisional IRA. The date of the document has been redacted but we are aware of it. In our view it is likely that Gearóid Ó hEára was the leader of the Provisional Fianna at the time of Bloody Sunday.

Instructions given to the Official Fianna

149.58 OIRA 2 told us that he recalled that there was a Fianna affiliated to the Official IRA.¹ He said that he had no involvement in the Fianna but thought that the Official IRA Command Staff would have given orders to the person in charge of the Fianna about the way in which the Fianna should behave on the day of the march.²

¹ [Day 392/17](#)

² [Day 392/19](#)

149.59 OIRA 1 thought that there was no Fianna with any direct link to the Official IRA in January 1972 and that the Official IRA would not have given any instructions as to the way in which Fianna members should behave on 30 January.¹

¹ [Day 395/16-17](#)

149.60 Dermot Liddy said that he had instructed the Fianna members not to get involved in any rioting on 30th January.¹ However, on his own account, he was not aware of any split within the Fianna. It may be that he was giving instructions to boys who in fact no longer recognised his authority. No member of the Official IRA Command Staff has admitted to having given or known about any instructions to members of the Official Fianna. As we have noted above, it seems to us that by the time of Bloody Sunday the Official Fianna was either non-existent or, because it had so few remaining members, inactive.

¹ [Day 408/89](#)

Instructions given to the Provisional Fianna

149.61 Gearóid Ó hEára told us that as OC of the Fianna he reported to a member of the Provisional IRA who had been appointed to act as Liaison Officer between the Provisional IRA and the Fianna. He was not prepared to name that officer and, although he confirmed that the officer was still alive and offered to ask that officer whether he would come forward to the Inquiry, the officer did not give a statement and was never traced.

149.62 According to Gearóid Ó hEára, on the Saturday before Bloody Sunday he was approached by the Liaison Officer and was told that there was to be no activity on the march on the following day; he was ordered to ensure that all Fianna members knew this. Gearóid Ó hEára's evidence was that in any event the Fianna never engaged in paramilitary activity. He took the instruction to mean that Fianna members were not to "push up front" or to engage in any disturbance.¹ He said in his oral evidence that all Fianna members obeyed the order, as far as he was aware. He did not know of any Fianna members having taken part in the rioting that day.² He denied that he had himself thrown stones on Bloody Sunday.³

¹ AO79.13

³ Day 406/139

² Day 406/192

149.63 PIRA 19, the witness who regarded himself in the days leading up to Bloody Sunday as a junior member of the Provisional IRA but agreed that he was then probably a member of the Fianna, told us in his written statement to this Inquiry that:¹

"The general talk was that nothing would happen [on Bloody Sunday]; there was no order as such. We were told that because nothing was going on, we could go on the march if we wanted to."

¹ APIRA19.4

149.64 In his oral evidence he said that he could not recall any order being given.¹ However, his evidence indicated that he was sworn into the Provisional IRA on the Thursday before Bloody Sunday and became a member of its Waterside section.² It is accordingly unclear whether he was referring to general talk among the youngsters or among Provisional IRA volunteers or both.

¹ Day 416/166

² Day 416/149

149.65 We now turn to the very different account that Patrick Ward gave us of the orders given to the Provisional Fianna.

Patrick Ward

149.66 Patrick Ward first came to the attention of the Inquiry on the publication in 2001 of *Martin McGuinness: From Guns to Government*, the unauthorised biography of Martin McGuinness written by Liam Clarke and Kathryn Johnston. In that book, the authors attributed to Patrick Ward an account of various paramilitary activities carried out on Bloody Sunday by members of the Provisional IRA and Provisional Fianna. Patrick Ward gave a written statement to this Inquiry and gave oral evidence.¹

¹ [Day 385/7-138](#); [Day 386/1-147](#)

149.67 The book contains the following passage:

“Paddy Ward, at 17, was in command of the Derry Fianna. He met McGuinness late the night before Bloody Sunday in one of the four or five lock-up garages at the back of the Bogside Inn that were surreptitiously used by the IRA. McGuinness told him to bring the Fianna to the garage the next day before the march and handed him a list of targets. The targets were all premises around the Guildhall and included the tax office; Liptons (the shop where McGuinness had once worked); a bank; a travel agency, which McGuinness said belonged to a Burntollet UDR [Ulster Defence Regiment] man who had attacked the People’s Democracy marchers in 1969; Chada’s shoe store and the Guildhall itself. That Sunday lunchtime, McGuinness and two IRA men handed Paddy Ward and the other seven Fianna members in the garage two nail-bombs each. ‘McGuinness told us to join the march when it moved off from the Bishop’s Field. When we got to the Guildhall, McGuinness told us to pick our target and throw the nail bombs at it. He told us that this was to cause havoc once we got into the city centre.’”

149.68 The authors then describe events later in the afternoon:

“Paddy Ward and the other seven Fianna members were at the head of the parade, as McGuinness had instructed them. But the army had erected a barricade blocking William Street, which led to the Guildhall. McGuinness sent another IRA man to call off the operation. Gerry ‘Mad Dog’ Doherty intercepted Ward just after he had dispatched his team so that they were ready to take action. ‘Mad Dog said it was too risky to go on. The army had put a spanner in the works because they erected a barricade and we were to bring the gear back. We rounded up everybody except for one, Gerry Donaghy. He was just out of jail after doing six months for rioting. We ran

back to behind the Bogside Inn and left the gear there where we got it. There was nobody there, we just ditched the gear in the lock-up. The crack then was that we went back and threw stones at the Brits at Sackville Street.' Years later Gerry Doherty did go on to bomb the Guildhall, reducing it to rubble."

149.69 The following quotation is attributed to Patrick Ward:

"The first one I saw firing a shot was the Major at the barricade in Sackville Street and he pulled out a short arm, which was on a rope or lanyard. His first shot got Damian Donaghy, Bubbles. Then he shot John Johnston at the corner of Colm Bradley's pub – nobody could believe their eyes. I remember myself and another man were sheltering behind this sheet of tin when the Brits were firing rubber bullets at us – we were coming out from behind it and throwing stones at them. Your man just came out and let go. Bang bang, two went up. After that, there was just a mad rush up Rossville Street in panic."

149.70 Patrick Ward is recorded as having seen an Official IRA man with a rifle towards the end of events. He is then quoted as telling the authors:

"We got a car, a mark 2 Cortina estate, and parked in St Columb's Wells with a load of gear in it, rifles. We made the mistake that if you go across St Columb's Wells, halfway across the houses are high and then they just stoop down to low houses. We had parked in front of the low houses and the soldiers on the walls could see it. We ran back to get the car, I got into the car and started it and they fired a shot at us through the roof. I can even tell you the registration of that car, it was RAT 141 G, I'll never forget it. We reversed up St Columb's Wells again and headed out to the Lecky Road checkpoint. At that point there were people going down everywhere. After that we heard more shooting and we headed towards Brandywell. One IRA man, Chick Donnelly, had got himself stuck in a doorway halfway down Hamilton Street. It was a gateway to the Brandywell showgrounds where they play football. We started shooting at the checkpoint so the Brits kept their heads down – they had a sandbag post on top of the old Foyle Road milk depot. As we were firing, the man got away. We reported that to McGuinness because Chick was one of his men."

149.71 "*Chick Donnelly*" was the pseudonym of Martin "Ducksie" Doherty, who was also given the cipher PIRA 9.

149.72 Liam Clarke interviewed Patrick Ward on 8th April 2001. The information provided during the interview formed the basis for the accounts concerning Patrick Ward that appeared in the book. There is a transcript of the interview.¹ The information provided by Patrick Ward during the interview is fairly accurately reflected in the book. However, the transcript records a slightly different account of the events of Saturday and the early part of Sunday from that given in the book. It also provides details of the means by which Patrick Ward claimed that he and other Fianna members obtained nail bombs for use on Bloody Sunday:²

“A. ... on the Saturday we were briefed on what to do, the Saturday before Bloody Sunday. We were all at a meeting at the back of Bogside, and in this was a lock-up garage that they had. And we were issued with stuff.

Q. Who was – who was the bloke at the meeting?

A. McGuinness.

Q. Martin McGuinness?

A. McGuinness and a guy by the name of [...] ... There was somebody else there too ... He was one of the [Keenans] as well. He was [Colm Keenan's] older brother. He might have been [Sean], he was named after the Dad, isn't he? He'd be still around, [Sean Keenan]? ... But we were briefed on what to do. When the march started, we were supposed to be at the beginning of the march. Well, we got into the Guildhall square, you picked, you were supposed to pick your target, whoever it was. The tax office was there at the time which taxed the cars. The Guildhall itself, the shops, all that sort of thing. One of them was a travel agent (inaudible) a UDR man from Bally Burndenet ... There was Chada's shoe store, that was supposed to go, the bank next to [Wellworths] ... Is [Wellworths] still there?

Q. I think it is, yes.

A. Liptons is across the street in the corner ... There was a good twelve of us that day with nail bombs.

Q. So you were told on the Saturday – this was a meeting for the Fianna?

A. Yes, yes...

Q. And were you given the nail bombs on the Saturday?

A. We picked them up on the Sunday about an hour before the march started.”

¹ X2.40.4-55

² X2.40.22-23

- 149.73** Later in the course of the interview Patrick Ward said that there were eight Fianna members armed with nail bombs. He said that Gerard “Mad Dog” Doherty had instructed them to abandon the plan to attack buildings but did not say that “Mad Dog” had done so on the instructions of Martin McGuinness.¹

¹ [X2.40.25](#)

Patrick Ward’s evidence to this Inquiry

- 149.74** The written statement of Patrick Ward to this Inquiry¹ was more detailed than and differed significantly from the account given to Liam Clarke. Patrick Ward’s oral evidence was largely consistent with his written statement.²

¹ [AW8.1-37](#)

² [Day 385/7-138](#); [Day 386/1-147](#)

- 149.75** In his written statement Patrick Ward told us¹ that Martin McGuinness and another man attended a Fianna meeting on the Thursday before Bloody Sunday and discussed with the six Fianna members present (who included Gerald Donaghey) the action that the Fianna should take on 30th January. It was agreed that Fianna members would be armed with nail bombs and would mingle with the crowd. Patrick Ward and another volunteer were ordered to go to the city centre in order to select suitable targets. Martin McGuinness made it clear that any attack was to take place after the marchers had dispersed. Martin McGuinness told Patrick Ward to meet him on Friday evening to discuss the plan. After the Thursday meeting, Patrick Ward and another went into the city centre “*to do a recce*”. Patrick Ward identified targets and also locations from which two Fianna members, one armed with nail bombs and one with nail bombs and a short arm, could cover the others.

¹ [AW8.8-10](#)

- 149.76** According to this account,¹ on Friday Patrick Ward met Martin McGuinness and told him of the targets selected. The Fianna already had explosives to make nail bombs and Martin McGuinness said that detonators would be supplied. It was agreed that on Saturday night the Fianna members would make up the nail bombs. The members made up 16 bombs, two for each member of the section, in a garage at the back of the shops in Beechwood Avenue. The bombs consisted of nails encased in gaffer tape, wrapped around gelignite and placed in a can. The bombs were placed in a stolen green Cortina, registration number RAT142G. Six Fianna members then went down to Guildhall Square

to choose targets for the following day. In his oral evidence to this Inquiry, Patrick Ward explained that the targets themselves were selected on Thursday and on Saturday the targets were allocated to individual members.²

¹ AW8.10-11

² Day 385/74

149.77 Patrick Ward told us that at about midday on Sunday, he and three other Fianna members drove the Cortina to the back of the Bogside Inn. Patrick Ward and one other met Martin McGuinness and Colm Keenan, who said he was the Provisional IRA Explosives Officer. Colm Keenan supplied detonators, which Patrick Ward then fitted to the nail bombs. Patrick Ward went to meet the remaining Fianna members at a bookmaker's shop on the corner of Westland Street and Ebrington Street and brought them back with him to the car, in which the nail bombs had been placed. At about 12.30pm the eight Fianna members, including Gerald Donaghey, were issued with two nail bombs each. One had a short arm. Each member was wearing a parka, the standard Fianna "*uniform*". The Fianna members did not intend to stay together and did not intend to march all the way from Bishop's Field.¹ Patrick Ward parked the Cortina in St Columb's Wells and walked back up towards the Bogside Inn. Later he headed towards William Street with the intention of meeting the march there and discovered that there was no prospect of the Fianna members being able to reach Guildhall Square. As Fianna OC, he decided to call off the operation. He and three other Fianna members who had joined him returned their bombs to the car. Two of them then went to find the other Fianna members. Patrick Ward joined the rioters in Little James Street.²

¹ AW8.11

² AW8.12

149.78 The written statement continues:¹

"It was about then that the first shots I heard that day were fired. I am certain I saw the first shot which was fired when I was standing with others behind a sheet of corrugated tin on the wasteground on the corner of Little James Street and William Street throwing stones at the Brits. There was me and three or four others there when I saw an 'army officer' walk out from between the shields of a row of soldiers who were being pelted with stones on the waste ground in approximately the position I have marked on the attached map at point C (grid reference O/09) [the waste ground northern side of Aggro Corner], pull out a short arm attached to a lanyard at his waist and fire two pistol shots. I assumed that he was an officer as only officers carried short arms. I recall that he wore some sort of peak cap. I thought to myself – 'Shit, those are live ones'. I also thought – 'why is he doing that? Is it a cue for the rest to

start?’ I did not see exactly where the shots were fired but they were roughly in a south westerly direction towards William Street and where I was standing. I did not see what he was shooting at. I subsequently heard that Bubbles [Damien] Donaghy and John Johnston had been hit in the area, and I thought later that they could have been hit by those shots.

The firing of these two pistol shots caused me, and others, to run away. I started to run quickly up Rossville Street in the direction of Free Derry Corner. There was then a stampede with soldiers charging in from everywhere and panic set in amongst the marchers. My mate and I ran up Rossville Street keeping towards the left hand side of the street (east) and ran along the west side of Block 1 of the flats with people falling or diving everywhere.”

¹ AW8.13

149.79 Patrick Ward went on to tell us that he heard self-loading rifle fire before he reached the Rossville Flats. He saw two people falling on the barricade as he ran past it. As he came around the corner he saw “*Barney McGuigan with a handkerchief in his hand and he got hit*”.¹

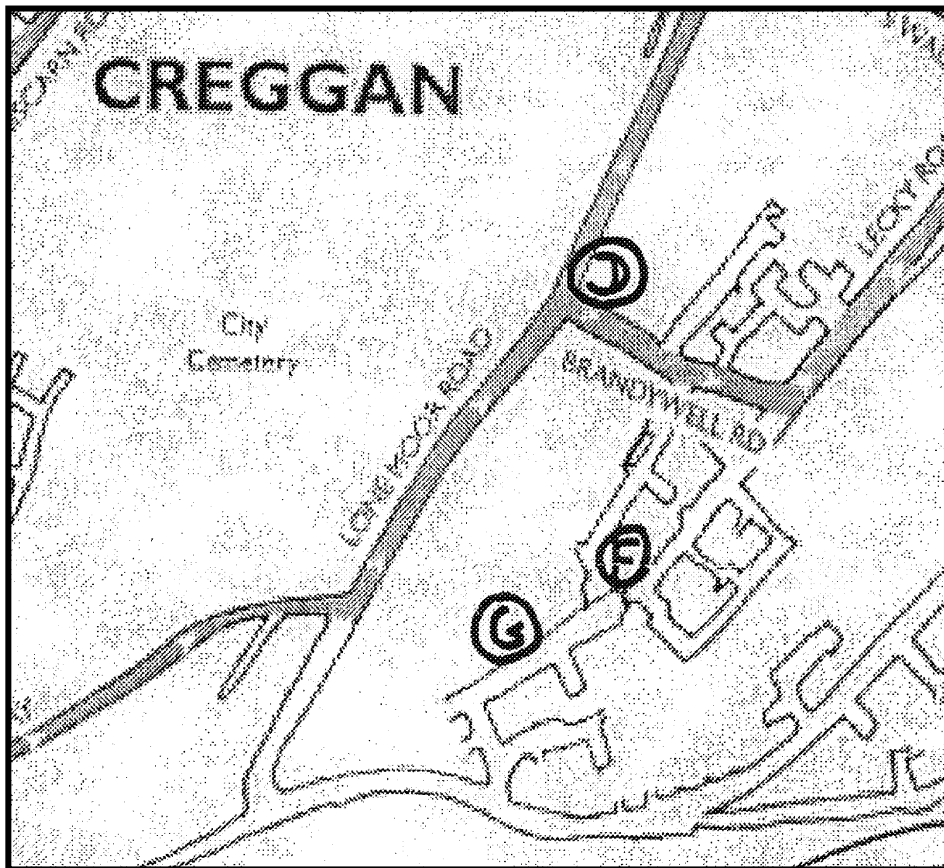
¹ AW8.14

149.80 Patrick Ward stated that he reached the Cortina and that he “*jumped into the car and the others piled in as well*”.¹ In his oral evidence to this Inquiry he said that he was with three other Fianna members but that only he and one other climbed into the car.² As he started the car a shot was fired through its roof.³ He drove the car to a Fianna arms dump, left the nail bombs there and removed from the dump a .303 and an M1 carbine. These weapons were put in the Cortina. Ward and his companion/s then drove towards Hamilton Street, seeking a target (ie a soldier). They saw a man, whose name has been redacted from the statement but who was Martin Doherty (PIRA 9), who was pinned down in a doorway, at the point that Patrick Ward marked “G” on the map below.

¹ AW8.14

³ AW8.14-15; Day 385/115

² Day 385/111; Day 386/105



149.81 According to Patrick Ward, Martin Doherty had obviously been shooting at the Army post on the roof of the old City Dairy next to the Mex Garage. It seemed that the soldiers had located and fired at him. Patrick Ward and one or more others fired at the Army post using the .303 and the M1 carbine. They fired about five shots with the .303 and 12–15 with the M1 carbine. Martin Doherty took the opportunity to get away.¹

¹ [AW8.15](#)

149.82 Patrick Ward told us that he then returned to the Fianna dump and left the M1 carbine and the short arm there.¹ There were 200–300 rounds of ammunition in the dump. He stated that he took some ammunition for the .303 and, alone, went to the home of his then girlfriend, Tina McGilloway. He ran into the garden of the house and fired at a helicopter circling overhead. He thought that he had clipped it. He then put the .303 in the car, left the car at Beechwood Avenue and walked down to the Bogside. He met three other members of the Fianna whom he had not seen since issuing them with nail bombs.

They were in possession of the nail bombs issued to them but did not have those issued to Gerald Donaghey. They told him that Gerald Donaghey had been shot. Of the 16 nail bombs, 14 were returned.

¹ [AW8.15-16](#)

- 149.83** Patrick Ward stated that while he and the others were in the area of Westland Street and the Bogside Inn, he saw Reg Tester carrying a .303. He did not see Reg Tester fire it but asked him whether he was going to fire.¹ In his oral evidence to this Inquiry he said that he thought that this incident occurred shortly before 6.00pm.²

¹ [AW8.16](#)

² [Day 385/129](#)

- 149.84** Patrick Ward told us that he was sure that Gerald Donaghey was wearing a parka.¹

¹ [AW8.18](#)

A comparison between Patrick Ward's account to the authors of *Martin McGuinness: From Guns to Government* and his account to this Inquiry

- 149.85** Liam Clarke and Kathryn Johnston initially provided to this Inquiry a summary of Patrick Ward's interview. When he made his written statement to this Inquiry, Patrick Ward dealt at length with the discrepancies between the account given in that summary and the account that he gave to this Inquiry.
- 149.86** Later, Liam Clarke and Kathryn Johnston provided a tape of part of Patrick Ward's interview (including the passages dealing with Bloody Sunday). That tape was transcribed for the Inquiry. In identifying discrepancies between the accounts given at various times by Patrick Ward, we have relied on the transcript as evidence of Patrick Ward's first account to Liam Clarke, not on the summary or on the account provided in *Martin McGuinness: From Guns to Government*.

Summary of the discrepancies in the accounts

- 149.87** Counsel to the Inquiry prepared a summary comparison of the accounts given by Patrick Ward to this Inquiry with the account that he gave to Liam Clarke in respect of eight issues. We set out below Counsel's summaries of these issues, which we have found to be accurate.

(i) The meetings before the march

Account to Liam Clarke

On the Saturday before Bloody Sunday the members of the Fianna were briefed by Martin McGuinness and Sean Keenan Junior. They were told to be at the front of the march and, on reaching Guildhall Square, to pick a building as a target.¹

Account to the Inquiry

On the Thursday before Bloody Sunday Martin McGuinness and another man attended a regular Fianna meeting. It was agreed that Fianna members would be armed with nail bombs on 30th January. After the meeting Patrick Ward and another volunteer went to the city centre to select suitable targets and on Friday Patrick Ward told Martin McGuinness of the targets selected. Martin McGuinness agreed to provide detonators.²

¹ X2.40.22

² AW8.9-11

(ii) The creation and distribution of the nail bombs

Account to Liam Clarke

Fianna members picked up the nail bombs from the lock-up garage behind the Bogside Inn about an hour before the march started. The bombs were issued by “Mr Keenan” (almost certainly a reference to Sean Keenan Junior)¹ and Martin McGuinness. Each Fianna member was given two bombs and was allocated a target. The Fianna members all went to the front of the march.²

Account to the Inquiry

On Saturday night the Fianna members made up 16 nail bombs in a garage at the back of the shops in Beechwood Avenue, placing them in the stolen Cortina, RAT142G. Six members of the Fianna then went down to the Guildhall to choose their targets. At about midday on Sunday Patrick Ward and three other Fianna members drove the car to the back of the Bogside Inn and met Martin McGuinness and Colm Keenan. Colm Keenan supplied the detonators which Ward then fitted to the nail bombs. At about 12.30pm the eight Fianna members were issued with two nail bombs each. One was holding a short arm. The Fianna members did not intend to stay together and did not intend to march all the way from Bishop’s Field.³

¹ Day 386/41-43; Day 386/78

³ AW8.10-12

² X2.40.23-24

(iii) The abandonment of the nail-bombing operation

Account to Liam Clarke

Gerard “Mad Dog” Doherty came to the Fianna members, told them that it was too risky and told them to bring their gear back. The Fianna members could not find Gerald Donaghey. All of them except Gerald Donaghey brought their nail bombs back to the Bogside Inn and disarmed them.¹

Written statement to the Inquiry

Patrick Ward headed towards William Street, discovered that the Fianna members would not be able to reach Guildhall Square and decided to call off the operation. He and three other Fianna members returned their bombs to the car. Two then went to find the other Fianna members.²

Oral evidence to the Inquiry

When he was asked about the allegation, reproduced in *Martin McGuinness: From Guns to Government*, that Gerard “Mad Dog” Doherty had come to the Fianna members and told them that it was too risky for them to continue with the nail-bombing operation, Patrick Ward replied “*That was something inserted by Liam Clarke, out of context*”.³ It was not.

¹ X2.40.25

³ Day 386/65

² AW8.12

(iv) The shooting of Damien Donaghey and John Johnston

Account to Liam Clarke

Patrick Ward saw a Major in Sackville Street pull out a short arm and fire the first shots fired on Bloody Sunday, shooting Damien Donaghey and then John Johnston.¹

Account to this Inquiry

Patrick Ward saw an officer, who was in the area between William Street and Prince Arthur Street, fire two shots from a pistol. He did not see the officer’s targets but learned later that Damien Donaghey and John Johnston had been shot in that area and thought that the officer might have shot them.²

¹ X2.40.25-26

² AW8.13

(v) Events after the shooting of Damien Donaghey and John Johnston*Account to Liam Clarke*

After the shooting of these two men, Patrick Ward returned to the Cortina, which was parked in St Columb's Wells. He did not refer to any incident that he witnessed on the way to the car.¹

Account to this Inquiry

As he headed towards the car, Patrick Ward saw two people fall on the rubble barricade. He then saw Bernard McGuigan being shot.²

¹ [X2.40.26](#)² [AW8.13](#)**(vi) The registration number of the Cortina***Account to Liam Clarke*

The registration number was one that Patrick Ward would never forget and was RAT141G.¹

Account to this Inquiry

The registration number was RAT142G.²

In fact, both of these numbers were registered to commercial vehicles. The numbers were issued in Hull in the late 1960s.³

¹ [X2.40.25-26](#)³ [AW8.61-65](#)² [AW8.10](#)**(vii) Events at the McGilloways' house***Account to Liam Clarke*

At the end of the day Patrick Ward went to the home of his then girlfriend, Tina McGilloway, and had a conversation with her mother. Patrick Ward said nothing at all to Liam Clarke about his having fired at a helicopter.¹

Account to this Inquiry

Patrick Ward ran past his girlfriend's parents, through the house and into the garden. He then fired two shots with a .303 at a helicopter that was circling overhead.²

¹ X2.40.27² AW8.15**(viii) Joining the IRA***Account to Liam Clarke*

On leaving the Fianna Patrick Ward was sworn into the IRA by a Provisional IRA Intelligence Officer.¹

Account to this Inquiry

A Fianna member could simply transfer to the Provisional IRA without formality. Patrick Ward did so.²

¹ X2.40.35² AW8.8; Day 385/56**Areas of dispute between Patrick Ward and other witnesses**

- 149.88** There are many aspects of the evidence of Patrick Ward that are inconsistent with the evidence given by others. Counsel to the Inquiry submitted, and we agree, that the issues having the greatest relevance to this Inquiry are as follows.

(i) Patrick Ward's status as OC of the Fianna

- 149.89** Patrick Ward claimed to be OC of the (Provisional) Fianna in January 1972. He said that Gearóid Ó hEára was merely a Fianna volunteer at the time.¹

¹ Day 385/17

- 149.90** Gearóid Ó hEára claimed to be the leader of the Provisional Fianna in January 1972. He said that at the time of Bloody Sunday Patrick Ward was not a member of the Fianna although he thought it possible that he was "*on the fringes*" of the group.¹ He could not recall Patrick Ward being involved in any incident concerning the Fianna.²

¹ Day 406/123² Day 406/181

149.91 Gearóid Ó hEára’s account was supported by PIRA 19, Eddie Dobbins and, to a lesser extent, Dermot Liddy, as we have described earlier. Not one member of the Provisional IRA or Fianna identified Patrick Ward as having been OC of the Fianna or even as having had an active role within it at the time of Bloody Sunday.

(ii) The role and structure of the Fianna

149.92 Patrick Ward alleged that Fianna members had access to and received training in the use of firearms and nail bombs. He also said that the Fianna had its own arms dumps.¹

¹ [Day 385/28-29](#); [Day 358/41-42](#)

149.93 The evidence of all other Provisional IRA and Fianna witnesses was that the Fianna had a non-military role. There is some intelligence material which indicates that Fianna members underwent arms training at about the time of Bloody Sunday, something that the paramilitary and Fianna witnesses denied. However, there is no evidence from any source to suggest that Fianna members had the sort of access to arms and explosives described by Patrick Ward.

149.94 Patrick Ward’s evidence was that there were about 40 members of the Fianna, which was divided into five sections. The evidence of all other Fianna and Provisional IRA witnesses (other than Eddie Dobbins) was that there was just one Fianna group.

149.95 Patrick Ward said that Fianna members were described as “*volunteers*” and said that he had never heard of the word “*Fians*”.¹

¹ [Day 386/68](#)

149.96 “*Fian*” is the title given in *Tírghrá* to each member of the Fianna (including Gerald Donaghey) whose life is commemorated in that book.

(iii) The Explosives Officers of the Provisional IRA

149.97 Patrick Ward claimed that Colm Keenan was the Explosives Officer for the Provisional IRA in Londonderry at the time of Bloody Sunday. Colm Keenan was shot dead by the Army in March 1972. His brother, Sean Keenan Junior, made a written statement to this Inquiry in which he asserted that he, Sean Keenan, was the Provisional IRA Explosives Officer at the time, not his brother. Sean Keenan accepted that his brother assisted him with explosives work and had been trained to use explosives.¹

¹ [AK46.6](#); [AK46.10](#)

149.98 Martin McGuinness and PIRA 17, the Quartermaster of the Derry Brigade, said that Patrick Ward was wrong to claim that Colm Keenan was the Provisional IRA's Explosives Officer.¹ PIRA 26 said that he was in the same section as Colm Keenan on Bloody Sunday. He believed that Colm Keenan was just a volunteer and was not an Explosives Officer. He did not know whether Colm Keenan had received training in the use of explosives.²

¹ Day 390/19; APIRA17.9

² Day 427/47-48

149.99 In an RUC interview transcript, the interviewee (whose name has been redacted) is recorded as having stated that Colm Keenan was an engineer who had a "*great name*" for making bombs. This evidence is consistent with Colm Keenan holding the post of Explosives (Engineering) Officer. It is equally consistent with him assisting the Explosives Officer to make bombs.

149.100 Patrick Ward claimed to be not only OC of the Fianna but also the head of the Fianna's Creggan section.¹ Michael Clarke claimed to be the Provisional IRA Explosives Officer for the Creggan. His evidence was that he had no contact with, and knew nothing about, the Fianna. He said that he had never trained any Fianna member to make nail bombs.² He also said that he did not become aware of the existence of Patrick Ward until he heard of him in connection with this Inquiry.³ Patrick Ward's evidence was that he did not know of the existence of a Provisional IRA explosives officer called Clarke.⁴ We have no reason to doubt Michael Clarke's evidence that he was the Explosives Officer for the Creggan.

¹ Day 385/48

³ Day 402/30

² AC157.9; Day 402/30

⁴ Day 385/40

149.101 If Patrick Ward had been OC of the Fianna, including its Creggan section, and if he did have the contact with the Provisional IRA that he claimed to have had, then in our view Michael Clarke and Patrick Ward would have known each other.

149.102 The representatives of the majority of represented soldiers submitted that various witnesses, including Michael Clarke, orchestrated their evidence in order to discredit Patrick Ward. However, in 1977 Michael Clarke told the RUC that he held the unofficial position of Explosives Officer from October 1971 and was formally promoted to the post after Bloody Sunday. Although not entirely consistent with his evidence to this Inquiry that he was in fact the Creggan Explosives Officer in January 1972, the 1977 account

contains an admission that Michael Clarke acted as an Explosives Officer at the time of Bloody Sunday. This therefore would not appear to be something that Michael Clarke invented at the time of this Inquiry in order to cast doubt on Patrick Ward's evidence.

(iv) The manufacture of nail bombs by Fianna members

149.103 Patrick Ward's evidence to the Inquiry was that Fianna members made up nail bombs in a garage off Beechwood Avenue.¹

¹ [AW8.10](#)

149.104 PIRA 17, the Quartermaster of the Provisional IRA Derry Brigade, said that he discouraged the use of nail or blast bombs. However, if a unit saw fit to use such devices, the bombs would be made up by any of the three Explosives Officers. As Quartermaster, he was responsible for obtaining the raw materials. He and other members of the Command Staff were responsible for distributing the materials to the Explosives Officers.¹

¹ [Day 404/43-44](#)

149.105 Sean Keenan Junior, who claimed that he, and not his brother Colm, was the Provisional IRA Explosives Officer in Londonderry at the time of Bloody Sunday, commented in his written statement to this Inquiry on Patrick Ward's assertion that he (Patrick Ward) and other Fianna members took part in an abortive nail-bombing operation on Bloody Sunday. He dealt with the suggestion that nail bombs were made in the Bogside, whereas the evidence of Patrick Ward was that they were made in the Creggan. Sean Keenan was too unwell to give oral evidence but told us this in his written statement to this Inquiry:¹

"I understand that Paddy Ward says that he was engaged on a nail bomb operation on Bloody Sunday. I have never set eyes on Paddy Ward and would not know him if I saw him. If he had been dealing with explosives in the Bogside I would have been in contact with him. I have never met him. It is absolute nonsense to suggest that the Fianna had access to explosives. There was hardly enough to go round the IRA volunteers and all the sections. I think this is a complete figment of his imagination.

No one other than the explosives officer and one, possibly two, other people had access to explosives. It was our practice to treat explosives more carefully than weapons particularly in relation to dumps because there was a dangerous aspect to them. I can categorically state that no nail bombs were made prior to the march. They are not something you make up before hand and store in any event. Paddy Ward's description of an operation to bomb buildings in the Guildhall Square sounds

nonsense to me. Nail bombs are anti-personnel devices and are never used against property because they would be worthless. There is a very small amount of explosives surrounded by nails and it would be a waste of time to use them against buildings.

If any nail bombs had been made in the Bogside I would know about it. The whole operation was strictly controlled. I have been asked where nail bombs were stored. The explosives dump was no where near the Bogside. In fact it was 10 or 15 minutes away on foot. I am not prepared to say specifically where the dump was. I am asked whether the lock up garages behind the Bogside Inn were used as a dump or store, and can categorically say they were never used up to Bloody Sunday for the storage of explosives. Nor were explosives stored at the Beechwood Avenue shops as suggested by Paddy Ward nor in the yellow house at the junction of Lone Moor Road and Brandywell Avenue as he describes. I recall that building; it was derelict and was therefore wholly unsuitable as a dump. It was used for training purposes however.”

¹ [AK46.7](#)

149.106 Sean Keenan also told us that nail bombs were never issued to Fianna members.¹

¹ [AK46.8](#)

(v) The use of nail bombs to attack buildings

149.107 As can be seen from the passage of Sean Keenan’s written evidence quoted above, he told us that nail bombs were anti-personnel devices and would be worthless against buildings. PIRA 24 and Michael Clarke also said that nail bombs were anti-personnel devices and that they were not used against buildings.¹ PIRA 17 told us that a nail bomb was not designed to do structural damage and would have a minimal effect on a building.²

¹ [APIRA24.7](#); [Day 402/27](#)

² [APIRA17.10](#)

149.108 Peter Gurney, an expert on these weapons retained by the Inquiry, described them as improvised explosive devices, containing nails as shrapnel, designed to be thrown by hand as anti-personnel grenades for use against the security forces.¹

¹ [E18.8.2-7](#)

149.109 In our view it is highly unlikely that nail bombs would have been used for the purpose of damaging buildings.

(vi) The use of buildings at the back of the Bogside Inn

149.110 Martin McGuinness said that he was not aware of the Meenan Square shops, the back of the Bogside Inn or any lock-ups in that area being used by the IRA. They were in an exposed area and could be overlooked by the Army.¹

¹ Day 391/62

149.111 PIRA 17 gave similar evidence.¹

¹ Day 404/61

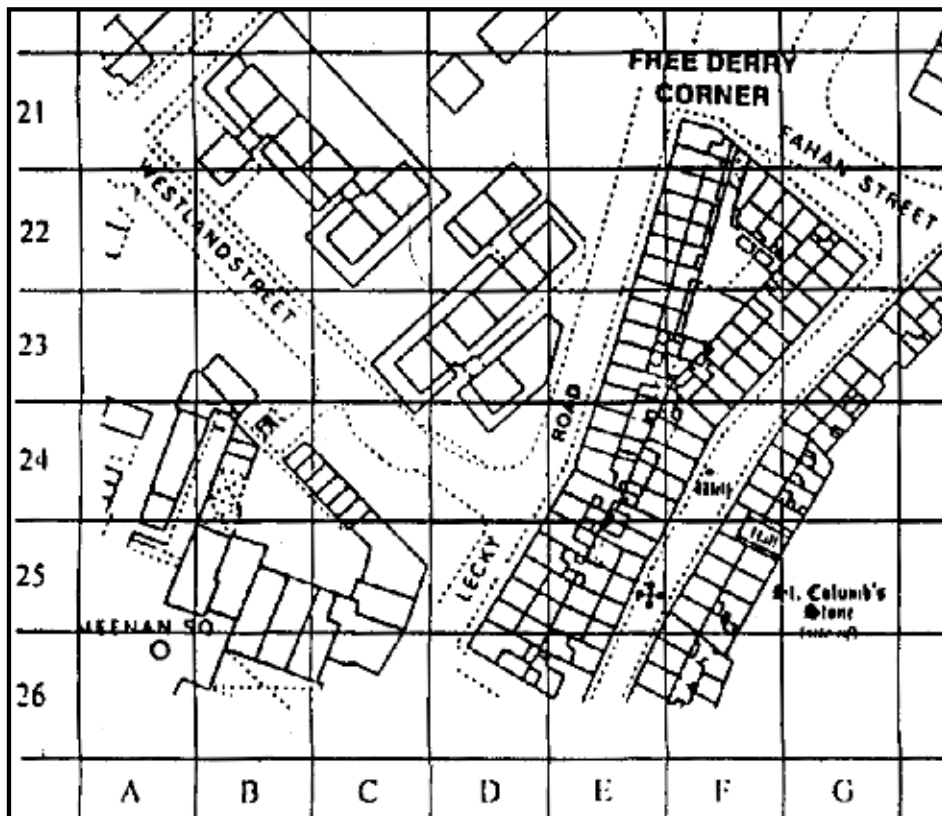
149.112 Gerard “Mad Dog” Doherty said in oral evidence to this Inquiry that he was not aware of premises at the back of the Bogside Inn being used by the IRA.¹

¹ Day 400/74

149.113 On the other hand, PIRA 19 told us that derelict shops on Lecky Road near the Bogside Inn were used for meetings by the Provisional IRA and by youngsters associated with the Provisional IRA.¹ In his written statement to this Inquiry he appeared to be describing premises to the west of the Bogside Inn, at grid reference B24 on the following map.²

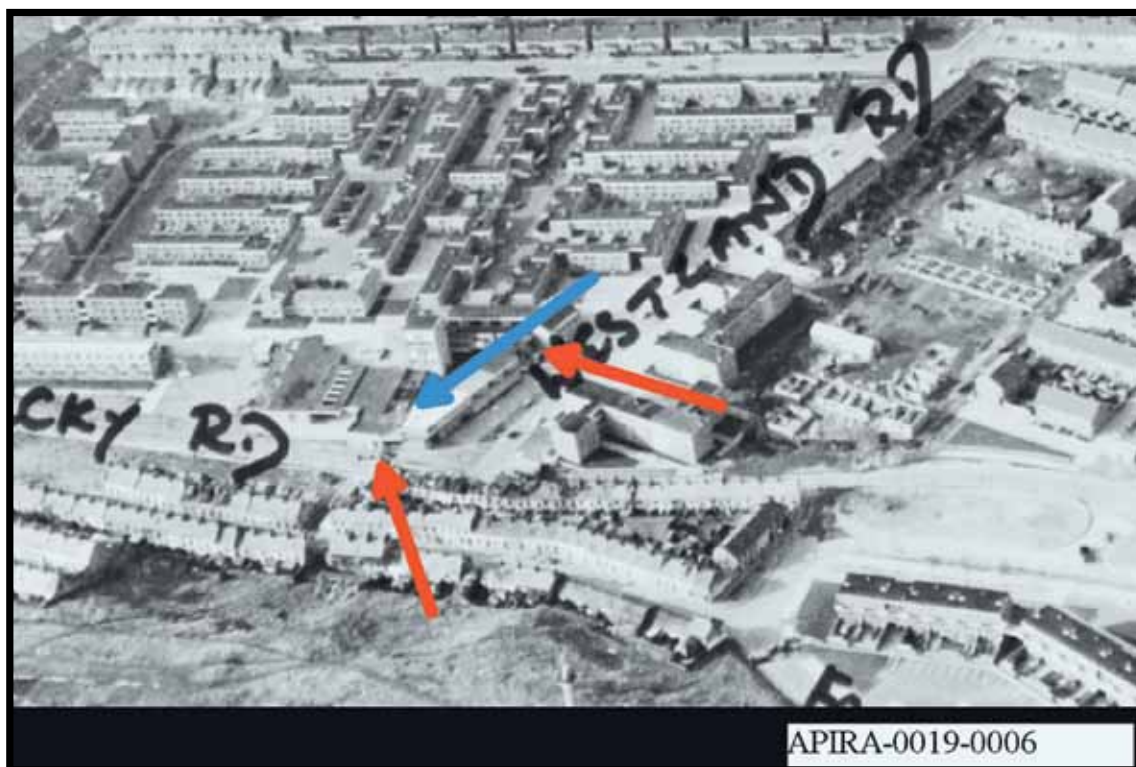
¹ APIRA19.1; Day 416/144

² APIRA19.1



149.114 However, in his oral evidence PIRA 19 marked buildings on the opposite side of the road from the Bogside Inn as the ones used (indicated by the lower arrow on the following photograph).¹

¹ [APIRA19.6](#)



149.115 Captain INQ 2225 told us that he knew that the garages behind the Bogside Inn had been used by terrorists for the storage of weapons and explosives and for other purposes, though there was no direct line of sight into the area.¹

¹ [C2225.5](#)

149.116 In this instance therefore it appears that Patrick Ward may have been correct in identifying buildings near the Bogside Inn as a place where weapons and explosives were kept.

(vii) Meetings with Martin McGuinness

149.117 As noted above, Patrick Ward told us that Martin McGuinness attended a meeting of the Fianna on the Thursday before Bloody Sunday. Martin McGuinness denied having had any contact at all with Patrick Ward and said that he did not even know him.¹

¹ [Day 390/10](#); [Day 390/27](#)

149.118 PIRA 19 said that he never saw Martin McGuinness at the meetings of the group, which took place on Tuesday and Thursday of each week.¹

¹ [Day 416/160](#)

(viii) The plan for Fianna members to throw nail bombs

149.119 Patrick Ward's account of a plan for eight Fianna members to throw nail bombs at buildings in the area of Guildhall Square was rejected by Martin McGuinness, whom Patrick Ward alleged to have been involved in hatching the plot, and by Gearóid Ó hEára, whose evidence was that he, not Patrick Ward, was OC of the Fianna.¹

¹ [Day 390/132; AO79.14](#)

149.120 PIRA 19 told us:¹

"I had been involved in a few riots where a guy would turn up with a nail bomb or a weapon, but I never recall this happening at a march. That sort of thing happened after a march was over and a riot had started."

¹ [APIRA 19.4](#)

149.121 In his oral evidence to this Inquiry, PIRA 19 said that it would not have been the youngsters, of whom he was one, who would have turned up with nail bombs. He also said that at the time of Bloody Sunday he did not know how to make a nail bomb.¹

¹ [Day 416/161](#)

149.122 Patrick Ward's evidence about Gerald Donaghey going to the Bogside Inn to collect two nail bombs and planning to go to the Guildhall area to throw them is inconsistent with the evidence of those who claim to have been with him on the day. We consider this evidence elsewhere in this report.¹

¹ [Chapter 127](#)

149.123 Patrick Ward's allegation about Gerald Donaghey having nail bombs is supported only by an unknown person who, according to Kathryn Johnston, gave information to the authors of *Martin McGuinness: From Guns to Government* after publication of the first edition, as shown below.¹

¹ [M112.50](#)

KATHRYN JOHNSTON TYPED UP NOTES FOR PREFACE (no date, but around 8 February 2002 - one page of notes on back of press release dated 8.2.2002)

High St full of people

Gerard Donaghy had several nail bombs, S McCallion wanted them.

Throw nail bombs over roof.

- 149.124** The identity of “S McCallion” is unknown. Although counsel for the majority of represented soldiers suggested to Kathryn Johnston that “S McCallion” was Sean McCallion, one of the Inquiry’s witnesses, we do not know the basis on which he did so. Kathryn Johnston said that she thought that the Christian name of the individual concerned was Sean.¹ However, the Inquiry had two witnesses called Sean McCallion. One denied having any knowledge of this incident² and the other died before he could be asked about Kathryn Johnston’s notes. There might well have been other Sean McCallions in the city area in January 1972.

¹ Day 387/84

² AM492.7

- 149.125** Kathryn Johnston’s understanding from her source was that there was a dispute as to whether nail bombs should be thrown over the roof.¹ Her note also records that “Eddie Daly” was present when an argument with McCallion was in progress.² Kathryn Johnston’s understanding was that the reference was to Fr Daly and that he was said to have been present during the dispute over the nail bombs.³ Fr Daly was not asked about this allegation when he gave oral evidence because the Inquiry had at that time no knowledge of it. However, he made no reference to such an incident in any of his accounts. We are sure that Fr Daly would have mentioned such an incident in one of his accounts had it occurred in his presence.

¹ Day 387/130-132

³ Day 387/86

² M112.51

- 149.126** Counsel on behalf of the majority of the families commented on the practical impossibility of anyone throwing a nail bomb over the roofs of High Street with the intention of hitting troops in William Street. We agree with this comment.¹

¹ Day 387/136

(ix) Chada's shoe shop

149.127 Patrick Ward alleged that Chada's shoe shop was one of the targets selected by Fianna members for attack with nail bombs. The owner of the shop, Manohar Chada, gave a written statement to this Inquiry in August 2002 in which he told us that his shop had been burned to the ground in December 1971, although he continued to trade from temporary buildings on the site:¹

¹ [AC54.2](#)

(x) Gerard "Mad Dog" Doherty

149.128 Patrick Ward told Liam Clarke (although not this Inquiry) that Gerard "Mad Dog" Doherty stopped Fianna members from carrying out their nail-bombing operation.

149.129 Gerard "Mad Dog" Doherty told us that he did not know Patrick Ward at the time of Bloody Sunday and first learned of his existence on the publication of *Martin McGuinness: From Guns to Government*. He said that he had nothing to do with any nail-bombing operation, did not believe that such an operation had been planned and had no contact with Patrick Ward on Bloody Sunday.¹

¹ [AD65.22](#); [Day 400/300](#)

(xi) The shooting of Damien Donaghey and John Johnston

149.130 Patrick Ward gave an account to Liam Clarke of seeing a Major firing a short arm from Sackville Street and hitting Damien Donaghey and John Johnston. He told this Inquiry that he saw an officer fire from waste ground north of William Street in a south-westerly direction, towards unknown targets who might have been Damien Donaghey and John Johnston.

149.131 Both of these accounts are inconsistent with all other evidence concerning the shooting of Damien Donaghey and John Johnston and with that concerning the conduct of soldiers in the William Street and Sackville Street areas. We have considered the shooting of these casualties when discussing the events of Sector 1.¹

¹ [Chapter 18](#)

- 149.132** We are sure that no Major or other soldier fired from the waste ground in question. We are equally sure that Damien Donaghey and John Johnston were shot on the waste ground further west along William Street by soldiers firing from a derelict house on the north side of William Street.

(xii) The timing of events

- 149.133** Patrick Ward claimed to have left the area of William Street after the alleged shooting by the Army officer (which on his account occurred before the soldiers went into the Bogside), to have run over the rubble barricade and seen two men fall there and then, immediately afterwards, to have seen Bernard McGuigan shot dead.
- 149.134** As will be seen from our detailed discussion of the events of the five sectors, we have no doubt that it was some 15 minutes after the shooting of Damien Donaghey and John Johnston before anyone was shot in the area of the rubble barricade; and that it was only after all six casualties had been shot in that area that Bernard McGuigan was shot near the south end of Block 1 of the Rossville Flats.

(xiii) The shot fired through Patrick Ward's car

- 149.135** Patrick Ward alleged that a shot was fired into his car at St Columb's Wells. According to the photograph that he marked with a blue arrow (reproduced below), the car was parked some considerable distance north of the Bogside Inn.¹

¹ [AW8.69](#)



149.136 No soldier has claimed either to have fired or to have known about that shot. The 1 R ANGLIAN log records that at 1617 hours shots were fired towards the Double Bastion from the direction of the Bogside Inn and that two shots were returned.¹ As we discuss elsewhere in this report,² Private AD was the soldier who returned fire. His evidence was that he fired two rounds at a gunman near the Bogside Inn, seeing no strike from the first round, which he thought went over the gunman's head, but hitting the man with the second.³ It is to our minds highly unlikely that one of Private AD's shots could have hit a car parked in the area suggested by Patrick Ward. There is no other evidence that suggests to us that a soldier fired into this area.

¹ W102; W106.6

³ B943.003

² Chapter 151

(xiv) The shots fired by Fianna members

149.137 Patrick Ward claimed that he fired five shots along Hamilton Street from a .303 and another Fianna member fired 12–15 shots from an M1 carbine. We have no other evidence from any source (military or civilian) to support this claim.

(xv) Firing at a helicopter

149.138 Patrick Ward claimed that he fired two shots at a helicopter from the garden of the home of his girlfriend's parents.

149.139 Daniel and Vera McGilloway, the occupants of the house, said that they were in the house all afternoon on 30th January 1972 and that Patrick Ward did not fire any shots or even come to the house that day.¹

¹ [AM506.1](#); [AM507.1](#)

149.140 Eddie Dobbins, a member of the Provisional IRA in January 1972, said that the back garden of his home at the time backed onto the back garden of the McGilloways' home. There was a chain-link fence between the two. Eddie Dobbins said that most of his family were at home on 30th January 1972 and that, if anybody had fired shots from the McGilloways' back yard that day, he would have heard about it.¹

¹ [Day 399/149](#)

The lists of names provided by Patrick Ward

149.141 Patrick Ward provided privately to this Inquiry a list of the names of individuals who, he claimed, were members of the Fianna at the time of Bloody Sunday.¹ He also provided a list of those who were at that time, to the best of his recollection, on the Command Staff of the Provisional IRA in Londonderry. His counsel asked the Inquiry to state the extent to which the intelligence material in the possession of the Inquiry corroborated the information provided by Patrick Ward.² In accordance with our duty under the Human Rights Act 1998 it is not possible to provide many details. However, we can record that Patrick Ward identified Gerald Donaghey as a member of the Fianna and Martin McGuinness as the Adjutant on the Command Staff. The remainder of the information that he provided was largely inconsistent both with the intelligence material and with the evidence given by paramilitary witnesses.

¹ [Day 386](#)

² [Day 386/12](#)

Patrick Ward's explanation for the discrepancies in his accounts

149.142 In his oral evidence to this Inquiry, Patrick Ward said that he had been speaking “*off the cuff*” to Liam Clarke and had not taken the care to be accurate that he had taken when considering his evidence to the Inquiry.¹

¹ Day 385/61-63

Patrick Ward's response to the evidence of the witnesses who contradicted him

149.143 Patrick Ward, commenting on the statements of those whose evidence contradicted his account, said:¹

“It seems to me it is a concerted effort to discredit my character basically, yes. I see the same pattern through all the witness statements that I have read so they have obviously been either coerced or coaxed or all pulled into line to make the same accusations to discredit my evidence to the Inquiry.”

¹ Day 385/17

The basis of Patrick Ward's knowledge

149.144 It became apparent during the course of Patrick Ward's oral evidence that certain assertions of fact made by him were based not on any direct knowledge but on assumptions or on general knowledge that he had acquired through living in the city. For example:¹

“MR CLARKE: ... Are you able to give an approximate figure for the number of members of the Provisionals at 30th January 1972, not the Fianna, the Provisionals?

A. Not off-hand, no.

Q. Can you give any idea of the sort of size we are talking about?

A. Sixty maybe.

Q. You have told us earlier that you think that it was in 1973 or 1974 that you became a member of an active service unit. Did you become aware then of how many other Provisionals there were in Derry?

A. No, because a lot of them were secretive.

Q. So the estimate that you have just given us is based on, what?

A. General all-round experience living there.”

¹ [Day 385/66-67](#)

149.145 Again, later:¹

“Are you sure that Martin McGuinness had regular contact with Frank Lagan at this time, that is to say in January 1972?

A. I knew he had regular – contact on a regular basis. Of that day, I cannot say.

Q. Was he in regular contact at this time, that is to say in January 1972?

A. I do not really know.”

¹ [Day 385/80-81](#)

149.146 When it was pointed out to him that RAT142G was the registration number of a lorry and that the number was issued in Hull, Patrick Ward said that he had simply taken it for granted that the registration number on the Cortina was a genuine one.¹

¹ [Day 385/84](#)

Inherent implausibility of some of the accounts given by Patrick Ward

149.147 The fact that Patrick Ward’s accounts have changed over time on its own leads us to treat them with caution. As we have already pointed out, some of his evidence cannot be right; and there is very little other evidence to support most of what he has said. Some aspects of his evidence seem to us to be inherently implausible.

149.148 For example, as we discuss in detail elsewhere in this report,¹ four nail bombs were found on Gerald Donaghey’s body after he arrived at the Regimental Aid Post next to Craigavon Bridge. Patrick Ward’s evidence was that these nail bombs did not include the two that Gerald Donaghey had been given; all four were of a different type from the ones used by the Fianna.² If this evidence was correct, then only three possibilities arise:

- a) Gerald Donaghey threw or otherwise disposed of the two nail bombs that he had been given and then obtained a further four from an unknown source.

- b) Gerald Donaghey had two nail bombs on him when he was shot. These were removed by civilians but members of the security forces then planted four nail bombs on him.
- c) Gerald Donaghey had two nail bombs on him when he was shot. These were not found by civilians. They were found by members of the security forces who removed them and planted four different ones.

¹ Chapters 125–145

² AW8.18

149.149 Apart from the fact that we have concluded that the security forces did not plant nail bombs on Gerald Donaghey, each of these possibilities appears to us to be self-evidently implausible.

149.150 Patrick Ward's accounts to the Inquiry involve him in being: (i) in charge of an attempt to nail-bomb buildings in Guildhall Square; (ii) involved in a narrow escape when a bullet was fired through the roof of his car; (iii) the saviour of Martin Doherty (PIRA 9), to whom he gave covering fire; and (iv) responsible for shooting at and probably hitting an Army helicopter. He was 16 at the time. To our minds such activity on the part of a young teenager is also inherently implausible.

The allegation of orchestration of evidence to discredit Patrick Ward

149.151 It has been suggested by the representatives of the majority of represented soldiers that those who gave evidence to discredit Patrick Ward so orchestrated matters that their evidence was provided to the Inquiry at a late stage and within days of Patrick Ward's statement being distributed to the interested parties.

149.152 The witnesses who gave evidence which directly contradicted that of Patrick Ward were Michael Clarke, Gearóid Ó hEára, Sean Keenan Junior, Gerard "Mad Dog" Doherty, Patsy Moore, Eddie Dobbins, Daniel McGilloway and Vera McGilloway.

149.153 The table below shows the dates of the first contact between the Inquiry and each witness which led to the making of a statement contradicting the evidence of Patrick Ward:

Name	Approached by Inquiry	Date of contact
Eddie Dobbins AD195	Yes	1999 and September 2003
Gerard “Mad Dog” Doherty AD65	No	December 2001
Michael Clarke AC157	No	August 2002
Sean Keenan AK46	No	September 2003
Gearóid Ó hEára AO79	No	September 2003
Patsy Moore AM505	Yes	September 2003
Daniel McGilloway AM507	No	October 2003
Vera McGilloway AM506	No	October 2003

149.154 When Gerard “Mad Dog” Doherty approached the Inquiry in December 2001, he did so because he wished to make a further statement dealing with the allegations relevant to him in the book *Martin McGuinness: From Guns to Government*. It will be seen from the table that Gerard “Mad Dog” Doherty, Michael Clarke and Eddie Dobbins came forward long before they knew that Patrick Ward was to make a statement. The Inquiry lost contact with Eddie Dobbins in 1999 and delayed taking statements from Michael Clarke and Gerard “Mad Dog” Doherty until completion of the antecedents exercise (our examination of the material held by the security services).

149.155 The antecedents exercise was completed in August 2003. In September 2003, having identified through that exercise a number of people from whom it wanted to obtain statements, the Inquiry sought to make contact with these individuals, including Eddie Dobbins, Patsy Moore, Gearóid Ó hEára and Sean Keenan. Eddie Dobbins and Patsy Moore agreed to make statements. Gearóid Ó hEára and Sean Keenan approached the Inquiry before the Inquiry had managed to contact them.

- 149.156** Gerard “Mad Dog” Doherty, Michael Clarke, Eddie Dobbins, Patsy Moore, Gearóid Ó hEára and Sean Keenan were all interviewed by Eversheds (the solicitors taking statements on behalf of the Inquiry) in September or October 2003. They were not approached or interviewed at an earlier stage because the Inquiry felt that it would be unjust to interview them before knowing whether the antecedents exercise would lead to the discovery of documents that should be put to them.
- 149.157** By the time of these interviews, Eversheds was aware of the allegations made by Patrick Ward and, of course, asked the witnesses to deal in their statements with these allegations.
- 149.158** Sean Keenan and Gearóid Ó hEára did come forward without being asked to do so by the Inquiry. The same is also true of Daniel and Vera McGilloway, who may be in a different category from the others since they are not alleged to have any paramilitary connections. If Patrick Ward’s evidence about the helicopter is untrue, then they could not have known that they had any relevant evidence to give until they learned of his statement. However, if his evidence is true, then it could be said that they had deliberately withheld information about this incident and had come forward only as part of a plot to discredit Patrick Ward. However, this was not suggested to Daniel McGilloway by anyone when he came to give oral evidence.¹
- ¹ [Day 431](#)
- 149.159** It is not clear whether the representatives of the majority of represented soldiers allege that these witnesses “*orchestrated*” their approach to the Inquiry with a view to giving dishonest evidence or with the intention of giving honest evidence at a time of their choosing. Gearóid Ó hEára and Sean Keenan undoubtedly approached the Inquiry without prompting. As between a conspiracy to discredit Patrick Ward by providing dishonest evidence and an intention to give truthful evidence in order to rebut what they believed to be false evidence given by Patrick Ward, we have, in the light of the evidence considered above, concluded that the latter is the more likely to be the case. It is noteworthy that the representatives of the majority of represented soldiers, while alleging that various witnesses orchestrated their evidence in order to discredit Patrick Ward, did not invite us to believe any part of his accounts.¹
- ¹ [FS7.406](#)
- 149.160** We do not believe what Patrick Ward told us of the paramilitary activities he ascribed to himself or others on Bloody Sunday. In our view he was not the Officer Commanding of the Fianna on Bloody Sunday; and we reject his evidence of the Fianna having access to

weapons as he described. His evidence is, in nearly all material respects, not only unsupported but also inconsistent with the accounts of many witnesses, paramilitary, civilian and military.

Conclusions on the Fianna

149.161 We have already expressed the view that members of the Provisional Fianna are unlikely to have had regular access to firearms or nail bombs, though it seems to us that they were drilled and were involved in intelligence gathering for the Provisional IRA. They may have attended training camps, or training meetings in the city, where they were shown how to use firearms, a strong attraction for many youths. We consider that the Provisional IRA did not before Bloody Sunday issue Fianna members with firearms or bombs for use by those members against the security forces, or use Fianna members to make up nail bombs.

149.162 The question arises as to whether on Bloody Sunday the situation was or became different, because, for the reasons we give elsewhere in this report,¹ we consider that Gerald Donaghey was probably in possession of nail bombs when he was shot in Abbey Park.

¹ [Chapters 125–145](#)

149.163 Having rejected Patrick Ward's accounts, we do not know when Gerald Donaghey acquired these bombs, or from whom, or for what purpose, though it is likely that he was trying to flee from the soldiers when he was shot. His association with the Provisional Fianna suggests that the bombs may have come from Provisional IRA sources, but we are far from certain about this. We have borne in mind that Gerald Donaghey was just short of his 18th birthday when he was shot, so is likely to have been one of the oldest members of the Fianna. It is possible that he was carrying the nail bombs to take to a dump or give to others to use. It is possible that he was told to remove the bombs from the area when the soldiers came into the Bogside, in order to prevent their capture, and was attempting to do so when he was shot. It is possible that the bombs came from Official IRA sources.

149.164 Gerald Donaghey's possession of nail bombs, and other evidence of nail bombs in Glenfada Park North which we have also considered elsewhere in this report,¹ is left unexplained by any evidence from former members of the Official or Provisional IRA. In these circumstances we have concluded that we cannot accept that on Bloody Sunday there were no nail bombs available to paramilitaries in the Bogside; and we are left in doubt as to whether there were any plans to use nail bombs during the riots which

paramilitaries must have known were likely to follow the civil rights march. However, we are sure that there were no plans to use the march as cover for throwing nail bombs; and equally sure that no-one threw or attempted to throw a nail bomb on Bloody Sunday.

¹ [Chapters 125–145](#)

Chapter 150: Paramilitary firing

- 150.1** In the course of examining in detail what happened in the five sectors where people were killed and wounded by gunfire, we considered the evidence of paramilitary activity in the areas where those casualties occurred and expressed our views on the nature and degree of that activity, in particular whether soldiers (or civilians) saw people with firearms or bombs and whether firearms or bombs were used against the soldiers.
- 150.2** We now turn to examine the evidence of other paramilitary firing that took place outside those areas; and the response of soldiers other than those of 1 PARA to that firing.

Chapter 151: Other incidents of paramilitary firing and the response of soldiers

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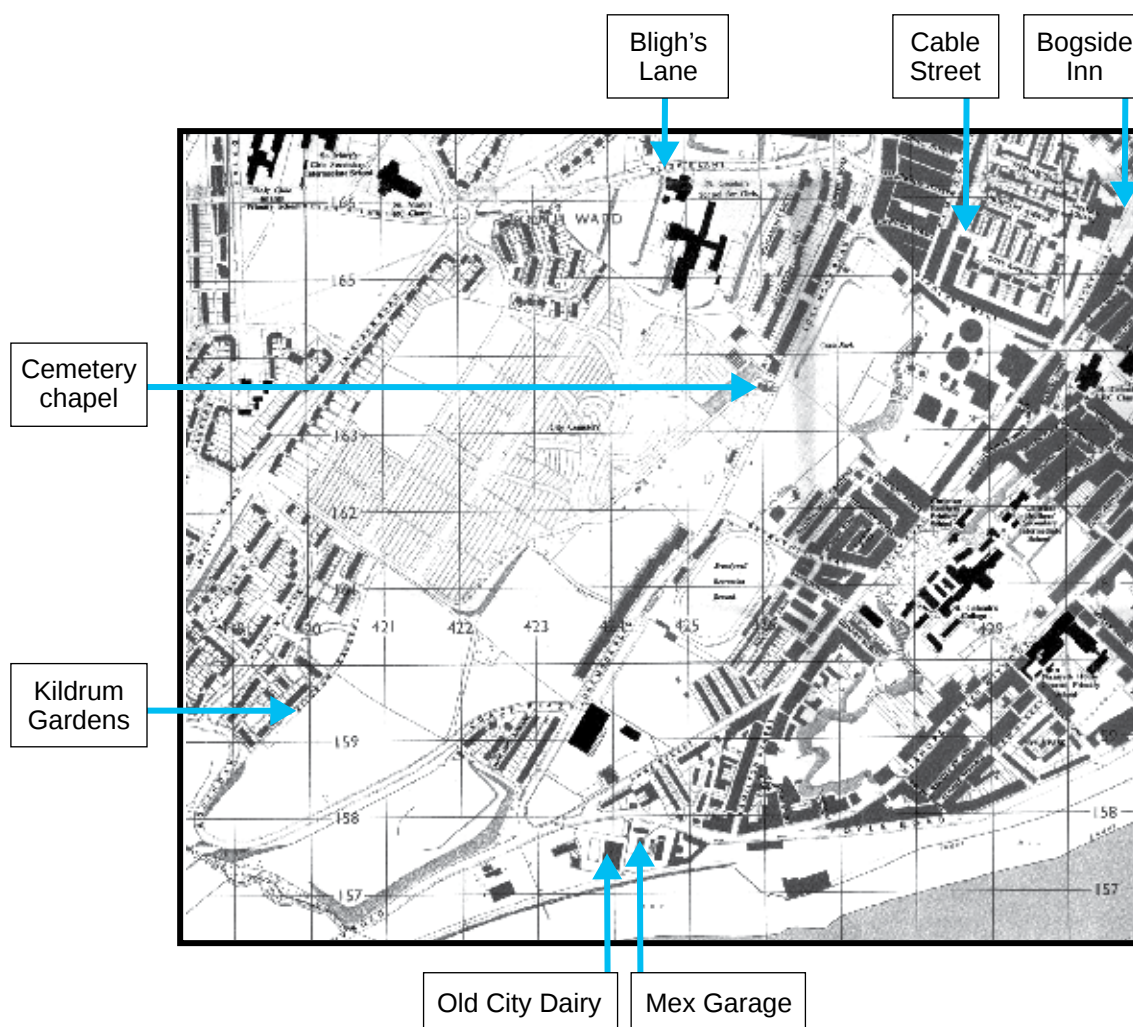
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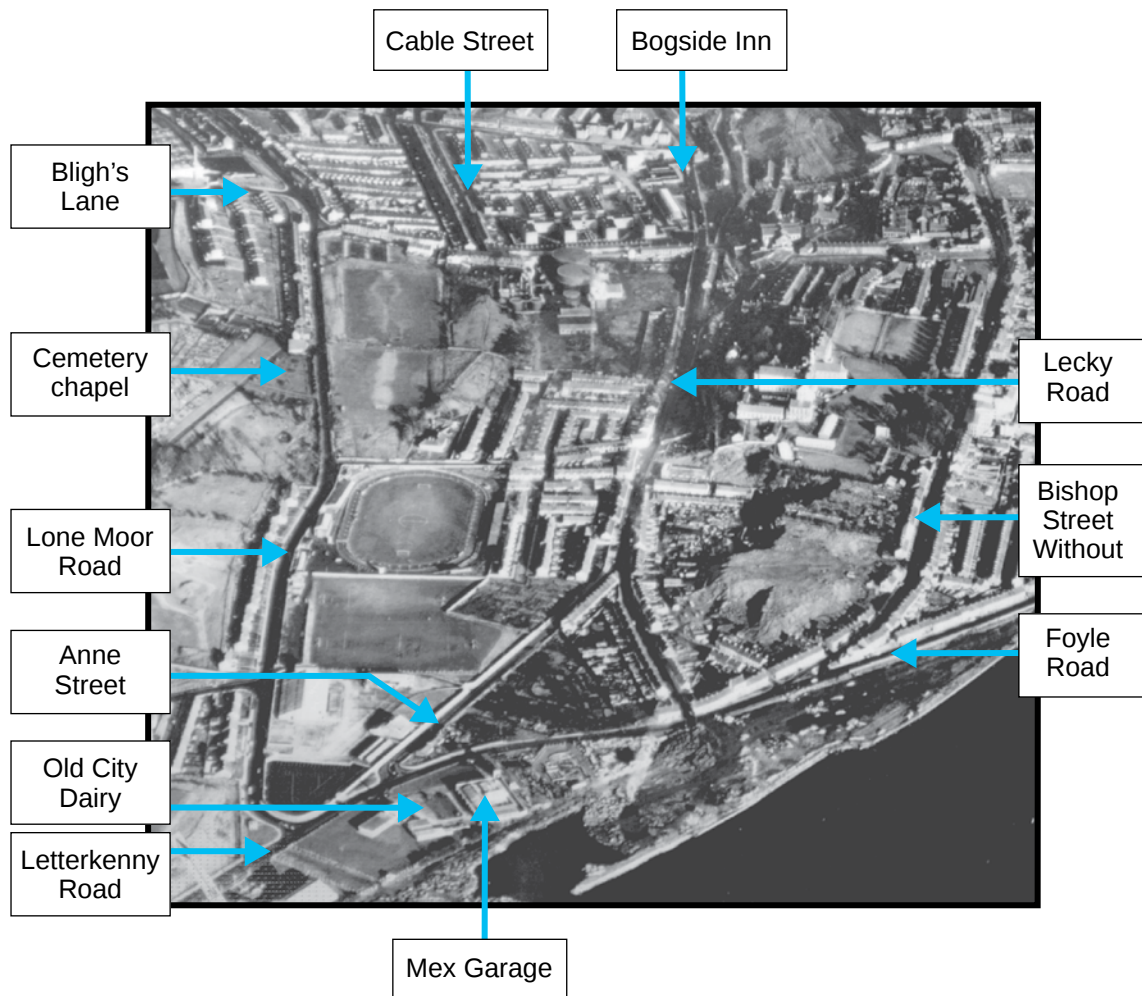
Paramilitary firing at the Mex Garage Army post

151.1 There was an Army post near an intersection at the southern end of the Brandywell, where Lone Moor Road met Letterkenny Road and Anne Street.¹ This was the Brandywell location or position, “*colloquially often called*” the Mex Garage.² It was located in the derelict buildings of the Mex Garage and the Old City Dairy, approximately one mile south of the Rossville Flats. Kildrum Gardens, which ran along the eastern edge of the Creggan houses to the south of the City Cemetery, faced towards the Mex Garage. The location of the post is shown on the map and two photographs below, the second being a close-up view.

¹ [C1325.1-2](#)

² [Day 371/88/2-4](#)





151.2 On the day, the Army post was manned by soldiers of 15 Battery, 22 Lt AD Regt, who were under the command of 1 R ANGLIAN. Major INQ 1320, the Commander of 15 Battery, described the Army post as “*an old Shell petrol station with a dairy adjacent to it*”.¹ The derelict dairy and adjacent buildings were converted to a fortified stronghold, which included Observation Posts (OPs), an Operations Room in the building marked “Coy HQ” in the photograph shown above and accommodation for the soldiers. There were sandbagged lookouts in and around the forecourt of the garage and on the dairy buildings.

¹ [C1320.2](#)

151.3 During the afternoon, there was some stone-throwing at the Army post. In addition, the 1 R ANGLIAN radio log (H3 being the call sign of 15 Battery of 22 Lt AD Regt) and the transcript of the Porter tape of 1 R ANGLIAN (call sign 54A) transmissions to Brigade HQ (call sign 0) recorded four separate shooting incidents involving six shots and a burst of machine gun fire directed at the Army position between 1539 hours and 1649 hours that afternoon together with two return shots by soldiers. We set out below in tabular form details of the incidents as recorded, the first entry of each incident being the 22 Lt AD Regt transmission and the second entry being the transcript of the Porter tape recording the messages from 1 R ANGLIAN to Headquarters, 8th Infantry Brigade.

Incident No.	Serial	Time	To	From	Event	Page Ref.
1	65	1550	+	H3	2 shots fired at this loc from Kildrum Gds. No cas strike seen off grd no fire returned	W102
	324	1549	0	54A	Hello, Zero, this is 54 Alpha. We've just had two shots fired at call sign Hotel 3 from the area of Kildrum Gardens. Strikes seen on the ground in front of their location. No casualties and no fire returned. Over.	W125

Incident No.	Serial	Time	To	From	Event	Page Ref.
2	78	1626	+	H3	At 1623 1 shot this loc no strike no cas from prefabs no fire returned. No cas seen.	W102
	447	1627	0	54A	... re one shot fired from the pre-fabs, right in front of their location. No casualties. The gunman not seen. Over.	W133
3	80	1630	+	H3	3 more shots at 12 loc 1 rd returned no hit claimed	W103
	462	1630	0	54A	Hello, Zero, this is 54 Alpha. A further 3 shots at 16:29 again at Hotel 3's location have come from somewhere half way up the hill to their front, i.e. towards Kildrum Gardens. One round was returned. We'll give you further details but no ca ... no hits claimed. Over.	W134
4	90	1649	+	H3	At 1645 short burst from prefabs one rd returned no hit claimed. 42531589 Gunman	W103
	525	1647	0	54A	Hello, Zero, this is 54 Alpha. A burst of fire from a machine gun located at grid 42531589 at 16:45 hours ... wait ... one round returned at the gunman spotted there but no hit claimed. Over.	W138

151.4

While, as will be seen, the recorded shots do not tally in all respects with the evidence of soldiers who were present or that of some civilians, we accept this contemporary record as far as it goes. It was made before the full implications of the afternoon were known.

151.5 In his written statement to this Inquiry,¹ Major INQ 1320 told us he recalled hearing shooting “*from afar*” that day but did not recall hearing any transmissions about shooting.² Similarly, Bombardier INQ 177 told us he recalled no gunfire or explosions, “*or at least nothing that sticks in my mind*”.³

¹ C1320.3

³ C177.1-2

² C1320.4

151.6 Sergeant 020, who commanded a section of eight soldiers, including himself, described only the fourth incident in his first Royal Military Police (RMP) statement¹ dated 2nd February 1972, where he recorded that at about 1645 hours while he and Bombardier X were in a toilet “*at the front right hand side of the GARAGE ... a burst of automatic fire ... hit the roof of the garage above our heads*”. In a second RMP statement made the following day, he recorded that the toilet was sandbagged.² He stated that he saw the gunman in an old building between Foyle Road and Anne Street and ordered Bombardier X to fire at the gunman. Bombardier X fired one aimed shot and the gunman disappeared.

¹ B1495

² B1498

151.7 In his written statement to this Inquiry,¹ Sergeant 020 told us that he was in charge of nine men and described earlier incoming shots at another section of his Battery, a single shot, then “*one or two more shots and then, I think four or five minutes later, there was a third or fourth shot ... the gunman was spotted again in the cemetery and Soldier Y shot him*”.² About 45 minutes to an hour later, the fourth incident, which Sergeant 020 had described in his RMP statements, occurred. He told us that the gunman was hit by Bombardier X’s shot and tumbled out of the building to the ground, where he lay wounded for “*a couple of hours*” before being taken by ambulance to Altnagelvin Hospital where he “*was dead on arrival*”.³

¹ B1500.001

³ B1500.003-004

² B1500.002-003

151.8 All of the gunshot-wound casualties shown in the hospital registers are persons known to have been shot in the Bogside and there is no record of any additional casualty being received who could have been this gunman. Also, the 22 Lt AD Regt contemporary radio message specifically noted that no hit was claimed. Sergeant 020 told us that he had suffered an illness that affected his memory. In our view, his recollection of seeing a gunman being hit is erroneous.¹

¹ B1500.006; Day 380/95

151.9 In Bombardier X's first RMP statement,¹ made on the evening of Bloody Sunday, he recorded that from about 1400 hours there were "*between 10 and 12 single high velocity shots fired into the forecourt of the garage, all from the area of the Creggan Estate*" and that at about 1645 hours a burst of six or seven shots of automatic fire passed overhead. He saw and fired one shot at a man 80m from him on the roof of a derelict building directly opposite the Mex Garage. The man fell and Bombardier X saw no further movement on the roof of the building.

¹ [B822](#)

151.10 In his second RMP statement, made on 12th February 1972, Bombardier X recorded that the target was "*some 80 to 100 metres*" away.¹ In his written statement for the Widgery Inquiry, Bombardier X recorded that "*about 60 or 70 high velocity shots were fired in our direction from the Creggan Heights and cementary*" and that the automatic fire from the derelict building occurred at "*About half past three*".² In his written statement to this Inquiry, Bombardier X was less certain of the earlier shots, telling us that they were "*some distance away*"³ and he was "*now fairly sure*" that he did not hit anyone with his shot.⁴

¹ [B838](#)

³ [B843.002](#)

² [B841](#)

⁴ [B843.003](#)

151.11 We are not persuaded that Bombardier X did hit anyone with his shot.

151.12 In his RMP statement,¹ Sergeant 038, another Section Commander in 15 Battery, recorded that at 1500 hours two shots were fired at other members of his section from an unknown position. At about 1520 hours a single shot hit an outbuilding about 6ft from Gunner Y. Sergeant 038 saw a movement in a hedgerow over the Foyle Road, but as he was not sure "*that this was the gunman ... no rounds were returned*". At about 1545 hours a man crouching behind a hedge fired a single shot. On the order of Sergeant 038, Gunner Y fired one shot at the gunman, but "*we could not say*" whether the gunman was hit.

¹ [B1637-1638](#)

151.13 Gunner Y made two RMP statements,¹ a written statement for the Widgery Inquiry² and a written statement to this Inquiry,³ as well as giving oral evidence to the Widgery Inquiry⁴ and to this Inquiry. In his oral evidence to us, he said that he saw a gunman in bushes near the cemetery fire two rifle shots and that these shots had been preceded by two or three shots.⁵ On the order of Sergeant 038, Gunner Y returned one shot at the gunman, which Gunner Y thought hit him; but he was not certain, as the gunman could have fallen backwards and escaped. At the time the shooting took place, Gunner Y thought his shot

hit the target, but now he thinks it “*very possible*” that he had missed.⁶ In his RMP statement made on the evening of Bloody Sunday, he described the gunman as young with long, dark hair, clean-shaven and wearing a blue jumper and dark jacket. In his written statement for the Widgery Inquiry,⁷ he described the gunman’s hair as being shoulder length and the jumper as being light blue; and in his oral evidence to the Widgery Inquiry,⁸ he said the gunman fired four shots. He put the time at 1640 hours in his first RMP statement but agreed it could have been 1630 hours as described in the radio messages relating to the third incident.⁹ In his written statement to this Inquiry,¹⁰ he told us that before this incident he heard two or three shots and about 20 minutes after this incident he heard automatic fire. Throughout, Gunner Y has been consistent in saying that he heard either two or three incoming shots before seeing the gunman fire two shots and returning one shot himself.

¹ B844-5; B853

² B859

³ B864.1-7

⁴ B861-4

⁵ Day 382

⁶ Day 382/9

⁷ B859

⁸ B853

⁹ Day 382/18

¹⁰ B864.4

151.14 Captain INQ 1325, the second in command of 15 Battery, told this Inquiry that he ran the Battery Operations Room that day from a location in the building marked “Coy HQ” on the close-up photograph shown above.¹ He said that the Officer Commanding 15 Battery, Major INQ 1370, spent the afternoon with him in the Operations Room.² About 15 minutes after the march had passed, Captain INQ 1325 heard two incoming rifle shots and one or two shots being returned.³ Either Bombardier X or Lieutenant INQ 971 reported the incident to him and he relayed it to Brigade HQ⁴ within five or six minutes of hearing the shots.⁵ At the time, Captain INQ 1325 believed that Bombardier X and Lieutenant INQ 971 thought the gunman had been struck by gunfire, and his body removed by either a taxi or a van,⁶ although Bombardier X has never said whether or how any body may have been moved. Captain INQ 1325 was “*clear*” that this incident occurred before he heard radio reports of 1 PARA entering the Bogside.⁷

¹ Day 371/66

² C1325.3

³ C1325.3

⁴ C1325.3

⁵ Day 371/73

⁶ Day 371/73

⁷ Day 371/70

151.15 Lieutenant INQ 971 commanded 7 Platoon of 15 Battery. He told us that after the main body of the march had passed by, he observed two incoming high velocity shots from the general area of the cemetery strike the concrete floor of the dairy.¹ Bombardier X then reported to Lieutenant INQ 971 that he returned two shots, but Lieutenant INQ 971 told us that he did not recall having heard these.²

¹ C971.2

² C971.3

151.16 Hugh Kelly, then the Headmaster of St John's Primary School, Creggan, told us that he returned to his home in Lone Moor Road following the march. Immediately upon his return home,¹ *"gunfire broke out close by our house"*, which he put at 4.45pm,² *"a rough estimate"*. He believed that *"the fire was directed at ... an army post on top of the Mex filling station"*. He continued:

"I did not see the gunman or gunmen in question as the hedge was about 2 feet thick. I do not think that there were many shots fired, or that the army retaliated or returned fire ... It also occurred to me that this firing had broken out quite soon after the shooting by the army in the Bogside – about 25 or 30 minutes later."

¹ AK10.3-4

² Day 174/141

151.17 In his oral evidence to this Inquiry, Hugh Kelly marked a photograph¹ showing the Mex Garage, his home and the hedge from which the shots were fired.

¹ AK10.14

151.18 Hugh Kelly's account, apart possibly from a slight time discrepancy, seems to us to be similar to the incident described by Gunner Y.

151.19 There are various possible explanations for the shots that were fired at the Brandywell Army post that afternoon. There was an armed active service Provisional IRA unit in a car patrolling in the Brandywell that afternoon. There was also an armed Official IRA unit in the area. Further, as we have noted earlier in this report,¹ Patrick Ward claimed to have fired about five single .303in rifle shots and that one of his companions fired 12 to 15 rounds with an M1 carbine at the Army post at the Mex Garage.

¹ Chapter 149

151.20 PIRA 8 was an acting Section Leader in the Bogside Company of the Provisional IRA that day. He told us that he, along with three other volunteers, whom he declined to identify, were in a car patrolling the Brandywell area in order to detect and prevent any attempted Army incursion into the Brandywell when many of its residents were taking part in

the march. According to his account, the four Provisional IRA members were armed with four rifles, which were in the boot of their car. In addition, PIRA 8 carried a pistol. As the march passed by the Bogside Inn on its way towards William Street, they drove to and parked on Lecky Road. They remained in that area for 30 to 45 minutes, before driving to Southway, where they remained for another 30 to 45 minutes. He told us, however, that he could not be sure of his timings.¹ From both locations, they could keep the Brandywell Army post under surveillance, at one time being within 25m of the dairy.² They arrived at Southway between 3.00pm and 4.00pm³ and remained there until civilians arrived by car and on foot, telling them that civilians had been shot in the Bogside.⁴

¹ APIRA 8.4

³ Day 418/25

² Day 418/25

⁴ APIRA 8.4

151.21 Some of the logs discussed above were put to PIRA 8, but he maintained that he had heard nothing; although he agreed that he and his three companions were within a few hundred yards of the Brandywell Army post.¹ He said *“that there were no shots fired in that area on that day at all”*.²

¹ Day 418/75

² Day 418/74

151.22 As we have observed above, we are satisfied that the Army logs correctly noted gunfire at the approximate times recorded. If PIRA 8 and his companions remained in those two locations as they claimed, it is difficult to understand how they did not hear at least some of the gunfire recorded in the first three incidents noted in the Army logs. If, as PIRA 8 claimed, they were at Southway when returning civilian residents reported shooting in the Bogside, that means he and his companions were still there at, or very close to, 4.30pm, as it would be unlikely that news of the shootings could have arrived sooner. This would place their arrival in the area, as he claimed, between 3.00pm and 4.00pm. The second and third incidents occurred when the shooting in the Bogside was going on, which PIRA 8 said that he had heard. He described hearing *“bangs in the Bogside”* while parked at Southway, but took them to be sounds of CS gas or rubber bullets being fired. He said the sounds would *“travel up the valley”* towards them and did not *“recall distinguishing the sounds of live gunfire”*.¹

¹ APIRA 8.4

151.23 While it is impossible to use approximate times to calculate exact times, we are sure that the group was somewhere in the area when the first two incidents occurred. Yet PIRA 8 claimed not to have heard any shots. The representatives of the majority of represented soldiers submitted that either PIRA 8 was unwilling to admit that he had heard the shooting or was absent when the firing occurred.

151.24 It is our view that PIRA 8 was in the area of the Brandywell Army post when at least some of the shooting occurred. He might have forgotten about the firing, but in our view it is equally likely that he chose not to tell us what he had heard, perhaps since he was loath to admit that there had been any firing by paramilitaries at soldiers on Bloody Sunday.

151.25 In addition to claiming that he had heard no firing in that area, PIRA 8 said “*at no stage did we fire shots*”.¹ On his own evidence, we can only be certain that PIRA 8 was in the area during the first two incidents and possibly the third. Apart from presence and opportunity, we have found nothing else to connect him or his companions with any of the inward shots at the Brandywell Army post, though we were left with the impression that PIRA 8 had not told us everything he recalled about the incidents under discussion. We should note that Johnny White (initially given the cipher OIRA 3) told us that there was an armed Official IRA active service unit on patrol on Lone Moor Road that afternoon.² In our view it is possible that the Official IRA was responsible for at least some of the shots.

¹ Day 418/68

² AOIRA3.17-18

151.26 There is evidence of firing at the Mex Garage from Patrick Ward, who claimed to be the officer commanding the Fianna at the time. He told us that just after he saw Bernard McGuigan being shot, he and other Fianna members immediately made for a Fianna arms dump at the corner of Lone Moor Road and Brandywell Road,¹ where he and one member obtained two rifles. The two of them then drove in a Cortina towards Hamilton Street, near where he saw a man, later given the cipher PIRA 9, who “*had obviously been shooting*” a machine gun² at the Brandywell post. PIRA 9³ was “*pinned down in a doorway*” by return Army fire. To “*divert the soldiers’ attention and give PIRA 9 the chance to get out of there*”, Patrick Ward said he and his companion then fired about 17 to 20 rounds at the Army post.

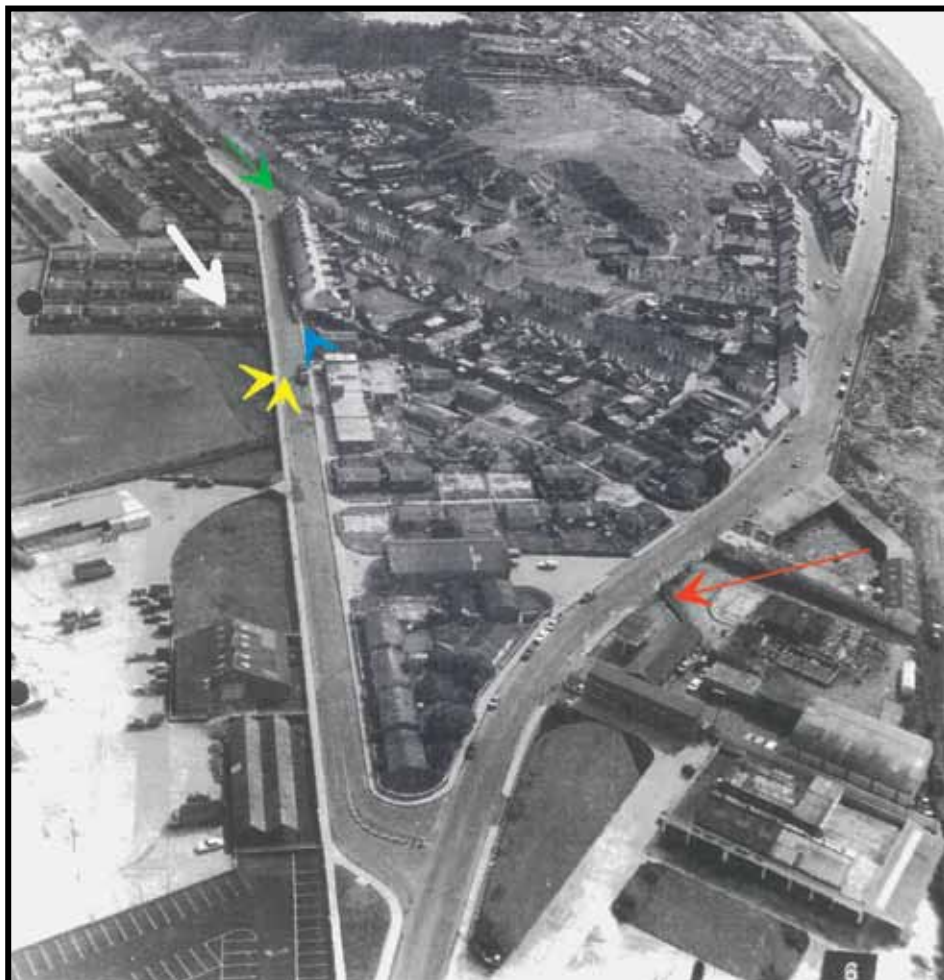
¹ AW8.15

² Day 385/116; AW8.15

³ PIRA 9 was the cipher originally given to Martin Doherty (also known as “Ducksie” Doherty), but his anonymity was subsequently removed.

151.27 Patrick Ward identified and marked various locations on the following photograph.¹

¹ AW8.72; Day 385/118-121



151.28 The green arrow marks the position where Patrick Ward said he parked the Cortina, while the blue arrow represents the position from which he said that he and his companion fired. He told us that PIRA 9¹ was firing from a position shown by the yellow arrows towards the Army post identified by the red arrow.²

¹ Martin Doherty: see [paragraph 151.26](#) above.

² The white arrow is not relevant to the matter under discussion.

151.29 Bernard McGuigan was killed at approximately 4.20pm. Although it is difficult to determine exact times from the route and activities described by Patrick Ward, it is unlikely that he and his companion would have arrived in the Hamilton Street area much before 4.45pm, which is near the time the Army logs reported a machine gun burst, ie the fourth incident of shooting at the Brandywell Army post. However, while the shots recorded in the logs and Patrick Ward's account coincide somewhat in time, the number of shots and the location do not tally. Patrick Ward said that he and his companion fired 17 to 20 rifle shots at the Army post, none of which is recorded. Also, Sergeant 020

and Bombardier X positioned the gunman in a derelict building and not, as Patrick Ward said, on the ground. In these circumstances, we are of the view that it would be unwise to rely on Patrick Ward's account. We have expressed similar views of other parts of his evidence earlier in this report.¹

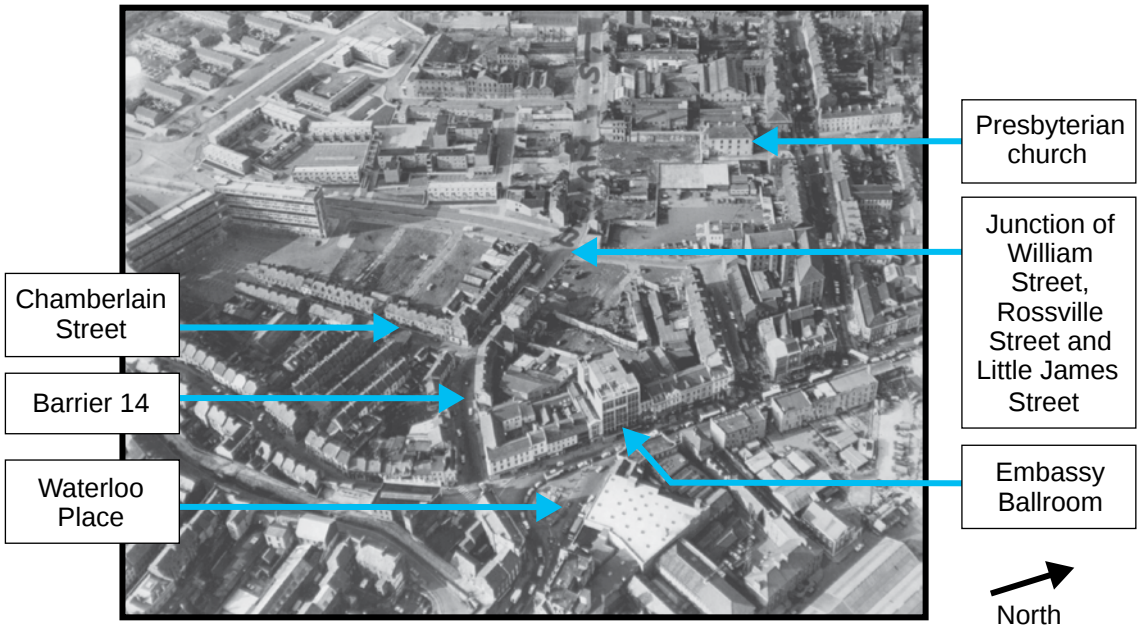
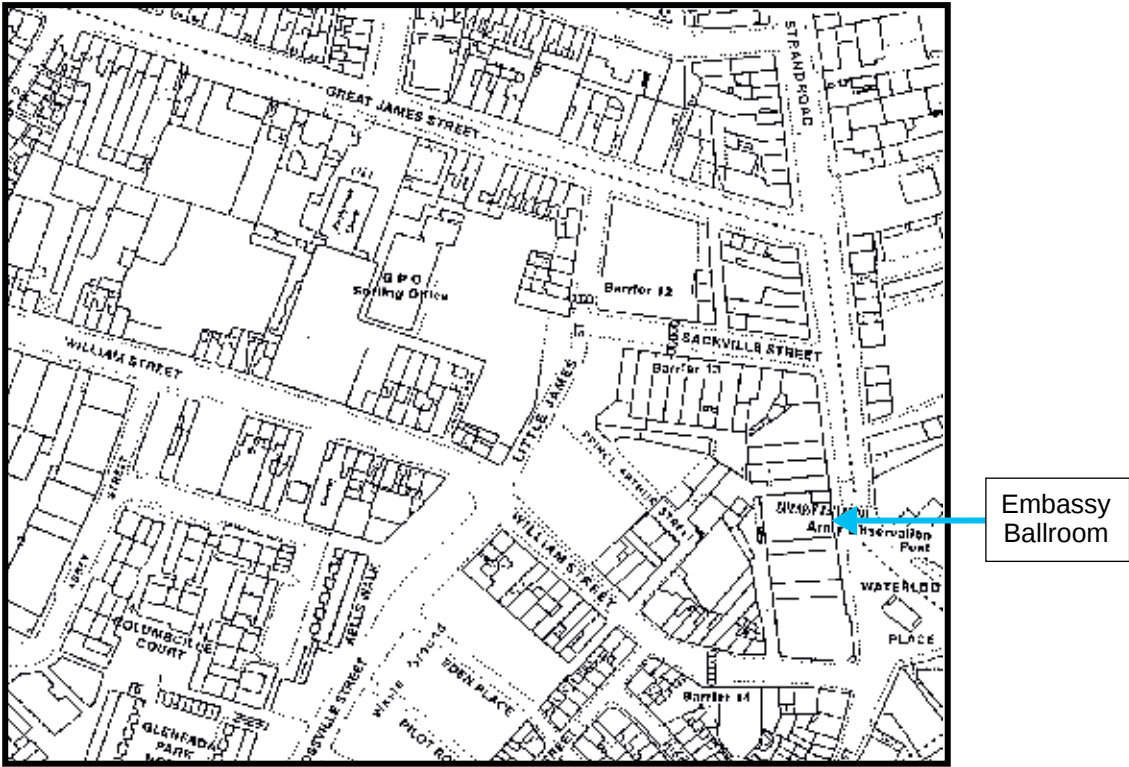
¹ [Chapter 149](#)

151.30 Unfortunately, we do not have the benefit of PIRA 9's evidence. He would not co-operate with the Inquiry and the Tribunal eventually certified him to the High Court of Northern Ireland for contempt of the Tribunal.

151.31 We cannot identify those responsible for the shots at the Brandywell Army post, although, as noted earlier, we are satisfied that the post was under fire that afternoon, the first two shots occurring before Support Company entered the Bogside. The random nature of the shots, both in time and location, does not suggest a co-ordinated attack, but rather four isolated attacks on a known Army post. Nor can we say whether the gunmen were members of the Official or Provisional IRA. Both had armed active service units in the area that afternoon, but neither has come forward with an explanation for the shots; nor indeed has any member of either organisation acknowledged even hearing any of the shots directed at this Army post.

Paramilitary firing at the Embassy Ballroom Observation Post

151.32 The roof of the Embassy Ballroom in Strand Road was used for observation by the Army. Its location is shown on the following map and photograph.



- 151.33** Its roof afforded excellent views to the west up William Street and southwards into the Bogside, as shown below in a panoramic view taken at a later date from the roof.



- 151.34** At the rear of the roof of the Embassy Ballroom there was a permanent Army Observation Post known as “OP Echo”.¹ Lance Bombardier 118, who was posted there that afternoon, recalls “*Nearly two dozen*”² Army personnel present at the post that afternoon. Some, like Colonel Maurice Tugwell and General Robert Ford and his entourage, were there for short periods and at different times.

¹ There was another OP on the roof, called OP Foxtrot, with a view over Strand Road and Waterloo Place.

² [Day 359/206](#)

- 151.35** The radio log of 22 Lt AD Regt recorded at 1612 hours a single shot at OP Echo with no strike observed.¹ This information was transmitted to Brigade HQ² and is also found on the Porter tapes.³ Although there is no reference in the message to a returned shot or shots, the Headquarters Northern Ireland (HQNI) log does record returned shots: “*At 1611. 1 x HV at OP Echo. 2 x 7.62 returned.*”⁴ There is otherwise no Army record of returned shots from OP Echo. We consider below some civilian evidence that, it was suggested, indicated the firing of shots from the Embassy Ballroom OP.

¹ [W97](#)

³ [W130](#) serial 399

² [W75](#)

⁴ [W28](#) serial 58

- 151.36** Lieutenant 009, Captain 021 and Sergeant 108, who were at OP Echo, gave evidence of an incoming shot.

- 151.37** In his RMP statement,¹ Lieutenant 009 described a high velocity shot being fired over the post after Support Company had entered the Bogside, but in his oral evidence to this Inquiry he was not certain whether it was before or after they entered.² He reported the shot but was uncertain about its origin, except that it was from a lower level and from the Bogside.
- ¹ B1390 ² Day 316/91
- 151.38** Captain 021, in his RMP statement dated 3rd February 1972,¹ recorded that the first shot to be fired that day “*passed over our position*”, followed by others “*from the area of Meehan Square*”, after which the paratroopers, who had already gone into the Bogside in vehicles and disembarked in Rossville Street, took cover. In his written statement to this Inquiry, Captain 021 told us that the shot came from the Rossville Flats or “*Meehan*” Square, meaning Meenan Square. He said that although he initially thought that the shot “*was aimed at me*”, he realised it was aimed “*at troops on the ground, in Little James Street*”.²
- ¹ B1503 ² B1509.4
- 151.39** Meenan Square lies to the south of Free Derry Corner, over 600 yards from OP Echo and about 250 yards from the Rossville Flats.
- 151.40** In his RMP statement,¹ Sergeant 108 recorded that “*definitely*” the first shot of the day was fired in the general direction of OP Echo shortly before Support Company “*arrived on the scene*”.
- ¹ B1717
- 151.41** Not all soldiers stationed at OP Echo recall the shot just described. Lance Bombardier 118, who was with Captain 021 that afternoon, said that firing started “*about 2 or 3 minutes after the paratroopers had jumped out of the vehicles*”.¹ He did not recall shooting being directed towards the OP.²
- ¹ B1752.3 ² Day 359/167
- 151.42** Rifleman 154 was the bodyguard for Major INQ 2079, the Officer Commanding A Company of 2 RGJ.¹ According to him, they were at Barrier 14 when, after the water cannon had been used but before the paratroopers went through Barrier 14, he heard either one or two shots that he thought came from the Rossville Flats and surmised that “*someone was having a pop*” at OP Echo.² In his RMP statement,³ he described only one shot “*from a high velocity weapon probably an SLR or a 303*” and added that “*I did not*

know the origin of the shots". In view of his description of the shot, the word "*shots*" would appear to be a typographical error. In his oral evidence to this Inquiry, he said that he supposed that this 1972 account was the more accurate.⁴

¹ Day 300

³ B1930

² B1932.4

⁴ Day 300/6

151.43 We are not satisfied that Rifleman 154 heard the reported shot. His account is of firing before the soldiers went through Barrier 14, while the radio log and Lieutenant 009, Captain 021 and Sergeant 108 all put the shot in the direction of, if not at, the OP after Support Company had entered Rossville Street. It is noteworthy that Major INQ 2079 did not recall hearing any shots before the soldiers went through Barrier 14.¹ It is possible that Rifleman 154 heard some of the shooting further west, from soldiers in the derelict building on William Street or from OIRA 1 in Columbcille Court, as we have described when considering the events of Sector 1.

¹ C2079.4

151.44 Captain 128 was on anti-sniper duties that day in a building on William Street. He told us he left his position as C Company went through Barrier 14 and that he went along William Street, where he saw a paratrooper point his rifle towards the Embassy Ballroom. Captain 128 said he was under the impression that the soldier had mistakenly confused the Army post for a civilian post.¹ He told us he shouted, "*No*," as he ran towards the soldier. Captain 128 told us, and we accept, that the soldier did not fire "*at that particular time*".²

¹ Day 303/30

² B1802.4

151.45 We are sure that the radio log correctly recorded a shot over OP Echo that was heard by Lieutenant 009, Sergeant 108 and Captain 021. The radio messages must obviously have been transmitted after the shot was fired, so this firing must have taken place before or at 1611 or 1612 hours. The previous message recorded in the 22 Lt AD Regt radio log was "*PARA's going through barrier to yobbos in CHAMBERLAIN St.*" and was timed at 1610 hours.¹ This entry and the evidence as a whole persuade us that this shot was fired after 1 PARA had gone into the Bogside.

¹ W97 serial 58

151.46 In our view this shot must have been fired by a paramilitary. It might, as Captain 021 originally recorded in his RMP statement, have been fired from Meenan Square, but we are doubtful about the reliability of his evidence to us that the firer could have been in the Rossville Flats, since this suggestion did not appear in his 1972 account. Furthermore,

at the time in question it seems to us that Army firing had probably already broken out in Sector 2, so that Captain 021's 1972 account of further firing from the area of Meenan Square, unsupported by evidence from others at OP Echo, might well in our view have arisen from misattributing this Army fire to fire from further south. His evidence to us that he later realised that the shot was not aimed at him, but at troops on the ground in Little James Street, is in our view an afterthought based on hindsight and inconsistent with the radio messages or the accounts of others at OP Echo.

151.47 Neither the Provisional IRA nor the Official IRA, nor any member of either organisation who gave evidence to us, admitted knowledge of, or responsibility for, the firing of this shot. We have considered the possibility that this was the shot fired by Reg Tester, which we have considered earlier in this report,¹ but in our view this was unlikely to be the case, as the evidence indicates that it was fired later. We have also considered whether Corporal P heard this shot, but he stated he had heard two shots, which for the reasons we have given when considering his evidence, appear to us to be two of those fired by Lieutenant N in Sector 2.

¹ [Chapter 148](#)

The question of firing from the Embassy Ballroom

151.48 It is convenient at this point to consider whether there was firing from the Embassy Ballroom on Bloody Sunday. Leonard Green, a telephone engineer, told us that on 31st January 1972 he saw what he called "*fresh bullet holes, in and around the area of the Rossville Flats*", which he suggested had been made by shots fired from the OP at the rear of the Embassy Ballroom roof.¹ He first described two holes at eye level, about 5ft from the ground, in a galvanised steel casing enclosing telephone cable on the gable end wall of Block 2 of the Rossville Flats that faced Block 1. The hole on the north-facing side of the casing was dented inwards, while the hole on the southern side of the casing was slightly raised, from which he concluded that the holes were made from a projectile coming from north to south. The hole on the northern side of the casing was slightly higher than the hole on the southern side. He told us that he inserted a biro into the two holes and determined a line of about two to three degrees from the horizontal. He then looked through the holes and his line of sight led directly to the OP. His opinion was that the holes were very recently made. He also saw "*fresh gouges*" on the same gable wall. They had the same downward inclination and were roughly in line with the holes in the casing. Leonard Green also told us he observed what he described as "*three bullet holes*"

in the Threepenny Bits, which are just south of the gap between Blocks 1 and 2 of the Rossville Flats. According to him, the holes were about 18–24in from the ground and “*roughly*” in direct line with the gap and the Embassy Ballroom OP.²

¹ AG51.3-4

² Day 52/9-93

151.49 Some support for these observations is found in the evidence of Martin Melaugh and John Duffy, both of whom were in the area on the same day as Leonard Green, and Eamon Melaugh.

151.50 Martin Melaugh, then 14 years old, said he saw what he initially described as two bullet holes in a rainwater downpipe on the west gable wall of Block 2. Subsequently he was told it was the cover of a lightning conductor.¹ In either event, it was rectangular and 20in wide and 6in deep. The holes were about 6ft above ground level. The “*two holes exactly lined up*” with the Army OP on the rear of the Embassy Ballroom roof.² Leonard Green’s evidence was put to Martin Melaugh and he agreed it was likely they were describing the same thing,³ saying that he would consider Leonard Green’s evidence “*to be the better evidence*”⁴ and “*probably the more accurate*”.⁵

¹ Day 119/98

⁴ Day 119/106

² AM461.1

⁵ Day 119/106-107

³ Day 119/99

151.51 John Duffy, who was 13 years old at the time, saw what he called three “*new bullet holes*” in the Threepenny Bits. The holes were angled downwards and he “*thought that the bullets had been fired from the Embassy Ballroom*”.¹

¹ AD160.13; Day 80/145; Day 80/172

151.52 In his written statement to this Inquiry, Eamon Melaugh told us that bullets struck the west gable wall of Block 2 of the Rossville Flats on the day.¹ He stated that he took many photographs on the day. In his oral evidence to this Inquiry, he said that while photographing the dying Hugh Gilmour at the end of Block 1, he heard gunfire “*actually come through the gap*”,² including a shot that struck a vertical galvanised guard measuring “*about two inches by half an inch*”³ on the west gable end of Block 2 that covered a copper earthing strip.⁴ About 7ft from the ground, “*a bullet hole appeared on the sheath and it exited slightly lower down*”, entering “*from the north*” and exiting “*from the south*”.⁵

¹ AM397.5

⁴ AM397.5-6

² Day 143/48

⁵ Day 143/47

³ Day 143/107

151.53 Lance Bombardier 118 said that he did not recall any firing from OP Echo,¹ although he acknowledged that, because of the noise, a shot from the other side of the OP could have happened without him noticing.² Private 123 was also at OP Echo that afternoon. He did not see, nor did he subsequently learn of, any shots having been fired from there.³ When Leonard Green's evidence about bullet holes in the metal casing was put to Private 123, he responded, as noted above, that he did not see any soldier fire from the roof nor subsequently learn of any soldier firing from there.⁴

¹ Day 359/168

³ Day 301/99

² Day 359/169

⁴ Day 301/99

151.54 Despite the differing descriptions of the dimensions of the metal in which the holes were found, it seems to us that it is likely that the holes were present on 30th January 1972. Had there been firing from OP Echo that afternoon, it seems to us that there would probably have been a report of this shooting and that the firing soldier or soldiers would have made a statement to the RMP. As to the entry in the HQNI log¹ to which we have referred above,² we take the view that this entry resulted from another message on the Brigade net that was either misheard or inaccurately relayed and which related to an exchange of fire with soldiers on the City Walls during which two shots were returned by a soldier, Private AD, in circumstances that we describe below.³ The entry in the HQNI log is unsupported in any recorded messages reported to or by 8th Infantry Brigade.

¹ W28 serial 58

³ W130 serial 396

² Paragraph 151.35

151.55 For reasons given in the course of considering the events of Sector 5, we are sure that none of the casualties near the area of the gap between Blocks 1 and 2 of the Rossville Flats was struck by fire from the direction of OP Echo. The only possible casualties were Bernard McGuigan and Patrick Campbell, neither of whom was in a position to be shot through the gap. Both Private R and Private S probably fired towards or into that gap, as we described when dealing with the events of Sector 2. This, to our minds, is likely to explain the civilian evidence suggesting that there were shots from the Embassy Ballroom.

151.56 In our view there was no firing from OP Echo on the afternoon of Bloody Sunday.

Private AD and paramilitary firing from the area of the Bogside Inn

151.57 Private AD was a member of 1 R ANGLIAN. On Bloody Sunday he was stationed at the rear of a derelict house on the northern side of Long Tower Street just below the south-western corner of the City Walls.

151.58 In his RMP statement dated 30th January 1972,¹ Private AD gave the following account:

“About 1645 hrs on 30 Jan 72 I was observing to my front towards the area of the Bogside Inn. Troops had deployed on the walls behind me and around the Army OP at ‘Roaring Meg’. I saw a man run out of the archway to the left of the Bogside Inn. This was about 175 to 200 metres from my position. The man was about 5'10" tall, of medium build and in his early twenties. He was wearing some sort of windcheater or anorak of a dark colour. He jumped some 2 or 3 feet from his previous position.

As the man jumped forward he raised an object that he was holding with both hands. This object was long and straight and appeared identical with a .303 rifle. He took up a position approximating the standing aim position. I saw a puff of smoke and a flash from the end of the rifle he was pointing in my direction. I heard the round fired by the man as it passed over our heads. I then fired a total of 2 rounds at the man. I did not see any strike of my first round but the second round hit the man and knocked him off his feet.

There was a crowd of about 40 in the area and elements of this crowd dragged the body behind the buildings into Meenan Square. I did not see what happened to the man’s rifle. As I continued to observe the area I saw a grey Ford Escort back into Meenan Square and, a short while later, the crowd around Meehan [sic] Square grew in size.”

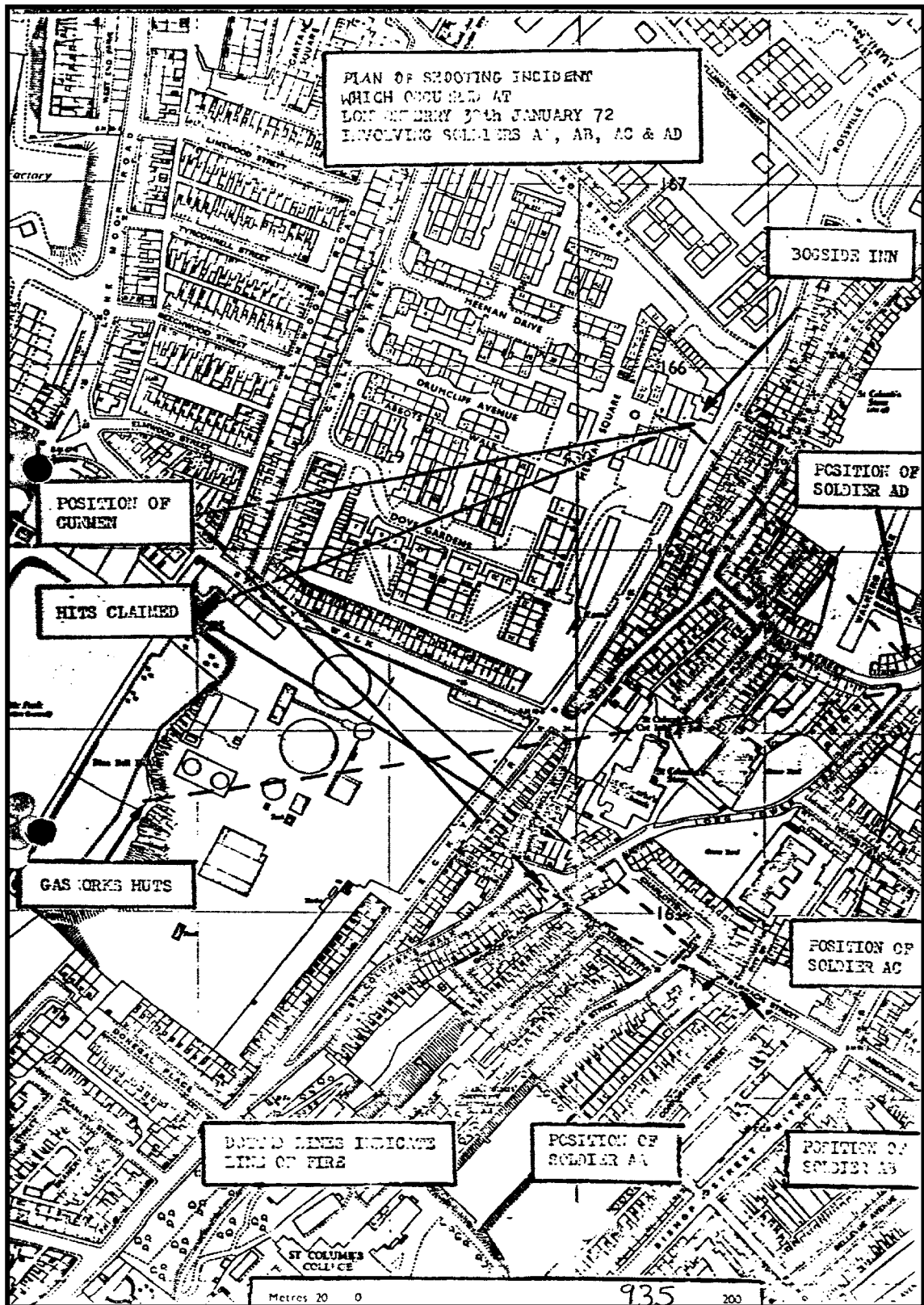
¹ [B933-334](#)

151.59 “*Roaring Meg*” was an antique cannon mounted at the south-western corner of the City Walls.

151.60 There is a composite RMP map designed to show the position of soldiers (including Private AD) and the targets they described.^{1,2} The Rossville Flats were just off the top right-hand corner of this map.

¹ [B936](#)

² The same map is shown when considering the incidents described by Private AA, Private AB and Private AC.



151.61 Private AD gave a similar account in his written statement for the Widgery Inquiry.¹ He did not give oral evidence to that Inquiry.

¹ B942

151.62 Corporal 022 and Private 004 also gave RMP statements in which they described being in the derelict building where Private AD said he was stationed. Corporal 022 gave a similar account to that of Private AD. He described the incident as taking place at “*About 1645 hours...*”.¹ His RMP statement was dated 2nd February 1972. Private 004, in his RMP statement dated 3rd February 1972,² described being in the attic above Corporal 022 and Private AD, hearing a shot and then two shots fired from the room below him. He also timed the incident at “*About 1645 hours*”.

¹ B1510

² B1369.4

The timing of the incident

151.63 The R ANGLIAN incident report dated 4th February 1972¹ contained the following items.

¹ C1347.21

2	1617hrs	Gunman at Grid 43061657 fired 4 rds at CP on Double Bastion (Grid 43181648). 2 shots fired at same gunman by sniper loc in rear of derelict house 21 Long Tower St (Grid 43181645).	One hit claimed. Gunman seen to fall and dragged away under arch way into Keenan Sq.
3	1620	One shot at CP on Double Bastion from area Bogside Inn.	No fire returned

151.64 We do not know who put the arrow on this report, but it may have been intended to connect the two incidents.

151.65 It will have been noted that these entries refer to four rounds of incoming fire at 1617 hours and a further incoming shot at 1620 hours. According to Private AD’s RMP statement, the incident he described involved only one incoming round at about 1645 hours.

151.66 There are, however, entries in the Army logs that refer to four incoming rounds followed by another round at this stage of the afternoon.

151.67 The Porter tapes recorded a message¹ from 54 Alpha (1 R ANGLIAN) to Brigade, which corresponds with an entry in the Brigade log timed at 1617 hours;² and also corresponds with an entry in the R ANGLIAN log at the same time.³ The Porter tapes message was

that “*We have just had four shots fired at our call sign Quebec 21 on the Walls. Ah, two high velocity rounds were returned.*” 8th Infantry Brigade passed on this message to HQNI at 1621 hours, timing the incident at 1614 hours.⁴

¹ W130 serial 168

³ W106.6 serial 74

² W47 serial 168

⁴ W28 serial 60

- 151.68** The Porter tapes also recorded 1 R ANGLIAN later reporting to Brigade that with regard to the two shots returned at a gunman near the Bogside Inn, a man was seen to fall; and that “*At 16:20 hours one further shot was fired from the area of the Bogside Inn towards our Oscar patrol on the Wall*”.¹ This corresponds with an entry in the Brigade log timed at 1621 hours.²

¹ W131 serial 173

² W48 serial 173

- 151.69** These radio messages seem likely to have been the source of the entries in the 1 R ANGLIAN incident report.

- 151.70** There is an entry in the Brigade log timed at 1820 hours and described as a “*Shotreps*” from 1 R ANGLIAN.¹ This gave a list of incidents under the heading “*Timings between 1615 and 1640*”. The first of this list was “*Gunman GR 43061657 fired two r[oun]ds at Roaring Meg. C/S 21 in Long Tower St fired 2 x 7.62 back. Gunman fell and was dragged back into Meenan Sq.*” There was no reference to the four shots earlier reported as fired at the City Walls, and this entry referred to two incoming shots, whereas the accounts of Private AD and the soldiers with him refer to only one.

¹ W53 serial 241

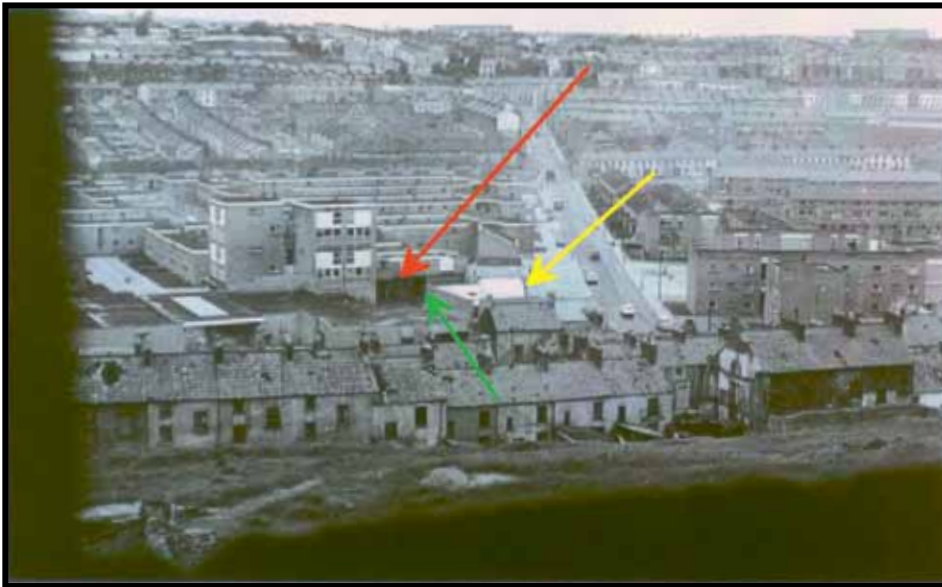
- 151.71** Private AD gave written and oral evidence to this Inquiry. In his first written statement, he gave a similar account to that contained in his 1972 statements.¹ In a supplemental written statement, after being shown some of the radio messages described above, Private AD told us that he was not wearing a watch on Bloody Sunday; did not know where the timing “*about 1645 hours*” in his RMP statement had come from; thought that this timing was nothing more than a very general approximation; and considered that he could have fired his shots 30 minutes before that.²

¹ B943.001

² B943.11-12

151.72 In the course of his oral evidence, Private AD was shown photographs on which he marked with a yellow arrow the position of the Bogside Inn; with a red arrow the archway from which he said he saw the gunman emerge; and with a green arrow the wall to which he said he saw the gunman move.¹

¹ [Day 382/84-85; B0934.0014](#)



151.73 However, later in his oral evidence, Private AD corrected this description and agreed that on the following photograph a blue arrow indicated the covered walkway and a red arrow where he said he shot the gunman.¹

¹ [Day 382/122-124; B943.0015](#)



151.74 Private AD told us that the gunman fired one shot and that he was certain that he had hit the gunman with his second shot.¹ He told us that he had heard only one shot fired in his direction.²

¹ [Day 382/87-88](#)

² [Day 382/112-113](#)

151.75 It is difficult to make sense of the log entries. We have found no evidence from any soldier of four incoming shots. However, it does seem to us that the incoming shot described by Private AD and the two soldiers in the same derelict house was the shot that 1 R ANGLIAN reported to Brigade as fired at 1620 hours. Corporal 022 and Private 004 gave their RMP statements after Private AD had given his; and it seems to us that the statements were probably taken by way of following up Private AD's account. As noted, these statements give exactly the same timing of "*about 1645 hours*" as Private AD's account; and to our minds are thus likely to have been based on what Private AD had recorded.

151.76 The Shotreps recorded in the Brigade log refer, as we have noted, to two incoming shots; but make no reference to four incoming shots. Although we cannot be sure, these Shotreps may have been an attempt by 1 R ANGLIAN to draw together information provided by soldiers, on the basis of which it was concluded that there was only one incident, rather than the two previously reported. It must be borne in mind that at the time in question, the firing in the sectors (including in particular the firing in Sector 5, which was at ground level but in the direction of the City Walls) was going on only a short distance to the north, so it is perhaps understandable that soldiers might have attributed some of this to incoming fire.

151.77 In these circumstances it seems to us that at about 1620 hours there was one shot fired from the area of the Bogside Inn as Private AD described; and that he fired two shots in return. We are doubtful whether there were more incoming shots at about this time.

151.78 Private AD was sure (as was Corporal 022) that he had hit his target. We have, however, been unable to find any other evidence that this was the case. As we have observed more than once, Major INQ 2225, who was a military intelligence officer working in the city at the time, told us that soldiers tended to assume, if their targets moved, that they had hit them.¹ We have found nothing in our examination of the material held by the security agencies that suggests that anyone in the vicinity of the Bogside Inn was killed or seriously injured by Army gunfire on Bloody Sunday. We have found no evidence to suggest that anyone was injured at all. We consider that Private AD was unlikely to have hit his target.

¹ [C2225.7](#)

151.79 In our view, which we have expressed earlier in this part of the report, Reg Tester witnessed this exchange of fire. He attributed the shot fired from the area of the Bogside Inn to a member of the Provisional IRA. He was the only person to do so. Apart from him, neither the Provisional IRA nor the Official IRA, nor any member of either organisation who gave evidence to us, admitted knowledge of, or responsibility for, the firing of this shot. We are of the view that it is probable that this shot was fired by a member of the Provisional IRA, though we cannot eliminate the possibility that it was fired by a member of the Official IRA. If the former is the case, it follows that we have not been told the whole truth by members of the Provisional IRA, perhaps unwilling even at the stage of this Inquiry to admit that there had been any firing by members of the Provisional IRA as early as about 1620 hours on 30th January 1972, albeit outside the five sectors.

Private AC and paramilitary firing from the ridge above the gasworks

151.80 Private AC was a member of 1 R ANGLIAN. On Bloody Sunday he was stationed in a derelict house at the junction of Long Tower Street and Howard Street.

151.81 In his first RMP statement, dated 30th January 1972,^{1,2} Private AC gave the following account:

“Sometime about 1645 hrs I was observing the area of Celtic Park to the rear of the Gasworks. The ground of the playing field is about level with the top of the gasometers. As I looked towards the gasometers I could see the edge of a hut or shed to the left of the southern west³ gasometer. I had noticed people moving into the area and had been paying attention to these people as there had been firing from somewhere to my front earlier in the afternoon.

At that time I had not located any gunman’s position. As I watched I saw a man in an open space between two of the huts. The distance between my position and this man was about 450 to 500 metres. I was using the normal iron sight on my rifle. It was a very clear sunny day and the light was good. There was no wind.

I saw the man advance to the edge of a hut nearest to my position. I could not describe this man fully as I could not see his face clearly at that range. He appeared to be of average size. He was wearing dark clothing but I could not describe this, again because of the range.

As I watched the man I saw he was holding a long straight object in both hands. He had hold of this object as if it were a rifle. He raised his arms and took up a position corresponding to a kneeling aim position. At the time he did then [sic] the man was kneeling with one knee on the ground. As I watched I saw a puff of smoke from the long straight object and heard a sound as of a shot fired. I heard the noise of a round passing overhead, above my position.

I then fired two rounds at the man. My first round was almost instantly after I saw the puff of smoke from the end of the object the man was holding. I did not see any result of my first shot and then fired the second shot. The man had remained in a kneeling position but after the second shot I saw the man thrown backwards a short distance. The man lay on the ground without moving. People came around the corner of the hut to where the man lay and dragged him away. I did not see what happened to the object he aimed at me. The man was taken away towards the Lone Moor Road.

Some 15 minutes later another man went to the same place where I had shot the first man. This man crawled and moved at a crouch. I kept him under observation. He went to exactly the same position as the first man. This second man appeared to be a young man to judge by the way he moved. As he was crawling and crouched over I would not be able to describe him at all. I could see that he had a jacket on which, by the bulk and general shapelessness, looked like one of the old pattern combat jackets. The man was carrying a long straight object identical to the object the first man had had.

I watched the man point the object towards my position. As I watched I saw a puff of smoke from the object the man was holding. I heard a report and then I fired a total of three rounds. The first two had no effect but the third shot knocked the man to one side. The man was standing upright at the time he fired. I knocked him to his right with my shot.

One man came around the corner of the hut and recovered the body. I did not see what happened to the weapon. The second man was taken away in the same direction as the first.

There was no more fire from the area of the gasometers side of Celtic Park.”

¹ B919-921

² In this statement Private AC was given the cipher “AA”.

³ Although the typed version of the statement says “southern west” the original, manuscript version appears to read “southernmost”.

151.82 In his second RMP statement,¹ Private AC gave a similar account, adding a grid reference for the position of the gunmen that he recorded that he had seen. The grid reference was to a position at the western end of Donegal Place, a considerable distance to the south-west of the gasworks.

¹ [B926](#)

151.83 In his written statement for the Widgery Inquiry (Private AC did not give oral evidence to that Inquiry), Private AC again gave a similar account. He told the Widgery Inquiry that:¹

“At about 4.45 I heard the sound of a single high velocity shot which I knew had come from a gap between two huts on a ridge just in front of Celtic Park ... I had seen earlier three men arrive in a car by what I think is a chapel on the right hand edge of the cemetery next to Celtic Park. I observed these men go up on to the ridge in Celtic Park and they were behind the huts. Then one of the men came crawling from between the huts and took up a kneeling position with a rifle. He fired one shot...”

¹ [B930](#)

151.84 The R ANGLIAN incident report dated 4th February 1972¹ gave a grid reference for the location of the gunmen described by Private AC. This grid reference was to a position on the Lone Moor Road, just north of the Brandywell Recreation Ground and near the cemetery. The R ANGLIAN map² on which R ANGLIAN engagements were plotted again shows the gunmen on the Lone Moor Road north of the Brandywell Recreation Ground.

¹ [C1347.21](#)

² [Q16](#)

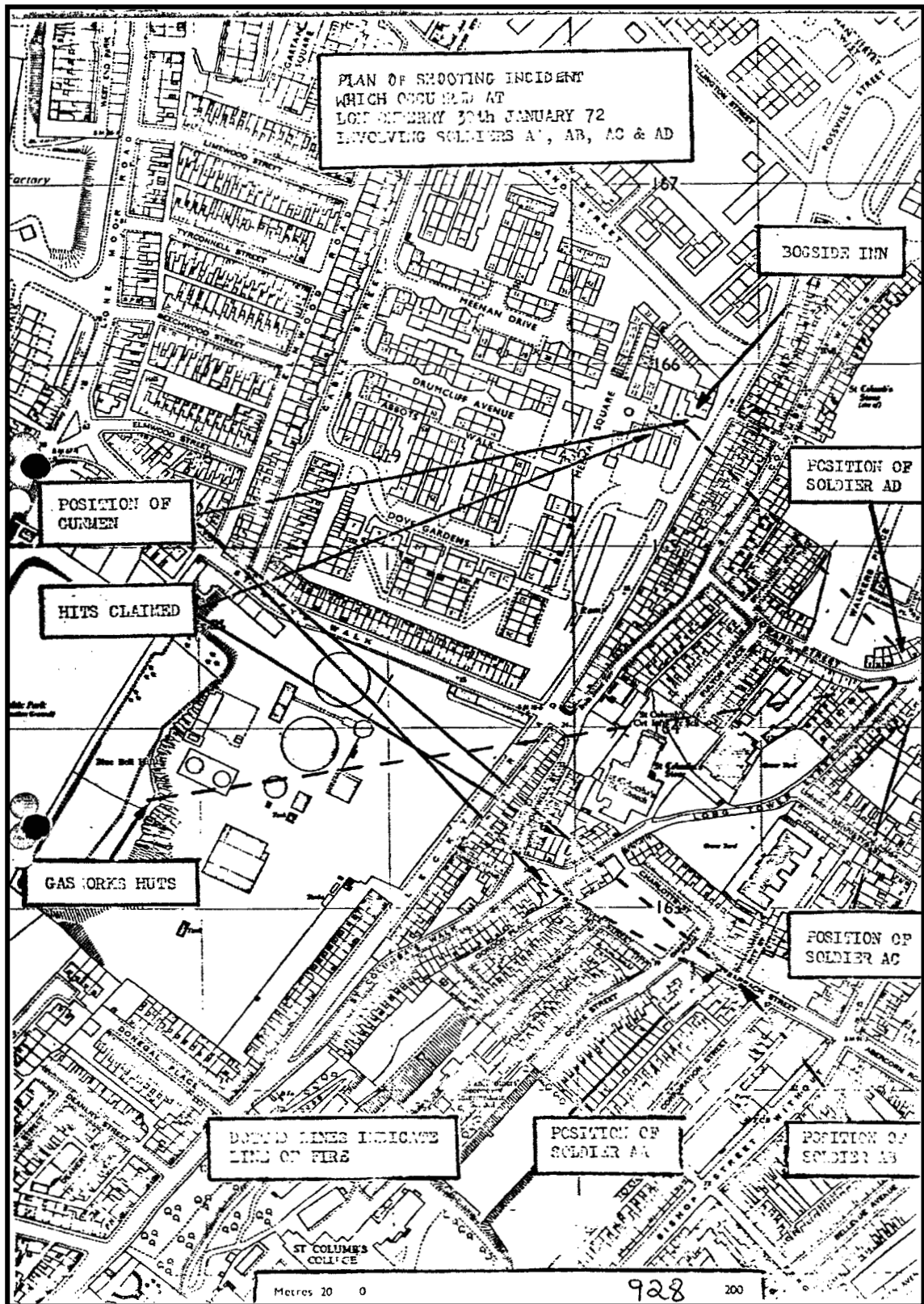
151.85 Private AC gave a written statement to this Inquiry¹ but was too unwell to give oral evidence. He told us that his memory of this incident was unclear, though he recalled there being three men and a couple of huts near the churchyard.

¹ [B932.003](#)

The location of the gunmen

151.86 There is a composite RMP map designed to show the position of soldiers (including Private AC) and the targets they described, and to which we have already referred.¹ The Rossville Flats were just off the top right-hand corner of this map.

¹ [B928](#)



- 151.87** In our view the description Private AC gave of the position of his target, which remained consistent throughout his accounts, is to be preferred to those derived from grid references and recorded in the other maps and documents to which we have referred. The ridge that he described is well above the gasworks and at about the same height as the top of the gasworks.

The timing of the incidents

- 151.88** According to the R ANGLIAN log¹ there was a report to HQ 1 R ANGLIAN at 1641 hours that “*One rd fired at C/21. 2 rds returned.*” Call sign 21 was the call sign for B Company, which was located in Long Tower Street. This corresponds with Private AC’s description of the first of the incidents in which he fired. The R ANGLIAN log contains no further entries that appear to refer to the second incident recorded by Private AC.

¹ W103 serial 88

- 151.89** The Porter tapes recorded a message¹ from 54 Alpha (1 R ANGLIAN) to Brigade (which corresponds with an entry in the Brigade log timed at 1635 hours²), reporting that “*We have just heard further shots fired at our call sign Quebec 21 at junction Bishop Street/ Long Tower. Ah, two shots returned, Details later.*” Quebec 21 was the call sign for B Company in Long Tower Street.

¹ W135 serial 187

² W49 serial 167

- 151.90** In the 22 Lt AD Regt log there is an entry¹ timed at 1638 hours: “*Three shots fired at sniper by 1 RA C/S.*” This would seem to refer to the second incident, as Private AC had recorded firing three shots, though on his account this incident took place about 15 minutes after the first incident.

¹ W97 serial 68

- 151.91** The Porter tapes recorded a message¹ from 22 Lt AD Regt to Brigade (which corresponds with an entry in the Brigade log timed at 1639 hours²) that “*We just heard 3 shots fired at OP Kilo on the City Walls – wrong. 2 shots fired. Three shots have been returned by Quebec call signs.*” This would appear to be 22 Lt AD Regt forwarding the information recorded in the 22 Lt AD Regt log.

¹ W136

² W49 serial 192

151.92 There was a further message in the 1 R ANGLIAN log¹ timed at 1641 hours, reporting “*One rd fired at C/S 21. 2 rds returned.*” This again would seem to refer to the first incident recorded by Private AC.

¹ [W103](#) serial 88

151.93 The Porter tapes recorded a message¹ from 1 R ANGLIAN to Brigade (which corresponds with an entry in the Brigade log timed at 1641 hours²) that call sign Quebec 21 had one round fired at it, that two shots had been returned and that there were no casualties on either side.

¹ [W137](#) serial 196

² [W49](#) serial 196

151.94 It is difficult to reconcile these messages and the timings recorded with the accounts given by Private AC. There is an entry in the 1 R ANGLIAN incident report¹ that recorded: “*1630–1645 5 shots fired over period of 5 mins (2 shots then 3 shots) by sniper loc in 20 Long Tower St (Grid 43191644) at first one gunman and then at a second gunman at Grid 42561625. These gunmen had previously fired two shots (exact direction not known).*” In the “Remarks” column in this report it was noted that two hits were claimed and that gunmen’s shots could have been at 15 Battery.

¹ [C1347.21](#)

151.95 15 Battery was at the Mex Garage.

151.96 The entry in the incident report does seem to reflect the accounts given by Private AC, save that both incidents were put in the period 1630–1645 hours and took place within five minutes of each other.

151.97 In our view, given the log entries and the entry in the incident report, the two incidents were only some five minutes apart and both took place before 1645 hours.

Conclusions

151.98 We accept Private AC’s account of engaging gunmen who fired on two occasions from the ridge above the gasworks; and that he returned five shots in all.

151.99 The representatives of the majority of represented soldiers submitted that it was possible to demonstrate that members of the Provisional IRA fired the shots which Private AC returned. They appeared to rest this submission on the evidence that Provisional IRA members were in the Stanley’s Walk and gasworks area. However, we have no reason to doubt Private AC’s account that the gunmen reached the ridge above the gasworks from

the south-west, having arrived by car at the cemetery chapel – in other words, not from the direction of Stanley's Walk or the gasworks area. In our view, therefore, the basis for the submission is invalid.

151.100 Neither the Provisional IRA nor the Official IRA, nor any member of either organisation who gave evidence to us, admitted knowledge of, or responsibility for, firing either of the shots recorded by Private AC. In our view, however, a member or members of one or other of these organisations must have been responsible, and others in that organisation must have known of the shots.

151.101 Although Private AC claimed that he hit both gunmen, we have no other evidence to confirm this claim. We have earlier drawn attention to Major INQ 2225, who was a military intelligence officer working in Londonderry at the time, and who told us in his written statement to this Inquiry¹ that *“Troops tended to assume that when they fired their weapons, and saw targets move that they had hit them. When no evidence emerged of a body, they assume that they had hit the person and that the body had been spirited across the border.”* Our examination of the material held by the security services (which we cannot reveal in full for reasons given elsewhere in this report) discloses nothing to suggest that Private AC killed or seriously injured either of his targets. In our view he is unlikely to have done so. We have found no evidence to suggest that either target was injured at all.

¹ C2225.7

Sergeant AA, Private AB and paramilitary firing in the area of Barrack Street

Sergeant AA

151.102 Sergeant AA was a member of 7 Platoon, B Company, 1 R ANGLIAN.¹ On 30th January 1972 he was stationed with other soldiers in Barrack Street. In his first RMP statement,² he recorded that at about 1615 hours on 30th January an inaccurate shot was fired towards the soldiers' position. The shot appeared to come from somewhere among the gasworks but the gunman was not located. He continued:³

“After this incident I moved forward along Barrack St towards Charlotte Place. I was on the north side of the road. The area from Charlotte Place towards St Columba’s Walk is a clear space. The houses there have all been demolished and cleared. There are houses at the junction of St Columba’s Walk and Joyce St. There are abandoned single storey buildings on Long Tower St just to the right of the junction with Joyce St. The windows and doors of these buildings had been bricked up but gun ports have been knocked in them by civilians.

As I was advancing towards Charlotte Place I saw a man step around the corner of St Columba’s Walk and Joyce St. He had a rifle at his shoulder aimed in my general direction. The man was about 5’8” tall and had very dark hair of medium length. He was wearing a quilted anorak and had a white scarf or handkerchief around his neck.

I was carrying my 7.62 SLR rifle across my body. As soon as I saw the man I cocked the weapon and aimed it at the man. I fired one round from my rifle as I was still raising it from the hip. The man facing me fired at the same time as I did. I do not think I hit the man. I re-cocked my weapon but the man did not reappear. I heard the man’s shot hit a wall somewhere above my head.

I continued to advance to see if I could relocate the rifleman. As I came forward I came under fire from a gun port at the bottom of a bricked up doorway of the derelict houses in Long Tower St. In all, 3 shots were fired at me in quick succession as if a semi-automatic weapon were being used. I located the gunman’s position by the muzzle flashes of this weapon. I could see the outline of a man behind the muzzle flashes.

My weapon was fitted with a special sight. I returned the fire at the gun port in the bottom of the doorway. I fired 3 shots, operating the bolt mechanism each time, and saw the body slump over the weapon that had been fired at me. I fired two more deliberate rounds at two other gun ports in the immediate vicinity of the one the gunman had been using.

I was then redeployed. I did not see what happened to the man I had shot. I did not fire again. I discovered that 1 of the rounds fired at me had hit another soldier of my unit. A round had gone through his flak jacket from side to side without injuring him. He had been some 10 feet away from me at the time he was shot.”

¹ B908.004

³ B880-881

² The statement is dated 31st January 1972. However, Warrant Officer Class I Wood, who witnessed Sergeant AA’s signature, recorded that he did so at 2210 hours on 30th January 1972 (B881).

151.103 Sergeant AA made a second statement to the RMP in which he recorded that, having fired at the second gunman, he then fired two deliberate shots at a gun port that had been knocked into the side of a wall in Long Tower Street, about 60m from him. He then fired a further two shots at a doorway of the derelict house into which gun ports had been knocked.¹

¹ B892; this statement is noted to have been witnessed at 1800 hours on 1st February 1972.

151.104 Sergeant AA made a written statement for the Widgery Inquiry. In that statement he recorded that on 30th January 1972 he had been on duty with his platoon and that their task had been to man the barrier (Barrier 20) on the corner of Barrack Street and Pitt Street. He referred again to the shot fired at about 1615 hours and stated that no fire was returned. He said that civilians had warned the soldiers that there were three gunmen in the area and that this single shot had alerted him. He then gave an account that was largely similar to that which he had given in his statements to the RMP. However, there were the following differences, in that in his account to the Widgery Inquiry he stated that:

- (i) he, Sergeant AA, was carrying a 7.62 bolt action sniper rifle with telescopic sight. He had cocked the weapon on hearing the single shot;
- (ii) the man with a rifle who was standing at the corner of St Columba's Walk (Wells) and Joyce Street was about 5'8" to 5'10", had long, dark black hair and was wearing a lightish brown quilted anorak with a white handkerchief around his neck;
- (iii) he, Sergeant AA, advanced about 2m to see whether he could locate the gunman again and that, as he did so, three shots were fired from a gun port at the bottom of a bricked-up doorway of a derelict house in Long Tower Street; he was sure that the shots were fired from a carbine;
- (iv) he could see a man lying at the bottom of the doorway but could give no description of the man. The man was about 65m away from him;
- (v) after firing at this man, he heard the sound of a Thompson sub-machine gun being fired from just behind the house where the gunman was. As he knew that there were supposed to be three gunmen in the vicinity, he fired two more rounds at each of the two gun ports nearest to the location of the gunman;
- (vi) the soldier whom Sergeant AA then discovered to have been hit had been, from the direction of the gunman, almost directly behind Sergeant AA's position; and

- (vii) about 35 minutes after the incident, Sergeant AA could still see that the gunman was in the same position but he was told to take no further action.¹

¹ B900-901

151.105 Sergeant AA gave oral evidence to the Widgery Inquiry. In his evidence he again gave an account similar to the written accounts that he had given. There were some minor differences. He said that:

- (i) he heard a single shot from the Lecky Road gasworks at 1600–1605 hours. He thought that the shot came from about 350m away;¹
- (ii) several civilians coming through from the chapel had informed the soldiers, very quietly and discreetly, that there were three gunmen (this was the account of one person) behind the Charlotte Place walls “*and down the side of the road*”. However, he had not seen the gunmen at that stage;²
- (iii) at about 1615 hours, as he moved forward down the northern side of Barrack Street, a gunman came around the corner of St Columba’s Walk over a small barricade and fired at him. The gunman’s shot struck the side of the wall, ricocheted past Sergeant AA’s right ear and went down the road towards the rest of the platoon;³
- (iv) Sergeant AA fired at the gunman at the same time. The shot was fired from the hip because this was an emergency and Sergeant AA had no time to raise his rifle. He did not observe the strike of his round but thought that he had missed the gunman altogether. The gunman threw himself behind a wall which ran behind St Columba’s Walk;⁴
- (v) he, Sergeant AA, then came under fire from a gun port in a doorway. The gun port was the width of the doorway and about 3ft up from the ground. The first thing that Sergeant AA saw was the muzzle flash from a carbine;⁵
- (vi) one of the gunman’s shots hit the road in front of Sergeant AA, one hit the wall, and Sergeant AA later discovered that the third shot had hit the flak jacket of a member of his platoon. That soldier was about 10 yards behind Sergeant AA;⁶
- (vii) he fired three shots at the gunman. On the third shot the gunman was seen to slump. Sergeant AA was certain that he had hit the gunman but did not know whether he had killed him; and

(viii) he then switched his fire to a further gun port, “*where I heard a Tommy gun being fired up Long Tower Street*”. He thought that the gunman was behind one of two gun ports knocked into the wall of the same building as the one with the gun port in the door; he fired two shots into both of these gun ports and the Tommy gun was not fired again.⁷

¹ B903

² B903

³ B904

⁴ B904

⁵ B905

⁶ B905

⁷ B905-6

151.106 Sergeant AA gave written and oral evidence to this Inquiry. In his written statement to this Inquiry,¹ he told us that he and a section of his platoon were deployed around the barrier at Barrack Street. The soldiers did not stand out in the open but deployed covering themselves. He stated that he recalled a single high velocity shot being fired over their heads at 1600–1605 hours. He thought that the shot came from a high-powered sniper rifle. The shot might have been fired from the Creggan or from the direction of the Lecky Road gasworks. The bullet, Sergeant AA thought, travelled about 4–5ft above the height of the terraced houses in Barrack Street. He heard the crack of the shot, which came from about 400m away.

¹ B908.005

151.107 Sergeant AA described two cars coming to the barrier. We deal elsewhere in the report¹ with the evidence relating to these two cars, one of which was carrying Gerald Donaghey, who had been mortally wounded in Abbey Park. Sergeant AA told us that, about 30 minutes after the incident involving the cars, a civilian man aged about 50 warned him to be careful because there were some “*bad buggers*”² around the corner. Sergeant AA also told us that he cocked his rifle in readiness. He then walked north-west to the junction of Barrack Street and Charlotte Place. He looked to his left and saw a gunman, aged 24–25, about 5'8" to 5'10" in height and with long hair. The man was carrying an M1 carbine. The gunman was at the point marked “D” on the map reproduced below.³ (Point B marks Barrier 20 and Point A marks Sergeant AA’s initial location behind the barrier.)

¹ Chapter 130

² B908.008

³ B908.011



151.108 According to Sergeant AA, he and the gunman fired at each other at about the same time. Sergeant AA told us he thought that the gunman was a left-handed shot, as he was himself. The gunman's shot flew past Sergeant AA's ear and hit a wall. Private 042, another member of 1 R ANGLIAN, was on the southern side of Barrack Street, about 65–70m away. The gunman's bullet hit Private 042's flak jacket. The gunman ducked back behind the wall; Sergeant AA knew that he had not hit the gunman because he saw the gunman retire.¹

¹ [B908.008](#)

151.109 Sergeant AA told us that he moved forward to see whether he could get another shot at the gunman, who was by then out of sight. Suddenly he was engaged by a second gunman (who was standing at the point marked E above), who fired an M1 carbine through a gun port. Sergeant AA stated that he could see the gunman's silhouette; he, Sergeant AA, fired three to four shots and saw the gunman go down onto the floor, in a prone position against the wall; he knew that he had hit the gunman. He asked his Platoon Commander, Lieutenant 145, "*Should I get him?*" but was told, "*No*" and was pulled back.¹

¹ [B908.008](#)

151.110 Sergeant AA stated that suddenly there was a burst of fire to his right. This was fire from a Thompson sub-machine gun; it came from two other gun ports in Long Tower Street (at the position marked as F on the map above). *“The burst of fire was perhaps five or six each round.”* Sergeant AA said that he fired two or three shots into each gun port and that the firing then stopped. He then heard Lieutenant 145 shouting at him to pull back. By this time it was getting dark and must have been about 1700 hours.¹

¹ [B908.008](#)

151.111 Sergeant AA acknowledged that he had not referred in his evidence to the Widgery Inquiry to the incident involving the Cortina at Barrier 20. (He had made a statement to the RMP dealing with the incident.) He said that he did not at the time regard the incident as relevant and had had no intention of misleading the Widgery Inquiry. We have considered this matter elsewhere in this report.¹ He told us that the contents of his oral evidence to the Widgery Inquiry were otherwise true and that, where he had given that Inquiry evidence about times of day, he would stick with that evidence as being accurate, since he had given the evidence when his memory was fresh.²

¹ [Chapter 130](#)

² [B908.009](#)

151.112 In his oral evidence to this Inquiry,¹ Sergeant AA said that his written statement to this Inquiry was *“a statement based on 33 years ago with a lot of hindsight, a lot of bloody information picked up over 33 years, which has been infected by all kinds of information that has come through the press.”*

¹ [Day 378/141](#)

151.113 In the course of his oral evidence, Sergeant AA said that on 30th January 1972 he had been carrying a 7.62 sniper rifle with a *“plus three”* sight on it: a sight that magnified images by three.¹

¹ [Day 378/145](#)

151.114 When asked whether he had reported to anyone the first shot that he had heard, Sergeant AA replied that he had had no access to a radio; the Platoon Commander would have had the radio operator with him. However, Sergeant AA said that he thought that all members of the platoon would have heard the shot, which definitely came from the direction of the Lecky Road gasworks, *“over the top of it, which I think is the direction of Celtic Park, that sort of way”*.¹

¹ [Day 378/151](#)

- 151.115** Sergeant AA accepted that the time of 1600–1605 hours, which he had given for the first shot, was not a precise timing and that the time of 1615 hours, which he had given in his first RMP statement, was more likely to be accurate.¹
- ¹ [Day 378/156](#)
- 151.116** Sergeant AA said that the civilian who warned him of the “*bad buggers*” did so well after the incident involving the Cortina.¹
- ¹ [Day 378/166](#)
- 151.117** Asked about the first gunman whom he saw, he could not recall whether the gunman was at the corner of Joyce Street and Windmill Terrace (which he had suggested in his written statement to this Inquiry) or Joyce Street and St Columba’s Walk (which he had suggested in 1972).¹ He could not be sure whether the gunman had a rifle or an M1 carbine but thought it was probably a rifle, and lighter than a .300.²
- ¹ [Day 378/172-173](#) ² [Day 378/174](#)
- 151.118** Sergeant AA said that the incident in which he and the man with the M1 carbine at the corner of Joyce Street exchanged shots was not the incident in which Private 042 came to be hit (which he had suggested to be the case in his written statement to this Inquiry). He said that Private 042 was hit by a bullet fired from another building.¹
- ¹ [Day 378/169](#)
- 151.119** Sergeant AA said that the second incident occurred less than 30 seconds after he had engaged the first gunman. He thought it possible that the same gunman was involved in both incidents; the gunman whom he had initially engaged could have run around the buildings and engaged him again.¹
- ¹ [Day 378/183](#)
- 151.120** He said that the second gunman was lying down throughout the engagement (not standing, as suggested in his statement to this Inquiry).¹
- ¹ [Day 378/184](#)
- 151.121** Sergeant AA said that there were several bursts of machine gun fire coming from the area of the gun ports. The shots were not being fired at him but at another platoon in a different location. He could not tell whether the shots were being fired from more than one weapon.¹
- ¹ [Day 378/187](#)

151.122 Sergeant AA could not explain why in his RMP statements he had said that he fired at a gun port and a doorway, nor why he had not referred in his RMP statements to any fire coming from the area of the gun port and doorway.¹

¹ [Day 378/188-189](#)

151.123 Sergeant AA said that the civilians who had mentioned the gunmen had referred to them in the plural and, in any event, he was aware that the Provisional IRA worked in groups of two to four people, not alone.¹ He accepted that he had not seen any gunmen behind the latter two gun ports but said that he could hear them; he was certain in his own mind that the man with the Thompson sub-machine gun was behind one or other of them.²

¹ [Day 378/190](#)

² [Day 378/191](#)

151.124 Sergeant AA said that he saw no-one come to the assistance of the gunman whom he thought he had hit.¹

¹ [Day 378/192](#)

151.125 Sergeant AA denied firing at any target in an empty house on the corner of Cooke Street and Joyce Street. This was the location of the Official IRA man Mickey Doherty given by Mary Holland in her article for the *Observer* on 6th February 1972 and to which we refer further below.¹

¹ [M42.2; Day 378/198](#)

151.126 Asked whether he recalled Private AB firing a shot on the day, Sergeant AA said that he did not recall Private AB being in the platoon at all.¹

¹ [Day 378/193](#)

Private AB

151.127 Private AB was a member of 7 Platoon, B Company, 1 R ANGLIAN.¹

¹ [B918.001](#)

151.128 In his statement to the RMP, dated 1st February 1972, he recorded that on 30th January 1972 he had been posted as a sentry in a doorway on the northern side of Barrack Street and was observing the waste ground between Charlotte Street and St Columba's Walk. He said that at about 1615 hours he saw a male person step around the corner of the junction of Joyce Street and St Columba's Walk and fire a shot at Sergeant AA.

151.129 Private AB went on to state that he and Sergeant AA each fired one 7.62mm round at the gunman. Private AB further stated that he did not see his round strike and did not know whether he had hit the gunman, who was about 70m away from him. He described the gunman as being about 5'6" tall, with long, black hair and wearing a light brown anorak with a white handkerchief around his neck.¹

¹ [B909](#)

151.130 In his statement for the Widgery Inquiry, Private AB gave an essentially similar account but added:¹

"The round fired by the gunman bounced off a wall and hit one of our men, passing from side to side through his flak jacket and grazing his chest. He collapsed and I saw him fall. The approximate distance of this gunman was about one hundred metres. I think the estimate of seventy metres given in my statement of 1 February is a little short."

¹ [B916](#)

151.131 It seems likely that these additional details were provided on or about 8th March 1972.¹

¹ [B918](#)

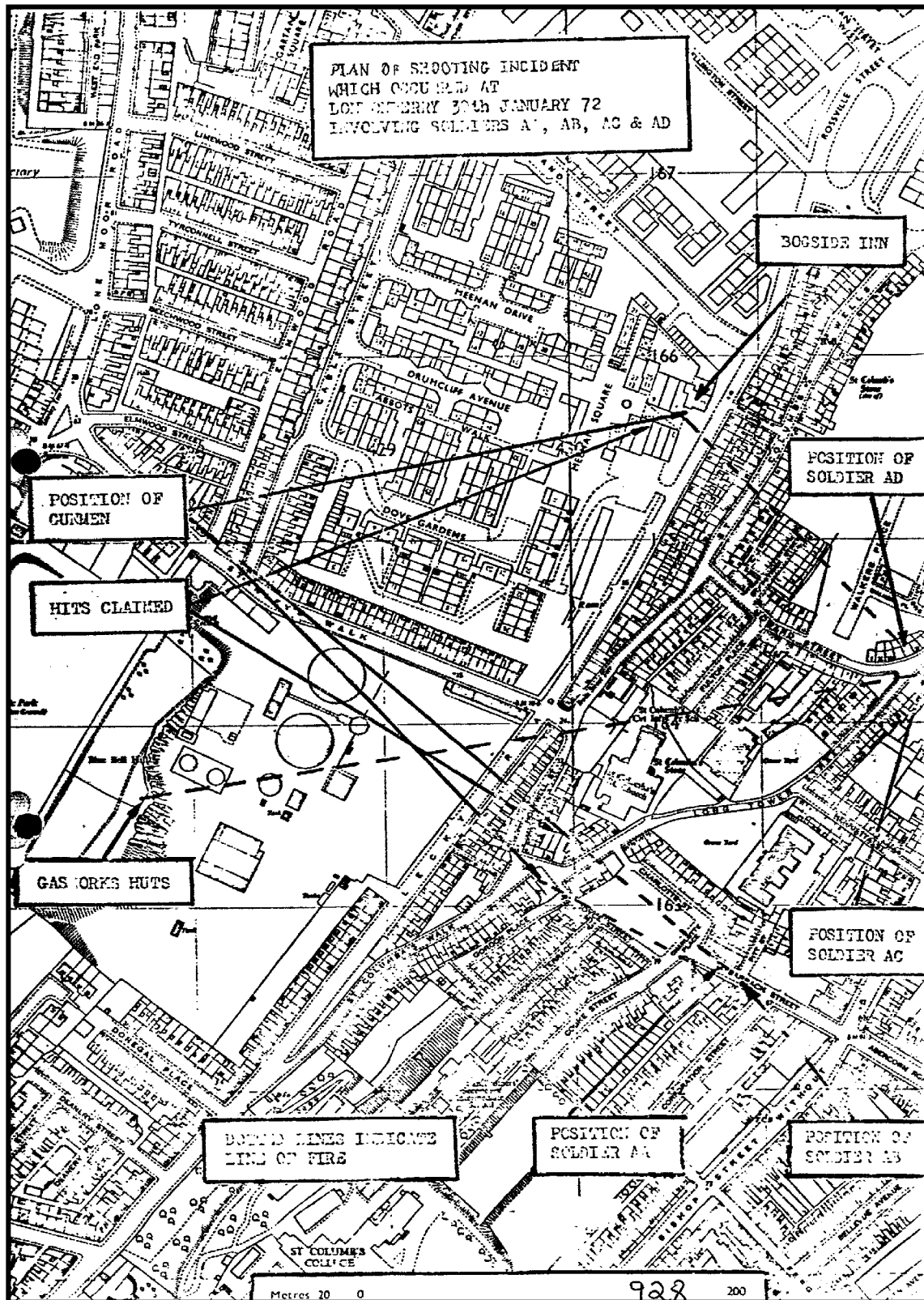
151.132 In his written statement to this Inquiry, Private AB told us that he could recall little of the day, other than hearing some gunfire and seeing one of his fellow soldiers fall to the ground. He could not recall the area of the city in which he was deployed that day.

151.133 His recollection was of hearing the distinctive rapid fire of a Sterling sub-machine gun. He thought that up to ten rounds had been fired at "us". He did not know the direction from which the rounds had been fired, or the distance. However, he recalled hearing rapid fire and then seeing his colleague, Private 042, fall to the ground. He could not recall firing any shots back at the gunman.¹

¹ [B918.002](#)

151.134 Private AB did not give oral evidence to this Inquiry.

151.135 There is a composite RMP map, prepared in 1972, which shows the location of soldiers AA, AB, AC and AD and their targets, and to which we have already referred in this chapter. We reproduce the map elsewhere in this report where we describe other incidents. For convenience, we have also reproduced it here.



The evidence of Private 042

151.136 Private 042 was a member of 7 Platoon, B Company, 1 R ANGLIAN.¹ In his RMP statement dated 2nd February 1972, he recorded that on 30th January 1972 he was on duty at the junction of Pitt Street and Barrack Street and that the task of his section was to prevent marchers from going up Barrack Street. He was deployed in a doorway in Barrack Street, opposite the platoon's Armoured Personnel Carrier (APC) in Pitt Street.

¹ [B1669.001](#)

151.137 Private 042 described the incident in which two Cortinas came to the Barrack Street barrier. We deal elsewhere in this report¹ with that incident. He described the cars being driven away from the barrier by soldiers and said that Sergeant AA then moved to a position about 6ft in front of the barrier, on the opposite side of the road from Private 042.

¹ [Chapter 130](#)

151.138 Private 042 stated that, about five minutes later, he heard two high velocity shots coming up Barrack Street; and that he looked at Sergeant AA, who had been joined by Private AB, but neither of them had taken cover. Private 042 recorded that he did not know where the shots had come from but brought his rifle butt to his shoulder and watched some derelict houses in Long Tower Street, which seemed to offer a likely sniper position. According to this account, about one minute after the first shots, Private 042 heard a third shot. He heard Sergeant AA shout, "*There he is*" and saw Sergeant AA fire one 7.62mm round. Private 042 was unable to see a gunman. About 30 seconds after the third shot, a fourth shot struck the wall of the house about 6in in front of Private 042. The bullet ricocheted off, hitting Private 042's flak jacket on the left side, just above the pocket. The bullet travelled along the front of the flak jacket, exiting above the right pocket. The force of the bullet caused Private 042 to spin around, but he was not injured.¹

¹ [B1667-1668](#)

151.139 Private 042 gave no evidence to the Widgery Inquiry.

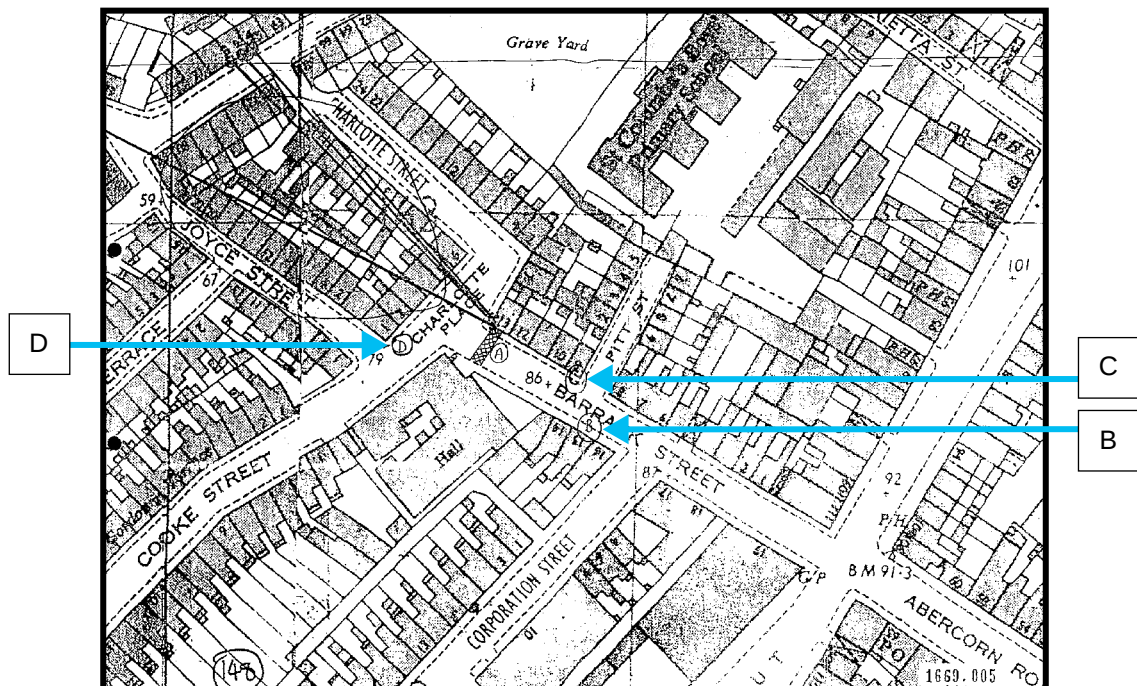
151.140 In his written statement to this Inquiry, Private 042 told us that the task of his platoon was to man the barrier. His own task was to protect those men who were on the barrier and, in particular, his Platoon Sergeant, Sergeant AA.¹

¹ [B1669.001](#)

151.141 Private 042 again described the incident involving the Cortinas. He said that, about 10–15 minutes after the cars had left, he heard three shots being fired at the soldiers from over the waste ground. He attached a map to his statement in which he identified his own approximate location as Point B, Sergeant AA's location as Point C, and the waste ground as the area circled, with a Point D below the circle. The map is reproduced below.¹ Private 042 explained that the map is somewhat misleading, as it depicts houses in areas that were, in January 1972, waste land.²

¹ B1669.005

² B1669.001-2



151.142 Private 042 said that he could not recall whether the shots were high or low velocity. The shots were fired in fairly quick succession. He remembered shouting to Sergeant AA, “*We’re under fire!*” after the first shot. He concentrated on the waste ground area in an effort to locate the gunman. He said that he was standing side-on in the doorway with his left shoulder forward; the last of the three shots hit the doorway next to his left shoulder, ricocheted, went through the left side of his flak jacket, across his chest and out through the right side of the flak jacket. He did not recall the sound of the bullet hitting the doorway. The shots came so quickly that he was still thinking about the direction from which the first shot had come when the third hit the doorway.¹

¹ B1669.002

151.143 Private 042 said that he could not recall a shot being fired by Sergeant AA.¹

¹ B1669.004

151.144 Private 042 gave oral evidence to this Inquiry. He said that he did not see a gunman.¹ He acknowledged that his account in 1972 was likely to be more accurate than his current recollections.²

¹ [Day 379/98](#)

² [Day 379/99](#)

The radio logs

151.145 The Porter tapes contain the following entry, timed at 1640 hours:¹

“Hello, Zero, this is 90 Alpha ... We just heard 3 shots fired at OP Kilo on the City Walls – wrong, 2 shots fired. Three shots have been returned by Quebec call signs.”

¹ [W136](#)

151.146 A minute later, 54 Alpha (1 R ANGLIAN) made the following report:¹

“Hello, Zero, this is 54 Alpha. Reference report from call sign 90 Alpha on shooting. Our call sign Quebec 23 has had one low velocity shot fired at them from Charlotte Street. Hit one of our solders in flak jacket. Ah, we don’t believe he is a casualty. One round was returned. No hit. Subsequent to that call sign Quebec 21 had one round fired at it and two shots were returned. No casualties on either side.”

¹ [W137](#)

151.147 A summary of these two messages was recorded (not entirely accurately) in the following way in the Brigade log:¹

“Serial	DTG	To	From	Event
...				
192	1639		22Lt	... 2 shots at wall – Q21 returned three shots.
...				
196	1641		1RANG	1 LV shot at sldr of Q23 from Charlotte St. Hit flak jacket. No cas. 1 shot returned, no hit claimed, later 2 shots fired at gunman, no hits recorded.”

¹ [W49](#)

151.148 The log of 1 R ANGLIAN contains the following entry:¹

“Serial	DTG	To	From	Event
...				
88	1641	...	2	One man hit in chest no injury one rd returned. Man wearing flak jacket LV man from C/S 23. One rd fired at C/S 21. 2 rds returned.”

¹ W106.7

151.149 There is no immediately contemporaneous record in the logs of all of the shots that Sergeant AA and Private AB subsequently stated that they had fired.

151.150 In the log of 8th Infantry Brigade, the shooting in the area of Barrack Street was summarised in the following way as part of a larger report, recorded at 1820 hours:¹

“3. 1 x 7.62 at gunman GR 48011629 by C/S 23 (Barrack Street) – stepped into alleyway.

4. 3 LV fired at C/S 23 (Barrack St). 1 shot his [sic] soldiers flak jacket – no cas.
8 x 7.62 returned at gunman GR 43021632. Not known if hit.”

¹ W53

151.151 The following entries were made in the 1 R ANGLIAN incident report,¹ drawn up after the event. In view of Sergeant AA’s evidence, the timing of the second entry is in doubt.

¹ C1347.21

7	1641	Two soldiers at Grid 43081626 each fired one shot at gunman seen at Grid 43001630.	One hit claimed
8 P 2824. (5)	1641	Gunmen fired 3 rds, one of which had hit a soldier in the flak jacket, from houses at Grid 43011633, 7 shots fired by a soldier from Grid 43081626 at gunmen.	No definite hit seen. Soldier hit in flak jacket standing in doorway of 14 Barrack St (Grid 43071626)

The Official IRA press conference

151.152 At a press conference on the evening of 30th January 1972, the Official IRA confirmed that, in an area outside the immediate district of the march, one of its volunteers had received neck and leg injuries in an exchange of fire with soldiers.¹

¹ [ED12.5](#)

The *Observer* newspaper galley proofs

151.153 The *Observer* galley proofs for a proposed article to be published in February 1972 contained lengthy quotations from someone described as the “*acting commanding officer of the Official wing of the IRA in Derry*”. He was quoted as saying, “*Two shots were fired by our volunteer covering Bishops [sic] Street. Those were the only shots we fired.*”¹

¹ [ED24.3](#)

151.154 Johnny White (known during the course of the Inquiry as OIRA 3 but from whom anonymity was subsequently removed) was the Commanding Officer of the Official IRA in Londonderry on 30th January 1972.¹ He had taken command following the arrest two days earlier of the then Commanding Officer.²

¹ [AOIRA3.16](#)

² [AOIRA9.1](#)

151.155 In his second written statement to this Inquiry, Johnny White told us that he did not recall talking to anyone from the *Observer*. However, he confirmed that an Official IRA volunteer was present in the Barrack Street area and said that the man was placed there for defensive reasons, in case there was an Army incursion into the Brandywell and Creggan areas. The volunteer was armed with a rifle. He said that the volunteer had fired one shot, not two, and had done so only well after “*the whole murdering campaign in Rossville Street had taken place*”.¹

¹ [AOIRA3.18](#); [AOIRA3.22](#); [AOIRA3.29-30](#)

151.156 We have no doubt that Johnny White was the source quoted in the galley proofs.

Mary Holland's article

- 151.157** On 6th February 1972 the *Observer* published an article headed, "*How the IRA gained a sniper*". The article was written by Mary Holland and began with the following paragraphs:¹

"Londonderry, 5 February

There was one IRA sniper wounded here last Sunday. He was a member of the 'official' IRA, and he was posted in an empty house on the corner of Cooke Street and Joyce Street, with orders to cover Bishop Street.

He was wounded by a soldier returning fire from a house opposite after he himself had fired at a soldier in the street beneath. He thinks his bullet grazed the soldier's flak jacket, but did not injure him.

The Army may well think that they killed him. He was hit in the thigh by one bullet and another ricocheted off a wall to graze the flesh of his eye. By the kind of coincidence common here, the soldier who fired on him was posted on the roof of the sniper's sister-in-law's house, and she heard him reporting back to his commanding officer, 'I think we got him, sir, we saw him fall.'

I talked to the sniper several times this week, while he nursed his gunshot wounds in the bedroom of the new Northern Ireland Housing Trust house into which his family recently moved.

I've known this man since 1968."

¹ [M42.2](#)

- 151.158** In her written statement to this Inquiry, Mary Holland told us that she could no longer recall with certainty the name of this Official IRA sniper and that in any event she felt that she would be betraying his confidence were she to name him.¹ She continued:

"I do remember that I had the impression that the shots he fired were fired well away from the marchers and that it was an opportunist shooting and not part of any planned attack on the Army."

¹ [M42.1](#)

- 151.159** Mary Holland did not give oral evidence to this Inquiry.

The Sunday Times working papers

151.160 The Sunday Times working papers (which contain drafts for the *Insight* article that was to be published on 23rd April 1972) contain the following page.¹

¹ S42

official ira - 4

as this incident,

At ~~about~~ the same time/one of the Officials from the Bogside ~~unit~~, a tall ~~man~~ blond- haired ~~man~~ in his twenties, fired ~~two~~ shots from a derelict ~~house~~ near St. Columba's Church, (a couple of hundred yards south of ~~the~~ Free ~~Public House~~ Derry Corner) at soldiers on barricade 20 ~~at Barrack St.~~ at Barrack St. The barricade was manned by the Royal Anglians, who, he says, returned about six shots in his direction. ~~He says he appeared to~~ *4 A* ~~hit the soldier in his flak~~ *hit the soldier in his flak*

The man ~~was~~ stayed ~~in~~ in the house for a few minutes taking cover from the army helicopter which was circling overhead. Suddenly, ~~another~~ *thirteen* dozen shots were fired at the house and he was hit in the right ~~thigh~~ thigh and the right side of his back. Both hits were only flesh wounds and he thinks they were either from ricochets or ~~frag~~ fragmented ~~bullets~~ bullets. *It was the only known IRA casualty of the day.*

and

The identity of the sniper

- 151.161** The identity of the sniper was known to the Royal Ulster Constabulary from an early stage. A Special Branch report dated 18th February 1972 contained the following information:

“Local enquiries have revealed that the person mentioned in [Mary Holland’s] newspaper article is in fact:

MICHAEL DOHERTY

DOHERTY has been a Volunteer in the Bogside Unit of the Official IRA from September 1971 after having returned from Dublin, immediately after Internment was introduced...

Apparently when DOHERTY was shot in the thigh he was dragged away by his comrades to St. Columb’s Walk where he received First Aid treatment before being taken to his own home at Lisfannon Park.”

- 151.162** Michael Doherty was known as “Red” Mickey Doherty. He died in May 2003 following a long illness. As we have noted earlier in this report,¹ the Inquiry was unable to obtain evidence from him before his death.

¹ [Chapter 148](#)

- 151.163** The representatives of the Command Staff of the Official IRA submitted that “Red” Mickey Doherty’s shot clearly followed the paratroopers’ actions in the Bogside and had no causative impact on the paratroopers’ conduct. In support of that proposition, they rely on the timing of 1641 hours given in the R ANGLIAN radio log for the relevant shots and on the evidence of Sergeant AA to the effect that the exchange of fire took place after the incident involving the Cortinas at the barrier.¹

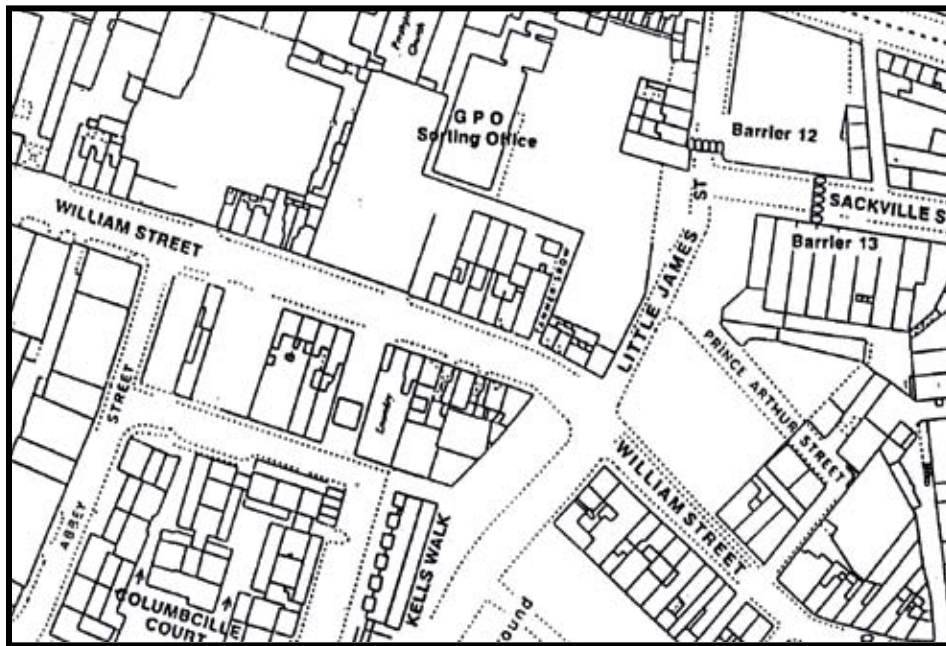
¹ [FS13.155-156](#)

- 151.164** We accept that submission. As we describe in detail elsewhere in this report,¹ the Cortinas contained casualties of the paratroopers’ firing. By the time of “Red” Mickey Doherty’s shot, all the casualties in the five sectors had been sustained. What the evidence does disclose is that if any assurances had been given by the Official IRA to the effect that they would not engage in armed activity in the city on 30th January 1972, his firing is an example of failure to abide by such assurances.

¹ [Chapter 130](#)

Lance Bombardier Z and paramilitary firing from the area of Abbey Street

151.165 As we have described earlier in this report, Barrier 13 was located in Sackville Street and manned by soldiers of A Troop, 11 Battery, 22 Lt AD Regt on the day. Sackville Street runs in a west–east direction from Little James Street to Strand Road, as shown on the following map.



Evidence from soldiers

151.166 Warrant Officer Class I 041 was the acting Platoon Commander of A Troop on 30th January 1972, with 28 men under his command. He described to us seeing rioting in front of Barrier 13, which died down with the rioters dispersing. According to his written evidence he recalled seeing paratroopers running “*past the west end of Sackville Street*”, but did not “*see any vehicles travelling south down Little James Street*”. After seeing the paratroopers run past, he ordered his men partially to dismantle the barrier and, out of “*curiosity*”, moved “*forward to see what was happening*”.¹ As he did so, he said that paratroopers, whom he had not seen previously, ran past him from behind Barrier 13 and followed the other paratroopers towards William Street. Warrant Officer Class I 041

moved forward with Lance Bombardier Z and Gunner 034 on his left and two other soldiers on his right. After they had moved forward, an incoming shot ricocheted off a wall on the northern side of Sackville Street.

¹ [B1664.002](#)

- 151.167** Warrant Officer Class I 041 recorded in his written statement to this Inquiry that Lance Bombardier Z returned an aimed shot at a window of a burned-out factory building on the south-western corner of the intersection of Abbey Street and William Street; in his oral evidence he placed the target further to the south on Abbey Street. After Lance Bombardier Z told him he thought he had hit the gunman, Warrant Officer Class I 041 looked through his binoculars and saw a man's arm hanging out of a window, which then "*slumped back from the window and disappeared*". He assumed that either the gunman had been hit or he was being pulled from the window. Warrant Officer Class I 041 then reported the incident to his control room at about 1640 hours on his radiophone.^{1,2}

¹ [B1664.003-10](#); [Day 375/10](#)

² It seems to us that Warrant Officer Class I 041's recollection of paratroopers running past the western end of Sackville Street was either a false memory, or referred to a much later stage after Support Company vehicles had gone into the Bogside. We have found no evidence to suggest that at any stage soldiers of 1 PARA went through Barrier 13.

- 151.168** Lance Bombardier Z told us that while he was still behind Barrier 13, before the paratroopers went south on Little James Street and while there was still rioting in front of the barrier, an incoming bullet "*cracked on the building above our heads*".¹ According to Lance Bombardier Z, Warrant Officer Class I 041 then ordered him and other soldiers to return to their Waterloo Place base to collect their rifles, after which they returned to Barrier 13. Lance Bombardier Z told us that he remembered paratroopers being behind Barrier 13 before coming through the barrier in their vehicles. After the paratroopers had gone south on Little James Street, he and other soldiers went as far as that street "*to see what was happening*". Sometime later in the afternoon, once the noise had died down, an incoming shot struck masonry on the southern side of Sackville Street approximately 12ft over his head. He told us he saw a gunman in a window of a derelict tyre factory on Abbey Street at whom he fired a tracer bullet. Lance Bombardier Z "*thought [he] had taken him out*". He assumed Warrant Officer Class I 041 reported his shot. He placed his target as being in one of four windows of the building shown in the following photograph.^{2,3,4}

¹ [B879.004](#). It seems to us that this might have been the shot fired at the Embassy Ballroom Army OP, discussed earlier in this chapter, though this was reported after Support Company had entered the Bogside.

² [B879.004-007](#); [Day 372/91](#); [Day 372/103](#); [B879.010](#)

³ As with Warrant Officer Class I 041, Lance Bombardier Z's recollection of paratroopers being behind Barrier 13 is in our view a false memory. As we have described in the course of considering the events of Sectors 1, 2 and 3, Support Company were in vehicles behind Barrier 12.

⁴ [B879.010](#)



WINDOW WHERE
GUNMAN POSITIONED

151.169 In his RMP statement,¹ Lance Bombardier Z, like Warrant Officer Class I 041,² had placed the target at the south-western corner of the intersection of Abbey Street and William Street. However, in his oral evidence to this Inquiry, Lance Bombardier Z said that the building ran along Abbey Street from the intersection and that the RMP map was marked with “*the wrong building*”.³ Unlike Warrant Officer Class I 041, Lance Bombardier Z referred to an earlier incoming shot and, again unlike Warrant Officer Class I 041, he placed the second of the two incoming shots that he described on the southern side of Sackville Street.

¹ B865

³ B879.016; Day 372/115-118

² B872

151.170 Gunner 034, who was with Lance Bombardier Z at Barrier 13, gave the following description in his RMP statement dated 3rd February 1972:¹

“At 1650 hours I heard (1) one single high velocity shot fired at our location, the round hit the corner just above our heads, causing chippings of stone to fall on us. Myself and ‘Z’ saw the gunman positioned in a burnt out building on ABBEY STREET he was at the top floor of the building firing from the window. ‘Z’ who was in a kneeling position on the corner took up the firing position and fired one aimed round at the gunman. The round fired was a 7.62 tracer. We saw the gunman was outlined within the window frame. We saw him slump forward onto the window sill his right arm hanging over the window sill. The arm then went slowly back into the room as if someone were pulling him back into the room. No more shots were fired at our location. At the time fire was returned the weather condition were very fine with very good visibility and there were no obstructions between our position and that of the gunman.”

¹ B1624.005

151.171 Gunner 034, in his written evidence to this Inquiry, told us that he now recalled only that, after Army vehicles went south from behind Barrier 12, he moved from behind Barrier 13 towards the west, after which a shot hit a wall “*above our heads*” on the southern side of Sackville Street. That was the only shot that he “*can remember hearing all day*”.¹

¹ B1624.002-003

151.172 Gunner INQ 1997 told us that he recalled being at Barrier 13 with other soldiers including Lance Bombardier Z and that the barrier was opened to permit APCs to pass through. He described an incoming shot that struck a wall on the southern side of Sackville Street. He said that Lance Bombardier Z then fired a return shot at a target in a factory window,

a target that Gunner INQ 1997 did not see. He said he believed that this exchange occurred while there was a crowd of civilians in front of the barrier and before the APCs went towards Rossville Street, but he accepted that more than 30 years had passed, which could have affected his memory.¹

¹ C1997.2; Day 295/92; Day 295/100-104

151.173 Gunner INQ 631 told us he also recalled having moved forward of Barrier 13 when Lance Bombardier Z fired in the direction of William Street. As Gunner INQ 631 did not hear an incoming shot, he asked Lance Bombardier Z why he had fired. Lance Bombardier Z replied that he had identified a gunman in a window of a building at the intersection of Abbey Street and William Street.¹

¹ C631.2; Day 371/10

151.174 Lieutenant 009, of 11 Battery, 22 Lt AD Regt, was in command of Echo OP on the roof of the Embassy Ballroom. His job was to report what he saw to the Operations Officer at Battery Headquarters. In an RMP statement dated 3rd February 1972, Lieutenant 009 described an incoming shot from the direction of Abbey Street towards “*the road block in Little James Street*” that “*was immediately followed by a return shot which I now know was fired from Sackville St by Z*”. Sometime before “[a]bout 1659 hrs”, he saw a movement at a window of a derelict building in Abbey Street when an arm appeared over the sill of an upstairs window. Afterwards, he noticed that the arm had disappeared. Although he said he remembered much of the day, he told us he recalled nothing of this incident.¹

¹ B1392.6-10; Day 316/96

151.175 Lieutenant 109, of 11 Battery, 22 Lt AD Regt, was responsible for manning Barrier 12 in Little James Street. In an RMP statement dated 5th February 1972, Lieutenant 109 recorded that at 1656 hours he heard a high velocity round strike “*the wall in SACKVILLE ST*” and that a return round was fired from that street. In his written statement to this Inquiry, he told us that he believed that the incoming shot was fired from the western end of William Street and hit a wall on the northern side of Sackville Street. A high velocity shot was then fired from Sackville Street that he assumed was in response to the incoming shot.¹

¹ B1722.1-5

151.176 Two soldiers, Gunner 023, a sniper, and Bombardier 015, were positioned very close to and above Barrier 13 in the Peter England Shirt factory at the north-eastern corner of the intersection of Sackville Street and Little James Street.

151.177 In an RMP statement dated 3rd February 1972, Gunner 023 recorded that during or just after “*general firing in the area of ROSSVILLE FLATS/COLUMBCILE COURT/ GLENFADA PK*”, he saw a gunman with a rifle in the window of a derelict house at 57 William Street. The gunman’s location was shown on an attached plan as a building on the northern side of William Street, a short distance west of the electricity sub-station at the north-western corner of the intersection of William Street and Little James Street. Gunner 023 recorded that he then heard a high velocity shot that hit a wall below his position. When the man reappeared in a different window in the same building, Gunner 023 heard a high velocity shot being fired from the road below his position and saw the man fall backwards. In his written statement to this Inquiry,¹ he told us that he did not recall “*a man in the window of 57 William Street, wherever this may be*” or of him falling backwards. In his oral evidence to this Inquiry, he initially said that he recalled seeing a man with a rifle, but did not remember being fired upon. When questioned further, he said that he “*vaguely*” recalled the incident and but then seemed to become certain.²

¹ B1525.1

² Day 360/26; Day 360/42; Day 360/47

151.178 Despite the differences between Gunner 023 and Lance Bombardier Z as to the location of the gunman, it seems to us that they were probably describing the same incident.

151.179 In his RMP statement dated 3rd February 1972,¹ Bombardier 015 described an incident similar to that described by Gunner 023 in his RMP statement. Bombardier 015 recorded that he heard a bullet hit the building below his position and immediately thereafter “*a high velocity round being fired from below me*”. In his written statement for the Widgery Inquiry,² Bombardier 015 described hearing “*the crack and thump of a bullet hitting the building somewhere below me, and the sound of a high velocity shot fired in reply*”. In his oral evidence to the Widgery Inquiry, he repeated his description, elaborating that the return fire was “*a 7.62 by the sound of it*”.³ In his written statement to this Inquiry,⁴ he added that after he heard the “*crack and thump*” of a bullet being fired in his direction and the bullet hitting the building in which he was positioned, he received “*a message from below to look west up William Street for a sniper*” as an “*arm had been seen in the upper window of a derelict building*”. He told us that he “*could not see enough of a target to do anything about it*”. It seems to us that this evidence also refers to the incident involving Lance Bombardier Z.

¹ B1415

³ WT16/37

² B1425

⁴ B1434.005

Log entries and the Porter tape

151.180 References in various logs relate to this incident.

151.181 Warrant Officer Class I 041¹ told us that he would have reported to his battery radio controller that there was an incoming shot by a gunman located at the corner of William Street and Abbey Street. Warrant Officer Class I 041 explained that this message would go through three stages: to his battery radio controller (11 Battery), who would report to the regimental operations room (22 Lt AD Regt), who would pass the information on to Brigade (8th Infantry Brigade).

¹ [Day 375/18-21](#); [Day 375/42](#)

151.182 Serials 71 and 74 of the 22 Lt AD Regt Operations Room log¹ recorded reports from 11 Battery:

“[71] 1 x shot around SACKVILLE St NO STRIKE observed.

...

[74] 1 Rd fired at G/man in factory ABBEY ST/WILLIAM St claimed hit. Seen to fall.”

¹ [W98](#)

151.183 Although serial 71 is recorded as being sent at 1635 hours, it is out of sequence with the remaining entries in the 22 Lt AD Regt log and is also at odds with the timing of serial 204 of the 8th Infantry Brigade log, to which we refer below.¹ We are satisfied that the last two digits were transposed in error and that the message was received at 1653 hours. Serial 74 is recorded as being received at 1656 hours.

¹ [W50](#)

151.184 The 8th Infantry Brigade log¹ contains two entries that seem to relate to those in the 22 Lt AD Regt log. Serial 204 of the Brigade log records the following message from 22 Lt AD Regt at 1653 hours:

“1 shot from area of Rossville Flats into Sackville St. NTR [nothing to report].”

¹ [W50](#)

151.185 Serial 210 of the Brigade log¹ at 1704 hours contains the following unattributed message:

“At 1656 1 x 7.62 fired at gunman at Factory Abbey ST/William St. Hit claimed.”

¹ [W50](#)

- 151.186** The Porter tape of 8th Infantry Brigade messages provides us with a transcript of those two messages. Serial 204 of the Brigade log is reflected at serial 538 of the Porter tape.¹

“Hello, Zero [8th Infantry Brigade], this is 90 Alpha [22 Lt AD Regt]. One shot from the area of the Rossville Flats at our call sign junction Sackville Street/Little James Street. No strikes or casualties. Over.”

¹ [W138](#)

- 151.187** Serial 210 of the Brigade log is reflected at serial 552 of the Porter tape:¹

“Hello, Zero, this is 90 Alpha. At 16:40 hours one 762 round fired at a gunman in the factory, junction of Abbey Street/William Street. Hit claimed. Over.”

¹ [W139](#)

- 151.188** The Porter tape contains another message from 22 Lt AD Regt to Brigade at some stage between about 1706 and 1711 hours, at serial 571:¹

“Hello, Zero, this is 90 Alpha. We reported shooting at a gunman in a factory junction Abbey Street/William Street at 16:40 hours. This was wrong. He was shot at 16:56 and a man was seen to fall. Over.”

¹ [W140](#)

- 151.189** As this message is not found in the Brigade log, it is likely that the Brigade serial 210 is an amalgam of the Porter tape serials 552 and 571. The obvious discrepancy between the messages is that the incoming shot was reported in the Brigade log as coming from the Rossville Flats, while the 22 Lt AD Regt log contains no such reference.

- 151.190** However the discrepancy crept into the report of the incoming shot, it seems to us that the portions of the logs quoted above record the incident under discussion. We are sure that the incoming shot was fired from the derelict factory on Abbey Street, that it struck a wall at the western end of Sackville Street and that within three minutes Lance Bombardier Z returned one shot.

- 151.191** The various descriptions of the movements of the gunman afterwards are not conclusive evidence that he was hit. He might have withdrawn or been pulled back from the window. We have found no other evidence that suggests to us that there was a casualty in that area. As we have already mentioned, Major INQ 2225 told us that soldiers tended to assume that when they fired and saw their targets move, they had hit their target.¹

Our examination of the material held by the security services discloses nothing to suggest that Lance Bombardier Z killed or seriously injured his target. In our view he is unlikely to have done so. We have found no evidence to suggest that anyone was injured at all.

¹ [C2225.7](#)

151.192 However, the incident is another illustration of the fact that civilian gunmen were active during the events of Bloody Sunday. Neither the Provisional IRA nor the Official IRA, nor any member of either organisation who gave evidence to us, admitted either knowledge of or responsibility for firing the shot to which Lance Bombardier Z responded.

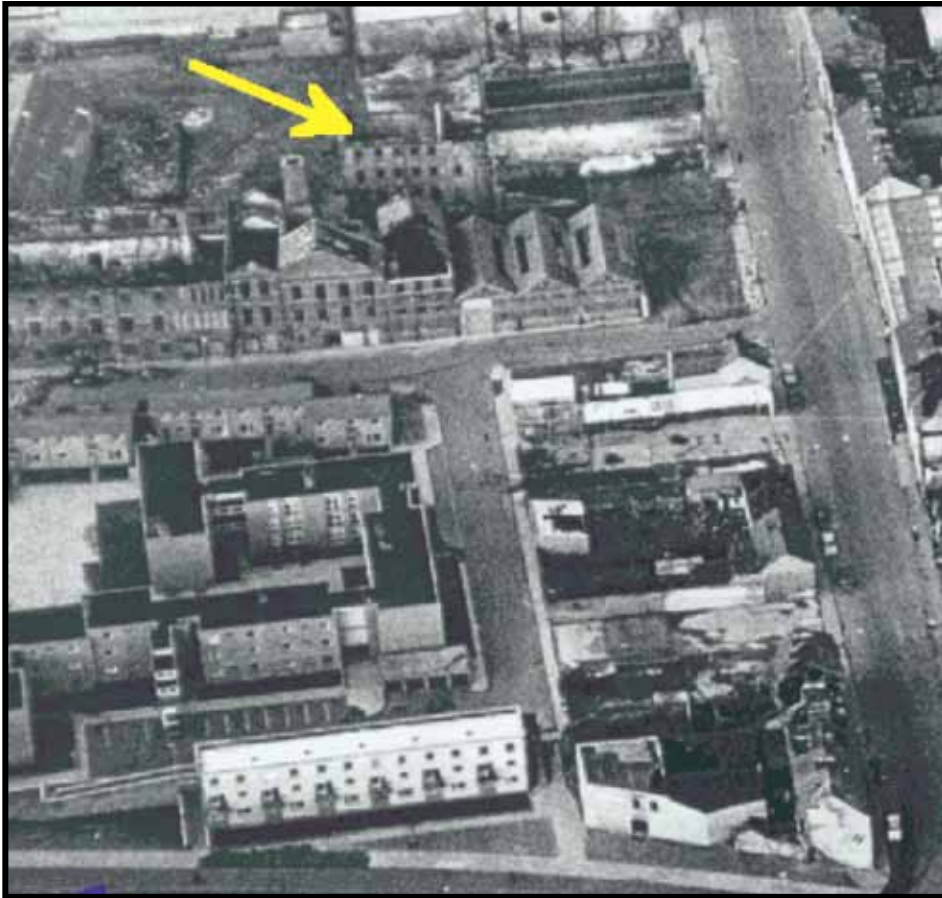
Stephen Peak's evidence of firing in the area of Abbey Street

151.193 Stephen Peak, then a student at the London School of Economics (LSE), took part in the march along with two other LSE students. According to his account, he and a friend, Sarah Harrison, one of the two students, were at Free Derry Corner when shooting broke out. They remained there for what he described as the shooting at Lecky Road and Westland Street to stop. They then went towards William Street via the rear of the buildings on the west side of Abbey Street, where he saw a figure he took to be a soldier holding a rifle with a telescopic sight on the first floor of a semi-derelict building to the west of his position.¹ He indicated the building on a photograph attached to his written statement to this Inquiry, and in his oral evidence to this Inquiry he marked the building with a yellow arrow.² He also marked the building and his position behind the Abbey Street buildings on a plan attached to his second written statement to this Inquiry.³

¹ [AP16.1-43](#)

³ [AP16.42](#)

² [AP16.45](#); [Day 182/15-19](#)



151.194 In both the photograph and the plan, Stephen Peak placed the building behind the derelict factory at which, as we describe above, Lance Bombardier Z fired a shot. Stephen Peak said the figure he took to be a soldier fired one shot between him and Sarah Harrison. He told us that the man purposely missed as he “*could have shot us if he had wanted to*” and that he did not think Sarah Harrison saw the man.¹

¹ AP16.33-34

151.195 Some time the following week, Stephen Peak, with the help of Sarah Harrison and the other LSE student who was with them in the city that day, wrote an account of their experiences that did not mention this incident.

151.196 There is evidence of firing in the area of Abbey Street, namely the incident concerning Lance Bombardier Z, as well as evidence from a report by 1 CG of shots in the Little Diamond area. These events took place at a late stage, as we describe when considering the later events of Sector 3.¹ This might well have been the time when Stephen Peak and his companions had reached the area of Abbey Street. However, we have found nothing to suggest that an Army sniper was in the building described by Stephen Peak, and in our

view it is highly unlikely that one was there, as he would have been in the Bogside and isolated from other soldiers. Warrant Officer Class I 041 told us that he did not believe that Lance Bombardier Z's shot could have gone towards the building identified by Stephen Peak.²

¹ [Chapters 121–124](#)

² [Day 375/13](#)

151.197 In our view, while Stephen Peak may have heard the exchange of fire described by soldiers, we are not persuaded that anyone fired between him and Sarah Harrison. Had such an alarming incident occurred, we believe that this would have been mentioned in the account of their experiences that they compiled a few days after Bloody Sunday.

Paramilitary firing in the area of Long Tower church

151.198 At approximately 5.15pm, there was an incident involving a gunman near St Columba's church.

151.199 St Columba's Roman Catholic church is located on the western side of Long Tower Street and is more frequently referred to as the "Long Tower church". Long Tower Street ran roughly westwards and parallel to the City Walls from Bishop's Gate until it met Nailor's Row when it continued in a south-westerly direction to its junction with Joyce Street and St Columba's Walk.

151.200 We have evidence about this incident from three journalists, Simon Winchester, Nigel Wade and Anthony (Tony) Fry. Simon Winchester and Nigel Wade gave evidence to this Inquiry and we have Tony Fry's written statement for the Widgery Inquiry.

151.201 Simon Winchester, then a *Guardian* newspaper correspondent, wrote about the incident in a *Guardian* article that appeared the following day:¹

"During one stage I was sheltering in a Roman Catholic church and as, with two other reporters, I went around a corner, a civilian, armed with a .22 rifle, opened up at us. He may have been a short-sighted IRA man, but whoever he was he was firing from a Protestant part of the city."

¹ [L45; M83.45](#)

- 151.202** In his written statement for the Widgery Inquiry,¹ Simon Winchester recorded that he was walking down Lecky Road with *Daily Telegraph* correspondent Nigel Wade and BBC reporter Tony Fry. They were attempting to make their way to the city centre from the Bogside, when they met a group of people who advised them to go to the Long Tower church and then make their way through a series of alleys to the city centre:

“We went up to the church and as we rounded a corner a man with a rifle – who I did not see – fired about five shots at us. We fell to the ground and crawled back into the church. Wade saw the gunman and said that he was a civilian. After sheltering for ten minutes we went back down the steps into Lecky Road and as it was by now totally quiet made our way down to Foyle Road and thus back to the city centre where we arrived at about 5.30 pm.”

¹ [M83.20](#)

- 151.203** In his oral evidence to the Widgery Inquiry,¹ Simon Winchester said that the three of them went into the church, where they found people sheltering. When they thought it was safe, they left the church:

“... I did not see him [the gunman], but I certainly heard him, a sniper open up at very close range and fire about five shots. I would say again a .22 rifle, it was that sort of crack.”

¹ [M83.30](#)

- 151.204** According to Simon Winchester, they dropped to the ground and then crawled back into the church, where they sheltered along with about 20 others. After five to ten minutes the three journalists left the church and made their way “*back eventually into the city*”.¹

¹ [M83.30](#)

- 151.205** In his book *In Holy Terror*, written by Simon Winchester in 1974 from notes he had made in 1972, he again described the incident:

“On the way out of the area – we had to go the long way around, down Lecky Road and to the river and back to the hotel through the town – one curious incident occurred. Firing was still going on in sporadic bursts, and at one point we decided to try to climb up a flight of steps that breached the Walls, and leave the dangers through a churchyard. Since it was a Protestant area that we would pass through this way, there would, we thought, be few attendant dangers.

But in the churchyard we were suddenly and startlingly confronted by an armed man: he fired two shots at us, from the hip. He seemed to be carrying a .22 rifle, and his shots, which missed us by a massive margin, sounded like those from a small sporting rifle. We hurtled into the quiet of the church, where perhaps a dozen weeping men and women were sitting out the dangers, and waited until we felt certain he had gone. Then we dashed out and down the steps into the Bogside again, which to us now seemed rather safer, by contrast. The important thing that struck us both was that the gunman who confronted us at 5.15 that night at the Long Tower church was, in all probability, a Protestant. Ian Paisley had warned of possible use of force by his cohorts: and it seemed more than possible that some small loyalist force might become involved in the shooting match. That loyalist gunmen might have been in action that dreadful day – in my account I wrote ‘He may have been a short-sighted IRA man, but whoever he was he was firing from a Protestant part of the city’ – was never to be considered seriously by those who would later write about that Sunday.”

- 151.206 Simon Winchester’s remark about Dr Ian Paisley’s warning was referred to during the latter’s oral evidence to this Inquiry; Dr Ian Paisley said that he “*warned that people would be forced to take the law into their own hands if the powers that be did not carry out their duties as the law keepers and I made that clear*”.¹

¹ [Day 205/20-21](#)

- 151.207 In his written statement to this Inquiry,¹ Simon Winchester told us that the three of them went into a church, where they found people sheltering. After three or four minutes, he said the three left the church and “*headed up towards the city*”, when they came under fire. They returned to the church for cover. He did not think the shots were coming in his direction or were aimed at them, because the gunman “*was at very close range and could not have missed had he been aiming at us*”. Simon Winchester stated that he did not see the sniper, who fired five shots from what he said was a .22 rifle. They returned to the church, where they remained for about five or ten minutes. He repeated his belief that the gunman was, “*in all probability*”, a Protestant, again citing Dr Ian Paisley’s remarks and the area from where the shots came.

¹ [M83.6-M83.7](#)

151.208 In his oral evidence to this Inquiry,¹ Simon Winchester said that he did not know whether he actually saw the gunman. He told us he was certain that none of the civilians in the church was armed and described them as “*cowering, afraid, worried about when it would be safe to go out...*”²

¹ Day 116/69

² Day 116/107

151.209 In a written statement for the Widgery Inquiry, Nigel Wade recorded that a single shot was fired as they were climbing the stone steps leading to the Long Tower church. The statement continued:¹

“Then we made a dash up the stairs, and going around the corner of the church wall 3 shots were fired at us in quick succession and as I spun round to take cover again I glimpsed a short man in a brown top coat taking aim at us with a rifle from about 10 yards. We went into the church and found about two dozen men and women there. They said someone had been shooting at people going in and out of the church. I said the man I had seen was not a soldier, and their opinion was the gunman was a Protestant from the Loyalist area around Fountain Street, nearby.”

¹ M79.5

151.210 Nigel Wade gave a similar account of the incident in his oral evidence to the Widgery Inquiry¹ and in his written statement to the present Inquiry.² He also related much the same account in his oral evidence to this Inquiry, adding that the gunman was middle-aged.³

¹ WT7/48

³ Day 109/143-148; Day 109/216-218

² M79.22-23

151.211 Tony Fry described the incident in his written statement for the Widgery Inquiry, in the following terms:¹

“I met Simon Winchester and Nigel Wade in St Columb’s Wells ... and in an attempt to return to the City Hotel by a short route proceeded up the St Columb’s church steps. As we passed the main entrance to the church and into an open space I caught a very brief glimpse of a man with a rifle and some shots were fired. We ducked into the main entrance of the church. Where some other people were also taking shelter. They informed us that they had also come under fire from that gunman. After what appeared to be about 20 minutes we decided to run back down the church steps and return to the City Hotel.”

¹ M27.3

151.212 In their statements for the Widgery Inquiry, Nigel Wade¹ and Tony Fry² recorded that they were fired on before they entered the church for the first time, a position Nigel Wade maintained throughout. This account differs from that given by Simon Winchester. In his written statement for the Widgery Inquiry, he recorded that they were fired upon as they “rounded the corner” and then they “crawled back into the church”, which suggests that they had been in the church before being fired upon. In his oral evidence to the Widgery Inquiry and in written his statement to this Inquiry, he said that they had been in the church beforehand. In his book *In Holy Terror*, however, he said they had been fired on as they entered the churchyard from a flight of steps.

¹ M79.1-5

² M27.1-3

151.213 Nigel Wade said that three shots were fired, while Tony Fry said that “some” shots were fired. In his Widgery Inquiry accounts and in his written statement to this Inquiry, Simon Winchester said that five .22 calibre shots were fired, while in his book *In Holy Terror* he said that two shots were fired. Nigel Wade described the gunman as a civilian, as did Simon Winchester in his account in the *Guardian* on the following day and in his book *In Holy Terror*. In his written statement for the Widgery Inquiry, in his written statement to this Inquiry and in his oral evidence to us, Simon Winchester said either that he had not seen the gunman or was not sure whether he had done so.

151.214 All three journalists described civilians sheltering in the church. Both Nigel Wade and Tony Fry said that some of those sheltering had told them that civilians had been shot at while entering or leaving the church.

151.215 Thomas Cassidy, who is now dead but who was then the editor of the *Derry Journal* newspaper, gave a written statement for the Widgery Inquiry. He was not called to give oral evidence to that Inquiry. He described making his way up St Columb’s Wells, with others, towards the Long Tower church. As the group were passing the steps “leading up to the church from Wells Street Terrace”, he stated that he heard a shot, which “passed close to us”. The immediate reaction of the group was to go to ground. Thomas Cassidy identified those with him as Kieran Gill of the *Irish Press* “and two other people”.¹ He made no mention of other journalists being present, nor did he name Simon Winchester, Nigel Wade or Tony Fry.

¹ M12.2

151.216 Kieran Gill made a written statement to this Inquiry in which he described making his way to St Columb’s Wells, where he met Thomas Cassidy. Kieran Gill’s recollection was of walking with Thomas Cassidy and others, “who may have included Simon Winchester”.

They decided to cut through the grounds of the Long Tower church towards Bishop Street. Kieran Gill said that a man appeared at the top of steps that led from St Columb's Wells to the church. The man was about 30 yards above him and his group. This man was *"in his late twenties or early thirties, black hair, slim and wore a brown sports jacket, dark pants and had an automatic or semi-automatic rifle from which he fired several shots, perhaps four or five, from mid-chest level over our heads"*. According to Kieran Gill, this gunman could have hit the group had he wanted to. He and his companions dived for cover. He noticed that a middle-aged woman a few yards ahead of the group had also fallen on the steps. When Kieran Gill looked up, the man had gone – in the direction of the church. Kieran Gill said that the *"meaning of the shots seemed clear: we were not to proceed in that direction"*. His *"subjective"* view of the gunman was that he was an Army officer in civilian clothing and that he *"did not look in any way 'local' – judging by his features"*. Earlier, he had recorded that there was *"sporadic fire still coming from the general direction of Rossville Street"*.¹

¹ [M105.11-M105.12](#)

- 151.217** In his oral evidence to this Inquiry, Kieran Gill was questioned on the basis of whether he was describing the same incident as Nigel Wade, Simon Winchester and Tony Fry. He confirmed that the gunman fired while he was *"at the very bottom of the steps"* and that he *"aimed above our heads"*, but could not *"recall specifically"* if there was still shooting to his north, although he assumed that there was.¹

¹ [Day 206/101-102](#)

- 151.218** Although there are more discrepancies than similarities in the evidence of the five journalists, there are sufficient similarities to satisfy us that only one shooting incident occurred at the Long Tower church. Nigel Wade, like Thomas Cassidy, described only one shot while he was at the foot of the steps. The *"four or five shots"* described by Kieran Gill may have been the shots described by Simon Winchester, Nigel Wade and Tony Fry. Nigel Wade and Kieran Gill both described the gunman as wearing a brown outer jacket. Both Kieran Gill and Simon Winchester were of the opinion that the range was so short that the gunman could not have been targeting them.

- 151.219** In his written statement to this Inquiry,¹ William O'Connell told us that his two sisters-in-law and their friend had told him about encountering Simon Winchester at the Long Tower church:

“Either later that day or afterwards I spoke to my two sisters-in-law and their friend who I had helped get to St Columb’s Wells. They said they had sheltered in the Long Tower church, and then in the churchyard. They said that with them was Simon Winchester (the journalist) along with Matt Morrison. I got the impression from the girls that Simon Winchester had introduced himself to them. At some stage, as they tried to leave the churchyard, shots were fired at them all from a raised position, to the north east of them. They said that bullets were bouncing off the churchyard as they tried to leave, and that Simon Winchester was lying on his stomach in the yard trying to shelter. The girls didn’t know whether the shots had been aimed at them, at Simon Winchester or at someone else. However, their clear impression was that the shots had been fired at them from the City Walls.”

¹ [AO7.6](#)

- 151.220** In his oral evidence to this Inquiry, William O’Connell identified his two sisters-in-law as Myra McGinley and Bernadette McAnee. He also identified “*their friend*” privately to the Inquiry. None of the three has given a statement about the events of Bloody Sunday; nor has Matt Morrison, whom William O’Connell described as “*A local person*”.¹

¹ [Day 181/12-13](#)

- 151.221** In his Northern Ireland Civil Rights Association statement, Paul Gill described moving up “*the Long Tower steps (from the Wells) when four high velocity shots were fired and two people (a man and woman) who were at the top of the steps almost, dropped down to take cover*”. He was with his brother, Kieran Gill, and two others, Martin Harrigan and Monica O’Donnell.¹ Kieran Gill did not name his brother in either his written statement or his oral evidence to this Inquiry. Martin Harrigan and Monica O’Donnell have not made statements, nor did Paul Gill make a statement to this Inquiry.

¹ [AG29.2](#)

- 151.222** George Moore told us that he was among the civilians running south on Rossville Street towards Free Derry Corner when shooting on Rossville Street began. He continued running towards the Long Tower church, which he described as a safe haven that day. He entered the church and found “*about a dozen people inside*”. He went twice to a door with a view to leaving, but heard rifle fire both times. He said that after about 30 minutes the firing died down and he left the church to make his way home. George Moore said that all the shots he heard that day were high velocity shots.¹ From his account, it seems

to us that he had left the church before the incident described by the three journalists. It is possible, however, that some of the civilians that he saw sheltering were still there when the journalists arrived.

¹ [AM406.2-AM406.3](#)

151.223 In her written statement to this Inquiry, Ann McFaul, who was not called to give oral evidence, recalled that she and her mother had been outside the Rossville Flats when shooting started. They moved to Free Derry Corner and then made their way to the Long Tower church. According to Ann McFaul, they were in Long Tower chapel for about 15 minutes. She did not say anything about hearing gunfire nearby or seeing a gunman.¹

¹ [AM215.2](#)

151.224 In his written statement to this Inquiry, Finbar O’Kane, who did not give oral evidence, described meeting Nigel Wade on Bloody Sunday. Finbar O’Kane told us that, as he was running along St Columb’s Wells towards Long Tower, he saw a large number of people tumble out of the church. Nigel Wade was one of them and he warned Finbar O’Kane “*there is a man with a gun in there*”. Finbar O’Kane was not aware whether Nigel Wade meant the grounds of Long Tower or inside the church itself.¹

¹ [AO47.14](#)

151.225 Despite the discrepancies in the accounts given by the journalists, we are satisfied that they did hear fire from a civilian gunman in the vicinity of the Long Tower church at approximately 5.15pm on Bloody Sunday. We have insufficient evidence to determine whether the gunman was firing at a target or firing warning shots not intended to hit anyone. We have no evidence that enables us to identify the gunman or to determine whether, as Simon Winchester first reported, the gunman was a member of the IRA or, as he later thought, a Protestant, though since it was a Protestant area, the latter would perhaps seem somewhat more likely.

Chapter 152: Other evidence said to show paramilitary firing within the five sectors

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152.1 In the course of dealing with the events of Sectors 1 to 5 we have considered the question of paramilitary firing within those sectors. At this point we draw attention to other evidence that was said to indicate that such firing took place, but which we consider does not in fact do so.

Gunner INQ 1997

152.2 Gunner INQ 1997 of 22 Lt AD Regt told us in his written statement to this Inquiry¹ that while he was positioned at a barricade on Sackville Street (Barrier 13), and while a crowd was at the barricade, a pistol shot from a low velocity weapon was fired from the back of the crowd followed by a high velocity shot. In his oral evidence to this Inquiry,² he admitted that it was difficult to assess the distance from which the latter shot had been fired, and he did not hold to the 800–1,000 yards that he had stated in his written evidence to this Inquiry.

¹ [C1997.2](#)

² [Day 295/93-94](#); [Day 295/100](#)

152.3 Gunner INQ 1997 did not give any account of this incident in 1972 and we have found no other evidence to support it.

Corporal 131

152.4 Corporal 131 of A Company, 2 RGJ, was positioned at Barrier 15. He told us that he believed that he had heard between three and four gunshots from somewhere on the north side of William Street, and had thought that they were fired from pistols.¹

¹ B1814

152.5 Corporal 131 accepted in his oral evidence to this Inquiry that locating the source of this gunfire would have been difficult, although he was certain it was not self-loading rifle (SLR) fire:¹

“Q. Is it possible that the fire that you heard was SLR fire?

A. No.

Q. Was it definitely low velocity fire?

A. It was low velocity fire, three to four rounds in rapid succession.

Q. What is it now that makes you so sure that it was low velocity fire you were hearing?

A. Well, I worked with weapons the best part of me young life, and into – when I got a little bit older. I had been around weapons basically since I was 17-years old, and on the day in question, I mean, we were not expecting nothing and then, bup bup bup, they went off. I thought, ‘Oh, well’, just to myself, ‘Here it goes’.

Q. At about the time you heard those shots, do you remember hearing any high velocity shots as well?

A. At that time, no. There was just the three or four that carried off, where I was standing, up towards that end. They definitely came from round about where the old Stevenson’s bakery used to be and up towards Eugene’s Cathedral.”

¹ Day 296/69-70

152.6 Corporal 131 did make a Royal Military Police (RMP) statement,¹ although in it he made no mention of hearing paramilitary firing.

¹ B1809

152.7 As we have observed on a number of occasions, we take the view that in a built-up area it is difficult, if not impossible, to distinguish between different types of gunfire. Furthermore, had Corporal 131 heard what he could clearly tell was paramilitary gunfire, we are sure

that he would have recorded it in his RMP statement. In our view, if Corporal 131 did hear gunfire, it was probably that of soldiers in the Abbey Taxis derelict building, which we have discussed in the context of Sector 1.

Rifleman 154

152.8 Rifleman 154 of A Company, 2 RGJ, was positioned at Barrier 14, and referred in his RMP statement to hearing a loud crack from a high velocity weapon prior to the barricade being opened to let the paratroopers through.¹

¹ B1930

152.9 His written statement to this Inquiry¹ was consistent with his RMP statement. He told us that he heard the crack of a round (or possibly two, although the second crack may have been an echo) from a high velocity weapon. This occurred while people were still throwing stones at the barrier, and before the movement of paratroopers through the barricade. He confirmed this account in his oral evidence.² While he thought that the shot might have originated from the Rossville Flats, he admitted that he did not know its origin.

¹ B1932.004

² Day 300/4-7

152.10 In our view, what Rifleman 154 probably heard was the shot by OIRA 1 or one or possibly two from soldiers in the derelict building of Abbey Taxis, which we have described when considering the events of Sector 1.

Lieutenant INQ 22

152.11 Lieutenant INQ 22, the Platoon Commander of Mortar Platoon, Support Company, 1 CG, gave oral evidence to this Inquiry. It was clear that as a result of a serious accident in the intervening period his memories of the events of Bloody Sunday had been affected.

152.12 However, Lieutenant INQ 22 wrote a letter to his parents dated 31st January 1972 (before his accident) in which he stated that the first volley of shots that he heard was not from any Army weapon.¹ His written statement to this Inquiry² indicated that he heard one high velocity shot from a non-Army weapon, followed by shots from a Thompson sub-machine gun; that these shots came from the Rossville Flats area; and that it was then that he heard 7.62mm Army fire.

¹ C22.10

² C22.4

- 152.13** In his oral evidence to this Inquiry, Lieutenant INQ 22 provided a detailed explanation as to how he knew the difference between Army and non-Army fire:¹

“A. ... I was the officer in charge of the Bisley shooting team for the battalion, and was very used to hearing different weapons being fired on the Bisley ranges, and so I believe that that gave me some credibility when I make a statement like that.

Q. Could you at the time identify the weapon that you thought had fired that shot?

A. I cannot be specific about what weapon fired that shot. It was certainly not a British Army standard weapon 7.62. I know that for a certainty.”

¹ [Day 289/75-76](#)

- 152.14** It is not entirely clear where Lieutenant INQ 22 was stationed on Bloody Sunday. His 1972 letter indicates that he was guarding the Army post at Bligh’s Lane, some 760 yards from the junction of William Street and Rossville Street. We have referred earlier in this report to the difficulty, if not impossibility, of distinguishing between the sounds of different firearms, and identifying from where the weapon was fired.¹ Though Lieutenant INQ 22 may well have heard gunfire, we are not persuaded that he was able to identify either the weapon being fired or the area from which it was fired.

¹ [Paragraphs 65.182–202](#)

Lieutenant Colonel Wilford and Private INQ 1152

- 152.15** In his 1972 written statement Colonel Derek Wilford gave this account of incoming fire:¹

“I then moved round the corner hugging close to the wall and ran forward towards the end of Rossville Flats – the northern end. About half way across the ground two or three shots cracked uncomfortably close so I changed direction and ran to the right where I took cover behind a low wall and just to the rear of some of my paratroopers.”

¹ [B950](#)

- 152.16** He gave a similar account in his supplemental written statement for the Widgery Inquiry:¹

"I saw some Support Company vehicles at the northern end of the Rossville Flats. I assumed that was where the Company Commander was and ran across to join him. However halfway across, when I was probably between Eden Place and Pilot Row I realised that shots were coming in my direction. I changed direction and went across to the edge of the long building on the other side of Rossville Street where there were some men of Support Company."

¹ B973

- 152.17** In his oral evidence to the Widgery Inquiry,¹ Colonel Wilford said that the two or three shots he heard were fired from an M1 carbine.

¹ WT11/43

- 152.18** On the question of timing, it would seem that Colonel Wilford witnessed what he said was incoming fire minutes after soldiers had gone into the Bogside, at a time after members of Composite Platoon (Guinness Force) had reached the low walls of the Kells Walk ramp.

- 152.19** Private INQ 1152 was a radio operator with Colonel Wilford. He told us that he had an impression of being shot at while running south, ie in the direction of the Rossville Flats, with Colonel Wilford:¹

"Q. May we look at C1152.6, please, paragraph 26. You said:

'As I have said, I could hear gunfire. I cannot differentiate between firing. The shots sounded to me like single high velocity shots. The shooting was close because it was echoing. I remember hearing shots as I was running. I am not sure of the direction. I do not remember seeing any incoming fire, by which I mean fire directed at the soldiers by civilians ... Nevertheless, I had the feeling we were being shot at. I cannot recall seeing any soldiers firing. I could have been in cover. I had the sensation that the shooting was fairly close.'

What was it that gave you the feeling that you were being at shot [sic]?

A. The feeling I was being shot at – I was being shot at, that is it, it is the feeling that something was very close and it was a gut, actual gut feeling, sir, that I was being shot at."

¹ Day 334/109-110

- 152.20** Once again, we emphasise that in a built-up area it is difficult, if not impossible, to know the type of weapon being fired or the direction in which the fire is aimed. It may be that Colonel Wilford and his radio operator believed that they were under fire, but we are not

persuaded from their evidence that this was in fact the case. At the time in question there was, as we have described when considering the events of the five sectors, a very substantial amount of firing by soldiers, only a matter of yards from Colonel Wilford and Private INQ 1152.

Major INQ 10

152.21 Major INQ 10 was the Company Commander of A Company, 1 PARA. He wrote up a diary of operations¹ on 31st January 1972 in which he recorded the following, timed between 1612 and 1715 hours:

“Have gone firm in the posn William St/Creggan St junction and 100 m East I cleared my area to ensure that there were no enemy sniper posns. During this time I heard frequent individual shots and the occasional burst of fire which appeared to come from the area of Rossville Flats. This fire appeared to consist of both low and high velocity wpns, one of the latter definately being an M1 carbine. I was able to differentiate S Coys return of fire once [since] they used only 7.62mm SLR ammo.”

¹ [B1341](#)

152.22 We are not persuaded that Major INQ 10 could distinguish between SLR and M1 carbine fire, for reasons we have discussed elsewhere in this report.¹ As we have described when dealing with the events of Sectors 2 and 3, there was both high and low velocity fire in those sectors; but this account does not add materially to our information on that fire.

¹ [Paragraphs 65.182–202](#)

Chapter 153: The question of automatic gunfire

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- 153.1** A large number of witnesses gave accounts of hearing automatic gunfire during Bloody Sunday. We have already considered some of this evidence when examining in detail the events of the five sectors. At this point we draw attention to other evidence said to indicate that such firing took place.

Shaun Austin

- 153.2** In his written statement to this Inquiry,¹ Shaun Austin told us that Army vehicles came down Rossville Street and pulled up to the north of the Rossville Flats. He heard the doors of the vehicles being opened:

“Immediately I heard an SLR [self-loading rifle] and a machine gun open fire simultaneously. I could distinguish between the single shots of the SLRs and the ‘rat tat tat’ of the machine gun. Both seemed to be coming from Rossville Street area. The sound of gunfire intensified and seemed to be coming from above us as well. I thought that there were shots being fired from the City Walls.”

¹ [AA5.7](#)

153.3 In his supplementary written statement to this Inquiry,¹ he told us that he heard the automatic fire almost immediately after he heard the doors of the vehicles being opened. He described hearing four or five shots fired in very rapid succession, ie at a rate of some 600 rounds per minute.

¹ [AA5.10](#)

153.4 In our view Shaun Austin's account of hearing a machine gun open up is a false memory. We have found no other evidence that suggests to us that there was machine gun fire and self-loading rifle (SLR) fire as the doors of the Army vehicles opened. At that stage there were many civilians in the Eden Place waste ground, as we have described earlier in this report.¹

¹ [Chapters 24–45](#)

Michael Brown

153.5 In his written statement to this Inquiry,¹ Michael Brown told us that he heard automatic fire while at the junction of William Street and Rossville Street, at a time when stones were being thrown towards the lower end of William Street nearer Waterloo Place. In our view this too was a false memory, as we have no other evidence of such fire at this time.

¹ [AB97.1](#)

Dermot Carlin

153.6 In his written statement to this Inquiry,¹ Dermot Carlin told us that he heard automatic fire when he was in the area of Lisfannon Park. He had been on his way to Free Derry Corner to hear the speeches. In lulls in the shooting, he ran towards Little Diamond. By the time he arrived there, the shooting had finished. He was not sure how long he took to reach Little Diamond.

¹ [AC32.3-4](#)

153.7 In his oral evidence to this Inquiry,¹ Dermot Carlin confirmed this account. He said that just before the automatic fire started he had heard people saying that the soldiers were coming.² He had also heard the engines of Army vehicles, which were still running when the automatic fire began.

¹ [Day 60/56-59](#)

² [Day 60/78-80](#)

153.8 In our view what Dermot Carlin heard was soldiers firing their SLRs.

Donal Deeney

153.9 In his second written statement to this Inquiry,¹ Donal Deeney told us that he heard what might have been machine gun fire from the direction of the Long Tower at a stage when *“it was pretty much all over”*.

¹ [AD26.14](#)

153.10 In his third written statement to this Inquiry,¹ Donal Deeney told us that he heard a sustained burst of heavy machine gun fire when he was near Free Derry Corner at a late stage of the afternoon, immediately after which he decided to leave the area and go home.

¹ [AD26.18](#)

153.11 His oral evidence to this Inquiry¹ was to the same effect.

¹ [Day 86/60-63](#); [Day 86/152-153](#)

153.12 In our view what Donal Deeney may have heard was some of the “symbolic” firing by the Provisional IRA, to which we have referred earlier in this report.¹

¹ [Chapter 147](#)

Hugh Foy

153.13 In his written statement to this Inquiry,¹ Hugh Foy said that he heard a burst of machine gun fire shortly after soldiers had disembarked from their vehicles and started to run towards the car park of the Rossville Flats.

¹ [AF29.4](#)

153.14 In his oral evidence to this Inquiry,¹ Hugh Foy initially confirmed this account. His attention was then drawn to the evidence of his friend Michael Brown, who had been on the march with him, and who said that he heard automatic fire while at the junction of William Street and Rossville Street, at a time when stones were being thrown towards the lower end of William Street. Hugh Foy was asked whether it was possible that he too had been at the junction of William Street and Rossville Street when he heard the machine gun fire that he had described, and he said that he could not now be certain.

¹ [Day 146/103-106](#)

- 153.15 In our view what Hugh Foy probably heard was the soldiers firing from the derelict building in William Street, which we considered in the course of examining the events of Sector 1.

RM 2

- 153.16 In his first written statement to this Inquiry,¹ RM 2 told us that he heard automatic fire some time after he had seen Hugh Gilmour dying, and after he had seen a man aged about 20 with a bloodstained white shirt lying face down on the rubble barricade and an “oldish” man lying behind the barricade pointing with one of his arms towards the barricade. He said that this was before he saw a soldier fire two shots from the hip from a position in Rossville Street near the south-east entrance to Glenfada Park North.

¹ [AK42.5-6](#)

- 153.17 In his oral evidence to this Inquiry,¹ RM 2 said that he heard the automatic fire after Hugh Gilmour had been shot, and after he had seen the young man with the bloodstained shirt and the older man behind the barricade. He now believed that the older man had been Alexander Nash. RM 2 thought that he had been standing at the corner of Block 1 of the Rossville Flats near the body of Hugh Gilmour for between five and ten minutes when he heard the automatic fire.

¹ [Day 424/31-33](#); [Day 424/37-44](#)

- 153.18 We are of the view that there was no automatic fire at the stage recalled by RM 2. What he may have heard was the late firing by soldiers in Sector 3, which we describe elsewhere in this report.¹

¹ [Chapter 123](#)

Thomas Mullarkey

- 153.19 In his statement taken by a *Sunday Times* journalist,¹ Thomas Mullarkey recorded that when the soldiers entered the Bogside and began firing he ran from Rossville Street into Glenfada Park and “*through the first courtyard, into the second*”. Heavy firing continued for some time and then died away. When “*things appeared to quieten down*” he returned to a position in Rossville Street “*between the two blocks of Glenfadda Park*”. After a few

quiet minutes he heard another shot and then what sounded like a burst from a machine gun. He moved towards Fahan Street West and, when he turned into that street, shooting broke out again and bullets “*came raking up along the street*”.

¹ [AM452.16-17](#)

153.20 In his written statement to this Inquiry,¹ Thomas Mullarkey told us that he no longer remembered hearing the automatic fire. In general he confirmed the accuracy of his earlier statement, but said that he now believed that he had run from Rossville Street into Columbcille Court and then into Glenfada Park North, that he had then returned to Rossville Street through the north-east corner of Glenfada Park North, and that all this happened before the soldiers entered the Bogside and started firing.

¹ [AM452.1](#); [AM452.7](#)

153.21 In his oral evidence to this Inquiry,¹ he said that he had no present recollection of hearing the automatic fire, but that he must have done so in view of what he had said in his earlier statement.

¹ [Day 69/37-38](#); [Day 69/58-59](#)

153.22 We are not persuaded that Thomas Mullarkey heard automatic gunfire. In our view what he heard was much more likely to have been the firing of SLRs by soldiers.

Sergeant 014

153.23 In his Royal Military Police (RMP) statement,¹ Sergeant 014 of Composite Platoon, 1 PARA recorded that after Private L had fired two shots from behind a wall “*about six metres North West of Number two Columbcille Court*” at two men who were crawling away from the rubble barricade, Colonel Wilford arrived and ordered Private L to cease firing, and ordered Sergeant 014 and others to move to a different position. Sergeant 014 described the position to which he moved as “*the South West wall of Number 2 Columbcille Court*”. He said that from there he saw an old man wearing a black coat, cap and spectacles kneeling behind the barricade, waving and trying to attract the attention of the soldiers. He stated that he heard automatic fire coming from the area of Glenfada Park about a hundred metres south-west of his position; and that the bullets from this fire struck the west wall of Block 1 of the Rossville Flats near the northern end. He did not say expressly when he heard automatic fire, but the order in which events are described in the statement suggests that it was after he had seen the old man, who we have little doubt was Alexander Nash, who was injured at the rubble barricade.

¹ [B1409-B1410](#)

153.24 In his written statement to this Inquiry,¹ Sergeant 014 told us that he heard automatic fire “*at one stage*” but did not specify when this was. However, he said that he did not understand why Colonel Wilford had given an order to cease firing at a time when the soldiers were not firing, unless Colonel Wilford had mistaken the automatic fire for firing by the soldiers. This suggests that Sergeant 014 thought it at least possible that the automatic fire had occurred at or about the time at which Colonel Wilford arrived at the position from which Private L fired at the crawling men. Sergeant 014 told us that he did not know where Columbcille Court was when he made his RMP statement. The place names in the statement would have been taken from maps. He now thought that the wall from which he had observed the crawling men was either at the point marked C on the plan attached to his statement² (the south end of Kells Walk) or at the point marked D (the east end of the alley between Columbcille Court and Glenfada Park North). He did not describe moving south of that position at any stage.

¹ [B1412.004-B1412.007](#)

² [B1412.013](#)

153.25 In his oral evidence to this Inquiry,¹ Sergeant 014 accepted that the wall from which he had seen the crawling men was at the south end of Kells Walk. He said that he did not recall moving forward from that position.² He agreed that in his RMP statement he had described hearing automatic fire after seeing the old man, but said that he could not now really remember the order of these events, nor could he remember whether or not when he had heard the automatic fire he had been in the position from which he saw the old man.³

¹ [Day 372/26-32](#)

³ [Day 372/55-58](#)

² [Day 372/51-53](#)

153.26 We are not persuaded that Sergeant 014 heard automatic fire. His evidence indicates that what he did hear was at a relatively late stage, and in our view what he probably heard was the repeated shots fired by Private H, which we have considered earlier in this report.¹ There is no other evidence to suggest that automatic fire hit Block 1 of the Rossville Flats.

¹ [Chapter 119](#)

Gunner 023

153.27 In his RMP statement,¹ Gunner 023 of 22 Lt AD Regt did not refer to hearing automatic fire.

¹ [B1517](#)

153.28 In his written statement for the Widgery Inquiry,¹ Gunner 023 said that after the soldiers had disembarked from their vehicles in Rossville Street, and after baton rounds and some low velocity shots had been fired, at the sound of which the crowd had begun to disperse, a man appeared from the south end of Block 1 of the Rossville Flats and fired a rifle towards soldiers in Rossville Street. The man went back behind the wall, reappeared a couple of minutes later and fired again. Gunner 023 heard a high velocity shot and the man fell. A crowd gathered around the man and carried him away. Gunner 023 heard automatic fire at or about this time, a few minutes before he saw a man aiming a rifle at soldiers from a window of a derelict house in William Street.

¹ [B1522](#)

153.29 In his written statement to this Inquiry,¹ Gunner 023 told us that he did not now recall hearing automatic fire.

¹ [B1525.2](#)

153.30 In his oral evidence to this Inquiry,¹ Gunner 023 said that he was sure that he had heard automatic fire, but added nothing about its timing.

¹ [Day 360/17-19](#); [Day 360/46-47](#)

153.31 We are not persuaded that Gunner 023 heard automatic fire. Had he done so it seems to us that he would have been likely to have recorded this in his RMP statement.

Sergeant 025

153.32 In his RMP statement,¹ Sergeant 025 of 22 Lt AD Regt recorded that at about 1615 hours he was in a sangar on the City Walls (Charlie OP) and saw a man standing by “*the barrier*” in Rossville Street hand what appeared to be a bomb to another man. The recipient of the object did something to it with his hands. Sergeant 025 reached for his sniper rifle but it was missing. He went outside the sangar and found that his troop commander was using the sniper rifle. He went back into the sangar and picked up and cocked his SLR. It was at this stage that he heard a burst of automatic fire from the Rossville Flats and some shots fired with an SLR. He then looked towards “*the barrier*” and saw two male civilians slumped over it with their backs to him.

¹ [B1535-B1536](#)

153.33 In his written statement to this Inquiry,¹ Sergeant 025 told us that he heard what sounded like a burst of Thompson sub-machine gun fire, but could not now remember whether he had heard it before or after the incident in which two men appeared to handle a bomb.

Those men had been near a pile of rubble at the north-east corner of Glenfada Park South. It was on this pile of rubble that he saw the bodies of two male civilians lying prone.

¹ [B1540-B1540.001](#)

- 153.34** In his oral evidence to this Inquiry,¹ Sergeant 025 said that he could not say whether he had heard the firing that he thought was Thompson sub-machine gun fire before or after he saw a group of people at Free Derry Corner. He said that he could not remember whether when he had made his RMP statement he had been trying to describe events in the correct sequence.² He said that he should have said in his RMP statement that the automatic fire had come from the vicinity of the Rossville Flats, rather than from the Rossville Flats.³ The automatic fire and the SLR fire that he heard occurred close to each other in time.

¹ [Day 361/19](#)

³ [Day 361/44-47](#)

² [Day 361/24-25](#)

- 153.35** We should note at this point that Sergeant 025 accepted in the course of his oral evidence to this Inquiry that he did not see a bomb, but concluded from the actions of the people he saw that what he saw them with could possibly be a bomb.¹ He was also adamant that he saw these people not at the rubble barricade, but near two piles of rubble somewhere near the north end of Glenfada Park South.²

¹ [Day 361/26-27; Day 361/40](#)

² [Day 361/35-36; Day 361/43](#)

- 153.36** We are not persuaded that Sergeant 025 saw men handling a bomb, though we accept that he may have believed that he had done so. Lieutenant 227, who was observing from the same area, neither saw this incident nor recalled Sergeant 025 making any report to him about it.¹ In his RMP statement Staff Sergeant 139 (Sergeant 025's Platoon Sergeant) recorded that Sergeant 025 had shouted that he had spotted a nail bomber, but that he (Staff Sergeant 139) had not seen this nail bomber himself.² There is no record of the sighting of a nail bomber in the 22 Lt AD Regt radio log.

¹ [Day 371/129](#)

² [B1860](#)

- 153.37** On his account Sergeant 025 does not seem to have heard what was undoubtedly a very considerable amount of continuous and simultaneous firing by soldiers; and in our view what he heard was probably the noise of this, most likely being muffled by coming from

the other side of the Rossville Flats. Staff Sergeant 139 (who was close to Sergeant 025) told us, when shown Sergeant 025's RMP statement, that he did not recall hearing anything that appeared to him to be a burst of automatic fire.¹

¹ [Day 350/13-14](#)

Sergeant 040

153.38 In his first RMP statement,¹ Sergeant 040 of 22 Lt AD Regt said that he heard what he thought was automatic fire, "*some time later*" than about 1600 hours. "*About ten minutes later*" he saw a crowd of people in Rossville Street suddenly scatter. Around 20 members of this crowd stood near "*the end wall of Columcille Court*" and were marched away by soldiers.

¹ [B1652](#)

153.39 In his second RMP statement,¹ Sergeant 040 said that the group of 20 people had in fact been standing "*at the southern end of Glenfada Park flats by Rossville St*" and that he had heard the sound that he thought was automatic fire just after they had been taken away.

¹ [B1656](#)

153.40 In his written statement for the Widgery Inquiry,¹ Sergeant 040 gave a similar account.

¹ [B1659](#)

153.41 In his written statement to this Inquiry,¹ Sergeant 040 told us that he could no longer recall hearing automatic fire and thought that in his earlier statements he had probably intended to describe single shots fired from an automatic weapon.

¹ [B1661.005-B1661.006](#)

153.42 Sergeant 040 did not give oral evidence to this Inquiry. His evidence does not persuade us that there was automatic fire. In our view he probably heard the repeated firing by Private H, which we have considered earlier in this report.¹

¹ [Chapter 119](#)

Lieutenant 227

153.43 In his RMP statements,¹ Lieutenant 227 (of 22 Lt AD Regt, who was at Charlie OP on the City Walls) recorded that at about 1610 hours he saw two Armoured Personnel Carriers (APCs) travelling down Rossville Street. They stopped behind the Rossville Flats.

The crowd around the Rossville Flats began to disperse. Soldiers fired baton rounds and began to make arrests. Lieutenant 227 stated that shortly afterwards he heard two bursts of automatic fire, which he thought had come from a Thompson sub-machine gun in the Glenfada Park area. These bursts were followed immediately by the sound of a nail bomb exploding, and then by three shots that sounded as though they had been fired from an SLR. As the shooting was taking place, a large crowd around the rubble barricade split up, leaving two bodies on the barricade.

¹ [B2186.1-2; B2184](#)

153.44 In his written statement for the Widgery Inquiry¹ and in his oral evidence to the Widgery Inquiry,² Lieutenant 227 gave a similar account.

¹ [B2188](#)

² [WT16.41-42; WT16.45-48](#)

153.45 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Lieutenant 227 told us that while he remembered hearing a Thompson sub-machine gun his memory of the order of events was no longer clear. He told us that he was uncertain of what was happening in Rossville Street when he heard the automatic fire, although he had seen people standing on the back of a lorry at Free Derry Corner and believed that they might have started to make speeches.

¹ [B2204.003-004; B2204.007-011](#)

² [Day 371/131-144; Day 371/179-183](#)

153.46 We are not persuaded that Lieutenant 227 heard Thompson sub-machine gun fire from the Glenfada Park area. At the time he put this firing, there was a substantial amount of firing by soldiers in Sectors 2 and 3 and in our view it is more likely that he mistook this for Thompson sub-machine gun fire. It is noteworthy that he recorded hearing a nail bomb explode (which we are sure did not happen) and only three SLR shots – not the many dozens that were fired.

Lance Corporal 121

153.47 In his RMP statement,¹ Lance Corporal 121 of 176 Provost Company, Royal Military Police recorded that he moved to a position near the Rossville Flats at about 1545 hours after being called forward by 1 PARA. He had been in that position for about 15 minutes when he came under automatic fire from the flats at grid reference 43321676 (Block 3 of

the Rossville Flats). He stated that he saw two men on top of the flats holding what he believed to be weapons. “A Col from the 1 PARA Regt” asked whether anyone had been hit, before moving off over the waste ground, where he came under fire from the rooftop.

¹ [B1758](#)

- 153.48** In his written statement for the Widgery Inquiry,¹ Lance Corporal 121 recorded that he moved into his position a few minutes after 1 PARA had entered the area, and heard the automatic fire about 15 minutes later. He thought that one of the men on the roof had been holding a Thompson sub-machine gun and the other a rifle. He confirmed that he thought that these men had fired at the Colonel from 1 PARA.

¹ [B1761](#)

- 153.49** In his written statement to this Inquiry,¹ Lance Corporal 121 told us that although he recalled hearing gunfire, he could not remember whether it had been automatic fire, nor could he remember how long after moving into his position by the Rossville Flats he had heard it. He did not remember seeing gunmen.

¹ [B1764-B1765](#)

- 153.50** Lance Corporal 121 did not give oral evidence to this Inquiry. In our view it is highly unlikely that anyone was firing from the roof of the Rossville Flats, in full view of soldiers on the City Walls, in Rossville Street and at the Observation Post on the Embassy Ballroom.

Corporal 126

- 153.51** In his RMP statement,¹ Corporal 126 of 176 Provost Company, Royal Military Police recorded that he moved to a position near the Rossville Flats at about 1545 hours after being called forward by 1 PARA. He had been in that position for about 15 minutes when he came under automatic fire from “the centre block of Rossville Flats”. He saw two men “on the roof of the flats, central” holding what he believed to be weapons. “A Col from 1 PARA Regt” asked whether anyone had been hit, before running across the waste ground where he came under fire from the two gunmen.

¹ [B1778](#)

153.52 In his written statement for the Widgery Inquiry,¹ Corporal 126 recorded that he moved into his position shortly after the paratroopers had moved down Rossville Street, and that he heard the automatic fire about 15 minutes later. The automatic fire came from the roof of what he thought was Block 3 of the Rossville Flats.

¹ [B1781](#)

153.53 In his written statement to this Inquiry,¹ Corporal 126 told us that although he recalled hearing shots, he could not remember whether they had been automatic, and that he had no concept of time.

¹ [B1782.002-003](#); [B1782.005](#)

153.54 In his oral evidence to this Inquiry,¹ Corporal 126 said that he could not say whether the shots that he had heard were automatic, but thought that at least two of them had hit his Land Rover before he had disembarked and while the vehicle was still moving. If at the time he assumed that they were automatic, this was because they were fired in quick succession. His description of the position of the gunmen in his RMP statement had meant that they were on the roof of Block 2, and his current recollection was that the fire had come from Block 2, not from Block 3 as he had suggested in his written statement for the Widgery Inquiry. Corporal 126 said that he heard further low velocity fire as Colonel Wilford ran across the waste ground, but accepted that it was possible that these shots had not come from the gunmen on the roof.

¹ [Day 359/93-119](#); [Day 359/133-136](#); [Day 359/144-146](#)

153.55 We are not persuaded by this account. It is similar to that of Lance Corporal 121 and open to the same objections.

Staff Sergeant 129

153.56 In his RMP statement,¹ Staff Sergeant 129 of 1 CG said that at about 1600 hours he heard baton rounds being fired in the direction of the Rossville Flats, followed after two or three minutes by a burst of automatic fire, and then by more baton rounds, after which there was general shooting.

¹ [B1803](#)

153.57 In his written statement to this Inquiry,¹ Staff Sergeant 129 did not refer to hearing automatic fire.

¹ [B1805.001](#)

153.58 In his oral evidence to this Inquiry,¹ Staff Sergeant 129 said that he heard shots fired in rapid succession but was not sure whether the fire had been automatic. He told us that since he was generally occupied with administrative duties he was “*Not very familiar at all*” with the sound of automatic fire. We are not persuaded that his evidence indicates that there was automatic fire. It seems to us that he is more likely to have heard some of the many shots fired by the soldiers.

¹ [Day 349/64-66](#)

Gunner 134

153.59 In his first RMP statement¹ Gunner 134 (of 22 Lt AD Regt, who was positioned in a building in Magazine Street Upper, behind the City Walls, and observing the Rossville Flats and Free Derry Corner) recorded that he heard, when the main body of marchers disappeared from his view as they turned into Creggan Street:

“a burst of automatic fire, about eight shots, to my knowledge from a Thompson SMG situated near STEVENSONS BAKERY or the SWIMMING POOL in WILLIAM STREET ... About fifteen minutes later I saw about two thousand of the Marchers come running back up ROSSVILLE STREET ... and onto FOXES CORNER [Free Derry Corner]...”

¹ [B1822-B1823](#)

153.60 In his written statement for the Widgery Inquiry,¹ Gunner 134 recorded that he heard a Thompson sub-machine gun but did not indicate when he had heard this.

¹ [B1829](#)

153.61 In his written statement to this Inquiry,¹ Gunner 134 told us that he heard the Thompson sub-machine gun fire at a time when the crowd had gathered at Free Derry Corner and when he could hear rioting that he thought was taking place in the area of William Street.

¹ [B1831.002](#)

153.62 In his oral evidence to this Inquiry,¹ Gunner 134 said that he had no idea why what he had said in his first RMP statement about the stage at which he heard automatic fire was different from his current recollection.

¹ [Day 363/25-31](#); [Day 363/66-68](#); [Day 363/71-77](#)

- 153.63** In our view what Gunner 134 heard were the shots fired by soldiers from the derelict building on William Street, which we have considered in detail in the context of Sector 1. Had there been machine gun fire in that area we are sure that soldiers in that area would have heard and reported it.

Corporal 142

- 153.64** In his RMP statement,¹ Corporal 142 of 2 RGJ recorded that he heard automatic fire as paratroopers advanced from Barrier 14 along William Street and down Chamberlain Street.
- ¹ [B1870](#)
- 153.65** In his written statement to this Inquiry,¹ Corporal 142 told us that after the paratroopers had passed through Barrier 14 he heard various kinds of firing, including machine gun fire. He could not recall the sequence of the firing, nor could he say whether the paratroopers had disappeared from his view when he heard it.
- ¹ [B1872.002-003](#)
- 153.66** In his oral evidence to this Inquiry,¹ Corporal 142 said that he first heard gunfire after the paratroopers had disappeared from his view.
- ¹ [Day 302/4-5](#)
- 153.67** We have discussed the evidence of the paratroopers who moved through Barrier 14 earlier in this report, when considering the events of Sectors 2 and 3. For the reasons given there, we were not persuaded by the evidence of some of them that there was automatic fire as they did so, and in our view it is more likely that what Corporal 142 heard was some of the substantial amount of firing by soldiers of Support Company.

Warrant Officer Class I 164

- 153.68** In his RMP statement dated 4th February 1972,¹ Warrant Officer Class I 164 of 1 CG recorded that he heard baton rounds being fired, and that approximately three minutes later, at about 1600 hours, he heard a burst of six to eight rounds of automatic fire. This was followed by more baton rounds and, within a minute or two, by general shooting from the direction of the Rossville Flats lasting for 30 minutes. He was at an Observation Post on the Grand Parade (ie on the City Walls) and could see only the top floors of the Rossville Flats.
- ¹ [B1968](#)

153.69 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Warrant Officer Class I 164 said that he could no longer recall hearing automatic fire.

¹ B1970.002

² Day 349/32-35; Day 349/42-43; Day 349/48-53

153.70 If Warrant Officer Class I 164 did hear automatic fire, on the timing in his account this must have occurred before paratroopers went into the Bogside. He could have been wrong in timing the firing at about 1600 hours, though his timing of other shots later appears reasonably accurate. He made his RMP statement on 4th February 1972 and appears to have made no report of hearing automatic fire at the time. It seems to us more likely that what he heard were the shots fired by soldiers from the derelict building on William Street and that he mistakenly took this for automatic fire.

Captain Michael Rose

153.71 In his written statement to this Inquiry,¹ Captain Rose² of 1 CG told us that he heard a burst of Thompson sub-machine gun fire as he walked downhill from St Eugene's Cathedral, probably along Great James Street, following the progress of the tail end of the civil rights march as it moved down William Street. He continued to Barrier 12, where he saw a number of paratroopers moving through the barrier.

¹ C21.3

² Now General Sir Michael Rose.

153.72 In his oral evidence to this Inquiry,¹ Captain Rose said that he heard the automatic fire while he was still standing in front of St Eugene's Cathedral, waiting for "*the last tail end people to leave and disappear down the hill*". Asked whether the tail end of the march had just passed him when he heard the fire, he replied: "*I would say it was well past by then and I was really with the sort of tail end Charlies.*" Captain Rose also said that he reached Barrier 12 within three minutes of hearing the automatic fire and that he thought that by this time the main deployment through the barrier had already occurred.

¹ Day 284/3-7; Day 284/11-16; Day 284/24-25; Day 284/51-53

153.73 In our view what Captain Rose heard were the shots fired by soldiers from the derelict building in William Street. Had there been Thompson sub-machine gun fire at the time, we are sure that many other soldiers in the area would also have heard and reported it.

Lieutenant INQ 22

153.74 In a letter to his parents dated 31st January 1972,¹ Lieutenant INQ 22 of 1 CG did not say that he heard automatic fire, although he referred to a “*first volley of shots*” that did not come from Army weapons. He said that, following these shots, a gun battle took place during which he understood that paratroopers had fired 106 rounds. The shooting began when Bernadette Devlin and Lord Brockway were about to address the meeting at Free Derry Corner.

¹ [C22.10](#)

153.75 In his written statement to this Inquiry¹ and in his oral evidence to this Inquiry,² Lieutenant INQ 22 said that the first shooting that he heard consisted of a single high velocity rifle shot that did not come from an Army weapon, followed by several rounds of Thompson sub-machine gun fire.

¹ [C22.4](#)

² [Day 289/75-80](#)

153.76 For the reasons given above, we are not persuaded by Lieutenant INQ 22’s evidence of hearing automatic gunfire.¹

¹ [Paragraph 152.14](#)

Warrant Officer Class II INQ 176

153.77 In his written statement to this Inquiry,¹ Warrant Officer Class II INQ 176 of 2 RGJ told us that he heard the sound of a Thompson sub-machine gun when he was near Barrier 14. Although he was not absolutely certain of the time, he thought that this had been at about 2.50pm. He thought that there had been two short bursts. Some time after this, but probably not as much as half an hour later, a snatch squad of paratroopers ran through the Barrier. Warrant Officer Class II INQ 176 then heard more gunfire, not immediately but probably within ten minutes. This further gunfire consisted of SLR and Thompson sub-machine gun fire, as well as “*some smaller fire*”, but he told us that he could not remember the order in which he had heard the different weapons. He thought that the further gunfire had occurred a good 15 minutes after the earlier bursts of Thompson sub-machine gun fire.

¹ [C176.2-3](#)

153.78 In his oral evidence to this Inquiry,¹ on being told that the paratroopers passed through Barrier 14 at about 4.09pm, Warrant Officer Class II INQ 176 said that he must have been wrong to say in his written statement that he heard Thompson sub-machine gun fire at about 2.50pm. He now thought that he must have heard that fire at about 3.50pm. Warrant Officer Class II INQ 176 said that the further gunfire that he heard after the paratroopers had passed through the barrier included firing from weapons other than SLRs.² However, he could not remember whether this had been automatic fire and was not now sure that he had heard a Thompson sub-machine gun at that stage. Warrant Officer Class II INQ 176 said that he saw no rioting at the barrier near which he was standing, and did not see a whole company of paratroopers pass through the barrier.³ He agreed that it was possible that he had been at another barrier. He said that he now thought that he had heard the Thompson sub-machine gun fire about six or seven minutes before the paratroopers passed through the barrier, but he accepted that it could have been an even shorter time, and that the interval between this firing and the later firing could have been less than five minutes. However, he subsequently reverted to saying that the Thompson sub-machine gun fire must have occurred ten or 15 minutes before the paratroopers passed through the barrier.⁴

¹ Day 305/36-38

³ Day 305/42-50

² Day 305/41-42

⁴ Day 305/55-57

153.79 Warrant Officer Class II INQ 176 acknowledged that it was possible that he had mistaken the sound of SLR fire from the derelict building on William Street for the sound of a Thompson sub-machine gun. In our view this is what he did.

Sergeant INQ 622

153.80 In his written statement to this Inquiry,¹ Sergeant INQ 622 of 1 CG told us that he saw the paratroopers pass through Barrier 12 in their vehicles. One of the vehicles pulled into the waste ground and some of the others appeared to pull into an area of paved ground near the north end of Block 1 of the Rossville Flats. He told us that he heard two or possibly three single low velocity shots either as the paratroopers disembarked from their vehicles or shortly afterwards. These sounded very much like shots from a pistol or sub-machine gun. Within a matter of seconds, he saw the paratroopers advancing towards the Rossville Flats and taking up firing positions. He heard sporadic high velocity shots. Within seconds of the beginning of the high velocity firing, there appeared to be a short burst of perhaps two to four rounds of automatic fire. This sounded more like

sub-machine gun than machine gun fire. Sergeant INQ 622 acknowledged that it was possible that it had been a few single semi-automatic shots fired together but said that at the time he had thought that it was automatic fire.

¹ [C622.3-4](#)

153.81 In his oral evidence to this Inquiry,¹ Sergeant INQ 622 said that the initial single low velocity shots that he heard were definitely not baton gunfire. His memory led him to be about 70 per cent confident that the later short burst of fire had been low velocity automatic fire from a sub-machine gun. He said that he did not believe that the initial single shots could have been the SLR shots fired by Lieutenant N at Eden Place, although he accepted that he could be wrong about this.² He also accepted that the shots that had sounded to him like a short burst of fire could well have been shots fired from a number of SLRs in quick succession. However, at the end of his evidence he said that while he could not remember, “*on balance*” he would say that it had “*definitely*” been low velocity sub-machine gun fire and not SLR fire.³

¹ [Day 310/92-96](#)

³ [Day 310/133-138](#)

² [Day 310/122-128](#)

153.82 We are unpersuaded that Sergeant INQ 622 heard low velocity automatic gunfire. It seems to us that it is more likely that he misattributed some of the shots fired by soldiers.

Private INQ 1282

153.83 In his written statement to this Inquiry,¹ Private INQ 1282 of 2 RGJ told us that a section of paratroopers came running through the barrier where he was positioned and around a corner about 25 yards away. Approximately five or six minutes later after the paratroopers had passed through the barrier, he heard high velocity shots, which were followed by Thompson sub-machine gun and Armalite fire. He thought that the high velocity shots had been fired by the paratroopers and that the Thompson sub-machine gun fire had been a response to the high velocity shots. He told us that he then heard all three types of fire together.

¹ [C1282.2](#)

153.84 In his oral evidence to this Inquiry,¹ Private INQ 1282 said that he thought that the interval between the paratroopers coming through the barrier and the beginning of the firing had been at least five or six minutes, and could have been longer. He was not certain of the order in which he had heard the different types of fire, nor could he remember whether he

had heard more than one burst of Thompson sub-machine gun fire or whether there had been a gap between that fire and the Armalite fire. He could not say for how long the simultaneous firing of different weapons had continued.

¹ [Day 305/3-7](#)

153.85 We concluded that Private INQ 1282 had an insufficiently clear recollection of events to be of any real assistance. Furthermore, for reasons given earlier in this report,¹ we are not persuaded that he was able to distinguish between the sounds of different types of firearms.

¹ [Paragraphs 65.182–202](#)

Lieutenant INQ 1324

153.86 In his written statement to this Inquiry,¹ Lieutenant INQ 1324 of 30 Field Squadron, Royal Engineers said that he heard two bursts of Thompson sub-machine gun fire in quick succession no more than a few minutes after the paratroopers had passed through Barrier 14 and after he had moved back from that barrier. Very shortly after hearing the automatic fire he heard what he told us he thought had been “*just a few*” high velocity shots.

¹ [C1324.3](#)

153.87 In his oral evidence to this Inquiry,¹ Lieutenant INQ 1324 said that he thought that he had heard both bursts of Thompson sub-machine gun fire before he heard any SLR fire and when he had moved back to the east end of Sackville Street.

¹ [Day 301/140-147](#); [Day 301/150-155](#)

153.88 Lieutenant INQ 1324 told us that he assumed that the SLR fire he heard was return fire: “*The return fire did not surprise me. It may have alarmed me in some way, but it was not unexpected following the sound of the Thompson.*”¹ This assumption was understandable, but mistaken. No soldier claimed to have returned fire at a Thompson sub-machine gunner.

¹ [C1324.3](#)

153.89 Lieutenant INQ 1324 told us that he did not remember hearing any further high velocity fire, despite the amount of shooting by soldiers in the Bogside soon after they went in.¹ The soldiers who went into the Bogside fired over a hundred rounds within the space of a few minutes. On no view could this firing be described as “*just a few*” high velocity shots. To our minds this casts doubt on the reliability of Lieutenant INQ 1324’s recollection.

Added to this is, as we have noted earlier in this report,² the difficulty or impossibility of identifying from the sound of firing the type of weapon being fired. In these circumstances we are not persuaded that Lieutenant INQ 1324 heard Thompson sub-machine gun fire.

¹ Day 301/154-155

² Paragraphs 65.182–202

Lieutenant Colonel INQ 1383

153.90 In an entry in his personal diary for 31st January 1972,¹ Colonel INQ 1873 (Assistant Provost Marshal, Northern Ireland) wrote that Colonel INQ 1383 had heard Thompson sub-machine gun fire as 1 PARA was deploying. In his oral evidence to this Inquiry,² Colonel INQ 1873 said that so far as he could recall this entry recorded something that Colonel INQ 1383 had told him on the day it was made.

¹ C1873.16.1

² Day 242/44-45

153.91 In his written statement to this Inquiry,¹ Colonel INQ 1383 told us that he went through Barrier 12 on foot following the APCs. He heard a rifle shot. He thought that this was an incoming shot and took cover, probably somewhere in Little James Street. Shortly after he had taken cover he heard what sounded like the firing of Army rifles. He also heard a different kind of firing. At the time he thought that this might have been pistol fire. He now thought that it might have been baton gunfire.

¹ C1383.4-5

153.92 In his oral evidence to this Inquiry,¹ Colonel INQ 1383 said that he thought that the APCs had still been moving when he heard the shot that caused him to take cover. He said that he had no recollection of telling Colonel INQ 1873 about Thompson sub-machine gun fire but he did not doubt that he had done so as recorded by Colonel INQ 1873 in his diary.² His current recollection was of hearing low velocity shots. He had probably described this as Thompson sub-machine gun fire to Colonel INQ 1873 although he now accepted that it could have been baton gun or pistol fire. In our view this is more likely to have been the case.

¹ Day 304/84-85

² Day 304/133-137; Day 304/161-162

Lieutenant INQ 2238

153.93 In his written statement to this Inquiry,¹ Lieutenant INQ 2238 of 1 R ANGLIAN told us that he could not recall what time it had been when he heard a sustained burst of low velocity firing that he took to be Thompson sub-machine gun fire, but that it had occurred moments before he heard what sounded like an exchange of high velocity fire that lasted for several minutes.

¹ [C2238.2-3](#)

153.94 In his oral evidence to this Inquiry,¹ Lieutenant INQ 2238 said that the burst of low velocity fire occurred some time in the middle of the afternoon and was the first firing that he heard on that day. He was certain that it had been automatic fire.

¹ [Day 351/182-189](#); [Day 351/196-197](#)

153.95 Despite this, we concluded that Lieutenant INQ 2238 now had no clear recollection of events.

Rifleman 160

153.96 Rifleman 160 was a member of A Company of 2 RGJ. He made an RMP statement dated 4th February 1972¹ in which he described being at Barrier 14 and said that at about 1600 hours, just before the rioters moved back, he heard a burst of six or seven rounds of Thompson sub-machine gun fire; and that about ten minutes later he heard another burst, also of six or seven rounds.

¹ [B1955](#)

153.97 In his written and oral evidence to this Inquiry,¹ Rifleman 160 told us that he was at Barrier 14, but that he did not hear any machine gun fire; and that he had lied to the RMP when he told them this. In these circumstances we place no reliance on his 1972 account.

¹ [B1956.004-005](#); [Day 350/113-145](#)

Assistant Chief Constable Robert Campbell

153.98 In his written statement for the Widgery Inquiry,¹ Assistant Chief Constable Campbell recorded that he heard two long bursts of automatic fire after a crowd of about 500 people had gathered at Free Derry Corner, after he had heard three explosions that he was told were those of nail bombs, and while demonstrators were throwing missiles from the

rubble barricade. He then heard a single high velocity shot and saw the demonstrators at the barricade take cover, while those at Free Derry Corner were obviously alarmed but did not at that stage break ranks.

¹ [JC4.6-7](#)

153.99 In his oral evidence to the Widgery Inquiry,¹ Assistant Chief Constable Campbell gave a similar account. He said that the single high velocity shot that followed the two bursts of automatic fire was the first shot that he identified as a rifle shot.

¹ [WT3.36-38](#); [WT3.46-47](#)

153.100 We are not persuaded by these accounts that there was automatic gunfire. Assistant Chief Constable Campbell gave no evidence of hearing what was a substantial amount of gunfire when the soldiers came into the Bogside. In our view he misattributed some of this gunfire as automatic fire.

Superintendent Samuel McGonigle

153.101 In his written statement for the Widgery Inquiry,¹ Superintendent McGonigle recorded that he heard two long bursts of automatic fire after a crowd of about 500 people had gathered at Free Derry Corner, after he had heard three explosions that he was told were those of nail bombs, and while demonstrators were in Rossville Street, where they had been throwing missiles. He then heard a single high velocity shot and these demonstrators scattered, but within a short time regrouped.

¹ [JM19.5-6](#)

153.102 In his oral evidence to the Widgery Inquiry,¹ Superintendent McGonigle was not asked about hearing automatic fire.

¹ [WT3.51-53](#)

153.103 In his written statement to this Inquiry,¹ Superintendent McGonigle gave an account similar to that which he had given in his written statement for the Widgery Inquiry.

¹ [JM19.15-17](#)

153.104 In his oral evidence to this Inquiry,¹ Superintendent McGonigle said that he thought that each burst of automatic fire had lasted a minute or a couple of minutes, although he accepted that this would have been a very long time, and that the two bursts had been separated by an interval of perhaps a minute or so. He estimated that two or three minutes had passed between the automatic fire and the single high velocity shot.

¹ [Day 109/20-23](#); [Day 109/44-47](#)

153.105 In our view Superintendent McGonigle made the same mistake as Assistant Chief Constable Campbell in believing that some of the substantial firing by soldiers was automatic fire.

Ciaran Donnelly

153.106 In his written statement for the Widgery Inquiry,¹ Ciaran Donnelly of the *Irish Times* newspaper recorded that he heard a burst of automatic fire, followed by SLR shots, after he had taken a photograph of a body being carried “*down a courtyard opposite the Rossville flats*”, and after a crowd had run “*round the back of the Glenfada flats*” saying that the Army was coming and shooting everyone in sight.

¹ [M22.2](#)

153.107 In his oral evidence to the Widgery Inquiry,¹ Ciaran Donnelly said that he heard the automatic fire at or about the time when he was taking the photograph of the body being carried across the courtyard. It was quite a long burst, perhaps of about ten rounds, and sounded as though it was automatic fire of a fairly heavy calibre.

¹ [WT2.82](#); [WT3.9](#)

153.108 In his written statement to this Inquiry,¹ Ciaran Donnelly told us that he saw a body being carried into Glenfada Park North. As this was happening, he heard voices saying that the soldiers were coming and that someone else had been hit. He then heard the burst of automatic fire.

¹ [M22.21](#)

153.109 In his oral evidence to this Inquiry,¹ Ciaran Donnelly said that he had probably been in the process of taking his photographs of the body being carried through Glenfada Park North when he heard the automatic fire.

¹ [Day 71/41-44](#); [Day 71/51-53](#); [Day 71/80](#); [Day 71/91-92](#)

- 153.110 The body Ciaran Donnelly saw was that of Michael Kelly, as we have described in the course of considering the events of Sectors 3 and 4. In our view what he heard was the sound of soldiers firing. There is no evidence from those soldiers that at this time there was automatic firing.

Robert Hammond

- 153.111 In his written statement for the Widgery Inquiry,¹ Robert Hammond of Independent Television News (ITN) recorded that he saw paratroopers pass through Barrier 14 on foot and turn into Rossville Street. He then heard a large number of single shots, the sound of which was a deeper thud than was made by an SLR. These shots sounded as though they were coming from 150 to 200 yards away or maybe more. Shortly after this he heard several bursts of machine gun fire. He then became aware of SLRs being fired in Rossville Street. He looked round the corner of Rossville Street and saw two or three soldiers firing from “*the garden of Kell’s Walk flats*”. The firing died down and he and his colleague Peter Wilkinson crossed Rossville Street to what appeared to be a burned-out garage on its west side, where they met the other Independent Television News crew. They then continued to a passage just north of Kells Walk, from where Robert Hammond saw a casualty being carried into a private vehicle in the area north of Columbcille Court. After meeting the American Broadcasting Company camera crew, Robert Hammond and Peter Wilkinson ran across Rossville Street to the north end of Block 1 of the Rossville Flats, where they spent five to ten minutes. Robert Hammond recorded that during this time he saw several single shots being fired from a machine gun mounted on an Army vehicle, apparently in the direction of the area of Glenfada Park and Columbcille Court. He stated that he also saw the legs of a dead man sticking out of the rear of an APC. An ambulance pulled up to the south of the rubble barricade. He thought that two male casualties had been loaded into the ambulance. A priest approached the APC from the barricade, waving a handkerchief, and was filmed speaking to the soldiers. The priest was then interviewed by Gerald Seymour.

¹ M37.1-3

- 153.112 In his oral evidence to the Widgery Inquiry,¹ Robert Hammond gave a similar account of hearing bursts of machine gun fire before he entered Rossville Street. He said that the later firing of single shots from a mounted machine gun occurred while Gerald Seymour was giving a report to camera.² Robert Hammond thought that he had seen shots fired towards Glenfada Park from a Browning machine gun on an Army vehicle. He believed that he had seen puffs of smoke in front of the gun. At first he said that he thought that

two or three shots had been fired. In later answers he referred to “*one or two single shots*”, “*several shots*” and “*A couple of shots*”. He could not say whether he had seen the machine gun recoiling. During the firing, an officer nearby said “*Cease fire*”. Robert Hammond said that before the machine gun appeared to be fired he thought that he had heard some shots, but did not know from where they had come. The soldiers were all looking in the direction of Glenfada Park. The fact that the machine gun was pointing in the same direction was one of the reasons why he thought that it had been fired.

¹ [WT2.34](#)

² [WT2.36-44](#)

153.113 In his written statement to this Inquiry,¹ Robert Hammond told us that he heard a lot of firing before he entered Rossville Street, but no longer recalled hearing the bursts of machine gun fire. While he was at the north end of Block 1 of the Rossville Flats he occasionally heard noises, which he thought had been the sounds of baton rounds being fired. He thought that his evidence to the Widgery Inquiry about the firing of a Browning machine gun might have been based on a mistaken interpretation of these sounds.

¹ [M37.16-18](#)

153.114 In his oral evidence to this Inquiry,¹ Robert Hammond said that although he could no longer remember hearing machine gun fire before he turned into Rossville Street, he was sure that he had heard it; but he later accepted that what he heard might have been the rapid firing of single shots.² Robert Hammond again said that he thought it possible that he had mistaken the sound of baton rounds being fired for the sound of the firing of the machine gun mounted on an Army vehicle,³ but he also said that he could not be sure about this.⁴

¹ [Day 154/11-12](#)

³ [Day 154/17-19](#); [Day 154/41-42](#)

² [Day 154/45-48](#)

⁴ [Day 154/37-38](#)

153.115 We are sure that there was no machine gun fire by soldiers on Bloody Sunday. In our view Robert Hammond did mistake what he heard.

David Phillips

153.116 In his written statement for the Widgery Inquiry,¹ David Phillips (a BBC reporter) recorded that he had made notes of the times of events and believed that the margin of error in his timings was no more than two minutes. He stated that Barrier 14 was opened at 4.12pm and that he saw the paratroopers go through. At this time he was standing at the corner of Waterloo Street and William Street and heard a long deep burst of

Thompson sub-machine gun fire, followed immediately by a volley of single rifle shots. He heard General Robert Ford say “*That is awful heavy firing*” and “*We know that they have seventy gunmen in there*”.

¹ [M66.1-3](#)

153.117 In his oral evidence to the Widgery Inquiry,¹ David Phillips gave a similar account. He said that he logged the burst of automatic fire at 4.15pm. He thought that it had consisted of at least 12 to 15 rounds. This was the first firing that he heard, but he accepted that it could have been preceded by other firing that he did not hear.

¹ [WT2.13-15](#); [WT2.18-20](#)

153.118 In his notes,¹ as he confirmed in his oral evidence to this Inquiry,² David Phillips wrote:

“4.12 Paras in Captured flag

Real firing

4.15 About 70 gunmen”

¹ [M66.4.3-4.4](#)

² [Day 139/27](#); [Day 139/88-89](#)

153.119 In his written statement to this Inquiry,¹ David Phillips told us that he heard Thompson sub-machine gun fire, but he added nothing to what he had said in his 1972 evidence about its timing.

¹ [M66.19](#)

153.120 In his oral evidence to this Inquiry,¹ David Phillips said that he heard the automatic fire at a time when the tail end of the company of paratroopers that came down William Street was still passing through Barrier 14. He said that after the first paratroopers had gone through the barrier he heard neither baton gunfire nor rifle fire before he heard the automatic fire.² David Phillips said³ that General Ford was standing next to him when the automatic fire occurred.

¹ [Day 139/14](#); [Day 139/57-61](#); [Day 139/144-148](#)

³ [Day 139/163-165](#)

² [Day 139/157-158](#)

153.121 David Phillips’s account has remained consistent throughout. In his evidence to this Inquiry he insisted that he heard Thompson sub-machine gun fire and that he knew what it was because he had heard similar firing the previous Friday that a soldier had identified to him as being from that weapon.¹ Nevertheless, for the following reasons we are not persuaded that he heard Thompson sub-machine gun fire.

¹ [Day 139/36-150](#)

- 153.122** Firstly, his account was of a long deep burst of Thompson sub-machine gun fire followed immediately by a volley of single rifle shots. This is difficult to reconcile with the evidence of the soldiers and others who were on the Eden Place waste ground and on Rossville Street. Although some soldiers gave accounts of hearing Thompson sub-machine gun fire or low velocity automatic gunfire, none of those actually in the area suggested that what they heard was immediately followed by high velocity fire; and of course a number did not suggest that they heard low velocity gunfire at all.
- 153.123** Secondly, according to his account, David Phillips was close to General Ford, as he recalled the latter commenting on the firing. General Ford himself told the Widgery Inquiry that he recalled saying to his aide-de-camp “*That was awfully heavy firing*” or words to that effect and that his remark was apparently overheard by a BBC reporter. He also told the Widgery Inquiry that the firing that he heard seemed to be rapid single high velocity firing rather than automatic firing:¹

“Q. What sort of firing was it you were referring to – single or other firing?

A. It was single rounds, about 15 to 20, I thought – single rounds fired in fairly rapid succession, but I must stress that there appeared to me to be an echo down that road. I was running round the corner and therefore it was very difficult for me to speak authoritatively of exactly what type of firing it was.

Q. It seemed to be rapid single firing rather than automatic?

A. Yes.”

¹ WT10.14

- 153.124** General Ford’s evidence was that he heard rapid single high velocity firing rather than automatic firing. In our view he was correct in this. We therefore consider that what David Phillips heard is unlikely to have been automatic firing, either from a Thompson sub-machine gun or from another weapon firing on automatic.

Gerald Seymour

- 153.125** In his written statement for the Widgery Inquiry,¹ Gerald Seymour of ITN recorded that a snatch squad of some 30 to 40 paratroopers passed through Barrier 14, followed by some Army vehicles. Gerald Seymour, Peter Wilkinson and Robert Hammond went through after the vehicles and paused at the corner of William Street and Rossville Street some 30 seconds after the soldiers had moved down Rossville Street. At that moment,

Gerald Seymour realised that live rounds were being fired. He saw a paratrooper “*aiming and firing his SLR*” from the junction of Rossville Street and Eden Place towards Chamberlain Street. There was a period of very intense shooting, during which Gerald Seymour and his colleagues heard automatic fire from a Thompson sub-machine gun. After a few minutes there was a lull in the firing.

¹ [M72.2](#)

153.126 In his oral evidence to the Widgery Inquiry,¹ Gerald Seymour said that the first firing that he heard consisted mostly of single shots, but that he then heard among the single shots what he took to be one burst of automatic fire. His immediate impression was that this had come from a Thompson sub-machine gun. The paratrooper who appeared to fire his rifle was behind the last of a line of Army vehicles in Rossville Street. Gerald Seymour thought that the firing that he heard had lasted for about two or three, or perhaps four, minutes.

¹ [WT2.24-25](#)

153.127 In his written statement to this Inquiry,¹ Gerald Seymour told us that his recollection of events was now very hazy indeed and that he could not assist on any specific matters. He was not called to give oral evidence to this Inquiry.

¹ [M72.11](#)

153.128 We are not persuaded that Gerald Seymour correctly identified some of the firing that he heard as Thompson sub-machine gun firing. In our view it is more likely that he misattributed some of the substantial Army fire that took place.

Peter Wilkinson

153.129 In his written statement for the Widgery Inquiry,¹ Peter Wilkinson of ITN recorded that he and his colleagues Robert Hammond and Gerald Seymour followed the first snatch squad of paratroopers to pass through Barrier 14 at a distance of “*several yards*”. They continued to the corner of William Street and Little James Street, where Peter Wilkinson filmed the paratroopers. Peter Wilkinson stated that at about this time he heard Thompson sub-machine gun fire. From that moment on, there was intense live firing for three to four minutes coming from the direction of the waste ground. He and his colleagues were told by the soldiers to take cover. Then they moved up Rossville Street. Peter Wilkinson filmed a paratrooper “*firing an SLR from the hip*” but he could not see the soldier’s target.

¹ [M82.2](#)

153.130 In his oral evidence to the Widgery Inquiry,¹ Peter Wilkinson said that he heard a machine gun that sounded like a Thompson, but that he was not really able to tell whether the first firing that he heard was automatic fire or single shots. The paratrooper whom he filmed in Rossville Street had been “*firing into the waste ground*” from behind an Army vehicle near the junction with Eden Place, with the butt of his rifle not quite in his shoulder.

¹ [WT2.29-33](#)

153.131 In his written statement to this Inquiry,¹ Peter Wilkinson told us that his current recollection of events was very hazy and that he could not add to the evidence that he had given to the Widgery Inquiry. He was not called to give oral evidence to this Inquiry.

¹ [M82.9-M82.10](#)

153.132 We take the same view of Peter Wilkinson’s evidence as we do of that of Gerald Seymour, and for the same reasons.

Other witnesses

153.133 A number of other witnesses, including for example police officers stationed inside the City Walls, gave statements to the effect that they heard automatic fire. We have considered that evidence, but nothing in it causes us to alter our view on the question of whether there was paramilitary Thompson sub-machine gun or other low velocity automatic fire.

General considerations

153.134 Taking the above accounts at face value, there would have been a great amount of automatic gunfire, starting before soldiers of 1 PARA went into the Bogside and continuing intermittently until after all the events of Sectors 1 to 5. Yet no-one was injured by automatic gunfire,¹ which in our view on its own casts some doubt on the reliability of at least some of the evidence.

¹ Or indeed by paramilitary gunfire of any kind.

153.135 We have no evidence that suggests to us that there was any automatic firing by soldiers on Bloody Sunday. Indeed we are sure that there was not. Witnesses such as Shaun Austin¹ and Hugh Foy,² whose accounts we discuss above, appeared to describe automatic firing by soldiers, but were in our view simply mistaken.

¹ [AA5.1](#)

² [AF29.1](#)

- 153.136** It was suggested to us that some of those who said that they heard automatic gunfire might have mistaken the “slap” of helicopter blades overhead for this.
- 153.137** The Institute of Sound and Vibration Research summary report to the Inquiry specifically addressed the question of whether the sound of a helicopter could be confused with that of a machine gun:¹

“Under conditions where a helicopter or submachine gun is clearly audible above any background noise, their sounds would be sufficiently distinctive that the likelihood of confusion would be small. However, taking into account that the repetition rate of blade slap is similar to the rate of firing of some submachine guns, in our opinion it might be possible under some conditions for an observer on the ground to mistake a brief ‘burst’ of helicopter blade slap for the firing of a submachine gun at a moderate distance.”

¹ [E9.0164](#)

- 153.138** There was helicopter activity over the city on Bloody Sunday. It is possible that some witnesses did mistake helicopter blade “slap” for automatic fire. There was undoubtedly a lot of noise at ground level.
- 153.139** As we have described when considering in detail the events of the sectors, there were many occasions when there was sustained firing from soldiers. As we have already noted, it seems to us that many witnesses were likely to have mistaken the sound of some of this firing for automatic firing. Furthermore, in the case of the soldiers hearing gunfire it must be borne in mind that they would not have expected individual soldiers to fire repeatedly, as for example we are sure Private H did, probably on two separate occasions. As we have observed in the course of considering the events of Sector 5, his repeated firing from the south-east corner of Glenfada Park North led in our view to soldiers on the City Walls mistakenly believing that there was automatic gunfire in Glenfada Park North.
- 153.140** There is another consideration. On any view, soldiers of Support Company, 1 PARA fired over 100 rounds after they had gone into the Bogside, all within a matter of a few minutes. Other soldiers, hearing this amount of gunfire, could understandably and indeed reasonably have thought that there was in progress a large-scale gun battle between soldiers and paramilitaries, in which shots were being fired by both sides; and in this belief have mistakenly attributed at least some of what they heard to paramilitary firing.

- 153.141** Apart from the difficulty of distinguishing between various types of gunfire in a built-up area (to which we refer elsewhere in this report¹), it should also be borne in mind, as Major 159 (the Battery Commander of 53 Battery 22, Lt AD Regt) told us:²

“The position and shape of the Rossville Flats made it very difficult to see exactly where shots were being fired from. Some people say that you can tell the direction of a bullet from the ‘crack’ and ‘thud’ sound, however, I do not agree with this, particularly in the area of the Rossville Flats. The flats were so high that the sound of any gunfire reverberated around the buildings and it would be extremely difficult to say where the shots were coming from.”

¹ [Paragraphs 65.182–202](#)

² [B1953.1](#)

- 153.142** In these circumstances we are not persuaded by the evidence of automatic gunfire to which we have referred above. In our view it is unlikely that there was any such gunfire. In this connection we should record that the Regimental Sergeant Major of 1 PARA, Warrant Officer Class I INQ 2037 (the senior non-commissioned officer of the battalion), who was at an Army barrier when the soldiers went in, and who moved up to the vehicles in the area of the junction between Rossville Street and William Street,¹ told us that he was sure that he had not heard any automatic fire.²

¹ [C2037.2-3; C2037.10](#)

² [Day 321/154-155](#)

Chapter 154: Conclusions on paramilitary activities on Bloody Sunday

154.1 As will have been seen from our detailed examination of the events of the five sectors, there was some paramilitary activity in those sectors. There was other paramilitary activity elsewhere in the city on Bloody Sunday. However, none of those who were killed or injured by Army gunfire in the five sectors was posing a threat of causing death or serious injury;¹ and in our view none of them was shot in error by a soldier who was aiming at anyone posing such a threat. So far as automatic gunfire is concerned, not one of the soldiers whose firing on Bloody Sunday in our view resulted in the deaths and woundings of that day at any stage claimed that he had fired at a target in response to automatic gunfire directed at him or his colleagues. Nor did the representatives of the soldiers suggest that this was the case.

¹ Gerald Donaghey probably had nail bombs in his pocket, but he was not preparing to throw them when he was shot.

154.2 Finally, for the reasons given in the course of considering the events of the five sectors, we have concluded that no-one on Bloody Sunday threw or attempted to throw any nail or petrol bomb or similar device at the soldiers.

Fort George

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Chapter 155: Introduction

155.1 The arrest operation conducted by 1st Battalion, The Parachute Regiment (1 PARA) on Bloody Sunday resulted in 55 arrests. As we have already explained, we use the words “arrest”, “arrested”, “arrestees” and “prisoners” in a non-technical sense, namely that, although some of the formalities of a lawful arrest might not have occurred, the person was detained. Those arrested by soldiers from 1 PARA were taken to Fort George, one of two locations designated for use as “*Prisoner Collecting Points*” (PCPs), the other being at Craigavon Bridge.¹

¹ G95.571

155.2 Some of those arrested alleged that during their transportation to Fort George, on arrival, and while confined there, they were badly treated by soldiers of 1 PARA without any justification. In brief, it is said that some arrestees were beaten while getting into the lorries used to take them to Fort George and abused during the journey there; and that upon arrival, they were struck while being made to run a gauntlet of soldiers and dogs. It is alleged that while they were detained at Fort George, they were obliged to stand for long periods in uncomfortable circumstances, hit, kicked, spat upon and otherwise humiliated.

155.3 In the course of dealing with these allegations, we also consider the allegation that the arresting soldiers from 1 PARA made a charade of identifying the arrestees.

155.4 The planning of the arrest operation and the decision to launch it are issues which are considered in detail elsewhere in this report.¹ In their submissions on the arrests, the representatives of the majority of the families argued that the absence of a “*genuine intention to carry out a major arrest operation in which 300–400 rioters would be detained*” was demonstrated by the Army having given no consideration to “*the logistics of arresting even 50*”.² They went on to say that “*the general conduct of the Paratroopers ... at Fort George is an indication that they had in effect a licence to use gross and excessive force against civilians...*”.³ They relied on the evidence of two arrestees, Fr Terence O’Keeffe and Joseph Lynn, as specific examples of ill-treatment. They further relied on the evidence of Fr O’Keeffe to support both general and specific allegations of abuse directed at other arrestees.⁴

¹ Chapters 9 and 20

² FS1.2701

³ FS1.2702

⁴ FS1.2714-2717

155.5 In reply, the representatives of the majority of the represented soldiers submitted that evidence relating to the aftermath of the arrest operation was “*peripheral to the real issues under investigation*”. They stressed that the arrestees’ evidence ranged from those who saw no abuse to those who gave exaggerated descriptions; and the difficulty of identifying a particular soldier with a specific allegation of mistreatment.¹ While saying that they did not “*seek to deal in detail with each of our clients who had or allegedly had some involvement in the arrest operation and/or its aftermath*”, these representatives acknowledged that:²

“Generally, it may be concluded, if it is of relevance, that some soldiers, most of whom are impossible to identify, acted inappropriately in relation to aspects of the arrest operation and detention, whether in respect of verbal or physical abuse. We do not, and did not, seek to excuse or condone such abuse as may be found to have occurred but do invite consideration to be given to the context in which it occurred.”

¹ FR7.78-79

² FR7.81

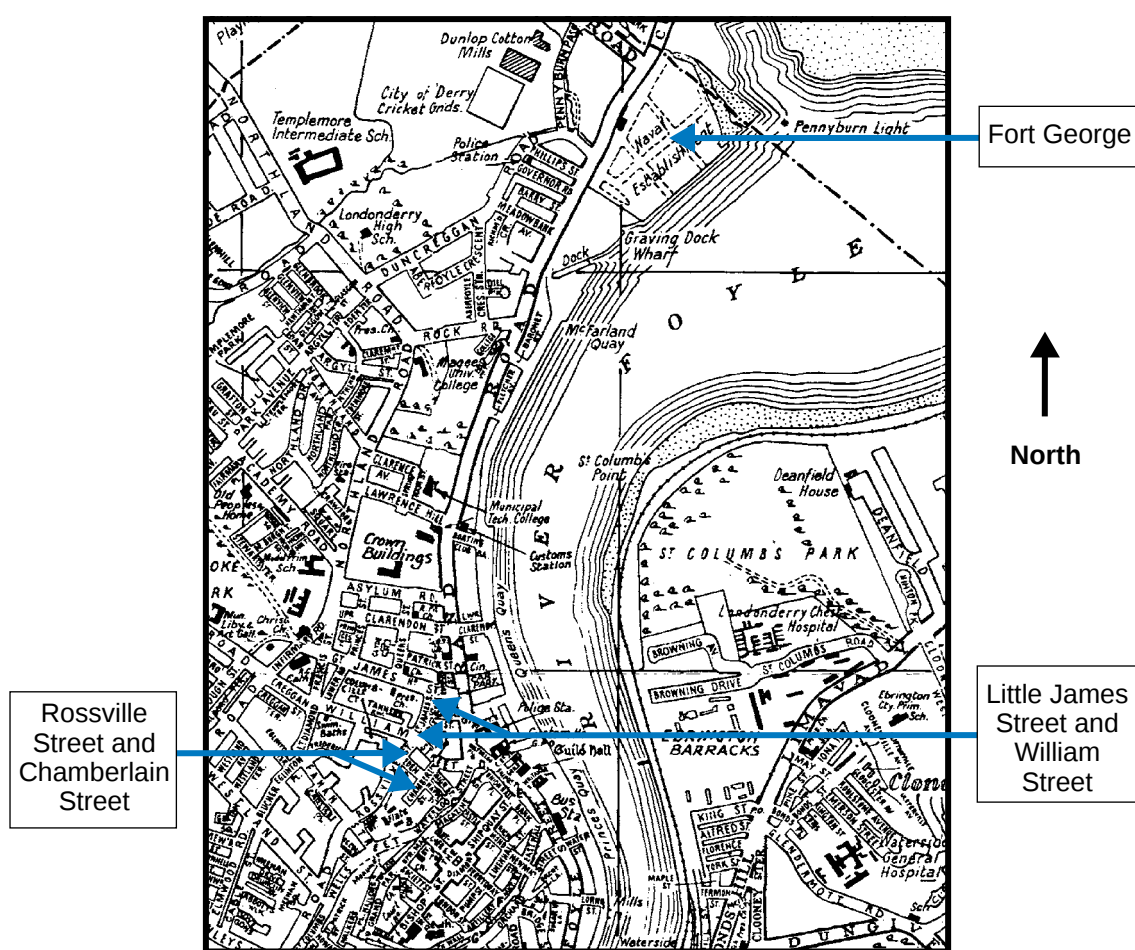
155.6 We do consider the issue of the detention of those arrestees who were taken to Fort George to be relevant to our investigation into the events of Bloody Sunday. We make plain that our primary purpose in considering this matter is to see if what happened en route to and at Fort George can shed any light on the activities of those members of Support Company and C Company of 1 PARA who deployed into the Bogside on that day.

155.7 In assessing the allegations made and the question of whether it is possible to identify the soldiers responsible we have borne in mind a number of factors. These include the circumstances in which arrestees were taken to Fort George and held there; the large number of arrestees taken to that location, which may have caused confusion over how they were to be processed; the arrestees’ natural fear over what was happening; and the fact that many of the soldiers concerned would have been wearing camouflage cream.

Chapter 156: The detention centre at Fort George

156.1 Located to the north of the Bogside on the west bank of the River Foyle, Fort George had formerly been the maintenance area for the Royal Navy dockyard at Pennyburn.¹ We have identified it below on an extract from a street plan of the city where it is described as a “*Naval Establishment*”. As the plan shows, street access to Fort George was from Strand Road.

¹ C1779.4; C18.2; C639.1; C837.1; C951.1; AH91.4; AL7.2; AL13.9; JS9.2; Q6



156.2 The history of Fort George explains why some civilians, and members of the military and Royal Ulster Constabulary (RUC) referred to the “*Strand Road Naval Yard*”,¹ “*the Naval Yard at Strand Road*”,² the “*Naval Dockyard*”,³ “*the dockyard*”,⁴ “*the Naval Barracks*”,⁵ “*the R.N. barracks*”⁶ or the “*Maintenance Base*”⁷ in statements and documents prepared in 1972. It was first used as a base by the Army shortly before Bloody Sunday when it was taken over by 1st Battalion, The Coldstream Guards (1 CG) early into a four-month

tour of duty in Northern Ireland. Fort George became their battalion headquarters.⁸ Headquarters Company of 1 CG, together with a rifle company and Reconnaissance Platoon, were based at Fort George while the remaining three companies of 1 CG were based at other locations.⁹ The 1 CG battalion log shows that 2 Company was the rifle company based at Fort George on 30th January 1972.¹⁰

¹ AM42.2

² JM18.5

³ AB72.1; AL7.2; AM326.22; AN9.9

⁴ AC61.1; AG46.15; AM393.2; AO77.1

⁵ AO1.16

⁶ AM71.1

⁷ C13.8; C13.11; C13.14; AG43.11; JS9.1; JE1.1; W245

⁸ C598.1; C179.1; C454.1

⁹ C167.1; C179.1-2

¹⁰ C598.1; C598.9

156.3

We received written statements from a number of former members of 1 CG serving at Fort George in January 1972. Understandably, they differed in their recollection of its layout. In summary the complex was a collection of Nissen huts, sheds and hangars. Fort George was bounded by a perimeter fence and the only entrance to it was from Strand Road. There was a guardroom to the left of the entrance. The building where the arrestees were taken on Bloody Sunday was to the right of the entrance to Fort George and was variously described as a brick-built shed, warehouse or hangar.¹ That the arrestees were held in a pre-constructed building rather than, as one former member of 1 CG told us, outside in a “*temporary, wire-meshed constructed pen*”² is supported by statements made in 1972 by RUC officers who were on duty at Fort George on Bloody Sunday. They reported that they dealt with arrestees in “*an enclosed building*”.³ Significantly, the use of barbed wire to cordon off other areas around the building where the arrestees were held created a wire corridor or tunnel leading up to the doorway of the building.⁴ Other witnesses including arrestees,⁵ police officers⁶ and members of the Parachute Regiment⁷ had a similar recollection of such a corridor.

¹ C167.3; C214.1; C229.1; C454.1; C522.1; C951.1; C995.2; ⁴ C214.1-2; C1541.3-4
C1003.1; C1147.2

² C491.1

³ JB7.3; JB10.5; JG7.1; JG8.4

⁵ AO1.25; AO43.4

⁶ JB7.2

⁷ C2037.4

156.4

The 8th Infantry Brigade order for 30th January 1972¹ gave responsibility for establishing a PCP at Fort George to 176 Provost Company, the uniformed company of 1st Regiment, The Royal Military Police (RMP) attached to 8th Infantry Brigade and based at Ebrington Barracks. From statements made in May 1972² it is clear that at least eight members of the RMP were on duty at Fort George during the course of Bloody Sunday. These

statements referred to the building in Fort George used to house arrestees on Bloody Sunday as either the “*arrest centre*” or the “*PHC*” (Prisoner Holding Centre). We have described it here as the “detention centre”.

¹ G95.571

² B2172; C13.4; C14.5; C16.5; C17.9; C18.10; C19.4; C20.5

156.5

The RMP arrived at Fort George on Bloody Sunday between 1200 and 1300 hours and organised the detention centre. A “*holding area*” for arrestees was constructed, two sides of which were formed by the walls of the building, the other two being constructed with barbed wire. It appears that there were either two such compounds or, more probably, a large area divided into two sections. In any event it was possible to keep groups of arrestees apart. Metal lockers were used as walls to create a separate area where the RMP could photograph and document arrestees. There were two desks within that area. There was a similar area for the RUC on the other side of the metal lockers from the RMP area. The RMP officers were occupied in documenting or photographing arrestees, though at any one time one or two of them manned a radio vehicle parked outside. Corporal INQ 15, then serving with the Royal Army Veterinary Corps but attached to 2nd Battalion, The Royal Green Jackets, was in charge of a detachment of three dog handlers. According to his 1972 account, two dog handlers were on duty inside the detention centre at any one time. One dog handler was near its main entrance and the other “*in the corner furthest from the prisoners compounds*”. While in the holding area the arrestees were guarded by two or three soldiers from 1 CG under the command of a Company Sergeant Major. One soldier was positioned on top of a “*rostrum*” in the detention centre. Another was positioned at the entrance to the holding area.¹

¹ B2172-2174; C13.4-5; C14.5; C15.5; C16.5; C17.10; C18.10; C19.4; C20.5

156.6

The 1972 evidence of the RMP officers on duty at Fort George is supported by that given to this Inquiry by some of them, and also by other witnesses. For example, Corporal INQ 17, a member of the RMP arrest team, told us that he and his colleagues were in an office created by partitioning a larger room into two using “*big lockers with blankets over them*”. He explained that the blankets were used to provide both privacy and as a backdrop when photographing arrestees.¹ Guardsman INQ 1224, then serving in 1 CG, told us that on Bloody Sunday he guarded the arrestees at Fort George and recalled being ordered to climb “*up onto a concrete slab which stuck out over the top*” of the entrance into the building where the arrestees were being held.² This must be the structure identified as a “*rostrum*” by one member of the RMP, Sergeant INQ 13, in the account he gave in 1972³ and as a “*small roof*” or “*veranda*” by two arrestees.⁴ Captain INQ 454, the 1 CG Quartermaster, recalled that the “*large shed*” where the arrestees were held was “*divided*

up by steel lockers or some other structures”.⁵ RUC Sergeant Alexander Gray recalled being in a “hangar-type building” and seeing a large enclosure divided into two and constructed with barbed wire.⁶ In a 1972 account the same officer referred to the “*R.U.C. Temporary Office*” at the detention centre.⁷

¹ C17.2

⁵ C454.1-2

² C1224.2

⁶ Day 211/8-14

³ C13.4

⁷ JG8.11

⁴ AD58.13; AG46.5

156.7 The 1972 evidence of the RMP officers also provides an explanation of how arrestees were processed once at Fort George. In brief, the arrestees were placed in the holding area guarded by sentries and dog handlers. When the arresting soldiers arrived at Fort George they took it in turns to go to the holding area and to identify and collect the person they had arrested. They then brought that person to the RMP area where they were photographed together. Each soldier then made a “*Statement of arrest*”.¹

¹ B2173; C13.4; C16.5

156.8 The arrest statement was made on a pro forma headed “ROYAL MILITARY POLICE STATEMENT FORM (MILITARY)”. It recorded the particulars of the arresting soldier and arrestee, the soldier’s location when the arrest was made, the time of the arrest and the reason for it.¹ Similar details were recorded on an “ARREST REPORT FORM”, which included a box for the RUC to record details relating to the charging of a prisoner.²

¹ C13.8

² C13.7

156.9 The arrestee was then escorted by the arresting soldier to the RUC area. On occasion, RUC personnel would collect the arrestee from the RMP area. Once the arrestee had been processed by the RUC, he was returned to the holding area.¹ A party of 12 male RUC officers, commanded by Inspector Richard Gardner, was on duty at Fort George.² In addition one, or perhaps two, female RUC officers were also present.³ In the RUC area, the particulars of the arrestee and soldier were recorded in an “*Arrests Book*”.⁴ Statements were taken from some arrestees,⁵ though others refused to provide a statement to the RUC.⁶

¹ B2173-2174; C13.5; C14.5; C20.6-7

⁴ JG8.11; JG1.10; Day 211/35-36

² JG1.11

⁵ JH14.7; AD58.1; AD 41.6; AD69.16; AO1.25

³ B2173; AO4.1; JG7.4; JG8.11; JL2AA.1

⁶ AC61.1; AD152.3

156.10 While initially there was some confusion between the RMP and the RUC as to where each arrestee would be taken first,¹ we are satisfied that the process at Fort George was that the arrestee would first be documented by the RMP. That conclusion is supported by accounts given by arrestees in 1972.²

¹ C14.5

² H21.25-26; AC61.1; AG43.5

Chapter 157: The arrestees taken to Fort George

157.1 When examining the events of Sector 2,¹ we considered the circumstances in which members of C Company, 1 PARA arrested 19 men sheltering in a house and backyard at 33 Chamberlain Street. These men (“the Chamberlain Street arrestees”) were marched north along Chamberlain Street and then, still guarded by members of C Company, were made to sit facing a wall on its north-east corner to await transportation to Fort George.²

¹ [Chapter 66](#)

² [AN9.21](#); [AH91.7](#); [AC40.3](#); [AC40.8](#); [M15.2](#); [M18.2](#); [Day 351/30-31](#)

157.2 We have also already considered¹ the circumstances in which a majority of those arrested by soldiers from Support Company, 1 PARA came to be detained. Twenty-three people were arrested in or around the area of the southern end of the eastern block of Glenfada Park North by members of Anti-Tank Platoon. In addition, George McDermott and John Gormley were arrested in the area of Columbcille Court. We refer here to these 25 arrestees as “the Glenfada Park arrestees”. They were collected together in Columbcille Court and then escorted north to the perimeter fence on the eastern side of the GPO site near Little James Street (“the GPO perimeter fence”). There they were made to line up facing, and holding on to, the wire of the GPO perimeter fence. They were kept there until they were transferred to Fort George.²

¹ [Chapter 113](#)

² [AD69.16](#); [AD58.1](#); [AO43.4](#); [AL13.9](#); [AM41.33](#); [AM42.2](#)

157.3 Six men were arrested in the Rossville Street area. Three of these, William John Dillon, Charles Canning and James Charles Doherty, were briefly held in or near the Support Company Armoured Personnel Carriers (APCs) parked in Rossville Street and then moved northwards, where they were first made to stand spreadeagled against a wall in the south-west corner of the junction of William Street and Rossville Street. Joseph Lynn was arrested in a derelict building and made to stand against the same wall with the other three men. They were all then moved to the GPO perimeter fence to join the Glenfada Park arrestees.¹ Duncan Clark and William John Doherty were arrested by members of Mortar Platoon and held in an APC parked on the Eden Place waste ground. Both were subsequently transferred to an RMP Land Rover and then to an Army lorry parked in the area of William Street.²

¹ [B1375](#); [AC25.5](#); [B767](#); [AD69.4](#); [AD69.16](#); [Day 300/79-86](#); [AL39.2-4](#); [C25.3](#); [C25.6-8](#); [B1295.023](#); [AD69.12](#)

² [AC61.1](#); [AD113.1](#)

157.4 Where relevant we have already discussed in our treatment of Sector 2 and Sector 4¹ the allegations that these arrestees were subjected to physical and verbal abuse during the course of these arrests and while awaiting transfer to Fort George.

¹ Paragraphs 66.28–41 and 113.66–101

157.5 In addition to the arrests made by Support Company mentioned above, there were a further five arrests in the area of William Street, purportedly made by members of the same unit. Those arrested were Charles Glenn, Joseph McColgan, Michael McCallion, Patrick Martin Norris and John Rodgers. We discuss the circumstances of their arrests below,¹ including our finding that these men were, in fact, detained by members of A Company, 1 PARA.

¹ Chapter 158

157.6 Taking the arrests made in William Street into account, it follows that soldiers from 1 PARA were responsible for 55 arrests on Bloody Sunday. Fr Denis Bradley and Patrick O'Donnell, who were among those arrested in the area of Glenfada Park, were both released in William Street.¹ Save for these two persons, we are sure that the remaining 53 people detained by 1 PARA were all taken to Fort George.

¹ H1.43; AO35.7; AC25.3

157.7 We have an annex to an Army sitrep covering the period from 0700 hours on 30th January to 0700 hours on 31st January 1972 (“the Army List”). It lists 55 of those arrested by the security forces on that day and recorded as being “*handed over to RUC*”. The Army List includes the names of seven men who were arrested by two members of 1st Battalion, The Royal Anglian Regiment. As they were not taken to Fort George they play no role in this portion of our report. The remaining 46 names on the Army List are those of civilians arrested by members of 1 PARA.

157.8 The six men arrested in the area of Rossville Street and the five men arrested in the area of William Street appear on the Army List. Of the 19 Chamberlain Street arrestees only 13 were recorded on the Army List. They were Robert Brady, Noel Breslin, William Duddy, James Ferguson, Joseph Hutchman, Charles McCarron, William McCloskey, Maurice McColgan, James McDermott, Henry McGurk, George Nelis, Otto Schlindwein and OIRA 8. The six men whose names do not appear were Matthew Campbell, William Leo Carlin, Kevin Leonard, Thomas Meehan, John Morrison and George O'Neill.

- 157.9** Of the 23 Glenfada Park arrestees who were taken to Fort George, 22 appear on the Army List. They were Eugene Bradley (also known as Thomas Lawrence Bradley), Anthony Coll, John Devine, Christopher James Doherty, John Gormley, George Irwin, James Kelly, Seamus (James) Liddy, Barry Liddy, Eamon McAteer, Fergus McAteer, George McDermott, Patrick McGinley, Denis Patrick McLaughlin, James McNulty, Patrick Joseph Norris, Hugh O'Boyle, Myles O'Hagan, Fr Terence O'Keeffe, George Roberts, Robert Wallace and PIRA 1. Winifred O'Brien, the only female arrestee, is the person who does not appear in the list.
- 157.10** Staff Sergeant 222 was in charge of the RMP arrest team at Fort George. According to his RMP statement dated 2nd May 1972, Winifred O'Brien was handed over to a female RUC officer on arrival at Fort George.¹ That officer was Woman Constable Patricia Lamont.² In accounts she gave in 1972, Winifred O'Brien explained that at Fort George a policewoman was found to search her. The policewoman then took her to a separate area where she was allowed to sit down. She was not charged and was released later than evening.³ Kevin Leonard told the Northern Ireland Civil Rights Association (NICRA) that he was one of seven men taken to Fort George but not charged.⁴ His evidence explains why six of the Chamberlain Street arrestees are not recorded on the Army List.
- ¹ B2172-2173 ³ AO4.1; AO4.4; AO4.7
² JL2AA.1 ⁴ AL7.2
- 157.11** We are satisfied, on the evidence set out below, that the seventh male arrestee referred to by Kevin Leonard was Barry Liddy, a Glenfada Park arrestee.
- 157.12** The concluding paragraph of the RMP statement of Staff Sergeant 222¹ is as follows:
- "When my task was finished about 2330 hrs I left the centre. When we had finished there still remained a small boy who was taken away and a man named 'Liddy'. He apparently worked with the NAAFI in Fort George. He was handed over to the RUC. No arresting soldiers accompanied these persons."
- ¹ B2174
- 157.13** Barry Liddy was employed as a barman in the NAAFI at Fort George.¹ While we have arrest documents relating to his time at the Fort George detention centre, they do not include a statement from an arresting soldier. Barry Liddy was photographed alone and no arresting soldier is identified on the available Arrest Report Form.
- ¹ AL13.9; M89.18

157.14 The “*small boy who was taken away*” referred to by Staff Sergeant 222 must be Myles O’Hagan. Staff Sergeant INQ 14 was one of the RMP personnel at Fort George. In an RMP statement dated 2nd May 1972 he said that some time after 2300 hours, when the arrest procedure had been concluded, he noticed a “*young boy*” who had been arrested but not subsequently identified by a soldier. Staff Sergeant INQ 14 arranged for the boy to be photographed and gave him the photograph. He then drove the young boy to Craigavon Bridge.¹ His colleague Sergeant INQ 13 told the RMP in 1972 that he had been in the car with Staff Sergeant INQ 14 when they gave a lift to a “*very young boy*” who had not been identified by any soldier.² The youngest of the arrestees taken to Fort George, Myles O’Hagan was 13 years old in 1972.³ His evidence to this Inquiry was that he was not charged at Fort George.⁴ The only document obtained by this Inquiry and relating to the processing of Myles O’Hagan at Fort George is the photograph taken of him there. It shows him standing alone. There are no other documents which identify an arresting soldier.

¹ C14.6-7

³ AO43.1

² C13.5

⁴ AO43.6

157.15 The names of Barry Liddy and Myles O’Hagan are the only two recorded on the Army List in manuscript and for whom no arresting soldier is identified. The arrest photographs of these two arrestees (like all the photographs taken at Fort George of an arresting soldier with a particular arrestee), show that the names of the soldier and the arrestee were chalked on boards on a backdrop before a photograph was taken. In the cases of Barry Liddy and Myles O’Hagan the arresting soldiers are identified as Corporal E and Sergeant INQ 1694 respectively. Both soldiers were members of Anti-Tank Platoon. On the evidence considered above, we are satisfied that neither soldier identified these two arrestees as rioters. Their identification as such in the arrest photograph is likely to be a coincidence, the result of them being the arresting soldier for whichever civilian had been photographed before Barry Liddy and Myles O’Hagan.

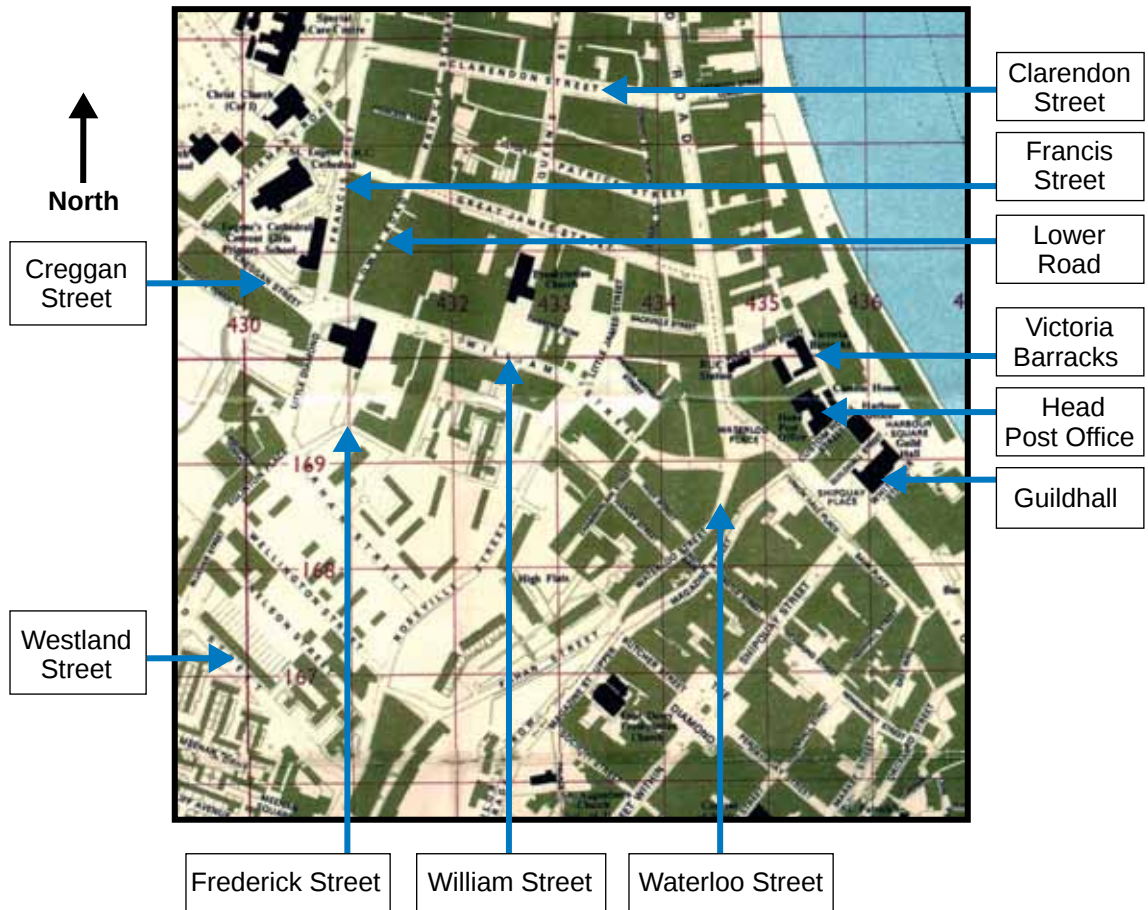
157.16 It follows from the preceding paragraphs that nine of the arrestees taken to Fort George were not charged – the simple reason being that no arresting soldier came forward to identify them as a rioter. As a consequence these civilians were not processed by the RMP and RUC. Of the remaining 44 arrestees, 20 were released pending further inquiries and 24 released on police recognisance to appear at Londonderry Magistrates’ Court on 3rd February 1972, having been charged with riotous behaviour. Following several adjournments, the charges were dropped in August 1972.¹

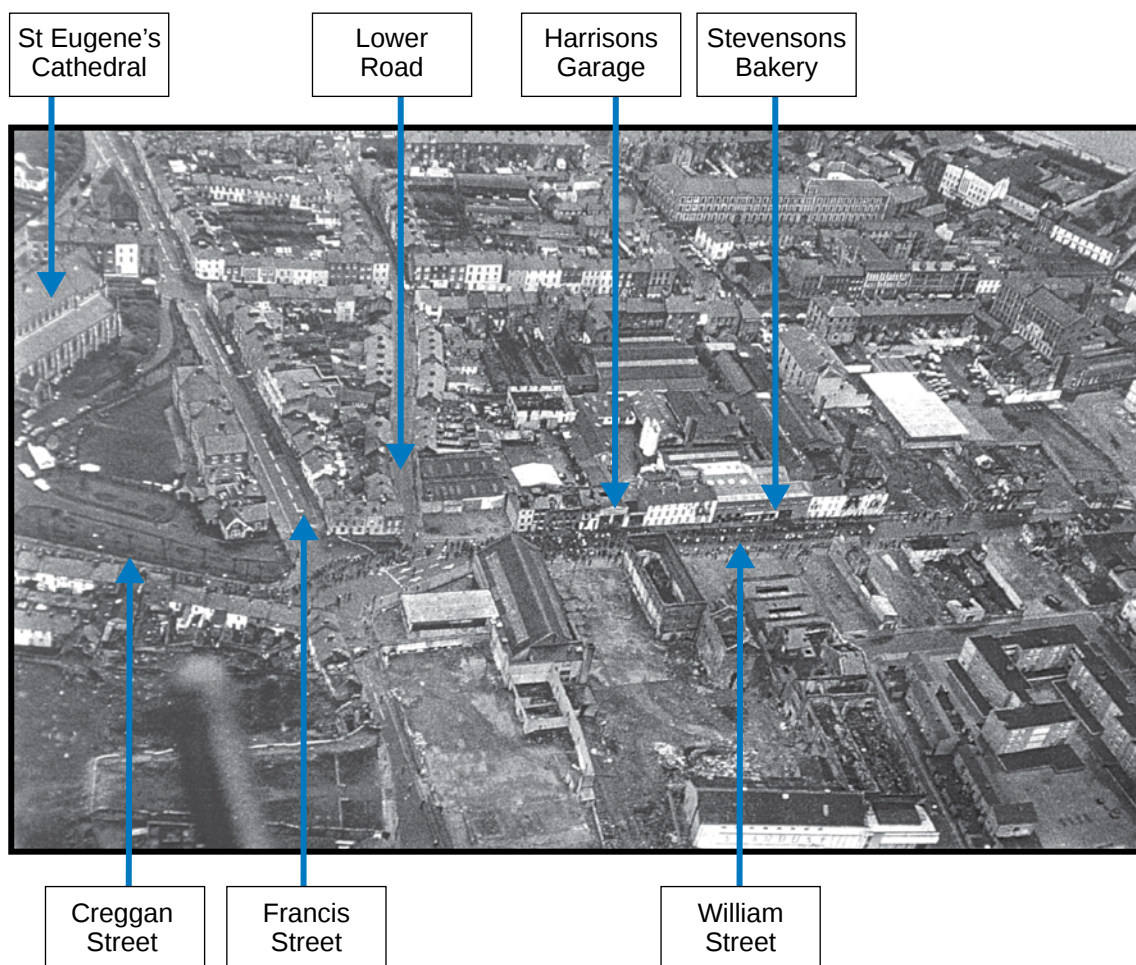
¹ L216

- 157.17 We have earlier referred to the arrests of five men in William Street. Four members of Anti-Tank Platoon claimed, in statements made to the RMP at Fort George on the evening of Bloody Sunday, to have made these arrests. It is convenient at this point to consider the circumstances in which these arrests occurred.

Chapter 158: The William Street arrests

158.1 The men arrested in William Street were Charles Glenn, Joseph McColgan, Patrick Martin Norris, John Rodgers and Michael McCallion. To understand the evidence on this matter it is useful to reproduce a map and photograph on which we have identified William Street and the surrounding area, including a number of buildings.





158.2 Charles Glenn, a uniformed volunteer of the Order of Malta Ambulance Corps, attended Jackie Duddy in the Rossville Flats car park. He was part of the group, led by Fr Daly, who carried Jackie Duddy from the car park and along Chamberlain Street. Turning into Harvey Street, the group continued to Waterloo Street where Jackie Duddy's body was placed on the ground.¹ Jackie Duddy was taken to Altnagelvin Hospital by an ambulance which arrived in Waterloo Street at 1621 hours.² According to both his 1972 accounts and his evidence to this Inquiry, Charles Glenn was then allowed through the Army barrier at Castle Gate (Barrier 16). There he made a complaint to a member of the RUC, Sergeant H Johnston, of having seen Jackie Duddy shot and was told to report the incident to the RUC police station attached to Victoria Barracks.³

¹ AG43.4-5; H5.20; AB9.4; B1946-1947; B1737

³ AG43.5; AG43.10; AG43.24; JJ2.1; W189 serial 438

² ED37.7; D500.26-27

158.3 In two accounts given in 1972,¹ Charles Glenn described making his way towards Victoria Barracks and reaching Guildhall Square where he encountered a "hostil crowd". In particular he recalled four youths following him down "Post Office St". This caused

Charles Glenn to decide not to continue to Victoria Barracks but to make his way to Francis Street, “*where the Order of Malta Headquarters were for the day*”. Guildhall Square is marked as Shipquay Place on the above map. While there is no Post Office Street on the map, it can be seen that the Head Post Office was situated near to Shipquay Place. Charles Glenn met Joseph McColgan, whom he referred to as Joe McColgan, in the area of Post Office Street. Together with Joseph McColgan, he “*thumbed a lift to the top of Clarendon St*”. As the map shows, the west end of Clarendon Street meets Francis Street. When he gave evidence to us, Charles Glenn recalled making his way towards Guildhall Square and reaching the bottom of Shipquay Street, but said that he had no recollection of how he had then travelled to Francis Street.²

¹ AG43.10; AG43.24

² Day 81/24-26

158.4 Joseph McColgan told us that in 1972 he was employed as a laboratory technician at Du Pont’s Maydown site, some seven miles outside the city. On Bloody Sunday he was working on the 8.00am to 4.00pm shift. On finishing work Joseph McColgan accepted a lift from a colleague as far as the Craigavon Bridge. From there he began to walk to the Bogside. He met Charles Glenn in the Diamond. Together they walked, via a route that included taking either Shipquay Street or Linenhall Street into Waterloo Place. They continued along Strand Road, eventually reaching Francis Street and then William Street.¹ In an RUC statement taken by Constable Kenneth Curran at Fort George on the evening of 30th January 1972, Joseph McColgan said that he reached the city at 4.35pm with a “*message [an errand] to do in Rossville Street*” and that he got “*a lift with a first aid fellow*” to Francis Street where they got out to walk to the Bogside. We accept that Charles Glenn and Joseph McColgan travelled together by car from Guildhall Square to Francis Street.

¹ AM123.8-10

158.5 According to Charles Glenn, on finding no-one at the headquarters in Francis Street, he and Joseph McColgan walked to the junction of Francis and William Streets. There they were stopped by members of 1 PARA. His undated NICRA account¹ records:

“At the corner of Francis St there were paratroopers who called us down. We were roughly searched and generally insulted. When I said I was in the Order of Malta, the one in charge said: ‘Those bastards!’

We were then taken, after they had reported by radio, to an armoured car where we got more rough treatment.”

The statement later records that they were put into a taxi “*with another detained man and we were driven to the junction of Rossville and William St*”. They were then placed in the back of an Army lorry and taken to Fort George.

¹ [AG43.10-11](#)

- 158.6** The second of the two statements¹ made in 1972 by Charles Glenn, gives some further details of his arrest:

“We were called over by the paratroopers we went down to them anyway and they searched us and then we were told to sit against the wall and then to stand against the wall. They asked us what I was I said that I was in the Order of Malta, and they said ‘one of those bastards’, and they phoned down to their headquarters and I heard one of them say ‘weve got one of their fancy medics here[’]. He must have got word to take us as he said the medic as well and I couldnt hear the reply and then he said it would be a pleasure. They took us down then to an armoured car, then there waas a taxi driver and his two passengers, and they had been taken out of their car. The taxi drivers name was [N]orris, we were stood against the armoured car and we were being assaulted almost continuously. An officer came out of the armoured car and told us to get into the taxi, we were put into the taxi and another officer came over from a ferret car and told the driver to drive between the ferret and the landrover and to follow them no funny business ... and they took us down William st across Lower Road and down Gt James st across Little James st and on to the waste ground opposite Con Bradleys Pub...”

This account referred to Charles Glenn being taken to Fort George with “*about 5 other civilians*”.

¹ [AG43.24](#)

- 158.7** In his evidence to this Inquiry, Charles Glenn described being stopped by “*three or four paras*” at the junction of William Street and Francis Street and taken eastwards down William Street. He and Joseph McColgan were put into the rear of a taxi where a woman was already sitting. Charles Glenn thought she was called “*Mrs Breene*”, the owner of a taxi firm. The taxi had a civilian driver. A paratrooper sat in the front seat pointing a gun at those in the rear of the car and “*continually abused*” them. They were driven by a roundabout route and taken out by Con Bradley’s pub at the junction of William Street and Rossville Street.¹

¹ [AG43.6](#); [Day 80/195-197](#); [Day 81/34-39](#)

158.8 When he spoke to Constable Curran in 1972, Joseph McColgan said:

“I got a lift with a first aid fellow to Francis Street. When we got out of the car in Francis Street we walked towards the Bog. The Army stopped us at the junction of William Street/Francis Street and we were held there for questioning, where we were abused and spat on. They put five of us into a taxi and took us to the corner of Rossville Street William St. They took all my personal belongings. We were then put into a lorry and took to the Maintenance Base.”

158.9 During the course of his oral evidence, Joseph McColgan told us that he was sure that he and Charles Glenn had not been arrested at the corner of Francis Street, put in a taxi and driven around.¹ His evidence was that they were arrested by paratroopers on William Street as they passed Stephenson’s bakery (the spelling of the bakery varies in statements) walking towards Rossville Street. They were pushed and shoved and then marched to a piece of waste ground where other arrestees were assembled. After being searched, they were made to kneel on the ground.²

¹ Day 104/32-33

² AM123.9-10; Day 104/8-9

158.10 Patrick Martin Norris was a taxi driver in 1972 and employed by Foyle Taxis. He told us that he was working on 30th January 1972 and was on his way to collect a fare in Glenfada Park when he was stopped by soldiers in an army vehicle near Stevenson’s bakery in William Street. He was made to get out of the car, searched and then arrested. Three other civilians, whom he did not know, were then ordered into the back seat of the taxi and a soldier got into the front passenger seat. Patrick Martin Norris was then ordered to drive the taxi. While he could not recall the exact route he took, he did recall travelling down Great James Street into Little James Street to reach the junction of William Street and Rossville Street. From there he was put into an Army lorry and taken to Fort George with other civilians. According to Patrick Martin Norris, while the car was travelling along Great James Street, it was flagged down by Ida Breen, the wife of his employer. The soldier in the taxi swore at Mrs Breen and told her to go away.¹ At Fort George, Patrick Martin Norris gave a statement to the RUC, which made brief mention of his arrest: “*At about 4 p.m. on 30.1.72 I was arrested by men of the Paratroop Regiment at William Street near Lower Road.*”²

¹ AN28.2-3; Day 150/119-124

² AN28.1

158.11 John Rodgers did not make a statement in 1972.¹ He told us that he attended the march on 30th January 1972. He was walking along Frederick Street when a driver shouted to him for assistance to take people to hospital. As well as the driver there were three others

in the car. On the “spur of the moment” John Rodgers “jumped in”. When the vehicle reached William Street near Francis Street it was stopped by soldiers. The occupants were told to get out and made to stand against an APC. John Rodgers’ evidence was that while standing against the APC he was not beaten and did not “*think that any of the other people with me were beaten at that stage either, but then again I wasn’t allowed to look at what was happening around me*”. They were then “*moved by the soldiers and eventually ended up in Fort George*”.² Although John Rodgers said that he did not think that the vehicle in which he travelled was a taxi, he acknowledged that he might have been wrong about this.³ In fairness to John Rodgers, Patrick Martin Norris told us that his vehicle would not have had any markings or signs which would have identified it as a taxi.⁴

¹ Day 410/18

³ Day 410/11; Day 410/20

² Day 410/3-6; Day 410/14; AR42.1-2

⁴ AN28.2

158.12 The only account from Michael McCallion available to us is that set out in a short NICRA statement.¹ There, Michael McCallion described being on Westland Street at about 5pm when he heard the news that “*people were lying dead about the Flats area*”. The statement continues:

“A taxi man said he would go and try to bring out the bodies and I said I would help. A Saracen stopped us in William St. and soldiers ordered us out of the taxi, put up against the saracen and searched, while we were being searched we were beaten about the body with batons and subjected to verbal abuse also. Then they took us down to the R.N. barracks in the Strand Rd.”

¹ AM71.1

158.13 We accept the evidence of Patrick Martin Norris that he was working as a taxi driver on 30th January 1972. We are satisfied that he did pick up John Rodgers and Michael McCallion with the intention of assisting in the taking of injured people to hospital. While driving east along William Street, the taxi was stopped by members of 1 PARA. This occurred, as Patrick Martin Norris told the RUC in 1972, near the junction of William Street and Lower Road. We are satisfied that Charles Glenn and Joseph McColgan were arrested, as they both said in 1972, together in the area of William Street and Francis Street. This finding puts their arrests as occurring further west than those of Patrick Martin Norris and his two passengers. It may explain Charles Glenn’s account in 1972 of being taken “*down ... to an armoured car*”.¹

¹ AG43.24

158.14 The mention in the same account of a taxi driver named Norris, and two passengers, suggests that all five men were arrested at about the same time (albeit at two different points in William Street) or that Charles Glenn and Joseph McColgan were arrested after the other three men. These arrestees give differing accounts of the number of passengers in the taxi – something which may be a consequence of the passage of time or the circumstances in which the arrests occurred. We find Joseph McColgan's 1972 evidence to the RUC that five arrestees were ordered into the taxi to be reliable. We are further satisfied that when the five men were ordered into the taxi, Patrick Martin Norris was ordered to drive it and, as he and Charles Glenn recalled, a soldier sat in the front passenger seat.

158.15 A feature that links these five witnesses is the reference to a taxi and Mrs Breen. However, Charles Glenn is mistaken in his recollection of seeing Mrs Breen in the taxi. It is likely that Patrick Martin Norris would have remembered if Mrs Breen, whom he named as his employer's wife, was in the taxi. According to the 8th Infantry Brigade log, a telephone call was received at 1724 hours from Mrs Breen. The entry in the log¹ recorded:

"Mrs Breen, Foyle Taxis (88-274) speaking from home, PARA took driver of a maroon Morris Oxford 3719 UI in Gt James St at 1705 hrs, took driver and fare. Wants to know details."

¹ [W51](#) serial 224

158.16 Four minutes later Mrs Breen made a similar call to the RUC.¹ The telephone call from Mrs Breen to 8th Infantry Brigade lends support to Patrick Martin Norris's recollection of having seen her in Great James Street. While it is unlikely that she was able to flag down the taxi, it is possible that she saw it, mistook the four men sitting in the rear seat for customers and on seeing the soldier in the front seat, concluded that the taxi and those in it had been stopped by 1 PARA.

¹ [W162](#)

158.17 We recognise she may have learned these details from others. In any event, her telephone call to the Army prompted an inquiry. There is an entry in the 1 PARA log¹ timed at 1820 hours which records the following exchange between the 1 PARA command vehicle (nicknamed the "Gin Palace" and identified in the log by the symbol +) and A Company.

“Taxi No 3719 VE driver missing do you know anything about it

A. Yes It was reported early to + and we sent it to Little James St for processing. Dvr should now be in for processing. This Taxi Dvr said at A Coys loc that he was going to collect wounded from Rossville St.”

The reference to an earlier report to “+” is to a report to the Gin Palace. There is no such earlier entry in the 1 PARA log unless it is an entry timed at 1635 hours,² which records a message sent from A Company to call sign 9 (Lieutenant Colonel Wilford) and which reads “*Taxi on way to pick up 2 bodies*”. If that is the case then the reference to Colonel Wilford’s call sign may be an error in the 1 PARA log.

¹ W90 serial 46

² W90 serial 37

158.18 Alternatively, the message may have been sent to Colonel Wilford via the Gin Palace. That it appears in the 1 PARA log can only mean that the message reached the Gin Palace, since that was where the log was being created in the course of events. In any event, by the time of that earlier entry (1635 hours), and as considered below, A Company would have moved into William Street. We find these two entries in the 1 PARA log to be significant in three ways. First, they indicate that in 1972 Patrick Martin Norris gave an explanation to the soldiers who stopped his taxi which corresponds to that given by Michael McCallion and John Rodgers in their respective accounts. Second, they support the conclusion that all three men were in the same vehicle. Finally, the entries show that Patrick Martin Norris, Michael McCallion and John Rodgers must have been arrested by members of A Company of 1 PARA.

158.19 There is a difference in the registration number of the taxi as noted in the 8th Infantry Brigade log and the 1 PARA log. This is a transcription error and both entries refer to the same taxi. We are satisfied of this, given an exchange recorded on what has been described as the “IRA bug tape”, a recording which is considered elsewhere in this report.¹ The exchange is between a soldier (probably an officer at 8th Infantry Brigade Headquarters) and Mrs Breen. The soldier tells Mrs Breen that the taxi “*Was driving fairly fast down the road behind an ambulance*” and was stopped. All its occupants including the driver were detained for questioning. The car was left “*locked up*” and “*unharmd*” in Little James Street.²

¹ Chapter 191

² X2.25.14

158.20 We set out below the reasoning for our finding that we cannot rely on the claims made in 1972 by four members of Support Company that they arrested these five men. This raises the question as to which soldiers did, in fact, arrest them. Since we have found that they were

arrested by members of 1 PARA, and given the entries in the 1 PARA log referred to above, we are satisfied that these men were arrested by members of A Company. Major INQ 10, the Officer Commanding A Company, made a statement in 1972 which, under the heading “DIARY OF OPERATIONS”, includes a record of his company’s movements.¹ At 1612 hours Major INQ 10 received orders for his unit to move into Lower Road (where an Army barrier, Barrier 11, was in place, manned by 1 CG) “*and turn East into William Street*”. Between 1612 and 1715 hours, A Company had “*gone firm in the posn William St/Creggan St junction and 100 m East*”. At 1715 hours, as the 1 PARA log confirms,² A Company was ordered to return to its original Forming Up Position (FUP), which it did by 1725 hours. The effect is that the various vehicles of A Company (which included six APCs and a Ferret car³) would have been parked along William Street at the time the five arrestees arrived there.

¹ B1341-1342

³ B1853.14

² W91 serial 42

158.21 There is evidence that while in William Street members of A Company stopped and searched civilians. On 30th January 1972 a group of soldiers from 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt), led by Lieutenant 146, was deployed to Harrison’s Garage in William Street. This, as the photograph above shows, was a little way east of the junction of William Street and Francis Street. Three members of this group, including Lieutenant 146, told the RMP in 1972 that between 1600 hours and 1700 hours they saw a number of APCs stop outside their location, and paratroopers debus from those vehicles and stop and search a group of men or youths in William Street. None were arrested. Lieutenant 146 recalled that the paratroopers had put on their red berets before beginning to stop and search people.¹

¹ B1884; B1748; B1873

158.22 John Duddy and Anthony McCallion both told us that they were in a car which was stopped by soldiers in Creggan Street near its junction with Francis Street. They were pulled out of the vehicle, made to stand spreadeagled against railings near St Eugene’s cathedral (where others were already lined up), and searched. They were eventually released. Anthony McCallion told us that he recognised that the soldiers involved were from the Parachute Regiment from the berets that they were wearing.¹ In a written statement to this Inquiry, Private INQ 630 told us that he and another member of A Company had stopped and searched people near the junction of William Street,

Francis Street and Little Diamond.² Another member of A Company, Lance Corporal INQ 1761, told us that he recalled assisting in the stop and search of civilians after the company had driven in convoy through an Army barrier.³

¹ AD148.8-9; AM65.3-4; Day 179/101

³ C1761.3-4

² C630.3; C630.5

158.23 The evidence of Major INQ 10 is that A Company did not make any arrests.¹ We are satisfied that the soldiers who detained these five men did come from that company. We are unable to identify who these arresting soldiers were. However we accept the evidence of Charles Glenn, Joseph McColgan, Patrick Martin Norris and Michael McCallion that when detained in William Street they were subjected to verbal and physical abuse by these soldiers.

¹ B1343.004

158.24 While the suggestion that these five men were then conveyed to the junction with Rossville Street in a taxi accompanied by a soldier appears bizarre, we are satisfied that this is what happened. The taxi may have been used simply because A Company could not leave it at the western end of William Street or at Barrier 11 when they were ordered to return to their FUP at 1715 hours.

158.25 The four members of Anti-Tank Platoon who took responsibility at Fort George for the arrests in William Street were Lance Corporal F, Private INQ 635, Corporal E and Private INQ 1237.

158.26 In two separate arrest statements given at Fort George, Lance Corporal F identified Michael McCallion and Patrick Martin Norris as rioters who had been “*throwing stones at my patrol*” in William Street. He told the RMP that he arrested both of them at about 1615 hours. When told at this Inquiry that Michael McCallion claimed to have been in a taxi when arrested, Lance Corporal F said that he did “*not remember anything about it at all*”.¹ When told that Patrick Martin Norris also claimed to have been in a taxi on William Street and not throwing stones, Lance Corporal F said that he could not help.²

¹ Day 375/163-164

² Day 375/157

158.27 According to the arrest statement he gave to the RMP at Fort George, Private INQ 635 said that at about 1615 hours, when he arrested him, John Rodgers was “*throwing stones at Security Forces*” in Rossville Street. Shown a copy of a photograph taken at Fort George of him with John Rodgers, Private INQ 635 said he was not able to recognise John Rodgers and had no recollection of seeing him throw stones at the security forces or

of arresting a man in a taxi.¹ Later he said he had “*no recall of the arrest at all*”,² nor any recollection of the circumstances in which he came to sign the statement relating to the arrest.³

¹ Day 352/39-40

³ Day 352/84

² Day 352/42

158.28 Although, as we have accepted, Charles Glenn and Joseph McColgan were together when arrested, Corporal E and Private INQ 1237, the soldiers who claimed to have arrested them, put these two civilians as rioting at different times and at different locations.

158.29 In the arrest statement he made at Fort George, Private INQ 1237 claimed that at about 1600 hours he saw Charles Glenn throw stones at his patrol on William Street and arrested him. Private INQ 1237 told us that he had no recollection of dealing with any arrested civilians. He confirmed that he appeared in an arrest photograph with Charles Glenn but did not recognise him. He then said that he had no memory of arresting anyone and could give no explanation for how he came to appear in the photographs. He had no recollection of being in the area of William Street and specifically in the area of St Eugene's Cathedral. Later Private INQ 1237 denied that he would have fabricated details in order to secure an arrest.¹

¹ Day 366/34-45

158.30 Corporal E is dead and did not give any evidence to this Inquiry. At Fort George he told the RMP that at about 1615 hours he saw Joseph McColgan throw stones at the security forces in Rossville Street. He made no reference to the arrest of Joseph McColgan in the two statements he gave to the RMP on 31st January 1972 or in his statement for the Widgery Inquiry. In a statement given some time later in 1972 he confirmed that he had arrested Joseph McColgan in Rossville Street and that at the time of the arrest Joseph McColgan would have been “*immediately arrested by me*”. We have seen an RUC memorandum dated 20th April 1972 recommending that a charge of riotous behaviour against Joseph McColgan be withdrawn. That records what must have been the result of an RUC interview with Corporal E and notes:

“Corporal E, 1st Battalion of Parachute Regiment made a statement in which he says that he saw the defendant in Rossville Street throw one stone at the soldiers. The Corporal chased this youth and caught him...”

The memorandum also notes that Corporal E made no mention of Joseph McColgan having been in a taxi.

- 158.31** We have concluded that the William Street arrests were made by unidentified members of A Company of 1 PARA. It follows that we do not accept the evidence given by these four soldiers of Anti-Tank Platoon in the arrest statements they made at Fort George. There is no evidence that any of them were at the western end of William Street at any time. If the arrest statements were accurate then the five arrestees would have been detained in either William Street or Rossville Street at about 1600 or 1615 hours.

Chapter 159: The transfer of arrestees from the Bogside to Fort George

159.1 Lieutenant Colonel Wilford held a battalion orders group meeting on Saturday 29th January 1972. This was attended by a number of 1 PARA officers, the Regimental Sergeant Major (RSM) and, so Colonel Wilford thought, the Provost Sergeant of the battalion.¹ The notes of that meeting include a paragraph in respect of arrests:²

“(2) Arrest Procedure.

The arrest team of RMP with RSM and Paddy Wagon and escort will move fwd to a loc in Great James Street. Normal arrest procedure then take prisoners and documentation to Fort George or Craigavon Br (sit).”

¹ [B1110.027](#)

² [G94.563](#)

159.2 The reference to the “*arrest team of RMP*” is likely to be to a group of RMP officers, who were attached to 1 PARA for the operation on 30th January 1972. This group appears to have been made up of RMP officers based in Londonderry and Lisburn. An entry in the 8th Infantry Brigade log records a transmission, timed at 1509 hours, to the RMP to the effect that “*39 Bde Arrest Team may move to join 1 PARA*”.¹ The headquarters of 39th Infantry Brigade was in Lisburn.² The RMP officers from Londonderry were Corporal 126 and Lance Corporal 121. In accounts given in 1972 they identified themselves as being part of an RMP arrest team attached to 1 PARA and given the role of documenting any arrestees.³ It is not clear how many members of the RMP made up the arrest team. Corporal 126 told the Widgery Inquiry that the team travelled in two Land Rovers.⁴ Given that he and Lance Corporal 121 both placed themselves as being in the same Land Rover and that the latter told us that he thought they were the only two in the vehicle,⁵ it may be that the team consisted of no more than four RMP officers.

¹ [W43](#) serial 98

⁴ [B1781](#)

² [Day 237/3](#)

⁵ [B1763](#)

³ [B1758](#); [B1761](#); [B1771](#)

159.3 The RMP arrest team was not responsible for transporting arrestees to Fort George. That task fell to the Provost Detachment of 1 PARA, which was the “*escort*” mentioned in the above extract from the notes of Colonel Wilford’s orders group meeting. Described by some witnesses as the “*Regimental Police*”, the Provost Detachment’s duties included dealing with arrestees.¹ The extract above indicates that by 29th January 1972 a decision had been reached that any arrestees detained by 1 PARA would be taken to the area of

Great James Street, but it was not yet certain to which PCP they would then be transferred. The decision to use Fort George must have been made shortly afterwards given that the RSM, Warrant Officer Class I INQ 2037, told us that on arriving in Londonderry he, together with members of the Provost Detachment, undertook a reconnaissance of the route from the city to Fort George.²

¹ C1786.1; C301.1; C1335.1

² C2037.2

159.4 While Warrant Officer Class I INQ 2037 appears to have been in overall charge of the processing of arrestees,¹ the command of the Provost Detachment fell to Sergeant INQ 301, the Provost Sergeant of 1 PARA in January 1972.² He described himself as “RSM INQ 2037’s right hand man”.³

¹ Day 321/192

³ C301.4

² C1335.1; C1916.1

159.5 In a statement taken by Constable E Foster of the RUC on 15th February 1972, Sergeant INQ 301 said that he was in charge of an “*arrest team*” of seven soldiers on 30th January 1972.¹ Subsequently, in an RMP statement signed on 12th June 1972, Sergeant INQ 301 recorded that “*All available Provost Staff under my command formed an arrest team for that day*”. He identified the members of that arrest team as Corporal INQ 1709, Lance Corporal INQ 1335, Corporal INQ 1989 (also known by the cipher UNK 419), Lance Corporal INQ 1786 (also known by the cipher UNK 6), Lance Corporal INQ 429 (identified in the RMP statement of Sergeant INQ 301 with the cipher UNK 777), Lance Corporal INQ 507 and Lance Corporal INQ 1916 (identified in the RMP statement of Sergeant INQ 301 with the cipher UNK 776).²

¹ C301.8

² C301.9

159.6 On the evidence before us, these eight soldiers and Warrant Officer Class I INQ 2037 constituted the full complement of the Provost Detachment on Bloody Sunday. The Inquiry obtained statements from all of these soldiers with the exception of Lance Corporal INQ 1916, Corporal INQ 1709 and Corporal INQ 1989. We have no evidence from Corporal INQ 1709 and Corporal INQ 1989. We do have a statement made in May 1972 to the RMP by Lance Corporal INQ 1916. Of those who made statements to this Inquiry, Warrant Officer Class I INQ 2037 and Sergeant INQ 301 gave oral evidence.

159.7 There are a number of photographs of the Provost Detachment escorting arrestees on Bloody Sunday. Together with evidence from members of the detachment, they show that, on Bloody Sunday, these soldiers wore berets, used camouflage cream and carried a self-loading rifle (SLR) as a personal weapon and a baton.¹ There is no evidence to

suggest that members of the Provost Detachment were wearing helmets with or without face visors on the day. Sergeant INQ 301 said that the Provost Detachment sometimes wore black armbands with the letters “RP” on them in red, or maroon armbands with blue letters, or another form of armband which came down from the epaulettes.² There is evidence that some members of the Provost Detachment were wearing some form of armband marked “RP”.³

¹ C507.2; C507.7; C1335.1; C1786.4-5; C1786.9; C2037.8; C1970.36

² C301.4

³ C1970.36; AG43.6; C17.2

159.8 Sergeant INQ 301 told the RMP that he and the soldiers under his command were all in a four-ton vehicle save for Lance Corporal INQ 1916 who travelled with Warrant Officer Class I INQ 2037 in a quarter-ton vehicle.¹ Warrant Officer Class I INQ 2037 told us that he had escorted “*the four tonner*” in his Land Rover.² The four-ton vehicle mentioned by Sergeant INQ 301 is the “*Paddy Wagon*” referred to in the extract from the notes of Colonel Wilford’s orders group meeting set out above. According to the written statement of Lance Corporal INQ 1786 to this Inquiry, it was a lorry adapted for the purpose of transporting arrestees, “*with steps up into the back and benches along each side of the inside of the rear*”.³ We have referred to this vehicle as “the Provost Detachment lorry”.

¹ C301.9

³ C1786.5

² C2037.4

159.9 The photograph below, taken by Jeffrey Morris of the *Daily Mail* newspaper, shows some of the Glenfada Park arrestees lined up along the GPO perimeter fence. The soldier wearing a beret is Captain INQ 7, the 1 PARA Intelligence Officer.¹ The helmeted soldiers are not members of the Provost Detachment.² It is possible that they are members of either Composite Platoon of Support Company (Guinness Force) or C Company detailed to guard the arrestees.

¹ B1288-1289; B1295.023; B1295.024

² C301.4; C301.5; C301.7



- 159.10** The woman on the extreme left of the photograph is Winifred O'Brien. Fr Terence O'Keeffe is the man next to her.¹ Both had been arrested in Glenfada Park. By the time this photograph was taken, four of the men arrested in Rossville Street, William John Dillon, Charles Canning, James Charles Doherty and Joseph Lynn had been escorted to and made to stand at the same fence.² From other photographs it is apparent that William John Dillon is the fifth person from the left in the above photograph.

¹ [AD69.5](#); [AD69.10-11](#); [Day 127/130](#)

² [AD69.4](#); [AD69.16](#); [AD69.12](#)

- 159.11** We are satisfied that the first group of arrestees transported to Fort George by the Provost Detachment consisted of 23 of the Glenfada Park arrestees together with William John Dillon, Charles Canning, James Charles Doherty and Joseph Lynn. Fr O'Keeffe's evidence is that all those arrested in the area of Glenfada Park were put in the same lorry before being transported to Fort George.¹ William John Dillon, James Charles Doherty and Joseph Lynn all had a recollection of being in a lorry with a woman detainee.² Winifred O'Brien was the only woman arrested on the day. According to the accounts given in 1972 by Sergeant INQ 301, he received instructions at some time about 1600 hours to go to William Street where "*persons were detained by soldiers*". When his team arrived at the junction of William Street and Little James Street he found a group of 26 men and one woman lined up "*against a wire fence*".³

¹ [H21.23-24](#)

³ [C301.8](#); [C301.10](#)

² [AD46.5](#); [AD69.5](#); [AL39.5](#)

159.12 The arrestees were then run from the wire fence, past Barrier 12 positioned across Little James Street, and to the Provost Detachment lorry parked in Sackville Street.¹

¹ AD58.1; AD69.16; AM42.2; M11.6; M75.2; JM18.5; JK6.1

159.13 The Land Rover carrying the RSM (Warrant Officer Class I INQ 2037) accompanied the Provost Detachment lorry carrying this first group of arrestees to Fort George. Sergeant INQ 301 told the RMP in 1972 that, having left the arrestees at Fort George, the Provost Detachment returned not to William Street but to the 1 PARA tactical headquarters (Tac HQ) at Foyle Technical College. They were there for “*just a few minutes*” before being instructed to proceed to William Street.¹ There they found five male arrestees including a uniformed member of the Knights of Malta Ambulance Corps lined up “*against the wall of a building*”.² They were all put into the rear of the Provost Detachment lorry and taken to Fort George.³ The Knight of Malta Ambulance Corps member in question can only have been Charles Glenn. Accordingly we are satisfied that these five men were those previously detained by members of A Company in William Street.

¹ C301.11

³ C301.11-12

² C301.11

159.14 We have already referred to the evidence of Corporal 126 and Lance Corporal 121, members of an RMP arrest team attached to 1 PARA. In statements they gave in 1972, first to the RMP and then for the Widgery Inquiry, both recalled that the RMP arrest team was “*called forward*” shortly after elements of 1 PARA had moved down Rossville Street. The two Land Rovers of the RMP arrest team then moved south to a position close to the north end of Block 1 of the Rossville Flats. Corporal 126 and Lance Corporal 121 were both present when Duncan Clark and William John Doherty were documented by other members of that RMP arrest team.¹ Corporal 126 told us that this would have included taking a Polaroid photograph of the arrestee.² In our discussion of the events of Sector 2,³ we considered the injuries sustained by Duncan Clark and William John Doherty. There we reproduced a photograph of William John Doherty and set out our conclusion that this photograph was probably taken in the back of an RMP Land Rover parked in the area of Rossville Street. That arrest photograph is the only document relating to the processing of these two men by the RMP arrest team attached to 1 PARA. Both Duncan Clark and William John Doherty were subsequently documented anew at Fort George.

¹ B1778; B1781; B1758; B1761

³ Chapter 43

² B1782.005

159.15 The evidence of Fr O’Keeffe is that the group of arrestees of whom he was one numbered 28 men and one woman. Given our conclusion that those arrested in William Street were transported to Fort George on the second trip made by the Provost Detachment, this suggests, if Fr O’Keeffe is right, that Duncan Clark and William John Doherty were among those who were taken to Fort George on the first trip made by the Provost Detachment. In his RMP statement dated 2nd May 1972, Staff Sergeant 222 recorded that the first group of arrestees to arrive at Fort George included a woman and two men, one with a cut above his head and the other with a cut on the side of his nose.¹ These injuries suggest that these men were Duncan Clark and William John Doherty. However, it is apparent from the statement that Sergeant 222 only saw these two men after a second group of arrestees had arrived at Fort George.

¹ [B2173](#)

159.16 Support for a conclusion that the second trip concerned just the five men arrested in William Street also comes from RMP statements given in 1972 by two members of the Provost Detachment, Lance Corporal INQ 1335 and Lance Corporal INQ 1916, who both refer to dealing with five men, including a uniformed first-aider.¹ These statements, and that from Sergeant INQ 301 to which we have already referred, were taken as part of an investigation into an allegation that property had been stolen from some of the William Street arrestees. This may explain why Lance Corporals INQ 1335 and INQ 1916 made no reference in their statements to another two arrestees being placed in the same vehicle.

¹ [C1335.5](#); [C1916.1-2](#)

159.17 Other arrestees said that 27 prisoners were taken to Fort George on the first trip.¹ We also have the RMP statement made by Sergeant 301 in June 1972, in which he said that, as the five William Street arrestees were being loaded onto the lorry, “*two other males were handed over by the RMP for onward transmission to Fort George*”.² This must be a reference to Duncan Clark and William John Doherty. Their own evidence indicates that they were taken to the lorry in an RMP Land Rover.³ It is likely that it was the same RMP Land Rover in which William John Doherty had been photographed. We are satisfied that Duncan Clark and William John Doherty are more likely to have been taken to Fort George on the second trip made by the Provost Detachment lorry.

¹ [AD41.6](#); [AD58.1](#)

³ [AC61.1](#); [AD113.1](#)

² [C301.12](#)

159.18 We now turn to deal with the question of whether the RMP arrest team attached to 1 PARA accompanied the Provost Detachment on either or both of its two trips to Fort George. We can only identify two members of that team, Corporal 126 and Lance Corporal 121. The 1972 evidence of these two witnesses is that they were present when Duncan Clark and William John Doherty were taken to Fort George. That evidence also indicates that these two men were the only arrestees processed by the RMP team of which Corporal 126 and Lance Corporal 121 were a part.¹ Our finding that Duncan Clark and William John Doherty were likely to have been taken to Fort George on the second trip suggests that the RMP arrest team did not travel to Fort George on the first trip made by the Provost Detachment. Indeed no uniformed RMP officer appears in any of the photographs taken of arrestees being moved from the GPO perimeter fence to the Provost Detachment lorry waiting in Sackville Street.

¹ B1779; B1781; B1758-1759; B1761

159.19 The reference by Corporal 126 and Lance Corporal 121 to being present when two arrestees were taken to Fort George could suggest that the RMP arrest team did accompany the Provost Detachment on its second trip. However, the RMP statements of Sergeant INQ 301, Lance Corporal INQ 1916 and Lance Corporal INQ 1335 concerning that second trip make no reference to RMP officers either being in the lorry or accompanying it to Fort George. Both Lance Corporal 121 and Corporal 126 gave evidence to this Inquiry. Neither could recall dealing with arrestees.¹ Corporal 126 could not recall if he “*went back to Fort George*”.² He did tell us that he and his colleague were tasked to “*accept any prisoners that they [1 PARA] arrested and ... would convey them back to Fort George*”. However, he conceded that they would have been able to handle no more than one or two prisoners.³ Given that in 1972 both these witnesses would have been aware (as is apparent from the accounts they gave at the time) that other RMP officers were available at Fort George to deal with arrestees, it is likely that the RMP arrest team did not accompany the Provost Detachment to Fort George.

¹ B1764.001; B1782.003

³ Day 359/92

² B1782.004

159.20 We now consider the evidence that other members of 1 PARA may have escorted arrestees either from the GPO perimeter fence to the Provost Detachment lorry or to Fort George itself.

159.21 Colour Sergeant INQ 1938 said in his written statement to this Inquiry that he was a member of Composite Platoon, having replaced Colour Sergeant INQ 147.¹ He told us that he was in a lorry holding about 15 prisoners who were driven to a holding area and

handed over to the RUC.² The nominal roll for Support Company³ does not identify Colour Sergeant INQ 1938 as a member of Composite Platoon. It does identify Colour Sergeant INQ 147 as such. We are of the view that Colour Sergeant INQ 1938 was wrong in his recollection and may not have even been in Londonderry on Bloody Sunday.

¹ C1938.1

³ GEN8.6-7

² C1938.2

159.22 Private INQ 132 also identified himself as a member of Composite Platoon but does not appear among those listed in the nominal roll.¹ In his written statement to this Inquiry he said that he had been on the tailboard of a four-ton lorry which had been used to transport 30 or 40 handcuffed prisoners to a police station.² His recollection was that he was part of a reserve snatch squad, which he believed debussed from its vehicle near Craigavon Bridge and made its way on foot to a row of APCs parked in a street. He had no memory of passing through any manned barriers.³ The lack of clarity in this statement leads us to conclude that Private INQ 132 was confused in his recollection and did not travel in a lorry containing arrestees on Bloody Sunday.

¹ C132.1; GEN 8.6-7

³ C132.1-2

² C132.3

159.23 In his written statement to this Inquiry,¹ Lance Corporal INQ 1940, a member of Anti-Tank Platoon on the day, could only tell us that he was in a “*housing estate*”. He said that he escorted a number of prisoners, taking them from the arresting soldier through alleyways to “*our four-ton lorries*” where the prisoners were handed over to the military police. He made no mention of the Provost Detachment being present. The route from the GPO perimeter fence to the Provost Detachment lorry, parked in Sackville Street, was across open ground and not through alleyways. We have found above that the RMP arrest team attached to 1 PARA did not accompany the Provost Detachment to Fort George. We have also observed that no military policeman appears in the photographs showing arrestees being escorted from the GPO perimeter fence. While Lance Corporal INQ 1940 may have played a role in escorting those civilians arrested by his platoon northwards to that fence we are satisfied that he was not involved in escorting any civilians from it to the lorry.

¹ C1940.2

159.24 Lance Corporal INQ 366 was the driver for Colonel Wilford on Bloody Sunday.¹ In his written statement to this Inquiry he said that “*someone asked if they could borrow*” him to escort a prisoner from a wall to a police Land Rover parked nearby. Having put the prisoner in the police Land Rover, Lance Corporal INQ 366 returned to his own vehicle.²

In his oral evidence to this Inquiry he said he had taken the prisoner from the GPO perimeter fence.³ Lance Corporal INQ 366 produced a photograph on which he identified himself holding an arrestee. The photograph shows three paratroopers and an arrestee near what must be the GPO perimeter fence. Lance Corporal INQ 366 correctly identified one of the other two soldiers in the photograph as Lance Corporal INQ 1786. He incorrectly said that Lance Corporal INQ 1786 was acting as Colonel Wilford's bodyguard rather than as a member of the Provost Detachment. He identified the other soldier in the photograph as Corporal INQ 1171, one of Colonel Wilford's two radio operators, though the photograph shows him without a radio set.⁴

¹ C366.1; C2006.26

³ Day 288/21

² C366.4

⁴ C366.4; C366.6

159.25 In his written statement to this Inquiry, Corporal INQ 1171 confirmed that he was the soldier in the same photograph but told us that he was not "*involved in the arresting of civilians on the day*"; nor did he suggest that he had any involvement in escorting arrestees. Corporal INQ 1171 did not identify Lance Corporal INQ 366 as being in the photograph but did identify Lance Corporal INQ 1786.¹ We are satisfied that Lance Corporal INQ 366 correctly identified himself in the photograph. It is likely therefore that he escorted at least one prisoner from the GPO perimeter fence.

¹ C1171.2-4; C1171.6

159.26 The Chamberlain Street arrestees were not transported to Fort George by the Provost Detachment. Instead they were placed in a C Company lorry. According to RMP statements made by Sergeant INQ 2000, Corporal 007 and Private INQ 12 – the three soldiers who claimed to have arrested these 19 civilians – the arrestees were all loaded into a four-ton lorry parked in the area of Chamberlain Street. These three soldiers accompanied the arrestees to Fort George.¹

¹ C2000.3; B1379; B1383; C12.11

159.27 We have only been able to identify one other soldier who was involved in the transport of the Chamberlain Street arrestees. Lance Corporal INQ 945 was a member of Motor Transport Platoon of 1 PARA in 1972. He told us that his normal role was as a driver. However, on Bloody Sunday he was attached to C Company as an infantryman, although he was not a member of a snatch squad.¹ His evidence was that he escorted arrestees to a Bedford truck. When the lorry was full, he and three other soldiers got into its rear, each sitting in a corner. The lorry travelled to a "*holding centre, which I think was at an old naval yard*". The recollection of Lance Corporal INQ 945 was that the Bedford truck made more than one trip to the holding centre.² One difficulty with the evidence of this witness

is the existence of a document produced to this Inquiry by Captain 200, the officer commanding Composite Platoon. It identifies Lance Corporal INQ 945 as a member of Defence Platoon responsible for guarding the Tac HQ of 1 PARA. If that document relates to Bloody Sunday then it means the evidence of this witness as to his role on Bloody Sunday must be wrong. The document was put to Lance Corporal INQ 945 on that basis. He told us that he had never acted as part of Defence Platoon and stood by his recollection that he was involved in dealing with arrestees.³ In fairness to him, Captain 200 could not say if the particular document related to Bloody Sunday.⁴ On balance we are satisfied that Lance Corporal INQ 945 was involved in the transport of the Chamberlain Street arrestees to the extent mentioned.

¹ C945.1-3

³ C945.5; Day 309/160-163

² C945.3

⁴ B2022.015

159.28 Those arrestees taken by the Provost Detachment to Fort George arrived there before the Chamberlain Street arrestees. In 1972 Corporal INQ 17 said that the first vehicle to arrive at Fort George with arrested persons (including a woman) was a four-ton Bedford lorry. It arrived at about 1650 hours.¹ We have already referred to the RMP statement given by Staff Sergeant 222. There he said that at *“About 1650 hrs a vehicle arrived and about 22 arrested persons were brought into the arrest compound ... These persons were not accompanied by the arresting soldiers.”*² Sergeant INQ 20, another member of the RMP arrest team at Fort George, gave 1645 hours as the time when a group of about 20 arrestees arrived, unaccompanied by their arresting soldiers.³ Despite the discrepancy in numbers, we are satisfied that these witnesses must be referring to the arrival of the Provost Detachment lorry containing the 23 Glenfada Park arrestees together with William John Dillon, Joseph Lynn, James Charles Doherty and Charles Canning. The times given by these three members of the RMP correlate with that given by Woman Constable Patricia Lamont in her 1972 statement for when she took charge of Winifred O’Brien (4.45pm).⁴

¹ C17.9

³ C20.5

² B2172

⁴ JL2AA.1

159.29 The absence of the arresting soldiers was noted. Staff Sergeant 222 telephoned *“for the arresting soldiers to come to Fort George”*.¹ At 1704 hours 1 CG (call sign 76) informed 8th Infantry Brigade that *“The first batch of people who were brought back by Bravo call sign to our Papa Charlie Papa did not have the arresting soldiers with them. The Bravo people said that they had been handed by ... to them by another unit.”*² Bravo was the call sign allocated to 1 PARA. The *“Bravo people”* must be the Provost Detachment while the reference to *“another unit”* would be to the soldiers who had actually made the arrests.

¹ B2172

² W139 serial 556

159.30 Staff Sergeant 222 told the RMP that he saw a second lorry appear containing “*about eight civilians all accompanied by arresting soldiers*”.¹ Corporal INQ 17 told them that this second vehicle arrived “*About 10 minutes*” after the first, and that the second group were accompanied by their arresting soldiers.² Again, while there is a discrepancy in numbers we are satisfied that this was the Provost Detachment lorry returning to Fort George with the William Street arrestees together with Duncan Clark and William John Doherty. The evidence of Corporal INQ 17 suggests that this second group of arrestees arrived at Fort George at about 1700 hours. Even given the evidence of Sergeant INQ 301 that little time elapsed between the two trips made by the Provost Detachment, 1700 hours seems too early. We can only say that the second group of arrestees arrived sometime between 1715 hours (when A Company returned to its Forming Up Position) and about 1815 hours, an approximate time (for what must be the arrival of that group at Fort George) we derive from the 1972 evidence given by one RMP officer, Lance Corporal INQ 18.³

¹ B2173

³ C18.10

² C17.9-10

159.31 For the following reasons we are satisfied that Staff Sergeant 222 and Corporal INQ 17 were incorrect in saying that this second group of arrestees were accompanied by their arresting soldiers. Warrant Officer Class I INQ 2037 told us that efforts were made to photograph arrestees with members of the Provost Detachment until it was realised that “*the chain of evidence would have been wrong*” and that the arrestee had to be photographed with the soldier who had made the actual arrest.¹ That evidence is supported by the 1972 accounts of two RMP officers at Fort George which show that efforts were made to process some arrestees before the soldiers who would later identify them as involved in riotous behaviour arrived at Fort George;² and also by the evidence to us of RUC Sergeant Alexander Gray who said that the absence of arresting soldiers meant “*a breakdown in continuity*”.³ It is possible therefore that Staff Sergeant 222’s and Corporal INQ 17’s 1972 accounts resulted from the confusion described by Warrant Officer Class I INQ 2037; or, alternatively, it may have been an assumption on their part that 1 PARA had responded to the calls (including from Staff Sergeant 222) to provide arresting soldiers made after the arrival of the first arrestees at the detention centre.

¹ Day 321/174-175

³ Day 211/28-29

² C13.5; C16.5

159.32 Staff Sergeant 222 said he saw “*a third lorry load*” arrive “*accompanied by arresting soldiers*”.¹ We are satisfied this was the C Company lorry carrying the Chamberlain Street arrestees. Corporal INQ 16, in an RMP statement made on 2nd May 1972, said that the

arrestees in this third group numbered about 20. His statement suggests that they arrived at Fort George shortly after the second group of arrestees delivered by the Provost Detachment.²

¹ B2173

² C16.5

159.33 After the initial attempt at 1704 hours to secure the attendance of the arresting soldiers, further efforts were made. At 1835 hours the RMP reported to 8th Infantry Brigade that Support Company of 1 PARA still had not sent the arresting soldiers¹ and at 1902 hours 1 CG reported to 8 Brigade headquarters that the “*arresting bodies*” had not arrived.²

¹ W53 serial 246

² W54 serial 254

Chapter 160: The treatment of the arrestees escorted to Fort George by the Provost Detachment

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160.1 We deal first with the treatment of those civilians escorted from the Bogside by the Provost Detachment. We have evidence from all 34 arrestees concerned. For 12 of them this only takes the form of accounts given in 1972. The remaining arrestees all made statements to this Inquiry. Of that number, 21 gave oral evidence to us.

Transport to Fort George

The evidence of the arrestees

- 160.2** Fr Terence O’Keeffe was in the first group of arrestees to be taken to Fort George. In a letter written to General Sir Harry Tuzo and dated 20th February 1972,¹ he complained:

“After being placed in line against a wire fence – again with threats, beatings and abuse – I was batoned into an Army lorry in William Street. There were 29 people in the lorry (28 males and one female). One soldier came to the foot of the lorry, loaded a baton round and said: ‘I want you fuckers in half that space’. We were forced to kneel facing the front of the lorry, crushed against one another. Those at the back of the lorry (where I found myself) were struck repeatedly in the back and on the head. The woman present was told to keep quiet by one soldier, waving a baton, in the following terms: ‘If you don’t shut your fucking mouth, you’ll be eating soft food for a fucking month’.”

¹ [H21.27](#)

- 160.3** In his undated statement for the Widgery Inquiry,¹ Fr O’Keeffe recorded that the arrestees were ordered to run towards an Army lorry. They were struck, he thought with rifles, as they climbed into the lorry. He recalled a woman (Winifred O’Brien) calling the soldiers “murderers”. A soldier threatened her, telling her that if she did not shut up “*she would be eating soft food for a month*”. The allegation that a soldier had stood at the foot of the lorry with a loaded baton gun and ordered the arrestees to take up “*half that space*” also appears in this account. The statement continued:

“We were in two lines sitting and two lines squatting and we had to turn and squash up to the front of the lorry on our hands and knees. The soldiers who climbed into the lorry after us when we had squashed up struck those at the back of the crowd of whom I was one. They did this several times during the journey if anyone moved.”

¹ [H21.24](#)

- 160.4** The note of the *Sunday Times* Insight Team’s 1972 interview with Fr O’Keeffe included an additional detail. There he said that three uniformed members of the RUC were standing at the lorry when the arrestees were being “*kicked onto it*”. At this time “*one RUC man kicked the boy immediately behind me, as i was scrambling in*”.¹ According to Fr O’Keeffe, this was the only occasion on Bloody Sunday that he saw a member of the RUC behaving inappropriately.

¹ [H21.41](#)

160.5 The evidence of Fr O’Keeffe to us corresponds with that which he gave to the Widgery Inquiry and that contained in his letter to General Tuzo. He clarified that when describing the arrestees as facing the front of the lorry he meant that they had their backs to its tailgate.¹

¹ H21.49-50; Day 127/142; Day 127/224-225

160.6 There is similar evidence from other arrestees of the manner in which they were conveyed to the lorry and put in it. Denis Patrick McLaughlin, Fergus McAteer and Patrick McGinley all told NICRA that the arrestees were taken one by one from the GPO perimeter fence to the lorry.¹ Neither Seamus (James) Liddy nor his brother Barry Liddy gave any evidence to this Inquiry. Seamus Liddy told Kathleen Keville that the arrestees had been run one by one to a waiting lorry. While being put into the vehicle they were hit with rifle butts; he recalled being struck in the head and kidneys. They were then forced to kneel down.² Barry Liddy described having to run a gauntlet towards the lorry and receiving a blow from a rifle butt as he was being beaten into it.³

¹ AM42.2; AM326.22; AM241.10

³ AL13.9

² AL12.1; AL12.2

160.7 The evidence of Patrick McGinley was that the arrestees were not allowed to climb into the lorry. Rather (as he told us, and in 1972 NICRA), they were thrown physically into the lorry.¹ In his NICRA statement, James Charles Doherty said that the arrestees were dragged by the hair to the lorry.² He told us that arrestees were “*manhandled*” into the lorry.³ John Gormley told NICRA that as he was getting into the lorry he was “*hammered on the back*”,⁴ while John Devine told them that arrestees were beaten into the lorry with batons.⁵ George Roberts, in a Keville interview, said that the arrestees were “*kicked into the lorry*”.⁶

¹ AM241.6; AM241.10

⁴ AG46.15

² AD69.16

⁵ AD41.6; AD41.12; AD41.17

³ Day 103/111-112

⁶ AR13.11; AR13.8

160.8 George McDermott did not give any evidence to this Inquiry. He told Kathleen Keville in 1972 that a policeman had kicked arrestees as they tried to climb into the lorry.¹ In his written statement to this Inquiry, Robert Wallace described seeing a police officer near the parked lorry verbally abusing the arrestees.²

¹ AM183.4

² AW3.3

160.9 Many of these arrestees described being made to kneel, hands on their heads, on the floor of the lorry facing in the direction of the cab. They were ordered to move forward until they were packed tightly together and warned not to look around.¹ Robert Wallace

recalled that the arrestees were initially told to sit on the benches running along the side of the lorry. They were then ordered to kneel down on the floor of the lorry and “*push forwards onto one another’s backs so that we were closely packed in*”.²

¹ AD41.17; AD58.1; AD58.4; AD58.9; AD69.5; AD69.16; AG46.15; AO4.1; AO1.7; AM183.4; AM42.2; AM377.4; AM377.14; AM241.6; AM241.10; AM326.22

² AW3.3; AW3.16; Day 154/178-180

- 160.10** The evidence of some arrestees suggests that violence was not used against the civilians being transported to Fort George. Christopher James Doherty told us that he did not recall the soldiers saying anything to the arrestees nor any violence of any kind occurring on the lorry.¹ Hugh O’Boyle told us that he was one of the first to be put into the lorry and ended up kneeling right at the front. A number of paratroopers also got into the lorry. He recalled hearing Winifred O’Brien “*giving them a lot of abuse*”. He said that he was not subjected to any violence in the lorry and was not aware of any violence being used on others.² Hugh O’Boyle did not refer to any violence occurring in the lorry when he spoke to NICRA in 1972. Then he also recalled that the arrestees had been packed into the lorry “*as tight as possible*”.³

¹ Day 182/151-152

³ AO1.16; AO1.24

² AO1.7; Day 132/86-88

- 160.11** The NICRA statement of Eamon McAteer¹ contains no details concerning the journey to Fort George. In his written statement to this Inquiry he told us that the arrestees were made to crouch on the floor of the lorry. Paratroopers at the back of the lorry (by which we take it he means near the tailgate) put their boots on the backs of arrestees and were abusive. He makes no reference to seeing or hearing any violence directed towards any arrestee. While he remembered a woman being in the lorry, he made no mention of her being abusive.²

¹ AM41.33

² AM41.6

- 160.12** Anthony Coll told Kathleen Keville in 1972 that the arrestees were made to kneel in the back of the lorry and hit with batons “*if we done it wrong*”. He was hit on the back of the head and told to shut up.¹ In his written statement to this Inquiry he said that arrestees were made to kneel four or five abreast in lines facing the front of the lorry. “*There was a para with a baton at each end of the line, and if any of us turned round we were hit.*”² Anthony Coll was not called to give oral evidence. After making his written statement he ceased to co-operate with the Inquiry. In his written statement to this Inquiry, Eugene Bradley (also known as Thomas Lawrence Bradley) told us that arrestees were made to

lie on the floor and “*If you looked up, you were hit on the head with a baton*”. He stated that the soldiers in the lorry spoke with both English and Scottish accents.³ Eugene Bradley did not make a statement in 1972.

¹ AC84.20; AC84.1-2

³ AB113.3

² AC84.8

160.13 Fergus McAteer told NICRA that “*All the time the soldiers hurled threats*” at the arrestees as they knelt pressed “*tight*” in the lorry. He could hear the soldiers “*hitting prisoners at the back of the lorry*”.¹ In his written statement to this Inquiry Fergus McAteer told us that he had been in the middle of the lorry. While he was not “*attacked at that stage*”, other arrestees were physically abused by one or two soldiers who had got into the rear of the lorry.²

¹ AM42.2

² AM42.11

160.14 The NICRA statement of James Kelly simply records that the arrestees were subjected to “*verbal and extreme physical abuse*”.¹ James Kelly told us that he was at the front of the lorry alongside Hugh O’Boyle. The arrestees were told to face forward and not look round. He could not, therefore, see what was happening behind him. However, he could hear shouts and noises coming from behind him which sounded “*like reactions from people who were being hit*” by paratroopers who were also in the lorry.² James Kelly disagreed with the proposition, put to him by counsel for the majority of the represented soldiers, relying on the evidence of Hugh O’Boyle, that no violence occurred on the journey to Fort George. He rejected the possibility that what he had heard had been Winifred O’Brien verbally abusing the soldiers in the lorry.³

¹ AK12.1

³ Day 145/67-69

² AK12.6

160.15 We are satisfied that Winifred O’Brien did continually abuse the soldiers who accompanied the arrestees in the lorry. Her actions caused concern to other arrestees. Joseph Lynn told us that he “*kept wishing that she would shut up as I knew that the soldiers would not take it out on a woman, but that they would take it out on the rest of us*”. He believed that there were four soldiers in the lorry; two at the front and two at the back.¹ Christopher James Doherty recalled a woman “*who would not shut up*”. He was concerned that she was “*annoying the soldiers*” in the lorry.² Anthony Coll told us: “*She was mouthing off and did not kneel down in the lorry. Every time she mouthed off we got hit.*”³

¹ AL39.4-5

³ AC84.10

² AD58.13

160.16 Winifred O'Brien is dead and gave no evidence to this Inquiry. She told NICRA that the arrestees were verbally abused on getting into the lorry, "*and told ... to move further up the van*".¹ The note of her interview with the *Sunday Times* Insight Team supports Christopher James Doherty's evidence to us that Winifred O'Brien had shown the soldiers on the lorry that she had blood on her hands and told them "*You have blood of Irishmen on you*".² The note suggest that Winifred O'Brien had shown a Scottish paratrooper her bloodied hands in the course of an abusive exchange, which had begun when she refused to kneel in the lorry and included a threat from the soldier to throw her out of the vehicle.³ She did not tell the *Sunday Times* or NICRA that she had seen any violence directed to the arrestees en route to Fort George.

¹ AO4.1; AO4.5-6

³ AO4.4

² AD58.13

160.17 The blood displayed by Winifred O'Brien appears to have come from James Charles Doherty. In a NICRA statement, James Charles Doherty said that he had a cut hand which, by the time he was on the lorry, was bleeding badly. A woman (and it can only be Winifred O'Brien) in the lorry kept shouting at the soldiers and was threatened by them. She kept "*scotting my blood onto the soldiers*". The statement continues: "*They threatened to throw us out on to the road and shoot us as trying to escape*".¹ The transcript of James Charles Doherty's interview with Kathleen Keville records that a woman on the lorry had called the soldiers "*barbarians*" and "*kept slagging away at them*". It appears from the transcript that she had become involved in an exchange with a particular soldier who told her "*If you don't shut up you will be eating soft foods for the next six months*".²

¹ AD69.16

² AD69.20

160.18 James Charles Doherty told us that he was one of the last people to get into the lorry. He was next to Winifred O'Brien, who was on a seat. He recalled that she was flicking his blood at two soldiers in the back of the lorry, telling them "*the blood of the Irish is on you now you bastard*". The soldiers responded by taking it out on James Charles Doherty. A soldier wearing a face visor headbutted him to the back of the head. He also told us that he was punched and kicked regularly.¹

¹ AD69.4-5; Day 104/93-95; Day 104/111-114

160.19 Patrick McGinley also remembered a woman who was abusive to the soldiers accompanying the arrestees. The soldiers threatened to throw a young man wearing glasses out of the lorry. Patrick McGinley did not know the name of this young man.¹

¹ AM241.19-20; AM241.10; AM241.6; Day 425/152; Day 425/175

160.20 William John Dillon was 15 years old at the time of Bloody Sunday.¹ A photograph taken of him at Fort George shows that he was wearing glasses on the day. He told Kathleen Keville that as the lorry was travelling along Strand Road a soldier had tried to throw him off: “*The vehicle was speeding at the time, then he just threw me on the ground again.*”² He told us that he was put in the lorry last and was kneeling close to Winifred O'Brien. He recalled there being five soldiers in the lorry. Every time Winifred O'Brien “*slagged*” the soldiers, he, rather than her, would be kicked or hit. He described one soldier as being about 18 years old and wearing a beret (most of the other soldiers were wearing helmets). That soldier struck William John Dillon twice with a baton, causing injury to his right hand. About halfway through the journey, the same soldier told William John Dillon that they were going to throw him out of the lorry. With two helmeted soldiers, he dragged William John Dillon to the tailgate, turned him around to face the road, “*and made like they were about to push me out of the lorry.*”³

¹ AD46.1

³ AD46.5; Day 103/187-189; Day103/206-209

² AD46.16; AD46.14

160.21 We now consider the evidence of those arrestees taken to Fort George on the second trip made by the Provost Detachment.

160.22 Charles Glenn gave two written accounts in 1972. He complained that his status as an Order of Malta Ambulance Corps volunteer “*got me special attention, especially from the RP who behaved most disgracefully of all*”. The reference to RP is to the Regimental Police, who carried “*long thin batons with a curve in them*”. His respirator, cap and web belt were taken from him. The Regimental Police beat arrestees with batons. He himself was hit in the back and had his glasses knocked off. The arrestees were then made to kneel down in the lorry. En route to Fort George, the accompanying paratroopers sang “*the sash*” and told the arrestees they would release anyone who could sing two verses of “*God save the queen*”.¹

¹ AG43.10-11; AG43.24

160.23 Charles Glenn's evidence to us was similar to that he gave in 1972. He repeated his recollection of being searched by the Regimental Police and having items of his kit taken from him, some of which he later recovered. In the lorry the arrestees were made to kneel facing forwards and with their hands on their heads. The accompanying soldiers squatted down near the tailgate and sang “*the 'sash'*”. Charles Glenn said that the civilians in the lorry sat quietly “*due to the intimidation of the soldiers*”. While there was verbal intimidation of the arrestees, Charles Glenn did not recall any actual violence on the lorry itself.¹

¹ AG43.6-7; Day 80/197-198; Day 81/5; Day 81/44-45

160.24 Joseph McColgan did not refer to in any detail to the journey to Fort George in the statement he gave to the RUC at Fort George, although he said that all his personal belongings were taken after he was removed from the taxi at the corner of Rossville Street and William Street and before he was placed in the lorry. He told us that he and Charles Glenn were searched by the paratroopers who detained them. Personal items were taken from him. They, and others, were then put into a lorry. Joseph McColgan said that the paratroopers pushed and shoved the arrestees into the lorry. The arrestees (who he wrongly believed numbered between 20 and 30), were made to kneel and face forwards, and told not to talk or look around. Two paratroopers, armed with rifles, stood at the back of the lorry. One had a pickaxe handle and the other a baton. While Joseph McColgan was not subjected to any violence while in the lorry, a man kneeling in front of him was hit “*for moving*”. Joseph McColgan also said that one or both of these two soldiers were drinking beer on the journey to Fort George.¹

¹ [AM123.10](#); [Day 104/10-11](#); [Day 104/37-39](#)

160.25 Patrick Martin Norris also made a statement to the RUC at Fort George.¹ There, he explained that he had been searched at the junction of Rossville Street and William Street and all his personal belongings taken from him. He made no mention of how he had been transported to Fort George. In his written statement to this Inquiry he told us that he believed that his personal belongings may have been taken from him either when he was first detained or by the soldier who travelled with the arrestees in the taxi. He could not remember getting into the lorry but could “*distinctly remember being inside it*”. He recalled kneeling on the floor with his hands on his head.²

¹ [AN28.1](#)

² [AN28.3](#)

160.26 In his written statement to this Inquiry, John Rodgers told us that he could not recall how he travelled to Fort George.¹ We only have the 1972 accounts of William John Doherty² and Michael McCallion.³ They make no reference in these accounts to the circumstances of the journey to Fort George. Duncan Clark told NICRA that “*a paratrooper*” had struck him on the hand with a rifle butt as he was trying to pull himself into the lorry.⁴

¹ [AR42.2](#)

³ [AM71.1](#)

² [AD113.1](#); [AD113.4](#)

⁴ [AC61.1](#)

The evidence of members of the Provost Detachment of 1 PARA

160.27 No member of the Provost Detachment acknowledged that any arrestees were ill-treated during their loading and transport to Fort George.

160.28 It is likely that Warrant Officer Class I INQ 2037 escorted the first lorry in his Land Rover. That is what he told us in his evidence to this Inquiry,¹ correcting his earlier remark² that he was in the lorry. However, we find that Warrant Officer Class I INQ 2037 was not present when the first group of arrestees was transferred from the GPO perimeter fence to the Provost Detachment's four-ton lorry. According to his evidence, he was in the area of Little James Street when soldiers brought back a group of detainees including a woman and a boy of about 13 years. Warrant Officer Class I INQ 2037 then moved south down Rossville Street. He spoke to Warrant Officer Class II Lewis in the area of Block 1 of the Rossville Flats and then to his nephew, Private 005, a member of Support Company, who was near an APC parked on the waste ground to the east of Rossville Street. He told us that by the time he rejoined the Provost Detachment, *"the four-tonner was loaded"*.³

¹ C2037.4; Day 321/197-198

³ C2037.2-4; C2037.10; Day 321/159

² Day 321/192

160.29 Sergeant INQ 301 told us that he thought that he had only made one journey to Fort George.¹ We have already referred to the RMP statements he made in 1972 in which he identified the members of the Provost Detachment on duty in Londonderry on Bloody Sunday. There is nothing in those accounts to suggest that any of these men did not take part in both trips to Fort George undertaken by the Provost Detachment. They confirm that Sergeant INQ 301 accompanied arrestees to Fort George on both occasions and, certainly in the case of the second trip, that he travelled in the rear of the four-ton lorry.² Sergeant INQ 301 told the RMP that he personally searched each male prisoner in the first group of arrestees, giving each a *"very cursory frisk as it was vitally necessary to get them away"*.³

¹ C301.3

³ C301.10

² C301.10-11

160.30 The evidence of Sergeant INQ 301 to us also suggests that he was involved in the first trip. He told us that he remembered a group of detainees standing against a chain-link fence. In particular he recalled a woman who *"kept shouting"*. He wanted to *"get the detainees out of the area because there was shooting going on"*. Apart from *"the comments ... and the noise and trouble the woman was making"*, he recalled nothing

about the journey, including whether prisoners were made to kneel.¹ Shown the statement of William John Dillon to this Inquiry, Sergeant INQ 301 said that he could not remember if William John Dillon was kicked or hit every time Winifred O'Brien "*slagged*" the soldiers.² He was then asked:

"Q. Did you not respond in any way, or did any of your soldiers respond in any way to this continual slagging you were getting from Mrs O'Brien?

A. From what – what I try to remember, and I really am not that clear now, I would just tell her to be quiet, shut up."

¹ C301.2; Day 324/19

² Day 324/20-21

160.31 Shown the account to this Inquiry of James Charles Doherty being headbutted by a soldier in a visor in response to Winifred O'Brien's taunts, Sergeant INQ 301 said that he could not remember the incident though he acknowledged that it could have happened.¹ He was then asked:

"Q. Would you have regarded that as rough treatment or brutality?

A. What was he supposed to have done again?

Q. Punched and kicked.

A. That is brutality.

Q. Butted.

A. That is brutality.

Q. You would not have allowed that to happen, would you?

A. If I was in the back of the truck, no way."

¹ Day 324/21-23

160.32 There is no evidence to dispute the account given by Sergeant INQ 301 in 1972 that Lance Corporal INQ 1916 was driving Warrant Officer Class I INQ 2037. We accept the latter's evidence that when he moved south down Rossville Street towards the Rossville Flats, he did so in his Land Rover.¹ It is likely that Lance Corporal INQ 1916 would have driven him. It follows therefore that Lance Corporal INQ 1916 would not have been involved in transferring the first group of arrestees to the lorry. Similarly, Lance Corporal INQ 1916 would have driven Warrant Officer Class I INQ 2037 to Fort George and would not have been in the lorry. We accept the evidence of Warrant Officer Class I INQ 2037

that he escorted only the first lorry-load of arrestees to Fort George.² However, we have a statement to the RMP from Lance Corporal INQ 1916, dated 20th November 1972,³ which confirms that he was involved with the second group of arrestees to be taken to Fort George by the Provost Detachment. On that occasion he would have had to travel in the Provost Detachment lorry.

¹ Day 321/156

³ C1916.1-2

² Day 321/169

160.33 Lance Corporal INQ 1335, who was not called to give oral evidence, told us in his written statement to this Inquiry that he had “*only ... a few flashes of memory about isolated incidents that happened on that day*”. He did have a memory of escorting a male detainee from a wire fence across some open ground to a four-ton vehicle and then getting in with him. He went on to say that there was no ill-treatment of prisoners on the way to the “*holding centre*”.¹ Lance Corporal INQ 1335 does not refer, in his written statement to this Inquiry, to making more than one trip to Fort George. However, we do have his RMP statement dated 20th November 1972, which deals with his involvement in the transport of what must have been the William Street arrestees. Lance Corporal INQ 1335 told the RMP that on that journey he travelled with the driver in the cab of the vehicle. He also identified Sergeant INQ 301, Lance Corporal INQ 429 and Lance Corporal INQ 1916 as dealing with these arrestees.²

¹ C1335.1-2

² C1335.5-6

160.34 In his written statement to this Inquiry, Lance Corporal INQ 507, who identified himself as the soldier shown in a photograph escorting a Glenfada Park arrestee from the wire fence, told us that there was ongoing shooting as prisoners were being taken away one at a time.¹ He recalled being in the back of a lorry with a number of prisoners including a woman. The statement continued:²

“The prisoners just sat there. They had given up and were not interested in making trouble. They were of no interest to us nor us to them. I cannot remember any of them saying anything, never mind giving us any abuse.”

¹ C507.4

² C507.5

160.35 Lance Corporal INQ 507 was not called to give oral evidence. His written account makes no reference to his making a second trip to Fort George.

- 160.36** Lance Corporal INQ 429 could not recall any women among the arrestees. He told us that his instructions, which may have come from Sergeant INQ 301, were to get the arrestees “*off the streets as soon as possible*”, one reason being that there had been reports of shots. His statement continued:¹

“We had to put the detainees into the truck and to do so, we would get hold of the scruff of their necks and frog march them to the trucks, as quickly as possible. In the back of the vehicle, it did not matter whether the detainees were seated, standing or kneeling and I cannot remember what these detainees were doing. I went in the back of the vehicle with two or three other soldiers. We were seated at the back to keep the detainees in there. However, they were not giving us any trouble. None of them was hit or mistreated in any way and none of them had any gunshot wounds or injuries.”

¹ C429.2

- 160.37** Again, Lance Corporal INQ 429’s statement does not make specific mention of more than one trip to Fort George, though as we noted above the 1972 evidence of Lance Corporal INQ 1335 indicates that he was present on the second trip.

- 160.38** Lance Corporal INQ 1786 did not give oral evidence. In his written statement to this Inquiry, he told us that he ran arrestees one at a time from a holding area to a four-ton lorry. He identified himself in photographs of a soldier escorting two different arrestees from the wire fence.¹ We are satisfied that these were two arrestees who would have been taken to Fort George on the first trip made by the Provost Detachment. Lance Corporal INQ 1786 told us “*I did not see or commit any brutality towards the arrestees at any time*”. He described the situation as dangerous and tense with ongoing shooting and a lot of shouting and swearing. He remembered one woman spitting in the face of Lance Corporal INQ 1335 and screaming at him, when told to get into the lorry. However, “*none of the prisoners were kicked or punched or physically abused in any way*”.²

¹ C1786.5

² C1786.6

- 160.39** From the above we conclude that Warrant Officer Class I INQ 2037 accompanied only the first trip by the Provost Detachment, in a Land Rover driven by Lance Corporal INQ 1916. Accordingly, the remaining seven members of the Provost Detachment would have been available to deal with the first group of arrestees – putting them in the lorry and travelling with them in that vehicle to Fort George. Warrant Officer Class I INQ 2037 did not participate in the second trip. Lance Corporal INQ 1916, as he said in 1972, did join the other members of the Provost Detachment in dealing with the second group of arrestees.

The evidence of journalists, police officers and military witnesses from other units

160.40 In their statements for the Widgery Inquiry, a number of journalists gave evidence of seeing what must have been the first group of arrestees to be escorted by the Provost Detachment to Fort George.

160.41 John Cooke, a reporter with the Press Association, told the Widgery Inquiry that he saw arrestees being searched one by one when lined up in Little James Street. He said: *“Occasionally Paratroopers would push someone along, but I would not have described their behaviour as brutal, in the circumstances. After being searched, these people were run away singularly with a Paratrooper at the side of each one.”*¹ When he gave evidence to us John Cooke had little independent recollection of seeing these arrestees but said he stood by the account in his statement for the Widgery Inquiry.² Michael Taylor of the *Londonderry Sentinel* saw the arrestees being brought one by one to a lorry in Sackville Street. He said *“I did not see any of those under arrest being hit but they looked frightened and were roughly herded”*.³

¹ M16.3

³ M75.2

² Day 199/65-66

160.42 According to his statement for the Widgery Inquiry, David Capper, a reporter with BBC Radio in Northern Ireland, followed a group of arrestees from Columbcille Court to the wire fence we have identified as the GPO perimeter fence. He said that the arrestees were *“one by one ... forced to run at top speed to a waiting truck where they were roughly bundled in”*.¹ Brian Cashinella, a reporter with the *Times*, told the Widgery Inquiry that he saw paratroopers lining arrestees up along a wire fence in Little James Street. His statement continues:²

“33. ... They were searched and then one by one escorted away by the paratroops on the run down Sackville Street towards Strand Road.

34. Throughout the search of these people and when they were being escorted away I did not see any ill-treatment of the people by the Paratroops.”

¹ M9.3-4

² M11.6-7

160.43 Frederick Hoare, a photographer with the *Belfast Telegraph*, took a number of the photographs showing arrestees being escorted from the GPO perimeter fence. He made no reference in his statement for the Widgery Inquiry to seeing the ill-treatment of any arrestee.¹ Kenneth Mason, then with the *Daily Telegraph*, was another photographer who

took photographs of the same arrestees. He did not make a statement for the Widgery Inquiry. In his written statement to this Inquiry he recalled seeing “*soldiers lining suspects up along a fence*”. This can only have been the GPO perimeter fence. Kenneth Mason then said: “*I would describe them as treating the suspects aggressively and firmly. I would not say, however, that the soldiers were in anyway mistreating those arrested. I could see from their clothing that these soldiers were paratroopers.*”²

¹ M40.2

² M51.1; M51.6; M51.4

- 160.44** Robert Hammond, a sound recordist with ITN, was the only journalist to refer to the second group of arrestees to be dealt with by the Provost Detachment. In his statement for the Widgery Inquiry,¹ he described seeing a number of people in William Street who were being “*vigorously frisked*”. The statement continues with a reference to someone who can only have been Charles Glenn:

“I noticed that one of them was a Knights of Malta ambulance man and I would say that he was receiving special treatment as he was being tapped under the crotch by a paratrooper with a curly ended truncheon.”

¹ M37.3

- 160.45** Members of the RUC, including some from the Special Branch, were on duty in the area of Little James Street and Sackville Street on Bloody Sunday. From accounts given in 1972, it is clear that some of these police officers observed the first group of arrestees being taken from the GPO perimeter fence to the Provost Detachment lorry in Sackville Street.¹ None of these officers made any reference in these accounts to the manner in which these arrestees were treated.

¹ JC24.2; JC25.2; JF3A.2; JH13.1; JR3.1; JS5.2; JM44.2

- 160.46** We also have evidence from some former members of 22 Lt AD Regt who, on Bloody Sunday, were manning the Army barriers in Little James Street (Barrier 12) and Sackville Street (Barrier 13). They would have been in a position to see the first group of arrestees being transferred from the GPO perimeter fence to the lorry waiting in Sackville Street. While some of the soldiers described the manner in which members of 1 PARA handled arrestees as being, for example, “*rough*”, none suggested that there was any use of unnecessary force.¹

¹ C543.3; C631.3; C836.3; C863.4; C1189.3

Conclusions

- 160.47** As will have been seen, some arrestees allege that they were assaulted while others make no such claim nor claim to have seen or heard abusive treatment, although some of the latter were kneeling and facing forward in the lorry. The soldiers deny any abusive behaviour.
- 160.48** Other soldiers from 1 PARA assisted the Provost Detachment in moving arrestees from the wire fence to a waiting lorry.
- 160.49** As to the first trip, we are satisfied, on the balance of probabilities, that some soldiers, whom we are unable to identify, were unnecessarily rough in their handling of the arrestees as they hurried them along to and into the lorry on the first trip. We make no criticism of the soldiers for running the arrestees singly to the lorry. The circumstances in which these operations occurred (namely the number of prisoners, reports of gunfire and the open ground over which the arrestees had to be escorted) may have contributed to the treatment, which was exacerbated by the arrestees' understandable fear. Fr O'Keeffe's experience of being struck while getting into the lorry is likely to have happened to other prisoners.
- 160.50** Similarly, during the trip, whether in response to Winifred O'Brien's remarks or otherwise, we are satisfied that some civilians, including William John Dillon and James Charles Doherty, were singled out for rough treatment by soldiers whom we are unable to identify. In our view any verbal abuse directed towards the soldiers by Winifred O'Brien did not justify such a response.
- 160.51** As to the second trip, we are not satisfied that the arrestees were subjected to abusive treatment, apart from Duncan Clark being hit by an unknown soldier on the hand while getting into the lorry. Other arrestees in that trip make no mention of ill-treatment in their 1972 statements, while Charles Glenn could not recall any actual violence in the lorry.
- 160.52** We are unable to link any complaint of assault on either trip with an identified soldier.

Treatment on arrival at Fort George

The evidence of the arrestees

160.53 On any view, the evidence of the arrestees as to what they encountered on reaching Fort George presents a disturbing and frightening picture. While the accounts vary to some extent, many arrestees describe being obliged to pass through a gauntlet of soldiers and barking dogs.

160.54 When the Provost Detachment lorry arrived at Fort George for the first time, the arrestees were taken out one by one.¹ Some described being pulled from, or thrown out of, the vehicle. Patrick McGinley said, in his written statement to this Inquiry, that “*They practically dragged us and threw us onto the ground*”.² Barry Liddy told Kathleen Keville that the arrestees were ordered to leave the lorry. As they turned around to do so, they were beaten by two paratroopers.³ Winifred O’Brien told the *Sunday Times* Insight Team that a soldier from the Coldstream Guards “*said to me, polite-like, watch your step getting down lady*”. A paratrooper then said “*effing throw her out and ... he just shoved me down*”.⁴ Fergus McAteer, in his signed NICRA statement, said that as the lorry stopped two soldiers at the back of it “*took us individually and threw us off the back*”.⁵

¹ AD58.1; AG46.5; AG46.12; AL12.3; AL13.1; AO1.16; AM326.22; AN24.15

³ AL13.1; AL13.9

⁴ AO4.4

² AM241.6

⁵ AM42.2

160.55 Both in a NICRA statement and in his written statement to this Inquiry, John Gormley recorded that he was grabbed by the hair and thrown out of the lorry onto the ground.¹ James Charles Doherty said that he was grabbed by his hair and clothing and pulled out of the lorry, falling onto concrete.² This account differs from that in his NICRA statement, in which he said “*We were kicked from the lorry. I fell and was kicked in the stomach to make me get up*”.³ We do however also have the transcript of a Keville interview with James Charles Doherty in which he said that a soldier “*literally threw me out*” of the lorry. He fell on to his knees and was then “*booted*” in the ribs.⁴

¹ AG46.15; AG46.5

³ AD69.16

² AD69.5

⁴ AD69.20; AD69.13

160.56 The evidence of many arrestees is that they were hit as they were leaving the lorry, or immediately afterwards. James McNulty told us: “*The truck was high up and so when we were thrown out you jumped or got pushed and it was a long hard fall to the ground. When I jumped I was hit on the neck with a baton*”.¹ He made no reference to

his treatment at Fort George in his NICRA statement dated 1st February 1972.² George McDermott, in a Keville interview, said that the arrestees were beaten out of the lorry with rifle butts and continued: “as we [were] falling to the ground we were met with a barrage of sticks and ... batons.”³ Christopher James Doherty made two statements in 1972. In a signed NICRA statement he described being hit on the leg as he got out of the lorry and then being hit on the side and the back.⁴ He told Kathleen Keville that the blows came from three individual soldiers.⁵ He gave a similar account to this Inquiry.⁶

¹ AM377.4

⁴ AD58.1

² AM377.10

⁵ AD58.9

³ AM183.4

⁶ AD58.13

160.57 Hugh O’Boyle told us that he was one of the last to leave the lorry and was kicked off it. A soldier was waiting outside at the tailgate of the lorry. The soldier had either a baseball bat or a pickaxe handle held in the “*position where you see the American baseball players*”. From behind, he then gave Hugh O’Boyle a “*severe blow*” to the front of the left knee. Though he was left in pain, Hugh O’Boyle could still move. He did not think his distress over the injury would have been apparent to others at Fort George. However, by the end of the night his leg was swollen and he received treatment first at a first aid post and then at Altnagelvin Hospital.¹ Hugh O’Boyle’s NICRA statement made no mention of his being struck in the manner he described to us. It did record “*I was batoned and kicked out*”,² and later “*When we were batoned coming out of the lorry I received a severe injury to my knee for which I received no medical attention until I reached the first aid post at St Mary’s Intermediate School about seven hours later*”. He later attended Altnagelvin Hospital.³ James Kelly also said that he was one of the last to exit the lorry. As he was jumping to the ground he was “*hit in the stomach, possibly by a rifle butt, just as my feet were about to hit the floor*”. The force made him double over.⁴

¹ AO1.8; Day 132/41-42; Day 132/88

³ AO1.17

² AO1.16

⁴ AK12.6-7

160.58 We have statements from all 27 of the arrestees taken to Fort George in the first trip made by the Provost Detachment lorry. Of these only five do not, either in 1972 or in evidence to this Inquiry, make reference to arrestees being made to run between two lines of soldiers. In many accounts, this was described as a gauntlet.

- 160.59** In his statement for the Widgery Inquiry, Fr O’Keeffe described the gauntlet at Fort George (which he called the “*Strand Road army centre*”) in the following terms:¹

“30. When we arrived at the Strand Road army centre we were ordered not to move until we were told. There was a short delay and then eventually I was kicked in the back by a soldier and told to get out of the lorry. I was kicked from the lorry and had to run between two lines of soldiers with red flashes and red berets who I think were paratroopers. They were armed with rifles, batons and I got the impression some sort of hoses.

31. I put my hands over my head and ran for the door which was at the end of the two lines and as I ran through the two lines I was struck several times on the legs, body and arms.”

¹ [H21.24](#)

- 160.60** In his letter to General Tuzo, Fr O’Keeffe said that the soldiers in the gauntlet were paratroopers and were “*wielding batons, hoses and rifles*”.¹ Fr O’Keeffe described the gauntlet to us as being about ten yards long and made up of two lines of soldiers wearing red berets, carrying batons and pieces of “*what looked like black flexible hose*”. As he ran between the soldiers there was a lot of “*noises, shouting and roaring*”. He was “*particularly struck around the arms and legs at that stage*”.²

¹ [H21.28](#)

² [H21.50](#); [Day 127/130-131](#)

- 160.61** Although the arrestees gave differing accounts of the gauntlet, many described being struck as they ran along it. Seamus Liddy, in the transcript of his interview with Kathleen Keville, described young boys and his brother Barry Liddy being “*bludgeoned and beaten the whole way in*”.¹ Barry Liddy told Kathleen Keville that he was thrown out of the lorry, “*kicked*” and then “*made to get up and run the gauntlet*”.² Eamon McAteer told us that he was hit twice on the head by a soldier with a baton and left bleeding. As he reached the door to the detention centre, an RUC man tripped him up.³ His brother Fergus McAteer told NICRA in 1972 that on being thrown from the lorry, he “*landed between two lines of soldiers and I had to run between them while they struck wildly at me with their batons and boots*”.⁴ He remembered being struck on the kneecap, a detail he repeated in his written statement to this Inquiry.⁵ Fergus McAteer also said that the gauntlet was “*right up next to the back of the lorry*”. He said that he was unsure of his memory of policemen being in the gauntlet. Rather, “*most, if not all, were soldiers*”.⁶

¹ [AL12.2-3](#)

⁴ [AM42.2](#)

² [AL13.2](#); [AL13.15](#)

⁵ [AM42.11](#)

³ [AM41.6](#); [Day 135/23](#)

⁶ [Day 168/74](#)

160.62 In 1972 Anthony Coll said that he fell twice as he ran and each time he was “*kicked and battered over the head*” with batons.¹ While in 1972 he referred only to the presence of soldiers in the gauntlet, he told this Inquiry that police officers were part of it.² John Gormley described the gauntlet to us as “*two lines of soldiers carrying batons, about 50 in total*”. The arrestees were made to run with their hands on their heads. According to John Gormley, “*The soldiers battered the daylights out of people*”.³ In 1972 he stated “*I was made to run twenty yards between two parraell lines of soldiers who kept hitting me*”.⁴ James McNulty told Kathleen Keville that, after being thrown out of the lorry, he was hit with a baton in the stomach. He then “*doubled up*”. He saw soldiers lined up in “*twos’s*”. The soldiers were verbally abusive and “*they just leathered into us*”.⁵

¹ AC84.2; AC84.20

⁴ AG46.12

² AC84.8

⁵ AM377.14

³ AG46.5

160.63 Hugh O’Boyle, to whose evidence we have already referred, told us that he was made to run a gauntlet of between three and six soldiers on each side. As he ran, he was hit and slapped with, he thought, batons. He added “*To be honest, I was not hit very hard...*”.¹ In accounts he gave in 1972 he said that the gauntlet was made up of between seven and ten soldiers.² Robert Wallace told us that the gauntlet involved eight to 12 soldiers. They wore red berets and he was “*100 per cent sure*” that these soldiers were paratroopers. Shown the transcript of his Keville interview, in which he described being hit on the head but made no reference to anything resembling a gauntlet, Robert Wallace said he was almost certain that he did speak of the gauntlet when he gave that account in 1972.³

¹ AO1.8; Day 143/43

³ AW3.3; Day 154/167; Day 154/180-181

² AO1.16-17; AO1.25

160.64 Some arrestees, such as Fr O’Keeffe, Eamon McAteer, Hugh O’Boyle and Robert Wallace, did not recall dogs forming part of the gauntlet. For others that was a vivid recollection. We have already referred to the Keville interview given by Barry Liddy. In a signed manuscript statement he mentioned “*snapping and snarling*” dogs in the gauntlet.¹ In 1972 George McDermott told Kathleen Keville that the arrestees encountered a “*cordon*” of soldiers and police officers. Four soldiers had dogs “*which kept at you*”.² James Kelly said that he was beaten and hit as he ran between two lines of paratroopers. The two paratroopers “*furthest away from me were holding the leads of either one or two German Shepherd dogs*”. James Kelly did not see the dogs bite anyone but was certain

that “*the dogs were being incited and restrained on the leash*”. He agreed with the suggestion put to him by counsel for the majority of the represented soldiers that the dogs were being allowed to come “*frighteningly close to the civilians*”.³

¹ AL13.5; AL13.9

³ AK12.7; Day 145/38; Day 145/69-70

² AM183.4

160.65 Denis Patrick McLaughlin made no reference to dogs in either of the two accounts he gave in 1972.¹ His evidence to us was that the arrestees had to march through a cordon of ten to 12 soldiers, holding four or five Alsatians. The soldiers “*were teasing us with dogs, holding them back on strained leads but only slightly away from us*”.² Joseph Lynn told us that he was pulled backwards out of the lorry by two soldiers. He then ran “*towards an alleyway between two rows of chained wire*”. The alleyway was lined with soldiers from the Parachute Regiment. There were also two or three dogs in the alleyway on long leads. Joseph Lynn was hit as he ran down the alleyway. He, alone of the arrestees, said he “*could tell from the ‘yelps’ that some people had been bitten by the dogs*”. He did not see anyone at Fort George with injuries from a dog bite.³

¹ AM326.22; AM326.24; AM326.39

³ AL39.5; Day 193/26-28

² AM328.6; Day 159/55-56

160.66 There is evidence from some arrestees that suggests that a dog or dogs were positioned not as part of a gauntlet but immediately inside the doorway to the detention centre. In 1972, Patrick McGinley was interviewed by Kathleen Keville. We have both a transcript of that interview and the unsigned NICRA statement produced from it. In the latter, Patrick McGinley described running between two lines of soldiers and then reaching a narrow gate where two soldiers were positioned, one with a baton and one with a dog. He said “*it was all the same ... you missed the dog you got the baton*”.¹ Fergus McAteer made no mention of dogs being part of the gauntlet, either in his statement to NICRA or in his evidence to us. He recalled that there was a door at the far end of the gauntlet which led to a large shed. He said “*we burst through the door because we had to run through the gauntlet, because obviously the longer you were in the gauntlet or in the middle of it, the more blows you received. I shot to the far end and the only way forward then was through the door, and I remember specifically one dog was on my left were barking, but they were on leads and then I was directed towards the far wall*.”²

¹ AM241.10; AM241.20

² AM42.11; Day 168/75

160.67 James Charles Doherty, in his evidence to us, recalled the gauntlet as being 30 yards in length and running it as a “*totally traumatic experience*”. A soldier told him to “*run for the fucking door you bastard*”. He was kicked and punched as he ran. When he reached the

door he saw a soldier “with a massive Alsatian on a chain”. The dog leapt at him and was “pulled sharply back at the last minute”. James Charles Doherty added: “It was obvious that the soldier with the dog was doing his best to scare me.”¹ Myles O’Hagan, who did not make a statement in 1972, told us that there were soldiers with dogs on chains inside the door to the detention centre. These soldiers “were egging the dogs on to try to attack people and then pulling them back at the last minute”.²

¹ AD69.5; Day 104/126

² AO43.4

160.68 Joseph McAnthony was the author of an article on the events of Bloody Sunday published in the *Sunday Independent* newspaper on 6th February 1972.¹ In preparing the article he interviewed a number of witnesses, including Barry Liddy.² The article contains one detail relevant to the topic under discussion here. It alleges that the arrestees were beaten with “yellow coloured hoses” which “were packed as part of the paratroops equipment for their task in Derry”.³

¹ M89.3-4

³ M89.17-18

² M89.1-2

160.69 Aside from Fr O’Keeffe, other arrestees recalled that the soldiers used weapons other than batons and rifles to strike them. James Kelly said that the paratroopers had lengths of “What looked like hose pipes” though he conceded that they could have been batons.¹ Patrick McGinley described being hit as he ran through a gauntlet of soldiers wielding “rubber tube-like sticks”.² When he gave his account in 1972 he said only that soldiers used batons and rifle butts.³ John Devine told us that the “two lines of soldiers waiting for us” had “batons and bamboo canes”.⁴ In 1972 he referred only to being hit with batons and rifle butts.⁵ Myles O’Hagan told us that the soldiers who formed the gauntlet lined both sides of a barbed wire tunnel that led to the door of the detention centre. They beat people with brass-tipped sewer rods which were about a yard long.⁶ Joseph Lynn, who did not make a statement in 1972, said he was certain that some of the soldiers in the gauntlet used a “hydraulic-type hose” which was “pale yellowy-orange” in colour and “stung”.⁷

¹ AK12.7; Day 145/69

⁵ AD41.6; AD41.18

² AM241.6; Day 425/152-153

⁶ AO43.4.5; Day 388/107

³ AM241.10; AM241.20

⁷ AL39.5; Day 193/28-30

⁴ AD41.3

160.70 We turn now to the evidence of those arrestees who reached Fort George on the second trip made by the Provost Detachment.

160.71 The evidence Charles Glenn gave to us was similar to that he gave in his 1972 accounts. He recalled being struck by a soldier with a rifle as he came off the lorry. He variously described where the blow fell as his stomach, “*hip bone*” and “*groin area*”. He was then made to run through a gauntlet of soldiers. In 1972 he said that these were paratroopers. He told us he recalled that the soldiers used their rifles on the arrestees. Though in one 1972 account he referred to the soldiers using batons, he told us that he could not remember them having either sticks or batons. While in 1972 Charles Glenn said that he was beaten as he ran the gauntlet, he told us that he could not recall receiving any other blows beyond the first blow from a rifle as he left the lorry. He was certain that he was not hit about the head.¹

¹ [AG43.10](#); [AG43.25](#); [AG43.7](#); [Day 81/45-48](#)

160.72 Joseph McColgan told us that the gauntlet was made up of dozens of soldiers from different regiments armed with sticks, batons and even what appeared to be broom handles. They struck the arrestees as they ran through the gauntlet. He was hit on the back and suffered bruising but did not have medical treatment.¹

¹ [AM123.11](#); [Day 104/11-13](#); [Day 104/39-41](#)

160.73 Patrick Martin Norris, in his evidence to this Inquiry, could only recall a row of soldiers standing to his right when he got out of the lorry at Fort George. As he and other arrestees ran towards a warehouse-type building, the soldiers were “*taunting and prodding us with the sharp end of their guns*”. He suffered a deep cut on a finger – which he conceded could have been accidental.¹ John Rodgers told us that he had had to run through a gauntlet made up of 15 or 20 soldiers armed with batons. He got “*a couple of whacks*”. A man in his 50s running ahead of him was hit on the forehead with a baton.² William John Doherty told NICRA that the arrestees were ordered to run towards a large shed.³ As he did so a soldier tried to trip him up. He told the *Sunday Times* that he suffered no brutality after arriving at Fort George.⁴ Duncan Clark told NICRA that at Fort George “*we were made to run the gauntlet of about 10 paratroopers to the place of detention (a large shed)*”.⁵

¹ [AN28.3](#); [Day 150/123-124](#)

⁴ [AD113.4](#)

² [AR42.2](#); [Day 410/5-7](#)

⁵ [AC61.1](#)

³ [AD113.1](#)

The evidence of members of the Provost Detachment of 1 PARA

160.74 Warrant Officer Class I INQ 2037 told us that after he spoke to a Sergeant Major of the Coldstream Guards, the Provost Detachment began to “*take the detainees off the back of the truck*”. There was a corridor of concertina wire between the lorry and the building into which the arrestees were to be taken. A woman (this must be Winifred O’Brien) and a boy of about 13 years (this must be Myles O’Hagan) were helped off the lorry. The other arrestees were told “*when they hit the ground: start doubling [ie running] down the alleyway that had been formed by barbed wire*”. Warrant Officer Class I INQ 2037 saw no “*heavy handed treatment of detainees*”. He said that a man who said he was a priest had to be restrained by a member of the Provost Detachment when he tried to run away. This soldier was about to hit the man when Warrant Officer Class I INQ 2037 intervened.¹

¹ C2037.4; C2037.6; Day 321/160-1164

160.75 According to Warrant Officer Class I INQ 2037, no arrestee was struck as they got off the lorry, or made to run a gauntlet past soldiers and dogs. He told us that “*there were not enough provosts to form a ‘corridor’ from the vehicles to the building*”.¹ Asked in his oral evidence to this Inquiry if any of his men were stationed along the corridor of wire through which arrestees had to run, Warrant Officer Class I INQ 2037 replied:²

“There was an open area before the start of the corridor; there would be two or three of them there possibly, to prevent anybody going off to the left; bearing in mind, I think, the sum total I had was seven men.”

He alone, of the members of the Provost Detachment who gave evidence to this Inquiry, recalled “*a couple of dogs who were lunging and snarling as we went past*”³ and acknowledged that the dogs were “*too close*”.⁴

¹ C2037.6

³ C2037.4

² Day 321/164

⁴ Day 321/168

160.76 Sergeant INQ 301, the Provost Sergeant, told us that he could not recall Warrant Officer Class I INQ 2037 being present when the Provost Detachment lorry was unloaded at Fort George. He said he had not seen arrestees being made to run a gauntlet of soldiers and being hit as they did so, saying of it “*That is not ill-treatment; that is brutality*”. He added “*If there was brutality it would have come back on my head, and I would not allow that*”. Sergeant INQ 301 said that while the arrestees were not hit as they ran along, they may have been moved along “*briskly*”. He conceded that there may have been “*rough*

treatment", which he defined as "*Just pushing, moving them along, and raising the voice*". He had no recollection of any arrestee trying to escape or of there being soldiers with dogs present.¹

¹ [Day 324/8-10](#)

160.77 Lance Corporal INQ 1786, who helped unload the prisoners at Fort George, told us he saw no brutality "*towards the arrestees at any time*" and that he did not see dogs at Fort George.¹ Lance Corporal INQ 1335 told us that he "*did not see any brutality to any prisoners once I got them to the holding centre*" and that he was unaware of dogs being present.² Lance Corporal INQ 507 recalled that on arrival at Fort George, the Provost Detachment lorry was reversed, "*quite close to the building*" where the arrestees were to be held. He described the building as having a doorway, with a wired-off area. He said that while it was "*quite probable*" that the arrestees were "*pushed along*", they were not hit or ill-treated. He could not recall there being any dogs outside the building.³ Lance Corporal INQ 429 said:⁴

"There were four to six soldiers forming a cordon from the truck to the building, to make sure that no one got away. I remember that two of them did try to make a run for it. As they got off, they tried to go down the side of the vehicle to get away. I would assume that they would have been struck by a baton to get them back in line, but I did not see this."

¹ [C1786.6](#)

³ [C507.5](#)

² [C1335.2](#)

⁴ [C429.2](#)

The evidence of Royal Ulster Constabulary officers and military personnel on duty at Fort George

160.78 A number of RUC officers who were on duty at Fort George on Bloody Sunday told us that they saw arrestees arrive there. None of these witnesses made any reference to the treatment of arrestees in the statements they gave in 1972.

160.79 In his evidence to this Inquiry, Constable Robert Black said he was standing at the opening to a hangar and saw a number of Army lorries arrive. Arrestees were brought along a barbed wire corridor to the building. There were dogs on leads in the area but Constable Black could not recall if they were inside the corridor or outside it. He did not think that the dogs were being used to frighten the arrestees. Constable Black did not see arrestees being made to run a gauntlet or any arrestee struck as they were directed to the building.¹ Constable James O'Neill told us that he saw two lorries containing arrestees

arrive at the same time. The arrestees were “*more or less pushed and thrown off the lorries*”. He said he did not see arrestees being made to run a gauntlet. Rather, once down from the lorry, the arrestees were made to walk in a line with their hands above their heads. The only arrestee he saw assaulted was a small balding man with ginger hair. Very soon after this arrestee got out of the lorry, “*a young para struck him in the groin/privates with the butt of a rifle and he fell to his knees. I had not seen the man provoke the young para at all.*”²

¹ JB7.2; Day 211/172

² JO2.4-5; Day 211/131

160.80 Sergeant Alexander Gray told us that he thought the processing of arrestees at Fort George had been a complete RUC operation. He had no recollection of the RMP being present. He said he saw the first group of arrestees arrive at Fort George. They were all male and about 15 in number. While he heard the accompanying soldiers use raised voices towards these arrestees, they were not assaulted or made to run a gauntlet. The soldiers carried rifles but not batons and were not, so Sergeant Gray believed, from the Parachute Regiment.¹

¹ JG8.6; Day 211/21-25; Day 211/39-43; Day 211/52-53

160.81 Two members of the RMP arrest team working at Fort George were outside in the RMP radio vehicle when the Provost Detachment brought arrestees to Fort George.

160.82 In an RMP statement dated 2nd May 1972, Corporal INQ 17 recorded that he was in the RMP radio vehicle when he saw what must have been the Provost Detachment lorry arriving at Fort George with its first complement of arrestees. He saw the lorry reverse up to the wire fence leading to the door of the detention centre, so blocking his view of the door. From his position, Corporal INQ 17 could not see if any soldiers “*lined the route from the rear of the vehicle to the door*”. He did however see one arrestee, a youth, run around the lorry. The youth was chased and caught by two paratroopers. According to Corporal INQ 17, this arrestee “*was not mistreated but he was handled firmly*”. Corporal INQ 17 saw eight paratroopers leave the detention centre and climb back into the lorry.¹

¹ C17.9

160.83 In his written statement to this Inquiry, Corporal INQ 17 described seeing the arrival of a lorry containing 16 to 20 arrestees including a woman (Winifred O’Brien) and a child who was aged about ten or 11 (Myles O’Hagan). The arrestees were accompanied by paratroopers wearing RP (Regimental Police) armbands. Corporal INQ 17 recalled the arrestees being made to pass through a cordon formed by the soldiers who had brought

them to Fort George. He did not see this as oppressive. He still remembered an arrestee who “*made a break for it*”. Corporal INQ 17 caught this arrestee and handed him back to a paratrooper.¹

¹ C17.2

160.84 In his 1972 account, Corporal INQ 17 recorded that he saw what must have been the Provost Detachment lorry return. This time he could see the “*route from the rear of the vehicle to the door*”. He saw about five paratroopers get off the lorry and “*stand a guard*” on the route between the vehicle and the door to the detention centre. The arrestees were then led into the centre. Corporal INQ 17 stated that he did not see any of these soldiers strike or attempt to strike an arrestee.¹ His colleague, Lance Corporal INQ 18, also saw this second lorry-load of arrestees arrive. Both the statement he gave to the RMP in May 1972² and his written statement to this Inquiry³ indicate that arrestees had already arrived at the detention centre in Fort George by the time he began his duties there. In 1972, Lance Corporal INQ 18 said he was in the RMP radio vehicle when he saw about eight civilian prisoners get out of the lorry. They were accompanied by paratroopers. Lance Corporal INQ 18 stated that he did not see any of these paratroopers strike any of the arrestees.⁴ His evidence to us was that the only rough treatment he saw arrestees receive was when some were “*physically pushed*” out of a lorry by soldiers.⁵ He accepted that this recollection tallied with the account he gave in 1972 of seeing eight prisoners. Lance Corporal INQ 18 told us that he did not see prisoners being made to run a gauntlet. He said that he had a “*vague recollection*” that dog handlers “*made the dogs bark at the people going into the arrest area*”. His impression was that this was done deliberately to frighten arrestees.⁶

¹ C17.9-10

⁴ C18.10

² C18.10

⁵ C18.5-6

³ C18.3

⁶ Day 306/128-132

160.85 A number of former members of 1 CG, present at Fort George on Bloody Sunday, gave evidence to this Inquiry in which they described arrestees being brought to that location by members of the Parachute Regiment. None of these witnesses had made a statement in any form in 1972. With one exception, none said that they had seen members of their own regiment, or any other unit, participate in a gauntlet.

160.86 Major INQ 179, the Officer Commanding HQ Company, told us that he was outside walking from one part of Fort George to another when from a distance of 50 yards he saw “*several snatch squads from the Parachute Regiment coming into Fort George*” with arrestees. He observed them for about five minutes. Major INQ 179 did not see any dogs

in the area or any members of 1 CG dealing with the arrestees. He said that he witnessed mistreatment of these arrestees by paratroopers that he found appalling, although he accepted that he had little or no recollection of the details of what happened. He was certain that there was “*screaming and yelling at them*” and said it was possible that the paratroopers might have struck them. He could not recall arrestees being made to run through lines of soldiers who used their batons on them, though he added “*but it may have been that I saw it, which promoted the various remarks I made in my diary*”.¹

¹ C179.3; Day 307/7-11; Day 307/20-21

- 160.87** The diary Major INQ 179 was referring to was his personal diary.¹ An entry for 30th January 1972 in that diary said this of the Parachute Regiment:

“Words cannot describe what a dreadful and ghastly regiment that is. I was horrified by what I saw in their treatment of prisoners.”

The entry for 31st January 1972 included the following:

“I saw the snatch squad of the Parachute Regiment (1st Battalion) bring in civilian prisoners – the way these savage trained terrorists treated those civilians was beyond description. It was quite ghastly and frightful.”

¹ C179.6

- 160.88** Major INQ 179 told us that the opinion expressed in the diary about the Parachute Regiment was based “*Solely and completely on the basis of what happened on that day*”. He had had no personal animosity towards that regiment or its officers. He explained that at the time he made these diary entries he was in “*a slightly unstable emotional condition*” but that this did not alter the fact that “*what I wrote was probably fairly accurate*”.¹ He did not intervene to stop the mistreatment he saw, as “*it was not for me to go and interfere in another regiment’s business*”.²

¹ Day 307/15

² Day 307/20-23

- 160.89** Major INQ 179 said that he complained to his Commanding Officer, Lieutenant Colonel INQ 598, and was asked to write a report of what he had seen. He duly did so.¹ We do not have a copy of this report but have no reason to doubt that Major INQ 179 did make a report to his senior officer. Colonel INQ 598 told us that he had no recollection of it,² or of speaking to Major INQ 179 about his concerns.³ However, in his written statement to this

Inquiry Major INQ 1779, the second in command of 1 CG, said that Colonel INQ 598 told him that he had spoken with Major INQ 179 about the latter's unhappiness "*about the Paras in our barracks*".⁴

¹ C179.3-4; Day 307/12-14

³ Day 272/27; Day 272/29-30

² Day 272/21-22

⁴ C1779.2

160.90 Lance Corporal INQ 321 described seeing a four-ton lorry reverse up to the entrance to a large building at Fort George on Bloody Sunday. He then saw members of the Parachute Regiment form two rows leading from the rear of the lorry to the entrance. There were four to five paratroopers in each row; wearing helmets but no camouflage. Lance Corporal INQ 321 then saw civilians jump out from the rear of the lorry. They were guided into the building by the paratroopers.¹

¹ C321.2

160.91 In his written statement to this Inquiry, Guardsman INQ 875 said that he saw at least two lorries parked side by side in open space from which members of the Parachute Regiment were "*herding some arrestees*". There were about six paratroopers, all wearing red berets carrying batons and rifles. The arrestees numbered about 20, all male. They jumped out of the rear of the lorries. Guardsman INQ 875 described the actions of the paratroopers as "*helping the arrestees on their way, out of the vehicle and forward*". While they may have been "*pushing them with gusto*", he did not see any paratrooper hitting any arrestees. Guardsman INQ 875 also saw at least two Alsatian dogs, which were being handled by RUC officers or members of the Coldstream Guards. The dogs were "*being held close enough to the arrestees to act as a deterrent and to keep them in line*" but "*not close enough to bite the arrestees*".¹

¹ C875.2-3

160.92 Guardsman INQ 951 was in HQ Company of 1 CG. In his written statement to this Inquiry, he said that at some time in the evening of Bloody Sunday, while on patrol at Fort George, he saw a lorry pull up "*near one of the warehouse type buildings*". A paratrooper, wearing a beret, got out of the driver's cabin and let down the tailgate. Two other paratroopers got out of the rear of the lorry. Neither was armed in any way. The paratroopers then "*proceeded to help about eight to ten men*" out of the lorry and directed them towards the entrance to the warehouse. Guardsman INQ 951 did not see any women or children among these arrestees. He described the paratroopers as "*quite pleasant in their attitude to the civilians*". There was no swearing or shouting nor were arrestees "*shoved and prodded*".¹

¹ C951.1-2

160.93 Guardsman INQ 1078 was also in HQ Company of 1 CG. In his written statement to this Inquiry, he told us that he could “*remember very little about 30th January 1972*”. He had a recollection of a lorry arriving in Fort George and then reversing up to a building. He gave us a similar account to that given by Guardsman INQ 951. He described seeing paratroopers help civilians down steps set in the tailgate of the lorry. There were about three paratroopers and eight to ten civilians. Guardsman INQ 1078 stated that he saw no “*mistreatment of the civilians by the paras*” and was not aware of any dogs.¹

¹ C1078.1

160.94 Lieutenant INQ 167 commanded Reconnaissance Platoon of 1 CG.¹ In his written statement to this Inquiry,² he said that he could recall only a “*general picture*” of arrestees being taken into a large “*hangar type building*” from Army vehicles. His statement continued:

“As I have said, I cannot remember the detail but the impression I formed at the time was that the soldiers were giving the arrestees a harder time than I thought they ought to have been giving them. I have an impression of a particular arrestee being pushed out of the back of a Pig. I have a picture of arrestees being chased or frog marched along. I did not go into the hangar. I believe that the soldiers in charge of the arrestees were from the Parachute Regiment.”

¹ C167.1

² C167.3

160.95 Lieutenant INQ 167 did not mention seeing soldiers form a gauntlet.

160.96 In his written statement to this Inquiry, Guardsman INQ 214 said that he was on sentry duty in the transport compound at Fort George on Bloody Sunday. This was near the “*warehouse*” to which arrestees were taken. While he did not see any vehicles carrying arrestees arrive at Fort George or see them getting out of those vehicles, Guardsman INQ 214 stated that he watched arrestees being taken into the warehouse and did not see any “*great violence*”. There was “*pushing and shoving and bad language from both the civilians and the soldiers*”, but Guardsman INQ 214 told us that he did not see any soldier strike an arrestee nor see an arrestee fall, trip or stumble. He could not recall arrestees being made to run “*a type of gauntlet between the soldiers*”. Guardsman INQ 214 suggested that as many as 200–300 arrestees may have been brought in to Fort George but recognised that he could be mistaken about that detail. He said that “*A lot of the arrestees*” were escorted by members of the Parachute Regiment. Guardsman INQ 214 told us that he could not be sure if any arrestees were brought in by soldiers from other regiments.¹

¹ C214.2

160.97 In his written statement to this Inquiry, Captain INQ 650, the Company Commander of 2 Company, 1 CG, said that he saw a paratrooper he recognised as a Regimental Sergeant Major (RSM) treat an arrestee harshly. This occurred “*outside in the open*” and the paratrooper “*booted the prisoner in the backside*”. Captain INQ 650 could give no further description of the paratrooper save for his title, but did add that “*The Regimental Sergeant Major seemed to be in overall charge of the process of bringing in the prisoners*”.¹ When shown the evidence of Captain INQ 650, Warrant Officer Class I INQ 2037, the RSM of 1 PARA, accepted that he was in overall charge of bringing in prisoners. He dismissed the remainder of Captain INQ 650’s account as “*rubbish*” and said he had not kicked anybody on the day. Had he done so, he would have expected the Captain to reprimand him.²

¹ C650.3-4

² Day 321/165-166

160.98 Guardsman INQ 552 told us that he saw three or four lorries arrive at the same time at Fort George, “*full of civilians*”. They were accompanied by about a dozen paratroopers wearing red berets and travelling in Land Rovers. From his position, Guardsman INQ 552 had a side-on view of these vehicles. He admitted that he would not have had a view into the lorries from there, but told us that he heard the “*commotion*” which followed from some arrestees refusing to leave the vehicles. Paratroopers removed them, “*dragging them off and pulling them out*”. Dogs were also put into the lorries to get the civilians out. Guardsman INQ 552 said that he heard a lot of shouting and swearing from both soldiers and arrestees. The latter were “*having a go*” at the soldiers. He conceded that he had not seen any civilian striking a paratrooper. The paratroopers did however strike the civilians with batons as the latter were getting off the lorries. Guardsman INQ 552 said that he did not believe that the paratroopers had used more force than necessary. He said that he did not see arrestees being made to run between two lines of soldiers on leaving the lorries or any arrestee struck on the way from the lorries to a nearby hangar.¹

¹ C552.1; Day 313/75-84

160.99 Corporal INQ 838 was a technician from the Royal Electrical and Mechanical Engineers (REME) attached to 1 CG. In a written statement to this Inquiry, he told us that the REME workshop was next to a large building where arrestees were held on Bloody Sunday.¹ From that workshop, Corporal INQ 838 saw three or four lorries carrying arrestees arrive one at a time at Fort George on Bloody Sunday. Members of the Parachute Regiment stood in two lines creating a corridor from the tailgate of the lorry into the building. Corporal INQ 838 estimated the distance between the two as about 10m. He described the soldiers and civilians as “*a bit hyper*”. Some arrestees were shouting and swearing

but none appeared to be refusing to leave the lorries. As the arrestees moved along the corridor of paratroopers, some were kicked and hit. Corporal INQ 838 suggested this was *“probably to hurry them along”*. He did not see any arrestee knocked to the ground or deliberately targeted. He could not recall what weapons the paratroopers were using. He added *“I did not think the hitting and kicking I saw was extreme and I felt it was probably the right thing to do at the time. It was the environment of the day. Soldiers were bricked, bottled, shot and mutilated. I felt that the prisoners must have been arrested for something. It was simply the way it was at the time, and what I saw was not extreme.”*²

¹ C838.1

² C838.2

160.100 In his written statement to this Inquiry, Guardsman INQ 491 described seeing a temporary wire-meshed pen at Fort George to hold prisoners. He remembered a lorry arriving which carried *“five to eight Irish prisoners”* and at least four paratroopers. Those arrestees who refused to leave the vehicle were threatened by the paratroopers. He thought one paratrooper had used a pickaxe handle to threaten an arrestee. One prisoner had tried to run away and was brought down by a rugby tackle.¹

¹ C491.1-2

160.101 Sergeant INQ 753 also recalled arrestees being taken to a temporary compound. In his written statement to this Inquiry, he told us that he saw arrestees directed from vehicles between *“two ranks of Paras”* into a large compound made of metal stakes and barbed wire. While Sergeant INQ 753 stated that he saw *“some rough handing of unco-operative detainees”*, he did not see any being struck with any kind of weapon.¹

¹ C753.3

160.102 Guardsman INQ 1224, who guarded the arrestees held at Fort George, said that, having been informed that prisoners would be coming, *“we were waiting outside when the first vehicle pulled up”*. He was near the door of the detention centre when the first group of prisoners, numbering about 20, arrived. They were in a lorry which parked with its rear facing the building. The prisoners were *“roughly manhandled out of the vehicle by paratroopers, who had obviously been escorting the prisoners in the vehicle”*. The prisoners were made to run through two lines of about eight paratroopers on each side. Close to the building there were a *“couple of Alsatian dogs on the leash ... going bananas”*. While the dogs were allowed to come very close to the arrestees, Guardsman INQ 1224 did not see anyone bitten. Some arrestees hesitated when passing the dogs and were *“whacked on the head or body by one of the paras to make them continue”*. Some prisoners were hit with batons with *“a force that would cause a nasty bruise.”*

Guardsman INQ 1224 could not recall any prisoner behaving in such a way that made it necessary to use a baton. At this time there was a lot of shouting both from prisoners and from the paratroopers. He described the language used by the prisoners as aggressive but said that he did not see any prisoner react physically.¹

¹ C1224.1-2; Day 304/196-200

160.103 In his written statement to this Inquiry, Guardsman INQ 1147 said that he guarded arrestees at Fort George on Bloody Sunday. At about 1645 hours he saw that a lorry had just arrived marked with “*a para insignia on it*”. The driver and an accompanying NCO were both wearing red berets. There were two paratroopers in the rear of the lorry, which carried about 20–30 prisoners, including some women. Among them, Guardsman INQ 1147 recognised a man who worked “*as a washer in our NAAFI*”. (This is probably a reference to either Seamus Liddy or his brother Barry Liddy, both of whom had worked at Fort George.) He told us that there were about “*half a dozen Coldstream Guards lined up between the back of the lorry and the double doors leading into the hangar*”. There were also two dog handlers who were members of either the Royal Anglians or the Royal Green Jackets. Guardsman INQ 1147 said that the Coldstream Guards were responsible for ushering these arrestees into the detention centre. The dogs were used to “*dissuade the people from stepping out of line*”.¹ Shown this account, Guardsman INQ 1224 said that he did not remember two lines of Coldstream Guards guiding prisoners into the building.²

¹ C1147.1-3

² Day 304/218-219

Conclusions

160.104 From this evidence, we are satisfied that, on both occasions when it brought arrestees to Fort George, the Provost Detachment lorry backed close to the entrance of the detention centre and that wire fencing funnelled the arrestees into the building. They were made to run the short distance from the trucks to the building between lines of soldiers, who were soldiers who had brought them to the detention centre. The lines have often been described as a gauntlet, but have also been referred to as a cordon or as soldiers standing guard. Arrestees have variously described the number of soldiers involved as being from five to 20. As we are satisfied that the soldiers who transported the arrestees formed the lines, there could not have been more than seven for the first load and likely fewer for the second load. The varying numbers referred to may be explained by the darkness, the noise, fear and the rough treatment accorded the arrestees. The point is that soldiers formed two lines to ensure the arrestees went from the lorry to the detention centre.

- 160.105** There is evidence that at least one dog (and perhaps two or more) was present while the arrestees went from the lorry to the detention centre. We are satisfied that the dog or dogs were inside the building and, although it or they barked and were close enough to the prisoners to frighten them, none of the arrestees was bitten.
- 160.106** As to the first load of arrestees, we are satisfied that some arrestees gave the escorting soldiers verbal abuse and very likely offered token physical resistance when they reached Fort George. Such verbal abuse and resistance, however, did not warrant the actions of some of the soldiers, which in our view consisted of hitting some arrestees randomly on their trunk and legs, and in at least one case in the groin, with batons or rifles as they were hurried along the gauntlet. We do not know who these soldiers were.
- 160.107** As to the second group of arrestees, we are satisfied that one soldier, whom we are unable to identify, struck Charles Glenn as he described and that unidentified soldiers struck some of the arrestees as they were made to run to the detention centre, all without justification.

Treatment within the detention centre at Fort George

- 160.108** We now turn to the allegations of mistreatment of arrestees at Fort George.
- 160.109** The arrival of the first group of arrestees at the detention centre, followed within a relatively short period by the second, caused some confusion. This was not only because of the numbers of arrestees brought to Fort George¹ or the question of whether the RUC would process the arrestees first,² but also because of the initial absence of arresting soldiers.³
- 160.110** The first group of arrestees reached the detention centre at about 1650 hours. On entering the building they were first made to line up against a wall, were searched and had their details taken by the RUC.¹ The arrestees were then placed in the holding area, where they were subsequently joined by the second group of arrestees to be transported by the Provost Detachment.²

¹ JB7.2; Day 188/45-46

³ Day 321/174-175; C13.5; C16.5; Day 211/28-29

² C14.5

¹ AM41.6; AM241.10; H21.28

² AD113.1-2

160.111 Many of the arrestees remembered the detention centre as being extremely cold. They said they were made to alternate between standing with their hands on the barbed wire which formed two sides of the holding area and standing in a “*search position*” facing the walls forming the remaining two sides of that space. On occasion they would be told to put their hands on their heads. The estimates of how long the arrestees were made to stand in these positions vary between two and three hours.¹ At the instigation of Staff Sergeant 222 a medical area was set up and some arrestees, including Duncan Clark and William John Doherty, received treatment from a doctor.² During this period Barry Liddy fainted and was allowed to sit on a chair and attended by the doctor.³

¹ AC61.1; AD46.6; AD46.16; AD58.1; AD58.14; AD69.5; AD69.20; AI 4.2; AG46.15-16; AM71.1; AN 24.21; AO43.5; H21.25; H21.50 ² B2174; C13.4-5; AC61.1; AD113.2 ³ AL13.9

160.112 The circumstances in which the arrestees were held then improved following the intervention of a senior officer from the Coldstream Guards, who ordered that they be brought chairs and heaters. The arrestees were allowed to move freely within the holding area and were provided with tea. One soldier guarding the arrestees gave them some cigarettes.¹ That arrestees were made to stand in the search position with their hands against the wall or on a barbed wire fence, and were later “*allowed to relax*” and provided with some comforts, was observed by members of the RUC and of the RMP arrest team on duty at Fort George. At least one gas heater was placed within the holding area and another immediately outside it.²

¹ H21.28; AD58.1; AD58.14; AD69.5-6; AD69.16; AG46.13; AO1.17 ² Day 211/68; Day 211/146; C13.4; C14.5-6; C16.5

160.113 The officer who initiated these changes is likely to have been Colonel INQ 598, the Commanding Officer of 1 CG. In his written statement to this Inquiry, Guardsman INQ 1224 said that he had seen his Commanding Officer remonstrate with a “*para officer*” having seen the arrestees “*being spread eagled and abused*”. Colonel INQ 598 had insisted that “*the prisoners should be brought chairs and cups of tea*”.¹ When giving oral evidence to this Inquiry, Colonel INQ 598 disputed the account of Guardsman INQ 1224, describing it as “*muddled*”. He told us that he had gone into the building where the arrestees were held, which he described as a gymnasium. There he saw about 30 to 50 arrestees “*spreadeagled all the way round the wall*”. He ordered that they be allowed to sit down. Colonel INQ 598 said that he had spoken to the RSM of 1 PARA and that his instructions had been followed immediately.²

¹ C1224.3

² C598.6; Day 272/31-32

160.114 We accept the evidence of the arrestees that they were made to stand in uncomfortable positions for a significant period of time. While the evidence of some arrestees¹ suggests that members of the Parachute Regiment were present while the arrestees were made to stand in this manner, we prefer the evidence of Fr O’Keeffe and other arrestees including John Devine, Charles Glenn and Fergus McAteer,² which shows that during this time members of the Coldstream Guards guarded the arrestees rather than members of 1 PARA, and that the arresting soldiers from Support Company did not arrive until after Colonel INQ 598 had seen the arrestees. The only members of the Parachute Regiment present for some, if not the majority, of the time during which these arrestees were made to stand in these uncomfortable positions would have been the three soldiers from C Company who claimed responsibility for detaining the Chamberlain Street arrestees.

¹ AB113.4; AC84.8-9; AM123.4

² H21.25; AD41.6; AG43.25; AM43.2; AM183.4; AR13.8

160.115 In these circumstances, it is unlikely that Colonel INQ 598 is correct in his recollection that he spoke to the RSM of 1 PARA. The latter would have left Fort George some time before the arrestees were provided with chairs and heat. While we accept that Colonel INQ 598 did intervene, it is more likely that his instructions were given to the Warrant Officer from 1 CG¹ who was overseeing the guarding of arrestees at the detention centre.

¹ B2172; C16.5; C20.5

160.116 It also follows from the above that the complaint that arrestees were made to stand for long periods of time in uncomfortable circumstances is one which cannot be made against members of 1 PARA.

160.117 As has already been noted, the arresting soldiers for those arrestees brought to Fort George by the Provost Detachment came from Support Company of 1 PARA. We now consider the complaints made by these arrestees of the treatment they received at the hands of these arresting soldiers at Fort George. Broadly these complaints can be said to fall into two categories. The first concerns the verbal and physical abuse of arrestees; the second an incident of what Fr O’Keeffe described in his letter to General Tuzo as “*deliberate torture*”¹ and which culminated in a soldier spitting into the mouth of an arrestee. We begin with the issue of verbal and physical abuse.

¹ H21.28

The evidence of the arrestees

160.118 It is useful to return to the letter sent by Fr O’Keeffe to General Tuzo.¹

“At around 9.00 p.m., soldiers from the Parachute Regiment returned and each soldier selected three or four persons for the purpose of “identifying” them as stone-throwers. I myself, along with six others including a young boy of around 13 years and a badly-injured middle-aged man, were not selected at this time. We remained on the chairs while the paratroopers lined their prisoners against the wall to await photographs, interviews with the R.U.C., etc. It was during this period of waiting that I witnessed conduct that was both sickeningly brutal and a disgrace to any uniform. Assaults were committed in a sadistic manner on a number of people, particularly youths aged from about 15 to 19 years. These assaults continued over a period of 1 to 1½ hours. These consisted of:

(1) Deliberate and systematic provocation of the prisoners by the paratroopers by verbal means and by physical assault, such as stamping on feet, kicking shins, kneeling on the thigh or in the groin, severe hair-pulling, striking with fists in the body, stomach and groin etc. Such actions occurred continuously over this period.

(2) More serious examples of physical assault took place. One youth (aged about 16 or 17 years) was struck in the groin and lower abdomen twice with such severity that he collapsed. On being kicked and hauled to his feet, he was unable to stand upright and fell backwards, striking his head on the concrete floor. He was kicked to his feet again and had to be placed against the wall in order to keep him upright.

(3) There were also cases of deliberate torture. Two youths were forced to hold their heads back in an unnaturally strained position, in order to bring their faces as close as possible to the electric heaters, which were on stands about 6'6" above floor level. They were forced to keep in this position for about three-quarters of an hour and were struck if they shifted position. The smaller youth was forced to stand on the taller youth's feet during this time, in order to raise his face nearer the heater. When one youth was asked if he wanted a drink, he replied that he did and was told to open his mouth. The paratrooper then spat into his mouth.”

¹ [H21.28](#)

160.119 The statement of Fr O’Keeffe for the Widgery Inquiry¹ gives a very similar account of events at Fort George to that found in his letter to General Tuzo. In that statement he said that between 12 and 15 paratroopers were at Fort George. Fr O’Keeffe identified Lance Corporal F as the paratrooper who “*kneed me several times in the groin*” and who also tried to kick a youth next to Fr O’Keeffe before an RUC Sergeant intervened.

¹ [H21.25-26](#)

160.120 When he gave evidence to this Inquiry, Fr O’Keeffe said he was taken to a small “*holding room*”. Two soldiers appeared to be in charge. One was Lance Corporal F, the other Fr O’Keeffe described as “*5 '9" or 5 '10" [with] very blonde, almost whitish hair. He had very scary eyes and had a frightening, almost psychotic look.*” He said that these two soldiers appeared to be targeting youths of about 15 to 17 years of age. They subjected arrestees to a “*fairly continuous idle sort of assaulting which went on and certainly occurred on far more than two occasions*” and involved stamping on people’s feet and kneeling people in the groin. Fr O’Keeffe said that these two soldiers “*made two young fellows stand with their faces very close to the heaters for a long time*”. One of the two young men became very distressed. Lance Corporal F asked if he wanted a drink. When the young man answered “yes”, he was told to open his mouth. Lance Corporal F then spat in the young man’s mouth.¹ This latter incident corresponds to one described by Fr O’Keeffe in his letter to General Tuzo and also in his statement for the Widgery Inquiry. In the latter account Fr O’Keeffe did not identify Lance Corporal F as the soldier responsible, even though he did name him as the soldier who had kneed him in the groin.

¹ [H21.51](#); [Day 127/132-133](#)

160.121 In 1972 Fergus McAteer said in his signed NICRA statement that the paratroopers who arrived at Fort George to identify arrestees picked people out at random. While some of these people were queueing to move into an adjoining room, paratroopers assaulted them by “*hitting them with their hands, knees and boots*”. Some were also pulled by the hair.¹ George McDermott told Kathleen Keville that when the paratroopers came to identify arrestees, “*they needled us and kicked us and made us stand with our backs against the walls and our arms up*”.²

¹ [AM42.3](#)

² [AM183.4](#)

160.122 In his Keville interview Patrick McGinley said that paratroopers had “*gathered round Georgie Roberts and started to slag him too about having long hair and all*”.¹ George Roberts told the same interviewer that the paratroopers assaulted arrestees “*once the policemen were out of sight.*”² In his evidence to us, George Roberts repeated a detail

that also appears in his Keville interview. This concerned his refusal to sing when ordered to do so by a paratrooper. Absent from the Keville interview is his evidence to us of the reaction to that refusal. George Roberts told us that a paratrooper spat in his face and mouth.³

¹ [AM241.21-22](#)

³ [Day 151/100-104; AR13.3](#)

² [AR13.11](#)

160.123 John Devine was another arrestee who recalled paratroopers abusing arrestees queueing “to get charged”. Both in a signed NICRA statement and in a Keville interview, John Devine said that arrestees were kicked and kneed in the groin and that he was struck twice in the stomach and in the groin by two paratroopers. This seems to have been in response to his refusal to answer a question as to whether he would join the Ulster Defence Regiment. He was also slapped in the face and kicked in the backside.¹ In his written statement to this Inquiry, John Devine said that he was assaulted by two paratroopers. However, this account differs in its detail from those he gave in 1972. It includes the recollection that he was assaulted with a rifle butt that left him with a burst blood vessel in his ear,² an incident not mentioned in his NICRA statement.³

¹ [AD41.6; AD41.18-19; AD41.12](#)

³ [AD41.6](#)

² [AD41.4](#)

160.124 John Devine told us that one arrestee was wearing a new suit which had a hole in the leg. A soldier tore the whole trouser leg open. That arrestee may have been John Gormley. In his NICRA statement¹ John Gormley described a time when the arrestees were “*told to stand as we pleased and to have a smoke if we wished*”. This must have been after the visit of Colonel INQ 598. The statement continued:

“As I finished my cigarette eight troops appeared and ordered us back against the wall. I was punched in the ribs with a baton, punched in the stomach with a fist and kicked in the ankles, received a cut knee and tore my trousers as a result of kicks from the troops. These attacks occurred at different times. I had a slight hole in my trousers which a soldier made bigger by ripping them. He asked me had I got any cigarettes and I did not answer. He put his hands into my pocket and took my cigarettes and matches. He lit one match, put the lit end to my nose and said ‘Your Hail Marys will do you no fucking good now’.”

¹ [AG46.16](#)

160.125 We take the reference to “*eight troops*” appearing as being to the arrival of the arresting soldiers from Support Company. The reference to a lit match does not appear in John Gormley’s written statement to this Inquiry. He does refer to James McDermott (a Chamberlain Street arrestee) being burned on the nose with a lit cigarette lighter.¹ James McDermott, however, made no reference to this in the three accounts he gave in 1972.² James Kelly, in his written statement to this Inquiry, said that one or more paratroopers had tried to “*burn one of the prisoners’ nose with a lighted match*”.³ He made no reference to such an incident in his very brief NICRA statement.⁴ We are satisfied that James McDermott would have mentioned such an incident had it happened to him. Despite the evidence of James Kelly, the inconsistent evidence of John Gormley leaves us unpersuaded that such an incident occurred.

¹ AG46.5

³ AK12.7

² AM185.1; AM185.4; AM185.5

⁴ AK 12.1

160.126 In his written statement to this Inquiry, John Devine also told us that Barry Liddy had his leg broken at Fort George.¹ After his release from Fort George, Barry Liddy was treated by members of the Order of Malta Ambulance Corps and taken by ambulance to Altnagelvin Hospital. The driver of the ambulance was Hugh Deehan, a volunteer in the Order of Malta Ambulance Corps.² In a handwritten statement he made in 1972, Hugh Deehan said that Barry Liddy had a “*suspected fracture of his left patella and tibia and was suffering from severe shock*”. Barry Liddy told him that the “*British Army*” had jumped on his legs.³ Hospital records show that Barry Liddy was admitted to Altnagelvin Hospital for observation, X-rayed and found to have no “*bony injury*” to his left leg.⁴ We have a handwritten statement which Barry Liddy made in 1972 some time after leaving Altnagelvin Hospital. There, having referred to the episode in which he fainted, Barry Liddy said “*I could give you details of further sadism and bestiality on the part of the Paratroopers but as no further damage was done to myself I am sure that the other persons who were so inhumanely degraded will give their own personal statements*”. In the same account Barry Liddy referred to an “*injury in my left leg*” when speaking of his being placed in the Provost Detachment lorry.⁵

¹ AD41.6

⁴ AL13.12-13

² AD22.6

⁵ AL13.5; AL13.9

³ AD22.2; AD22.11

160.127 Because John Devine failed to mention in his NICRA statement what he now claims to have been a serious injury to his ear, and given his description of Barry Liddy’s leg injury, we are of the view that John Devine’s recollection is confused.

160.128 Eamon McAteer made no reference to any ill-treatment of arrestees by the arresting soldiers in his written statement to this Inquiry.¹ In his NICRA statement, he said “*During the course of my detention I was beaten and abused. I also saw soldiers meet out similar treatment to other prisoners.*”²

¹ AM41.6

² AM41.33

160.129 In 1972 Seamus Liddy stated that a Knight of Malta (who must have been Charles Glenn) was singled out by paratroopers who “*strip[p]ed him of his decorations and...came up and punched him*”.¹ In one of the two accounts he gave in 1972, Charles Glenn said that he “*lost my rank badges, someone had ripped them off*”. While he does not identify the person who removed his badges as a paratrooper, we believe this to be likely, given that Charles Glenn put this incident as occurring after the paratroopers had begun to select arrestees for processing by the RMP and RUC. In 1972 Charles Glenn said that while arrestees were in a line they were “*assaulted, harassed, punched and kicked*” by paratroopers. He was struck across the back of the leg with a rifle.² The evidence of Charles Glenn to us was that he had no “*present recollection*” of violence being used against him or anyone else he could see.³

¹ AL12.1; AL12.3

³ Day 81/49-53

² AG43.25

160.130 Anthony Coll, after giving his written statement, did not co-operate with the Inquiry and did not give oral evidence. His evidence must be considered in this light. In his written statement to this Inquiry he alleged that arrestees had been subjected to random assaults “*by the paras*” and that he had been assaulted by Lance Corporal J.¹ There is no dispute that at Fort George Lance Corporal J claimed responsibility for arresting Anthony Coll. The transcript of the Keville interview given by Anthony Coll in 1972 makes no reference to his being assaulted by the soldier who identified him.² While in that 1972 account he made reference to the ill-treatment of the arrestees at Fort George, it is not clear from that account that those responsible for that behaviour were from the Parachute Regiment, who were not at Fort George from the first. In the circumstances we place no reliance on the evidence of Anthony Coll as to the conduct of paratroopers at Fort George. In particular we reject his allegation that he was assaulted by Lance Corporal J.

¹ AC84.8-9

² AC84.21

160.131 While some arrestees spoke in the statements they made in 1972 or to this Inquiry of being held within the detention centre at Fort George, they made no reference to seeing or hearing any physical abuse directed at the arrestees.¹ William John Doherty told the

Sunday Times Insight Team that he suffered “*no more brutality*” after he was put into the Provost Detachment lorry.² Consistent with his 1972 accounts,³ Christopher James Doherty told us that he did not see anyone mistreated at Fort George.⁴

¹ AB113.4; AC61.1; AD46.16; AD46.6; AI4.2; AO1.17; AN24.21-22; AW3.16

³ AD58.1; AD58.9

⁴ Day 182/153

² AD113.4

160.132 We now turn to the incident of “*deliberate torture*” – a phrase taken from the letter to General Tuzo written by Fr O’Keeffe, the relevant extract from which we have already set out.

160.133 Joseph Lynn did not make a statement in 1972. In his written statement to this Inquiry, Joseph Lynn described Lance Corporal 229, the soldier who identified him at Fort George, as a “*sadistic bastard*”. Joseph Lynn said that, when Lance Corporal 229 picked him out as the person he had arrested, Joseph Lynn had told him that he was not the “*para that arrested me as he only came up to my shoulder in height*”. As a result Lance Corporal 229 took him to one side and gave him a “*real dosing*”. Joseph Lynn said he was verbally abused, punched in the chest and stomach and kicked between the legs by Lance Corporal 229. He and other arrestees were then made to stand in front of some gas fires. The statement continued:¹

“31. Although there was a line of people against the gas fires, I seemed to come off worse than most as I was taller and therefore my face was closer to the fire. The fires themselves were angled downwards towards us and we were made to stand very close to them. I do not know how long we were standing beneath the heaters, but we seemed to be there a long time and we were not allowed to step away for some air. Lance Corporal 229 was walking up and down making sure that we all knew what the fires were doing. There was a fella in front of me who passed out because of the heat and 229 approached him and kicked him on the floor. I tried to help him up, and got rapped for doing so. 229 also laid into him on the floor with his boots and baton. Eventually he came around and was dragged up by Lance Corporal 229. He was told in no uncertain terms what was going to happen to him if he didn’t: ‘Effing get up and effing stop trying to pretend to faint’. Later I found out that this gentleman was called Dennis McLaughlin...

32. All the time the fires were burning us. I got burnt down the left side of my face and I could hear my hair burning and crackling like rice crispies ... Dennis McLaughlin then asked 229 for a glass of water. He was told to open his mouth and that he would have a glass of water. As Dennis opened his mouth, 229 spat down into the back of his throat. That made me want to heave. Seeing this was far worse than any beatings that we suffered.”

¹ [AL39.6-7](#)

- 160.134** When he gave oral evidence to us, Joseph Lynn rejected the possibility that Denis Patrick McLaughlin’s faint was not genuine. Told that Lance Corporal 229 denied spitting into an arrestee’s mouth, Joseph Lynn said:¹

“That is an act that I do not think anyone in his right mind would admit to because, to me, that is I cannot even – I do not think there is a word for it, but he definitely and positively spat down Denis McLaughlin’s throat when the boy asked him for a drink of water, after he had been kicked from the floor back to his feet and I just about threw up down his back when this was done to him; even now when I think on it, I still get (indicating) a lump or whatever you want to call it in my throat, because it was one of the dirtiest acts I have ever witnessed in my life, anywhere.”

¹ [Day 193/35-37](#)

- 160.135** In a Keville interview, Patrick McGinley said that during the course of his detention at Fort George, the arrestees were given chairs and tea. The situation changed when paratroopers arrived to identify people. The paratroopers were verbally and physically abusive to the arrestees and took them into a “wee room”. One “*young fella*” fainted and fell to the ground. A paratrooper kicked the boy up. When the boy fell down the paratrooper kicked him again. The arrestees were then lined up. When the boy asked for a drink of water, a paratrooper told him to open his mouth and then spat in it. Arrestees were then made to stand on tiptoe near a large gas heater. They were struck as they did so. Four or five paratroopers then beat up a “*big lad*” from Strabane.¹

¹ [AM241.10-11](#); [AM241.20-21](#)

- 160.136** Save for some differences in chronology, Patrick McGinley’s evidence to this Inquiry was very similar. His recollection was that more than one paratrooper spat in the mouth of the “*young fella*” who fainted. As to the arrestee from Strabane he described him as “*a big*

man with red hair” who looked like a rugby player. Patrick McGinley told us that he did not see this man assaulted. The man was dragged behind a screen. Patrick McGinley heard this man’s cries and “*thought they must be hurting him*”.¹

¹ AM241.7; Day 425/155-157

160.137 Denis Patrick McLaughlin was 16 years old in 1972.¹ In a Keville interview he said:²

“we were standing there for a while, you know, and I took sick, then I fainted and a boy came over and sunk the boot in my side and he says ‘get up and stop kidding’, you know. I got up and stood up and all and I says I wanted a – want a drink of water. He says ‘you want a drink of water do yous’, he says ‘hold on a minute’ he went away, came back again. ‘you want a drink of water’ I says ‘aye’ he says ‘open your mouth’ and he spat in it. And then...

[Female voice] You asked for a drink of water?

... says to me ‘open your mouth’ and he spat in my mouth. And then they held our heads back under heater, you know.”

¹ AM326.1

² AM326.39-40; AM326.24

160.138 Denis Patrick McLaughlin did not make any reference to this incident in the NICRA statement he signed in 1972.¹ He told this Inquiry² that while at Fort George he had been made to stand under a large gas heater. Whenever his head dropped a soldier would push it up by placing a baton under his chin. Denis Patrick McLaughlin asked the soldier for a drink of water. In his written statement to this Inquiry he said:

“The soldier, who was taller than me, said ‘Open your mouth’. Not being my full self at that moment due to everything that had happened that day, I opened my mouth and he spat into it.”

He also remembered fainting and a soldier kicking him in the side and saying “*Get up, you are only kidding*”. Denis Patrick McLaughlin also told us that he had no specific recollection of other physical violence directed either at him or at other arrestees.³

¹ AM326.22

³ Day 159/87

² Day 159/54-55; AM326.9

160.139 A number of other arrestees gave evidence which supports the complaints above of young men being made to put their faces close to heaters¹ and of a soldier spitting into an arrestee’s mouth.²

¹ AM42.3; AM42.11

² AD41.4; AK12.7; AR42.2

160.140 Earlier we referred to the article written by Joseph McAnthony published in the *Sunday Independent* on 6th February 1972. Denis Patrick McLaughlin was interviewed for the purpose of that article.¹ The article alleges that Lance Corporals F and 229 were among a group of paratroopers who “*perpetuated one of the most appalling brutalities*”. It continues:²

“A boy named McLaughlin had been forced to stand by the heater for over half an hour with his head close to the heat. Then one of the paratroopers came over to him, grabbed him and suddenly with full force brought his fist right into the boy’s groin. McLaughlin must have passed out because he collapsed on the ground and his head banged loudly against the concrete floor.”

This assault is likely to be the incident referred to at item (2) in the extract from Fr O’Keeffe’s letter to General Tuzo set out above. According to the *Sunday Independent* article, following this incident, a Staff Sergeant from the Coldstream Guards then intervened, saying “*We don’t want a heart attack in this place*”. Another paratrooper then picked the boy up and asked him if he wanted a drink of water. When the boy said yes, the paratrooper asked him to open his mouth and spat in it.

¹ [AM326.9](#); [AM326.18](#)

² [M89.21-22](#)

The evidence of soldiers from 1 PARA

160.141 The table below sets out which members of Support Company of 1 PARA are said to have made arrests.

SOLDIER	ARRESTEE
HQ Platoon	
Lance Corporal 033	PIRA 1
Lance Corporal INQ 627	James Charles Doherty
Private 037	William John Dillon
Mortar Platoon	
Sergeant O	William John Doherty
Private U	Charles Canning
Private 112	Eamon McAteer
Private INQ 1918	Duncan Clark

SOLDIER	ARRESTEE
Anti-Tank Platoon	
Sergeant INQ 1694	Hugh O'Boyle, Robert Wallace
Corporal E	Seamus Liddy, Fergus McAteer, Joseph McColgan
Lance Corporal J	Anthony Coll, John Gormley
Lance Corporal F	Eugene Bradley (also known as Thomas Lawrence Bradley), Fr O'Keeffe, Michael McCallion, Patrick Martin Norris
Private G	John Devine, Christopher James Doherty, Patrick Joseph Norris
Private INQ 1237	Charles Glenn, George McDermott
Private INQ 635	George Irwin, James McNulty, John Rodgers
Private Longstaff	James Kelly, George Roberts
Composite Platoon	
Lance Corporal 229	Joseph Lynn, Patrick McGinley, Denis Patrick McLaughlin

160.142 Sergeant INQ 1694 is dead and did not give any evidence to this Inquiry. Corporal E and Private G are also both dead and did not give any evidence to this Inquiry. However, both gave a number of accounts to the RMP and the Widgery Inquiry in 1972. In none of those did they refer to events at Fort George.

160.143 Lance Corporal 033 told this Inquiry that he remembered going to a large building (which must be the detention centre at Fort George) in order to identify the person he had arrested.¹ He maintained that he had made an arrest in the Bogside and denied that he simply "*turned up at the holding centre to identify someone as participating in rioting*".² He was not asked about the ill-treatment of arrestees at Fort George.

¹ B1621.008; Day 324/84-87

² Day 324/94-96

160.144 When he gave oral evidence to us, Lance Corporal INQ 627 corrected his written statement to this Inquiry and accepted that he had made an arrest on Bloody Sunday. He said that he had no independent recollection of the arrest or of making an arrest statement at Fort George.¹ He was not questioned further about events at Fort George.

¹ Day 338/48; C627.4; Day 338/67-70

160.145 In his written statement to this Inquiry, Private 037 told us that he could not remember dealing with arrestees. Having been shown the relevant arrest documents he was able to say that he “*vaguely*” remembered driving to Fort George.¹ He too was not questioned further about events at Fort George.

¹ [B1636.002-004](#)

160.146 Sergeant O told us that he, together with the other men in his platoon who had made arrests, went to Fort George to identify arrestees. He described the visit as “*very much “quick in and quick out”*”. He saw no other soldier identify arrestees as he was the first to have his arrestee processed.¹ In his written statement to this Inquiry, Sergeant O said:

“It is not the paras’ way to brutalise people after the event. During the course of an arrest operation civilians may well have been hit by the stock of a rifle by a para, when the principle would be to break up the crowd, keep them moving and arrest them if you can. However, it was accepted in the regiment that hitting a prisoner half an hour later served no purpose whatsoever, and caused great problems when the prisoner came to Court. We had learned from our experiences in Belfast that we had to be consistent in the way that we handled prisoners and make sure that our answers were consistent in Court in order to secure the convictions.”

¹ [B575.120](#); [Day 335/112-115](#)

160.147 While he could recall being in a holding area, Private U told us that he had no recollection of “*picking out my arrestee*”.¹ He was not questioned further about the circumstances in which this identification occurred.

¹ [B787.008](#)

160.148 In his written statement to this Inquiry, Private 112 said that he went to a large hall where prisoners were being kept in order to identify the person he had arrested. He said he did not witness any mistreatment of prisoners.¹ In his oral evidence to this Inquiry, while maintaining his belief that he had correctly identified at Fort George the person he had arrested earlier in the Bogside, Private 112 conceded that it was possible that he had made a mistake. He denied that he identified someone at Fort George whom he had not seen before.²

¹ [B1732.007](#)

² [Day 320/100-103](#); [Day 320/133](#); [Day 320/167](#)

160.149 Lance Corporal J told us that he could recall having to identify the persons whom he arrested and being photographed with them. While he said he had little or no recollection of why he came to make the two arrests he did, Lance Corporal J rejected the suggestion that he had been told to identify two people as throwing stones when he had not, in fact, seen either of them do so.¹

¹ Day 370/84-88

160.150 Private Longstaff recalled being at Fort George and conceded that he may have participated in a sham identity process while there and when giving arrest statements.¹ He told us that he had not seen any physical abuse of arrestees at Fort George nor had he physically abused any arrestee in his charge.² Private Longstaff was shown George Roberts's written statement to this Inquiry in which the latter said that a paratrooper had spat in his face. Private Longstaff said that he would not have been part of such conduct.³

¹ C23.7; Day 374/107-112

³ Day 374/209

² Day 374/115

160.151 Some soldiers said they had no recollection of Fort George. Private INQ 635 told us that he could not remember making arrests on Bloody Sunday or going to a detention centre for the purpose of identifying arrestees.¹ Similarly, Private INQ 1237 said that the name Fort George "*does not mean anything to me*". He said that he had no recollection of dealing with any arrested civilians.² In his written statement to this Inquiry, Private INQ 1918 told us that he had no recollection of making an arrest statement or of going to a "*place called Fort George*".³

¹ Day 352/35-41

³ C1918.4

² C1237.8; Day 366/32-45

160.152 The Joseph McAnthony article to which we have referred above appears to have been the reason for Lance Corporal F making an RMP statement on 15th February 1972, dealing with his conduct at Fort George.¹ In that statement he recorded that he had arrived at Fort George at about 1900 hours to find the arrestees sitting or standing in a wire enclosure. We cannot accept this timing as being particularly reliable, given, as we noted, that calls for the arresting soldiers of those arrestees taken to Fort George by the Provost Detachment to come to that PCP were still being made at 1902 hours.²

¹ B132-133

² W54 serial 254

160.153 Lance Corporal F told the RMP that when at Fort George he identified the four men he had arrested in the Bogside, took them to one side and waited for his turn to be processed. He allowed the arrestees to "*stand at ease, one behind the other, and to keep*

their hands behind their backs". Lance Corporal F denied to the RMP that he ill-treated any of his prisoners and said that he had not seen any ill-treatment of other prisoners. He specifically denied allegations of abuse made against him by *"two prisoners, namely McLoughlin and Liddy"*. He pointed out that he was not responsible for arresting either man and denied making them *"expose themselves to the heat of a stove"*. Lance Corporal F described the allegation that he spat in the mouth of Denis Patrick McLaughlin as *"completely unfounded"*. He said that he had not been spoken to by an NCO from the Coldstream Guards. He also said that he did not know Lance Corporal 229.¹

¹ [B132-133](#)

- 160.154** In his written statement to this Inquiry, Lance Corporal F told us that he had no recollection of going to Fort George.¹ He told us that he did not remember seeing Fr O'Keeffe at Fort George. Shown the evidence of Fr O'Keeffe to this Inquiry, Lance Corporal F accepted that it was possible that the soldier described by Fr O'Keeffe as *"having very blonde, almost whitish hair ... and ... a frightening, almost psychotic look"*² might have been Private G, but could not remember being at Fort George with him. Lance Corporal F denied making arrestees stand close to a heater, spitting in the mouth of an arrestee and kicking Fr O'Keeffe in the groin.³ Later he denied treating arrestees with brutality at Fort George and falsely identifying individuals as rioters.⁴

¹ [B167.007-008](#)

⁴ [Day 376/30](#); [Day 376/40-45](#); [Day 376/51-52](#);
[Day 376/177](#)

² [H21.51](#)

³ [Day 375/158-161](#)

- 160.155** Lance Corporal 229 made a statement to the RMP on 15th February 1972, the same day as Lance Corporal F.¹ In that account he stated that he was responsible for three arrests. He had arrived at Fort George at about 2000 hours. Lance Corporal F was among those members of the battalion who had also gone to Fort George. However, Lance Corporal 229 had *"little or no contact with him during the course of the evening."* He described what must have been the holding area for the arrestees as being a rectangle created by partitioning off two sides with wire. The statement continued:

"I identified the three persons arrested by me and together with the other prisoners and the persons who had arrested them, we formed a queue around the stone wall section of the partitioned area. I was the last person, so stood at the back with my three prisoners. The prisoners and their escorts moved one at a time through a door into another part of the building where prisoner and escort were photographed together and statements taken from the prisoners. The only form of heating which I saw in the partitioned area was an electric wall fire. The processing did take some time and McLoughlin after standing for something like 1¼ hrs fainted and fell to the floor. It was at this time that a WOII of the Coldstream Guards who was passing by suggested that I obtain a chair for McLoughlin. I did not obtain a chair because I was not convinced that it was a genuine faint. A short time before this incident, McLoughlin and the youth arrested with him had been trying to provoke me. They were abusive towards me and ill-disciplined in that they talked when they had been told to keep quiet. I believe that McLoughlin was trying to attract attention. However, I did pick him up, and held him until such time as he was able to stand on his own feet. The whole incident was over in approximately two minutes. It was approximately half an hour later that I was photographed with my prisoners and I was present when they were interviewed by the RUC."

¹ [B2209-2210](#)

160.156 Lance Corporal 229 gave a similar account in his written statement to this Inquiry of the fainting incident involving Denis Patrick McLaughlin. He said Lance Corporal F had been near to him when "*we were lined up with our prisoners*" and remembered being at the back of a queue of arresting soldiers and prisoners. There was "*certainly an amount of animosity between the arrestees and the soldiers*" and an exchange of verbal abuse. Lance Corporal 229 said that he did not see any ill-treatment of arrestees and was not involved in such behaviour. Specifically he denied spitting at anyone and said he had not seen another soldier do so. He also denied hitting Joseph Lynn or any other prisoner and making any arrestee stand close to a heater.¹

¹ [B2211.006-008; Day 341/57-69](#)

160.157 The allegations made against Lance Corporal 229 were addressed by his legal representatives. As to what they described as "*the alleged fainting incident*" involving Denis Patrick McLaughlin, they pointed out that it was Lance Corporal 229's honest belief that the former had not genuinely fainted. They also pointed out that Denis Patrick McLaughlin made no reference to fainting in the accounts he gave in 1972. They then submitted that Joseph Lynn's allegation that Lance Corporal 229 assaulted Denis Patrick

McLaughlin while he was on the floor was complete fabrication, comparing it with Denis Patrick McLaughlin's own evidence in 1972 that a soldier had done no more than "*sunk the boot in my side*".¹

¹ [FS8.1513-1514](#); [AM326.40](#)

160.158 As to the "*spitting incident*", those acting on behalf of Lance Corporal 229 submitted that Joseph Lynn's identification of their client as the soldier who spat in the mouth of Denis Patrick McLaughlin is "*utterly unreliable*". They pointed out firstly that Fr O'Keeffe identified Lance Corporal F as the soldier responsible; secondly that Denis Patrick McLaughlin's own evidence was that the soldier responsible was taller than he and that the arrest photograph of the two together shows that Lance Corporal 229 was shorter; and thirdly that Patrick McGinley, who claimed to be a witness to the spitting incident, did not identify Lance Corporal 229 as the soldier responsible, despite the latter being his arresting soldier and both being photographed together at Fort George.¹ We note that although the arrest photograph shows that Lance Corporal 229 was shorter than Denis Patrick McLaughlin, the difference in height is slight. Those representing Lance Corporal 229 did not address the question of how their client came to be associated with this incident in a press article published shortly after Bloody Sunday.

¹ [FS8.1515-1516](#); [FS8.1523](#)

160.159 They did address Joseph Lynn's allegation of being subjected to a number of physical assaults from Lance Corporal 229. They dismissed Joseph Lynn's evidence as "*either fabricated or grossly exaggerated*". These representatives submitted that Joseph Lynn did not make a statement in 1972 and that the arrest photograph taken of him "*does not indicate that Mr Lynn has been the recipient of the severe beating he so vividly described to the Tribunal, in particular having his face burnt and his hair singed*". They went on to say that neither of the other two men whom Lance Corporal 229 said he arrested (Denis Patrick McLaughlin and Patrick McGinley) made any reference to any "*specific assaults on Mr Lynn*". They argued that it was improbable that Lance Corporal 229 would assault Joseph Lynn in front of soldiers from other regiments and RUC officers. Finally, they referred us to the evidence of Fr O'Keeffe to this Inquiry where he identified Lance Corporal F and another soldier with "*very blonde, almost whitish hair*" as two soldiers subjecting arrestees to idle brutality. Relying on this evidence they suggested that in "*the unlikely event that there is any degree of truth in Mr Lynn's recollections of personal assaults on him*", he had incorrectly identified Lance Corporal 229 as the culprit.¹

¹ [FS8.1516-1523](#); [H21.51](#)

The evidence of Royal Ulster Constabulary officers and military personnel on duty within the detention centre

160.160 Constable James O'Neill was on duty at Fort George and processed three arrestees between 1945 hours and 2125 hours.¹ He described the scene in the detention centre as "*very unpleasant and chaotic*". To him the situation lent itself to soldiers making mistakes in identifying who they had arrested. No paratrooper expressed any concern that an identification may have been wrong.² The building was "*very cold*" and arrestees were kept lined up against a wall with outstretched arms "*for a long time*".³ Constable O'Neill recalled that heaters were brought in later in the evening. He stated that he did not see any arrestees abused by being made to stand close to the heaters.⁴ We have already referred to Constable O'Neill's evidence of an incident involving a ginger-haired arrestee that, according to him, occurred outside the detention centre.⁵ Save for that incident, Constable O'Neill told us that he did not see any other arrestee assaulted.⁶ His colleague, Constable Robert Black, who was at Fort George throughout Bloody Sunday,⁷ told us that he "*saw no violence ... At any stage*".⁸

¹ JO2.5-6

² Day 211/135-138

³ JO2.4

⁴ JO2.5

⁵ Day 211/150-151

⁶ Day 211/132; Day 211/146-147

⁷ JB7.3

⁸ Day 211/180-182

160.161 Sergeant Charles Graham told us he saw no arrestee being "*badly treated*".¹ In his oral evidence to this Inquiry he said he could not remember witnessing any brutality on the part of paratroopers but, had he done so, he would not have allowed it to continue. He recalled dealing with Fr O'Keeffe but could not say that he was the RUC sergeant who stopped Lance Corporal F from kicking a youth standing near to Fr O'Keeffe.² Told of the evidence of Joseph Lynn that he had been assaulted by Lance Corporal 229 in front of RUC officers, Sergeant Graham said such an incident would not have occurred in his presence. He denied that there was a "*tradition in the RUC of closing ranks to protect other members of the RUC and indeed other soldiers*", saying that he tried to be impartial.³

¹ JG7.5

² Day 211/73-75

³ Day 188/76-78

160.162 In his oral evidence to this Inquiry, Sergeant Alexander Gray said that the detention centre was under the control of the RUC.¹ The arrestees were allowed to walk and talk freely within two barbed wire enclosures.² Sergeant Gray could not recall a point where

a soldier had been inside either enclosure.³ He told us that he did not see or hear any arresting soldier subject an arrestee to verbal or physical abuse. He said he would not have condoned such conduct.⁴

¹ Day 211/47

³ Day 211/61

² Day 211/42-44

⁴ Day 211/45-46

160.163 The members of the RMP arrest team on duty at the detention centre recorded, in the statements they made in 1972, that they did not see any soldier strike a civilian in the detention centre.¹ They gave similar evidence to this Inquiry. Corporal INQ 16 of the RMP stated he saw no “*violence towards prisoners*”,² and Corporal INQ 17 that he “*did not see any paras hitting or mistreating the arrestees*”.³ Lance Corporal INQ 19 told us he “*saw nothing untoward at all*”,⁴ while Sergeant INQ 20 did “*not recall any ill treatment of prisoners*”.⁵ In his written statement to this Inquiry, Lance Corporal INQ 18 said that except for prisoners being pushed off a lorry, he saw no “*rough treatment*” himself. However, he “*knew things were happening*” at Fort George. He added:⁶

“People were hit with batons and there are no two ways about it, they were treated roughly. However, what would you expect from 18 to 20 year old soldiers who had been in a terrifying situation earlier that day and had been bottled, had bricks thrown at them and had been shot at. You would expect them to want to get a bit of their own back. That is human nature.”

¹ B2172-2173; C13.5; C14.6; C16.6; C17.10; C19.5; C20.5

⁴ C19.1

² C16.3

⁵ C20.3

³ C17.3-4

⁶ C18.6

160.164 Asked about this aspect of his evidence, Lance Corporal INQ 18 said that while at Fort George on Bloody Sunday he had heard from colleagues that soldiers were striking the arrestees.¹ His evidence to us is to be contrasted with that in his RMP statement where he made no reference to any violence towards arrestees. That statement does, however, indicate that Lance Corporal INQ 18 must have spent a considerable part of his time at Fort George outside the detention centre in the RMP radio vehicle.²

¹ Day 306/131-133

² C18.10

160.165 We have already referred to the evidence of Guardsman INQ 1224 who told us that he guarded the arrestees. According to his written statement to this Inquiry, Guardsman INQ 1224 was already at the detention centre where the first arrestees arrived.¹ Later in his statement, Guardsman INQ 1224 described the treatment given to the arrestees:²

“The prisoners were being spread eagled against the walls. The paras were hitting them with their batons and pushing and shoving them. They would get hold of a prisoner by the scruff of the neck and push him against the wall. If he didn’t spread his arms and legs quickly enough the paras would give him a whack on the shoulders, arms or legs to make him do so. This was the standard searching position, but the treatment of the prisoners by the paras was a bit rougher than I had experienced before. Once a prisoner had been spread eagled, if he moved or spoke, the paras would hit him again with the baton. I thought it was a bit over the top.”

¹ C1224.1

² C1224.2

Conclusions

160.166 We accept Fr O’Keeffe’s account of being kicked in the groin by Lance Corporal F. In the course of this report we have considered in detail the evidence of this soldier and, for the reasons we give, have concluded that in significant respects it lacks credibility.

160.167 Fr O’Keeffe told us that two soldiers, Lance Corporal F and one with “*very blonde, almost whitish hair*” were, among other things, kneeling “*people in the groin for no apparent reason*”.¹ The arrest photographs of Joseph Lynn, Denis Patrick McLaughlin and Patrick McGinley all show Lance Corporal 229 as having dark hair. While we are not convinced that Joseph Lynn was mistreated to the extent he recalled, we are of the view that he was struck, although we are unable to say by whom.

¹ H21.51

160.168 We are satisfied that a soldier kicked Denis Patrick McLaughlin while he was on the floor and spat into Denis Patrick McLaughlin’s mouth after he got to his feet following his fall to the floor. We cannot, however, say whether Lance Corporal 229, Lance Corporal F or another soldier did so. It goes without saying that such action cannot be justified under any circumstance. We are unable to say whether Denis Patrick McLaughlin fainted or feigned a faint after being hit in the groin by a soldier.

160.169 Even if the more colourful accounts given by some prisoners are discounted, we are satisfied that prisoners at Fort George were badly treated. Upon arrival they were made to stand in an uncomfortable position for long periods. Colonel INQ 598 ordered the practice to be discontinued and provided chairs for the prisoners, which to our minds illustrates his view of the proceedings up to that point. When the soldiers of Support Company arrived, some took part in random rough treatment, which consisted of the

striking and kicking of some prisoners, including that of Fr O’Keeffe by Lance Corporal F and the assaults described above on Joseph Lynn and Denis Patrick McLaughlin. This mistreatment was more severe than that suffered by the arrestees from 33 Chamberlain Street, which we describe below. Apart from Lance Corporal F, it is impossible to single out individual soldiers because, by reasons of fatigue, fear, confusion and partial disguise, identification is unreliable.

Chapter 161: The treatment of the arrestees escorted to Fort George by members of C Company

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161.1 As has been noted,¹ the civilians arrested in 33 Chamberlain Street were the third and last group to arrive at Fort George. The arresting soldiers, Sergeant INQ 2000, Corporal 007 and Private INQ 12, accompanied the arrestees to Fort George in a C Company vehicle. These arrestees were processed shortly after arrival and before those who had been brought to Fort George by the Provost Detachment. After processing their arrestees, the C Company soldiers left Fort George.

¹ [Paragraph 159.28](#)

161.2 We have statements from all the Chamberlain Street arrestees with the exception of Henry McGurk and John Morrison. For five of the remaining 17 witnesses this evidence is in the form of accounts they gave in 1972. Of the 15 who did give written statements to this Inquiry, eight were called to give oral evidence.

The evidence of the arrestees

Transport to Fort George

161.3 Accounts differ as to how the arrestees were loaded into the lorry. Some say that they were manhandled into the back of the lorry. In a Keville interview, Noel Breslin said that the arrestees were dragged into it “*by the hair*”. They were made to face forwards and

were kicked during the trip “every time we moved”.¹ In his written statement to this Inquiry, Noel Breslin told us that he remembered being very scared on the journey to Fort George but that there was “*no rough treatment in the lorry*”.² In his oral evidence to this Inquiry, he agreed that he did not see any soldier assaulting a prisoner in the lorry.³ James McDermott, in a signed statement to NICRA, said that “*Some of us were bodily lifted and thrown on to the wagon*”.⁴ OIRA 8 said much the same in his written statement to this Inquiry.⁵

¹ AB116.12

⁴ AM185.4

² AB116.3

⁵ AW14.4

³ Day 184/172; Day 184/180-181

161.4 In a NICRA statement, Kevin Leonard claimed that he was hit when getting into the lorry.¹ The arrestees were made to sit “*facing the front of the truck*”. In his written statement to this Inquiry, Kevin Leonard said “*We were thrown*” into the rear of the lorry, although he also told us there was no mistreatment during the journey itself. The arrestees were told to face towards the driver and were not allowed to talk.² Joseph Hutchman recalled soldiers verbally abusing the arrestees while awaiting transport to Fort George, but had no recollection of any verbal or physical abuse on the journey there.³ In our consideration of events in Sector 2, we discussed George Nelis’s complaint of verbal abuse while awaiting transport to Fort George.⁴ When he complained to the RUC about this incident on 10th February 1972 he stated that otherwise he was “*treated quite well by the security forces*”.⁵ He told us that the journey to Fort George was “*short and uneventful*”⁶ and agreed that he saw no-one beaten up while on the lorry or as they got off it at Fort George.⁷

¹ AL7.2

⁵ JB12.2

² AL7.6; Day 201/15

⁶ AN9.4

³ AH91.4; Day 102/200-201

⁷ Day 103/140-141

⁴ This complaint was investigated by the RUC. In the course of that investigation statements were taken from some of the Chamberlain Street arrestees (JD8.1-3).

161.5 While some arrestees suggested that the journey to Fort George was made in silence,¹ others recalled soldiers abusing the arrestees. Thomas Meehan, in an RUC statement, said “*On the way down to the dockyard, this soldier, who everyone said, was a wee Scotchman, picked on two fellows with long hair, he accused them of being at Magilligan and threatened them with what he would do*”.²

¹ Day 103/123; Day 113/9

² AM393.2

161.6 Some arrestees alleged physical mistreatment during the journey to Fort George.

161.7 Charles McCarron is dead and did not give any evidence to this Inquiry. He made two NICRA statements in 1972. In one he claimed that the arrestees were beaten “*about the legs and back with batons*”,¹ an allegation he did not repeat in an RUC statement dated 3rd March 1972.² Maurice McColgan recalled that once inside the lorry some of the prisoners were piled in on top of each other and told not to look around. He heard, but did not see, a person “*being struck by a paratrooper*” for raising his head.³ In his written statement to this Inquiry, William Leo Carlin claimed that two soldiers gave one young man “*a hammering*” with their fists and the butt of a rifle.⁴

¹ AM80.2

³ AM124.4; Day 74/171-172; Day 74/216

² AM80.3

⁴ AC40.4

161.8 The most serious allegation was made by William McCloskey, who, in his written statement to this Inquiry, told us that an arrestee in the lorry was struck in the face by a round fired from a baton gun. He described the incident in the following terms:¹

“As the lorry drove, a Welshman, whose name I cannot recall and who I think is now dead, was shot, by a paratrooper in the face from very close range with a rubber bullet. The man, who I believed had served in the British forces, had complained to the paratroopers about something. I am not sure exactly what he complained about, but my impression was that, as an ex-forces man, he knew we were being wrongly treated. A paratrooper levelled his rubber bullet gun to within inches of the man’s face and shot him on the nose. Rubber bullets in those days were made of rubber (and not plastic as they are today). They also had rounded fronts as opposed to the pointed ends of plastic bullets. If the bullet had been a plastic bullet, I have no doubt that the Welshman would have been killed. As it was, the rubber bullet caused considerable damage to his nose. There was blood all over his face and the man held his head all the way to Fort George, which turned out to be our destination.”

¹ AM120.4

161.9 He repeated the allegation during his oral evidence to us¹ and identified the arrestee concerned as Duncan Clark.² The latter, as we have described elsewhere in this report,³ was not arrested at 33 Chamberlain Street, but near the Eden Place alleyway, where he was put in an APC and injured when a baton round was discharged into the APC.

¹ Day 73/153-155

³ Paragraphs 30.8–33; Chapter 43

² Day 73/162-163; Day 74/50-58

- 161.10** Kevin Leonard¹ and George O'Neill rejected the suggestion that a rubber bullet was fired inside the lorry. George O'Neill added that he "*did not see anybody getting kicked or anything in the wagon*".² No other Chamberlain Street arrestee mentioned, either in 1972 statements or to us, anything remotely resembling the event described by William McCloskey. We are sure that no baton round was discharged in the lorry. William McCloskey's account is to our minds more than a mere exaggeration. It is either a fabrication or resulted from confusion about an incident of which he later learned.

¹ Day 201/29

² Day 113/09

Treatment on arrival at Fort George

- 161.11** We have earlier described the circumstances in which those arrestees conveyed to Fort George by the Provost Detachment were moved from a lorry into the detention centre. There we concluded that the actions of escorting soldiers in hitting running prisoners were unwarranted.
- 161.12** Some of the Chamberlain Street arrestees also recalled a situation that might be described as a gauntlet.
- 161.13** Maurice McColgan told us that he was one of the last out of the lorry when it arrived at Fort George. He said "*At the back of the truck were about 50 paras standing in two lines ... The paras beat the men as they ran between the [sic] them.*" He recalled that he was with Eamon McAteer, who stumbled upon being hit and whom Maurice McColgan helped.¹ As we have explained, Eamon McAteer was among those arrestees taken to Fort George by the Provost Detachment. Maurice McColgan was therefore wrong in his recollection that he was with Eamon McAteer. In addition, Maurice McColgan greatly exaggerated the number of paratroopers at Fort George when the Chamberlain Street prisoners arrived. His grossly mistaken estimate of the number of paratroopers present and his mistaken identification of Eamon McAteer leave us unable to rely on this aspect of his evidence.

¹ AM124.4; Day 74/172

161.14 Another Chamberlain Street arrestee to mention a gauntlet was OIRA 8. In his written statement to this Inquiry, he told us that:¹

“The soldiers screamed at us to get off the lorry and run to the entrance door and to do that we had to ‘run the gauntlet’ between the two rows of soldiers ... Everyone in the lorry was made to run the gauntlet.”

In his oral evidence to us, he added that while some of the soldiers had batons in their hands, all that he could see was that they were shouting aggressively.²

¹ AW14.4

² Day 410/51

161.15 In his Keville interview and in his written statement to this Inquiry, Noel Breslin referred to lines of soldiers as he was moved from the lorry. In the former,¹ he spoke of the arrestees being kicked out of the lorry one by one and then being kicked or hit by a baton as they moved into the detention centre past soldiers lined up. In his written statement to this Inquiry, he told us that there were two lines of soldiers. The soldiers raised their batons but he was not hit.²

¹ AB116.12

² AB116.3

161.16 George O’Neill told us that when the arrestees climbed out of the lorry at Fort George there were “*soldiers with large Alsatian dogs who were barking at us*”, and that he remembered having to walk between two lines of soldiers “*but I was not hit and I am not aware of any of the others from my wagon being hit.*”¹ William Leo Carlin told us that the arrestees were made to walk through a gauntlet of dogs on leashes.² Evidence of other arrestees suggests that they did not encounter any dogs until they entered the detention centre itself.³

¹ AO77.3

³ AH91.5; AH91.7

² AC40.4

161.17 Some arrestees, while they did not suggest that they were forced to run a gauntlet, did allege that they were treated roughly on arrival at Fort George. Matthew Campbell told the RUC, “*as I got down from the lorry, soldiers were grabbing us and throwing us down from the tailboard.*”¹ The evidence of Kevin Leonard to us was that the arrestees were pushed and pulled off the lorry on arrival at Fort George. They were immediately confronted by leashed “*snapping and snarling*” dogs. None of the arrestees was bitten and they were not made to run a gauntlet into the detention centre. As far as Kevin Leonard was aware no arrestee was beaten on the way into the detention centre.²

¹ AC140.1

² AL7.6-7; Day 201/15-16; Day 201/30-31

161.18 A prominent feature of the accounts given in 1972 by those arrestees interviewed by the RUC is the mention of one of the accompanying paratroopers referring to the arrestees as “*fresh meat*” for the guard dogs at Fort George.¹ This recollection also appears in the written statements to this Inquiry of arrestees who had not given RUC statements in 1972.² The impression of George O’Neill was that this remark was intended to “*intimidate and frighten*” the arrestees.³ Some of the arrestees identified the soldier responsible as Private INQ 12.

¹ JD8.1; AC140.1; AL7.3; AH91.7; AM185.5; AO77.1

³ Day 113/9-11

² AC40.4; AD152.2

Treatment within the detention centre at Fort George

161.19 On arrival at the detention centre, the Chamberlain Street arrestees were searched and placed in the same holding area as the first two groups of arrestees. Many of the arrestees described the detention centre as being cold and recalled being made to stand for a long period of time either with their hands on their heads or holding onto barbed wire. At some stage heaters were brought into the detention centre and the arrestees given tea.¹ There were a number of dog handlers in the detention centre holding Alsatian dogs on leads. Some of the arrestees described the fear caused by these dog handlers allowing their dogs to jump up at the arrestees and strain at the leash.²

¹ AB116.12; Day 184/177-179; AD152.3; AH91.4; AL7.2; AL7.6; AM124.5; AM185.1; AN9.9; AO77.3

² AB116.3; AH91.4; AM393.2; AN9.5; AM124.5

161.20 We are satisfied that the Chamberlain Street arrestees were held at Fort George under the same conditions as those who had been taken there by the Provost Detachment. The evidence of some arrestees of being given tea and of heaters being brought in indicates that they too benefited from the intervention of Colonel INQ 598. It follows that when these arrestees were being made to stand in uncomfortable positions, they were under the control of guards from 1 CG. Accordingly, in our view the complaint of being made to stand for long periods of time in an uncomfortable position is not one that can be made against the soldiers from C Company who took the Chamberlain Street arrestees to Fort George.

161.21 Some arrestees, such as Noel Breslin, William Leo Carlin and William Duddy, do not say in their various accounts that they saw or heard any physical mistreatment of arrestees by members of the Parachute Regiment while they were in the detention centre. In 1972, James Ferguson told the RUC: “*We were taken down to the dockyard, I didn’t see anyone being abused but I heard a great amount of obscene language from them, the*

soldiers.”¹ When giving oral evidence to us, Joseph Hutchman agreed that he had not seen any physical violence directed at other arrestees.² Otto Schlindwein told us that he was not aware of any violence other than the blow that he received while waiting to be taken to Fort George.³ Similarly, George O'Neill agreed that he had not see anyone “*being violently treated at Fort George*”.⁴

¹ AF45.1

³ Day 104/174-175

² Day 102/202

⁴ Day 113/15

161.22 Other arrestees do give evidence of the abuse of civilians detained at Fort George.

161.23 In his written statement to this Inquiry, George Nelis told us that when the arrestees were led into the detention centre they were told to hold onto a barbed wire fence with their hands. He saw a young arrestee drop his hands, whereupon an unidentified soldier beat him “*with a truncheon on his arms four or five times*”. George Nelis told us that after standing for 20 minutes, he was taken to another area where he sat down before being taken to yet another area to be photographed with Private INQ 12. He told us that, on returning to the seating area, he saw a young man being hit in the face by “*a sergeant type [who] seemed to be walking round inspecting things and had an air of authority*”.¹ The RUC statement given by George Nelis does not refer to any events which occurred at Fort George.² In his NICRA statement George Nelis said “*I witnessed some of the men ... drop their hands and immediately the soldiers would hit the men's hands with the batons and tell them to lift their hands to the outstretched position.*”³

¹ AN9.5-AN9.6

³ AN9.9

² AN9.22

161.24 In his Keville interview, Noel Breslin stated that he and others were made to hold onto barbed wire with their hands above their heads for about an hour and that soldiers hit them between the legs with batons if their legs were not wide enough apart. Noel Breslin described an incident, following his identification by Private INQ 12, where an arrestee was made to drink “*tea*” that had been spat into and which, from the smell, contained urine.¹ Noel Breslin did not mention these incidents in his written statement to this Inquiry and in his oral evidence acknowledged that he might have spoken in anger during his Keville interview.² For these reasons, we are not persuaded that the last incident occurred.

¹ AB116.12-13

² Day 184/180-181

161.25 In an RUC statement dated 3rd March 1972, Charles McCarron recorded that at one point he was alone with two paras, one of whom, “*a short fat chap about 5'6"–7", with a big full face*”, beat him “*about the head with a baton*”. He thought, but was not sure, that

this soldier had an English accent. On 1st February 1972, he went to Altnagelvin Hospital and on the following day had a mastoid operation.¹ Charles McCarron had made no reference to such mistreatment in two earlier NICRA statements although he did, in one, refer to the arrestees being beaten on the way to Fort George.²

¹ AM80.3

² AM80.2

161.26 In his written statement to this Inquiry,¹ Maurice McColgan said that at the detention centre the arrestees were told to hold onto barbed wire. A paratrooper with the rank of Corporal tried to force his hands onto the barbed wire. In another statement made in 1998, he described this soldier as Scottish, small and of stocky build.² However, when he gave oral evidence to this Inquiry, Maurice McColgan told us that the soldier he was speaking of was the one who had appeared with him in an arrest photograph taken at Fort George.³ That soldier was Private INQ 12.

¹ AM124.5

³ Day 74/190-192

² AM124.2

161.27 Maurice McColgan also told us in his written statement to this Inquiry that a dog handler hit him after having escorted him to some toilets in another building. In oral evidence Maurice McColgan told us that this soldier was a paratrooper. He could not identify the soldier but confirmed that it was not the soldier shown as arresting him.¹ Joseph McColgan, the brother of Maurice, was, as we have explained, arrested in William Street with Charles Glenn. He told us that a soldier, who was not a paratrooper and had been patrolling along an elevated walkway in the detention centre, came into the building, grabbed his brother and dragged him off to some toilets on the other side of the building. On his return Maurice McColgan told his brother that he had been “thumped” by the soldier.² William McCloskey told us that a paratrooper threatened to shoot a “fella called McColgan” who he was escorting to the toilet. He had not heard this threat directly but learned it from the person called McColgan.³ We are satisfied on balance that Maurice McColgan was struck by a soldier at Fort George. Having regard to his written evidence and that given by his brother, we consider it likely that the soldier responsible was not from 1 PARA.

¹ AM124.5-6; Day 74/179-181; Day 74/223-229

³ AM120.5; Day 74/64-65

² Day 104/16-18

The evidence of the arresting soldiers from C Company

161.28 Sergeant INQ 2000 gave a written statement to this Inquiry that began “*I have absolutely no recollection of the events of 30 January 1972*”.¹ He was not called to give oral evidence. Sergeant INQ 2000 gave a statement to the RMP on 19th May 1972. There, speaking of the time when the Chamberlain Street arrestees were put into a lorry, he said:²

“Whilst these people were being taken to the vehicle it was necessary to take hold of some of them by the shoulder and direct them towards the vehicle. This action was necessary in order to get them to move as they refused to go towards our vehicle. Obscene language was being used by these persons towards the Security Forces and on a number of occasions I told these people to “Fucking shut up” and “Get a fucking move on” whilst directing them towards the vehicle, however this language was only used towards the people who were being abusive towards the Security Forces and never directed at or in the hearing of any women.

On arrival at FORT GEORGE, these people were again searched. This search was carried out by placing them against a wall with arms and legs outstretched.”

¹ C2000.1

² C2000.3

161.29 Sergeant INQ 2000 then listed the individual arrestees he had “*positively identified*”. He added: “*During the time that these people were in my custody, I did not assault any of them nor did I see any other members of the Security Forces assault them.*”¹ He gave a similar account when interviewed by the RUC.²

¹ C2000.3-4

² JC13.1

161.30 Private INQ 12 also made an RMP statement on 19th May 1972. Like Sergeant INQ 2000 he said that the arrestees directed verbal abuse at the security forces as they were being put into the lorry. He admitted that he had responded with obscene language.¹ The statement continues:

“On arrival at Fort George, the arrested persons were again placed against a wall in the search position. A number of these, I do not remember how many or who, refused to open their legs and it was necessary for me to force them open. I did this by gently placing my right foot between the persons feet from the rear and once I had got my foot between the arrested persons feet, I then pushed their legs apart with the side of my right foot. At no time did I kick anyone.”

¹ [C12.10-11](#)

161.31 The statement then lists the six arrestees Private INQ 12 had “*positively identified*” and continues “*During the whole time that these people were in my custody, I did not assault them nor did I see anyone else assault them*”. The statement concludes with a denial that Private INQ 12 had made any remarks about “*fresh meat*” to the dog handlers on duty at Fort George.

161.32 Private INQ 12 also denied any mistreatment of arrestees in a statement given to the RUC.¹

¹ [C12.14](#)

161.33 Private INQ 12 said to us that he was 5’6” in height and agreed that he was of stocky build and a Scotsman.¹ He said that he had travelled in the rear of the lorry with the arrestees² but, wrongly, suggested that he had made two trips to Fort George, the second for the purpose of identifying arrestees.³ He said that no-one was assaulted in the lorry on the way to Fort George.⁴

¹ [Day 351/46](#)

³ [Day 351/34](#); [Day 351/117-118](#)

² [Day 351/33](#)

⁴ [Day 351/53-54](#); [Day 351/127](#)

161.34 While prepared to concede that he had used obscene and abusive language towards arrestees,¹ Private INQ 12 repeatedly denied making remarks about “*fresh meat*” being available for the guard dogs.² He denied that he had “*brutalised*” arrestees at Fort George.³ Told of the evidence of Maurice McColgan, Private INQ 12 denied attempting to force the hands of arrestees onto the barbed wire fencing at Fort George.⁴ Counsel representing Private INQ 12 referred his client to the evidence of Charles McCarron (wrongly typed as McCannon) as summarised in an RUC report prepared in 1972:⁵

“Q. There then follows the allegation – I take it very shortly – that in fact somebody assaulted him, and he alleged that he had gone into hospital, which was as a result of that, not entirely borne out by the doctors. If there was any assault on that man, did you take any part in it?

A. No, sir, there was no assault that I know of.”

¹ Day 351/112; Day 351/121

⁴ Day 351/50-52

² Day 351/49-50; Day 351/52-53; Day 351/58

⁵ Day 351/129-130

³ Day 351/107

161.35 Like Sergeant INQ 2000 and Private INQ 12, Corporal 007 also told the RMP in 1972 that the arrestees had been verbally abusive. He said that he had not been verbally abusive towards or assaulted any person who had been in his custody.¹ He told us he had no recollection of arrestees being abusive towards him or his colleagues. He said that there was no mistreatment of arrestees either on the way to Fort George or on arrival there. In particular he denied the allegation that arrestees were made to run a gauntlet and beaten as they did so. He said that while arrestees would have been “*manhandled*” when getting off the lorry, he did not recall arrestees being struck. Corporal 007 defined “*manhandled*” as “*escorted them by the arms, shoulders, whatever it may be*”. He could not recall hearing a “*Scots Para*” making a comment to the effect that there was “*fresh meat for the dogs*”.²

¹ B1384

² Day 310/45-49

Conclusions

161.36 For reasons that we gave during our consideration of the arrests at 33 Chamberlain Street,¹ we do not have confidence in the evidence of Private INQ 12.

¹ Chapter 66

161.37 While we are satisfied that colourful language was being used by some prisoners and by some soldiers, including Private INQ 12’s use of the phrase “*fresh meat*”, and that soldiers assisted some prisoners into the lorry with shoves and pushes, we are not persuaded, in the circumstances, that excessive force was used.

161.38 Civilian evidence about ill-treatment of arrestees while being driven to Fort George varies from no mistreatment to the baton gun incident alleged by William McCloskey. In our view there was no ill-treatment of these arrestees during their journey to Fort George.

- 161.39** We are satisfied that the Chamberlain Street arrestees had to run past soldiers after disembarking and that in some cases they were subjected to physical mistreatment when so doing. Also they were justifiably alarmed by the presence of the guard dogs and their closeness.
- 161.40** We are satisfied that the Chamberlain Street prisoners were shouted at and made to stand in an uncomfortable position for periods of time and that their legs may have been kicked apart by soldiers. While the Chamberlain Street arrestees were not mistreated at Fort George to the same extent as the civilians arrested by soldiers of Support Company, we are satisfied that some of them were ill-treated.

Chapter 162: Identification of arrestees by soldiers at Fort George

162.1 There was one reason for soldiers from Support Company and C Company of 1 PARA to go to Fort George. That was to identify, and make statements against, civilians whom those soldiers had seen engaged earlier in riotous behaviour in the Bogside. A positive identification placed that civilian at risk of prosecution and a six-month prison sentence.

162.2 We have referred to the evidence of RMP officers who said that the arresting soldiers were to identify arrestees one by one. While that may have happened for the Chamberlain Street arrestees where there were only three arresting soldiers, it is unlikely to have been the position with those arrestees identified by members of Support Company. That these arrestees were selected in groups is indicated by the 1972 accounts of Lance Corporal F¹ and Lance Corporal 229² and by evidence from arrestees including Fr Terence O'Keeffe and Fergus McAteer.³ The divide between the evidence of the majority of arresting soldiers and that of the arrestees is that the latter allege that the selection was made on a random basis. This underpinned, as the representatives for the majority of the families submitted, the subsequent fabrication by arresting soldiers of the contents of arrest statements made to the RMP.

¹ [B132-133](#)

³ [H21.28; AM42.3](#)

² [B2209-2210](#)

162.3 Three soldiers, Sergeant INQ 2000, Corporal 007 and Private INQ 12, identified all the Chamberlain Street prisoners held at Fort George. It is doubtful whether any of them had an opportunity to observe the offences claimed because the three soldiers were in Waterloo Place well behind Barrier 14, until shortly before they went through Barrier 14. Even if the times and places of the offences were approximate, it is unlikely that they could have identified rioters at Barrier 14, as these three soldiers, after leaving Waterloo Place, were not among the first soldiers to cross Barrier 14. It would be too much of a coincidence that the three soldiers who entered 33 Chamberlain Street were also the only soldiers able to identify rioters, whether in Chamberlain Street or at Barrier 14. Elsewhere in this report¹ we rejected the assertions of Corporal 007 and Private INQ 12 that they identified any of these arrestees as rioters and concluded that they made false statements. As to Sergeant INQ 2000, while we doubted that he could make correct identifications, we are unable to determine whether his identifications were made in good faith.

¹ [Chapter 66](#)

162.4 We have earlier mentioned the identification of the five William Street arrestees by Lance Corporal F, Private INQ 635, Corporal E and Private INQ 1237. These arrests were made by unidentified members of A Company. We do not know why the soldiers responsible did not go to Fort George in order to identify their arrestees. The consequence is that Charles Glenn, Joseph McColgan, John Rodgers, Michael McCallion and Patrick Martin Norris should have been released from Fort George without charge. Instead, four members of Support Company took it upon themselves to make statements identifying these men as having thrown stones. We have not found any evidence which can justify the accounts these four soldiers gave to the RMP at Fort George, nor is there any basis to say that their identifications of these five men were made by mistake.

162.5 The identification process is further illustrated by two identifications made by Lance Corporal F of Fr O’Keeffe and Eugene Bradley (also known as Thomas Lawrence Bradley). In arrest statements made at Fort George, he claimed that both arrestees had been “*throwing stones at my patrol*” in William Street at “*about 1615 hrs*”. This was the same account as he gave in the arrest statements for Patrick Martin Norris and Michael McCallion. Yet the only time Lance Corporal F could have made that observation is as he crossed William Street sitting in the rear of an Anti-Tank Platoon APC. The evidence of Fr O’Keeffe is that he was in Rossville Street and made his way towards Glenfada Park North as the vehicles of Support Company moved south down Rossville Street.¹ Eugene Bradley told us that he began to run south along Rossville Street when told that “*the army was moving in*”.² We do not accept the possibility that Lance Corporal F’s reference to seeing these two arrestees throwing stones in William Street was made in error and that when he saw them in the area of Glenfada Park, where they were arrested, he assumed they were stoning there. In our view he arbitrarily placed them in William Street without any basis for doing so.

¹ H21.20; H21.45

² AB113.1

162.6 We have formed the view that, apart from the six Rossville Street arrestees, the identification process conducted by those members of 1 PARA who went to Fort George was in significant respects entirely arbitrary, soldiers having no proper basis for the descriptions or reasons they gave. There appears to have been a large-scale failure to act in good faith, and their actions illustrate that many soldiers were prepared to lie.

162.7 Elsewhere in this report,¹ we consider the question of the legal powers of arrest available to the soldiers on Bloody Sunday.

¹ Chapters 195 and 196

Chapter 163: Allegations of complicity on the part of the Royal Ulster Constabulary

163.1 We should note that in their closing submissions those acting on behalf of the majority of the families and the wounded made four allegations against the RUC institutionally and two against the 12 RUC officers present at Fort George on the evening of 30th January 1972.¹ After considering the response of the Crown Solicitor on behalf of the RUC, we considered that these allegations should be disallowed and not published. They were not raised when RUC officers gave evidence and furthermore in our view had no relevance to our purposes for examining the events at Fort George. Accordingly we do not consider these allegations in this report.

¹ [FS1.2703-4](#)

Chapter 164: Conclusions

164.1 We have not followed up every mention of mistreatment by arrestees from the time of their arrest until their release, or every denial of mistreatment made by soldiers. There were 53 arrestees in Fort George that evening and a somewhat similar number of soldiers and RUC officers. Of this number, some made no contemporary statement and others had or said they had no current memory of the events, events that took place in a confusing and highly emotional environment. Such circumstances, in most cases, make it impossible to identify a particular soldier with any alleged mistreatment. We have, however, examined sufficient allegations of abuse, which, taken with what can only be termed sham identifications of arrestees, satisfy us that some soldiers of Support Company and C Company who were involved in the arrest, detention and identification process were prepared to make knowingly false statements at the time and afterwards to give knowingly false accounts of what they did and saw. In short, arrestees were knowingly misidentified as rioters and some were physically mistreated. This conduct by soldiers of 1 PARA was, in our view, inexcusable.

Other Events and Matters

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Chapter 165: The Loden List of Engagements

165.1 At or shortly before 1719 hours, 8th Infantry Brigade ordered 1st Battalion, The Parachute Regiment (1 PARA) to return to its original base, that is its Forming Up Position.¹ In the case of Support Company this was at Clarence Avenue. 1 PARA completed this manoeuvre by 1730 hours.² According to Captain INQ 1853, one of 1 PARA's watchkeepers, Lieutenant Colonel Derek Wilford then met his Company Commanders at the Gin Palace (part of the 1 PARA tactical headquarters), where they informed him "*who had fired what*" and "*how many rounds they had fired*".³ Captain INQ 1853 told us that he recalled compiling the numbers "*as the commanders reported*".⁴ He stated that he believed that Major Loden, the Commander of Support Company, was present.⁵ We are satisfied that the following entry, found in the 1 PARA log and timed at 1810 hours,⁶ was based on the information that Colonel Wilford obtained at that time from his Company Commanders, including Major Loden:

"CAS (OWN)		Ammo Expended		Arrests
		Ball	Baton	
A	Nil	NIL	Nil	NIL
C	Nil	Nil	4	28
D	Nil	Nil	Nil	1 (051 WP)
Sp hurt back		108	64	28
				57
Sp Coy engaged		Nail bombers	x 6	
		Petrol	x 1	
		Gunmen	x 7	
		Acid	x 1"	

¹ W141 serial 581

⁴ Day 255/111-112; Day 255/120-121

² W141 serials 579-586; W142 serial 602; W91 serials 42-44

⁵ C1853.5-6

³ C1853.5-6

⁶ W91 serial 45

165.2 Major Loden told the Widgery Inquiry and this Inquiry that at around 1730 hours, after Support Company had returned to Clarence Avenue, he commenced interviewing some of the soldiers who had fired.¹ According to his account, using a gridded map, Major Loden attempted to determine the position of the soldier when he fired, the location and weapon of his target and the result of the shot, the particulars being written down in his notebook.

¹ [WT12.17](#); [B2283.008-009](#)

165.3 The manuscript list prepared by Major Loden in his notebook during the interviews has not survived. Major Loden told this Inquiry that when the list was completed he handed it to 1 PARA headquarters and he had not seen it since.¹ However, the 1 PARA Adjutant, Captain Mike Jackson, made a manuscript copy of Major Loden's list.² From either Captain Jackson's copy or Major Loden's original list, a typed list headed "GUNBATTLE" was prepared. During the course of this Inquiry, the list became known as the "Loden List of Engagements" or the "Loden shot list". A description following the heading indicates that 15 listed "engagements" took place between approximately 1617 hours and 1635 hours. We set out below the typescript list.³

¹ [Day 343/70-71](#)

³ [B2214](#)

² [B2214.005](#); [CJ1.61](#); [Day 384/10-11](#)

GUNBATTLE

The following engagements took place during the gunbattle which lasted from approx 1617 hours to 1635 hours:-

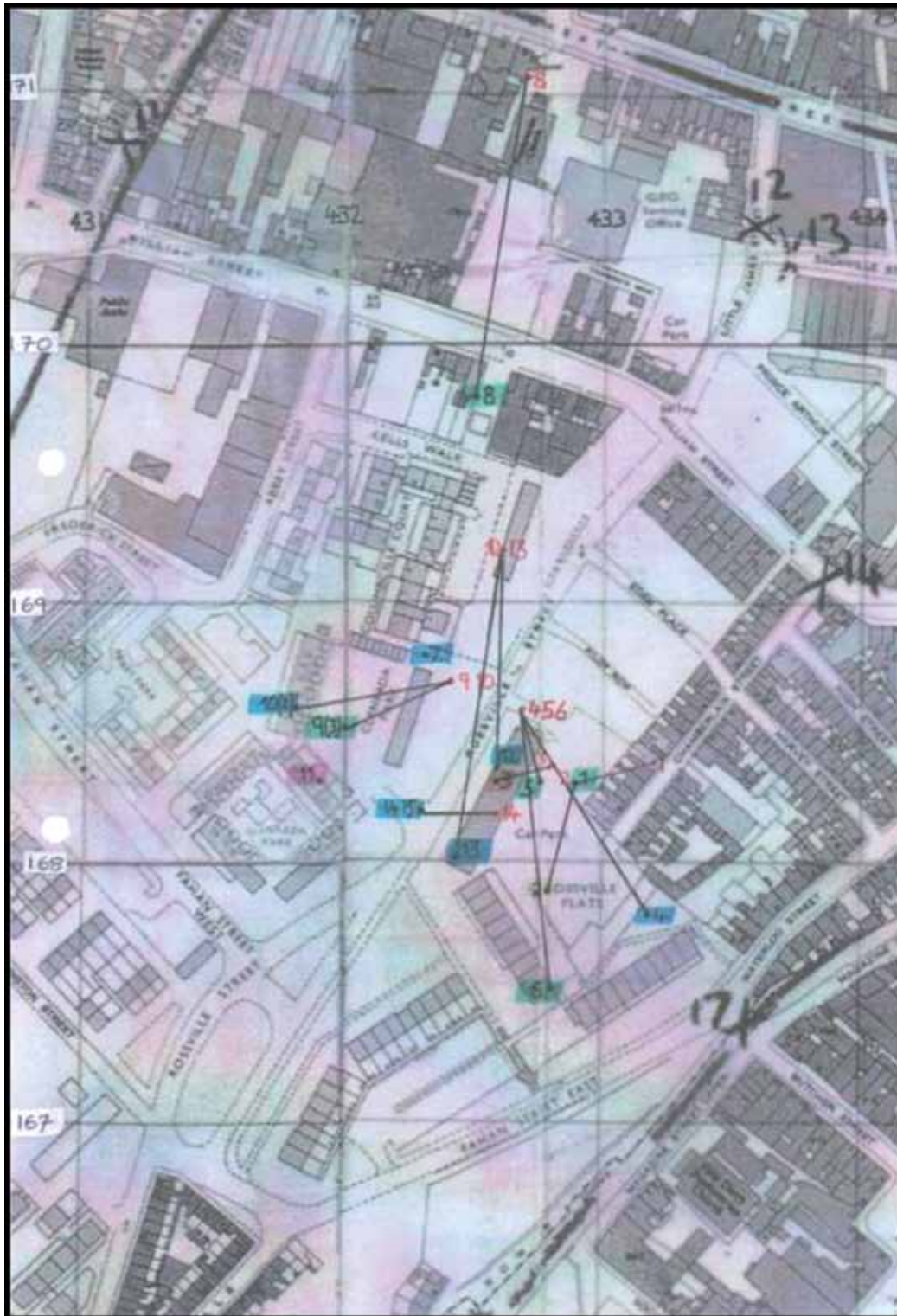
1. One nail bomber at GR 43291683 shot from GR 43321684. Hit in thigh (Back of houses in Chamberlain St).
2. One petrol bomber at GR 43281679 shot from GR 43291683. Apparently killed (Car Park).
3. One bomber at GR 43261683 (top floor of flats) shot from GR 43281684. Apparently killed.
4. One gunman with pistol at GR 43321678 behind barricade at end of Chamberlain St shot from GR 43271686. Hit.
5. One nail bomber (bomb had lighted fuse) at GR 43281683 (Car Park) shot from GR 43271686. Hit.
6. One nail bomber at GR 43281675 (Car Park) shot from GR 43271686. Hit.
7. 1 gunman with pistol fired 2 rounds at a soldier armed only with a baton gun at GR 43231688 (Alleyway). Soldier fired one baton round and withdrew swiftly.
8. 1 nail bomber at GR 43251698 (William St) shot from GR 43271711. Hit.
9. 3 nail bombers at GR 43201685 (Glenfada Park) shot from GR 43241687. All hit.
10. 2 gunmen with pistols at GR 43181686 (Glenfada Park) shot at from GR 43231687. One hit, one unhurt.
11. 1 sniper in toilet window at GR 43191683 fired upon. Not hit.
12. 1 gunman with pistol at GR 43261684 (3rd floor of Rossville Flats) shot at from GR 43261692. Possibly hit.
13. 1 gunman with rifle at GR 43241680 (ground floor of Rossville Flats) shot from GR 43261692. Hit.
14. 1 gunman with rifle at GR 43231682 (barricade) shot from GR 43261682. Killed. Body recovered.
15. 1 gunman with rifle at GR 43231682 (barricade) shot from GR 43261682. Killed. Body recovered.

165.4

Based on the grid references in the list, the representatives of some of the interested parties prepared trajectory maps for each of the 15 listed engagements¹ and, as well, the following consolidated plan showing the trajectories for the 15 engagements.²

¹ OS2.46; OS2.48; OS2.50; OS2.52; OS2.54; OS2.57;
OS2.59; OS2.61; OS2.64; OS2.66; OS2.68; OS2.70;
OS2.72; OS2.77

² OS1.807



- 165.5** In the course of the report, we examine each of the 15 listed engagements in detail as we evaluate the soldiers' accounts of their firing. This chapter of the report is concerned with the preparation of the list.
- 165.6** Major Loden's list was incomplete and lacking in information that might have provided us with assistance. As is discussed below, it did not refer to every shot fired by a 1 PARA soldier on the day. In the incidents that are included, a number of highly relevant details, most notably the names of the firing soldiers and the number of rounds they fired, go unrecorded, and it is not possible to tell how many soldiers were involved in each exchange. Finally, some of the grid references contained in the list mean that several targets were on the other side of buildings from the soldiers who claim to have seen and then fired at them; this clearly casts doubt on the accuracy of these grid references.
- 165.7** The list became controversial as the representatives of some of the interested parties in their final submissions alleged that the list provided "*further compelling material from which it may be inferred that some members of the Parachute Regiment decided at an early stage to provide a bogus account of what happened*".¹ The allegation appears to be that Major Loden either invented the list or was complicit by knowingly accepting soldiers' untruthful accounts or that, at the least, he recorded in good faith false accounts given by some soldiers. Underlying the allegations is that the list played some part in a cover-up to conceal the emerging truth that some innocent civilians had been shot and killed by soldiers of 1 PARA, although it is not explained exactly how this conspiracy is said to have worked.
- ¹ FS2.14; FS3.15
- 165.8** The circumstances under which Major Loden compiled the list were far from ideal. The interviews took place hurriedly in the back of his dimly lit and cramped command vehicle.¹ Major Loden recorded eight-figure grid references to identify relevant positions, but as the map he worked from had only three figures for each axis, he had to estimate the fourth. He and the soldiers were not familiar with either the map or the area they were attempting to describe. While these factors may explain why there are errors in the list, including mistakes that led to some impossible trajectories being described, they do not on any view explain why the list fails to account for all the casualties that resulted from the 1 PARA action.

¹ Day 344/13-14

165.9 The omission of so much information that could have been included in the list is unfortunate from our point of view, as its lack of detail has deprived us of what might have been a more useful contemporary record. Captain Jackson told us that the compilation of the list was an operational rather than an investigative procedure.¹ He explained that the compilation of the list was an “*operational reporting*” process, meaning that it was normal procedure in the course of an operation to inform higher command of the locations in which shots had been fired and the targets at which they had been fired; a completely different process from an investigative exercise intended to examine the actions of the individual soldiers. It was suggested that plotting the position of the target and the firer would seem to have little use for ongoing operations, but we are not persuaded by this. For ongoing operations it might well be important for 8th Infantry Brigade to know where shots had been fired and where paramilitaries had been operating; and to be told whether and where paramilitaries had been wounded. Of course such information would also be highly material for an investigation into what happened, and for investigative purposes further details would be equally important, such as the names of the soldiers concerned and the number of rounds they fired.

¹ [Day 384/32](#)

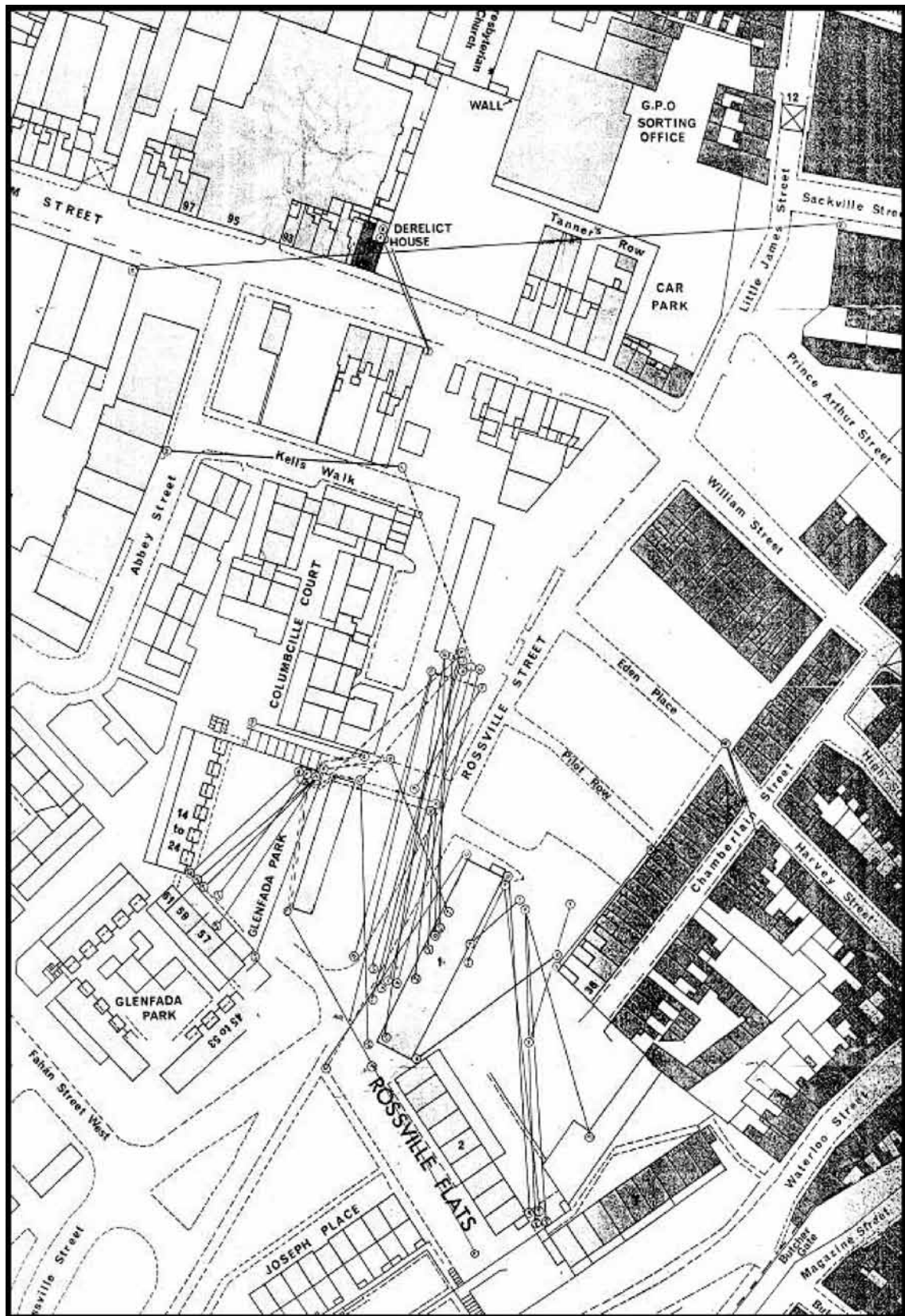
165.10 We accept Captain Jackson’s evidence of the purpose for which the list was initially prepared; and find nothing sinister in the fact that it did not include details such as the names of the soldiers and the number of rounds fired. However, the list did play a role in the Army’s explanations of what occurred on the day. Colonel Maurice Tugwell, a staff officer at Headquarters Northern Ireland with responsibility for information policy, was interviewed by BBC Radio on 31st January 1972 at about 1.00am. During the interview he referred to members of 1 PARA coming under fire in 25 “*shooting engagements*”, with 1 PARA responding to 15.¹ We are of the view that one of the sources of Colonel Tugwell’s information was Major Loden’s list, which also recorded 15 occasions on which soldiers of 1 PARA fired their weapons. Colonel Tugwell specifically mentioned an incident in which a soldier with a baton gun was fired upon twice; this corresponds with item 7 on Major Loden’s list. In his evidence to this Inquiry, Colonel Tugwell told us that he could not recall seeing the list, but that “*it is the sort of material*” he would have relied on for his broadcasts.² It also appears that information from the list was used by Lord Balniel, the Minister of State for Defence, in the House of Commons on 1st February 1972, when he defended the actions of the soldiers and claimed that they had fired “*in self-defence or in defence of their comrades who were threatened*”.³

¹ [B1316](#); [B1318](#)

³ [G106.645](#)

² [B1333.006](#)

- 165.11** That the list is not comprehensive is clear from a comparison between the map above, which shows the exchanges recorded in the document, and the following diagram of all of the shots that members of 1 PARA acknowledged firing in their evidence to the Widgery Inquiry. This document, which was prepared for the Widgery Inquiry, is based on the trajectory photographs for each soldier who acknowledged firing. It includes one shot that was fired by Lance Bombardier Z, who was not a member of 1 PARA, and hence would not have appeared on Major Loden's list even if that list had been complete. This is the shot represented by a line running from the corner of Sackville Street to a building on the southern side of William Street.



165.12 The evidence of Major Loden, his Platoon Commanders and the firing soldiers does not assist in establishing who was and who was not interviewed, or the reasons for the lack of a more complete record. This issue was not examined at the Widgery Inquiry, and by the time they came to give evidence to us, very few of those involved said that they retained useful memories of the events in question. Most of the soldiers told us that they could not recall being interviewed by Major Loden, namely Corporal A¹; Private B²; Private C³; Lance Corporal F⁴; Sergeant K⁵; Private Q⁶; Private R⁷; Private S⁸; Private U⁹; and Lance Corporal V¹⁰; and one who did, Private H, said he could not remember the details of what happened.¹¹ Major Loden himself no longer knew whether he interviewed soldiers from Composite Platoon, although he thought that he did.¹² Lieutenant N, Lieutenant 119 and Captain 200, who were all apparently told to send those members of their platoons who had fired to see Major Loden, told us they could not be sure who actually went.¹³

¹ Day 297/86-87

² Day 311/47-48

³ Day 354/68

⁴ Day 376/141-142

⁵ Day 364/172-173

⁶ Day 339/62

⁷ Day 337/70-71

⁸ Day 332/75-77

⁹ Day 369/180

¹⁰ Day 333/153-154

¹¹ Day 378/57-59

¹² Day 343/68-69

¹³ Day 364/78-79; Day 322/100-101; Day 367/150-151

165.13 Despite this, we have attempted to establish the source or sources for each of the 15 entries on the list by comparing the information recorded by Major Loden with the evidence that the firing soldiers gave to the Royal Military Police (RMP) and to the Widgery Inquiry. The results of this exercise are set out below. In some cases the match is imperfect or tentative, not least because it is often not clear how many soldiers were involved in a single incident. We explain the reasons and the level of certainty behind each of the following identifications in the parts of this report that deal with the events in the relevant sector. We should make clear that the descriptions given below are based on the evidence of the soldiers. Whether we accept or reject their accounts are matters that we consider in detail in the course of this report.

- Entry 1 – Lieutenant N's last shot
- Entry 2 – Lance Corporal V's only shot
- Entry 3 – Private T's two shots
- Entry 4 – Private R's shots at his second target
- Entry 5 – Private R's shot at his first target

- Entry 6 – Private Q's only shot
- Entry 7 – Private 017's baton round fire at a gunman
- Entry 8 – The shots of one or both of Corporal A and Private B
- Entry 9 – The shots of Lance Corporal F and Private H inside Glenfada Park North
- Entry 10 – (Possibly) Private G's firing inside Glenfada Park North
- Entry 11 – Private H's 19 shots against a sniper at a bathroom window
- Entry 12 – Private C's shots against his second target and Lance Corporal D's two shots
- Entry 13 – Private C's shots against his first target
- Entry 14 – The shots of some or all of Sergeant K, Private L and Private M
- Entry 15 – The shots of some or all of Sergeant K, Private L and Private M

165.14 It appears from these identifications that Major Loden first interviewed members of Mortar Platoon (Lieutenant N, Lance Corporal V, Private T, Private R, Private Q and Private 017). He then saw one or both of the two Machine Gun Platoon soldiers (Corporal A and Private B) who fired, before moving on to Anti-Tank Platoon (Lance Corporal F, Private G and Private H) and Composite Platoon (Private C, Lance Corporal D, Sergeant K, Private L and Private M).

165.15 It seems to us that the following shots are not referred to on Major Loden's list:

- Lieutenant N – his first three (warning) shots and the live round that he ejected
- Sergeant O – all eight of his shots
- Corporal P – all nine of his shots
- Private S – all 12 of his shots
- Private U – his only shot
- Corporal E – all three of his shots

- Lance Corporal F – his first shot towards the rubble barricade; all of his firing to the south of the Rossville Flats; some of his last shots towards windows in Block 1 of the Rossville Flats
- Private G – his two shots along the alleyway to the north of Glenfada Park; possibly his final shot towards a window in Block 1 of the Rossville Flats
- Lance Corporal J – his two shots at nail bombers in Rossville Street
- Private L – his two shots fired towards a target in Abbey Street

165.16 On this basis, of the 108 claimed rounds expended by members of 1 PARA on Bloody Sunday, between 48 and 55 were not included on Major Loden's list of engagements. The figure of 48 rounds comprises four rounds from Lieutenant N, eight from Sergeant O, nine from Corporal P, 12 from Private S, one from Private U, three from Corporal E, five from Lance Corporal F (his firing at targets at the rubble barricade, to the south of the Rossville Flats and at the top floor of Block 1 of the Rossville Flats), two from Private G (his shots along the alleyway to the north of Glenfada Park North), two from Lance Corporal J and two from Private L. The figure of 55 rounds includes remaining shots that Lance Corporal F and Private G claim to have fired towards targets in the Rossville Flats, which may or may not have been included in Major Loden's list. The figures might even be higher if, for example, entry 8 did not result from interviews with both Corporal A and Private B, or if entries 14 and 15 did not include the shots fired by one or more of Sergeant K, Private L and Private M.

165.17 We discuss the reasons for each of these omissions in greater detail during our examination of the military evidence in the relevant sectors. In some instances, the explanation is clear and raises no further issues. Sergeant O and Corporal P accompanied the bodies of three of the rubble barricade casualties to Altnagelvin Hospital, and hence they would not have been available for interview in Clarence Avenue when Major Loden was compiling the list. Lieutenant N's evidence was that his first shots were fired above the heads of a crowd as a warning; it is possible that these were not considered to be part of an "exchange", and hence they were not included in the list. In other cases where some but not all of a soldier's claimed shots are included, questions are raised about possible discrepancies in the account of that soldier. The list shows, for example, that Lance Corporal F did not mention several shots that he later admitted to firing. There is no obvious reason, however, why some soldiers, notably Private S,

Lance Corporal J and Private U, either did not speak to Major Loden or admit to their firing, or were otherwise excluded from the list.

- 165.18** Two soldiers, Private David Longstaff of Anti-Tank Platoon and Private INQ 449 of Composite Platoon, told this Inquiry that they fired on the day but were not interviewed by the RMP and did not give evidence to the Widgery Inquiry. Their claims are discussed elsewhere in this report,¹ where we conclude that they did not fire on Bloody Sunday.

¹ [Paragraphs 123.69–96](#) and [123.104–117](#)

- 165.19** In our view Major Loden prepared the list substantially as he described. As we have observed, he did not interview all soldiers who fired. The list does not account for all of the 108 live rounds reported to 8th Infantry Brigade as having been fired by soldiers of Support Company. Nevertheless, we consider that the exercise was a genuine attempt by Major Loden to determine which members of Support Company fired that afternoon and what their targets were, by interviewing the soldiers concerned and recording what they told him. It is not surprising, given the difficult circumstances under which the list was prepared, namely the cramped and dark quarters, an inadequate map, the unavailability of some soldiers and the soldiers' unfamiliarity with the area, that the list was incomplete and inaccurate. We are satisfied that Major Loden prepared his list in good faith and not for the purpose of deliberate deception or cover-up, or to place the Army in a good light. Once again we should emphasise that whether soldiers told Major Loden the truth is a matter we discuss in detail when considering the accounts of the soldiers and the other evidence relating to their firing.

Chapter 166: The live ammunition count, spare rounds and modified rounds

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Introduction

- 166.1** The evidence given to the Widgery Inquiry by members of 1st Battalion, The Parachute Regiment (1 PARA) was to the effect that members of that battalion fired 107 live rounds on Bloody Sunday, and that one further bullet was ejected unfired. The individual allocations were as follows:

Machine Gun Platoon		
Corporal A	2 rounds	(B8-9)
Private B	3 rounds	(B25-27)
Anti-Tank Platoon		
Corporal E	3 rounds	(B94-96)
Lance Corporal F	13 rounds	(B137-138.001)
Private G	6 rounds	(B185-188)
Private H	22 rounds	(B233-235)
Lance Corporal J	2 rounds	(B272-274)
Mortar Platoon		
Lieutenant N	4 rounds fired; 1 round ejected	(B397-401)
Sergeant O	8 rounds	(B466-470)
Corporal P	9 rounds	(B591-593)
Private Q	1 round	(B635-637)
Private R	4 rounds	(B669-673)
Private S	12 rounds	(B706-708)
Private T	2 rounds	(B734-736)
Private U	1 round	(B766-769)
Lance Corporal V	1 round	(B801-803)
Composite Platoon (Guinness Force)		
Private C	5 rounds	(B51-54)
Lance Corporal D	2 rounds	(B75-76)
Sergeant K	1 round	(B297-299)
Private L	4 rounds	(B320-322)
Private M	2 rounds	(B359-362)
Total	108 rounds	

- 166.2** In his report, Lord Widgery wrote that he had no means of deciding which soldier fired or how many rounds each fired except for the evidence of the soldiers themselves.¹ Little time was spent at that Inquiry on the number of rounds fired, with the result that we have little evidence from 1972 to assist us.

¹ WT Rpt 25

166.3 It was submitted to us by those representing some of the wounded and families of the deceased that soldiers of Support Company, 1 PARA inaccurately reported the number of live rounds fired that afternoon; that, apart from this, the ammunition counts otherwise failed to account for all the shots fired; and that, because some soldiers maintained a private supply of bullets in addition to those issued to them, more shots might have been fired by soldiers of 1 PARA that afternoon than were counted or acknowledged. It also appears to be suggested that some soldiers might have had modified rounds.¹ We consider these submissions below.

¹ FS2.32-55; FS3.33-56; FS1.535; FS1.588-600

The ammunition count

The reporting of the ammunition count

166.4 The first reference on 30th January 1972 to an ammunition count conducted by 1 PARA is contained in the 1 PARA battalion log in an entry timed at 1810 hours.¹ This recorded that Support Company had fired 108 live rounds, while the other three companies had not discharged any ball ammunition. If, as in our view was the case, the figure for Support Company included the shots fired by members of Composite Platoon, then this entry is consistent with the evidence before the Widgery Inquiry as to the amount of live ammunition expended by 1 PARA soldiers. We reproduce this entry in its original form.

¹ W191

CAS (OWN)	Ammo Expended		Arrests
	Ball	Baton	
A Nil	NIL	NIL	NIL
C Nil	NIL	4	28
D Nil	NIL	NIL	1 (051 WP)
Sp [REDACTED]	108	64	28
hurt back			57
Sp Coy engaged	Mail bombers	x 6	
	Petrol	x 1	
	Gunner	x 7	
	Acid	x 1	

166.5 In contrast, the Brigade log contains an entry timed at 1945 hours that records information relayed to Brigade Headquarters by 1 PARA. In this it is stated that the latter had fired 106 rounds of live ammunition.¹ It is difficult to see how this can be reconciled with the figure of 108 rounds from the 1 PARA log and the Widgery Inquiry evidence,

even allowing for the possibility that the information given to Brigade Headquarters did not include the round that was ejected unfired by Soldier N.

¹ W57

166.6 Major INQ 1901 (the Operations Officer at 8th Infantry Brigade Headquarters¹) told us that he might have been the person who compiled the information found at serial 265 of the Brigade log. He said that it was “*based on information that had come in [from 1 PARA] over a period*”.² It seems to us that this may well be the reason for the discrepancy with the 1 PARA log, though it is possible that there was a simple error in communication or record-keeping. The communications to Brigade Headquarters regarding the number of rounds fired do not appear on the Porter tapes and so must have been made otherwise than on the Ulsternet (the Army radio network). In our view the entry in the Brigade log does not, of itself, cast doubt on the figure in the 1 PARA log.

¹ C1901.1

² Day 261/120-121

The evidence of Major Loden

166.7 Major Loden’s first specific reference to the ammunition count came in his statement of 17th February 1972. In this he wrote that he gave a ceasefire order at approximately 1635 hours: “*On my instructions the CSM [Company Sergeant Major] then called for an ammunition expenditure return.*”¹ In his evidence to the Widgery Inquiry, Major Loden repeated this evidence, and agreed that he ordered the ammunition count at the same time as he called for the ceasefire, and thus at 1635 hours.² Major Loden told the present Inquiry that he asked for an ammunition count at some point, but as it was not his responsibility to carry out such a check he did not know how the information was obtained.³

¹ B2222

³ B2283.008; Day 344/19; Day 345/22-23; Day 348/12-13

² WT12.16

166.8 We have elsewhere in this report¹ considered the list prepared by Major Loden (the “Loden List of Engagements”).² This described 15 “*engagements*” under the heading “*GUNBATTLE*”, but did not record the number of rounds fired or who fired them and hence is not directly relevant to the issues surrounding the ammunition count. However, the representatives of some of the families and wounded submitted³ that if the figure of 108 rounds was final and definitive, then it would have been included in Major Loden’s

statement. In our view the list was not prepared for the purpose of recording the number of rounds fired and accordingly we do not accept this submission.

¹ Chapter 165

³ FS2.55; FS3.56

² B2214

Evidence concerning Support Company's ammunition counts

The evidence of Warrant Officer Class II Lewis

166.9 Warrant Officer Class II Lewis was the Company Sergeant Major (CSM) of Support Company (and sometimes called by the cipher Warrant Officer 202). As such he was in charge of the company's ammunition issues.¹ He gave a statement to the Royal Military Police (RMP) on 14th February 1972 and gave written and oral evidence to this Inquiry. The totality of his evidence was that he conducted or ordered three different ammunition counts, namely:

1. a check at approximately 1700 hours on 30th January 1972 while the company was still in the Bogside;
2. a physical count of all remaining ammunition once 1 PARA had moved to Drumahoe on the evening of Bloody Sunday; and
3. a further physical count of all remaining ammunition, which was carried out on 31st January 1972 at Palace Barracks, Holywood.

¹ B203; Day 348/12-13

166.10 In his RMP statement, Warrant Officer Class II Lewis recorded that his company holding of 7.62mm ammunition consisted of 4,050 rounds.¹ This figure is consistent with that recorded in the RMP statement of Corporal 201, the battalion ammunition storeman,² whose evidence is discussed below. Of these 4,050 rounds, Warrant Officer Class II Lewis told the RMP that 2,950 were issued to "*my men*" for their operation in Londonderry on 30th January 1972.³

¹ B2030

³ B2030

² B2024

166.11 Warrant Officer Class II Lewis recorded in the same statement that after the shooting incidents on Bloody Sunday an ammunition count took place at about 1700 hours,¹ slightly later than is suggested by Major Loden's Widgery Inquiry evidence.² In 1972 Warrant Officer Class II Lewis described the exercise as a "*physical check*" carried out by

the Platoon Sergeants,³ but in his evidence to this Inquiry he said that this was incorrect, as this check was verbal and not physical.⁴ He described the check in the following terms:⁵

“I sent a corporal from the company headquarters around to each platoon location to confirm how many shots were being fired and who fired them and within 20 minutes of me sending that corporal around and also from enquiries made on the net, I got the return from the platoons as I requested of the number of people who had shot those rounds and who had actually shot them.”

¹ B2030

⁴ Day 373/3; Day 373/85; Day 373/176-179

² WT12.16

⁵ Day 373/84

³ B2030

166.12 Warrant Officer Class II Lewis did not refer to the ammunition check at Drumahoe until he gave oral evidence to this Inquiry.¹ He told us that the Drumahoe check was the first physical count of Support Company’s remaining ammunition, and that it occurred in the presence of the Special Investigation Branch (SIB) of the RMP and the Platoon Sergeants, at a time when the latter retained the ammunition that had been issued to their own platoons.² Warrant Officer Class II Lewis said that this exercise enabled him to confirm the figures for ammunition expenditure that had been given to him earlier in the day.³

¹ Day 373/3

³ Day 373/95

² Day 373/94-95; Day 373/179-180

166.13 Warrant Officer Class II Lewis told this Inquiry that on the following day, 31st January 1972, at Palace Barracks, the ammunition was checked again.¹ He said that he physically counted every single round that was returned to him, but pointed out that this was not as arduous as it may seem as the majority of the ammunition was still in sealed boxes.² His recollection was that by this time all of the company’s ammunition had been consolidated in the company store, and hence it would not have been possible to establish from this check alone how many rounds each platoon had fired.³ He gave the following account of this exercise in his RMP statement:⁴

“The Physical check of ammunition carried out by me on the 31 Jan 72 consisted of an actual count by me of the rounds returned to me by my Company and a comparison against my initial issues. By this method I arrived at the figure of 94 rounds of 7.62 ammunition being expended during the period that the ammunition was issued.”

¹ Day 373/96

³ Day 373/94; Day 373/96

² Day 373/94

⁴ B2031

166.14 Throughout his evidence, Warrant Officer Class II Lewis stated that there was a discrepancy of 94 rounds between the amount of ammunition issued and the amount returned.¹ He told us, and we accept, that he did not carry out a check of Composite Platoon's rounds, since he was not CSM of that platoon.² The count of 94 is consistent both with the Widgery Inquiry evidence of Support Company's soldiers and, when taken together with 14 rounds that Captain 200 said that Composite Platoon fired, with the 1 PARA log entry at 1810 hours on 30th January.³

¹ B2030-2031; Day 373/186

³ W191

² B2111.023; Day 373/83

The evidence of other members of Support Company about an ammunition count in the Bogside

166.15 There is a possible discrepancy between Warrant Officer Class II Lewis's evidence of an ammunition count taking place at about 1700 hours on Bloody Sunday and the evidence of Sergeant O and Corporal P. These two soldiers, who between them claim to have fired 17 rounds, were tasked with driving the bodies of the rubble barricade casualties to Altnagelvin Hospital.¹ On Sergeant O's 1972 evidence, they left the Bogside at approximately 1645 hours,² and thus potentially before Warrant Officer Class II Lewis's check began. It is notable that Sergeant O was a Platoon Sergeant, and as such it fell to him, according to Warrant Officer Class II Lewis's RMP statement, to organise Mortar Platoon's ammunition count. However, Warrant Officer Class II Lewis told us that his recollection was that the count was completed before Sergeant O left for Altnagelvin Hospital. In his oral evidence to this Inquiry, Sergeant O, when asked if some form of initial ammunition count might have been done while he was still in the Bogside, replied that if it happened, he did not remember it.³

¹ B442; B469; B593; B603; B623.002; CS3.207

³ Day 336/140-141

² B442; B469

166.16 The other Support Company Platoon Sergeants who were present on Bloody Sunday were Sergeant INQ 1694 of Anti-Tank Platoon and Sergeant INQ 441, who was Acting Platoon Commander of Machine Gun Platoon. The former is dead and gave no evidence to this Inquiry or to that of Lord Widgery.

166.17 Sergeant INQ 441 told this Inquiry that he instructed Corporal INQ 1686, his Acting Platoon Sergeant, to do an ammunition check after the CSM had called for one.¹ It is not possible to ascertain from his evidence precisely when this occurred, although Sergeant INQ 441 did recall that it was at a point when "*matters were quiet and it was clear that we*

had dealt with the situation and contained the area".² Sergeant INQ 441 said that the ammunition check would have involved someone going to each soldier and checking "*what ammunition they had left in his magazine and also in any bandoliers ... so as the company sergeant major can tally up the exact number of rounds that had been fired and what happened*".³ Hence it appears that he believed that a physical check was carried out, but it is not entirely clear when. Corporal INQ 1686 is dead, and gave no evidence to this Inquiry.

¹ C441.6

³ Day 303/91

² C441.6

166.18 There is more direct support for Warrant Officer Class II Lewis's evidence that some kind of ammunition count was carried out before Support Company left the Bogside from a number of other witnesses. Lance Corporal 033, one of Major Loden's signallers, told this Inquiry that before his unit withdrew he was tasked with going to each platoon to find out how many shots they had fired and then giving the total to the CSM.¹ There is no reference to this in his RMP statement,² though this is probably explicable on the basis that he was not asked about it. Lance Corporal 033 did not give evidence to the Widgery Inquiry.

¹ B1621.007; Day 324/82-83

² B1617

166.19 Corporal 162, from Mortar Platoon, stated to this Inquiry and to the RMP that he was involved, while still in the area of the Rossville Flats, in establishing how many rounds members of his platoon had fired.¹ Lance Corporal J told the Widgery Inquiry that an ammunition count was conducted before Anti-Tank Platoon left Rossville Street,² and Private H said to us that he remembered an ammunition check taking place in his Pig (Armoured Personnel Carrier) while it was on the waste ground to the east of Rossville Street.³

¹ B1961; Day 323/198-199

³ Day 378/62-63

² B274; WT15.33

The evidence of other members of 1 PARA about ammunition counts at Drumahoe

166.20 There is also evidence to support Warrant Officer Class II Lewis's account of an ammunition count at Drumahoe. Sergeant O told this Inquiry that after taking the casualties to Altnagelvin Hospital he drove to Drumahoe where he found that

Corporal 162 had already begun an ammunition check.¹ In his written evidence to this Inquiry he explained the procedure that would have been involved:²

“We were issued ammunition from the Company Sergeant Major and it was our responsibility to ensure that ammunition was checked and returned and all rounds were accounted for ... Once back at Drumahoe, I would have checked each member of the platoon to see whether he had full magazines or whether he had fired rounds. I would have consolidated my check into one entry for the platoon which I would have given to the Company Sergeant Major, 202 [Warrant Officer Class II Lewis]. I would have written this on a scrap of paper which I would then have thrown away.”

¹ B575.120-121; Day 335/114; Day 336/103-104

² B575.120-121

166.21 During his oral evidence, Sergeant O characterised the process as an “*overall count of ammunition returned back to me*”.¹ He added that each soldier would have handed his remaining ammunition either to him or to the senior Platoon Corporal (Corporal 162) who had initially undertaken the count.² On their return to Palace Barracks, Sergeant O would then have ensured that the ammunition was returned to the company store, of which Warrant Officer Class II Lewis was in charge.³ He said that he would have declared his ammunition state (ie acknowledged the difference between that which his platoon had been issued and that which his platoon now possessed) while at Drumahoe.⁴ Corporal 162, who gave his oral evidence to this Inquiry before Sergeant O, was not asked whether he took part in any ammunition count at Drumahoe.

¹ Day 336/104

³ Day 336/106-107

² Day 336/106-107

⁴ Day 336/108

166.22 Warrant Officer Class II 205, who was CSM of A Company, gave an RMP statement in which he dealt with the issue and return of ammunition to his company. In this he recorded that: “*On the return to our location at Drumahoe the ammunition was subsequently returned to me and I made a physical check and found all ammunition to be correct.*”¹ Although it does not follow that Support Company would necessarily have adopted the same routine as A Company, we consider that this account lends support to the evidence to this Inquiry of Warrant Officer Class II Lewis and Sergeant O.

¹ B2118

166.23 Warrant Officer Class II 204, who was CSM of C Company, recorded in his RMP statement that “*On the return of my Company to unit lines the ammunition was withdrawn from the men by the platoon Sergeants and returned to me*”.¹ There is no indication in this statement, or in his evidence to this Inquiry, as to where the “*unit lines*” were.

Like Warrant Officer Class II 205, Warrant Officer Class II 204 told the RMP that on the recall of the ammunition, all was present and correct.²

¹ [B2115-2116](#); [B2117.001-005](#)

² [B2115](#)

- 166.24** The evidence to this Inquiry of Sergeant 106 and Corporal 039, which is considered below, was also to the effect that some kind of ammunition count was carried out among at least part of Composite Platoon while they were at Drumahoe.

Evidence concerning Composite Platoon's ammunition counts

The evidence of Captain 200

- 166.25** Captain 200, the officer commanding Composite Platoon, recorded in a statement dated 5th February 1972 that he ordered an ammunition count immediately after his men had withdrawn to Clarence Avenue from the Bogside. He then spoke to each of the men who fired, and recorded that Composite Platoon had fired 14 shots on the day.¹ He gave consistent evidence to the Widgery Inquiry, adding that once they had reached Clarence Avenue he asked his two Colour Sergeants to compile an initial list of which rounds had been fired; and that he spoke to the firers after receiving that list.²

¹ [B1982](#)

² [B1987](#)

- 166.26** Captain 200 gave evidence to the same effect to this Inquiry,¹ and explained the provenance of his statement of 5th February. He said that he wrote an account of the relevant events a day or two after Bloody Sunday, at a time when he was back at Palace Barracks.² This document, which contained several precise details such as eight-figure grid references identifying the position of the firing soldiers, was based on notes that he made "*at the time*".³ It was not clear precisely when Captain 200 originally recorded each piece of information that subsequently appeared in his statement; it could have been at Clarence Avenue or later at Drumahoe.⁴ However, he thought that by the time he reported his platoon's firing to Major Loden on the evening of Bloody Sunday he was "*clear how many rounds were fired and who had fired them*".⁵ He also believed that before he began to write his account of events he had taken down the names of the firing soldiers and the number of shots that they had claimed.⁶

¹ [B2022.009](#); [Day 368/3-4](#)

⁴ [Day 367/146-155](#); [Day 368/5-7](#); [Day 368/70-75](#)

² [B2022.009](#); [B2022.040-050](#); [Day 367/158](#)

⁵ [Day 367/149](#)

³ [B2022.047](#); [Day 367/147](#)

⁶ [Day 368/71](#)

166.27 Captain 200 transcribed this statement into a fairer manuscript copy, which this Inquiry does not have, and handed this to the 1 PARA Adjutant (Captain Mike Jackson).¹ This was subsequently typed up on an RMP statement form, presumably on 5th February 1972.²

¹ B2022.009; Day 367/146

² B2022.009

The evidence of other members of Composite Platoon

166.28 The two Colour Sergeants who were present with Composite Platoon on Bloody Sunday were Colour Sergeant INQ 147 and Colour Sergeant 002, who were respectively attached to the two sections of Composite Platoon who went into the Bogside (sections CS71 and CS71A). The latter section included Private INQ 449.¹

¹ B2022.063; B1353

166.29 Colour Sergeant 002 gave a statement to the RMP¹ and written, but not oral, evidence to the Widgery Inquiry² and to this Inquiry.³ In his Widgery Inquiry statement he recorded that after the main shooting incidents he brought his platoon together at the north end of a block of flats where an ammunition check was conducted.⁴ He gave no further details, and it is not clear from this statement alone whether the flats in question were those at Kells Walk, Glenfada Park or the Rossville Flats.⁵ Colour Sergeant 002 mentioned the movement to this position in his RMP statement, but made no reference to an ammunition check.⁶ Neither of his 1972 statements dealt with events after his platoon moved out of the Bogside.⁷

¹ B1353-1356

⁵ B1362; B1363.007

² B1361-1362

⁶ B1350

³ B1363.001-007

⁷ B1356; B1362

⁴ B1362

166.30 In his written evidence to this Inquiry, Colour Sergeant 002 stated that: “As Colour Sergeant I possibly did an ammunition check but I cannot remember doing this. We would have asked the men to check their ammunition magazines and pouches and make a declaration.” As Colour Sergeant 002 did not give oral evidence to this Inquiry he could not be examined further on these points.¹

¹ B1363.005

166.31 Colour Sergeant 002’s evidence of an ammunition check at a relatively early stage after the main firing on Bloody Sunday is supported by Sergeant K, a member of CS71A who fired on the day. In his evidence to the Widgery Inquiry he said that an ammunition check was carried out “as soon as we consolidated our position in and around the ruined

buildings at the end of the Kells Walk at lower rise flats".¹ As with Colour Sergeant 002, Sergeant K's 1972 evidence did not extend beyond Composite Platoon's initial withdrawal from the Bogside.²

¹ WT15.84; B298

² B291; B298

166.32 In his evidence to this Inquiry, Sergeant K initially recalled that the ammunition check took place once he had returned to his vehicle,¹ but on being shown his 1972 evidence he said that he did not have a clear recollection as to where it took place, and he thought it "*quite feasible*" that there was more than one such check on the day.² He stated that he could not remember who carried out the ammunition checks,³ but that it would have been either Captain 200 or Colour Sergeant 002.⁴ He said he did not recall being questioned by Captain 200 while in Londonderry about the circumstances in which he fired.⁵

¹ B311.010

⁴ Day 364/172

² Day 365/45

⁵ Day 365/29-30

³ B311.012

166.33 Another member of CS71A who fired on Bloody Sunday, Private M, gave evidence to the Widgery Inquiry that would suggest that there were two ammunition checks before he and his platoon moved back to William Street:¹

"We then returned to our vehicles which by then were parked in William Street towards the direction of the William Street barricade. There was no ammunition check as this had taken place shortly after I had shot the two men I described and also another check had taken place in the derelict building."

¹ B361

166.34 Again, Private M did not give evidence in 1972 about what happened after Composite Platoon had moved out of the Bogside.¹

¹ B348; B361

166.35 In his evidence to this Inquiry, Private M stated that he could recall having his ammunition checked by a non-commissioned officer shortly after he fired, and he thought that it was subsequently inspected again.¹ He said he could not recall who carried out the checks or where, but he said that they would have involved the inspecting soldier examining his magazine to see how many rounds he had left.² He also said that he could not recall speaking to Captain 200 about his firing on the day before he returned to barracks.³

¹ B372.005

³ Day 365/131-136

² Day 365/109-110

166.36 Colour Sergeant INQ 147 gave written, but not oral, evidence to this Inquiry. He stated that he had very little recollection of the events of the day and he gave no evidence relating to ammunition checks or counts.¹

¹ [C147.1-3](#)

166.37 Three other soldiers from Composite Platoon, Private C, Lance Corporal D and Private L, stated that they fired on Bloody Sunday. Neither Private C nor Lance Corporal D gave evidence in 1972 about any ammunition checks,¹ and neither could recall, when asked at this Inquiry, giving Captain 200 an account of the rounds that they had fired.² However, Corporal C thought that something of this nature would have arisen as “*whatever rounds you signed out, you had to sign back in ... everything had to be accounted for*”.³

¹ [B15-68](#); [B69-85](#)

³ [Day 354/68](#)

² [Day 354/68](#); [Day 355/38](#)

166.38 Private L gave no evidence in 1972 about where and when any ammunition check took place. His evidence to this Inquiry was that some sort of ammunition check took place after his unit had returned to the area of the Presbyterian church.¹

¹ [Day 381/156-157](#)

166.39 Sergeant 106, a section leader in CS71,¹ initially told this Inquiry that he recalled an ammunition count taking place in the barracks where they stayed on the night after Bloody Sunday (seemingly a reference to Drumahoe),² although later in his evidence he said that he did not have much recollection of the location.³ He said that he would have counted the remaining ammunition of each of the four or five soldiers in his section before handing the rounds over to the CSM.⁴ He recalled that no-one had fired,⁵ but he could not remember the names of the men that he worked with on Bloody Sunday.⁶ Sergeant 106 stated that he had no recollection of Major Loden or Captain 200 speaking to those members of Composite Platoon who had fired rounds; however, as, on his account, neither he nor anyone in his section had fired he would not have been directly involved in this exercise.⁷ He did not deal with the ammunition count in his RMP statement.⁸

¹ [B1713.001](#); [B2022.063](#)

⁵ [Day 299/75](#)

² [B1713.005](#); [Day 299/76](#)

⁶ [B1713.001](#)

³ [Day 299/99-100](#)

⁷ [Day 299/74](#); [Day 299/100-107](#)

⁴ [Day 299/75](#); [B1713.001](#)

⁸ [B1711-1712](#)

- 166.40** Corporal 039, who was also deployed with CS71A and who fired a baton round on Bloody Sunday, told this Inquiry that he remembered an ammunition check at Drumahoe. However, he recalled that weapons and ammunition were retained until 1 PARA returned to Palace Barracks.¹

¹ [B1561.6](#)

The evidence of Private 203

- 166.41** Private 203 was the ammunition storeman for headquarters or Command Company of 1 PARA at the time of Bloody Sunday. He described his role in the issuing of ammunition in his RMP statement:¹

“The system of ammunition issues to men of the Company is as follows: The men requiring arms and ammunition for duty report to me personally, and I issue them with their weapon and the ammunition required and shown in the daily detail. The men sign for their weapon and ammunition which they count and check. When they return it I count and check it and if any rounds have been fired I report the fact in writing to my CSM. Replacement rounds are issued by 201, the unit arms storeman.”

¹ [B2112](#)

- 166.42** In relation to the ammunition that was issued and returned on Bloody Sunday, Private 203 told the RMP that he did not provide all of Composite Platoon with their arms and ammunition, as some of them would have obtained these from B Company stores. However, on the morning of 30th January 1972 he did provide 26 men with 50 rounds of 7.62mm ammunition, and one man with 40 rounds. He stated that on 1st February these men returned from temporary duty in Londonderry and handed in their arms and ammunition. Private 203 told us he “*personally checked the ammunition and compared it with the issue sheets*”. This exercise showed that 14 x 7.62mm rounds had been expended, and Private 203 reported this.¹

¹ [B2112-2113](#)

- 166.43** In his evidence to this Inquiry, Private 203 explained the procedure that would be employed when a soldier returned his weapon and ammunition after an operation:¹

“8. When the weapon and ammunition were returned at the end of the operation, I would sign the ledger to show that the amount of ammunition and the weapon were the same as the soldier had been issued with.

9. Each soldier was required to prove to me that his gun was clear. I would take the weapon away and check the butt number and the ammunition against the log before I signed the log. The ammunition was normally in black clips of five in bandoliers and so I counted the ammunition in batches of five. It was easy to tell at a glance if one round was missing. If there was a gap, I would spot it straight away. If there were any shortfalls in the amount of ammunition handed back, I would red circle the amount and report to the Sergeant Major. I would take him the ledger rather than submitting a written report. If there had been firing in the company, I would submit a statement to the SIB. If there was no firing and the round count was wrong, it was a disciplinary matter as it would mean that a round had been lost and I would give evidence to a disciplinary hearing, if required.

10. The Sergeant Major would then carry out a complete arms check every Friday, including checking serial numbers of all weapons held in the stores plus all ammunition.”

¹ [B2114.002](#)

166.44 He told us that after Bloody Sunday the ammunition that was returned to him at Palace Barracks would have been checked, by him personally, in this way.¹

¹ [B2114.006](#); [B2114.007](#); [Day 306/115](#)

166.45 During his oral evidence Private 203 was asked about how he checked and cleaned the weapons that were returned to him. He said that the latter duty fell upon him as Command Company was, in general, comprised of senior ranks and hence he was given the permanent position of ammunition storeman in order to do such chores for them.¹ After an operation, he said, he would clean each weapon, going through each one systematically.² He said that he would be able to tell if a weapon had been fired from the smell (if he received the weapon before this dispersed) and from carbon deposits inside the chamber.³ He was asked if he recalled having any reason to think that any member of Composite Platoon had fired without admitting to having done so; he replied that he did not.⁴ He said that if he had come across a weapon that he suspected had been fired then this would have been something that he would have remembered and reported.⁵

¹ [Day 306/62](#)

⁴ [Day 306/63](#)

² [Day 306/64](#)

⁵ [Day 306/63](#)

³ [Day 306/62-63](#)

166.46 After Private 203 gave his initial evidence to this Inquiry, it emerged that in 1978 he was convicted of a number of offences involving firearms. When recalled, his evidence was to the effect that these matters did not alter his evidence or any pertinent facts as to what happened on Bloody Sunday. We are of the view that these convictions did not devalue the evidence that he gave to us.¹

¹ [B2114.013-016](#); [Day 382/23-62](#)

166.47 If Private 203's evidence to the RMP and to this Inquiry is correct, which in our view it probably is, then it follows that on 1st February 1972 he conducted a physical count of the 7.62mm ammunition carried by 27 members of Composite Platoon on Bloody Sunday. This revealed that 14 rounds had been discharged, a figure that is consistent with the evidence of Captain 200; with the 1 PARA log entry at 1810 hours;¹ and with the subsequent evidence of Composite Platoon soldiers to the Widgery Inquiry. As we have noted, Private 203, who cleaned the weapons used by members of Command Company, believed that he would have noticed and reported any rifle that had been fired by a soldier who did not admit to having done so.

¹ [W191](#)

166.48 Private 203's evidence that he did not supply ammunition to every member of Composite Platoon is confirmed by the RMP statement of Lance Corporal 206, the B Company arms storeman. He recorded that early on the morning of 30th January 1972 he issued weapons and ammunition to some members of Composite Platoon. He retained the arms sheets until 2nd February when the ammunition and weapons were returned to him.¹ Lance Corporal 206 then checked the number of rounds issued against the number returned and found that there was no discrepancy. He told us he did not provide figures for the amount of ammunition in question as the daily arms sheets on which he had recorded these had been destroyed, something that he said was normal procedure. He noted that there was a daily weapons and ammunition check carried out by the duty officer.² In his written evidence to this Inquiry, Lance Corporal 206 was unable to assist further as to his role on Bloody Sunday.³ He did, however, state that he did not accept the return of a weapon unless it was clean.⁴

¹ Lance Corporal 206's RMP statement records the return of "arms and ammunition sheets", but he stated in his evidence to this Inquiry that this must have been a mistake for "arms and ammunition" ([B2123.003](#)). We are sure this is correct as Lance Corporal 206 told the RMP that he retained the ammunition sheets and, if taken literally, the statement would leave unresolved the question of what happened to the ammunition that Lance Corporal 206 had issued.

² [B2121](#)

³ [B2123.001-003](#)

⁴ [B2123.001](#)

The evidence of Corporal 201

166.49 Corporal 201 was the battalion ammunitions storeman for 1 PARA at the time of Bloody Sunday. He was based at Palace Barracks in Holywood, and was responsible for controlling the battalion's ammunition bunker and issuing ammunition to each company.¹ He gave evidence to the Widgery Inquiry and to this Inquiry.²

¹ B2023; B2029.001

² B2023-2029.003; WT17.64-67

166.50 In his evidence to this Inquiry, Corporal 201 explained that he issued the relevant amount of ammunition to each company at the start of their two-year tour of duty in Northern Ireland. From then on the ammunition (and weapons) were generally stored in company armouries, which were separate from the ammunition bunker that Corporal 201 controlled.¹

¹ B2029.001

166.51 Corporal 201 told us that he retained records of how much ammunition had been issued in a ledger (known as a "183"), and through certificate issue vouchers (known as "1033s") which were used to back up the contents of a ledger.¹ Corporal 201 explained the system in place for recording the use of live rounds on operations:²

"7. If a round was expended on an operation it was necessary to account for this in the ledger. The Regimental Sergeant Major or Quartermaster would be informed of the expended or lost round and the Quartermaster then informed me. The details provided to me of the circumstances in which the round was expended were limited. I was told about the amount and type of rounds expended and very brief details of the operation on which, and the location where, they were expended, eg the details might be, internal security, the date and the general area, (normally limited to the town) where the round was expended. A new 1033 was issued in respect of each round expended. The information that had been provided to me was included in a new 1033 typed by the Quartermaster, signed by the Officer in Charge and stamped by the Major or Quartermaster to confirm that it had been issued. The 1033 would then be sent to the appropriate Commanding Officer for him to check and sign. Once this was done I amended the running balance of rounds issued in the ledger, in accordance with the new 1033, so that the ledger reflected the amount of rounds now held by the Company. Once a week or so the Company Orderly Sergeant came down to see me to check that what was in stores was in accordance with the contents of the ledger."

¹ B2029.001-002

² B2029.002

- 166.52** He agreed, during his oral evidence, that the ledger was, in effect, a “*record of the running total of the ammunition in issue to the relevant companies from time to time*”.¹ He also explained that the stock check conducted by the company orderly sergeant involved random inspections of items in the battalion ammunition bunker in order to ensure that the ledger correctly recorded what was retained there.² The following exchange with Counsel to this Inquiry demonstrated how the system worked:³

“MR CLARKE: As I understand it your ledger will tell you two different things. The first is how much is left in your store and the second is how much ought to be left in the company’s store; is that right?

A. That is basically correct, yes.

Q. Again, forgive me simplifying it. If you start with 20,000 bullets and you issue 5,000 bullets, the ledger will show that you have issued 5,000 bullets to the company, assume there is just one company, and that will show that you should have 15,000 bullets left?

A. That is correct.

Q. The ledger will also show, if 100 of those 5,000 bullets are expended, that the company should have 4,900 not 5,000 bullets to return; is that right?

A. That is correct, yes.

Q. What you are describing in the last sentence of paragraph 7 is a company orderly sergeant coming round to check, in my example, the 15,000 bullets that ought to be in your store?

A. That is correct.”

¹ Day 351/138

³ Day 351/148-149

² Day 351/144-145

- 166.53** In his RMP statement and his evidence to the Widgery Inquiry, Corporal 201 had stated that after the Bloody Sunday he had “*replaced*” 108 rounds of 7.62mm ammunition.¹ Corporal 201 told the present Inquiry that he did not mean by this that he physically handed over more rounds to the companies involved. Instead, he conducted what was in effect a paper exercise, whereby he issued new certificate issue vouchers (covering all expended rounds), so that the number in the ledger was brought down to the appropriate level.² It seems to us that his oral evidence to the Widgery Inquiry was consistent with this

explanation, though that evidence did not make particularly clear that what he was conducting was a paper exercise.³

¹ B2023-2024; WT17.65-66

³ WT17.65

² B2029.003; Day 351/142-143

166.54 Corporal 201 explained to this Inquiry why he did not issue more 7.62mm rounds to replace expended ammunition:¹

“I did not need to because they had plenty of ammunition, they was not firing thousands of rounds like they are abroad maybe, they are only firing the odd one or two, so the company sergeant majors would not want to resupply because to get one round I would have to give them another full box.”

¹ Day 351/170

166.55 As is noted above, Warrant Officer Class II Lewis recorded in his RMP statement that at the time of Bloody Sunday Support Company held 4,050 rounds, of which 2,950 were issued on 30th January 1972.¹ To our minds these figures support Corporal 201’s evidence that there would have been no need for Warrant Officer Class II Lewis to request fresh supplies of ammunition even after his men expended 94 rounds.

¹ B2030

166.56 Corporal 201 told this Inquiry that as battalion ammunitions storeman he was not involved in checking ammunition once it had been issued to the companies, although he understood that regular checks occurred.¹ However, he did state that at the end of the tour the ammunition was handed in by the companies in order to be passed to the next unit, and at this stage the ledger would be checked by an ammunition technical officer in order to “*ensure that the ledger was fully accountable for all rounds*”.² At points, his evidence seemed to suggest that this was another paper exercise, whereby the ledger would be checked against the certificate issue vouchers to ensure that the two sources tallied.³ However, other parts of his evidence might suggest that a physical check was conducted:⁴

“[Michael Mansfield QC]: At the end of a tour of duty, what happened to the records, can you say? Are they left at the barracks or do they go with the regiment or what?”

A. No, once the certificates, once the ammunition tech officer comes and checks all the ammunition, and checks the boxes are all resealed, takes any damaged rounds away, if there is any damaged rounds, he will give a certificate to the quartermaster. Then my ledger is burnt.”

¹ [B2029.002](#)

³ [Day 351/140; B2029.002](#)

² [B2029.002](#)

⁴ [Day 351/159](#)

166.57 It follows from the totality of Corporal 201’s evidence that his 1972 records, by which he meant the ledger and the certificate issue vouchers,¹ showed that during the period between 29th January 1972 and 2nd February 1972 he was informed that 108 rounds had been expended. He issued the new certificate issue vouchers so as to ensure that the figures recorded in his ledger reflected the rounds that would then have been held by the companies involved. He did not at that stage see or count the actual remaining ammunition; nor did he hand over any new rounds. In his oral evidence to this Inquiry he agreed that he would not have known whether the number of rounds in any company’s stores matched his own records; such a check was not his responsibility but that of the company storeman or orderly sergeant.² What is not wholly clear from his evidence is whether, at the end of the tour of duty, the remaining ammunition would have been physically checked by the ammunition technical officer, and whether at this point any discrepancies would come to light.

¹ [Day 351/154](#)

² [Day 351/169](#)

166.58 Corporal 201 told the Widgery Inquiry and the present Inquiry that for the period in question he was never a round out in his record-keeping.¹

¹ [WT17.67; B2029.001; Day 351/150](#)

Comparative assessment of the evidence of 1 PARA’s ammunition counts

166.59 The evidence about the timing, number and extent of ammunition counts that were carried out within Support Company and Composite Platoon on 30th January 1972 and in the days afterwards is patchy and imperfect. Although this is in part due to the limited recollections of the relevant witnesses, it is also relevant to note that no consistent

approach was taken to asking questions on this topic either in 1972 or at this Inquiry. The ammunition count was not a topic of controversy at the Widgery Inquiry and hence little evidence was then gathered about it; as a result, Counsel to this Inquiry did not have much material with which to prompt or test the evidence of those who appeared before the Tribunal.

- 166.60** The use of the term “ammunition count” in the singular is somewhat misleading. The evidence suggests that there were a number of ammunition checks which were carried out at different levels. Hence a soldier in Anti-Tank Platoon of Support Company would not have been subjected to the same process as one in CS71 of Composite Platoon. It is therefore necessary to consider Support Company and Composite Platoon separately.

Support Company

- 166.61** The most comprehensive evidence regarding the ammunition checks carried out on members of Support Company comes from Warrant Officer Class II Lewis. On his account, at least three ammunition checks were initiated following the firing on Bloody Sunday. The first took place while the company was still in the Bogside, the second at Drumahoe on the evening of 30th January 1972, and the third at Palace Barracks on the following day. The latter two exercises involved, on his evidence, a physical count of all of the remaining ammunition.
- 166.62** On the basis of the evidence to which we have referred, there was an ammunition check while Support Company (apart from Composite Platoon) was still in the Bogside. This was not a physical check but one in which soldiers were asked to say what rounds, if any, they had fired, though it may be that in some cases soldiers’ rounds were physically counted. There was a physical check of rounds at Drumahoe on the evening of Bloody Sunday; and a further physical check the following day by Warrant Officer Class II Lewis. However, we have placed little reliance on the paper exercise conducted by Corporal 201, since it would appear from his evidence that he would not have seen, issued or received the ammunition used on Bloody Sunday in the days or weeks before and after 30th January 1972.
- 166.63** We consider below the submissions that relate to the evidence of ammunition checks.

Composite Platoon

- 166.64** The evidence from members of Composite Platoon regarding the ammunition count is more fragmentary. We have no doubt that there was an ammunition check at Clarence Avenue as described by Captain 200; and it is possible that there had been an earlier check, as Sergeant K and Private M recalled.
- 166.65** There is very little evidence from members of Composite Platoon about what they did once they returned to Drumahoe. The evidence to this Inquiry of Sergeant 106 (at least initially) and Corporal 039 was that some form of ammunition count did take place, but to our minds aspects of their accounts, and the fact they were given 30 years after the event, raise some doubts about their reliability on this point. However, the 1972 evidence of Private 203 suggests that physical counts of ammunition took place when he issued weapons and rounds to 26 members of Composite Platoon on the morning of 30th January 1972 and again when they returned it on 1st February. In addition, he gave evidence to this Inquiry to the effect that he would have been able to tell if any weapon that was returned to him had been fired. His 1972 evidence, if correct, would rule out the possibility of an unacknowledged or unrecorded shot from a member of Composite Platoon who drew his supplies from B Company's stores. However, the lack of detail in his RMP statement limits the trust that we can place in it.

Submissions that the ammunition count was inadequate or inaccurate

- 166.66** Representatives of the families submitted that the figure of 108 expended rounds was "*entirely unreliable*".¹ Among the points these representatives made were that the lack of precision and care in controlling and reporting the use of baton rounds was reflected in 1 PARA's treatment of the expenditure of live ammunition; that the probity and competence of those who took the ammunition count is undermined by their failure to question what these representatives described as the incredible and inconsistent accounts given by some of the soldiers, notably Privates H and L, when reporting their firing; and that the lapsed standards employed after Bloody Sunday are demonstrated by the failure to remove the weapons held by Support Company on Bloody Sunday from operational use in order to preserve them for subsequent examination.

¹ [FS2.32-55](#); [FS3.33-56](#)

166.67 In our view none of these points demonstrates that the figure of 108 rounds was unreliable. We consider that the treatment of baton rounds was quite distinct from the treatment of live ammunition and that nothing can be inferred from the former that is applicable to the latter. As to the accounts given by soldiers of why they fired, this was not a matter with which the ammunition checks were concerned. The so-called failure to retain weapons after Bloody Sunday, again in our view, has nothing to do with the reliability of the ammunition checks.

Submissions on the reliability of the evidence given by Warrant Officer Class II Lewis

166.68 In addition to these points, it was submitted that the evidence of Warrant Officer Class II Lewis regarding the ammunition count for Support Company (excepting Composite Platoon) was so problematic that it cast doubt over the reliability of the results attained. There are three elements to their submissions on this matter:

1. It was submitted that at the time that Warrant Officer Class II Lewis claimed to have initiated the first ammunition count, Sergeant O and Corporal P had left the Bogside in order to drive some of the casualties to hospital, and hence these soldiers were not in a position to report on their own firing. Further, Sergeant O was the Platoon Sergeant for Mortar Platoon, and thus on a literal reading of Warrant Officer Class II Lewis's RMP statement, he should have been responsible for carrying out the ammunition count for his men.¹

¹ [FS2.44-46](#)

2. These representatives further submitted that, contrary to Warrant Officer Class II Lewis's RMP statement, it would not have been possible to conduct a "physical check" of ammunition while Support Company were still in the Bogside. They cited the evidence of Warrant Officer Class II Lewis to this Inquiry in which he agreed with this proposition, and submitted that he was unable to provide an adequate explanation of the change in his evidence on this point.¹

¹ [FS2.45-48](#)

3. They submitted that another inconsistency in Warrant Officer Class II Lewis's evidence was his reference to the ammunition check at Drumahoe, which he did not mention until his oral evidence to this Inquiry.¹

¹ [FS2.48](#)

- 166.69** As to the first of these points, this depends on assuming that the check was not made until after Sergeant O had left for Altnagelvin Hospital, ie that the time of about 1700 hours in Warrant Officer Class II Lewis's RMP statement was reasonably accurate. However, it is our view that too much reliance should not be placed on what to our minds was an approximate timing. In the light of the evidence to which we have referred, we have concluded that the initial check is likely to have been made before 1700 hours and before Sergeant O had left the scene.
- 166.70** As to the second point, it is true that Warrant Officer Class II Lewis's RMP statement referred to a physical check of ammunition. However, he corrected this in his evidence to this Inquiry; and the evidence of Lance Corporal 033 supports his account of how that check was in fact conducted. We accept the evidence of Warrant Officer Class II Lewis that the word "physical" was a mistake in his RMP statement.
- 166.71** As to the third point, we are not persuaded that the fact that Warrant Officer Class II Lewis only mentioned the ammunition check at Drumahoe when he gave his oral evidence to this Inquiry somehow devalues his evidence. There is other evidence, to which we have referred, that there was such a check. It should be borne in mind that neither in 1972, nor when giving his written statement to this Inquiry, was Warrant Officer Class II Lewis being challenged about what ammunition checks had been made, as opposed to the number of rounds said to have been expended.
- 166.72** We should note that in the course of the Inquiry we ruled that there was no sensible foundation for alleging that Warrant Officer Class II Lewis dishonestly invented a count list or record of Army ammunition expended on the day.¹ We remain of that view.
- ¹ [Day 346/138](#)
- 166.73** In these circumstances we are of the view that at some point before 1700 hours on Bloody Sunday Warrant Officer Class II Lewis made an initial, verbal, ammunition count which revealed that the soldiers of Anti-Tank Platoon, Mortar Platoon and Machine Gun Platoon had reported firing a total of 94 shots. This is consistent with the figure recorded in the 1 PARA log at 1810 hours, and the military evidence before the Widgery Inquiry. It is not, however, consistent with the initial RMP evidence of two of the relevant soldiers, which we consider below. We should note that no attempt was made by those attacking the count to reconcile the figure of 94 with the evidence that was presented to the RMP and to the Widgery Inquiry. If the figure of 94 was an arbitrary and inaccurate number, this must entail that soldiers tailored their later accounts to fit. We have found no evidence to suggest that this is what happened.

166.74 In relation to the initial count, the representatives of the majority of represented families criticised Warrant Officer Class II Lewis for not ensuring that a full physical check of ammunition was undertaken.¹ We do not accept this criticism, because of the practical difficulties in carrying out a full physical check of the dozens of Support Company soldiers, while still on the ground in the immediate aftermath of an operation.

¹ [FS1.599](#)

The evidence of Private David Longstaff and Private INQ 449

166.75 As we discussed when considering the events of Sector 3, two soldiers, Private Longstaff and Private INQ 449, have told this Inquiry that they each fired one live round on Bloody Sunday.¹ Neither round appears to have been recorded in the ammunition count. On their accounts, they declared their shots at an early stage. Neither made an RMP statement, a Widgery Inquiry statement or gave oral evidence to the Widgery Inquiry.

¹ [Paragraphs 123.69](#) and [123.104](#)

166.76 For the reasons given when considering the evidence of these two soldiers in the context of Sector 3, we concluded that it was much more likely than not that Private Longstaff had not fired on Bloody Sunday. On the balance of probabilities we concluded that Private INQ 449 had not fired either, though in his case there remained the possibility that he did fire one shot towards a window in the Rossville Flats, and that for some reason the shot was not recorded or counted.

166.77 If Private INQ 449 had fired, this would on the face of it have implications for the accuracy and integrity of the ammunition count unless (which he denied) Private INQ 449 used a spare round or obtained one later to take the place of the one he fired. On the assumption that he fired but did neither of these things, we do not know why his firing was not recorded or counted. If this shot was fired, this does not, to our minds, in itself lead us to the conclusion that other soldiers concealed shots. It would demonstrate that the ammunition count was (in respect of one shot) incorrect, but it does not follow that checks and controls of live fire that afternoon were otherwise inadequate. We have found nothing that suggests to us that the ammunition count was an organised deceit, or otherwise defective in that it did not record shots that (with the possible exception of Private INQ 449) soldiers reported that they had fired.

The first RMP statements of Sergeant O and Corporal P; and Lieutenant N's ejected round

166.78 The first RMP statements of Sergeant O and Corporal P about the number of shots that they fired are at odds with their subsequent accounts. Sergeant O initially stated that he fired seven shots, later he said eight; while Corporal P initially stated that he had fired 11 shots and later said nine. Lieutenant N mentioned the ejected round for the first time in his second RMP statement.¹ As a result, the 108 rounds initially claimed to have been fired, apart from the shot fired by Private INQ 449, would remain constant if we were satisfied that these three changes were genuine and if the shot ejected by Lieutenant N is counted in.

¹ [B391-392](#)

166.79 The discrepancy in the number of shots Sergeant O claimed to have been fired relates to the number he said that he fired at a man with a rifle at or near the Block 3 end of the lower walkway between Blocks 2 and 3 of the Rossville Flats. In his first RMP statement,¹ Sergeant O recorded that he fired seven shots in total, including two against that gunman. In his second RMP statement,² Sergeant O recorded that he fired a single shot first at that gunman and, when he saw no strike, he then fired two further rounds at the same gunman. Sergeant O has since maintained this latter account.

¹ [B439-442](#)

² [B461](#)

166.80 The discrepancy in Corporal P's account is in the number of shots he claimed to have fired over the heads of rioters. In his first RMP statement,¹ Corporal P recorded that he had fired "*a further five rounds over the heads of the rioters to attempt to disperse them*". In a second RMP statement,² Corporal P recorded that he fired only three warning shots at this time, a position he maintained in his Widgery Inquiry statement.³ Before the Widgery Inquiry he initially said he "*fired a couple of shots over their heads in an attempt to disperse them*".⁴ In response to an intervention by Lord Widgery, he said that he fired three and not two shots overhead.⁵ Before us, he claimed that he now had "*no recollection of firing my weapon or of seeing or hearing others firing weapons*"⁶ or of being in Rossville Street on the day,⁷ a claim we do not accept, as he also told us that his firing on Bloody Sunday was the only occasion on which, apart from training, he had fired live rounds in his Army career.⁸ In addition, for reasons given in the course of this report,

we are of the view that in important respects Corporal P failed to tell the truth in his RMP statements and in his evidence to the Widgery Inquiry.

¹ B578

⁵ B615

² B588

⁶ B623.002

³ B593

⁷ Day 353/21

⁴ B623.022

⁸ Day 353/2-3

166.81 In the cases of Sergeant O and Corporal P, it is possible that the number of shots was erroneously recorded in the first RMP statement by the statement taker and, as Sergeant O claimed, subsequently corrected by the soldier when he saw the typed version of the statement, in which case there is no significance to the statement taker's mistake.

166.82 We are of the view that the situation with Sergeant O was that he simply made an error in his first RMP statement. Such an error may be explained by the difficulties of remembering the events of the day, especially at a time when, as Sergeant O told us, he was tired, having just returned to Northern Ireland earlier that morning from training in Cyprus.¹ We have no reason to doubt the genuineness of this correction to Sergeant O's first RMP statement. Thus in our view Sergeant O fired eight and not seven shots as he initially claimed.

¹ B575.108

166.83 Corporal P, on the other hand, offered no explanation, either in 1972 or now, for the discrepancy in the number of shots he claimed to have fired over the heads of civilians. It may be that his first RMP statement reflected a careless or casual approach to the interview, somewhat similar to his evidence to the Widgery Inquiry when he first said he fired "*a couple*" of shots in this incident before he was corrected. Despite the unsatisfactory nature of much of the evidence given by Corporal P, we have no grounds for supposing that the change in the number of shots he said that he had fired was other than genuine. Thus in our view Corporal P probably fired nine and not 11 shots on the day.

166.84 Lieutenant N did not mention the ejected round in his first RMP statement.¹ In our view the probable explanation for the difference between Lieutenant N's first and second RMP statements is that either he or the statement taker considered that the unfired but ejected round should not be included in the first statement.

¹ B373-375

Conclusions on the ammunition counts

- 166.85** Various results about the number of shots that the soldiers have claimed to fire could have been reached. If Corporal P's two additional shots are counted along with one shot each by Private Longstaff and Private INQ 449, the total could be as high as 112. If, on the other hand, these shots are disregarded and Sergeant O's first RMP statement is correct, the number of shots falls to 107. We should note that although we reject (for reasons given in the course of discussing the events of Sectors 4 and 5) where Private H said he fired his rounds, we are of the view that he did fire 22 rounds on Bloody Sunday. In addition, there is the allegation, which we consider below and for which we have found no persuasive evidence, that Support Company soldiers fired private rounds that afternoon, thus distorting the ammunition count further. In our view, only one additional unrecorded round might have been fired, and that by Private INQ 449. In our view, therefore, soldiers of Support Company probably fired a total of 108 rounds (including the round ejected by Lieutenant N) on Bloody Sunday.
- 166.86** We should add that we have found nothing that suggests to us that some of the soldiers conspired together to divide up the rounds fired between them, so as to paint a false picture of what happened. No attempt was made by anyone to explain when or how such a conspiracy was organised or by whom; nor what specific purpose or purposes it was designed to serve.
- 166.87** We should also note, for reasons given when considering the events of Sector 3, that we do not accept Private INQ 449's assertion¹ that Corporal 036, who was sometimes called by the cipher Corporal INQ 2093, fired, an assertion denied by this soldier.²

¹ C449.8; Day 357/52-54

² B1631.21

Spare rounds

- 166.88** We now turn to the allegation that some soldiers maintained a private supply of ammunition over and above that issued to them, thus rendering the ammunition control and count meaningless and thereby making more ammunition available to the soldiers. Private ammunition is sometimes referred to as "buckshee" rounds.

166.89 The significance of this allegation is that if such ammunition was available and used that day, the ammunition count of 108 (or 109 if Private INQ 449 fired) becomes unreliable. Both Private INQ 449 and Private David Longstaff denied having spare or extra ammunition that day.¹

¹ C23.4; Day 357/69-70; Day 359/88

166.90 The representatives acting for the majority of the wounded and families of the deceased submitted that the practice was widespread, thereby permitting soldiers to use ammunition for which they would not have to account, that it demonstrated the undisciplined behaviour of the soldiers, that the practice was condoned by senior officers and that some soldiers carried extra ammunition on the day.¹ Representatives of Daniel Gillespie and the families of Alexander Nash, William Nash and Bernard McGuigan submitted² that the ammunition count was unreliable and that the practice demonstrated a “*culture of lying*” in the Army.³ Representatives for the soldiers did not address any alleged systemic shortcoming. Rather, if the issue arose with a particular soldier, they dealt with it on an individual basis.

¹ FS1.535; FS1.588-600

³ FS2.32

² FS2.32-55

166.91 Many of the soldiers who gave written statements or oral evidence to this Inquiry were questioned as to whether they had private or extra ammunition on the day and whether it was available to them. In addition, the practice was sometimes mentioned in media interviews given by soldiers. We do not propose to consider or tabulate their responses in detail other than to say that the majority of the soldiers who were asked either or both questions said that they did not have such ammunition on Bloody Sunday and that they did not know of the practice. A number of soldiers, however, did say that such ammunition was available and that soldiers sometimes had carried it on duty; and for that reason we examine the question further.

166.92 Warrant Officer Class I Wood, the Regimental Sergeant Major of 178 Provost Company, RMP, a company of the SIB based at Lisburn, told us that a soldier being found with spare ammunition would be “*court martialled instantly*”. In Northern Ireland, however, he said there appeared to be “*a different philosophy*” and it was not “*unusual*” to find a soldier with spare ammunition.¹ Another member of the RMP, Corporal INQ 1828, told us that it was no secret that “*many soldiers did carry illegal supplies of ammunition*”.²

¹ CW1.8

² C1828.4

- 166.93** Gunner INQ 312 of 22 Lt AD Regt described his practice in his written statement to this Inquiry and acknowledged that he carried extra rounds that day.¹

“On the day I had the standard 20 rounds I had been issued with, but I also carried a private supply of a further 20 rounds. When I first arrived in Northern Ireland I realised that 20 rounds would not be sufficient if I got caught in a gun fight with the IRA. Before we went to Northern Ireland we spent a lot of time at firing ranges. I would usually keep back some of the 20 rounds I had been issued with on each occasion I used the firing range. It became quite easy to build up another magazine of 20 rounds. In my experience it was not unusual for soldiers to carry extra ammunition and I knew a few lads in my regiment did the same as me. I did not know anyone who had dum-dum bullets, although I understood they were quite easy to make.”

¹ C312.4

- 166.94** Similarly, Private INQ 954 of 2 RGJ told us in his written statement to this Inquiry that the practice of carrying spare ammunition was widespread, although its use was rare.¹

“In addition to the standard issue of 20 rounds, I would say that most soldiers also carried their own supply of ammunition. Often, live ammunition was taken from rifle ranges; it was easy to do. If you did not fire all your live ammunition on the firing range, you could just not declare it at the end of the session.

It would be naive to say that officers were not aware that this went on, but it was certainly not encouraged. I would not go so far as to say that they turned a blind eye to it, but they were not too bothered.

The general feeling at the time was, because of the tight rules of engagement, soldiers were not given enough rope to do the job that they were there to do.

They were simply becoming targets for terrorists. By carrying a private supply of ammunition, if you were put in a situation where you had fired a shot and you did not want to declare it, having a private supply of ammunition would mean that you would not have to do so. In my opinion, this would happen possibly where there was no real justification for having fired a round, to avoid unnecessary red tape. People kept private supplies of ammunition more in case they were needed, rather than with any intention to use them. I would say that most people never used their private supply.”

¹ C954.2

166.95 In his written statement to this Inquiry, Private 160 of 2 RGJ told us that “*it was common in all regiments for soldiers to keep private supplies*” which were obtained from the firing range.¹ He said the same to us in his oral evidence and added that he “*probably*” had a private supply on Bloody Sunday.²

1 B1956.001

2 Day 350/121

166.96 Lance Corporal INQ 666, a member of the Motor Transport Section of 2 RGJ, described the practice as not being “*uncommon*”.¹

1 C666.1-2

166.97 We turn now to soldiers of 1 PARA, dealing first with soldiers other than those in Support Company.

166.98 Warrant Officer Class I INQ 2037, the Regimental Sergeant Major of 1 PARA, told us that it was “*not unusual*” for soldiers to have spare rounds which could be obtained from the training ranges, but that he could not say whether soldiers had extra rounds on the day.¹

1 C2037.7; Day 321/229

166.99 In his written statement to this Inquiry, Captain 219, the 1 PARA Medical Officer that day, said “*some soldiers do save up a private reserve called buckshee rounds*”. He went on to say that he did not see any on the day but “*thereafter I learnt that there was some available on that occasion*”.¹

1 B2162.004

166.100 Lance Corporal INQ 1334, a member of 8 Platoon, C Company, told us that he once accumulated a private supply of ammunition from the training range and that it was found following a “*snap check*”¹ by his Sergeant Major. As a result, he was demoted from the rank of Corporal. He said, however, that he had no private supply on the day and was “*quite sure*” that there was none in his Armoured Personnel Carrier (APC) on Bloody Sunday.²

1 Day 340/150

2 C1334.006-7; Day 340/123-4

166.101 In his written statement to this Inquiry, Private INQ 587, a member of 9 Platoon, C Company, told us that “*all soldiers*” maintained a supply of extra ammunition.¹ In his oral evidence, he modified this somewhat by saying that it was “*a common practice*”. He was unable to say whether soldiers were carrying extra rounds on the day but thought that he “*probably*” was.²

1 C587.5

2 Day 324/177-181

166.102 In an interview with Praxis Films Ltd, Lance Corporal INQ 1216, a member of A Company, 1 PARA, described the practice of having extra ammunition as being “*Quite common*”.¹ In his written statement to this Inquiry, he told us that there was an opportunity “*on the ranges ... to keep rounds back*”.²

¹ C1216.27

² C1216.3

166.103 Private INQ 1937, a member of D Company, 1 PARA, told us that private supplies could be accumulated at the end of a training session for use in situations not covered by the Yellow Card, such as frightening people.¹

¹ C1937.2-3

166.104 Private INQ 2023, who was a member of B Company and not in Londonderry on the day, said “*Most people had two or three buckshee rounds*” that came from training ranges.¹

¹ C2023.3

166.105 We now turn to members of Support Company.

166.106 While making his statement to this Inquiry, the CSM of Support Company, Warrant Officer Class II Lewis, was asked about private supplies of ammunition. He told us:¹

“144. I have been asked what could stop someone firing private supplies and then returning the rounds that I issued to them. Whilst there was nothing to stop this happening, I feel that if a soldier reported expending ammo then he had to be sure that it tied up with the rounds that he had got left. The speed with which I took the ammo check that afternoon would have meant that they would have to have been pretty quick.”

¹ B2111.022

166.107 He went on to add: “*all I can say is that I was strict about ammunition returns and it was a serious disciplinary offence not to account for ammunition or to have unauthorised rounds.*”¹ In his oral evidence to this Inquiry, Warrant Officer Class II Lewis accepted that, in an “*extreme case*”,² it was possible that a soldier fired a round from a private supply on Bloody Sunday that was not included in the ammunition check that he carried out on the day.

¹ B2111.024

² Day 373/98

166.108 Private 027’s various accounts about private supplies of ammunition are closely tied to his allegations that soldiers also had or fired modified or “dum dum” rounds. In some cases he explicitly stated that the modified rounds were held illegally, while at other times

it is unclear whether the bullet or bullets that he claimed were modified had been legitimately issued and held. We consider below Private 027's allegation that Private INQ 635 fired unrecorded shots on the day; and his allegations about modified rounds, in our discussion of the alleged possession of such rounds.

166.109 In his 1975 memoir, Private 027 stated that when he was in the back of his APC afterwards, members of his platoon were laughing and excited as they worked out the number of rounds that they had fired. Private 027 recorded that several soldiers had fired their own personal supply of modified rounds; and that Private INQ 635 had fired ten modified rounds but still had his official supply of ammunition and so said that he had not fired a shot.¹ In his evidence to this Inquiry, Private 027 stated that he did not know the source for the information that Private INQ 635 had so fired.²

¹ B1565.008

² B1565.057; Day 247/6-7

166.110 In his oral evidence to this Inquiry, Private INQ 635 denied Private 027's allegations that he fired modified or any other type of live rounds on Bloody Sunday.¹ Private INQ 635 also denied² an allegation made by Private INQ 2003 in an interview with Paul Mahon,³ which Private INQ 2003 withdrew before us,⁴ that Private INQ 635 had fired in Glenfada Park North. In his written statement to this Inquiry, Private INQ 635 stated that he had "*no knowledge of anyone carrying a private supply of ammunition*"; that there were very strict controls on the issue and return of ammunition; and that the possession of a private supply would be a very serious offence.⁵ In his oral evidence, however, Private INQ 635 said that while he did not have a private supply of ammunition and he did not know any soldiers who did so, he had "*heard of it before, like, the odd one or two rounds*".⁶ Later in his evidence he told us he recalled that when he was a recruit there was one incident where a soldier had retained extra rounds.⁷ He had not heard of any soldiers on Bloody Sunday replacing a round he fired with a private round.⁸

¹ Day 352/17-22

⁵ C635.2

² Day 352/25-226

⁶ Day 352/22

³ X1.41/.26

⁷ Day 352/75

⁴ Day 307/98-99

⁸ Day 352/22

166.111 We are of the view that Private INQ 635 did not fire on Bloody Sunday.

166.112 Two soldiers, Private 112 and Lance Corporal 624, in Mortar Platoon of Support Company, respectively agreed that it was "*possible*",¹ or that the "*opportunity*"² existed, that ammunition could be taken from firing ranges, but that they were not aware of that happening.

¹ B1732.008

² C624.6

166.113 Lance Corporal INQ 1152, Colonel Derek Wilford's radio operator on the day, told us that "*I know it was done*",¹ while Lance Corporal INQ 374, a member of Anti-Tank Platoon of 1 PARA, who was not in the city on Bloody Sunday, supposed that one or two men might have carried "*illegal*" rounds, but knew only of one case, and that not in Northern Ireland, where a soldier was found with illegal ammunition.²

¹ [C1152.8](#)

² [C374.3](#)

166.114 Of the 1 PARA soldiers mentioned above, only Private INQ 587, a soldier of C Company, stated that he was "*probably*" carrying unauthorised ammunition on Bloody Sunday.¹ Private 027 said that he could not "*accurately recall*" whether he did so as well.²

¹ [Day 324/180](#)

² [Day 247/5](#)

166.115 Set against this evidence is that of approximately 70 members of 1 PARA who told us that the notion of soldiers carrying private supplies of ammunition was impossible, improbable or something of which they had no experience.

166.116 While we are satisfied that the opportunity existed for soldiers to accumulate private supplies of ammunition, probably from firing ranges, and that some soldiers did so, we are not persuaded that soldiers of 1 PARA fired rounds from private supplies on the day. During our review of firing in each of the sectors, we give our view on which casualty was shot by which soldier, though in a few cases we could not be certain who among a small number of soldiers was the more likely to have been responsible. We also considered the evidence of rounds fired that did not result in casualties. From our consideration of these matters, it is our view that private or extra rounds were not required to account either for any of the casualties or for other rounds that were fired on the day. For reasons given in the course of this report, we consider that there were no additional or unknown casualties on the day, so there is no question of private or extra rounds being required to explain these.

166.117 Some of the witnesses who gave evidence to suggest that it was common for soldiers to carry private rounds do not appear to have been asked directly whether or not they were in possession of such ammunition on 30th January 1972.

166.118 There is no other direct evidence that links a specific soldier with a private supply of ammunition. Private 027 and Private INQ 449 have suggested that two soldiers, Private INQ 635 and Private 036, who claim not to have fired on the day, did so. While this might be explained by attributing private rounds to them, we do not find this explanation,

and the evidence of Private 027 and Private INQ 449, convincing. In our view, neither Private INQ 635 nor Private 036 fired on the day.

166.119 We should note at this point that it appeared to be suggested by the representatives of the majority of families that three SIB officers of the RMP falsely denied that soldiers possessed private rounds.¹ The soldiers in question were Sergeant Major INQ 1831, Corporal Brobson and Corporal INQ 2064.

¹ [FS1.143](#)

166.120 Sergeant Major INQ 1831 told us in his written statement to this Inquiry that he had never come across any private supplies of ammunition during his time in Londonderry: “*Such conduct would constitute very serious offences which no soldier would commit lightly.*”¹ It was not suggested to him when he gave oral evidence to this Inquiry that he had lied about this.

¹ [C1831.3](#)

166.121 Corporal Brobson told us that he had been asked by the solicitors engaged by this Inquiry (Eversheds) whether he had ever come across a soldier who had private supplies of bullets or who modified their ammunition. “*I did not. I have been asked whether I discussed these issues with colleagues. I cannot remember having conversations with my colleagues about these issues.*”¹ It was not suggested to him when he gave oral evidence to this Inquiry that he had lied about this.

¹ [C1868.5](#)

166.122 Corporal INQ 2064 told us that he did not keep private supplies of ammunition and was not aware of anybody else keeping private supplies, or hearing of any reports of soldiers keeping private supplies.¹ Corporal INQ 2064 did not give oral evidence to this Inquiry.

¹ [C2064.3](#)

166.123 We are not persuaded that any of these three SIB officers gave untruthful evidence on this matter.

Modified rounds

- 166.124** The suggestion that modified or “dum dum” rounds may have been fired on the day by soldiers of 1 PARA arises from comments made at various times by Private 027. Filing the point of a bullet or marking its head, usually as an “X”, modifies a round, the purpose being to create more fragmentation, and thus greater injury, upon impact.
- 166.125** In some cases Private 027 explicitly stated that modified rounds were part of the soldiers’ private supply, while at times he seemed to suggest that the modified bullet or bullets were originally legitimately issued on the day unmodified and then modified. Assuming that such rounds were held, it is most likely that they would have been part of a private supply as it would have been easier and less dangerous for a soldier to modify a private supply. If a soldier tampered with a round issued to him on the day of an operation, he ran the risk of being seen doing so. Further, he would be under pressure to fire or “lose” the modified round because he could not return it at the end of the day without the modification being seen by those responsible for taking in the ammunition. If the soldier chose instead to tamper with an illegally held round, these dangers would not have arisen, although, of course, he would have faced the problems in obtaining and concealing the round in the first place. The evidence of Warrant Officer Class I 2037, the Regimental Sergeant Major of 1 PARA, illustrates this difficulty. He said that although he had never heard of the practice of “doctoring” 7.62mm rounds, to do so would require a vice and hacksaw.¹
- ¹ [Day 321/189-190; C2037.8](#)
- 166.126** In his 1975 memoir,¹ Private 027 stated that after the main firing incidents on Bloody Sunday he was in the back of his APC with other members of his platoon who were laughing and excited as they worked out the number of rounds that they had fired. He stated that several men had fired their own personal supply of modified rounds; and that Private INQ 635 had fired ten modified rounds but still had his official supply of ammunition, and so was able to say that he had not fired a shot. This, Private 027 said, happened with several people in his APC.

¹ [B1565.008](#)

- 166.127** In an interview with Channel 4 on 17th March 1997, Private 027 resiled from the comments in his 1975 memoir:¹

“Q. But you’re aware that soldiers have their own supply of bullets.

A. No.

Q. Right. But you know that, that is, that has been widely circulated already in your previous statement, that people used dum-dums.

A. I’m not aware that I’d said that in the previous statements – where’s that, in the American thing? I’m not going to tell you, say that the British army used dum-dums and had their own private rounds and all of this.

Q. You can’t say that now?

A. Sorry.

Q. You can’t say that?

A. No.

Q. No, okay.

A. I’m not, I mean you keep saying oh well you’ve already said it, therefore you’ve, you can only be hung twice, or once, but the – I –”

¹ [B1565.247-8](#)

- 166.128** However, in a draft chapter for an intended book, written in late 1998 and early 1999, Private 027 raised the question again and recorded that as the Paras waited in APCs, modified rounds appeared in the back of his vehicle. He said that he had never previously seen a modified round and never saw one again.¹

¹ [B1565.307](#)

- 166.129** In his written statement to this Inquiry, Private 027 again stated that as his section was waiting, modified bullets were passed around the APC.¹ When asked about the above portion of his 1975 memoir, he told us:²

“In the middle of that same paragraph on the page marked 20, there is reference to the firing of dum dum bullets. I could not have known that at the time. I do not know what that part of the statement was based on, to what degree it was anecdotal, or what was in my head at the time that I wrote it. All that I can say at this stage is that I do remember dum dum bullets being passed around our vehicle before we went into the Rossville Street area. I have been specifically asked whether I thought Lance Corporal F may have carried dum dum bullets on the day. I do know that Lance Corporal F was in the vehicle when they were passed around, but I do not know who the dum dum belonged to. I may have known at the time. I cannot say anything more than that.”

¹ [B1565.037](#)

² [B1565.057](#)

- 166.130** In his oral evidence Private 027 said that he “*could not have known*” that Private INQ 635 had fired ten modified rounds and had “*no recollection relating to this particular comment*”.¹ Private 027 also told us that he could recall seeing only one modified bullet being passed around the APC before deployment. He did not know whose bullet it was or whether it was for use on that day.²

¹ [Day 247/6-7](#)

² [Day 246/36-37](#)

- 166.131** In his oral evidence to this Inquiry, Private INQ 635 denied Private 027’s allegations that he fired modified or any other type of live rounds on Bloody Sunday.¹ In view of Private 027’s present doubt about this allegation and the absence of corroboration, and as we have earlier concluded, we accept Private 635’s denial that he fired modified or any other type of rounds on the day.

¹ [Day 352/17-22](#)

166.132 Of the casualties, only the head wound suffered by Bernard McGuigan gave rise to the possibility that a modified round caused an injury. In their report to us, the Inquiry's experts, Dr Richard Shepherd and Kevin O'Callaghan, expressed the opinion that a stable and intact bullet did not cause Bernard McGuigan's injuries, and suggested a modified round as only one of four possibilities.¹ Dr Thomas Marshall, the State Pathologist for Northern Ireland in 1972, performed an autopsy on the body of Bernard McGuigan on the evening of 31st January 1972. He told us that while he does not know whether the bullet that killed Bernard McGuigan had been modified, the injuries he found "*did not need a tampered bullet*".² Following Dr (now Professor) Marshall's evidence, Dr Shepherd and Kevin O'Callaghan confirmed their original conclusion that the injury was not caused by a stable and intact bullet, saying, however, that they would never be certain of the "*nature of the bullet that struck and killed Mr. McGuigan*".³

¹ E2.0047

³ E19.3; Day 229/56-57; Day 230/36-40

² Day 207/127-128

166.133 During our consideration of the events of Sector 5, we concluded that Lance Corporal F shot Bernard McGuigan and that the round that struck Bernard McGuigan was substandard rather than modified. Private 027's allegations that modified rounds were available were put to Lance Corporal F, who denied either having or seeing modified rounds on the day.¹ Lance Corporal F shot Michael Kelly before shooting Bernard McGuigan. The bullet recovered from Michael Kelly's body had not been modified. In our view it is most unlikely either that Lance Corporal F, or any soldier, would place a modified round somewhere in his magazine of 20 bullets, not knowing in what circumstances (if any) it would be used; or during the course of his activities during the day, take the time and trouble either to remove the magazine in order to load a modified round, or somehow otherwise insert a modified round into the breech of his rifle.

¹ Day 375/66

166.134 In these circumstances it is our view that there is no acceptable evidence that soldiers of 1 PARA used modified bullets on Bloody Sunday.

Chapter 167: Firing from the City Walls

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Introduction

167.1 Although a number of civilians who made statements at the time referred to shooting from the walls surrounding the old part of Londonderry (the Walls), it was not suggested then that firing from there caused any of the casualties. Over the years, however, a theory became prevalent that firing from the Walls or their environs might have caused the deaths of William Nash, John Young and Michael McDaid, who were killed close to the rubble barricade in Rossville Street. The theory was put forward in a Channel 4 News programme broadcast in 1997¹ and in two books, *The Irish War*, by Tony Geraghty, first published in 1998 by HarperCollins, with a paperback edition published in 2000; and *Eyewitness Bloody Sunday*, edited by Don Mullan and John Scally, published in 1997 by Wolfhound Press. The theory was given support by Robert Breglio, a New York ballistics expert, and Dr Raymond McClean, a Londonderry doctor who attended some of the casualties of Bloody Sunday and several post-mortem examinations of those killed by Army gunfire that day.

¹ [X1.6.6](#)

167.2 However, none of the interested parties to the Inquiry maintained in their final submissions that firing from the Walls caused these three casualties. For the reasons given in the course of examining the events of Sector 3,¹ we are sure that these casualties were not shot from the Walls. In addition, we are sure that damage to

brickwork at the south end of the east block of Glenfada Park North was not caused by firing from the Walls. In our view there was no firing from the Walls directed into the area of any of the five sectors.

¹ [Chapter 86](#)

167.3 Elsewhere in this report¹ we consider Army sniper fire from houses beneath the Walls that was directed towards the Bogside Inn and St Columb's Wells areas and towards the city gasworks.

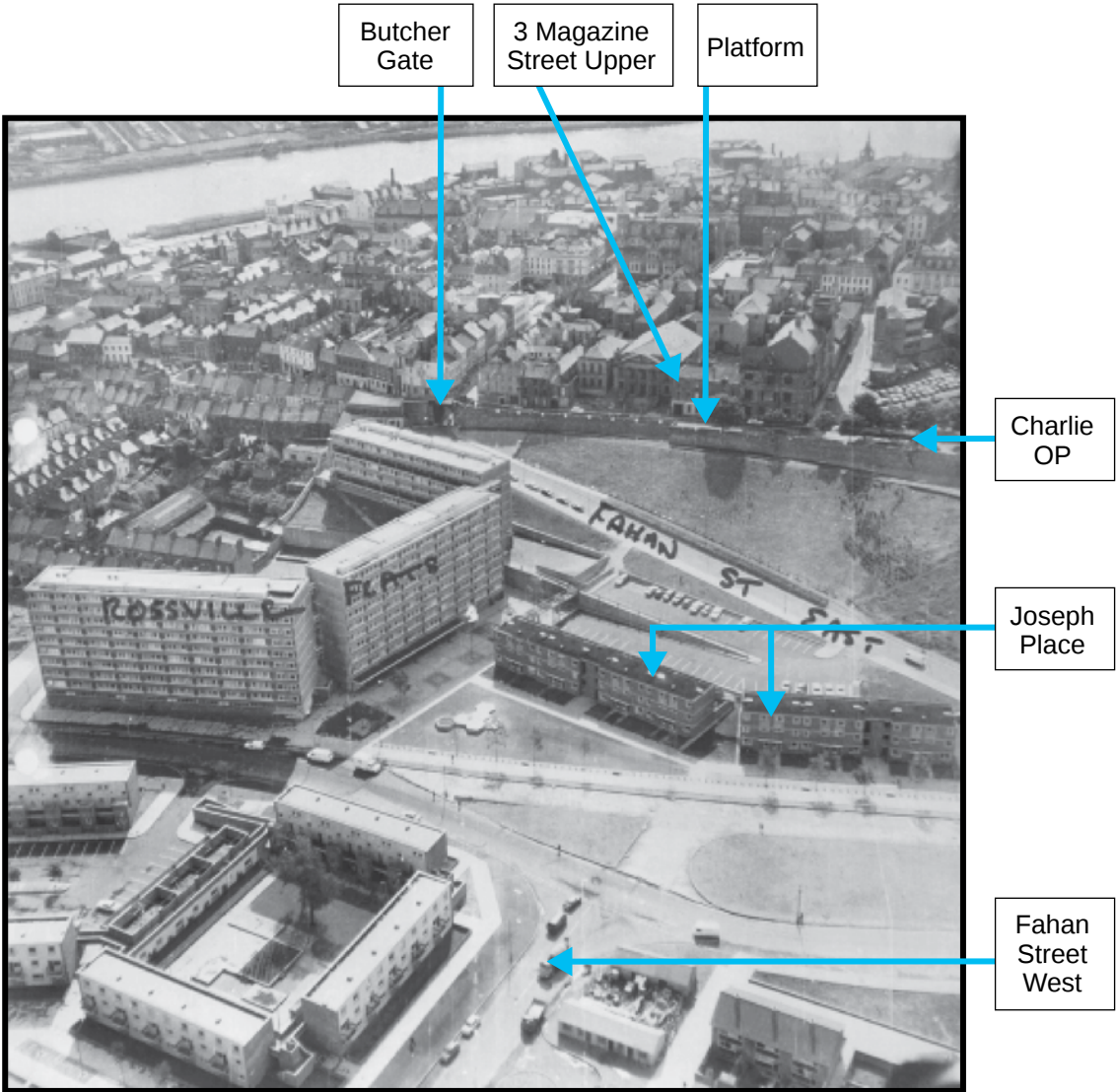
¹ [Chapter 151](#)

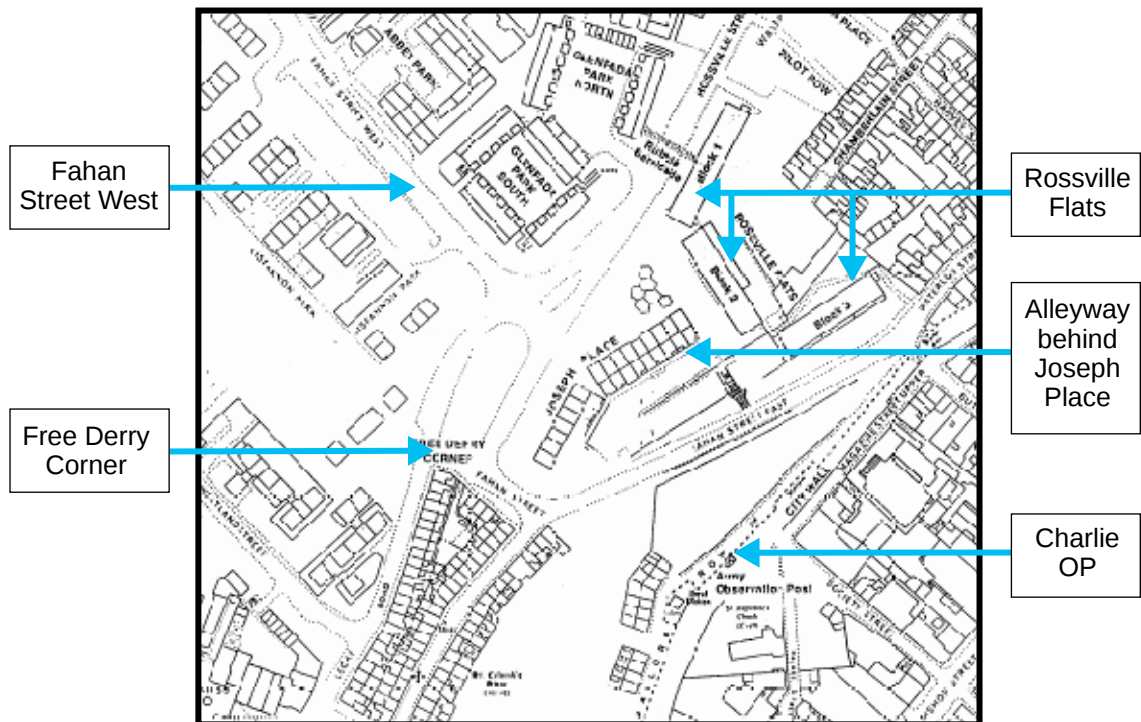
167.4 It is the case, however, that many civilian witnesses described shooting from the Walls into other areas of the Bogside, namely Free Derry Corner, Fahan Street West in the area of Lisfannon Park and an area at the back of Joseph Place. It is these three areas that we now turn to consider.

167.5 A very large number of witnesses, both civilian and military, speak of or deny that there was firing from the Walls, many only briefly. No casualties were reported in any of these areas nor have we found any evidence that there were any such casualties. Having considered the evidence of these witnesses, we consider that it is not necessary to summarise the accounts of all of them in this report, but instead we have taken what we believe to be a representative cross-section of this evidence.

167.6 We have earlier in this report described the commanding position of the Walls overlooking the Bogside and part of the Creggan and also described the location of Army Observation Posts (OPs) and sniper positions both on the Walls and in nearby houses.¹ There follows a photograph and a map showing the Army positions and the three areas now to be considered. The photograph does not show Free Derry Corner, which is to the right of the picture, but its position can be seen on the map.

¹ [Paragraphs 116.27–37](#)





Free Derry Corner

167.7 Many civilian witnesses who had gathered or were gathering at Free Derry Corner to hear the advertised speakers spoke of gunfire coming from the Walls towards Free Derry Corner as the speeches either were about to start or had just started. Their accounts vary in that some are certain that there was shooting from the Walls while others assumed that the firing came from there. The following two photographs depict the scene at Free Derry Corner at the time and show civilians at Free Derry Corner either running or attempting to shelter by crouching close to the ground.



167.8 Bernadette Crawford was a witness who was certain that there was firing from the Walls. In her written statement to this Inquiry she told us that she was at the lorry¹ at Free Derry Corner. Within seconds of Bernadette Devlin getting on the lorry, shooting started which she was “*certain*” came from the Walls. She looked up towards the Walls where she saw soldiers whom she thought were lined up.² She confirmed this account in her oral evidence to us.³

¹ This was the lorry that had accompanied the civil rights march.

² [AC114.1-2](#)

³ [Day 106/168-171](#)

167.9 James Coyle, who was sheltering in a trench in a building site just to the west of Free Derry Corner, is another witness who was “*sure*” that two shots were fired from the Walls towards Free Derry Corner.¹

¹ AC92.2; Day 105/7-8

167.10 Thomas Burke told us that he was “*100 per cent confident*” that he heard five high velocity shots fired from the Walls.¹ In his written statement to this Inquiry he said that the five shots “*appeared*” to come from the Walls² while in his Northern Ireland Civil Rights Association (NICRA) statement he said that he judged they came from “*the vicinity of the Derry Walls*”.³

¹ Day 106/56

³ AB103.8

² AB103.4

167.11 Some other witnesses are less emphatic in their description of the firing they heard while at Free Derry Corner.

167.12 Bernadette McAliskey, then Bernadette Devlin, said that she was standing on the lorry at Free Derry Corner, about to speak, when she heard gunfire. In an interview with the Insight Team of the *Sunday Times*, she said she “*Automatically assumed that there was firing from the walls*”,¹ but in her written statement to this Inquiry, she said “*I am in no doubt the gunfire came from the Walls*.”² In her oral evidence she said that the first shots she heard were from the direction of the Walls and as she looked there she saw two soldiers, but thought the shots had come from another part of the Walls than where she saw the two soldiers.³ She identified the area near Charlie OP as the source of the first shots, with later firing being from the direction of Rossville Street.⁴

¹ KD4.6

³ Day 112/28-30

² KD4.15

⁴ Day 112/75-84; KD4.34

167.13 The difficulty in determining the source of firing towards Free Derry Corner is shown in the evidence of Ivan Cooper. In a written statement to this Inquiry he told us:¹

“I was pinned to the ground in front of the platform. There was now a large open space in front of me as people had moved away and I became more conscious of bullets – maybe 20 to 25 – flying around. Some bullets seemed to be hitting something above me. They appeared to me to be flying from straight in front of me (north to south) over my head and hitting the wall behind me. I was convinced at the time that shots were being fired from the City Wall. I am not clear as to why I reached that conclusion because there was no ‘skipping’ of bullets from the direction of the City Wall. I had seen soldiers on the City Wall who I had believed to be from a regiment other than the Parachute Regiment.”

¹ [KC12.21](#)

167.14 Before us, Ivan Cooper explained that he could not say how he reached the conclusion that shots came from the Walls, saying “*It was an impression I had ... that was the feeling that I had.*”¹

¹ [Day 419/39-40](#)

167.15 Grainne (O’Donnell) Lynch recorded in a statement to NICRA that as Bernadette Devlin asked some children to sing, “*three high velocity bullets were fired from the walls*”.¹ In her written statement to this Inquiry she told us that as Bernadette Devlin started talking, she heard three distinct shots that “*seemed to come from the direction of the city walls*” and saw bullets hit the wall above Bernadette Devlin.² In her oral evidence she said that she “*assumed*” that the shots would have come from the Walls and that she saw soldiers there.³

¹ [AO30.8](#)

³ [Day 105/121-122](#)

² [AO30.2](#)

167.16 John Coyle said he was “*quite confident*” that he heard one shot from the Walls.¹ Eric Irvine concluded that “*a couple*” of bullets that struck the ground came from the Walls.² Bernard Heaney “*felt*” and Mavis Hyde “*thought*” that shots came from the Walls,³ while William Breslin had “*the impression that the shots were coming in from a high position, possibly the City Walls, or the GPO Sorting Office roof*” or from the electricity sub-station at the corner of Little James Street and William Street.⁴

¹ [Day 205/19-20](#)

³ [Day 107/185; Day 125/160-170](#)

² [Day 118/104-105](#)

⁴ [AB112.10; Day 194/184-185](#)

Joseph Place

- 167.17** A number of civilians, who were either walking or sheltering in the alleyway behind Joseph Place, tell of gunshots hitting areas behind Joseph Place. These areas are shown on the map and photograph at paragraph 6 above.
- 167.18** Thomas Dawe told us that he was walking south on the alleyway behind Joseph Place after seeing a casualty lying south of Block 2 of the Rossville Flats. He recalled that he was behind the southern block of Joseph Place approaching steps to the car park, when he heard firing from the direction of the Walls. Two shots, followed by a further two, threw up earth and grass, which struck other people in the alleyway. The shots struck a grassy triangular area bounded by the alleyway, the car park to the north and the pavement of Fahan Street East. A further four or five shots again caused earth to rain down. He told us he remembered getting soil in his hair as a result of the shots.¹
- ¹ [AD5.4-AD5.5](#); [Day 94/132-135](#)
- 167.19** James Duddy said he was sheltering in the alleyway along with “*perhaps 12*” others, and after having seen the dead Patrick Doherty lying to the south of Block 2 of the Rossville Flats, he heard shots striking the same location as that described by Thomas Dawe. James Duddy described clay flying from the ground as bullets struck. At the time, he did not know where the shooting came from but in his written statement to this Inquiry he told us that he thought it must have come from the Walls.¹
- ¹ [AD147.4](#); [Day 107/136-146](#)
- 167.20** In various statements, Hugh Kearney described shooting from the Walls. In his written statement to this Inquiry, he described five or six shots he “*assumed*” were from the Walls “*chipping away*” dirt and concrete and hitting the wall above his head as he sheltered in the alleyway behind the northern block of Joseph Place.¹ In his oral evidence he confirmed that he “*assumed*” the shots came from the Walls.² Hugh Kearney did not refer to this incident in either his NICRA statement or his Keville interview, but in both mentioned firing from the Walls towards a marked Red Cross vehicle in St Columb’s Wells.³ As noted, he placed himself behind the northern block of Joseph Place, while Thomas Dawe placed himself behind the southern block. Also, the wall that Hugh Kearney described as being targeted differs from that of Thomas Dawe and James Duddy.

¹ [AK1.10](#)

² [Day 178/84-90](#)

³ [AK1.12](#); [AK1.4](#)

167.21 Carmel (McCafferty) McCallion, while sheltering in the alleyway with others, described shots hitting the wall described by Hugh Kearney. She told us that she thought they could only have come from the Army OP on the Walls.¹

¹ [AM66.5; Day 173/41-43](#)

167.22 In his written statement to this Inquiry, George McGinley told us that he had sought refuge in the third maisonette from the north in the northern block of Joseph Place. After a time, he left the maisonette and went into the alleyway at the rear of the maisonettes with a view to escaping towards the south. While in the alleyway he said that “*about 10 shots*” passed overhead. He did not hear the crack of the shots, “*just the ‘whoosh’ as they passed*” over his head. He thought the direction of fire was from east to west, perhaps targeting St Eugene’s Cathedral.¹ In his oral evidence to this Inquiry, unlike the previous witnesses, George McGinley said that he heard no impact of any shot on any building or the ground, “*just the whoosh*”.²

¹ [AM238.3-5](#)

² [Day 134/30](#)

167.23 The witnesses did not suggest that they looked up to see whether the firing came from the Walls. The witnesses are generally consistent in placing the firing after at least some of the casualties had occurred. The witnesses are not consistent in describing the number of shots or where the bullets struck.

Fahan Street West (Old Bog Road) – Lisfannon Park

167.24 Several civilian witnesses described firing from the Walls towards Fahan Street West in the area of Lisfannon Park.

167.25 In a written statement to this Inquiry, Thomas Mullarkey told us that, following Army fire in Rossville Street when he was hiding behind a garden wall at the south-east corner of Lisfannon Park after Support Company entered Rossville Street, he saw soldiers on the Walls sighting their rifles and remembered “*seeing at least three puffs of smoke from the mouths of the rifle muzzles*”.¹ In a statement to the *Sunday Times* Insight Team dated 15th February 1972, he said, “*Shots coming up Fahan Street West appeared to be from the walls, but by this time fire was scattered and I cannot be sure.*”² Thomas Mullarkey said to us that he now *has* “*no precise memory*” of shots coming up Fahan Street West.³

¹ [AM452.4](#)

³ [Day 69/41](#)

² [AM452.17](#)

167.26 In a NICRA statement, Daniel Dunn recorded that, following the entry of soldiers into Glenfada Park North, as he was crossing Fahan Street shots were fired that appeared to come from the Walls.¹ In his written statement to this Inquiry, Daniel Dunn told us that after the casualties had occurred in Glenfada Park North, he was crossing the Old Bog Road with an older man when they came under fire from the direction of the Walls, with the bullets “*making marks in the road*”,² an assertion that he repeated to us.³

¹ AD172.10

³ Day 161/26-27

² AD172.4

167.27 Paddy McCauley, in his written statement to this Inquiry,¹ described crossing Fahan Street West twice. He first crossed while fleeing the incoming soldiers. He ran south from the pathway between Abbey Park and Glenfada Park South across the road to the gable end of a house in Lisfannon Park opposite the pathway. While standing there he heard the first gunfire that day, which he thought came from the Walls. He said that he saw two or three bullets bouncing off the road in front of him. The shooting prompted him to go to Glenfada Park North, which he believed to be a safe place. As he started he was warned by others not to do so, being told that there was shooting from the Walls. Nevertheless he crossed the road without incident and went into Glenfada Park North. We refer to his evidence about what he saw there when considering the events of Sector 4. For present purposes, his evidence is noteworthy as he places the first firing as being from the Walls.

¹ AM97.4

167.28 Paddy McCauley told us that this firing was the first that he had heard that it came from the City Walls and that he saw dust from the strike of the bullets.¹ His brief NICRA statement makes no reference to this incident.²

¹ Day 162/75-76

² AM97.12

167.29 In his written statement to this Inquiry, Gerry McLaughlin told us that he saw soldiers entering Glenfada Park North and heard gunfire as he ran towards and through the eastern gap between Glenfada Park North and Glenfada Park South. He then ran through Glenfada Park South and sheltered on the ground outside the south-western block of Glenfada Park South. He said that while sheltering there he saw a bullet strike the ground in front of Lisfannon Park and “*dust rise from the ground*”. He concluded that the bullet was fired from the Walls as it “*was clearly travelling east to west*”.¹ In his oral evidence to this Inquiry, Gerry McLaughlin said that after seeing “*the bullet ricochet off the ground, my mind was made up that they were shooting from the walls*”.²

¹ AM332.3-4

² Day 162/128-129

167.30 James Hegarty was “*very confident*” that as he crossed Fahan Street West from Abbey Park to Lisfannon Park there was shooting from the direction of the Walls, although he did not see bullets strike the ground. It is difficult from his evidence to determine when the firing he told us he heard might have occurred.¹

¹ [AH 60.2](#); [Day 163/88-89](#)

167.31 Charles Haslett was a staff reporter for the *Belfast Telegraph* on the day. In his written statement to this Inquiry, he said that while standing at the southern corner of Glenfada Park South, two shots hit the brickwork above him and another shot was fired as he was making his way “*up the Bogside*”. He wondered whether the first two shots came from the Walls.¹ In his oral evidence, he denied that Robert Breglio’s opinion had affected his belief that three shots were fired from the Walls.² He did, however, acknowledge that the first two shots might have struck the brickwork at the southern corner of Glenfada Park North rather than the southern corner of Glenfada Park South.³ In a statement for the Widgery Inquiry, he described shooting as he made his “*way through the Glenfada Park complex into Fahan Street*”, but he “*did not see from where*”.⁴

¹ [M38.6-M38.7](#)

³ [Day 166/106-108](#)

² [Day 166/110-111](#)

⁴ [M38.3](#)

167.32 Julian Daly also described firing from the Walls into Fahan Street West. In a written statement made in 1972 (one of those collected by the Irish Government, and probably a copy of a statement originally given to NICRA)¹ he recorded that he was approximately halfway “*across the square to the houses on the other side (Lisfannon Park)*” when “*a bullet struck the ground about four inches behind my right heel and this could only have been shot from the Derry Walls*”.² In his written statement to this Inquiry he told us that he knew the shot had come from the Walls because of “*the way the shot hit the road behind me and the dust blew up*”.³ In his oral evidence he said “*the dust flew away from the direction of the Derry Walls*”⁴ and that it happened in the middle of Fahan Street West opposite the pathway between Abbey Park and Glenfada Park South.⁵

¹ [AD2.8](#)

⁴ [Day 183/30](#)

² [AD2.13](#)

⁵ [AD2.18](#)

³ [AD2.6](#)

167.33 Charles McGuigan described hearing “*approximately 6 to 8 shots*” which he thought came from the Walls and seeing “*puffs of dust*” as the bullets struck the ground towards the mouth of Fahan Street West.¹ He told us there was no-one in the area where the bullets struck although people were crossing Fahan Street West. He also said that the shots could not have come from down Rossville Street towards Free Derry Corner as

they struck the ground “*too far round the corner*”.² According to this account it would appear that the shots Charles McGuigan told us he witnessed were fired before soldiers had entered Glenfada Park North.

¹ AM269.3-4

² Day 183/140-142

167.34 Patrick Bradley said that while helping to carry Joe Friel across Fahan Street West to a house in Lisfannon Park (which we know to be 23 Lisfannon Park), he saw “*two bullet strikes into the tarmac about four feet or so in front of me*”.¹ Although Patrick Bradley did not say from which direction the firing was coming he said that somebody shouted to him that there was shooting from the Walls.

¹ AB68.3; Day 153/136

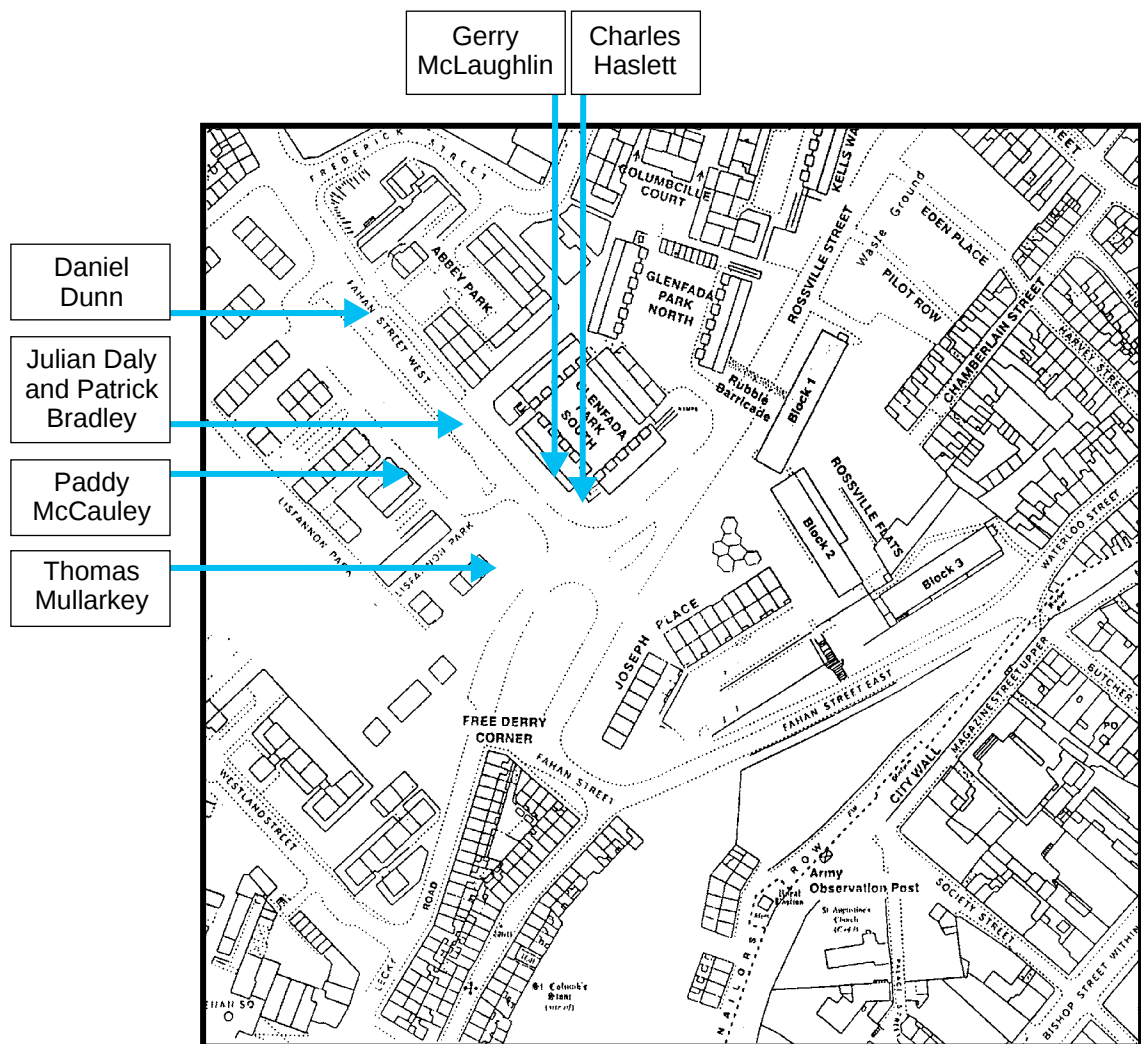
167.35 Two other witnesses, Hugh Leo Young and Eugene McGillan, who said they helped carry Joe Friel to 23 Lisfannon Park, do not mention this incident. While we only have a brief NICRA statement from Eugene McGillan,¹ Hugh Leo Young made a written statement for the Widgery Inquiry² and gave oral evidence both to the Widgery Inquiry and to this Inquiry.³ Both Hugh Leo Young and Patrick Bradley said that after taking Joe Friel into 23 Lisfannon Park, they again crossed Fahan Street West to the pathway between Abbey Park and Glenfada Park.

¹ AM233.1

³ AY1.15; Day 388/2-88

² AY1.9-10

167.36 We have prepared the following plan that shows where Thomas Mullarkey, Paddy McCauley, Gerry McLaughlin, Charles Haslett, Julian Daly, Daniel Dunn and Patrick Bradley said that they were when they described firing from the Walls towards this location.



- 167.37** It will be seen from this plan and the evidence of these witnesses that they were in different positions on either side of or on Fahan Street West when, according to them, they witnessed shots coming from the Walls. Some witnesses place the firing before the soldiers entered Glenfada Park North, while others place the firing afterwards. In addition, the bullet strikes are placed at different locations on Fahan Street West from near its intersection with Rossville Street to approximately 75 yards to the north-west.

Military and other evidence of shooting from the Walls

- 167.38** There was Army gunfire from two houses located below the Walls. Private AD and Private AC fired these shots. The firing was reported by the soldiers concerned and was also mentioned in radio messages and in Army records. We consider this firing elsewhere in

this report.¹ It was not into any of the areas under discussion. No other soldier claimed to have fired from the Walls or nearby areas; there is no record of missing ammunition for soldiers in the area; and there are no radio messages suggesting that additional shots were fired from or near the Walls.

¹ Paragraphs 151.57–101

167.39 We consider first the evidence of two soldiers, Staff Sergeant 129 and Private INQ 1766.

167.40 In his written statement to this Inquiry, Staff Sergeant 129, a member of the Royal Army Pay Corps who was attached to the Coldstream Guards, told us he was positioned on the Walls overlooking Block 3 of the Rossville Flats accompanied by a signaller. He said that after a barrage of 7.62mm shots in the Bogside had ended, a high velocity shot hit a wall some 20 feet above his head. “*Immediately afterwards*”, at least one shot was returned by Royal Anglian gunners to his left.¹ In his Royal Military Police (RMP) statement dated 2nd February 1972,² he recorded that he was at an Army OP on the Grand Parade and was accompanied by Warrant Officer Class II 164, although he told us that he did not now recall them being together.³ According to his RMP statement, at 1638 hours their position came under fire from Meenan Square, but no shots were returned. Three minutes later, however, a party of Royal Anglians to their left came under fire from the same direction, and they returned two 7.62mm shots. Before us, Staff Sergeant 129 agreed that that return fire might have been from a Royal Anglian sniper positioned outside the Walls.⁴ We consider that the exchange that Staff Sergeant 129 described is the one involving Private AD and was not an additional incident of Army firing from the Walls.

¹ B1805.1-3

³ Day 349/59

² B1803-4

⁴ Day 349/69-72

167.41 Private INQ 1766, who did not give oral evidence to us, concluded his written statement to this Inquiry by telling us that “*The Royal Anglians must have fired some shots from the Walls on Bloody Sunday and killed a few that way*”.¹ Although we know that Private AC and Private AD, who were members of 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN), did fire from just below the Walls that day, Private INQ 1766 does not describe anything that remotely resembles their shots. In our view much, if not all, of Private INQ 1766’s written statement can only be described as fantasy. Counsel for the majority of the soldiers referred to Private INQ 1766’s statement and said that he had “*no instructions that would permit me to associate myself with anything in that statement*”.²

It is possible that Private INQ 1766 was giving a distorted account of the firing by Private AC and Private AD, but in our view his evidence provides no support for any suggestion of other firing by soldiers from the Walls or nearby.

¹ [C1766.2](#)

² [Day 75/64](#)

167.42 Major 159 was the Battery Commander for 53 Battery of 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt), which was responsible for manning three Army OPs on the Walls that day. He told us he was responsible for issuing and receiving ammunition, and was “*absolutely certain*” that no soldier from his unit fired that day.¹ In his oral evidence to this Inquiry, Major 159 added that “*no soldier from the area*” fired a round.²

¹ [B1953.003](#)

² [Day 349/121-122](#)

167.43 Lieutenant 227 was a Troop (Platoon) Commander of 53 Battery of 22 Lt AD Regt and was positioned “*a little to the north*” of Charlie OP on the Walls.¹ In his oral evidence, when asked about return fire from the Walls, he said that he could not “*recall any shots being fired in my immediate vicinity*”.² Similarly, Staff Sergeant 139, who was positioned at Charlie OP, said that no shots were fired from the Walls that day and that, because of his position, he would have heard any such firing.³

¹ [B2204.002](#)

³ [B1862.005](#); [Day 350/26-27](#)

² [Day 371/181](#)

167.44 In addition to soldiers stationed on the Walls, two visiting senior Scottish police officers viewed the proceedings from Charlie OP. When one of them, Superintendent Samuel McGonigle, was asked if he heard shooting “*coming from the area of any part of the city walls*”, he replied that he did not.¹

¹ [Day 109/58](#)

167.45 Similarly, Constable David Edmonds of the Royal Ulster Constabulary (RUC), who was at an Army OP near the Walker Monument, in a statement made near the time recorded that he “*did not see or hear any members of the Royal Artillery on the wall shoot*”.¹ He confirmed this in his evidence to this Inquiry.²

¹ [JE2.1](#)

² [JE2.4](#); [Day 208/27](#)

167.46 On the other hand, Sergeant Christopher Laird of the RUC, who was not on the Walls but nearby, made two statements on 9th February 1972,¹ in which he said that at 4.25pm he heard high velocity gunfire from the Walker memorial. In his statement to this Inquiry and in his oral evidence, he said he “*assumed*” there was shooting from the City Walls area,

though it could have been below the Walker Memorial.² Sergeant Laird, unlike Constable Edmonds and Superintendent Samuel McGonigle, was not on the Walls at the time. In our view what he heard were probably the shots fired by Private AD.

¹ JL2.9; JL2.10

² JL2.7; Day 232/46-52

Conclusions

167.47 There are two important factors to bear in mind. The first is the so-called “Derry sound”. In his oral evidence this was described by Colonel Roy Jackson (Commanding Officer of 1 R ANGLIAN) in the following terms:¹

“Yes, it was very difficult in Derry because of topography and geography to isolate shooting points, or points of explosions, unless you either saw the flash or the smoke. And Derry had this unfortunate echo principle between the castle walls and the Bogside and the Creggan and so on.”

¹ Day 287/8

167.48 While the three areas under consideration might not be subject to sound distortion to the same extent as the five sectors, there were buildings involved, particularly in the Joseph Place area, and a steep rise of the ground to the base of the Walls. In our view these features made it easy to be mistaken about the direction from which the sound of gunfire was coming.

167.49 The second factor is that the local population would have been generally aware that on a daily basis soldiers were manning the Walls. On hearing firing it seems to us that people might easily, but mistakenly, jump to the conclusion that it was coming from where they expected soldiers to be.

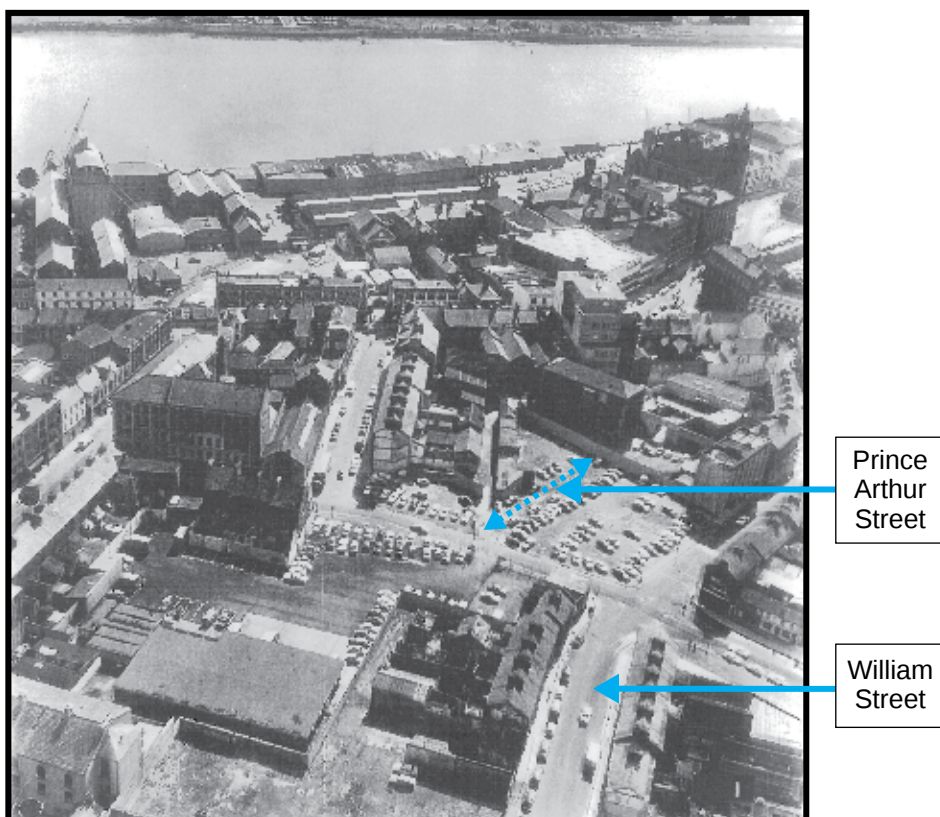
167.50 The firing from the Walls said to have been directed towards Free Derry Corner occurred just after the soldiers of Support Company of 1 PARA entered the Bogside, while claims of firing into the other two areas appear, in the main, to have been that it occurred after most, if not all, of the casualties had been sustained.

167.51 In so far as Free Derry Corner is concerned, we are of the view that in the commotion, noise and fear, people in that area, many if not all of whom were unaware that soldiers of Support Company of 1 PARA had come into the northern part of Rossville Street and opened fire, mistakenly jumped to the conclusion that this firing was coming from the Walls; whereas, in truth, it was coming from the Support Company soldiers further north.

- 167.52** We are sure, from what we regard as convincing evidence from those on the Walls, that there was no firing by soldiers from there or nearby into Free Derry Corner or either of the other two areas under consideration. We are not persuaded to a different conclusion by the evidence given by some people of seeing bullet strikes in various places in Fahan Street West.
- 167.53** So far as bullet strikes said to have been seen close to the junction between Fahan Street West and Rossville Street are concerned, it again seems to us that what was seen were bullets hitting the ground in this area, fired by soldiers of Support Company of 1 PARA further north on Rossville Street.
- 167.54** As to the accounts of bullet strikes further west along Fahan Street West, we have found no other evidence that indicates that soldiers (or even paramilitaries) might have fired into this area, though, as we describe when considering what was happening in the five sectors, there was considerable Army gunfire directed elsewhere. As we also describe when considering the events of Sector 4,¹ Private G fired a shot southwards along the pathway between Abbey Place and Glenfada Park South, but this hit the pathway, not Fahan Street West, though it may have ricocheted across this road. Though in our view the witnesses concerned honestly believed that they had seen bullet strikes this far up Fahan Street West, we have concluded that they must have been mistaken. It is the case that on hearing gunfire nearby, there is a tendency for people to believe that it is directed towards them, even if it is not. In the fear and confusion created by the events of Bloody Sunday we do not find it surprising that people should come mistakenly to believe that they saw shots hitting the ground.
- ¹ [Paragraphs 107.131–158](#)
- 167.55** We take the same view of the evidence of bullet strikes in the area behind Joseph Place. We have considered whether these might have been some of the shots fired by Support Company soldiers from the Rossville Street entrance to Glenfada Park North, which we consider when discussing the events of Sector 5, but this seems unlikely, because Joseph Place would have been in the way, unless the shots hit higher up the slope leading to the Walls than the witnesses indicated.
- 167.56** In these circumstances we are of the view that in the confusion, fear and noise following the incursion of soldiers of Support Company into the Bogside and the substantial amount of firing by those soldiers that followed, people mistakenly came to believe or suspect that soldiers on the Walls had fired into the areas under discussion.

Chapter 168: The firing incident concerning Gunner INQ 1255

168.1 Gunner INQ 1255 of 42 Battery of 22 Lt AD Regt was stationed in an upper floor of a building at the eastern end of Prince Arthur Street, which by the time of Bloody Sunday was a disused street. The building afforded views towards Little James Street to the west and towards Macari's Lane and the Bogside to the south.



168.2 In his evidence to this Inquiry, Gunner INQ 1255 told us that at approximately 1700 hours, while he was playing with the safety catch of his rifle as it rested on one of his boots, he accidentally discharged a bullet that went through his foot, but without breaking any bones. He was carried from the building and taken to hospital.¹ His Section Sergeant, Sergeant INQ 1791, told us that he was on the ground floor of the building when he heard a shot and a scream. According to this Sergeant's account, he went to the second floor of the building to investigate and was told by Gunner INQ 1255 that, while bored, he had been flicking the safety catch of his self-loading rifle (SLR) on and off while sitting with the rifle resting on his boot, when he pulled the trigger.² Gunner INQ 1255 told us that his Sergeant had previously that afternoon handled the rifle and cocked it.³

Sergeant INQ 1791 said that within “*five minutes at maximum*”, he reported the incident to his battery radio controller.⁴ The 22 Lt AD Regt log recorded a message timed at 1707 hours from 42 Battery: “*Gnr [INQ 1255] Accidental discharge slight injury to foot.*”⁵

¹ C1255.2-3; Day 305/26-28

⁴ Day 303/117-118

² C1791.4

⁵ W98 serial 78

³ C1255.2-3

168.3 Following his hospitalisation, Gunner INQ 1255 went on leave. On his return, he was summoned by his Commanding Officer. Gunner INQ 1255 told us that he had “*reported to him what I had been told to say by the members of my platoon, namely that my rifle had been fired accidentally when I fell down some stairs*”. He was fined £35, which, Gunner INQ 1255 claimed, was paid by the Sergeant who had cocked the rifle.¹

¹ C1255.3

168.4 The injury to Gunner INQ 1255 was the only gunshot wound sustained by any soldier in Londonderry during Bloody Sunday.

The Senior Officers

During the course of this report we have dealt with a number of matters particularly concerning General Robert Ford, Brigadier Patrick MacLellan, Colonel Derek Wilford and Major Edward Charles Loden. In this part of the report we consider first some further aspects of the actions and movements of these officers on Bloody Sunday; and then in each case address the question of whether they bear any and if so what responsibility for the deaths and injuries on that day.

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Chapter 169: Major General Ford

169.1 Earlier in this report¹ we considered the part that General Ford played in the preparations of the security forces for controlling the civil rights march. We also referred in our consideration of the events of Sector 1² to his presence at Barrier 14 when soldiers of C Company, 1 PARA went through that barrier and, when considering the question of automatic gunfire, the evidence he gave on that topic. Here we deal in the main with what General Ford did after 1 PARA had gone into the Bogside, before considering the question of his responsibility for what happened on Bloody Sunday.

¹ [Chapter 9](#)

² [Paragraphs 20.230–231](#)

169.2 On 31st January 1972 General Ford dictated a document entitled “My Movements in Londonderry on Sunday 30 January 1972”.¹ This document provided timings for his various movements, though these were described as “*approximate*”.

¹ [B1123-1127](#)

169.3 In this document General Ford described arriving by helicopter at Ebrington Barracks at about 1255 hours and then moving by Land Rover into the city where, among other things, he visited a number of Army barriers including Barrier 14. He went to the Observation Post (OP) at the Embassy Ballroom at about 1530 hours and then back to Barrier 14, where he observed some of the rioting at that barrier. His account continued:

“The mob, having been subjected to baton rounds and the water cannon and now seeing snatch squads of 1 PARA in readiness, began to break up Chamberlain St and William St. At about 1610 barrier 14 was lifted and Coy 1 PARA went in after the mob in a ‘sweep-up’ operation. I followed 1 PARA as far as just behind the junction of Chamberlain St/William St. It was at this stage that I heard shots fired from the direction of Rossville Flats. I returned at once to the OP on Embassy Ballroom but on my way met Lt-Col Ferguson CO 22 Lt AD Regt, and advised him that I thought it a good idea for him to return D Coy 1 PARA to under command 1 PARA. He agreed.

1620

Arrived Embassy Ballroom. From my vantage point I was able to observe the following:

1. Chamberlain St: Approx 1 pln in fire positions at the end of Chamberlain St looking on to the Rossville Flats. The remainder of the company were rounding up people and leading them back to the waste ground on junction Chamberlain St/William St where they were searched and held.

2. Rossville St: Coy moving tactically into positions overlooking Glenfadda Flats and Rossville Flats. At the same time other troops were rounding suspects up in Rossville St and moving them to the waste ground at junction Little James St/William St where they were searched and held. I then spoke on the radio to HQ 8 Bde and asked if D Coy 1 PARA had been transferred to under command 1 PARA. This was confirmed.

1635

Moved back down to Waterloo Place. I then had a quick word with D Coy Comd 1 PARA who at that stage was just returning to under command 1 PARA. After speaking to me he moved off up Sackville St. I moved into William St to the junction William St/Chamberlain St where I saw approx 20 of those arrested sitting on the ground awaiting transport to the holding centre.

I spoke to CO 1 PARA who confirmed my view that his troops had been fired upon first and had returned fire. At the same time I was apprehended by reporters from several newspapers and also by TV camera crews from the BBC and ITN. All of them accused the British Army of having fired indiscriminately and without provocation. In interviews with the BBC and ITN I denied this. I was also asked how many people had died as a result of the battle. At that time I only knew of two bodies that had been found. I also saw elements of RMP helping with the loading of suspects onto three tonners to be taken to the holding centres.

1720

I decided to return to Bde HQ in order to speak with the Commander. On arrival at HQ 8 Bde I was informed that he, in fact, was visiting Tac HQ 22 Lt AD Regt. I returned to Victoria Barracks, met the Commander and we decided to return immediately to the HQ. On our return to HQ 8 Bde I discovered that the total dead had now risen to 11.”

- 169.4** General Ford later prepared a written statement and then a supplementary written statement for the Widgery Inquiry.¹ In these statements he gave a similar account of his movements and what he saw and heard after 1 PARA had gone into the Bogside. He gave oral evidence to the Widgery Inquiry.

¹ [B1140](#); [B1150](#)

- 169.5** In his oral evidence, General Ford described hearing high velocity fire as he approached the junction of William Street and Chamberlain Street, which caused him to return to the Embassy Ballroom OP. It was at this stage that, according to his account, he remarked to his aide-de-camp (ADC) that “*That was awfully heavy firing*” or words to that effect, a

remark overheard by a reporter. He told the Widgery Inquiry that it had taken him a little time to return to the Embassy Ballroom OP, because he walked and there was a delay in getting up in the lift to the OP; and that he got there at about 1620 hours.¹ He also said that he went to this OP to see if he could see what was going on; and that he stayed there for about 15 minutes before going back to the corner of William Street and Chamberlain Street, where he met Colonel Wilford.²

¹ WT10.13-14

² WT10.19-21

169.6 General Ford told the Widgery Inquiry that when he spoke to television reporters after he had spoken (at about 1635 hours) to Colonel Wilford, the only information he had available to him was what Colonel Wilford had given him and it was this information that he gave to the reporters.¹ On the following day, counsel for the Ministry of Defence at the Widgery Inquiry told that Inquiry that General Ford apologised for saying in his evidence that the information about two people being killed had come from Colonel Wilford and that the information had in fact come from his ADC.²

¹ WT10.14-15

² WT11.36

169.7 We set out below the transcript of the filmed interview of General Ford (RF) with John Bierman (JB) of the BBC on 30th January 1972:¹

“RF The paratroopers did not go in there shooting ... in fact they did not fire until they were fired upon and my information at the moment and it is very ... almost immediately after the incident is that the para battalion fired 3 rounds all together after they had something between 10 and 20 fired at them from the area the Rosville Flats over there

JB They fired 3 rounds only

RF My information at the moment

JB I I believe there are more than 3 dead

RF That they fired 3

JB I certainly I have seen 3 dead myself

RF Well they may well not have been killed by our by our soldiers

JB Certainly not

JB Are you saying that the paras only opened fire because they were fired on first because the people in the bogside are saying that no shots were fired at the troops as they came in

RF Most certainly there's absolutely no doubt at all ... that er the parachute battalion did not open up until they'd been fired at you will remember that the aim of the operation in fact was an arrest operation

JB Why

RF Against the hooligans who'd been attacking us as you saw

JB Yeah

RF For probably a couple of hours

JB Well have any British troops been hit by gunfire

RF Yes as the parachutists went in ... er acid bombs were dropped from the Rossville Flats and 2 of the parachutes were injured one I believe seriously ... it was at this time in fact that the gunmen opened up from from the Rossville Flat area

JB 2 paras were hit by acid bombs have any British soldiers been hit by bullets

RF Not as far as I'm aware at this moment

JB Why was it necessary for the paras to take aggressive action at all and to go into the bogside instead of just snatching the people at the head of the procession who were causing the trouble

[Helicopter overhead]

RF The aggressive action was taken because quite apart from the march and incidentally er I was watching the march and I saw the stewards stop it and indeed try to keep control throughout ... unfortunately a hooligan element took over and they came down to our positions down here ... and er started to attack the troops as you saw they attacked them with bricks stones ... various other nasty implements and including of course a couple of canisters of CS gas ... er this went on for some time and it was obviously necessary to to restore law and order"

¹ [B1208.006-008](#); [Vid 1 09.40](#)

169.8

General Ford gave another interview on Bloody Sunday, parts of which were broadcast by BBC radio later that evening.^{1,2,3} In the course of this interview he said that as soon as the soldiers were the other side of the barriers they were attacked "*not only by the*

hooligans but also by as I understand it at this moment half a dozen nail bombers and a petrol bomber and then seven gunmen opened up on them from the top of the flats". He was asked about this during his oral evidence to the Widgery Inquiry:⁴

"Q. In the period of your stay in the post no information had come to you either from the Sergeant there or anyone else to the effect that nail bombs had been thrown or that petrol bombs had been thrown, and during the time you were there you did not receive any information to suggest that gunmen, either one gunman or seven gunmen, had opened up from the top of the flats?

A. I was given no precise information at all. There was a lot of conversation going on on various radio nets.

Q. Indeed, you did not receive any information to suggest where the firing was coming from during the period you were in the post for 15 minutes or so?

A. I only had at that particular moment my own view which I had gathered earlier – which I mentioned, you remember – which was that the firing had come from the direction of the Rossville Flats.

Q. If we can go on to the next question from Mr. Fry: 'But did they in fact, did the paratroopers in fact decide to attack the crowd before or after the snipers opened up?

FORD: No the first para took on the hooligans of course before the snipers opened up, and in fact it was only when the snipers ... when the hooligans were put to flight that the snipers opened up at the top of Rossville flats.'

Again presumably that was on the basis of the information which had been supplied to you?

A. Yes.

Q. By Colonel Wilford?

A. By Colonel Wilford."

¹ [B1208.001-003](#)

³ [Day 260/132-137](#)

² It seems likely that this interview was given at about the same time as the one General Ford gave to John Bierman.

⁴ [WT10.32](#)

169.9

General Ford told the Widgery Inquiry that it was also Colonel Wilford who had told him about nail bombs.¹

¹ [WT10.44-45](#)

169.10 In the course of General Ford's oral evidence to the Widgery Inquiry there was this exchange:¹

"Q. May we take it then that after going to this corner of William Street and Chamberlain Street and hearing this firing you did not enquire at that point or investigate at that point where the firing was directed or where it was coming from?

A. I was not in command. Secondly, there was a great deal going on and the officers concerned were carrying out and giving their orders. It would have been quite improper for me to have interfered or to have asked for any information at that particular moment.

Q. What you are telling the Tribunal then is that in this situation where this certainly looked like a gun battle had started, you heard firing from the corner of those two streets and you turned your back on it and walked away, because it was not your business to enquire about it. Is that the situation?

A. I cannot accept that interpretation of my movements."

¹ [WT10.20](#)

169.11 In 1984 General Ford gave an interview to the author Desmond Hamill. In the course of that interview he made the following remarks:¹

"Incidentally I still believe what I said in the witness box – that 1 Para had to shoot. They honestly believed they were being shot at – and I do as well. They were in an area they didn't know – and therefore there is always some room for errors and problems. But of course it was – at the time – a serious setback. No doubt about it. A setback for the Army's reputation in the eyes of the public. Mind you, it quietened down Londonderry – for a hell of a long time. But that wasn't really the most important thing. Much more important were the political implications and the world-wide effect. I was terribly saddened that thirteen people were killed. But unlike some other people I understood why thirteen were killed. In Belfast, in a similar situation, there wouldn't have been any innocent people killed – they would all have been lying on the floor and out of sight. In Londonderry they weren't used to being shot at at all – and I think probably a lot of innocent people were standing around. In Belfast if 1 Para was seen on the streets ... 1 Para didn't kill anyone in Belfast except the odd terrorist. They had only to be there and everyone went to ground. They were terrified. But they didn't do that in Londonderry, they all stood up, as it were. 1 Para had a very difficult job.

So the operation wasn't a success – it was a local success in that the amount of hooligan damage in the next month was almost nil. But that was really a very small reward for all the tremendous impact it had on the Army and everything else.”

¹ B1208.003.019

169.12 As we have already noted, General Ford gave written and oral evidence to this Inquiry. In his written statement to this Inquiry, General Ford commented on the evidence he gave at the Widgery Inquiry about his reasons for going to the Embassy Ballroom OP:¹

“I was cross-examined in my evidence to the Widgery Tribunal about why I then went to the Embassy OP. There were four options open to me:

(i) I could have gone forward to join C Company. However, I had no information and I could well have walked into a firefight taking place from any direction and in any form. I probably would not have got to the right place anyway. In any case, the presence of a general in a firefight being conducted by either a platoon or even by a complete company would have been totally inappropriate and absolutely stupid.

(ii) I could have stayed where I was, but as I could see nothing and as C Company were not involved in the shooting, that did not seem to be the best course of action. I might have stood there for some considerable time, totally in ignorance of events.

(iii) I could have gone back to my Land Rover and listened in to the radio traffic. It would have taken the same time that it took me to go to the Embassy OP, which is the option I adopted and which I describe at (iv) below. I knew, however, from experience that the initial reports transmitted over the radio within a minute or so of a firefight are frequently incomplete and therefore rarely give an accurate overview. When soldiers are fired on, the immediate commander has a great deal more to do than to send reports back over his radio. The report that is transmitted may well be that of the Commander's radio operator, a private soldier, situated just behind him, whose first impression of what has happened is often inaccurate. The best radio sitrep is given when the action has settled down. All my experience has led me never to set too much store by the first reports that are received.

(iv) I could have gone, as in fact I did, to the Embassy OP from where I hoped I could see what was going on.

Option (iv) was an easy decision to make and I still believe the right one. It meant going back a few yards, then turning north, walking back into the OP, getting into the lift, going up to the top and then having a view from there using binoculars. I think I can recall seeing that more than one company of 1 PARA had been deployed. There was, inevitably, a period while I was in the lift when I could not hear what was going on. I believe there was also a delay of about a couple of minutes before getting into the lift at the Embassy Ballroom, although I can't now remember the reason for it. I cannot now recall any discussions in a back room at the Embassy Ballroom, or what they would have been about. I cannot now be sure whether or not I listened to the radio net.

From the moment that I went out on to the balcony at the front of the OP I heard no further firing. I do not now have any mental picture of what I could see from the top from this position."

¹ [B1208.046](#)

- 169.13** In his oral evidence to this Inquiry, General Ford told us that he had no recollection at all of anything on Bloody Sunday. "*Everything I put in my statement has been taken from documents or from my previous statements.*"¹ He made the same point when asked about the document in which he had recorded his movements on the day, to which we have referred above.²

¹ [Day 255/3](#)

² [B1123](#); [Day 255/28](#)

- 169.14** When General Ford was asked if he knew why the information about what had happened that he was initially given when he had returned from the Embassy Ballroom OP was "so *wildly out*", he gave this response:¹

"I do not know why, but I can only say this: from my own experience of firefights – and this, as I understand it, was in a very short period – you very rarely get the picture right on the spot. And I have taken part in a number of firefights, may I say. There is always confusion and, even immediately afterwards, there are differences of opinion as to what actually happened. And I could quote one or two famous examples if you so wished."

¹ [Day 255/50-51](#)

169.15 In the course of his oral evidence, General Ford's attention was drawn to the transcript of a tapped telephone conversation between two officers on the evening of Bloody Sunday.¹ We have drawn attention to this transcript when discussing the Army communications on Bloody Sunday elsewhere in this report,² as an example of the lack of security of the standard means of communications:

"MS McDERMOTT: Might X2.25.6 be put up on the screen, please. This is a transcript, General Ford, of a conversation which Counsel for the Tribunal has described as being a conversation between two Army officers, I believe that reference is at Day 48. If I may ask you to go to the bottom of it to put it in context:

'Male voice: Look, there has obviously been a hell of a sort out ... the whole things in chaos ... yeah obviously I think it has gone badly wrong in the Rossville ... the doctors just been up the hospital and they are pulling stiffes out there as fast as they can get them out.

'Male voice: There is nothing wrong with that.

'Male voice: Well there is because they are the wrong people ... there is about 9 and 15 killed by the Parachute Regiment in the Rossville area they are all women, children, fuck knows what and they are still going up there ... I mean their Pigs are just full of bodies ... there is a 3 tonner up there with bodies in.

'Male voice: ... Stiffes all over the place and solider [sic] 028.

'Male voice: Soldier 028 involved is he.'

If I bring you down a couple of lines:

'Male voice: The padre is a bit upset. He is going off to see the commander about all the ill treatment.

'Male voice: General Ford.

'Male voice: Yes.

'Male voice: He was lapping it up.

'Male voice: Who was?

'Male voice: Ford.

'Male voice: Was he.

'Male voice: Yeah ... he said it was the best thing he had seen for a long time.

'Male voice: Interesting, is it not.

'Male voice: Well done, 1st Para, he said, a look at them ... 24 ... million dollar.

'Male voice: Good, excellent.

'Male voice: He said this is what should happen.

'Male voice: Yeah.

'Male voice: He said we are far too passive ... and I will tell you later.

'Male voice: Yeah, okay.'

Were you lapping it up?

A. I was not.

Q. Do you have any comment to make about anything else that appears in that?

A. That appears to me, that appears to me to be a conversation between, is it two unknown soldiers?

Q. Yes?

A. Of the Army, we do not know who they are and they are talking – well, quite honestly there is no truth in what they said at all. It is highly emotional and exaggerated."

¹ X2.25.6; Day 260/2-4

² Chapter 191

169.16 We have no reason to doubt General Ford's evidence of his movements after he had seen soldiers of C Company, 1 PARA go through Barrier 14 in William Street. His 1972 accounts of his movements give 1620 hours as the approximate time he arrived at the Embassy Ballroom OP. His description of what he saw from there supports this timing, with soldiers from C Company at the southern end of Chamberlain Street, arrestees being brought back and the soldiers moving into tactical positions, ie moving to the north end of Block 1 of the Rossville Flats, as we have described in the course of considering the events of the day.

169.17 We accept General Ford's reasons for returning to the Embassy Ballroom OP after hearing gunfire. To our minds it would have been inappropriate for him either to have gone further forward or to seek to discover from soldiers on the ground what was going on. He was right to regard himself as an observer,¹ since the operation as a whole was under the command of Brigadier MacLellan. He was also right, for the reasons that he

gave to us, in not seeking to discover from the radio what was going on. There was little radio information about what was going on and some of what was reported was significantly inaccurate.

¹ As appears from his 1972 accounts of his movements, General Ford did suggest that D Company should be returned from 22 Lt AD Regt to the command of 1 PARA, but in the context of what was happening, this in our view was of little significance.

169.18 There is no doubt that immediately after the shooting General Ford was given what was correctly described as a “wildly”¹ inaccurate description of what had happened, though his account of being told that the soldiers had fired three times probably arose from him misunderstanding Colonel Wilford, whose evidence was that he had told General Ford that his soldiers had fired on three occasions. The first impressions that he must have gained at this stage and during at least the early part of the evening were that there had been an encounter between soldiers of 1 PARA and republican paramilitaries, in which the latter had suffered significant casualties; and that a significant number of rioters had been arrested.

¹ [Day 255/50](#)

169.19 Although he denied it was the case, it seems to us that at this stage and in the belief that 1 PARA had fought a successful engagement with paramilitaries, General Ford might well have felt pleased with what had happened. His remarks years later to Desmond Hamill in our view reflected his thoughts when he had come to learn something of what had really taken place.

Assessment of the responsibility of Major General Ford

169.20 We accept General Ford’s denial, both to the Widgery Inquiry and to this Inquiry, that the Army plan for 30th January 1972 was to cause a confrontation with the IRA.¹ In our view there was no such plan. 1 PARA soldiers went into the Bogside, as we have described earlier in this report,² as a result of the failure of Colonel Wilford to comply with the orders given by Brigadier MacLellan regarding the limits of the arrest operation. Colonel Wilford himself had decided to send Support Company into the Bogside in vehicles only a few minutes before he gave his orders; and Lieutenant N and Sergeant O, who led the vehicles in, understood that their task was to disperse what they described as rioters, arresting some in the process if they were able to do so. We have found no evidence at all that suggests to us that anything that occurred before or after the soldiers had gone in was the result of some plan to bring out and engage paramilitaries. We also accept

General Ford's evidence that his plans for an arrest operation arose from his perception that there was an opportunity, by seeking to arrest a significant number of hooligans, to deal "*a significant blow*" to the "Derry Young Hooligans", required because their activities were destroying the city's commercial centre.³

¹ B1201; B1205; Day 255/13

³ Day 258/23

² Chapter 20

169.21 In the light of the situation that obtained in Londonderry in early 1972 (which we discuss in detail in earlier parts of this report¹), we do not criticise General Ford for deciding to deploy soldiers to arrest rioters, though in our view his decision to use 1 PARA as the arrest force is open to criticism, as being a force with a reputation for using excessive physical violence, which thus ran the risk of exacerbating the tensions between the Army and nationalists in Londonderry. However, there is to our minds a significant difference between the risk of soldiers using excessive physical violence when dispersing crowds or trying to arrest rioters, and the risk that they would fire lethal weapons without justification. We have concluded that General Ford had no reason to believe and did not believe that there was such a risk of soldiers of 1 PARA firing unjustifiably that it was inappropriate for that reason to use them for an arrest operation.

¹ Chapter 9

169.22 As to General Ford's memorandum, where he suggested shooting selected ringleaders of rioters after warning, we are surprised that an officer of his seniority should seriously consider that this was something that could be done, notwithstanding that he acknowledged that to take this course would require authorisation from above. We are sure, for the reasons given in the report, that this idea was not adopted and that the shootings on Bloody Sunday were not the result of any plan to shoot selected ringleaders. In the event General Ford formulated a plan to use a large force in an arrest operation as the means of seeking to deal with rioters.

169.23 While the decision to prepare for an arrest operation was his, General Ford did not himself play any role in ordering the arrest operation to be launched or in the form either in which Brigade ordered it or which it actually took. Though he cheered on the soldiers of C Company as they advanced through Barrier 14 (for which we do not criticise him), he correctly in our view did not seek to interfere with or to influence what then happened, since the decision to launch an arrest operation and the form which it was to take were matters for Brigadier MacLellan.

- 169.24** General Ford bears the responsibility for deciding that in the likely event of rioting 8th Infantry Brigade should employ 1 PARA as an arrest force on 30th January 1972. But in our view he neither knew nor should have known at any stage that his decision would or was likely to result in soldiers firing unjustifiably on Bloody Sunday.
- 169.25** At this point we should note that it was submitted that there were a number of factors about Bloody Sunday which should have led not merely Brigadier MacLellan but also his superior officers, Generals Ford and Tuzo, and the “*political masters in Whitehall and Westminster*” to take steps to modify the Yellow Card by imposing additional restrictions on the circumstances in which lethal force could be used and to “*Make it expressly clear to the paratroopers that, whether they came under hostile fire on entering the Bogside or whether they believed they were under hostile fire, they ought to disengage rather than return fire in a crowd situation*”; and that the failure to modify the Yellow Card or issue such directions was a clear breach of the obligation of all involved to ensure that the operation was conducted in such a manner as to minimise to the greatest extent possible the risk to life.¹ It was further submitted that “*The failure to address the risks to civilian life of the use of lethal force by soldiers in the Bogside on Bloody Sunday contributed directly to the loss of 13 lives and the serious injury of 13 more*”.²
- ¹ [FS1.880-881](#) ² [FS1.883](#)
- 169.26** The difficulty with these submissions is that they assume that what happened on Bloody Sunday was something that those accused of failing to take these steps knew or should have known beforehand was likely to happen; and for that reason should have taken the steps suggested. Such an assumption is in our view unwarranted. Neither General Tuzo nor General Ford, nor those in London knew or could have known in advance that in breach of his orders Colonel Wilford would send his soldiers into the Bogside and into the crowd of people there. Whether Brigadier MacLellan should have taken any such steps is a matter we consider below.

Chapter 170: Brigadier MacLellan

170.1 Brigadier MacLellan was at his headquarters at Ebrington Barracks for most of the afternoon. At a late stage (probably after 1700 hours, though the evidence does not disclose exactly when) he went to the headquarters of 22 Lt AD Regt at Victoria Barracks. Meanwhile at about 1720 hours General Ford set off for Ebrington Barracks in order to meet Brigadier MacLellan, to be told on arrival that the Brigadier had gone to 22 Lt AD Regt headquarters. General Ford then went to Victoria Barracks, where he met Brigadier MacLellan. Both these officers then went back to Ebrington Barracks, probably arriving there at about 1745 hours.¹

¹ [B1148](#); [B1127](#); [B1226](#)

Assessment of the responsibility of Brigadier MacLellan

170.2 As we have noted above,¹ the power to order an arrest operation did not rest with General Ford, but with Brigadier MacLellan. We do not criticise Brigadier MacLellan for giving such an order. He did not do so until he was reasonably satisfied that there was sufficient separation between rioters and peaceful marchers to sanction the limited arrest operation that had been suggested by Colonel Wilford. Had Colonel Wilford informed him that in his view the situation had changed and that as the commander of the arrest force he now considered that it was necessary to send soldiers in vehicles along Rossville Street in order to make arrests, we consider that Brigadier MacLellan might well have abandoned the arrest operation altogether, on the grounds that such an operation would not allow sufficient separation between marchers and rioters. Brigadier MacLellan had no reason to believe and did not believe that the limited arrest operation he ordered ran the risk of deaths or injuries from unjustifiable firing by soldiers.

¹ [Paragraph 169.23](#)

170.3 We should add at this point that in our view Brigadier MacLellan cannot fairly be criticised either for not imposing additional restrictions, over and above those in the Yellow Card, on when soldiers could fire their rifles; or for failing to order soldiers engaged in an arrest operation to disengage rather than respond if they were or believed that they were under attack from paramilitaries, so as to minimise the risk that innocent civilians would be killed or injured. In his case suggestions to the contrary assume that he was responsible for sending soldiers into the Bogside. The arrest operation Brigadier MacLellan ordered was limited in scope and in our view the risk to civilians from such an operation did not call for any such restrictions or special orders. We have concluded that Brigadier MacLellan does not bear any responsibility for the deaths and injuries from the unjustifiable firing by soldiers on Bloody Sunday.

Chapter 171: Lieutenant Colonel Wilford

171.1 Elsewhere in this report¹ we have considered in detail the actions of Colonel Wilford up to and including the time he gave the arrest order. Here we deal in the main with what he did after giving that order, before considering the question of his responsibility for what happened on Bloody Sunday.

¹ [Chapters 12](#) and [20](#)

171.2 Gerald Seymour (GS) of Independent Television News interviewed Colonel Wilford (DW) on Bloody Sunday.¹ The following is a transcript taken from the film footage of this interview:²

“GS Colonel once the paratroopers went into the bogside there seem to have been a very large number of casualties

DW Well I suppose large er five is quite large in these circumstances it's unfortunate but when we got up there passed William Street here where we're standing and er up towards Rossville Flats er we came under fire ... er we came under fire from the bottom of the flats from the flats we were also petrol bombed and er ... some acid in fact was poured on us from the top of the flats

GS Local people are saying that you used excessive force when you went in there

DW Well ... what is force if you're being fired at you return fire and they know that perfectly well

GS How many gunmen do you feel you've hit in the Bogside

DW Well ... I am told from my quick sit-rep you must understand it's a very quick sit-rep that 3 gunmen were hit ... we have not got the weapons but this is the usual thing we saw people come forward I am not going to say that I saw weapons taken away because I don't know yet I have not spoken to the men on the ground although I was forward when the shooting was going on

GS You have no worries about this action

DW None at all

GS Local people have also said that you were disrespectful or troops were disrespectful and flung around the bodies of of dead Bogsideers

DW Well I am sure we did not ... in fact I was there when those bodies were recovered and I ordered in fact the vehicle to go forward er to pick them up ... we did not know at that stage whether they were dead or whether they were wounded ... and a vehicle went forward under the very real threat of fire because we were still being fired at at that stage

GS How do you feel about today's operation in the Bogside

DW Well I think any of these sort of operations are unfortunate it should er ... we shouldn't have to do it but they put us in a position where we ... we can do no other when we're fired at we must protect ourselves"

¹ Vid 3 07.36

² B1105

171.3 Shortly after Bloody Sunday, Colonel Wilford was interviewed on the BBC radio programme *The World at One* in which he said:¹

"I don't believe they were shot in the back running away. A lot of us in fact do think that some of their people were shot by their own indiscriminate firing. I hesitate to call anybody a liar but I'm afraid in this matter they are lying because I was forward with my troops and my company commanders and my sergeants and my platoon commanders, saw people and had shots fired at them and I personally had shots fired at me. We went in to make arrests and that's all we went in for. They were the orders and they were quite clear. We were aware and had been told beforehand that it was a dangerous area and I warned my companies to watch their flanks and to watch their front for snipers, and of course that's what we got. We got sniper fire. Certainly I personally saw a man with an M1 carbine on the balcony of a flat. I have got my record and I believe in fact it's something like seven, offhand, we moved very quickly when the firing started. It was also highly inaccurate and indiscriminate firing from the other side. I believe in fact they lost their nerve when they saw us coming on. My compassion is of course for those people in fact that were killed but my compassion is moderated by the fact that it might have been some of my soldiers and it need not have happened."

¹ B1110.016

171.4 In a written statement made soon after Bloody Sunday,¹ Colonel Wilford recorded that after he had given the arrest order and seen the first armoured vehicles moving south from Little James Street and across the William Street junction into Rossville Street; and as he heard several high velocity and baton gun shots, he and his signaller left his Observation Post (OP) (which was in a building to the east of the Presbyterian church) to move in behind the leading companies:²

"We ran down Great James and Little James Street, through barrier 12 and paused briefly at the Rossville Street William Street Junction. I saw that several arrests had already been made. I then moved round the corner hugging close to the wall and ran forward towards the end of Rossville Flats – the northern end. About half way across the ground two or three shots cracked uncomfortably close so I changed direction and ran to the right where I took cover behind a low wall and just to the rear of some of my paratroopers. One paratrooper fired to his left front as I arrived. I asked him what he was firing at. He said a gunman lying behind some rubble. I warned them all to keep their heads down and to fire only at identifiable targets. I asked where the Company Commander was and he was pointed out as being across near the flats. I then ran over and had a quick word with the RMP arrest team which had arrived to pick up some arrested civilians. I saw two civilians being placed in the back of a landrover. They were both bloodied about the head but were otherwise alright. I told the MPs [RMPs] to get the doctor to see them before they were taken off. I now saw the Company Commander Major Loden who called to me. I went over to him where he was standing at the gable end of the flats. He told me there had been considerable shooting from the flats and also from the Glenfada Flats further down and to the right. There were also two ? bodies lying behind the barricade and I told him to get a pig forward to pick them up. This he had already in hand. He told me his disposition and I then left him to find C Company. I went back to the Rossville/William Street Junction where I called A Company forward to protect my right flank. They were to motor through barricade 11 and secure the Little Diamond – William Street area. This they did. I saw C Company and the Company Commander who told me his dispositions. I ordered him to continue with the arresting process but to go firm as we were not to go any further forward. By this time I had a picture of some thirty arrests and probably five dead persons from GSW [gun shot wounds]. I reported these facts to Brigade. I saw all was well with the arrest teams and moved back to Support Company. I told the Company Commander I expected to pull out in a short while and to ensure he was ready to do this. A little while after this I moved into Chamberlain Street. I saw several groups of civilians walking in the flats area as I crossed the open ground some with white handkerchiefs but none of these were fired upon. It was in William Street that I first met General Ford and gave him a hurried report and told him that I was getting ready to move back, first to William Street and then probably to my FUP [Forming Up Position] area at Foyle Car Park. Support Company reported that there was still some shooting at them but soon after it stopped. Bde HQ were informed and my Second in Command began to tidy up the arrest procedure. I understand 50 persons were

arrested. I got [th]e executive order to pull out and all companies pulled back to the FUP area at 1730 and the debriefing began.”

¹ B944

² B950-953

171.5 A little later in this statement Colonel Wilford made this comment about the arrest operation:¹

“The scoop up operation depended for its success on pinching out the rioters before they could escape down into the Rossville complex. My decision to send the Support Company pigs across William Street into Eden Place was based upon the need to get behind the rioters. This they did but when the[y] came under fire the whole arrest operation took on a different face: the soldiers were obliged to move tactically into cover and engage the enemy gunmen.”

¹ B953

171.6 For the purposes of the Widgery Inquiry, Colonel Wilford made another written statement described as supplementary to the statement that we have quoted above. In this statement he told the Widgery Inquiry that:¹

“The situation after I had passed through the Little James Street barrier was that there was a platoon of C Company in William Street to the east of the Rossville Street junction, there were some of the battalion with arrested persons by the wire of the car park in Little James Street. There were some more soldiers at the corner of Prince Arthur Street with more arrested persons. There were some persons in Rossville Street just south of its junction with William Street with arrested persons. I shouted to them to get round the corner and they did. There were two four-tonners belonging to Support Company parked on the east side of Rossville Street by the building fronting William Street. I had a look from the southern corner of this block across the open space. I saw some Support Company vehicles at the northern end o[f] the Rossville Flats. I assumed that was where the Company Commander was and ran across to join him. However halfway across, when I was probably between Eden Place and Pilot Row I realised that shots were coming in my direction. I changed direction and went across to the edge of the long building on the other side of Rossville Street where there were some men of Support Company.”

¹ B973

171.7 In his oral evidence to the Widgery Inquiry, Colonel Wilford said that he thought that perhaps four minutes passed between the time the vehicles had gone in and he reached the junction of William Street and Rossville Street.¹ There was then this exchange:

“Q. When you went across the junction, where were you aiming for?

A. I was aiming to join the forward Company which I knew to be in the Pilot Row/Eden Place area.

Q. So you would be aiming, as it were, diagonally across there?

A. Yes, that is right.

Q. When you set off across that piece of ground did anything untoward happen?

A. Yes. I peered round the corner of William Street. After I had looked around there, because I could see some people being arrested, I went to a group across to the other side of the road and told them to get round the corner because firing was taking place. They had some arrested persons with them. I then again cautiously looked round the corner, observed vehicles at the northern end of Rossville Flats, that is this wing coming towards me now (Indicating) and reckoned that that is where the Company Commander would be. I set off at the double across there. I got about 20 yards when there was a distinct sound of two or three shots, which I took to be carbine, coming uncomfortably close, so I turned, ran and joined a group of my soldiers who were at the southern end of that block on my right.

Q. On Kells Walk?

A. Yes, that is right.

Q. You said two or three shots there, carbine you supposed?

A. Yes.

Q. Came uncomfortably close?

A. Yes.

Q. Did they strike anywhere near you?

A. No, they did not.

Q. Overhead, or what?

A. They passed over my head, I suppose. You cannot say whether it is two feet or ten feet, but there was a crack.”

¹ WT11.43

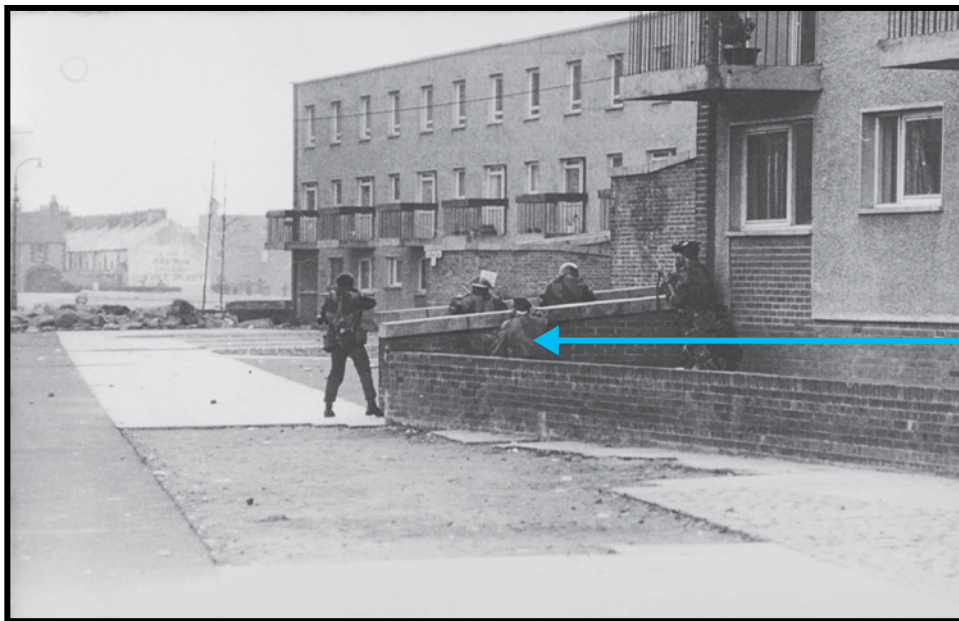
171.8 Colonel Wilford was asked who else was at Kells Walk. He gave this answer:¹

“There were several of my paratroopers there who I know to be members of a certain platoon. Just as I arrived behind them I went aground some ten yards behind them and then made my way forward. At that moment one of the soldiers fired. I asked him why he had fired and he told me there was a gunman behind the rubble at the side of Rossville Flats. I then had a quiet word with them. I told them to spread themselves out a bit because they were a little bit bunched.”

¹ [WT11.44](#)

171.9 Colonel Wilford identified himself as the soldier wearing a beret and with a white patch on the back of his smock in the photograph taken by Jeffrey Morris of the *Daily Mail*.¹

¹ [WT11.45](#)



Colonel
Wilford

171.10 Colonel Wilford told the Widgery Inquiry that he thought that he had not given the soldiers at Kells Walk any other orders. “*I asked them where the Company Commander was and I went over. They were in perfect control. They had an NCO with them.*”¹

¹ [WT11.45](#)

171.11 However, later in his evidence Colonel Wilford said that he might have told the soldiers to fire only at identifiable targets.¹ He said he then went over to Major Loden at “*the corner*” who told him that there were two bodies behind the rubble barricade; that he told Major Loden to get something forward to pick them up; and that Major Loden told him that he already had this in hand. Colonel Wilford then said that he went across to the

Chamberlain Street area to see C Company, then went back to Aggro Corner and afterwards went along William Street to the junction of Chamberlain Street, where he met General Ford.²

¹ WT11.80

² WT11.45-46

- 171.12** Asked about how much he knew about what had happened at this stage, Colonel Wilford said this:¹

“Well, what I had gleaned at that stage was that we had been fired on going in, that fire had been directed at us from the car park at Rossville Flats and also from the windows of Rossville Flats and I also knew about the acid bomber who was on the top of Rossville Flats. I also knew that there were two, perhaps three, bodies behind the Rossville Street barricade. I also knew that there were possibly three more over towards Glenfada.”

¹ WT11.47

- 171.13** He said that he had told General Ford that there were possibly five, dead or wounded, “*of the enemy*”.¹ He also said that General Ford had misunderstood what he had told him. He had not said that there were three shots fired at the paratroopers, but that the paratroopers had fired back on three occasions, information that he had obtained from Major Loden, though Major Loden had not said how many shots had been fired.²

¹ WT11.47

² WT11.65-66

- 171.14** Colonel Wilford gave written and oral evidence to this Inquiry. In his written evidence he expressed doubts about what he could remember, in that he was not sure in some respects what was a memory from the day and what he had learned subsequently from talking with colleagues and from the media.¹ He also sought to resile from or qualify much that he had said to the media decades after the event. In relation to what he had said in the Channel 4 programme *Sunday*, there was this exchange:²

“Q. If you will take it from me for the moment – and I will refer the Tribunal or give the references in due course – but there are a number of occasions during your Channel 4 interview when you say that you controlled the Bogside, and that, somewhat to your surprise, it appeared that nobody was prepared to take advantage of what you had achieved.

A. Yes. This is talking, what, 25 years after the event. I think the remarks that I made were – and I said this before in this room – were the result of frustration and angry – anger, perhaps a certain amount of bitterness, all those sort of things. I think many of those remarks I made were foolish, insupportable, inadvisable, and I was certainly doing what I deplore in others, becoming an armchair general.

Q. The fact was that you did control the Bogside.

A. No, I did not.

Q. That, as you put it yourself, as I referred you to it a few moments ago, the operation was over, there was nobody left to shoot, and you were standing there when General Ford approached you saying ‘What are you going to do next?’

A. ‘Withdraw’, I said, did I not?

Q. You expressed surprise that he should ask you that question, and you then said that if you did not get any further orders that you would withdraw.

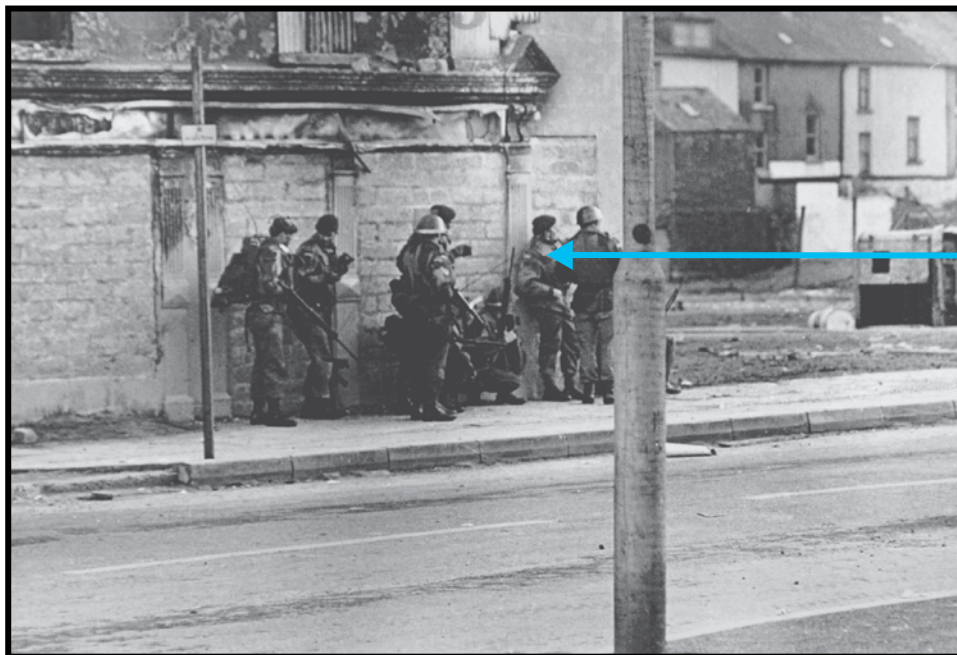
A. Yes, I did, but I did not need any orders, of course, because the operation – the arrest operation, which had been defiled, if you like – was over.”

¹ [B1110.017](#)

² [Day 320/78-79](#)

171.15 In his oral evidence Colonel Wilford agreed that he was probably the figure second in from the right on a photograph taken by Constable Brown, which shows a group of soldiers at the wall on the eastern side of Rossville Street at the northern end of the Eden Place waste ground.¹

¹ [Day 313/52](#)



Colonel
Wilford

171.16 On the basis of the contact sheets of the photographs taken by Constable Brown,¹ this photograph was taken after one showing Colonel Wilford at the low walls of the Kells Walk ramp (shown below), in a position similar to that in the photograph taken by Jeffrey Morris that we have shown above.

¹ For some reason the numbers on the contact sheets are chronologically in reverse order, ie the earliest photograph in time has the highest number. This is demonstrable by the fact that the photographs under discussion must have been taken after the photograph on the contact sheets of the rioting at Barrier 14.



Colonel
Wilford

- 171.17** A later photograph taken by Constable Brown shows a figure that appears to be that of Colonel Wilford moving south across the Eden Place waste ground towards the Support Company vehicles and two Royal Military Police (RMP) Land Rovers, by this stage grouped by the north end of Block 1 of the Rossville Flats.



- 171.18** On the basis of the order in which Constable Brown took his photographs it would appear that Colonel Wilford must have gone or returned to the wall on the eastern side of Rossville Street at the northern end of the Eden Place waste ground, after going to the low walls of the Kells Walk ramp. He was unable to recollect whether this was so, but in the end seemed to agree that this might have happened.¹

¹ [Day 315/28-29](#); [Day 321/78-79](#)

- 171.19** Asked about what he had seen when he got to the low walls of the Kells Walk ramp, Colonel Wilford agreed with the following summary of his evidence:¹

“Q. I would like to re-cap the position that we have reached at this stage: you saw, as you told Lord Widgery, the soldier on the left of the photograph EP28, firing in a southerly direction from Kells Walk. But apart from that, of which you have no specific recollection now, would I be right in thinking that you do not believe you heard any further firing from Kells Walk after the shot fired by the soldier with the rifle at his shoulder in the photograph?
A. That is right.”

¹ [Day 313/62](#)

171.20 The “*photograph EP28*” was a reference to the photograph taken by Jeffrey Morris of Colonel Wilford that we have shown above.¹

¹ [Paragraph 171.9](#)

171.21 Colonel Wilford also told us that he was not conscious of any firing on the east side of Rossville Street after he had seen this soldier, that the totality of the firing by soldiers that he saw was that of the soldier at the Kells Walk wall, and that though he had heard firing in Glenfada Park North he thought this was a little later, after he had gone across to Major Loden.¹

¹ [Day 313/62-3](#)

171.22 Whether Colonel Wilford had heard firing in Glenfada Park North, or had only learned from Major Loden that there had been firing, is in doubt.¹

¹ [Day 316/52-57](#); [Day 32/104](#)

171.23 Counsel drew Colonel Wilford’s attention to what he had said during the course of his interview on the BBC radio programme *The World at One*, the transcript of which we have set out above.¹ Colonel Wilford told us that he thought that he had got muddled up over that. “*I think in fact that I had come under fire. I think someone had then told me that somebody with an M1 Carbine was on, I think they said the second balcony of the Rossville Flats and I had actually joined up the two; I think that is what I had done.*”²

¹ [Paragraph 171.3](#)

² [Day 313/66](#)

171.24 There was this exchange during the course of Colonel Wilford’s oral evidence to this Inquiry:¹

“Q. I think it follows from the whole of your evidence that you had not seen the circumstances in which any of the 13 were killed or the 14 injured on Bloody Sunday?

A. No.

Q. But your position is this, is it not: you cannot believe that any of your soldiers were guilty of misconduct or worse?

A. That is so.

Q. And it is upon that basis, belief but not knowledge, that you have loyally said that your soldiers behaved admirably?

A. Yes.”

¹ [Day 313/67](#)

171.25 Colonel Wilford's attention was also drawn to what he had said in the television documentary *Remember Bloody Sunday*, broadcast in 1992. As appears below, Counsel quoted part of what Colonel Wilford had said and then asked questions about it:¹

"I was approached by General Ford who then asked me a remarkable question 'What was I going to do?', which was remarkable since he was a two-star general and I was a lieutenant colonel. But I took it that he was really asking me what had MacLellan, the Brigadier – the Brigade Commander told me to do. Well, in fact I had not been told by the Brigade Commander to do anything. And so in fact on my – entirely on my own initiative I started withdrawing my troops, and told the brigade that this is what I was doing. And I withdrew my troops.'

Can we go back to 1066, the preceding page. What you had said before the reference to being approached by General Ford was this, halfway down the page:

'Quite honestly I owned the Bogside in military terms; I occupied it. And at that stage, of course, there was no order. There was nothing in the operation order as to if this situation arose what would we do with it: would we exploit it or not. So I stood there for a little while wondering how best to proceed now, and in fact I had already started thinning my soldiers out anyway, because that is a normal operation of war, to create a reserve.'

Over the page at 1067 you describe being approached by General Ford and having the conversation that you describe with him. In that passage on 1066 and 1067 you appear to be complaining that you had no orders as to what to do once you had entered the Bogside; and saying that it was remarkable that General Ford asked what you were going to do; and stating that, on your own initiative, in default of orders, you started withdrawing.

As I understand it – correct me if I am wrong – you now accept that any complaint that you had no orders as to what to do is unfounded, in that you did not need any further orders once the arrest operation was over; is that right?

A. That is true.

Q. Did this exchange or something like it take place with General Ford?

A. I really – I really do not know. All I can say is this was a reflection a long, long time after the event, and I think perhaps that I was reflecting, most inaccurately, on a situation which I perhaps thought had happened. And when I think about it now I have simply no recollection of it being like that at all."

¹ Day 314/7-8

- 171.26** Colonel Wilford agreed that if a soldier heard a high velocity shot from a self-loading rifle (SLR) he would have been right to assume that it was an aimed shot fired at an identifiable target. He denied, however, that once shooting started it was difficult to stop it.¹

¹ [Day 315/81-82](#)

- 171.27** When Colonel Wilford was shown some of the evidence given by Brigadier MacLellan to the Widgery Inquiry, in which the Brigadier had told the Widgery Inquiry that he delayed giving the arrest order so as to be sure that the marchers were separated from the rioters, there was this exchange:¹

“Q. In relation to this matter, would it be correct to say that so far as you were concerned, separation was never a consideration; you would just have launched this operation to arrest hooligans whenever and wherever it was given?

A. When I was told to go, yes.

Q. And in fact it is one of the reasons why you were anxious to be prepared from a very early time to have barriers lifted to disperse crowds; the question of separation was really never broached with you, was it?

A. No, it was...

Q. Thank you. If one can see at the very last question at letter E:

‘Question: At 1607 you passed the order for the 1st Paras arrest force to move in?

‘Answer: My Brigade Major passed it, I was standing beside him.

‘Question: On your order?

‘Answer: On my order.

‘Question: Did they report to you that they went in immediately. If you look at serial 164 you get a message from 1 Para at 1613 that B3 was at Aggro Corner and ordered to return to initial location. Who was B3?

‘Answer: That is C Company...’

Also if we could look at 1258 at letter A and B.

The situation is, when one looks at that – if one goes to 1259, letter A:

‘Question: In your order to 1st Para to go in did you add any caution or prohibition about going down Rossville Street?

‘Answer: Yes, I did.

‘Question: What did you say?’

‘Answer: That they were not to conduct a running battle down Rossville Street and not to get involved with the NICRA [Northern Ireland Civil Rights Association] crowd.

‘Question: What did you mean ‘not to indulge in a running battle down Rossville Street’?

‘Answer: I meant that they should not get tied up with the crowd. The situation as I saw it was this: at the junction of William Street and Rossville Street there was a mob of 150 or so rioting. 300 metres or more away past the Rossville Flats there was a large crowd of non-violent people. The scoop-up, the arrest, was being launched at the hooligans.’

Again in relation to all of these matters, I first asked you a number of questions, I asked you a number of questions whether you believe you did anything wrong or your men did; your answer was: no. The second question, could anything have been done better, your answer was: no. Do you still adhere to that?

A. Yes.”

¹ [Day 316/8-10](#)

171.28 In the course of his oral evidence to this Inquiry, Colonel Wilford’s attention was drawn to what he had said to the Widgery Inquiry:¹

“Q. I wonder could we look at what you said when you spoke to Widgery about this. It is at 1,110.98, letter A:

‘Answer: A soldier in a hostile area sees a man with a gun which is up in the air. It is either pointed at him or, he presumes, at some of his mates. His dilemma is very simple. Does he fire to prevent that man killing him or killing one of his mates, or does he not fire and get killed? It is unlikely that he will see, in that situation, when there is some more shooting going on around him, other people that might be injured as a result of him shooting.

‘Question: Did you at any stage yourself consider the risk to innocent civilians as a result of your soldiers firing in this area?

‘Answer: I am sorry, my attention wandered just for a moment.

'Question: Did you at any stage yourself consider the risk to innocent civilians from your soldiers firing in this area?

'Answer: One is always conscious of this, yes.

'Question: You did think that there was such a risk?

'Answer: It is not a thing which I calculated at the time. One is aware that, if you are in a hostile situation involving a lot of civilian people – which, indeed, they are – who have got guns and missiles, that there is always a danger of some of them being injured.'

Does that accurately reflect what was the position at the time that you adopted towards innocent civilians?

A. I cannot say any better than I have said here.

Q. I am asking you: the views that you expressed to Lord Widgery, would those have honestly reflected your views as of 30th January 1972?

A. They reflect my thinking, yes, but they are directed at the point when we came under fire.

Q. Again it would tend to suggest that there was no structured consideration given to the risks that were inherent in such an operation to innocent bystanders; does it not?

A. I wish you could describe to me what you mean by 'structured'.

Q. For example, whenever you are making a plan, one of the primary considerations where shooting is anticipated, even as a possibility, is that the plan should be produced in such a way so as to take into account at all stages the measures which are to be taken to minimise the risk to civilian life?

A. We were always conscious in fact of the risk to civilians; again, as I say, broadly described as 'innocent civilians'. We were always conscious of that and we took whatever steps we could to avoid unnecessary injury.

Q. That is really delegating it to the individual soldier on the ground?

A. Well, indeed, yes.

Q. Is that what happened?

A. Well, of course, because it goes down, it flows down, right down to the individual soldier.

Q. What you said was:

‘It is not a thing which I calculated at that time.’

Did you not calculate it at the time because you believed it was primarily the responsibility of the individual soldier to make his own decision in the circumstances in which he found himself?

A. No, no, not at all. Of course these calculations were always in our minds. A specific calculation, I think I am referring to here, was not in my mind. If I could just remind you: this was in fact planned as an arrest operation, and that is how we planned it.”

¹ [Day 320/9-12](#)

171.29 Colonel Wilford denied that he sent his soldiers into the Bogside in order to invade IRA territory; and continued to insist that he was engaged only on an arrest operation.¹

¹ [Day 321/11](#)

Assessment of the evidence of Lieutenant Colonel Wilford of his movements

171.30 The evidence Colonel Wilford gave of his movements after his soldiers had gone into the Bogside was somewhat confused, but in the end it seems to us, particularly from the photographic evidence, that he probably went from near Aggro Corner first to the low walls of the Kells Walk ramp, before returning to the wall close to the junction of William Street and Rossville Street; and then moving up to the Support Company vehicles at the stage after they had moved to the area of the north gable wall of Block 1 of the Rossville Flats. We accept his evidence that the only soldier he witnessed firing was the one to his left at the low walls of the Kells Walk ramp. There is evidence from Sergeant 014 (in his RMP statement) that Colonel Wilford had arrived at this position and told Private L to cease firing;¹ and from Private 032 (in his written evidence to this Inquiry) that Colonel Wilford had arrived shouting “*stop shooting, fire only when told to do so*” and that if anyone was to fire it should be Sergeant K because he was the regimental sniper.² In view of Colonel Wilford’s first written account, where he stated that he had told the soldiers only to fire at identifiable targets, it seems to us that he probably did give some such order as Sergeant 014 recalled in his RMP statement. We are not persuaded that he gave the orders suggested by Private 032.

¹ [B1409-1410](#)

² [B1616.008](#)

171.31 It will have been noted that in his first written statement for the Widgery Inquiry,¹ Colonel Wilford had recorded that as he went to join his soldiers, after he had sent them into the Bogside, he heard some high velocity fire; and that as he made his way forward he had heard firing coming in his direction; which in his supplementary statement² he described as shots that he thought were from a carbine.

¹ B944

² B973

171.32 Colonel Wilford did not suggest that the high velocity shots he first heard were incoming fire. It seems to us that what he heard were probably the shots fired by Lieutenant N up the Eden Place alleyway or some of the Army firing that followed soon after in Sectors 2 and 3. As to the shots that Colonel Wilford said were incoming carbine shots, we have found no evidence that in our view supports his evidence in this regard. As we have also observed elsewhere, in a built-up area it is difficult if not impossible to distinguish between types of high velocity firearms. Captain 128, a member of 2 RGJ, who had been in a sniper role in a building on William Street on Bloody Sunday, and who heard firing soon after C Company of 1 PARA had started going through Barrier 14 and had come down from his position and was in William Street, told us in his oral evidence to this Inquiry:¹

“MR ROXBURGH: You describe the shooting as quite protracted, and you say you did not hear any automatic fire.

Did you hear any firing at all that you could identify as coming from a weapon other than an SLR?

A. No. And a comment, if I may: the identification of firing from outside that area is extremely difficult.

Indeed, in any urban environment, identifying shots – be they high velocity, low velocity, automatic, or whatever – is – is very tricky indeed, and curious things happen to sound in built-up areas.

Q. Did you hear any explosions?

A. No.”

¹ Day 303/31-32

171.33 Although we accept that Colonel Wilford believed that he had heard paramilitary fire, we are not persuaded that in fact he did so. In our view it is likely that what he heard was some of the Army shooting at Block 1 of the Rossville Flats from the balcony of Kells

Walk which we have considered when examining the later events in Sector 3,¹ at the stage when he was going forward for the second time towards Major Loden and the Support Company vehicles at the north gable end of Block 1 of the Rossville Flats.

¹ [Chapters 121–124](#)

171.34 We accept that Colonel Wilford did not send his soldiers into the Bogside in order to invade or take over IRA territory, but did so because in his view this was the only way he could effect a significant number of arrests.¹

¹ [Day 317/45-51](#); [Day 321/11](#)

171.35 In his 1972 evidence Colonel Wilford stated that he had warned his soldiers that they had to look to their flanks and front, particularly in the open area of the Rossville Flats and William Street where there had been so much sniping during previous rioting.¹ He also explained that what happened was that *“My decision to send the Support Company pigs across William Street into Eden Place was based upon the need to get behind the rioters. This they did but when the[y] came under fire the whole arrest operation took on a different face: the soldiers were obliged to move tactically into cover and engage the enemy gunmen.”*²

¹ [B946](#)

² [B953](#)

171.36 In 1992, in the course of the television programme *Remember Bloody Sunday*, Colonel Wilford said that he did not accept that his soldiers had acted wrongly. *“There might have been some er wrong things – wrong in the sense that innocent people, people in fact who were not carrying a weapon were shot and wounded or even killed, but that was not done as a deliberate malicious act, it was done as an act if you like of war – they they believed that in fact they were in danger.”*¹ In the same programme Colonel Wilford said this:²

“If someone starts shooting at you you can behave in a variety of ways. You can run away – which of course on the whole soldiers don’t – and certainly my battalion would never run away. You could take cover er behind your shields and just sit in an area until it all passed over. Or you could do er what of course my battalion were trained to do and that is to move forward and seek out the enemy.”

¹ [B1110.204](#)

² [B1046](#)

Assessment of the responsibility of Lieutenant Colonel Wilford

- 171.37** What happened with the arrest operation was not what Colonel Wilford had initially suggested and Brigadier MacLellan had ordered. Instead of an operation in which soldiers would stay in or close to William Street, Colonel Wilford sent them into the Bogside, where they chased people down Rossville Street, into the car park of the Rossville Flats, into Glenfada Park North and as far as Abbey Park.
- 171.38** In our view Colonel Wilford decided to send Support Company into the Bogside because at the time he gave the order he had concluded (without informing Brigadier MacLellan) that there was now no prospect of making any or any significant arrests in the area he had originally suggested, as the rioting was dying down and people were moving away.¹ In addition it seems to us that he wanted to demonstrate that the way to deal with rioters in Londonderry was not to shelter behind barricades like “*Aunt Sallies*” while being stoned, as he perceived was what the local troops had been doing,² but instead to go aggressively after them, as he and his soldiers had been doing in Belfast.
- ¹ [Day 315/85-87](#) ² [B1028](#)
- 171.39** What Colonel Wilford failed to appreciate, or regarded as of little consequence, was that his soldiers, who had not been in a position to observe the rioting that had been going on at the Army barriers, would almost certainly be unable to identify anyone as a rioter, save where, when they arrived, they were met by people who were rioting at that time.
- 171.40** Colonel Wilford failed to inform Brigade that in his view the situation had changed and that the only prospect of making any arrests was to send his soldiers along Rossville Street into the Bogside. He then failed to obey the order that Brigadier MacLellan gave, which prohibited any such movement. He thus created a situation in which soldiers chased people down Rossville Street and beyond, in circumstances where it was not possible to distinguish between those who had merely been marching and those who had been rioting. In other words he set in train the very thing his Brigadier had enjoined him from doing. He should not have ordered his soldiers to go in vehicles along Rossville Street and into the Bogside.
- 171.41** In our view Colonel Wilford can also be criticised on the grounds that he should not have sent his soldiers into an area which he regarded as dangerous and which he had told his soldiers was dangerous, in other words an area which his soldiers did not know and where they might come under lethal attack from paramilitaries, who dominated part of the

city. He knew that his soldiers would accordingly be very much on their guard, ready to respond instantly with gunfire at identified targets, as they were trained to respond, if they did come under such attack. He knew that his soldiers would not withdraw if they came under lethal attack but were trained not just to take cover, but instead to move forward and, as he himself said, seek out the “enemy”.

- 171.42** In these circumstances, on his own estimation of the danger of lethal attacks by paramilitaries, Colonel Wilford must have appreciated that there was a significant risk that sending his soldiers into the Bogside on an arrest operation could lead to an armed engagement with republican paramilitaries. He should have appreciated that if this did happen, then there was also, in view of the numbers of people around, a significant risk that people other than soldiers’ justifiable targets would be killed or injured, albeit by accident, from Army gunfire. To our minds this was another reason why Colonel Wilford should not have launched an incursion into the Bogside.
- 171.43** The fact that what in the event happened on Bloody Sunday when the soldiers entered the Bogside was not a justifiable response to a lethal attack by republican paramilitaries, but instead soldiers opening fire unjustifiably, cannot provide an answer to this criticism, which is based not on what happened, but what at the time Colonel Wilford thought might happen.
- 171.44** We have found nothing that suggests to us that Colonel Wilford can be blamed for the incident in which soldiers fired from the derelict building in William Street and injured Damien Donaghey and John Johnston. However, the question arises as to whether he realised, or should have realised, that there was such a risk of unjustifiable firing by soldiers if he sent them into the Bogside, that for this reason he should not have ordered them to go in.
- 171.45** There was the following exchange in the course of the oral evidence to this Inquiry given by Captain 128, who (as observed above) was in William Street when C Company of 1 PARA went through Barrier 14:¹

“Q. In paragraph 20, you say:

‘I was fully aware that a large number of rounds had been fired and I immediately feared the worst. It was always very difficult to identify from where shots were being fired in the Bogside because of the layout of the area and the Rossville Flats, which would distort sounds. When you hear shots, as a soldier, your automatic reaction is to fire yourself, which is a difficult reaction to stop. I was concerned that the troops who had gone into the Bogside had believed that they were under fire and had lost control of their firing. When firing breaks out in tense situations it can spread very quickly and is very difficult to control. Direct action is often necessary.’

Should we understand from that paragraph that the concern that you had was that the troops who had gone in to the Bogside might have opened fire in the mistaken belief that they were under fire themselves?

A. No, I do not think you would be right to draw that conclusion.

Q. The point you are making is that you were concerned that the troops had believed, rightly or wrongly, that they were under fire?

A. Yes. I mean, the wider point is the concern that I had at the time, and still do, is that in a firefight it is extraordinarily difficult to control fire. People, when they are frightened, tend to fire indiscriminately – it is human nature, I am afraid – and a heck of a lot of training goes in to ensure that that does not happen. But I have experienced it.

I was involved subsequently in training soldiers for duties in Northern Ireland, and it is a problem.

I suspect it always has been, and my impression at the time, because of the number of rounds being fired, was that there may have been some problems with fire control.

Q. Would it be fair to say, in view of the position where you were and the point that you have made about the difficulty of identifying the sounds of gunfire in urban areas, that you are not in a position to say whether or not fire was directed at the soldiers in the Bogside?

A. Emphatically I was not in a position so to do.”

¹ [Day 303/32-34](#)

171.46 We accept, as Captain 128 told us, that there have been occasions when soldiers have overreacted and lost control over their firing. It could thus be said that Colonel Wilford should have appreciated that by sending soldiers into an unknown area, which they

perceived to be dangerous, there was a risk that they might mistakenly believe that they had come under attack from paramilitaries and in that belief open fire without being satisfied that they had identified people who were posing a threat of causing death or serious injury; and that because of that risk, he should not have sent soldiers into the Bogside. In the end, however, we consider that on this ground Colonel Wilford cannot be criticised for giving the orders he did. In other words we take the view that Colonel Wilford cannot be blamed for failing to foresee that the risk of his soldiers firing unjustifiably was such that he should not have given the orders he did.

171.47 In summary, therefore, in our view Colonel Wilford should not have sent soldiers of Support Company into the Bogside for the following reasons:

1. because in doing so he disobeyed the orders given by Brigadier MacLellan;
2. because his soldiers, whose job was to arrest rioters, would have no or virtually no means of identifying those who had been rioting from those who had been taking part in the civil rights march; and
3. because he should not have sent his soldiers into an unknown area which he and they regarded as a dangerous area, where the soldiers might well come under attack from paramilitaries, in circumstances where the soldiers' response would run a significant risk that people other than paramilitaries engaging the soldiers would be killed or injured by Army gunfire.

171.48 Colonel Wilford did not foresee that his soldiers would act as in the event they did; and we consider that in this regard he cannot be fairly criticised.

171.49 It remains to say that the question of whether Colonel Wilford should have instructed his soldiers that in order to minimise the risk to people, if on going into the Bogside they came under lethal attack, or believed that this had happened, they should have disengaged and withdrawn rather than return fire, is in our view a hypothetical question, since for the first two of the reasons we have given above, Colonel Wilford should not have sent soldiers into the Bogside, with or without special instructions.

Chapter 172: Major Loden

172.1 We have already dealt in earlier parts of this report with a number of matters concerning Major Loden, the Commander of Support Company, 1 PARA. Here we deal with other aspects of his evidence about the deployment of Support Company into the Bogside, before considering whether he bears any responsibility for the deaths and injuries on Bloody Sunday.

172.2 In the course of Major Loden's oral evidence to the Widgery Inquiry, there was this exchange:¹

"Q. You moved through barrier 12 and into Rossville Street. I want you to tell my Lord about the deployment of your Company in that area.

LORD WIDGERY: Would you forgive me. Your orders were to move through barrier 12. Did your orders require you to go down Rossville Street or was the choice of going down Rossville Street and turning into William Street your own?

A. My orders were to arrest as many rioters as possible and going down Rossville Street was not mentioned to me. That is where the rioters went and that is where I pursued them."

¹ [WT12.9](#)

172.3 Later in his evidence to the Widgery Inquiry, Major Loden agreed that he had given no specific orders to his Platoon Commanders as to where they should go, but left them to use "SOP [standard operating procedures]", pursuing the rioters "*wherever they go within a reasonable distance*".¹ His evidence was that where the soldiers in fact went was "*quite satisfactory so far as I was concerned. I was in radio contact with all the vehicles and had they gone further I would have stopped them.*"²

¹ [WT12.36](#)

² [WT12.22](#)

172.4 As to the arrest operation itself, Major Loden told us that whereas the original plan had not been a frontal assault on rioters but to execute a pincer movement between Support Company and C Company with the soldiers seeking to encircle rioters, when he got to Barrier 12, "*the pincer movement went out of the window, but I – my orders, as you know, were to arrest as many rioters as I could and where the rioters went is where we pursued them*" and "*the aim really then was for the Pigs to get past and cut off the rioters, and I believe that is what happened ... If we had not gone down Rossville Street, we would not have arrested any rioters.*"¹ Later in his oral evidence, Major Loden said that he thought

that the original plan would have been for his men to deploy in the “*reasonably close confines of Aggro Corner*”, but that this had gone out of the window when he arrived at Barrier 12 and saw the rioters running away.²

¹ Day 344/49-57

² Day 348/73-74

172.5 In his evidence to this Inquiry, Major Loden told us that he was not given any order that there should no running battle down Rossville Street; and initially denied that he had conducted any such battle, though at the same time he said that he did not really recognise the term “*running battle*”.¹ However, later in his oral evidence, Major Loden said that if he had been given some instruction like that he would not have gone down Rossville Street, though he seemed a little later still to resile somewhat from this, on the grounds that it was a hypothetical question, since he had been given no such order; and when questioned by his own counsel, said that his company did not engage in a running battle down Rossville Street.²

¹ B2283.011; Day 342/45-46

² Day 344/66-67; Day 348/74-75

172.6 Major Loden said that he did not recall receiving any direction or instruction or limitation as to where he should go or what he should do when he was ordered to go through Barrier 12 in vehicles.¹ He told us that Lieutenant N and Sergeant O had gone respectively into the Eden Place waste ground and the car park of the Rossville Flats on their own initiative.²

¹ Day 342/45

² Day 342/49

172.7 We have discussed elsewhere in this report¹ Major Loden’s evidence that soon after disembarking in Rossville Street he heard the sound of automatic fire and as a result ordered his vehicles to move up close to the north gable end of Block 1 of the Rossville Flats. We have given our reasons for concluding that Major Loden was mistaken about hearing automatic fire; and that he did not order his vehicles to move until some minutes later than he thought he had.

¹ Chapter 50

172.8 Major Loden told the Widgery Inquiry that he had heard continuous fire for about ten minutes; and had seen his soldiers firing, though he did not see what they were firing at.¹ He also said that he had not seen any civilian shooting or with a gun, or anyone throwing a nail or petrol bomb or seeking to recover a rifle from near an injured person.² When asked about the number of shots fired by soldiers, he gave these answers:³

“Q. How many shots did you hear fired by your men?

A. I did not count the shots fired by my own men and I might say that I was surprised that they had fired as many as 108.

Q. Could I suggest to you that you were surprised to find that your men had fired 108 shots because of the shots you heard you assumed that many of them were fired by civilians, is that so?

A. No, it is not.

Q. What other explanation could there be for you, being in Rossville Street, being the officer in command of 103 men, those men having fired 108 shots, and your being surprised by the number of shots fired? What explanation is there for that?

A. Well, the explanation would be that as I commanded all these men I had a lot of things to do. I had to observe the positions of my platoons, I had to speak to my Commanding Officer and tell him what had happened. I also had to speak on the radio inside my vehicle and if you have got a radio headset on your head you can hear very little outside. There was also a vast amount of noise and shouting going on. If I were to shout as loud as I could in here and this was in front of the Rossville Flats I doubt if you, standing where you are, would hear me.”

¹ WT12.10; WT12.29

³ WT12.30

² WT12.23

172.9 Asked whether he had heard any shots from behind the rubble barricade which he could identify as coming from a pistol, Major Loden said “*No, I cannot say positively ‘Yes’ or ‘No’ to that.*”¹

¹ WT12.38

172.10 Major Loden said to the Widgery Inquiry that although the Rossville Flats had been pointed out to him as a place where fire might come from “*my appreciation was – and I based this on my experience in Belfast – that when a large body of troops appeared in armoured vehicles, any gunmen who might have been thinking of having a go would in fact not. So I was surprised when the shooting started; I must say.*”¹

¹ WT12.35

172.11 Major Loden agreed in his evidence to the Widgery Inquiry and to us that he had probably shouted “*Cease firing*”, and was sure that he had then shouted “*Don’t fire back for [the] moment*” and after a short pause “*Unless you identify a positive target*”.^{1,2}

¹ WT12.30-31; Day 346/58-59

² These words were recorded by an ITN film crew (Vid 3 05.55).

172.12 These commands were given after all the casualties had been sustained and at a time when soldiers were firing at a flat in Block 1 of the Rossville Flats, as we describe elsewhere in this report.¹ Major Loden denied the suggestion that he had ordered his men to stop firing because he thought that they were firing without having identified a target. There was this exchange in his oral evidence to the Widgery Inquiry:²

“Q. The instructions which you gave them, ‘Don’t fire back for a moment unless you identify a positive target’, that really is the same as the instruction on the yellow card, is it not? That is, that they must not fire unless they see an identifiable target?”

A. No, I do not think it is, actually, but go on.

Q. Might I suggest that if your version of these orders is correct, you just might as well have said to these men, ‘Keep on firing at identifiable targets’?

A. I will tell you exactly why I did not do that. There had been a period of about ten minutes when there had been a lot of fire directed at my soldiers and they had defended themselves. When I gave that order the attacks against them had diminished and, as far as I was concerned enough – not enough, that is not the right word – I did not want them to fire back any more even though attacks were still coming against them because I reckoned that the situation had stabilized and I wanted to get an ammunition count and I wanted to establish exactly what had happened. It is for that reason that I pulled the platoons commanders into me just after that time and also the sergeant to give the ammunition check. Shots did still come and men were still in danger but I did not want them to fire back.”

¹ Paragraphs 93.4–15; Chapter 123

² WT12.31

- 172.13 In the course of his oral evidence to this Inquiry, Major Loden was shown a film taken on the day by a film crew from ABC News which shows the rubble barricade.¹ There was then this exchange:²

"I think we have reached the position that there is certainly nobody clearly standing behind or on the barricade. The reason that I show you this photograph, this video clip is that it appears from it that the command vehicle, your command vehicle, was present in Rossville Street up until the time when there was nobody readily visible at, on or in the vicinity of the barricade; do you follow?

A. (Witness nodding)

Q. I see you nodding. It would appear, therefore, to be the position that for anybody who was either in the command vehicle or at or near to the command vehicle, looking towards the barricade, that person would have been able to see whatever happened at the barricade between the time when there were people clearly standing at, on, behind and around it until the time that we see in this photograph when there is nobody visible or if anybody, one person just visible; do you follow?

A. I follow yes, uh-huh.

Q. Do you know why it is that you appear to have seen nothing of what was going on at the barricade between the time when there were people plainly standing at it until the time when there was apparently no-one at it?

A. Well, the answer is: no, I mean I certainly cannot give you an explanation, except to say that I had a lot of other things to do.

Q. What were they?

A. Well, they were talking on the radio; they were looking to see what the other platoons were doing; there were things happening in the Rossville car park. Um, and really, I mean, I can only tell you that I do not have a recollection now of what was happening at the barricade or the situation you describe to me."

¹ Day 343/2-7; Vid 48 11.35

² Day 343/8-9

- 172.14 Major Loden told us that he thought he would have been in his command vehicle when he was doing these things, probably standing at the back with his head in the turret, talking on the radio handset.¹

¹ Day 343/9; Day 343/11-12

- 172.15** Asked if it would have been part of his duty, when he thought there was incoming fire, to scan for the sources of this fire, Major Loden said this:¹

“A. Um, well, I am not so sure about that because it is extremely difficult to see where the fire is coming from and my experience in the past has been that only if you are actually engaged yourself in the exchange of fire, that you would see the person who is firing at you and it is pretty obvious that the people who are firing at you are going to do their best to remain concealed.

So the answer is: it is a very overall impression of what is happening, but I am not, um, if you like, perhaps using a pair of binoculars to scan every nook and cranny, it was definitely an overall impression.

Does that answer the question?

Q. Yes. Do you recall seeing any civilian gunman?

A. No, and I think I said so at the Widgery Tribunal.”

¹ Day 344/60

- 172.16** Major Loden denied either that he had seen much more of what happened than he was prepared to admit, or that he had “*utterly*” abandoned command and control of his men.¹ Major Loden said to us that it was not possible to see what a soldier was targeting unless one was looking down the barrel of that soldier’s rifle. He agreed he had exercised no control over the firing, because “*At this point it was not my position to exercise control. The platoon commanders and the section commanders are the people who are controlling their men at that moment.*”²

¹ Day 347/51

² Day 346/41

- 172.17** In our view, after the soldiers had gone into the Bogside and disembarked, events moved so fast that at the time Major Loden had no idea what was actually going on, but assumed that his soldiers had come under attack from paramilitaries and were responding. It could be said that another officer in Major Loden’s position might have appreciated earlier that in view of the amount of Army gunfire something seemed to be going seriously wrong; paramilitaries were not known to take on troops in force, but rather to snipe individually from positions of cover. In consequence such an officer might have made greater efforts to control the situation. Major Loden was surprised by the amount of firing. However, although he did not initially appreciate that something was wrong and did not order a ceasefire or give any other instructions to his soldiers until after all the casualties had been sustained, it was not unreasonable for him initially to believe, as we consider he did,

that on this occasion, by his soldiers going into an area dominated by the IRA, they had for once encountered paramilitary resistance in strength, to which they were responding. We accept his evidence that in this belief, it was not for him to control his soldiers' firing, but to leave this to the platoon and section commanders. We also accept, for the reasons he gave, that he could not see the targets that his soldiers were engaging and thus could not tell from this whether or not the firing was unjustified.

- 172.18** In our view, at the time the casualties were being sustained, Major Loden neither realised nor should have realised that his soldiers were or might be firing unjustifiably at people who were not posing or about to pose a threat of causing death or serious injury. However, we consider that at the time when he did tell his soldiers not to fire back unless they had identified positive targets, he probably did realise that the firing that was taking place then was, or might be, unjustified. By this stage all the casualties had been sustained and there had been a pause in the firing.

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

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Evidential Matters

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Introduction

173.1 This chapter deals with the manner in which the Royal Military Police (RMP) obtained evidence from soldiers in the aftermath of Bloody Sunday. Its primary focus is on the RMP statements that were taken, firstly from those soldiers who fired live rounds and secondly from soldiers who supplied supporting statements dealing with the shooting incidents. We consider elsewhere in this report¹ the circumstances in which the RMP took statements at Fort George from members of 1st Battalion, The Parachute Regiment (1 PARA) who claimed to have arrested a civilian for rioting; and RMP statements taken in connection with the complaint made by the Nelis family about the behaviour of members of C Company of 1 PARA in 33 Chamberlain Street. A typed map was annexed to the typed RMP statements of all those soldiers who fired shots on Bloody Sunday. It indicated the soldier's position and the position of his target(s). We consider later in this chapter² the circumstances in which these "RMP maps" came to be created.

¹ [Chapters 155-164](#)

² [Paragraph 173.144](#)

The composition of the Royal Military Police in Northern Ireland in 1972

173.2 1st Regiment, RMP (1 RMP) in Northern Ireland came into being on 5th November 1971.¹ It was made up of a number of Provost Companies under the command of Lieutenant Colonel INQ 1383. The latter, in his capacity as Assistant Provost Marshal (APM), had been, from his arrival in Northern Ireland in April 1970, the senior military police officer in that theatre.²

¹ [CW1.61](#)

² [C1383.1; Day 304/144](#)

173.3 In 1972, 1 RMP had its headquarters at Headquarters Northern Ireland (HQNI) in Lisburn. Its constituent companies were attached to the various brigades then operating in Northern Ireland. As with any RMP regiment, 1 RMP had two main roles. With one exception, all the companies of 1 RMP would have fulfilled the first role, undertaking general police duties such as maintaining order on Army bases and processing arrested civilians. An example is 176 Provost Company. This was the company attached to 8th Infantry Brigade in Londonderry. On 30th January 1972, 176 Provost Company was tasked to establish prisoner collection points at Fort George and Craigavon Bridge.¹

¹ [G95.571](#)

173.4 The exception was 178 Provost Company, 1 RMP which fulfilled the second main role. This was the Special Investigation Branch (SIB) company. The SIB was the equivalent of the Criminal Investigation Department of a civilian police force.¹ Usually in plain clothes, members of the SIB investigated allegations of criminal activity among soldiers and, importantly, so-called internal security (IS) incidents – ie incidents when a soldier had fired his weapon, causing death or injury or damage to property.²

¹ C1831.1; CW1.1; Day 252/4; C2064.1

² CW1.1; CW1.46

173.5 In 1972, 178 Provost Company was commanded by Captain INQ 1870, who had been posted to Northern Ireland in late 1971.¹ The company's Regimental Sergeant Major was Warrant Officer Class I Wood. The company was based in Lisburn and made up of between 50 and 60 men.² One investigator, Warrant Officer Class II INQ 1831, was based at Ebrington Barracks in Londonderry.³ He had a junior non-commissioned officer (NCO) attached to him, who was on loan from 176 Provost Company.⁴ Warrant Officer Class I Wood was also the Staff Assistant to the APM, Colonel INQ 1383.⁵

¹ CW1.2; C1868.2

⁴ CW1.67

² CW1.1; CW1.67

⁵ CW1.2

³ C1831.1

173.6 Warrant Officer Class I Wood's evidence to us was that the minimum rank for an SIB investigator was sergeant. Any investigator would have served in the RMP for at least 18 months before transferring to the SIB. He would then have undergone further training, including an 18-week course in England. Following that, the investigator would have been on probation, with the acting rank of sergeant, for two years.¹ Warrant Officer Class I Wood explained that 178 Provost Company was broken up into sub-units, consisting of an SIB sergeant (ie an investigator) and six Junior NCOs. The latter, known as "statement takers" or "aides to SIB" (both referred to below as "SIB statement takers") would have had more limited training.² That training appears to have been largely "on the job", although, according to Warrant Officer Class I Wood, some of the SIB statement takers "*would have taken part in an in-theatre training course which was designed to instruct them in the procedures of taking statements from soldiers involved in IS incidents*". This course was run by Warrant Officer Class II INQ 1835, then an SIB instructor at Roussillon Barracks in Chichester, where, at some point before January 1972, the SIB had a training wing.³ However, Warrant Officer Class I Wood acknowledged that there might have been some SIB statement takers who did not receive that introductory course. He went on to explain that the procedure was that a new SIB statement taker would "*be put out first of*

all with a proper SIB person and they would sit and watch him and they would then be introduced to doing it. Then they would be put with an experienced statement-taker and then they would fly alone.”⁴

¹ CW1.1

³ CW1.67; Day 383/154-155; C1835.1; C1835.2

² CW1.67; Day 252/5; C1831.2

⁴ Day 383/155

173.7 We received evidence from three SIB statement takers (Corporal Brobson (sometimes known by the cipher Corporal INQ 1868), Corporal INQ 2052 and Corporal INQ 2064) who were all involved in the statement-taking process that followed Bloody Sunday. All three were members of the RMP who were attached to the SIB in the course of lengthy tours of duty in Northern Ireland.¹ We do not know whether they had attended the course conducted by Warrant Officer Class II INQ 1835.

¹ C1868.1; C2052.1; C2064.1

173.8 Before continuing, we should explain that, in this chapter, where we refer to “SIB officers” we intend this as a reference to members of the SIB holding the rank of corporal and above. So the term applies both to SIB investigators and the lower-ranked SIB statement takers.

Methodology of statement-taking

173.9 Statements taken by members of the RMP (whether SIB officers or regular RMP officers) were written on a pre-printed statement form which, to comply with the requirements of section 9 of the Criminal Justice Act 1967 and the corresponding Northern Ireland legislation, carried the following declaration:

“This statement consisting of ... pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.”

173.10 Each page of the RMP statement, taken in longhand, would be signed by both the soldier being interviewed and the interviewer. The final page of the statement would carry the signature of the soldier and the interviewer (as witness), the location at which the statement was taken and the date on which the statement was taken. The interviewer was also required to record on that final page the time and date at which he had taken the statement and witnessed the soldier’s signature. According to Corporal Brobson, it was normal practice to record the time when the statement was “signed off”.¹ It follows that

the times recorded on the RMP statements taken in connection with Bloody Sunday indicate the time at which the statement-taking process was concluded. Subsequently, a typed version of the statement would be produced.²

¹ Day 275/128

² C1868.3

173.11 According to Colonel INQ 1383, the RMP statements would have been taken in accordance with “*Standing Operational Procedures*” (SOPs).¹ In his oral evidence to this Inquiry² he explained that SOPs were “*written in a theatre or in a command to cover – to govern, as I say, the operational, administrative and other activities of the soldiers in the command*”. They were to be distinguished from the RMP training manuals which covered procedures “*that must be followed anywhere in accordance with the law*”. Colonel INQ 1383 went on to explain that, while the SOPs would cover the circumstances in which a statement would be taken, statement-taking was “*fundamental*” to the work of a military policeman and would have been covered by the training manual, “*in which every military policeman, and in particular the investigators, the Special Investigation Branch, would be thoroughly trained*”.

¹ C1383.6

² Day 304/96-98

173.12 In his third written statement to this Inquiry, Warrant Officer Class I Wood, commenting on this aspect of Colonel INQ 1383’s oral evidence, accepted that the RMP training manuals contained instructions as to how statements should be taken and investigations processed. However, the manuals did not deal with the procedure for dealing with IS incidents, which were not dealt with as routine inquiries.¹ That SOPs might have existed in some form is indicated by paragraph 5 of a report prepared by Lieutenant Colonel Overbury on the Widgery Inquiry. The report is headed “Report of Army Tribunal Team” and dated 23rd March 1972.² However, neither Warrant Officer Class I Wood nor Warrant Officer Class II INQ 1831 had heard of SOPs. The former thought Colonel Overbury’s report was referring to a briefing document that he, Warrant Officer Class I Wood, had drafted in 1971.³ Colonel Overbury was not serving in Northern Ireland in January 1972.

¹ CW1.64

³ Day 383/124; Day 258/132

² CO1.64

173.13 The document prepared by Warrant Officer Class I Wood is available. Dated 14th July 1971, it is titled “Brief for investigators on enquiries into IS matters in Northern Ireland.”¹ Appended to it is a document headed “Aide Memoire”, which sets out the approach to be adopted by an SIB investigator on receiving a report of an IS incident.² The document was signed by Warrant Officer Class I Wood on behalf of the APM, Colonel INQ 1383.

¹ CW1.46

² CW1.48

173.14 According to Warrant Officer Class I Wood, the brief developed from a process by which he had been charged to find “*the fullest possible information on an IS matter*”.¹ A fuller explanation of the genesis of the brief (described as a “protocol”) is set out in the third written statement made by Warrant Officer Class I Wood to this Inquiry. There, he explained that following a shooting incident in Belfast in August 1970, where a soldier had killed a petrol bomber, he was tasked to find a way in which the “*Army received the fullest possible information on all Internal Security (IS) incidents as soon as possible*”. Having consulted, among others, members of the Royal Ulster Constabulary (RUC), Warrant Officer Class I Wood made a number of recommendations, which included that the SIB be tasked “*at the very earliest possible opportunity*” and that “*military witnesses ... be under compulsion to answer questions put to them*”.²

¹ [Day 383/123](#)

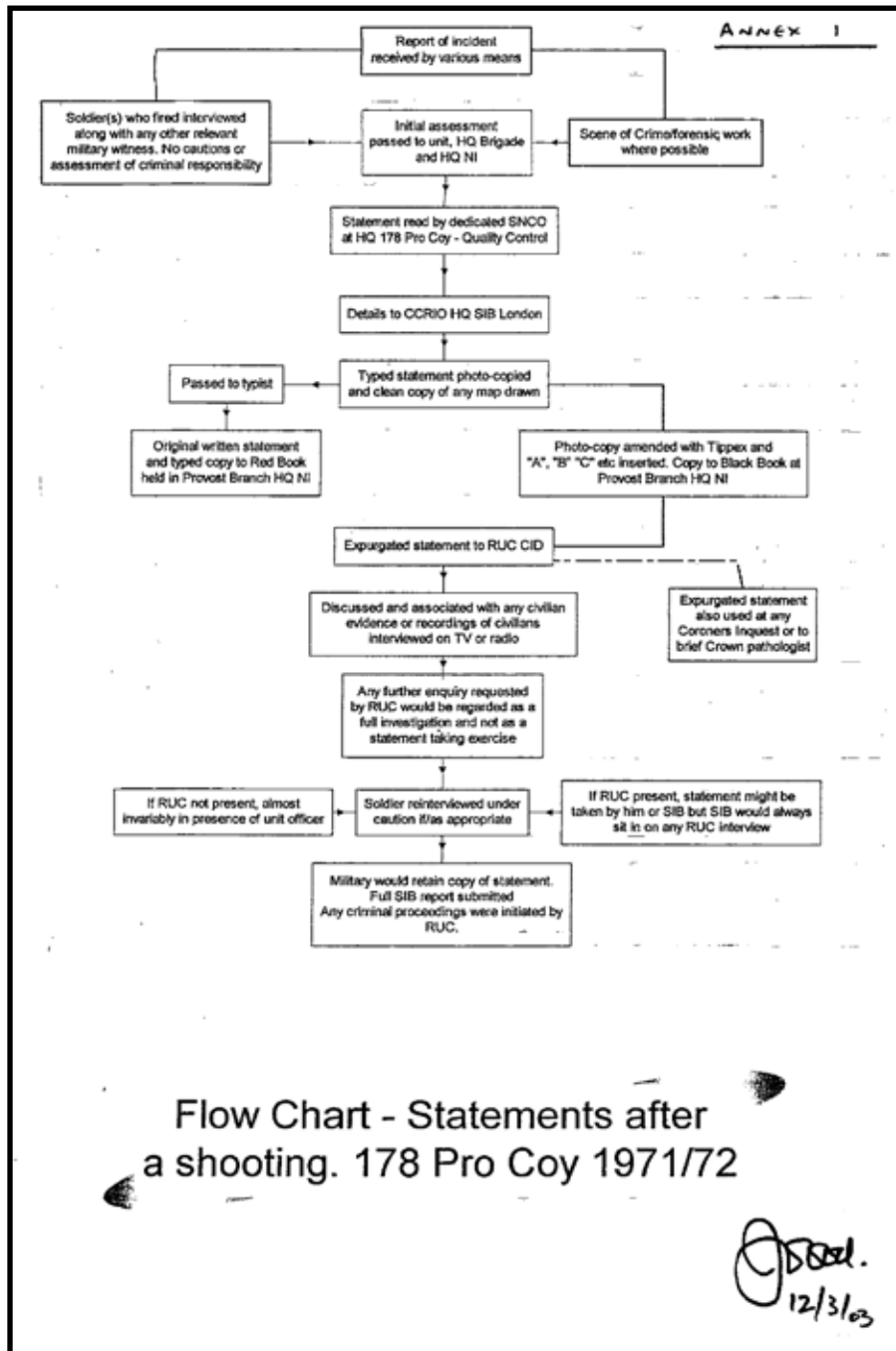
² [CW1.55-57](#)

173.15 According to Warrant Officer Class I Wood, the intention was that the brief was to be distributed to all SIB investigators and SIB statement takers. It was his expectation that they would follow this protocol.¹ It set out all the information they were required to obtain.² The operation of the protocol, including co-operation with the RUC, is set out in the flow chart below. This was prepared by Warrant Officer Class I Wood and annexed to his third written statement to this Inquiry, and is dated 12th March 2003.³

¹ [Day 383/123](#)

³ [CW1.66](#)

² [Day 383/127-128](#)



173.16 The relevant aspects of the protocol as to the taking of these “contact statements” can be summarised as follows:

- They were to be obtained as soon as possible after the incident.¹

¹ CW1.47; CW1.56

- They were needed in order to inform higher military command of what had happened; for that command to be able to answer immediately any allegations that might be raised by civilians; and to make evidence available for any future claim or for a coroner's inquest.¹

¹ CW1.48; CW1.46.

- The SIB investigator/statement taker was not conducting "*a normal SIB 'investigation' as such*". He was there as a "*trained statement taker and evidence-gatherer*". Assessment of criminal responsibility was not his task.¹

¹ CW1.48

- According to Warrant Officer Class I Wood, the statements were to be mandatory and were not to be taken under caution.¹ A statement would be taken under caution only under certain circumstances, for example "*if the soldier volunteers the information that he acted illegally and this is confirmed by his military superiors*".²

¹ CW1.56; Day 383/127; Day 383/158

² CW1.48-49

- The evidence obtained was to be of the highest quality.¹

¹ CW1.47

- In approach, the statements were intended to set the scene, build up to the shooting, describe the shooting and any follow-up action.¹

¹ CW1.49-50

- They were to identify precise locations.¹

¹ CW1.50

- They were taken by a question and answer process.¹

¹ Day 383/127-128

173.17 Warrant Officer Class I Wood's evidence was that this protocol was to be followed in investigations of all shooting incidents in Northern Ireland.¹ This contrasts with the more qualified stance towards the protocol initially adopted by his superior, Colonel INQ 1383, particularly in relation to criminal liability.² However, Colonel INQ 1383 did subsequently confirm the approach set out in the protocol (and summarised in the previous paragraph) and agreed that he had sanctioned and authorised its preparation.³

¹ CW1.57

³ Day 304/137-142

² Day 304/107-112

173.18 Corporal INQ 2052 took a number of RMP statements, beginning on 2nd February 1972. When he came to give oral evidence to this Inquiry, he was shown both the brief and the accompanying aide mémoire prepared by Warrant Officer Class I Wood. Although Corporal INQ 2052 had no recollection of seeing the actual documents, his evidence was that their contents reflected the procedure he would have adopted when taking statements in relation to IS incidents.¹ In his written statement to this Inquiry, Corporal INQ 2052 described the procedure as “*not ... very formal*”, its purpose being to “*merely record the facts of the incident*”. He would have conducted the interviews alone.² He would have used a map during the course of the interview. The statement would have been taken in longhand on a standard form. He would have gone through the account with the soldier before any details were written down.³ The statements were taken from soldiers as witnesses rather than as suspects; they were not taken under caution.⁴

¹ [Day 252/14-15](#)

³ [Day 252/19](#); [Day 252/24](#)

² [C2052.1](#); [C2052.2](#)

⁴ [Day 252/25-26](#)

173.19 Corporal Brobson was the witness who supplied the brief and the aide mémoire to the Inquiry, though he could not recall when they had come into his possession. In relation to these he said that he thought they were a “*reasonable, accurate estimate*” of the procedure adopted by the SIB in Northern Ireland in the months leading up to January 1972.¹ In his oral evidence to this Inquiry, Warrant Officer Class II INQ 1831 also confirmed that the protocol (drafted by Warrant Officer Class I Wood) reflected his recollection of the procedures adopted by the SIB when investigating an IS incident in the months leading up to January 1972 and in relation to the Army firing which occurred on Bloody Sunday.²

¹ [Day 275/106](#)

² [Day 258/133](#)

173.20 On the basis of the available evidence, we consider that the protocol prepared by Warrant Officer Class I Wood sets out the procedure that SIB officers were expected to follow when investigating an IS incident. This was the procedure in place when SIB officers took statements in connection with the events of Bloody Sunday.

173.21 It is convenient to deal at this point with one final aspect of the protocol. As has already been noted, all statements were taken in manuscript. The evidence of Warrant Officer Class I Wood is that a soldier’s name would have been recorded on the manuscript statement.¹ When the statements came to be typed up, these details would still appear on the typed statement. As the protocol made clear, it was important to prevent a soldier’s name or identifying details from becoming known outside the SIB. The “unexpurgated” (or, as we would call them, unredacted) statements were held in a “Red Book” with the

APM in Lisburn. Names were then replaced with letters and the resulting statements kept in a “Black Book”. It was these “expurgated” statements that would have been supplied to the RUC or a coroner’s inquest where necessary.² Major INQ 3 was an SIB-trained officer. In 1972, he was a staff officer who held the post of Deputy APM (Special Duties).³ His evidence was that he was tasked by Colonel INQ 1383 to redact the RMP statements taken in the aftermath of Bloody Sunday.⁴

¹ CW1.2

³ C3.1; Day 256/154-158

² CW1.2; CW1.66

⁴ C3.1; Day 256/158

The relationship between the Royal Ulster Constabulary and the Royal Military Police

173.22 Elsewhere in this report¹ we have referred to a paper prepared by Major INQ 3 for a lecture he gave to the Provost Marshal’s Study Period in Chichester in November 1973. A copy of the paper was attached to his written statement to this Inquiry. The lecture was titled “RMP and the legal consequences of the Army’s involvement in Northern Ireland”.² Paragraph 12 of the paper reads as follows:³

“Back in 1970 a decision was reached between the GOC [General Officer Commanding] and the Chief Constable whereby RMP would tend to military witnesses and the RUC to civilian witnesses in the investigation of offences and incidents. With both RMP and RUC sympathetic towards the soldier, who after all was doing an incredibly difficult job, he was highly unlikely to make a statement incriminating himself, for the RMP investigator was out for information for managerial, not criminal purposes, and, using their powers of discretion, it was equally unlikely that the RUC would prefer charges against soldiers except in the most extreme of circumstances.”

¹ Paragraph 194.10

³ C3.10

² C3.1; C3.3

173.23 The effect of this decision was that at the time of Bloody Sunday, soldiers involved in an IS incident were interviewed by SIB officers and not by the RUC. The protocol devised by Warrant Officer Class I Wood highlighted this strict separation of responsibility, advising SIB officers not to trace or interview civilian witnesses but rather to pass any information on to the RUC.¹ According to Corporal INQ 2052, if in the course of investigating an incident, for example while visiting the scene, the SIB officer was approached by a civilian offering assistance, then that witness’s contact details would have been passed on to the RUC.² The evidence of Colonel INQ 1383 and Warrant Officer Class I Wood supports the

approach in the protocol that any statements taken by the SIB would be made available to the RUC if they requested them. The protocol emphasised the need to protect the identity of soldiers; hence the decision that such statements would only be released in redacted form.³

¹ [CW1.54](#)

² [Day 252/23](#)

³ [Day 304/150-151](#); [CW1.1](#); [CW1.2](#); [CW1.53](#); [CW1.66](#); [Day 383/125](#)

Royal Military Police statements taken in the aftermath of Bloody Sunday

173.24 The chronology of the statement-taking process that followed the events of Bloody Sunday can be divided into three phases.

Phase I: The evening of 30th January 1972 to 1st February 1972 – interviewing soldiers who had fired shots

173.25 Colonel INQ 1383 was in Londonderry on Bloody Sunday. His recollection is that he instigated the statement-taking process,¹ giving instructions to Captain INQ 1870 and Warrant Officer Class I Wood (who were both also in the city), with an emphasis on interviewing the soldiers who had fired.² He did not personally take any statements.³ On returning to Lisburn he confirmed the despatch of additional SIB officers to Londonderry.⁴

¹ [C1383.5](#)

² [Day 304/99-100](#)

³ [C1383.6](#)

⁴ [C1383.7](#)

173.26 Warrant Officer Class I Wood had no recollection of meeting Colonel INQ 1383 on Bloody Sunday.¹ While at the Embassy Ballroom² in Strand Road he learned that people had been shot.³ He went to the RMP HQ at Ebrington Barracks from where he contacted headquarters at Lisburn to ask for a team of SIB officers to be despatched to Londonderry.⁴

¹ [CW1.64](#); [Day 383/100](#)

² In 1972 the Army occupied the top floor of this building.

³ [CW1.5](#); [Day 383/98-99](#)

⁴ [CW1.5](#); [CW1.68](#); [Day 383/99](#)

173.27 The evidence of Warrant Officer Class I Wood was that he and Captain INQ 1870 went to the barracks to which 1 PARA had withdrawn. He saw either the battalion's Commanding Officer or the Adjutant. Warrant Officer Class I Wood told us that his intention was to *"take statements from the soldiers before they talked amongst themselves, exchanged stories and their memories faded"*. He *"asked to see anyone who had opened fire, anyone who was fired upon and anyone who had seen people fired upon"*.¹ In his oral evidence to this Inquiry, Captain Mike Jackson, then the 1 PARA Adjutant (and now General Sir Mike Jackson), suggested that Warrant Officer Class I Wood would have worked *"through the chain of command, through the company and platoon commanders"*. Captain Jackson's job would have been to initiate the process by notifying the companies of 1 PARA that the military police had arrived to interview soldiers who had fired.²

¹ CW1.8; Day 382/129

² Day 384/32

173.28 According to Warrant Officer Class I Wood, when the SIB reinforcements arrived from Lisburn, the team set itself up in a large hall at the barracks. Warrant Officer Class I Wood then briefed them (more than likely as a group) on the basis of information from Brigade HQ, information that he thought would have been passed on orally but would have included details such as timings. The radio logs (brigade or regimental) would not have been available to the investigating team at that time. The information supplied to the SIB would not have included grid references. Warrant Officer Class I Wood obtained a map of the Bogside and had copies made for the interviewers. As soldiers arrived to be interviewed, Warrant Officer Class I Wood would also have briefed them explaining that *"it was just our normal inquiry"*. The SIB officers would have worked on a cab-rank basis, interviewing soldiers as they arrived. The statements were taken without a caution being administered and by a question and answer process. An interviewed soldier would not have received a copy of the resulting statement. He might have seen it only if he was the subject of a follow-up interview.¹

¹ CW1.8-9; Day 383/124-131

173.29 It is likely that the SIB officers detailed from Lisburn drove to Londonderry. That was the recollection of Corporal Brobson, the only member of the group despatched from Lisburn to have made a statement to this Inquiry.¹ Corporal Brobson's recollection was that, on arrival, he was briefed by either Captain INQ 1870 or Warrant Officer Class II INQ 1831. The reference to the latter must be an error in recollection since Warrant Officer Class II INQ 1831 was not in Londonderry on Bloody Sunday, but returned to the city from England on 31st January 1972. Corporal Brobson had no recollection of encountering Warrant Officer Class I Wood.²

¹ C1868.2

² C1868.2; Day 275/108; C1831.1

173.30 Corporal Brobson's main written statement to this Inquiry has, as an attachment, an earlier statement he provided to the Inquiry dated 16th May 2000. In that attached statement, Corporal Brobson stated that "*The interviews I had with the soldiers mostly took place at the R.M.P. Detachment building in Londonderry*".¹ More details appeared in his main written statement to this Inquiry, in which Corporal Brobson recalled that the location at which the RMP statements were taken lacked any special interview facilities. Interviews were conducted where room could be found. He had a recollection of taking one statement in the lounge of the Corporals' Club, where Captain INQ 1870 was also plotting on a map of Londonderry the positions of the soldiers who had fired.²

¹ C1868.2; C1868.6

² C1868.3; C1868.4

173.31 The sequence of interviews conducted between 30th January and 1st February 1972 can most conveniently be represented in tabular form. Table 173.1 below identifies those statements taken on 30th and 31st January. The names or ciphers of the SIB officers who took the statements are set out in the second row immediately below the date. Below each name or cipher are two columns; the first identifies the soldiers interviewed by that SIB officer and the second the time of the interview as recorded on the statement itself, ie the time at which the interview was concluded. Table 173.2 sets out those interviews conducted on 1st February 1972. It follows the same format as Table 173.1. In both tables, members of 1 PARA are highlighted in blue and members of other regiments in yellow.

Table 173.1

30th January 1972											
Captain INQ 1870		Warrant Officer Class I Wood		Sergeant Roberts		Corporal Brobson		Corporal Rowe		Corporal Smith	
Bombardier X	2020										
		Private AC	2025								
		Private AD	2055								
		Lance Bombardier Z	2130			Gunner Y	2130	Sergeant O	2130		
		Sergeant AA	2210								
				Corporal P	2230					Private S	2230
Lance Corporal 104	2340										
31st January 1972											
								Lance Corporal V	0025		
		Private Q	0030								
				Private U	0040						
										Lieutenant N	0045
		Corporal A	0100					Lieutenant N	0100		
		Private B	0110								
		Private 017	0130					Private C	0130		
				Corporal E	0140						
		Private T	0200					Lance Corporal D	0200		
Private L	0205										
						Private H	0210				
										Private G	0215
										Private H	0230
								Lance Corporal F	0240		
								Private R	0630		
						Private M	1235				
						Lieutenant 119	1320				
						Corporal E	1400				
						Lance Corporal F	1410				
						Private G	1420				

Table 173.2

1st February 1972									
Corporal UNK 1134		Warrant Officer Class II INQ 1831		Corporal INQ 1828		Corporal Brobson		Corporal Rowe	
				Lieutenant 227	1215				
Gunner 101	1340								
								Sergeant K	Not recorded
								Lieutenant N	1400
								Sergeant O	1430
		Private P	1450						
						Lance Corporal J	1515		
								Private AC	1710
								Private AD	1730
								Private AB	1745
								Sergeant AA	1800

173.32 The following points arise from the evidence summarised in the two tables above.

The location of the interviews

173.33 The evidence of Warrant Officer Class I Wood considered above suggests that on the night of 30th January 1972 the SIB statement-taking team went to the barracks to which 1 PARA had withdrawn.¹ That would accord with the approach recommended in the protocol he drafted.² With one exception, the location at which statements listed in the two tables above were taken is recorded as Londonderry. The exception is a statement taken by Captain INQ 1870 from Bombardier X of 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt) (see Table 173.1), which records the location as Ebrington Barracks.³ This supports the recollection of Corporal Brobson referred to above. Indeed, he recalled that the “*Londonderry detachment ... was full*” with uniformed RMP personnel present.⁴ Ebrington Barracks was the base for 176 Provost Company.⁵

¹ CW1.8; Day 382/129

⁴ C1868.3

² CW1.48

⁵ C1828.1

³ B824

173.34 We consider that Ebrington Barracks is likely to have been the site where the RMP statement-taking process began, as this was where the local SIB investigator (Warrant Officer Class II INQ 1831) was based and so where the pro forma statement forms would have been readily available.¹ Despatching statement takers, newly arrived from Lisburn,

to different regimental locations would have caused added complication. It follows that any SIB requests to various units to make those soldiers who had fired weapons available for interview would be likely to have been made by telephone or radio.

¹ [C1831.1](#)

Arrival of soldiers to be interviewed

173.35 The information set out in Table 173.1 above counters the suggestion apparent from the evidence of Warrant Officer Class I Wood and Corporal Brobson that members of 1 PARA arrived together to be interviewed.¹ Rather, it seems to us that soldiers arrived at different times during the course of the evening of 30th January and the early hours of 31st January 1972. In relation to the members of 1 PARA, it is relevant to note that they would have reached Ebrington Barracks from different locations. According to the radio logs, at 1835 hours 8th Infantry Brigade ordered 1 PARA to release one company to return to Belfast while its remaining companies were to remain in Londonderry as the Brigade Reserve. The companies retained were to remain on the streets of Londonderry for the present. If the situation remained quiet, they were then to return to Drumahoe Barracks.² C Company was chosen to return to Belfast but the remaining companies of 1 PARA did not move out to Drumahoe until 2310 hours, reaching it some 30 minutes later.³ Some members of 1 PARA, including Sergeant O and Corporal P, were involved in transporting the bodies of Michael McDaid, William Nash and John Young to Altnagelvin Hospital, after which they returned to Drumahoe Barracks and then went to Fort George.⁴ Between 1704 and 1902 hours, three attempts were made by those at Fort George to secure the attendance of 1 PARA arresting personnel.⁵ So members of 1 PARA could have been on the way to Fort George, on the streets of Londonderry or at Drumahoe Barracks when they were notified to go to Ebrington Barracks to be interviewed.

¹ [CW1.9](#); [C1868.3](#)

⁴ [B469](#); [B593](#); [B575.122](#)

² [W54](#) serial 248

⁵ [W50](#) serial 211; [W53](#) serial 246; [W54](#) serial 254

³ [W55](#) serial 257; [W92](#) serials 51 and 52; [W60](#) serial 292

The Special Investigation Branch officers involved in Phase I of the Royal Military Police statement-taking process

173.36 Of the six SIB officers who conducted interviews on 30th and 31st January 1972, three (Captain INQ 1870, Warrant Officer Class I Wood and Sergeant Roberts, the last sometimes known by the cipher Sergeant INQ 1878) were fully qualified SIB

investigators. Only Warrant Officer Class I Wood gave evidence to this Inquiry. The remaining three SIB officers had the rank of Corporal and so would have been SIB statement takers. Of these, only Corporal Brobson gave evidence to this Inquiry.

173.37 Of the six interviewers who took statements on 30th and 31st January, only Corporal Rowe (sometimes known by the cipher Corporal INQ 1855) was based in Londonderry. Warrant Officer Class II INQ 1831, the sole SIB investigator to be based in Londonderry in January 1972, identified Corporal Rowe as his personal assistant who had been with him since August 1971.¹ As already noted, Warrant Officer Class II INQ 1831 was not in Londonderry on Bloody Sunday.²

¹ Day 258/142

² C1831.1

173.38 Captain INQ 1870 and Warrant Officer Class I Wood were already in Londonderry on 30th January.¹ However, it does not follow that the only SIB officers to be despatched from Lisburn were Sergeant Roberts, Corporal Brobson and Corporal Smith (sometimes known by the cipher Corporal INQ 2120). The evidence of Warrant Officer Class I Wood is that he delegated one man to the mortuary at Altnagelvin Hospital with instructions to obtain Polaroid photographs of those killed.² This SIB officer may have been an additional member of the group despatched from Lisburn. The statements taken by Corporal Brobson from Corporal E, Lance Corporal F and Private G deal with them being shown a collection of photographs.³ As Table 173.1 above shows, these three statements were taken between 1400 hours and 1420 hours on 31st January 1972.

¹ CW1.2

³ B91; B126; B176

² CW1.9; Day 383/128

173.39 By 1st February 1972, Captain INQ 1870 and Warrant Officer Class I Wood were no longer conducting interviews. Warrant Officer Class I Wood returned to Lisburn and left for London on the evening of 31st January 1972, returning a week later.¹ Warrant Officer Class II INQ 1831, the SIB investigator based in Londonderry, returned to the city on the evening of 31st January 1972.² Given that a Senior NCO was now present in Londonderry, it is possible that Captain INQ 1870 also returned to Lisburn: the majority of 178 Provost Company (the SIB company), which he commanded, was based there; and the Londonderry statement-taking process could be co-ordinated from Lisburn. It was suggested by Warrant Officer Class I Wood and Warrant Officer Class II INQ 1831 that Warrant Officer Class II INQ 1835, the SIB instructor who was based in Chichester and who was previously asked to train the SIB statement takers, may have had a role in co-ordinating the RMP statement-taking process.³ However, in his written statement to

this Inquiry, Warrant Officer Class II INQ 1835 made no mention of having such a role, although he mentioned working closely with the Captain (INQ 1870) commanding the SIB company.⁴

¹ [CW1.10](#)

³ [Day 383/142-143; C1831.2](#)

² [C1831.1](#)

⁴ [C1835.3](#)

173.40 Of the original six interviewers, only Corporal Brobson and Corporal Rowe were conducting interviews on 1st February 1972. Warrant Officer Class II INQ 1831 took one statement on that day. Corporal INQ 1828 and Corporal UNK 1134 each took a statement from a soldier who had not fired live rounds. Corporal INQ 1828 identified himself as a member of 176 Provost Company.¹ He took one statement. Corporal INQ 1828 made a written statement and gave evidence to this Inquiry. His evidence does not indicate whether he was attached to the SIB. Corporal UNK 1134 took a statement from Gunner 101. This statement taker has not been identified but his signature matches that of an RMP officer which appears on some of the arrest statements made by members of 1 PARA when civilian arrestees were processed at Fort George. This suggests that Corporal UNK 1134 was, like Corporal INQ 1828, a uniformed member of 176 Provost Company.

¹ [C1828.1](#)

The interviews

173.41 Interviews began shortly after 2000 hours on the evening of 30th January 1972. Between then and 1420 hours on the afternoon of 31st January 1972, a team of six SIB officers interviewed 28 soldiers. Save for three soldiers (Lance Corporal 104, Private 017 and Lieutenant 119), all those interviewed had fired shots on Bloody Sunday. The RMP statement of Lance Corporal 104 deals with the arrest of civilians at the Army barrier in Barrack Street and his alleged conversation with Joe Friel. These events are considered elsewhere in this report.¹

¹ [Paragraphs 104.123–137](#)

173.42 As Table 173.1 shows, Lieutenant N was interviewed twice by two different RMP statement takers. The statement timed at 0045 hours on 31st January 1972, and given to Corporal Smith, dealt with the shots Lieutenant N had fired.¹ The statement timed at 0100 hours on 31st January 1972, and given to Corporal Rowe, dealt with the collection of the bodies of Michael McDaid, William Nash and John Young from the rubble barricade in Rossville Street.²

¹ [B373](#)

² [B384](#)

173.43 There is an anomaly in that Private H appears to have given two statements within a short period of time. The first, timed at 0210 hours on 31st January 1972, was given to Corporal Brobson.¹ The second, ostensibly timed at 0230 hours and taken by Corporal Smith,² does not refer to the first and, like it, deals with the shots Private H said he had fired on the day. We have considered this anomaly in the course of considering the events of Sector 4 and concluded, for the reasons we give, that the second statement was not made on 31st January, but at a later date.³

¹ [B218](#)

³ [Paragraphs 97.27–34](#)

² [B228](#)

173.44 The first two interviews conducted by Warrant Officer Class I Wood on 30th January 1972 were of Private AC and Private AD of 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN) (see Table 173.1). Corporal Rowe subsequently interviewed both on 1st February 1972 (although the typed versions of these RMP statements are dated, wrongly in our view, 31st January 1972). In both cases the second statement does not refer to the first. In oral evidence, Warrant Officer Class I Wood was asked to look at the two statements made by Private AD. He accepted that it was possible that somehow the fact that this soldier had already given a statement was missed and so the soldier (and by extension Private AC) was interviewed again.¹ By the time Private AC and Private AD were interviewed for a second time, Warrant Officer Class I Wood had already left Northern Ireland.

¹ [Day 383/137-138](#)

173.45 By 1420 hours on 31st January 1972, the only members of 1 PARA who had admitted firing their weapons but had not yet given an account to the SIB were Lance Corporal J and Sergeant K. They were among those interviewed on 1st February 1972.

173.46 Lieutenant 227 was interviewed on 1st February 1972, although the statement also carries the date of 31st January 1972.¹ Corporal INQ 1828, who recorded the statement, could not recall taking a statement in connection with the events of Bloody Sunday although he confirmed that he had taken statements in the course of his career.² Although Corporal INQ 1828 was not asked specifically about the statement he recorded, his involvement suggests to us that there was a limited number of statement takers available, indicating, as it does, the willingness to use a regular (ie non-SIB) military policeman to take a statement; albeit from a soldier who had not fired shots.

¹ [B2186.3](#)

² [C1828.4](#)

Phase II: 2nd February 1972 to 15th February 1972 – the taking of confirmatory and supplementary statements

173.47 The establishment of the Widgery Inquiry was announced in Parliament on 1st February 1972.¹ The Army set up a team, based at HQNI in Lisburn, to “*co-ordinate the work involved in presenting evidence to the Tribunal*”. The team included Colonel Overbury, who arrived in Northern Ireland on 2nd February 1972. He was a member of the half of the Army Tribunal Team tasked with the “Preparation of Army Evidence”.² In Colonel Overbury’s second written statement to this Inquiry, he explained that the part of the team “*responsible for gathering evidence and information from the Army*” was led by Lieutenant Colonel Hamilton (sometimes known by the cipher INQ 1864). The provision of evidence was the responsibility of the APM, Colonel INQ 1383, while the task of investigation fell to the SIB. Colonel Overbury’s recollection was that, “*Once it was announced that there would be a Tribunal of Inquiry and the Army Tribunal Team was set up, the SIB was requested to carry out a full investigation, in the course of which, they decided to interview many of the soldiers again.*” This involved re-interviewing several times some of the soldiers who had fired live rounds.³

¹ V10

³ CO1.41-2

² CO1.82; CO1.83

173.48 However, it is possible that Colonel Overbury’s recollection may not be entirely accurate. To achieve the aim set out in the protocol prepared by Warrant Officer Class I Wood to obtain “*evidence ... of the highest quality*”¹ it would seem inevitable that the SIB would have had to interview soldiers who had not fired shots themselves but were able to provide evidence of the circumstances in which their colleagues fired. That is reflected in the flow chart, reproduced above, showing the operation of the protocol.² Warrant Officer Class I Wood told us that his intention was that soldiers who had not themselves fired but could provide supporting evidence should also be interviewed.³

¹ CW1.47

³ CW1.8; Day 383/126; Day 383/140

² CW1.66

173.49 Table 173.2 above shows that by 1st February 1972, the SIB had already begun to take statements from soldiers who had not fired live rounds (Lieutenant 227 and Gunner 101), and supplementary statements from those who had (the statements from Sergeant AA and Lieutenant N are examples).¹ As discussed in more detail below, on 2nd February 1972, members of the SIB conducted interviews with 29 soldiers, none of whom had fired live rounds, both in Londonderry and Belfast. It seems to us that it is unlikely that this number of interviews could have been arranged following the announcement of an inquiry

on the evening of 1st February 1972 and the creation of the Army Tribunal Team. Indeed, that team first met only on 2nd February 1972. A minute of that first meeting records that “a number of agencies had been collecting information independently of each other”. These seem to have included the APM who “had been collecting statements from soldiers”.² The overall impression that the SIB intended, and had already begun, to interview soldiers other than those who had fired their weapons is reinforced by the content of a minute signed by Major General INQ 2144 recording a conversation with General Sir Michael Carver, the Chief of the General Staff, which took place on 31st January 1972. As the document makes clear, were an inquiry into the events of Bloody Sunday established then it could, “as a result of statements already taken”, involve between 120 and 150 soldier witnesses.³

¹ B892; B391

³ CO1.177; CO1.178

² CO1.212; CO1.213; CO1.41

173.50 Between 2nd and 15th February 1972, a team of 13 SIB officers took 141 statements from soldiers. Warrant Officer Class II INQ 1831 and Corporal Rowe, the two SIB officers based in Londonderry at the time of Bloody Sunday, played no part in the taking of these statements. Save for Corporal Brobson, the SIB officers involved in this phase of the SIB investigation had yet to take any statements in connection with the events of Bloody Sunday. Of the new SIB officers involved, this Inquiry received written statements from Corporal INQ 2035, Corporal INQ 2052, Corporal INQ 2064 and Warrant Officer Class II INQ 1835. Corporal INQ 2052 was the only one of these SIB officers to give oral evidence to this Inquiry.

173.51 As already noted, Warrant Officer Class II INQ 1835 was, in 1972, an SIB instructor based in Chichester. He recalled being one of a team of four SIB investigators (the others being a Staff Sergeant and two Sergeants) flown from London to Lisburn to assist in the statement-taking process. They were based in Lisburn and travelled from there daily to conduct interviews.¹ The interviewers were also supplemented by SIB officers brought in from Lisburn, including Corporal INQ 2035² and Corporal INQ 2064.³

¹ C1835.1; C1835.3

³ C2064.1

² C2035.1

173.52 The evidence of Corporal INQ 2052 to this Inquiry was that he was attached to the SIB in Londonderry in January 1972, as part of a two-year tour which had begun in Lisburn.¹ It is undoubtedly the case, as analysed below, that Corporal INQ 2052 took statements in the aftermath of Bloody Sunday. However, Warrant Officer Class II INQ 1831 (the sole SIB investigator based in Londonderry at the time) was certain that Corporal INQ 2052 was

not stationed in Londonderry between August 1971 and March 1972.² The first of the statements taken by Corporal INQ 2052 was dated 2nd February 1972. He did not take a statement from a soldier who had fired. Had he been based in Londonderry, Corporal INQ 2052 would have had the advantage over those SIB officers who were tasked from Lisburn of knowing the local area and so ought to have been used to interview soldiers who had fired. These matters lead us to conclude that Corporal INQ 2052's recollection is mistaken and he was not deployed to Londonderry at the time of Bloody Sunday but was still stationed in Lisburn.

¹ [C2052.1](#)

² [Day 258/147](#)

173.53 By the time this part of the RMP statement-taking process began, 1 PARA had returned to its permanent base at Holywood Barracks outside Belfast. Those battalions of other regiments resident in Londonderry had also returned to regular duty. Tables 173.3 to 173.12 below identify the statements taken by this team of SIB officers. Each table represents a day. The tables have a different format from Tables 173.1 and 173.2 above. Each column represents an individual SIB officer and identifies the statements taken by that SIB officer on a particular day. The rank, cipher and unit of the soldier interviewed are given together with (in brackets) the time at which the statement was made. Interviews conducted in Belfast are highlighted in blue; those conducted in Londonderry (including at the various unit locations in County Londonderry) are highlighted in yellow. Table 173.12 lists two statements for which no date is available. Both were made by soldiers (Private 024 and Corporal 131) who did not fire shots on the day. The undated statement of Private 024¹ was taken by Corporal Smith. It is a shorter version of a fuller statement taken from Private 024 on 4th February 1972 by Corporal INQ 1871. It is possible therefore that Corporal Smith took the statement from Private 024 on 2nd February 1972 when Corporal Smith was in Belfast to take a statement from Sergeant 035, who, like Private 024, was a member of Composite Platoon (Guinness Force) of 1 PARA. The statement of Corporal 131 of 2nd Battalion, The Royal Green Jackets (2 RGJ) was taken by Corporal INQ 2209. It is not clear when this statement was taken, but it was probably some time between 2nd and 4th February, when Corporal INQ 2209 conducted interviews with other members of 2 RGJ.

¹ [B1529](#)

173.54 Of the SIB officers involved in this second phase of the statement-taking process, Corporal INQ 1330 was the only person to take a single statement. This was a statement taken from Colour Sergeant 002 of 1 PARA in Belfast. It is possible that, unlike his other colleagues who moved between Belfast and Londonderry, Corporal INQ 1330 was based in Lisburn and tasked, on a single occasion, to take one statement.

173.55 The approach of allocating interviews to officers on a cab-rank basis appears to have continued for this stage of the process, with officers conducting interviews both in Belfast and Londonderry. In accordance with the approach envisaged in the protocol prepared by Warrant Officer Class I Wood, soldiers were interviewed at their unit locations. Which soldiers were interviewed and when would have been dependent upon the availability of the soldiers concerned. To take the example of the four interviews conducted by Corporal INQ 2209 on 2nd February 1972 (Table 173.3): he interviewed a member of 2 RGJ (Lance Corporal 130) at Shackleton Barracks in Ballykelly,¹ then two members of 22 Lt AD Regt (Sergeant 020 and Sergeant 038) at Magilligan Strand,² and then returned to Londonderry to interview a member of 1 R ANGLIAN (Private 011) at Ebrington Barracks.³

¹ B1807

³ B1397

² B1496; B1638

173.56 Of the interviews conducted, only eight were with soldiers who had fired live rounds on the day (Lance Corporal F being interviewed on two occasions).

173.57 The 141 statements were taken over nine working days, as summarised in Table 173.13 below.

Table 173.3

2nd February 1972										
Corporal INQ 1330	Corporal INQ 1847	Sergeant INQ 1848	Corporal INQ 1871	Corporal INQ 2035	Corporal INQ 2052	Corporal INQ 2064	Corporal Smith	Corporal INQ 2209	Corporal INQ 2596	Staff Sergeant Middleton- Jones
Colour Sergeant 002 of 1 PARA (1730)	Lieutenant 122 of 22 Lt AD Regt (2025)	Major 159 of 22 Lt AD Regt (2000)	Corporal 039 of 1 PARA (1630)	Captain 138 of 1 R ANGLIAN (1120)	Gunner 012 of 22 Lt AD Regt (Not recorded)	Private 156 of 22 Lt AD Regt (2020)	Sergeant 035 of 1 PARA (1700)	Lance Corporal 130 of 2 RGJ (1130)	Corporal 022 of 1 R ANGLIAN (1845)	Corporal 150 of 1 R ANGLIAN (1900)
	Gunner 030 of 22 Lt AD Regt (2345)	Sergeant 040 of 22 Lt AD Regt (2010)		Captain 127 of RAOC ¹ (1230)	Sergeant 025 of 22 Lt AD Regt (2025)	Gunner 124 of 22 Lt AD Regt (2130)		Sergeant 038 of 22 Lt AD Regt (1500)	Lieutenant 227 of 22 Lt AD Regt (2210)	
	Sergeant 001 of 22 Lt AD Regt (2130)	Bombardier 165 of 22 Lt AD Regt (2320)		Warrant Officer Class I 164 of 1 CG ² (1545)		Lance Bombardier 149 of 22 Lt AD Regt (2300)		Sergeant 020 of 22 Lt AD Regt (1530)	Staff Sergeant 139 of 22 Lt AD Regt (2305)	
				Staff Sergeant 129 of 1 CG (1605)				Private 011 of 1 R ANGLIAN (1700)		
				Private 042 of 1 R ANGLIAN (2010)						
				Private 135 of 1 R ANGLIAN (2125)						
				Private 029 of 1 R ANGLIAN (2358)						

¹ Royal Army Ordnance Corps² 1st Battalion, The Coldstream Guards

Table 173.4

3rd February 1972							
Corporal INQ 1847	Sergeant INQ 1848	Corporal INQ 2052	Corporal INQ 2064	Corporal INQ 2209	Corporal INQ 2596	Corporal Brobson	Staff Sergeant Middleton- Jones
Bombardier 015 of 22 Lt AD Regt (1150)	Lieutenant 009 of 22 Lt AD Regt (1130)	Sergeant 117 of 22 Lt AD Regt (1040)	Lance Bombardier 143 of 22 Lt AD Regt (1030)	Gunner 008 of 22 Lt AD Regt (1015)	Lieutenant 145 of 1 R ANGLIAN (0845)	Staff Sergeant 102 of 22 Lt AD Regt (2105)	Corporal 150 of 1 R ANGLIAN (0800)
Gunner 023 of 22 Lt AD Regt (1435)	Captain 021 of 22 Lt AD Regt (1335)	Gunner 163 of 22 Lt AD Regt (1230)	Gunner 157 of 22 Lt AD Regt (1330)	Sergeant 020 of 22 Lt AD Regt (1045)	Private 004 of 1 R ANGLIAN (0910)		Sergeant AA of 1 R ANGLIAN (0840)
Sergeant 114 of 2 RGJ (1745)	Sergeant 108 of 22 Lt AD Regt (1420)	Sergeant 115 of 2 RGJ (1730)	Lieutenant 146 of 22 Lt AD Regt (1445)	Sergeant 137 of 2 RGJ (1700)	Lieutenant 136 of 2 RGJ (1710)		
	Sergeant 158 of 2 RGJ (1730)	Private 123 of 22 Lt AD Regt (1440)	Lieutenant 116 of 2 RGJ (1730)	Gunner 034 of 22 Lt AD Regt (2025)	Warrant Officer Class I 041 of 22 Lt AD Regt (2030)		
	Captain 028 of 22 Lt AD Regt (2245)	Gunner 134 of 22 Lt AD Regt (2210)					

Table 173.5

4 February 1972											
Warrant Officer Class II INQ 1835	Corporal INQ 1847	Sergeant INQ 1848	Corporal INQ 1871	Corporal INQ 2035	Corporal INQ 2052	Corporal Smith	Corporal INQ 2209	Corporal INQ 2210	Corporal INQ 2596	Corporal Brobson	Staff Sergeant Middleton-Jones
Lance Corporal 010 of 1 PARA (1530)	Lance Corporal 133 of 2 RGJ (1155)	Lance Corporal 113 of 2 RGJ (1605)	Lance Corporal 003 of 1 PARA (1300)	Lance Corporal 033 of 1 PARA (1950)	Lance Corporal 105 of 2 RGJ (1150)	Private M of 1 PARA (1210)	Rifleman 141 of 2 RGJ (1600)	Lieutenant 110 of 1 PARA (1405)	Rifleman 160 of 2 RGJ (1115)	Rifleman 111 of 2 RGJ (1100)	Corporal 007 of 1 PARA (1700)
	Rifleman 148 of 2 RGJ (1540)		Private 024 of 1 PARA (1500)	Private U of 1 PARA (Not recorded)	Rifleman 154 of 2 RGJ (1635)	Sergeant 014 of 1 PARA (1600)		Lance Corporal J of 1 PARA (1510)	Rifleman 132 of 2 RGJ (1150)	Rifleman 161 of 2 RGJ (1140)	Second Lieutenant 026 of 1 PARA (1640)
	Rifleman 120 of 2 RGJ (1655)		Sergeant 106 of 1 PARA (1640)		Rifleman 152 of 2 RGJ (1740)	Lance Corporal 018 of 1 PARA (1915)		Private 112 of 1 PARA (2040)	Captain 128 of 2 RGJ (1510)	Corporal 142 of 2 RGJ (1320)	Lieutenant 119 of 1 PARA (1900)
			Private 017 of 1 PARA (2030)		Lance Corporal 140 of 30 Fd Sqn RE ¹ (1925)	Lance Corporal F of 1 PARA (2030)		Private 013 of 1 PARA (2110)		Rifleman 153 of 2 RGJ (1455)	Lance Corporal 036 of 1 PARA (1930)
			Corporal 162 of 1 PARA (2100)			Private S of 1 PARA (2130)		Private 019 of 1 PARA (2150)		Rifleman 151 of 2 RGJ (1530)	Private 147 of 1 PARA (2000)
			Private R of 1 PARA (2130)			Private 006 of 1 PARA (2220)		Private 037 of 1 PARA (2230)		Lance Corporal 107 of 2 RGJ (1600)	
			Private 005 of 1 PARA (2215)							Corporal 103 of 30 Fd Sqn RE (2045)	

¹ 30 Field Squadron, Royal Engineers

Table 173.6

5th February 1972				
Warrant Officer Class II INQ 1835	Corporal INQ 1847	Corporal INQ 2052	Corporal Smith	Corporal INQ 2209
Private H of 1 PARA (2015)	Lieutenant 109 of 22 Lt AD Regt (1225)	Lance Bombardier 118 of 22 Lt AD Regt (1240)	Private 032 of 1 PARA (1500)	Corporal 126 of RMP (1115)
Private 027 of 1 PARA (2220)				Lance Corporal 121 of RMP (1200)

Table 173.7

11th February 1972					
Staff Sergeant Middleton-Jones					
Warrant Officer Class II 223 of RMP (1650)					

Table 173.8

12th February 1972		
Warrant Officer Class II INQ 1835	Corporal INQ 1848	Staff Sergeant Middleton-Jones
Bombardier X of 22 Lt AD Regt (1140)	Warrant Officer Class II 209 of 22 Lt AD Regt (1640)	Warrant Officer Class II 208 of 22 Lt AD Regt (1125)
Gunner Y of 22 Lt AD Regt (1150)		Lance Corporal 212 of 30 Fd Sqn RE (1235)
Warrant Officer Class II 210 of 22 Lt AD Regt (1625)		Sergeant 222 of RMP (1540)
Sergeant 207 of 22 Lt AD Regt (1655)		Sergeant 211 of 22 Lt AD Regt (1600)
Warrant Officer Class II 216 of 1 R ANGLIAN (1845)		

Table 173.9

13th February 1972		
Corporal INQ 1848	Staff Sergeant Middleton-Jones	
Colour Sergeant 213 of 1 R ANGLIAN (1205)	Staff Sergeant 217 of 1 R ANGLIAN (1000)	
Warrant Officer Class II 214 of 1 R ANGLIAN (1235)	Warrant Officer Class II 218 of 2 RGJ (1230)	
Warrant Officer Class II 215 of 1 R ANGLIAN (1445)		

Table 173.10

14th February 1972			
Warrant Officer Class II INQ 1835	Corporal INQ 1848	Corporal INQ 2035	Staff Sergeant Middleton-Jones
Lieutenant N of 1 PARA (1105)	Private 221 of 1 PARA (1115)	Captain 219 of 1 PARA (1005)	Corporal 201 of 1 PARA (1030)
	Warrant Officer Class II 205 of 1 PARA (1200)		Private 203 of 1 PARA (1100)
	Warrant Officer Class II 204 of 1 PARA (1215)		Warrant Officer Class II Lewis (also known as 202) of 1 PARA (1120)
	Private G of 1 PARA (1315)		Lance Corporal 206 of 1 PARA (1155)

Table 173.11

15th February 1972		
Warrant Officer Class II INQ 1835	Corporal INQ 1848	Staff Sergeant Middleton-Jones
Lance Corporal 229 of 1 PARA (1630)	Sergeant O of 1 PARA (1510)	Lance Corporal F of 1 PARA (1600)

Table 173.12

Undated	
Corporal Smith	Corporal INQ 2209
Private 024 of 1 PARA	Corporal 131 of 2 RGJ

Table 173.13

Date	Number of interviewers	Number of statements taken
2nd February 1972	11	29
3rd February 1972	8	28
4th February 1972	12	46
5th February 1972	5	7
11th February 1972	1	1
12th February 1972	3	10
13th February 1972	2	5
14th February 1972	4	10
15th February 1972	3	3
Undated	2	2

Phase III: 16th to 19th February 1972 – the involvement of Lieutenant Colonel Overbury

173.58 The evidence shows that an SIB investigation involving the taking of statements from soldiers who had not fired rounds had already been initiated by the time the Widgery Inquiry was announced and the Army Tribunal Team had been created. Nonetheless, these events did have an effect on the SIB investigation. Indeed, it seems likely that these events contributed to the fact that 141 additional statements were taken in a relatively short space of time.

173.59 We have already referred above¹ to the “Report of Army Tribunal Team” written by Colonel Overbury and dated 23rd March 1972. There he drew attention to the assistance provided by the SIB to the Army Tribunal Team.² The statements obtained by the SIB were made available to the Army Tribunal Team and subsequently passed on to the Widgery Tribunal.³ One of the tasks given to Colonel Overbury at the Army Tribunal Team’s first meeting on 2nd February 1972 was to “*cross-check statements*” – a task for which he was to have “*every co-operation at all levels*”.⁴ Colonel Overbury was unable to recall whether there was any further explanation of what that role would involve.⁵ In his second written statement to this Inquiry, Colonel Overbury explained that he was kept informed of the progress of the SIB investigation.⁶ In his oral evidence to this Inquiry, he told us that the question whether further statements needed to be taken was a matter for

the SIB. His recollection was that he was, in a very few cases, asked to take a statement from a soldier himself.⁷ The statements taken by Colonel Overbury are listed in Table 173.14.

1 Paragraph 173.12

2 CO1.66

3 CO1.43; Day 243/14-16

4 CO1.213

5 Day 243/7

6 CO1.42

7 Day 243/83-84; Day 243/115-116

Table 173.14

Date	Soldier
16th February 1972	Bombardier 015 of 22 Lt AD Regt
	Gunner 030 of 22 Lt AD Regt
	Sergeant 040 of 22 Lt AD Regt
	Gunner 134 of 22 Lt AD Regt
17th February 1972	Corporal A of 1 PARA
19th February 1972	Lance Corporal F of 1 PARA

173.60 Although the manuscript versions of these statements were taken on plain paper, available examples carry the same case reference number (01029/2) used by the SIB in its investigation. That number also appears on the typed versions of these statements, which were all produced on the standard RMP statement form. The exception is the statement taken from Lance Corporal F on 19th February 1972.¹ That statement is not typed on an RMP statement form but is, in appearance, similar to a statement taken for the Widgery Inquiry. However, the statement does not carry the “SA” prefix with which the Widgery Inquiry identified statements taken from soldiers.² Colonel Overbury’s recollection was that the decision to take a further statement from Lance Corporal F might have come out of the “*cross-checking exercise*”. He thought it might have been either at the suggestion of the SIB or his own decision.³

1 B135

2 Each statement taken by the Widgery Inquiry was given a unique identifier comprising two letters and a number. The letters identified which category the statement fell into. A statement from a journalist was given the prefix “SR”, that from a civilian “SC”, that from a police officer “SP”, and that from a soldier “SA”. No-one could give a definite explanation of what these letters stood for. It is likely to be as simple as “Statements Reporters”, “Statements Civilians”, “Statements Police” and “Statements Army”.

3 Day 243/56-58; Day 243/155-156; Day 243/228-233

173.61 Before moving on to consider the submissions made by the interested parties on the RMP statement-taking process, it is convenient to say something about the statements provided by more senior officers. The SIB investigation did not involve taking statements

from senior officers of 8th Infantry Brigade, Lieutenant Colonel Derek Wilford or the Company Commanders of 1 PARA. However, Brigadier Patrick MacLellan, Lieutenant Colonel Michael Steele, Colonel Wilford, Major INQ 10 (commanding A Company), Major 221A (commanding C Company), Major Edward Loden (commanding Support Company) and Captain INQ 7 (Intelligence Officer of 1 PARA) all made statements in the immediate aftermath of Bloody Sunday, which were sent to HQNI under cover of a letter from Colonel Steele dated 31st January 1972.¹ How these statements came to be made is considered elsewhere in this report. There is a statement from Captain 200, who commanded Composite Platoon of 1 PARA (Guinness Force), which on its face appears to have been given as part of the RMP statement-taking process.² The statement is dated 5th February 1972 but is not witnessed by an SIB officer.³ The evidence of Captain 200, which we accept, is that he did not make a formal statement to the RMP. Rather, shortly after Bloody Sunday, he prepared a handwritten report of “*everything material that I had witnessed on the day*”, which he handed to the Adjutant of 1 PARA. His manuscript account was then typed up on an RMP statement form.⁴

¹ ED49.1-ED49.13

³ B1983

² B1978

⁴ B2022.099; Day 367/146

The submissions on the Royal Military Police statement-taking process

173.62 As a conclusion to their submissions on the RMP statement-taking process, the representatives of the majority of represented soldiers stated that the RMP statements were “*gathered for the purpose of getting basic information up the chain of command or to the Army Widgery Legal Team as quickly as possible. They were never intended to stand up to the detailed scrutiny of a public inquiry.*”¹ They went on to submit that in the circumstances in which RMP statements were taken after Bloody Sunday, it would “*neither be safe nor fair to hold a soldier accountable for all inaccuracies in, omissions from, or inconsistencies arising from his RMP statement or statements*”.²

¹ FS7.61

² FS7.62

173.63 To our minds, whether an inaccuracy, omission or inconsistency should undermine the accounts of a particular soldier is dependent upon the nature of the particular inaccuracy, omission or inconsistency under consideration. To neglect to mention firing two shots at a man would *prima facie* be regarded as an omission of a different scale from an error of geography.

173.64 In support of their conclusion, the representatives of the majority of represented soldiers made a number of points, in particular:

- the SIB investigation was limited in scope;
- the SIB was provided with little information in advance of commencing its investigation;
- the SIB officers were given a limited briefing before commencing interviews;
- the information sought in the interviews was “*very basic indeed*”;
- there was a limited pool of SIB investigators available to conduct interviews;
- junior RMP personnel were used to conduct interviews;
- a large number of statements were taken each day;
- the condition of the soldiers when they were interviewed; and
- soldiers were not cautioned and had to give statements.

173.65 We consider these points in turn, albeit not in the order in which they were raised in the written submissions.

The purpose of the Special Investigation Branch investigation

173.66 At a number of points in their submissions, the representatives of the majority of represented soldiers emphasised the limited scope of the SIB investigation. They submitted that the statements taken by the SIB were “*never meant to be anything more than brief contact reports*”.¹ Relying on the evidence of Warrant Officer Class I Wood and Colonel Overbury, they further submitted that the aim of the investigation was to supply information as quickly as possible first to HQNI, and subsequently to the Army Tribunal Team set up for the purposes of the Widgery Inquiry.²

¹ FS7.32

² FS7.34-FS7.36

173.67 We have already drawn attention¹ to the specific advice in the protocol to the SIB investigator/statement taker that this was not “*a normal SIB ‘investigation’ ... You are there as a trained statement taker and evidence-gatherer.*”² The representatives of the majority of represented soldiers quote part of Warrant Officer Class I Wood’s first written statement to this Inquiry in which he said that “*the SIB actions could not be said to*

constitute a full and exhaustive investigation"; which he confirmed in his oral evidence to this Inquiry.³ However, it is important to remember the reason that Warrant Officer Class I Wood gave for this conclusion. This was the circumstances confronting the SIB in Northern Ireland at the time, which he listed in the same paragraph of his first statement as *"hostility by civilians involved, inability of RUC to collect civil evidence, suspicion that facts were being manipulated by terrorist propaganda groups, risk to life of investigators in civil community"*. In his written statement to this Inquiry, Warrant Officer Class II INQ 1831 also pointed out the limitations faced by the SIB, explaining that *"there were many occasions when a search of the crime scene was impossible, i.e. if it would put further life at risk or involve entering so called 'no-go' areas"*. Later he added: *"There were difficulties in respect of inconsistencies because one got only the soldier's story. There was no contact with the opposition and no crime scene investigation."*⁴

¹ Paragraph 173.16

³ CW1.1; Day 383/146

² CW1.48

⁴ C1831.1; C1831.2

173.68 In his oral evidence Major INQ 3 indicated that the role of an SIB investigator in Northern Ireland *"was different to his normal trained role of conducting criminal investigations within the Army. He was covering a far wider field."*¹ The unique situation in Northern Ireland was also referred to by Colonel INQ 1383 when he was asked by Counsel to the Inquiry to comment on the point made in the protocol that investigating an IS incident was not a normal SIB investigation.²

"I think the special circumstances that prevailed in Northern Ireland were not the same as those that an SIB investigator would be confronted with in, say, Germany, where he was dealing with a theft or something like that and I believe – although I do not know – that in this case Mr Wood was simply trying to differentiate between the two."

¹ Day 256/163

² CW1.48; Day 304/108

173.69 We accept the submission made by the representatives of the majority of represented soldiers that the RMP statements taken by the SIB were not intended for the purposes of a public inquiry. Indeed, in a note dated 16th March 1972, Basil Hall, the solicitor to the Widgery Inquiry, referring to the RMP statements (which he called "SIB statements"), recorded the following:¹

"I would not myself regard a statement given to SIB as a proper basis for an examination in chief and, accordingly, fresh statements were taken from all whom it seemed probable would be called ..."

¹ KH2.13

- 173.70 That is not, however, to accept, as submitted by the representatives of the majority of represented soldiers, that the only purpose of the RMP statement-taking process was to gather information for higher command. Perhaps inadvertently, they have not drawn our attention to the second purpose behind the SIB's investigation of an IS incident. This was set out in the protocol prepared by Warrant Officer Class I Wood:¹

"The purpose of the SIB enquiry is twofold; to inform the higher military command of what happened and to make evidence available if required to settle any future claim or for a Coroner's Inquest."

¹ [CW1.46](#)

- 173.71 Moreover, and as we have already mentioned, the evidence of Warrant Officer Class I Wood made clear that statements taken from soldiers during the course of an SIB investigation into an IS incident were to be made available to the RUC, albeit in redacted form.¹ It is also helpful to refer again to the paper given by Major INQ 3 in November 1973.² There he discussed an investigation launched by Colonel INQ 1383 following Operation Demetrius (the introduction of internment), which began on 9th August 1971. This investigation involved "*the taking of some eighteen hundred statements from soldiers of the 23 participating units in preparation for the Compton Inquiry ...*". The paper noted that civilians had also made claims for damages in relation to Operation Demetrius, and writs were still being issued more than two years after that Army operation was launched.³

¹ [CW1.1](#); [CW1.66](#); [Day 383/125](#)

³ [C3.6-C3.7](#)

² [C3.3](#)

- 173.72 We discuss below the nature of the interviews conducted by the SIB, but it is important at this point to mention another aspect of the evidence of Warrant Officer Class I Wood, which was that the purpose of the statements taken by the SIB was to amplify the detail contained in the initial contact report.¹ This was a point made by the representatives of the majority of the families and the wounded, in their reply submissions, in which they took issue with the representatives of the majority of represented soldiers' contention that the statements taken by the SIB were meant to be no more than brief contact reports.² It is pertinent here to recall that the evidence of Colonel INQ 1383 was that the job of an SIB officer was to ascertain the truth of what had happened.³

¹ [CW1.1](#); [Day 383/125](#)

³ [Day 304/107](#)

² [FR1.247](#)

173.73 In our view, the requirement for the SIB to take a statement from a soldier would have been rendered irrelevant if the sole purpose of that exercise was to provide information to higher command. An accurate and updated contact report would have been sufficient. However, the paper prepared by Major INQ 3, considered above, suggests that even before the protocol devised by Warrant Officer Class I Wood was disseminated, RMP officers, under Colonel INQ 1383, were already aware of the need to take statements for external purposes including addressing civil claims. By the time of Bloody Sunday, the protocol had been in place for some months. The protocol envisaged that statements would be made available for external inquiries, including RUC investigations and coroner's inquests. Indeed, the practice at the time was that soldiers who had fired shots would not appear in an inquest.¹ That convention, it seems to us, could only be maintained if the evidence contained in the statement was as complete and accurate as possible. Those criteria would still be relevant even if the only purpose of an SIB investigation had been to inform higher command of what had happened.

¹ [CW1.46](#)

173.74 In their evidence, both Colonel INQ 1383 and Warrant Officer Class I Wood indicated that the SIB investigation launched in connection with Bloody Sunday was a standard inquiry, with the former pointing out that the only difference which struck him was the large number of casualties.¹ While it is right to say that the RMP statement-taking process was initiated, and continued, in order to provide information to senior officers and the Army Tribunal Team at the Widgery Inquiry, we are of the view that the procedure adopted was one which envisaged that the statements might be needed in other situations, including the resolution of a civil claim. There is no evidence from any of the RMP/SIB witnesses that a decision was taken that these statements were not to be made available to the RUC or a coroner's inquest.

¹ [Day 304/104-105](#); [Day 383/127](#)

The question of limited information

173.75 The representatives of the majority of represented soldiers submitted that those conducting the interviews were given little background information in advance.¹ They submitted that this was no surprise since the express purpose of the SIB's deployment was to "*gather information for Command*".²

¹ [FS7.36](#)

² [FS7.37](#)

173.76 Warrant Officer Class I Wood told us in his third written statement to this Inquiry that he did not know how the SIB was normally tasked to investigate IS incidents in Londonderry. In relation to “*Belfast and country IS investigations*”, he was able to say that the SIB would be tasked in differing ways. A report of an IS incident could reach the SIB from a brigade headquarters or directly from the unit concerned or via the RMP Operations Room in Lisburn. The usual method by which the SIB seemed to have been tasked was by radio or telephone. A primary requirement for any SIB investigation into an IS incident was to begin work as soon as possible. Warrant Officer Class I Wood indicated that the SIB could not have done its work had it waited for “*a consolidated report of the night’s events*”. It would in due course receive a copy of an operations log, which would be checked to ensure that the SIB had covered all incidents.¹ As to the situation in Londonderry, Warrant Officer Class II INQ 1831, the sole investigator based in that city, did not recall receiving a specific briefing in relation to Bloody Sunday. However, his recollection was that a typical briefing would have been given over the telephone.²

¹ CW1.60

² C1831.2; Day 258/128-129

173.77 The evidence as to what initial information was provided to the SIB on Bloody Sunday, and by what means, came from Warrant Officer Class I Wood. His recollection was of receiving a verbal briefing from 8th Infantry Brigade, which would have included the timings of events but not grid references.¹ Given, as discussed above, that the interviews conducted in the first phase of the RMP statement-taking process (30th January to 1st February 1972; Tables 173.1 and 173.2 above²) were conducted at Ebrington Barracks where 8th Infantry Brigade HQ was located, it may be that more information reached the SIB team after it had begun its work. What information could be provided to the SIB team may have depended on what was available to the Operations Room at 8th Infantry Brigade. In some instances this may have been of good quality. For example, a report timed at 1820 hours on the 8th Infantry Brigade log from 1 R ANGLIAN listed that regiment’s four engagements and gave details of locations, grid references and approximate timings.³ Such details may very well have reached the SIB team.

¹ CW1.8; Day 383/128-130

³ W53 serial 241

² Paragraph 173.31

173.78 The typical approach of the SIB in investigating an IS incident seems to have been to work with limited information in order that matters could be taken forward as quickly as possible. In our view this was the situation at the outset, but to our minds had no material effect on the ability of individual soldiers to give a proper account of their conduct to the SIB.

The briefing given to Special Investigation Branch officers

173.79 Linked to their submission on the limited information available to the SIB, the representatives of the majority of represented soldiers also submitted that the SIB officers would themselves have been given little information in advance of conducting an interview.¹ This is a factor they submitted was particularly relevant when considering the quality of the statements taken on 30th and 31st January 1972.²

¹ [FS7.8](#)

² [FS7.62](#)

173.80 The evidence of those SIB officers who gave evidence to this Inquiry does suggest that, in general, they were provided with few details before conducting an interview. This did not seem to be viewed as a hindrance by Warrant Officer Class I Wood who, in his third written statement to this Inquiry, told us:¹

“Service investigators received no instructions before an IS enquiry. After production of the Brief and the aide memoire, none were necessary. They were not told much beyond, say, that a patrol of X company of Y regiment in Z Street had opened fire on some civilians and claimed to have hit them.”

¹ [CW1.61](#)

173.81 In his oral evidence to this Inquiry, when questioned by counsel for the majority of represented soldiers, Warrant Officer Class I Wood accepted that he could only pass on limited information to his SIB officers:¹

“A. ... all the higher command would have in the way of a briefing that they could give us was that there had been a shot fired at this location, under these claimed circumstances.

Q. It would follow that you yourself, when briefing your investigators, could only pass on limited information yourself?

A. Oh, yes, it would be something along the lines of a soldier saw a man he claimed to be a gunman. He saw the gunman do this. He did this and that is what happened about it.”

¹ [Day 383/152-153](#)

173.82 Corporal Brobson was an SIB statement taker involved in both Phase I and Phase II of the RMP statement-taking process. He recalled being briefed on his arrival from Lisburn. However, he thought that he would not have been made aware, before beginning an

interview with a particular soldier, of the circumstances of the shooting incident in which that soldier had been involved.¹ The practice of giving limited information to an SIB officer continued beyond 31st January 1972. Neither Corporal INQ 2052 nor Corporal INQ 1064 were involved in the first phase of the RMP statement-taking process. Corporal INQ 2052 told us that he would not have known what the involvement of a particular soldier was, in the incident under investigation, until the interview began.² In his written statement to this Inquiry, Corporal INQ 2064, who did not give oral evidence, told us:³

“In general, whenever my colleagues and I were called to take statements from soldiers involved in any incident, we were not briefed as to what the incident involved or what issues we were expected to cover with the witness. If we received any briefing at all, it was given in outline only by the Sergeant Major before we were dispatched to wherever the soldiers to be interviewed were located.”

¹ [Day 275/107-109](#)

³ [C2064.1](#)

² [Day 252/15](#)

173.83 We see nothing wrong in the general approach of giving limited information to an SIB officer. It appears to have been the approach adopted in relation to the investigation into Bloody Sunday. That little information was passed on might have been a consequence of the need for statements to be obtained quickly and the fact that few details might have been available from those tasking the SIB. The tables in this chapter demonstrate that the interviews conducted in the aftermath of Bloody Sunday were allocated on a cab-rank basis. In particular, it also appears that soldiers, certainly on 30th and 31st January 1972, arrived in a random manner and were interviewed accordingly. These factors, in our view, rendered it virtually impossible to give an extensive briefing to an SIB interviewer before he began a particular interview.

173.84 We are not persuaded that the absence of detailed information had a negative effect on a soldier giving his account. The SIB interviewer would not have been able to correct an innocent error in timing or location made by a soldier, but to our minds (and more importantly) there was little risk that the interviewer would have formed a preconceived view of what had happened. Thus the lack of detailed information would help to ensure that the account of what had happened would come from the soldier himself.

The nature of the interviews

173.85 The representatives of the majority of represented soldiers submitted that the SIB officers had a very limited aim in taking statements, particularly the “*important interviews that led to the early RMP statements*”, which they also submitted were “*conducted by men who had a very limited understanding of what had taken place or where it had taken place*” and who were under a “*considerable pressure of time*”.¹

¹ FS7.43

173.86 These representatives also submitted that the oral evidence of Colonel INQ 1383 reflected the basic nature of the information sought in these SIB interviews. In the context of being asked about the instructions he issued in relation to the RMP statement-taking process, Colonel INQ 1383 gave the following answer upon which these representatives relied:¹

“Well, I think the crux of this was that I wanted them to concentrate their efforts on who had fired; how many rounds they had fired; who they had fired at; what the line of fire was; I wanted all the statements to be taken from every man who had fired and how many rounds and I wanted all this to be consolidated in a general plan so that we got to the truth of what actually had happened as quickly as possible.”

¹ Day 304/99

173.87 In relation to the early RMP statements, the representatives of the majority of represented soldiers referred to the first written statement to this Inquiry of Warrant Officer Class I Wood. There, Warrant Officer Class I Wood explained that the soldiers interviewed in the first stage of the RMP statement-taking process were interviewed alone in a question and answer session. He went on to tell us:¹

“As a general rule, if the information that a witness gave us was contradictory, we would question him on it; we would not simply accept and write down what he told us. We would confront the soldier during the interview if he said something that didn’t add up. Similarly, if a soldier mentioned another soldier during the interview, that soldier’s name would be added to the list and he would be called forward for interview. As a general practice, we would also put the statements of other soldiers to the interviewees. If something didn’t tie up, we would note it down for somebody to check it later. However, in relation to the events of that day we had to work under great pressure of time and confined ourselves to compiling the normal contact reports.

There was no time to spend talking and then writing afterwards, we just had to get down to business. The interviewer would write the statement out in longhand during the course of the interview and the interviewee would then sign it at the end of the interview. We would not write down what was said word for word as most of the interview was merely grunts; we would turn what we were told into what looked like a proof of evidence on the spot.”

¹ [CW1.9](#)

173.88 Warrant Officer Class I Wood was asked in his oral evidence to this Inquiry to explain the reference to “*grunts*”:¹

“Q. That may be a slightly extreme description of the situation, but you were dealing with soldiers who may not have been particularly articulate, particularly after the type of situation they had been in?

A. (Witness nodding). That is exactly – what you take is exactly right.”

¹ [Day 383/149](#)

173.89 These representatives did not in their submissions refer to an answer Warrant Officer Class I Wood gave in his oral evidence to this Inquiry, when he was asked to explain what he meant by “*compiling the normal contact reports*”. He explained: “*The normal contact report is – where was he, what was he told to be doing, what did he see, and what did he do as a result of it.*”¹ Aside from Warrant Officer Class I Wood, the only witness who took part in the first phase of the RMP statement-taking process and who gave evidence to us was Corporal Brobson. In his oral evidence to this Inquiry he was shown the extract from Warrant Officer Class I Wood’s first written statement to this Inquiry that we have set out above and agreed with its contents.²

¹ [Day 383/148](#)

² [Day 275/117-118](#)

173.90 Tables 173.3 to 173.12 (set out above¹) suggest that those SIB officers tasked to take statements in the second stage of the RMP statement-taking process may have had more time to interview soldiers than their colleagues who had been involved between 30th January and 1st February 1972. The evidence provided by the SIB officers who were involved in that second stage gives a consistent description of the approach these officers adopted.

¹ [Paragraph 173.57](#)

173.91 Warrant Officer Class II INQ 1831 told us that interviewers would not be given a list of questions to ask a soldier. He explained: “*The whole point of the investigation was to find out what soldiers on the ground and moving into the Bogside on that Sunday afternoon saw and did, and what their orders were.*” The soldiers were interviewed separately and questioned in depth. They would have been asked whether they had fired live rounds, and if so how many and why. They would be asked how they had identified a target and whether they had hit the target. The statements were always written out in longhand at the time they were taken and the soldier asked to read through and sign the declaration.¹

¹ C1831.2-3

173.92 Corporal INQ 2052 explained that the purpose of taking a statement was to “*record the facts of the incident*”.¹ His approach was to discuss the incident with the soldier and clarify any points. He would then write the statement before presenting it to the soldier to read and sign.²

¹ C2052.1

² C2052.1; Day 252/20

173.93 In his written statement to this Inquiry, Corporal INQ 2064 explained the general approach he adopted when interviewing a soldier. We accept his account. He would have a “*general chat*” with the soldier about the incident that was to be the subject of the statement. Despite inviting the soldier to write his own account, it was Corporal INQ 2064’s experience that he was asked by the soldier to write the account in 90 per cent of the interviews he conducted. The statements were not meant to be verbatim accounts. Corporal INQ 2064’s training involved his writing the account relayed by the soldier. He was trained to produce statements that followed a basic structure. Corporal INQ 2064 did not change the soldier’s account or tell him what to say. The only alterations were to translate any local colloquialisms the soldier might have used.¹

¹ C2064.2

173.94 Warrant Officer Class II INQ 1835 gave perhaps the most useful evidence. His recollection was that he would interview a soldier alone and listen to what he had to say. He would probably only write out the statement in longhand when the soldier had provided his account for the second or third time. The soldier then read the statement, was given the opportunity to correct it and then signed it. He explained: “*We wanted to know their [the soldier’s] position and the position of the target and how many rounds were fired.*”¹ He continued:²

“I took short, almost proforma, statements setting out that the soldier was on duty that Sunday and that he was at such and such a point and that he had occasion to fire. We took what were really very short statements identifying targets.”

¹ C1835.4

² C1835.5

173.95 We have looked at, and considered in detail, the RMP statements in the course of dealing with the events of the day. The statements taken by the SIB officers were, in general, relatively short. However, these statements, and specifically those taken from soldiers who had fired rounds, did include timings, descriptions of targets, locations and grid references. It seems to us that there was little difference in approach between the statements taken in the immediate aftermath of Bloody Sunday (Phase I) and those taken a few days later (Phase II). In general terms, we consider that the statements achieved the aims identified by both Colonel INQ 1383 and Warrant Officer Class I Wood; and those set out in the protocol. The statements set the scene, built up to the shooting, described the shooting and any follow-up action; and at least attempted to identify precise locations.¹ We do not accept the submission, made on behalf of the majority of represented soldiers, that the end result of the statement-taking process was “*often a brief statement which did not cover all of the potentially relevant evidence the soldier had to give*”.² It is noteworthy that this submission did not provide any examples of the statements said to be failing in this respect.

¹ CW1.49-50

² FS7.62

The number and seniority of Special Investigation Branch investigators

173.96 The representatives of the majority of represented soldiers submitted that “*Properly trained Special Investigation Branch (SIB) investigators were thin on the ground and had to be supplemented with corporals from the RMP, some of whom had very little training or experience*”.¹ They pointed to the availability of a single investigator (Warrant Officer Class II INQ 1831) in Londonderry and noted that he was absent on 30th January 1972. They also mentioned that Warrant Officer Class I Wood himself was absent on other duties as from 31st January 1972 and referred to the need to use personnel from Lisburn.² As to the use of junior personnel, the point made was that the least experienced personnel (ie RMP corporals) took some of the most important statements.³

¹ FS7.33

³ FS7.43-FS7.47

² FS7.40-FS7.41

173.97 We have already discussed above the distinction, both in rank and training, between an SIB investigator and an SIB statement taker (also known as an aide to SIB). As Warrant Officer Class II INQ 1831 and Warrant Officer Class II INQ 1835 (two of the SIB investigators who gave evidence to this Inquiry) explained, SIB investigators would have attended courses on the law, fingerprints, drugs, and interviewing techniques.¹ Warrant Officer Class II INQ 1831 estimated that, in 1972, there were 120 SIB investigators worldwide.² If Warrant Officer Class I Wood's recollection as to the size of 178 Provost Company is correct (and we have no reason to suppose that it is not) then it suggests that there would have been, at most, around eight fully trained SIB investigators available at Lisburn (excluding Warrant Officer Class I Wood and Captain INQ 1870). That may explain why there was only one SIB investigator in Londonderry.

¹ [C1831.1](#); [C1835.1](#)

² [C1831.2](#)

173.98 There is no doubt that the pool of SIB investigators was limited. Colonel INQ 1383 confirmed that "*we were very short staffed at the time*".¹ Warrant Officer Class I Wood could not remember "*the exact number [of SIB investigators] but they were very short*".² Since Warrant Officer Class II INQ 1831 was the only SIB investigator permanently based in Londonderry, it was inevitable that SIB officers would be drafted in from Lisburn given the number of casualties that occurred on Bloody Sunday. The need, as has been shown above, to have two statements, albeit from soldiers who had not fired their weapons, taken by ordinary members of the RMP (Corporal INQ 1828 and Corporal UNK 1134) and also to have SIB officers brought in from England demonstrates that the resources of the SIB were stretched in the immediate wake of Bloody Sunday, as Warrant Officer Class II INQ 1831 acknowledged in his oral evidence to this Inquiry.³

¹ [Day 304/111-112](#)

³ [Day 258/137](#)

² [Day 383/153](#)

173.99 There is also evidence, for example from Warrant Officer Class I Wood and Corporal Brobson, that the SIB was operating under pressure of time.¹ This pressure arose from the need to obtain statements as quickly as possible in accordance with the protocol, concerning a major and controversial incident; and to provide those statements both to those further up the chain of command and to the Army Tribunal Team at the Widgery Inquiry.

¹ [CW1.9](#); [Day 393/153](#); [Day 275/118](#)

- 173.100** As to the use of RMP corporals to take statements, the representatives of the majority of represented soldiers referred to the written statement to this Inquiry of Warrant Officer Class II INQ 1831, in which he told us:¹

“Obviously it would have been good practice to interview those involved in the shootings first, using the most senior and experienced investigators available. Members of the RMP did some interviewing and recording of statements as well as SIB investigators. They were attached to SIB as ‘aides to CID’ were in the civilian police. They were the younger, more focussed members of the RMP who envisaged a career within SIB. They were trainees and would not have recorded statements from those Paras involved in the shootings but only back-up and corroborative statements.”

¹ [C1831.2](#)

- 173.101** As we have already noted, Warrant Officer Class II INQ 1831 was not in Londonderry on Bloody Sunday. The representatives of the majority of represented soldiers pointed out correctly that he was wrong in his assumption that the SIB statement takers had not interviewed soldiers who had fired. Tables 173.1 and 173.2¹ show that this was not the case. In his oral evidence to this Inquiry, Warrant Officer Class II INQ 1831 accepted that pressures on SIB resources meant that there was no alternative but to use the SIB statement takers.² This officer also acknowledged that pressures of time and resources meant that the SIB statement takers had to be used, describing them as “*invaluable*”.³ As Tables 173.3 to 173.12 show, the SIB statement takers continued to take additional statements from soldiers who had fired shots on Bloody Sunday. In effect, no distinction was made between the SIB investigators and SIB statement takers. They were allocated to interviews on a cab-rank basis.

¹ [Paragraph 173.57](#)

³ [Day 383/153](#)

² [Day 258/143](#)

- 173.102** However, in our view, it is neither fair nor accurate to describe, as the representatives of the majority of represented soldiers did, the SIB statement takers as “*largely untrained*”.¹ We have already referred to the training given to SIB statement takers, which included, for some, the opportunity to attend an in-theatre training course. None of the three SIB statement takers who gave evidence to this Inquiry, Corporal Brobson, Corporal INQ 2052 and Corporal INQ 2064, was asked whether he had attended any training course before Bloody Sunday. However, they would have undergone the “*on the job*” training described by Warrant Officer Class I Wood and mentioned above (attachment to a “*proper SIB person*” – presumably an SIB investigator – and also to an experienced

statement taker). Warrant Officer Class II INQ 1831 confirmed that all those involved in taking statements (ie SIB investigators and SIB statement takers) would have had prior experience of investigating shooting incidents.²

¹ FS7.43

² Day 258/128

173.103 The representatives of the majority of represented soldiers illustrated the point that the SIB statement takers took statements from significant witnesses by listing the statements taken by Corporal Brobson and Corporal Rowe. They noted that Corporal Brobson *“was only eighteen at the time and had only been attached to the SIB since the end of 1971”*.¹

¹ FS7.45

173.104 It is correct that both these statement takers interviewed a number of important witnesses, including soldiers who had fired rounds and Lieutenant 119, the Platoon Commander of Anti-Tank Platoon. Corporal Brobson had been serving in Northern Ireland with the RMP since August 1970.¹ He could not say precisely when in 1971 he had joined the SIB but thought it would have been at the end of that year.² According to his own counsel, Corporal Brobson had been in the SIB for a matter of months.³ However, it seems that, in that relatively short time, Corporal Brobson would have been involved in the investigation of shooting incidents. He accepted the point put to him by counsel for the majority of represented soldiers that, *“your role as a trainee investigator was essentially to interview soldiers who had taken part in IS incidents, particularly if they had fired a live round”* and recalled that, stationed as he was in Belfast, he was often tasked daily.⁴ It is relevant to remember that the number of shooting incidents increased in the aftermath of the introduction of internment in August 1971, as we have described elsewhere in this report.⁵

¹ C1868.6

⁴ Day 275/117; Day 275/143

² Day 275/124

⁵ Chapters 8 and 9

³ Day 275/143

173.105 Corporal INQ 2064 recalled that, in his three-year tour of Northern Ireland, which began in 1970, the RMP struggled to keep up with the amount of work it had.¹ Corporal INQ 2064 did not give oral evidence to this Inquiry. In his written statement to this Inquiry he told us that he was attached to the SIB for a three-month trial, based in Lisburn.² This trial must have begun before Bloody Sunday and, although he does not say so explicitly, we are confident, given the circumstances in Northern Ireland at the time, that Corporal INQ 2064 would have had experience of investigating an IS incident before Bloody Sunday. His colleague Corporal INQ 2052 confirmed in his oral evidence to this Inquiry that he had

investigated shooting incidents before Bloody Sunday.³ We do not have a statement from Corporal Rowe. We do know from Warrant Officer Class II INQ 1831 that Corporal Rowe *“was attached to me for a period of six months; he was my personal assistant. I left him in Londonderry while I came to England. That is the reason why he will have recorded all those statements at that time.”* That attachment had begun at the end of August 1971.⁴ Obviously, as the only SIB officer serving in Londonderry and available on 30th January, Corporal Rowe would have had the advantage, over the SIB officers brought in from Lisburn and England, of knowing the local area.

¹ C2064.1

³ Day 252/14

² C2064.1

⁴ Day 258/142

173.106 It is also useful to bear in mind what these SIB officers were being asked to do. It was not, for example, to collect evidence from the scene of a crime or to obtain fingerprints. Rather, they were being asked to take statements, something which, as we have already noted, Colonel INQ 1383 considered fundamental to the work of military policemen and, in particular, members of the SIB.¹ In our view the available evidence shows that the junior personnel (SIB statement takers) deployed as part of the RMP statement-taking process in the wake of Bloody Sunday would already have had some experience of investigating IS incidents.

¹ Day 304/96-98

The number of statements taken each day

173.107 The representatives of the majority of represented soldiers submitted that the consequences of limited personnel, the pressure of time and the number of soldiers to be seen meant that individual members of the SIB took a large number of statements each day. This is a submission that focuses on the statements taken on the evening of 30th January and the following day. This is a significant period since it was the time when the SIB first interviewed the majority of soldiers who had fired rounds. From an analysis of the time between the statements taken by Warrant Officer Class I Wood, Corporal Rowe and Corporal Brobson, it was submitted that *“Often no more than half an hour was allowed for an interview with a soldier who had opened fire”*. In effect, it was submitted that the pressure of time did not result in carefully produced statements.¹

¹ FS7.47-FS7.48

173.108 This submission is based upon the assumption that the time recorded on an RMP statement indicates the time it was completed. As we have discussed above, there is evidence that supports this assumption, but it is one that needs to be treated with caution on occasion. According to the times recorded on the statements taken by Warrant Officer Class I Wood, he concluded a statement with Corporal A at 0100 hours on 31st January 1972 and ten minutes later completed a statement taken from Private B of 1 PARA. Warrant Officer Class I Wood doubted that he would have been able to produce a statement from Private B in such a short time and accepted that there might well have been an error in recording the time.¹ Nonetheless, the central question here is whether pressure of time prevented an SIB statement taker from obtaining the necessary information from a soldier, or that soldier from giving a proper account of the engagement in which he had participated. We have found nothing to indicate that this was the case.

¹ [Day 383/133](#)

The state of soldiers giving statements shortly after the event

173.109 The representatives of the majority of represented soldiers drew our attention to the long hours that members of 1 PARA, and other units, had spent on duty. They pointed out that these soldiers had been involved in an operation in which they had fired rounds. They were then questioned by the SIB later that night or in the early hours of the next morning. They refer to the evidence of Basil Hall who, in his written statement to this Inquiry, expressed the view that the RMP statements taken on the night of 30th January were “*made under conditions which were likely to have been stressful*”.¹ Basil Hall did not specify the conditions to which he was referring, but it seems to us that he was probably referring to what had happened on Bloody Sunday.

¹ [FS7.50; KH2.10](#)

173.110 The question of a soldier’s fitness to be interviewed was one that was put to a number of the SIB officers who gave evidence to this Inquiry. Warrant Officer Class II INQ 1831 told the Tribunal that if an SIB investigator formed the view that a soldier might not be fit for interview, then the interview should be discontinued.¹

¹ [Day 258/145-146](#)

173.111 In his third written statement to this Inquiry, Warrant Officer Class I Wood told us:¹

“The members of 1 Para that I saw during the late evening and night of 30 January 1972 all appeared fit and well. That soldiers were still up and about for questioning late into a working day was nothing unusual in Northern Ireland. I had been alongside them on other stressful and physically demanding operations there and noticed nothing different about them at that time. They were accomplished at sleeping whenever the opportunity presented itself. The adrenalin was still high. None showed any reluctance to be interviewed. I cannot recall any of my investigators reporting that they had been delayed in completing their IS investigations because a soldier had claimed to be unwell, tired, emotional or otherwise unfit for interview.”

¹ [CW1.60](#)

173.112 When asked in his oral evidence to this Inquiry about Basil Hall’s evidence, Warrant Officer Class I Wood answered:¹

“I can accept his conclusion: that they were likely to have been stressful. We were in fact here dealing with experienced soldiers who had spent many hours on the street going through these sort of situations, some of them may well have fired before or been involved in attacks upon them where they had seen their own comrades killed. No-one whatsoever that I was ever aware of was interviewed and a statement recorded when he was in any condition other than fit and proper to give such a statement.”

¹ [Day 383/163](#)

173.113 The representatives of the majority of represented soldiers submitted that Warrant Officer Class I Wood, needing, as he did, to “*gather basic information as quickly as possible*”, was not prepared to wait to take statements from properly rested soldiers. In essence, their submission was that soldiers were tired and this would have affected the quality of the statements taken from them. They gave the example of Private C, who made corrections to his RMP statement when he made his Widgery Inquiry statement on 5th March 1972. Private C blamed exhaustion for these mistakes, pointing out that he had been up for over 20 hours when he made the RMP statement.¹

¹ [B68.018](#)

173.114 The dilemma confronting the SIB was this: if a statement was taken from a soldier as soon as possible, the statement could be open to attack on the basis that the soldier in question might be tired and confused after a long spell on duty; whereas if the statement

was taken at a later stage, there was always the possibility of a suggestion of collusion. This dilemma seems to have been resolved on the side of interviewing soldiers as soon as possible. In our view the SIB policy was the correct one to adopt in all the circumstances. When considering the RMP statements in detail, as we do in the course of this report, we have borne in mind that, given that both soldier and SIB officer might have been tired, innocent errors could have crept into a statement.

The legal protection given to soldiers

173.115 Those representing the majority of represented soldiers pointed out that it was mandatory for soldiers to make statements to the SIB. These statements were not made under caution, and soldiers interviewed by the SIB were not represented.¹ In effect, soldiers were interviewed as witnesses rather than suspects. They could have a senior officer present during the interview but this seems to have been a right that was not exercised.² The decision to make compliance with an interview mandatory and to avoid the caution was a deliberate one, taken in the course of Warrant Officer Class I Wood's drafting of the protocol.³ It was felt important to find a method of interviewing soldiers outside the constraints imposed by criminal legislation or rules of procedure, mainly the Judges' Rules relating to the giving of a caution.⁴ These rules were made by the Judges of the Queen's Bench Division of the High Court of England and Wales as a guide to police officers conducting investigations. Although their origins can be traced back to 1906, the rules in operation at the time of Bloody Sunday were those re-issued in 1964 as "Practice Note (Judges' Rules)".⁵ Significantly, Rule II states:

"As soon as a police officer has evidence which would afford reasonable grounds for suspecting that a person has committed an offence, he shall caution that person or cause him to be cautioned before putting to him any questions, or further questions, relating to that offence."

Rule IV states:

"Persons other than police officers charged with the duty of investigating offences or charging offenders shall, so far as may be practicable, comply with these rules."

¹ FS7.51-FS7.55

² C1831.2; Day 252/17-18

³ CW1.56

⁴ CW1.57

⁵ [1964] 1 WLR 152

- 173.116** These representatives do not seek to explain how the mandatory requirement imposed on soldiers to give a statement to the SIB without a caution could have brought about any defects or inadequacies in the statements. We ourselves are at a loss to see how this could have happened.

Other matters relevant to the statement-taking process

- 173.117** The representatives of the majority of represented soldiers made three additional points in support of their submissions on the RMP statement-taking process. The first of these concern the RMP maps which we discuss later in this chapter. The other two we consider here.

Timings

- 173.118** The representatives of the majority of represented soldiers submitted: *“It is now apparent from the evidence of [Warrant Officer Class I] Wood that timings which appear in RMP statements may have come from his briefing, rather than from the soldiers themselves.”*¹ We have already referred to this evidence. It should be noted that the recollection of another SIB officer, Warrant Officer Class II INQ 1835, was that timings would have come from the soldiers themselves.²

¹ [FS7.59](#)

² [C1835.4](#)

- 173.119** The question of the source of the detailed timings cannot easily be resolved. It is possible that some timings reached the SIB from a briefing and that others were provided by the soldiers themselves. We can show this with an example. One of the statements taken by Warrant Officer Class I Wood on 30th January 1972 was from Private AD. That account records Private AD as having fired his weapon in an incident timed at about “1645 hours”.¹ However, as we discuss elsewhere in this report,² it seems to us that this incident in fact took place at about 1620 hours.³ We have already referred to the entry on the 8th Infantry Brigade log, timed at 1820 hours, which listed a number of 1 R ANGLIAN engagements timed as occurring between 1615 hours and 1640 hours.⁴ They included Private AD’s two shots.

¹ [B933](#)

³ [W130](#) serial 396; [G98.591](#)

² [Paragraphs 151.57–79](#)

⁴ [W53](#) serial 241

- 173.120** The information contained in the 8th Infantry Brigade log was, as we suggested above, the type of information that ought to have reached the SIB team. The time recorded on Private AD’s statement was outside the time bracket recorded on this log. This means

that any conclusion can go no further than that 8th Infantry Brigade might have provided an erroneous time of 1645 hours to the SIB team for this particular engagement; or that Warrant Officer Class I Wood provided the time; or that the soldier provided the time. All are possible.

- 173.121** This illustrates the peculiar problem with any suggestion that details such as timings came from only one source. In the course of this report we have discussed, when it is relevant to do so, the timings given in RMP statements; and where there appear to be relevant inconsistencies of timing in a particular statement, we have considered those in the context of the specific circumstances surrounding the making of that statement.

Terminology

- 173.122** The representatives of the majority of represented soldiers submitted that it was RMP policy to replace specific references to a weapon with less definitive terminology.¹ They supported this submission with two examples. The first is that of Private M, who, in his written statement to this Inquiry, suggested that he would not have used the phrase “*long black stick shaped objects*” to describe what he saw: namely, two men carrying what Private M was certain were weapons.² As these representatives noted, Corporal Brobson, who took the RMP statement from Private M, accepted in his oral evidence to this Inquiry that the phrase might have come from him rather than Private M.³ However, we were not referred in this submission to a later portion of Corporal Brobson’s oral evidence in which he was asked whether he had “*watered down*” Private M’s evidence. He replied: “*No, if he had been adamant I am sure that I would have included weapons in his statement.*”⁴ For reasons given elsewhere in this report,⁵ we are unsure whether Private M did use the phrase “*long black stick shaped objects*”.

¹ FS7.59

⁴ Day 275/139

² B348; B372.007

⁵ Paragraph 84.98

³ Day 275/123

- 173.123** The second example is from the statement of Private AC, taken by Warrant Officer Class I Wood, which uses the term “*long straight object*” to describe a rifle.¹ Asked about the terminology in the RMP statement of Private AC, Warrant Officer Class I Wood said in his oral evidence to this Inquiry:²

“Q. Is that the kind of language that would have been used by the soldier or is that the type of non-leading terminology something that you might have inserted?”

A. The soldier would say it was a rifle. He was quite clear it was a rifle from the outset. We had had situations put to us that the man may well have been carrying a walking stick in an unorthodox manner, or whatever. If we had said in the statement that the man was carrying a rifle when he was first seen at some 100 yards or whatever, someone would say what sort of rifle was it, bolt or piston-operated, did it have a long or short magazine, straight or curved magazine – if the soldier said it was this or that or the other, then the accusation would be that he had the eyes of an eagle and that was totally impossible. If he said he could not remember it had a long or straight magazine, the question would come back that he was obviously mistaken and therefore it must have been a walking stick.

... So we adopted the position that what was seen was a long straight object, if it was talking about a rifle. If it was a hand gun, then obviously we had a different terminology for that. If it was a blast bomb, we had different terminology for that. Particularly embarrassing in the case of a blast bomb, because a Coca-cola tin is, at a distance, very much like a blast bomb. We gave them those definitions. All the while the man was carrying a long straight object in a non-hostile manner, it was a long straight object. If he put it to his shoulder, put the hand halfway along it and appeared to be sighting through it we then said: as far as I am concerned that is a rifle and the soldier would be justified in saying it was a rifle.”

¹ B920

² Day 383/150-152

173.124 This evidence is to the effect that, depending on the circumstances, the SIB would replace specific references to a weapon with less definitive terminology, but in our view this does not support the submission, which is couched in terms suggesting that this was what was done whatever the circumstances; nor the broad submission that “*The absence of a reference to a specific weapon in an RMP statement does not ... signify that the soldier concerned was unsure of what he had seen*”, and that “*it does not follow that his reference to a specific weapon in a subsequent statement marks a hardening of his evidence*”.¹ In our view, the significance of the absence of a reference in an RMP statement to a weapon, coupled with a reference to a weapon in a subsequent account, depends not simply on those facts, but on consideration of the evidence as a whole relating to the incident and the soldier in question.

¹ FS7.61

173.125 There are submissions in reply to those made by the representatives of the majority of represented soldiers on the RMP statement-taking process. Short, and occasionally cryptic, they come from the representatives of the majority of the families and the wounded. They allege that the representatives of the majority of represented soldiers unjustifiably seek to shift responsibility for “*defects and inadequacies in the statements*” from the soldiers who made them to the SIB officers who recorded them.¹

¹ [FR1.244](#)

173.126 In our view, there is some substance in this submission. The way we have chosen to approach the matter is to ask ourselves whether, in the case of any given inaccuracy, inconsistency or omission in an RMP statement, there is anything to indicate that such “*defects and inadequacies*” arose, or might have arisen, from failures on the part of the statement takers, or should be attributed to the soldier concerned. In other words, how does each circumstance raised on behalf of the majority of represented soldiers, and considered above, explain inaccuracies, inconsistencies and omissions in an RMP statement?

Facilitation of the fabrication of false accounts

173.127 The representatives of the majority of the families and the wounded drew our attention to the fact that none of the soldiers was subjected to questioning by police officers “*anxious to test his account as a potential suspect in a criminal offence*”. They submitted that “*not only were the soldiers’ accounts not tested by an independent police officer, but a soldier who might otherwise have been tempted to tell the truth to a member of an outside police force in the privacy of a police interview would have been inhibited from doing so to another soldier from the SIB*”.¹

¹ [FS1.145](#)

173.128 The first of these points is factually accurate, so that it follows that the RMP statements should not be read as the responses of witnesses suspected of wrongdoing. However, it seems to us that, if anything, a soldier would be likely to be less, rather than more, forthcoming had he been questioned by the civilian police as a potential suspect in a criminal case rather than simply as a witness to events. Furthermore, the submission does not advert to the fact that the soldier, questioned as a suspect, would have been able to rely on the protection afforded by the Judges’ Rules, which we have discussed above. Like any other interviewee in similar circumstances, the soldier would have been

cautioned and would not then have been obliged to answer questions. In contrast, the RMP statements existed because the SIB was able to sidestep the Judges' Rules and to interview soldiers who were not cautioned and who were ordered to provide a statement.

- 173.129** The submission was made in the context of a wider submission that the RMP statements were “*inherently unreliable and likely to be false on the material issues*”.¹ In this regard, these representatives made a number of points.

¹ FS1.162

- 173.130** In the first place, they drew attention to the evidence of Major INQ 3 about the arrangement in force at the time, of having the RMP rather than the civilian police investigate, at least initially, allegations of criminal offences or other incidents. We have considered this practice (later criticised by the courts) elsewhere in this report,¹ but once again it is convenient to quote from paragraph 12 of the paper presented by Major INQ 3 in November 1973:²

“Back in 1970 a decision was reached between the GOC and the Chief Constable whereby RMP would tend to military witnesses and the RUC to civilian witnesses in the investigation of offences and incidents. With both RMP and RUC sympathetic towards the soldier, who after all was doing an incredibly difficult job, he was highly unlikely to make a statement incriminating himself, for the RMP investigator was out for information for managerial, not criminal purposes, and, using their powers of discretion, it was equally unlikely that the RUC would prefer charges against soldiers except in the most extreme of circumstances. However in March 1972, following the imposition of direct rule from Westminster, a Director of Public Prosecution was appointed for Northern Ireland and he soon made it clear that the existing standards were far from satisfactory. In November 72 he revoked the RUC’s discretionary powers in these matters, ordering all allegations made against the Security Forces to be passed to him for examination. The honeymoon period was over.”

¹ Paragraphs 194.9–16

² C3.10–11

- 173.131** In his oral evidence to this Inquiry, Major INQ 3 stated that the revoked discretionary powers to which he was referring were those of the RUC to decide whether or not to institute criminal proceedings against an individual soldier.¹ Major INQ 3 agreed “*to a certain extent*” with the suggestion that the agreement between the GOC and the Chief Constable was to ensure that the conduct of soldiers could be protected from scrutiny,

though he disagreed with the suggestion that “*the exclusion of the RUC and the universal practice of closing ranks through all levels of the Army, was that statements taken by the SIB really did not necessarily bear much relation to the truth at all*”.²

¹ Day 256/161

² Day 256/188

173.132 In the second place, these representatives drew our attention to evidence that if a soldier did say something to the SIB officer taking his statement that would either have incriminated himself or given the Army a problem, the interview was stopped and the matter referred to either HQNI or Army Legal Services.¹ Their submission continued:²

“5.1.3.7. The reality is that, bearing in mind the magnitude of the events of Bloody Sunday and the inevitable realisation by the RMP that the Army was bound to come under severe scrutiny, the SIB and indeed the ALS [Army Legal Services] personnel instructed to take statements from the soldiers involved were subject to exactly the same pressures that would have deterred those soldiers from making statements which would be damaging to the Army and which would provide ammunition for the enemy in ‘the propaganda war’. The effect was that, when a soldier was asked to make a statement to the RMP, it was against the background that the soldier believed that what was expected of him was to provide evidence which could provide justification for the shootings. See, for example, the express recognition of this by Soldier 151.³ By way of example, this soldier made a statement in which he purported to have witnessed a nail bomb exploding and a shot being fired but confirmed during his oral testimony that he witnessed neither.”⁴

5.1.3.8. Bearing in mind that Police officers were excluded entirely from the statement-taking process by virtue of the policy developed between the GOC and the RUC Chief Constable, the entire *modus operandi* of the SIB in taking statement not only rendered it unlikely that any soldier would make any admission of criminal responsibility but positively facilitated and encouraged the fabrication of false accounts. It was not the SIB investigators’ job to ‘assess criminal responsibility’.⁵ The Assistant Provost Marshall, INQ1383, initially disputed this suggestion during his oral testimony⁶ but when it was pointed out to him that it appears in the Brief for Investigators drafted by Warrant Officer Wood and authorised by himself he accepted that this was so.⁷ As a consequence, it was not the SIB investigator’s job to challenge or cross-examine a soldier about an account but simply to take a note about what he was saying. Major INQ3 agreed with this.⁸

5.1.3.9. A statement was taken from a soldier as witnesses, not a suspect, without caution. This was done because, firstly, the soldier was not expected to make any admission of criminal responsibility and, secondly, the investigator would not be trying to obtain any incriminating admissions. Major INQ3 accepted both these propositions.⁹

5.1.3.10. Major INQ3 also accepted that this was all explained to the soldier.

Major INQ3 was questioned about the consequence of this procedure as follows:

‘Q. So a soldier knew that really so long as he did not make any incriminating admissions, his account would not be tested and he would be in the clear as far as prosecution was concerned?

A. Possibly. That was up to him.

Q. There was certainly nothing to discourage a soldier from fabricating an account was there?

A. No.

Q. In fact, you can see how this procedure would have positively encouraged soldiers to fabricate accounts where the soldier had something to hide?

A. It is possible.’¹⁰

5.1.3.11. Even if a soldier volunteered an admission of criminal conduct, there were checks and safeguards against the soldier maintaining such an admission. First, if this happened the interview would be stopped. Secondly, the matter would be referred to an officer ‘for confirmation’.¹¹ Thirdly, the matter would be referred to the Army Legal Services.¹² Fourthly, a caution would be administered.

5.1.3.12. The knowledge that the police would not get involved in an investigation meant that both the SIB investigator and the soldier being questioned knew that matters could be kept in-house within the Army and no criminal charges brought as long as no soldier *insisted* on claiming criminal responsibility.”

¹ C1835.5

² FS1.146-148

³ Day 298/131; Day 298/106

⁴ Day 298/106

⁵ CW1.48

⁶ Day 304/106

⁷ Day 304/108

⁸ Day 256/181

⁹ Day 256/182

¹⁰ Day 256/182; Day 256/183

¹¹ CW1.48

¹² C1835.5 paragraph 31

173.133 It is the case that the methods adopted by the Army meant that the RMP statement takers were not trying to obtain incriminating admissions. However, it is difficult to see how, in the first instance, they could have done so while adhering to the protocol; since if the questioning was designed to elicit an admission of illegal conduct and succeeded in doing so, the matter would go to the SIB officer's superiors, who, in the face of an incriminating answer, would have to caution the statement maker, who then had the right to remain silent. In those circumstances, the position would be much the same as it would have been under questioning by the civilian police.

173.134 It is also the case that, as agreed by Major INQ 3, there was nothing in the procedure to discourage a soldier from fabricating an account, where he had something to hide.¹ However, to our minds this point only has practical substance if there is other material that suggests that the soldier availed himself of this state of affairs by giving a false account in order to justify or conceal what he or other soldiers did. It begs the question to assume, without more, that soldiers chose to invent an account of what they saw and did. Whether or not we considered that a soldier did this depended upon our assessment of the whole of the evidence of that soldier, together with, where relevant, other evidence relating to what happened during the day. As the result of examining all the relevant evidence, we have concluded, for the reasons we give, that in a number of cases soldiers did give false accounts to the RMP, but in our view it would have been wrong to have started with the assumption that this is what they all did or were likely to have done, and accordingly we did not proceed on that basis.

¹ [Day 256/183-184](#)

173.135 The RMP was not engaged in investigating whether those it interviewed had committed illegal acts, but in obtaining their accounts of what had happened, as Major INQ 3 explained.¹ Despite the fact that under the procedures of the protocol the soldiers were not discouraged from giving a false account, the RMP statements do provide, in our view, valuable statements by the soldiers, in many cases given only hours after the events of the day. Once a soldier had made and signed a statement, he was bound by it, in the sense that this was what he had said soon after the event. The value of the statements did not depend on whether they were, in the light of all the other relevant evidence, true or false. If we concluded that the soldier had told the truth, his account formed part of a body of evidence upon which we could reach conclusions. The same was the case if we concluded that the soldier had knowingly given a false account.

¹ [Day 256/182](#)

173.136 In this connection there was a further submission made by the representatives of the majority of the families and the wounded, which was that “*evidence has emerged of a pattern of events suggesting that not only did the interviewees give false and incomplete accounts but the SIB interviewers themselves may have provided some of the false accounts, which they then required the interviewees to sign and adopt as their own*”.¹ These representatives then gave what they described as examples of where this had happened.

¹ FS1.148

173.137 A difficulty with this submission is that it relies on the evidence to this Inquiry of the soldiers concerned; and appears to accept without question that in this regard they were telling the truth, without considering the possibility that the soldier was instead manufacturing a reason for having put his signature to a statement containing false information. In this regard, the submission lies rather awkwardly with these representatives’ main submission that the soldiers’ evidence was “*inherently unreliable and likely to be false on the material issues*”. A further difficulty was that this serious allegation was not put to those statement takers (for example Corporal Brobson) who gave evidence to this Inquiry. Where we regard it as material, we consider in the course of the report what reliance, if any, to place on the evidence of those soldiers who suggested that parts of their RMP statements were supplied at the request or insistence of the statement taker and not by themselves. There was no evidence at all to suggest that there was any systematic practice for statement takers to provide false information for inclusion in the RMP statements.

173.138 There are two further points.

173.139 In the first place, there was evidence that at the time there was in the Army in Northern Ireland what could be described as a culture of closing ranks, in the sense of soldiers not only refraining from saying anything that might incriminate their colleagues or put their regiment or the Army as a whole in a bad light; but also going out of their way to be less than candid when questioned about matters that might have had such effects.

173.140 In a memorandum dated 13th April 1972 from the Vice Adjutant General to the Adjutant General, which was principally concerned with misbehaviour on the part of soldiers unconnected with Bloody Sunday, the Vice Adjutant General recorded:¹

“3. More generally General Tuzo expressed his disquiet at what would appear to be a growing habit of commanding officers to cover up on allegations made against their soldiers. He says it is extremely difficult for him to obtain the true facts when such charges are levelled by police and/or civilians because commanding officers appear to feel it incumbent upon them to stand up for their subordinates in all circumstances and at all costs. In a situation such as Northern Ireland this kind of attitude can be self-defeating, particularly since the GOC has clearly got as great an interest in the morale and well-being of his units as have their commanding officers. He wondered whether it would be possible for commanding officers of units under orders to proceed to Northern Ireland to be more fully briefed than at present appears to be the case on the need for them to investigate in a totally unprejudiced fashion all charges levelled against their soldiers; instead of, as at present, taking the attitude, ‘My soldiers right or wrong.’ I told him I would discuss this matter with you on your return and that it might well be that you would consider writing to Commanders-in-Chief drawing their attention to this particular problem.”

¹ [G130A.865.1](#)

- 173.141** Major INQ 3 agreed that General Tuzo’s complaint corresponded with his own experience.¹ The protocol drafted by Warrant Officer Class I Wood specifically warned SIB officers that they would find that a soldier’s superior officers might be over-eager to support their men’s actions and try to incorporate statements such as “*In my opinion Private ... acted correctly when he fired on the man*” in their evidence.² When asked to confirm that “*soldiers tended to close ranks when they were being questioned about the possibility of either themselves or other soldiers committing criminal acts*”, Major INQ 3 said: “*Of course, that is part of unit loyalty.*” He also said “*that goes without saying*” and when it was suggested that this unit loyalty extended through all levels of the Army his reply was “*I presume so*”.³ Colonel INQ 1383, the APM, also agreed that one could rely on soldiers to “*close ranks*”.⁴

¹ [Day 256/186](#)

² [CW1.51](#)

³ [Day 256/185](#)

⁴ [Day 304/152](#)

- 173.142** We have borne in mind this undoubted tendency to close ranks when considering the evidence given by soldiers. However, we have taken the view that it would be wrong to treat this as a factor automatically undermining or devaluing that evidence, but rather as one among many things to take into account when considering what reliance can be placed on the accounts that any particular soldier gave.

173.143 In the second place, we note that the representatives of the families advancing the submissions considered above submitted that the written statements of soldiers prepared for the Widgery Inquiry and the oral evidence given by soldiers at that Inquiry were also “*inherently unreliable and likely to be false on the material issues*”. In this regard allegations were at a late stage made against Colonel Overbury, who was a member of the Army Tribunal Team at that Inquiry. In a ruling made on 14th January 2004,¹ we ordered that these allegations should not be pursued for the reasons that we gave. There was no challenge to that ruling. In the course of this report we consider in detail much of the written and oral evidence given by soldiers to that Inquiry and, where relevant, give our views on what reliance we consider can be placed on that evidence.

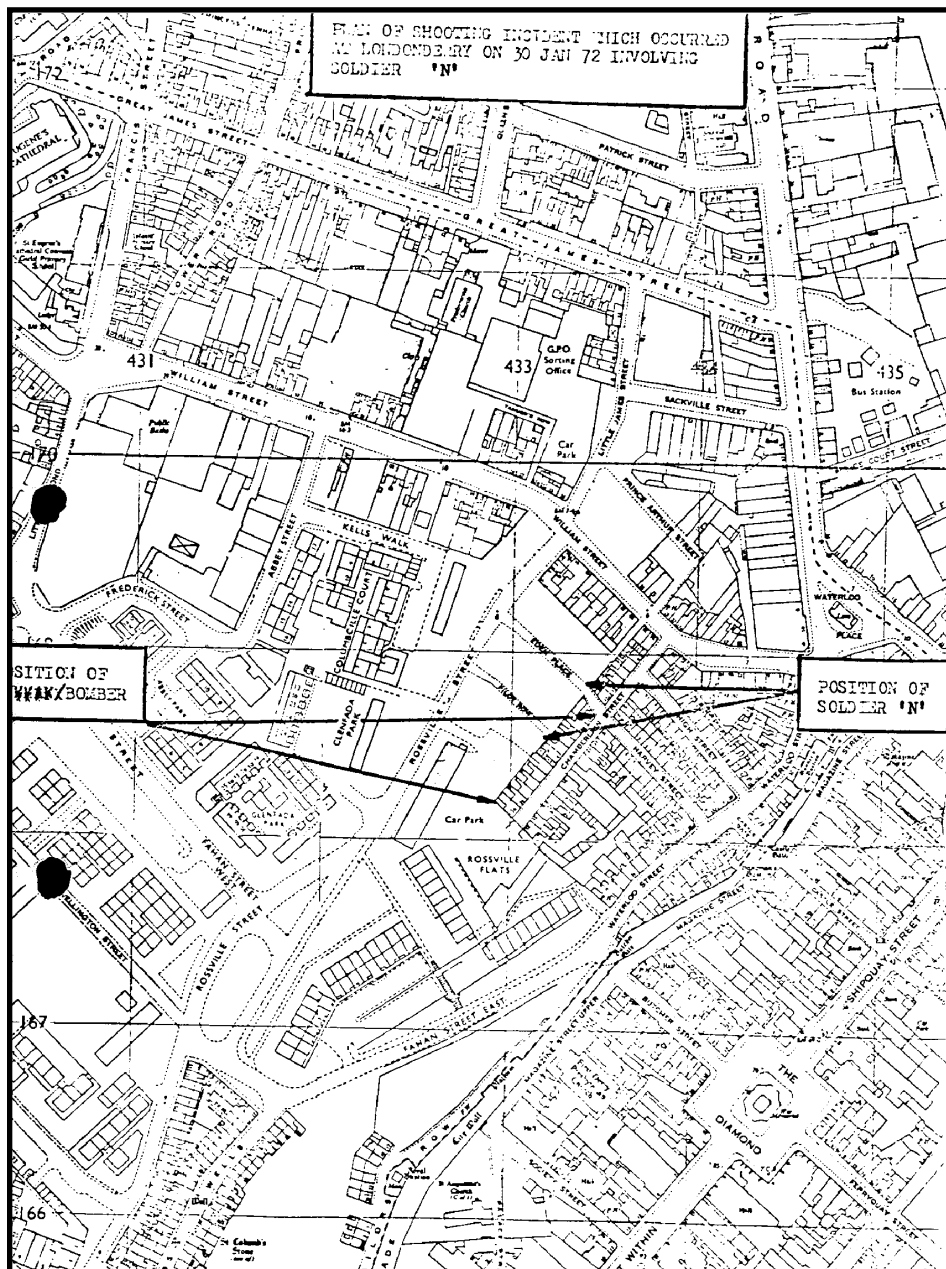
¹ [A2.39](#)

The Royal Military Police maps

173.144 Attached to the RMP statements of soldiers who fired shots on Bloody Sunday were maps, marked to show the position of the soldier at the time he fired, the location of his target or targets, and the soldier’s line of fire. In a very few cases there are maps attached to the RMP statements of soldiers who did not fire.

173.145 Little point would be served by reproducing all these RMP maps here, since where they are of importance they appear elsewhere in this report. However, it is helpful to show one here by way of example, and so we reproduce below the RMP map of Lieutenant N, a member of 1 PARA.¹

¹ [B376](#)



- 173.146** The RMP maps of the 1 PARA soldiers who fired on Bloody Sunday are all in the same format as the example above.¹ This appears to be based on an extract from a standard Ordnance Survey map with grid squares measuring 4cm by 4cm. The map pre-dates Bloody Sunday; for example it shows what we have been told was an ice house (identifiable as a square shape at grid reference 43281696 on the map above) which no longer existed on 30th January 1972.² The maps carry the same title and contain no

names, with the soldier concerned being identified by a cipher. We have not located any manuscript versions of the RMP maps of the firing soldiers, which show in typescript the position of the soldier and the location and description of his target(s).

¹ The same format was used for the RMP maps prepared for those soldiers who were not members of 1 PARA and who fired shots, although the RMP map relating to the shots fired by Sergeant AA, Private AB, Private AC and Private AD, of 1 R ANGLIAN, is a composite which shows the lines

of fire of all four soldiers on the same map. The RMP maps of Bombardier X and Gunner Y, of 22 Lt AD Regt, lack a title.

² [Day 047/24](#)

173.147 None of the RMP statements of the firing soldiers refers to a map as an attachment, though (with the exception of Private H) the RMP map of each firing soldier of 1 PARA appears to have been attached to the typed version of the first RMP statement that he made, as were the RMP maps of all but two of the other soldiers who gave RMP statements.¹

¹ The exceptions appear to be Sergeant AA and Private AC, both of 1 R ANGLIAN, whose RMP maps seem to have been attached to a later RMP statement.

173.148 The submissions we received on the issue of how the RMP maps came to be prepared focus, for good reason, on the maps relating to those soldiers who had fired shots.¹ As we have already discussed in this chapter, by 1st February 1972 the 29 soldiers who had admitted to firing shots on Bloody Sunday had given a statement to the SIB (see Tables 173.1 and 173.2²). Earlier we also referred to the role of Colonel Overbury as part of the Army Tribunal Team. He, together with another officer (Colonel Hamilton), prepared a preliminary report dated 5th February 1972 and headed “A SUMMARY OF EVENTS IN LONDONDERRY ON SUNDAY 30 JAN 72”.³ Paragraphs 43 and 44 of that report annex respectively “A statement from every soldier who fired live rounds” and “Maps marked with individual shots”.⁴ Colonel Overbury’s report dated 23rd March 1972 records that the Army Tribunal Team had copies of the RMP statements (seemingly in redacted form) by 4th February 1972. It is probable that, by that date, the Army Tribunal Team also had copies of the RMP maps in the same format as available to this Inquiry.

¹ [FS7.55; FR1.251](#)

³ [CO1.112](#)

² [Paragraph 173.31](#)

⁴ [CO1.128](#)

173.149 In our view, the RMP maps, at least those for the soldiers who said that they had fired on Bloody Sunday, were prepared in the form in which we have them *after* the soldiers had made the RMP statement to which they were attached. It is very likely that these maps were prepared in Lisburn, where the typed versions of the RMP statements were produced¹ and redacted.² It seems to us that the RMP maps for the firing soldiers were not made, signed or approved by the soldiers concerned, but, following the protocol devised by Warrant Officer Class I Wood, were drawn up by others on the basis of the

information provided by the soldier to the statement taker.³ However, it seems more than likely, as we discuss below, that maps of some kind were available when the RMP statements were taken and it is possible that these may have been informally marked by the interviewer while taking the statement.

¹ CW1.10

³ C2596.5; CW1.66

² CW1.2; C3.1

173.150 The format used for the typed-up RMP maps only provided for the target to be indicated as a gunman or a bomber. As can be seen from the RMP map shown above, the compiler of Lieutenant N's RMP map showed him having fired at a bomber in Chamberlain Street. Neither in his RMP statement, nor at any other time, did Lieutenant N say that he had fired at a bomber in Chamberlain Street, nor is there any evidence from any other source to suggest that he did. What Lieutenant N said was that he had fired over the heads of a crowd in that area, without hitting anyone, as we are satisfied was the case. He told us, and we accept, that he would not have marked or assisted in marking a map to place a bomber in Chamberlain Street.¹ The compiler of the RMP map was accordingly in error in indicating that Lieutenant N had fired at a bomber in Chamberlain Street.

¹ Day 323/103-104

173.151 The representatives of the majority of represented soldiers submitted that it would be dangerous to place much reliance on the RMP maps: *"It would certainly be unjust to hold individual soldiers accountable for apparent discrepancies that exist between RMP maps and subsequent descriptions or marked up photographs."*¹

¹ FS7.59

173.152 Given the circumstances in which the RMP maps were prepared, we accept that there is some force in this submission, although where the RMP map corresponds reasonably closely with the RMP statement of the soldier concerned, but where in subsequent accounts the soldier's evidence is materially different, any discrepancies in truth stem not so much from the RMP map as from the RMP statement that the soldier signed.

173.153 Although an RMP map was prepared after each firing soldier had made his first RMP statement, we consider that a map or maps of some kind must have been available to those taking the statements, since neither the majority of the SIB interviewers nor the soldiers concerned had sufficient knowledge of the city to give the details of names of streets, places, etc that appear in those statements – a point made by Warrant Officer Class I Wood during his oral evidence.¹ Corporal Brobson agreed that a map was

probably available, though he had no recollection of having had one.² Warrant Officer Class II INQ 1835, who also took a number of statements, was more certain that he and other interviewers were issued with maps showing the area in which 1 PARA had operated, and recalled that he used them when interviewing soldiers.³ Some of the soldiers interviewed in the first phase of the RMP statement-taking process gave evidence in 1972 of using a “*small-scale*” map.⁴

¹ [Day 383/159-161](#)

³ [C1835.3-4](#)

² [Day 275/109](#); [Day 275/111-114](#); [Day 275/123](#);
[Day 275/126-127](#); [Day 275/138](#)

⁴ [B9](#); [B188](#); [WT14/82](#)

173.154 In some cases the RMP statement refers to a grid reference, which it seems to us can only have come from a map. An example is the first RMP statement provided by Sergeant O of 1 PARA. In that statement, timed at 2130 hours on 30th January 1972, Sergeant O provided an account of firing seven shots at three targets. It contains grid references identifying the position of Sergeant O’s platoon Armoured Personnel Carrier (APC) and two of his targets. For reasons we discuss elsewhere in this report,¹ the shots attributed to Sergeant O do not appear on the Loden List of Engagements which recorded grid references for the positions of a number of members of 1 PARA who fired shots and their targets. Here it suffices to say that Sergeant O was still at Altnagelvin Hospital at the time the list was being compiled. The grid references in Sergeant O’s first RMP statement could therefore only have come from a map, as Sergeant O acknowledged to us.²

¹ [Chapter 165](#)

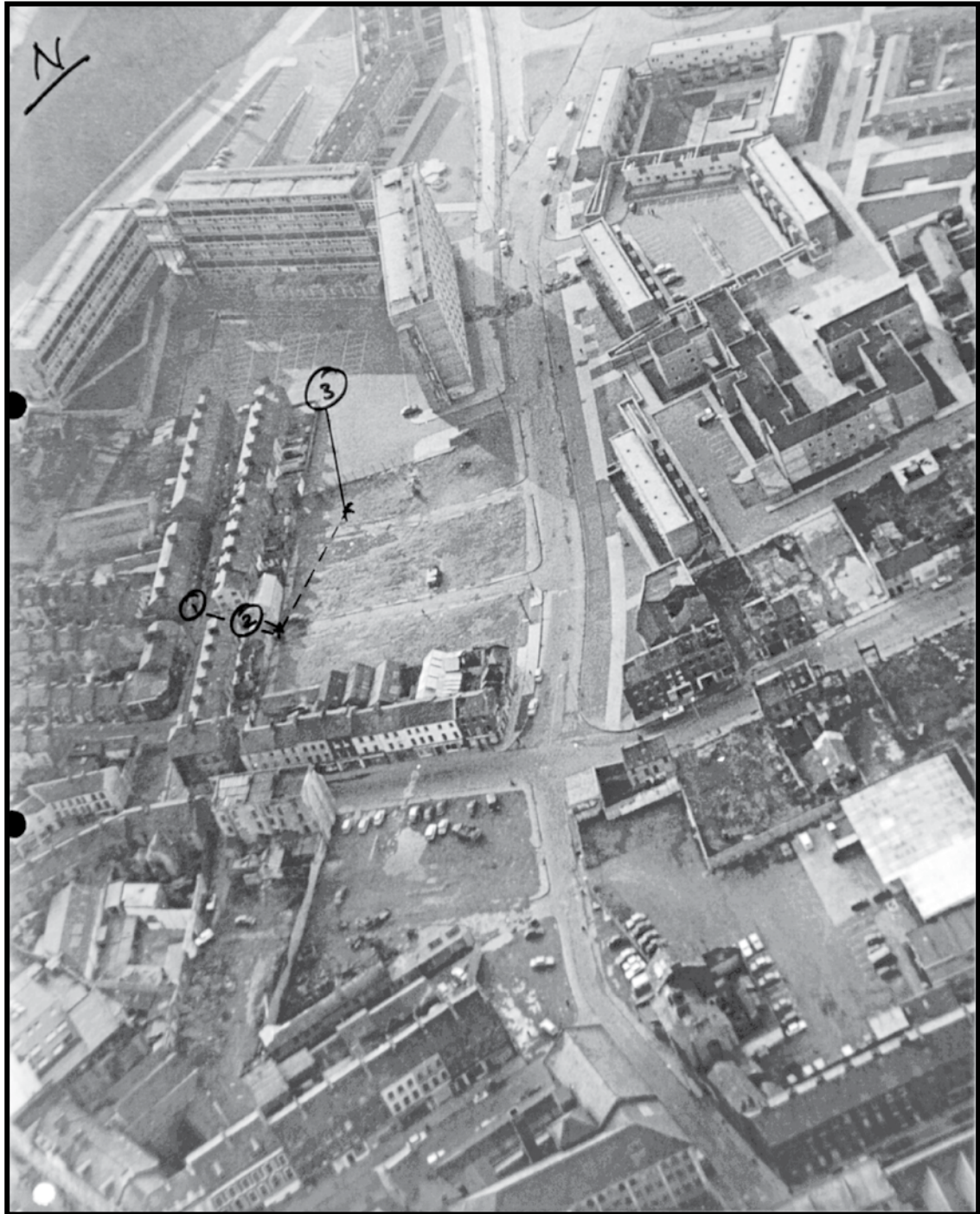
² [Day 336/26-28](#)

Chapter 174: The trajectory photographs

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174.1 The trajectory photographs are photographs of areas of the city that were marked in 1972 to show the lines of fire described by soldiers who fired shots on 30th January 1972. In this chapter we consider the evidence of the circumstances in which the trajectory photographs came to be prepared. As we explain later, the trajectory photographs were prepared from a set of eight aerial photographs used at the Widgery Inquiry and there given the prefix EP21. We have referred to these photographs in this chapter as the EP21 series of photographs. Little point would be served by reproducing all the trajectory photographs here, since they appear elsewhere in this report. However, it may be helpful to show one here by way of example, and so we reproduce below Lieutenant N's trajectory photograph.



The evidence of members of Lord Widgery's Inquiry Team

174.2 Basil Hall, then the Deputy Treasury Solicitor, was appointed as the solicitor to the Widgery Inquiry shortly after its establishment was announced on the evening of 1st February 1972.¹ By that time, as we have explained in the previous chapter,² all the soldiers who fired shots on 30th January 1972 had been interviewed by members of the Special Investigation Branch (SIB) of the Royal Military Police (RMP). In a memorandum dated 16th March 1972, Basil Hall wrote: *"I would not myself regard a statement given to SIB as being a proper basis for an examination in chief and, accordingly, fresh statements were taken from all whom it seemed probable would be called..."*³ He told us that the purpose of taking fresh statements from witnesses was to obtain a proof of evidence *"of what the individual was likely to say to Widgery in the witness box when he got there"*.⁴ Basil Hall was assisted by two senior legal assistants from the Treasury Solicitor's Department, Roger Munrow and Christopher Leonard, and two executive officers, RA Roberts and David Huggins.⁵ Subsequently John Heritage, another senior legal assistant at the Treasury Solicitor's Department, replaced Roger Munrow in Northern Ireland⁶ and the team was supplemented by the addition of a more junior lawyer, Michael Hirst.⁷

¹ KH2.1; CO1.65

⁵ KH2.2; KH2.19; Day 250/134

² Chapter 173

⁶ KH6.2

³ KH2.13

⁷ KH7.2

⁴ Day 250/12

174.3 In his first written statement to this Inquiry, Basil Hall addressed the circumstances in which Lord Widgery's Inquiry Team took statements from military witnesses.¹ He did not refer to the use of photographs or maps or to the trajectory photographs. He made a second statement to this Inquiry addressing the question (which we consider in the next chapter of this report²) of missing Army photographs and cine films. In that statement, Basil Hall referred to the EP21 series of photographs and recorded: *"To the best of my recollection, I did not myself make use of these aerial photographs when taking statements. I did however ask that soldiers who had fired rounds should indicate on the photographs their line of fire. Copies of the photographs with the lines of fire would have been available to members of the team taking statements."*³ This was a recollection Basil Hall repeated in his oral evidence.⁴

¹ KH2.3

³ KH2.29

² Chapter 175

⁴ Day 250/61-62

174.4 John Heritage became involved in the Widgery Inquiry in the second week of February 1972.¹ He took statements from 14 soldiers, eight of whom had fired shots on Bloody Sunday.² As to the use of maps and aerial photographs, John Heritage's written statement to this Inquiry recorded: "*During the interviews, witnesses referred to maps and aerial photographs. To the best of my recollection, these were prepared beforehand by the SIB: see, for example, paragraphs 8 and 9 of SA19, in which Soldier C is referring to existing markings on a map and photograph.*"³ The reference to "SA19"⁴ is to the written statement made for the Widgery Inquiry by Private C.⁵ Paragraphs 8 to 10 of that statement referred to "*my photograph*" and positions marked 2 and 3 respectively. The trajectory photograph attributed to Private C is also marked with such positions.⁶

¹ KH6.1

⁵ B53-54

² KH6.4; KH6.17

⁶ B68

³ KH6.3

⁴ Each statement taken for the Widgery Inquiry was given a unique identifier comprising two letters and a number. The letters identified which category the statement fell into. A statement from a journalist was given the prefix "SR", that from a civilian "SC", that from a police officer "SP", and that from a soldier "SA". No-one could give a definite explanation of what these letters stood for. It is likely to be as simple as "Statements Reporters", "Statements Civilians", "Statements Police" and "Statements Army".

174.5 In his second written statement to this Inquiry, John Heritage returned to the topic of maps and photographs. The statement records that six of the 14 statements he took from soldier witnesses refer to aerial photographs. Of these, three soldiers refer to images with the reference EP21. Of the remaining, one, Private C, has already been mentioned above. The other two, Lance Corporal D and Private S, refer respectively to the location of a window and a position reached by the soldier, both marked X on "*my photograph*".¹ The trajectory photograph of Lance Corporal D² appears to be marked with an "X", as does that of Private S.³ John Heritage was not asked about the preparation of the trajectory photographs in oral evidence.

¹ KH6.17; KH6.29-30; B76; B707

³ B724.010

² B85

174.6 According to John Heritage, Michael Hirst took five statements from soldier witnesses.¹ Michael Hirst was interviewed by this Inquiry, primarily as part of our investigation into the issue of missing Army photographs and cine film. He told us that "*To the best of my recollection, when I took a limited number of statements while the Tribunal was in session, I did not have photographs available for reference*".² Michael Hirst did not give oral evidence to this Inquiry.

¹ KH6.2

² KH7.3

The evidence of the Army Tribunal Team preparing for the Widgery Inquiry

174.7 Major INQ 1872 was appointed the secretary to the Army Tribunal Team at the Widgery Inquiry in early February 1972.¹ In his written statement to this Inquiry, Major INQ 1872 described the initial analysis undertaken by the Army Tribunal Team. This utilised the Royal Military Police (RMP) statements together with a number of press reports.² He told us that *“We tried to map out where the shots were directed based on those statements we had from SIB and RMP. How I think we went about it is that Lieutenant Colonel Overbury and I worked out as best we could what had happened and rough drawings were made. I think the diagrams and trajectory photographs used by the Inquiry were drawn by a draftsman from our rough drawings.”*³ He was asked about this when he gave oral evidence:⁴

“Q. Is it your recollection that it was you and other members of the team who put arrows on to maps and photographs for this purpose?

A. We certainly did put them on to maps and photographs. What I do not know for certain is whether that – these were the drawings which were used by the Inquiry.

Q. Did you ever see the finished versions done by the draftsman from your rough drawings?

A. I think almost certainly, but I am afraid I cannot say with certainty.

Q. Were you aware of the soldiers being asked to comment on the trajectory plans and photographs?

A. No, I cannot say that either way.”

¹ C1872.1

³ C1872.2

² C1872.1

⁴ Day 252/66

174.8 Major INQ 1898 was an RMP major attached to the Army Tribunal Team at the Widgery Inquiry.¹ His written statement to this Inquiry refers to the initial analysis mentioned by Major INQ 1872 but makes no reference to trajectory photographs. Major INQ 1898 said that he was involved in plotting the trajectory of the shots fired by soldiers on 30th January 1972 on a large plan. The preparation of that trajectory plan led to some soldiers being re-interviewed.² This Inquiry obtained a plan of the Bogside on which the trajectories of the shots fired by members of 1st Battalion, The Parachute Regiment (1 PARA) (and that fired by Lance Bombardier Z, a member of 22nd Light Air Defence

Regiment, Royal Artillery (22 Lt AD Regt)) had been drawn. This or a predecessor is likely to be the trajectory plan referred to by Major INQ 1898. The plan, reproduced below, is marked "*Revised 18th February 1971*". Major INQ 1872 could not say if that date was a reference to when the underlying plan itself was revised or the date (albeit with an error as to the year) on which the lines showing the trajectory of the shots fired by soldiers had been plotted.³

¹ C1898.1

³ Day 252/67

² C1898.2



174.9 Lieutenant Colonel Overbury, who was responsible for the legal aspects of the work of the Army Tribunal Team, did not refer to the preparation of trajectory photographs in the two written statements he provided to this Inquiry. In his second statement dated 28th November 2001, he referred to arrangements being made for him to fly over the Bogside in a helicopter with a photographer in order to produce additional photographs for use at the Widgery Inquiry. This flight may have occurred on 10th February 1972 when the Army Tribunal Team visited Londonderry.¹ In oral evidence to this Inquiry, Colonel Overbury accepted that the EP21 series of photographs could have been taken during that flight. Counsel to this Inquiry then showed Colonel Overbury the trajectory photograph for Corporal A's shot. He went on to ask:²

"Q. And there are versions of this and other photographs in relation to the soldiers who fired live rounds. Do you recall this exercise of soldiers marking on photographs where they shot?

A. Yes, sir.

Q. And do you recall that those were on the photographs that you had taken in the aeroplane when you went round the Bogside?

A. I assume that was the case, sir."

¹ CO1.65

² Day 243/23-25

174.10 Counsel for the majority of represented soldiers returned to this topic in the course of questioning Colonel Overbury about a suggested discrepancy between the first RMP statement given by Corporal A and his marked up trajectory photograph.¹ In the course of answering counsel's questions, Colonel Overbury suggested that the soldiers themselves would have marked the trajectory photographs. Later he explained that he thought some of the aerial photographs were marked up by the SIB before he saw them. He went on to say: "*What I meant was that the photographs were taken I think on 10th February, the ones that I was concerned with, by a photographer who was in the helicopter. When those photographs were developed, where the SIB investigators considered it necessary, I think they showed the photographs to check with all the soldiers.*" In the previous chapter,² we discussed the circumstances in which Colonel Overbury took statements from a number of soldiers including Corporal A and Lance Corporal F. Colonel Overbury said that when he interviewed Lance Corporal F he would have had the "soldiers'

statements, the plan³ and the photograph". It is not clear if by "*photograph*" Colonel Overbury intended to refer to the marked up trajectory photograph or the corresponding aerial photograph.

¹ [Day 243/93-99](#)

³ By which he meant the RMP map.

² [Paragraph 173.58](#)

174.11 Subsequently, and in the course of being questioned by his own counsel about the preparation of the trajectory plan reproduced above,¹ Colonel Overbury explained the following: the aerial photographs taken at his behest would have been handed over to the SIB; he could not say who prepared the trajectory photographs but suggested that the SIB would have re-interviewed the firers and asked them to verify their lines of fire as shown on the RMP maps against the available photographs.²

¹ [Paragraph 174.8](#)

² [Day 243/229-235](#)

174.12 Colonel Overbury was the author of a report, dated 23rd March 1972, on the work of the Army Tribunal Team. Paragraph 12 of that report records that "*the shot plot was amended after witnesses had been shown aerial photographs of the area*".¹ Paragraph 17 of the same report records that the team was only able to complete its task in the time available by "*monopolising all available resources from the Staff of the APM [Assistant Provost Marshal] and SIB. Further investigators had to be bought in to assist in collating evidence from over 150 soldiers in 2 weeks.*"²

¹ [CO1.65](#)

² [CO1.66](#)

The evidence of the firing soldiers from 1 PARA

174.13 Corporal A did not refer to a trajectory photograph in his written statement for the Widgery Inquiry.¹ When he gave oral evidence to that Inquiry he was asked: "*Will you look at the photograph which you marked for the Tribunal.*"² Corporal A made no comment on the trajectory photographs attributed to him in his written statement to this Inquiry. In his oral evidence (when shown one of the trajectory photographs) he said that he could not recall when he marked up the photograph nor whether it was for the purposes of interview with the RMP, Colonel Overbury or the Widgery Inquiry.³

¹ [B9](#)

³ [Day 297/165](#)

² [WT12.41](#)

174.14 This Inquiry obtained three copies of the statement given by Corporal A to the Widgery Inquiry. Only one of these had a trajectory photograph attached to it. The back of that photograph is marked in manuscript "*Marked by Soldier 'A'. Original copy marked by*

*Soldier 'A' and SA.15.*¹ As we have explained the “SA” prefix was used by the Widgery Inquiry to identify a statement from a military witness. SA15 was the identifier for the statement given by Corporal A.

¹ B9.3-4

174.15 Private B did not refer to a marked photograph in his written statement for the Widgery Inquiry. No reference was made, when Private B gave oral evidence to the Widgery Inquiry, to a photograph marked by him. There is a reference to “*the photograph that is marked for the Tribunal*”.¹ During his oral evidence to this Inquiry, Private B was questioned about the trajectory photograph on the basis that he had marked it.² He was not asked how the photographs came to be prepared.

¹ WT12.49

² Day 311/39-40; Day 311/49; Day 311/65

174.16 In his written statement for the Widgery Inquiry, Private C referred to the location of his targets thus: “*The position of this gunman is marked 2 on my photograph*” and “*the position shown approximately on the photograph and marked 3*”.¹ This corresponds to the relevant trajectory photograph.² In his oral evidence to the Widgery Inquiry, he confirmed that the trajectory photograph showed the line of fire of his five shots but did not explain how it was prepared.³ Private C made no comment on the preparation of the trajectory photograph in his written statement to this Inquiry. In his oral evidence he said he could not recall the circumstances in which the photograph was marked.⁴

¹ B53

³ WT15.68

² B68

⁴ Day 354/29

174.17 In his written statement for the Widgery Inquiry, Lance Corporal D recorded: “*C pointed out a window in block 1 indicated on my photograph at X. I was positioned at the other end of the line marked 2.*”¹ When he gave oral evidence to the Widgery Inquiry, Lance Corporal D confirmed that what must be the trajectory photograph showed his line of fire but said nothing as to how it came to be prepared.² In his written statement to this Inquiry, Lance Corporal D told us that he had no recollection of making a written statement for the Widgery Inquiry.³ He also commented on the trajectory photograph:⁴

“Apparently this photograph was put to me during the course of my evidence at the Tribunal but I only marked where I was and where I fired towards. I do not remember putting in the line which joins the two points but the dot at Kells Walk shows where I was and I surmise that I marked this myself. I do not remember doing it but I think this is what I would have done. I have no memory of seeing this photograph before.”

¹ B76

³ B85.009

² WT15.77

⁴ B85.011

174.18 In his oral evidence to this Inquiry, Lance Corporal D accepted that he might have marked the trajectory photograph incorrectly.¹

¹ Day 355/29-30

174.19 Corporal E did not refer to the trajectory photograph in his written statement for the Widgery Inquiry but he did confirm that it showed his line of fire when he gave oral evidence to that Inquiry.¹

¹ WT14.35

174.20 As we have noted above,¹ Lance Corporal F was one of a number of soldiers from whom Colonel Overbury took a statement. By the time he came to be interviewed by Colonel Overbury on 19th February 1972, Lance Corporal F had already made four RMP statements. In the statement he made to Colonel Overbury, Lance Corporal F recorded that he had looked at “*maps and photographs of the area*”. The statement does not, however, refer to a marked trajectory photograph.² During the course of his oral evidence to the Widgery Inquiry, there was the following exchange:³

“Q. Would you look at these photographs? You marked there the position in which you fired all except the man you fired at near St. Joseph’s Place?

A. Yes, sir.

Q. Is that right? I think you marked the photograph when you made a statement?

A. Yes.

Q. Is this the line of shooting when you fired from the south-east gable of Glenfada Park?

A. Yes.”

¹ Paragraph 174.10

³ WT14.53

² B135

174.21 The first point to note from the above exchange is that there are three trajectory photographs relating to the shots fired by Lance Corporal F.¹ One photograph only appears to have been marked at the same time that Lance Corporal F made a statement. That statement dealt with “*the man you fired at near St. Joseph’s Place*” and the shots fired by Lance Corporal F from the “*south-east gable of Glenfada Park*”. The statement can only be referring to the shots fired by Lance Corporal F in Sector 5, which we discuss elsewhere in this report.² It must therefore be the statement made to Colonel Overbury as it was in that account that Lance Corporal F first admitted firing shots in Sector 5. Lance Corporal F told the Widgery Inquiry that his interview with Colonel Overbury was the first time he had seen aerial photographs of the area.³ When he came to give oral evidence to this Inquiry, Lance Corporal F said that he had no recollection of the trajectory photographs.⁴

¹ B165-7

³ WT14.75

² Paragraph 119.164

⁴ Day 375/77; Day 375/118; Day 375/168

174.22 The written statement of Private G for the Widgery Inquiry referred to positions on two photographs, ie “*the line marked 2 on my photograph*”, “*the line marked 3 on my photograph*”¹ and the “*line No 1 on the second photograph*”.² These locations correspond to the trajectory photographs attributed to Private G and which we have reproduced elsewhere in this report.³ When referring to the first of these two photographs, in his written statement for the Widgery Inquiry he recorded: “*I refer to the photograph marked ‘Soldier G’.*”⁴ In his oral evidence to the Widgery Inquiry, Private G was asked about a photograph:⁵

“Q. I ought to ask you to identify a photograph. Look at that. (Produced) Is that a photograph that has been marked on your instructions?

A. Yes, sir.

Q. Does that show the first shots, or some of them, and that shows the remainder?

A. This one is not mine, no.

Q. I am sorry. Take this small one. (Handed)

A. That is right.

Q. Is that where you fired the shots at the flats?

A. That is right, sir.”

¹ B186

⁴ B186

² B187

⁵ WT14.82-83

³ Paragraphs 97.10 and 123.167

174.23 The written statement of Private H for the Widgery Inquiry included the following: “*I saw a lad at the end of the line marked 2 on the photograph (marked Soldier H).*”¹ “*I ... saw the muzzle of a rifle sticking out of a window at the end of the line marked 19.*” This corresponds with the identified trajectory photograph.² Private H told us that he had little recollection of making his 1972 statements.³ His written statement to this Inquiry referred to the trajectory photograph and recorded that he had no recollection of drawing lines on a photograph or indicating to another person that such lines should be drawn.⁴

¹ B234

³ B264.004

² B264.014

⁴ B264.002

174.24 The undated written statement of Corporal J for the Widgery Inquiry made no reference to his trajectory photograph.¹ When he gave oral evidence to the Widgery Inquiry, Corporal J confirmed that the trajectory photograph correctly showed his line of fire.² He did not discuss the preparation of the trajectory photograph in his evidence to this Inquiry.

¹ B289

² WT15.33

174.25 There is no reference to the two trajectory photographs of Sergeant K in his written statement to the Widgery Inquiry or the transcript of his oral evidence to that Inquiry. In his written statement to this Inquiry, Sergeant K told us that he had no recollection of how the trajectory photographs were marked.¹ Sergeant K was not questioned on this topic during his oral evidence to this Inquiry.

¹ B311.011

174.26 There is no reference to the trajectory photograph in the written statement of Private L for the Widgery Inquiry. In his oral evidence to the Widgery Inquiry, Private L confirmed that at least one of the trajectory photographs showed his line of fire.¹ In his written statement to this Inquiry, Private L mentioned one trajectory photograph, which he described as accurate.² Private L told us that he could remember “*being asked to point out on a map or a photograph where you were at the time that you fired any shots*” and appears to have confirmed the accuracy of one of his two trajectory photographs.³ He did not comment further on how the trajectory photographs came to be created.

¹ WT16.10

³ Day 381/121-124

² B346.11

174.27 Private M's written statement for the Widgery Inquiry¹ does not contain a reference to his trajectory photograph. During his oral evidence to that Inquiry, Private M answered the question, "*Will you look at this photograph: have you marked on it the position from which you fired?*" in the affirmative.² His evidence to this Inquiry does not assist with the topic of how the trajectory photographs were created.

¹ B359

² WT16.21

174.28 Lieutenant N did not refer to his trajectory photograph in his written statement for the Widgery Inquiry. He was referred to it during his oral evidence to that Inquiry.¹ Lieutenant N told us that he had little or no recollection of making his 1972 statements.² In his oral evidence to this Inquiry, Lieutenant N told us that he had no recollection of filling in the photograph or pointing out to another person his lines of fire, so that the photograph could be appropriately marked.³ Later he stated that he thought he would not have marked the photograph himself and had no recollection of so doing.⁴ Lieutenant N also confirmed that he had no recollection of seeing the trajectory plan reproduced above⁵ or a similar map marking all the lines of fire.⁶

¹ B419; B423

⁴ Day 322/104

² WT12.65; WT12.69

⁵ Paragraph 174.8

³ Day 322/69-75

⁶ Day 322/83-84

174.29 There is no reference to a trajectory photograph in Sergeant O's written statement for the Widgery Inquiry.¹ Paragraph 4 of that statement does refer to an aerial photograph from the EP21 series. It is not clear whether this means that Sergeant O had yet to mark his trajectory photograph or that it was not available for the interview. When Sergeant O gave oral evidence to the Widgery Inquiry, counsel for the Ministry of Defence's opening comment was "*I believe your Lordship has not got a marked photograph of this one*". Lord Widgery said that he did.² The examination of Sergeant O concluded with this counsel realising that he had not "*put the Soldier O marked photograph in*".³ No other reference to the marked photograph was made during the course of Sergeant O's oral evidence to the Widgery Inquiry. In his written statement to this Inquiry, Sergeant O told us that "*Mr Heritage and I also discussed the trajectory of the shots I had fired and Mr Heritage carefully drew on a large photograph the trajectory of my shots. I still have a copy of that photograph. Apart from the military policeman, there was no-one else with us when we were doing this.*"⁴ He confirmed this recollection in his oral evidence.⁵ Later there was this exchange which began with Sergeant O being shown a copy of his trajectory photograph:⁶

“Q. Will you look, please, at the photograph you marked up with the Treasury Solicitors in 1972 which we have as P21, which was the one Mr Toohey asked for right at the start. Do you recall the circumstances or the time at which that photograph was marked up?

A. Yes, it was in Coleraine one Sunday morning, I could not give you the date.

Q. Did you put pen to photograph or was it done on your instructions?

A. It was done on my instructions, if I remember correctly. Mr Heritage measured it out and used a ruler and so on and he put it in that.

Q. You see the mark, the line with a 2 at the end of it?

A. Yes, sir.

Q. And the position to which that goes. My question is just this: did you tell Mr Heritage to put that mark there because he or anybody else had shown you a photograph or told you that the walkway between the blocks was covered in and, therefore, you had to move your target in the way that was put to you today?

A. No, sir.”

¹ B466

² WT13.24

³ WT13.44

⁴ B575.124-125

⁵ Day 335/122

⁶ Day 336/124-125

174.30 For reasons given when we discuss Sergeant O’s evidence elsewhere in this report,¹ we consider that he was in error in believing that John Heritage had drawn up his trajectory photograph.

¹ Paragraphs 51.240–243

174.31 Corporal P made no reference to a trajectory photograph in his written statement for the Widgery Inquiry.¹ In his oral evidence to that Inquiry he was asked: “*You have plotted your shots on a photograph, have you not?*”, to which the answer was “Yes”.² In his written statement to this Inquiry, Corporal P told us that he had little recollection of making his 1972 statements.³ In his oral evidence to this Inquiry, Corporal P said that he had no memory of the trajectory photograph.⁴ He could not explain the discrepancy between his RMP map and the trajectory photograph,⁵ but was not asked further about the creation of the photograph.

¹ B591

² WT13.69

³ B623.003

⁴ Day 353/43

⁵ Day 53/79-80

- 174.32** Private Q made no reference to a trajectory photograph in his written statement for the Widgery Inquiry.¹ When he gave oral evidence to that Inquiry there was this exchange:²

“CROSS-EXAMINED by Mr. PRESTON

Q. I think that you marked a photograph to show the place from which and the place at which you fired that shot. My Lord, it is probably worth while from the point of view of completeness to have each one in.

LORD WIDGERY: Certainly.

Mr. PRESTON: May he see it.

A. I have it there.

Q. ‘X’ marks your position and ‘1’ the position of your target, is that right?

A. Yes.”

¹ B635

² WT12.100

- 174.33** The evidence of Private Q to this Inquiry was that he had no recollection of drawing a line on the trajectory photograph or indicating to another how the photograph ought to be marked up.¹

¹ B657.7; Day 339/50-51

- 174.34** Private R’s written statement for the Widgery Inquiry recorded “*Referring to the marked photograph I fired my shot from beside the right hand back door of the pig marked X on the photograph. The man was standing in the area marked 1 in the photograph*”¹ and “*At the far end of block 2 in the position indicated as 2 on my photograph*”.² These details correspond to the relevant trajectory photograph.³ During his oral evidence to the Widgery Inquiry, Private R was asked to confirm the accuracy of the trajectory photograph:⁴

“Q. Now will you look at this photograph. Is this the photograph you have marked as to your position and where you fired at the two different people? Is that right?

A. That is correct, sir.”

¹ B670

³ B691

² B671

⁴ WT13.78

174.35 Private R made no comment on the trajectory photograph in his written statement to this Inquiry. During his oral evidence to this Inquiry, Private R told us that he had a recollection of the trajectory photograph being marked but could not recall who by.¹

¹ [Day 337/45-46](#)

174.36 In his written statement for the Widgery Inquiry, Private S referred to his position at the time he fired shots thus: “*This is the position marked X on my photograph*” and placed his target as “*kneeling in a gap in the court yard shown marked ... on my photograph*”.¹ When he gave oral evidence to the Widgery Inquiry, there was this exchange:²

“Q. Can he see his photograph, S’s photograph. Did you bring a copy of that photograph to court yesterday?

A. I did, sir.

Q. Does that line on that represent the line of the twelve shots you told my Lord about?

A. Yes, sir.

LORD WIDGERY: Will someone remind me, was there a witness who spoke of a soldier firing through this alley? Does anyone remember?

Mr. STOCKER: I think the answer is Yes.

Mr. GIBBENS: I think it may have been Patrick McDaid. I am not sure.

LORD WIDGERY: I can look it up.”

¹ [B707](#)

² [WT13.4](#)

174.37 Private S did not refer to the trajectory photograph in his written statement to this Inquiry. When he gave oral evidence he told us that he had no current recollection of marking a photograph.¹

¹ [Day 331/83](#); [Day 331/112-113](#)

174.38 The written statement of Private T for the Widgery Inquiry made no reference to a trajectory photograph.¹ In his oral evidence to that Inquiry he was simply asked to confirm that the photograph showed “*where you fired the rounds that you have told my Lord about*”.²

¹ [B734](#)

² [WT13.92](#)

174.39 The written statement of Private U for the Widgery Inquiry¹ made no reference to a trajectory photograph. In his oral evidence to that Inquiry he was simply asked: “*is that line on the photograph describing the shot that you told my Lord about?*” Private U answered in the affirmative.² He did not refer to the photograph in his written statement to this Inquiry. In his oral evidence to this Inquiry, Private U told us that he had no recollection of being shown photographs when he gave his statement for the Widgery Inquiry.³ He gave no further evidence as to the creation of the trajectory photograph.

¹ B766

³ Day 369/20

² WT13.101

174.40 The written statement of Lance Corporal V for the Widgery Inquiry¹ made no reference to a trajectory photograph. In his oral evidence to that Inquiry, when Lance Corporal V showed Lord Widgery where he said his Armoured Personnel Carrier had stopped, it seems to us that it was his trajectory photograph that he marked with an X;² and that it is that mark that appears on our copy of his trajectory photograph which we have reproduced elsewhere in this report.³ This is consistent with Lord Widgery’s observation that the whitish strip shown on the photograph was Pilot Row. The written statement to this Inquiry of Lance Corporal V made no mention of this photograph.⁴ When he gave oral evidence to this Inquiry, Lance Corporal V was unable to assist further with the creation of the trajectory photograph. He said he had no recollection of marking it, though he agreed that it was possible that he had done so.⁵

¹ B801

⁴ B821.003

² WT13.18

⁵ Day 333/164-165; Day 333/176-179

³ Paragraph 51.89

General conclusions

174.41 In our view the EP21 series of photographs were probably those taken on 10th February 1972 and formed the basis for the trajectory photographs. We also consider that the idea to prepare trajectory photographs came from Basil Hall, the solicitor to the Widgery Inquiry Team. The trajectory photographs were prepared by the SIB as part of the preparations of the Army Tribunal Team for the Widgery Inquiry. The photographs were probably marked up in the presence of the relevant soldiers, though the final form they took may well have been prepared afterwards. It seems likely from the date recorded on the trajectory plan¹ and paragraph 12 of the report of the Army Tribunal Team, that all or

virtually all of the trajectory photographs were prepared by 18th February 1972. We do not know why in some of the written statements for the Widgery Inquiry there is no reference to a marked photograph.

¹ [Paragraph 174.8](#)

The evidence of Private 027

174.42 Various accounts provided by Private 027 recorded, in similar terms, an allegation that, in effect, members of 1 PARA fabricated the trajectory photographs.

174.43 According to the 1975 memoir of Private 027, when he attended the Widgery Inquiry, he and other members of his platoon looked at aerial photographs with members of the SIB who were trying to establish which shots had been fired by whom and from where. According to this memoir the platoon members grinned at each other and drew haphazard lines.¹

¹ [B1565.014](#)

174.44 In his draft book (late 1998 to early 1999), Private 027 wrote that he and other members of his platoon were asked to assist Widgery Inquiry staff in plotting lines of fire, in an effort to determine who had fired which shots and in which direction. *“The lines of fire were drawn like spiders webs as soldiers made this or that suggestion. I suppose what was produced came to have all the sanctity of an official document, but it doesn’t require the brains of a Bishop to realise that these intricate plans were an amalgam of guesswork, speculation and deception.”* In any event, he wrote, the soldiers were being asked to perform an impossible task, using aerial photographs to reconstruct a chaotic event.¹

¹ [B1565.318](#)

174.45 In his written statement to this Inquiry dated 7th June 2000, Private 027 told us he recalled being called to the Widgery Inquiry. He joined a group of soldiers who were looking at aerial photographs and trying to compile a plan to show the shots fired. He told us that it was quite a light-hearted gathering. People were free to make suggestions which were acted on. *“There was not only the inherent likelihood of error, but it also provided an opportunity to muddy the water.”*¹

¹ [B1565.052-53](#)

174.46 In the course of his oral evidence to this Inquiry, Private 027 was asked about this part of his written statement. His evidence was that the large trajectory plan reproduced above¹ was similar to the plan that he and his fellow soldiers had been asked to compile.² When

asked about the account in his 1975 memoir, Private 027 said it was “*a reasonable assumption*” that the people “*running the show*” were members of the SIB. There was this exchange:³

“Q. What you went on to say in your 1975 account, was this: ‘... what a farce, we were all grinning at each other and drawing lines haphazardly all over the place, with the result that the authorities finished up with a series of photographs of sophisticated looking spider-webs which bore no relation to fact.’ Should we take it at the time you went to Coleraine, the soldiers present were not making any serious attempt to express where they had fired from and to, or is this just an extravagant piece of writing on your part?

A. I believe I am relating my impressions as I believed them to be at the time.”

¹ Paragraph 174.8

³ Day 247/25-27

² Day 247/23

174.47 We do not accept the evidence of Private 027 on this topic. The trajectory photographs generally reflect and are consistent with the written and oral evidence of the firing soldiers. In the course of the report we examine each of those photographs in the context of looking in detail at the evidence given by those and other soldiers.

174.48 The fact that the trajectory photographs generally reflect the accounts given by the firing soldiers does not of itself establish that those accounts were themselves a truthful or accurate record. This depends on an analysis of all the available evidence, which we undertake in the course of considering the events of Sectors 1 to 5.

Chapter 175: Missing photographs and other materials

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175.1 As we pointed out earlier in this report,¹ there is evidence that on the day the Army took a large number of still photographs, many of which appear to be missing. We were unable to discover what happened to these photographs. However, we reject the submission made by representatives of the families that these photographs had been suppressed because they showed matters detrimental to the case being advanced by the Army at the Widgery Inquiry.² Having considered this submission, the evidence relied upon and the responses made to it by soldiers’ representatives³ we concluded that the allegation of suppression was based on an assumption that this was the case; an assumption for which we had found no evidence; and that at best it could be said that these photographs showed nothing that assisted the Army’s case, for otherwise they would have been provided to the Widgery Inquiry. In our view the most likely explanation for the missing

photographs is that they were at some stage discarded because they showed nothing of any relevance to the circumstances in which people were shot. This was probably because, in accordance with Army orders, the photographers were generally deployed along the containment line and did not enter the areas of the Bogside in which the shooting took place.

¹ Paragraphs 9.443–449

³ FS7.263; FS8.277-284

² FS1.96-121

175.2 In turn representatives of the soldiers submitted that some of the photographs taken by civilian photographers on Bloody Sunday were missing. In this they were correct. They further submitted that “*There may of course be an ‘innocent’ explanation for some cases of missing civilian photographs. But there are clear instances where the absence of such photographs is indicative of a reticence by the photographer (whether or not coerced by the IRA) to avoid disclosure of materials showing civilian wrongdoing such as rioting, or, worse, of materials showing the presence or activity of the IRA.*”¹

¹ FS8.284

175.3 We now turn to consider the photographers in question.

Ciaran Donnelly

175.4 Ciaran Donnelly was a photographer for the *Irish Times*, who took a number of photographs to which we have referred in the course of this report. He told us that he believed that he had shot between four and six reels of film on Bloody Sunday and had taken them that evening to Dublin, but that only a small proportion of these survived as a flood damaged the *Irish Times*’ photographic library.¹

¹ M22.22

175.5 In his oral evidence to this Inquiry, Ciaran Donnelly told us that all the photographs taken by him were supplied to the Widgery Inquiry.¹ He also told us that among the photographs that were now missing appeared to be some that he had taken “*at the very time when two men were being shot on the [rubble] barricade*”.²

¹ Day 71/78-79

² Day 71/75

175.6 There is no doubt that these photographs might well have assisted us in our examination of the events at the rubble barricade. However, we reject the submission that “*Serious questions arise as to why it is that the photographs that are missing are of such an*

important and controversial area".¹ As Ciaran Donnelly told us, these were only *some* and not all of the pictures that were missing. Furthermore, we have no reason to doubt his explanation as to why some photographs did not survive.

¹ FS8.287

175.7

It seems to be suggested that there was some sinister reason why two of the surviving photographs taken by Ciaran Donnelly (which we have also shown and discussed in the course of considering the events of Sector 3) showed what was said to be deliberate scratches, "*as though some attempt has been made to distort or destroy part of the negative in some way*".¹

¹ FS8.287; FS7.207



- 175.8** The images have clearly been scratched at some stage, but we can find nothing that suggests to us that this was done deliberately for some sinister purpose.
- 175.9** What it is important to remember is Ciaran Donnelly's evidence of what he saw at the rubble barricade. This was that while he saw youths throwing stones, at no stage did he see weapons fired or nail bombs thrown from the rubble barricade or anything that could have justified soldiers shooting people there. He said that he would have immediately left the area had he seen guns or heard bombs. We have no grounds on which to question this account and it was not suggested to him when he gave evidence that he was not telling the truth about this.¹

¹ [Day 71/27](#); [Day 71/50-51](#)

Eamon Melaugh

- 175.10** Eamon Melaugh was a member of the local branch of Northern Ireland Civil Rights Association (NICRA). He was also an amateur photographer who took a number of photographs on Bloody Sunday, to some of which we have referred elsewhere in the course of this report. He told us that his recollection was that he had taken photographs when the shooting had stopped of, among other things, bodies at the rubble barricade.¹ He also told us that one of the photographs he had taken at this stage was of Michael McDaid alive and standing on the rubble barricade. He said to us:²

"A. After I took the pictures we were discussing about at the barricade. There were three bodies at the barricade or three people lying there. I was not aware they were bodies at the time, they were very probably dead and I took a series of pictures. These are the pictures we are talking about and one of these pictures, when I showed to an individual several days later, he identified the well-dressed young man standing on top of the barricade as being the individual we are discussing, James McDaid. I was not aware who he was. I was not even aware that he had been shot."

¹ [Day 143/54](#)

² [Day 143/57](#)

- 175.11** Eamon Melaugh took photographs of Barrier 14, Rossville Street and elsewhere. In his written statement to this Inquiry, Eamon Melaugh described in some detail the photographs he took and what happened to them. We set out part of that statement, not because the detail is particularly relevant to this part of the report, but because it is an illustration of how photographers made their work available to others and that it was not always returned to them:¹

"I gave John Lloyd, the Time-Out journalist, many of the negatives of the photographs that I took on Bloody Sunday at the same time that I gave him the Magilligan Beach negatives. Only a very small proportion of these photographs were eventually returned to me.

Of the 8 or 9 photographs that I took of Barney McGuigan only 2 were returned. These appear on the CAIN Web site. I have numbered the hard copies (which are attached) Documents 3 and 4. Prints of the photographs will be provided to the Inquiry shortly.

I then became aware of another body at the place marked KX on the attached map. That is, it was generally between Block 2 of the Rossville Street high flats and Joseph Place. This was another life-long friend, Paddy Doherty. I took about 4 or 5 photographs of him but I no longer have any of these because John Lloyd took the negatives and never returned them.

During this time I was conversing with others and was told that there were several bodies at the rubble barricade.

By this time the shooting had stopped so I went to the rubble barricade and took about 10–12 photographs. All were given to John Lloyd and none were returned. Although I do recall seeing one of them reasonably recently, I'm not sure where. It might have been a very old print.

Of the 10–12 photographs that I took, none were close-ups. I stood on the top of the rubble and took 5 or 6 of the general area where the bodies were lying. I remember that Michael McDaid was in one of them and that this clearly showed that he was alive when the shooting had ended because he was standing in the middle of the rubble barricade and he was clearly not injured.

I went back to the Free Derry Corner end of Block 1 of the Rossville Flats (near the place marked FX on the attached map) and continued to be told more about what had happened.

I left the area about 1–1½ hours after the shooting ended."

¹ [AM397.7](#); [Day 143/49-50](#); [Day 143/58](#)

175.12 John Lloyd told us that he did obtain a selection of photographs from Eamon Melaugh, that he sent them all to *Time Out* and that his memory was that some were used by *Time Out*. He also told us that he did not receive any of the photographs back and that they should have been sent back to Eamon Melaugh.¹

¹ [M101.001](#)

175.13 *Time Out* did use a photograph that showed Michael McDaid walking through the rubble barricade shortly after Michael Kelly had been shot.¹ This photograph, however, was one that was taken by Robert White, and which we have shown when considering the events of Sector 3.

¹ [AM397.73](#)



175.14 Eamon Melaugh said that he was sure that this was not the photograph that he took, which was of Michael McDaid standing on the rubble barricade.¹

¹ [Day 143/54](#)

175.15 In his written statement to this Inquiry, Eamon Melaugh told us:¹

“A couple of weeks after Bloody Sunday I was on the street in the Bogside area talking with a friend and showing him the photographs that I’d taken on Bloody Sunday when 2 members of Sinn Fein came up uninvited and listened in.

When I came to the photo of Michael McDaid the 2 men became very excited, saying that he was still alive when I took the photo. They then told me that he was one of the men that had been shot on Bloody Sunday. The penny still didn’t drop and they went on and then I finally understood that there was a real question over how Michael McDaid had died that day. This was because when I took the photo I thought the shooting had stopped and for the time thereafter that I stayed in the vicinity I can’t recall hearing any further shooting.

Although John Lloyd failed to return the photograph of Michael McDaid to me I believe that I have seen it recently, so there may be a copy of it still around. I will make some inquiries and if I manage to get a print of it I will supply it to the Inquiry.”

¹ [AM397.8](#)

175.16 In his oral evidence to this Inquiry, Eamon Melaugh told us that he gave this copy (his only copy) of the photograph to the men, one of whom he believed to be a member of the Provisional IRA. He also told us that he had been unable to find another copy of it.¹

¹ [Day 143/52-63](#)

175.17 For the reasons given when considering the events of Sector 3, we are sure that Michael McDaid was shot at the rubble barricade, at about the same time as John Young and William Nash. Thus we have no doubt that Eamon Melaugh was mistaken in recollecting taking a photograph of Michael McDaid after the shooting. Indeed we are doubtful whether he took a photograph of Michael McDaid at all.

175.18 We are also doubtful whether he took photographs of the bodies at the rubble barricade, since, according to his account, this was after he had photographed the bodies of Patrick Doherty and Bernard McGuigan, who had been shot in Sector 5.¹ At that stage, as we describe elsewhere in this report, people were sheltering at the southern end of Block 1 of the Rossville Flats; and did not venture out or go near the rubble barricade until after the Army had used an Armoured Personnel Carrier (APC) to collect the three bodies at the rubble barricade, one of which was that of Michael McDaid. Had Eamon Melaugh taken a

photograph of bodies lying at the rubble barricade, it seems to us that it is likely that *Time Out* would have published it – as it would have been even more dramatic than the photograph by Robert White that this magazine did publish.

¹ AM397.7; Day 143/57

175.19 Eamon Melaugh told us that he would have taken approximately 60 or 70 pictures on the day, but that those he took of people marching were among those missing.¹

¹ Day 143/112-113

175.20 We formed the strong impression that Eamon Melaugh, though undoubtedly doing his best to assist this Inquiry, had an unclear recollection of events, as indeed he himself acknowledged.¹ We find nothing necessarily sinister in the fact, if such it was, that he gave a copy of a photograph to a member of the Provisional IRA, though what this photograph was remains unclear. We do not find anything sinister in the fact that over the years, many of Eamon Melaugh's photographs went missing.

¹ Day 143/39

175.21 It was submitted by the representatives of the represented soldiers that Eamon Melaugh was present at a meeting attended by the journalist John Cooke.¹ According to the latter, he was taken blindfolded to a midnight meeting at Free Derry Corner following Bloody Sunday and there shown photographs of shot victims that, "*almost without exception*", showed the exit wounds in the front of the body, "*typically the chest area*". He told us he was allowed to take away what he wanted and probably took away copies of all the photographs he was shown. John Cooke's recollection was that the only photograph he recalled was one of the body of Hugh Gilmour, and that the photographer was present at the meeting.²

¹ FS8.288

² M16.6-7; Day 199/68

175.22 Eamon Melaugh had taken this photograph. The submission appears to be that it was at this meeting he handed over one or more of the photographs that he told us were missing.

175.23 We are not persuaded by this submission. John Cooke had no recollection of any photographs matching those described by Eamon Melaugh as missing.¹ He said he had wired all the photographs he had been given to the Press Association.²

¹ Day 199/47-48

² Day 199/71

175.24 It is possible Eamon Melaugh did attend the same meeting as John Cooke. He was not asked about this, since John Cooke's evidence came forward after Eamon Melaugh had given evidence. It seems to be suggested that Eamon Melaugh should have told us about this meeting¹ but we do not see why, even assuming that he remembered it, he should have done so. There were doubtless many meetings after Bloody Sunday in which the events of the day were discussed. However, assuming Eamon Melaugh did attend this meeting, there is nothing to suggest that there were any photographs there that might have provided any justification for the shooting by the soldiers; nor indeed anything to suggest that he had taken the photographs of Michael McDaid or of bodies on the barricade that he recollected (in our view mistakenly) that he had.

¹ [FS8.289](#)

Robert White

175.25 Robert White was another amateur photographer who took photographs on Bloody Sunday, some of which we have found of great assistance and which appear in the course of this report. He told us he had, on request, destroyed some negatives and photographs because they showed the faces of people rioting and could be used in evidence against them.¹ We have no reason to doubt this explanation. The submission that the photographs might have shown illegal activity not just of rioting but "worse" (meaning presumably paramilitary activity) is not only unsupported by any evidence, but was not even suggested to Robert White himself.²

¹ [AW11.003](#); [Day 137/98](#)

² [FS8.293](#)

Fulvio Grimaldi

175.26 For reasons we give in the course of considering the events of Sector 2, it seems to us probable that Fulvio Grimaldi took the photograph of OIRA 4 (the person called "Fr Daly's gunman") though he was somewhat reticent in admitting to us that he had done so. He took other photographs to which we have referred in the course of this report. In the end we remained unsure whether we had seen all the photographs that he had taken; and do not know whether any showed paramilitary activity other than that of Fr Daly's gunman.

Colman Doyle

175.27 Colman Doyle was a staff photographer with the *Irish Press*. He took a number of photographs on the day, from which he selected some that he numbered 1 to 12, “*the order in which they were taken*”.¹

¹ [M23.1](#)

175.28 He explained that two or three reels of film were sent to the *Irish Press*. He made many requests to get them back, without success.¹ He was unable to specify the times to which those films related but said that he saw nobody shooting at soldiers nor did he hear a bomb.² Again there was no evidence that Colman Doyle was withholding relevant photographs.

¹ [Day 71/149-150](#)

² [Day 72/137](#)

Larry Doherty

175.29 Larry Doherty was a press photographer with the *Derry Journal*.¹ He photographed the march on Bloody Sunday. He made a written statement to this Inquiry and gave oral evidence.

¹ [M21.1](#)

175.30 In the course of his oral evidence, Larry Doherty was asked:¹ “*Are there any photographs that you took which are missing that showed anything of real importance or significance?*” Larry Doherty answered that his newspaper was approached for the loan of negatives of incidents and that this happened quite often in the years that followed. He concluded:² “*I think I supplied to the Inquiry a copy of the pictures that I had in my possession except for two; there was [sic] two missing.*”

¹ [Day 70/110-111](#)

² [Day 70/111](#)

175.31 It was not suggested to Larry Doherty that he had withheld relevant photographs.

Others who took photographs

175.32 There is evidence that Francis Dunne, John James Canney, George Nelis, Brian Dougan, Michael Barr and Benn Keaveney took photographs on Bloody Sunday that we do not have.¹

¹ [AD173.32](#); [Day 090/45](#); [AC24.10](#); [Day 93/124-127](#); [AN9.8](#); [Day 103/119](#); [AD131.1](#); [AB17.3](#); [Day 148/43-44](#); [Day 160/98-99](#)

- 175.33** As will be seen throughout this report, we have found many photographs to be of great value in seeking to ascertain what happened on Bloody Sunday. However, we have nothing that suggests to us that photographs taken by these people that we have not seen, would have added materially to our knowledge of the events of central importance, namely those concerned with or relating to the shooting of the casualties in the five sectors. It is not surprising that over the years photographs have become mislaid or lost.

Sam Gillespie

- 175.34** The representatives of some of the represented soldiers drew our attention to the evidence of Sam Gillespie, who took photographs on Bloody Sunday.¹ He did not suggest that any of his photographs were missing, but he did tell us that shortly after Bloody Sunday someone he thought was in the Provisional IRA asked him for his photographs, but that he refused to hand them over.²

¹ FS8.284

² AG36.7; Day 142/67

- 175.35** We have no reason to doubt Sam Gillespie's account. Sam Gillespie said that he did not know what the man wanted the photographs for, and there is nothing to suggest that there was anything in them that the IRA might have wanted to suppress. In our view it is likely that the IRA were interested to see photographs of Bloody Sunday. From their point of view, what happened on that day was useful propaganda to enlist support for their aims and ambitions.

Missing cine film

- 175.36** The representatives of some of the represented soldiers drew our attention¹ to the evidence of Tony Martin. In his written statement to this Inquiry,² he told us that Ernie Houston took a cine film "*from the entrance of Lisfannon Park (grid reference D19) to the entrance of Block 1 of the Rossville Flats*", as the soldiers were coming into the Bogside. The Inquiry made unsuccessful attempts to locate Ernie Houston, whom we believe resides overseas. If such a film had been taken, it might have proved useful to this Inquiry, but we know no more about it. In such circumstances any suggestion that it might have shown paramilitary activity can only be regarded as speculation.

¹ FS8.298

² AM24.12

175.37 Martin Hegarty told us that he took cine film on the day, though not after soldiers had started to come into the Bogside, which he sent to Kodak for processing, only to be informed by Kodak that the film was undevelopable.¹

¹ [AH62.3](#); [AH62.6](#)

Missing photographers

175.38 We discuss in the next chapter¹ the provenance of the following photograph, but have been unable to discover who took it.

¹ [Chapter 176](#)



175.39 We also do not know whether the same photographer took other photographs.

175.40 It was submitted that there was evidence of another unknown photographer who took photographs from 2 Kells Walk.¹ This evidence suggests that the photographer was from the media, either from the *Daily Mail* or was a French TV cameraman.

¹ [FS7.213](#); [AR18.3](#); [Day 425/26](#); [AB80.3](#); [AF30.4](#)

175.41 We have no photographs taken from 2 Kells Walk and we do not know who this photographer was. However, a soldier fired a baton round at a window of this property and it is possible that as a result the photographer desisted from trying to take

photographs. We are not persuaded that this evidence demonstrates or indicates that photographs taken by this photographer (whoever he was) showed paramilitary activity and were accordingly suppressed.

Missing Paul Mahon tapes

- 175.42** Paul Mahon told us that a number of tape recordings that he had made were in effect taken from him and never returned. In the course of his evidence to us Paul Mahon gave details of what he said was missing.¹ It was submitted that this demonstrated that the missing interviews contained material that the interviewee or others did not want us to see.²

¹ [AM19.375](#); [Day 412/50-51](#)

² [FS8.229](#)

- 175.43** It is possible that this was the case, and if so it is regrettable; but in view of the amount of material that we have been able to examine, we would be surprised if what is said to be missing would have caused us to form a different view of the circumstances in which people were killed and injured on Bloody Sunday. Had there been any material of particular significance, we would have expected Paul Mahon to have remembered and told us about it. As it is, he told us that there was nothing controversial in the tapes.¹

¹ [AM19.22](#)

Missing NICRA statements and Keville interviews

- 175.44** The representatives of the represented soldiers drew our attention to an undated Derry Civil Rights Association press release, which stated that “*over 700 statements from eye witnesses*” had been collected.¹ Michael Havord (in 1972 the press officer for this association) told us that this more or less accorded with his recollection.²

¹ [GEN5.51](#)

² [Day 125/99](#)

- 175.45** William Smith, Secretary to the Widgery Inquiry, recorded in a 1972 note that that Tribunal had “*NCCL’s 550 statements*”, which we have no doubt was a reference to what we have called the “NICRA statements”.¹ Lawrence Grant, then the legal officer of the National Council for Civil Liberties (NCCL), told us that a total of 530 statements were delivered by hand to the Treasury Solicitor’s office in London in March 1972.²

¹ [KS6.16](#)

² [AG64.9](#)

- 175.46** The present Inquiry is in possession of approximately 550 statements.

175.47 On this basis it is submitted, there “*seems a distinct possibility that between 50 and 200 NICRA statements taken in 1972 are missing*”.¹

¹ [FS8.304](#)

175.48 The submission is based on the assumption that the press release in 1972 gave an accurate figure for the number of NICRA statements. Apart from Michael Havord’s recollection from decades earlier, we have nothing that suggests to us that the number of about 700 was correct. Such a figure implies that some 200 statements were extracted from the statements sent to the Widgery Inquiry, for which there is no evidence. It seems to us much more likely that the present Inquiry is in possession of all or virtually all the NICRA statements, though of course the passage of time might have led to the loss of one or two.

175.49 It also seems to be submitted that some of the Keville interviews are missing or have not been transcribed.¹

¹ [FS8.303-304](#)

175.50 It might have been that not all these were transcribed at the time, but we are confident that we have a full set of the Keville tapes, all of which we have transcribed.

Consideration of the evidence of missing photographs and other materials

175.51 The representatives of the majority of represented soldiers submitted, so far as photographs were concerned, that “*It is now clear that the Tribunal cannot assume that the photographs which remain tell the whole story of what took place*” in Sector 3.¹

¹ [FS7.214](#)

175.52 What seems to be suggested is that there were other photographs which, had we seen them, would have thrown a different light on events and indeed would have shown evidence of relevant paramilitary activity; and that some at least of these photographs might have been deliberately suppressed. In the light of the material we have considered above, and of the other evidence that we have collected on the events of Bloody Sunday, we are of the view that these suggestions really amount to no more than speculation.

175.53 We take the same view of the other matters to which the representatives of the represented soldiers drew our attention.

Chapter 176: The provenance of the photograph of the scene in Glenfada Park North

- 176.1** The scene depicted in the following photograph appears to be similar to many of the accounts of those who were in Glenfada Park North when the soldiers arrived. However, doubts have been cast on whether this photograph was in fact taken on Bloody Sunday; and if it was, by whom and at what stage.



- 176.2** The Inquiry obtained this photograph from the archives of the *Sunday Times*. A manuscript note on the front reads “*Sheltering in Glenfada as the Paras advance*” and a manuscript note on the reverse “*Fulvio Grimaldi*”.
- 176.3** As we have discussed in that part of this report relating to later events in Sector 3, Fulvio Grimaldi did take photographs from 12 Garvan Place, which was on the second and third floors of Block 1 of the Rossville Flats and approximately level with the rubble barricade on Rossville Street. John McCrudden, who lived there at the time, told us that the photograph reflected what could be seen of Glenfada Park North from the flat.¹

¹ [AM152.4](#); [AM152.9](#)

176.4 However, Fulvio Grimaldi appears to have arrived at the flat and taken photographs at a late stage in the day, after the events of Sector 4 and the shooting in Sector 5. By this stage, the people who had been sheltering behind the southern end of the eastern block had been arrested and taken north; and there is no evidence at all to suggest that such a scene as is shown in the photograph occurred at or after that time. Fulvio Grimaldi told the Widgery Inquiry and the present Inquiry that the photographs he took from the flats were of Army vehicles in Rossville Street and he did not claim to be the taker of the photograph under consideration.¹

¹ [M34.65](#); [M34.122](#); [Day 131/71-72](#); [Day 131/186-187](#)

176.5 In these circumstances it seems to us unlikely that Fulvio Grimaldi was the photographer. Assuming that the photograph was taken on Bloody Sunday, it depicts a scene which, according to the evidence we have examined in this report, must have occurred before or as the soldiers appeared in Glenfada Park North, which was well before Fulvio Grimaldi got to Block 1 of the Rossville Flats.

176.6 John Barry of the *Sunday Times* told us that the manuscript note on the reverse of the photograph was in his handwriting and assumed from this that he had misattributed it to Fulvio Grimaldi when assembling all the *Sunday Times*' Bloody Sunday material in sequential order.¹

¹ [Day 193/169-170](#)

176.7 If Fulvio Grimaldi was not the photographer, then who was remains unknown, though the photograph itself shows that it was taken from the Rossville Flats somewhere towards the southern end of the western side of Block 1.

176.8 There is a further difficulty with this photograph which was raised by the representatives of the Wray family in their closing submissions.¹ This was based on the fact that in the photograph taken by Robert White of Michael Kelly lying shot on the ground behind the rubble barricade (see below),² which we have considered in the context of the shooting in Sector 3, the roadway behind the rubble barricade is obstructed by a knife rest with barbed wire; whereas in the photograph under discussion that part of the roadway appears to be clear, with the knife rest moved back and just visible at the foot of the photograph.

¹ [FS4.149-150](#)

² [E14.16](#)



176.9 These representatives appear to suggest that the knife rest was moved by the soldiers who came forward with an Armoured Personnel Carrier (APC) to collect the bodies at the rubble barricade and that the photograph under discussion was taken at the time soldiers were arresting civilians. However, in our view this was not the case. There is nothing that we can see in the photograph under discussion to indicate the presence of arresting soldiers at the southern end of the eastern block of Glenfada Park North, nor was there any evidence from the soldiers who came to collect the bodies from the rubble barricade that there was then a large group of people at that southern end. As appears from our consideration of the circumstances of these arrests elsewhere in this report,¹ the number of people shown at the southern end appears to be substantially greater than the number there when the arrests were made, and furthermore, when these arrests were made and the arrestees moved away, the three bodies were still lying along the south side of Glenfada Park North. Lastly, we have found no evidence to suggest that at this time the general situation in Glenfada Park North was as shown in the photograph under discussion. Instead, from the evidence of both soldiers and civilians, at the time of the arrests there were people taking shelter close behind the southern end of the eastern block of Glenfada Park North, and no-one was attempting to move along the southern side of that complex.

¹ [Chapter 113](#)

176.10 There is film evidence that the knife rest was not pulled across the road when the marchers were making their way down Rossville Street before 1 PARA came into the Bogside.¹ There is also evidence to show that the fence was moved to block the road shortly after soldiers drove into Rossville Street. Peter Lancaster told us that he was involved in doing this² and Michael Owens and John J McLaughlin stated that they saw this being done.³ William Vincent Hegarty told the Widgery Inquiry that the fence was pulled across the gap in the rubble barricade after a number of civilians had surged forward in response to the arrest of William John Dillon,⁴ to which we have referred in the course of our consideration of the events of Sector 2.⁵ It would seem that the knife rest was moved across before any firing was directed towards the rubble barricade. This conclusion would seem to be supported by the photograph shown below, taken by Ciaran Donnelly.

¹ [Vid 69 03.30](#)

⁴ [AH66.1](#); [AH66.3](#)

² [AL4.8](#); [AL4.3](#)

⁵ [Chapter 33](#)

³ [AO73.1](#); [AM334.4](#)



176.11 There is photographic evidence that indicates to us that the knife rest might have remained in position until the APC went forward to collect the bodies at the rubble barricade¹ and if so, it must have been moved in order to allow access to the APC and the civilian ambulance that passed through to the southern side of the rubble barricade.² There was no evidence that at some intermediate stage the knife rest was opened, or opened and shut again, though it is possible that this happened.

¹ [P1186-1188](#); [Vid 48 10.36](#)

² [P423](#); [P425](#); [P667](#); [P774](#); [P813-815](#)

- 176.12** If the knife rest was not opened, or opened and shut again at some intermediate stage, it would seem that the photograph under consideration must either have been taken on another day, or was somehow forged or doctored, or was taken soon after soldiers had come into the Bogside.
- 176.13** It is very difficult to accept that the photograph could have been taken on another day. Although this question was not canvassed during the Inquiry, the photograph was found in the *Sunday Times*' archives and was annotated by John Barry, as we described above, "*Sheltering in Glenfada as the Paras advance*". To our minds this shows that this journalist, at the time, regarded it as a Bloody Sunday photograph.
- 176.14** There is no evidence of any kind to indicate that the photograph was forged or doctored.
- 176.15** As to the possibility that the photograph was taken soon after soldiers had come into the Bogside, Counsel to the Inquiry pointed out¹ that there is no evidence to suggest:

"... that the crowd were gathered in Glenfada Park in the manner shown at this time, and the car parked facing Rossville Street [shown in the photograph] was not present on the heli-teli footage that was taken at some point before the Paras came through Barrier 12. The part of Rossville Street shown on the photograph is notably empty of marchers, who at this time would have been streaming down to Free Derry Corner..., running from the Pigs in the immediate aftermath of their deployment, or gathering to confront the troops as shown in P412."

¹ [CS6.189-202](#)

- 176.16** These are trenchant points that, in our view, lead us to conclude that the photograph cannot have been taken at such an early stage. In the end, though the matter is not free from doubt, we consider that the photograph was probably taken shortly before or when the soldiers moved into Glenfada Park North, but before the soldiers opened fire in that courtyard.

Chapter 177: The Northern Ireland Civil Rights Association statements and the Keville tapes

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Statements by civilians

- 177.1** The decision to take statements from those who witnessed the shooting of civilians seems to have been made at the home of Brigid Bond on the evening of Bloody Sunday. She was a prominent figure in the lives of those living in the Bogside. It was natural that a number of persons, trying to understand what had happened that day, gravitated to her home.
- 177.2** Among those present were Brigid Bond, her son Freddie, Michael Havord and, as recalled by Kathleen Keville to whom we refer below, Kevin McCorry, Madge Davidson and Ann Hope. All had a connection with the Northern Ireland Civil Rights Association (NICRA).¹ Those present agreed on the need to take statements from any witnesses to the events of the day.

¹ [Day 180/71](#)

177.3 Michael Havord told us in his written statement to this Inquiry:¹

“We started taking statements from people that evening but over the next few days there were arguments as to who should be taking statements. Whether it should be Parliamentary parties (i.e. Political parties), the Catholic Church or the civil rights people. In the end it was agreed that all statements should come to NICRA.”

¹ [AH46.6](#)

177.4 He added, in his oral evidence to this Inquiry, “*I personally went and collected all the statements that were taken in the Holy Child’s school in Creggan. Those statements were made available to Widgery.*”¹

¹ [Day 125/97-98](#)

177.5 In the course of the hearings of this Inquiry, frequent references appear to NICRA statements and to the Keville tapes or interviews. The term “NICRA statement” was applied to any statement made by a civilian through NICRA at the time of Bloody Sunday. Most statements were made at locations organised by NICRA, such as the home of Brigid Bond and at local schools in the Bogside and Creggan. Various individuals, often teachers, took on the role of statement takers.

177.6 The National Council for Civil Liberties (NCCL) played some part in this exercise, though the precise allocation between statements organised by that body and those organised by NICRA is not clear. The latter are in the majority.

177.7 The material held by the Inquiry lists 596 witnesses who gave NICRA statements. Not all are dated. But those that are show that 57 were made on Bloody Sunday itself, 53 on the following day, 101 on 1st February 1972, 40 on 2nd February 1972, 13 on 3rd February 1972, and 61 on 4th February 1972. Thereafter the numbers taken each day diminished.

The Keville tapes

177.8 The Keville tapes came into existence in this way. Kathleen Keville was a United States citizen. In the last weeks of 1971 she arrived in Londonderry as a researcher to an American film crew making a film about Northern Ireland. She stayed with Brigid Bond.¹ She was still in Londonderry on Bloody Sunday. She had with her a tape recorder and tapes for an ancillary project of her own.

¹ [Day 180/50](#)

177.9 In connection with the proposed march on Bloody Sunday, Kathleen Keville helped out by making “*an awful lot*” of arm bands.¹ She acted as a steward on the day, particularly it seems around Barrier 14. From a house on the west side of Chamberlain Street, where she was helping an injured woman, she saw Army vehicles arrive on the waste ground. There was shooting so she returned to Brigid Bond’s house. People were saying that it was essential to get statements as quickly as possible from witnesses. She offered to use her tape recorder for the purpose.²

¹ [AK35.5](#)

² [AK35.11](#)

177.10 Kathleen Keville was taken to the surgery of Dr Raymond McClean in Central Drive where a number of persons were present. The procedure she described (and which we accept) for recording statements was as follows.

177.11 She made a note of the witness at the beginning of each interview and later recorded their names and a summary of their evidence in a notebook which she made available to this Inquiry. She participated in the statement-taking but did so through taped interviews which were then transcribed into NICRA statements. She played no part in the transcribing of the tapes.¹ The tape-recorded interviews which she conducted all took place at Dr McClean’s surgery.² Some 150 interviews were recorded in this fashion. She made the tapes available to this Inquiry, which then transcribed them to ensure the accuracy of the transcripts.

¹ [Day 180/76](#)

² [Day 180/72](#)

177.12 Kathleen Keville told us that she recorded on seven tapes. There were two other tapes marked “Doherty BS” and “15 Knights of Malta”. On one of the tapes she recognised Michael Havord’s voice conducting an interview. On another was an interview Johnny Bond did with Michael Bridge. These were not interviews at which she was present.¹

¹ [AK35.12](#)

177.13 Kathleen Keville told us, in her written statement to this Inquiry:¹

“I have been asked a number of questions by those interviewing me concerning the interviews that I did, and the tape recordings which were prepared as a result. First, I have been asked whether I was given any instructions as to how to conduct the interviews with witnesses or whether there was any pre-determined agenda as to what to include in, or leave out of the statements. My offering of the use of my tape recorder and tapes, the availability of Dr. McClean’s surgery, and the beginning of the interviewing all occurred within a 15 minute time frame. I can give the Tribunal my assurance that nobody told me how to conduct the interviews or set an agenda. I think it was simply thought that there would have to be some type of investigation into what happened. I was anxious to ensure that the statements would be unaffected by anything other than the witnesses’ perception of what they had seen. I didn’t know any of the witnesses whom I interviewed except Mavis Sheerin and her husband, Patrick. Most of the people I interviewed were in a state of shock, and seemed anxious to speak to someone about what they saw. I had no agenda whatsoever. I was too shocked myself to have formulated one. I wanted to interview people before they saw the news or spoke to their neighbors. I conducted the interviews because I had a tape recorder and tapes available at the time and no one else had the equipment to do the job.”

¹ [AK35.16](#)

Other statement takers

177.14 Jimmy Doris was, at the time of Bloody Sunday, the Tyrone regional representative on the NICRA Executive Committee.¹ He told this Inquiry that the Executive of NICRA had no hands-on experience of statement-taking: “*I believe it was handled locally by the CRA with volunteers.*”²

¹ [Day 124/2](#)

² [Day 124/65](#)

- 177.15** Jack Dromey was, at the time of Bloody Sunday, an Executive Member of the NCCL and Chairman of the Northern Ireland Committee of the NCCL. He was asked by the General Secretary of the NCCL, Tony Smythe, to go to Londonderry to co-ordinate the taking of statements from witnesses to Bloody Sunday. This he did. In his written evidence to this Inquiry (he did not give oral evidence) he told us:¹

“The statements that I obtained fell into two categories. The first category was those that had already been taken in the 48 hours following Bloody Sunday. The second category, covering most of the eventual statements, was as a result of the organised and systematic approach towards the taking of statements that I co-ordinated. Most of the statements in both categories were written by the individual witnesses themselves. Statements varied in length and detail. I should add that the task was a difficult one because the local community was in a state of deep shock and the situation in Londonderry was chaotic. Further, there was no proper infrastructure of investigation. Whilst the statements varied in quality, therefore, as a result of our efforts 400 hundred statements were gathered that might have otherwise been lost to history.”

¹ [AD142.1](#)

- 177.16** Jack Dromey told us that he returned to London with the statements and “*co-ordinated a team of lawyers and law students to sift the evidence that we had obtained*”.¹

¹ [AD142.2](#)

- 177.17** Thomas Columba Doherty was a teacher at St Joseph’s School. He told us that he made a statement by dictating it to a fellow teacher at the school within a week of Bloody Sunday; and that he took statements from ten to 15 people.¹

¹ [AD106.6](#)

Submissions on the NICRA statement-taking process and the content of NICRA statements

- 177.18** The representatives of some of the represented soldiers submitted that “*Serious concerns*” arose both as to the NICRA statement-taking process and as to the content of a significant number of NICRA statements; and submitted that we should exercise particular caution before accepting NICRA statements as either accurate or comprehensive.¹

¹ [FS8.196](#)

The statement-taking process

177.19 These representatives first drew our attention to what they described as five “*limitations*” on the NICRA statement-taking process.

Self-selectivity of witnesses

177.20 So far as we are aware, there was no compulsion on civilians to give NICRA statements. Those that did give statements did so voluntarily. However, in our view this does not in itself detract from the accuracy or comprehensiveness of the statements that were given.

177.21 There could have been many reasons why people chose not to give statements. For example, they may not have seen any of the shootings or may have been anxious not to reveal that they had been rioting or even taking part in the march. Others may simply not have wished to become involved. Some indeed might have seen some of the paramilitary activity that occurred (and which we have considered in the course of this report) but were unwilling to say that they had done so.

The location of statement-taking stations

177.22 Many of the NICRA statements were taken in areas dominated by republican paramilitaries. It was submitted that this would have served as a further impediment for any witness of paramilitary activity voluntarily to give a statement about such activity.¹

¹ FS8.200

177.23 We see some force in this submission as a general point, but to our minds it does not follow that this necessarily detracts from the accuracy or comprehensiveness of the statements that were taken, unless in any particular case there is material to suggest that the statement giver did witness some relevant paramilitary activity.

Number of statements taken in individual sittings

177.24 It is the case that many statements were taken over a short period of time and that in many, if not all, cases the statement giver did not have the opportunity of going through the typed-up version of the statement. One of the witnesses to this Inquiry contrasted the NICRA statement-taking process with that adopted by Eversheds, the solicitors retained by this Inquiry, who took most of the written statements for this Inquiry:¹

“A. At the time, but you got to bear in mind how this – how and when this statement was collated, put together and comparison how it was put together in 1999 when I made my statement to Eversheds. This statement was made a day – two days afterwards. People were trying to collate as many statements as they could in the hope there would be an Inquiry. It was done with all the best intentions. It was done quick. With the Eversheds one I was there for a number of hours going through what I could recall. There will be differences between that original statement and what I did in 1999, yes. This was done quickly, this original one.”

¹ [Day 98/134-135](#)

Untrained statement takers

177.25 Those who took NICRA statements were not trained statement takers, but an assortment of volunteers, some of them teachers from local schools.¹ Martin Bowen, who took some NICRA statements, told us of the instructions that he had received:²

“Q. Can I then move on to paragraph 20 of your statement at AB43.4? You say that you and the younger teachers were asked to take statements from people who had attended the march?

A. Yes.

Q. Can you remember who asked you to do that?

A. No, I have no recollection of who asked me.

Q. You say that you had no training, but were you told not to put words into people’s mouths?

A. I think I could expand just a little bit on that. By ‘training’ I would normally mean quite a number of hours being taught to actually perform a procedural task, but in this case I think a lot of people were turning up at Francis Street school to take statements and, although I would not describe it as ‘training’, we were given certain instructions, which included being told not to put words in people’s mouths, to allow people to use their own words, and to take down precisely what people had said. And I can distinctly remember someone – I do not know who – saying to me, ‘There is no need to go into, if you like gory detail. Simply a description of what they saw and heard would be sufficient’.

Q. What did you understand by the instruction not to go into gory detail?

A. What I understood by it, and others may have taken it differently, was that the statements should be short and concise and say exactly what they had seen and heard.

Q. Do you recall any other instructions that were given to you?

A. The only other instructions that I do remember were that we were to take a small desk with paper and pen, and that when statements were taken we were to witness the statements and to hand them in at the teacher's desk to someone who was there. I do not remember the identity or even knowing the identity of the person who was there at the time; I would assume it was a member of the Northern Ireland Civil Rights Association.

Q. When you were told just to take down what people had to say, did you understand that to mean that you should not even proceed by way of a question and answer approach, that you should simply allow them to come along and talk and you would just be a scribe; or did you understand that you could ask them questions to establish what it was that they had seen, and so on, and to clarify what they had to say?

A. I think again the latter, because some people would have a tendency to use language which is inaccurate or not exactly clear, and I assumed that I could ask questions which would allow them to clarify in their minds what exactly they saw and heard and be judicious about the words which they used so I could write down exactly what it was to be as accurate as possible.

Q. Apart from the instruction not to go into gory details, were you told anything about what matters should or should not be covered in these statements?

A. None at all, no. We were told to pay attention to everything that was said to us.

Q. Can you remember very roughly how many statements you personally took?

A. I think it was between 20 and 30, although I could not be absolutely sure.

Q. Over what period of time did you take these statements?

A. I think over the period of either a morning or a full day; I cannot remember."

¹ [Day 83/159](#)

² [Day 118/65-68](#)

177.26 As a result of lack of training, there were risks that the statement taker would use his or her own language rather than that of the statement giver and would seek, though doubtless in good faith, to make suggestions or try to help the statement giver by asking leading questions, ie questions designed to elicit a particular answer.

Likelihood of “contamination” of information

177.27 We have no doubt that in the immediate aftermath of Bloody Sunday there were discussions between people who then gave NICRA statements. It would be unreal to imagine that those who proposed to give statements would not have talked to family and friends as to what they had seen. As Patrick Deeney told us, he and his friends talked of “*nothing else*”, before he gave his NICRA statement.¹ As a result, we are also sure that sometimes people used expressions, for example “*high velocity*” bullet in the case of James Wilson, which they had heard from others but adopted as their own.²

¹ [Day 96/116](#)

² [Day 109/104](#)

The content of NICRA statements

177.28 The representatives of some of the represented soldiers made the following points about the content of the NICRA statements.¹

¹ [FS8.208-217](#)

Absence of specific questioning as to paramilitary activity

177.29 It appears that the statement takers were not specifically instructed to ask statement givers whether they had witnessed any paramilitary activity.¹ Equally, it appears that statement takers were not instructed to omit any references to republican paramilitary activity.² However, it does not follow that had the statement takers made such enquiries, witnesses would necessarily have told them of any paramilitary activity that they had seen, as Charles McGill and Peter McGrisken told us.³

¹ [Day 125/105](#)

³ [Day 069/164](#); [Day 106/113](#)

² [Day 67/151](#)

177.30 The fact that statements were taken at a variety of locations and were taken by a range of persons, to our minds, militates against any sort of conspiracy to withhold information or to tailor statements in a particular way. We accept that NICRA's aim was to obtain as complete a picture as possible of the circumstances in which civilians were killed or wounded.

Transcription errors from the Keville tapes

177.31 Many of the Keville tapes were turned into NICRA statements. In a number of cases there are errors or omissions in these documents. For example, the transcription of William John Dillon's Keville interview omitted the fact that he had told Kathleen Keville that he had been rioting;¹ while the transcription of John (Christopher) Barrett's Keville interview omitted the fact that he had used words implying that he had seen one or more members of the IRA, though no-one with guns or bombs.²

¹ [AD175.2](#); [AD175.1](#)

² [AB21.3](#); [AB21.1](#)

Omissions

177.32 Teresa Bradley told us that she had told the statement taker of seeing civilian gunmen, but that he did not put it in her NICRA statement.¹ Peter McLaughlin told us that he told the statement taker that he had seen the person we have called "Fr Daly's gunman", and was told that the statements were concerned with what people had seen of the shooting of people on the day, which was the reason why there was no mention of Fr Daly's gunman in his NICRA statement.²

¹ [Day 64/48](#)

² [AM352.9](#); [Day 174/41](#)

177.33 The representatives of some of the represented soldiers also drew our attention to the evidence of Chris Myant, who at the time was working as a journalist for the *Daily Star* and who helped to take NICRA statements. He told us that:¹

"13. One young woman, who was among those coming to give statements, said to me that she was sure that somebody had fired a hand gun in William Street. She was very young, about 18 years old. I asked if she was absolutely sure and she said she wasn't sure when it had been but she was sure what she had seen. She didn't want to say any more about it and didn't want to make a formal statement. I couldn't figure out whether she was frightened about what would happen to her if she spoke or whether she was hysterical and got it wrong – I felt at the time it was the latter. Nobody else mentioned this. Some people referred to catapults being used and I asked her if she could have been mistaken. Because nobody else mentioned it and when I asked other people they all said that they had not seen any guns being used and because she would not make a statement I did not pursue this. I do not recall the woman's name and I have looked through my notebook to see if I had made a record but I cannot find anything."

¹ [M91.4](#)

177.34 In his oral evidence to this Inquiry, Chris Myant said:¹

“A. Well, everybody was quite wrought up, or some people were exceptionally wrought up. She came across to me as quite different, as quite sort of hysterical. When you work as a journalist and you talk to people and you take statements from people, you know, and you try and figure out what is happening, you get on [sic] idea or you get a feeling for people who are telling you about something which they have actually seen. As you know yourself, I am sure this Tribunal find out, people’s memories play big tricks with them. My impression from her was that she was hysterical. I was trying to ask her questions, ‘come on, what did actually happen, can you describe where it took place’, and so on, and what I remember of it was that she was saying, ‘no, I am sure, I am sure this is what I have seen. I am sure I had seen a man fire a handgun’, but she just was not sure when it had been at all. My feeling from talking to her simply was that she was hysterical and was not talking about something that had happened the day before.”

¹ [Day 122/176-177](#)

177.35 We should observe at this point that we do not regard what Chris Myant told us he did as evidencing a decision not to record the sighting of a gunman, as we have no reason to doubt his reasons for not taking this matter any further.

Consideration of the submissions

177.36 At the end of their submissions relating to this matter, the representatives of some of the represented soldiers made this observation:¹

“29. We appreciate that it is neither appropriate nor helpful to the Tribunal to make sweeping statements about the reliability or otherwise of NICRA statements. Each NICRA statement requires individual consideration in the light of other evidence from the witness, and the evidence more generally available to the Tribunal. Nevertheless, for the reasons set out above, we do suggest that it is appropriate to approach the NICRA statements with considerable caution in any particular instance in determining whether it is a comprehensive, accurate and honest account of all the witness saw, heard and did.”

¹ [FS8.217](#)

- 177.37** We would echo and adopt what is stated in the first two sentences of this observation. As to the remaining suggestions, we have borne in mind the circumstances in which the NICRA statements were taken, the fact that statement takers were untrained, and the fact that people undoubtedly talked to each other before giving statements, in assessing what weight we should give to the statements.
- 177.38** There are other factors that we have also borne in mind, in particular the fact that the statement-taking took place at a time when, in view of what had happened, emotions were naturally running high; and at a time when it might well have been thought advisable to make no mention of witnessing paramilitary activity.
- 177.39** As will be seen in the course of our examination of the events of the day, we have considered and given our views on such matters as, for example, whether Teresa Bradley did tell the statement taker of seeing civilian gunmen. We have also considered, where we considered it of relevance, differences between the Keville tapes and the NICRA statements prepared from them.
- 177.40** We have examined and assessed the weight to be given to NICRA statements on an individual basis, often with the advantage of having further written and oral evidence from the witness in question and of other evidence and materials from other sources, in addition to our own transcription of the Keville tapes.
- 177.41** The NICRA statements were taken in less than ideal circumstances. Some have proved to be an incomplete record; and in some cases, for the reasons that we have given in the course of the report and in the light of the evidence as a whole, we have concluded that those who gave statements were mistaken in what they recorded, or gave accounts of things that they had not seen themselves but only heard second-hand from others. In our view, however, in general terms we have found the NICRA statements to provide an invaluable source of what people were saying at the time about what happened on Bloody Sunday. The same of course applies to the Keville tapes.
- 177.42** Finally, we should record that we have found no evidence at all that suggests that NICRA adopted a deliberate policy designed to ensure that statement takers should not allow statements to contain references to individual wrongdoing on the part of civilians, or of republican paramilitary activity. The representatives of the represented soldiers did not suggest otherwise.¹

¹ [FS8.213](#)

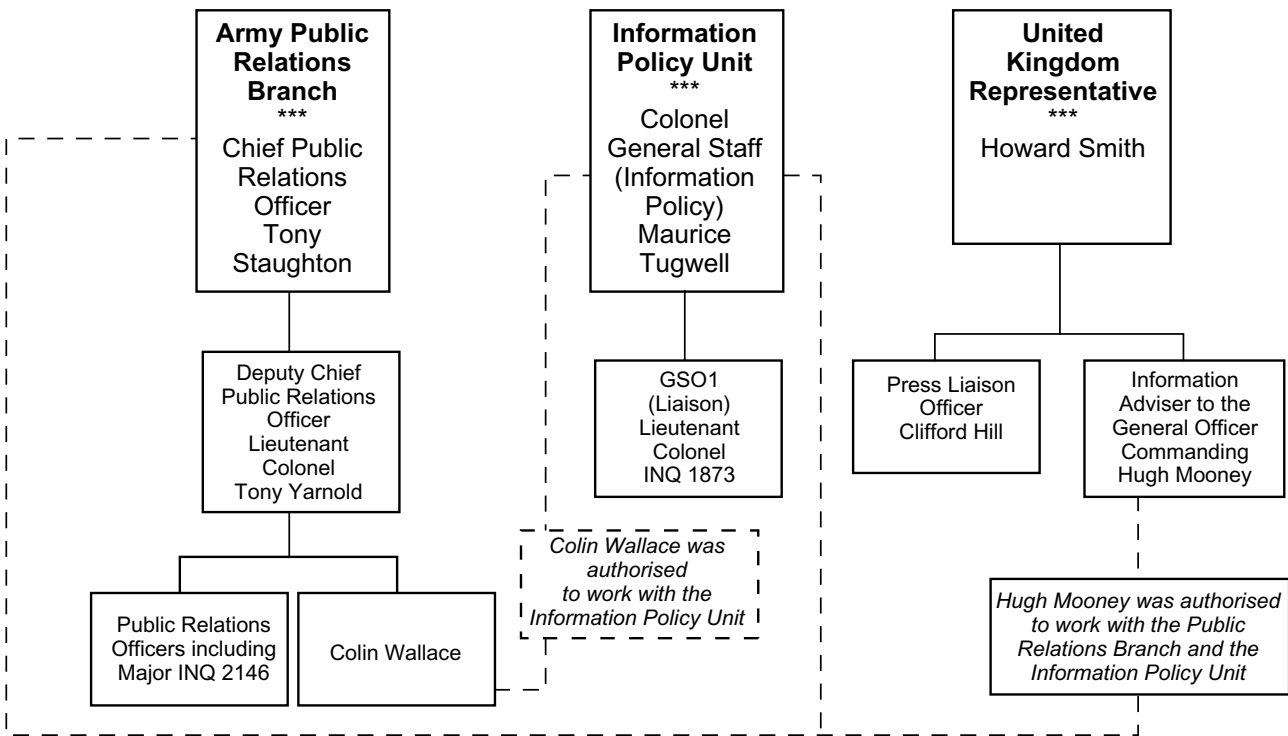
Chapter 178: Psyops and military information activity

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Information organisations in January 1972

- 178.1 “Psyops” meant “psychological operations”.
- 178.2 We set out below the structure of the various relevant information organisations in January 1972.



The Public Relations Branch

- 178.3 The Army Public Relations (PR) Branch at Headquarters Northern Ireland (HQNI) was headed by a civil servant, Tony Staughton. His deputy was Colonel Tony Yarnold.¹ Colonel Yarnold (also known as Colonel INQ 2156 and 2157) was the press room controller at HQNI.
¹ [KM6.1](#); [CY1.2](#)
- 178.4 In January 1972 Colin Wallace was a member of the Army PR Branch. However, his evidence was that he worked with the Information Policy Unit.¹ Colonel Tugwell described Colin Wallace in his evidence to this Inquiry as a PR man who was very good at his job.

He told us that the Information Policy Unit sometimes suggested to Colin Wallace a line that he might take but did not provide him with classified information. Colonel Tugwell's evidence was that the Unit did not give Colin Wallace any psyops work.²

¹ [Day 235/153/21; Day 235/156/16](#)

² [Day 240/70](#)

178.5 A PR officer from HQNI, Major INQ 2146, was appointed in January 1971 as 8th Infantry Brigade's Public Relations Officer. He reported to Colonel Yarnold and to Brigadier MacLellan. He was the only PR officer at 8th Infantry Brigade.¹

¹ [C2146.1](#)

The Information Policy Unit

178.6 Lieutenant Colonel INQ 1873 was sent to Northern Ireland in October 1970 in order to run the Information Liaison Department. He was an expert in psyops in combat situations¹ and was responsible for psyops in Northern Ireland under the direction of the Commander Land Forces (CLF).² In or about September 1971, the Information Liaison Department was disbanded and replaced by the Information Policy Unit.

¹ [Day 242/7](#)

² [Day 242/52](#)

178.7 Colonel Tugwell arrived in Northern Ireland on 30th August 1971 to become head of the Information Policy Unit. Colonel INQ 1873 was appointed his deputy. Colonel Tugwell said that he was sent to Northern Ireland at short notice because, so General Sir Michael Carver told him, there was a crisis in confidence about Army PR.¹

¹ [Day 240/60](#)

The United Kingdom Representative

178.8 Clifford Hill was appointed as the United Kingdom Representative's Press Liaison Officer in or about October 1971. His role was to ensure liaison between the various information agencies in Northern Ireland, London and overseas, to brief journalists and to counter hostile propaganda.¹

¹ [KM11.29](#)

178.9 Hugh Mooney was a member of the Foreign & Commonwealth Office's Information and Research Department (IRD) who was seconded to the Home Office for the purpose of his appointment in Northern Ireland. He went to Northern Ireland in June 1971.¹ His evidence was that he had been on a psyops course but was not involved in psyops while in Northern Ireland, at least after September 1971.² At that time, the focus changed to PR.³

His cover job title was Information Adviser to the General Officer Commanding (GOC) Northern Ireland but his evidence was that such cover was not really necessary.⁴ He reported to the United Kingdom Representative, Howard Smith, and had an input, with the permission of the Army, into the Information Policy Unit and the PR Branch.⁵ He said that it was his job to improve the public perception of the United Kingdom Government's policies and Army operations.⁶ His evidence was that he was engaged in counter propaganda which did not involve him in forgery or in disseminating untrue stories. The information that he used was low-level intelligence.⁷ He told us that the Information Policy Unit's brief was "*to fight the propaganda war and it guided and supplemented PR branch's work*".⁸

¹ KM6.15

² Day 239/76-80; Day 239/89-90

³ Day 239/115

⁴ Day 239/81

⁵ Day 240/32/3

⁶ Day 239/109

⁷ Day 239/111

⁸ KM6.1

The Psyops Committee and Working Committee

178.10 In July 1971, Colonel INQ 1873 proposed that a psyops committee be established, along with a smaller psyops working committee to deal with day-to-day matters.¹ Colonel Tugwell described the documents setting out these proposals as "*a monument to an aspiration*".² Although the proposals pre-dated his arrival in Northern Ireland, he said that he was quite sure that the Psyops Committee had never met.

¹ KM6.108; KM6.109; Day 242/10

² Day 241/115

178.11 Colonel INQ 1873's evidence was also that the Psyops Committee had never met.¹ He said that he had put forward his proposals without knowing that Colonel Tugwell was to be appointed. Colonel Tugwell, on his arrival, took responsibility for information policy matters and did not think that psyops were necessary.² Colonel INQ 1873's evidence was that the plan for a psyops committee had been abandoned by that time in any event.³

¹ Day 242/10; Day 242/55

² Day 242/11-12

³ Day 242/58

178.12 Hugh Mooney said that he did not recall attending a meeting of the Psyops Committee and was "*totally puzzled*" by references to the committee.¹ In a report of unknown date written after mid-July 1971 but before Colonel Tugwell's arrival, Hugh Mooney said that he was a member of a psyops working committee that had recently been set up. It is unclear whether that committee ever met at all. The Working Committee proposed in

July 1971 was to have four members. Hugh Mooney's recollection was that he and Colonel INQ 1873 were the sole members of any psyops committees and that they met informally.²

¹ [KM6.27-28](#); [Day 239/88](#)

² [KM6.28](#); [Day 239/96-97](#); [Day 240/50-51](#)

The Military Information Policy Committee and the Military Information Working Party

178.13 The Military Information Policy Committee was set up in November 1971 and chaired by the GOC. The CLF and Colonel Tugwell were among its members. Colonel Tugwell thought it possible that the Military Information Policy Committee never met at all.¹

¹ [Day 241/203](#)

178.14 There are documents that indicate that the Military Information Policy Committee did in fact meet to agree the composition of itself and of the Military Information Working Party. The minutes of a meeting of the Committee on 17th November 1971 indicate that the composition of the Military Information Policy Committee was substantially different from that of the Psyops Committee proposed in July 1971.¹ A reference to the Military Information Policy Committee in a note from Colonel Tugwell dated 24th January 1972 indicates that the Committee was in existence in late January 1972.²

¹ [G30D.226.8](#); [KM6.108](#)

² [G70C.441.11](#)

178.15 Colonel Tugwell chaired the Military Information Working Party. Members included Colonel INQ 1873 and Hugh Mooney. Its terms of reference, drafted in November 1971, required the Working Party to counter hostile propaganda “*by ensuring that a truthful account of military activities is presented to the media, in such a way that the reasons for action are seen to be sensible and that our policies are leading towards success*”.¹ Its composition was not the same as that of the Psyops Working Committee proposed in July 1971.²

¹ [G30D.226.8](#)

² [KM6.109](#)

Liaison with London

178.16 In 1972 Donald Maitland was the Chief Press Secretary to the Prime Minister, Edward Heath. His role was to brief the press on government policies.¹ It appears that Donald Maitland corresponded with Clifford Hill, the Press Liaison Officer on the staff of the United Kingdom Representative. In his written statement to this Inquiry, Donald Maitland denied that he was responsible for co-ordinating Whitehall activity “*in both the overt*

and discreet information fields", a role attributed to him in the DS10 draft dated 30th November 1971, "Organisation of Information Activity for Northern Ireland".² Colonel Tugwell and Colonel INQ 1873, in their evidence to this Inquiry, disputed the accuracy of this document in other respects, as we note below.

¹ [KM11.1](#)

² [KM11.1](#); [KM6.101.1](#)

178.17 Colonel Henry Dalzell-Payne was the head of MO4, the Ministry of Defence (MoD) Military Operations Branch with responsibility for Northern Ireland. He reported to the Director of Military Operations, General Ronald Coaker. MO4 was the channel for military information between the MoD and HQNI. Colonel Dalzell-Payne's contact at HQNI was the Chief of Staff, Brigadier Marston Tickell.¹

¹ [CD1.1](#)

Information activity relating to Bloody Sunday

Psychological operations at the time of Bloody Sunday

178.18 According to Colonel INQ 1873, low-level psyops were carried out by the Information Liaison Department until about the end of July 1971. They were found to be unproductive and were halted. Colonel Tugwell did not believe in the efficacy of psyops and, on his appointment in September 1971, reinforced the policy of bringing psyops to an end.¹

¹ [Day 241/113](#); [Day 242/4](#)

178.19 In an undated report probably written at the end of September or early October 1971 to Mr Welser of the IRD, Hugh Mooney stated that he attended meetings of the "*army psyops working committee in an advisory capacity*".¹ In his oral evidence to this Inquiry he said that he could not recall such a committee. He insisted that he was not then involved in psyops.²

¹ [KM6.118](#)

² [Day 240/12-13](#)

178.20 The draft document referred to above, dated 30th November 1971 and written by Charles Henn of DS10, suggested that psyops were at that time being carried out in Northern Ireland under the supervision of Colonel Tugwell.¹

¹ [KM6.99-102](#)

178.21 Colonel Tugwell was asked during his oral evidence about this draft. He said:¹

“... it reflects to me the much greater obsession amongst civilian organisations, Foreign Office and the IRD, very much inclined towards secrecy and psychological this and that. I was just not interested in that. ... [I]t did not affect my policy, which was to back off from PsyOps ...”

¹ [Day 241/118-119](#)

178.22 Dealing with the suggestion in the document that he co-ordinated the psyops activities of Colonel INQ 1873, Colonel Tugwell said:¹

“... it is wrong ... I think that it again reflects the obsession in Whitehall to throw all these things together in the hopes that the more you offer, the better the result will be. It was not my policy.”

¹ [Day 241/120](#)

178.23 Colonel INQ 1873 described the draft document as misleading.¹

¹ [Day 242/62](#)

178.24 The final version of the DS10 draft appears as the annex to another document, itself dated 14th January 1972.¹ It is unclear when the draft was finalised. The relevant text concerning Colonel Tugwell and Colonel INQ 1873 was the same in both the draft and the final version.

¹ [C2241.65](#)

178.25 Colin Wallace's evidence was that psyops remained one of the duties of the Information Policy Unit after it replaced the Information Liaison Department.¹ He said that the Unit had three roles, namely to liaise between the Army press room and the Army operations network; to act as a counter-propaganda organisation dealing in white information; and to act in a deniable role, using black operations (“dirty tricks”).²

¹ [Day 235/139](#)

² [Day 235/147](#)

178.26 Colonel Tugwell, Colonel INQ 1873 and Hugh Mooney denied that the Information Policy Unit had any involvement in psyops. Their disagreement with Colin Wallace's evidence was based to a significant extent on their definition of psyops. Colin Wallace regarded all three of the above activities as psyops.¹ Colonel Tugwell agreed that the first two were duties of the Information Policy Unit but maintained that of these only the third, dirty tricks, should be classed as psyops. The evidence of Colonel Tugwell, Colonel INQ 1873 and

Hugh Mooney was that the Information Policy Unit did not engage in this sort of activity. They said that the Information Policy Unit did not disseminate dishonest or misleading information.²

¹ [Day 235/154-155; Day 236/142](#)

² [Day 240/72](#)

178.27 In paragraph 19 of his note dated 24th January 1972, Colonel Tugwell stated:¹

“Black Propaganda. We have reservations about ‘black’ activities. In so closely observed a situation as Northern Ireland almost nothing remains secret for long. This does not exclude isolated exercises for specific purposes but it certainly excludes such activities unless authorised by the Military Information Policy Committee.”

¹ [G70C.441.9](#)

178.28 Colin Wallace was shown this extract during the course of his oral evidence. The following exchange took place:¹

“Q. Does the notion of only using black propaganda on isolated exercises accord with your recollection of what went on?

A. Yes, I think that [Tugwell] is right in that strictly black activities were very difficult to run and had, I think, very limited effect with targets on either the Loyalist or the Republican side.”

¹ [Day 236/151](#)

178.29 The note dated 24th January 1972 also contained a recommendation that the term “psyops” should not be used, because of its “*somewhat sinister connotations*”. Colonel Tugwell said that he meant simply that he did not want people to talk about “psyops” when in fact they were not carrying out psychological operations.¹

¹ [Day 241/111-112](#)

178.30 We have seen no Military Information Policy Committee document that contains any material relevant to Bloody Sunday, nor is there any evidence to indicate that the Committee authorised any black activity in relation to that day.

178.31 With one exception, the evidence of all relevant witnesses was that no dishonest information relating to Bloody Sunday was deliberately disseminated by the Army either before 30th January 1972 or immediately afterwards. The exception is Colin Wallace, who told us that the Information Policy Unit, in order to unsettle the IRA, spread untrue rumours that the Army might invade the Creggan during the march.¹

¹ [Day 236/52](#)

Information available to the Information Policy Unit before the march

178.32 Colin Wallace said that in the days leading up to 30th January 1972 he spoke to journalists and to the 8th Infantry Brigade press officer in order to discover the likely (paramilitary) response to the Army's plan to redirect the march.¹ According to him, the Information Policy Unit learned that both the Official IRA and the Provisional IRA had assured the march organisers that they would not exploit the march. This information came from republican and Northern Ireland Civil Rights Association sources.² He told us that it was still felt possible that individuals within the Official IRA or the Provisional IRA might take action against the Army, but that they had no definite information that any individual had such a plan.³

¹ [Day 235/162](#)

³ [Day 236/35/23](#)

² [Day 235/164/4](#); [Day 236/34/13](#)

178.33 Hugh Mooney said that he did not know of any intelligence available to the Army before the march to the effect that the IRA was expected to use the march as cover for gunmen. His evidence was that he received no information from anybody concerning the IRA's plans for the day.¹

¹ [Day 239/119-121](#)

178.34 Colonel Tugwell said that he did not usually have access to HQNI Intelligence Summaries. He told us that he did not know of any intelligence in the possession of the Army about the IRA's plans for 30th January 1972.¹

¹ [Day 240/88](#)

- 178.35** Colonel INQ 1873 was the editor of the Military Information Working Party review which covered the period between 30th December 1971 and 31st March 1972. He believed that Hugh Mooney also worked on the review and that Colonel Tugwell might have seen early drafts. The review contained the following sentence:¹

“When intelligence indicated that the IRA planned to use the march as cover for their gunmen, consideration was given to various pre-emptive and protective measures in the propaganda field.”

¹ [G130.858](#)

- 178.36** Colonel INQ 1873 said that he believed that this sentence was written with hindsight and, in so far as it suggested that intelligence about the IRA's plans was available to the Information Policy Unit before the march, it was wrong.¹ He said, however, that the Information Policy Unit did give consideration to pre-emptive measures; the measure taken was a warning put out through the media about the forthcoming march and about the likely results of disorder.²

¹ [Day 242/21](#)

² [Day 242/23](#)

Information activities in the days leading up to the march

- 178.37** The warning to which Colonel INQ 1873 referred was the joint Army/Royal Ulster Constabulary (RUC) press release dated 28th January 1972.¹ This appears to have been drafted in response to two telegrams sent on behalf of Donald Maitland to Clifford Hill on 27th and 28th January.² Donald Maitland, in his written statement to this Inquiry, told us that he had no recollection of these telegrams. He believed that the telegram of 27th January³ would have been drafted as a result of the Northern Ireland Committee of the Cabinet (GEN 47) meeting that morning.⁴ He would not necessarily have drafted it. He did not recall the joint Army/RUC press statement. Colonel Tugwell said that he was aware of the telegrams from Donald Maitland.⁵ He also said that there was no particular pressure from London.⁶

¹ [G93.556](#)

⁴ [KM11.10](#)

² [G90.549](#); [G91.551](#)

⁵ [Day 240/81](#)

³ [G91.551](#)

⁶ [Day 240/85](#)

178.38 Colin Wallace said that his role in the days leading up to Bloody Sunday was to encourage journalists to go and see the march.¹ He said that he had been told by Colonel Tugwell and others that intelligence indicated that the IRA would not be using the march and that the event was to be used for PR purposes, showing the Army making a large number of arrests.²

¹ [Day 238/40](#)

² [Day 238/172](#)

178.39 According to Colin Wallace, the Information Policy Unit spread rumours that the Army might raid the Creggan while people were attending the march.¹ He said that the Unit did this in order to make the IRA feel insecure about any planned activity.² Colonel Tugwell, in his oral evidence, denied that the Unit was responsible for spreading such rumours.³

¹ [Day 236/52](#)

³ [Day 240/103](#)

² [Day 236/77](#)

178.40 There was evidence from former members of republican paramilitary groups that they suspected that the Army might attempt an incursion into the Creggan while people were on the march. It is possible, though we are not sure about this, that the Information Policy Unit, or some other Army entity, did spread such a rumour, which caused or contributed to these suspicions. The Army in fact had made no plans to move into the Creggan.

The day of the march

178.41 Colin Wallace was not on duty. He was on standby at HQNI and was called in when the first reports were received of two people having been shot.¹

¹ [KW2.16](#)

178.42 Hugh Mooney was manning the telephone in Colonel Tugwell's office. The latter observed the march. He said that he did not do so with the intention of liaising with journalists, but that once the shootings had taken place he did deal with the press.¹

¹ [Day 240/108](#)

178.43 Tony Staughton was not on duty. He was in poor health and usually worked office hours only. Sunday was his day off.¹ Colonel Yarnold spent the day in the press room at HQNI.²

¹ [Day 240/22](#); [B1333.064](#)

² [CY1.3](#)

178.44 Colonel INQ 1873 told us that he had no particular role on the day and that he spent some of the afternoon in the Operations Room at HQNI.¹

¹ [C1873.3](#)

178.45 Colonel Dalzell-Payne remained in his office in London. He sent his deputy, Major INQ 2105, to Northern Ireland to observe the march and to keep him informed of developments. Colonel Dalzell-Payne had a telephone link to Major INQ 2105 and Brigadier Tickell.¹

¹ [CD1.3](#)

178.46 An Army PR photographer was ordered to film the march from a helicopter. According to Hugh Mooney, it was intended that the film should be used to provide evidence to journalists of the numbers attending the march.¹

¹ [Day 240/45-47](#); [B1333.82](#)

Contact with the press in the immediate aftermath of the march

178.47 Colonel Tugwell and the Information Policy Unit, rather than the Army PR Branch, presented the Army's account of Bloody Sunday after the event. According to Hugh Mooney, this was not a deliberate ploy. The head of Army PR, Tony Staughton, was not on duty and was not present.¹ Colonel Tugwell, on the other hand, was present on the ground during the event.

¹ [Day 239/19](#); [Day 239/21](#); [Day 239/22](#)

178.48 Colonel Tugwell said that he and Hugh Mooney were backed by the PR teams at 8th Infantry Brigade and HQNI. Colonel Yarnold at HQNI kept the press desk open, received reports from 8th Infantry Brigade HQ and pushed them out as interim press releases.¹

¹ [Day 241/137](#)

178.49 Two press releases were issued by HQNI on the evening of Bloody Sunday. The first was accompanied by an instruction that it should be stated to be a report phoned in by "*one of the chaps in Derry*".¹ It was Colonel Tugwell who made the report by telephone to HQNI. He believed that he and the major in charge of PR at 8th Infantry Brigade put together the report.² The major in question was Major INQ 2146. He told us that he had no recollection of preparing any press release on the day³ and thought that he had had no contact with Colonel Tugwell on 30th January 1972.⁴ The press release was in the following terms:

“Following is a first hand report phone from Derry (by Col GS) crowd assembled at Bishops Fields and then moved down the west side of Derry finishing up by going up Rossville St. It was then that the hooligan element which had been walking at the rear of the crowd, turned down the sidestreet and managed to outflank the leaders and confront the soldiers at the barrier. They bombarded the troops with anything they could lay hands on – stones, milk bottles, iron bars and all sorts of things. Troops stood up to this severe barrage and a water cannon was brought up and sprayed the crowd with coloured water. They disappeared for a moment and it was then that they threw some CS gas grenades at the military. The troops put on respirators. Soldiers of 1 para who had been positioned behind the troops manning the barrier then moved up, passed the barrier and began arresting people. Those who ran away into sidestreets were pursued and about fifty arrests were made. While this was in progress gunmen opened fire from the rubble at the base of Rossville Flats and the soldiers returned fire.

Casualties have been reported and a report about this exchange of fire is awaited. The Military have suffered casualties from the severe stoning they underwent. Military casualties number 5, of which none are serious. Two of these have acid burns.”

¹ [G102B.615.4](#)

³ [C2146.3](#)

² [Day 240/134](#)

⁴ [C2146.4](#)

178.50 Colonel Yarnold told us that he believed that the second press release¹ was created at HQNI by Operations Room staff.² According to Colonel Tugwell, the Operations Room staff obtained their information from people “*involved on the spot*”.³ The second press release was as follows:

“After the civil rights demonstrators had moved back down Rossville Street, and were well clear of the William St area, separate rioting crowds of some two to three hundred were heavily stoning troops manning a number of road barriers in the William Street area.

The companies of 1st Battalion the Para Regiment were called forward to disperse the rioters and make arrests.

Soon after they deployed at about ten minutes past four they came under nail bomb attack and a fusillade of fire of fifty to eighty rounds from the area of Rossville Flats and Glenfada Flats. Fire was returned at seen gunmen and nail bombers. Subsequently, as the troops redeployed to get at the gunmen, the latter continued to fire. In all a total of well over two hundred rounds was fired in the general direction of the soldiers. Fire continued to be returned only at identified targets. The companies regrouped in William St at ten minutes to five.”

¹ [G102B.615.5](#)

³ [Day 240/136](#)

² [CY1.4](#); [CY1.5](#)

178.51 On the evening of 30th January 1972, Colonel Dalzell-Payne spoke to General Sir Harry Tuzo and General Robert Ford. He tried to obtain as much information as he could so that he could brief the Director of Military Operations and the Chief of the General Staff on the following morning.¹

¹ [CD1.3](#)

178.52 On 31st January 1972, Colonel Dalzell-Payne made a statement to the press from notes he had made for the purpose.¹ He told us that he cut and pasted various documents drafted by others in order to create these notes.²

¹ [CD1.34-43](#); [G103.616-625](#)

² [CD1.4](#)

178.53 The material used by Colonel Dalzell-Payne in his press briefing included the joint RUC and Army press statement issued on 28th January 1972;¹ an extract from an MoD weekly intelligence report dated 28th January 1972;² extracts from the addendum to the Northern Ireland situation report 28th–31st January 1972;³ and a list of shooting incidents, probably provided to Colonel Dalzell-Payne as the annex to a report sent to him by Brigadier Tickell.⁴

¹ [CD1.38](#); [G93.556](#)

³ [CD1.38](#); [G99.598](#); [CD1.40](#)

² [CD1.39](#); [G85.532](#)

⁴ [CD1.41-43](#); [G102.610](#); [Day 245/24](#)

178.54 Brigadier Tickell told us that he was the editor but not the author of the report signed by him and dated 31st January 1972.¹ The report would have contained information obtained from various sources, including the Information Policy Unit. However, he said that it would not have been written by a member of the Information Policy Unit staff.²

¹ [G102.610](#)

² [Day 179/85](#)

Colonel Tugwell's BBC Radio interview on 31st January 1972

178.55 Hugh Mooney arranged for Colonel Tugwell to be interviewed by Chris Drake of the BBC on the night of 30th–31st January 1972. According to Hugh Mooney, Colonel Tugwell told him that four of the dead were on the “wanted” list. Hugh Mooney said that he did not know the source of Colonel Tugwell’s information.¹ Colonel Tugwell repeated this allegation during the interview.²

¹ [Day 239/116](#)

² [B1333.024](#)

178.56 In his oral evidence to this Inquiry, Colonel Tugwell said that the information about the “wanted” list was likely to have come from 8th Infantry Brigade or from Army Intelligence Branch. The latter, he said, would probably have obtained that information from the RUC.¹ In the radio interview, Colonel Tugwell referred to two of the wounded having admitted to carrying guns. He said he believed that he must have obtained this information from the “G” net (the radio network used between HQNI and the MoD), and that other material must have come from 1 PARA or 8th Infantry Brigade.²

¹ [Day 240/141](#)

² [Day 240/148](#)

178.57 It soon became apparent that the allegation about four men being on the “wanted” list could not be substantiated. According to Colonel Tugwell, Colonel Overbury drafted a statement for him to sign, providing more information about this allegation. The statement was supplied to the Widgery Inquiry. Colonel Tugwell’s evidence to us was that he played no part in the drafting of this statement.¹ The statement, which was dated 10th March 1972, contained the following passage:²

“I have today ... been given a list of the four names referred to. I now understand that the list from which these names were extracted is made up of individuals about whom there is a security trace. My lay interpretation of this is that there is some record in relation to the individual suggesting that he has been involved in rioting or some other subversive conduct. I believe that it means that in the event of their being arrested in a search operation they would be detained for questioning. It does not mean that they are being actively looked for and to that extent ‘wanted list’ may be an expression open to misconstruction.”

¹ [B1333.006](#)

² [B1316](#)

178.58 In the statement, the four men whose names appeared on the list were identified by their surnames only as Donaghy, Doherty, Duddy and Gilmour.

178.59 On Day 16 of the Widgery Inquiry (13th March 1972), Mr Gibbens QC (counsel for the Ministry of Defence) stated:¹

“... my learned friend, Mr. McSparran, drew attention to a statement by an Army spokesman soon after the events of 30th January that four of the thirteen deceased were on the Security Forces wanted list. There are more than one such list, all of which are regarded as highly secret ... I have caused enquiries to be made into the truth of the statement to which Mr. McSparran referred and I am now happy to tell the Tribunal that none of the deceased was on a wanted list. The spokesman spoke in good faith on information given to him, but, in fact, the information meant only that four of the deceased had either been previously convicted, or previously arrested, for riotous conduct and those were known to the Security Forces and that is all.

On behalf of the Ministry of Defence and General Ford I am authorized to express regret that a statement of that kind was made.”

¹ [WT16.50-51](#)

178.60 We have not seen any document in which Patrick Doherty, Jack Duddy, Hugh Gilmour and Gerald Donaghey are listed as individuals with a security trace.

178.61 On or about 8th February 1972, the Criminal Investigation Department (CID) inspector for “N” Division of the RUC asked for a report from Special Branch in Londonderry on each of those who had been killed or wounded on 30th January.¹ On 9th February 1972, the Chief Inspector of Special Branch reported that only four of them had ever come to the attention of Special Branch. He attached a report in respect of each.² The four were:

- Joe Mahon, who was said to have been a member of Na Fianna Éireann in August 1970;³
- Joe Friel, who was said never to have come to the attention of Special Branch but who was reported to be a relative of someone who had joined Na Fianna Éireann in August 1970;⁴
- Gerald Donaghey, who was not known to have been a member of any illegal organisation but who was said to have been found in possession of a belt of blank .303in cases on 27th August 1970;⁵ and

- Patrick Doherty, who was said never to have come to the attention of Special Branch but who was reported to be a relative of someone who was a member of the Women's Action Committee, an organisation linked to Provisional Sinn Féin.⁶

¹ [G118B.787.2](#)

⁴ [G118B.787.6](#)

² [G118B.787.4](#)

⁵ [G118B.787.7](#)

³ [G118B.787.5](#)

⁶ [G118B.787.8](#)

178.62 It is possible that the information requested in writing by the CID inspector on 8th February 1972 had been requested orally at an earlier stage. However, it seems unlikely that the information provided by Special Branch on 9th February was the same as that which was provided for use by Colonel Tugwell on the night of 30th January, or which formed the basis for the statement signed by him in March. Only two of the names provided by Special Branch appear on the list of four names set out in the March statement. Further, two of the Special Branch names are names of the wounded. All those claimed to have been on the “wanted” list were said to have died. It also seems unlikely that anyone, noting that two of the four identified by Special Branch were claimed only as relatives of those with security traces, would have felt able to describe them as being “wanted”. Colonel Tugwell, when shown the Special Branch documents in the course of his oral evidence, said that he had not seen them at the time.¹

¹ [Day 240/145](#)

178.63 Colonel Overbury said to us that he had no recollection of drafting a statement for Colonel Tugwell but he was prepared to accept that he had done so. He could not recall the source from which he had obtained the names of those said to have security traces.¹

¹ [Day 243/73](#)

178.64 Colin Wallace told us that information came in from 8th Infantry Brigade during the course of the night of 30th–31st January 1972 or early in the morning of 31st January to the effect that one of the dead, Gerald Donaghey, was a Fianna member. He said that efforts were made to check on the morning of 31st January 1972 on the accuracy of the allegation that four men were on the “wanted” list. He said that the “wanted” list was easily checked and it was established that none of the men was on it. He had no recollection of receiving at that stage any further information about them.¹ We have doubts about this part of Colin Wallace’s evidence, but if it is correct, it suggests that he knew on 31st January 1972 the identities of those alleged to be on the “wanted” list. It appears that Colonel Tugwell did not at that time know their names.

¹ [Day 236/102-106](#)

178.65 Colin Wallace said that he was required during the course of the Widgery Inquiry to obtain such information as he could from intelligence sources about the history of the deceased and wounded. Colonel INQ 2241, Colonel General Staff (Intelligence), said he was asked to make checks on those who had been killed.¹ It is possible that the information compiled by Special Branch in February 1972 was sought at the request of the Army for use at the Widgery Inquiry. However, Colin Wallace did not recognise any of the Special Branch documents or the information contained in them, when the documents were shown to him in the course of his evidence.²

¹ [Day 236/109; Day 284/83](#)

² [Day 236/105; Day 236/108](#)

178.66 Joe Mahon had already given a statement and oral evidence to this Inquiry by the time that the Special Branch documents were disclosed. Following their disclosure he made a supplementary statement, denying that he had ever been a member of the Fianna.¹

¹ [AM18.29](#)

Information disseminated by military information organisations

178.67 Colin Wallace said that the MoD did not give any instructions to the Information Policy Unit after 30th January 1972 about the way in which the events of that day should be portrayed.¹ However, he identified two documents which were created after Bloody Sunday and which, he said, contained untrue information about it. The first was “The Knocking Game”, which he believed to have been created by Colonel Tugwell. The second was the “Clockwork Orange” document created in 1973–1974. Colin Wallace said that he was unaware of the creation of any other misleading documents relevant to Bloody Sunday.²

¹ [Day 236/124](#)

² [Day 236/151-152](#)

178.68 “The Knocking Game”¹, which was written in about April 1972, contained the following passage:

“Perhaps the most disgusting aspect of the Londonderry propaganda campaign is the manner in which the ‘Derry Martyrs’ have been deprived of all credit for what were, by any standards, brave and determined attempts by some of them to defend the Bogside against a parachute battalion. It was foolhardy for amateur gunmen to take on some of the best trained regular soldiers in Europe. Nevertheless they seized whatever weapons were to hand and died in the attempt. Only the most corrupt and cynical organisation would deliberately set out to deny them a proper measure of respect for their sacrifice.”

¹ [B1333.193](#)

178.69 Colonel Tugwell's evidence was that "The Knocking Game" was created by the Information Policy Unit with input from the press officers of 1 and 2 PARA. His recollection was that the document was distributed to all units and staff branches in Northern Ireland and at the MoD. Its purpose was to inform soldiers and officers about the media campaign against the Parachute Regiment and about the role of propaganda in revolutionary warfare. He believed that the document was not distributed to journalists although some may have obtained a copy.¹ Colin Wallace's evidence was that the document was given to journalists, and in particular to those who were infrequent visitors to Northern Ireland.² He said that the passage quoted above reflected the views held by some, but not all, within the Army.³

¹ B1333.080

³ Day 236/123

² Day 236/122

178.70 According to Colin Wallace, he created the "Clockwork Orange" document but drafted it to appear as though it had been written by a disillusioned member of the Provisional IRA. Colin Wallace said that the intention was to use the document to initiate stories in the press, causing the IRA to fear that it had a potential defector within its ranks. The document included a passage dealing in some detail with purported IRA activity on Bloody Sunday.¹ Colin Wallace told us that he based the document, for the most part, on information that he believed to be accurate. This was necessary in order to convince the IRA that the informant was genuine. He obtained many of the details about Bloody Sunday from the RUC's notes of interrogation of Witness X. He obtained the rest of the information from other sources or made it up. He could no longer identify any other sources of information.²

¹ KW2.220-223

² Day 236/129-137

178.71 Hugh Mooney said that he did not before or in the immediate aftermath of Bloody Sunday disseminate any false information relating to it and he was not aware of any such information being disseminated by anyone else.¹ In March 1972, Hugh Mooney approached TE Utleigh with a proposal that Utleigh should write a book giving publicity to the Army's case. In 1975, Utleigh published *Lessons of Ulster*. The book contained information about Bloody Sunday which Hugh Mooney said he regarded as false. His evidence was that he had no involvement at all in the writing of the book.²

¹ Day 239/123

² KM6.47; Day 239/124

178.72 Hugh Mooney was the author of "Hindsight on Insight".¹ He wrote this following publication by the *Sunday Times* on 23rd April 1972 of the Insight Team's report on Bloody Sunday. In the document he criticised the Insight report. He said he could not

recall the sources of the information contained in “Hindsight on Insight”.² Colonel Tugwell sent a copy of this document to the *Sunday Times*. He did so because the Military Information Working Party regarded the Insight team as unfairly biased against the Widgery Report and he wanted to engage the Insight Team in discussion.³ The Insight Team provided a written reply⁴ and John Barry of the *Sunday Times* met Colonel Tugwell and Hugh Mooney. According to Colonel Tugwell, the meeting did not lead to a narrowing of the gap between the Insight Team’s views on Bloody Sunday and those of the Widgery Inquiry.

¹ M45.45

³ B1333.077

² Day 239/128

⁴ M45.49

- 178.73** It is possible that copies of “The Knocking Game” came into the hands of journalists. There is no evidence to indicate whether or not the “Clockwork Orange” document did so.

Conclusions

- 178.74** With the exception of a possible untrue rumour that the Army might invade the Creggan on 30th January 1972, we have found no evidence to suggest that the authorities sought in advance to spread false information as part of their plans for 30th January 1972. The inaccurate information published afterwards about the casualties was highly regrettable, and to our minds demonstrates a failure to take proper care in this regard. However, we have found no evidence that anyone involved in military information falsified any Army or government document relating to Bloody Sunday, nor any evidence that anyone involved in military information disseminated to the public anything about Bloody Sunday, knowing or believing that information to be untrue.

Chapter 179: Private 027

179.1 Private 027 was, in January 1972, a private in Anti-Tank Platoon of Support Company, 1 PARA. He was present in Londonderry on Bloody Sunday as the radio operator for Lieutenant 119, the Platoon Commander.

179.2 In 1975, Private 027 wrote a “memoir” that dealt, among other topics, with the events of Bloody Sunday. The memoir contained serious allegations against other members of 1 PARA. In it, Private 027 wrote that on the night before Bloody Sunday his Platoon Commander (Lieutenant 119) had told his platoon, “*we want some kills tomorrow*”.¹ We discuss this evidence in the course of considering the events of the weeks before Bloody Sunday. The memoir went on to describe circumstances where on Bloody Sunday certain members of his platoon had, without justification, fired at, and killed, unarmed civilians.² We consider these allegations in the context of discussing the firing by members of Anti-Tank Platoon. The memoir also alleged that soldiers had fired dum-dum bullets (modified rounds) of which they held illicit supplies.³ We consider this allegation in that part of this report dealing with the ammunition count and alleged spare, unauthorised rounds held by soldiers on the day.⁴

¹ [B1565.014.1](#)

³ [B1565.014.7](#)

² [B1565.014.5-7](#)

⁴ [Chapter 166](#)

179.3 The memoir also contained a claim that the written statement that Private 027 had made for the Widgery Inquiry (which contained none of the allegations in the memoir) had been written for him by “*Crown lawyers*” and was not a truthful account.¹ We consider this matter below.

¹ [B1565.014.10](#)

179.4 Private 027 told this Inquiry that in 1975, while on a visit to New York, he met by chance a man called Sean Patrick McShane, an American who claimed to be writing a book about Northern Ireland. Private 027 told the Inquiry that, on his return to the United Kingdom, he bundled up and sent to Sean Patrick McShane various memorabilia, including the memoir.¹ We should point out that although Private 027 said in his oral evidence to this Inquiry that it was “*conceivable*” that Sean Patrick McShane wrote the memoir from the material he sent,² we consider that he probably wrote it himself, as he had described in his written statement to this Inquiry.³ While in New York, it appears that he also gave a taped interview to Sean Patrick McShane.⁴

¹ [B1565.054](#); [B1565.113](#); [Day 247/50-52](#)

³ [B1565.055](#)

² [Day 248/63](#)

⁴ [B1565.015](#); [Day 247/51-52](#)

179.5 In about 1975 or 1976 it appears that Sean Patrick McShane passed some of Private 027's documents, including the memoir, to an Irish journalist called Tomas Mac Ruairi.¹ The latter in turn gave the documents to Sean O Mahoney, who was the financial backer of Tomas Mac Ruairi's publishing company and also a collector of Irish republican memorabilia.² Sean O Mahoney did nothing with them until renewed press interest in Bloody Sunday caused him to reread them. Realising their potential importance, he passed the documents to Tom McGurk, a journalist with an Irish newspaper, the *Sunday Business Post*.³ On 16th March 1997 the *Sunday Business Post*, in an article written by Tom McGurk, printed extracts from Private 027's 1975 memoir.⁴

¹ [M93.1](#)

³ [M92.2](#)

² [M92.1](#)

⁴ [B1565.072-77](#)

179.6 Tom McGurk handed a copy of the memoir to the Irish Government, which was at that time itself carrying out its own investigation into the events of Bloody Sunday.¹ The allegations made by Private 027 in his memoir featured prominently in the dossier which the Irish Government subsequently presented to the British Government, and in which the Irish Government called for a new public inquiry into the events in Londonderry on 30th January 1972. The dossier stated that, if authenticated, Private 027's memoir "*represents the most significant new evidence yet to come to light ...*"²

¹ [M56.3](#)

² [U218](#)

179.7 In early 1997, by coincidence and prompted by media coverage of the 25th anniversary of Bloody Sunday, Private 027 went to his local newspaper office and asked them to fax an anonymous letter to a Belfast newspaper, the *News Letter*.¹ The letter was published on 20th February 1997.² In the letter, Private 027 stated that he was a paratrooper who had been present on Bloody Sunday. He alleged that:³

"In the tension of the moment, a few hot heads [among the soldiers] opened fire with no justification. This sanctioned similar behaviour by others, almost as a knee jerk reaction to the gunfire."

¹ [B1565.058](#)

³ [B1565.088](#)

² [B1565.058](#)

179.8 Private 027 wrote in the letter of "*the gunning down of unarmed civilians, some of whom were shot at a range of 20 feet*".¹

¹ [B1565.088](#)

179.9 Through the staff of the *News Letter* and Private 027's local newspaper,¹ Radio Ulster contacted and conducted an on-air interview with Private 027.² The interview took place sometime after the publication of his anonymous letter and before 4th March 1997, when the *Derry Journal* newspaper carried a report of the broadcast.³ At the same time, the British television company Channel 4 was conducting its own investigation into Bloody Sunday. Again through the staff of the *News Letter* and Private 027's local newspaper, Channel 4 made contact with Private 027, who in mid-March 1997 gave Channel 4 an interview, parts of which were later broadcast.⁴

¹ B1565.060

³ Day 249/92-93

² B1565.089

⁴ B1565.058

179.10 Private 027 approached this Inquiry, through his solicitors Bindman & Partners, in April 1998. We took the view that his evidence was likely to be of the greatest importance. If he were to confirm the account attributed to him in the memoir submitted to the Irish Government, his evidence would implicate a number of individuals in grave wrongdoing on Bloody Sunday. If, on the other hand, he were to withdraw the earlier account or deny its authenticity, the allegations based upon that account might be exposed as false. We accordingly took steps to obtain his evidence, which proved difficult and time-consuming. These we describe in that part of this report dealing with the principal matters relating to the conduct of this Inquiry.¹ Those steps resulted in an agreement made between Private 027 and the Northern Ireland Office.

¹ A1.1

179.11 After concluding this agreement, Private 027 co-operated with the Inquiry. He signed a written statement on 7th June 2000 and provided it to the Inquiry on 6th July 2000. He gave oral evidence in Westminster Central Hall, screened from the view of the public, over four days in October 2002.

179.12 On 16th October 2002, at the commencement of Private 027's oral evidence,¹ his counsel produced the draft of a book² that Private 027 said he had written sometime during or after 1999, but which was not disclosed to the Inquiry until the week he commenced his oral testimony.³ He told us that he received an advance of £4,500 from his publisher for a 300,000-word manuscript.⁴

¹ Day 246/1-2

³ Day 249/193-194

² B1565.276-367

⁴ Day 249/105

179.13 During the course of his evidence, Private 027 referred to a "*field notebook*" and to a "*diary*", both of which he told us have not survived. Private 027 said that he made notes in his field notebook within days of the events described and recorded events in the course

of his military duties, while his diary contained personal matters unrelated to military affairs. The two terms sometimes became confused during his evidence, as occasionally the terms were used interchangeably. He said he made use of his field notebook during his interviews for the Channel 4 programme, portions of which could be seen in the video. He said that he flushed the notebook down a hotel toilet shortly after the programme was made.¹ He told the journalist Lena Ferguson that his personal diary had been stolen many years earlier when he was mugged in the Paris metro.²

¹ Day 247/70; Day 249/97

² B1565.255; Day 249/64-65

179.14 Private 027's accounts were not always consistent and he could not satisfactorily explain why some of his various accounts of events of the day differ. We consider Private 027's evidence from time to time in the report as we come to various places where he was, or said, he was present.

179.15 The representatives of the majority of the families accepted that "*in respect of a number of issues [Private] 027's evidence is unreliable*" and that his 1975 memoir "*contains exaggeration*".¹ However, they submitted:²

"Rather than simply dismissing the entirety of the evidence given by 027 on the basis of the exaggerations that are contained in some of his accounts, the Tribunal must attempt to distinguish those portions that cannot be relied upon from other portions that can. The reason for doing this is that in a number of material respects 027's evidence chimes with other evidence before the Tribunal."

¹ FS1.2413

² FS1.2414

179.16 The representatives of the majority of represented soldiers took what could be described as a more robust position.¹ They submitted, "*In brief ... [Private] 027's evidence was so tainted by exaggeration, fantasy and deceit as to be of no assistance ...*" and his "*evidence is so generally tainted that it would be unsafe – and unfair – to rely on anything he has said on any subject*". Apart from pointing out inconsistencies in various accounts he had given about the events of the day, these representatives submitted that Private 027 exaggerated his security concerns to extract from the Inquiry (in the agreement he made with the Northern Ireland Office) "*very substantial sums of money as a pre-condition to his giving evidence*". The representatives of other soldiers submitted that Private 027 is "*a fantasist, a man who exaggerates and embellishes, and then resiles from his previous accounts*"² and that "*many of [Private 027's] gravest allegations have been exposed as false*".³

¹ FS7.283-339

³ FS9.22

² FS9.61

179.17 It is difficult to categorise Private 027's evidence. He backed away from a strict reading of the 1975 memoir, saying that "*perhaps it reflects a slightly unhinged mind at the time*"¹ and that he could see that "*it does not stand up as a rigorous piece of accurate reporting*".² He made other remarks that appear, at least to us, to distance himself from his earlier accounts, remarks such as "*I cannot comprehend now the mentality that produced [the memoir]*";³ "*I was living in an environment where ... an element of fantasy was par for the course*";⁴ "*I believe I am relating my impressions as I believed them to be at the time*";⁵ and "*I have no reason to doubt that [the memoir] would have been what I thought to be accurate at the time, but that does not attest to the accuracy of what I thought to be correct*".⁶ His explanations about his 1975 meeting and subsequent dealings with Sean Patrick McShane, the loss of his diary and the reason for his destruction of the field notebook tend to stretch the imagination. His various 1997 encounters with the media and his 1999 book tend to show him as an attention-seeker. When Private 027's allegations, partly at his own instance, became public in early 1997, he became caught up in events over which he had no control and he became reluctant to step forward. Yet we cannot say that he did not have honestly held security fears that made him reluctant to co-operate with the Inquiry until his concerns were satisfied.

¹ Day 248/101

⁴ Day 249/153

² Day 249/131

⁵ Day 247/27

³ Day 249/137-138

⁶ Day 248/43

179.18 In his oral closing submissions, counsel for the majority of the families described Private 027 as "*a wretched witness*".¹ To a substantial extent we agree that this comment was justified. At the same time, we take the view that Private 027's evidence cannot be wholly dismissed on the basis that it is such exaggeration, fantasy and deceit as to be of no assistance. Our conclusion is that it would be wrong to ground any of our findings about Bloody Sunday on his evidence alone, but equally wrong to ignore it where there is other material that tends to support what he told us.

¹ Day 428/24

Private 027's written statement for the Widgery Inquiry

179.19 Private 027's allegation that his statement for the Widgery Inquiry was fabricated appears for the first time in his 1975 memoir. He wrote:¹

"I was then interviewed in an office by two Crown lawyers on Lord Widgery's team. I rattled off everything I had seen and had done. The only thing I omitted were names and the manner in which people had been shot, apart from that I told the truth which I wanted to convey. Then to my utter surprise one of these doddering gentlemen said 'dear me Private 027, you make it sound as though shots were being fired at the crowd, we can't have that can we?' And then proceeded to tear up my statement. He left the room and returned ten minutes later with another statement which bore no relation to fact and was told with a smile that this is the statement I would use when going on the stand.

What a situation! The Lord Chief Justice of Great Britain, the symbol of all moral standings and justice having his minions suppress and twist evidence. With or without his knowledge who can tell? I was amazed!"

¹ [B1565.011](#)

179.20 Private 027 maintained this allegation in his written statement to this Inquiry:¹

"163. I began to give the lawyer my recollections. I cannot remember precisely what I did say and I do not know if it was just omissions or whether there was any positive fabrication. Although I was being economical with the truth as far as the detail of what I had witnessed was concerned, the events which I described had taken place. It was an attempt to justify the soldiers' actions as far as they were known, without being specific about connecting particular individuals with incidents. I cannot remember how successful or otherwise I was.

164. At the point when I described the shooting from the small wall by Kells Walk towards the centre of the crowd behind the Rubble Barricade, the lawyer stood up and expressed surprise and said something like ‘We can’t have that can we Private? That makes it sound as if shots were being fired into the crowd’ or something very similar. I was very surprised (I cannot remember if I expressed it or not). I thought that I had already watered down what I was saying and I was being told that even that was unacceptable. Just the idea that shots were fired, in the direction of large group of people standing together, seemed to have caused his reaction. I wondered what was acceptable if this wasn’t? I had consciously tried to put things in the least damning light that I reasonably could.

165. The man then took the statement and left the room. When he returned some time later, possibly 5 or 10 minutes (but it may have been more), a written or typed statement was given or shown to me. What was written did not accord with what I had told him earlier. At some point that statement appears to have been signed by me (I have no memory of doing so). I cannot remember if I continued with my account of the day. I may have done, and the statement may have been completed and signed afterwards, but I do not remember that.”

¹ [B1565.053-054](#)

179.21 Private 027 was somewhat less certain when he gave oral evidence. He told us that he remembered the “*incident*” about the lawyer admonishing him,¹ although he acknowledged that the lawyer did not literally tear up his statement as he had claimed in his 1975 memoir. He claimed now to have little or no recollection about giving statements for the Widgery Inquiry.²

¹ [Day 247/30](#); [Day 249/160](#)

² [Day 247/27-34](#); [Day 247/422](#); [Day 247/42-45](#)

179.22 Private 027 was interviewed by lawyers acting for the Widgery Inquiry on 8th March 1972, at which time two written statements were prepared. The first, which was unsigned, was called a “Supplemental Statement”¹ that elaborated on passages in his Royal Military Police (RMP) statement.² The Supplemental Statement and the RMP statement were then amalgamated into a Consolidated or Composite Statement³ signed by Private 027. Although Basil Hall, the Solicitor to the Widgery Inquiry, recommended to counsel for the Widgery Inquiry that Private 027 should give oral evidence, he did not do so.⁴

¹ [B1565.114](#)

³ [B1551-1552](#); [Day 251/8-10](#)

² [B1546](#)

⁴ [Day 250/121-122](#)

179.23 The solicitors who interviewed Private 027 were John Heritage, who had been seconded from the Treasury Solicitor's Department to the Widgery Inquiry and who became Basil Hall's "*number two*",¹ and CJ MacMahon, also of the Treasury Solicitor's Department, who was assigned to represent the interests of the Army witnesses.² Accordingly, Private 027's allegations would appear to relate to these as being the two solicitors one of whom, he alleged, prepared a false statement for him to sign.

¹ Day 250/110-111

² Day 251/33; Day 251/114-115

179.24 John Heritage gave evidence to this Inquiry, but CJ MacMahon died in 1999 before the Inquiry had an opportunity to interview him. When it was suggested to John Heritage that CJ MacMahon did say "*We cannot have this, Private*", he disagreed, saying that he would "*certainly remember anything so improper*".¹

¹ Day 251/129

179.25 We are sure that neither John Heritage (whom we regarded as a careful, honest witness) nor CJ MacMahon was party to creating a false statement as alleged by Private 027. In this connection, it is to be noted that in his RMP statement (on which much of his statements for the Widgery Inquiry were based) Private 027 had made no suggestion that soldiers had fired without justification. His explanation for signing this RMP statement was that he assumed that "*... I must have gone along with the pressures inherent in the situation and that I was influenced to say what was least detrimental to the men in my section. The people taking the statements were also military men and it would be naive to think that they were not also influenced by those same considerations.*"¹ Although he told us that much of what was in the RMP statement was untrue, he did not allege that when he had made his RMP statement he had been persuaded or told to omit something that he had mentioned to the statement taker. In his written statement to this Inquiry he described "*much of*" the RMP statement as fabrication and that while the underlying progression of events was basically there, facts had been altered and added as justification for what occurred, "*putting the shooters in a better light*".² In the course of his oral evidence there was this exchange:³

"When you say 'facts have been altered and added as justification for what occurred', by whom are you saying that facts have been altered and added?"

A. I believe in the first statement which I made I used fabrication, it was coming from me.

Q. So the answer is: you, is it?

A. That is correct.”

¹ [B1565.051](#)

³ [Day 247/14](#)

² [B1565.050](#)

- 179.26** In our view, what is likely to have happened is that Private 027 felt that he had to invent a reason to explain providing a statement for the Widgery Inquiry that was inconsistent with his later accounts; and chose to do so by falsely laying blame for the inconsistency on others.
- 179.27** As we have stated above, our conclusion is that it would be wrong to ground any of our findings about Bloody Sunday on the evidence of Private 027 alone, but equally wrong to ignore it where there is other material that tends to support what he told us. On this basis, in the course of this report we consider in context the evidence that Private 027 gave on various matters.

Army and Police Communications

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Chapter 180: Introduction

180.1 With one exception, the means by which elements of the security forces communicated with each other were not a matter of controversy. The exception related to the question of whether a secure radio link, known as the BID 150, was used on 30th January 1972 to send an order from 8th Infantry Brigade to 1st Battalion, The Parachute Regiment (1 PARA) to mount an arrest operation. We consider this exception below.¹

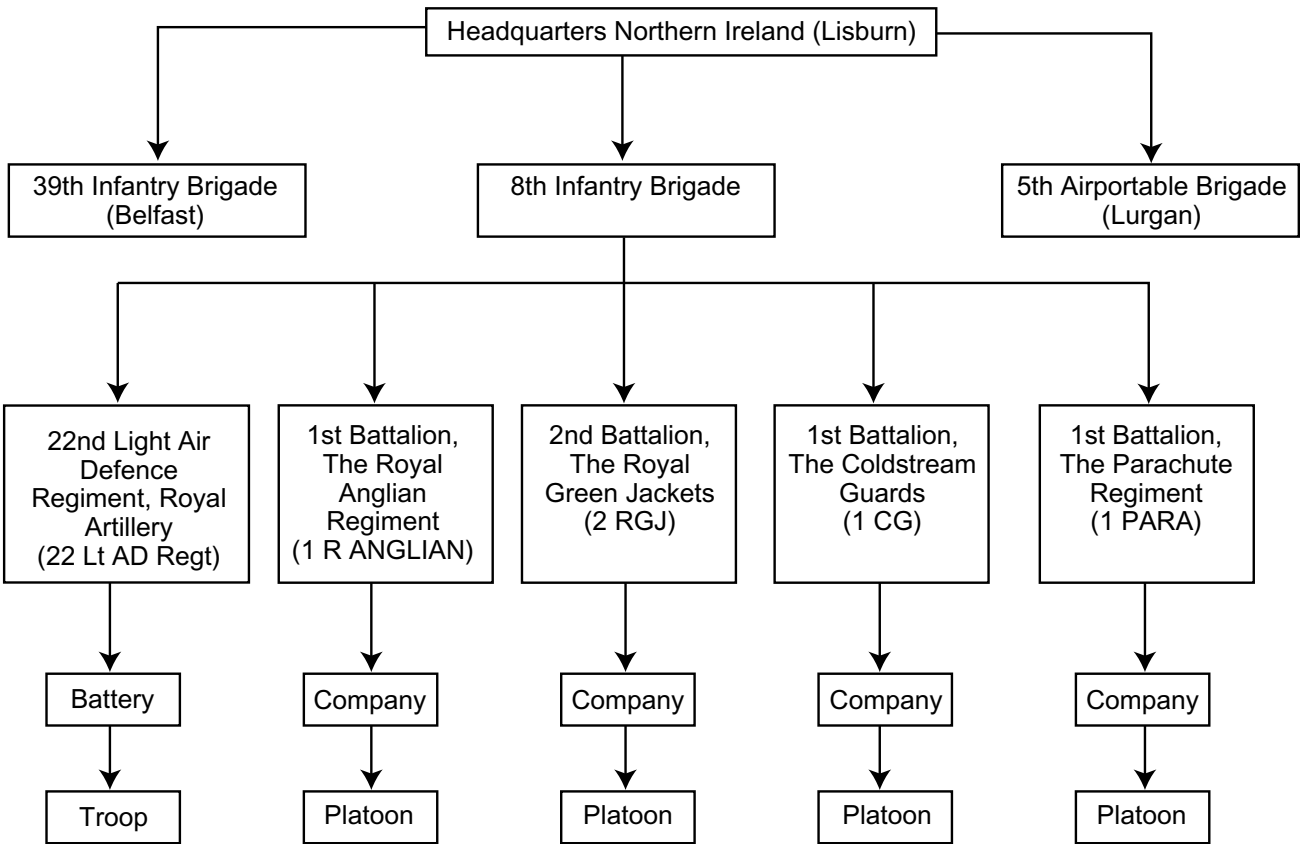
¹ [Chapter 189](#)

180.2 In this part of the report we consider the various means of communications used by the Army and the Royal Ulster Constabulary in Londonderry in 1972. We do so in order to assist in the understanding of the communications on the day.

Chapter 181: The hierarchical nature of Army communications

181.1 In 1972 a primary means of Army communication in Northern Ireland during a military operation was by voice radio. This allowed for the transmission of information along a chain of command. The relevant chain of Army command in Northern Ireland on 30th January 1972 is outlined in the diagram below. Of the battalions under the command of 8th Infantry Brigade on 30th January 1972, four (22nd Light Air Defence Regiment, Royal Artillery, 1st Battalion, The Royal Anglian Regiment, 2nd Battalion, The Royal Green Jackets and 1st Battalion, The Coldstream Guards) were based in the city and county of Londonderry. 1 PARA, based just outside Belfast, was usually under the command of 39th Infantry Brigade. It was attached to 8th Infantry Brigade for the operation on 30th January 1972. The diagram does not include 1st Battalion, The King's Own Royal Border Regiment, 3rd Battalion, Royal Regiment of Fusiliers and elements of the Ulster Defence Regiment, who were also under the command of 8th Infantry Brigade on that day.¹

¹ [W327](#); [G95.568-95.571](#)



181.2 The Royal Corps of Signals was responsible for the operation of radios and other equipment used at Headquarters Northern Ireland (HQNI) and at brigade level. A Signal Squadron from the Royal Corps of Signals was attached to 8th Infantry Brigade during the period 1971–1972.¹ At battalion level and below, however, the task of operating radios fell to soldiers from within that battalion, described as “signallers”. Lance Corporal 033, who acted as a signaller to Major Loden, the officer commanding Support Company of 1 PARA, told this Inquiry that those signallers in his battalion attached to Company Commanders were seconded from Signal Platoon, which was part of HQ Company of 1 PARA. At platoon level, the signaller was often a member of the platoon chosen for the role.² The battalion Signals Officer commanded Signal Platoon.³

¹ W351; W352

³ C2033.1; C1217.1

² B1621; B1621.001

181.3 Radio communication at each level within the chain of command was organised into a network or “*net*”, which was made up of a group of stations. A station could be any static or mobile location equipped with a radio. It could be the Operations Room of a brigade headquarters or an individual soldier carrying a portable radio. Within each radio net there was a control station to which all other stations on that net were subordinate. Since all the stations in a particular net were on a common frequency, they would be able to communicate with each other. Simultaneous conversations on a radio net were, however, not possible. Only one station could transmit on a net at any one time and transmissions could take place in only one direction at a time.¹

¹ W300

181.4 Radio nets were organised and operated in a manner consistent with the chain of command. For example, an officer commanding a company in 2 RGJ would not communicate directly with 8th Infantry Brigade Headquarters but would be restricted to transmitting information to his battalion headquarters. It would be for that battalion headquarters to transmit any information received from the Company Commander further up the chain of command to Brigade Headquarters.

181.5 The result was a hierarchy of networks, at the top of which sat the Northern Ireland net. HQNI in Lisburn was the control station for that net, with the other stations being the three different brigades then based in the Province. It was, however, the successive nets in this hierarchy with which we were most concerned. The first of these, and the next network in the hierarchy, was the Brigade net. For example, the headquarters of 8th Infantry Brigade acted as the control station for its own Brigade net, with the various battalions under its command representing the subordinate stations on that net. In turn, the headquarters of

each battalion acted as the control station of its own battalion net and, on that net, was linked to its constituent companies. The same arrangement existed for the company radio net and, where appropriate, the platoon net.

181.6 As would be expected, communication along the chain of command can occur in two directions. Forward communication goes down the chain of command, ie from HQNI down to platoon level. Backward or “*rear*” communication would travel up the chain of command. This obviously required some form of linkage between the various nets. That was achieved by the control station of a net also being a subordinate station on the net above it in the command hierarchy. Accordingly, a station communicating up the chain of command communicated with its “*rear link*”. To take the example of 2 RGJ (see the diagram above), the companies making up that battalion were on the battalion net and subordinate to the battalion headquarters as the control station on that net. They would therefore constitute the “*forward link*” for the battalion since they were lower in the chain of command. The battalion headquarters of 2 RGJ was a subordinate station on the 8th Infantry Brigade net, the control station being 8th Infantry Brigade Headquarters. It follows that the 8th Infantry Brigade Headquarters was the rear link for 2 RGJ.¹

¹ [Day 242/101-103](#); [W328](#); [C416.1](#)

181.7 Each net would operate on its own frequency, and a particular station utilised different radios to communicate on different nets. In early 1972 the Army was using two different radio systems in Northern Ireland. From battalion down to platoon level, the Army was predominantly using the Larkspur range of radios that had first been introduced into service in the 1950s. These were valve-operated and so had to be manually retuned at regular intervals.¹ They were classified according to their size (a reflection of the radio’s power output) and frequency range, the former being indicated by a letter prefix and the latter by a number. In terms of size, the designation began with “A” indicating a “*man packable*” or man-pack radio and went up to “E” – a radio so large that it had to be housed in a series of containers.²

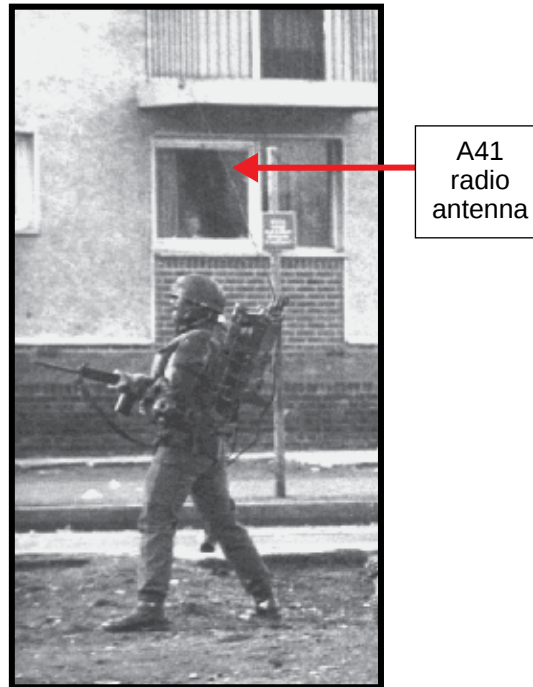
¹ [C2090.13](#); [Day 242/119](#)

² [C2090.14](#); [Day 242/97](#)

181.8 Members of the Army deployed in Londonderry in January 1972 generally used three types of Larkspur radio. All three operated on the very high frequency (VHF) band. The majority of Commanders deploying forward on foot used the station radio (SR) A41. This was the portable radio carried by all the signallers in 1 PARA on 30th January 1972. Despite being described as man-packable, the A41 was bulky with a lengthy antenna,

making the signaller carrying it obviously visible. This is shown in the photograph below. This was taken by Jeffrey Morris, a photographer with the *Daily Mail*, on 30th January 1972, and shows a signaller of 1 PARA.¹

¹ M57.3; Day 242/98



181.9 The weight of an A41 (with spare batteries) was somewhere between 38 and 45lb. Together with the antenna, this radio set came with a headset/microphone on which the signaller could receive and transmit messages. There was also a handset that the signaller could use to transmit messages.¹ The photograph below was taken by Captain INQ 573 at Magilligan Strand on 22nd January 1972 and shows two fellow members of 2 RGJ. As can be seen, the attached handset, which operated like a normal telephone, could be used by the Commander to both hear and relay messages.²

¹ C127.2; B1621

² C573.11; Day 324/36



- 181.10** Some platoon signallers in the resident battalions, such as 1 R ANGLIAN, carried the SR A40. Portable, but smaller than the A41, it weighed 10lb with its battery.¹ The third of the Larkspur radios in use was the SR C42. It was not portable and was designed to be mounted either in a vehicle or kept at a static location. The batteries required to power a C42 were the size of car batteries. A vehicle fitted for radio (FFR) would carry two C42 radios together with four batteries to power these radios.²

¹ [Day 242/117](#); [W338](#); [C1217.1](#); [C1217.5](#); [C794.1](#)

² [B1621.001](#); [Day 242/98](#); [Day 242/143](#)

- 181.11** The C42 had an ideal range of 10–15 miles. By contrast, the ideal range of the less powerful A41 was 3–4 miles. Since the Larkspur radios had been designed for use in open ground, however, they were much less effective when used in a built-up area such as the Bogside in Londonderry. Under such conditions, the range of the A41 would have been about half a mile. This reduction in efficacy was not a limitation unique to the Larkspur radio. Rather, it was a result of the operation of VHF radio requiring a line of sight. Were a building or buildings to block that line of sight then the VHF signal would be degraded.¹

¹ [B1621.001](#); [C127.2](#); [C2091.12](#); [Day 244/8-9](#); [Day 242/106](#); [Day 242/134-136](#)

181.12 The second type of radio utilised in early 1972 was the Pye system of radios. This was a commercial system produced by Pye Telecommunications Ltd and adapted for military use.¹ It was available from the level of HQNI down to, and including, battalion level.² The vast majority of Pye sets available in Northern Ireland in 1972 were intended for use either in a permanent location, where they could be powered from the mains supply, or mounted in a vehicle and powered by batteries. Some portable handsets were available.³ Lieutenant INQ 2091 (then based at 8th Infantry Brigade Headquarters) described these “*handbag sets*” as being the size of a “*chunky briefcase*”.⁴ Unlike the Larkspur radio, the Pye radio was pre-tuned to a set frequency and retained its tuning automatically. The adoption of powerful relay transmitters meant that the signals from these radios were less likely to degrade than that from a Larkspur radio when used in a built-up area such as Londonderry.⁵

¹ C2086.3; C1508.1

⁴ Day 244/13-14

² Day 242/106; C2090.16

⁵ C2090.13; Day 242/142; Day 242/139; Day 244/8-9; C2091.8

³ C2090.16; Day 242/106; C2033.3

181.13 We should also record that there is evidence that before Bloody Sunday some of the resident battalions were, at platoon level only, using portable Stornophone radios in place of Larkspur radios.¹ A number of former soldiers serving in Londonderry recalled having Stornophone radios available on 30th January 1972.² Often nicknamed “*Stornos*”, these radios, like the Pye radios discussed above, were a commercially produced system purchased by the Army. There is little doubt that the use of Stornophone radios was a consequence of the fallibility of Larkspur radios in built-up areas.

¹ W346; W355

² B1949.002; C245.2; C470.2; C419.2; C1298.5

181.14 It is convenient at this stage to explain some terms used by the Army when using its communication systems. Military terminology would describe a brigade or higher level of command as a “*formation*”. A battalion, artillery or engineer regiment would be described as a “*unit*”. Any element below the level of a unit (be it a company or a platoon) would be described as a “*sub-unit*”.¹ It should be noted that presence on a radio net was not restricted to those units and sub-units involved in a particular operation and forming a direct link in the chain of command. A helicopter or senior officer acting in the role of an observer could, for example, be a station on a net.

¹ Day 242/101; W300

181.15 Earlier in this chapter we illustrated the concept of a control station on a radio network by reference to a headquarters. The Army identified a headquarters, whether that of a brigade or battalion, as having three separate elements. The first is the “main

headquarters". Generally, this would be the permanent location of a formation or unit. The second is the "tactical headquarters" (Tac HQ). Again, this could be a static location but could also be a vehicle. Establishing a Tac HQ allowed a Commander to place himself closer to the positions from which his units or sub-units were deploying. The third element is the "Commander's mobile", also known as the "Commander's Rover Group". This comprised a Commander's team when he moved forward on foot or in a vehicle. Typically it consisted of a driver, one or more signallers, and a bodyguard.¹

¹ [Day 242/104-105](#); [Day 242/110](#); [C2090.15](#); [W301](#); [W330](#)

Chapter 182: Signal instructions

182.1 Each level in the command hierarchy would have distributed a typewritten standing signal instruction (SSI). These SSIs would have given general but detailed instructions on the availability and use of communications equipment in the area under command. We have not been able to trace the SSI issued by Headquarters Northern Ireland (HQNI) and 8th Infantry Brigade and in use on 30th January 1972. The Inquiry was provided with a copy of the “HQNI Internal Security Instruction 1/71 (Revised) dated 15 October 1971”.¹ This lists the topics covered in the HQNI SSI² and the 8th Infantry Brigade SSI.³ The Inquiry was also provided with a copy of a SSI issued by 8th Infantry Brigade dated 22nd August 1972.⁴ Although this post-dates the events of Bloody Sunday, it provides an insight into the content of these instructions and some background to the equipment and radio networks used by 8th Infantry Brigade and its subordinate units. It also refers to the “8 Inf Bde HQ & Signal Sqn Sig Op Instr no 1/71 (second Revise) dated 17 December 1971”. This would have been the 8th Infantry Brigade SSI in force on 30th January 1972.

¹ [G20.141](#)

³ [G20.150](#)

² [G20.149](#)

⁴ [W305](#)

182.2 Alongside the SSI, a brigade or battalion involved in a specific military operation would produce a separate signal instruction for the units or sub-units under its command. The Brigade Operation Order for 30th January 1972 (Operation Forecast) is dated 27th January 1972 and was approved by Brigadier Patrick MacLellan, the Commander of 8th Infantry Brigade.¹ While setting out in detail the responsibilities and deployment of the various battalions under the command of 8th Infantry Brigade, it refers to a separate signal instruction.² That document has not survived. Captain INQ 1903, then second in command of the Signal Squadron at 8th Infantry Brigade Headquarters, told us that either he or Lieutenant INQ 2090 (who commanded one of the two troops making up the Signal Squadron) would have prepared the signal instruction for Operation Forecast.³ In his written statement to this Inquiry, Lieutenant INQ 2090 explained, “*As a junior ranking officer at that time, I was not involved in the planning of communications links for military operations.*”⁴ It seems therefore that Captain INQ 1903 probably prepared this signal instruction.

¹ [G95.564](#); [B1232](#)

³ [Day 253/94](#)

² [G95.575](#)

⁴ [C2090.1](#)

182.3 Although he did not have a “*specific recollection*”, Captain INQ 1903 told us that the drafting of the Brigade signal instruction for Operation Forecast would, as a matter of routine, have been followed by a meeting between the Signals Officers at 8th Infantry

Brigade and the regimental Signals Officers (RSOs) from each of the battalions involved in the operation. That meeting would have discussed the frequencies and call signs to be used by the various battalions and the communications equipment available to them. The RSOs would then have drafted the signal instructions for their own battalions.¹ The meeting of Signals Officers is likely to have immediately followed on from the co-ordinating conference held at Ebrington Barracks on 28th January 1972 at which Brigadier MacLellan met the Commanding Officers of the various battalions under his command.² This conclusion follows from the fact that the signal instruction drafted by the RSO of 1 R ANGLIAN is dated 29th January 1972³ and that the undated 1 PARA signal instruction contains a list of the call signs in use by 8th Infantry Brigade on that same date.⁴

¹ [Day 253/98-100](#)

³ [C1217.1](#); [C1217.5](#)

² [B1232](#)

⁴ [W292](#)

182.4 The battalion signal instructions issued by 1 PARA¹ and 1 R ANGLIAN² for Operation Forecast were available to this Inquiry. It is apparent that these are not pro forma documents but were created for this particular operation. Although they differ in their layout, both set out the equipment, frequencies and nicknames to be used by the battalion. These battalion signal instructions would have been widely distributed both within the battalion and to other units in 8th Infantry Brigade, as well as to 8th Infantry Brigade Headquarters itself. For example, Support Company of 1 PARA received six copies of the 1 PARA signal instruction, which explains Lance Corporal 033's recollection of receiving a copy of the instruction.³

¹ [W287](#)

³ [Day 324/39-40](#)

² [W363](#); [W365](#)

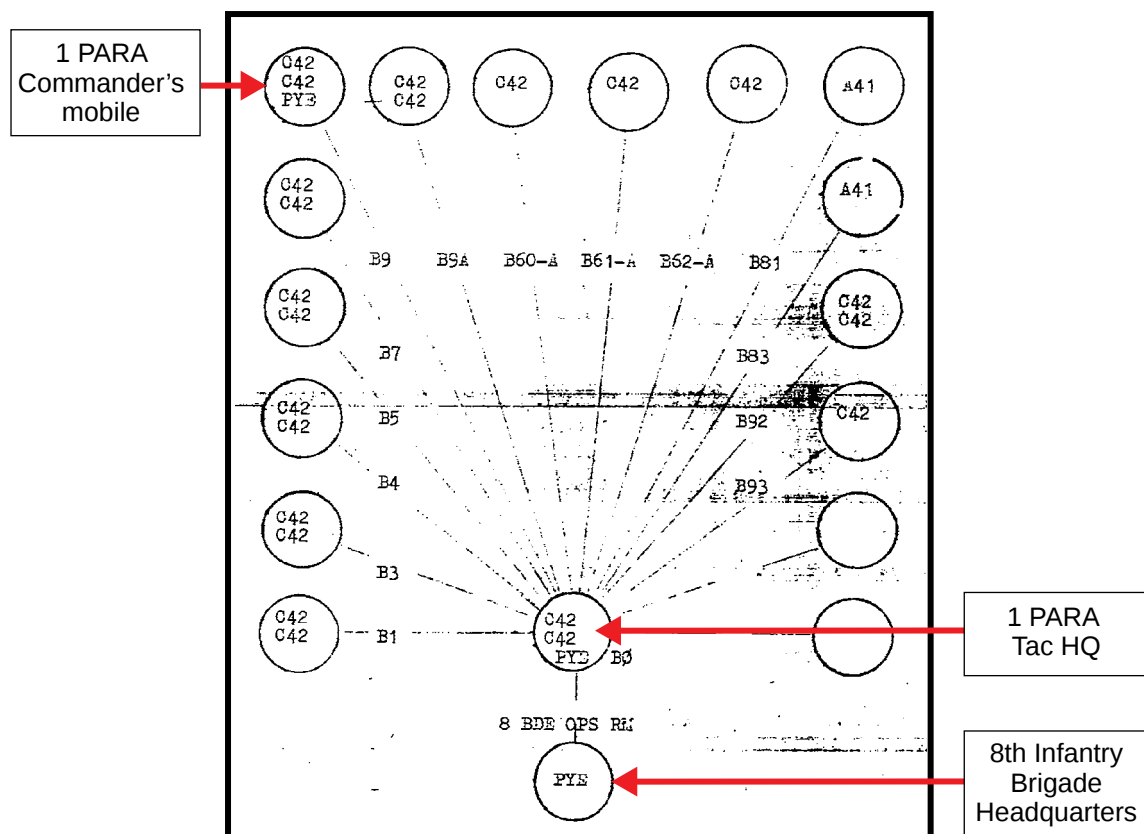
182.5 A common feature of both documents is the communication or "*net diagram*", which summarises in diagrammatic form the allocation of radios to particular sub-units (be they companies, platoons or individuals). The net diagram for 1 PARA, taken from the battalion signal instruction, is shown below. We have identified the battalion's Tac HQ, which, as can be seen from the diagram, was equipped with two C42 radios and a Pye radio. The latter allowed the 1 PARA Tac HQ to operate as a station on the 8th Infantry Brigade net and the diagram shows it linked to 8th Infantry Brigade Headquarters. The Tac HQ is also shown linked to a number of circles, each representing a sub-unit on the 1 PARA battalion net. The sub-units are identified by a letter and number sequence known as a call sign (B1, B3, B4, B5, etc). We explain call signs in more detail below.¹ The sub-units represented on the net diagram not only included the command vehicles of companies such as Support Company (B5) and C Company (B3), but also individuals

such as the RSO (B83) and the battalion's second in command (B9A). With one exception, the sub-units shown on the net diagram were all provided with A41 and C42 radios, and so would only be able to transmit on the 1 PARA battalion net. The exception was the Commander's mobile (B9). This was Lieutenant Colonel Derek Wilford's personal vehicle. It was fitted with a Pye radio, which allowed Colonel Wilford to communicate on the 8th Infantry Brigade net directly.² 1 PARA did not have a "handbag set", which would have allowed Colonel Wilford to communicate on the 8th Infantry Brigade net when away from his vehicle. Instead a signaller carrying an A41 radio (B81) would have accompanied him.³ That meant that Colonel Wilford could then only communicate with 8th Infantry Brigade Headquarters by sending a message to his Tac HQ on the battalion net and asking them to relay it to Brigade Headquarters on the Brigade net.

¹ Chapter 187

³ C2033.3

² C2033.5; C366.1



Chapter 183: Radio nets operated by the Army in Londonderry

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183.1 In January 1972 there were two radio networks available to the Commander of 8th Infantry Brigade, which allowed communication forward to the units under his command and also with his rear link (ie Headquarters Northern Ireland (HQNI)). These were the Ulsternet and the Guardnet.

The Ulsternet

183.2 On 30th January 1972, 8th Infantry Brigade communicated with the battalions under its command by way of a Pye Westminster (W15FM) radio system.¹ This radio system formed part of a province-wide net called the Ulsternet, linking the three brigade areas to HQNI in Lisburn. Transmissions from 8th Infantry Brigade on the Ulsternet were relayed to its subordinate battalions through a relay transmitter located outside Londonderry at Sheriff’s Mountain and back to HQNI through another relay transmitter on Slieve Gallion, also outside Londonderry.²

¹ [W301](#); [W305](#); [B1233](#) ² [C2090.13](#); [Day 242/108-109](#); [W348](#)

183.3 It is appropriate to regard the Ulsternet as referring to the hardware (ie Pye radios) used at HQNI and brigade level. It should not be thought that 39th Infantry Brigade in Belfast was a station on the same radio network as a battalion based in Londonderry. Rather the Pye radios on the Ulsternet were used on four different radio nets: three independent brigade nets linking each brigade headquarters with its subordinate battalions and a fourth radio net linking those brigade headquarters with HQNI. As we discuss below HQNI did not actually communicate with the brigades using the Ulsternet. It could listen into a Brigade net if necessary. During the course of our hearings, and in the submissions made by the interested parties, the radio network which linked 8th Infantry Brigade with

the battalions under its command was variously described as “*the 8th Infantry Brigade net*”, “*the Brigade net*”, “*the Pye Ulsternet*” and “*the Ulsternet*”. The communications between 8th Infantry Brigade and its subordinate battalions, and in particular 1 PARA, are central to our analysis of the events of Bloody Sunday.

The Guardnet

183.4 When the Ulsternet was introduced in 1970, the C42 Larkspur radios previously used to provide 8th Infantry Brigade’s forward link to its battalions were relegated to the status of a back-up net. Called the Guardnet, this was only to be used in the event of a failure of the Ulsternet. The various battalions were therefore on notice to maintain their capability to use the Guardnet at all times, although that could have meant no more than retuning a C42 radio to the Guardnet frequency. The Guardnet was less effective than the Ulsternet since it lacked the relay transmitters available on the Ulsternet. The control station on the Guardnet at 8th Infantry Brigade Headquarters was kept permanently open allowing this net to be used as the principal control for helicopters used on routine brigade tasks. There is no evidence to indicate any failure in the Ulsternet on 30th January 1972 that required the deployment of the Guardnet.¹

¹ [W305](#); [C2090.13](#); [Day 242/108](#); [C2091.12](#); [Day 244/6-9](#); [C1217.2](#)

Secure radio

183.5 It was widely known throughout the Army in Northern Ireland that the radio networks in use in 1972 (at all levels including brigade) were not secure and could be monitored by civilians.¹ Civilians could and did listen in to the security forces’ radio transmissions. James McCafferty, then a 17-year-old schoolboy, told us that his hobby was to listen to Army and police transmissions on his transistor radio.² As we discuss below,³ telephone lines used by the Army were sometimes intercepted.

¹ [Day 242/110-111](#); [Day 244/30](#); [Day 285/64](#); [C1830.2](#);
[Day 386/169](#)

² [AM60.1](#); [Day 179/26](#)

³ [Chapter 191](#)

183.6 An operational directive issued by Brigadier MacLellan dated 10th November 1971 referred to this lack of security.¹

¹ [G27.207](#)

(5) Communications. We must accept the fact that our Pye communications which can be picked up on transistor radios and TV sets, are completely insecure. No mention of future intentions is to be made over the Pye network unless the new fixed cursor SLIDEX code is used. All units are to ensure that normal Voice Procedure security is used by all ranks over our communication networks. Ordinary telephones may be used for restricted matters only in a guarded manner; privacy telephones can only be used for confidential administrative matters, and are NOT to be used for future operational intentions.

183.7 The SLIDEX system referred to in this operational directive was a manual encryption system in use throughout the Army. The system could be used both with Larkspur and Pye radios and relied upon code cards and an authentication chart. Lieutenant INQ 2090 told us that the SLIDEX system was “*terribly un-user-friendly*” and so was used as little as possible in the field during an operation.¹ Although the two available battalion signal instructions, including that for 1 PARA, refer to the SLIDEX system,² there is no evidence that it was used on 30th January 1972.

¹ W301-302; Day 242/117-118; Day 242/153-154;
Day 342/41-42

² W290; W364

183.8 Secure radio, which could not be listened to without authorisation, was available in 1972 to allow for communications between a brigade and its subordinate battalions. Often described as “*the secure means*”, the equipment used an adapted C42 Larkspur radio together with a piece of encryption equipment called the BID 150 and known as the “*green box*”.¹ The BID 150 was similar in size to the C42 radio and, like it, was not portable. To maintain security, the cryptographic cards used in the BID 150 were changed on a daily basis.² In the course of the oral hearings it became common to refer to the entirety of the secure means (ie radio and green box) as “the BID 150”. As noted in the introduction to this part of the report, the question of whether a secure link between 8th Infantry Brigade and 1 PARA was available and used on Bloody Sunday was a matter of controversy. We consider this below,³ but first it is helpful to explain further how the BID 150 worked.

¹ W301; Day 242/69

³ Chapter 189

² C2090.14

183.9 In 1972, the BID 150 was so highly classified that contemporary photographs show it hidden under a blanket. It operated on a separate frequency to that utilised by either the Guardnet or the Ulsternet. When in operational use batteries, separate from those used to power the C42 radio, powered the green box. These gave the equipment an

operational time of about eight hours, though that could be less if there was heavy radio traffic on the secure means. The equipment was difficult to use and its sound quality poor. The BID 150 automatically encrypted and decrypted a transmitted message. There was no restriction on the type of message that could be sent on the system. While the users would hear normal speech, anyone intercepting the transmission would encounter encrypted speech.¹

¹ W301; C2090.14; Day 242/129-130; Day 242/150; Day 242/166-167; Day 242/171-172; Day 244/46-47; C2033.3

183.10 Such was the sensitivity of the equipment that it had to be held in a secure environment. When it was not so held, it was permanently manned. According to Lieutenant INQ 2090, it was more often the case that the BID 150 was both kept in a secure environment and permanently manned. It could be kept in a building or mounted in a vehicle. The BID 150 was not broadcast on a speaker. When in use it was manned by a signaller who could receive and transmit messages using a special headset and microphone and keep a log to ensure that the equipment was working properly. A number of former soldiers recalled that the BID 150 made an audible and regular beeping sound when in use which stopped when a transmission was about to be made. A secure “*tinsel tail*” could be used to link a BID 150 housed in a Land Rover or a radio room to an operations room or office. The tinsel tail would lead to a remote handset known as an RCDM box. This was a black telephone on a red box and nicknamed the “red handset”. Where a transmission was not answered directly on the remote handset, then the signaller manning the BID 150 could use a remote buzzer to alert an officer.¹

¹ Day 242/111-112; Day 242/126-129; Day 242/166-169; Day 244/5; Day 244/9-11; Day 244/32-35; Day 352/118-119; Day 241/57; C2006.5; Day 386/166; C1770.4; C1853.4; Day 255/67

Chapter 184: Observers on the 8th Infantry Brigade net on 30th January 1972

184.1 There were two significant stations on the 8th Infantry Brigade net which could be described as observers.

184.2 The first was Major General Robert Ford. His aide-de-camp, Captain INQ 2, drafted an Operation Order for General Ford's personal staff that dealt with the General's visit to Londonderry on 30th January 1972. That order shows that all the vehicles carrying General Ford and his staff were to be equipped with Pye Westminster radios, so allowing access to the 8th Infantry Brigade net. General Ford's Land Rover also carried a C42 radio, which meant that his signaller could have monitored a particular battalion net if provided with the correct frequency. The Operation Order also records that it was not necessary for a BID 150 to be fitted.¹

¹ [C2.24](#); [C2.24.1](#); [C2.25](#)

184.3 The second station was a helicopter. In his written statement to this Inquiry, Brigadier MacLellan told us that, having issued the Brigade Operation Order dated 27th January 1972, he had decided to use an observer in a helicopter to provide him "*with an extra eye on the situation*". He selected Lieutenant Colonel Peter Welsh, the Commander of 2 RGJ, to act as that observer.¹ While the statement does not explain when Colonel Welsh was tasked with this role, Brigadier MacLellan did accept in his oral evidence to us that he gave Colonel Welsh an informal briefing before he went to a helicopter.² Brigadier MacLellan's evidence to the Widgery Inquiry records that the only additional instruction he gave, following on from his co-ordinating conference on 28th January, was on the morning of Bloody Sunday when he tasked Colonel Welsh to "*observe and report on the event from a Sioux helicopter*".³ The recollection of Lieutenant Colonel Michael Steele, the Brigade Major, was that Colonel Welsh was tasked as an observer at the co-ordinating conference.⁴

¹ [B1279.035](#)

² [Day 264/28](#)

³ [B1232](#); [WT11.11](#)

⁴ [B1315.006](#); [Day 266/84](#); [Day 268/88-92](#)

184.4 Colonel Welsh told the Widgery Inquiry that he volunteered to take on the role of the aerial observer on Bloody Sunday itself. In his written statement to this Inquiry, Colonel Welsh told us that he thought that he had been asked to act as an observer at the

Brigade co-ordinating conference. However, he could not be sure whether that recollection, or his 1972 account, was the correct one. When he gave oral evidence to us, Colonel Welsh indicated that he preferred his 1972 account.¹

¹ [B1334](#); [WT10/56](#); [B1340.002](#); [Day 282/22-23](#); [Day 282/42-43](#); [Day 282/74-75](#)

184.5 A detachment of three Bell 47 Sioux helicopters formed Kangaw Flight of 3 Commando Brigade Air Squadron. The flight was based at Ballykelly Barracks (sometimes known as Shackleton Barracks), which was also the base for 2 RGJ in January 1972. The command of the flight was shared by Captains INQ 2054 and INQ 2088.¹ The two-man Sioux helicopter carried two radios, one to communicate with other aircraft and air traffic control, the other a Pye Westminster which allowed it to communicate on the 8th Infantry Brigade net.²

¹ [C2054.1](#); [C2088.1](#); [C2054.10](#)

² [C2088.2](#); [C2054.11](#)

184.6 The Sioux helicopter in which Colonel Welsh was a passenger was piloted by Captain INQ 2088. The evidence indicates that this helicopter was in the air from approximately 1345 hours and used the call sign 61 Yankee on the 8th Infantry Brigade net. At about 1615 hours it was relieved by a second Sioux helicopter, piloted by Captain INQ 2054 with Corporal UNK 555 as an observer. This helicopter used the call sign 61 Delta on the 8th Infantry Brigade net and remained airborne until approximately 1745 hours.¹

¹ [C2054.2](#); [C2054.28](#); [C2054.40](#); [C2088.3](#); [C2088.52](#); [W108](#) serial 27; [W130](#) serial 403

184.7 Colonel Welsh was able to speak to Captain INQ 2088 via the helicopter's intercom. The evidence of both was that Colonel Welsh operated the Pye radio.¹ Neither of the two Sioux helicopters was equipped with a camera.² Another helicopter, a Westland Scout, was used to record footage of the march.³

¹ [C2088.2](#); [WT10.56](#); [B1340.002](#)

³ [C2030.1](#); [C2030.2](#)

² [C2054.2](#); [B1335](#)

Chapter 185: The Army monitoring of radio nets on 30th January 1972

185.1 In 1971, the 8th Infantry Brigade tactical headquarters (Tac HQ) was relocated from Victoria Barracks to Ebrington Barracks, so placing the Brigade's main and tactical headquarters at the same location. On 30th January 1972, the focus of the 8th Infantry Brigade Tac HQ was the Operations Room. This was on the top floor of a two-storey building located within a secure compound at Ebrington Barracks. Immediately below was the communications centre (COMCEN), which housed the radio room. Usually manned by two or three signallers from Alpha Troop of the 8th Infantry Brigade Signal Squadron, the radio room held a Pye Westminster radio and a C42 radio for the 8th Infantry Brigade net and Guardnet respectively. Both nets were broadcast on speakers in the radio room, although headphones could be used for the C42 radio. There were no headphones available for the Pye radio.¹

¹ [C2090.2-3](#); [Day 242/123-125](#); [C1508.1](#); [C1508.2](#); [C2086.3](#)

185.2 The task of the signallers manning the Pye Westminster and C42 radios in the radio room was to monitor radio traffic to ensure that the equipment was working properly. In order to do so, they would perform occasional radio checks and maintain a log of the transmissions on a particular network. On 30th January 1972, Lance Corporal INQ 1508 manned the Pye Westminster set in the radio room at Ebrington, and so monitored the 8th Infantry Brigade net. Lance Corporal INQ 1508 began his shift at 0825 hours and finished at 1757 hours.¹

¹ [C1508.1](#); [C1508.2](#); [W61](#); [W86](#)

185.3 The recollections of the officers based at Ebrington Barracks differed as to the precise arrangement of the rooms on the upper floor of the 8th Infantry Brigade Headquarters building. This may have been not only due to the passage of time, but also because it seems that the building was renovated shortly after Bloody Sunday. What is certain is that as well as the Operations Room, the top floor accommodated offices for Brigadier MacLellan and the Brigade Major Colonel Steele, as well as Major INQ 1900, who was the Deputy Assistant Adjutant and Quartermaster General (known as the DQ and responsible for personnel and logistics matters), and Captain INQ 1803, the staff officer responsible for intelligence and security.¹

¹ [C2086.3](#); [C2086.8](#); [C2091.4](#); [WT16.69](#); [Day 267/13-14](#); [Day 267/58-59](#); [B1315.154](#); [Day 253/87](#); [C1900.1](#); [C1900.3](#); [C1803.4](#)

185.4 Cables connected the radio hardware in the radio room to “remotes”, ie speakers and handsets, in the Operations Room.¹ As to the layout of the Operations Room itself, witnesses described a long and narrow room with large windows overlooking the River Foyle. Maps of Northern Ireland and the city and county of Londonderry were pinned to a wall. Covered in plastic, these could be marked in pen. Staff on duty in the Operations Room sat at a Formica desk above which were speakers broadcasting the transmissions on the 8th Infantry Brigade net and Guardnet. On the desk were the handsets to allow Operations Room staff to transmit on these networks, and a number of telephones.² It seems that the Operations Room also held desks for some staff officers such as Major INQ 1770, whose role included dealing with community relations.³ The 8th Infantry Brigade net was also broadcast on a speaker in Brigadier MacLellan’s office. Colonel Steele did not have a speaker in his office.⁴

¹ [C2090.3](#)

³ [C1770.1](#); [C1770.3](#)

² [Day 241/84](#); [C1901.1](#); [C2091.4](#); [C2091.5](#); [C2086.3](#); [WT11.11](#)

⁴ [Day 262/30](#); [Day 267/14](#); [JL1.2](#); [WT17.20](#)

185.5 In the Operations Room, a junior officer on the 8th Infantry Brigade staff would be tasked with monitoring the radio communications being transmitted on the 8th Infantry Brigade net and Guardnet, recording them in a log and responding to them where necessary. A clock on the wall allowed the officer to record when communications were received or sent.¹ Tasked specifically for this role, these junior officers were called watchkeepers. It was not necessary for a watchkeeper to come from the Royal Corps of Signals. The Historical Record of 8th Infantry Brigade Headquarters and Signal Squadron shows that there were three watchkeepers on the 8th Infantry Brigade staff at any one time in the period between 1st September 1971 and 1st April 1972.² On 30th January 1972, the watchkeepers were Lieutenant INQ 2091, Lieutenant INQ 2086 and Captain INQ 1987.³

¹ [C2091.5](#)

³ [C2091.1](#); [C2091.3](#); [C2086.3](#)

² [W351](#); [W352](#)

185.6 The watchkeepers worked under the supervision of Major INQ 1901, the Operations Officer, who was responsible for the day-to-day running of the 8th Infantry Brigade Operations Room. According to Lieutenant INQ 2086, *“If there was a major incident, the GSO3s [ie more senior staff officers] would take over, and the watchkeeper would stand aside.”* Usually only one watchkeeper would be on duty at any one time, working a 12-hour shift. During an operation two watchkeepers might be on duty together.¹

¹ [C1901.1](#); [Day 244/23-26](#); [C2086.3](#)

185.7 The position seems to have been different on Bloody Sunday. Major INQ 1900 drew a distinction between officers at the level of Lieutenants INQ 2091 and INQ 2086, whom he termed assistant watchkeepers, and more senior staff officers at the level of (and including) Major INQ 1901, whom he termed watchkeepers. The recollection of Major INQ 1900 was that the assistant watchkeepers maintained the log in the Operations Room. The evidence of Lieutenant INQ 2091, however, was that more senior officers took on the task of watchkeeping the 8th Infantry Brigade net on Bloody Sunday. The regular assistant watchkeepers were relegated to a secondary role. His recollection was of coming on duty in the morning and being tasked to assist in the watchkeeping of the Guardnet and also in taking phone calls and messages. Lieutenant INQ 2086 had completed his shift in the Operations Room at 0800 hours that morning. He was summoned back to the Operations Room and reached it some time after 1600 hours. He described that day as being the only time he saw three watchkeepers on duty. As he had no role he was relegated to sharpening pencils for the watchkeepers. The only evidence regarding the third regular watchkeeper, Captain INQ 1987, was that of Lieutenant INQ 2091, who thought that the former might have been in the Operations Room that evening.¹

¹ [Day 241/33-36](#); [C2091.3](#); [Day 244/26-27](#); [Day 244/44](#); [C2086.5](#)

185.8 Whatever the precise staffing complement on the day, the evidence of those who were in the Operations Room on 30th January 1972 is that it was fully manned and crowded. It is likely that, given the extent of Operation Forecast, a decision was taken to use more senior and experienced officers to monitor the 8th Infantry Brigade net. As discussed below, the log kept in the Operations Room was intended to be a record of all messages received by, and sent from, that location. Its construction was a team effort.

185.9 At battalion level, watchkeepers would also have been assigned in each Tac HQ to monitor, and log in writing, radio transmissions on the 8th Infantry Brigade net and individual battalion nets. On 30th January 1972, these battalion Tac HQs were centred on an operations room in a building or a command vehicle parked in a static location, depending on their deployment. Both 1 R ANGLIAN and 1 CG, for example, based their Tac HQs in vehicles. The Tac HQ of 1 R ANGLIAN was located at Craigavon Bridge and centred on a box-type lorry converted for use as a command vehicle. This remained parked at the same location throughout the day. To quote Lieutenant INQ 1217, the 1 R ANGLIAN signals officer, the lorry was used “*in the same way as a portacabin would*

have been".¹ The Commanding Officer of 1CG based his Tac HQ in two vehicles, which initially moved around the area under his command. When the march began, he positioned his vehicles in the vicinity of Brooke Park, in the north-west of the city.²

¹ C1217.2; C1924.4

² C598.4; C598.12; Day 272/12-16

185.10 By contrast, 22 Lt AD Regt's Tac HQ was at Victoria Barracks, attached to Strand Road RUC station.¹ 22 Lt AD Regt shared this location with the RUC. On Bloody Sunday its Operations Room was on the first floor of the RUC station. Major INQ 1121, the second in command of 22 Lt AD Regt, was the most senior officer in the 22 Lt AD Regt Operations Room on Bloody Sunday. Responsibility for running the operations room fell to Captain INQ 406, the 22 Lt AD Regt Operations Officer.² Transmissions on the 8th Infantry Brigade net and the 22 Lt AD Regt battalion net were broadcast on speakers in the Operations Room, which was also equipped with two ordinary (civilian rather than military) telephones. On the day, the watchkeeper responsible for monitoring the 8th Infantry Brigade net was Lieutenant INQ 1041. A non-commissioned officer monitored the battalion net. A written log of the radio transmissions received and made by the Operations Room was maintained. From approximately 1400 hours to 1900 hours Lieutenant INQ 1041 kept the log. Indeed his superior, Captain INQ 406, blamed the poor quality of the resulting log on his own decision to assign the task to an inexperienced junior officer.³

¹ G89.545

³ Day 274/39-43; C1041.1-2

² C1121.2; C406.1; C406.5

185.11 1 PARA had a mobile Tac HQ. This was made up of a number of vehicles (including those for the battalion's Regimental Signal Officer (RSO) and Intelligence Officer). At its core was a command vehicle (sometimes referred to as the command post vehicle) nicknamed the Gin Palace.¹

¹ C720.1; C2006.1; C2006.26; C0233.1

185.12 Cramped and uncomfortable, the Gin Palace was a converted World War II-era Commer van, the rear of which had been divided into two sections, each with its own entrance. A hatch in the partition between the two sections allowed those in the front to communicate with those in the rear. The front section carried the radio equipment, functioning therefore as a radio room. A mains socket made it possible to connect the Gin Palace to the mains electricity supply, from which the radio batteries could be charged. Two signallers manned the radios, which, on Bloody Sunday, included a C42 Larkspur tuned to the 1 PARA battalion net and a Pye Westminster tuned to the 8th Infantry Brigade net. Each signaller kept a handwritten log of the radio traffic. The rear section of

the Gin Palace functioned as an operations room. It had a desk pushed up against one hard side of the van. A map, radio net diagrams and call sign lists were fixed above the desk. The 8th Infantry Brigade and 1 PARA nets were broadcast over loudspeakers. The rear section was manned by the Operations Officers who undertook the role of watchkeepers and maintained a log of the communications to and from the Gin Palace. Handsets on the desk allowed the watchkeepers to transmit on the radio nets.

- 185.13** On Bloody Sunday, the watchkeepers in the Gin Palace were Captain INQ 2033, the 1 PARA RSO, and Captain INQ 1853, the battalion's motor transport officer. The evidence of both officers is that they worked together to maintain the log and man both the Brigade and battalion nets. However, it appears that Captain INQ 2033 took primary responsibility for the 8th Infantry Brigade net and Captain INQ 1853 for the 1 PARA battalion net.¹

¹ C720.1; C720.2; C1853.1; C1853.2; Day 255/58-60; Day 255/64-66; Day 255/71; Day 255/131; C2006.4; C2033.1; C2033.2; Day 352/114-118; Day 352/120; Day 386/154-156

The production of radio logs

- 185.14** The Army's monitoring of its communications involved the use of two types of written log. The first was the log kept by a signaller as part of the process of ensuring that the communication system he was manning was working properly. The second was the log kept for operational purposes. Both types of log were maintained from the level of battalion up. However, during an operation of the sort which occurred on Bloody Sunday, it seems that a written log of the communications at company level would not have been kept.¹

¹ Day 324/39

- 185.15** The only example of a signaller's log we have is that kept by Lance Corporal INQ 1508 during his shift in the radio room at Ebrington Barracks, and to which we have already referred. This log, also described as a radio room log, was provided to the Inquiry in typescript form.¹ We were unable to trace the manuscript version. According to Lieutenant INQ 2090, it was very unusual for a signaller's log to be produced in

typed form. The logs were usually retained for a few weeks and then destroyed. Lieutenant INQ 2090 speculated that the log might have been typed up because of the significance of Bloody Sunday.²

¹ W61

² Day 242/129-133

185.16 It was the usual practice for the operations log to be typed up. Lieutenant INQ 2090 accepted that one of the functions of log-keeping was to enable those in operational control to provide accurate information to those who might be required to take action. The aim therefore was to produce a record of all the information that came into the Operations Room. That included the information received not only on the Brigade net but also by other means including telephone. As well as the watchkeepers, the Operations Officer and other staff officers might record (or cause to be recorded) information in the manuscript log. For example, the evidence of Lieutenant INQ 2086 was that it was not unusual for the Brigade Major, Colonel Steele, to come into the Operations Room and ask for something to be recorded in the log. In the Operations Room at 8th Infantry Brigade Headquarters, information was recorded in pencil on pro forma log sheets. Once a log sheet had been filled, it would be taken away immediately to be typed up by a clerk. The typed sheet would then be compared with the manuscript original for accuracy, significant errors corrected and copies distributed. The log was available to personnel in the Operations Room as an update of the progress of an operation.¹

¹ Day 241/33; Day 242/147; Day 244/39-40; C1901.2; Day 261/84-87; C1770.4; C1770.5; C2086.5

185.17 It was not always possible for a typescript version of the log kept at a battalion Tac HQ to be produced immediately. This was the case even for 22 Lt AD Regt, whose Tac HQ on Bloody Sunday was located at its permanent base at Victoria Barracks. Its Operations Officer, Captain INQ 406, told us that 22 Lt AD Regt had fewer clerks than 8th Infantry Brigade. His recollection was that the typed log (a compilation of the manuscript logs of the transmissions on the brigade and battalion nets, together with information received from other sources such as the RUC) would be prepared overnight.¹ For those battalions with a mobile Tac HQ it was inevitable that their operations logs could not be typed up immediately.

¹ C406.11; Day 274/48-50

185.18 In January 1972, Sergeant INQ 2006 was a member of the 1 PARA Signal Platoon.¹ He explained that in the Gin Palace the signallers each maintained a log in an A4-size book. These would not be typed up but retained until no longer required and then destroyed. The Operations Officers (Captain INQ 2033 and Captain INQ 1853) also maintained a log, which Sergeant INQ 2006 called a "battle log". His recollection was that this was also

a bound book in landscape format. However, the recollection of Captain INQ 1853 was that he and Captain INQ 2003 had separate blank pads on which they recorded information. The Gin Palace also used message pads known as “F Sigs 266”. These were used to contribute to the battle log information that reached the Gin Palace via other means. Following an operation, the manuscript logs compiled by the Operation Officers, together with the message pads, were handed to the battalion’s Intelligence Section to be typed up. The resulting typed log was an amalgam of this information.²

¹ C2006.1

² C2006.5-8; Day 386/157-161; C720.2; C720.3; C1853.3; C1853.4

185.19 We do not have any manuscript version of either the signallers’ logs or the operations logs relating to Bloody Sunday. The Inquiry was, however, provided with a number of logs in typescript form. These were:

- a) the operations room log for HQNI dated 22nd January 1972;¹
- b) the operations room log for HQNI dated 30th January 1972;²
- c) the operations room log for 8th Infantry Brigade dated 30th January 1972;³
- d) the radio room (signallers) log for 8th Infantry Brigade dated 30th January 1972;⁴
- e) the 1 PARA log dated 30th January 1972;⁵
- f) the 22 Lt AD Regt log dated 30th January 1972;⁶ and
- g) the 1 R ANGLIAN log dated 30th January 1972.⁷

¹ W1

⁵ W89

² W23

⁶ W93

³ W37

⁷ W100

⁴ W61

185.20 The typed versions of the operations logs were produced on sheets from a pro-forma pad. These all had the same format. An example – taken from the 8th Infantry Brigade log for 30th January 1972 – is shown below.¹ Each sheet is divided into columns. The first column (Serial) records the number for each entry in the log; the second (DTG or Date-time group) records the time. The third (To) and fourth (From) columns record who sent and who received the message. Where there is a blank, this indicates that the message was sent or received by 8th Infantry Brigade. The fifth column (Event) records the information received or transmitted by 8th Infantry Brigade. It is relevant here to highlight a common aspect of these logs. They were not verbatim transcripts of conversations on

a radio network. Rather, the watchkeeper sought to summarise the information being transmitted on the log sheet. The sixth column (Action) records any action taken as a result of an entry or entries in the log. For example, it can be seen at serials 79, 83 and 89 that information was passed to HQNI, Colonel Steele, the Brigade Major (abbreviated here to "BM") and Brigadier MacLellan (identified as "Comd"). The final column (Sign) records the initials of different individuals. Lieutenant INQ 2090 told us that the initials indicated the person responsible for the accompanying entry in the log,² a recollection with which Major INQ 1901 agreed.³ However, the top of each sheet has a space for the name of the log keeper. It may be therefore that these entries represent what another watchkeeper, Lieutenant INQ 1770, described as "*action taken as a result of an entry*" in the log.⁴ We note that there do not appear to be any entries in this final column in the various battalion logs available to us.

¹ W42

³ Day 261/87

² Day 244/40-41

⁴ C1770.4

LOG SHEET				SECURITY CLASSIFICATION		(REPEAT AT BOTTOM OF PAGE)		Form 85e 1 of 30	
Formation/Unit				Date		Log Keeper(s)		Sheet No.	
HQ 8 Inf Bde				30 Jan 72				SIX	
Serial	DTG	To	From	Event	Action	Sign			
(1)	(2)	(3)	(4)	(5)	(6)	(7)			
76	1429		61Y	500 people in field another 200 people on the way.					
77	1432		61Y	Ref Coaches. None arrived so far.		DD			
78	1435		61Y	Funeral Procession in Rossville Rd 25 strong. Going up Westland St.		DD			
79	1436		61Y	Crowd now 700 strong moving down Linsfort Drive, now in order to form up.	Passed to HQNI				
80	1439		61Y	They have an articulated lorry which they intend driving into the hollow square which they have formed to use it as a "speakers platform".					
81	1440		20D	Leaving now for city to relieve Q Harvey.					
82	1441		10G	All road blocks now in.					
83	1445		10G	2 occupied houses entered not searched; 15, Marlborough Rd. 37, Marlborough Av. Occupants complaining.	BM info'd.	DDX			
84	1446		12ANG	At B'well 25 youths attacking. Baton rds used to keep them away.					
85	1447		61Y	800 crowd on Inniscarra Rd leading SW.					
86	1448		61Y	Procession head at Rathlyn Drive, tail at Central Drive.					
87	1449			Head half way down Rathlyn Drive, tail still in Central Drive.					
88				Y4 changes under command 1 CG to 22 Lt to 1450 hrs.					
89	1450		HQNI	Major Robin Alers-Camley shot in Derry 2½ months ago (283J) died in UK today for CLF and Comd.	Comd info'd.	DD			
90	1454		61Y	Head of crowd entering Southway. Crowd now 1000. Tail of crowd leaving Linsfort Drive.		DD			
91	1456		60DR	Request to lift road blocks negative.					

185.21 With one exception, we have taken the timings recorded in the DTG column as recording when the entry was made; and have assumed that unless the message itself indicates otherwise, the entry was made as soon as the message in question was sent or received.

The exception is the 1 PARA log, the first page of which is shown below.¹ The first entry is timed at 1103 hours and the second at 1203 hours. Thereafter the timings on the log proceed in five minute blocks or larger; the larger blocks being multiples of five minutes. This approach seems to have been adopted for the rest of the log. When questioned about this, Captain INQ 1853 suggested that *"when things became busy either the times were blocked or they were blocked together and amalgamated by the person who typed the log sheet"*.²

¹ W89

² Day 255/146

SECURITY CLASSIFICATION RESTRICTED (REPEAT AT BOTTOM OF PAGE) Army Form B56 (Fads of 50)						
LOG SHEET						
Formation/Unit		Date		Log Keeper(s)		Sheet No.
1 PARA		30 Jan 72				One
Serial	DTG	To	From	Event	Action	Sign
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	1103	8 Bde	+	Bn now complete in base area (Drumahoe factory)		
2	1203	+	B30	At RV Comms good Route easy		
3	1240	+	B1	In Posn		
4	1245	+	B5	In Posn		
5	1250	+	B3	In Posn - All complete		
6	1320	+	B9	for Adjt ring Mr Piper Daily Mirror on Belfast 44251		
7	1345	All Stn	+	SITREP (1) Only reported sighting 50 pers Hamilton St/Anne St (2) No major incidents		
8	1345	+	B4	Have captured a wanted man	Info only	
9	1350	+	B4	Serials 2 - 17 complete except for closing ops.		
10	1400	All	+	Crowd moving along West Way about 500 strong and groups going to Blighs lane 4175664		
11	1415	BIC	+	Arrest Team at Fort George as planned		
12	1430	All	+	600 - 800 moving towards start of march at Bishops Field		
13	1440	All	+	700 moving to Linsford Drive 4117164 to playing fields		
14	1445	B9A	+	Watchdog Team at Fort George		
15	1450	All	+	Crowd between Linsford Dve/Southway heading South		
16	1500	All	+	41911577 head of crowd		
17	1500	All	+	200 past Blighs Lane down Lone Moor Road		
18	1500	+	8 Bde	Signal 301435Z Jan Conf		
19	1500	All	+	Crowd stopped at Junct Coach/Lone Moor Rd awaiting rest of of crowd. Crowd being addressed.		
20	1505	+	B9	Watchdog Team will be report to Tac and will stay here		

RESTRICTED

(11041) D4197912 2mm 2/71 G.W.B.L.24

185.22 Some entries on the 1 PARA log were given the same time, as shown by serials 34 to 36 in the log extract below¹ – all timed at 1630 hours. The first of these transmissions is from the Gin Palace (identified with a plus sign) to 8th Infantry Brigade Headquarters (identified as Bde), while the remaining two are transmissions to the Gin Palace (again identified with a plus sign). These transmissions could not have been made at the same time. Captain INQ 1853 suggested that the first entry might have been timed at 1630 hours

"and then three or four serials later it might have been 1640 and they were just spaced out by the person who compiled the log in the end". He suggested that it was unusual to give individual times to transmissions coming in at "*slightly different times*".²

¹ W90

² Day 255/146-147

32	1615	1 & 5	+	Have we made any arrests	Yes a number
33	1615	+	B5	Gunman. Pistol. Returned fire	Passed Bde
34	1630	Bde	+	2 shot civilians in area Chamberlain St. Medic needed	
35	1630	+	:	<u>B5, B5 Are secure in area William St.</u> One cas for Sp Coy	Medic passed
36	1630	+		Bn released to our command	
37	1635	9	A	Taxi on way to pick up 2 bodies.	
38	1640	+		Bodies to go to hospital with RMO	

Chapter 186: Civilian monitoring of Army and Royal Ulster Constabulary radio transmissions on 30th January 1972

186.1 In his written statement to this Inquiry, William O’Connell, who in 1972 was a member of the Internees’ Dependants’ Fund, recalled that as “*a result of the events at Magilligan [on 22nd January 1972] there was a sense of misgiving or trepidation that seemed to permeate throughout the community in the run up to Sunday 30 January*”.¹ As a consequence the Fund set up two listening stations to record Army and police radio communications on the day. These stations were set up on the premises of James Porter in William Street and at a house in Jacqueline Way in the Bogside, and began monitoring security force communications from Friday 28th January.² However, when he gave oral evidence to us, William O’Connell rather resiled from the suggestion that the Fund had set up these listening stations, seeming to suggest only that he was present when the listening station in Jacqueline Way was set up.³ Furthermore, Dr Raymond McClean, then the Vice-Chairman of the Internees’ Dependants’ Fund, on being shown William O’Connell’s written evidence, told us that he had never before heard of the Fund setting up listening stations in the days preceding Bloody Sunday.⁴ In these circumstances, while we are sure that there were listening stations, whether they were set up by the Internees’ Dependants’ Fund remains in doubt.

¹ [AO7.1](#)

² [AO7.2](#)

³ [Day 181/6-8](#)

⁴ [Day 175/60-63](#)

186.2 Patrick Clarke, an electrical engineer, was the person who set up the listening station at Jacqueline Way. In his written statement to this Inquiry, he described the habit of civilians listening to police and Army transmissions as a “*national pastime*”. However, he had never taped radio transmissions before Bloody Sunday. His decision to do so was prompted by a conversation with James Porter, a lecturer at Londonderry Technical College where Patrick Clarke had studied, and who was planning to record the radio transmissions made by the security forces. We consider James Porter’s evidence below. Patrick Clarke was also motivated to make a recording by his apprehension, in light of the events at Magilligan which he had witnessed; because he thought it important to have a record of the day; and, since he was attending the march, because he wished to listen to the recordings later. He told us that he had not been asked to set up a listening station by the Internees’ Dependants’ Fund.¹

¹ [AC154.1](#); [Day 204/57-60](#)

186.3 To describe Jacqueline Way as a listening station might be an exaggeration. Patrick Clarke tuned a radio to an Army frequency and then placed a tape recorder microphone in front of the radio speaker. He began listening to the transmissions on the evening of Friday 28th January 1972 but did not make any recordings until the day of the march itself. The transmissions were recorded in real time on ordinary analogue tapes, each side of which recorded 45 minutes of sound. Patrick Clarke attended the march and left it to his 12-year-old daughter to change over the tapes. The result was three or four tapes, only one of which apparently contained anything of relevance. Patrick Clarke's recollection was that, a month after Bloody Sunday, he passed that tape to James Porter. Unfortunately it was destroyed when James Porter's shop was firebombed in July 1972.¹

¹ [AC154.2](#); [AC154.5](#); [Day 181/40-41](#); [Day 204/55-56](#); [Day 204/60](#)

The Porter tapes and transcripts

186.4 In 1972 James Porter was, as he remained at the time of this Inquiry, a licensed radio amateur. A qualified electrical engineer, he ran an electrical and radio business with premises in William Street, as well as lecturing in electronics at Londonderry Technical College. James Porter's evidence was that he had begun to listen to police radio transmissions in 1968. Realising that the events occurring at that time in Northern Ireland were of historical interest, he decided to set up listening equipment and record the radio transmissions made by the security forces. Like William O'Connell and Patrick Clarke, to whose evidence we have referred above, James Porter was a member of the Derry Citizens' Central Council. In his written statement to this Inquiry, James Porter explained that part of his role on the Council was to record potentially historic events – as others involved with that body would have known. He provided tape recordings of the 1969 Battle of the Bogside, and gave evidence, to the Scarman Tribunal of Inquiry. A second reason given by James Porter for his listening to these transmissions was to have a "hotline" to alert him to potential riots in William Street, which might threaten his premises. James Porter told us that the police would normally telephone Protestant key holders "warning them there was a riot and get there to protect their premises if possible, but they never did it to any Catholic key holders. I happened to be a Catholic".¹

¹ [Day 181/38-39](#); [AP9.20.5](#); [AP9.18](#); [WT17.69](#)

186.5 By January 1972, James Porter was able to record police and Army transmissions simultaneously. Transmitted on different frequencies, these were recorded on two separate tape recorders, using receiving equipment built by James Porter himself. Working from the first floor of his shop at 38 William Street, James Porter recorded Army

radio transmissions on 28th, 29th and 30th January and 2nd February 1972, and RUC radio transmissions on 30th January 1972. The recording of the RUC transmissions was a continuous one. However, the tape recorder used to record the Army transmissions had “carrier control”, meaning that it recorded only actual transmissions. According to James Porter he was able to listen not only to the 8th Infantry Brigade net, but also to Army transmissions at battalion, company and platoon level.¹

¹ [Day 181/77](#); [AP9.39](#); [AP9.18](#); [AP9.20.3](#); [AP9.20.4](#); [AP9.20.14](#)

186.6 Shortly after Bloody Sunday, and having made copies of his recordings, James Porter sent his original tapes to a friend in the Republic of Ireland. It seems that they were not returned to him until 1992. In 1972, James Porter supplied copies of his recordings to John Hume, then the Member of Parliament for Foyle at the Stormont Parliament (though at the time of this Inquiry neither had a recollection of this happening) and to Radio Telefís Éireann (RTÉ) in the Republic of Ireland. James Porter’s evidence was that RTÉ then passed a copy of the Army recording to the Irish Department of Justice, which in turn supplied a transcript to the Widgery Inquiry.¹ That last detail would seem to be inaccurate. The Widgery Inquiry did have a transcript of the Army radio transmissions recorded by James Porter on Bloody Sunday, a copy of which was obtained by this Inquiry. However, it appears that this transcript was prepared on the instructions of the solicitor representing the families of the deceased at the Widgery Inquiry and submitted to that Inquiry by counsel instructed on behalf of the families of the deceased.² James Porter made a written statement for the Widgery Inquiry. He made his tape recordings available to that Inquiry but was not called to give oral evidence.³

¹ [AP9.18](#); [Day 180/18-19](#); [Day 181/92](#); [AP9.40](#); [AP9.72](#);
[AP9.20.13](#)

³ [AP9.18](#); [WT17.64](#)

² [WT10.57](#); [WT11.24](#); [ED69.1](#)

186.7 James Porter provided this Inquiry with copies of all the recordings he made on Bloody Sunday, together with his available recordings made on 28th January, 29th January and 2nd February 1972.¹ From the beginning of the Inquiry these recordings were known as “the Porter tapes”. He also provided transcripts of the recordings of Army transmissions on 28th January and 29th January 1972 to Meredith Elliot, a solicitor with the Inquiry.² British Irish Rights Watch, a non-governmental organisation, provided the Inquiry with transcripts

of James Porter's recordings of Army and RUC transmissions on 30th January 1972. These transcripts, described in our proceedings as "the Porter transcripts" were checked against the recordings themselves by Inquiry staff and amended where necessary.³

¹ AP9.20.2

³ W152; W225

² W14; W21

186.8

It is useful here to explain the format of the Porter transcripts. The example below is the first page of the transcripts of James Porter's recording of Army transmissions on Bloody Sunday.¹ Broadly speaking, it follows the layout of the Army logs as already described. The first column (item) contains a series of serial numbers, which relate to this transcript alone. The next two columns indicate by whom the communication was made and to whom it was directed. The next column (Event) is the transcript of what was said. A task undertaken by the Inquiry's staff was to cross-reference, where possible, a verbatim entry in the Porter Transcript with a shorthand entry in the 8th Infantry Brigade log. The penultimate column on the sheet (Serial #), therefore, gives the serial number of the corresponding entry in the 8th Infantry Brigade log for 30th January 1972. The final column (DTG) shows the time of that corresponding entry in the 8th Infantry Brigade log. This provides a useful means by which the transmissions recorded by James Porter can be timed.

¹ W107

Audio Tape 6
Tape Counter

020
1.00

TRANSCRIPT OF MR PORTER'S TAPES OF ARMY RADIO TRANSMISSIONS ON
30 JANUARY 1972
WITH 8 INFANTRY BRIGADE LOG ENTRIES

MR PORTER'S ARMY RADIO TRANSMISSIONS				8 INFANTRY BRIGADE LOG	
Item	To	From	Event	Serial #	DTG
1			... will be complete in five minutes. Over.		
2			Zero. Roger. Out.		
3	0	90A	Hello, Zero, this is 90A. 1301 (phone?) ... wait ... out. A busload of people has just debussed at the junction Hamilton Street/Foyle Street and has now moved up Hamilton Street. Over.	43	1305
4	90A	0	Zero. Roger. Out.		
5	0	54A	Hello, Zero, this is 54A. Positions 18, 19, 20, 21, and 22 and 23 are now complete. 24 is in the position in ... is in, ah, ah, being completed in about five minutes. Over.	44	1306
6	54A	0	Zero. Roger. Out.		
7	0	90A	Hello, Zero, this is 90A. The bang at 131 ... 1301 was in fact Felix blowing a lock to obtain entry in the derelict building. Over.		
8	90A	0	Zero. Roger. Out.		
9	0	90A	Hello, Zero, this is 90A. Serials 12 and 13 in position. Over.		
10	90A	0	Zero. Roger. Out.		
11	0	54A	Hello, Zero, this is 54A. Er, more stoning down at Brandywell at call sign Hotel 3's location, by about 15 chikoks stoning OPs 2, 3 and 4. Balon rounds have been fired and a few hits scored. Over.	48	1318
12	54A	0	Zero. Roger. Out.		
13	0	54A	Hello, Zero, this is 54A. We've just stopped somebody at a VCP junction Abercorn Road/Maureen Avenue. Has a shotgun and some cartridges. He appears to have a current licence. We're checking this out now. Over.	51	1337
14	54A	0	Zero. Roger. Out.		

The Porter recording of the 8th Infantry Brigade net transmissions on 30th January 1972

186.9 There is no dispute that the Army transmissions recorded by James Porter on Bloody Sunday were on the 8th Infantry Brigade net. Aside from the fact that the transcript of these recordings can be cross-referred to entries in the 8th Infantry Brigade log, there is other evidence to support that conclusion:

- Lieutenant INQ 2090 listened to an extract from the recording of Army communications on Bloody Sunday and was able to identify a “*perceptible double click*” at the end of that particular transmission, which he described as a hallmark of the Pye Ulsternet system.¹
- Colonel Steele, the Brigade Major, was able to recognise his own voice on the Porter tape, as were other officers based in the 8th Infantry Brigade Operations Room on Bloody Sunday.²
- Both Captain INQ 2033 and Captain INQ 1853 were able to identify their own voices on the Porter recording.³ The voices of both officers were also identified by Sergeant INQ 2006.⁴
- Colonel Welsh confirmed that transmissions he made on the 8th Infantry Brigade net appeared on the Porter tape.⁵

¹ Day 242/169-170

² Day 267/30-31; C1901.6; C1770.6; C1770.7

³ C2033.1; C1853.8; Day 255/59-61; Day 255/89-90

⁴ C2006.22; C2006.23

⁵ B1340.003

Chapter 187: Call signs

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187.1 When using a radio network at any level, the Army identified each station on the network with a unique designation known as a call sign. In a reflection of the hierarchy of radio networks in use, the call sign allocated to a particular station was dependent on the network to which that station belonged. However, it was always the case that the control station in a network would be given the call sign zero.¹ When recorded on the log, the control station (usually the tactical headquarters (Tac HQ) for an operation) is sometimes identified with a plus sign or a blank.²

¹ [Day 244/15](#) ² [C2033.7](#)

The 8th Infantry Brigade net

187.2 On the 8th Infantry Brigade net it was usual to change the call signs on a daily basis as a security measure,¹ although the Signal Squadron had fixed call signs.² The majority of call signs allocated to the various stations on the 8th Infantry Brigade net on 30th January 1972 were in number format, with the operations room of 8th Infantry Brigade representing the control station. As discussed below, a minority were in the format digit–digit–letter. The call signs to be used on 30th January 1972 were distributed to all the battalions involved in Operation Forecast, including 1 PARA. They are listed in an annex to the 1 PARA signal instruction, which also shows that call signs used by 8th Infantry Brigade were changed on a daily basis.³ The details in this annex, together with a number of contemporaneous documents,⁴ form the basis of the table below, which lists the call signs used on the 8th Infantry Brigade net on 30th January 1972.

User	Call sign
8th Infantry Brigade HQ Operations Room	0 (Zero)
8th Infantry Brigade radio room	0C (Zero Charlie)
Major General Robert Ford, Commander Land Forces	74
Brigadier Patrick MacLellan, Commander, 8th Infantry Brigade	96
Helicopter carrying Lieutenant Colonel Peter Welsh	61 Yankee
Helicopter which replaced that carrying Colonel Welsh	61 Delta
Lieutenant Colonel Derek Wilford, Commanding Officer, 1 PARA	81
1 PARA Tac HQ	65
Lieutenant Colonel James Ferguson, Commanding Officer, 22 Lt AD Regt	79
22 Lt AD Regt Tac HQ	90
Lieutenant Colonel Roy Jackson, Commanding Officer, 1 R ANGLIAN	97
1 R ANGLIAN Tac HQ	54
1 R ANGLIAN – Strabane	54 Charlie
Commanding Officer, 2 RGJ	77
2 RGJ Tac HQ	94
2 RGJ – Magherafelt	94 Bravo
2 RGJ – Magilligan	94 Charlie
Lieutenant Colonel INQ 598, Commanding Officer, 1 CG	16
1 CG Tac HQ	76
Commanding Officer, 1 KOB	19
1 KOB Tac HQ	1
Commanding Officer, 3 RRF	26
3 RRF Tac HQ	38
30 FD SQN RE	93
EOD (Explosive Ordnance Disposal)	88
1 UDR (Ulster Defence Regiment)	68
5 UDR	17
General Officer Commanding	60

¹ C2086.4; Day 244/16

² Day 253/100-101

³ W292

⁴ W293; W294; W295; W296

187.3 It is useful to point out three features of this table:

- The call sign Zero Charlie (0C) identified the radio room at Ebrington Barracks.¹
- The table above does not list all those who would have had access to the 8th Infantry Brigade net. For example, General Ford's Royal Military Police escort also had a call sign on the 8th Infantry Brigade net.²
- In addition to the call signs listed above, each battalion on the 8th Infantry Brigade net had an Alpha call sign. For example, 22 Lt AD Regt had the call signs 90 and 90 Alpha (90A), while 1 PARA had the call signs 65 and 65A. The Tribunal heard evidence that the Alpha suffix was used to designate a shadow HQ, for example that operated by a second in command.³ Alpha could also be used to denote a forward or Tac HQ as distinguished from a battalion's main HQ.⁴ That seems to have been the case on 30th January 1972. Indeed, the annex to the 1 PARA signal instruction listing the call signs in use on that date identifies, for example, 90 and 54 as the call signs for the main headquarters of 22 Lt AD Regt and 1 R ANGLIAN respectively. The 8th Infantry Brigade order for Operation Forecast dated 27th January 1972, under the heading "*Tac Locations*", lists the positions of the Tac HQs of the various battalions deployed as part of the operation.⁵ At the time, the main headquarters of 1 R ANGLIAN was at Ebrington Barracks.⁶ This battalion had a box-bodied vehicle fitted out to be used as a Tac HQ.⁷ On 30th January 1972, this vehicle, parked at Craigavon Bridge, was used as the Tac HQ for 1 R ANGLIAN with the call sign 54 Alpha.⁸ 22 Lt AD Regt had been assigned the role of City Battalion in December 1971,⁹ with a Tac HQ located at Victoria Barracks.¹⁰ On 30th January 1972, the Tac HQ of 22 Lt AD Regt was at the same location and used the call sign 90 Alpha (90A).¹¹

¹ C1508.3² C2.24-25³ Day 244/17-18⁴ Day 244/62⁵ G95.575⁶ CJ2.10⁷ C1217.2⁸ CJ2.10; W107 serial 5⁹ G133.882¹⁰ G133.883; C406.2¹¹ W107 serial 7**187.4** It should be noted that 1 PARA's Tac HQ (often called the Gin Palace) used call sign 65 rather than 65 Alpha (65A).¹ The reason for this can be traced to the decision of Colonel Wilford to treat the Gin Palace as his main headquarters, with his own Rover Group (ie his vehicle) acting as the 1 PARA Tac HQ,² something which is reflected in the annex to the 1 PARA signal instruction.³¹ W110 serial 62² B1110.029³ W292

Battalion and company level

187.5 At battalion level, the Army used a fixed call sign system, with the various companies in a battalion being identified by a call sign in the format letter–digit. The letters used, known as call sign prefixes or fixed unit indicators,¹ were standard and did not change. For example, all battalions in the Parachute Regiment used Bravo (B) as a fixed prefix.² Each company in a battalion would then be identified by a fixed number. To take the example of an infantry battalion, A Company would have the number 1, B Company, 2, C Company, 3 and so on. Again, the control station on a battalion net (typically the Tac HQ) would be designated as zero.

¹ [G89.548; W364](#)

² [B1621.001](#)

187.6 Platoons, communicating on a company net, had double-digit call signs. The first digit identified the company to which a platoon belonged and the second that particular platoon. To continue with the example in the preceding paragraph, if we assume that A Company of 1 PARA was made up of three platoons, then the company's tactical headquarters on its company net would be given the call sign 10, the first platoon would be given the call sign 11, the second the call sign 12 and the third the call sign 13.¹ If a platoon operated its own radio net, then the sections making up that platoon would be identified by call signs in the format digit–digit–letter, with the first digit denoting the company, the second the platoon, and the letter the section. The platoon numbers would have run in a single sequence through the company. So, while the first platoon of the three making up A Company would have been given the number 1, the first platoon of the three making up B Company would have been given the number 4, and the first platoon of the three making up C Company would have been given the number 7.

¹ [C709.3](#)

187.7 The tables below show the call signs for the all the battalions (except for 1 PARA) deployed in Londonderry, and their constituent companies.

22 Lt AD Regt (call sign prefix: Hotel (H))¹

Call sign	User
Hotel 0 (H0)	Tac HQ, 22 Lt AD Regt
Hotel 1 (H1)	53 Battery, 22 Lt AD Regt
Hotel 2 (H2)	11 Battery, 22 Lt AD Regt
Hotel 3 (H3)	15 Missile Battery, 22 Lt AD Regt
Hotel 4 (H4)	42 Battery, 22 Lt AD Regt

2 RGJ (call sign prefix: November (N))²

Call sign	User
November 0 (N0)	Tac HQ, 2 RGJ
November 1 (N1)	A Company, 2 RGJ
November 2 (N2)	B Company, 2 RGJ
November 3 (N3)	C Company, 2 RGJ
November 5 (N5)	Support Company, 2 RGJ

1 R ANGLIAN (call sign prefix: Quebec (Q))³

Call sign	User
Quebec 0 (Q0)	Tac HQ, 1 R ANGLIAN
Quebec 1 (Q1)	A Company, 1 R ANGLIAN
Quebec 2 (Q2)	B Company, 1 R ANGLIAN
Quebec 3 (Q3)	C Company, 1 R ANGLIAN
Quebec 5 (Q5)	Support Company, 1 R ANGLIAN

1 CG (call sign prefix: Sierra (S))⁴

Call sign	User
Sierra 0 (S0)	Tac HQ, 1CG
Sierra 1 (S1)	1 Company, 1 CG
Sierra 2 (S2)	2 Company, 1 CG
Sierra 3 (S3)	3 Company, 1 CG

1 KOB (call sign prefix: Yankee (Y))⁵

Call sign	User
Yankee 0 (Y0)	Tac HQ, 1 KOB
Yankee 1 (Y1)	A Company, 1 KOB
Yankee 2 (Y2)	B Company, 1 KOB
Yankee 3 (Y3)	C Company, 1 KOB
Yankee 4 (Y4)	D Company, 1 KOB

3 RRF (call sign prefix: Foxtrot (F))⁶

Call sign	User
Foxtrot 0 (F0)	Tac HQ, 3 RRF
Foxtrot 1 (F1)	A Company, 3 RRF
Foxtrot 5 (F5)	Support Company, 3 RRF

¹ [G89.548](#); [W295](#); [Day 274/46](#); [C1041.3](#)

² [G89.548](#); [W295](#); [W296](#)

³ [G89.548](#); [W295](#); [W296](#)

⁴ [G89.548](#); [W296](#)

⁵ [G89.548](#); [W295](#)

⁶ [G89.548](#); [W295](#)

1 PARA

187.8 Annexed to the 1 PARA signal instruction is a diagram showing the battalion's radio network for 30th January 1972. The stations are identified solely by call sign. The table below shows the units and individuals to whom these call signs were allocated. Mention should be made of the Recce Platoon, a distinct sub-unit, which in the Parachute Regiment had a separate reconnaissance and observation role. The evidence, however, is that 1 PARA did not have a recce platoon in January 1972.¹

1 PARA battalion net (call sign prefix: Bravo (B))²

Call sign	User
Bravo 0 (B0)	Tac HQ, 1 PARA (the Gin Palace)
Bravo 1 (B1)	A Company, 1 PARA
Bravo 3 (B3)	C Company, 1 PARA
Bravo 4 (B4)	D Company, 1 PARA
Bravo 5 (B5)	Support Company, 1 PARA
Bravo 9 (B9)	Colonel Wilford's vehicle
Bravo 9A (B9A)	Major Nichols, second in command, 1 PARA
Bravo 60A (B60A)	Recce Platoon
Bravo 61A (B61A)	
Bravo 62A (B62A)	
Bravo 81 (B81)	Colonel Wilford (portable radio)
Bravo 83 (B83)	Medical Officer
Bravo 92 (B92)	Captain INQ 2033, Regimental Signal Officer, 1 PARA
Bravo 93 (B93)	Captain INQ 7, Intelligence Officer, 1 PARA

¹ [Day 386/15](#); [Day 324/43](#)² [G89.548](#); [W291](#); [W295](#); [W296](#); [C2033.5](#); [W345](#); [B2022.057](#); [B2022.002](#)

187.9 Again, there are some general points to make concerning the use of call signs at battalion and company level:

- The Commanding Officer of a unit or sub-unit, be it a battalion, company or platoon, was always given the designation '9'. So, on the 1 PARA battalion net, Colonel Wilford's vehicle would have had the call sign Bravo 9 (B9).¹ His second in command had the call sign Bravo 9A (B9A).² The call sign of Major Loden, the Officer Commanding Support Company (call sign Bravo 5 (B5)), would have been Bravo 59 (B59).³
- A company attached to another battalion for the purpose of a particular operation would operate on that battalion's net but still retain its call sign.⁴ For example, and as discussed elsewhere, D Company of 1 PARA was attached to 22 Lt AD Regt as part of Operation Forecast, but retained its call sign Bravo 4 (B4).⁵

- In certain circumstances, it was necessary for the control station on a network to contact all the other stations at the same time. In those situations a collective call sign was used. A transmission from the control station to call sign Charlie Charlie (recorded as “CC” in a log) was intended for all Company Commanders. If the transmission was to “Charlie Charlie 1” (recorded as “CC1” in a log), the transmission was meant for all companies and units under command.⁶

¹ C2006.13

⁴ Day 274/44-47

² C2006.14; C1027.4; W90

⁵ W295

³ C2033.9

⁶ C2033.4; W289; Day 274/51

187.10 The proper use of the correct call sign ensured firstly that the station communicating on a particular radio network could easily be identified by all other stations on that network. When Colonel Wilford used the Ulsternet to communicate with the Gin Palace, he used his Ulsternet call sign, 81.¹ Second, it ensured that if information was being given up the chain of command about the deployment of a sub-unit, that sub-unit was clearly identified. On 30th January 1972, 15 Missile Battery of 22 Lt AD Regt was attached to 1 R ANGLIAN. When the 1 R ANGLIAN Tac HQ reported to 8th Infantry Brigade that shots had been fired at the 15 Missile Battery location, it identified this sub-unit using company call sign Hotel 3 (H3).² When 1 R ANGLIAN subsequently reported to 8th Infantry Brigade that shots had also been fired at one of its sub-units at another location, it was able to identify the unit with more precision, using the call sign Quebec 21 (Q21).³ Quebec would have identified the battalion as 1 R ANGLIAN, the first digit (2) would have identified the relevant company as B Company of 1 R ANGLIAN and the final digit (1) would have identified the first platoon of that company.

¹ W112 serial 90

³ W135 serial 492

² W134 serial 462

Chapter 188: Code words and nicknames

188.1 Hitherto, we have discussed the use of call signs consisting of number and letter combinations. The units deployed on 30th January 1972 would also have been provided with code words for use on their radio nets. These would have been used to impose, break or lift radio silence and would have been unique to each network. So the code words used on the 1 PARA battalion net¹ differed from those used on the 1 R ANGLIAN battalion net.²

¹ [W289](#)

² [W364](#)

188.2 More important to the understanding of the radio logs is an explanation of the various nicknames that were used to describe both entities such as the Royal Ulster Constabulary and the Royal Military Police and also objects such as the water cannon deployed by the Army on the day. By way of assistance the following table explains the nicknames to be found in the logs.¹

¹ [W289](#); [B1621.001](#); [C1027.4](#); [C2006.14](#); [C2033.6](#); [W89](#) serial 14; [C1853.6](#); [Day 285/62](#)

Nickname	Identity
Sunray	A commander (at any level)
Rover	A commander's vehicle
Seagull	8th Infantry Brigade Brigade Major (Colonel Steele)
Rucksack	Royal Ulster Constabulary
Watchdog	Royal Military Police
Neptune	Water cannon
Felix	Ammunition Technical Officer (ATO)
Holdfast	Royal Engineers

Chapter 189: The BID 150 radio link

189.1 The representatives of the majority of the families submitted that Colonel Wilford received no order to mount an arrest operation.¹ Within the context of this submission it was asserted that *“the question of whether 1 Para received an order at all rests entirely on the existence and use of a secure net. It is submitted that there was no secure net, and that even if there was, it was not used to convey any order to go in.”*²

¹ [FS1.885-904](#)

² [FS1.886](#)

189.2 For the reasons we gave when considering the events of Sector 1,¹ we have no doubt that Brigade did give orders to 1 PARA in the terms set out in the Brigade log, namely orders for one company to do a scoop-up operation through Barrier 14 and *“Not to conduct running battle down Rossville St.”*;² and that these orders were received by 1 PARA. Contrary to the assertion made in the submission noted above, the question whether 1 PARA received orders from Brigade does not rest on the existence and use of a secure net, but on the facts and matters to which we have drawn attention, including in particular the fact that radio messages sent after the arrest operation had been launched are only explicable on the basis that Brigade had given these orders.

¹ [Paragraphs 20.32–47](#)

² [W47](#) serial 159

189.3 Since we have concluded that these orders were sent and received, the means by which this was done becomes of secondary importance. Those concerned with sending and receiving the orders told us that the BID 150 secure radio link was used. Since in our view they told us the truth about the orders being given, received and recorded in the logs, these witnesses would have had no reason to lie about the means that were employed to send the orders.

189.4 The Porter tapes contain no record of the orders, which shows that the orders were not given over the open Brigade network. They must therefore have been given by other means.

189.5 While there is evidence in both oral testimony and in statements to the Inquiry that a BID 150 was available and used that day, there is no contemporary documentary evidence to show that it was either available or used that afternoon. There is no mention, for example, of a secure network either in the Brigade orders¹ or in the 1 PARA signals instruction.² The reason for this might well be the extreme secrecy surrounding this equipment, to which we have referred earlier.³

¹ [G95.564-G95.580](#)

³ [Paragraphs 183.9–10](#)

² [W287](#)

- 189.6** The representatives of the majority of the families pointed out that there were radio messages on the open network before the soldiers went into the Bogside, which would have made clear to anyone listening that 1 PARA was contemplating an arrest operation. They submitted that this demonstrated that had a secure network been in place, those messages would have been transmitted over it to ensure secrecy and surprise.¹
- ¹ [FS1.886](#)
- 189.7** The first mention of the BID 150, and the only written mention of it before 30th January 1972, is found in minutes relating to General Sir Michael Carver's visit to Northern Ireland on 15th–17th December 1971. The minutes, prepared by General Carver's military assistant, Colonel David Ramsbotham, contain a request for four "*BID 150 equipments*" for 8th Infantry Brigade.¹ When questioned by the Inquiry, Colonel Ramsbotham said that the request was for additional sets to those already held by 8th Infantry Brigade, and that these were required to expand the secure net in case additional units were allocated to 8th Infantry Brigade.²
- ¹ [G43.279](#) ² [Day 254/116](#)
- 189.8** The two senior officers of 8th Infantry Brigade Signal Squadron, which was stationed at Ebrington Barracks, were Major INQ 1927, the officer commanding the squadron, and his second in command, Captain INQ 1903.
- 189.9** Major INQ 1927, who lives outside the United Kingdom, did not make a written statement to this Inquiry nor did he give oral evidence. The Inquiry staff prepared a summary of the information provided by him.¹ That summary was to the effect that he was on duty in the Operations Room at Ebrington Barracks on the day and that there was a secure BID 150 link between 8th Infantry Brigade HQ and all battalions on duty in the city. His job was to maintain the communications systems and he was not concerned about the content of the transmissions. He assumed that references in the Porter tapes to "*other means*" at serials 85 and 92 of the Porter transcripts² probably meant the secure link, although they might have referred to a General Post Office telephone line. However, he considered it unlikely that 1 PARA had such a telephone that day.
- ¹ [C1927.1-2](#) ² [W112](#)
- 189.10** Captain INQ 1903 told us that Major INQ 1927 was on leave at the time, that there was a secure BID 150 network and that Warrant Officer Class II INQ 2101, the Yeoman of Signals, whom the Inquiry was unable to contact, was responsible for issuing the BID 150 encryption cards.¹ Differing from Colonel Ramsbotham, Captain INQ 1903 believed that 8th Infantry Brigade did not have BID 150 equipment before the December request to

General Carver, but that it was in place by 30th January 1972.² Although he was certain there were secure links from Brigade to the resident battalions, he was not “*specifically aware*” that there was a link to 1 PARA, who would have had to be supplied with BID 150 cards containing the local codes.³

¹ C1903.1; C1903.2; Day 243/85; Day 253/88; Day 253/108 ³ Day 253/117-118

² Day 253/115-116

- 189.11** Colonel Steele told us that he gave the order for the arrest operation to 1 PARA over the BID 150 radio link¹ and that, to ensure surprise, only two BID 150 sets were used that day.² He said that the BID 150 equipment was in a Land Rover outside the building with a lead through a window to a handset in his office, from where he gave the order.³

¹ B1315.009

³ Day 267/8

² B1315.006; Day 367/14-16

- 189.12** Major INQ 1900, the Deputy Assistant Adjutant and Quartermaster General, who had recently returned to the Operations Room, did not recall hearing the order to commence the arrest operation being given, but recalls Major INQ 1901, the Operations Officer, ordering the Assistant Watchkeeper to record the order in the log, where it appears as serial 159.¹ Major INQ 1900 said that either Brigadier MacLellan or Colonel Steele “*would*” have given the order to the Commanding Officer of 1 PARA on the secure link.² Major INQ 1901, who was “*almost*” certain that there was a secure link from 8th Infantry Brigade to 1 PARA,³ did not recall telling a watchkeeper to record the message recorded at serial 159, although it was “*Entirely possible*” that he did.⁴

¹ W47; C1900.3

³ Day 261/90

² Day 241/40

⁴ Day 261/93

- 189.13** Lieutenant INQ 1770, who was in the Operations Room, told us that a secure radio and telephone link were both available¹ but that he did not recall hearing the order being recorded in the Brigade log.²

¹ C1770.4

² C1770.5-6

- 189.14** Lieutenant INQ 2090 was the Commander of A Troop of the 8th Infantry Brigade Signal Squadron, which was responsible for running the radio room and manning the radio equipment. He told this Inquiry that on Bloody Sunday there was a secure radio network that used BID 150 equipment, although he could not recall whether it was held in a parked Land Rover or in the Operations Room.¹ He told us he would “*guess*” that 1 PARA would have picked up a BID 150 from 8th Infantry Brigade.²

¹ C2090.3; Day 242/113

² Day 242/115

189.15 Lieutenant INQ 2086, who made, but did not sign, a written statement to this Inquiry, told the Inquiry's interviewers that he was a watchkeeper who regularly manned the radios in the Operations Room. He said that he was not in the Operations Room when the order to commence the arrest operation was given,¹ but that there was no BID 150 in the Operations Room at the time of Bloody Sunday, although it was possible, as Colonel Steele had said, that there was a BID 150 handset in his office.²

¹ C2086.5

² C2086.4; C2086.6

189.16 Lieutenant INQ 2091, a watchkeeper on duty in the Operations Room, did not recall seeing any equipment in the Operations Room that might have been used to operate a secure network. He did not record any message on a secure network and doubted whether there was a secure link into the building.¹

¹ C2091.5; Day 242/32-33

189.17 Lance Corporal INQ 1508, a member of 30 Signal Regiment, was in Northern Ireland from November 1971 to March 1972. He said that a BID 150 network was available during his time there, although he did not have cause to use it.¹

¹ C1508.1

189.18 Members of 1 PARA on duty on Bloody Sunday in the command post vehicle (the Gin Palace), one of the vehicles that made up the battalion's tactical headquarters, said that they had and used a secure BID 150 system that day and that it was located in the Gin Palace.

189.19 Captain INQ 2033, the Signals Officer for the battalion, said that this vehicle had no command function on Bloody Sunday, acting merely as a relay station for battalion communications.¹ He told us that the battalion received a BID 150 set from 8th Infantry Brigade² and that it was used on the day.³

¹ C2033.1

³ Day 352/190

² C2033.3-4

189.20 Sergeant INQ 2006, a signaller, told us that the Gin Palace was equipped with a BID 150¹ which he manned,² and that he received the message to commence the arrest operation from Colonel Steele over that link.³ He said that he then passed the receiving set to one of the watchkeepers to receive fuller instructions.⁴

¹ C2006.5

³ C2006.12; C2006.19; Day 386/170-171

² Day 386/162

⁴ Day 386/186-187

- 189.21** Captain INQ 1853, a watchkeeper, told us that there was a secure link from the Gin Palace to 8th Infantry Brigade by means of a BID 150, the only secure link available to the battalion that day.¹ He said he did not remember the order being given,² perhaps because he had left the Gin Palace at the time when this occurred.³
- ¹ [C1853.4](#); [Day 255/69](#) ³ [C1853.4-5](#)
² [Day 255/92-94](#)
- 189.22** Sergeant INQ 720, a signals Sergeant, told us that the Gin Palace was equipped with a BID 150¹, but had “*no memory*” of what he saw or heard during the day.²
- ¹ [C720.2](#) ² [C720.2-3](#)
- 189.23** There are differing views among soldiers of the resident battalions on the day about whether BID 150s were in use that day. Captain INQ 406, the Operations Officer for 22 Lt AD Regt, is “*absolutely clear*” that his unit had a switched-on BID 150 set on the day,¹ while Lieutenant Colonel Roy Jackson, the Commanding Officer of 1 R ANGLIAN, told us that his battalion did not have access to a secure link on the day or at any time during his command.²
- ¹ [C406.5-6](#); [Day 274/36-37](#) ² [CJ2.10](#); [Day 285/64](#); [Day 287/31-32](#)
- 189.24** Somewhat similarly, Lance Corporal INQ 245, a radio operator with 1 CG, thought that the battalion had a BID 150¹ while Lieutenant Colonel INQ 598, the Commanding Officer of 1 CG, had no recollection of the battalion having a secure link by means of a BID 150.²
- ¹ [C245.2](#) ² [Day 272/46-47](#)
- 189.25** Lieutenant INQ 1217, the Signals Officer for 1 R ANGLIAN, could not recall whether the battalion had a BID 150, but told us he would be amazed if it did not.¹
- ¹ [C1217.2](#)
- 189.26** In addition to the evidence mentioned above, there are numerous messages between 8th Infantry Brigade and 1 PARA recorded in the Porter tapes that refer to “*secure*” or “*other*” means.¹ Some at least of these seem to us to be references to the BID 150 radio link. There are also references in the Porter tapes to “*other*” means in messages between 8th Infantry Brigade and other units,² though whether any of these are references to the BID 150 radio link remains in doubt.
- ¹ [W132](#) serials 442 and 444; [W133](#) serial 452; [W150](#) serial 770; [W151](#) serials 806, 809 and 811; [W152](#) serial 831 ² [W120](#) serial 235; [W147](#) serials 702 and 719; [W149](#) serial 748

- 189.27** While it remains in doubt whether other units had or used a BID 150 radio link on 30th January 1972, we consider that the weight of the evidence does establish that there was such a link between 8th Infantry Brigade and 1 PARA on the day. We do not know why the link was not used for at least some of the messages from 1 PARA to Brigade before the arrest operation was launched, but we are unpersuaded that this demonstrates that there was no such link.
- 189.28** It follows in our view that, as those who gave and received the orders for an arrest operation told us was the case, it was by means of the BID 150 link that the orders for the arrest operation were transmitted by Brigade to 1 PARA.

Chapter 190: Other means of communication used by the Army

190.1 The evidence from both Lieutenants INQ 2090 and INQ 2091 was that the non-secure nature of the Ulsternet meant that Headquarters Northern Ireland (HQNI) used it, not as a means of communicating with individual Brigade Headquarters, but rather to listen in to brigade transmissions. This meant, in effect, that HQNI could adopt the status of an observer on the 8th Infantry Brigade net where necessary. The preferred means of communication between HQNI and the three Brigade Headquarters was by way of a secure landline teleprinter. This link was used to provide classified situation reports (sitreps) to HQNI.¹ At 8th Infantry Brigade, the task of preparing sitreps was given to the junior watchkeepers. These were prepared from the Operations Room log and sitreps received from the battalions under the Brigade's command. Lieutenant INQ 2091 told us that he and Lieutenant INQ 2086 prepared the nightly sitrep to HQNI on the evening of 30th January 1972.² As a back-up to the secure teleprinter, 8th Infantry Brigade also had a high frequency radio link with HQNI. This used a D11 Larkspur radio (so large it was housed in an Army lorry) with a BID 610 encryption unit attached.³

¹ C2090.1; C2090.16; Day 242/108-109; C2091.1; C2091.9; ³ W302; Day 242/121-123
Day 244/8

² Day 244/41-43; G98.591

190.2 Lieutenant INQ 2091 explained to us that the secure teleprinter link to HQNI was used for classified information and a telephone was used for a "*normal sitrep*" to HQNI.¹ The evidence of Major INQ 1901, the 8th Infantry Brigade Operations Officer, was that he sent regular sitreps to HQNI during the course of 30th January 1972. It was a routine responsibility for him to keep the operations room at HQNI informed and this he would do using by "*normal*" (ie insecure) telephone.² This recollection was supported by the evidence of his colleague Major INQ 1900.³ Major INQ 1901 did not think that there was a secure telephone link between HQNI and 8th Infantry Brigade at the time of Bloody Sunday. It is unlikely that there was such a link. The Historical Record of the 8th Infantry Brigade Headquarters and Signal Squadron shows a secure telephone link between 8th Infantry Brigade and HQNI was installed on 4th February 1972.⁴ A teleprinter link between 8th Infantry Brigade and each of the four battalions resident in Londonderry would also have existed. We do not know if these were also secure links. The teleprinters and BID 610 system would have been housed in the Communications Centre, with the D11 radio located in a truck outside the building. Members of Bravo Troop of the 8th

Infantry Brigade Signal Squadron would have manned them. These signallers maintained a log which recorded the teleprinter messages sent and received by the 8th Infantry Brigade Communications Centre.⁵

¹ Day 244/8

⁴ W349

² Day 261/88-90; Day 261/125-126

⁵ C2090.10; W348; Day 242/125; Day 242/131

³ Day 241/78

190.3

The battalions resident in Londonderry in January 1972 were able to make use of the civilian and military telephone systems. These were provided and maintained by the General Post Office, then the public body responsible for operating the telephone network throughout the United Kingdom.¹ Although 1 PARA was not a resident battalion, it seems from the evidence that there was a telephone link between the 1 PARA Tactical HQ (the Gin Palace) and 8th Infantry Brigade headquarters. This was established by 1 PARA simply tapping into the civilian telephone system. Sergeant INQ 2006, one of two sergeants in the Signal Platoon, HQ Company of 1 PARA, told us that it was possible to link the Gin Palace to both the telephone network and electricity supply.² Captain INQ 1853, who on Bloody Sunday was a watchkeeper in the Gin Palace, told us that it would have been “*normal practice to try and establish a telephone link as a reserve link of one type or another*”.³ Indeed, Sergeant INQ 720, the other sergeant in the 1 PARA Signal Platoon, recalled tapping into the Foyle College telephone system on Bloody Sunday.⁴

¹ G20.149; W349

³ Day 255/77

² C2006.4

⁴ C720.2

190.4

That such a telephone link was established is also supported by an entry in the 8th Infantry Brigade log, timed at 1312 hours. Recorded as a message from 1 PARA, it reads: “*1 PARA have broken lock into Foyle College to connect wires to telephone No 2118. Will secure prior to departure.*”¹ It is likely that this information came to 8th Infantry Brigade via a brief telephone call made by Captain INQ 2033, the Regimental Signals Officer (RSO) of 1 PARA to, we believe, 8th Infantry Brigade. That conversation was one of a number recorded by a telephone tap of civilian telephone lines in Londonderry made by the Provisional IRA. It seems this tap was in place before Bloody Sunday and continued well into 1972 and possibly even 1973. We discuss this telephone tap in more detail below.² A transcript of the telephone call made by Captain INQ 2033 is available.³ It records Captain INQ 2033 explaining that 1 PARA had “*managed to link up with a civilian phone from the school*”. They had broken through a door and “*linked up ... a couple of wires*” to the telephone. Captain INQ 2033 gave the number of that telephone

as Londonderry 2118 and confirmed that they would “*fix it up properly before we go so there’ll be no problem*”.

¹ W40 serial 46

³ X2.25.114-116

² Chapter 191

190.5 We have already referred above to the operational directive issued by Brigadier MacLellan in November 1971.¹ There he placed restrictions on the use of “*Ordinary telephones*” and also “*privacy telephones*”. In relation to the latter, Brigadier MacLellan directed that they were “*only to be used for confidential administrative matters, and are NOT to be used for future operational intentions*”. On the available evidence the distinction between ordinary telephones and privacy telephones is unclear. It might simply be, as suggested by a reading of the Historical Record of the 8th Infantry Brigade Headquarters and Signal Squadron, that privacy telephones were simply the direct lines of senior members of the command staff at 8th Infantry Brigade.² Alternatively, the term might be a reference to those telephones which Lieutenant INQ 2091 described as having a “*speech inversion capability*”. The effect was that speech “*sounded a bit Mickey Mouseish clear*”. Lieutenant INQ 2091 described these telephones as “*less than secure*”.³ Importantly, the injunction against privacy telephones being used to discuss operational matters indicates that they were not completely secure, ie the lines could be tapped.

¹ G27.207

³ Day 244/7-8

² W361

190.6 We do not know if, at the time of Bloody Sunday, completely secure telephone lines were available to allow 8th Infantry Brigade to communicate with the battalions (including 1 PARA) under its command. During the course of his oral evidence both to the Widgery Inquiry and to us, Brigadier MacLellan suggested that 1 PARA might have communicated with 8th Infantry Brigade by secure telephone.¹ Colonel Steele could not remember if the telephone connection with 1 PARA was a secure one. However, he confirmed that “secure” would refer to a military telephone line.² Given, as we have considered above, that telephone conversations involving the RSO of 1 PARA were recorded by republican paramilitaries on Bloody Sunday, it would seem that 1 PARA did not have access to a secure telephone line on that day.

¹ WT11.29; Day 263/20-21

² Day 267/23-34

190.7 The result, as Colonel Steele acknowledged in his oral evidence to us, was that Brigadier MacLellan’s injunction against discussing operational matters on an insecure telephone line was breached on Bloody Sunday. Colonel Steele recalled receiving situation reports

from 1 PARA over the telephone, which were recorded in the 8th Infantry Brigade log.¹ That 1 PARA did use the telephone to communicate with 8th Infantry Brigade is demonstrated by the following extract from the Porter transcripts, which records an exchange of messages on the 8th Infantry Brigade net between the Gin Palace (call sign 65) and the operations room at 8th Infantry Brigade (call sign zero).²

¹ Day 267/25-29

² W146 serials 685-689

Audio
Tape
Cover

21.00
(8)

22.00
(8)

			Bogside Inn. Can you see what sort of people they are, whether they are youngsters or middle-aged people? Over.		
678.	90A	0	90, wait. Out.		
679.	0	90A	Hello, 90 Alpha to Zero. Reference the crowd outside the Bogside Inn. It's now down to about ten and they're described as men, not yobbos but men. Over.	244	1828
680.	90A	0	Zero. Roger. Out.		
681.	16	0C	Zero Charlie, this is 16. I'm now back at my location. Permission to close down. Over.		
682.	0C	16	Zero Charlie. Wait. Out.		
683.	16	0C	16, this is Zero Charlie. Close down. Over.		
684.	0C	16	16. Wilco. Out.		
685.	65	0	Hello, 65, this is Zero. Grateful if you'd telephone me on the civil line when you are finished with it. Over.		
686.	0	65	Zero, wilco. Out.		
687.	65	0	Hello 65, this is Zero. Reference my last message. It is a matter of priority now that you contact Seagull as soon as possible. Over.		
688.	0	65	65. Roger. We're trying ring you, but the number's engaged at the moment. We'll keep trying. Out.		
689.	65	0	Zero. Roger. Out.		
690.	0	54	Hello, Zero, this is 54. Another ambulance has just crossed the bridge from the city to Waterside. Over.	2507	18417
691.	54	0	Zero. Roger. Out.		
692.	?	0	Zero. Roger. Out.		
693.	?	0	Unknown station, say again. Over.		
694.	0	0C	Zero Charlie. Roger. Out.		
695.	74A	55	Hello, 74 Alpha, this is 55. Over.		
696.	0 and 74A	55	Zero and 74 Alpha, this is 55. Over.		
697.	74A	55	74 Alpha, this is 55. Can you hear us? Out.		
698.	0 and 74A	55	Zero and 74 Alpha, this is 55. Over.		
699.	0 and 74A	55	Zero and 74 Alpha, this is 55. Over.		
700.	74a	55	74 Alpha, this is 55. Nothing heard. Out.		
701.	0	61D	Hello, Zero, this is 61 Delta. Lending your location six		

Chapter 191: Interception of Army communications recorded on Bloody Sunday

191.1 The concern that telephone lines used by the Army might be bugged was justified. On 16th September 1973, a front-page story in the *News of the World* newspaper reported a press conference held by Provisional Sinn Féin at its headquarters in Dublin. This event was timed to coincide with the visit of Prime Minister Edward Heath to the Republic of Ireland. An audiotape was played at that conference which, it was said, contained recordings of telephone conversations that took place on Bloody Sunday, including conversations between members of the Army. This recording was apparently the product of a “*phone-tapping operation*” at Victoria Barracks in Londonderry. According to the *News of the World* report, “*A Derry Republican said yesterday they had been phone tapping Victoria Barracks since before ‘Operation Motorman’ [which took place in July 1972]. They had not released the tape at the time, he said, because they felt it ‘more useful to keep the phone tapping operation’.*”¹ At the time of Bloody Sunday, Victoria Barracks served as the regimental headquarters for 22 Lt AD Regt. In the course of the Inquiry this recording was sometimes called “the IRA bug tape”.

¹ [L221](#)

191.2 Two separate sources provided the Inquiry with a cassette tape, which contained recordings of some of the telephone conversations played at the 1973 press conference.

191.3 In October 2000, the solicitor representing the Wray family provided the Inquiry with a cassette tape (a Philips CD Extra 90 tape) and a transcript, both of which had been sent to him anonymously.¹ At about the same time the *Derry Journal* newspaper published a transcript of the tape recording, which it too had received from an anonymous source.² The two transcripts corresponded to each other.

¹ [X2.25.5](#)

² [X2.25.1A-4](#)

191.4 The Inquiry handed this tape for analysis to Dr Peter French, a forensic consultant specialising in the analysis of tape recordings, speech and language samples. His report included the following observations about the tape:¹

- a) It contained approximately 28 minutes of recorded conversation – recorded on only one side of the tape.

- b) It included material from 19 different telephone conversations.
- c) It did not contain any original recordings. Rather it was a copy made on a cassette tape manufactured in January 2000.
- d) The possibility of “*selective copy editing*”, ie that the tape had been edited to omit some parts of a particular conversation, could not be excluded.
- e) The transcript that accompanied the tape could not have been prepared from it, given that a portion of the tape is so contaminated with electromagnetic leakage from a mobile telephone that the recorded speech cannot be heard.

¹ [E23.6-8](#); [E23.10-13](#)

191.5

A second cassette tape (a Philips C-60 tape) was provided to the Inquiry by An Garda Síochána on 27th November 2000. It had been in secure storage at Buncrana Garda Station since May 1976 when Garda officers seized it during a raid on the Bali-Sea public house in Bridgend, County Donegal. Those premises were by managed by James Ferry, a member of Provisional Sinn Féin.¹ When he gave oral evidence to this Inquiry, James Ferry told us that he had been provided with the tape recording because he was an organiser for Sinn Féin. He could not recall who had given him the cassette but suggested it might have been another member of Sinn Féin. He accepted that the cassette might have been provided to him at about the time Provisional Sinn Féin held its conference in September 1973.²

¹ [JM18A.1](#); [JM18A.3](#); [JL2A.1](#); [AF13.3](#)

² [Day 179/1-8](#)

191.6

Dr French was also asked to examine this second tape. His conclusions included the following:¹

- a) The tape was recorded on both sides.
- b) The running time of side A of the tape was approximately 28 minutes; that of side B was some 30 minutes.
- c) Side A of the tape contained material from 25 separate telephone conversations. Side B of the tape contained material from 23 conversations.
- d) Many of the conversations on this tape also appeared on the tape provided by the solicitor representing the Wray family.
- e) The tape was not an original.

- f) The possibility of “*selective copy editing*” could not be excluded.
- g) The transcript supplied to the Inquiry by the solicitor to the Wray family could not have been prepared from this tape since the tape contained recordings of conversations that do not appear on that transcript.

¹ E23.8-10; E23.11-13

191.7 Dr French concluded that the telephone conversations on both tapes had “*originally been recorded from a telephone line via an intercept facility*”.¹ His analysis showed that material found on one tape was omitted from the other and vice versa, although many conversations appear on both tapes.² Dr French prepared transcripts of the recordings on both tapes.³ The Police Service of Northern Ireland also provided us with a transcript.⁴ This corresponded to the contents of the tape provided by An Garda Síochána.

¹ E23.13

³ X2.25.31-227; X2.25.228-320

² E23.9; E23.11; X2.25.32; X2.25.130; X2.25.229

⁴ X2.25.31; X.25.355

191.8 We have listened to both cassette tapes and considered the various transcripts available. Having done so, we consider that these tapes do, in greater part, contain recordings of conversations that took place shortly before or on Bloody Sunday. By way of example we refer to three conversations between the press and members of the Army:

- a) Both cassette tapes contain a recording of a telephone conversation between Captain 028, Press Officer of 22 Lt AD Regt, and Patrick Clancy, a London-based reporter with the *Daily Telegraph* newspaper.¹ The transcripts of that conversation show that Patrick Clancy was seeking information on the number of fatal casualties on Bloody Sunday. He was referred by Captain 028 to 8th Infantry Brigade.² As Patrick Clancy told Captain 028 in that conversation, and confirmed to us in his evidence, he had been sent to Londonderry to assist his colleague Nigel Wade. Patrick Clancy confirmed that his voice appeared on the tape and recalled making a telephone call from the City Hotel to the Army Press Office at Ebrington Barracks on the evening of Bloody Sunday.³

¹ Day 192/57

³ M15.4

² X2.25.146-153

- b) The cassette tape seized by An Garda Síochána contains a recording of a conversation between Colonel Steele (the Brigade Major of 8th Infantry Brigade)¹ and a journalist he called “*brigadier*”.² In the course of the conversation, the latter mentioned that he must have been staying at the City Hotel in Londonderry. Colonel Steele arranged for the journalist to spend time with 22 Lt AD Regt. This journalist

must have been Brigadier William Thompson, the military correspondent for the *Daily Telegraph*. Brigadier Thompson's Widgery Inquiry statement recorded that on 30th January he visited the Regimental Headquarters of 22 Lt AD Regt and was booked into the City Hotel.³ Indeed, Captain INQ 406, the 22 Lt AD Regt Operations Officer, recalled Brigadier Thompson visiting his unit's Operations Room that day.⁴ The conversation between Colonel Steele and Brigadier Thompson is therefore likely to have taken place on the morning of Bloody Sunday.

¹ B1296

³ M78.1

² X2.25.71-88

⁴ C406.5

- c) Both cassette tapes also contain a recording of a conversation between an Army press spokesman and a journalist identified only as "Harry". Early on in the conversation it emerged that "Harry" was at the City Hotel together with a number of other journalists, including Brian Cashinella and John Cooke, then reporting for the *Times* newspaper and the Press Association respectively.¹ In our view "Harry" was Harry Arnold, then a staff reporter with the *Sun* newspaper, who told the Widgery Inquiry that he was in Londonderry on 30th January 1972 and based at the City Hotel.² Both Brian Cashinella and John Cooke gave evidence to us. Their own evidence puts them in the City Hotel.³ In the course of the telephone conversation between the Army press spokesman and Harry Arnold, the former read out a prepared statement summarising the Army's knowledge of events at that time. The content of that statement corresponds to one recorded in an entry in a log which seems to have been maintained by the Press Room at HQNI. That log indicates that between 1808 hours and 1954 hours on Bloody Sunday the statement was communicated to a number of media organisations (including the *Daily Mail*, the *Guardian*, Raidió Teilifís Éireann and the *Glasgow Herald*) and the Ministry of Defence.⁴

¹ X2.25.170-193

³ M1.1; M11.8; Day 110/33; M16.1; M16.6; M16.8

² M1.1; M1.2

⁴ G102B615.4

191.9 The last two examples above reflect one other feature of the IRA bug tape. The conversations recorded were not limited to telephone calls made to Victoria Barracks, but included calls (such as the one made by Brigadier Thompson) made to 8th Infantry Brigade Headquarters at Ebrington Barracks.

191.10 We should also refer to a conversation between two officers in 22 Lt AD Regt, which is found on both audiotapes and which concern comments said to be made by General Ford.¹ One of the officers involved was Captain INQ 1814 of 11 Battery, 22 Lt AD Regt. In his written statement to this Inquiry, Captain INQ 1814 told us that he had been a

Battery Commander in 22 Lt AD Regt at the time of Bloody Sunday. On that day he was in the 11 Battery Operations Room in Strand Barracks, very near to, but in a separate building from, the Regimental Operations Room in Victoria Barracks.² Captain INQ 1814 confirmed that his voice could be heard on the IRA bug tape. He had little recollection of Bloody Sunday and could not confirm that the conversation in which he was involved had occurred on that day. Captain INQ 1814 suggested that, if the conversation did happen on Bloody Sunday, then it involved a telephone call between the 11 Battery Operations Room in Strand Barracks and the 22 Lt AD Regt Operations Room in Victoria Barracks. He commented that the tape might not have been complete in parts.³ The identity of the other officer involved in the conversation remains uncertain. Given that the conversation referred, for example, to the presence of General Ford in Londonderry at the time the Parachute Regiment was deployed and to people being shot in the area of the Rossville Flats, it seems to us that this conversation did indeed take place on Bloody Sunday. We discuss the comments said to be made by General Ford elsewhere in this report.⁴

¹ [X2.25.6](#); [X2.25.136](#); [X2.25.234](#); [X2.25.337](#)

² [C1814.3](#)

³ [C1814.3-5](#)

⁴ [Paragraphs 169.15–19](#)

Chapter 192: Royal Ulster Constabulary communications

192.1 The Royal Ulster Constabulary (RUC) operated its own radio network, distinct from those used by the Army. This utilised commercially purchased equipment. The RUC Operation Order for 30th January 1972, signed by Assistant Chief Constable David Corbett, shows that RUC personnel carriers were to carry Pye Bantam radio sets. Indeed, the evidence suggests that many, if not all, of the vehicles used by RUC personnel on Bloody Sunday were equipped with this radio. Operating on the VHF band, the Bantam was, as its name suggests, smaller than the Pye Westminster sets used by the Army and, it seems, portable.¹

¹ [G80A.506.3](#); [JM29.1](#); [Day 209/11-12](#); [Day 209/41-42](#)

192.2 In addition, senior police officers, including Chief Superintendent Frank Lagan, and police officers in command, from Superintendents to Inspectors or Sergeants in charge of a section of men (who were described as a Serial), were equipped with Pye Pocketfones. These were hand-held radios operating on the UHF band. The RUC Operation Order shows that 60 Pocketfones were brought from the RUC Communications Headquarters in Belfast to be used in Londonderry. The Pocketfones operated on a different frequency to the Pye Bantam radio.¹ Pocketfones were also distributed to members of the RUC's Special Branch and officers tasked with specific roles. One example of the latter was Detective Constable McNulty, who was ordered to report from the City Walls on the route being taken by the marchers.²

¹ [G80A.506.3](#); [G80A.506.4](#); [WT17.19](#); [JD2.1](#); [JK3.1](#); [JI2.1](#); ² [JM40.1](#)
[JJ2.1](#); [JM12.1](#)

192.3 The communications centre for the RUC (known as the Control Room) was located at Strand Road RUC Station (also referred to as Victoria Police Station as it was attached to Victoria Barracks). This was the equivalent of an Operations Room.¹ We know that among those present in the Control Room on Bloody Sunday were Assistant Chief Constable Corbett, and Chief Inspector Ming, who seems to have been the most senior officer from Victoria Police Station present.² The radio in the Control Room was manned by two police officers who maintained a log (described as an incident book) of the transmissions to and from the control room. The contemporaneous typescript version of that log was obtained by this Inquiry.³

¹ [C406.5](#)

³ [W155](#); [W156](#); [W157-164](#)

² [JC14.1](#); [JM47.1](#)

192.4 Also present in the Control Room were Superintendent Cushley, the Communications Officer at RUC Headquarters in Belfast, and his assistant Sergeant Thompson. Together they spent some time visiting various locations at which RUC officers were deployed, checking and assisting in the use of Pocketfones. On their return, Sergeant Thompson supervised the installation of a tape recorder to record the transmissions to and from the Control Room on the frequency used for Pocketfones.¹ A transcript prepared in 1972 from the recording made under the supervision of Sergeant Thompson has been made available to this Inquiry.²

¹ [JC30.1](#); [JT4.1](#)

² [W226](#); [W227-258](#)

192.5 As we have already noted, James Porter recorded the radio transmissions made by the RUC on Bloody Sunday. We have a transcript of the RUC recordings, which, in its format, is similar to the transcript of the Army transmissions prepared for the Widgery Inquiry.¹ It is possible that this too was prepared on the instructions of the solicitor representing the families of the deceased at the Widgery Inquiry. We also have a transcript of the RUC radio transmissions prepared for this Inquiry. As we have mentioned, this was provided by British Irish Rights Watch, compared by Inquiry staff with the recording provided by James Porter and corrected where necessary. The format of the resulting transcript is very similar to that of the Army transmissions, an example of which was shown above.² From a comparison of the relevant transcripts it is clear that James Porter must have been recording RUC transmissions on the frequency allocated to Pocketfones.

¹ [W259-285](#)

² [W165-225](#)

192.6 There is no evidence to indicate that the RUC Control Room at Victoria Police Station had the means to monitor transmissions on the 8th Infantry Brigade net directly. However, they did receive reports transmitted from Ebrington Barracks by Superintendent J Johnston. He had been given the role of “*Liaison Officer between [8th Infantry] Brigade Headquarters and Communications Centre, R.U.C. Londonderry*”. Superintendent Johnston was equipped with a Pocketfone and used the call sign Delta 7. A number of transmissions in the relevant Porter transcript show, for example, that Superintendent Johnston updated the Control Room with information as to the progress of the march, including the confrontation at Barrier 14.¹

¹ [JJ3.1](#); [W167](#) serial 46; [W169](#) serial 83; [W170](#) serial 109

192.7 It is not possible to provide a definitive list of the call signs allocated to RUC personnel on the day. We know that all transmissions had to go through the Control Room, which used the call sign November. The transcript of RUC communications shows transmissions from personnel identified by the call sign Serial followed by a number. From the evidence, it appears that these call signs were allocated to a section of men under the command of an Inspector or Sergeant. The section commanded by Inspector Manson, for example, used the call sign Serial 36. This section was positioned at the railway station in Duke Street. In his contemporaneous RUC statement, Inspector Manson recalled a number of ambulances passing his location from about 1615 hours. The Porter tapes record transmissions from Serial 36 to the Control Room concerning the movement of ambulances.¹ Individual officers supplied with a Pocketfone were given a call sign in the format letter–number. We have already mentioned Superintendent Johnston, who was allocated the call sign Delta 7. Other examples include Detective Constable McNulty whose evidence we have touched upon, and who was given the call sign Delta 24; and Chief Inspector Irwin, who was in command of the police officers deployed at Barrier 14 and in Waterloo Place, and who was allocated the call sign Charlie 2.

¹ [JM6.1](#); [W193](#) serial 486; [W195](#) serial 498; [W205](#) serial 595

The Constitutional and Legal Position of the Army in Northern Ireland

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Chapter 193: The constitutional position of the Army in Northern Ireland

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Constitutional responsibilities

193.1 The circumstances in which in August 1969 the Northern Ireland Government sought and obtained the permission of the United Kingdom Government to bring in the Army as an aid to the civil power are considered earlier in this report¹ and set out in detail in the Scarman Report.² It is not necessary to repeat them here. Soldiers arrived on the streets of Londonderry on 14th August 1969.

¹ [Chapter 7](#)

² Scarman Report, *Report of the Tribunal of Inquiry into Violence and Civil Disturbance in Northern Ireland in 1969*, Cmnd 566, Belfast: HMSO, 1972.

193.2 As appears from the Scarman Report, there was at the time concern that the use of British troops to quell disturbances in Northern Ireland would lead either to direct rule from Westminster or at least to a consideration of Northern Ireland’s constitutional position.¹

¹ Scarman Report, paras 20.1–20.4.

193.3 Nonetheless, throughout the period with which this report is concerned, the Northern Ireland Government retained responsibility for security policy in Northern Ireland. From August 1969, it was able to call upon the Army in order to assist in the exercise of this duty. However, the Army remained, constitutionally, the responsibility of the United Kingdom Ministry of Defence (MoD) in London and, through the MoD, the responsibility of the Government and Parliament at Westminster, and ultimately the Crown.

193.4 The basis for this division of responsibility lay in the Government of Ireland Act 1920, the constitutional statute passed by the Westminster Parliament that established the Parliament of Northern Ireland and regulated the affairs of the Northern Ireland Government. The Act, which is discussed in its historical context elsewhere in this report,¹ empowered the Parliament of Northern Ireland “*to make laws for the peace, order and good government*” of Northern Ireland.² However, the Act specifically excluded the Parliament of Northern Ireland from legislating in respect of a number of matters, including the Armed Forces and defence issues.³ Westminster retained the sole authority to pass laws in these areas.

¹ [Chapter 7](#)

³ Government of Ireland Act 1920, s4(1).

² Government of Ireland Act 1920, s4(1).

193.5 A summary of the legal and constitutional position of soldiers deployed in Northern Ireland was set out in a letter dated 12th May 1971 from Arthur Hockaday, an MoD official, to David West, the Civil Adviser to the General Officer Commanding (GOC) Northern Ireland, the most senior Army officer in Northern Ireland:¹

“(a) Legal Responsibility

The soldier’s responsibility for his actions under the civil law, whether Common Law or statute ... is to the Courts of Northern Ireland.

(b) Executive Responsibility

The soldier acts under higher military authority up the chain of command as far as the Defence Council and ultimately Her Majesty. The Secretary of State [for Defence] is the Minister responsible to Her Majesty for everything connected with the performance of their military duties by the Armed Forces of the Crown.

(c) Parliamentary Responsibility

The Secretary of State is responsible to the Westminster Parliament for all matters relating to the Armed Forces of the Crown as at (b) above.

The soldier has no responsibility to the Stormont Government, nor has the Stormont Government any responsibility for his actions. This is not affected by the fact that the Northern Ireland Government is the civil power (responsible for the peace, order, and good government of Northern Ireland) which may call upon the Armed Forces for assistance.”

¹ [LAW13.1-2](#)

193.6 Although there was a clear constitutional division of responsibility, in practice the relationships between the Governments of the United Kingdom and of Northern Ireland, between these Governments and the Army, and between the Army and the other branches of the security forces, especially the Royal Ulster Constabulary (RUC), were more complex. In the following paragraphs we examine these relationships.

The policy-making process on security matters in Northern Ireland

193.7 Within the Northern Ireland Government, departmental responsibility for security policy lay with the Ministry of Home Affairs. The gravity of the security situation led both Major James Chichester-Clark and his successor as Prime Minister, Brian Faulkner, to combine the post with that of Minister of Home Affairs.

193.8 Earlier in this report, when discussing the background to Bloody Sunday, we gave details of the Northern Ireland Joint Security Committee (JSC). It is convenient to set these out again here.

193.9 The Northern Ireland Prime Minister chaired the JSC, which in the months before Bloody Sunday comprised:

- Prime Minister of Northern Ireland: Rt Hon Brian Faulkner MP;
- Minister of State at the Ministry of Home Affairs: Rt Hon John Taylor MP;
- Senior Parliamentary Secretary at the Ministry of Home Affairs: Commander Albert Anderson MP;
- General Officer Commanding Northern Ireland (British Army): General Sir Harry Tuzo;
- Chief Constable of the RUC: Sir Graham Shillington;
- Secretary to the Northern Ireland Cabinet: Sir Harold Black;
- Government Security Adviser: William Stout; and
- United Kingdom Government Representative: Howard Smith.

193.10 Other prominent figures received the minutes of the meetings, and attended from time to time.

193.11 The JSC had a somewhat ill-defined function, and witnesses to this Inquiry have given differing accounts of its precise role. To some in London it was the body that was responsible for taking executive decisions on security matters within Northern Ireland.¹ However, the evidence to this Inquiry of many of those who prepared or participated in the meetings suggests that the committee did not so much make decisions as approve them. The JSC provided a forum for discussion, debate and the exchange of information between politicians, officials and the security forces and as such it played an important role in the governance of Northern Ireland. However, on significant operational matters the committee seems to have accepted recommendations that had emerged from earlier meetings between the GOC, the Chief Constable and the Prime Minister. In effect, JSC ratification was the last stage in the security policy process, but as such it was often the only part seen by those, such as politicians and civil servants in London, who had not been directly involved.²

¹ [KC8.7](#) Statement to this Inquiry of General Sir Michael Carver; [KC10.2](#) Statement to this Inquiry of Lord Crawford; [G74.457](#) "Proposed March in Londonderry", Submission of Anthony Stephens to the Secretary of State for Defence, 26th January 1972 (but see [KS3.111-112](#) Statement to this Inquiry of Anthony Stephens, and [Day 273/13-14](#) Oral evidence to this Inquiry of Anthony Stephens).

² [KK3.2](#) Statement to this Inquiry of John Taylor; [Day 196/14-17](#) Oral evidence to this Inquiry of John Taylor; [KB1.3](#) Statement to this Inquiry of Kenneth Bloomfield; [Day 216/46-47](#) Oral evidence to this Inquiry of Kenneth Bloomfield; [KR1.5](#) Statement to this Inquiry of Dr Robert Ramsay; [Day 215/13-14](#); [Day 215/96-99](#); [Day 215/128](#) Oral evidence to this Inquiry of Dr Robert Ramsay; [KC15.10-11](#) Statement to this Inquiry of Brian Cummings; [Day 253/14-16](#) Oral evidence to this Inquiry of Major General Robert Ford.

193.12 The United Kingdom Government's interest in and influence over security policy in Northern Ireland increased on the deployment of the Army. On 19th August 1969 the Prime Ministers of the United Kingdom and of Northern Ireland met, together with senior ministers, in London in circumstances that we have discussed elsewhere in this report.¹ The two Governments agreed the Downing Street Declaration, which included the following statements:²

"The United Kingdom Government have ultimate responsibility for the protection of those who live in Northern Ireland when, as in the past week, a breakdown of law and order has occurred. In this spirit, the United Kingdom responded to the requests of the Northern Ireland Government for military assistance in Londonderry and Belfast in order to restore law and order. They emphasise again that troops will be withdrawn when law and order has been restored.

The Northern Ireland Government have been informed that troops have been provided on a temporary basis in accordance with the United Kingdom's ultimate responsibility. In the context of the commitment of these troops, the Northern Ireland Government have reaffirmed their intention to take into the fullest account at all times the views of Her Majesty's Government in the United Kingdom, especially in relation to matters affecting the status of citizens of that part of the United Kingdom and their equal rights and protection under the law."

¹ [Paragraph 7.73](#)

² [G0.12](#)

- 193.13** Kenneth Bloomfield was present at this meeting in his capacity as Deputy Secretary to the Northern Ireland Cabinet, a position that he continued to hold at the time of Bloody Sunday. He told this Inquiry that the Downing Street Declaration and the accompanying reform of the post of GOC, which is discussed below, had the following effect on the relationship between the Governments of the United Kingdom and Northern Ireland:¹

"In a sense, the centre of gravity of coping with the security situation, the Executive centre of gravity, if one might put it in that way, had shifted at that stage from Belfast to London. That was not to say, of course, that the local politicians would not have continuing views to express about it."

¹ [Day 216/33](#)

- 193.14** Edward Heath, the United Kingdom Prime Minister at the time of Bloody Sunday, gave the following evidence in his written statement to this Inquiry about the effect of the deployment of the Army in Northern Ireland on the relationship between Stormont and Westminster:¹

"From the beginning of the 'troubles' in Northern Ireland in 1969, it had been clear that the Royal Ulster Constabulary (RUC) would not be able to contain violence and maintain civil order in the Province without the support of the army, and when the Government of which I was Prime Minister took office in June 1970 we inherited a situation in which the army had been called in and continued to be required to act as necessary in support of the civil power.

Since this support required a substantial commitment of manpower and resources from the British armed forces, Her Majesty's Government was bound to take a close interest in the security policies pursued in Northern Ireland, and had and exercised a right to take part in the process of reaching decisions on those policies. It was always

clear, however, that responsibility for the conduct of operations in pursuit of those policies rested with the Chief Constable of the RUC and the General Officer Commanding (GOC) the British Forces in Northern Ireland, which remained under the ultimate command and control of Her Majesty's Government at Westminster."

¹ KH4.2

- 193.15** The United Kingdom Government had various means of exercising what Edward Heath termed its right to take part in the process of reaching decisions on security policy in Northern Ireland. Influence was exerted through prime ministerial, ministerial or official meetings and other contacts, many of which are discussed elsewhere in this report.¹ The talks in August 1969 that culminated in the Downing Street Declaration also resulted in the Northern Ireland Government agreeing to two senior United Kingdom civil servants being stationed in Belfast *"to represent the increased concern which the United Kingdom Government had necessarily acquired in Northern Ireland affairs through the commitment of the Armed Forces in the present conditions"*.²

¹ Chapters 8 and 9

² G0.11

- 193.16** One of the posts created was that of the United Kingdom Representative, who generally reported to the United Kingdom Home Secretary. The role has been described in various ways at this Inquiry by former ministers and civil servants in the Northern Ireland Government at the time of Bloody Sunday: John Taylor, then the Minister of State for Home Affairs, said that the United Kingdom Representative was *"light heartedly referred to as the British spy"*;¹ Dr Robert Ramsay, Brian Faulkner's Principal Private Secretary, thought the post *"a constitutional enormity – an embassy to part of one's own country"*;² Kenneth Bloomfield considered the United Kingdom Representative to be London's *"eyes and ears on the ground, if you can without discomfort have your eyes and ears on the ground"*.³ Significantly, as noted above, the United Kingdom Representative sat on the JSC in Northern Ireland.

¹ KK3.2; Day 197/88-89

³ Day 216/67

² KR1.7

- 193.17** Still more significant for United Kingdom influence on the Northern Ireland Government was the position of the GOC. As the most senior military officer in Northern Ireland, in his role as Director of Operations (which is discussed more fully below), and as a member of the JSC, the GOC was central to Stormont's decision-making process on security matters. However, he was appointed by and was answerable to the United Kingdom Government.

- 193.18** The Directive that defined the GOC's role as Director of Operations in Northern Ireland at the time of Bloody Sunday set out his political responsibilities in the following terms:¹

"4. You are responsible to the Chief of the Defence Staff as Chairman of the Chiefs of Staff Committee, but will work in the closest co-operation with the Northern Ireland Government. You will be a member of the Northern Ireland Government Joint Security Committee. In the event of any disagreement with the Northern Ireland Government you are at once to refer the matter to the Ministry of Defence.

5. You are to keep the Chief of the General Staff, on behalf of the Chief of the Defence Staff, informed on all major issues. You will also, unless urgent operational considerations make this impossible, obtain guidance from the Ministry of Defence on any matters which, in your opinion or that of Her Majesty's Government's representatives in Northern Ireland, have political implications of concern to HMG or which concern any major redeployment of your forces."

¹ [G1AAB.19.1.1.8-9](#)

- 193.19** John Taylor, the Minister of State for Home Affairs and a member of the JSC at the time of Bloody Sunday, gave the following oral evidence to this Inquiry about the position of the GOC in practice:¹

"Q. It is a very broad and general question: but how much influence in practice could the Joint Security Committee or the Government of Northern Ireland, how much influence could they exert on the Army and in particular the GOC at the top of it?

A. My understanding and experience of the Joint Security Committee was that it was a very useful institution to feed into both the police and to the Army, especially the Chief Constable and the General Officer Commanding, what politicians felt was happening on the ground in Northern Ireland politically and, likewise, they would feed to us what they understood to be the security situation on the ground. Therefore, it is natural that the politicians would have had some influence on those in charge of security and, likewise, those in charge of security would have had some influence on those of us who were politicians. We influenced each other, but at the end of the day it was always clear that the GOC, if he was influenced perhaps, but he made it clear that he was answerable to London, that they at the end of the day gave him approval or otherwise.

Q. Is this fair: you sought as much influence as you could exert?

A. That is natural, yes, that is what politicians are like.

Q. I did not expect the answer to be 'no', but whether you succeeded was in the end a matter for General Tuzo and others?

A. General Tuzo always made it clear that his line of command was to London and not to Belfast."

¹ [Day 196/21-22](#)

- 193.20** An assessment and overview of the respective roles of the United Kingdom Government, the Northern Ireland Government, the Armed Forces and the police in security policy in Northern Ireland was provided by the United Kingdom Home Secretary, Reginald Maudling, during a parliamentary debate at Westminster in February 1971:¹

"The position is that the Northern Ireland Government are responsible for law and order. The British troops there are acting in support of the civil power, and they are acting under the authority of my right hon. Friend the Secretary of State for Defence and, therefore, of the Government responsible to this House. So we have in a sense, formally speaking, a dichotomy which cannot be avoided, because the Stormont Parliament has its responsibility as we here have ours.

In practice, however, it works perfectly well because both sides know exactly what their responsibilities are, and because through the machinery of the Joint Security Committee liaison has been established between the Northern Ireland Government, our Government here in London, the police and the Armed Forces, with everyone working together in harmony with the same objective in view, and any attempt to institutionalise things and put one in control of the others would raise constitutional issues in one Parliament or another which would do no good to anyone and might cause considerable confusion."

¹ [LAW13.0.1](#)

- 193.21** In February 1972 there was the following exchange in the United Kingdom Parliament:¹

"Mr. Cronin asked the Minister of State for Defence if he will make a statement on the arrangements by which the Government of Northern Ireland indicate to the British Army in Northern Ireland the tactical objectives which they wish it to pursue.

The Minister of State for Defence (Lord Balniel): The tactical objectives of the Army in Northern Ireland are a matter for the General Office Commanding, who is responsible to the Ministry of Defence. He works in the closest co-operation with the Northern Ireland Government through the Joint Security Committee.

Mr. Cronin: In spite of that rather vague answer, is not the British Army in Northern Ireland in effect the agent of the Stormont Government? While we feel nothing but admiration for the restraint and discipline of the British Army generally, is it not an intolerable situation that, whatever the provocation, they should be killing, wounding and generally harassing the Catholic population, under the direction of the highly partisan Protestant Stormont Government? Is it not now urgent that responsibility for security should be transferred to Westminster?

Lord Balniel: I must repudiate some of the contents of the question. The Army is acting in support of the constitutional civil authority. The Northern Ireland Government are constitutionally responsible for law and order in the Province. However, the GOC has overall responsibility for security operations, and he exercises this responsibility to the Defence Department, which is answerable to this House."

¹ [V58](#)

- 193.22** Colonel David Ramsbotham, the Military Assistant to the Chief of the General Staff (CGS) at the time of Bloody Sunday, described the situation in his written evidence to this Inquiry, in terms rather different from those used by Reginald Maudling:¹

"The problem with Northern Ireland at the time was that political affairs were directed by the Northern Ireland Government, the GOC having to deal with the Prime Minister [of Northern Ireland], to whom the RUC reports. The army came under the Prime Minister in London, to whom the CGS reports. Operations were directed from Belfast/Lisburn. Resources were controlled from London. The CGS acted as intermediary. The situation was not resolved until after direct rule. The confusion in Northern Ireland was that you had a situation where the army had been sent in, although it was not clear how they fitted into the picture and who they were properly subordinate to."

¹ [KR2.2](#)

- 193.23** We should note that in his oral evidence to this Inquiry, and in seeming contrast to his written statement, Edward Heath expressed the view that the United Kingdom Government was not responsible for the handling of the security situation in Northern Ireland, which was the exclusive responsibility of the Northern Ireland Government; and that the Army, insofar as it was engaged in security in Northern Ireland, was under the

control of the Northern Ireland Government.¹ However, Edward Heath did not accept that the Northern Ireland Government had been given the Army “*to do with as it would*”.²

¹ Day 285/108; Day 285/118; Day 287/112; Day 289/95-98; ² Day 289/126
Day 289/124

193.24 In our view Edward Heath was correct in not accepting that the Northern Ireland Government could “*do ... as it would*” with the Army. Although constitutionally the Northern Ireland Government was responsible for security, putting the GOC in charge of security operations meant that the MoD in London, to which the GOC was responsible, was necessarily closely involved. What in our view Edward Heath was emphasising in his oral evidence was the formal constitutional position;¹ and he was not asserting that the way the soldiers were used in Northern Ireland was simply left to the Northern Ireland Government.

¹ Day 294/28

The relationship between the Army and the Royal Ulster Constabulary

193.25 The relationship between the Army and the RUC was addressed at the meeting between the Prime Ministers and senior ministers of the two Governments on 19th August 1969. In the communiqué that accompanied the Downing Street Declaration, the following reforms to the GOC’s role were announced:¹

“It was agreed that the GOC Northern Ireland will with immediate effect assume **overall responsibility for security operations** [emphasis added]. He will continue to be responsible directly to the Ministry of Defence but will work in the closest co-operation with the Northern Ireland Government and the Inspector-General of the Royal Ulster Constabulary [then the chief officer of the RUC]. **For all security operations the GOC will have full control of the deployment and tasks of the Royal Ulster Constabulary** [emphasis added]. For normal police duties outside the field of security the Royal Ulster Constabulary will remain answerable to the Inspector-General who will be responsible to the Northern Ireland Government.”

¹ G0.1-13; G37C.252.6 “Responsibility for Law and Order in Northern Ireland”, Note by the Chairman of the Official Committee, 10th December 1971.

193.26 In October 1969, as a result of representations by the then chief officer of the RUC, Sir Arthur Young, this arrangement was modified. The Directive that defined the GOC’s enhanced role as Director of Operations was amended so that he was made responsible,

not for full control, but for the “*co-ordination of the tasking of the RUC*” in relation to “*security operations*”.¹

¹ [G37C.252.6](#)

193.27 The responsibility of the GOC for such co-ordination was re-affirmed in a revised Directive issued by the Acting Chief of Defence Staff to the GOC in February 1971, which continued to have effect at the time of Bloody Sunday.¹

¹ [G1AAB.19.1.1.8-10](#)

193.28 This Directive repeated that the GOC, in his capacity as Director of Operations, had “*overall responsibility for security operations*”. It continued:

“In this context you will:

- a. Exercise operational command of all land forces including disembarked Royal Marine commando units and the Ulster Defence Regiment.
- b. Exercise operational control of naval forces stationed in or employed ashore in Northern Ireland.
- c. Exercise operational control of RAF helicopters and personnel stationed in Northern Ireland.
- d. Co-ordinate the tasking of the Royal Ulster Constabulary for security operations with other security forces.”

193.29 The Directive defined “*security operations*” as:

“relating to internal and external security and cover[ing]:

- a. The execution of operations necessary to counter action, whether cover or overt, aimed at subverting the security of the State.
- b. The action necessary for the protection of life and property in case of actual or apprehended civil commotion.”

193.30 Under the heading “*Relationships with the Royal Ulster Constabulary*”, the Directive provided that:

“In accordance with your overall responsibility as Director of Operations, you are to co-ordinate the tasking of the Royal Ulster Constabulary in relation to security operations. Outside the security field you will have no responsibility for normal police duties, for which the Chief Constable will remain responsible to the Northern Ireland Government.”

Submissions to this Inquiry

- 193.31** Under the heading “*Subversion of the Role of the Police by the Military*”, the representatives of the majority of the families submitted to this Inquiry that:¹

“Crucial to an understanding of why lethal force was used by the security forces against unarmed civilians on the streets of Derry in January 1972 was the erosion of the role of the police in security matters and the illegal transfer of control over the policing of security situations from the police to the military.”

¹ [FS1.633](#)

- 193.32** The same representatives further submitted that:¹

“In the period following Internment, by means of the Internal Security Instruction and with the collaboration of the RUC, the military demanded, and obtained, dominance over the police in security matters achieving *de facto* control.”

¹ [FS1.638](#)

- 193.33** This alleged *de facto* control was, these representatives submitted, illegal, as neither the United Kingdom nor Northern Ireland Government, nor the Chief Constable of the RUC, had any legal power or entitlement to delegate policing decisions to the military.¹

¹ [FS1.637](#)

- 193.34** The Internal Security Instruction referred to in these submissions was issued on 15th October 1971 by Major General Robert Ford, the Commander of Land Forces (CLF). The CLF had day-to-day responsibility for the conduct of the Army in Northern Ireland and was in effect the deputy to the GOC. The relevant part of the Internal Security Instruction of October 1971 was as follows:¹

“a. The General Officer Commanding NORTHERN IRELAND is the Director of Operations in NORTHERN IRELAND. As such, he is responsible for the control, tasks and deployment of all security forces in NORTHERN IRELAND. The control and tasking of the RUC is vested in the Chief Constable, although variations may be made when the situation dictates that the RUC come under the direct command of a military commander in certain areas.

b. ... (4) Divisional commanders of the RUC receive their orders from the Chief Constable, through the appropriate Assistant Chief Constable.

(5) All operations between the military and the RUC will be co-ordinated at police divisional level by joint consultation within area Security Committees ...”

¹ [G20.142](#)

193.35 In an interview with Desmond Hamill in 1984, General Ford commented on this instruction, when he gave this account:¹

“... not many months [after the introduction of internment in August 1971] ... the RUC became, for all practical purposes, under command of the Army. It did. I have an Operational Order Directive which actually said the police will do this and that. I had NO authority to do that at all but it was the only way to get things done. In fact the police were so tired at that stage that in general terms they were only too happy for someone else to take that decision – with a few exceptions. But this was absolutely wrong. The Army should never have been in charge. Never. But unless it was there wouldn't have been any action taken at all. It was frightful, but we really were in command – not at internment, but afterwards.”

¹ [B1208.3.6-7](#); [Day 258/84](#)

193.36 General Ford told us, and we accept, that he gave this interview at short notice and relying on his memory.¹

¹ [Day 253/11](#)

193.37 During General Ford's oral evidence to this Inquiry he was asked about his interview with Desmond Hamill. There was this exchange:¹

“Q. The Chief Constable was supposed to hold his powers under the Police Act. Do you know of any provision which entitles a Chief Constable of police in the United Kingdom to pass over authority for areas in which he is responsible to the Army?

A. I do not know personally, no.

Q. In fact when you said it was ‘wrong, completely wrong’, that is what you meant?

A. Yes, what I was saying there was that in the normal course of events of a counter-insurgency campaign like this, that the police are always at the highest level in charge. Unfortunately because of the nature of the problem in Northern Ireland it had to operate, on occasions, the other way round. This was well-known in Whitehall and well-known at Stormont.

Q. Policies at a policy level could be made by the Chief Constable and GOC; that is right?

A. Yes, there was a certain amount of discussion about this, by the way, in fact right up to direct rule and afterwards, as to what the exact legal position was. I was not concerned in those discussions and certainly would not have been qualified to take part.”

¹ [Day 258/84-85](#)

193.38 This Inquiry heard evidence from other witnesses concerning the de facto relationship between the Army and the RUC in Northern Ireland. Superintendent Patrick McCullagh was, from 1971 to 1973, deputy to Chief Superintendent Frank Lagan, the commander of the RUC’s N Division, which included Londonderry.¹ In his written statement to this Inquiry, Superintendent McCullagh told us that “*there was very little we [the RUC] could do in terms of public order if the army did not agree with us*”.² He also gave the following answers in the course of his oral evidence:³

“Q. One of the matters in relation to the Army was that the Army were absolutely responsible for all security?

A. Well, in 1969 the Army were placed in total command of all, we will call broadly security force action, which included police action.

...

Q: It [the use of coloured dye in water cannons to identify rioters on Bloody Sunday] was a matter that was discussed with the police, although under the control of the Army when it happened; that is right, is it not?

A: Yes, I think I made it clear that the Army were the main – they were in charge of security at the time. The police actually could not do anything of a major nature without the full consent of the Army because we had neither the men nor the equipment.”

¹ Day 231/99

³ Day 232/61-62; Day 232/137

² JM17.2

193.39 General Sir Michael Carver was the CGS, the professional head of the British Army, to whom the GOC was responsible throughout the period with which we are concerned. As we have discussed elsewhere in this report,¹ he wrote an “Appreciation of the Security Situation” for the Prime Minister’s attention in October 1971. As regards the RUC, General Carver wrote:²

“There remains the problem of the RUC. The general state of police morale is very low, and the Force is under strength. There is some confusion of aim, a lack of will and leadership – particularly at intermediate levels – and a tendency to rely too much on the Army. Its attitude is passive and its contribution to the security situation minimal. This does not apply at present to the Special Branch, but there are ominous signs of some weakening there. An urgent examination of ways and means to improve the effectiveness of the uniformed branch is necessary. Meanwhile the Army must continue to bear the brunt of the security burden until the RUC can play a more effective part, which may not be for some years.”

¹ Paragraphs 8.77–88

² G14B.86.11

193.40 Kenneth Bloomfield, the Deputy Secretary to the Northern Ireland Cabinet, described the relationship between the Army and the RUC in the following terms, during his oral evidence to this Inquiry:¹

“Q: Can you tell us what that meant in effect: did it mean that the RUC were subject to – I do not know what is the right word – supervision, control, whatever, of the GOC?

A. No, I think it was a more sophisticated situation than that. I think what it meant was that the Army would be in the lead in considering how to handle what you might describe as the security situation, but you know, they would try to treat the RUC as a reasonably equal partner. Clearly, they had a tremendous input to make into that sort of situation from their local knowledge, but at the end of the day it would be for the GOC ultimately, or for officers responsible, to say ‘look, we have listened to all of this, we have discussed all of this, now this is how we are going to handle it’.”

¹ Day 216/36

193.41 Kenneth Bloomfield went on to make the following observations:¹

“... I think that military aid to the civil power was by and large thought of historically in terms of a fairly quick, fairly limited in-and-out activity and you bring in, you know, a platoon of soldiers, you put them temporarily under the command, effectively, of the Chief Officer of police in Belfast; they deal with the immediate riot, and they are out again. Now this was, clearly, quite a different sort of situation where the Army intervention was on a much larger scale. Many people of course were saying ‘this is only an in-and-out operation’, although from the beginning there were sceptics about that, but it was different in degree from what had gone before. Can I add this, because I think it is important to say it: I think in the dialogue that went on occasions the RUC were rather overborne by the sophistication of the Army. Army officers, in my experience, were very well trained, they had been through staff college training, they were vigorous in debate, they were good at analysing problems, and I think sometimes perhaps that overbore the local knowledge of the RUC, who in those days were a less sophisticated force than their successors are today.”

¹ [Day 216/36-37](#)

193.42 On the basis of this evidence it appears that during the period in question the morale of the RUC was thought by Army commanders to be generally low; and it is clear that the RUC had neither the manpower nor the resources to deal with security situations of any magnitude (of which there were many), so that for these it can accurately be described as partly or even wholly dependent on the Army. As General Ford told us,¹ echoing what General Carver recorded in his Appreciation of the Security Situation in October 1971, the situation at that time was such that if law and order were effectively to be maintained in Northern Ireland, the main burden of security would fall on the Army.

¹ [B1208.021](#)

193.43 However, to our minds the fact that the main burden fell on the Army does not imply that the RUC had illegally delegated any of its policing duties relating to security, or that the Army had obtained “*dominance*” over the police in security matters, in the sense that they were able simply to override or ignore the views or advice of the RUC, as opposed to working with them on how best to deal with the security situation. In our view the situation was accurately described by Kenneth Bloomfield in the passages of his evidence quoted above, where he declined to accept that the RUC was under the control of the GOC. The decision-making process was, as he and John Taylor pointed out, a complex one in which various groups discussed the matter before decisions were taken in relation to

matters of internal security. In the circumstances described above, we are of the view that the fact that the Army played a prominent if not leading role in reaching these decisions does not indicate that they had eroded “*the role of the police in security matters*” or that there was any “*illegal transfer of control over the policing of security situations from the police to the military*”.¹

¹ FS1.633

193.44 We have borne in mind, of course, the fact that Chief Superintendent Frank Lagan (the senior police officer in Londonderry) expressed the view to Brigadier Patrick MacLellan that the civil rights march on 30th January 1972 should be allowed to reach Guildhall Square, rather than being stopped at Army barricades (as in the event it was), but Chief Superintendent Lagan was not part of the decision-making process, which was taking place at a higher level. At the JSC meeting of 13th January 1972, the Chief Constable himself had emphasised the importance of stopping marches decisively.¹ In his written evidence to this Inquiry, he told us, and we accept, that “*Frank’s [Chief Superintendent Lagan’s] views were taken into account at the Director of Operations meeting on 26 January 1972 but in the end the GOC and I both agreed that the march should be stopped at a point of our choosing*”.²

¹ G52.315

² JS8.11

193.45 As will have been noted, General Ford was relying on his memory in what he told Desmond Hamill. In view of General Ford’s oral evidence to this Inquiry and the other evidence to which we have referred, it seems to us that he was not expressing a view that the Army had illegally usurped the role of the RUC so far as security was concerned, but rather that he regretted that the situation was such that the Army had had to take the leading role. We do not accept that his account to Desmond Hamill shows that the Directive defining the role of the GOC as co-ordinating the tasking of the RUC was ignored in practice, or that his own Internal Security Instruction was somehow different from or subverted this Directive.

193.46 The question remains as to the extent to which the role of the Army in dealing with the security situation in Northern Ireland from August 1969 provides or helps to provide an explanation for the use of lethal force by soldiers of 1 PARA on Bloody Sunday.

193.47 The legal representatives of most of the families submitted that “*soldiers do not make good police officers*” and that “*the training and ethos of the military is such that their approach to the policing of civil disobedience created a significantly higher risk of the use of lethal force in circumstances where it was unjustified*”.¹ A comparison was drawn with

what was described as the “*vastly different*” approach of the police, who “*are not engaged in a military conflict with an ‘enemy’, rather they are trained to serve their community in circumstances where the use of force, whether lethal or non-lethal, ought to be [the] option of last resort*”.²

¹ FS1.639

² FS1.639-640

193.48 As we understand it, this submission is to the effect that the Army treated policing of civil disturbances in Northern Ireland as a military conflict with an enemy, whereas the police were trained to use force only as a last resort, with the result that where the Army were policing civil disturbances there was a significantly higher risk of the use of unjustified lethal force than would otherwise have been the case.

193.49 In our view this submission is so broadly stated that to consider it would have required a wide-ranging investigation into the conduct of soldiers and police in Northern Ireland in the period leading up to Bloody Sunday, a task that it was simply impracticable for us to undertake. We note, however, that the submission confines itself to civil disobedience; it does not appear to address or deal with the fact that by 1972 the problem facing the security forces was not just civil disobedience, but widespread civil disorder often accompanied or followed by lethal paramilitary activity.

193.50 The same representatives made further and more specific submissions in relation to the planning for the civil rights march in Londonderry on 30th January 1972. In this regard it was argued that “*the pre-eminence of the military over the police in the planning and control over the security operation at the NICRA march is crucial to an understanding of why unarmed civilians were killed*”.¹ The representatives highlighted in particular three “*cultural differences*” between the Army and the RUC:²

“(i) The military approached the march and the NICRA marchers in a confrontational manner ... [whereas] the approach of senior officers of the RUC in Derry was one where the primary objective was the maintenance of public order ...

(ii) ... The military, and in particular General Ford, equated unarmed teenage rioters with IRA gunmen and bombers and considered that the same military tactics could be applied to dealing with them. Senior officers in the RUC in Derry on the other hand appeared to understand and acknowledge the problem of hooliganism was more complex ...

(iii) The approach by the military and the police to the use of lethal force was also markedly different with senior police officers in Derry subscribing to the doctrine of minimum force.”

¹ FS1.640

² FS1.641-642

- 193.51** As we understand these submissions, they are to the effect that the Army, by its plan to stop the march from reaching its advertised destination and to mount an operation to arrest rioters, created or increased the risk that civilians would be subject to unjustified lethal force; a risk that would not have existed, or would only have existed to a much lesser or insignificant extent, had the Army adopted a non-confrontational approach, using only minimum force and then as a last resort, and exercising discretion rather than seeking, come what may, to enforce the law.
- 193.52** The first of the so-called “*cultural*” differences listed above ignores the fact that, as we have pointed out above, the Chief Constable did not follow the advice of Chief Superintendent Lagan but agreed that the march should be stopped. It also appears to assume that the decision to stop the march amounted to a “*confrontational*” approach that increased the risk of unjustified lethal gunfire. For reasons given elsewhere in this report,¹ the decision to stop the march was not, in our view, an unreasonable decision to take. The stopping of the march, as opposed to the arrest operation ordered by Colonel Wilford, did not lead to unjustified Army gunfire, nor, in our view, did it create or increase the risk of such gunfire.
- ¹ Chapter 9
- 193.53** The second alleged cultural difference does not accurately reflect the view of the Army at the time, as we have discussed elsewhere in this report.¹ If and to the extent that it relies on General Ford’s memorandum of 10th January 1972,² in which he expressed the view that the only way to deal with the rioting in Londonderry was to shoot selected ringleaders using .22in rifles, it ignores several facts, namely that General Ford acknowledged in the same memorandum that this method of riot control would require authorisation before it could be adopted; that such authorisation was not forthcoming; and that this suggestion was not adopted.
- ¹ Chapters 8 and 9
- ² G48.299
- 193.54** The third alleged cultural difference is unsupported by any evidence. To our minds it wrongly assumes that the Army plans contemplated the use of lethal force to control the march or to deal with rioters. In our view this was not the case.

- 193.55** We are not persuaded therefore that these suggested cultural differences provide any key to an understanding of the unjustified use of lethal force by soldiers on Bloody Sunday.
- 193.56** In the course of this report, we have examined in the greatest detail possible the circumstances in which soldiers of Support Company of 1 PARA fired their rifles on Bloody Sunday, killing and injuring civilians. For the reasons we have given, we take the view that soldiers did fire unjustifiably on that day. However, we have found nothing that suggests to us that the cause or a contributory cause of this happening was either the role of the Army in Northern Ireland at the time, the relationship of the Army with the RUC, or indeed the plans made for dealing with the civil rights march and any accompanying rioting on 30th January 1972. We consider below the further submission that there was a “*culture within which soldiers could shoot, and kill, with impunity*”, because they knew that their use of lethal force would not be subject to scrutiny.¹

¹ [FS1.554-559](#)

Chapter 194: The legal position of soldiers in Northern Ireland

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194.1 In this chapter of the report we comment on the general legal position of individual soldiers in Northern Ireland, and then consider the arrangements that were in place at the time of Bloody Sunday for the investigation of alleged criminal offences by members of the Armed Forces. The question of soldiers' powers of arrest is discussed in a later chapter.¹

¹ [Chapter 196](#)

The legal position of individual soldiers

194.2 The *Manual of Military Law* (Ninth Edition 1968, Part II, Section V) provided that “*when called to the aid of the civil power soldiers in no way differ in the eyes of the law from other citizens, although, by reason of their organisation and equipment, there is always a danger that their employment in aid of the civil power may in itself constitute more force than is necessary*”.¹

¹ [LAW12.2](#)

194.3 Set out in an appendix to this part of the *Manual* was the Opinion of the Law Officers (dated 18th August 1911) on the duty of soldiers called upon to assist the police:¹

“A soldier differs from the ordinary citizen in being armed and subject to discipline; but his rights and duties in dealing with crime are precisely the same as those of the ordinary citizen. If the aid of the military has been invoked by the police, and the soldiers find that a situation arises in which prompt action is required, although neither Magistrates nor Police are present or available for consultation, they must act on their own responsibility. They are bound to use such force as is reasonably necessary to

protect premises over which they are watching, and to prevent serious crime or riot. But they must not use lethal weapons to prevent or suppress minor disorder or offences of a less serious character, and in no case should they do so if less extreme measures will suffice. Should it be necessary for them to use extreme measures they should, whenever possible, give sufficient warning of their intention.”

¹ LAW12.12

- 194.4** The legal position of individual soldiers who used lethal force while on duty in Northern Ireland was addressed by the House of Lords in the case of *R v Clegg*.¹ The case arose from an incident in which the passenger of a stolen car was shot and killed by a soldier in West Belfast. The House of Lords was asked to rule on the question of whether an on-duty soldier who killed a person with the requisite intention for the crime of murder (ie an intention to kill or cause serious bodily harm), but who would have been entitled to rely on self-defence (or other associated defences) had he not used excessive force, was guilty of murder or of manslaughter. Their Lordships held unanimously that in such instances the soldier would be guilty of murder.

¹ [1995] 1 AC 482

- 194.5** In his leading speech, Lord Lloyd of Berwick discussed the “*special position of the soldier in Northern Ireland*”,¹ and quoted the following passage from Lord Diplock’s judgment in *Attorney-General for Northern Ireland’s Reference (No.1 of 1975)*:²

“There is little authority in English law concerning the rights and duties of a member of the armed forces of the Crown when acting in aid of the civil power; and what little authority there is relates almost entirely to the duties of soldiers when troops are called upon to assist in controlling a riotous assembly. Where used for such temporary purposes it may not be inaccurate to describe the legal rights and duties of a soldier as being no more than those of an ordinary citizen in uniform. But such a description is in my view misleading in the circumstances in which the army is currently employed in aid of the civil power in Northern Ireland ... In theory it may be the duty of every citizen when an arrestable offence is about to be committed in his presence to take whatever reasonable measures are available to him to prevent the commission of the crime; but the duty is one of imperfect obligation and does not place him under any obligation to do anything by which he would expose himself to risk of personal injury, nor is he under any duty to search for criminals or seek out crime. In contrast to this a soldier who is employed in aid of the civil power in Northern Ireland is under a duty, enforceable under military law, to search for criminals if so ordered by his superior

officer and to risk his own life should this be necessary in preventing terrorist acts. For the performance of this duty he is armed with a firearm, a self-loading rifle, from which a bullet, if it hits the human body, is almost certain to cause serious injury if not death.”

¹ [1995] 1 AC 482, at 497

² [1977] AC 105, at 136-137

194.6 Lord Lloyd continued:¹

“I would particularly emphasise the last sentence in the above quotation. In most cases of a person acting in self-defence, or a police officer arresting an offender, there is a choice as to the degree of force to be used, even if it is a choice which has to be exercised on the spur of the moment, without time for measured reflection. But in the case of a soldier in Northern Ireland, in the circumstances in which Private Clegg found himself, there is no scope for graduated force. The only choice lay between firing a high velocity rifle which, if aimed accurately, was almost certain to kill or injure, and doing nothing at all.

It should be noticed that the point at issue here is not whether [the soldier in the case] was entitled to be acquitted altogether, on the ground that he was acting in obedience to superior orders. There is no such general defence known to English law, nor was any such defence raised at the trial. The point is rather whether the offence in such a case should, because of the strong mitigating circumstances, be regarded as manslaughter rather than murder ... I regret that under existing law, on the facts found by the trial judge, he had no alternative but to convict of murder.”

¹ [1995] 1 AC 482, at 497-498

194.7 Private Clegg was later acquitted of murder at a retrial where fresh forensic evidence was adduced.¹

¹ David McKittrick et al, *Lost Lives*, Edinburgh: Mainstream Publishing, 2001, pp1209–10.

194.8 For the reasons given in one of the rulings we made during the course of this Inquiry,¹ it is not within the scope or power of this Tribunal to decide whether or not soldiers committed criminal offences on Bloody Sunday. This part of this chapter simply emphasises that, bearing in mind the observations expressed by Lord Diplock and Lord Lloyd, the soldier is in the same position as the private citizen so far as the commission of criminal offences is concerned.

¹ Ruling dated 11th October 2004 on the standard of proof, [A2.41](#).

The investigation of allegations of criminal offences committed by soldiers in Northern Ireland

194.9 In addition to the general division of responsibilities between the Army and the Royal Ulster Constabulary (RUC) that we have discussed above, there is another aspect to the relationship between the police and the military in Northern Ireland at the time of Bloody Sunday to which we should draw attention. This is the investigation of criminal offences alleged to have been committed by soldiers, and in particular the respective roles played in such investigations by the RUC and the Army's own police force, the Royal Military Police (RMP).

194.10 At the time of Bloody Sunday, Major INQ 3, who was an officer in the RMP, held the post of Deputy Assistant Provost Marshal (Special Duties).¹ He told us that his role in this post expanded his duties as the senior Special Investigation Branch (SIB) officer in order to cover investigations of complaints and litigation directed against the British Army.² The SIB was the equivalent of the criminal investigation division of a civilian police force. Major INQ 3 attached to his written statement to this Inquiry³ the notes that he prepared for a lecture that he delivered in November 1973. The relevant part of these notes was as follows:⁴

"Back in 1970 a decision was reached between the GOC and the Chief Constable whereby RMP would tend [sic] to military witnesses and the RUC to civilian witnesses in the investigation of offences and incidents. With both RMP and RUC sympathetic to the soldier, who after all was doing an incredibly difficult job, he was highly unlikely to make a statement incriminating himself, for the RMP investigator was out for information for managerial, not criminal purposes, and, using their powers of discretion, it was equally unlikely that the RUC would prefer charges against soldiers except in the most extreme of circumstances. However in March 1972, following the imposition of direct rule from Westminster, a Director of Public Prosecutions was appointed for Northern Ireland and he soon made it clear that the existing standards were far from satisfactory. In November 1972 he revoked the RUC's discretionary powers in these matters, ordering all allegations made against the security forces to be passed to him for examination. The honeymoon period was over."

¹ C3.1

² Day 256/154-155

³ C3.1; Day 256/154-155

⁴ C3.10-11

194.11 In his oral evidence to this Inquiry, Major INQ 3 told us that the revoked discretionary powers to which he was referring were those of the RUC to decide whether or not to institute criminal proceedings against an individual soldier.¹

¹ [Day 256/161](#)

194.12 The understanding between the RUC and the RMP described by Major INQ 3 was considered by the Northern Ireland Court of Criminal Appeal in the case of *R v Foxford*, a successful appeal against conviction by a soldier who had been found guilty of the manslaughter of a 12-year-old boy in Newry.¹ In his judgment, Sir Robert (later Lord) Lowry, the Lord Chief Justice of Northern Ireland, said:²

“We learnt that from September 1970 an RUC Force Order was in operation whereby if an offence against the ordinary criminal law was alleged against military personnel in Northern Ireland the interviewing of military witnesses and of the alleged offender himself was conducted exclusively by military investigation.”

¹ [1974] NI 181; [OS1.734-750](#)

² [1974] NI 181 at 200; [OS1.744](#)

194.13 Sir Robert Lowry went on to condemn this practice, stating that “*we deprecate this curtailment of the function of the police and hope that the practice will not be revived*”.¹

¹ [1974] NI 181 at 200; [OS1.744](#)

194.14 Michael O’Connell in his book *Truth – The First Casualty* referred to this RUC Force Order being in force from September 1970 to September 1973.¹

¹ Michael O’Connell, *Truth – The First Casualty*, Eire: Riverstone, 1993.

194.15 We consider the role played by the RMP in taking statements from soldiers in the aftermath of Bloody Sunday elsewhere in this report,¹ where we consider in detail submissions made by interested parties to this Inquiry on this and allied matters. However, here we should draw attention to the submissions made by representatives of the majority of the families to the effect that the agreement between the GOC and the Chief Constable “*removed soldiers from the normal operation of the criminal justice system and involved the establishment of an alternative structure operated and controlled by the military*”, which in turn meant that “*the soldier was operating in an environment designed to assist him in protecting himself from the threat of criminal sanction*”, and that this contributed significantly “*to a culture within which soldiers could shoot, and kill, with impunity*”, because they knew that their use of lethal force would not be subject to scrutiny.²

¹ [Chapter 173](#)

² [FS1.554-559](#)

- 194.16** Any attempt to establish whether there was in the period leading up to Bloody Sunday a culture among soldiers which led them to believe that they could shoot with impunity would have required a detailed investigation into the previous incidents of shooting by soldiers, apart from those on Bloody Sunday itself, and consideration of whether these incidents demonstrated that soldiers were using lethal force with impunity, without paying any or any proper regard to whether they were justified in firing. Such an investigation would have necessarily taken a great deal of time and in our view was, in the context of what was already a very large inquiry, a wholly impracticable course to take. In these circumstances, we are not in a position to express a view either as to whether or not such a culture existed among soldiers before Bloody Sunday or, if it did, as to whether it had any influence on those who fired unjustifiably on that day.

Chapter 195: The validity of regulations concerning soldiers made under the Northern Ireland Special Powers legislation

195.1 Earlier in this report¹ we referred to an operation mounted in August 1971 by the Army in Londonderry (code-named “Operation Huntsman”) to draw out and engage IRA gunmen, arrest rioters and remove the barricades that had been erected in the Bogside and the Creggan.² During the course of this operation soldiers encountered a crowd sitting on the ground in an attempt to prevent the further removal of barriers.³ The crowd included the Northern Ireland MPs John Hume and Ivan Cooper, who were arrested with others for remaining in an assembly of more than three persons after being ordered to disperse by an Army officer, contrary to Regulation 38(1) of the regulations made under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 (the Special Powers Act), passed by the Northern Ireland Parliament.⁴ Soldiers made these arrests. On 8th September 1971 John Hume, Ivan Cooper, Michael Canavan, Hugh Logue and William Gallagher were convicted and each fined £20.⁵

¹ Paragraphs 8.54–55

⁴ LAW11.5-6

² G8B.63.5; G3C.48.14-15; G9C.66.14

⁵ LAW11.5-6

³ Niall Ó Dochartaigh, *From Civil Rights to Armalites: Derry and the Birth of the Irish Troubles*, Basingstoke: Palgrave Macmillan, 2005, first published 1997, pp238–39.

195.2 Under section 1(3) of the Special Powers Act, the Northern Ireland Minister of Home Affairs was given power to make regulations “*for making further provision for the preservation of the peace and maintenance of order*”.¹ Regulation 38(1), which had first been introduced in 1966² and was subsequently replaced with a new regulation in 1970,³ was one such provision. It provided, among other matters, that:⁴

“... any commissioned officer of Her Majesty’s Forces on duty who suspected that any assembly of three or more persons might lead to a breach of the peace or serious public disorder or make undue demands upon the police force or upon Her Majesty’s Forces, then such commissioned officer, or any member of the Royal Ulster Constabulary or Her Majesty’s Forces on duty acting in his behalf, might order the persons constituting the assembly to disperse forthwith, and any person who thereafter joined or remained in the assembly or otherwise failed to comply with such order should be guilty of an offence against the regulations.”

¹ [LAW2.3](#)

² Statutory Rules and Orders (Northern Ireland) 1966 No. 173

³ Statutory Rules and Orders (Northern Ireland) 1966 No. 214

⁴ [LAW11.2](#)

195.3 John Hume, Ivan Cooper, Michael Canavan, Hugh Logue and William Gallagher applied to the High Court of Northern Ireland for orders of certiorari to quash their convictions. One of the grounds of their application was that Regulation 38(1) was contrary to section 4(1)(3) of the Government of Ireland Act 1920, which prohibited the Parliament of Northern Ireland from having any powers to make laws in respect of the Armed Forces.¹ Such legislation remained within the sole jurisdiction of the United Kingdom Parliament at Westminster. As a result, it was argued, the Parliament of Northern Ireland had no power to authorise the Minister of Home Affairs to make regulations, such as Regulation 38(1), that purported to confer powers on members of the Armed Forces, and the Minister had acted outside his lawful powers in so doing.

¹ [LAW11.3](#); [LAW1.10](#)

195.4 The application was heard by the Lord Chief Justice of Northern Ireland, Sir Robert Lowry (later Lord Lowry), Mr Justice Gibson and Mr Justice O'Donnell on 11th and 12th January 1972, and the judgment was delivered on 23rd February 1972, a little over three weeks after Bloody Sunday.¹ The court upheld the argument outlined above and quashed the convictions.² This judgment had potentially far-reaching consequences as it brought into question legislative provisions, including those in the Special Powers Act, that had been passed by the Parliament of Northern Ireland and that purported to affect the powers of members of the Armed Forces.

¹ *R (Hume) v Londonderry Justices* [1972] NI 91; [LAW11.1-28](#) ² [LAW11.3](#)

195.5 At a meeting on 22nd February 1972 the United Kingdom Cabinet, having been informed that the judgment due the following day was likely to be adverse to the Crown, discussed its response. The Prime Minister noted that since 1969 “*the Army had relied heavily upon powers conferred upon them by the [Special Powers Act]*”, and that the effect of the

judgment “*might therefore be to invalidate all actions taken by the Army by virtue of those powers*”.¹ The Attorney General, Sir Peter Rawlinson, warned that:²

“... the Army would therefore be exposed to writs of habeas corpus and to accusations of wrongful arrest, unlawful entering of premises and, probably, assault. Moreover, individuals would be entirely within their legal rights in refusing to obey orders given by members of the Forces under powers conferred by the Special Powers Act.”

¹ [G124A.831.3](#)

² [G124A.831.4](#)

195.6 The Prime Minister told the Cabinet that the Government had two options: either to appeal to the House of Lords, or to rush retrospective legislation through the Westminster Parliament to validate action previously taken by the Armed Forces under the Special Powers Act. Following discussion, it was agreed that the latter course should be taken.¹ The resulting Northern Ireland Act 1972 (the 1972 Act) received Royal Assent on 24th February 1972.²

¹ [G124A.831.3-7](#)

² [LAW9.2](#)

195.7 Had it not been for this piece of retrospective legislation, and had the decision of the Northern Ireland High Court been upheld or remained unchallenged, the legality of the arrests of civilians by soldiers on Bloody Sunday could not in our view have been justified under the Special Powers Act alone.

195.8 It is relevant to note that in October 1972 the United Kingdom Attorney General gave an undertaking that the 1972 Act would not be applied retrospectively so as to charge demonstrators who had been arrested on Bloody Sunday, or other occasions, with failing to comply with orders from members of the United Kingdom Armed Forces. This undertaking was given in response to an inter-state case challenging the compatibility of the 1972 Act with the European Convention on Human Rights, which was brought before the European Commission on Human Rights by the Republic of Ireland.¹

¹ [FS10.395](#); [CS2.43-44](#)

195.9 A number of submissions were made to this Inquiry by the representatives of the Northern Ireland Civil Rights Association (NICRA), criticising both the 1972 Act and the administrative processes that led to it. Before addressing these, it is necessary to consider what was known and when by the authorities in London and Stormont regarding the legal position of provisions made under the Special Powers Act that purported to affect the powers of the Armed Forces.

- 195.10** Professor Claire Palley, who at the time of Bloody Sunday was Professor of Public Law and Dean of the Law Faculty at Queen's University Belfast, gave written evidence to this Inquiry.¹ In her statement she told us that from 1968 she had given constitutional law lectures on this aspect of the Special Powers Act, and noted that academic and professional discussion on this point became sharper in the later 1960s and early 1970s. Professor Palley also wrote a number of articles on the topic in the *Times* from 1971.²

¹ KP2.1

² KP2.1-2

- 195.11** During this Inquiry Professor Palley was shown a number of official documents from the period between November 1971 and February 1972 concerning these matters. Having considered these, she stated:¹

"I believe that the Government of Northern Ireland and its lawyers, and through them the UK Government, knew that there was considerable doubt as to the lawfulness of the Parliament of Northern Ireland legislating to confer powers on the Army, Navy or Air Force or on any other naval military or air force matter. There had been debate about the dubious legality of any such conferment of power on the Army prior to the enactment of the regulations, which were applied in relation to Mr. Hume's arrest. After enactment of the regulations, those involved must have been even more aware of doubts being expressed by the legal profession and about likely challenges in the courts in Northern Ireland."

¹ KP2.9

- 195.12** There is evidence before this Inquiry to show that officials at the United Kingdom Home Office (then the department responsible for Northern Ireland) were aware of arguments surrounding the conferral of powers on the military under the Special Powers Act at least as early as November 1971. In a note dated 25th February 1972 (and hence written after the judgment in the Hume case and the enactment of the 1972 Act) Sir Kenneth Jones, then Legal Adviser to the Home Office, wrote the following to Graham Angel, then Private Secretary to the Home Secretary:¹

“While this note was being dictated, the Northern Ireland Department have looked into Professor Palley’s assertion [in an article in the *Times* of 25th February 1972] that the Home Office was warned of the ‘probable invalidity of the regulations’. The Home Office were aware that the conferring of these powers on the military was under attack since we knew that they were being challenged by Mr Hume and others. The point was also raised in a general way by Mr Garrett, a Northern Ireland solicitor and a friend of Professor Palley, who had a meeting in November with Home Office officials in his capacity as Policy Chairman of the Northern Ireland Labour Party.”

¹ KP2.32-33

- 195.13** Although officials might have been aware of a challenge in this area, it does not follow that they necessarily thought that it would be successful. Speaking in the House of Commons on 23rd February 1972, in response to the delivery of Lord Chief Justice Lowry’s judgment in the Hume case, Harold Wilson, then Leader of the Opposition, but the Prime Minister at the point when troops had been deployed to Northern Ireland, said:¹

“Both Governments – I emphasise, both Governments – which have been responsible for the use of British troops to preserve peace in Northern Ireland had assumed on the best legal advice available, to us and to the recent Government, that our action in putting troops in and with the powers which they were given – for example, to deal with search of vehicles suspected of carrying gelignite or action to deal with snipers – was legal. This was the view of the then Government – and of the present Government – when we put in the troops in 1969 and, indeed, when we gave them supreme control of security in Northern Ireland. The view of both Governments seemed to have been confirmed by the decision of the British High Court in the judgment of Mr. Justice Ackner last September.”

¹ House of Commons Debates, 1972, vol 831, 23 February, col 1286.

- 195.14** The judgment of Mr Justice Ackner (later Lord Ackner) to which Harold Wilson referred was given in the English High Court in September 1971 in the case of *Re Keenan*.¹ The judge had been asked to consider a writ of habeas corpus on behalf of two applicants who had been arrested by soldiers in Northern Ireland. One of the issues he addressed was whether the Parliament of Northern Ireland had the power to authorise members of the Armed Forces to make arrests under Regulation 11(1) of the Civil Authorities (Special Powers) Act (Amending) Regulations (Northern Ireland) 1956. Mr Justice Ackner, after deciding that he had jurisdiction to hear the case, held that the Parliament of Northern Ireland had not exceeded its powers in passing the regulation in question and that the

applicants had failed to establish any case for saying that no valid powers existed for their arrest and detention. Later in September 1971 the case went to the Court of Appeal, which dismissed the appeal on the basis that the English and Welsh courts had no powers to issue a writ of habeas corpus in respect of persons detained in Northern Ireland. The Court of Appeal was not, therefore, concerned with the validity of the regulation or the legality of arrests made by soldiers in Northern Ireland.²

¹ [LAW11.29-35](#)

² *Re Keenan* [1972] 1 QB 533

- 195.15** At this Inquiry, the representatives of NICRA made submissions criticising the purported failure of the Governments of the United Kingdom and Northern Ireland to obtain or update legal advice concerning the powers of arrest of members of the Armed Forces in Northern Ireland, in the light of the debate about the validity of such powers, and in particular the ongoing Hume case.¹ In conclusion, they submitted that:²

“The absence of any legal advice to the relevant authorities in the days immediately preceding Bloody Sunday constituted a failure to act administratively in an appropriate manner. In terms of ombudsmanry, this was, classically, an act of maladministration.”

¹ [FS10.376-392](#)

² [FS10.392](#)

- 195.16** These submissions only have direct relevance to the present Inquiry if, assuming legal advice had been obtained immediately after the hearing in the Hume case but before the judgment, there would or should have been some significant change to the plans to deploy soldiers to control the march that was to take place on 30th January 1972; and in particular, to the plan to use soldiers to arrest rioters.
- 195.17** In these circumstances, the question arises as to what advice would have been given had it been sought at that time. The decision of Mr Justice Ackner in *Re Keenan*, and the advice to which Harold Wilson referred in his parliamentary statement, both suggest that there was a school of thought that the conferment of powers on members of the Armed Forces under the Special Powers Act was valid. Professor Palley told this Inquiry that while that had not been her own view, it was one that tended to be held by one of her colleagues, Harry Calvert.¹ John MacDermott QC, who at the time of the Hume case was the Legal Adviser to the (Northern Ireland) Minister of Home Affairs, told this Inquiry that the case caused great interest at the Bar of Northern Ireland and that “*both sides were confident of success*”.²

¹ [KP2.1](#)

² [KM1.2](#)

- 195.18** To our minds, in view of the matters considered in the previous paragraphs, we consider that any advice tendered before Bloody Sunday could only, at the highest, have been to the effect that there was a serious risk that the High Court of Northern Ireland would hold that the regulations under which John Hume and others were arrested, and by extension other similar provisions made under the Special Powers Act, were invalid.
- 195.19** Had such advice been given, the authorities (ultimately the United Kingdom Government), would have been faced with a number of choices. They could have waited for the judgment and then, if it was adverse, sought to appeal to the House of Lords. They could, pending the decision of the High Court of Northern Ireland, have ceased to use members of the Armed Forces in aid of the civil power in Northern Ireland, at least in circumstances where such use depended upon the validity of the regulations. They could have rushed through legislation validating the regulations, as indeed they were to do in the aftermath of the decision in the Hume case.
- 195.20** The first of these choices, an appeal to the House of Lords, which in any event might have been unsuccessful, would have taken time, and in the period between the High Court decision and the conclusion of the appeal the Armed Forces could hardly have been permitted to act as though the impugned regulations were valid. The second choice would have meant that the same situation would have arisen even before the High Court of Northern Ireland had ruled. In the situation as it obtained in Northern Ireland at the time, the result in either of these cases would have been that the Armed Forces would have been substantially hampered in their task of aiding the civil power in Northern Ireland. To our minds it would not have been unreasonable for the relevant decision makers to conclude that this would amount to an unacceptable state of affairs that precluded the adoption of either of these two approaches.
- 195.21** There is evidence that in early February 1972, before the judgment in the Hume case but after Bloody Sunday, officials in both Stormont and Westminster had these considerations in mind. On 10th February 1972, John MacDermott QC wrote the following letter to Tony Hetherington, the Legal Secretary to the United Kingdom Government Law Officers:¹

“10th February, 1972

Dear Tony,

I hesitate to bother you again about our problems. I have just heard on the grape-vine that Judgment in the Hume Certiorari case may be delivered next week. If it goes against the Crown – and I fear it will – the Army is going to be out on a limb. Powers of arrest, search and anything of a quasi police nature will probably be unlawful: in short the Army becomes impotent as an aid to the civil authority.

It may be that the necessary contingency plans exist though the only sure action is Westminster legislation. I wonder therefore if you could sound a word of warning or concern with Ministry of Defence or take some other action as you think fit.

It may be that it is thought that nothing need be done until the H. of L. determines the matter. I don't think the Armys role can be left uncertain for a period of months. It also occurs to me that an Imperial Act of indemnity may be a real necessity.

If I can elaborate on my anxieties or take any steps at this end do let me know.

All best wishes

Yours sincerely

(sgd) John MacDermott”

¹ [KM1.6](#)

195.22 This letter was sent by Tony Hetherington to Sir Kenneth Jones, the Legal Adviser to the (United Kingdom) Home Office, who copied it to his Permanent Secretary Sir Philip Allen.¹ In an accompanying note,² dated 14th February 1972, Sir Kenneth wrote:³

“It is to be hoped that Mr. MacDermott is being unduly pessimistic. Certainly, one would think that the judges of the N.I. Divisional Court would hesitate at the present juncture to pronounce as invalid regulations which have been in force for so long, unless they were convinced that there were compelling legal reasons for doing so. But, in the face of the view expressed by this practising Silk, we cannot rely upon the court upholding the legality of the regulations.

While the prosecution would seek to appeal to the House of Lords against the adverse judgment, the army could hardly continue to exercise these essential powers pending the determination of the appeal, which the respondents would have no incentive to expedite. There would be likely to be a flood of habeas corpus applications of arrested persons.

A validating Westminster Bill, with retrospective effect, would therefore seem to be necessary. A Bill of this kind to deal with this isolated point would raise the whole question of the continued exercise by Stormont of the law and order and Special Powers Act functions and would no doubt lead to renewed demands for the transfer of the powers to London.

If a contingency validating Bill is to be drafted, we shall clearly need to act quickly.”

¹ KM1.3

³ KM1.5

² KM1.3-5

195.23 In these circumstances it seems to us that if the matter had been addressed in January rather than February 1972, the same conclusions would have been reached, namely to enact legislation in the event of an adverse decision in the High Court of Northern Ireland, but meanwhile to proceed on the basis, which had some existing legal support, that the regulations were valid. In our view this would not have been an unlawful or unreasonable course to take. It follows that even if it could be said that the Governments could and should have addressed the matter earlier, we consider that this would not have made any difference to the plans as to how to use soldiers on 30th January 1972.

195.24 The representatives of NICRA also made submissions attacking the 1972 Act itself. In particular they suggested that it was “*a piece of retroactive penal legislation and hence constitutionally impermissible*”.¹

¹ FS10.381

195.25 In our view that is not an accurate description of this legislation. The 1972 Act was retroactive but did not create an offence where none had existed. It was not, in the area with which we are concerned, a penal provision, nor to our minds constitutionally impermissible. Its effect was to give lawful operation to an exercise of power by a

member of Her Majesty's Forces. If an arrest was on other grounds unlawful, it remained so. In the Westminster Parliament the Lord Chancellor described the proposed legislation as follows:¹

"We are not validating anything which was not invalidated this morning. If any acts were done illegally outside the powers conferred upon them by the Minister, they are still illegal and they would still give rise to an action in the courts: they would still give rise to an action for civil damages, where civil damages are proper, and they would still give rise to criminal proceedings if a criminal offence is committed. Nothing of that kind is validated. Secondly, the particular convictions which were quashed by the High Court will remain quashed if this legislation is passed. This is because, although leave to appeal was obtained, we shall abandon our appeal if this Bill is given legislative force. Therefore those who gained the advantage of the judgment this morning will be allowed to keep it for all time without interference."

¹ House of Lords Debates, 1972, vol 328, 23 February, col 624.

195.26 The representatives of NICRA also questioned whether this Act was compatible with Article 7 of the European Convention on Human Rights. It will be borne in mind that at the time this Convention was not part of the municipal law of the United Kingdom. These representatives acknowledged that this question "*might reasonably have not occurred to legal authorities in 1971/2*".¹ The question, though interesting, is one that to our minds not only would require much fuller argument before we could express a view, but also seems to us hardly to fall within our terms of reference.

¹ [FS10.389](#)

195.27 It remains to note that in the circumstances we do not accept the further submissions of these representatives, that General Ford was in breach of a duty of care in failing to obtain an assurance that the arrests he contemplated would be lawful; and that the failure of ministers or civil servants to remedy or clarify the law might have amounted to an act of maladministration or, at worst, evidence of misfeasance in office.¹

¹ [FS10.405-406](#)

Chapter 196: The lawfulness of the arrests on Bloody Sunday

- 196.1** Quite apart from the question of the invalidity of the Special Powers Act regulations in relation to soldiers and their retrospective validation by the 1972 Act, discussed above, a further question arose as to whether the arresting soldiers adopted the required procedures for making arrests.
- 196.2** Neither the evidence of the arresting soldiers nor the evidence of those arrested throw any light on what powers of arrest the soldiers were seeking to exercise. The arrest report forms do not record anything on this topic, though under the heading “ARREST DETAILS” the alleged offence was usually specified, in the majority of cases, as riotous behaviour.
- 196.3** On the face of it (and assuming its validity as regards soldiers) Regulation 11 in the Schedule to the Special Powers Act would be applicable. There is evidence in the military papers in the period leading up to Bloody Sunday that suggests that the Army commanders intended, or at least would have intended had they applied their minds to the question, that any arrests made during the operation would be made under Regulation 11 in the Schedule to the Special Powers Act. Regulation 11, among other matters, empowered a member of Her Majesty’s Forces on duty to arrest without warrant any person whom he suspected of acting or of having acted or of being about to act in a manner prejudicial to the preservation of the peace or maintenance of order, or of having committed an offence against any of the regulations contained in the Schedule to the Special Powers Act.¹
- ¹ [LAW2.11-12](#)
- 196.4** In the instructions issued on behalf of Major General Ford on 19th January 1972, concerning the renewed ban on processions under section 2 of the Public Order Act (Northern Ireland) 1951,¹ it was provided that, in the event that the ban was defied, an order to disperse would be given to those taking part, failure to comply with which would constitute an offence under Regulation 38 in the Schedule to the Special Powers Act. If practicable, the Royal Ulster Constabulary would make arrests under the 1951 Act. However, should it be necessary for soldiers to make arrests, they would do so under

Regulation 11 in the Schedule to the Special Powers Act, on suspicion that the person arrested was acting or had acted in a manner prejudicial to the peace or had committed an offence against the regulations.

¹ [G59.361-363](#)

196.5 The Brigade Operational Order for Operation Forecast¹ stipulated that if arrests became necessary after an assembly of three or more persons had been ordered to disperse, the soldiers making the arrests should use the words “*I arrest you for having committed acts prejudicial to the peace*”. Although no statutory provision was mentioned, the prescribed wording appears to us to indicate that it was envisaged that these arrests would be made under Regulation 11.

¹ [ED25.10](#)

196.6 There is, however, some evidence to suggest that the arrests made on Bloody Sunday were not made, or were not thought to have been made, under the Special Powers Act.

196.7 Major INQ 1900 was, at the time of Bloody Sunday, the Deputy Assistant Adjutant and Quartermaster General (DQ) of 8th Infantry Brigade in Londonderry. He attached to his written statement to this Inquiry¹ a copy of a table, which he had compiled several months after Bloody Sunday, in which information was recorded about the numbers of incidents of various kinds that had occurred in the 8th Infantry Brigade area during certain periods.²

¹ [C1900.1](#)

² [C1900.60](#)

196.8 According to the table, during the period from 8th December 1971 to 30th January 1972, 21 arrests were made under the 1922 Act in the City of Londonderry, and 25 in County Londonderry, whereas 136 other arrests were made in the 8th Infantry Brigade area, including 43 on 30th January 1972.

196.9 Elsewhere in this report¹ we consider the arrests made on Bloody Sunday. It appears that soldiers of 1 PARA made 55 arrests on Bloody Sunday and soldiers of 1 R ANGLIAN a further seven. Two of those arrested by soldiers of 1 PARA were released in William Street. Forty-four of the remaining 53 cases were later treated as cases of riotous behaviour, but one of these had originally been treated as a case of assault. Hence a contemporaneous Army list records 43 cases of riotous behaviour.

¹ [Chapters 155–164](#)

- 196.10** It is impossible to tell whether these 43 cases correspond to the 43 arrests recorded in Major INQ 1900's table, nor is it clear whether or in which category the remaining arrests made on Bloody Sunday have been counted in his table. On any view, however, his table treats the majority of the arrests on Bloody Sunday as not having been made under the 1922 Act. It does not automatically follow that his categorisation is correct or that the soldiers would not have relied upon Regulation 11 if they had been required to justify the arrests that they had made. But the table does suggest that it should not be assumed that the powers under the 1922 Act were routinely invoked whenever soldiers on duty made arrests.
- 196.11** On the other hand, apart from the powers under the Special Powers Act, the soldiers' powers of arrest were limited. Under section 2 of the Criminal Law Act (Northern Ireland) 1967,¹ any person was empowered to arrest anyone in the act of committing an arrestable offence, or whom he reasonably suspected to be in the act of committing an arrestable offence, or anyone guilty, or whom he reasonably suspected to be guilty, of an arrestable offence already committed. But "arrestable offence" was defined in the same section as meaning an offence carrying a mandatory sentence of death, life imprisonment or detention during the pleasure of the Governor of Northern Ireland, or an offence for which an adult with no previous convictions might be sentenced under any enactment to imprisonment for five years. It does not appear that any of the offences for which civilians were arrested on Bloody Sunday was an arrestable offence. Under section 9 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, riotous behaviour carried a maximum sentence of six months' imprisonment (which was made mandatory by later legislation).
- ¹ [LAW4.2](#)
- 196.12** There is power in any citizen at common law to arrest without warrant for breach of the peace or conduct likely to cause a breach of the peace.¹ Although there is no evidence that the soldiers thought that they were exercising this power, it is possible that they might have relied upon it had they been required to justify some of the arrests that they had made.

¹ *R v Howell* [1982] QB 416; *Bibby v Chief Constable of Essex Police* [2000] EWCA Civ 113.

- 196.13** It was held in *R v Howell*¹ that the common law power of arrest for breach of the peace arises where “(1) a breach of the peace is committed in the presence of the person making the arrest or (2) the arrestor reasonably believes that such a breach will be committed in the immediate future by the person arrested although he has not yet committed any breach or (3) where a breach has been committed and it is reasonably believed that a renewal of it is threatened”. Hence a soldier would only have been entitled to arrest under this power if a breach of the peace had in fact been committed in his presence, or if he held a reasonable belief either that a breach of the peace was about to be committed or that a renewed breach of the peace was threatened.

¹ [1982] QB 416

- 196.14** In contrast, as regards the powers of arrest conferred by Regulation 11, it was held in *In re McElduff*¹ that an honest suspicion, even though not reasonable, was sufficient for the purposes of Regulation 11. Hence a soldier was entitled to make an arrest under this regulation on a suspicion, whether reasonable or not, that the person arrested was acting or had acted or was about to act in a manner prejudicial to the preservation of the peace or the maintenance of order.

¹ [1972] NI 1 [LAW10.1](#)

- 196.15** We should note at this point that section 7 of the Special Powers Act provided as follows:¹

“Any person authorised by the civil authority, or any police constable, or any member of His Majesty’s Forces on duty may, where it is necessary for the purpose of effecting an arrest in respect of any crime or any offence against the regulations, exercise the like powers as may be exercised by a police constable in effecting arrest in a case where an arrestable offence has been committed.”

¹ [LAW2.6](#)

- 196.16** In *In re McElduff*,¹ McGonigal J treated this section as creating a power of arrest distinct from the power under Regulation 11. Despite this, and although the sidenote to the section reads “Power of arrest”, we are doubtful whether it should be construed as creating such a power at all. To say that a power of arrest may be exercised “*where it is necessary for the purpose of effecting an arrest*” invites the question: when could such a power ever not be necessary for that purpose? Instead it seems to us that the section presupposes the existence of a power of arrest, and that its purpose was to equip

authorised persons, constables and members of HM Forces on duty, in circumstances in which they already had such a power, with ancillary powers of entry and search, which would otherwise have been available only to constables in an arrestable offence case.

¹ [1972] NI 1 [LAW10.1](#)

196.17 Those ancillary powers were set out in section 2(6) of the Criminal Law Act (Northern Ireland) 1967,¹ which provided as follows: “*For the purpose of arresting a person under any power conferred by this section a constable may enter (if need be, by force) and search any place where that person is or where the constable, with reasonable cause, suspects him to be.*” The ancillary powers are here appropriately described as to be exercised “*for the purpose of*” making an arrest. The objection to construing section 7 of the 1922 Act as having created a separate power of arrest is strengthened by the consideration that, on that construction, soldiers on duty would have been entitled to enter and search houses in order to arrest people on suspicion of minor road traffic offences. It seems most unlikely that even the Special Powers Act was intended to have such consequences.

¹ [LAW4.3](#)

196.18 It was also held in *In re McElduff*¹ that, for an arrest under any of the powers in the 1922 Act or regulations to be valid, it was necessary for the arrested person to be informed at the time of his arrest, or at the very earliest opportunity thereafter, under what power he had been arrested, and the general nature of the suspicion leading to his arrest. The decision in *In re McElduff* was in part an application of the general principle stated in *Christie v Leachinsky*,² that an arrest without warrant is unlawful unless the arrested person is informed at the time of the ground upon which he is being detained. In *R v Howell*³ it was held that in the case of the common law power to arrest for breach of the peace it is sufficient for the person making the arrest to say “*I am arresting you for a breach of the peace*”.

¹ [1972] NI 1 [LAW10.1](#)

³ [1982] QB 416

² [1947] AC 573

- 196.19** Instructions sent by signal from the headquarters of the British Army in Northern Ireland to all Brigades on 13th October 1971,¹ and reiterated on 17th December 1971,² had set out the procedure for making arrests under Regulation 11, including an appropriate form of words to be used.³

“THE SOLDIER MAKING THE ARREST UNDER REGULATION 11 SHOULD SAY
QUOTE I AM ARRESTING YOU UNDER REGULATION 11 OF THE CIVIL
AUTHORITIES (SPECIAL POWERS) ACT ON THE GROUND THAT I SUSPECT
(AS APPROPRIATE):

(1) YOU OF HAVING ACTED IN A MANNER PREJUDICIAL TO THE
PRESERVATION OF PEACE (.)

(2) YOU OF BEING ABOUT TO ACT IN A MANNER PREJUDICIAL TO THE
PRESERVATION OF PEACE (.)

(3) YOU OF BEING A MEMBER OF THE IRA, UVF, ETC (.)

(4) THAT THIS ARTICLE IN YOUR POSSESSION IN INTENDED TO BE USED FOR
A PURPOSE PREJUDICIAL TO THE PRESERVATION OF PEACE.”

¹ [G18B.136.5-8](#)

³ [G42C.277.10-11](#)

² [G42C.277.8-11](#)

- 196.20** However, it is highly doubtful whether these instructions were followed on Bloody Sunday or that those arrested on Bloody Sunday were told either under what power they were being arrested or on what grounds the arrest was being made. In the course of the oral evidence to this Inquiry of Warrant Officer Class II Lewis (the Company Sergeant Major of Support Company, 1 PARA), there was this exchange:¹

“Q. The next heading in your statement is ‘Moving to the north side of Rossville Flats Block 1,’ and you describe how that came about. Could we move on, please, to B2111.018 and paragraph 116, where you say: ‘While in the lee of Block 1 I was not in a position to see the direct actions of soldiers as they were making arrests, although I knew that arrests were still being made. I saw nothing untoward. In Northern Ireland ...’ should that say ‘there were proper arrest procedures and we had to conform to these’?

A. No, sir, ‘These were proper arrest procedures and we had to conform to these’.

Q. 'These were proper arrest procedures ...'

A. Yes.

Q. What were the proper procedures that had to be followed when making an arrest in Northern Ireland?

A. To grasp the arrestee, sir, and take him as quickly as possible to the holding area with – using minimum force.

Q. That was all that the procedure involved?

A. Yes, sir.

Q. Were the soldiers expected to tell the person concerned that he was being arrested?

A. Not to my knowledge, sir, not to my recollection.

Q. Or to explain why he was being –

A. No, sir.

Q. – arrested or anything like that?

A. No, sir.

Q. Or under what legal power he was being arrested?

A. No, sir."

¹ [Day 373/68-70](#)

196.21 In the light of this evidence it appears doubtful, either as a matter of common law or on the basis of the retrospective validation of the regulations relating to soldiers under the Special Powers Act, that the arrests made on Bloody Sunday were lawfully made. We consider elsewhere in this report¹ the question whether arrests were made in good faith.

¹ [Chapters 155–164](#)

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

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Appendix 1: Matters Relating to the Inquiry

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The background to the Inquiry

A1.1.1 On 31st January 1972 the then Home Secretary announced that a public inquiry would be held into the events of the preceding day, which has become known as “Bloody Sunday”. Lord Widgery, the Lord Chief Justice of England, conducted the inquiry and his report was published on 19th April 1972.¹ Many people, including those whose relatives had died and those who were wounded on that day, rejected his conclusions. Over the years, some of these people campaigned, with others, for a new public inquiry. New material relating to the events of Bloody Sunday came to light. This material included eyewitness accounts (made available to Lord Widgery but not, during the course of his inquiry, made public) and the results of media investigations, including a newspaper report and a Channel 4 television interview, which featured a new and disturbing account from a former member of 1 PARA about the actions of the Army. That soldier became known to this Inquiry as Private 027, which was the cipher allocated to him by the Widgery Inquiry. New interpretations of ballistics evidence and new medical evidence also became available.

¹ Widgery Report, *Report of the Tribunal appointed to inquire into the events on Sunday, 30 January 1972, which led to loss of life in connection with the procession in Londonderry on that day*, HL101, HC220, London: HMSO, 1972.

A1.1.2 In 1997 Professor Dermot Walsh wrote a report entitled “The Bloody Sunday Tribunal of Inquiry. A Resounding Defeat for Truth, Justice and the Rule of Law”, in which he analysed the statements made by soldiers to the Royal Military Police (RMP) and to the Treasury Solicitor following the events of Bloody Sunday. These statements were not made available to counsel for the next of kin at the Widgery Inquiry but were released for public inspection in the summer of 1996. Professor Walsh concluded that the statements contained substantial and material inconsistencies, discrepancies and alterations.

A1.1.3 In 1997 the Irish Government called for a new public inquiry and, in support of that call, submitted a dossier to the United Kingdom Government. The dossier included an analysis of the new material and a consideration both of Professor Walsh’s report and of the

critique by Professor Samuel Dash of Lord Widgery's findings, published in June 1972 by The Defence and Education Fund of the International League for the Rights of Man, in association with the National Council for Civil Liberties. The Irish Government argued that Lord Widgery's findings could not be supported.

- A1.1.4** The United Kingdom Government considered that the weight of material available at this point was such as to require a re-examination of events. Accordingly, the Prime Minister, The Rt Hon Tony Blair MP, announced on 29th January 1998 the setting up of an inquiry under the Tribunals of Inquiry (Evidence) Act 1921. This Act was repealed and replaced by the Inquiries Act 2005, but by virtue of section 44(5) of that Act the repeal did not affect powers conferred or duties imposed on the Tribunal under earlier legislation.

The Tribunal

- A1.1.5** There were three members of the Tribunal. It was chaired by The Rt Hon the Lord Saville of Newdigate. The Hon William Hoyt OC (formerly Chief Justice of New Brunswick, Canada) and The Rt Hon Sir Edward Somers (a former member of the Court of Appeal of New Zealand) were appointed as members of the Tribunal in February 1998. Sir Edward Somers resigned in June 2000 for health reasons and later died. He was replaced in September 2000 by The Hon John Toohey AC (a former Justice of the High Court of Australia). The Hon William Esson, then a serving member of the Court of Appeal of British Columbia, Canada, was appointed a reserve member of the Tribunal. He resigned from the Inquiry on health grounds in August 2001.

Counsel to the Inquiry

- A1.1.6** The Tribunal approved Lord Saville's appointment of Christopher Clarke QC (now The Hon Mr Justice Christopher Clarke) as Counsel to the Inquiry. Alan Roxburgh and, later, Jacob Grierson were appointed as Junior Counsel. On Jacob Grierson's resignation in June 2000, Cathryn McGahey and Bilal Rawat joined the Inquiry as Junior Counsel.

Solicitors and Secretaries to the Inquiry

- A1.1.7** Philip Ridd, then a senior legal adviser to the Inland Revenue, was appointed as the first Solicitor to the Inquiry. He was succeeded by John Tate who appointed Gordon Dickinson as his deputy. Gordon Dickinson subsequently became Solicitor to the Inquiry.

- A1.1.8** Ann Stephenson, a senior administrator from the Department of Health, was the first Secretary to the Inquiry. She was succeeded by Adrian Shaw, then by Christine Pulford and, finally, by Elizabeth Johnson.

The interested parties

- A1.1.9** The Tribunal granted interested party status to most of those wounded on Bloody Sunday, to the families of the deceased and to soldiers who were present on the day or had relevant evidence to give about it. Those with interested party status were entitled to be legally represented throughout the Inquiry's hearings.
- A1.1.10** A more limited form of interested party status was granted to former members of the Executive Committee of the Northern Ireland Civil Rights Association (NICRA), who organised the march on 30th January 1972, members of the Royal Ulster Constabulary (RUC), now the Police Service of Northern Ireland (PSNI), certain former republican paramilitaries and to a person wounded on Bloody Sunday, who elected to participate in the Inquiry at a late stage. Those with limited party status were entitled to be represented during those parts of the hearings that were directly relevant to them.
- A1.1.11** Representatives of the Irish Government and of British Irish Rights Watch were invited to be present as observers throughout the hearings. Representatives of the Ministry of Defence (MoD) attended when arguments or evidence relevant to this department of state were heard.
- A1.1.12** The Tribunal decided that those with interested party status and limited party status should be able, through their legal representatives, to question witnesses. The Tribunal members recognised from an early stage that if such questioning were not permitted, the families of those who had died, and the wounded, would have no confidence in the Inquiry; several of them would almost certainly have declined to co-operate with it. Many soldiers faced allegations of serious wrongdoing, including murder; it was clearly right that they should be legally represented throughout the proceedings. The Tribunal members were aware that in some other inquiries it had been the practice for Counsel to the Inquiry to conduct all the questioning, in some instances being provided with questions by interested parties. For the present Inquiry, this was impracticable, given the controversial nature of the events being investigated. It would have been wholly unfair and unworkable for just one barrister to question, say, a soldier accused of firing a fatal shot, attempting to give him an opportunity to tell his side of the story, and then (on behalf of his alleged victim) suggesting that his account was untrue.

A1.1.13 The Tribunal is in no doubt that its decisions to grant interested party status and to permit questioning on behalf of parties were correct. It was essential that all parties had confidence in the Inquiry and that they knew that they were able to explore fully the events of 30th January 1972. The parties made substantial efforts to avoid duplication of questions; although seven separate teams of solicitors and counsel represented the families of the deceased and wounded, and four legal teams represented the soldiers, it was common for only two or three counsel on behalf of the interested parties to question a witness. It was not possible to limit legal representation to one team for the soldiers and another team for the families, because of conflicts of interest and the like between the individuals concerned.

A1.1.14 Further details of the representation of the various parties are contained in part 2 of this appendix.

Representation of witnesses

A1.1.15 Certain witnesses who had particularly controversial evidence to give were also permitted to be represented while they gave evidence and, in some cases, while evidence was given that related to them. Their legal representatives were, with the permission of the Tribunal, able to ask questions, both of their own clients and of those witnesses who gave evidence relating to their clients.

The Attorney General's undertaking

A1.1.16 The Tribunals of Inquiry (Evidence) Act 1921 gave witnesses before a public inquiry the right to refuse to answer questions on the basis that they may incriminate themselves. The Tribunal took the view that its search for the truth would be hampered considerably were witnesses to this Inquiry to exercise that right. In order to deal with this potential difficulty, the Tribunal obtained from the Attorney General on 23rd February 1999 an undertaking that no evidence given by a witness before this Inquiry would be used against that witness in any criminal proceedings. In March 2002 the undertaking was clarified to confirm that it extended to evidence relating not just to the events of 30th January 1972 itself, but to all evidence relevant to the events of that day. The giving of the undertaking meant that the risk of self-incrimination could not arise and, therefore, that no witness would be entitled to rely on the privilege against self-incrimination as a reason for refusing to answer a question.

The Inquiry's hearings

- A1.1.17** The Inquiry opened with a formal hearing on 3rd April 1998. In his opening statement the Chairman emphasised that the purpose of the Inquiry was to establish what had happened on Bloody Sunday; the Inquiry would not be sitting as a court of appeal from the Widgery Inquiry nor would it be an investigation into the way in which that earlier inquiry had been conducted. He invited anyone who had relevant material or evidence to give to contact the Secretary to the Inquiry.
- A1.1.18** The Chairman made it clear that the Inquiry was to be inquisitorial, not adversarial: the Tribunal's task was to find the truth, not to decide any issue in favour of one party or another. It was for the Inquiry, not the interested parties, to take the initiative in seeking relevant material and in identifying those witnesses who should be called.
- A1.1.19** He stressed that the Inquiry was to be as open as possible and that all those who provided information to the Inquiry could expect to see their information made public. The Tribunal adhered to this principle throughout the course of the Inquiry. All relevant material was made available to the parties and public, unless publication might endanger someone's safety or publication was not possible for reasons of public interest, such as a risk to national security.
- A1.1.20** The text of the opening statement can be found on the Inquiry's website at www.bloody-sunday-inquiry.org and in [Appendix 2](#).
- A1.1.21** Further preliminary hearings took place in 1998 and 1999. On 27th March 2000, Counsel to the Inquiry began to deliver an opening speech in which he summarised the principal issues that were expected to arise and gave an outline of the evidence that had, by that stage, been gathered and that related to those issues. The opening speech lasted for 40 sitting days.
- A1.1.22** The interested parties made brief opening statements in November 2000. On 28th November 2000 the first of the Inquiry's witnesses were called. Oral evidence was heard on a total of 367 days.
- A1.1.23** The Inquiry sat for 444 days between 20th July 1998 and 27th January 2005.

Counsel's reports

- A1.1.24** In 1998 and 1999 Counsel to the Inquiry produced three reports, which were distributed to the interested parties. The reports contained analyses of the evidence available at that time to the Inquiry and identified the central issues that, in their view, needed to be considered by the Tribunal.
- A1.1.25** The first report analysed the evidence given to the Widgery Inquiry and attempted to identify common ground and contentious issues.
- A1.1.26** The second report considered the statements made and the oral evidence given in 1972 by each of the 21 members of 1 PARA who said that he had fired live rounds on Bloody Sunday. Each soldier had made at least one statement to the RMP and one to the Treasury Solicitor and had given oral evidence to the Widgery Inquiry. The second report contained an analysis of the discrepancies (if any) in the accounts that each soldier had given in his various statements and oral evidence.
- A1.1.27** The third report compared the accounts given by all of the soldiers whose evidence was available to the Widgery Inquiry. The three reports can be viewed on the Inquiry's website.

Anonymity and screening

- A1.1.28** At an early stage an application was made to the Tribunal on behalf of soldiers and former soldiers that military witnesses other than senior officers should be granted anonymity. The basis of the application was that the safety of these witnesses and their families might be put at risk were the witnesses to be identified publicly. The Tribunal was not persuaded that total anonymity was necessary for all soldiers; initially it granted a limited form of anonymity only to those soldiers who had fired live rounds on 30th January 1972, ruling that they should be identified by their surnames alone. Following a judicial review of that ruling, and of a subsequent ruling in which the Tribunal ruled that no soldier should be granted even this limited form of anonymity, the Court of Appeal in London ordered the Tribunal to grant anonymity to all those soldiers who had fired on the day. The Court of Appeal ruled that, once it was accepted (as the Court accepted) that the soldiers had reasonable grounds for believing that their safety would be at risk were they to be named publicly, they should be named only if there were a compelling justification for identifying them. The Court found that no such justification existed. The Tribunal concluded that the Court of Appeal's reasoning must apply equally to those soldiers who

did not fire, whose need for anonymity was not considered by the Court of Appeal. The Tribunal therefore ordered that all soldiers alleged to have played a part on Bloody Sunday should be granted anonymity. In practice, the Inquiry granted anonymity to any soldier who gave evidence to the Inquiry, unless his name was clearly already in the public domain.

- A1.1.29** Anonymity was also granted to agents and employees of the Security Service and to paramilitary witnesses. All witnesses seeking anonymity, other than military witnesses, had to apply to the Tribunal for a grant of anonymity and justify the need for it.
- A1.1.30** A small number of witnesses applied successfully to be screened from public view while giving their evidence. Such witnesses could be seen by the Tribunal and by lawyers for the Inquiry and for the interested parties. These witnesses could not be seen by members of the public but their evidence could be heard by all those present in the hearing chamber. Some, but not all, of those witnesses were granted anonymity.
- A1.1.31** In 2001, a number of former RUC officers, who were not seeking anonymity, applied to be screened while giving oral evidence. Some of the families challenged by way of judicial review the Tribunal's decision to allow these officers to be screened. The High Court in Northern Ireland, and subsequently the Court of Appeal in Northern Ireland, upheld the Tribunal's decision.

Venue

- A1.1.32** The Tribunal initially decided that the majority of oral hearings should take place in Londonderry, this being the place in which the relevant events of 30th January 1972 had occurred. At an early stage it was contemplated that some evidence might be heard in London, if that were the most convenient place for such evidence to be taken.
- A1.1.33** The oral evidence of civilian and paramilitary witnesses, RUC officers and Northern Ireland-based politicians was heard in Londonderry. In 2001 an application was made on behalf of some of the soldiers for military evidence to be heard in Great Britain. The basis of the application was the submission that the soldiers' lives would be at risk were they to give evidence in Londonderry. In August 2001 the Tribunal rejected that application, taking the view that there was no such risk. Following a judicial review of the Tribunal's decision, the Court of Appeal in London ruled that the soldiers would be at risk in Londonderry and that they should not give their evidence there. The Tribunal decided that the military evidence should instead be heard in London. Subsequently, a number of

politicians and members of the security agencies who were based in Great Britain applied successfully to the Tribunal for a ruling that their evidence should also be heard in London.

- A1.1.34** The venue selected in Londonderry was the Guildhall, the city's principal civic building. The main chamber of the Guildhall was reorganised and considerably refurbished to accommodate the Inquiry.
- A1.1.35** In London, the Tribunal sat at Methodist Central Hall, Westminster. One of the building's main halls was refurbished and a hearing chamber, very similar to that in Londonderry, was created.
- A1.1.36** The Tribunal sat in Londonderry from 20th July 1998 until 19th September 2002 and from 29th October 2003 until 23rd November 2004.
- A1.1.37** The Tribunal sat at Central Hall in London from 25th September 2002 until 21st October 2003. A final witness, known as Witness X, was heard on 27th January 2005. By that time, the Inquiry's hearing chambers in Londonderry and London had been dismantled. The Tribunal sat in Court 36 of the Royal Courts of Justice in London. The witness gave evidence by video link from another location and his evidence was relayed by video and audio link to the Guildhall in Londonderry.

Evidence gathered by the Inquiry

- A1.1.38** In total, the Tribunal heard oral evidence from 922 witnesses and read the written accounts of a further 1,562 people. The Inquiry received 110 videotapes and 121 audio tapes. It received thousands of documents, the most important of which were placed in a core bundle and considered in evidence by the Tribunal. The material within the core bundle was divided into 33 categories and filled about 160 lever-arch files. Copies of the core bundle were supplied to the interested parties. The remaining material obtained by the Inquiry was determined to be of insufficient relevance for it to be considered by the Tribunal as part of the evidence placed before it. However, the vast majority of this material was distributed to the interested parties who were free to argue that any document within it was relevant and should be taken into account by the Tribunal. As a result, some additional material was added to the core bundle. A small quantity of material was the subject of successful applications by state agencies for non-disclosure to the parties or public on grounds of public interest immunity. Some of these documents

were made public in redacted form and added to the core bundle. Others could not be disclosed at all.

A1.1.39 The material obtained included written statements given by civilians shortly after Bloody Sunday to interviewers acting on behalf of NICRA. It also included tape recordings of interviews from that time. On the evening of Bloody Sunday, members of the Derry City branch of NICRA arranged for a visiting American film researcher, Kathleen Keville, to take statements from civilians who had witnessed the events of that afternoon. Ms Keville had an audio tape recorder with her; on the night of 30th January 1972 and over the following few days, she and others used the machine to record about 150 interviews. Solicitors representing NICRA before this Inquiry succeeded in tracing Ms Keville, who had returned to America. She had retained the original tape recordings and made them available to the Inquiry. Witnesses were therefore able to hear the accounts that they had given in 1972. Transcripts of these accounts were made available to the parties and some of the tapes were played during the course of the Inquiry's hearings.

Witnesses

A1.1.40 The tracing and interviewing of witnesses was a lengthy and difficult process. The Inquiry had to seek to identify those, both members of the security forces and civilians, who had been present on Bloody Sunday and who it appeared might have useful evidence to give about the events of that day.

A1.1.41 The Inquiry was assisted by the availability of records from the Widgery Inquiry (from which it could identify witnesses who had given evidence to that inquiry) and by the statements taken from civilians by NICRA shortly after Bloody Sunday. In Londonderry, appeals were made through the local media for witnesses to come forward. Solicitors representing the wounded and the families of those who had died on the day helped significantly, both in identifying potential witnesses and in encouraging them to co-operate with the Inquiry.

A1.1.42 The PSNI (formerly the RUC) assisted the Inquiry in its efforts to trace police officers who had been in Londonderry on the day.

A1.1.43 The MoD provided as much information as it could about soldiers who were, or were believed to have been, present in Londonderry on Bloody Sunday. In many cases, the soldiers concerned had left the Army and the MoD had lost contact with them. The Inquiry engaged tracing agents who were largely successful in locating witnesses, both civilian

and military, for whom the Inquiry had initially had no up-to-date contact details. Police forces within England and Wales also assisted in the tracing process.

- A1.1.44** The Inquiry sought evidence from others, particularly politicians, civil servants and agents or employees of the security services, who were not present on Bloody Sunday but might be expected to have valuable evidence to give in respect of it. These individuals were usually readily identifiable from the records maintained by the relevant government departments.
- A1.1.45** The Inquiry also needed evidence from those who were republican paramilitaries in 1972. The security services made available records that enabled the Inquiry to identify individuals believed to have been members of the Official IRA, Provisional IRA or Na Fianna Éireann in January 1972. Other republican paramilitaries came forward voluntarily. The Inquiry identified a total of 82 paramilitary witnesses, of whom 52 co-operated to the extent to which they were asked to do so. Fourteen could not be located and nine were unable to assist for medical or compelling personal reasons. Seven refused to co-operate. Of these, two lived outside the jurisdiction. Four were considered to have potential evidence of insufficient importance to justify the issue of witness summonses. The remaining potential witness, Martin Doherty (PIRA 9), was served with a witness summons and refused to comply with it. He was subsequently sentenced by the Belfast High Court to three months' imprisonment for contempt of the Tribunal.
- A1.1.46** The Inquiry traced, or attempted to trace, approximately 6,500 potential witnesses. Some, on being contacted, turned out to have no relevant evidence to give. It proved impossible to locate others. Many were confirmed as dead or too unwell to give evidence. However, statements were taken from nearly 2,000 people.
- A1.1.47** The evidence of those who could not be interviewed was not entirely lost in all cases since a proportion of them had made statements in the past to NICRA or to journalists and some had given evidence to the Widgery Inquiry. Records of the accounts of these witnesses remained available to the Tribunal and were taken into account by the Tribunal.

Statement-taking

- A1.1.48** The Inquiry, after inviting and considering tenders for the task, engaged Eversheds LLP, a firm of solicitors with offices throughout England and Wales, to take witness statements. Representatives from Eversheds worked in Londonderry and travelled throughout the

United Kingdom, taking the vast majority of the statements required by the Inquiry. Eversheds made in our view successful use of the cognitive interviewing technique, in which witnesses' recall was enhanced by encouraging them to recount several times their experiences of the day. In almost all cases, the witnesses remembered significantly more details as they went over the events for a second or third time.

A1.1.49 As Solicitor and Deputy Solicitor to the Inquiry, John Tate and Gordon Dickinson, both senior civil servants, took responsibility for interviewing witnesses who lived abroad. They travelled to various countries including Australia, Canada, Germany, Hong Kong and Zimbabwe. Solicitors from Eversheds were sent to Kosovo to interview an Army officer serving there.

A1.1.50 Although the majority of statements were obtained in the early years of the Inquiry, statement-taking continued, as more witnesses came forward or were identified, until 2004.

Oral and written evidence

A1.1.51 Counsel to the Inquiry made the initial recommendations as to which witnesses should be called to give oral evidence. The Tribunal then reviewed those recommendations and made decisions as to those witnesses who should be called and those whose evidence should be read. A witness was called to give oral evidence if the evidence was or was likely to be controversial or if the Tribunal thought that through giving oral evidence the witness might be able to provide further assistance, beyond the information set out in the witness statement. The Tribunal read the written statements of those who were not called to give oral evidence and took those statements into account when it came to make its findings.

A1.1.52 The parties were given lists of those whose evidence was to be read and were invited to identify from those lists any witnesses whom they wished to be called to give oral evidence. Where the Tribunal was persuaded that witnesses might be able to provide further assistance, the Tribunal acceded to the parties' requests for them to be called.

Expert evidence

A1.1.53 The Tribunal determined at an early stage that it would commission its own reports from experts and would not generally accept reports obtained by interested parties. The Inquiry obtained expert evidence from two historians on the historical context of Bloody Sunday.

It also obtained expert assistance to enhance photographs and tape recordings. Attempts were made to determine whether a listener could identify and distinguish the sounds made by various types of weapons and nail bombs. The parties were invited to attend a demonstration at which weapons in use in 1972 were fired.

A1.1.54 A ballistics expert, a pathologist and an expert in firearms and explosives residue were engaged to analyse the pathology reports and scientific evidence collated in 1972 and to provide their own conclusions, as far as they were able to do so, upon this material. A report was also obtained from an expert in the construction of nail bombs. An expert from HM Nautical Almanac Office analysed a series of photographs taken on Bloody Sunday and, through examination of the shadows on the photographs, was able to provide a report on the sequence in which the photographs were taken.

A1.1.55 The Inquiry appointed a Peer Review Panel, consisting of three experts with a background in forensic science, to review the work of some of the Inquiry's experts. The report of the Peer Review Panel dated 24th May 2000 may be viewed on the Inquiry's website, www.bloody-sunday-inquiry.org.

Private 027

A1.1.56 The Tribunal also had to consider the taking of evidence from Private 027, the former member of 1 PARA whose "revelations" formed part of the case for a new Inquiry. It was apparent to the Tribunal from the outset that if Private 027 were either to give evidence voluntarily or be compelled to do so, his was likely to be evidence of the utmost importance. If he were to confirm the account attributed to him in the documents submitted to the Irish Government, his evidence would implicate a number of individuals in grave wrongdoing. If on the other hand he were to withdraw the earlier account or deny its authenticity, the allegations based upon that account might be exposed as false.

A1.1.57 Solicitors acting for Private 027 contacted the Inquiry in April 1998. They informed the Inquiry that their client was willing in principle to make a witness statement and give oral evidence, but was concerned about his personal security, and would not co-operate until arrangements acceptable to him had been made for his protection against any reprisals that might be attempted. The Inquiry, through his solicitors, invited Private 027 to make a formal application to the Tribunal for whatever special measures he considered necessary. However, he declined to do so, adopting the position that it was for the Inquiry to make suitable proposals to him and not vice versa.

- A1.1.58** Where a witness with relevant evidence to give refuses to co-operate save on his own terms, the Tribunal would normally be able to issue and serve a witness summons. However, the Inquiry did not know Private 027's whereabouts and he was not prepared to reveal them. His solicitors informed the Inquiry that they themselves did not know the address at which he was residing.
- A1.1.59** The Inquiry therefore made extensive efforts over a period of many months during 1999 to locate Private 027. The services of an experienced tracing agent were employed. Summonses were served on a number of utility companies and other organisations for the production of records that might have shown where he was to be found. After exhaustive searches it proved impossible to discover his current address. It appeared to the Inquiry that he had moved several times and that he had probably taken effective steps to put himself beyond reach of a summons.
- A1.1.60** In these exceptional circumstances, the Tribunal was obliged to consider whether an agreement should be reached with Private 027's solicitors to secure his voluntary co-operation or whether the Inquiry should proceed without his evidence. The Tribunal accepted that the fear of reprisals expressed by this witness was genuine and reasonable. After the most careful consideration, the Tribunal concluded that the proper fulfilment of its terms of reference required that every reasonable effort should be made to obtain his evidence, including, if necessary, arranging for the provision of appropriate measures for his personal protection. The Tribunal accordingly invited the Northern Ireland Office to consider whether it would be appropriate for public funds to be expended on the provision of measures to secure Private 027's personal safety. This culminated in an agreement made between the Northern Ireland Office and Private 027 on 6th July 2000 in which certain measures were put in place.¹
- ¹ [B1565.100-105](#). Parts of the agreement have been redacted for security reasons.
- A1.1.61** In order to save time Private 027 attended an interview with Eversheds, and a draft statement was prepared for his signature, before the agreement was concluded. It was therefore possible for him to sign the witness statement immediately after the agreement was finalised. The members of the Tribunal did not see the draft statement while the consultations were continuing.

A1.1.62 The Tribunal required that it should be a provision of the agreement that it would be free to make public all terms agreed with Private 027, save in so far as this would compromise his personal security. A memorandum setting out the position was sent to all interested parties by the Solicitor to the Inquiry in August 2000.¹

¹ [B1565.96-99](#)

Operation Apollo

A1.1.63 Immediately after Bloody Sunday, 29 of the rifles that had been used by members of 1 PARA on that day were submitted to the Department of Industrial and Forensic Science (DIFS) in Northern Ireland for ballistics testing. Twenty-eight of these were 7.62mm self-loading rifles (SLRs) and the 29th was probably a converted .303in sniper rifle. In September 1999 the Inquiry asked the MoD for any information that it could provide about whether the rifles still existed. The MoD succeeded in identifying five SLRs that were believed to have been among the 28 and that were still in its possession but which were subject to a destruction programme. Although an order forbidding the destruction of these rifles was issued by the MoD, two of the rifles were destroyed before they could be examined by the Inquiry.

A1.1.64 An investigation into the destruction of the rifles was undertaken jointly by the MoD Police and West Mercia Constabulary and was code-named Operation Apollo. The investigators concluded that the destruction had occurred as a result of negligence. No criminal proceedings were instituted as a result of this incident.

A1.1.65 The Operation Apollo team, as well as investigating the loss of two rifles, made enquiries to try to locate others. A total of 14 rifles were located, of which 13 were SLRs and one was a converted .303in sniper rifle.

A1.1.66 However, it transpired that a record was made in 1972 of only the last part of the serial number of each of the 28 SLRs submitted for examination. It was therefore impossible to say, even in respect of the 13 SLRs recovered, that these were definitely the ones in use on Bloody Sunday. The Operation Apollo team demonstrated that it was likely that the same final digits were allocated twice, once to each of the two companies that manufactured SLRs. The first part of the serial number, unavailable to the Inquiry in the case of the 28 SLRs, identified the manufacturer. The Operation Apollo team concluded that the .303in sniper rifle sent to DIFS in 1972 had a unique number. This rifle was located in Germany but no useful scientific evidence was obtained from it.

A1.1.67 In the event, the Inquiry's inability to trace and examine the 29 rifles turned out to cause no disadvantage to the Inquiry. The Inquiry's ballistics expert, Kevin O'Callaghan, concluded that the lack of ballistics evidence from 1972 (including the absence of most of the bullets known to have been fired), coupled with the likelihood that the rifles had been used, refurbished or re-barrelled over the years, would have made useful ballistics evidence impossible to obtain.

Claims by journalists for the protection of their sources

A1.1.68 Many journalists had, over the years, conducted investigations into the events of Bloody Sunday and had interviewed individuals who could provide information about that day. In some instances, an individual had spoken to a journalist on condition that the journalist would not reveal that person's name. When asked by the Inquiry to reveal the names of their sources, a number of journalists refused to do so, relying on the statutory protection afforded journalists under the Contempt of Court Act 1981.

A1.1.69 This statutory protection is subject to the proviso that the court may order disclosure if it is satisfied that it is necessary in the interests of justice. The Tribunal is given the power of the court to make such an order under the Tribunals of Inquiry (Evidence) Act 1921, and during the course of the Inquiry made a number of such orders, giving reasons for doing so.

A1.1.70 In each case of a refusal to identify sources the Tribunal asked the journalist to contact his source and to seek permission to reveal the source's name. The Inquiry also made efforts, where possible, to identify the source by other means. In many instances, the names of the sources were discovered without the journalists to whom the sources had spoken having to reveal the names.

A1.1.71 A journalist from the *Daily Telegraph*, Toby Harnden, wrote an article based on information provided to him by a soldier whose name Toby Harnden had promised to keep confidential. The Tribunal regarded the information as important and was initially unable to identify the soldier by any other means. On Toby Harnden's refusal to reveal the name of his source, the Tribunal, exercising its power under the Tribunals of Inquiry (Evidence) Act 1921, referred him to the High Court in Belfast for contempt. Later, the soldier (who was an existing Inquiry witness and who through his solicitor had previously

denied being the source) admitted having spoken to Toby Harnden. The proceedings against Toby Harnden were discontinued.

- A1.1.72** The Tribunal ordered another two journalists to disclose the names of four soldiers who had spoken to the journalists and whom the Tribunal could not by other means identify. The journalists refused to do so. Their employer at the relevant time, Independent Television News (ITN), also refused to obey an order to produce to the Tribunal documents in ITN's possession that would identify these soldiers. The Inquiry subsequently succeeded in identifying two of the soldiers. The Tribunal did not pursue contempt proceedings against the journalists or ITN, taking the view that no useful purpose would be served by such action.

The Witness Liaison Team

- A1.1.73** The Inquiry was conscious that many witnesses, for a variety of reasons, were likely to be nervous or anxious about giving oral evidence. Arrangements were made to make the experience of attendance before the Tribunal as comfortable as possible. Both the Guildhall in Londonderry and the Central Hall in London were equipped with witness waiting rooms, which were not accessible to the public. A member of the Inquiry's staff was responsible for meeting and looking after each witness. Each of the witness waiting rooms contained a replica of the computer screen used by witnesses while giving evidence. Each witness was shown how documents were displayed on the computer screen and was also shown how to mark documents on the screen while giving evidence, if this was needed.
- A1.1.74** Members of the Inquiry's Witness Liaison Team were responsible, with Junior Counsel to the Inquiry, for timetabling the attendance of witnesses. Some witnesses gave evidence for several days; others for an hour or less. The Witness Liaison Team made travel arrangements, organised the payment of expenses and attempted to ensure that each witness suffered as little inconvenience as possible.

Accommodation for journalists

- A1.1.75** A press centre was made available to journalists attending the Guildhall in Londonderry and the Central Hall in London. Each press centre was equipped with a closed-circuit television (CCTV) link, which enabled journalists to view and hear the proceedings in the chamber. The Inquiry's press officers were on hand to assist with queries; as each

witness began his or her oral evidence, the press officers distributed to journalists copies of any written statements made by that witness. Transcripts of the day's proceedings were made available to journalists at the end of each day.

Additional viewing rooms

- A1.1.76** The chamber within the Guildhall in Londonderry had two public galleries. A total of about 150 people could be accommodated within the galleries. Parts of the galleries were set aside for the use of “the families”, that is the wounded and relatives of those who had died on Bloody Sunday. The Inquiry could not predict with any certainty the numbers of members of the public who would wish to attend the Inquiry's hearings. It was inevitable that attendance would increase when high-profile witnesses gave evidence. The Inquiry was also conscious that family members might well wish not to attend the hearing chamber if distressing evidence was to be given, but might still wish to follow the proceedings from a more private room.
- A1.1.77** In order to accommodate additional members of the public in Londonderry, the Inquiry rented the Rialto cinema, a short distance from the Guildhall. A CCTV link allowed anyone in the Rialto to view and hear the proceedings then going on in the chamber. The Rialto was, in the event, little used, and eventually the Inquiry ceased to rent it.
- A1.1.78** A CCTV link was also established to the families' room within the Guildhall. This was a room below the hearing chamber to which only the families and their guests had access. The proceedings could also be viewed and heard through a CCTV link to the offices of the Bloody Sunday Trust, a group that had campaigned over the years for an inquiry, with which many family members were associated and whose premises were very near to the Guildhall.
- A1.1.79** In London, a public gallery that could accommodate 98 people was constructed at the back of the hearing chamber. A separate gallery was provided for the families. No additional public viewing space was provided or needed.

Closing submissions

- A1.1.80** At the conclusion of the evidence, the interested parties and those with limited party status were invited to make written submissions as to the findings that the Tribunal should make. The written submissions of each party were made available to all other parties. Each party was then invited to submit a written reply to the submissions made by the others.
- A1.1.81** After the exchange of submissions and replies, the Tribunal held brief oral hearings in which each party was entitled to make a short statement. The Tribunal took the opportunity to put questions to some of the interested parties.
- A1.1.82** Counsel to the Inquiry then made lengthy written submissions, analysing the interested parties' submissions and identifying the issues that Counsel believed that the Tribunal should consider. Finally, in the course of a two-day hearing, Counsel to the Inquiry made oral closing submissions.
- A1.1.83** The written submissions of the parties and Counsel to the Inquiry totalled 14,139 pages. They were presented in electronic as well as paper form. The electronic versions contained hypertext linking, so that the reader had only to click on the reference to a document or transcript in order to view that piece of evidence instantly on the screen.

Technology

- A1.1.84** The Inquiry made substantial use of information technology.
- A1.1.85** The material obtained by the Inquiry was supplied in electronic form to the interested parties. During the course of the hearings, witnesses were not usually asked to consult paper documents; each relevant document was instead displayed on a monitor in the witness box. Monitors in front of all Tribunal members and lawyers showed the same material. The system used was called TrialPro II.
- A1.1.86** The photograph below shows the hearing chamber in the Guildhall in Londonderry. Two large screens, suspended from the ceiling, can be seen at the top of the photograph. These screens faced the public galleries. One screen was used to display documents, giving members of the public the same view as that of the Tribunal members and lawyers. The second screen showed a video image of the person speaking in the chamber.

The cameras in the chamber switched automatically to film the current speaker, whether Tribunal member, lawyer or witness.



- A1.1.87** Similar screens, one showing the person speaking and another showing whatever document was being considered, were located in the Inquiry's offices in Londonderry, the press room, the families' room, the Bloody Sunday Trust building and (until March 2002) the Rialto cinema. When the Inquiry moved to London, the proceedings were relayed to all the screens in Londonderry.
- A1.1.88** Laptop computers were available to the Tribunal members and lawyers. The proceedings were recorded using the LiveNote system, in which a stenographer took down the words spoken and a transcript showing those words appeared on the laptop screens within seconds. It was possible for the Tribunal members and lawyers to annotate the transcript on the screen during the course of the proceedings.
- A1.1.89** A printed version of each day's proceedings was made available within two hours of the end of each sitting day. An electronic version was posted daily on the Inquiry's website. The Inquiry's proceedings were also recorded on audio tape. Those preparing the daily transcripts were able to refer to the day's tapes, ensuring that accurate transcripts were produced even of passages that the stenographer had found difficulty in recording.
- A1.1.90** One of the practical difficulties faced by the Inquiry was the fact that the area of Londonderry in which the shooting took place looked very different in 1998 from the way that it had looked in 1972. In particular, the Rossville Flats, the three blocks of which had dominated the area in 1972, had been demolished. In order to deal with this problem, the

Inquiry arranged for the creation of a virtual reality model of the relevant part of the city. This electronic model contained a photographic panorama of the Bogside as it was in the late 1990s. However, the user could switch to another version in which artists' impressions of the buildings that had been present in 1972 had been superimposed on the modern panorama. The virtual reality model was used to assist many witnesses. They could use it to identify particular locations and could also, using a stylus on the screen, mark "still" versions of the panorama with arrows or lines in order to pinpoint a particular place. The marked versions could then be preserved for future reference. When in use, the virtual reality images were displayed on the public screens.

- A1.1.91** The Tribunal considered that the use of information technology was of significant value to the Inquiry. It was undoubtedly far quicker for a witness, and all those present in the chamber, to be shown a document on a screen than for everyone present to be asked to reach for a paper bundle and find the relevant page. Research was made easier for lawyers, since the electronic transcripts could be searched for key words and phrases far more swiftly and accurately than paper transcripts.
- A1.1.92** The use of information technology enabled the public to have far greater access to the Inquiry's work than would otherwise have been possible. Members of the public were able to see on the public screens the documents that were being shown to witnesses; they would not have been able to do so had paper copies been used. The use of CCTV relays also meant that people could follow the proceedings without having to be present in the hearing chamber. For those without access to any of the places to which the proceedings were broadcast, the website provided, each evening, an update of the day's proceedings.
- A1.1.93** The members of the Tribunal made extensive use of information technology when preparing this report. Each used a desktop computer with two monitors, enabling him to view two documents at the same time with ease. In addition, each was provided with a laptop computer on which LiveNote and TrialPro II were stored. Since all relevant documents were available electronically, the members of the Tribunal were able to work outside the Inquiry's London office, a useful feature when two members of the Tribunal came from other jurisdictions.
- A1.1.94** Some of the information technology systems used by this Inquiry were subsequently used in the Shipman Inquiry, the inquest into the Omagh bombings, the ongoing inquiries in Northern Ireland and the Bank of Credit and Commerce International litigation.

Cost and length of the Inquiry

The cost of legal representation

- A1.1.95** Legal representation added very substantially indeed to the cost of the Inquiry and was the major item of expense. The Tribunal, however, was and remains of the view that for this Inquiry, the legal representation provided for the interested parties and others was essential. In a public inquiry into the death and injury of people at the hands of state agencies, justice in a democratic society demands, in our view, that the families of those killed, and those injured, together with the agents of the State or others said to be directly or indirectly responsible, should be entitled to legal representation, so as to ensure that their rights and interests are fully protected.
- A1.1.96** The Tribunal made every effort to ensure that money was not needlessly expended. The levels of remuneration for the lawyers involved were kept in line with those normally allowed for matters of the present kind.

Other factors relating to the cost and length of the Inquiry

- A1.1.97** Despite the use of information technology, the Inquiry has been lengthy and costly. Many factors have contributed to this. The fact that the scope of the Inquiry could not in our view be limited to the few minutes during which people were killed and wounded on Bloody Sunday and our need to hear almost 1,000 witnesses and read the statements of another 1,500 were two of the factors, to which was added the vast amount of documentary and other material relevant to Bloody Sunday. Other factors included the separate representation of various interest groups where we were persuaded that this was required in the interests of justice; and the requirement to redact countless documents to ensure anonymity. In addition, the Tribunal had to deal with many public interest immunity applications and applications that the Tribunal should not order the disclosure of journalists' sources of information. There were various judicial reviews and some subsequent appeals. The length and cost of the Inquiry was further increased by moving the sittings from Londonderry to London and back to Londonderry, in consequence of an order by the Court of Appeal.

Archiving

A1.1.98 The object of archiving has been to ensure the preservation of the vital and valuable records of the Inquiry. Principal among these are the documentary evidence, witness statements, transcripts of the Inquiry hearings and Tribunal rulings. Records of enduring value will in due course be transferred to The National Archives to ensure long-term preservation and public access.

Acknowledgements

A1.1.99 The Tribunal is grateful for the assistance that it received from many quarters. We should record that members of the PSNI (formerly the RUC), the Security Service, the MoD and other state agencies did considerable work in searching their archives to identify and make available to the Inquiry material relating to the events of Bloody Sunday. We recognise that very considerable effort was required to locate this material, without which the Tribunal would not have been able to complete its task.

A1.1.100 The Tribunal could not have undertaken and completed its work without the commitment and assistance of our Counsel and our professional and administrative staff. We mention our Counsel again – Christopher Clarke QC (now The Hon Mr Justice Christopher Clarke), Alan Roxburgh, Cathryn McGahey and Bilal Rawat – and our historical and research consultant Matthew Hill. It is impossible properly to describe their dedication to the Inquiry, their grasp of the material and their continuing contributions. Throughout they acted scrupulously in not seeking to influence the Tribunal in reaching its decisions, while providing us with invaluable assistance in collating and summarising the evidence and materials for our consideration. We would also mention Jacob Grierson, who was one of our Counsel during the early part of the Inquiry. Similarly, the Inquiry was exceptionally well served by the solicitors Eversheds, led by Peter Jones. Eversheds performed their enormous task in both a professional and sensitive manner.

A1.1.101 It is, of course, invidious to select for special thanks a few individuals from among the many people engaged by the Inquiry over time. Nevertheless, the Tribunal members would like to record their gratitude to Heather Woodside, the Inquiry's LiveNote stenographer who, with assistance from Emma Watmore and Adrienne Martin, recorded every word of the proceedings on almost every one of our hundreds of sitting days. We would also like to acknowledge the work of the members of our Witness Liaison Team, Tony Frankson, Drew Hammond, Ian MacMillan and Rob Ells, who arranged the

attendance of over 900 witnesses and did their utmost to make the giving of evidence as convenient and comfortable an experience as it could be. We also wish to mention and thank our research assistant, Louisa Aderonmu, for her help over many years.

- A1.1.102** The technical staff who organised and operated the computer and sound systems ensured that we were able to make the very best use of the available technology. The companies involved included Fujitsu, Deloitte, Legal Technology, Graphic Data and Michael KIELTY Audio. One of the Inquiry's own staff, Mark Burdon, created and maintained a database that recorded the Inquiry's correspondence and its dealings with all its witnesses and without which the Inquiry would have struggled to cope. Many of those witnesses would not have been found without the substantial efforts made by our tracing agents, The Risk Advisory Group plc ("TRAG"), to locate them.
- A1.1.103** The Tribunal would like to express its thanks to Derek Kinnen of the Northern Ireland Centre for Learning Resources (now of Opsis Limited), who developed the virtual reality model for us, which proved to be of great assistance.
- A1.1.104** A number of members of our staff saw the Inquiry through to its completion, namely, Katrina Barr, Christopher Jack (until almost the end), Elizabeth Johnson, Marsha McDermott, Lorraine Murray, Bronwyn Tyson, Salmina De Vry, and finally, but far from least, Valerie Bath, the Chairman's personal secretary throughout the Inquiry, who took on the additional burden of acting as the secretary for the other members of the Tribunal. We would like to thank them all for their hard work and commitment to the Inquiry.
- A1.1.105** The proofreading and production of the report were done by COI, whose work was consistently of the highest standards.
- A1.1.106** We are grateful to all those who helped the smooth running of the Inquiry, both in Londonderry and in London, and to the people of Londonderry who welcomed the Inquiry to their city and lived with its presence in their midst for nearly six years.

A1.2: Representation before the Inquiry

Families

Family of Patrick Doherty

Counsel: Eilis McDermott QC

Philip Magee (until 14th September 2000)

Michael Topolski (until 28th June 2001)

Mary McHugh (from 9th February 2002)

Solicitors: Barr & Co

Family of Bernard McGuigan

Counsel: Michael Mansfield QC

John Coyle

Solicitors: Brendan Kearney & Co

Family of Jim Wray

Counsel: Lord Gifford QC

Barry MacDonald (until 26th September 2000)

Richard Harvey (from 5th October 2000)

Solicitors: McCartney & Casey

Family of William and Alexander Nash; Daniel Gillespie

Counsel: Lord Gifford QC

Barry MacDonald (until 26th September 2000)

Richard Harvey (from 5th October 2000)

Solicitors: McCartney & Casey

Families of Gerald Donaghey, Gerard McKinney and William McKinney; Joe Friel and Joe Mahon

Counsel: James Gallagher QC (until 2000)

Reginald Weir QC (until September 2000)

Seamus Treacy QC SC (from September 2000)

Fiona Doherty (from September 2000)

Solicitors: Madden & Finucane

Families of Michael McDaid and John Young; Patrick O'Donnell

Counsel: Arthur Harvey QC

Karen Quinlivan

Solicitors: Madden & Finucane

Families of Jackie Duddy and Michael Kelly; Patrick Campbell and Patrick McDaid

Counsel: Kevin Finnegan QC (until May 2001)

Barry MacDonald QC SC (from 2nd August 2001)

Patricia Smyth (until 20th June 2002)

Tom McCreanor (from 26th June 2002)

Solicitors: Madden & Finucane

Families of Hugh Gilmour and Kevin McElhinney; Margaret Deery and Alana Burke

Counsel: Terence McDonald QC (until October 2000)

Michael Lavery QC (from October 2000)

Brian McCartney

Solicitors: Madden & Finucane

Michael Bradley and Michael Bridge

Counsel: Declan Morgan QC

Brian Kennedy QC

Solicitors: Brendan Kearney & Co

John Johnston, Damien Donaghey and Daniel McGowan

Counsel: Eilis McDermott QC (until 2000)

Arthur Harvey QC

Philip Magee (until 14th September 2000)

Ciaran Harvey

Solicitors: Madden & Finucane

Michael Quinn (limited to Sector 4 only)

Counsel: Eoin McGonigal SC

Solicitors: McCann & McCann

Martin McGuinness (limited party status)

Advocates: Richard Ferguson QC

Dermot Gleeson SC

Peter Cush

Barra McGrory

Solicitors: PJ McGrory & Co

OIRA 1, 2, 4 and 5, Johnny White and Reg Tester (limited party status)

Counsel: Kevin O'Donovan

Gareth Purvis

Solicitors: Jones & Co

Members of the Executive Committee of the Northern Ireland Civil Rights Association (limited party status)

Counsel: Sir Louis Blom-Cooper QC

Paddy O'Hanlon

Solicitors: Francis Keenan

Treasury Solicitor Team 1 (Anthony Lawton)

Counsel: Edwin Glasgow QC

Edmund Lawson QC

David Lloyd Jones QC

Peter Clarke QC

David Bradley

Michael Bools

Nicholas Griffin

Thomas Quinton

Soldiers given ciphers by the Widgery Inquiry				
A	Z	028	123	159
AB	001	030/232	124	162
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B	006	034	128	201
C	007	035	130	203
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N	016	107	139	210
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P	018	110	142	213
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INQ 7	INQ 372	INQ 768	INQ 1157	INQ 1869
INQ 10	INQ 375	INQ 772	INQ 1163	INQ 1872
INQ 12	INQ 382	INQ 773	INQ 1164	INQ 1873
INQ 13	INQ 391	INQ 778	INQ 1171	INQ 1874
INQ 14	INQ 398	INQ 782	INQ 1173	INQ 1877

Soldiers given ciphers by this Inquiry (continued)

INQ 15	INQ 402	INQ 785	INQ 1174	INQ 1883
INQ 17	INQ 404	INQ 796	INQ 1194	INQ 1888
INQ 19	INQ 405	INQ 802	INQ 1195	INQ 1891
INQ 20	INQ 406	INQ 806	INQ 1197	INQ 1900
INQ 22	INQ 418	INQ 807	INQ 1208	INQ 1901
INQ 24	INQ 420	INQ 812	INQ 1210	INQ 1903
INQ 25	INQ 422	INQ 815	INQ 1217	INQ 1905
INQ 54	INQ 423	INQ 819	INQ 1231	INQ 1908
INQ 58	INQ 428	INQ 832	INQ 1236	INQ 1917
INQ 61	INQ 429	INQ 834	INQ 1237	INQ 1918
INQ 63	INQ 437	INQ 836	INQ 1241	INQ 1919
INQ 66	INQ 441	INQ 840	INQ 1252	INQ 1923
INQ 67	INQ 444	INQ 841	INQ 1257	INQ 1924
INQ 78	INQ 452	INQ 849	INQ 1260	INQ 1935
INQ 81	INQ 455	INQ 852	INQ 1266	INQ 1939
INQ 95	INQ 457	INQ 876	INQ 1275	INQ 1940
INQ 113	INQ 468	INQ 881	INQ 1280	INQ 1951
INQ 118	INQ 473	INQ 883	INQ 1288	INQ 1954
INQ 119	INQ 486	INQ 887	INQ 1298	INQ 1955
INQ 122	INQ 487	INQ 889	INQ 1305	INQ 1957
INQ 123	INQ 494	INQ 891	INQ 1310	INQ 1958
INQ 127	INQ 512	INQ 896	INQ 1318	INQ 1982
INQ 131	INQ 521	INQ 897	INQ 1324	INQ 1984
INQ 133	INQ 522	INQ 904	INQ 1326	INQ 1986
INQ 139	INQ 528	INQ 907	INQ 1333	INQ 1990
INQ 145	INQ 532	INQ 912	INQ 1334	INQ 1997
INQ 146	INQ 535	INQ 914	INQ 1335	INQ 2000
INQ 151	INQ 538	INQ 915	INQ 1336	INQ 2001
INQ 152	INQ 551	INQ 917	INQ 1342	INQ 2002
INQ 153	INQ 554	INQ 921	INQ 1343	INQ 2032
INQ 155	INQ 555	INQ 933	INQ 1348	INQ 2033

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INQ 171	INQ 559	INQ 947	INQ 1413	INQ 2038
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INQ 177	INQ 583	INQ 956	INQ 1527	INQ 2043
INQ 178	INQ 588	INQ 957	INQ 1538	INQ 2044
INQ 189	INQ 589	INQ 960	INQ 1540	INQ 2045
INQ 206	INQ 594	INQ 966	INQ 1544	INQ 2047
INQ 214	INQ 598	INQ 967	INQ 1548	INQ 2050
INQ 228	INQ 603	INQ 975	INQ 1560	INQ 2054
INQ 229	INQ 604	INQ 979	INQ 1570	INQ 2056
INQ 235	INQ 614	INQ 1010	INQ 1579	INQ 2057
INQ 245	INQ 627	INQ 1016	INQ 1581	INQ 2065
INQ 248	INQ 633	INQ 1027	INQ 1593	INQ 2067
INQ 251	INQ 635	INQ 1030	INQ 1603	INQ 2078
INQ 254	INQ 637	INQ 1032	INQ 1751	INQ 2079
INQ 255	INQ 639	INQ 1041	INQ 1758	INQ 2089
INQ 261	INQ 646	INQ 1043	INQ 1761	INQ 2105
INQ 262	INQ 657	INQ 1044	INQ 1764	INQ 2117
INQ 268	INQ 663	INQ 1045	INQ 1770	INQ 2121
INQ 275	INQ 665	INQ 1046	INQ 1779	INQ 2146
INQ 290	INQ 682	INQ 1056	INQ 1782	INQ 2148
INQ 292	INQ 691	INQ 1058	INQ 1784	INQ 2149
INQ 293	INQ 693	INQ 1059	INQ 1788	INQ 2160
INQ 295	INQ 707	INQ 1068	INQ 1790	INQ 2225
INQ 300	INQ 722	INQ 1077	INQ 1791	INQ 2236
INQ 301	INQ 723	INQ 1087	INQ 1799	INQ 2238
INQ 304	INQ 727	INQ 1093	INQ 1803	INQ 2241
INQ 321	INQ 736	INQ 1096	INQ 1805	INQ 2242
INQ 325	INQ 738	INQ 1101	INQ 1822	INQ 2245
INQ 350	INQ 740	INQ 1111	INQ 1823	INQ 2554
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INQ 362	INQ 753	INQ 1139	INQ 1826	INQ 2592
INQ 364	INQ 754	INQ 1141	INQ 1829	INQ 2597
INQ 366	INQ 763	INQ 1147	INQ 1832	

Named military clients

General Sir Peter de la Billière

General Sir Robert Ford

General Sir Mike Jackson

General Sir Frank Kitson

General Sir David Ramsbotham

General Sir Michael Rose

Major General Henry Dalzell-Payne

Major General Patrick MacLellan

Major General Michael Steele

Major General Marston Tickell

Major General Peter Welsh

Brigadier Maurice Tugwell

Colonel Edward Loden

Colonel Derek Wilford

Major Norman Nichols

Captain Conder

Civil servants

Peter Blakesley

Derek Stephen

David West

Treasury Solicitor Team 2 (Robert Aitken)

Counsel: Gerard Elias QC

Nicholas Moss

Huw Davies

Clients

Lieutenant Colonel Colin Overbury	Warrant Officer Class II Lewis
Corporal Brobson	134
138	150
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INQ 374	INQ 471
INQ 491	INQ 552
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INQ 659	INQ 709
INQ 783	INQ 838
INQ 977	INQ 1115
INQ 1224	INQ 1937

Three former civil servants:

Sir Arthur Hockaday

Anthony Stephens

Kelvin White

Treasury Solicitor Team 3 (Jacqueline Duff)

Counsel: Sir Allan Green QC

Ian Leist

Clients

Private H	015
INQ 486	INQ 1831
John Wood	INQ 1847
INQ 1848	INQ 2064
INQ 2107	

Treasury Solicitor Team 4 (Adam Chapman)

Counsel: Rosamund Horwood-Smart QC

Alexander Milne

Clients

Private L	005
129	135
David Longstaff	INQ 954
INQ 1243	INQ 2025

Appendix 2: Opening Statement, Principal Rulings of the Tribunal and the Decisions of Various Courts

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A2.1: Opening Statement of the Tribunal (3rd April 1998)

This is an Inquiry into what happened on the streets of this city on Sunday 30th January 1972. On that day, through gunfire on those streets, 13 people died and a similar number were wounded. Whatever conflicting views are held about the events of that day, it has become known as “Bloody Sunday”, so it seems to us that this Inquiry should be called the “Bloody Sunday Inquiry”.

Today is the formal opening day of the Inquiry. We are here to introduce ourselves, to outline our task as we see it and to explain how we propose to set about that task.

My name is Mark Saville. I am an English Law Lord, one of the judges who sit in the House of Lords as the highest court of appeal in the United Kingdom. I am presiding as Chairman of the Inquiry. I have two colleagues sitting with me: Sir Edward Somers, a New Zealander who was formerly a judge of the Court of Appeal of New Zealand, and Mr Justice William Hoyt, a Canadian judge who is presently Chief Justice of the Province of New Brunswick.

The Secretary to the Inquiry is Ann Stephenson, a senior administrator in the Department of Health who has been seconded to us for the duration of the Inquiry. Ann Stephenson is in charge of the overall administration of the Inquiry.

The Solicitor to the Inquiry is Philip Ridd, a senior legal adviser to the Inland Revenue who has also been seconded to us for the duration of the Inquiry. His chief job is to co-ordinate the gathering and collating of the evidence to be put before us. Both Ann Stephenson and Philip Ridd will have assistants to help them carry out what undoubtedly will be very heavy tasks.

Christopher Clarke QC is Counsel to the Inquiry. Alan Roxburgh, another barrister, will work with him as his Junior. Their primary job is to assist the Inquiry by presenting the evidence to us and questioning the witnesses on our behalf.

The Tribunal, Counsel, the Inquiry Solicitor, and the Inquiry Secretary all have the same duty. That duty, and the object of the Inquiry, is to seek the truth about what happened on Bloody Sunday. We intend to carry out that duty with fairness, thoroughness and impartiality.

I was the person responsible for selecting Christopher Clarke QC, Philip Ridd and Ann Stephenson to help the Tribunal. So far as Christopher Clarke is concerned, I chose someone who is among the most senior and respected members of the English Bar. He in turn selected Alan Roxburgh as someone in whom he has from experience complete confidence. So far as the Inquiry Solicitor and

the Inquiry Secretary are concerned, I chose people who are also of proven ability. They are civil servants whose work has been entirely unrelated to any of the matters with which this Inquiry will be concerned. I am certain that they will be able to perform the duty that I have described.

I took the responsibility of appointing these people before my colleagues were appointed, in order to get the Inquiry under way as soon as possible. However, Sir Edward Somers and Mr Justice Hoyt have had the opportunity of considering the appointments that I have made and I am glad to tell you that, having met the other members of the team, they have both expressed complete satisfaction with those that I chose.

As to the Tribunal itself, I accepted the chairmanship at the invitation of the Lord Chancellor and was consulted by him over the appointment of my colleagues. I should make clear that in no shape, manner or form has the Government sought in any way to suggest how we should conduct the Inquiry or indicated what conclusions it would like us to reach. Apart from the Lord Chancellor, I have not in fact discussed any aspect of this Inquiry with any other member of the Government.

I believe that we are fortunate to have Sir Edward Somers and Mr Justice Hoyt as members of the Tribunal. They are people whose reputation for thoroughness, fairness and impartiality cannot be bettered. We should be very grateful indeed that they have agreed to come across the world to sit on this Inquiry.

The Inquiry is set up under the Tribunals of Inquiry (Evidence) Act 1921. Our terms of reference are to inquire into:

“the events of Sunday, 30th January 1972 which led to loss of life in connection with the procession in Londonderry on that day, taking account of any new information relevant to events on that day.”

There has already been one Inquiry into Bloody Sunday, conducted by Lord Widgery, who was then the Lord Chief Justice. This took place immediately after the events in question. The manner in which that Inquiry was conducted and the conclusions that it reached have been the subject of comment and criticism.

The present Inquiry is not an investigation into how Lord Widgery conducted his Inquiry. We are not sitting as a court of appeal from the Widgery Inquiry. It is very important for all concerned to bear this in mind, since otherwise there is a risk that we shall be diverted from our real task, which is not to enquire into what happened at the Widgery Inquiry, but what happened on Bloody Sunday. Having said this, however, the fact remains that we shall be looking into the same events as those Lord Widgery was asked to consider. We shall be looking at all relevant material that was available

at the time, whether or not it was considered or mentioned at the Widgery Inquiry, as well as any material that has subsequently come to light or which the present Inquiry may itself reveal.

Our task is to try to find out what took place in this city that Sunday afternoon. It seems to us that we cannot simply try to reconstruct events as they occurred on the streets that day, without paying proper regard to what led up to those events. Thus we shall be looking at the background to Bloody Sunday to the extent necessary to enable us to reach as informed a conclusion as possible.

We have already started collecting material and we expect that a lot more will become available in the immediate future. We shall undoubtedly need the help of all concerned to ensure that we look at everything that is relevant to our task. For this reason the Inquiry Secretary is writing to those we think may be able to assist us, but it is important that all who consider that they have useful information should contact the Secretary as soon as possible. This can be done by writing to the Bloody Sunday Inquiry, PO Box 18031 London, or by using the e-mail facilities of the Internet Web Site which, as we explain later in this statement, we have set up for the purpose of this Inquiry.

We should emphasise at this point that this is an Inquiry, not a trial. Trials are in the main conducted on an adversarial basis, i.e. where each party puts forward its case and seeks to answer the case put against it; where the tribunal acts as a sort of referee, requiring the parties to abide by the rules; and where, at the end of the day, the tribunal decides the case in favour of one side or the other on the basis of the material the parties have put before it.

An Inquiry like the present Inquiry is quite different. Here the Tribunal takes the initiative in trying to ascertain the truth. Unlike an adversarial contest, it is for the Tribunal to seek all the relevant material. Its task is not to decide the matter in favour of one party or side or another. Indeed, from the point of view of the Tribunal, there are no parties or sides. There will, of course, be those who have material evidence to give or who have a legitimate interest in challenging such evidence, but the Tribunal will not treat them as sides or parties in an adversarial contest, but rather as a means of seeking out the truth.

It follows from this that it is for the Tribunal to decide what material it should consider and what witnesses it should call to give evidence. It is also for the Tribunal to decide how to conduct the proceedings. We turn therefore to outline what we propose to do in relation to these matters. However, we should make clear that we want to adopt methods best suited to carrying out the Inquiry in the fairest, most thorough and impartial way possible, without, of course, incurring unnecessary delay or expense. Thus if people think that improvements can be made to these proposals, then they should make their views known in writing to the Inquiry Secretary. Again, this

should be done as soon as possible, so that the Tribunal has the opportunity to consider any such suggestions.

As we have said, we are already collecting material and repeat our request for those who believe they can help us to get in touch with the Inquiry Secretary without delay. We have also been considering the question of witnesses and request those who consider that they have material evidence to give (or who know of people they consider are likely to be able to give such evidence) also to contact the Inquiry Secretary as soon as possible. We should make clear at this point that we do not intend to apply the strict rules of evidence, though of course the weight that we are likely to give to any particular piece of evidence may well depend on how direct and first hand it is.

The statute under which this Inquiry is established gives the Tribunal the power to require persons to give evidence or to produce documents. We hope that it will not be necessary to invoke this power, but we shall do so if we conclude that our search for the truth requires it.

In this connection it would be foolish for us to ignore the fact that there are allegations that some of those concerned in the events of Bloody Sunday were guilty of very serious offences, including murder. Whether there is any substance in those allegations remains, of course, to be seen. All who give evidence to an Inquiry like this have the same rights and privileges as those who give evidence before an ordinary court, including the privilege against self-incrimination. We have considered whether to recommend to the Attorney-General at the outset that there should be an immunity from prosecution for all who give evidence to this Inquiry. The reason for doing this would be to encourage people to come forward and to speak frankly with no inhibitions. We have decided, however, not to make such a blanket recommendation at this time, but instead to look again at the question in the course of carrying out our investigations, when it may be possible to see more clearly whether the grant of immunity in any given case, or group of cases, is necessary for the purpose of carrying out the object of the Inquiry.

Some who may have material evidence to give to the Inquiry may have concerns about their personal security. Where we are satisfied that there are proper grounds for such concern, we shall make appropriate arrangements for their safety.

Where appropriate, the Inquiry Solicitor (or those assisting him) will seek to interview and to take statements from those concerned. In particular, we shall be seeking written statements from those we consider likely to be called to give oral evidence. In our view all those we wish to interview or from whom we wish to take statements should have, if they so wish, an independent lawyer present to advise them in their own interests. In appropriate cases we shall recommend that the cost of such legal assistance be met from public funds.

Apart from legal assistance during interviews and while statements are taken, there is the question of legal representation at the Inquiry. While remembering that this is an inquisitorial Inquiry and not an adversarial contest, and that those giving evidence will be called to do so by the Tribunal and questioned on behalf of the Tribunal by our Counsel, we fully appreciate that many of those concerned will have strong grounds for asking for legal representation. Indeed, as a matter of fairness, it seems to us that those against whom serious allegations are likely to be made must be given a proper opportunity to challenge what is said against them and to do so, if this is what they want, through lawyers representing their interests. However, we would not necessarily confine legal representation to those in that position, if we were satisfied that our search for the truth in a fair, thorough and impartial way dictated that others should also be legally represented.

In these circumstances we would invite all those who wish to be legally represented at the Inquiry to write to the Inquiry Solicitor requesting that they be given the right to legal representation, and setting out in full the reasons why they consider that their request should be granted. If those making such requests also consider that the cost of legal representation should be met from public funds, then in addition they should set out in writing the reasons why they take this view. The Tribunal will consider all such requests and may require further information before giving its ruling, which we intend to do publicly in writing.

Many people were caught up in Bloody Sunday. Many are likely to have material evidence to give. Some may feel that they should be legally represented at the hearings. At the same time, it seems to us that the opportunity must be taken for those with similar interests to join together for the purposes of legal representation. If their legitimate interests can be properly met by joint legal representation, there would simply be no point in having separate legal representation. We would therefore urge all those concerned who have similar interests to consider together how best to deal with this point. The Inquiry Solicitor will be ready and willing to discuss the matter with those concerned if that is thought to be of assistance. We should make clear that when deciding who should have legal representation and whether we should recommend that the cost of such representation should be met out of public funds, we shall take into account whether separate representation is really necessary.

It is important that we deal with the question of legal representation without delay. Thus we would urge all concerned to consider what we have said on this subject and to communicate with the Inquiry Solicitor as soon as possible.

It seems to us that we shall need some time to collect and collate what will clearly be a considerable amount of evidence. Apart from factual evidence, we may find it helpful to seek expert evidence in addition to that which we understand has already been obtained by others. Those concerned,

including in particular those against whom serious allegations are made, will need time to consider the relevant material that we have collected. Furthermore, it will be necessary for us to consider a number of preparatory matters, which may involve preliminary hearings, though we hope and expect to be able to deal with most matters in writing. We have concluded that it would not be fair or feasible to start the full hearings in this Inquiry until the autumn. This will give everyone a reasonable opportunity for proper preparation. We shall, of course, publish the exact dates for the hearings as far in advance as possible.

Our present intention is to begin those hearings in public in this city, indeed in this hall. We are presently minded to sit about four days a week, leaving at least a day (probably Friday) for assessing what has happened and for preparing what is to come. However, we propose to be flexible about our sitting hours and days, and will adapt these as best we may to make the hearings as convenient as possible for those taking part. For example, we would certainly consider some evening sittings, if this seemed to be a helpful thing to do.

We also expect that some hearings will take place in London, since this appears likely to be the most convenient course to take for some of those concerned.

The hearings in this city will start with an opening statement by our Counsel, who will set out in detail the material we have collected to date, identify the issues as we see them, and generally set the scene for the oral evidence, which will follow. During the course of the next few months we shall be considering in what order we should take the witnesses, and will of course liaise with all concerned in working out how best to organise this and similar matters.

As we have already indicated, those we invite to give evidence will already have been asked to provide written statements to the Tribunal. The Tribunal will read and consider such statements and the other material collected for the Inquiry (which will include, of course, statements previously made) before the full hearings start.

Before they are questioned by our Counsel, witnesses may wish to supplement orally what they have said in writing, for example if something has come to light after giving their written statements. However, we shall make every effort to advise witnesses in advance of all matters which they may wish to consider, so that they have an opportunity to set down in writing all that they want to say before they are questioned. We shall allow supplementary oral evidence before oral questioning if we are persuaded that this is required in the interests of fairness, thoroughness and impartiality.

If likewise persuaded, we shall also permit those who wish to do so to make short opening statements (we would expect through their lawyers) at the beginning of the hearing. Again, however, we should emphasise that this is an Inquiry, not an adversarial trial. It follows that any such

statements must be exclusively directed to assisting the Tribunal in performing its duty, rather than seeking to serve other interests. There would also be no point in repeating matters that are going to be covered by the opening statement of our Counsel. Thus we ask those who wish to make opening statements to inform us in advance, giving full written details of what they wish to say and their grounds for wishing to say it, so that we can decide whether or not (or to what extent) any such statements will assist in carrying out the object of the Inquiry.

After our Counsel has questioned the witness we shall permit further questioning by others, but once again only if we are persuaded that this is required in the interests of fairness, thoroughness and impartiality. The right to conduct further questioning is, of course, very likely to be granted to those facing serious allegations.

When we have concluded the oral hearings our Counsel will make a closing statement, drawing together all that we have heard and considered. Before that closing statement, and subject to the same considerations as those applying to opening statements, we shall permit other closing statements. We shall then form our conclusions and write our report.

In this statement we have emphasised the need for fairness, thoroughness and impartiality. Those requirements must not only be met throughout the Inquiry, but must also be seen to be met. This we shall endeavour to do.

The statute under which we are acting allows us to exclude the public or any portion of the public from any part of the proceedings, if we consider that it would be in the public interest for us to do so, but we shall need very strong grounds indeed to take that course, and in the event that we did, we would publish our reasons for doing so. We also intend to put all relevant material in the public domain as the Inquiry proceeds, unless again we are persuaded (for compelling reasons that we would publish) that it would be in the public interest to take a different course. It follows that those who wish to bring matters to the attention of the Tribunal must realise that we intend to make public anything of relevance that they tell us, including the source of such material, unless there are compelling public interest reasons not to do so.

To assist in the public nature of this Inquiry, we intend to take full advantage of Information Technology. We have set up our own dedicated Web Site on the Internet, where we propose to publish details of the relevant material collected and considered, together with daily transcripts of the proceedings as they get under way, of any preliminary rulings that we make and like matters. For example, the full text of this Statement will appear on that Site. The address of the Web Site is <http://www.bloody-sunday-inquiry.org.uk>.

We also intend to use real time transcription for the hearings. Real time transcription involves the recording on computers of what is said at the hearings, as it is said. The words spoken appear on monitors, virtually simultaneously. Those using the system can at the same time make private notes on their own screens. The computers sort and retrieve what is recorded, as required by each user. This greatly reduces the time needed to note up, analyse or keep abreast of the evidence as well as the need for multiple copies of bulky paper transcripts. Experience in long cases has demonstrated that real time transcription saves very considerable time and trouble for all concerned and is a substantial improvement on traditional methods of keeping a record.

When we have dealt with the question of legal representation, those legal representatives who [are] going to take part, but who are unfamiliar with the use of this technology, should get in touch with the Inquiry Secretary, who will be able to advise them on how to prepare to use it.

This opening statement is being televised. Since we intend to use our Internet Web Site to provide a ready means of following what is going on, the rest of the hearings will not be televised.

Later this morning the Tribunal will give a Press Conference, at which the media can put questions to us. After that we propose to go onto the streets where people were killed and wounded on Bloody Sunday. An officer from the City Engineer's Department has kindly agreed to accompany us, in order to point out the important places and the main changes that have taken place since 1972. This will not be an evidence gathering exercise, but rather a first step in being able more clearly to understand the evidence of what took place on Bloody Sunday. We expect that this will not be the last time we look at these streets for the purpose of this Inquiry.

We are enquiring into matters that have given rise to very strong emotions. Those emotions are wholly understandable, for whatever the circumstances, people were killed and wounded. There are also, undeniably, strong political views. Furthermore, the events with which we are concerned took place 26 years ago. We therefore have a very difficult task in trying to find the truth. We need the assistance of all concerned, particularly those who were there on that day. We ask them all to do their best to help us to seek the truth about what happened on Bloody Sunday.

A2.2: Ruling (24th July 1998): legal representation for the families of those who died and those who were injured; legal representation for ten soldiers; representation of the late Gerard Donaghy;* legal representation for Fulvio Grimaldi

On 20th and 21st July we held a preliminary hearing in this Inquiry in order to deal with a number of points that had arisen since the Tribunal made its Opening Statement at the beginning of April. On some of these points we wanted to hear the views of those interested in order to be properly informed before making rulings in the future. On other points we heard submissions on matters which call for a ruling now. In both cases, in accordance with what we said in our Opening Statement, it seemed to us that this was an exercise that should be carried out in public and this is what we have done.

The first matter discussed was the level of legal representation at the Inquiry for the families of those who died on Bloody Sunday and for those that were wounded, who had instructed the Belfast solicitors Madden & Finucane to act on their behalf. These comprise nearly all who lost family members or who were wounded on Bloody Sunday.

The Tribunal had expressed its provisional view that the interests of this group could be properly protected by engaging the services of one Leading Counsel and two juniors. This was not a view shared by this group, who requested that they be represented at the Inquiry by five Leading Counsel and five juniors.

From correspondence with Madden & Finucane, it appeared to the Tribunal that the principal reason for requesting this level of representation was to enable the families and the wounded to prepare and present a case to the tribunal in an adversarial fashion, that is to say as though they were engaged in a piece of ordinary litigation with opposing parties, in this case the soldiers, the Ministry of Defence and other departments of the Government.

The Tribunal could not and cannot accept that this is the correct basis on which to proceed. In his Royal Commission Report on Tribunals of Inquiry Lord Justice Salmon said:

* The correct spelling of this victim's name is "Gerald Donaghey". The spelling used here and throughout this appendix was to our knowledge the accepted spelling at the time, and thus reproduced faithfully here.

“28. Normally persons cannot be brought before a tribunal and questioned save in civil or criminal proceedings. Such proceedings are hedged around by long standing and effective safeguards to protect the individual. The inquisitorial procedure is alien to the concept of justice generally accepted in the United Kingdom. There are, however, exceptional cases in which such procedures must be used to preserve the purity and integrity of our public life without which a successful democracy is impossible. It is essential that on the very rare occasions when crises of public confidence occur, the evil, if it exists, shall be exposed so that it may be rooted out; or if it does not exist, the public shall be satisfied that in reality there is no substance in the prevalent rumours and suspicions by which they have been disturbed. We are satisfied that this would be difficult if not impossible without public investigation by an inquisitorial Tribunal possessing the powers conferred by the Act of 1921. Such a Tribunal is appointed by Parliament to inquire and report. The task of inquiring cannot be delegated by the Tribunal for it is the Tribunal which is appointed to inquire as well as to report. The public reposes its confidence not in some other body or person but in the Tribunal to make and direct all the necessary searching investigations and to produce the witnesses in order to arrive at the truth. It is only thus that public confidence can be fully restored.”

Similar views were expressed by Professor Walsh in his paper entitled *The Bloody Sunday Tribunal of Inquiry: A Resounding Defeat for Truth, Justice and the Rule of Law*.

Whether or not Professor Walsh’s criticisms of the Widgery Inquiry are justified is not a matter with which we are presently concerned, but we believe that the views he expressed on the proper nature and function of an Inquiry like the present Inquiry are an accurate statement of the legal position. Professor Walsh said this:

“Under our adversarial system of justice when the High Court is hearing a case between two opposing parties, it does not play an active role in adducing evidence to determine the factual truth of a matter in dispute between the parties. Its primary role is to make a final determination on the basis of the evidence presented to it by the opposing parties. In discharging this role it relies on the parties to present all the relevant evidence and to subject the evidence of their opponents to searching scrutiny. The High Court itself will not pursue this task. Its input is largely confined to ensuring that the parties respect the rules of procedure in adducing the evidence and in scrutinising each other’s evidence. At the end of the day the primary function of the High Court is to decide in favour of one side or the other in accordance with the rules of the game. It is not concerned first and foremost with establishing the truth. It may be, of course, that the adversarial procedure and the attendant rules applied by the Court are best suited to producing a final determination which accords with the truth in any case. That, however, is not necessarily the same thing as saying that the High Court is actively engaged in a search for the truth.

The Tribunal of Inquiry by contrast is set up specifically to find the truth. It is expected to take a positive and primary role in searching out the truth as best it can. Certainly, it will seek the assistance of any interested party who has evidence to give or who has an interest in challenging the evidence offered by another party. It must be emphasised, however, that it is the Tribunal, and not the parties, which decides what witnesses will be called to give evidence. Indeed, strictly speaking there are no parties, no plaintiff and defendant, no prosecutor and accused, only an inquiry after the truth. It is the Tribunal which directs that inquiry. All the witnesses are the Tribunal's witnesses, not the witnesses of the parties who wish them to be called. Whether any individual witness will be called is a matter for the Tribunal. Moreover, the Tribunal can be expected to act on its own initiative to seek out witnesses who may be able to assist in the quest for the truth. Ultimately, the task facing the Tribunal is to establish the truth, not to make a determination in favour of one party engaged in an adversarial contest with another."

In our Opening Statement we expressed similar views.

In these circumstances we thought it right at the outset of this preliminary hearing to raise this point with Mr Treacy, Counsel appearing on behalf of the group of families and the wounded seeking representation at the Inquiry. Mr Treacy immediately made clear on behalf of his clients that he accepted that the proper approach to an Inquiry of the present kind was as we have stated and that his application for the level of legal representation sought was not based on treating the Inquiry as an adversarial contest, but was founded on quite different grounds.

The provisional view expressed by the Tribunal was itself based on an objective assessment of the amount of work that Counsel would have to do in order to be able properly to protect the interests of the families and the wounded at the Inquiry, bearing in mind that it was the responsibility of the Tribunal to collect, analyse and present all the relevant material, as well as to carry the main burden of cross-examination at the oral hearings; and also bearing in mind that we would give all concerned a reasonable period to consider the material collected before those hearings began. However, Mr Treacy persuaded us that there were other factors to take into account, and having considered these we have concluded that the interests of justice do justify the level of counsel representation sought by the families and the wounded. Our reasons for doing so are as follows.

In the first place, Mr Treacy drew our attention to the fact that at the Widgery Inquiry the level of representation for the families and the wounded was about the same as that provisionally suggested by the present tribunal. He submitted, and we accept, that his clients genuinely believe that this level of representation put them at a grave disadvantage at that Inquiry and that similarly to limit

their representation at the present Inquiry would only repeat what they consider was an injustice done to them; leading them to view the present Inquiry with distrust.

Having listened to Mr Treacy it seems to us that whether or not these beliefs are objectively justifiable is really neither here nor there. The important fact is that they undoubtedly exist. Thus, although we remain of the view that because of the very different way we propose to conduct this Inquiry the families and the wounded would not in fact be disadvantaged by the level of legal representation we suggested, it seems to us that in order that justice should not only be done but manifestly be seen to be done, the point made by Mr Treacy is a good one.

In the second place, there is another consideration, which supports Mr Treacy's submission. Although the families and the wounded have made common cause, although from a lawyer's point of view their interests seem identical or virtually identical, and although from our present state of knowledge there seems to be no conflict or potential conflict of interest that would call for separate representation, we accept that their situation cannot simply be viewed from a narrow legalistic point of view. Looked at from a rather wider and perhaps more human perspective, the fact of the matter is that each family and each of the wounded has a private and personal interest, which must be borne in mind, notwithstanding it leads them to make common cause with each other. That private and personal interest could be properly served if, instead of a single team of Counsel acting for all the families and the wounded, the representation was divided as Mr Treacy suggested, so that comparatively small groups of the families and the wounded had their own leading and junior counsel responsible for their representation at the Inquiry. Once again it seems to us that this would help to enable justice to be seen to be done.

Mr Treacy readily accepted that the Tribunal could not allow this level of representation to lead to repetitive cross-examination by successive counsel. That would serve no useful purpose and would simply waste time and money. The same applies, of course, to submissions. Furthermore, although we shall recommend that the reasonable costs of engaging the services of five leading counsel and five juniors be met from public funds, we have an obvious duty to ensure that such costs are indeed reasonable. Of course, all counsel will have to acquaint themselves with the general picture, as well as the particular circumstances of the families and the wounded for whom they have a special responsibility, but we consider that much can and should be done to avoid duplication of effort among them. We suggest that it would be a good idea to keep in close contact with the Solicitor to the Inquiry, so as to seek to avoid the risk of incurring expenditure, which might be regarded as not reasonably necessary.

The Tribunal would be assisted by being informed as soon as possible of the names of the counsel involved and of details of the division of their responsibilities among the families and the wounded.

Before leaving this question we should mention a further submission put forward by Mr Treacy, which was to the effect that each of the families and each of the wounded was entitled as a matter of legal right to separate representation at the Inquiry; so there could be no valid objection to the lesser amount of representation sought.

We were not persuaded by this submission.

The object of providing legal representation is to ensure that as a matter of justice and fairness the interests of the persons concerned are properly protected at an Inquiry. It follows in the present case that each of the families and each of the wounded would be entitled to separate representation if it could be shown that such separate representation was required in order to ensure that their respective interests were properly protected. If their interests could be properly protected by, for example, some form of joint legal representation, then the basis for separate legal representation simply disappears, for neither justice nor fairness would require it.

For this reason it seems to us that the families and the wounded cannot found their claim to the level of representation that they seek simply on the basis that they have a basic right (whether or not justice and fairness require it) to separate representation, which they have chosen to waive in favour of what they describe as the minimum needed. What they can do, of course, is to seek to demonstrate that justice and fairness require either separate legal representation or, which is in fact what they have chosen to do (and indeed have succeeded in doing), require a higher level of joint representation than that suggested by the Tribunal. By taking this course the families and the wounded have, as it seems to us, correctly acknowledged that separate representation for each is not in fact required for this Inquiry to be just and fair.

It is convenient at this point to consider another matter on which we heard submissions from Mr Treacy, which relates to the scope of the work to be undertaken by those representing his clients, in particular their solicitors.

The Tribunal, of course, cannot prohibit any interested party from taking any steps it wishes to prepare for the Inquiry, but must once again make clear that it regards itself as under a duty to be responsible for collecting, collating analysing and presenting *all* relevant material. The Tribunal is preparing to engage experts and is seeking to interview everyone who might be expected to have something material to contribute. It is doing so in an entirely open and non-partisan way, so that the world can see how it is conducting itself and so that all who have a direct interest in the Inquiry will have a reasonable opportunity to consider and assess all the material evidence, as well as making suggestions for further or better investigations. In the nature of things, the Tribunal cannot simply accept evidence (whether factual or expert) prepared and presented by or on behalf of the families

and the wounded, any more than it can from those with opposing views, for such evidence is, inevitably, going to be carefully selected and presented so as best to support the contentions of those who proffer it. The Tribunal, unlike the families and the wounded (or indeed those with opposing views), does not start with any beliefs at all. Those held by the families and the wounded are clearly genuinely held and may prove to be justified, but the Tribunal alone is in a position to collect, collate, analyse and present all the available evidence, with no pre-conceived views at all, and with only its desire to seek the truth. That indeed is the duty of the Tribunal.

It follows from this that although it is open to Mr Treacy's clients to continue their investigations, we would find great difficulty in recommending the payment out of public funds for work done by their advisers which it is the responsibility of the Tribunal to undertake. This does not mean, as Mr Treacy suggested, that the families and the wounded would be reduced to playing a passive role in the Inquiry. As we said in the Opening Statement, we need the active and continuing help of all concerned to help us to find the truth about Bloody Sunday. Counsel to the Inquiry, reporting our progress to date at the outset of this preliminary hearing, gave a number of specific instances in which we need this help.

Mr Treacy's clients are clearly in possession of highly relevant material which the Tribunal has repeatedly asked them to produce, but which to date they have chosen to withhold. As we observed during the hearing, the impression has been given that this has been done so that this material can be used as a sort of bargaining chip in discussions with the Tribunal about how matters should proceed. The subject matter of this Inquiry is far too important for relevant material to be kept from the Tribunal and used for this purpose. As already indicated in correspondence with Madden & Finucane (in particular in our Solicitor's letter of 15th May 1998), the Tribunal will recommend the payment out of public funds of the reasonable costs (incurred or to be incurred) of assisting the Tribunal in the task of identifying and locating those who may be able to help the Inquiry, as well as in the other respects set out in that letter.

In this connection there are a number of specific matters on which we should state our views.

Mr Treacy suggested that solicitors instructed by his clients should be reimbursed from public funds for continuing to take what he described as provisional statements from those who might be able to help the Inquiry. We disagree. The costs of helping to identify and locate potential witnesses is one thing, but once this has been done, the task of interviewing those witnesses and taking statements from them, provisional or otherwise, is the responsibility of the Tribunal. Of course, as we said in the Opening Statement, any person the Tribunal seeks to interview has the right to have a legal adviser present in order to protect that person's interests, and it is up to that person to decide who should fulfil this role if that right is to be exercised.

It also appears that at one stage at least, it was contemplated that the families and the wounded would employ five firms of solicitors, three in Derry collating the existing statements from civilians and taking statements from new witnesses, one in Dublin dealing with the political and historical context within which Bloody Sunday occurred, and Madden & Finucane to co-ordinate the legal team and the preparation for the Inquiry.

We readily acknowledge that it will probably be necessary for more than one firm of solicitors to be engaged to provide the sort of assistance that the Tribunal has indicated that it requires. Collating existing statements and taking new statements, however, is the responsibility of the Tribunal, at least at this stage of the Inquiry. As to the political and historical context, the Tribunal considers, as its Counsel indicated at the beginning of this preliminary hearing, that this should best be approached, at this stage at least, by seeking the views of experts in this field to advise the Tribunal. The selection of such experts we already have in hand, and though of course we are willing to consider any suggestions in this and all other areas in which expertise may be required, we hope all will readily accept that it must be the duty of the Tribunal to satisfy itself that it is getting unbiased and impartial advice.

With regard to experts generally, Mr Treacy suggested that his clients would be put at an unfair advantage if they could not be assisted from public funds to obtain expert assistance at this stage of the Inquiry. Again we must disagree. It is the intention of the Tribunal to engage its own experts in all areas that require expert assistance. It proposes to identify those it is minded to engage and to publish its proposed instructions to those who are to be selected, giving all concerned an opportunity to suggest changes or additions to those instructions. At the earliest opportunity the reports of the experts will be published and the interested parties will be asked to consider them and to say whether or not they agree with the opinions expressed. It may well be that at this stage the families and the wounded may require expert assistance, to help them to understand the reports and to form a view as to whether or not they agree with them, as well as helping them to decide whether or not to request the Tribunal to obtain further expert assistance. Mr Treacy suggested that his clients could be put under a disadvantage if at the oral hearings counsel for other interested parties sought to undermine expert evidence which his clients had previously accepted, since they, without their own experts, would be able to do little or nothing about it. However, as we pointed out during the hearing, this will not happen under the procedures that the Tribunal intends to adopt, for any challenge to any expert report provided to the Tribunal will have to be made long in advance of the oral hearings; and if one is made, the Tribunal will make sure that no interested group will be unfairly disadvantaged.

There is one final point we should make on the subject of experts. This matter was discussed at length on the first day of the preliminary hearing. On the second day of the hearing, Mr Treacy

revealed to the Tribunal for the first time that his clients had already retained experts to prepare a computerised reconstruction of relevant areas of the city. He also told us that his clients' solicitors had been, as he put it, talking to a number of other experts practising in such fields as the pathology of wounds and firearms. What we have already said about expert evidence must apply. We would ask the families and the wounded to consider what their reaction would be if it was suggested that the Tribunal could and should make use of expert evidence prepared on behalf of, for example, the soldiers, where the Tribunal had neither been informed that this was being done nor asked to sanction this course of action, nor been made privy to the conversations with or instructions given to those experts. We would draw the attention of all concerned to what we said in paragraph 23.5 of the Matters to be Addressed at the Preliminary Hearing.

We now turn to the question of the representation sought on behalf of ten of the soldiers by Mr Edwin Glasgow QC. We accept his submission that they should be represented at the Inquiry by one leading counsel and two juniors. We also accept his further suggestion that we should sanction in advance the representation by this team of any other soldiers who wish to be represented at the Inquiry by them and for whom they could properly act. At the preliminary hearing Mr Glasgow undertook forthwith to inform the Tribunal of the identity of any soldiers who come to be added to those he already represents.

We are very disappointed that to date very few of the soldiers present in Derry on Bloody Sunday have been identified, let alone located. We have, of course, the names of those who gave evidence to the Widgery Tribunal, but in most cases not their present whereabouts, and what is more we want to interview as many as possible of all the soldiers who were there on that day, or who may be able to give us information on the events of that day. Mr Burnett QC, who at our invitation appeared on behalf of the Ministry of Defence at the preliminary hearing, told us of the difficulties the Ministry had encountered in trying to trace these people, having agreed with the Tribunal in April that they would undertake this task. We take the view that the Tribunal itself must now take the initiative in tracing those concerned. We will instruct agents for this task. Mr Burnett told us that one of the problems in tracing at least some of the soldiers lay in the restrictions imposed by the Data Protection Act, and agreed with us that the way forward was probably for the Tribunal to issue subpoenas to the government departments concerned with such things as soldiers' pensions. We intend to take this course. We must record, however, our dissatisfaction with the fact that a considerable time passed before we were informed of the difficulties being encountered by the Ministry of Defence. Had they come to us earlier and explained their problems, the Tribunal might well have been able to take action itself before now and thereby saved valuable time.

There are two further questions concerning representation on which we heard submissions during the preliminary hearing. The first of these concerned the representation of one of the deceased, Gerard Donaghy.

Mr Donaghy was adopted when he was ten months old. His natural siblings, with whom he had no contact following his adoption, and his adoptive siblings, with whom he was very close, both seek to represent his interests before this Tribunal.

Mr Gallagher QC, for the natural siblings, submits that two factors warrant their separate representation of his interests. They point out that it has been alleged that he, alone of the deceased and wounded, was found with weapons on his person, namely, four nail bombs were found in his pockets while being taken to hospital. In turn, it is alleged on his behalf that the bombs were planted by either the police or Army. Thus, they argue, as Mr Donaghy has been singled out for having weapons in disputed circumstances, the task of representing him will be a heavy one requiring separate representation. The second factor is that, because he was killed in a location along with three others, a conflict of interest may arise between his interests and the interests of the three other deceased. The nature of the conflict was not disclosed.

Mr Treacy, for Mr Donaghy's adoptive siblings, submits that adoption legislation gives the adoptive siblings paramountcy, that Mr Donaghy's interests do not differ from those of the others that he represents, that he can foresee no conflict of interest between Mr Donaghy's interests and the others and, indeed, that if one arises, he and his instructing solicitors would cease their representation of Mr Donaghy's interests.

In our view, the claim of the adoptive siblings to represent his interests prevails. Until the death of his adoptive parents when he was about ten years old, he was raised by them in a family unit along with his adoptive siblings. After the parents' death, he was raised by those siblings. As we are disposed to grant increased representation to the families, any additional burden of representing Mr Donaghy's interests is accommodated. No conflict between his interests and those of the others who were shot at the same location was identified to us.

The natural siblings have not demonstrated to us that they ought to represent Mr Donaghy's interests nor that they should be permitted separate representation, along with the adoptive siblings, of his interests. For that reason, we are satisfied that Father Patrick Donaghy and Mary Donaghy, the adoptive siblings of Mr Gerard Donaghy, are solely entitled to represent his interests before this Tribunal.

The remaining matter relating to representation is the application made by Mr Treacy on behalf of Mr Fulvio Grimaldi for this gentleman to be separately legally represented at the Inquiry.

Mr Grimaldi was in the city on Bloody Sunday. He took many photographs and gave evidence to the Widgery Inquiry. At this Inquiry he was cross-examined. It was suggested to him that he was a liar and closely associated with illegal organisations. Mr Grimaldi at the end of his evidence produced a number of bullets which he said that he had collected and which he further said demonstrated that General Ford had lied about the number of shots the soldiers had fired. At a later stage of that hearing, and in the absence of Mr Grimaldi, an expert who said he had examined the bullets, expressed the view that their appearance was consistent with them having been fired into sand, that they showed signs of exposure to oxidation for a considerable time, that many appeared to have been gripped in a vice, probably in a deliberate attempt to distort them, and that it was most unlikely that any of the bullets had been fired on the streets of the city on 30th January 1972.

The Tribunal has yet to interview Mr Grimaldi. If he is willing to be interviewed he has, of course, the right to have a lawyer present to safeguard his own interests. Until this interview has taken place, and until any evidence he has to give can be assessed in the light of all the other material the Tribunal has gathered, it is quite impossible to know whether or not the interests of justice require that Mr Grimaldi be legally represented at the Inquiry. We accordingly refuse this application on the grounds that it is premature. If circumstances arise in the future that would justify the renewal of the application, we would of course reconsider the position.

There remain some matters, which do not call for an immediate ruling by us, but on which we wished to hear the views of those represented before us.

The first of these concerns the question of anonymity.

In the expectation that the question of anonymity would arise, we asked the interested parties for any general observations or submissions they might have as to the approach that we should adopt in relation to it. It will be recalled that, with the exception of five senior officers, the soldiers who gave evidence before the Widgery Inquiry were not required to disclose their names.

We have not yet been asked to make rulings on anonymity in respect of any individual witnesses or groups of witnesses who may give evidence to this Inquiry. However the Treasury Solicitor and Ministry of Defence have indicated that applications for anonymity are likely to be made in due course on behalf of soldiers or former soldiers who were serving in Londonderry on Bloody Sunday.

It should be remembered that there are various different forms of anonymity. Depending on the circumstances, it might be appropriate to allow a witness to give evidence without stating his or her name and address in public, or perhaps to give evidence from behind a screen in order to conceal his or her physical appearance. It might also be necessary to preserve the anonymity of individuals by substituting letters or numbers for names in witness statements and other documents.

Mr Treacy referred us to a number of authorities in this field, including *Scott v Scott* [1913] AC 417, *A-G v Leveller Magazine Ltd* [1979] AC 440 and *R v Murphy & Maguire* [1990] NI 306. He also annexed to his written submissions a copy of an article by Gilbert Marcus, "Secret Witnesses" (1990) PL 207. Mr Treacy argued that the granting of any form of anonymity was a very grave step that should only be taken if justified on compelling grounds.

In adversarial procedure, great importance is rightly attached to the principle of open justice. In particular, the courts require very strong grounds indeed before departing from the rule that a person charged with a criminal offence is entitled to know the identity of prosecution witnesses and to see them give their evidence. One of the reasons for this is to enable the opposing party to investigate and assess the credibility of those witnesses.

The position in relation to an Inquiry such as this one is, in our view, rather different. Nobody is being prosecuted before this Tribunal, nor is it our function to do justice between parties competing in an adversarial contest. Our task is to do justice by ascertaining, through an inquisitorial process, the truth about what happened on Bloody Sunday. The proper fulfilment of that task does not necessarily require that the identity of everyone who gives evidence to the Inquiry should be disclosed in public. The Tribunal will know the identity of all witnesses and, unlike a court, will itself take responsibility for investigating their credibility if there is reason to think that such an investigation is necessary.

Indeed we think that there are likely to be circumstances in which granting anonymity will positively help us in our search for the truth. Witnesses are unlikely to come forward and assist the Tribunal if they believe that by doing so they will put at risk their own safety or that of their families. Moreover it would be a mistake to suppose that the grant of anonymity would always operate to protect soldiers who are alleged to have been guilty of serious offences on Bloody Sunday. There may well be witnesses who wish to give evidence that is favourable to the interpretation of events for which the families and the wounded contend, but who will not co-operate with the Tribunal without assurances as to their anonymity. We are aware, for example, of certain television programmes in which people describing themselves as ex-soldiers present on Bloody Sunday have criticised the conduct of the Army on that day, but have done so anonymously, presumably for fear of reprisals by their former comrades.

Accordingly, we will be willing to grant an appropriate degree of anonymity in cases where in our view it is necessary in order to achieve our fundamental objective of finding the truth about Bloody Sunday. We will also be prepared to grant anonymity in cases where we are satisfied that those who seek it have genuine and reasonable fears as to the potential consequences of disclosure of their personal details, provided that the fundamental objective to which we have referred is not

prejudiced. As to the degree of anonymity that is appropriate, our current view is that restricting the disclosure of names and addresses ought to be sufficient in most, if not all, cases. We would regard the use of a screen as a wholly exceptional measure.

The obligation nevertheless remains firmly on those who seek anonymity of any kind to justify their claim. Applicants for anonymity must supply the Tribunal with a written explanation of the basis of their application, together with any material relied upon in support of it. Of course, unless and until the application is refused, the Tribunal will not reveal any information in its possession, disclosure of which might pre-empt its ruling. Otherwise, however, and subject to any claim for public interest immunity, we propose to circulate any written applications for anonymity to all interested parties and to invite their submissions before making a ruling.

It is obviously important that these applications should be determined sooner rather than later, especially in view of the problems that delay will cause in respect of the distribution of documents containing the names of potential applicants for anonymity. The fact that so far only a few of the soldiers have been traced presents the practical difficulty that their instructions cannot be obtained until they have been found. Rather than waiting for them to be located, we intend to ask the Ministry of Defence to put forward any application for anonymity on their behalf, together with such submissions and evidence as it considers appropriate in relation to any continuing security risk to which they may be exposed. The Solicitor to the Tribunal will shortly be writing to the Ministry of Defence in this connection, as well as to the Treasury Solicitor on behalf of the soldiers represented by Mr Glasgow. Meanwhile, in order to provide to interested parties as many as possible of the documents we have collected to date, we shall blank out the names etc of those who we consider may have a case for anonymity, in order not to pre-empt any future ruling and to minimise delay in the publication of documents.

The second matter which the Tribunal raised during the course of the preliminary hearing was the question whether the Tribunal should recommend to the Attorney General that he should provide an assurance that nothing said to the Tribunal by any person, either before or at the oral hearings, could or would be used in subsequent criminal proceedings against that person.

The object of doing this is to encourage people to come forward to assist the Inquiry in its search for the truth, without fear that what they say may afterwards be used against them. Without such an assurance, of course, any witness has the right to exercise the privilege against self-incrimination. However, the Tribunal is presently of the view that were such an assurance given, it would not be possible for witnesses to refuse to answer questions on the basis of the privilege against self-incrimination, for the simple reason that no question of incrimination could arise. Furthermore, in such circumstances, were the witness to continue to refuse to answer, it would on the face of it be

proper for the Tribunal to draw inferences from that refusal. The Tribunal would also draw attention to the provisions of the European Convention on Human Rights, expected shortly to be brought into force in this country, which contains provisions which might themselves prevent or restrict the use in subsequent criminal proceedings of statements made to the Inquiry.

It is considerations such as these that led us to observe to Mr Treacy that his description of the point under discussion as the question of “*partial immunity*” is in our view inaccurate and likely to be confusing, especially to non-lawyers. “*The status of evidence*” would be a better description.

This is a matter on which the Tribunal would like to hear the views of interested parties as soon as possible. We are bound to say that our present view is that we will be gravely hampered in seeking to find the truth without the assurance to which we have referred, while little if anything will be gained in the absence of such an assurance. The urgency lies in the fact that this is not a matter which can await the oral hearings, since we are already engaged in trying to interview potential witnesses and it seems to us that many may be reluctant to help or advised to rely on their privilege in the absence of an assurance. It is also important to remember that the assurance only applies to the individual giving the evidence and only protects that individual in respect of that evidence. All other facts found by the Tribunal would be unaffected by it and would remain to be taken into account in the event that those responsible conclude after the Inquiry that criminal proceedings should be taken.

Mr Treacy reasonably asked for time to consider this point and agreed that what he had to submit could be done in writing. The same, of course, applies to others who wish to express their views. As we made clear during the preliminary hearing, these submissions, and any ruling of the Tribunal, will be made public.

We should record at this point that we have received to date no application for immunity from prosecution, nor any claim to public interest immunity in relation to documents. Thus all that needs to be said in this connection is that we shall notify all interested parties should such questions arise in the future and give them an opportunity to make representations before we make any ruling.

There remains the question of legal professional privilege claimed by some of the soldiers in respect of certain documents in their possession. Again Mr Treacy asked for time to consider this claim and to put any submissions in writing. This is acceptable to the Tribunal on the same basis as we have indicated when discussing the topic of the status of evidence. Mr Treacy and his clients will doubtless have in mind that in many cases the claim to privilege relates to copies of documents in the possession of individuals, the originals of which (or further copies) have already been collected by the Tribunal and will be distributed to all concerned. There would seem to be little if any point in

debating intricate points of discovery when the documents in question are available from other sources.

Finally we should record that we found the oral preliminary hearing to be of great assistance in considering the various topics that were raised. However, there remains a great deal to be done on substantive matters. We hope that in the autumn we shall be able to produce and publish a preliminary analysis of the material collected, together with the identification of what appear at that stage to be key issues and such matters as a provisional list of those we consider should be called to give oral evidence. Thus, unless it is unavoidable, we would prefer to deal with other preliminary matters by way of written submissions, since it is very time consuming for all concerned to organise and conduct oral hearings.

The public can rest assured that the fact that matters are being conducted in writing rather than at an oral hearing does not affect at all what we said in our Opening Statement about the public nature of this Inquiry and we shall be continuing to utilise our Web Site (<http://www.bloody-sunday-inquiry.org.uk>) and other appropriate means to keep everyone informed of what is going on.

A2.3: Ruling (27th November 1998): the status of evidence (Attorney-General's Assurance); venue; experts; anonymity and privilege; progress report; Counsel's report

Over the course of the last few months, a number of matters have been the subject of submissions from interested parties. In addition there are other matters on which it is now also appropriate to make rulings and observations.

The status of evidence

Among the matters discussed at the preliminary hearing in July was the question whether the Tribunal should seek from the Attorney-General an assurance in the form of an undertaking that nothing said to the Tribunal by any person, either before or at the oral hearings, could or would be used in subsequent criminal proceedings against that person.

In its rulings and observations issued after that preliminary hearing, the Tribunal had this to say about seeking such an undertaking:

"The object of doing this is to encourage people to come forward to assist the Inquiry in its search for the truth, without fear that what they say may afterwards be used against them. Without such an assurance, of course, any witness has the right to exercise the privilege against self-incrimination. However, the Tribunal is presently of the view that were such an assurance given, it would not be possible for witnesses to refuse to answer questions on the basis of the privilege against self-incrimination, for the simple reason that no question of incrimination could arise. Furthermore, in such circumstances, were the witness to continue to refuse to answer, it would on the face of it be proper for the Tribunal to draw inferences from that refusal. The Tribunal would also draw attention to the provisions of the European Convention on Human Rights, expected shortly to be brought into force in this country, which contains provisions which might themselves prevent or restrict the use in subsequent criminal proceedings of statements made to the Inquiry.

It is considerations such as these that led us to observe to Mr Treacy [counsel acting for those represented by Messrs Madden & Finucane] that his description of the point under discussion as the question of "partial immunity" is in our view inaccurate and likely to be confusing, especially to non-lawyers. "The status of evidence" would be a better description.

This is a matter on which the Tribunal would like to hear the views of interested parties as soon as possible. We are bound to say that our present view is that we will be gravely hampered in seeking to find the truth without the assurance to which we have referred, while little if anything will be gained in the absence of such an assurance. The urgency lies in the fact that this is not a matter which can await the oral hearings, since we are already engaged in trying to interview potential witnesses and it seems to us that many may be reluctant to help or advised to rely on their privilege in the absence of an assurance. It is also important to remember that the assurance only applies to the individual giving the evidence and only protects that individual in respect of that evidence. All other facts found by the Tribunal would be unaffected by it and would remain to be taken into account in the event that those responsible conclude after the Inquiry that criminal proceedings should be taken.

Mr Treacy reasonably asked for time to consider this point and agreed that what he had to submit could be done in writing. The same, of course, applies to others who wish to express their views. As we made clear during the preliminary hearing, these submissions, and any ruling of the Tribunal, will be made public.”

We have now received and considered submissions on this topic. Those acting on behalf of certain soldiers have simply expressed their general support for seeking such an assurance, while those acting on behalf of the families and the wounded have put forward detailed reasons for not taking this course.

It may be helpful first to set out some general observations.

The object of the present Inquiry, as we made clear in the Opening Statement, is to try and find out the truth about what happened on Bloody Sunday. Unlike some other forms of Inquiry, we are not charged with investigating whether or not grounds exist for bringing criminal charges against any person or persons, though of course if we concluded that, for example, conduct which caused or contributed to the death or wounding of individuals was wrongful, we would not hesitate to say so.

Equally, we are well aware that some at least of the families of those who died and those who were wounded believe that the casualties resulted from criminal behaviour and that those responsible should not escape justice but should be prosecuted. However, the responsibility for deciding whether or not there are grounds for prosecutions and whether or not there should be prosecutions does not lie with us.

In these circumstances our primary duty must be to use all legitimate and proper means to try and get to the truth. It is in this context that we considered whether the existence of the privilege against self-incrimination, which is among the privileges and immunities given to witnesses by Section 1(3)

of the Tribunals of Inquiry (Evidence) Act 1921, was likely to hinder us in our task and if so, whether there were any legitimate and proper means we could employ to remove or reduce that hindrance.

The privilege against self incrimination is deeply rooted in the common law, arising in part at least from the revulsion felt by the methods employed by the Star Chamber: see, for example, Holdsworth's *History of English Law*, 3rd Ed (1944) Volume 9 at page 200 and Lord Griffiths in *Lam Chi-ming v The Queen* [1991] 2 AC 212 at page 222. It is, as Lord Wilberforce said in *Rank Film Distributors Ltd. v Video Information Centre* [1982] AC 380 at page 442 "a basic liberty of the subject". It is indeed a basic human right.

What is important to remember in the present context, is that this right is not confined to an entitlement to refuse to answer questions designed to elicit a direct confession or admission of criminal conduct, but necessarily extends very much further. That this is reflected in the European Convention on Human Rights was made clear in the judgment of the European Court of Human Rights in *Saunders v United Kingdom* [1996] EHRR 313, where the British Government had argued that the evidence which Mr Saunders had been forced to give to a Department of Trade and Industry Inquiry (under statutory provisions that in effect removed the privilege) and which was afterwards used at his criminal trial, was not self-incriminatory and that he had merely given exculpatory answers or answers which, if true, would serve to confirm his defence. The Court, having pointed out that in fact some of Mr Saunders' answers were directly self-incriminatory, went on to say this:

"In any event, bearing in mind the concept of fairness in Article 6, the right not to incriminate oneself cannot reasonably be confined to statements of admission of wrongdoing or to remarks which are directly incriminating. Testimony obtained under compulsion which appears on its face to be of a non-incriminating nature - such as exculpatory remarks or mere information on questions of fact - may later be deployed in criminal proceedings in support of the prosecution case, for example to contradict or cast doubt upon other statements of the accused or evidence given by him during the trial or to otherwise undermine his credibility. Where the credibility of an accused must be assessed by a jury, the use of such testimony may be especially harmful. It follows that what is of the essence in this context is the use to which evidence obtained under compulsion is made in the course of the criminal trial."

The Court in that case was of course dealing with the question whether there had been a violation of Article 6(1) of the Convention, which gives the right to a fair trial, and which will not become an integral part of our law until the Human Rights Act 1998 comes into force. However, we are firmly of the view that as a matter of common law, the ambit of the privilege against self-incrimination is at least as wide: see, for example, *Sociedade Nacional de Combustiveis de Angola UEE v Lundqvist*

[1991] 2 QB 310 and *Den Norske Bank ASA v Antonatos* [1998] Lloyd's Law Reports: Banking 253. On these authorities it seems that not only does a person possessing the privilege against self incrimination have the right not to give evidence (nor to produce documents) which could later be deployed against him in a criminal trial, but also that this right apparently extends to anything which could fairly be said to give rise to the risk or increased risk of prosecution.

In the context of the present Inquiry, where allegations of very serious criminal conduct are being made and pursued against soldiers and where indeed those making those allegations have, as we have pointed out, expressed their determination that those they believe have committed crimes should be prosecuted, it seemed to us that there was a real prospect that witnesses who can reasonably be expected to be in a position to assist the Tribunal in its search for the truth, would choose to exercise their human right not to incriminate themselves, and would thereby (given the width of the immunity) deprive the Inquiry of much valuable information in that search.

On this basis we considered whether there were any legitimate and proper means by which we could both protect the right of witnesses not to incriminate themselves and also put ourselves in the position of getting as much relevant information as possible.

In our view an undertaking from the Attorney-General (by which expression we include any other appropriate authority, such as the Director of Public Prosecutions) would achieve this objective. Bearing in mind the width of the immunity, an undertaking would have to be in the following form or one to the same effect, namely an undertaking in respect of any person who provides evidence to the Inquiry, that no evidence he or she may give before the Inquiry, whether orally or by written statement, nor any written statement made preparatory to giving evidence, nor any document produced by that person to the Inquiry, will be used to the prejudice of that person in or in connection with any criminal proceedings (actual or contemplated) against that person, except proceedings where that person is charged with having given false evidence in the course of this Inquiry or with having conspired with or procured others to do so.

In our view, if such an undertaking were provided, persons giving evidence to the Inquiry in any form could not refuse to answer or to produce documents on the basis of the privilege, for there would be no risk of self-incrimination: see, for example, *R v Boyes* (1861) 1 B & S 311 and *Re Genese* (1885) MBR 223. As we said in July, it also seems to us that in such circumstances, the Inquiry could properly draw inferences from a failure to answer questions or to produce documents, unless of course there were other good grounds (apart from the privilege against self-incrimination) to justify that failure.

We could not see any real disadvantages from taking this course. In the absence of an undertaking, those from whom the Tribunal wished to obtain information would be fully entitled to exercise their human right against self-incrimination. Indeed, it seems to us that it is part of the duty of a Tribunal like the present one itself to take care that those from whom it wishes to obtain information are made aware of their rights and so can make an informed choice as to whether or not to exercise them, which is why, in our Opening Statement, we made clear that those whom we wished to interview were entitled to have their own lawyer present to safeguard their interests. It follows from this that any suggestion that (without an undertaking) witnesses would or should provide from their own mouths evidence or other support for later criminal prosecutions against them simply cannot be sustained. If, apart from self-incriminatory material, there are grounds for prosecuting anyone which emerge from the Inquiry, then the existence of the undertaking should in our view make no difference.

We now turn to consider the detailed submissions made on behalf of the family of James Wray deceased.

The basic submission advanced for the Wray family is that it is wrong in principle to seek a “blanket” assurance from the Attorney-General covering all potential witnesses; and that if any assurance is to be sought at all, this should only be done if and when requested by a witness, and then only if that witness provides full reasons for that request, including an outline of the nature and content of the evidence to be given and an explanation as to why that evidence cannot be given without the assurance; if the Tribunal is satisfied there is a proper reason for doing so which outweighed the public interest in pursuing a prosecution; and if the parties represented at the Inquiry are given an opportunity to make submissions to the Tribunal on the desirability of seeking an assurance in the particular case.

A number of arguments are advanced in support of the proposition that seeking a “blanket” assurance would be wrong in principle.

The first of these is that since the Tribunals of Inquiry (Evidence) Act 1921 gives a tribunal established under that Act the same powers as the High Court possesses for securing the attendance of witnesses, their examination under oath and the production of documents; and witnesses the same immunities and privileges as they would enjoy in the High Court, it was clearly not the intention of Parliament to provide witnesses at tribunals with any additional immunity of the kind that would prevent the subsequent use against them of evidence given at the tribunal’s hearings.

This argument would seem logically to lead to the proposition that in no circumstances does a tribunal have a power to seek an assurance from the Attorney-General, but can only use the powers expressly given in the Act. However, those making the argument expressly accept (in our view correctly) that this is not the position and that a tribunal does have this power. The point that is made is that in these circumstances the discretion whether to make a recommendation must be exercised judicially in accordance with proper principles, in particular taking into account the scheme and intention of the Act.

Few would quarrel with the proposition that a tribunal, when exercising its powers or discretion on any matter, must do so judicially and in accordance with proper principles. However, it seems to us that this arises from the very nature of a tribunal of inquiry and general principles of justice, rather than from seeking to draw inferences (which can only be speculative) as to what Parliament did not intend. For example, the fact that Parliament said nothing about tribunals acting judicially and in accordance with proper principles could hardly mean that Parliament did not intend tribunals to act in this way.

The next submission relates to the fact that the Salmon Report (Cmnd 3121) considered that a witness's immunity should be extended so that neither his evidence before the Tribunal, nor his statement to the Treasury Solicitor (i.e. to the Solicitor to the Tribunal) nor any documents he is required to produce to the Tribunal should be used against him in any subsequent civil or criminal proceedings except in criminal proceedings in which he is charged with having giving false evidence before the Tribunal or conspired with or procured others to do so. In 1973 the then Government expressed the view that this proposal was acceptable, but considered that legislation was necessary to give effect to this recommendation. (See Cmnd 5313, paragraphs 36 and 51(g).) On this basis the submission is that *"the use of a device designed to achieve a result not contemplated or approved by Parliament in the Act or subsequent legislation should not be employed as a matter of course or in a blanket fashion but only in exceptional circumstances where the facts in a given situation warrant a departure from the normal rule"*.

We understand from this submission that it is suggested that the "normal rule" should be to use the powers expressly given in the Act, rather than those which are not spelt out in the Act but which it is accepted a tribunal possesses.

We do not see why this should be so. The tribunal's task is to exercise those powers that it concludes will best assist in carrying out the particular inquiry entrusted to it by Parliament. In our view, there are no "normal rules" of the kind suggested, apart of course from the need to act judicially and in accordance with proper principles.

The next submission seeks to challenge the view expressed by the Tribunal in July that it would be gravely hampered in seeking to find the truth without the assurance, while little if anything would be gained in the absence of an assurance.

It is first submitted that it is premature to suggest that the Tribunal will be hampered in seeking the truth. The point is made that this Inquiry is unique in that it has been set up to inquire into an issue which has already been the subject of an inquiry by a tribunal established under the same Act. It is submitted that since the present Tribunal has at its disposal the evidence put before the previous inquiry (including in particular that of the soldiers) as well as a substantial body of additional evidence that has become available since publication of the Widgery Report, the availability of all this evidence may very well allow the Tribunal to find the truth without the proposed assurance being offered to any witnesses.

The Tribunal is indeed in possession of a considerable body of evidence. This discloses, to put it at its lowest, a fundamental difference of expressed views as to what actually happened on Bloody Sunday. In these circumstances (and bearing in mind the seriousness of the allegations that have been made) it seems to us to be vital to talk to as many as possible of those who were there on that day or concerned with the events that occurred, be they civilians, soldiers or others, notwithstanding they may have already given statements or indeed evidence to the previous inquiry. As we have said before, one of the purposes of an undertaking is to encourage these people to come forward, without fear that what they say may be held against them, to give us the help we undoubtedly need. Of course, many of these people will not need that encouragement, but equally it seems to us (as a matter of common sense) that many (particularly those against whom serious allegations have been made) will be reluctant to come forward or to speak fully and frankly. With an undertaking, people will not only be assured that what they say will not be held against them for the purpose of criminal proceedings, but will also have in mind that, so far as the Inquiry is concerned, their continued silence might well speak for itself.

This leads to the next submission, which is to the effect that such an assurance does not guarantee that the witness will in fact be frank and forthright giving his evidence, and that admissions of criminal or discreditable conduct are much more likely to be made, if at all, in cross-examination.

We entirely accept that the provision of an assurance is no guarantee that witnesses will come forward and give full and frank evidence. The question we have asked ourselves is whether, in the absence of an assurance, we are likely to be hampered in carrying out our task of trying to find out what happened on Bloody Sunday. We remain firmly of the view that this is the case. It seems to us, again as a matter of common sense, that to ask people to give evidence in circumstances where it is being asserted that those people have committed criminal offences, and where what they say

may subsequently be held against them in criminal proceedings, is in truth to encourage them not to come forward or, if they do, to exercise their undoubted right not to be compelled to incriminate themselves. Furthermore, the suggestion that any admissions are more likely to be made in cross-examination simply ignores the fact that, in the absence of an assurance, the witness can exercise the right against self-incrimination.

In paragraph 10 of their submissions, the Wray family says this:

“The fact that a witness who had been given an assurance could not refuse to answer further questions does not mean that he will answer them truthfully. Conversely, the fact that a witness who had not been given an assurance could refuse to answer further questions does not prevent the Tribunal from drawing obvious inferences.”

The first part of this submission is correct, but it is incomplete. Without the assurance the witness can exercise the privilege against self-incrimination. With the assurance we believe that the witness does not have the right to refuse to answer. If the witness seeks to lie at this point, then the opportunity exists, which it would not otherwise do, to seek to demonstrate by further questioning that he is not giving truthful answers.

The second part of this submission, if we understand it correctly, is in our view wrong. In our view we could not draw any inference from the justified refusal of a witness to answer on the grounds that the answer might incriminate him. The witness is exercising a legal right not to answer; and we cannot accept the proposition that nevertheless a court or tribunal could, in effect, treat the witness as not having exercised that right but instead made an admission. See *ex parte Symes* (1805) 11 Ves Jun 521 at 523 per Lord Eldon LC and *Sociedade Nacional de Combustiveis de Angola UEE v Lundqvist* [1991] 2 QB 310 at 319. Of course, where the privilege exists and is exercised, its consequence in the ordinary case will be that there will be nothing in evidence from the person concerned to rebut other evidence against him, but we are engaged in a search for the truth, which requires as much evidence as we can gather.

Conversely, where an assurance has been given, so that the evidence could not incriminate the witness, we believe that it would be permissible (other things being equal) for the Tribunal to draw inferences from a witness's refusal to answer, for that refusal could not be justified on the basis of the exercise of a legal right against self-incrimination.

The next submission is an assertion that a dishonest witness who has something to hide and is liable to prosecution on the basis of evidence other than his own testimony is highly unlikely in any

circumstances to make admissions which would strengthen the calls for his prosecution even if those admissions could not in themselves be used against him subsequently.

Again we would not necessarily quarrel with this submission, but again it is incomplete.

The assumed dishonest witness will, of course, not hesitate to exercise his privilege against self-incrimination. With the assurance, we believe, as we have said, that the witness will have to answer questions, since his answers cannot incriminate him. If he then lies there is an opportunity to question him further to reveal the falsity of what he has said; if he remains silent, then inferences may be drawn from that fact. Without the assurance, neither of these things can be done.

It is then submitted that an assurance would not encourage a witness to make admissions implicating another person, since the assurance would not provide any protection for that other person.

To our minds this submission does not carry the matter any further. If there are good reasons for seeking an assurance, the fact that an assurance would not help in this instance is neither here nor there. Apart from this however, with an assurance a witness would have to answer (or risk inferences being drawn) in a case where his answer would implicate both himself and another. Without the assurance he could exercise his right.

The submission then continues by challenging the proposition that little if anything would be gained in the absence of an assurance. The hope is expressed that the Inquiry will not only establish the truth of the matter under investigation, but will provide sufficient evidence to pursue prosecutions for the serious offences that, according to the submission *“were undoubtedly committed on Bloody Sunday”*. It is suggested that *“the provision of a blanket assurance of the kind contemplated may seriously hamper the pursuit of prosecutions since, by definition, none of the evidence given by the witnesses who receive such assurance will be available for use in any subsequent prosecution”*.

On any view, the submission as stated is incorrect, for the assurance would only protect the individual giving the evidence from the subsequent use of that evidence against him.

The undertaking would have no effect on any subsequent prosecution of others. Apart from this, however, the submission seems to us to make the bold and to our minds unsustainable assumption that in the absence of an assurance, witnesses are likely to provide self-incriminatory evidence rather than exercising their human right to remain silent, for if the evidence they give is outside the wide ambit of the privilege against self-incrimination, then it will in truth be of little or no use in any subsequent prosecution against them.

In their next submission, the Wray family correctly point out that in the absence of an assurance, the Tribunal would have to be satisfied that any claim to privilege against self-incrimination was a proper

one and not a case where the danger (in the context this must mean of criminal prosecutions) was of an imaginary or insubstantial character. Again we agree, but in this Inquiry, where allegations of the most serious offences have been made and maintained for many years, where many (including the Wray family themselves) have made clear that they want those they believe to be guilty to be brought to justice, and where indeed through gunfire people died and were wounded, we do not believe that it can be seriously suggested that claims to privilege against self-incrimination are likely to be defeated on this ground.

The submission continues by pointing out that the privilege does not extend to evidence that would tend to incriminate others, so that in the absence of an assurance witnesses could be pressed to answer questions that might produce such evidence. Thus, it is said, evidence of value might be obtained which could be used in the subsequent prosecution of offenders other than the witness. All this is correct (as indeed we have pointed out when dealing with earlier submissions), but the providing of an assurance in no way prevents such evidence from being adduced. Indeed, as we have also pointed out above, it seems to us that with an assurance, witnesses may have to give evidence which, while tending to incriminate others would (but for the assurance) also incriminate the witness himself. Without the assurance the witness would be entitled to refuse to answer and so that evidence would be unavailable.

In paragraph 14 of their submissions the point is made that there has been no request from any witness for an assurance of the kind requested. This is not in the least surprising, since all witnesses enjoy the privilege against self-incrimination and so have no reason to make any such request. The point of the assurance is not to give witnesses additional rights, but to help the Tribunal to seek the truth.

In the same paragraph reference is made to a letter from the Treasury Solicitor to the Inquiry dated 4th August 1998 to the effect that they have no instructions from any of their clients that they will seek immunity. This latter point demonstrates the confusion that is likely to arise if the point under discussion is regarded as a kind of immunity, as we pointed out in July. The letter in question is referring to an immunity from prosecution. This is a different subject from that under discussion, which has nothing to do with immunity, but is concerned with the human right not to give self-incriminatory testimony.

There remains the suggestion that instead of seeking what has been described as a blanket assurance, an assurance should only be sought if and when requested by a witness, and then only if that witness provides full reasons for that request, including an outline of the nature and content of the evidence to be given and an explanation as to why that evidence cannot be given without the assurance; if the Tribunal is satisfied there is a proper reason for doing so which outweighed the

public interest in pursuing a prosecution; and if the parties represented at the Inquiry are given an opportunity to make submissions to the Tribunal on the desirability of seeking an assurance in the particular case.

In our view this suggestion is unacceptable for a number of reasons.

In the first place, as we have observed above, witnesses in general have no cause to seek such an assurance, protected as they are without it by the wide ambit of the privilege against self-incrimination.

In the second place, the suggestion is that the witness should in effect provide the very evidence in respect of which the assurance is sought. If the evidence would not tend to incriminate that witness, there would be no point in him asking for the assurance. If the evidence was self-incriminatory, then the witness has the right not to give it.

In the third place, if there was a witness who had self-incriminatory evidence that he wished to give but which he did not want to be used to incriminate him, then the so-called blanket assurance would cover this case, but the suggestion made would involve the witness having to take the risk of incriminating himself in an attempt to get the assurance, since his application might be refused. To our minds that would be tantamount to a breach of the human rights of that individual.

For these reasons we are unpersuaded by the submissions made on behalf of the Wray family that we should not adopt the course we suggested in July.

We now turn to the submissions made on behalf of the families of those who died and those of the wounded represented by Messrs Madden & Finucane.

In their letter dated 5th November 1998, which preceded their written submissions, this firm stated that they were anxious to know whether those representing the soldiers accepted the view we expressed in July that an assurance would preclude reliance on the privilege against self-incrimination.

We have not asked the representatives of the soldiers this question. It seems to us that this is a matter on which the Tribunal must now make up its own mind and proceed accordingly, having in July invited all concerned to make what submissions they wish on the subject, having considered those submissions, and giving, as we endeavour to do in this ruling, our reasons for our conclusions.

In their letter accompanying the submissions, Messrs Madden & Finucane expressed the view that before irrevocable assurances are given, the Tribunal would have wanted to ensure that the legal basis underpinning its provisional view was beyond meaningful challenge.

Interested parties can be assured that we have considered the legal position as carefully as we can. We have no doubt ourselves that the views that we have expressed are correct.

In the same letter we are asked to confirm that no witness has to date sought to exercise the privilege against self-incrimination. We are not aware of any such case, nor does this surprise us, since there is nothing to suggest that any of those we have interviewed to date run any real risk of prosecution. We have yet to start interviewing those some of whom may be (and on the contentions of those represented by Messrs Madden & Finucane are) in a different position.

As to the submissions themselves, in many places these seek to make the same points as made on behalf of the Wray family, and to which we would give the same answers. For example, in paragraph 4 the submission is that since damaging admissions are likely to be secured in cross-examination, an assurance may negate or make more difficult the bringing of successful criminal proceedings. Such a submission simply ignores the fact that without the assurance, the person concerned has the human right not to answer questions which may incriminate him; as well as ignoring the fact that an assurance will in no way impede criminal proceedings brought against another.

The submission continues by stating that servants and agents of the state who may have murdered innocent unarmed civilians should not be clothed by an assurance; with, as it is put, such “*special protection*”.

In our view such submissions appear to demonstrate a failure to understand the purpose and effect of seeking an assurance.

The purpose of an assurance is to help the Tribunal to seek the truth while not infringing human rights, as we have explained above.

The effect of an assurance is that in its absence everyone (including servants and agents of a state) has the basic human right not to be compelled to give self-incriminatory evidence, however heinous the suspected crime may be. The assurance means that such persons are not justified in refusing to answer questions on the grounds that this human right would be infringed, for since there would be no risk that their answers could be used against them in criminal proceedings, their rights are not being infringed. The submission seems to proceed on the assumption that in the heat of cross-examination a witness (or his legal representatives) will overlook the fact that he has the

right not to make damaging admissions. This Inquiry is unlike a criminal trial, where if the defendant chooses to give evidence, he is treated by statute as having waived his privilege; and it may be that the apparent lack of understanding has arisen from overlooking this fact.

In our view reliance in the submissions on certain Articles of the European Convention on Human Rights and reliance on the authorities cited is equally misplaced. As we have said, this Inquiry is charged with the duty of trying to find out the truth about Bloody Sunday. It is not a Grand Jury, responsible for deciding whether grounds exist for prosecutions, nor does it have the power to recommend or to initiate any prosecutions for what happened on that day. Quite apart from this, however, we cannot accept that anything in the Convention or the authorities cited militates against seeking the suggested assurance, since this could only begin to have the effect suggested if indeed the assurance provided some “special protection”. It does not. Instead it provides the Tribunal with a better means of performing its duty while protecting the human rights of those whose help it needs.

There remain the supplemental submissions made on behalf of the clients of Messrs Madden & Finucane and dated 13th November 1998. Our ruling is, as given above, that an assurance in the form set out above would preclude reliance on the privilege against self-incrimination, and that it is not appropriate for us to seek any form of confirmation of our views from those representing soldiers. We should point out that at present only a few soldiers are represented, so that even if we were now to seek confirmation, it would (if given) at best only bind those few. We should also point out that it is not within our power to prevent those who wish to do so from seeking to challenge our rulings elsewhere.

For these reasons, we are also unpersuaded by the submissions made on behalf of those represented by Messrs Madden & Finucane.

We should add this. The theme running through the submissions of those who oppose the seeking of an assurance from the Attorney-General seems to be that such an assurance would wrongfully prejudice the bringing of criminal proceedings against those the families and the wounded believe were criminally responsible for the deaths and injuries. We are not persuaded of this. Bearing in mind that it is our primary duty to seek the truth about what happened on Bloody Sunday, it seems to us that since we consider that an assurance would help us to perform that duty, we should seek that assurance. It is, however, for those responsible for deciding whether an undertaking should be given to consider whether in the public interest the Inquiry should proceed without what the Tribunal believes to be a valuable aid in the performance of its duty.

At a very late stage we received submissions from the British Irish Rights Watch and the Committee on the Administration of Justice in relation to (among other things) the question of the status of

evidence. These we have been able to consider, but for the reasons given in this ruling, we are unable to accept them. We should emphasise that in our view both these organisations are in error in describing the point at issue as one of “immunity” or “immunity from prosecution”. We are not recommending immunity from prosecution for anyone, nor do we accept that this will be the effect of an assurance. In our judgement it would be wrong and highly misleading to suggest the contrary.

In these circumstances we have decided that acting judicially and in accordance with proper principles we should seek an assurance from the Attorney-General in the terms of or to the same effect as the undertaking that we have set out above; and this is what we shall now do. We shall, of course, draw attention to what has been submitted to us, and to that end we shall enclose with our request copies of the submissions made to us and of this ruling.

Venue

The public hearings of the Inquiry will begin, as we intimated in the Opening Statement, in the Guildhall. However, as we also indicated in that Statement, some subsequent hearings may also take place in London. Those represented by McCartney & Casey have indicated that they would wish to make submissions opposing the hearing in London of evidence from the soldiers, while those representing certain soldiers have requested that any evidence from soldiers should be heard in London. We are prepared to consider further submissions on this question, provided (as we have already informed interested parties) they are sent to us by close of business on Thursday 3rd December 1998. We shall then distribute any further submissions to interested parties, giving them a further seven days in which to make any comments by way of response. We shall then consider the submissions and comments that we have received and make our ruling as soon as possible.

In this connection we should point out that if we were to decide to conduct any part of the public hearings in London, we would first have satisfied ourselves that proper facilities could and would be put in place to enable those hearings to be seen and heard as they happened on a suitably large video screen available to the public in the city where Bloody Sunday occurred. The legal representatives of interested parties would, of course, be expected to be physically present.

Experts

We have already retained a number of experts to assist us in our task. We trust that shortly we can issue their formal instructions, after having consulted interested parties.

Anonymity and privilege

We have received applications for anonymity and legal professional privilege. It is not possible yet to deal with those, since the process of receiving submissions and comments on submissions is not yet complete. We are anxious, however, to deal with these matters as soon as possible and have written to those concerned to ensure that this can be done. We shall, of course, make public in the ordinary way any rulings we make on these subjects.

Progress report

On 30 November we will publish a report of our progress since the hearing in July together with an outline timetable for the future. We are planning to start oral hearings on 27th September 1999.

Counsel's report

On 3 December we will also publish a report prepared by our Counsel of their researches on the material that they have been able to analyse to date. As that report itself makes clear, the views expressed are those of Counsel, and not the Tribunal, and are, themselves, preliminary and subject to change. The report does, however, set out the issues that our Counsel have identified as a result of the analysis that they have carried out to date. Insofar as it does so the interested parties (and any others concerned) should treat the report as notice from the Tribunal that such issues are likely to arise in the Inquiry and be considered by the Tribunal and prepare themselves accordingly.

A2.4: Ruling (17th December 1998): venue; anonymity for soldiers (overruled – items 43 and 44 below)

- 1 We are now able to give our rulings and observations on applications relating to the venue for oral hearings and on anonymity.

Venue

- 2 In our Opening Statement we stated our intention to begin the oral hearings of the Inquiry in the Guildhall. However, we also stated that we expected that some hearings would take place in London, since that appeared to be the most convenient course to take for some of those concerned.
- 3 The Treasury Solicitor, acting for some of the soldiers, has submitted that the oral evidence of his clients should be taken at hearings in London. This is opposed by those acting for the families of the deceased and for most of the wounded. We have also received submissions from the British Irish Rights Watch and the Committee on the Administration of Justice. They also oppose the application. The Treasury Solicitor has been given and has taken the opportunity to respond to this opposition and we have, of course, considered this response. We have also taken into account a submission from the Ministry of Defence related to the cost of taking the soldiers' evidence in the city where Bloody Sunday occurred. At a very late stage we received Supplemental Submissions from Messrs Madden & Finucane, but we did not find these of any assistance in reaching our conclusions on this matter.
- 4 From the point of view of personal convenience, it would doubtless be easier for many of the soldiers to give their oral evidence in London. In 1972 all or virtually all the soldiers involved were still in Northern Ireland, so that this question hardly arose. After a distance of 26 years only a handful of these individuals are still serving in the Army, and we recognise that a call to give evidence in Northern Ireland will require much more personal disruption than was the case in 1972.
- 5 In addition, it will be necessary to make appropriate security and accommodation arrangements. These arrangements may in themselves be more expensive than those for a hearing in London, but we are not persuaded that the overall costs of the Inquiry would be materially affected by holding hearings of soldiers' evidence in Northern Ireland.

- 6 In our view there is another major consideration to bear in mind.
- 7 This is the fact that we are investigating events which took place in a city a long way from London, events which led to people of that city being killed or wounded through the actions of soldiers who were there in an official capacity. Whatever the rights and wrongs of what occurred on Bloody Sunday, in our view the natural place to hold at least the bulk of the oral hearings is, in these circumstances, where the events in question occurred.
- 8 We have concluded on the information presently available to us that this factor, so far as the soldiers generally are concerned, outweighs personal convenience and the expenditure required to make appropriate security and accommodation arrangements.
- 9 In their submissions dated 9th December 1998, it seems to be suggested that the soldiers are already at a disadvantage because it will, in effect, be impossible for them to attend while those who are alleging that they committed murder are giving their oral evidence; so that to refuse to allow the soldiers to give evidence in London further tilts the balance of convenience unfairly against them. In addition, the point is made that the soldiers will not be able to follow the proceedings by video link and are unlikely to have access to daily transcripts, but at best will have to follow what is going on through the Internet.
- 10 We do not accept this submission. Those representing soldiers have accepted without challenge (and in our view correctly) that the civilians' evidence should be heard in the city where the events in question occurred. Hearing the evidence of the soldiers in London would not alter this state of affairs or its consequences. Furthermore, as we have repeatedly sought to explain, this is an inquisitorial inquiry and before oral hearings start all concerned will be given a proper opportunity to consider and prepare to deal with whatever allegations the Tribunal considers require an answer. This is not an adversarial proceeding and thus, for example, we shall not allow any interested party to keep oral (or indeed other evidence) in reserve in order to spring it by surprise in an adversarial fashion. Furthermore, we see no reason why those representing soldiers should not use to the full modern technology (not just the Internet) to keep those of their clients who wish it fully informed at all times of what is going on and to give advice to and receive instructions from those clients.
- 11 Accordingly, we are not persuaded that we should now rule that soldiers should give their oral evidence in London. On the contrary it seems to us that, as matters at present stand, and subject to changing circumstances and particular matters affecting individual soldiers, those who are called to give oral evidence should expect to give their evidence in the Guildhall. We shall not make a ruling to that effect now, since hearings involving soldiers are a long time ahead and meanwhile we want to keep the matter under review.

Changing circumstances and particular matters affecting individual soldiers may cause us to reconsider the matter.

- 12 All concerned have expressed a desire to see justice done. That is our desire as well. Justice can only be done and be seen to be done if the Inquiry is conducted in a calm and quiet manner, so that (among other things) all those who have relevant evidence to give have a proper and fair opportunity to be heard, without distraction or interference and without grounds for any concern save that they should speak the truth. We expect a hearing in the Guildhall to provide that opportunity. If for any reason our expectation turned out to be misplaced we would not hesitate to make other arrangements which (if justice required it) would include continuing our search for the truth elsewhere.

Anonymity

- 13 We now turn to the question of anonymity of witnesses. For convenience, we use the term “anonymity” not only in its strict sense, in which it denotes the withholding of a name, but also to cover any restriction on the disclosure of a witness’s address or other personal details, as well as concealment of his or her physical appearance.
- 14 In our rulings and observations published on 24th July 1998, we referred to the difference between inquisitorial and adversarial procedure and explained why it might be appropriate to grant a degree of anonymity to witnesses in certain circumstances. We summarised our approach in the following way:

“we will be willing to grant an appropriate degree of anonymity in cases where in our view it is necessary in order to achieve our fundamental objective of finding the truth about Bloody Sunday. We will also be prepared to grant anonymity in cases where we are satisfied that those who seek it have genuine and reasonable fears as to the potential consequences of disclosure of their personal details, provided that the fundamental objective to which we have referred is not prejudiced. As to the degree of anonymity that is appropriate, our current view is that restricting the disclosure of names and addresses ought to be sufficient in most, if not all, cases. We would regard the use of a screen as a wholly exceptional measure.

The obligation nevertheless remains firmly on those who seek anonymity of any kind to justify their claim. Applicants for anonymity must supply the Tribunal with a written explanation of the basis of their application, together with any material relied upon in support of it. Of course, unless and until the application is refused, the Tribunal will not

reveal any information in its possession, disclosure of which might pre-empt its ruling. Otherwise, however, and subject to any claim for public interest immunity, we propose to circulate any written applications for anonymity to all interested parties and to invite their submissions before making a ruling.

It is obviously important that these applications should be determined sooner rather than later, especially in view of the problems that delay will cause in respect of the distribution of documents containing the names of potential applicants for anonymity. The fact that so far only a few of the soldiers have been traced presents the practical difficulty that their instructions cannot be obtained until they have been found. Rather than waiting for them to be located, we intend to ask the Ministry of Defence to put forward any application for anonymity on their behalf, together with such submissions and evidence as it considers appropriate in relation to any continuing security risk to which they may be exposed."

15

Since the publication of that ruling, we have received the following applications and submissions relating to anonymity:

- i. **Mr Anthony Lawton of the Treasury Solicitor's Department** has applied on behalf of four senior officers for a direction that no information tending to disclose their addresses or telephone numbers should be disclosed. The officers concerned are Major General Ford, Brigadier MacLellan, Lt Col Wilford and Lt Col Steele. The names of these officers and the fact that they were involved in the events of Bloody Sunday have been public knowledge since 1972, and accordingly no question of restricting the disclosure of their names arises.

Mr Lawton has also applied on behalf of the other soldiers represented by him for a direction that no information tending to disclose their identities, occupations, addresses or telephone numbers should be disclosed to any person other than members of the Tribunal and its staff. At the time of the application the other soldiers represented by the Treasury Solicitor were the soldiers known during the Widgery Inquiry as O, U, V, 17, 112, 202 and 236. More recently, we have been notified by the Treasury Solicitor that he has instructions to act for two further soldiers. Pending our final decision on anonymity, we have allocated to one of these soldiers the code name INQ2. We deal with the case of the other below.

In his letter of 2nd September 1998, Mr Lawton stated that the principal basis for these applications was that his clients "*believe that they and their families would be at risk of being killed if their identities and whereabouts were revealed*".

- ii. **The Ministry of Defence** has provided a submission on behalf of all soldiers who are potential witnesses but who are not currently represented before the Inquiry.

The Ministry of Defence has asked us to withhold the names and addresses of these soldiers from disclosure beyond the members of the Tribunal until such time as the individual soldiers or their representatives can address us on their personal circumstances.

This application is founded on the risk to the physical safety of the soldiers that, in the Ministry of Defence's submission, will be created by disclosure of their names and addresses.

- iii. **The Home Office** has provided us with an assessment by the Security Service of the level of threat to the soldiers. The Ministry of Defence relies on this threat assessment in support of its application.

According to the threat assessment, military witnesses to the Inquiry will, if their names are revealed, face a "moderate" threat from dissident republican terrorists, which would be likely to increase in the event of an increase in the overall threat from such groups to targets in Great Britain. The existing "moderate" threat to those whose names are already public knowledge is not considered likely to increase solely as a result of their attendance before the Inquiry.

- iv. **Mr Treacy, counsel instructed by Madden & Finucane** on behalf of the majority of the next of kin and the injured, delivered submissions in response to the applications made by Mr Lawton and the Ministry of Defence. Mr Treacy's original position was that the applications for anonymity should be rejected in their entirety. In later submissions, however, Mr Treacy has said that his clients do not seek disclosure of the addresses or telephone numbers of military witnesses.

Mr Treacy submits that the withholding of the names of military witnesses would compromise the Tribunal's fundamental objectives and would diminish public confidence in the Inquiry.

- v. We have received submissions from Lord Gifford QC and Mr Macdonald, instructed by **McCartney & Casey** on behalf of the Wray family. They argue that the Tribunal should not accede to any request for non-disclosure of names, but they accept that the Tribunal should not disclose addresses or telephone numbers, unless this proves to be necessary in order to clarify a witness's identity.

Counsel for the Wray family argue that the granting of anonymity would hinder the Inquiry and undermine public confidence in it, and that the evidence put forward in support of the applications for anonymity does not demonstrate a level of risk sufficient to justify withholding soldiers' names.

- vi. Further submissions have been delivered to the Tribunal by **British Irish Rights Watch** and the **Committee on the Administration of Justice**. We understand that these are two independent organisations concerned with human rights issues in Northern Ireland. They are not represented before the Inquiry, but we are nonetheless grateful for the interest that they have shown on the issue of anonymity and we have taken their submissions into account.

British Irish Rights Watch submit that there would be no real risk to any of the soldiers if their names became known, and that in general anonymity ought not to be granted. However, they recognise the possibility that it might be justifiable to grant anonymity in individual cases for compelling reasons, such as where an applicant could show that he had received specific, recent threats relating to Bloody Sunday from a source capable of carrying them out. They accept that the interests of justice would not be frustrated by withholding the addresses and telephone numbers of witnesses concerned about their personal safety.

The Committee on the Administration of Justice also accepts that it might be necessary to grant anonymity in a small number of cases, but argues that this should be done only in exceptional circumstances where objective justification is demonstrated, and only to the extent absolutely necessary.

- vii. Copies of all of the applications and submissions referred to above have been distributed to the legal representatives of the interested parties. As a result, we have received submissions in reply from Mr Glasgow QC, Mr Lloyd Jones and Mr Bools, on behalf of Mr Lawton's clients, and from the Ministry of Defence.
- viii. We should record that a small number of soldiers have contacted the Inquiry directly and indicated that they wish to apply for anonymity. We have not yet invited submissions from the interested parties on these applications and, with one exception, we do not propose to deal with them in this ruling. The reason for taking this course is explained below.

In this ruling we are concerned only with the applications on behalf of soldiers or former soldiers to which we have referred above. If in due course any non-military witnesses make applications for anonymity, we will give them separate consideration.

- 17 One matter arising at the outset is Mr Glasgow's submission that, in relation to soldiers who gave evidence to the Widgery Tribunal, the issue with which we are concerned is not the granting of anonymity but its withdrawal. He does not contend that we are formally bound by any decision of the Widgery Tribunal. He submits nevertheless that there should be a presumption in favour of anonymity, because a number of the soldiers made statements and gave evidence before Lord Widgery "*after receiving assurance that anonymity would be preserved*".
- 18 We are not persuaded by this submission. We do not know by whom or in exactly what terms this assurance is supposed to have been given. It seems to us that we can assume no more than that the soldiers understood and expected that their names would not be divulged in the course of the proceedings before Lord Widgery. We are not aware of any reason to believe that an assurance was given that their names would never be disclosed by anyone. Accordingly, we treat these as fresh applications for the grant of anonymity and we start with no presumption that the existing de facto anonymity should be preserved.
- 19 As we have indicated, the applications for anonymity proceed upon the second of the two bases referred to in our July ruling, namely that the soldiers have genuine and reasonable fears as to the potential consequences of disclosure of their personal details. The particular concern identified is as to their own and their families' personal safety. We must therefore begin by considering whether or not it has been demonstrated that the soldiers' fears in that regard are genuine and reasonable.
- 20 The obvious difficulty that we face here is that at present only 13 soldiers are actually represented before the Inquiry. The Ministry of Defence has made general submissions in the interests of the remainder of the soldiers, but clearly has not been in a position to inform the Tribunal about the particular fears, or grounds for fear, of individuals.
- 21 Despite the apparently small number of soldiers who have obtained representation, the Tribunal is currently making substantial progress with the tracing exercise and we anticipate that very many more soldiers will acquire representation over the coming weeks. Some of them may prove to have specific personal circumstances bearing upon the question of anonymity in their cases. As we explain below, we intend to arrange matters in such a way that, provided that they act without undue further delay, they will have an opportunity to bring special circumstances of this kind to our attention before any step is taken which would prejudice their anonymity.

- 22 Even in the case of Mr Lawton's clients, no grounds relating to the specific circumstances of particular individuals have been advanced. Instead, Mr Lawton submits that "*the universal perception of the soldiers that they are at risk is manifestly reasonable*" and says that if the Tribunal is not prepared to grant his clients' application he will seek leave to make further submissions in camera. As to this last point, we would draw attention to our Opening Statement, in which we said that we would require very strong grounds indeed before agreeing to exclude the public from any part of the Tribunal's proceedings.
- 23 For the present, therefore, we can deal only with the general position as set out on behalf of Mr Lawton's clients, and in the Ministry of Defence's submissions, supported by the Security Service threat assessment. If these demonstrate that the disclosure of names and other details would give the soldiers objective reason to be fearful for their own or their families' safety, we might properly conclude that individual soldiers are in fact likely to have genuine and reasonable fears in that regard.
- 24 At this juncture we should make it clear that no one suggests that any of the families or the wounded would take part in, or support or condone, any unlawful reprisals against the soldiers. The only threat under consideration is that said to be presented by republican terrorist groups. As to this, British Irish Rights Watch say in their submissions that "*Republicans of all persuasions, including those dissidents who currently remain active, would respect the victims' views*". But we do not know how they can be sure that this is so.
- 25 The Security Service threat assessment acknowledges that the threat of terrorist attacks by the Provisional IRA (PIRA) is currently low, but argues that there is a continuing risk of attacks by republican dissidents, whose targets would not be significantly different from those formerly favoured by PIRA. It notes that republican terrorists have long regarded the military as a legitimate target, and it says that these groups retain the materiel and personnel to mount attacks in Great Britain. The Continuity IRA, the only republican terrorist group not currently on cease-fire, has not yet mounted attacks on the mainland, but the possibility of it doing so "*cannot be discounted*". PIRA has been observing a cease-fire since July 1997, but has so far maintained the capability of returning to violence should it decide to do so.
- 26 We are prepared to accept the general proposition that some terrorist groups remain capable of carrying out attacks both in Northern Ireland and in Great Britain, and that no one can be sure that future circumstances will not occur in which they choose to do so. However, it is another question whether, even if this were to happen, soldiers or former

soldiers who were involved in the events of Bloody Sunday would be likely to be selected as targets.

- 27 The author of the assessment refers to the “*importance of ‘Bloody Sunday’ in republican history*” as a reason for believing that there would be a real risk to military witnesses if anonymity is not granted. Counsel for the next of kin of James Wray take issue with this description, arguing that it is a misconception to think of Bloody Sunday as being of importance only to republicans. For our part, we do not suggest that the significance of Bloody Sunday was limited in that way. But we have to recognise that the actions of the Army on that day have always been a matter of exceptional controversy in many quarters, including among others the republican movement.
- 28 Nevertheless, there is virtually no material before us that demonstrates the extent, even prior to the paramilitary cease-fires, of any specific risk to former soldiers or their families arising from their previous involvement in controversial events in Northern Ireland. Mr Lawton’s application mentions that General Ford at one time received a written threat and that a letter bomb was intercepted by his bank. But we do not know when these incidents occurred, nor whether there was any evidence to link them directly to Bloody Sunday. The threat assessment refers to the interception in April 1998 of a vehicle-borne explosive device at Dun Laoghaire, and to the arrest in London on 10 July 1998 of three individuals, alleged to be members of a dissident republican group, who have since been charged with conspiracy to cause explosions. But, as counsel for the Wray family point out, there is nothing to show that the intention in either of these cases was to attack individual soldiers or ex-soldiers. In fact, they submit, there is no indication that individual soldiers have been targeted in recent years or that any soldier has ever been attacked specifically as a result of having given evidence in any proceedings. They say that many soldiers have in the past given evidence in controversial trials in Northern Ireland without anonymity. This has not been contradicted, although we know that there have also been trials in which anonymity has been allowed, subject where necessary to limited disclosure of the names to counsel for the opposing party.
- 29 In our view these submissions have real force. We acknowledge, as we have said, that exceptional controversy surrounds Bloody Sunday, so that the history of other incidents would not necessarily be a reliable guide in the circumstances of this case. We recognise also that patterns of terrorist activity change from time to time, and that future developments are never certain. Even so, we think it fair to say that the evidence of a continuing threat to soldiers who may be called as witnesses before this Inquiry is general as opposed to specific. Perhaps of necessity, it amounts to informed speculation

as to what could happen, instead of a more concrete prediction based upon specific past experience.

- 30 None of this is intended to suggest that the fears expressed by Mr Lawton's clients are not genuine, or that other soldiers not yet represented may not genuinely believe themselves to be at risk. On the contrary, it is easy to understand how the soldiers who have not hitherto been named are likely to feel generally apprehensive about the potential consequences if their anonymity were to be lost. Moreover, in the light of the threat assessment, we are not prepared to castigate that general fear as unreasonable. We accept that the capability retained by republican terrorists and the uncertainty of the future provide a degree of objective justification for the soldiers' fears. We consider, however, that the evidence of risk, viewed objectively, is limited and unspecific.
- 31 Having decided, albeit subject to these qualifications, that there is some rational basis for the soldiers to be fearful, we must consider, in accordance with the principles we set out in our ruling in July, what if any kind of anonymity would be appropriate in the circumstances. In addition, before granting anonymity of any kind, we must be satisfied that we can do so without prejudicing our fundamental objective of establishing the truth about what happened on Bloody Sunday. We propose to address this latter question first.
- 32 The submissions opposing the granting of anonymity put forward various grounds for the contention that anonymity, at least in the strict sense, would prejudice the fulfilment of the Inquiry's objectives. The main points that have been made are as follows.
- 33 It is said that if a witness is permitted to remain anonymous, he will feel insulated from effective criticism and will be more likely to give untruthful evidence. We agree that a witness who has been guilty of discreditable conduct is likely to feel more comfortable giving evidence anonymously than he would if his name were known. We accept that it is no part of our function to shield such witnesses from embarrassment or disgrace. But it does not seem to us obvious that the effect of this sense of reduced vulnerability would be to increase the temptation to commit perjury. There is a real possibility that it would, at least in some cases, have the opposite effect of encouraging greater candour. It would certainly be a serious mistake for any soldier to suppose that non-disclosure of his name would give him any protection in this regard. The Tribunal will have the names and addresses of all witnesses. Our counsel will cross-examine witnesses thoroughly in order to test their evidence. And granting anonymity for the purposes of this Inquiry would have no effect on any future criminal proceedings.

- 34 Then it is said that there may be witnesses who have made previous statements to others that are inconsistent with their evidence to this Inquiry. Anonymity might prevent those others from coming forward to tell the Tribunal what they know, because they might not appreciate its significance unless the witness in question is named publicly and they read about his evidence. In our view, the likelihood of this happening is slim and should be given only marginal weight in the present context. We would of course encourage anyone to whom an admission or self-incriminatory statement has been made in the past by someone involved in Bloody Sunday to come forward and contact the Tribunal. However, it seems to us improbable that the prospects of their doing so will be materially improved by publishing the names of the soldiers.
- 35 Another point that has been made is that a witness's name and address is the starting point for an investigation of his or her credibility. This is true, and as we said in our ruling in July, it is one of the main reasons why in adversarial proceedings the courts require particularly strong grounds before allowing anonymous testimony. Here, however, the force of the argument is diminished, because the Tribunal itself will take steps wherever appropriate to investigate the credibility of witnesses.
- 36 A related argument is based on the entitlement of those who are accused of wrongdoing to know the identity of those who make allegations against them. The relatives of the dead and the injured correctly point out that the soldiers have accused those who were killed and wounded on Bloody Sunday of having been carrying firearms or bombs. They submit that they are entitled to know the names of those who make these allegations. Although we give some weight to this factor, again we consider that it is offset to a significant extent by the inquisitorial nature of these proceedings, in which no one is being prosecuted and the Tribunal itself has responsibility for investigating allegations and the credibility of those who make them.
- 37 It is clear that the families of the deceased and the injured would like to see prosecutions brought against soldiers who in their view were guilty of serious offences on Bloody Sunday. If that were to happen, the names of the defendants would in the ordinary way become public. The position would not be affected by any grant of anonymity for the purposes of this Inquiry, because the prosecuting authorities would still be able to ascertain the true identity of the soldiers concerned.
- 38 It has also been submitted that to use letters or numbers instead of names would give rise to difficulties in analysing and cross-referencing the evidence and that there would be a material risk of mistakes in the redaction of documents. But we think that the need to

use letters or numbers would be at most an administrative inconvenience. We are not persuaded that it would in itself interfere with the work of the Tribunal.

- 39 None of the factors to which we have so far referred is, in our view, sufficient to demonstrate that the granting of anonymity would prejudice the fundamental objective of the Inquiry. We attach considerably greater weight, however, to another factor, which appears in the submissions only in the form of an argument that to grant anonymity would diminish public confidence in the Inquiry by creating the impression that the true facts are being concealed.
- 40 We see the point of substance as being not the maintenance of public confidence as such, but rather the proper fulfilment of our public duty to ascertain what happened on Bloody Sunday. An intrinsic part of that task is the investigation of the actions of individual soldiers on the day, which in our view encompasses not only what they did, but also who they were. We do not think that this makes it axiomatic that the name of every soldier involved should be disclosed, no matter what his individual circumstances might be. Even a code letter or number provides a degree of identification, in the sense that it distinguishes the witness concerned from all others involved. To restrict the disclosure of the actual names of a few soldiers, for sound reasons, would not in our view substantially impair our investigation of the facts. But we are satisfied that, if anonymity in the strict sense were to be allowed on a widespread or blanket basis, that would represent a material derogation from the Tribunal's public investigative function.
- 41 The same does not apply to addresses or other personal details such as occupations or telephone numbers. Unlike names, these form no part of the facts under investigation, and we do not think that we would prejudice our objectives by restricting the disclosure of this information in appropriate cases. The concealment of a witness's appearance raises different issues, but we do not consider that further in this ruling because there has been no application for permission to use a screen. It will be recalled that we stated in our ruling in July that we would allow this only in exceptional circumstances.
- 42 We turn now to consider whether any, and if so what, degree of anonymity is appropriate, having regard to our views as to the nature and extent of the risk, and our rejection of widespread or blanket anonymity, in the strict sense, as being incompatible with the Tribunal's fundamental objectives. We have previously made clear that, because anonymity represents a departure from the principle of open justice, it will only be appropriate if and to the extent that a clear justification is demonstrated.

- 43 As will be apparent from what we have said, there is a measure of consensus that there is no need for the addresses or other personal details of the soldiers, apart from their names, to be disclosed. This is a matter on which we must form our own view, but we are in fact satisfied that it is appropriate to allow military witnesses to withhold these details if they are fearful that by revealing them they will expose themselves or their families to the risk of attack. In particular, we bear in mind that the current addresses, telephone numbers and occupations of witnesses are of no relevance to the events of Bloody Sunday.
- 44 The application for names to be withheld creates for us a much more acute dilemma. For the reasons we have given, we have reached the view that it would be wrong in principle to give a general dispensation allowing all military witnesses to give evidence without revealing their names. Moreover we believe that this would, in the majority of cases, be going further than is justifiable or appropriate in circumstances where there is no concrete evidence of a specific threat. It seems to us that in the generality of cases the witnesses concerned will be sufficiently protected by the non-disclosure of their other personal details.
- 45 We have anxiously considered whether there are, or may be, any particular cases in which anonymity in the strict sense should be granted. One category, which might arguably qualify for different treatment, consists of all soldiers who fired live rounds on Bloody Sunday. Since those soldiers alone must, between them, be directly responsible for killing and wounding all those who were killed or wounded by Army gunfire on that day, we think that they would have more compelling and substantial grounds than others for believing themselves to be at risk.
- 46 At the same time, it has to be recognised that these are the very soldiers whose conduct lies at the centre of this Inquiry. To allow this group to remain entirely anonymous would be a step that we would find difficult to reconcile with our public duty to determine what happened on Bloody Sunday.
- 47 The conclusion we have reached is that, subject to what we say below about special factors relating to individuals, it would be justifiable to permit those in this category only a limited form of additional anonymity, under which their surnames will be disclosed but their forenames will not. It seems to us that this is the best available solution to a difficult problem, because it will create a significant extra element of assurance for these individuals as regards their personal security, without having any material adverse effect on the fulfilment of our task. As to the former point, if the surname is even moderately

common, it will be extremely difficult to locate an individual on the basis of that name alone. As to the latter point, we do not think that the forenames of those involved represent a critical element of the facts that we are required to determine. In addition, we believe that by disclosing the surnames of these soldiers, we will avoid giving them or others the false impression that they are immune from any effective public scrutiny, or from criticism should it prove to be justified. It will of course be open to any soldier to waive the anonymity granted to him if he so desires.

48 A separate issue is the possibility of special factors in individual cases. We have in mind here that particular soldiers, whether or not currently represented, may be able to advance special reasons which demonstrate that they are at greater risk than others and that the level of anonymity that they would receive under the principles outlined above would be inadequate. For example, a witness currently living in Northern Ireland might persuade us that he should be allowed to give evidence anonymously. Or a witness with a particularly unusual surname might persuade us that he should not have to disclose it because it will make his whereabouts readily discoverable. We would stress that these are only examples, and that everything will depend on the circumstances of the individual cases. But we think it right to give those to whom special considerations may apply the opportunity to put them forward. It must be understood, however, that we will entertain these applications only on the basis that they are justified by the special personal circumstances of the applicant. We do not propose to alter our basic approach to the issue of anonymity.

49 We referred earlier in this ruling to the requests for anonymity received directly from a small number of soldiers. With one exception, these requests raise no issues of general principle. We propose now to notify these soldiers of this ruling. If there are grounds for them to argue that special factors apply in their cases, they will have the opportunity to do so in the same way as others. If the soldiers concerned agree that no special factors apply to them, there will be no need to consider their individual applications any further.

50 No risk exists to the personal safety of soldiers who have died since Bloody Sunday, and the prospect that the surviving relatives of a deceased soldier would be sought out and attacked by way of revenge for Bloody Sunday seems to us somewhat remote. However, we think it only fair that, before we release the names of any soldiers who have died, we should try to contact their next of kin and give them an opportunity to make a special reason application if so advised. We propose to do this as soon as possible, although it will inevitably take some time to establish with certainty which soldiers have died and to locate their next of kin.

- 51 We should also say that the Home Office has offered to provide threat assessments for individuals in any case in which that would be helpful to the Tribunal. We will take up this offer in dealing with any applications based on special factors if we consider that an individual threat assessment would assist us.
- 52 Where anonymity of any kind is granted, our intention is to prevent the name or other relevant details from reaching the public domain, rather than to restrict the dissemination of information that has already become public. If it becomes clear to us that the name or other details of any of the soldiers who have been granted anonymity are in fact public knowledge, so that any continuation of the restriction would be pointless, we will lift the restriction.
- 53 In this context, we must mention that the submissions on behalf of the next of kin of James Wray include a list of what are said to be names of soldiers that are already known. There are 24 names on the list, including those of the five senior officers who gave evidence to Lord Widgery without anonymity. As to the remainder, the names of those numbered (iv), (v), (xiv) and (xv) in the list appear in the transcript of the Widgery Inquiry. These four include the client of Mr Lawton to whom we referred in paragraph 15(i) above. The list also contains the name of another client of Mr Lawton, Soldier 236, who has been named as the officer commanding Support Company on many occasions since 1972. We find it impossible to see how Soldier 236, or any of those whose names appear in the Widgery transcript, could possibly derive any benefit from a restriction on the disclosure of their names in the course of this Inquiry. Accordingly, in these five cases, which include the exception referred to in paragraphs 15(viii) and 49 above, we decline to impose any such restriction. Nor will we permit any application based on special reasons in these cases, since for better or worse the identities of these individuals are already in the public domain.
- 54 As to the other 14 names on the list in the Wray family's submissions, we do not think that it is appropriate for us to confirm or deny at this stage the accuracy of the information given. The reason for this is that it is not always clear to us from what source the information has been obtained, or whether those who compiled the list are in a position to match the names to the code letters and numbers used at the time of the Widgery Inquiry. We cannot therefore be sure that anonymity has been completely lost or that a continued restriction would necessarily be pointless.

- 55 We add that Mr Glasgow expressed strong objection to the fact that this list was put before the Tribunal at all. He describes it as “*inappropriate and mischievous to publish names in this way and at this time*”. Although we understand his concern, we do not think that this criticism is justified. There is no evidence to suggest that any of the information in the list was obtained by unlawful or improper means, nor that the publication of these names contravenes any legal restriction. The purpose of putting the names before the Tribunal was to demonstrate that no useful purpose would be served by permitting these witnesses to give evidence anonymously. We think that this purpose was legitimate.
- 56 A further point which appears from the submissions on behalf of the Wray family is that there may be instances in which the names of the soldiers prove to be of direct and immediate relevance to the facts into which we are inquiring. The prime example here is that of Mr Joseph Mahon, one of those wounded on Bloody Sunday in or around Glenfada Park. We understand that Mr Mahon will say that he heard one of the soldiers being referred to as “Dave”. If that is his evidence, it is very likely to become necessary for the interested parties to be told which, if any, of the soldiers who were in Glenfada Park had that name.
- 57 If satisfied that it is necessary in a case of this kind, we will be prepared to allow forenames to be disclosed, even where otherwise they would not be because of our decision to grant a limited degree of anonymity to those who fired live rounds on Bloody Sunday. Equally, if a similar situation were to arise in relation to a soldier to whom we had granted anonymity for special reasons, we would have to consider whether the restriction on the disclosure of the soldier’s name should be removed or modified. We would not, however, make any such exceptions unless persuaded that it was clearly necessary to do so, and we would give all concerned an opportunity to make representations to us before taking any decision of this kind.
- 58 We turn now to practicalities. Until statements are taken from the military witnesses, we will not know which soldiers, apart from those known to Lord Widgery as A to Z (excluding I and W) and AA to AD, admit to having fired live rounds on Bloody Sunday. For this reason, and also because of the possibility of applications based on special factors, it will not be possible for us to release the names of any of the soldiers immediately, except in so far as we do so in this ruling by refusing anonymity in five individual cases. However, after the military witness statements have been taken, we will release the witness statements, which will bear the actual names of the soldiers save to the extent that anonymity has been granted. At that stage we will also make available, again save to the

extent that anonymity has been granted, documentary material containing the names of soldiers, which has hitherto been released only in redacted form.

- 59 It is of considerable importance that any applications based on special reasons should be brought forward as soon as reasonably possible. We wish to have all issues of anonymity finally resolved by the time we have completed the taking of the main body of military witness statements. Any applications made after that are likely to be too late, and we will not hold up the publication of statements or documents containing soldiers' names in order to cater for the possibility of late applications.
- 60 It will be appreciated that instances may arise when publication of the details or grounds of the application to interested parties or otherwise would defeat the very purpose of the application itself. Subject to this we intend to circulate applications to interested parties for their comments before making a ruling, but we may not do so if on an initial review of the application we are satisfied that it should be refused. It follows that those making applications should do their best to ensure that they are prepared in a form in which they can be provided to the interested parties without defeating the purpose of the application. The Solicitor to the Inquiry will if necessary provide guidance as to how this may be done. Where appropriate, and depending on the circumstances, it may be possible for details that cannot be revealed without defeating the purpose of the application to be supplied to the Tribunal in a separate letter.
- 61 The following is a summary of the decisions that we have reached:
- i. We will withhold from publication the addresses, telephone numbers and other personal details of all military witnesses, apart from their names, unless they inform us that they are content that this information should be published.
 - ii. We will impose no restriction on the publication of the names of Soldier 236 or of the soldiers whose names appear in the transcripts of the Widgery Inquiry.
 - iii. We will allow to any soldier who admits that he fired one or more live rounds on Bloody Sunday a limited form of anonymity, under which his surname will be published but not his forenames. However, it will be open to such a soldier, or his next of kin if he is now dead, to apply for full anonymity if there are special reasons that make it necessary.
 - iv. We will not restrict the publication of the names of any other soldiers unless they, or their next of kin if they are now dead, satisfy us that there are special reasons which make such a restriction necessary.

- v. We will be prepared to lift or modify the restrictions imposed under the principles set out above if circumstances arise in which names or other restricted information prove to be of direct and immediate relevance to our factual investigation. But we will only do this if and to the extent that we are satisfied that it is clearly necessary.
- vi. We will also be prepared to lift the restrictions imposed under these principles if we are satisfied that the restricted information is in fact in the public domain.
- vii. Special reason applications must be made as soon as reasonably possible and are likely to be too late if they are made after the completion of the military statement-taking exercise. We will (subject to what we have said in paragraph 60 above) circulate them to the interested parties before ruling on them.
- viii. We will not immediately release the names of any of the soldiers, except in so far as we do so under (ii) above, because of the need first to ascertain which soldiers admit that they fired live rounds, and because of the possibility of special reason applications. In due course, however, we will release witness statements and other documents containing the names of soldiers, without redaction save to the extent that anonymity has been granted.

A2.5: Ruling (18th December 1998): submissions relating to Report No 1 of Counsel to the Tribunal

- 1 Messrs Madden & Finucane, representing the families of most of those who died and those who were wounded on Bloody Sunday, have sent us submissions signed by Counsel in respect of Report No 1 by Counsel to the Tribunal. These submissions contain what is described as an objection in principle to this Report and also set out the grounds for that objection.
- 2 The Tribunal has considered these submissions and rejects them in their entirety. In the view of the Tribunal, the submissions disclose not only a disappointing failure properly to understand the object of the Report, but also a continuing failure to accept that (as we made clear in the Opening Statement) this is an inquisitorial Inquiry which has the duty of seeking the truth with fairness, thoroughness and complete impartiality.
- 3 The first objection made to the Report is that “*Counsel to the Tribunal ought not to usurp the role of the Tribunal itself by forming and disseminating preliminary conclusions.*”
- 4 There is no question of Counsel usurping the role of the Tribunal. For the sake of thoroughness, fairness and impartiality we must look at what was said to the Widgery Tribunal. The Report contains (so far as we are aware) the most complete and detailed analysis to date of an important part of that evidence. The so-called “preliminary conclusions” are, as the Report makes clear, of a wholly tentative kind, open to revision or rejection in the light of other evidence, including evidence as to the credibility of the evidence put before Lord Widgery. The whole point of Counsel’s Report, as was made clear in the Report itself, is to permit interested persons either to find fault in the analysis or otherwise to contribute or add to it. The Report was published in accordance with the stated intention of the Tribunal to keep everyone informed of what we are doing. The Tribunal itself has reached no conclusions, preliminary or otherwise, nor does it intend to do so at this stage, which is indeed why it asked Counsel to undertake the analysis. The oral evidence given to the Widgery Tribunal, both by civilians and soldier witnesses, was chosen as the first material for analysis because it was available in its entirety. Analysis of the written NICRA statements was deferred because many of those who gave NICRA statements are in the process of giving much fuller, and in many cases

clearer, evidence to the Inquiry, making it sensible to consider the written NICRA statements and the statements given to Eversheds as a whole.

- 5 The second objection is that *“To form any preliminary conclusions at this stage is dangerous when no-one, including Counsel to the Tribunal, has had an opportunity to review all the presently available evidence.”*
- 6 This objection shows clearly that those making it have simply failed to understand the object of the exercise. The Report does not attempt to analyse the Widgery evidence in the light of new evidence for the very reason that the new evidence is as yet far from complete. However, if no proper analysis were attempted of the Widgery evidence as it stands, we would be failing in our duty to act with thoroughness. Furthermore, without that analysis, it would not be possible properly to assess that evidence in the light of new evidence.
- 7 The third objection is that *“To form preliminary conclusions merely on the basis of some of the material which was before Widgery is a fatally flawed approach especially in view of the extent to which the original Widgery Tribunal and its findings have been discredited.”*
- 8 This objection is misconceived. The analysis is not based on the Widgery findings, but on an important part of the evidence presented to that Inquiry. The submission seems to contain an assertion that this part of the Widgery evidence should be treated as discredited. It is thus itself based on a conclusion (not even expressed as preliminary) reached before all the evidence has been considered. The submission accordingly begs one of the most important issues in the Inquiry. Counsel’s Report makes clear that it is dealing with the evidence as it was given almost 27 years ago. The Report does not reach any conclusion as to whether other material will discredit that evidence.
- 9 The fourth objection is that *“In arriving at his preliminary conclusions Counsel to the Tribunal has not considered the NICRA statements, which although available to Widgery, were disregarded by him – this replicates a fundamental error made by Widgery and one which has been subject to sustained criticism since.”*
- 10 The Report clearly states that it does not deal with the NICRA statements and explains why it did not do so. The suggestion that the NICRA statements are being disregarded is simply false and must be known to be false, since as all are aware we have devoted great efforts to tracing as many as possible of those who gave statements to NICRA and have asked for their further help. We are pleased to record that as a result we have been

receiving invaluable assistance from hundreds of local people. As soon as this exercise is complete we will be analysing everything that these witnesses have said in the past as well as what they have said to us.

- 11 The fifth objection is that “*Counsel to the Tribunal has taken no account of, inter alia, Professor Walsh’s report, which has been available to the Inquiry for many months and which shows compellingly that soldiers’ evidence was unreliable. On the contrary he bases his analysis on those soldiers’ evidence.*”
- 12 Once again this submission demonstrates that those making it have failed to understand the Report, which makes no claims as to the reliability or unreliability of the evidence of the soldiers other than to point out that, assuming the evidence to be broadly accurate, a number of deaths appear to be wholly inexplicable, which in turn casts doubt on the validity of the assumption. Whether or not the evidence is unreliable on the grounds set out in Professor Walsh’s report, of which the Tribunal and its Counsel are well aware, is a separate matter that we shall of course be addressing in the course of the Inquiry. Once again, however, this submission proceeds on the basis of a firm conclusion reached before considering the whole of the evidence, and is also defective for that reason alone.
- 13 The sixth objection is that “*to issue preliminary conclusions at this stage on incomplete and flawed material diverts the energies of the parties from reviewing the new and newly disclosed material and gives the appearance of prematurity, superficiality and selectivity to the work of Counsel to the Tribunal.*”
- 14 The submission, in its reference to “*flawed material*”, once again begs one of the most important questions in this Inquiry. It is precisely in order to lay the ground for considering whether this material is indeed flawed that the analysis has been carried out. Apart from this, to describe as premature, superficial and selective a Report of over 100 pages, which clearly sets out its objectives, which carefully summarises and analyses a mass of contemporaneous evidence more thoroughly than we believe has ever been done before, and which in our view provides an essential tool for beginning the process of assessing the evidence, is quite unjustifiable. It would be impossible properly to review new material without such an analysis of what was said at the time, which has led to the identification of a substantial number of important issues, as well as areas which may be common ground. The exercise was also essential in order to inform interested parties as soon as possible of issues affecting them that might arise in the course of the Inquiry.

- 15 One of the purposes of the Report was to invite interested parties to indicate whether Counsel's summary of the effect of the evidence to which the Report relates was inaccurate in any way and whether there were inaccuracies in any of the material intended for use at the hearing, such as the Tribunal plan. In paragraph 7 of the submissions we are told that an outside stairwell at the south-eastern corner of Glenfada Park South is not included on the plan. We are grateful for this information.
- 16 This paragraph continues by saying that "*the Tribunal should in our view investigate the provenance and history of this 'error',*" as well as correcting it. The use of inverted commas indicates that it is suggested that the omission of a stairwell from the plan was not an error but a deliberate and presumably reprehensible choice on the part of somebody. Until the grounds for making such a suggestion are stated, the Tribunal is not disposed to consider embarking upon any such investigation.
- 17 The submissions conclude by stating that the Report is not accepted as either accurate or helpful for the reasons given. Apart from the reference to an outside stairwell at the south-eastern corner of Glenfada Park East, no other inaccuracy was noted in the submission. If, as is inferred, there are other inaccuracies, we should like them to be disclosed to us, either by those making the submission or by other interested persons.
- 18 We are bound to record publicly our disappointment at the content and tone of these submissions, which appear to us to reflect a continuing intention to engage in an adversarial contest rather than to assist us in carrying out our task of trying to discover the truth about Bloody Sunday. Apart from the information concerning the plan, the submissions do not advance the Inquiry at all.
- 19 The statement that the Report is not accepted as accurate is simply unhelpful. The Report itself requests all those concerned to respond to it, by among other things identifying any errors in the analysis. A blanket rejection by those who have clearly not even attempted a similar exercise is neither helpful nor consistent with the oft declared aim of seeking the truth.
- 20 The statement that the Report is not helpful is simply wrong, for the reasons that we have stated.
- 21 The families of those who died and those who were wounded (as well as all others concerned) are entitled to a thorough, fair and wholly impartial Inquiry into Bloody Sunday. They are not being well served by submissions of this kind. In these circumstances we invite a response to the Report that will assist the Inquiry.

A2.6: Ruling (22nd February 1999): home addresses

- 1 This is a ruling in respect of an application made on 2nd December 1998 by Messrs Desmond J Doherty & Co on behalf of certain clients who have given statements to the Tribunal, for the addresses of those clients not to be made public. By letter dated 3rd February 1999, the application was clarified by explaining that it *“was solely to ensure that the home addresses did not appear on the Internet”*.
- 2 Notice of the application was given to interested parties. Mr Lawton, representing certain soldiers, gave it *“unqualified support”*. Mr McCartney, representing the James Wray family, agreed that the addresses need not appear on the Tribunal’s Web Site. This agreement was subject to *“the strict condition”* that the addresses of all witnesses be made available to all interested parties except as set out in their counsel’s 12th November 1998 submission concerning the anonymity of witnesses. In that submission, it was conceded that there was no need to disclose soldiers’ addresses and telephone numbers as such *“particulars have no relevance to the issues to be canvassed at the Inquiry”*. Apart from the responses of Mr Lawton and Mr McCartney, the Tribunal received no other response to the application.
- 3 This application was made on the basis that these witnesses felt vulnerable because of where they lived. In particular, one client had previously received *“a number of threats from certain organisations”* that caused concern. We were informed by the letter of 3rd February that the threats received by that one person occurred in 1972.
- 4 We are not persuaded that the expressed fears about personal security would justify the application were it to relate to matters relevant to the subject matter of the Inquiry. However, we have no reason to suppose (nor has anyone suggested otherwise) that the current addresses of these witnesses (which of course are known to the Tribunal) are or are likely to be of any such relevance. In our view, therefore, the application can be supported on the simple basis that since the addresses are of no relevance, we should respect the very limited request for privacy that has been made.
- 5 As to the *“strict condition”* suggested by Mr McCartney, we would merely observe that we propose to deal with any other similar applications as and when they arise. Accordingly we are not disposed to lay down any such condition, but merely to repeat our publicly

stated intention of making public everything of relevance to the subject matter of the Inquiry, unless there are compelling reasons for not doing so.

- 6** We accordingly grant the application by directing that the addresses of the clients of Messrs Desmond J Doherty & Co should not be published on the Inquiry's Web Site.

A2.7: Ruling (30th April 1999): production of material by Peter Taylor

Submissions by the BBC

- 1 At the hearing on Monday, 26th April, the BBC and Mr Peter Taylor made submissions to us as to why we should not order production of material which would tend to identify Mr Peter Taylor's confidential sources of information gathered by him as part of his research for the documentary *Remember Bloody Sunday*. That documentary was made by Mr Taylor and broadcast by the BBC on 28th January 1992.
- 2 It appears from the outline argument submitted to us in advance of the hearing, and from the course of the argument at the hearing itself, that there was and could be no objection to the production to the Inquiry of documents embodying information that the BBC and Mr Taylor have in their possession relating to Bloody Sunday ("informative material") insofar as that material does not, also, contain material tending to identifying Mr Taylor's confidential sources ("source material"). The real issue was whether Mr Taylor and/or the BBC should be ordered to produce source material.
- 3 We propose to postpone our ruling on the question of production of source material until after we have received all the informative material, which is not also source material. This is because we cannot rule out the possibility that the content of such material may be relevant to the balancing exercise that we shall have to perform under section 10 of the Contempt of Court Act of 1981.
- 4 Accordingly, we require the BBC and Mr Taylor to provide to us all the informative material relating to *Bloody Sunday* which is not, also, source material. The material which we require will include:
 - (1) material that is, in the view of the BBC and Mr Taylor, already in the public domain;
 - (2) completed transcripts of filmed interviews of people who were not interviewed against an assurance that they would not be identified; or who have waived any right of confidence they might have;
 - (3) transcripts of filmed interviews of persons who were interviewed against an assurance that they would not be identified – redacted to such extent (and only to such extent) as is necessary to ensure that the transcript, as redacted, does not tend to identify the source;

- (4) the contents of Mr Taylor's notebooks and notepads. Insofar as those contents contain information from persons who were not interviewed against an assurance that they would not be identified, the notebooks and notepads should be produced in full, unless to do so would reveal some other person as the source of information given in confidence. In the latter case, the same type of redaction as is referred to in (3) should be made. Insofar as the notebooks and notepads contain information from persons, who were interviewed against an assurance that their identity would not be revealed, a similar redaction should, also, be made.

As to (1), we do not wish to put the BBC or Mr Taylor to unnecessary trouble. We expect that most of the material that they have and which they believe to be in the public domain, is material that the Inquiry has as well. But the material in the public domain is sizeable and we cannot assume that the Inquiry already has all the material to which the BBC and Mr Taylor are referring. We suggest that, in the first instance, they list the material that they have in this category in order that the appropriate check can be made. There may be equally effective, but different, means of ensuring that there is no such material in the possession of the BBC/Mr Taylor which the Inquiry does not have. We would be prepared to accept any reasonable means of achieving the desired end.

- 5 The documentary programme *Remember Bloody Sunday* was preceded by a long article in the *Sunday Times* of 26th January 1992, entitled "Bloody Sunday: An Open Wound". This article contained information gathered from Mr Taylor's researches. A chapter headed "Bloody Sunday" in Mr Taylor's book, *Provos: The IRA and Sinn Fein* also contains material relating to Bloody Sunday. The material to be produced to the Tribunal should include informative material, which is not also source material, from the researches made for those two publications. We understand that the same body of research led to all three publications. But, if there is any distinction between the three, that is not a reason for not producing the relevant material in respect of all of them. In addition paragraph 7 of Mr Taylor's statement indicates that he took over a project that had already begun, although he did not use any of the existing research. The material to be produced should include that research (redacted as necessary).

- 6 The material to which we have referred to above is material to which section 10 of the 1981 Act does not apply. The Inquiry's request for information has been outstanding since 30th August 1998. In those circumstances, we are justified in imposing a short time scale for the production of the material. We require it to be produced by Monday, 17th May.

- 7 We propose to circulate the material, once received, to the interested parties. We may invite them to make any brief further submissions, in the light of that material, as to whether or not we should order disclosure of sources. Since, by definition, the material will not identify sources, there cannot be any grounds for failing to publish it.

A2.8: Ruling (5th May 1999): applications for anonymity (overruled in part – items 45 and 46 below)

The soldiers' applications for anonymity

- 1 In December last year the Tribunal made rulings on applications by and on behalf of soldiers for anonymity in the Inquiry. In summary the Tribunal decided that, subject to special individual circumstances, the names of the soldiers (but not their present addresses or other personal details) should be made known, though this was limited to surnames in the case of those soldiers who admitted firing live rounds on Bloody Sunday.
- 2 Four of the soldiers who fell within this latter class successfully applied to the English Courts to set aside this ruling. In its judgment the Divisional Court concluded that the Tribunal had:
 1. Misunderstood the nature and extent of the anonymity granted to the applicants by Lord Widgery in 1972, by wrongly concluding that it was not a factor to be taken into account at all;
 2. Created the impression in a statement made in July last year that if a soldier satisfied the Inquiry that he had a genuine and reasonable fear of the potential consequences of disclosure of his personal details then his name and address would not be disclosed, but then ordered otherwise notwithstanding that such a fear existed;
 3. Misinterpreted the Threat Assessment provided by the Security Services, by concluding that the threat was less than it in fact was;
 4. In its July statement indicated what those seeking anonymity should try to prove (namely a genuine and reasonable fear of reprisals), but then relied in its ruling on the absence of concrete evidence of specific threats without making clear that there was a requirement for such evidence; and
 5. Accepted that all soldiers probably had reasonable and genuine fears and that those who had fired live rounds had more compelling and substantial grounds than others for believing themselves at risk, yet granted to that limited class a form of anonymity (i.e. surnames only) for which no one had contended and the safeguarding effects of which were at best a matter of speculation.

- 3 The Tribunal accepted the judgment of the Divisional Court on all but the first of these points. As to this point the Tribunal appealed unsuccessfully to the Court of Appeal.
- 4 In these circumstances those acting for the soldiers renewed their applications for anonymity. The Tribunal decided that these should be considered on the basis of new written submissions and with oral submissions from all interested parties at a hearing at the Guildhall. This hearing took place on 26th and 27th April.
- 5 It should be noted at this point that the question is whether the names of the soldiers should be made public. As the submissions were developed at the oral hearing it seemed to us that no one was suggesting that the addresses or other personal details of the soldiers should be made public, since there is no reason to suppose that this information has any relevance to the Inquiry.
- 6 The renewed applications relate not merely to those soldiers who fired live rounds on Bloody Sunday, but to all soldiers (with the exception of four named officers) who were involved in Bloody Sunday. The basis for renewing all these applications is that although only five of the soldiers who fired live rounds obtained the setting aside of the December ruling, the reasoning of the Courts applies (in whole or in part) to all. With one qualification we accept that this is so and accordingly propose to reconsider the merits of all the renewed applications. The qualification relates to those soldiers whose names and involvement in Bloody Sunday are already in the public domain. In these cases (i.e. those we identified in the December ruling) we can see no purpose in the application.
- 7 It seemed to us that we must approach these applications entirely afresh, though of course taking into account the rulings and guidance given by the Courts. In this regard, however, the soldiers have advanced a submission that the Statement made by the Tribunal last July has given rise to a substantive legitimate expectation that those soldiers who establish a genuine and reasonable fear of reprisals would, in the absence of new compelling evidence or reasons (or, in another formulation, unless the fundamental objective of the Inquiry could not be achieved), be granted anonymity. The soldiers point to the fact that in our December ruling we accepted that the soldiers probably did have genuine and reasonable fears, and submit that since there is no new compelling evidence or reasons to displace the legitimate expectation that they say was created, nor any suggestion that the fundamental objective of the Inquiry could not be achieved, it would be unfair to depart from the test laid down by the Tribunal last July. It is in this sense, as we understand it, that the soldiers submit that it would be incorrect for us to look at the matter entirely afresh.

- 8 We cannot accept this submission. In its ruling the Divisional Court described what it called the “*imbalance*” between the July statement and the December ruling as a “*procedural impropriety*”. It is clear from the context that the Court was applying this description to points 2), 4) and 5) as set out above. In essence, what the Court said was that the Tribunal had acted unfairly by giving the impression in July (albeit inadvertently) that proof of genuine and reasonable fear would suffice and then in December, without giving proper notice or an opportunity to make further submissions, by applying a different test. If indeed the July Statement had created the legitimate expectation now contended for, the Divisional Court could hardly have described what happened in the way that it did, nor say, as it did at the end of its judgment, that “*it was clear from the information before us that there are powerful arguments both ways*” which they expressly left it to the Tribunal to determine. In other words, the Divisional Court did not hold that we were precluded on the information then available from applying a different test, but only that we had erred in not giving due notice that we proposed to do so.
- 9 If the Tribunal had continued to give the impression that those soldiers who established a genuine and reasonable fear would be granted anonymity in the absence of new compelling evidence or reasons, then we would accept unreservedly that it would be wrong and unfair of us to adopt a different test. However, the December ruling itself demonstrated that the Tribunal was merely taking such fears into account as one of the relevant factors to be considered. Furthermore, in a letter dated 22nd March 1999, which went to all interested parties, the Tribunal made it expressly clear that, among other things, the soldiers “*should not assume that a genuine and reasonable fear of reprisals on the part of the soldiers who fired live rounds will have the necessary or likely consequence that those soldiers will be entitled to total or any anonymity*”. From this date, therefore, if not earlier, it must have been apparent that there could no longer be any reliance upon the impression given last July, since even those who the Tribunal had regarded in December as having the most compelling and substantial grounds for believing themselves at risk (i.e. those who had fired live rounds) were told not to make any such assumption.
- 10 It was also submitted on behalf of the soldiers that what was described as the criteria laid down last July survived (at least as a legitimate expectation) until the Tribunal issued new criteria, and that since this had not happened, the letter of 22nd March carried the matter no further forward. This cannot be right. The purpose of asking for new submissions and of arranging an oral hearing was to enable all concerned to make full submissions on what the correct criteria should be. In the circumstances it would indeed have been unfair

to all if, in advance of those submissions, the Tribunal had in effect decided the very point at issue. As it is the soldiers, and indeed all the interested parties, have been given the opportunity to make new submissions on the matter and to answer those with which they disagree. It is on the basis of those submissions and answers that the Tribunal reconsiders the applications. As the Tribunal stated in the letter of 22nd March in relation to those who fired live rounds, it will consider the position afresh in the light of the decision of the Divisional Court [and now, of course, the Court of Appeal] and of the submissions and evidence put before it, without any predisposition to reach either the same or a different decision as that which it reached before. As the letter put it, “*Afresh’ means exactly what it says.*”

- 11 The Tribunal has as its fundamental objective the finding of the truth about Bloody Sunday. It regards itself as under a duty to carry out its public investigative function in a way that demonstrates to all concerned that it is engaged in a thorough, open and complete search for the truth about Bloody Sunday. It is this duty which, although we believe it was apparent from earlier statements of the Tribunal, was not, in the view of the Divisional Court, made clear in the context of what the Tribunal said about anonymity in the July Statement. All interested parties accept the existence of this duty, which to our minds stems not so much from the fact that Tribunals of the present kind are only established where Parliament considers that there is a matter of “*urgent public importance*”, nor from the fact that section 2 of the Act of 1921 requires us to sit in public (unless the public interest otherwise requires) but rather from the more fundamental principle of open justice in a democratic society.
- 12 In our view the existence of this duty entails that in the absence of compelling countervailing factors, those who give evidence to the Tribunal should do so under their proper names. This after all is an inquiry into events in which people lost their lives and were wounded by British Army gunfire on the streets of a city in the United Kingdom. To withhold the names of those in the Army who were concerned with that event must detract from an open search for the truth about what happened; and must need justification of an overriding kind. It is of course correct to bear in mind (as we said in December) that it is unlikely that the Tribunal would be hampered in its objective of finding the truth about Bloody Sunday by granting anonymity (since the Tribunal is an inquisitorial body and would itself know the identity of the witnesses), but this does not really take the matter much further forward, since what is presently at issue is the question of the duty laid on the Tribunal as to the manner in which it should seek that

objective. The Tribunal must conduct what Lord Justice Salmon described in his report (1966 Cmnd 3121 at paragraph 28) as a “*public investigation*”.

- 13 We note that in his judgment in the Court of Appeal, Lord Justice Otton suggested that we might reconsider the fairness of imposing the obligation “*on those who seek anonymity of any kind to justify their claim*”, and that it might be fairer “*to impose the obligation on those seeking to remove the anonymity (rather than those seeking to sustain it) and to satisfy the tribunal that there is no real or significant risk or some other formula that is less onerous to the soldiers*”. In this connection we should make clear that we are not making the present ruling on the basis of who has the burden of proof, but rather on the basis of seeking to balance the various relevant factors. However, we are bound to say that in our judgement, it is not open justice that needs to be justified, but rather any departure from open justice. If justice cannot be done if it is open, or if there are other matters that mean that open justice would cause a greater injustice, then of course a departure would be justified, for these would be compelling countervailing factors.
- 14 We thus turn to consider whether there are any such factors. It is convenient to consider first the question of the anonymity granted to soldiers by Lord Widgery in the course of his Inquiry into Bloody Sunday.
- 15 As suggested by Lord Justice Otton in the Court of Appeal, the Inquiry has conducted further investigations into the circumstances in which anonymity was granted on that occasion. The results of these investigations have been made known to the interested parties and Counsel to the Tribunal summarised them during the course of the oral hearing. The only record of Lord Widgery’s agreement to afford anonymity remains that contained in paragraph 8 of his report, in which he said: “*Since it was obvious that by giving evidence soldiers and police officers might increase the dangers which they, and indeed their families, have to run, I agreed that they should appear before me under pseudonyms. This arrangement did not apply to the senior officers, who are well-known in Northern Ireland.*” However, according to a statement recently obtained from Lieutenant Colonel Overbury, who describes himself as being at the time the legal officer in the Army’s Tribunal team with responsibility for all the legal aspects, including questions concerning the obligations and rights of all the Army witnesses, some of the soldiers concerned were suffering a loss of morale under the pressure of public attention and their apprehension about giving evidence and “*it was therefore necessary for me constantly to repeat to them all, collectively and individually, my absolute assurances as to the officially promised anonymity and the guarantee of their freedom to speak without risk*”. The guarantee to which Lieutenant Colonel Overbury refers would appear, from the rest of his

statement, to be a reference not so much to the grant of anonymity, as to the fact that the soldiers had been ordered to give evidence so that what they said could not afterwards be used against them in criminal proceedings. Be that as it may, it appears to us that what Lieutenant Colonel Overbury says is consistent with the sworn testimony of Soldier “H” put before the Divisional Court.

- 16 On the basis of that testimony, the Divisional Court, whose judgment was upheld by the Court of Appeal, held that the effect of what has become known as “the Widgery assurance” was that *“subject to some compelling unforeseen circumstance, so long as there was any danger of reprisals being taken against him or his family because he fired live rounds on Bloody Sunday, no-one in authority would do anything that would enable anyone to attach his name to that of a soldier previously identified only by letter who gave evidence before the Widgery Tribunal in 1972”*.
- 17 This part of the judgment is, strictly speaking, only referable to the soldiers who fired on Bloody Sunday, but we agree with those representing the soldiers that its reasoning must also apply to all who obtained the Widgery assurance.
- 18 Given that this is so, the first question that arises is whether there is some compelling unforeseen circumstance, for if so, the Widgery assurance would fall away.
- 19 Those acting on behalf of the families of those who died on Bloody Sunday and those that were wounded submitted before us that the present Inquiry is such a circumstance. We agree with that submission. That the present Inquiry could not have been foreseen in 1972 cannot be and has not been denied. We know of no other case where notwithstanding the report of one Inquiry another is instituted by Parliament with substantially the same terms of reference and with the object, as the Prime Minister put it, that *“the truth be established and told”*. It is clear that the present Inquiry has been instituted because the previous Inquiry did not succeed, for whatever reason, in achieving the general objective of inquiries under the 1921 Act. This objective is, as Lord Justice Salmon said in his report, to restore public confidence where a crisis in that confidence has occurred (see 1966 Cmnd 3121 at paragraph 28). Indeed, there is a substantial body of responsible public opinion to the effect that the Widgery Inquiry, so far from restoring public confidence, compounded the crisis. We consider that our ability to restore confidence will be undermined, unless we can form a wholly independent judgment, based on the facts before us, on the question of anonymity – and indeed on any other questions that we have to consider.

20 Even if we are wrong about the meaning of “*some compelling unforeseen circumstance*”, it is clear from the judgments both of the Divisional Court and of the Court of Appeal, that the present Inquiry is not bound by the Widgery assurance, but must weigh it in the balance when considering the question of anonymity. On this basis, it seems to us that, although it is an important consideration, it does not of itself, or together with the other matters relied upon by the soldiers, amount to a compelling countervailing factor that should override our duty as we have stated it. In this context it seems to us we can properly take into account not only the matters discussed in the previous paragraph, but also the fact that the circumstances in which Lord Widgery came to provide the assurance are markedly different from those that exist today. The soldiers were in Northern Ireland. Numbers had been killed. There was a great degree of civil unrest. Revenge was in the air. During the Widgery Inquiry itself there was an attack on the barracks of the Parachute Regiment at Aldershot in which people died, and which was publicly announced by the terrorists as a reprisal for Bloody Sunday. No one could seriously suggest that the present position is in any way comparable. Of course no one knows what the future may hold, and the bad days may return, but whether or not they will is at best a matter of speculation.

21 The basic submission made on behalf of the soldiers is that they do have a genuine and reasonable fear of reprisals were their names to become public and that this is particularly so in the case of those soldiers who fired live rounds on Bloody Sunday. They further submit that the reasonableness of this fear is reinforced by the latest threat assessment obtained from the security services, which is to the effect that since October 1998 (when the previous assessment was supplied) the threat of reprisals in Great Britain has increased from what is described as the “moderate” level to what is described as the “significant” level, within a classification of six levels of threat of which “moderate” and “significant” are respectively the third and fourth.

22 It seems to us that the soldiers have grounds for their assertion that they have genuine and reasonable fears. The question is whether these grounds are of sufficient substance to amount to such a compelling countervailing factor that it would be right for us to depart from our duty as we understand it. In this connection we see great force in the submission made by Lord Gifford QC that we should concentrate upon what we perceive to be the degree of danger if the soldiers’ names are revealed. A reasonable fear of reprisals can exist if there is any degree of danger, but the greater the danger the more compelling this factor becomes in the balancing exercise we have to perform.

- 23 We undoubtedly have a very difficult judgment to make and we have considered with the greatest care that we can muster all the written and oral submissions made to us. On the one side is our duty to carry out a public investigation; on the other the understandable fears for their personal safety and that of their families, which we accept that the soldiers have. In our December ruling we attempted to square the circle by suggesting that those who had the greatest reason to fear reprisals (the soldiers who fired live rounds on Bloody Sunday) could give their surnames only, thus providing both openness and a measure of security, but this attempt has failed on the grounds that the security of surnames only was speculative. No one now suggests that this is an appropriate solution. The conclusion that we have reached is there is in fact no way of satisfactorily reconciling the two considerations; and that the one must give way to the other. After the most anxious consideration we have concluded that on the basis of the material presently before us our duty to carry out a public investigation overrides the concerns of the soldiers and does so even if the Widgery assurance continues to apply; and that accordingly the present applications of the soldiers must fail. However, on the same basis as we set out in our ruling in December, we shall consider further the question of anonymity if it is suggested that there are special reasons in any particular cases why we should do so. In this connection we are not persuaded by the suggestion that such applications cannot be made without defeating the purpose of making them.
- 24 We fully appreciate that the removal of anonymity is permanent and that it is possible that in the future the threat to the soldiers may increase, though as we have said, whether this will happen is itself necessarily speculative. We also appreciate that in the context of deciding where the soldiers' evidence will be heard we have postponed any final decision because circumstances might change, but the difference between that case and this application is that (as the Courts accepted) we must deal now with the applications for anonymity, whereas our duty finally to decide where the evidence of the soldiers will be taken still lies in the future and thus can properly be left over for the time being.
- 25 As we have noted, the latest threat assessment would put the soldiers in the "significant" category, though as the assessment points out, this is an assessment made on a general basis and not by looking at the circumstances of any particular soldier.
- 26 According to this assessment, the threat in the significant category extends to all serving or former soldiers, who are to be regarded as "priority" targets, though the attractiveness of soldiers as targets within this category is greater in the case of members of the Special Forces and senior officers who served in Northern Ireland. The assessment continues by saying that "*in the case of soldiers who had fired live rounds on Bloody Sunday, our*

assessment is that their actions at that time would make them also stand out from the generality of soldiers and to face a higher likelihood of terrorist attack, if they were identified". Turning to the categories identified by the Inquiry, the assessment lists in order of attractiveness as targets: (1) current or former soldiers; (2) current or former soldiers from the Parachute Regiment; (3) soldiers or ex-soldiers who took part in Bloody Sunday; and (4) soldiers or ex-soldiers who fired live rounds on Bloody Sunday.

- 27 We accept that on the basis of this assessment and the other material provided to us by the Ministry of Defence, identified soldiers are in greater danger than unidentified soldiers, for the obvious reason that if a soldier is unidentified as such there is only, as the assessment puts it, a potential as opposed to an actual threat. However, we do note that all serving or former soldiers fall within the "significant" category, so all are "priority" targets. It seems that it is only those who fired live rounds on Bloody Sunday who stand out, or stand out significantly, from the generality of soldiers. As to this generality, it seems to us that since there must be many soldiers or ex-soldiers whose names have been publicised or whose identities could readily be discovered (for example from regimental or similar magazines such as the one shown to us during the hearing), the danger created by identifying soldiers is one that is borne and has for many years been borne by hundreds, if not thousands, of serving or former soldiers, and is not such as to override our duty to conduct a public investigation.
- 28 That leaves those who fired live rounds on Bloody Sunday. As to these there is a further consideration, which we pointed out in our December ruling. This is that the conduct of these soldiers lies at the very heart of this Inquiry. It is the firing on the streets that was the immediate cause of loss of life. It is that loss of life that we are publicly investigating. To conceal the identity of those soldiers would, as it seems to us, make particularly significant inroads on the public nature of the Inquiry. As a group they are assessed as more attractive targets than the generality of soldiers and thus face a higher likelihood of terrorist attack if they were identified, but this increased threat is not considered sufficient, at least at present, to move them from the "significant" to a higher category. On the basis of the general assessment, we have concluded that the danger to the soldiers who fired live rounds on Bloody Sunday does not outweigh or qualify our duty to conduct a public open inquiry.
- 29 There is a further consideration that it seems to us we can properly take into account. Immediately after Bloody Sunday, as we have already noted, a reprisal attack was carried out on the Aldershot Barracks of the Parachute Regiment. After this, and with the possible exception of General Ford, there is (at least on the material before us) no evidence to suggest

that over the following 27 years any of the soldiers involved in Bloody Sunday has been the subject of attacks for that reason, though of course large numbers of soldiers (and civilians) have been attacked and killed or injured. The names of a number of soldiers involved in Bloody Sunday are known (though not necessarily any of those who fired live rounds), or could have been identified without undue difficulty from public records, so that on any view the general anonymity of the soldiers does not provide a full explanation for the fact that (with the possible exception noted above) none of them has been the subject of an attack because of involvement in Bloody Sunday. Of course we appreciate that some at least of those whose names are or could be known may have been taking special precautions, but the fact of the matter is that (so far as we are presently aware) the danger they have been under as the result of Bloody Sunday has not resulted in any deaths or injuries.

- 30 Once again, however, we should make clear, as does the threat assessment, that consideration of individual circumstances may lead to the conclusion that in particular cases the danger is greater, and if that is so then of course we shall reconsider the question in those cases.
- 31 We have considered whether it would be appropriate to grant anonymity at the present stage, while reserving the right to reconsider the position when we came to make our report. In this connection it is accepted that if we were to conclude that any particular soldier was at fault, that consideration would be a relevant factor to take into account in deciding whether or not to withdraw anonymity from that soldier. We have decided not to take that course, for to do so would in our view derogate for no good or sufficient reason from our duty not only to report what we believe to be the truth, but also to conduct an open and public investigation.
- 32 A further point was advanced by Sir Allan Green QC, Counsel for Soldier “H”. This was based on the fact that at the previous Inquiry the justification given by this soldier for firing a large number of rounds was expressly disbelieved by Lord Widgery and that the account given by this soldier, which in a recent affidavit he has maintained is the truth, has been the subject of extremely unfavourable comment in a number of published works about the Widgery Inquiry. It is suggested that these circumstances make Soldier “H”, were his name to be revealed, particularly vulnerable.
- 33 We are not persuaded by this submission. It seems to us to be speculative, especially in view of the fact that accusations of serious wrongdoing have been made against all or virtually all the soldiers who fired live rounds. On the material presently before us, we would not regard the danger to Soldier “H” as being in a significantly different category from that of the other soldiers who fired live rounds.

- 34 Finally we should observe that we have borne in mind what in our December ruling we described as the real possibility that, in at least some cases, anonymity would have the effect of encouraging greater candour. In our view, this factor, alone or taken with the others, is not sufficient to override our duty to carry out a public investigation.
- 35 For these reasons, the renewed applications of the soldiers fail. Those who admit firing live rounds on Bloody Sunday are to be treated in the same way as the other soldiers; but apart from this, the summary of our decisions which appears at the end of our ruling in December stands and is now repeated as part of the present ruling. For the sake of convenience, that summary now reads as follows:
- i. We will withhold from publication the addresses, telephone numbers and other personal details of all military witnesses, apart from their names, unless they inform us that they are content that this information should be published.
 - ii. We will impose no restriction on the publication of the names of Soldier 236 or of the soldiers whose names appear in the transcripts of the Widgery Inquiry.
 - iii. We will not restrict the publication of the names of any soldiers unless they, or their next of kin if they are now dead, satisfy us that there are special reasons which make such a restriction necessary.
 - iv. We will be prepared to lift or modify the restrictions imposed under the principles set out above if circumstances arise in which names or other restricted information prove to be of direct and immediate relevance to our factual investigation. But we will only do this if and to the extent that we are satisfied that it is clearly necessary.
 - v. We will also be prepared to lift the restrictions imposed under these principles if we are satisfied that the restricted information is in fact in the public domain.
 - vi. Special reason applications must be made as soon as reasonably possible and are likely to be too late if they are made after the completion of the military statement-taking exercise. We will (subject to what we said in paragraph 60 of our December ruling) circulate them to the interested parties before ruling on them.
 - vii. We will not immediately release the names of any of the soldiers, except in so far as we do so under (ii) above, because of the possibility of special reason applications. In due course, however, we will release witness statements and other documents containing the names of soldiers without redaction, save to the extent that anonymity has been granted.

The RUC application for anonymity

- 36 The RUC originally made an application for anonymity for five officers, but at the oral hearing Mr Ritchie, appearing for the Chief Constable, informed us that he was in a position only to make submissions for those described as Officers “A”, “B” and “C”.
- 37 The application was that the names of these officers should not be made public and that each should be permitted to give oral evidence, if called upon to do so, screened from the public though not from the Tribunal or the legal representatives of interested parties.
- 38 Mr Ritchie accepted that the names of these officers were or would inevitably become public knowledge, because of what has already been disclosed during the course of this Inquiry before the RUC intimated that they wished to make an application for anonymity. In his words *“it is the putting the face to the name mischief we are trying to avoid”*. In these circumstances, it seems to us that little purpose would be served by giving these officers pseudonyms, and that the question is whether the limited form of screening requested is justified.
- 39 We approach the application in the same way as we have approached the application made by the soldiers. The central question therefore is whether there are compelling countervailing factors in these cases sufficient to displace our duty as we have described it.
- 40 In our judgment those factors exist in these three cases. The security assessment provided to us for the purpose of considering the soldiers’ application relates to the situation in Great Britain and deals with the soldiers on a group as opposed to an individual basis, whereas the officers in question are in Northern Ireland and the assessment that we have received from the RUC of the situation there deals with them individually. The effect of that assessment is to our minds that in the view of those responsible for considering the risks in relation to these specific individuals, the life of two of the three officers concerned would, because of the nature of their work, be in special danger were they to be recognised. As to the third officer, he too is regarded as being under a special threat of personal danger were he to give evidence in the view of the public. The evidence is that he has already been specifically targeted by republican terrorists in the past, and indeed that on one occasion his home was attacked with an explosive device. In those circumstances, and bearing in mind that there has been a recent attack on a police station in West Belfast, it seems to us that this officer’s genuine and reasonable fears of reprisals were he to be recognised have very considerable

substance. In all three cases, therefore, it seems to us that the level of danger is such as to outweigh the need (if any of the officers are required to give oral evidence) for them to be visible to the public and thus justifies the limited degree of screening sought.

- 41** It remains to say that although the application in respect of the remaining two officers was not advanced at the oral hearing, we would consider it unfair to refuse it for that reason, though if it is to be pursued this must be done without further delay.

A2.9: Ruling (12th October 1999): anonymity for soldiers; public interest immunity; experts; disclosure of confidential sources of information by various media; procedure in respect of allegations

- 1 During the week commencing Monday 27th September 1999 we heard oral submissions on several matters and we can now make a number of further rulings and observations.

Anonymity

(a) Soldiers who fired or who are alleged to have fired live rounds

- 2 The Court of Appeal has now reversed the decision of the Tribunal given in May and has ordered that those soldiers who accept that they fired live rounds on Bloody Sunday or who are alleged to have done so should be granted anonymity by the Tribunal.
- 3 It is clear from the judgments of the Court of Appeal (and indeed from the majority judgments in the Divisional Court which the Court of Appeal approved) that this decision only relates to the situation as it presently exists and does not prevent the Tribunal from reconsidering the question of anonymity in the future, for example if it became apparent that the grant of anonymity was impeding the Tribunal in its search for the truth, or at the stage of producing its report. It is also clear that the decision does not relate to those soldiers whose identity is clearly already in the public domain or who do not wish to be treated anonymously. Furthermore, it is accepted by Counsel acting on behalf of the family of Soldier T (who is deceased) that the decision cannot at present extend to him, since there is at present no evidence that his family have reasonable grounds to fear for their safety should his name be published. The same must apply to other deceased soldiers.

- 4 On this basis therefore we now rule that all living soldiers whose identity is not already clearly in the public domain and who admit firing live rounds on Bloody Sunday or who are alleged to have done so, shall not without their consent be identified in the course of the proceedings of this Inquiry unless the Tribunal directs or rules otherwise. As is implicit in the decision of the Court of Appeal, the Inquiry may itself, of course, identify soldiers to others if this is necessary for the purpose of seeking the truth about Bloody Sunday, for example in order to trace possible witnesses or to take meaningful statements from witnesses. Subject to this, our ruling means that the identity of these soldiers cannot be disclosed to interested parties or otherwise in the course of the proceedings of this Inquiry and that all concerned will have to take great care to preserve this anonymity, by not disclosing the names, addresses, telephone numbers or other personal details of these soldiers.
- 5 If any question arises as to whether the identity of any particular soldier otherwise covered by this ruling is clearly in the public domain, the Tribunal will rule on the matter, but until it does so that soldier will be treated as being entitled to anonymity.
- 6 For the time being deceased soldiers who would otherwise be covered by this ruling will also be treated as being entitled to anonymity. The Tribunal will obtain security assessments in respect of the families of those soldiers and will also consider any submissions on anonymity from those families if these are made within a month from the date of this ruling, before deciding whether these deceased soldiers should continue to be anonymous. Any such submissions must be presented in the form specified in our previous rulings so that all interested parties can, to the greatest extent possible, be given an opportunity to comment on them.

(b) Soldiers who did not fire or who are not alleged to have fired live rounds

- 7 Counsel for those soldiers who have not admitted firing live rounds on Bloody Sunday or who are presently not alleged to have done so have submitted to us that the reasoning of the Court of Appeal applies with equal force to non-firing soldiers, so that although the previous ruling of the Tribunal in respect of those soldiers was not reversed by that Court (which was only dealing with soldiers who fired), nevertheless the Tribunal must itself now reverse that ruling. Although strictly Counsel could speak only for those soldiers they represent, the submission must apply to all soldiers in this category.
- 8 We have concluded that we have no option but to accept this submission.

- 9 The Court of Appeal held that *“the right approach here once it is accepted that the fears of the soldiers are based on reasonable grounds should be to ask if there is any compelling justification for naming the soldiers, the evidence being that this would increase the risk.”*
- 10 The Court of Appeal decided that there was no compelling justification in the case of the soldiers who fired, notwithstanding that in the view of the Tribunal it was the conduct of these soldiers that lay at the heart of the Inquiry. It seems to us that it follows that there is either a lesser or at least a no greater justification for those soldiers who did not fire, nor has anyone to date suggested that their conduct is of equal or greater importance.
- 11 We have already concluded that all soldiers (whether or not they fired) have grounds for their assertion that they have genuine and reasonable fears for their personal safety were their identities to be revealed. To our minds therefore the only possible distinction between the soldiers who fired and those that did not is that the level or degree of risk is lower in the latter cases. Indeed this was the only distinction suggested to us by those who are opposed to anonymity. However, there is nothing in the judgments to suggest that this is a material distinction. On the contrary the Master of the Rolls was of the view that from the point of view of the soldiers *“it is what they reasonably fear which is important not the degree of risk which the Tribunal identifies”*. Such an observation must apply equally to the non-firing soldiers.
- 12 It was suggested that to grant anonymity to all the non-firing soldiers would make it very difficult properly to investigate the events of Bloody Sunday, especially for those representing the interests of the people who died or who were injured on that day. We accept that difficulties may arise, but we are not at present persuaded that they are insuperable or of such a nature as to impede the search for the truth. If we are later persuaded to the contrary, then we would have no hesitation in reconsidering the matter.
- 13 It was also suggested that granting anonymity to non-firing soldiers would undermine public confidence in the Inquiry and its public investigative function. However, the Court of Appeal considered that this would not be so in the case of the soldiers who fired. Again it seems to us that we must accept that view, which must be at least equally applicable in relation to the soldiers who did not fire.
- 14 Reliance was also placed by those who are opposed to extending anonymity to non-firing soldiers on the words of the Master of the Rolls at the end of his judgment, where he said this:

“We were asked to indicate our views as to the position of other soldiers. We would like to do so because we are conscious that more attention has already been given to this issue than is desirable and further disputes should if possible be avoided. However, reluctantly we have come to the conclusion that it would not be right to say more than that we cannot say on the material before us that it would be unlawful for the Tribunal to insist on other soldiers being named.”

- 15** Although this passage is open to a number of possible interpretations, it seems to us that what the Master of the Rolls was probably doing was to acknowledge that further disputes were likely to arise over the question of anonymity for other soldiers, that the Court would have liked to have said something that would prevent this happening, but that it reluctantly felt unable to do so. The Master of the Rolls was clearly not attempting to resolve or materially to help to resolve the position of other soldiers, for were that to have been his intention, he would not have reached his conclusion with reluctance.
- 16** In these circumstances it is our view that in accordance with the principles now laid down by the Courts we must reverse the ruling that we made in May and instead extend the ruling that we have now made in respect of the soldiers who accept that they fired live rounds or who are alleged to have done so to all soldiers who played a part in relation to Bloody Sunday, whether before, during or after the event. This we therefore do.
- 17** What we have said in relation to the ruling on the soldiers who fired also applies to those that did not. Thus, for example, we shall deal with deceased soldiers and with any question whether names are already clearly in the public domain in the same way, though the latter does not apply to (1) those soldiers whose identity the Tribunal has already ruled is in the public domain, (2) those soldiers who gave evidence to the Widgery Inquiry under their own names, (3) those soldiers whose names appear in documents which are available from the Public Record Offices, (4) Colonel Overbury, whose witness statement (given under his own name) was read out to us at our April hearing and (5) General Sir Anthony Farrar-Hockley and General Sir Frank Kitson, since the Tribunal considers that their identities are clearly public knowledge.

Public interest immunity

- 18 The Ministry of Defence has made an application for public interest immunity in respect of parts of a number of Intelligence Summaries prepared in 1972. After considering the oral argument we have concluded that this application should be supported by a PII Certificate from the Secretary of State. We have accordingly requested the Minister to provide a Certificate as soon as possible if the application is to be maintained. Upon receipt of the Certificate we shall make our ruling on the application.

Experts

- 19 We have now received and distributed five reports from experts retained by the Inquiry and expect to receive and distribute further reports in the near future. It seemed to us that this was an appropriate time to invite submissions from interested parties on the subject of experts and expert evidence and have now considered both written and oral submissions on this subject.
- 20 Two main issues emerged. The first of these relates to the use that may be made of experts retained by interested parties.
- 21 All interested parties may, of course, engage the services of whatever experts they like in order to evaluate the reports produced by the Tribunal or to help explain those reports, where this is necessary, and communications between such experts and interested parties would, other things being equal, attract legal professional privilege. However, if any interested party wishes to cross-examine experts retained by the Inquiry, or to put in evidence the views of their own experts, other considerations apply.
- 22 The reason for this is the inquisitorial nature of an Inquiry of the present kind. In our rulings and observations of July 1998 we quoted with approval the views of Professor Walsh on the proper nature and function of such an Inquiry; and it is worth quoting again what he said:

“Under our adversarial system of justice when the High Court is hearing a case between two opposing parties, it does not play an active role in adducing evidence to determine the factual truth of a matter in dispute between the parties. Its primary role is to make a final determination on the basis of the evidence presented to it by the opposing parties. In discharging this role it relies on the parties to present all the relevant evidence and to subject the evidence of their opponents to searching scrutiny.

The High Court itself will not pursue this task. Its input is largely confined to ensuring that the parties respect the rules of procedure in adducing the evidence and in scrutinising each other's evidence. At the end of the day the primary function of the High Court is to decide in favour of one side or the other in accordance with the rules of the game. It is not concerned first and foremost with establishing the truth. It may be, of course, that the adversarial procedure and the attendant rules applied by the Court are best suited to producing a final determination which accords with the truth in any case. That, however, is not necessarily the same thing as saying that the High Court is actively engaged in a search for the truth.

The Tribunal of Inquiry by contrast is set up specifically to find the truth. It is expected to take a positive and primary role in searching out the truth as best it can. Certainly, it will seek the assistance of any interested party who has evidence to give or who has an interest in challenging the evidence offered by another party. It must be emphasised, however, that it is the Tribunal, and not the parties, which decides what witnesses will be called to give evidence. Indeed, strictly speaking there are no parties, no plaintiff and defendant, no prosecutor and accused, only an inquiry after the truth. It is the Tribunal which directs that inquiry. All the witnesses are the Tribunal's witnesses, not the witnesses of the parties who wish them to be called. Whether any individual witness will be called is a matter for the Tribunal. Moreover, the Tribunal can be expected to act on its own initiative to seek out witnesses who may be able to assist in the quest for the truth. Ultimately, the task facing the Tribunal is to establish the truth, not to make a determination in favour of one party engaged in an adversarial contest with another."

- 23 It will be recalled that we expressed similar views in our Opening Statement. As Lord Justice Salmon put it in his Royal Commission Report on Tribunals of Inquiry:

"The task of inquiring cannot be delegated by the Tribunal for it is the Tribunal which is appointed to inquire as well as to report. The public reposes its confidence not in some other body or person but in the Tribunal to make and direct all the necessary searching investigations and to produce the witnesses in order to arrive at the truth. It is only thus that public confidence can be fully restored."

- 24 In these circumstances, if any challenge is to be mounted to the views expressed by the experts to the Inquiry, it is for the Tribunal first to evaluate the basis and strength of such a challenge, because it is the Tribunal that is charged with the duty of seeking the truth. It follows from this that before the Tribunal will consider cross-examination by interested

parties of its experts it will have first to be satisfied that this is required in the quest for the truth. It could only be satisfied if it is informed in advance of the reasons why it is thought that cross-examination is required, the nature of the cross-examination proposed, and the material (including its source) upon which it is proposed to base the cross-examination. Since the Tribunal is determined to conduct a thorough, full and fair inquiry, this information would then be provided to all interested parties, since, as we have said on numerous occasions, we are not minded to allow surprise and ambush.

- 25 If the Tribunal concluded that there was substance in the challenge, it would then decide whether it was appropriate for that challenge to be developed by way of cross-examination (by its own Counsel or by interested parties) or by some other means.
- 26 We now turn to the question of evidence from experts retained by interested parties. In this context much the same considerations apply. As Professor Walsh points out, all the witnesses are the Tribunal's witnesses, not the witnesses of the parties who wish them to be called. There is, therefore, no question of any of the interested parties being permitted to call their own expert witnesses. What they can do, however, is to seek to persuade the Tribunal that in the interests of seeking the truth, it is not only necessary for the Tribunal to call additional experts, but also to call those that they have retained.
- 27 As we said in our rulings and observations of July 1998, in the nature of things the Tribunal cannot simply accept evidence (whether factual or expert) prepared by interested parties, for such evidence is, inevitably, likely to be carefully selected and presented so as best to support the contentions of those who proffer it. As we said, "*the Tribunal alone is in a position to collect, collate, analyse and present all the available evidence, with no pre-conceived views at all, and with only its desire to seek the truth*".
- 28 It follows from what we have said that before any question of calling additional experts can arise, the Tribunal will have to be satisfied that the expert in question can materially assist in the impartial search for the truth. The Tribunal could only be satisfied if it is first provided with full particulars of all instructions given to the expert from time to time, copies of all written reports received from the expert, and attendance notes of all oral reports; and if the expert in question is made available for interview on behalf of the Inquiry. Once again, and for the same reasons as those expressed above, this information would be made available to all interested parties.

29 On the basis of these considerations, we give the following directions:

1. Interested parties have the period expiring on 30th November 1999, during which they may in writing seek through the Inquiry explanation or clarification of anything contained in any of the Reports so far served, or make suggestions for further work.
2. The Tribunal will request its experts as may be appropriate to provide a response by 14th January 2000.
3. Interested parties have the period expiring on 29th February 2000, during which they may apply to the Tribunal for leave to cross-examine the Tribunal's experts. Any such application must set out the reasons why it is thought that cross-examination is required, the nature of the cross-examination proposed, and the material (including its source) upon which it is proposed to base the cross-examination.
4. Interested parties have until the same date to apply to the Tribunal for the Tribunal to call additional expert evidence. If the expert is one consulted or retained by the interested party, the application must be accompanied by full particulars of all instructions given to that expert from time to time, copies of all written reports received from that expert, and attendance notes of all oral reports; and the expert must be made available for interview on behalf of the Inquiry. In any event the application must explain in full detail why it is submitted that the evidence is necessary for the purposes of the Inquiry.
5. Depending on when further Reports are received from experts retained by the Tribunal and distributed to interested parties, we shall provide appropriate modifications to this timetable to cover those cases.

30 We have set out these time limits since it is obvious that any questions concerning experts and expert evidence must be resolved at the earliest possible opportunity. We would strongly urge all concerned to adopt a "rolling" approach to this matter, rather than waiting until the end of the specified periods. We appreciate, of course, that we cannot anticipate every eventuality or circumstance and thus, as with other directions that we have given, we are always ready to reconsider the matter if good reason for doing so is shown.

31 The second of the two main issues that has arisen in relation to experts and expert evidence is whether the Tribunal should recommend the payment out of public funds for the families of those who died and those who were wounded on Bloody Sunday to retain their own experts at this stage, in order to evaluate the reports produced by the Tribunal or to help explain those reports where this is necessary; and perhaps (depending on the

circumstances) to form the basis of an application to cross-examine or for the Tribunal to call further expert evidence.

- 32 At the recent oral hearings Counsel for some of the soldiers acknowledged that his clients were seeking the assistance of experts for at least some of these purposes. Counsel for some of the families and the wounded submitted that equality of arms and the concept of a level playing field demanded that his clients should not be deprived of similar facilities through lack of funds.
- 33 Put simply, we agree. Although this is an inquisitorial inquiry we accept that it would be unfair, or at least appear to be unfair, if those interested parties who have one view of what happened on Bloody Sunday were able to employ expert assistance, while others with sharply conflicting views were unable to do so. Counsel for all the families and the wounded were agreed that this was a case where they could and would pool their interests and engage common experts. Accordingly, we shall recommend that such funds as are necessary and reasonable to allow the families and the wounded to retain and instruct experts on the basis proposed should be provided from the public purse.
- 34 The directions that we have given above in relation to experts and expert evidence will apply of course to any experts retained under these arrangements. As at present advised, it seems to us that in the first instance all that is necessary is the reasonable cost of instructing experts for the following purposes:
- i. assisting clients, solicitors and counsel to understand fully the reports of the Tribunal's experts;
 - ii. advising on any questions, criticisms or suggestions for further work that should be put to the Tribunal's experts;
 - iii. advising on any responses received from the Tribunal's experts to any such questions, criticisms or suggestions; and
 - iv. formulating proposals for any further work to be carried out, subject to the Tribunal's approval, by experts other than the Tribunal's experts.
- 35 The Tribunal will have to be satisfied that any expenditure for these purposes is reasonable before it is incurred. The Tribunal will also have to be satisfied that any further proposed expenditure (for example for the preparation of formal reports) is both reasonable and necessary before it is incurred.

Sources

36 We have considered a series of applications made by different sectors or representatives of the media to the effect that we should not require them to identify their confidential sources of information. The applications involved are as follows:

- a. an application by the BBC and Mr Peter Taylor, a well-known journalist, that we should not require them to identify sources of information contained in a documentary entitled *Remember Bloody Sunday*, made by Mr Taylor, and in certain other materials;
- b. an application by ITN that we should set aside a witness summons issued on 16th August 1999 requiring them to produce, inter alia:

“(iii) All transcripts, notes and other written records of all interviews, including telephone attendance notes, made in the course of research and preparatory work carried out for the purposes of the Channel 4 News broadcasts;

(iv) All untransmitted recordings of filmed or video taped interviews conducted for the purposes of the Channel 4 News broadcasts;”

- c. an application by the *Daily Telegraph* and Mr Toby Harnden that we should set aside two witness summonses issued on 5th August 1999 requiring them to produce to the Tribunal:

“(i) the full accounts given to the *Daily Telegraph* by former members of the Parachute Regiment, to which reference is made in the article by Toby Harnden entitled “We want the truth of Bloody Sunday to come out” published in the *Daily Telegraph* on 20 May 1999, in so far as those accounts were given in writing and;

(ii) the notes recording those accounts, in so far as the accounts were given orally”;

- d. an application by UTV that we should set aside a summons issued on 16th September 1999 requiring them to produce the unredacted original of the statement of a particular soldier.

BBC

37 On Tuesday, 28th January 1992 the BBC broadcast a documentary entitled *Remember Bloody Sunday* which had been made by Mr Taylor. On Sunday the 26th January 1992 the *Sunday Times* published an article written by Mr Taylor entitled “Bloody Sunday – An Open Wound” which covered much the same ground as the documentary. In 1997

Mr Taylor wrote a book entitled *Provos: The IRA and Sinn Fein*, a chapter of which covered Bloody Sunday.

- 38 The Inquiry Secretariat asked the BBC and Mr Taylor for the research material that underpinned his documentary. Both of them made it plain that they would not be willing to reveal any confidential sources and a hearing was, accordingly, fixed for April of this year in order to consider whether the Tribunal should make an order which would have that effect. During the argument on that occasion it became apparent that some of the material that had not been provided (“informative material”) did not, or need not, reveal confidential sources – either because the source was not confidential or because the name could be redacted. There was, and could be, no objection to the production of informative material, as opposed to material that revealed a confidential source (“source material”), and after the hearing this informative material was produced. It consisted either of transcripts of untransmitted interviews or Mr Taylor’s notes, redacted where necessary.
- 39 Prior to the April hearing Counsel to the Tribunal had identified seven items of source material which remained undisclosed in the documentary, the article and the book. These were the following:

“Tape Reference

9.33 The identity of those in the IRA who had “*agreed to remove [its] weapons from the area*”.

11.45 The identity of the person[s] who knew that the Army had a secret plan to teach the Derry hooligans a lesson.

27.22 The identity of “Denis”, who appears to have been an eye-witness of a man shot in the face, and of the shooting of Donaghy [27.22] and that Donaghy had no nail bombs [43.26].

“The Provos”

Page Number

117 The identity of the RGJ Officer who telephoned Brigadier MacLellan and said that it was “mad” to bring the Paras in.

120 The identity of the IRA men who revealed the PIRA’s orders and disposition – in addition to Tony Miller.

123 The identity of the former Official who gave information about the Officials' orders.

"Bloody Sunday – An Open Wound"

The Article refers on the penultimate page, 4th column, to an Official gunman being above the Bogside around Bishop Street firing shots."

After the hearing in April the Tribunal issued a ruling, dated 30th April 1999, whereby it postponed a decision as to whether to order the production of source material until after the production of the informative material.

40 We have, therefore, to decide whether or not to require Mr Taylor now to identify the sources referred to in paragraph 39 above, save for the identity of "Denis" whose identity has been discovered by the Tribunal by other means. No one has suggested that the content of the informative material affects this question. But that informative material does, itself, contain a transcript of an interview with an unidentified officer in 1 Para who was present on Bloody Sunday. This gives some important evidence about the orders given by Colonel Wilford to his men and by the Brigade to Colonel Wilford and as to the officer coming under fire and hearing explosions like nail bombs. The question, therefore, arises as to whether we should order the identification of the source in relation to that material as well.

41 The notebooks provided to the Inquiry were very difficult to decipher. A dispute arose as to whether or not Mr Taylor should provide details of the relevant entries by dictating them onto an audiotape. That dispute was not resolved in time for intelligible transcripts to be available at the hearing derived from those audiotapes. As a result it became necessary for the Inquiry to arrange for the notebooks to be professionally transcribed. Shortly after this Mr Taylor agreed to dictate the relevant material. The result is that only a partially satisfactory transcript has been provided. More work needs to be done in order to create a legible and intelligible copy of the notebook. It is plain from what has already been transcribed that those notes refer to a number of confidential sources. Nothing in this ruling deals with such sources, which may have to be the subject of a separate application.

ITN

42 Between 17th January 1997 and 28th January 1998 Channel 4 News broadcast seven news reports about Bloody Sunday. Four of them contained information derived from confidential sources. Counsel for the Tribunal identified that source material as follows:

- a. In the programme broadcast on 29th January 1997 statements are made by an ex-soldier from the Royal Anglian Regiment. He says that he formed part of a 14-man platoon on the Walls and that there was an Army sniper from the Royal Anglians in a derelict house nearby. That sniper shouted, "*He has got a gun.*" Then three rounds were fired. Then he heard him yell, "*Bloody Hell, I've got two with three shots.*" The witness could not say for certain whether the soldiers near the Walls were fired at first. See Transcript, page 14. This witness is referred to by ITN as Soldier A. (These and the following ITN letters are not the same as the letters given to soldiers in the course of Lord Widgery's Inquiry.)
- b. In the news report of 18th March 1997, there is an interview with an unnamed paratrooper. In that interview he says that command and control of the forward soldiers was absent or relatively absent for 15 minutes on Bloody Sunday and that there were a number of unfortunate actions and shameful and disgraceful acts and that there were unjustified shootings. Transcript pages 27–30. This witness is referred to by ITN as Soldier B.
- c. In the news report for 16th May 1997, a soldier, who was a marksman with the 22nd Light Air Defence Regiment, says that he was not aware of paratroopers being fired upon at any stage, and that they fired from the hip in one area (Transcript, pages 35 and 36). At the end of the programme he says that a big wrong was done (Transcript, page 38). This soldier is referred to by ITN as Soldier C.

A second soldier, a paratrooper, says that there were certain individuals who overreacted and probably did go beyond the line. He appears to be saying that the paratroopers were fired upon, but it is not possible to be satisfied as to that without seeing the whole of the untransmitted material from which the transmitted material was taken. This soldier is referred to by ITN as Soldier E.

A third soldier says that if the Government officially apologised for Bloody Sunday he would take Irish Citizenship. This soldier is referred to by ITN as Soldier D.

- d. In the report for 12th January 1998 Alex Thomson, the news reporter says:

"We took an army ballistics expert with many years' experience in Northern Ireland to the sound laboratory. He said this was the Paratroopers' rifles firing and the IRA replying with an automatic pistol... that's confirmed by a source from the official IRA who told Channel 4 News they used a Smith & Weston hand gun that day."

We were told that the Official IRA source referred to in (d) is not known to ITN or to either of the reporters. The reference was, apparently, to a source referred to in a book, details of which ITN have undertaken to provide to us.

- 43 ITN is, also, in the course of providing to the Tribunal the informative material, not contained in the reports themselves, which underpins the broadcasts. It was not suggested to us that that informative material had any bearing on the question of whether we should require ITN to identify any of its confidential sources.

UTV

- 44 UTV broadcast on 22nd January 1998 an *Insight* programme. In the course of that programme there appears the following passage (the words of the soldier in question being spoken by an actor):

“22:53 ...making quick decisions about gunmen did cost innocent lives. I am sorry, I deeply regret that, but when you find yourself under threat in situations like that your judgment and your training are the only things you have to rely on.

23:12 The words of a paratrooper who claimed he fired the first fatal shots that day. He is from Belfast and doesn't want to be identified but we have interviewed him extensively and we have his full statement.

23:24 I agree the relatives are justified in demanding the truth about their loved ones, and the innocent should be exonerated, which I believe is most if not all that were killed and injured that day.”

The Tribunal asked for and received a copy of the statement there referred to but with the name of the soldier redacted.

- 45 The summons of 16th September 1999 called for the unredacted copy of that statement.

The *Daily Telegraph*

- 46 On 20th May 1999 the *Daily Telegraph* published two articles, written by Toby Harnden, then its Irish correspondent. The first one was headed “We want the truth of Bloody Sunday to come out”. The second was headed “Paras fear for lives over Bloody Sunday inquiry”. We adopt the summary of the gist of those articles made by Counsel for the Tribunal.

- 47 The gist of the first article was that some former members of the Parachute Regiment had a burning desire to give evidence to the Inquiry so as to set the record straight and to contradict the conventional wisdom that what happened on Bloody Sunday was somewhere between a military misdemeanour and a war crime. However, unless their identities were protected, “*their full accounts given to the Daily Telegraph*” would not be given to the Inquiry. The article then recounted some of the accounts of Soldiers X and Y (these are not the code letters used in Lord Widgery’s Inquiry). That part of X’s evidence that is referred to in the article is to the effect that he was in one of the first “pigs” i.e. Armoured Personnel Carriers (APCs), that he identified gunmen and bombers on the barricade and to the sides and could see the puff of smoke from their gunfire, and that weapons were removed by remnants of a mob from two bodies (it is not clear whether he saw the actual removal).
- 48 In the second article X is reported to have said that he told the Inquiry’s lawyers the bare minimum earlier this year. Both X and Y are reported as saying that if anonymity was not granted they would refuse to give evidence and if anonymity was refused they would omit the details of events.
- 49 In the first article Soldier Y, who is reported not to have given a statement to Lord Widgery, is said to have seen a sniper with a long-arm rifle, and said that one “idiot” fired 20 shots at a window and that others opened fire when they should not have done, but that there were legitimate targets as well. He said that some of the victims were innocent.
- 50 In the second article Soldier Y is reported as saying that, without anonymity, he would say that he could not recall what happened.
- 51 On 24th August 1999 a letter was written purportedly on behalf of Mr Harnden (but not in fact authorised by him) which said as follows:
- “Soldiers X and Y only agreed to be interviewed on the strict understanding that I would not, under any circumstances, disclose their identities to anyone. Bearing that in mind, I destroyed all records of the meetings on the day that the article was published or the day after.”
- 52 Prior to the hearing in September the Inquiry notified the *Daily Telegraph* that, in the light of the response that had been received to the summons, it would wish to consider, at the September hearing, whether or not it should order Mr Harnden both to reveal the identity

of X and Y and to tell the Inquiry what information X and Y had given him about the events of Bloody Sunday that was not contained in the *Daily Telegraph* articles.

53 Mr Harnden produced a written statement and, at the hearing in September, gave evidence before us. From this it appears, and we find, that:

- i. Mr Harnden's notes of the interviews with X and Y were destroyed soon after the publication of the article. This destruction was contrary to normal journalistic practice;
- ii. the reason why the notes were destroyed was because Mr Harnden realised that he might be ordered to produce the notes either by the Tribunal or by some other body having authority to require him so to do;
- iii. the destroyed notes were substantial. They were a major part of at least one reporter's notebook and possibly two or even three. They were destroyed by tearing out the relevant pages from the notebook or notebooks, tearing them into shreds and disposing of them. In addition Mr Harnden recorded his conversations with X and Y on two tapes. These he intentionally recorded over so as to destroy the record of the conversations on the tape;
- iv. the information contained in the *Daily Telegraph* article is, thus, only a limited part of the information about Bloody Sunday given to Mr Harnden by X and Y; and
- v. Mr Harnden cannot, in his view, give evidence as to the information given to him by X and Y as to the events of Bloody Sunday, which is not contained in the two articles, without revealing or tending to reveal the identity of X and Y.

54 On Friday 1st October 1999 Mr Harnden was served with a witness summons requiring him to give oral evidence before us and the question for decision is whether we should set aside that summons or whether we should require Mr Harnden to give us any and, if so, what evidence either about his sources or the information that they gave to him.

The law

55 Section 10 of the Contempt of Court Act 1981 provides:

"No court may require a person to disclose ... the source of information contained in a publication for which he is responsible, unless it is established to the satisfaction of the court that disclosure is necessary in the interests of justice..."

56

We have had helpful submissions from Mr Andrew Caldecott QC for the BBC and ITN, Mr Andrew Nicol QC for the *Daily Telegraph*, Mr JR Rodgers for Ulster Television and from Counsel to the Tribunal. There is little dispute as to the approach to be adopted which we summarise as follows:

- i. The protection of journalists' confidential sources is, itself, a matter of high public importance. The law does not, however, enable the press to protect their sources in all circumstances.
- ii. Journalistic confidence can be over-ridden only if, so far as presently relevant, it is necessary to do so in the interests of justice. As to that we respectfully adopt the words of the speech of Lord Bridge in *X Limited v Morgan-Grampian (Publishers) Limited* [1991] 1 AC 1 at page 44:

"The judge's task will always be to weigh in the scales the importance of enabling the ends of justice to be attained in the circumstances of the particular case on the one hand against the importance of protecting the source on the other hand. In this balancing exercise it is only if the judge is satisfied that disclosure in the interests of justice is of such preponderating importance as to override the statutory privilege against disclosure that the threshold of necessity will be reached."

To the same effect is Lord Oliver at page 53:

"The court is not permitted to require the disclosure of a journalistic source unless it is satisfied that one or more of the four enumerated considerations (i.e. the interests of justice etc) are of such preponderating importance in the individual case that the ban on disclosure imposed by the opening words of the section really needs to be overridden."

- i. Even if disclosure is necessary in the interests of justice, there remains a residual discretion (although, once it has been established that such disclosure is necessary, the room for the proper exercise of such discretion is limited).
- ii. Whether or not the important public interest in the anonymity of press sources is outweighed by the relevant countervailing public interests is a question of fact, albeit one involving a considerable degree of value judgement.
- iii. Many factors will be relevant on either side of the scale including (a) the fact that "*the greater the legitimate public interest in the information which the source has given to the publisher or intended publisher, the greater will be the importance of protecting the source*"; (b) the conduct of the journalist and of the source; and (c) the risk of personal danger to the journalist or the source if disclosure is ordered.

- iv. The onus is on those who seek disclosure to show that it is necessary in the interests of justice. We should not do so unless, on the material available to us, we are so satisfied.

57 The “*interests of justice*” in the present context are that the true facts of what happened on Bloody Sunday should be discovered by a fair, thorough and open public inquiry.

58 We have also taken into account the following considerations:

- i. The potential “chilling effect” of making orders for the disclosure of sources, the effect of which may be to cause those sources to dry up.
- ii. Section 10 does not, however, provide that sources are not to be identified because of the chilling effect of doing so. Nor does Article 10 of the Convention as considered by the European Court of Human Rights in *Goodwin v UK* [1996] 22 EHRR 123. On the contrary it is because disclosure of sources has a potentially chilling effect that disclosure is not to be ordered “*unless it is justified by an overriding requirement in the public interest (see Goodwin)*” such as the interests of justice, which is one of the four competing considerations for which section 10 provides.
- iii. Mr Caldecott’s submission that we should not confuse what is necessary with what is expedient and Mr Nicol’s submission that we should not, in focussing on the particular needs of this Inquiry, lose sight of the general need to protect journalistic sources in the wider public interest.

The BBC

59 Mr Caldecott submitted to us in April that the public interest element in Mr Taylor’s source material could hardly be stronger; that such material formed part of a corpus of work by Mr Taylor on Northern Ireland whose quality was dependent, in large measure, on the relationship of trust created between Mr Taylor and his sources which was founded on his promise to those sources of anonymity. He contended that the effect of ordering Mr Taylor to disclose his sources might be a permanent curtailment of his future investigative work in Northern Ireland. Further, such disclosure would put him at risk of reprisals.

60 The BBC source material, which remains unidentified, divides into Army sources and IRA sources. As to the Army sources, Mr Lawton informed us by a letter of 28th September that he was aware of the identities of four soldiers who were among Mr Taylor’s sources. Three of them were clients of Mr Lawton and they waived any duty of confidence owed to

them by Mr Taylor. Mr Lawton also indicated that the fourth soldier had previously been prepared to give a similar waiver, but that this soldier was no longer one of his clients. In the course of the hearing on 29th September, Mr Glasgow confirmed what Mr Lawton had said in his letter, and added that overnight he had obtained instructions from a fifth soldier who had spoken to Mr Taylor, and that this soldier too released Mr Taylor from any duty of confidence. We have now learned that the five soldiers concerned are General Ford, Lt Col Wilford, Lt Col Welsh, CSM 202 and Sergeant O. Of these five, it is CSM 202 who is no longer a client of Mr Lawton.

- 61 There can be no question of the section 10 restriction applying in respect of the information derived from the four soldiers represented by Mr Lawton who have clearly waived any duty of confidence owed to them by Mr Taylor. Despite the fact that leading Counsel for these soldiers confirmed this waiver before us, Mr Taylor remained concerned about it and he asked the Tribunal, as a matter of indulgence, not to order him to reveal which part of the material was communicated to him by each of the soldiers. Rather, he suggested, we should ask the soldiers who gave the waiver to do so.
- 62 We have found it possible to identify parts of the transcripts of the transmitted and untransmitted material as being statements or interviews made or given by Colonel Wilford, CSM 202 and Sergeant O. This only takes the matter so far. There may be statements recorded in the notebooks from these three witnesses that are not apparent as being theirs. Mr Taylor may have further information in his head which was derived from them and which is not reflected in the notebooks. So the expedient of asking these witnesses what statements they made or information they gave to Mr Taylor may not necessarily reveal all that they told him.
- 63 The identities of the persons who told Mr Taylor that the Army had a secret plan to teach the Derry hooligans a lesson, and of the Royal Green Jackets Officer who is said to have telephoned Brigadier MacLellan to say that it was “mad” to bring the Paras in are of great importance to the Inquiry.
- 64 As to the former the relevant passage and transcript reads:

“But what the marchers did not know was that the Army also had a secret plan, ordered at the highest level by General Robert Ford – again acting on political instructions. (Pause:) Derry’s hooligans were to be taught a lesson, and the Paras had been imported to do the teaching.”

One of the central issues for the Inquiry to resolve is whether there was any sort of plan from on high to teach the hooligans a lesson and, if so, what sort of lesson. For this purpose it is highly material to know who told Mr Taylor that there was such a plan.

- 65 As to the latter, the use of 1 Para has been controversial since 1972. One of the issues, which the Tribunal has to decide, is why such a battalion was used for arresting civilian hooligans. It has to decide that issue in the context of allegations that have been made that the Parachute Battalion was chosen precisely because there was some sort of plan to teach the Derry hooligans a lesson (including killing them if occasion demanded) or to engage with the IRA. Evidence that an Officer from one of the resident battalions telephoned Brigadier MacLellan to tell him that it was “mad” to bring the Paras in is plainly material for these purposes.
- 66 In relation to the IRA, both the Official and Provisional wings, the Inquiry is concerned to discover (a) what their plans and orders were and (b) what they did on the day. On the one hand it has been alleged that both wings of the IRA had agreed to let the march go off peacefully, and to withdraw their weapons in whole or in part from the Bogside, and that the IRA only intervened late in the day and ineffectually after the Army had opened fire. On the other hand there are documents which, if accurate, suggest that the Army had intelligence reports shortly before Bloody Sunday to the effect that the IRA would use the march as cover from which to fire upon the soldiers. In those circumstances it is highly important to know the identity of those who told Mr Taylor what the orders for the Official and Provisional IRA were and what they had or had not agreed to do.
- 67 Equally controversial is the question whether or not, whatever the IRA orders were, members of the IRA did in fact fire on the Army and for that purpose the identity of the informant(s) who told Mr Taylor that there was an Official gunman above the Bogside around Bishop Street firing shots is important.

ITN

- 68 The source material that remains unrevealed is as follows:
- i. The identity of ITN Soldier A in the 29th January 1997 report.
 - ii. The identity of ITN Soldier B in the report of 18th March 1997.
 - iii. The identity of ITN Soldiers C, E and D in the report of 16th May 1997.
 - iv. The IRA source in the report of 12th January 1998.

As to (iv), in the light of the explanation given to the Tribunal as to the nature of this source, we need take the matter no further.

69

Mr Andrew Caldecott, for ITN, submitted to us in September that ITN should not be required to give details of the identity of any of Soldiers A–E. The undertaking given by ITN as to confidentiality was not given lightly. It was only given because without it the soldiers, who were seeking to have what they regarded as a wrong put right, were not prepared to give information, which was of the highest public importance (because of the doubt it cast on the conclusions and completeness of Lord Widgery's Inquiry). But for such assurances, the information would, in all probability, never have been revealed. He submitted that orders should not be made which would be liable to inhibit the free flow of information as to the misconduct of the Government or its agents. He contrasted the present case with reported cases, where disclosure had been ordered in which publication by the journalist of the information in question had served no public interest at all. He invited the Tribunal not to ignore the press's wider role as a public watchdog. He, also, relied on two dicta from *X Limited*. The first is in the speech of Lord Bridge at page 44:

"Conversely, if it appears that the information was obtained illegally, this will diminish the importance of protecting the source *unless, of course, this factor is counterbalanced by a clear public interest in the publication of the information, as in the classic case where the source has acted for the purpose of exposing iniquity.*" (emphasis added)

And from Lord Templeman in the same case at page 49:

"This is not absolute immunity for a journalist to conceal his sources. Such an absolute immunity would enable the source or the journalist or both to make use of any untrue, misleading or confidential information with impunity. This means that the journalist is in a dilemma. He wishes to encourage disclosure but he cannot promise *absolute immunity* to his source *unless the information reveals crime or some other iniquity.*" (emphasis added)

He submitted that on the facts of this case the undertakings should, in accordance with the above dicta, be treated as absolute. We do not, however, think that Lord Bridge, who was careful to refer to the difficult balancing exercise that has to be performed and to make plain that the illustrations that he gave as to relevant considerations must not be regarded as a code, was intending to lay down the proposition that once it was shown

that the information revealed crime or some other iniquity, the restriction on disclosure was absolute. Nor, despite the wording used, do we think that Lord Templeman can have meant to enunciate such a proposition, which is not consistent with section 10 of the Act.

- 70 Mr Caldecott's submissions, on behalf of both BBC and ITN, reflect the fact that the importance of the information increases not only the importance of protecting the source but also the importance of the Tribunal knowing the identity of that source. Without that knowledge the utility of the information is drastically reduced. He also relied upon the risks to the ITN soldier sources (of reprisals by paramilitaries or their own comrades) that was involved in the revelation of sources; and the risk to the journalists if they were thought to have revealed such sources. Further, he questioned why it was necessary to obtain disclosure of this information from ITN, as opposed to elsewhere.

The importance of the ITN evidence

- 71 The significance of the evidence in question is as follows:

i. *Soldier A:*

One of the many issues to be resolved in the present Inquiry is whether or not any of those who died or were wounded were shot from the City Walls and, if so, in what circumstances. Lord Widgery did not (apparently) consider this issue and it is a matter of acute controversy. It cannot be disputed that there was some shooting from the Walls: but one of the central current allegations is that there was shooting from the Walls at innocent civilians including, but not necessarily limited to, three of those who died at the barricade between the Rossville Flats and Glenfada Park. To this issue the evidence of Soldier A is critical.

ii. *Soldier B:*

Another of the many issues is whether the Army was guilty of any unjustifiable shootings: particularly in Glenfada Park or to the south of Block 2 – the most forward positions to which soldiers went. It is highly important for the Tribunal to know whether any, and if so which, of the soldiers were guilty of unfortunate actions or shameful and disgraceful acts or unjustified shootings.

iii. *Soldier C:*

Whether or not soldiers were fired on and, if so, to what extent, is another matter of acute controversy and has been so since 1972. The evidence of a soldier who says

that he was not aware of paratroopers being fired upon at any stage, that they fired from the hip in one area (i.e. in an uncontrolled manner) and that a big wrong was done, is obviously of great importance.

iv. *Soldier D:*

The tenor of Soldier D's remarks is that there was nothing for which the Government should apologise.

v. *Soldier E:*

One of the allegations that have been made is that, whatever the initial firing upon the soldiers, they grossly overreacted. Again, evidence from a soldier that they did so is of very great importance.

Conclusion on BBC/ITN

72 We have carefully considered all the submissions that have been made to us in the light of the importance of the evidence to which we have referred above.

73 In relation to the BBC we have come to the conclusion that the identity of the sources referred to in paragraph 39 above (with the exception of "Denis") is likely to be of such predominating importance as to make it necessary in the interest of justice that it should be revealed to us, unless the Tribunal is able to obtain sufficient evidence from other sources as to what the IRA orders were and as to the firing that is said to have taken place at Bishop Street.

74 As to ITN we have come to the conclusion in respect of Soldiers A, B, C and E, but not D (the content of whose evidence appears to be wholly unspecific) that the identity of the informants is of such predominating importance as to make it necessary in the interests of justice that it should be revealed to us by ITN if it cannot be obtained by other means.

75 The reasons why we have reached that view are as follows:

- i. We have to weigh the public interest in non-disclosure of journalistic sources and the public interest in the course of justice in these proceedings. In so doing we need to take into account "*the relative public importance of the interests of justice in the particular case*": per Lord Oliver in *X Limited* at page 53.
- ii. In the present case the public importance of the interests of justice in the working of this Inquiry is very high indeed. Our Inquiry was established by the affirmative

resolution of both Houses of Parliament as a matter of urgent public importance.

The task imposed upon us by Parliament includes that of taking into account “*any new information relating to the events of the day*”.

- iii. In those circumstances we take the view that it is necessary in the interests of justice to know the identity of those informants who gave the information to the BBC and ITN: particularly when, in the case of ITN, that information formed part of the material upon which the Government was asked, and agreed, to establish an inquiry in the first place.
- iv. Insofar as the sources are soldiers, they will all, in the light of our ruling, enjoy anonymity so that, by ordering the disclosure of sources, we would not be requiring anything more than that the identity of the soldiers in question should be given to us as it was to ITN. That identity will then be protected upon the same basis and subject to the same conditions as those that apply to all other soldiers.
- v. We have not ignored the potential effect that an order might have on Mr Taylor’s ability to conduct investigative journalism in Northern Ireland or the risk to himself if he is ordered to make and does make such a disclosure. We do not, however, regard either of those as an absolute bar to making such an order. We have to decide, in relation to the present case, whether the nature of the information is such that the public interest in the course of justice in these proceedings is so great as to outweigh those considerations. In our view it is. In reaching this conclusion we pay regard to the exceptional nature of these proceedings and the exceptional public interest in their outcome.

76 We are not, however, satisfied that we should immediately make an order for disclosure.

77 As to Mr Taylor’s Army sources, to whom we refer in paragraph 39, we regard it as possible (but no higher) that the identity of the relevant soldiers and their full account of what happened may be revealed in the course of Eversheds taking statements from the military witnesses. As to Mr Taylor’s IRA sources, there are obvious difficulties in obtaining direct evidence from either wing of the IRA as to what the relevant orders were and as to whether an Official was shooting (and at what) around Bishop Street. Despite this we believe that there is some prospect of obtaining sufficient reliable evidence as to what the orders – for both wings – were and as to what happened in Bishop Street as to make it unnecessary to override journalistic confidence. In particular we do not regard it as wholly illusory to suppose that witnesses connected with the IRA will provide information to the Inquiry. We may well be proved wrong on that, but we are prepared to

wait and see. Further we wish to take a statement from Mr Taylor, which deals, amongst other things, with the content of his notebooks and we think it appropriate to defer making any order requiring the disclosure of sources, to which section 10 applies, until that exercise has been performed.

- 78 We wish, however, to make it plain that, in the case of those witnesses who have clearly waived any right of confidence that they may have, there is no justification for Mr Taylor declining to reveal what statements they made and what information they gave to him. If Eversheds or the Inquiry staff are able, by questioning those witnesses, satisfactorily to identify what statements they made and what information they gave to Mr Taylor, all well and good. But if they are not, or there is doubt as to whether they have been able to do so, the Tribunal will expect Mr Taylor to identify the statements and the information, regardless of whether or not the Tribunal makes any order for the disclosure of sources to which section 10 of the 1981 Act applies.
- 79 The soldiers whose waiver of any right of confidence is clear are General Ford, Colonel Wilford, and Sergeant O, and, also, Lt Col Welsh. The Tribunal will contact CSM 202's legal representatives to see whether the same position applies in respect of him.
- 80 Lastly, in relation to the redacted statement of an Officer, to which we refer in paragraph 40 above, there is reason to suppose that the Officer in question is identifiable to the Tribunal by reason of the content of his statement and we shall endeavour to see whether that identification can be achieved before making any order.
- 81 As to the ITN sources, although Eversheds our solicitors have not yet discovered the evidence of any soldier, which conforms to the evidence of Soldiers A–E, the exercise of taking statements from military witnesses is not complete. It may be, therefore, particularly in the light of our decision on anonymity, that each of A–E will come forward and identify themselves. In the case of A and C it is possible that Eversheds will be able, themselves, to identify the soldier in question. In those circumstances we have not been satisfied that it is necessary to order discovery of the name now. It will, however, in our opinion, be necessary to do so if information as to the identity of the soldiers in question cannot be obtained by either of these routes.
- 82 Accordingly, we shall defer making any order in respect of the soldier sources until after 30th November (by which date the body of military evidence should be in hand) when we shall revert to the issue. We shall defer making any order in respect of Mr Taylor's IRA sources until we are in a position to take a view as to the extent to which, if at all,

satisfactory evidence may be forthcoming as to the plans and orders of the IRA and as to what happened in Bishop Street.

- 83 We request ITN, in the meantime, to contact their soldier sources (including D) in order to inform them of its application and of this ruling and to invite them either to release ITN from its obligation of confidence (at least so far as providing details of their identity to this Tribunal) or at any event to contact the Tribunal in order to give evidence – anonymously, in accordance with the Tribunal’s ruling.
- 84 We make a similar request to the BBC and Mr Taylor in respect of their soldier and IRA sources.
- 85 If, in the case of the sources, it turns out that they are legally represented it will, of course, be possible for the BBC, Mr Taylor and ITN to invite those sources to cause their legal representatives to communicate with the Tribunal in order to avoid any dispute as to whether they have truly waived any obligation of confidence.
- 86 We shall take into account whether such requests are made and the response thereto in finally deciding whether to order identification of sources.

UTV

- 87 The contents of the redacted statement provided by Ulster Television are of critical importance in at least the following respects:
- i. In paragraph 3 the soldier says of his orders:

“We were not to impede the civil rights march but let them clear the area of operation to allow us into Rossville/Glenfada Flats. We were also to seek out and engage the IRA (ops) in the Rossville Flats and to take them out and to hand over arrests to Charlie Company who would secure Chamberlain Street. To hold secure Rossville/Glenfada areas and prevent any IRA groups coming in and engaging within our operational area until the local RUC and troops could take over from us.”

One of the major issues for us to resolve is whether the operation carried out by 1 Para on 30th January 1972 was an arrest operation, properly so called, in the course of which troops were fired on, or whether – as has been alleged – it was an attempt to draw out the IRA and engage with them. The soldier’s evidence, if true, appears to be direct evidence of the latter.

- ii. In paragraph 4 the soldier says that after shots were fired at soldiers carrying some barbed wire near the Presbyterian Church:

“The operational plan was changed, the original plan was to conduct the arrest operation on foot, APC (pigs) were now to be employed instead.”

This evidence, if true, suggests that the original plan did not involve the use of APCs at all, whereas the evidence given to Lord Widgery was to the effect that the reference in the operational order to the operation taking place on foot was not inconsistent with the use of APCs to enter the Bogside.

- iii. In paragraph 6 the soldier describes being in an APC which turned left into the car park of the Rossville Flats when:

“I heard a ping hitting against the rear door of our APC, I shouted “Incoming” to note that we were fired at, but by this time the forward APC had stopped and debussed and making arrests. We stopped near the corner of Chamberlain Street, I debussed to the right of my APC and saw a blast or nail bomb explode forward and right of me, which blinded me for a moment. I turned my head away for a few seconds to clear my vision and turned back to take up aim at the man, I believed responsible, he was running away from me towards the exit between the left and centre flats where the crowd was escaping. He stopped, turned, just passed the centre of the car park, bent down and struck an object against the ground and threw it. I squeezed the trigger of my rifle but the safety catch was on, I flicked it off with my right thumb, and fired one shot, catching him as he was about to run on the rear right shoulder. He was thrown to the left, I ran forward and touched his neck and believed he was dead. Suddenly pistol shots were fired from the alleyway between the left and centre flats. I ran and took cover at the end of the flat close to Chamberlain Street, I took aim to take him out when shots came up from Chamberlain Street towards him. I shouted at my Platoon Sergeant “Friendly firing coming”, pointing at Chamberlain Street. He ran back to the APC to radio back to check firing from the street. At the same time, I noticed a Priest crawling towards the man I had shot shouting back at the man with the pistol and covering his head when the friendly fire was coming in.”

This evidence, if true, suggests:

- a. that this soldier shot Jack Duddy, who was the victim tended by Father Daly, now Bishop Daly, in the car park of the Rossville Flats and who was shot in the right

shoulder. Lord Widgery was not able to find who killed Jack Duddy but believed him to be innocent of any wrong doing;

- b. Jack Duddy was shot because he was or was believed to be the man responsible for throwing a nail bomb and was, or appeared to be, in the act of throwing some object (possibly a nail bomb) which he had struck against the ground;
 - c. after pistol shots were fired from the alleyway from the left and centre flats (it is not clear to which blocks he refers), shots came from Chamberlain Street from other Army units. Lord Widgery heard no evidence of fire from the Army coming up Chamberlain Street in the direction of the Rossville Street car park;
 - d. Father Daly shouted back at a man with a pistol (who would have been to the south of him). Father Daly gave evidence to Lord Widgery of a man with a pistol, to the north of him, at the southwestern gable end of Chamberlain Street.
- iv. The soldier goes on in paragraph 6 to say as follows:

“I decided to go forward to engage the gunmen when shots were fired to the right of me, I looked to see two of my comrades engaging targets somewhere high over Rossville Flats. I carried on and entered the alleyway between the left and centre flats, into Joseph Place, to my right I noticed two bodys (sic) surrounded by people, they took cover against the wall when they seen my mate and I, the body nearest to us had a pool of blood around his head and the other body was lying near the corner of the flats close to Rossville Street. I realised that my mate and I had gone further forward than anyone else and decide to return back to the car park in Rossville Flats. Going back we heard high velocity gun fire behind us, we entered the car park when C.O. Support Company was ordering everyone to re-group around our APC and also ordering “Do not return fire unless you can clearly see your target”, but we still heard firing coming from Glenfada Flats. It was then I heard the Company Sergeant Major shouting at the C.O. to get over there to see what was going on, which he did. Five minutes later all firing had stopped.

My mate who was with me, said to me that they were firing from Derrys wall. I said to him I think they were firing up Rossville Street from Little James Street. We both knew then something had badly gone wrong. We were then ordered to mount up and left the area.”

Whether or not people were wrongly killed by the Army firing from the City Walls is, again, one of the principal issues in the Inquiry. Further there was no evidence before Lord

Widgery, so far as we are aware, that soldiers came from the car park of the Rossville Flats to the south of Block 2.

- 88 This soldier witness is, therefore, on his account, someone who fired live rounds. In accordance with our ruling he will be entitled to anonymity. On his evidence he was in APC 2, the “Pig” in which Sergeant O travelled down Rossville Street, and which drew up at the entrance to the Rossville Flats car park. He says in a postscript to his statement that the evidence in that statement is *“as close as I can remember that I give to the Widgery”*. But the only soldiers, who, in their evidence to Lord Widgery, admitted firing live rounds and who, on that evidence, could have been responsible for the death of Jack Duddy are Soldiers O, Q, R, S and V. The Inquiry was told by UTV in correspondence that the soldier in question claimed to be Widgery Soldier Q. Soldier O was in command of the APC (reference is made to *“the commander of our APC”* in paragraph 5 of the statement). So he can be ruled out. The only other soldiers who, according to their evidence to Lord Widgery, fired live rounds in this sector are Lieutenant N, who was in the first APC and who fired three shots in the air and one at somebody at the south of Chamberlain Street, whom he hit in the thigh, and T who is dead. That only leaves, as soldiers in Pig 2, Soldiers P, R, and U. P did not, on his evidence to Lord Widgery, fire in this sector. Each of P, R and U are soldiers represented by Mr Anthony Lawton of the Treasury Solicitor’s Department. Each has confirmed through their Leading Counsel, Mr Edwin Glasgow QC, that they are not the person who gave the Ulster TV statement. Q and V have also given a similar confirmation.
- 89 It is apparent from the above that the unidentified soldier is, probably, either (1) someone who fired live rounds but concealed that fact from Lord Widgery (and the Royal Military Police) or (2) one of those who gave instructions that they were not the maker of the statement to Mr Glasgow, or (3) someone who for some reason is making up a story.
- 90 We were told by Mr Rodgers, who appeared for UTV, that Mr Morrison, UTV’s Head of News, who gave the soldier in question the undertaking of confidentiality *“had received at least one serious threat which he has reasonably understood to be a threat to his life”*. Mr Morrison had the opportunity of elaborating on that statement, either by providing a witness statement, or by giving evidence orally, but this opportunity was not taken up. In those circumstances we are short on any details of this incident. Mr Rodgers also told us that the soldier in question *“may not be who he says he is”* and *“may have an unstable personality and a drink problem”*.

- 91 We regard knowledge of the identity of this soldier as indispensable to our task. The content of his evidence is of critical importance upon essential issues. His identity is equally critical for two reasons. First, it will tell us either that, contrary to his statement, he is a previously unidentified firer or that what he said to Lord Widgery was false or that he is some sort of storyteller, in which case the reason for him doing so is highly material. Secondly unless we know who he is, neither the interested parties nor we can assess his evidence by questioning him or others on its content.
- 92 We are quite satisfied that the importance of knowing his identity is of such weight and preponderance that we should decline, as we do, to set aside the summons. We see no real prospect of discovering his true identity otherwise than by requiring UTV to provide it to us. We have taken into account as a factor against reaching this conclusion the rather limited information about the threat to Mr Morrison. But, even doing so, we remain wholly satisfied that the identity of the soldier should be revealed. In our view there is a compelling justification for making the order notwithstanding such risk as there may be to the journalist in question. That risk (which is to some extent mitigated by the fact that, if the soldier is identified to us, he will know that his name is known to the authorities and that he can, therefore, be traced) should be addressed by Mr Morrison placing the full facts of the incident in the hands of the police.
- 93 Accordingly, we decline to set aside the witness summons and we require the production to us of the unredacted document. The name will, of course, remain anonymous in accordance with and subject to the terms of our ruling on anonymity in respect of those soldiers who fired live rounds.

The *Daily Telegraph* and Toby Harnden

- 94 Discovering the identity of X and Y and the full contents of the evidence they had to give (*“the full accounts given to the Daily Telegraph”*) are of great importance to this Inquiry. X is one of those who fired. Y saw a sniper and one “idiot” who fired 20 rounds and others who opened fire when they should not have done. That “idiot” may well be Soldier H, who, on his account to Lord Widgery, fired 19 bullets at a single target. Lord Widgery did not accept that those 19 bullets were fired at a single target. Sir Allan Green, who appears for Soldier H, urged us to order Mr Harnden to disclose the identity of X. According to Mr Harnden it is not, however, possible for him to testify as to the full content of the evidence given to him without, also, revealing or tending to reveal the identity of X and Y. We must, therefore, consider whether or not to order disclosure of the identities of X and Y together with the additional information about Bloody Sunday given by them to

Mr Harnden and known only to him. If Mr Harnden is right, ordering disclosure of the information alone is not an option.

- 95 There are certain clues in the two articles as to who X and Y may be. X is said to have been in one of the first “pigs”, to have fired shots, and to have spoken to Eversheds by 20th May 1999. He gave evidence to Lord Widgery. Y drove a pig; was a non-firer; did not give evidence to Lord Widgery and lives in Northern Ireland. It may be possible to identify one or other of these two on the basis of this information: but that would, itself, assume that X told sufficient of the truth to Lord Widgery and to Eversheds as to make it possible to identify him, and that Y can be traced and tells sufficient of the truth to Eversheds as to make it possible to identify him also. Since the burden of the article is that both were, in certain circumstances, prepared not to tell the whole truth, and that X has already been economical with it, any such assumption may well be misplaced. Further, even if their identity is discovered, and even if they tell Eversheds what they claim to be the full story, it will not be possible to know whether what they say as to the events of Bloody Sunday is the full account as given to the *Daily Telegraph* or some half truth. The answer to that question cannot be known unless the Tribunal has the full account of what they said to that newspaper.
- 96 In those circumstances, we are satisfied that it is necessary in the interests of justice that Mr Harnden should give evidence to us as to the identity of X and Y (who will be anonymous in accordance with our rulings on anonymity) and as to the full account given to him by X and Y of what they did on 30th January 1972, if accurate information as to their identity cannot be obtained by other means.
- 97 But, again, as in the case of ITN, we are not satisfied that we should immediately make an order requiring Mr Harnden to identify his sources. It is possible that Eversheds and the Inquiry’s staff will be able to identify Soldiers X and Y and that, in the light of our ruling on anonymity of soldiers in the course of this Inquiry, X and Y will be prepared to identify themselves as the soldiers referred to in the *Daily Telegraph* articles, to tell their full story, and to release Mr Harnden from any obligation of confidence. If the Tribunal learns the true identity of X and Y (who, as we have said, will, because they are soldiers, remain anonymous to the public) and if their evidence, anonymised for the purposes of the Inquiry, can be publicly identified as being the evidence of X and Y and is both full and frank, the revelation of the full information which they have given to Mr Harnden may not involve any breach of confidentiality. Indeed Mr Harnden may be able to confirm that nothing of significance that they told him is omitted from their statements to the Tribunal. We are by no means confident that this approach will resolve the dilemma, not least

because Mr Harnden told us that he could give no further information as to what he was told that did not tend to disclose the identity of the two sources. In this respect, however, we have noticed that at page 15 of the bundle of working drafts provided by the *Daily Telegraph* on Friday 1st October 1999 there is a note which reads:

“I have kept this as tight as possible but there’s plenty more if it is wanted.”

We do not find this observation, taken at face value, easy to reconcile with Mr Harnden’s evidence that:

“When I was writing the article I was very careful to give as much information about what the soldiers said had happened on Bloody Sunday as was possible ... without stepping over the line which would have meant that their identities could have been revealed.”

We have not, however, heard any explanation that Mr Harnden may have to give as to this apparent discrepancy, and we shall suspend judgment upon it until we have heard what that explanation might be.

98 Accordingly, as in the case of ITN, we shall defer our decision until after 30th November 1999, in order to see whether or not X and Y are prepared, whilst remaining anonymous before the Inquiry under different pseudonyms, to identify themselves as the X and Y referred to in the *Daily Telegraph*, to give a full account of what happened, so far as they are aware, on 30th January 1972, and to release Mr Harnden from any obligation he may regard himself as having not to reveal the content of what they told him. If, of course, it becomes clear before 30th November that X and Y are so prepared we shall revert at an earlier date to the question of what evidence Mr Harnden should be required to give.

99 The course that we are taking cannot be described as either convenient or expedient: but, as we remind ourselves, the test is “necessity” not “convenience”. We bear in mind also that the general tenor of the article was that the soldiers in question desired the full truth to come out and that they were inhibited from telling it to the Inquiry because of our ruling on anonymity. That inhibition no longer exists and we propose to see whether its removal generates a change of mind.

Mr Harnden's notes and tapes

100 We now return to the subject of the destruction by Mr Harnden of his notes and the over-recording of his audiotapes. At the recent hearing we expressed our grave concern at the steps that Mr Harnden had taken in this respect. We indicated that we would consider reporting the matter to the appropriate authorities and that that might include reporting the matter to those responsible for the prosecution of criminal offences. We have duly considered the question and we have decided that we should refer the matter to the Director of Public Prosecutions for Northern Ireland, in order that he may consider whether any criminal offence has been committed and if so, what action he should take. In the light of that decision it is not appropriate for us to say anything further in this ruling.

Procedure in respect of allegations

- 101 Lastly we deal with the procedure that is to be followed if the interested parties intend to make allegations, in the course of the proceedings, against witnesses to the Inquiry. By “allegations” we mean allegations of misconduct, improper behaviour, irresponsibility or incompetence. The procedure that we propose to lay down is this:
- i. If any of the interested parties seek to make an allegation against any of the Inquiry's witnesses they must give details to the Inquiry of the allegation that they intend to make.
 - ii. The Inquiry will give notice to the interested parties and to the relevant witness or witnesses of any allegations of which it is informed, unless any such allegation is clearly without sensible foundation, or is not within the Tribunal's remit, or there is some other sound reason why it should not be entertained.
 - iii. The Inquiry may require further information as to the nature of the allegation, or the evidence in support of it, or the basis upon which it is made before notifying the interested parties of it.
 - iv. None of the interested parties will be allowed, without the permission of the Tribunal, which is unlikely to be given save for very good reason, to pursue an allegation against any of the witnesses unless it has been the subject of a notice given to the Inquiry in good time, as to which see paragraph (v) below. Nor will they be allowed to pursue an allegation, which the Inquiry has declined to notify to the interested parties on one of the grounds set out in (ii) above.

- v. Any allegations that are to be made must be notified to the Inquiry so soon as is reasonably practicable and, in any event, in such time as will enable the Inquiry to give notice to the witness concerned at least 3 weeks before the witness is first due to give evidence. The Tribunal appreciates that it will be necessary to have a rolling witness programme so that the interested parties know when any given witness or category of witnesses is first due to give evidence. The Tribunal appreciates that the making of allegations is something that requires careful thought and judgment; that there is much material to consider; and that it may be inappropriate to make an allegation without considering more material than that which prima facie appear to justify the allegation in question. That said, the Tribunal is not prepared to countenance a situation where allegations are made that could and should appropriately have been made at an earlier stage. It will be for those making allegations to satisfy the Tribunal that they were made at the earliest practicable moment. The Tribunal believes that it can trust in the good sense and judgment of Counsel for the interested parties and their instructing solicitors to ensure that any allegations that are to be made are, indeed, made as soon as is reasonably practicable, having regard to the considerations outlined above, and in accordance with the overall objective of this ruling which is that of preventing ambush and surprise.
- vi. It is not necessary for the interested parties to adopt for themselves the issues referred to in Counsel's Report No 1, which identifies, with different degrees of specificity, a number of issues that are likely to arise in the course of the Inquiry. But it is necessary for them to use the procedure laid down above if they intend to make a positive case that, for instance, a particular lettered or numbered soldier shot a particular victim. Similarly if any of the interested parties intends, for instance, to make a positive case that a particular witness was shot whilst throwing a nail bomb, they should make an allegation to that effect.
- vii. It may be that allegations are sought to be made against witnesses whom the Inquiry had not intended to call. If that is so the party seeking to make the allegation will be expected to have asked that the witness should be called, and to have given notice of the allegation as the reason, or one of the reasons, for him or her being called.
- viii. If allegations are to be made against persons who are deceased they must be made as soon as is reasonably practicable and in any event in sufficient time to enable the witnesses who have relevant evidence to give in relation to that deceased to give evidence in the knowledge of that allegation. In practice that means no later than

3 weeks before the first witness whose evidence relates to the death of that deceased. What we have said in (v) above applies, of course, in this context.

- ix. This procedure is not intended to be limited to allegations of misconduct on the day. If the interested parties intend to make a positive case in respect of, for instance, the planning for the day, e.g. that there was a deliberate plan to engage the IRA, they should make use of this procedure.
- x. The fact that the Inquiry notifies any person of an allegation does not imply any view by the Inquiry as to the strength or validity of that allegation. Nor does it imply that the Tribunal or its Counsel will adopt any particular position in respect of it.
- xi. Any interested party, who has made an allegation, is at liberty to withdraw it, in whole or in part, at any time. This should be done by notice in writing to the Inquiry. The Inquiry will give notice of the withdrawal of any allegation.
- xii. The Tribunal will make any alterations to this procedure that prove to be necessary or desirable in order to secure the overall objective mentioned in (v) above. It will, also, be the arbiter in the event of any dispute in relation to the procedure.

A2.10: Ruling (7th February 2000): disclosure of confidential sources; public interest immunity; legal representation; statements on the Inquiry website

Sources

- 1 In our October 1999 rulings and observations, we considered a series of applications made by different sectors or representatives of the media to the effect that we should not require them to identify their sources.
- 2 In the case of Ulster Television, we ordered the production of an unredacted statement of a particular soldier, in order that the Inquiry could identify the soldier concerned. However, we were subsequently given information from another source which enabled us to identify the soldier, and consequently we have informed Ulster Television that we no longer require them to comply with our order.
- 3 In the case of the *Daily Telegraph* and its then Irish Correspondent Mr Harnden, we concluded that if we could not obtain the information from other sources, it was necessary in the interests of justice that Mr Harnden should give evidence to us as to the identity of X and Y (who will remain anonymous in accordance with the October 1999 ruling on anonymity) and as to the full account given to him by X and Y as to what they did on 30th January 1972. However, we did not make an order in this case in October, since it seemed then that there was some prospect that we could identify X and Y from other sources without undue delay, in which case an order might well be unnecessary.
- 4 In the case of Y, this remains the case, since there is still a prospect (albeit slim) that we can identify this soldier from other sources. In the case of X, however, we are now satisfied that the only realistic means of identifying this soldier and of learning the full account of what he said is through Mr Harnden. X (according to the article written by Mr Harnden) had been interviewed by Eversheds on behalf of the Inquiry before 20th May 1999, had been in one of the first pigs, had fired shots and had given evidence at the Widgery Inquiry. The only soldier who had been interviewed by Eversheds before 20th May 1999 who could fit this description is Soldier J, but Mr Lawton, his legal adviser, has informed us on instructions that Soldier J denies that he is X.

- 5 On 1st October 1999 the Inquiry served a subpoena on Mr Harnden and explained to him that this put him under a legal obligation to attend the Inquiry and that he would have to do so if the Tribunal ruled that he should reveal his sources and give a full account of what he was told. We now make such a ruling in relation to X. We invite Mr Harnden's legal advisers to discuss with the Solicitor to the Inquiry the most convenient way for Mr Harnden to comply with this ruling, bearing in mind that the Inquiry needs the information in question as soon as possible. If it is not possible to agree a suitable time and place, the Tribunal will itself fix a date for Mr Harnden to attend.
- 6 So far as the remaining applications are concerned, we are not yet in a position to make further rulings.

Public interest immunity

- 7 At the hearings last autumn, we considered both oral and written submissions from interested parties on the application by the Ministry of Defence to redact six documents by removing what was said to be sensitive information from them.
- 8 In our October 1999 rulings and observations we announced our conclusion that the application should be supported by a Public Interest Certificate from the Secretary of State. Such a Certificate was in due course produced and has been circulated to interested parties, who were given an opportunity to make further submissions. We are accordingly now in a position to rule on this matter.
- 9 The Certificate in question is dated 13th December 1999. It relates to five documents, namely IntSums 2/72, 3/72, 4/72, 5/72 and 102. All these documents are Intelligence Summaries dating from around the time of Bloody Sunday. The first four emanate from Headquarters Northern Ireland and the fifth from the headquarters of 8th Infantry Brigade.
- 10 At the hearing last autumn there was mention of another Intelligence Summary (IntSum 101), but since we are satisfied (having examined an unredacted copy) that the redactions to that document are of matters that have no relevance to the Inquiry, we can see no good reason why an unredacted version should be published.
- 11 We have also examined unredacted copies of the remaining documents. We raised with the Ministry of Defence the question whether it was necessary, in paragraph 36 of IntSum 102, for the names of the Chairman and Secretary of the James Connolly Republican Club to be redacted, since these names had appeared in the *Derry Journal* of

23rd November 1971. The Ministry of Defence accepted this point and accordingly those names are no longer redacted.

- 12 We also raised with the Ministry of Defence whether it was necessary to make certain other redactions. This led to the issue by the Secretary of State of another Certificate, which contained an explanation of why this particular material was covered by the grounds put forward in the first Certificate. We are satisfied with this explanation. We have not published this Certificate, because to do so would reveal the very material in question.
- 13 The application is based on three main grounds. The first is that the redacted material gives rise to a genuine risk that informers who provided information might be identified, and that were this to happen, the lives of those informers would be put in jeopardy, since it is the customary practice of terrorists in Northern Ireland to murder informers; and that even if the informer has died, there is a real prospect that reprisals would be exacted against the family of the informer. The second ground is that revealing information of this kind would undermine the confidence which current informers have in the determination of the Ministry of Defence to protect them and would thus run the risk that such informers would cease to provide information. The third ground is that revealing information of this kind would deter potential informers from coming forward.
- 14 At present there is a ceasefire in Northern Ireland, but not all terrorist organisations have declared themselves party to that ceasefire, nor (as the Certificate points out) has there to date been much progress in the decommissioning of weapons. The Secretary of State in his Certificate states, and we accept, that over the years, intelligence provided by informers has been of crucial importance in countering terrorism in Northern Ireland. We further accept that it is in the public interest that the lives of informers and their families should not be put at risk and that nothing should be done which would prejudice the capability of the Government to respond to the threat of terrorism or which would be of assistance to terrorists, either now or in the future.
- 15 We are satisfied that the material in question does *prima facie* attract public interest immunity for the reasons given by the Secretary of State. We therefore turn to consider whether the public interest in non-disclosure is outweighed by the public interest in disclosure for the purposes of this Inquiry. Again we have considered this aspect of the matter in the light of the presently redacted material.

- 16 As we have said on a number of occasions, the Tribunal is determined to conduct as open an Inquiry as possible, so that we require powerful reasons for departing from this principle of open justice. The very nature and importance of this Inquiry makes this approach doubly essential. Thus we are not persuaded that any of the matters relied upon by the Secretary of State in the first Certificate entails the automatic acceptance of the application. However, having considered the submissions made to us, we have concluded that these matters do outweigh the need for openness and so rule. In reaching this conclusion we have taken into account the fact that in the redacted portions of the documents, there is nothing relating to IRA plans for the march on 30th January 1972. This deals with a point of concern raised by the families at the autumn hearing. We should also observe that if hereafter we concluded that the existence of the redactions was materially impeding us in our search for the truth, then we would reconsider our ruling.

Legal representation

- 17 It has been suggested that civilian witnesses called to give evidence to the Inquiry should as a general rule be legally represented and that the cost of such representation should be met from public funds. We do not accept that there should be any such general rule. As we have said before, we shall recommend that the reasonable costs of legal representation should be met from public funds in any cases where we are persuaded that the interests of justice require legal representation. An obvious case for representation is where a witness is facing serious allegations. We are not persuaded that the interests of justice require legal representation merely on the grounds that the person concerned is called to give oral evidence.

Statements on the Inquiry website

- 18 We wish to revisit our 4th June 1999 announcement that statements given by witnesses who do not testify orally will not be posted on our Internet website (www.bloody-sunday-inquiry.org.uk). That direction was issued following our May 1999 ruling on anonymity. Subsequently, the soldiers successfully challenged our decision, thus removing the reason for not posting the statements of those witnesses who do not testify orally.
- 19 We have said that we will take into account all statements that witnesses give to the Inquiry – whether they testify orally or not. Indeed, in appropriate cases we may consider unsigned statements and statements (both oral and written) given to others. In keeping

with our objective of making the Inquiry as open as possible, it is important that the public have access to, and be able to view, the material upon which our decision is based. As statements given by those witnesses who do not testify orally form part of the record of the Inquiry and will be taken into account in our decision, we propose at an appropriate time to post all witness statements on our Internet website, unless we are persuaded in any particular case that there are good reasons for not doing so.

A2.11: Ruling (29th February 2000): anonymity for deceased soldiers granted

Deceased soldiers: anonymity

- 1 In our October 1999 rulings and observations, we made rulings granting anonymity to living soldiers. So far as deceased soldiers were concerned, we ordered that they should for the time being be treated as entitled to anonymity, while we obtained security assessments in respect of the families of those soldiers and considered submissions on the question whether they should remain anonymous.
- 2 We have now received a threat assessment, which is to the effect that the threat from terrorists to the families of those soldiers who were involved in Bloody Sunday but who have since died is low. This assessment is to be contrasted with the moderate assessment upon which the Court of Appeal made its ruling on anonymity. We have also considered submissions on the question of anonymity for deceased soldiers.
- 3 In our October ruling we extended anonymity to all living soldiers who played a part in Bloody Sunday. We did so on the basis that in our judgment the ruling of the Court of Appeal necessarily applied to all such soldiers, and not merely to those who fired or who were alleged to have fired live rounds.
- 4 In the course of his judgment in the Court of Appeal, the Master of the Rolls pointed out that there was a significant requirement of fairness to the soldiers and their families. In the present context it seems to us that the families of those soldiers who have died are justified in feeling, notwithstanding the low threat assessment, that it would simply be unfair for their names now to be singled out from virtually all the other soldiers and published. Coupled to this is the fact that to keep these few names anonymous would make insignificant inroads on the principle of openness, especially in view of the anonymity now being accorded to the vast majority of soldiers. Furthermore, although anonymity has caused and is causing delays and administrative difficulties, non-disclosure of deceased soldiers' names will not, as it presently seems to us, hamper the Inquiry in its search for the truth, though of course we shall constantly keep this matter under review.
- 5 For these reasons, we now rule that our anonymity ruling of October 1999 relating to living soldiers should extend to include deceased soldiers.

A2.12: Ruling (13th April 2000): Toby Harnden found in contempt of the Tribunal and certified to the High Court

Hearing transcript – 13th April 2000, pp78–79

LORD SAVILLE: In these circumstances, my colleagues and I are of the view that Mr Harnden is in contempt of this Tribunal. According to the 1921 Act under which we are operating, the next step is for the Chairman of the Tribunal to certify that contempt to the High Court and it is for the High Court to decide what action should be taken. I have accordingly signed such a certificate and referred the matter to the High Court in Belfast. The certificate and the statement which I have made to the High Court and the relevant correspondence will be made available on request to anyone who would like to see it.

A2.13: Ruling (13th June 2000): reconsideration of anonymity for certain soldiers

Hearing transcript – 13th June 2000, p4

LORD SAVILLE: One of those submissions is in paragraph 8 and is in effect a request for the Tribunal to reconsider the ruling of 13th October where we excluded from the scope of the anonymity those soldiers whose name appeared in documents which were available from the Public Record Offices.

MR WEIR: Yes.

LORD SAVILLE: The submission asks us, for the reasons set out above, to reconsider the ruling. The reasons set out above, so far as we can understand them – we hope we have done so correctly – is the contention that these names are not necessarily clearly public knowledge; that is simply to challenge the ruling we made in October and to put forward no further reasons for that ruling so that the Tribunal, as at present, is not disposed to accede to that request.

A2.14: Ruling (14th June 2000): limited screening granted for three RUC officers

Hearing transcript – 14th June 2000, pp47–50

LORD SAVILLE: Mr Ritchie, we need not trouble you further. These are three applications made by the Chief Constable of the Royal Ulster Constabulary in relation to three retired police officers. The applications in each case are for a limited form of screening, that is to say that if these officers or any of them are called to give evidence, then they should give evidence screened from the public, though not from the Tribunal or the legal representatives of the interested parties.

The three officers are described as follows: Officer F, who I interject to say is not the same officer as one given the same pseudonym a year ago, is a retired Special Branch officer who lives in the northwest of Northern Ireland and has relatives in Londonderry, whom he visits regularly. Whilst a serving police officer attempts were made by terrorists to murder him on more than one occasion, in circumstances where it was clear he was the target.

The second officer is described as Officer G and is a retired Special Branch officer who has friends in Londonderry, whom he visits regularly. Whilst a serving police officer an attempt was made by terrorists to murder him in his home and he has been threatened on the street while in the company of his wife.

The third officer is Officer H, of whom it is said he is a retired officer who served in Special Branch at the time of Bloody Sunday. An attempt to murder him was made when terrorists planted a bomb under his car. He has received threats by letter sent to him at Strand Road RUC station. He also has friends living in Londonderry whom he visits from time to time.

Bearing in mind the murderous attacks that have been made in the past on these three officers and the threat assessments that we have received in rather more general terms, we have no doubt that these three officers have reasonable and genuine fears for their safety, if they were not allowed the limited form of screening for which they apply, were they to give evidence.

It seems to us in fact that really no valid distinction can be drawn between these cases and those cases of applications by the RUC with which we dealt in our ruling of 5th May 1999. Indeed, it seems to us, quite apart from anything else, that since there is no such valid distinction it would be quite unfair for the present applicants to treat them differently from the three we dealt with last year, unless there were very strong countervailing reasons for so doing.

We can find no such reasons. These officers, unlike those with whom we dealt with last year, are retired, so of course there is no question that their operational effectiveness could be affected or prejudiced. To our minds that is not the point. The point is that there is a threat, in our view, to their personal safety, and this seems to us to arise irrespective of the fact that they are now retired.

The point has been made that these officers have given no statements to date, although there are in existence draft statements which the Tribunal hopes and trusts that the officers will be able to sign in the near future.

However, as to that, the fact is that it seems to us that there is a real danger to the safety of these officers, irrespective of anything they may have to say in any evidence they give to the Tribunal. It is suggested that in the case of at least two of these officers, what they are likely to say is controversial; that is put forward for a reason for refusing screening. But it is to be remembered in that context that both the Tribunal and the lawyers for the interested parties will be able to observe these witnesses if they are called while they are giving their evidence.

In short we consider, as we did last May, that there is especial danger to these officers which overrides the public duty to conduct an open Inquiry, but of course only to the limited extent of the limited screening which is sought.

Lord Gifford suggested in the course of his submissions that the application was premature and it should be left over as the security situation may improve and the matter should be reconsidered at a later stage. We are not persuaded of that submission. As with all our rulings, if there becomes a material change of circumstance we will of course revisit the topic.

This particular application does not form an exception to that general rule.

In those circumstances, we should accede to the application and order the limited form screening sought, in the event that these officers are asked to give evidence.

A2.15: Ruling (15th June 2000): Observer B is entitled to anonymity and may testify by way of video link

Hearing transcript – 15th June 2000, pp17–21

MR HOYT: A former agent for the British Army and for the Security Service, who claims to have relevant evidence to give to this Tribunal, and whom the Tribunal has designated Observer B, has applied to us for anonymity. Together with the claim for anonymity, there are two interrelated applications which Observer B claims are necessary to achieve anonymity, namely that his written statement to the Tribunal and the documents attached to it be redacted in such a way that his anonymity is preserved, and that his image be concealed while testifying.

This latter application goes further than screening in that Observer B wants to testify by audio link only.

I should note here that we have previously ruled that, for reasons of health, Observer B is permitted to give oral evidence to the Tribunal from elsewhere by video link.

These applications are exceptional, both in what they seek and because the grounds upon which they are based cannot be disclosed, as to do so would defeat the purpose of the applications. The applications are made to protect the personal security of Observer B, who has genuine and reasonable fears for his safety and that of his family.

We have obtained a threat assessment relating to Observer B from the Security Service. We are not attracted to Mr Coyle's suggestion that we should not take much account of that assessment because it was about a former member. Because the assessment contains material that tends to identify Observer B, it was not made available to the interested parties.

Three points emerge from that assessment:

- (i) there already exists a potential for him to be located and singled out for attack.
- (ii) the threat to him from Irish-related terrorism is assessed as moderate.
- (iii) the threat to him could rise if his name and activities as an agent are disclosed.

Put briefly, the statement of Observer B to the Inquiry discloses his role as an agent and names, by cipher, the persons to whom he reported. It discloses that before 30th January 1972 he observed what he assumed were training exercises of IRA auxiliaries and had conversations that confirmed that assumption.

Following that date he had conversations with persons who claimed to be present during the events that are the subject of this Inquiry. These conversations refer to firearms being distributed and fired by those other than British soldiers. He refers to reports that he made to his handlers.

Attached to his statement are copies of Security Service documents, themselves sometimes redacted, relating to reports and observations made by Observer B. Some of the redactions of the documents were made by the Security Service before they were delivered to the Tribunal, while the remaining have been proposed by Observer B in order to preserve his anonymity. The former redactions have not been seen by either the Tribunal or Observer B.

No claim for Public Interest Immunity has yet been made by the Security Service in respect of these redactions. We understand that such a claim will be made. Unless that claim is made shortly we shall require unredacted copies of these documents to be delivered by the Security Service to the Tribunal.

To get back to the applications: there is little doubt that the evidence of Observer B is likely to be important. There is no doubt that he has a reasonable and genuine fear for his safety and that the threat to him will likely be increased if his name becomes known. We are satisfied that granting anonymity to Observer B and the proposed redactions to his statement will not impede us in our search for the truth. The proposed redactions, unlike a previous application this week, do not contain anything that is material to the subject matter of the Inquiry and are exclusively for the purpose of preserving the anonymity of Observer B, which would otherwise be disclosed.

The differences between and the consequences arising from the two methods of testifying, that is by either video or audio link, were canvassed at some length yesterday. In short, it is our view that the testimony of Observer B should not be given by an audio link. Such a method would prevent the Tribunal, its counsel, and counsel for the interested parties from observing him while he is testifying and would unduly detract from the requirement of openness.

At the same time, we are satisfied that limited screening is appropriate in the circumstances here and, for that reason, we rule that Observer B is entitled to give oral evidence by video link, the viewing of which will be limited to the Tribunal, its staff and qualified barristers and solicitors who represent the interested parties.

To summarise, we rule that Observer B is entitled to anonymity, that his statements and accompanying documents be redacted as proposed, and that he be permitted to testify by video link, the viewing of which will be limited as above. As we said in paragraph 12 of our October 1999 ruling concerning anonymity for the soldiers, if it becomes apparent that this ruling makes it very difficult to investigate properly the events of Bloody Sunday, or materially impedes the search for the truth of what happened that day, we will reconsider this matter.

A2.16: Ruling (24th May 2001): soldiers' names in the public domain

- 1 On 12 October 1999, the Tribunal made a number of further rulings and observations. One ruling, consequent upon a decision of the Court of Appeal, extended a grant of anonymity to non-firing soldiers as well as to those who fired or were alleged to have fired live rounds on Bloody Sunday.
- 2 In treating all the soldiers in the same way, the Tribunal applied equally an exception where the name of a soldier was "already clearly in the public domain" thus making unnecessary any form of anonymity for such soldiers. The Tribunal identified several such exceptions on the basis that those soldiers or senior officers constituted examples of names being clearly public knowledge. Those exceptions were:
 - (1) those soldiers whose identity the Tribunal has already held to be in the public domain
 - (2) those soldiers who gave evidence under their own names to the Widgery Inquiry
 - (3) those soldiers whose names appear in documents available at the Public Record Offices
 - (4) Colonel Colin Overbury
 - (5) General Sir Anthony Farrar-Hockley and
 - (6) General Sir Frank Kitson
- 3 On 1 November 1999, we received an application on behalf of the family of James Wray. They put forth names that they contend are in the public domain, some of which are linked by them to the following codes (as designated at the Widgery Inquiry): 027, 119/237, F, G, E, H, 236, and J. Also, it was requested that the identity of all soldiers in Support Company with the name of or known as "Dave" be disclosed. This disclosure was requested because a civilian witness in Glenfada Park claims to have heard a soldier refer to one of his colleagues as "Dave".
- 4 The basis for claiming that the names of some of the coded soldiers listed below are in the public domain comes from a document authored by 027. Redacted portions of the document were published in a weekly newspaper and the unredacted document was given to Madden & Finucane and submitted to the Irish government. The Tribunal has an

unredacted copy. Also, we are told, the families of the deceased and the wounded, their solicitors and the Bloody Sunday Justice campaign, none of whom, it can be thought, would make use of the document to place soldiers at risk, have unredacted copies of the document. We are not satisfied that this limited distribution of the unredacted document places it “*clearly in the public domain*”. Thus, we cannot use the document to conclude that the names mentioned therein are clearly in the public domain. Also submitted were copies of Army lists, a copy of the London *Gazette* containing an honours list and a copy of a photograph with names, from *Pegasus*, a Parachute Regiment magazine, showing “The Battalion Cross-country team”. While these documents are in the public domain, the mention of a name in the lists or in a photograph is not sufficient to link a soldier with the code assigned to his name.

- 5 For the above reasons, we are not satisfied that the names of the following soldiers are in the public domain: 119/237, E, F, G, H and J.
- 6 One of the soldiers who has been identified in the course of proceedings only as 027 (subject to an important qualification to be mentioned later) has sought from the Tribunal a ruling designed to protect his anonymity during the course of future proceedings. To understand the reason for the application, it is necessary to go back in time.
- 7 At the hearing in 1999 which considered the anonymity of the soldiers, a submission was made on behalf of the family of James Wray that the names of certain soldiers were in the public domain and that henceforth they should be referred to by name and not by a coded number. One of those soldiers was 027.
- 8 During the hearing mention was made of “*a statement of a soldier whose code number is 027*”. Later in the day counsel for some of the soldiers said:

“Of course we know that [mentioning a soldier by name] has publicised his views and his name, but that is not what we are concerned about; he brings that on himself.”

The disclosure by counsel was not accidental. It was made in the belief that the name of the soldier had been published in some documents in a way that sufficiently linked the soldier with the code. Counsel to the Inquiry pointed out that the name of the person who made the statement was not necessarily public knowledge but the above extract was then on the transcript which, in the ordinary course, would go on the Internet.

- 9 The Tribunal decided that the transcript of the day's proceedings should not be edited but published in "*the ordinary way*". The result was that the name of the soldier who made the statement was known, not only to those present in the Guildhall that day, including the families of those who had been killed or wounded and the media, but also to anyone who picked up the transcript on the Tribunal's website. However, nothing said at the hearing that day directly linked the name of the maker of the statement with any coded number.
- 10 Although the Tribunal thereafter dealt with anonymity in regard to other soldiers, the particular question of 027's anonymity did not surface again until 10 October 2000 when the Solicitor to the Inquiry wrote to 027's solicitor to say that the Tribunal had "*in principle concluded that subject to anything you may wish to say on behalf of your client, that his name is in the public [domain]*".
- 11 This letter provoked a response from 027's solicitor to the effect that the mention of his client's name by counsel on the earlier occasion did not result in his name being in the public domain. The Tribunal heard from the solicitor, Mr Bindman, and also from counsel appearing for certain interests represented before the Tribunal. The Tribunal reserved its decision on what might be described, though not entirely accurately, as 027's application.
- 12 Before the Tribunal could deliver its decision there was a further development. At a subsequent hearing, counsel for the family of James Wray said that he had been instructed by his solicitors that a newspaper report of the earlier hearing had mentioned the name of 027 and that a TV broadcast about the same hearing had repeated the name. The solicitors informed the Tribunal that they had been unable to locate the newspaper article they believed to exist but they forwarded a video of the TV programme. At a later date the solicitors were able to locate the newspaper article.
- 13 The Tribunal has seen the video. It would only compound the problem to identify the date, the channel or the title of the programme or details of the newspaper article. Certainly the commentator in the video names a soldier as having his anonymity revealed at the hearing but he does not link the name with any coded number. However, it must be said, in the much more detailed newspaper article the journalist does make a direct connection between the coded number and the name of the soldier.
- 14 The exception to anonymity identified by the Tribunal in terms of "*clearly in the public domain*" simply recognises that, while the decision of the Court of Appeal established a general rule of anonymity, there are situations in which anonymity is pointless because the identity of the person in question is public knowledge. Whether it is public knowledge

is a question of fact which, in some cases, may be readily apparent and, in other cases, may need some inquiry. But it is important to keep in mind that the issue in this Inquiry is not simply revelation of the name of a soldier; it is the linking of that name with the number the Tribunal has given to the soldier for the purposes of anonymity. It is that link which effectively destroys anonymity.

- 15** Counsel to the Inquiry suggested that an appropriate test of whether a name was clearly in the public domain was whether a member of the public can readily find and lawfully publish the name, again in a context which links the name with any code designed to protect anonymity. The test is useful because it points up that it is not mention of the name of a witness that destroys anonymity. What places the identity of a witness in the public domain where that witness has been given a coded name is something said that readily links the name with the code. The test is not whether that connection can be made by some thorough investigative process. This is a question of fact and, to some extent, of degree.
- 16** Applying that test to the present case, the Tribunal is not persuaded that what was said at the earlier hearings readily links 027 with any named person. It is only the newspaper article that makes that connection. This is undoubtedly a borderline case but, in all the circumstances, we consider that the name of 027 is not clearly in the public domain in the sense in which the Tribunal has used that expression.
- 17** Mr Bindman accepted that the Tribunal could do nothing in regard to what had happened at any earlier hearing but submitted that the soldier should be granted anonymity in any future proceedings of the Tribunal. It may be said that a certain unreality attaches to any direction which operates only as to the future. Nevertheless, if, as the Tribunal considers, the name of 027 is not clearly in the public domain, he is entitled to the protection accorded to other soldiers so far as that can now be done. The direction to be made gives him as much protection as can be given in the circumstances.
- 18** During the course of the present hearing there was some discussion of an agreement made by 027 with the Northern Ireland Office. We have considered the agreement but do not think it is necessary to say anything about it. It does not bear on our decision.
- 19** The Tribunal directs that in any future proceedings Soldier 027 will be referred to by that coded description only.

- 20 A soldier. This soldier, now known as INQ 23, was featured and named in an April 1995 Ulster Television programme entitled *A Tour of Duty*. He acknowledged that he was a member of the Parachute Regiment and that he fired in the Bogside on Bloody Sunday. He was not given a code at the Widgery Inquiry as he neither testified nor gave a statement to either the Widgery Inquiry or to the RMP. In his statement to this Inquiry, he said:

"I took part in a television programme called *A Tour of Duty* with two former colleagues ... in 1994. Consequently my name has always been in the public domain."

His counsel offered no response to the application that his name was in the public domain. Indeed, by letter dated 5 December 2000, his solicitor advised that INQ 23 accepted that the maintenance of his anonymity is impractical and that he did not seek *"to prevent his name appearing instead of the cipher that has been allocated"*. INQ 23 is David Longstaff.

- 21 236. We ruled on 17 December 1998 that this soldier, Major E.C. Loden, was not entitled to anonymity.

- 22 Another soldier. This soldier was given the code 202 by the Widgery Inquiry and his surname and rank were given in a statement that is in the Public Record Office. He therefore falls within our October 1999 ruling as someone whose name and rank are in the public domain. Even accepting that the surname should have been redacted before it was placed in the PRO, the fact remains that his surname appears in a document that is in the public domain. In addition, on 8 March 2001, the Inquiry wrote to the solicitor for 202 asking whether there was any continuing objection to the use of the surname. No reply has been received. For the above reasons, the rank and surname of 202 will be disclosed on 8 June 2001.

- 23 "Dave". This request is made because Joseph Mahon, a civilian witness who was wounded in Glenfada Park North on Bloody Sunday, says that a soldier there referred to one of his colleagues as "Dave". Counsel for the soldiers submit that, at the most, we should only indicate whether a soldier in Glenfada Park North had the forename "Dave", which is a diminutive of a common forename.

- 24 To properly inquire into the events in Glenfada Park North, it is necessary to consider to whom the remark heard by Mr Mahon may have been addressed. The effective questioning of witnesses requires the disclosure of the cipher of any soldier who may

have been in Glenfada Park North that afternoon with the forename of David. We noted in paragraph 56 of our 17 December 1998 ruling that it was “*very likely to become necessary for the interested parties to be told which, if any, of the soldiers who were in Glenfada Park had that name*”. We are still of the same view.

- 25 For the above reasons, we confirm that David is the forename of David Longstaff and another member of the Anti-Tank Platoon, whose cipher we will disclose on 8 June 2001 and that, as far as we are aware, no other member of the Anti-Tank Platoon has that forename.
- 26 We make the above rulings knowing that in order to make sense of the evidence, it may become necessary, from time to time during the hearings, to reconsider whether to disclose some of the above names and perhaps others.

A2.17: Ruling (1st June 2001): use of intelligence material held by the security services

- 1 We have considered written and oral submissions on the question of what the Tribunal should do about intelligence material held by a number of government security agencies, including in particular information about persons who have given or who are likely to give evidence to the Inquiry.
- 2 The Tribunal expressed its preliminary view on this matter in a letter to the interested parties dated 21st February 2001. In that letter the Tribunal divided the material in question into two categories, namely material that might be directly relevant to the subject matter of the Inquiry and material that might go to the credibility of witnesses, though of course (as the letter pointed out) these two categories could well overlap unless the latter category was confined to material relating exclusively to the credibility of witnesses. In essence the Tribunal considered that directly relevant material should be produced to the Inquiry, but that there was no need to produce material relating exclusively to the credibility of witnesses i.e. material that did not contain matters of direct relevance. In the nature of things, the material held by the agencies that could be of interest to this Inquiry is likely to be related to membership of or association with paramilitary organisations operating in Northern Ireland and the plans and activities of those organisations.
- 3 The first matter that we must consider is whether the Tribunal has the power to call for the production of any of this material at all.
- 4 The starting point is the Security Service Act 1989, which gave statutory continuance to a Security Service under the authority of the Secretary of State (Section 1(1)). Its function is essentially the protection of national security (Section 1(2)). Section 2(1) continues the operations of the Service under the control of a Director-General. The Director-General is responsible for the efficiency of the Service and, by reason of Section 2(2), it is his duty to ensure:

“(a) that there are arrangements for securing that no information is obtained by the Service except so far as necessary for the proper discharge of its functions or disclosed by it except so far as necessary for that purpose or for the purpose of preventing or detecting serious crime.”

- 5 While Section 2(2) is concerned with the duties of the Director-General, an argument before the Tribunal suggested that the section operated as a barrier to a court or tribunal demanding the material unless the demand was compatible with the section.
- 6 Section 2(2) of the Security Service Act is concerned with and prescribes the obligations of the Director-General. It says nothing about the power of a court or tribunal to call for material in the possession of the agency. Much stronger language would be required to deprive a court or tribunal of its statutory power to compel the production of relevant material.
- 7 Section 1 of the Tribunals of Inquiry (Evidence) Act 1921 gives to this Tribunal the powers of the High Court inter alia to enforce the attendance of witnesses and to compel the production of documents. There is no doubt that the Tribunal may require the production of the material. Its use of that material is another question.
- 8 The Intelligence Services Act 1994 Sections 2(2) and 4(2) contain comparable provisions in relation to the Secret Intelligence Service and the Government Communications Headquarters. It is unnecessary to spend time on this particular statute since it falls to be dealt with in the same way as the Security Service Act.
- 9 It should be noted that Schedule 4 paragraphs 4 and 6 of the Regulation of Investigatory Powers Act amend the Security Service Act and the Intelligence Services Act by importing Section 81(5) of the former into the latter statutes. In consequence Section 81(5), which gives an inclusive definition of “detecting crime” carries that definition into the Security Service Act and the Intelligence Services Act.
- 10 Mr Sales, Counsel for the agencies, argued that if the activities of the Inquiry involved detecting crime, there was no bar to the Director-General disclosing to the Inquiry material relating to witnesses. Section 81(5) provides that “detecting crime” shall be taken to include:
- “(a) establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed; and

(b) the apprehension of the person by whom any crime was committed.”
- 11 In our view it is unnecessary to consider the operation of Section 81(5) because none of the provisions in question is a bar to the production of material at the instance of the Inquiry.

- 12 The Interception of Communications Act 1985 dealt with the interception of a communication in the course of its transmission. It was repealed by the Regulation of Investigatory Powers Acts 2000. In so far as both Acts deal with the authorisation of interceptions, it is most likely that it is the earlier Act that bears upon the circumstances in which intercepted material has come to be held by the agencies.
- 13 However it was Section 17 of the later Act upon which considerable reliance was placed by Lord Gifford QC and other Counsel for the families. Section 17(1) provides as follows:
- “Subject to section 18, no evidence shall be adduced, question asked, assertion or disclosure made or other thing done in, or for the purposes of or in connection with any legal proceedings which (in any manner) -

(a) discloses, in circumstances from which its origin in anything falling within subsection (2) may be inferred, any of the contents of an intercepted communication or any related communications data; or

(b) tends (apart from any such disclosure to suggest that anything falling within subsection (2) has or may have occurred or be going to occur.”
- 14 Section 17(2) specifies various matters, of which for present purposes the most important is “*the issue of an interception warrant or of a warrant under the Interception of Communications Act 1985*”. The term “interception warrant” is defined in Section 81(5) as meaning a warrant under Section 5 of the Act.
- 15 Section 17 is concerned with “legal proceedings”. In ordinary language it might be argued that the Tribunal does not involve legal proceedings. However, “legal proceedings” is defined by Section 81(1) to mean civil or criminal proceedings in or before any court or tribunal and civil proceedings means any proceedings that are not criminal.
- 16 The principal object of section 17 is to prevent disclosure that interception under warrant has taken place. It does not exclude evidence from which the issue of a warrant may not be inferred.
- 17 In our opinion section 17 is capable of operating to prevent the agencies from disclosing the contents of intercepted communications even to the Tribunal, but whether it has that effect in any given case will depend upon whether or not it is possible for the material in question to be provided to the Tribunal in a form that will not give rise to the inference that the material derives from a warrant issued under the Acts (or from anything else falling within Section 17(2)). We recognise that it might be difficult or impossible for the agencies

to disclose such material, even in redacted form, without allowing such an inference to be drawn. This is however a matter which they will have to consider for themselves, since they hold the material. We shall not require the agencies to produce material to us if they are satisfied that by doing so they would be in breach of section 17.

- 18 Section 17(2) relates only to interceptions occurring after the coming into force of the Interception of Communications Act 1985 and various connected matters. It follows that Section 17(1) does not affect the disclosure of the contents of communications intercepted before then. We must however take account of the decision of the European Court of Human Rights in *Malone v United Kingdom* [1984] 7 EHRR 14. The 1985 Act was passed as the result of this decision, in which it was held that the previously applicable domestic law relating to the interception of communications lacked sufficient clarity, so that the interception of the applicant's telephone calls could not be regarded as "*in accordance with the law*" and hence represented a breach of his rights under Article 8 of the European Convention on Human Rights, now part of our domestic law.
- 19 The Court in *Malone* (at paragraph 64) held that telephone conversations were covered by the notions of "*private life*" and "*correspondence*" in Article 8. Upon the assumption that the agencies hold records of communications intercepted before the 1985 Act came into force, it appears to us that such interceptions must be regarded as having occurred in breach of Article 8 and that it would represent a fresh interference with the Article 8 rights of the parties to those communications, now protected by domestic law, if such records were to be disclosed to the Tribunal. Accordingly we shall not require the agencies to produce to us any records of communications intercepted prior to the coming into force of the 1985 Act.
- 20 We now turn to consider the Data Protection Act 1998, which, it was argued, precludes the Tribunal from using the material in the possession of the agencies. We reject that argument.
- 21 If material in relation to witnesses comes into the possession of the Inquiry, the Inquiry becomes a data controller within the meaning of the Act. That is a consequence of various definitions in Section 1, including "data", "personal data", "sensitive personal data" and "processing". Section 4 requires a data controller to comply with the data protection principles in relation to personal data, which he controls. Those principles are to be found in schedules to the Act. There is no doubt that the processing by the Tribunal of personal data satisfies the requirements of Schedule 2 (see paragraph 5(a), (b) and (d)) and the

processing of sensitive personal data satisfies the requirements of Schedule 3 (see paragraph 7(1)(a) and (b)).

22 The Data Protection Act does not operate as a barrier to the receipt of the material.

23 At this point it is convenient to deal with a submission by Lord Gifford QC on behalf of the family of James Wray to the effect that, quite apart from the special case of intercepted communications, Article 8 of the European Convention on Human Rights would make unlawful the disclosure to the Tribunal of any of the material held by the agencies.

24 Paragraph 2 of Article 8 provides as follows:

“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

25 The submission must be rejected, certainly in that absolute form. To begin with, it is apparent from the hypothetical summary prepared by the Security Service that many of the activities to which material relates, for instance causing explosions endangering life and property, cannot be said to relate to a person’s private life.

26 It is true that in *Rotaru v Romania* (European Court of Human Rights, 4 May 2000) the Court said:

“Moreover, public information can fall within the scope of private life where it is systematically collected and stored in files held by the authorities. That is all the truer where such information concerns a person’s distant past.”

27 Clearly, whether the collection of public information constitutes an infringement of Article 8 is a matter for determination in the particular case. It will turn on very special circumstances such as existed in *Rotaru v Romania*.

28 In any event Article 8.2 authorises interference with the right to privacy by a public authority for the reasons set out. That too requires a determination.

29 It may be the case (we do not know) that material is held by an agency in breach of Article 8. That does not mean that the Tribunal cannot exercise its power to call for material so as to consider the implications of the article for the material in question.

Furthermore other rights may have to be taken into account such as the right to life afforded by Article 2 of the Convention, and more generally the rights of interested parties and witnesses to be treated fairly in the course of the proceedings of the Tribunal.

- 30 Having concluded that we are entitled (subject to what we have said above in relation to records of intercepted communications) to call for the production of material from the concerned agencies, we now turn to the question of the steps that the Inquiry should take in relation to the production of the material. In this context it seems to us that it remains useful to deal separately with the two categories identified in the letter dated 21st February 2001, namely directly relevant material and material that goes only to the credibility of witnesses.
- 31 In that letter we identified three sub-categories of directly relevant material. The first of these was *“material that would add to the Inquiry’s knowledge and understanding of the events of Bloody Sunday. In other words information that throws any light either on the plans made by any paramilitary organisation for Bloody Sunday or on the actual events of that day.”* So far as this sub-category is concerned it is the case that early on in the life of this Inquiry the agencies were asked to produce all such material to the Inquiry and we have the assurance of their Counsel that the agencies believe that they have fully complied with this request. It seems to us that we would have been in breach of our duty to carry out as thorough and complete an Inquiry as possible had we not made this request; and nothing we have read or heard in the submissions made to us has caused us to alter this view.
- 32 The second sub-category of directly relevant material was described in the letter as *“material that would identify those persons who are not presently witnesses before the Inquiry who might reasonably be supposed to be likely to have, or to be able to provide, information about the planning of the paramilitary organisations for Bloody Sunday or about the actual events of the day”.*
- 33 This formulation has caused the agencies difficulties. As stated, we accept that it would require the agencies to conduct a trawl through all or virtually all their voluminous material relating to the troubles in Northern Ireland to see whether there were persons who might know about the plans or activities of the paramilitaries in respect of Bloody Sunday. In truth this would be a virtually impossible task that would in any event take literally years to carry out. It seems to us that in order to keep the matter within the limits of practicability, we should ask the agencies, at least in the first instance, to confine their search to material in the files of those individuals identified to them by the Inquiry, namely those

individuals from or in respect of whom the Inquiry has or expects to have some evidence about the events of Bloody Sunday. Since it appears to be much easier for the agencies to conduct a search in respect of identified individuals, it should not be unduly onerous for them to examine any files on those individuals to see if in those files there is anything that identifies others who may reasonably be supposed to have relevant information on the plans of paramilitary organisations for Bloody Sunday or the events of the day.

- 34 The third sub-category of directly relevant material was described in the letter as “*material in relation to the Inquiry’s witnesses that contains information that tends to show or which permits one reasonably to suppose that those witnesses have, or are able to provide, information about the planning of the paramilitary organisations for Bloody Sunday or about the actual events of the day*”.
- 35 We do not see any overwhelming difficulties in the agencies searching for and providing the Inquiry with any such material, since the request is limited to identifiable witnesses. The request does not mean that the agencies will have to check what the witnesses have said to us, but rather whether in their files there is anything to indicate that witnesses may know something about the plans of paramilitaries for Bloody Sunday or the events of that day. In cases where there is any doubt, the material must be produced for consideration by the Inquiry.
- 36 In the context of directly relevant material, another apparent sub-category was mentioned in the letter in the context of credibility. This relates to information that either adds to or contradicts what the witness to whom it relates, or other witnesses, have told the Inquiry about Bloody Sunday. As the letter pointed out, such information might be said to go to the credibility of the witness or witnesses concerned (a topic to which we shall return below), but would in addition also be of direct relevance. However, such material does not in our view form a separate sub-category, for whether or not the information adds to or contradicts other testimony it would itself fall within one of the sub-categories that we have been discussing.
- 37 Some of the submissions addressed to us appeared to suggest that the Inquiry should not seek even directly relevant material from the concerned agencies. As is apparent, we cannot accept this submission, since it seems to us that we would be in derogation of our duty to conduct as thorough an Inquiry as possible if we did not at least investigate and consider what material of this nature was held by the agencies.

38 The grounds put forward in support of these submissions were that in the nature of things any such material was likely to be of dubious value in the light of alleged shortcomings in the intelligence gathering operation in Northern Ireland, that calling for its production would lead people to believe that the Tribunal was not acting in an impartial and independent way, and that the rights of individuals could be seriously prejudiced.

39 We are not persuaded that any of these matters lead to the conclusion that we should simply refrain from requesting the agencies to produce any material of direct relevance. The weight of any such material cannot be assessed in the abstract and will of course be assessed in due course in the light of all the material put before the Inquiry. The fact that the Tribunal has asked the agencies to produce directly relevant material does not, as it seems to us, indicate any partiality or lack of independence, but merely a desire to explore all avenues of inquiry properly open to us. As to the rights of individuals, we were at pains, during the course of the submissions, to make clear our intention to safeguard their rights. Thus there would be no question of the Inquiry publishing or otherwise dealing with any material so as to prejudice possible rights of individuals, whether these arise under the Convention on Human Rights, or otherwise.

40 The concerned agencies have made the point that it is very likely indeed that much of the material in question will, if there is any question of publication beyond the Inquiry itself, be the subject of Public Interest Immunity applications designed to prevent such publication to the interested parties or otherwise of directly relevant material. It seems to us that this is a point of real substance. For example, to reveal details of the provenance of information in the possession of the agencies might well put informers and the like at risk or prejudice the future flow of intelligence. In the nature of things such applications take a very long time to prepare and we accept that if the agencies were required to make formal applications to the Tribunal, the process could well be measured in years. Accordingly it has been suggested by the agencies that a possible way forward would be for them to prepare summaries of the information that they possess, giving such of the information as can properly be put into the public domain. The agencies were at pains to emphasise that Counsel to the Inquiry, who would have access to all the underlying material, would be able to check the accuracy of any summaries. This, it was suggested, would avoid the need for the extremely time consuming PII applications.

41 We have no doubt that this suggestion has been put forward in good faith as a genuine attempt to speed the process. However, we see difficulties in adopting this approach. Such summaries would clearly be most unlikely to include all the relevant information or information about the source of the material and would take many months to prepare,

since great care would have to be taken to reveal as much as possible without including material that could properly be the subject of a PII application. Furthermore, so far as the individuals to whom the material relates are concerned, they would on the face of it be able to say that, apart from anything else, it was hardly fair to question them about such material unless they were provided with full details of what was said about them, so that they could deal properly with the allegations made against them.

42 We find the suggestion put forward by Counsel to the Inquiry of rather greater assistance. This involves the preparation of summaries by the agencies for use only by Counsel to the Inquiry, who would then be able to do a sifting exercise under the guidance of the Tribunal, excluding for example matters of minor or peripheral relevance, or matters on which there was already abundant evidence. Such summaries would include details of the provenance of the information and any other matters that would be the subject of a PII application were they intended for publication. Counsel would of course be able to check the underlying material.

43 The advantages of taking this course are that it would on the face of it take the agencies much less time to prepare such summaries than it would to prepare summaries intended for public distribution and would assist the Inquiry in sifting out material of no real assistance. The disadvantage is, of course, that such summaries would not solve the problem of PII applications, for if the Inquiry concluded in respect of any particular material that it was of sufficient relevance and importance that it had to be taken further, the concerned agencies would in all probability wish to apply to prohibit publication of some at least of the material beyond the Inquiry itself. This of course would in turn be likely to entail delay in getting on with the reception of evidence by the Tribunal.

44 We see no valid way of wholly avoiding such delays, though the sifting exercise to which we have referred would, as we trust, reduce the time spent on PII applications. Furthermore, we can envisage cases, for example where the lives of agents or informers would clearly be put at risk by publication of material, where the Tribunal could properly conclude that there was really no point in requiring the agencies to go through the time-consuming process of making formal applications for PII.

45 Whether or not the Tribunal would require the agencies to go through this formal process or felt justified in proceeding in a less formal manner depends on the particular circumstances under consideration. The same applies to the questions that arise if the Tribunal concludes that the agencies are justified in withholding material from public distribution. The Tribunal would then have to consider whether in the particular

circumstances of any given case, it would be proper to proceed on the basis of such limited material as could be put into the public domain, or on the basis of relying, or also relying, on material that was known only to the Tribunal and could never be published, or on the basis of ignoring the material altogether. We take the view that we cannot decide in the abstract which course of action we would take, for this would depend on the particular circumstances of the particular case. For example, we might well conclude that it was simply unfair to the individual concerned to proceed on the basis of incomplete material, or on material that was kept from that individual; or that the deployment of incomplete material would breach the rights of the individual, in which cases we would accordingly be likely to have to ignore the material in reaching our findings. This would mean that our report would not be as full or complete as might otherwise be the case, but we do not believe that we have the power, or indeed that Parliament intended us, to treat individuals unfairly or in breach of their rights, in our search for the truth about Bloody Sunday.

46 In addition to these considerations, even where PII applications are unnecessary, it may be the case that individuals will be able successfully to assert that the material cannot be used by the Inquiry, as to do so would interfere with their rights, for example their right to life under the Human Rights Convention. We note in passing that this could well be the case whether or not the material in the possession of the agencies is accepted as truth or denied as untrue, for there may, for example, be a real risk that the mere making of an allegation relating to membership of or association with paramilitary organisations or their activities would endanger the life or other rights of the individual concerned.

47 Despite the difficulties and delays that will be likely to attend the process, we repeat that it seems to us that our duty to explore all available avenues that could extend our knowledge of what happened on Bloody Sunday must lead us at least to start on the process of discovering whether the agencies have any directly relevant material, while appreciating that for the sort of reasons that we have discussed above, this may cause delays and we may not in the end be able to use some at least of that material.

48 There remains the suggestion raised by the soldiers that we should add to the categories of relevant material any information in the possession of the agencies which relates to the general practice of paramilitary organisations in Northern Ireland, for example their tactics, their use of vantage points and sniper positions, their use of crowds as cover, or their procedures for dealing with casualties or fatalities. As to this we accept the submission of Counsel for the agencies that this would again require a trawl through their entire files on the troubles in Northern Ireland. We further accept that a suggested

limitation to the years 1968–1972 inclusive would be of no real assistance, since the files are not kept in date order. If any such information appears from materials relating to the list of identified individuals to which we have referred, then it seems to us that it can and should be provided, but to go beyond this seems to us to be a wholly impracticable suggestion.

- 49 We now turn to the question of material that goes exclusively to the credibility of witnesses.
- 50 The soldiers submit that material showing membership of or association with paramilitary groups and material showing the extent of such involvement should be made available for use in publicly questioning the individual concerned. In their most extreme submission, it is said that the mere fact of membership of an individual should lead the Tribunal without more to reject the testimony of that individual. This submission can hardly be taken literally, for if it were then the soldiers should logically be submitting that the Tribunal is wasting its time even calling those who have admitted such membership, which is the opposite of the attitude that they have adopted to date. The real point made by the soldiers is that membership of or association with paramilitary associations, by itself or in conjunction with the degree of involvement of the individuals concerned, is a factor of great importance in assessing the credibility of those individuals, since their evidence is in the nature of things likely to be slanted against the British Army. It would be quite unfair, it is submitted, for the soldiers who are facing very serious allegations to be deprived of the opportunity of challenging the veracity of such individuals on this basis.
- 51 The first difficulty with this submission is that it assumes that the material in possession of the agencies establishes to at least a reasonable degree of probability that the individual was a member of or associated with a paramilitary organisation or involved in its activities. We do not accept that this assumption is necessarily well founded. In the nature of things, as Counsel for the agencies put it, the material is generally at best only suggestive of membership of or involvement with the paramilitaries.
- 52 If the material is only suggestive rather than probative of membership or involvement, then it is difficult to see how without more it could fairly be deployed in the context of credibility to any useful effect. It is true, as Mr Elias QC said on behalf of some of the soldiers, that the material would not be deployed for the purpose of proving membership of or association with paramilitary organisations or their activities but rather to discredit the witness. However unless the material was probative of such involvement it could in our view hardly discredit a witness who denied the allegation, since the Tribunal would be

left in doubt whether the individual was involved in the activities that it is suggested would discredit that individual. The only way of resolving that doubt would be to embark on a satellite inquiry into the validity of the material i.e. an inquiry into the truth or falsity of information that at best only goes to credibility. We do not accept that this is an appropriate course for the Inquiry to take.

- 53 It could be said that this reasoning ignores the possibility that faced with the material, the witness would admit the allegations. We consider this to be a somewhat remote possibility, especially in the context of the mistrust and suspicion of the agencies that exists within some of the communities in Northern Ireland. To our minds it is much more likely in the context of this Inquiry that the witness would exercise the right to refuse to answer on the grounds that his answer would tend to incriminate him, in which latter event it seems to us that it would be quite wrong to hold his refusal against him. We should note that in our view the Attorney General's undertaking not to use anything said to us in criminal proceedings would be irrelevant, since the undertaking extends only to matters relating to the events of Bloody Sunday. Allegations of criminal conduct unconnected with Bloody Sunday and which go exclusively to credibility are not matters relating to the events of Bloody Sunday.
- 54 Problems arise even in relation to material that could be said to be probative rather than merely suggestive of involvement with paramilitary organisations or their activities. Again the witness could refuse to answer on the basis of his right not to incriminate himself. It is said that nevertheless the Tribunal could use the material to discredit the witness, but this involves the proposition that discrediting material can be adduced and used in an inquiry of the present kind even in circumstances where the witness exercises a legal right not to comment on the material; a proposition that we are not disposed to accept.
- 55 There are further formidable difficulties in seeking to deploy material for the purpose suggested, whether or not it is probative or only suggestive. As we have already indicated, it is likely that the agencies will claim PII in respect of some of the material in question and on much if not all of the material will seek to withhold from all but the Inquiry itself its provenance. As in the case of directly relevant material, however such applications are dealt with they will necessarily take up additional and probably substantial time. Again as in the case of directly relevant material, it is likely that the Tribunal would hold the agencies entitled to withhold material. In such event it could hardly be suggested that it would be fair for the Tribunal to use material for the purpose of discrediting a witness who has not been fully informed of the allegation or the source of the allegation or both. Even if the application for PII did not succeed, or if there was

otherwise material which could in its entirety be shown to the witness, we can envisage many cases where the witness would request the Tribunal, before deciding on his credibility, to allow him to cross-examine those who made the allegation or even to adduce evidence to rebut what was alleged. This is not a fanciful prospect. For example, a witness may have apparently made a statement to the police when interned in which he admits his involvement with a paramilitary organisation, but who now claims that he was unlawfully induced to do so and wishes to seek to establish this. Unless the Tribunal allowed him to do so (and thus embarked on a further satellite inquiry) it would hardly be fair to treat the untested material as discrediting the witness.

56 The possible ramifications do not end here. The mere fact of publishing the allegation, irrespective of its truth or falsity, may be said to put the life of the individual at risk or otherwise amount to a breach of his human rights. Once again, the Tribunal, if it were to take the matter further, would have to embark on difficult and time-consuming arguments which might again end in court, and which might well entail that at the end of the day the Tribunal could not use the material to the discredit of the witness.

57 As will be seen, many of the problems that would arise in the context of material going exclusively to credibility also exist in relation to material that is directly relevant to the subject matter of the Inquiry. In the latter case, however, it seems to us that it is clearly our duty to do all that we reasonably can to collect and consider so far as is practicable and lawful, all such material. The question is whether it is also our duty to go down the same or a similar road in relation to materials going exclusively to credibility.

58 We have, of course, firmly in mind that we must treat the soldiers, as we must treat everyone concerned, with fairness and justice. At the same time, it must be appreciated that to spend what is likely to be months if not years dealing with matters relating exclusively to the credibility of witnesses could only be justified where it could clearly be shown that fairness and justice dictated that this was the course that had to be taken. In our judgment this is not the case here. As we have pointed out, the obstacles in the way of using credibility material to any useful effect are formidable and would occupy a very considerable time; and it seems to us likely that in a substantial number of cases at least, the chances of being able to deploy the material to useful effect are not great, and would not be greatly improved even if the Tribunal embarked on the sort of lengthy satellite inquiries that we have mentioned. In those cases, a great deal of time and money would be spent to no good effect at all. Above all, however, it seems to us that this is an inquiry in which, at least as matters presently stand, the credibility of particular civilian witnesses is unlikely to play a pivotal role. We are considering the evidence of some 1200 civilian

witnesses. We are already aware that many have strong feelings against both the British Government and the British Army. We are conscious that we must bear this in mind when considering much of the civilian evidence. We also have the evidence of photographs taken on the day and of films shot on the day, as well as evidence from journalists and others. We have the advantage of observing hundreds of the civilians giving oral evidence before us. In this context we are not persuaded that we are likely to be materially misled simply because we are not made aware that at some time wholly unconnected with Bloody Sunday, particular witnesses may have been involved to a greater or lesser extent in paramilitary or analogous activities. We are accordingly not persuaded that it is necessary, in the interests of justice and fairness, that we should devote what will inevitably be an inordinate length of time in taking the course urged upon us by the soldiers.

59 In relation to credibility there are two further points worthy of note.

60 The first is that the present ruling relates to material that goes exclusively to credibility; apart from what we have said about records of intercepted communications, nothing in the ruling excuses the agencies from producing to the Inquiry directly relevant material that might be said also to go to credibility. We repeat that if the agencies have any doubt about the relevance of material, they should produce it for consideration by the Inquiry.

61 The second point is the suggestion by the soldiers that so far as their credibility is concerned, the Inquiry is adopting a different and wider basis, by seeking Army records in relation to any relevant discreditable activities.

62 The Tribunal accepts that the information sought from the Ministry of Defence in this connection might be read as requiring the production of all Army records of any kind relating to alleged discreditable activities, but this was not the intention. We have already indicated that for both civilian and Army witnesses, we shall take into account to the degree that we consider appropriate, any relevant unspent criminal convictions of the individual concerned. Such convictions do not give rise to the sort of problems that we have been discussing, since the fact of the conviction is public knowledge and the conviction has followed the due process of the law. To our minds the same applies to records of discreditable activities found as the result of analogous Army disciplinary proceedings, where a proper judicial process has been engaged.

63 In summary therefore, we rule as follows:

- (1) Subject to the exception and qualification set out in (2) below, we shall seek from the agencies directly relevant material that falls within the categories that we have described and refined in this ruling in the manner indicated;
- (2) We shall not require the production of records of communications intercepted before the coming into force of the Interception of Communications Act 1985; and will require the production of records of communications intercepted after the coming into force of that Act only if the producing agency is satisfied that it may produce such records to us without contravening Section 17 of the Regulation of Investigatory Powers Act 2000;
- (3) We shall not, at least on the basis of our current state of knowledge, require the production of material that goes exclusively to the credibility of witnesses, except records of criminal convictions or analogous Army disciplinary proceedings.

A2.18: Ruling (13th June 2001): the Tribunal to meet with security services

Hearing transcript – 13th June 2001, pp193–194

LORD SAVILLE: Thank you. There is something else we would like to say, which is that the Tribunal has been considering the oral and written submissions of the Ministry of Defence and the interested parties on the question of where the soldiers should give oral evidence.

The Tribunal has concluded that it may be assisted in making a ruling by seeking more information on the security situation. To this end, the Tribunal has decided to have a meeting with the relevant security authorities, including the Ministry of Defence and the RUC.

The meeting will be held in private since it will necessarily involve discussion of security matters that, for obvious reasons, cannot be made public.

However, the Tribunal will, of course, make public to the greatest degree possible the outcome of the meeting and will then decide how to proceed.

A2.19: Ruling (1st August 2001): venue for soldiers' oral evidence (overruled – items 47 and 48 below)

1 In December 1998 we considered the question of where the soldiers should give oral evidence to the Inquiry, in response to a submission made on behalf of some of the soldiers that this should be done in London rather than the Guildhall. We did not rule upon the matter at that time, but expressed our then view in the following terms:

- “4. From the point of view of personal convenience, it would doubtless be easier for many of the soldiers to give their oral evidence in London. In 1972 all or virtually all the soldiers involved were still in Northern Ireland, so that this question hardly arose. After a distance of 26 years only a handful of these individuals are still serving in the Army, and we recognise that a call to give evidence in Northern Ireland will require much more personal disruption than was the case in 1972.
5. In addition, it will be necessary to make appropriate security and accommodation arrangements. These arrangements may in themselves be more expensive than those for a hearing in London, but we are not persuaded that the overall costs of the Inquiry would be materially affected by holding hearings of soldiers' evidence in Northern Ireland.
6. In our view there is another major consideration to bear in mind.
7. This is the fact that we are investigating events which took place in a city a long way from London, events which led to people of that city being killed or wounded through the actions of soldiers who were there in an official capacity. Whatever the rights and wrongs of what occurred on Bloody Sunday, in our view the natural place to hold at least the bulk of the oral hearings is, in these circumstances, where the events in question occurred.
8. We have concluded on the information presently available to us that this factor, so far as the soldiers generally are concerned, outweighs personal convenience and the expenditure required to make appropriate security and accommodation arrangements.

9. In their submissions dated 9th December 1998, it seems to be suggested that the soldiers are already at a disadvantage because it will, in effect, be impossible for them to attend while those who are alleging that they committed murder are giving their oral evidence; so that to refuse to allow the soldiers to give evidence in London further tilts the balance of convenience unfairly against them. In addition, the point is made that the soldiers will not be able to follow the proceedings by video link and are unlikely to have access to daily transcripts, but at best will have to follow what is going on through the Internet.
10. We do not accept this submission. Those representing soldiers have accepted without challenge (and in our view correctly) that the civilians' evidence should be heard in the city where the events in question occurred. Hearing the evidence of the soldiers in London would not alter this state of affairs or its consequences. Furthermore, as we have repeatedly sought to explain, this is an inquisitorial inquiry and before oral hearings start all concerned will be given a proper opportunity to consider and prepare to deal with whatever allegations the Tribunal considers require an answer. This is not an adversarial proceeding and thus, for example, we shall not allow any interested party to keep oral (or indeed other evidence) in reserve in order to spring it by surprise in an adversarial fashion. Furthermore, we see no reason why those representing soldiers should not use to the full modern technology (not just the Internet) to keep those of their clients who wish it fully informed at all times of what is going on and to give advice to and receive instructions from those clients.
11. Accordingly, we are not persuaded that we should now rule that soldiers should give their oral evidence in London. On the contrary it seems to us that, as matters at present stand, and subject to changing circumstances and particular matters affecting individual soldiers, those who are called to give oral evidence should expect to give their evidence in the Guildhall. We shall not make a ruling to that effect now, since hearings involving soldiers are a long time ahead and meanwhile we want to keep the matter under review. Changing circumstances and particular matters affecting individual soldiers may cause us to reconsider the matter.
12. All concerned have expressed a desire to see justice done. That is our desire as well. Justice can only be done and be seen to be done if the Inquiry is conducted in a calm and quiet manner, so that (among other things) all those who have relevant evidence to give have a proper and fair opportunity to be heard, without

distraction or interference and without grounds for any concern save that they should speak the truth. We expect a hearing in the Guildhall to provide that opportunity. If for any reason our expectation turned out to be misplaced we would not hesitate to make other arrangements which (if justice required it) would include continuing our search for the truth elsewhere.”

- 2 It is now appropriate to revisit this topic and to make a ruling upon the question. We do so by approaching the matter afresh, with the advantage of considering extensive oral and written submissions by the interested parties.
- 3 The soldiers submit that it would be unlawful and unfair to require them to give their oral evidence at the Guildhall. This submission is based upon the following principal propositions:
 1. the terrorist threat and, in particular, the genuine and reasonable fear on the part of the soldiers that they will be subject to revenge attacks by terrorists;
 2. the threat of public disorder;
 3. the hostile and intimidating environment of the Guildhall;
 4. the practical prejudice that will be caused to the soldiers in the conduct of the proceedings if they are required to give their evidence in Northern Ireland.
- 4 Before examining these propositions in detail, it is convenient to consider first whether we were right in our preliminary view that the natural place to hold an inquiry of the present kind was where the events in question occurred.
- 5 We have no doubt that our preliminary view is correct. We are a tribunal comprised of members from three countries charged with seeking the truth about Bloody Sunday. On that day in a city in Northern Ireland, citizens of the United Kingdom were killed and wounded by British troops. The events of that day, though of great national and international concern, have undoubtedly had their most serious and lasting effects on the people of that city. It is there that the grief and outrage that the events occasioned are centred. It seems to us that the chances of this Inquiry restoring public confidence in general and that of the people most affected in particular (which is the object of public inquiries of this kind) would be very seriously diminished (if not destroyed) by holding the Inquiry or a major part of the Inquiry far away and across the Irish Sea, unless there were compelling reasons to do so. It is for similar reasons that public inquiries generally are held in or near to the place where the events to be investigated occurred.

- 6 In an apparent attempt to downplay the importance attached by local people to the fact that the Inquiry is being conducted here, the legal representatives acting for some of the soldiers submitted to us a statistical analysis of those who have to date attended the Inquiry to listen to the hearings. We are bound to say that we find this analysis both misleading and unhelpful.
- 7 The analysis is misleading because it gives the impression that less people have attended the Inquiry than is in fact the case. The analysis takes the number of people attending at each half hour of the hearing day and then divides the total number of people by the number of half hours of the day to give a so-called “average attendance”. Thus if 50 people attended for two of the five hours of a given day, the “average” attendance for that day according to the analysis would only be 20.
- 8 The analysis is unhelpful because it ignores the fact that local people have their own lives to lead and cannot be expected to attend at the Guildhall all day and every day. The real fact of central importance to local people is that the Inquiry has come to where Bloody Sunday took place in order to try and discover how their relatives, friends and neighbours in this close knit community came to be killed and injured on that day. Furthermore, the analysis simply ignores the fact that what will clearly be of the greatest interest to local people will be the soldier witnesses and those in positions of authority at the time offering their explanation of how such deaths and injuries came about.
- 9 In our judgment, since the oral evidence of the soldiers will form a major part of the Inquiry, the starting point is that this evidence should be given at the Guildhall, where all or virtually all the other oral evidence will be heard, unless indeed there are compelling reasons to take a different course.
- 10 At the forefront of their submissions, those acting on behalf of the soldiers submit that for the Tribunal to require the soldiers to give oral evidence in the Guildhall would be to act in a way which is incompatible with their rights under Article 2 of the European Convention on Human Rights and would accordingly be unlawful by reason of Section 6(1) of the Human Rights Act 1998.

- 11 This sub-section reads:

“It is unlawful for a public authority to act in a way which is incompatible with a Convention right.”

This Tribunal is a public authority: see section 6(3).

- 12 The Act prescribes various consequences where a public authority is in breach of the Act. It is clear that the Tribunal must not act in a way which is incompatible with a Convention right; in the present case it is Article 2 on which the argument has focused. Article 2.1 reads:

“Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.”

- 13 In *R v (Mahmood) v Secretary of State for the Home Department* [2001] 1 WLR 840 where the Secretary of State had made a decision before the Human Rights Act came into effect but where the decision was reviewed after the Act came into effect, Lord Phillips MR said at page 857:

“Interference with human rights can only be justified to the extent permitted by the Convention itself. Some articles of the Convention brook no interference with the rights enshrined within them.”

- 14 Article 2.2 identifies circumstances in which deprivation of life shall not be regarded as inflicted in derogation of the article but those circumstances are not applicable here. It follows therefore that for relevant purposes Article 2 is non-derogable. Nevertheless, to say that the right to life shall be protected by law leaves for consideration a range of questions. Some of those questions have been examined in decisions of the European Court of Human Rights.

- 15 In considering those decisions it is necessary to keep in mind that the Court is usually concerned with events that have occurred already and often with an interference with human life at the hands of an agency of the State. This Tribunal is asked to make a decision on venue by reference to events which may or may not occur though of course the past may throw light on the likelihood of such events taking place in the future. Furthermore the protection of human life, in this case of the soldiers, is not something over which the Tribunal has any direct control. That must be in the hands of State agencies, in particular the Ministry of Defence (MoD) and the Royal Ulster Constabulary (RUC). However, that does not relieve the Tribunal of the obligation to assess, as best it can on the material available to it, the risk to the soldiers in hearing their evidence in one place rather than another.

16 With these observations in mind, the most helpful judgment is that of *Osman v United Kingdom* [1998] 29 ECHR 245. In essence the Court was faced with a complaint that the State had failed to protect the lives of the second applicant and his family. The allegation was that the police had failed to protect those persons from the criminal actions of a third party.

17 The Court took as common ground “*that Article 2 of the Convention may also imply in certain well-defined circumstances a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual*” (para. 115). Turning to the scope of this obligation, the Court continued:

“116. For the Court, and bearing in mind the difficulties involved in policing modern societies, the unpredictability of human conduct and the operational choices which must be made in terms of priorities and resources, such an obligation must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities. Accordingly, not every claimed risk to life can entail for the authorities a Convention requirement to take operational measures to prevent that risk from materialising. Another relevant consideration is the need to ensure that the police exercise their powers to control and prevent crime in a manner which fully respects the due process and other guarantees which legitimately place restraints on the scope of their action to investigate crime and bring offenders to justice, including the guarantees contained in Articles 5 and 8 of the Convention.

In the opinion of the Court where there is an allegation that the authorities have violated their positive obligation to protect the right to life in the context of their above-mentioned duty to prevent and suppress offences against the person, it must be established to its satisfaction that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk... For the Court, and having regard to the nature of the right protected by Article 2, a right fundamental in the scheme of the Convention, it is sufficient for an applicant to show that the authorities did not do all that could be reasonably expected of them to avoid a real and immediate risk to life of which they have or ought to have knowledge. This is a question that can only be answered in the light of all the circumstances of any particular case.”

- 18 The Tribunal was referred to *Ergi v Turkey* (ECHR 28 July 1998), in particular to a passage in the judgment at p 25 that reads:

“Thus, even though it had not been established beyond reasonable doubt that the bullet which killed Havva Ergi had been fired by the security forces, the Court must consider whether the security forces’ operation had been planned and conducted in such a way as to avoid or minimise, to the greatest extent possible, any risk to the lives of the villagers, including from the fire-power of the PKK members caught in the ambush.”

However, the words “*to the greatest extent possible*” do not purport to lay down some general principle. They are expressed in the context of the particular factual situation with which the Court had to deal, one in which the security forces had carried out an ambush operation and took part in an armed clash with the PKK in the vicinity of a village.

- 19 *Chahal v United Kingdom* [1996] 23 EHRR 413 is concerned with Article 3 – Prohibition of Torture – and with the situation of a person faced with expulsion from the United Kingdom on the ground that he was a threat to national security. The Court was at pains to point out that the applicant’s alleged terrorist activities could not prevent the operation of Article 3, adding:

“Thus, whenever substantial grounds have been shown for believing that an individual would face a real risk of being subjected to treatment contrary to Article 3 if removed to another State, the responsibility of the contracting State to safeguard him or her against such treatment is engaged in the event of expulsion.”

The decision is interesting in so far as it is concerned with events in the future, but in terms of general principle it adds little to what was said in *Osman*. An important feature of that case, but not of this, was that, once the relevant decision (extradition or not) had been taken, there were no steps open to the United Kingdom to protect him from the risk of ill treatment which he faced, and he would not be subject to the protection of the Convention.

- 20 *Osman* recognises a principle of proportionate obligations on the authorities and the need to recognise the lawful constraints placed on the authorities in meeting those obligations. Authorities are not in breach of those obligations unless they knew or ought to have known of the existence of a real and immediate risk to life and failed to take measures which, judged reasonably, might have been expected to avoid that risk. This is not

because guarantees such as those that appear in Articles 5 and 8 of the Convention in any sense override Article 2. What the Court sought to do was to give meaningful content to the expression: *Everyone's right to life shall be protected by law.*

- 21 At the request of the Tribunal the RUC (in relation to Northern Ireland) and the Security Service (in relation to Great Britain) provided assessments of the threat to soldiers (including former soldiers) giving oral evidence to the Inquiry. The threat was assessed as moderate in both Northern Ireland and Great Britain. However, as the Security Service pointed out, threat is only one of the two factors to be taken into account when considering the risk to a person, the other being the vulnerability of the person in question.
- 22 Having considered these assessments together with other material including the comparative incidence of terrorist attacks in Northern Ireland and Great Britain supplied by the MoD, as well as the written and oral submissions of the interested parties, we concluded that we would be assisted by arranging a meeting at which we could discuss the question of security with all the agencies who might be responsible for the security of potential witnesses, so that we could be as properly and fully informed as possible about the security position at the possible locations for the hearing of the soldiers' evidence. This meeting took place on 18th June 2001. It was held in private, since it was likely that the discussion would include (as it did) matters concerning security that for obvious reasons could not be made public. However, it has proved possible to prepare a full summary of the meeting, which has been agreed with all present and which can be made public. This summary, which is attached to this ruling [at p163, below], was then distributed to the interested parties in order for them to make such additional written submissions as they felt appropriate. These further submissions we have of course taken into account.
- 23 As will be seen from the summary, it is the view of the concerned security agencies that the risk to soldier witnesses of terrorist reprisals would be higher in Northern Ireland than in Great Britain. The soldiers submit that accordingly it would be an infringement of their rights for the Tribunal to require them to give evidence at the Guildhall rather than in Great Britain. Their case is that the Tribunal is bound to take all feasible precautions to avoid or minimise, to the greatest extent possible, any risks to the life of the individual; and that this can only be done by hearing the evidence of the soldiers in Great Britain, where the risk is lower.

- 24 It seems to us that the fact that the risk is greater in the one place rather than the other is not of itself determinative of the matter. On the basis of the *Osman* decision, it is incumbent on the authorities (which in the present case include both the Tribunal and the agencies responsible for the protection of witnesses) to do all that can reasonably be expected of them to avoid a real and immediate risk to life of which they have or ought to have knowledge. We are satisfied, on the basis of the security advice that we have received, that the security authorities in Northern Ireland can provide, for soldiers giving evidence at the Guildhall, a level of protection sufficient to avoid any such risk. In such circumstances we consider that the Tribunal would not be acting incompatibly with the rights of the soldiers by requiring them to give evidence at the Guildhall rather than in London, for in neither place would there be a real and immediate risk to them. Neither the MoD nor the RUC (the state authorities who have the duty to protect the soldiers while giving evidence and who must accordingly deploy the proper resources to do so) have advised us that, notwithstanding the security precautions that they could and would put in place for soldiers giving evidence at the Guildhall, the level of risk would be so high that it could be described as real and immediate or in terms to the same or similar effect.
- 25 We have of course borne in mind the history of terrorist attacks on military and other targets in Northern Ireland, particularly those that have recently taken place in and around the city, and the present situation with regard to terrorist organisations. We have also borne in mind that over at least the last thirty years, it appears that the protection afforded by state authorities to those required to attend courts in Northern Ireland, often in circumstances of the greatest controversy where the risk of terrorist attacks has clearly been high, has been sufficient to avert any loss of life or injury from terrorist organisations. In our judgment the authorities will have done all that could reasonably be expected of them by providing, as they say that they can, a level of security commensurate with what has regularly (and successfully) been provided for trials in Northern Ireland where persons at risk such as soldiers, security officers, informers and others have been required to attend.
- 26 In these circumstances we consider that it could not properly or reasonably be said that the Tribunal should remove itself from the Guildhall to Great Britain for the purpose of hearing the evidence of the soldiers, which forms, of course, a central part of the Inquiry. In this connection we draw attention to the fact that Article 2 of the European Convention on Human Rights has what has been described as procedural as well as substantive aspects. As to the former, the jurisprudence establishes that there must be a proper procedure for reviewing the lawfulness of the use of lethal force by state authorities, for

otherwise there would be no practical and effective means of protecting the rights afforded by the Article: see *Jordan v UK* (Application No 24746/94, 4th May 2001). The present Inquiry is concerned with the use of lethal force by state authorities. For the reasons that we have already given, we consider that such an Inquiry should be conducted where the events in question occurred. We accept that this procedural requirement could not be used to override the substantive rights afforded by Article 2, but since in our view those rights would not be infringed by requiring the soldiers to give their evidence at the Guildhall with the protection that can be given to them, it seems to us that it would be unreasonable and indeed in contravention of the Article 2 procedural requirements for the Tribunal to conduct a central part of the Inquiry at somewhere other than the natural and proper place for it.

27 We have considered whether, quite apart from the Human Rights Act, it could properly be said that it would be unlawful or unfair to require the soldiers to give their oral evidence at the Guildhall.

28 Such a claim was made by the soldiers, based on the common law and as an alternative to the claim based on Article 2. Reliance was placed on what was said by Lord Diplock in *Fernandez v Government of Singapore* [1971] 1 WLR 987 and on the remarks of Lord Woolf MR, delivering the judgment of the Court of Appeal in *R v Lord Saville, ex parte A* [1999] 4 All ER 860.

29 *Fernandez* concerned the approach to be taken to a provision of the Fugitive Offenders Act 1967 which precluded the making of an order under the Act where the person, if returned, might be detained or restricted in his personal liberty – Lord Diplock rejected a test of more likely than not, saying at p 994:

“A lesser degree of likelihood is, in my view, sufficient and I would not quarrel with the way in which the test was stated by the magistrate or with the alternative way in which it was expressed by the Divisional Court. “A reasonable chance”, “substantial grounds for thinking”, “a serious possibility”.”

30 *R v Saville* concerned a ruling of this Tribunal as to whether certain soldiers should be granted anonymity for the purpose of giving evidence. The Court of Appeal propounded the test in language different from that used in *Fernandez* but found support in that decision for the test it did propound at p 881:

“The right approach here once it is accepted that the fears of the soldiers are based on reasonable grounds should be to ask: is there any compelling justification for naming the soldiers, the evidence being that this would increase the risk?”

- 31 Earlier, the Court dealt expressly with the right to life in a non-Convention context, saying at p 872:

“When a fundamental right such as the right to life is engaged, the options available to the reasonable decision maker are curtailed ... it is unreasonable to reach a decision which contravenes or could contravene human rights unless there are sufficiently significant countervailing considerations.”

- 32 *Mahmood*, to which reference is made earlier in this ruling, was decided by reference to the Human Rights Act which had come into effect by the time the decision under challenge came to be reviewed. Nevertheless Lord Phillips MR discussed the approach to the review of an executive discretion where the Minister was not required as a matter of domestic law to comply with the Convention. He said at p 856:

“Where the decision interfered with human rights, the court would require substantial justification for the interference in order to be satisfied that the response fell within the range of responses open to a reasonable decision-maker. The more substantial the interference, the more that was required to justify it.”

- 33 Lord Phillips MR referred to some earlier decisions, including *R v Saville*, where the decision-maker was not required as a matter of domestic law to comply with the Convention and expressed no disagreement with those decisions. And, of the three principles that were supported by those authorities, it was only the third that he said required modification under the Human Rights Act. That appears in the passage quoted earlier in this ruling where the Master of the Rolls said that interference can only be justified to the extent permitted by the Convention itself, thereby rejecting any doctrine of substantial justification.

- 34 While the language of the decisions under the Human Rights Act and of those under the common law differs, it does not appear that in truth the common law imposes a higher or different obligation than does the Convention. Indeed *Mahmood* and decisions of the European Court of Human Rights stressing that justification for interference with human rights must be found within the Convention itself point to the opposite conclusion. Certainly there is every reason to conclude that the emphasis placed in *Osman* on a

principle of proportionate obligations on an authority and the need for awareness, actual or imputed, of the existence of a real and immediate risk to life can fairly be seen as equally relevant to the common law. References to “*compelling justification*” are made in the context of a decision that truly interferes with human rights. Since none of the concerned agencies has suggested that such a real and immediate risk would exist notwithstanding the precautions that would be put in place, it seems to us that to require the soldiers to give their oral evidence at the Guildhall would not offend their common law rights. In other words, we consider that we are justified in requiring of the soldiers no more than what has been required on many occasions of others who have had to give evidence of killings in Northern Ireland, namely to appear and testify where the events took place, with the security authorities doing all that can reasonably be expected of them to provide a safe environment.

35 Clearly the soldiers would prefer to give their evidence in Great Britain, but this does not demonstrate, nor do we accept, that they have reasonable fears for their safety while going to or from the Guildhall or actually giving their evidence there, in view of the security precautions that the RUC and MoD would have in place. The soldiers (with few exceptions) have the advantage of anonymity and all have the right to require the state security services to protect them. They have our assurance that they will not be required to give oral evidence here if anything occurs that means that they cannot do so in proper calm and quiet conditions. They have the benefit of the most expert legal advice and assistance. In these circumstances we can see nothing unfair (let alone unlawful) in requiring the soldiers to give their oral evidence at the Guildhall, which in our view is where this Inquiry should be conducted.

36 The next point advanced on behalf of the soldiers is that there is a real danger of public disorder should they have to give their oral evidence in the Guildhall.

37 In its threat assessment of May 2000 (which according to a later assessment made in April this year remains valid), the RUC said this:

“Arguably, one of the most contentious periods during the current Inquiry will be when the former soldiers give their evidence. At the very least, if considered politically expedient, this could lead to protest, posing public order difficulties. It is estimated that an average of 3 to 6 thousand people have attended the annual Bloody Sunday parades in recent years. A large emotive crowd could make it difficult for police to ensure the safety of protesters and soldiers attending the Inquiry without segregation.”

- 38 The soldiers also point to other incidents of public disorder that have occurred in the city in recent times.
- 39 We made clear in our observations of December 1998 that justice can only be done and be seen to be done if the Inquiry is conducted in a calm and quiet manner, so that (among other things) all those who have relevant evidence to give have a proper and fair opportunity to be heard, without distraction or interference and without grounds for any concern save that they should speak the truth. We have also made clear that we would have no hesitation in moving elsewhere if it seemed that these conditions could not be maintained. In this connection we should make clear that, apart from anything else, any attack on those providing protection for witnesses would be treated by us as calculated to destroy the necessary environment for the Inquiry to be conducted at the Guildhall.
- 40 Those who organise such events as the Bloody Sunday parades, and who clearly wish for the Inquiry to be conducted at the Guildhall, are in our judgment hardly likely to indulge in or do other than oppose activities that would be calculated to drive it away, and it appears that the RUC are of the same view. We have nothing which suggests that political expediency would lead to protests or the like disrupting the orderly progress of the Inquiry. Our experience of the last year suggests strongly that the quiet and calm atmosphere that has prevailed to date will continue when the soldiers give their evidence. We reject the suggestion by the soldiers that there is a serious risk of public disorder should the soldiers give their oral evidence in the Guildhall, which to our minds is neither supported by the May 2000 threat assessment made by the RUC nor by the views expressed at the meeting of 18th June, nor indeed by anything else.
- 41 Those acting on behalf of the soldiers next submit that it would be procedurally unfair to require the soldiers to come here to give their evidence in what they describe as a hostile and intimidating environment, in circumstances where they would have to come and go under stringent security guard at all times.
- 42 Any inquiry into the use of lethal force by a state against its own citizens is likely to engender or rekindle very strong feelings, as no doubt Parliament appreciated when it decided upon the present Inquiry. Those said to be responsible for death and injuries are in the nature of things likely to find it an unpleasant and intimidating experience to give evidence, however justified they may consider their or their colleagues' actions to have been, in the presence both of the relatives of those whom they shot dead and of those whom they wounded. This, however, is an unavoidable aspect of an inquiry of the present kind. What we cannot accept, however, is that the Guildhall is somehow an especially

hostile or intimidating environment for the soldiers. To date the proceedings have been conducted in a quiet and calm manner; we have no grounds for supposing that this will not continue to be the case; and once again we should emphasise that we would have no hesitation in going elsewhere if these conditions did not continue to obtain.

43 Next, the submission is made that the soldiers will suffer practical prejudice in the conduct of the proceedings if they are required to give oral evidence in the Guildhall. This would appear to be the same point as the one advanced in 1998 and we would give the same answer to it as we gave then in the observations that we have quoted at the beginning of this ruling.

44 It would appear that some of the soldiers at least are advancing an argument that their rights under Article 3 of the European Convention on Human Rights would be infringed if they were required to give their oral evidence in the Guildhall.

45 This Article provides that no one shall be subjected to torture or to inhuman or degrading treatment or punishment. Since in our view the Article 2 rights of the soldiers would not be infringed, and bearing in mind that we shall only require the soldiers to give oral evidence at the Guildhall if the calm and quiet attending the hearings over the last year continues, we can see no basis for this argument.

46 At this point we should note that we asked the interested parties for their submissions on the use of a video link, having provided them with a demonstration of its present capabilities. There was no enthusiasm for adopting this means of taking the oral evidence of the soldiers, though it was accepted that there are likely to be cases where we would have to use this method, for example where witnesses were too ill to travel. We too would regard the use of a video link as a last resort.

47 In conclusion therefore, in the light of the information presently available to us, we consider that none of the arguments put forward by those acting on behalf of the soldiers is sufficient to provide a compelling reason for not hearing the oral evidence of the soldiers at the Guildhall, which we regard as the proper place for this Inquiry. We accordingly rule that this is where that evidence should be given.

Meeting on Monday 18 June 2001

Present:

Bloody Sunday Tribunal

Christopher Clarke QC, Counsel to the Inquiry

Alan Roxburgh, Junior Counsel to the Inquiry

John Tate, Solicitor to the Inquiry

Adrian Shaw, Secretary to the Inquiry

The Security Agencies:

Representatives from the Ministry of Defence including:

Mr W Byatt

Army personnel from Northern Ireland

Representatives from the Royal Ulster Constabulary

Representatives from the Metropolitan Police

Representatives from the Security Service

- 1 The meeting was opened by Lord Saville who set out the objective of the meeting, which was to ensure that the Tribunal is as properly and fully informed as possible about the security position at the possible locations for the hearing of the soldiers' evidence. He said that the Tribunal had a duty to try and treat everyone connected with the Inquiry with fairness and justice. This arose from a number of reasons:
 - a) The Tribunal, as a public authority, has a clear duty under the Human Rights Act to ensure when reaching its decision on venue that its decision will not breach the European Convention on Human Rights and the rights afforded to the soldiers by that Convention, or under the Common Law.
 - b) At the same time the Tribunal recognise that the families say that this is an Inquiry into events where British troops have shot dead British citizens on the streets of a

British city and that there is one natural and proper place for an Inquiry and that is where those events happened.

- c) The Tribunal needs to be satisfied that the security agencies have fully addressed their collective minds to all relevant considerations when considering the issue of the appropriateness of the two possible venues and in providing the Tribunal with the advice that has been provided to the Tribunal to date in the various threat assessments, the MoD's written submissions on venue, the arguments advanced before the Tribunal by Ian Burnett QC, and in the MoD letters of 24 and 31 May 2001.

2 The meeting considered three topics:

- a) the relevant functions of the agencies in Britain and Northern Ireland and the division of responsibilities between them for ensuring the safety of the soldiers if they give their evidence in either Londonderry or in Britain;
- b) ensuring that the Tribunal understood the language used in the threat assessments;
- c) to permit the Tribunal to draw out, if possible, a comparison between the relative safety of Londonderry and the relative safety of Britain as venues for hearing the evidence of the soldiers.

Functions and division of responsibilities

Northern Ireland

3 In Northern Ireland generally and in Londonderry in particular it would be the responsibility of the RUC to create a safe environment for the hearing of the evidence. This responsibility would begin the moment the soldiers arrived in the Province. The RUC would have responsibility for ensuring the routes for bringing the witnesses to the Guildhall were secure, for the analysis of intelligence information about possible terrorist activity or civil disorder. The RUC responsibility for ensuring a safe environment would, from the force's point of view, require uniformed and armed RUC officers to be present in the Guildhall. Whether and where the RUC would be deployed in the Guildhall would depend on prevailing circumstances. As necessary it would liaise with the Garda and the Army.

4 The Royal Military Police would have responsibility for the close protection of the witnesses. This would involve calling them forward when the Tribunal required them to give evidence and to bring the witnesses to the Guildhall in appropriate vehicles. None

of this would be different to the usual practice of the RMP of bringing military witnesses, or indeed MoD civil servants, to ordinary courts in Northern Ireland. The RMP would liaise with the RUC on routes to be used but primary responsibility for this would rest with the RUC. The RMP would operate within the security envelope created by the RUC but that responsibility would cease at the doors of the court where the RUC would assume primary responsibility, but who might require the support of the RMP in the Guildhall.

Britain

- 5 Policing in Britain is manifestly different to that which occurs in Northern Ireland. The Military do not provide any direct support to the police in Great Britain. Accountability generally for the protection of witnesses and others in Britain is vested in the Chief Constable or the police chief in the area where a witness is physically located at the time when the threat is present. Therefore if a witness lived in the North of England and the evidence was to be heard in London the local Chief Constable would be responsible for the security of the individual in his home area while the Metropolitan Police would be responsible for the security while in London.
- 6 Where close personal protection is required for particular individuals then that is the responsibility of the Metropolitan Police, wherever it is required. Where there is no requirement for close personal protection, and if the venue were to be in London, there would be liaison between the Metropolitan Police and the appropriate constabulary where the witness lived. In determining whether close personal protection was required for a particular witness there would be liaison between the Metropolitan Police, the local Police Force and the Ministry of Defence and the Home Office. The Security Service would provide threat assessments. It would be a matter for the Metropolitan Police to analyse vulnerability, based on the information provided to it, and to decide whether close protection was required or what other measures should be taken.

Threat assessments

- 7 The issue of whether the assessments were simply assessments of threat or whether they contained any element of vulnerability was considered. The Security Service is responsible for assessing the threat from terrorism to UK interests worldwide with the exception of the Irish related terrorist threat in Northern Ireland, which is the responsibility of the RUC. In relation to this Inquiry there is a strict delineation between the Security Service, which has responsibility for assessing threat in Great Britain, and the RUC, which has responsibility for assessing threat in Northern Ireland.

- 8 The preparation of the assessments were not completed by the two services in complete isolation from each other. The services discuss with each other the general level of intelligence about terrorist threat.

Security Service

- 9 In the Security Service assessment of 18 May 2000 the words, *“if the hearings at which these soldiers and ex-soldiers appear are held on the mainland, the terrorist groups will be deprived of the ease of operation which they enjoy on their home ground in Northern Ireland. In consequence, the generally more difficult operating conditions on the mainland are likely to give rise to the perception that a successful terrorist attack will be harder to achieve”* are used. The Security Service advised that the word “perception” meant that terrorists are likely to think that it is more difficult to operate on the mainland than in Northern Ireland. The words quoted were not intended to convey anything about vulnerability but simply the Security Service’s view of the capacity of terrorists to operate in Great Britain as opposed to Northern Ireland.
- 10 This observation applied equally to the Security Service assessment of 6 April 2001. Both assessments are purely assessments of threat and contain no element of assessment of vulnerability.

RUC

- 11 The RUC assessments of 22 May 2000 and 9 April 2001 are pure threat assessments. The assessments are made to local operational commanders who apply the assessments to their own local environment. It was confirmed with the RUC that the reference to an assessment of April 1999 in the assessment of 9 April 2001 was an error and that the reference should have been to the assessment of 22 May 2000. In the assessment of 22 May 2000 there is reference to segregation. This was said in the context of possible public disorder. In the view of the RUC if such disorder seemed likely to occur segregation of crowds and soldiers might be required but could be achieved. The RUC would want to be able to advise the Inquiry on the desirability of adjournment of its proceedings or on moving a particular witness to a later date, depending on circumstances. The Tribunal indicated that it would be receptive to any such advice from the RUC or the Metropolitan Police on matters relating to the safety of a witness and to the public. The RUC said that it looked on the Bloody Sunday Trust and the families as a vehicle/partner in trying to resolve contentious issues and that is why an adjournment might be necessary because it would need time to resolve issues. The RUC considered

that the strong desire on the part of the families and the nationalist community in Londonderry for the Inquiry to be held in the City militated against the risk of serious public disorder and/or dissident republican terrorist attack because of the Tribunal's clearly stated position that it would move out of Londonderry if such disorder or attack occurred. They considered that factor was an important factor in assessing the possibility of serious public disorder or attack although they also advised that it remained possible that there were republican or loyalist groups that might find it expedient to disrupt or attack the Inquiry. The Security Service added that it was very difficult to predict what dissident republicans would do.

- 12 Each of the assessments refers to a moderate level of threat. The Security Service employs bands of threat of which moderate is one, being fourth from the highest level of threat. Within each band there may be gradations of threat. In contrast the RUC does not, in the ordinary way produce assessments with grades of threat. In Northern Ireland threat is very specific to time and place and threats can be very different as between times and places. They try to avoid using descriptors. Instead they consider operations in terms of intent and capacity of the organisation. The assessment is provided to local commanders for them to decide on the basis of local vulnerabilities precisely what the total risk is. In this case the descriptor moderate was used in order to assist the Inquiry in drawing comparisons between Londonderry and Britain. Although the threat was moderate in both the Security Service assessments and the RUC assessments the Security Service would judge in its terms that the RUC assessments, while in the same band as its own, were somewhat higher than its assessment. However, the RUC assessment of the threat to the Guildhall, as a venue for the Inquiry, was assessed as low.

Security in London

- 13 The Tribunal asked about the possibility of a threat to London should it decide to hear the soldiers' evidence in Great Britain. Overall the level of threat in Great Britain is currently assessed to be high because it is a high priority target for dissident republican terrorists. If the Tribunal moved its proceedings to London the same high overall level of threat would prevail. If a group decided that the move to London was inimical to their interests then the move might provide a greater incentive to try and mount an attack in London. Such an attack might not be on the Inquiry itself but be timed to coincide with the Inquiry. However, recent attacks in London have been on symbolic targets and if the Inquiry were to move to London it might be regarded as a symbolic target. Against that the Security Service's assessment of a threat to a London venue for the Inquiry is that it is low.

Risk

Londonderry

- 14** There is an increasing dissident republican threat in terms of capacity and intent. The level of threat is likely rise and fall during the time when the soldiers gave their evidence. In the ordinary way the RUC will cope with the threat but may ask for military support which might involve deploying troops on the west side of the Foyle. The RUC and the Army would have to bear in mind the range of weapons available to dissident terrorists when deciding how to deploy forces available to them so as to create a robust sterile footprint. The Army is regarded as a legitimate target and the terrorists might chose to attack possible places where the witnesses might be held or the soldiers or police officers who were engaged in providing protection for the former soldiers. It was the assessment of the MoD representatives that in terms of vulnerability, there is significant vulnerability to witnesses but, more possibly, to those seeking to safeguard the witnesses.

London

- 15** No part of Great Britain has experienced the level and frequency of violence that has been directed at Northern Ireland. However, the presence of the Tribunal in London could bring a target to London. In the opinion of the Metropolitan Police the symbolic nature of its presence in Britain would introduce a collateral threat that does not currently pertain and bring with it a heightened collateral threat to London. There is no current intelligence to say that the threat would escalate but there is certainly the potential for escalation if the Inquiry was in London. There would be a need in London to create the same robust sterile footprint that would be required in Londonderry. That would be important given the international resonance that an attack in London would have.

Comparisons

- 16** The letter from the MoD dated 24 May 2001 uses the words at the foot of the first page, “sufficiently safe”. Mr Byatt said that what they were trying to convey with those words was that Londonderry was more dangerous to the soldiers than a venue in Britain was likely to be. He said that the MoD was not trying to make value judgements or calculate how much more dangerous one venue would be against another but simply trying to indicate its view that Londonderry would be considerably more dangerous than Great Britain. Lord Saville said that the use of the word “considerably” did introduce a value

judgement and that, *“safe, as I understand it, is based on the formula of threat plus vulnerability equals risk. As one place is riskier than another, on that basis, one would then say “its not as safe as the other”.*” Mr Byatt agreed that his letter was not intended to say more than that.

- 17 Both the RUC and the Metropolitan Police said that if either were given the task of providing a safe venue then they would rise to the challenge and provide a secure environment. How they would do it may well differ. The Metropolitan Police agreed with the proposition that a secure environment meant the sort of environment that they would provide on a daily basis to witnesses giving evidence in other cases. In the case of the venue being in London the maintenance of a sterile area could involve road closures with an inevitable impact on the community. The creation of a secure environment would be likely to have a huge impact on the community. The complexities of mounting an operation in London to secure the venue and to bring the witnesses to that venue were discussed.
- 18 In relation to Northern Ireland the RMP said that it could meet the commitment of providing protection for the witnesses to the standard of protection provided for persons giving evidence in the courts in Northern Ireland. The Army representative observed that Londonderry was inherently less safe. However, the Army’s job was to help the police minimise the risk when it is asked to do so. In the terms of securing the safety of the soldier witnesses in Londonderry the Army could do that if it was asked to assist by the police but in doing so it would be exposing serving soldiers to a risk that they would not be exposed to if they were not asked to deploy.

Third venue

- 19 The issue of a venue in a third location other than London or Londonderry was considered. The advice of the Security Service was that if a venue in some other British city was chosen then from the threat point of view it was difficult to say that such other city would be under less threat than London. If the Inquiry moved to such a third city and if dissident republicans wanted to take action as a consequence they could target anywhere in Great Britain, although London would remain a prime target because of the political impact of such an attack. In terms of policing there would not be a great distinction between operations in London and provincial operations. Although the Metropolitan Police could not speak for forces outside London the efforts, if somewhere else was chosen, were likely to be similar and the Association of Chief Police Officers (‘ACPO’) would play a part in co-ordinating the activity and there would be co-operation

between forces. There was no distinction to be drawn between a venue in England, Scotland or Wales because a move to Great Britain by the Inquiry would have a very high profile.

London versus Londonderry

- 20** Lord Saville asked whether, in talking about London versus Londonderry, with the threat in both places being comparable, he was correct in saying that the Metropolitan Police in London and the RUC and the RMP in Londonderry and Northern Ireland believed that they could provide in their respective jurisdictions an acceptable level of security for the Tribunal, the venue, the witnesses and the public just as they have in both places for ordinary trials, accepting that in Northern Ireland a more extensive and different protection would be required.
- 21** The response of the security agencies was that to attempt to simplify the matter of the issue of risk at the two venues they looked at the matter from three points of view:
- a. what are the overall risks to the venue;
 - b. what are the risks to the soldier witnesses involved in giving evidence; and
 - c. collateral risks.
- 22** They were agreed that the risk to a venue in either London or Londonderry was more or less equivalent. The risk to soldier witnesses is higher in Londonderry. The collateral risk in both places is slightly different in that in Londonderry the main risk would be the risk to the security forces protecting the witnesses while in London the risk would be a dissident republican attack timed to coincide with the Inquiry's work. Such an attack may not be a direct attack on the Inquiry. The agencies were talking in absolute terms of the risks on the mainland and in Northern Ireland. While they could guarantee levels of effort put in to reduce risk they could not guarantee the outcome wherever the venue. A risk reduction exercise, be it in Northern Ireland or be it in Britain, is likely to be effective in reducing risk but it is unlikely to eliminate the relative risk. The risk at the end would be higher in Northern Ireland than in Britain.
- 23** Lord Saville asked whether, with its experience over 30 years of providing protection in high profile criminal and other similar cases, was the RUC able to afford the same level of protection to soldiers giving evidence in the Guildhall to the Inquiry as it did to people giving evidence in other high profile cases in Northern Ireland. The RUC said that operationally it did have the capacity and it would be achievable. The RUC was

concerned about the time span of the evidence but said that with planning, subject to considerations of adjournments, flexibility, etc, it could be done. With the appropriate effort the RUC considered that they could provide an acceptable level of security for the soldiers in Londonderry, although the RUC would also have to deal with the collateral risk, not directly related to the witnesses, which it would do.

24 With a view to summing up the conclusions that appeared to have been reached Lord Saville said that it appeared that the agencies all took the view that the situation in Northern Ireland was one of greater risk than London but whether it be London or the Guildhall the people responsible for providing security take the view that they that they would be able to provide an acceptable degree of security, by which it is meant the sort of security that has been provided to witnesses in Northern Ireland over 30 years and in London over the same period. There was no disagreement with that summary.

25 It was agreed that while it was riskier in Northern Ireland, with the proper degree of precautions an acceptable degree of security could be provided there. Putting it in those terms Lord Saville asked whether it was fair to say that the letter of 24 May 2001 did not in fact take account of the level of security that would be put in place. Mr Byatt agreed that that was fair comment and that when the letter was written it was not intended to be an exhaustive analysis of what had to be done to make the levels of risk more equal. The MoD thought it dangerous to make something like a mathematical calculation of what the relative would be because a determined terrorist organisation could suddenly blow all calculations apart. All the MoD sought to do was to provide a broad brush picture of which place, in its view, would be less safe.

A2.20: Ruling (23rd January 2002): venue for soldiers' oral evidence

Hearing transcript – 23rd January 2002, pp155–156

LORD SAVILLE: In December last year the Court of Appeal ruled that the evidence of the soldier witnesses should not be taken in this city on the grounds that these witnesses have reasonable fears for their safety were they to come here for this purpose.

Following this ruling, we informed the interested parties that we were minded to take the evidence here by way of videolink. The reason for this suggestion was that we remained of the view that the proper place for this Inquiry is in the city where the events of Bloody Sunday took place. However, we invited the interested parties to make written submissions on the matter and, having read these and taken the opportunity to consider the matter further, we have concluded that the better course is to move to Great Britain to conduct this part of the Inquiry.

There we will also take any other evidence that, on the basis of the ruling or for other compelling reasons, should be heard there rather than here. Of course, as we mentioned in our previous ruling, it remains likely there will be special cases where the evidence will have to be taken by videolink alone.

We have put in hand steps to obtain suitable premises and to make appropriate arrangements for this part of the hearing, which we plan to include reasonable facilities for family members to attend if they are able and wish to do so.

However, we shall also provide a live videolink from the Inquiry to this city for people to watch the proceedings from here. We wish to maintain the present facilities in this city while this part of the Inquiry takes place elsewhere, so that we can return without delay to complete here as much of our work as possible.

On our present estimates we hope to be ready to make this move some time in the summer. As soon as possible we shall announce the specific arrangements that we have made and a revised timetable for the rest of the hearings.

A2.21: Ruling (29th January 2002): procedure for screened witnesses

Hearing transcript – 29th January 2002, p100

LORD SAVILLE: [C]an I lay out the procedures for next week when we move into screened witnesses: we would ask the lawyers, by which I mean only qualified barristers and solicitors, to be in this hall, please, by 9.15am.

The witness will then be brought into his screened position, after which the public and the families can take their seats. When the witness is finished the public and the family galleries will be cleared and the witness will then leave the witness box. We envisage dealing in this way with every witness. It will mean that between witnesses there will be a gap of some minutes while we reorganise ourselves.

A2.22: Ruling (7th February 2002): screening of RUC officers (upheld – items 49 and 50 below)

Hearing transcript – 7th February 2002, pp72–76

LORD SAVILLE: We have today listened to an application made by Mr Hanna QC on behalf of 20 serving and former police officers, that these officers should be screened when they give their evidence to the Inquiry from all except the qualified lawyers acting on behalf of the interested parties and, of course, the Tribunal, its Counsel and staff.

The basis for the application is that, in the light of the principles set out in paragraph 31 of the recent Court of Appeal decision dealing with venue, these individual applicants have reasonable and genuine fears for their personal safety were they to appear in public at the Guildhall to give their evidence, that these fears would be alleviated if screening were allowed and that when balanced against the adverse consequences to the Inquiry of listening to the evidence other than in full public view, common sense and humanity dictated that screening should be allowed.

As long ago as May 1999, and again in June 2000, we dealt with other applications by police officers for screening. Indeed, at this early stage in the Inquiry two of the present applicants made, but then later withdrew, similar applications. The present applications were made only a few days ago.

Those opposing the application submitted that the delay demonstrated, or at least went a very long way towards demonstrating, that in truth the applicants could not hold genuine or reasonable fears for their safety in the absence of screening.

In response to this it was at one stage, so it appeared to us, to be suggested that the Inquiry itself was somehow at fault in failing to give the applicants a proper opportunity to apply at an earlier stage for protective measures, including not just screening, but also anonymity, which it was suggested (leaving aside of course the case of the two who did actually make earlier applications) help to explain the delay.

There is no substance in this criticism of the Inquiry. As Mr Clarke explained this morning, the Inquiry did not have the addresses of serving and former police officers and, accordingly, had to deal (and did deal) with their evidence, the prospect of the officers giving evidence through the Police Service itself.

It seems, though we have not heard from the Police Service on this, that there may have been some breakdown in communication between the Service itself and its former and serving officers. Be that as it may, we are not persuaded that the delay in making the applications demonstrates, or goes towards demonstrating, that the fears now expressed are neither genuine nor reasonable.

We regret that the applications were made late, as they have dislocated the Inquiry's timetable and thus increased the length of what is already a very long Inquiry. But even if it could be said that the individuals could or should have applied sooner or, in the case of the two who did originally apply, to have renewed their applications sooner, this to our minds does not show that the fears of the applicants are without foundation.

The applicants, unlike the soldiers, do not have the protection of anonymity. Again, unlike all or virtually all the soldiers, they live in Northern Ireland where some are still serving police officers; hundreds of their colleagues have died from terrorist activity over the last 30 years. Thankfully, the terrorist threat at present appears to be reduced from that which existed before, but that it still exists cannot be denied, as is apparent from the information put before the Inquiry today and the future, of course, is unknown.

The fear that the police officers have stems not so much from the evidence they can give about Bloody Sunday, or indeed from their activities on that day, but from the opportunity, particularly since their names are known and since they live and some work here, that would be afforded to dissident groups to identify them more closely were they not to be screened.

We, in short, accept that the applicants do have reasonable and genuine fears for their safety, and we further accept that these fears could be alleviated to a significant degree by screening. There remains, therefore, the question of balancing these considerations against the adverse consequences to the Inquiry of allowing screening to take place.

We do not accept that screening is something of little real importance. This is a public inquiry and the public should be able to see how those who give evidence before the Inquiry conduct themselves. It is true that the legal representatives of the families will be able to see the witnesses, as of course will the Tribunal itself, but to our mind screening remains a significant inroad on the public nature of the proceedings.

Having said this, though, we are not persuaded that the public confidence in this Inquiry will be undermined to such a degree that the applicants' genuine and reasonable fears must be overborne.

Once again, we bear in mind that the applicants are publicly named individuals, but we accordingly conclude that the application should be granted. It was suggested during the argument that a possible middle course would be to allow the families of those who died or were wounded to see the witnesses excluding the rest of the public, but to our minds this is not really a practical suggestion.

Finally, we should record that we have looked at the confidential material relating to the particular circumstances of the individual applicants, but our decision is based upon the materials and submissions made available to all.

In those circumstances, our plan for next week – subject to correction or further elucidation by Mr Clarke – is on Monday to hear from some of those officers who have chosen not to make the application, and then for the rest of the week to deal with officers who will be screened.

A2.23: Ruling (24th April 2002): legal representation for six former members of the Command Staff of the Official IRA

Hearing transcript – 24th April 2002, pp12–14

LORD SAVILLE: We have before us this morning an application presented by Mr O'Donovan on behalf of six former members of the command staff of the Official IRA who were to a greater or lesser degree involved in the events of Bloody Sunday.

The application is for full representation, to include representation and attendance by a solicitor and two counsel before the Tribunal and the provision of access to the full statements and exhibits to allow a quality of representation.

In the course of the written submissions, paragraph 3.3(2), it is said that the applicants are particularly concerned at allegations that they and other members of the Official IRA were engaged in pro-active activity on Bloody Sunday and then a list is set out of the suggested possible activities.

As Mr Toohey pointed out during the course of the submissions this morning, these are individual applications by the six former members of the OIRA; this is not an application by the Official IRA itself nor, at present at least, by any other than the six people concerned.

In those circumstances, the way we approach the matter is to ask whether justice and fairness dictates, in the case of any of the six, whether they should be granted the representation rights that they seek.

We are not persuaded that justice and fairness dictate that course, at least at present. We have made clear, through rulings and directions of the Tribunal, that if allegations are to be made against individuals, they must be made well in advance of the individual giving evidence so that that individual can be properly prepared to deal with the allegation.

No such allegations have presently been made against these applicants.

In addition, it seems to us correct that when these applicants give evidence, they should be represented by counsel and solicitors so that their interests can be protected at that time.

In those circumstances, we reject the application, but we should make clear that we are always ready to review matters if circumstances change. At the present, as I said, it does not seem to us that full representation is required in the interests of justice and fairness, but circumstances may change and, if they do, then of course we shall look at the matter again.

A2.24: Ruling (2nd May 2002): two journalists ordered to identify sources and ITN to produce relevant materials

Hearing transcript – 2nd May 2002, pp28–40

LORD SAVILLE: In August 1999 the Tribunal issued a witness summons requiring ITN to produce various materials relating to certain Channel 4 News broadcasts that were concerned with the events of Bloody Sunday.

In September 1999 the Tribunal heard an application to set aside this summons. The point at issue was whether or not, under section 10 of the Contempt of Court Act 1981, ITN were protected from revealing the sources from which much of the news stories were made. The sources in question were five soldiers. Section 10 of the Contempt of Court Act 1981, provides as follows:

“No court may require a person to disclose, nor is any person guilty of contempt of court for refusing to disclose, the source of information contained in a publication for which he is responsible unless it be established to the satisfaction of the court that disclosure is necessary in the interests of justice or national security or for the prevention of disorder or crime.”

In October 1999 the Tribunal, in a written ruling, concluded that, for the reasons it gave, disclosure of the identity of four of the five soldiers was, to quote the words of section 10, *“necessary in the interests of justice”*.

However, at that time the Tribunal also concluded that it was not appropriate there and then to make an order against ITN for disclosure since there was a prospect that either the sources themselves would disclose their identities or that those sources would be disclosed in the course of the Inquiry taking written evidence from the soldiers, a task which at that time was far from complete.

Since our ruling of October 1999, matters have moved on. The Inquiry has now largely completed the process of taking written evidence from the soldiers. This has not disclosed the identity of the sources and it is unlikely that the rest of this exercise will produce a different result.

ITN made attempts to request the soldiers to waive the undertakings of confidentiality given to them, but these attempts resulted in either a refusal to do so or a failure even to be able to contact the soldier in question.

However, the Inquiry itself was able to discover that the soldier identified by ITN as B was in fact the soldier given by the Inquiry the cipher 027 whose identity is of course known to the Tribunal, and to obtain from him such a waiver. There is therefore no need to consider his case further, since ITN and the journalists concerned have expressed their willingness to supply the Inquiry with all their material relating to that soldier.

This week we heard oral evidence from the two journalists who were responsible for interviewing the five soldiers. They produced their notebooks, though these were redacted by them so as to avoid any risk of revealing the identity of the four remaining soldiers.

It is apparent that the effect of the redactions is to conceal things said to have been said by the soldiers which, on any view, are relevant to an inquiry into the events of Bloody Sunday.

It is also apparent from the unredacted portions of the notebooks that, contrary to what we were informed in October 1999, what Soldier D said to the journalists was not, as we then put it “*wholly unspecific*”, but in fact referred to specific, relevant events which he said had occurred on Bloody Sunday.

It is a matter of regret that until very recently no attempt appears to have been made to produce to us all relevant material in respect of which no question of revealing sources arises.

For, quite apart from Soldier D, it is apparent from the redacted notebooks that there exists a substantial quantity of such material about which the Tribunal was unaware when it considered the matter in 1999.

In addition to the foregoing, since our previous ruling the Human Rights Act 1998 has come into force.

Article 10 of the Convention incorporated into our law under that Act provides as follows:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent states from requiring the licensing of broadcasting television or cinema enterprises.

2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary.”*

This article, and indeed section 12 of the Human Rights Act, is of course concerned, among other things, with the subject matter of section 10 of the Contempt of Court Act. Mr Caldecott, Queen’s Counsel on behalf of ITN, has submitted to us that now Article 10 is part of our law, there is “a new landscape” and “... any curtailment of freedom of expression must be convincingly established by a compelling countervailing consideration and the means employed must be proportionate to the end sought to be achieved”. See *Reynolds v Times Newspapers*, 2001, 2 Appeal Cases 127 at pages 200–201 and 207–208.

In our view, however, in the context of the particular legal principles that we have to apply, Article 10 does not lead the Tribunal to alter the conclusion it reached in 1999. Article 10, like section 10, is made subject to qualifications and the language used in cases such as *Reynolds v Times Newspapers*, that there must be a compelling countervailing consideration, seems to us to be synonymous with the language used by the authorities upon which the Tribunal relied in 1999, namely that the interests of justice must be of such preponderating importance in the individual case that the opening words of section 10 really need to be overridden.

Recent cases such as the *Financial Times v Interbrew* and *Ashworth Hospital v MGN Limited* suggest helpful means of seeking to resolve the problem. In particular the Master of the Rolls’ three-stage test and Lord Justice Sedley’s observation that there must be an overriding public interest amounting to a pressing social need for confidentiality to give way.

But as to our eyes is apparent from the previous ruling, the interests of justice are engaged; disclosure to the Inquiry is necessary and proportionate in order to achieve the relevant ends of justice and the pressing social need for disclosure outweighs the protection of journalistic confidential sources.

In our view it is important to bear in mind that Article 10 is not the only part of the “new landscape” brought about by the Human Rights Act. Under Article 2 there exists what can be described as a procedural duty to carry out a full and proper investigation in cases where a death or deaths have resulted from state activities.

As a Tribunal we are, under section 6, obliged to act in conformity with Article 2 as we are obliged to act in conformity with Article 10, which means, among other things, that we have a Convention duty to carry out as full and proper an inquiry as we can.

Mr Caldecott invited us to depart from the previous ruling of the Tribunal. He sought to criticise the reasoning in that previous ruling on the grounds that the Tribunal had erred in simply stating that it had taken into account the potential “chilling effect” of making orders for the disclosure of sources, the effect of which may be to cause those sources to dry up.

In his submission we should have embarked on what he described as “*a full analysis*” of this chilling effect in the circumstances of this case.

As will be seen from other parts of that ruling, it can hardly be suggested that the Tribunal had misunderstood the expression “chilling effect”, which is of course shorthand for the proposition that the disclosure to the media of wrong-doing, a matter of the highest importance, particularly in the case of public wrong-doing, would be discouraged to a significant extent unless those coming forward could be assured of confidentiality.

Mr Caldecott suggested that a matter of great significance was that the soldiers in question would not have come forward at all but for the undertakings of confidentiality and the fact that they did was a substantial contributing factor to the setting up of the Inquiry itself.

We are not persuaded that the fact that the broadcasts might not have been made but for the undertakings of confidentiality does more than give at best a hypothetical example of what might have been the chilling effect, an effect which the Tribunal made clear in its previous ruling it had taken into account in reaching its conclusion. Mr Caldecott further suggested that the Tribunal failed to take into account the overall chilling effect of an order for disclosure, ignored the evidence adduced by ITN as to such an effect and ignored or underplayed the fundamental role of the media in a modern democracy in exposing state-related wrong-doing.

The fact that the Tribunal did not set out in detail these and the other matters to which Mr Caldecott drew attention in September 1999 does not establish that the Tribunal failed as suggested, as a reading of the ruling as a whole to our minds clearly demonstrates.

In truth what Mr Caldecott really seemed to be suggesting was that the Tribunal erred in failing to give the chilling effect such weight that the interests of justice could not be regarded of such preponderating importance that disclosure should be made.

We are not persuaded that the Tribunal erred in this regard. On the contrary, it seems to us that developments since the ruling in 1999 reinforce the correctness of that ruling and the reasoning of the Tribunal, but apart from that we can assure Mr Caldecott that we have carefully considered all the material before the Tribunal in 1999 and all the further material relied upon him in the course of his submissions this week.

The development since the ruling of 1999 we have already touched upon in the course of this ruling to a degree. In the first place the Tribunal now has a statutory duty to carry out a full and proper inquiry under Article 2 of the Convention on Human Rights. This is, of course, in addition to the fact that both Houses of Parliament have resolved that there should be a new public inquiry into the events of Bloody Sunday, specifically to take account of any new information relating to the events of that day.

In the second place, the material now disclosed to us shows that the soldiers in question have made statements to ITN of potentially even greater importance than the Tribunal appreciated in 1999. Soldier A appears, on one view at least, to be saying that shots by a soldier from the city walls may have caused injuries or deaths, perhaps even the deaths of some of those who fell at the Rossville Street barricade.

Soldier C gave details of his close proximity to the paratroopers who opened fire. Soldier D gave details of incoming fire in justifying the action the paratroopers took. In our judgment, therefore, his position is now much the same as that of the other three soldiers, since the reason for accepting him in October 1999 cannot be sustained. Soldier E also gave details of his position and movements on the day. These details are tantalisingly incomplete but they demonstrate, in our judgment, that it is self-evident that, having regard to the conflicting evidence that we have heard, and will hear, all these soldiers have given accounts which it is vital for the Inquiry to investigate fully but which it cannot do without knowing the identity of the soldiers in question.

In the third place, none of the written statements we have received from soldiers to date assists in identifying the four soldiers concerned. Thus either the soldiers have given incomplete or indeed inconsistent statements to the Inquiry or, which is perhaps the more likely case, have so far failed to come forward to give evidence.

There is nothing to indicate that any of these four are among the soldiers who have been traced by the Inquiry but have yet to be interviewed, indeed, Mr Clarke informed us that this is also unlikely to be the case. There remains the suggestion that it would still be premature to make an order, since the soldiers may voluntarily come forward when the other soldiers give oral evidence or that at some later unspecified stage, it may be possible to identify them by other means.

On our present plans the soldiers who have given statements will start giving oral evidence in the early autumn, now only a few months away. There seems to us to be no real prospect or likelihood that we shall be able to identify soldiers A, C, D and E by other means.

To continue to wait on the off-chance that these soldiers may change their minds and come forward, especially in view of what has happened to date, or to speculate that undefined circumstances may arise which enable them to be identified, seems to us to serve no useful purpose and would, on the contrary, be calculated to cause unnecessary delay and uncertainty contrary to our duty to carry out a full and proper inquiry.

What we presently know about the accounts these soldiers have given is, as Mr Clarke observed in the course of his submissions, incomplete and untested and is thus, as it stands, of little or no value.

There are two further matters: firstly, we would observe that in our view the objections to revealing the identities of the four soldiers pay insufficient regard to the unique nature of the present circumstances. This is the second Inquiry into Bloody Sunday, set up by Parliament as a matter of urgent public importance for the express purpose of seeking the truth about that day in the light of grave doubts expressed over the first Inquiry and what appeared to be new information about the events of that day.

The Human Rights Act itself imposes a duty to carry out a full and proper Inquiry. The soldiers have the benefit of anonymity and of giving their evidence in London, so that the question is whether disclosure should be made to the Inquiry, not whether disclosure should be made to the public at large.

These unique circumstances are so different from the general run of cases where the question of revealing sources arises, that it is difficult to accept that an order that the soldiers in question be identified to the Inquiry will have the devastating effect on future disclosure of public or private wrong-doing suggested by Mr Caldecott.

Secondly, we should record that we have considered and that we accept and adopt certain other criticisms made by Mr Christopher Clarke, our Counsel, of the submissions of Mr Caldecott.

In these circumstances, it is our view that the two journalists concerned should be ordered to identify to the Inquiry the soldiers in question and that they and ITN should be ordered to produce to the Inquiry all relevant materials in their possession which they are presently withholding.

Both the journalists and ITN doubtless appreciate that should they fail to comply with these orders, the Tribunal will be left with no option but to certify to the High Court that, in the view of the Tribunal, that failure amounts to a contempt of the Tribunal.

We would now ask that the two journalists be recalled so that Counsel to the Inquiry can ask them the appropriate questions and, if they continue to decline to answer, for the Tribunal to order them to do so for the reasons that we have given.

So far as ITN are concerned, we ask our Counsel to suggest what order we should make in the light of this ruling.

A2.25: Ruling (27th May 2002): a person with the cipher “Infliction” will not be called to give evidence

Hearing transcript – 27th May 2002, p2

LORD SAVILLE: [I] think it is appropriate at this moment to say we are satisfied that to call or indeed to make any attempt to call the individual known as “Infliction”, who is overseas, would be in breach of the rights of that individual under Article 2 of the Convention on Human Rights.

Accordingly, we shall proceed upon the basis that “Infliction” will not be called to give evidence at this Inquiry.

A2.26: Ruling (29th May 2002): Dr John Martin to testify under certain conditions

- 1 Dr John Martin has applied for an order that he be screened while giving evidence to the Inquiry. We refer to the precise terms of the order sought later in these reasons.
- 2 Dr Martin is a retired forensic scientist. At the time of Bloody Sunday he was a member of staff of the Department of Industrial and Forensic Science. In that capacity he examined weapons used by soldiers on that day and bullets that had been recovered. He expressed views on those matters and on related matters including the significance of lead on the hands and clothing of some of the deceased. He gave evidence to the Widgery Tribunal unscreened; it is enough to say that some of his findings have been challenged by other forensic scientists and his statement to this Inquiry has been the subject of controversy.
- 3 On 21 April 2000 the Security Branch of the Royal Ulster Constabulary (RUC) issued a threat assessment on Dr Martin which assessed him *“as being at a significant level of threat”*.
- 4 On 3 April 2002, at a time when Dr Martin was scheduled to give evidence, a further threat assessment was issued which assessed him currently *“as being at a moderate level of threat with potential to increase”*.
- 5 Dr Martin contended that if he gave evidence at the Inquiry unscreened he would be *“exposed to a significantly greater level of risk to his personal safety than would otherwise be the case”*. This fear was said to stem from a number of factors, in particular the controversy surrounding the events of Bloody Sunday, the intense media coverage of the Inquiry itself and the threat assessment which, in context, must be the assessment of 3 April 2002.
- 6 The hearing of this application took place at a time when the Tribunal had ruled that a number of RUC officers should give their evidence screened. That ruling was challenged on judicial review. The Tribunal ruling was upheld by Kerr J on 19 February 2002 and on 8 May the Court of Appeal in Northern Ireland dismissed an appeal from the judgment of Kerr J.
- 7 In argument counsel for Dr Martin was asked by the Tribunal why, if Dr Martin were to give evidence unscreened, that would increase the risk to him and thereby infringe the rights to which he was entitled by reason of Article 2 of the European Convention on

Human Rights, now part of the domestic law of the United Kingdom. Dr Martin had not sought anonymity and his relevant conclusions as a forensic scientist were well-known by reason of media reporting. The Tribunal stated that it was prepared to make the necessary security arrangements in order to ensure that he was not photographed coming to or leaving the Guildhall and that it would consult the Security Services and make appropriate arrangements so that he could come to and go from the hearing without being harassed or indeed in public view. Furthermore photography was not permitted in the Guildhall; the Rialto Cinema, in which the hearings of the Inquiry had been available to the public, was no longer operating.

8 Counsel's response was that Dr Martin was in exactly the same position as those police officers who had been permitted to give evidence screened. The Tribunal pointed out that there was indeed a difference, not least because a very large number of police officers had over the years been killed or injured in the course of their duties. Counsel did not accept that the fears held by his client could be alleviated completely by any steps the Tribunal might take short of screening.

9 Following the conclusion of argument the Tribunal wrote to the Police Service for Northern Ireland, referring to the threat assessment of 3 April 2002 and addressing the following question to the Police Service:

"The Tribunal is proceeding on the assumption that his address is not known to those who might constitute the threat to Dr. Martin because, if it were known, it would seem to follow that screening would do nothing to enhance his security. On that assumption and on the basis that steps are taken to ensure that he cannot be traced from or to the Inquiry and that photographs are not taken of him either in the street or when giving evidence I should be grateful if you would say whether or not the absence of screening might have the effect of increasing significantly his vulnerability to the threat. If you take the view that the absence of screening would have the effect of significantly enhancing that vulnerability I should be grateful if you would say why."

10 By letter dated 3 May 2002 the Police Service replied in the following terms:

"It is the assessment of Security Branch that the absence of screening in this case will not significantly increase the subject's vulnerability."

- 11 The approach to be adopted when Article 2 is invoked was expressed by Lord Phillips, MR in *Lord Saville of Newdigate and Others v Widgery Soldiers and Others* (19 December 2001) in the following terms:

“31. We consider that the appropriate course is to consider first the nature of the subjective fears that the soldier witnesses are likely to experience if called to give evidence in the Guildhall, to consider the extent to which those fears are objectively justified and then to consider the extent to which those fears, and the grounds giving rise to them, will be alleviated if the soldiers give their evidence somewhere in Great Britain rather than in Londonderry. That alleviation then has to be balanced against the adverse consequences to the Inquiry of the move of venue, applying common sense and humanity. The result of the balancing exercise will determine the appropriate decision. This course will, we believe, accommodate both the requirements of Article 2 and the common law requirement that the procedure should be fair.”

- 12 That test was applied by the Court of Appeal in Northern Ireland when dismissing the appeal from the judgment of Kerr J to which we referred earlier. We approach the disposition of this application in the light of that paragraph, having in mind that the important consideration in this case is whether the giving of evidence by Dr Martin unscreened will in any significant way increase any risk to which he is presently subject. We use the term “significant” not to increase any burden already placed on Dr Martin in making this application but simply to exclude anything of no significance. Against that background the Tribunal considers that whatever subjective fears Dr Martin may have had if called to give evidence unscreened instead of screened, those fears are not objectively justified because there will be no significant increase in his vulnerability. Furthermore the steps which the Tribunal indicated at the outset of the hearing it would take will alleviate to any necessary extent any such fears.

- 13 By way of response Dr Martin’s solicitor said in a written submission:

“If the risk is increased by the giving of evidence then the first decision that has to be made is whether the witness should be called to give evidence at all.”

- 14 However, it was not submitted at any stage of the hearing that the risk to Dr Martin was such that he should not be called to give evidence. Nor had the assessment of 21 April 2000 prompted any such application. Thus it can hardly be suggested now that Dr Martin fears giving evidence at all (screened or unscreened), for were that the case, his

application would have been to that effect, rather than the screening application that was in fact made. As it is, the debate is whether screening is required in order to safeguard Dr Martin – and the latest assessment is to the effect that giving evidence unscreened would not significantly increase the risk to him.

- 15 Attention should be drawn to the precise order sought by Dr Martin in his application. It reads:

“a) that arrangements be made to enable him to give his evidence in circumstances where he will be fully screened from the view of the families of the deceased, the public, and representatives of the media, and so that he will only be visible to the members of the Inquiry, to those members of its staff who have a legitimate reason to be present, and to the qualified legal representatives of persons who have been afforded representation by the Inquiry;

b) that no video transmission (‘live’ or recorded) showing his face or physical features shall be displayed on any screen (including screens in the Guildhall, the Rialto Cinema and the premises of the Bloody Sunday Trust) during the time when he is giving his evidence or at any time thereafter;

c) that during the taking of his evidence no video recording be made which records his face or physical features;

d) that effective arrangements be made to protect him from public view while in the Guildhall and its precincts before and after giving evidence;

e) that arrangements be made to enable him to enter and leave the Guildhall before and after giving evidence in circumstances which afford him effective protection from public view, effective protection from harassment, and reasonable respect for his dignity and right to privacy.”

- 16 The directions which the Tribunal said it would make will sufficiently meet what is sought in paragraphs (c), (d) and (e). As to (b), the Tribunal will order that no video transmission (live or recorded) showing Dr Martin’s face or physical features shall be displayed on any screen other than screens in the Guildhall chamber. It is in respect of screening from the view of the families of the deceased, the public, and representatives of the media that the application will fail. For the reasons already given, the circumstances do not warrant a departure from the approach taken by the Tribunal during the course of this Inquiry, namely that its hearings should be open to the public and that screening constitutes a

significant inroad on the public nature of the proceedings, its use being a wholly exceptional measure.

- 17** Subject to the measures that the Tribunal will put in place, this application will be dismissed.

A2.27: Ruling (19th September 2002): application by Sir Edward Heath, Lord Carrington and Sir Geoffrey Johnson-Smith to give their evidence in London

Hearing transcript – 19th September 2002, pp1–4

LORD SAVILLE: Ms McGahey, before we resume Mr Wallace, we can give our rulings on the venue application made yesterday afternoon. Last June we began hearing an application made on behalf of Sir Edward Heath, Lord Carrington and Sir Geoffrey Johnson-Smith, that they should give their evidence in London rather than at the Guildhall. Among the grounds put forward in support of this application was the submission that the risk to these individuals giving evidence was greater here than in London. However, the Tribunal took the view that the assessments then prepared by the security agencies were not in themselves sufficient to enable the Tribunal to deal properly with the submission and, accordingly, decided to convene a meeting with these agencies in order to obtain further information and advice from them on this topic.

This meeting took place on 6th September. The proceedings were transcribed and the transcript has been supplied to all concerned. The transcript has been redacted so as to exclude security matters that cannot be put into the public domain and certain other matters that do not touch upon the issue of security at all.

We have now heard further submissions on the application.

Mr Mackie, on behalf of the individuals in question, submitted that his clients had genuine fears for their personal safety were they required to give their evidence at the Guildhall, that those fears were objectively justified by the advice the Tribunal was given at the meeting earlier this month, that those fears and the grounds for them would be alleviated if they gave their evidence in London and that balancing that alleviation against the adverse consequences to the Inquiry of the change of venue, common sense and humanity dictated that the application should be granted.

Thus, submitted Mr Mackie, his clients fell squarely within the principles set out by the Court of Appeal when dealing with the question of the venue for the evidence of the soldiers.

We accept that the applicants do hold genuine fears. We further accept that at the end of the meeting the Security Service and the Metropolitan Police expressed the view that those genuine fears were justified. Our understanding of the views expressed by the Police Service of Northern Ireland is that they accepted that the individuals had fears about giving evidence in Northern Ireland rather than London, but felt unable to offer a view as to whether those fears were objectively justified.

In opposition to the application Mr Treacy, on behalf of some of the concerned families, pointed out that the views finally expressed were at variance with earlier views expressed by the same agencies, that they were expressed after these agencies had withdrawn for a short while from the meeting with the Tribunal to discuss the matter among themselves and that the Tribunal were given no explanation for the change in views.

What Mr Treacy says is correct but to our minds this takes the matter no further. The whole point of the meeting was to try to clarify the views of the agencies concerned and the fact that differing views were expressed at an earlier stage does not, to our minds, devalue or undermine the final view expressed to us by two of the agencies which we have no grounds for supposing was other than a genuine expression of opinion and which, accordingly, we accept.

We further accept Mr Mackie's submission that the fears expressed by his clients would be alleviated if they give evidence in London. There remains, therefore, the balancing exercise between the adverse consequence to the Inquiry of hearing these witnesses in London as opposed to what we still believe to be the natural place for this Inquiry, namely the Guildhall.

As to this, we can see no material distinction between these cases and the case of the soldiers and, accordingly, it seems to us we are constrained by the judgment of the Court of Appeal to conclude that the balance falls on the side of alleviating the fears of the applicants. In these circumstances, we allow the application.

It is accordingly not necessary to deal with the other grounds advanced by Mr Mackie.

A2.28: Ruling (19th December 2002): claims for immunity made by the Secretary of State for the Home Department; application to give evidence by a time-delay procedure; applications for anonymity and screening by Security Service officers; venue for Security Service officers

Introduction

- 1 The Tribunal has before it three claims for public interest immunity together with applications for anonymity, screening and a delayed time-procedure for taking the evidence of certain witnesses.
- 2 One claim for immunity is made by the Secretary of State for the Home Department ("the Home Secretary") by certificate dated 19 October 2000 with an addendum dated 20 November 2000. Another is made by the Secretary of State for Defence ("the Defence Secretary") by certificate dated 23 November 2000. On 20 May 2002 the Minister of State for the Home Department ("the Minister") made a claim for immunity in respect of further material. The material for which immunity is claimed is acknowledged by the claimants to be relevant to the Inquiry's terms of reference. Nevertheless the Tribunal considers that some of the material in question is not relevant and, as appears later in these reasons, may be dealt with accordingly.

Public interest immunity

- 3 Each certificate spells out the concerns said to justify immunity from disclosure of the material in question. Each certificate is accompanied by a confidential schedule in which the material is more specifically identified and the concerns are expressed in greater detail. The material referred to in the confidential schedules has been viewed only by the members of the Tribunal, the then reserve member, Counsel assisting the Inquiry and the Solicitor to the Inquiry.

- 4 Counsel for the various interests represented before the Inquiry raised a number of issues relating to public interest immunity. Some of those issues concerned the powers of the Tribunal, some the procedural steps the Tribunal should take, while others went to the nature of the material and the extent to which it is encompassed by public interest immunity. We shall deal with the principal issues raised.
- 5 First, however, we should explain the time that has elapsed since the first two claims were made in late 2000. The Tribunal heard argument on those claims in December 2000. Early in 2001 it was in a position to make a ruling on each of the claims. Events then occurred that made it necessary to defer a ruling.
- 6 In December 2000 David Shayler, a former officer of the Security Service, wrote to the Inquiry to explain that he was in a position to give evidence which had relevance to the material the subject of the claims. This made it necessary for the Tribunal to pursue a line of inquiry. This made it inappropriate to deliver any ruling until the issues raised by that letter and in a newspaper article written by Mr Shayler had been resolved. The matter was further complicated by the production of a newspaper report of remarks made by a former soldier, given the pseudonym of Martin Ingram. This required further inquiries by the Tribunal. In addition the Tribunal received the certificate by the Home Department dated 20 May 2002, to which reference is made above. The three applications were then listed for further argument. The Tribunal is now able to make a ruling in regard to each of the claims.

Powers of the Tribunal

- 7 The first issue and one with which the Tribunal has already dealt is the powers of the Tribunal so far as a claim for public interest immunity is concerned. In a submission made on behalf of the family of Bernard McGuigan, Alexander and William Nash and Danny Gillespie, Mr Mansfield QC sounded “*a note of caution*” as to whether this Tribunal is empowered to withhold material from disclosure on the basis of public interest immunity. A written submission made on behalf of Michael Quinn was in stronger terms. In effect it contended that the powers of the Tribunal were constrained by the legislation under which it was constituted, that its obligation was to meet its terms of reference and that it could only do so by making public any material relevant to those terms of reference. However, Mr McGonigal, counsel for Mr Quinn, informed the Tribunal that his client “*is no longer maintaining that the Tribunal has no jurisdiction to consider the questions of the public interest immunity, and he is no longer maintaining that the Tribunal should not have sight of the documents in unredacted form*”.

The ruling on power

8 On 5 December 2000 the Tribunal delivered a ruling in the following terms:

“We have before us this morning applications by the Home Office and by the Ministry of Defence for Public Interest Immunity in respect of a number of documents. The nature of the application has been opened to us by Counsel to the Inquiry, Mr Christopher Clarke, but when he had finished doing so, it seemed to the Tribunal appropriate to call on Mr Michael Mansfield, who acts on behalf of a number of the interested parties, to make a submission to the Tribunal in relation to paragraph 3 of his skeleton argument. The reason for that is that paragraph 3 raises, as it is put, ‘a note of caution as to whether this Tribunal, constituted under the 1921 Act [a reference to the Tribunals of Inquiry (Evidence) Act 1921], has the authority to allow a PII claim’. It seemed to us it was appropriate to consider that question at the outset so that we could then be in a position to deal with the other matters that arise in the hearing of the PII application, including among other things, the question as to whether or not this Tribunal should sit in private to hear submissions and read the materials in respect of which Public Interest Immunity is sought.

We have considered what Mr Mansfield has to say and he is right to raise a note of caution, but the Tribunal is firmly of the view that under the 1921 Act it does have authority to entertain and rule upon a claim for Public Interest Immunity. The question as to the test to be applied in deciding whether or not Public Interest Immunity should apply seems to us to be something completely different from this first question as to whether or not we have any power at all to entertain any such application.

It seems to us that a reading of Section 1(1) and Section 1(3) of the 1921 Act, together with Section 2(a) of the same Act makes it quite clear that the Tribunal has the same powers, rights and privileges as are vested in the High Court. Those powers, rights and privileges, include of course the right to entertain Public Interest Immunity applications.

Accordingly, we rule that we do have such power and we can now turn to the different question as to the tests to be applied in exercising that power.”

Procedural matters

- 9 As the common law has developed, the doctrine of public interest immunity upholds the necessary power of the courts to compel testimony but at the same time recognises that there may be a public interest, so serious as to justify the non-disclosure of evidence, oral or written. In that regard a court must weigh the competing interests involved in order to determine whether the public interest in non-disclosure should, in the particular circumstances, prevail over the public interest in full disclosure. It is important to stress that while the interests of particular individuals may be involved, the claim for immunity is advanced by the Crown in the interests of the community. Having regard to the provisions of the 1921 Act relating to witnesses and the production of documents, this Tribunal, faced with a public interest immunity claim, must approach the claim in the same way that a court would approach it.
- 10 Special considerations arise where the European Convention on Human Rights (“the Convention”) is concerned, particularly since the Convention became part of the domestic law of the United Kingdom on 2 October 2000 with the passing of the Human Rights Act 1998 (“the HRA”). This is a matter we deal with later in these reasons, having in mind the argument presented by the Northern Ireland Civil Rights Association (“NICRA”) that the HRA has no application to this Inquiry.
- 11 Once it is understood that the Tribunal must consider claims to public interest immunity, questions of a procedural nature arise. Although it was argued, not so much as a question of power as of fairness, that the Tribunal should not examine the material for which immunity is claimed unless it is prepared to make the material available to interested persons, that argument was not really pressed. In the end all counsel accepted that realistically the Tribunal would have to read the material for itself as a first step. Mr Treacy QC did seek to distinguish between material involving the safety of individuals and other material but in the end recognised that the Tribunal could not embark upon its task without at least viewing all the material for which immunity was claimed.
- 12 Some of the submissions contained a rider that legal representatives with a direct interest in the material should themselves have access to it and a further rider that they should be authorised to inform their clients of its contents. The difficulties to which these riders give rise are apparent and they are compounded in that not all the interested parties advanced such a submission. The Tribunal does not consider the riders to be an appropriate course.

- 13 Counsel for the Home Secretary and the Defence Secretary submitted that they should have the opportunity to address the Tribunal in private in respect of the confidential schedules. We are of the view that this is not an appropriate course. If, on reading the material, the Tribunal considers that some matters in the confidential schedules are not clear or require further explanation, it is proper for the Tribunal to so indicate to the legal representatives for the two departments, affording the opportunity for the schedules to be amended or added to. But the schedules, read together with the certificates which refer to them, must speak for themselves.

The certificates

- 14 In order to understand the task that faces the Tribunal in applying the doctrine of public interest immunity to the material in question, it is necessary to say something of the concerns expressed in the certificates. It is also necessary to bear in mind that in some cases the withholding of a document in its entirety is sought. In other cases the certificate claims immunity only for parts of a document and there is no objection to disclosure of the document in a redacted form.
- 15 The certificate by the Home Secretary dated 19 October 2000 identifies the material for which immunity is claimed as:

“(a) Documents and a tape recording of a debrief containing intelligence provided by INFLICTION, a Security Service agent resettled outside of the United Kingdom.

(b) Documents related to Observer B, previously a Security Service agent.

(c) Information relating to the identities of Security Service Officer A, and ex-Security Service Officers C, David, James and Julian.”

The documents and information referred to in the certificate are elaborated in considerable detail in the confidential schedule which the Tribunal has read together with the documents which it identifies. (This is true of each certificate.)

- 16 The reasons expressed in the certificate relate to information, the disclosure of which would endanger or risk endangering present and former members of the Security Service and persons who provided information to the Service; current and future operations of the Security Service, at risk if the material is disclosed; and, speaking generally, the impairment of the efficiency of the Security Service that would result if the information is disclosed.

- 17 The addendum dated 20 November 2000 in effect adds Officer B to the names in paragraph 5(c) of the certificate dated 19 October 2000 and seeks a similar limitation in his case and on similar grounds.
- 18 The certificate by the Defence Secretary dated 23 November 2000 refers to the certificate by the Home Secretary and, in respect of the matters to which that certificate relates, claims immunity for an intelligence report bearing on one of those matters.
- 19 The claim made by the Defence Secretary is that if the intelligence report were disclosed *“it would be possible for terrorists to identify the intelligence source and take counter-measures that would render it useless”*. This would *“seriously jeopardise the intelligence source and ... risk serious damage to national security”*.
- 20 The certificate by the Minister of State for the Home Department dated 20 May 2002 refers to the earlier certificate and addendum by the Home Secretary, relies upon those documents and then makes a claim for immunity *“for certain parts of further material relating to the work of the Security Service in respect of which disclosure may be required or oral evidence may be sought”*. That material relates to “Infliction”.

Weighing the public interest

- 21 The task of weighing the public interest in the disclosure of material relevant to the Tribunal’s terms of reference against any real harm likely to be caused to other public interests by such disclosure is rarely an easy one. It requires the identification with some precision of the interest served by disclosure and of the particular harm that may be done to other interests if disclosure is ordered. Furthermore, in giving its ruling and the reasons therefor, while the Tribunal must have regard to the material identified in the schedules, it can only refer to that material in a general way.
- 22 The Tribunal has from the outset made clear its intention to put all relevant material in the public domain unless persuaded that, for compelling reasons, it would be in the public interest to take a different course. The importance of hearing the evidence in public hardly needs to be stressed in the circumstances of the present Inquiry. Indeed the Tribunals of Inquiry (Evidence) Act 1921, in Section 2(a), precludes the Tribunal from refusing to allow the public to be present at its proceedings. But it does so with a very important qualification: *“unless in the opinion of the Tribunal it is in the public interest expedient so to do for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given”*.

The Human Rights Act

23 In the present case the debate focused very much on the implications of the Convention and the HRA in weighing the competing public interests. The HRA Section 1 defines the Convention rights by reference to certain articles of the Convention and of particular protocols.

24 The articles which featured most in the argument before the Tribunal were Articles 2, 3 and 6. This was on the basis that the Tribunal must give effect to the obligation cast on state authorities not to breach the rights conferred on individuals by those articles and, additionally, to take positive steps to safeguard those rights from the actions of others. Section 6(1) of the HRA provides:

“It is unlawful for a public authority to act in a way which is incompatible with a Convention right.”

25 In the oral and written submissions originally made to the Tribunal on public interest immunity, no challenge was made to the relevance of the HRA in weighing the competing public interests. Indeed it was accepted that the Act was relevant. What was in issue was the meaning and scope of particular articles. However, in a written submission made later by NICRA a positive challenge was made to the application of the HRA to any decision made by the Tribunal on public interest immunity. A similar challenge was made by NICRA before the Court of Appeal (England and Wales) in *Lord Saville v Widgery Soldiers* (19 December 2001) and was rejected by that Court, essentially for the following reason:

“The Tribunal is undoubtedly a public authority within section 6(3) of the 1998 Act, being a court or tribunal whose functions are of a public nature.”

26 The answer to NICRA’s challenge in the present proceedings lies not so much in the construction of the HRA as in an understanding of the 1921 Act. Section 1 of that Act, in particular sub-sections (1) and (3), clearly place the Tribunal in the same position as the High Court as far as the attendance of witnesses, the production of documents and the immunities and privileges of witnesses are concerned. Public interest immunity is an aspect of those matters and, to that extent, the Tribunal is in the same position as the High Court. Because Section 6(1) of the HRA precludes the High Court (and any court) from acting in a way incompatible with a Convention right, this Tribunal is equally precluded.

The Convention articles

27 Article 2 reads in part:

“1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally.”

Article 3 reads:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Article 6 reads in part:

“1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

28 Unless an article itself qualifies a right, as in the case of Articles 8, 9, 10 and 11, the articles “*brook no interference with the rights enshrined within them*”. Lord Phillips MR in *R v Secretary of State for the Home Department ex P Mahmood* (8 December 2000) at para. 39. Articles 2 and 6 are not qualified in any sense relevant to the present debate; Article 3 is unqualified. However this does not mean that the language employed in the articles may not give rise to debate; “fair hearing” is one example: see *Procurator Fiscal v Brown* (Privy Council on appeal from High Court of Justiciary, 5 December 2000) where limitations on access to the courts is discussed.

Articles 2 and 3

29 Not surprisingly, it has been said by the European Court of Human Rights (“the European Court”) that “*Article 2 ranks as one of the most fundamental provisions in the Convention*” (*McCann & Ors v UK* (1996) 21 EHRR 97).

30 While Article 2 confers a substantive right and imposes a substantive obligation, it also has a procedural aspect. The substantive right appears clearly enough from the language of Article 2. It is a right to life which is protected against the actions of the State or an individual. It enjoins the State not only to refrain from taking life “intentionally” but, further, to take appropriate steps to safeguard it. It implies:

“a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual”. (*Osman v UK* (1998) 29 EHRR 245 paras. 115–116.)

In *Lord Saville v Widgery Soldiers* (Court of Appeal, 19 December 2001), Lord Phillips MR, delivering the judgment of the Court, spoke of “*the real and immediate risk to life*” referred to in *Osman* as “*well above the threshold that will engage Article 2 when the risk is attendant upon some action that an authority is contemplating putting into effect itself*” (par. 28).

- 31 Section 6(1) of the HRA precludes the Tribunal from acting in a way incompatible with the right conferred by Article 2.
- 32 Article 3 generates similar principles where there is a risk of torture or punishment.
- 33 Mr Treacy QC submitted that the procedural implications of Article 2 require that where there is an inquiry into a death to which the article relates the Tribunal must ensure that all relevant information is made available to those affected by the inquiry. The procedural aspect manifests itself, the submission contended, by granting standing to the spouse or a close relative of the deceased and providing to them all information relevant to the investigation.
- 34 Article 2 has implications for the Inquiry in two ways. If the disclosure of particular material presents a risk to the life of someone now or formerly in the Security Service or to someone who is or was a source of information regarding terrorist activities, Article 2 places a positive obligation on a court or tribunal not to place that person’s life at risk. That obligation extends to the families of intelligence officers and informants.
- 35 The procedural aspect of Article 2 obliges a court or tribunal to ensure that the standing of a relative of a deceased killed by an arm of the State is not thwarted by its actions. Standing includes access to relevant information. However, that right cannot prevail against any substantive right conferred by Article 2. If the evidence falls short of establishing a risk to the life of a member of the Security Service or to an informant (or their families), the Tribunal can and should give effect to the procedural aspect of the article unless some other article is in tension with it.
- 36 We do not understand Mr Treacy to contest that a substantive right under the Convention will prevail over a procedural safeguard. Rather, his submission was that in the case of members of the Security Service and informants there was an obligation on the State and

to some extent on the Tribunal itself to eliminate or at any rate minimise the risk. A witness protection programme was mentioned as one means. The existence of such means may well be relevant to whether there is a risk to life. But there can be no doubt that as a matter of principle substantive rights will prevail over procedural rights.

Article 6

37 The place of Article 6 in the argument is rather more complex. As we understood Mr Treacy's submission, the article is relevant in the following way:

1. Article 6 asserts the right to a fair and public hearing in the determination of the civil rights and obligations of a person or of a criminal charge against a person.
2. In the case of a criminal trial evidence may not be withheld from the defence if to do so will prevent the accused from receiving a fair trial.
3. The right to a fair and public hearing is an incident of an inquiry into the deprivation of life contrary to Article 2.
4. The right identified in Article 2 is absolute and non-derogable.
5. It follows that public interest immunity cannot justify the withholding of relevant information where to do so will interfere with the substantive or procedural rights conferred by Article 2.
6. This Inquiry concerns the deprivation of life in circumstances which offend Article 2. A spouse or a close relative of a person who was deprived of life in those circumstances is entitled, by reason of Article 6, to a fair and public hearing. Public interest immunity cannot stand in the way of that entitlement.

38 In the view of the Tribunal the submission cannot be sustained in that form. Article 6 does not, in the circumstances of this Inquiry, advance the position of the families of those who were killed. Article 2, in its procedural aspect, gives to those families the entitlement to an open inquiry into the deaths that occurred. That entitlement is necessarily qualified by the need to take into account public interest immunity, especially where the disclosure of information would place at risk the life of another. This is simply to say again that the procedural aspects of Article 2 cannot override its substantive aspects.

39 It follows that if, in the view of the Tribunal, the disclosure of information would cause a risk to the life of a Security Service officer or an informant, past or present, the right to life protected by Article 2 must prevail over procedural rights conferred by the Convention,

expressly or by implication. As appears from earlier paragraphs the right to life to be protected extends to families.

- 40 In that particular situation, where there is a risk to life, there is in truth no balancing exercise to be performed. By reason of Section 6(1) of the HRA there is a statutory obligation on the Tribunal not to act in a way which is incompatible with the right conferred by the Convention. If there is no risk to life by the disclosure of information, the Tribunal may have regard to public interest immunity. Indeed it is bound to carry out the balancing exercise traditionally performed by the courts.
- 41 Article 6 contains no express right of access to a court or tribunal. Nevertheless such access is a necessary incident for the protection of the procedural guarantees which the article contains. See *Golder v United Kingdom* (1979) EHRR 524 paragraph 35. Because the right of access is not defined, the European Court has referred on several occasions to limitations on access permitted by implication. The authorities are noted by Lord Bingham of Cornhill in *Procurator Fiscal v Brown*, pages 11-12. However, a limitation must not destroy the very essence of the right.
- 42 In so far as a criminal trial is prayed in aid by way of analogy, whether by the families or the soldiers:
- “The jurisprudence of the European Court very clearly establishes that while the overall fairness of a criminal trial cannot be compromised, the constituent rights comprised, whether expressly or implicitly, within Article 6 are not themselves absolute. Limited qualification of these rights is acceptable if reasonably directed by national authorities towards a clear and proper public objective and if representing no greater qualification than the situation calls for.” (Lord Bingham in *Procurator Fiscal v Brown*, page 27.)
- 43 There is, in any event, a more fundamental difficulty facing those who would invoke Article 6. The entitlement to “a fair and public hearing” operates in the determination of the civil rights and obligations or of any criminal charge against a person. The Tribunal is not determining a criminal charge against anyone. Nor is it determining the civil rights and obligations of anyone; its charter is to inquire into “*the events on Sunday, 30 January 1972 which led to loss of life in connection with the procession in Londonderry on that day, taking account of any new information relevant to events on that day*”. It is true that the Tribunal’s report will inevitably deal with the conduct of many persons on Bloody

Sunday, civilian and military, but it will not determine their rights and obligations. The distinction was drawn in *Fayed v UK* (1994) 18 EHRR 393 and is a bar to reliance upon Article 6 in these proceedings.

Public interest immunity – the soldiers

- 44** The position of those soldiers who argue against any immunity for the material covered by the certificates and schedules requires consideration in light of the matters discussed so far in these reasons.
- 45** The families of the deceased seek full disclosure of all material that throws light on the conduct of the soldiers on 30 January 1972, including any decisions taken by senior officers and others in a position of political or executive authority which relate to that conduct. The soldiers, on the other hand, are concerned to have access to information bearing upon any participation by members of the IRA or any other organisation or by any individuals, not so far identified, in the events of that day.
- 46** In the present context the soldiers do not assert any right under Articles 2 or 3. No soldier has been charged with an offence by reason of his conduct on 30 January nor, having regard to the Attorney General's assurance in 1999, will any be so charged by reason of any evidence he may give to the Inquiry or any written statement made preparatory to giving evidence.
- 47** It might be argued that Article 6's requirement of a fair and public hearing entitles the soldiers to access to all relevant information, at any rate where the life of another is not at risk. But that argument meets the fundamental difficulty to which we refer in paragraph 43 of these reasons. Mr Lloyd Jones QC, appearing on behalf of the clients of Mr Anthony Lawton, preferred to place reliance on the analogy of criminal proceedings. This was on the basis that serious allegations had been made by some counsel in the course of opening, indeed allegations of murder and that the killing of civilians took place in the course of a planned operation. On that footing, it was said, material which might be of assistance to the soldiers in meeting those allegations should be disclosed to them.
- 48** If the criminal trial analogy is apt then, it was argued, the term balancing exercise is not appropriate. Public interest immunity cannot operate where a miscarriage of justice might ensue from the withholding of documents. Another way of putting might be in the language of Taylor LCJ in *R v Keane* (1994) 1 WLR 746 at 751:

“If the disputed material may prove the defendant’s innocence or avoid a miscarriage of justice, then the balance comes down resoundingly in favour of disclosing it.”

- 49 However, Mr Lloyd Jones’ submission was in stronger terms that rejected the idea of a balancing exercise. The correct approach, he argued, was that set out in par. K6.14 of the Report of the Inquiry into the Export of Defence Equipment and Dual-Use goods to Iraq and Related Prosecutions (the Scott Report) where it was said that where there are documents which might have been of assistance to the defence, it is not possible to have public interest factors in favour of non-disclosure which are of such weight as to tip the scale against disclosure of such documents.
- 50 Nevertheless, Mr Lloyd Jones accepted that in the present situation these principles may have to yield if the disclosure of material would expose an individual to the risk of death. Clearly that must be so and Mr Lloyd Jones did not contend for the disclosure of such material. Nevertheless, he emphasised what he said was the unfairness to interested parties who face the gravest allegations and non-disclosure should be permitted only where it was unavoidable.

The material

- 51 A detailed review of the material for which immunity is claimed is restricted by the contents of the confidential schedules. However, it is necessary to say something of the circumstances giving rise to the application.
- 52 “Infliction” is the code name given to a former Security Service agent. The Security Service has disclosed to the Inquiry a number of documents produced following debriefings of Infliction in 1984, as well as a tape recording identified by Officer B as a recording of part of his debriefing of Infliction. According to these documents, Infliction made certain claims about Martin McGuinness, who was on 30 January 1972 a high-ranking officer of the Provisional IRA in Londonderry, in particular that Mr McGuinness had admitted to Infliction that he had fired a single shot from the Rossville Flats that had “*precipitated the Bloody Sunday episode*”. These documents give rise to questions as to whether Mr McGuinness did fire such a shot and, if he did, in what circumstances and with what consequences.

Mr McGuinness is scheduled to give evidence to the Inquiry. In his written statement to the Inquiry he has denied making any such admission to Infliction; indeed he goes further

and denies having fired any shot on Bloody Sunday. Thus there is an issue as to whether Mr McGuinness did fire a shot that day.

53 On 27 May 2002 the Tribunal ruled that it was satisfied that to call or indeed to make any attempt to call Infliction, who is overseas, would be in breach of his rights under Article 2. Accordingly the Tribunal would proceed upon the basis that Infliction would not be called to give evidence. Whatever weight the Tribunal may attach to the Infliction material is a matter to be determined after hearing argument.

54 The Tribunal understands the position in which Mr McGuinness will be placed if he is unable to confront Infliction. At the same time it has a duty to investigate the events of Bloody Sunday, a duty which in its view precludes it from simply ignoring the Infliction material. The weight to be attached to the material will be assessed on the totality of the evidence, including that of Mr McGuinness and of the witnesses whose evidence bears upon the credibility of Infliction. We use the term credibility to embrace the general reliability of Infliction in his dealings with the Service. This somewhat extended concept of credibility is, we believe, warranted in the circumstances, in particular the inability of the Tribunal and the interested parties to see and to question Infliction.

55 The Tribunal needs little persuasion that material identifying or having the potential to identify former Security Service agents is likely to endanger their lives if their work has involved contact with any terrorist organisation. Some documents relate to a former agent, identified only as Observer B. The Tribunal was recently informed of Observer B's death. He is therefore no longer at risk but his family, friends and associates may be. Furthermore, the documents relating to Observer B contain references to former members of the Security Service and sources of information who might be at risk if they were to be identified.

56 In connection with Infliction the Inquiry may call as witnesses some or all of David Shayler and the current and former officers identified as A to C, E to G, and I to L. Insofar as evidence relates to Mr Shayler, there is no problem in regard to his identity but there is of course in relation to the officers themselves.

57 The Inquiry may also require the attendance as witnesses of former Security Service Officers David and Julian and also Officer M. James, a former officer, is now deceased. Their evidence relates to Observer B so the problems of identity relate not only to the witnesses but to Observer B.

- 58 A consideration of the certificates, of the confidential schedules and of the material itself which the Tribunal has inspected leaves us in no doubt that disclosure of certain documents in unredacted form would constitute a risk to the life of a number of officers, current and former, and agents or informants. It does not follow that in every case disclosure should be withheld. In some cases the redaction of names and other identifying information may remove the threat.
- 59 The claim for immunity based upon impairment of the efficiency of the Security Service is more difficult. Certainly a report which would make it possible for terrorists to identify intelligence sources or operational structures and take counter-measures has important national security implications which may readily bring the balance down against disclosure. On the other hand, information relating to office organisation and administration may have no particular national security implications, in which event, if relevant to Infliction, it will warrant disclosure. After all, the certificates themselves acknowledge the Attorney-General's Written Parliamentary Answer on 11 July 1997, given in general terms, that immunity will not be asserted by the Government "*unless the relevant Minister believes that disclosure of a document or piece of information will cause real harm to the public interest*". Of course, as foreshadowed at the outset of these reasons, that sort of information may have no relevance to the Inquiry.

The material to be disclosed

- 60 The documents inspected are held by the Security Service in files. However, it is more useful to identify the documents by reference to the terminology used in the applications themselves. Speaking generally the material for which immunity is granted attracts the operation of Article 2, whether by reference to a document in its entirety or in an unredacted form. The right to life to be protected is that of officers, former and current, and also of agents or informants, together with families. Some material has national security implications. The efficiency of the Security Service does not necessarily attract public interest immunity but in many instances the details for which immunity is claimed are in truth irrelevant and on that basis alone need not be disclosed.

Certificate by Home Secretary dated 19th October 2000 and Schedule thereto

This certificate relates to documents contained in an attached Bundle A.

(a) Bundle A, section A

This is material relating to Infliction. The documents in section A of Bundle A are:

- (i) unredacted versions of the documents that appear in redacted form in the Inquiry's bundles at G109.666–672, KA2.15–19 and KC1.3–5;
- (ii) the tape recording of which redacted transcripts appear at KB3.3–5, KC1.3–5 and KC1.7–9;
- (iii) the witness statements of Officers A and C of which copies appear at KA2.1–19 and KC1.1–9; and
- (iv) three further documents for the entirety of which public interest immunity is claimed.

In the unredacted version of G109.670–672, the words "*Source description:*" and "*Reliability not fully assessed*" appear on the second page above "*Date of information: April 1984*". It is now accepted that these words can be disclosed, though not the words that appear between them in the original.

Subject to the preceding paragraph this claim for immunity is upheld.

(b) Bundle A, section B

This is material relating to Observer B. All the documents in section B of Bundle A appear in redacted form in the Inquiry's bundles at G123.812–831.

Some of the redactions of these documents have been made on the application of Observer B and were the subject of a ruling of the Tribunal made on Day 35 at pages 17–21. The present ruling is confined to the redactions for which the Security Service has applied.

In the unredacted version of G123.818, the name "*James*" appears in the middle of the portion of text between "*Following for*" and "*from Director of Intelligence Northern Ireland*". It is now accepted that this name can be disclosed though not the text that appears either side of it.

This claim for immunity is also upheld subject to the preceding paragraph and subject also to the insertion of certain ciphers in the documents at G123.814 and G123.818. The documents containing these ciphers will be distributed as soon as possible after this ruling is published.

(c) Bundle A, section C

The documents in section C of Bundle A are the witness statements of David, James and Julian that appear in the Inquiry's bundles at KD2.1–2, KJ2.1–2 and KJ4.1–2. Under the present application no issue of redaction arises in relation to these statements separate from the claim for anonymity in respect of the surnames of David, James and Julian. The redactions to the statements of James and Julian have been made by the Inquiry to protect the anonymity of Observer B and others named in his witness statement. Section C of Bundle A also includes the annexes to the statements of James and Julian, which are missing from the copies of those statements in the Inquiry's bundles. However these annexes consist only of the documents that appear in section B of Bundle A, and so no further issue concerning their redaction arises under this heading.

Addendum to the Certificate of 19 October 2000, dated 20 November 2000 and including the Addendum to the Schedule to that Certificate

Material relating to the identity of ex-Security Service Officer B should not be disclosed. There are no underlying documents for which public interest immunity is claimed.

Certificate by Defence Secretary dated 23 November 2000 and Schedule thereto

The intelligence report should not be disclosed because disclosure would put the source at risk.

Certificate dated 20 May 2002 and Schedule thereto

This certificate relates to documents contained in another bundle identified as Bundle A. The statement provided by Mr Shayler should only be disclosed in the redacted form in which it appears in the Inquiry's bundles at KS2.1–5. This is to protect the identities of Officers E to L and also some details of Security Service working practices. The bundle

also includes other documents relating to Infliction which should not be disclosed as bearing on his identity.

Because there are two errors in the ciphers substituted in Mr Shayler's statement, a fresh copy of the statement with the correct ciphers will be distributed as soon as possible after this ruling is published.

- 61 It follows from what has been said in the preceding paragraphs of this ruling that the Schedules themselves should not be disclosed. It also follows that if any of those mentioned in those paragraphs give evidence they should not be asked about information protected by redaction or non-disclosure of documents, in particular about any matter that might tend to reveal the identity or whereabouts of Infliction.

Time-delay procedure application

- 62 The Security Service applies for an order that Officer A, former Officer B and David Shayler may give their evidence by the time-delay procedure described in the application. The object is to avoid any inadvertent disclosure by those persons who, counsel for the Service told the Tribunal, "*have some knowledge about 'Infliction' or his whereabouts*" (Day 214). However it should be noted that in a signed statement to the Inquiry Mr Shayler says: "*I have no idea of the identity of Infliction.*"
- 63 The application describes the procedure in considerable detail. It is unnecessary to repeat all that detail but in essence what is proposed is that interested parties give a list of questions to Counsel to the Inquiry, that counsel will question the witness in the presence of the Tribunal and persons associated with its administration and in the presence of counsel representing the Security Service and persons associated with the Service, but not in the presence of the public or even of the legal representatives of the interested parties. At the conclusion of the evidence, the Service should have sufficient time to examine the transcript, argue for redaction where thought necessary and where that argument is rejected have sufficient time to seek judicial review of the Tribunal's decision.
- 64 The disadvantages of the course proposed are obvious. It would impede the conduct of the Inquiry by imposing serious time constraints. The interested parties and their legal representatives would be excluded from the particular hearings and would not be able to question the witnesses directly. The justification offered for the course proposed is that it is the only way in which the identity of Infliction can be adequately protected.

- 65 The Tribunal has recognised its concern to protect the identity of Infliction by its decision in regard to the public interest immunity claims. No questions may be asked of a witness which might lead to the identification or whereabouts of Infliction. It is no doubt possible that something may be said inadvertently which bears on these matters but such a possibility exists in the case of any witness who has been granted anonymity, including those many soldiers who will give evidence anonymously. Of course the risks disclosure may bring will vary from person to person. However any questions asked of these witnesses will be controlled by the Tribunal to avoid any risk of inadvertent disclosure. As part of that control counsel for the Security Service may intervene to express concern at any question asked and indeed before any answer is made to a question. Given the limited ambit of questioning on matters of credibility and the obvious concern there will be to protect Infliction's identity, the Tribunal is not persuaded that there is a significant likelihood of disclosure such as to warrant the course proposed. This application is refused.

Anonymity, screening, venue

- 66 The applications for anonymity, screening and venue embrace more persons than those for whom the time-delay procedure is sought. Clearly Mr Shayler is not concerned with anonymity or screening since his own actions have made these procedures superfluous. However, applications are made on behalf of the Security Service Officers A to C, E to G and I to M and, except in respect of their first names, David, James and Julian.
- 67 The basis of each application is the same, namely the threat to life of Security Service personnel who are or who have been engaged in anti-terrorist activities in Northern Ireland and the United Kingdom. These matters are elaborated upon in the confidential schedules and are persuasive. The Tribunal has not been furnished with threat assessments in the ordinary way as is its practice in the case of screening applications. However the schedules to the certificates dated 19 October 2000 and 20 May 2002 do contain threat assessments. In any event the threat is self-evident, given the activities of the persons in question.
- 68 Where the principles to be applied in the case of anonymity, screening and venue have been examined in rulings of the Tribunal and of the Court of Appeal, there is a feature which bears upon the Tribunal's emphasis on the need for open, public hearings. Those on whose behalf the application is made were not present on Bloody Sunday nor has anything been said to suggest that they can throw any light on the events of that day.

Certainly the evidence of David, James and Julian relates to their activities in 1972, unlike Officers A to L whose involvement is more recent. Officers E to G and I to L deal with the reliability or credibility of Infliction. Their particular identities are of no special significance to the events of the day; their own credibility can be tested sufficiently without knowing their names.

- 69 The reasoning of the Court of Appeal in *R v Saville* (28 July 1999) in regard to the anonymity of soldiers and the undoubted risk to the safety of the applicants if their names are known lead inevitably to a grant of anonymity in the case of these applicants.
- 70 As to screening, the Tribunal has discussed the relevant principles in its ruling on Dr Martin's application (29 May 2002). That ruling was made consequent upon an earlier ruling that certain RUC officers should give their evidence screened. That ruling was upheld by Kerr J and an appeal from that judgment was dismissed by the Court of Appeal in Northern Ireland.
- 71 The Tribunal's approach has been to ask whether the giving of evidence by a witness unscreened will in any significant way increase any risk to which he is presumably subject. Those responsible for threat assessments have been asked to direct their attention to that question. In the case of the RUC officers and Dr Martin there was no anonymity. In the former case screening was granted, in the latter it was not.
- 72 In the present case the Tribunal is dealing with persons whose identity is presently unknown to those participating in the Inquiry and to the public. This is not a situation in which it can be said that there is no difference to their safety whether they give evidence screened or unscreened. Giving evidence unscreened may provide some clues to their identity which do not arise from any participation in the events of Bloody Sunday and therefore constitutes an avoidable risk. The protection of Article 2 is paramount and the Tribunal rules that they may give their evidence screened.
- 73 As to venue, the Tribunal looks to the judgment of the Court of Appeal in *Lord Saville v Widgery Soldiers* (19 December 2001). It is unnecessary to repeat par. 31 of the judgment of the Master of the Rolls; it has been referred to by the Tribunal in several of its rulings. At the risk of repetition, the position of these applicants is unusual. Having regard to the confidential schedules, the Tribunal is satisfied that the applicants have genuine fears for their safety if they give evidence in Londonderry, that those fears are objectively justified and that those fears will be alleviated if they give their evidence in London. Accordingly the Tribunal rules that they may give their evidence in London.

A2.29: Ruling (14th April 2003): applications for anonymity, screening and redactions of documents and other material made on behalf of the Government and government agencies

- 1** We have before us a number of applications which relate to evidence and documents emanating from the security services and those who work or worked for those services. The applications are supported by a Certificate dated 27th March 2003 and signed by the Home Secretary, and (in respect of some of the documentary material) by a Certificate dated 2nd April 2003 signed by the Minister of State at the Northern Ireland Office. Each Certificate is accompanied by a confidential schedule which gives further details supporting the applications, but which has only been disclosed to the members of the Tribunal, the Solicitor to the Inquiry and Counsel to the Inquiry on the grounds that to publish its contents more widely would defeat the very purposes for which the applications are made.
- 2** In essence the applications seek by various means to prevent the publication of evidence and documents and to protect the identity of present and former informants and members of the security services. The applications are based on two grounds, namely the danger to the lives of individuals were the material and identities in question to be disclosed more widely than to those who have been shown the confidential schedules and the damage likely to be caused to the working of the security services and thus to national security in the like event.
- 3** So far as the first of these grounds is concerned, an obligation rests on the Tribunal itself to give effect to Article 2 of the European Convention on Human Rights in respect of the right to life, so that the principles that have developed in relation to public interest immunity are not directly relevant. On a number of occasions during the course of this Inquiry we have had to consider this right and the principles that we do have to apply are now set out in judgments of the Court of Appeal dealing with anonymity and the venue for hearing certain evidence. As to the second ground, this does depend on the proper application of the law in relation to public interest immunity.

- 4 There is a further consideration, that of relevance. In order to ensure that we have made every reasonable effort to obtain as much information as we can relating to the events of Bloody Sunday, we instructed our Solicitor and Counsel to adopt a very broad definition of relevance in seeking documents and information from the security services. However, it is right that we should consider afresh whether everything that has been supplied to us is indeed relevant to our task. To the extent that we conclude that it is not, then we would accede to a request for it to be withheld, since its publication would serve no useful purpose, and there would be no need to go into the question whether that request was well founded.
- 5 It is convenient first to deal with applications that the identity of the individuals known as Observer "C", Observer "D", Officer "H" and Officer "N" should not be disclosed. Observer "C" and Observer "D" are, as we are informed, dead, but fear is expressed for the safety of their relatives were their identities to become known. Officer "H" and Officer "N" are alive and it is their own safety for which fears have been expressed.
- 6 Applying the principles to which we have referred, in the light of the material that we have seen and considered, we have no doubt that these fears are objectively justified and that our duty under the Human Rights Act requires us to accede to these applications. We should add that the actual names of these individuals are to our minds of minimal if any relevance to the Inquiry.
- 7 Next there are applications that Officer "H" and Officer "N", who have given written statements to the Inquiry, should, if required to give oral evidence, be screened whilst doing so and (in the case of Officer "N") should also give evidence in London rather than at the Guildhall. The basis for these applications is again the rights of these individuals under Article 2 of the Convention. At present we are of the view that no purpose would be served in calling Officer "H" to give oral evidence. It may well be that we shall take the same view of Officer "N", but if we do decide to call him to give oral evidence, then it seems to us that screening and giving evidence in London are measures that should be taken in order properly to protect his right to life. As to screening, we make the same order as we have made in other cases where a screening application has succeeded.
- 8 There are also applications that both an individual known as "David" and Officer "H" should be allowed to give their evidence by video link. So far as Officer "H" is concerned, for the reasons given we need not (at least in this ruling) pursue this question further. "David" lives abroad. He has made it clear that he is unwilling to come to this country to give evidence. We are satisfied that to try and obtain a court order in his country of

residence would be likely to reveal his identity, contrary to his right to life and our earlier ruling that he should be granted anonymity. In those circumstances we are left with the choice of not hearing his oral evidence, or acceding to this application. In our judgment our duty to seek as much information as we can about the events of Bloody Sunday requires us to adopt the latter course.

- 9 We next turn to an application relating to a statement dated 26th February 2003 made by a member of the security services known as Officer “A” and 37 accompanying documents. This statement deals with these documents and other information, all of which go to the question of the reliability of an informer known as “Infliction”. In an earlier ruling dated 19th December 2002 we set out the circumstances attending the question of Infliction and his credibility and there is no need to repeat them here. Having read and considered Officer “A’s” statement and the accompanying documents we are left in no doubt that to disclose any of this material would be in breach of Infliction’s Article 2 rights. We have considered a suggestion made to us in the course of oral submissions that an alternative method of proceeding would be to use ciphers and the like so that at least some of the material could be disclosed, but in our judgment the redactions that would have to be made would be so wide as to render what remained of no use at all.
- 10 There are then a number of applications seeking redactions to certain documents. Very many of the redactions sought are based upon the proposition that disclosure would breach the right to life of individuals. Once again, we have examined the redacted passages and sought to apply the principles to which we have referred. We are satisfied that these redactions are necessary properly to uphold the right in question.
- 11 Other redactions are sought to be justified on what could be described as classic public interest immunity grounds, rather than on any application of the European Convention on Human Rights. However, in a number of cases it seems to us on examination of the material that what has been redacted is of no relevance to the task of the Inquiry, either in the sense of directly throwing light on the events of Bloody Sunday, or in the sense of leading to a line of inquiry that may have this result. In our judgment nothing would be gained in those cases in considering the validity of the public interest immunity applications, for publication of these redactions would serve no useful purpose and can be withheld for that reason.
- 12 There remain a number of cases where the redacted material could be said to be of some relevance. Here the application is based upon the proposition that its disclosure would do real harm to the public interest, in the form of seriously damaging the work of the security

services; and that this public interest is not outweighed by the public interest in the material being made available to all in the course of what we have often emphasised is a public inquiry.

- 13 The harm which it is submitted would follow from publication of this material is said to arise from the fact that the redacted passages reveal information relating to methods, techniques or equipment deployed by the security and intelligence services, to the operations and capabilities of these services and generally of matters that would be of assistance to terrorists and other criminals. We are satisfied that this submission is well founded.
- 14 So far as the other side of the balance is concerned we have, as well as considering the basic need for the Inquiry to be conducted in public to the greatest degree possible, considered the degree of relevance and importance of this part of the material. In our judgment, none of the material for which non-disclosure is sought on public interest immunity grounds (as opposed to grounds based on human rights) can be described as of central or vital importance to the task of seeking to discover what happened on Bloody Sunday, but rather as being at best of only peripheral relevance, for example by adding in a minor way to knowledge of historical background events and the like.
- 15 In our judgment, bearing particularly in mind the damage that would be done to national security on the one hand and the relative unimportance of this material in the context of the task that we have been given, the balance comes down firmly on the side of acceding to the application for non-disclosure of this material, which we accordingly do. In this context we should note an argument that has already been made on an earlier occasion by Mr Lloyd Jones QC on behalf of a number of the soldiers, to the effect that since some of his clients face allegations of murder, the correct course to take is not to conduct this form of balancing exercise, but instead to require disclosure of everything that might be of assistance in rebutting those allegations, save only where non-disclosure was justified on the grounds of the right to life. However, it is not in our view necessary to rule on the validity of this argument, since the material in question is not in our judgment either of such a nature that it could usefully be deployed by way of rebutting the allegations that have been made, or of a kind in respect of which it could be said, in the context of the present Inquiry, to be unfair to the soldiers not to disclose.
- 16 There remains the matter of how to deal with questioning of witnesses so as to avoid or minimise the risk that information that we have ruled should not be disclosed is nevertheless made public. It was at one stage suggested by the security services that a

form of warning should be given both to Counsel and to the witness concerned. As to Counsel, we are confident that all are aware of their duty not to seek to circumvent our rulings by using any means to elicit information that we have decided should not be made public and in our view it is unnecessary to give them any such warning. As to witnesses, it has already become our practice to warn them to be careful not to say anything that could lead to the identification of persons to whom we have granted anonymity and there is no objection to this practice being followed in the present circumstances. In our view, however, it is not possible to construct at this stage any wider form of warning that would be reasonably intelligible to the particular witness, though the position may well change if we adopt, as we do, a suggestion made by Mr Christopher Clarke QC, Counsel to the Inquiry.

- 17 This is that all interested parties who wish to question a witness who might be supposed to have information which we have ruled should not be disclosed should provide to the Inquiry a detailed synopsis of the matters which they wish to canvass with the witness, setting out in addition the reasons why they wish to adopt this course and the facts and matters upon which they rely for the proposition that such matters are of relevance to the subject matter of the Inquiry and therefore need to be explored with the witness. The Tribunal can then consider these synopses. If the Tribunal is persuaded that they do raise matters of relevance, then Counsel to the Inquiry can discuss the synopses with the security services, who would have an opportunity to raise objections on human rights or public interest immunity grounds, which in turn can then be considered by the Tribunal. By this means it should be possible to reduce, though probably not eliminate, the prospect of time consuming delays while questions of relevance and non-disclosure are debated and ruled upon in the course of the oral evidence. It may also be possible after consideration of the synopses, to construct warnings to witnesses which provide them with specific and clear guidance. Finally, it may be the case that after considering the synopses, the best course to take would be to seek a further written statement from the witness in question. We are not persuaded by the submission made on behalf of the families that this course, if taken, would somehow give the witness an unfair advantage by enabling evidence to be tailored and adjusted. We have made clear in the past that with all our witnesses, the approach to take is not one of seeking to ambush the individual, but instead to adopt what we have described as a “cards on the table” approach.

- 18** In view of the fact that the time for listening to the evidence of the witnesses concerned is fast approaching, it is necessary for these synopses to be prepared as soon as possible. We direct that they be delivered to the Inquiry by 28th April 2003 at the very latest.
- 19** Finally, we should note that during the course of the oral submissions, criticism was levied at the security services for their alleged failure to provide the Inquiry with all relevant documents, either at all, or only after what was described as inexcusable delay. We consider it inappropriate to make any comment on these criticisms in the course of the present ruling, but we would like to repeat what we said during the submissions and which we believe and hope is accepted by all interested parties, that Counsel to the Inquiry have worked and continue to work long and hard, to seek to ensure that everything of relevance is brought to light.

A2.30: Ruling (15th April 2003): application for screening and anonymity by Martin Ingram

Introduction

- 1 This is an application by Martin Ingram (a pseudonym), a former serving soldier who is due to give evidence before the Inquiry.
- 2 The applicant seeks *“an order to implement appropriate measures to ensure the screening of his physical appearance and the non disclosure of his true identity when he gives evidence before the Inquiry”*. He asserts that he *“has genuine and reasonable fears as to the potential consequences of disclosure of his personal details and his physical appearance which justify the exceptional measures of screening and non disclosure of his identity”*. He further asserts that the grant of this application *“will not prejudice the fundamental objective of the Inquiry to find the truth about Bloody Sunday”*.
- 3 The applicant relies upon confidential material described as Part B and upon the Certificate of The Right Honourable Geoffrey Hoon MP, Her Majesty’s Secretary of State for Defence, dated 5th March 2003. That certificate has been presented to the Inquiry in support of a claim on behalf of the Crown for public interest immunity and to support the claim for screening and anonymity made on his own behalf by the applicant. It is accompanied by a confidential annex. The certificate further contends that the categories of information set out in its paragraph 16 should not be disclosed in the course of questioning of the applicant. Those categories are as follows:

“(1) the organisation, chain of command, methods of operation, capabilities, training, equipment and techniques of the special units of the armed forces;

(2) the identity and location of the premises of special units of the armed forces; the identities and physical appearance of members and former members of the special units of the armed forces;

(3) any counter-terrorist activities in which Martin Ingram, or any units with which he served, may have been involved, in particular those summarised in the confidential annex to this certificate;

(4) the nature and sources of intelligence information;

(5) any other information which might be useful to terrorist organisations or detrimental to national security.”

- 4 Thus there are in truth two applications before the Inquiry, one by Martin Ingram for screening and anonymity, and the other by the Defence Secretary which supports the claim for screening and anonymity but goes further and seeks to limit the scope of areas of questioning of Martin Ingram. Martin Ingram’s own application contains two witness statements, one dated 26th July 2002 and the other dated 10th February 2003. Those statements have been circulated to the interested parties, though in a redacted form designed to protect rights guaranteed by Article 2 of the European Convention on Human Rights. There is a further statement dated 17th March 2003.
- 5 Although the application by Martin Ingram refers to an individual threat assessment, there is no such assessment in the form required of the relevant authority in some other cases with which the Tribunal has been concerned. He relies upon material in Part B. This material contains information as to Martin Ingram’s personal circumstances and the threat to his safety from certain sources together with information bearing on the special units of the armed forces, intelligence details and counter-terrorist activities. The Tribunal has accepted that course where members of the Security Service are involved. We have followed our usual practice of reading that material for ourselves but not disclosing it to the interested parties. Article 2 of the European Convention on Human Rights dictates such a course notwithstanding the Tribunal’s desire that the Inquiry should be public.

Background

- 6 The background to these proceedings lies in certain claims made about Martin McGuinness who was on 30th January 1972 a high ranking officer of the Provisional IRA in Londonderry, in particular that Mr McGuinness had admitted to a former Security Service agent, to whom the code name “Infliction” has been given, that he had fired a single shot from the Rossville Flats that had “*precipitated the Bloody Sunday episode*”. In a written statement to the Inquiry Mr McGuinness has denied making any such admission to Infliction. Indeed he goes further and denies having fired any shot on Bloody Sunday. As appears from the Tribunal’s ruling of 19th December 2002, the Tribunal earlier decided that to call or indeed to make any attempt to call Infliction, who was overseas, would be in breach of his rights under Article 2. Accordingly the Tribunal

proposed (and continues to propose) that it would proceed upon the basis that Infliction would not be called to give evidence.

- 7 As further appears from the ruling of 19th December 2002, the Tribunal's duty to investigate the events of Bloody Sunday precludes it from simply ignoring the Infliction material and obliges it to weigh that material in the totality of the evidence, including witnesses whose evidence bears upon the credibility of Infliction. In this context the Tribunal has used (and will continue to use) the term credibility to express the general reliability of Infliction in his dealings with the Security Service. The present applicant, Martin Ingram, is, by reason of his service as a former member of one of the Army's special units, someone whose testimony may bear on the credibility to be attached to Infliction's assertion that Mr McGuinness had admitted to him the firing of a shot on Bloody Sunday.

Tribunal's approach

- 8 In its ruling of 19th December 2002 the Tribunal discussed the principles applicable to claims for public interest immunity, the operation of the Human Rights Act 1998, the relevant articles of the European Convention on Human Rights and matters bearing upon anonymity and screening. We do not think it necessary to repeat that discussion. Our task is to apply those principles to the circumstances of the application by Martin Ingram and the public interest immunity claim by the Defence Secretary.

The material

- 9 Martin Ingram's first witness statement deals with his postings in a range of Army intelligence units between 1980 and 1990 or thereabouts. Much of this time was spent in Northern Ireland or in connection with intelligence activities in that country. He describes in some detail the organisation of the special units with which he was associated, the system of storing files and other records including classified documents. He speaks in general terms of the manner in which intelligence was gleaned and of counter-terrorist activities.
- 10 Clearly, the unrestricted dissemination of such matters could be damaging to national security and to the extent that the material may lead to the disclosure of Martin Ingram's identity could constitute a threat to his safety. At the same time it is apparent that Martin Ingram has put a great deal of information in the public domain and that the

Defence Secretary's concern is with categories of information. By way of further illustration, no claim for public interest immunity is made for notes made by Mr McCartney, the solicitor for James Wray who was killed on Bloody Sunday, of a telephone communication with Martin Ingram on 7th April 2000. Those notes contain information about intelligence organisations operating in Northern Ireland.

Infliction

- 11** In the absence of Infliction to give oral testimony, his credibility can only be tested by the evidence of those who knew him in the course of his work or who, in some other way, can throw light on his reliability. Whether Martin Ingram's evidence will assist the Tribunal in resolving this issue remains to be seen. The applicant cannot himself speak directly of the events of Bloody Sunday.

Anonymity

- 12** Martin Ingram's claim for anonymity is based essentially on the threat to his own safety if his identity is revealed. The certificate by the Defence Secretary supports anonymity by reference to the safety of members of special units which, it is said, would be jeopardised if the identity of Martin Ingram were known.
- 13** The written submission made on behalf of the family of James Wray stresses the principle of open justice and the requirement of the Tribunals of Inquiry (Evidence) Act 1921 that proceedings should be conducted in public. Since the inception of this Inquiry, the Tribunal has stressed the principle of open justice. However section 2 of the 1921 Act itself recognises that it may be in the public interest to exclude the public from any of its proceedings.
- 14** Furthermore the European Convention on Human Rights as incorporated in the Human Rights Act 1998 imposes a positive obligation on the Tribunal to give effect to Article 2: *"Everyone's right to life shall be protected by law."*
- 15** Taking into account these considerations, including the exposition by the Court of Appeal in *R v Saville* (28 July 1999), we are satisfied that Martin Ingram's subjective fears are objectively justified and that he should have anonymity in these proceedings. We shall however return to the James Wray submission when considering the scope of questioning of Martin Ingram.

Screening

- 16 As with anonymity, the claim for screening is supported by the Defence Secretary's certificate.
- 17 The essential issue is whether screening is required in order to safeguard Martin Ingram, bearing in mind the Tribunal's statutory obligation not to act in a way which is incompatible with a Convention right. The Tribunal has approached that obligation by asking whether the giving of evidence by a witness unscreened will in any significant way increase any risk to which he is subject.
- 18 The material in Part B contains considerable detail as to the risks to which Martin Ingram would be exposed if his true identity were known. Those risks are enhanced by his personal circumstances.
- 19 The Tribunal has considered whether an order of the sort that was made on Dr Martin's application (ruling 29th May 2002) should be made in this case. That order gave measures of protection against video recording of features but refused screening from the families of the deceased, the public and the media. However in this case an order falling short of screening would not meet the requirements of Article 2. There will therefore be an order in the terms attached.

Scope of questioning

- 20 Earlier in these reasons we set out the categories of information which the Defence Secretary considers should not be disclosed in the course of questioning Martin Ingram. Those categories are couched in broad terms and it is their very broadness which is attacked in the James Wray submission and was criticised during argument.
- 21 Before we take that matter further, we repeat a point made in our ruling of 19th December 2002. It is that where objection is taken to questioning on a particular matter for which public interest immunity is claimed the information sought may simply be irrelevant to the Tribunal's task. In such a case it will be unnecessary to go into the matter any further.
- 22 It is apparent that some questions falling within one or other of the categories would simply be irrelevant. For instance, questions which sought details of the special units in every respect are unlikely to assist the Tribunal in dealing with the events of Bloody Sunday. On the other hand, where the witness statement touches on various matters

which may be relevant and no objection has been taken by the Defence Secretary, it is hard to see why some questioning should not be permitted.

23

The James Wray submission implicitly acknowledges these considerations and in par. 5 identifies those aspects of the witness statement on which questioning is sought.

“(a)K1 2.4 para. 8: further particulars of the documents and intelligence information (though not the individual sources) referred to;

(b) K1 2.5 para. 9: the numbers of agents drawn “from all parts of the 32 counties [who] would have been asked to attend” the Bloody Sunday demonstration; the assignments they would have been given; the ciphers, where appropriate, of any who may already be known to the Inquiry;

(c) K1 2.5 para. 10: the practices of FRU and its related agencies with regard to the retention and destruction of relevant intelligence documents;

(d) K1 2.7 para. 17: all relevant details arising from the debriefings of agents 3007 and 3018 (not including their true identities) “which included questions on any information about Bloody Sunday of which they were aware”.”

24

The Tribunal’s task is not made easier by the breadth of some of the categories in paragraph 16, nor by the formulation of the matters in the Wray submission. The submission on behalf of the clients of Mr Anthony Lawton expresses concern that on one reading, “*paragraph 16 may prevent the questioning of Martin Ingram about matters similar to those which are addressed by Officer A in his Second and Third statements, such as access to materials and rank in the intelligence hierarchy*”. These matters were not canvassed in any detail in argument before the Tribunal.

25

So that the Tribunal can deal with this part of the public interest immunity claim in a meaningful way, we accept in principle the claim in paragraph 16, subject however to the right of any interested party to ask questions of Martin Ingram that are relevant to the subject matter of the Inquiry and that do not offend Article 2 or national security. So that the matter may be more refined, the interested parties should provide to the Inquiry by 28th April 2003 a detailed synopsis of the matters on which they wish to question Martin Ingram, including the reasons for this course and the facts and matters upon which they rely to demonstrate the need to question him.

- 26 The Tribunal will consider each synopsis. If persuaded that it raises matters of relevance, it will give Martin Ingram and those represented by the Defence Secretary an opportunity to object on human rights or public interest immunity grounds.
- 27 As to the matter raised by par. 6 of the Wray submission we refer to par. 60(a) of our ruling of 19th December 2002 where we explained that certain words could now appear in unredacted form. The Tribunal is not persuaded that any further disclosure is appropriate.

Order for screening

- (a) that arrangements be made to enable Martin Ingram to give his evidence in circumstances where he will be fully screened from the view of the families of the deceased, the public, and representatives of the media, and so that he will only be visible to the members of the Inquiry, to its Counsel, to those members of its staff who have a legitimate reason to be present, and to the qualified legal representatives of persons who have been afforded representation by the Inquiry;
- (b) that no video transmission (“live” or recorded) showing his face or physical features shall be displayed on any screen during the time when he is giving his evidence or at any time thereafter;
- (c) that during the taking of his evidence no video recording be made which records his face or physical features;
- (d) that effective arrangements be made to protect him from public view while in the Central Methodist Hall and its precincts before and after giving evidence;
- (e) that arrangements be made to enable him to enter and leave the Hall before and after giving evidence in circumstances which afford him effective protection from public view, effective protection from harassment, and reasonable respect for his dignity and right to privacy.

A2.31: Ruling (12th May 2003): application for anonymity, screening and restrictions on disclosure of sensitive information made by Ministry of Defence in relation to Officer Y and Officer Z

- 1 The Tribunal has received a certificate from the Secretary of State for Defence dated 7th May 2003. This is supplemental to his certificate dated 5th March 2003 which is dealt with in the Tribunal's rulings of 14th April 2003.
- 2 The supplemental certificate is accompanied by a confidential annex which we have read. The application before the Tribunal is made by the Defence Secretary on the grounds of public interest immunity. It arises in connection with the evidence of witnesses referred to as Officer Y and Officer Z who are to give evidence this week. Both witnesses were part of the intelligence operations of the Ministry of Defence.
- 3 The application made by the Defence Secretary seeks in effect anonymity and screening for Officers Y and Z and the non-disclosure of what is described as "*sensitive information in the categories described in paragraph 16 of the main certificate*".
- 4 In its rulings of 14th April 2003 and its earlier ruling of 19th December 2002 the Tribunal discussed at length the principles operating where anonymity and screening are sought and where the non-disclosure of sensitive material is the basis of a PII application. There is no need to repeat what is said there.
- 5 In accordance with those principles, and the orders we have made in comparable situations, the position of Officers Y and Z in military intelligence clearly warrants anonymity and screening in their own interests and more widely in the public interest in so far as the evidence they are able to give relating to military intelligence is concerned. Orders to that effect will not affect the Tribunal's search for the truth. There will be orders for anonymity and screening in each case.
- 6 So far as the disclosure of sensitive material is concerned, the Tribunal repeats the approach taken in the April rulings.

- 7 Accordingly, it requires that any interested party who wishes to ask questions of the witnesses going beyond their present statements should give notice to the Tribunal by 5.00 pm on Tuesday 13th May. The Tribunal will then determine whether such questions should be asked.

A2.32: Ruling (23rd May 2003): anonymity

The Tribunal has from time to time granted anonymity to a number of individuals. The terms in which anonymity has been ordered have varied from case to case. The Tribunal now rules that in any case in which an individual has been granted anonymity, there shall be no publication by any person either of the name of that individual or of any information that may, whether directly or indirectly, lead to his or her identification.

A2.33: Ruling (10th July 2003): questioning of witnesses

We have on a number of occasions made clear to the interested parties that we deprecate repetitive or hostile questioning by successive counsel whose clients have the same interest, since repetitive questioning is likely to waste time and successive hostile questioning may be unfairly oppressive to the witness concerned. Thus, we have made clear that where interested parties have the same interests, there shall be the greatest possible co-operation between their counsel, so that the same topics are not raised with a witness time after time in ways which serve no useful purpose and which may be unfairly oppressive.

We have received an application from those acting on behalf of the family of James Wray expressing concern that they may not have a full and fair opportunity of questioning certain witnesses in relation to what occurred in Glenfada Park, where James Wray was shot, and requesting both that our ruling on successive questioning should be modified and that there should be an alteration in the order in which counsel for the families question the soldier witnesses so that, in some cases, counsel for the Wray family can start the questioning.

To date, the questioning of the soldiers by the families has, with few exceptions, been started by counsel acting for those families represented by Madden & Finucane.

We are not persuaded that there is any need to modify what we have said about the questioning of witnesses or indeed to order any alteration in the order in which counsel for the families question the soldier witnesses.

Clearly, it is neither practicable nor desirable to lay down inflexible rules since the circumstances in which witnesses give evidence and are questioned vary so much. As we have made clear in the past, our ruling is not an end in itself but a means to an end, which is to ensure that everybody is treated fairly. Thus we have allowed, and we will continue to allow, questioning by successive counsel with the same interests, where we consider it appropriate for the witness's evidence to be tested by more than one interested party and where we perceive no unfairness to the witness in allowing that course to be taken.

What we are not disposed to allow, however, is successive questioning that serves no useful purpose or which unnecessarily increases the inevitable stress on the witness. In this regard we must once again emphasise that we expect all concerned to co-operate in making the maximum effort to ensure that the risk of repetitive or oppressive questioning is not created by a failure

properly to co-operate in identifying issues and topics that can appropriately be raised by one party on behalf of all.

In these circumstances we believe that under the present arrangements the Wray family will be given a fair and proper opportunity of questioning the witnesses concerned.

A2.34: Ruling (18th September 2003): applications by Patrick Ward to be screened and to hear his evidence in London

- 1 Patrick Ward has made an application for screening and to give his evidence in London rather than in Londonderry.
- 2 Mr Ward came to the Inquiry's attention upon being mentioned in a recent biography of Martin McGuinness entitled *From Guns to Government* by Liam Clarke and Kathryn Johnston. Mr Ward, who lives abroad, subsequently provided a written statement to the Inquiry. In his statement, he claims to have been the Commanding Officer of the Derry Fianna, the youth wing of the Provisional IRA (PIRA), on January 30, 1972. He describes its organisation and activities during the period leading up to that day. In addition, he describes the planning for a nail bomb attack by a Fianna section following the NICRA march that day and the involvement of both Martin McGuinness, the then second-in-command of the Derry PIRA, and Gerard Donaghy, one of those killed by Army action that day, in that plan. Also, he discusses, in more general terms, Mr McGuinness' role in PIRA during that period. Mr Ward's evidence becomes even more significant because very few members of republican paramilitary organisations have come forward to assist the Inquiry.
- 3 Mr Ward's application is based on Articles 2 and 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms as he has reasonable and genuine fears for his safety. As he puts it, he "*fears for his life*". This is based upon what he describes as the known PIRA response, namely, death, to an informer, which he might be termed because of his statement to this Inquiry, because of previous accusations of treachery made against him by the Irish National Liberation Army (INLA), another republican paramilitary group and because of a 2002 newspaper article, which described him as an informer for the Royal Ulster Constabulary. In addition, he claims that in 1983 he was kidnapped, beaten and threatened with death by the INLA before he escaped. For these reasons, he submits that it is safer for him to testify at the Central Hall than the Guildhall. His screening application is based on the likelihood that, unless he gave his evidence screened, he would be recognised by former friends and colleagues so that the

de facto anonymity he has acquired by reason of his long absence from Derry would be lost. As mentioned, he now lives abroad in what he terms “*secure living accommodation*”, which he might have to leave if he were, by chance, recognised there.

- 4 The Inquiry sought and, on 25 July 2003, obtained a threat assessment from the Northern Ireland Police Service. It said:

“We hold no current intelligence to indicate that a specific threat exists against Patrick Ward.

We are aware, however, of his terrorist history and further in-depth enquiries indicate that despite the passage of time, the potential for a terrorist grouping taking retaliatory action against Mr Ward does exist.

It would seem prudent, therefore, to support any effort to negate the risk to Mr Ward by allowing him to give his evidence to the Inquiry in London. Furthermore, the screening of Mr Ward whilst giving evidence would undoubtedly assist in reducing any risk to him.”

- 5 Although the PSNI assessment does not quantify the risk to Mr Ward, it does assist us to conclude that, in the circumstances, his fears for his personal safety are reasonable and genuine and thus his Convention rights prevail over the inroad to the public nature of the Inquiry that would result from his giving evidence screened and in London. Using the approach set out by Lord Phillips at paragraph 31 in *Lord Saville and others v Widgery Soldiers and others* (19 December 2001), we grant the application for Mr Ward to be screened while testifying in London. Mr Ward will remain visible to the Tribunal and to the legal representatives of the parties. His evidence may be fully tested. The screening will be on the same terms as those we described on 14 April 2003 for Martin Ingram.
- 6 We should record that Mr Ward has said that he would not testify if his application were refused. We have, however, allowed his application based on his Convention rights and, in reaching this conclusion, we have not taken his expressed intention into account.

A2.35: Ruling (1st October 2003): application for screening by Private L

- 1 Some days ago we issued a subpoena to compel the attendance of Soldier L to this Inquiry. On his own contemporary account Soldier L shot on Bloody Sunday and may have hit a civilian.
- 2 We took the course of issuing a subpoena after being informed by Soldier L's counsel that Soldier L was refusing to attend the Inquiry, despite being given notice many weeks earlier of the date on which we wished him to attend.
- 3 Soldier L did not comply with the subpoena, nor did he or his lawyer provide us with any good reason for his failure to do so. We accordingly took the view that on the information before us, we had no alternative but to put in hand the process of reporting Soldier L to the High Court for contempt of this Tribunal. At this time, counsel for Soldier L told us that he had no further information that he could usefully put before us to persuade us not to take this course.
- 4 The next day, Soldier L's counsel informed us that Soldier L was now willing to give evidence but wished to be screened. We accordingly directed that he should make an application to that effect forthwith.
- 5 This application is now before us. In its original form it was based on the proposition that screening was necessary in order to protect Soldier L's Article 2 rights in the sense of protecting him from possible attempts on his life. However, by an amendment to his application it was also submitted that for Soldier L to give evidence unscreened would expose him to an unacceptable risk to his health. We have seen medical evidence in relation to this latter submission. As is our normal practice this evidence has not been made public or distributed to the interested parties. However, we have concluded that this medical evidence does provide good grounds for allowing the application and so we do direct that Soldier L may give his evidence screened.

- 6 The application was, of course, made very late indeed. However, we sought and have been given reasons for this state of affairs and we have concluded that the failure to apply earlier does not in the circumstances detract from the genuineness or validity of the application based on medical grounds.
- 7 It remains to say that, in the circumstances, we see no point in considering the merits of the unamended application based on Article 2.

A2.36: Ruling (2nd October 2003): application for screening by Captain INQ 2225

1 This is an application by INQ 2225, a soldier who was on duty in Londonderry at the time of Bloody Sunday, that he be screened while giving evidence to this Inquiry.

2 The basis of the application may be found in paragraph 8 of Part I – Open of the formal application. This reads:

“8. INQ 2225 fears that were he to give evidence unscreened he would be exposed to an appreciably increased risk of terrorist attack. In particular it is submitted that if INQ 2225 were to give evidence unscreened there would be a real risk that his anonymity would be compromised and that it would be possible to trace him. It is submitted that these fears are objectively justified.”

3 The Tribunal has discussed on a number of occasions the principles to be applied when dealing with an application for screening. We draw particular attention to the written ruling delivered on 29 May 2002 in regard to an application by Dr John Martin and a ruling delivered orally on 20 June 2002 in regard to applications by Soldiers H and 104. It is unnecessary to set out those principles again at any length; it is their application to the present case with which the Tribunal is concerned.

4 If indeed INQ 2225 fears that by giving evidence unscreened he would be exposed to an appreciably increased risk of terrorist attack and this fear is objectively justified, the next step is for the Tribunal to balance the protection afforded by screening against any adverse consequences for the Inquiry of hearing his evidence screened.

5 The application is in two parts, the first an open part which has been distributed to the interested parties and the second a schedule marked Part II which is confidential to the members of the Tribunal, its Counsel and the Solicitor to the Inquiry. Since the precise factual basis for the fears expressed by INQ 2225 and which appears in Part II cannot be stated without defeating the purpose of the application, the Tribunal must proceed on the footing that Part II remains confidential.

6 In accordance with its practice when an application is made for screening, the Tribunal has asked the relevant security organisation to prepare a threat assessment. In such an assessment the Tribunal seeks to be informed whether by giving evidence unscreened there will be a significant increase in the vulnerability of the witness to attack, in this case by terrorists.

7 The Tribunal has distributed to the parties a summary that it is satisfied represents as much of the assessment as can properly be disclosed. The summary reads:

“The “assessment is that Soldier INQ 2225 would be taking a significant personal risk by giving evidence to the Inquiry unscreened. This assessment is based primarily on the increased likelihood of Soldier INQ 2225 being recognized as a result of (REDACTED). Moreover, the fact that publicly available information has also the potential to identify Soldier INQ 2225.”

The recommendation is “that screening Soldier INQ 2225 whilst he gives evidence may enhance his personal security, prevent further exposure of his identity, and therefore reduce his vulnerability to subsequent attack”.”

8 In delivering its ruling on the application by Soldiers H and 104 the Tribunal drew attention to the approach taken on behalf of the soldiers on their application for anonymity, namely that the soldiers would be seen by the families and the public when they gave evidence so that the inroads on the public and open nature of this Inquiry were limited. That approach was endorsed by the Court of Appeal. See in particular paragraphs 56 and 68 of the judgment of Lord Woolf MR, given in July 1999 on the anonymity application and paragraph 55 of the judgment of Lord Phillips MR given on 19 December 2001 on the Venue application. Nevertheless it is apparent that there may be particular circumstances personal to the individual which justifies screening, notwithstanding the benefit of anonymity.

9 While the Tribunal is constrained in dealing with this aspect of the application, it is satisfied from the confidential schedule that indeed there are special, personal circumstances which are likely to have the effect of destroying INQ 2225’s anonymity should he give evidence unscreened. In that event his circumstances would expose him to a significant increase in the risk of reprisals. In those circumstances the Tribunal is of the view that the application should be granted.

- 10 Objection has been taken to the granting of this application so long after similar applications by some other soldiers. In dealing with the screening application made by INQ 0005 (ruling delivered 2 October 2003), the Tribunal set out the relevance of delay in this context. We do not repeat what is said there because we are satisfied, from the chronology and description of events in the letter to the Inquiry from the applicant's solicitor dated 26 September 2003, that there has been in truth no delay. The letter has been distributed to the parties.
- 11 There will be an order in the terms sought by paragraph 2 of the application. We should add that the more limited order granted in the case of Dr Martin is, in our view, not sufficient in this case to give the protection which is properly sought.

A2.37: Ruling (2nd October 2003): application for screening by Private INQ 0005

1 This is an application by INQ 0005, a soldier who was on duty in Londonderry at the time of Bloody Sunday, that he be screened while giving evidence to this Inquiry.

2 The basis of the application may be found in paragraph 8 of Part I – Open of the formal application. This reads:

“8. INQ 0005 fears that were he to give evidence unscreened he would be exposed to an appreciably increased risk of terrorist attack. In particular it is submitted that if INQ 0005 were to give evidence unscreened there would be a real risk that his anonymity would be compromised and that it would be possible to trace him. It is submitted that these fears are objectively justified.”

3 The Tribunal has discussed on a number of occasions the principles to be applied when dealing with an application for screening. We draw particular attention to the written ruling delivered on 29 May 2002 in regard to an application by Dr John Martin and a ruling delivered orally on 20 June 2002 in regard to applications by Soldiers H and 104. It is unnecessary to set out those principles again at any length; it is their application to the present case with which the Tribunal is concerned.

4 If indeed INQ 0005 fears that by giving evidence unscreened he would be exposed to an appreciably increased risk of terrorist attack and this fear is objectively justified, the next step is for the Tribunal to balance the protection afforded by screening against any adverse consequences for the Inquiry of hearing his evidence screened.

5 The application is in two parts, the first an open part which has been distributed to the interested parties and the second a schedule marked Part II which is confidential to the members of the Tribunal, its Counsel and the Solicitor to the Inquiry. Since the precise factual basis for the fears expressed by INQ 0005 and which appears in Part II cannot be stated without defeating the purpose of the application, the Tribunal must proceed on the footing that Part II remains confidential.

- 6 In accordance with its practice when an application is made for screening, the Tribunal has asked the relevant security organisation to prepare a threat assessment. In such an assessment the Tribunal seeks to be informed whether by giving evidence unscreened there will be a significant increase in the vulnerability of the witness to attack, in this case by terrorists.
- 7 The Tribunal has distributed to the parties a summary that it is satisfied represents as much of the assessment as can properly be disclosed. The summary reads:
- “Soldier INQ 0005 would be at greater personal risk giving evidence to the Tribunal unscreened, than if he were screened. This assessment is based primarily on the increased likelihood of Soldier 0005 being recognised as a result of (REDACTED); and the possibility thereafter of locating him to his home address through publicly available sources of information.
- The recommendation is “that screening Soldier INQ 0005 whilst he gives evidence may enhance his personal security, prevent further exposure of his identity, and therefore reduce his vulnerability to subsequent attack”.”
- 8 In delivering its ruling on the application by Soldiers H and 104 the Tribunal drew attention to the approach taken on behalf of the soldiers on their application for anonymity, namely that the soldiers would be seen by the families and the public when they gave evidence so that the inroads on the public and open nature of this Inquiry were limited. That approach was endorsed by the Court of Appeal. See in particular paragraphs 56 and 68 of the Judgment of Lord Woolf MR, given in July 1999 on the anonymity application and paragraph 55 of the judgment of Lord Phillips MR given on 19 December 2001 on the Venue application. Nevertheless it is apparent that there may be particular circumstances personal to the individual which justify screening, notwithstanding the benefit of anonymity.
- 9 While the Tribunal is constrained in dealing with this aspect of the application, it is satisfied from the confidential schedule and from the threat assessment that indeed there are special, personal circumstances which are likely to have the effect of destroying INQ 0005’s anonymity should he give evidence unscreened. In that event he would be exposed to a significant increase in the risk of reprisals. In those circumstances the Tribunal is of the view that the balance called for leads to the conclusion that the application should be granted.

- 10 Objection has been taken to the making of this application at such a late stage in the Inquiry. Delay in making a screening application is not of itself a bar to the making of an order. Its relevance lies in the light an explanation may throw on the genuineness of any fears expressed by the applicant and the weight to be attached to them. If, taking an explanation into account, the Tribunal is satisfied that those fears are genuine and that in other respects screening is warranted, delay does not preclude the making of an order.
- 11 The applicant's solicitor has provided the Tribunal with an explanation of the chronology in this case. Because that chronology bears on matters in the confidential schedule it is not possible to say more than that circumstances explain the making of the application at this stage. The Tribunal remains satisfied that the applicant's subjective fears are genuine.
- 12 There will be an order in the terms sought by paragraph 2 of the application. We should add that the more limited order granted in the case of Dr Martin is, in our view, not sufficient in this case to give the protection which is properly sought.

A2.38: Ruling (10th October 2003): applications for screening by Private AD and Private 203

Soldier AD

- 1 Soldier AD, who was on duty in Londonderry at the time of Bloody Sunday, is due to give evidence to this Inquiry on 13 October 2003.
- 2 On 1 October he lodged an application for an order that he may give evidence screened. The application is in the usual form, Part A – open and Part B – closed. Part A has been distributed to the interested parties; Part B necessarily remains confidential to the Tribunal.
- 3 The application has a twofold basis. The first is expressed as a genuine and reasonable fear of reprisals by terrorists if he can be traced. This fear is said to be heightened by reason of the fact that he fired live rounds on the day and claims to have shot a gunman. The second basis derives from medical evidence that his ability to give evidence to the Tribunal will be impaired if he is not screened.
- 4 On receipt of this application the Inquiry followed its usual practice of seeking a threat assessment from the appropriate authority. There have been, we are told, administrative hold ups in following the procedures necessary for an assessment. In any event an assessment is not yet to hand.
- 5 However, the Tribunal has considered the contents of Part B and it is apparent, even on the material available, that if Soldier AD gives evidence unscreened his anonymity is likely to be destroyed. This is by reason of his personal circumstances.
- 6 If his anonymity is lost he would be exposed to a significant increase in the risk of reprisals.
- 7 The principles to be applied in a case such as this have been explored in a number of rulings and we do not repeat them. However, we draw attention to our recent ruling on a screening application by INQ 0005 where we considered the effect of delay (ruling of 2 October 2003).

- 8 Part A sets out the circumstances which led to this application being made so late. There is a reasonable explanation and it does not affect our view that the applicant's fears are genuine. Since it is the loss of anonymity which lies at the heart of the application, a particular threat assessment is not likely to detract from the need to provide screening. We are therefore in a position to deliver our ruling at this stage.
- 9 We should add that the decision to order screening is based on the increased risk of reprisals. It is unnecessary to deal with the ground based on the applicant's medical condition.
- 10 There will be an order in the terms sought by paragraph 2 of this application.

Soldier 203

- 11 The Tribunal has also received an application for screening from Soldier 203. This soldier has already given evidence unscreened, but has been asked to give further evidence.
- 12 This application too has been made at a very late stage. However, on the basis of the confidential material now put before us, we are satisfied that screening is necessary in order to preserve the anonymity of this applicant and that the lateness of the application does not detract either from its genuineness or its validity. By reason of the confidential material now to hand it seems to us to be unnecessary to obtain a particular threat assessment in relation to Soldier 203.
- 13 Accordingly there will be an order in the terms sought by paragraph 2 of the application.

A2.39: Ruling (14th January 2004): allegations made against Lieutenant Colonel Colin Overbury

- 1 Lt Col Overbury, a qualified lawyer and then Assistant Director of Army Legal Services, went to Northern Ireland in 1972 as the representative of Army Legal Services to assist in preparing Army evidence for presentation to the Inquiry conducted by Lord Widgery into Bloody Sunday. In the course of performing this task, Col Overbury (and the Deputy Assistant Director Major Bailey) interviewed a number of soldiers who had been present on Bloody Sunday and took statements from them. Col Overbury was also present at a number of interviews of soldiers conducted by staff working for the Inquiry.
- 2 In a ruling dated 12th October 1999 the Tribunal set out the procedure to be followed in the event that interested parties wished to make allegations against witnesses to the Inquiry. That procedure was as follows:

“Lastly we deal with the procedure that is to be followed if the interested parties intend to make allegations, in the course of the proceedings, against witnesses to the Inquiry. By “allegations” we mean allegations of misconduct, improper behaviour, irresponsibility or incompetence. The procedure that we propose to lay down is this:

- i. If any of the interested parties seek to make an allegation against any of the Inquiry’s witnesses they must give details to the Inquiry of the allegation that they intend to make.
- ii. The Inquiry will give notice to the interested parties and to the relevant witness or witnesses of any allegations of which it is informed, unless any such allegation is clearly without sensible foundation, or is not within the Tribunal’s remit, or there is some other sound reason why it should not be entertained.
- iii. The Inquiry may require further information as to the nature of the allegation, or the evidence in support of it, or the basis upon which it is made before notifying the interested parties of it.

iv. None of the interested parties will be allowed, without the permission of the Tribunal, which is unlikely to be given save for very good reason, to pursue an allegation against any of the witnesses unless it has been the subject of a notice given to the Inquiry in good time, as to which see paragraph (v) below. Nor will they be allowed to pursue an allegation, which the Inquiry has declined to notify to the interested parties on one of the grounds set out in (ii) above.

v. Any allegations that are to be made must be notified to the Inquiry so soon as is reasonably practicable and, in any event, in such time as will enable the Inquiry to give notice to the witness concerned at least 3 weeks before the witness is first due to give evidence. The Tribunal appreciates that it will be necessary to have a rolling witness programme so that the interested parties know when any given witness or category of witnesses is first due to give evidence. The Tribunal appreciates that the making of allegations is something that requires careful thought and judgment; that there is much material to consider; and that it may be inappropriate to make an allegation without considering more material than that which prima facie appear to justify the allegation in question. That said, the Tribunal is not prepared to countenance a situation where allegations are made that could and should appropriately have been made at an earlier stage. It will be for those making allegations to satisfy the Tribunal that they were made at the earliest practicable moment. The Tribunal believes that it can trust in the good sense and judgment of Counsel for the interested parties and their instructing solicitors to ensure that any allegations that are to be made are, indeed, made as soon as is reasonably practicable, having regard to the considerations outlined above, and in accordance with the overall objective of this ruling which is that of preventing ambush and surprise.

vi. It is not necessary for the interested parties to adopt for themselves the issues referred to in Counsel's Report No 1, which identifies, with different degrees of specificity, a number of issues that are likely to arise in the course of the Inquiry. But it is necessary for them to use the procedure laid down above if they intend to make a positive case that, for instance, a particular lettered or numbered soldier shot a particular victim. Similarly if any of the interested parties intends, for instance, to make a positive case that a particular witness was shot whilst throwing a nail bomb, they should make an allegation to that effect.

vii. It may be that allegations are sought to be made against witnesses whom the Inquiry had not intended to call. If that is so the party seeking to make the allegation will be expected to have asked that the witness should be called, and to have given notice of the allegation as the reason, or one of the reasons, for him or her being called.

viii. If allegations are to be made against persons who are deceased they must be made as soon as is reasonably practicable and in any event in sufficient time to enable the witnesses who have relevant evidence to give in relation to that deceased to give evidence in the knowledge of that allegation. In practice that means no later than 3 weeks before the first witness whose evidence relates to the death of that deceased. What we have said in (v) above applies, of course, in this context.

ix. This procedure is not intended to be limited to allegations of misconduct on the day. If the interested parties intend to make a positive case in respect of, for instance, the planning for the day, e.g. that there was a deliberate plan to engage the IRA, they should make use of this procedure.

x. The fact that the Inquiry notifies any person of an allegation does not imply any view by the Inquiry as to the strength or validity of that allegation. Nor does it imply that the Tribunal or its Counsel will adopt any particular position in respect of it.

xi. Any interested party, who has made an allegation, is at liberty to withdraw it, in whole or in part, at any time. This should be done by notice in writing to the Inquiry. The Inquiry will give notice of the withdrawal of any allegation.

xii. The Tribunal will make any alterations to this procedure that prove to be necessary or desirable in order to secure the overall objective mentioned in (v) above. It will, also, be the arbiter in the event of any dispute in relation to the procedure."

- 3 On 23rd August 2002 Madden & Finucane, acting on behalf of a number of families of those who died on Bloody Sunday and some of those wounded, wrote to the then Solicitor to the Inquiry a letter headed "*Allegations in respect of Colonel Overbury*" enclosing a list entitled "*Notice of Allegations and Issues re Col Overbury*". In the list it was stated that without prejudice to the generality of the allegations already made (one of which, made in December 1999, was that Colonel Overbury had interfered with the course of justice) these interested parties proposed "*to raise the issue*" whether and to what extent Col Overbury had exercised his power and influence as leader of the Army Legal Services Team at the Widgery Inquiry:

“to suppress and/or distort evidence about the events of Bloody Sunday, in particular by:

- (a) causing or permitting his staff to ensure that soldiers made no incriminating or damaging admissions in their statements or testimony;
- (b) suppressing soldiers’ previous inconsistent statements;
- (c) suppressing photographic and film evidence that was inconsistent with the soldiers’ evidence and consistent with civilian evidence;
- (d) coaching Soldier V to give false evidence by causing him to retract an account of his conduct that was tantamount to an admission of the murder of a civilian and procuring the fabrication of a false exculpatory account;
- (e) coaching Soldier F to give false evidence by causing him to alter his original account and purport to justify the shooting of Michael Kelly;
- (f) generally discharging his functions in such a manner as to conceal the truth concerning the conduct of soldiers involved in the events of the day.”

- 4 On 13th September 2002 the Solicitor to the Inquiry wrote to Madden & Finucane. In the course of that letter the Solicitor said this:

“I note that your notice is described as a notice of allegations and issues. It is, of course, helpful, and in accordance with the spirit of the Tribunal’s ruling, to have advance notice of issues that will be canvassed. It is, also, possible that, in the course of canvassing those issues, facts emerge which support an allegation. But an allegation of serious misconduct cannot be transformed into something different by characterising it as an issue as to whether someone has been guilty of such misconduct. The contents of your notice appear to the Tribunal to amount to allegations.”

- 5 On the footing that Madden & Finucane were in fact making allegations, the Solicitor to the Inquiry informed these solicitors that the Tribunal was not satisfied that the allegations should be allowed to be pursued in their present form. The letter went on to request Madden & Finucane to state the basis on which they made the allegations and the evidence said to support them. The letter also made clear that nothing in it was intended to prevent Madden & Finucane from canvassing with the witness, insofar as it had not already been done by Counsel to the Tribunal, the process by which statements were taken; or the particular sequence of events in relation to any particular soldier, but that “... *the Tribunal is, however, concerned to prevent allegations that have no sound basis*

being made and to ensure that, if there is a sound basis for making them, the witness concerned knows what that basis is”.

- 6 Madden & Finucane wrote in reply to this letter on 16th September 2002. In the second paragraph of this letter they said this:

“The Notice was carefully drafted to strike a proper balance between the various duties and obligations imposed on us, including a duty to ventilate the reasonable concerns and suspicions of our clients, the duty to canvass concerns and suspicions with the witnesses to whom they relate most directly, the duty to give the witness fair notice of such concerns and suspicions and the obligation to avoid making positive allegations of grave misconduct without reasonable cause. Paragraph 3 of our Notice does not make a positive case about any of the matters set out therein and does not contain any positive allegations, properly so-called. For this reason the procedure set out in paragraph 101 of the Tribunal’s ruling of 12th October 1999 does not, strictly speaking, apply. However we were anxious to respect the spirit of the ruling and serve a notice that would meet the Tribunal’s objective of preventing “ambush and surprise”.”

- 7 The Inquiry responded to this letter on the following day, informing Madden & Finucane that in view of being told that no positive allegations were being advanced against Col Overbury, the Tribunal would proceed on that footing. The letter also stated that *“in the Tribunal’s view, on the material presently before them of which they are aware, there are presently no grounds for alleging that Colonel Overbury was guilty of misconduct, as your disavowal of a positive case now acknowledges, and, as things stand, they do not propose to allow you to allege that or do what amounts to the same thing in another form...”* The letter added that:

“In this, as in all cases, nothing is static, and the Tribunal will keep the matter under review. If further material comes forward, which makes it proper to make any such allegations, whether as a result of Colonel Overbury’s evidence or otherwise, the position would change.”

- 8 In the last of the letters to which we have referred the Solicitor to the Inquiry informed Madden & Finucane that since the position had to be made clear to Col Overbury, he would be sending a copy of the correspondence to his legal team, and this was duly done.

- 9 The upshot of this correspondence seems to us to be clear beyond doubt, namely that Madden & Finucane were not advancing any positive allegations against Col Overbury. In view of the terms of their letter of 16th September 2002 it seems equally clear that at that stage Madden & Finucane had no reasonable cause to advance any such allegations against Col Overbury, a view shared by the Tribunal. Thus when Col Overbury came to give evidence, it was on the basis that he was not, at least at that stage, being accused of misconduct.
- 10 Colonel Overbury gave oral evidence to the Tribunal on 3rd October 2002. Counsel acting on behalf of the clients of Madden & Finucane did not seek to re-open the question whether any of the allegations could be revived against Colonel Overbury, either during the course of the evidence of that witness or at the conclusion of his testimony. In addition, the question whether Colonel Overbury was instrumental in causing soldiers to suppress or falsify their evidence to Lord Widgery's Inquiry was not raised with any of the soldiers from whom Colonel Overbury had taken statements or at whose statement taking he had been present. In fact, nothing more was heard of the matter from Madden & Finucane until the Inquiry itself, in a letter dated 8th October 2003 dealing with a number of witnesses including Colonel Overbury, asked for clarification of the position regarding allegations "*which have been to a greater or lesser degree watered down in the course, or at the end, of the questioning of them, and/or which appear to be unsustainable in their original form,*" so that the parties concerned could be saved the time and expense of dealing in their final written submissions with criticisms that were not in fact going to be maintained.
- 11 This letter prompted a response from Madden & Finucane dated 18th November 2003. Part of this letter was headed "*Allegations against Colonel Overbury*" under which was set out the following:

"In our notice of 23 August 2002 and our letter to John Tate of 16 September 2002, we set out in some detail the issues concerning Col Overbury, as well as the evidence relating thereto. The allegations we now maintain against Col Overbury may be summarized as follows:

Lt Col Overbury exercised his supervisory role as head of the Army Legal Services team at the Widgery Inquiry to help conceal the truth concerning the conduct of soldiers involved in the events of Bloody Sunday, in particular by:

- (a) doing his best to ensure that soldiers made no incriminating or damaging admissions (beyond those already made by them) in their statements or in their testimony;
- (b) causing soldiers to withdraw or modify incriminating or damaging admissions already made in previous statements e.g. by Soldiers V, 15, 40 and 134;
- (c) otherwise “ironing out” problems in soldiers’ accounts e.g. those of Soldier F;
- (d) colluding in the suppression of Army photographs and films that were inconsistent with the soldiers’ evidence and consistent with civilian evidence; and
- (e) colluding with Counsel for the Army and Counsel for the Tribunal for the purpose of concealing misconduct on the part of the soldiers e.g. in the cases of Soldiers F and V.”

- 12 On 2nd December 2003 the Solicitor to the Inquiry wrote to Madden & Finucane, pointing out that their latest letter appeared to the Tribunal to constitute, with some alterations, the allegations that they had told the Tribunal in September 2002 they were not making. The letter recorded the Tribunal’s preliminary view that the allegations now made did not appear to be justifiable by the particulars given, that of at least equal concern was the fact that they were not put to Colonel Overbury when he gave evidence, and that the Tribunal might well take the view that it would be unfair to Colonel Overbury for the allegations now to be pursued. The letter ended by informing Madden & Finucane that the Tribunal would give them the opportunity to make oral submissions on the matter.
- 13 These submissions were made in December 2003. They included submissions relating to somewhat similar allegations against Colonel Overbury raised by the clients of McCartney & Casey, to which we shall turn in due course.
- 14 On behalf of the clients of Madden & Finucane, Mr MacDonald produced part of his clients’ draft final submissions, which repeated and expanded upon the allegations as now formulated. He sought to persuade us that the right course to take was for us to allow the allegations to go forward as part of the final submissions of his clients, and that Colonel Overbury would have a full and fair opportunity to answer those allegations, if he could, in the course of his written reply to those submissions. He submitted that the notice of issues given in September 2002 gave Colonel Overbury full notice of the points that were being raised, so he was not being taken by surprise by the allegations that were now being advanced. He also, perhaps somewhat inconsistently and (as the correspondence reveals) certainly incorrectly, suggested that the reason why they had

not put allegations to Colonel Overbury was because the Tribunal had told them not to do so. What the Tribunal had in fact done was to tell Mr MacDonald's clients that since they had stated that they were not advancing any positive allegations they could not do so through the back door by dressing up allegations as "*issues*".

- 15 What we were anxious to learn from Mr MacDonald was whether there was anything in the evidence given by Colonel Overbury or later witnesses that enabled his clients to assert that the position had changed since September 2002 so that there was now reasonable cause for advancing allegations against Colonel Overbury.
- 16 So far as Colonel Overbury's evidence is concerned we were taken by Mr MacDonald to various parts of his testimony. For example, Mr MacDonald laid great stress on the fact that when he asked in relation to Soldier V whether Colonel Overbury's primary purpose in dealing with V was to protect the interests of the Army or help to uncover the truth about what had happened on Bloody Sunday, Colonel Overbury answered that it was the first. However, to our minds such an answer does not begin to suggest that Colonel Overbury was guilty of seeking to falsify or conceal evidence. The dichotomy Mr MacDonald seeks to rely upon in his question is not a true one. Protecting the interests of clients and engaging in falsifying or suppressing evidence are two separate things and the former does not establish the latter.
- 17 As to other parts of Colonel Overbury's evidence, Mr MacDonald suggested that this witness was not telling the truth, which in turn indicated real substance in the allegations. It is not necessary for us to consider these aspects of the evidence in any detail, for it suffices us to say that had there in truth been any real substance, Counsel of Mr MacDonald's experience would not have hesitated in forthwith seeking to persuade us allow the allegations to be put, if not at the end of the evidence, then at least shortly afterwards by way of an application for the recall of Colonel Overbury. We, likewise, found nothing in the testimony of Colonel Overbury that could be said to make it proper for the allegations to be revived at this late stage.
- 18 As to other evidence, we have already observed that none of the soldiers concerned was questioned whether Colonel Overbury had persuaded or assisted them to give false evidence or conceal material evidence. Mr MacDonald provided us with no explanation for this omission. This is, of course, unfair to the soldiers themselves, for if Mr MacDonald is right, they were parties with Colonel Overbury to serious misconduct. What Mr MacDonald did do, however, was draw attention to the fact that in the context of the allegation of suppression of Army photographs and films, Colonel Overbury had told the

Tribunal that the Deputy Assistant Provost Marshal was responsible for the Army photographs, whereas this individual (known to the Inquiry as INQ 1898) has told the Tribunal that he did not have any control over photographs as he did not have sufficient cupboard space for them. In our view this later evidence, considered alone or in the light of all the other material about Army photographs before us (including Colonel Overbury's testimony on the point), does not begin to form a foundation for any suggestion that Colonel Overbury "*suppressed photographic and film evidence that was inconsistent with the soldiers' evidence and consistent with civilian evidence*".

- 19 During the course of his oral submissions the Tribunal invited Mr MacDonald to inform the Tribunal of any other evidence emerging after Colonel Overbury's evidence (apart from this witness's own evidence and that concerning photographs and film) that could be said to support the proposition that there was now reasonable cause for making positive allegations against Colonel Overbury. Mr MacDonald did not respond to this invitation.
- 20 In the circumstances it seems to us that it would be unfair to Colonel Overbury and contrary to our ruling of October 1999 (which was designed to avoid unfairness) to allow allegations not put to this witness to be revived at this stage. To make allegations against a witness and then in effect to withdraw them, to put no allegations to that witness during his testimony, and then nevertheless many months later for no good reason to revive them, seems to us to be self-evidently unfair, giving rise to the very ambush and surprise Madden & Finucane professed to wish to avoid. If in truth there was any substance in the allegations they could and should have been raised long ago, but no attempt was made to suggest that December 2003 was the earliest practicable moment for them to be revived. We have a duty to seek the full truth about Bloody Sunday, but as we have observed on more than one occasion, this duty does not override our obligation to treat witnesses fairly. We have, of course, considered whether we should recall Colonel Overbury, but since we remain unpersuaded that the allegations have any sensible foundation, to do so would run counter to our own ruling of October 1999, would to our minds serve no useful purpose, and would in our view be even more unfair to the witness now than it would have been in September 2002.
- 21 For these reasons we direct that the allegations identified in Madden & Finucane's letter of 18th November 2003 cannot be raised at this late stage and accordingly must not appear in the final written submissions of their clients.

- 22 We now turn to allegations that the clients of McCartney & Casey submit they should be permitted to advance against Colonel Overbury. The correspondence with the Inquiry reveals that in recent letters from McCartney & Casey to the Inquiry these allegations have altered more than once in both form and content, but finally in the course of his oral submissions Lord Gifford on behalf of these interested parties put forward as the definitive allegation that Colonel Overbury suggested in the course of interviewing Soldiers 15, 40 and 134 that they should falsify their evidence in order to make it consistent with the Army's case that all firing by the soldiers was justifiable.
- 23 No notice was given to Colonel Overbury before he gave evidence that McCartney & Casey were seeking to raise this or any similar allegation against him. Lord Gifford sought to explain this by saying that it had not become apparent to him until Colonel Overbury gave evidence that this officer had interviewed these soldiers. Be that as it may, the fact remains that Lord Gifford did not put the allegation to Colonel Overbury. It is true that he suggested to Colonel Overbury that he may have tried "*to put a spin on some evidence which was otherwise potentially damaging to the Army*" a suggestion that Colonel Overbury rejected, but to our minds this falls far short of the allegation as it is now formulated. To put a "*spin*" on evidence may well merely mean an attempt, not to falsify evidence, but to present it in the most persuasive or attractive way. If it was to be alleged that Colonel Overbury had, in fact, conspired to pervert the course of justice then that should have been suggested in terms. As it is, the transcript reveals that at the time the Tribunal expressed itself as not regarding the questioning by Lord Gifford as putting forward an allegation against Colonel Overbury; and Lord Gifford did not seek to persuade the Tribunal that this was what he in fact was seeking to do.
- 24 As with Madden & Finucane, no attempt was made to raise the allegation with the soldiers concerned. Nor was it suggested that any later evidence supported the making of such a serious allegation against Colonel Overbury. Likewise, no attempt was made to establish that the allegation was made at the earliest practicable moment. In the circumstances it seems to us that, as in the case of Madden & Finucane and for much the same reasons, it would be unfair to Colonel Overbury and contrary to our ruling of October 1999 to allow allegations not put to this witness to be revived at this stage or to recall Colonel Overbury to deal with them.
- 25 For these reasons we direct that the allegations identified by Lord Gifford cannot be raised at this late stage and accordingly must not appear in the final written submissions of the clients of McCartney & Casey.

- 26 We should add this. During the course of the oral submissions it seemed that the question of making allegations against Colonel Overbury was really being treated by both Mr MacDonald and Lord Gifford as an end in itself. As we have repeatedly made clear, the object of looking at the evidence collected for the purpose of Lord Widgery's Inquiry and the manner in which it was collected and given, is not in order to judge whether or not proper procedures were followed at that Inquiry, but whether the present Inquiry can place any and if so what reliance on that evidence. We would re-emphasise that it is the latter to which the interested parties should be directing their attention in their final submissions.
- 27 In this connection, it is important to bear in mind that this ruling is confined to the question whether the Tribunal should allow to be pursued the allegations now sought to be revived against Colonel Overbury. The ruling is in no way concerned with the truth or falsity of the evidence about Bloody Sunday prepared for or given at Lord Widgery's Inquiry and in no way impedes our task of assessing that evidence. Thus, for example, when we come to review the evidence of Soldier V and the soldiers interviewed by Colonel Overbury, we shall, of course, consider the role that he played in relation to these soldiers. We shall also consider his role generally with regard to the preparation and presentation of the Army case to that Inquiry. We shall do so to the extent necessary to assist us in judging what reliance, if any, we can place upon that evidence and that of other soldiers. Likewise, nothing in this ruling impedes us in assessing what weight we should place upon Colonel Overbury's own testimony, again insofar as this may be relevant to the same task. As Mr Elias put it on behalf of Col Overbury, the ruling leaves unaffected "*all the ordinary tools of forensic analysis*".

A2.40: Ruling (13th February 2004): refusal of witnesses to answer questions or attend; PIRA 9 [Martin Doherty] found in contempt of the Tribunal and certified to the High Court; status of Witness X

Refusal to answer questions or attend

- 1 In a number of instances during the course of taking oral evidence at this Inquiry witnesses have refused to answer questions. These witnesses include journalists and members or ex members of paramilitary organisations as well as others.
- 2 In the case of journalists the refusal was to identify some of their sources of information relating to the events of Bloody Sunday, on the grounds that to do so would breach the undertaking of confidentiality given by the journalist to the source. In legal terms, the question was whether, applying Section 10 of the Contempt of Court Act 1981, the interests of justice were of such an overriding nature that the journalists were nevertheless obliged to reveal that source to the Inquiry.
- 3 In the case of paramilitaries, the refusal was to identify some others who were members of the organisations at the time of Bloody Sunday or give logistical or similar information relating to those organisations at that time, on the grounds that to do so would be disloyal to their comrades or would contravene the oath or undertakings that they gave when joining those organisations. It was not suggested by the lawyers acting on behalf of these individuals that there was any legal justification for a refusal based on these grounds.
- 4 In the case of others, the refusal was to provide similar information. Here no particular reason was advanced to justify the refusal, though to our minds it is possible, at least in some cases, that fear of possible reprisals from paramilitary organisations still active may have been the reason. In some of these cases, therefore, the refusal may be justifiable on the grounds that to require an answer would be to breach the individual's rights under Article 2 of the European Convention on Human Rights.

- 5 Depending on the circumstances, in each case the Tribunal either simply noted the refusal, or told the witness that it might prove necessary to have a further hearing to decide whether or not to direct the witness to answer, or, having given lawyers acting on behalf of the witness an opportunity to make submissions, made a formal direction that the witness was obliged to answer. In the case of journalists, the matter was fully argued out on more than one occasion, and the Tribunal gave reasons for concluding that as a matter of law it should direct the journalists in question to reveal the source, which it then did.
- 6 In some cases, the witness concerned later provided the information in question. In other cases, the journalists at our request sought and obtained a waiver of the undertaking of confidentiality and revealed that source to us. In a substantial number of further cases, the Inquiry was eventually able from its own investigations to discover the information that it was seeking. There remain, however, some instances where the Inquiry has not been successful in this regard. Thus we have to consider whether it is appropriate to take any further steps in these latter cases, by giving the witness in question a further opportunity to provide the information sought, or to show a legal justification for a refusal or, in those instances where the Tribunal has already directed the witness to answer, to certify to the High Court that in its view the witness is in contempt of the Tribunal.
- 7 Having considered the matter, the Tribunal has concluded that it is not appropriate to take any further steps in these cases. In the view of the Tribunal it is unlikely that any further action will produce new information of real value to its investigation of the events of Bloody Sunday. Furthermore, any attempt to pursue the matter is likely to cause substantial delay in completing this Inquiry, which has already lasted more than six years. The fact of the matter is that we have heard the oral testimony of over 900 witnesses, have considered the written testimony of an even greater number and have a wealth of contemporary video, photographic and other evidence. In theory, an Inquiry of the present kind could continue indefinitely, in an attempt to follow up every possible lead, however unpromising it might appear. In practice, however, the time must come when the Tribunal has to draw a line, balancing the prospects of obtaining further information of value with the need to keep the duration of the Inquiry within reasonable limits. In our judgment that time has come and the balance falls on the side of concluding our search for relevant information from the witnesses in question. Our task now is to draw conclusions from the voluminous material that we have gathered over the last six years.

- 8** There remain those individuals who have failed to comply with subpoenas to attend to give evidence. These are Daniel McGilloway AM507, Vera McGilloway AM506, and the witnesses known as PIRA 9 [Martin Doherty] and Witness X.
- 9** As we stated on Day 423, both Mr and Mrs McGilloway indicated at that time that there were health reasons that justified their non-attendance. However, they failed to comply with the Inquiry's request that they should provide proper medical evidence in support of this contention. They have now indicated that a belated application to set aside the subpoenas is to be made on their behalf. The Tribunal will consider any such application and will, in the light of any further information provided by the McGillows, decide what further action, if any, to take.
- 10** PIRA 9 refused to be interviewed by the Inquiry or to make a statement. He was served with a subpoena that required his attendance on Day 424. He failed to attend on that day and failed to avail himself of a further opportunity given to him by the Tribunal to attend yesterday. He has made clear through his solicitors that he will not attend to give evidence. His solicitors have informed the Inquiry that PIRA 9 claims not to have been present on Bloody Sunday but have put forward no adequate reason for his refusal to attend. We take the view that PIRA 9 is in contempt of the Tribunal and will so certify to the High Court in Belfast.
- 11** Witness X was required to appear to give evidence on Day 418. On that day, after he had failed to attend, we informed the interested parties that a question had arisen as to the state of his health. That question remains unresolved. We will decide what action, if any, to take, in the light of the further information that we hope to obtain in respect of this witness.
- 12** Finally, we should make clear that nothing in this ruling is intended to inhibit any interested party from submitting that the Tribunal could and should draw inferences from the refusal of witnesses to answer questions, or indeed from the failure or refusal of witnesses of potential importance to come forward to assist the Tribunal in its task.

A2.41: Ruling (11th October 2004): the requisite standard of proof for inquiries of this nature

- 1 In the course of hearing the closing submissions of the interested parties to this Inquiry an issue arose as to the standard of proof which the Tribunal should apply before making findings in its report. On the one hand it was argued that the Tribunal should apply the criminal standard of proof before making any findings implying criminal conduct on the part of an individual, and what was described as the enhanced civil standard of proof (said to mean the balance of probabilities modified to take account of inherent improbability and likely consequences) before making any finding of serious misconduct falling short of criminality on the part of an individual. On the other hand it was argued that the Tribunal should not be obliged to apply these standards, provided it made clear in its report the degree of confidence or certainty with which it reached its conclusions and gave its reasons for coming to those conclusions. The former approach was urged on us mainly (though not exclusively) by those representing the soldiers in this Inquiry, who have asked the Tribunal to make a ruling, before publishing its final report, by stating in principle the approach which it intends to adopt.
- 2 The point has arisen in the present Inquiry because we are looking into an event where British soldiers shot and killed or wounded a number of civilians and where there has ever since been a debate as to whether or not they were justified in so doing.
- 3 According to those submitting that the former approach should be adopted, this would entail that the Tribunal would be precluded from making any findings implying criminality or serious misconduct unless satisfied to the criminal or enhanced civil standard as the case might be, notwithstanding that the evidence and reasoning supported a finding based on a different or lesser standard.
- 4 Counsel cited a number of authorities for the proposition that as a matter of law we were constrained to act in this manner.
- 5 The first group of cases cited were *In Re H* [1996] AC 563, *B v Chief Constable of Avon and Somerset* [2001] 1 WLR 340, *Gough v Chief Constable of the Derbyshire Constabulary* [2002] QB 1213, *R (McCann and others) v Crown Court at Manchester* [2003] 1 AC 787. These were cases in which the Courts discussed the standard of proof required in, respectively, proceedings where a local authority were seeking to take

children into care on the basis that a child had been sexually abused, where a Chief Constable was seeking a sex offender order, where a Chief Constable was seeking a football banning order and where a Chief Constable was seeking anti-social behaviour orders.

- 6 The point sought to be made from these cases is that the more serious the allegation, the more cogent must be the evidence to prove it. Thus the approach of Lord Nicholls in the first of these cases was that though the standard of proof to be applied in care proceedings is the balance of probabilities, the court must have in mind, to whatever extent is appropriate in the particular case, that the more serious the allegation the less likely it is that the event occurred and, hence, the stronger should be the evidence before the court concludes that the allegation is established on the balance of probabilities. In the second of these cases Lord Bingham considered that although the standard of proof to be applied was the balance of probabilities, this was a flexible standard and that the allegation that an individual was a sex offender was so serious that for all practical purposes the standard of proof was the same as the criminal standard. Much the same was said by the court in the third of the cases cited, namely that while technically the civil standard of balance of probabilities applied, that standard is flexible and must reflect the consequences that will follow if the case for a football banning order is made out, so that the standard of proof will be in practice hard to distinguish from the criminal standard. Finally, in the last of these cases, the House of Lords held that although applications for anti-social behaviour orders were civil in nature, the seriousness of the allegation and of the consequences for the person concerned were the order to be made meant that it was only fair to require the allegation to be proved to the criminal standard of proof.
- 7 In the context of the cases cited no one could seriously quarrel with the approach adopted by the courts. In each of these cases to make the orders sought would have the most serious consequences for the individuals concerned, by removing or diminishing in a substantial way the rights, liberties and freedoms to which they would otherwise be entitled. Thus it is hardly surprising that in such cases the courts require cogent and compelling evidence in the same or much the same way as in criminal cases, where a conviction can also have like consequences.
- 8 In the context of the present Inquiry, there is no question of the Tribunal having any power to remove or diminish the rights, liberties or freedoms of anyone. It is not the function of an Inquiry of the present kind to determine rights and obligations of any nature. Its task, set by Parliament, is to inquire into and report upon the events on Sunday 30th January 1972 which led to loss of life in connection with the procession in

Londonderry on that day, taking account of any new information relevant to events on that day. The Inquiry cannot be categorised as a trial of any description. Unlike the courts it cannot decide the guilt (or innocence) of any individual or make any order in its report. Our task is to investigate the events of Bloody Sunday, to do our best to discover what happened on that day and to report the results of our investigations. It accordingly follows that the considerations that led the courts in the cases cited to require proof to a very high standard before making orders that affected the rights, liberties and freedoms of individuals are no guide to the task entrusted to the Tribunal.

- 9 We should add at this point that we were also referred to the recent case of *Lu v LB in the Court of Appeal* [2004] EWCA (Civ) 567 as well as the observations on the question of standard of proof made in the reports of a number of inquiries, but we were not persuaded that these take the matter any further or provide us with any additional assistance. However, after the oral hearings, our Counsel drew our attention to what Dame Janet Smith in the Shipman Inquiry had to say on the topic in question:

“9.43 In an inquiry such as this, there is no required standard of proof and no onus of proof. My objective in reaching decisions in the individual cases has been to provide an answer for the people who fear or suspect that Shipman might have killed their friend or relative. I have also sought to lay the foundation for Phase Two of the Inquiry. My decisions do not carry any sanctions. Shipman has been convicted of 15 cases of murder and sentenced appropriately. He will not be tried or punished in respect of any other deaths. Nor will my decisions result in the payment of compensation by Shipman. It is possible that relatives might recover damages from Shipman if they can show that Shipman has killed their loved one, but my decision that he has done so will not automatically result in an award of compensation against him. Accordingly, I have not felt constrained to reach my decisions in the individual cases by reference to any one standard of proof.”

- 10 We consider that these observations are apt in our consideration of the events of Bloody Sunday.
- 11 The second group of cases cited to us related to the standard of proof to be applied in cases of coroners' inquests.
- 12 The first of these cases is *R v West London Coroner, ex parte Gray* [1988] 1 QB 467, where the Divisional Court held that the correct standard of proof before a verdict of unlawful killing could be returned was that of proof beyond a reasonable doubt and

expressed the view that the same standard applied to any verdict that entailed that a criminal offence had been committed. In the course of his judgment Watkins LJ cited the words used by Lord Lane CJ in the earlier case of *R v South London Coroner*, ex parte Thompson reported in the *Times* of 9th July 1982. These were:

“Once again it should not be forgotten that an inquest is a fact finding exercise and not a method of apportioning guilt. The procedure and rules of evidence which are suitable for one are unsuitable for the other. In an inquest it should never be forgotten that there are no parties, there is no indictment, there is no prosecution, there is no defence, there is no trial, simply an attempt to establish facts. It is an inquisitorial process, a process of investigation quite unlike a criminal trial where the prosecutor accuses and the accused defends, the judge holding the balance or the ring, whichever metaphor one chooses to use.”

- 13 The other coroner’s inquest cases cited to us were *R v Wolverhampton Coroner*, ex parte *Mcurbin* [1990] 1 WLR 719 and *R v HM Coroner for the County of Hampshire*, ex parte *HM Attorney-General*, in respect of which we were provided with a transcript of the judgment delivered on 21st June 1990. In the latter case Leggatt LJ simply stated that it was plain upon authority that for practical purposes to support a verdict of unlawful killing proof is necessary beyond reasonable doubt. In the former case Woolf LJ accepted that there may be force in the submission that in the case of a coroner’s inquest the standard of proof was a very high one indeed though based on the civil rather than the criminal standard, but held that since the result would almost inevitably be the same whichever standard was applied, the practical guidance given by Watkins LJ was correct.
- 14 It is clear from the remarks of Lord Lane CJ cited by Watkins LJ in *R v West London Coroner*, ex parte *Gray* (supra) that a coroner’s inquest is inquisitorial in nature and thus has this in common with the present Inquiry. However, there are other features that are quite different.
- 15 A coroner’s inquest is limited in the verdicts that it can return, and where there is a jury it is obviously necessary for the jurors to be given clear and simple directions as to the degree of certainty with which they can reach particular verdicts. Unless there were different and specified degrees of certainty, it would be difficult if not impossible to reach a particular verdict, for example between unlawful killing and death by misadventure. Furthermore, as Woolf LJ pointed out in *R v Wolverhampton Coroner*, ex parte *Mcurbin* (supra at page 724), before a change in the law in 1977 a jury could under Section 4(3) of the Coroner’s Act 1887 return a verdict that named a person or persons as guilty of

murder or manslaughter, which in his view still provided considerable assistance in considering the question of the standard of proof which was applicable, “*since that section made clear the importance of the decision of the coroner’s jury and the gravity of the issues which they had to determine which could result in a person being at that time arrested and in due course tried for murder or manslaughter*”. There are accordingly both practical and historical reasons for requiring a high standard of proof before making a finding of unlawful killing, reasons that do not apply to an Inquiry of the present kind, which does not have to select and give a particular verdict, but instead has to provide a report on the matters referred to it.

- 16 It is also important to note that in the same case (at page 727) Woolf LJ made clear that in different proceedings there are different considerations which lead to what is the appropriate test which it is useful to apply, having regard to the role of the decision-making body that has the task of coming to a conclusion on the facts. To our minds this is a clear indication that the Court in that case was not seeking to lay down any rule or principle applicable to all kinds of inquisitorial inquiry or which are apt in our consideration of the events of Bloody Sunday.
- 17 In our view, therefore, the cases cited to us do not provide any support for the proposition that as a matter of principle we cannot make any findings implying criminality unless we are satisfied to the criminal standard of proof or of serious misconduct unless we are satisfied to the enhanced civil standard.
- 18 As we have said earlier, since we are an Inquiry and not a Court (criminal or civil) we cannot give a verdict or pass a judgment on the question whether an individual was guilty of a specific crime or legally recognised serious wrongdoing. For the same reason the terminology and requirements of the criminal or civil law are largely inapplicable. Thus it seems to us that we can and should reach conclusions without being bound by rules designed for court cases, such as who has the burden of proof and the strict rules of evidence.
- 19 In this connection we have found assistance in the approach taken by the Supreme Court of Canada in *Canada (Attorney-General) v Canada (Commission of Inquiry on the Blood System)* 1997 3 SCR 440, a case concerned with the Krever Inquiry into the blood system in Canada after many had contracted HIV and hepatitis C from blood or blood products. Although the Act under which this Inquiry was being conducted differs in many respects from the Act under which we are operating, the observations of Cory J (who gave the judgment of the Court) at paragraphs 34–54 seem to us to have general

application. As he pointed out, the findings of a commission of inquiry relating to an investigation are simply findings of fact and statements of opinion reached by the commission at the end of the day; and though they may affect public opinion, they are not and cannot be findings of criminal or civil responsibility.

- 20 We now turn to the suggestion that it would be unfair to the individual to make findings implying criminal or other serious wrongdoing without applying the suggested standards of proof.
- 21 What was said on this was that the consequences of a finding implying wrongdoing on Bloody Sunday would be extremely serious for the individuals concerned, particularly so having regard to the standing of the Inquiry, the fact that it is charged to report to Parliament, the widespread publicity which its findings will undoubtedly rightly attract and the possibility that an individual may, as a result of the outcome, be exposed to the risk of prosecution.
- 22 We have found it difficult to follow this submission. The Inquiry is indeed concerned with matters of the greatest seriousness. The question whether the shooting of civilians by soldiers was or was not justified is central. The very subject matter of the Inquiry raises the possibility that individuals may be the subject of the most serious criticism and there may well be wide publicity, though it should be noted that most of those concerned have been granted anonymity. But for the Tribunal to conclude that while it was not sure, nevertheless it seemed probable that a particular shooting was deliberate and unjustified (objectively and subjectively) could hardly create or increase a risk of prosecution; indeed it would be more likely to have the opposite effect. Furthermore, apart from the reference to the possible risk of prosecution, no attempt was made to explain what “*serious consequences*” would follow were the Tribunal not to apply the suggested standards of proof, save that it was also suggested that the media would be likely to misrepresent the views of the Tribunal, and categorise the individual as being guilty without reference to the degree of confidence or certainty expressed by the Tribunal in making any findings implying criminality or serious misconduct. The fact (if such it be) that the media may misrepresent the views of the Tribunal does not seem to us to be a sound or satisfactory basis for requiring the Tribunal to refrain from expressing those views.
- 23 In our view, provided the Tribunal makes clear the degree of confidence or certainty with which it reaches any conclusion as to facts and matters that may imply or suggest criminality or serious misconduct of any individual, provided that there is evidence and reasoning that logically supports the conclusion to the degree of confidence or certainty

expressed, and provided of course that those concerned have been given a proper opportunity to deal with allegations made against them, we see in the context of this Inquiry no unfairness to anyone nor any good reason to limit our findings in the manner suggested. Thus, to take an example, we cannot accept that we are precluded in our report from analysing and weighing the evidence and giving our reasons for concluding that in the case of a particular shooting, we are confident that it was deliberate, that there was no objective justification for it, and though we are not certain, that it seems to us more likely than not that there was no subjective justification either. Of course we would have in mind the seriousness of the matter on which we were expressing a view, but that is not because of some rule that we should apply, but rather as a matter of common sense and justice.

24 It was also submitted that there would be no point in reaching conclusions on matters implying criminality or serious misconduct, unless we were sure beyond a reasonable doubt. We do not understand this submission. We are asked to investigate and report on an event that took place some three decades ago, where on any view soldiers of the British Army shot and killed (and wounded) a number of civilians on the streets of a city in the United Kingdom and where the question whether or not they were justified in doing so has been the subject of such debate ever since that it led to the institution of this (the second) Inquiry some thirty years later. It seems to us that it would be quite wrong to confine ourselves in relation to this central part of the Inquiry to making findings where we were certain what happened. On the contrary, it is in our view our duty to set out fully in our report our reasoned conclusions on the evidence we have obtained and the degree of confidence or certainty with which we have reached those conclusions. We are not asked to report only on these central matters on which the evidence makes us certain.

25 In this context it is important to note where the application of specific standards of proof could lead. In one of the Treasury Solicitor's letters seeking to persuade the Tribunal to apply those standards, the following reply was given to a question by the Tribunal about the ramifications of the submissions being made:

"If the Tribunal thought that it was only highly probable that Y was shot in circumstances where there was not and was not thought to have been any justification, and that on the balance of probabilities the shooter was either A, B or C, the Tribunal should make the following findings:

- (1) The Tribunal is not satisfied that Soldier A fired without subjective justification.
- (2) The Tribunal is not satisfied that Soldier B fired without subjective justification.

(3) The Tribunal is not satisfied that Soldier C fired without subjective justification.

(4) The Tribunal concludes that it is highly probable that Y was doing nothing which objectively justified his being shot.

(5) The Tribunal concludes that it is more likely than not that Y was shot by one of Soldiers A, B or C, but cannot be sure that he was not shot by somebody else.

(6) The Tribunal cannot conclude that Y was killed without subjective justification.”

26 To our minds, to express our conclusions in this way would be the antithesis of a proper report.

27 For these reasons we are not persuaded by the arguments that seek to impose on us the criminal or enhanced civil standard of proof in relation to findings implying criminality or serious misconduct falling short of criminality. We should emphasise, as we have made clear on numerous occasions during the course of the Inquiry, that this does not mean that we shall entertain or allow to be pursued allegations of this kind which have no sensible foundation at all or in respect of which the individual concerned has not been given a proper opportunity to answer, for to do so would offend one of the principles of justice referred to by Lord Diplock in *Mahon v Air New Zealand* [1984] AC 808.

A2.42: Ruling (9th December 2004): application by Witness X to set aside a subpoena

- 1** We have received an application from solicitors acting on behalf of Witness X for an order that the subpoena issued by the Tribunal dated 20 January 2004 and which required the attendance of Witness X before the Tribunal on 29 January 2004 be set aside.
- 2** We will set out briefly the history of this matter. Witness X is a witness whom the Tribunal regards as important and from whom the Tribunal has, from an early stage, wished to hear oral evidence. He made a statement to the Inquiry on 9 February 2000. On 21 January 2004 we ruled that he should be granted anonymity and should be screened while giving evidence. On 22 January 2004 he was served with a subpoena that required him to give evidence at the Guildhall in Londonderry on 29 January 2004.
- 3** On 22 January 2004 Witness X, through his solicitors, provided a medical certificate which indicated that he was unfit to attend before the Tribunal. The Inquiry sought further details and additional medical evidence was provided on 28 January 2004. It is the practice of the Tribunal not to make public the details of medical evidence supplied to it on behalf of its witnesses and we will not depart from that practice in the case of Witness X. It is sufficient to say that this evidence indicated that Witness X was at the time too unwell to appear. However, Witness X's solicitors indicated on 30 January 2004 that Witness X might be fit to give oral evidence shortly thereafter. No application was made at that time on Witness X's behalf for the subpoena to be set aside.
- 4** The information provided in January 2004 by Witness X's solicitors, including the medical evidence, was insufficient to satisfy us that Witness X should not give oral evidence, whether at that time or at all.
- 5** In the application to set aside the subpoena which has now been made, Witness X claims that he failed to attend on 29 January 2004 both for medical reasons and because he believed that his anonymity had been compromised. He asks the Tribunal to set aside the subpoena on the basis that his identity is now known to a number of people and therefore the condition of anonymity on which he was to have given evidence can no longer be met. It is not suggested on his behalf that he is now unfit for medical reasons to give oral evidence.

- 6 Witness X has provided the Tribunal with details of various persons who, he alleges, have or may have learned of his identity. In order to minimise the risk of any further compromise of his anonymity, these details have been redacted from the version of his application made available to the parties.
- 7 We accept that there has been speculation about the identity of Witness X and that various individuals have guessed, or in some cases even learned of, his identity. However, there is no evidence available to the Tribunal from which we could conclude that those who do, or may, know of his identity wish to do him harm. While we cannot make public the details of the information available to us, we can say that some of those alleged to know of his identity are alleged to have had that knowledge for a substantial period of time. It is not contended on behalf of Witness X that these individuals have caused or threatened harm to him.
- 8 The Tribunal wishes to question Witness X about a document in which he is recorded to have provided information to the Royal Ulster Constabulary about paramilitary activity on Bloody Sunday. This document has been made available to the parties. We accept the submission made on his behalf that the information contained in the document is highly sensitive. However, anyone who knows the identity of Witness X must already know, or could very easily discover, the content of the document about which the Tribunal wishes to question Witness X. Indeed, Witness X himself appears to have given an interview to the *Derry Journal* in April 2002 in which he commented on that document.
- 9 We have considered with care a threat assessment concerning Witness X provided by the Police Service of Northern Ireland and dated 7 November 2003. We do not believe that the information contained in that assessment should cause us to conclude that Witness X should be excused from giving oral evidence.
- 10 In the application made on behalf of Witness X, no attempt has been made to explain why the giving of oral evidence would aggravate the current position. We are not persuaded that the anonymity of Witness X would be further compromised or his situation made worse than it now is by a requirement that he should give oral evidence.
- 11 We are not satisfied that fear of compromise of his anonymity was a reason for Witness X's failure to attend on 29 January 2004. No such reason was put forward at the time. Indeed, we were told then that it was hoped that he would be able within days to give oral evidence. The information provided concerning Witness X's health at that time also remains unsatisfactory. However, we have insufficient material available to us from

which we could properly conclude that Witness X's failure to attend on 29 January 2004 amounted to a contempt of the Tribunal. In these circumstances, we have decided to grant the application of Witness X and we order that the subpoena be set aside.

- 12 However, we will require Witness X to attend to give oral evidence before the Tribunal at a date and time which will be notified to him and to all parties. The Tribunal, with the assistance of its staff, will consider the most expeditious and convenient means by which Witness X can give his evidence. One possibility is that he may give evidence by video link.
- 13 Witness X will, of course, remain entitled to anonymity and will be screened while giving evidence.

A2.43: High Court of Justice, Queen's Bench Division (Divisional Court) (London, 16th March 1999): anonymity for soldiers (item 4 above)

[1999] EWHC Admin 232

**In the High Court of Justice
Queen's Bench Division
(Divisional Court)**

**Royal Courts of Justice
Strand, London, WC2A 2LL**

Tuesday, 16th March 1999

**Before:
Lord Justice Kennedy,
Mr Justice Owen
and Mr Justice Blofeld**

Regina

-v-

**Lord Saville of Newdigate, The Rt Hon Sir Edward Somers,
The Hon Mr Justice Hoyt
(The Members of the Tribunal sitting as the Bloody Sunday Inquiry)
Ex parte 'B', 'O', 'U' and 'V'**

(Computer-aided transcript of the Stenograph notes of Smith Bernal Reporting Limited,
180 Fleet Street, London EC4A 2HD. Tel: 0171 831 3183. Official Shorthand Writers to the Court)

Mr Edwin Glasgow QC, Mr David Lloyd Jones and Mr Michael Bools (instructed by the Treasury Solicitor, London SW1H 9JS) appeared on behalf of the Applicants; and instructed by Jacqueline Duff Solicitors, Lynnholm, Thropton, Northumberland NE65 7JE for Soldier 'H'.

Mr Christopher Clarke QC, Mr Alan Roxburgh and Jacob Grierson (instructed by Philip Ridd, Solicitor to the Inquiry, London EC3V 9JB) appeared on behalf of the Respondents.

Mr I Burnett QC (instructed by the Treasury Solicitor, London SW1H 9JS) appeared on behalf of the Ministry of Defence as an interested party.

Lord Gifford QC and Mr Martin Wynn-Jones (instructed by BM Birnberg & Co., London NW1 7HG, London Agents for McCartney & Casey, Derry, Northern Ireland BT48 6HG) appeared, on behalf of the late James Wray, as an interested party.

Mr Michael Lavery QC and Mr Seamus Treacy (instructed by BM Birnberg & Co., London NW1 7HG, London Agents for Madden & Finucane, Belfast BT1 1HE) appeared, on behalf of some of the families, as interested parties.

Mr John Coyle (instructed by BM Birnberg & Co., London NW1 7HG, London Agents for Desmond J Doherty & Co., Derry, Northern Ireland BT48 7EP) appeared, on behalf of McGuigan, as an interested party.

Judgment (As approved by the Court) © Crown copyright

Tuesday, 16th March 1999

LORD JUSTICE KENNEDY:

1. This is an application for Judicial Review of the decision of the Bloody Sunday Inquiry taken on 14th December 1998 in relation to applications for anonymity made on behalf of certain individuals who were on 30th January 1972 soldiers serving in the city of Londonderry, and who on that day fired live ammunition. The Inquiry is still at an early stage. Solicitors acting on behalf of the Inquiry have yet to interview and take statements from the applicants, after which the statements will be circulated and some at least of the applicants may be called to give evidence, as they did in 1972 before the Tribunal of Lord Widgery C.J. Before that Tribunal, and in its report, steps were taken to ensure that the applicants remained anonymous, and in particular their names were not used. They were referred to only by a letter of the alphabet, hence the five letters used for the purposes of this application.

2. Jurisdiction.

Before us a preliminary point was taken by Mr Lavery QC, supported by Lord Gifford QC and Mr Coyle, as to the jurisdiction of this Court to review a decision of an Inquiry which has been set up to investigate an event in Northern Ireland, and which is expected to hold most of its public hearings there. If there is to be any judicial review Mr Lavery contended that it should be by the High Court sitting in Belfast, which has already accepted jurisdiction in relation to at least one other matter.

Having heard submissions from the three advocates, who represent between them many, if not all, of the families of those who were killed or injured on Bloody Sunday, and having also heard from Mr Glasgow QC on behalf of the applicants before us, we were satisfied that we have jurisdiction to entertain this application, and we so ruled. We give our reasons for that ruling later in this judgment.

3. Issues before us.

Mr Glasgow, supported by Mr Burnett QC, instructed by the Ministry of Defence on behalf of soldiers in the same position as the applicants but not yet identified, made a number of submissions which can be briefly identified as follows:

- (1) The Inquiry misunderstood the nature of the anonymity granted to the applicants by Lord Widgery.
- (2) Having set out in a public statement what the applicants would have to establish in order to be granted anonymity, and having given a clear indication as to the extent of the anonymity which would be granted to the applicants if they satisfied the test, the Inquiry acted quite differently when it came to give its decision.
- (3) Before giving its decision the Inquiry rightly sought assistance from the Security Service as to the extent to which the applicants would be in jeopardy if identified, and the Security Service produced a threat assessment which, the applicants contend, the Inquiry misunderstood.
- (4) When giving its decision the Inquiry placed undue weight upon what it described as the absence of "concrete evidence of a specific threat". In fact it had never previously suggested that it required such evidence. For obvious reasons very little if any of that type of evidence was likely to be available to the applicants, and such evidence of that type as the Inquiry had it undervalued.

- (5) Having found that the applicants satisfied the Inquiry's own test, and so were entitled to some protection, the Inquiry, by requiring disclosure of surnames only, adopted a position for which no one had argued, and in relation to which there was no evidence of the risks involved.
- (6) The Inquiry's ruling, which should have been informed by Article 2 of the European Convention on Human Rights, does not sufficiently recognise its potential impact upon the lives of the applicants.
- (7) Just before the Inquiry gave its ruling it received a letter from Desmond J. Doherty and Co. The applicants contend that the letter itself and their comments upon it were not properly taken into consideration by the Inquiry in reaching its decision, and indeed that the procedure adopted by the Inquiry just before its ruling was made public indicates a lack of procedural propriety which, given the seriousness of the issues involved, was entirely inappropriate.
- (8) Finally it is contended that the ruling, which was made before many of those most affected had been identified by the Inquiry, was premature.

The order in which we have set out the submissions is not quite the same as that adopted by those who made submissions to us, but our summary does we believe cover the principal points which were made.

4. The Widgery Assurance.

As Mr Clarke QC, for the Inquiry, pointed out, Sunday 30th January 1972 in Londonderry was a tragic day. British soldiers who were present in the city in large numbers fired 108 rounds of live ammunition. Thirteen civilians were killed and another thirteen were injured, most if not all of them being shot by soldiers. In the minds of many people what happened that day was an outrage, and the dead were simply murdered. The government of the day acted swiftly, and Lord Widgery was appointed to conduct a tribunal of inquiry. It was an inquiry to which the provisions of the Tribunals of Inquiry (Evidence) Act 1921 applied, as they apply to the present Inquiry, and, as Lord Gifford urged upon us, it is worth taking a little time to look at the nature and powers of such tribunals.

As is clear from section 1(1) of the Act, such tribunals are only established by resolution of both Houses of Parliament "that it is expedient that a tribunal be established for enquiring into a definite matter described in the resolution as of urgent public importance." The expectation clearly is that such tribunals will normally sit in public because section 2(a) of the Act states that a tribunal to which the Act applies -

"Shall not refuse to allow the public or any portion of the public to be present at any of the proceedings of the Tribunal unless in the opinion of the Tribunal it is in the public interest expedient to do so for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given."

In order to discharge its functions a tribunal of inquiry is given very wide powers, as is clear from section 1(2) of the Act. If any one summoned as a witness fails to attend, or having attended fails to answer any questions to which the tribunal may legally require an answer, he can be punished as if guilty of contempt of court. There is therefore considerable pressure on any one regarded by a tribunal as a potential witness to co-operate.

In 1966 a Royal Commission headed by Salmon L.J., as he then was, reported on Tribunals of Inquiry, and justified their continued existence to deal with amongst other things -

"matters causing public concern which cannot be dealt with by ordinary civil or criminal processes but which require investigation in order to allay public anxiety."

Lord Gifford invites our attention to the object of allaying public anxiety, which he submits necessarily involves a public process. In paragraphs 27 and 28 of its report the Salmon Commission said -

"27. The exceptional inquisitorial powers conferred upon the Tribunal of Inquiry under the Act of 1921 necessarily expose the ordinary citizen to the risk of having aspects of his private life uncovered which would otherwise remain private, and to the risk of having baseless allegations made against him. This may cause distress and injury to reputation. For these reasons, we are strongly of the opinion that the inquisitorial machinery set up under the Act of 1921 should never be used for matters of local or minor public importance but always be confined to matters of vital public importance concerning which there is something in the nature of a nation-wide crises of confidence. In such cases we consider that no other method of investigation would be adequate.

28. Normally persons cannot be brought before a tribunal and questioned save in civil or criminal proceedings. Such proceedings are hedged around by long standing and effective safeguards to protect the individual. The inquisitorial procedure is alien to the concept of justice generally accepted in the United Kingdom. There are, however, exceptional cases in which such procedures must be used to preserve the purity and integrity of our public life without which a successful democracy is impossible. It is essential that on the very rare occasions when crises of public confidence occur, the evil, if it exists, shall be exposed so that it may be rooted out; or if it does not exist, the public shall be satisfied that in reality there is no substance in the prevalent

rumours and suspicions by which they have been disturbed. We are satisfied that this would be difficult if not impossible without public investigation by an inquisitorial Tribunal possessing the powers conferred by the Act of 1921. Such a Tribunal is appointed by Parliament to inquire and report. The task of inquiring cannot be delegated by the Tribunal for it is the Tribunal which is appointed to inquire as well as to report. The public reposes its confidence not in some other body or person but in the Tribunal to make and direct all the necessary searching investigations and to produce the witnesses in order to arrive at the truth. It is only thus that public confidence can be fully restored.”

The observations of the Commission were of course not directed to a particular Tribunal of Inquiry, but they do, as Lord Gifford points out, stress that whenever a Tribunal of Inquiry is set up the gravity of the situation must be such as to call for exceptional measures, and that in such a situation loss of privacy is a price which has to be paid to restore public confidence. However, the Salmon Commission was not, so far as we are aware, directing its mind to a loss of privacy which would result in a risk to personal safety, and no doubt that is what caused Lord Widgery in 1972 to grant anonymity to those who gave evidence before him, including in particular the soldiers who had fired live ammunition. The present Inquiry had very little information as to what was said by or on behalf of Lord Widgery in 1972 to those who testified, but his report contains this paragraph -

“Since it was obvious that by giving evidence soldiers and police officers might increase the dangers which they, and indeed their families, have to run, I agreed that they should appear before me under pseudonyms”.

We now have rather more information as to what went on in 1972 than may have been available to the present Inquiry when it made its decision last December. In particular soldier ‘H’, recently identified, on 10th February 1999 swore an affidavit, part of which at paragraph 3 reads :-

“I know that I and other soldiers were told quite clearly at the time, that the Lord Chief Justice had agreed that we would be anonymous if we gave evidence to the Tribunal. Although my recollection is not clear at this remove I believe that I was also told this by the Solicitor from Treasury Solicitors Department who took my statement.”

Paragraphs 5 to 7 of the affidavit read:-

“5. It did not occur to me to ask for how long this protection would last because I was under the clear impression that my anonymity would be maintained in the future.

6. If I had not been told that I was going to be granted anonymity I would have asked what precautions were going to be taken to give me and my family protection. At that time my new wife was pregnant with our first child. If I had been told that after I had given my evidence I would be named or otherwise identified at some time in the future I would have asked what protection my family and I would be given at that time and in the future.

7. I do not pretend to be able now to remember precisely what was said but my firm understanding was that I would never be identified and until now it has never been suggested that I should be."

As to what was done at the hearings before Lord Widgery we have information from Mr Lawton of the Treasury Solicitors Department who acts for the applicants. He says in his second affidavit of 27th January 1999 at paragraph 8 -

"The pseudonyms used to refer to the applicants were those by which they are referred to in the present application, namely soldiers 'B', 'O', 'U' and 'V'. I understand that, in addition to being assigned a letter or number by which he was referred to by all concerned throughout that Inquiry, each military witness arrived at the hearings of the Inquiry wearing a combat jacket without insignia of rank or regiment. They were accompanied by a group of about five or six other soldiers similarly dressed and all wore dark glasses. Once called to give evidence the witness took the stand away from the group, removed his glasses and gave evidence facing Lord Widgery. Throughout the proceedings the military witnesses were referred to only by their letter or number."

As a result of the precautions taken in 1972 the applicants have never been identified as the soldiers who fired live ammunition so, of course, they have never been threatened in that capacity. According to paragraph 9 of Mr Lawton's second affidavit, and according to the affidavit of soldier 'H', they have all now left the armed forces, and are living as civilians. That, as it seems to us, is all important background material against which the decision now under challenge falls to be considered. It seems to us to be clear that in 1972 each of the applicants was led to believe that if he co-operated with the Tribunal, by answering questions, giving a statement, and giving evidence if called upon to do so, his identity and in particular his name as well as his address, would not be revealed by anyone in authority as the source of the information obtained by the Tribunal so long as the danger which led to the grant of anonymity continued to exist. In other words, subject to some compelling unforeseen circumstance, so long as there was any danger of reprisals being taken against him or his family because he fired live rounds on Bloody Sunday, no one in authority would do anything which would enable anyone to attach his name to that of a soldier previously identified only by letter who gave evidence before the Widgery Tribunal in 1972. If that is a correct analysis of

the assurance given to the applicants in 1972 then, as it seems to us, any decision which involves disclosure of their surnames for the purposes of this present Inquiry is on the face of it a breach of the 1972 assurance because, once their surnames are revealed, together with such information as they may now give, it will be possible to discover who appeared under which letter in 1972. Indeed it seems almost inevitable that if the present decision stands each applicant will now be cross-examined publicly about what he said in 1972. It may be that at the present time circumstances are such as to justify that course, that is not for us to decide, but we do have a clear view about the assurances given in 1972, and, as will become apparent, our understanding of the position differs in significant respects from that of the present Inquiry.

5. Establishment of this Inquiry.

The proposal to establish the present Inquiry was announced to Parliament by the Prime Minister on 29th January 1998, and part of what he said, as reported in Hansard, reads thus -

“It is for the Tribunal to decide how far its proceedings will be open, but the Act requires them to be held in public unless there are special countervailing considerations.

The hearings are likely to be partly here and partly in Northern Ireland, but, again, that is largely for the Tribunal. Questions of immunity from prosecution for those giving evidence to the Inquiry will be for the Tribunal to consider in individual cases, and to refer to my Right Honourable and learned friend the Attorney General as necessary. The Inquiry will report its conclusions to my Right Honourable friend the Secretary of State for Northern Ireland, and our intention is that they will be made public.

Let me make it clear that the aim of the Inquiry is not to accuse individuals or institutions, or to invite fresh recriminations, but to establish the truth about what happened on that day, so far as that can be achieved at 26 years distance. It will not be easy, and we are all well aware that there were particularly difficult circumstances in Northern Ireland at that time.

Bloody Sunday was a tragic day for all concerned. We must all wish that it had never happened. Our concern now is simply to establish the truth, and to close this painful chapter once and for all. Like the honourable member for Foyle, members of the families of the victims have conducted a long campaign for that end. I have heard some of their remarks over recent years and have been struck by their dignity. Most do not want recriminations; they do not want revenge; but they want the truth.

I believe that it is every one's interests that the truth be established and told. That is also the way forward to the necessary reconciliation that will be such an important part of building a secure future for the people of Northern Ireland.”

The resolution which was duly passed by both Houses of Parliament was -

"That it is expedient that a Tribunal be established for inquiring into a definite matter of urgent public importance, namely the events on Sunday 30th January 1972 which led to the loss of life in connection with the procession in Londonderry on that day, taking account of any new information relevant to events on that day."

The remit of the Inquiry is therefore reasonably clear, and it is also clear that Parliament did nothing to fetter its discretion in relation to, for example, the grant of anonymity to individual witnesses, bearing in mind the statutory background to which we have referred.

6. The July Statement.

The Inquiry delivered an opening statement on 3rd April 1998, and held a preliminary hearing in July 1998 which dealt with a number of matters of no concern to us, but one of the issues raised was the question of anonymity, and in its ruling and observations of 24th July, 1998 the Inquiry said this -

"In the expectation that the question of anonymity would arise, we asked the interested parties for any general observations or submissions they might have as to the approach that we should adopt in relation to it. It will be recalled that, with the exception of five senior officers, the soldiers who gave evidence before the Widgery Inquiry were not required to disclose their names.

We have not yet been asked to make rulings on anonymity in respect of any individual witnesses or groups of witnesses who may give evidence to this Inquiry. However the Treasury Solicitor and Ministry of Defence have indicated that applications for anonymity are likely to be made in due course on behalf of soldiers or former soldiers who were serving in Londonderry on Bloody Sunday.

It should be remembered that there are various different forms of anonymity. Depending on the circumstances, it might be appropriate to allow a witness to give evidence without stating his or her name and address in public, or perhaps to give evidence from behind a screen in order to conceal his or her physical appearance. It might also be necessary to preserve the anonymity of individuals by substituting letters or numbers for names in witness statements and other documents.

Mr Treacy referred us to a number of authorities in this field..... Mr Treacy argued that the granting of any form of anonymity was a very grave step that should only be taken if justified on compelling grounds.

In adversarial procedure, great importance is rightly attached to the principle of open justice. In particular, the courts require very strong grounds indeed before departing from the rule that a person charged with a criminal offence is entitled to know the identity of prosecution witnesses and to see them give their evidence. One of the reasons for this is to enable the opposing party to investigate and assess the credibility of those witnesses.

The position in relation to an Inquiry such as this one is, in our view, rather different. Nobody is being prosecuted before this Tribunal, nor is it our function to do justice between parties competing in an adversarial contest. Our task is to do justice by ascertaining, through an inquisitorial process, the truth about what happened on Bloody Sunday. The proper fulfilment of that task does not necessarily require that the identity of everyone who gives evidence to the Inquiry should be disclosed in public. The Tribunal will know the identity of all witnesses and, unlike a court, will itself take responsibility for investigating their credibility if there is reason to think that such an investigation is necessary.

Indeed we think that there are likely to be circumstances in which granting anonymity will positively help us in our search for the truth. Witnesses are unlikely to come forward and assist the Tribunal if they believe that by doing so they will put at risk their own safety or that of their families. Moreover it would be a mistake to suppose that the grant of anonymity would always operate to protect soldiers who are alleged to have been guilty of serious offences on Bloody Sunday. There may well be witnesses who wish to give evidence that is favourable to the interpretation of events for which the families and the wounded contend, but who will not co-operate with the Tribunal without assurances as to their anonymity. We are aware, for example, of certain television programmes in which people describing themselves as ex-soldiers present on Bloody Sunday have criticised the conduct of the Army on that day, but have done so anonymously, presumably for fear of reprisals by their former comrades.

Accordingly, we will be willing to grant an appropriate degree of anonymity in cases where in our view it is necessary in order to achieve our fundamental objective of finding the truth about Bloody Sunday. We will also be prepared to grant anonymity in cases where we are satisfied that those who seek it have genuine and reasonable fears as to the potential consequences of disclosure of their personal details. As to the degree of anonymity that is appropriate, our current view is that restricting the disclosure of names and addresses ought to be sufficient in most, if not all, cases. We would regard the use of a screen as a wholly exceptional measure.

The obligation nevertheless remains firmly on those who seek anonymity of any kind to justify their claim. Applicants for anonymity must supply the Tribunal with a written explanation of the basis of their application, together with any material relied upon in support of it. Of course, unless and until the application is refused, the Tribunal will not reveal any information in its possession, disclosure of which might pre-empt its ruling. Otherwise, however, and subject to any claim for public interest immunity, we propose to circulate any written applications for anonymity to all interested parties and to invite their submissions before making a ruling.

It is obviously important that these applications should be determined sooner rather than later, especially in view of the problems that delay will cause in respect of the distribution of documents containing the names of potential applicants for anonymity. The fact that so far only a few of the soldiers have been traced presents a practical difficulty that their instructions cannot be obtained until they have been found. Rather than waiting for them to be located, we intend to ask the Ministry of Defence to put forward any application for anonymity on their behalf, together with such submissions and evidence as it considers appropriate in relation to any continuing security risk to which they may be exposed. The Solicitor to the Tribunal will shortly be writing to the Ministry of Defence in this connection, as well as to the Treasury Solicitor on behalf of the soldiers represented by Mr Glasgow. Meanwhile, in order to provide to interested parties as many as possible of the documents we have collected to date, we shall blank out the names etc of those who we consider may have a case for anonymity, in order not to pre-empt any future ruling and to minimize delay in the publication of documents."

We have set out that part of the ruling and observations almost in full because it is so important in relation to the issues before us. Mr Glasgow and Mr Burnett contend that the paragraph which begins with the word "Accordingly", and which we have emphasised in the text, sets out in clear terms :-

- (1) What a soldier would have to show to the satisfaction of the Inquiry in order to qualify for anonymity - genuine and reasonable fears as to the potential consequences of disclosure of his personal details:
- (2) the degree of anonymity which a soldier who passed the qualification test might expect - restriction of disclosure of name and address.

Mr Clarke QC is understandably anxious that we should not take that paragraph out of context, which is why we have set out the extract in full. He also emphasises, quite rightly, the opening sentence of the next paragraph, as demonstrating that the burden of proof remains firmly on those who seek anonymity of any kind to justify their claim. That we recognise, but in our judgment the submissions of Mr Glasgow and Mr Burnett as to the interpretation of the rulings and observations of the Inquiry dated 24th July, 1998 are well founded. The written rulings and observations were clearly intended to assist the applicants and those who represented them to make appropriate and full submissions. Both the applicants and the Inquiry knew that in 1972 a Tribunal acting with precisely similar powers had granted all soldiers, including in particular those who had fired live ammunition, the opportunity to appear without being named. That level of anonymity could not therefore be regarded as obviously inappropriate for the present Inquiry simply because it is a Tribunal of Inquiry with the powers given to such an Inquiry by the 1921 Act, nor has it been possible to point to anything said by the Prime Minister or by the Inquiry in its opening statement to lead to that conclusion. That point seems worth making in the light of subsequent events so as to emphasise what the July statement did not say. It did not suggest, even tentatively, that the level of anonymity granted in 1972 might not be available, yet in due course this Inquiry ruled that -

“If anonymity in the strict sense were to be allowed on a widespread or blanket basis that would represent a material derogation from the Tribunal’s public investigative function.”

In his submission to us Mr Clarke said -

“To conceal completely the identities of those most centrally involved would be, as the Tribunal found, a material derogation from its public investigative function. It is not an answer to this point to say that the Tribunal itself would have the names. If the soldiers names cannot be referred to in the course of proceedings or in the report that will fundamentally alter the character of the Inquiry. It will jeopardise the public perception of a thorough exposure of the truth, and prejudice the Tribunal’s aim of resolving the public crisis of confidence. The Tribunal’s duty is not just to acquire information but to disseminate it.”

There may be much to be said for that approach, but it is noticeably absent from what was said in July.

7 The Threat Assessment

On 28th July 1998 the Secretary to the Inquiry asked the Home Office whether, to assist the Inquiry in forming a judgement of the need for anonymity, it could provide advice on the continuing risk to those soldiers who were involved in Bloody Sunday. An assessment was obtained from the Security

Service on 22nd October 1998, and it was sent to the Inquiry by the Home Office on 23rd October 1998. It is headed "Threat Assessment - Bloody Sunday Inquiry" and we set it out in full:

"GENERAL ASSESSMENT

Though the current situation in Northern Ireland means that the threat of terrorist attacks by the Provisional IRA (PIRA) is currently low, the possibility of attacks by republican dissidents remains.

The potential targets of dissident republican terrorists are unlikely to be significantly different from those formerly favoured by PIRA. The military has long been regarded as a legitimate target by republican terrorists, and numerous military personnel have been attacked on the mainland. Given the continuing signs of the dissidents' intent to disrupt the peace process through violence, and the importance of 'Bloody Sunday' in republican history, we assess that there is the potential for military witnesses to the Inquiry to be singled out for attack.

Republican dissident groups have demonstrated the ability to launch a variety of attacks particularly in Northern Ireland. Further, republican dissidents have in recent months twice prepared to mount an attack on the British mainland. In April 1998 a vehicle-borne improvised explosive device destined for the mainland was intercepted at Dun Laoghaire. On 10th July 1998 three individuals alleged to be members of a republican dissident group were arrested in London and have since been charged with conspiracy to cause explosions and, in the case of one of them, possession of explosives. We assess that republican dissidents retain the materiel and personnel to mount attacks on the British mainland. As for the individual groups, the future of the 'Real' IRA's current ceasefire is uncertain. The Continuity IRA, the only Irish Republican terrorist group not currently on ceasefire, has not yet mounted mainland attacks, but the possibility of it doing so cannot be discounted. PIRA has been observing a ceasefire since July 1997 but has so far maintained the capability of returning to violence should it decide to do so. Taken together, these factors indicate that the overall level of threat to the mainland, and to identifiable military personnel, could rise at short notice.

ANONYMITY AND IDENTIFICATION.

Even where terrorists have the capability and intent to mount an attack, if individuals cannot be identified and located then they are not at threat. This is the basis for the requirement for anonymity, which cannot be recovered once it has been lost. The variety of sources of information in the public domain make it increasingly easy to locate individuals, and where the names are unusual it is possible to do so on the basis of name alone. Thus if their names are revealed military witnesses to the Inquiry will be at a moderate level of threat, and this is likely to increase in the event of an increase in the overall mainland threat.

A number of military witnesses due to attend the Inquiry have already had their names publicly associated with the events of Bloody Sunday. Since they have already been identified they are already at a moderate level of threat, and this will not increase solely as a result of their attendance at the Inquiry. However, if the proceedings focus on the conduct of particular military personnel, and those personnel are identified by name, it is possible that the threat to them will rise.

We do not consider that, in general, visual identification of military witnesses is likely to cause the Irish-related terrorist threat to them to rise. The exceptions would be those who are (or will be) operationally deployed, any who are of particularly distinctive appearance or have a high public profile, and possibly those who live or work in Northern Ireland.”

What, it may be asked, is “a moderate level of threat?” Unfortunately the Security Service did not explain, and the Inquiry, which did not ask for an explanation, was left to draw its own conclusions. Mr Glasgow is critical of the Inquiry for not asking for further information but, as Mr Clarke emphasises, the Inquiry did leave it to those seeking anonymity to provide evidence to support their case, and they did receive copies of the Threat Assessment. For present purposes we find it unnecessary to decide who was “to blame”. Suffice to say that it now seems clear that the Inquiry did not interpret the Threat Assessment as the author of that assessment, namely the Security Service, intended. In its ruling, to which we will come in due course, the Inquiry, having referred to the Threat Assessment, concluded that “the evidence of risk, viewed objectively, is limited and unspecific”. In an affidavit sworn on 11th February 1999 Mr Solomons, an Assistant Treasury Solicitor, sets out the reaction of the Security Service, which is no party to these proceedings, to the Inquiry’s interpretation of its assessment. Part of what he says is worth quoting -

“The terms of the ruling indicate that the Tribunal has misunderstood the nature of the assessment. Threat assessments do not, by their nature, consist of concrete predictions. If they did, atrocities could be foreseen and pre-emptive measures taken. Nor are they assessments of risk. A moderate threat to a vulnerable target will produce a higher level of risk than a moderate threat to a target of low vulnerability. ... The system identifies six levels of threat, two of which come below “moderate” and three above. The term “moderate” is used to indicate that there is potential for a target to be singled out for attack. At the time the assessment was made (October 1998) a “moderate” threat was the highest applied to any public figure in Great Britain on account of domestic terrorism. At the next level up a target would be assessed to be a priority target.

The Tribunal appears to have been looking for very specific intelligence that a particular group intended to target soldiers involved in Bloody Sunday. This is not the way threat assessments work. ... The Tribunal twice referred to the risk to the soldiers as being “unspecific” but were

specific intelligence to be received which indicated that the witnesses were high priority targets, then they would be at such a high risk of threat that the normal response would be for them to be provided with armed police protection.

The significance of the device which was intercepted at Dun Laoghaire, and the arrests in London in July 1998, is that mainland attacks have recently been attempted. The intended targets are not known. But it is known that the military are considered "legitimate" and highly desirable targets for Republican terrorists. This would be likely to apply a fortiori to former soldiers who killed Catholic youths."

In his written skeleton argument before us Mr Clarke says -

"Mr Solomons offers a gloss, itself somewhat obscure, on the meaning of the words "moderate risk" used in the threat assessment. If the term was intended to have a meaning different from, or more specific than, the ordinary English meaning of those words, this should surely have been explained to the Tribunal when the threat assessment was provided."

We do not regard Mr Solomon's gloss as obscure. It plainly clarifies the meaning of "moderate" where that word is used in the Threat Assessment, and Mr Clarke's submission we regard as little short of an admission that the Inquiry attached a different and less sinister meaning to the word. Obviously the Tribunal's understanding of the Threat Assessment formed a significant part of the material to which it had regard when reaching its conclusion.

8. Submissions other than Threat Assessment.

On 2nd September 1998 Mr Lawton sought anonymity "in respect of all the soldiers whom I currently represent". His clients included officers whose names had already been disclosed, and for them he sought only the withholding of addresses and telephone numbers. For the soldiers his application was that "no information tending to disclose their identities, occupations, addresses or telephone numbers should be disclosed to any person other than members of the Tribunal and its staff." His letter continues -

"I consider that the Ministry of Defence is better placed to inform the Tribunal about the nature and extent of the security risk. Indeed, one of my difficulties and serious concerns arises out of the fact that I have very little information about the true nature of the security risks. I and my clients are almost wholly dependant on others to provide such information.

The principal basis on which my applications for anonymity are made is that my clients believe that they and their families would be at risk of being killed if their identities and whereabouts were revealed. Some of those whose identities are already known have already been subject to threats of murder or have been informed at one time or another that they are at such risk. Save in the case of the letter bomb intercepted by General Ford's bank (where the nature of the threat was self-evident) and the express written threat which he received, the only information given to my identified clients has been the fact that a threat has been perceived by others."

At the end of the letter Mr Lawton says -

"It remains my submission that the universal perception of the soldiers that they are at risk is manifestly reasonable. If the Tribunal is not prepared to make the orders which I seek we will make application to advance further argument in camera."

On 23rd October 1998 the Ministry of Defence, having seen the Threat Assessment, asked for preservation of the anonymity of soldiers not yet contacted until more was known about their personal circumstances. As the writer of the MOD letter put it -

"Essentially the test to be adopted is whether the public interest in open justice is outweighed by the public interest in protecting the physical security of potential witnesses."

Mr Clarke contended that the Inquiry by its ruling did what had been asked of it by the MOD. That we do not accept. The MOD asked that no ruling be made until the soldiers could be seen and instructions be obtained from them, but the Inquiry made a ruling, even if it did leave some room for further submissions at a later stage. During November 1998 submissions were made by two firms of solicitors acting for families of the dead and injured, and by British Irish Rights Watch, and the Committee on Administration of Justice. The thrust of those submissions is reflected in paragraphs 5 and 6 of the submission on behalf of the family of James Wray, deceased, which read -

"5. The Inquiry has promised a radically different approach from the Widgery Inquiry. One of the most objectionable features of Widgery was that soldiers gave their evidence under the cloak of anonymity, told lies, and were never prosecuted or called to account. If this Inquiry adopts the same practice on anonymity, it will attract the same cynicism and disrespect. A process that starts by covering up the names of key witnesses will be seen as yet again covering up the truth.

6. By contrast, an Inquiry which starts by making clear that it proposes to conceal nothing of relevance, and that it expects witnesses to come forward, identify themselves, and be subjected to fair and public scrutiny, will deserve and will receive the confidence and participation of the public."

It is contended that in 1999, in contrast to 1972, the increase in the personal security risk to former soldiers if their names were to be disclosed would be negligible, whereas withholding names would seriously damage the Inquiry and the Peace Process.

On 27th November 1998 the Inquiry gave the solicitors for the applicants an opportunity to respond to the November submissions, and they responded on 3rd December 1998. That submission stressed that a refusal of anonymity could amount to a withdrawal of what was granted by Lord Widgery. It referred to the Wray submission that names without addresses are untraceable, and continued -

“While there may be some force in this submission it is equally true that an individual’s name is the starting point for tracing them, particularly now that the Electoral Role is freely available on the Internet, and the submission does not and cannot detract from the genuineness and reasonableness of the soldiers fears of the consequences of disclosure.”

Reference was made to the Security Service Threat Assessment, and to the suggestion that anonymity would prejudice the Inquiry’s fundamental objective. As to that the applicants submitted in paragraph 17 -

“When the Tribunal knows all that there is to be known about all witnesses who appear before it, the effectiveness, thoroughness and fairness of its inquiry will not in any way be compromised by the fact that the names and addresses of witnesses are not published.”

The submission addressed the suggestion that soldiers might be more inclined to lie if giving evidence anonymously and other arguments which for present purposes do not need to be rehearsed.

9. The Doherty Letter

On 1st December 1998 one member of the Inquiry, Sir Edward Somers, left for New Zealand.

On 2nd December 1998 Desmond J Doherty and Co sent to the Inquiry by fax a letter on behalf of some people who had already given statements to the solicitors acting for the Inquiry. The main paragraphs of the letter read:

“Some of my clients have expressed a concern at their addresses being available on the Internet. My clients are in no way criticising the very proper way the Inquiry is being dealt with by way of information to the public but I do trust you appreciate that they are very sensitive to the fact that someone may have access to their address via the statement on the Internet. ...

To be more direct in connection with the matter and again by way of example one of my clients has already given a very lengthy and detailed statement to Messrs. Eversheds which I am in the process of amending and agreeing with my client. My client also gave a statement for the previous Inquiry and gave oral evidence at that Inquiry.

My client has confirmed to me that a number of threats were received by the client from certain organisations as the address of this client had been published in a national paper.”

As Mr Clarke points out, the request was simply to withhold addresses, not names, and the threat referred to what happened after the 1972 Tribunal, not to the current Inquiry.

By the time that the Doherty letter was received the Inquiry had almost completed work on its rulings on anonymity and venue. As can be seen from the letter written by Mr Ridd, solicitor to the Inquiry, on 29th December 1998. He says that the rulings -

“ Followed several discussions between the three Members of the Tribunal in several meetings in the Inquiry’s offices.”

His letter continues -

“A final discussion on points of detail took place on Friday 11th December, but Sir Edward Somers had already departed to New Zealand and was therefore not at that meeting. The latest draft of the Rulings was faxed to Sir Edward late on 11th December, and he signified his agreement by fax on Monday 14th December. I believe a small change of internal paragraph numbering was made subsequently and that Lord Saville initialled the final version on Tuesday 15th December.”

On 14th December 1998, the day when Sir Edward signified his assent by fax, the Inquiry sent a copy of the Doherty letter to the solicitor for the applicants, inviting a response by 8th January 1999. There was an immediate response, by fax, on 16th December 1998, the last paragraph of which reads -

“Mr Doherty’s request dated 2nd December raised issues which are highly material to the applications made on behalf of our clients in relation to anonymity and venue. I should be grateful for your confirmation that the matters raised by Mr Doherty’s letter and any responses to Mr Doherty’s requests will be taken into account by the members of the Tribunal in considering those applications on behalf of our clients.”

On 17th December 1998 Mr Ridd responded, saying -

"I can confirm that the Tribunal was aware of the new application when your client's applications on anonymity and venue were considered, but responses to Mr Doherty's application had not by then been received. The intention is that rulings on anonymity and venue will be published today."

The rulings were then published as anticipated.

10. The December decision.

The ruling on anonymity covers 26 pages of transcript, and we do not therefore attempt to incorporate it in full into this judgment, but we draw attention to the following points -

- (1) In paragraph 14 the Inquiry recites part of its July statement before referring to the submissions it received.
- (2) In paragraph 18 the Inquiry deals with the grant of anonymity by Lord Widgery and says -

"We do not know by whom or in exactly what terms this assurance is supposed to have been given. It seems to us that we can assume no more than that the soldiers understood and expected that their names would not be divulged in the course of the proceedings before Lord Widgery. We are not aware of any reason to believe that an assurance was given that their names would never be disclosed by anyone. Accordingly, we treat these as fresh applications for the grant of anonymity and we start with no presumption that the existing de facto anonymity should be preserved."

For the reasons set out in paragraph 4 of this judgment we cannot regard that as a proper approach to the assurances given in 1972. Strictly construed it would mean, as Mr Glasgow pointed out, that as soon as Lord Widgery reported, if not before, the assurance ceased to have any effect. No serving soldier or policeman would have been comforted by an assurance as limited as that.

- (3) In paragraph 28 of the Ruling the Inquiry, after acknowledging that Bloody Sunday has always been "a matter of exceptional controversy in many quarters" states -

“Nevertheless, there is virtually no material before us that demonstrates the extent, even prior to the paramilitary cease-fires, of any specific risk to former soldiers or their families arising from their previous involvement in controversial events in Northern Ireland. Mr Lawton’s application mentions that General Ford at one time received a written threat and a letter bomb was intercepted by his bank. But we do not know when these incidents occurred, nor whether there was any evidence to link them directly to Bloody Sunday.”

Mr Glasgow is, perhaps understandably, critical of that passage. He says that if the Inquiry did not know when the threat to General Ford was made, and it purported to have some background knowledge of events connected with Northern Ireland, it could easily have asked. As to the connection with Bloody Sunday, the link was obvious. He was the commanding officer at the material time.

In paragraph 28 the Inquiry goes on to refer to the Dun Laoghaire interception, mentioned in the Threat Assessment, and to the subsequent arrests, but the Inquiry is impressed by the Wray submission that “there is no indication that individual soldiers have been targeted in recent years, or that any soldier has ever been attacked specifically as a result of having given evidence in any proceedings.”

- (4) In paragraph 29 the Inquiry accepts that the past may not be a reliable guide to the future, and continues -

“Even so, we think it fair to say that the evidence of a continuing threat to soldiers who may be called as witnesses before this Inquiry is general as opposed to specific. Perhaps of necessity, it amounts to informed speculation as to what could happen, instead of a more concrete prediction based upon specific past experience.”

So, having, as we accept, misunderstood the Threat Assessment the Inquiry makes its own assessment of the evidence of risk which it describes in the next paragraph as “limited and unspecific”.

- (5) However, it accepts that soldiers not previously named may genuinely believe themselves to be at risk. As to the objective reality of the risk the Inquiry says “in the light of the Threat Assessment we are not prepared to castigate that general fear as unreasonable. “
- (6) In paragraph 31, still purporting to act “in accordance with the principles set out in our ruling in July, the Inquiry sets out to consider “what if any kind of anonymity would be appropriate in the circumstance”.

As we have indicated above it seems to us that, if the July ruling was to be followed, once a genuine and reasonable fear was established the kind of anonymity to be granted was self-evident, because the tribunal had itself said that “restricting the disclosure of names and addresses ought to be sufficient”. But in paragraph 31 the Inquiry adopts a much more cautious approach, saying that “before granting anonymity of any kind we must be satisfied that we can do so without prejudicing our fundamental objective of establishing the truth about what happened on Bloody Sunday”.

- (7) All of the arguments against any grant of anonymity are then rehearsed, including this consideration in paragraph 37 -

“It is clear that the families of the deceased and the injured would like to see prosecutions brought against the soldiers who in their view were guilty of serious offences on Bloody Sunday. If that were to happen, the names of the defendants would in the ordinary way become public. The position would not be affected by any anonymity for the purposes of this Inquiry, because the prosecuting authorities would still be able to ascertain the true identity of the soldiers concerned.”

As Mr Glasgow points out the Inquiry itself could have chosen to grant anonymity at the investigative stage and reserved for later consideration whether to name certain people in its report. That option does not seem to have been seriously canvassed before the Inquiry.

- (8) In paragraph 39 the Inquiry concludes that -

“None of the factors to which we have so far referred is, in our view, sufficient to demonstrate that the granting of anonymity would prejudice the fundamental objective of the Inquiry.”

That paragraph then goes on -

“We attach considerably greater weight, however, to another factor, which appears in the submissions only in the form of an argument that to grant anonymity would diminish public confidence in the Inquiry by creating the impression that the true facts are being concealed.”

- (9) The point is developed in paragraph 40 -

“We see the point of substance as being not the maintenance of public confidence as such, but rather the proper fulfilment of our public duty to ascertain what happened on Bloody Sunday. An intrinsic part of that task is the investigation of the actions of individual soldiers on that day, which in our view encompasses not only what they did, but who they were. We do not think that this makes it axiomatic that the name of every soldier involved should be disclosed, no matter what his individual circumstances might be. Even a code letter or number provides a degree of identification, in the sense that it distinguishes the witness concerned from all others involved. To restrict the disclosure of the actual names of a few soldiers, for sound reasons, would not in our view substantially impair our investigation of the facts. But we are satisfied that, if anonymity in the strict sense were to be allowed on a widespread or blanket basis, that would represent a material derogation from the tribunal’s public investigative function.”

That, Mr Glasgow submits, is a critical paragraph, and it is, to say the least, not as clear as it might be. If the public duty of the Inquiry is to ascertain what happened on Bloody Sunday, and that is what the original remit did suggest, certainly the Inquiry itself would need to know the identities of individual soldiers, but that is not what the application for anonymity was all about. It was about whether the knowledge of identities, and in particular of names, should be confined to the Inquiry and its staff. So what did the Inquiry mean by saying that its task encompasses “not only what they did but also who they were?” And, as we said earlier in this judgment, if the Inquiry did take the view that any widespread anonymity would derogate from its public investigative function, that was something not hinted at in July or at any time thereafter.

- (10). Paragraph 41 recognises that addresses, occupations and telephone numbers should not be revealed. That was not contentious and no one had asked for a screen. Then, in paragraph 42 the Inquiry returns to the question of-

“Whether any, and if so what, degree of anonymity is appropriate, having regard to our views as to the nature and extent of the risk, and our rejection of widespread or blanket anonymity, in the strict sense, as being incompatible with the Tribunal’s fundamental objectives.”

(11). In paragraph 44 the Inquiry concludes that -

"It would be wrong in principle to give a general dispensation allowing all military witnesses to give evidence without revealing their names".

The Inquiry expresses the belief that -

"This would, in the majority of cases, be going further than is justifiable or appropriate in circumstances where there is no concrete evidence of a specific threat."

At least by implication the Inquiry is there seeking that which, for reasons now explained by Mr Solomons, cannot be produced, namely concrete evidence of a specific threat.

- (12) In paragraph 45 the Inquiry considered the special position of those soldiers, such as these applicants, who fired live rounds on Bloody Sunday, and accepts that they have "more compelling and substantial grounds than others for believing themselves to be at risk."
- (13) But, as the Inquiry points out in paragraph 46, their conduct lies at the very heart of the Inquiry, so the Inquiry concludes -

"To allow this group to remain entirely anonymous would be a step which we would find difficult to reconcile with our public duty to determine what happened on Bloody Sunday."

Obviously, as Mr Glasgow submits, that begs the question of what really is encompassed by the public duty of the Inquiry to determine what happened on Bloody Sunday.

- (14) In paragraph 47 the Inquiry concludes that it would be justifiable to permit those who fired live rounds "a limited form of additional anonymity, under which their surnames will be disclosed but their forenames will not." As everyone accepts, this compromise had not previously been ventilated, and there had been no submissions addressed to it. The Inquiry regarded it as "the best available solution to a difficult problem because it will create a significant extra element of assurance for these individuals as regards their personal security without having any material adverse effect on the fulfilment of our task." The Inquiry goes on to explain that if the surname is common it will be very difficult to locate an individual on the basis of name alone, but such disclosure "will avoid giving them or others the false impression that they are immune from any effective public scrutiny or from criticism should it prove to be justified."

- (15) In paragraph 48 the Inquiry indicates a willingness to consider special factors which might tell in favour of withholding surnames in individual cases - for example, if a witness lives in Northern Ireland, or has an very unusual name. Conversely a forename as well as a surname might be disclosed if, for example, there was evidence that on Bloody Sunday someone was heard to call a witness by his forename.

11. The Function of this Court.

A. Jurisdiction.

Despite the persuasive arguments addressed to us by Mr Lavery we have no hesitation in saying that this application is properly brought before this Court. The Inquiry was set up by resolution of both Houses of Parliament. It has the powers of an English statute. It is based in London, and that is where the ruling was made which is now being challenged. The ruling primarily affects former members of the armed forces, most of whom are probably not now resident in Northern Ireland, and although it obviously has wider ramifications we see no reason why it should not be challenged here. In saying that we do not forget that the incident which is at the centre of the Inquiry took place in Londonderry, and that the Inquiry expects to discharge many of its functions there. As has already been demonstrated there may well be matters best considered by the High Court in Northern Ireland, but we cannot regard this application as being one which we cannot entertain.

B. Anxious Scrutiny.

Although we were treated to a good deal of learning from all sides there is in reality no issue as to the approach which ought to be adopted by this Court to an application of this kind, involving as it does the personal safety and possibly the lives of the applicants and their families. In R v Home Secretary ex parte Bugdaycay (1987) AC 514 Lord Bridge said at 531 -

“The most fundamental of all human rights is the individual’s right to life, and when an administrative decision under challenge is said to be one which may put the applicant’s life at risk the basis of the decision must surely call for the most anxious scrutiny.”

In the same case at 537 Lord Templeman said -

“Where the result of a flawed decision may imperil life or liberty a special responsibility lies on the court in the examination of the decision-making process.”

In R v Coventry City Council ex parte Phoenix Aviation (1995) 3 All E R 37 at 62 Simon Brown LJ said that “when fundamental human rights are in play the courts will adopt a more interventionist role”. In Ministry of Defence ex parte Smith (1996) QB 517 Sir Thomas Bingham MR at 554 accepted as an accurate distillation of the principles counsel’s submission which was -

“The court may not interfere with the exercise of an administrative discretion on substantive grounds save where the court is satisfied that the decision is unreasonable in the sense that it is beyond the range of responses open to a reasonable decision-maker. But in judging whether the decision-maker has exceeded this margin of appreciation the human rights context is important. The more substantial the interference with human rights, the more the court will require by way of justification before it is satisfied that the decision is reasonable in the sense outlined above.”

In R v Secretary of State for the Home Department ex parte Ahmed, 30th July 1998 unreported, Lord Woolf MR said at page 18 of the transcript -

“The relevance of the European Convention of Human Rights is that it provides a background against which a complaint of irrationality can be considered. The fact that a decision maker failed to take account of Convention obligations when exercising an administrative discretion is not of itself a ground for impugning that exercise of discretion.”

Our task therefore is plain. It is to approach this decision with care, making proper allowance for the discretion afforded to the Inquiry, but also because of the subject matter exercising anxious scrutiny in relation to the challenges which have been made.

C. Fresh Evidence.

Normally this court is at pains only to have regard to the material which was available to the body whose decision is impugned, but where the decision is said to impinge on personal safety, and perhaps even put lives at risk, we cannot disregard material information which has come to hand since the original decision was made. So we do have regard to the affidavits, and in particular to those passages in the affidavits to which we have referred in the course of this judgment. If we are to exercise anxious scrutiny we cannot do otherwise.

12. Conclusions.

We return finally to the issues which we identified at the beginning of this judgment -

- (1) We are satisfied that the present Inquiry did misunderstand the nature and extent of the anonymity granted to the applicants by Lord Widgery, and that this misunderstanding played a significant part in the Inquiry's reasoning process when arriving at the decision under challenge. Unlike Mr Glasgow we do not find it helpful to speak in terms of withdrawing anonymity, but we do consider it important for the Inquiry to have a clear perception of what was granted in 1972 and what endured.
- (2) We are further satisfied that the July statement, perhaps inadvertently, did create the impression that if a soldier satisfied the Inquiry that he had a genuine and reasonable fear of the potential consequences of disclosure of his personal details then his name and address would not be disclosed.
- (3) We are satisfied that the Inquiry did misinterpret the Security Service Threat Assessment. The error is understandable, but it is relevant. The Assessment needs to be interpreted in the light of what Mr Solomons now says.
- (4) We are troubled by the fact that having given in its July statement a clear indication of what any one seeking anonymity should try to prove the Inquiry when it came to make its decision looked for something rather different, namely concrete evidence of specific threats. If that was what was required it seems to us that the requirement should have been made clear, even though the point that no such evidence had been produced was made by the relatives of the dead and injured, so the applicants did have a brief opportunity to respond to it.
- (5) We are also troubled by the fact that the Inquiry:
 - (a) accepted that all soldiers probably had genuine and reasonable fears, and that soldiers who fired live rounds had more compelling and substantial grounds than others for believing themselves at risk, so that by inference they were entitled to some form of anonymity, yet -
 - (b) granted to that limited class a form of anonymity for which no one had contended and the safeguarding effects of which were at best a matter of speculation. In saying that we do bear in mind Mr Ridd's affidavit evidence as to the Tribunal's own difficulty in tracing former soldiers and the distinction made by Mr Clarke between identification and tracing,

but the safeguarding effects of a “surnames only” policy which has to be waived if the surname is unusual or the forename is relevant must be questionable.

Although submissions were made to us as to the impact of Article 2 of the European Convention we do not believe that, even by way of background, the Convention adds anything significant to the law which we have to apply. And we were not impressed by either of the last two issues to which we were referred. It seems to us that the letter from Desmond J Doherty & Co was not really in point in relation to the question of whether or not soldiers should be given names, and no comment on that letter would have been likely to assist the Inquiry either way. As to procedural impropriety it is clearly necessary that all members of a tribunal should take a full part in any decision which is made. Having said that, we have no reason to think that there was any significant shortcoming in this case. Finally as to prematurity, we do not accept that the decision was premature. Interviewers of soldiers and ex-soldiers need to be able to tell their interviewees what the future holds, so a policy decision does need to be made now, even if some soldiers are not yet identified and some may be able to put forward a special case.

For the reasons which we have set out we are satisfied that in more than one respect the decision under challenge is flawed. In the language of judicial review the flaws can be expressed in different ways. For example, the misunderstanding as to the nature of the 1972 anonymity and the misunderstanding of the Threat Assessment can be categorised as failures to take relevant matters properly into consideration. The imbalance which we perceive between the July statement and the December ruling could be described as a procedural impropriety. The nomenclature is of little importance, but in our judgment the result must be that the decision is set aside and the matter is returned to the Inquiry for it to re-determine. We should however make it clear that we express no view whatsoever as to whether there should be any grant of anonymity of any kind. That is not our function. It is clear from the information before us that there are powerful arguments both ways. How those arguments should be resolved the Inquiry must decide.

MR GLASGOW QC: My Lord, in the terms of our application, may I respectfully ask that we have a declaration that the decision is unlawful and invalid, an Order for certiorari to move to their Lordship's court and quash the decision and, of course, I ask for no order as to costs.

Would your Lordships forgive me for mentioning one very small typing mistake? Would your Lordships be kind enough to go to page 22 and to the “Conclusions” paragraph, numbered 12 sub-paragraph (2)? I think “a general” has crept in for “a genuine”. It is a minor point, but could be important.

LORD JUSTICE KENNEDY: If I read “general”, I apologise.

MR GLASGOW QC: My Lord, there is one other tiny date correction. At “The Threat Assessment” paragraph, which is paragraph 7, the date is given in the fourth line as “An assessment was obtained by the Security Service on 22nd November ...” The date was actually October, and, as your Lordships will see, it is followed on the next line that it was sent on the 23rd.

MR CLARKE QC: My Lord, there is one matter. I seek to raise one precise form of Order. I do not dissent from my learned friend’s invitation to your Lordships to make the declaration as he formulated, that the decision is unlawful and invalid and an Order for certiorari to move to quash it, provided that the antecedents to the said decision is made clear.

Do your Lordships have the Form 86A? If your Lordships turn to page 2 of the internal pagination of the form (it may be page 3 in the pagination) the decision referred to is the decision as in (1):

“The decision of the Bloody Sunday Inquiry (‘the Tribunal’) taken on the 14th December 1988 withdrawing anonymity from the Applicants save for a limited form...”

Might I put forward a suggestion, particularly in the light of the observations of your Lordships’ judgment, as to the utility of the expression of “withdrawing”? The decision might be characterised as:

“The decision of the Bloody Sunday Inquiry (‘the Tribunal’) taken on the 14th December insofar as it denied anonymity to the Applicants save ...”

If, in the drawing up of the Order, it is made clear that when it is the “said decision” it is the decision that I have just characterised, I think that would meet everybody’s needs. If there is any disagreement I will come back on that.

There is one final matter. I seek from your Lordships a leave to appeal? Your Lordships will appreciate that I have not been unable to take instructions, in the light of the oral agreement that your Lordships have understandably imposed, and the fact that I seek such leave does not necessarily mean that if your Lordships gave it to us the Tribunal will avail itself of it, but I need to ask your Lordships for leave.

There is, in particular, one matter that your Lordships may think appropriate for consideration in another place, which is the true interpretation of the assurances given by Lord Widgery. Your Lordships have taken a clear and different view from that of the Tribunal, and your Lordships I am sure will appreciate that the extent to which this Tribunal in some shape or form is bound or affected by Lord Widgery’s decision as to anonymity is a matter of some importance, interest and concern in a number of different quarters. So I will respectfully ask your Lordships for leave?

MR GLASGOW QC: My Lords, on the form of the Order, subject to one tiny matter, I entirely accept what my learned friend has helpfully said. We just need to include, in drawing up the Order, that it is, of course, "... the Applicants, including H..." He was associated with us, but not an Applicant. If you will forgive us for doing that, we will draw it up in precisely the terms that my learned friend suggested.

As to leave to appeal, the matter has to be in your Lordships' hands. We will only say, with respect, that, having won this matter on a number of quite distinct grounds, any one of which would have been sufficient to justify the judicial review. The fact that there may be another matter that the Tribunal would wish to give consideration to, then it can give it, but it will be wrong to continue any further uncertainty about this. It is not as if this has been a technical win on one ground. Effectively, every single substantive complaint that has been made is justified in your Lordships' judgment. In those circumstances, if leave is to be granted, it should be granted elsewhere, and the sooner the better.

LORD JUSTICE KENNEDY: Does anyone else want to say anything?

COUNSEL: No, my Lords.

RULING AS REGARDS LEAVE TO APPEAL

LORD JUSTICE KENNEDY: Mr Clarke, we are not prepared to grant leave.

A2.44: Court of Appeal (Civil Division) (London, 30th March 1999): anonymity for soldiers (item 4 above)

[1999] EWCA Civ 1136

In the Supreme Court of Judicature

In the Court of Appeal (Civil Division)

On appeal from the Queen's Bench Division (Crown Office List)

(Lord Justice Kennedy, Owen and Blofeld JJ)

Royal Courts of Justice

Strand, London, WC2A 2LL

Tuesday 30th March 1999

Before:

The Master of the Rolls

(Lord Woolf)

Lord Justice Otton

Lord Justice Ward

Regina

-v-

Lord Saville of Newdigate

The Honourable Sir Edward Somers

The Honourable Mr Justice William L Hoyt

(Members of the Tribunal sitting as the Bloody Sunday Inquiry)

Ex parte: B; O; U and V

(Computer-aided transcript of the Palantype notes of Smith Bernal Reporting Limited, 180 Fleet Street, London EC4A 2HD. Tel: 0171 421 4040. Official Shorthand Writers to the Court)

Mr C Clarke QC and Mr A Roxburgh (instructed by Philip Ridd, London, EC3V 9JB) appeared on behalf of the Applicants.

Mr E Glasgow QC, Mr D Lloyd Jones, Mr M Bools (instructed by the Treasury Solicitor, London SW1H 9JS) appeared on behalf of the Respondents.

Mr J Coyle (instructed by Messrs Birnberg & Co, London, SE1 1NN, London agents for Desmond J Doherty & Co, Derry BT48 7EP, McCartney & Casey, Madden & Finucane and McDermott & McGurk) appeared on behalf of various parties.

Mr I Burnett (instructed by the Treasury Solicitor, London, SW1H 9JS) appeared as an interested party.

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Tuesday 30th March 1999

JUDGMENT

LORD WOOLF, MR: This is an application for leave to appeal part of a decision given by the Divisional Court, Kennedy LJ, Owen and Blofeld JJ, on 16 March 1999. On an application for judicial review, the Divisional Court granted five former soldiers, B, O, U, V and H, a declaration that a decision of the second Bloody Sunday tribunal, of 14 December 1998, set up by Parliament under the Tribunals of Inquiry (Evidence) Act 1921, was unlawful. The Divisional Court also granted an order of certiorari quashing that decision.

The decision which was quashed was that the five former soldiers, who had been granted anonymity at the first tribunal presided over by Lord Widgery, LCJ, in 1972, were not to have full anonymity if they are called to give evidence at the second inquiry. The decision was to be subject to any further decision of the tribunal.

The second tribunal is being conducted by the respondents, the Right Honourable Lord Saville of Newdigate, the Right Honourable Sir Edward Somers and the Honourable Mr Justice William L Hoyt. The hearing before the Divisional Court was expedited as was the hearing before this court. We are grateful for the helpful arguments which were prepared by all parties for this hearing, together with the skeleton arguments with which we were provided.

I turn to the background facts which I can largely take from the skeleton argument prepared by Mr Christopher Clarke QC, counsel to the inquiry. The tribunal inquiry was appointed to enquire into the events in Londonderry on 30 January 1972, commonly known as Bloody Sunday. In the course of those events, regrettably, 13 people were shot dead and at least that number injured by gunfire on the streets of Londonderry. It is not in dispute that the majority, at least, of the casualties was the result of shooting by members of the British Army, but the circumstances of the shooting are, and always have been, acutely controversial.

The army's version of events is that the soldiers only aimed shots at identified gunmen and nail or petrol bombers. The relatives of the deceased and injured, and many civilian witnesses, maintain that the victims were innocent of any wrongdoing and that the shooting was unjustified and criminal. Within a very short time of Bloody Sunday, a public inquiry into the events of that day was established under the Act, to be presided over by Lord Widgery, LCJ. Public hearings were held in Colerain in February and March 1972. Lord Widgery's Report was presented to Parliament in the following month. That is within a remarkably short period of time.

The relatives of some of the dead and injured have never accepted the findings and conclusions of the Widgery Report. Rightly or wrongly, vigorous criticism of that Report and the procedures of the tribunal have been made over the years by a number of commentators. Those criticisms contributed to the pressure for a new inquiry to be set up into the events of Bloody Sunday. On 29 January 1998 the Prime Minister announced his decision to establish the "second tribunal" to conduct a fresh investigation of those events. We were informed that the terms of reference of both tribunals were the same.

An opening statement was delivered to the second tribunal in Londonderry on 3 April 1998. Various matters were considered at a hearing of 24 July 1998. That hearing of 24 July 1998 is a hearing to which I will have to make further reference. Further rulings made by the second tribunal as to the venue for the hearings and anonymity of military witnesses were published on 17 December 1998. It was these rulings which gave rise to the application for judicial review.

Although the preparatory work for the tribunal has been carried out in London, the public hearings are due to be held at the Guildhall in Londonderry commencing on 27 September 1999. The hearings will obviously take a long time and it is difficult at this stage to estimate when they will conclude. As a result of the decision of the Divisional Court, further consideration will have to be given to the ruling on anonymity.

As I indicated at the outset of this judgment, the application for leave to appeal only concerns part of the decision of the Divisional Court. It is accepted by the second tribunal that the issue of anonymity will need to be reconsidered afresh and the and the tribunal is naturally anxious that reconsideration should take place as soon as possible. It is because of the concerns of the tribunal, and of this court, that the parties should have as much time as possible to prepare for any further hearing in relation to the question of anonymity, that this court is giving judgment immediately, having heard argument yesterday, and has not reserved judgment as it would otherwise have wished to do.

At the first tribunal 40 soldiers gave oral evidence, including 23 of the 28 soldiers who admitted that they had fired live rounds on the day. Five of the witnesses at the first tribunal, who were senior officers, gave evidence under their own name. Their identities were widely known in any event. Other military witnesses were allowed to give evidence anonymously. Those who admitted that they fired live rounds were given code letters, others were given code numbers.

The tribunal accepts that it is subject to the supervision of the courts in an application for judicial review, although under section 2 of the Act of 1921 it has certain of the “powers, rights and privileges” vested in it of the High Court in relation to obtaining evidence. The Divisional Court also found in favour of the applicants, who were the soldiers to whom I referred, on five grounds. Those grounds were set out in paragraph 12 of the judgment under the heading “Conclusion”. I set out those 5 grounds:

“(1) We are satisfied that the present Inquiry did misunderstand the nature and extent of the anonymity granted to the applicants by Lord Widgery, and that this misunderstanding played a significant part in the Inquiry’s reasoning process when arriving at the decision under challenge. Unlike Mr Glasgow [on behalf of the soldiers] we do not find it helpful to speak in terms of withdrawing anonymity, but we do consider it important for the Inquiry to have a clear perception of what was granted in 1972 and what endured.”

It is this ground which gives rise to this appeal. The grounds continue:

“(2) We are further satisfied that the July statement [24 July 1998], perhaps inadvertently, did create the impression that if a soldier satisfied the Inquiry that he had a genuine and reasonable fear of the potential consequences of disclosure of his personal details then his name and address would not be disclosed.

(3) We are satisfied that the Inquiry did misinterpret the Security Service Threat Assessment. The error is understandable, but it is relevant. The assessment needs to be interpreted in the light of what Mr Solomons now says.”

Mr Solomons is a member of the Treasury Solicitor’s Department acting on behalf of the Ministry of Defence.

“(4) We are troubled by the fact that having given in its July statement a clear indication of what anyone seeking anonymity should try to prove the Inquiry when it came to make its decision looked for something rather different, namely concrete evidence of specific threats. If that was what was required it seems to us that the requirement should have been made clear, even though the point that no such evidence had been produced was made by the relatives of the dead and injured, so the applicants did have a brief opportunity to respond to it.

(5) We are also troubled by the fact that the Inquiry:-

(a) accepted that all soldiers probably had genuine and reasonable fears and that soldiers who fired live rounds had more compelling and substantial grounds than others for believing themselves at risk, so that by inference they were entitled to some form of anonymity, yet:

(b) granted to that limited class a form of anonymity for which no one had contended and the safeguarding effects of which were at best a matter of speculation. In saying that we do bear in mind Mr Ridd’s affidavit evidence as to the Tribunal’s own difficulty in tracing former soldiers and the distinction made by Mr Clarke between identification and tracing, but the safeguarding effects of a ‘surnames only’ policy which has to be waived if the surname is unusual or the forename is relevant must be questionable.”

Having set out the five grounds, I would examine the first ground which is challenged in this court. The Divisional Court, in accordance with the usual practice nowadays, set out its reasons for refusing leave to appeal to this court in the following terms:

“This is essentially an ‘interlocutory’ appeal and our decision requires the Inquiry to reconsider whether certain witnesses should not be named. We come to that conclusion because we were satisfied as to [a] number of complaints made in relation to the original ruling. When the

Respondents sought leave to appeal only one point was raised, namely our interpretation of the assurances given by Lord Widgery in 1972, which differs from that of the Inquiry, but even if we were wrong about that the result would still be the same.”

In other words the Divisional Court were indicating that, although they gave five reasons for their decision and those reasons are obviously, to an extent, cumulative, if they were wrong in relation to the first reason they would still have come to the same decision. This would then be on the basis of the other four reasons which they gave.

Having regard to the fact that only one of the grounds for the decision of the Divisional Court is under attack on this application for leave to appeal, Mr Glasgow, on behalf of the soldiers, submits that it is not as a matter of jurisdiction possible for this court to hear an appeal. But, in the course of argument he accepted that if this court considered that the second tribunal would be assisted by knowing the views of this court, it would be undesirable to deprive the tribunal of those views. That is a realistic and constructive approach. However, it is not possible to confer jurisdiction on this court by consent. The jurisdiction is statutory and therefore it is right that I should make clear that I am satisfied that this court, in the circumstances of this case, has jurisdiction to hear the appeal.

It is important to remember that decisions on applications for judicial review frequently do not only affect the immediate parties but affect the public as a whole. In this case it is in the interests of the public, the families and the former soldiers who will give evidence, that the tribunal which has been set up by Parliament to reconsider the Bloody Sunday incident is conducted in a fair and just way.

In support of the contention that no jurisdiction exists, Mr Glasgow referred the court to section 16(1) of the Supreme Court Act 1981 which reads, so far as relevant:

“...the Court of Appeal shall have jurisdiction to hear and determine appeals from any judgment or order of the High Court.” (My emphasis).

Mr Glasgow submits that you do not have appeals against reasons as opposed to the judgment or order. Secondly, he refers, making the same point, to RSC Order 59 rule 3(2), which provides:

“Notice of Appeal may be given either in respect of the whole or in respect of any specified part of the judgment or order of the court below; and every such notice must specify the grounds of the appeal and the precise form of the order which the appellant proposes to ask the Court of Appeal to make.”

He submits that provision of the Rules of the Supreme Court support his submission. He refers to a number of authorities which are well-known, starting with the case of Lake v Lake [1955] P 336, where Lord Evershed, MR, said in relation to the words, “judgment or order”:

“Nothing from the cases brought to our attention by counsel for the wife persuades me that by the words ‘judgment or order’ in the rule or in the subsection is meant anything other than the formal judgment or order which is drawn up and disposes of the proceedings and which, in appropriate cases, the successful party is entitled to enforce or execute.”

The other cases, include Prudential Assurance Co Ltd v Waterloo Real Estate CA 22 January 1999 (unreported). All the cases are to like effect to the case of Lake.

Mr Glasgow submits that for an appeal to lie to the Court of Appeal there must be a possibility of the order of the court below being varied as a result of the appeal. He draws attention to the order made in this case and submits that there is no such possibility.

On the other hand, he also drew our attention to the case of Curtis v London Rent Assessment Committee [1999] QB 92 where the relief sought was remission for re-hearing and determination in accordance with the correct opinion of the court, where a different approach was adopted by this court at page 109.

The response of Mr Clarke to these submissions is to refer to Order 59 rule 10(3), which sets out the very wide powers of this court on an appeal in these terms:

“The Court of Appeal shall have power to draw inferences of fact and to give any judgment and make any order which ought to have been given or made, and to make such further other order as the case may require.”

In relation to the powers of a court on judicial review, he refers to Order 53 rule 9(4) which is a similar provision to that which was being considered in the Curtis case. Under the heading “Hearing of Application for judicial review”, paragraph (4) states:

“Where the relief sought is an order of certiorari and the Court is satisfied that there are grounds for quashing the decision to which the application relates, the Court may, in addition to quashing it, remit the matter to the Court, tribunal or authority concerned with a direction to reconsider it and reach a decision in accordance with the findings of the Court.”

In this case the tribunal could be relied on to follow any guidance given by the Divisional Court. Because of this there was no need for the Divisional Court to make an order under Order 53 rule 9(4). If the power under Order 53 rule 9(4) had been exercised, it would have been unfortunate if there was an uncorrected error in the reasoning of the Divisional Court as the tribunal would be directed to reconsider the matter in accordance with that decision. If that power had been exercised under Order 53 rule 9(4), it would certainly be appropriate for this court to correct the reasoning of the Divisional Court.

It seems to me that, if there is an error in the reasoning of the Divisional Court (even though the power under Order 53 rule 9(4) has not been exercised), it is equally appropriate for this court to consider whether there is a correction needed to the reasoning of the Divisional Court. In these circumstances it is essential that this court should have what I believe it to have, that is a jurisdiction to remit the case to the tribunal and when doing so to correct an error in the reasoning of the decision of the Divisional Court. When this is the situation the fact that in a particular case it is, in practice, unnecessary to remit the case, cannot affect the jurisdiction of the Court of Appeal.

In my judgment, Mr Glasgow was absolutely right to make the concession that the judgment should be corrected, if indeed there was an error which required such correction. Before turning to the part of the decision which is the subject of the application for leave to appeal, I would make two observations of a general nature. First, I would emphasise that it would be quite wrong because on this occasion the Divisional Court exercised its jurisdiction to grant judicial review in relation to an interlocutory decision of a tribunal set up under the 1921 Act, to draw the inference that it is part of the normal role of the Crown Office or the Divisional Court to review interlocutory decisions of tribunals of this sort. Tribunals such as this often have the most difficult task to perform. They are set up without guidance as to the precise procedures which they have to follow. They have to work out that procedure for themselves. They will inevitably know much more about the problems of the particular area into which they have to enquire than can be known by a supervising court, such as the Crown Office Judge or the Divisional Court on an application for judicial review. Tribunals are entitled to determine their procedure for themselves. The courts should only interfere when there is some very good reason for them so to do.

In this particular case it was said that the decision of the tribunal could have adverse consequences to the soldiers concerned which could affect their security and indeed their lives. One can see that in that exceptional situation the Divisional Court would feel it was appropriate to intervene. No-one before this court has suggested that the Divisional Court was otherwise than correct in intervening in the way that it did on the basis of the conclusions to which it came. As I have indicated, this is a special situation and normally this is an area in which the courts would be wise not to become involved.

The second observation of general guidance I would make is that the approach indicated in the authorities upon which Mr Glasgow relies, not to allow appeals from the reasons of a lower court, in general is sound and should be observed by this court. With isolated exceptions today appeals always require leave and I would expect courts to be reluctant to grant leave in relation to decisions which are said only to be at fault because of some reason expressed by a tribunal. However, whenever there is a general rule, there are always situations which prove to be exceptional, as in this case.

I return to the part of the decision which is criticised. I begin by emphasising that it is but a small part of the reasoning which the tribunal gave for its decision on this occasion which is the subject of criticism on this appeal. Reading the reasoning of the tribunal, which extends to 29 pages (but also deals with issues of venue), I am impressed by the great care which the tribunal has exhibited in coming to its conclusions. It seeks to balance the interests of the families and others who are concerned to ensure that their longheld desire for the truth is fulfilled, as against the legitimate interests of the soldiers not to be inappropriately subjected to risks to their security.

It is also important to bear in mind that the decision of the tribunal was to an extent an interim decision. This is because the tribunal recognised that it would, if necessary, reconsider questions of anonymity either because of the material put before it by the families or because of further representations which were made on behalf of particular soldiers. Nonetheless, the tribunal was giving a general decision which would influence their conclusions on any further specific applications which were made. This is why it is important, if they had made an error in their reasoning, however careful they were, that the error is drawn to their attention and rectified. As I have already indicated, Mr Clarke's submissions to this court are confined to the first ground. Paragraph 13 of the decision explains what the tribunal meant by the use of the word "anonymity". It says:

"....we use the term 'anonymity' not only in its strict sense, in which it denotes the withholding of a name, but also to cover any restriction on the disclosure of a witness's address or other personal details, as well as concealment of his or her physical appearance."

I refer to paragraphs 17 and 18 of the tribunal's reasoning, which gave rise to a considerable proportion of the argument:

"17. One matter arising at the outset is Mr Glasgow's submission that, in relation to soldiers who gave evidence to the Widgery Tribunal, the issue with which we are concerned is not the granting of anonymity but its withdrawal. He does not contend that we are formally bound by any decision of the Widgery Tribunal. He submits nevertheless that there should be a presumption in favour of anonymity, because a number of the soldiers made statements and gave evidence before Lord Widgery '*after receiving assurance that anonymity would be preserved*'."

18. We are not persuaded by this submission. We do not know by whom or in exactly what terms this assurance is supposed to have been given. It seems to us that we can assume no more than that the soldiers understood and expected that their names would not be divulged in the course of the proceedings before Lord Widgery. We are not aware of any reason to believe that an assurance was given that their names would never be disclosed by anyone. Accordingly we treat these as fresh applications for the grant of anonymity and we start with no presumption that the existing *de facto* should be preserved.”

The approach indicated by the last sentence of paragraph 18 could be described as a “clean sheet” approach. The tribunal are saying that they are considering the matter afresh. They are not influenced by what had happened previously in relation to anonymity before the Widgery tribunal. That clean sheet approach was the subject of the critical first finding of the Divisional Court.

Having given that indication, the tribunal points to the arguments advanced on behalf of the families as to why it would be desirable for there to be no anonymity; the fact that if a witness is permitted to remain anonymous he will feel insulated from effective criticism; the fact that there may be witnesses who have made previous statements that are inconsistent with the evidence to the tribunal; and that those witnesses’ names and addresses is a starting point for their investigation of his or her credibility.

In paragraph 44 of the decision the tribunal says:

“The application for names to be withheld creates for us a much more acute dilemma. For the reasons we have given, we have reached the view that it would be wrong in principle to give a general dispensation allowing all military witnesses to give evidence without revealing their names. Moreover we believe that this would, in the majority of cases, be going further than is justifiable or appropriate in circumstances where there is no concrete evidence of a specific threat. It seems to us that in the generality of cases the witnesses concerned will be sufficiently protected by the non-disclosure of their other personal details.”

45. We have anxiously considered whether there are, or may be, any particular cases in which anonymity in the strict sense should be granted. One category, which might arguably qualify for different treatment, consists of all soldiers who fired live rounds on Bloody Sunday. Since those soldiers alone must, between them, be directly responsible for killing and wounding all those who were killed or wounded by Army gunfire on that day, we think that they would have more compelling and substantial grounds than others for believing themselves to be at risk.

46. At the same time, it has to be recognised that these are the very soldiers whose conduct lies at the centre of this Inquiry. To allow this group to remain entirely anonymous would be a step that we would find difficult to reconcile with our public duty to determine what happened on Bloody Sunday.

47. The conclusion we have reached is that, subject to what we say below about special factors relating to individuals, it would be justifiable to permit those in this category only a limited form of additional anonymity, under which their surnames will be disclosed but their forenames will not. It seems to us that this is the best available solution to a difficult problem, because it will create a significant extra element of assurance for these individuals as regards their personal security, without having any material adverse effect on the fulfilment of our task. As to the former point, if the surname is even moderately common, it will be extremely difficult to locate an individual on the basis of that name alone. As to the latter point, we do not think that the forenames of those involved represent a critical element of the facts that we are required to determine. In addition, we believe that by disclosing the surnames of these soldiers, we will avoid giving them or others the false impression that they are immune from any effective public scrutiny, or from criticism should it prove to be justified. It will of course be open to any soldier to waive the anonymity granted to him if he so desires.”

The tribunal then deals with special factors in individual cases. As I have indicated, there is scope for those special factors to be taken into account later.

I now turn to what the Divisional Court had to say on this subject. I do so bearing in mind that, in any event, there has to be a reconsideration of the decision in this case. I move, first, to page 16 of the judgment where, under the heading “The December decision”, the Divisional Court refers to the decision of the tribunal and then deals with the clean sheet approach and adds:

“For the reasons set out in paragraph 4 of this judgment we cannot regard that as a proper approach to the assurances given in 1972. Strictly construed it would mean, as Mr Glasgow pointed out, that as soon as Lord Widgery reported, if not before, the assurance ceased to have any effect. No serving soldier or policeman would have been comforted by an assurance as limited as that.”

As I understood the arguments advanced by Mr Clarke, he did not criticise that comment by Kennedy LJ. He does however criticise what is set out in paragraph 4 of the judgment. I would divide that paragraph into four subparagraphs, (a), (b), (c) and (d).

“a) As a result of the precautions taken in 1972 the applicants have never been identified as the soldiers who fired live ammunition so, of course, they have never been threatened in that capacity. According to paragraph 9 of Mr Lawton’s second affidavit....”

Mr Lawton is member of the department of the Treasury Solicitor acting on behalf of the soldiers.

“.... and according to the affidavit of soldier ‘H’, they have all now left the armed forces, and are living as civilians. That, as it seems to us, is all important background material against which the decision now under challenge falls to be considered.

(b) It seems to us to be clear that in 1972 each of the applicants was led to believe that if he cooperated with the Tribunal, by answering questions, giving a statement, and giving evidence if called upon to do so, his identity and in particular his name as well as his address, would not be revealed by anyone in authority as the source of the information obtained by the Tribunal so long as the danger which led to the grant of anonymity continued to exist.

(c) In other words, subject to some compelling unforeseen circumstance, so long as there was any danger of reprisals being taken against him or his family because he fired live rounds on Bloody Sunday, no one in authority would do anything which would enable anyone to attach his name to that of a soldier previously identified only by letter who gave evidence before the Widgery Tribunal in 1972.

(d) If that is a correct analysis of the assurance given to the applicants in 1972 then, as it seems to us, any decision which involves disclosure of their surnames for the purposes of this present Inquiry is on the face of it a breach of the 1972 assurance because, once their surnames are revealed, together with such information as they may now give, it will be possible to discover who appeared under which letter in 1972. Indeed it seems almost inevitable that if the present decision stands each applicant will now be cross-examined publicly about what he said in 1972. It may that at the present time circumstances are such as to justify that course, that is not for us to decide, but we do have a clear view about the assurances given in 1972, and, as will become apparent, our understanding of the position differs in significant respects from that of the present Inquiry.”

It will be observed from the last sentence of paragraph (d) that, as one would expect, the Divisional Court were under no illusions as to the fact that their role was a reviewing role. If there was any doubt about that, I would merely point to the concluding words of the judgment as a whole which are in these terms:

“For the reasons which we have set out we are satisfied that in more than one respect the decision under challenge is flawed. In the language of judicial review the flaws can be expressed in different ways. For example, the misunderstanding as to the nature of the 1972 anonymity and the misunderstanding of the Threat Assessment can be categorised as failures to take relevant matters properly into consideration. The imbalance which we perceive between the July statement and the December ruling could be described as a procedural impropriety. The nomenclature is of little importance, but in our judgment the result must be that the decision is set aside and the matter is returned to the Inquiry for it to re-determine. We should however make it clear that we express no view whatsoever as to whether there should be any grant of anonymity of any kind. That is not our function. It is clear from the information before us that there are powerful arguments both ways. How those arguments should be resolved the Inquiry must decide.”

In that paragraph the Divisional Court is emphasising as clearly as possible that it is not the role of a reviewing court to take the decision itself. It is the role of the reviewing court to leave the taking of decisions to the appropriate body which in this case is the second tribunal.

Notwithstanding those general comments of the Divisional Court, Mr Clarke, in his measured criticisms of the decision of the Divisional Court, suggests that they have exceeded their responsibilities as a reviewing court and departed from the allotted role of a court on an application for judicial review. His criticisms fall into various categories.

He first submits that the Divisional Court had no business taking additional evidence into account in the way indicated in paragraph (a). Secondly, he submits that, in any event, the evidence which was before them was not evidence on which they should have acted, even if they were entitled to so to do. Thirdly, he criticises the tribunal for making findings which were not the Divisional Court's responsibility to make, but which were for the tribunal to make. Finally, he makes submissions as to the inconsistency between the wording of paragraph (b) and paragraph (c). As to the additional evidence, the Divisional Court explains why it departed from the normal approach with regard to accepting fresh evidence on an application for judicial review. I refer to paragraph C on page 22 of the judgment where, under fresh evidence, the Divisional Court said:

“Normally this court is at pains only to have regard to the material which was available to the body whose decision is impugned, but where the decision is said to impinge on personal safety, and perhaps even put lives at risk, we cannot disregard material information which has come to hand since the original decision was made. So we do have regard to the affidavits, and in particular to those passages in the affidavits to which we have referred in the course of this judgment. If we are to exercise anxious scrutiny we cannot do otherwise.”

In regard to that general statement it is important to bear in mind that they were not only dealing with the additional evidence referred to in paragraph (a), they were referring to the additional evidence which indicates that the tribunal misunderstood the material which was placed before it as to the scale of the risk. The tribunal said in their conclusions that that matter needs to be interpreted in the light of what Mr Solomons (the member of the Treasury Solicitor's department who deals with that matter) says.

In relation to paragraph (a) and the reference therein made to background material, I feel it is unnecessary to pray in aid the special role of a court where personal safety is involved. It was entirely appropriate for the Divisional Court to have regard to the additional evidence for the purpose for which they were using that evidence. It was used as no more than background to the present application. As was apparent in the course of argument, one of the submissions which was made on behalf of the soldiers was based upon legitimate expectation. Legitimate expectation can, and often is, only regarded as one aspect of the general requirement of fairness which the court on an application for judicial review has a responsibility to safeguard.

If a soldier such as "H", whatever the merits of his individual evidence, says "I understood the matter in a particular way", he is entitled to have that evidence taken into account with regard to his contention that he has a legitimate expectation and to treat him in the manner proposed would be unfair. His assessment of what he was told is not conclusive in any way. The court does not act on his view alone. His evidence is a matter of background to which the court is entitled to have regard when taking into account whether he is a person who would be adversely affected by a course of conduct in a way which would be contrary to his legitimate expectation.

The evidence which was put forward by Mr Lawton is evidence of a general nature which, bearing in mind the tribunal had the difficult task of trying to ascertain what happened in 1972, the Divisional Court was entitled to take into account in order to perform its task in seeing whether there been a contravention of the requirement of fairness.

We were told that before the Divisional Court no objection was taken to that evidence being put forward. In that case, it seems to me that in any event it would not be appropriate to rely take issue with the very limited reliance which was placed here on this evidence by the Divisional Court.

As to the submission that the evidence is of little or no value, there is no reason to think from the judgment of the Divisional Court that it misunderstood the value or weight of the evidence. More significant is the criticism that the tribunal's role of finding facts was usurped by the Divisional Court. In this connection, it is important that there is no dispute as to the material which was before the Divisional Court and the tribunal as to what was the reason for the approach adopted by the

first tribunal. This appears from what Lord Widgery, LCJ, said in the Report. It is limited to this paragraph:

“Since it was obvious that by giving evidence soldiers and police officers might increase the dangers which they, and indeed their families, have to run, I agreed that they should appear before me under pseudonyms.”

The Divisional Court were required to give effect, as they saw it, to that language, in order to assess the effect of that statement as to what was the appropriate course for the second tribunal to adopt as to anonymity. In doing so, they have reached an inevitable conclusion. I have already referred to the fact that Mr Glasgow was recorded by the Divisional Court as indicating that what the soldiers were told was not intended to be confined, from a temporal point of view, to the period during which the tribunal was in session. So far as time is concerned, it was clearly to have a greater effect than that. The Divisional Court stated that it was to be limited to the period of danger which led to the grant of anonymity. They also indicated that there might be unforeseen circumstances of sufficient materiality that the need for anonymity of the soldiers would have to give way to those unforeseen circumstances.

In understanding what the Divisional Court had to say, it is important to pay careful attention to paragraph (d). Lord Widgery could only deal with what was to happen at his inquiry. He could not bind others. However he was saying to the soldiers at the tribunal for which he was responsible, that they were to have anonymity. So, if thereafter that anonymity were to be removed notwithstanding the fact that they were still in danger, this would be contrary to what was intended to happen. The fact that it was contrary to that intention does not mean that a tribunal considering the situation 27 years later is bound by what Lord Widgery said. He could not, and did not, purport to bind any subsequent body. For example, he could not bind a prosecution which took place shortly after the first tribunal had concluded its hearing.

However in deciding what is appropriate and what is fair in relation to the soldiers, what Lord Widgery had said in 1972 could not be ignored; a clean sheet approach, which the second tribunal could be said to have adopted was not acceptable. The soldiers were entitled to have a second tribunal take into account what was said, albeit as long ago as 1972. They were entitled to have that taken into account because of what they had been told that at the inquiry in 1972. It would in some circumstances be possible to have an inquiry in 1999 as to matters which were investigated in 1972 when the second inquiry did not of necessity involve reference to what had happened at the 1972 inquiry. But that is not the position with regard to these two inquiries. It is inevitable, that the identification of a soldier at the second inquiry will result in his identification in relation to the evidence he gave in the 1972 inquiry. This is no more than a consideration to which the second

tribunal will have to give what they consider is the appropriate weight. They cannot ignore it because it is a relevant matter.

Paragraph (d) of the reasoning of the Divisional Court, as I understand it, was referring to the exact point I have just been making. To reveal the names now would be in direct conflict with the anonymity granted by the Lord Chief Justice in 1972 because it would be possible to discover who appeared under which letters in 1972. As the Divisional Court said:

“Indeed it seems almost inevitable that if the present decision stands each applicant will now be cross-examined publicly about what he said in 1972.

I therefore reject the suggestion that in the paragraphs of which complaint is made the Divisional Court was fettering the proper role of the tribunal. It was doing no more than drawing the tribunal’s attention to a matter it cannot ignore. I would suggest that what the Divisional Court was saying was self evident. I do not say that the tribunal were unaware of the point which I have just been making, but I do say that the reasoning which the Divisional Court criticised gives the impression that, by saying that it was going to adopt a clean sheet approach, the tribunal was putting out of its mind a material matter. That being so, the criticisms Mr Clarke makes are not well founded.

I have not dwelt on the inconsistencies to which Mr Clarke drew our attention. In my judgment it is important to look at the criticised passages as a whole in the context of the judgment which was given. I do not consider that the reasoning of the Divisional Court can be faulted. When the matter is reconsidered by the tribunal they should take into account what are no more than obvious inferences which are to be drawn from what Lord Widgery said. They do not bind the second tribunal to take any particular course, but they do indicate that the second tribunal are required to take into account matters which so far they may not have taken into account having regard to the reasoning which they gave.

In these circumstances this as a case where it is appropriate to grant the tribunal leave to appeal but where that appeal should be dismissed.

LORD JUSTICE OTTON: I agree that the appeal should be dismissed for the reasons given by my Lord, the Master of the Rolls. I wish to add a few observations which are meant to assist the tribunal and its representatives in the future. The tribunal’s decision to withdraw the anonymity of the soldiers is based, in part at least, on the tribunal’s interpretation of the phrase in Lord Widgery’s Report:

“I agreed that they should appear before me under pseudonyms. This arrangement did not apply to Senior Officers....”

I am less than happy that the tribunal's decision should be founded on such a narrow basis and that it is not reached within the context of how and in what circumstances this agreement or arrangement was reached. I find it surprising that apparently there is no contemporaneous documentation which records this agreement, the precise terms upon which the soldiers were ordered to give evidence and the arrangements made to procure and maintain this anonymity for some but not others in the army. I am left with a distinct feeling of unease that this aspect has not been explored with as much diligence as this grave and potentially dangerous situation requires, or that sufficient steps have been taken to enable the tribunal to inform itself of the nature and extent of the anonymity granted.

In his affidavit the solicitor for the tribunal states that the tribunal has access to the papers of the Widgery inquiry but they are not complete. Two of the sources which might still be available are the records and recollections of the legal representatives involved and the records of the units concerned. Those in command of the units must have received communications, orders, instructions or advice on this subject from higher in the chain of command and, in turn, issued orders within the units down to the soldiers concerned. It is not beyond the realms of possibility that their superiors in rank reduced into writing a document containing the precise terms of the anonymity, coupled with the decision whether or not to grant immunity from criminal prosecution and what was to occur in the event of civil proceedings. This may well have been considered both appropriate and efficacious at the time as the soldiers may well have believed, if not have been led to believe, that their anonymity would be preserved, if not for ever then, at least, for so long as a significant risk existed. The solicitor states:

“[The Tribunal] has never undertaken to conduct its own investigations in order to find evidence in support of interlocutory applications made by the interested parties.”

If this be the case, perhaps the tribunal may care to reconsider this approach and be more proactive in establishing a better informed and more satisfactory matrix of fact in which to conduct the reconsideration of anonymity it is required to undertake. Until such lines of inquiry are exhausted, any future decision may be vulnerable to an argument that it is unreasonable in the sense that the decision maker has not taken into consideration all relevant and available material.

For my part, I would also go so far as to suggest, with respect to the distinguished members of the tribunal, that they might wish to reconsider the fairness of imposing the obligation “on those who seek anonymity of any kind to justify their claim”, as indicated in the tribunal's decision (ref ADL p.369), and paragraphs 9 and 10 of their solicitor's affidavit. Similarly, they may wish to revisit their requirement that there must be “concrete evidence of specific threat”. This is particularly so in the light of that part of their July statement which is as follows:

“Our task is to do justice by ascertaining, through an inquisitorial process, the truth about what happened on Bloody Sunday. The proper fulfilment of that task does necessarily require that the identity of everyone who gives evidence to the Inquiry should be disclosed in public. The Tribunal will know the identity of all witnesses and, unlike a court, will itself take responsibility for investigating their credibility if there is reason to think that such an investigation is necessary.

Indeed we think that there are likely to be circumstances in which granting anonymity will positively help us in our search for the truth. Witnesses are unlikely to come forward and assist the Tribunal if they believe that by doing so they will put at risk their own safety or that of their families. Moreover it would be a mistake to suppose that the grant of anonymity would always operate to protect soldiers who are alleged to have been guilty of serious offences on Bloody Sunday. There may well be witnesses who wish to give evidence that is favourable to the interpretation of events for which the families and the wounded contend, but who will not co-operate with the Tribunal without assurances as to their anonymity.”

I accept Mr Christopher Clarke QC’s submission that as a matter of law no legitimate expectation of any kind arises. However, it is worth bearing in mind that the genesis of the concept of legitimate expectation is the requirement of the decision maker to act fairly. It may still be possible for the tribunal to reach a decision that it would be fairer to impose the obligation on those seeking to remove the anonymity (rather than on those seeking to sustain it) and to satisfy the tribunal that there is no real or significant risk or some other formula which is less onerous on the soldiers.

Finally, they may also wish to reconsider the practicalities of allowing surnames to be disclosed unless the soldier has “a particularly unusual surname”. What is a particularly unusual surname may in itself be difficult to assess. More important, perhaps, is that those who retain anonymity may be perceived by some (who may not know or understand this reason) that anonymity has been granted because that soldier has more to hide than those named Smith or Jones.

It may well be possible to accommodate some, if not all, of these suggestions without prejudicing the fundamental objective of the inquiry.

LORD JUSTICE WARD: The passage in Lord Widgery’s Report which has come under such close scrutiny is paragraph 8 in his introduction dealing with sources of evidence. He said that the risk of increased danger to the soldiers and their families was “obvious” and because of that Lord Widgery “agreed” that the soldiers should appear before him under pseudonyms. Judging the matter solely by the language in that sentence which has been read by the Master of the Rolls, it seems to me, as it seems to my Lords, to be obvious that Lord Widgery was clearly concerned that if the identity

of the soldiers was revealed that would heighten risk to them and their families which justified the protection by the use of pseudonyms.

There may be a risk that that anonymity would be imperilled by their giving evidence to the Saville Inquiry or by the manner of their giving evidence. Such a risk would undermine the protection which they were given by Lord Widgery and so undermine the basis upon which they gave evidence to him. That risk and their legitimate expectations in maintaining their anonymity were relevant factors to take into account and the Saville Tribunal were in error in ignoring them in the way that they did. The assessment of those matters and the weight to be given to it is of course entirely a matter for them. Other factors, such as public confidence in their deliberations, are obviously among the other relevant matters which they must assess and weigh and bring into the appropriate balance.

Adding but briefly to what Lord Justice Otton has said, I am struck by the fact that paragraph 8 of Lord Widgery's Report is an historical account of something he had already agreed. It is obvious that the question of anonymity would have been raised at an early stage of that inquiry, as it is raised in this, and that the soldiers would not have given evidence before their protection had been guaranteed. We are told that the papers reveal nothing of those early deliberations nor of the basis upon which that matter was discussed before him and agreed by him. I must accept what I am told but I am surprised that there is no record.

I agree with my Lords that the appeal should be dismissed for reasons more fully given by them.

Order: Leave to appeal granted. Appeal dismissed. No order as to costs.

A2.45: High Court of Justice, Queen's Bench Division (Divisional Court) (London, 17th June 1999): anonymity for soldiers (item 8 above)

[1999] EWHC Admin 556

**In the High Court of Justice
Queen's Bench Division
(Divisional Court)**

**Royal Courts of Justice
Strand, London, WC2A 2LL**

Thursday, 17th June 1999

**Before:
Lord Justice Roch
Mr Justice Maurice Kay
Mr Justice Hooper**

In the matter of an application for judicial review

Regina

-v-

**The Right Honourable Lord Saville of Newdigate
Sir Edward Somers
Mr Justice William Hoyt
(Sitting as the Saville Inquiry)
(Ex parte A; B; D; H; J; K; M; O; Q; R; S; U; V; Z; AC and AD)**

(Computer-aided transcript of the Palantype notes of Smith Bernal Reporting Limited, 180 Fleet Street, London EC4. Telephone No: 0171 421 4040. Official Shorthand Writers to the Court)

Sir Sydney Kentridge QC with Mr D Lloyd Jones QC and Mr M Bools (instructed by AD Lawton, Treasury Solicitor) appeared on behalf of the Applicants.

Mr Christopher Clarke QC with Mr A Roxburgh and Mr J Grierson (instructed by Mr John Tate, Solicitor to the Inquiry, London SW1Y 4WG) appeared on behalf of the Respondent.

Mr Ian Burnett QC (instructed by the Treasury Solicitor) appeared on behalf of the Ministry of Defence as an interested party.

Lord Gifford QC with Mr B MacDonald (instructed by Messrs McCartney & Casey, Derry BT48 6HG) appeared on behalf of the late James Wray, as an interested party.

Mr Michael Mansfield QC with Mr John Coyle (instructed by Messrs Desmond J Doherty & Co, Derry BT48 7EP) appeared on behalf of the family of Bernard McGuigan (deceased) an interested party.

Mr Hugh Martin Rodgers (instructed by Messrs Brendan Kearney, Kelly & Co, Londonderry BT48 7EX) appeared on behalf of Michael Bradley and Michael Bridge, as interested parties.

Mr Arthur Harvey QC with Mr Seamus Treacy (instructed by Messrs Madden & Finucane, Belfast BTY1 1HE) appeared on behalf of the next of kin and the wounded as interested parties.

Judgment

(As approved by the Court)

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Thursday, 17th June 1999

JUDGMENT

LORD JUSTICE ROCH:

1. On 29th January 1998 the Government tabled a resolution before both Houses of Parliament in these terms:

"That it is expedient that a Tribunal be established for inquiring into a definite matter of urgent public importance, namely the events on Sunday, 30 January 1972 which led to loss of life in connection with the procession in Londonderry on that day, taking account of any new information relevant to events on that day."

2. That resolution was adopted by both Houses and as a consequence a tribunal of inquiry was set up under the Tribunal of Inquiry (Evidence) Act, 1921. That tribunal is presided over by Lord Saville of Newdigate and the other members are the Rt Hon Sir Edward Somers and the Hon Mr Justice William L Hoyt.
3. That tribunal is to enquire into the events of Sunday 30th January 1972 in which, during a demonstration in the city of Londonderry shots were fired resulting in injuries to 26 people, those injuries being fatal in 13 cases. Those events led to that occasion being given the name "Bloody Sunday".

4. In presenting the resolution to the House of Commons the Prime Minister said:

"Bloody Sunday was different [from deaths or injuries caused by the actions of terrorists] because, where the state's own authorities are concerned, we must be as sure as we can of the truth, precisely because we pride ourselves on our democracy and respect for the law, and on the professionalism and dedication of our security forces.

This has been a very difficult issue. I have re-read Lord Widgery's report and looked at the new material. I have consulted my colleagues most closely concerned. We have considered very carefully whether it is appropriate now to have a fresh inquiry into the events of Bloody Sunday. I should emphasise that such a new inquiry can be justified only if an objective examination of the material now available gives grounds for believing that the events of that day should be looked at afresh, and the conclusions of Lord Widgery re-examined.

I have been strongly advised, and I believe, that there are indeed grounds for such a further inquiry. We believe that the weight of material now available is such that the events require re-examination. We believe that the only course that will lead to public confidence in the results of any further investigation is to set up a full-scale judicial inquiry into Bloody Sunday."

5. Later the Prime Minister referred to the Act requiring the proceedings of the tribunal to be held in public "unless there are special countervailing considerations".

6. In 1972 the British Government had set up a tribunal consisting of the then Lord Chief Justice, Lord Widgery, under the 1921 Act to enquire into the events of that day. Lord Widgery produced his report within a remarkably short period of time, namely by 19th April 1972. The conduct of that inquiry and the contents of that report have been subjected to reasoned criticisms. All military witnesses in that inquiry, save for five senior officers, gave their evidence without giving their names. They were simply identified either by numbers or, in the case of soldiers who admitted firing their weapons on that day by letters of the alphabet.
7. On 5th May this year the Tribunal considered applications made by the Ministry of Defence on behalf of the generality of soldiers or former soldiers who might be required to give evidence to the tribunal, and by 17 of the soldiers who fired live rounds on Bloody Sunday, that they be permitted to give their evidence without disclosing their names. It was accepted by all parties interested in the inquiry that it would not be appropriate for witnesses to be required to give their addresses or their current occupations. The principal basis for the applications for anonymity was that soldiers giving evidence to the tribunal, particularly those soldiers who fired their weapons that day, once they became traceable by any of the republican terrorist groups would be at risk of being attacked and killed or seriously wounded.
8. The tribunal had submissions from counsel for the tribunal and from those representing the families of some of those killed on Bloody Sunday.
9. On 5th May this year the Tribunal decided that the danger created by identifying soldiers, even those soldiers who fired live rounds on Bloody Sunday, did not outweigh or qualify the Tribunal's duty to conduct a public open inquiry. Consequently there would be no grant of anonymity by the withholding of names either to the generality of those witnesses who are or were soldiers or to those witnesses who were soldiers who had fired their weapons. The tribunal indicated that the tribunal was still prepared to consider individual circumstances which might lead to the conclusion that in particular cases the danger was greater. If the tribunal found that to be so they would reconsider the question of anonymity in such cases.
10. This is an application for judicial review of that decision by the tribunal on the basis that the tribunal failed to take account of relevant circumstances or alternatively failed to attach proper weight to certain relevant matters, and secondly, that by placing the objective of conducting an open inquiry above the right of witnesses to safety for themselves and their families, the tribunal reached a decision that was unreasonable, in that it was outside that band of decisions which a tribunal in these circumstances could properly reach. The remedies that the 17 applicants seek are

11. First, an order of certiorari quashing the decision taken by the tribunal on the 5th May and published on the 7th May;
12. Second, a declaration that the tribunal in all the circumstances, by its decision in withdrawing anonymity from, or alternatively refusing to grant anonymity to, those soldiers and former soldiers who were on duty in Londonderry on the 30th January 1972, acted unreasonably and unlawfully;
13. Third, an order pursuant to Rule 53.9(4) remitting the matter to the tribunal and directing it to reconsider and reach a decision in accordance with the finding of this court.
14. The Ministry of Defence have not themselves sought judicial review of the tribunal's decision, but they have presented written and oral submissions in support of the 17 applicants' application.
15. The application has been opposed by counsel for the tribunal, Mr Clarke QC, and by counsel representing the families of the deceased and the wounded, namely Mr Harvey QC, Lord Gifford QC, Mr Rodgers and Mr Mansfield QC.
16. Because criticisms of the tribunal's decision are based on earlier statements and decisions by the tribunal relating to the issue of anonymity, it is necessary to set out the way in which this matter has progressed.
17. The tribunal made an opening statement on 3rd April 1998. The tribunal fixed a preliminary hearing at the Guildhall Londonderry for 20th July 1998. Prior to that the tribunal published to all interested parties a statement indicating the matters to be addressed at that preliminary hearing. Paragraphs 20 and 21 of that statement related to "applications for anonymity" and "immunity from prosecution". Paragraph 20 read:

"20.1 If any potential witness wishes to give evidence without revealing publicly his or her name and/or from behind a screen in order to conceal his or her face, an application should be made to the Tribunal in writing, explaining the reasons why this is considered necessary.

20.2 Each such application will be considered on its merits and, if anonymity is granted, the Tribunal will state the reasons in public.

20.3 If the interested parties have any general observations or submissions to make as to the circumstances in which such applications should or should not be granted, they are invited to do so in their written summaries."

18. The preliminary hearing extended over two days. On 24th July 1998 the tribunal issued a document entitled “Rulings and Observations of the Tribunal on the matters Raised at the Preliminary Hearing on 20th and 21st July 1998”. At the outset of that statement the tribunal rejected a suggestion that cases should be presented to the tribunal in an adversarial fashion. In rejecting that suggestion the tribunal cited a passage from the report of the Royal Commission on Tribunals of Inquiry in November 1966 under the chairmanship of the Rt Hon Lord Justice Salmon which included these sentences:

“The task of inquiring cannot be delegated by the Tribunal for it is the Tribunal which is appointed to inquire as well as to report. The public reposes its confidence not in some other body or person but in the Tribunal to make and direct all the necessary searching investigations and to produce the witnesses in order to arrive at the truth. It is only thus that public confidence can be fully restored.”

19. The commission had pointed out a little earlier that it is only in exceptional cases where the purity and integrity of our public life has been called into question that tribunals are set up under the Act of 1921. Indeed it would seem that in the 78 years since the Act was passed, it has been resorted to on some 21 occasions.

20. Later in that document the tribunal said:

“There remain some matters which do not call for an immediate ruling by us, but on which we wished to hear the views of those represented before us.

The first of these concerns the question of anonymity.

In the expectation that the question of anonymity would arise, we asked the interested parties for any general observations or submissions they might have as to the approach that we should adopt in relation to it. It will be recalled that, with the exception of five senior officers, the soldiers who gave evidence before the Widgery Inquiry were not required to disclose their names.

We have not yet been asked to make rulings on anonymity in respect of any individual witnesses or groups of witnesses who may give evidence to this Inquiry. However the Treasury Solicitor and Ministry of Defence have indicated that applications for anonymity are likely to be made in due course on behalf of soldiers or former soldiers who were serving in Londonderry on Bloody Sunday.

It should be remembered that there are various different forms of anonymity. Depending on the circumstances, it might be appropriate to allow a witness to give evidence without stating his or her name and address in public, or perhaps to give evidence from behind a screen in order to conceal his or her physical appearance. It might also be necessary to preserve the anonymity of individuals by substituting letters or numbers for names in witness statements and other documents.

... Mr Treacy [junior Counsel for the next of kin and wounded represented by Madden and Finucane, Solicitors] argued that the granting of any form of anonymity was a very grave step that should only be taken if justified on compelling grounds.

In adversarial procedure, great importance is rightly attached to the principle of open justice. In particular, the courts require very strong grounds indeed before departing from the rule that a person charged with a criminal offence is entitled to know the identity of prosecution witnesses and to see them give their evidence. One of the reasons for this is to enable the opposing party to investigate and assess the credibility of those witnesses.

The position in relation to an Inquiry such as this one is, in our view, rather different. Nobody is being prosecuted before this Tribunal, nor is it our function to do justice between parties competing in an adversarial contest. Our task is to do justice by ascertaining, through an inquisitorial process, the truth about what happened on Bloody Sunday. The proper fulfilment of that task does not necessarily require that the identity of everyone who gives evidence to the Inquiry should be disclosed in public. The Tribunal will know the identity of all witnesses and, unlike the court, will itself take responsibility for investigating their credibility if there is reason to think that such an investigation is necessary.

Indeed we think that there are likely to be circumstances in which granting anonymity will positively help us in our search for the truth. Witnesses are unlikely to come forward and assist the Tribunal if they believe that by doing so they will put at risk their own safety or that of their families. Moreover it would be a mistake to suppose that the grant of anonymity would always operate to protect soldiers who are alleged to have been guilty of serious offences on Bloody Sunday. There may well be witnesses who wish to give evidence that is favourable to the interpretation of events for which the families and the wounded contend, but will not co-operate with the Tribunal without assurances as to their anonymity. We are aware, for example, of certain television programmes in which people describing themselves as ex-soldiers present on Bloody

Sunday have criticised the conduct of the Army on that day, but have done so anonymously presumably for fear of reprisals by their former comrades.

Accordingly, we will be willing to grant an appropriate degree of anonymity in cases where in our view it is necessary in order to achieve our fundamental objective of finding the truth about Bloody Sunday. We will also be prepared to grant anonymity in cases where we are satisfied that those who seek it have genuine and reasonable fears as to the potential consequences of disclosure of their personal details, provided that the fundamental objective to which we have referred is not prejudiced. As to the degree of anonymity that is appropriate, our current view is that restricting the disclosure of names and addresses ought to be sufficient in most, if not all, cases. We would regard the use of a screen as a wholly exceptional measure.

The obligation nevertheless remains firmly on those who seek anonymity of any kind to justify their claim. Applicants for anonymity must supply the Tribunal with a written explanation of the basis of their application, together with any material relied upon in support of it. Of course, unless and until the application is refused, the Tribunal will not reveal any information in its possession, disclosure of which might pre-empt its ruling. Otherwise, however, and subject to any claim for public interest immunity, we propose to circulate any written applications for anonymity to all interested parties and to invite their submissions before making a ruling.”

21. I have set out that part of that statement at length because the applicants place considerable reliance upon it in two ways. First it is said that that statement gave rise to a legitimate expectation on the part of the applicants that the tests there propounded would, if the applicants could satisfy either of the tests, lead to the granting of anonymity. Second, it is submitted that the tribunal's statements as to its function and as to its fundamental objective were correct and that it follows that the principles the tribunal there formulated for the granting or withholding of anonymity were the correct principles. The tribunal's subsequent departures from those principles was irrational and moreover the tribunal has given no reason or no adequate reason for such a departure.
22. Subsequently in September of 1998 the Treasury Solicitor, Mr Lawton, made application for anonymity on behalf of seven soldiers who had given evidence to the Widgery Tribunal. On 17th December 1998 the Tribunal decided that the tribunal would withhold from publication the addresses, telephone numbers and other personal details of all military witnesses, apart from their names, unless they informed the tribunal that they were content that this information should be published. The tribunal would impose no

restriction on the publication of the name of Soldier 236 (which had by that time come into the public domain) or of the soldiers whose names appeared in the transcripts of the Widgery Inquiry. The tribunal decided to allow any soldier who admitted firing one or more live rounds on Bloody Sunday a limited form of additional anonymity, under which his surname would be published but not his forenames. The tribunal decided to take this step:

“... because it will create a significant extra element of assurance for these individuals as regards their personal security, without having any material adverse effect on the fulfilment of our task. As to the former point, if the surname is even moderately common, it will be extremely difficult to locate an individual on the basis of that name alone. “

23. The tribunal left it open to such a soldier or his next of kin if the soldier was dead, to apply for full anonymity if there were special reasons making that necessary. The two examples of special reasons given by the tribunal were first, that the witness was currently living in Northern Ireland and the second that the witness had a particularly unusual surname where such witness

“... might persuade us that he should not have to disclose it because it will make his whereabouts readily discoverable”.

24. The tribunal would not restrict the publication of the names of any other soldiers unless they or their next of kin if they were now dead satisfied the tribunal that there were special reasons making such a restriction necessary. The tribunal indicated that they would be prepared to lift or modify the restrictions on the identification of witnesses that they were imposing if circumstances arose which made any of the restricted information of direct and immediate relevance to the tribunal's factual investigation.
25. In reaching that decision the tribunal said that an intrinsic part of their task was the investigation of the actions of individual soldiers on the day which in the tribunal's view encompassed not only what the soldiers did but also who they were. The tribunal were satisfied that if anonymity in the strict sense were to be allowed on a widespread or blanket basis, that would represent a material derogation from the tribunal's public investigative function. The tribunal turned to consider what degree of anonymity was appropriate

“... having regard to our views as to the nature and extent of the risk, and our rejection of widespread or blanket anonymity, in the strict sense, as being incompatible with the Tribunal’s fundamental objectives. We have previously made clear that, because anonymity represents a departure from the principle of open justice, it will only be appropriate if and to the extent that a clear justification is demonstrated.”

26. The correct reading of that decision is a matter of controversy. The applicants say that the tribunal, on the basis of a threat assessment, at that time assessed as “moderate” was granting appropriate anonymity to soldiers who fired their weapons that is to say a degree of anonymity which would make them “extremely difficult to locate”. Counsel for the tribunal says that a proper reading of the decision must concentrate on paragraph 46 where the tribunal said:

“At the same time, it has to be recognised that these are the very soldiers whose conduct lies at the centre of this Inquiry. To allow this group to remain entirely anonymous would be a step that we would find difficult to reconcile with our public duty to determine what happened on Bloody Sunday.”

27. That decision was challenged by way of an application for judicial review by four soldiers who had fired rounds on Bloody Sunday. The application came before a Divisional Court consisting of Kennedy LJ, Owen J and Blofeld J in March of this year. That Divisional Court on 16th March quashed that order and remitted the matter to the tribunal for re-determination. The Divisional Court concluded that the tribunal had in reaching its decision, which I shall call the first decision, erred in five ways.
28. First, the tribunal had misunderstood the nature and extent of the anonymity granted to the applicants by Lord Widgery in 1972, and that that misunderstanding had played a significant part in the tribunal’s reasoning when arriving at its first decision.
29. Second, that the July statement had created the impression that if a soldier satisfied the inquiry that he had a genuine and reasonable fear of the potential consequences of disclosure of his personal details then his name and address would not be disclosed. The Tribunal had then ordered otherwise notwithstanding the tribunal’s finding that such a fear existed.
30. Third, the tribunal had misinterpreted the threat assessment provided by the Security Services by concluding that the threat was less than it in fact was.

31. Fourth, that the tribunal in its July statement had indicated that what those seeking anonymity should try to prove was a genuine and reasonable fear of reprisals but then had relied in its ruling on the absence of concrete evidence of specific threats without making clear the tribunal was then requiring concrete evidence of specific threats before anonymity would be granted.
32. Fifth, that the tribunal having accepted that all soldiers properly had reasonable and genuine fears and that those who had fired live rounds had more compelling and substantial grounds than others for believing themselves to be at risk, yet granted to that limited class a form of anonymity (i.e. surnames only) for which no one had contended and the safeguarding effects of which were at best a matter of speculation.
33. The Divisional Court ended its judgment with these words:

"We should however make it clear that we express no view whatsoever as to whether there should be any grant of anonymity of any kind. That is not our function. It is clear from the information before us that there are powerful arguments both ways. How those arguments should be resolved the Inquiry must decide."

34. The tribunal appealed one of the conclusions reached by the Divisional Court, namely that with regard to the grant of anonymity by the first tribunal in 1972. In the course of his judgment, Lord Woolf MR at page 13E of the transcript pointed out that tribunals set up under the 1921 Act have to determine their own procedures, being those necessary to enable them to perform their tasks and then he said:

"They [the tribunals] will inevitably know much more about the problems of the particular area into which they have to enquire than can be known by a supervising court, such as the Crown Office Judge or the Divisional Court on an application for judicial review. Tribunals are entitled to determine their procedure for themselves. The courts should only interfere when there is some very good reason for them so to do."

35. On the point raised in the appeal Lord Woolf said at page 26B of the transcript:

"Lord Widgery could only deal with what was to happen at his inquiry. He could not bind others. However he was saying to the soldiers at the tribunal for which he was responsible, that they were to have anonymity. So, if thereafter that anonymity were to be removed notwithstanding the fact that they were still in danger, this would be contrary to what was intended to happen. The fact that it was contrary to that intention

does not mean that a tribunal considering the situation 27 years later is bound by what Lord Widgery said. He could not, and did not, purport to bind any subsequent body. ...

However in deciding what is appropriate and what is fair in relation to the soldiers, what Lord Widgery had said in 1972 could not be ignored; a clean sheet approach, which the second tribunal could be said to have adopted was not acceptable. The soldiers were entitled to have a second tribunal take into account what was said, albeit as long ago as 1972. They were entitled to have that taken into account because of what they had been told at the inquiry in 1972. It would in some circumstances be possible to have an inquiry in 1999 as to matters which were investigated in 1972 when the second inquiry did not of necessity involve reference to what had happened at the 1972 inquiry. But that is not the position with regard to these two inquiries. It is inevitable, that the identification of a soldier at the second inquiry will result in his identification in relation to the evidence he gave in the 1972 inquiry. This is no more than a consideration to which the second tribunal will have to give what they consider is the appropriate weight. They cannot ignore it because it is a relevant matter.”

36. The Master of the Rolls went on to reject complaints made of passages in the Divisional Court’s judgment on this aspect of the case saying that the Divisional Court was not fettering the proper role of the tribunal; it was doing no more than drawing the tribunal’s attention to a matter the tribunal could not ignore.

37. In a concurring judgment, Otton LJ regretted that the only information available to the court of appeal, and apparently at that time to the tribunal as to the granting of anonymity to military witnesses was one short paragraph in Lord Widgery’s report. Otton LJ found it surprising that there was no other contemporaneous documentation explaining how the decision to grant anonymity in 1972 had been reached. Otton LJ suggested that the members of the second tribunal might wish:

“... to reconsider the fairness of imposing the obligation on those who seek anonymity of any kind to justify their claim.”

38. He added that the members of the second tribunal might wish to revisit their requirement that there must be concrete evidence of a specific threat.

39. Following the Court of Appeal’s decision, the solicitor to the Inquiry wrote to the Treasury Solicitors Department a letter dated 22nd March 1999, sending copies of the letter to all the other solicitors for interested parties:

“As a result of the Divisional Court’s decision the Tribunal must consider the position of the lettered soldiers and any other soldier who fired live rounds [‘the relevant soldiers’] afresh. It will do so in the light of that decision and the submissions and evidence put before it, without any predisposition to reach either the same or a different decision. ‘Afresh’ means exactly what it says.”

40. The letter went on to refer to certain specific matters among which were:

1. That the tribunal would not make any assumptions, for example, it would not assume that the relevant soldiers had a fear that was both genuine and reasonable, or that a genuine and reasonable fear of reprisals on the part of the soldiers who fired live rounds would have the necessary or likely consequence that those soldiers would be entitled to total or any anonymity.
2. It was for those who represented the relevant soldiers to make out a case for anonymity by such evidence and submissions as they chose to put forward.
3. That no one was suggesting that addresses and details of occupations or the like should be revealed. The issue was whether the tribunal should order
 - (a) No anonymity,
 - (b) Full anonymity, or
 - (c) Partial anonymity.

41. It is to be observed that when it came to the making of submissions no one contended for partial anonymity in the sense of surnames only, it being shown that once surnames were released the tracing of the individual would follow for someone who was determined to trace that person’s whereabouts.

4. The tribunal invited the Ministry of Defence to put before it material showing the pattern of terrorist activity from 1969 to the present time and a further assessment of risks that would be faced by soldiers who were on duty in Londonderry on Bloody Sunday and whose identities became known. In particular the tribunal required a new threat or risk assessment expressed in terms which would avoid any possibility of the assessment being misunderstood by the ordinary reader. In addition the tribunal indicated that it would find it helpful to be told whether any threat or risk identified applied equally or differently to different categories of soldiers namely,

1. Serving soldiers generally;
2. Serving soldiers in the Parachute Regiment;
3. Ex soldiers
4. Ex soldiers from the Parachute Regiment
5. Soldiers or ex-soldiers who took part in Bloody Sunday
6. Soldiers or ex-soldiers who fired live rounds on Bloody Sunday.

42. Finally the tribunal invited submissions on the arguments advanced by its counsel to the Divisional Court stating that:

“The Tribunal regards it as its duty to carry out its public investigative function in a way that demonstrates to all concerned that it is engaged in a thorough, open and complete search for the truth about Bloody Sunday and this prima facie involves the giving of evidence by all witnesses under their proper names. The Tribunal may well have to balance this consideration against competing considerations relating to the security of the relevant soldiers. But the Tribunal would like to know whether you [the Treasury Solicitor] contend that the Tribunal has misunderstood its duty and, if so, to explain why.”

43. Written submissions were made on behalf of the 17 soldiers who are the applicants in this proceeding. In addition the Ministry of Defence made a 23 page submission to which were attached four annexes, including a security service threat assessment and a statement by Lt Col Overbury who in 1972 had been the Assistant Director Army Legal Services and had been appointed the legal officer with responsibility for all legal aspects, including questions concerning the obligation and rights of all the army witnesses, including the soldiers who opened fire, at the 1972 inquiry.

44. In that statement Colonel Overbury states that he was informed that both Lord Widgery and the Attorney-General were of the opinion that at least the lower ranks of those involved should be granted anonymity. Moreover that the Attorney-General had stated that if soldiers had been ordered to give evidence to Lord Widgery’s tribunal none of their written or oral statements could be used against them in any subsequent criminal proceedings. As a result all soldiers involved were ordered to attend a meeting at their barracks where Colonel Overbury formally ordered them to make such further statements as were necessary and to give evidence before the tribunal. Colonel Overbury told the soldiers that he had authority to inform them that any statement they made or would

make, or any evidence they gave to the Widgery Tribunal could not and would not be used in evidence against them in any subsequent proceedings arising out of their actions on 30th January 1972. Colonel Overbury also told the soldiers that they would enjoy protection against identification in accordance with the normal practice in force at that time in the Civil Courts in Northern Ireland. That meant that they would be referred to in the proceedings only by the letter or number allocated to them. He told the soldiers that in return they were expected to co-operate fully with the army team and with the civil authorities. Those assurances were repeated collectively and individually to the men concerned.

45. The first annex was a chronological summary of major attacks on military targets by Irish Republican Terrorist organisations in Northern Ireland between 1969 to 1999. Annex B was a summary of such attacks on military targets in Great Britain. Annex C was a schedule of major Irish Republican terrorist attacks on non military targets.
46. Annex D was the new Security Service Threat Assessment sought by the tribunal. It began by explaining the threat assessment process and the basis of threat assessments pointing out that they do not, by their nature, consist of concrete predictions. That part of the assessment also indicated that where there was a specific threat to a specific individual that individual would be at such a high level of threat that the normal response would be to provide him or her with armed police protection. The assessment went on to point out that threat levels rise and fall and that it followed that threat assessments for individuals, sites or events were only valid as long as the circumstances on which they were based remained unchanged; and that the overall threat level had moved up and down a number of times since the most recent Provisional IRA cease fire in July 1997. In a supplement to the assessment it was stated:

“Irish republican terrorists are currently assessed to pose a significant level of threat in Great Britain. We judge that they are actively maintaining their ability to carry out terrorist attacks on the mainland. They have the equipment and personnel to do so, and have carried out planning on a contingency basis.”

47. The supplement went on:

“Military targets are currently at a significant level of threat.”

(It has to be observed that since the date of that supplement, 14th April 1999, the level has reduced to Moderate):

“There remains no specific intelligence that any particular group is currently targeting soldiers involved in the events of ‘Bloody Sunday’. However, whilst Irish republican terrorist organisations retain the capability and intent to mount attacks on the UK mainland, there will continue to be a threat to military targets. Whilst the soldiers involved in the events of Bloody Sunday remain unidentified, the threat to them will be potential rather than actual, since it will not be possible for terrorists to undertake the planning which would be necessary in order to mount an attack against them.”

48. In the body of the assessment the Security Service ranked the categories of soldiers in ascending attractiveness as targets in this order:
1. Current or former soldiers
 2. Current or former soldiers from the Parachute Regiment
 3. Soldiers or ex-soldiers who took part in Bloody Sunday
 4. Soldiers or ex-soldiers who fired live rounds on Bloody Sunday.
49. That ranking was based upon the political and emotive significance of each category to the Republican Movement. All four categories represent military targets in respect of which the threat of attack was significant, although soldiers who had fired live rounds on Bloody Sunday would, in the assessment of the Security Service, stand out from the generality of soldiers and would face a higher likelihood of terrorist attack if they were identified. Their attractiveness as targets did not take the threat to them into a higher category than that of “significant”.
50. There is a formal six tier structure for assessing the different threat levels in which the third level from the bottom is that of “Moderate” and the fourth level is “Significant”. The Security Service finally pointed out that for those witnesses who will attend the hearing before the second tribunal who have already been identified their attendance at the tribunal will not increase the level of threat to them. The assessment then observes:
- “However, if the proceedings focus on the conduct of particular military personnel, and those personnel are identified by name, it is possible that the threat to them will rise.”
51. The Ministry of Defence relied also on parts of the statement of a television reporter, Peter Taylor, who has produced programmes on the troubles in Northern Ireland and on Bloody Sunday in particular. In addition he has written books on the subject as well as

writing articles for various newspapers. In all he has made over 50 documentary programmes on the conflict in Northern Ireland. His statement sets out his reasons for wishing to withhold his working papers from the scrutiny of the Tribunal. With regard to work he has done in respect of Bloody Sunday, which have involved interviews with soldiers directly involved in the operation and others who were serving in Northern Ireland at the time, he gave such persons assurances as to confidentiality. In paragraph 8 of his statement Mr Taylor says; referring to such persons:

"I am also concerned as to their physical safety were their names to be publicly revealed."

52. Later in paragraph 16 of his statement, Mr Taylor states:

"To hand over my notebooks to the Inquiry would not only be a betrayal of trust but would utterly destroy my professional integrity established over almost thirty years and irrevocably compromise my ability to continue to cover Northern Ireland in the way that I have over so many years. Even more seriously, it would put lives at risk."

53. That paragraph deals not only with soldier witnesses but also other persons who Mr Taylor has interviewed and who may have participated anonymously in Mr Taylor's programmes. In that paragraph Mr Taylor is expressing an opinion, but it is of some significance that he states that opinion as though it were a fact. The Ministry of Defence relied on that statement as being the view of a person who has spoken directly to extremists on both sides of the conflict who are or have been members of terrorist organisations.

54. The tribunal also received written submissions from those acting on behalf of the next of kin of the deceased and the wounded. The principal submission was that open justice required that witnesses who had been soldiers on duty on Bloody Sunday, particularly those who had fired their weapons, should give their names at the outset of their evidence. Public confidence in the work of the tribunal would be undermined were that not so. This had been a major problem with the Widgery Inquiry, where anonymity had been granted without submissions from any party. Witnesses would be less inclined to tell lies if their identities were known. It would give the opportunity to others to come forward to contradict an untruthful witness if that witness's name was known. Despite the troubles in Northern Ireland open justice had continued to be observed. It was rare that witnesses who gave evidence, did so without giving their names, even in cases which were controversial or in which the defendants were said to be members of terrorist

organisations. It was rare for such witnesses to be attacked. Members of the RUC and others in Northern Ireland lived in the community despite having to give evidence in criminal cases. The situation in Northern Ireland had changed substantially in the 27 years since the Widgery Inquiry. The present position was much improved by the peace process.

55. In those written submissions it was further argued that the identity of many more than five soldiers who were on duty in Londonderry on Bloody Sunday were known and that with the possible exception of an attempted letter bomb attack on Major General Robert Ford, the Commanding Officer in Northern Ireland at the relevant time, on 26th May 1976, none of those persons had been either threatened or attacked. The main Republican terrorist organisations were honouring the cease fire, and it was known by such organisations that the relatives of the deceased and the wounded sought not revenge but simply the truth. In those circumstances the threat to soldiers or ex-soldiers giving evidence under their own names was substantially less than those representing the soldiers and the Ministry of Defence were suggesting. The tribunal's duty, if it was to establish the truth to the satisfaction and confidence of all parties, could not be discharged if those who played key roles in the events of that day were allowed to remain anonymous.
56. The tribunal heard oral submissions on the 26th and 27th April and on 5th May published the decision which the applicants seek to quash.
57. I shall set out the decision and the reasoning of the tribunal at some length, the more readily to consider the criticisms made of the decision and the tribunal's reasoning.
58. The tribunal having set out the history of the matter in paragraph 11 stated its role in this way:

"The Tribunal has at its fundamental objective the finding of the truth about Bloody Sunday. It regards itself as under a duty to carry out its public investigative function in a way that demonstrates to all concerned that it is engaged in a thorough, open and complete search for the truth about Bloody Sunday."

59. The tribunal went on to record that all interested parties accepted the existence of this duty. Then at paragraph 12 the tribunal said:

"In our view the existence of this duty entails that in the absence of compelling countervailing factors, those who give evidence to the Tribunal should do so under

their proper names. This after all is an Inquiry into events in which people lost their lives and were wounded by British army gunfire on the streets of a city in the United Kingdom. To withhold the names of those in the army who are concerned with that event must detract from an open search for the truth about what happened; and must need justification of an overriding kind.”

60. The tribunal went on to remind itself that it was an inquisitorial body and would itself know the identity of the witnesses but concluded that that did not take the matter much further forward.
61. Turning to the judgment of Otton LJ in the Court of Appeal the tribunal said that it was not going to make its ruling on the basis of who bore the burden of proof but would seek to balance the various relevant factors. The tribunal observed that in their judgment it was not open justice that needed to be justified but rather any departure from open justice.
62. The tribunal went on to consider the anonymity granted by Lord Widgery to military witnesses who gave evidence to his inquiry. The tribunal referred to the statement of Lieutenant Colonel Overbury and reminded itself of the holding of the Divisional Court upheld by the Court of Appeal as to the effect of the assurances given to military witnesses in 1972, namely that:

“... subject to some compelling unforeseen circumstances, so long as there was any danger of reprisals being taken against him or his family because he fired live rounds on Bloody Sunday, no-one in authority would do anything that would enable anyone to attach his name to that of a soldier previously identified only by letter who gave evidence before the Widgery Tribunal in 1972.”

63. The tribunal accepted that that assurance applied to all soldiers who gave evidence before the 1972 tribunal and not merely to those who had fired shots. The tribunal went on to hold that the tribunal itself and the task it was carrying out was a compelling unforeseen circumstance so that the assurance given in 1972 fell away. That had to be so because one reason for the setting up of the present tribunal was the fact that the inquiry conducted by Lord Widgery “so far from restoring public confidence, compounded the crisis” in the opinion of a substantial body of responsible people. Moreover, it was clear from the judgments both of the Divisional Court and the Court of Appeal that although the Widgery assurance was a relevant factor which had to be weighed in the balance when the question of anonymity was considered, it was not a determinative factor. The tribunal said:

“On this basis, it seems to us that although it is an important consideration, it does not of itself, or together with the other matters relied upon by the soldiers, amount to a compelling countervailing factor that should override our duty as we have stated it.”

64. The position at the present time was in no way comparable to the position in 1972 where there was not merely the threat of reprisals but an actual reprisal attack on the Parachute Regiment at their barracks in Aldershot on 22nd February 1972. The tribunal added that it recognised that no one could know what the future might hold and that “the bad days may return”.

65. The tribunal went on to find that the soldiers had grounds for their assertion that they had genuine and reasonable fears. In arriving at that conclusion the tribunal referred to the latest threat assessment provided by the Security Services. The tribunal accepted a submission that the tribunal should concentrate on what the tribunal perceived to be the degree of danger if the soldiers’ names are revealed. The tribunal then said:

“A reasonable fear of reprisals can exist if there is any degree of danger, but the greater the danger the more compelling this factor becomes in the balancing exercise we have to perform.”

66. The tribunal acknowledged the difficulty of the judgement it had to make. It also recorded that no one was now suggesting the solution the tribunal had reached in the first decision, namely that surnames, but not forenames, be disclosed, was an appropriate solution. Consequently the tribunal said that there was no satisfactory way of reconciling the two considerations and one had to give way to the other. Then the tribunal said:

“After the most anxious consideration we have concluded that on the basis of the material presently before us our duty to carry out a public investigation overrides the concerns of the soldiers and does so even if the Widgery assurance continues to apply; and that accordingly the present applications of the soldiers must fail. However, on the same basis as we set out in our ruling in December, we shall consider further the question of anonymity if it is suggested that there are special reasons in any particular cases why we should do so.”

67. The tribunal went on to acknowledge that the removal of anonymity is permanent and that it was possible that the threat to the soldiers might increase in the future, though whether that would happen was necessarily speculative. The tribunal then analysed the latest threat assessment giving a summary of it similar to that which I have given earlier in this judgment. The tribunal then said:

"We accept that on the basis of this assessment and the other material provided to us by the Ministry of Defence, identified soldiers are in greater danger than unidentified soldiers, for the obvious reason that if a soldier is unidentified as such there is only, as the assessment puts it, a potential as supposed to an actual threat. However, we do note that all serving or former soldiers fall within the 'significant' category, so all are 'priority' targets. It seems that it is only those who fired live rounds on Bloody Sunday who stand out, or stand out significantly, from the generality of soldiers. As to this generality, it seems to us that since there must be many soldiers or ex-soldiers whose names have been publicised or whose identities could readily be discovered ... the danger created by identifying soldiers is one that is borne and has for many years been borne by hundreds, if not thousands, of serving or former soldiers, and is not such as to override our duty to conduct a public investigation.

That leaves those who fired live rounds on Bloody Sunday. As to these there is a further consideration, which we pointed out in our December ruling. This is that the conduct of these soldiers lies at the very heart of this Inquiry. It is the firing on the streets that was the immediate cause of loss of life. It is that loss of life that we are publicly investigating. To conceal the identity of those soldiers would, as it seems to us, make particularly significant inroads on the public nature of the Inquiry. As a group they are assessed as more attractive targets than the generality of soldiers and thus face a higher likelihood of terrorist attack if they were identified, but this increased threat is not considered sufficient, at least at present, to move them from the 'significant' to a higher category. On the basis of the general assessment, we have concluded that the danger to the soldiers who fired live rounds on Bloody Sunday does not outweigh or qualify our duty to conduct a public open inquiry."

68. The tribunal then went on to state that with the two exceptions we have already noticed in the 27 years since 1972 there is no evidence of any soldier involved in Bloody Sunday being the subject of attacks or threats for that reason. The tribunal took account that many of those would have been unidentifiable and that others may have been taking special precautions of which the tribunal knew nothing. The tribunal continued by making it clear that they would consider individual cases where circumstances might indicate a greater danger in which case the question of anonymity would be reconsidered. The tribunal recorded that they had considered whether it would be appropriate to grant anonymity whilst reserving the right to reconsider the position when it came to writing their report. The tribunal rejected that course of action:

“... for to do so would in our view derogate for no good or sufficient reason from our duty not only to report what we believe to be the truth, but also to conduct an open and public investigation.”

69. The tribunal went on to consider the particular case of soldier “H” who had made a separate application and was separately represented by Sir Alan Green, QC. His application was supported by an affidavit sworn by him. His application was rejected on the material presently before the tribunal.
70. At the same time the tribunal considered applications by five RUC officers for anonymity and granted anonymity in respect of three of them. Suffice it to say that the relevant circumstances in their cases were different and the tribunal decided to afford them anonymity not by withholding their names, but by limited screening so that they did not give their evidence in view of the general public. In these three cases the tribunal found that each officer would be “in special danger were they to be recognised” and they were to be regarded as being “under a special threat of personal danger”.
71. Before considering the grounds on which the applicants rely when seeking the quashing of the tribunal’s second decision, it is necessary to set out my view on the approach that should be adopted. This is because significantly different approaches have been urged upon us by Sir Sydney Kentridge QC for the applicants and Mr Clarke QC for the tribunal. Both counsel accept that the tribunal’s decision involves fundamental human rights, those rights being the rights to life, to safety and to live free of fear. Both counsel accept that where such rights are relevant to the decision, this court will exercise the most anxious scrutiny, see Lord Bridge in R v. Home Secretary ex parte Bugdaycay [1987] AC 514 at 531G. Thereafter Mr Clarke submits that the ordinary limitations on the scope of the court’s powers of review still apply, relying upon the same passage from the speech of Lord Bridge. Mr Clarke goes on to submit:

“It is not the function of the Court to substitute its own view of the merits. The threshold of unreasonableness is not lowered. The test remains whether the decision falls within the range of responses open to a reasonable decision-maker. However where fundamental human rights are affected the Court may require more by way of justification before it is satisfied that the decision is reasonable in that sense.”

72. Mr Clarke then cited part of the finding in R v. Secretary of State ex parte Moon [1996] COD 54 at 55 a decision of Sedley J (as he then was):

"The law on close scrutiny amounted today to a doctrine that the court will demand clear justification for an executive decision which interferes with an important right; not, however, so as to persuade the court to agree with the executive view, but simply to demonstrate that there was a sufficient basis on which the view could sensibly be reached."

73. The submission of Sir Sydney Kentridge is that where important human rights are in issue, the court will adopt a more interventionist role, citing R v. Ministry of Defence ex parte Smith [1996] QB 517 where, at page 554D, Sir Thomas Bingham MR accepted the submission of counsel that:

"The court may not interfere with the exercise of an administrative discretion on substantive grounds save where the court is satisfied that the decision is unreasonable in the sense that it is beyond the range of responses open to a reasonable decision-maker. But in judging whether the decision-maker has exceeded this margin of appreciation the human rights context is important. The more substantial the interference with human rights, the more the court will require by way of justification before it is satisfied that the decision is reasonable in the sense outlined above."

74. In such cases the question, submits Sir Sydney Kentridge, ceases to be whether the public authority has acted irrationally or perversely and becomes whether a reasonable body on the material before it could reasonably conclude that the interference with or endangering of fundamental human rights which flowed from its decision was justifiable. Sir Sydney Kentridge relied on two of the speeches in R v. Secretary of State ex parte Brind [1991] 1 AC 696, namely that of Lord Bridge at page 748F to 749E and Lord Templeman at page 751E to F.
75. I proceed on these principles: the High Court when exercising its role under Order 53, reviews the procedure by which the public authority has reached its decision, and reviews the decision. In the normal case the review of the decision will involve this court in deciding whether the decision was reasonable or unreasonable in the Wednesbury sense. This court will not and has no jurisdiction to make the decision which is under review. Thus this court may often disagree with the decision taken, but if the decision taken is within the ambit of the decisions which that public authority could reasonably take, then there is no power to overturn the decision taken.

76. Where the decision involves the interference with or possible interference with fundamental human rights, the court's review of the decision is more stringent. In my judgment the law is correctly stated in *de Smith, Woolf and Jowell - Judicial Review of Administrative Action* 5th Edition at para 13-060:

"Reasonableness in such cases is not, however, synonymous with 'absurdity' or 'perversity'. Review is stricter and the courts ask the question posed by the majority in *Brind*, namely, 'whether a reasonable Secretary of State, on the material before him, could reasonably conclude that the interference with freedom of expression was justifiable'. This test lowers the threshold of unreasonableness. In addition, it has been held that decisions infringing rights should receive the 'most anxious scrutiny' of the courts."

77. As observed in *Fordham* in [1996] *Judicial Review* page 81

"Anxious scrutiny is not judicial rhetoric, but an established doctrine with a discernable shape and direction."

78. I consider that the submissions of Sir Sydney Kentridge more closely represent the present state of the law than those of Mr Clarke. I accept that the question for this court is:

"Given the inquisitorial function of the Tribunal, and given its clear finding that anonymity would not impede it in its fundamental task of discovering the truth, could a reasonable tribunal conclude that the additional degree of openness to be gained by disclosure of the names of the 17 soldiers who fired shots is so compelling a public interest as to justify subjecting them and their families to a significant danger to their lives?"

79. Six grounds of challenge to the tribunal's second decision are advanced. They are:

"1. The decision is unreasonable and unjustifiable on the facts as found by the Tribunal itself.

2. The decision to publish forenames, which the Tribunal itself decided by its first decision should properly and necessarily be withheld, is unreasonable.

3. The decision resiles from a substantive legitimate expectation which the Applicants had, and were entitled and intended to have, following the Tribunal's July statement which informed them of the circumstances in which the Tribunal would be prepared to grant anonymity to them.

4. In requiring the Applicants to establish the 'degree of danger' to which they are exposed, the Tribunal repeated the error which it made in its first decision of requiring 'concrete evidence of a specific threat', and, further, for no good reason, departed from its first decision.

5. The Tribunal attached manifestly inappropriate and disproportionate weight to its view of its 'public investigative function' which, if correct, would have rendered its announced intention to grant anonymity to any class of persons nugatory and misleading.

6. The decision repeats the Tribunal's failure in their first decision to give any or any proper weight to the assurance which was given to the Applicants by the Lord Chief Justice in 1972."

80. In his reply Sir Sydney Kentridge indicated that he would not rely upon the third of the six grounds of challenge as a separate ground, having heard the submissions of Mr Clarke with respect to legitimate expectation. In reality, this leaves the first ground of challenge, the other five grounds being particular aspects of the first ground.

81. In my judgment the test formulated by the tribunal in their observations of 24th July 1998 was the correct test to apply. That is not the test applied by the tribunal in May 1999, see paragraphs 12 and 13 of their decision. Despite the tribunal saying that they were not deciding the balancing exercise on the burden of proof, they made it clear in their decision that it was for those applying for anonymity to establish that their need for anonymity outweighed the consideration of achieving public confidence by requiring, as part of open justice, those soldiers who fired their weapons to identify themselves at the outset; that is to say at the stage when witness statements will be circulated to the various parties to the inquiry. That this was the tribunal's approach is, in my view, confirmed by the language in paragraphs 23, 28 and 30 of the second decision, and by paragraph [3] in the letter of 22nd March.

82. Nowhere does the tribunal assess the inroads which withholding the names of the 17 applicants would have made into the public nature of their inquiry. Nor does the tribunal consider the possibility, if the withholding of the name of a soldier who fired his weapon,

were to make an unacceptable inroad into the public nature of the inquiry, the tribunal's power to remove anonymity at that stage. In paragraph 31, the tribunal confined its consideration to withdrawing anonymity at the reporting stage.

83. The lifting of anonymity at the reporting stage is rejected because:

"To do so would in our view derogate for no good or sufficient reason from our duty not only to report what we believe to be the truth, but also to conduct an open and public investigation."

84. Paragraph 31 of the decision. This paragraph in so far as it gives as a reason derogation from the tribunal's duty to report the truth is in conflict with the tribunal's statements on page 14 of its rulings and observations of 24th July 1998, in paragraph 39 of its first decision and in paragraph 12 of the second decision. The tribunal at those places has asserted consistently that the granting of anonymity would not interfere in its fundamental objective of establishing the truth about the events of Bloody Sunday. Indeed the tribunal in its July observations made the point that anonymity might well encourage frankness on the part of witnesses.

85. In so far as there is a reliance on derogation from the tribunal's obligation to conduct an open and public investigation, nowhere does the tribunal assess the extent of such derogation or ask whether such derogation could undermine the confidence of responsible people in the fact finding of the tribunal. Sir Sydney Kentridge submitted that such an assessment would have shown that the granting of anonymity could not have undermined the confidence of responsible people in the fact finding ability of the tribunal. The proceedings will be in public. No soldier witness will be screened. Consequently the demeanour of such witnesses will be observable by all present. Those who were in command on that day will be known if anonymity is confined to those who fired their weapons. The statements of all witnesses will be available to all interested parties in advance. Rigorous cross-examination will be carried out by the tribunal's counsel. Witnesses whose credibility may be in doubt for other reasons will have those reasons brought out by counsel for the tribunal. Effective cross-examination by those representing the families will be possible because those counsel in this inquiry, unlike the Widgery Tribunal, will have had disclosure of relevant documents and the witnesses statements in advance of the hearings. If any evidential or other sufficient reason for withdrawing anonymity emerges during the course of the proceedings anonymity could be withdrawn. The identity of soldiers who the tribunal find may have committed criminal offences will be disclosed to the prosecuting authorities and could appear in the tribunal's report.

86. In my judgment had the tribunal assessed, as opposed to merely asserting the derogation that the granting of anonymity to the 17 applicants at this stage would have made from the openness of the tribunal's proceedings, it would have seen that the derogation was with regard to the tribunal's duty to search for the truth nil and with regard to the duty to hold a public inquiry limited. That was the matter to be weighed against the interference or the potential interference with the fundamental human rights of the applicants.
87. On this aspect of the very difficult task that the tribunal had to perform, it is the unhappy fact that in their first decision the tribunal assessed the risk of interference with the applicants' fundamental human rights to be such that it was appropriate to grant them a degree of anonymity which would in the tribunal's (albeit mistaken) view have made it extremely difficult to locate them and which warranted the tribunal, in a case of a man with an unusual surname, considering allowing him to withhold his surname. That was at a time when the Security Services' assessment was that the threat was Moderate. By the second decision the threat had increased from Moderate to Significant; nothing else had changed but the tribunal concluded that the balance must come down in favour of witnesses giving their full names, which would allow them to be located by anyone wishing to do so.
88. Mr Clarke sought to meet this apparently irrational change in the tribunal's views by two means: first, that the tribunal had in December 1998 rejected total anonymity for soldiers who fired their weapons because their conduct lay at the heart of the inquiry. Second, the December 1998 ruling had been quashed. Consequently it is immaterial to enquire whether there has been a departure from the reasoning of the quashed decision or to seek a good reason for any such departure.

"Provided that the fresh decision is lawful and reasonable in its own terms, and provided that a fair procedure has been followed in reaching it, it does not matter how far its reasoning accords with that of the flawed decision taken in December."

89. I accept that the first decision was quashed and that the matter had to be decided afresh by the tribunal. Further the procedure that preceded the second decision, the receipt of written and oral submissions, was fair. However, the tribunal's view of the degree of danger faced by the soldiers who fired their weapons arrived at in December 1998 and expressed in the first decision is, in my judgment, a relevant factor for this court when giving anxious consideration to the reasonableness of the second decision. As Sir Sydney Kentridge submitted, in the first decision the tribunal accepted that the degree of danger warranted that the applicants should be extremely difficult to locate. No reason is

given for the tribunal's conclusion in the second decision that the identification of these witnesses so that they can be located will not lead to an interference with the fundamental human rights of them and their families. The tribunal do not say that in the first decision they over estimated the degree of danger. Indeed it is quite clear that they did not. The Divisional Court in March of this year clearly thought that the tribunal on that occasion had underestimated the degree of danger.

90. The rights that are at stake are those to life, to security of the person and to respect for private and family life. The danger, were there to be a breach of those rights, would be extreme. In Fernandez v. Government of Singapore and Others [1971] 1 WLR, a case to which Sir Sydney Kentridge referred this court, the House of Lords had to consider section 4 of the Fugitive Offenders Act 1967 which provided that a person should not be returned under that Act to a designated Commonwealth country if it appeared that he might, if returned, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions. In his speech at page 994C Lord Diplock said:

“Paragraph (c) of section 4(1) of the Act, unlike paragraphs (a) and (b), calls upon the court to prophesy what will happen to the fugitive in the future if he is returned. The degree of confidence that the events specified in the paragraph will occur which the court should have in order to justify refusal to return the fugitive is not determined by the mere use of the subjunctive mood of the auxiliary verb ‘may’.

91. It should, as a matter of common sense and common humanity, depend upon the gravity of the consequences contemplated by the section on the one hand of permitting, and on the other of refusing, the return of the fugitive if the court's expectation should be wrong.”

92. Lord Diplock went on to say:

“My Lords, bearing in mind the relative gravity of the consequences of the court's expectation being falsified either in one way or in the other, I do not think that the test of applicability of paragraph (c) is that the court must be satisfied that it is more likely than not that the fugitive will be detained or restricted if he is returned. A lessor degree of likelihood is, in my view, sufficient; and I would not quarrel with the way in which the test was stated by the magistrate or with the alternative way in which it was expressed by the Divisional Court. ‘A reasonable chance,’ ‘substantial grounds for thinking,’ ‘a serious possibility’ ...”

93. The submission made on behalf of the applicants is that the gravity of the consequences in this case should an attack on a witness materialise are so grave that if there was a reasonable chance or substantial grounds for thinking or a serious possibility of such attack then common sense and common humanity required that anonymity be continued.
94. The tribunal following the quashing of its first decision, sought the assistance of the Ministry of Defence and, through them the Security Services, to assess the degree of threat. In responding to that invitation the Ministry of Defence made a 26 page submission supported by the four annexes already specified in this judgment. In the course of that submission the Ministry of Defence informed the tribunal that some of those involved in Bloody Sunday had not revealed that involvement to family, friends or employers. Vulnerability had three broad aspects, namely the ease with which the person could be identified; the ease with which the person could be found and the ease with which the person could be attacked. Vulnerability increases as the ease with which those three objectives could be attained by a potential attacker increases. The Ministry of Defence went on to demonstrate that once a soldier's name was known he would be easy to identify and easy to trace. The submission continued by referring to threats by both wings of the IRA to avenge the 13 deaths which had occurred on Bloody Sunday. The submission referred to the attack on the Paratrooper's Barracks at Aldershot in February 1972. 1972 saw the greatest number of soldiers killed in Northern Ireland in one year. The submission referred to another attack on the Parachute Regiment in Northern Ireland in 1979 which resulted in the greatest number of soldiers killed in a single day, namely 18. The submission set out the attempted terrorist attack on the Parachute Regiment in England on 20th February 1989 which failed because the intruders were detected and barrack buildings evacuated before bombs exploded.
95. The submission went on to identify other incidents, not connected with Bloody Sunday save possibly that in 1976 when a letter bomb was addressed to Major General Ford, the Officer Commanding in Northern Ireland at the time of Bloody Sunday, showing that Republican terrorist organisations do carry out revenge attacks on individuals by indiscriminate means. Further material was provided showing that the threat of terrorist activities in Britain still exists, despite the peace process and the cease fires by some organisations, and that such organisations in the past have renounced their cease fires when it has suited them to do so.

96. The Ministry of Defence submission accepted a point made by Lord Gifford that even at the height of the troubles the principle of open justice had been largely observed in Northern Ireland. The submission nevertheless gave instances of soldiers who had been witnesses in Northern Ireland cases and who had been singled out for attack.
97. The security assessment attached to the Ministry of Defence submission was that the current overall threat of terrorist activity by Republican terrorist groups in Britain was significant. That assessment was based on an assessment of the ability of those organisations to carry out terrorist attacks in Britain and the current intentions of such organisations. That level of threat was the third level in a descending order of six levels of threat. The level of threat could go up or down. In fact the level now is Moderate. Among the categories of soldiers identified by the tribunal, the Security Service said that the applicant's were in the top category, that is to say they are the most attractive targets among those categories.
98. The only evidence the tribunal had of the applicants having any protection against such a threat was their present anonymity.
99. The tribunal found, as they had in their first decision, that these soldiers had grounds for their assertion that they have genuine and reasonable fears.
100. The tribunal saw the force in the submission of Lord Gifford that they should concentrate on what they perceived to be the degree of danger if the soldier's names are revealed. The tribunal then went on to say that there were two conflicting considerations, one of which had to give way to the other, without stating the degree of danger to the applicants that the tribunal perceived. The tribunal merely said:

"After the most anxious consideration we have concluded that on the basis of the material presently before us our duty to carry out a public investigation overrides the concerns of the soldiers and does so even if the Widgery assurance continues to apply; and that accordingly the present applications of the soldiers must fail."

101. I would respectfully agree with the tribunal that if the only countervailing factor to the withholding of anonymity, which the applicants have enjoyed up to the present time, was "the concerns of the soldiers" the tribunal's conclusion would be irresistible. The countervailing factor was not just the soldiers concerns. It consisted of the threat to the lives of them and their families which on the Security Services assessment was real and

the interference with their private and family lives, which would be bound to occur, whether terrorists decided to target them or not.

102. It may be that the submissions made by counsel for the families persuaded the tribunal that the Security Service's assessment of the threat to the applicants overstated the degree of danger to them, so that the tribunal rejected the threat assessment and the submissions made by the Ministry of Defence based on the threat assessment and the history and the pattern of terrorist activities in Northern Ireland and in Britain. If the Tribunal were persuaded to this view, the Tribunal did not say so. The difficulty for this court here, in my view, is that the tribunal dealt with the Ministry of Defence's submissions in the most general way. I am impressed by Mr Burnett's submissions on behalf of the Ministry of Defence that the applicants were entitled to have these matters made clear to them.

103. Another submission made to the tribunal on behalf of the applicants was that the present level of threat to the applicants may well be increased by the taking of evidence by the tribunal, spurring some of that body of individuals which the Ministry of Defence said existed in Northern Ireland:

"who are willing to kill and maim when it suits them; who are ready to use violence if they perceive an advantage to the cause they espouse; and who are not constrained by norms of civilised behaviour and remain well armed."

104. It was accepted on all sides, as indeed I accept, that members of the families represented before the tribunal and before this court are not among that body of individuals, but there was no evidence to contradict the Ministry of Defence's evidence that such people exist. Again the tribunal has not, in its reasons, mentioned this point and it cannot be seen by those reading the tribunal's decision that this point has been either put in the scales in favour of continued anonymity for the applicants or rejected because the tribunal had, for good reason, decided it had no weight. The same can be said of the statement of Peter Taylor on which the Ministry of Defence and the applicants relied because he was a person who has actually spoken to members of extremist terrorist organisations on both sides of the divide in Northern Ireland.

In R v. Secretary of State for the Home Department ex parte Bugdaycay [1987] AC 514 at page 531 Lord Bridge said:

“The most fundamental of all human rights is the individual’s right to life and when an administrative decision under challenge is said to be one which may put the applicant’s life at risk, the basis of the decision must surely call for the most anxious scrutiny.”

105. In such cases, and this is one of them, the process of review by this court must be more intensive and the court must have a greater readiness to intervene than would ordinarily characterise a judicial review challenge.
106. I return to the duty which we must perform, namely the giving of the most anxious consideration to the decision under review. The test propounded by the tribunal in 1998 was, in my judgment as I have already indicated, the correct test. The authorities to which we have been referred establish that where fundamental human rights will be or may be affected by a decision of a public authority, the law gives those rights precedence. The law is that such rights are to prevail unless either the threat that they will be infringed is slight or there is a compelling reason why they should yield. The July 1998 test recognised and gave effect to those principles.
107. The tribunal in the decision under review departed from this test and in doing so did not accord to the applicants’ fundamental human rights the required weight. It was the consideration of the carrying out of a public investigation to which the tribunal accorded precedence by requiring the departure from public and open justice which the applicants sought to be justified by the applicants.
108. The tribunal did not make a finding that the threat to the fundamental human rights of the applicants and their families was slight. Nor did it say that they were departing from the Security Service’s assessment of that threat, still less did they give any reason for rejecting that assessment. On the other side of the scale the tribunal did not analyse the extent to which the granting of anonymity to those soldiers who fired their weapons at this stage, always subject to review as the inquiry progressed, would detract from the tribunal’s obligation to conduct an investigation which would, in the eyes of responsible people, be public, open and thorough and lead to findings as to the events of that tragic day which could be accepted by such people as accurate.
109. In these respects, in my judgment, the tribunal’s decision is flawed and I would quash it to the extent that it applies to the 17 applicants and other soldiers who also fired their weapons whose identities are not already in the public domain. I would not make the

declaration sought; I would make an order pursuant to Rule 53.9(4) remitting the matter to the tribunal.

110. One final issue remains, namely that raised by Mr Rodgers, counsel for two persons concerned in the inquiry, Michael Bridge and Michael Bradley. Put simply Mr Rodgers' submission is that the tribunal, having been appointed under the 1921 Act, is an organ of Parliament and that the High Court may not interfere with the proceedings of Parliament, consequently this court has no jurisdiction to review the proceedings before the tribunal.
111. I accept immediately that this court has no jurisdiction to interfere with or review proceedings in Parliament. Where the argument of Mr Rogers fails, in my judgment, is in its premise that the tribunal is an organ of Parliament and its proceedings are "proceedings in Parliament". Mr Rogers invited us to read certain passages in the report of the Royal Commission on Tribunals of Inquiry which considered the powers and workings of tribunals set up under the 1921 Act. That report makes it clear that the passing of the 1921 Act came about because prior to that Act matters of urgent public importance into which it was expedient that there should be an inquiry, were normally inquired into by a Select Committee of the House of Commons. That procedure proved to be unsatisfactory because such committees tended to divide along party lines. Consequently it was perceived that it was necessary for Parliament to be able to appoint a tribunal of inquiry which was wholly independent of Parliament.
112. For that reason in my judgment Mr Rodgers' submission must fail. It is not a submission that was supported by any other counsel.

MR JUSTICE MAURICE KAY:

113. I have had the opportunity to read a draft of the judgment of Roch LJ. I am in substantial agreement with it. In view of the importance and sensitivity of this case it is appropriate for me to add a more modest contribution of my own, highlighting the factors which have caused me to reach the same conclusion as my Lord. In so doing I gratefully adopt his exposition of the facts and the relevant legal principles. In relation to the "anxious scrutiny" approach I have also been helped by what Simon Brown LJ said at first instance in R v. Ministry of Defence, ex parte Smith [1996] 1 QB 517, 537-538:

“When the most fundamental human rights are threatened, the court will not, for example, be inclined to overlook some perhaps minor flaw in the decision-making process, or adopt a particularly benevolent view of the minister’s evidence, or exercise its discretion to withhold relief.”

114. Once the Tribunal had come to the conclusion that its fundamental objective of finding the truth about Bloody Sunday would be unlikely to be hampered by anonymity, it had to consider the request for anonymity by reference to a number of factors. The particularly important ones included:
- (i) The need for open justice;
 - (ii) Public confidence in the proceedings and the eventual findings of the Tribunal;
 - (iii) The reasonable fears of the Applicants for their personal safety and that of their families;
 - (iv) The degree of danger;
 - (v) The Widgery Assurance;
 - (vi) The fact (for such it is) that a grant of anonymity at this stage could be reconsidered at later stages in the light of fact-finding needs during the evidence, the need to identify any miscreants in the Report or other supervening factors;
 - (vii) Whereas a grant of anonymity at this stage could be reconsidered later, a refusal of anonymity could not be effectively reversed.
115. As regards the need for open justice, I accept that the disclosure of the name of a witness is a normal requirement of open justice, any departure from which has to be justified. Although it is an element of open justice, it is less important than, say, sitting in public. Moreover, if its importance subsequently intensifies, for example because of evidential considerations or a need to identify miscreants, it can be reconsidered. At the present stage its importance is less intense because anonymity is not seen by the Tribunal to be an obstacle to the attainment of the fundamental objective. This is partly because of the inquisitorial nature of the Tribunal and the fact that the identities of the Applicants are known to the Tribunal and its counsel.

116. Public confidence is obviously important, particularly in an area where the very raison d'être of a Tribunal is to investigate a matter in relation to which public confidence has been undermined. However, the mere fact that the public, or a section of it, expresses a lack of confidence calls for further consideration. A lack of confidence may be reasonable and objectively justifiable or it may not be. Whichever category is the appropriate one in a particular case must necessarily affect the amount of weight to be accorded to it. In the present case the Tribunal does not consider that anonymity would impede its fundamental objective and it would remain able to reconsider anonymity at later stages in the light of developments. In these circumstances the weight to be accorded to public confidence must be less than if the Tribunal were anxious about its ability to achieve its fundamental objective or if a grant of anonymity were irreversible.
117. So far as the reasonable fears of the Applicants and the objective degree of danger are concerned, the fear has been variously described by the Tribunal as “genuine”, “reasonable” and “understandable”. The Tribunal was particularly concerned to engage the assistance of the Ministry of Defence and the Security Services in relation to the degree of danger. The information was that the threat assessment had moved up from “moderate” to “significant” since the purported grant of partial immunity and that, of the five groups considered in the context of significant risk, soldiers who fired live rounds on Bloody Sunday were considered to be at the greatest risk. The Tribunal accepted (paragraph 27) that identified soldiers are at greater risk than unidentified soldiers.
118. The approach of the Tribunal to the Widgery Assurance is put on alternative bases. On the one hand, it concluded that the present Inquiry is a “compelling and unforeseen circumstance” as a result of which the Widgery Assurance “falls away” (paragraph 18). In this context it considered that its ability to restore confidence would be undermined unless it could form a “completely wholly independent judgment”, that is a judgment uninfluenced by the Widgery Inquiry or anything arising from it. On the other hand, it considered that if the present Inquiry is not “a compelling and unforeseen circumstance”, then the Widgery assurance is a factor to be weighed in the balance, in which case it is “an important consideration” but not a “compelling countervailing one”. It seems to me that there is difficulty about the first of the bases. It is implicit in the judgments of the Divisional Court and of Lord Woolf MR in the previous application that the Widgery Assurance had to be taken into account by the present Tribunal. It had not expired. It continued to be an integral part of such security as the soldier witnesses have. It does not bind the present Tribunal but, in the words of the Master of the Rolls (Transcript p. 27C), “they cannot ignore it because it is a relevant matter”. In my judgment, the reality is that they were

bound to consider and weigh it. Having done so, they rightly concluded that it was “an important consideration”.

119. The Tribunal adverted to the fact that a grant of anonymity at this stage might be reconsidered at a later stage. It seems from the wording of paragraph 31 that they had in mind the later stage of the eventual Report but they do not there refer to the possibility of reconsideration in the course of the evidence should circumstances justify it. The conclusion of the Tribunal was that the availability of later reconsideration “would in our view derogate for no good or sufficient reason from our duty not only to report what we believe to be the truth but also to conduct an open and public investigation “. (paragraph31).
120. The Tribunal described its task in coming to a judgement on the issue of anonymity as “very difficult”. It stated (paragraph 23):

“... we have considered with the greatest care that we can muster all the written and oral submissions made to us. On the one side is our duty to carry out a public investigation; on the other the understandable fears for their personal safety and that of their families, which we accept that the soldiers have... The conclusion that we have reached is there is in fact no way of satisfactorily reconciling the two considerations; and that the one must give way to the other. After the most anxious consideration we have concluded that on the basis of the material presently before us our duty to carry out a public investigation overrides the concerns of the soldiers and does so even if the Widgery assurance continues to apply; and that accordingly the present applications of the soldiers must fail. However, ... we shall consider further the question of anonymity if it is suggested that there are special reasons in and particular cases why we should do so.”

121. In considering this application for Judicial Review of the Tribunal’s decision, I start from the position described by Lord Woolf MR in relation to the previous application (transcript, page 13):

“Tribunals such as this often have the most difficult task to perform. They are set up without guidance as to the precise procedures which they have to follow. They have to work out that procedure for themselves. They will inevitably know much more about the problems of the particular area into which they have to enquire than can be known by a supervising court, such as the Crown Office Judge or the Divisional Court on an application for judicial review. Tribunals are entitled to determine their procedure for themselves. The courts should only interfere when there is some very good reason for them to do so.”

122. At the same time, one has to have regard to the fact that the Applicants are seeking to enlist the intervention of the court in circumstances where their fundamental human rights are under threat, in particular the right to life and, to some extent, the right to respect for family life. There is no doubt that this is an “anxious scrutiny” case and I reiterate my agreement with what Roch LJ has said in his judgment about the correct approach to such cases and the formulated question which he has identified as the one which we must address.
123. Reduced to its bare essentials, the decision of the Tribunal is that, although a grant of anonymity would be unlikely to impede the Tribunal in the attainment of its fundamental objective of finding out the truth about Bloody Sunday, it ought to be refused because of the interests of open justice and the maintenance of public confidence, notwithstanding the risks to the personal safety of the Applicants and their families. In reaching this decision the Tribunal must have considered that the particular interests of open justice and the particular fragility of public confidence were of such magnitude as to outweigh the fundamental human rights of the Applicants. I have come to the conclusion that such a decision was unreasonable and incapable of justification, notwithstanding the eminence of those who made it. My reasons for this are as follows:
1. The particular aspect of open justice from which anonymity would be a derogation is not its most important aspect, especially in an inquisitorial context in which the Tribunal does not consider that it would be impeded in its task of discovering the truth.
 2. If circumstances should arise during the evidence which call for a reconsideration of anonymity in the light of evidential developments and the need to find the truth, then the question could be reconsidered; likewise if there arose in relation to any particular Applicant a public interest need to name him in the Report.
 3. Although the Tribunal adverted to the possibility of reconsideration in relation to the contents of the Report, it does not seem to have done so in relation to evidential developments.
 4. Once the ability to reconsider is acknowledged, one has to ask: just what facet of open justice and public confidence would be undermined by a grant of anonymity at this stage? If the Tribunal considers it likely that after a public hearing it will be able to find the truth about Bloody Sunday, with or without a reconsideration of anonymity during the evidence, it cannot be the view of the Tribunal that the main functions

of open justice are under threat. I accept that the Tribunal was entitled to have regard also to the perceptions of the families of the deceased and wounded when considering public confidence, even if those perceptions concerning this Tribunal are objectively unjustified or erroneous. However, the weight to be attached to such perceptions must surely vary with the degree to which the Tribunal considers them reasonable and justifiable. If it is confident in its fact finding potential and mindful of its ability to reconsider anonymity in the light of future developments, I do not consider that it can be Wednesbury reasonable to elevate the perceptions of other interested parties above the fundamental human rights of the Applicants. The consequences of a refusal of anonymity are potentially devastating for those rights and irreversibly so. A grant of anonymity, on the other hand, need not be permanent.

124. In my judgment, to the extent that the Tribunal did not approach or rationalise its decision on anonymity in this way, it cannot be said to be a reasonable decision. That, it seems to me, is a sufficient basis to allow this application for Judicial Review. However, I am also troubled by another aspect of the case. The Tribunal made it clear in paragraph 22 of the decision that it was acceding to a submission made on behalf of the families that the Tribunal should concentrate on “what we perceive to be the degree of danger if the soldiers’ names are revealed”. No doubt the Tribunal was entitled to take that view. What troubles me, is that the decision does not proceed to quantify that degree of danger save, and with a degree of circularity, by concluding that it was insufficient to outweigh the interests of open justice and public confidence. In fact, the Tribunal had sought and had been provided with a great deal of material by the Ministry of Defence. It is submitted by Mr Burnett QC on behalf of the Ministry of Defence that, in round terms, the Tribunal simply did not do justice to the Ministry of Defence material. In my judgment there is considerable force in this submission and I agree with what Roch LJ has said about it.
125. At the commencement of his submissions, Mr Clarke QC suggested that if we were to conclude that the May decision is unreasonable and unjustified we would effectively be saying that the only reasonable decision open to the Tribunal is to permit anonymity at this stage. If that is correct, and it may well be, we should not shirk it. The fact that a question admits of two or more answers does not necessarily mean that, in particular circumstances, there is more than one reasonable answer.
126. I would quash the decision of the Tribunal in the manner indicated by Roch LJ.

127. In conclusion, I wish to add that I yield to no one in my sympathy towards the families of the deceased and the wounded. They are entitled to be reasonably satisfied that Lord Saville's distinguished Tribunal will conduct a rigorous public investigation so as to discover and report on the truth about Bloody Sunday. However, I am convinced that such proper expectations cannot reasonably be said to be imperilled by anonymity for the Applicants at this stage.

MR JUSTICE HOOPER:

128. I adopt with gratitude the summary of the facts by Roch LJ. I give my reasons for reaching different conclusions to those of Roch LJ and Maurice Kay J.

The Law

129. This Court may only interfere with a decision of the kind with which this case is concerned if, in the absence of procedural unfairness, the decision maker has made an error of law, has taken into account matters which he ought not to have taken into account, has not taken into account matters which he ought to have taken into account or, in the words of Sir Thomas Bingham MR in R v Ministry of Defence ex parte Smith [1997] QB 517 at 554, has reached a decision which is "unreasonable in the sense that it is beyond the range of responses open to a reasonable decision-maker".
130. It is not suggested that there was any procedural unfairness. Whereas the decision by Lord Widgery CJ to grant anonymity was, it appears, reached without having sought or received any representations from the families, those involved before this Tribunal have been given every opportunity to make representations, both written and oral. Nor is there any suggestion that the Tribunal has misdirected itself as to the law.
131. It is not disputed that a decision to refuse anonymity may (at the least) imperil not only the life of a soldier but also that of his family. In those circumstances, the Court must give the "most anxious scrutiny" to the decision. See R v Home Secretary ex parte Bugdaycay [1987] AC 514 at 531 and 537. Whereas, normally, the court will only interfere if it is satisfied that the decision is unreasonable, "[t]he more substantial the interference with human rights, the more the court will require by way of justification before it is satisfied that the decision is reasonable", in the sense that it is beyond the range of responses open to a reasonable decision-maker (Smith, page 554). I see very little, if any, difference between this test and the general test being proposed by Sir Sydney Kentridge and set out by my Lord, Roch LJ.

132. It follows that, in my judgment, the question that this Court has to answer can be expressed in the following way:

“Given that the decision to refuse anonymity may (at the least) imperil life or liberty, is the court satisfied that the Tribunal’s decision is reasonable in the sense that it is within the range of responses open to a reasonable decision-maker?”

133. In effect the burden is on those who seek to uphold the decision (see *Judicial Review of Administrative Action*, de Smith, Woolf and Jowell, 5th Ed., First Supplement, paragraph 13-060). The greater the risk to life and liberty the more the Court will require by way of justification and the more anxious scrutiny it must give.

134. In answering that question it is important to bear in mind the words of Lord Woolf, MR, when this matter was previously before the Court of Appeal (Transcript page 13):

“Tribunals such as this often have the most difficult task to perform. They are set up without guidance as to the precise procedures which they have to follow. They have to work out that procedure for themselves. They will inevitably know much more about the problems of the particular area into which they have to enquire than can be known by a supervising court, such as the Crown Office Judge or the Divisional Court on an application for judicial review. Tribunals are entitled to determine their procedure for themselves. The courts should only interfere when there is some very good reason for them to do so.”

135. This Tribunal is not only chaired by Lord Saville, but he is assisted uniquely by two retired judges from the Commonwealth. It can, in one sense, properly be described as an international tribunal. There can also be no doubt that the Tribunal gave the most anxious consideration to the issue which it had to resolve (see, for example, paragraph 23). By the time it made the ruling now under review the Tribunal had had over a year in which to familiarise itself with the background to the enquiry. The Tribunal was in a position, for example, to describe as “responsible” the substantial body of public opinion to the effect that the Widgery Enquiry “so far from restoring public confidence” had “compounded the crisis” (paragraph 19). Counsel for the families explained to us the procedures adopted in the Widgery Enquiry which would, in their submission, not have restored public confidence.

136. In this case Mr Clarke QC, on behalf of the tribunal, supported by counsel for the families has submitted that the decision is one within the range of responses open to a reasonable decision maker. Sir Sydney Kentridge submits that the decision reached was one which, on the evidence before it and against the history of this matter, is one which was beyond the range of responses open to a reasonable decision maker. The Tribunal, he said, should have granted anonymity to those who fired live rounds, at least at the present stage. He does not invite this Court to send the matter back for further consideration.

137. ***The balancing exercise-general observations***

138. Mr Burnett submitted that the decision of the Tribunal was one that was “unique in the annals of British justice”, a phrase about which Mr Harvey QC made complaint. Although Sir Sydney Kentridge did not use those word, the effect of his submissions was to convey to me, at least, a similar message.

139. Although the decision of this Tribunal may appear to many to be “unique”, these kind of decisions are made day in and day out, particularly in criminal trials. In deciding whether or not to grant anonymity or whether to make restrictions on what may be published, courts have to undertake a balancing exercise. (For an example of the balancing exercise being carried out in quite another context, see R v. Chief Constable of the North Wales Police and others, ex parte AB and another [1998] 3 All ER 310.)

140. The tribunal in this case had to weigh up various competing factors or considerations in deciding whether or not to grant anonymity:

1. The risk to a soldier and his family of not granting anonymity (“the risk factor”);
2. The necessity to find the truth about Bloody Sunday described by the Tribunal as a “fundamental objective” (paragraph 11);
3. The requirement of “open justice” (“the open justice factor”).

141. In many criminal trials courts have to balance similar competing factors, albeit that the second would normally be described in terms of achieving a fair trial.

142. In criminal trials the open justice factor may take precedence over the first, however great the risk. A person who has been charged and is either awaiting trial or being tried may have a strong argument for saying that his life is at serious risk should his identity become known. It is clear, however, that a Court cannot make an order on these grounds

for maintaining the anonymity of the defendant, see for example R v. Newtownabbey Magistrates Court ex parte Belfast Telegraph Newspapers Limited [1997] TLR at 476 (Queen's Bench Division (Crown Side) of the High Court in Northern Ireland). In deciding not to grant anonymity to a defendant the Court is protecting "open justice".

143. As Lord Diplock said in Attorney-General v. Leveller Magazine Limited [1979] AC 440 at pages 449H:

"As a general rule the English system of administering justice does require that it be done in public: Scott v. Scott [1913] AC 417. If the way that courts behave cannot be hidden from the public ear and eye this provides a safeguard against judicial arbitrariness or idiosyncrasy and maintains the public confidence in the administration of justice. The application of this principle of open justice has two aspects: as respects proceedings in the court itself it requires that they should be held in open court to which the press and public are admitted and that, in criminal cases at any rate, all evidence communicated to the court is communicated publicly. As respects the publication to a wider public of fair and accurate reports of proceedings that have taken place in court the principle requires that nothing should be done to discourage this."

144. Such is the importance attached to open justice in criminal cases that there is a specific right to appeal against an order of the Crown Court derogating from the principle of open justice, a right which the media exercise from time to time and often successfully (see Blackstone's Criminal Practice 1999 paragraph D2.56).

145. In criminal trials a party, more usually the prosecution, may seek an order that a witness should remain anonymous. There are many witnesses who have a realistic prospect of serious injury if not death should they give evidence. These include "super grasses" and "participating informants". Only very rarely, if at all, will they be granted anonymity. In paragraph 40 of its submissions to the Tribunal dated 15th April 1999 the Ministry of Defence wrote this:

"As Lord Gifford QC remarks, in paragraph 15 of his submissions of 3 December 1998 on behalf of the Wray family [Volume 1/223]:

'even at the height of the Troubles, the principle of public justice [in Northern Ireland] was largely observed.'

146. There is some truth in this proposition, despite the IRA's having murdered two judges (Judge Doyle in 1983 and Lord Justice Gibson in 1987), and it may go a long way to accounting for the reasons why soldiers who have been prosecuted for murder and the like have not been traced, tracked down and killed by republican terrorists."

147. Mr Clarke referred us to the decision of the Court of Appeal of New Zealand in R v Hughes [1986] 2 NZLR 129. In particular he referred us to passages in the judgment of Somers J, a member of this Tribunal. He said (page 155) that it can hardly be doubted that as a general rule a witness must give his true name, address and occupation. There is no suggestion that, in this case, anything other than the name should be disclosed. He went on to say:

"There is more than one reason for this. First, it is an important element in the open administration of justice. The public interest requires, and the law normally demands, that the whole of a trial is open to public scrutiny." (at page 155)

148. He went on to give other reasons which relate to a defendant's right to "a fair trial".

149. ***The necessity to find truth***

150. As to three numbered factors to which I have made reference, the second may be dealt with shortly. In paragraph 12 of its ruling of 21st May the Tribunal wrote:

"It is of course correct to bear in mind (as we said in December) that it is unlikely that the Tribunal would be hampered in its objective of finding the truth about Bloody Sunday by granting anonymity (since the Tribunal is an inquisitorial body and would itself know the identity of the witnesses) ..."

151. In its earlier observations of 24th July, to which Roch LJ has already referred, the tribunal said that "we think that there are likely to be circumstances in which granting anonymity will positively help us in our search for the truth". The fact that the Tribunal would not be so hampered does not, as the Tribunal said: "really take the matter much further forward" (paragraph 12). It also bore in mind the real possibility that, at least in some cases, "anonymity would have the effect of encouraging greater candour". However: "... this factor, alone or taken with others, is not sufficient to override our duty to carry out a public investigation" (paragraph 34).

152. *The open justice factor*

153. The Tribunal said about this:

“It regards itself as under a duty to carry out its public investigative function in a way that demonstrates to all concerned that it is engaged in a thorough, open and complete search for the truth about Bloody Sunday.” (paragraph 11)

154. These words reflect the terms of the letter sent out by the Tribunal on 22nd March 1999 to those involved.

“The Tribunal regards it as its duty to carry out its public investigative function in a way that demonstrates to all concerned that it is engaged in a thorough, open and complete search for the truth about Bloody Sunday and that this *prima facie* involves the giving of evidence by all witnesses under their proper name. The Tribunal may well have to balance this consideration against competing considerations relating to the security of the relevant soldiers. But the Tribunal would like to know whether you contend that the Tribunal has misunderstood its duty and, if so, to explain why.”
(2/408)

155. No such representations were made. As the Tribunal said:

“All interested parties accept the existence of this duty, which [in the mind of the Tribunal] stems ... from the more fundamental principle of open justice in a democratic society.” (Paragraph 11)

156. With all respect to Sir Sydney Kentridge and Mr Burnett, their criticisms of the manner in which the duty was articulated and of the alleged failure to describe in more detail what the duty was, overlooks not only the obvious importance of the duty but the fact that its existence and ambit were not in dispute. It is, in these circumstances, not necessary for me to rehearse the arguments for the need for “open justice” put forward by counsel who opposed these applications. What was in dispute was how that consideration should be balanced against the competing consideration “risk to the soldiers”. On behalf of the applicants it is submitted that no reasonable decision-maker could resolve the balancing exercise, on the facts of this case, other than by coming down against “open justice”.

157. The Tribunal described this duty as the “duty laid on the Tribunal as to the manner in which it should seek” its fundamental objective, namely the finding of the truth about Bloody Sunday. (paragraph 12)

158. Sir Sydney Kentridge and Mr Burnett stressed the fundamental objective and submitted rightly that the fundamental objective, seen as the finding of the truth, could be achieved with the witnesses remaining anonymous. However, the finding of what the Tribunal believes to be the truth is a finding which, to be accepted must, according to the Tribunal, be the result of an “open” search for the truth, as well as a “thorough” and “complete” search. The Tribunal stressed the need to restore public confidence where a crisis in public confidence had occurred:

“Indeed, there is a substantial body of responsible public opinion to the effect that the Widgery Inquiry, so far from restoring public confidence, compounded the crisis. We consider that our ability to restore confidence will be undermined unless” (Emphasis added, paragraph 19)

159. Having defined the duty on the Tribunal as to the manner in which it should seek its objective, the Tribunal went on to say:

“... the existence of this duty entails that in the absence of compelling countervailing factors, those who give evidence to the Tribunal should do so under their proper names...” (paragraph 12)

160. In a later passage the Tribunal said that the conduct of the soldiers who fired live rounds was “at the very heart of this enquiry”:

“It is that loss of life that we are publicly investigating. To conceal the identity of those soldiers would, as it seems to us, to make particularly significant inroads on the public nature of the Inquiry.” (Paragraph 28)

161. The Tribunal also said:

“... it is not open justice that needs to be justified, but rather any departure from open justice. If justice cannot be done if it is open or if there are other matters that mean that open, justice would cause a greater injustice, then of course a departure would be justified, for these would be compelling countervailing factors.” (Paragraph 13)

162. When the Tribunal came to consider an RUC application for anonymity in respect of three officers it found “compelling countervailing factors ... sufficient to displace our duty as we have described it.” (Paragraph 39)

163. Sir Sydney Kentridge submits that the Tribunal was wrong to conclude that any departure from open justice had to be justified. He points to a passage in the judgment of Otton LJ in the Court of Appeal referred to by the Tribunal in paragraph 13 of the decision. In my judgment the approach adopted by the Tribunal is consistent with the approach generally adopted when issues of this kind have to be decided. I see no reason why the fact that the Tribunal is conducting an inquiry under the 1921 Act should alter that position. As the Tribunal said:

“The Tribunal must conduct what Lord Justice Salmon described in his Report (1966 Cmnd 3121 at paragraph 28) as a ‘public investigation’” (Paragraph 12)

164. ***The risk factor***

165. Having described in paragraph 21 the “basic submission” made on behalf of the soldiers and the increase in the level of threat from moderate to significant, in paragraph 22 the Tribunal went on to conclude that “the soldiers have grounds for their assertion that they have genuine and reasonable fears.” In paragraph 23 it referred to the understandable fears of the families for their safety.

166. The Tribunal then said that it should concentrate on “what we perceive to be the degree of danger if the soldiers’ names are revealed.” It concluded paragraph 22 with these words:

“... the greater the danger the more compelling this factor becomes in the balancing exercise we have to perform.”

167. As Roch LJ said in argument, what is being referred to in that passage is the “reality” of danger.
168. There can, in my judgment, be no proper criticism of this approach. The recognition that “the greater the danger the more compelling becomes this factor” reflects the requirement of “anxious scrutiny” in judicial review applications of this kind.
169. The Tribunal made it clear that it appreciated that “the removal of anonymity is permanent” and “that it is possible that in the future the threat to the soldiers may increase” although “whether this will happen is necessarily speculative” (paragraph 24). In paragraph 20 a similar point had been made:

"Of course no one knows what the future may hold, and the bad days may return, but whether or not they will is at best a matter of speculation."

170. In paragraph 25, the Tribunal summarised, accurately in my view, the threat assessment. I shall not repeat that summary to which Roch LJ has already referred in his judgment. In paragraph 26 the Tribunal made the obvious but important point that "identified soldiers are in greater danger than unidentified soldiers."

171. The Tribunal considered the position of what it described as the "generality of soldiers", that is, those soldiers who did not fire live rounds. As to this "generality", the Tribunal stated:

"... it seems to us that since there must be many soldiers or ex-soldiers whose names have been publicised or whose identities could readily be discovered ... the danger created by identifying soldiers is one that is borne ... by hundreds, if not thousands, of serving or former soldiers ..." (Paragraph 27)

172. As to those who fired live rounds, they stand out "significantly" from the "generality of soldiers" (paragraph 27). The Tribunal wrote:

"As a group they are assessed as more attractive targets than the generality of soldiers and thus face a higher likelihood of terrorist attack if they were identified, but this increased threat is not considered sufficient, at least at present, to move them from the 'significant' to a higher category." (Paragraph 28)

173. In paragraph 29 the Tribunal wrote:

"There is a further consideration that it seems to us we can properly take into account. Immediately after Bloody Sunday, as we have already noted, a reprisal attack was carried out on the Aldershot Barracks of the Parachute Regiment. After this, and with the possible exception of General Ford, there is (at least on the material before us) no evidence to suggest that over the following 27 years any of the soldiers involved in Bloody Sunday has been the subject of attacks for that reason, though of course large numbers of soldiers (and civilians) have been attacked and killed or injured. The names of a number of soldiers involved in Bloody Sunday are known (though not necessarily any of those who fired live rounds), or could have been identified without undue difficulty from public records, so that on any view the general anonymity of the

soldiers does not provide a full explanation for the fact that (with the possible exception noted above) none of them has been the subject of an attack because of involvement in Bloody Sunday. Of course we appreciate that some at least of those whose names are or could be known may have been taking special precautions, but the fact of the matter is that (so far as we are presently aware) the danger they have been under as the result of Bloody Sunday has not resulted in any deaths or injuries.”

174. *The balancing exercise as carried out by the Tribunal: “risk factor” v. “open justice factor”*

- 175.** In paragraph 22 the Tribunal posed the question it considered that it had to answer: namely, whether the grounds put forward by the applicants for retaining anonymity:

“... amount to such a compelling countervailing factor that it would be right for us to depart from our duty...”

- 176.** I have already pointed out that the Tribunal appreciated that “the greater the danger the more compelling becomes this factor”.

- 177.** The Tribunal concluded that there was “no way of satisfactorily reconciling the two considerations” and that:

“After the most anxious consideration we have concluded that on the basis of the material presently before us our duty to carry out a public investigation overrides the concerns of the soldiers...” (Paragraph 23)

- 178.** It retained the right to:

“... consider further the question of anonymity if it is suggested that there are special reasons in any particular cases why we should do so” (Paragraph 23).

It said:

“... consideration of individual circumstances may lead to the conclusion that in particular cases the danger is greater, and if that is so then of course we shall reconsider the question...” (Paragraph 30)

- 179.** We were told that it is anticipated that a number of soldiers who fired live rounds are making such applications.

180. As to the “generality” of soldiers, the Tribunal concluded that, in the light of its conclusions that “the danger created by identifying soldiers is one that is borne by hundreds, if not thousands, of serving or former soldiers” and was not such as to override its duty to conduct a public investigation. (Paragraph 27)

181. As to the soldiers who fired live rounds, the Tribunal wrote:

“This after all is an Inquiry into events in which people lost their lives and were wounded by British army gunfire on the streets of a city in the United Kingdom. To withhold the names of those in the army who were concerned with that event must detract from an open search for the truth about what happened; and must need justification of an overriding kind.” (Paragraph 12)

182. In the passage cited from paragraph 28, the Tribunal concluded that these soldiers are more attractive targets than the generality of soldiers and thus face a higher likelihood of terrorist attack if they were identified and that “this increased threat is not considered sufficient, at least at present, to move them from a ‘significant’ to a higher category”. The Tribunal concluded:

“On the basis of the general assessment , we have concluded that the danger to soldiers who fired live rounds on Bloody Sunday does not outweigh or qualify our duty to conduct a public open enquiry”. (Paragraph 28) (Emphasis added)

183. The “general assessment” is the threat assessment which the Tribunal had earlier summarised.

184. The Tribunal considered whether to delay any decision about anonymity until the report stage. It said, as to this:

“We have considered whether it would be appropriate to grant anonymity at the present stage, whilst reserving the right to reconsider the position when we came to make our report. In this connection it is accepted that if we were to conclude that any particular soldier was at fault, that consideration would be a relevant factor to take into account in deciding whether or not to withdraw anonymity from that soldier. We have decided not to take that course, for to do so would in our view derogate for no good or sufficient reason from our duty not only to report what we believe to be the truth, but also to conduct an open and public investigation.” (Paragraph 31)

185. The Tribunal also considered the particular position of Soldier “H”:

“A further point was advanced by Sir Allan Green QC, Counsel for Soldier “H”. This was based on the fact that at the previous Inquiry the justification given by this soldier for firing a large number of rounds was expressly disbelieved by Lord Widgery and that the account given by this soldier, which in a recent affidavit he has maintained is the truth, has been the subject of extremely unfavourable comment in a number of published works about the Widgery Inquiry. It is suggested that these circumstances make Soldier “H”, were his name to be revealed, particularly vulnerable.”

“We are not persuaded by this submission. It seems to us to be speculative, especially in view of the fact that accusations of serious wrongdoing have been made against all or virtually all the soldiers who fired live rounds. On the material presently before us, we would not regard the danger to Soldier “H” as being in a significantly different category from that of the other soldiers who fired live rounds.” (Paragraphs 32 and 33)

186. ***Is the conclusion of the Tribunal that the “risk factor” is outweighed by the “open justice factor” within the range of responses open to a reasonable decision maker?***

187. The principal submissions made on behalf of the applicants (other than those which I have already considered) can, I hope, fairly be summarised in the following way:

1. Having concluded in its first decision that its duty to ensure “open justice” could be met by the soldiers using only their surnames (absent any special circumstances) and thus ensuring as far as possible that those who fired live rounds would not be traced, it was irrational to reach a conclusion that anonymity should be lost.
2. No proper weight was given to the Widgery assurance.
3. The Tribunal failed to take into account or attached insufficient weight to the evidence put forward by the Ministry of Defence.
4. In all the circumstances, there is only one answer to the question posed by the Tribunal: “The risk factor in this case must, at least at this stage of the proceedings, outweigh the open justice factor.”

188. As to that first submission, Mr Clarke submits that the answer to that submission may be found particularly in paragraph 23 of the May ruling. In that paragraph, the Tribunal explained that it had attempted in its December ruling:

“... to square the circle by suggesting that those who had the greatest reason to fear reprisals (the soldiers who fired live rounds on Bloody Sunday) could give their surnames only ... but this attempt has failed ... No one now suggests that this is an appropriate solution. The conclusion that we have reached is there is in fact no way of satisfactorily reconciling the two considerations; and that the one must give way to the other.”

189. In my judgment, that is a complete answer to this first submission. In performing the balancing exercise in its December ruling the Tribunal found a solution which, in its view, balanced the two factors: “open justice” and “risk”. If that solution is no longer open to it and there is no way of satisfactorily reconciling the two factors, then it cannot become irrational simply because the Tribunal reached a different conclusion. Nor do I find any merit in the argument that, given that the security assessment had changed from “moderate” to “significant”, that this, in some way, automatically must make the conclusion irrational because of the previous ruling. There remains the argument, of course, that it was unreasonable to decide that the open justice factor overrides the risk factor. That argument, in my judgment, receives no support from the fact that the Tribunal had achieved a balance which later turned out to be insupportable. I shall return to that argument under heading 4.
190. I turn to the second submission. In paragraphs 15-20 the Tribunal considered whether the Widgery assurance, as it has become known, was a compelling countervailing factor to “open justice”. There is no dispute that the assurance cannot bind subsequent courts or tribunals charged with investigating the events of that day. We were told that the matter would probably have to have been considered in civil proceedings brought by the families, but for the fact that they were settled. Notwithstanding the conclusion in the Widgery Report, for example, that shots fired at four men “were fired without justification”, that in the case of one soldier 19 out of the 22 shots “were wholly unaccounted for” and that in one area “firing bordered on the reckless” (1/124 and 134), no-one was prosecuted. If a soldier or soldiers had been prosecuted then the issue of anonymity would have had to be resolved and it is likely that it would have been resolved against any defendant. The assurance was therefore of a limited kind. Nonetheless it can properly be said that the soldiers have had the benefit of it since 1972. Furthermore, if the soldiers are required to give evidence other than anonymously, then the statements made by them for the purposes of the Widgery Enquiry will lose their anonymity.

191. The Tribunal concluded that “our ability to restore confidence” “will be undermined, unless we can form a wholly independent judgment, based on the facts before us, on the question of anonymity” (paragraph 19). Assuming that this was contrary to what Lord Woolf MR said in the Court of Appeal (2/446), the Tribunal reached the conclusion that the assurance was not “a compelling countervailing factor” for the reasons it gave (paragraph 20). In my judgment, that conclusion is one that the Tribunal was reasonably entitled to reach and there is no merit in this submission.
192. I turn to the third submission. Sir Sydney Kentridge and Mr Burnett submit that the Tribunal failed to take sufficiently into account the Ministry of Defence material. It is not necessary for a decision-maker to summarise all the evidence. It cannot be argued that the Tribunal did not consider the evidence simply because it did not refer to it. The Tribunal specifically mentioned the general threat assessment, as I have already shown. The Tribunal referred to the history of terrorist attacks in paragraph 29. As Mr Clarke submitted, the Tribunal was “entitled to (and ought to have) considered any evidence of terrorist attacks motivated by the events of Bloody Sunday, and conversely the lack of any such evidence” (paragraph 61 of his Skeleton Argument).
193. It is submitted that the Tribunal was requiring concrete evidence of threats against the soldiers. I do not accept this submission.
194. The Tribunal is criticised for not, it is said, having calculated “the degree of danger” to which the soldiers who had fired live rounds would be subject so as to decide whether it outweighed the open justice factor, as I have called it. The threat assessment described the general threat of reprisals in Great Britain as, at that time, “significant” and, as the Tribunal reminded itself, the soldiers who fired live rounds were obviously more attractive targets than the other categories of soldiers (paragraphs 26 and 28). Consideration of individual circumstances may lead, as the Tribunal said, to the conclusion that in particular cases the danger is greater (paragraph 30). The thrust of the MOD’s submission before the Tribunal as to danger may be found in paragraph 41 of the submissions and in its conclusions:

“During the hearings of the Inquiry some of the soldiers will face grave accusations. The Ministry of Defence believes that there is a real danger that these men, if named, will be identified as potential targets whatever the outcome of the Inquiry, and that terrorists may feel justified in taking retributive action of their own if, for whatever reason, the men against whom the most serious allegations are made are not charged

with criminal offences. The Tribunal's deliberations, which are likely to extend over many months, will cause intense public interest. The risks to those perceived by terrorists to have been directly or indirectly responsible for the loss of life on Bloody Sunday [described in the next paragraph as 'unique'] will rise as a result of the increased attention which those events will receive." (2/506A)

195. The reference to those who "are not charged" has to be understood against the contents of paragraph 39 of the submissions in which reference is made to the apparent absence of reprisals against soldiers who have been tried on serious charges arising out of their service in Northern Ireland. Those who have been tried have been "subject to the due process of law", which may, according to the Ministry of Defence, explain the apparent absence of reprisals.

196. In its conclusions the Ministry of Defence wrote that:

"a. There remains a threat to members of the security forces from republican terrorism. It has increased since the Tribunal's last consideration of the issue.

b. That threat is far greater when the soldiers, past or present, have been involved in incidents of exceptional controversy. Soldiers who were involved in Bloody Sunday, and especially those who fired shots, if identified, would be exposed to a significant risk of attack by republican terrorists."

197. Summarising these submissions, the Tribunal is being told by the Ministry of Defence that terrorists may feel justified in taking retributive action of their own if, for whatever reason, the men against whom the most serious allegations are made are not charged with criminal offences, particularly in the light of the unique character of Bloody Sunday and that soldiers who were involved in Bloody Sunday, and especially those who fired shots, would, if identified, be exposed to a significant risk.

198. The Tribunal made it clear that it was concerned with the "degree of danger" to which the soldiers would be exposed if they were identified (paragraph 22). It noted that all former soldiers fall within the "significant category" so all are "priority targets", that the applicants were "more attractive targets" and "face a higher likelihood of terrorist attack if they were identified", but that "this increased threat is not considered sufficient, at least at present, to move them from the 'significant' to a higher category". It also, rightly in my judgment, took account of what is set out in paragraph 29.

199. This was, in my judgment a quite sufficient description and analysis of the danger in which the soldiers would find themselves for the purposes of carrying out the balancing exercise and the MOD submissions do not take the matter significantly further. In this context I agree with Mr Clarke that the case of Fernandez v. Government of Singapore and others [1971] 1 WLR 987 does not materially assist in the resolution of the issues before the court.
200. Although as the danger increases so must more weight be given to the risk factor, the practice in the criminal courts to which I have already referred both in England and, more importantly in Northern Ireland, shows that anonymity may not be granted even where risks are much higher than in this case.
201. I do not agree that the evidence of Mr Taylor (summarised by Roch LJ) to the effect that revealing his sources “would put lives at risk” adds anything of significance to the other material before the Tribunal.
202. Criticism is also made of the Tribunal’s failure to mention the fact that the hearings might well inspire renewed hostility. The Tribunal was conscious that things might change and, in any event, and as Mr Clarke submitted, this was an obvious point. I therefore reject the third submission.
203. I turn therefore to the fourth principal submission:
- “In all the circumstances, there is only one answer to the question posed by the Tribunal: “The risk factor in this case must, at least at this stage of the proceedings, outweigh the open justice factor.”
204. I shall start with that part of the ruling that relates to soldiers other than those who fired live rounds. The Ministry of Defence in its submissions supported anonymity for all soldiers who were to give evidence, but accepted that its arguments had greater force in respect of the soldiers who fired (2/488-489). Mr Burnett did not concede that these soldiers should not have anonymity but in very large measure the submissions were concerned with those who fired live rounds. In my judgment for the reasons particularly expressed in paragraph 27 of the ruling, I am satisfied that the ruling on anonymity in so far as it relates to these soldiers, is within the range of responses open to a reasonable decision maker.
205. Any soldier is entitled to make what the Tribunal described as a “special reason application.” Although the Tribunal does not specifically say so, I, for my part would think that this could include a reason why the balancing exercise in his case should come down

in favour of anonymity given, say, his very limited and uncontroversial role. As Mr Harvey said in argument, that is, in practice, often done in Northern Ireland by agreement between the court and the parties.

- 206.** I turn then to the soldiers who fired live rounds. It is submitted that the Tribunal laid too much emphasis on open justice. This is an inquisitorial Tribunal. There are to be no screens to protect the faces of these witnesses. They can be cross-examined. Truth can be ascertained without revealing identities. Anonymity can be lifted at the report stage for those found by the Tribunal to have acted wrongly. It follows, so it is submitted, given the danger to the soldiers, that the only rational conclusion was to maintain anonymity at this stage.
- 207.** I cannot agree. The Tribunal anxiously considered the matter at a time when it had had over a year to familiarise itself with the background to the enquiry. It came to the conclusion that open justice was more important than the other factors, including, particularly, the degree of danger to the soldiers from terrorists (not, I stress, from the families). There are many reasons for open justice. In its Ruling the Tribunal stressed the importance of there being public confidence in the work of this Tribunal (see the passage which I have already cited from the Leveller Magazine case). It highlighted the lack of confidence in the Widgery Enquiry. I, for my part sitting here in London, would be most reluctant to interfere with the conclusion of such a distinguished and “international” Tribunal investigating for the second time the deaths of citizens of this country many if not all of whom appear to have been unarmed. As the Tribunal said: “... accusations of serious wrongdoing have been made against all or virtually all the soldiers who fired live rounds” (paragraph 33). I certainly cannot describe the conclusion as irrational.
- 208.** I am satisfied therefore that these applications should be refused.

A2.46: Court of Appeal (Civil Division) (London, 28th July 1999): anonymity for soldiers (item 8 above)

[1999] EWCA Civ 3012

Case No: QBCOF 1999/0653/4

**In the Supreme Court of Judicature
On appeal from the Queen's Bench Division (Crown Office List)
(Lord Justice Roch and Maurice Kay and Hooper JJ)**

**Royal Courts of Justice
Strand, London, WC2A 2LL**

28th July 1999

**Before:
The Master of the Rolls
(Lord Woolf)
Lord Justice Robert Walker
Lord Justice Tuckey**

In the matter of an application for judicial review

Regina

-v-

**The Right Honourable Lord Saville of Newdigate
Sir Edward Somers
Mr Justice William Hoyt
(Sitting as the Saville Inquiry)
(Ex parte A and Ors)**

(Transcript of the handed down judgment of Smith Bernal Reporting Limited, 180 Fleet Street, London EC4. Telephone No: 0171 421 4040. Official Shorthand Writers to the Court)

Mr Christopher Clarke QC with Mr A Roxburgh and Mr J Grierson (instructed by Mr John Tate, Solicitor to the Inquiry, London SW1Y 4WG) appeared on behalf of the Appellant.

Sir Sydney Kentridge QC with Mr D Lloyd Jones QC and Mr M Bools and Miss M Gray (instructed by AD Lawton, Treasury Solicitor, London SW1H 9JS) appeared on behalf of the Respondents.

Mr Ian Burnett QC and Mr W Hoskins (instructed by the Treasury Solicitor, London SW1H 9JS) appeared on behalf of the Ministry of Defence as an interested party.

Mr J Coyle (instructed by Messrs Desmond J Doherty & Co, Derry BT48 7EP) appeared on behalf of the family of B McGuigan; MacDermott & McGurk on behalf of the family of A & W Nash; McCartney & Casey on behalf of the family of J Wray; and Madden and Finucane on behalf of most of the remainder of the deceased and injured.

Judgment

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Wednesday 28th July 1999

LORD WOOLF, MR:

1. This is the judgment of the court on an appeal from a decision of a majority of the Divisional Court (Roch LJ and Maurice Kay J, Hooper J dissenting).

The Background

2. The order of the Divisional Court, made on 17 June 1999, partially quashed a decision of the tribunal sitting as The Bloody Sunday Inquiry ("the Tribunal"). The Tribunal was established under the Tribunals of Inquiry (Evidence) Act 1921 ("the 1921 Act") following a statement made by the Prime Minister in the House of Commons on 29 January 1998, and a resolution adopted by both Houses of Parliament. The members of the Tribunal are the Rt Hon Lord Saville of Newdigate (a Lord of Appeal in Ordinary), the Rt Hon Sir Edward Somers (a retired judge of the Court of Appeal of New Zealand) and the Hon William L Hoyt (a former Chief Justice of the Supreme Court of New Brunswick).

3. The resolution establishing the Tribunal referred (following the language of s. 1(1) of the 1921 Act) to:

“a definite matter of urgent public importance, namely the events on Sunday, 30 January 1972 which led to the loss of life in connection with the procession in Londonderry on that day, taking account of any new information relevant to events on that day.”

4. In the course of those events, thirteen persons (none of them a member of the British armed forces) were shot and killed and at least that number were shot and wounded on the streets of Londonderry. 30 January 1972 has become known as ‘Bloody Sunday’. In the words of the written submission made to this court on behalf of the Tribunal,

“It is not in dispute that the majority, at least, of the casualties were the result of shooting by the British Army, but the circumstances of the shootings are, and always have been, acutely controversial. In broad terms, the Army version of events has been that soldiers fired only aimed shots at identified gunmen and nail and petrol bombers. The relatives of the dead and the injured, and many civilian witnesses, have maintained that the victims were innocent of any wrongdoing and that the shootings were unjustified and criminal.”

5. Immediately after this very grave incident both Houses of Parliament resolved to establish a tribunal of inquiry under the 1921 Act, and Lord Widgery, then the Lord Chief Justice of England and Wales, was appointed to conduct the inquiry. He held public hearings at Coleraine (which is about 30 miles from Londonderry) during February and March 1972, and later heard submissions in London. During the hearings in Coleraine, 114 witnesses gave oral evidence and were cross-examined. The witnesses fell (as Lord Widgery recorded in his report):

“into six main groups; priests; other people from Londonderry; press and television reporters, photographers, cameramen and sound recordists; soldiers, including the relevant officers; doctors, forensic experts and pathologists.”

6. Forty soldiers gave oral evidence to Lord Widgery. Five were senior officers who gave evidence under their own names, without making any application for anonymity. The others were permitted to identify themselves, and were referred to throughout the inquiry, by a system of code names. 28 soldiers admitted that they had fired live rounds on that day (rubber bullets were also fired) and 23 of them gave oral evidence; all these 28 were

designated by letters of the alphabet (“lettered soldiers”). Other soldiers who gave evidence or were referred to in evidence were designated by numbers (“numbered soldiers”).

7. The anonymity accorded to the lettered and numbered soldiers does not appear to have been regarded by Lord Widgery as particularly controversial. He stated in his report:

“Since it was obvious that by giving evidence soldiers and police officers might increase the dangers which they, and indeed their families, have to run, I agreed that they should appear before me under pseudonyms. This arrangement did not apply to the senior officers, who are well known in Northern Ireland. Except for the senior officers, the individual soldiers and police officers are referred to in my Report by the letter or number under which they gave evidence in the Tribunal.”

8. As a result of observations made when an earlier application was considered by this court, further enquiries have been made about the original grant of anonymity and an affidavit has been sworn by Lieutenant Colonel Overbury, who then held the post of Assistant Director Army Legal Services (ADALS1) and was closely involved in the Army’s preparations for Lord Widgery’s inquiry. Colonel Overbury makes clear that soldiers were ordered to give evidence.
9. Under s. 1(1) of the 1921 Act the Tribunal presided over by Lord Saville has all the powers of the High Court in respect of enforcing the attendance of witnesses and compelling the production of documents. Under s.2(a) the Tribunal “shall not refuse to allow the public or any portion of the public to be present unless in the opinion of the tribunal it is in the public interest expedient so to do for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given”.
10. Because of the way in which this matter has evolved, it is necessary to set out in some detail the course of the Tribunal’s proceedings since its establishment. The Tribunal delivered an opening statement in Londonderry on 3 April 1998. It has established an office in London and has instructed solicitors and counsel to the Tribunal. It has been engaged on the very onerous task of gathering and analysing documentary and written evidence (including films, sound recordings and still photographs), locating and interviewing witnesses (both civilian and military) and selecting and instructing expert witnesses. The Tribunal has also had to deal with various preliminary matters, including applications for anonymity. The public hearing was due to commence in September 1999 but has now been postponed.

11. The Tribunal held a preliminary hearing in Londonderry on 20 and 21 July 1998, having first circulated a memorandum listing and commenting on the matters to be addressed at the preliminary hearing. The memorandum covered representation of interested parties, documentary evidence and witness statements. Paragraphs 20, 21 and 22 dealt with applications for anonymity, for immunity from prosecution and for evidence to be heard in camera. Paragraph 20 was in the following terms:

“20.1 If any potential witness wishes to give evidence without revealing publicly his or her name and/or from behind a screen in order to conceal his or her face, an application should be made to the Tribunal in writing, explaining the reasons why this is considered necessary.

20.2 Each such application will be considered on its merits and, if anonymity is granted, the Tribunal will state the reasons in public.

20.3 If the interested parties have any general observations or submissions to make as to the circumstances in which such applications should or should not be granted, they are invited to do so in their written summaries.”

Paragraph 22 was in the following terms:

“22.1 It would only be in exceptional circumstances that the Tribunal would accede to an application by a witness or interested party for evidence to be given in camera. If the Tribunal were to accede to any such application, its reasons for doing so would be publicly stated.

22.2 The parties are again asked to set out in their written summaries any general submissions they may wish to make on this matter.”

12. On 24 July 1998 the Tribunal issued an 18 page document (“the preliminary ruling”) containing its rulings and observations on the matters raised at the preliminary hearing. The Tribunal rejected the suggestion that it should approach its task on the footing that the inquiry should be regarded as ordinary adversarial litigation between the families of the dead and the wounded (on the one hand) and the soldiers and the Ministry of Defence (on the other hand). The preliminary ruling quoted from the Report of the Royal Commission on Tribunals of Inquiry chaired by Lord Justice Salmon (1966, Cmnd 3121) and from a paper by Professor Walsh which was very critical of Lord Widgery’s inquiry. The Tribunal agreed with Professor Walsh’s general views on the function of an inquiry of this kind:

“The Tribunal of Inquiry by contrast is set up specifically to find the truth. It is expected to take a positive and primary role in searching out the truth as best it can. Certainly, it will seek the assistance of any interested party who has evidence to give or who has an interest in challenging the evidence offered by another party. It must be emphasised, however, that it is the Tribunal, and not the parties, which decides what witnesses will be called to give evidence. Indeed, strictly speaking there are no parties, no plaintiff and defendant, no prosecutor and accused, only an inquiry after the truth. It is the Tribunal which directs that inquiry. All the witnesses are the Tribunal’s witnesses, not the witnesses of the parties who wish them to be called. Whether any individual witness will be called is a matter for the Tribunal. Moreover, the Tribunal can be expected to act on its own initiative to seek out witnesses who may be able to assist in the quest for the truth. Ultimately, the task facing the Tribunal is to establish the truth, not to make a determination in favour of one party engaged in an adversarial contest with another.”

13. The preliminary ruling explained in some detail how the Tribunal intended to act on its own initiative - for instance in instructing experts in different fields, publishing both the instructions and the expert’s reports as they were received. It then addressed the issue of anonymity, noting that the Treasury Solicitor and the Ministry of Defence had already indicated that applications for anonymity were likely to be made on behalf of soldiers who had been serving in Londonderry on Bloody Sunday. The Tribunal’s observations on this issue in the preliminary ruling are of such importance that they must be set out at length.

“It should be remembered that there are various different forms of anonymity. Depending on the circumstances, it might be appropriate to allow a witness to give evidence without stating his or her name and address in public, or perhaps to give evidence from behind a screen in order to conceal his or her physical appearance. It might also be necessary to preserve the anonymity of individuals by substituting letters or numbers for names in witness statements and other documents.

Mr Treacy [counsel for a group of families and wounded] referred to us a number of authorities in this field, including *Scott v Scott* [1913] AC 417, *A - G v Leveller Magazine Ltd* [1979] AC 440 and *R v Murphy & Maguire* [1990] NI 306. He also annexed to his written submissions a copy of an article by Gilbert Marcus, “Secret Witnesses” (1990) PL 207. Mr Treacy argued that the granting of any form of anonymity was a very grave step that should only be taken if justified on compelling grounds.

In adversarial procedure, great importance is rightly attached to the principle of open justice. In particular, the courts require very strong grounds indeed before departing from the rule that a person charged with a criminal offence is entitled to know the identity of prosecution witnesses and to see them give their evidence. One of the reasons for this is to enable the opposing party to investigate and assess the credibility of those witnesses.

The position in relation to an Inquiry such as this one is, in our view, rather different. Nobody is being prosecuted before this Tribunal, nor is it our function to do justice between parties competing in an adversarial contest. Our task is to do justice by ascertaining, through an inquisitorial process, the truth about what happened on Bloody Sunday. The proper fulfilment of that task does not necessarily require that the identity of everyone who gives evidence to the Inquiry should be disclosed in public. The Tribunal will know the identity of all witnesses and, unlike a court, will itself take responsibility for investigating their credibility if there is reason to think that such an investigation is necessary.

Indeed we think that there are likely to be circumstances in which granting anonymity will positively help us in our search for the truth. Witnesses are unlikely to come forward and assist the Tribunal if they believe that by doing so they will put at risk their own safety or that of their families. Moreover it would be a mistake to suppose that the grant of anonymity would always operate to protect soldiers who are alleged to have been guilty of serious offences on Bloody Sunday. There may well be witnesses who wish to give evidence that is favourable to the interpretation of events for which the families and the wounded contend, but who will not co-operate with the Tribunal without assurances as to their anonymity. We are aware, for example, of certain television programmes in which people describing themselves as ex-soldiers present on Bloody Sunday have criticised the conduct of the Army on that day, but have done so anonymously, presumably for fear of reprisals by their former comrades.

Accordingly, we will be willing to grant an appropriate degree of anonymity in cases where in our view it is necessary in order to achieve our fundamental objective of finding the truth about Bloody Sunday. We will also be prepared to grant anonymity in cases where we are satisfied that those who seek it have genuine and reasonable fears as to the potential consequences of disclosure of their personal details, provided that the fundamental objective to which we have referred is not prejudiced. As to the degree of anonymity that is appropriate, our current view is that restricting the disclosure of names and addresses ought to be sufficient in most, if not all, cases. We would regard the use of a screen as a wholly exceptional measure.

The obligation nevertheless remains firmly on those who seek anonymity of any kind to justify their claim.”

14. Following on the preliminary ruling Mr Anthony Lawton, an Assistant Treasury Solicitor, applied by letter dated 2 September 1998 for anonymity on behalf of three lettered and four numbered soldiers, asking that:

“no information tending to disclose their identities, occupations, addresses or telephone numbers should be disclosed to any person other than members of the Tribunal and its staff.”

15. A similar application was made by the Ministry of Defence, by letter dated 23 October 1998, on behalf of soldiers not then represented before the Tribunal. Since then the number of the Treasury Solicitor’s clients (that is, those for whom the Treasury Solicitor is acting in the Tribunal) has grown considerably. It is a much larger number than the 17 applicants for judicial review for whom the Treasury Solicitor is acting in these proceedings. Of the 28 soldiers who admitted firing live rounds on Bloody Sunday, five have died. All but one of the remaining 23 have left the Army. Each of the 17 applicants is one of these 23 lettered soldiers. All but three of them were serving in the First Battalion of the Parachute Regiment.
16. The Tribunal notified the other interested parties of the soldiers’ applications for anonymity, and two rounds of written submissions and supplementary submissions were made to the Tribunal in November and early December 1998. The Tribunal also had a written threat assessment dated 22 October 1998 provided by the Security Service. It is convenient to note at this point that none of the soldiers has applied for his evidence to be heard in camera, or for it to be given from behind a screen. Nor have any of the objectors to anonymity suggested that any soldier or ex-soldier should be required to disclose his present address, telephone number or occupation. The controversy has been limited to the issue of disclosure of witnesses’ true names.
17. On 14 December 1998 the Tribunal decided to grant only a limited form of anonymity, and on 17 December it published a written statement of further rulings and observations on venue and anonymity. The Tribunal decided not to give any general permission for the military witnesses to give evidence in London (rather than Londonderry). The Tribunal stated its reasons as follows:

“Whatever the rights and wrongs of what occurred on Bloody Sunday, in our view the natural place to hold at least the bulk of the hearings is, in these circumstances, where the events in question occurred.

We have concluded on the information presently available to us that this factor, so far as the soldiers generally are concerned, outweighs personal convenience and the expenditure required to make appropriate security and accommodation arrangements.”

18. However the Tribunal recognised that changing circumstances or particular matters affecting individuals might call for reconsideration of this general conclusion.
19. The Tribunal’s statement then set out its decision on anonymity. Since that decision has been quashed by the Divisional Court on an earlier application for judicial review, it is not necessary to set out the decision and the stated reasons in detail. It is sufficient to summarise it as follows:
 - (a) The Tribunal did not accept that the grant of anonymity before Lord Widgery’s inquiry raised a presumption in favour of anonymity.
 - (b) The Tribunal accepted that the military witnesses’ fears of reprisals were both genuine and reasonable, but saw “no concrete evidence of a specific threat”.
 - (c) The Tribunal did not see anonymity as an encouragement to perjury : “there is a real possibility that it would, at least in some cases, have the opposite effect of encouraging greater candour.”
 - (d) The Tribunal saw weight in the argument that the families of the dead and the injured were entitled to know the names of those who accused the dead and injured of having been armed with firearms, nail-bombs or petrol-bombs; but regarded that factor as significantly offset by the inquisitorial nature of the proceedings.
 - (e) The Tribunal attached great weight “to another factor, which appears in the submissions only in the form of an argument that to grant anonymity would diminish public confidence in the Inquiry by creating the impression that the true facts are being concealed. We see the point of substance as being not the maintenance of public confidence as such, but rather the proper fulfilment of our public duty to ascertain what happened on Bloody Sunday ... we are satisfied that, if anonymity in the strict sense were to be allowed on a widespread or blanket basis, that would represent a material derogation from the Tribunal’s public investigative function.”

Essentially the same reasoning lies at the heart of the Tribunal's later decision which is now under review.

- (f) The Tribunal's decision was, subject to further applications based on particular circumstances, to grant to the lettered soldiers only a limited form of anonymity under which a witness's surname would be published (unless particularly unusual) but not his forenames.

20. On 5 February 1999 the Treasury Solicitor applied for leave to move for judicial review of the Tribunal's decision on anonymity. The application was made on behalf of four lettered soldiers (B,O,U and V). On 16 March 1999 the Divisional Court (Kennedy LJ and Owen and Blofeld JJ) unanimously quashed the decision and remitted it to the Tribunal for redetermination. The Divisional Court reached its conclusion on five grounds, the first of which was that the Tribunal had misunderstood the nature and extent of the anonymity granted by Lord Widgery in 1972. The judgment of the court concluded:

"We should however make it clear that we express no view whatsoever as to whether there should be any grant of anonymity of any kind. That is not our function. It is clear from the information before us that there are powerful arguments both ways. How those arguments should be resolved the Inquiry must decide."

21. The Divisional Court refused leave to appeal. The members of the Tribunal applied to this court for leave to appeal on one point only, that is the Tribunal's understanding of the grant of anonymity by Lord Widgery. The application was expedited and on 30 March 1999 this court (Lord Woolf MR and Otton and Ward LJ) granted permission to appeal but unanimously dismissed the appeal.

22. So the question of anonymity was remitted to the Tribunal for redetermination. The Tribunal had already (before the hearing in this court) written to the Treasury Solicitor (with copies to all interested parties) indicating that it would reconsider the whole question of anonymity "entirely afresh" and inviting further submissions, especially on particular issues identified in the letter. These included the issue of derogation from the Tribunal's public investigative function. The letter stated:

"The Tribunal regards it as its duty to carry out its public investigative function in a way that demonstrates to all concerned that it is engaged in a thorough, open and complete search for the truth about Bloody Sunday and that this prima facie involves the giving of evidence by all witnesses under their proper name. The Tribunal may

well have to balance this consideration against competing considerations relating to the security of the relevant soldiers. But the Tribunal would like to know whether you contend that the Tribunal has misunderstood its duty and, if so, to explain why.”

23. The letter also asked the Treasury Solicitor and the Ministry of Defence to arrange for a new threat (or risk) assessment in unambiguous terms.
24. The response of the Security Service was that the threat posed “to the UK mainland has risen since the previous assessment was made”. It added that “the military has long been regarded as a legitimate target by Republican terrorists and numerous military personnel have been attacked on the mainland. Military targets are currently at a *significant level of threat*” (emphasis supplied). The assessment concluded by saying:

“Whilst the soldiers involved in the events of Bloody Sunday remain unidentified, the threat to them will be potential rather than actual, since it will not be possible for terrorists to undertake the planning which would be necessary in order to mount an attack against them”.

25. In answer to a response for clarification under the heading Different Categories of Military Personnel, it was stated:

“In relation to the categories of soldiers identified by the Inquiry, we would expect their attractiveness as targets to rank as follows (beginning with the least attractive):

1. Current or former soldiers,
2. Current or former soldiers from the Parachute Regiment,
3. Soldiers or ex soldiers who took part in Bloody Sunday, and
4. Soldiers or ex soldiers who fired live rounds on Bloody Sunday.

This ranking is based upon the political and emotive significance of each category to the Republican Movement.

In order to assess the threat to any particular soldier it would be necessary to carry out an individual assessment, on the basis of detailed personnel information provided by him. The names of the soldiers who fired live rounds on Bloody Sunday are not currently available to terrorists. Therefore there has been no possibility of terrorists attempting to target them. In the event of their being identified, they would be more

likely, currently, to be at a significant level of threat, with the possibility of this rising in the event of the overall mainland threat also rising. In the event of the provisional IRA returning to violence, then the overall level of threat on the mainland would certainly rise.

When an individual is assessed to be at a particular level of threat, this is of more consequence than an assessment that the threat to a category of individuals is at that level. When the threat to military targets is assessed as significant, this means there is a significant chance of an attack taking place on any (unspecified) military target. When the individual is assessed to be as at significant threat, this means that there is a significant chance of him or her personally being targeted for attack”.

26. Further lengthy written submissions were made to the Tribunal by the Treasury Solicitor, the Ministry of Defence, counsel acting for soldier H (who had been singled out for criticism by Lord Widgery) and counsel acting for the family of James Wray (one of those killed on Bloody Sunday), counsel acting for the family of Bernard McGuigan (one of those killed on Bloody Sunday), counsel for the family of Alexander Nash who is now dead but was wounded, and William Nash (one of those killed on Bloody Sunday), counsel for two of the injured Mr Michael Bradley and Mr Michael Bridge and counsel on behalf of the remainder of the deceased and injured. The Tribunal held oral hearings in Londonderry on 26 and 27 April to consider the renewed applications for anonymity. It reached a decision on 5 May and published its ruling on 7 May. The general effect of the ruling was to require all military witnesses to be identified by their true names (both forenames and surnames).
27. After rejecting applications on behalf of a wider class the Tribunal expressed its essential conclusion in relation to the lettered soldiers in paragraph 28 of the written decision:

“That leaves those who fired live rounds on Bloody Sunday. As to these there is a further consideration, which we pointed out in our December ruling. This is that the conduct of these soldiers lies at the very heart of this Inquiry. It is the firing on the streets that was the immediate cause of loss of life. It is that loss of life that we are publicly investigating. To conceal the identity of those soldiers would, as it seems to us, make particularly significant inroads on the public nature of the Inquiry. As a group they are assessed as more attractive targets than the generality of soldiers and thus face a higher likelihood of terrorist attack if they are identified, but this increased threat is not considered sufficient, at least at present, to move them from the “significant” to a

higher category. On the basis of the general assessment, we have concluded that the danger to the soldiers who fired live rounds on Bloody Sunday does not outweigh or qualify our duty to conduct a public open inquiry.”

28. The Treasury Solicitor (by then acting on behalf of 17 lettered soldiers) again applied for leave to move for judicial review and Collins J granted permission on 26 May 1999. On 17 June the Divisional Court by a majority quashed the Tribunal's decision that the names of military witnesses should be disclosed, to the extent that that decision applied to the 17 applicants and other soldiers who fired live rounds in Londonderry on 30 January 1972. The Tribunal has appealed to this court with the permission of the Divisional Court.

The Task of the Tribunal

29. It is impossible to overestimate the difficulty of the task on which the Tribunal is engaged. The issues which are involved are ones of great sensitivity. They are issues on which very entrenched but different opinions are held by those who have an interest in its outcome. There are undoubtedly among the public those who will be prepared to misinterpret any action of the Tribunal. They will seize on any decision that they dislike as indicating that the Tribunal is lacking in impartiality. The Tribunal has the problem of overcoming the immense handicap of exploring events which have taken place over 27 years ago. The task is made immeasurably more difficult because of there having been a previous enquiry, which, instead of dissipating, may have increased the controversy which surrounds the events of Bloody Sunday.
30. The Tribunal has however the great advantage of its uniquely distinguished membership. It has also the advantage of the quality of the Tribunal's own legal team and the fact that it has been able to make legal representation available to those likely to be directly affected by its activities. The Tribunal has already been able to demonstrate the thoroughness and the openness of the enquiry which it is undertaking.

The Role of the Court

31. It is accepted on all sides that the Tribunal is subject to the supervisory role of the courts. The courts have to perform that role even though they are naturally loath to do anything which could in any way interfere with or complicate the extraordinarily difficult task of the Tribunal. In exercising their role the courts have to bear in mind at all times that the members of the Tribunal have a much greater understanding of their task than the courts. However subject to the courts confining themselves to their well-recognised role on

applications for judicial review, it is essential that they should be prepared to exercise that role regardless of the distinction of the body concerned and the sensitivity of the issues involved. The court must also bear in mind that it exercises a discretionary jurisdiction and where this is consistent with the performance of its duty it should avoid interfering with the activities of a tribunal of this nature to any greater extent than upholding the rule of law requires.

32. One aspect of the courts' role in this case has been controversial. That is as to the intensity of the scrutiny which the courts are required to adopt when reviewing the reasonableness of the Tribunal's decision as to anonymity. Is the role limited to ascertaining whether the decision is rational or does it involve adopting some other test? Is it correct to say that because a fundamental right of the soldiers is involved the threshold of irrationality is lowered? In answering these questions, it is as well to start by remembering that the reason for the usual *Wednesbury* standard being applied is because the body whose activities are being reviewed has the responsibility of making the decision and not the courts. In addition that body in the majority of situations is going to be better qualified to make decisions than the courts. It is only where the decision is unlawful in the broadest sense that the courts can intervene. The courts have the final responsibility of deciding (whether a decision is unlawful) and not the body being reviewed. The courts therefore can and do intervene when unlawfulness is established. This can be because a body such as a tribunal has misdirected itself in law, has not taken into account a consideration it is required to take into account or taken into account a consideration which it is not entitled to take into account when exercising its discretion. A court can also decide a decision was unlawful because it was reached in an unfair or unjust manner.

33. However, there are some decisions which are legally flawed where no defect of this nature can be identified. Then an applicant for judicial review requires the courts to look at the material upon which the decision has been reached and to say that the decision could not be arrived at lawfully on that material. In such cases it is said the decision is irrational or perverse. But this description does not do justice to the decision maker who can be the most rational of persons. In many of these cases, the true explanation for the decision being flawed is that although this cannot be established the decision-making body has in fact misdirected itself in law. What justification is needed to avoid a decision being categorised as irrational by the courts differs depending on what can be the consequences of the decision. If a decision could affect an individual's safety then

obviously there needs to be a greater justification for taking that decision than if it does not have such grave consequences.

34. As to the appropriate test in this case, both Mr Clarke and Sir Sydney Kentridge QC on behalf of the soldiers were agreed. It is the test adopted by Lord Bingham CJ in the Court of Appeal in *R v Ministry of Defence ex parte Smith* [1996] QB 517. The test was based on submissions of Mr David Pannick QC in that case. They were in these terms:

“The court may not interfere with the exercise of an administrative discretion on substantive grounds save if the court is satisfied that it is beyond the range of responses open to a reasonable decision maker. But in judging whether the decision maker has exceeded this margin of appreciation the human rights context is important. The more substantial the interference with human rights, the more the court will require by way of justification before it is satisfied that the decision is reasonable in the sense applying above.”

35. Lord Bingham indicated that he regarded this statement as “an accurate distillation of the principles laid down by the House of Lords in *R v Secretary of State for the Home Department, ex parte Bugdaycay* [1987] AC 514 and *R v Secretary of State for the Home Department, ex parte Brind* [1991] 1 AC 696” and we would respectfully agree with him.

36. In the Divisional Court in *ex parte Smith*, Lord Justice Simon Brown (at p 538) expressed agreement with what Neill LJ had said in *Ex parte National and Local Government Officers Association* [1992] 5 Admin LR 785 at 797-798 in regard to the impact of the European Convention on Human Rights before that Convention became part of our domestic law in the context of proportionality. Simon Brown LJ said:

“In short, I respectfully conclude with Neill LJ that even where fundamental human rights are being restricted, “the threshold of unreasonableness” is not lowered.”

However, Simon Brown LJ added:

“On the other hand, the Minister on judicial review will need to show that there is an important competing public interest which he could reasonably judge sufficient to justify the restriction and he must expect his reasons to be closely scrutinised.”

37. Again we would respectfully agree with the second quotation from the judgment of Simon Brown LJ. What is important to note is that when a fundamental right such as the right to life is engaged, the options available to the reasonable decision maker are curtailed. They

are curtailed because it is unreasonable to reach a decision which contravenes or could contravene human rights unless there are sufficiently significant countervailing considerations. In other words it is not open to the decision maker to risk interfering with fundamental rights in the absence of compelling justification. Even the broadest discretion is constrained by the need for there to be countervailing circumstances justifying interference with human rights. The courts will anxiously scrutinise the strength of the countervailing circumstances and the degree of the interference with the human right involved and then apply the test accepted by the Lord Chief Justice in *Smith* which is not in issue.

38. Turn to the role of the courts on judicial review to ensure procedural fairness. This need for fairness was a matter central to the report of the Royal Commission on Tribunals of Inquiry under the chairmanship of Lord Justice Salmon in 1966. The Commission having come to the conclusion that the 1921 Act type of tribunal should be retained subject to the qualification set out in the Report went on to consider in detail how to improve the safeguards for witnesses and interested parties. Because of the needs for fairness, many of the recommendations of the Commission are now conventionally adopted, not only by statutory tribunals, but in the case of other inquiries, including departmental inquiries. The Royal Commission made it clear that they did not believe that it could ever be right for an inquiry of this kind to be held entirely in secret (para. 39). In *Re Pergamon Press Ltd* [1971] Ch. 388 Lord Denning MR, said of Board of Trade inspectors, that they must act fairly. He went on to indicate that inspectors have a duty to protect witnesses. He recognised that inspectors “must be masters of their own procedure” but subject to the overriding requirement that “they must be fair”. Although we are here concerned with a very different type of inquiry from that being considered in the *Pergamon* case, it can equally be said of this Tribunal that while it is master of its own procedure and has considerable discretion as to what procedure it wishes to adopt, it must still be fair. Whether a decision reached in the exercise of its discretion is fair or not is ultimately one which will be determined by the courts. This is because there is an implied obligation on the Tribunal to provide procedural fairness. The Tribunal is not conducting adversarial litigation and there are no parties for whom it must provide safeguards. However the Tribunal is under an obligation to achieve for witnesses procedures which will ensure procedural fairness. (See *Lloyd v MacMahon* [1987] AC 625 at pp. 702H-703A per Lord Bridge of Harwich and *R v The Secretary of State for the Environment, ex parte Hammersmith and Fulham LBC* [1991] 1 AC 521 at p. 598F.) As to the content of the requirement of procedural fairness, this will depend upon the circumstances and in particular on the nature of the decision to be taken (see *Council of the Civil Service*

Unions v Minister of Civil Service [1985] AC 374 at p. 411H per Lord Diplock and at p. 415A/B per Lord Roskill relied upon by Mr Clarke on behalf of the Tribunal in further submissions which he made to the court at its request.) The requirement of procedural fairness for witnesses is well recognised in the courts by allowing witnesses to give evidence behind screens. A defendant opposing the evidence being given in this way could make this a ground of complaint on appeal. At this inquiry where there are no defendants the requirement of procedural fairness surely involves an obligation to be fair to witnesses, including, for example, protecting them when necessary or giving them notice in a Salmon letter of proposed findings of improper conduct.

39. After the conclusion of the hearing, it occurred to the court that an alternative approach to the issue on this appeal from that argued was, in addition to considering the reasonableness of the decision to which the Tribunal had come, to also consider the fairness of that decision. The court therefore sought the assistance of the parties as to whether or not to grant anonymity to the soldiers was a question involving the fairness of the procedure which the Tribunal was proposing to adopt and, if so, what was the court's role in relation to this? In answer to the court's questions, in addition to the helpful submissions from Mr Clarke the court also received helpful submissions from Mr Coyle on behalf of the families and Sir Sydney Kentridge QC and his team on behalf of the soldiers. Mr Burnett QC on behalf of the Ministry of Defence indicated by letter that he did not dissent from this approach and accepted it would be for the courts to rule upon the question of unfairness as a matter of law, but he made it clear that the Ministry of Defence still maintained that the decision of the Tribunal was unreasonable.
40. Mr Coyle in his submissions stressed that procedural fairness must be viewed in the round and fairness to the former military witnesses was only one dimension of the question posed; it was also necessary to consider the interests of the dead and injured and the public interest. With this submission we are in agreement.
41. The additional submissions on behalf of the soldiers relied upon the decision of this court in *R v The Panel on Takeovers and Mergers, ex parte Guinness* [1990] 1 QB 146. In that case Lord Donaldson MR said at pp 178-9:

"As I have already indicated, I think that, at least in the circumstances of this appeal, it is more appropriate to consider whether something has gone wrong of a nature and degree which require the intervention of the court, rather than to approach the matter on the basis of separate heads of *Wednesbury* unreasonableness and unfairness or

breach of the rules of natural justice: see *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1948] 1 KB 223. In passing I would, however, accept that whether the rules of natural justice have been transgressed is not to be determined by a *Wednesbury* test: “Could any reasonable tribunal be so unfair?” On the other hand, fairness must depend in part on the tribunal’s view of the general situation and a *Wednesbury* approach to that view may well be justified. If the tribunal’s view should be accepted, then fairness or unfairness falls to be judged on the basis of that view rather than the court’s view of the general situation.”

At p184 Lloyd LJ said:

“Mr Buckley argued that the correct test is Wednesbury unreasonableness, because there could, he said, be no criticism of the way in which the panel reached its decision on 25 August. It is the substance of that decision, viz, the decision not to adjourn the hearing fixed for 2 September, which is in issue. I cannot accept that argument. It confuses substance and procedure. If a tribunal adopts a procedure which is unfair, then the court may, in the exercise of its discretion, seldom withheld, quash the resulting decision by applying the rules of natural justice. The test cannot be different, just because the tribunal decides to adopt a procedure which is unfair. Of course the court will give great weight to the tribunal’s own view of what is fair, and will not lightly decide that a tribunal has adopted a procedure which is unfair, especially so distinguished and experienced a tribunal as the panel. But in the last resort the court is the arbiter of what is fair. I would therefore agree with Mr Oliver that the decision to hold the hearing on 2 September is not to be tested by whether it was one which no reasonable tribunal could have reached.” (Emphasis supplied)

At pp. 193-194 Woolf LJ added:

“On the application for judicial review it is appropriate for the court to focus on the activities of the panel as a whole and ask with regard to those activities, in the words of Lord Donaldson of Lynton MR, “Whether something has gone wrong” in nature and degree which requires the intervention of the courts. Nowadays it is more common to test decisions of the sort reached by the panel in this case by a standard of what is called “fairness”. I venture to suggest that in the present circumstances in answering the question which Lord Donaldson of Lynton MR has posed it is more appropriate to use the term which has fallen from favour of “natural justice”. In particular in considering whether something has gone wrong the court is concerned as

to whether what has happened has resulted in real injustice. *If it has, then the court has to intervene, since the panel is not entitled to confer on itself the power to inflict injustice on those who operate in the market which it supervises.*" (Emphasis supplied)

42. Mr Clarke, in his submissions, argues that while there is an entitlement to procedural fairness, this does not encompass a right to anonymity. Fairness requires no more than that the soldiers can apply for anonymity and be given a decision on the merits of their application reached by a fair procedure. Mr Clarke's approach to the decision whether to grant or withhold anonymity is that it is not an issue of a procedural nature. He submits that this conclusion is supported by the fact that a decision to withhold anonymity could not result in the ultimate decision of the Tribunal being quashed.
43. We cannot accept Mr Clarke's approach. The fact that a court would not quash the final decision of a Tribunal on a procedural ground does not mean that a preliminary decision would not be quashed. The unfair refusal of an interpreter or an adjournment are very much the type of decisions which, if the subject of an immediate application for judicial review, will be reversed by the courts although the final decision would not be. The concern of the court is whether what has happened has resulted in real injustice.
44. It may well be that in the majority of cases the decision will be the same whether the approach propounded by Lord Bingham in *Smith* is adopted or whether the issue is regarded as one of fairness. However it is still important to recognise that a decision not to grant anonymity to the soldiers could result in their being treated in a manner which is genuinely unfair. Unfair because it requires them to undergo an unnecessary risk.

The Decision of the Divisional Court

45. Roch LJ gave a judgment with which Maurice Kay J was in substantial agreement. Roch LJ considered the Tribunal had adopted the right test. He accepted that Sir Sydney Kentridge had posed the right question for the court by asking:

"Given the inquisitorial function of the Tribunal, and given its clear finding that anonymity would not impede its fundamental task of discovering the truth, could a reasonable Tribunal conclude that the additional degree of openness to be gained by disclosure of the names of the 17 soldiers who fired shots is so compelling a public interest as to justify subjecting them to a significant danger to their lives".

46. In answering this question he pointed out that the Tribunal in its decision did not assess the inroads which withholding the names of the soldiers would make into the public nature of the inquiry and added that if it had assessed the inroad it would have found “that the derogation was with regard to the Tribunal’s duty to search for the truth, nil and with regard to the duty to hold a public inquiry, limited”.
47. Roch LJ went on to indicate that the Tribunal had departed from the correct test which they had propounded in July 1998. Instead they had adopted a different approach, which did not “accord to the applicants’ fundamental human rights the required weight”. This coupled with the failure of the Tribunal to analyse the extent to which granting anonymity to the soldiers would detract from the Tribunal’s obligation to conduct an investigation which would, in the eyes of responsible people, be public, open and thorough and lead to accurate findings meant the decision was flawed.
48. Maurice Kay J for similar reasons came to the same conclusion. He added, however, that he saw considerable force in the submission that the Tribunal had not done justice to the material which the MOD had provided as to risk.
49. Hooper J, in his dissenting judgment, pointed out that what was involved here was a balancing exercise in which the Tribunal had to weigh up various competing factors in deciding whether or not to grant anonymity. In particular, the risk to a soldier and his family of not granting anonymity had to be weighed as against the necessity to find the truth about Bloody Sunday and the requirements of open justice. He then compared the situation before the Tribunal with that which arises before the Criminal Courts from time to time and he concluded that the Tribunal had anxiously considered the matter and that sitting in London he would be most reluctant to interfere with the conclusion of such a distinguished and “international” Tribunal.
50. In the course of his judgment, Hooper J stated:
- “Although the greater the danger the more weight must be given to the risk factor, the practice in the Criminal Courts to which I have already referred both in England and, more importantly, in Northern Ireland, shows that anonymity may not be granted even where risks are much higher than in this case”.
51. For this statement he does not cite any authority and it does appear that he may be under a misapprehension since at least an examination of the authorities which were put before this court indicates that wherever there was risk to life anonymity was granted both in this

jurisdiction and in Northern Ireland and the parties were unaware of any case where anonymity had not been so granted. The qualification that may be necessary is that where someone is a defendant to a criminal charge, his identity will be made known.

The Second Decision

52. Although all three judgments in the Divisional Court gave very careful consideration to the issues which are before us, in a case of this sort, the outcome of this appeal involves our having to analyse the second decision of the Tribunal afresh. We have to form our own judgment as to whether it is flawed on the grounds of unfairness or lack of reasonableness. We therefore propose to consider the relevant paragraphs of the second decision in turn. In doing so we will single out particular passages of that decision for comment but we are at all times mindful that it is essential when engaging in an exercise of this kind to look at the decision as a whole.
53. We can start at paragraph 11 where the Tribunal states that it “has as its fundamental objective the finding of the truth about Bloody Sunday. It regards itself as under a duty to carry out its public investigative function in a way that demonstrates to all concerned that it is engaged in a thorough, open and complete search for the truth about Bloody Sunday”. To this statement of its duty it adds a reference to having to conduct the inquiry in accord with “the principle of open justice in a democratic society”.
54. The Tribunal is undoubtedly right in identifying that it has these duties. However having regard to what we have already said, it is clear that the Tribunal is also under a further duty and that is a duty to be fair to the soldiers.
55. In the next paragraph the Tribunal indicates that:

“in the absence of compelling countervailing factors, those who give evidence to the Tribunal should do so under their proper names. This after all is an Inquiry into events in which people lost their lives and were wounded by British army gunfire on the streets of a city in the United Kingdom. To withhold the names of those in the army who were concerned with that event must detract from an open search for the truth about what happened; and must need justification of an overriding kind. It is of course correct to bear in mind (as we said in December) that it is unlikely that the Tribunal would be hampered in its objective of finding the truth about Bloody Sunday by granting anonymity (since the Tribunal is an inquisitorial body and would itself know the identify of the witnesses), but this does not really take the matter much further

forward, since what is presently at issue is the question of the duty laid on the Tribunal as to the manner in which it should seek that objective. The Tribunal must conduct what Lord Justice Salmon described in his Report as a “public investigation”.

56. In relation to this paragraph it is important to note the reference to “compelling countervailing factors”. It is difficult to envisage a more compelling factor than that the withdrawal of anonymity could subject the soldiers to risk of a fatal attack. Furthermore, it is important not to overstate the extent to which the failure to name the soldiers would detract from the open search for truth. The soldiers would still give evidence openly in public. The Tribunal and counsel for the Tribunal would know their names. If any investigation as to their credibility was required, the Tribunal could carry out this investigation. Having carefully considered Mr Clarke’s submissions we are left with the clear impression that not only would the Tribunal not be hampered in its objective of finding the truth, but in fact the open search for the truth would only be restricted in a marginal way. Like Roch LJ, we are concerned that the Tribunal has not assessed what would be the real disadvantage of the soldiers giving their evidence under labels rather than in their own names.
57. In the next paragraph of their decision (paragraph 13) the Tribunal reject the suggestion of Lord Justice Otton on the previous appeal to this court that “it might be fairer to impose the obligation on those seeking to remove the anonymity (rather than those seeking to sustain it)”. The Tribunal then state that while they are not making their decision on the basis of who has the burden of proof, they are bound to say that in their judgment “it is not open justice that needs to be justified but rather any departure from open justice”. Again, this paragraph does appear to play down the significance which should be attached to the risk to the soldiers. Surely it could be said equally that the need for increasing the risk to the soldiers has to be justified.
58. The Tribunal then proceeds to consider the effect of Lord Widgery’s agreement to afford anonymity. As to this the Tribunal concludes that the assurance falls away because of the compelling unforeseen circumstance that the second inquiry could not be anticipated. The Tribunal goes on to say “we consider that our ability to restore confidence will be undermined, unless we can form a wholly independent judgment, based on the facts before us, on the question of anonymity and indeed on any other question that we have to consider”.

59. This approach of the Tribunal is inconsistent with the first decision of this court. However, it is not necessary to do more than note the position because the Tribunal proceeded to consider what would be the situation if they were wrong in the approach they had adopted as to the assurance. As to this they say that “although it is an important consideration, it does not of itself or together with any other matters relied upon by the soldiers, amount to a compelling countervailing factor that should override our duty as we have stated it”. The Tribunal then compares the security position at the time of the Widgery Inquiry with that at the present time and points out that the present position is no way comparable. The Tribunal concludes by saying “of course no-one knows what the future may hold, and the bad days may return, but whether or not they will is at best a matter of speculation”. Again it may be said that this approach is not fair to the soldiers. The problem about the risk to which they are subjected is that once their identity is revealed, the die is cast and it is too late for the protection provided by anonymity to be restored. The increased risk referred to earlier has subsequently receded. It could again increase. This is a matter which the Tribunal could be expected to have in the forefront of its mind.
60. It is to the degree of danger to the soldiers to which the Tribunal then turn. Having stated that they considered that the soldiers have “grounds for their assertion that they have genuine and reasonable fears” the Tribunal indicates that this was a matter which they have considered with the greatest care. It says that “on the one side is our duty to carry out a public investigation: on the other the understandable fears for their personal safety and that of their families which we accept the soldiers have”. Reference is then made to the fact that in their December ruling they had “attempted to square the circle by suggesting that those who had the greatest reason to fear reprisals (the soldiers who fired live rounds on Bloody Sunday) could give their surnames only, thus providing both openness and a measure of security, but this attempt has failed on the grounds that security of surnames only was speculative”. They then indicate their conclusion that there is in fact “no way of satisfactorily reconciling the two considerations”. They then go on to set out their conclusions, which we should set out in full. Before doing so, it is right to point out that in setting out the conflicting interests there is no express reference to the Widgery assurance. Furthermore while the Tribunal is right to say that no-one is now advocating the use of surnames only, the previous decision implicitly recognised that the soldiers’ identities should be protected. That is clear because the previous ruling accepted that if a soldier could be traced by his surname, because it was unusual, then the Tribunal would consider the use of a different label. A surname which is so common that it would not result in a soldier being traced is no more revealing than a letter A, B or C. The reason why “surnames only” is no longer regarded as a method of squaring the

circle is because since the previous decision it has been shown that even common names can result in the person concerned being traced. What the Tribunal have not expressly referred to in this paragraph is the fact that although the real risk to the soldiers has increased and the Widgery assurance has now been held to be a relevant factor which should be taken into account, the soldiers now find themselves in a worse position than they were in relation to the first decision although they have been successful in having the first decision set aside. Of course, this always can be the consequence of obtaining the quashing of any decision. You lose the benefit of the good as well as avoiding the bad. However soldiers and their families would be less than human if they did not perceive this as an unfairness.

61. The way the Tribunal expressed its conclusion is as follows:

“After the most anxious consideration we have concluded that on the basis of material presently before us our duty to carry out a public investigation overrides the concerns of the soldiers and does so even if the Widgery assurance continues to apply; and that accordingly the present application of the soldiers must fail”.

62. It will be noted that in their conclusion, the Tribunal do refer to taking into account the Widgery assurance. The Tribunal also indicate that they are prepared to consider applications for anonymity on special grounds; that they fully appreciate that the removal of anonymity is permanent and it is possible that the threat to the soldiers may increase; that the soldiers attractiveness as targets can be divided into four categories:

1. current or former soldiers.
2. current or former soldiers from the Parachute Regiment.
3. soldiers or ex-soldiers who took part in Bloody Sunday.
4. soldiers or ex-soldiers who fired live rounds on Bloody Sunday.

63. However all serving or former soldiers fall within the significant category and are “priority” targets and that the danger created by identifying soldiers is one that is borne and has for many years been borne by hundreds if not thousands of serving or former soldiers and is not such as to override the Tribunal’s duty to conduct a public investigation.

64. In relation to soldiers who fired the live rounds, the Tribunal says that these soldiers lie at the heart of the Inquiry. It therefore considers that not to reveal the identity of those soldiers would make “particularly significant inroads on the public nature of the Inquiry”. The Tribunal concludes that the danger to the soldiers who fired live rounds on Bloody

Sunday does not outweigh or qualify their duty to conduct a public open inquiry. The Tribunal refers to the fact that while there had been a reprisal attack immediately after Bloody Sunday there was no evidence to suggest that any of the soldiers involved in Bloody Sunday had been subject to an attack for that reason though a number of the soldiers involved are known or could have been identified.

65. The Tribunal then acknowledges it could have deferred its decision on anonymity until it was making its report. It rejects that course because the Tribunal regards it as its “duty not only to report what we believe to be the truth, but also to conduct an open and public investigation”. The Tribunal state that they have not forgotten their previous ruling in which they indicated that it was a real possibility that anonymity would have the effect of encouraging greater candour but again they say that this “is not sufficient to override our duty to carry out a public investigation.” Finally they state that, in accordance with their ruling, the names of the soldiers were to be given but their addresses, telephone numbers and other personal details apart from their names would not be published without the consent of the soldiers. This however it is accepted will not prevent their being recognised.
66. Having dealt with the soldiers’ application, the Tribunal went on to deal with five applications for anonymity by officers of the RUC. In their case, the Tribunal indicates that they regard the officers fears as being genuine and reasonable and having “very considerable substance” and that the limited degree of screening which is sought was justified in their case.

Our Conclusions

67. Having considered in detail the decision of the Tribunal and made our comments on the detail, before reaching our conclusion, we regarded it as important to look at the situation as a whole. When doing this, we repeat that we are conscious of the fact that the members of the Tribunal start with the considerable advantage of being continually immersed in investigating the available evidence as to what happened on Bloody Sunday. We also attach importance to the fact that Hooper J in a most carefully crafted judgment in the Divisional Court dissented from the views expressed by Roch LJ and Maurice Kay J. We are mindful of the submission of Mr Christopher Clarke directed to the majority of the Divisional Court but equally capable of being directed to this court (if we come to the same conclusion) that we would be acting unlawfully by usurping a decision which it was for the Tribunal to take and not the courts.

68. Nonetheless, we are satisfied that the decision of the majority of the Divisional Court was right for the reasons they gave and Hooper J's conclusion was wrong. We come to that view, not primarily because of the points of criticism which can be made as to the reasoning of the Tribunal. Those criticisms would not in our judgment in themselves entitle the court to interfere. As is to be expected, the reasoning in general is of a high order and indicates that the members of the Tribunal were as they indicated struggling to reconcile the conflicting considerations. Notwithstanding this it appears to us:

1. The Tribunal has failed to attach sufficient significance to the fact that by carrying out a meticulous investigation and, being prepared to reconsider every issue, the Tribunal is manifestly not only performing its primary role of discovering the truth in so far as this can be ascertained, but also establishing public confidence in the result of its deliberations. Here it should be remembered that the 1921 Act in section 2 itself recognises that there can be circumstances where the public are excluded because it is "in the public interest expedient to do so". The statute itself is, therefore, acknowledging that an Inquiry can perform its primary duty even though the public are excluded in part from its investigation.
2. The Tribunal having acknowledged in its July preliminary hearing and to a lesser extent in its first ruling in December 1998 that there can be in-roads on openness in an Inquiry of this sort, surprisingly seems to have lost sight of the fact that the inroad on openness involved in allowing the soldiers to use letters instead of names is limited. This is because: (i) the evidence would still be given in public with the soldiers capable of being observed while giving their evidence; (ii) the Tribunal know their names and as Mr Clarke accepted could investigate any matters going to credibility; (iii) their officers who were in charge and should have been controlling events will be named; (iv) if there was any reason for naming a particular soldier this could still be done; (v) the ability for the Tribunal to reach the truth was as the Tribunal acknowledged not going to be undermined.
3. In such a situation, the Tribunal would certainly be still conducting an inquiry in public. (If authority is needed, it is provided by *R v The Newcastle Upon Tyne Coroner, ex parte A* [January 19, 1998] Times Law Report). Reasons why it is important for a court to sit in public which were identified in *The Attorney General v Leveller Magazine Limited* [1979] AC 440 at p. 449H and *R v Socialist Worker ex parte The A-G* [1975] 1 QB 637 at p.651 - 652 would not be contravened. The supervision by the public would still be present, providing the safeguard against arbitrariness or idiosyncrasy. The evidence would be communicated publicly; full reports of the

proceedings would be possible. The names of the witnesses might be of interest but they would be of no real concern to the onlookers and if they became of concern then they could still be named. Hooper J attached importance to the analogy of criminal proceedings. However, in criminal proceedings there is a defendant and a defendant is entitled to know who is accusing him but this consideration does not arise here. Furthermore, in many criminal cases including rape cases and blackmail cases the identity of the victim is routinely concealed.

4. The Tribunal are obviously concerned about the perception of the families and their supporters. It is true that it is their concerns which have led to the establishment of the Tribunal. However, while of course the Tribunal had fully in mind the risk to the soldiers they do not seem to have paid sufficient attention to the fact that to deny the soldiers anonymity would certainly affect their perception of the fairness of the inquiry. It is here that the importance of the requirement of fairness to the soldiers and their families becomes significant. From the point of view of the families of the dead and wounded, the harm of concealing the names is objectively of no great significance. To the soldiers and their families it is of great significance. It is to be noted that Mr Coyle in his argument on behalf of the relatives of the late Bernard McGuigan indicates:

“The names of the principal military personnel including those who fired live rounds have been known by the family of Barney McGuigan for some considerable time, and by others with a common interest in the Inquiry.”

If this be right and it is a matter which is in issue, then it is difficult to understand why they should object to the soldiers not being named. The soldiers on the other hand with one exception are no longer in the army. Some of their families do not even know they were involved in Bloody Sunday. For them to find themselves in a situation where it is accepted that they have reasonable grounds for being in fear for their safety, 27 years after the events, will clearly be immensely worrying. From their point of view it is what they reasonably fear which is important not the degree of risk which the Tribunal identifies. The Ministry of Defence considers there are significant risks and if the Tribunal can properly perform its primary duty of finding the truth if they are not named, from the point of view of their perception, what is the justification for increasing the risk to which they are to be subjected? They can fairly ask whether the Tribunal has taken into account the effects of withdrawal of anonymity upon their perception of and confidence in the Inquiry.

5. The Tribunal did not agree with the approach indicated by Lord Justice Otton but we would endorse his approach. We agree with the Tribunal that the issue is not to be determined by the onus of proof. However, in our judgment the right approach here once it is accepted that the fears of the soldiers are based on reasonable grounds should be to ask is there any compelling justification for naming the soldiers, the evidence being that this would increase the risk. It is here that Sir Sydney Kentridge rightly relies on Lord Diplock's opinion in *Fernandez v The Government of Singapore and Ors* [1971] 1 WLR 987. The case was concerned with a different situation from that being considered here namely should a person be returned under s.4 of The Fugitive Offenders Act 1967. However, Lord Diplock's words as to the prejudice a fugitive might be subjected to (not involving a risk to his life but a risk of his being inappropriately tried or punished) are nonetheless relevant. At p.994C Lord Diplock said:

"The degree of confidence that the events specified in the paragraph will occur which the courts should have in order to justify refusal to return the fugitive is not determined by the mere use of the subjunctive mood of the auxiliary verb "may".

It should, as a matter of common sense and common humanity, depend upon the gravity of the consequences contemplated by the section on the one hand of permitting, and on the other hand of refusing, the return of a fugitive if the courts' expectation should be wrong".

Later Lord Diplock added:

"My Lords, bearing in mind the relative gravity of the consequences of the court's expectation being falsified in one way or in the other, I do not think the test of applicability of paragraph (c) is that the court must be satisfied that is more likely than not that the fugitive will be detained or restricted if he is returned. A lesser degree of likelihood is, in my view, sufficient; and I would not quarrel with the way in which the test was stated by the Magistrate or with the alternative way in which it was expressed by the Divisional Court. "A reasonable chance," "substantial grounds for thinking," "a serious possibility"".

When what is at stake is the safety of the former soldiers and their families, adopting Lord Diplock's approach, the risk is extremely significant. After all the individual's right to life is, as Lord Bridge stated in *R v The Secretary of State for the Home Department, ex parte Bugdaycay* [1987] AC 514 at p. 531, the most fundamental

of all human rights. It does appear that the Tribunal may well have failed to attach sufficient significance to this.

6. The Tribunal may not have attached to the Widgery assurance the weight which we consider it should. Sir Sydney Kentridge did not pursue the contention contained in his respondent's notice that the soldiers were entitled to say that the assurance gave them a substantive legitimate expectation. However we would attach more importance to it than the Tribunal appears to have done. The more time that elapsed without the soldiers' expectation being contradicted, the greater the significance of the assurance. For 27 years they had enjoyed anonymity. To take away that anonymity after that period of time is a very significant event. The Tribunal pointed out the period of time which had elapsed without a serious incident. However it is inevitable that the holding of the Tribunal with soldiers giving evidence will re-kindle the flames of anger which have been smouldering for so long.

69. Examining the facts as a whole, therefore, we do not consider that any decision was possible other than to grant the anonymity to the soldiers. In referring to the soldiers we have been confining our conclusions to those soldiers who are most at risk namely the soldiers who either admitted firing rounds or are alleged to have fired rounds. While they are the soldiers who Sir Sydney represented, there are other soldiers who do not fall within this category. We were asked to indicate our views as to the position of other soldiers. We would like to do so because we are conscious that more attention has already been given to this issue than is desirable and further disputes should if possible be avoided. However, reluctantly we have come to the conclusion that it would not be right to say more than that we cannot say on the material before us that it would be unlawful for the Tribunal to insist on other soldiers being named.

We dismiss this appeal.

Order: Appeal dismissed. No order as to costs.

A2.47: High Court of Justice, Queen's Bench Division (Administrative Court) (London, 16th November 2001): venue (item 19 above)

[2001] EWHC Admin 888

Case No: CO3742-01

**In the High Court of Justice
Queen's Bench Division
Administrative Court**

**Royal Courts of Justice
Strand, London, WC2A 2LL**

16th November 2001

**Before:
The Right Hon Lord Justice Rose
and
The Hon Mr Justice Sullivan**

In the matter of an application for permission to apply for Judicial Review against a decision of the Bloody Sunday Inquiry made on 1 August 2001 concerning the venue for evidence of soldiers and former soldiers

The Queen on the application of Widgery Soldiers:

A, B, C, D, F, H, J, K, M, N, O, P, Q, R, S, U, V, 006, 017, 018, 019, 033, 042, 104, 112, 150, 162 and 229 and INQ Soldiers: 404, 748, 768, 1237, 1579, 1581, 1918 and 2047 Claimants

-v-

The Rt Hon The Lord Saville of Newdigate

The Hon Mr William Hoyt

The Hon Mr John Toohey

**(The Members of the Tribunal sitting as
the Bloody Sunday Inquiry) Defendants**

List of Counsel

Claimants

David Lloyd Jones QC

Michael Bools

Nicholas Moss

Defendants

Christopher Clarke QC

Dinah Rose

Alan Roxburgh

Interested Parties

Ministry of Defence

Ian Burnett QC

William Hoskins

Families of the Dead and Wounded

Clients of Madden & Finucane

Michael Lavery QC

Seamus Treacy QC SC

Karen Quinlivan

The Family of James Wray

Lord Gifford QC

Richard Harvey

On behalf of Michael Bridge; Michael Bradley

Declan Morgan QC

Brian Kennedy

The Family of B McGuigan, the Nash Family, Daniel Gillespie & Michael Quinn

Michael Mansfield QC

John Coyle

Kieran Mallon

The Family of Patrick Doherty

Eilis McDermott QC

Northern Ireland Civil Rights Association

Sir Louis Blom-Cooper QC

Paddy O'Hanlon

Judgment (As approved by the Court) © Crown copyright

LORD JUSTICE ROSE:

This is the judgment of the court.

1. There is before the court, as a matter of urgency and with the permission of Sullivan J, a challenge by judicial review to a ruling of the Bloody Sunday Inquiry made on 1st August and published on 2nd August 2001. It ruled that the soldiers and former soldiers, whom, for convenience, we shall refer to as “the soldier witnesses”, between two hundred and four hundred in number, who are to give oral evidence before the Tribunal over a period of some six months or more starting in the Autumn of next year, should do so in Londonderry Guildhall where, hitherto, for the most part the Tribunal has sat, rather than in London or some other part of Great Britain.
2. The circumstances in which the Tribunal was established under the Tribunals of Inquiry (Evidence) Act 1921 are well known. They are set out, together with the history of the Tribunal and the nature and course of two previous applications for Judicial Review, in paragraphs 2 – 28 of the Court of Appeal’s judgment in **R v Lord Saville of Newdigate ex parte A** [2000] 1 WLR 1855. These matters need not be repeated here. The Court of Appeal held that the soldier witnesses who were alleged to have fired rounds were entitled to anonymity. Subsequently, the Tribunal granted anonymity to all the soldier witnesses, (save four senior officers who were well known), whether they were said to have fired rounds or not. Since the Court of Appeal decision in July 1999 there has been one change in the constitution of the Tribunal. The Right Honourable Sir Edward Somers has retired and has been replaced by the Honourable Mr John Toohey.
3. The Tribunal has been sitting for the best part of 3½ years. It is therefore exceptionally well qualified to make case management decisions as to how its proceedings should be conducted. Furthermore, its members are of the highest judicial standing. There is accordingly, at first blush, a degree of unreality in this court being invited to quash one of its decisions by means of a remedy developed, historically, for the control of inferior courts and tribunals. That said, save for the written submissions by Sir Louis Blom-Cooper QC on behalf of Northern Ireland’s Civil Rights Association, to which in a moment we shall come, it is common ground before us, as it was in the earlier proceedings

culminating in the Court of Appeal's decision in **ex parte A**, that this court has, properly, a reviewing jurisdiction in relation to decisions of the Tribunal.

4. Sir Louis Blom-Cooper's submission was that only in exceptional circumstances will the court exercise its supervisory role over Public Inquiries, which are of an inquisitorial nature. He referred, among other authorities, to **Notts CC v S of S for the Environment** [1986] AC 240 per Lord Scarman at 250 to 251 and Sir Richard Scott's report on the Arms to Iraq Inquiry, Volume IV Section 1.5. Tribunal witnesses, as such, have no rights or interests that require legal protection (**Lawlor v Flood** [1999] 3 IR 107 per Murphy J at 138 to 144). He accepted, however, that a tribunal under the 1921 Act has an overriding duty to act fairly (**NSW v Canellis** [1994] 181 CLR 309 at 330). The anonymity issue considered in **ex parte A** was an exceptional circumstance justifying the courts' jurisdiction by way of Judicial Review. He also submitted that the tribunal is not a public authority within the meaning of s6 of the Human Rights Act 1998, being neither a court or tribunal within ss6(3) and 21, as legal proceedings may not be brought before it, nor a public authority, as it possesses no powers to determine how others should act (see **Aston Cantlow PCC v Wallbank** [2001] 3 AER 393 at paragraphs 29, 35 and 36). The Tribunal exercises functions in connection with proceedings in Parliament and is therefore within the exemption in s6. Accordingly, none of the articles of ECHR has direct applicability. In any event, Article 2 of the Convention envisages operational not procedural safeguards – see **Osman v UK** 22 EHRR CD 137.
5. We reject these submissions. A possible threat to life which arises from a Tribunal decision is an exceptional circumstance requiring, when appropriate, the court's intervention. The Tribunal is master of its own procedure but the requirements of fairness are for determination by the courts (see **ex parte A** at 1868B) and procedural fairness involves an obligation to be fair to witnesses (**ex parte A** at 1868E). The Tribunal's preliminary decisions can be quashed if they cause real injustice (**ex parte A** at 1870C). The Tribunal is, plainly in our view, a public authority within s6(3)(b) of the Human Rights Act. We accept Mr Lloyd Jones QC's written submission that the Tribunal's functions are those of public not mutual governance, its relationship with witnesses is created by rules of law independently of the volition of the Tribunal or the witnesses, and the Tribunal possesses powers to determine how others should act (see **Aston Cantlow PCC v Wallbank**). Furthermore, the Tribunal was not created by Parliament under the 1921 Act but by the Secretary of State for Northern Ireland. The fact that it reports to Parliament does not mean it is exercising functions in connection with proceedings in Parliament: there are no proceedings in Parliament in connection with which the Tribunal exercises

functions. A similar argument was rejected by Roch LJ in the Divisional Court in **ex parte A** on 17th June 1999 (transcript 47H-48D).

6. Accordingly, the Tribunal has to comply with the Human Rights Act and this court has jurisdiction to entertain the present application.
7. Before turning to the rival submissions, it is convenient to refer to the terms of the Tribunal's ruling. In paragraph 5 they affirm the correctness of their preliminary view "that the natural place to hold an inquiry of the present kind was where the events in question occurred". They go on:

"events of that day although of great national and international concern have undoubtedly had their most serious and lasting effects on the people of that city. It is there that the grief and outrage that the events occasioned are centred. It seems to us that the chances of this inquiry restoring public confidence in general and that of the people most affected in particular (which is the object of public inquiries of this kind) will be very seriously diminished (if not destroyed) by holding the inquiry or a major part of the inquiry far away and across the Irish sea, unless there were compelling reasons to do so. It is for similar reasons that public inquiries generally are held in or near to the place where the events to be investigated occurred."

In paragraph 8, they refer to the central importance to local people of the Inquiry coming to where Bloody Sunday took place and, at paragraph 9, they say

"in our judgment, since the oral evidence of the soldiers will form a major part of the inquiry the starting point is that this evidence should be given at the Guildhall where all or virtually all the other oral evidence will be heard, unless indeed there are compelling reasons to take a different course".

They refer to Article 2 of the European Convention and the dictum of Lord Phillips MR in **R (Mahmood) v Secretary of State for the Home Department** [2001] 1 WLR 840 at 857:

"interference with human rights can only be justified to the extent permitted by the Convention itself. Some articles of the Convention brook no interference with the rights enshrined within them."

At paragraph 15, they speak of the Tribunal making a decision "on venue by reference to the events which may or may not occur though of course the past may throw light on the likelihood of such events taking place in the future". They point out that the safety of the

soldiers is in the hands of state agencies rather than the Tribunal. "However that does not relieve the Tribunal of the obligation to assess as best it can on the material available to it the risk to the soldiers in hearing their evidence in one place rather than another".

At paragraph 16 they say

"the most helpful judgment is that of **Osman v United Kingdom**"

They cite from paragraph 116 of the judgment of the European Court of Human Rights in that case and refer also to **Ergi v Turkey** ECtHR 28th July 1998 and **Chahal v United Kingdom** 23 EHRR 413. They refer at paragraph 21 to the assessments, provided to the Tribunal by the RUC and the Security Service, of the threat to soldier witnesses giving oral evidence to the Inquiry.

"The threat was assessed as moderate both in Northern Ireland and Great Britain. However as the Security Service pointed out the threat is only one of the two factors to be taken into account when considering the risk to a person, the other being the vulnerability of the person in question."

They then refer to a meeting on 18th June 2001, to which later we shall return, at which senior representatives of all the relevant security agencies gave their views to the Tribunal on the security of soldier witnesses. A summary of that meeting was distributed to the parties and further submissions were made to the Tribunal.

8. It is necessary to set out paragraphs 23, 24 and 25 of the Tribunal's ruling in full:

"23. As will be seen from the summary, it is the view of the concerned security agencies that the risk to soldier witnesses of terrorist reprisals would be higher in Northern Ireland than in Great Britain. The soldiers submit that accordingly it would be an infringement of their rights for the Tribunal to require them to give evidence at the Guildhall rather than in Great Britain. Their case is that the Tribunal is bound to take all feasible precautions to avoid or minimise, to the greatest extent possible, any risk to the life of the individual; and that this can only be done by hearing the evidence of the soldiers in Great Britain, where the risk is lower.

24. It seems to us that the fact that the risk is greater in the one place rather than the other is not of itself determinative of the matter. On the basis of the **Osman** decision, it is incumbent on the authorities (which in the present case include both the Tribunal and the agencies responsible for the protection of witnesses) to do all that can reasonably be expected of them to avoid a real and immediate risk to life of which they ought to have knowledge. We are satisfied on the basis of the security advice that we have received, that the security authorities in Northern Ireland can provide, for soldiers giving evidence at the Guildhall, a level of protection sufficient to avoid any such risk. In such circumstances we consider that the Tribunal would not be acting incompatibly with the rights of the soldiers by requiring them to give evidence at the Guildhall rather than in London, for in neither place would there be a real and immediate risk to them. Neither the MoD nor the RUC (the state authorities who have a duty to protect the soldiers while giving evidence and who must accordingly deploy the proper resources to do so) have advised us that, notwithstanding the security precautions that they could and would put in place for soldiers giving evidence at the Guildhall, the level of risk would be so high that it could be described as real and immediate or in terms to the same or similar effect.

25. We have of course borne in mind the history of terrorist attacks on military and other targets in Northern Ireland, particularly those that have recently taken place in and around the city, and the present situation with regard to terrorist organisations. We have also borne in mind that over at least the last thirty years, it appears that the protection afforded by state authorities to those required to attend courts in Northern Ireland, often in circumstances of the greatest controversy where the risk of terrorist attacks has clearly been high, has been sufficient to avert any loss of life or injury from terrorist organisations. In our judgment the authorities will have done all that could reasonably be expected of them by providing, as they say that they can, a level of security commensurate with what has regularly (and successfully) been provided for trials in Northern Ireland where persons at risk such as soldiers, security officers, informers and others have been required to attend.”

The Tribunal went on in paragraph 26 to consider the procedural aspects of Article 2. They referred to **Jordan v UK** Application No 246/94 4th May 2001 and concluded that, as the Inquiry was concerned with the use of lethal force by state authorities, it should be conducted where the events in question occurred and that the soldiers’ rights would not be infringed by requiring them to give evidence at the Guildhall with the protection that can be given. They went on:

"it seems to us that it would be unreasonable and indeed in contravention of the Article 2 procedural requirements for the Tribunal to conduct a central part of the inquiry at somewhere other than the natural and proper place for it"

Having referred to **R v Governor of Pentonville Prison ex parte Fernandez** [1971] 1 WLR 987, **R v Lord Saville ex parte A** and **Mahmood** the Tribunal concluded in paragraph 34 that there was no difference between the common law and Convention obligations, referred again to **Osman** "and the need for awareness actual or imputed of the existence of a real and immediate risk to life" and said

"since none of the concerned agencies has suggested that such a real and immediate risk exists notwithstanding the precautions that would be put in place, it seems to us that to require the soldiers to give their oral evidence at the Guildhall would not offend their common law rights....We consider that we are justified in requiring of the soldiers no more than what has been required on many occasions of others who have had to give evidence of killings in Northern Ireland, namely to appear and testify where the events took place, with the security authorities doing all that can be reasonably expected of them to provide a safe environment. Clearly the soldiers would prefer to give their evidence in Great Britain but this does not demonstrate, nor do we accept, that they have reasonable fears for their safety while going to or from the Guildhall or actually giving their evidence there in view of the security precautions...The soldiers (with few exceptions) have the advantage of anonymity and all have the right to require the state security services to protect them. They have our assurance that they will not be required to give oral evidence here if anything occurs that means they cannot do so in proper calm and quiet conditions...we can see nothing unfair (let alone unlawful) in requiring the soldiers to give their oral evidence at the Guildhall."

They went on to consider whether there was a real danger of public disorder while the soldiers gave evidence at the Guildhall, repeated that the Inquiry was conducted in a calm and quiet manner, and said that witnesses would have a proper and fair opportunity to be heard and any attack on those providing protection for witnesses would be treated as calculated to destroy the necessary environment for the Inquiry to be conducted at the Guildhall. They said in paragraph 40

"we have nothing which suggests that political expediency would lead to protests or the like disrupting the orderly progress of the Inquiry...We reject the suggestion...there is a serious risk of public disorder...which to our minds is neither supported by the

May 2000 threat assessment made by the RUC nor by the views expressed at the meeting of 18th June nor indeed by anything else.”

9. As to procedural fairness to the soldiers, they accepted that the Inquiry was “likely to engender or re-kindle very strong feelings” and that the soldiers are “likely to find it an unpleasant and intimidating experience to give evidence” but this was unavoidable and the Guildhall was not “an especially hostile or intimidating environment for the soldiers”. There were no grounds for supposing that proceedings could not continue to be conducted in a quiet and calm manner. In paragraph 47 they concluded that none of the arguments for the soldiers “is sufficient to provide a compelling reason for not hearing the oral evidence of the soldiers at the Guildhall which we regard as the proper place for this Inquiry”.
10. The transcript of 18th June shows that the threat to the soldiers was assessed by the security agencies as moderate on the mainland and in Northern Ireland but the risk to the soldiers was agreed to be higher in Derry (93,94) where there was also a reduced or slightly reduced prospect of a successful outcome in relation to the protection of witnesses and security force personnel (96,97,98). There was the capability to protect soldiers giving evidence at the Guildhall comparable to that for others giving evidence in high profile cases for 30 years but a question as to maintaining the protection for 6 months or more (95,97). Lord Saville referred more than once to an “acceptable degree of security” and asked (99) “can you do the job or are you going to say no we can’t do the job, these people are likely to get shot if we try it. Now I gather the answer to both London and Northern Ireland is yes we think we can do the job”. But it would remain riskier in Northern Ireland (101).
11. We turn to the claimants’ grounds. Ground 9 has not been pursued and ground 8 is in our judgment, of comparatively little substance. Grounds 1 to 7, in different ways, advance 3 principal complaints. First, the Tribunal misdirected itself in law and applied the wrong test when assessing the risk to the soldiers if they gave evidence in Londonderry. Secondly, it was not open to the Tribunal to conclude that the soldiers have no reasonable fears for their own safety as witnesses in Northern Ireland because security precautions would be taken. Thirdly, the Tribunal’s approach was flawed in starting from a presumption that the soldiers should give evidence in Londonderry unless they produced a compelling reason to the contrary and in concluding that only if the soldiers did give evidence in Londonderry could the Tribunal restore public confidence.

12. As to the first complaint, Mr Lloyd Jones submitted that the Tribunal mis-directed itself, by reference to **Osman v UK**, 29 EHRR 245, that the test at common law as well as in relation to a breach of the right to life protected by law under Article 2 of the Convention, was whether there existed a real and immediate risk to the life of the soldiers. **Osman** was concerned with the limits of a public authority's duty to act to protect individuals from a third party. But, in the present case, as it was the Tribunal's own decision which exposed the soldiers to risk, the correct test, derived from Lord Diplock's speech in **ex parte Fernandez** at 994, a case involving extradition, is whether there is a "reasonable chance", "substantial grounds for thinking", or "serious possibility" that the soldiers' right to life would be put at risk by requiring them to testify in Londonderry (see per Lord Woolf in **ex parte A** at 1877B-H). The test adopted by Lord Woolf at 1877B in relation to anonymity, Mr Lloyd Jones submitted, is equally apt here: once it is accepted that the soldiers' fears for their safety are based on reasonable grounds, is there any compelling justification for them to be required to give evidence in Londonderry, the evidence being that this would increase the risk to them? The Tribunal could only properly require the soldiers to give evidence in Londonderry if either (a) the contemplated security measures would so reduce the risk to them that there is no reasonable chance or serious possibility of life threatening attack on them or (b) there is a compelling justification for requiring the soldiers to run the additional risk in Londonderry. In relation to (a) the Tribunal wrongly applied the **Osman** test and, having concluded that there was no real and immediate risk, did not consider (b). Further, in referring to an acceptable degree of risk and to the state's obligation to take care of people to a reasonable or proportionate degree (transcript 75) the Tribunal adopted the wrong approach and the security agencies were never asked if there was a real and immediate risk.
13. As to the second complaint, Mr Lloyd Jones submitted that the existence of even the highest security precautions would not render the soldiers' fears for their safety unreasonable. The Tribunal accepted in paragraphs 23 and 24 of its ruling that the risk to the soldiers in Northern Ireland is higher than in Great Britain, but concluded that security measures would avoid a real and immediate risk to them. That conclusion, submitted Mr Lloyd Jones, was contrary to the evidence of the security agencies that complete protection could not be provided against a real and unpredictable risk of attack. And, in any event, in the light of the material at the 18th June meeting, it could not be said that security would eliminate a reasonable chance or serious possibility of attack. Soldiers are regarded as a legitimate target by terrorists and 46 terrorist incidents, which the security services were powerless to prevent, took place between February 2000 and 20th July 2001, including a bomb at Shackleton Barracks Ballykelly in February 2000 and a mortar

attack on Ebrington Barracks, Londonderry, in January 2001, and showed a specific terrorist intention and ability to kill soldiers. The soldiers involved in Bloody Sunday are particularly attractive targets to terrorists, many of them having already been categorised as murderers. Londonderry is a small city where secure accommodation and the scope for variation of routes to the Guildhall is limited. The Guildhall is situated on the west bank of the River Foyle and approached from the east by only two bridges. Close quarters assassination, remote control bombs and sniper attacks are possible and the core vulnerability of the soldiers is irreducible (Ministry of Defence assessment core bundle 493). There is significant vulnerability to witnesses and those seeking to safeguard the witnesses in the Guildhall (transcript page 56). In these circumstances, Mr Lloyd Jones submitted, it is impossible to say that the soldiers' fear for their safety is other than reasonable. These fears would necessarily be increased by the requirement for all witnesses to be in Londonderry for at least two days, for many who were likely to be questioned for many days and for some who would have to make more than one visit to Northern Ireland or stay for an extended period. They will require accommodating and escorting under armed guard with armoured transport and armed uniformed RUC officers would be needed in the Guildhall during their evidence. Military support would be necessary. There would be collateral risk to those protecting them. Giving evidence in such circumstances would be prejudicial to them and therefore procedurally unfair. The Tribunal did not take into account the soldiers' perception of and confidence in the Inquiry.

14. As to the third complaint, Mr Lloyd Jones submitted that the Tribunal erred, first, in starting from the proposition, in paragraphs 5 and 9, that the soldiers needed to establish a compelling reason why their evidence should not be heard in Londonderry and in concluding, in paragraph 47, that they had failed; secondly, in concluding that public confidence in the Tribunal was dependent on the soldiers giving evidence in Londonderry. Although Londonderry, as the scene of the events and the home of the victims and their families, may be the natural place to hold much of the Inquiry and to hear evidence from the families and other witnesses living there, it does not follow that it is the natural place to hear the evidence of hundreds of witnesses living on the mainland. And the Tribunal did not consider whether any loss of confidence arising from where the soldiers gave evidence would be reasonable or would exist in the minds of responsible people, (see **ex parte A** Divisional Court 17th June 1999 per Roch LJ at 37A and Maurice Kay J at 47B), bearing in mind that the crucial purpose of the Inquiry was to establish the truth, that such a result is most likely if proceedings are fair to all witnesses, that the families would be legally represented at temporary mainland hearings of the soldiers' evidence which would

be in public and relayed to Londonderry and followed by final submissions in Londonderry. None of these matters was properly taken into account by the Tribunal. Only two reasons appear to have been given. First, the importance of the Inquiry to local people: this could properly be no more than a factor to be considered together with others and symbolism is not a justification for exposing the soldiers to risk of death. Secondly, to conduct a central part of the Inquiry elsewhere would be a breach of Article 2 procedural requirements: nothing in **Jordan v UK** or **McCann v UK** 21 EHRR 1997 suggests that Article 2 requires an Inquiry to be held where fatal events occurred. What is required is an independent, effective investigation, securing evidence with reasonable expedition, subject to public scrutiny and involving the next-of-kin to the extent necessary to safeguard their legitimate interests (see **Jordan** paragraphs 105 to 109). None of these features of open justice would be undermined by the soldiers giving evidence in Great Britain. The Tribunal had a duty to be fair to the soldier witnesses as well as to the families.

15. For the Ministry of Defence, Mr Burnett QC in submissions which echoed and in some respects adopted Mr Lloyd Jones's argument submitted first that the Tribunal misdirected itself in applying the higher **Osman** test rather than the lower **ex parte A** test and in holding that the procedural obligations under Article 2 told in favour of the soldier witnesses giving evidence in Londonderry. Secondly, there was no compelling reason why the soldiers should face the higher risk in Londonderry even after all precautions had been taken. Thirdly, it could not properly be concluded that the soldiers' fears if they gave evidence in Londonderry were not reasonable: elaborate security has not been and will not be sufficient to protect soldiers from terrorist attack and the real risk to soldiers only becomes immediate when an attack is implemented. In any event the position of the Bloody Sunday soldiers is different from that of other soldier witnesses in ordinary trials (transcript 94).
16. On behalf of the defendants, Mr Christopher Clarke QC confirmed that the Tribunal's ruling was based upon the proposition that the Osman test was applicable; Article 2 was not engaged unless it was demonstrated that the risk to life was "real and immediate". He submitted that there was no difference in substance between this formulation and that set out by Lord Diplock in Fernandez.
17. Article 2.(1) places three obligations on a public authority: a negative obligation to refrain from intentionally depriving a person of their life; a positive obligation to protect the right to life, and a procedural obligation effectively to investigate killings resulting from state action. The negative obligation to refrain from taking life intentionally is absolute, and is a

fundamental provision of the Convention which admits of no derogation in peacetime. The only circumstances in which a public authority may intentionally take a life are those set out in Article 2(2) which are exhaustive, and must be narrowly interpreted: **Stewart v UK** [1984] 7 EHRR 453, para. 13. However, the ambit of this absolute prohibition is relatively narrow. The word “intentionally” in Article 2.(1) must be given its natural and ordinary meaning: the purpose of the prohibited action must be to cause death: **In re A (conjoined Twins: surgical separation)** [2001] 2 WLR 480, **NHS Trust A v M** [2001] 2 WLR 942. This absolute negative obligation has no application to the present case. The positive obligation is not absolute. It requires state authorities to do all that can reasonably be expected of them to avoid a real and immediate risk to life of which they have or ought to have knowledge, whether this risk arises from criminal acts of third parties, or any other factor: **Osman** at pp. 277-8, paragraphs. 89 and 91, and p. 306, paragraphs 115-116. He said this means that Article 2 permits the state deliberately to expose an individual to any risk to life provided that risk cannot be demonstrated to be “real and immediate”. Article 2 is not engaged unless the “real and immediate” threshold is crossed. He suggested that a decision by the state to expose an individual to a lesser degree of risk to life might well be reviewable on rationality grounds.

18. **Chahal** and **Soering** are concerned with the state’s non-derogable obligations (in relation to torture, etc.) under Article 3. They are of no assistance in determining the ambit of the qualified, positive, obligation under Article 2(1). **Ergi**, at paragraphs 79-81, is an application of the **Osman** duty - to do all that can reasonably be expected - to particularly dramatic circumstances. Depending on the circumstances, the **Osman** duty may place a heavy burden on the state; but the underlying test of “real or immediate risk” does not alter merely because the state authorities are deliberately exposing the individual to a risk to life.
19. The state cannot reasonably be expected to do everything that can possibly be done to avoid exposing an individual to any risk, however small or insignificant, to life. To impose such an obligation would be a disproportionate response in the context of a qualified duty: see the balancing exercise carried out by the court in **Van Mechelen v. Netherlands** 25 EHRR 647, at page 674, paragraphs 56 & 57.
20. He submitted that the Tribunal was right to conclude that the “real and immediate risk” test is, for all practical purposes, the same as the approach adopted in **Fernandez**, namely, are there “substantial grounds for thinking”, is there a “reasonable chance” or “a serious possibility”. In **Soering** the court referred in paragraph 88 of its judgment both to “substantial grounds for thinking he would be in danger...”, and to “a real risk of exposure

to inhuman or degrading treatment". In **Bensaid v. UK** 6 February 2001 the court noted, with approval, the test applied by Simon Brown L.J. in **R v. Secretary of State for the Home Dept ex parte Turgut** [2001] 1 All ER 719: "the right not to be exposed to a real risk of article 3 treatment". A similar approach was found in **HLR v. France** 26 EHRR 29, page 50, paragraph 40. In **Secretary of State for the Home Department v. Rehman** [2001] 3 WLR 877, Lord Hoffmann referred in paragraph 54 to "a substantial risk", and pointed out, in paragraph 56, that the concept of a standard of proof is not particularly helpful when assessing the extent of a future risk. The question is one of evaluation and judgment. In **ex parte A** it was common ground that the soldiers' fears (if anonymity was withheld) were based on reasonable grounds. It is not enough for the claimants to assert that there is some risk. Whether the level of risk is sufficient to bring Article 2 into play is a question of degree, for the evaluation and judgement of the Tribunal: see **Rehman**, paragraph 56.

21. Turning to the implied procedural obligation under Article 2, Mr Clarke referred to **Jordan v. UK** 4 May 2001, paragraphs 105-109, and to **McKerr v UK** 4 May 2001, paragraphs 159-161. The Tribunal correctly concluded that it would be in contravention of the Article 2 procedural requirement to conduct a central part of the Inquiry anywhere other than in Londonderry. Remaining in Londonderry would retain public confidence in the state's willingness to maintain the rule of law, prevent any appearance of collusion in the unlawful use of force, ensure that the investigation was transparent and accessible to the families of the deceased and the local community and enable the next of kin of the victims to be involved in the proceedings to the extent necessary to safeguard their legitimate interests. There was a particular need not to repeat the errors of the past. The fact that the Widgery inquiry had been held in Coleraine, rather than in Londonderry, had led to the widespread belief that the venue had been chosen for the convenience of army witnesses and to disadvantage local people.
22. In deciding whether the soldiers' fears for their safety were reasonable, the Tribunal was required to assess, on an objective basis, whether the available evidence led to the conclusion that there was a sufficient likelihood of the risk occurring. The Tribunal was not dealing with the soldiers' subjective fears. On an objective basis, a real and immediate risk was not established, so the soldiers' fears could not be regarded as reasonable in the context of Article 2; which was simply not engaged. Since Article 2 was not engaged it had not been necessary for the Tribunal to carry out a balancing exercise to decide whether there was any "compelling justification" (see **ex parte A** at p.1877 A) for exposing the soldiers to the increased risk. In deciding that the witnesses should be

heard in Londonderry unless there were “compelling reasons” not to do so, the Tribunal was not placing a burden of proof on the soldiers. It was merely following “a logical progression of thought”. The end result would be the same if one approached the question on the basis: if Article 2 is not engaged, Londonderry is the natural place to hold the Inquiry. The Tribunal’s conclusion that the soldiers’ fears were not reasonable, given the level of protection that would be provided by the state security services, was a finding of fact, arrived at by a uniquely experienced tribunal following detailed enquiries of all the relevant services. All those at the 18th June meeting were well aware of its purpose. The Tribunal was concerned to ascertain not merely the means of protection that would be employed, but their outcome, namely, what degree of safety would be achievable in practice? Because of the inherent lack of precision in such concepts as “moderate risk”, “increased vulnerability”, “secure environment”, the Tribunal looked for a practical, objective, standard, namely the level of protection that the security services had been able to provide for vulnerable witnesses in Northern Ireland over many years. If, as a result of that protection, the risk to the soldiers could not be described as “real and immediate” it is irrelevant that it was higher in one place, Londonderry, than in another.

23. Although the Tribunal had not reached the stage of being required to consider whether there was a compelling justification for requiring the soldiers to accept an increased degree of risk, such justification could be found in the Tribunal’s conclusions in paragraphs 5 and 26: moving a major part of the inquiry out of Londonderry would seriously damage public confidence, and be in breach of the Article 2 procedural requirements. The Tribunal was particularly well qualified to assess the former. They were well aware of the fact that restoring public confidence was not the sole object of the Inquiry, but it was a vital part of the Tribunal’s role, given the lack of confidence, particularly amongst those most affected by Bloody Sunday, as to the willingness of the British state to carry out a genuinely thorough and impartial investigation. To render the hearing inaccessible to those most affected, the families of the victims, and other members of a tightly knit local community, would shatter their confidence. Their position, as victims in the context of Article 2, should not be equated with the position of ordinary members of the public having an interest in, and wishing to attend, an ordinary public inquiry.
24. Substantial security precautions would be required at any venue on the mainland. The risk is greater in Londonderry, but the Tribunal had been advised by the security agencies that an acceptable level of security could be provided in both places. Against this background the balance tipped decisively in favour of a hearing in Londonderry.

25. The Tribunal had been entitled to reject, in paragraph 40, the suggestion that there would be a serious risk of public disorder should the soldiers give oral evidence at the Guildhall. The Tribunal was advised on 18th June that with such measures as segregation, public order could be maintained (transcript pp. 35-40). The Tribunal took account of the past incidents relied upon by the soldiers (paragraph 38) but some of these incidents were relatively old, and many had been associated with the Marching Season and other sectarian activities, all of which had no connection with the conduct of the Inquiry.
26. In terms of procedural fairness, security arrangements will have to be made wherever the soldiers give evidence. Those likely to be provided in Londonderry would effectively insulate the witnesses, so they will be well able to do justice to themselves. There are collateral risks, albeit of a different character, whether the Inquiry is held in Londonderry or on the mainland. Since the Tribunal has not accepted that the soldiers' fears for themselves are reasonable, concern for the safety of those protecting them cannot result in any procedural unfairness. The job of the security forces necessarily involves their being required to take risks.
27. For the families we received written and oral submissions from four leading counsel. Mr Lavery QC stressed that the families are acting in good faith and want no more deaths. Their wish is to see the Inquiry finished not jeopardised. The Tribunal has gained the trust and confidence of the people of Northern Ireland but discovery of the truth will be a waste of time if the Tribunal does not continue to enjoy that confidence. The families do not believe there is a risk to the soldier witnesses in Londonderry and for the Tribunal to hear their evidence in England would be perceived as a step to protect the soldiers. There is no evidence that any particular group from those involved in the Inquiry has been singled out by terrorists because of the role it plays. It is purely speculative and dependent on a reading of the Republican psyche to say the risk to soldiers is greater in Northern Ireland than on the mainland. The Ministry of Defence views are not detached. The Tribunal is in as a good position as any observer to assess the risk. It is not open to this court to read the transcript of 18th June and take a different view. He referred to **Bensaid** 33 EHRR 205 and the approval in paragraphs 55 and 56 of the English judicial review procedures and, in particular, (paragraph 28) of the judgment of Simon Brown LJ in **ex parte Turgut** [2001] 1 All ER 719 that an irrationality challenge under Article 3 will only succeed if consideration of the underlying factual material compels a court to a different conclusion.

28. Lord Gifford QC adopted Mr Clarke's analysis of the authorities and expressed mystification at Mr Lloyd Jones's criticism of the Tribunal's approach to the law. He submitted that the law before the Tribunal was agreed, namely that Article 2 would only be engaged if the authorities could not eliminate a real risk. The present circumstances are to be distinguished from those considered in **ex parte A**, particularly as absence of anonymity would remove protection forever whereas the risk arising from giving evidence in Londonderry would be of only short duration. Londonderry should be regarded as the safest, not the least safe, place for the soldiers to give evidence. He relied on the statement of Liam Wray explaining his family's wish to be present at the hearing, to see the witnesses, which would be impossible if they are heard on the mainland. The process by which the truth is reached is of great importance and full healing and reconciliation will not take place if the witnesses are not seen and heard by the families. On 18th June, the Tribunal had taken great care to obtain appropriate advice and had taken all appropriate matters into account.
29. Miss McDermott QC adopted the submissions of Mr Clarke and Lord Gifford. Hearing soldiers' evidence on the mainland would render the Inquiry inaccessible to the Docherty family, which includes six children. Hearing evidence in Londonderry would cause the Tribunal to continue being seen as independent, transparent and unbiased. It presently enjoys the full confidence of the people most affected.
30. Mr Mansfield QC submitted that there would be no real risk to soldiers in Londonderry whether the risk was described as immediate or a serious possibility: for all practical purposes the tests are synonymous. Neither threshold is crossed because of the thirty-year history of non-interference with witnesses and because of the measures which can be put into place. The Tribunal's crucial conclusions, in paragraphs 23 to 25, were within the range of options open to them. The security agencies provided no concrete material showing real risk. The threat assessments, which were originally made in relation to anonymity, had not addressed the thirty-year history (transcript page 94) and no soldier had been attacked when giving evidence at the 1972 Inquiry.
31. In addressing these rival submissions it is as well to begin by setting out the approach which we have adopted. This is in accordance with the judgment of Lord Woolf in **ex parte A** at 1865H to 1868H.

"31. The Tribunal is subject to the supervisory role of the courts. The courts have to perform that role even though they are naturally loath to do anything which could in any way interfere with or complicate the extraordinary difficulty task of the Tribunal. In exercising their role the courts have to bear in mind at all times that the members of the Tribunal have a much greater understanding of their task than the courts. However, subject to the courts confining themselves to their well recognised role on applications for judicial review, it is essential that they should be prepared to exercise their role regardless of the distinction of the body concerned and the sensitivity of the issues involved. The court must also bear in mind that it exercises a discretionary jurisdiction and where this is inconsistent with its performance of its duty it should avoid interfering with the activities of a Tribunal of this nature to any greater extent than upholding the rule of law requires."

When reviewing the reasonableness of a Tribunal's decision:

"33....If a decision could affect an individual's safety then obviously there needs to be a greater justification for taking that decision than if it does not have such grave consequences.

34. The appropriate test...is the test adopted by Sir Thomas Bingham MR in the Court of Appeal Civil Division in **Reg v Ministry of Defence ex parte Smith** [1996] QB 517, 554E-F." The test was based on submissions of Mr David Pannick in that case. They were in these terms:

"The court may not interfere with the exercise of an administrative discretion on substantive grounds save where the court is satisfied that the decision is unreasonable in the sense that it is beyond the range of responses open to a reasonable decision-maker. But in judging whether the decision-maker has exceeded this margin of appreciation the human rights context is important. The more substantial the interference with human rights, the more the court will require by way of justification before it is satisfied that the decision is reasonable in the sense outlined above. "

"35...Sir Thomas Bingham MR indicated that he regarded this statement as "an accurate distillation of the principles laid down by the House of Lords in **Reg v Secretary of State for the Home Department ex parte Bugdaycay** [1987] AC 514 and **Reg v Secretary of State for the Home Department ex parte Brind** [1991] 1 AC 696" and we would respectfully agree with him....

“37...When a fundamental right such as the right to life is engaged the options available to the reasonable decision maker are curtailed. They are curtailed because it is unreasonable to reach a decision which contravenes or could contravene human rights unless there are sufficiently significant countervailing considerations. In other words it is not open to the decision-maker to risk interfering with fundamental rights in the absence of compelling justification. Even the broadest discretion is constrained by the need for there to be countervailing circumstances justifying interference with human rights. The courts will anxiously scrutinise the strength of the countervailing circumstances and the degree of the interference with the human right involved and then apply the test accepted by Sir Thomas Bingham MR in **Reg v Ministry of Defence ex parte Smith**.

“...38 Turning to the role of the courts on judicial review to ensure procedural fairness...While [this Tribunal] is master of its own procedure and has considerable discretion as to what procedure it wishes to adopt, it must still be fair. Whether a decision reached in the exercise of its discretion is fair or not is ultimately one which will be determined by the courts. ...The requirements of procedural fairness for witnesses is well recognised in the courts...At this Inquiry where there are no defendants the requirement of procedural fairness surely involves an obligation to be fair to witnesses...

40..Procedural fairness must be viewed in the round and fairness to the former military witnesses [is] only one dimension of the question posed: it [is] also necessary to consider the interests of the dead and injured and the public interest. ”

32. In our judgment the Tribunal misdirected itself in law as to the test to be applied when assessing the threshold of risk to soldier witnesses from terrorist reprisals. In paragraph 23 the Tribunal accepted that that risk would be higher in Northern Ireland than in Great Britain. They were right to say in paragraph 24 that the fact that the risk was greater in one place rather than the other was not of itself determinative. But in proceeding to apply the **Osman** test the Tribunal in our judgment fell into error. The **Osman** and **ex parte A** tests are, as it seems to us, conspicuously different in purpose and effect. In **Osman** the European Court of Human Rights limited the obligation of the state to intervene to protect against the activities of third parties to those circumstances in which there is a real and immediate risk to life. In **ex parte Fernandez** the House of Lords and in **ex parte A** the Court of Appeal defined the obligation of a public authority more broadly as being not to make a decision exposing anyone to the real possibility of a risk to life in the future. This misdirection fundamentally flaws the Tribunal's decision Whether their decision would

have been the same or different if the correct test had been applied is a matter for the Tribunal rather than this court to determine. They will, no doubt, wish to bear in mind: that the need to seek advice from all the security agencies on 18th June demonstrated that, whatever the degree of risk, it was by no means fanciful; that likelihood of being shot was not, as we have sought to explain, the correct approach; that the security agencies were not asked whether there was a real possibility of risk; and that the question of whether the necessary security could be maintained for 6 months or more was never resolved.

33. Furthermore, the Tribunal's conclusion that the soldiers had no reasonable fears for their own safety, in the light of the protection the security services would afford, was erroneous and gave rise to procedural unfairness in relation to the soldier witnesses. As we have said, the correct test to be applied was whether there was a real possibility of risk. Also, as it seems to us, it was not reasonably open to the Tribunal to conclude that the soldier's fears were not reasonable. The security agencies will of course do their best to ensure an adequate level of protection. But it does not follow that the people to be protected do not have reasonable fears for their safety notwithstanding the existence of that protection. The recent history of events in the province, including the attacks on barracks at Ballykelly and Ebrington demonstrate that, despite intensive security precautions, terrorist activity puts soldiers' lives at risk. And the Tribunal's emphasis on the quiet and calm manner of proceedings at the Guildhall ignores the impact on middle aged witnesses, many of whom have been civilians for many years, of the extensive security measures required in relation to accommodation, transport and close protection. The Tribunal said that the Guildhall itself is not an especially hostile or intimidating environment but this, in our judgment, ignores both the security precautions in relation to soldier witnesses before reaching the Guildhall and after leaving it and the necessity, indicated by the security agencies on 18th June, for uniformed armed personnel in the Guildhall while evidence is being given. Accordingly, when re-considering the matter, the Tribunal must in our judgment take into account that the soldier witnesses' fears for their own safety must properly be characterised as reasonable.

34. We also accept that Mr Lloyd Jones's third principal criticism of the Tribunal is well founded. The Tribunal should not, as they did in paragraph 9, have started from the proposition that the soldier witnesses' evidence should be given at the Guildhall unless they showed compelling reasons for a different course. It is common ground that the primary purpose of the Tribunal is to find the truth. It is also vital that the Inquiry commands public confidence. The confidence of the families in the Tribunal's findings is obviously of great importance. So too, as it seems to us, is the confidence of the soldier

witnesses, some of whom are accused of murder. Equally although the confidence of the people of Northern Ireland is of high importance, so too is the confidence of people in other parts of the United Kingdom. It is the Prime Minister of the United Kingdom whose announcement in Parliament gave rise to the setting up of the Tribunal. All of these matters must be taken into account by the Tribunal when carrying out the balancing exercise, properly for their determination, as to where the soldier witnesses should give evidence. In our judgment the Tribunal in its present ruling does not appear to have taken these matters into account. Accordingly, the Tribunal's conclusion that the confidence of the people in Londonderry would be very seriously diminished if not destroyed if soldier witnesses gave evidence on the mainland should not properly have been regarded as determinative of the outcome without due consideration of wider public confidence including that of the soldier witnesses themselves. In any event, in our judgment, once the risk of death is a serious or real possibility it was for the Tribunal, as decision maker, to find some compelling justification for interference with the soldiers' Article 2 rights rather than to require the soldiers to provide a compelling justification for giving their evidence elsewhere. (see **Soering v UK** 11 EHRR 439 paragraph 88, **Chahal v United Kingdom** 23 EHRR 413 at paragraph 80 and **Ergi v Turkey** European Court of Human Rights 28th July 1998 paragraph 79).

35. Finally, we do not accept the Tribunal's conclusion, at the end of paragraph 26, that conducting a central part of the Inquiry somewhere other than Londonderry would contravene the Article 2 procedural requirements for the Tribunal, which we take to be a reference to the families' Article 2 rights. The Tribunal sitting in Great Britain would be equally independent from those implicated in the events, transparent and subject to public scrutiny, non-collusive in unlawful acts and would involve the victims and next-of-kin (who would all continue to be legally represented) to the extent necessary to safeguard their legitimate interests (see **Jordan v United Kingdom** European Court of Human Rights 4th May 2001 paragraphs 105-109).
36. Accordingly, the Tribunal's decision that the soldier witnesses must give evidence in Londonderry is quashed. We remit the matter to the Tribunal for reconsideration in the light of the terms of this judgment.

THE ASSOCIATE: Judgment in *The Queen on the application of A and Others v Members of the Tribunal sitting as the Bloody Sunday Inquiry*.

LORD JUSTICE ROSE: For the reasons given in the judgment of the Court handed down, the Tribunal's decision in relation to the soldier witnesses is quashed and we remit the matter to the Tribunal for reconsideration in the light of the terms of this judgment.

MR BOOLS: My Lord, simply on the matter of costs, we ask that there be no order as to costs.

LORD JUSTICE ROSE: Does anybody resist that? Then there will be no order as to costs.

MISS ROSE: On behalf of the Tribunal we do apply for permission to appeal. As your Lordship is well aware, the test for permission is twofold under CPR part 52. First of all, whether or not there is a real prospect of the appeal succeeding and, secondly, regardless of your Lordships' view of the merits of the appeal, if there is in any event a compelling reason why the appeal should be heard. In our submission there are two compelling reasons why this matter ought to go to the Court of Appeal. The first is, as your Lordships have acknowledged in your judgment, that your Lordships are differing from the views of very senior members of the judiciary. The second is that it is patent that the matter is a matter of very considerable public importance and warrants consideration at appellate level.

In any event we submit that there is a real prospect of the appeal succeeding. In particular your Lordships have ruled that the Tribunal misdirected themselves in law in relation to the question whether Osman and ex parte A set a different test. That is a matter on which there is currently no appellate authority and it is obviously a matter on which senior members of the judiciary may take different views, as is apparent from the history of these proceedings.

My Lords, finally we would submit that there are very good case management reasons why permission to appeal ought to be granted at this stage by this court. As your Lordships will be aware from our acknowledgement of service, we sought expedition at the outset. As your Lordships know, the inquiry has been sitting for three and a half years. The costs are enormous. Any delay is going to cause very significant inconvenience in costs as well as being adverse to the interests of justice. We would very much like, if it were possible for us to be accommodated, for any appeal to come on before Christmas. If permission is not granted at this stage, inevitably there will have to be a rolled-up hearing for permission and a substantive appeal which means there will be no saving in costs or

time if permission is refused by this court, simply an added procedural complexity. I would ask your Lordships to avoid that by granting permission at this stage.

MR MANSFIELD: My Lord, as you may recall I represent in fact, for the purposes of this hearing, four families instead of three. But I would associate myself with those observations and also seek leave on behalf of those families. I will not repeat arguments I put forward on paper and orally before but your Lordships will recall that we have a specific point we wish to pursue in relation to the definition and threshold test.

MR HARVEY: Richard Harvey on behalf of the Wray family. I adopt my learned friends' arguments.

MR BOOLS: It is simply a matter for the Court. We have no submission.

(The Court conferred)

LORD JUSTICE ROSE: We shall grant permission, not because we think there is a real prospect of success, but because there is a compelling other reason, namely the public interest.

A2.48: Court of Appeal (Civil Division) (London, 19th December 2001): venue (item 19 above)

**Lord Saville of Newdigate & Ors v Widgery Soldiers & Ors [2001]
EWCA Civ 2048 (19th December 2001)**

**[2001] EWCA Civ 2048
Case No: C/2001/2538**

**In the Supreme Court of Judicature
Court of Appeal (Civil Division)
On appeal from the Administrative Court
The Rt. Hon. Lord Justice Rose
The Hon. Mr Justice Sullivan**

**Royal Courts of Justice
Strand, London, WC2A 2LL**

19th December 2001

**Before:
Lord Phillips MR
Lord Justice Jonathan Parker
and
Lord Justice Dyson**

Lord Saville of Newdigate and Others (Appellants)

and

Widgery Soldiers and Others (Respondents)

(Transcript of the handed down judgment of Smith Bernal Reporting Limited, 180 Fleet Street, London EC4A 2AG. Tel No: 020 7421 4040, Fax No: 020 7831 8838. Official Shorthand Writers to the Court)

Christopher Clarke QC, Dinah Rose, and Alan Roxburgh (instructed by The Treasury Solicitors) for the Tribunal.

David Lloyd Jones QC, Michael Bools and Nicholas Moss (instructed by The Treasury Solicitor) for various soldiers and former soldiers

Iain Burnett QC and William Hoskins for the Ministry of Defence

Michael Lavery QC, Seamus Treacy QC and Karen Quinlivan (instructed by Messrs Madden & Finucane) for the various bereaved and wounded represented by Madden & Finucane

Michael Mansfield QC (instructed by Messrs Desmond Doherty & Co) for the relatives of Bernard McGuigan, Alexander Nash & William Nash, deceased and Daniel Gillespie and Michael Quinn

Eilis MacDermott QC (instructed by Messrs Brendan Kearney Kelly & Co) for the relatives of Patrick Doherty deceased

Declan Morgan QC and Brian Kennedy (instructed by Messrs Frances Keenan) for Michael Bradley and Michael Bridge

Sir Louis Blom-Cooper QC and Henrietta Hill (instructed by Messrs Frances Keenan) for the various former officers of the Northern Ireland Civil Rights Association represented

Judgment (as approved by the Court)

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Lord Phillips MR:

This is the judgment of the court.

Introduction

1. Once again retired and serving soldiers, who are due to give oral evidence in the Bloody Sunday Inquiry ('the soldier witnesses'), have sought judicial review in order to challenge a procedural order of the Tribunal. In *R v Lord Saville of Newdigate ex p. A* [2000] 1 WLR 1855 a number of soldiers, who had fired live rounds on Bloody Sunday, successfully challenged a decision of the Tribunal that soldier witnesses would be identified by their full names, subject to the right to apply for anonymity on special grounds. That decision,

insofar as it related to soldiers who had fired live rounds, was quashed by the Divisional Court, whose decision was upheld on appeal. The Court of Appeal held that these soldiers had reasonable grounds for fearing for their lives if they were identified and that in those circumstances the Tribunal had to demonstrate that there were compelling reasons for naming them. This they had failed to do. In the light of that judgment the Tribunal decided to grant anonymity to all soldier witnesses.

2. On this occasion the decision that is challenged is that the soldier witnesses must give evidence in the Guildhall in Londonderry, rather than in London or in some other venue in Great Britain. Once again the primary ground of challenge is that the soldiers have reasonable grounds for fearing for their lives if they go to Londonderry to give evidence and that the Tribunal has failed to show that there are compelling grounds for requiring them to do so.
3. The Administrative Court has granted the soldier witnesses' application, quashed the Tribunal's decision and remitted the matter to them for further consideration. That Court held that the Tribunal misdirected itself in law, with the result that their decision was fundamentally flawed. Against that decision the Tribunal now appeals. It is supported in its appeal by a number of families of people who were killed or wounded on Bloody Sunday. These families are desperately concerned that the soldier witnesses should give evidence in the city where the tragedy occurred and where the families will be able to listen to their evidence. The respondents, for their part, are supported by the Ministry of Defence ('MoD'), which contends that to make the soldier witnesses give their evidence in Londonderry will be to expose them to lethal danger and to consequent stress for which there can be no justification.
4. The hearing of this appeal has been expedited and our judgment is urgently awaited. In these circumstances we propose to follow the example of the Administrative Court and to refer anyone who is unaware of the background to this appeal to the account that is given in the first 28 paragraphs of the judgment of this court in *ex parte A*. Indeed there are so many parallels between that appeal and this that we would recommend anyone unfamiliar with it to read the judgment in that case as a precursor to our own.
5. Most of those before the court submitted that at the heart of this appeal lie the duties that are imposed on a public authority by virtue of Article 2 of the Human Rights Convention ("the Convention"); not everyone, however. We gave permission to intervene to the Northern Ireland Civil Rights Association. On their behalf Sir Louis Blom-Cooper Q.C.

sought to persuade us that the Tribunal was not a public authority and therefore not subject to the Convention, as applied by the Human Rights Act 1998.

6. This argument was presented to the Administrative Court by written submission. It received short shrift – see paragraphs 4 and 5 of the judgment. We endorse the conclusions of the Administrative Court for the reasons given by it. The Tribunal is undoubtedly a public authority within section 6(3) of the 1998 Act, being a court or tribunal whose functions are of a public nature. In any event the Tribunal has founded its decision very largely on the premise that it is governed by the Convention and that decision falls to be reviewed in the light of the Convention obligations.
7. Sir Louis advanced a second submission. What was in play on this appeal was a matter of procedure. The Tribunal was the master of its own procedure. This was not an appropriate area for judicial review – see *Lawlor v Flood* [1999] 3 IR 107 per Murphy J. at p.139. We accept that, in general, the court will not interfere with procedural decisions of a tribunal. Here, however, what is in issue is the fairness of the Tribunal's procedure. Furthermore it is in issue in an extreme form, for what is alleged is that the procedure of the Tribunal will expose witnesses to the fear of lethal danger, a fear that is both subjectively and objectively justified. As this court observed in *ex parte A* at p.1868, while the Tribunal "is master of its own procedure and has considerable discretion as to what procedure it wishes to adopt, it must still be fair. Whether a decision reached in the exercise of its discretion is fair or not is ultimately one which will be determined by the courts".
8. An allegation of unfairness which involves a risk to the lives of witnesses is pre-eminently one that the court must consider. It is also one which calls for the most anxious scrutiny, as all parties to this appeal have recognised. The decision under review has been reached by a tribunal of pre-eminent distinction and experience, not merely general judicial experience but, by now, personal experience of conditions, attitudes, emotions and reactions in the venue where the Inquiry is being held that extends over a period in excess of three years. These considerations call for particular care on our part when deciding whether to interfere with the decision that the Tribunal has made.

The manner in which Article 2 is engaged

9. Article 2 of the Convention provides:

“1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

(a) in defence of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) in action lawfully taken for the purpose of quelling a riot or insurrection.”

10. The European Court of Human Rights (“the Strasbourg Court”) has accepted as admissible applications involving the right to life in a number of different circumstances and its jurisprudence gives guidance as to the appropriate approach of a public authority in each of these circumstances. The Inquiry is, of course, concerned with the question of whether there was a breach of Article 2 by the deliberate taking of life resulting from the use of force by soldiers that was more than absolutely necessary. That issue is not, however, in play in this appeal. The circumstances in which the Strasbourg Court has found that the right to life was engaged that are relevant to this appeal are as follows.

The requirement to have an effective official investigation

“The obligation to protect the right to life under Article 2 of the Convention, read in conjunction with the State’s general duty under Article 1 of the Convention to ‘secure to everyone within [its] jurisdiction the rights and freedoms defined in [the] Convention’, also requires by implication that there should be some form of effective official investigation when individuals have been killed as a result of the use of force...”

11. This passage from the decision of the Strasbourg Court in *Hugh Jordan v. United Kingdom* (Decision 4 May 2001) represents an area where the Strasbourg Court has only relatively recently held that Article 2 is engaged – see *McCann and Others v. United Kingdom* (1996) 21 E.H.R.R. 97 at p.163. The efficacy of the contemporary Widgery Inquiry into Bloody Sunday has not been generally accepted, which was one of the

reasons for setting up the current Inquiry. The current Tribunal has rightly recognised at paragraph 26 of its Ruling on Venue that Article 2 places it under a procedural obligation, insofar as compatible with the substantive obligations imposed by that Article, to conduct an official Inquiry that is effective.

The duty to protect against criminal acts that threaten life

12. The recognition that this duty arises from Article 2 is another recent development of the jurisprudence of the Strasbourg Court. It was enunciated in the tragic case of *Osman v. United Kingdom* (1998) 29 E.H.R.R. 245. We shall, accordingly, describe the duty as ‘the *Osman* duty’. Because this decision has featured large in the arguments addressed to us, we propose to set out the material passage from the judgment of the Court at paragraphs 115-116:

“The Court notes that the first sentence of Article 2(1) enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction. It is common ground that the State’s obligation in this respect extends beyond its primary duty to secure the right to life by putting in place effective criminal law provisions to deter the commission of offences against the person backed up by law-enforcement machinery for the prevention, suppression and sanctioning of breaches of such provisions. It is thus accepted by those appearing before the Court that Article 2 of the Convention may also imply in certain well-defined circumstances a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual. The scope of this obligation is a matter of dispute between the parties.

For the Court, and bearing in mind the difficulties involved in policing modern societies, the unpredictability of human conduct and the operational choices which must be made in terms of priorities and resources, such an obligation must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities. Accordingly, not every claimed risk to life can entail for the authorities a Convention requirement to take operational measures to prevent that risk from materialising. Another relevant consideration is the need to ensure that the police exercise their powers to control and prevent crime in a manner which fully respects the due process and other guarantees which legitimately place restraints on the scope of their action to investigate crime and bring offenders to justice including the guarantees contained in Article 5 and 8 of the Convention.

In the opinion of the Court where there is an allegation that the authorities have violated their positive obligation to protect the right to life in the context of their above-mentioned duty to prevent and suppress offences against the person, it must be established to its satisfaction that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk. The Court does not accept the Government's view that the failure to perceive the risk to life in the circumstances known at the time or to take preventive measures to avoid that risk must be tantamount to gross negligence or wilful disregard of the duty to protect life. Such a rigid standard must be considered to be incompatible with the requirements of Article 1 of the Convention and the obligations of Contracting States under that Article to secure the practical and effective protection of the rights and freedoms laid down therein, including Article 2. For the Court, and having regard to the nature of the right protected by Article 2, a right fundamental in the scheme of the Convention, it is sufficient for an applicant to show that the authorities did not do all that could be reasonably expected of them to avoid a real and immediate risk to life of which they have or ought to have knowledge. This is a question which can only be answered in the light of all the circumstances of any particular case."

13. We consider that the *Osman* duty is directly engaged in the present case. The majority in Londonderry, and that majority includes the families of those who were killed or injured on Bloody Sunday, wish the Inquiry well and are anxious that it should continue to be peacefully held in Londonderry. It is, however, common ground that there are, in Londonderry in particular but also elsewhere, dissident Republican elements who are not prepared to observe the cease-fire, but are anxious to disrupt the peace process. In particular, the Republican group that describes itself as the Continuity IRA is not observing the cease-fire. These elements pose a threat to the Inquiry and those who are or will be taking part in it, and in particular the soldier witnesses. The security agencies consider that this threat is, and will be, sufficiently real and imminent to call for precautionary measures to safeguard those taking part in the Inquiry. We consider that they are plainly right to do so.
14. The Tribunal's decision on venue is premised on its belief that the security measures that will be put in place to protect the soldier witnesses, if they give evidence in Londonderry, will be adequate to reduce to a satisfactory extent the real and immediate risk to which

they would otherwise be exposed. The central issues in the appeal are whether the Tribunal applied too high a threshold of risk, and whether in all the circumstances it would be procedurally unfair and/or an infringement of soldier witnesses' Article 2 rights to require them to give evidence in Londonderry.

The obligation to take all feasible precautions to minimise loss of life when carrying out an operation involving the use of force against armed opposition.

15. This is a third recent development of Strasbourg jurisprudence in relation to duties arising out of Article 2. The source is the case of *Ergi v. Turkey* (Decision 28 July 1998). The applicant's sister had been killed by cross-fire in the course of an operation by Turkish security services against terrorists. It was not clear from which source the fatal bullet had come. The Court held at paragraph 79 that Article 2 could be engaged where agents of the state failed to "take all feasible precautions in the choice of means and methods of a security operation mounted against an opposing group with a view to avoiding and, in any event, to minimising, incidental loss of civilian life".
16. The facts of *Ergi* differ from those under consideration in this appeal in that in *Ergi* the state agents were undertaking an operation involving the use of armed force which was likely to produce a criminal response involving risk to the lives of civilians. Nonetheless, this and the earlier cases to which we have referred, demonstrate that the Strasbourg jurisprudence develops incrementally on a case by case basis. *Ergi* opens the door to the argument that if a public authority is carrying out an operation which is going to invite an armed response from criminals, there is a duty to do all that is feasible to ensure that civilians are not thereby harmed.
17. In *Ergi* there was no suggestion that the operation should not have been carried out at all if it was going to endanger civilian life. In this case the Tribunal is proposing to carry out in Londonderry a peaceful activity that is not merely lawful but in the public interest in that it is designed to be part of an effective inquiry into the deaths that were caused on Bloody Sunday. The soldier witnesses' application raises the issue of whether, and in what circumstances, Article 2 can require a public authority to desist from a lawful and peaceful activity because of a terrorist threat. We are not aware of any Strasbourg jurisprudence which bears directly on this question, but we think that its answer must turn on matters of fact and degree. If, for example, a credible bomb threat is received in relation to a building where a court is sitting, we think that Article 2 would normally require the court to be cleared while the threat was investigated. At the same time, the desirability of carrying on

lawful activities in a democracy can constitute compelling justification for continuing to do so despite terrorist threats, leaving it to the security agencies to do their best to provide protection in conformity with their *Osman* duty.

The approach of the Tribunal

18. At the beginning of their Ruling, the Tribunal gives reasons that lead to its conclusion in paragraph 8 that:

“since the oral evidence of the soldiers will form a major part of the inquiry the starting point is that this evidence should be given at the Guildhall where all or virtually all the other evidence will be heard, unless indeed there are compelling reasons to take a different course.”

19. Those reasons appear principally from the following passage in paragraph 5:

“We are a tribunal comprised of members from three countries charged with seeking the truth about Bloody Sunday. On that day in a city in Northern Ireland, citizens of the United Kingdom were killed and wounded by British troops. The events of that day, though of great national and international concern, have undoubtedly had their most serious and lasting effects on the people of that city. It is there that the grief and outrage that the events occasioned are centred. It seems to us that the chances of this Inquiry restoring public confidence in general and that of the people most affected in particular (which is the object of public inquiries of this kind) would be very seriously diminished (if not destroyed) by holding the Inquiry or a major part of the Inquiry far away and across the Irish Sea, unless there were compelling reasons to do so.”

20. The Tribunal goes on to cite the paragraphs from *Osman* that we have set out above, remarking that this is the most helpful judgment. At paragraph 20 the Tribunal observes:

“*Osman* recognises a principle of proportionate obligations on the authorities and the need to recognise the lawful constraints placed on the authorities in meeting those obligations. Authorities are not in breach of those obligations unless they knew or ought to have known of the existence of a real and immediate risk to life and failed to take measures which, judged reasonably, might have been expected to avoid that risk.”

21. The Tribunal then turns to evidence of the assessment of risk, to which we shall return in due course. The crux of the reasoning of the Tribunal appears in the following three paragraphs:

“23. As will be seen from the summary, it is the view of the concerned security agencies that the risk to soldier witnesses of terrorist reprisals would be higher in Northern Ireland than in Great Britain. The soldiers submit that accordingly it would be an infringement of their rights for the Tribunal to require them to give evidence at the Guildhall rather than in Great Britain. Their case is that the Tribunal is bound to take all feasible precautions to avoid or minimise, to the greatest extent possible, any risks to the life of the individual; and that this can only be done by hearing the evidence of the soldiers in Great Britain, where the risk is lower.

24. It seems to us that the fact that the risk is greater in the one place rather than the other is not of itself determinative of the matter. On the basis of the *Osman* decision, it is incumbent on the authorities (which in the present case include both the Tribunal and the agencies responsible for the protection of witnesses) to do all that can reasonably be expected of them to avoid a real and immediate risk to life of which they have or ought to have knowledge. We are satisfied, on the basis of the security advice that we have received, that the security authorities in Northern Ireland can provide, for soldiers giving evidence at the Guildhall, a level of protection sufficient to avoid any such risk. In such circumstances we consider that the Tribunal would not be acting incompatibly with the rights of the soldiers by requiring them to give evidence at the Guildhall rather than in London, for in neither place would there be a real and immediate risk to them. Neither the MoD nor the RUC (the state authorities who have the duty to protect the soldiers while giving evidence and who must accordingly deploy the proper resources to do so) have advised us that, notwithstanding the security precautions that they could and would put in place for soldiers giving evidence at the Guildhall, the level of risk would be so high that it could be described as real and immediate or in terms to the same or similar effect.

25. We have of course borne in mind the history of terrorist attacks on military and other targets in Northern Ireland, particularly those that have recently taken place in and around the city, and the present situation with regard to terrorist organisations. We have also borne in mind that over at least the last thirty years, it appears that the protection afforded by state authorities to those required to attend courts in Northern Ireland, often in circumstances of the greatest controversy where the risk of terrorist attacks has clearly been high, has been sufficient to avert any loss of life or injury from

terrorist organisations. In our judgment the authorities will have done all that could reasonably be expected of them by providing, as they say that they can, a level of security commensurate with what has regularly (and successfully) been provided for trials in Northern Ireland where persons at risk such as soldiers, security officers, informers and others have been required to attend.

22. Having regard to the level of security that the Tribunal finds will be provided, it concludes at paragraph 26 that requiring the soldiers to give evidence in Londonderry would not infringe their Article 2 rights. Accordingly:

“...it would be unreasonable and indeed in contravention of the Article 2 procedural requirements for the Tribunal to conduct a central part of the Inquiry at somewhere other than the natural and proper place for it”.

23. The Tribunal then proceeds to consider the common law test of fairness of the procedure, and concludes that it does not differ from the requirements under the Convention. The Tribunal observes at paragraph 34:

“Certainly there is every reason to conclude that the emphasis placed in *Osman* on a principle of proportionate obligations on an authority and the need for awareness, actual or imputed, of the existence of a real and immediate risk to life can fairly be seen as equally relevant to the common law. References to ‘*compelling justification*’ are made in the context of a decision that truly interferes with human rights. Since none of the concerned agencies has suggested that such a real and immediate risk would exist notwithstanding the precautions that would be put in place, it seems to us that to require the soldiers to give their oral evidence at the Guildhall would not offend their common law rights. In other words, we consider that we are justified in requiring of the soldiers no more than what has been required on many occasions of others who have had to give evidence of killings in Northern Ireland, namely to appear and testify where the events took place, with the security authorities doing all that can reasonably be expected of them to provide a safe environment.

Clearly the soldiers would prefer to give their evidence in Great Britain, but this does not demonstrate, nor do we accept, that they have reasonable fears for their safety while going to or from the Guildhall or actually giving their evidence there, in view of the security precautions that the RUC and MoD would have in place.”

The decision of the Administrative Court

24. The Administrative Court rightly decided that it should follow the approach to reviewing the decision of the Tribunal that this Court adopted in *ex parte A* and cited at length those parts of the judgment of the Court delivered by Lord Woolf which described that approach. The Court went on to give the reasons that led it to quash the Tribunal's decision. We can summarise these as follows:
- i) The Tribunal erroneously applied the *Osman* test and asked whether the soldiers would be exposed to 'a real and immediate risk to life' whereas *ex parte A* required them to ask whether there was 'a real possibility of risk'. This misdirection fundamentally flawed the Tribunal's decision.
 - ii) It was not reasonably open to the Tribunal to find that the soldiers' fears were not reasonable.
 - iii) The Tribunal should not have started from the proposition that the soldier witnesses' evidence should be given in the Guildhall unless they showed compelling reasons for a different course. Once the risk of death was a serious or real possibility it was for the Tribunal to find some compelling justification for interfering with the soldiers' Article 2 rights by making them give evidence in the Guildhall.
 - iv) The Tribunal had failed to weigh against the confidence in the Tribunal's findings of the families and of the people in Northern Ireland the confidence in those findings of the soldier witnesses and of the people in the remainder of Great Britain.

Submissions as to the test of risk

25. For the Tribunal Mr Christopher Clarke Q.C. submitted that, whether under Article 2 or at common law, there was a single test of the threshold of risk that had to be passed before the requirement to give evidence at the Guildhall would infringe the soldiers' rights. The Tribunal had correctly identified this as the test in *Osman*. In asking whether the risk was 'real and immediate', the 'immediate' could be disregarded as not relevant. The risk had to be 'real'. One did not move straight up the scale from a risk that was 'fanciful' to a risk that was 'real'. A 'real' risk was more substantial than a risk that was merely 'not fanciful'.
26. Mr Clarke referred to a number of authorities which, so he submitted, used terminology that described a 'real' risk: *Soering v United Kingdom* (1989) 11 E.H.R.R. 439 at 468 and *Chahal v United Kingdom* (1996) 23 E.H.R.R. 413 at 456 – 'substantial grounds for

believing' that one would be in danger or subjected to ill-treatment; *Fernandez v Government of Singapore* (1971) 1 WLR 987 at p. 994 - 'a reasonable chance', 'substantial ground for thinking', 'a serious possibility' per Lord Diplock; *R v. Home Secretary, ex parte Sivakumaran* [1988] 1 AC 958 at p.994 – 'a reasonable degree of likelihood'. He submitted that there was no basis in the authorities for the test advanced by the Administrative Court of 'a real possibility of risk'. That test, which had an element of tautology, was almost bound to be satisfied however remote the risk.

27. For the soldier witnesses, Mr David Lloyd Jones Q.C. submitted, with particular reference to paragraphs 20 and 26 of its ruling, that the Tribunal had based the test of the risk that engaged Article 2 entirely on *Osman* and that the Administrative Court had correctly found that this was a misdirection. It was not the soldiers' submission, however, that any risk of attack would suffice to engage Article 2. There had to be a serious or real possibility that the soldier witnesses would be attacked.

Our conclusion on the test

28. In *Fernandez*, after adumbrating the various phrases which he considered expressed the same degree of likelihood of risk, Lord Diplock referred to the alternative of "applying, untrammelled by semantics, principles of common sense and humanity". We believe that there is much to commend that approach in the present case. The search for a phrase which encapsulates a threshold of risk which engages Article 2 is a search for a chimaera. The phrases advanced by Mr Clarke were all taken from decisions involving contexts quite different from the present. These decisions provide no authoritative basis for adopting the phrases as a threshold test for Article 2 purposes. Of one thing we are quite clear. The degree of risk described as 'real and immediate' in *Osman*, as used in that case, was a very high degree of risk calling for positive action from the authorities to protect life. It was 'the real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party' which was, or ought to have been, known to the authorities. Such a degree of risk is well above the threshold that will engage Article 2 when the risk is attendant upon some action that an authority is contemplating putting into effect itself. It was not an appropriate test to invoke in the present context.

29. In *ex parte A* at p.1877 Lord Woolf said:

"...the right approach here, once it is accepted that the fears of the soldiers are based on reasonable grounds, should be to ask: is there any compelling justification for naming the soldiers, the evidence being that this would increase the risk?"

The reference to reasonable grounds was, as we understand it, to grounds that were objectively reasonable, but Lord Woolf had earlier commented at p.1876:

“From their point of view it is what they reasonably fear which is important, not the degree of risk which the Tribunal identifies.”

30. In the present appeal, the fact that the soldier witnesses will have subjective fears if called to give evidence in Londonderry is a relevant factor when considering whether it will be fair to require them to do so. Those fears will, however, have much more significance if they are objectively justified. A critical issue is whether such fears are objectively justified, and much of the submissions that we heard were addressed to this issue.
31. We consider that the appropriate course is to consider first the nature of the subjective fears that the soldier witnesses are likely to experience if called to give evidence in the Guildhall, to consider the extent to which those fears are objectively justified and then to consider the extent to which those fears, and the grounds giving rise to them, will be alleviated if the soldiers give their evidence somewhere in Great Britain rather than in Londonderry. That alleviation then has to be balanced against the adverse consequences to the Inquiry of the move of venue, applying common sense and humanity. The result of the balancing exercise will determine the appropriate decision. This course will, we believe, accommodate both the requirements of Article 2 and the common law requirement that the procedure should be fair.

Subjective fears

32. Probably no single event in the history of the troubles in Northern Ireland within our lifetime has given rise to as much passion as Bloody Sunday. Soldiers who took part in that event, and in particular those soldiers who fired live rounds, will be aware that there are many in Northern Ireland, and especially in Londonderry, who believe that they were party to murder. They will be aware that, as the Tribunal stated in its Ruling, it is in the city of Londonderry that Bloody Sunday has had its most serious and lasting effect. They will be aware, if they come to Londonderry to give evidence, that they are potential targets for terrorists. They will be aware of recent terrorist incidents and they will be aware, from personal experience of service in Northern Ireland, of the problems involved in safeguarding terrorist targets. They will be aware of some of the steps being taken to safeguard them, but this awareness may fuel rather than allay their apprehension. As the Administrative Court observed, security arrangements on the way to and from the

Guildhall and the need for uniformed armed personnel in the Guildhall when the evidence is being given are likely to be seen as a hostile and intimidating environment by middle aged witnesses, many of whom have been civilians for many years.

33. In these circumstances we think that it must be plain that if soldier witnesses have to go to Londonderry to give evidence, many will subjectively be in fear for their lives. The Administrative Court held, in paragraph 33, that “it was not reasonably open to the Tribunal to conclude that the soldiers’ fears were not reasonable” and that “the soldier witnesses’ fears for their own safety must properly be characterised as reasonable”. There was an issue as to the purport of these findings. Mr Clarke submitted that they were findings that the soldiers’ fears were *subjectively* reasonable, and on that premise he did not seriously seek to challenge the Court’s finding. Mr Lloyd Jones, however, submitted that the Court had found that, objectively, there were good reasons for the soldiers’ fears.
34. We believe that Mr Lloyd Jones was correct. In this passage of its judgment the Court remarked “The recent history of events in the province, including the attacks on barracks at Ballykelly and Ebrington demonstrate that, despite intensive security precautions, terrorist activities put soldiers’ lives at risk”. At the end of the day, however, this issue is unimportant. We must ourselves give anxious scrutiny to the evidence and form our own views as to the extent to which it demonstrates that there are grounds for fearing for the safety of the soldier witnesses if they go to Londonderry to give evidence.

Grounds for fears

35. In considering the evidence of risk to soldier witnesses we are following in the footsteps of the Tribunal. The Tribunal considered, among other matters, assessments of the threat to soldiers, including former soldiers, giving evidence to the Inquiry provided by the security service and by what was then called the Royal Ulster Constabulary (‘RUC’). The Tribunal was also supplied by the MoD with details of terrorist attacks in Northern Ireland. The Tribunal then, on 18 June 2001, convened a meeting of all the agencies who might be responsible for the security of potential witnesses in order to be informed of the security that would be provided for witnesses at the Guildhall and at possible alternative venues. Some of this evidence was, of course, highly confidential. A summary of the meeting was prepared, excluding confidential matter, which was provided to the parties. For the purpose of the hearing before the Administrative Court a quite heavily redacted transcript of the 18 June meeting was prepared, which was also made available to the

parties. The Administrative Court took advantage, however, of the opportunity of reading, in secure circumstances, the full transcript of this meeting, and we have done the same.

36. We have referred at paragraph 23 above to the conclusions that the Tribunal based upon this evidence. Mr Lloyd Jones challenged these conclusions on essentially two grounds. First he submitted that in attempting a quantitative assessment of risk the Tribunal applied a threshold test that was too high, based on *Osman*. Secondly he submitted that the Tribunal had erred in concluding that the evidence established that this threshold would not be reached. It was his submission that the security agencies at the 18 June meeting did not make any quantitative assessment of the residual risk to the soldier witnesses that would remain once security precautions had been put in place. They simply gave an assurance that they would be able to provide the same level of precautions that they had provided to those taking part in sensitive court proceedings in the past. This was not the same thing. Mr Lloyd Jones' submission received support from observations of the Administrative Court that "the security agencies were not asked whether there was a real possibility of risk" and that "the question of whether the necessary security could be maintained for 6 months or more was never resolved".
37. Assessment of terrorist risk involves consideration of both threat and vulnerability. Threat is the likelihood that terrorists will seek to attack an individual. Vulnerability is the susceptibility of that individual to an attack. It will depend in part upon the precautionary measures that are in place to protect against attack. Threat and vulnerability are interrelated in that terrorists will be more likely to attempt an attack where the target is vulnerable.

Threat

38. On 9 April 2001 the RUC provided the Tribunal with the following threat assessment:

"This department is not in possession of any specific intelligence concerning a threat to the inquiry itself or witnesses attending it... The emotive nature of the incident to which these proceedings relate will attract the attention of all interested parties including republican terrorist groups such as the Continuity IRA, Real IRA and the Provisional IRA.

The capability of dissident republicans to carry out attacks has increased significantly since the 1999 assessment. They have mounted attacks, which range from bombings

to shootings and attempted murder. Intelligence indicates that dissident republicans intend to escalate their level of operations.

The capability of dissident republicans to carry out attacks has increased significantly since the 1999 assessment. They have mounted attacks, which range from bombings to shootings and attempted murder. Intelligence indicates that dissident republicans intend to escalate their level of operations.

It is known that republican terrorist groups still continue to carry out targeting of security force personnel and establishments.

In recent months, members of loyalist terrorist groups have been carrying out attacks on persons/premises whom they perceive to be republican/nationalist. Whilst we do not hold specific intelligence that these groups pose a threat to the inquiry/witnesses, the unpredictable nature of rogue elements within loyalists terrorist groups and the possible threat of attack on any protesters around the Guildhall area should be borne in mind.”

39. The Security Service added this in a threat assessment supplied three days earlier, which focussed on the mainland:

“All soldiers are considered ‘legitimate’ targets by republican terrorists. In the case of soldiers and ex-soldiers involved in the events of Bloody Sunday we assess that their actions at that time would make them stand out from the generality of soldiers and make them more attractive targets, if a successful attack could be carried out.”

40. The level of threat to soldier witnesses is assessed by the RUC as ‘moderate’, which is towards the lower end of the scale.

Vulnerability

41. Republican dissidents have repeatedly demonstrated their capacity to carry out effective terrorist attacks in Northern Ireland, and in particular in Londonderry, where between February 2000 and June 2001 they were responsible for 12 major incidents. On 24 May 2001 Mr Byatt, the Head of the Bloody Sunday Inquiry Unit at the MoD wrote to the Inquiry a letter that included the following statement:

“Of overriding concern is the threat from dissident republican terrorists. In Londonderry there have been six major attacks against the security forces since last Christmas.

The mortar round that was fired at the local Brigade Headquarters at Ebrington Barracks on 23 January penetrated the perimeter security and landed inside the base close to living accommodation. The round failed to detonate; had it not done so, serious loss of life would have been inevitable. There was a grenade attack against Strand Road RUC station on 21 April, and only last week a further attack against an Army installation in the centre of Londonderry. There can be no doubt as to the determination and capability of terrorists in the Londonderry area to attack and kill members of the security forces and those closely associated with them.”

42. Counsel on behalf of some of the families have submitted that evidence provided by the MoD is not objective and should not be relied upon. We can understand the suspicion from this quarter that the MoD is concerned to support the soldier witnesses, but particulars of the attacks that have taken place are hard fact and demonstrate the accuracy of this passage.
43. The fact remains that over the last 30 years there has not been an attack, whether successful or unsuccessful, on parties or witnesses to legal proceedings, although in the case of some criminal trials these might have been expected to be prime targets. Mr Clarke submitted that this demonstrated the capability of the security agencies to reduce the risk to witnesses attending trials to a level where the risk could no longer be described as ‘real’.
44. The Tribunal at paragraphs 24 and 25 took the same view. They said that they were satisfied on the basis of the security advice received that the security authorities in Northern Ireland could provide for soldiers giving evidence at the Guildhall a level of protection sufficient to avoid a real and immediate risk to life, applying the *Osman* test. It is time to look at the advice that was given at the 18 June meeting.

The 18 June meeting

45. We propose to refer to the passages in the redacted transcript that are of particular relevance.
46. Early on in the meeting Lord Saville discussed the vulnerability of the Guildhall as a venue with one of the military participants. The latter said that even with the best sort of co-ordination and planning there would be a significant vulnerability either to the witnesses, but more probably to those seeking to safeguard the witnesses. “When you plan a military operation you plan it on the basis that you always try to choose the ground

that you are going to operate on...In this case we would be operating on the ground that the terrorist believes is his”.

47. Later, an officer of the RUC said that they would be successful in reducing the vulnerability at the Guildhall. “We have been doing it for a long number of years and we have mounted operations to deal with particular threats, large scale general threats, for a long period, and we have to say honestly that, yes, we would be capable to deal with it”. Asked whether the RUC could provide the sort of protection that they provided for people giving evidence in the courts in Northern Ireland, he said that with the current scenario and the current resources they could meet the commitment and probably continue to do so for the period of six months to a year.

48. Later the following exchange took place between Lord Saville and a senior RUC officer:

“RUC Officer: I guarantee putting in that sort of effort, nobody can guarantee the outcome. We can certainly guarantee that the effort would be put in. Now in terms of reducing the risk through any risk reduction exercise, be it on the Mainland or be it in Northern Ireland, then that’s likely to be effective in reducing the risk, but it’s unlikely to eliminate the relative risk if you like. But the risk at the end of that reduction exercise is still going to be higher in Northern Ireland than it is on the Mainland.

Lord Saville: Would it be the equivalent to the risk run by witnesses giving evidence in trials over in Northern Ireland over the last thirty years?

RUC Officer: That’s a difficult and to be honest a different question. One that we didn’t discuss. I think one issue that would be of relevance is the length and duration of the evidence to be given.”

49. His colleague added that the question was not whether they could do it but whether it could be sustained given the time span that was involved.

50. These are incidents of the 18 June meeting that have not been blanked out from the redacted transcript. They indicate that the agencies concerned with security would be able to provide at the Guildhall the same level of security as has been provided at high profile criminal trials. In 30 years there has never been a terrorist attempt on a witness at a criminal trial. Are these facts enough to allay concern? In our judgment they are not.

51. There are two special features in this case which make risk assessment particularly difficult. The first is that soldiers who took part in events on Bloody Sunday may well present to some terrorists as uniquely attractive targets. The second is the unprecedented

scale of the security problem. Between 200 and 400 soldier witnesses are to be called to give evidence. They will be travelling to court sequentially day after day for a period of between 6 months and a year. It will be impossible to keep secret the routes being used to take witnesses to and from the Guildhall, or, we suspect, the accommodation in which the witnesses will be lodged. There will only be limited scope for varying the times of travel to and from the court. All these factors raise very real concerns for the security of soldier witnesses should a determined attack be planned and launched on one or more of them. The most critical question seems to us the degree of likelihood of Republican dissidents deciding to launch such an attack. That is incapable of assessment. Certainly it cannot be dismissed as remote.

52. It is right that we should state, shortly and simply, that the effect of the un-redacted portions of the transcript of the 18 June meeting that we have read is to increase the concerns expressed above. We can summarise our conclusion by saying that there would be good cause for soldier witnesses called to give evidence at the Guildhall to have fears for their safety.

Risk at the alternative venue

53. It is common ground that if the soldier witnesses give evidence in London or at some other venue on the British mainland they will still be at risk to the extent that security precautions will have to be taken. It is also common ground, however, that the risk, after security precautions have been put in place, will be lower than it would be in Londonderry. The Security Service put the matter thus in their risk assessment of 6 April 2001:

“...if the hearings at which these soldiers and ex-soldiers appear are held on the mainland, the terrorist groups will be deprived of some of the ease of operation which they enjoy on their home ground in Northern Ireland and the Republic. In consequence, the generally more difficult operating conditions on the mainland are likely to give rise to the perception that a successful terrorist attack against individual targets of this type will be harder to achieve than equivalent attacks against similar targets in Northern Ireland.”

54. This perception would reduce the likelihood of an attack being attempted, so that both threat and vulnerability would be reduced.

The downside of a change of venue

55. No-one has suggested that changing the venue of the soldier witnesses' evidence would reduce the likelihood of the Tribunal getting at the truth of what happened on Bloody Sunday, and that must be the primary object of the Inquiry. Nor would a change of venue prevent the families and others in Londonderry from seeing what transpires when the soldier witnesses give their evidence. Facilities would be put in place to enable any family members who wished and were able to do so to attend the hearing. There would be live video-linkage to Londonderry and, with modern technology, this could and should be achieved to a high technical standard. We understand that at the present some choose to watch proceedings via a video link in a family room in Londonderry and that, even in the Guildhall itself, there is a video link so remote is the witness stand.
56. The essence of the downside is the Tribunal's finding that "the chance of this Inquiry restoring public confidence in general and that of the people most affected in particular ... would be very seriously diminished (if not destroyed) by holding the Inquiry or a major part of the Inquiry far away and across the Irish Sea, **unless there were compelling reasons to do so**" [emphasis ours]. This is no light matter. The time and the expense already devoted to this Inquiry is without precedent, and we would hesitate long before taking a step that would be likely to rob it of credibility. We also sympathise with the desire of the people of Londonderry and, in particular the families, for the whole of this Inquiry to take place in their city. In their shoes we would share their emotion. But in our judgement the risk posed in Londonderry to the soldier witnesses by dissident Republican terrorists does constitute a compelling reason why their evidence should be taken in a venue other than Londonderry. In these circumstances we do not see why, should we direct a change of venue for these witnesses, this should threaten the credibility of the Tribunal or confidence in their Inquiry. The fairness and objectivity of this Tribunal must by now be quite clear to all in Londonderry. Those in the Province must also be only too sadly aware of the potential for mayhem of those dissidents who oppose the peace process.

Conclusion

57. The Administrative Court was correct to conclude that the Tribunal's Ruling on venue did not comply with the requirements of Article 2 and of fair procedure and that it should accordingly be quashed. The appeal will be dismissed. We are, however, a little puzzled by the basis upon which the Administrative Court remitted this matter to the Tribunal. Mr Lloyd Jones submitted that the terms of the Court's judgment left the Tribunal no

scope for any decision other than one that the soldier witnesses' evidence should not be taken in Londonderry. We agree with this submission. Accordingly we intend to remit this matter to the Tribunal with a direction that the soldier witnesses' evidence should not be taken in Londonderry. This will leave it to the Tribunal to decide where and how this evidence should be taken and how best to make use of video facilities.

Order: Appeal dismissed. No order as to costs.

A2.49: High Court of Justice in Northern Ireland, Queen's Bench Division (Crown Side) (Belfast, 19th February 2002): screening of RUC officers (item 22 above)

[2002] NIQB 16

Ref: KER3615

In the High Court of Justice in Northern Ireland

Queen's Bench Division (Crown Side)

In the matter of an application by Mary Doherty for Judicial Review

Judgment

(Approved by the Court for handing down)

Delivered: 19th February 2002

KERR J

Introduction

This is an application by Mary Doherty for judicial review of the decision of the Bloody Sunday Inquiry Tribunal to allow certain police officers to give evidence to the Tribunal from behind screens. Mrs Doherty is the sister of Gerard Donaghy who was shot dead in Londonderry on 30 January 1972 on what has come to be known as Bloody Sunday.

Background

The circumstances in which the Inquiry was set up and the manner in which it has been conducted to date have been described in the judgment of the Court of Appeal in England in *R v Lord Saville of Newdigate ex p. A* [2000] 1 WLR 1855. In view of the urgency of this matter I do not propose to rehearse what there appears.

The Bloody Sunday Inquiry is about to hear evidence from a number of police officers about their role in the events of 30 January 1972. Twenty of these officers have applied successfully to the Tribunal for an order that they be permitted to give their evidence from behind screens. On 7 February 2002 the Tribunal directed that while giving evidence the officers should be visible to the legal representatives of the various parties including those who appear on behalf of the families of the deceased and of the wounded. They will otherwise be screened from view. The applications to be screened were made on the basis of the officers' avowed fear that if they are identified, the risk to their lives from terrorist attack will be increased. It was said on their behalf that the fear of the officers is grounded inter alia on the contents of intelligence assessments provided by the Police Service of Northern Ireland dated 31 January 2002 and 5 February 2002. The latter of these states: -

"It is judged that the level of threat faced by police witnesses to the Tribunal will be greater than that faced by military personnel. This is due to the fact that a number of these witnesses live locally with their families and are likely to come into contact with terrorist suspects in the course of their ordinary lives, a situation that is not generally applicable to the military witnesses."

Applications had been made in 1999 and again in 2000 on behalf of a small number of police officers that they be permitted to give evidence from behind screens. Some who had then applied to be screened withdrew their applications before they were adjudicated on but those applications that proceeded were successful. No challenge was made to the decisions of the Tribunal in 1999 and 2000 to allow officers to be screened while giving evidence.

This is the third application for judicial review of decisions taken by the Tribunal. The first related to the Tribunal's determination that soldiers who were to give evidence to the Inquiry should be required to disclose their names. The Divisional Court and the Court of Appeal in England concluded that no decision was possible other than that anonymity be granted to the soldiers. The second application for judicial review involved a challenge to the Tribunal's decision that the soldiers should travel to Londonderry to give evidence. Again the decision of the Tribunal was quashed by the Divisional Court and the Court of Appeal.

The families of the victims of the shootings on Bloody Sunday opposed the applications made by the soldiers. They consider that the anonymising of the soldiers and the receipt of their evidence in Great Britain rather than in Londonderry, where the events of 30 January 1972 took place, substantially compromise the openness that they had come to expect in the conduct of the Inquiry. They have reacted to the latest decision of the Tribunal with predictable and understandable dismay. They regard the screening of police officers from their view as a significant restriction on their participation in the Inquiry. Their sense of grievance is increased because of the intense interest that they have in the outcome of its deliberations and they are mystified that the police

officers wish to be screened from the next of kin of the victims since it is universally acknowledged that the families have conducted themselves with dignity and restraint throughout the hearings that have so far taken place.

The applicant described the importance that she attaches to police officers giving evidence without being screened in the following paragraphs of her affidavit: -

5. The evidence of the RUC witnesses is of great consequence to my family as my brother, Gerard Donaghy, was found to have nail bombs in four of his pockets. Gerard is the only one of the deceased who will have any allegations made in respect of his conduct on Bloody Sunday. There is compelling evidence that shows that these devices were in fact planted by unknown members of the security forces. Many of the RUC witnesses who have been granted screening by Lord Saville, and are due to give evidence shortly, have direct evidence to give in relation to the circumstances in which his body was discovered to contain nail bombs at a Regimental Aid Post near the Craigavon Bridge. As a result of the Tribunal ruling in relation to screening, I feel that I am being excluded from the most important evidence that relates to me. I find this particularly difficult as the military witnesses to this Inquiry have already been allowed to give their evidence anonymously somewhere in Britain that has yet to be decided. Most of the relatives, given their family and financial situations will not be able to attend the hearings in Britain in the same way as they do in Derry.

6. The large wooden box in which the RUC officers will give their evidence prevents me from seeing their faces or their demeanour when they are asked questions by the lawyers. Similarly it is very difficult to hear the witnesses when they give their evidence from inside the wooden box. The family members who were present when Mr Hunter recently gave evidence were also unable to see the Tribunal Panel or their reactions to the evidence of this witness, such was the size of the wooden box that has been erected. This is particularly frustrating for us as Prime Minister Blair promised us an open, transparent and public Inquiry.

7. Lord Saville has also said on numerous occasions that the Tribunal will ensure that all parties will have a "level playing field" throughout the Inquiry. It seems particularly unfair that dual standards appear to be in operation when one considers the circumstances in which the security force witnesses will give evidence compared with the 500 civilian witnesses who have given evidence to date and continue to do so.

8. When a screened witness is about to give evidence, the families and the wounded are told to vacate the Guildhall Chamber along with the public who sit upstairs. We are excluded from the Chamber where we have been sitting for almost two years of oral hearings until the security staff (who include armed police) say that we can return as the screened witness has been seated.

This is a humiliating experience. It appears to us as if we are some type of threat to the witness who is only giving evidence in an Inquiry that we have fought so hard for. We have publicly and consistently said that no one should feel under threat by coming to Derry to give their evidence to the Inquiry. It is irrelevant what their evidence is. This applies as equally to current or former police officers as it applies to current or former members of the British Army. It is unthinkable and we would condemn unreservedly any attack or threat on any witness to the Inquiry.

9. The Court should know that we have shown no hostility to anyone who has been involved in this Inquiry. By way of example, shortly before Christmas 2001, Mr Gerard Elias QC (who represents a number of the Soldiers) and his team asked could they visit the “Families Centre” as there is a permanent exhibition showing many photographs etc of Bloody Sunday. Mr Elias QC was invited to come along and we facilitated his team. They stayed for approximately 45 minutes and talked to many of the persons who were present. Similarly, Mr Edmund Lawson QC (who acted for the majority of the Military Witnesses) paid tribute to the families and the reception that we have given him and his colleagues (See Transcript Day 133 page 119 and 120) since they have come to Derry to represent the soldiers.”

The Issues

The test to be applied

There was general agreement on this question. The test to be applied by the Tribunal is that which was adumbrated in paragraph 31 of the judgment of the Court of Appeal delivered on 19 December 2001 in the venue application. There the court said: -

“31. We consider that the appropriate course is to consider first the nature of the subjective fears that the soldier witnesses are likely to experience if called to give evidence in the Guildhall, to consider the extent to which those fears are objectively justified and then to consider the extent to which those fears, and the grounds giving rise to them, will be alleviated if the soldiers give their evidence somewhere in Great Britain rather than in Londonderry. That alleviation then has to be balanced against the adverse consequences to the Inquiry of the move of venue, applying common sense and humanity. The result of the balancing exercise will determine the appropriate decision. This course will, we believe, accommodate both the requirements of Article 2 and the common law requirement that the procedure should be fair.”

Four elements of the test can be identified from this passage: 1. the subjective fears of the witnesses; 2. the extent to which those fears can be objectively justified; 3. the extent to which the fears will be alleviated if the measures sought are taken; 4. the balancing of the alleviation of the fears against the adverse consequences of the measures.

The requirement of openness

The Bloody Sunday Inquiry was set up under the Tribunal of Inquiries Act 1921. Section 2 provides: -

“A tribunal to which this Act is so applied as aforesaid-

(a) shall not refuse to allow the public or any portion of the public to be present at any of the proceedings of the tribunal unless in the opinion of the Tribunal it is in the public interest expedient to do so for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given.”

Mr Treacy submitted that this provision should be interpreted against the background of the recommendations of the Royal Commission on Tribunals of Inquiry.[1] The relevant recommendations are as follows: -

“115. As we have already indicated it is, in our view, of the greatest importance that hearings before a Tribunal of Inquiry should be held in public. It is only when the public is present that the public will have complete confidence that everything possible has been done for the purposes of arriving at the truth.

116. When there is a crisis of public confidence about the alleged misconduct of persons in high places, the public naturally distrusts any investigation carried out behind closed doors. Investigations so conducted will always tend to promote the suspicion, however unjustified, that they are not being conducted sufficiently vigorously and thoroughly or that something is being hushed up. Publicity enables the public to see for itself how the investigation is being carried out and accordingly dispels suspicion. Unless these inquiries are held in public they are unlikely to achieve their main purpose, namely, that of restoring the confidence of the public in the integrity of our public life. And without this confidence no democracy can long survive.[2]

Lord Saville in his opening statement dealt with this issue as follows: -

“The statute under which we are acting allows us to exclude the public or any portion of the public from any part of the proceedings, if we consider that it would be in the public interest for us to do so, but we shall need very strong grounds indeed to take that course, and in the event that we did, we would publish our reasons for doing so.”[3]

Mr Treacy argued that the screening of witnesses represented a substantial and unacceptable compromise on the openness of the proceedings. He pointed out that the erosion of the open nature of the Tribunal’s work was recognised by Lord Saville himself in giving the ruling on the police officers’ application for screening when he said: -

“To our mind screening remains a significant inroad on the public nature of the proceedings”[4]

These considerations, Mr Treacy suggested, made it inevitable that witnesses should give evidence in the conventional manner, visible to all, unless compelling reasons dictated otherwise. No such reasons were present in this instance, he claimed.

Should the Tribunal conduct an investigation into the avowed fears of the witnesses?

For the applicant Mr Treacy QC submitted that the Tribunal ought not to have accepted the ipse dixit of the police officers that they were concerned for their safety if they had to give evidence without screens. There was ample reason, he suggested, to view that claim with scepticism. He argued that if the Tribunal felt constrained to accept, without investigation or challenge, the assertions of the police officers on this matter there was nothing to prevent other witnesses making similar, unverified claims with disastrous consequences for the openness of the Inquiry process and the loss of public confidence.

Both Mr Clarke QC for the Tribunal and Mr Hanna QC for the police officers submitted that the information provided by the Police Service was such that no inquiry into the genuineness or the reasonableness of the fear that the police officers claimed to feel was required.

Should the Tribunal have distinguished between the various groups of witnesses?

Some of the witnesses have retired from the police force. Some applied for screening in 1999 but later withdrew their application. One gave evidence before the Widgery Tribunal[5] without screens and in his own name. Some police witnesses have a high public profile; they have appeared on television although not in relation to the Bloody Sunday Inquiry. Mr Treacy argued that each of these groups required separate consideration by the Inquiry. Instead the Tribunal treated all of them as a single group.

Should the Tribunal have required that the witnesses be visible to the families?

Mr Treacy referred to the fact that no one had suggested that the relatives of the deceased and the wounded represented any threat to the security of the witnesses. The threat identified in the risk assessment reports was said to come from dissident Republican groups. The Tribunal should therefore have considered the families separately, he said. This had been the approach taken to photographs of two soldiers which Sir Allan Green (who appeared on behalf of a soldier designated H) sought to have introduced in evidence. It had been proposed that the photographs should only have limited circulation among the legal representatives. In the event the Tribunal accepted a compromise suggested by Lord Gifford QC (who appears on behalf of the Wray family) that the photographs should be made available not only to the legal representatives of the various parties but also their clients. Mr Treacy suggested that this course reflected the Tribunal's proper recognition that the families' rights under Article 2 of the European Convention on Human Rights required to be protected by their full participation in the Inquiry process. A similar approach ought to have been taken by the Tribunal in relation to the matter of screening, Mr Treacy argued. It should have ensured that the police witnesses were visible to the families while giving evidence, he claimed.

Mr Treacy further argued that, in any event, the screening of the police officers from the view of the families involved an interference with their rights under Article 2 and, on the authority of *Hatton v UK* [2001] ECHR 36022, the Tribunal was obliged to "to minimise, as far as possible, the interference with these rights, by trying to find alternative solutions and by generally seeking to achieve their aims in the least onerous way as regards human rights"[6].

Should the Tribunal permit non-legally qualified members of the families' legal team to see the witnesses?

This issue was raised at a late stage in the proceedings. It was submitted that the effect of the Tribunal's ruling was to exclude those members of the families' legal team who do not possess professional qualifications from the group who will be able to see the police witnesses as they testify. According to Mr Madden, the applicant's solicitor, the team members who are not professionally qualified are either law graduates or pupil solicitors. Their exclusion will, it is claimed, hamper the proper presentation of the case for the families. It is also claimed that the applicant's solicitors were not consulted about the exclusion of the non-legally qualified staff nor given an opportunity to make representations on the matter. Finally it is suggested that their exclusion is incongruous given that members of the Tribunal staff such as technology experts will be able to see the witnesses as they give evidence.

The need for the Inquiry to be open

There was general agreement that a vital aspect of the Tribunal's task was the winning and maintenance of public confidence in the Inquiry process. It is in my view beyond question that this feature is put at risk if witnesses give evidence from behind screens. I have no doubt as to the genuineness of the concerns expressed by the applicant about the effect that the screening of witnesses will have on how the work of the Tribunal will be perceived by members of the families of those killed and wounded.

The Tribunal dealt with the circumstances in which it would contemplate permitting witnesses to be anonymised or screened in a ruling of 24 July 1998 as follows: -

"It should be remembered that there are various different forms of anonymity. Depending on the circumstances, it might be appropriate to allow a witness to give evidence without stating his or her name and address in public, or perhaps to give evidence from behind a screen in order to conceal his or her physical appearance. It might also be necessary to preserve the anonymity of individuals by substituting letters or numbers for names in witness statements and other documents. Mr Treacy [counsel for a group of families and wounded] referred us to a number of authorities in this field, including *Scott v Scott* ([1913] AC 417, [1911-13] All ER Rep 1), *A-G v Leveller Magazine Ltd* [1979] 1 All ER 745, [1979] AC 440) and *R v Murphy & Maguire* ([1990] NI 306). He also annexed to his written submissions a copy of an article by Gilbert Marcus, "Secret Witnesses" (1990) PL 207. Mr Treacy argued that the granting of any form of anonymity was a very grave step that should only be taken if justified on compelling grounds.

In adversarial procedure, great importance is rightly attached to the principle of open justice. In particular, the courts require very strong grounds indeed before departing from the rule that a person charged with a criminal offence is entitled to know the identity of prosecution witnesses and to see them give their evidence. One of the reasons for this is to enable the opposing party to investigate and assess the credibility of those witnesses. The position in relation to an Inquiry such as this one is, in our view, rather different. Nobody is being prosecuted before this Tribunal, nor is it our function to do justice between parties competing in an adversarial contest. Our task is to do justice by ascertaining, through an inquisitorial process, the truth about what happened on Bloody Sunday. The proper fulfilment of that task does not necessarily require that the identity of everyone who gives evidence to the Inquiry should be disclosed in public. The Tribunal will know the identity of all witnesses and, unlike a court, will itself take responsibility for investigating their credibility if there is reason to think that such an investigation is necessary. Indeed we think that there are likely to be circumstances in which granting anonymity will positively help us in our search for the truth. Witnesses are unlikely to come forward and assist the Tribunal if they

believe that by doing so they will put at risk their own safety or that of their families. Moreover it would be a mistake to suppose that the grant of anonymity would always operate to protect soldiers who are alleged to have been guilty of serious offences on Bloody Sunday. There may well be witnesses who wish to give evidence that is favourable to the interpretation of events for which the families and the wounded contend, but who will not co-operate with the Tribunal without assurances as to their anonymity. We are aware, for example, of certain television programmes in which people describing themselves as ex-soldiers present on Bloody Sunday have criticised the conduct of the Army on that day, but have done so anonymously, presumably for fear of reprisals by their former comrades. Accordingly, we will be willing to grant an appropriate degree of anonymity in cases where in our view it is necessary in order to achieve our fundamental objective of finding the truth about Bloody Sunday. We will also be prepared to grant anonymity in cases where we are satisfied that those who seek it have genuine and reasonable fears as to the potential consequences of disclosure of their personal details, provided that the fundamental objective to which we have referred is not prejudiced. As to the degree of anonymity that is appropriate, Our current view is that restricting the disclosure of names and addresses ought to be sufficient in most, if not all, cases. We would regard the use of a screen as a wholly exceptional measure. The obligation nevertheless remains firmly on those who seek anonymity of any kind to justify their claim."

This passage was quoted with approval by the Court of Appeal in the anonymity judicial review application. At paragraph 68 of that court's judgment it was stated that even if witnesses gave evidence anonymously "the Tribunal would certainly be still conducting an inquiry in public". It appears to me that the same reasoning must be applied to the giving of evidence by screened witnesses. Self evidently, the Inquiry is not being conducted as openly as would be the case if witnesses gave evidence in the normal way, but the Inquiry is still being conducted in public; the witnesses' answers can be heard and they can be subject to face-to-face challenge by lawyers on behalf of the next of kin of the deceased and of the wounded.

I agree with the Tribunal that any departure from a conventional form of proceeding requires to be justified by the party seeking such dispensation but the context in which an asserted justification should be judged must include the following considerations (i) that the Inquiry is not an adversarial proceeding and (ii) that the openness of the proceeding, although compromised, is not destroyed. Moreover, while the preservation of public confidence is an important factor, this must be balanced against the rights of those who seek to reduce any risk that might be occasioned by their giving evidence in open court. The level of justification required must reflect these considerations and must, in my opinion, be commensurately less than would be needed if, for instance, an application were made that the Inquiry should receive evidence in camera.

It is clear that the 1921 Act contemplated that inquiries conducted under its provisions would normally be in public and the Salmon report laid great store by the need for hearings to be conducted in public. But, as the Court of Appeal in the anonymity case observed, “section 2 [of the Act] itself recognises that there can be circumstances where the public are excluded because it is ‘in the public interest expedient so to do’. The statute itself is, therefore, acknowledging that an inquiry can perform its primary duty even though the public are excluded in part from its investigation” [7].

In any event, there is a danger, I think, in conflating the concept of the public nature of the inquiry with the asserted need for the witnesses to be identified and visible. The latter is relevant to the degree of confidence that people may have in the outcome of the Inquiry but the public nature of the proceeding is not eliminated by allowing witnesses to give evidence from behind screens. Put shortly, the Inquiry still takes place in public although the proceedings are not as open as before. It was the holding of inquiries in public rather than in private that the Salmon report considered to be of paramount importance. The testimony of these witnesses will still take place in public even if they give evidence from behind screens.

Is an investigation of the claims of the witnesses necessary?

The applicant makes a two-pronged attack on the Tribunal’s failure to hold an investigation into the claims of the police witnesses that they would fear for their safety if required to give evidence without being screened. Firstly, it is suggested that there is ample reason to doubt the truth of those claims which demanded an investigation of their accuracy. Secondly, it is submitted that the Tribunal failed to address the need for such an investigation. In this context Mr Treacy referred to his submission that an investigation was required and to the failure of the Tribunal to deal with that submission in its ruling.

Mr Simpson is one of the officers whose request that he be screened was granted by the Tribunal. He had applied for screening in 1999 but before that application could be dealt with, he withdrew it. In the written submission made on his behalf in support of his recent application, it was stated that “he did consider making an application for screening in 1999 but, at that time, decided not to do so”. Mr Treacy submitted that this statement was demonstrably untrue. An application had in fact been made and was withdrawn. This alone, Mr Treacy said, was sufficient to alert the Tribunal to the need for an investigation of his claim that he feared for his safety if required to give evidence without screens.

Constable Montgomery had given evidence before the Widgery Tribunal in 1972. It was suggested by Mr Clarke that he had done so in the expectation that he would not be named but had been instructed by Lord Widgery to reveal his identity. This claim was not borne out by the transcript of the proceedings before the Widgery Tribunal, Mr Treacy said. This was therefore another instance of a false claim being made which required to be investigated.

Next, Mr Treacy claimed that the excuse proffered for the lateness of the applications by all the other applicants for screening, viz that they had been unaware that it was possible to make such an application, was simply incredible. Nine applications had been made in 1999 and 2000. From the relatively small cadre of police officers who would be required to give evidence, it was impossible to accept that nine were aware that an application for screening could be made and the others were not, he suggested. The applications in 1999 and 2000 were made by the Chief Constable on behalf of the officers concerned. It was inconceivable that the other officers who now made application were unaware of the earlier applications. Their assertion to the contrary cast doubt on the veracity of their current claim to be afraid to give evidence without screens. In this context counsel referred to the position of Detective Superintendent Brian McVicker. Mr McVicker has been in charge of the investigation of the bombing outrage in Omagh in August 1988. He has, according to Mr Treacy, a high public profile and has frequently appeared on television, albeit not in connection with the events on Bloody Sunday. It was not believable, Mr Treacy claimed, that Mr McVicker believed that he would be at any greater risk from republican dissident groups if he appeared unscreened before the Tribunal.

Finally, Mr Treacy argued that the Tribunal's unquestioning acceptance of the anonymous intelligence assessments from the Police Service for Northern Ireland offended the need for practical independence required for the Article 2 investigation that the Tribunal is required to carry out. An officer of the same force as those referred to in the reports made these assessments. They were general in nature and were not directed to individual officers nor did they deal with the specific applications for screening that those officers were making. They should not have been accepted by the Tribunal as justifying the screening of the officers without further investigation.

Both reports were made to the Legal Adviser of PSNI. The first is dated 31 January 2002 and is as follows: -

"Despite the fact that PIRA are currently on ceasefire their terrorist capability has not diminished in any way. Intelligence gathering remains a priority with police officers continuing to be of particular interest. The significance of the events of Bloody Sunday and the outcome of the Saville Inquiry are extremely important to the republican psyche and the details of those police officers giving evidence to the Inquiry would be much sought after.

Should the personal details of any such police officer become known to a terrorist group then he/she may face an increased risk of terrorist attack. This risk is equally applicable to those officers who have already retired.

Dissident republican terrorists who are not on ceasefire naturally pose a substantial threat to all police officers. Despite recent setbacks as a result of continued successes by security forces they nevertheless remain highly capable of carrying out attacks. Since 1999 dissident republicans have carried out attacks as a result of bombing, mortar and shooting attacks on police and police establishments. We are aware from current intelligence that dissident republican groups continue to specifically target police officers both on and off duty. We are aware of contact between republican dissidents and PIRA.

Whilst there is no intelligence to indicate any direct threat exists against those officers called to give evidence to the Inquiry the possibility that some action may be taken against them cannot be dismissed.”

The first application on this occasion for screening was by Mr Simpson. It was resisted by the families. In a skeleton argument submitted by Mr Treacy and Ms Doherty on behalf of the clients of Madden & Finucane it was argued that there was no intelligence to indicate that there was any direct threat against Mr Simpson. It was suggested that this prompted the second assessment of risk report. It was in the following terms: -

“Further to our intelligence assessment dated 31.01.02 the additional details are forwarded for consideration:

- As previously indicated a general threat exists to any police witness whose personal details, including appearance, might be disclosed. The level of possible threat faced by these police witnesses is likely to vary, dependent upon the following factors: the nature of the evidence given by individual officers or ex-officers; the nature of their duties on the day in question; the media interest in their evidence and also whether the individual officer has been the subject of paramilitary attention in the past
- It is judged that the level of threat faced by police witnesses to the Tribunal will be greater than that faced by military personnel. This is due to the fact that a number of these witnesses live locally with their families and are likely to come into contact with terrorist suspects in the course of their ordinary lives, a situation that is not generally applicable to the military witnesses”

Mr Treacy suggested that this report deliberately overstated the level of risk in order to meet points made in the skeleton argument submitted for his clients. This was yet another reason to doubt the accuracy and veracity of the assessed risk and this should have prompted the Tribunal to conduct an investigation into the police officers' claims.

All of the police witnesses who have applied for screening have been shown the risk assessment reports. They have also been made aware that a man from Londonderry had recently been convicted of possession of information likely to be useful to terrorists at the Special Criminal Court in Dublin. The information related to the movements of a PSNI superintendent and members of his family.

The claim that the police officers who have applied to give evidence behind screens were unaware until recently that they could make such an application is surprising. One would have thought that the earlier applications in 1999 and 2000 must have received fairly wide publicity. Certainly Mr Simpson was well aware that such an application could be made. I also think that it is likely that the police officers who sought to be screened must have anticipated that they would be required to give evidence to the Inquiry. The Tribunal's solicitors had interviewed them and it should have been clear that the information that they had to give would be directly relevant to the Tribunal's deliberations.

It does not follow, however, that, because one may have reservations about the suggestion that the police officers did not know that they could apply to be screened until recently, there must be an investigation into their claim to entertain a reasonable and genuine fear for their personal safety if required to give evidence. The risk assessments provide ample material on which such a fear might be founded. Indeed, any police officer who was informed that the PIRA was continuing to gather intelligence about policemen's movements and that there was contact between PIRA and dissident republican groups is bound to be concerned. When it is stated that the information on those officers who are to give evidence to the Inquiry would be "much sought after" it is difficult to imagine that any such officer would not be extremely concerned for his own safety.

It is to be remembered that the test set out by the Court of Appeal involves an examination of the subjective fears of the witnesses and a decision on whether those fears are objectively justified. The conclusion that anyone, informed that he was at greater risk than the soldiers who are to give evidence, would inevitably be afraid for his safety is beyond plausible challenge, in my view. By the same token, the objective justification for those fears is readily supplied by the risk assessments. It could hardly be said that the fears are fanciful or manufactured when they are based on the contents of the two reports. Reservations about the authenticity of the views expressed in the reports do not necessarily sound on the objective justification for the fears of the police officers. This is the information with which the police officers have been provided. Unless they have reason

to dismiss the reports, their contents provide clear justification for the fears. No investigation is required to allow that conclusion to be reached. Whatever doubts may attend the background to the applications for screening, the plain fact is that at the time those applications were made there was ample material on which to conclude that the fears of the officers were genuine and objectively warranted.

I can deal briefly with the second limb of the argument under this heading. Mr Treacy contended that the Tribunal had failed to consider whether an investigation into the genuineness of the fears expressed by the police officers was required, notwithstanding his submission to that effect. True it is that the Tribunal makes no reference to this in its ruling but I would be slow to conclude on that account that it had failed to consider the argument. It must be remembered that the ruling was made on the day that submissions on the screening application were completed and one cannot realistically expect that every argument addressed to the Tribunal will be dealt with in what was a concise summary of the issues and the Tribunal's conclusions on them. Quite apart from this, however, I am satisfied that the only conclusion that the Tribunal could have reached was that an investigation into the authenticity of the claims made was neither necessary nor appropriate. The argument must fail for that reason also.

Article 2 of the European Convention of Human Rights

Article 2 provides: -

"1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

- (a) in defence of any person from unlawful violence;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling a riot or insurrection"

In *Jordan v UK* [2001] ECHR 24746 ECtHR held that "a thorough and effective investigation capable of leading to the identification and punishment of those responsible for the deprivation of life, including effective access for the complainant to the investigation procedure" was required in order to meet the procedural safeguards implied by Article 2.[8] It is on this requirement that the applicant

relies in advancing the case that she is entitled to insist on the need for the police officers to give evidence without being screened.

Article 2, however, also imposes on public authorities a duty to protect individuals against criminal acts that threaten life. In *Osman v UK* [1998] 29 EHRR 245 ECtHR said of this duty: -

“The Court notes that the first sentence of Article 2(1) enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction. It is common ground that the State’s obligation in this respect extends beyond its primary duty to secure the right to life by putting in place effective criminal law provisions to deter the commission of offences against the person backed up by law-enforcement machinery for the prevention, suppression and sanctioning of breaches of such provisions. It is thus accepted by those appearing before the Court that Article 2 of the Convention may also imply in certain well-defined circumstances a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual. The scope of this obligation is a matter of dispute between the parties.

For the Court, and bearing in mind the difficulties involved in policing modern societies, the unpredictability of human conduct and the operational choices which must be made in terms of priorities and resources, such an obligation must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities. Accordingly, not every claimed risk to life can entail for the authorities a Convention requirement to take operational measures to prevent that risk from materialising. Another relevant consideration is the need to ensure that the police exercise their powers to control and prevent crime in a manner which fully respects the due process and other guarantees which legitimately place restraints on the scope of their action to investigate crime and bring offenders to justice including the guarantees contained in Article 5 and 8 of the Convention.

In the opinion of the Court where there is an allegation that the authorities have violated their positive obligation to protect the right to life in the context of their above-mentioned duty to prevent and suppress offences against the person, it must be established to its satisfaction that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk. The Court does not accept the Government’s view that the failure to perceive the risk to life in the circumstances known at the time or to take preventive measures to avoid that risk must be tantamount to gross negligence or wilful

disregard of the duty to protect life. Such a rigid standard must be considered to be incompatible with the requirements of Article 1 of the Convention and the obligations of Contracting States under that Article to secure the practical and effective protection of the rights and freedoms laid down therein, including Article 2. For the Court, and having regard to the nature of the right protected by Article 2, a right fundamental in the scheme of the Convention, it is sufficient for an applicant to show that the authorities did not do all that could be reasonably expected of them to avoid a real and immediate risk to life of which they have or ought to have knowledge. This is a question which can only be answered in the light of all the circumstances of any particular case.”[9]

The Court of Appeal in the venue case considered that the *Osman* duty was engaged in the case of the soldiers who were required by the Tribunal’s order to give evidence in Londonderry. But it concluded that the Tribunal was wrong to have assessed the risk that was required to engage Article 2 as the “real and immediate” risk mentioned in *Osman*. The Court of Appeal said: -

“Such a degree of risk is well above the threshold that will engage Article 2 when the risk is attendant upon some action that an authority is contemplating putting into effect itself. It was not an appropriate test to invoke in the present context.”[10]

Although the court described the search for a phrase that encapsulates a threshold of risk which engages Article 2 as “a search for a chimaera”, it nevertheless was confident that the threshold was passed in that case. It was this conclusion that prompted the formulation of the test in paragraph 31 of the judgment and, as I have said, it was agreed that this was the test to be applied in the present case.

If the police officers’ Article 2 rights are engaged, the Tribunal is obliged to take sufficient precautions to protect their lives – see *Ergi v Turkey* (decision 28 July 1998) paragraph 81. The Court of Appeal in the venue application considered that a balancing exercise had to be carried out between the measures needed to “alleviate” the subjective fears of the witnesses and the grounds giving rise to them on the one hand and “the adverse consequences” that the measures would cause on the other. Lord Saville had some difficulty with this concept, as do I. If the measures needed to alleviate the fears and the reasons for them are to be regarded as the steps necessary to protect the witnesses’ substantive Article 2 rights (in other words their right to have their life protected), I cannot accept that these can be mitigated by adverse consequences that might accrue to others’ procedural Article 2 rights. It surely cannot be right to refrain from taking precautions deemed necessary to protect someone’s life in order to cater even for the need to ensure the thorough and effective investigation of another’s death.

In any event, the conclusion of the Tribunal that the police officers had reasonable and genuine fears for their safety appears to me to be tantamount to saying that their Article 2 rights were engaged and required such protection as the Tribunal could provide. Since I have concluded that the Tribunal was entitled to decide that the police officers' fears were genuine and objectively justified, it follows that the screening of the witnesses must be allowed if it will help to reduce the risk to them.

The need to distinguish between the various police officers

In advancing the claim that the Tribunal, in assessing the level of risk to the applicants for screening, should have distinguished between the various categories of witness, Mr Treacy relied principally on the decision in *Van Mechelen and others v The Netherlands* [1997] ECHR 21363. In that case the applicants were charged with serious criminal offences, including attempted murder and robbery. The evidence against them consisted of statements made before the trial by anonymous police officers. None of those officers appeared at the trial. The applicants were convicted and appealed. On appeal, the witnesses were questioned under a special procedure, but remained anonymous. A number of named witnesses were also heard in open court. The police witnesses claimed that they wished to remain anonymous to protect their families. It was not alleged that any named or anonymous witnesses were threatened by or on behalf of the applicants. The applicants' convictions were upheld, and their appeal to the Supreme Court was dismissed. The applicants complained that they had not received a fair trial as the domestic courts used statements of unidentified persons, in respect of whom the exercise of the defence rights was unacceptably restricted, in violation of arts 6(1) and 6(3) of the European Convention on Human Rights. At paragraph 56 of its judgment the Court said: -

"56. In the Court's opinion, the balancing of the interests of the defence against arguments in favour of maintaining the anonymity of witnesses raises special problems if the witnesses in question are members of the police force of the State. Although their interests – and indeed those of their families – also deserve protection under the Convention, it must be recognised that their position is to some extent different from that of a disinterested witness or a victim. They owe a general duty of obedience to the State's executive authorities and usually have links with the prosecution; for these reasons alone their use as anonymous witnesses should be resorted to only in exceptional circumstances. In addition, it is in the nature of things that their duties, particularly in the case of arresting officers, may involve giving evidence in open court."

Mr Treacy argued that this passage suggested that generally serving police officers should be required to give evidence in open court without restriction. The Tribunal ought to have distinguished between those witnesses who were still serving officers and those who had retired in its approach to the question of screening, therefore.

I cannot accept this argument. In the *Van Mechelen* case a risk to the safety of the witnesses had not been established. The police officers were in a separate room with the investigating judge, from which the accused and even their counsel were excluded. All communication was via a sound link. The defence was unaware of the identity of the police witnesses and were also prevented from observing their demeanour under direct questioning. The only justification for this procedure that was offered was the “operational needs of the police”. Unsurprisingly, ECtHR did not find this to be sufficient justification.

By contrast, in the present case the police officers will be visible to the legal representatives of the families and can be questioned directly. Their identities are known. Apart from these considerations, the risk assessment reports provide material on which to conclude that the fears of the officers are genuine and objectively justified. Moreover, the risk is said to be the same whether the officers were still in post or had retired. In these circumstances, there was no basis on which the Tribunal could have distinguished between them.

Should the next of kin of the deceased and the wounded be permitted to see the witnesses while they give evidence?

The claim that the families should be allowed to observe the witnesses while they gave evidence was presented on two bases. Firstly, it was suggested that it had been universally accepted that they posed no threat to the police officers and that there was no reason therefore that they should be excluded. Secondly, it was argued that to prevent them from seeing the witnesses while they gave evidence involved an interference with their Article 2 rights and that the Tribunal was under an obligation to minimise that interference. To that end, the Tribunal (it was said) should have investigated how the families’ rights under Article 2 could have been accommodated rather than dismissing the possibility of their being allowed to see the witnesses testify as “not practical”.

Mr Hanna QC on behalf of the police officers has made it clear (both in his submissions to the Tribunal and before this court) that he casts no aspersions whatever on the members of the families of the deceased and the wounded. Neither he nor his clients are in a position, however, to say with certainty that the perceived risk will not be increased if the families and the wounded are permitted to see the police officers while they give evidence. It is on that basis that he opposes the extension of the group who are to have this facility to include the next of kin and the wounded. It is

not practical, Mr Hanna suggests, to embark on an elaborate vetting procedure of this group which numbers some 120 persons and to put in place adequate procedures to ensure that there was no inadvertent release of information that might increase the risk to his clients.

I accept the submissions of Mr Hanna on this point. In doing so, let me also make clear that I have no reason whatever to doubt the sincerity of the applicant's strongly worded condemnation of any attempt to attack or threaten any witness to the Inquiry. It is clear that all involved in the Inquiry have been treated with great courtesy by the representatives of the families with whom they have come in contact. But the matter for me is put beyond dispute by consideration of the logistical burden that would be involved in attempting to ensure that those who were permitted to observe the witnesses were bona fide members of the extended group and, more importantly, that they did not inadvertently reveal details about the appearance of the witnesses which might increase the risk to them.

In this context, I do not consider that the Tribunal's decision in relation to the redacted photographs of soldiers G and H can be taken as providing a guideline to its approach on the matter of screening. It may well be, as Mr Treacy has claimed, that the Tribunal's acceptance of the compromise suggested by Lord Gifford reflected its view that special consideration should be afforded the families in that matter but the risk to witnesses must be evaluated by reference to the particular circumstances in which it has been identified and taking account of the personal situation of the witnesses to whom it applies. Indeed Lord Saville was at pains to point out that the Tribunal's ruling on the matter of the photographs was not to be taken as a precedent for any future application. He said: -

"I should stress that this is indeed [a] compromise solution to allow us to get on and should not in any sense, shape, manner or form be treated as laying down any ruling on principles relating to Soldier H or indeed any other soldier." [11]

It was not disputed that the denial of the opportunity to see the witnesses while they gave evidence represented an interference with the applicant's procedural rights under Article 2 of the Convention and I intend to deal with the matter on that basis. I should not be taken as having reached any final conclusion on that proposition however, and would prefer to reserve my opinion on its correctness.

Mr Treacy argued that since the applicant's Article 2 rights were engaged, the Tribunal was required to minimise as far as possible the interference with those rights and should conduct an inquiry as to the means by which that minimum level of interference might be achieved. He relied for this proposition on the decision of ECtHR in *Hatton v UK*. In that case the applicants lived in the vicinity of Heathrow airport and alleged that their sleep had been regularly disturbed by aircraft noise, which had increased since 1993. In 1993 the government introduced a night quota scheme to reduce airport noise at the main London airports. The scheme had been challenged by way of judicial review, and the Court of Appeal had upheld the Government's decision. The applicants complained to the European Court of Human Rights, inter alia that the level of aircraft noise at night amounted to an unjustifiable interference in their private lives in violation of art 8 of the Convention. It was held that a fair balance had to be struck between the competing interests of the individual and the community as a whole. In striking that balance, States had to have regard to the whole range of material considerations, and in particular, had to seek to minimise, as far as possible, interference with Article 8 rights. At paragraph 97 of its judgment the court said: -

"[The court] considers that States are required to minimise, as far as possible, the interference with these rights, by trying to find alternative solutions and by generally seeking to achieve their aims in the least onerous way as regards human rights. In order to do that, a proper and complete investigation and study with the aim of finding the best possible solution which will, in reality, strike the right balance should precede the relevant project."

The *Hatton* case was concerned with the extent of the margin of appreciation available to States in deciding whether measures that interfered with rights under Article 8 were "necessary in a democratic society in the interests of ... the economic well-being of the country ... or for the protection of the rights and freedoms of others." Unlike Article 2, Article 8 is a qualified right which permits an area of discretionary judgment to be exercised by States where such matters as the national economy and the rights of other citizens may be jeopardised by the full implementation of an individual's Convention right. By contrast, interference with an Article 2 right is not permitted by recourse to such considerations. Here the Tribunal concluded that the witnesses' substantive Article 2 rights were engaged. In those circumstances it was obliged to put in place such measures as were necessary to ensure that those rights were properly safeguarded. Since it concluded that screening was necessary to achieve that objective, there could, in my opinion, be no question of a weighing of those rights against the asserted procedural rights of the applicant.

Does the Tribunal's ruling exclude non-legally qualified members of the families' legal team?

I can deal briefly with this matter. Mr Clarke QC has submitted that this matter has not been addressed by the Tribunal in its ruling of 7 February. I agree. The Tribunal in its ruling acceded to the application made on behalf of the witnesses by Mr Hanna and appears to have adopted his formulation of the terms of the proposed order. Lord Saville said: -

"We have today listened to an application made by Mr Hanna QC on behalf of 20 serving and former police officers, that these officers should be screened when they give their evidence to the Inquiry from all except the qualified lawyers acting on behalf of the interested parties and, of course, the Tribunal, its counsel and staff." [12]

Apart from the oblique reference to "qualified lawyers" the Tribunal did not refer to the question of the presence of members of the families' legal team, no doubt for the prosaic reason that no argument on this issue was made. I do not construe the ruling as necessarily having the effect of excluding these individuals. It is for the Tribunal to decide whether they should be permitted to be present, if and when any application is made on the topic. In those circumstances, it would be quite inappropriate for me to say more on the subject.

Conclusions

I have decided that none of the grounds of challenge to the Tribunal's ruling has been made out. The application for judicial review must therefore be dismissed. I should like to say, however, that this decision does not reflect adversely on the propriety of the challenge, which was advanced – and responded to – in a most responsible manner.

[1] Cmnd 3121 at page 38

[2] Cmnd 3121 at page 38

[3] Opening Statement of Lord Saville 3rd April 1998

[4] Transcript Day 187 page 75 line 22-24

[5] The Tribunal of Inquiry into the events of Bloody Sunday held in 1972

[6] para 97 of the Court's judgment

[7] para 68 of the judgment

[8] para 160 of the judgment

[9] paras 115 - 116

[10] para 28

[11] Page 249 of the transcript

[12] Page 72 of the transcript

A2.50: Court of Appeal in Northern Ireland (Belfast, 8th May 2002): screening of RUC officers (item 22 above)

[2002] NICA 25(1); [2002] NICA 25(2); [2002] NICA 25(3)
Ref: NICC3690

In Her Majesty's Court of Appeal in Northern Ireland on appeal from the High Court of Justice (Crown Side) in the matter of an application by the next of kin of Gerard Donaghy (deceased) for Judicial Review and in the matter of a decision of the Bloody Sunday Inquiry dated 7th February 2002

Judgment
(Approved by the Court for handing down)
Delivered: 8th May 2002

(subject to editorial corrections)

[2002] NICA 25(1)
Ref: NICC3690

NICHOLSON LJ

Introduction

This is an appeal from the decision of Kerr J dismissing an application by Mary Doherty for judicial review of the ruling of the Bloody Sunday Inquiry Tribunal to allow twenty police officers to give evidence to the Tribunal from behind screens in the Guildhall, Londonderry (Derry).

The Decision of Kerr J

In the course of his judgment Kerr J stated that on 7 February 2002 the Tribunal directed that while giving evidence the police officers should be visible to the legal representatives of the various parties

including those who appear on behalf of the family of the deceased and of the wounded. They would otherwise be screened from view. The applications to be screened were made on the basis of the officers' avowed fear that if they were identified, the risk to their lives would be increased.

Intelligence assessments provided by the Police Service of Northern Ireland dated 31 January 2002 and 5 February 2002 were relied on by them before the Tribunal. He referred to the reactions of the families of those who were killed or injured. They felt that screening compromised the openness which they had expected in the conduct of the Inquiry.

He described the importance which Mary Doherty attached to police officers giving evidence without being screened. Her brother, Gerard Donaghy, who was shot and killed by a soldier was subsequently found to have nail bombs in four of his pockets. There was evidence that they had been planted in his pockets after he had been shot. A number of the police officers who had applied for screening were going to give evidence as to the circumstances in which his body was discovered to contain nail bombs at a Regimental Aid Post near the Craigavon Bridge. She felt that she was being excluded from some of the most important evidence relating to her as next of kin of her brother, not least as the soldiers involved in the shooting of her brother had been granted anonymity and the right to give evidence to the Tribunal in London, although it was not alleged, as I understand it, that the killing could be justified or excused by the allegation that he had nail bombs in his pockets.

Kerr J went on to set out the issues and the test to be applied. I cite from his judgment the following passage:

"There was general agreement on this question. The test to be applied by the Tribunal is that which was adumbrated in paragraph 31 of the judgment of the Court of Appeal delivered on 19 December 2001 in the venue application. There the court said:-

'31. We consider that the appropriate course is to consider first the nature of the subjective fears that the soldier witnesses are likely to experience if called to give evidence in the Guildhall, to consider the extent to which those fears are objectively justified and then to consider the extent to which those fears, and the grounds giving rise to them, will be alleviated if the soldiers give their evidence somewhere in Great Britain rather than in Londonderry. That alleviation then has to be balanced against the adverse consequences to the Inquiry of the move of venue, applying common sense and humanity. The result of the balancing exercise will determine the appropriate decision. This course will, we believe, accommodate both the requirements of Article 2 and the common law requirement that the procedure should be fair.'

Four elements of the test can be identified from this passage: 1. the subjective fears of the witnesses; 2. the extent to which those fears can be objectively justified; 3. the extent to which the fears will be alleviated if the measures sought are taken; 4. the balancing of the alleviation of the fears against the adverse consequences of the measures.”

He set out section 2 of the Tribunal of Inquiries Act 1921, a relevant portion of the recommendations of the Royal Commission on Tribunals of Inquiry (Cmnd 3121) and a passage from the opening statement of Lord Saville on 3 April 1998.

The Need for the Inquiry to be Open

In response to submissions by the parties Kerr J stated that there was general agreement that a vital aspect of the Tribunal's task was the winning and maintenance of public confidence in the Inquiry process, that it was beyond question that this feature was put at risk if witnesses gave evidence from behind screens and cited a passage from the statement of the Tribunal about anonymity and screening of witnesses made in Derry on 24 July 1998. He concluded that the screening of witnesses did not mean that the Inquiry was not being conducted in public. It did mean that the Inquiry was not being conducted as openly as it could be, but the witnesses' answers could be heard and they could be subject to face-to-face challenge by lawyers on behalf of the next-of-kin of the deceased and of the wounded.

He agreed with the Tribunal that any departure from a conventional form of proceeding requires to be justified by the person seeking justification but that the following considerations applied. The Inquiry is not an adversarial proceeding and the openness of the proceedings, although compromised is not destroyed. Moreover there is a balance to be struck between those seeking to reduce the risk occasioned by their giving evidence in open court and the preservation of public confidence.

In further response to submissions he accepted that section 2 of the Act recognised that there can be circumstances where the public are excluded because it is in the public interest expedient so to do.

It was the holding of inquiries in public that the Salmon report considered to be of paramount importance and the testimony would still be in public although behind screens.

All of the police officers who had applied for screening had been shown risk assessment reports and were made aware that a man from Derry had recently been convicted of possession of information likely to be useful to terrorists. This information related to the movements of a PSNI superintendent and members of his family.

He found the claim that the police officers who applied to give evidence behind screens were unaware until recently that they could make such an application surprising and thought it likely that they must have anticipated that they would be required to give evidence to the Inquiry. It did not follow, however that there must be an investigation into their claim to entertain a reasonable and genuine fear for their personal safety if required to give evidence. The risk assessments provided ample material on which such a fear might be founded.

The test set out by the English Court of Appeal involved an examination of the subjective fears of the witnesses and a decision on whether those fears were objectively justified. He concluded that the police officers would inevitably be afraid for their safety and that the objective justification for those fears was readily supplied by the risk assessments. No investigation was required to allow that conclusion to be reached. He was satisfied that the only conclusion which the Tribunal could have reached was that an investigation into the authenticity of the claims made was neither necessary nor appropriate.

He dealt with submissions about Article 2 of the Convention, including *Jordan v UK* [2001] ECHR 24746, *Osman v UK* [1998] 29 EHRR 245 ECtHR, the decision of the English Court of Appeal in the soldiers' application to give evidence elsewhere than in Derry (or, implicitly, anywhere other than in Northern Ireland) and their formulation of the test, already referred to, at paragraph 31 of the judgment of Phillips MR, agreed to be applied in the application before him.

He expressed the view that the screening of the police officers must be allowed if it would help to reduce the risk to them. In response to submissions he held that as the identities of the police officers were known, the risk assessments were such that there was no basis on which the Tribunal could have distinguished between the various police officers.

Other submissions led him to hold that there could be no question of a weighing of the substantive rights of the police officers against the procedural rights of the appellant and that, therefore, there could be no distinction amongst the twenty police officers. He also held that families of the next of kin and of the wounded could not be distinguished from the rest of the public in practice, so far as screening was concerned.

The Tribunal had excluded the non-legally qualified members of Messrs Madden & Finucane, solicitors for the families of the next-of-kin and the wounded, from seeing police witnesses who were screened in 1999 and 2000. This ruling was not challenged at the time. There were professional grounds for doing so. No representations were made on their behalf when the application was made to exclude non-qualified lawyers on the present occasion. Kerr J held that the Tribunal was entitled

to make the same ruling about non-legally qualified persons in respect of the police witnesses on this occasion as it had made for the police witnesses in 1999 and 2000 without objection.

Grounds of Appeal from the Decision of Kerr J

1. The learned Judge had been wrong in holding:-
 - (1) That it had been agreed that the test to be applied was that outlined in paragraph 31 of the judgment of the Court of Appeal.
 - (2) That “the public nature of the proceeding is not eliminated by allowing witnesses to give evidence from behind screens.”
 - (3) That “the testimony of these witnesses will still take place in public even if they give evidence from behind screens.”
2. He failed to consider the effect that the screening of witnesses would have on the Tribunal's search for the truth .
3. The learned Judge had erred in holding:-
 - (1) That the reservations about the background to the police witnesses' applications for screening did not justify further investigation into the bona fides of their applications.
 - (2) That “the only conclusion that that the Tribunal could have reached was that an investigation into the authenticity of the claims made was neither necessary nor appropriate.”
4. The learned Judge failed to deal with the appellant's submission that the Tribunal's independence was compromised by acceptance of the threat assessments.
5. The learned Judge erred in refusing to hold that the Tribunal had failed to consider whether an investigation into the genuineness of the fears was appropriate.
6. The learned Judge erred:-
 - (1) In holding that the Tribunal was correct in refusing to distinguish between the different categories of applicants.
 - (2) In holding that there would be a logistical burden involved in attempting to ensure that members of the families if permitted to observe the witnesses were “bona fide members of the extended group.”

7. There was no evidence before the learned Judge on which he could reach the conclusion that there would be such a logistical burden.
8. The learned trial Judge erred in holding that where Article 2 rights are engaged there is no balancing exercise to be carried out.
9. The learned Judge's conclusion that there is no balancing exercise to be carried out was never argued by any of the parties before the court and was contrary to their submissions.
10. The learned Judge erred in holding that interference with an Article 2 right can never be justified by recourse to considerations such as the rights of others.
11. The learned Judge erred in refusing to hold that the Tribunal had a duty to ensure the least possible interference with the appellant's Article 2 procedural rights.
12. The learned Judge erred in holding that in its ruling the Tribunal had not considered the question of the presence of members of the families' legal teams.
13. The Judge erred in holding that the ruling did not have the effect of excluding non-legally qualified members of the families' legal teams.
14. The learned Judge failed to consider the appellant's argument that the Tribunal had failed to give any or adequate reasons for its decisions.

The First Ground of Appeal (Ground 1(1))

The first ground of appeal is that the learned [trial] judge erred in holding that it had been agreed that the test to be applied was that outlined in paragraph 31 of the judgment of the Court of Appeal of England and Wales on the issue of Venue.

I do not accept that he was wrong in so holding. As conceded by counsel for the appellant the skeleton argument on her behalf was based on the assumption that the test in paragraph 31 was the correct test. But we did not consider it appropriate to hold the appellant to the confines of the argument addressed to Kerr J but to permit counsel to submit that the decision of the Court of Appeal of England Wales in Lord Saville of Newdigate & Others v Widgery Soldiers & Others (Unreported: 19 December 2001: [2001] EWCA Civ 2048) was wrong and should not be followed. If that argument were to succeed and the test in paragraph 31 were held to be the wrong test, it would follow that the appeal must succeed.

It was pointed out in the course of argument that the Court of Appeal in Ireland usually followed the decisions of the English Court of Appeal where it had pronounced upon a topic. In McCartan v Belfast Harbour Commissioners [1910] 2 IR 470 AT 494-495 Holmes LJ said:-

“It is true that, although we are not technically bound by decisions in the coordinate English Court, we have been in the habit in adjudicating on questions as to which the law of the two countries is identical, to follow them. We hold that uniformity of decision is so desirable that it is better, even when we think the matter doubtful, to accept the authority of the English Court, and leave error, if there be error, to be corrected by the Tribunal whose judgment is final on both sides of the Channel. “

In Northern Ireland Railway Transport Board v Century Insurance Co Ltd [1941] NI 77 AT 107 Murphy LJ agreed that this principle should be followed and stated that the Court of Appeal in Northern Ireland should follow the decision of the English Court of Appeal in Jefferson v Derbyshire Farmers Ltd [1921] 2 KB 281 which appeared to him to be indistinguishable from the case before the Court of Appeal in Northern Ireland.

In McGuigan v Pollock & Another [1957] NI 74 at 106 Black LJ said:

“When a doubtful point has been decided in a particular way by the English Court of Appeal our courts feel a natural hesitation about refusing to follow the English decision” and cited the two authorities to which I have previously referred.

It is true that in Re McKiernan's Application [1985] NI 385 Lord Lowry said at 389:

“Although decisions and dicta of the Court of Appeal in England do not bind the courts in this jurisdiction, they traditionally, and very rightly, are accorded the greatest respect, particularly where the same, or identically worded, statutes fall to be construed. Therefore, that I may account scrupulously for the decision I have reached in this judgment, it becomes one to deal faithfully with the relevant English authorities.”

In that case the Court of Appeal in Northern Ireland declined to follow R v Board of Visitors of Hull Prison ex parte St Germain (No 1) [1979] QB 425 and R v Deputy Governor of Camphill Prison ex parte King [1984] 1 QB 735. The decision of the Court of Appeal in Northern Ireland was later upheld by the House of Lords in R v Deputy Governor of Parkhurst, ex parte Leech [1988] 1 AC 533. In Beaufort Developments (NI) Ltd v Gilbert Ash (NI) Ltd & Another [1997] NI 142 at 155 Carswell LCJ said:

“If the matter was *res integra*, we should be attracted to an interpretation of the contract which would allow the court to review the architects’ certificates, with the consequence that we should allow the appeal and refuse to stay the action. ... We are conscious however of the practice which the Court of Appeal in this jurisdiction had adopted in the past of following the decisions of the English Court of Appeal where it has pronounced upon a topic, even where we think that another conclusion might be preferable.”

He referred to the authorities to which I have referred (other than McKiernan). On appeal to the House of Lords the opinion which the Court of Appeal would have reached if the matter had been *res integra* was adopted.

It was further pointed out in the course of argument that as the Divisional Court and Court of Appeal in England and Wales had accepted jurisdiction in respect of rulings made by the Tribunal in Derry, the Tribunal was bound by the decisions of two Courts of Appeal. Mr Clarke for the Tribunal invited us not to cause the Tribunal to suffer from Schizophrenia and I certainly recognise that if we held that a different test than that applied by the Court of Appeal in England was the correct test, the Tribunal might have to go to the House of Lords for a final decision, which might unnecessarily delay their proceedings, or we might remit their ruling back to the Tribunal which, in turn might lead the party adversely affected by a change in ruling to select the Divisional Court in England and Wales for a further judicial review. It would be bound to follow the English Court of Appeal, the courts would look foolish and an appeal to the House of Lord would be inevitable.

I should perhaps express my own view that in a criminal case on appeal, our Court of Appeal should adopt the practice outlined by Lord Lowry, and on the civil side follow it even if we believed the English Court of Appeal to be “plainly wrong”. I remind myself that the House of Lords has often found what seemed plain to the Court of Appeal to be plainly the opposite. Thus the course proposed by Carswell LCJ in civil cases seems the most appropriate.

The Test Set out at Paragraph 31 of the Judgment of the Court of Appeal

I am prepared to apply the same test as they applied and accordingly, I see no point in criticising any part of the judgment or, for example, in seeking to reconcile paragraphs 13 and 28 of the judgment.

I accept that the risk to the police officers is ‘real’ without seeking to re-define the word and is ‘immediate’ in the sense that, if they give evidence in open court without screening, the risk is that from that point in time a plan may be put into effect to target one or more of them and when the Tribunal has completed its task an attempt may be made on the target.

I consider that the Court of Appeal did not fail to understand that the decision in *Ergi* was based on facts significantly different from the facts in this case and did not seek to import into this case the requirement that the Tribunal should take all feasible precautions to minimise the risk to the police officers but that it should do all that could reasonably be expected of it. They assessed the risk to the soldiers as higher than the Tribunal did. The risk engaged Article 2 and the balancing act required to be carried out needed to be adjusted because the Tribunal had assessed the risk at too low a level.

The test set out at paragraph 31 is appropriate when one is considering the duty of fairness to witnesses at a public inquiry and when the question is whether there is a real and immediate risk to their lives. None of the arguments of Mr Treacy persuaded me that the approach of the Court of Appeal was flawed in principle.

Grounds 1(2) and (3), 2, 3, 4, 5, 6, and 7

The subjective fears of the police witnesses, the extent to which those fears can be objectively justified and the extent to which the fears will be alleviated if the measures sought are taken.

The Tribunal received written submissions on behalf of the police officers and of the families of those who were killed and wounded. On Thursday 7 February 2002 oral submissions, were made on their behalf and by others. These ran to 70 pages of transcript. Five Queen's Counsel, including three on behalf of the families, made these submissions. The Tribunal's Ruling is to be found at p272 and following of the transcript for that day.

Lord Saville stated:

"The basis for the application [for screening] is that, in the light of the principles set out in paragraph 31 of the recent Court of Appeal decision (unreported: 19 December 2001: [2001] EWCR Civ 2048: Case No C/2001/2538) dealing with venue, these individual applicants have reasonable and genuine fears for their personal safety were they to appear in public at the Guildhall to give their evidence, that these fears would be alleviated if screening were allowed and that when balanced against the adverse consequences to the Inquiry of listening to the evidence other than in full public view, commonsense and humanity dictated that screening should be allowed ...

Those opposing the application submitted that the delay demonstrated, or at least went a very long way towards demonstrating, that in truth the applicants could not hold genuine or reasonable fears for their safety in the absence of screening ...

It seems, though we have not heard from the Police Service on this, that there may have been some breakdown in communication between the service itself and its former and serving officers. Be that as it may, we are not persuaded that the delay in making the applications demonstrates, or goes towards demonstrating, that the fears now expressed are neither genuine nor reasonable ...

The applicants, unlike the soldiers, do not have the protection of anonymity. Again, unlike all or virtually all the soldiers, they live in Northern Ireland where some are still serving police officers: hundreds of their colleagues have died from terrorist activity over the last 30 years. Thankfully, the terrorist threat at present appears to be reduced from that which existed before, but that it still exists cannot be denied, as is apparent from the information put before the Inquiry today and the future, of course, is unknown.

The fear that the police officers have stems not so much from the evidence they can give about Bloody Sunday, or indeed from their activities on that day, but from the opportunity, particularly since their names are known and since they live and some work here, that would be afforded to dissident groups to identify them more closely were they not to be screened.

We, in short, accept that the applicants have reasonable and genuine fears for their safety, and we further accept that these fears could be alleviated to a significant degree by screening ...”

Before Kerr J Mr Treacy QC renewed the submissions which he had made before the Tribunal that the fears were not genuine or reasonable, that the history of the applications and the material discrepancies in them cast doubt on their bona fides and that they could not be objectively justified and made further submissions on these issues which Kerr J rejected. Before us Mr Treacy renewed the submissions he had made before the Tribunal and Kerr J and made additional submissions. Furthermore we have had affidavits and material placed before us on behalf of the appellant. Most, if not all of these were before Kerr J. Nothing that could be said on behalf of the families was left unsaid.

On 31 January 2002 a superintendent of the PSNI provided the legal adviser to the police with a Bloody Sunday Inquiry Intelligence Assessment. It was in the following terms:

“Despite the fact that PIRA are currently on cease-fire their terrorist capability has not diminished in any way. Intelligence gathering remains a priority with police officers continuing to be of particular interest. The significance of the events of Bloody Sunday and the outcome of the Saville Inquiry are extremely important to the republican psyche and the details of those police officers giving evidence to the Inquiry would be much sought after.

Should the personal details of any such police officer become known to a terrorist group then he/she may face an increased risk of terrorist attack. This risk is equally applicable to those officers who have already retired.

Dissident republican terrorists who are not on cease-fire naturally pose a substantial threat to all police officers. Despite recent setbacks as a result of continued successes by security forces they nevertheless remain highly capable of carrying out attacks. Since 1999 dissident republican have carried out bombing, mortar and shooting attacks on police and police establishments. We are aware from current intelligence that dissident republican groups continue to specifically target police officers both on and off duty. We are aware of contact between republican dissidents and PIRA.

Whilst there is no intelligence to indicate any direct threat exists against those officers called to give evidence to the Inquiry the possibility that some action may be taken against them cannot be dismissed.”

On 5 February 2002 a further assessment was made available. It was in the following terms:-

“Further to our intelligence assessment dated 31.01.02 the additional details are forwarded for consideration:

- As previously indicated a general threat exists to any police witness whose personal details, including appearance, might be disclosed. The level of possible threat faced by these police witnesses is likely to vary, dependent upon the following factors: the nature of the evidence given by individual officers or ex-officers; the nature of their duties on the day in question; the media interest in their evidence and also whether the individual officer has been the subject of paramilitary attention in the past
- It is judged that the level of threat faced by police witnesses to the Tribunal will be greater than that faced by military personnel. This is due to the fact that a number of these witnesses live locally with their families and are likely to come into contact with terrorist suspects in the course of their ordinary lives, a situation that is not generally applicable to the military witnesses.”

To suggest that the Tribunal’s independence has been compromised by receiving these assessments seems to me to be absurd. From what other reliable source other than the PSNI could such assessments be obtained? They do not have to be slavishly accepted if the Tribunal considers that they are exaggerated.

A sergeant, it was said correctly, had made and withdrawn an application for screening in 1999 and on the Friday before the police officers were to commence giving evidence indicated that he intended to renew his application. A separate application for screening was made on his behalf in writing and replied to by counsel on behalf of the families. He had changed his mind about applying for screening because his view of the increased risk to his life had changed. He had perceived the effect of the proceedings of the Inquiry on the attitudes of some people in Derry in relation to the security forces. Accordingly, the re-awakening of memories of the events of Bloody Sunday increased the risk to his life and the lives of members of his family. This risk was compounded by the fact, unknown to him in 1999, that a video image of the proceedings was broadcast to premises within the city of Derry known as the Rialto Cinemas to be viewed by any member of the public. He was concerned about the conviction in July 2001 by the Special Criminal Court in the Irish Republic of a Derry man for possessing information likely to be of assistance to members of an illegal organisation in the commission of a serious offence. The information related to a superintendent of the RUC in Derry (see the judgment of Kerr J at page 20).

On Friday 31 January 2002, the sergeant read for the first time an Intelligence Assessment of that date and must have discussed with his legal advisers the effect of the decision of the English Court of Appeal of 19 December 2001.

Express reference was made on behalf of the sergeant to the judgment of the Court of Appeal in England and a passage was cited from the judgment of Lord Phillips MR in which he stated:

“It is, however, common ground that there are, in Londonderry in particular but also elsewhere, dissident Republican elements who are not prepared to observe the ceasefire, but are anxious to disrupt the police process ... These elements pose a threat to the Inquiry and those who are or will be taking part in it, and in particular the soldier witnesses. The security agencies consider that this threat is, and will be, sufficiently real and imminent to call for precautionary measures to safeguard those taking part in the Inquiry. We consider that they are plainly right to so.”

This confirms Mr Clarke’s submission, that the police officers were conscious of the implications of that decision of the Court of Appeal in England.

On behalf of the sergeant it was pointed out that unlike the soldier witnesses living in Great Britain, he resided in Northern Ireland and the risk to him was greater than the risk to them. He would be giving his evidence in public and his name would be known. His name was given at the Tribunal and mentioned in Kerr J’s judgment. Reference was made on his behalf to the assessments of the threat to the RUC witnesses. I have already set out these assessments in my judgment.

It is not surprising that the sergeant was unaware that the Rialto Cinema was used as an additional venue. That it has closed down for the time being, as Mr Clarke for the Tribunal told us, does not mean that it would not re-open if the police officers gave evidence unscreened. Video recordings or visual images of police officers might be obtained for further study, as was submitted on their behalf.

I further note that the legal representatives of the appellant made no submission to Kerr J or to this court that the information which the sergeant had about the conviction before the Special Criminal Court was incorrect.

It was submitted that his fears were not based on reasonable grounds, because the assessment of threat was general in nature and was supplied by the police force to which the applicant for protective measures belonged. I have dealt with the generality of the assessment. It was open to the Tribunal to take the view, as it did, that the generality of the threat affected all the individual witnesses. The Tribunal was entitled to accept that it was genuine because it was expressed in a moderate way.

A Constable who gave evidence at the Widgery Inquiry in 1972 without anonymity or screening has claimed screening. It is accepted that 30 years later he has claimed that he asked for and was refused anonymity by that Tribunal. A transcript of his evidence has been provided. The Tribunal was entitled to accept that he did not deliberately tell an untruth about his stated wish for anonymity at that time and to refuse to differentiate his application from that of the Sergeant on the ground that his recollection of what happened at the Widgery Tribunal 30 years ago is at fault.

On Monday 3 February 2002 the police officers (other than the Sergeant) who were to start giving evidence that week met with their legal advisers in Derry and asked for screening.

The Tribunal considered that there may well have been a breakdown in communications between the RUC and individual police officers, serving or retired, and, if so, it would follow that they did not know of the memorandum sent by the Tribunal to RUC Headquarters in July 1998 indicating that applications for anonymity or screening should be made promptly. They gave statements to Eversheds, Solicitors acting for the Tribunal. We were informed by Mr Clarke that another large group of police officers who also made statements to Eversheds have not been required to give evidence before the Tribunal. The police officers will have learnt, therefore, not long before they came to Derry that they were definitely required by the Tribunal to give evidence. Those who have taken part in the Inquiry will have been aware of applications for screening in 1999 and 2000 which were granted. But the Tribunal was entitled to accept that these police officers were not necessarily aware that screening applications were made then and was entitled to take the view that the police officers were influenced by the intelligence assessments which they were shown when they came

to give evidence in Derry, even if they might have been expected to apply for screening at an earlier stage. Therefore the Tribunal was entitled to accept their bona fides.

It was argued that they should not have been treated as a 'job lot'. In particular there were two officers whose names are well-known to the public and have been in the public eye. But, as Mr Clarke pointed out, they have not been associated with Bloody Sunday and those who may present a real risk to them when they give evidence are not likely to have watched them on TV or taken a special interest in them or their appearance. If they give evidence unscreened, special interest in their appearance will be aroused. If screened, no doubt they will take care to avoid publicity in the future, so far as they can.

The majority of the police officers have retired from the RUC. One lesson which they take with them into retirement is that they should not divulge to those who do not know that they were in the RUC what their past occupation was, except in special circumstances. (A retired police officer was killed in front of his wife by the IRA in early 1998). If they were not screened, the retired police officers might be recognised by such persons who had not known what they did in the past.

It was argued that each individual claim for screening should have been the subject of a separate ruling. It was not indicated how this task should be carried out. Obviously the witnesses would have had to be screened. Some gave special reasons for screening which the Tribunal did not disclose. Part of the individual hearings might have had to be held in camera. If they stated that they were unaware of the Tribunal's memorandum in 1998, of the applications for screening in 1999 and 2000, of the Tribunal's intention to call them as witnesses until recently and of the Intelligence Assessment until Monday 3 February 2002 how could those statements be impugned? I reject that criticism of the Tribunal.

The Tribunal had material justifying its view that the police officers have subjective fears which are reasonably held by all of them.

If any of the police officers resided in Great Britain, I would have held that the ruling in his favour was irrational. Nothing in this judgment is intended to give any support for any application by any soldier for screening, if he resides in Great Britain. But if there are special circumstances in any given case it is a matter for the Tribunal, not the court.

Grounds 8 to 14 of the Appeal from Kerr J

The Tribunal carried out a balancing exercise, in applying the test set out at paragraph 31 of the judgment of the Court of Appeal. I do not accept that Kerr J, whatever reservations he may have had about the judgment, applied some different test than was required by the Court of Appeal.

The killings of police officers in Derry and elsewhere which had reached 350 in 1998, the woundings and other incidents of near misses and the intelligence assessments all bear out the objective justification of their fears. Two police officers who gave evidence to the Widgery Inquiry were subsequently killed by the IRA but the interval of time between the giving of evidence and the killings may well indicate that there was no connection.

The subjective fears of the police officers and the objective justification for them are not much greater than those of other RUC officers, serving or retired. But I am prepared to accept on the basis of the intelligence reports that the Tribunal was justified in holding that they are entitled to protection as witnesses and as they do not have anonymity, that screening is the only realistic option, subject to the balancing exercise which must be carried out.

In his ruling Lord Saville said:

“There remains ... the question of balancing these considerations against the adverse consequences to the Inquiry of allowing screening to take place. We do not accept that screening is something of little real importance. This is a public inquiry and the public should be able to see how those who gave evidence before the Inquiry conduct themselves. It is true that the legal representatives of the families will be able to see witnesses, as of course will the Tribunal itself, but to our mind screening remains a significant inroad on the public nature of the proceedings having said this, though, we are not persuaded that the public confidence in this Inquiry will be undermined to such a degree that the applicants’ genuine and reasonable fears must be overborne.

Once again, we bear in mind that the applicants are publicly named individuals, but we accordingly conclude that the application should be granted. It was suggested during the argument that a possible middle ground would be to allow the families of those who died or were wounded to see the witnesses excluding the rest of the public, but to our minds this is not really a practical suggestion.

Finally, we should record that we have looked at the confidential material relating to the particular circumstances of the individual applicants, but our decision is based upon the materials and submissions made available to all.”

In my view this ruling was one which the Tribunal was entitled to make.

Mr Treacy argued again before us that if the public was excluded from viewing the police witnesses, the families should be permitted to do so.

It was contended that the relevant police witnesses entertain no subjective fears in respect of the families of the next-of-kin and the wounded. The families, as one would expect of them, have behaved in a restrained and dignified way. Many of those who have given evidence have stated that they wish no harm to those who came to give evidence.

It would be necessary to carry out a 'vetting' exercise on the 127 members of the families. How this could be done was not indicated. Presumably some investigation would have to be carried out in camera. The Tribunal has stated that it is not really a practical suggestion. Such a view was within the scope of its discretion. In my view it would be outside our jurisdiction to remit that ruling for further consideration.

The Tribunal has made a ruling that only qualified lawyers are to be present when screened police officers are giving evidence. Unqualified lawyers would have to be vetted. Doubtless, they can assist in preparation for cross-examination of the police officers but I cannot accept that Mr Harvey QC or any other member of the Bar who cross-examines a police officer requires the assistance of a lawyer who has no practical experience of advocacy. If there is need for liaison, junior counsel or a qualified lawyer can liaise with them.

Conclusions

Judicial Review is a supervisory jurisdiction, not an appeal. The Tribunal made efforts to avoid anonymity of witnesses and to have the soldiers give evidence in Derry. They have tried to hold the Inquiry as openly as possible. The families must realise that the blame for the limitations on openness rests not with the Tribunal or the courts but elsewhere.

As was submitted on behalf of the Tribunal the police witnesses will be named; their evidence will be heard, transcribed and reported; they will be seen by the Tribunal (who are the decision makers in what is an inquiry, not a trial) and by the lawyers (who will be able to make submissions as to the significance, if any, to be attached to the "demeanour" of the witness and the proceedings will still take place in public.

If there are matters which can be settled consensually by all parties, so be it. But in our supervisory role we are not entitled to and are not going to dictate to the Tribunal.

I must thank counsel for the appellant, for the Inquiry and for the police officers for their submissions and the manner in which they were presented.

[2002] NICA 25(2) Ref: GIR3691

JUDGMENT OF GIRVAN J

Introduction

The background to this appeal emerges clearly from the judgment of Kerr J. In this appeal the appellant seeks to quash the decision of the Bloody Sunday Tribunal which allowed certain police officers to give evidence to the Tribunal from behind screens (“the screening decision”).

This being a judicial review application it is appropriate to state at the outset that the function of the court is a supervisory and not an appellate function. As in all judicial review applications the court must focus its attention on the questions whether the impugned decision is flawed by reason of illegality, irrationality or procedural irregularity (see Council of Civil Service Union v Minister of the Civil Service [1984] 3 All ER 935 at 950 per Lord Diplock). The court may hold a decision unlawful because it was reached in an unfair or unjust manner. In judging whether a decision made has exceeded the margin of appreciation of the relevant decision maker the human rights context is important. The more substantial the interference with human rights the more the court will require by way of justification before it is satisfied that the decision is reasonable in the sense that it is within the range of responses open to a reasonable decision maker (see R v Ministry of Defence ex parte Smith [1996] QB 517 at 554 and R v Lord Saville of Newdigate [2000] 1 WLR 1855 at 1866). The human rights context in which a decision falls to be reviewed gives rise to another factor as stated by Lord Woolf in the latter decision at 1867 E - G:

“When a fundamental right such as the right to life is engaged, the options available to the reasonable decision maker are curtailed. They are curtailed because it is unreasonable to reach a decision which contravenes or could contravene human rights unless there are sufficiently significant countervailing considerations. In other words it is not open to the decision maker to risk interfering with fundamental rights in the absence of compelling justification. Even the broadest discretion is constrained by the need for there to be countervailing circumstances justifying interference with human rights. The courts will anxiously scrutinise the strength of the countervailing circumstances and a degree of the interference with the human right involved and then apply the test accepted by Sir Thomas Bingham MR in R v Ministry of Defence ex parte Smith [1996] QB 517.”

In his attack upon the screening decision Mr Treacy QC sought to argue that the Tribunal was in error in its understanding of the law to be applied in deciding the application whether the relevant

officers should be screened. He argued that in purporting to follow and apply the test stated by the English Court of Appeal in Lord Saville of Newdigate & Ors v Widgery Soldiers & Ors [2002] EWCA Civ 2048 (“the venue decision”) the Tribunal fell into error. He sought to argue that that decision itself was wrong and should not have been followed or applied by the Tribunal. The venue decision he argued was not binding upon this court. In the alternative he contended that even if the Court of Appeal’s statement of law in the venue decision was correct the Tribunal failed to apply the test therein stated correctly. Had it done so it would have been bound to refuse the screening application or would, at least, have made a more limited screening order. Mr Treacy also attacks the decision on the grounds that no reasonable Tribunal presented with the material put before it on behalf of the relevant police officers could have reached the conclusion they had ultimately reached that the officers should be screened in the way directed by the decision. He further contended that the Tribunal approached the application in the wrong way failing to properly investigate the applications which raise serious questions as to the good faith of the applications and failing to properly investigate the question whether a more restricted form of screening could be set in place allowing at least the families of the deceased and wounded to see the police witnesses giving evidence.

The illegality issue

In reaching its decision the Tribunal clearly proceeded upon the basis that the law to be applied was that stated by the Court of Appeal in the venue decision. Lord Saville in giving the Tribunal’s decision stated:

“We, in short, accept that the applicants do have reasonable and genuine fears for their safety, and we further accept that these fears could be alleviated to a significant degree by screening. There remains, therefore, the question of balancing these considerations against the adverse consequences to the inquiry of allowing screening to take place.”

The way Lord Saville on behalf of the Tribunal expressed the ruling makes clear that the Tribunal had in mind the test stated by Lord Phillips MR in the venue decision.

Clearly if the venue decision is wrong as a matter of law then the Tribunal decision would have been based on an incorrect legal premise and would be erroneous in a point of law.

Two questions arise. Firstly, is it open to this court to hold that the Tribunal should not have followed and applied the law as stated by the English Court of Appeal in the venue decision? Secondly, have the applicants in fact raised any sustainable argument that that decision was in fact wrong?

It must be stated at the outset that for the court to come to a different conclusion from that reached by the English Court of Appeal in the venue decision would produce bizarre and wholly undesirable results which would make the working of the Tribunal almost impossible. If the police officers' application were revisited by the Tribunal and rejected as a result of a ruling by this court the police officers would presumably have the right to bring the matter back before the English courts for review and the English courts would be bound to apply and follow the venue decision until overruled by the House of Lords. If this court enunciated a test differing from that stated in the venue decision the result would be that the Tribunal would have two inconsistent legal directions from courts of competent jurisdiction and could not apply both. As it was, when it dealt with the screening application a court of competent jurisdiction had given a definitive ruling which the Tribunal was bound to apply.

It has been the practice in this jurisdiction for the Court of Appeal to follow and apply English Court of Appeal decisions on a common point of law (see Beaufort Development v Gilbert Ash [1997] NI 142, Northern Ireland Railway Transport Board v Century Insurance Company Ltd [1941] NI 77 and McGuigan v Pollock [1955] NI 74). This practice followed from the approach adopted by the Irish Court of Appeal (see Holmes LJ in McCartan v Belfast Harbour Commissioners [1910] 2 IR 470 at 494-495). It is not clear whether a similar approach is adopted by the English Court of Appeal in relation to decisions of this court. It is true that in Re McKiernan [1985] NI 385 Lord Lowry put the position somewhat differently. He pointed out that while the English Court of Appeal decisions traditionally and rightly are accorded the greatest respect this court is not bound to follow them and in that case the Court of Appeal differed from the conclusions reached by the English Court of Appeal in the Camphill Prison case [1985] 2 WLR 336. It is interesting to note that the Northern Ireland Court of Appeal's approach was ultimately accepted as correct by the House of Lords in a later case.

In this case the desirability and wisdom of following the English Court of Appeal decision is all the stronger because the decision in each jurisdiction governs the one tribunal and as noted a difference of approach and the two jurisdictions would produce unworkable results.

In deference to Mr Treacy's forceful arguments and bearing in mind that the issue of the correctness of the test in the venue decision may arise again it is necessary to look at the substance of Mr Treacy's contention that the decision in the venue decision was wrong. At the outset I can state that Mr Treacy has failed to persuade me that the venue decision is wrong in law in the way in which the English Court of Appeal enunciated the proper approach to be adopted in applications such as the present one.

In the venue decision a number of now incontestable points were established. While the Tribunal was master of its own procedure and has considerable discretion as to what procedure it wishes to adopt it must still be fair. Whether a decision reached in the exercise of its discretion is fair or not is ultimately one to be determined by the court. Article 2 of the Convention places the Tribunal under a procedural obligation in so far as compatible with the substantive obligations imposed by article 2 to conduct an official inquiry that is open and effective. When there is a “risk” to the lives of witnesses before the Tribunal the circumstances may call for the exercise of the Tribunal’s judgment as to how fairly to cater for that risk in the arrangement it makes for the conduct of the inquiry. What is contentious in this appeal is what is the nature and extent of the risk that calls for the exercise of that judgment and how the nature of that risk affects the way in which the judgment should be exercised.

Mr Treacy argued that before article 2 is engaged there must be a “real and immediate risk” to the witnesses concerned. He sought to argue that that phrase “real and immediate risk” pointed to a relatively high degree of risk. He argued that the decision in Osman v UK [1998] 29 EHRR 245 made clear that that was the level of risk in question. Lord Phillips MR in the venue case was prepared to accept that the real and immediate risk envisaged in Osman by the European Court of Human Rights (“the ECHR”) was a very high degree of risk calling for positive action from the authorities to protect life. Such a degree of risk was well above the threshold that would engage article 2 when the risk was attendant on some action that an authority was contemplating putting into effect itself. Such a test requiring a high degree of risk was not the appropriate test to invoke in that latter context.

In Osman it was accepted by the ECHR that the Convention may imply in certain well defined circumstances a positive obligation on the authority’s part to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of other individuals. What was in issue in that case was the scope of the obligation. Not every claimed risk to life can entail for the State authorities a Convention requirement to take operational measures to prevent that risk from materialising. If the test of “real and immediate threat” envisaged in Osman indeed does point to a very high degree of risk (a point on which I would prefer to reserve my opinion) I respectfully agree with the approach adopted by the Court of Appeal in England that a different and lower threshold of risk will engage article 2 when the risk is attendant upon some action which a public authority is itself contemplating putting into effect.

Having stated that the threshold of risk that would engage article 2 when the risk attendant on actions to be taken by an authority is well below a very high degree of risk, the Court of Appeal at paragraphs 30 and 31 set the position out thus:-

“30. In the present appeal, the fact that the soldier witnesses will have subjective fears if called to give evidence in Londonderry is a relevant factor when considering whether it will be fair to require them to do so. Those fears will, however, have much more significance if they are objectively justified. A critical issue is whether such fears are objectively justified, and much of the submissions that we heard were addressed to this issue.

31. We consider that the appropriate course is to consider first the nature of the subjective fears that the soldier witnesses are likely to experience if called to give evidence in the Guildhall, to consider the extent to which those fears are objectively justified and then to consider the extent to which those fears, and the grounds giving rise to them, will be alleviated if the soldiers give their evidence somewhere in Great Britain rather than in Londonderry. That alleviation then has to be balanced against the adverse consequences to the inquiry of the move of venue, applying common sense and humanity. The result of the balancing exercise will determine the appropriate decision. This course will, we believe, accommodate both the requirements of article 2 and the common law requirement that the procedure should be fair.”

The issue of the genuineness of the subjective fears of the witnesses and the issue of the objective grounds for such fears were much debated in this appeal. The fact that a witness has a genuine subjective fear and how to deal with that fear are relevant considerations for the Tribunal in ensuring procedural fairness. The requirement of procedural fairness involves a duty to be fair to witnesses including, for example, protecting them (see Lord Woolfe MR in R v Lord Saville of Newdigate [2000] 1 WLR 1855 at 1868). In expressing itself as it did in paragraphs 30 and 31 the Court of Appeal sought to bring together the relevant principles to be applied in ensuring procedural fairness in a context where article 2 is engaged. Nothing in Mr Treacy’s able submissions has persuaded me that there is any error in the approach adopted by the Court of Appeal in paragraphs 30 and 31.

The Tribunal (arguendo) and Kerr J expressed some difficulty with the approach set out in paragraph 31. Kerr J stated:-

“The Court of Appeal in the venue application considered that a balancing exercise had to be carried out between the measures needed to alleviate the subjective fears of the witnesses and the grounds giving rise to them on the one hand and the adverse consequences that the measures would cause on the other. Lord Saville had some difficulty with this concept as do I. If the measure is needed to alleviate the fears and the reasons for them are to be regarded as the steps necessary to protect the witnesses’ substantive article 2 rights (in other words their right to have their life protected), I cannot accept that these can be mitigated by adverse consequences that might accrue to other procedural article 2 rights. It surely cannot be right to

refrain from taking precautions deemed necessary to protect someone's life in order to cater even for the need to ensure the thorough and effective investigation of another's death."

As I read paragraph 31 of the judgment however it appears to me that no such difficulty arises. What the Court of Appeal ruling calls for is a judgment by the Tribunal that properly weighs in the balance the rights of the witnesses and their rights to a fair procedure on the one hand and the rights of other interested parties before the Tribunal and the interests of a fair inquiry. If the steps sought by the witnesses go beyond what is necessary for the proper protection and vindication of their article 2 rights and the right to fairness in the light of the risk and in the light of the countervailing rights of other interested parties then the Tribunal should not accede to the witnesses' application in the form in which it is made and it would have to protect the rights in a more balanced way. Thus, for example, if the police witnesses in the present case had sought not screening but a direction that their evidence be given in camera or that they should be excused from giving evidence at all then the Tribunal, when weighing the risk to their lives and their right to fairness on the one hand and the rights of the families and the interests of a fair inquiry, could conclude that the witnesses' concerns would be adequately and properly catered for by a screening order.

In the result the Tribunal was correct to apply the approach set out in the venue decision. The Tribunal did not misunderstand the correct legal approach to be adopted in relation to determining the screening applications.

The validity of the impugned decision

It is necessary then to consider whether the Tribunal correctly applied the law in deciding the screening applications and whether the decision is flawed on some other basis. Much of the force of Mr Treacy's submissions was directed to the question whether the police officers' application was made in good faith and whether they genuinely entertained subjective fears as to their safety and whether the Tribunal adopted a fair procedure to probe the genuineness of their expressed fears. The arguments forcefully put by Mr Treacy in this court had been put before the Tribunal before it reached its decision and the Tribunal was aware of the thrust and nature of the applicants' case.

The Tribunal had before it the intelligent assessments the second of which dated 5 February 2002 stated:-

"As previously indicated a general threat exists to any police witness whose personal details, including appearance, might be disclosed. The level of possible threat faced by these police witnesses is likely to vary dependent upon the following factors: the nature of the evidence given

by individual officers or ex-officers, the nature of their duties on the day in question, the media interest in their evidence and also whether the individual officer has been the subject of paramilitary attention in the past.

It is judged that the level of threat faced by police witnesses to the Tribunal will be greater than that faced by military personnel. This is due to the fact that a number of these witnesses live locally with their families and are likely to come into contact with terrorist suspects in the course of their ordinary lives, a situation that is not generally applicable to the military witnesses.”

As expressed this assessment relates to all the police witnesses who thus face a risk to their lives which cannot be shrugged off as an unrealistic one. Furthermore the risk is expressed to be greater than that faced by military personnel the risk to whom in the opinion of the English Court of Appeal in the venue decision justified the more draconian remedy of a change of venue.

In stating the conclusions of the Tribunal on the application Lord Saville stated that the Tribunal was not persuaded that the delay in making the applications demonstrated or went to demonstrate that the fears now expressed were not reasonable. The delay in making the applications did not show that the fears of the applicants are without foundation but went on to state:-

“The applicants unlike the soldiers do not have the protection of anonymity. Again, unlike all or virtually all the soldiers, they live in Northern Ireland where some are still serving police officers; hundreds of their colleagues have died from terrorist activity over the last 30 years. Thankfully, the terrorist at present appears to be reduced from that which existed before, but that it still exists cannot be denied, as is apparent from the information put before the inquiry today and the future of course is unknown.

The fear that the police officers have stems not so much from the evidence they can give about Bloody Sunday or indeed from their activities on that day, but from the opportunity, particularly since their names are known and since they live and some work here, that would be afforded to distant groups to identify them more closely where they not to be screened.

We in short accept that the applicants do have reasonable and genuine fears for their safety, and we further accept that these fears could be alleviated to a significant degree by screening ...”

The conclusion that the fears were genuine could not be categorised as irrational or perverse particularly bearing in mind that it would be “unreasonable to reach a decision which could contravene human rights” (per Lord Woolf in R v Saville of Newdigate [2000] 1 WLR at 1867. The conclusion that there was no objective reason for fear on the part of the officers would itself have

been perverse in the light of the intelligence evidence. The very fact that there was an objective basis for fear itself supports the Tribunal's conclusion that there was a genuine subjective fear.

Having material before it to justify its conclusion that there was subjective fear on the part of the officers with objective grounds for that fear the Tribunal then had to balance the rights of the police officers and the interests of the families and the interests of ensuring a fair and open inquiry. The Tribunal properly bore in mind that screening was not something of little real importance. It properly recognised the screening was a significant in road into the public nature of the proceedings. Accordingly, the Tribunal did not lightly accede to the application. It concluded however that it was not persuaded that the public confidence and inquiry would be undermined to such degree that the applicants' genuine and reasonable fears should be overborne, a decision well within its margin of appreciation.

It must be borne in mind that the police officers are named, will be giving evidence in person before the Tribunal, will be cross-examined by representatives of the next of kin, will be seen by the qualified lawyers acting for the next of kin and will be heard by the public (including the next of kin). Their evidence will be transcribed and available to everyone. While the families will not see the witnesses face to face and to that extent the transparency of the inquiry is affected, screening will not prejudice a full investigation before the inquiry.

It is true that the next of kin have a procedural article 2 right that a full and proper investigation into the deaths of the deceased will be carried out (*Jordan v UK* [2001] ECHR 247). The authorities make clear however that such a right does not necessarily carry with it a right to participate in the inquiry in a particular way or necessitate a particular form of inquiry or investigation. The state's investigation of the conduct of its representatives must be effective and independent but the steps which are required to achieve this will depend on the facts of the case and may vary enormously (per Carswell LCJ in *Re Adams Application* [2001] NI 1.) If there is a conflict between the procedural rights of the next of kin and the substantive rights of individuals not to be exposed to a life threatening risk or to have the risk minimised the substantive right must prevail. There is nothing in the reasoning of the Tribunal to indicate that it misunderstood the correct approach or having understood it correctly failed to apply the correct approach properly.

Should the screening have been in a modified form?

By way of alternative arguments Mr Treacy contended that the Tribunal was wrong to treat all the police officers in that application as a class and should have distinguished the case of at least two officers who were it was contended well known individuals and who could not benefit from screening. He argued that the Tribunal should have permitted the next of kin to see the police

witnesses and that members of the families' legal team who are not qualified should not have been covered by the screening order.

So far as distinguishing between the applicants is concerned it must be recalled that the intelligence advice set out above applied to all officers giving evidence to the Tribunal. The fact that some officers do not wish to avail of the opportunity to be screened cannot in itself detract from the interests of others who have a legitimate grounds for fear for their safety. The Tribunal had been directed to the names of two officers who it was alleged on behalf of some of the next of kin (though not the next of kin represented by Mr Treacy) were well known faces. The Tribunal did not exclude them from those covered by the screening order. It cannot be said that the Tribunal was acting perversely in not excluding them bearing in mind the intelligence material available to the Tribunal.

In relation to permitting the next of kin to see the witnesses this was an idea raised by another counsel acting on behalf of some of the other next of kin not represented by Mr Treacy. The Tribunal rejected the proposal as not a practical suggestion.

Mr Clarke QC pointed that the physical layout of the Guildhall was such that it was not practically possible to treat the next of kin as a separate class. He contended that the risk of details of appearances leaking out even inadvertently was such that it was not possible to say that there was no increased risk in allowing 127 persons seeing the witnesses. Inadvertent disclosure could not be prevented. An extensive vetting procedure would be called for and this in itself would present grave difficulties. He contended that the decision of the Tribunal on this point was a common sense and practical one.

If the circumstances call for screening (and the Tribunal has legitimately held that it did) then the Tribunal had to consider whether it would be practical to permit the families to see the screened witnesses. This was par excellence a matter for the Tribunal which is familiar with the logistical and practical matters affecting the fair conduct of the hearings. I have not been persuaded that the Tribunal fell into error in concluding that it was not practical to restrict the screening.

On the issue of non legally qualified members of the families' legal team Mr Clarke QC submitted that this had not been addressed by the Tribunal in its ruling. The Tribunal ruled that the officers should be screened when they gave their evidence from all except the qualified lawyers acting on behalf of the interested parties and the Tribunal, its counsel and staff. The Tribunal did not refer to the question of the presence of members of the families' legal team and there was no argument on this issue before it. Kerr J held that the Tribunal would have to decide whether they should be permitted to be present if and when any application was made on that topic. I agree.

If on behalf of the next of kin or any of them an application were made to modify the screening order grounded on alternative and potentially workable proposals affecting members of the families and unqualified lawyers such application would doubtless be considered by the Commission as would any application made to. Our decision upholding the currently impugned decision of the Tribunal does not fetter the powers of the Tribunal in relation to any such further application which would have to be decided on the merits and on an application of the correct legal principles.

[2002] NICA 25(3)

Ref: HIGF3703

JUDGMENT OF HIGGINS J

I have had the advantage of reading in draft the judgments of Nicholson LJ and Girvan J. Since I am in agreement with their analysis of the substantive legal issues and with the conclusions that they have reached on this appeal I need only add a few words of my own.

When Parliament decides on a motion of the Prime Minister that the executive actions of its servants and agents be subjected to an inquiry, it is only proper that such an inquiry be conducted in public and in an open manner. Section 2 of the Tribunal of Inquiries Act 1921 permits of an exception. This provides that where in the opinion of the Tribunal it is in the public interest expedient to do so it may refuse to allow the public or a section of the public to be present. Otherwise a departure from the convention in which inquiries are conducted in public and are open fully to all, can only be justified in very exceptional circumstances. There can be no doubt as to the genuineness of the concern expressed by the applicant and those wounded and by the families of those killed and wounded in Londonderry on 30 January 1972 about the effect that the screening of police witnesses will have on the conduct of the Inquiry. They feel intensely that this will compromise the openness of the Inquiry and will inhibit the quest for truth on which the Inquiry is embarked. This concern must be acknowledged and closely considered in any evaluation of the propriety of the Tribunal's decision to allow the police officers to be screened, not least because of the universally accepted proposition that a vital dimension to the Tribunal's work is the winning and maintenance of public confidence in its procedures. While a Tribunal so established is the master of its own procedure it is nonetheless open to judicial review. However the powers of a court either at first instance or on appeal are limited to reviewing the legality, rationality or procedure employed by a Tribunal in its decision-making process. In this appeal the decision which the applicant seeks to quash is a decision that the police witnesses due to give evidence before the Tribunal should be screened from view by all save the members of the Tribunal and the qualified lawyers representing those concerned in the issue before the Tribunal namely the killing and wounding of civilians in Londonderry on 30 January 1972.

The applicant is the sister of one of the civilians killed on that date and it is alleged that explosive devices were found in his pockets some time after he was killed.

The application by the police witnesses to be screened from public when giving evidence was made a short time before the police witnesses were due to give evidence. The bona fides of police witnesses in making that application occupied much of the hearing before this court. The other substantive issue related to the legal test to be applied when a person raises an issue that his right to life is threatened by executive action of a public authority. This latter issue was the subject of a decision in the Court of Appeal in England and Wales on an application by soldiers due to give evidence to the Inquiry, that their evidence be heard by the Inquiry otherwise than in Londonderry, where the Tribunal has sat since the Inquiry began – see Lord Saville of Newdigate and Others v Widgery Soldiers and Others 2001 EWCA 2048. According to the Court of Appeal in England and Wales the test to be applied is that set out at paragraphs 30 and 31 of the judgment. It states -

“30. In the present appeal, the fact that the soldier witnesses will have subjective fears if called to give evidence in Londonderry is a relevant factor when considering whether it will be fair to require them to do so. Those fears will, however, have much more significance if they are objectively justified. A critical issue is whether such fears are objectively justified, and much of the submissions that we heard were addressed to this issue.

31. We consider that the appropriate course is to consider first the nature of the subjective fears that the soldier witnesses are likely to experience if called to give evidence in the Guildhall, to consider the extent to which those fears are objectively justified and then to consider the extent to which those fears, and the grounds giving rise to them, will be alleviated if the soldiers give their evidence somewhere in Great Britain rather than in Londonderry. That alleviation then has to be balanced against the adverse consequences to the inquiry of the move of venue, applying common sense and humanity. The result of the balancing exercise will determine the appropriate decision. This course will, we believe, accommodate both the requirements of article 2 and the common law requirement that the procedure should be fair.”

I am satisfied that is the correct test and was the test applied by the Tribunal in arriving at its decision. Thus for me the question as to when this Court should depart from a decision of the Court of Appeal in England and Wales does not arise. There was ample evidence before the Tribunal in the form of the police witnesses statements as to their fears and the two intelligence assessments for the Tribunal to conclude that the fears expressed by the police witnesses were real and genuine and that there was objective evidence to support them.

The views of the families, however genuine and strongly felt, must be weighed against the threat to the safety of the police officers if they are required to give evidence without screens and the perception of the police officers in relation to the assessed threat. One may perhaps approach the issue of the police officers' perception of the threat to them by posing the question: what was the reaction of a police officer likely to be when confronted with information that PIRA was continuing to gather information about the movements of officers; that elements of PIRA were in contact with dissident republicans who are not on ceasefire; that police officers who gave evidence to the Inquiry were considered to be at greater risk than soldiers who have been permitted to give their evidence anonymously in Great Britain and that their personal details including their appearance would be "much sought after"? Viewed thus it is impossible to escape the conclusion that any police officer due to give evidence would be extremely concerned for his safety.

To the question whether the fears can be said to be objectively justified an equally ready answer may be given. The risk assessment reports provide such justification. No inquiry is required to establish that those reports fully justify the expressed fears of the police officers. The appellant's argument on this point appeared to suggest that the Tribunal was bound to inquire into the basis on which the reports were made but, in my opinion, this misconstrues the test laid down by the Court of Appeal in the venue case. It enjoined the Tribunal to consider whether *the fears* were genuine, not whether the material that prompted the fears was authentic and verifiable.

Once it is accepted that the fears expressed by the police officers are genuine and objectively justified, the third limb of the test is easily disposed of in the present case. If the police officers' Article 2 rights are engaged, the Tribunal is obliged to take sufficient precautions to protect their lives. The police officers' Article 2 rights are engaged here. The screening of the witnesses will make it more difficult for them to be identified. Once that position is accepted the procedural rights of the public or a section of it, to see the police witnesses give their evidence before the Tribunal, must give way to the substantive rights of the police witnesses under Article 2 of the ECHR. It appears to me that the Tribunal had no option but to permit them to be screened.

If the Tribunal, in order to protect the police officers' Article 2 rights, is obliged to take "sufficient precautions" to protect their lives, it is not easy to see how it can carry out any meaningful "balancing of the alleviation of the fears against the adverse consequences of the measures". Be that as it may, I agree that the interests of the families, however, important and authentic, cannot displace the Convention rights of the police officers.

No argument put before the Court persuades me that the Tribunal should have made an exception in its ruling for the wounded and the families of the killed and wounded. Thus in applying the test set out in paragraph 31 the Tribunal did not act illegally nor was its decision to screen the officers

from the public or a section of it irrational or procedurally incorrect. This will be little comfort for the applicant, the wounded and the other families who have waited a long time and patiently for the truth about the events of 30 January 1972 to emerge and whose conduct throughout the Inquiry has been beyond reproach, but on the contrary the subject of much praise by everyone concerned with the Inquiry. While the police witnesses will be screened from public view they will be heard by all and seen by the members of the Tribunal and the lawyers representing the applicant and the other interested parties. Such a procedure compromises the open and public nature of Tribunal hearings it does not destroy it. None of the arguments which have been presented to this Court have persuaded me that the ruling of the Tribunal was unlawful, erroneous or procedurally incorrect. I agree with the conclusion of Kerr J in the court below that the ruling on the screening of the police witnesses was one which, in the special circumstances before it, the Tribunal was entitled to reach. I therefore dismiss the appeal for the reasons stated. The Tribunal ruled that the police witnesses should be screened from all but the qualified lawyers representing those concerned. That ruling was consistent with an earlier ruling to which no objection was taken. I agree with the view expressed by Kerr J that whether the ruling should include or exclude non-qualified lawyers engaged on behalf of some of those concerned is an issue for the Tribunal and not for this Court. I too would dismiss the appeal.

Bibliography

During the course of the Inquiry and apart from the historical reports prepared for us by Professor Paul Arthur and Professor Paul Bew,¹ we also consulted a number of books and other materials about the history of Northern Ireland and about Bloody Sunday, in order to provide ourselves with as wide as possible a view of the different perspectives held about these matters. However, the findings we have made relating to the events of Bloody Sunday itself are not based on opinions or views expressed in this material but on the evidence that we read, heard and saw during the course of the Inquiry. The authors of some of the books gave evidence to the Inquiry about specific matters.

¹ [E6.0001-0047](#); [E7.0001-0043](#); [E17.1.1](#); [E17.2.1](#); [E17.3.1](#); [E17.4.1](#); [E17.5.1](#); [E17.6.1](#); [E17.7.1](#); [E17.8.1](#); [E17.9.1](#); [E17.10.1](#); [E17.11.1](#)

Official publications

House of Commons Debates, 1922, vol 151, 27 February–17 March

House of Commons Debates, 1922, vol 153, 10 April–12 May

House of Commons Debates, 1923, vol 163, 23 April–11 May

Cameron Report, *Disturbances in Northern Ireland. Report of the Commission Appointed by the Governor of Northern Ireland*, Cmd 532, Belfast: HMSO, 1969

Compton Committee, *Report of the Enquiry into Allegations Against the Security Forces of Physical Brutality in Northern Ireland Arising out of Events on 9th August 1971*, Cmd 4823, London: HMSO, 1971

Hunt Committee, *Report of the Advisory Committee on Police in Northern Ireland*, Cmd 535, Belfast: HMSO, 1969

Parker Committee, *Report on the Committee of Privy Counsellors Appointed to Consider Authorised Procedures for the Interrogation of Persons Suspected of Terrorism*, Cmd 4901, London: HMSO, 1972

Scarman Report, *Report of the Tribunal of Inquiry into Violence and Civil Disturbances in Northern Ireland in 1969*, vols 1 and 2, Cmd 566, Belfast: HMSO, 1972

Secondary sources

Baston, Lewis, *Reggie: The Life of Reginald Maudling*, Stroud: Sutton Publishing, 2004

Bew, Paul, Peter Gibbon and Henry Patterson, *Northern Ireland 1921–1996: Political Forces and Social Classes*, London: Serif, Revised Edition, 1996

Bew, Paul and Gordon Gillespie, *Northern Ireland: A Chronology of the Troubles, 1968–1993*, Dublin: Gill and Macmillan, 1993

Bloomfield, Ken, *Stormont in Crisis: A Memoir*, Belfast: Blackstaff Press, 1994

Carver, Michael, *Out of Step: Memoirs of a Field Marshal*, London: Hutchinson, 1989

Clarke, Liam and Kathryn Johnston, *Martin McGuinness: From Guns to Government*, Edinburgh: Mainstream Publishing, 2001

Dewar, Colonel Michael, *The British Army in Northern Ireland*, London: Arms and Armour Press, 1997; first published 1985

Elliott, Sydney and WD Flackes, *Northern Ireland: A Political Directory, 1968–1999*, Belfast: Blackstaff Press, Fifth Edition, 1999; first published 1980

English, Richard, *Armed Struggle: A History of the IRA*, London: Macmillan, 2003

Farrell, Michael, *Northern Ireland: The Orange State*, London: Pluto Press, 1976

Faulkner, Brian (ed. John Houston), *Memoirs of a Statesman*, London: George Weidenfeld and Nicolson, 1978

Gifford, Lord (Chairman), *Report of the Inquiry into the Circumstances Surrounding the Deaths of Seamus Cusack and George Desmond Beattie*, London: Northern Ireland Socialist Research Centre, 1971

Heath, Edward, *The Course of My Life: My Autobiography*, London: Hodder and Stoughton, 1998

Hennessey, Thomas, *A History of Northern Ireland, 1920–1996*, London: Palgrave Macmillan, 1997

McAllister, Ian, *The Northern Ireland Social Democratic and Labour Party: Political Opposition in a Divided Society*, London: Macmillan, 1977

McCann, Eamonn, *War and an Irish Town*, London: Pluto Press, Second Edition, 1980; first published 1974

McCann, Eamonn with Maureen Shiels and Bridie Hannigan, *Bloody Sunday in Derry: What Really Happened*, Dingle: Brandon Books, 1992

McKittrick, David and David McVea, *Making Sense of the Troubles*, London: Penguin Books, Revised Edition, 2001; first published 2000

McKittrick, David, Seamus Kelters, Brian Feeney, Chris Thornton and David McVea, *Lost Lives*, Edinburgh: Mainstream Publishing, 2001; first published 1999

Moloney, Ed, *A Secret History of the IRA*, London: Allen Lane, 2002

Ó Dochartaigh, Niall, *From Civil Rights to Armalites: Derry and the Birth of the Irish Troubles*, London: Palgrave Macmillan, Second Edition, 2005; first published 1997

Peck, John, *Dublin from Downing Street*, Dublin: Gill and Macmillan, 1978

Rose, Paul, *Backbencher's Dilemma*, London: Frederick Muller, 1981

Routledge, Paul, *John Hume: A Biography*, London: HarperCollins, 1998; first published 1997

Taylor, Peter, *States of Terror: Democracy and Political Violence*, London: BBC Books, 1993

Taylor, Peter, *Provos: The IRA and Sinn Féin*, London: Bloomsbury, 1998; first published 1997

Taylor, Peter, *Loyalists*, London: Bloomsbury, 2000; first published 1999

Tírghrá Commemoration Committee, *Tírghrá: Ireland's Patriot Dead*, Dublin: Republican Publications, 2002

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to be printed on 15 June 2010

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Principal Conclusions and Overall Assessment of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

Principal Conclusions and Overall Assessment

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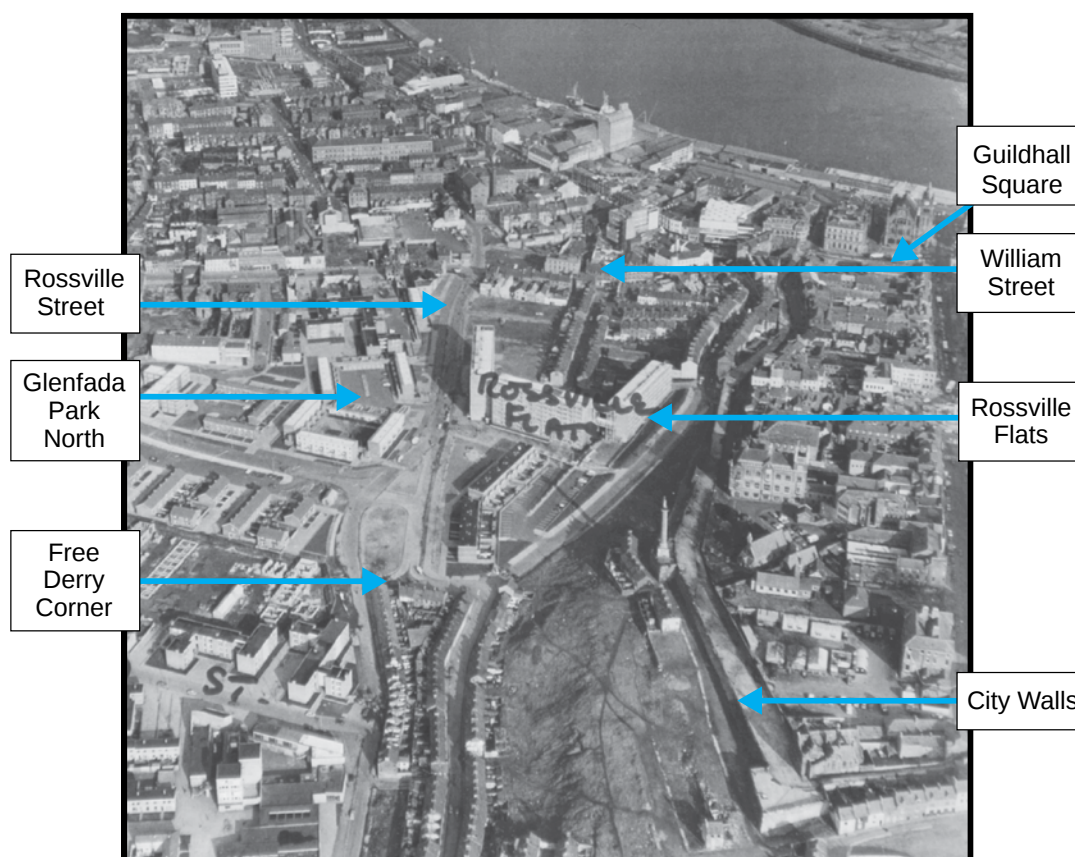
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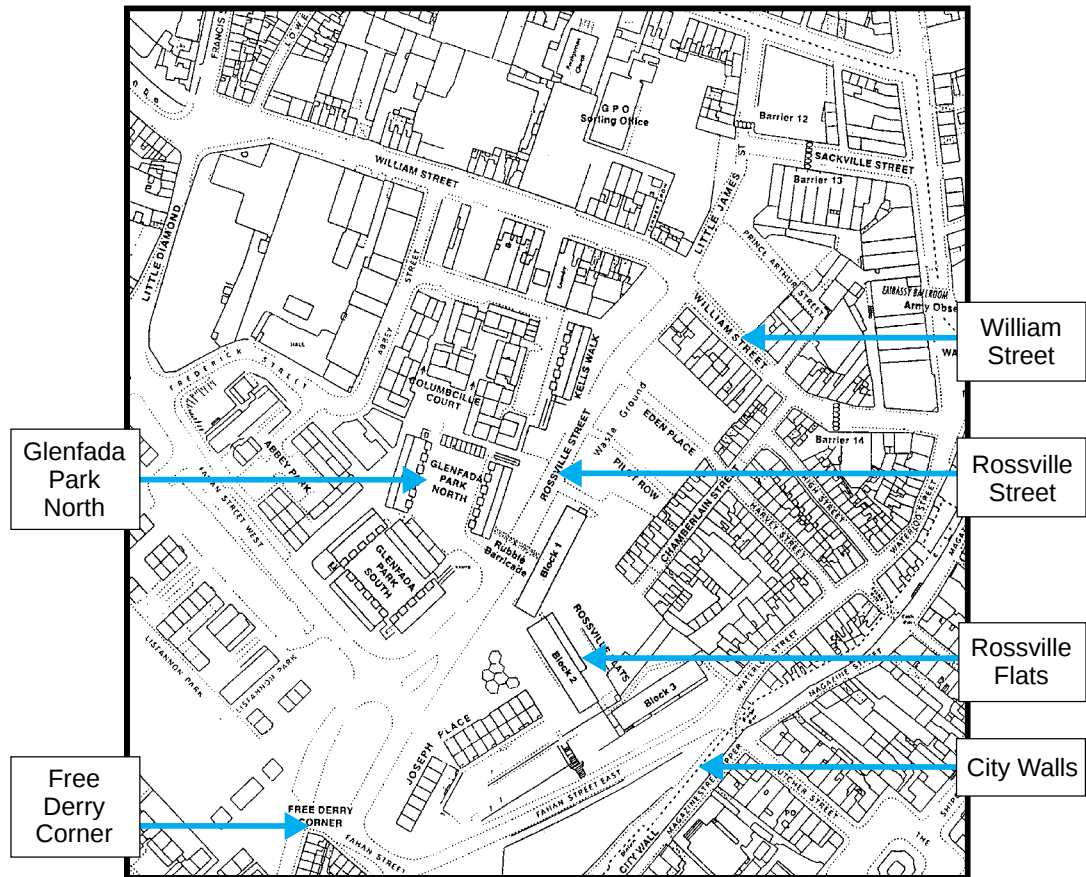
Chapter 1: Introduction

- 1.1** The object of the Inquiry was to examine the circumstances that led to loss of life in connection with the civil rights march in Londonderry on 30th January 1972. Thirteen civilians were killed by Army gunfire on the day. The day has become generally known as Bloody Sunday, which is why at the outset we called this Inquiry the Bloody Sunday Inquiry. In 1972 Lord Widgery, then the Lord Chief Justice of England, held an inquiry into these same events.
- 1.2** In these opening chapters of the report we provide an outline of events before and during 30th January 1972; and collect together for convenience the principal conclusions that we have reached on the events of that day. We also provide our overall assessment of what happened on Bloody Sunday. This outline, our principal conclusions and our overall assessment are based on a detailed examination and evaluation of the evidence, which can be found elsewhere in this report. These chapters should be read in conjunction with that detailed examination and evaluation, since there are many important details, including our reasons for the conclusions that we have reached, which we do not include here, in order to avoid undue repetition.
- 1.3** The Inquiry involved an examination of a complex set of events. In relation to the day itself, most of these events were fast moving and many occurred more or less simultaneously. In order to carry out a thorough investigation into events that have given rise to great controversy over many years, our examination necessarily involved the close consideration and analysis of a very large amount of evidence.
- 1.4** In addition to those killed, people were also injured by Army gunfire on Bloody Sunday. We took the view at the outset that it would be artificial in the extreme to ignore the injured, since those shooting incidents in the main took place in the same circumstances, at the same times and in the same places as those causing fatal injuries.
- 1.5** We found it necessary not to confine our investigations only to what happened on the day. Without examining what led up to Bloody Sunday, it would be impossible to reach a properly informed view of what happened, let alone of why it happened. An examination of what preceded Bloody Sunday was particularly important because there had been allegations that members of the United Kingdom and Northern Ireland Governments, as well as the security forces, had so conducted themselves in the period up to Bloody Sunday that they bore a heavy responsibility for what happened on that day.

1.6 Many of the soldiers (including all those whose shots killed and injured people on Bloody Sunday) were granted anonymity at the Inquiry, after rulings by the Court of Appeal in London. We also granted other individuals anonymity, on the basis of the principles laid down by the Court of Appeal. Those granted anonymity were given ciphers in place of their names. We have preserved their anonymity in this report.

1.7 Londonderry is the second largest city in Northern Ireland. It lies in the north-west, close to the border with the country of Ireland. The River Foyle flows through the city. The area of the city with which this report is principally concerned lies on the western side of this river, as does the old walled part of the city. We show the western part of the city and certain important features as they were in 1972 in the following photograph and map.





Chapter 2: Outline of events before the day

- 2.1** Londonderry in January 1972 was a troubled city with a divided society, in a troubled and divided country. Throughout much of Northern Ireland there were deep and seemingly irreconcilable divisions between nationalists (predominantly Roman Catholic and a majority in the city) and unionists (generally Protestant and a majority in Northern Ireland as a whole). In general terms the former wanted Northern Ireland to leave the United Kingdom and unite with the rest of Ireland, while the latter wanted it to remain part of the United Kingdom.
- 2.2** This sectarian divide, as it was called, had existed for a long time. Among other things, it had led in the years preceding Bloody Sunday to many violent clashes between the two communities and with the police, then the Royal Ulster Constabulary (RUC). The police had become regarded by many in the nationalist community not as impartial keepers of the peace and upholders of the law, but rather as agents of the unionist Northern Ireland Government, employed in their view to keep the nationalist community subjugated, often by the use of unjustifiable and brutal force.
- 2.3** On 14th August 1969, after there had been particularly violent clashes between civilians and the police in Londonderry, the authorities brought into the city units of the British Army as an aid to the civil power, in other words to restore law and order. The British Army was in the city in this role on Bloody Sunday.
- 2.4** There was a further dimension in the form of paramilitary organisations. By the beginning of the 1970s the Irish Republican Army (IRA) had split into two organisations known respectively as the Provisional IRA and the Official IRA. These paramilitary organisations (often referred to simply as the IRA, though they were distinct organisations) had restarted a campaign of armed violence, in the belief that only by such means could Northern Ireland be freed from what they regarded as the yoke of British colonial domination and become part of a united Ireland. There were also those on the unionist side of the sectarian divide who organised and used armed violence in the belief that this was required to maintain the union with the United Kingdom.
- 2.5** This further dimension meant that the security forces, in addition to their other responsibilities, had to deal with those using armed violence.

- 2.6** The situation in Londonderry in January 1972 was serious. By this stage the nationalist community had largely turned against the soldiers, many believing that the Army, as well as the RUC, were agents of an oppressive regime. Parts of the city to the west of the Foyle lay in ruins, as the result of the activities of the IRA and of rioting young men (some members of the IRA or its junior wing, the Fianna) known to soldiers and some others as the “Derry Young Hooligans”. A large part of the nationalist area of the city was a “no go” area, which was dominated by the IRA, where ordinary policing could not be conducted and where even the Army ventured only by using large numbers of soldiers.
- 2.7** The armed violence had led to many casualties. There had been numerous clashes between the security forces and the IRA in which firearms had been used on both sides and in which the IRA had thrown nail and petrol bombs. Over the months and years before Bloody Sunday civilians, soldiers, policemen and IRA gunmen and bombers had been killed and wounded; and at least in Londonderry, in January 1972 the violence showed few signs of abating.
- 2.8** In August 1971 the Northern Ireland Government (with the agreement of the United Kingdom Government) had introduced internment without trial of suspected terrorists; and at the same time had imposed a ban on marches and processions, giving as the reason that the former would assist in dealing with armed violence and that the latter would reduce the opportunity for violent confrontations between nationalists and unionists.
- 2.9** The nationalist community in particular regarded internment without trial with abhorrence, considering it yet another illegitimate means employed by the unionist Government. Both nationalists and unionists expressed opposition to the ban on marches and processions.
- 2.10** Many people were interned without trial, almost without exception Catholics from the nationalist community. Over the following months there were allegations that those held had been mistreated, allegations that in significant respects were eventually found to have substance.
- 2.11** By January 1972 the Northern Ireland Civil Rights Association had decided to defy the ban on marches. In particular they organised a march in Londonderry to protest against internment without trial. This was the march that took place on Bloody Sunday.
- 2.12** The authorities knew of the proposed march and that the organisers had planned a route to Guildhall Square (also known as Shipquay Place), outside the city Guildhall, where prominent people would address the marchers. The authorities took the view that the security forces should prevent the march from proceeding as planned, fearing that this

flouting of the ban would undermine law and order and would be likely to lead to a violent reaction from unionists. This view prevailed, notwithstanding a contrary view expressed by Chief Superintendent Frank Lagan, the senior police officer in charge of the Londonderry area, who advised that the march should be allowed to proceed. The march was expected to be too large for the police to be able to control it themselves, so the Army shouldered the main burden of dealing with it. The plan that emerged was to allow the march to proceed in the nationalist areas of the city, but to stop it from reaching Guildhall Square by erecting barriers on the roads leading to Guildhall Square, manned by soldiers who were stationed in the area. In the circumstances that obtained at the time, and despite the view expressed by Chief Superintendent Lagan, it was not unreasonable of the authorities to seek to deal with the march in this way.

- 2.13** At the beginning of January 1972, Major General Robert Ford, then Commander of Land Forces in Northern Ireland, had visited Londonderry. He wrote a confidential memorandum to Lieutenant General Sir Harry Tuzo, his senior and the General Officer Commanding Northern Ireland, in which he expressed himself disturbed by the attitude of the officers commanding the resident troops and that of Chief Superintendent Lagan. He recorded that they had told him that the area of damage in the city was extending and that even the major shopping centre would be destroyed in the coming months. He referred in particular to the “Derry Young Hooligans” as a factor in the continued destruction of the city, and expressed the view that the Army was “*virtually incapable*” of dealing with them. He also expressed the view that he was coming to the conclusion that the minimum force required to deal with the “Derry Young Hooligans” was, after clear warnings, to shoot selected ringleaders.
- 2.14** The suggestion that selected ringleaders should be shot was not put forward as a means of dealing with the forthcoming civil rights march or any rioting that might accompany it.
- 2.15** As part of the plan for dealing with the march, what General Ford did do was to order that an additional Army battalion be sent to the city to be used to arrest rioters if, which was expected to happen, the march was followed by rioting. Initially he expressed the view that such a force might be able to arrest a large number of rioters and by that means significantly decrease the activities of the “Derry Young Hooligans”.
- 2.16** To that end General Ford ordered that 1st Battalion, The Parachute Regiment (1 PARA), which was stationed near Belfast, should travel to Londonderry and be used as the arrest force.

- 2.17** The detailed plan for controlling the march was the responsibility of Brigadier Patrick MacLellan, the Commander of 8th Infantry Brigade, which was the Army brigade in charge of the Londonderry area. The Operation Order (for what was called Operation Forecast) set out the plan that Brigadier MacLellan and his staff had prepared. The Operation Order provided for the use of 1 PARA as the arrest force, but also made clear in express terms that any arrest operation was to be mounted only on the orders of the Brigadier.

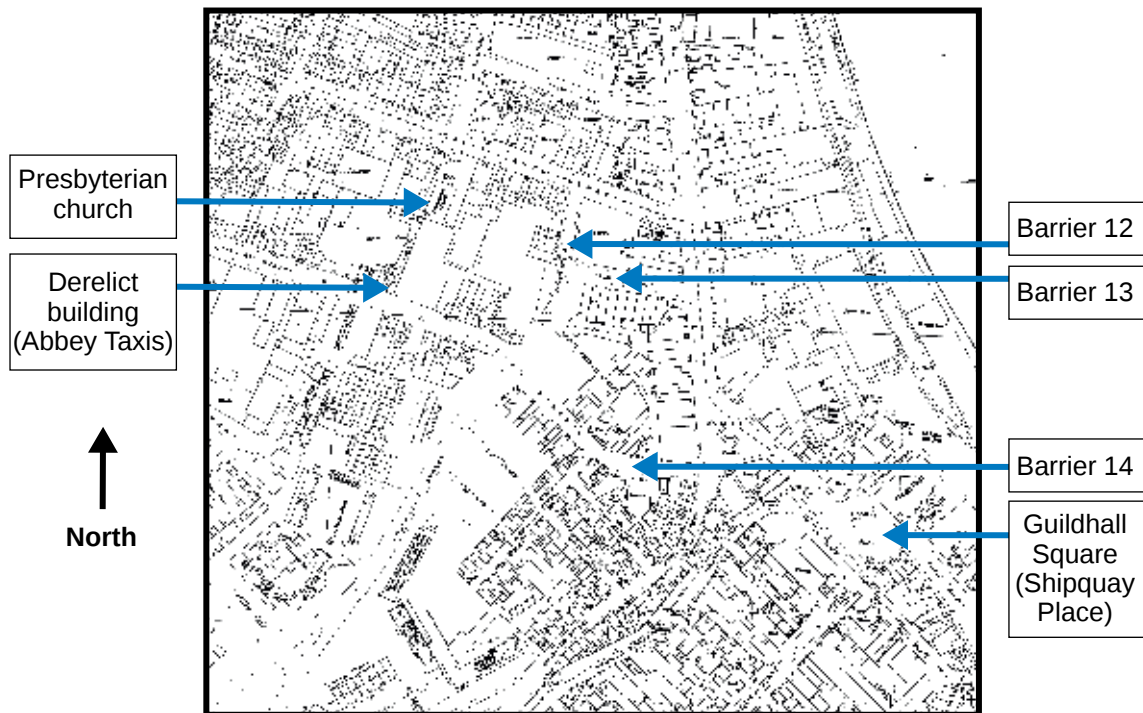
Chapter 3: The events of the day

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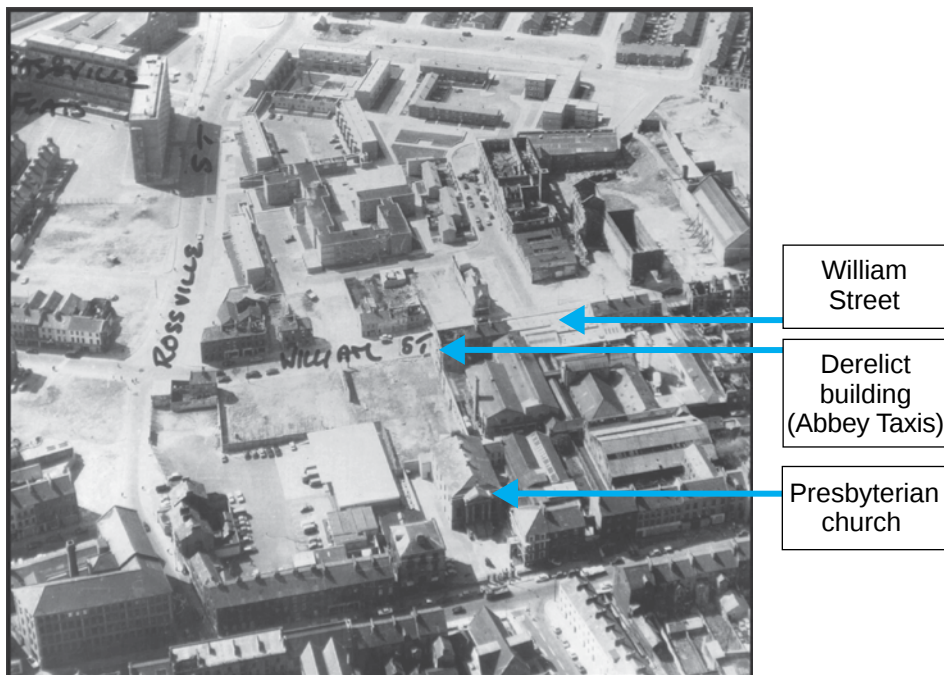
Events before the arrest operation

- 3.1** 1 PARA arrived in Londonderry on the morning of Sunday 30th January 1972. During the morning and early afternoon Lieutenant Colonel Derek Wilford, the Commanding Officer of 1 PARA, organised the disposition of his soldiers in the city. In addition, the soldiers stationed in the area erected barricades on the streets leading to Guildhall Square and manned those barriers.
- 3.2** We set out below a map showing some significant buildings, the position of the three most important of the barriers and the numbers that were given to them.



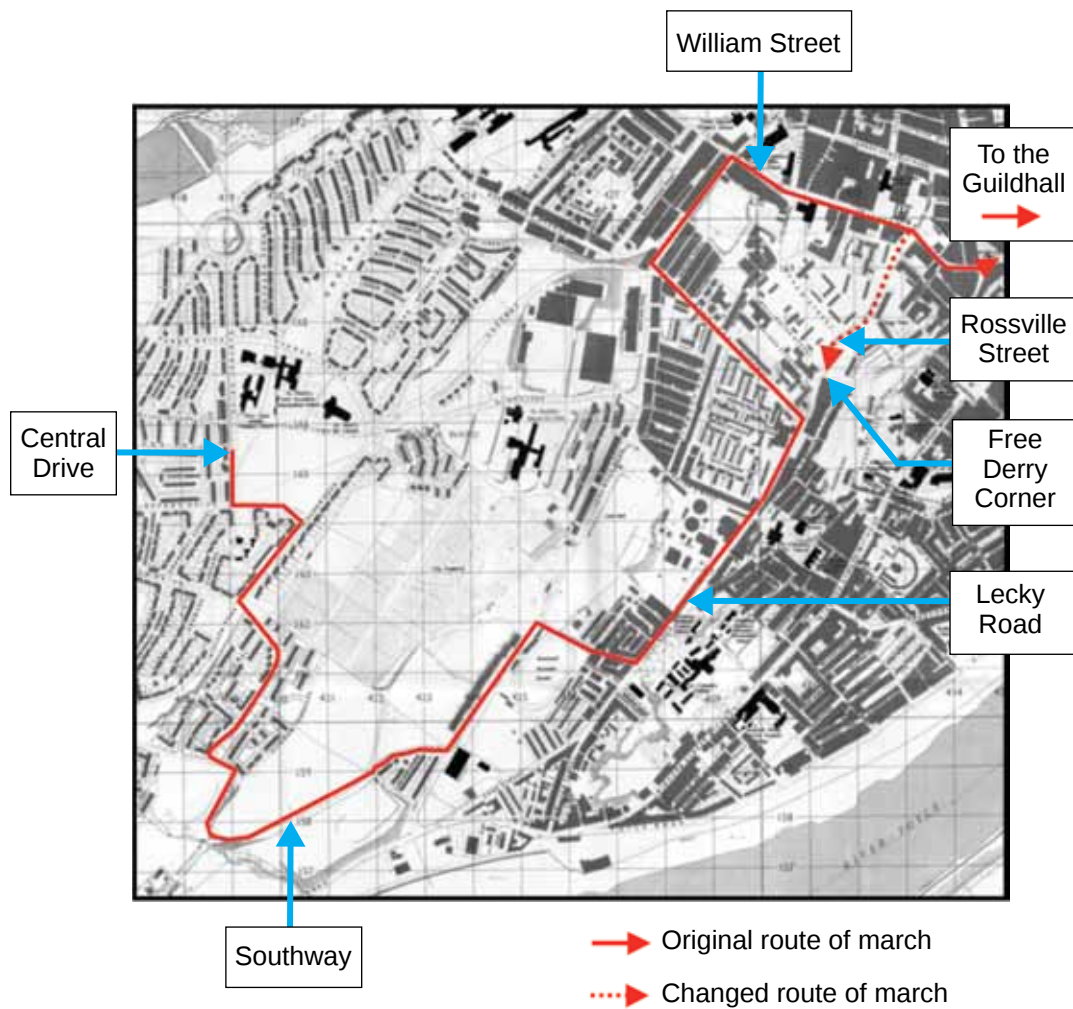
3.3

Colonel Wilford placed Support Company, one of the companies of 1 PARA, near the Presbyterian church in Great James Street. His initial plan was to send soldiers from there directly south into William Street if rioting broke out in the area and Brigadier MacLellan ordered an arrest operation. However, Colonel Wilford then realised that there were walls that made it difficult for soldiers to move at any speed from Great James Street into William Street, so in order to reduce this drawback he ordered the Commander of Support Company (Major Edward Loden) to be ready to locate one of his platoons in a derelict building (often called “Abbey Taxis” after a taxi firm that once operated from there) on the William Street side of the Presbyterian church. Major Loden selected Machine Gun Platoon for this task and sent this platoon forward. We show below a photograph in which we have identified William Street, the Presbyterian church and the derelict building.



3.4

Meanwhile the civil rights march, many thousands strong, had started in the Creggan area of the city and made its way by a circuitous route through the nationalist part of the city and into William Street. The organisers had planned for and advertised the march to go to Guildhall Square, but at the last moment, knowing that the security forces were going to prevent the march from reaching this destination, they decided instead on a different route; so that when the march reached the junction of William Street and Rossville Street, it would turn right and go along Rossville Street to Free Derry Corner in the Bogside, where there would be speeches. We set out below a map that indicates the original and changed routes of the march and a photograph showing the march proceeding down William Street.



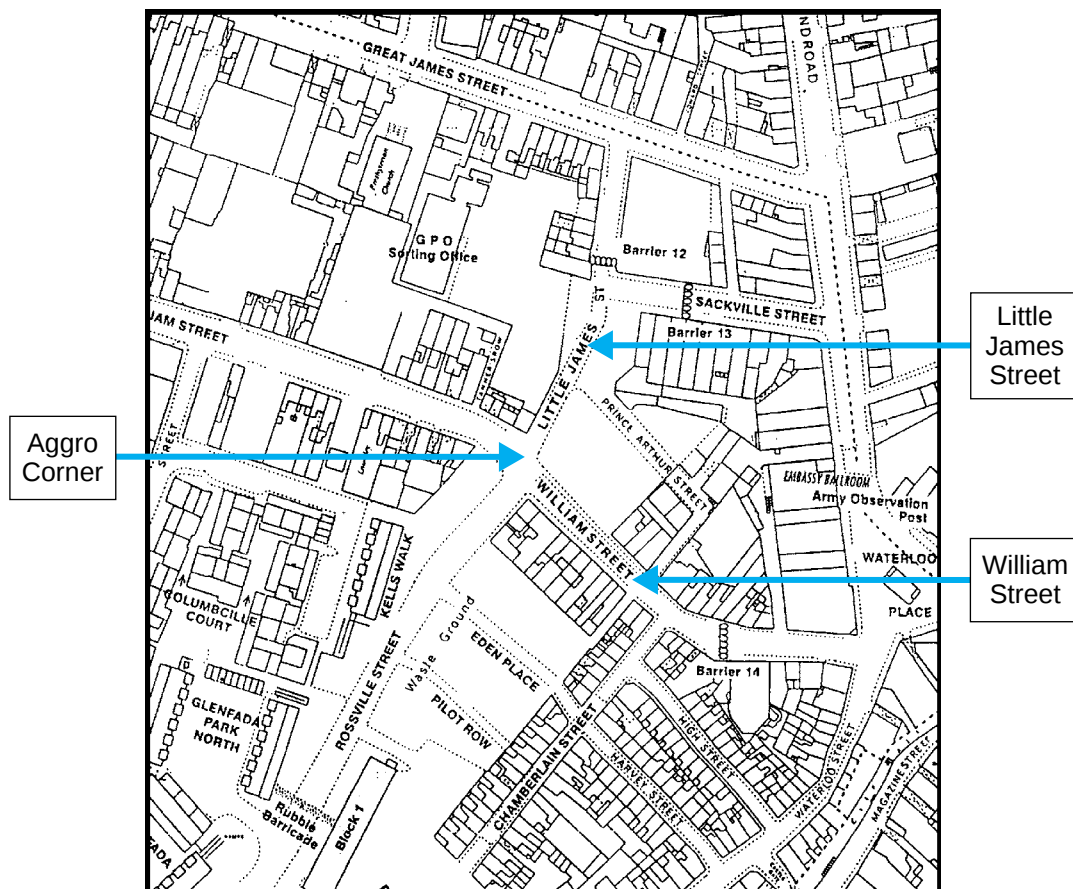
- 3.5 When the march reached the junction of William Street, and Rossville Street, many people, including those who were eager for a confrontation with the security forces, instead of turning right into Rossville Street to go to Free Derry Corner, continued along William Street to the Army barrier there, Barrier 14.



- 3.6 Shortly after the arrival of people at Barrier 14, rioting broke out there, in the form of members of the crowd throwing stones and similar missiles at the soldiers. In addition, further back, similar rioting broke out at the barriers closing Little James Street and Sackville Street, Barriers 12 and 13. As can be seen from the map shown at paragraph 3.2 above, Little James Street led north from the junction of William Street and Rossville Street, a junction known to soldiers and some others at the time as “Aggro Corner”, because it had frequently been an area for riots. Sackville Street led east from Little James Street. There was also rioting of a similar kind further west along William Street, in the area where Machine Gun Platoon was located.
- 3.7 The soldiers at the barriers responded to the rioting by firing baton rounds (often called rubber bullets) and at Barrier 12 (and perhaps Barrier 13) by firing CS gas. At Barrier 14, rioters themselves threw a canister of CS gas at the soldiers, while the soldiers there, in addition to firing baton rounds, deployed a water cannon and sprayed the rioters (and others who were there) in an attempt to disperse them. The soldiers at Barrier 14 (who were from 2nd Battalion, The Royal Green Jackets) acted with restraint in the face of the rioting at this barrier and deployed no more than properly proportionate force in seeking to deal with it.

3.8

While this rioting was taking place and at just after 1555 hours, Colonel Wilford, who had taken up a position close to the Presbyterian church, sent a radio message to Brigade Headquarters (stationed at Ebrington Barracks on the other side of the River Foyle) in which he suggested sending one of his companies through Barrier 14 (the barrier on William Street) into the area of William Street and Little James Street (ie the area of and to the north of Aggro Corner) on the grounds that by doing so he might be able to arrest a number of rioters. We set out below a map on which we show this area.



3.9

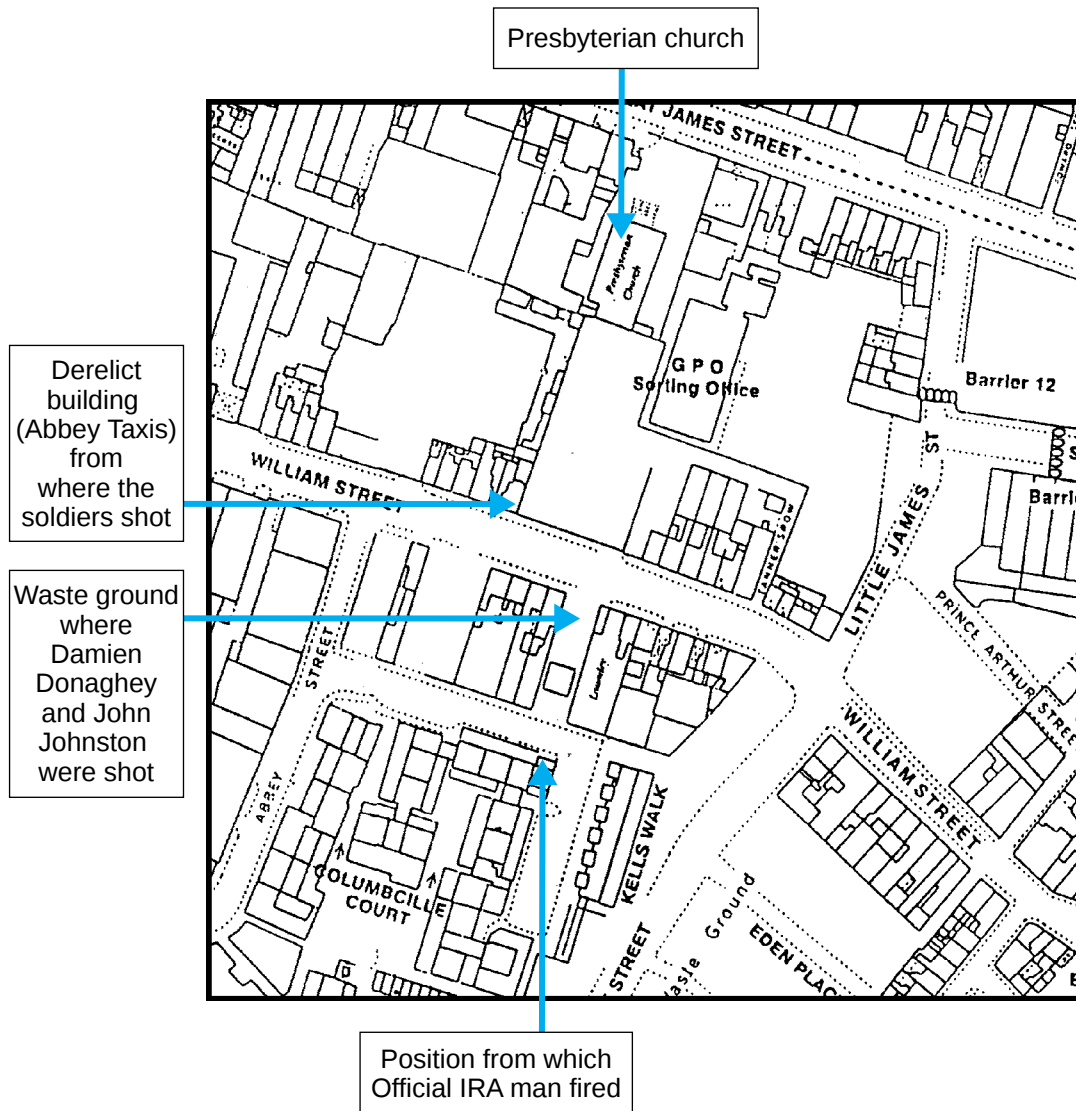
Brigadier MacLellan, who was at Brigade Headquarters, did not give an order for an arrest operation until some minutes later.

3.10

At about the same time as Colonel Wilford sent this message, two soldiers of Machine Gun Platoon fired between them five shots from the derelict building on William Street, shown on the map below. Their target was Damien Donaghey (aged 15), who was on the other side of William Street and who was wounded in the thigh. Unknown to the soldiers John Johnston (aged 55), who was a little distance behind Damien Donaghey, was also hit and injured by fragments from this gunfire.

3.11

Shortly after this incident a member of the Official IRA (given the cipher OIRA 1) fired a rifle at soldiers who were on a wall on the side of the Presbyterian church. The shot was fired from a position across William Street. We set out below a map showing the area in which these casualties occurred and the position from which OIRA 1 fired.



3.12

The shot fired by OIRA 1 missed soldiers and hit a drainpipe running down the side of the Presbyterian church. OIRA 1 and another Official IRA man with him (OIRA 2) insisted that this shot had been fired as a reprisal for the shooting of Damien Donaghey and John Johnston. We were not convinced of this, although we considered on balance that the IRA shot was fired after the wounding of Damien Donaghey and John Johnston. In our view these two Official IRA members had gone to a pre-arranged sniping position in order to fire at the soldiers; and probably did so when an opportunity presented itself rather than because two civilians had been injured.

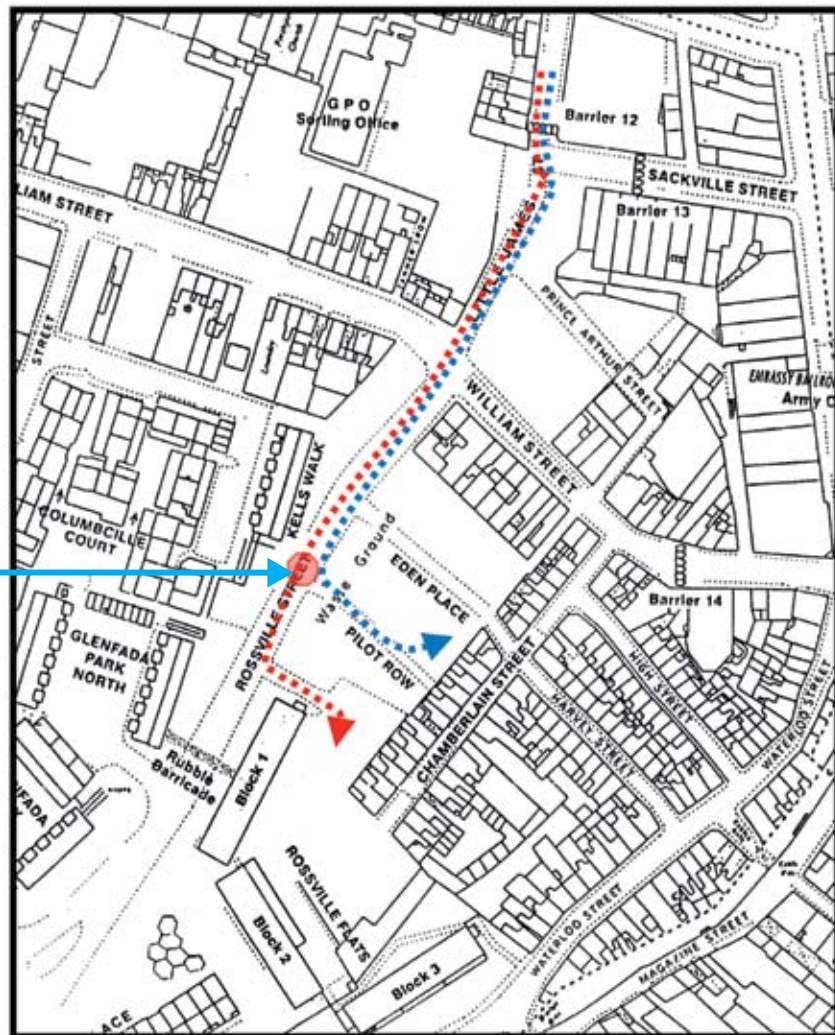
- 3.13** At around the time of these incidents Colonel Wilford abandoned his initial plan to send Support Company soldiers from Great James Street directly south into William Street if he got the order to mount an arrest operation; and instead told Support Company to be prepared to go in vehicles through Barrier 12, the barrier in Little James Street.

The arrest operation

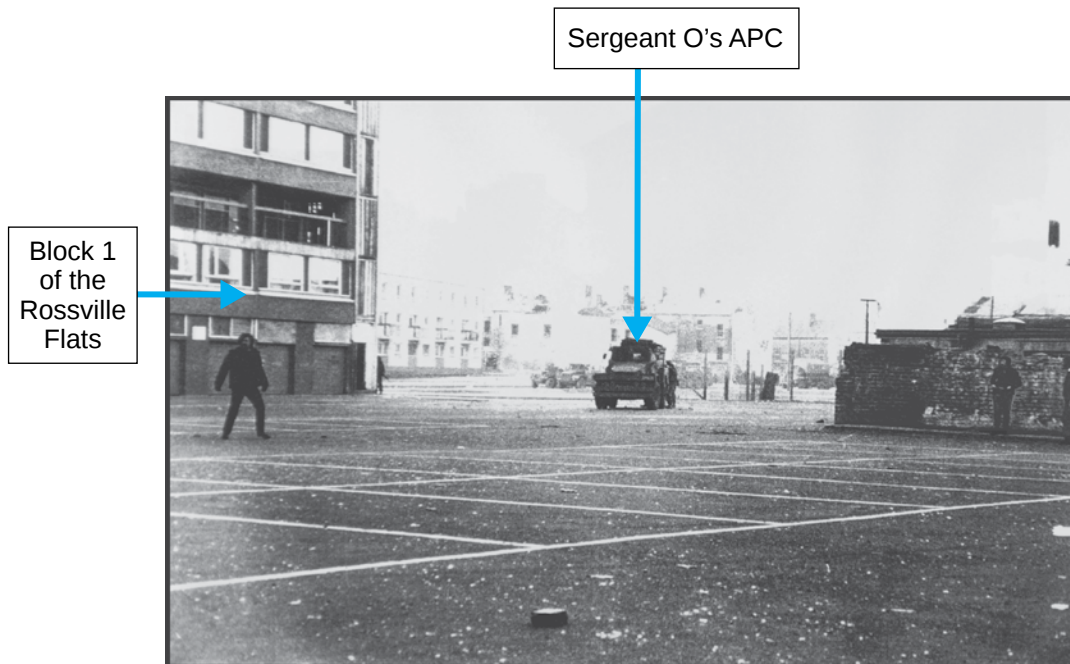
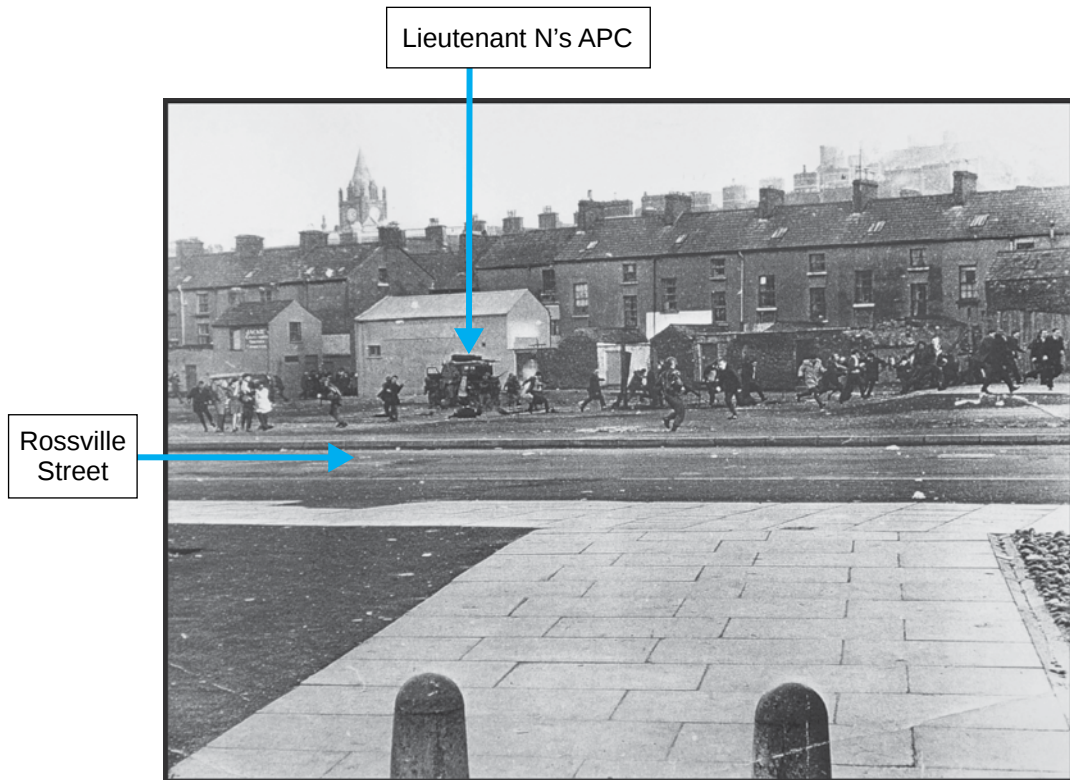
- 3.14** At 1607 hours Brigadier MacLellan gave 1 PARA orders by radio to mount an arrest operation by sending one company of 1 PARA through Barrier 14 in William Street, but not to conduct a running battle down Rossville Street. In its context, the prohibition on conducting a running battle down Rossville Street meant that the soldiers were not to chase people down that street.
- 3.15** Brigadier MacLellan had delayed giving an order for an arrest operation because he was correctly concerned that there should be separation between rioters and peaceful marchers before launching an operation to arrest the former. He gave the order when he had reasonable grounds for believing that there was such separation in the area for arrests that Colonel Wilford had previously identified.
- 3.16** This order was responsive to the request made by Colonel Wilford some 12 minutes earlier. In other words, Brigadier MacLellan authorised the arrest operation suggested by Colonel Wilford. The second part of this order reflected Brigadier MacLellan's anxiety that the soldiers should not become mixed up with the peaceful marchers further along Rossville Street.
- 3.17** The arrest operation ordered by the Brigadier was accordingly limited to sending one company through Barrier 14 in William Street, in an attempt to arrest rioters in the area of and to the north of Aggro Corner.
- 3.18** Colonel Wilford did not comply with Brigadier MacLellan's order. He deployed one company through Barrier 14 as he was authorised to do, but in addition and without authority he deployed Support Company in vehicles through Barrier 12 in Little James Street. As we describe below, the vehicles travelled along Rossville Street and into the Bogside, where the soldiers disembarked. The effect was that soldiers of Support Company did chase people down Rossville Street. Some of those people had been rioting but many were peaceful marchers. There was thus no separation between peaceful marchers and those who had been rioting and no means whereby soldiers could identify and arrest only the latter.

- 3.19** Colonel Wilford either deliberately disobeyed Brigadier MacLellan's order or failed for no good reason to appreciate the clear limits on what he had been authorised to do. He was disturbed by the delay in responding to his request to mount an arrest operation and had concluded that, by reason of the delay, the only way to effect a significant number of arrests was to deploy Support Company in vehicles into the Bogside. He did not inform Brigade of this conclusion. Had he done so, Brigadier MacLellan might well have called off the arrest operation altogether, on the grounds that this deployment would not have provided sufficient separation between rioters and civil rights marchers.
- 3.20** Colonel Wilford did not pass on to Major Loden (the Commander of Support Company) the Brigadier's injunction on chasing people down Rossville Street, nor did he impose any limits on how far the soldiers of Support Company should go. Colonel Wilford's evidence was that it was not necessary to do either of these things, as he understood the injunction as prohibiting his soldiers from chasing rioters down to Free Derry Corner or beyond and because his soldiers already knew that they should not go further than about 200 or 250 yards from their starting point. Colonel Wilford should have understood that he was being ordered not to chase rioters any distance down Rossville Street.
- 3.21** The vehicles of Support Company went through Barrier 12. The two leading vehicles, which were Armoured Personnel Carriers (APCs), held soldiers of Mortar Platoon. The first of these vehicles (which carried the Commander of Mortar Platoon, Lieutenant N, and other soldiers) went along Rossville Street and then turned left onto an area of waste ground called the Eden Place waste ground, where the soldiers disembarked. Beyond the waste ground were three high blocks of flats known as the Rossville Flats. In the area partly surrounded by these blocks there was a car park. The second vehicle (under the command of Sergeant O, the Platoon Sergeant of Mortar Platoon) went further along Rossville Street than the first vehicle, stopped briefly on that street where some of the soldiers disembarked, and then turned left and stopped in the entrance to the car park of the Rossville Flats, where the remaining soldiers disembarked. This was about 230 yards from Barrier 12. We set out below a map showing the route these vehicles took and photographs showing the positions they reached, which were in that part of the "no go" area of the city called the Bogside.

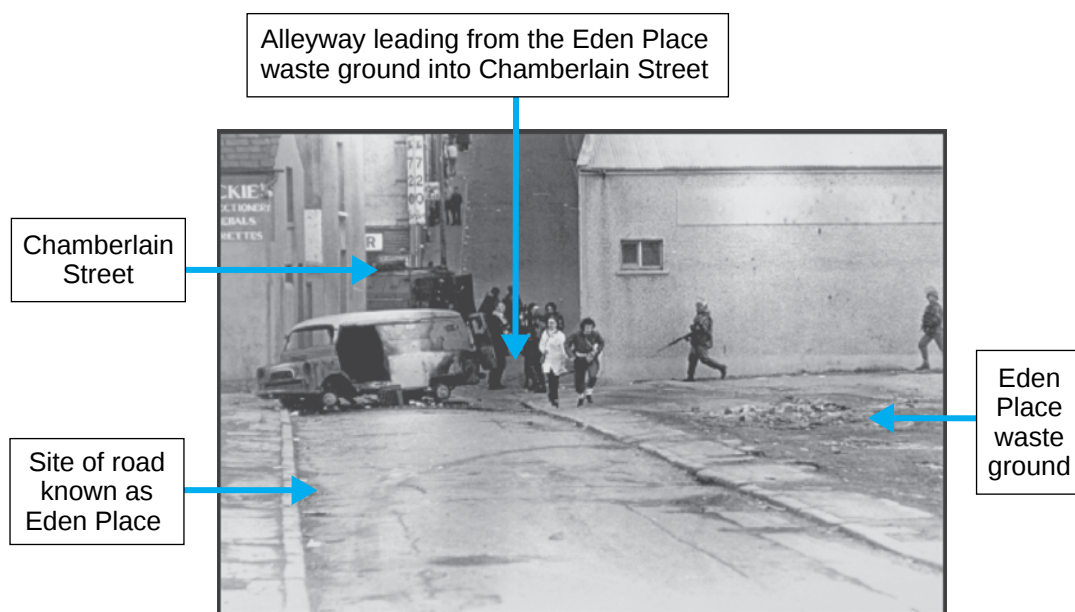
Approximate point at which Sergeant O's APC stopped briefly on Rossville Street



Route of Lieutenant N's APC
Route of Sergeant O's APC



- 3.22** Many civilians were in the area of the Eden Place waste ground and the car park of the Rossville Flats when the vehicles of Support Company drove into the Bogside. On seeing the Army vehicles these people started to run away. Shortly before it stopped in the car park of the Rossville Flats the vehicle under the command of Sergeant O struck two people, Alana Burke and Thomas Harkin. This was not done deliberately.
- 3.23** On disembarking soldiers fired baton rounds and some sought to make arrests. Only six arrests were made in this area as the people there when the vehicles arrived rapidly dispersed.
- 3.24** After disembarking Lieutenant N went towards an alleyway that led from the Eden Place waste ground into Chamberlain Street, which was a street to the east of the Eden Place waste ground that ran parallel to Rossville Street. The alleyway is shown in the following photograph.

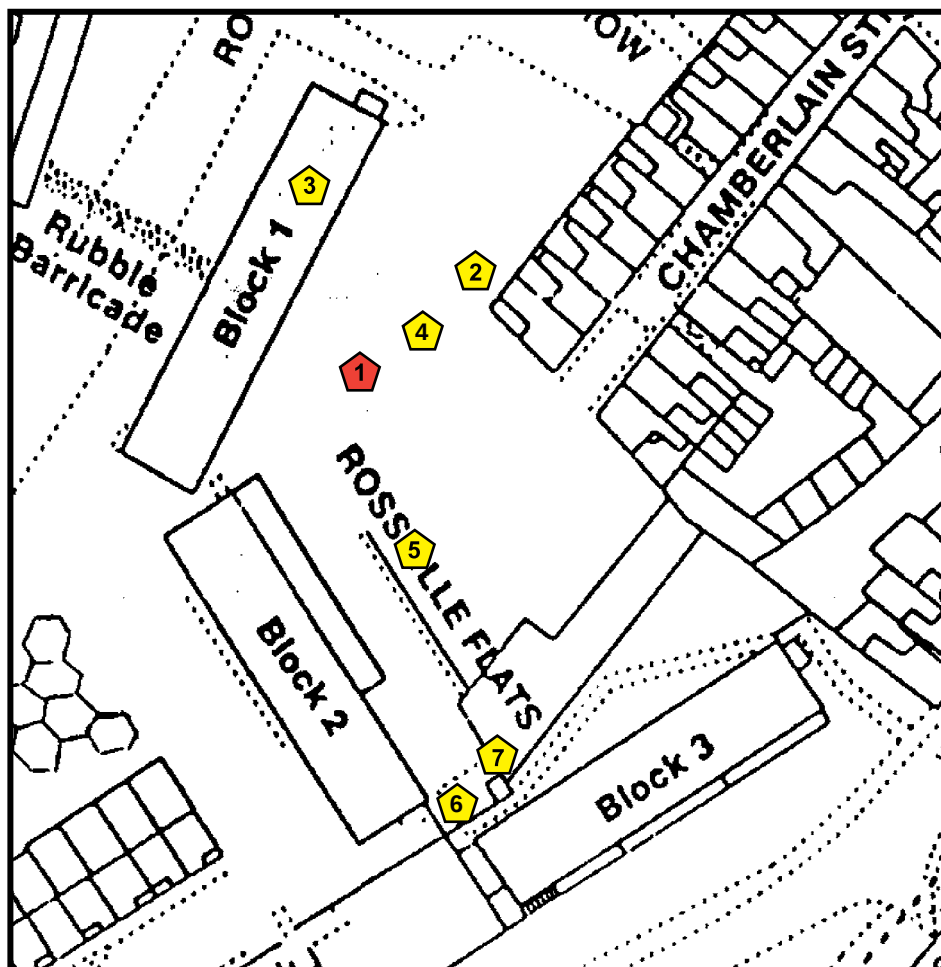


- 3.25** Shortly after arriving at the entrance to the alleyway, Lieutenant N fired two rounds from his rifle over the heads of people who were in the alleyway or in Chamberlain Street at the end of the alleyway and soon afterwards fired a third round in the same direction. These people had come from the area around Barrier 14 in William Street. Some of them had been attempting to rescue a man who had been arrested by one of the soldiers with Lieutenant N and some were throwing stones and similar missiles at the soldiers.

- 3.26** The shots fired by Lieutenant N hit buildings, but injured no-one. These were the first rifle shots fired in the area after soldiers had gone into the Bogside. Lieutenant N's evidence was that he believed that his shots were the only way of preventing the crowd from attacking him and the soldiers with him. We do not accept that evidence. In our view Lieutenant N probably fired these shots because he decided that this would be an effective way of frightening the people and moving them on, and not because he considered that they posed such a threat to him or the other soldiers that firing his rifle was the only option open to him. In our view this use of his weapon cannot be justified.

The casualties in the Bogside

- 3.27** Soon after Lieutenant N had fired his shots up the alleyway, soldiers of Mortar Platoon opened fire with their rifles in the area of the car park of the Rossville Flats. In that car park Jackie Duddy (aged 17) was shot and mortally wounded, while Margaret Deery (aged 38), Michael Bridge (aged 25) and Michael Bradley (aged 22) were wounded, all by Army rifle fire. In addition Pius McCarron (aged about 30) and Patrick McDaid (aged 24) suffered injuries from flying debris caused by Army rifle fire. Patrick Brolly (aged 40) was in one of the Rossville Flats and was probably injured by or as the result of Army rifle fire.
- 3.28** We set out below a diagram showing where these casualties occurred.



Casualty who was killed or mortally wounded in the car park of the Rossville Flats

1 Jackie Duddy



Casualties who were wounded in this area

2 Margaret Deery

3 Patrick Brolly

4 Michael Bridge

5 Michael Bradley

6 Pius McCarron

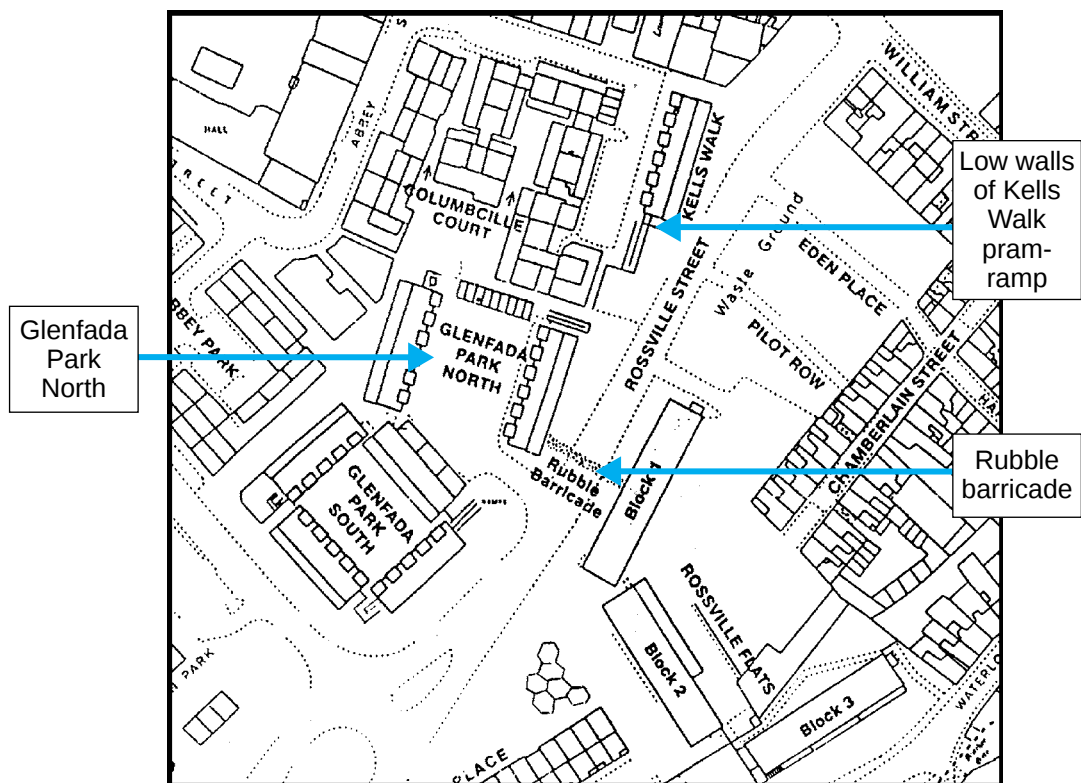
7 Patrick McDaid

3.29

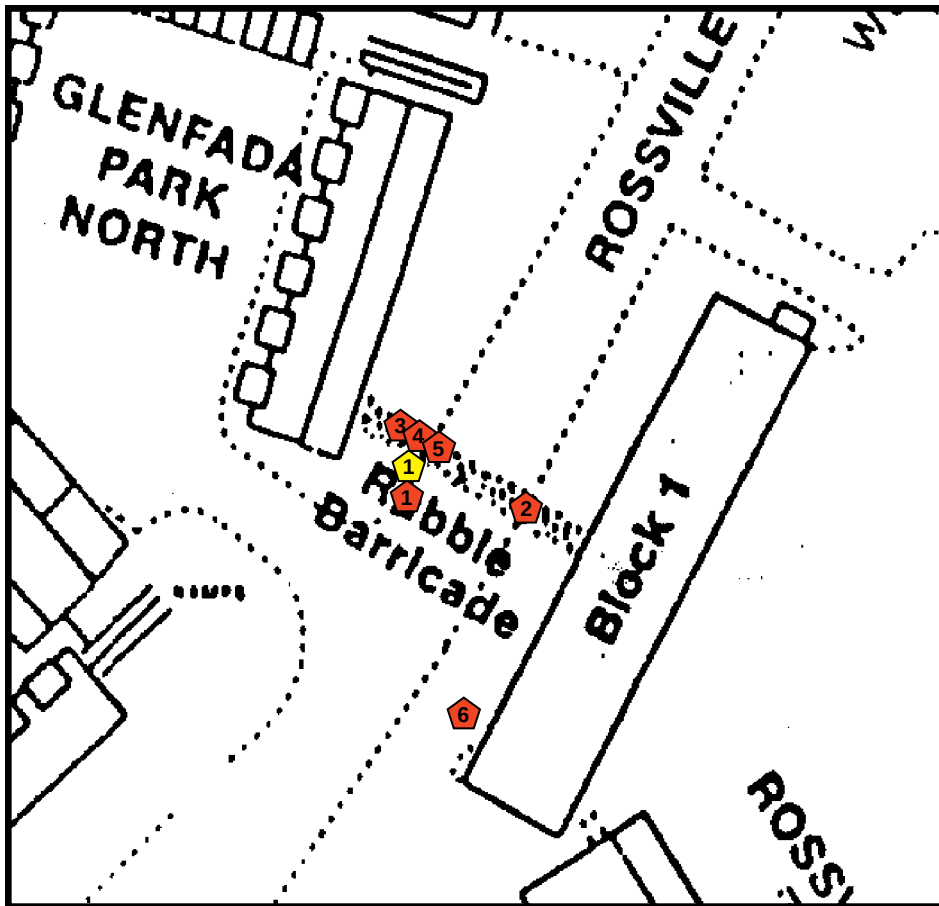
Vehicles carrying the Commander of Support Company, Major Loden, and two platoons, Anti-Tank Platoon and Composite Platoon, had followed Mortar Platoon of Support Company into the Bogside. Anti-Tank Platoon was one of the regular platoons of Support Company and was commanded by Lieutenant 119. Composite Platoon was a platoon that was on the day attached to Support Company and was under the command of Captain 200.

3.30 These soldiers disembarked in Rossville Street. Most of the soldiers of Machine Gun Platoon remained at this stage in the derelict building on William Street.

3.31 A short time after disembarking, and while events were unfolding in the car park of the Rossville Flats, soldiers of Anti-Tank Platoon reached the low walls of a ramp at the southern end of a block of flats named Kells Walk, on the western side of Rossville Street. Soldiers at that ramp then opened fire with their rifles. One of these shots hit and mortally wounded Michael Kelly (aged 17) who was some 80 yards further south behind a rubble barricade that had been erected by civilians across Rossville Street before Bloody Sunday. We set out below a map showing these positions.



3.32 Soon after civilians had carried Michael Kelly away from the rubble barricade, soldiers in Rossville Street fired at and mortally wounded five more people at or in the vicinity of that barricade. They were Hugh Gilmour (aged 17), William Nash (aged 19), John Young (aged 17), Michael McDaid (aged 20) and Kevin McElhinney (aged 17). In addition Alexander Nash (aged 52) was hit and injured by Army gunfire after he had gone to the rubble barricade to tend his son William Nash. We set out below a map showing the positions where it appears that these casualties occurred. The map also shows where Michael Kelly had been shot earlier.



Casualties who were killed or mortally wounded in the area of the rubble barricade

- 1 Michael Kelly
- 2 Hugh Gilmour. The precise position at which this casualty was shot is unknown.
- 3, 4 and 5 Michael McDaid, William Nash and John Young. William Nash was in the middle of the three but the precise position of these casualties at the rubble barricade is not known.

- 6 Kevin McElhinney



Casualty who was wounded in this area

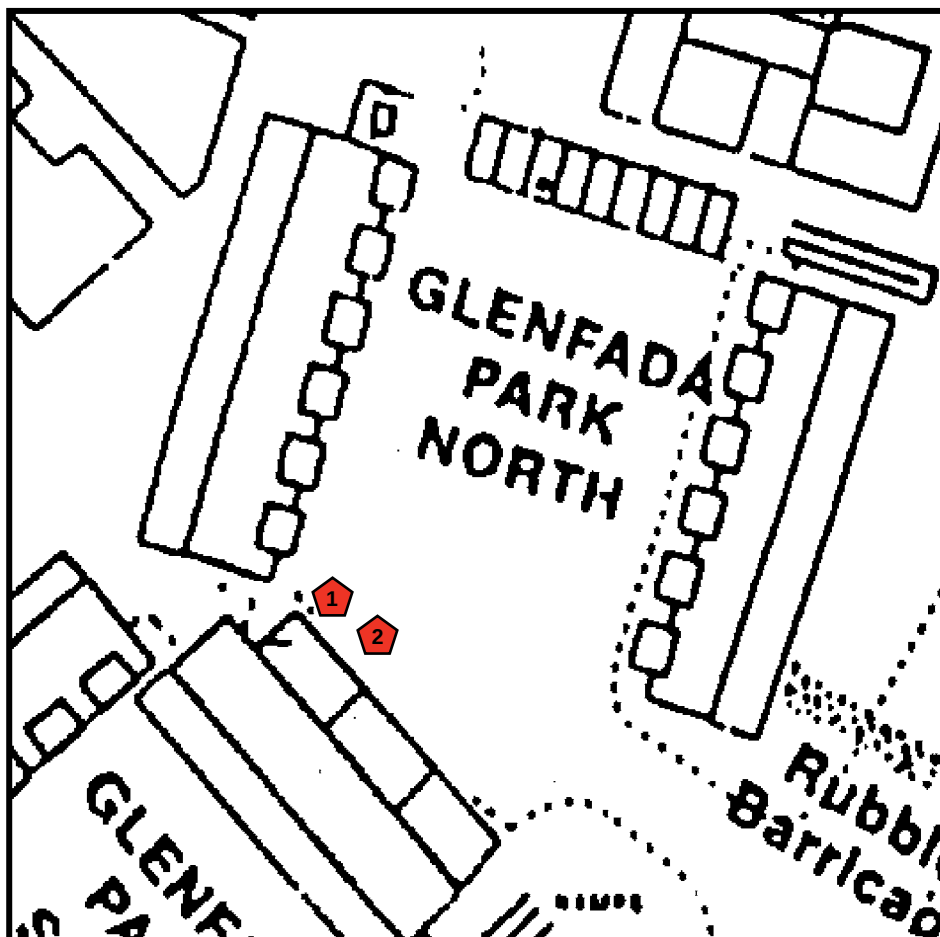
- 1 Alexander Nash

3.33

After this firing had begun, soldiers of Anti-Tank Platoon moved forward from the low walls of the Kells Walk ramp and four of them went into Glenfada Park North, a residential building complex that lay to the west of Rossville Street, which is also shown on this map.

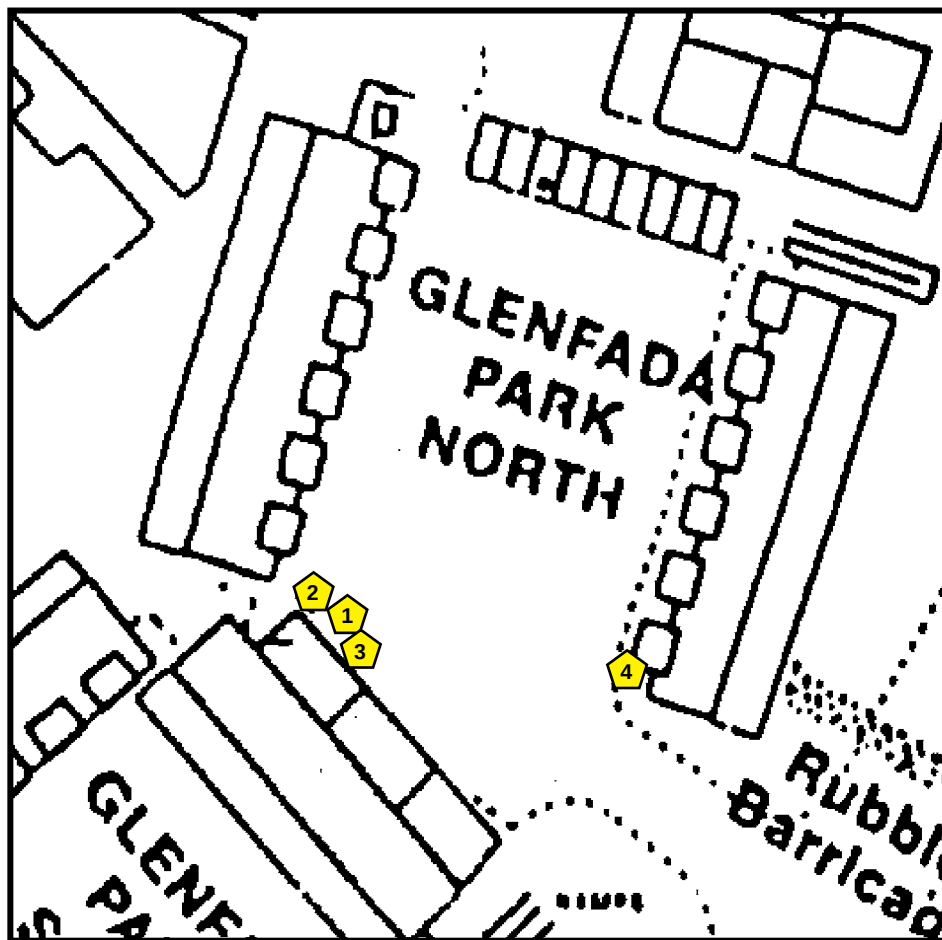
3.34 In Glenfada Park North were a number of civilians, many fleeing and seeking refuge from the soldiers.

3.35 Within a few seconds after arriving, the four soldiers who had gone into Glenfada Park North between them shot and mortally wounded William McKinney (aged 26) and Jim Wray (aged 22); and shot and injured Joe Friel (aged 20), Michael Quinn (aged 17), Joe Mahon (aged 16) and Patrick O'Donnell (aged 41). Jim Wray was shot twice, the second time probably as he lay mortally wounded on the ground. We set out below two diagrams showing the area of Glenfada Park North where these casualties occurred. A civilian, Daniel Gillespie (aged 32), may also have been slightly injured by or as the result of Army rifle fire in Glenfada Park North, but this is far from certain.



Casualties who were killed or mortally wounded in Glenfada Park North

- 1 Jim Wray
- 2 William McKinney

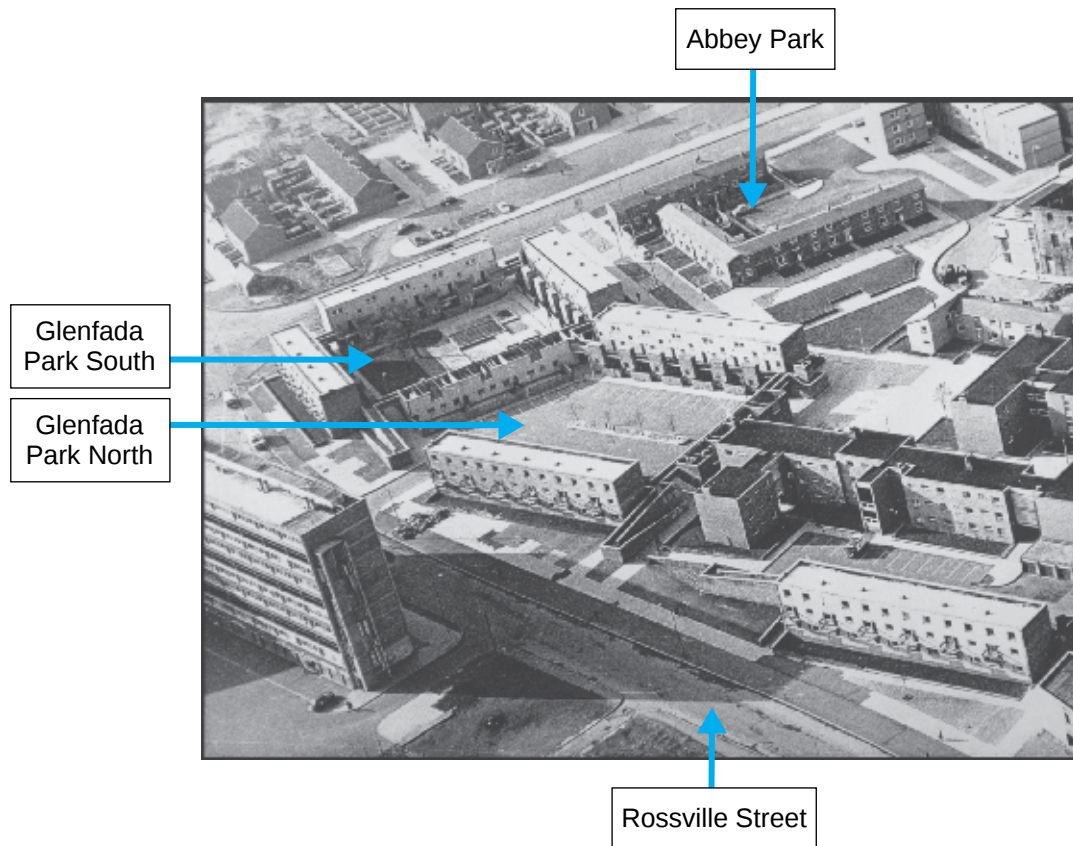


Casualties who were wounded in Glenfada Park North

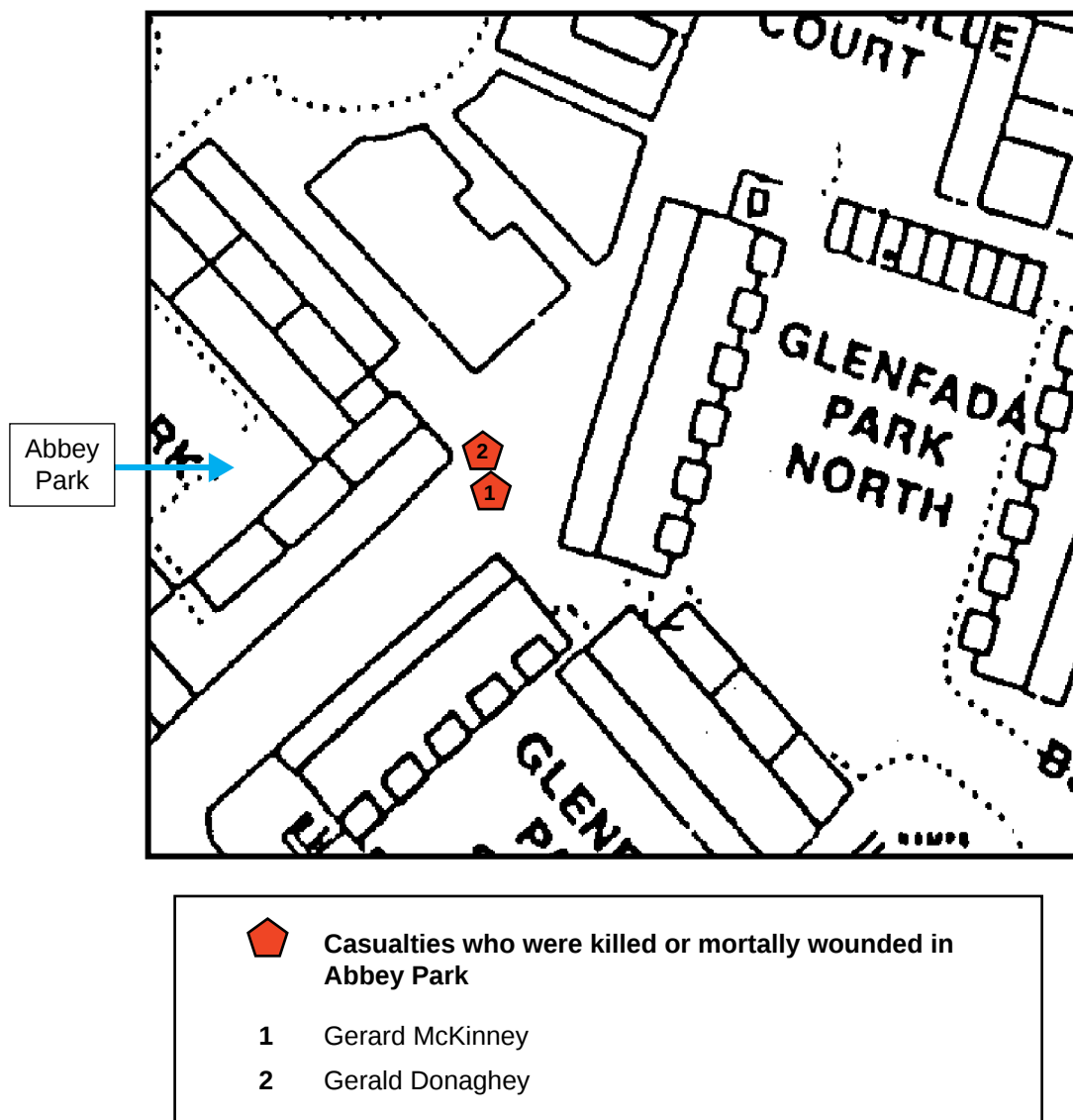
- | | | | |
|---|---------------|---|-------------------|
| 1 | Michael Quinn | 3 | Joe Mahon |
| 2 | Joe Friel | 4 | Patrick O'Donnell |

3.36

One of these soldiers then went from Glenfada Park North to Abbey Park, another residential area which lies to the west of Glenfada Park North, as shown in the following photograph.



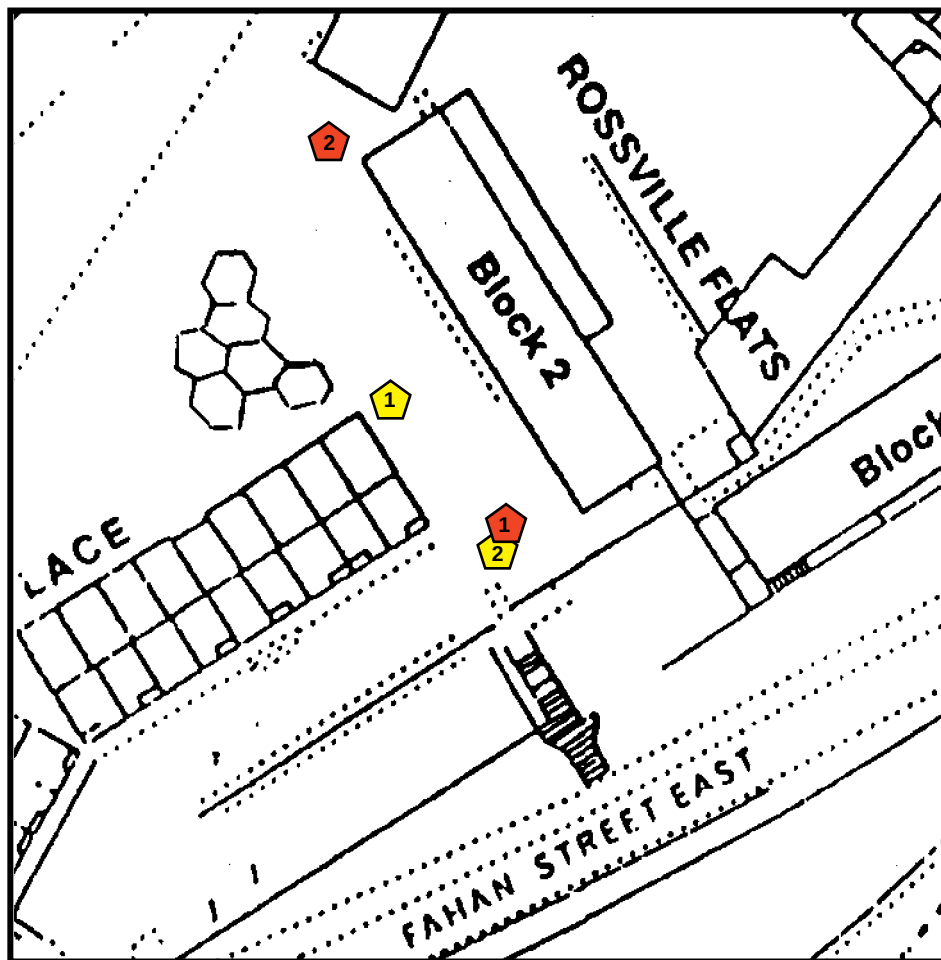
3.37 In Abbey Park this soldier shot and mortally wounded Gerard McKinney (aged 35). His shot passed through this casualty and also mortally wounded Gerald Donaghey (aged 17). We set out below a map showing the area of Abbey Park where these casualties occurred.



3.38 Soon after the shootings in Rossville Street, Glenfada Park North and Abbey Park, some of the soldiers who had been in Glenfada Park North went to its south-east corner, where there was a road entrance to Rossville Street, as shown in the following photograph.

**3.39**

From this position and again over a very short period of time there was Army gunfire across Rossville Street. This gunfire hit Bernard McGuigan (aged 41) and Patrick Doherty (aged 32), instantly killing the former and mortally wounding the latter. In addition Patrick Campbell (aged 53) and Daniel McGowan (aged 37) were wounded. All these casualties occurred in a pedestrianised area between the Joseph Place flats and the front (southern) side of Block 2 of the Rossville Flats, as shown on the following map.



	Casualties who were killed or mortally wounded between Joseph Place and the Rossville Flats
1	Patrick Doherty
2	Bernard McGuigan
	Casualties who were wounded in this area
1	Patrick Campbell
2	Daniel McGowan

3.40 Although there was later firing by soldiers in Rossville Street, the people shot on the front (southern) side of the Rossville Flats were the last civilians to be shot by the soldiers who had gone into the Bogside.

3.41 Only some ten minutes elapsed between the time soldiers moved in vehicles into the Bogside and the time the last of the civilians was shot.

- 3.42** There was other firing by the soldiers of Support Company (including soldiers of Composite Platoon) after they had gone into the Bogside, which did not result in death or injury; but which formed an important part of the events of the day and which we consider in this report. In all, soldiers of Support Company fired over 100 rounds after they had gone into the Bogside.

The soldiers who shot the casualties

- 3.43** We have no doubt that soldiers of Support Company were responsible for all the gunfire casualties that we have described above, using their high velocity self-loading 7.62mm Army rifles, known as SLRs. As will be seen, in some cases we are sure of the identity of the soldier or soldiers concerned, while in other cases our identifications are less certain.
- 3.44** The first gunfire casualty of the day was Damien Donaghey, who was on a patch of waste ground immediately south of William Street. He was hit in the thigh, either by one of two shots fired by Corporal A or one of three shots fired by Private B, both soldiers of Machine Gun Platoon. The two soldiers fired their shots from the derelict building more or less simultaneously in a single burst of fire. All these shots were aimed and fired at Damien Donaghey.
- 3.45** Unknown to Corporal A or Private B, fragments from one or more of these shots hit and injured John Johnston, who was on the same patch of waste ground.
- 3.46** The first casualty of gunfire after soldiers had gone into the Bogside was Jackie Duddy, who was shot and mortally wounded on the western side of the Rossville Flats car park.
- 3.47** In our view Private R of Mortar Platoon was probably the soldier who aimed at and shot Jackie Duddy. This soldier had disembarked from Sergeant O's APC in Rossville Street, but then ran after this vehicle as it continued into the entrance to the car park of the Rossville Flats, before he fired at Jackie Duddy.
- 3.48** Soon after Jackie Duddy was shot Lance Corporal V of Mortar Platoon, who had moved towards the car park of the Rossville Flats after disembarking from Lieutenant N's APC, fired his rifle. This shot was probably the one that hit Margaret Deery in the thigh. At the time this casualty was near the southern end of the wall at the back of the gardens of the houses on the western side of Chamberlain Street.
- 3.49** Michael Bridge was injured after Margaret Deery. He was shot in the thigh when he was a short distance from Sergeant O's vehicle in the car park of the Rossville Flats.

- 3.50** It is probable that it was Lieutenant N, the Commander of Mortar Platoon, who aimed at and shot Michael Bridge. This officer had moved towards the car park of the Rossville Flats from his APC in the Eden Place waste ground before he fired.
- 3.51** Michael Bradley was shot when he was on the southern side of the Rossville Flats car park. It is probable that it was Private Q of Mortar Platoon who aimed at and shot Michael Bradley, from a position near to the northern end of Block 1 of the Rossville Flats.
- 3.52** Patrick McDaid and Pius McCarron were injured by debris sent flying by shots fired as they were attempting to run away from the south-eastern area of the Rossville Flats car park.
- 3.53** We cannot determine precisely which soldier or soldiers fired these shots beyond saying that it was one or more of Sergeant O, Private R and Private S, all of Mortar Platoon.
- 3.54** Although he did not aim at Patrick Brolly, Private T of Mortar Platoon was probably responsible for the shot that directly or indirectly injured this casualty, who was in Block 1 of the Rossville Flats. However, we cannot eliminate the possibility that Private S rather than Private T was responsible. Patrick Brolly was injured after Jackie Duddy was shot but before the latter had been carried from the car park.
- 3.55** We are sure that shortly after he disembarked from his vehicle and while events were unfolding in the car park of the Rossville Flats, Lance Corporal F of Anti-Tank Platoon fired from the low walls of the Kells Walk ramp and mortally injured Michael Kelly, who was behind the rubble barricade in Rossville Street.
- 3.56** After Michael Kelly had been shot, William Nash, John Young and Michael McDaid were shot and killed at the rubble barricade. We are sure that Corporal P of Mortar Platoon, who had disembarked from Sergeant O's APC in Rossville Street, shot at least one of these casualties and may have been responsible for all three, though Lance Corporal J of Anti-Tank Platoon may have shot one of them and we cannot eliminate the possibility that Corporal E was responsible for another. Corporal P fired from a position in Rossville Street north of the rubble barricade and south of the low walls of the Kells Walk ramp; while Lance Corporal J and Corporal E fired from a position at that ramp.
- 3.57** We are sure that Private U, a member of Mortar Platoon who had taken up a position at the northern end of Block 1 of the Rossville Flats, fired at and mortally wounded Hugh Gilmour as the latter was running south (ie away from the soldiers) along the Rossville Street side of Block 1 of the Rossville Flats.

- 3.58** We are sure that either Private L or Private M, members of Composite Platoon who had taken up positions at the low walls of the Kells Walk ramp, shot Kevin McElhinney as he was crawling south from the rubble barricade away from the soldiers. Both probably fired at him on the orders of one or perhaps two nearby non-commissioned officers, Colour Sergeant 002 and Corporal 039.
- 3.59** It is possible that either Corporal P or Lance Corporal J was responsible for firing at and injuring Alexander Nash. These soldiers were in positions somewhere north of the rubble barricade and south of the low walls of the Kells Walk ramp. However, there is insufficient evidence to make any finding against either of these soldiers on this matter.
- 3.60** The four soldiers who moved from the low walls of the Kells Walk ramp into Glenfada Park North were Corporal E, Lance Corporal F, Private G and Private H. All were members of Anti-Tank Platoon and all fired their rifles in Glenfada Park North.
- 3.61** We are sure that these four soldiers were between them responsible for the casualties in Glenfada Park North. It is probable that Corporal E was responsible for the shot that injured Patrick O'Donnell. It is not possible to identify which particular soldiers shot the other casualties. However, we consider it more likely than not that either Lance Corporal F or Private H fired the shot that mortally wounded William McKinney; that one or other of these soldiers was responsible for the shot that wounded Joe Mahon; that either Private G or Private H fired the shot that wounded Michael Quinn; that either Lance Corporal F or Private G fired the shot that wounded Joe Friel; and that either Private G or Private H fired the first shot to hit Jim Wray. Joe Mahon was probably wounded by a shot that had first hit William McKinney. It is not clear whether Joe Friel and Michael Quinn were specifically targeted, or were hit by shots fired indiscriminately at the people who were in the south-west corner of Glenfada Park North. All these shots were fired from the northern side of Glenfada Park North within a very short time of each other. All the casualties were on the southern side of Glenfada Park North, about 40 yards from the soldiers.
- 3.62** The circumstances in which Daniel Gillespie was injured are so confused that it is not possible to identify the soldier or soldiers who might have been responsible for his injury, which was slight.
- 3.63** As we have said, Jim Wray was shot twice, the second time probably when he was lying mortally wounded on the ground. It is probable that either Private G or Private H fired this second shot.

- 3.64** There is no doubt that Private G was the soldier who at a range of only a few yards fired at and mortally wounded Gerard McKinney in Abbey Park. His shot passed through Gerard McKinney's body and also mortally wounded Gerald Donaghey.
- 3.65** The last gunfire casualties were Bernard McGuigan, Patrick Doherty, Patrick Campbell and Daniel McGowan, all shot in the area to the south of Block 2 of the Rossville Flats within a very short time of each other. We are sure that Lance Corporal F fired at and shot Bernard McGuigan and Patrick Doherty and it is highly probable that he was also responsible for shooting the other two casualties. This soldier fired across Rossville Street from the Rossville Street entranceway into Glenfada Park North.
- 3.66** We should note at this point that we have considered the possibility that one or more of the casualties might have occurred from soldiers firing by accident, in the sense of discharging their rifles by mistake and without intending to do so. We have found no evidence that suggests to us that this was or might have been the case.

Why the soldiers shot the casualties

- 3.67** Every soldier serving in Northern Ireland was issued with a card entitled *Instructions by the Director of Operations for Opening Fire in Northern Ireland*. This was known as the Yellow Card, and contained instructions as to when a soldier could open fire.
- 3.68** The Yellow Card in force on Bloody Sunday contained instructions to the soldiers that they should never use more force than the minimum necessary to enable them to carry out their duties, and should always first try to handle the situation by means other than opening fire. The Yellow Card provided that the soldier should only fire aimed shots and that save in two cases, if a soldier had to open fire, a warning was to be given before doing so. The warning to be given had to include a statement that fire would be opened if the soldier's order was not obeyed.
- 3.69** The first of the two cases in which a soldier could open fire without warning was when hostile firing was taking place in his area and a warning was impracticable, or when any delay could lead to death or serious injury to people whom it was the soldier's duty to protect or to the soldier himself; and in either of these situations the soldier was only permitted to open fire against a person using a firearm against members of the security forces or people whom it was the soldier's duty to protect; or against a person carrying a firearm if the soldier had reason to think that that person was about to use the firearm for

offensive purposes. The Yellow Card defined “firearm” as including a grenade, nail bomb or gelignite-type bomb. The second case in which a soldier could open fire without warning concerned firing at vehicles and has no relevance to the firing on Bloody Sunday.

- 3.70** None of the casualties shot by soldiers of Support Company was armed with a firearm or (with the probable exception of Gerald Donaghey) a bomb of any description. None was posing any threat of causing death or serious injury. In no case was any warning given before soldiers opened fire.
- 3.71** It was submitted on behalf of many of the represented soldiers that it was possible that some of the casualties were accidental, in the sense that the soldier concerned fired at someone posing a threat of causing death or serious injury, but missed and hit a bystander instead. It was also submitted that soldiers fired at and killed or injured other people who were posing such a threat, but that the existence of these casualties had been kept secret by those civilians who knew that this had happened, in order to deprive the soldiers of evidence that their firing was justified.
- 3.72** Apart from the firing by Private T, we have found no substance in either of these submissions.
- 3.73** As to the first, although John Johnston was hit accidentally from fragments of the shots fired at Damien Donaghey in William Street, Damien Donaghey was not posing a threat of causing death or serious injury. Margaret Deery, who was shot and seriously wounded in the Rossville Flats car park, was probably not the intended target and was hit by accident, but again the soldier concerned was not firing at someone posing a threat of causing death or serious injury. The same is true of the shots that indirectly caused injury to Pius McCarron and Patrick McDaid. In Glenfada Park North, Joe Mahon was hit and wounded by a bullet that was aimed at and probably initially hit William McKinney. In Abbey Park, Gerald Donaghey was hit and mortally wounded by the bullet that had first mortally wounded Gerard McKinney, but neither William McKinney nor Gerard McKinney was posing a threat of causing death or serious injury. Apart from these and Patrick Brolly, all the casualties were either the intended targets of the soldiers or the result of shots fired indiscriminately at people. None of the soldiers admitted missing his target and hitting someone else by mistake.
- 3.74** As to Patrick Brolly, if Private T was responsible for the shot that injured this casualty, this was one of the two shots that Private T fired at a man who had been throwing down bottles containing acid or a similar corrosive substance from the Rossville Flats.

Such conduct probably did pose a threat of causing serious injury. Private T (if he was responsible) neither intended to hit Patrick Brolly nor fired his rifle indiscriminately at people. If it was Private S who fired and injured Patrick Brolly, he did not aim at this casualty but fired indiscriminately at the Rossville Flats.

- 3.75** As to the second submission, we are sure that no-one other than the casualties that we have described above was killed or seriously injured by firing by Support Company soldiers. Had there been such casualties, we have no doubt that this would have come to light many years ago. We have found no evidence that suggests to us that there were other less serious casualties of Support Company gunfire.
- 3.76** Despite the contrary evidence given by soldiers, we have concluded that none of them fired in response to attacks or threatened attacks by nail or petrol bombers. No-one threw or threatened to throw a nail or petrol bomb at the soldiers on Bloody Sunday. There was some firing by republican paramilitaries (though nothing approaching that claimed by some soldiers) which we discuss in detail in this report, but in our view none of this firing provided any justification for the shooting of the civilian casualties. No soldier of Support Company was injured by gunfire on Bloody Sunday. Two suffered slight injuries from acid or a similar corrosive substance thrown down on them in bottles from the Rossville Flats.
- 3.77** Apart from Private T (who claimed to have fired at someone throwing down acid bombs from the Rossville Flats), all the soldiers who in our view were responsible for the casualties on Bloody Sunday sought to justify their shooting on the grounds that they were sure when they fired that they had targeted and hit someone who was armed with a firearm or a nail or petrol bomb and who was posing or about to pose a threat of causing death or serious injury.
- 3.78** In other words, all the soldiers (apart from Private T) who were in our view responsible for the casualties insisted that they had shot at gunmen or bombers, which they had not, and (with the possible exception of Lance Corporal F's belated admission with regard to Michael Kelly) did not accept that they had shot the known casualties, which they had. To our minds it inevitably followed that this materially undermined the credibility of the accounts given by the soldiers who fired.
- 3.79** As we have said, none of the casualties was posing a threat of causing death or serious injury, or indeed was doing anything else that could on any view justify their shooting. However, the question remains as to whether when they fired, the soldiers nevertheless mistakenly believed that they were justified in doing so.

- 3.80** We appreciate that soldiers on internal security duties, facing a situation in which they or their colleagues may at any moment come under lethal attack, have little time to decide whether they have identified a person posing a threat of causing death or serious injury; and may have to make that decision in a state of tension or fear. It is a well-known phenomenon that, particularly when under stress or when events are moving fast, people often erroneously come to believe that they are or might be hearing or seeing what they were expecting to hear or see. We have borne this in mind when assessing the state of mind of the soldiers responsible for the casualties.
- 3.81** It is also possible that in the sort of circumstances outlined in the previous paragraph, a soldier might fire in fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.
- 3.82** In the course of the report we have considered in detail the accounts of the soldiers whose firing caused the casualties, in the light of much other evidence. We have concluded, for the reasons we give, that apart from Private T many of these soldiers have knowingly put forward false accounts in order to seek to justify their firing. However, we have also borne in mind that the fact that a soldier afterwards lied about what had happened does not necessarily entail that he fired without believing that he had identified a person posing a threat of causing death or serious injury, since it is possible that he was at the time convinced that he was justified in firing, but later invented details in an attempt to bolster his account and make it more credible to others. We have borne this possibility in mind when seeking to decide whether or not each of the soldiers of Support Company who fired and whose shots killed or injured civilians believed, when he did so, that he was justified in firing.
- 3.83** With these considerations in mind, we turn to consider the individual soldiers concerned. In accordance with our ruling of 11th October 2004,¹ we express where appropriate the degree of confidence or certainty with which we reach our conclusions.
- ¹ [A2.41](#)
- 3.84** As noted above, the first casualties of Army gunfire on the day were in William Street, some minutes before soldiers went into the Bogside.
- 3.85** The soldiers concerned in this incident, Corporal A and Private B, unlike those who later went into the Bogside, were not in an open area, but in a derelict building on William Street. At the same time, they were members of a platoon that had been sent to a position isolated from other soldiers, close to the rioting in William Street and adjacent to the

Bogside, the latter being part of the “no go” area of the city and known to be dangerous for the security forces. They accordingly perceived themselves to be in a dangerous situation in which at any time they might be targeted by republican paramilitaries with lethal weapons. If not frightened, they would have been highly apprehensive.

- 3.86** The evidence of Corporal A and Private B was that the person they shot was about to throw a nail bomb in their direction. This was not the case, though Damien Donaghey had previously been throwing stones at the soldiers and might have been about to do so again. It was submitted on behalf of Damien Donaghey that these soldiers fired without any belief that they had identified someone posing a threat of causing death or serious injury. We concluded that this was not the case and that it was probable that each soldier either mistakenly believed that Damien Donaghey was about to throw a nail bomb or suspected (albeit incorrectly) that he might be about to do so. It is possible that one or both of these soldiers fired in panic or fear, without giving proper thought as to whether his target was posing a threat of causing death or serious injury.
- 3.87** The next firing by soldiers that resulted in casualties occurred after soldiers had gone into the Bogside. Soldiers of Support Company had been told by officers and believed that this was a particularly dangerous area for the security forces, with any incursion running the risk of meeting attacks by paramilitaries using bombs and firearms. In the minds of some soldiers that belief was reinforced by the shot fired by a member of the Official IRA (OIRA 1) some minutes earlier at soldiers by the Presbyterian church in Great James Street. When they disembarked in the Bogside the soldiers were in an open area where they had never previously been and which was overlooked by the large and high blocks of the Rossville Flats, believed by them to be a place from which republican paramilitaries operated. They were in these circumstances highly alert to the risk of coming under lethal attack from republican paramilitaries either in or near to those flats. Most of the soldiers were armed with rifles to guard against any such attacks and in many cases (in breach of the Yellow Card) had cocked their weapons in order to fire without delay should occasion arise.
- 3.88** In short, soldiers of Support Company went into what they perceived to be a dangerous area in which they ran the risk of coming under lethal attack at any time. Again, if these soldiers were not frightened, they must at least have been highly apprehensive.
- 3.89** Since the Eden Place waste ground was an open area, many of the soldiers of Mortar Platoon, and soldiers of the other platoons that had followed Mortar Platoon into the Bogside, must have heard the shots fired by Lieutenant N up the Eden Place alleyway and over the heads of the people there. The effect was to lead at least a number of

soldiers to believe either that republican paramilitaries had opened fire or thrown bombs or that a soldier or soldiers were responding to the imminent use of firearms or bombs by paramilitaries; and thus not only to reinforce what they had been told and believed about the likely presence of republican paramilitaries in the area, but also to make them even more ready to respond. If, as we consider was the case, Lieutenant N decided to fire these shots over the heads of the people otherwise than as a last resort to protect himself or other soldiers, he can in our view fairly be criticised, not only for firing, but also for failing to realise the effect that his firing would be likely to have on the other soldiers who had come into the Bogside.

- 3.90** When shooting breaks out in an urban area, as it then did, it is often difficult or impossible to establish who is firing, from where the firing has come, in what direction it is going, and the type of weapon being used. The same applies to explosions and we have little doubt that the sound of the firing of baton rounds could in some circumstances have been mistaken for the explosion of bombs. In Londonderry these factors were magnified by what was known as “the Derry sound”, which was the echoing effect created by the City Walls and adjacent buildings (including the high Rossville Flats) and which could multiply the sound of gunfire and explosions and create false impressions of the direction from which these sounds were coming.
- 3.91** In circumstances such as we have described, there is a risk that soldiers, mistakenly believing themselves or their colleagues to be under lethal attack, lose their self-control, forget or ignore their training and fire without being satisfied that they have identified a person posing a threat of causing death or serious injury.
- 3.92** As to the soldiers who went into the Bogside, we have reached the following conclusions.
- 3.93** As we have said, the first casualty to be shot after the soldiers entered the Bogside was Jackie Duddy, who in our view was probably shot by Private R. According to this soldier’s accounts, as he approached Sergeant O’s APC he saw and shot a man who was about to throw a nail bomb.
- 3.94** Jackie Duddy was running away from the soldiers when he was shot. He probably had a stone in his hand at the time. Private R may have thought that Jackie Duddy might have been about to throw a bomb and shot him for this reason, but we are sure that he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private R fired in a state of fear or panic, giving no proper thought to whether his target was posing a threat of causing death or serious injury.

- 3.95** The second casualty was Margaret Deery, shot (probably by Lance Corporal V) as she stood with a group of people at or near the southern end of the wall of the gardens of the houses on the western side of Chamberlain Street. Lance Corporal V had approached the car park of the Rossville Flats from Lieutenant N's APC. Lance Corporal V's evidence was that he fired at and hit someone who had thrown or was in the course of throwing a petrol bomb, evidence that we rejected. Margaret Deery was probably not his intended target. Lance Corporal V probably fired in the knowledge that he had not identified someone who was posing a threat of causing death or serious injury. It is possible that he fired in a state of fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.
- 3.96** Michael Bridge was shot as he walked towards the soldiers near Sergeant O's vehicle in the car park of the Rossville Flats, shouting at them in protest against the shooting of Jackie Duddy and in his anger inviting the soldiers to shoot him.
- 3.97** It was probably Lieutenant N who shot Michael Bridge. After firing his rifle up the alleyway leading to Chamberlain Street, Lieutenant N had returned to his vehicle and then moved across the Eden Place waste ground towards the car park of the Rossville Flats. It was at this stage that he fired at and wounded Michael Bridge. His evidence was that he fired at a man he was sure, at the time, was about to throw a nail bomb at his soldiers. In our view Lieutenant N fired, probably either in the mistaken belief that his target was about to throw a nail bomb, but without any adequate grounds for that belief; or in the mistaken belief that his target might have been about to throw a nail bomb, but without being confident that that was so. It is possible that Lieutenant N fired in a state of fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.
- 3.98** It was probably Private Q who shot Michael Bradley. This casualty was on the southern side of the Rossville Flats car park and was probably about to throw a stone at the soldiers when he was shot. Private Q falsely maintained that shortly before he fired his shot a nail bomb had been thrown and had exploded in the car park and that he was sure that the person he shot was about to throw another nail bomb, but we are sure that Private Q did not believe when he fired that he had identified a nail bomber. It is possible that he mistakenly thought that Michael Bradley might have been about to throw a bomb, but in our view, even if this was so, he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private Q fired in a state of fear or panic, giving no proper thought to whether his target was posing a threat of causing death or serious injury.

- 3.99** One or more of Sergeant O, Private R and Private S fired the shots that indirectly injured Patrick McDaid and Pius McCarron. All these soldiers claimed to have fired at gunmen at ground level, a claim we do not accept. While they did not aim at either Patrick McDaid or Pius McCarron, we are sure that the soldier or soldiers whose shots resulted in these casualties fired without justification and without any or any proper regard to the risk to people in the area.
- 3.100** Private T was probably responsible for the shot that directly or indirectly injured Patrick Brolly, who was in Block 1 of the Rossville Flats, though it is possible that Private S was responsible. The soldier concerned did not aim at Patrick Brolly. If it was a shot by Private S (who fired 12 shots in the area of the Rossville Flats car park) we are sure that it was fired for no good reason and without any regard to the risk to people in the flats. If it was Private T, it was one of two shots that this soldier fired at a man on a balcony of Block 1 of the Rossville Flats, who had thrown down at the soldiers below a bottle or bottles containing acid or a similar corrosive substance, which had caused minor injuries to Private T and Private R. These shots were fired without a previous warning and thus in our view contravened the instructions given to the soldiers as to when they could open fire, contained in the Yellow Card. Sergeant O had told Private T to shoot if the man sought to throw another bottle. Both he and Private T believed that the person concerned was posing a threat of causing serious injury. The second shot was fired after the man had thrown a further bottle and thus at a time when he was posing no threat to the soldiers. Both shots missed the intended target.
- 3.101** In Rossville Street, Lance Corporal F fired from the low walls of the Kells Walk ramp and killed Michael Kelly who was behind the rubble barricade on Rossville Street, some 80 yards away. Initially Lance Corporal F said nothing about this shot but later he admitted that he had fired, falsely claiming that this was at a nail bomber. In our view Lance Corporal F did not fire in panic or fear, without giving proper thought to whether he had identified a person posing a threat of causing death or serious injury. We are sure that instead he fired either in the belief that no-one at the rubble barricade was posing a threat of causing death or serious injury, or not caring whether or not anyone at the rubble barricade was posing such a threat.
- 3.102** As to the further shooting in Rossville Street, which caused the deaths of William Nash, John Young and Michael McDaid, Corporal P claimed that he fired at a man with a pistol; Lance Corporal J claimed that he fired at a nail bomber; and Corporal E claimed that he fired at a man with a pistol in the Rossville Flats. We reject each of these claims as knowingly untrue. We are sure that these soldiers fired either in the belief that no-one

in the areas towards which they respectively fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. In their cases we consider that they did not fire in a state of fear or panic.

- 3.103** We take the same view of the shot that we are sure Private U fired at Hugh Gilmour, mortally wounding this casualty as he was running away from the soldiers. We reject as knowingly untrue Private U's account of firing at a man with a handgun.
- 3.104** As we have explained, either Private L or Private M shot and mortally wounded Kevin McElhinney as he was crawling away from the soldiers. They probably did so on the orders of Colour Sergeant 002 or Corporal 039 or perhaps both these non-commissioned officers.
- 3.105** These soldiers and officers gave evidence that they had seen two people, one or both with rifles, crawling away from the rubble barricade. They probably believed that they might have identified a gunman or gunmen, but none of them could have been satisfied that they had done so. Their targets were crawling away and not posing an immediate threat of causing death or serious injury. The soldiers' evidence was that they fired, not because the crawling men were posing at that moment an immediate threat of causing death or serious injury, but because they believed that the crawling men would or might use their weapons once they had reached cover, although Private L expressed the view that he was entitled to fire at someone with a weapon, whatever that individual was doing. These shots were not fired in fear or panic. We are of the view that the soldiers concerned probably believed that the crawling men might pose a threat of causing death or serious injury once they had reached cover, though it is possible that Private L did not care whether or not they would pose such a threat.
- 3.106** We are sure that the soldier who shot and injured Alexander Nash while he was tending his dead or dying son William at the rubble barricade could not have believed that he had or might have identified someone posing a threat of causing death or serious injury.
- 3.107** We have above identified Corporal E, Lance Corporal F, Private G and Private H as the soldiers who went into Glenfada Park North, between them killing William McKinney and Jim Wray, injuring Joe Mahon, Joe Friel, Michael Quinn and Patrick O'Donnell, and possibly injuring Daniel Gillespie. All claimed that they had identified and shot at people in possession of or seeking to use bombs or firearms.
- 3.108** In our view none of these soldiers fired in the belief that he had or might have identified a person in possession of or using or about to use bombs or firearms. William McKinney and Jim Wray were both shot in the back and none of the other casualties (with the

possible exception of Daniel Gillespie) appears to have been facing the soldiers when shot. We are sure that these soldiers fired either in the belief that no-one in the areas towards which they respectively fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. In their cases (with the possible exception of Private H), it is unlikely that they fired in a state of fear or panic.

- 3.109** All four soldiers denied shooting anyone on the ground. However, Jim Wray was shot for a second time in the back, probably as he lay mortally wounded in the south-western corner of Glenfada Park North. Whichever soldier was responsible for firing the second shot, we are sure that he must have known that there was no possible justification for shooting Jim Wray as he lay on the ground.
- 3.110** Private G shot Gerard McKinney in Abbey Park. As we have already noted, his shot passed through this casualty and mortally wounded Gerald Donaghey. Private G may not have been aware that his shot had had this additional effect. Private G falsely denied that he had fired in Abbey Park. He did not fire in fear or panic and we are sure that he must have fired knowing that Gerard McKinney was not posing a threat of causing death or serious injury.
- 3.111** Gerald Donaghey was taken by car to the Regimental Aid Post of 1st Battalion, The Royal Anglian Regiment, which was at the western end of Craigavon Bridge, which spans the River Foyle. There four nail bombs were found in his pockets. The question arose as to whether the nail bombs were in his pockets when he was shot, or had been planted on him later by the security forces. We have considered the substantial amount of evidence relating to this question and have concluded, for reasons that we give, that the nail bombs were probably on Gerald Donaghey when he was shot. However, we are sure that Gerald Donaghey was not preparing or attempting to throw a nail bomb when he was shot; and we are equally sure that he was not shot because of his possession of nail bombs. He was shot while trying to escape from the soldiers.
- 3.112** As we have said, the last gunfire casualties were Bernard McGuigan, Patrick Doherty, Patrick Campbell and Daniel McGowan, all shot in the area to the south of Block 2 of the Rossville Flats within a very short time of each other. Bernard McGuigan was shot in the head and killed instantly as he was waving a piece of cloth and moving out from the cover afforded by the southern end wall of Block 1 of the Rossville Flats. Further to the east Patrick Doherty was shot in the buttock and mortally wounded as he was attempting to crawl to safety across the area that lay on the southern side of Block 2 of the Rossville

Flats. Patrick Campbell was shot in the back and injured as he ran away from the southern end of Block 1 of the Rossville Flats along the southern side of Block 2. Daniel McGowan was shot and injured in the leg when he was in about the same area as where Patrick Doherty was shot.

- 3.113** We have no doubt that Lance Corporal F shot Patrick Doherty and Bernard McGuigan, and it is highly probable that he also shot Patrick Campbell and Daniel McGowan. In 1972 Lance Corporal F initially said nothing about firing along the pedestrianised area on the southern side of Block 2 of the Rossville Flats, but later admitted that he had done so. No other soldier claimed or admitted to firing into this area. Lance Corporal F's claim that he had fired at a man who had (or, in one account, was firing) a pistol was to his knowledge false. Lance Corporal F did not fire in a state of fear or panic. We are sure that he fired either in the belief that no-one in the area into which he fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat.

Other firing by soldiers on Bloody Sunday

- 3.114** Soldiers of Support Company fired in all over 100 rifle rounds on Bloody Sunday after they had gone into the Bogside. In this report we describe in detail not only the circumstances in which soldiers fired and killed or injured civilians, but also the circumstances in which the other shooting occurred. As to the latter, with the probable exception of shots fired by Sergeant O at what he described as a gunman on a balcony of Block 3 of the Rossville Flats, we found no instances where it appeared to us that soldiers either were or might have been justified in firing. In many cases the soldiers concerned fired either in the belief that no-one in the areas into which they fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat; while in other cases we consider that when the soldiers fired they may have mistakenly suspected, without being satisfied, that they might have identified someone posing a threat of causing death or serious injury.
- 3.115** Apart from the firing by soldiers of Support Company, there was no other firing by members of 1 PARA on Bloody Sunday. In particular, there was no firing by members of C Company, who had also gone into the Bogside (on foot through Barrier 14) soon after Support Company had gone through Barrier 12.

- 3.116** There were other incidents of Army firing on Bloody Sunday, by members of other Army units. This firing was in response to republican paramilitary firing that was directed at soldiers, but not at those who had gone into the Bogside. We consider these incidents in detail in this report. In one of these incidents (some 600 yards from the area where the civilians were killed and injured by soldiers of Support Company) a soldier (in our view justifiably) shot at and injured an armed member of the Official IRA, “Red” Mickey Doherty, who had immediately before fired at soldiers.
- 3.117** At one stage it was suggested that a soldier or soldiers stationed on the City Walls above the area into which Support Company of 1 PARA deployed might have been responsible for some of the civilian casualties at the rubble barricade in Rossville Street. We considered this possibility but are sure, for the reasons we give in the report, that this was not the case; and by the end of the Inquiry no-one taking part in the Inquiry suggested otherwise.
- 3.118** As will be seen from this report, as part of our investigation we examined in detail the organisation of the Provisional and Official IRA and the activities of members of those organisations on the day, since it was submitted on behalf of soldiers that, in effect, these activities justified the soldiers opening fire. With the exception of Gerald Donaghey, who was a member of the Provisional IRA’s youth wing, the Fianna, none of those killed or wounded by soldiers of Support Company belonged to either the Provisional or the Official IRA.
- 3.119** In the course of investigating the activities of the Provisional and Official IRA on the day, we considered at some length allegations that Martin McGuinness, at that time the Adjutant of the Derry Brigade or Command of the Provisional IRA, had engaged in paramilitary activity during the day. In the end we were left in some doubt as to his movements on the day. Before the soldiers of Support Company went into the Bogside he was probably armed with a Thompson sub-machine gun, and though it is possible that he fired this weapon, there is insufficient evidence to make any finding on this, save that we are sure that he did not engage in any activity that provided any of the soldiers with any justification for opening fire.

The arrest of civilians

- 3.120** Soldiers of Support Company, 1 PARA arrested a number of civilians on Bloody Sunday. Only six were arrested in the area of Rossville Street or in the Eden Place waste ground where the soldiers had initially deployed, most of the others being arrested either in a

house in Chamberlain Street or where they had taken shelter behind a wall at the south-eastern corner of Glenfada Park North. In this report, we have examined the circumstances of these arrests and what happened to those who were arrested, not only because they formed an important part of the events of the day, but because the way in which some were treated provided an indication of the attitude that some soldiers of 1 PARA adopted towards the people they encountered on Bloody Sunday. There were a number of incidents in which soldiers gave knowingly false accounts of the circumstances in which arrests were made. In the end no proceedings were pursued against any of those who had been arrested.

Chapter 4: The question of responsibility for the deaths and injuries on Bloody Sunday

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4.1 The immediate responsibility for the deaths and injuries on Bloody Sunday lies with those members of Support Company whose unjustifiable firing was the cause of those deaths and injuries. The question remains, however, as to whether others also bear direct or indirect responsibility for what happened.

The United Kingdom and Northern Ireland Governments and the Army

4.2 During the course of the Inquiry, allegations were made by some of those representing the families of those who died on Bloody Sunday and those wounded, that the politicians in both the United Kingdom and Northern Ireland Governments, as well as the military authorities, had planned not simply to stop the civil rights march and to mount an arrest operation against rioters as set out in the orders for Operation Forecast (the operation to contain the march and deal with any rioting), but rather to use 1 PARA for the purpose of carrying out some action, which they knew would involve the deliberate use of

unwarranted lethal force or which they sanctioned with reckless disregard as to whether such force was used. On this basis it was submitted that the civil and military authorities bore responsibility for the deaths and injuries on Bloody Sunday.

- 4.3** These allegations were based on one of two propositions, either that what happened on Bloody Sunday was intended and planned by the authorities, or that it was foreseen by the authorities as likely to happen. We are of the view that neither of these propositions can be sustained.
- 4.4** In order to consider these allegations we looked in detail at what the authorities were planning and doing in the weeks and months preceding Bloody Sunday; as well as what happened on Bloody Sunday before soldiers were sent into the Bogside. We found no evidence to substantiate these allegations. So far as the United Kingdom Government was concerned, what the evidence did establish was that in the months before Bloody Sunday, genuine and serious attempts were being made at the highest level to work towards a peaceful political settlement in Northern Ireland. Any action involving the use or likely use of unwarranted lethal force against nationalists on the occasion of the march (or otherwise) would have been entirely counterproductive to the plans for a peaceful settlement; and was neither contemplated nor foreseen by the United Kingdom Government. So far as the Northern Ireland Government was concerned, although it had been pressing the United Kingdom Government and the Army to step up their efforts to counter republican paramilitaries and to deal with banned marches, we found no evidence that suggested to us that it advocated the use of unwarranted lethal force or was indifferent to its use on the occasion of the march.
- 4.5** It was also submitted that in dealing with the security situation in Northern Ireland generally, the authorities (the United Kingdom and Northern Ireland Governments and the Army) tolerated if not encouraged the use of unjustified lethal force; and that this was the cause or a contributory cause of what happened on Bloody Sunday. We found no evidence of such toleration or encouragement.
- 4.6** There was a further submission to the effect that it was critical to an understanding of why lethal force was used by the Army against unarmed civilians on Bloody Sunday, to appreciate that by this time the role of the police in security matters had been eroded and that the Army had illegally taken control over the policing of security situations from the police. Though by the period in question the situation was such that the RUC had neither the manpower nor the resources to deal effectively with all security issues and was in

many cases dependent upon the military, we do not accept that the Army had illegally taken over control of security from the police. The Army and the police worked together in deciding how to deal with matters of security.

- 4.7 As to the actions of the soldiers themselves, it was submitted that those who fired did so because of a “*culture*” that had grown up among soldiers at the time in Northern Ireland, to the effect that they could fire with impunity, secure in the knowledge that the arrangements then in force (arrangements later criticised by the Lord Chief Justice of Northern Ireland) meant that their actions would not be investigated by the RUC, but by the Royal Military Police (the Army’s own police force), who would be sympathetic to the soldiers and who would not conduct a proper investigation. In support of this submission it was alleged that before Bloody Sunday there were many previous unjustified shooting incidents by soldiers in Northern Ireland. As we pointed out in the course of the Inquiry, it was simply not possible to take this submission of an established “*culture*” forward, for this could only be done by examining in the same detail as Bloody Sunday the circumstances of each of those incidents, in order to decide, among other things, whether or not they involved unjustified firing by soldiers. In our view this would have been a wholly impracticable course for us to take, adding immeasurably to what was already a very long and complex inquiry. In these circumstances, we are not in a position to express a view either as to whether or not such a culture existed among soldiers before Bloody Sunday or, if it did, whether it had any influence on those who fired unjustifiably on that day.

Major General Ford

- 4.8 In the light of the situation that obtained in Londonderry in early 1972 (which we discuss in detail in this report), we do not criticise General Ford for deciding to deploy soldiers to arrest rioters, though in our view his decision to use 1 PARA as the arrest force is open to criticism, on the ground that 1 PARA was a force with a reputation for using excessive physical violence, which thus ran the risk of exacerbating the tensions between the Army and nationalists in Londonderry. However, there is to our minds a significant difference between the risk of soldiers using excessive physical violence when dispersing crowds or trying to arrest rioters and the risk that they would use lethal weapons without justification. We have concluded that General Ford had no reason to believe and did not believe that the risk of soldiers of 1 PARA firing unjustifiably during the course of an arrest operation was such that it was inappropriate for that reason for him to use them for such an operation.

- 4.9** General Ford denied, both to the Widgery Inquiry and to the present Inquiry, that the Army plan for 30th January 1972 was to cause a confrontation with the IRA, Official, Provisional or both. We accept his denial. We are sure that there was no such plan.
- 4.10** As to General Ford's memorandum, where he suggested shooting selected ringleaders of rioters after warning, we are surprised that an officer of his seniority should seriously consider that this was something that could be done, notwithstanding that he acknowledged that to take this course would require authorisation from above. We are sure, for the reasons given in the report, that this idea was not adopted and that the shootings on Bloody Sunday were not the result of any plan to shoot selected ringleaders. In the event General Ford decided to use an additional battalion (1 PARA) as the means of seeking to deal with rioters. We found no evidence to suggest that the use of lethal force against unarmed rioters, who were not posing a threat of causing death or serious injury, was contemplated by General Ford or those senior to him as a possible means of dealing with any rioting that might accompany the then forthcoming civil rights march.
- 4.11** General Ford did not himself play any role in ordering the arrest operation to be launched or in determining the form either in which Brigade ordered it or which it actually took. He did not seek to interfere with or to influence what happened to any significant extent and was right not to do so, since the decision whether to launch an arrest operation and the form that it was to take were matters for Brigadier MacLellan.
- 4.12** General Ford was responsible for deciding that in the likely event of rioting, Brigade should employ 1 PARA as an arrest force on 30th January 1972. But he neither knew nor had reason to know at any stage that his decision would or was likely to result in soldiers firing unjustifiably on that day.

Brigadier MacLellan

- 4.13** As we have noted above, the power to order an arrest operation did not rest with General Ford, but with Brigadier MacLellan. We do not criticise Brigadier MacLellan for giving such an order. As we have pointed out, he did not do so until he was reasonably satisfied that there was sufficient separation between rioters and peaceful marchers to sanction the limited arrest operation that had been initially suggested by Colonel Wilford. Had Colonel Wilford informed him that the situation had changed and that as the commander of the arrest force he now considered that it was necessary to order an additional company to go in vehicles along Rossville Street in order to arrest rioters, Brigadier MacLellan might well have abandoned the arrest operation altogether, on the ground that such an operation

would not allow sufficient separation between marchers and rioters. Brigadier MacLellan had no reason to believe and did not believe that the limited arrest operation he ordered ran the risk of deaths or injuries from unjustifiable firing by soldiers.

- 4.14** We should add at this point that in our view Brigadier MacLellan cannot fairly be criticised either for not imposing additional restrictions on when soldiers could open fire, over and above those in the Yellow Card; or for failing to order soldiers engaged in an arrest operation to disengage rather than respond if they were or believed that they were under attack from republican paramilitaries, so as to minimise the risk that innocent civilians would be killed or injured. In his case suggestions to the contrary incorrectly assume that he bears responsibility for sending soldiers into the Bogside. The arrest operation Brigadier MacLellan ordered was limited in scope and would not have involved soldiers going into the Bogside to any or any significant extent; and in our view the risk to civilians from such an operation did not call for any such special restrictions or special orders. We have concluded that Brigadier MacLellan does not bear any responsibility for the deaths and injuries from the unjustifiable firing by soldiers on Bloody Sunday.

Lieutenant Colonel Wilford

- 4.15** What did happen was not what Colonel Wilford had initially suggested and Brigadier MacLellan had then ordered. Colonel Wilford should have ordered his soldiers to stay in and around William Street and the northern end of Rossville Street. Instead, he sent them into the Bogside, where they chased people down Rossville Street, into the car park of the Rossville Flats, into Glenfada Park North and as far as Abbey Park.
- 4.16** In our view Colonel Wilford decided to send Support Company into the Bogside because at the time he gave the order he had concluded (without informing Brigadier MacLellan) that there was now no prospect of making any or any significant arrests in the area he had originally suggested, as the rioting was dying down and people were moving away. In addition it appears to us that he wanted to demonstrate that the way to deal with rioters in Londonderry was not for soldiers to shelter behind barricades like (as he put it) “*Aunt Sallies*” while being stoned, as he perceived the local troops had been doing, but instead to go aggressively after rioters, as he and his soldiers had been doing in Belfast.
- 4.17** What Colonel Wilford failed to appreciate, or regarded as of little consequence, was that his soldiers, who had not been in a position to observe the rioting that had been going on at the Army barriers, would almost certainly be unable to identify anyone as a rioter, save where, when they arrived, they were met by people who were rioting at that time.

- 4.18** Colonel Wilford failed to inform Brigade that in his view the situation had changed and that the only prospect of making any arrests was to send his soldiers in vehicles into the Bogside. He then failed to obey the order that Brigadier MacLellan gave, which prohibited any such movement. He thus created a situation in which soldiers chased people down Rossville Street and beyond, in circumstances where it was not possible to distinguish between those who had merely been marching and those who had been rioting. His failure to comply with his orders, instead setting in train the very thing his Brigadier had prohibited him from doing, cannot be justified.
- 4.19** In our view Colonel Wilford can also be criticised on another ground. He sent his soldiers into an area which he regarded as dangerous and which he had told his soldiers was dangerous; an area which his soldiers did not know and where they might come under lethal attack from republican paramilitaries, who dominated that part of the city. He knew that his soldiers would accordingly be very much on their guard, ready to respond instantly with gunfire at identified targets, as they were trained to respond, if they did come under such attack. He knew that his soldiers would not withdraw if they came under lethal attack but were trained not just to take cover, but instead to move forward and, as he himself put it, seek out the “*enemy*”.
- 4.20** In these circumstances, on his own estimation of the danger of lethal attacks by republican paramilitaries, Colonel Wilford must have appreciated that there was a significant risk that sending his soldiers into the Bogside on an arrest operation could lead to an armed engagement with republican paramilitaries. He should have appreciated that if this did happen, then there was also, in view of the numbers of people around, a significant risk that people other than soldiers’ justifiable targets would be killed or injured, albeit by accident, from Army gunfire. To our minds this was another reason why Colonel Wilford should not have launched an incursion into the Bogside.
- 4.21** The fact that what in the event happened on Bloody Sunday when the soldiers entered the Bogside was not a justifiable response to a lethal attack by republican paramilitaries, but instead soldiers opening fire unjustifiably, cannot provide an answer to this criticism, which is based not on what happened, but what at the time Colonel Wilford thought might happen.
- 4.22** We have found nothing that suggests to us that Colonel Wilford can be blamed for the incident in which soldiers fired from the derelict building in William Street and injured Damien Donaghey and John Johnston. However, the question remains as to whether he

realised, or should have realised, that the risk of unjustifiable firing by soldiers if he sent them into the Bogside was such that for this reason he should not have ordered them to go in.

4.23 As one of the officers (given the cipher Captain 128), who was a member of 2nd Battalion, The Royal Green Jackets and was present on the day, told us, when a soldier hears shots and believes that he is under fire, his automatic reaction is to fire himself, which is a difficult reaction to stop; and when firing breaks out in a tense situation it can spread very quickly and is very difficult to control. It could thus be said that Colonel Wilford should have appreciated that by sending soldiers into an unfamiliar area, which they had been told was and which they perceived to be a dangerous area, there was a risk that they might mistakenly believe that they had come under attack from republican paramilitaries and in that belief open fire without being satisfied that they had identified people who were posing a threat of causing death or serious injury; and that because of that risk, he should not have sent soldiers into the Bogside. In the end, however, we consider that on this specific ground Colonel Wilford cannot fairly be criticised for giving the orders he did. We take the view that Colonel Wilford cannot be blamed for failing to foresee that the risk of his soldiers firing unjustifiably was such that he should not have given the orders he did.

4.24 In summary, therefore, in our view Colonel Wilford should not have sent soldiers of Support Company into the Bogside for the following reasons:

- because in doing so he disobeyed the orders given by Brigadier MacLellan;
- because his soldiers, whose job was to arrest rioters, would have no or virtually no means of identifying those who had been rioting from those who had simply been taking part in the civil rights march; and
- because he should not have sent his soldiers into an unfamiliar area which he and they regarded as a dangerous area, where the soldiers might come under attack from republican paramilitaries, in circumstances where the soldiers' response would run a significant risk that people other than those engaging the soldiers with lethal force would be killed or injured by Army gunfire.

4.25 There remains the suggestion that Colonel Wilford's soldiers should have been instructed that in order to minimise the risk to innocent people, if on going into the Bogside they came under attack from paramilitaries, or believed that this had happened, they should

disengage and withdraw rather than return fire. In our view this is a hypothetical question, since for the first two of the reasons we have given above Colonel Wilford should not have sent soldiers into the Bogside, with or without special instructions.

Major Loden

- 4.26** Those representing the families of the deceased and the wounded criticised Major Loden, the Commander of Support Company, on the ground that he failed to exercise any proper control over his soldiers or their firing.
- 4.27** In our view, events moved so fast after the soldiers had disembarked in the Bogside that Major Loden had no idea what was actually going on; he assumed that his soldiers had come under attack from republican paramilitaries and were responding. It could be said that another officer in Major Loden's position might have appreciated earlier that, in view of the amount of Army gunfire, something seemed to be going seriously wrong; republican paramilitaries were not known to take on troops in force, but usually sniped at individuals from positions of cover. In consequence such an officer might have made greater efforts to control the situation.
- 4.28** Major Loden was surprised by the amount of firing. However, he did not initially appreciate that something was wrong and did not order a ceasefire or give any other instructions to his soldiers until after all the casualties had been sustained. We consider that it was not unreasonable for him initially to believe, as he did, that his soldiers, by going into an area dominated by paramilitaries, had for once encountered paramilitary resistance in strength, to which they were responding. We accept his evidence that in this belief, it was not for him to control or stop his soldiers' firing, but to leave this to the platoon and section commanders. We also accept, for the reasons he gave, that he could not see the targets that his soldiers were engaging and thus could not tell whether or not the firing was unjustified.
- 4.29** In our view, at the time the casualties were being sustained, Major Loden neither realised nor should have realised that his soldiers were or might be firing at people who were not posing or about to pose a threat of causing death or serious injury. However, we consider that at the time when he did tell his soldiers not to fire back unless they had identified positive targets, he probably did realise that the firing that was taking place then was, or might be, unjustified. By this stage all the casualties had been sustained and there had been a pause in the firing.

Lieutenant N

- 4.30 Lieutenant N, the Commander of Mortar Platoon, failed to appreciate, as he should have done, that firing unjustified shots over the heads of people in the alleyway leading into Chamberlain Street was likely to lead other soldiers mistakenly to believe, as some probably did, that Support Company was at that time coming under attack or the threat of attack from republican paramilitaries. As we have said, he was probably responsible for shooting Michael Bridge. However, we take the view that there was in the circumstances (and bearing particularly in mind the speed of events) nothing (apart from refraining from firing his unjustified shots over the heads of people) that he could or should have done to avert the shooting by other members of his platoon. We are not persuaded that he should have realised at the time that his soldiers were firing unjustifiably.

Lieutenant 119

- 4.31 Lieutenant 119 was the Commander of Anti-Tank Platoon. We criticise this officer for allowing four members of his platoon to go into Glenfada Park North, out of his sight and control. Before this happened he appears to have been labouring under the mistaken belief that his soldiers at the low walls of the Kells Walk ramp were responding to paramilitary attacks. We are not persuaded that he should have realised that these soldiers were firing unjustifiably.

Captain 200 and Sergeant INQ 441

- 4.32 Captain 200 was the Commander of Composite Platoon. There is nothing to suggest that he, or Sergeant INQ 441, the Commander of Machine Gun Platoon, was responsible for any of the unjustifiable firing by his soldiers.

The Northern Ireland Civil Rights Association

- 4.33 In our view the organisers of the civil rights march bear no responsibility for the deaths and injuries on Bloody Sunday. Although those who organised the march must have realised that there was probably going to be trouble from rioters, they had no reason to believe and did not believe that this was likely to result in death or injury from unjustified firing by soldiers.

Chapter 5: The overall assessment

- 5.1** The early firing in William Street resulted in two wounded casualties, neither of whom was doing anything that justified either of them being shot. It is possible that the soldiers concerned mistakenly believed that they had identified someone posing a threat of causing death or serious injury. Equally, each of those soldiers may have fired, not believing that his target was posing a threat of causing death or serious injury, but only suspecting that this might have been the case.
- 5.2** The soldiers of Support Company who went into the Bogside did so as the result of an order by Colonel Wilford, which should not have been given and which was contrary to the orders that he had received from Brigadier MacLellan.
- 5.3** With the exception of Private T and with the probable exception of shots Sergeant O said that he fired at someone on a balcony of Block 3 of the Rossville Flats and which, (despite his assertion to the contrary) did not hit anyone, none of the firing by the soldiers of Support Company was aimed at people posing a threat of causing death or serious injury.
- 5.4** We have concluded that the explanation for such firing by Support Company soldiers after they had gone into the Bogside was in most cases probably the mistaken belief among them that republican paramilitaries were responding in force to their arrival in the Bogside. This belief was initiated by the first shots fired by Lieutenant N and reinforced by the further shots that followed soon after. In this belief soldiers reacted by losing their self-control and firing themselves, forgetting or ignoring their instructions and training and failing to satisfy themselves that they had identified targets posing a threat of causing death or serious injury. In the case of those soldiers who fired in either the knowledge or belief that no-one in the areas into which they fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat, it is at least possible that they did so in the indefensible belief that all the civilians they fired at were probably either members of the Provisional or Official IRA or were supporters of one or other of these paramilitary organisations; and so deserved to be shot notwithstanding that they were not armed or posing any threat of causing death or serious injury. Our overall conclusion is that there was a serious and widespread loss of fire discipline among the soldiers of Support Company.

- 5.5** The firing by soldiers of 1 PARA on Bloody Sunday caused the deaths of 13 people and injury to a similar number, none of whom was posing a threat of causing death or serious injury. What happened on Bloody Sunday strengthened the Provisional IRA, increased nationalist resentment and hostility towards the Army and exacerbated the violent conflict of the years that followed. Bloody Sunday was a tragedy for the bereaved and the wounded, and a catastrophe for the people of Northern Ireland.